

Chair
Tony Feiter

Vice-Chair
Jeff Nelson

Secretary
Joysaphine
Waitman

Member
Clay Allsop

Member
Layla
Villasenor

Member
Vacant

Member
Vacant

Planning and Zoning Commission Meeting Notice & Agenda

Thursday, November 16, 2023
City Council Chamber
8401 West Monroe Street
Peoria, AZ 85345



Regular Meeting 6:30 PM

Convene
Opening Statement
Roll Call
Final Call to Submit Speaker Request Forms

NOTE: The City of Peoria Boards and Commissions may go into Executive Session at any time during this meeting pursuant to A.R.S. 38-431.03(A)(2) for the purpose of discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained confidential by state or federal law, and pursuant to A.R.S. 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the attorney or attorneys of the public body.

Consent Agenda

CONSENT AGENDA: All items listed on the Consent Agenda are considered to be routine or have been previously reviewed by the Commission, and will be enacted by one motion. There will be no separate discussion of these items unless a Commission member so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

Consent

1 C Disposition of Absence

Discussion and possible action to approve/excuse the absence of Commissioner Layla Villasenor from the November 2, 2023 meeting.

2 C **Minutes**

Discussion and possible action to approve the minutes of the November 2, 2023 meeting.

Regular Agenda

REGULAR AGENDA: All items listed on the Regular Agenda are considered public hearing items subject to separate discussion and action by the Commission unless indicated otherwise by the Commission Chair or by the agenda item description. The order in which the following items are heard may be altered at the discretion of the Commission Chair.

New Business

3 R **Fresh Start Church: Initial Zoning (Z23-15)**

Discuss and possible action to apply Initial Zoning from Maricopa County Rural 43 (RU-43) to City of Peoria Suburban Ranch (SR-43) Zoning District on a 2.9 acre site consisting of two (2) parcels located at the southeast corner of 83rd Avenue and Acoma Drive.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action

Call To The Public (Non-Agenda Items)

Your comments pertaining to the Planning and Zoning Commission business are welcome. However, if you wish to address the Planning and Zoning Commission, please complete a Speaker Request Form and return it to the clerk before the call to order for this meeting. Boards and Commissions are not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

Reports from Staff

4 R **Reports**

A. Upcoming Commission Meetings

Planning and Zoning Commission Updates and Report of Current Events:

Planning and Zoning Commission members will give updates on relevant events and activities they have attended since the last meeting. These items are for information only - no action will be taken.

Adjournment

NOTE:

Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Board/Commission Meeting, at any time during regular business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

Accommodations for Individuals with Disabilities. *Alternative format materials, sign language interpretation and assistive listening devices are available upon 72 hours advance notice through the Office of the City Clerk, 8401 West Monroe Street, Peoria, Arizona 85345 - Phone: (623) 773-7340 or FAX (623) 773-7304. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request. The City has a TDD line where accommodations may be requested at: (623) 773-7221.*

Public Notice

In addition to the Board/Commission members noted above, one or more members of the Peoria City Council or various other Boards and Commissions may be present to observe this meeting as noticed on this agenda.

Planning and zoning commission meetings can be viewed live on Channel 11 (Cox Cable) and are available for viewing on demand at <https://www.peoriaaz.gov/government/departments/planning-and-zoning/planning-and-zoning-videos>.

PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBERS
NOVEMBER 2, 2023

A meeting of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 8401 W. Monroe Street, Peoria, AZ in open and public session at 6:30 p.m.

Members Present: Chair Tony Feiter, Vice-Chair Jeff Nelson, Secretary Joysaphine Waitman and Commissioner Clay Allsop

Members Absent: Commissioner Layla Villasenor

Others Present: Chris Jacques – Planning Director, Lorie Dever – Planning Manager, Cody Gleason – Principal Planner, Michael Dynes – Assistant City Attorney and Della Ernest – Executive Assistant.

Audience: 4

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

CONSENT AGENDA

All items listed on the Consent Agenda are considered to be routine or have been previously reviewed by the Commission, and will be enacted by one motion. There will be no separate discussion of these items unless a Commission member so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

1C **Minutes**

Discussion and possible action to approve the minutes of the August 17, 2023 meeting.

COMMISSION ACTION:

Commissioner Allsop moved to approve the consent agenda as presented. The motion was seconded by Secretary Waitman and upon vote, passed unanimously 4-0.

