

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 17R
Amend No. _____

Date prepared: March 21, 2008

Council Meeting Date: April 3, 2008

TO: Terry Ellis, City Manager

FROM: Glen Van Nimwegen, AICP, Community Development Director 

PREPARED BY: Chris M. Jacques, AICP, Acting Planning Manager 

SUBJECT: GPA 07-03, Colonial 83rd & Olive

A proposal to adopt a resolution for a minor amendment to the Peoria General Plan through the *Central Peoria Revitalization Plan Land Use Map* for a site comprising approximately 17.2 gross acres from "Neighborhood Commercial Mixed-Use" to "High Density Residential (15+ units per acre). The site is generally located north and west of the northwest corner of 83rd Avenue and Olive Avenue and is more particularly described as Assessor's Parcel Numbers (APN) 142-37-041G and 142-37-041H. (XREF: Z07-06)

Recommendation:

The Mayor and Council concur with the Planning and Zoning Commission's recommendation and adopt a resolution for a minor amendment to the General Plan through the Central Peoria Revitalization Plan Land Use Map from "Neighborhood Commercial Mixed Use" to "High Density Residential" (15+ du/ac). This item was carried over from March 18, 2008.

Planning & Zoning Commission Recommendation:

On February 7, 2008, the Planning and Zoning Commission departed from the recommendation of the Planning Division and voted 4-1 to recommend approval of the requested action. Discussion on the recommendation and concerns from neighborhood residents described in the attached meeting minutes (Exhibit E).

CITY CLERK USE ONLY:

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

ORD. # _____ RES. # 08-42A
LCON# _____ LIC. # _____
Action Date: _____

Planning Division Recommendation:

Land Use Summary: (Exhibits A-C)

1.

GPA 07-03	LAND USE	ZONING	GENERAL PLAN
SITE	Vacant	Intermediate Commercial (C-2) and Office Commercial (O-1)	Neighborhood Commercial Mixed-Use
North	Detached Single-Family Residential (Mesquite Vistas)	Single-Family Residential (R1-6)	Low Density Residential (2-5 du/ac)
West	Detached Single-Family Residential (Cedarbrook)	Single-Family Residential (R1-8)	Low Density Residential (2-5 du/ac)
East	Vacant	Planned Area Development (PAD)	Neighborhood Commercial Mixed-Use
South	Vacant	Intermediate Commercial (C-2)	Low Density Residential (2-5 du/ac)

Background:

2. The applicant is proposing to amend the Peoria General Plan through the *Central Peoria Revitalization Plan* for a site constituting approximately 17.2 gross acres. The application requests a re-designation from Neighborhood Commercial Mixed-Use (with an underlying residential density of 15+ units per acre; target 18.0 du/ac) to High-Density Residential (15+ du/ac; target 18.0 du/ac) to facilitate a multi-family residential development of 364 units (21.15 du/ac). The applicant has submitted an accompanying Rezone application (Case Z 07-06) that is being considered concurrently with this request.
3. The subject site is a vacant, flat and irregularly-shaped infill parcel bounded by the 83rd Avenue (arterial) to the east, Olive Avenue (arterial) to the south, Cedarbrook (detached SFR) to the west and the Hatcher Road alignment to the north. The Mesquite Vistas (detached SFR) development is located to the north of the site. An existing 6' high block wall separates Cedarbrook and Mesquite Vistas (across the remaining portion of the Hatcher Road alignment) from the subject site.
4. Contextually, the site is located approximately one-mile to the east of the Loop 101 and approximately ½ -mile to the south of Old Town Peoria. The intersection of Olive Avenue and 83rd Avenue is fully signalized. An existing gas station and convenience store is located immediately adjacent to the site at the northwest corner of the intersection. Directly across 83rd Avenue (east) is an 18-acre site that was entitled in 2006 (Case Z 05-27) as a mixed-use development proposing up to 48,000 square feet of office/retail space integrated with 234 multi-family residential units. This project has not proceeded to fruition. The vacant land across Olive Avenue (SWC and SEC) consists of approximately 42-acres of land zoned as

Intermediate Commercial (C-2). Directly south of the southeast corner is the site of the City's second community park.

