

**PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
CITY HALL, COUNCIL CHAMBER
AUGUST 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: Vice Chair Veda McFarland, Commissioners Michael Worlton, Anne Wojcik and William Louis.

Members Absent: Chair Greg Loper, Commissioners John Gerard, Kenneth Compton, and Marc Melbo.

Others Present: Steve Burg, Chief Assistant City Attorney, Glen Van Nimwegen, Community Development Director, Robert Gubser, Senior Planner, Maher Hazine, Assistant City Engineer, Ed Boik, Planner, Melissa Zechiel, Planning Technician, Monique Spivey, Associate Planner, and Bev Parcels, Planning Assistant.

Opening Statement: read by Robert Gubser, Senior Planner.

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:** Discussion and possible action to approve the absences of Commissioners Kenneth Compton, Michael Worlton, and Anne Wojcik from the June 5, 2008 meeting.
- 2C MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held June 5, 2008.
- 3C CU08-09:** Peoria Big Boy's Toys Storage, located west of the northwest corner of Lake Pleasant Road and Beardsley Road, a Conditional Use Permit for a RV and boat storage facility on property zoned Intermediate Commercial (C-2), with the following stipulations:
1. The use shall substantially conform to the Narrative attached as Exhibit B.
 2. Lighting locations shall be reviewed and determined through administrative site plan review to prevent light spill and glare from affecting the adjacent properties.
 3. The units shall not be used for commercial or residential purposes, sleeping, overnight camping, playing of musical instruments, or the storage of hazardous or dangerous materials.

- 4C** **CU08-10:** Peoria Extra Space Storage, located west of the northwest corner of Lake Pleasant Road and Beardsley Road, a Conditional Use Permit for mini storage warehouses on property zoned Intermediate Commercial (C-2), with the following stipulations:
1. The use shall substantially conform to the Narrative attached as Exhibit B.
 2. Lighting locations shall be reviewed and determined through administrative site plan review to prevent light spill and glare from affecting the adjacent properties.
 3. The hours of operation are restricted to 7AM to 7PM for all drive-up units and 8AM to 6PM for office and climate-controlled units.
 4. The units shall not be used for commercial or residential purposes, sleeping, overnight camping, playing of musical instruments, or the storage of hazardous or dangerous materials.
- 6C** **CU08-17:** Corner Bakery Café, located on the northwest corner of 83rd Avenue and Paradise Lane, a Conditional Use Permit to allow the addition of an outdoor dining patio, with the following stipulations:
1. The use shall substantially conform to the Narrative attached as (Exhibit A) and the accompanying Site Plan (Exhibit C) and Patio Plan (Exhibit D).
 2. A fire sprinkler will be required to be installed under the proposed canopy.
 3. Any remodel within the building shall be submitted for the appropriate permits through the Building Safety Division.
- 7C** **CU08-20:** Deer Valley Car Care, located south of the southeast corner of 78th Avenue and Deer Valley Road, a Conditional Use Permit for an automotive diagnostic and repair facility on property zoned Planned Area Development (Deer Valley Service Center PAD), with the following stipulations:
1. The use shall substantially conform to the Narrative attached as Exhibit B.

Commission Action: Consent Agenda item 5C, CU08-16 was removed from the Consent Agenda. Commissioner Louis moved to approve the Consent Agenda items. The motion was seconded by Commissioner Worlton and upon vote, carried unanimously.

REGULAR AGENDA

NEW BUSINESS, PUBLIC HEARINGS and/or ACTION:

- 5C** **CU08-16:** Community of Grace Lutheran Church, located on Pinnacle Peak Road east of 107th Avenue, a Conditional Use Permit for a pre-school / daycare facility on property zoned Single-Family Residential (R1-18) in conjunction with the Community of Grace Lutheran Church.

Staff Report: Presented by Melissa Zechiel, Planning Technician

Public Comment: Marcie Davies, stated she has the largest wall adjacent to this property. Ms. Davies stated that the walls are too short, the dumpsters are too close, and the 24-hour lighting is an issue. She also stated that she is concerned with increased crime and the property value of her home.

Jerry Patten, owners representative and applicant for Community Grace Church. Mr. Patten stated that this is not a business, the site is being developed as a church campus and the pre-school is to support the members of the church and the community. Mr. Patten stated that the lighting would probably not operate 24-7, it would be on a timer that would come on at dusk and go off at 9:00 or 10:00 p.m. at the latest. The dumpster location was sited with the aide of Planning staff. Mr. Patten stated that it is their intent to evaluate the wall height during construction of the site and try to maintain a 6 foot wall in that area.