REGULAR AGENDA

New Business

2R **Accessory Buildings: Text Amendment (TA23-01)**

Discussion and possible action on a city-initiated Text Amendment to modify Section 21-202 “Definitions”, Section 21-422, “Property Development Standards for Permitted Accessory Buildings”, and Section 21-423 “Exceptions” of the Zoning Ordinance regarding accessory building regulations.

The staff report was presented by Ms. Lorie Dever, Planning Manager.

PUBLIC COMMENTS:

Mr. Shane Wendt, a resident, spoke in favor of the proposed text amendment.

COMMISSION COMMENTS:

Chair Feiter expressed concern for the proposed graduated setback methodology and the resulting minimum setbacks required.

Vice-Chair Nelson expressed concern about having accessory buildings eight (8) feet in height being intrusive to neighbors if they are located at the property line.

Mr. Jacques stated that a starting position in formulating the ordinance was to avoid creating non-conforming situations, as the current code already permits accessory buildings up to eight (8) feet in height along the property line. The intent was to simplify the methodology and create a graduated setback approach.

Commissioner Allsop asked what other municipalities are doing with the same type of ordinance update.

Ms. Dever stated valley-wide municipalities are inconsistent in regulating these types of buildings, with some communities already taking on the topic of Accessory Dwelling Units (ADU). Peoria is taking a more systematic approach by addressing accessory buildings first, as establishing ADU regulations have a number of policy implications that would need to be weighed by Council.

COMMISSION ACTION:

Vice-Chair Nelson moved to continue item 2R case TA23-01 to a study session at the December 7, 2023 meeting. The motion was seconded by Secretary Waitman and upon vote, passed unanimously 4-0.

3R Upcoming FY24-25 Zoning Code Amendments

Presentation and possible discussion on efforts to proactively reposition Zoning Ordinance regulations associated with commercial, employment, and home occupation businesses within Peoria.

This item was for discussion only. No action was taken.

The staff report was presented by Mr. Jacques and Ms. Dever.

Call to the Public (Non-Agenda Items): None

4R Reports from Staff

Mr. Jacques informed the Commission that City Council will be confirming appointments for two new members and staff will coordinate to have them seated at the December 7, 2023 meeting.

A. **Upcoming Commission Meeting Dates**

The next meetings are November 16 and December 7, 2023. The December 21st meeting is canceled.

Planning and Zoning Commission Updates and Report of Current Events:

Secretary Waitman shared with fellow Commissioners that she attended the 2023 State Planning Conference in August with members of the Planning Department staff.

Adjournment: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 7:51pm.

Tony Feiter, Chair

Submitted by Della Ernest

Date

Date



PLANNING AND ZONING COMMISSION REPORT

Meeting November 16, 2023

Date:

Agenda Item: 3R

Case Name: Fresh Start Church: Initial Zoning (Z23-15)

General Application Information

Proposal:

A request to apply Initial Zoning to a 2.9 acre site proposed for annexation. The site is owned by the Fresh Start Church and is located at the southeast corner of 83rd Avenue and Acoma Drive. The site abuts the existing Fresh Start Church campus, which is within the City of Peoria. This action would replace the current Maricopa County Rural 43 (RU-43) zoning with the City of Peoria equivalent of Suburban Ranch (SR-43).

Location:

Southeast corner of 83rd Avenue and Acoma Drive

Project Acreage:

Approximately 2.9 acres

Applicant:

Fresh Start Church

ATTACHMENTS:

Description

Staff Report

Exhibit 1 - Vicinity Map

Exhibit 2 - Existing Zoning Map



PLANNING AND ZONING COMMISSION

STAFF REPORT

Date November 16, 2023

To Planning and Zoning Commission

From Sarah Dircks
Planner

Subject **Fresh Start Church: Initial Zoning**
Southeast corner of 83rd Avenue and Acoma Drive

PROPOSAL

Proposal to apply Initial Zoning ("translational zoning") to approximately 2.9 acres of land as part of an expansion of the Fresh Start Church, generally located at the southeast corner of 83rd Avenue and Acoma Drive. This action would establish Suburban Ranch (SR-43) Zoning District in place of the current Maricopa County Rural 43 (RU-43) Zoning District.

