

**PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
CITY HALL, COUNCIL CHAMBER
JANUARY 17, 2008**

A **Regular Meeting** of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 8401 W. Monroe Street, Peoria, AZ in open and public session at 6:30 p.m.

Members Present: Vice Chair Veda McFarland, Commissioners Kenneth Compton, William Louis, Marc Melbo, John Gerard and Anne Wojcik.

Members Absent: Chair Greg Loper and Commissioner Michael Worlton.

Others Present: William Emerson, Assistant City Attorney, Glen Van Nimwegen, Community Development Director, Maher Hazine, Assistant City Engineer, Chad Daines, Planning Manager, Rob Gubser, Senior Planner, Cody Gleason, Planning Technician, and Cathy Griffin, Executive Assistant.

Opening Statement: read by Chad Daines.

Final call for speaker request forms.

Audience: Approximately 6.

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: approved the absences of Commissioners John Gerard and Anne Wojcik from the January 3, 2008 meeting.

2C MINUTES: approved the minutes of the Regular Meeting held January 3, 2008

3C CU07-24: The Tasting Room, 27358 N. 127th Drive, Peoria, AZ 85383 – approved a Conditional Use Permit for a wine and beer tasting establishment located at the northeast corner of El Mirage Road and Vistancia Boulevard (Vistancia Marketplace) within a Planned Community District.

Commission Action: Commissioner Louis moved to approve the Consent Agenda items. The motion was seconded by Commissioner Compton and upon vote, carried unanimously.

REGULAR AGENDA

NEW BUSINESS, PUBLIC HEARINGS and/or ACTION:

4R **PUBLIC HEARING – Z07-01:** ABM Development, 1855 E. Southern Ave Suite 204, Mesa, AZ, 85204 is requesting to rezone approximately 5.05 gross acres from the current zoning district of General Agriculture (AG) to Suburban Ranch Residential (SR-35) to permit a single-family detached subdivision of five lots. The property is generally located at the southeast corner of the 104th Ave and Pinnacle Peak Rd alignments and is more particularly described as Maricopa County Assessor Parcel Number (APN) 200-10-031.

The staff report, presented by Rob Gubser, Senior Planner, addressed the proposed application as outlined in the commissions' staff report. Staff is recommending approval of this case, subject to the conditions as noted in the staff report.

Public Comment: Joseph Moon, ABM Development Services, 1855 East Southern Avenue, Mesa, Arizona, stated that he has read the staff report and is in agreement with the stipulations that staff is recommending.

Vonda Culp, lives to the west of this property and is in support of the rezoning application. In review of the staff report, Ms. Culp stated that she does have some questions.

1. Page 5, item 1, the 8' trail easement, located along the bank of the wash, connecting Pinnacle Peak Road to the Ironwood subdivision trail to the south.
Ms. Culp stated that when the Ironwood subdivision went in, there was suppose to be an all-purpose trail that went through the middle of this subdivision. However, it was suppose to be public, but now there are signs that say it is a private trail.
2. Item # 3, states "The Developer shall dedicate 55-foot half-street ROW along Pinnacle Peak and 30-foot half-street ROW along 104th along the frontage of the project." Ms. Culp stated that she had called the applicant and that he was under the impression that Pinnacle Peak was a major arterial. She went on to state that this section of Pinnacle Peak was down-graded to a collector road, which only would require a 40-foot Right of Way dedication.
3. Item # 6, states: "The Developer shall construct temporary pavement and a temporary asphalt sidewalk on Pinnacle Peak Road or pay an in lieu fee that will be used for the future Pinnacle Peak Road construction project. This will be determined at the time of Final Plat." In conjunction with #7: "The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at the intersection of 104th and Pinnacle Peak." Ms. Culp said that lead back to item #2 of the staff report, which states: access options are limited for this site due to the unimproved status of Pinnacle Peak Road west of the intersection with Lake Pleasant Parkway. Until such a time that Pinnacle Peak is fully improved, access to this site will be provided from 104th Avenue to a temporary asphalt roadway along Pinnacle Peak Road. Each lot will have frontage on Pinnacle Peak Road. Full improvements on 104th Avenue will be required by the developer.

Ms. Culp stated that there is a barricade on 104th Avenue and if this barricade is removed to put 104th in, this would open the flood gates of the Ironwood Subdivision to a dirt road.

Mr. Hazine, Assistant City Engineer, responded to Ms. Culp's comments. In regards to the trail, Mr. Hazine will contact the Parks Department so they can verify that the trail is a public trail.