Ms. Zechiel, Planning Technician, clarified that this is not a re-zoning request. She went on to explain: The zoning will stand as R1-18, which does support the use of the church as well as the ancillary use of the daycare. There would be no commercial business allowed as the zoning would not change. In addition, there is a site plan currently under review for this case. It does not extend to the southward boundary of the property. That is part of a master plan that is proposed for the future. Currently, there are no dumpsters to be located at the south property boundary for that same reason.

Mr. Worlton questioned that the second phase or southern part of the development would be a separate site plan review. Ms. Zechiel stated that if the applicant chose to move ahead with that in the future, it would require a separate site plan submittal and review. Addition conversation regarding lighting ensued.

The following citizens stated their concerns,
Richard Severns, Bill Davies, Bob Roetler, Salvatore Oliveri, and Helen Madanat.

Which included: noise to the adjacent property owners, fence height needs to be 8 feet, construction noise and dust, access, traffic, site lighting and time they will be on, subsequent site plan approval process, dumpster location, water drainage, cactus removal.

Robert Gubser, explained that the site plan is an administrative process that staff has the opportunity to review. When a site plan application is filed, the Planning Division sends out a property owner notification to those properties within 300 feet. Currently, that site plan is in review now. Property owners or citizens are welcome to come in and look at the site plan and share their concerns. Staff would have the opportunity to respond in a review comment letter to the applicant to address those concerns. This is an allowed use within the R1-18 residential zoning district.

The dumpster will be dealt with during the site plan review and we will double check on the location and try to relocate. The fencing for the preschool is 5 foot wrought iron fence surrounding the actual playground. The saguaro cactus would require the proper permit to be removed. Mr. Gubser also stated that there will be a substantial landscape buffer between the properties to the east and south, at least 60 feet on the east side and at least 30 feet on the south.

Mr. Hazine, Assistant City Engineer, addressed the drainage issue, which will be reviewed during the site plan process. This site will be required to retain the 100 year, two hour storm event, and is required by State law to dissipate either through a series of dry wells, percolation in the ground and there is a series of tests to demonstrate this within the required 36 hours as required by law.

Commissioner Worlton explained to the residents what is before the Commission to be voted upon tonight. He also asked if the existing drainage problem could be addressed. Mr. Hazine, explained the scope of the project and the drainage issues.

Commissioner Louis also explained what is before the Commission tonight. The citizens will have an opportunity in the future to voice their concerns during the approval process of the site plan.

Vice Chair McFarland suggested to the applicant to have meetings with the neighbors to hear and perhaps resolve their concerns.

Commissioner Worlton also suggested that the applicant agree, for the record, to have meetings with the neighborhood.

Jerry Patten stated that they would agree to meet with the neighbors and discuss how to mitigate some of their concerns. Vice Chair McFarland suggested that Mr. Patten take the names and contact information of those citizens that are here tonight. Mr. Patten said that he would.

Commission Action: Commissioner Louis moved to approve CU08-16. The motion was seconded by Commissioner Worlton and upon vote, carried unanimously with the following conditions:

1. The Conditional Use Permit shall be limited to the areas identified as "Pre-School" and "Pre-School Play Area" on the preliminary site plan attached as Exhibit D.
2. The applicant shall comply with all applicable regulations and licensing requirements of the Arizona Department of Health.
3. Hours of operation shall be between 6:00 a.m. and 7:00 p.m. Hours of outdoor activity shall be limited to between 8:00 a.m. and 6:00 p.m.
4. The playground area of the facility shall be surrounded with a 5 foot high wrought iron view fence as shown in the preliminary site plan attached as Exhibit D. The vertical members of the fence shall be no greater than 4 inches apart.
5. The use shall substantially conform to the Narrative date stamped May 9, 2008 and attached as Exhibit C.

8R **PUBLIC HEARING - CU08-19:** Goodwill, located west of the northwest corner of Beardsley Road and Lake Pleasant Road, is requesting a Conditional Use Permit to operate a discount store and drop-off facility on property zoned Intermediate Commercial (C-2).

This case has been withdrawn, no action is required.