Discussion / Analysis:

Central Peoria Revitalization Plan

5. The subject site is located within an area guided by the Central Peoria Revitalization Plan (CPRP). The 4.5 square mile area plan is generally bounded by the Loop 101 (west), Olive Avenue (south), 75th Avenue (west) and Cactus Road (north). This Plan was adopted in 1999 as an integrated refinement to the Peoria General Plan. The Plan is intended as a comprehensive strategy for the greater Old Town Area to promote and attract economic opportunities, new mixes of complementary land uses and a pedestrian-oriented urban form. The strategies in the Plan stake out a vision for achieving an economically viable core.
6. The underlying CPRP land use designation (Exhibit B) for the site is Neighborhood Commercial Mixed Use. This designation is intended to accommodate the following:

High to medium density residential uses integrated with high to medium intensities of office, business, retail uses that attract vehicular, public transit, and pedestrian users. Vertically mixed uses are encouraged to create a variety of live-work units. Residential uses not vertically integrated should be located as a buffer to adjacent lower density development. Architecturally enhanced parking structures are encouraged with street level office, business, or community uses necessary for safe exterior environments. Neighborhood Commercial Mixed Uses are encouraged for key arterial intersections leading into the Downtown area. Neighborhood Commercial Mixed uses located at intersections of collector or local streets are planned for neighborhood supporting offices, schools and other community facilities. Residential densities are 15+ du/ac (Target - 18 du/ac).
7. In staff's judgment, the operable use of the word "integrated" promotes a mix of commercial and residential uses provided in a development format that promotes relationships between uses and opportunities for enhancing a pedestrian-friendly urban form. A moderate or high-density development type provides the necessary transition from commercial uses and a busy intersection to surrounding low-density residential uses. The intersection of Olive Avenue and 83rd Avenue provides a signalized arterial corner for future possibilities of integrated neighborhood commercial uses and/or a vertically-integrated format such as ground floor retail/office with upper story residential.
8. To recap, the request under consideration proposes exclusively high-density residential without additional commercial opportunities on the site.

General Plan Mixed-Use Development Guidelines

9. The CPRP does not provide specific guidance as to the extent and substance of the

mixed-use “node” at this corner. Accordingly, the Land Use Element (Chapter 2: pages 2-32 and 2-33) of the Peoria General Plan provides the guiding formula for achieving the synergy and composition necessary for the success of a mixed-use development. As stated in the General Plan, all mixed-use developments are to substantially exhibit the following characteristics:

- a. The residential component shall be limited to a range of 30-60% of the overall gross floor area (GFA) or total net site area, whichever is greater; and
 - b. Functional, physical and spatial integration of land uses and project components; and
 - c. Pedestrian-oriented scale and design with a full range of amenities to promote and support pedestrian and multi-modal activity; and
 - d. Architectural and thematic integration of project components.
10. As identified above, the residential component is recognized as an important ingredient. However, the formula also requires the integration of non-residential uses, hence the ceiling (60%) attached to the residential component. Table 1 attempts to quantify the residential and commercial split for the corner and therefore the extent of the subject site that should be reserved for future commercial opportunities. There are several assumptions provided in the example. The yield assumes that residential is “maxed-out” at 60% for an overall corner that “credits” the existing 0.92 acre gas station (9,997 square feet). Secondly, the example utilizes a standard suburban commercial floor area ratio (FAR) of 0.25 and a residential density of 20 units per acre.

TABLE 1: MF/Commercial Yield based on Mixed-Use Guidelines

Land Use ^a	Overall Corner (Breakout) ^b	Overall Corner (Yield)	Required for Subject Site	New Commercial Yield (Subject Site)
Multi-Family Residential	9.7 net acres (60%)	194 residential units	9.7 net acres (64%)	N/A
Commercial	6.47 acres (40%)	70,437 square feet	5.55 net acres (36%)	60,440 square feet
TOTAL	16.17 NET ACRES		15.25 NET ACRES	

- a. Assumes a maximum of 60% net site area for residential
- b. The overall corner (16.17 net acres) includes the existing gas station.
- c. Assumes 0.25 Floor Area Ratio (FAR) for commercial and 20 du/ac for residential density.

