

**PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
CITY HALL, COUNCIL CHAMBER
NOVEMBER 20, 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 6:30 p.m.

Members Present: Chair Greg Loper, Vice Chair Veda McFarland, Commissioners John Gerard, William Louis, Mark Melbo and Alternate Anne Wojcik.

Members Absent: Commissioners Ken Compton and Michael Worlton.

Others Present: Ellen Van Riper, Assistant City Attorney, Glen Van Nimwegen, Community Development Director, Maher Hazine, Assistant City Engineer, Bill Patena, Neighborhood Services Manager, Chris Jacques, Acting Planning Manager, Adam Pruett, Senior Planner, Ed Boik, Planner, 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 11.

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 Vice Chair McFarland, Commissioners Melbo, Worlton, and Compton from the November 6, 2008 meeting.

2C MINUTES: Approve the minutes of the Regular Meeting held November 6, 2008.

3C CU08-22: Moderna Architects, on behalf of Restaurants at 83rd Ave. located south of the southeast corner of 83rd Avenue and Mariners Way requested a Conditional Use Permit to allow three patios for outdoor dining in conjunction with three separate eating establishments located in a commercial center.

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

REGULAR AGENDA

NEW BUSINESS, PUBLIC HEARINGS and/or ACTION:

Agenda items GPA 08-09 and Z06-17A.2 were presented together.

- 4R** **PUBLIC HEARING – GPA08-09:** RSD Development, LLC requested a minor amendment to alter the current Peoria General Plan Land Use designation of 4.78 gross acres from Residential/Low (2-5 du/ac, target of 3.0 du/ac) to Office. The property is generally located north of the northwest corner of Yearling Road and the Lake Pleasant Parkway and is more accurately described as Maricopa County Assessor Parcel Number (APN) 201-30-121-C.

Staff Report: presented by Ed Boik, Planner. Mr. Boik also pointed out a typographical error in the recommendation, the digits were transposed on page 5.

Commissioner Melbo stated that he has one request, referring to page 2, last line of the General Plan Amendment, internal cross access to the north and south. Commissioner Melbo requested that “north” be deleted.

Landis Elliott with the Bade Companies stated she was available for questions. Ms. Elliott stated that in reference to the letter submitted from the Peoria Regional Medical Center, on the first line it states that the property owner, which would be RSD Investments or the Bade Companies, had requested the cross access in between the hospital to the north and our property. However, it was actually the City of Peoria in a pre-application meeting on July 8, 2008 that requested that the cross access be included for safety reasons.

Ms. Elliott referred to the third paragraph of the letter, which refers to the financial impact that a cross access agreement would have on the property to the north. Ms. Elliott went on to say that they thought that the city would advocate on behalf of the developer for the financial impact that would happen to their property. In addition, it also talks about a false sense of security to the patients and the customers that would be going to the hospital. Ms. Elliott stated that as you can see from the P.A.D. that we submitted, we have similar uses as the hospital to the south, and these doctors could very well be referred to the hospital. Therefore, we are a very compatible use with the hospital. In addition, we would just like to say that Bade Companies believes that this is also a safety issue. So, we agree with the City in having the cross access and we would like to keep that on our property.

Commissioner Melbo stated that he is a member of the Peoria Regional Medical Center Development Team, and wanted to bring to the attention of fellow commissioners and to the people in the audience that the developer and the hospital are against this access point and, furthermore, they wanted to know whom or who took it upon themselves to grant access to someone else’s adjacent property without the authorization from the property owner. Commissioner Melbo stated that the access point needs to be deleted.

Maher Hazine, Assistant City Engineer, explained that as the applicant has stated, that was a request from the City. Mr. Hazine stated that, generally speaking, when there are compatible uses like this, we do encourage and request that both applicants try to get as

much interconnectivity as possible. Although the site itself can function without the access to the north, we believe that cross access can be enhanced by having that access point. Mr. Hazine also explained that this case is at the zoning stage. There are no stipulations at this point for cross access. This is simply a conceptual site plan. We will be dealing with the details of the site plan for both sites during the actual site plan application. There has not been any cross accesses granted by the City. The City does not have authority to grant cross access easements.

Mr. Hazine continued by explaining what we will be requesting as part of our site plan review that this applicant grant a cross access easement to the north. And, we will be asking the hospital as well to grant a cross access easement. In the event that either party does not agree to that, we will have to evaluate that and understand what the issues are and consult with the City Attorney's Office on what authority we have to mandate such a requirement. But the case in front of you today is for the zoning and zoning only. The site plan is purely conceptual. However, the future site plan will try to have interconnectivity and make it as easy to flow between the two compatible uses as possible.