9R **PUBLIC HEARING - GPA07-14:** KJ Way LLC is requesting a minor amendment to alter the current Peoria General Plan Land Use designation for approximately 1.67 gross

acres from Residential Estate (0-2 du/ac, target of 1 du/ac) to Office. The property is generally located south of the southeast corner of Pinnacle Peak Road and Lake Pleasant Parkway.

Staff Report: presented by Robert Gubser, Senior Planner.

Public Comment:

David Kincaid, with the landowner Rich Groff, briefly explained that the intend is to build an owner-occupied single story residential scale office building, as a transition from the commercial uses along Lake Pleasant Parkway.

Commission Action: Commissioner Worlton moved to recommend approval of GPA07-14 to City Council for a minor amendment to alter the current Peoria General Plan Land Use designation for approximately 1.67 gross acres from Residential Estate (0-2 du/ac, target of 1 du/ac) to Office. The motion was seconded by Commissioner Louis and upon vote, the motion carried unanimously.

- 10R PUBLIC HEARING – Z07-16:** Earl, Curley, & Lagarde P.C. on behalf of Santana Village, LLC is requesting to rezone approximately 13.05 acres from Intermediate Commercial (C-2) to a Multi-Family Residential District (RM-1) to allow a 224 unit apartment complex.

Staff Report: Presented by Ed Boik, Planner.

Mike Curley discussed the density of this site.

Public Comment:

Vincent Guerra stated that he is concerned about an exit into his cul-de-sac area and questioned if the mobile home park had been notified of this project. Mr. Curley explained that this will be an emergency fire access only. Mr. Curley also stated that the mobile home residents had been notified and the wall would be rebuilt.

Commissioner Wojcik questioned the number of apartment buildings that are concentrated in this area and stated her concern for the future apartment complex being maintained.

Glen Van Nimwegen, Community Development Director, explained that the plan is to create a mixed use and provide housing close to services. Mr. Van Nimwegen also discussed long-term maintenance at the Multi-Family complex.

Discussion regarding demand for apartments versus single-family homes ensued.

Commissioner Louis stated his concerns regarding higher density and crime prevention through design.

Mr. Boik, Planner, explained that as part of the site plan review process, the Police Department does receive a copy and they have been offering comments regarding the CPTED (Crime Prevention Through Environmental Design) issues and crime prevention.

Mr. Gubser added that in the new Design Review Standard that is currently moving forward, CPTED standards are included.

Commission Action: Commissioner Worlton moved to recommend approval of Z07-16 to City Council to rezone approximately 13.05 acres from Intermediate Commercial (C-2) to a Multi-Family Residential District (RM-1) to allow a 224 unit apartment complex. The motion was seconded by Commissioner Louis and upon vote, the motion carried with a 3 yeas and 1 nay, with the following stipulations:

1. A final PAD document shall be provided to and approved by staff within 60 days of City Council action. The PAD shall reflect the maximum density ceiling of 14.76 units per acre as demonstrated on the conceptual site plan. All other standards shall be as provided in the RM-1 district and applicable portions of the Zoning Code.
2. A Final Drainage Report must be submitted with the improvement plans. Easements for Drainage are to be dedicated over all retention basins.
3. The Developer shall dedicate 65-foot half-street ROW along the frontage of the project on Peoria.
4. The Developer shall verify the 35-foot ROW exists on 77th Avenue. If the designation is currently an easement, then the ROW shall be dedicated with this project.
5. The Developer shall dedicate an 8' PUE outside of the required ROW on Peoria, 77th, and Mercer.
6. The Developer shall construct the half-street for Peoria and 77th Avenue including the streetlights, deceleration lanes, streetlights, and landscaping.
7. The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at the intersection of Peoria and 77th Avenue.
8. The Developer shall install traffic signal interconnect conduit along the frontage of the parcel on Peoria. Plans for the installation of the traffic signal interconnect conduit shall be submitted as part of the improvement plans. The traffic signal interconnect shall also be shown on the paving plans.

CALL TO THE PUBLIC FOR NON-AGENDA ITEMS: NONE

REPORT FROM STAFF: Robert Gubser stated that the Planning and Zoning Commission meeting scheduled for September 4, 2008 has been cancelled. Mr. Gubser also informed the Commission that Ken Compton has resigned and at this time staff would like to thank him for his service to the City of Peoria and wish him the best on his new endeavors.

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 7:40 p.m.

Greg Loper, Chair

Date Signed