PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
CITY HALL, COUNCIL CHAMBER
FEBRUARY 7, 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 6:32 p.m.

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

Members Absent: Commissioner Marc Melbo and Michael Worlton.

Others Present: Steve Burg, City Attorney, Glen Van Nimwegen, Community Development Director, Maher Hazine, Assistant City Engineer, Chad Daines, Planning Manager, Chris Jacques, Principal Planner, Rob Gubser, Senior Planner, Adam Pruett, Senior Planner, Caroline Ruiz, Planner, Monique Spivey, Associate Planner, Melissa Zechiel, Planning Technician, and Cathy Griffin, Executive Assistant.

Opening Statement: read by Chad Daines.

Final call for speaker request forms.

Audience: Approximately 26.

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 Greg Loper and Michael Worlton from the January 17, 2008 meeting.

2C **MINUTES:** approved the minutes of the Regular Meeting held January 17, 2008

3C **CU08-01**: Massage Envy, 9744 W. Northern Ave. #1340 is requesting a Conditional Use Permit to allow the operation of a Massage Establishment in the Park West Commercial Development.

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

REGULAR AGENDA

NEW BUSINESS, PUBLIC HEARINGS and/or ACTION:

GPA07-03 and Z07-06 were heard as one discussion item but were voted on as two separate actions.

4R **GPA07-03,** A request to amend the Peoria General Plan through the Central Peoria Revitalization Plan for approximately 17.2 gross acres from "Neighborhood Commercial Mixed Use" to "Residential High Density".

STAFF REPORT: presented by Caroline Ruiz, Planner. Ms. Ruiz stated that if the Commission sees fit to approve GPA07-03, staff would recommend a one month continuance of Z07-06 to draft stipulations for approval.

Chair Loper questioned staff regarding the 207 Waiver. Ms. Ruiz stated that the 207 waiver has been provided for both cases.

Commission McFarland questioned an approval of a mixed-use case approved recently along Peoria Avenue. Chad Daines, Planning Manager stated that the case is located at 77th Avenue and Peoria.

Chair Loper asked staff to clarify where the City Park is located. Ms. Ruiz indicated on the map where the park will be located.

PUBLIC HEARING:

Mike Curley, 3101 N. Central, representing Colonial Properties, a very large luxury multi-family developer, own and operate approximately 40,000 units throughout the southwest. The proposal tonight is a luxury rental project, which will be built to condominium standards. Mr. Curley stated that this is probably the most high-end luxury-laden multi-family project that the City has seen to date, from a landscaping, amenities and architectural standpoint. Mr. Curley stated his history with the City of Peoria and the projects he has been involved in and that he is well aware of what the City's aspirations are for the downtown area. Mr. Curley stated that in this instance the difference between staff and this proposal is whether roughly four or five acres of this site should be commercial.

Mr. Curley stated that before they went forward with this case, he asked Colonial to conduct research to see if we could accommodate staffs' concerns. Mr. Curley stated that Colonial did the following: 1. Employed Elliott Pollack, an Economist, who performed analysis, which a summary of that report has been provided to the Commission and staff. 2. Looked at what is happening in other downtown areas. 3. Looked at what is happening in Peoria. After researching a several month period, Mr. Curley stated that he became convinced that staffs' position here is not realistic.

Mr. Curley stated that this project is a gated community, heavily landscaped with mature landscaping 25 feet around the property. The units are located internally, along the perimeter there are carriage units, which are garage units on the bottom with the living unit above, typically for each carriage unit there will be two living units above. Mr. Curley

stated that it has been expressed to the neighbors that the location of these carriage units is flexible. The carriage units will be only 24 feet in height, which is lower than a typical new single family house. The entire project is designed to CPTED design standards, and basically that is to try and maximize security. This is luxury environment and will be very secure with an on-site manager. Mr. Curley presented elevations of the club house, and explained that the applicant is willing to go above and beyond what the architectural standards have historically been in the City in terms of multi-family. They are willing to upgrade the architectural standards in terms of adding decorative iron rail, stone enhancements, and arch windows.

Mr. Curley explained that from an amenities standpoint, we feel we have met what the typical standards are, and actually have gone above these standards. Pool, Jacuzzi, club house with café, living room with flat screen TV, full fitness center, small movie theater, Ramada, two open spaces approximately 10,000 sq. ft. A jogging trail around the perimeter of the site, which may be an issue with some of the neighbors, and we are willing to delete. Mr. Curley explained that the units will be built to condominium standards with vaulted ceilings, wired for security, crown moldings, upgraded appliances and upgraded countertops.

