

PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
Pinnacle Peak Public Safety Facility
OCTOBER 18, 2007

A **Regular Meeting** of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at **23100 N. Lake Pleasant Parkway**, Peoria, AZ in open and public session at 6:32 p.m.

Members Present: Chair Greg Loper, Commissioners Veda McFarland, Kenneth Compton, John Gerard, Marc Melbo, Michael Worlton, and Anne Wojcik.

Members Absent: Commissioner William Louis

Others Present: William Emerson, Assistant City Attorney, Glen Van Nimwegen, Community Development Director, Chad Daines, Planning Manager, Chris Jacques, Principal Planner, Robert Gubser, Senior Planner, Adam Pruett, Senior Planner, Karen Flores, Planner, Caroline Ruiz, Planner, Lou Brannick, Development Plan Reviewer, Monique Spivey, Associate Planner, Cody Gleason, Planning Technician, Melissa Zechiel, Planning Technician, Dave Moody, City Engineer, Kirk Haines, Parks Superintendent, and Cathy Griffin, Executive Assistant.

Opening Statement: Read by Chad Daines, Planning Manager

Final call for speaker request forms.

Audience: Approximately 11.

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

Comments from the floor on non-agenda items: NONE

***CONSENT AGENDA**

All items listed with an asterisk (*) are considered to be routine by the Planning and Zoning Commission, and were enacted by one motion. Commissioner Gerard moved to approve the Consent Agenda items. The motion was seconded by Commissioner Compton and upon vote, carried unanimously.

***Minutes:** Approved the minutes of the Regular Meeting, October 4, 2007

***Disposition of Absence:** Approved the absences of Commissioners Kenneth Compton, Marc Melbo, Michael Worlton, and Anne Wojcik from the October 4, 2007 meeting

CONSENT, NEW BUSINESS: NONE

REGULAR AGENDA

UNFINISHED BUSINESS: NONE

NEW BUSINESS, PUBLIC HEARINGS and/or ACTION:

1. GPA 07-02: CIRCULATION ELEMENT

The Engineering Department is requesting a major amendment to the Circulation Plan/Map to change the designation of 103rd Avenue from Collector to Arterial, from Northern Avenue to Olive Avenue, and to modify Objectives and Policies related to Northern Parkway and Happy Valley Parkway for consistency with regional transportation plans.

Staff Report: Presented by Karen Flores, Planner, addressed the proposed application as outlined in the commissions' staff report.

Public Comment: none

Chair Loper, asked if this would be an appropriate venue to either have an amendment or just as a policy statement in general that we require dedicated right turns lanes at arterial intersections and arterial/collector intersections. Chair Loper sees this as an important element to keep traffic flowing.

Dave Moody, City Engineer, stated that he believes the appropriate place to debate this issue is through the Street Classification maps. Street Classification document is a reference document and the general plan is part of this. Staff is currently working and trying to finalize the street class map. Mr. Moody explained the function of collector streets and the Street Classification document is the appropriate place to debate streets. This document will come before the Planning and Zoning Commission and then to Council.

Mr. Daines explained that based on the way this meeting was advertised, it would be difficult to amend an unrelated section that hasn't gone through the notice procedure. Mr. Daines further explained that if it pertained to the roads before the commission tonight, that perhaps something could be done, but outside of tonight's agenda, that would take a separate amendment or in the contents of the street class map.

Commission Action: No action necessary.

2. **GPA 07-07: RECREATION & OPEN SPACE ELEMENT**

The Community Services Department is requesting a major amendment to the Recreation & Open Space Element which consists of a re-write of the Element to reflect the *Parks, Recreation, Open Space & Trails Master Plan (PROST)*, adopted in 2006.

Staff Report: Presented by Karen Flores, Planner, addressed the proposed application as outlined in the commissions' staff report.

Public Comment: none

Commission Action: No action necessary.

3. **GPA 07-09: LAND USE ELEMENT**

The Community Development Department is requesting a major amendment to the Land Use Element to adjust the Plan Area Boundary on the Land Use Map and modify descriptive information for the Office Commercial Land Use designation.

Staff Report: Presented by Karen Flores, Planner, addressed the proposed application as outlined in the commissions' staff report.

Public Comment:

Bill Hafeman, Property Owners Residence Association (PORA), in Sun City West, a community of about 28,000 people is our quasi government, if we were to be incorporated, PORA would be the government for Sun City West. Mr. Hafeman stated his interest in this parcel that Peoria wants to annex into the Planning Zone, is strictly the fact that the half mile, and 318 acres adjoins Sun City West right along our northeastern border. In the past, when the developers of Sundora and El Mirage Fiesta, which is across El Mirage Road from Corte Bella, made their applications, we did not object at all because both of those developments were to be neighborhood commercial. He also stated that he does not like the fact that about 180 acres of this parcel is designated to be regional commercial, which means big box stores and high density. He when on to state PORA would not object to a community commercial rating wherein neighborhood stores and that type of development, office complexes, so forth where developed there. It is a very close proximity to our people, right on the other side of the fence. PORA objects to a regional commercial, because of the implementations of big box stores and high density development. He stated he didn't think it would be compatible for the area.

