Planning and Zoning Commission
Special Meeting
Notice & Agenda

Thursday, November 13, 2014
Council Chamber
8401 W. Monroe Street
Peoria, AZ 85345

Regular Meeting

6:30 P.M.

Convene
Roll Call
Opening Statement
Final Call To Submit Speaker Request Forms

Consent Agenda

CONSENT AGENDA: All items listed with "C" are considered to be routine or have been previously reviewed by the Board/Commission, and will be enacted by one motion. There will be no separate discussion of these items unless a Board/Commission member so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

Consent – New Business

1C **Disposition of Absence**

All Commissioners were present at the October 16, 2014 meeting.

2C **Minutes**

Discussion and possible action to approve the minutes of the Planning and Zoning Commission meeting held on October 16, 2014.

Chairman	Vice-Chairman	Secretary	Member	Member	Member	Member	Alternate Member
Nancy Golden	Leigh Strickman	Leonard Spraker	Greg Loper	Shawn Hutchinson	Bill Louis	Jeff Nelson	Jay Otlewski

3C **PUBLIC HEARING:** RE: Conditional Use Permit – AT&T TAG Trilogy

CU14-0008: Discussion and possible action to consider a request for a Conditional Use Permit to allow a wireless communication facility in the form of three stealth 35' tall faux saguaro cacti and associated ground-mounted equipment. The property is located at the west corner of Vistancia Boulevard and Trilogy Boulevard/Towne Center.

4C **PUBLIC HEARING:** RE: Conditional Use Permit – Express Oil

CU14-0014: Discussion and possible action to consider a request for a Conditional Use Permit to allow an Express Oil Change automotive repair and service facility with 12 service bays in a C-2, Intermediate Commercial, zone. The property is located north of the northwest corner of 83rd Avenue and Thunderbird Road on an undeveloped building pad, Lot 8, in the Thunderbird Marketplace commercial center.

5C **PUBLIC HEARING:** RE: Conditional Use Permit – Brake Masters

CU14-0012: Discussion and possible action to consider a request for a Conditional Use Permit to allow for a Brake Masters Automotive repair center with 8 service bays. Brake Masters Automotive will be open from 7:30 a.m. to 5:30 p.m. Monday-Saturday and is located in the Lake Pleasant Pavilion commercial center at 10029 W. Happy Valley Road.

6C **PUBLIC HEARING:** RE: Conditional Use Permit – ACT Glass

CU14-0017: Discussion and possible action to consider a request for a Conditional Use Permit to allow light assembly and fabrication of window frames for residential homes and commercial properties within the Bell Freeway Commercial Park Planned Area Development. The property is located south of the southeast corner of 87th Avenue and Kelton Lane in an existing suite.

Regular Agenda

New Business

7R **PUBLIC HEARING:** RE: Land Use Element and Public Administration Update

GPA14-0002: A city-initiated amendment to the General Plan to update the Land Use Element and Plan Administration in an effort to maintain a document that adequately responds to changing social, economic, other demographic trends, and development

pressures which impact land use, traffic patterns, socio-economic conditions, and provisions to City services among others.

Staff Report
Open Public Hearing
Public Comment
Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request from the City of Peoria to amend the General Plan Land Use Element and Plan Administration section in an effort to maintain a document that adequately responds to changing social, economic, other demographic trends, and development pressures which impact land use, traffic patterns, socio-economic conditions, and provisions to City services among others.

8R **PUBLIC HEARING:** RE: Conditional Use Permit – Grand Avenue Station

CU14-0009: Discussion and possible action to consider a request for a Conditional Use Permit to allow the operation of an automotive tire shop and repair facility in an existing building (former gas station). The property is located at the northeast corner of 75th Avenue and Olive Avenue at 7410 W. Olive Avenue.

Staff Report
Open Public Hearing
Public Comment
Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request for a Conditional Use Permit to allow the operation of an automotive tire shop and repair facility in an existing building (former gas station). The property is located at the northeast corner of 75th Avenue and Olive Avenue at 7410 W. Olive Avenue.

9R **PUBLIC HEARING:** RE: Text Amendment

TA14-0001: A public hearing will be held to consider a City of Peoria initiated request to amend Article 14-2 “Definitions”, Article 14-3 “General Provisions”, Article 14-5 “Single-Family Residential Districts”, Article 14-9 “Non-Residential Districts”, and Article 14-39 Administrative Procedures” of the Zoning Ordinance; effectively establishing criteria in which Donation Drop-Off Boxes would be a permitted use within the City of Peoria.

Staff Report
Open Public Hearing
Public Comment
Close Public Hearing

Commission Action: Discussion and possible action to consider a City of Peoria initiated

request to amend Article 14-2 “Definitions”, Article 14-3 “General Provisions”, Article 14-5 “Single-Family Residential Districts”, Article 14-9 “Non-Residential Districts”, and Article 14-39 Administrative Procedures” of the Zoning Ordinance; effectively establishing criteria in which Donation Drop-Off Boxes would be a permitted use within the City of Peoria.

10R **PROJECT UPDATE:** Staff will review and discuss the *Final Draft* Sonoran Preservation Program and to seek comment, input, and direction on the findings, priorities and recommendations. The goal of the program is to identify areas that merit special consideration and then attempt to strategically assemble them over time – through acquisition, conservation, partnerships and development cases -- into a meaningful network of connected open spaces for a variety of users. No Action will be taken on this item.

Call To The Public (Non-Agenda Items)

Your comments pertaining to the Planning and Zoning Commission business are welcome. However, if you wish to address the Planning and Zoning Commission, please complete a Speaker Request Form and return it to the clerk before the call to order for this meeting. Boards and Commissions are not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

Reports from Staff
Reports from Planning and Zoning Commission
Adjournment

NOTE: Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Board/Commission Meeting, at any time during regular business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

Accommodations for Individuals with Disabilities. *Alternative format materials, sign language interpretation, assistive listening devices or interpretation in languages other than English are available upon 72 hours advance notice through the Office of the City Clerk, 8401 West Monroe Street, Room 150, Peoria, Arizona 85345 (623)773-7340, TDD (623)773-7221, or FAX (623) 773-7304. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request.*

PUBLIC NOTICE:
In addition to the Board/Commission members noted above, one or more members of the City of Peoria City Council or various other Boards and Commissions may be present to observe this meeting as noticed on this agenda.

Planning and Zoning Commission meetings can be viewed live on Channel 11 (Cox Cable) and are available for viewing on demand at http://www.peoriaaz.gov/content2.aspx?id=2151.

PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
RIO VISTA RECREATION CENTER
OCTOBER 16, 2014

A Meeting of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 8866-A W. Thunderbird Road, Peoria, AZ in open and public session at 6:30 p.m.

Members Present: Chair Nancy Golden, Vice-Chair Leigh Strickman, Secretary Leonard Spraker, Commission Members Greg Loper, Bill Louis and Jeff Nelson

Members Absent: none

Others Present: Chris Jacques – Planning Director, Steve Burg – Deputy City Attorney, Melissa Sigmund – Senior Planner, Rick Williams – Planner, Lorie Dever – Planner and Della Ernest – Executive Assistant

---

Opening Statement: Read by Chair Golden

Call for speaker request forms.

Audience: 52

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

CONSENT AGENDA

All items listed with a "**C**" are considered to be routine by the Planning and Zoning Commission, and were enacted by one motion.

1C **Disposition of Absence**

Discussion and possible action to approve/excuse the absence of Vice-Chair Strickman and Commissioners Shawn Hutchinson and Bill Louis from the September 18, 2014 meeting.

2C **Minutes**

Discussion and possible action to approve the minutes of the Planning and Zoning Commission meeting held on September 18, 2014.

COMMISSION ACTION: Commissioner Louis moved to approve the Consent Agenda. The motion was seconded by Vice-Chair Strickman and upon vote, carried unanimously, 7-0.

REGULAR AGENDA

NEW BUSINESS:

3R **PUBLIC HEARING:** RE: Conditional Use Permit – Private Self Defense/Martial Arts Studio

CU14-0006: A public hearing was held to consider a request for a Conditional Use Permit to allow a private self defense/martial arts studio. Proposed hours of operation would be 4:15pm to 8:00pm on Monday and Wednesday, and 5:30pm to 8:00pm on Tuesday and Thursday. The property is located at the northeast corner of 81st Avenue and Country Gables Drive, more specifically described as Assessor's Parcel Number 200-62-010C.

Staff Report: presented by Lorie Dever, Planner

Public Comment:

Jeff Blilie with Beus Gilbert, representing the applicant provided some history of the home purchase, business background and changes that were made to the initial request to mitigate some of the resident concerns.

William Flohr: a citizen, spoke in favor of the applicant

Steve Hash and his son: a citizen and student, spoke in favor of the applicant

Brian Reed: a citizen, spoke in favor of the applicant

Jimmy Graham: a citizen, spoke in favor of the applicant

Tina Graham: a citizen, spoke in favor of the applicant

Max Enterline: a citizen, spoke in favor of the applicant

Frank Larance and his son: a citizen and student, spoke in favor of the applicant

Michael Cocanower: a citizen, spoke in favor of the applicant

Melissa Cocanower: a citizen, spoke in favor of the applicant

Eddie Woods: a citizen, spoke in favor of the applicant

Otto Uhrik: a citizen, spoke in favor of the agenda item mentioning citing concerns with traffic, clientele and growth of the commercial business

William Zobava: a citizen, spoke against the agenda item citing concerns with traffic and the potential increase of additional businesses

Christina Yoder: a citizen, spoke in favor of the applicant

DRAFT

Darlene Treguboff: a citizen, spoke against the agenda item citing concerns with the potential increase of additional businesses and she would like to keep the area residential

Pat Strickland: a citizen, spoke in favor of the applicant

Melinda Strom: a citizen, spoke against the agenda item citing concerns with crime, noise and potential decrease in home value

Robert Strom: a citizen, spoke against the agenda item citing concerns with graffiti and spot zoning for the purpose of making money. Mr. Strom also presented the Commission with a letter and documentation of graffiti on the sign posting located on the applicant property.

Dudley Westerfield: a citizen, spoke against the agenda item and would like to keep the area residential

John Lanzerotta: a citizen, spoke against the agenda item citing concerns with additional traffic

Mr. Blilie mentioned that there can be no growth of the business without applying for a new permit and mentioned that no precedence is being set as each request is evaluated on its own, on a case by case basis.

COMMISSION COMMENTS: Commissioner Loper asked what the process is for issuing Conditional Use Permits and asked for staff to summarize the stipulations for approval of item 3R. Commissioner Loper also asked if it would be appropriate to place a timeframe on the permit and if the applicant wanted to change business hours, would the applicant need to re-apply.

Vice-Chair Strickman asked about Proposition 207 waiver that was signed and if the surrounding residents can sue the City if the item is approved.

Mr. Burg responded to Vice-Chair Strickman's question.

Commissioner Louis mentioned that the Commission members are Peoria residents and he looks at each case as though it would be in his neighborhood. Commissioner Louis also mentioned that staff did a great job of mitigating any issues and placing stipulations on the permit to reduce any negative impacts.

Secretary Spraker mentioned that there already is traffic due to the church in the immediate area, which is not much different than a commercial business with overflow parking on the street.

Commissioner Hutchinson asked what the process and timeline is for response to complaints.

Chair Golden asked where parking is on the property, if the classes are confined to inside the structure with no outside classes and if there will be any signage.

Mr. Blilie, Ms. Dever and Mr. Jacques responded to the Commission's questions.

DRAFT

COMMISSION ACTION: Commissioner Loper moved to approve agenda item CU14-0006 subject to stipulations noted in the staff report. The motion was seconded by Commissioner Louis and upon vote, carried unanimously, 7-0.

4R **PROJECT UPDATE:** Staff will discuss a City-initiated Draft **Donation Drop-Off Box Ordinance** and seek comment, input, and direction from the Commission with regards to the proposed ordinance. This is an informational item only and No Action will be taken.

Rick Williams, Planner presented the Commission with history of the donation drop off bins and reviewed the standards addressed in the draft ordinance.

COMMISSION COMMENTS: Commissioner Louis asked how the property owner and applicant would be held accountable. Commissioner Louis also asked how the bins would be identified once a permit is issued.

Secretary Spraker asked if the ordinance could include a stipulation that the property must be inspected on a regular basis and a fine could be issued if the bin is not being maintained.

Commissioner Loper would like to see included in the ordinance, a mandated inspection period by the applicant.

Commissioner Nelson asked how violations would be identified and asked if the ordinance would affect the Christmas tree drop-off areas.

Vice-Chair Strickman asked if the property owner allows the bins on-site.

Chair Golden asked how the number of bins per acre was achieved and if any of the bin owners have business licenses.

Mr. Williams and Mr. Jacques addressed the Commission's questions.

Commissioner Loper excused himself from the meeting at 8:57pm.

5R **PUBLIC HEARING:** RE: Land Use Element and Public Administration Update

GPA14-0002: A city-initiated amendment to the General Plan to update the Land Use Element and Plan Administration in an effort to maintain a document that adequately responds to changing social, economic, other demographic trends, and development pressures which impact land use, traffic patterns, socio-economic conditions, and provisions to City services among others.

Staff Report: presented by Lorie Dever, Planner

DRAFT

COMMISSION COMMENTS: Commissioner Nelson asked why offsite improvements was not added as a requirement.

Mr. Jacques responded to Commissioner Nelson's inquiry.

REPORT FROM STAFF:
Mr. Jacques notified the Commission that an Alternate Member has been appointed and will join the Commission at the November 13th meeting.

REPORTS FROM THE PLANNING AND ZONING COMMISSION: None

ADJOURNMENT: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 9:21p.m.

_____	_____
Nancy Golden, Chair	Submitted by Della Ernest
_____	_____
Date	Date

DRAFT

CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 13-0008

DATE: November 13, 2014

AGENDA ITEM: 5C

Applicant: AT&T Mobility

Request: Obtain a Conditional Use Permit (CUP) to allow the installation of a wireless communication facility in the form of two stealth 35' tall faux saguaro cacti and associated ground-mounted equipment.

Proposed Use: AT&T wireless communication facility

Location: West of the intersection of Vistancia Blvd. and Trilogy Blvd.

Size of Facility: An approximately 17,558 s.f. parcel with a 20'x15'4" equipment enclosure.

Support / Opposition: As of the date of this printing, Staff has not received any written or verbal support or opposition to this proposal.

Recommendation: **Approve**, with conditions.

AREA CONTEXT

Table 1: *Existing Land Use, Future Land Use, Current Zoning. (Exhibits A & B)*

	LAND USE	GENERAL PLAN	ZONING
Subject Property	**Golf course**	**Golf Course**	**Vistancia Planned Community District (PCD), Z01-10A.13**
North	Vistancia Blvd, then undeveloped	Mixed Use	Vistancia Planned Community District (PCD), Z01-10A.13
South	Golf Course	Golf Course & Community Commercial	Vistancia Planned Community District (PCD), Z01-10A.13
East	Trilogy Blvd, then Golf Course	Golf Course	Vistancia Planned Community District (PCD), Z01-10A.13
West	Golf Course	Golf Course	Vistancia Planned Community District (PCD), Z01-10A.13

PROJECT DESCRIPTION

Request and Development Details

1. The project site is located on a 17,558 acre parcel at the entrance to the Trilogy at Vistancia Golf Course at the southwest corner of Vistancia Blvd. and Trilogy Blvd.

2. The applicant is proposing to construct an approximately 20'x15' equipment enclosure as well as two concealed wireless communication structures in the form of faux saguaro cacti. Three live saguaros and several shrubs will be added to the existing landscape surrounding the facility in order to create an appropriate setting.

3. A site plan application for this proposal has been submitted and is currently in review under case SP14-0009.

DISCUSSION AND ANALYSIS

Applicability

4. The site in question is located within the Vistancia Planned Community District (PCD) (Z01-10A.13). A conditional use permit is required for the wireless communication facility.

5. Section 14-39-12.E outlines the applicable criteria for evaluating Conditional Use Permits (CUP). In general, the purpose of a CUP is to mitigate and/or minimize any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure compatibility between nearby land uses.

Analysis

6. In staff's judgment, the proposed use is appropriate and compatible with golf course setting and the context of the area in question. The faux saguaros will be set amongst live saguaros and other plant materials and landscape features at the golf course entrance. An 8 foot high tan CMU screen wall will surround and screen the ground equipment from view.

7. There are no alternative sites for collocation on existing wireless facilities within a one mile radius of the project site.

8. The intent of the wireless communication ordinance is to promote the use of appropriate wireless communication facilities while encouraging co-location and design techniques that minimize the impacts of such facilities on the community. The golf course location provides a non-residential setting with significant vegetation that will minimize the conspicuousness of the facility.

9. If any issues arise regarding the operation of the business, Section 14-39-12.I provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that a permit may be revoked, modified or suspended should any of the following occur:

   a. The permit was obtained by fraud or misrepresentation;
   b. The use authorized by the CUP has been exercised in violation of the conditions of approval;
   c. A change in circumstances where the following has occurred: [1] Impacts from the approved CUP to neighboring properties; and [2] Changes in aesthetic or environmental impacts such as noise, odors or pollution.
   d. The use authorized by the CUP is operated in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods, or the City; or is exercised in a manner that is detrimental to the public health, welfare or safety.

Noticing and Neighborhood Comment

10. The application notice was forwarded to all property owners within 600 feet of the proposal, including all registered HOA's within one mile, and properly noticed pursuant to Section 14-39-6 of the Peoria Zoning Ordinance.

11. As a result, to date, the City has not received any verbal or written correspondence in support or opposition to this proposal. Additionally, the site was posted at least 15 days prior to the Public Hearing with a sign meeting the requirements prescribed by the Planning Division. The applicant has provided a photo exhibit and signed affidavit attesting to the posting.

Proposition 207

12. The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of their 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.

FINDINGS AND RECOMMENDATION

13. Based on the following findings:

- The proposed addition to the existing wireless communication facility meets all CUP criteria;
- The proposal is consistent with the intent of the Ordinance by minimizing the visual impact of such facilities on the community through a concealed/camouflaged appearance and use of complementary colors and textures of the enclosure walls compatible with the surrounding environment;

- The proposal does not result in any detrimental impacts to the surrounding neighborhood.

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

Approve the applicant's request for a Conditional Use Permit under Case CU14-0008, subject to the following conditions:

1. The use shall substantially conform to the Conceptual Site Plan (Exhibit C) and Conceptual Elevations (Exhibit D) as contained in the staff report to the Planning & Zoning Commission dated November 13, 2014.

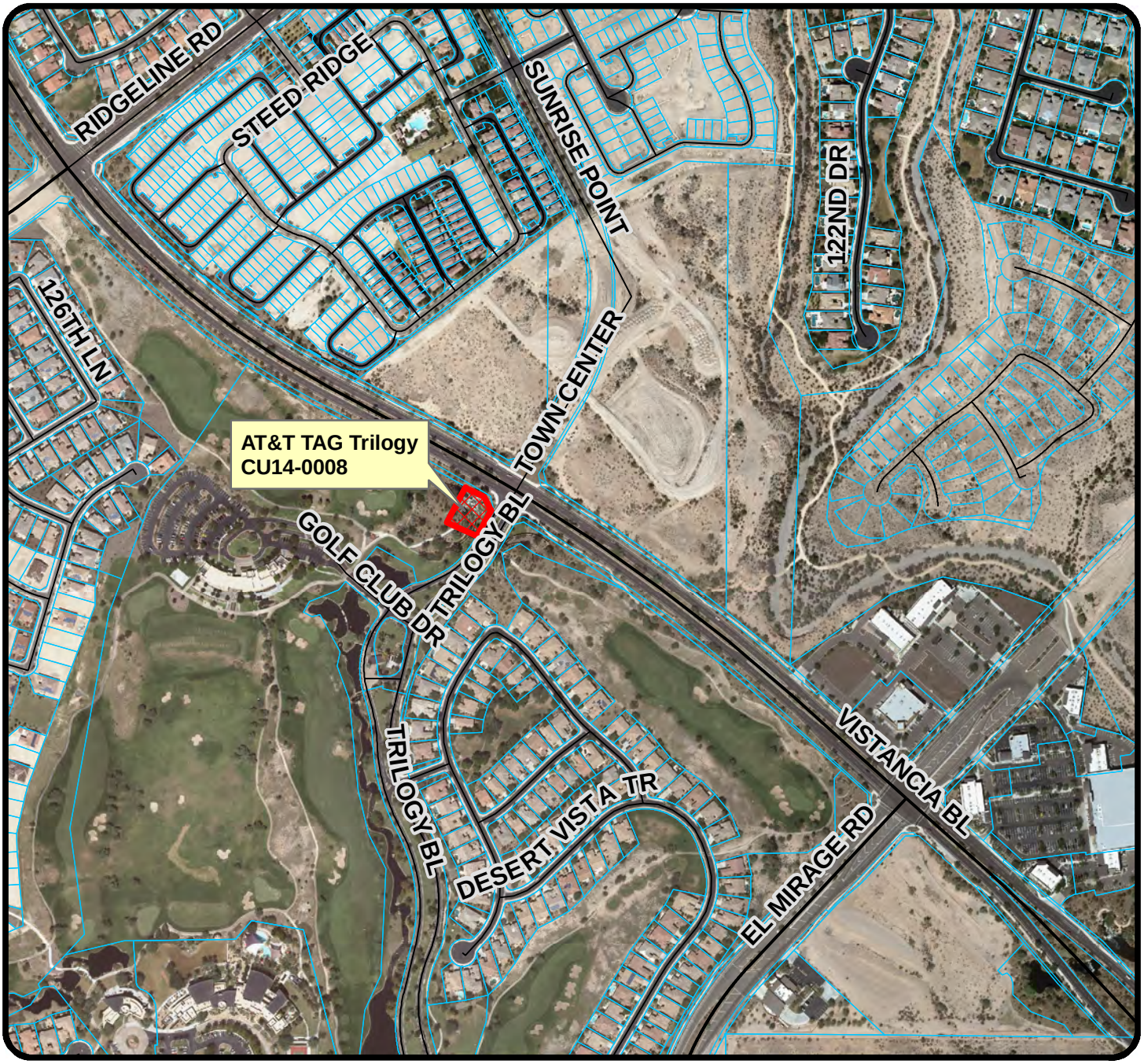
2. Any emergency generator shall receive separate approval for operation on the site.

ATTACHMENTS:

Exhibit A	Vicinity / Aerial Map
Exhibit B	Zoning Map
Exhibit C	Conceptual Site Plan
Exhibit D	Conceptual Elevations

Prepared by: Melissa Sigmund, AICP, LEED Green Associate
Interim Principal Planner

Vicinity/Location Map



CU14-0008 AT&T TAG Trilogy

Applicant: AT&T Mobility

Request: Obtain a Conditional Use Permit toallow the installation of a wireless communication facility in the form of two stealth 35' tall faux saguaro cacti and associated ground-mounted equipment.

Location:West of Vistancia Blvd and Trilogy Blvd

N

Not to Scale

EXHIBIT A

Zoning Map

CU14-0008 AT&T TAG Trilogy

Applicant: AT&T Mobility

Request: Obtain a Conditional Use Permit toallow the installation of a wireless communication facility in the form of two stealth 35' tall faux saguaro cacti and associated ground-mounted equipment.

Location:West of Vistancia Blvd and Trilogy Blvd

N

Not to Scale

EXHIBIT B

Conceptual Site Plan

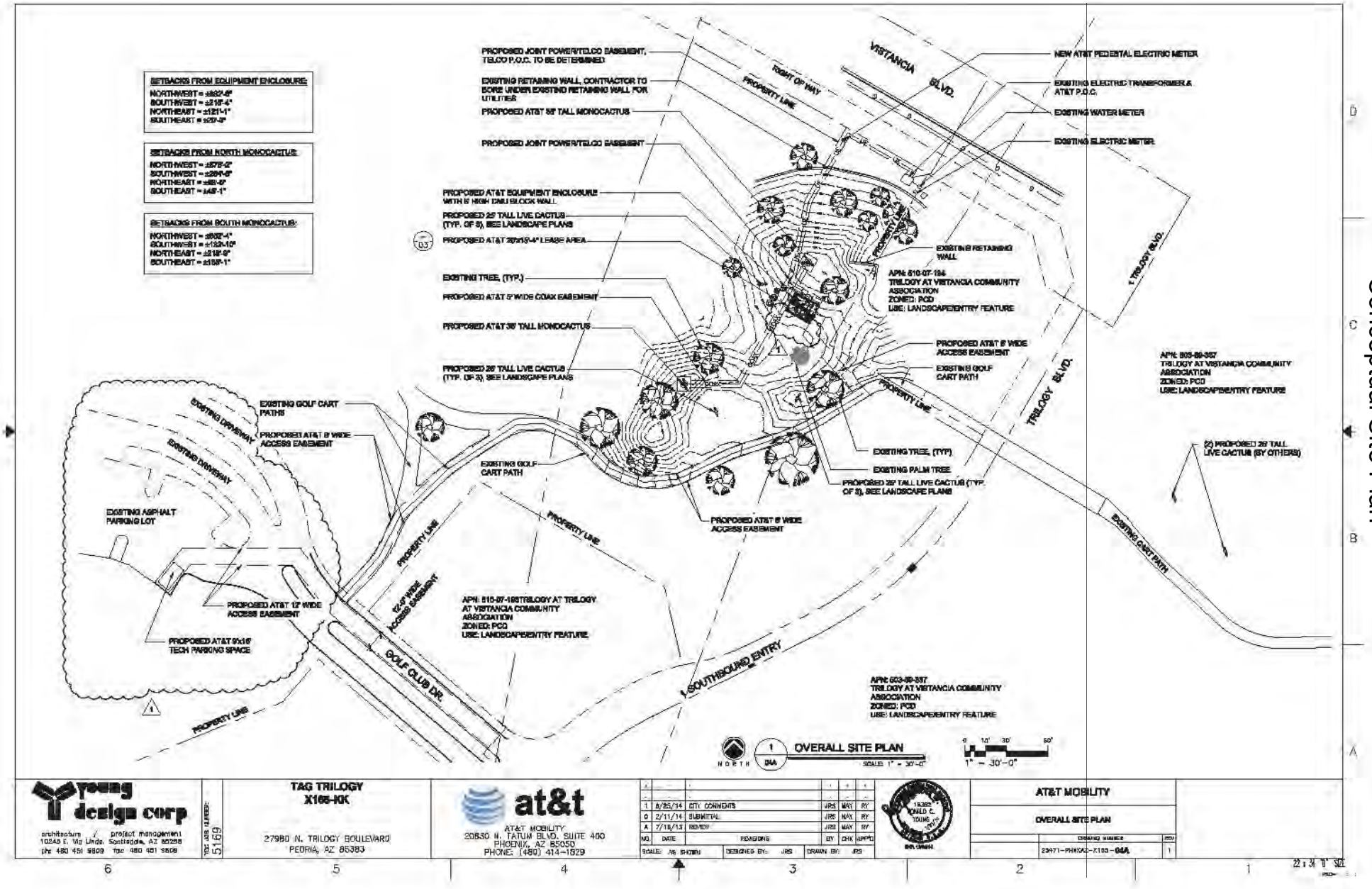


EXHIBIT C

Conceptual Elevations

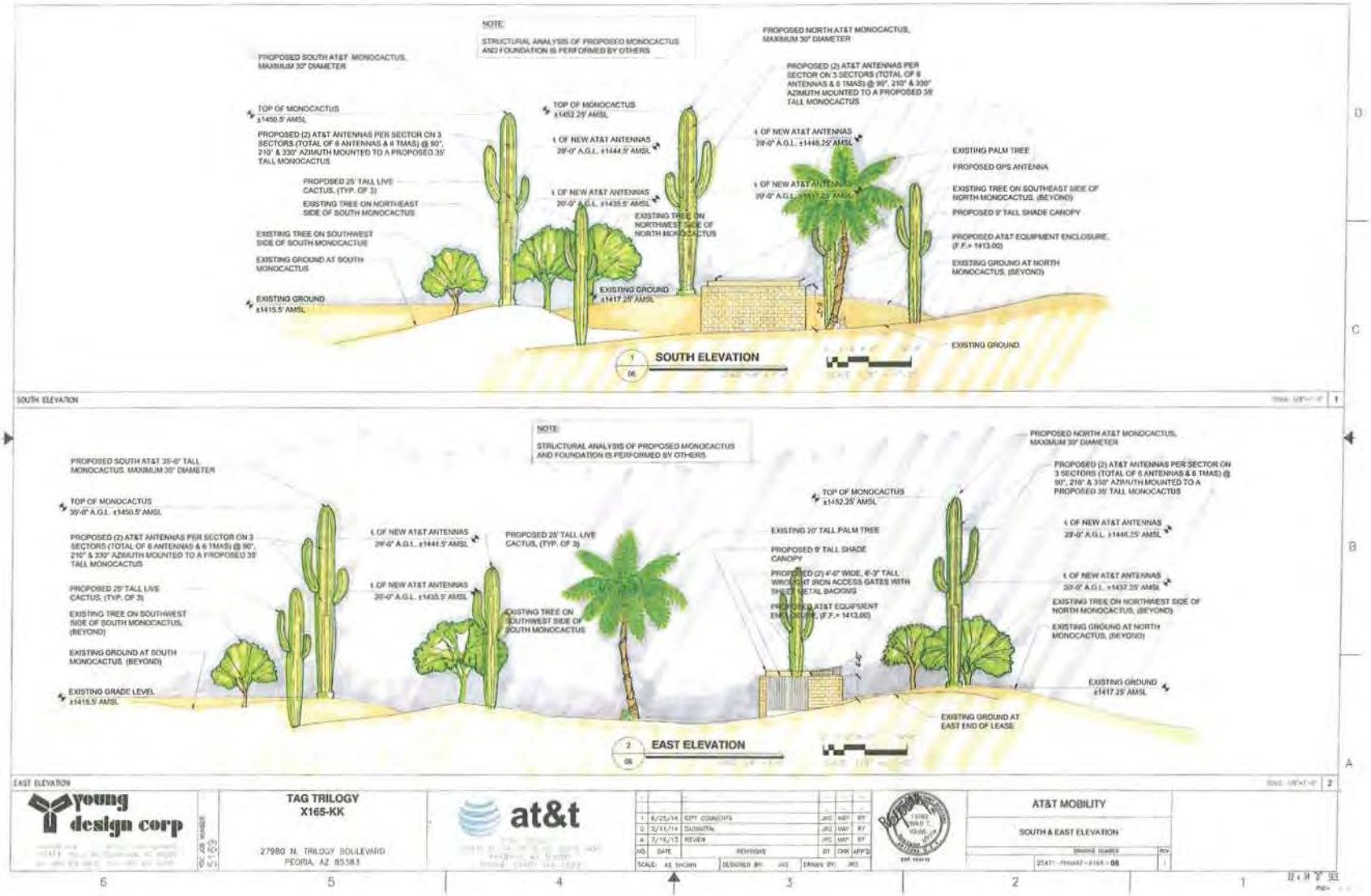
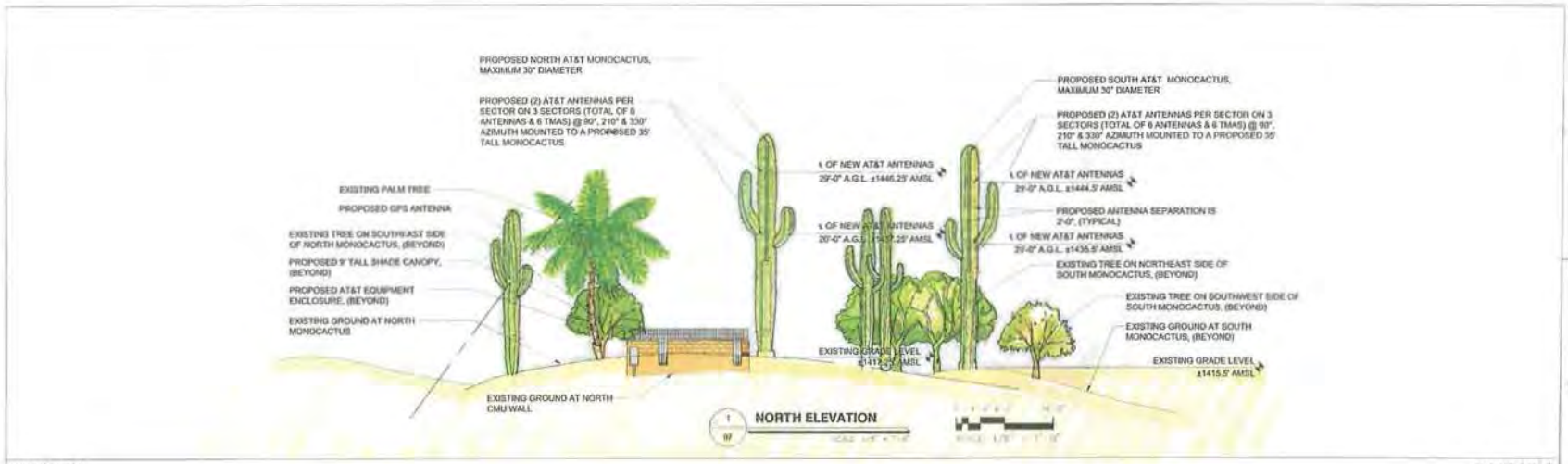
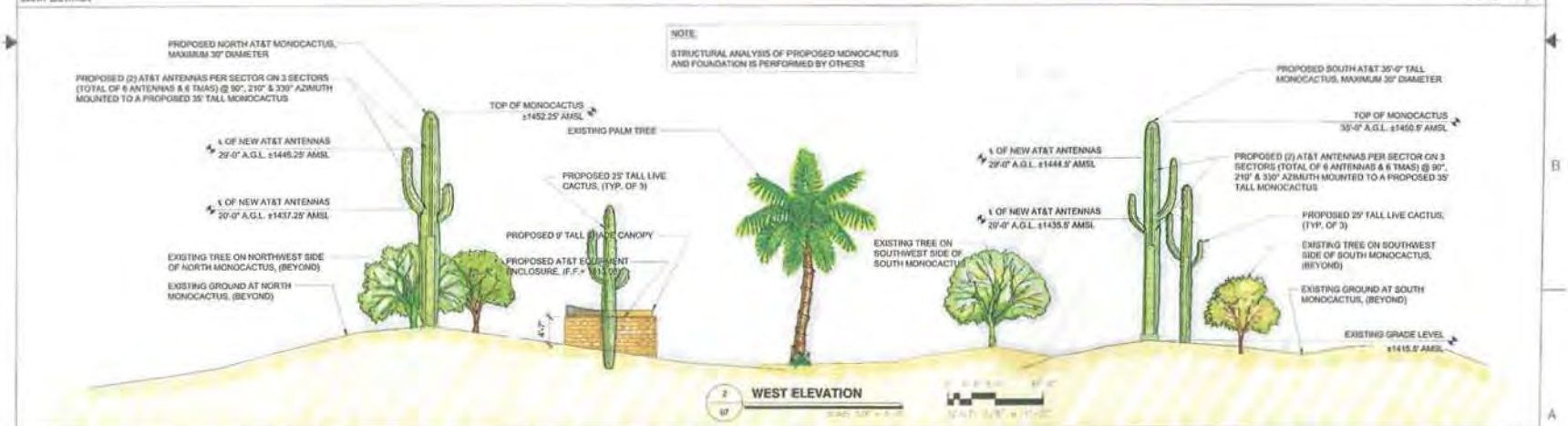


Exhibit D-1



SOUTH ELEVATION



young design corp

PROJ. JOB NUMBER: 5169

TAG TRILOGY
X165-KK

27980 N. TRILOGY BOULEVARD
PEORIA, AZ 85383

at&t

NO.	DATE	REVISIONS	BY	CHK	APP'D
1	8/25/14	CITY COMMENTS	JRS	MAY	BY
0	2/11/14	SUBMITTAL	JRS	MAY	BY
A	7/16/13	REVIEW	JRS	MAY	BY

SCALE: AS SHOWN | DESIGNED BY: JRS | DRAWN BY: JRS

AT&T MOBILITY

NORTH & WEST ELEVATIONS

DRAWING NUMBER: 23471-PENAZ-X165-07 | REV: 1

6 5 4 3 2 1

Exhibit D-2

CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU14-0014

DATE: November 13, 2014

AGENDA ITEM: 4C

Applicant: Cawley Architects, Inc.

Request: Obtain a Conditional Use Permit (CUP) to allow an automotive repair and service facility with seven (7) service bays in a C-2, Intermediate Commercial District.

Proposed Business: Express Oil Change & Service Center

Location: North of the northwest corner of 83rd Avenue and Thunderbird Road

Size of Facility: 4,325 square foot building on a 30,465 square foot vacant lot

Support / Opposition: As of the date of this printing, Staff has not received any written or verbal support or opposition to this request.

Recommendation: **Approve**, with conditions.

AREA CONTEXT

Table 1: *Existing Land Use, Future Land Use, Current Zoning. (Exhibits A & B)*

	LAND USE	GENERAL PLAN	ZONING
Subject Property	**Vacant commercial building pad**	Community Commercial	**C-2, Intermediate Commercial**
North	Existing Filiberto's Restaurant	Community Commercial	C-2, Intermediate Commercial
South	Existing CVS Pharmacy	Community Commercial	C-2, Intermediate Commercial
East	83rd Avenue, then a vacant building pad within the commercial center	Low Density Residential (2-5 dwelling units per acre)	NEC 83rd Avenue and Thunderbird PAD,(Planned Area Development)
West	Multiple tenants within a commercial center	Community Commercial	C-2, Intermediate Commercial

PROJECT DESCRIPTION

Request and Development Details

1. The project site is a 30,465 square foot (0.7 acre) vacant pad located within the larger Thunderbird Marketplace commercial center. The site is located north of the northwest corner of 83rd Avenue and Thunderbird Road. The project site, Lot 8, is the last remaining undeveloped pad in the Thunderbird Marketplace commercial center. The proposed site will have three points of access from the west, south, and north.

2. The Express Oil Change and Service Center business currently operates 203 locations spread across the Southern, Midwestern, and Southeastern states, having been founded in Alabama. The potential Peoria location will be the first Express Oil Change and Service Center location in Arizona as well as the western part of the United States.

3. Express Oil Change and Service Center specializes in quick oil changes. Customers will enter the site from the driveway off of 83rd Avenue to the south of the site. Customers will queue within the designated area along the southern curb in preparation to enter one of the service bays. The 100 foot queuing area is placed so as not to block any drive aisles on the site or interfere with the free flow of traffic to the commercial center. For a typical oil change, customers will be directed to one of the western most service bays, and will remain in their vehicle during the service. They will leave by driving forward, through the bay and exiting the north side of the building to the existing shared access drive aisle to the north of the proposed building. The remaining service bays are dedicated to other vehicle services and repairs. The site has been designed with wider than required drive aisles to perpetuate the safe navigation of the site.

DISCUSSION AND ANALYSIS

Applicability

4. The site in question is zoned C-2, Intermediate Commercial. According to Article 14-9, in the C-2 Zoning District, Automobile Diagnostic, and/or Service Establishment, including engine & transmission overhaul, repair facilities & similar services require issuance of a Conditional Use Permit.

5. Section 14-39-12.E outlines the applicable criteria for evaluating Conditional Use Permits (CUP). In general, the purpose of a CUP is to mitigate and/or minimize any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure compatibility between nearby land uses.

Compatibility with Surrounding Land Uses

6. In staff's judgment, the proposed use is appropriate and compatible with surrounding land uses and the context of the existing commercial center and the larger commercial area on all corners of Thunderbird Road and 83rd Avenue. The commercial center to the south, Thunderbird Crossings, contains a similar use which is commonly found in centers of a similar size.

7. The design and operation of the use will minimize the potential for detrimental impacts to the surrounding area by maintaining all operations on site including any vehicle queuing. The nearest residential property is located approximately 750 feet from the northern property line of the site, and will not be impacted by the use.

8. All repair and service activities will occur during regular business hours. The hours of operation for this Express Oil Change & Service Center will be no earlier than 8:00 a.m. and no later than 6:00 p.m. Monday-Saturday.

9. If any issues arise regarding the operation of the business, Section 14-39-12.I provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that a permit may be revoked, modified or suspended should any of the following occur:

    a. The permit was obtained by fraud or misrepresentation;
    b. The use authorized by the CUP has been exercised in violation of the conditions of approval;
    c. A change in circumstances where the following has occurred: [1] Impacts from the approved CUP to neighboring properties; and [2] Changes in aesthetic or environmental impacts such as noise, odors or pollution.
    d. The use authorized by the CUP is operated in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods, or the City; or is exercised in a manner that is detrimental to the public health, welfare or safety.

Special Limitations

10. The proposed use must comply with a series of special limitations from section 14-9-5-A of the Zoning Ordinance. Staff responses to the Ordinance are in *italics:*

    a. 14-9-5-A-1a: No outdoor displays or storage shall be permitted, except for merchandise normally sold from the premises that is displayed during normal business hours. No temporary parking of vehicles waiting for repair shall be permitted except in the garage. The parking area shall be fully screened from public view.

    The accompanying Site Plan (SP14-0014, Exhibit D) does not indicate any outdoor storage, display area, or parking spaces to be used for the temporary parking of vehicles associated with ongoing repairs. All storage will be contained

within the building. The parking areas for customers will be screened by an existing screen wall along 83rd Avenue.

b. 14-9-5-A-1b: All activities shall be performed entirely within an enclosed building. High-speed washing, body repair, machining of auto parts, painting, vehicle or trailer rental shall be expressly prohibited.

   The accompanying project narrative (Exhibit C) indicates that all service will be provided within the seven service bays designated for automotive repairs and service, and the most western service bays limited to oil changes only. All activities will be performed entirely within the enclosed building.

c. 14-9-5-A-1c: Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in landscaping. All exterior design shall be compatible with surrounding developments.

   Given the nature of the proposed use, pavement has been limited as much as possible that also allows for safe navigation of the site. The Landscape Plan (Exhibit E) proposed with the Site Plan proposes more than required landscape coverage and extra plantings to help lessen the prevalence of the needed pavement.

Available Parking

11. The Zoning Ordinance requires auto services to be parked at three spaces per service bay and one space per 300 square feet of office area. Additionally, a queuing space of 100 linear feet, exclusive of drive aisles and parking spaces, is required.

    a. 24 parking spaces are required for seven service bays and an 800 square foot office area. A total of 26 parking spaces are provided on site, including 14 space along the perimeter of the site and 12 spaces within the service bays themselves.
    b. A queuing area 100' in length has been provided near the southern boundary of the parcel. It is separated from the drive aisle that is directly adjacent to the southern parcel boundary by an 8 foot wide landscape area.