Chair Loper stated that historically the Commission has always tried to eliminate the number of driveways on a roadway and has always pushed towards cross access. So I certainly support the issue as a commercial developer and understand some of the inherent issues with it. However, I still support the cross access.

Mr. Hazine summarized by stating that a cross access will only be possible if both parties agree.

Further discussion ensued regarding cross access and right-of-way issues.

Commissioner Melbo stated that he would just like to clarify that the hospital and the adjacent medical office buildings are separate entities. The developer has indicated that increased traffic, delivery trucks, pedestrian traffic, cars going between both sites and this access point actually in front of the hospital, creates a hazard. It creates not only a traffic hazard, but a health hazard. So, therefore, the Bade property is an entity on their own, just like Plaza del Lago. This will be a great development, but the hospital is a hospital campus.

Public Comment: none

Commission Action: Commissioner Gerard moved to recommend approval of Case GPA08-09, subject to staff recommendation to alter the current Peoria General Plan Land Use designation of 4.78 gross acres from Residential/Low to Office. The motion was seconded by Commissioner Louis, and upon vote, carried unanimously.

5R **PUBLIC HEARING – Z06-17A.2:** RSD Development, LLC requested to rezone approximately 4.78 gross acres from SR-43 (Suburban Ranch) to Planned Area Development (PAD) to allow for an office development. The property is generally located north of the northwest corner of Yearling Road and the Lake Pleasant Parkway and is more accurately described as Maricopa County Assessor Parcel Number (APN) 201-30-121-C.

Staff Report: presented by Ed Boik, Planner.

Public Comment: none

Commission Action: Commissioner Louis moved to recommend approval to Council of Case Z06-17A.2 to rezone 4.78 gross acres from SR-43 to Planned Area Development. Commissioner McFarland seconded the motion and upon vote, carried by a 4 to 1 vote, with the following conditions:

1. A Preliminary Drainage Report shall be submitted with the Site Plan. On-site retention must be provided for the 100-year, 2-hour storm.
2. The Developer shall construct all improvements per the approved Traffic Impact Analysis.
3. The Developer shall dedicate an 8' PUE outside of the existing ROW on Lake Pleasant Parkway. No walls or retention shall be allowed within the PUE.
4. The Developer shall construct sidewalks and landscaping along the frontage of the project on Lake Pleasant Parkway as required per an approved site plan.

6R **PUBLIC HEARING – Z07-08:** Steven Campbell on behalf of Caballos Del Rio, LLC is requesting to rezone approximately 45.3 gross acres from AG (General Agricultural) and SR-43 (Suburban Ranch) to SR-35 (Suburban Ranch) to allow for a single-family residential development. The property is generally located on the southwest corner of Happy Valley Road and the 77th Avenue alignment and is more accurately described as Maricopa County Assessor Parcel Numbers (APN) 201-14-003C, 003D, 003E, 003X, 003Y, 003Z.

Staff Report: presented by Adam Pruet, Senior Planner.

Chair Loper asked about the trail or embankment improvements that are going in that area and what is the obligation of this development towards those?

Mr. Hazine explained that the New River Area Drainage Master Plan talks about basically any area north of Pinnacle Peak that the wash itself remains in a natural area. Because of that, there is an erosion hazard setback, and if the natural trail open space area, so there is no hard bank that is being provided with the exception of in the area at Happy Valley Road bridge to protect the bridge abutment itself. There is a concrete trail on the east side. The west side is really more of a natural trail and at the river bottom an equestrian trail.

Public Comment: none

Commission Action: Commissioner McFarland recommended approval of case Z07-08 to rezone approximately 45.3 gross acres from AG (General Agricultural) and SR-43 (Suburban Ranch) to SR-35. Commissioner Gerard seconded the motion and upon vote, carried unanimously with the following conditions:

1. A final drainage report shall be submitted with the improvement plans. The project shall provide retention for the 100-year, 2-hour storm event.
2. There will be a repayment for the Happy Valley Road Capital Improvement Project. This repayment shall be for one lane of roadway along the frontage of the parcel and shall be paid to the City prior to the first permit being issued for the project.
3. The Developer will be responsible to form a Maintenance Improvement District (MID) for this subdivision.
4. No structure shall be constructed within the limits of the FEMA designated flood plain or the erosion hazard setback.
5. The developer shall submit a noise mitigation study in accordance with ADOT's Noise Abatement Policy to address the anticipated truck traffic on Happy Valley Road. The developer shall design and construct the wall adjacent to Happy Valley Road in accordance with the recommendations of the noise study.
6. The Developer shall dedicate an 8' PUE outside of the existing ROW or private roadway Tract. No walls or retention shall be allowed within the PUE.
7. All improvements within the SRP easement area must be approved by SRP prior to permits being issued for the site.
8. The Water Company for this project is Sunrise Water. Prior to Final Plat approval the City must receive a certificate for a 100-year water supply from ADWR.
9. The emergency access road going, to silver canyon, shall be designed as an all weather road and capable of carrying the imposed load of the fire apparatus, (75,000 lbs)

