

CITY OF LITCHFIELD PARK

PLANNING AND ZONING COMMISSION

Regular Meeting
Tuesday, February 13, 2018
7:00 p.m.
Litchfield Park Branch Library
Community Room
101 W. Wigwam Boulevard
Litchfield Park, Arizona 85340

Members of the Litchfield Park Planning and Zoning Commission may attend either in person or by telephone conference call.

I. Call to Order

II. Pledge of Allegiance

III. Call to the Community

(This is the time for citizens who would like to address the Commission on any non-agenda item. Action taken as a result of public comment will be limited to asking Staff to review the matter, asking that the matter be put on a future agenda, or responding to criticism.)

Information

IV. Business

A. Zoning Code Update

Review, discussion and possible direction to Staff regarding a proposed Zoning Code update, including development standards for Public Facility, Open Space and Industrial Zoning Districts.

Information

B. Topics for Referral to City Council

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

Action

C. Design Review Board/Board of Adjustment Update

Update on the December 7, 2017 and January 4, 2018 Design Review Board meetings.

Information

D. Minutes

Possible approval of the minutes of the December 12, 2017 Meeting.

**Information
Action**

V. Executive Session

An Executive Session may be called during the public meeting on any item on this agenda pursuant to (i) A.R.S. § 38-431.03(A) (3) for the purpose of receiving legal advice.

Action

VI. Staff Report on Current Events

Information

VII. 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.

VIII. Adjournment

Action

David Ledyard, Chairman

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



DESIGN REVIEW BOARD/BOARD OF ADJUSTMENT UPDATE

The following items were acted on at the December 7, 2017 and the January 4, 2018 Design Review Board Meetings:

- ❖ **758 W. Juniper Lane:** The Board reviewed an application for the location of roof solar panels on the pitched roof of an existing residence. The exhibits indicated that panels would be located across two planes on the front and side facing rooflines. Generally, the panels followed the rooflines of the home; however, there was a gap in one of the arrays, along with one portion of the array not being in a quadrangular shape. It was suggested that one panel be relocated or removed. It was also noted that there did not appear to be an open border between the bottom edge of the roof and the panel edges. The application was approved with the conditions that a minimum of 18” clear space be provided between the edge of the solar panels and the roof edges, that the wiring and conduit be concealed and that the one panel discussed be relocated or removed from the layout, with revised plan being submitted to Staff for review and approval.
- ❖ **415 Bird Lane:** This application was for the design of an addition to an existing residence. The applicant was proposing to add a new side-entry garage, along with a new workshop space with a roll up door and a recreation room. It was noted that the design elements, colors, and materials would match the existing. The application was approved.
- ❖ **611 Old Litchfield Road:** The applicant was seeking design review for an addition and remodel of an existing residence to add a new bedroom and bathroom. It was noted that the addition would add some architectural interest and value to the rear elevation and that the colors and materials will match the existing home. The application was approved.
- ❖ **451 Jasmine Way:** Design plans for a new custom home proposed for this vacant lot in the Village at Litchfield Park had been approved at a previous meeting. Since that time, numerous changes were made to the exterior design at the Homeowner’s Association request. It was noted that only the exterior was being changed; the footprint, square footage, and orientation were not changing. The home will now feature more extensive use of stucco, rather than the vertical siding and stone on the previous submittal. Also, there will now be a two piece clay tile roof rather than the metal roof proposed previously. The revised plans were approved.
- ❖ **390 Trontera Circle:** This was a request for approval of the design plans for the conversion of an existing car port to a garage. The plans indicated that the intent was to enclose the carport with insulated walls, two windows, rear yard access door, and exterior wood siding. The siding will be painted to match the house. The application was approved with the condition that the colors match the existing house.

- ❖ **340 W. Dorado Circle:** This applicant was seeking approval of the design for a new garage to be attached to the existing house with a trellis. It was noted that, although the home is predominately constructed out of block, the garage will be finished with vertical wood siding that matches the eaves of the existing residence. It was also noted that the garage will be mostly screened from the street view by the existing home as well as by the existing side yard wall and gate. The Board noted that the house has an 8' plate height, while the garage will have a 10'1" plate height, and that the height of the garage should be equal to the existing house so that it does not become a dominant feature. The applicant agreed to lower the plate height. The application was approved with the conditions that the colors and materials are to match the existing house and that the plate height is to be lowered to 8'.

- ❖ **1087 N. Oro Vista:** An addition to add livable square footage to an existing residence, as well as an exterior remodel were the subject of this application. It was noted that the front entrance will be relocated . The applicant noted they would also like to replace the whole roof with something similar to the existing, but made of a more modern material. The application was approved per the exhibits provided with the condition that the roof change is to be submitted to Staff for review and approval.