Noticing and Neighborhood Comment

12. The application notice was forwarded to all property owners within 600 feet of the proposal, including all registered HOA's within one mile, and properly noticed pursuant to Section 14-39-6 of the Peoria Zoning Ordinance. The site was properly posted 15 days prior to the Public Hearing as prescribed by the Planning Division. The applicant has provided a photo exhibit and signed affidavit attesting to the posting.

13. As of the date of this writing, no letters, emails or phone calls in support or opposition to the proposal have been submitted to Planning staff.

Proposition 207

14. The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of their 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.

FINDINGS AND RECOMMENDATION

15. Based on the following findings:

- The request is consistent with the applicable codes, standards, and guidelines; and
- The request is compatible with the surrounding uses; and the use is supported by the property owner of the adjacent undeveloped property; and
- The proposal does not result in detrimental impacts to the surrounding area.

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

Approve the applicant's request for a Conditional Use Permit under Case CU14-0014, subject to the following conditions:

1. The use shall substantially conform to the project narrative (Exhibit C), Conceptual Site Plan (Exhibit D), Conceptual Landscape Plan (Exhibit E), and Conceptual Elevations (Exhibit F) as contained in the staff report to the Planning & Zoning Commission dated November 13, 2014.

ATTACHMENTS:

Exhibit A	Vicinity / Aerial Map
Exhibit B	Zoning Map
Exhibit C	Project Narrative
Exhibit D	Conceptual Site Plan
Exhibit E	Conceptual Landscape Plan
Exhibit F	Conceptual Elevations

Prepared by: Hannah Van Nimwegen
Associate Planner

CU14-0014 Vicinity Map

CU14-0014 Express Oil Change and Service Center

Applicant: Cawley Architects, Inc.

Request: Obtain a Conditional Use Permit (CUP) to allow an automotive repair and service facility with seven (7) service bays in a C-2, Intermediate Commercial District.

Location: Thunderbird Marketplace commercial center, north of the northwest corner of 83rd Avenue and Thunderbirdl Road.

N

Not to Scale

EXHIBIT A

CU14-0014 Zoning Map

CU14-0014 Express Oil Change and Service Center

Applicant: Cawley Architects, Inc.

Request: Obtain a Conditional Use Permit (CUP) to allow an automotive repair and service facility with seven (7) service bays in a C-2, Intermediate Commercial District.

Location: Thunderbird Marketplace commercial center, north of the northwest corner of 83rd Avenue and Thunderbirdl Road.

N

Not to Scale

EXHIBIT B

Submittal date – August 12, 2014

EXHIBIT C

Conditional Use Permit - Project Narrative

Applicant's Request

This request is for a Conditional Use Permit to allow the automotive repair use as required per the Zoning Ordinance. This request will allow for the development of the Lot 8 pad site at the Marketplace at Thunderbird for the new Express Oil Change and Service Center.

Express Oil - The Company

The original Express Oil Service Center was founded in 1979 in Homewood, AL and currently has 203 locations throughout the country. We are the leader in enhanced oil change and vehicle repair. Our entire service operation is focused on efficiency and safety. From our 10 minute oil change , safety check and 20 point inspection to the operation of our computer systems, we can service any vehicle. We also have all of the necessary tools and electrical equipment to work on every vehicle. No employee will up sell an item or service to a customer if it is not needed and we treat our customers with respect and appreciation, and know that their time is valuable.

Express Oil - Service Characteristics

- We are a neighborhood business that relies on building great relationships with repeat business
- Local Ownership who is active in the business and community
- Franchise Agreement requires upkeep of the facility
- 99% Survival Rate of locations built since 1996 when the current owners purchased the business.
- Low Impact on Traffic only producing 35 cars per day on average which equates to 3.5 cars per hour.
- Typical Operating Hours of 8:00 to 6:00 Monday through Saturday and closed on Sunday

- Brick and Mortar Construction and Strong Curb Appeal utilizing high architectural features and landscaping with irrigation.
- Building design adapted by a local architect and civil engineer to best represent Express Oil Change's look along with local architecture.
- Customers remain in their cars during the oil change that takes approximately 10 minutes
- Any vehicles requiring overnight stay for service are stored inside the bays out of sight
- Only full time, career minded employees
- ASC Certified Mechanics

Express Oil - Service Characteristics

The following is an in-depth description of the rationale for the proposed site and building design. Customers will enter from the existing curb cut on 83rd Avenue. Once they enter the existing drive they will turn into our lot at the first access and an employee will greet them in their car. The employee will greet the customer to determine what services they are interested in. Typically, 75% of our customers come in for an oil change and they will be prompted to line up in one of the 3 open oil change bays on the West side of the building.
The site and building is designed to allow for an efficient flow of traffic through the oil change section of the building. The oil change service is completed in one of the western most three bays while the customer waits in his or her vehicle. Once complete the customer will drive out the north side of the building and exit through the existing center, via the shared access.

Customers coming for other vehicle maintenance or repair needs will also come into the lot as they would for an oil change and will also be greeted by an employee. Once the employee has determined that the customer needs a repair service then that customer will be directed to one of the four mechanical service bays. The customer will enter the first curb cut from the existing access road and maneuver around the south side of any vehicles that may be queuing for an oil change. If one of the four service bays on the east side of the building are available then that customer will turn in front of one of the bays. An employee will then take control of the vehicle and pull it into the service bay.

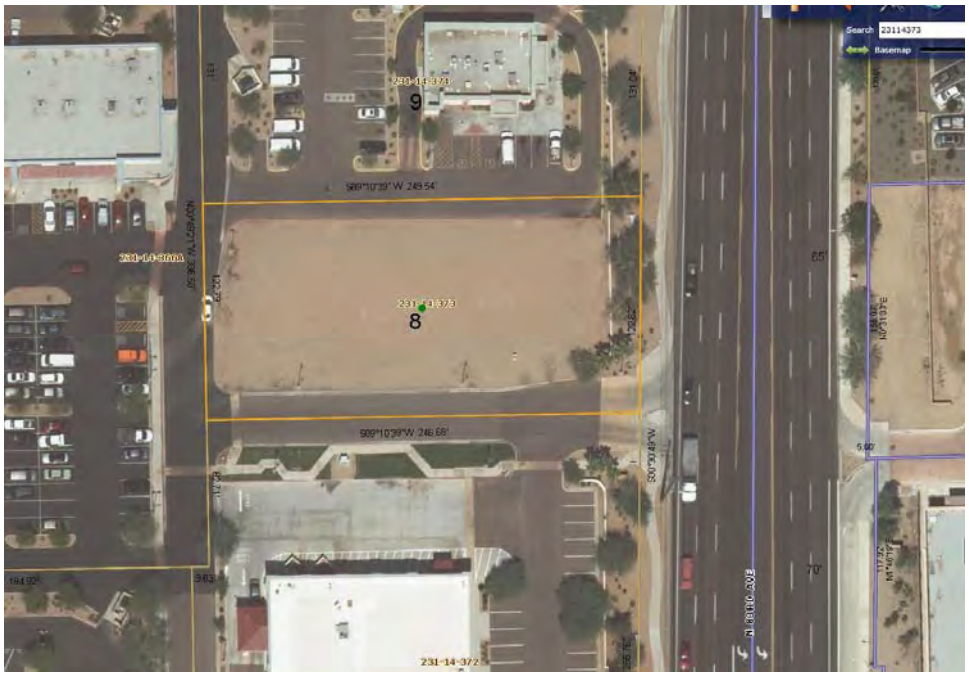
Due to the nature of our business, the free flow of traffic around and through the building is vital for success as an efficient operation. Although all sides of the building will have traffic flow, the south side will be the busiest. As a consequence, we have designed the queuing lane and the 32' drive aisle between the building and parking stalls on that side to mitigate any chance of collisions. This is purposeful for the safe operation of cars going into parking stalls along with traffic maneuvering around the building. While we appreciate the desire to reduce paving in any project, we also feel that the building business type and usage presented here justifies the wider aisles to enhance safety and optimal operations for the site.

Please visit http://www.expressoil.com for a complete history of this long standing business/

Context and Zoning

The site's location is on the NWC of 83rd Avenue and Thunderbird Road at the Marketplace at Thunderbird. The APN number is 231-14-373. The proposed site is currently zoned C-2. With exception to the proposed pad, the center is close to complete build out. Immediately to the east of the site is 83rd Avenue. This makes the site an appropriate place for an auto service shop to serve the large segment of the surrounding community.

The PAD site is shown on the attached image.



Project Description

The site is 30,465 SF (0.70 acres). The proposed building square footage is 4,325 S.F. for an automotive service shop that will include a lobby/office area and (12) service bays. The existing site improvements are proposed to remain with minimal disruption to the perimeter of the site. Existing perimeter landscaping and drive aisle is to remain. Parking required for the site is 24 spaces. Spaces provided on the site, including the service bays is 26 spaces. As for parking spaces, this project provides for shared parking within the center.

Exterior Elevations

The new building elevations will complimentary with other buildings in the Center and will be reviewed and approved during the Site Plan approval process through the City concurrently with the use permit submittal. The building material shall be CMU block with block accents at the base and hipped roofs per the building elevations.

Conditional Use Permits – Section 14-39-12

E. Review. The Department shall review applications for Conditional Use Permits and make a recommendation for approval or denial to the Planning and Zoning Commission based on the following criteria;

1. *Whether the use is designated as a permitted Conditional Use within the zoning district in which the property is located.*

   The zoning district for this commercial site is zoned C-2. This use is a permitted use, subject to the requirements put forth with a conditional use permit.

2. *Whether the use meets the locational and development standards provisions, as applicable for the Conditional Use Permit, for the zoning district in which the property is located.*

   This development is located within the established C-2, Marketplace at Thunderbird and as developed on the major intersection of 83rd Avenue and Thunderbird Road providing separation from other non-adjacent commercial districts.

   This project meets the development provisions for this conditional use permit, all activities are performed entirely within the enclosed building. No outdoor displays or storage is permitted and the paved areas are reduced to the smallest area commensurate to the site.

   All vehicular access is provided from arterial streets, additionally access is provided via 'shared drive' access with the other uses in the center.

3. *Whether the use is consistent with the goals, policies, and intent of the General Plan and any adopted Specific Plan applicable to the site where the proposed use is located.*

   This development is consistent with the General Plan and the Specific Plan for the center as part of the approved Marketplace at Thunderbird development and provides a commercial use providing services to the area.

   Express Oil Change & Service Center will serve the immediate neighborhood.

4. *Whether the use is consistent with documentation and recommendations provided by the review City Departments.*

   The proposed development will be consistent with the recommendations provided by reviewing City Departments; evidenced by a City approved Conditional Use Permit. A Site Plan Amendment case is being concurrently reviewed in conjunction with this application.

5. *Whether the use complies with all applicable city codes, standards, and guidelines governing such use.*

   The project will be done in compliance with all applicable city codes, standards, and guidelines governing this use evidenced by a City approved Conditional Use Permit.

6. *Whether the use will be materially detrimental to the health, safety, or general welfare of persons residing or working in the vicinity of the property, to the neighborhood, or to the public welfare; or if the use will unreasonable interfere with the use and enjoyment of nearby properties. Consideration shall include, but not be limited to the following factors:*

   a. *Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination;*

      The use will operate in a manner consistent with other approved C-2 zoned approved uses similar to this automotive diagnostic establishment. This project will not create or introduce damage or nuisance arising from any of these items listed above.

   b. *Impact on surrounding areas resulting from an unusual volume or character of traffic;*

      Careful efforts have been provided in the design and orientation of this development to not create an impact on surrounding areas. No unusual volume or character of traffic will be created by this use. As evidenced by the Traffic Impact Statement submitted with this application to the City.

   c. *Ingress and egress to the property and proposed structures;*

      Ingress and egress to the property and the proposed structure utilize the existing development access points to the site. The proposed structure is accessed via existing shared driveways and site circulation.

   d. *Pedestrian and vehicular circulation with particular reference to fire protection;*

      The proposed Express Oil Change & Service Center project is located within a larger commercial center providing pedestrian and vehicle circulation within these predefined routes. No disruption is caused due to the development while maintaining fire protection as well.

   e. *Parking and loading;*

      This project is provides adequate parking and loading per Ordinance requirements as depicted in the Site Plan application.

f. Impact on public services, including schools, utilities and recreation.

The development will not have a negative effect on public services as its operation and function is consistent within the overall commercial center while providing an additional service to local residents and the public.

The Architectural design is a complimentary architectural style and will be a vibrant and successful additional to the Center as a whole.

7. *The Planning Manager shall not approve or recommend approval of any Conditional Use Permit unless the Department has received a Waiver of Proposition 207 from the Owner(s) of the property that is the subject of the Conditional Use Permit or has determined that the absence of such a Waiver of Proposition 207 is consistent with the City's General Plan and Zoning goals and regulations.*

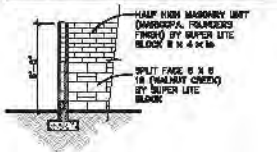
   The Waiver of Proposition 207 has been completed and submitted for the case file of this project.

In advance, we appreciate your consideration of this project.

Sincerely,

Steve Nevala
Cawley Architects, Inc.

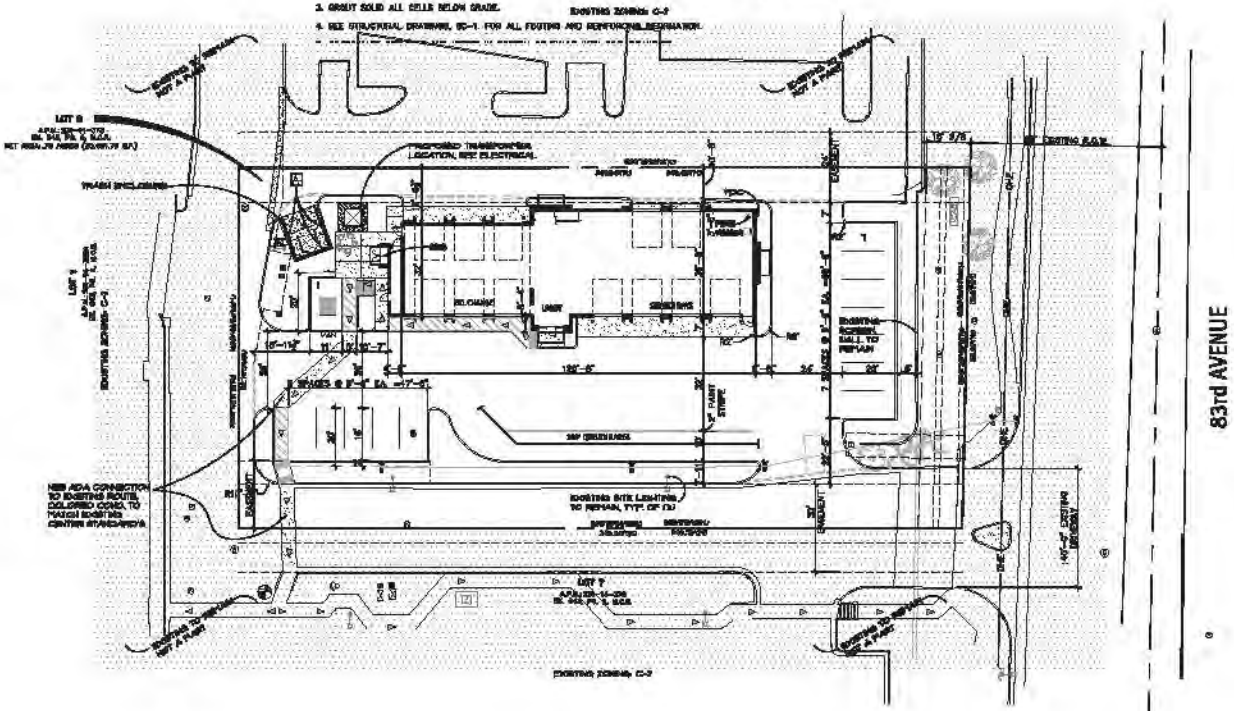
SITE SCREEN WALL SCHEDULE



[1] TRASH ENCLOSURE (DECORATIVE COURSING ON EXTERIOR SIDE) SEE STRUCTURAL

SCREEN WALL NOTES

1. PARKING SCREEN WALLS ARE TO BE A MINIMUM OF THREE FEET AND A MAXIMUM OF FOUR FEET ABOVE THE HIGHEST FINISHED GRADE OF THE PARKING AREA OR STREET CURB, WHICHEVER IS HIGHER.
2. PROVIDE STEPPED FOOTINGS PER THE STRUCTURAL DRAWINGS AT SCREEN WALLS IN RETENTION AREAS AS REQUIRED BY THE CIVIL GRADING AND DRAINAGE PLANS.
3. GROUT SOLID ALL CELLS BELOW GRADE.
4. SEE STRUCTURAL DRAWINGS, SC-1, FOR ALL FOOTING AND REINFORCING INFORMATION.



LEGEND

- PROPERTY LINE
- EASEMENT/SETBACK LINE
- CAR OVERHANG MEASURED FROM FACE OF CURB AS DIMENSIONED ON SITE PLAN
- 6" EXTRUDED CURB
- 6" CAST IN PLACE CURB
- SITE WALL
- SALT FINISH CONC. SIDEWALK
- PAINT STRIPING ON PAVING
- NEW FIRE HYDRANT
- EXISTING FIRE HYDRANT
- FDC FIRE DEPT. CONNECTION
- ACCESSIBLE ROUTE/PATH OF TRAVEL
- FIRE FIGHTER

EXISTING SCREEN WALL

SITE PLAN

1" = 20'-0"

A NEW BUILDING PROJECT FOR:

EXPRESS OIL

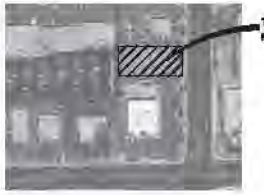
PROJECT:	NEW PAD SITE & BLDG
ADDRESS:	[illegible] PEORIA, AZ
SUBDIVISION:	-
ZONING:	C-2 COMMERCIAL BUILDING
LEGAL DESCRIPTION:	SEE DWG.
ASSESSOR PARCEL #:	167-34-[illegible]
ZONING:	C-2
SITE AREA:	+/- [illegible] S.F. (+/- [illegible] ACRES)
BUILDING AREA:	4,825 S.F. GROSS
STORIES:	SINGLE STORY
LAST OVERHAUL:	1996
OCCUPANCY:	B / S-1
CONSTRUCTION TYPE:	V-B/B/A.F.S.S.
MAXIMUM AREA:	36,000 S.F. (SINGLE STORY)
CLEAR HEIGHT:	14' CLEAR
ADDITIONAL REFITU:	-
SUPER REFITU:	1/4" PER 1'-0" RISE
SUPERVISOR:	50' MAX.
HEIGHT:	30'-0" (40' MAX. PER C-2)
HEIGHT:	27'-0" (40' MAX. PER C-2)

AREA CALC.	TOTAL
OFFICE	600 S.F.
SHOP	3,225 S.F.
TOTAL:	4,825 S.F.

PARKING REQUIREMENT CALCS			
OCCUPANCY	S.F.	RATIO	TOTAL
OFFICE	600	1/300	2
SERVICE BAYS	(3) BAYS	6/BAY	18
TOTAL:			20
PARKING PROVIDED			
TOTAL REGULAR SPACES			18
TOTAL HANDICAPPED SPACES			2
DIRECT ACCESSIBLE			12
TOTAL SPACES ON SITE			18

VICINITY MAP

AERIAL MAP



www.[illegible]
730 N. 52nd Street
Suite 203
Phoenix, AZ 85008
602.393.5060

EXPRESS OIL CHANGE & SERVICE CENTER

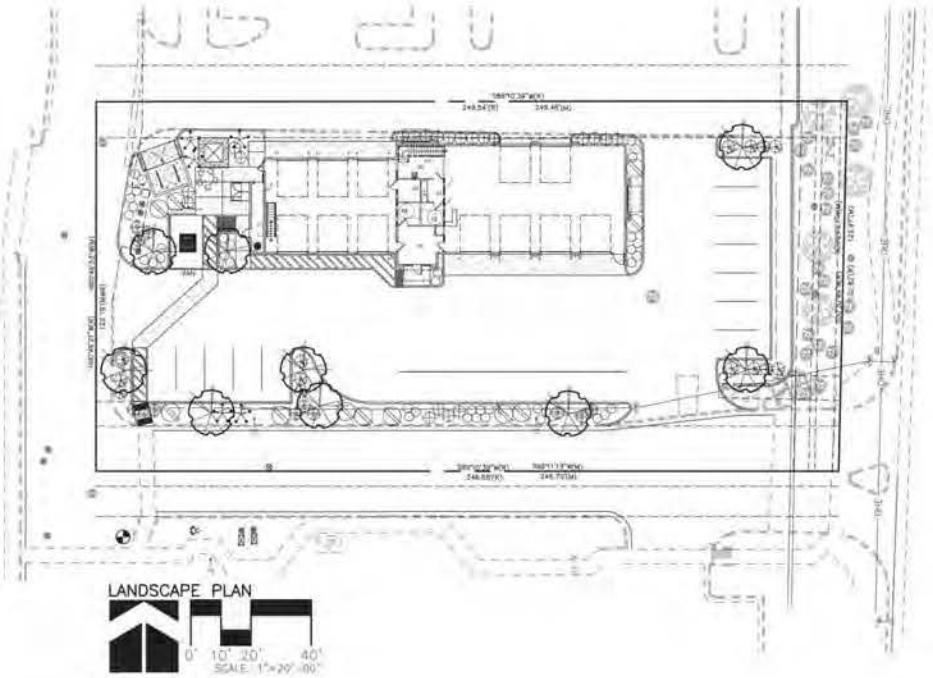
NWC THUNDERBIRD RD & 83rd AVENUE PEORIA ARIZONA

SITE PLAN STUDY 06-17-2014
PRE-APP SUBMITTAL 06-17-2014
REVISED SITE PLAN 07-02-2014/07-10-14
REVISED SITE PLAN 07-17-14/08-06-14
BLANKS 10-14-2014
CP/SPA RESUBMITTAL 10-30-2014

Project: EXOP

A1.1

EXHIBIT D



LANDSCAPE LEGEND

- CERCIDIUM PRAECOX 30NORAN PALO VERDE 24" BOX (MATCHING)
- RUELLIA PENINSULARIS BAJA RUELLIA 5 GALLON (24)
- CAESALPINIA MEXICANA MEXICAN BIRD OF PARADISE 5 GALLON (5)
- TECOMA 'ORANGE JUBILEE' ORANGE JUBILEE 5 GALLON (11)
- HESPERALOE PARVIFLORA RED YUCCA 5 GALLON (21)
- DASYLIRION WHEELERI DESERT SPOON 5 GALLON (12)
- LANTANA MONTEVIDENSIS 'GOLD MOUND' 1 GALLON (39)

MATCH EXISTING R.O.W. DECOMPOSED GRANITE 2" DEPTH IN ALL LANDSCAPE AREAS

SITE PLAN PLANTING DATA

	REQUIRED	PROVIDED
LANDSCAPE AREAS		
A. ON-SITE LANDSCAPE AREA (14-35-4.A.1)	6,089	7,217
1. OVERALL ON SITE: INDUSTRIAL: 10% OF NET SITE AREA** MULTI-FAMILY: 20% OF NET SITE AREA** COMMERCIAL/OTHER NON-RESIDENTIAL: 20% OF NET SITE AREA** (** NET OUT LANDSCAPE BUFFER & SCHOOL PLAYFIELD)		
B. STREET FRONTAGE BUFFER (14-35-4.A.2)		
1. COMMERCIAL/MULTI-FAMILY: 15' WIDE STRIP (ON-SITE) ALONG STREET FRONTAGE	1,315	1,513
2. SCHOOLS: 15' WIDE STRIP (ON-SITE) ALONG ARTERIAL STREET FRONTAGE/10 OTHER	N/A	N/A
3. INDUSTRIAL: 10' WIDE STRIP (ON-SITE) ALONG STREET FRONTAGE	N/A	N/A
C. LAND USE BUFFERS (14-35-4.A.3)		
1. O-1/C-1 DISTRICT ABUTTING ALL RESIDENTIAL DISTRICTS: 20'WIDE	N/A	N/A
2. OTHER NON-RESIDENTIAL DISTRICTS ABUTTING ALL RESIDENTIAL DISTRICTS: 20'WIDE	N/A	N/A
3. MULTI-FAMILY DISTRICTS ABUTTING SINGLE-FAMILY DISTRICTS: 20'WIDE	N/A	N/A
PLANT QUANTITIES		
ON-SITE LANDSCAPE AREAS (14-35-4.A.1.(d))		
MULTI-FAMILY AND NON-RESIDENTIAL		
D. TREES: 1 PER 400 SQ. FT. OF REQ. LANDSCAPING (SEE A.1)	15	15
E. SHRUBS: 5 PER 400 SQ. FT. OF REQ. LANDSCAPING (SEE A.1)	100	75
SCHOOLS		
F. TREES: 1 PER 800 SQ. FT. OF REQ. LANDSCAPING (SEE A.1)	N/A	N/A
G. SHRUBS: 1 PER 800 SQUARE FEET OF REQ. LANDSCAPING (SEE A.1)	N/A	N/A
STREET FRONTAGE BUFFER PLANTINGS (14-35-4.A.2)		
H. TREES: 1 PER 25 LIN FEET OF STREET FRONTAGE	4	4
I. SHRUBS: 5 PER 25 LIN FEET OF STREET FRONTAGE	80	80
LAND USE BUFFER PLANTINGS (14-35-4.A.3)		
J. TREES: 3 PER 1000 SF OF REQUIRED BUFFER AREA (24" BOX MIN)	N/A	N/A
K. SHRUBS: 5 PER 1,000 SF OF REQUIRED BUFFER AREA (5 GAL MIN)	N/A	N/A
TOTALS	REQUIRED	PROVIDED
TOTAL LANDSCAPE AREAS (A+H+C)	7,515	7,515
TOTAL TREES (D+F+H+J)	19	19
TOTAL 24" BOX TREES (50% OF TOTAL REQUIRED TREES)	10	19
TOTAL SHRUBS (E+G+H+K)	80	80

GENERAL NOTES

1. TURF (LAWN) IS LIMITED TO A MAXIMUM OF 20% OF THE SITE AREA.
2. A DEVELOPMENT MAY SUBSTITUTE A 36" BOX OR LARGER TREE IN PLACE OF A 1.5 GALLON TREE AT A SUBSTITUTION RATE OF 1.5 TREES FOR EVERY REQUIRED (1.5) GALLON TREE.
3. ALL LANDSCAPED AREAS SHALL BE SUPPORTED BY AN AUTOMATIC IRRIGATION SYSTEM WHICH MAY BE SPRAY, FLOOD OR DRIP SYSTEM.
4. PLANT MATERIALS UTILIZED IN LANDSCAPED AREAS IN THE R.O.W. MUST BE INCLUDED ON THE MCDC EXCEPT EDITION OF THE PHOENIX ACTIVE MANAGEMENT AREA LOW WATER USE / DROUGHT TOLERANT PLANT LIST.
5. THE PROPERTY OWNER AND/OR LESSEE SHALL BE RESPONSIBLE TO INSTALL/MAINTAIN ALL LANDSCAPING WITHIN THE RIGHT-OF-WAY.
6. A 3 FOOT CLEAR SPACE IS REQUIRED AROUND ALL FIRE SUPPRESSION EQUIPMENT. NO PLANTS MAY BE INSTALLED THAT WILL ENCROACH WHEN MATURE.

MISC. NOTES

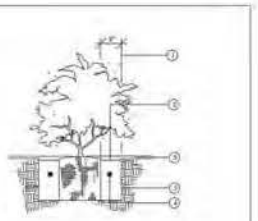
1. ALL LANDSCAPE WILL BE GUARANTEED 100% DRIP IRRIGATION.
2. A PRE-EMERGENT HERBICIDE SHALL BE APPLIED TO THE GROUND PRIOR TO AND AFTER THE PLACEMENT OF NATURAL SURFACE MATERIALS IN ALL LANDSCAPE AREAS.

LANDSCAPE AND IRRIGATION

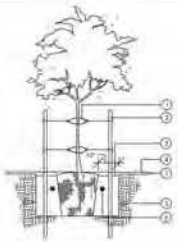
1. ALL LANDSCAPE AND IRRIGATION INSTALLED WITHIN THE PUBLIC RIGHT-OF-WAY OR OTHER CITY MAINTAINED AREAS SHALL BE INSTALLED PER THE APPROVED PLANS. ALL LANDSCAPING APPROVED AS A PART OF THE SITE PLAN PROCESS SHALL BE INSTALLED PER THE APPROVED PLANS. ANY DEVIATIONS TO THE APPROVED PLANS REQUIRE CITY APPROVAL.
2. PERMITS ARE REQUIRED FOR ELECTRICAL CONNECTIONS, INCLUDING ELECTRIC METER INSTALLATION, BACKFLOW PREVENTERS, AND WORK WITHIN THE CITY RIGHT - OF - WAY OR CITY DEDICATED PROPERTY. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING THESE PERMITS PRIOR TO THE COMMENCEMENT OF ANY WORK.
3. ALL LANDSCAPE PROJECTS REQUIRING CITY MAINTENANCE OF WITHIN THE CITY RIGHT - OF - WAY SHALL BE INSPECTED FOR THE FOLLOWING:
   - A. PLANT LOCATIONS: THESE LOCATIONS SHALL BE STAKED IN THE FIELD WITH IDENTIFICATION AS TO TREES OR SHRUBS. DIG HOLES FOR THE PLANT MATERIALS MAY BE LEFT WITH IDENTIFICATION OF PLANT TYPE. USE OF THIS METHOD DOES NOT RELIEVE THE CONTRACTOR OF ANY PLANT RELOCATIONS MADE BY THE CITY.
   - B. IRRIGATION INSTALLATION: INSPECTIONS SHALL BE MADE AT THE POINT THE IRRIGATION SYSTEM IS INSTALLED. INSPECTIONS OF THE PIPE DEPTH, AUTOMATIC VALVE INSTALLATION AND EMITTER / SPRAY INSTALLATIONS WILL BE MADE.
   - C. SUBSTANTIAL COMPLETION: AN INSPECTION AT COMPLETION OF THE LANDSCAPE AND IRRIGATION INSTALLATION WILL BE MADE. ANY DEFICIENCIES IN THE INSTALLATION WILL BE NOTED AND CORRECTED BY THE CONTRACTOR DURING THE MAINTENANCE PERIOD.
   - D. FINAL ACCEPTANCE: A FINAL INSPECTION IS REQUIRED PRIOR TO CITY ACCEPTANCE OF THE LANDSCAPE AND IRRIGATION IMPROVEMENTS.

THE ABOVE INSPECTIONS REQUIRE A MINIMUM OF 48 - HOURS PRIOR NOTIFICATION TO THE CITY. CALL THE PEORIA COMMUNITY DEVELOPMENT DEPARTMENT AT (623) 773 - 7200 AND LEAVE A MESSAGE INCLUDING THE SUBDIVISION, LOCATION AND TYPE OF INSPECTION TO ARRANGE FOR THESE INSPECTIONS.

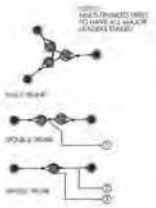
4. SEPARATE INSPECTIONS ARE REQUIRED FOR THE BACKFLOW PREVENTER AND ELECTRICAL CONNECTIONS. PLEASE CALL (623) 773 - 7200 A MINIMUM OF 24 - HOURS PRIOR TO ARRANGE FOR THESE INSPECTIONS.
5. LANDSCAPE AND IRRIGATION, WHICH IS INSTALLED ON PRIVATE PROPERTY IN THE CONNANCTION WITH A CITY APPROVED SITE PLAN WILL BE INSPECTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT FOR CONFORMANCE TO THE APPROVED SITE PLAN PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
6. THE LANDSCAPE AND IRRIGATION FOR THIS PROJECT WILL BE MAINTAINED BY THE PROPERTY OWNER OR HOMEOWNERS (COMMERCIAL CENTER) ASSOCIATION PER THE APPROVED PLANS.
7. ALL CITY MAINTAINED PROJECTS REQUIRE A 90 - DAY MAINTENANCE PERIOD TO BEGIN AT THE DATE OF SUBSTANTIAL COMPLETION AS DETERMINED BY THE CITY.
8. RIGHT - OF - WAY AND CITY MAINTAINED AREAS REQUIRE SEPARATE WATER METER CONNECTIONS. RIGHT - OF - WAY AREAS DESIGNATED FOR MAINTENANCE BY THE ADJACENT PROPERTY OWNERS FOR COMMERCIAL, INDUSTRIAL AND MULTI - FAMILY DEVELOPMENTS SHALL HAVE THE RIGHT - OF - WAY IRRIGATION ISOLATED OR SEPARATED FROM THE ON - SITE IRRIGATION SYSTEM.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR INSTALLATION, COST AND REQUIRED PERMIT FEES FOR THE WATER METER (S) DESIGNATED TO SERVE THE IRRIGATION SYSTEM.
10. ALL PLANTINGS AT MATURITY SHALL MAINTAIN A MINIMUM 6'-0" CLEARANCE AROUND ALL FIRE HYDRANTS AND FIRE SUPPRESSION DEVICES.
11. PLANTINGS SHALL NOT INTERFERE WITH ANY TRAFFIC CONTROL SIGNS AND SHALL MAINTAIN A MAXIMUM HEIGHT OF 2'-6" WITHIN ANY SIGHT DISTANCE TRIANGLES.
12. INSTALLATION OF THE LANDSCAPE AND IRRIGATION SYSTEM INCLUDING ADDITION OF GROUND PLANT MATERIALS SHALL NOT IMPEDE THE FLOW OF DESIGNED DRAINAGE FACILITIES NOR DECREASE THE DESIGN VOLUME OF ANY DETENTION / RETENTION BASINS.
13. THE CONTRACTOR IS RESPONSIBLE FOR THE LOCATION AND PROTECTION OF ALL UNDERGROUND UTILITIES DURING THE LANDSCAPE AND IRRIGATION INSTALLATION.
14. ALL TREES SHALL MAINTAIN A MINIMUM OF 6'-0" CLEARANCE FROM ANY CITY WATER OR SEWER LINE. ALL PLANTINGS SHALL MAINTAIN A SUFFICIENT DISTANCE TO ANY SANITARY AND STORM SEWER MANHOLES TO ALLOW ACCESS BY MAINTENANCE VEHICLES.
15. A SWALE MINIMUM OF 6" IN DEPTH SHALL BE PROVIDED IN ALL LANDSCAPE AREAS WITHIN THE CITY RIGHT - OF - WAY PER CITY DETAIL TO PROMOTE WATER HARVESTING.
16. ALL PLANTING AREAS (EXCEPT TURF AREAS) TO BE MAINTAINED BY THE CITY SHALL BE TREATED WITH A PRE - EMERGENT HERBICIDE BY A LICENSED APPLICATOR PRIOR TO AND AFTER THE PLACEMENT OF THE DECOMPOSED GRANITE, RIVER ROCK, ETC. APPLICATION DOCUMENTATION WILL BE REQUIRED PRIOR TO ACCEPTANCE OF THE LANDSCAPING BY THE CITY.
17. AS - BUILT DRAWINGS OF THE LANDSCAPE AND IRRIGATION SYSTEM ARE REQUIRED PRIOR TO ACCEPTANCE BY THE CITY AND FOR PROJECTS WITHIN THE CITY RIGHT - OF - WAY OR CITY OWNED PROPERTY. THE AS - BUILT DRAWINGS SHALL BE A - MIL PHOTO MYLAR SHOWING THE LOCATIONS OF ALL PLANTINGS AND THE DIMENSIONS TO FIXED POINTS OF ALL IRRIGATION EQUIPMENT, PIPING, ETC.



SHRUB PLANTING DETAIL
NOT TO SCALE



DOUBLE STAKING DETAIL
NOT TO SCALE



TREE GUYING DETAIL
NOT TO SCALE

T.J. McQUEEN & ASSOCIATES, INC.
LANDSCAPE ARCHITECTURE
URBAN DESIGN
SITE PLANNING
9433 East Cholla St., Suite 101
Scottsdale, Arizona 85260
P. (602) 265-0320 F. (602) 266-6819
EMAIL: timmcqueen@tjmss.net

CAWELL ARCHITECTS
www.cawellpartnerlcta.com
730 N. 52nd Street
Suite 203
Phoenix, AZ 85008
602.393.5060

EXPRESS OIL PEORIA

N OF NWC OF THUNDERBIRD RD & 83rd AVENUE PEORIA ARIZONA

DATE
SITE PLAN STUDY 05-17-2014
PRE-APP SUBMITTAL 06-17-2014
REVISED SITE PLAN 07-02-2014/07-10-14
REVISED SITE PLAN 07-17-14/08-06-14

NOTICE OF ALTERNATE BILLING CYCLE

This contract allows the owner to require submission of billings or estimates in billing cycles other than thirty days. A written description of such other billing cycle applicable to this project is available from the owner or the owner's designated agent. (Site owner's telephone number and address on cover sheet), and the owner or its designated agent shall provide this written description upon request.

The architectural design, construction and data presented herein represents an instrument of service prepared in connection with the design build phased development agreement for the exclusive use of Cawelll Architects. Any other use or release of these drawings may result in civil damages.

This site plan has been prepared without the benefit of a survey. Dimensions may not be accurate or fully reflect all dimensions, data, etc. which may affect the design and usability of this site. All design shown here is strictly conceptual.

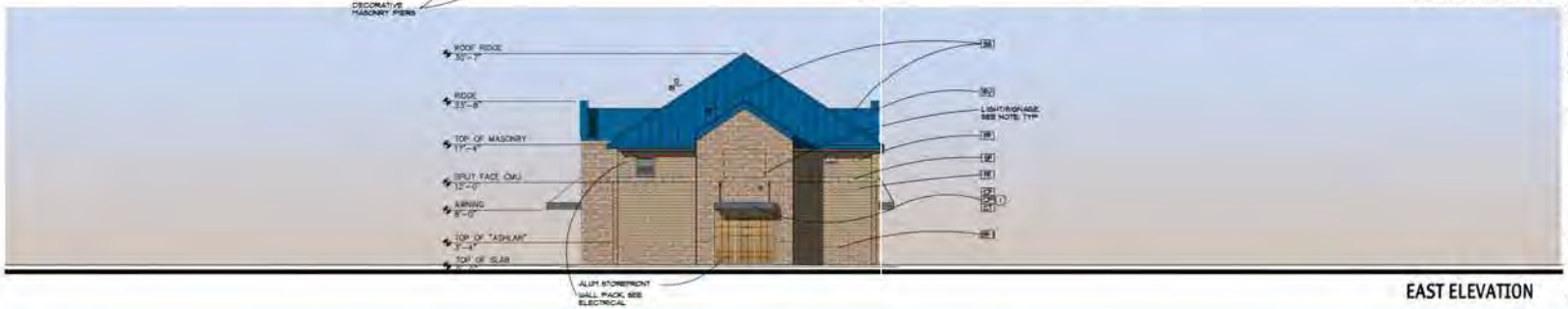
Project: EXOP

La.01

EXHIBIT E

SOUTH ELEVATION

NORTH ELEVATION



EAST ELEVATION

WEST ELEVATION

GENERAL NOTES

1. SEE STRUCTURAL DRAWINGS FOR LINTEL INFORMATION.
2. SEE DOOR SCHEDULE FOR ROLL UP DOOR HEIGHTS
3. SEE STRUCTURAL DRAWINGS FOR CONTROL JOINT LOCATIONS

MATERIAL SAMPLE APPROVAL

1. PRIOR TO ORDERING, G.C. TO PROVIDE INDIVIDUAL SAMPLES OF ALL BUILDING COLORS AND MATERIALS FOR REVIEW AND APPROVAL BY THE ARCHITECT AND OWNER.
2. ALL ALL INDIVIDUAL SAMPLES TO BE PRESENTED AT ONE TYPE, ONSITE IN SIZES OF NO LESS THAN 6" X 6".

MATERIAL KEY

MATERIAL DESCRIPTION

BF	HALF HIGH MASONRY UNIT (MARCOPA, FOUNDERS FINISH) BY SUPER LITE BLOCK 8 x 4 x 16
SF	SPLIT FACE 8 X 8 X 16 (WALNUT CREEK) BY SUPER LITE BLOCK
AF	MESA STONE "WALNUT CREEK" PRODUCT W/ THE "COURSED ASHLAR" BLOCK PATTERN
LT	BACK LIT LIGHT W/ METAL FASCIA, SAFETY RED. BY SIGNAS TEMPT
BO	BOLLARD, CONCRETE FILLED, (SEE E/A1.1). PAINT SAFETY RED

STANDING SEAM ROOF

MATERIAL DESCRIPTION

SS	REGAL BLUE BATTEN SEAM LOCK MEDALION METAL ROOF SYSTEM, ATAS METAL
RV	RIDGE VENT, MATCH REGAL BLUE BATTER SEAM LOCK MEDALION METAL ROOF SYSTEM, ATAS METAL

CANOPY KEY

MATERIAL DESCRIPTION

CF	CANOPY FRAME - 8" STL CHANNEL PAINTED
CD	CANOPY DECK- 'B' DECK-NO PERFORATION
CT	CANOPY TENSION TIES - STEEL 3/4" DIA. ROD + CLEVIS

GLAZING KEY

MATERIAL	MATERIAL	COLOR / FINISH
FRAMES	ALUMINUM	MEDIUM BRONZE ANODIZED
EXTERIOR GLASS		7 INSULATED BRONZE REFLECTIVE GLAZING

INSULATED GLAZING SYSTEM SPECIFICATION

OLDCASTLE - 7" INSULATED GLAZING SYSTEM
U-FACTOR SUMMER DAYTIME: .621
SOLAR HEAT GAIN COEFFICIENT (SHGC) - .036

OUTBOARD: 1/4" PPG SOLARGREEN 640 ON CLEAR LOW-E * 3
AIRSPACE: 1/2" (AIR FILL)
INBOARD: 1/4" PPG SOLARBAN 640 ON CLEAR LOW-E * 3

1. 'B' AT WINDOW LOCATIONS INDICATES SPANDREL PANELS
2. SEE WINDOW TYPES FOR LOCATIONS OF TEMPERED GLASS

COLOR KEY

COLOR KEY OR ELEMENT	COLOR NAME	HPM / COLOR NO.
1	BUFFY GRAY	SHERWIN WILLIAMS
2	ACCENT RED	SHERWIN WILLIAMS

SEALANTS	SEE NOTE BELOW
WALL PAK LIGHT	PRE-FINISHED
SCONCE LIGHT	PRE-FINISHED
EXT. RAILING	PAINT
BOLLARDS	ACCENT RED
LIGHT POLE	PRE-FINISHED
GATES	PAINTED
BES	PAINTED
TRANSFORMER	PAINTED

1. PAINTER TO PROVIDE A THREE COLOR SCHEME WITH ALL DECORATIVE BANDS HUMIZED AND PAINTED IN COLORS TO BE SELECTED BY ARCHITECT
2. SEALANTS FOR PROJECTS TO MATCH ADJACENT MATERIAL COLORS - NO WHITE OR OFF WHITE COLORS
3. PAINTER TO PREPARE MASONRY BLOCK OR OTHER SUPPLIES WITH APPROPRIATE COLOR TO BE APPROVED BY THE OWNER PRIOR TO APPLICATION ON BUILDING FACADES
4. PAINTER TO PROVIDE TWO COATS SEALER TO ALL EXPOSED NATURAL BLOCK, PRECAST CONCRETE, UNPAINTED CONCRETE AND OTHER MATERIALS AS REQUIRED TO PROVIDE A WEATHER SEALED PROJECT

PEORIA TYPICAL
ADDRESS STANDARDS

ALL ADDRESS NUMBERS SHALL BE ON CONTRASTING BACKGROUNDS. NO NUMBERS ARE PERMITTED ON GLASS EXCEPT SUITE NUMBERS

ALL NUMBERS SHALL BE VISIBLE AND POSTED FROM ALL STREET FRONTAGES

ADDRESS NUMBERS LOCATED 2 FEET 4 HIGHER FROM FINISHED GRADE SHALL BE MINIMUM TWELVE (12) INCH NUMBERS

ADDRESS NUMBER LOCATED UP TO TWELVE (12) FROM FINISHED GRADE, MONUMENT SIGNS AND COMMERCIAL SUITES SHALL HAVE A MINIMUM OF SIX (6) INCH NUMBERS

EXTERIOR ELEVATIONS

1/8" = 1'-0"

www.caseyarchitects.com
730 N. 52nd Street
Suite 203
Phoenix, AZ 85008
602.393.5060

EXPRESS OIL CHANGE & SERVICE CENTER

NWC
THUNDERBIRD RD
& 83rd AVENUE
PEORIA
ARIZONA

SITE PLAN STUDY 06-17-2014
PRE-APP SUBMITTAL 06-17-2014
REVISED SITE PLAN 07-02-2014/07-10-14
REVISED SITE PLAN 07-17-14/08-06-14
BLANKS 10-14-2014
CPU/SPA RESUBMITTAL 10-30-2014

NOTICE OF ALTERNATE BILLING CYCLE

Project: EXOP

A7.1

EXHIBIT F

CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU14-0012

DATE: November 13, 2014

AGENDA ITEM: 3C

Applicant: Brake Masters Diagnostic and Repair

Request: Obtain a Conditional Use Permit for an automotive diagnostic and repair center in the existing Lake Pleasant Pavilions commercial center.

