

Chair
Tony Feiter

Vice-Chair
Jeff Nelson

Secretary
Joysaphine
Waitman

Member
Clay Allsop

Member
Thomas
Konkowski

Member
Doug Myers

Member
Layla
Villasenor

Planning and Zoning Commission Meeting Notice & Agenda

Thursday, December 7, 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 to a 2.9 acre site proposed for annexation. The request would modify the zoning on the site from Maricopa County Rural 43 (RU-43) to City of Peoria Suburban Ranch 43 (SR-43) Zoning District. The site consists 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

4 R **Study Session: Accessory Building Regulations**

Presentation and discussion regarding a city-initiated code amendment to Sections 21-202, 21-422, and 21-423 of the Zoning Ordinance regarding single-family residential accessory building regulations. This item is for discussion only, no action will be taken.

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

5 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 December 7, 2023

Date:

Agenda Item: 3R

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

General Application Information

Proposal:

A request to apply Initial Zoning ("translational 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 43 (SR-43).

Location:

Southeast corner of 83rd Avenue and Acoma Drive

Project Acreage:

Approximately 2.9 acres

ATTACHMENTS:

Description

Exhibit 1- Vicinity Map

Exhibit 2 - Zoning Map

Staff Report

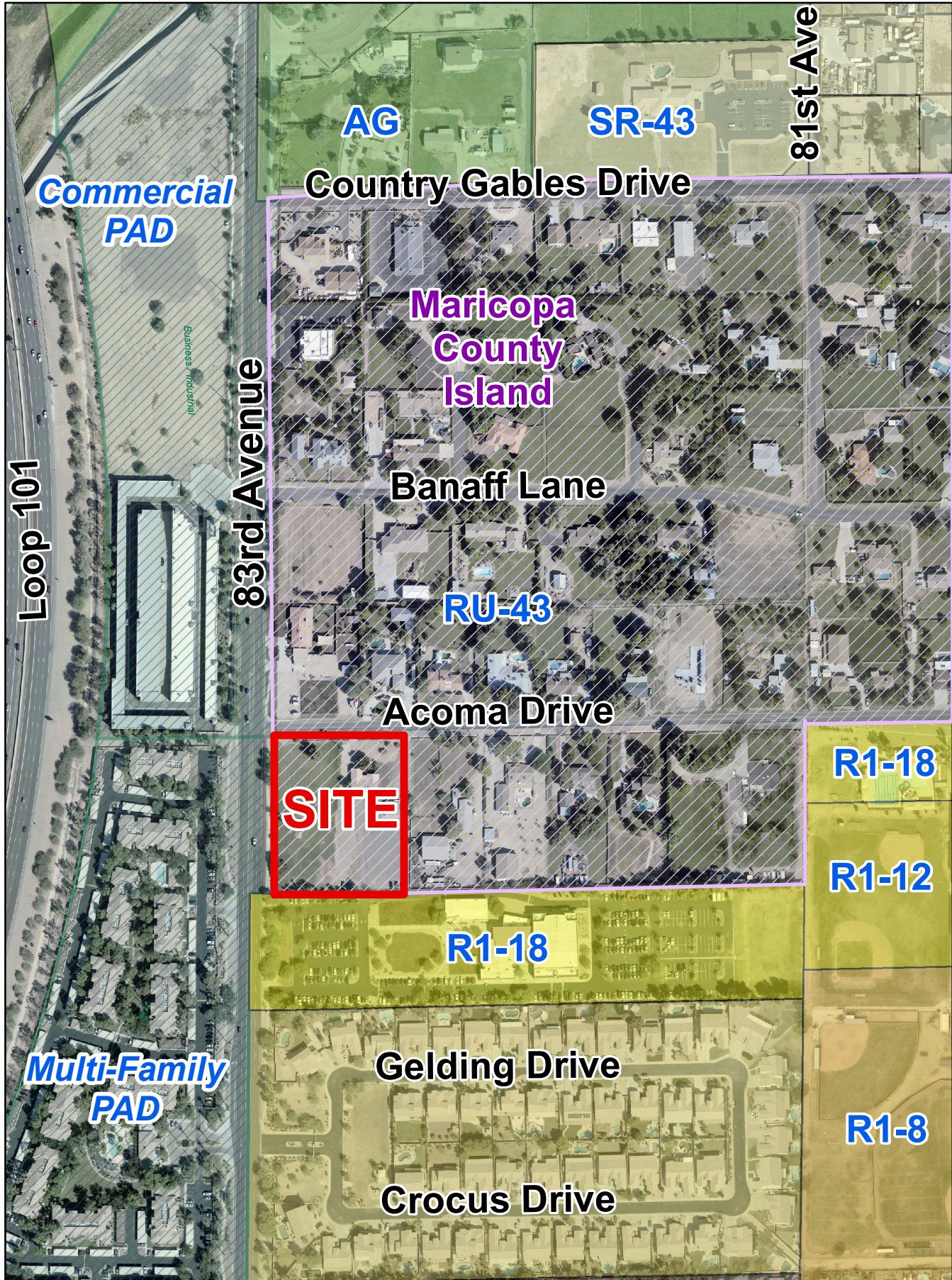
Z23-15 Fresh Start Church

Southeast corner of 83rd Avenue and Acoma Drive



Z23-15: Fresh Start Church

Southeast corner of 83rd Avenue and Acoma Drive





PLANNING AND ZONING COMMISSION STAFF REPORT

Date December 7, 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 proposed for annexation, as part of an overall expansion of the Fresh Start Church, generally located at the southeast corner of 83rd Avenue and Acoma Drive. This action would establish Suburban Ranch 43 (SR-43) Zoning District in place of the current Maricopa County Rural 43 (RU-43) Zoning District.

APPLICATION INFORMATION

Case Numbers Initial Zoning (Case Z23-15)

Applicant City of Peoria

Request(s) Apply City of Peoria Suburban Ranch 43 (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 as outlined in red within **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 area as part of the companion annexation case (ANX23-01). The no-action hearing for the aforementioned companion annexation case was held before City Council on November 14, 2023, with final consideration by City Council 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 can begin processing applications