

CITY OF LITCHFIELD PARK

PLANNING AND ZONING COMMISSION

Regular Meeting
Tuesday, May 11, 2021
7 p.m.

Virtual Meeting

Watch on You Tube via the following link:

https://youtu.be/KBNUv0jQ_04

IN-PERSON ATTENDANCE AT PUBLIC MEETINGS HAS BEEN SUSPENDED UNTIL FURTHER NOTICE. NOTICE IS HEREBY GIVEN PURSUANT TO A.R.S. §38-431.02 THAT MEMBERS OF THE PLANNING AND ZONING COMMISSION WILL ATTEND BY AUDIO/VIDEO CONFERENCE CALL.

I. Call to Order

THIS MEETING WILL BE HELD BY REMOTE PARTICIPATION. CALL TO THE COMMUNITY WILL NOT BE HELD.

1. Zoom Conference

a. Computer: <https://us02web.zoom.us/j/89885020751> Meeting ID: 898 8502 0751

b. Telephone: 1 669 900 6833 or 1 253 215 8782 Meeting ID: 898 8502 0751

II. Business

A. Zoning Code Update

Information

Review, discussion, and possible direction to Staff regarding the ongoing Zoning Code review and update, including Section 31.03 Accessory Uses and Structures.

B. Design Review Board/Board of Adjustment Update

Information

Update on the Design Review Board/Board of Adjustment meetings held on March 4, 2021.

C. Topics for Referral to City Council

Action

Discussion of and possible referral of new topics to the City Council.

D. Minutes

Information

Action

Possible approval of the minutes of the April 13, 2021 Meeting.

III. Staff Report on Current Events

Information

This is the time Staff may present a brief summary on current events. The Commission may not propose, discuss, deliberate or take any legal action on the information presented, pursuant to A.R.S. § 38-431.02.

IV. Commissioners' Reports on Current Events

Information

This is the time Commissioners may present a brief summary on current events. The Commission may not propose, discuss, deliberate or take any legal action on the information presented, pursuant to A.R.S. § 38-431.02.

V. Adjournment

Action

David Ledyard, Chair

Persons with special accessibility needs should contact City Hall, 623 935-5033 at least 48 hours prior to the meeting.



Meeting Date: May 11, 2021

To: Planning and Zoning Advisory Commission

From: Jason Sanks, Planning Consultant

Subject: Study Session: Section 2 Definitions and Section 31 General Provisions – Related to Accessory Structures on Residential Lots

This item was reviewed by the PZ Commission at their April 13, 2021 meeting as a Study Session item. Since that time, Staff and the Zoning Code working group met on May 5, 2021 to further study possible changes in the language related to how the City reviews proposed accessory structures. Two sections of the code regulate Accessory Structures and our focus has been related to development on single-family residential lots. These two sections are “Section 2 – Definitions” and “Section 31 – General Provisions”

Section 2 – Definitions

One approach to updating the Zoning Code language to Accessory Structures is to study the definition of Accessory Structures and their subcategory definitions. Currently, Accessory Structure use restrictions and development standards apply to all structures not attached to the main residence. As discussed at the prior Study Session and the most recent Zoning Code Working Group, Staff has considered language to modify the definition of “Accessory Structure” to only apply to any detached structure that either partially or fully encroaches outside of the main building setbacks. Any development within the main building setbacks, whether attached or detached, would be considered part of the primary residence. It would still be subject to City staff, Building Code, and possibly Design Review Board review and approval.

The existing and proposed definitions of “Accessory Structures” are as follows:

Existing:

Accessory Structure - A subordinate structure located on the same lot as the principal building.

Proposed:

Accessory Structure - A subordinate structure located on the same lot as the principal building, **LOCATED EITHER PARTIALLY OR ENTIRELY OUTSIDE OF THE REQUIRED MAIN BUILDING SETBACKS. STRUCTURES LOCATED WITHIN THE MAIN BUILDING SETBACKS SHALL NOT BE CONSIDERED ACCESSORY STRUCTURES, SHALL BE CONSIDERED PART OF THE PRIMARY STRUCTURE WHETHER ATTACHED OR DETACHED, AND ARE SUBJECT TO THE DEVELOPMENT STANDARDS OF THE ZONING DISTRICT FOR WHICH IT IS LOCATED. IN ALL CASES, BUILDING CODE REQUIREMENTS REMAIN APPLICABLE TO ALL STRUCTURES.**

Staff would like specific direction if PZ would like to specify in no case shall an accessory structure be used as a garage for recreational vehicles (RVs). While an RV garage could still be placed within the main building setbacks as either attached or detached from the primary residence, it would not be allowed to be constructed as an accessory structure either partially or wholly outside of the main building setbacks. Additional RV garage information is provided at the end of this report for PZ reference. The broad based concern that prior Councils and the public has had is that these garages are out of scale with neighborhoods in Litchfield Park and that accommodations for these very large vehicles are available throughout the metro area that specialize in parking for them.