7R **PUBLIC HEARING – Z08-01:** Adam Hawkins on behalf of Jonathan Cerreta requested to rezone approximately 1.98 gross acres from SR-43 (Suburban Ranch) to R1-12 to allow for a single-family residential development. The property is generally located on the southeast corner of 75th Avenue and Jomax Road and is more accurately described as Maricopa County Assessor Parcel Number (APN) 201-09-987.

Staff Report: presented by Adam Pruett, Senior Planner.

Public Comment: none

Commission Action: Commissioner Louis recommended approval of Case Z08-01 to rezone approximately 1.98 gross acres from SR-43 (Suburban Ranch) to R1-12 to allow for a single-family residential development. Commissioner Gerard seconded the motion, and upon vote carried unanimously with the following conditions:

1. A Final Drainage Report must be submitted with the improvement plans. Easements for Drainage are to be dedicated over all retention basins. The routing of the off-site flows shall be detailed in the report. If the retention basins cannot overflow to a public road or a drainage easement, then they must be

- constructed to retain 125 percent of the 100-year 2-hour storm event.
2. The Developer is responsible to submit water and sewer analysis, for the entire site, and necessary documentation required for issuance of the Agreement to Serve letter to Maricopa County.
 3. Streetlights are required to be installed by the Developer. The streetlight plan must be submitted with the second submittal of the improvement plans. The streetlights shall also be indicated on the paving or grading plan.
 4. The Developer is responsible to provide an Agreement to Install Improvement for the public improvements required by the development with an accompanying financial assurance for subdivision improvements in accordance with City's requirements.
 5. Pavement sections shall be verified by the project soils report.
 6. The Development shall comply with the phase 2 AZPDES Storm Water Pollution Prevention criteria. This should include runoff control, erosion control, and sediment control. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with the improvement plans in accordance with the SWPPP checklist.
 7. The Developer shall dedicate 30-foot tracts for private roadways.
 8. The Developer shall dedicate an 8' PUE outside of the required private roadway Tract. No walls or retention shall be allowed within the PUE.
 9. The Developer shall design and construct the private roadway from Jomax to the end of the cul-de-sac. The private roadway from Jomax to this project shall be paved with 2-inches of asphalt on native ground. The private tract within the project boundary shall be paved to meet the City minimum standard for local roadways.
 10. The Developer shall design and construct the off-site water lines to service this project.
 11. Prior to Final Plat recordation, the applicant shall obtain approval of final grading, drainage, utilities, and paving plans in conjunction with a Final Drainage Report. These final plans and report shall be in conformance with the approved preliminary plans and report. The Final Plat shall be submitted with the first submittal of the improvement plans. The Final Plat shall be approved prior to permits being issued for the site.
 12. All subdivisions shall submit a local street signing plan with the first submittal of the improvement plans.

CALL TO THE PUBLIC: (Non-Agenda Items): none

Reports from Staff: Bill Patena, Neighborhood Services Manager, provided a PowerPoint Presentation of an overview of the Foreclosure Task Force and Neighborhood Stabilization Programs. Mr. Patena also explained that regarding the concern about slum and blighted properties in Peoria, to get onto vacant property this is something we have to work very closely with our City Attorney. Currently there is nothing in our City Code that requires a home to be occupied. We do have a Code Compliance Division and the City can require certain levels of maintenance standards. However, if there is not significant deterioration, or it is not deemed a public hazard, the city is very limited with its options. The only options we currently have right now is the abatement process or we can work with what we have if the house is in particularly bad shape, homeless people living in the property, any immediate danger to children, no meth labs going on in there, or criminal activity, there is no reason for the City of Peoria to go on that property.

Alternate Wojcik requested that the Commissioners be provided a copy of the ordinances pertaining to slum buildings from the City of Surprise and the City of Tempe.

Reports from the Planning and Zoning Commission:

ADJOURNMENT: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 7:32 p.m.

Greg Loper, Chair

Date Signed