Chair Loper asked Mr. Hafeman, none of the area that is proposed to be added is actually not within Sun City West or Sun City's boundaries.

Mr. Hafeman explained that the ½ mile by a mile runs from the present El Mirage Road west ½ mile, which bounds Sun City West. Sun City West residents back right up to the south part of the parcel. So, ½ mile does board Sun City West.

Phillip Borgmeie, of Sun City West, received one of the notification letters and is very unhappy about this. Mr. Borgmeie stated he has been Arizona since 1984 and he loves the desert, and there is no more and this part is going to go. In the letter we heard they were going to build boxes. He stated that he likes Wal-Mart, and shops at Wal-Mart's all the time. But, we have Wal-Mart on the other side, down in Peoria and he has no idea where else, but they are not needed at this site. He went on to say there are stores going out of business all over. Mr. Borgmeie also said that there is a wash, when it rains the areas flood. He also asked where is the flood plain. Mr. Borgmeie's third concern is the traffic. When this is built, is it going to be a private interface road? Does that mean there is going to be a new complete road and then a road to enter Sun City West? Once again Mr. Borgmeie stated that he is against this, he doesn't want to hear the traffic, that's why he retired to this area. He is very concerned with the "disappearing desert".

Dawn Ferch, from the Corte Bella Home Owner's Association, stated that their problem is that this proposed regional commercial is directly across the street from the homes on the east side of Corte Bella. The DeRito Partners group, obtained zoning for commercial use on an area that's between Williams and close to the 303. They want to put up a neighborhood shopping center with a large grocery store and all the things that goes along with that, dry cleaner, small shops in mall areas. Ms. Ferch stated that she is aware of the development at Happy Valley and Lake Pleasant Road and that's a huge regional area, which is practically rock throwing distances from where this would be. She stated that she didn't see how you're going to be able to make use of all the regional commercial. She could understand it being community commercial or whatever that lighter red designation is, that would make more sense, because there are needs for services for the people in Sun City West for grocery shopping so they don't have to go all the way through Sun City West to the other side. She continued by saying that regional commercial is just squeezing too much into a small area and there's regional commercial up in this corner, then it's at Bell and Grand and on Lake Pleasant Road, that's just too much.

Larry Woods, Sun City West, president of PORA, requested clarification, what is a planning area, is the City of Peoria going to annex this piece of land or not?

Mr. Daines, Planning Manager, explained that extending our planning area allows for the city to do the land use planning and infrastructure planning with the goal of ultimately annexing this area.

Mr. Woods, asked therefore no building would be done until the City of Peoria did annex the area?

Mr. Daines explained that unless the property was to be developed in the County under its current commercial zoning and that could very well happen. Ultimately, when the City of Peoria does annex, it would be under the City of Peoria jurisdiction and would need to go through the City of Peoria development approval process.

Mr. Woods asked that El Mirage, sooner or later is going to be cut all the way up to the 303, the question is who's going to build El Mirage up to the 303? He stated this would be up to if it belongs to the City of Peoria or the county.

Mr. Daines stated that was correct.

Further discussion of the map ensued pertaining to the alignment of the roads and how they were labeled on the map. Karen Flores, Planner, clarified that the label Beardsley should not be there, that is Deer Valley that comes across.

Mr. Woods asked about the piece of land that the City of Peoria is talking about is north of Deer Valley Road? It is south of Deer Valley Road. Is the left boundary of that land on El Mirage Road?

Ms Flores stated that it is on the El Mirage Road alignment.

Mr. Woods then asked if the south boundary on Beardsley? Ms; Flores stated that is actually the Deer Valley Road alignment. Mr. Woods questioned that the south boundary isn't Beardsley; it's the alignment of Deer Valley? Ms. Flores said that was correct.

Mr. Woods asked that the Deer Valley Road is actually Williams. Ms. Flores stated that was correct, the half street is Williams. Mr. Woods stated that if the area in question was clarified on a correct map, maybe people would be a little less upset.

Chair Loper thanked the speakers from bring this to our attention so it can be clarified for the public this evening.

Ms. Flores and Chair Loper explained the area clarifying the names of the roads.

Mr. Daines also explained that due to topography roads don't always follow exact alignment, but yet retain their name.

Commissioner McFarland asked that in regard to Deer Valley, the State has been talking about east/west, major arterial to take the pressure off of Bell Road.

Do we know any more about this subject? This may have some impact on this piece.