Section 31 – General Provisions

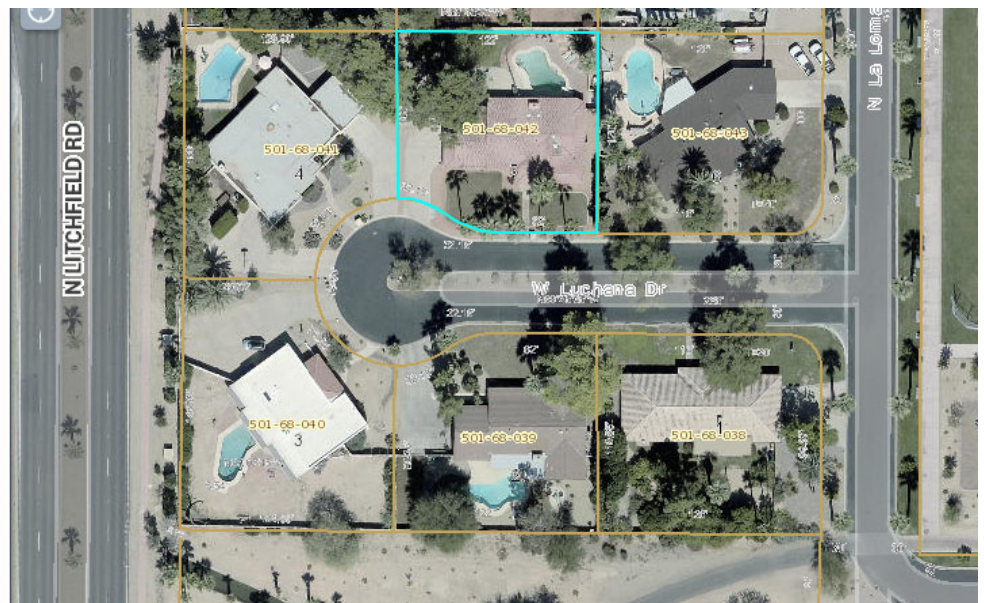
Current Code Development Standards Regarding Accessory Structures:

Height: Accessory structures shall not exceed the height of the principal building or fifteen feet in height, whichever is less.

Lot Coverage; Size: No accessory structure or combination of structures shall ~~occupy more than twenty five percent of the area lying between the rear of the principal building and the rear property line or exceed five hundred square feet in area, whichever is less.~~ **WHICH INCLUDES ANY ATTACHED SHADE STRUCTURE(S), EXCEPT IN THE RESIDENTIAL ESTATE (RE) ZONING DISTRICT WHERE ACCESSORY STRUCTURES MAY BE ALLOWED UP TO ONE THOUSAND SQUARE FEET.** No accessory structure, **OR COMBINATION OF SUCH STRUCTURES,** shall cause the maximum lot coverage applicable to the lot to be exceeded.

Staff proposes maintaining the 500SF accessory structure size limitation for R1 zoned lots and smaller. These lots are generally more densely built, and in many cases, the R1 and R1-15 lots do not actually meet the minimum lot size for their district as depicted below. This is in large part due to their platting and development within Maricopa County prior to annexation into the City of Litchfield Park at the time of the City’s incorporation. Here is an example of an undersized R1-15 lot:

501-68-042	
Owner Information	
Owner Name:	BROWN REVOCABLE TRUST
Property Address:	310 W LUCHANA DR LITCHFIELD PARK 85340
Mailing Address:	310 W LUCHANA DR LITCHFIELD PARK AZ 85340-4303
Deed Number:	170024483
Sale Date:	
Sale Price:	\$
Property Information	
Lat/Long:	33.497798, -112.361638
S/T/R:	21 2N 1W
Jurisdiction:	LITCHFIELD PARK
Zoning:	R1-15
PUC:	0141
Lot Size (sq ft):	14,029
MCR #:	123-08
Subdivision:	LITCHFIELD PARK SUBDIVISION NO 17 UNIT 1
Lot #:	5
Floor:	1
Construction	1070



Staff proposes increasing the Accessory Structure size limitation for only RE zoned lots based on their much larger size than average (minimum 1 acre) to better accommodate structures in proportion to the property's overall land area.

