

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 2c
Amend No. _____

Date prepared: June 27, 2007

Council Meeting Date: July 10, 2007

TO: Terry Ellis, City Manager

FROM: Glen Van Nimwegen, AICP, Community Development Director *GN*

THROUGH: Chad Daines, AICP, Planning Manager *CD*

PREPARED BY: Caroline L. Ruiz, Planner *CR*

SUBJECT: TA 07-05: Amend Article 14-23, Parking and Loading Requirements, of the Peoria Zoning Ordinance as follows:

- Remove a provision requiring a drop-off lane for facilities providing daily care of children in a nursery, day care, or pre-school center

Recommendation:

The Mayor and City Council approve and adopt the attached ordinance to amend Article 14-23, Parking and Loading Requirements, of the Peoria Zoning Ordinance, under case number TA 07-05.

Summary:

Primrose Schools (c/o Gray Greiner) initiated the proposed amendment to Article 14-23, Parking and Loading Requirements, of the Peoria Zoning Ordinance to remove a provision in Article 14-23 that required a drop-off lane for child care facilities. The drop-off lane requirement was in addition to parking requirements based on gross floor area.

Due to the age of children in pre-school facilities, the responsibility of the agency begins once children are signed in by a responsible adult. Parents therefore must leave their vehicles to bring students inside. Removal of the drop-off lane provision will thus eliminate an unnecessary requirement for these types of businesses and align the parking standards with those of other institutional facilities.

On June 21, 2007, the Planning and Zoning Commission voted unanimously to recommend approval of the amendment. Attached to this memo, please find the Planning

CITY CLERK USE ONLY:

Consent Agenda
 Carry Over to Date: _____
 Approved
 Unfinished Business (Date heard previous: _____)
 New Business

ORD. # 07-20 RES. # _____
LCON# _____ LIC. # _____
Action Date: _____

& Zoning Commission staff report and associated exhibits. For efficiency, the proposed amendment has been attached to the Ordinance.

ATTACHMENTS:

- Planning & Zoning Commission Staff Report (6/21/07)
 - Exhibit A Application
 - Exhibit B Proposed Amendment (see Exhibit A of Ordinance)

- Ordinance
 - Exhibit A Proposed Amendment

REPORT TO THE PLANNING AND ZONING COMMISSION- ZONING CODE TEXT AMENDMENT

CASE NO.: TA 07-05

DATE: June 21, 2007

AGENDA ITEM NO.: 3

Applicant: Primrose Schools (c/o Gray Greiner), 3660 Cedarcrest Rd, Acworth, GA, 30101 (Exhibit A).

Request: Amend Article 14-23, Parking and Loading Requirements, of the Peoria Zoning Ordinance as follows:

- Remove a provision requiring a drop-off lane for facilities providing daily care of children in a nursery, day care, or pre-school center

Support

/Opposition: None as of this writing

Recommendation: Approve proposal as requested

Background / Project Description:

1. Primrose Schools requests an amendment to Article 14-23, Parking and Loading Requirements, of the Peoria Zoning Ordinance to remove the requirement for a drop-off lane for facilities providing daily care of children in a nursery, day care, or pre-school center (Exhibit B).

Analysis and Discussion:

2. Article 14-23 of the Peoria Zoning Ordinance makes a distinction in the parking requirements for various institutional uses. 'Child care' is distinguished as those facilities providing daily care of children in a nursery, day care, or pre-school center. Such businesses are currently required to have a minimum of one drop-off lane in addition to required parking spaces based on floor area. Alternately, 'schools' are defined as public, private, or charter educational institutions for elementary or junior high students. For schools, a drop-off lane is not required per the Zoning Ordinance; this requirement is left to the discretion of individual school districts.

3. Many school districts require parking drop-off lanes based on the fact that high volumes of students are coming and going at specific times of day. The drop-off lane serves to separate high volumes of bus and car traffic within a certain area from pedestrian traffic in the parking lot. A nursery or day-care center, however, has more variety in the times that kids are dropped off and picked up due to the nature of the institution. This factor serves to reduce the overall volume of traffic in a specific area, thereby eliminating the need for a drop-off lane.
4. For pre-school and nursery facilities, the age of children typically warrants that they be walked in and signed in by a responsible adult, rather than being dropped off. The responsibility of the agency begins once the child is signed in, requiring parents to leave their vehicles to bring students inside. Removal of the drop-off lane requirement will eliminate an unnecessary obligation for these types of businesses and align the standards with those of other institutional facilities.

Findings / Recommendation:

5. Based on the following findings:
 - The drop-off lane requirement is unnecessary for nursery, day care, and pre school facilities due to the variety of drop-off and pick up times.
 - The proposed amendment constitutes an improvement to the Zoning Ordinance by removing an unnecessary requirement for certain types of businesses.

It is recommended that the Planning and Zoning Commission take the following action:

Recommend to the Mayor and City Council **approval** of TA 07-05, a request to amend Article 14-23, Parking and Loading Requirements, of the Peoria Zoning Ordinance.