Mr. Curley stated that he disagrees with staffs' position as to whether or not to having four or five acres of office on this site is really viable. He explained that the existing zoning is basically 15 acres of C2 and roughly 2 acres of office. The mixed-use designation essentially doesn't mean anything in terms of what ultimately will happen on this property. The reality is from a legal standpoint, this property is zoned for 15 acres of C2 and 2 acres of CO, there is no requirement that any mixed-use or integration with the residential that was talked about in staffs' report be actually incorporated into this plan. From a legal standpoint, a retail developer could build a 15 acre site, subject to site plan review from staff, with zero residential or integration. What is going to dictate whether or not a development of mixed-use takes place is if this area has the characteristics which are going to give rise to a mixed-use project. Mr. Curley went on to explain other mixed-use sites in the Valley and what he feels is required to support a mixed-use environment.

Mr. Curley continued to state the amount of possible commercial square footage at 83rd and Olive, as currently zoned. He stated that is a very large amount for this area and that it will not occur. He also stated that as part of the initial analysis, they looked at what other cities have been successful and stimulating downtown redevelopment has done. The one priority is to have additional housing, because without housing the retail and office won't occur. He went on to explain what Glendale did along the 101 and Glendale Avenue. No retail development occurred until residential was allowed to be built in the area.

Mr. Curley had two last points: 1) He spent a lot of time in the neighborhood, had three neighborhood meetings, and went door to door trying to contact as many people as possible. The most difficult development is infill. Mr. Curley stated that if any people who are now hearing this case for the first time, he pledges to them that between now and the City Council hearing, if he needs to meet and make changes to the site plan or make adjustments in where the carriage units are located, increase set-backs, increase landscaping, he is willing to do that. 2) comparing the existing zoning versus what we're proposing, existing zoning, if developed under the C2 zoning and the office zoning, it will result in approximately 6,000 trips per day, based on I.T.E. numbers that are generated by the Institute of Traffic Engineers. Our project results in reduction of approximately

3,600 or approximately 2,400 trips per day. Mr. Curley stated this because of the concern stated by the neighbors.

Commissioner Gerard asked Mr. Curley about the underlying use of property. Mr. Curley explained that they started out with the intention to build condominiums, but that market is no longer feasible. Mr. Curley stated that if the market supported condominiums, that the apartments could be converted in the future. Commissioner Gerard asked if the applicant would be doing a condo map. Mr. Curley stated that yes; they would be doing a condo map.

Commissioner Wojcik stated that she likes the plan, but is concerned with all the rental units in the area. Mr. Curley explained that in this market, probably the healthiest element of the economy right now is the rental market, particularly in this area, especially what is available in the high-end market. Further discussion ensued between Commissioner Wojcik and Mr. Curley regarding rentals, commercial development and re-development.

Commissioner McFarland asked why this area was chosen for high-end project. Mr. Curley stated that the multi-family luxury developers are attracted to freeway oriented sites. He further explained that this area has no other luxury development; therefore there is no competition in this area.

Chair Loper asked Mr. Curley to explain the design of the project, the unit size, and what rents might be. Mr. Curley explained that the rents would range from $750 to $1300.

Chair Loper asked about the accessibility to the Diamond Shamrock. Mr. Curley stated that the Diamond Shamrock is walled off, however it would not be a problem to provide gated access at various points along Olive and 83rd. Mr. Daines stated that Diamond Shamrock was built with barricades so that it could connect to the north and to the west.

Chair Loper asked what the typical height of the exiting single-story and two-story homes were. Mr. Curley stated that the west side of the property is all single-story and to the north there is a combination of one and two-story homes. Mr. Daines stated that the existing residential lots have a 15 foot setback.

Mike Hoffman stated he has been a resident for 16 years, his concerns: 1) traffic capacity problems, already having trouble getting to the loop 101, 2) density verses upscale, 3) security.

John Pierzchala lives in Stoneview, concerns: this is a small neighborhood, not a lot of traffic; it's a good place to raise families, by bringing in 360 additional units, that's traffic that will be going into downtown Peoria. The price of rent, $700 isn't a lot of money for an apartment, feels that renters don't take a vested interest in the community. Overcrowding at Alta Loma School is a concern, are there plans to build another school? Mr. Pierzchala asked the Commissioners if they would want these apartments built next door to their house. He stated concerns with an increase in crime that comes with apartments. He also stated no one came to his neighborhood to inform them about the project.

John Clark lives just west of the proposed project, stated that he agrees with everything already said. He stated that he is opposed to the project because it's apartments, the

traffic area, the amount of people, the school. He also stated that he would also be opposed to a retail project.

Andre' Viseur wanted to concur with his neighbors; it is a problem with the traffic and went on to explain his traffic concerns.