In reference to the areas and stipulations, Mr. Hazine stated that the intent of the zoning is to make sure that the city secures any right of way that is necessary as well as trying to provide for any responsibilities upon a developer. 104th Avenue has always been designed to go through to Pinnacle Peak; we have not addressed anything north of Pinnacle Peak, because that is currently in Maricopa County. As far as the timing, Mr. Hazine stated that is it undetermined how long it will take the developer to develop the project. Mr. Hazine went on to explain drainage that is projected for this area and why the city is securing the maximum allowable right of way to insure space for a drainage channel and roadway.

Mr. Hazine stated that in relationship to cut-through traffic, which can be an issue. The intent is that the access of this parcel will be coming in from Pinnacle Peak. He went on to explain why the stipulations are written as they are.

Ms. Culp stated she attended the Pinnacle Peak road improvement meeting with Maricopa County about a year ago. She thinks there seems to be confusion between the County and City as to what Pinnacle Peak is actually designated as a major arterial or collector. Ms. Culp would like communication between the County and the City regarding the designation of Pinnacle Peak.

Mr. Hazine stated that will be done.

Commissioner Gerard asked Mr. Hazine who is responsible for maintenance for the trail system in the Ironwood subdivision. Mr. Hazine stated that all trails that are dedicated to the public are under the responsibility of the Parks Department.

Commission Action: Commissioner Gerard moved to recommend to City Council approval to rezone approximately 5.05 gross acres from its current Zoning District of General Agriculture (AG) to Suburban Ranch Residential (SR-35) to permit a single-family detached subdivision of five lots. The property is generally located at the southeast corner of 104th Avenue and Pinnacle Peak. The motion was seconded by Commission Louis and upon vote, the motion carried unanimously, with the following conditions:

1. At the time of Final Plat, the Developer shall provide an 8' trail easement, located along the bank of the wash, connecting Pinnacle Peak Road to the Ironwood subdivision trail to the south.
2. Prior to the final of any residential building permit on the subject site, the Developer shall construct and improve the 8' trail with a decomposed granite base material.
3. The Developer shall dedicate 55-foot half-street ROW along Pinnacle Peak and 30-foot half-street ROW along 104th along the frontage of the project.
4. The Developer shall dedicate an 8' PUE outside of the required ROW on Pinnacle Peak and 104th. No walls or retention shall be allowed within the PUE.

5. The Developer shall construct the half-street for 104th Avenue including a 5-foot sidewalk.
6. The Developer shall construct temporary pavement and a temporary asphalt sidewalk on Pinnacle Peak Road or pay an in lieu fee that will be used for the future Pinnacle Peak Road construction project. This will be determined at the time of Final Plat.
7. The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at the intersection of 104th and Pinnacle Peak.
8. A Final Drainage Report must be submitted with the improvement plans. Each individual lot shall provide on lot retention for the 100-year 2-hour storm event. All basins shall be within a dedicated drainage easement and shall include an access easement for the City to inspect and maintain in the event the homeowner fails to maintain the retention area.
9. Lot 3, as represented on the conceptual development plan, cannot be built on until such time as a regional drainage solution removes the wash from the parcel. This shall be indicated on the final plat.
10. The sewer system shall be designed so that it may sewer the lots east of the wash, this may require the sewer to be slurry sealed within the wash limits. If the sewer cannot function as gravity, then septic will be permitted.
11. The developer must construct a 16-inch waterline in Pinnacle Peak Road along the frontage of the project per the City Water Master Plan.
12. Based on the actual fire flows, the 16-inch water line may need to be extended off-site to provide a looped system. The fire flow and water model shall be submitted with the Final Plat and improvement plans.
13. The developer shall extend the 8-inch sewer and 8-inch water line in 104th Avenue along the frontage of the property.
14. A Phase 1 Environmental Clearance will be required for all right-of-way to be dedicated to the City.
15. The Developer is responsible to provide an Agreement to Install Improvement for the public improvements required by the development with an accompanying financial assurance for subdivision improvements in accordance with City's requirements.
16. The preservative seal required for the new streets shall be applied 1-year after completion of the streets. A fee to cover this cost will be required at the time of the paving permit. The City will determine the amount at the time of permit issuance.
17. All flood plains, floodways, and erosion hazard setback areas must be shown on the final plat.
18. The Development will be responsible to comply with the phase 2 AZPDES Storm Water Pollution Prevention criteria. This should include runoff control, erosion control, and sediment control. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with the improvement plans in accordance with the SWPPP checklist.
19. Prior to Final Plat recordation, the applicant shall obtain approval of final grading, drainage, utilities, and paving plans in conjunction with a Final Drainage Report. These final plans and report shall be in conformance with the approved preliminary plans and report. The Final Plat shall be submitted with the first submittal of the improvement plans. The Final Plat shall be approved prior to permits being issued for the site.

CALL TO THE PUBLIC FOR NON-AGENDA ITEMS: NONE

REPORT FROM STAFF: NONE

REPORT 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 6:58 p.m.

Greg Loper, Chair

Date Signed