to establish initial zoning concurrently with the annexation request. Establishment of initial corresponding zoning is often considered a perfunctory action given the 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 43 (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 43 (RU-43) Zoning District is City of Peoria Suburban Ranch 43 (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 43 (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.

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 43 (SR-43) Zoning District.**

STAFF CONTACT

Sarah Dircks, AICP

Planner

623-773-7514

Sarah.Dircks@peoriaaz.gov



PLANNING & ZONING COMMISSION STAFF MEMORANDUM

Meeting Date: 12/7/2023

Agenda Item: 4R

TO: Planning and Zoning Commission
THROUGH: Chris M. Jacques, AICP, Planning Director
FROM: Lorie Dever, Planning Manager
SUBJECT: STUDY SESSION - Accessory Building Regulations

PURPOSE:

Staff will seek feedback from the Planning and Zoning Commission on a city-initiated amendment pertaining to Accessory Buildings which is intended to streamline and improve clarity to the regulations associated with these buildings, while balancing the impacts to surrounding properties.

As this item is informational in nature, the draft code amendment language will be brought forward for formal consideration to Planning and Zoning Commission at a later date.

Background:

Zoning Ordinance Section 21-422 and Section 21-423 are the primary source of regulations for “accessory buildings” within single-family residential districts, which include, but are not limited to detached garages, sheds, pool ramadas, etc. More specifically, these two sections of the Zoning Ordinance help in determining the functional characteristics of these secondary or ancillary buildings by regulating their maximum height, size, and locational criteria. While the regulatory standards for these buildings have been adjusted since their original adoption, they have remained largely unchanged for a considerable time.

Key Items For Consideration:

- The existing regulations used to determine setbacks are unnecessarily convoluted and therefore challenging to administer and often cumbersome for most homeowner’s and contractors to understand.
- Regulatory enforcement of accessory buildings falls under the purview of several city departments and is challenging to enforce when a complaint is received.
- A collaborative dialog between the various city departments has progressed to better understand the evolution of the existing regulations, their effectiveness, and the resulting impact on neighbors prior to embarking on the code modifications.

