

**PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
FEBRUARY 19, 2009**

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: Chairman Veda McFarland, Commissioners Nancy Golden and John Gerard, and Alternate Anne Wojcik.

Members Absent: Vice Chair Marc Melbo, Commissioners Bill Louis, Michael Worlton and Greg Loper.

Others Present: Ellen Van Riper, Assistant City Attorney, Glen Van Nimwegen, Community Development Director, Chris Jacques, Planning Manager, Ed Boik, Planner, Monique Spivey, Associate Planner, Dawn Boyer, Council Assistant, and Bev Parcels, Planning Assistant.

Opening Statement: Read by Chris Jacques, Planning Manager.

Final call for speaker request forms.

Audience: Seventeen.

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:** Approve/excuse the absences of Commissioners Loper and Worlton from the February 5, 2009 meeting.

2C **MINUTES:** Approve the minutes of the Regular Meeting held February 5, 2009.

COMMISSION ACTION: Commissioner Gerard moved to approve the Consent Agenda items. The motion was seconded by Commissioner Golden and upon vote, carried unanimously.

REGULAR AGENDA

NEW BUSINESS, PUBLIC HEARINGS and/or ACTION:

3R **CU08-13:** Tait and Associates on behalf of Fry's requested a Conditional Use Permit for a Fry's Gas Station on property zoned C-2 (Intermediate Commercial). The site is generally located south of the southwest corner of 83rd Avenue and Deer Valley Road.

STAFF REPORT: Presented by Ed Boik, Planner.

PUBLIC COMMENT:

Paul Gilbert representative for Fry's spoke on the following issues.

- Fry's store was built 6 years ago with no plans for the pad in question.
- Fry's has the option to put another use on that pad without consent from the City as a matter of right that could be less desirable to the neighbors.
- There will be no convenience store associated with fuel center.
- Primary access for fuel center will be off 83rd Ave. and when reviewed by City was determined that no additional traffic would be produced than any other use that could go on that pad.
- Fry's has complied with all codes and conditions required by the City.
- The applicant has held five public meetings with the neighbors and Fry's listened to their concerns, let the neighbors make a list of stipulations, agreed to move the fuel center farther north on the pad, and addressed other concerns the neighbors had.
- Fry's has gone the extra mile and believe that they deserve recommendation of approval for this request.

Laurie Jackson stated the following concerns about the fuel station

- Was told when she bought her house that there were no plans for a fuel center on the Fry's site.
- Police have been called a number of times regarding sweeping of the lot at night.
- Concerned about extra traffic, lighting, and teenagers hanging out at the gas station.

Larry Jackson voiced concerns relating to

- Originally being told empty parcel was planned for a grocery and shops.
- There are too many gas stations in that area; there are three at the intersection.
- Concerned about the possibility of the station closing and being boarded up and the blight that this would cause.

COMMISSION COMMENTS:

Commissioner Gerard

- Other cases similar to this case.
- Who was first to open the Fry's or the Circle K?
- Concerned about two gas stations on the same side of the street, the environmental issues that are involved, and questioning whether this is a good move or best use.
- Questioned the traffic flow in the parking lot and whether a barrier was being considered to separate the gas station from the grocery store and the other businesses.

Commissioner Wojcik asked what happens if stipulations are not met and what would happen to the building if it does go out of business.

Chair McFarland

- Concerned about safety of teenagers and the impact the fuel center will have on the area.
- Inquired about location where trucks would be refueling and the hours that they are allowed to refuel.
- The height of the fuel canopy and whether it was tall enough for large RV's to go under it.

Paul Gilbert on behalf of Fry's addressed all of the commissioners concerns and questions.

COMMISSION ACTION: Commissioner Golden moved to recommend approval of Case CU08-13, to grant a Conditional Use Permit to Fry's for a Fry's Gas Station on property zoned C-2 (Intermediate Commercial) under staff's stipulations. There was not a second to the motion so the motion failed. Commissioner Gerard moved to recommend denial of Case CU08-13 to grant a Conditional Use Permit to Fry's for a Fry's Gas Station on property zoned Intermediate Commercial. Alternate Wojcik seconded the motion, and upon vote, passed 3-1.

- 4R** **PUBLIC HEARING – GPA08-06:** World Gospel Mission requested a minor amendment to the Peoria General Plan Land Use designation for approximately 5 gross acres from Residential Estate (0-2 du/ac, target of 1 du/ac) to Neighborhood Commercial.

STAFF REPORT: Presented by Chris Jacques, Planning Manager.

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Gerard moved to recommend to the City Council approval of Case GPA08-06, for World Gospel Mission's request for a minor amendment to the Peoria General Plan Land Use designation for approximately 5 gross acres from Residential Estate (0-2 du/ac, target of 1 du/ac) to Neighborhood Commercial under staff's stipulations. Commissioner Golden seconded the motion, and upon vote, carried unanimously.

- 5R** **PUBLIC HEARING – Z06-18:** World Gospel Mission requested to rezone approximately 5 gross acres from Suburban Ranch (SR-43) to Planned Area Development (PAD) for the purpose of future commercial development.

STAFF REPORT: Presented by Chris Jacques, Planning Manager.

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Gerard moved to recommend to the City Council approval of Case Z06-18, for World Gospel Mission's request to rezone approximately 5 gross acres from Suburban Ranch (SR-43) to Planned Area Development (PAD) for the purpose of future commercial development under staff's stipulations. Commissioner Golden seconded the motion, and upon vote, carried unanimously.

- 6R** **PUBLIC HEARING – Z98-09A.9:** Copper Hills Community Church requested to amend the Westwing Planned Community District (PCD) to amend the setback requirements on the north and east property lines to 0 feet, and to increase the building height limitation from 28 feet to 32 and 40 feet for specified portions of the site.

STAFF REPORT: Presented by Monique Spivey, Associate Planner.

PUBLIC COMMENT:

Mark Phillips, applicant for Copper Hills Community Church stated that the site plan being presented was not the original one submitted due to architecture firms being changed. He also stated that the church was working with the City to create an agreement for overflow parking with the city park that is planned next to the church property.

Brad Clawson, Pastor for the Church brought up the following issues.

- Discussion regarding the philosophy of the church and the needs of the community.
- The desire to share their facility with the community to be a multi-purpose facility.
- The church fulfilling an artistic need in the community.
- Design the church site to flow into the city park.

Dan Madora neighbor to church site mentioned the following.

- Church had been very respectful to neighbors.
- Planned site so that views of the mountain were not obstructed to the homeowners.
- Church has shown concern about neighbors at all community and HOA meetings.
- Thinks church will be a wonderful addition to the community.

COMMISSION ACTION: Commissioner Gerard moved to recommend to the City Council approval of Case Z98-09A.9, to amend the Westwing Planned Community District (PCD) to amend the setback requirements on the north and east property lines to 0 feet, and to increase the building height limitation from 28 feet to 32 and 40 feet for specified portions of the site under staff's stipulations. Commissioner Golden seconded the motion, and upon vote, carried unanimously.

CALL TO THE PUBLIC: (Non-agenda Items): None

REPORT FROM STAFF: None

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 7:44 p.m.

Veda McFarland, Chair

Date Signed