

Chair
Tony Feiter

Vice-Chair
Joysaphine
Waitman

Secretary
Jeff Nelson

Member
Nate Cottrell

Member
Thomas
Konkowski

Member
Doug Myers

Member
Layla
Villasenor

Planning and Zoning Commission Meeting Notice & Agenda

Thursday, October 3, 2024
City Council Chamber
8401 West Monroe Street
Peoria, AZ 85345



Regular Meeting 6:00 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 [Minutes](#)

Discussion and possible action to approve the minutes of the September 19, 2024 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

2 R Water Services Presentation

Presentation and possible discussion regarding the city's water resources and water conservation programs.

3 R Study Session: 2024 Zoning & Housing Code Updates

Presentation and discussion regarding upcoming zoning code amendments resulting from housing and zoning bills passed in 2024 by the Arizona State Legislature. 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

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
SEPTEMBER 19, 2024

A meeting of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 8401 West Monroe Street, Peoria, AZ in open and public session at 6:01 p.m.

Members Present: Chair Tony Feiter, Vice-Chair Joysaphine Waitman-Powell, Secretary Jeff Nelson Commissioner, Nate Cottrell, Commissioner Thomas Konkowski – via telephone, and Commissioner Doug Myers

Members Absent: None

Others Present: Mike Faust – Deputy City Manager, Lorie Dever – Deputy Director, Cody Gleason – Planning Manager, Brandon Forrey – City Traffic Engineer, Mike Dynes – Assistant City Attorney, and Della Ernest – Management Specialist.

Audience: 28

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 **Disposition of Absence**

Discussion and possible action to approve/excuse the absence of Commissioner Layla Villasenor from the September 5, 2024 meeting.

2C **Minutes**

Discussion and possible action to approve the minutes of the September 5, 2024 meeting.

COMMISSION ACTION:

Secretary Nelson moved to approve the consent agenda as presented. The motion was seconded by Commissioner Myers and upon vote, passed unanimously 7-0.

REGULAR AGENDA

3R **North Peoria Gateway (NPG): Initial Zoning (Z24-04)**

Discussion and possible action to provide Initial Zoning on approximately 460 acres of land considered for annexation, from Maricopa County Rural Residential 43 (RU-43) to the City of Peoria Suburban Ranch 43 (SR-43). The proposed Initial Zoning would convey equivalent zoning on the property subsequent to annexation compared to the existing zoning within Maricopa County. The property is generally located between the Jomax Road, Callee Lejos, 115th Avenue and 119th Avenue alignments.

The staff report was presented by Mr. Cody Gleason, Planning Manager.

PUBLIC COMMENTS:

Mr. Homer Landreth, commented on the General Plan amendment criteria and inquired if the concerns identified were addressed.

Mr. Paul Palz, spoke in favor of the proposed annexation and initial zoning.

Ms. Barbara Wyllie, inquired about the benefits of the proposed annexation for the adjacent residents.

Mr. Lawrence Bottorf, spoke in favor of the proposed annexation and initial zoning.

Mr. Richard Dobson, spoke in favor of the proposed annexation and rezone cases.

Ms. Lori Bango, spoke in favor of the proposed annexation and initial zoning.

COMMISSION ACTION:

Commissioner Myers moved to approve item 3R case Z24-04. The motion was seconded by Commissioner Villasenor and upon vote, passed unanimously 7-0.

4R **North Peoria Gateway (NPG): Rezoning (Z24-03)**

Discussion and possible action to rezone approximately 1,620 acres from Suburban Ranch 43 (SR-43) to the North Peoria Gateway Planned Community District (PCD) to allow for a mixed-use master planned development, generally south of Lone Mountain Parkway on both sides of the Lopp 303 to the Calle Lejos alignment.

The staff report was presented by Mr. Mike Faust, Deputy City Manager and Mr. Cody Gleason, Planning Manager.

Discussion ensued regarding access points, power line corridor, and allowed building heights within the project.

PUBLIC COMMENTS:

Ms. Carolyn Oberholtzer, with Bergin, Frakes, Smalley and Oberholtzer, thanked staff and city leadership for their work and identified one of the primary benefits to residents is the tax revenue is generated for the city after an auction or sale of trust land occurs.

Ms. Patricia Walsh, spoke in favor of the proposed rezone.

Mr. Ed Molina, spoke in favor of the proposed rezone.

Mr. Paul Smith, spoke in favor of the proposed rezone and expressed his desire that that information is easier to understand.

Ms. Lawrence Bottorf, spoke in favor of the proposed rezone.

Mr. Homer Landreth, commented that he opposed the city pursuing an airport.

Ms. Lori Bango, spoke in favor of the proposed rezone.

Mr. Robert Jacobs, spoke in favor of the proposed rezone.

Ms. Peggy Jacobs, spoke in favor of the proposed rezone.

Mr. Corky Haynes, spoke in favor of the proposed rezone.

Mr. Jim Keller, spoke in favor of the proposed rezone.

COMMISSION COMMENTS:

Chair Feiter asked for clarification on whether an airport was planned within the North Peoria Gateway project.