James Viseur concerned about the set-backs and his privacy and the buildings won't allow the sun to heat his pool, so he's losing the advantage of what he had when he bought his house. He also stated that they have been truthful, can't have a condominium style building turned into luxury apartments. He feels that luxury apartment rent should start as $1200 and up. There should be no carriage houses against the wall; they should build a wall at least 12 feet tall, so the people in the two and three story units cannot be looking into the neighbor's property.

Mary Echeverri stated that her concerns are that she has three small children and that her backyard could be viewed by the apartments. Understands that this area need to be developed, but is concerned with the traffic, the school influx for the children and the teachers and our tax dollars, the jogging track and the design of the carriage units.

Chair Loper questioned staff regarding the staff report noted that the school district does support the project. Ms. Ruiz, Planner, stated that the district did provide a letter of support and are working with the applicant on an agreement.

Philip Kemmer moved into the neighborhood because it was quiet, didn't have a lot of traffic. This project will change the traffic flow of his neighborhood. He stated that he has attended meetings twice and has not heard the same story. The rent amounts have changed.

Dan Scarfo stated that in April 2007 the applicant attended a Stone View Homeowners Associate meeting. Sun Tree apartments rent for $650 to $850 per month. Other concerns are who will maintain the units, will the units actually be sold at a later date. Windows on the carriage units should be changed.

Ann Habecker stated that her house backs up to the west side of this project. She is very opposed to the carriage house units only having a 25 foot setback. She stated she is not opposed to this project as long as it allows an opportunity to look at the crime rate, the issue with the schools, the traffic and accidents at 85th Avenue and Olive. The jogging trail would need to be eliminated; she doesn't want people running along her fence line.

Jennifer Nemeth lives just west of the site, stated that in 11 years she has seen a lot of change, some has raised her property value. She does not believe that this project will raise her property value. She stated that it will cause a lot of traffic, crime, and her quiet neighborhood will become noisy and she is opposed to this project.

Mr. Curley stated that modifications to the carriage units can be made. Also, if the carriage units stay, the windows will be clerestory windows, which are up higher and will allow light, but would preclude someone from looking down, this is reflected in the stipulations provided to staff. The jogging path can be eliminated. Mr. Curley continued to explain that in-fill projects are difficult, but the question is the quality of what is proposed going to be sustainable and compatible with what exists. He went on to

discuss other projects and potential densities and that to call 21 units per acre dense, by multi-family standards is not the case. Pertaining to traffic, something is going to happen on this property, and a retail development will have 3500 more trips per day than our proposal. Mr. Curley discussed the security issue, with a gated entrance and an on-site manager, wiring for security and therefore will try to do everything possible to ensure security. The people that live in this type of project are the workforce of the community, teachers, secretaries, police and firemen, young people who are starting out. To somehow state that the people living in this type of community are criminals, is just not the fact. It would be depriving people of a quality environment to live. We have met with the schools and are in agreement with them. Mr. Curley also explained that the three-story units will be 100 feet away for the property line to try to minimize any impact on the neighborhood.

Public Hearing was closed.

Commissioner Compton stated that he has lived in the community over 20 years and has watched intersections grow, some thrive and some die. He went one to state examples. He stated that removing commercial from an intersection is not bad and for that reason he is in favor of removing the commercial from this location. Commissioner Compton also stated that he is disappointed that there are not stipulations and that his recommendation is to approve subject to staff working with the applicant to address the stipulations to satisfy the neighborhood as best possible.

Commissioner Louis stated concerns with vacant lots and empty boxes in our City and as a resident of Peoria is concerned with the economic health of our City. Commissioner Louis went on to state that he is not in favor of this project the way it is currently proposed. He stated that a mixed-use would benefit the City. If a change to zoning is purposed to allow residential at this location, then retail should be included.

Commissioner McFarland questioned staff pertaining to a water usage report for the project. Mr. Daines explained that as part of the General Plan Amendment, water usage reports only apply to major General Plan Amendments. This project is a minor plan amendment; therefore that analysis would not be applicable to this request.

Commissioner Wojcik stated that she agrees with Commissioner Louis, but to add that the proposed building is new, not necessarily luxury. She also stated that Peoria has enough $600 to $800 rentals and we don’t need to attract any more and she is not in favor of this project.

Commissioner Gerard stated that he wanted to address some of the concerns of the neighbors. Under the present zoning, potentially there could be up to 3500 more trips than the multi-family residential.

Maher Hazine, Assistant City Engineer, stated that he did not have the actual numbers here, but the numbers that Mr. Curley referred to, seem to be accurate. Mr. Hazine when on to state that clearly the commercial will have a lot of traffic, but more importantly, it’s not just the amount of traffic, but the type of traffic. At this intersection, as currently zoned commercial, Mr. Hazine stated that it will be more problematic than what the current proposal is.