Attachments:

Exhibit A	Application
Exhibit B	Proposed Amendment to Article 14-23

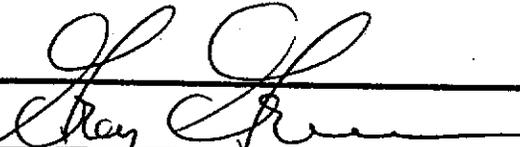
Prepared by: Caroline L. Ruiz,
Planner



**PLANNING DIVISION
Community Development Department**

ZONING ORDINANCE TEXT AMENDMENT

APPLICATION # TA07-05 SUBMITTAL DATE 3/29/07 FEES \$1,000

APPLICANT: Gray Greiner/Primrose Schools		
ADDRESS: 3660 Cedarcrest Road		
CITY: Acworth	STATE: GA	ZIP: 30101
PHONE:	EMAIL: ggreiner@primroseschools.com	
PROPOSED ARTICLE/SECTION OF ZONING ORDINANCE TO BE AMENDED: 14-23-3 Parking Requirements		
REASON FOR REQUESTED AMENDMENT: Primrose Schools does not allow children to be dropped off. They must be walked in and signed in by the responsible adult. Primrose School requires that the adults park their cars in the provided parking spaces.		
EXISTING ZONING ORDINANCE LANGUAGE: 14-23-3 Parking Requirements Institutional Childcare a) One(1) space per four hundred (400) square feet of floor area plus; b) Minimum of one (1) drop off lane.		
PROPOSED ZONING ORDINANCE LANGUAGE: 14-23-3 Parking Requirements Institutional Childcare a) One (1) space per four hundred (400) square feet of floor area.		
APPLICANT'S SIGNATURE: 		

* APPLICANT MAY USE ADDITIONAL SHEETS AS NECESSARY

**Article 14-23-3 Parking and Loading Requirements
 Non-Residential Uses**

INSTITUTIONAL		
Child care	Facilities providing daily care of children in a nursery, day care or pre-school center	<ul style="list-style-type: none"> a) One (1) space per four hundred (400) s.f. of floor area, plus b) Minimum of one (1) drop off lane
Public, social and cultural services	Facilities providing public, social, non-profit, or institutional services in a library, museum, art gallery, post office, treatment, detention, or release center, halfway house, employment agency, shelter, and similar civic/public, cultural, and social institution (excluding group home)	<ul style="list-style-type: none"> a) One (1) space per two hundred (200) s.f. of floor area
Religious assembly	Facilities providing religious worship or study in a church, temple, synagogues and similar places	<ul style="list-style-type: none"> a) One (1) space per four (4) seats in main assembly area based on design capacity
School	Public, charter or private educational institutions for Elementary and Junior High (Ord. No. 04-198)	<ul style="list-style-type: none"> a) One (1) space per three (3) fixed seats of auditorium based on design capacity plus b) Minimum of ten (10) spaces for visitors parking
	Senior High (Ord. No. 03-170)	<ul style="list-style-type: none"> a) Two (2) spaces per classroom, plus b) One (1) space per employee, plus c) One (1) space per three (3) fixed seats of auditorium based on design capacity plus d) Minimum of ten (10) spaces for visitors parking.

ORDINANCE NO. 07-20

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1977 EDITION), BY AMENDING ARTICLE 14-23 PARKING AND LOADING REQUIREMENTS, PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Maricopa County, Arizona, held a public hearing on June 21, 2007, to consider a proposed amendment to the Peoria City Code, after notice in the manner provided by law; and

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance, and manner provided by law including publication of such in the Arizona Business Gazette on May 31, 2007; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of June 21, 2007, voted to recommend to the Mayor and Council of the City of Peoria, Arizona, that amendments be made to the Peoria City Code (1977 edition) and Chapter 24 of the Peoria City Code; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, have considered the recommendation of the Planning and Zoning Commission of the City of Peoria, Arizona, and deem it to be in the best interest of the public health, safety and welfare of the residents of the City of Peoria, Arizona to amend Article 14-23, Parking and Loading Requirements, of the Peoria City Code.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona as follows:

SECTION 1. Article 14-23, Parking and Loading Requirements, of Chapter 14 of the Peoria City Code (1977 edition) as shown in Exhibit A.

SECTION 2. Effective Date. This Ordinance shall become effective on the date provided by law.

SECTION 3. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this _____ day of _____, 2007.

Bob Barrett, Mayor

Date Signed

ATTEST

Mary Jo Kief, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in: Arizona Business Gazette Pub.

Dates: May 31, 2007

Effective Date:

Article 14-23-3 Parking and Loading Requirements Non-Residential Uses

INSTITUTIONAL

Child care	Facilities providing daily care of children in a nursery, day care or pre-school center	a) One (1) space per four hundred (400) s.f. of floor area, plus b) Minimum of one (1) drop off lane
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