RE lots are a minimum acre in size (43,560 SF), so staff would propose that the aggregate accessory structure size be allowed to increase to 1000SF which would be sufficient for a 4-car detached garage or some combination of accessory structures as desired (patio covers, guest house, detached garage (not RVs). For visual reference, the lots shown below are R1 on the north and RE on the south. There is a distinct difference between the development intensity between the two as the RE lots are really a lot more open than the R1 lots:



RV Garage Reference Information:

For the general purpose of giving PZ a visual representation of the concerns surrounding RV garages, their size and development standard needs, and impact on the neighborhood, Staff has prepared some basic research for consideration as follows:

Generally speaking, RV garages are harder to scale down and articulate (fewer windows, long uninterrupted walls and rooflines, higher interior clearances) and may have a harsher impact on the neighborhood character than say a two-bedroom guesthouse next to a pool in the rear yard. If desired by PZ and Council, Staff suggests that Design Criteria be created for RV garages to mitigate mass and architecture very carefully. Currently, the Design Review Board asks that RV garage rooflines do not exceed the height of the existing residence's roofline so as to ensure it does not overwhelm the architecture of the primary residence itself.

Development Standards as Related to RV Garage Requirements

RVs typically requires a garage with a clearance height of at least 14 feet, and 40 to 45 feet in length. - Most RVs range between 8 and 8 ½ feet in width and require at least 10' additional width for comfortable maneuverability around the vehicle inside the garage. When it comes to RVs, you will find that they can be up to 9.5-10 feet tall. In addition, most of them have air conditioners mounted to the roof, which can extend their height by a significant amount. Other RVs may have additional height issues – satellite dishes, luggage racks, and even solar panels.

Staff found that RV-specific garage doors are a minimum of 12 feet tall (3.5 m) and generally between 10 and 12 feet (3 to 3.6 m) wide. Staff has also found that most attached standard vehicle garages are just too short to accommodate an RV. In most instances, a detached garage must be constructed to house an RV, simply because they are so tall.

This RV Garage in the rendering is 18'wide x 36' deep, which equates to 648 SF and is 21' tall to top of ridge. It appears to have a 14' garage door.



DESIGN REVIEW BOARD/BOARD OF ADJUSTMENT UPDATE

The following items were acted on at the April 1, 2021 Design Review Board Meeting:

- ❖ **Election of Officers:** Chair Charnetsky and Vice Chair Ledyard were re-elected as Chair and Vice Chair respectively.
- ❖ **690 E. Fairway:** This item was continued because no one was in neither the applicant nor the applicant's representative were attended the meeting.
- ❖ **320 Luchana:** The applicant was seeking design approval for some minor changes to the front exterior of this residence. The proposed changes included removing the arched entry and replacing it with rough sawn posts and fascia, and refreshing the stucco exterior. The application was approved.
- ❖ **Taco Bell Facility – Dysart and Camelback:** The Board reviewed the site, architectural, landscape, and lighting design plans for a new Taco Bell facility proposed to be located along Dysart Road within the Dysart and Camelback Center. The plans were not presented at this time for action, but rather for review and comment. The Board provided comments and the applicant's representative noted he would return with revised plans.

**MINUTES OF THE SPECIAL MEETING
OF THE LITCHFIELD PARK PLANNING AND ZONING COMMISSION
April 13, 2021**

I. Call to Order

The meeting was held online via Zoom and called to order at 7:04 p.m. by Vice Chair Faith.

Members Present: Vice Chair Faith, and Commissioners Alvey, Darre, Fraser, Lawrence, Ledyard; and O'Connor.

Members Absent: None.

Staff Present: Jason Sanks, Planning Consultant; Pamela Maslowski, Director of Planning Services; and Dawn Morocco, IT Assistant.

II. Business

A. Oath of Office

Ms. Maslowski administered the Oath of Office to Vice Chairman Faith and Commissioners Darre, Fraser, Ledyard and O'Connor, who were appointed/reappointed at the March 17, 2021 Council meeting.