Mr. Faust stated that an airport is not planned for the North Peoria Gateway site.

COMMISSION ACTION:

Commissioner Villasenor moved to approve item 4R case Z24-03. The motion was seconded by Secretary Nelson and upon vote, passed unanimously 7-0.

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

7R **Reports from Staff**

The next meetings are scheduled for October 3rd and October 17th.

Planning and Zoning Commission Updates and Report of Current Events: None

Adjournment: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 8:04pm.

Tony Feiter, Chair

Submitted by Della Ernest

Date

Date



PLANNING & ZONING COMMISSION

STAFF REPORT

Meeting Date: 10/3/2024

Agenda Item(s): 3R

TO: Planning and Zoning Commission
THROUGH: Chris M. Jacques, AICP, Planning Director
FROM: Lorie Dever, Deputy Director
SUBJECT: Study Session: 2024 Zoning & Housing Code Updates

PURPOSE

The purpose of this Study Session is to present an overview of the housing and zoning bills passed during last year's Legislative Session, and discussion regarding upcoming code amendments resulting from three of those bills with the Planning and Zoning Commission.

SUMMARY

The 56th Arizona state legislature passed a number of bills this session that have been signed into adoption by the Governor pertaining to municipal zoning. These bills were intended to facilitate greater housing affordability by increasing opportunities for diverse housing types and streamlining processes. Four (4) of these bills require local municipalities to amend their Zoning Code. The four bills are:

- HB 2720: Accessory Dwelling Units (ADU's)
- HB 2297: Adaptive Reuse for Multifamily Development
- SB 1162: Rezoning "Shot Clock"
- HB 2721: Middle Housing

Of these bills, the first three listed have a deadline of January 1, 2025 for municipalities to amend their Zoning Code. The fourth listed item ("Middle Housing"), has a deadline of January 1, 2026 for local code adoption.

Staff will summarize and seek policy input on the three (3) Code Amendments that are required to be in place by January 1, 2025. The Code Amendments are currently in draft form and being refined based on Council input from the September 17, 2024 study session. As part of the presentation, staff will outline the schedule and process moving forward.

Attached is a Briefing Sheet prepared by the Planning Department summarizing the bills. The fifth bill, HB 2210: Zoning & Permitting Stats, outlines new on-going reporting requirements that must be sent to the Arizona Commerce Authority by September 30th of each year, and is provided herein for informational purposes only.

STAFF CONTACT

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PLANNING DEPARTMENT

2024 LEGISLATIVE UPDATE | BRIEFING SHEET 9/17/24

Signed Bills

BILL	TITLE	ACTION
HB 2210	Annual Report to ACA - Stats	Submit by September 30, 2024
SB 1162	Rezone Shot-Clock	Adopt by January 1, 2025
	5-Year Housing Needs Assessment	Beginning January 1, 2025
	Annual Housing Report	Beginning January 1, 2025
HB 2720	ADU's	Adopt by January 1, 2025
HB 2297	Adaptive Reuse to MFR	Adopt by January 1, 2025
HB 2721	Middle Housing	Adopt by January 1, 2026

HB 2210 – Zoning & Permitting Stats to Arizona Commerce Authority

- On or before September 30 of each year, each City must submit statistics for the preceding fiscal year that include the following:
 - Average time from the submission of an “Initial Building Permit” application to a Certificate of Occupancy.
 - Average time from the submission of a “Zoning Application” to Zoning Approval.
 - Average Time from the submission of a Final Plat to the *Recordation* of a Final Plat.
 - Any other statistics as requested by the ACA.

SB 1162 – Rezone Shot-Clock & Housing Assessment

- Rezoning
 - Code update must be in place by January 1, 2025**
 - City must determine completeness within 30 days; if rejected, must determine completeness within subsequent 15-days
 - After declaring complete, City has 180 days to approve or deny the Rezone
 - City may extend timeframe beyond 180 days if: (1) Extenuating circumstances up to 1-time, 30 days; or (2) applicant requests extension
 - Does not apply to Planned Area Developments (PAD) or Planned Community Districts (PCD's)
- Housing Needs Assessment – Housing & Neighborhood Services
 - Beginning January 1, 2025 – and every 5 years thereafter – City must publish Housing Needs Assessment
 - Projected population growth for 5-year period
 - Projected job growth for the 5-year period
 - Total amount of land zoned for Single-Family Residential (SFR) or Multi-Family Residential (MFR)



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2024 LEGISLATIVE UPDATE | BRIEFING SHEET 9/17/24

- Assessment of Need for for-sale and for-rent product to meet-
 - Any deficiencies to house existing population, existing workforce, projected population, projected job growth and needs across all income segments.
- Annual Housing Report
 - Beginning January 1, 2025 – and every year thereafter – City to submit annual report to the Arizona Department of Housing
 - # of Housing applications received in prior year (Rezone, Pre-Plat, Permits)
 - # of SFR and MFR lots included in prior year
 - # of SFR and MFR approved and/or disapproved
 - Percentage of MFR zoned land vs SFR zoned land
 - Progress report in meeting the need
 - Arizona Department of Housing compiles reports and submits to the Governor
 - Bill does not require City to fulfill the projections