Proposed Use: Automotive Diagnostic and Repair

Location: Located on Pad 6 of the Lake Pleasant Pavilions commercial center located west of the SWC of Happy Valley Parkway and Lake Pleasant Parkway

Site Area: Approximately 32,00 square feet

Support / Opposition: As of the date of this printing, Staff has not received any written or verbal support or opposition to this proposal.

Recommendation: **Approve**, with conditions.

LAND USE CONTEXT

Table 1: *Existing Land Use, Future Land Use, Current Zoning. (Exhibit A and B)*

	LAND USE	GENERAL PLAN	ZONING
Subject Property	**Vacant, undeveloped**	**Community Commercial**	**Lake Pleasant Pavilions Commercial PAD (Planned Area Development)**
North	Happy Valley Road, and Lake Pleasant Towne Center	Community Commercial	Lake Pleasant Towne Center Commercial PAD (Planned Area Development)
South	Lake Pleasant Pavilions commercial center	Community Commercial	Lake Pleasant Pavilions Commercial PAD (Planned Area Development)
East	Vacant – Undeveloped parcel	Community Commercial	Lake Pleasant Pavilions Commercial Center PAD (Planned Area Development)
West	Vacant land reserved for right-of-way, and an unnamed wash.	Residential Low (2-5du/ac)	Suburban Ranch (SR-43)

PROJECT DESCRIPTION

Request and Development Details

1. The proposed Brake Masters automobile diagnostic and repair use would be located in Lake Pleasant Pavilions (the Center), a 40 acre commercial center consisting of approximately 385,000 square feet of retail space anchored by a Super Target department store. The Center is located at the southwest corner of Happy Valley Parkway and Lake Pleasant Parkway. It is part of a larger regional commercial footprint at that intersection, as all four corners have developed as commercial centers (Exhibit A).

2. While the Center is predominantly built out, the applicant proposes to build and operate an automotive diagnostic and service center on the vacant 0.78 acre site known as Pad 6. The proposed pad is located at the northwest corner of the Center along Happy Valley Parkway, immediately north of the Super Target.

3. The Lake Pleasant Pavilions commercial center has six access points, two via Happy Valley Parkway and four via Lake Pleasant Parkway. The main entrance is a signalized intersection located at Hatcher Road and Lake Pleasant Parkway with three right-in right-out access points located north of the intersection. There are two additional access points via Happy Valley Parkway, one right-in right-out and one full movement. The access points are separated by a minimum of 300 feet. The nearest access point to the proposed Brake Masters would be from Happy Valley Parkway.

4. The proposal consists of a 4,036 square foot building with 7 service bays, a reception/lobby area, and a small office. In addition to standard brake repairs and service, Brake Masters will offer a variety of other automotive diagnostic services and repairs.

5. The proposed hours of operation would be from 7:30 a.m. to 5:30 p.m., Monday through Saturday.

DISCUSSION AND ANALYSIS

Applicability

6. In 2004, the City Council approved the Lake Pleasant Pavilions PAD zoning for the 40-acre commercial center (Case No. Z04-02). The Planned Area Development (PAD) included permitted, conditional and accessory uses governed by the Intermediate Commercial (C-2) district standards, with a few stated modifications.

7. Within the C-2 standards, an automobile diagnostic and/or service center

requires the issuance of Conditional Use Permit (CUP).

8. In general, the purpose of a CUP is to permit conditional uses in appropriate zoning districts, but only in specific locations when designed and developed in a manner which ensures maximum compatibility with adjoining uses.

Compatibility With Surrounding Land Uses

9. The proposed location for the business is within the Lake Pavilions commercial center, and also a part of a larger commercial node located at the corners of Happy Valley Parkway and Lake Pleasant Parkway. The adjacent Mountainside Crossing, Lake Pleasant Crossing, and Lake Pleasant Towne Center developments are similar in nature to Lake Pleasant Pavilions, and also contain similar uses commonly found in power centers including retail, quick-service restaurants, and personal services.

10. The Lake Pleasant Pavilions commercial center abuts single-family residences to the south and west. As part of the rezoning and site plan applications, the design for Lake Pleasant Pavilions contemplated and installed an enhanced buffer to provide a transition from the adjacent residential areas.

11. Pad 6 abuts property zoned for single-family residential to the west and southwest. Additionally, there is a large unnamed protected wash adjacent to the subject parcel which is approximately eleven feet below grade.

12. While the adjacent property to the west of Pad 6 is zoned Suburban Ranch (SR-43), it is comprised of approximately 110 feet of property which was intended and set aside as right-of-way for future Happy Valley Parkway improvements, when this road was the proposed alignment for the Loop 303. Based on current projections, Happy Valley Parkway has been built to its ultimate width and no additional residential development is planned in this location in the foreseeable future.

13. The closest residential property is approximately two hundred feet from the corner of Pad 6; whereas, the residence is setback approximately three hundred feet from the subject property.

14. Staff believes the proposed use is compatible with the surrounding area, as it is congruent with the existing character and uses within the commercial developments to the north, south, and east. Further, the proposed location and layout of the Brake Masters Automotive establishment, along with the existing enhanced buffers and natural conditions essentially mitigate any potential negative impacts the service center would impose on adjacent county residences. In addition, the proposed use further diversifies the existing mix of retail and service businesses that attract patrons to the area, but has minimal

impact on the residential development to the southwest.

Special Limitations

15. Pursuant to Section 14-39-12.E, Conditional Use Permits must be evaluated against the stated criteria. Any resulting associated conditions of approval are intended mitigate or minimize any identified negative impacts on the surrounding neighborhood that may result from the specific use and provide controls to ensure maximum compatibility between nearby land uses.

16. Staff does not anticipate any negative impacts such as noise, odor, or illumination that would affect adjoining or nearby uses as a result of this request.

17. In addition to the CUP criteria, the approved Lake Pavilions PAD references Section 14-9-5.A of the Zoning Ordinance for conditional uses, which places additional limitations on Automobile Diagnostic and/or Service uses as shown below. Staff responses to the Ordinance are in *italics*.

    a. 14-9-5-A-1a: No outdoor displays or storage shall be permitted, except for merchandise normally sold from the premises that is displayed during normal business hours. No temporary parking of vehicles waiting for repair shall be permitted except in the garage. The parking area shall be fully screened from public view.
    The accompanying site plan (Exhibit D) indicates no outdoor storage or temporary parking associated with the site. Any storage will be contained within the building.

    b. 14-9-5-A-1b: All activities shall be performed entirely within an enclosed building. High-speed washing, body repair, machining of auto parts, painting, vehicle or trailer rental shall be expressly prohibited.
    The accompanying site plan (Exhibit D) indicates that all service will be provided within the seven service bays designated for automotive repairs and service. Additionally, the roll up doors will be adjustable as to mitigate potential noise intrusion as well as provide an aesthetically pleasing view from Happy Valley Parkway.

    c. 14-9-5-A-1c: Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in landscaping. All exterior design shall be compatible with surrounding developments.
    The accompanying site and landscape plans (Exhibit D) indicate enhanced landscape along the Happy Valley Parkway street frontage and to the west adjacent to the unnamed wash and the existing single-family residential development.

18. If any issues arise regarding the operation of the business, Section 14-39-12.I provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that a permit may be revoked, modified, or suspended should any of the following occur:

    a. The permit was obtained by fraud or misrepresentation;
    b. The use authorized by the CUP has been exercised in violation of the conditions of approval.
    c. A change in circumstances where the following has occurred: [1] Impacts from the approved CUP to neighboring properties; and [2] Changes in aesthetic or environmental impacts such as noise, odors, or pollution.
    d. The use authorized by the CUP is operated in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods, or the City; or is exercised in a manner that is detrimental to the public health, welfare or safety.

Available Parking

19. The Zoning Ordinance requires auto services to be parked at three (3) spaces per service bay and one (1) space per 300 square feet of office area. Additionally, a queuing space of one hundred (100) linear feet exclusive of drive aisles and parking spaces is required. The automotive center would require 24 parking spaces. Currently, the accompanying site plan indicates 32 parking spaces available. Based upon the parking needs of the proposed service, available parking is sufficient and will not be negatively impacted by the proposed use.

Noticing and Neighborhood Comment

20. The application was properly noticed pursuant to Section 14-39-10 of the Peoria Zoning Ordinance. A notice of application was sent out to all property owners within 600 feet and all registered Homeowner's Associations within 1 mile of the proposal.

21. To date, the City has not received any verbal or written correspondence in support or opposition to this proposal.

22. The site was posted at least 15 days prior to the Public Hearing with a sign meeting the content and size requirements prescribed by the Planning Division. The applicant has provided a photo exhibit and signed affidavit attesting to the posting.

Proposition 207 Waiver

23. The voters of Arizona 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.

RECOMMENDATION

24. Based on the following findings:
    - The request is consistent with the City of Peoria Zoning Ordinance and compatible with the uses in the surrounding area;
    - The use is listed a conditionally permitted use within the approved Lake Pleasant Pavilions PAD development standards and guideline document;
    - The use shall comply with all applicable conditions of approval and be operated in a manner that will not negatively impact the adjoining uses; and
    - The applicant/owner has submitted a signed and notarized a Proposition 207 waiver, which will be recorded with the conditions outlined below.

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

Approve the applicant's request for a Conditional Use Permit under Case CU14-0012, subject to the following conditions:

1. The development shall substantially conform to the Project Narrative (Exhibit C) and the Conceptual Site Plan (Exhibit D), as contained in the staff report to the Planning and Zoning Commission dated November 13, 2014.

2. No outdoor displays or storage is allowed, except for merchandise normally sold from the premises. The display or storage shall be limited to normal business hours.

ATTACHMENTS

Exhibit A	Vicinity Map
Exhibit B	Zoning Map
Exhibit C	Project Narrative
Exhibit D	Brake Masters Site Plan

Prepared by: Rick Williams
Planner

CU14-0012 Vicinity Map

CU14-0012 Brake Masters Variance

Applicant: Heights Properties, LLP

Request: Approval of a Conditional Use permit to allow for an Automotive Service & Repair center in the Lake Pleasant Pavilion commercial center

Location: Lake Pleasant Pavilions SWC of Lake Pleasant Parkway and Happy Valley Road

N

Not to Scale

EXHIBIT A

CU14-0012 Zoning Map

CU14-0012 Brake Masters Variance

Applicant: Heights Properties, LLP

Request: Approval of a Conditional Use permit to allow for an Automotive Service & Repair center in the Lake Pleasant Pavilion commercial center

Location: Lake Pleasant Pavilions SWC of Lake Pleasant Parkway and Happy Valley Road

N

Not to Scale

EXHIBIT B

Brake Masters-Conditional Use Permit # CUP#14-0012

November 13, 2014

Brake Masters Retail Service Facility
Lake Pleasant Pavilion Shopping Center
W of SWC Lake Pleasant & Happy Valley Road

Exhibit C

Conditional Use Permit-Project Narrative

Applicant's Request

The Applicant, Heights Properties, LLP Developer for Brake Masters Retail Service Facilities does herewith make application to the City of Peoria as required under the Zoning Ordinance. The approval of the Conditional Use Permit would allow the construction and operation of Brake Masters upon lot 6A within Lake Pleasant Pavilion Shopping Center.

Brake Masters is an Arizona based light automotive service facility founded in 1983 by Eric and Shalom Laytin, the focus of the business is the scheduled maintenance of vehicles, including oil and fluid changes as well as components such as brakes which over time wear and need to be replaced. The work is all performed inside the state of the art facility and no vehicles are stored outside the facility.

Brake Masters hours are from 7:30 to 5:30 six days a week, closed on Sunday for our team members to share with family. They pride themselves on being a good neighbor and a community asset. Their Customers are their neighbors and Brake Masters values their long term patronage and loyalty.

Automotive maintenance has shifted over time from the largely stand alone facility or auto plaza to become an important tenant providing a needed service within our busy Community Shopping and Lifestyle Centers. Today many of the customers will bundle their service trip to Brake Masters with shopping or hair and nail services creating a valuable one stop experience for our customer.

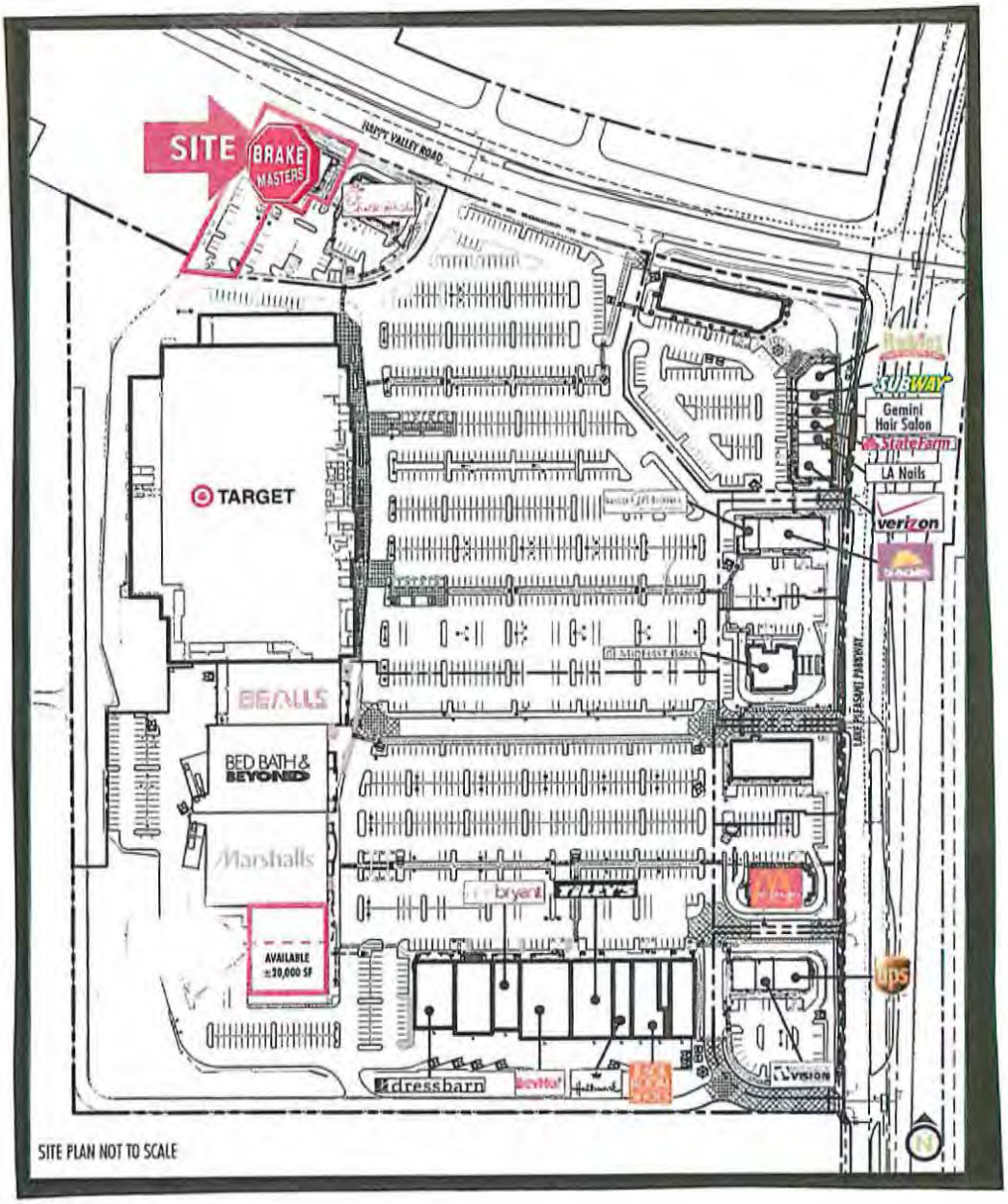
Brake Masters shall provide this needed and valuable service to the Lake Pleasant Pavilion with professionalism and consideration to their fellow Tenants and Service Providers to make Lake Pleasant Pavilion a better shopping experience.

Please visit www.Brakemasters.com for a company history, locations and additional services offer at Brake Masters.

Context and Zoning

The Subject Property is on the SWC of Happy Valley and Lake Pleasant Parkway, within the Lake Pleasant Pavilion. The APN # is 201-08-198. The property is zoned PAD, Planned Area Development, With the underlying C-2 zoning. With the exception of this property and an adjacent pad sold to Chic fil A the Center is almost completely built out, the Center features a Super Target, Bed Bath and Beyond, Marshalls, Shoe Pavilion among other fine retailer, service providers and restaurants.

The property is located just south of Happy Valley Road on the western end of the Shopping Center. See Image below


SITE
BRAKE MASTERS
HAPPY VALLEY ROAD
TARGET
BEALLS
BED BATH & BEYOND
Marshalls
AVAILABLE ±20,000 SF
bryant
dressbarn
SUBWAY
Gemini Hair Salon
Statefarm
LA Nails
verizon
LAKE PLEASANT PARKWAY
SITE PLAN NOT TO SCALE

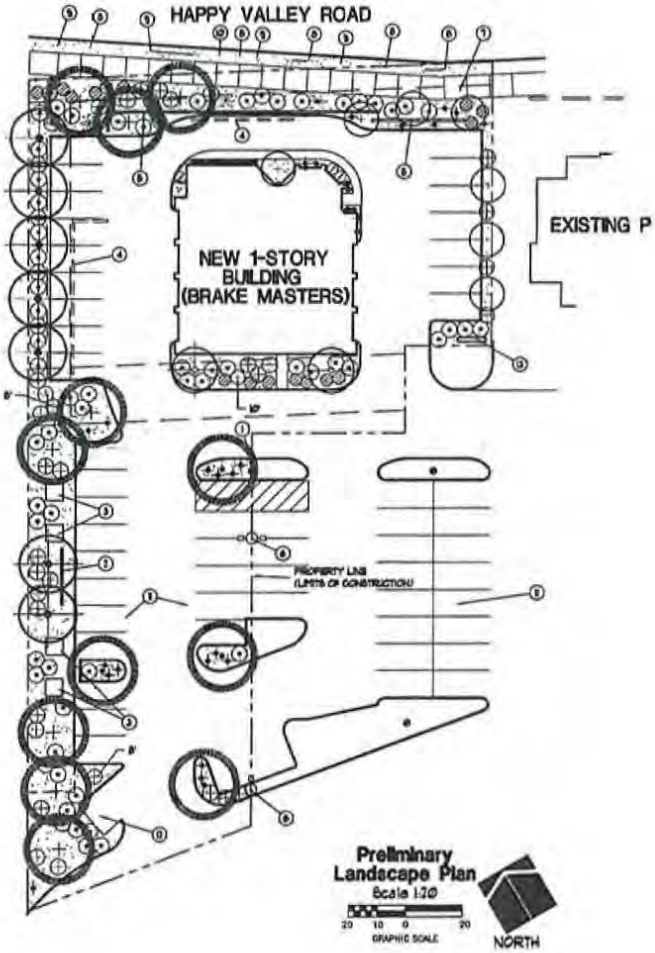
NON-RESIDENTIAL AND MULTI-FAMILY SITE PLAN PLANTING DATA SHEET

(To be completed and provided on face of Landscape Plan)

LANDSCAPE AREAS	Required	Provided
A. On-Site Landscape Areas [14-33-4.A.1]		
1. Gross On-Site	8,300 sq. ft.	9,040 sq. ft.
*Non-res: 15% of Net Site Area**		
*Multi-Family: 20% of Net Site Area**		
*Commercial/Other Non-Residential: 15% of Net Site Area**		
(** Not net land use buffer & school playfield, if applicable (C))		
B. Street Frontage Buffer [14-33-4.A.2]		
1. Commercial / Multi-Family: 15' wide strip between curb and front footprint	N/A sq. ft.	N/A sq. ft.
2. Schools: 15' wide strip on the existing street frontage / 10 acres	N/A sq. ft.	N/A sq. ft.
3. Industrial: 15' wide strip between curb and front footprint	N/A sq. ft.	N/A sq. ft.
C. Land Use Buffer [14-33-4.A.3]		
1. C-1/C-2 Districts abutting all residential districts: 30' wide	N/A sq. ft.	N/A sq. ft.
2. Other Non-Residential Districts abutting all residential districts: 15' wide	N/A sq. ft.	N/A sq. ft.
3. Multi-Family Districts abutting single-family districts: 30' wide	N/A sq. ft.	N/A sq. ft.

PLANT QUANTITIES	Required	Provided
On-Site Landscape Areas [14-33-4.A.1.c]		
In Multi-Family and Non-Residential		
D. Trees: 1 per 150 sq. ft. of net landscaping (see A.1)	20 trees	21 trees
E. Shrubs: 5 per 100 sq. ft. of net landscaping (see A.1)	200 shrubs	200 shrubs
Lots		
F. Trees: 1 per 800 sq. ft. of net landscaping (see A.1)	N/A trees	N/A trees
G. Shrubs: 1 per 800 sq. ft. of net landscaping (see A.1)	N/A shrubs	N/A shrubs
Street Frontage Buffer Plantings [14-33-4.A.2]		
H. Trees: 1 per 35 lin.ft. of street frontage*	3 trees	3 trees
I. Shrubs: 5 per 35 lin.ft. of street frontage*	34 shrubs	34 shrubs
Land Use Buffer Plantings [14-33-4.A.3]		
J. Trees: 1 per 1,000 sq.ft. of required buffer area (24" box min.)	N/A trees	N/A trees
K. Shrubs: 5 per 1,000 sq.ft. of required buffer area (5 gallon min.)	N/A shrubs	N/A shrubs

TOTALS	Required	Provided
Total On-Site Area (A + B + C)	8,300 sq. ft.	9,040 sq. ft.
Total Trees (D + F + H + J)	23 trees	24 trees
Total 24" Box Trees (50% of total required trees)	12 trees	12 trees
Total Shrubs (E + G + I + K)	234 shrubs	234 shrubs



GENERAL NOTES:

1) TURF (LAWN) IS LIMITED TO A MAXIMUM OF 30% OF THE SITE AREA.
2) A DEVELOPMENT MAY SUBSTITUTE A 36" BOX OR LARGER TREE IN PLACE OF A 15 GALLON TREE AT A RATE OF 1.5 TREES FOR EVERY REQUIRED 15 GALLON TREE.
3) ALL LANDSCAPED AREAS SHALL BE SUPPORTED BY AN AUTOMATIC IRRIGATION SYSTEM WHICH MAY BE SPRAY, FLOOD OR DRIP SYSTEM.
4) PLANT MATERIALS UTILIZED IN LANDSCAPED AREAS IN THE R.O.W. MUST BE INCLUDED ON THE MOST RECENT EDITION OF THE PHOENIX ACTIVE MANAGEMENT AREA LOW WATER USE / DROUGHT TOLERANT PLANT LIST.
5) THE PROPERTY OWNER AND/OR LESSEE SHALL BE RESPONSIBLE TO INSTALL/MAINTAIN ALL LANDSCAPING WITHIN THE RIGHT-OF-WAY (LANDSCAPING WITHIN R.O.W. WILL COUNT TOWARDS STREET FRONTAGE BUFFER PLANTING REQUIREMENTS).
6) A 3-FOOT CLEAR SPACE IS REQUIRED AROUND ALL FIRE SUPPRESSION EQUIPMENT. NO PLANTS MAY BE INSTALLED THAT WILL ENCROACH WHEN MATURE.
7) A PRE-EMERGENT HERBICIDE SHALL BE APPLIED TO THE GROUND PRIOR TO AND AFTER THE PLACEMENT OF NATURAL SURFACE MATERIALS IN ANY LANDSCAPED AREAS.

Project Description

The Subject Property is 31,935 SF (.733 acres) The Proposed building square footage is 4075 S.F. for an automotive repair facility that will include a lobby/ customer reception area and seven (7) service bays. The existing perimeter landscaping and drive aisles will remain. Parking required for the property will be 24, parking provided on the site including service bays will be 39.

Exterior Elevations

The new building elevations will be in conformance with other buildings in the Center and will be reviewed and approved during the Site Plan approval process through the City under separate submittal. The building materials shall be stucco over CMU block with block accents at the base of the building. Building colors, lighting and design shall be in conformance with the design standards of the Lake Pleasant Pavilion and the City.

Conditional Use Permits- Section 14-39-12

E. Review. The Department shall review applications for Conditional Use Permits and make a recommendation for approval or denial to the Planning and Zoning Commission based on the following criteria;

1. *Whether the use is designated as a permitted Conditional Use within the zoning district in which the property is located.*

The zoning district for this commercial property is zoned P.A.D. (C-2) and this use is a permitted use, subject to the requirements put forth with a conditional use permit.

2. *Whether the use meets the locational and development standards provisions, as applicable for the Conditional Use Permit, for the zoning district in which the property is located.*

This development is located within the established C-2 Lake Pleasant Pavilion as developed on the major intersection of Happy Valley and Lake Pleasant Parkway providing the one mile separation from other non-adjacent commercial districts

The project meets all the development standards provisions except the landscape requirement on the west side of the project and we are applying under a separate variance application for this requirement. We are requesting a 7ft. reduction to allow for parking as there is a large unnamed wash that is over 700 feet wide at Happy Valley road. No outdoor displays or storage is permitted and the paved areas are reduced to the smallest area commensurate to the property.

3. *Whether the use is consistent with the goals, policies, and intent of the General Plan and any adopted Specific Plan applicable to the site where the proposed use is located.*

The development is consistent with the General Plan and the Specific Plan for the Lake Pleasant Pavilion Center as part of the Lake Pleasant Center Planned Area Development and provides a commercial use providing a service to the area.

4. *Whether the use is consistent with all documentation and recommendations provided by reviewing City Departments.*

The proposed Brake Masters will be consistent with the recommendations provided by reviewing City Department.

5. *Whether the use complies with all applicable city codes, standards and guidelines governing such use.*

ANSWER 5. The Brake Masters will be done in compliance with all applicable city codes, standards, and guidelines governing this use.

6. *Whether the use will be materially detrimental to the health, safety, or general welfare of persons residing or working in the vicinity of the property, to the neighborhood, or to the public welfare: or if the use will unreasonably interfere with the use and enjoyment of nearby properties. Consideration shall include, but not be limited to the following factors.*

a. *Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination;*

   The Brake Masters will operate in a manner consistent with all other approved C-2 zoned uses similar to this automotive maintenance and repair facility. The project will not create damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.

b. *Impact on surrounding areas resulting from an unusual volume or character of traffic;*

   Brake Masters has a low volume of traffic at any one time to their facilities; typical customer count per day is twenty five. The Project will be located within a Community Size Shopping Center with almost 400,000 square feet of commercial with a combined commercial retail of 1.5 million square feet at the commercial node. The Brake Masters operation will not create unusual traffic volume and will not impact on surrounding areas resulting from an unusual volume or character of traffic.

c. *Ingress and egress to the property and proposed structures;*

   Ingress and egress to the property and the proposed structure utilize the existing development access points to the site. The proposed structure is accessed via shared driveways and site circulation.

d. *Pedestrian and vehicular circulation with particular reference to fire protection;*

The proposed Brake Masters project is located within a larger commercial center providing pedestrian and vehicle circulation within these predefined routes. No disruption is caused due to the proposed development. The proposed development will have no impact on fire protection, access will be maintained to the overall Shopping Center for fire vehicles.

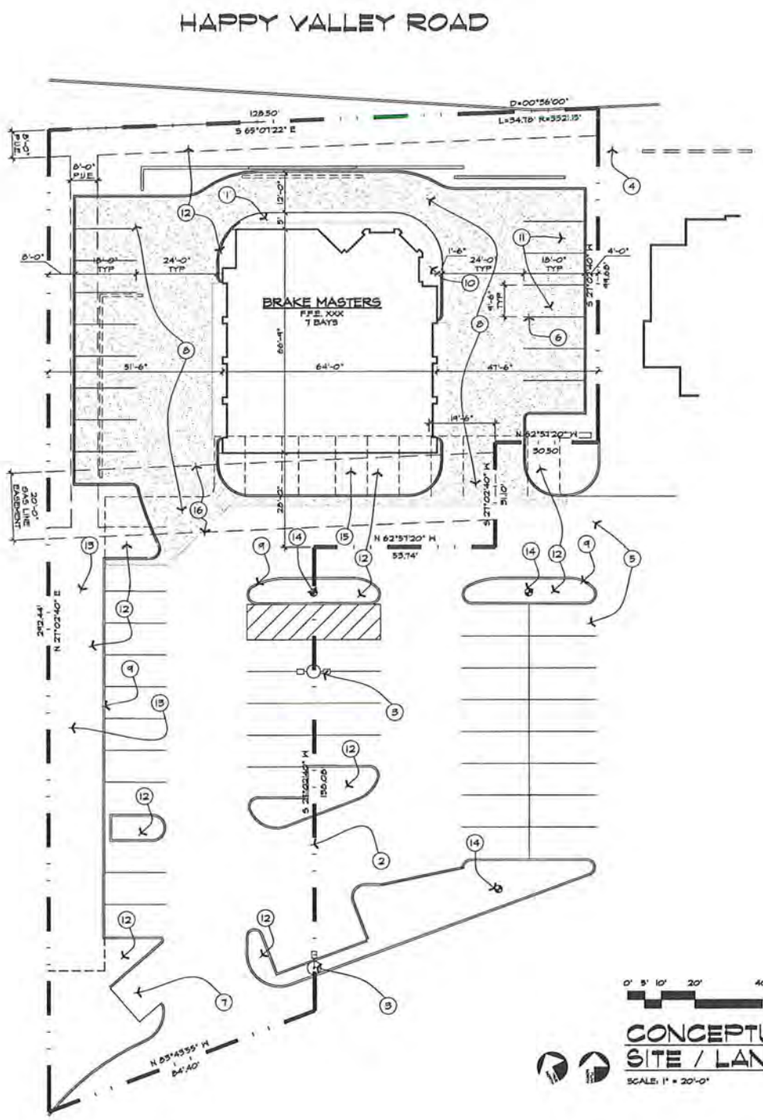
e. *Parking and loading; and*

The proposed development is located within Lake Pleasant Pavilion which provides parking and loading areas that are shared and on each respective development. Brake Masters meets the requirements for and loading as shown on the site plan below.

f. *Impact on public services, including schools, utilities, and recreation.*
The proposed development will not have a negative effect on public services as its operation and function is consistent within the overall commercial center while providing an additional service to local residents and the public.

7. *The Planning Manager shall not approve or recommend approval of any Conditional Use Permit unless the Department has received a Waiver of Proposition 207 from the owner(s) of the property that is the subject of the Conditional Use Permit or has determined that the absence of such a Waiver of Proposition 207 consistent with the City's General Plan and Zoning goals and regulations.*

The Waiver of Proposition 207 has been completed and submitted for the case file of this project.



CONCEPTUAL
SITE / LANSCAPE PLAN
SCALE: 1" = 20'-0"

VICINITY MAP
SCALE: N.T.S.

GENERAL NOTES

1. ALL SIGNAGE SHALL BE SUBJECT TO A SEPERATE REVIEW AND APPROVAL PROCESS.
2. ALL NEW GROUND MOUNTED AND ROOF MOUNTED EQUIPMENT, INCLUDING UTILITIES, SHALL BE SCREENED FROM VIEW.

KEYNOTES

OWNER:	BRAKE MASTERS
PROJECT ADDRESS:	LAKE PLEASANT PAVILION SWC LAKE PLEASANT PARKWAY & HAPPY VALLEY PARKWAY PEORIA, ARIZONA
PROJECT DESCRIPTION:	NEW LIGHT AUTO REPAIR SERVICE
PARCEL #	201-08-148
ZONING:	PADD (PLANNED AREA DEV. DIST.)
NET SITE AREA:	51,435 S.F. (1.199 ACRES)
OCCUPANCY GROUP:	S-1
CONSTRUCTION TYPE:	VB (SPRINKLERS)
BUILDING AREA:	4075 S.F.
BUILDING HEIGHT:	28'-0" MAX
LOT COVERAGE:	4075 / 51,435 = 12.1 %
PARKING SPACES REQUIRED:	
3 SPACES PER SERVICE BAY	= 21 SPACES
1 SPACE PER 300 S.F. (787 / 300 SF)	= 3 SPACES
TOTAL	= 24 SPACES
PARKING SPACES PROVIDED:	
--> REGULAR	= 50 SPACES
--> ACCESSIBLE	= 2 SPACES
TOTAL	= 52 SPACES

KEYNOTES

1. 5' WIDE CONC. SIDE WALK.
2. PROPERTY LINE.
3. (EX) LIGHT POLE.
4. (EX) CONC SIDEWALK.
5. (EX) ASPHALT PAVING.
6. NEW PARKING STRIPE.
7. (EX) TRASH ENCLOSURE
8. NEW ASPHALT PAVING.
9. (EX) 6" CONC CURB.
10. NEW ACCESSIBLE RAMP.
11. ACCESSIBLE SIGN, SYMBOL & STRIPES PER ADA REQUIREMENTS.
12. NEW LANDSCAPE, PER CENTER & CITY STANDARDS.
13. (EX) TRANSFORMER PAD.
14. (EX) FIRE HYDRANT.
15. 4' WIDE CONC. SIDEWALK
16. (EX) UTILITY EASEMENT.
17. NOT USED
18. NOT USED
19. NOT USED
20. NOT USED
21. NOT USED

CITY APPROVALS

GERALD R. KESLER, INC.
ARCHITECTS
1923 E. Desert Lane
Phoenix, AZ 85042
Phone: 602-705-1083
Fax: 602-468-2180
Email: gk@cox.net

PRELIMINARY
NOT FOR
CONSTRUCTION

BRAKE MASTERS
LAKE PLEASANT PARKWAY
& HAPPY VALLEY ROAD
PEORIA, ARIZONA

JOB NUMBER
1409

DATE
07-08-2014

REVISION

SHEET TITLE
ARCHITECTURAL
SITE PLAN

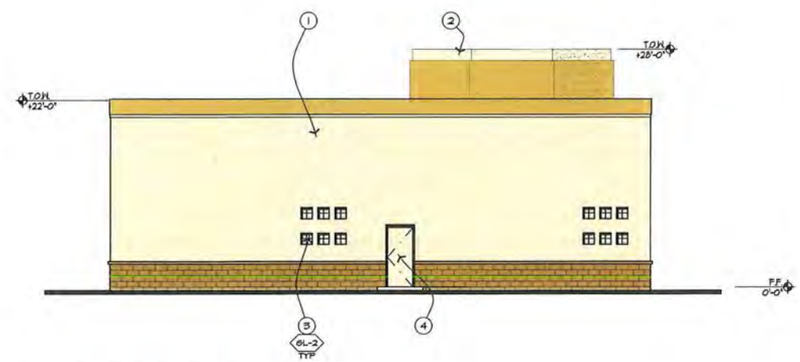
SHEET NUMBER
SD101

ALL DESIGNS, PLANS, DRAWINGS, AND SPECIFICATIONS ARE THE PROPERTY OF GERALD R. KESLER, INC. AS INSTRUMENTS OF SERVICE AND MAY NOT BE USED FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT OF GERALD R. KESLER, INC.

2436

Exhibit D

1 EAST ELEVATION
SCALE: 1/8" = 1'-0"



2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

3 WEST ELEVATION
SCALE: 1/8" = 1'-0"

4 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

KEYNOTES

1. LINE OF MECHANICAL UNIT ON ROOF
2. TOWER STRUCTURE BEYOND
3. 16" SQ. GLASS BLOCK WINDOW
4. HOLLOW METAL DOOR & FRAME
5. EIFS O/ FRAME CONSTRUCTION
6. EIFS MASTIC APPLIED O/ CMU
7. 4" WIDE X 3/4" REVEAL
8. VISION GLASS IN ALUM. STOREFRONT SYSTEM
9. SPANDREL GLASS (TYP) BOTTOM ROW OF STOREFRONT SYSTEM
10. MASONRY COPING BLOCK
11. LINE OF ROOF BEYOND
12. GLASS & ALUM. FRAME SECTIONAL OVERHEAD GARAGE DOOR

MATERIALS / FIN. LEGEND

EIFS COLOR TO MATCH:

- P-01 — EIFS SAND FINISH - FRAZEE 8684M - OAK FLATS
- P-02 — EIFS SAND FINISH - FRAZEE 8685D - WOODLET

CONCRETE MASONRY UNITS:

- M-01 — 8X8X16" INTEGRAL COLOR, SPLIT FACE CMU - SUPERLITE - COCO BROWN

DOORS / WINDOWS:

- ALU — ALUMINUM - RED
- GL-1 — VISION GLASS, LOW-E CLEAR
- GL-3 — 8 x 8 GLASS BLOCK - PPG

RECEIVED
JUL 2014
V14-0006
1st

Phone: 602-721-1083
Fax: 602-466-3160
Email: gkl@cox.net

GERALD R. KESLER, INC.
ARCHITECTS
1823 E. Desert Lane
Phoenix, AZ 85042
GKI

PRELIMINARY
NOT FOR
CONSTRUCTION

BRAKE MASTERS
LAKE PLEASANT PARKWAY
& HAPPY VALLEY ROAD
PEORIA, ARIZONA

JOB NUMBER
1409

DATE
07-08-2014

REVISION

SHEET TITLE
EXTERIOR
ELEVATIONS

SHEET NUMBER
A201

ALL DESIGNS, PLANS, DRAWINGS, AND SPECIFICATIONS ARE THE PROPERTY OF GERALD R. KESLER, INC. AS INSTRUMENTS OF SERVICE AND MAY NOT BE USED FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT OF GERALD R. KESLER, INC.

2436

CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU14-0017

DATE: November 13, 2014

AGENDA ITEM: 6C

Applicant: Chris Spencer, ACT Glass, Inc.

Request: Obtain a Conditional Use Permit (CUP) to allow a light assembly and fabrication of window frames establishment within the Bell Freeway Commercial Park PAD.

Proposed Business: ACT Glass, Inc.

Location: 8615 W. Kelton Lane, Suite 305 located south and east of the southeast corner of 87th Avenue and Kelton Lane.

Size of Facility: Approximately 9.6 gross acre site, 4,315 square foot suite in an existing building.

Support / Opposition: As of the date of this printing, Staff has not received any written or verbal support or opposition to this request.

Recommendation: **Approve**, with conditions.

AREA CONTEXT

Table 1: *Existing Land Use, Future Land Use, Current Zoning. (Exhibits A & B)*

	LAND USE	GENERAL PLAN	ZONING
Subject Property	**Existing commercial and business park**	**Regional Commercial**	**Bell Freeway Commercial Park PAD (Planned Area Development)**
North	Kelton Lane, then auto dealerships	Regional Commercial	**Bell Freeway Commercial Park PAD (Planned Area Development)**
South	Single-family residential	Low Density Residential (2-5 du/ac, Target: 3 du/ac)	RM-1, Multi-Family Residential
East	Existing commercial and business park	Regional Commercial	**Bell Freeway Commercial Park PAD (Planned Area Development)**
West	87th Avenue, then single-family residential	Low Density Residential (2-5 du/ac, Target: 3 du/ac)	R1-6, Single-Family residential

PROJECT DESCRIPTION

Request and Development Details

1. The project site is a 4,315 square foot tenant suite within a 9.6 acre developed commercial park located at the southeast corner of 87th Avenue and Kelton Lane. The suite is located within Parcel E of the Bell Freeway Commercial Park Planned Area Development (PAD). This PAD extends north to Bell Road and west to the New River Trail adjacent to Loop 101.

2. ACT Glass, Inc is often contracted for glass and glazing work all over the states of Arizona, New Mexico, and Texas with the possibility of opening a second branch in Texas. The proposed hours of operation are Monday through Friday from 7:00 a.m. to 4:00 p.m. Typically, three employees will be at the location at any given time during the hours of operation, however the majority of the work performed will be at a jobsite. The work performed on the site will include cutting of glass and assembling of aluminum frames for residential windows and commercial storefronts, and will occur within the enclosed suite.

3. The location expects to receive three to four deliveries of materials per week on ACT Glass trucks. The location expects to receive few walk-in customers, two per week, for small scale projects such as glass table tops, mirrors, and shower enclosures.

4. There are not any exterior or interior changes being proposed in conjunction with this Conditional Use Permit.

DISCUSSION AND ANALYSIS

Applicability

5. The site in question is zoned Planned Area Development (PAD). According to the Bell Freeway Commercial Park PAD's Table of Permitted Land Uses, a "light manufacturing or assembly of finished or semi-finished products indoors" is subject to the issuance of a Conditional Use Permit.