B. Introduction of New Commissioner Andrew Fraser

The Commissioners welcomed new Commissioner Fraser, and he provided information regarding his background and reasons for wanting to join the Commission.

C. Election of Officers

Commissioner O'Connor **nominated** Commissioner Ledyard for Chair for the 2021/2022 term; Commissioner Lawrence **seconded** the nomination. There were no other nominations, and Commissioner Ledyard was elected as Chair **unanimously**.

Commissioner Darre **nominated** Vice Chair Faith for Vice Chair for the 2021/2022 term; Chair Ledyard **seconded** the nomination. There were no other nominations, and Vice Chair Faith was re-elected as Vice Chair **unanimously**.

Vice Chair Faith continued to chair the remainder of the meeting.

D. Appointment of a Representative to the Design Review Board/Board of Adjustment

Vice Chair Faith **nominated** Commissioner O'Connor to be reappointed as the Commission's representative to the Design Review Board/Board of Adjustment for the 2021/2022 term; Chair Ledyard **seconded** the nomination. There were no other nominations, and Commissioner O'Connor was reappointed **unanimously**.

E. Set Meeting Schedule

Vice Chair Faith **moved** to keep the meeting schedule as is with regular meetings scheduled for 7 p.m. on the second Tuesday of the month; Commissioner Darre **seconded; unanimous approval**.

F. Zoning Code Update

Mr. Sanks noted that he and Ms. Maslowski were encouraged by the discussions held with Vice Chair Faith and Commissioner O'Connor, as the Zoning Code Update Committee has begun meeting again. The great majority of the Zoning Code rewrite has been looking at restructuring and reorganizing the Code to create an easier to use and more concise document. However, there are some possibilities for changes to the material development standards and use rights. Section 31 is called General Provisions and has served as a catch all for items that do not apply to just one zoning district, including standards for such things as fence walls, lighting, and other ancillary items. Accessory structure standards are included in this Section and some issues have come up through the last couple of years regarding the requirements for these structures on residential lots. An interesting discussion was held with Vice Chair Faith and Commissioner O'Connor regarding the requirements.

Mr. Sanks reviewed a PowerPoint presentation he had created regarding Accessory structures. He noted that he would like The Commissioners comments regarding some possible changes. The PowerPoint and discussion included:

- Current regulations regarding accessory structures were provided.
- Mr. Sanks noted that the City has received requests for structures larger than the 500 SF (square foot) limitation.
- Accessory structures located in rear yards have different setback requirements than the primary home.
- The purpose of the accessory structure standards is to accommodate the way people live and to allow setbacks that are less restrictive than the primary home with the intention that the structures would be smaller with limited uses.
- The same requirements are generally found in other cities; however, Litchfield Park may be unique in requiring the structure be under 500 SF, while also requiring that the structure not cause the lot coverage maximum to be exceeded. These standards apply to both large and small lots.
- Examples of accessory structures that have been reviewed by the Design Review Board were provided.
- Discussions have come up regarding RV parking and garages. Currently, due to the size required, the only way to have an RV garage is to have it be attached to the main home so it is not considered an accessory structure. It must comply with the home's regular setbacks.
- Items that the Zoning Code Update Committee discussed included:
 - Whether to keep the Code as is or change it to allow accessory structures larger than 500 SF.
 - Should the maximum lot coverage be used as the tool to regulate size? Or, should larger sized accessory structures be allowed on larger lots only? An accessory structure based on the scale of the property size would have less impact on the general vicinity because it is smaller in scale to the overall property size.
 - If larger structures would be allowed, then perhaps the minimum setbacks should be determined by size. The structure could be required to be set back one foot for every foot in height. Ms. Maslowski pointed out that current standards include stepback. Up to 10' in height the required setback is 5'. The structure must be setback an additional foot for every additional foot in height above 10'. Mr. Sanks noted that the one-to-one stepback he referred to might help mitigate the effects of a larger accessory structure.
 - Should a detached structure that is within the main building's footprint, not encroaching into any of the main building setback requirements, still be considered an accessory structure? There are times when architects must come up with some unique ways to connect two separate buildings to not have a separated building considered an accessory structure.
- Matching the main home's architecture should remain a requirement.

- One main concern is larger accessory structures might lead to consideration of large detached RV/trailer/boat garages. These garages tend to be very large, sometimes up to 2,000 SF in size. Currently, a detached RV garage cannot be built in the City due to its size. The options are to attach the RV garage to the home if possible and make it look right or find an off-site location to store the RV.
- An RV garage is convenient to the people that own a RV; however, there is concern regarding how these types of garages would change the look of the City and impede on neighbors' property rights because they would be located within a rear yard. There is also a concern regarding disturbing view corridors.

