

**PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
RIO VISTA RECREATION CENTER LAKEVIEW ROOM
OCTOBER 2, 2008**

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

Members Present: Vice Chair Veda McFarland, Commissioners Michael Worlton, Marc Melbo, John Gerard, and William Louis.

Members Absent: Chair Greg Loper and Alternate Anne Wojcik.

Others Present: Ellen Van Riper, Assistant City Attorney, Glen Van Nimwegen, Community Development Director, Maher Hazine, Assistant City Engineer, Chris Jacques, Acting Planning Manager, Rob Gubser, Senior Planner, Adam Pruett, Senior Planner, Cody Gleason, Planning Technician, Melissa Sigmund, Planning Technician, Bev Parcels, Planning Assistant, and Cathy Griffin, Executive Assistant.

Opening Statement: Read by Chris Jacques, Acting Planning Manager.

Final call for speaker request forms.

Audience: Approximately 4.

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 the absence of Anne Wojcik from the September 18, 2008 meeting.
- 2C MINUTES:** approve the minutes of the Regular Meeting held September 18, 2008.

Commission Action: Commissioner Gerard 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:

- 3R PUBLIC HEARING – CU08-26:** Zandra Ochoa, on behalf of Crazy Carlos Passion for Food is requesting a Conditional Use Permit to allow an outdoor dining patio in conjunction with a proposed restaurant. The outdoor patio is approximately 680 square feet and will contain eight tables. The site is located at the east corner of 83rd Avenue and Lake Pleasant Parkway.

Staff Report: presented by Cody Gleason, Planning Technician

Commissioner Melbo questioned if Peoria allowed liquor at 8:00 a.m., seven days a week Commissioner Melbo also questioned the number of table and chairs on the plot plan and the difference with the two tables and chairs. Were they higher than the other tables and what is the reason for design difference?

Mr. Gleason stated that this case pertains to the outdoor dining, not necessary liquor sales. Mr. Gleason stated that the table and chair plan is representative of the patio seating area.

Commissioner Melbo questioned the enforcement of the number of table and chairs on the patio for future use.

Mr. Gleason explained that if the Planning and Zoning Commission wanted to place a stipulation on the number of table and chairs, then it would be an issue that Code Compliance would address.

Mr. Jacques further explained that with a Conditional Use Permit, the City of Peoria retains continuing jurisdiction. Therefore, if there is a complaint, the City can investigate and have the ability to re-evaluate the permit. Mr. Jacques went on to explain the Zoning Ordinance as applicable to outdoor dining.

Commissioner Louis asked staff about the stipulation regarding parking bumpers, which will allow for additional pedestrian sidewalk. Would the parking space still be long enough to accommodate large vehicles?

Mr. Gleason stated that the length of the stalls are approximately 20 feet. That allows for most standard vehicles to be able to be in the stall without any overhang into the drive area.

Mr. Jacques also explained that this business is occupying a suite in a center that has already received site plan approval. So the site plan has already been reviewed to determine that the stall length meets code, which is 20 feet in length. The code also requires any pedestrian walkway be four feet free and clear, thus the need for the parking bumpers.

The applicant, Zandra Ochoa, stated that she would like to extend the hours an hour during the week to 10:00 p.m. and on Thursday, Friday and Saturday to 12:00 p.m. She also stated that she would like to keep the patio "as is" with no further alterations, since this was an existing restaurant that closed last November.

Vice Chair asked the applicant what the proportion of food verses alcohol being served. The applicant stated that they are planning for 70% food sales to 30% alcohol sales.

The applicant also stated that on recommendation #4 pertaining to the bamboo lining of the fence, it has been approved by John Lawrence, City of Peoria Fire Inspector.

Commissioner Louis asked the applicant about the speakers for music in the outside dining area.

Ms. Ochoa explained that the speaker would be only for background music. No live music will be outside.

Commissioner Gerard asked if the prior restaurant was operating with this plan. Are we to assume they were in violation of a code? Mr. Gleason stated that he is not aware of any code violations received from the previous restaurant. Commissioner Gerard asked if a Conditional Use Permit was provided to the previous restaurant. Mr. Gleason stated there was not.

Commissioner Gerard also asked if there was access to the restaurant through the patio area or will customers have to enter through the front of the building. Mr. Gleason stated that there is an access point to the patio from the interior of the restaurant. Commissioner Gerard asked if there was access to the patio from the parking area. Mr. Gleason said that there appears to be a gate to the patio from the parking area.