11. In the table above, to achieve the 60% residential/40% commercial split for the overall northwest corner, the subject site should reserve approximately 5.55 net acres or 36% of its site. Based on the assumptions above, this reserved area would contribute approximately 60,440 square feet of commercial space to an overall corner yield of 70,437 square feet. Again, the example credits the existing gas station and convenience store.
12. In summary, substantive commercial uses at this corner provide a necessary

"building block" for the revitalization of the greater downtown area and are essential to meet the needs of existing and new residents that will be generated by several new high-density residential projects already entitled or approved in this area (Exhibit D). To this end, staff is not supportive of any change of land use which reduces retail opportunities and a healthy jobs/housing balance. The justification offered by the applicant does not provide sufficient empirical data that mixed-use development is not viable at this location.

Evaluation of Residential Density

13. The applicant proposes 364 units on 17.21 gross acres, or 21.15 units per acre. The proposed density exceeds the target density prescribed for Neighborhood Commercial Mixed Use (18 du/ac) by 3.16 du/ac. Increased densities beyond the target may be considered utilizing the "Residential Target Density" criteria on Page 2-20 (Chapter 2: Land Use Element) of the Peoria General Plan. Projects greater than 10 acres in size which are located in an Infill Incentive District may be granted approval for an increase of up to two (2) dwelling units per acre. The project exceeds ten acres and is located in an Infill Incentive District. Accordingly, the presence of these attributes adjusts the target density to twenty (20) dwelling units per acre. While the PAD Standards and Guidelines Report (Case Z 07-06) references various ornamental elements such as iron railings, decorative window treatments, and stone enhancements, the building elevations provided do not reflect enhanced design review standards. In addition, the Conceptual Development Plan designates 10% of the site for usable open space, which merely meets the current standard as outlined in the Design Review Manual. These proposed development standards as demonstrated do not warrant an increase above the adjusted target density of 20 units per acre.

General Plan Decision Criteria

14. Chapter 14 of the Peoria General Plan ("Plan Administration") directs the City to make an affirmative finding that the proposal (re-designation) substantially demonstrates or exhibits the following evaluative criteria. The staff responses are *italicized*.

- i. The development pattern contained in the Land Use Plan inadequately provides appropriate optional sites for the use or change proposed in the amendment.

There are various areas in the City which would be appropriate for high-density residential development in addition to the subject site. This location has been targeted for mixed use development due to its proximity to the downtown area and the need for both residential and commercial activity to spur redevelopment.

- ii. The amendment constitutes an overall improvement to the General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.

The proposal will not result in an overall improvement to the City's General Plan as it reduces employment opportunities and the overall jobs-to-housing balance on a

strategic site proximate to the Old Town core with access to two arterial streets. The proposed development plan also does not provide sufficient amenities to justify the proposed residential density.

- iii. The amendment will not adversely impact the community as a whole or a portion of the community by:
- Significantly altering acceptable existing land use patterns,
 - Requiring larger and more expensive improvements to roads, sewer or water delivery systems than are needed to support the prevailing land uses and which, therefore, may impact developments in other areas,
 - Adversely impacting existing uses because of increased traffic on existing systems, or
 - Affecting the livability of the area or the health and safety of the residents.

The proposal supports paragraph iii by utilizing an infill site which could exhibit a reduction in trip generation from that of a grocery store and retail center. Appropriate mitigations would be critical to ensure a smooth transition through building orientation, landscape buffering and traffic movement to prevent adverse impacts to existing single-family residential areas. However, existing utilities and road infrastructure also support uses currently identified in the General Plan.

- iv. That the amendment is consistent with the overall intent of the General Plan and other adopted plans, codes and ordinances.