Vice Chair Faith noted that the Committee spent some time on these issues and would like some feedback from the Commissioners.

Discussion by the Commission included:

- Are the neighbors notified when someone wants to put a structure in the backyard? Mr. Sanks replied that, other than when a variance is needed, there is no notification requirements for items that comply with existing development rights. If the building meets the Code requirements, the homeowner only must obtain design review approval.
- The PowerPoint referred to protection of the neighbors. How is that done? Mr. Sanks responded that he was referring to what should be considered in deciding whether to revise the Code. Such as, would a larger guest house impede on the neighbor's rights.
- Mr. Sanks noted that sometimes people want to build large casitas to use for short term rentals.
- It would be good to have data points on whether people are using their detached casitas for Airbnb rentals.
- The Code should not be relaxed; it should be more restrictive.
- View corridors for people with view fences should be protected. Mr. Sanks noted that there are restrictions currently in place for homes with view fences.
- There are lots large enough to have structures in the side yards which could be a problem.
- Recreation vehicles are not considered accessory structures and have different requirements.
- The standards should be made equitable. There are some very large lots within the City. If someone is not going over the maximum lot coverage allowed, why shouldn't they be allowed to enjoy their property with a larger accessory unit? Measures should be created so larger structures are not allowed on smaller lots, but they should be allowed on larger lots.
- In response to an inquiry, Ms. Maslowski explained how the 500 SF maximum was determined. Mr. Sanks added that 500 SF would allow a detached two-car garage.
- A larger structure on a larger lot might be okay, but not on the smaller lots. What would be considered a large lot would have to be determined.
- Allowing more or larger structures on smaller lots would make the City look cluttered.
- Have there been issues with structures built under the existing Code? Ms. Maslowski responded that the City has not received many complaints regarding structures that have been legally built that comply with the Code. The City has received several complaints regarding structures that were built without City approval that do not comply with the Code requirements.
- It appears there is no reason to make the Code more restrictive.
- In response to a question, Ms. Maslowski replied that stoves and/or the hookups required for stoves are not allowed in accessory structures. That is one of the factors the City uses in determining whether the structure would be considered a secondary dwelling.
- Litchfield Greens subdivision restricts short term rentals. Can the City do the same? Ms. Maslowski responded that, at one time, the City did not allow short term rentals. However, the State passed a law that does not allow cities to have that restriction anymore.

- The density issue is important. If someone wants an RV garage, there are properties in surrounding communities that can accommodate that. The requirements should not be changed.
- It was noted that a variance might be granted in unique circumstances for a larger structure. Mr. Sanks commented that there are conditions that must be met for a variance. Perhaps, a Use Permit might be a better requirement.
- In response to a question, Mr. Sanks replied that the maximum 500 SF allowed applies to the combined square footage of all accessory structures on the property.
- RV garages are currently allowed, but they must be built without encroaching into the required setbacks. It has been challenging for the Design Review Board to determine if this type of addition fits in with the existing architecture.
- Using lot coverage for determining size would be a good idea.
- Using the maximum lot coverage allowed to determine size for structures being built outside the setbacks, within the building envelope, makes sense; however, when structures are being built within the required lot setbacks, a 500 SF maximum makes sense.

G. Design Review Board/Board of Adjustment Update

Commissioner O'Connor noted the report was included in the agenda packet, and there were no comments.

H. Topics for Referral to City Council

Vice Chair Faith **moved** to refer the possibility of changing the Zoning Code regulations to allow larger sized accessory structures on larger lots to the City Council; Commissioner Alvey **seconded**; **unanimous approval**.

I. Minutes

Vice Chair Faith **moved** to approve the minutes of the March 9, 2021 minutes; Commissioner Darre **seconded**; **unanimous approval**.

III. Staff Reports

Mr. Sanks reported on the progress of the Dysart and Camelback Center.

IV. Commission Reports

There were no reports given.

V. Adjournment

Vice Chair Faith **moved** to adjourn; Commissioner Darre **seconded**; **unanimous approval**. The meeting was **adjourned** at 8:14 p.m.

APPROVED:

PLANNING & ZONING COMMISSION

David Ledyard, Chair

/pm