Ms. Ochoa explained that customers would only be allowed to enter and exit the patio area from the restaurant, there is no access through the back.

Commissioner Worlton questioned the neighborhood notification and what information was provided in the notification. Mr. Gleason explained what information is provided on the postcard notification. Mr. Jacques further explained that there are two notices sent, one when the City receives the application and, prior to the hearing, a second notice is mailed, a Notice of Hearing.

Public Comment: none

Commission Action: Commissioner Gerard moved to recommended approval of the Conditional Use Permit for Crazy Carlos Passion for Food to allow an outdoor dining patio at the proposed restaurant.

Motion failed for lack of second.

Further discussion ensued:

Ms. Ochoa stated that they are a family owned business and the extended hours that she is requesting would not allow the same problems that were with BFD. Mr. Jacques explained that although the stipulation recommends hours between 8 a.m. and 9 p.m. Sunday through Thursday, the City is agreeable to a 7:00 a.m. opening. Friday and Saturday could be 7:00 a.m. to 10:00 p.m.

Commissioner Melbo stated that the operating hours should be determined by the owner to allow for a successful business.

Commissioner Gerard questioned the hours of operation for this case is just for the outdoor dining. Mr. Gleason stated that the hours listed is just for the outdoor dining area.

Commission Action: Commissioner Gerard moved to approve of the Conditional Use Permit for Crazy Carlos Passion for Food to allow an outdoor dining patio at the proposed restaurant to extend the morning hours to 7:00 a.m., seconded by Commissioner Louis and upon vote, was approved unanimously with the following conditions:

1. The use and operation shall substantially conform to the project narrative (identified as Exhibit A in the staff report to the October 2, 2008 Planning &

- Zoning Commission) except where modified herein.
2. The outdoor dining area shall be limited between the hours of 7am to 9pm Sunday through Thursday, and 7am to 10pm on Friday and Saturday. The speaker that is to be placed outside may only operate within these time frames as well.
 3. The owner shall provide no less than four (4) feet free and clear pedestrian access around the dining patio. To accomplish this, the following adjustments may be necessary:
 - a. Parking bumpers must be installed within the stalls on the northeast end of the street 2 feet away from the curb to allow for a 4 foot pedestrian access on the adjacent sidewalk.
 - b. The fenced outdoor dining area shall be reduced on the northeast portion of the building in order to allow for a 4 foot pedestrian walkway around the building.
 4. The bamboo lining, the fence enclosing the outdoor patio, shall be approved by the Fire Department prior to use in conjunction with the outdoor dining patio.
 5. In the event that complaints are received by the City with regards to the use and programming of the outdoor dining area, said area shall be reviewed by the City for compliance with performance conditions established herein. The CUP runs with the land and the City maintains continuing jurisdiction pursuant to Section 14-39-10.1 of the Zoning Ordinance.

4R **PUBLIC HEARING – GPA08-05:** The first of two public hearings before the Planning and Zoning Commission for a Major General Plan Amendment to the Environmental Resources Element of the City of Peoria General Plan. The Community Development Department is requesting this amendment to establish Goals, Objectives and Policies that promote environmental stewardship and energy conservation

Staff Report: presented by Adam Pruett, Senior Planner.

Public Comment: none

Commission Action: none required

5R **PUBLIC HEARING – GPA08-07:** The first of two public hearings before the Planning and Zoning Commission for a Major General Plan Amendment to the Circulation Element of the City of Peoria General Plan. The Engineering Department is requesting this amendment to establish Goals, Objectives and Policies that address alternative modes of transportation including express bus routes, light rail and commuter rail transit.

Staff Report: presented by Rob Gubser, Senior Planner.

Public Comment: none

Commission Action: non required

6R **PUBLIC HEARING – GPA08-08:** The first of two public hearings before the Planning and Zoning Commission for a Major General Plan Amendment to the Plan Administration Element of the City of Peoria General Plan. The Community Development Department is requesting this amendment to update the current Major General Plan Amendment criteria, specifically relating to Planned Area Developments (PAD) and Planned Community Districts (PCD).

Staff Report: presented by Chris Jacques, Interim Planning Manager.

Public Comment: none

Commission Action: none required

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 7:18 p.m.

Greg Loper, Chair

Date Signed