

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: LR
Amend No. _____

Date prepared: July 15, 2008

Council Meeting Date: August 26, 2008

TO: Carl Swenson, City Manager
FROM: Glen Van Nimwegen, AICP, Community Development Director *GN*
THROUGH: Chris Jacques, AICP, Interim Planning Manager
PREPARED BY: Adam Pruett, Senior Planner
LOCATION: Southwest corner of 83rd Avenue & Pinnacle Peak Road
SITE ACREAGE: Approximately 10 acres
SUBJECT: 83rd & Pinnacle Peak Professional Offices, Z 07-09: Proposal to rezone approximately 10 acres from its current Zoning District of AG (General Agricultural) to a PAD (Planned Area Development) Zoning District to allow for a multiple-building, single-story office development.

Recommendation:

The Mayor and Council concur with the Planning and Zoning Commission's recommendation to adopt the attached ordinance rezoning a site encompassing approximately 10 gross acres from AG (General Agricultural) to a Planned Area Development (PAD) with the addition of three stipulations pertaining to site lighting, trash enclosure locations and the size limitation of the permitted coffee shop & deli use.

Voting Requirements:

1. Subsequent to the Planning & Zoning Commission action, the City received two petitions on May 22, 2008 objecting to the decision. Staff has evaluated the petitions and determined that a valid "legal protest" exists per A.R.S. 9-462.04.H. Accordingly, supporting action on Case Z 07-09 will require a super-majority or ¾ vote (6 of 7).

CITY CLERK USE ONLY:

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

ORD. # 07-26 RES. # _____
LCON# _____ LIC. # _____
Action Date: _____

City Council – June 17, 2008 Continuance:

2. The zoning action was originally scheduled to be heard at the June 17, 2008 City Council hearing. Due to unforeseen scheduling conflicts, the applicant was unable to attend and requested that the case be continued to the August 26, 2008 City Council hearing. All public hearing notices, including legal ads, signage and postcards were updated to reflect the new City Council date.

Planning & Zoning Commission Action:

3. On May 15, 2008, at a public hearing, the Commission voted 5-1 in favor of recommending approval of the request to establish PAD zoning for the subject property. The Commission added Stipulations 11-13 (Exhibit C) to their approval. The zoning change would be from AG (General Agricultural) to Planned Area Development (PAD).
4. There were approximately 30 attendees at the May 15, 2008 Planning & Zoning Commission hearing. Of these attendees, five spoke on this case – three spoke in opposition and two spoke in favor. In large part, those in opposition to the project are concerned about this project's compatibility with the surrounding low density residential community. Other issues regarding restaurant uses, lighting, parking and trash container locations were discussed. Additional stipulations were added to the rezoning case by the Commission to help mitigate these issues. A copy of the May 15, 2008 Planning & Zoning Commission meeting minutes are provided as Exhibit I of this report.

Surrounding Land Use and Zoning:

5.

| Z 07-09 | LAND USE | ZONING |
|----------------|---|-----------------|
| On-Site | Vacant | AG |
| North | Pinnacle Peak Road / Developing Large-Lot Residential | County Rural-43 |
| West | Large-Lot Residential | County Rural-43 |
| East | 83 rd Avenue / Large-Lot Residential | R1-18 |
| South | Planada Lane / Large-Lot Residential | County Rural-43 |

Background:

6. The applicant is requesting PAD zoning on approximately 10.12 acres located on the southwest corner of 83rd Avenue & Pinnacle Peak Road. The rezoning would allow for a multiple-building, single-story office development. The subject property is bounded by County property on three sides and 83rd Avenue on the fourth.

7. This request is accompanied by a Minor General Plan Amendment application (Case GPA 07-05) to change the current Residential Estate (0-2 du/ac) designation to Office Commercial.
8. The applicant originally filed a General Plan Amendment, an O-1 zoning application and a Site Plan Review application to run concurrently. After the first review, staff acknowledged some of the residents' concerns and recommended the applicant re-file the zoning as a Planned Area Development (PAD), which allows for the customization of development standards and permitted uses.
9. This PAD limits building height to 28 feet or one story. The current zoning (AG) and all single-family residential zoning districts allow 30 feet or two stories. Uses have been limited to professional offices, a bank and medical offices with the additional allowance of a deli and a coffee shop with associated size limitations. Drive through or non-chartered financial uses are prohibited.
10. As part of the original O-1 zoning application, the applicant was required to concurrently file a complete Site Plan and Design Review Package. Prior to filing the PAD, the applicant reviewed staff's comments and made substantial changes to the site plan and building elevations to better illustrate the development standards provided in the PAD Standards and Guidelines Report. A conceptual site plan and building elevation has been provided and will be used as the baseline for the forthcoming site plan and design review should this application be approved.
11. Access to and from this site has been limited to 83rd Avenue and Pinnacle Peak Road only. No access, pedestrian or vehicular, from Planada Lane is being proposed.
12. The proposed building setbacks are consistent with the O-1 Zoning District, though the buildings have been located on the site in a manner that more than doubles the minimum setbacks. Landscape buffers and parking screen walls have been provided in accordance with the Zoning Ordinance.

Discussion / Analysis:

13. This property has significant history where previous attempts to develop the site with general retail uses were heavily opposed and ultimately withdrawn. The applicant for this request has presented the City with a request for a single-story professional office complex that has been designed to blend with the community, both architecturally and through site design.
14. Sites of this size located at the intersection of two arterials are often candidates for retail commercial development. Such intersections are typically designed to safely

handle commercial traffic. Incidentally, these properties are highly desirable for retail users since visibility is a critical ingredient for the success of retail businesses.

15. This application represents a balance between typical development trends and the desires of the community. Although some opposition to this case has been received, staff believes this is an appropriate use that has been executed in a desirable fashion considering the site's location and proximity to existing single-family residential uses.
16. The General Plan contains numerous Goals, Objectives and Policies that promote a balance between housing and employment, economic development and development that is in proportion to surrounding areas. Staff believes this request is in compliance with the General Plan.
17. Two neighborhood meetings were held at the Sunrise Mountain Library to discuss this application. The first meeting was on July 18, 2007 (16 attendees) and the second was on September 18, 2007 (12 attendees). Notification of these meetings was in accordance with Section 14-39-6.E of the Zoning Ordinance.
18. Concerns regarding restaurant users, lighting, noise, traffic and the location of trash enclosures were expressed by the neighbors at these meetings and again at the May 15, 2008 Planning & Zoning Commission meeting. As a result, the Commission added stipulations that limits the amount of coffee shop and restaurant square footage to 3,000 square feet (combined), reduced the height of parking lot lighting to 16' and restricted the placement of lights outside of the required landscape buffer(s). The Commission also stipulated that the trash enclosures shall not be located around the perimeter of the project where adjacent to Planada Lane or any residence.
19. Staff's analysis of this proposal has determined that this is an appropriate use for this site.

Proposition 207 Discussion:

20. The voters of Arizona recently approved Proposition 207 which among 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. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the City Council action.

Attachments:

| | |
|-----------|---|
| Exhibit A | Project / Zoning Map |
| Exhibit B | Applicant Amendment Justification |
| Exhibit C | Conditions of Approval |
| Exhibit D | Conceptual Site Plan |
| Exhibit E | Conceptual Landscape Plan |
| Exhibit F | Conceptual Elevations |
| Exhibit G | PAD Standards & Guidelines Report |
| Exhibit H | Citizen Participation Summary Report |
| Exhibit I | May 15, 2008 Planning & Zoning Commission Meeting Minutes |

Ordinance

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