Prepared by Pam Maslowski

**MINUTES OF THE REGULAR MEETING
OF THE LITCHFIELD PARK PLANNING AND ZONING COMMISSION
December 12, 2017**

I. Call to Order

The meeting was held in the Litchfield Park City Hall Conference Room and called to order at 7:00 p.m. by Chairman Ledyard.

Members Present: Chairman Ledyard; and Commissioners Faith, Meese, and O'Connor.

Members Absent: Vice Chairman Ross and Commissioners James and Scott.

Staff Present: Phyllis Smiley, City Attorney (arrived at 7:10 p.m.); Jason Sanks, Planning Consultant; and Pam Maslowski, Director of Planning Services.

II. Pledge of Allegiance

Chairman Ledyard led the pledge.

III. Call to the Community

There were no requests to speak.

IV. Business

Chairman Ledyard announced that there is a public meeting scheduled to be held tomorrow night by the City Council on Items A & B on this agenda. The meeting was scheduled to be held at the Library; however, due to a scheduling conflict, it will be held at the Litchfield Park City Hall instead. This room will be posted with a notice of the new location and City Staff will be here to direct people to the new location.

Chairman Ledyard noted that the City Attorney is running late due to a previous meeting, so the Commission will be taking Item C first.

C. Zoning Code Update

Mr. Sanks stated that the City is undertaking a large rewrite of the Zoning Code. The Zoning Code regulates development standards and land uses for all properties within the City limits. Throughout the last few years, the City has amended certain sections of the Code with text amendments. However, it is time now for a comprehensive re-write. Some draft updates of certain sections have already been brought before the Commission for discussion. Tonight's topic is a draft rewrite of the Commercial sections of the Code. He presented a PowerPoint presentation related to the subject and provided input:

- Concise lot standards and uses need to be established.
- The land use types within the districts should be consolidated and expanded.
- The use definitions need to be reviewed and updated.
- The Commercial Districts have been generally categorized as Resort, Neighborhood Commercial, Community Commercial, Regional Commercial, Agritourism, Commercial Flex, and City Center, which will be a new district that needs to be developed.

- The rewrite process will be done as two parts: a complete reformat of existing content and incorporating new and revised content.
- Stakeholders will be invited to be involved.
- Issues with the current Commercial sections include development standards and land use language that are inconsistent and contradictory, land uses that are outdated and need to be redefined, and adding the new City Center District.
- The new layout will be clean, concise and easy to follow.
- The Zoning District requirements are spelled out in long form sentences which are difficult to access quickly. These will be combined into a single chart where information will be easy to find.
- The land uses identified in the Use Matrix that are not defined need to be defined.
- He has not rewritten the Resort District yet as he wants the Wigwam representatives' input before updating that district.
- Housekeeping items are being worked on prior to involving the public.

Discussion included:

- On the first page, it notes that there will be consolidation and expansion which are contradictory terms. Mr. Sanks explained what was meant, and it was pointed out that the verbiage on the last page better states what is meant.
- Normally, there is a list of approved uses for each category and it was asked if this will be included. Mr. Sanks stated that, in some cities, the Use Matrix is broken down into separate sections for each zoning district. Staff feels that it would be better for the City to continue to have a master Use Matrix where all the Zoning District uses are listed in a single section.

A. Public Hearing: Proposed Zoning Code Amendment Related to Group Living Facilities

Chairman Ledyard explained the process and procedures for Public Hearings. He noted that this item had been referred to the Commission by the City Council. A Citizen Review meeting was held at the Commission's November 14, 2017 meeting. After the Commission makes a recommendation on this item, a public hearing will be held by the City Council, and the Council will take action on the item.

1. Staff Report

Ms. Smiley stated this item is a proposed Zoning Code amendment regarding Group Homes. The current Group Home process will be revised and a section regarding Recovery Residences, also known as Sober Homes, will be added. A presentation was provided at the previous meeting. The Commission requested that Ms. Smiley present only the revisions that had been made since that meeting. Ms. Smiley then provided the changes that had been made or not made in response to the Citizen Review meeting

- The Federal Fair Housing Act is 42U.S.C. A., Section 3604 and the State Fair Housing Act is Arizona Revised Statutes Section 41-1491.
- It had been requested that the 1,200 foot separation requirement measurement be a radius. Wording was added that states the 1,200 feet is measured in a straight line from any direction from the closest property line. That provides a radius.
- She had been asked to look into annual renewals for registrations, and that change was not made. Once a home is registered, it remains registered. It is a registration, not a license. There is a provision that requires the Group Home or Recovery Residence to update any information that has changed within ten days. Vice Chairman Ledyard suggested that, if the Homes are not going to be required to re-register every year, perhaps they could be required to fill out a form noting there were no changes, which could serve as a reminder to the Homes to keep the City updated if there has been a change. Mr. Sanks suggested the term "Status Check" be used.