Dave Moody, City Engineering Director, explained that the Deer Valley extension is something that the City, Maricopa County and the City of Surprise are in the planning stages. On the east side of the Agua Fria, it is on Deer Valley alignment. Because of the Agua Fria and what has already transpired in Maricopa County, where you see Deer Valley is the Williams alignment, but Williams in that area is an arterial. It is a 2-1-2. What the County, City of Surprise and the City of Peoria have done because of having to cross the river, our Deer Valley turns into the Williams alignment as an arterial. Timing wise for the Deer Valley-Williams crossing, it's not in our capital plan, it's not in the regional transportation plan. It is a huge expensive project because of the Agua Fria River. It may be prop 500, which goes to the voters in 2023 for the next extension of the ½ cent sales tax. The three jurisdictions are working on the alignment.

Chair Loper, asked about the area in question today is that within anyone's general plan or comprehensive plan?

Mr. Daines stated no.

Chair Loper asked Mr. Daines to expand on the General Plan and how that works in terms of the overall development of a piece of property, since there were questions regarding street alignments, land use, flood plain. Those are all items that would come forward at the time the property is zoned and then ultimately developed. Tonight all were doing is looking at the general framework of what could happen there, doesn't mean that development is pending tomorrow or next week, but it's a blueprint.

Mr. Daines stated that was correct and that the City of Peoria felt it was important to take a look at this area since it wasn't under anyone's general plan. There is no applicant in front of us. Because of the importance of the 303 as well as the importance of the future El Mirage as the main north/south artery through this area, going all the way to Highway 74, that formed the basis for our recommendation to go to regional commercial. Mr. Daines also explained that there are several steps that go beyond this.

Chair Loper explained that for an area that is not within a municipalities planning area, the county in reviewing an application, would not have a jurisdiction to refer to and otherwise it would be an open area. Chair Loper stated that it appears to him that this area does not have a blueprint, therefore anything could happen there. Chair Loper stated that clearly, if there's a general plan or a plan in the area for what happens, that's the best defense and protection, for the ultimate development of the property. With a general plan in place, or part of the City of

Peoria's planning area, this commission and staff would have an opportunity to look at any use that came through and they could look at things like the architecture, the buffers, and the very things that Mr. Flores mentioned in her presentation. Not having that as part of Peoria's planning area means generally anything could happen, the County would be more or less powerless to stop it.

Commission Action: No action necessary.

4. **GPA 07-10: PLAN ADMINISTRATION ELEMENT**

The Utilities Department is requesting a major amendment to the Plan Administration Element to include consideration of the City's water policy among the criteria for evaluating major and minor amendments to the General Plan.

Staff Report: Presented by Karen Flores, Planner, addressed the proposed application as outlined in the commissions' staff report.

Commissioner Worlton questioned that this program that this would now be an analysis that is going to be formed and included as part of information and recommendations that the Planning and Zoning Commission would receive.

Mr. Flores explained that this the fifth criterion, there has to be a balance of consideration among all of the different criteria and aspects of the development. This is one other factor that will guide the decision-making process.

Commissioner Worlton asked if this was on a staff level or on a commission level.

Mr. Daines explained that staff will do the analysis and provide that in our recommendation to the Planning Commission and City Council. It will be one more tool in making decisions.

Mr. Emerson, Assistant City Attorney, asked to clarify that the commission would have to find that all five elements have been substantially meet, so one cannot be thrown out. If this is included as an element, it will have to be met, how much strength is given to it, or what is considered substantially meeting that criteria that will be within the judgment of the commission.

Chair Loper asked that this is not something the applicant does anything with. They submit their project, staff will make the evaluation.

Mr. Daines stated that was correct.

Chair Loper questioned the City Attorney's comment, because it is one of the five criteria, by statute they have to meet that, along with the other four. Will this one

element create situations that developers couldn't meet all five elements to obtain project approval?

Mr. Daines explained that this is only one criterion. It's not necessarily a red light, green light; it is one criterion to be weighed amongst all five criteria.

Chair Loper asked that Mr. Emerson explained further.

Mr. Emerson stated that what the commission needs to look at is that this is a criterion that refers to another policy document, the Principals of Sound Water Management. In that document is a more fine-grained analysis than what is in the sample in the packet. So if a Google or Intel, which could be a high water user, but provides a substantial positive impact on the community that, outweighs that water usage, that will be part of the analysis that goes into the Principals of Sound Water Management that will inform this criteria. When staff presents this information to the commission with an analysis of all five of these elements, it will include that water analysis, so positive recommendation could be reached even if it results in a net water budget loss.

Commissioner Worlton stated that it looks like the formula for the criteria may create a problem and an adverse impact on the decision.

Mr. Glen Van Nimwegen, Community Development Director, explained that when the committee looked at this, they looked at the collective benefit from all of the criteria. One would not out-weigh the other four. The intent is to protect the employment areas.

Commissioner Melbo stated that the bottom line is to create jobs and that this will be user-driven.

Public Comment: none

Commission Action: No action necessary.

REPORT FROM THE PLANNING AND ZONING COMMISSION: NONE

REPORT FROM STAFF: NONE

ADJOURNMENT: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 7:42 p.m.

Greg Loper, Chair

Date Signed