HB 2720 – Accessory Dwelling Units (ADU's)

- **Code update must be in place by January 1, 2025**
- In zones where SFR is permitted - City must allow at least 1 detached; and 1 attached ADU.
- City must permit an additional detached ADU when lot 1-acre+ and ADU is a “restricted-affordable” unit.
- Restricted affordable is up to 80% of Area Median Income and either implemented through deed restriction or Development Agreement with City.
- The ADU can be up to 75% of Gross Floor Area of house or 1,000 SF, whichever is less.
- A City may NOT:
 - Prohibit the use of ADU to be leased as long-term rental housing.
 - Require occupants to be familial or other specified arrangement with owner or occupant.
 - Require additional parking.
 - Require ADU match exterior design or finish of main house. No Design Review.
 - Require setbacks for ADU's greater than 5' from side or rear property line.
 - Set restrictions for ADU's that are more restrictive than SFR units with regard to height, setbacks, lot size or coverage.
 - Cannot require roadway improvements.
 - Cannot require a restrictive covenant; although new law does allow restrictive covenant between private properties – A nod to HOA's.
- New law does not supersede building or fire codes; however, City cannot require ADU to comply with commercial building code or require fire sprinklers.
- A City can require the owner of a vacation rental to reside on the property, if the property contains an ADU.



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HB 2297 – Adaptive Reuse -- Multifamily

- **Code update must be in place by January 1, 2025**
- City to establish 'objective standards' to allow MFR or Adaptive Reuse on up to 10% of the existing commercial, office or mixed-use buildings without a CUP, Rezone or any other type of application that requires a public hearing.
 - The City may modify the percentage of existing buildings available for MFR or Adaptive Reuse every ten (10) years.
- City may designate commercial or employment hubs where existing buildings are excluded from the provisions of this section. Excluded area cannot exceed 10% of the existing commercial, office, employment or mixed-use buildings within the City.
- 'Objective standards' for MFR conversions are limited to the following:
 - Site Plan Review.
 - Adequate infrastructure
 - Compliance with applicable building and fire codes.
 - Existing buildings are 'economically or functionally obsolete' – meaning building is in a state of disrepair or has a 50% vacancy in the total GLA.
 - Existing buildings are located on parcels between 1 – 20 acres in size.
 - Set aside of 10% of total units for moderate-income (<120% of AMI) or low-income (80% of AMI) housing (or combo) for at least 20 years after the initial occupation.
 - Require more than 1 parking space per unit
- City may not withhold a demolition permit for all or a portion of the existing buildings.
 - Setback requirements for the TI (or new conversion building) cannot exceed what is provided for in MFR zoning districts.
 - The maximum height and density to be equal to allowance of a MFR district (in the City) within 1-mile. If no MFR within 1 mile, we look to the next closest MFR zoning district (in the City).
 - Maximum height may not exceed 5-stories and City may limit to 2-stories if within 100 feet of a SFR zoning district.
- City may not withhold a demolition permit if adaptive reuse project meets requirements. For adaptive reuse, all of the following apply:
 - Setback for proposed use shall apply. If minimum setback that applies to the existing building is less than the proposed use, the existing building shall be deemed Nonconforming with respect to setback purposes.



PLANNING DEPARTMENT

2024 LEGISLATIVE UPDATE | BRIEFING SHEET 9/17/24

- If maximum height that applies to existing building exceeds the maximum height of the proposed use, the existing height may remain and shall be deemed Nonconforming for height purposes – the existing building may be expanded to the maximum allowable density for the proposed use.
 - Rooftop appurtenances shall be included with the height exception.
- This law does not appear to apply to land within the territory in the vicinity of a military airport, as defined in Section 28-8461 – portions of South Peoria.

HB 2721 – Middle Housing

- **Code Update must be in place by January 1, 2026**
- Must authorize “middle housing” – duplexes, triplexes, fourplexes and townhomes – as a permitted use within SFR zoned areas within 1-mile of the City’s Central Business District.
 - The City has previously designated P83 as its CBD; AND
- Must authorize “middle housing” as a permitted use within at least 20% of any new development of more than ten (10) contiguous acres.
- A City may NOT:
 - Discourage the development of middle housing, cumulatively through its regulations.
 - Restrict middle housing to single-story
 - Restrict middle housing to a Floor Area Ratio (FAR) of less than 50%
 - Set restrictions or processing that is more restrictive than SFR dwellings in same zone
 - Require owner occupancy of any structure.
 - Require structures to comply with commercial code or to contain a fire sprinkler
 - Require more than 1 parking space per unit
- This law does not appear to apply to land within the territory in the vicinity of a military airport, as defined in Section 28-8461.
 - Large part of Southern Peoria within the boundary
- This law does not change the terms of any area covered by an existing development agreement.
- Utility provider impacted by a development permitted under this law must have the opportunity to review and approve the Site Plan for the development.