Existing Standards:

Currently there is a multi-tiered approach for determining setbacks for “Accessory Buildings” as noted. This tiered approach applies to all “Single-Family” Residential Districts within Peoria, and has a number of caveats and exceptions as noted in the language itself. In practice, the presence of the tiers and the convoluted wording associated with them has led to confusion for property owners and contractors regarding where they are able to construct or install these types of buildings. Furthermore, the current approach relies on square footage as one of the criteria in determining setbacks; however, the square footage does not neatly align with building permit requirements, and contains a confusing correlation as to when design guidelines may be applicable.

For reference, the Peoria amended version of the International Building Code requires a permit to be obtained when buildings are over two hundred (200) square feet in size, or when a utility is added, such as electrical or plumbing. With those parameters for context, the criteria for each of the existing tiers is briefly summarized as follows:

- A. < 8 feet in Height **AND** < 200 Square Feet in floor area
 - No rear or side setback
 - No building permit required unless utilities provided
- B. ≥ 8 feet **AND** ≤ 9 feet in Height **OR** ≥200 **AND** ≤300 Square Feet in floor area
 - Minimum 3-foot rear and side setback
 - No building permit required unless utilities provided
- C. > 9 feet in height **AND/OR** > 300 Square Feet in floor area
 - Must meet principal building setbacks (Typical = 15 Ft rear, 5Ft/10Ft for interior side)
 - Setback Exception: If adjacent to golf course, well site, substation and similar, staff can administratively authorize a three (3) foot rear and side building setback.
 - Building Permit required if structure over 200 square feet or utilities are provided.

In addition to the multi-tiered setback standards, there are dual building height limitations and restrictions on ‘guesthouses’ / ‘servant’s quarters’ within the same provisions (Exhibit 3). In particular, it is the presence of the dual height allowances and multi-tiered setback methodology within the Zoning Ordinance that have presented considerable challenges over the years for staff to administer, interpret, and enforce.

Benchmarking:

During initial preparation for the code amendment, staff surveyed accessory building regulations across the valley for comparison. As there have been some recent code amendment adoptions, primarily associated with Accessory Dwelling Units (or ADUs), staff updated the analysis and will provide a synopsis of findings at the Planning and Zoning Commission meeting.

Proposed Options:

During the study session, staff will present four options for Commission’s consideration and feedback. They are generally described as:

- A. **Refined Tiered System** – Minor edits to primarily clarify existing criteria.
- B. **The Simplified Tiered System** – As the name implies, a simpler tier system.
- C. **The Graduated Stepback** – Graduated setback based on height of building.
- D. **The Hybrid Stepback** – Minimum setback, then graduated stepback for additional height of building.

Next Steps:

Based on feedback from the Commission meeting, staff will begin formalizing the working draft of the proposed code modifications then restart the stakeholder and public outreach process prior to bringing back the code amendment for formal consideration by the Commission. Staff has received correspondence on this item, which is reflected in Exhibit 1.



PLANNING DEPARTMENT

CODE AMENDMENT BRIEFING SHEET

12/7/2023

Code Amendment: Accessory Building Regulations (TA23-01)

Sections 21-202, 21-422 and 21-423

Maximum Building Height:

- **Challenge:** Varying height restrictions across zoning districts creates inequity from enforcement perspective.
- **Proposal:** Unify maximum building height allowed at twenty five (25) feet in all districts.

Building Setback:

- **Challenge:**
 - Existing regulations are unnecessarily convoluted and therefore challenging to administer and often cumbersome for most homeowner's and contractors to understand.
 - Regulatory enforcement of accessory buildings falls under the purview of several city departments and is challenging to enforce when a complaint is received.
- **Proposal:** Four options are being presented at 12/7 Study Session, which are summarized below:

Option #1: Refined Tiered System (Minor edits to existing criteria are shown in Red)

Tier 1: Building: <8 FT in Height **and** < 200 SF in floor area

Setback: No rear or side setback

Tier 2: Building: ≥8 FT **and** ≤ 9 FT in Height **or and/or** ≥200 **and** ≤300 SF in floor area

Setback: Minimum 3-foot rear and side setback

Limitations: Maximum one (1) accessory building ≥8 Feet in height per side yard.

Tier 3: Building: >9FT in height **and/or** > 300 SF in floor area

Setback: Must meet principal building setbacks, with exception: If adjacent to golf course, well site, substation and similar, staff can administratively authorize a three (3) foot rear and side building setback.