6. Section 14-39-12.E outlines the applicable criteria for evaluating Conditional Use Permits (CUP). In general, the purpose of a CUP is to mitigate and/or minimize any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure compatibility between nearby land uses.

Analysis

7. In staff's judgment, the proposed use is appropriate and compatible with surrounding commercial land uses and the context of the area in question. The proposed use is not expected to impact neighboring properties, including the two

neighboring suites, Pro Muffler and Arizona Tire and Automotive Center, through light, noise, odor, smoke, heat, or glare.

8. The closest residential property is approximately one hundred feet to the south of the existing suite. In addition to parking and a drive aisle, an approximately 35 foot wide landscape buffer is located in the intervening area between the proposed business suite and the existing residences. The business will only operate during regular business hours, and heavy machinery will not be utilized on site to create a nuisance to the neighboring residential properties.

9. If any issues arise regarding the operation of the business, Section 14-39-12.I provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that a permit may be revoked, modified or suspended should any of the following occur:

    a. The permit was obtained by fraud or misrepresentation;
    b. The use authorized by the CUP has been exercised in violation of the conditions of approval;
    c. A change in circumstances where the following has occurred: [1] Impacts from the approved CUP to neighboring properties; and [2] Changes in aesthetic or environmental impacts such as noise, odors or pollution.
    d. The use authorized by the CUP is operated in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods, or the City; or is exercised in a manner that is detrimental to the public health, welfare or safety.

Noticing and Neighborhood Comment

10. The application notice was forwarded to all property owners within 600 feet of the proposal, including all registered HOA's within one mile, and properly noticed pursuant to Section 14-39-6 of the Peoria Zoning Ordinance.

11. As of the date of this writing, no letters, emails or phone calls in objection to the proposal have been submitted to Planning staff.

Proposition 207

12. The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of their 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.

FINDINGS AND RECOMMENDATION

13. Based on the following findings:
    - The request is consistent with the applicable codes, standards, and guidelines; and
    - The request is compatible with the surrounding uses; and the use is supported by the property owner of the adjacent undeveloped property; and
    - The proposal does not result in detrimental impacts to the surrounding area.

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

Approve the applicant's request for a Conditional Use Permit under Case CU14-0017, subject to the following conditions:

1. The use shall substantially conform to the project narrative (Exhibit C), Site Plan (Exhibit D), as contained in the staff report to the Planning & Zoning Commission dated November 13, 2014.

2. The hours of operation shall be limited to between 7:00 a.m. and 5:00 p.m. Monday through Friday.

ATTACHMENTS:

Exhibit A	Vicinity / Aerial Map
Exhibit B	Zoning Map
Exhibit C	Project Narrative
Exhibit D	Site Plan

Prepared by: Hannah Van Nimwegen
Associate Planner

CU14-0017 Vicinity Map

CU14-0017 ACT Glass, Inc.

Applicant: Chris Spencer, ACT Glass, Inc.

Request: Obtain a Conditional Use Permit (CUP) to allow light assembly and fabrication of window frames for commercial properties and residential homes within the Bell Freeway Commercial Park PAD.

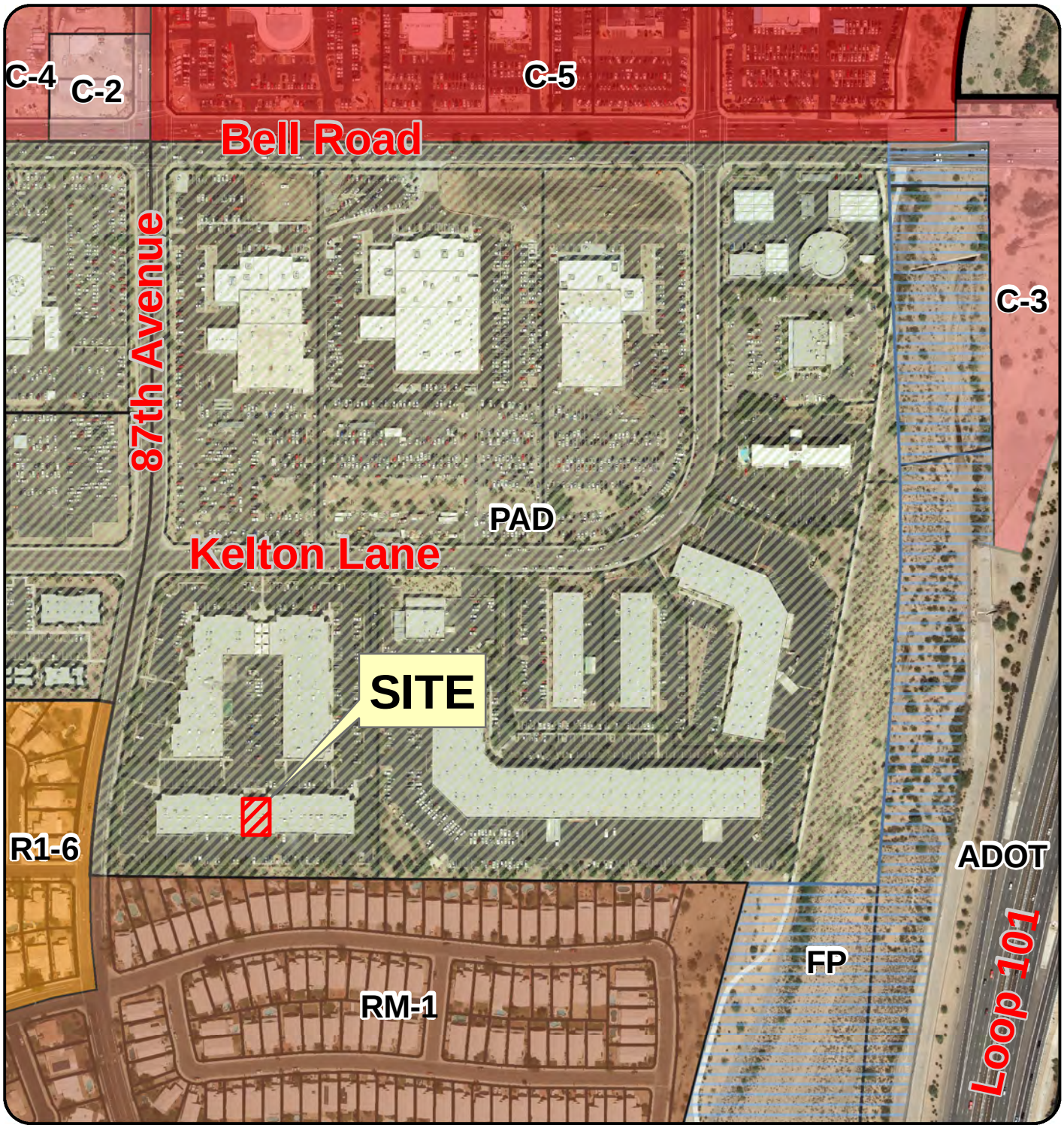
Location: Arrowhead Commerce Park, southeast corner of 87th Avenue and Kelton Lane.

N

Not to Scale

EXHIBIT A

CU14-0017 Zoning Map



CU14-0017 ACT Glass, Inc.

Applicant: Chris Spencer, ACT Glass, Inc.

Request: Obtain a Conditional Use Permit (CUP) to allow light assembly and fabrication of window frames for commercial properties and residential homes within the Bell Freeway Commercial Park PAD.

Location: Arrowhead Commerce Park, southeast corner of 87th Avenue and Kelton Lane.

N

Not to Scale

EXHIBIT B

ACT
GLASS, INC.

10/22/2014

City of Peoria
8401 W. Monroe Street
Peoria, Arizona 85345

Subject: Conditional Use Permit – Project Narrative

Case No. CU 14-0017

ACT Glass is a Glass and Glazing residential and commercial subcontractor's office / shop and is requesting a CUP for use of 4,315 sq ft in the Arrowhead Commerce Center. ACT Glass, Inc. will pursue glass work from General Contractors, Residential Builders, and Individuals. Approximately 75% of the work done by ACT Glass will be commercial, 15% from Residential Builders and 10% will be from individuals.

Commercial work will be pursued in Arizona, New Mexico and Texas. Commercial work will include tenant improvements and new exterior shell buildings. Tenant Improvement work includes ½" and 3/8" glass walls, glass in frames installed by other trades, interior aluminum doors and frames and mirrors. New shell buildings are exterior shell enclosures using storefront or curtain wall framing and glass. Typically shell enclosures are completed then tenant improvement work follows after suites are leased by new businesses.

Residential work will include windows, new and replacement, table tops, mirrors and shower enclosures. New windows will be sold for newly built custom homes, and replacement windows in existing homes to reduce energy usage and improve the curb appeal of the home. ACT Glass will also take walk-in and phone orders from individuals for glass replacement, table tops, mirrors, etc

Aluminum extrusions will be either delivered by the manufacturer or picked up on ACT Glass trucks and unloaded in the building. The typical fabrication that would take place at the shop would be cutting, and assembling aluminum extrusions into residential windows and commercial storefront and curtain wall systems. When the fabrication is complete the fabricated frames and glass will be loaded on glass rack trucks either inside the building or just outside the overhead door to be installed at construction jobsites.

Pictures of completed commercial and residential projects are attached

Thank you,

Christopher D. Spencer
President / QP
ACT Glass, Inc.
ROC 293035

EXHIBIT C

ACT
GLASS, INC.

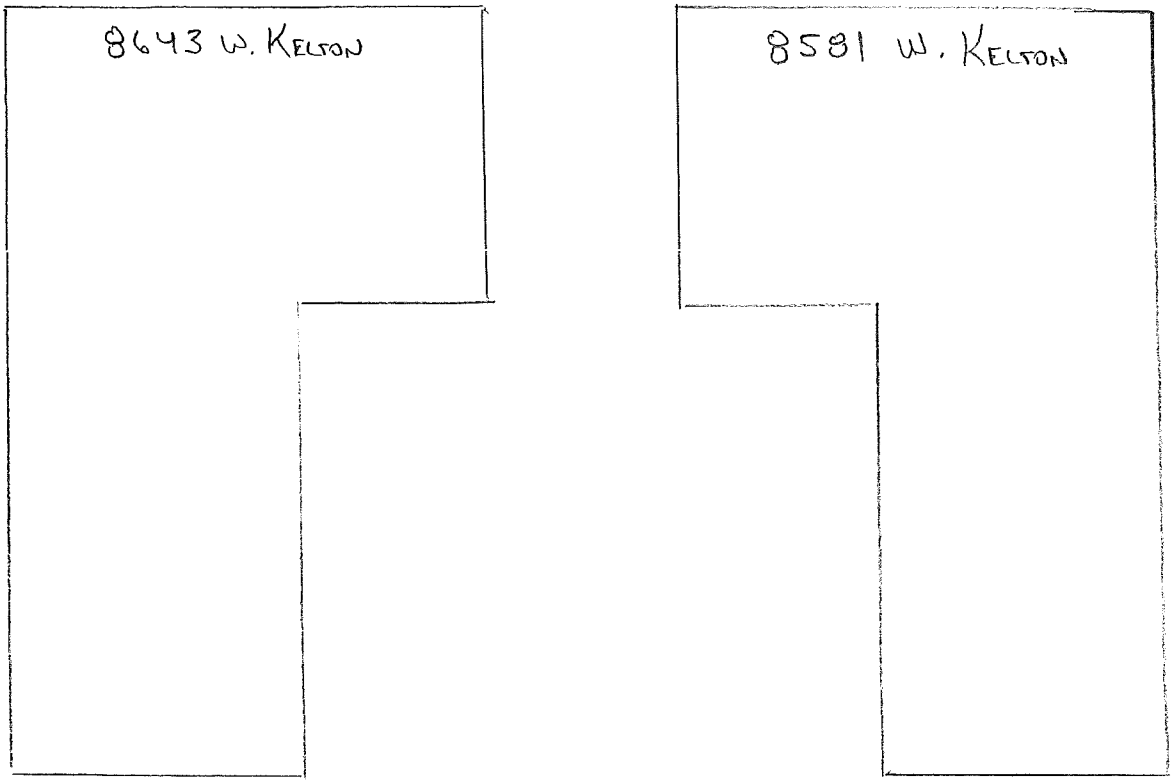
10/22/2014

Digital Air Strike – C340

Kierland Tower Lofts

Glass Shower Enclosure

KELTON LANE



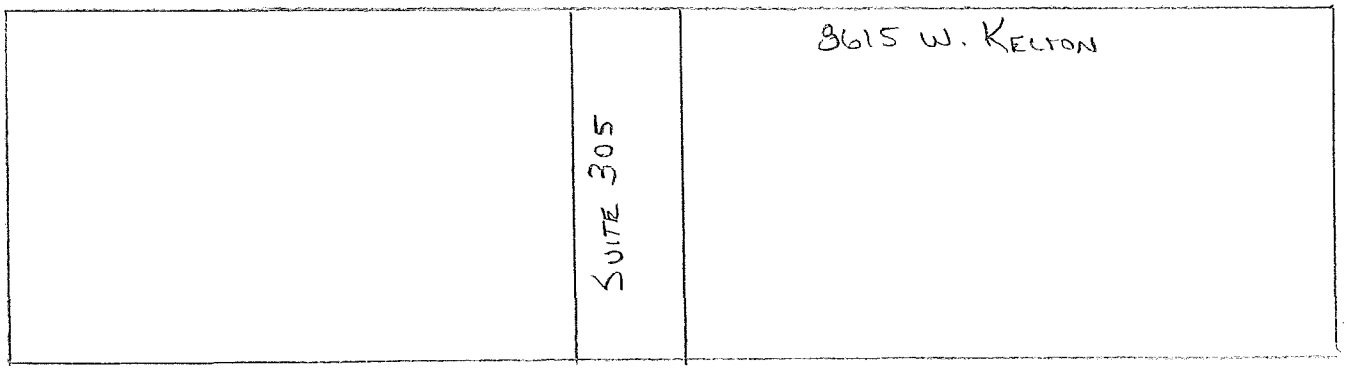


EXHIBIT D

MAJOR GENERAL PLAN AMENDMENT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: GPA 14-0002

DATE: November 13, 2014

AGENDA ITEM: 7R

Applicant:	City of Peoria
Request:	Amend the Land Use Element and Plan Administration section of the Peoria General Plan.
Location / Acreage:	Not Applicable. This is a citywide amendment to the General Plan.
Support / Opposition:	Staff has received and addressed written comments from the Arizona Department of Water Resources and Arizona State Land Department.
Recommendation:	Recommend approval to the City Council.

---

*Changes to this report since the October 16, 2014 Planning and Zoning Commission Hearing are indicated in **bold text.***

BACKGROUND

1. The Peoria General Plan is essentially the City's blueprint for policy and land development. It is the primary tool used in evaluating proposed developments, providing recommendations, revising development regulations and identifying capital improvements needed to meet the objectives of the plan. Although the General Plan is most commonly used for making land use decisions, it is also a key component in guiding policy creation involving such efforts as water conservation, public services planning, economic development, neighborhood revitalization and open space preservation.

2. It has been the City's desire to maintain the General Plan as a "living document" and to encourage changes when necessary. While some of the previous amendments have been site specific pertaining to a particular development, many were larger in scope and addressed policies such as updating land use

designation standards, updating portions of the Circulation Element or the addition of new Plan elements in response to changing State legislation.

3. This year, the City is processing a comprehensive Major General Plan Amendment affecting text within *Section 2. Land Use Element* and *Section 14. Plan Administration*. With this amendment, it was the City's intent to make adjustments where necessary to maintain relevancy and to reflect the City's vision of building a healthy, safe and sustainable community.

DISCUSSION / ANALYSIS

4. This amendment serves as an ongoing revision to the Peoria General Plan in an effort to maintain a document that adequately responds to changing social, economic, and other demographic trends, as well as development pressures which impact land use, traffic patterns, socio-economic conditions, and provision of City services among others. More specifically, the amendment includes the following revisions:

- Section 2. Land Use Element:
  - Reorganization of content with better delineation of subsections;
  - Land use category descriptions updated to better define anticipated densities, uses and development patterns;
  - Realignment of applicable tables with Residential Target Density text;
  - Clarification of intent and function of the General Plan Land Use/Zoning table;
  - Recognition of other factors used to determine General Plan Conformity;
  - Update to conformity criteria list; and
  - Elimination of outdated references within the Section "Calculation of Dwelling Units and Population Density.
- Section 14. Plan Administration:
  - Public participation process description separated from notification requirements;
  - Timeframe for neighborhood meeting aligned with established requirements identified in the Zoning Ordinance;
  - Notification requirements for privately-initiated and city-initiated amendments clearly delineated;
  - Notification methodologies for city-initiated amendments updated to reflect size of amendment and target audience; and
  - Modification to Table 14.3 to eliminate selection of zoning district categories from amendment criteria.

5. Primarily, the proposed modifications within the Land Use Element are intended to clarify the intent and practical application of the "Residential Target Density" concept, and to better define the relationship between land use descriptions and zoning districts.

6. Development conditions and proposals have evolved since the Plan's last comprehensive rewrite; however, the criteria for evaluating conformity to the General Plan and appropriateness of exceeding residential target density have not. To maintain relevance with development conditions and keep pace with more advanced planning methods, staff has routinely considered a more robust list of factors when evaluating proposals. Accordingly, the conformity criteria within Section 2c are being revised to reflect this practice. While it is staff's intent to bring the criteria up to date and better define possible areas of consideration, the list is not meant to be all encompassing. Further, City Council will make the final decisions regarding the appropriateness of a zoning designation or proposed residential density based on the merits of the proposed development.

7. The purpose of the proposed adjustments to the document's organization, such as the layout, headers and structure within each section is to increase readability, and provide a better nexus between the descriptions and associated tables where applicable.

8. The stated criterion within Section 14.g and Table 14.3 implies a general plan amendment is automatically required unless the project is zoned or rezoned to one of the districts listed. This language directly conflicts with the stated intent and methods outlined within Section 2, which allows a development to potentially consider a different zoning district if they can demonstrate conformity to the General Plan using criteria specified. Proposed alterations to this section of the text and table are intended to eliminate the conflict and bring it into conformance with the stated intent of Section 2. Land Use Element.

Planning & Zoning Commission Discussion from October 16, 2014 Hearing

9. **The Planning & Zoning Commission held the first of two hearings for the annual Major General Plan Amendment process on October 16th of this year. This hearing was an opportunity for staff to present the amendment and for the Commission and the public to give testimony.**

10. **Previously on September 18, 2014, staff provided the Commission with a project update and sought comment and direction on specific changes to Section 2. Land Use Elements. The Commission asked staff to examine whether an additional criterion recognizing a significant contribution in**

completing off-site infrastructure or a CIP project should be added to the Conformity Determination list.

11. **During the October 16th hearing, staff provided an overview of the proposed changes for both sections of the text. The Commission asked staff to elaborate upon their reasoning for not including the off-site infrastructure in the Conformity Determination list. Staff indicated the list was intended to act as guidance on what may be considered if a project wanted to exceed the target density. The area of impacts for each project would be considered, and the developer is responsible for completing the necessary improvements to serve the property. If those impacts are more regional in nature, projects will typically receive impact fee credits if they are within an infrastructure improvement plan. Staff believes the recognition of those regional improvements is consequently recognized through existing mechanisms.**

CIVIC ENGAGEMENT & NOTIFICATION

Citizen Participation

12. Information regarding the proposed revisions was made available for citizens to download and comment on from the City's website. To date, we have not received any citizen comments regarding the proposed amendment.

General Public Awareness

13. This amendment was notified in accordance with ARS § 9-461.06 and routed to adjacent governments and reviewing agencies for a 60-day review period. In addition to the 60-day routing, any neighborhood meetings and the published advertisement for the public hearings, additional information regarding each of this year's Major General Plan Amendments, including the draft amendments and a summary document, were provided on the City's main website and again on the City's Planning Division website.

14. It should also be noted that all external routing materials were limited to a summary letter that outlined the proposed amendment and directed all reviewers to a website where the complete document could be reviewed and comments could be issued entirely online.

15. Staff received a letter from the Arizona Department of Water Resources (ADWR) advising that agricultural/farm uses identified within Estate Density Residential land use description (Section 2c) are subject to provisions of Arizona Revised

Statutes. In addition, ADWR staff suggested clarifying the reference within Article 14.e Public Participation Process from Department of Water Resources to more accurately it is the *Arizona* Department of Water Resources. This request was incorporated into the proposed modifications.

16. Shortly after the review period, staff received a letter from the Arizona State Land Department (ASLD) suggesting modifications to the Section 2D title "Publically Held Lands". The intent of this section is to provide a brief synopsis, including mission and vision statements of the various agencies overseeing publicly held lands within the City. ASLD suggested the header be modified to "Publically Held Lands *and State Trust Lands*" to more accurately reflect there are differences between their mission and that of agencies overseeing Federal public lands. This request was incorporated into the proposed modifications.

Public Notice

17. Public notice was provided in the manner prescribed under Section 14.D of the General Plan. Due to this amendment being City-initiated and not pertaining to a specific land use change, the amendment was only required to be published in the Peoria Times at least fifteen (15) days prior to Planning and Zoning Commission.

School District Notification

18. Peoria Unified and Deer Valley School Districts received written notification of this amendment for the 60-day review period. No comments were received.

Support/Opposition

19. As of this writing, the City has received no stated support or opposition pertaining to this amendment.

FINDINGS AND RECOMMENDATION

20. Based on the following findings:
    - The amendment constitutes an overall improvement to the City's General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time; and

    - The proposed amendment improves the usability of the General Plan by:
      i. Reorganizes portions of the text to improve ease of use,

ii. Further defines the correlation between the general plan and zoning districts and when other districts may be considered,
iii. Updates conformance criteria to better define factors that may be considered in exceeding target density, and
iv. Aligns public outreach timeframes with those established within the Zoning Ordinance, and
v. Modifies public outreach methodologies to better reflect type of amendment and target audience; and

- The amendment is in conformance with the Goals, Objectives, and Policies of the Peoria General Plan.

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

Recommend to the City Council approval of Case GPA 14-0002.

Attachments:

Exhibit A: Revised Section 2 Land Use Element Text
Exhibit B: Revised Section 14 Public Administration Text
Exhibit C: Comment Letter from Arizona Department of Water Resources
Exhibit D: Comment Letter from Arizona State Land Department

Prepared by: Lorie Dever
Planner

Exhibit A
Revised Section 2
Land Use Element Text

2. LAND USE ELEMENT

The Land Use Element establishes the primary framework for shaping the City's development pattern. Because it directly affects every aspect of the City's form and function, it is paramount to clearly define and communicate each of the goals and strategies of the Land Use Element and present them as they relate to the past, present, and future of Peoria. The Land Use Element is the long-range planning tool used in conjunction with the other General Plan elements to guide future growth, revitalization, and preservation efforts in the City. The Land Use Element also illustrates how the City of Peoria anticipates addressing future population and employment growth while promoting a development pattern that promotes a pedestrian-friendly environment and integrates natural and manmade features in a manner consistent with the vision for the City of Peoria.

The Land Use Element is organized in the following manner:

2.a Introduction
2.b. Goals, Objectives and Policies
2.c Land Use Plan
2.d Publicly Held Lands and State Trust Lands
2.e Specific Study Areas, Land Use Overlays, and Approved Master Plans

2.A INTRODUCTION

Explosive population growth over the last 40 years has transitioned a former small agricultural city of approximately 2,500 in 1970 to a large city currently exceeding 155,000. High sustained growth rates during this relatively short time span produce many challenges including traffic volumes, type and intensity of development, the protection of natural resources and the provision of essential public services. Fortunately, to aid in its efforts to address the quantitative and qualitative impacts associated with rapid, sustained growth, the City has adopted several new tools and plans. These efforts are summarized below.

LAKE PLEASANT AREA PLANNING EFFORTS

In 1996 and 1999, the City extended its municipal boundary to include Lake Pleasant Regional Park and the surrounding public and private lands. These lands, which contain dramatic scenery as well as a wealth of natural and cultural resources, were annexed allowing the City to exercise its land use authority around Lake Pleasant Regional Park for the long-range benefit of its citizens and the Park's visitors. Additionally, the Lake Pleasant/North Peoria Area Plan outlines specific implementation policies to preserve and protect the natural beauty of the northern part of the City around Lake Pleasant.

UPDATED IMPACT FEES

In 2008 the City adopted an updated impact fee schedule through the acceptance of the *Red Oak Impact Fee Study* requiring developers to pay their share of costs to provide the utilities, infrastructure, and City services necessary to support new development. These updated impact fees are intended to encourage growth near available infrastructure.

LOOP 303 SPECIFIC AREA PLAN

Recognizing the enormous potential of the emerging Loop 303 corridor as a center for employment and community activity, the City adopted *The Loop 303 Specific Area Plan*. *The Loop 303 Specific Area Plan*

identifies land uses and circulation objectives for the Loop 303 corridor, the Lake Pleasant Parkway corridor, Carefree Highway and SR 74 south of Lake Pleasant.

OPEN SPACE, CONSERVATION AND RECREATION

In 1999, the City adopted three major open space plans - the *Peoria Desert Lands Conservation Master Plan* and the *Peoria Rivers* and *Peoria Trails Master Plans*. *The Peoria Desert Lands Conservation Master Plan* identifies sensitive lands and native plant communities in the northern reaches of the City. Additionally, it provides policy guidance for the acquisition, preservation and administration of open space areas. Elements of the plan were incorporated into the General Plan to establish the proper relationship needed between the Master Plan and General Plan.

The Rivers and Trails Master Plans are separate complementary documents that identify a comprehensive system of trails throughout Peoria. *The Rivers Master Plan* provides guidance and recommendations for development along Peoria's three river corridors and identifies them as the "recreational spines" of the City since they contain the potential to provide trail access and recreational opportunities.

In 2006, the City adopted the *Parks, Recreation, Open Space and Trails (PROST) Master Plan* which essentially consolidated the efforts of the Peoria Desert Lands Conservation Master Plan, Rivers Master Plan and Trails Master Plan into a single document. All four master plans provide direction as to where and how the City's open space resources shall be used. The PROST Master Plan establishes in greater detail the types of amenities to be located in each form of open space and describes the connections and crossings between open spaces.

The General Plan also respects federal lands and other publicly-owned lands such as Maricopa County's Lake Pleasant Regional Park. Large federal land holdings of the Bureau of Land Management (BLM) and Bureau of Reclamation (BOR) are shown as Park/Open Space. While Growing Smarter Plus legislation guarantees a development right of one dwelling unit per acre for Park/Open Space designated lands, it is the desire of the federal agencies and the City to limit development on these lands.

OLD TOWN REVITALIZATION

Peoria has also taken steps to enhance development in its city center by adopting the *Downtown Peoria Redevelopment Plan* in 1997, then the *Central Peoria Revitalization Plan* in 2000 and most recently the *Old Town Revitalization Plan* in 2009. These plans provide specific action plans for future development of the historic core area that supports new and existing businesses and economic growth; pedestrian-friendly urban design; integrating new residential development while preserving existing residential neighborhoods.

PEORIA SPORTS COMPLEX AREA

In 2010, the City developed adopted a multi-dimensional plan and implementation program for the 570-acre area around the Peoria Sports Complex. Although the area has been largely successful, the purpose of the Plan is to identify the conditions, regulatory framework and implementation strategies to enhance the area as a cohesive, pedestrian-friendly mixed-use destination and position the area for a successful evolution.

COMMUNITY APPEARANCE

The City adopted its first *Design Review Manual* in 1997 that set forth standards for improving the quality of development in the City. A major overhaul of this document was completed early in 2008 in response to input from our residents, the development community and recognized changes in building design in the decade since the original Manual was adopted.

INTEGRATION INTO THE GENERAL PLAN

The combined effect of these planning efforts has been to establish an extensive body of community development, resource management and land use planning policies and programs. This General Plan recognizes, supports, and incorporates the key features of the recently adopted plans and policies that have given direction to the development of the City in recent years and provides direction for future informed planning and development decision-making.

While the City's recent planning efforts have provided excellent guidance for specific areas of the City, resolving key issues, the City still must address several challenges. Within the unincorporated General Plan Study Area, development projects approved by Maricopa County affect Peoria's land use pattern and transportation system. By addressing currently unincorporated land in this General Plan, the City intends to coordinate its planning efforts with those of the County.

COMMERCE AND EMPLOYMENT-GENERATING DEVELOPMENT

The nature of commercial development has changed dramatically in the last 30 years. In many instances, services vacated the traditional core for more lucrative locations along major transportation corridors with better access and visibility. Traditional family-oriented businesses have been replaced with "big box" retail establishments promoting economies-of-scale.

Peoria is recapturing the experiences associated with a thriving and vibrant, pedestrian-scale City through downtown revitalization efforts and promoting new commercial nodes that employ progressive development strategies. These actions, along with limiting strip-style development and promoting mixed-use developments with office and housing components, will provide more dynamic and successful centers of commerce which will move Peoria towards its long-term goal of reaching equilibrium between housing and employment.

TRANSPORTATION LINKAGES

The General Plan addresses the relationship between land use and transportation. It incorporates the future arterial roadway network identified in the Northwest Valley Transportation Study (Maricopa County Department of Transportation, 2000), including Loop 303. Existing major transportation corridors such as Loop 101, Lake Pleasant Parkway, State Route 74, Grand Avenue, and Bell Road are also key elements of the General Plan because of the connections and continuity they provide through the Northwest Valley and the Phoenix Metropolitan Area. Loop 101 provides direct access to commercial centers, industrial parks and high-density residential development. Lake Pleasant Parkway / State Route 74 provides access to key commercial nodes and recreation amenities. Land use designations along Grand Avenue reflect those adopted in the *Old Town Peoria Revitalization Plan*. These include plans for future mixed-use centers, cluster housing, a transit center and an attractive warehouse center. Bell Road continues to serve the regional commercial shopping district, including the Peoria Sports Complex and supporting business community.

The inventory and analysis of existing conditions, historic development pattern and input from community involvement efforts have helped guide the development of an overall vision and supporting goals, objectives, and policies that will ensure that future City of Peoria decision-making is consistent with the interests of the community.

INTENT OF THE LAND USE ELEMENT

The Land Use Element, guided by its supportive goals, objectives, and policies, describes the desired land uses and development densities and intensities for future development in Peoria. The Land Use Element is the guide for implementation of the Zoning Ordinance and Official Zoning Map, two legal planning tools used to enforce the General Plan. The Land Use Element does not change or alter the

existing zoning or approved development rights, although Growing Smarter Plus requires that future zoning changes conform to the General Plan Land Use designations.

The adopted land use policies, land use plan, and implementation measures will assist the Peoria Planning and Zoning Commission and City Council in their review and consideration of development proposals and rezoning requests. The Land Use Element also assists in programming public facilities and utilities needed by the dynamic growing and changing City.

2.B. GOALS, OBJECTIVES AND POLICIES

The following goals, objectives and policies are developed to define the essential components of the Land Use Element. They are listed under the following categories: Smart Growth, Residential Communities, Employment Related Development, Mixed-Use Development, Infill Development, Resort Development, and Amendments to the General Plan.

GOAL1:	PROVIDE A BALANCE OF LAND USES THAT WILL PRESERVE AND ENHANCE NEIGHBORHOODS, PROMOTE ECONOMIC DEVELOPMENT AND ENCOURAGE REDEVELOPMENT AT APPROPRIATE LOCATIONS.

SMART GROWTH

Objective 1.A:
Manage and control development to facilitate orderly growth and an efficient urban form.

Policy 1.A.1:
Promote planned developments where resources and infrastructure are in place to facilitate orderly and efficient growth .Policy 1.A.2:

Establish and monitor an orderly plan to phase the extension of public utilities and streets within the City limits.

Policy 1.A.3:

Encourage development to occur as master planned communities with an appropriate mix of land use types in areas where infrastructure is or will be planned.

Policy 1.A.4:

Partner with Maricopa County to ensure that development and infrastructure located within Peoria's planning area is compatible with the City of Peoria's development and utility standards.

Policy 1.A.5:

Consider only those areas that are consistent with the criteria contained within the adopted Annexation Policy as suitable for annexation.

Objective 1.B:
Maintain a supportive relationship between established commercial proprietors and the City's business retention and expansion efforts.

Policy 1.B.1:

Work to enhance commercial activity by attracting, retaining, and expanding those developments, which improve economic conditions in Peoria.

Objective 1.C:
Encourage sustainable business practices through the rehabilitation and repurposing of existing and / or underutilized development.

Policy 1.C.1:
Promote the revitalization of underutilized buildings through site rehabilitation and / or adaptive reuse.

Policy 1.C.2:
Provide assistance to promote private and public-sector improvement programs for underutilized employment centers.

Policy 1.C.3:
Utilize performance standards and site design elements to reduce compatibility conflicts with adjacent uses.

Objective 1.D:
Foster commercial, industrial and business park employment centers that are compatible with Peoria's economic needs.

Policy 1.D.1:
Maintain and market an employment zone profile listing that includes a summary of parcels, location, existing zoning, infrastructure, and site characteristics.

Objective 1.E:
Support the preservation of Luke Air Force Base.

Policy 1.E.1:
Support state and regional organizations which are established to protect the military mission of Luke Air Force Base and are compatible with City policies.

Policy 1.E.2:
Support the formation of a preservation zone around the Luke Air Force Base perimeter.

Policy 1.E.3:
Monitor and coordinate airport feasibility efforts with Luke Air Force Base officials.

Policy 1.E.4:
Observe Luke Air Force base AICUZ and JLUS maps and departure and approach routes when considering developments that could potentially interfere with the Luke Air Force Base mission.

Policy 1.E.5:
Attend pertinent planning coordination meetings regarding Luke Air Force Base activities and missions.

MIXED-USE DEVELOPMENT

Objective 1.F:
Promote sustainable developments that elevate community identity and convenience, reduce vehicular trips, minimize infrastructure needs, improve air quality and provide a diversity of uses.

Policy 1.F.1:
Develop a mixed-use zoning district consistent with the land use designation framework.

Policy 1.F.2:
Develop guidelines that establish criteria to determine optimal locations for mixed-use and / or infill development.

Policy 1.F.3:
Develop a residential density bonus program for mixed-use projects that includes specific performance criteria.

Policy 1.F.4:
Encourage compact mixed-use developments using vertical orientation with connections to multi-modal transportation centers.

Policy 1.F.5:
Maximize compatibility between mixed use developments and existing neighborhoods through building orientation, buffering, outdoor activity concentration and site access.

Objective 1.G:
Promote mixed-use development templates to advance the City's sustainability efforts.

Policy 1.G.1:
Identify opportunities for mixed-use and neighborhood-centric core areas throughout the City.

Policy 1.G.2
Integrate 'place making' design principles such as streetscape and building orientation, public spaces, multi-modal transportation options, walkability and overall community appearance in all mixed-use developments.

Policy 1.G.3
Adjust the Zoning Ordinance as necessary to allow opportunities for mixed-use development at varying levels of intensities.

INFILL DEVELOPMENT

Objective 1.H
Encourage the development or redevelopment of vacant or underutilized infill sites within the City.

Policy 1.H.1
Develop infill strategies to promote reinvestment in the community.

Policy 1.H.2
Identify open space and recreational opportunities in infill areas

Policy 1.H.3:
Encourage infill residential development that takes advantage of existing municipal services, utilities, transportation facilities, schools, and shopping areas.

RESORT DEVELOPMENT

Objective 1.I:
Promote resort development that provides tourism opportunities within the City.

Policy 1.I.1:
Identify and designate resort development sites that have direct access to significant recreational corridors and open space areas.

Policy 1.I.2:

Identify recreational corridors with future access points to resort areas and visitor access that encourage tourism and visitor activity.

Objective 1.J:
Promote the provision of convenient housing and support infrastructure for resort development service employees.

Policy 1.J.1:

Promote the development of affordable housing options for service employees near major resort and commercial areas.

Policy 1.J.2:

Require adequate road, transit, utility, and water service infrastructure in conjunction with resort development.

Objective 1.K:
Establish incentives to attract appropriately-scaled resort developments integrating a mix of land uses.

Policy 1.K.1:

Develop a marketing and incentive program to attract large resort developments in appropriate locations.

Objective 1.L:
Utilize mixed-use development templates to create specialty resort commercial developments including residential and employment components.

Policy 1.L.1:

Encourage mixed-use developments in coordination with resort developments to attract specialty retail consumers and increased tax revenues for the City.

RESIDENTIAL COMMUNITIES

Objective 1.M:
Provide a diversity of housing types to meet the needs of persons of all income levels and ages.

Policy 1.M.1:

Accommodate an adequate supply and mix of developable residential land to accommodate future housing needs.

Objective 1.N:
Support healthy residential environments that provide for safe and convenient access , open space and recreational opportunities, access to public schools and services and protection from incompatible land uses.

Policy 1.N.1:

Require adequate buffering to protect residential neighborhoods from intrusion by incompatible land uses.

Policy 1.N.2:

Ensure that high-density residential developments have direct access to arterial streets without traversing existing or proposed lower density residential areas.

Policy 1.N.3:
Locate housing developments in areas that can be adequately served by police, fire and ambulance services.

Policy 1.N.4:
Require adequate provision of open space or direct access to open space in housing developments and, in particular, medium- and high-density multiple-family housing developments.

Policy 1.N.5:
Require new residential developments to provide pedestrian linkages to parks, schools and other appropriate public facilities.

Policy 1.N.6:
Encourage the development of master planned communities where large land holdings can be designed to provide a wealth of amenities to City residents.

Policy 1.N.8:
Support and facilitate convenient access to schools.

Policy 1.N.9:
Partner with local school districts to coordinate the timely development schools and neighborhoods.

Objective 1.O:
Support well-designed, high-quality multifamily residential development in appropriate areas which maintains compatibility between adjacent developments.

Policy 1.O.1:
Support alternate forms of housing, such as attached and detached townhouses and condominiums in appropriate locations.

Policy 1.O.3:
Encourage multi-family housing units adjacent to community level parks and public open space areas.

Policy 1.O.4:
Regularly assess the effectiveness of the Design Review Principles and Guidelines to ensure the highest level of design quality.

Policy 1.O.5:
Focus the development of multifamily housing proximate to current and planned transit facilities, employment centers and activity hubs.

Policy 1.O.6:
Maximize active community open space and recreation amenities throughout multifamily developments.

EMPLOYMENT RELATED DEVELOPMENT

Objective 1.P:
Support appropriate commercial, business park, industrial, and mixed-use employment centers within large-scale master planned areas.

Policy 1.P.1:

Encourage adequate and proximate commercial and employment opportunities within large scale development master plans.

AMENDMENTS TO THE GENERAL PLAN

Objective 1.Q:
Consider periodic amendments to the General Plan Land Use Map to ensure relevancy.

Policy 1.Q.1:

Evaluate and adopt General Plan text and map amendments on an annual basis.

Policy 1.Q.2:

Periodically re-evaluate land-use designations to ensure consistency and coordination between the land use and transportation elements.

GOAL 2:	ENCOURAGE TRANSIT ORIENTED DEVELOPMENT (TOD) APPROPRIATE TO THE SCALE AND INTENSITY OF THE SURROUNDING COMMUNITY.

Objective 2.A:
Reduce dependence on the automobile for daily trips and activities by promoting mixed-use development types within Old Town and the Sports Complex District

Policy 2.A.1:

Develop land use and design regulations governing land close to transit centers and light rail stations, to maximize the potential for ridership.

Policy 2.A.2:

Promote compact, mixed uses, and pedestrian-oriented land development adjacent to transit stations.

Policy 2.A.3:

Promote development standards that encourage pedestrian environments and activity.

GOAL 3:	PROTECT AND PRESERVE THE SONORAN DESERT IN ITS NATURAL STATE

Objective 3.A:
Develop programs that encourage the clustering of development in exchange for preserved natural open space area.

Policy 3.A.1:

Open space preservation and planning is equally as important to the City as all other components of development review when considering the appropriateness of development proposals.

Policy 3.A.2:

Encourage creative development patterns to ensure preservation of open spaces.

GOAL 4:	PROMOTE COMPATIBLE LAND USES IN AREAS OF CLOSE PROXIMITY TO EXISTING OR PLANNED AGGREGATE / MINERAL MINING LOCATIONS

Objective 4.A:
Provide equal protection for residential development and aggregate mining operations.

Policy 4.A.1:
Discourage new residential development where future residences would be adjacent to an existing or planned aggregate / mineral mining operation.

Policy 4.A.2:
Discourage new mining operations adjacent to or in close proximity to existing residential development, schools, or existing or planned City recreation areas.

Policy 4.A.3:
Promote non-residential development such as business park and industrial uses adjacent to existing mining operations.

2.C LAND USE PLAN

The Land Use Plan assigns land within the Study Area in accordance with a diverse arrangement of land use designations. These designations are spatially depicted in Figure 2-1, Land Use Plan, and described below. Each descriptor includes an indication of targeted density or intensity, as well as the types of uses anticipated under the designation.

DESCRIPTIONS OF LAND USE DESIGNATIONS

ESTATE DENSITY RESIDENTIAL (EDR)
~~(~~0-2.0 DU/AC, TARGET DENSITY = 1.0 DU/AC~~):~~
~~Denotes areas where large-lot single-family residential development is desirable or areas of maximized open spaces are sought. The density range (0-2.0 dwelling units per gross acre) is intended to provide sufficient open space and lots that create an open environment. Building envelopes are encouraged to minimize disturbance. This category also denotes transitional areas between natural open spaces and residential development~~Denotes areas where low-density and large lot single-family neighborhoods are desirable. These areas support a semi-rural character that may include agricultural related activities or low-density resort uses. Residences are typically large, detached estate or executive-type homes which are one or two stories. In the hillside development area, emphasis is placed on preservation of open space and vistas, conservation of vegetation in common areas or individual lots is encouraged, and minimization of development impacts through clustering, preserving washes and natural drainage corridors, and low-profile structures. Density is usually one house per one or more acres of land. Other compatible uses may include places of worship, parks, equestrian and pedestrian trails, open spaces, working farms, and public facilities.