- It had been suggested that the registration be made mandatory. Ms. Smiley explained that the requirement to register makes it mandatory.
- The typographical errors and numbering issues were corrected.
- It had been asked if additional information was needed from the owner or operator. Ms. Smiley noted no changes were made as it was felt that no additional information was needed.
- She did not add a requirement for a live-in housekeeper as that cannot be required through a zoning ordinance. The City cannot tell someone how to do their business through a zoning ordinance nor tell any resident that they need a live-in housekeeper. The Fair Housing Act requires that people with a disability be able to live in the same area in a neighborhood in a dwelling under the same circumstances as everyone else, and a family is not required to have a house manager or housekeeper.
- A citizen had read from what he thought was a final bill approved by the Legislature that authorized cities and towns to regulate Structure Sober Living Residences, and he wondered why the City was not going to regulate the Residences to the extent allowed by the bill. She discovered that the bill he was reading was a draft, not the final bill approved by the Legislature. In preparing the proposed ordinance, her office followed the bill that had been approved by the Legislature.
- She became aware that, last year, the Legislature went through every law that contained the word handicapped to describe a person with a disability and approved a Statute to remove that word from those laws other than those that referred to Federal Laws that still contained the term. The term in Arizona is now “persons with a disability” not “handicapped” and the ordinance has been revised to reflect that.

2. Public Comments

John Wenzlau, a City resident, stated that he finds it alarming that the ordinance does not contain more ways to enforce the regulations. He is familiar with the Group Home business and the State Health Department requires a license and has some oversight. He finds it amazing that a mere registration allows someone to put a business, not a home, in a community with no oversight. He has lived here a long time and the community is changing. More young families with children are moving into his neighborhood. He can imagine the horror that will occur if a recovery home with substance abuse individuals and no oversight locates there. He would not like to live on a street or in a community that does not have any oversight on homes like these.

Raul Jaramillo, a City resident, stated that he believes that the City should look for a quality of integration of such a home into the community. Another element is that there should be a quality of program. He has a news article, from November 30, that states that the City of Phoenix will tackle the issue of licensing. They have a committee that recommended licensing. The Phoenix Council will address this in March. Should this happen, it will change the context of what Litchfield Park is doing. The City should take its time and see what happens with the City of Phoenix. The word “approval” sounds good to him. In terms of issues regarding supervision, the process provided by the State Legislature provides that there should be supervision of all residents in Structured Living Homes during all hours of operation. He thinks it behooves the City to have the same requirement. He recommends changing the requirement to submit an application at least 30 days prior to beginning operation of a Group Living Facility to 50 days to provide the opportunity to the City to inform the community. Notices should be supplied to property owners within 300 feet. He also

recommends verbiage be added that states that registration shall become effective upon the issuance of a two year renewable Certificate of Occupancy. He believes that meets the requirements of the Federal Law. Also, the continuance of the Certificate shall be issued every two years, subject to compliance of site and ordinance requirements with reviews to be conducted by the City. Failure to comply could result in a loss of the Certificate of Occupancy. He thinks that will help with enforcement and hopes the City Attorney will review his suggestions. He suggests waiting to see what happens in the City of Phoenix.

3. Discussion

Discussion included:

- The definitions section is a bit difficult to navigate. It was explained that the definitions are arranged alphabetically and will be incorporated into the overall definitions.
- It is difficult to ascertain the differences between the different types of homes. If no supervision is required, how would the City differentiate between a Sober Living Home and a group of unsupervised people doing their own thing? Ms. Smiley explained that they would register as a Sober Living Home. It was asked who would be responsible to tell the City things have changed if there is no supervision? Ms. Smiley noted that, under the Sober Living requirements, there is a requirement for supervision for Sober Living Residences during all hours of operation. The definitions define the use and the regulations contain the regulations for the home.
- The ordinance does not allow much oversight, control, monitoring, or compliance over the homes. Ms. Smiley explained that the only thing the City is allowed to do is to enforce whatever regulations the City has. The Homes can be required to update their information, comply with parking requirements, and comply with the Building and Fire Code – all of the things that are required of everyone else. Due to the Fair Housing Act, there is not much that can be done. If the regulations are too strict, someone could put in a complaint that the requirements are not reasonable. The regulations need to be reasonable.
- In response to a question, Ms. Maslowski stated that the City's parking code requires one space per two beds, plus an additional space for staff. The parking requirement must be met with onsite spaces. People could park on the street because the City allows on-street parking.
- It appears that there are requirements to be met with the Operations and Management Plan (OMP), but the homes will self-police themselves. Is there a way to enforce compliance with this plan? Ms. Smiley responded that the ordinance requires them to comply with their plan. If it is found that they are not complying, it will be a Code violation.
- Is there any ability for the Staff person reviewing the OPM to say that parts of the plan are insufficient? Ms. Smiley agreed that there is no requirement as to what the plan needs to be. She has seen requirements for the OPM in other cities, but she has not seen any approval process for the plan. She does not think that Planning Staff would have expertise to determine what the supervision requirements should be for these homes. She can add the verbiage that the supervision plan needs to be in accordance with industry standards. It was noted that rather than including it in the zoning, the Council could look at doing something under the police, health, and safety powers. Mr. Sanks suggested that the plan could be submitted to the City, but then the City would notify the Sheriff's office of the plan and the security becomes a portion of their jurisdiction.
- The number of residents allowed for Group Homes for the Developmentally Disabled is a statutory provision and they are limited to six residents.

- It was noted that the City of Prescott's current ordinance is stricter and the ordinance was reviewed.
- In a response to a question, Ms. Smiley responded that licensing is an approval process and registration is not.
- In response to a question, Ms. Maslowski responded that the Zoning Code only allows certain portions of the front yard to be used for parking areas. It was noted that someone could ask for a reasonable accommodation. Also, parking is allowed in side and rear yards. Someone might pave the rear yard for a small parking lot.

Commissioner Meese **moved** to close the Public Hearing; Commissioner O'Connor **seconded**; **unanimous approval**.

B. Proposed Zoning Code Amendment Related to Group Living Facilities

Chairman Ledyard stated that the Commission's options are to recommend approval as drafted, recommend denial, or recommend approval with modifications. Another option would be to table the item; however, he understands that the City's Code does not currently address Sober Living Homes and tabling the item would delay the ordinance.

Discussion included:

- Based on the discussion held tonight, it would be good idea to table this, unless there is some type of urgency to have it approved.
- The Council will hold at least one public hearing and then discuss it at another meeting before taking action. That will move the item along. If it is tabled here, it will not resolve anything. Sober Living Homes are not referenced in our Code and there are no regulations.
- It is possible to pass a bridge ordinance now while watching to see what happens in other cities like Prescott and Phoenix.
- This ordinance basically states that we are complying with the Fair Housing Law, but there is no control over anything. Forwarding it to Council will not accomplish anything.
- There are a number of modifications that should be done and it could be moved to Council with the caveat that there are a number of modifications that should be implemented into the ordinance.
- There could be a recommendation of denial as presented, with the recommendation that Council take look at the other cities' ordinances; or there could be a recommendation of approval with the caveat that this is a very beginning framework and recommending that Council look at the other ordinances for more structure and to address the concerns noted tonight.
- The item could be forwarded to Council with no recommendation, noting there are a number of concerns with the ordinance as presented. This would send a message that the Commission agrees that something needs to done.
- It would be better to recommend or deny the ordinance and the reasons for the recommendation should be included.

Commissioner Meese **moved** to recommend denial of the proposed ordinance pending further expansion of areas of oversight and enforcement, and insurance that the community is protected against untoward incidents that have not been adequately addressed; Commissioner Faith **seconded**; **unanimous approval**.

D. Topics for Referral to City Council

There were no referrals.

E. Design Review Board / Board of Adjustment Update

Chairman Ledyard noted that the report was included in tonight's agenda packet.

F. Minutes

Commissioner O'Connor **moved** to approve the minutes of the November 14, 2017 meeting; Commissioner Meese **seconded; unanimous approval.**

V. Executive Session

No Executive Session was held.

VI. Staff Reports

Mr. Sanks and Ms. Maslowski reported on the progress of the Sun Health/La Loma General Plan/rezoning application, the Monument Point projects, the City Center project; an inquiry regarding the location of a self-storage facility at the SEC of Dysart and Camelback Roads; and the new pathway being installed along Litchfield Road.

VII. Commissioners' Report on Current Events

There were no reports.

VIII. Adjournment

Commissioner Faith moved to adjourn the meeting; **seconded** by Commissioner O'Connor; **unanimous approval.**

The meeting adjourned at 8:25 p.m.

APPROVED:

PLANNING & ZONING COMMISSION

David Ledyard, Chairman

/pjm