Option#2: The Simplified Tiered System

Tier 1: Building Height: <7 Ft

Setback: No side and rear setbacks

Tier 2: Building Height: ≥7 Ft and ≤9 Ft

Setback: Min 3 feet

Limitations: Maximum one (1) accessory building ≥7 Feet in height per side yard.

Tier 3: Building Height: >9 Ft

Setback: Same as principal building

Option #3: The Graduated Stepback

Building Height: <7 Ft **Setback:** No side and rear setbacks

Building Height: ≥7 Ft **Setback:** One (1) foot for each additional One (1) foot height until
complies with side and rear setbacks for zoning district

Limitations: Maximum one (1) accessory building ≥7 Feet in height per side yard.

Setback Calculation Example:

Building Height	Setback
<7 Ft	0 Ft
8 Ft	1 Ft
9 Ft	2 Ft
10 Ft	3 Ft
11 Ft	4 Ft
12 Ft	5 Ft *Would comply with most side setbacks

Option #4: The Hybrid Stepback

Building Height: <8 Ft **Setback:** Min 3 Feet

Building Height: ≥8 Ft **Setback:** Two (2) foot for each additional One (1) foot height until
complies with side and rear setbacks for zoning district

Limitations: Maximum one (1) accessory building ≥8 Feet in height per side yard.

Setback Calculation Example:

Building Height	Setback
<8 Ft	3 Ft
9 Ft	5 Ft *Would comply with most side setbacks
10 Ft	7 Ft
11 Ft	9 Ft
12 Ft	11 Ft
13 Ft	13 Ft
14 Ft	15 Ft *Would comply with most rear setbacks

From: [REDACTED]
To: [Lorie Dever](#); [Cody Gleason](#)
Subject: TA23-01 Accessory Building Regulations - public comment
Date: Wednesday, November 29, 2023 9:50:48 AM
Attachments: [Agenda 2023 11 2 Meeting\(1037\).pdf](#)

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Public comment:

Peoria Zoning and Planning.

My name is Shane Wendt, I am a Peoria resident living in the Willow District, [REDACTED]. I am contacting you, regarding the current accessory structure zoning guidelines. Currently the accessory structure height limit is 8 ft., if above 8ft, under 9ft, then structure would have to be 3 feet from property line. Currently almost everyone in my community (Alta Vista non-HOA) has an accessory structure over 8ft. and near the property lines.

Most non-HOA residents moved to these non-HOA neighborhoods for a reason (RVs, boats, accessory structures, etc.) Most Peoria residents are in HOA communities with more strict guidelines. Why would city impose strict codes to non-HOA residents? Peoria residents should be allowed a choice between HOA and non-HOA guidelines, I believe the current guideline is much too restrict and most non-HOA residents are in violation of current code. I would recommend that you propose **a 9ft height limit, 200 square feet, no permit required unless utilities are provided, no setbacks** to resolve the current situation. I believe it would be very easy for residents and city inspectors to follow this simple code. I believe this proposal would save the city code inspector's time and thus **saving tax dollars**.

Please do your own research: all pergolas / gazebos at Costco or Sam's club are over 8 ft, numerous people have these pergolas, and they are all close to the property lines, numerous popular sheds (Tuff shed / Home Depot) are also over the 8ft. and these are also close to the property lines. Please drive through a non-HOA neighborhood and you will see these accessory structures in most back yards, near the property lines, these accessory structures (pergolas, gazebos, pool ramadas, etc.) provide much needed shade to residents and are usually over 8 feet and near property lines.

Thank you,

Shane Wendt

Reference:

Planning & Zoning meeting from Nov. 2 2023: Reference: 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.

Please see attached, from Planning & Zoning meeting from Nov. 2, 2023. Please note, previous efforts: The code amendment has been in process for some time. Community Involvement, please note, the Planning and Zoning Commission started a study session on March 5, 2020. It appears that this request from city council was back in 2020 or earlier. It would be very simple for the city to change the height from 8 ft. to 9ft. for accessory structures. **If possible, please propose the amendment change for accessory structures: 9ft height limit, 200 square feet, no permit required unless utilities are provided, no setback required.** I believe this proposal would fulfil the city's request of '*Eliminate the existing three tier system for determining setbacks in favor of a simplified approach and inclusion of example graphic*'.