LOW DENSITY RESIDENTIAL (LDR)
~~(~~2.0-5.0 DU/AC, TARGET DENSITY = 3.0 DU/AC~~):~~
Denotes areas where detached, moderately-sized lot, single-family residential neighborhoods are ~~development is~~ desirable. ~~The density range (2.0-5.0 dwelling units per gross acre) is intended to provide for~~ These areas support a suburban lifestyle with areas of increased density while maintaining a

detached single family residential character. Low Density Residential parcels should be located either adjacent to, or in close proximity to neighborhood amenities such as joint-use schools/parks, trails, open space, or recreational facilities. Places of worship, parks, trails, open spaces, and public facilities are also compatible with this category. ~~Suitability is determined on the basis of location, access, availability of existing or proposed public facilities and utilities, existing and future land use patterns and natural or man-made constraints, as stated in the goals, objectives, and policies of the General Plan text.~~

MEDIUM DENSITY RESIDENTIAL (MDR)
~~(~~5.0-8.0 DU/AC, TARGET DENSITY = 6.0 DU/AC~~):~~
Denotes areas ~~where family residential homes are desirable~~intended to fulfill the need for small lot or attached single-family, and multi-family residences which are compatible with abutting single-family residential districts. ~~The density range (5.0-8.0 dwelling units per gross acre) is intended to provide areas suitable for single family, town home, patio home and multi-family type units.~~This category supports a suburban lifestyle and provides an appropriate transition between less intense residential areas, more urban neighborhoods and non-residential uses. Significant open space for recreational amenities is encouraged to promote resident interaction. Parcels with this category should have adequate circulation and have relatively flat or gently sloping terrain to accommodate this density. ~~Suitability is determined on the basis of location, access, availability of existing or proposed public facilities and utilities, existing land use patterns and natural or man-made constraints, as stated in the goals, objectives, and policies of the General Plan text.~~

MEDIUM-HIGH DENSITY RESIDENTIAL (MHDR)
~~(~~8.0-15.0 DU/AC, TARGET DENSITY = 12.0 DU/AC~~):~~
Denotes areas ~~where multi-family residential development is appropriate. The density range (8.0-15.0 dwelling units per gross acre) is~~ where densely attached single-family residential and multi-family residential development is desirable. This category is ~~intended to provide for~~appropriate for residential and other compatible uses on parcels which have a high level of access, are located near services or employment centers, or have other characteristics that make a medium-high density suitable. ~~areas of attached single family homes, apartments, condominiums and townhouses.~~ In general, residences may have limited private outdoor space and rely on shared or common open space for visual relief, and recreational amenities to serve the residents. Parcels with this designation may be part of a mixed-use development or master planned community, and have direct access to open space, transit or other multi-modal amenities. ~~Suitability is determined on the basis of location, access and availability of existing or proposed public facilities and utilities and existing and future land use patterns.~~

HIGH DENSITY RESIDENTIAL (HDR)
~~(~~15.0+ DU/AC, TARGET DENSITY = 18.0 DU/AC~~):~~
Denotes areas where the highest multi-family residential density development is appropriate either as a stand alone development or as part of a mixed-use project. The density range ~~(15.0+ dwelling units per gross acre)~~ is intended to provide for multi-story apartments, condominiums, and townhouses close to employment and service areas. This category is traditionally located along transportation corridors, rivers, and ~~to~~ serves to buffer lower density residential areas from non-residential areas. Substantial common open space, recreational amenities and on-site support facilities serve the residents. ~~Suitability is determined on the basis of location, access and availability of existing or proposed public facilities and utilities and existing and future land use patterns.~~

~~**TRANSIT ORIENTED DEVELOPMENT/ TRANSIT CORRIDOR RESIDENTIAL** (18-35 DU/AC, TARGET DENSITY = 30 DU/AC):~~
~~Denotes areas along designate major transportation corridors such as Grand Avenue, Bell Road, Loop 101, Loop 303, Northern Avenue and Commercial Core areas along Lake Pleasant Parkway. Developments in this category shall provide a retail and / or office component in proportion to the entire project and shall integrate into the project enhanced public transit facilities. These developments provide dedicated and enhanced pedestrian access to adjacent paths, trails, open space and commercial development.~~

RESORT DEVELOPMENT GUIDELINES (RD)~~:~~
Resort developments are projects that integrate a combination of destination hotels, casitas, timeshares, active or passive recreational amenities and ancillary commercial opportunities in areas of exceptional scenic and environmental quality.

All resort proposals shall substantially exhibit or demonstrate the following characteristics:

- The proposal is compatible with the scale and character of surrounding land uses; and
- The proposal will not result in excessive traffic volumes on the surrounding circulation system; and
- The proposal provides for adequate infrastructure needs; and
- The proposal adequately includes measures to protect the natural and scenic qualities of the area.

OFFICE (O)~~:~~
The designation of Office supports low-intensity commercial development consisting of a variety of office uses that provide services directly to residential neighborhoods in residentially scaled buildings. Developments in this Land Use Designation are intended to be small to moderate in scale with an emphasis on creating a pedestrian environment. Buildings are compatible with adjacent residential areas with respect to architectural style and proximity of buildings. Office buildings have a more proximate relationship to the street, presenting a pedestrian environment adjacent to street right-of-way. Small lot or small-scale business sites may be located in areas with this designation.

Areas given the land use designation of Office are intended for low-intensity non-residential development that is compatible with nearby residential areas. Areas designated for office are often located in areas unsuited for more intense development due to the potential for negative impacts on adjacent residential uses. As the least intense non-residential designation, these areas often serve as buffers between residential land uses and other more intense uses, while providing employment opportunities and services for the neighborhood.

NEIGHBORHOOD COMMERCIAL (NC)~~:~~
Neighborhood Commercial areas consist of offices and commercial centers which provide services and goods that support the day-to-day needs of the surrounding neighborhood. Retail centers are significantly smaller in scale and scope than those found in areas designated Community Commercial or Regional Commercial~~ and are typically located on sites of less than 10 acres~~. Buildings and uses generally relate to adjacent residential neighborhoods with respect to architectural style and scale. Uses are contained within buildings. This designation also denotes areas where small lot or small-scale business sites may be located. In an effort to create quality neighborhoods in Peoria, retail and service

commercial and office uses will be permitted as part of the neighborhood form. Neighborhood Commercial areas typically consist of limited, convenience-oriented establishments that serve the immediate neighborhood. Developments in Neighborhood Commercial areas are to be designed in a manner, particularly in terms of their size and scale, which will not detrimentally affect adjacent residential neighborhoods. ~~To this end, the following guidelines will influence the siting of Neighborhood Commercial uses.~~

~~Sites will be located with access to collector or arterial streets~~

~~Neighborhood Commercial sites should not exceed 10 acres of non-residential uses.~~

~~Neighborhood Commercial areas are not intended to be located at all four corners of an intersection.~~

~~No single retail use may exceed 100,000 square feet gross floor area.~~

COMMUNITY COMMERCIAL (CC)~~:~~

Denotes areas where commercial development that is more intense than that of neighborhood commercial areas may take place in the form of large-scale retail buildings and shopping centers ~~having less than 500,000 square feet aggregate of indoor commercial shopping or office space~~that serve a market radius of generally 3 - 5 miles. Community Commercial areas rely on larger trade areas and typically have a wider variety of goods and services than neighborhood shopping areas and ~~. Community Commercial centers~~ should be located with adequate controlled access to arterial streets. Community Commercial centers should coincide with adequate affordable housing accessible to the center to supply housing for employees.

REGIONAL COMMERCIAL (RC)~~:~~

Denotes areas where the most intense retail and office activity takes place. Typical Regional Commercial developments have uses with a market radius of more than 5 miles and are located adjacent to, and have access to major roadways. ~~and contain more than 500,000 square feet of gross floor area.~~ Uses include anchor stores, regional malls ~~and~~, power centers and automobile dealerships. Regional Commercial areas should be integrated by site and architectural design with internal or adjacent high density residential housing development. Residential uses are encouraged to develop in conjunction with Regional Commercial uses subject to the Residential High Density (15+ du/ac) or the Transit Oriented Development / Transit Corridor (18+ du/ac) category provisions. ~~Uses include regional malls and power centers and automobile dealerships. Regional Commercial areas should be integrated by site and architectural design with internal or adjacent high density residential housing development.~~

BUSINESS PARK (BP)~~:~~

Denotes areas where major employment centers and uses may be located. Business Park areas generally consist of uses such as professional offices, research and development, and light manufacturing within wholly enclosed buildings and ancillary eating and retail establishments. In particular, Business Park areas shall be designed such that the least intense uses (i.e., back office, business park) shall be located along arterial streets, where visibility to the public is likely. Adherence to landscape standards, setbacks, and adequate transition of intense uses ensures compatibility with adjacent properties and enhances the visual quality of the community.

BUSINESS PARK / INDUSTRIAL (BP/I)~~:~~

Denotes areas where major employment centers and uses may take place. Business Park/Industrial areas generally consist of uses such as professional offices, research and development, wholesale and storage warehouses, utility centers, the manufacturing, processing, repairing and packaging of goods

and ancillary eating and retail establishments. In particular, Business Park/Industrial areas shall be designed such that the least intense uses (i.e. back office, business park) shall be located along arterial streets, where visibility to the public is likely. Adherence to landscape standards, setbacks, and adequate transition of intense uses ensures compatibility with adjacent properties and enhances the visual quality of the community.

INDUSTRIAL (IND)~~:~~

Denotes areas where general industrial business activity takes place, including warehouse uses, and manufacturing, processing, repairing and packaging of goods and ancillary eating and retail establishments. Manufacturing uses are capital intensive and occur within enclosed or partially enclosed buildings. Industrial uses shall be designed such that landscaped areas and least intense uses shall be located adjacent to arterial and collector streets, where visibility to the public is likely. Industrial developments shall be designed to buffer adjacent residential uses from impacts associated with industrial activity.

MIXED USE (MU)~~:~~

Denotes areas where a horizontally or vertically integrated mixture of land use types is promoted. Such developments exhibit functional, physical and thematic integration in the context of a pedestrian-oriented streetscape. The mixed-use designation is intended to minimize the impacts traditionally associated with growth by providing housing, shopping and employment opportunities together in the same area.

Mixed-use developments are more compact than conventional developments and can therefore accommodate efficient future growth by using less land and facilitating complementary activities such as shared parking, access and multi-modal facilities to manage overall impacts to the community. Mixed-use developments can also serve as key points of orientation for designing the transportation system, including transit services.

The functional, physical and thematic integration of uses within a pedestrian-oriented development template distinguishes mixed-use development from other more conventional projects. Such developments occur in both vertical (floor area-intensive) and horizontally (land area-intensive) integrated formats. The guidelines should balance necessary structure to facilitate such developments while allowing the flexibility to achieve a successful synergistic composition.

To this end, all mixed-use developments shall substantially demonstrate or exhibit the following characteristics:

- The residential component shall be limited to a range of approximately 30-60% of the overall gross floor area (GFA) or total net site area, whichever is greater; and
- Functional, physical and spatial integration of land uses and project components; and
- Pedestrian-oriented scale and design with a full range of amenities to promote and support pedestrian and multi-modal activity; and
- Architectural and thematic integration of project components.

NEIGHBORHOOD COMMERCIAL MIXED USE (NCMU)~~:~~

Denotes areas suitable for a mixture of commercial and residential uses near the intersection of two arterial streets. Residential uses may be vertically and/or horizontally integrated. Vertical integration of

residential uses over commercial and pedestrian office uses is encouraged in a contextual urban form. Residential uses shall not exceed 12 du/ac.

COMMUNITY COMMERCIAL MIXED USE (CCMU):
Denotes areas suitable for a mixture of commercial and residential uses proximate to a community-scale commercial center. Residential uses may be vertically and/or horizontally integrated where horizontally-integrated residential uses occupy visual locations that are secondary to commercial uses. Non-residential uses occupy the majority of the development area. Residential uses shall not exceed 18 du/ac.

REGIONAL COMMERCIAL MIXED USE (RCMU):
Denotes areas suitable for a mixture of regional-scale commercial and residential uses located near major transportation corridors. Residential uses may be vertically and/or horizontally integrated where horizontally-integrated residential uses occupy visual locations that are secondary to commercial uses. Non-residential uses occupy the majority of the development area. Residential uses shall not exceed 25 du/ac.

BUSINESS PARK MIXED USE (BPMU):
Denotes areas suitable for a mixture of employment center, ancillary commercial services and supporting residential uses located in appropriate locations on or near major transportation corridors. Residential uses may be vertically and/or horizontally integrated where horizontally-integrated residential uses occupy visual locations that are secondary to non-residential uses. Non-residential uses occupy the majority of the development area. Residential uses shall not exceed 25 du/ac.

SPORTS COMPLEX MIXED USE (SCMU):
Denotes areas suitable for a mixture of pedestrian-oriented employment, commercial/retail services, recreational/tourism uses and residential uses within the designated Peoria Sports Complex Area. Residential uses are encouraged to be vertically integrated and support a pedestrian oriented mixed use environment. Horizontally-integrated residential uses shall occupy visual locations that are secondary to non-residential uses and occur sparingly. All uses should provide clear pedestrian links and facilitate the development of a mixed use urban village. The characteristics of this designation are more specifically described within the *Peoria Sports Complex Area Urban Design Plan.*

TRANSIT ORIENTED DEVELOPMENT (TOD)
18-35 DU/AC, TARGET DENSITY = 30 DU/AC
This category has been established by the City to further reduce household driving, lower regional congestion, expand mobility choices that reduce dependence on the automobile, and accommodate more healthy and active lifestyles. Denotes areas along designated major transportation corridors such as Grand Avenue, Bell Road, Loop 101, Loop 303, Northern Avenue, and along Commercial Core. This category accommodates a full range of urban development that includes a mixture of housing, office, retail and/or other amenities that are integrated into a walkable neighborhood and located within close proximity to quality public transportation. Developments are required to provide a retail and / or office component in proportion to the entire project and dedicate enhanced pedestrian access to adjacent paths, trails, open space and commercial development. Projects shall be reasonable scale to the surrounding neighborhood, proportionate ratios for each use, and encouragement of alternative modes of transportation (such as bicycling or walking) and a well-conceived plan with access to and integration of transit facilities.

PARK / OPEN SPACE (P/OS):

Denotes areas that are intended forThe Park/Open Space category accommodates the full range of public, private and semi-private passive and/or active park/open space and recreational opportunities. There are generally four types of Park/Open Space Land Uses: Developed Open Space, Natural Open Space, Water and State Land. The Land Use Map illustrates Park / Open Space areas, however due to the general nature of the Map, these areas may be subject to interpretation on a case by case basis at the time of first development activity. State Trust Lands or privately held lands identified as Park / Open Space may be developed at a maximum density of one dwelling unit per acre per state legislative requirements.

Developed Open Space includes public or private recreation areas including, but not limited to, parks, playfields, paths, plazas, retention basins and golf courses. Developed Open Space areas should be integrated into the community and are intended to provide connectivity between neighborhoods and employment centers. Recreational amenities within this type of Park/Open Space serve both residents and visitors and enhance the community's quality of life and overall public health. Typically, Park / Open Space areas

Natural Open Space applies to locations set aside to preserve natural, scenic and/or significant environmental or cultural sites. It is intended that lands within this category remain as permanent open space and often are the result of rezoning actions where developers have agreed to conserve part of a property in return for placing an agreed-upon intensity in a less environmentally sensitive area. Low-impact recreational activities, such as hiking, equestrian riding, or mountain bicycling trails may be suitable for these sensitive areas.

Water areas identified on the land use map as Park/Open Space include water that can be used for outdoor recreation, events, preservations of natural resources, or for quality of life and public health. This category includes private and public lakes and canals, the Agua Fria River and New River.
include areas exhibiting hillside conditions (10% slope or greater), overhead utility corridors, public and private parks and open spaces, and/or areas with natural significance such as primary washes and riparian areas.
State Trust Lands or(and privately held lands identified as Park / Open Space) may be developed at a maximum density of one dwelling unit per acre per state legislative requirements.

PUBLIC / QUASI-PUBLIC (P/QP):

Denotes areas primarily utilized for civic use, intended for a variety of public and private facilitiesand educational uses. The two types are generally described below.

including non-profit, religious and philanthropic institutions, police and fire stations, public buildings, recreational facilities, public and private schools, colleges, hospital medical campus, libraries, post office facilities, cultural centers and similar uses. This category also includes traditional utility service uses such as wastewater treatment plants, water treatment plants, storage reservoirs and tanks, well sites, electric substation sites and electric generating / receiving stations.Civic Use is land primarily related to conducting civic business, providing municipal services, or advancing recreational or cultural activities. The buildings may be city owned, or operated by quasi-public or non-profit entities. Civic business includes City government facilities, and police and fire stations. Municipal services include, but are not limited to, water, wastewater and reclamation facilities, well sites, substations, and other public facilities. Recreational uses include both recreational and cultural uses. Specifically, land is primarily

used for active or passive recreation or cultural activities; however, it does not necessarily qualify as open space due to significant site infrastructure. For example, this would include the libraries, the Center for the Performing Arts, museums and similar uses. This category is reflective of the land uses and not determined on the basis of land ownership, as there may be instances where government-owned properties are utilized for recreation or residences, and likewise, government services provided from leased private property.

Educational Uses includes lands utilized for primary, secondary or graduate education, including public and private facilities and their associated uses, such as playgrounds, ball-fields, gymnasiums, etc.

RESIDENTIAL TARGET DENSITIES

The City of Peoria has established a residential density range and target densities for each of the land use designations shown below in Table 2-1. The proposed target density within each range is generally considered the maximum allowable density for those projects meeting the minimum City requirements. Projects may be permitted to exceed the target, up to the maximum density specified below. Refer to Conformity Determination for additional information.

TABLE 2-1 -- Land Use Designations and Target Density

Land Use Designation	Density Range	Target Density
Estate Density Residential	0.0 - 2.0 du/ac	1 du/ac
Low Density Residential	2.0 - 5.0 du/ac	3 du/ac
Medium Density Residential	5.0 - 8.0 du/ac	6 du/ac
Medium-High Density Residential	8.0-15.0 du/ac	12 du/ac
High Density Residential	15+ du/ac	18 du/ac
Transit Oriented Development	18 - 35 du/ac	30 du/ac
Residential Components of Mixed Use Areas		
Neighborhood Commercial Mixed Use	N/A	12 du/ac
Community Commercial Mixed Use	N/A	18 du/ac
Regional Commercial Mixed Use	N/A	25 du/ac
Business Park Mixed Use	N/A	25 du/ac
Sports Complex Mixed Use	N/A	N/A

LAND USE DESIGNATION AND ZONING DISTRICT CORRELATION

Table 2-2 illustrates the correlation between zoning districts and the General Plan Land Use Designations. The City uses this correlation table as a general guide when determining the consistency of rezoning proposal with the Land Use Plan. Other factors such as conformity to the community character, land use compatibility, availability and capacity of public services and facilities, and preservation of environmental features may also be considered in determining if a zoning district is appropriate, which is discussed in more detail later in this Chapter.

TABLE 2-2 -- General Plan Land Use Designations/ Zoning Correlation

General Plan Land Use Designation	Density (du/ac)	~~Existing~~Zoning Districts *(See Note 1)*
Estate Density Residential	0-2	AG, SR-43/35, R1-43, R1-35, R1-18
Low Density Residential	2-5	R1-12, R1-10, R1-8
Medium Density Residential	5-8	R1-6, RM-1
Medium High Density Residential	8-15	RM-1
High Density Residential	15+	RM-1

General Plan Land Use Designation	Density (du/ac)	~~Existing~~Zoning Districts *(See Note 1)*
Office	N/A	O-1, C-1
Neighborhood Commercial	N/A	PC-1, C-1, C-2
Community Commercial	N/A	PC-2, C-2, C-3, C-4
Regional Commercial	15+	C-4, C-5
Business Park	N/A	BPI
Business Park / Industrial	N/A	BPI, PI-1, I-1
Industrial	N/A	PI-1, I-1, I-2
Park / Open Space *(See Note 2)*	0-1	SR-43/35, R1-43, R1-35
~~TOD / Transit Corridor~~Transit Oriented Development	18-35	Planned Area Development
Mixed Use *(See Note 3)*	Variable	CCM, CRM, Planned Area Development
Neighborhood Commercial Mixed Use*(See Note 3)*	12	Planned Area Development
Community Commercial Mixed Use*(See Note 3)*	18	Planned Area Development
Regional Commercial Mixed Use*(See Note 3)*	25	Planned Area Development
Business Park Mixed Use*(See Note 3)*	25	Planned Area Development
Sports Complex Mixed Use*(See Note 4)*	N/A	Planned Area Development
Public / Quasi-Public*(See Note 3)*	N/A	All Zones

Notes:

1 A PAD (10-600 acres) or PCD (600+ acres) may be used to implement any of the land use designations identified above.

2 Parks and other open space may be located in any zoning district.

3 Refer to the relevant sections in the Loop 303 Specific Area Plan, Old Town Revitalization Plan or General Plan Mixed-Use Guidelines (Land Use Element) for the density prescriptions.

4 Refer to the relevant section in the Peoria Sports Complex Urban Design Study for the housing and density concepts.

CONFORMITY DETERMINATION

The land use designations identified and described previously are meant to clarify the City's intent and location where those types of uses may be located, while Tables 2-1 and 2-2 establish the target densities and corresponding zoning districts to further define where those types of uses are recommended. The City strongly supports the target density for each residential designation and the corresponding zoning districts, and utilizes them as the benchmark in determining the appropriateness of a development proposal. Development proposals that exceed the target density, or propose another zoning designation, may be considered appropriate if they further Peoria's desired character and vision, and are comensurate to the overall public benefit.

In such cases where another zoning designation is proposed or target density exceeded, the development proposal should exhibit a superior quality and design and/or which provide amenities, dedications or improvements above and beyond the minimum City standards. These may include, but are not limited to:

- Community character and sense of place:
  - Enhanced entry/gateway monumentation and overall community theming; or
  - Capitalization on a location's assets to creation destinations within a project;
- Promotion of development diversity by providing substantial variation in product elevations, types or lot sizes;

- Open Space:
  - A sizeable percentage of area set aside as open space, above the minimum required; or
  - Minimum required open space with enhanced amenities must be provided on site; or
  - Meaningfully enhanced landscaping treatments for common areas.
- Preservation and retention of environmentally sensitive areas, such as:
  - Utilization of clustering, flag lots and other design methods to create compact development to reduce overall impact of development to sensitive areas;
  - Dedication and preservation of unique environmental features, including but not limited to hillside peaks, wildlife habitat, and signficant wash corridors;
  - Significant preservation and integration of salvaged native desert vegetation into the site design;
  - Restoration of "wildcat" trails and scarred areas back to natural conditions.
- Reduced demand on new or existing infrastructure facilities:
  - Incorporation of significant and measurable water conservation measures, and/or additional renewable water resources in a quantity sufficient to offset demand above the target density;
  - Infilling of vacant areas and/or redevelopment of underdeveloped property;
- Community and Public Facilities (Schools, Public Facilities, Trails and Active Parks):
  - Dedication of land and/or improvements for municipal facilities such as fire or police stations, libraries and City parks;
  - Dedication of land for educational facilities; or
  - Dedicated and improvement of additional trail segments above City requirements;
  - Installation of a community-wide recreational feature or series of upgraded neighborhood amenities.
- A high level of interconnectivity throughout community:
  - Increased pedestrian and multi-modal connectivity by designing trails that connect open spaces. Trails are separated from roadways and enable bicyclists, horse riders and pedestrians to travel throughout the development;
  - Construction of identified pedestrian/bicycle paths and trails where there is a deficiency.

Density increases exceeding the target density may also be granted for development projects located in designated infill areas according to the formula below:

Projects less than 10 acres in total size:

- An increase of up to one (1) dwelling unit per acre above the target for the category.

Projects more than or equal to ten (10) acres in size:

- An increase up to two (2) dwelling units per acre above the target for the category.

City staff will review and provide a recommendation to the Planning and Zoning Commission and City Council. The City Council will make the final determination of appropriate zoning designation and residential density based on the merits of the proposed development.

CALCULATION OF DWELLING UNITS AND POPULATION DENSITIES

Residential land use categories and target densities are critical factors in assessing future population capacity. The density ranges and target densities provide the City with the tools to ensure future residential communities are appropriate to the natural and manmade landscape and available infrastructure. The City's density formula gives credit to and accounts for fully dedicated school sites.

The following formula is used to determine a project's density:

D = du/A-(c+i+n)

D = Residential Density
du = Total Number of Dwelling Units in a Project
A = Total Site Area (gross acres, including dedicated school sites*~~)~~
c = Total Commercial Land Area
i = Total Industrial Land Area
n = Non-Dedicated School Sites
* = dedicated school sites included in A

Table 2-3, *Population Density,* provides a general overview of the population densities that relate to the identified target densities. Target densities are used for analysis because they represent the development intensity most desired under the land use designation and serve as an approximate average for analysis purposes. In order to encourage sustainable development that would preserve ecologically sensitive areas, historical sites, open space and other unique characteristics of the land being subdivided, sensitive site design such as cluster development that might reduce the average lot sizes and increase community open space without changing the target density would be encouraged.

For example, a 50-acre piece of land might be subdivided into 50 one-acre parcels, each with a residential dwelling. Under a cluster design, the plan would still call for 50 dwellings, but this time each would be located on half-acre parcels, "clustered" together in groups. This would only use 25 acres of land for residences and would leave 25 acres of open space. Table 2-3 serves as an analytical tool showing population density under traditional layout.

TABLE 2-3 -- Population Density

Designation	Target Density	Anticipated Units Per Square Mile	People Per Square Mile**
Estate ~~0-2~~Density Residential	1 du/ac	512	1,331
Low Density Residential~~2-5~~	3 du/ac	1536	3,994
Medium Density Residential~~5-8~~	6 du/ac	3072	7,987
Medium-High Density Residential~~8-15~~	12 du/ac	6144	11,674
High Density Residential~~15+~~	18 du/ac	9216	17,510

** The population density (household size) for Estate Density Residential (0-2 du/ac) through Medium Density Residential (5-8du/ac) is 2.66 persons per unit. The population density (household size) for Medium-High Density Residential (8-15 du/ac) and High Density Residential (15+ du/ac) is 1.9 persons per unit.

Because of the large amount of mountainous areas and pristine Sonoran desert within the City, the predominant residential category by geographic area in the Land Use Plan is Low 2-5. The Low Density Residential 2-5 category also produces the greatest number of dwelling units with over 85,000 units. Also shown in Table 2-4, Net Acreage, Dwelling Units and Population of Residential Lands, is the number of dwelling units and population generated by each category. The mixed-use category requires the integration of a residential component into the development plan. For analysis purposes it is projected that residential densities would likely occur in the high density range as part of an integrated proposal.

TABLE 2-4 -- Net Acreage, Dwelling Units and Population of Residential Lands

Land Use Category	Net Acreage	Dwelling Units	Population
Estate ~~0-2~~Density Residential	23,068	23,068	47,982
Low Density Residential~~2-5~~	28,380	85,140	177,092
Medium Density Residential~~5-8~~	7,169	43,014	89,475
Medium-High Density Residential~~8-15~~	1,311	15,732	23,918
High Density Residential~~15+~~	1,252	22,536	34,247
Mixed-Use*	2,328	11,164	53,177
TOTAL	63,509	200,654	425,891

* Acreage based on assumed 50% commercial and 50% residential land use distribution within each category.

~~Residential population generates vehicular trips which directly impact the road network and the ability of the City to balance mobility and access with the movement of people, goods, and services. Single-family detached homes generate a higher amount of trips than condominium, townhouses or apartments. As shown in Table 2-4, Residential Trip Generation Characteristics, single-family use typically produces 9.6 trips per day as compared to 5.9 trips per day for condominium/townhouse and 6.6 trips per day for apartments.~~

~~**TABLE 2-5 -- Residential Trip Generation Characteristics**~~

~~Land Use~~	~~Daily Traffic Generation Rates (Average Vehicle Trip Ends per Dwelling Unit)~~
~~Single-Family Detached (210)~~	~~9.57~~
~~Condominium/Townhomes (230)~~	~~5.86~~
~~Apartments (220)~~	~~6.72~~

~~Source: 6th Edition, Trip Generation, Institute of Transportation Engineers, 1997.~~

2.D PUBLICLY HELD LANDS AND STATE TRUST LANDS:

Throughout the City, there are large areas of publicly held properties (Figure 2.2) that have specified land use designations upon them which are clearly defined by the General Plan. These properties are generally owned and managed by the Arizona State Land Department (ASLD), the Bureau of Land Management (BLM) or the Bureau of Reclamation (BOR). It is important to note that although it is the City's goal to protect these lands for desired development or preservation in their natural state, the potential does exist for such uses as mineral extraction and sand and gravel operations. For State Constitutional reasons, the City has very limited authority over such uses; however, the City has maintained and will continue to maintain solid relationships with these public entities to promote reasonable operational procedures and site restoration through intergovernmental agreements (IGA) and / or memorandums of understanding (MOU). A brief synopsis, including Mission and Vision Statements for the ASLD, BLM and BOR is provided below.

ARIZONA STATE LAND DEPARTMENT (ASLD)

Mission Statement:
To manage State Trust lands and resources to enhance value and optimize economic return for the Trust beneficiaries, consistent with sound stewardship, conservation, and business management principles supporting socioeconomic goals for citizens here today and generations to come. To manage and provide support for resource conservation programs for the well-being of the public and the State's natural environment.

The revenue received through State Land transactions is directed to 13 public Trustees, including public schools, correctional facilities and other publicly funded services. The Common Schools (K-12) are the largest beneficiary owning approximately 87% of the land and receiving close to 90% of the revenue.

BUREAU OF LAND MANAGEMENT (BLM)

Mission Statement:
The BLM is responsible for managing the nation's public lands and resources in a combination of ways which best serve the needs of the American people. The BLM balances recreational, commercial, scientific and cultural interests and strives for long-term protection of renewable and nonrenewable resources, including range, timber, minerals, recreation, watershed, fish and wildlife, wilderness and natural, scenic, scientific and cultural values. It is the mission of the BLM to sustain the health, diversity and productivity of the public lands for the use and enjoyment of present and future generations.

Vision Statement:
The BLM provides for a wide variety of users without compromising the long-term health and diversity of the land and without sacrificing natural, cultural and historical resource values. We are committed to using the best scientific information to make decisions, in collaboration with other agencies, states, tribal governments and the public. We work to understand the needs of rural and urban publics, and we are committed to recovering a fair return for the use of publicly owned resources for the American taxpayers.

BLM in Arizona:
BLM Arizona administers 12.2 million surface acres of public lands, along with another 17.5 million subsurface acres within the state. Field Offices throughout the state provide on-the-ground field management: Arizona Strip, Hassayampa, Kingman, Lake Havasu, Lower Sonoran, Safford, Tucson and Yuma. Arizona BLM management, coordination and direction come from the Arizona State Office, which is guided by State Director Jim Kenna.

BUREAU OF RECLAMATION (BOR)
Mission Statement:
The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

Vision Statement:
Through leadership, use of technical expertise, efficient operations, responsive customer service and the creativity of people, Reclamation will seek to protect local economies and preserve natural resources and ecosystems through the effective use of water.

The Commissioner's plan for how Reclamation will attain its vision:

- Directing our leadership and technical expertise in water resources development and in the efficient use of water through initiatives including conservation, reuse, and research.
- Protecting the public and the environment through the adequate maintenance and appropriate operation of Reclamation's facilities.
- Managing Reclamation's facilities to fulfill water user contracts and protect and/or enhance conditions for fish, wildlife, land, and cultural resources.

- Working with Reclamation's customers and stakeholders to achieve mutual objectives.
- Assisting the Secretary in fulfilling Indian Trust responsibilities.
- Implementing innovative, sound business practices with timely and cost-effective, measurable results.
- Promoting a culturally diverse workforce which encourages excellence, creativity, and achievement.

Understanding and striving to attain our vision are critical to effectively implement the Government Performance and Results Act. GPRA was enacted in 1993 to improve public confidence in Federal agency performance by holding agencies accountable for achieving program results; and to improve congressional decision making by clarifying and stating program performance goals, measures, and costs "up front." Basic GPRA requirements include:

- 6-year Strategic Plan
- Annual Performance Plans
- Annual Performance Reports

2.E SPECIFIC STUDY AREAS, LAND USE OVERLAYS, AND APPROVED MASTER PLANS

As the City plans for the future and continually faces new development challenges, specific areas are identified that relate to a desired development opportunity requiring further research. The Aviation Study Area identified in the northeast region of the Land Use Plan delineates an area that may be a potential site for the development of a general aviation airport. Until further studies and funding can substantiate this possibility, the study area serves as a notation to potential developers and residents.

The City has developed several approved specific areas planning overlays that identify goals and implementation measures addressing key issues in defined areas. Five such overlays are delineated on the Land Use Plan. They are as follows:

- Loop 303 Specific Area Plan
- North Peoria Redevelopment Area
- Downtown Peoria Redevelopment Area
- Old Town Specific Area Plan
- Triana Park Specific Area Plan

The Land Use Plan also identifies six approved development plans and their approved uses. They are as follows:

- Camino A Lago Specific Area Plan
- Vistancia North Planned Community
- Lake Pleasant Heights Planned Community
- Saddleback Heights Planned Community
- West Wing Mountain Planned Community
- Vistancia South Planned Community

As future development occurs and as the City develops specific area plan overlays, the Land Use Plan will be updated to reflect these changes. Future studies may address areas for resorts, master planned

communities, college or community college sites, health care campuses, transportation corridors, or transit-oriented development areas.

LAKE PLEASANT PARKWAY CORRIDOR

Lake Pleasant Parkway is a special roadway that serves Sonoran Desert areas of northeastern Peoria. It is planned as the only north/south arterial street that connects Deer Valley Road and SR-74. In 2000 the City adopted the Lake Pleasant Parkway Corridor Specific Area Plan (LPPCSAP) to establish written policy regarding the corridor. The purposes of the plan were to:

- Identify the significant resources in the area of the corridor,
- Identify current and future trends affecting the corridor, and
- Provide planning policies and guidelines to best maximize the Parkway Corridor's environmental and economic potential.

Protection policies for the north Peoria desert areas were originally outlined in the Desert Lands Conservation Master Plan. Policies that should be utilized to guide the formation of development regulations are listed below.

- Provide development standards to protect the scenic views from the roadway and provide a uniform appearance for developments fronting on the corridor,
- Provide planning for the corridor that would limit the development of retail projects to identified nodes and in so doing control strip commercial development and open view corridors,
- Protect the traffic capacity of the parkway by limiting development that would need direct access to an arterial street,
- Protect residential neighborhoods from commercial traffic and encourage cluster or nodal neighborhood development,
- Plan for regional trails, pedestrian and bicycle linkages,
- Protect against noise pollution through sound studies and wall design / placement,
- Protect native plants and conservation features within the corridor, and
- Control outdoor lighting.

These policies and controls have been gradually included in this and other planning documents. Updates to this element, adoption of the Loop 303 Specific Area Plan and regular updates to the Peoria Zoning Ordinance provide much of the protection that the purposes and goals were designed to accomplish. The City has created expanded residential and commercial General Plan categories that are effective in conveying City policy in the location of nodal and cluster type uses. The City of Peoria has also adopted a Desert Lands Conservation Ordinance, a Parks, Recreation and Open Spaces Master Plan and updated the Landscape Ordinance to codify protection policy included in the plan.

In 2005 the City adopted the Loop 303 Corridor Specific Area Plan that makes available planning policy for the Lake Pleasant Parkway from Dixileta Drive to Old Carefree Highway, and for Old Carefree Highway and SR-74 from Lake Pleasant Parkway to the Agua Fria River bridge. This plan superseded the land use and transportation planning of the LPPCSAP for these parts of Lake Pleasant Parkway, the Carefree Highway and SR-74.

LAND USE PLANNING FOR THE LAKE PLEASANT PARKWAY CORRIDOR

Land Use planning for the parkway corridor is designed to be unique. Overall planning is included in this element and the Loop 303 Specific Area Plan. Policies for the corridor encourage nodal and cluster type

development to allow for open spaces between developments to open view corridors where these spaces occur. Small office areas providing essential services to neighborhoods should be located away from major nodal development or as a transition to less intensive uses and near access points to the Lake Pleasant Parkway. Office areas along the corridor are may be supported in the locations shown below.

Intersection	Compatibility Criteria	Uses Allowed
Yearling Road	1. Scale and Architecture 2. Height	Office Only
Pinnacle Peak Road		

Commercial nodes are planned to be located at various intersections along Lake Pleasant Parkway, Old Carefree Highway and SR-74 with a regional employment center located north of Dynamite Boulevard. Planning for these "nodes" is as shown in the table below.

Intersection	LPPCSAP	Peoria General Plan	LOOP 303 SAP
Deer Valley Road	Community Node	Community Commercial	
Happy Valley Road	Community Node	Community Commercial	
Dynamite Boulevard	Community Node		Community Commercial
SR-74	Regional Node		Community Commercial
El Mirage/Castle Hot Springs Rd	Community Node	Community Commercial	
Sarival Avenue	Community Node	Community Commercial	
North of Dynamite Boulevard	Employment Center		Employment Center

Buffer policies first established in the LPPCSAP are effective in changing perceptions of the roadway to evoke a more scenic desert driving experience. Buffers are supplemental distances between the roadway and development that enhance view corridors for observation of additional amenities on the horizon and afford richer desert experiences with Sonoran Desert plants along the roadway. Buffers should continue to be used as shown in the table below.

Urban Section (Rose Garden Ln to Happy Valley Rd)	Suburban Section (Happy Valley Rd to Dynamite Blvd)	Rural Section (North of Dynamite Blvd)
Buffer - 15 feet	Buffer - 30 feet	Buffer - 50 feet

CIRCULATION

Circulation policies for Lake Pleasant Parkway are now shown in the Loop 303 SAP and the Circulation Element of the Peoria General Plan. These policies are designed to preserve a desert driving experience along the parkway and internalize circulation occurring in residential neighborhoods. Access to the parkway is limited to mile and half-mile street intersections.

RESIDENTIAL NEIGHBORHOODS

Residential development is encouraged adjacent to the parkway. Development guidelines for neighborhoods and individual housing projects are found in the City's Zoning Ordinance and Design Review Guidelines. Circulation policies should guide subdivision design to limit access to the parkway and intrusion of external traffic into the neighborhood.

Essential to the concept of sustainable neighborhoods is the proximity of shopping and services. Where possible, neighborhoods should be walkable with services, parks, schools, and shopping within reasonable walking distances. Community and regional commercial nodes are limited to designated intersections.

TRAILS

Pedestrian, bicycle and multi-use trail policies for this part of Peoria are now contained in this General Plan and the Parks, Recreation, Open Space and Trails Master Plan published by the Community Services Department.

ENVIRONMENTAL PROTECTION

Protection of native plants, conservation features, noise pollution and dark skies are currently being implemented through various sections of the City's Zoning Ordinance. Preservation and use of native plants, archaeological sites, washes, rock outcroppings and other unique desert features is the primary function of the Desert Lands Conservation Overlay district. Limitation of artificial lighting in desert areas is also addressed in the Peoria Zoning Ordinance.

FIGURE 2-1
LAND USE PLAN / MAP

FIGURE 2-2
PUBLIC LAND OWNERSHIP MAP

Exhibit B
Revised Section 14
Public Administration Text

14. PLAN ADMINISTRATION

The successful preparation of the Peoria General Plan was a prodigious effort requiring months of extensive community involvement, the engagement of all levels of government, the coordinated efforts of numerous City departments, the review and support of adjacent communities, the State Department of Commerce and the local business community. However, much work remains to be done. More specifically, an outstanding plan will do the community little good if relegated to "sitting on the shelf." To obtain the most out of the Peoria General Plan, a major focus needs to be placed on plan administration.

The Plan Administration section is organized in the following manner:

14.a. General Plan Implementation
14.b. General Plan Update
14.c. General Plan Amendments
14.d. ~~Official Public Notice~~ Notification Requirements
14.e. Public Participation Process
14.f. Adoption
14.g. Classifying General Plan Amendments
14.h. Implementation Program

The purpose of this section is to examine each of these components in detail and to provide guidelines for ensuring that the Peoria General Plan is implemented, amended when necessary and regularly updated. Although each of these components is unique, they have at least one common denominator. To be successful, they must be comprehensive or inclusive in scope. At the local government level, this means that all City departments should understand the plan and use it as a foundation for making decisions. At another level, other units of government should be cognizant of the goals and objectives of the Peoria General Plan and coordinate their efforts to complement the Plan. Finally, the general public and the local business community should understand and support the Plan. When all of these entities are working in concert to achieve the common goals and objectives articulated in the Plan, significant progress can be made and all aspects of the Plan administration will be successful.

14.A. GENERAL PLAN IMPLEMENTATION

Although every community's implementation program should be unique and based upon specific goals, objectives and resources, state legislation provides a common starting point for plan implementation. Recognizing the importance of plan implementation, the Arizona legislature has mandated municipal planning agencies to undertake the following actions to effectuate the plan:

- Investigate and make recommendations to the legislative body upon reasonable and practical means for putting into effect the General Plan in order that it will serve as a pattern and guide for the orderly growth and development of the municipality and as a basis for the efficient expenditure of its funds relating to the subjects of the General Plan. The recommended measures may include plans, regulations, financial reports and capital budgets.
- Render an annual report to the legislative body on the status of the plan and progress in its application.

- Endeavor to promote public interest in and understanding of the General Plan and regulations relating to it.
- Consult and advise with the general public, public officials and agencies, public utility companies, civic, educational, and other organizations to advance the vision and goals of the General Plan.
- Upon adoption of a General Plan, every governmental, judicial and quasi-judicial agency or commission should provide a list of proposed plans for capital improvements or construction within or partially within the City of Peoria. The agency shall list and classify all such recommendations and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such coordinated program shall be submitted to the municipal planning agency for review and report to such agency as to conformity with the adopted General Plan.
- All acquisitions and dispositions of real property shall be reported to the Community Development Department to ensure conformity with the General Plan and supporting Specific Area Plans. The planning agency shall render its report as to conformity with such adopted General Plan within forty days after submittal.

Therefore, when preparing Peoria's implementation program, the foundation of the plan should acknowledge these mandates and insert them into the implementation program as essential starting points.

In many ways, the most important element of the entire planning process is plan implementation. If the planning process is successful, one of the major benefits of preparing a General Plan is engaging and energizing the entire community. If community involvement was comprehensive, and political support from the Mayor, Council and Plan Commission is enthusiastic, the foundation has been laid to successfully implement the goals and objectives of the Peoria General Plan. To accomplish this, an implementation plan or action plan is necessary.

Each Element of the General Plan includes an Implementation Program that includes:

Implementation Measure	Lists the action necessary to carry out each element of the General Plan.
Lead Department/Agency	Identifies the responsible City department for accomplishing that particular measure.
Projected Timeframe	Identifies and prioritizes the timeframe for the measure to be initiated.
Potential Funding Sources	Lists the potential funding, City staff, volunteer or other community resource necessary to carry out the implementation action.

14.B. GENERAL PLAN UPDATE

In accordance with Arizona State Statutes (A.R.S. 9-461.06), the General Plan is effective for a period of ten years, at which time the governing body shall either adopt a new General Plan or re-adopt the existing General Plan. In the interim, the Planning and Zoning Commission, the Community Development Department, and other City departments should review, monitor, and provide recommendations for amendments on an annual basis to ensure that goals, objectives, and policies continue to meet the changing needs of the community, that data is up-to-date, and that the implementation program is functioning properly.