APPLICATION INFORMATION

Case Numbers Rezone (Case Z23-15)

Applicant City of Peoria

Request(s) Apply City of Peoria Suburban Ranch (SR-43) Zoning District in place of current Maricopa County Rural 43 (RU-43) Zoning District.

BACKGROUND AND CONTEXT

The subject site, referred to as the expansion area for Fresh Start Church is located at the southeast corner of 83rd Avenue and Acoma Drive, and consists of two parcels totaling 2.9 acres. **(Exhibit 1)**

Fresh Start Church currently operates as a place of worship on an 8.25-acre property located directly south of the expansion area within City of Peoria limits. The church is constructing a new office building and parking lot on the subject expansion site and desires a connection to City water and sewer services. As such, the church is seeking to annex the subject expansion area as part of case ANX23-01. The aforementioned companion annexation case is anticipated to receive a no-action hearing before City Council on November 14, 2023, with final consideration by City Council tentatively scheduled for December 12, 2023.

CONTEXT

From a larger contextual perspective, the subject property is generally bounded by one-acre single-family residential properties on the north and east **(Exhibit 2)**. Beyond the single-family

residential to the east of the subject site is Centennial High School. To the south of the subject property is the existing Fresh Start Church and then single-family residential. To the west of the subject site is 83rd Avenue, followed by Sky @ 83 Apartments and CubeSmart Self-Storage.

STAFF ANALYSIS

Statutory Requirements:

Pursuant to ARS §9-462.04E and ARS §9-471.L, the City must assign compatible City zoning to the annexed property within six (6) months following the effective date of adoption of the annexation.

In order to meet statutory obligations, city staff will process applications to establish initial zoning concurrently with the annexation request. The property owner and city are seeking to establish initial zoning concurrently with the annexation request, which as noted above, is advancing for City Council's consideration in December 2023. Additionally, establishment of initial corresponding zoning is often considered a perfunctory action given statutory requirements. More specifically, establishment of initial zoning regulated by Arizona Revised State Statutes does not permit initial zoning to provide for densities and uses to be assigned to a property that are more intense than those permitted by Maricopa County prior to the annexation.

Analysis & Findings:

The subject site is zoned Maricopa County Rural Residential (RU-43), as shown in **Exhibit 2**. The RU-43 district's principal purpose is to "conserve and protect farms and other open land uses, foster orderly growth in rural and agricultural areas, prevent urban and agricultural land use conflicts, and encourage sustainable development". The corresponding City of Peoria zoning category to the Maricopa County Rural Residential (RU-43) Zoning District is City of Peoria Suburban Ranch (SR-43) Zoning District, as noted in **Exhibit 3**. More specifically, the SR-43 district is consistent with the RU-43 characteristics as it provides for and conserves existing rural and low-density residential uses in their present or desired character fostering orderly growth in rural areas.

Given the characteristics of the property and the existing zoning within Maricopa County, the most analogous City of Peoria zoning category is the Suburban Ranch (SR-43) Zoning District. Staff believes the proposed zoning district is in keeping with the criteria as outlined by applicable regulations; therefore, the request is consistent with the State Statutes.

COMMUNITY INVOLVEMENT

Public Noticing

The application was properly noticed pursuant to Section 21-315 of the Peoria Zoning Ordinance, which includes notification to all property owners within 600 feet of the site and registered HOAs within one (1) mile, posting of a sign on the site, and placing an ad in the Peoria Times at least 15 days prior to the Public Hearing.

A neighborhood meeting is not required for an Initial Zoning application.

FRESH START CHURCH INITIAL ZONING (CASE Z23-15)

Support / Opposition

At the time of this writing, Staff has not received any stated opposition or support.

RECOMMENDATION

Staff recommends that the Planning and Zoning Commission take the following action:

- 1) Recommend APPROVAL of Rezoning Case Z23-15 to the City Council, establishing initial zoning of the subject property as City of Peoria Suburban Ranch (SR-43) Zoning District.**

STAFF CONTACT

Sarah Dircks, AICP

Planner

623-773-7514

Sarah.Dircks@peoriaaz.gov

Z23-15 Fresh Start Church

Southeast corner of 83rd Avenue and Acoma Drive



Z23-15: Fresh Start Church
Southeast corner of 83rd Avenue and Acoma Drive