The CPRP provides a refinement to the General Plan. Accordingly, as discussed above, the proposal is inconsistent with the land use designation as identified herein and is incompatible with several General Plan goals, objective and policies as outlined below:

Land Use Type

- ✓ Objective 2.1.1: Foster commercial, industrial and business park employment centers that are compatible with Peoria's economic needs and opportunities.
- ✓ Policy 4.1.A.2: The City shall encourage commercial activity in conjunction with appropriate highway and transit corridors (i.e. at arterial intersections).
- ✓ Policy 10.1.A.8: The City should encourage jobs/housing balance by promoting land use patterns that decrease automobile travel between home and the workplace.

Agency Comments:

15. Economic Development – The Economic Development Department has concurred that retaining employment opportunities is preferable near the Downtown area, and indicates that some commercial development is warranted at this location. The development of future high-density residential within the area and the proximity to both the Peoria Sports Complex and Glendale's Westgate Center make this a viable site for commercial development to support existing and future activity in the surrounding area.

Opposition / Support:

16. Staff has received 4 emails from neighboring residents in opposition to the proposed project. Specific concerns were expressed about increased traffic, particularly along Olive Avenue, an increase in crime/blight from rental units, privacy issues with 2-3 story structures adjacent to backyards, and the proximity of a proposed jogging path to existing single-family homes. Through neighborhood outreach, including door-to-door contact and meetings, the developer has attempted to address concerns, as outlined below. The developer has provided 9 statements of support for the General Plan Amendment and accompanying Rezoning application through their neighborhood canvassing efforts (available upon request).
17. The applicant made a presentation about the proposed multi-family development at the Stoneview Homeowners Association Board meeting on April 18, 2007. They also held a neighborhood meeting on November 13, 2007 at Alta Loma Elementary School. 115 notices were sent out to property owners within 300 feet of the subject site, and the meeting was attended by 18 people (sign in sheet and minutes from both meetings available upon request). To address concerns with traffic generation and Olive Avenue access, the developer indicated that the location of access points to the development could be re-evaluated, and that multi-family residential would actually generate less traffic than commercial or office development allowed under the existing zoning. With regard to crime, the developer acknowledged the perception of crime with regard to multi-family development but proposed to address this through high-end development standards and a gated entry into the project. With regard to the units overlooking existing residences, the site plan proposes all 3-story units be at least 100 feet from adjacent residential property lines, with 2-story units set back 25 feet to act as a buffer. The developer is amenable to a stipulation which would require only clerestory windows along the rear of the units adjacent to existing residential. Other options could also be explored, such as shifting the location of certain units and providing additional landscaping. Finally, the proposed jogging trail could be removed and replaced with passive open-space areas to eliminate pedestrian traffic behind the single-family residences.
18. Peoria Unified School District: Staff has received a letter of support from the District, conditional upon the execution of a Developer Assistance Agreement prior

to City Council action. The District is in ongoing discussions with the developer and expects an agreement to be reached prior to the Council hearing.

Proposition 207 Discussion

19. The voters of Arizona recently approved Proposition 207, which amongst other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. The applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the City Council action.

Findings / Recommendation:

20. Based on the findings contained below, the Planning Division recommended denial of Case GPA 07-03.
 - The proposal is not consistent with the Central Peoria Revitalization Plan and the Neighborhood Commercial Mixed-Use designation; and
 - The proposed change results in a land use mix at this corner that does not conform to the Mixed-Use guidelines as set forth in the Land Use Element of the General Plan
 - The proposed amendment does not constitute an overall improvement to the City's General Plan, and instead is solely for the good or benefit of a particular landowner or owners at a particular point in time.

Attachments:

Exhibit A: Location Map
Exhibit B: Existing Land Use Map
Exhibit C: Zoning Map
Exhibit D: High Density Residential Proximity Map
Exhibit E: P&Z Meeting Minutes of 2/7/08

Resolution

Prepared by: Chris M. Jacques, AICP
Acting Planning Manager

SUPPORTING DOCUMENTATION
PERTAINING TO THIS
AGENDA ITEM IS ON FILE IN THE
OFFICE OF THE CITY CLERK