14.C. GENERAL PLAN AMENDMENTS

RATIONALE FOR AMENDING THE GENERAL PLAN

The planning process leading up to the adoption of a General Plan is a rigorous process involving many formal and informal public meetings and public hearings over a considerable period of time. These meetings were supplemented with individual interviews, written surveys, and other methods that were used to determine the community's goals and objectives regarding the development of the City of Peoria. To make changes to the Plan might invalidate the entire process and undermine community confidence. Additionally, a typical amendment to a General Plan usually entails less public scrutiny and is less comprehensive in scope.

Nonetheless, the City must continually reexamine the Plan to respond to the changing social, economic, and other demographic trends associated with dynamic growth within the City and region. Development pressures directly impact land use, traffic patterns, socio-economic conditions, provision of City services, and a host of other factors which must be addressed so that the General Plan remains effective and relevant. Significant changes in any of these factors can trigger a need to amend the Peoria General Plan. Because the General Plan is, by its very nature, general, an in-depth examination of a specific property or area within the community may reveal characteristics that are inconsistent with the policies and details of the Plan. This in no way, however, negates the intent or guidance set forth in the Plan to provide for orderly growth and development within the City or adequate service provision for residents.

The most prudent policy when considering Plan amendments is to carefully evaluate the benefits to the community and consistency with the Plan's guidance and overall intent, and by maintaining a balance between inflexible adherence to the Plan (resulting in few or no amendments) and an over-elastic flexibility (resulting in indiscriminate changes).

STATUTORY REQUIREMENTS FOR AMENDING THE GENERAL PLAN

The manner of amending the General Plan is set forth in Arizona Revised Statutes, specifically, A.R.S. 9-461.06. The City, public or private agencies, and private individuals may initiate a proposal for a General Plan Amendment. Major Amendments are subject to an annual process whereby all Major Amendment proposals are considered during the same time frame as scheduled by the local government. Major Amendment proposals must be considered for approval during the same calendar year in which they were initiated, and are subject to enhanced requirements for the notification, participation, and adoption processes.

If the City determines that severe hardship could be created for the City, the City Council may direct the initiation of the Plan Amendment process. However, amendments to the Peoria General Plan cannot be enacted as emergency measures and are subject to public referendum.

Local governments must adopt written procedures to provide structured, predictable, and continuous public participation in the development and consideration of amendments to the General Plans from all geographic, ethnic, and economic areas of the City of Peoria. These procedures should provide for the following:

- The broad dissemination of proposals and alternatives.
- The opportunity for written comments.
- Public hearings after effective notice.
- Open discussions, communications programs, and information services.

- Consideration of public comments.
- Consulting with and advising public officials and agencies, the County, school districts, associations of governments, public land management agencies, other appropriate government jurisdictions, public utility companies, civic, educational, professional and other organizations, property owners and citizens to secure maximum coordination of plans and to indicate properly located sites for all public purposes on the General Plan.

The City of Peoria meets and exceeds statutory requirements in an effort to provide a wide dissemination of information related to plan amendments, encourage and support constructive discussion in the community, and ensure that changes to the Plan are supported by the community. Peoria provides notice to the public, public agencies, property owners, and other entities through Official Public Notice and also through a Public Participation Process as outlined below.

14.D. ~~OFFICIAL PUBLIC NOTICE~~NOTIFICATION REQUIREMENTS

~~**60-DAY NOTICE**~~

~~To ensure adequate scrutiny of proposals for Major Amendments to the General Plan, State Statutes mandate that local governments provide notice of the proposal a minimum of sixty (60) days prior to providing notice of public hearing.~~

~~A minimum of sixty (60) days prior to providing notice of the first public hearing, the local government must transmit the proposal to the Planning and Zoning Commission and City Council and provide review copies to the following entities:~~

- ~~The planning agency of the county in which the municipality is located.~~
- ~~Each county or municipality that is contiguous to the corporate limits of the municipality or its area of extraterritorial jurisdiction.~~
- ~~The regional planning agency within which the municipality is located.~~
- ~~The department of commerce or any other state agency that is subsequently designated as the General Planning agency for this state.~~
- ~~The Department of Water Resources~~

~~Any person or entity that requests in writing to receive a copy of the proposal.~~

~~**NOTICE OF PUBLIC HEARING**~~

~~For both Major and Minor amendments to the General Plan, the City provides notice of public hearings before the Planning and Zoning Commission and City Council at least fifteen (15) but not more than thirty (30) calendar days prior to the hearing date as follows:~~

~~Publishing at least once in a newspaper of general circulation~~**PRIVATELY-INITATED AMENDMENTS:**

Owner/applicant(s) shall notice privately-initiated amendments in the same manner as a rezoning request, as outlined within Article 14-39 of the Zoning Ordinance. In addition to the applicant's notice, city staff will mail a notice of application and notice of hearing to each neighborhood association and home owners associations registered with the City and affiliated with a neighborhood located within one (1) mile of the subject property, along with publish a newspaper ad, in accordance with Article 14-39 of the Zoning Ordinance.

~~FOR LAND USE AMENDMENTS, POSTING WITHIN PUBLIC VIEW WITHIN THE AREA PROPOSED FOR AMENDMENT~~

~~TABLE 14.1 -- PLAN AMENDMENT NOTIFICATION AREA~~

~~SIZE OF SUBJECT PROPERTY~~	~~Notification Distance/Area~~
~~**< 40 acres**~~	~~**600 ft**~~
~~**≥ 40 acres**~~	~~**1320 ft**~~

CITY-INITIATED AMENDMENTS:

City-initiated amendments are initiated by staff and often impact a substantial portion of the City, more so than typically associated with privately-initiated applications. In some instances, the amendment encompasses the entire City. Consequently, the notification procedures listed below allow the City to incorporate an array of communication methods intended to reach a larger audience.

- ~~Property owners within the Notification~~At a minimum, city staff shall notice each real property owner within the impacted area at least once by one of the methods: postcard, water bill inserts, direct mailing or drop flyer.
- Staff ~~Area of City Initiated Land Use Amendments shall also be notified, however the City may elect to use alternative notification methods not otherwise available to non-City applicants (e.g. water bill inserts, City of~~may supplement notification by utilizing methods such as, but not limited to, social media, websites, posting of notices at recreational or community centers, and ~~Peoria website,~~ Peoria Channel 11~~, etc.).~~

14.E. PUBLIC PARTICIPATION PROCESS

60-DAY REVIEW

To ensure adequate scrutiny of proposals for Major Amendments to the General Plan, State Statutes mandate that local governments provide notice of the proposal a minimum of sixty (60) days prior to providing notice of public hearing. Staff will transmit the proposal to the Planning and Zoning Commission and City Council and provide review copies to the following entities:

- The planning agency of the county in which the municipality is located.
- Each county or municipality that is contiguous to the corporate limits of the municipality or its area of extraterritorial jurisdiction.
- The regional planning agency within which the municipality is located.
- The department of commerce or any other state agency that is subsequently designated as the General Planning agency for this state.
- The Arizona Department of Water Resources
- Any person or entity that requests in writing to receive a copy of the proposal.

All recipients will have the opportunity to submit written comments that will then be transmitted to the Planning and Zoning Commission and the City Council in advance of any briefing, public meeting, or hearing.

NEIGHBORHOOD MEETING

For all Major and Minor Amendments to the General Plan, applicants shall provide a Citizen Participation Process report. The purpose of the Public Participation Process is to ensure that the community is informed of proposed changes to the General Plan and provide a forum for public involvement and resolution of concerns prior to the public hearing process. In accordance with State Statutes, the City

must adopt written procedures to provide effective, early, and continuous public participation in the development and amendments of general plans. The Statutes call for the broad dissemination of information and an opportunity for public discussion and comment. Peoria's Public Participation Plan exceeds statutory requirements.

Within ~~thirty~~ forty five (~~30~~45) days of filing a Minor General Plan Amendment with the Peoria Planning Division~~ or prior to the conclusion of the 60-Day Notice for Major General Plan Amendments~~, the applicant shall hold a meeting with affected residents as defined in ~~Table 14.1 for Notification. Notification of such meeting(s) shall be provided in the manner described in the "Notice of Public Hearing" section of 14.D Official Public Notice of this chapter~~Article 14-39-6F of the Zoning Ordinance. Following the meeting, the applicant shall provide a written report to the Planning Division setting forth points discussed, an attendance list with attendee addresses and any modifications to the proposed plan. In the event that substantial revisions are made to the proposed plan, planning staff may, at its discretion, require that the applicant hold additional meetings with the affected residents and provide the respective reports.

In the event that a rezoning application is filed concurrently with the General Plan Amendment application, a single Participation Plan meeting all required criteria shall suffice.

14.F. ADOPTION

Major Amendments are subject to more stringent requirements for adoption than are Minor Amendments. Major Amendments to the General Plan require a minimum of two public hearings, at distinct locations, before the Planning and Zoning Commission, and a third public hearing before the City Council. Minor Amendments require a minimum of one public hearing before the Planning and Zoning Commission. Approval of a Major Amendment requires the affirmative vote of at least two-thirds of the members of the Peoria City Council.

For both Major and Minor Amendments to the General Plan, the City shall find that the proposal substantially demonstrates or exhibits conformance with the following evaluative criteria. Approval of General Plan Amendments is based on the five criteria shown below, with the fifth criterion being applicable only to Major Amendments, which shall be considered in concert to determine the merit of the project in meeting the intent of the General Plan.

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

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.

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.

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

For Major Amendments to the General Plan, the City shall consider the following evaluative criterion together with the above criteria:

v) Provides a positive benefit to the community without unduly impacting the City's water supplies as demonstrated through the application of the economic value per gallon of water measure contained within the City's adopted Principles of Sound Water Management.

14.G. CLASSIFYING GENERAL PLAN AMENDMENTS

A major amendment is triggered when a development proposal submitted for consideration by the City results in a change to the land use plan that would substantially alter the City's planned mixture or balance of land uses. Proposals that do not meet the substantiality test are either (a) Minor General Plan Amendments; or (b) do not require any General Plan Amendment. The City has identified the following variables to determine whether a development proposal necessitates an amendment and to delineate the type, if applicable.

MAJOR GENERAL PLAN AMENDMENTS

TABLE 14.2 -- Major General Plan Amendments

Number	Major Amendment Criteria
1.	A change in residential land use designation exceeding 80 acres AND: ● Two-step change in residential land use category OR ● Change to a non-residential or mixed-use land use designation except Park/Open Space and Public/Quasi Public. ● Park/Open Space land use designation changes to land use designations other than Residential 0-2 dwelling units per acre or Public/Quasi-Public land use designations. ● Changes to Specific Area Plans or other Area Plans that increase the total number of dwelling units or non-residential intensity (GFA or FAR) by more than 10%.
2.	A change in non-residential or mixed-use land use designation exceeding 80 acres.
3.	Any material alteration, deletion or change to the functional classification of any roadway identified on the Circulation Plan, except that amendments to the Circulation Plan resulting from an amended Specific Area Plan shall be deemed a minor amendment to the General Plan.
4.	Any proposal that in aggregate includes changes in land use designations exceeding 320 acres.
5.	Planning Area Boundary changes.
6.	Text changes to the General Plan that conflict with or alter the intent of any goal, objective or policy as determined by the Community Development Director or designee.

MINOR GENERAL PLAN AMENDMENTS

i) All other changes not expressly classified as a Major General Plan Amendment and/or exempt ("No General Plan Amendment required").

NO GENERAL PLAN AMENDMENT REQUIRED

i) No amendment is required if the zoning change results in a correlative district within the underlying land use category as described in more detail within Section 2 Land Use Element, and results in a project density that is within the range illustrated in Table 14.3 (General Plan / Zoning Correlation); and

For example, if a proposal seeks to rezone a site from R1-35 to R1-18, no amendment would be required. Both zoning districts result in a density and character that advances the Residential Estate designation as described in the Land Use Element. Secondarily, it should be noted that the Plan encourages a diversity of housing types to meet the needs of all income and age segments.

ii) Projects requesting a change of land use density from Residential Medium (5-8 du/ac) to Residential Low (2-5 du/ac) or Residential Low (2-5 du/ac) to Residential Estate (0-2 du/ac) may be processed without the requirement for a General Plan amendment and shall be deemed compliant with the Land Use Element of the General Plan; and

iii) Any minor shift in alignment to any roadway without change in functional classification, as determined by the Engineering Director.

TABLE 14.3 -- General Plan Land Use Designations / ~~Zoning~~ Density Correlation

General Plan Land Use Designation	Density (du/ac)
~~Residential~~ Estate Density Residential	0.0 - 2.0 du/ac~~0-2~~
~~Residential~~ Low Density Residential	2.0 - 5.0 du/ac~~2-5~~
~~Residential~~ Medium Density Residential	5.0 - 8.0 du/ac~~5-8~~
~~Residential~~ Medium~~-~~High Density Residential	8.0-15.0 du/ac~~8-15~~
~~Residential~~ High Density Residential	15+ du/ac~~15+~~
Office Commercial	n/a
Neighborhood Commercial	n/a
Community Commercial	n/a
Regional Commercial	15+
Business Park	n/a
Business Park / Industrial	n/a
Industrial	n/a
Park / Open Space[2]	0-1
Public / Quasi-Public	n/a
Mixed-Use Designations	See Below[3]

Notes:

1 A PAD (10-600 acres) or PCD (600+ acres) may be used to implement any of the land use designations identified above.
2 Parks and other open space may be located in any zoning district.
3 Refer to the relevant sections in the Loop 303 Specific Area Plan, Central Peoria Revitalization Plan or General Plan Mixed-Use Guidelines (Land Use Element) for the density prescriptions.

14.H. IMPLEMENTATION PROGRAM

The Implementation Program for the City of Peoria General Plan establishes specific measures that will lead to plan achievement. The intent of the Implementation Program is to organize the listing of near-term implementation activities derived from the Goals, Objectives and Policies within each Element and prioritize them for timely completion. The following table contains a series of implementation tasks have been organized in 'On-going', 'Short', 'Mid' and 'Long' term priorities. Short-term tasks are intended to be implemented within 1-3 years; Mid-term tasks in 3-6 years; and Long-term tasks in 6-10 years. On-going tasks generally refer to items requiring routine maintenance such as the upkeep of lists or existing programs. Also included in the table is information pertaining to the respective departments responsible for each task.

TABLE 14.4 -- Implementation Tasks

Task Number	Task Description	Key Department(s)	Priority
1a	Evaluate the General Plan annually to ensure its effectiveness and provide regular updates to the Plan that further the City's Economic Development strategies.	PCD / EDS	On-going
1b	Evaluate the General Plan annually to ensure conformance with changes to State Law	PCD	On-going
2	Enhance and maintain a sustainability website.	PCD / EDS	On-going
3	Identify existing and future high volume intersections for additional pedestrian refuge areas and safety amenities.	ENG	On-going
4	Identify funding for transportation improvements in identified Growth Areas.	ENG / PW-UT	On-going
5	Implement the recommendations from the Old Town Revitalization and Peoria Sports Complex District Plans	PCD / EDS	On-going
6	Identify and coordinate transportation and infrastructure projects within the 10-year CIP.	PCD / EDS / PW-UT/ CS	On-going
7	Develop a strategic plan and funding strategy to identify and Improve ROW landscaping, lighting, and amenities within mature neighborhoods.	CS / ENG / PW-UT	On-going
8	Continue to update the requirements within the Zoning Ordinance for compliance with special needs housing (i.e. recent legislation, dispersal requirements).	PCD	On-going
9	Establish Northern Peoria Public School Joint Use / Compact (i.e. through Memorandum of Understanding).	CS	On-going
10	Participate in APS/SRP Major Facility Siting Studies.	ENG / PW-UT / PCD / EDS	On-going
11	Update Glendale/ Peoria Area Drainage Master Plan (ADMP)	ENG / PW-UT / City of Glendale / MCFCD / Consultants	On-going
12	Update North Peoria's Area Drainage Master Plan (ADMP)	ENG / PW-UT / MCFCD / Consultants	On-going
13	Identify costs of expansion of City operations and facilities	Finance / Budget	On-going

14	Continuously evaluate and update (as necessary) the Impact Fee Structure	Finance / Budget	On-going
15	Develop a system for monitoring indicators of growth and changes in land use ratios	Finance / Consultant	On-going
16	Incorporate CPTED principles into the Zoning Ordinance and Design Review Manual	PCD / Police Department	On-going
17	Adopt an Old Town Peoria Revitalization Plan	PCD	Short
18	Adopt the Peoria Sports Complex District Specific Area Plan	PCD	Short
19	Identify incentive strategies (i.e. density/FAR bonus, zoning flexibility) for providing "Smart Growth" components (i.e. affordable housing, underground parking, streetscape, pedestrian orientation, open space linkages and preservation).	PCD / EDS	Short
20	Develop a mixed-use development program that addresses regulatory and infrastructure constraints.	PCD / EDS/ Fire Dept / ENG / PW-UT	Short
21	Develop appropriate strategies to encourage sustainable developments such as transit-oriented development (TOD)	PCD / ENG/ EDS	Short
22	Develop a long-range Traffic Management Plan incorporating ITS.	ENG / PW-UT	Short
23	Develop roadway design features that enhance bicycle & pedestrian use & access.	CS / ENG / PCD	Short
24	Develop transit and pedestrian-oriented site design guidelines.	PCD / ENG	Short
25	Develop an Infill Incentive Plan and Delineate Infill Areas / Criteria.	PCD / EDS	Short
26	Prepare an Old Town Transit Station Design Concept Report.	CS / ENG	Short
27	Produce development and design guidelines for the Old Town District as defined by the Old Town Peoria Revitalization Plan	PCD	Short
28	Update the requirements within the Zoning Ordinance to reflect housing-type preference changes and to	PCD	Short

	increase housing-type diversity.		
29	Update the Integrated Utility Infrastructure Master Plan	PCD / PW-UT	Short
30	Develop a conservation strategy to promote sustainability principles	Citywide	Short
31	Develop an Open Space Acquisition and Conservation Plan	PCD	Short
32	Evaluate and implement programs to improve data collection and reporting on water production and water delivered and billed to customers.	PW-UT	Short
33	Continue to develop water conservation programs to achieve permanent reductions in water demands.	PW-UT	Short
34	Permit service area water supply wells as recovery wells.	PW-UT	Short
35	Incorporate new development fee structure for wastewater, potable water and solid waste facilities	Finance / Consultant	Short
36	Update the Emergency Evacuation Plan	Fire Department	Short
37	Update designated truck routes	ENG / PW-UT	Short
38	Develop a Multi-Modal Transportation Plan for the purposes of expanding transit opportunities	ENG / PCD / CS / PW-UT	Short
39	Develop incentives promoting private development in Growth Areas.	PCD / EDS	Mid
40	Identify funding resources for the expansion of bicycle facilities and transit related improvements	ENG	Mid
41	Develop an adaptive reuse strategy to revitalize vacant and underutilized buildings.	PCD / EDS	Mid
42	Update and expand the Historic Resources Survey.	PCD	Mid
43	Develop a Zoning District that promotes Transit Oriented Development (TOD)	PCD	Mid
44	Develop a rehabilitation and revitalization plan for mature neighborhoods.	PCD / CS / ENG / PW-UT	Mid
45	Update City Integrated Utility Infrastructure Master Plan	PW-UT	Mid

46	Evaluate the Zoning Ordinance for techniques promoting housing affordability (i.e. reduce on-site parking requirements, incentives to increase family size units).	PCD	Long
47	Continue the groundwater quantity and quality monitoring program initiated in the earlier strategy.	PW-UT	Long
48	If they become available, evaluate the feasibility or purchase of low priority CAP supplies.	PW-UT	Long
49	Evaluate participation in Arizona Water Banking Authority (AWBA) and CAP groundwater recovery programs.	PW-UT	Long
50	Assess whether the CAP-SRP interconnect capacity (10 cfs) is necessary to meet City water supply goals.	PW-UT	Long
51	Develop infrastructure that is compatible with the available water resources and location of water demands.	PW-UT	Long
52	Continue evaluation of the need for WTPs to serve the needs of the northern areas of the City that lack groundwater availability.	PW-UT	Long
53	Use groundwater credits for recovery pumping, in lieu of CAGRD replenishment obligation to meet Designation of Assured Water Supply requirements	PW-UT	Extended
54	Develop the recharge capacity and reuse opportunities for the reclaimed water that are produced from the Butler, Beardsley, and Jomax Water Reclamation Plants.	PW-UT	Extended
55	Evaluate need for imported water.	PW-UT	Extended
56	Continue evaluation of need for WTPs to serve the northern areas of the City that lack groundwater availability.	PW-UT	Extended
57	Participate in development and implementation of CAP wheeling policies.	PW-UT	Extended
58	Participate in the development of additional groundwater management rules and regulations.	PW-UT	Extended
59	Continue the groundwater quantity and quality monitoring program initiated in the earlier strategy.	PW-UT	Extended

60	Continue the groundwater quantity and quality monitoring program.	PW-UT	Extended
61	Recharge CAP water at the Agua Fria and Hieroglyphic Mountain recharge facilities in order to maintain a reserve of groundwater credits.	PW-UT	Extended
62	Continue to recharge and directly use effluent to develop groundwater credits and extend usefulness of other water supplies.	PW-UT	Extended

PCD – Planning & Community Development Department

EDS – Economic Development Services Department

ENG – Engineering Department

PW-UT – Public Works / Utilities Department

CS – Community Services Department

MCFCD – Maricopa County Flood Control District

Exhibit C
Letter from
Arizona Department of Water Resources

JANICE K. BREWER
Governor

MICHAEL J. LACEY
Director

ARIZONA DEPARTMENT of WATER RESOURCES
3550 North Central Avenue, Second Floor
Phoenix, Arizona 85012-2105
602.771.8500
azwater.gov

August 15, 2014

City of Peoria, Planning Division
Attn: Lorie Dever
9875 N. 85th Avenue
Peoria, Arizona 85345

SENT VIA E-MAIL

RE: 2014 Peoria Major General Plan Amendment

Dear Ms. Dever:

Thank you for the opportunity to comment on the 2014 Peoria General Plan Amendment. The Arizona Department of Water Resources (Department) has reviewed the amendment document and offers the following comments:

- Section 2 – Land Use
  Under Section 2.C Land Use Plan / Descriptions of Land Use Designations / Estate Density Residential (Page 2-10), reference is made to agricultural-related activities and working farms. Please note that agricultural/farm uses are subject to the provisions of Arizona Revised Statutes (A.R.S.) §§ 45-402 and 45-452. Irrigation of two or more acres of land for growing plants, or parts of plants, for human or animal consumption (i.e. crops or pasture) would be limited to land containing an Irrigation Grandfathered Groundwater Right.

- Section 14 – Plan Administration
  Under Section 14.E Public Participation Process / 60-Day Review (Page 14-5), suggest clarifying as Arizona Department of Water Resources.

We appreciate the opportunity to provide comments. Please feel free to contact me at 602-771-8424 if you have any questions or need any additional information.

Sincerely,

[redacted]

Jeff Tannler
Active Management Area Director

cc: Michelle Moreno, ADWR Public Information Officer

Exhibit D
Letter from
Arizona State Land Department

Lorie Dever

From: Gordon Taylor [redacted]
Sent: Tuesday, August 26, 2014 3:44 PM
To: Lorie Dever
Cc: Mark Edelman
Subject: GPA 14 -0002

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Lori, my apologies for this later response. I just completed a cursory review of GPA 14-0002 and would like to add a single comment. The ASLD appreciates the references included in the City's General Plan and recognition of the Department's mission. Section 2D page 2-21 of the Plans' Land Use element is titled "Publically Held Lands". The Arizona State Land Department is a public agency however State Trust lands are not public lands but are held in Trust for the State beneficiaries a distinction which separates these lands from lands managed by the Bureau of Land Management and Bureau of Reclamation. ASLD would like the passage to relabeled from "Publically Held Lands" to Publically Held Lands and State Trust lands.
Similar to other Trusts that exist for the sole benefit of the Trust beneficiary the State Trust lands are managed by the Department to "enhance the value and optimize the economic return to the State Beneficiaries". This purpose is consistent with any private Trust and for that reason State Trust lands should be identified as separate from Federal public lands .

Thank you for your consideration of this request.

Gordon Taylor
Planner IV
Arizona State Land Department
Real Estate / Planning Section

[redacted]

NOTICE to CUSTOMERS

The Department will be initiating a document scanning project in July, 2014 and it is expected to last nearly a year. During this timeframe some of our documents will be off-site for approximately two weeks at a time. We ask for your patience during this time. If your request must meet a legal deadline we will do our best to retrieve the information for you. We apologize in advance for any inconvenience this may cause. Through this process, we hope to make our records more readily and efficiently accessible and at the same time protect and preserve irreplaceable documents. Thank you for your cooperation.

CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 14-0009

DATE: November 13, 2014

AGENDA ITEM: 8R

Applicant: Luke Land Realty

Request: Obtain a Conditional Use Permit (CUP) to allow the operation of an automotive tire shop and repair facility in an existing building (former gas station).

Proposed use: Automotive repair facility and tire shop

Location: Northeast corner of 75th Avenue and Olive Avenue, 7410 W. Olive Avenue.

Size of Facility: Existing approximately 2,980 s.f. building on a 29,577 s.f. site

Support / Opposition: Staff received several calls in opposition to this request.

Recommendation: **Approve**, with conditions.

AREA CONTEXT

Table 1: *Existing Land Use, Future Land Use, Current Zoning. (Exhibits A & B)*

	LAND USE	GENERAL PLAN	ZONING
Subject Property	**Former Circle K gas station and convenience store**	Low Density Residential (2-5 du/acre)	**C-2, Intermediate Commercial**
North	Vacant, undeveloped	Low Density Residential (2-5 du/acre)	RM-1, Multi-Family Residential
South	Olive Avenue, then Grand Avenue	Community Commercial	I-1, Light Industrial
East	Commercial shopping center	Low Density Residential (2-5 du/acre)	C-2, Intermediate Commercial
West	75th Avenue, then vacant undeveloped	Industrial	I-1, Light Industrial

PROJECT DESCRIPTION

Request and Development Details

1. The project site is an 29,577 s.f property developed as a gas station with convenience store. The building is currently vacant and has experienced vandalism in the form of graffiti. The site is located at the northeast corner of 75th Avenue and Olive Ave frontage Road. Grand Avenue runs along the southwest corner of the site.

2. The applicant is proposing to use the existing building for automotive repair and tire sales and installation. Minor changes would be made to the site to accommodate this use, including the addition of bay doors on the south side of the building for vehicle access to the building, the relocation of parking spaces, and the addition of landscape islands.

DISCUSSION AND ANALYSIS

Applicability

3. The site in question is zoned Intermediate Commercial (C-2). According to Article 14-9, in the C-2 Zoning District, Automobile Diagnostic and or Service Center, as well as Tire Shop uses require a Conditional Use Permit.

4. Section 14-39-12.E outlines the applicable criteria for evaluating Conditional Use Permits (CUP). In general, the purpose of a CUP is to mitigate and/or minimize any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure compatibility between nearby land uses.

Compatibility with Surrounding Land Uses

5. In staff's judgment, the proposed use is appropriate and compatible with surrounding land uses and the context of the area. As the former site of a gas station and convenience store, the site has been designed and once accommodated considerably greater traffic general intensity of the use than would be created by the proposed project. The site will be brought into greater conformance with current development regulations and the building will be repainted to enhance the site's appearance. The orientation of the service bays to the south away from the residential areas located to the north of the site will minimize the potential for detrimental impacts to residents in the surrounding area. All installation operations are required to be conducted inside the enclosed building with the roll-up doors at the installation bay closed.

Noticing and Neighborhood Comment

6. The application notice was forwarded to all property owners within 600 feet of the proposal, including all registered HOA's within one mile, and properly noticed pursuant to Section 14-39-6 of the Peoria Zoning Ordinance.

7. Early in the review process soon after the Notice of Application postcards were sent, staff received several phone calls in opposition to the proposed use. As a result, staff requested that the applicant schedule a neighborhood meeting, which was held on September 9, 2014 at the City of Peoria Main Library. Three individuals representing two properties attended the meeting. The results of the meeting are described in detail in Exhibit E.

8. Some of the concerns expressed by the meeting attendees related to the appearance and operation of the proposed use. Staff described the regulatory controls that would be placed on the use that may not be in place on other similar existing operations located outside of Peoria's jurisdiction. These include requiring all operations to occur indoors, as well as design review requirements limiting the use of bold primary colors on the building exterior.

9. In addition to apprehension regarding the use, neighbors expressed more general concerns regarding the safety and quality of life in their residential neighborhood. Staff has provided traffic management resources and suggested other City activities such as neighborhood police programs that may be suitable to address other aspects related to livability.

10. Staff does not anticipate any negative impacts such as noise, odor, or illumination that would affect adjoining or nearby uses as a result of this request. The proposed project would reuse an existing vacant building lessening the risk of vandalism activities and enhancing the appearance of the site. In addition, the proposed use must comply with a series of special limitations from the zoning ordinance.

11. The PAD references Section 14-9-5-A- of the Zoning Ordinance and provides the following limitation on Automobile Diagnostic and/or Service uses in the C-2 District. Staff responses to the Ordinance are in *italics*:

    a. 14-9-5-A-1a: No outdoor displays or storage shall be permitted, except for merchandise normally sold from the premises that is displayed during normal business hours. No temporary parking of vehicles waiting for repair shall be permitted except in the garage. The parking area shall be fully screened from public view.

       The accompanying site plan (SP14-0004) indicates no outdoor storage or temporary parking associated with the site. Any storage will be contained within the building.

b. 14-9-5-A-1b: All activities shall be performed entirely within an enclosed building. High-speed washing, body repair, machining of auto parts, painting, vehicle or trailer rental shall be expressly prohibited.

   The accompanying site plan (Exhibit D) indicates that all service will be provided within the ten service bays designated for automotive repairs and service. Additionally, the roll up doors will be adjustable as to mitigate potential noise intrusion as well as provide an aesthetically pleasing view from Happy Valley Road.

c. 14-9-5-A-1c: Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in landscaping. All exterior design shall be compatible with surrounding developments.

   The accompanying site and landscape plans (Exhibit D) indicate enhanced landscape along the Happy Valley Road street frontage and to the east adjacent to the Trailside single-family residential development.

12. If any issues arise regarding the operation of the business, Section 14-39-12.I provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that a permit may be revoked, modified or suspended should any of the following occur:

    a. The permit was obtained by fraud or misrepresentation;
    b. The use authorized by the CUP has been exercised in violation of the conditions of approval;
    c. A change in circumstances where the following has occurred: [1] Impacts from the approved CUP to neighboring properties; and [2] Changes in aesthetic or environmental impacts such as noise, odors or pollution.
    d. The use authorized by the CUP is operated in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods, or the City; or is exercised in a manner that is detrimental to the public health, welfare or safety.

Proposition 207

13. The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of their 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.

FINDINGS AND RECOMMENDATION

14. Based on the following findings:

- The request is consistent with the applicable codes, standards, and guidelines; and
- The request is compatible with the surrounding uses; and will reuse a vacant and vandalized property,
- The proposal does not result in detrimental impacts to the surrounding area.

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

Approve the applicant's request for a Conditional Use Permit under Case CU14-0009, subject to the following conditions:

1. The use shall substantially conform to the Conceptual Site Plan (Exhibit C), and Conceptual Elevations (Exhibit D) as contained in the staff report to the Planning & Zoning Commission dated November 13, 2014.

ATTACHMENTS:

Exhibit A	Vicinity / Aerial Map
Exhibit B	Zoning Map
Exhibit C	Conceptual Site Plan
Exhibit D	Conceptual Elevations
Exhibit E	Citizen Participation Report

Prepared by: Melissa Sigmund, AICP, LEED Green Associate
Interim Principal Planner

Vicinity/Location Map

CU14-0009 Grand Avenue Station

Applicant: Luke Land Realty

Request: Obtain a Conditional Use Permit to allow the operation of an automotive tire shop and repair facility in an existing building (former gas station).

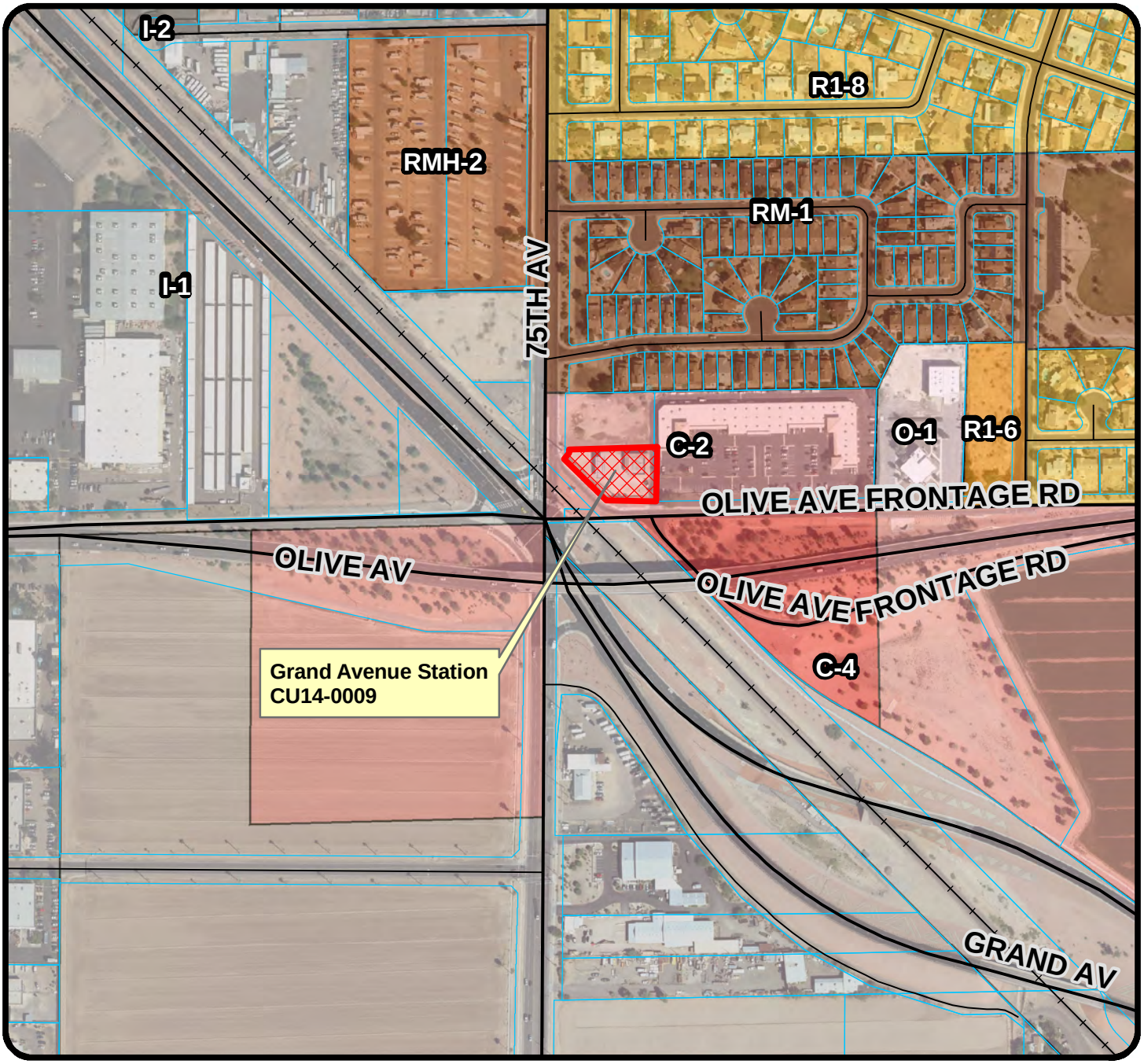
Location: 7410 W. Olive Avenue

N

Not to Scale

EXHIBIT A

Zoning Map



CU14-0009 Grand Avenue Station

Applicant: Luke Land Realty

Request: Obtain a Conditional Use Permit to allow the operation of an automotive tire shop and repair facility in an existing building (former gas station).

Location: 7410 W. Olive Avenue

N

Not to Scale

EXHIBIT B

Conceptual Site Plan

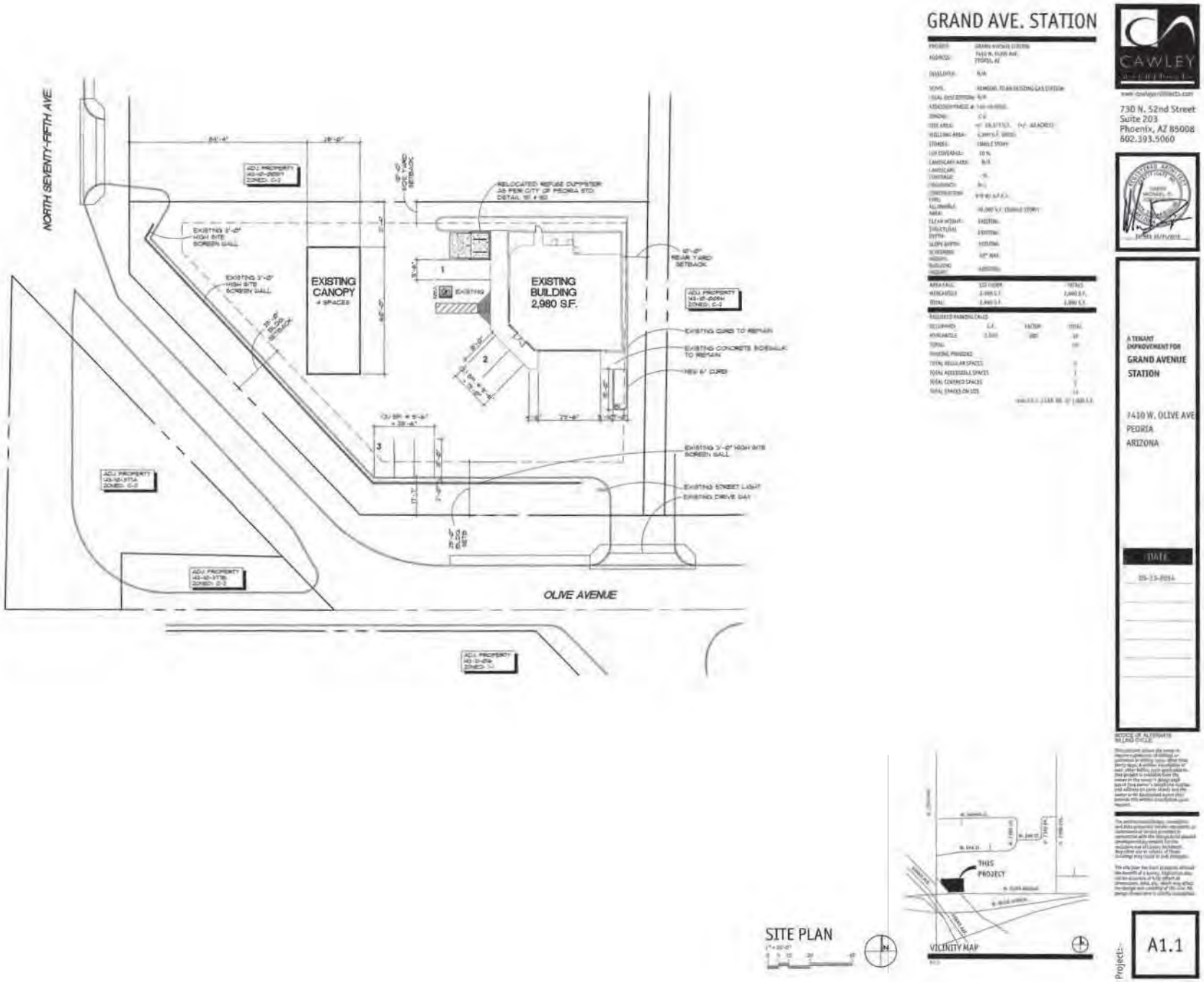


EXHIBIT C

Conceptual Elevations

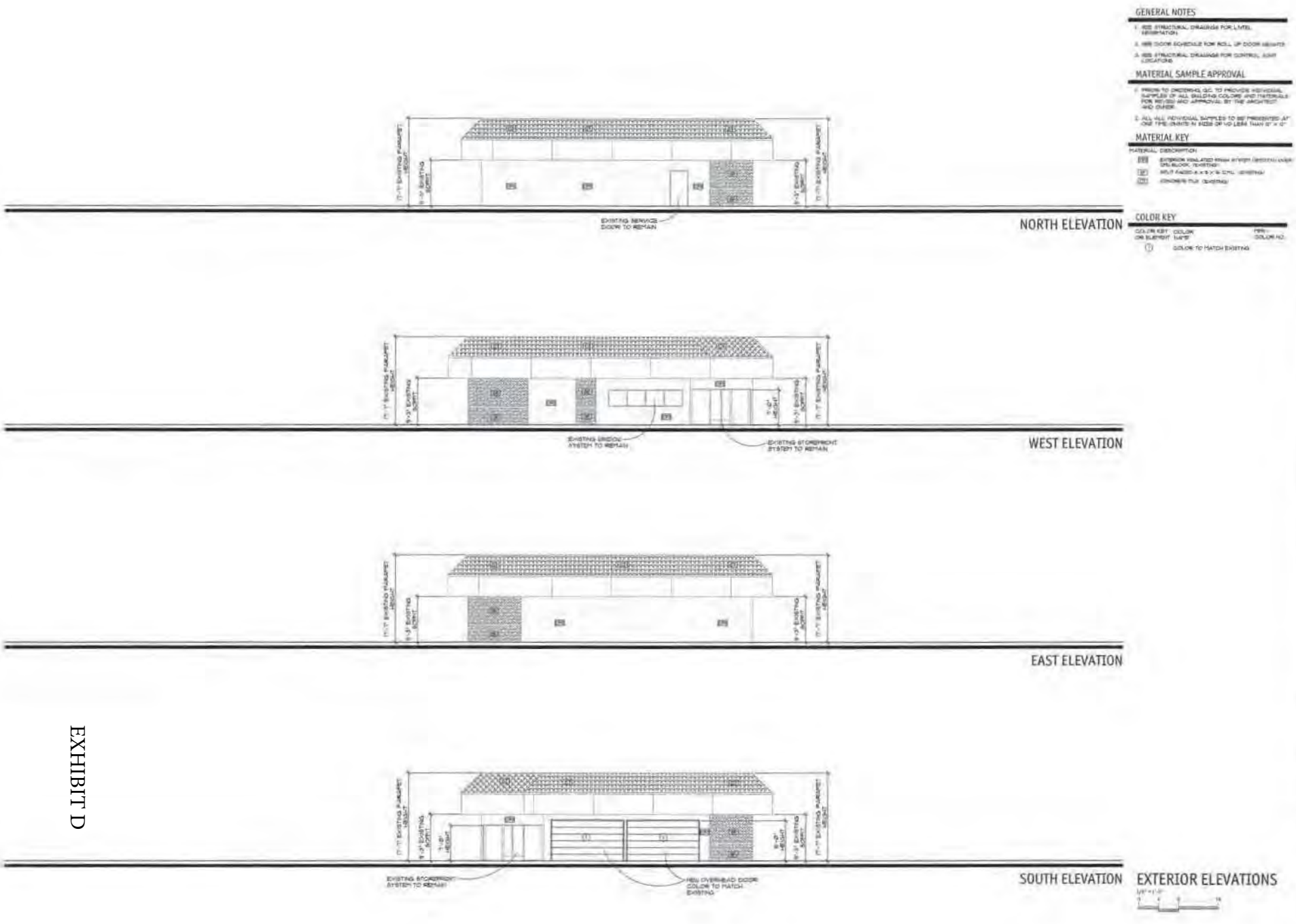


EXHIBIT D

Meeting Notes

Date of Meeting: September 9, 2014; 6:00 – 7:30PM

Meeting Title: Neighborhood Meeting

Meeting Location: Peoria Main Library – Willow Room

Purpose of Meeting: Introduce CUP for Automotive Service Center, Site Plan and Building Elevations.