Commissioner Gerard asked about hours of operation, the type of building that could be built there with the existing zoning. The residential component in dealing with multi-family would be more morning and evening traffic as opposed to normal hours of operation for retail or offices.

Mr. Hazine stated that based on experience, residential has a morning and evening concentration, it is not as concentrated as an office. So the office has a higher concentration based on the amount of traffic in the a.m. peak and the p.m. peak. He went on to state the clearly the morning peak is not as bad because people leave at different times. The p.m. peak is the worst of the two because generally people leave around the same time.

Commissioner Gerard asked that if traffic is a concern, then it would be a safe assumption to say under its current zoning, that it would have more of a negative impact on the home owners than if it went to the multi-family.

Mr. Hazine stated that based on the concentration of commercial and the office, that yes that would generate more traffic. Mr. Hazine went on to address Olive Avenue and future proposed A.D.O.T. modifications near 91st Avenue and the 101 Loop. He stated that design completion and start of construction the latter part of this year, or beginning of next year based on S.R.P. schedule to relocate their facilities.

Chair Loper asked Mr. Hazine if there is a signal at 87th and Olive or at Butler. Mr. Hazine stated that there is not a signal at 87th and Olive or on Butler and 83rd. 83rd and Butler will eventually have a signal that is the half mile. From a spacing standpoint, Mr. Hazine stated that 87th and Olive is not slated for a signal.

Commissioner Gerard questioned security and a gated community, would there be any type of anticipated security within the premises. Mr. Curley stated that there is an extensive background check that every tenant would complete before they can lease and there is an on-site manager.

Commissioner Gerard asked whether the developer was working with the school district to reach an agreement. Mr. Ruiz indicated that staff has received a letter of support from the district conditional upon working out a developer assistance agreement prior to City Council meeting. She also indicated that the district has sent a more recent letter reaffirming their support and stating that they are working with the developer's representative to reach an agreement.

Mr. Daines explained that the absence of stipulations is because that staff believes that the Commission expects a clear recommendation from staff. When we recommend denial, we do not include stipulations of approval. If the Commission is inclined to approve the General Plan Amendment, a continuance of two weeks would still maintain the original City Council date.

Chair Loper asked what the height potentially would be under the current zoning and what would the set-backs potentially be. Mr. Jacques, Principal Planner, explained that C2 District has a height limitation of 48 feet. However, the setback provision, there is a 30 foot setback from the residential, for every three feet that the building is moved back, an additional one foot in height is allowed above 30 feet. Basically, the farther back, the

higher the building can be. Ultimately, C2 district can be up to 48 feet high. The O1 District has a height limitation of 30 feet and a 20 foot setback to residential.

Chair Loper also is concerned about loosing commercial opportunities to residential. However, he stated that perhaps this intersection has more commercial than can be supported in this area. He also commented that perhaps too much commercial is not necessarily a good thing. Chair Loper stated his concerns that if there is no mixed-use application in the City for the northeast corner of 83rd and Olive, what is the actual demand for this type of project here. He also commented on this intersection being referred to as a gateway and other improvements that could be made at this intersection. Chair Loper stated he is in support of this case as proposed and that mixed use is a regional issue, not necessarily parcel specific.

Commission Action: Commissioner Gerard moved to recommend to City Council approval to re-designate approximately 17.2 gross acres from "Neighborhood Commercial Mixed Use" to "Residential High Density". The property is generally located northwest of the northwest corner of 83rd Ave. and Olive Ave. The motion was seconded by Commission Compton and upon vote, the motion carried with a 4 to 1 vote

5R **Z07-06:** Earl, Curley, & Lagarde (c/o Mike Curley), on behalf of Rovey Investments is requesting to rezone approximately 17.2 gross acres from its current Zoning District of Office Commercial (O-1) and Intermediate Commercial (C-2) to Planned Area Development (PAD) to permit a multi-family residential development consisting of 360 units. The property is generally located northwest of the northwest corner of 83rd Avenue and Olive Avenue and is more particularly described as Assessor's Parcel Numbers (APN) 142-37-041G and 142-37-041H.

Commission Action: Commissioner Compton moved to continue Z07-06 to the February 21, 2008, Planning and Zoning Commission meeting, at which time stipulations can be presented. The motion was seconded by Commission Gerard and upon vote, the motion carried unanimously.

CALL TO THE PUBLIC FOR NON-AGENDA ITEMS: NONE

REPORT FROM STAFF: NONE

REPORT FROM THE PLANNING AND ZONING COMMISSION: Chair Loper asked about the sound wall on Pinnacle Peak. Mr. Hazine explained that the project will begin soon and he would get back to the Commission with an estimated time.

ADJOURNMENT: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 8:15 p.m.

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Greg Loper, Chair Date Signed