Attendees: Neighbors; Tim and Rachel Haverluck, 7435 W. Sanna St.
Betty Toner, 7431 W. Sanna St.

City of Peoria: Melissa Sigmund, Sr. Planner

For Grand Avenue Station: Jack Gilmore

Notes

1. Jack Gilmore began the presentation with a brief overview of the proposed use, an automotive repair facility that will be incorporated into the existing structure. The existing and surrounding zoning was identified along with a brief description of the requirements for a Condition Use Permit. Melissa also qualified the City's position on permitted uses and the requirement for all repairs to occur within the enclosed building.
2. The existing canopy will remain in-place for covered parking and cannot be used for servicing vehicles or outdoor storage. The existing driveway off 75th Avenue cannot be used for accessing this facility. A vertical curb will be installed along the north property line to restrict ingress and egress from the subject property.
3. Tim Haverluck shared an exhibit that identified three similar facilities, structures with services bays that are currently vacant; two sites located at the intersection of 67th Avenue and Peoria Road, and one site at the intersection of 91st Avenue and Peoria. Tim expressed his desire that those sites be the preferred locations for auto service uses and the subject property be made available for other office/retail uses. Tim believes he can generate interest for an insurance user. Jack Gilmore encouraged Tim to contact Luke Lewis, a member of the LLC ownership to discuss that potential.
4. The attending residents all expressed concern that closing off the driveway on 75th Avenue would force more traffic through their neighborhood. This issue of non-residential traffic using their neighborhood for a convenient turnaround became the primary topic of discussion for the remainder of the meeting. Both Tim and Betty cited numerous accidents and a very recent incident where a local neighborhood child was hit

by a car and remains in the hospital. They all reported that northbound traffic on 75th Avenue use their neighborhood and their cul-de-sac as "the turnaround". Melissa indicated that the City does have a neighborhood traffic program that can help with conflict. Both Melissa and Tim will contact Traffic Engineering.

5. These residents acquired their homes approximately 19 years ago, and ever since West Olive Avenue was elevated and the medians installed, they believe the neighborhood has been in a steady decline. All are seriously considering plans to leave the City.
6. Jack informed the residents that a Traffic Statement had been prepared for the proposed use. The traffic counts are substantially less than the previous Circle K, and the impact on the area traffic counts is negligible.
7. The meeting closed with a reminder that the property will be 'posted' when the Public Hearing is scheduled. Jack left business cards encouraging neighbors to call or send e-mails with questions regarding the project.

Meeting Notes prepared by Jack Gilmore, GPLA, 9-10-14

ZONING ORDINANCE TEXT AMENDMENT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: TA14-0001

DATE: November 13, 2014

AGENDA ITEM: 9R

Applicant: City of Peoria

Request: Amend Article 14-2 "Definitions", Article 14-3 "General Provisions", Article 14-5 "Single-Family residential Districts", Article 14-9 "Non-residential Districts", and Article 14-39 Administrative Procedures" of the Zoning Ordinance; effectively establishing criteria in which Donation Drop-Off Boxes would be a permitted accessory use within the City of Peoria.

Support / Opposition: As of the date of this printing, staff has not received any comment in support or opposition to this amendment.

Recommendation: **Approve** as requested.

BACKGROUND

1. The textile recycling business has become a worldwide multi-billion dollar business for non-profit and for-profit organizations. The increase has led to a nationwide proliferation of donation/recycling drop-off boxes in locations without standards in place to regulate the boxes. The City of Peoria has not been immune and the result is an inundation of the donation drop-off boxes throughout the community.

2. Without a regulatory mechanism in place, the City has had no input in the locations or quantities of the drop–off boxes deployed in the community. As a result, there has been an heightened number of drop-off boxes located within the City; in some instances they are clustered together and/or placed in prominent locations within the City. Thus, these locations often become dumping grounds for all materials including those that are not requested and will not fit in a secured box. The end result of such a condition is the creation of a public nuisance which is an eye sore in the community, and ultimately poses a threat to public safety.

3. Currently the Zoning Ordinance does not provide standards specifically for Donation Drop-Off Boxes in any zoning district. In 2013, the Peoria City Council

directed the Planning and Community Development Department to address the drop-off box condition. More specifically, the Planning Department was tasked with crafting an amendment to the Zoning Ordinance that would establish uniform regulatory provisions that the City could administer in an effort to address this community-wide concern.

DISCUSSION AND ANALYSIS

Research

4. Staff has reviewed the zoning codes of other valley municipalities as well as those in other states. While many municipalities do not specifically regulate this type of use in their zoning ordinances, some cities have varying requirements in their code or are considering similar amendments to provide standards specific to donation/recycling drop-off boxes.

5. The following critical issues regarding donation drop-off boxes were identified, which are in no particular order:
    - Legal authorization to be on site
    - Accountability
    - Site Locations
    - Separation and clustering
    - Capacity
    - Drop-box maintenance and repair
    - Public Safety
    - Process

6. In January, 2014, staff conducted a field visit around the city and noted the name, contact information, number, and locations of a large number of drop-off boxes in the City.

Stakeholder Outreach

7. In February 2014, the City conducted the first of two open houses to gain input in the formulation of the draft ordinance. Staff invited all stakeholders who had drop-off boxes in the City to participate and provide input into the new ordinance. Staff also extended invitations to other parties who may not have had drop-off boxes in the City but had a vested interest in the process. Staff took those comments and concerns into consideration when writing early drafts of the ordinance.

8. A second open house was held in September 2014. At this meeting Staff presented the draft ordinance to the stakeholder group and solicited additional comments. All comments were taken into consideration when finalizing the draft ordinance presented in this report.

9. The amendment has been closely reviewed and considered in coordination with several departments including Planning and Zoning, EDS/Building Safety, Police Department/Code Enforcement and the City Attorney's Office. Each standard contained in the proposed ordinance was discussed at length. As a result of these meetings, all departments concurred that the provisions contained within the ordinance would allow for the orderly deployment of Donation/Recycling Drop-Off Boxes in the City of Peoria.

Proposed Changes

10. The City of Peoria is requesting to amend Article 14-2 "Definitions", Article 14-3 "General Provisions", Article 14-5 "Single-Family residential Districts", Article 14-9 "Non-residential Districts", and Article 14-39 Administrative Procedures" of the Zoning Ordinance; effectively establishing criteria in which Donation Drop-Off Boxes would be a permitted use within the City of Peoria.

11. The proposed ordinance in Exhibit A will amend the text of the Zoning Ordinance to accomplish the following:

    a. Provide a definition for "Donation Drop-Off Box" in Article 14-2 which currently does not contain a definition for this item.

    b. It will expand Article 14-3 "General Provisions", Article 14-5 "Single-Family Residential Districts", Article 14-9 "Non-Residential Districts", and Article 14-9 "Administrative Procedures", to permit donation drop-off boxes subject to specific requirements and establish the permitting process for the drop-off boxes.

12. Staff believes the proposed text amendment language is appropriate as it provides a regulatory set of standards that the City can enforce and hold entities dropping boxes in the City accountable. Furthermore, staff also believes that the permitting process is fairly simple, cost effective, and should not place an undue burden on any of the drop-off box purveyors. Finally, staff believes that the standards contained in the ordinance will provide a level of protection for not only community residents but also future visitors to the City of Peoria.

13. Staff presented information regarding Donation/Recycling Drop-Off Boxes to the Planning and Zoning Commission in a study session on October 16, 2014. At this study session, the Commission discussed the provisions of the draft ordinance and directed staff to include verbiage that would require entities obtaining the

Temporary Use Permit to clear the contents of the drop-off boxes a minimum of once a week.

Administrative Procedure

Noticing and Neighborhood Comment

14. Public notice of this proposed amendment to the Zoning Ordinance was provided in the manner prescribed under Article 14-39. The time, date, and place of the hearing have been published at least once in a newspaper of general circulation in the City at least fifteen (15) days prior to the hearing. As of the printing of this report, no support or opposition to this case has been received from the public.

Proposition 207

15. It was determined that a Proposition 207 waiver is not required.

FINDINGS AND RECOMMENDATION

16. Based on the following findings:

- The proposed amendment constitutes an improvement to the Zoning Ordinance in that it:
  - Creates a definition of Donation/Recycling Drop-Off Boxes; and
  - Provides regulatory standards for the use of Donation/Recycling Drop-Off Boxes, which were previously unregulated in the City of Peoria; and
  - Identifies a process for approving Donation/Recycling Drop-Off Boxes in conformance with the regulatory standards through the Temporary Use Permit application; and
- Upon review of the application, it has been determined that a Proposition 207 waiver is not required for this application.

It is recommended that the Planning and Zoning Commission take the following action:
Recommend approval of case TA14-0001 to the City Council.

Attachments:

Exhibit A Proposed Amendment, legislative format

Exhibit B Withey Morris, PLC – TA14-0001 Comments

Prepared by: Rick Williams
Planner

Exhibit A – Changes to Zoning Ordinance
Donation Boxes
TA14-0001

ARTICLE 14-2
DEFINITIONS

CONTENTS

14-2-1 INTENT
14-2-2 DEFINITIONS

14-2-2 DEFINITIONS

A. The word *occupied* and the word *used* shall be considered as meaning the same as the words intended, arranged, or designed to be used or occupied.

B. The word *dwelling* includes the word residence; the word *lot* includes the words plot or parcel.

C. Terms not herein defined shall have the meanings customarily assigned thereto.

D. For the purpose of this Zoning Ordinance, certain words are hereby defined as follows (Ord. No. 02-68):

Donation Center means a center operated by an organization that collects and sells donated clothing and household items. All such merchandise shall be displayed and stored in an enclosed building. (Ord. No. 04-188)

Donation/Recycling Drop-off Box means any container, storage unit or structure, other than a primary building, accessory building or shed, that is used for the collection of charitable or for-profit donated items by the general public, including but not limited to clothing, household goods, toys, books, and newspapers.

ARTICLE 14-3
GENERAL PROVISIONS

(Amended by ord. No. 2011-02 & 2011-03)

CONTENTS

14-3-1 INTENT
14-3-2 GENERAL USE PROVISIONS
14-3-3 ACCESSORY BUILDINGS AND USES
14-3-4 SCREENING
14-3-5 WALLS AND FENCES
14-3-6 PERFORMANCE STANDARDS
14-3-7 SATELLITE DISH ANTENNAE
14-3-8 MISCELLANEOUS PROVISIONS
14-3-9 HOME OCCUPATIONS
14-3-10 MANUFACTURED HOUSING
14-3-11 MOBILE HOMES, TRAVEL TRAILERS, HOUSE TRAILERS, AND RECREATIONAL VEHICLES
14-3-12 GROUP HOMES, DAY CARE GROUP HOMES, GROUP CARE FACILITIES AND COMMUNITY RESIDENTIAL SETTING FACILITIES
14-3-13 WIRELESS COMMUNICATION FACILITIES
14-3-14 DONATION/RECYCLING DROP-OFF BOXES

14-3-14 DONATION/RECYCLING DROP-OFF BOXES (Ord. No. XX)

1. Donation/Recycling Drop-Off Boxes are subject to the issuance of a Business License and approval of a Temporary Use Permit (TUP) pursuant to Article 14-39 and upon receipt of written authorization by the property owner or authorized agent.

2. Donation/Recycling Drop-Off Boxes shall be located on a paved surface.

3. Donation/Recycling Drop-Off Boxes shall not be located within the front or corner side setbacks, required landscaped areas or within required parking spaces.

4. Donation/Recycling Drop-Off Boxes shall not obstruct pedestrian or vehicular circulation, or be located within the public right-of-way, drive aisles, fire lanes, loading zones, or any other location that may cause hazardous conditions, or constitute a threat to the public health, safety, and welfare.

5. There shall be no more than one (1) Donation/Recycling Drop-Off Box on properties less than one (1) acre in size, no more than two (2) Donation/Recycling Drop-Off Boxes on premises or complexes of one (1)

to three (3) acres in size, and no more than four (4) Donation/Recycling Drop-Off Boxes on premises or complexes greater than three (3) acres in size. No more than two donation boxes shall be clustered together in any one location.

Donation Box Allotment			
Property or Premises/Complex Size	1 acre	1-3 Acres	3 + Acres
Number of Boxes Allowed	1 Box	2 Boxes *	4 Boxes *
*** No more than 2 (two) Donation Bins shall be clustered together in any one location ***			

6. Each Donation/Recycling Drop-Off Box shall have a firmly closing lid, shall be clearly marked to identify the specific items and materials requested to be collected for donation, and have the TUP permit number permanently affixed to the box.

7. The name and telephone number of the entity obtaining the TUP shall be affixed to the box on an area no larger than one (1) foot by one (1) foot.

8. Donation/Drop-Off Boxes shall have a capacity no greater than six (6) cubic yards.

9. All donated items must be collected and stored in the Donation/Recycling Drop-Off Box and all contents cleared no less than once a week. Any items or materials left outside of the Donation/Recycling Drop-Off Boxes shall be removed within 24 hrs of discovery or notification, whichever occurs first. If a container is damaged or vandalized, it must be removed within 5 business days of discovery or notification. If there is a public health, safety or welfare concern pursuant to the authority granted to the City, the container must then be removed within 24 hours of discovery or notification.

10. It is the joint responsibility of the property owner or authorized agent and the entity obtaining the TUP to keep the area around the donation boxes free of litter and debris, and remove any graffiti within (24) hours of discovery or notification, whichever occurs first

11. The entity obtaining the TUP is responsible for emptying the contents of the Donation/Recycling Drop-Off Box a minimum of one (1) time per week.

12. It is the responsibility of the entity obtaining the TUP to maintain the donation box painted or otherwise un-rusted and un-dented and in good repair.

13. Donation/Recycling Drop-Off Boxes not located or maintained in compliance with this Article shall be subject to revocation of the Business License and the Temporary Use Permit (TUP).

14. The City may consider prior permit revocations and prior notices of violation when granting new Temporary Use Permits for Donation Drop-Off Boxes.

15. This Ordinance authorizes the City to remove and dispose of any drop-off box (including its contents) which is unauthorized, unpermitted, or is otherwise in violation of this ordinance.

ARTICLE 14-5
SINGLE-FAMILY
RESIDENTIAL DISTRICTS
R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, AND R1-6

(Ord. No. 93-12, 2011-13)

CONTENTS

14-5-1 INTENT
14-5-2 PERMITTED PRINCIPAL USES
14-5-3 PERMITTED CONDITIONAL USES
14-5-4 PERMITTED ACCESSORY USES
14-5-5 PROPERTY DEVELOPMENT GENERAL PROPERTY DEVELOPMENT STANDARDS
14-5-6 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED RESIDENTIAL USES
14-5-7 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED CONDITIONAL USES
14-5-8 PROPERTY DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS
14-5-9 EXCEPTIONS

14-5-4 PERMITTED ACCESSORY USES

A. Any accessory use customarily incidental to a permitted principal use.

B. Off-street parking serving a permitted principal use, in accordance with Article 14-23.

C. Private garage or carport for storage or parking of vehicles.

D. Garden house, tool house, ramada, outdoor swimming pool and similar home recreational facilities; provided that such facilities are used solely by occupants of the premises and their guests.

E. Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code (1992 Edition). (Ord. No. 98-18)

F. Guest house or servant's quarters; subject to 14-5-9B.

G. Home occupation, in accordance with Article 14-3, General Provision, Section 14-3-8, “Homes Occupations,” of this Ordinance. (Ord. No. 02-85)

H. Where the keeping of horses and other livestock is otherwise lawful, structures customarily accessory to such use. The provisions contained within Article 4-9 of the City Code shall apply to the keeping of horses and livestock.

I. Day care for four (4) or less children. (Ord. No. 93-25)

J. Donation/Recycling Drop-Off Boxes as an accessory use to permitted or conditionally permitted non-residential uses in accordance with Article 14-3, General Provisions and Section 14-39, Temporary Use Permits, of this Ordinance.

ARTICLE 14-9
NON-RESIDENTIAL DISTRICTS

(Ord. No. 02-68)

CONTENTS

14-9-1 INTENT
14-9-2 ZONING DISTRICTS
- Office Commercial O-1
- Convenience Commercial C-1
- Planned Neighborhood Commercial PC-1
- Planned Community Commercial PC-2
- Intermediate Commercial C-2
- Central Commercial C-3
- General Commercial C-4
- Regional Commercial C-5
- Business Park Industrial BPI
- Planned Light Industrial PI-1
- Light Industrial I-1
- Heavy Industrial I-2

14-9-3 LAND USE MATRIX
14-9-4 GENERAL REGULATIONS FOR O-1, C-1, PC-1, PC-2, C-2, AND C-3
14-9-5 LIMITATIONS ON USES
14-9-6 PROPERTY DEVELOPMENT STANDARDS

14-9-3 LAND USE MATRIX

The following land use matrix (Table 14-9-3) indicates uses which are permitted outright, conditionally permitted, or prohibited in specific non-residential zoning districts in the City of Peoria. The land use matrix is intended to serve as a guide for the convenience of the user of this zoning ordinance. Where the text of this zoning ordinance differs from the land use matrix, the text shall prevail. In the event of a specific use not being identified on the matrix, the Community Development Director or designee(s) shall determine the closest associated use based on the provisions of this ordinance. The City will permit any accessory use customarily incidental to a permitted principal use in the same zoning district.

Table 14-9-3 Land Use Matrix

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
GENERAL INDUSTRIAL & MANUFACTURING - CONTINUED												
Recycling Collection Facility #	-	-	-	-	-	-	-	-	-	~~C~~	~~C~~	~~C~~

~~Recycling Collection Point~~	~~-~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~-~~	~~-~~	~~-~~	~~-~~
Donation/Recycling Drop –Off Boxes#	-	A	A	A	A	A	A	A	-	-	-	-

ARTICLE 14-39
ADMINISTRATIVE PROCEDURES

(Ord. No. 2011-03, 2012-05, 2012-16)

CONTENTS

14-39-1 INTENT
14-39-2 INTERPRETATION
14-39-3 ENFORCEMENT
14-39-4 VIOLATIONS
14-39-5 FEES
14-39-6 NOTICES
14-39-7 EXPIRATION OF APPLICATIONS
14-39-8 REZONINGS
14-39-9 INITIAL ZONINGS
14-39-10 TEXT AMENDMENTS
14-39-11 SITE PLAN REVIEW
14-39-12 CONDITIONAL USE PERMITS
14-39-13 TEMPORARY USE PERMITS
14-39-14 APPEALS TO BOARD OF ADJUSTMENT
14-39-15 ADMINISTRATIVE RELIEF
14-39-16 HILLSIDE APPEALS
14-39-17 DESIGN REVIEW APPEALS

14-39-13 TEMPORARY USE PERMITS

A. *Intent*.

1. In addition to regulating uses which are permanent in nature, it is the intent of this Ordinance to provide for certain temporary uses for limited periods of time. Allowing temporary uses, as herein provided for, is not intended to permit uses otherwise prohibited by the Zoning Ordinance or to allow permanent uses to be established.

2. The purpose of this Section is to establish the procedures and outline the review criteria to be used by the Department when considering an application for a Temporary Use Permit. All Temporary Uses shall be conducted so as not to be detrimental to the surrounding properties and shall be subject to the standards and regulations contained herein. The Department shall not grant a Temporary Use Permit until adequate assurances have been provided ensuring compliance with the provisions of this Ordinance and all other applicable City codes.

B. *General*. Every Temporary use on private property shall require a Temporary Use Permit as herein stipulated.

1. Structures utilized for the Temporary Uses of outdoor sales and/or displays that exceed seven (7) days in duration shall be limited only to the following: tents, canopies, and/or membrane structures. (Ord. No. 2012-05)

C. *Permitted Temporary Uses*. The City may grant a Temporary Use Permit for any of the following uses.

1. Carnivals, circuses, or similar special events.

2. Outdoor sales events, such as Christmas tree sales, pumpkin sales, or similar holiday-related events.

3. Outdoor sales of consumer permissible fireworks. (Ord. No. 2011-03)

4. Temporary municipal uses. (Ord. No. 05-22)

5. Off-site retail sales of souvenirs, gifts, and food incidental to a sporting or cultural event.

6. Tent revival or fellowship meetings.

7. Craft shows, home and garden shows, festivals, or similar events.

8. Outdoor concerts, paid admission events, and events involving the distribution of alcoholic beverages.

9. Such other uses as the City may deem to be within the intent and purpose of this Section.

10. <u>Donation/Recycling Drop –Off Boxes.</u>

D. *Application*. A property owner or duly authorized agent may submit an application for a Temporary Use Permit. The applicant shall obtain the official application materials from the Department. Submittal requirements shall be as outlined on the official form and any other requirements that the Department deems necessary to understand the proposal, including Site Plans prepared in accordance with Section 14-39-11, “Site Plan Review,” of this Article. The applicant shall submit the official application and associated materials, together with the applicable fee, to the Department.

E. *Posting*. Temporary Uses which, in the opinion of the Department, meet all the following criteria shall not require posting:

1. The use and/or structure complies with all applicable codes and Ordinances;

2. The use and/or structure does not interfere with pedestrian access ways, fire lanes, driveway entrances, or traffic visibility at driveways or street intersections;

3. Parking on the property is adequate to serve any existing permanent use and the temporary use;

4. The temporary use shall not be conducted between the hours of 10 P.M. and 7 A.M., excluding Donation/Recycling Drop-Off Boxes; and,

5. The City Engineer, or designee thereof, approves vehicular access for the proposed temporary use.

Temporary uses which, in the opinion of the Department, do not meet all of the above criteria shall be posted. For such temporary uses, the City shall post the subject property within five (5) working days following submittal of the application

F. *Review and Approval*

1. Application for a Temporary Use Permit shall be reviewed by the Department who shall approve, conditionally approve, or disapprove the application. Approval shall be given only when in the judgment of the City such approval is consistent with the intent and purpose of this Section of this Ordinance.

   In considering the application, the Department may include, but are not be limited to, the following conditions:

   a. Regulation of parking, dust control measures, and site lighting.

   b. Regulation of hours of operation.

   c. Regulation of site ingress and egress.

   d. Assurance of compliance with building, fire, electrical, and all other appropriate codes.

   e. Such other conditions deemed necessary to carry out the intent and purpose of this Section.

f. All signage proposed for the temporary use or event shall be in compliance with Article 14-34, “Signs.” All signage shall obtain a separate sign permit. (Ord. No. 04-211)

2. The Department shall notify the applicant, in writing, of the decision to approve or deny the application, and shall state any conditions for approval or reasons for denial in said letter.

3. Issuance of Permits. To be issued a permit, the applicant shall sign an agreement with the City stating that within 72 hours of cessation of the use or expiration of the permit, whichever occurs first, the site shall be restored to the same condition prior to commencement of the temporary use.

4. Time Limits and Renewal of Permits. All Temporary Use Permit approvals shall be subject to a time limit as set forth by the Department.

   a. Temporary Use Permits for off-site construction yards or residential sales may be permitted for the duration of the project, or as determined by the City.
   b. <u>Temporary Use Permits for Donation/Recycling Drop-Off Boxes may be permitted for a renewable duration not to exceed twelve (12) months, or as determined by the City. Each renewal requires a new Temporary Use Permit application and fee.</u>
   c. All other Temporary Use Permits shall be limited to a maximum of thirty (30) consecutive days per event, and the cumulative total of all Temporary Uses shall not exceed ninety (90) days per calendar year per lot. Not more than twelve (12) Temporary Use Permits shall be granted per lot or complex per calendar year.
   d. Each occurrence of a Temporary Use and each distinct Temporary Use on a property shall require separate submittal and approval of a Temporary Use Permit Application.

Exhibit B

Withey Morris, PLC, Changes to Zoning Ordinance
Donation Boxes

TA14-0001

ARTICLE 14-2
DEFINITIONS

CONTENTS

14-2-1 INTENT
14-2-2 DEFINITIONS

14-2-2 DEFINITIONS

A. The word *occupied* and the word *used* shall be considered as meaning the same as the words intended, arranged, or designed to be used or occupied.

B. The word *dwelling* includes the word residence; the word *lot* includes the words plot or parcel.

C. Terms not herein defined shall have the meanings customarily assigned thereto.

D. For the purpose of this Zoning Ordinance, certain words are hereby defined as follows (Ord. No. 02-68):

Donation Center means a center operated by an organization that collects and sells donated clothing and household items. All such merchandise shall be displayed and stored in an enclosed building. (Ord. No. 04-188)

Donation/Recycling Drop-off Box means any container, storage unit or structure, other than a PRIMARY BUILDING/USE, accessory building or shed, that is used for the collection of charitable or for-profit donated items by the general public, including but not limited to clothing, household goods, toys, books, and newspapers.

DRAFT

ARTICLE 14-3
GENERAL PROVISIONS

(Amended by ord. No. 2011-02 & 2011-03)

CONTENTS

14-3-1 INTENT
14-3-2 GENERAL USE PROVISIONS
14-3-3 ACCESSORY BUILDINGS AND USES
14-3-4 SCREENING
14-3-5 WALLS AND FENCES
14-3-6 PERFORMANCE STANDARDS
14-3-7 SATELLITE DISH ANTENNAE
14-3-8 MISCELLANEOUS PROVISIONS
14-3-9 HOME OCCUPATIONS
14-3-10 MANUFACTURED HOUSING
14-3-11 MOBILE HOMES, TRAVEL TRAILERS, HOUSE TRAILERS, AND RECREATIONAL VEHICLES
14-3-12 GROUP HOMES, DAY CARE GROUP HOMES, GROUP CARE FACILITIES AND COMMUNITY RESIDENTIAL SETTING FACILITIES
14-3-13 WIRELESS COMMUNICATION FACILITIES
14-3-14 DONATION/RECYCLING DROP-OFF BOXES

14-3-14 DONATION/RECYCLING DROP-OFF BOXES (Ord. No. XX)

1. APPLICATIONS FOR DONATION/RECYCLING DROP-OFF BOXES SHALL INCLUDE A NOTARIZED LETTER OF AUTHORIZATION FROM THE PROPERTY OWNER OF RECORD OR A PERSON WHO HAS BEEN GRANTED WRITTEN AUTHORIZATION BY THE OWNER TO ACT ON HIS BEHALF GIVING PERMISSION TO HAVE THE SPECIFIED USE ON THE PROPERTY. IF A NOTARIZED LETTER FROM THE PROPERTY OWNER IS NOT PROVIDED THEN A NOTARIZED LETTER FROM THE PERSON WHO HAS BEEN GRANTED WRITTEN AUTHORIZATION BY THE PROPERTY OWNER TO ACT ON HIS BEHALF SHALL BE PROVIDED AT THE TIME OF APPLICATION. THE AGENT MUST BE APPROVED TO AUTHORIZE AND LOCATE A CONTAINER ON THE PARCEL. A PERMIT MAY BE REVOKED IF FRAUDULENT MATERIALS ARE SUBMITTED AS PART OF THE APPLICATION PROCESS.

2. Donation/Recycling Drop-Off Boxes shall be located on a paved surface.

3. Donation/Recycling Drop-Off Boxes shall not be located within the front or corner side setbacks, required landscaped areas or within required parking spaces.

DRAFT

4. Donation/Recycling Drop-Off Boxes shall not obstruct pedestrian or vehicular circulation, or be located within the public right-of-way, drive aisles, fire lanes, loading zones, or any other location that may cause hazardous conditions, or constitute a threat to the public health, safety, and welfare.

5. There shall be no more than one (1) Donation/Recycling Drop-Off Box on A PROPERTY OR CENTER (WHICHEVER IS MORE RESTRICTIVE) less than one (1) acre in size, no more than two (2) Donation/Recycling Drop-Off Boxes on PROPERTIES OR CENTERS of one (1) to three (3) acres in size, and no more than four (4) Donation/Recycling Drop-Off Boxes on PROPERTIES OR CENTERS greater than three (3) acres in size. EACH DONATION BOX SHALL BE SPACED A MINIMUM OF 500 FEET FROM OTHER CONTAINERS ON THE PROPERTY.

Donation Box Allotment			
Property or Premises/Center Size	1 acre	1-3 Acres	3 + Acres
Number of Boxes Allowed	1 Box	2 Boxes *	4 Boxes *
***EACH DONATION BIN SHALL BE SPACED A MINIMUM OF 500 FEET FROM OTHER ANOTHER DONATION BIN**			

6. Each Donation/Recycling Drop-Off Box shall have a firmly closing lid, shall be clearly marked to identify the specific items and materials requested to be collected for donation, and have the TUP permit number permanently affixed to the box.

7. The name and telephone number of the property owner or responsible party shall be affixed to the front of the box on an area no larger than one (1) foot by one (1) foot.

8. Donation/Drop-Off Boxes shall have a capacity no greater than six (6) cubic yards.

9. All donated items must be collected and stored in the Donation/Recycling Drop-Off Box and all contents cleared no less than once a week. Any items or materials left outside of the Donation/Recycling Drop-Off Box shall be removed within 24 hrs of discovery or notification, whichever occurs first. IF MORE THAN 25 PERCENT OF A CONTAINER IS DAMAGED OR VANDALIZED, IT MUST BE REMOVED WITHIN 5 BUSINESS DAYS OF WRITTEN NOTIFICATION. IF THERE IS A

DRAFT

PUBLIC HEALTH, SAFETY OR WELFARE CONCERN PURSUANT TO THE AUTHORITY GRANTED TO THE CITY, THE CONTAINER MUST THEN BE REMOVED WITHIN 24 HOURS OF WRITTEN NOTIFICATION.

10. It is the joint responsibility of the property owner or authorized agent and the entity obtaining the TUP to keep the area around the donation boxes free of litter and debris, and remove any graffiti within (24) hours of discovery or notification, whichever occurs first.

11. It is the joint responsibility of the property owner and the entity obtaining the TUP to maintain the donation box painted or otherwise un-rusted and un-dented and in good repair.

12. Donation/Recycling Drop-Off Boxes are subject to the issuance of a Business License and approval of a Temporary Use Permit (TUP) pursuant to Article 14-39 and upon receipt of written NOTARIZED LETTER OF authorization FROM the property owner or authorized agent.

13. Donation/Recycling Drop-Off Boxes not located or maintained in compliance with this Article shall be subject to revocation of the Business License and the Temporary Use Permit (TUP).

14. THE CITY MAY CONSIDER PRIOR PERMIT REVOCATIONS, PRIOR NOTICES OF VIOLATION, AND SUBMITTAL OF FRAUDULENT APPLICATION INFORMATION WHEN GRANTING NEW TEMPORARY USE PERMITS FOR DONATION/RECYCLING DROP-OFF BOXES.

15. THIS ORDINANCE AUTHORIZES THE CITY TO REMOVE AND DISPOSE OF ANY DROP-OFF BOX (INCLUDING ITS CONTENTS) WHICH IS UNAUTHORIZED, UNPERMITTED, OR IS OTHERWISE IN VIOLATION OF THIS ORDINANCE.

16. A PROPERTY OWNER SHALL CONTROL THE PERMIT NOT THE PERMITEE OR DROP BOX OPERATOR/OWNER. AS SUCH, THE OWNER OR AUTHORIZED AGENT MAY RESCIND THEIR AUTHORIZATION FOR THE CONTAINER AT ANY TIME AND THE PERMIT SHALL BE REVOKED. NOTHING IN THIS ORDINANCE PROHIBITS A PROPERTY OWNER FROM REMOVING AN UNAUTHORIZED/UNPERMITTED OR AN AUTHORIZED/PERMITTED DROP-OFF BOX. A PROPERTY OWNER MAY DECIDE AT ANY TIME TO REMOVE AND DISPOSE OF AN UNWANTED DROP-OFF BOX.

DRAFT

ARTICLE 14-5
SINGLE-FAMILY
RESIDENTIAL DISTRICTS
R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, AND R1-6

(Ord. No. 93-12, 2011-13)

CONTENTS

14-5-1 INTENT
14-5-2 PERMITTED PRINCIPAL USES
14-5-3 PERMITTED CONDITIONAL USES
14-5-4 PERMITTED ACCESSORY USES
14-5-5 PROPERTY DEVELOPMENT GENERAL PROPERTY DEVELOPMENT STANDARDS
14-5-6 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED RESIDENTIAL USES
14-5-7 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED CONDITIONAL USES
14-5-8 PROPERTY DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS
14-5-9 EXCEPTIONS

14-5-4 PERMITTED ACCESSORY USES

A. Any accessory use customarily incidental to a permitted principal use.

B. Off-street parking serving a permitted principal use, in accordance with Article 14-23.

C. Private garage or carport for storage or parking of vehicles.

D. Garden house, tool house, ramada, outdoor swimming pool and similar home recreational facilities; provided that such facilities are used solely by occupants of the premises and their guests.

E. Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code (1992 Edition). (Ord. No. 98-18)

F. Guest house or servant's quarters; subject to 14-5-9B.

G. Home occupation, in accordance with Article 14-3, General Provision, Section 14-3-8, “Homes Occupations,” of this Ordinance. (Ord. No. 02-85)

DRAFT

H. Where the keeping of horses and other livestock is otherwise lawful, structures customarily accessory to such use. The provisions contained within Article 4-9 of the City Code shall apply to the keeping of horses and livestock.

I. Day care for four (4) or less children. (Ord. No. 93-25)

J. Donation/Recycling Drop-Off Boxes as an accessory use to permitted or conditionally permitted non-residential uses in accordance with Article 14-3, General Provisions and Section 14-39, Temporary Use Permits, of this Ordinance. DONATION/RECYCLING DROP-OFF BOXES ARE NOT PERMITTED ON ANY PROPERTY BEING USED FOR RESIDENTIAL PURPOSES OR ON VACANT AND/OR UNUTILIZED PROPERTY ZONED RESIDENTIAL.

DRAFT

ARTICLE 14-9
NON-RESIDENTIAL DISTRICTS

(Ord. No. 02-68)

CONTENTS

14-9-1 INTENT
14-9-2 ZONING DISTRICTS
- Office Commercial O-1
- Convenience Commercial C-1
- Planned Neighborhood Commercial PC-1
- Planned Community Commercial PC-2
- Intermediate Commercial C-2
- Central Commercial C-3
- General Commercial C-4
- Regional Commercial C-5
- Business Park Industrial BPI
- Planned Light Industrial PI-1
- Light Industrial I-1
- Heavy Industrial I-2

14-9-3 LAND USE MATRIX
14-9-4 GENERAL REGULATIONS FOR O-1, C-1, PC-1, PC-2, C-2, AND C-3
14-9-5 LIMITATIONS ON USES
14-9-6 PROPERTY DEVELOPMENT STANDARDS

14-9-3 LAND USE MATRIX

The following land use matrix (Table 14-9-3) indicates uses which are permitted outright, conditionally permitted, or prohibited in specific non-residential zoning districts in the City of Peoria. The land use matrix is intended to serve as a guide for the convenience of the user of this zoning ordinance. Where the text of this zoning ordinance differs from the land use matrix, the text shall prevail. In the event of a specific use not being identified on the matrix, the Community Development Director or designee(s) shall determine the closest associated use based on the provisions of this ordinance. The City will permit any accessory use customarily incidental to a permitted principal use in the same zoning district.

Table 14-9-3 Land Use Matrix

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
GENERAL INDUSTRIAL & MANUFACTURING - CONTINUED												
Recycling Collection Facility #	-	-	-	-	-	-	-	-	-	C	C	C

DRAFT

~~Recycling Collection Point~~	~~-~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~-~~	~~-~~	~~-~~	~~-~~
Donation/Recycling Drop –Off Boxes#	-	A *1	A *1	A *1	A *1	A *1	A *1	A *1	- *1	- *1	- *1	- *1

*1 DONATION/RECYCLING DROP-OFF BOXES ARE NOT PERMITTED ON ANY PROPERTY BEING USED FOR RESIDENTIAL PURPOSES OR ON VACANT AND/OR UNUTILIZED PROPERTY ZONED RESIDENTIAL.

DRAFT

ARTICLE 14-39
ADMINISTRATIVE PROCEDURES

(Ord. No. 2011-03, 2012-05, 2012-16)

CONTENTS

14-39-1 INTENT
14-39-2 INTERPRETATION
14-39-3 ENFORCEMENT
14-39-4 VIOLATIONS
14-39-5 FEES
14-39-6 NOTICES
14-39-7 EXPIRATION OF APPLICATIONS
14-39-8 REZONINGS
14-39-9 INITIAL ZONINGS
14-39-10 TEXT AMENDMENTS
14-39-11 SITE PLAN REVIEW
14-39-12 CONDITIONAL USE PERMITS
14-39-13 TEMPORARY USE PERMITS
14-39-14 APPEALS TO BOARD OF ADJUSTMENT
14-39-15 ADMINISTRATIVE RELIEF
14-39-16 HILLSIDE APPEALS
14-39-17 DESIGN REVIEW APPEALS

14-39-13 TEMPORARY USE PERMITS

A. *Intent*.

1. In addition to regulating uses which are permanent in nature, it is the intent of this Ordinance to provide for certain temporary uses for limited periods of time. Allowing temporary uses, as herein provided for, is not intended to permit uses otherwise prohibited by the Zoning Ordinance or to allow permanent uses to be established.

2. The purpose of this Section is to establish the procedures and outline the review criteria to be used by the Department when considering an application for a Temporary Use Permit. All Temporary Uses shall be conducted so as not to be detrimental to the surrounding properties and shall be subject to the standards and regulations contained herein. The Department shall not grant a Temporary Use Permit until adequate assurances have been provided ensuring compliance with the provisions of this Ordinance and all other applicable City codes.

B. *General*. Every Temporary use on private property shall require a Temporary Use Permit as herein stipulated. Unveil

DRAFT

1. Structures utilized for the Temporary Uses of outdoor sales and/or displays that exceed seven (7) days in duration shall be limited only to the following: tents, canopies, and/or membrane structures. (Ord. No. 2012-05)

C. *Permitted Temporary Uses*. The City may grant a Temporary Use Permit for any of the following uses.

1. Carnivals, circuses, or similar special events.

2. Outdoor sales events, such as Christmas tree sales, pumpkin sales, or similar holiday-related events.

3. Outdoor sales of consumer permissible fireworks. (Ord. No. 2011-03)

4. Temporary municipal uses. (Ord. No. 05-22)

5. Off-site retail sales of souvenirs, gifts, and food incidental to a sporting or cultural event.

6. Tent revival or fellowship meetings.

7. Craft shows, home and garden shows, festivals, or similar events.

8. Outdoor concerts, paid admission events, and events involving the distribution of alcoholic beverages.

9. Such other uses as the City may deem to be within the intent and purpose of this Section.

D. *Application*. A property owner or duly authorized agent may submit an application for a Temporary Use Permit. <u>APPLICATIONS SHALL INCLUDE A NOTARIZED LETTER OF AUTHORIZATION FROM THE PROPERTY OWNER OF RECORD OR A PERSON WHO HAS BEEN GRANTED WRITTEN AUTHORIZATION BY THE OWNER TO ACT ON HIS BEHALF GIVING PERMISSION TO HAVE THE SPECIFIED TEMPORARY USE ON THE PROPERTY.</u> The applicant shall obtain the official application materials from the Department. Submittal requirements shall be as outlined on the official form and any other requirements that the Department deems necessary to understand the proposal, including Site Plans prepared in accordance with Section 14-39-11, “Site Plan Review,” of this Article. The applicant shall submit the official application and associated materials, together with the applicable fee, to the Department.

DRAFT

E. *Posting*. Temporary Uses which, in the opinion of the Department, meet all the following criteria shall not require posting:

1. The use and/or structure complies with all applicable codes and Ordinances;

2. The use and/or structure does not interfere with pedestrian access ways, fire lanes, driveway entrances, or traffic visibility at driveways or street intersections;

3. Parking on the property is adequate to serve any existing permanent use and the temporary use;

4. <u>The temporary use shall not be conducted between the hours of 10 P.M. and 7 A.M., excluding Donation/Recycling Drop-Off Boxes; and,</u>

5. The City Engineer, or designee thereof, approves vehicular access for the proposed temporary use.

Temporary uses which, in the opinion of the Department, do not meet all of the above criteria shall be posted. For such temporary uses, the City shall post the subject property within five (5) working days following submittal of the application

F. *Review and Approval*

1. Application for a Temporary Use Permit shall be reviewed by the Department who shall approve, conditionally approve, or disapprove the application. Approval shall be given only when in the judgment of the City such approval is consistent with the intent and purpose of this Section of this Ordinance.

   In considering the application, the Department may include, but are not be limited to, the following conditions:

   a. Regulation of parking, dust control measures, and site lighting.

   b. Regulation of hours of operation.

   c. Regulation of site ingress and egress.

   d. Assurance of compliance with building, fire, electrical, and all other appropriate codes.

   e. Such other conditions deemed necessary to carry out the intent and purpose of this Section.

DRAFT

f. All signage proposed for the temporary use or event shall be in compliance with Article 14-34, "Signs." All signage shall obtain a separate sign permit. (Ord. No. 04-211)

2. The Department shall notify the applicant, in writing, of the decision to approve or deny the application, and shall state any conditions for approval or reasons for denial in said letter.

3. Issuance of Permits. To be issued a permit, the applicant shall sign an agreement with the City stating that within 72 hours of cessation of the use or expiration of the permit, whichever occurs first, the site shall be restored to the same condition prior to commencement of the temporary use.

4. Time Limits and Renewal of Permits. All Temporary Use Permit approvals shall be subject to a time limit as set forth by the Department.

   a. Temporary Use Permits for off-site construction yards or residential sales may be permitted for the duration of the project, or as determined by the City.
   b. <u>Temporary Use Permits for Donation/Recycling Drop-Off Boxes may be permitted for a renewable duration not to exceed twelve (12) months, or as determined by the City. EACH RENEWAL REQUIRES A NEW TEMPORARY USE PERMIT APPLICATION AND FEE.</u>
   c. All other Temporary Use Permits shall be limited to a maximum of thirty (30) consecutive days per event, and the cumulative total of all Temporary Uses shall not exceed ninety (90) days per calendar year per lot. Not more than twelve (12) Temporary Use Permits shall be granted per lot or complex per calendar year.
   d. Each occurrence of a Temporary Use and each distinct Temporary Use on a property shall require separate submittal and approval of a Temporary Use Permit Application.

DRAFT

City of Peoria

PLANNING DEPARTMENT

9875 North 85th Avenue
Peoria, Arizona 85345
T 623-773-7601
Planning&zoning@peoriaaz.gov

Memorandum

Date: November 3, 2014

To: Planning & Zoning Commission

From: Shawn Kreuzwiesner, Engineering Planning Manager, ext. 7565

Re: **ITEM 10R – Sonoran Preservation Program Update.**

Purpose:

To provide the Planning and Zoning Commission with an update on the *Final Draft* Sonoran Preservation Program and to seek comment, input, and direction on the findings, priorities and recommendations. The goal of the program is to identify areas that merit special consideration and then attempt to strategically assemble them over time – through acquisition, conservation, partnerships and development cases -- into a meaningful network of connected open spaces for a variety of users.

No Action will be taken on this item.

Exhibit(s): Sonoran Preservation Program – Executive Summary
Sonoran Preservation Program – Final Draft of Chapters 1 to 5

OCTOBER 31, 2014

CITY OF PEORIA, ARIZONA

SONORAN PRESERVATION PROGRAM

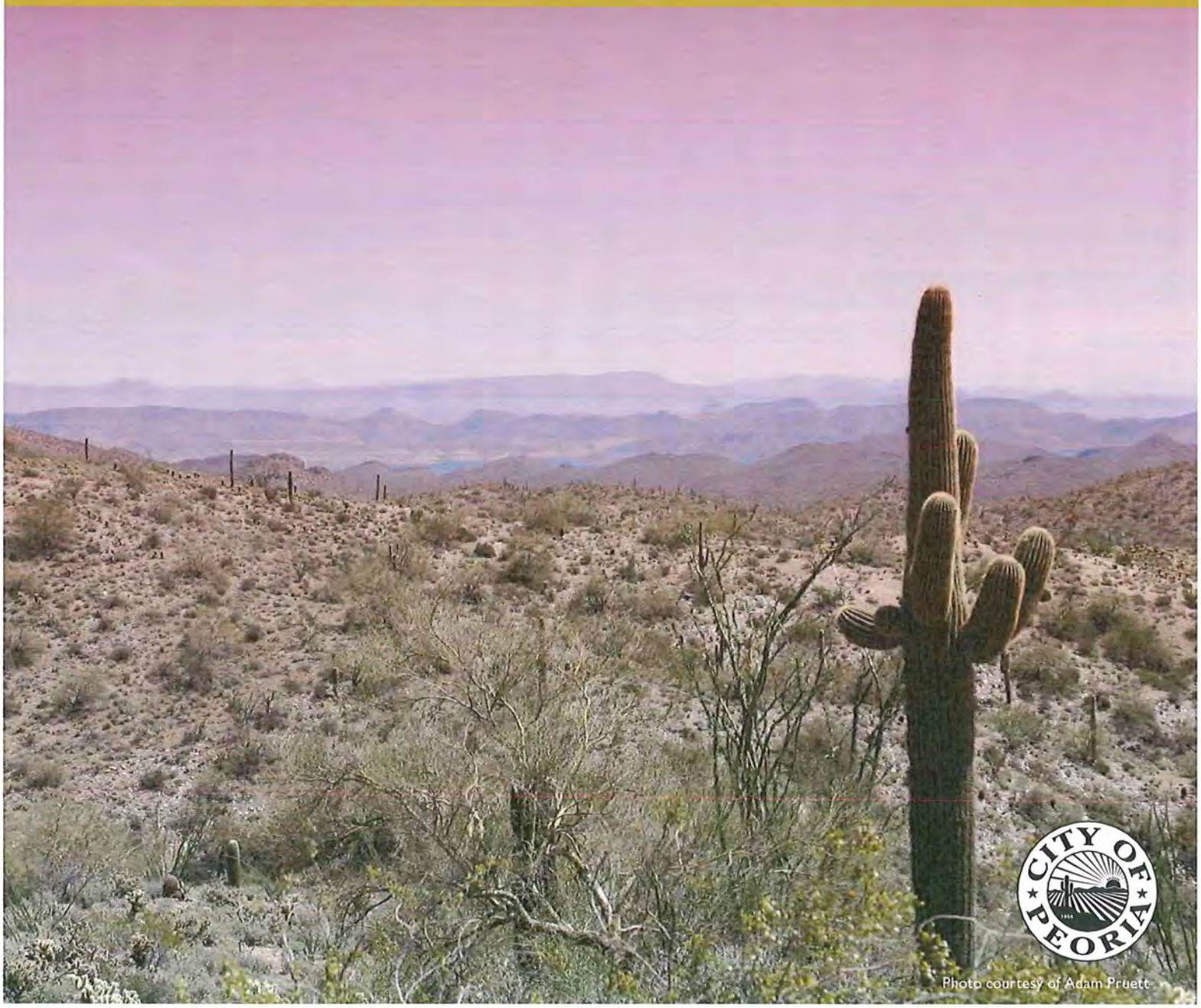


Photo courtesy of Adam Pruett

Peoria, Arizona covers some of the most beautiful and biologically diverse natural desert lands in Maricopa and Yavapai counties. The area contains Lake Pleasant, located in the foothills of the Hieroglyphic Mountains and surrounded by some of the last vestiges of the Sonoran Desert in the Phoenix metropolitan area.

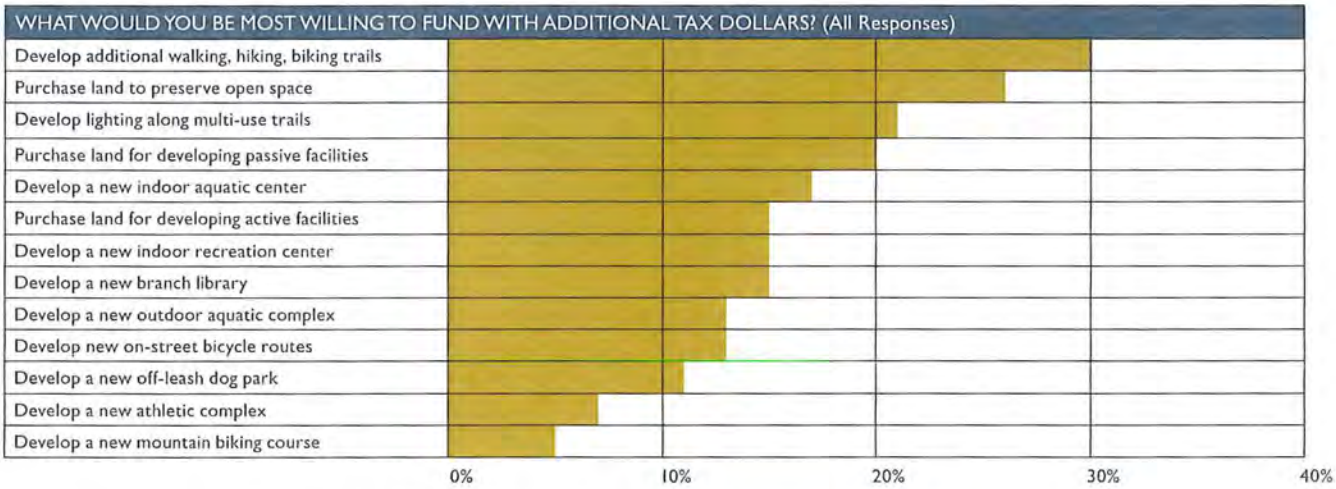
The region is also distinctive from the standpoint that two major water courses – the Agua Fria and New River – run through the northern portions of the City. Along and between the between the river basins is a rich reserve of cultural resources. The region's Sonoran Desert is also one of the most beautiful, unique and fragile environments on the planet. Although one of the hottest deserts in North American desert, it receives enough rainfall to support a diverse and lush environment including the distinctive Saguaro Cactus.

The distinctive beauty of the Sonoran Desert draws both residents and tourists to these rugged open spaces. This setting – unique ecology and biodiversity, significant cultural sites, and beautiful, scenic landscapes – that the City of Peoria desires to preserve for its citizens and future generations to enjoy and appreciate.

WHAT IS PEORIA'S SONORAN PRESERVATION PROGRAM?

THE PURPOSE OF THE SONORAN PRESERVATION PROGRAM IS TO IDENTIFY AREAS THAT MERIT CONSERVATION AND FEASIBLE STRATEGIES TO FULFILL OUR COMMUNITY'S VISION:

"Provide a high quality living environment, offering a diverse mixture of quality housing opportunities for various income levels, accompanied by employment and commercial opportunities that minimize the necessity to drive long distances and which are designed for sensitive integration into the desert environment. Weaving throughout the planning area will be a series of significant active and passive desert open space areas that provide wildlife habitat, scenic vistas, recreational and cultural opportunities, and enhance the overall quality of life for residents in the planning area and the City of Peoria and which will be managed to ensure their use and preservation for future generations."



Peoria residents and business leaders recognizes the challenge and the importance of planning for an appropriate balance in conservation and preservation of significant desert lands in balance with future growth. The 2013 Parks and Recreation Needs Assessment Survey found that 84% of respondents agree or strongly agree with the statement that preserving open space and the environment provides benefits to their household. The study found that households are most willing to fund (up to $10/month in new taxes): development of additional walking, hiking, and biking trails (30%), land purchases to preserve open space and green space (26%), and purchase land for developing passive facilities (20%) – all of which are open space related.

PLANNING PROCESS

The planning process consisted of four primary tasks:

1. Identify planning area, review available data, community needs and trends (Chapter 1)
2. Inventory critical resources (Chapter 2)
3. Develop goals, criteria, and open space types, then prioritize focus areas and projects according to community values (Chapter 3)
4. Match priorities with conservation tools and funding sources, and determine land management strategies (Chapter 4)

KEY ELEMENTS OF THE VISION FOR THE SONORAN PRESERVATION PROGRAM

- Prioritize ecologically and historically significant land
- Provide abundant, high quality recreational opportunities
- Create an extensive open space network for future generations to enjoy
- Implement effective funding and conservation strategies

EXISTING CONDITIONS

Founded in 1886 and officially incorporated in 1954, the City of Peoria has grown from the original one square mile in Oldtown to a city covering more than 173 square miles with a Municipal Planning Area of over 233 square miles. With a current population of over 160,000, Peoria is one of Arizona's largest cities and at build-out will approach half a million people.

The Sonoran Preservation Program study area focused on the area north of Pinnacle Peak Road, consisting of more than 200 square miles. The area includes the watersheds of the Agua Fria River, the New River, and Morgan City Wash. The northern portion of the area also contains the foothills of the Hieroglyphic Mountains. The southern portion of the master plan area is home to small isolated mountains (e.g., Westwing, East Wing and Sunrise Mountains along with Calderwood Butte), and low-relief terrain such as fan terraces and alluvial valleys.

Lands within the planning area are owned by a number of landowners, the largest of which are federal and state. Most of the BLM land within the study area is undeveloped, though mining and grazing claims may exist. The second largest land holder, the Arizona State Land Department (ASLD), is responsible for the management of State Lands with a mission" to manage State Trust lands and resources to enhance value and optimize economic return for the Trust beneficiaries."

FLOODPLAINS AND WASHES

There are a variety of stream courses in the planning area, which range from minor drainage to primary river corridors. Increased density of riparian vegetation provides food and cover for a wide variety of desert wildlife. These washes also serve as movement corridors for the larger mammals and provide habitat for smaller mammals, reptiles and birds. It is essential to maintain the habitat value of these wash areas if the character and environmental quality of northern Peoria is to be preserved.

WILDLIFE

The Sonoran Desert supports an abundance of wildlife that is typical of Sonoran Desert habitats. The number of animal species is lowest in the less complex, low-relief habitats in the south and is highest in the topographically diverse Hieroglyphic Mountains area. Desert Tortoise (Gopherus agassizii) are known to reside within the planning area, and Lowland Leopard Frog (Rana yavapaiensis) may be found in permanent waters below elevations of 3,000 feet.

HISTORIC AND CULTURAL RESOURCES

There are many known areas of significance within the planning area. Overall, cultural sites documented in 709 reports were identified and assigned a sensitivity rating based on their scientific value. The majority of these sites (73 percent) fall within the mid-range sensitivity level and ten percent are of the highest sensitivity level, such as village and pueblo sites.

SCENIC RESOURCES ASSESSMENT

A primary goal of this master plan is to preserve the natural beauty of Sonoran Desert landscapes in northern Peoria and protect the local desert community character. Peoria's landscape character was evaluated according to BLM's scenic quality rating system to highlight potential conservation opportunities.

PEORIA OSDSS

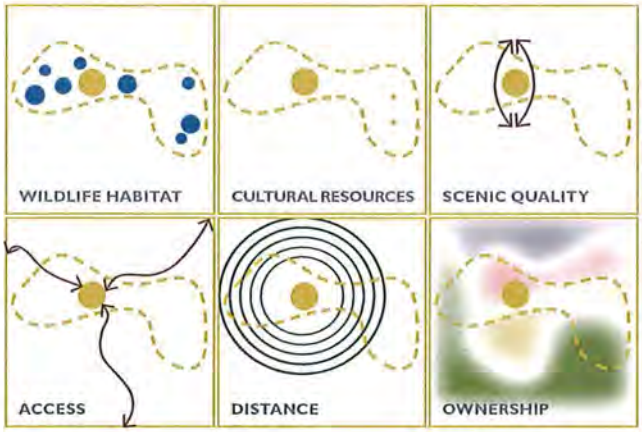
A Decision Support System was developed to identify sensitive lands that merit special consideration for conservation. The model used over 20 datasets to identify and prioritize areas that merit special consideration for protection, and can be updated as prioritization and criteria change over time to meet the changing needs of the City.

OSDSS MODELING PROCESS

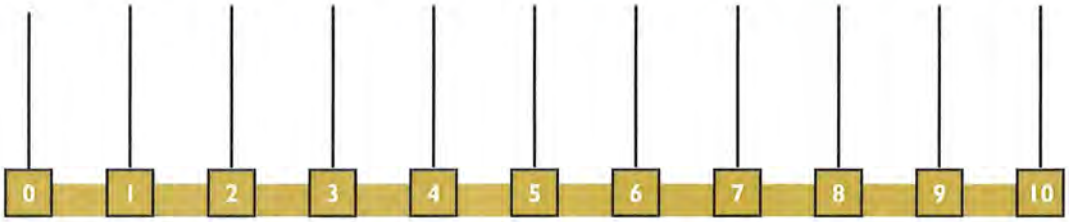
CRITERIA

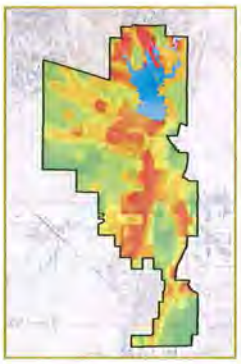
Prioritization begins with determining which criteria will be input to the model:

- **Cultural Resources:** Are there important cultural resources in the area?
- **Scenic Quality:** Does the area have important scenic qualities?
- **Access:** Is the area reasonably accessible?
- **Distance:** Is the area close to other protected areas or parks?
- **Wildlife Habitat:** Does the area have important habitat values or other biological resources?
- **Ownership:** Does existing land ownership complicate purchase or management, or does it facilitate conservation agreements?



VALUES



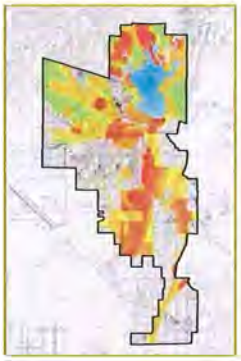


Inputs to the model include GIS datasets such as wildlife corridors, wetlands, cultural sites, washes, and other variables. These inputs are weighted from 1-10 based on the community's values and their level of importance for protection. The City has the ability to continually alter weights and criteria to reflect current visions and needs.

FILTERS

Final prioritization of potential projects can be accomplished by applying the following filters:

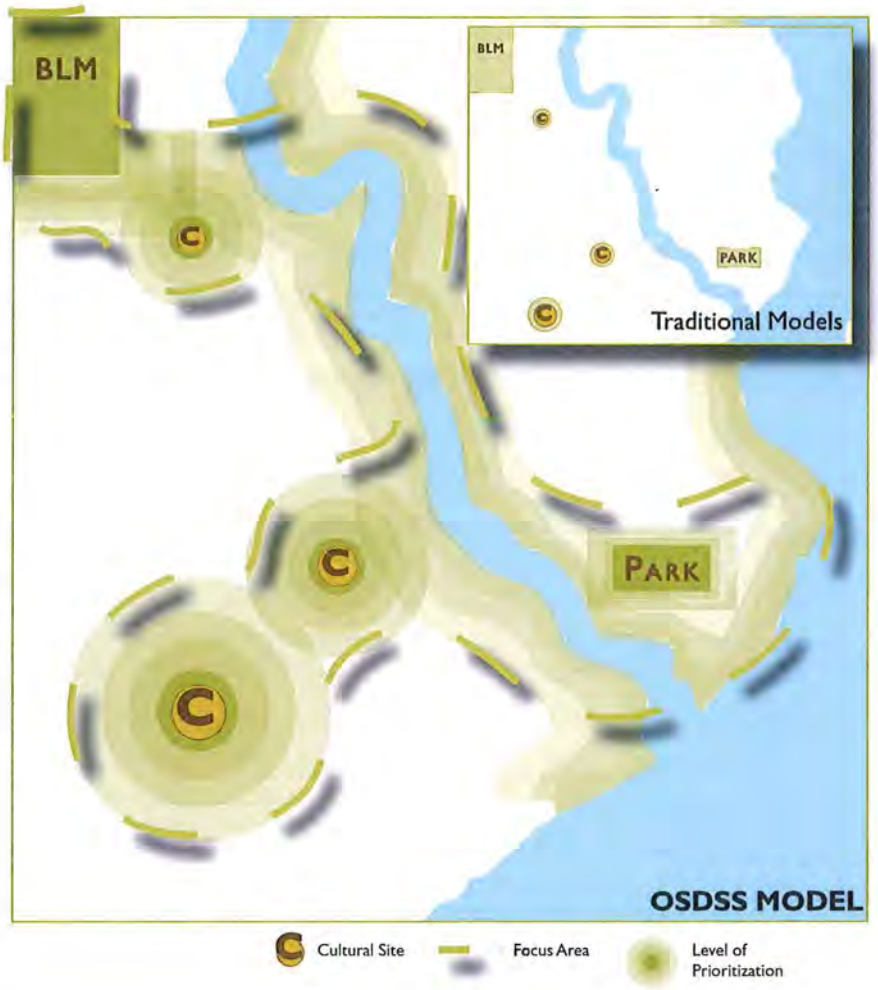
- **Resource Protection,** which prioritizes key cultural and historic sites based on their sensitivity.
- **Low/ Minimum Public Cost,** which prioritizes lands based on lowest cost to the community (dedication, public lands, protected by code).
- **Best Value,** areas with high resource value for lowest cost.
- **Complete Open Space Program,** which combines all three filters.



A HOLISTIC MODEL

Traditional models (inset) overlay resources to identify localized areas of interest, often resulting in isolated pockets of conserved lands. The Peoria model goes one step further, defining contiguous focus areas based on how resources relate to one another. As seen in the diagram above, this method provides a more connected method of open space utilization. The system focuses on protecting multiple resources, their local and regional connectivity, and a mosaic of habitats and experiences.

Focus areas are those areas that were identified through the model as having the highest level of importance for protection. Each area is generally defined on the Focus Areas map (next page) to allow flexibility in the development of subsequent implementation strategies or negotiations. Each of the three open space types are represented; the Agua Fria corridor is a combination of both Natural/Sensitive and Heritage/Culture resource considerations.

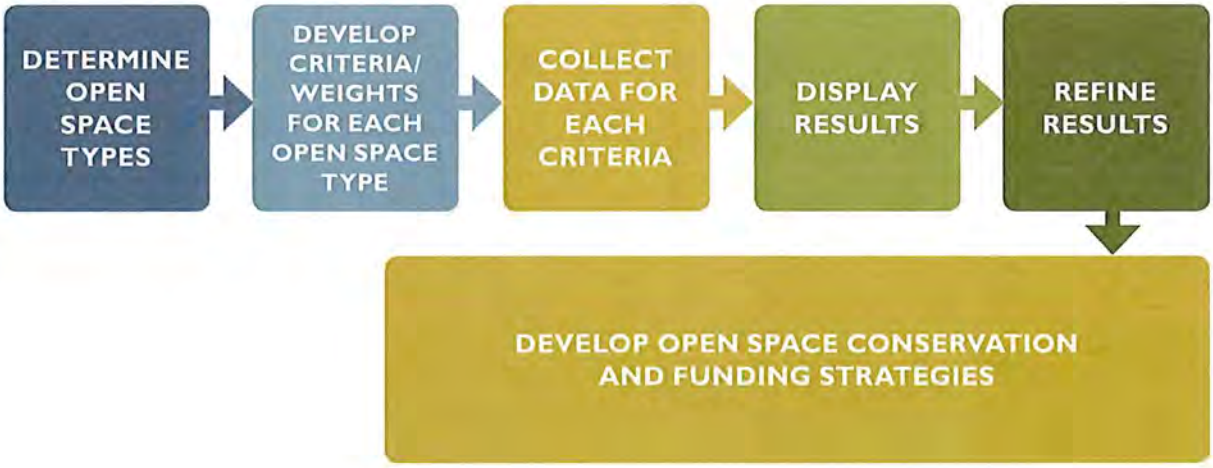


KEY OPEN SPACE TYPES

Existing protected areas include dedicated open space and other non-saleable lands, such as city and regional parks. This plan identifies three additional key open space types to meet the prioritization goals represented in the Vision: Natural/Sensitive, Cultural/Heritage, and Passive/Managed. Each open space type emphasizes certain resource types, but may protect other resources as well.

The maps on the following page illustrate the values and weights applied to the open space type. For example, to identify priority natural/sensitive areas, resources such as critical wildlife habitat, areas with protected species received the highest weighting.

PRIORITIZATION STEPS

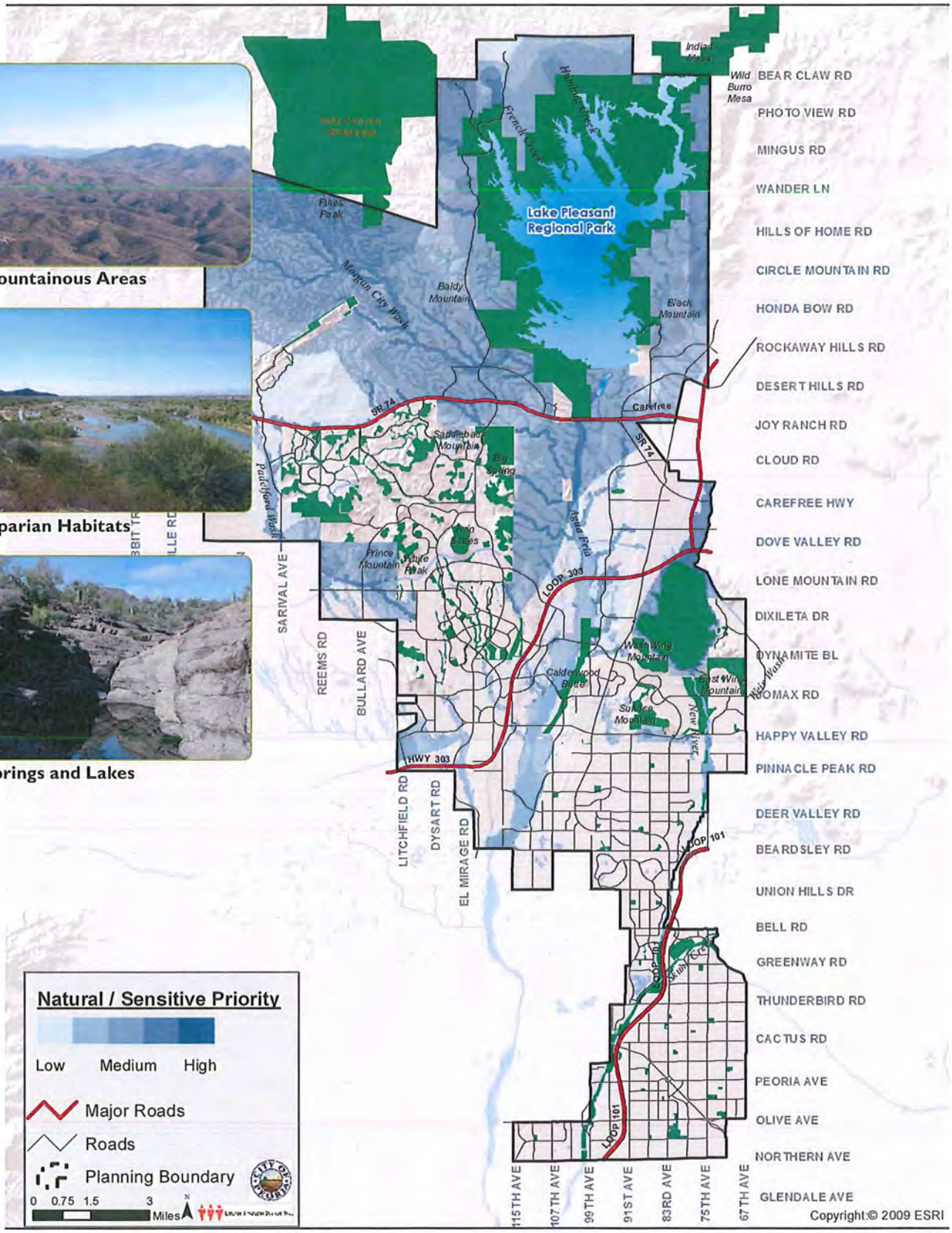


NATURAL/ SENSITIVE: Protects areas of general wildlife importance in conjunction with other sensitive resources and wildlife corridors.

Mountainous Areas

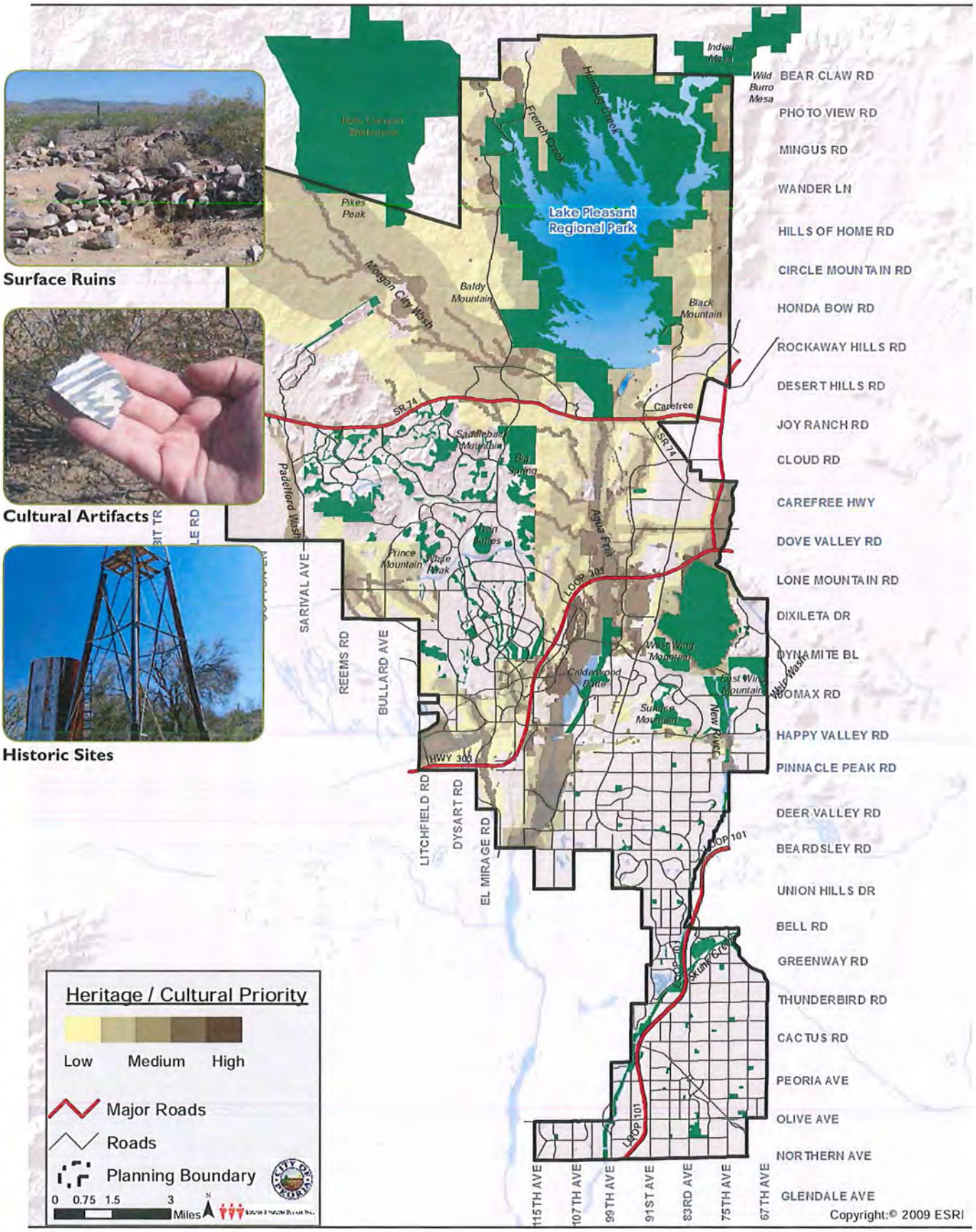
Riparian Habitats

Springs and Lakes



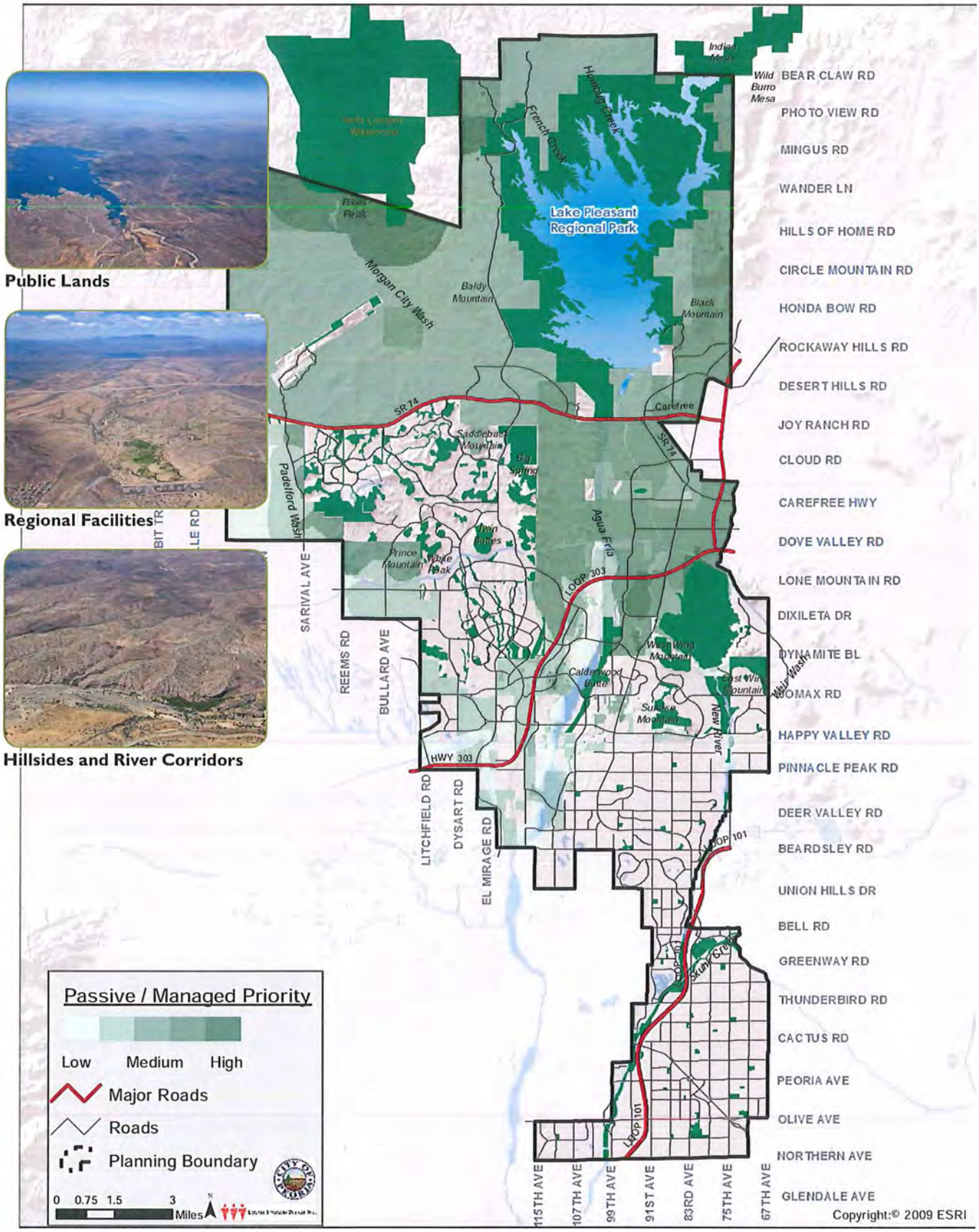
SONORAN PRESERVATION FOCUS AREAS FOR THE CITY OF PEORIA

HERITAGE/ CULTURE: Protects sensitive cultural resources and sites. The intent of these areas is to provide protection from mining, urban development, and grazing; areas emphasize conservation over public use.



SONORAN PRESERVATION FOCUS AREAS FOR THE CITY OF PEORIA

PASSIVE/MANAGED: Emphasis on protecting important viewsheds; also provides opportunity to experience natural environment and isolation from urban development. This category also identifies key managed recreation areas identified through other agencies or the City's Parks, Recreation, Open Space and Trails Master Plan.



SONORAN PRESERVATION FOCUS AREAS FOR THE CITY OF PEORIA

LAND CONSERVATION AND FUNDING STRATEGIES

Despite the strong policy basis for land conservation found in City plans since the late 1990s, the City has been challenged to put in place a reliable funding source to acquire and steward open space lands. The five tools pursued by the City to date are 1) land dedication requirements found in the Hillside Ordinance and the Desert Land Conservation Overlay (DLCO), which requires high value open space to be set aside or dedicated by developer as part of the development approval process, 2) revenues from open space bonds, 3) revenues from the City's open space development impact fee, 4-5) revenues from the state Growing Smarter program and Arizona Heritage Fund.

As a results of recent legislative changes, these dedicated impact fees for these programs do not exist. The remaining funding for land conservation is inadequate to assemble an inclusive and ecologically viable network of conservation areas. In addition, the Federal Land and Water Conservation Fund, State Lake Improvement Fund, Environmental and Conservation grant funds and Historic Preservation programs recently have been eliminated or diminished. The cumulative effect is a major loss of funding resources for conserving Peoria's rich cultural, natural and recreational resources. Peoria now relies almost solely on one tool, private land open space dedications through the Hillside and DLCO entitlement process which can only be applied in specific and somewhat limited circumstances.

THIS PLAN RECOMMENDS A THREE PRONGED STRATEGY FOR THE THREE DISTINCT TYPES OF LAND OWNERSHIP, AND SECONDLY, PROPOSES A SPECIFIC REVENUE TOOL IN ORDER TO SATISFY PUBLIC DEMANDS FOR OPEN SPACE AND PASSIVE RECREATION.

The master plan defines a three-fold strategy: 1) cooperative agreements with Federal and County agencies for lands north of State Route 74; 2) coordination and cooperative planning of State Land parcels that contain natural, scenic, and/or significant cultural sites; and 3) discussions with willing private land owners to obtain conservation easements, dedications, or acquisitions for identified significant parcels or portions thereof.

All of this will be accomplished in partnership with other departments, agencies, interest groups, and active citizen involvement.

PRIVATE LANDS	ARIZONA STATE TRUST LANDS	BUREAU OF LAND MANAGEMENT
RECOMMENDED CONSERVATION STRATEGIES		
1. Mandatory Dedication of Open Space through DLCO 2. Urban Growth Boundary 3. CEs or PDRs 4. Saleback or Leaseback 5. Fee Simple Acquisition 6. Land Exchange 7. Donation	1. Reclassification as API lands and Fee Simple Acquisition 2. Revise Future Land Use Designations and Density Transfers	1. R&PP Act 2. Fee Simple Acquisition
RECOMMENDED FUNDING SOURCES AND STRATEGIES		
1. Dedicated Sales Tax or property tax 2. Open Space Bonds 3. Property Assessments / Special Districts 4. General Fund Taxes 5. Local Government Partnerships 6. Federal, state, and non-profit grants 7. Capital Campaigns, Corporate Donations, and Gifts (individual, planned, memorial) 1. Volunteer and In-Kind Services	2. Dedicated Sales or Property Tax 3. Federal, state, and non-profit grants 4. ASLD Partnerships and Intra-Agency Staff Consulting 1. Volunteer and In-Kind Services	1. R&PP Act 2. Dedicated Sales or Property Tax 3. Federal, state, and non-profit grants 4. BLM Partnerships and Intra-Agency Staff Consulting 5. Volunteer and In-Kind Services

POTENTIAL PROJECTS

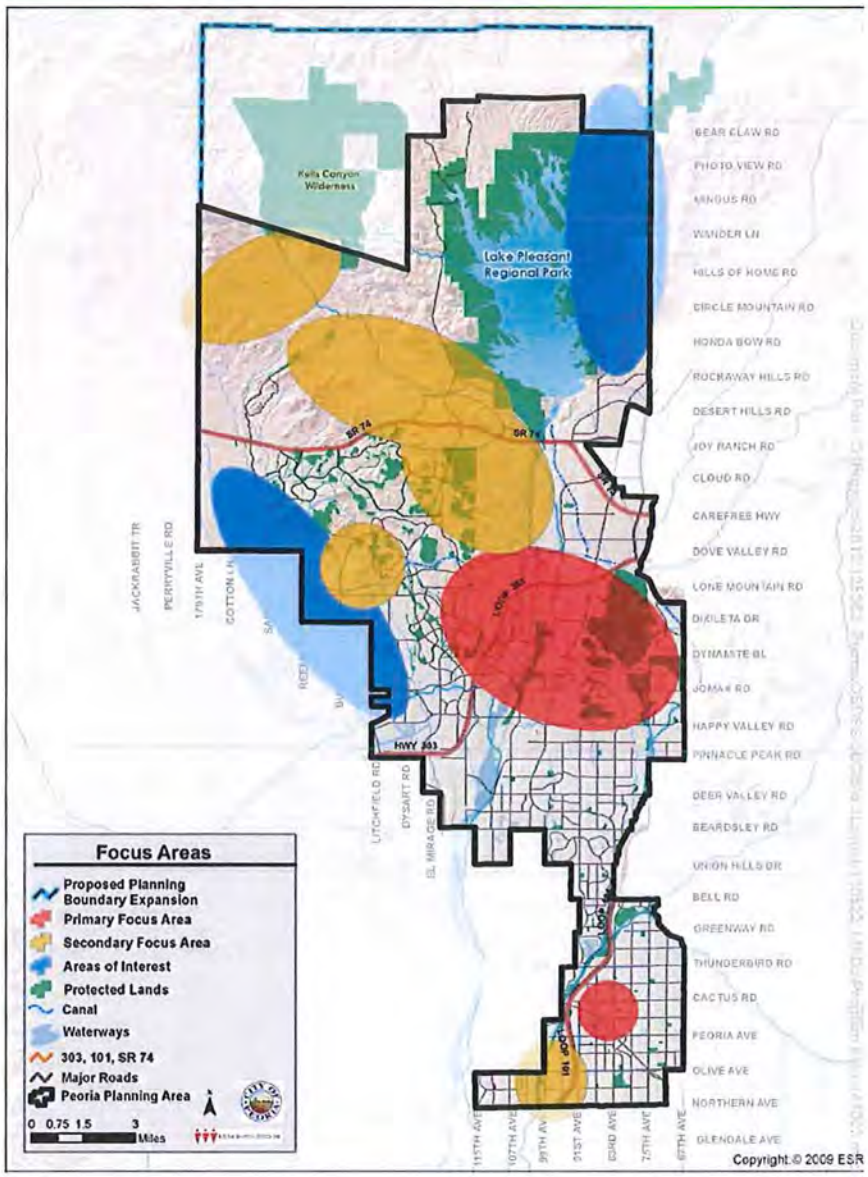
A variety of potential conservation projects has been identified, Several examples are listed below:

- Continuing efforts to protect and enhance the Agua Fria corridor
- New River Dam Regional Open Space
- Agricultural land protection
- Black Mountain Open Space
- Calderwood Butte Open Space
- Prince Mountain Open Space

All conservation strategies would rely on a sustainable funding stream from a diversity of sources - some mechanisms will likely require voter approval. The good news is that open space preservation measures demonstrate strong voter support in Arizona. Out of 27 ballot measures in Arizona since 1988, 95% have passed. The use of a dedicated sales tax is the 'work horse' of most programs in Arizona and other nearby states such as Colorado.

A dedicated consistent funding for long-term acquisition, capital improvement, and maintenance efforts. Recently, voters in Scottsdale passed 0.15 percent and 0.20 percent sales taxes that are estimated to yield up to $500 million over a 30 year period. A variety of Arizona local governments, including Prescott, Phoenix, Coconino County and others have implemented a sales or property tax dedicated to land conservation and related purposes.

TRADITIONAL FUNDING SOURCES THAT PEORIA HAS RELIED UPON FOR LAND CONSERVATION ARE NO LONGER AVAILABLE, AND THE REMAINING FUNDING IS INADEQUATE TO ASSEMBLE AN INCLUSIVE AND ECOLOGICALLY VIABLE NETWORK OF CONSERVATION AREAS.



THE CITY OF PEORIA IS DETERMINED TO PRESERVE AND MANAGE THE BEST OF THE AREA'S UNIQUE ECOLOGY, CULTURAL HERITAGE, AND BEAUTY THROUGH THE SONORAN PRESERVATION PROGRAM.

CONTACT

City of Peoria
Planning and Community Development Department
9875 North 85th Avenue
Peoria, Arizona 85345
Phone 623.773.7601

Chris Jacques, Planning and Community Development Director
Chris.jacques@peoriaaz.gov
623.773.7200

Shawn Kreuzwiesner, Engineering Planning Manager
Shawn.kreuzwiesner@peoriaaz.gov
623.773.7643

www.peoriaaz.gov