PLANNING & ZONING COMMISSION
REGULAR MEETING
NOTICE & AGENDA
THURSDAY, FEBRUARY 7, 2008
6:30 P.M.
COUNCIL CHAMBER
8401 W. MONROE ST.

MUNICIPAL OFFICE COMPLEX
8401 W. MONROE STREET
PEORIA, AZ 85345

PLANNING & ZONING COMMISSION:

Greg Loper, Chair
Veda McFarland, Vice Chair
Michael Worlton, Secretary
Kenneth Compton
William Louis
Marc Melbo
John Gerard
Anne Wojcik, Alternate

Department Liaison
Glen Van Nimwegen

Accommodations for Individuals with Disabilities. *Alternative format materials, sign language interpretation, and assistive listening devices are available upon 72 hours advance notice through the Office of the City Clerk, 8401 West Monroe Street, Room 150, Peoria, Arizona 85345 (623)773-7340, TDD (623)773-7221, or FAX (623) 773-7304. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request.*

CONVENE:

ROLL CALL:

OPENING STATEMENT:

FINAL CALL TO SUBMIT SPEAKER REQUEST FORMS:

CONSENT AGENDA

CONSENT AGENDA: All items listed with "C" are considered to be routine or have been previously reviewed by the Planning and Zoning Commission, and will be enacted by one motion. There will be no separate discussion of these items unless a Commission member so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

CONSENT – New Business:

1C **DISPOSITION OF ABSENCE:** Discussion and possible action to approve the absences of Greg Loper and Michael Worlton from the January 17, 2008 meeting.

2C **MINUTES**: Discussion and possible action to approve the minutes of the Regular Meeting held January 17, 2008.

3C **CU08-01:** Massage Envy, 9744 W. Northern Ave. #1340 is requesting a Conditional Use Permit to allow the operation of a Massage Establishment in the Park West Commercial Development.

REGULAR AGENDA

NEW BUSINESS:

4R **PUBLIC HEARING**: RE: A request to amend the Peoria General Plan through the Central Peoria Revitalization Plan for approximately 17.2 gross acres from "Neighborhood Commercial Mixed Use" to "Residential High Density".

PUBLIC HEARING – GPA07-03: Earl, Curley, & Lagarde [redacted], on behalf of Rovey Investments is requesting to amend the Peoria General Plan through the Central Peoria Revitalization Plan Land Use Map for approximately 17.2 gross acres generally located at the northwest corner of 83rd Avenue and Olive Avenue from "Neighborhood Commercial Mixed Use" to "Residential High Density". The property is more particularly described as Assessor's Parcel Numbers (APN) 142-37-041G and 142-37-041H.

Open Public Hearing
Staff Report
Public Comment
Close Public Hearing
Commission Action: Discussion and possible action to re-designate approximately 17.2 gross acres from "Neighborhood Commercial Mixed Use" to "Residential High Density". The property is generally located northwest of the northwest corner of 83rd Ave. and Olive Ave.

5R **PUBLIC HEARING:** RE: A request to rezone approximately 17.2 gross acres from O-1/C-2 (Office/Commercial District) to PAD (Planned Area Development).

PUBLIC HEARING – Z07-06: Earl, Curley, & Lagarde [redacted], on behalf of Rovey Investments is requesting to rezone approximately 17.2 gross acres from its current Zoning District of Office Commercial (O-1) and Intermediate Commercial (C-2) to Planned Area Development (PAD) to permit a multi-family residential development consisting of 360 units. The property is generally located northwest of the northwest corner of 83rd Avenue and Olive Avenue and is more particularly described as Assessor's Parcel Numbers (APN) 142-37-041G and 142-37-041H.

Open Public Hearing
Staff Report
Public Comment
Close Public Hearing
Commission Action: Discussion and possible action to amend approximately 17.2 gross acres from its current Zoning District of Office Commercial (O-1) and Intermediate Commercial (C-2) to Planned Area Development (PAD) to permit a multi-family residential development consisting of 360 units. The property is generally located northwest of the northwest corner of 83rd Ave. and Olive Ave.

CALL TO THE PUBLIC: (Non-Agenda Items)

Your comments pertaining to the Planning and Zoning Commission business are welcome. However, if you wish to address the Planning and Zoning Commission, please complete a Speaker Request Form and return it to the clerk before the call to order for this meeting. Boards and Commissions are not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

Reports from Staff:

Reports from the Planning and Zoning Commission:

ADJOURNMENT:

NOTE: Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Board/Commission Meeting, at any time during regular business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

_____
Mary Jo Kief, City Clerk

Date Posted: _____

PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
CITY HALL, COUNCIL CHAMBER
JANUARY 17, 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: Vice Chair Veda McFarland, Commissioners Kenneth Compton, William Louis, Marc Melbo, John Gerard and Anne Wojcik.

Members Absent: Chair Greg Loper, Commissioner and Michael Worlton.

Others Present: William Emerson, Assistant City Attorney, Glen Van Nimwegen, Community Development Director, Maher Hazine, Assistant City Engineer, Chad Daines, Planning Manager, Rob Gubser, Senior Planner, Cody Gleason, Planning Technician, and Cathy Griffin, Executive Assistant.

Opening Statement: read by Chad Daines.

Final call for speaker request forms.

Audience: Approximately 6.

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:** approved the absences of Commissioners John Gerard and Anne Wojcik from the January 3, 2008 meeting.

2C **MINUTES:** approved the minutes of the Regular Meeting held January 3, 2008

3C **CU07-24**: The Tasting Room, 27358 N. 127th Drive, Peoria, AZ 85383 – approved a Conditional Use Permit for a wine and beer tasting establishment located at the northeast corner of El Mirage Road and Vistancia Boulevard (Vistancia Marketplace) within a Planned Community District.

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

REGULAR AGENDA

NEW BUSINESS, PUBLIC HEARINGS and/or ACTION:

4R **PUBLIC HEARING – Z07-01**: ABM Development, 1855 E. Southern Ave Suite 204, Mesa, AZ, 85204 is requesting to rezone approximately 5.05 gross acres from the current zoning district of General Agriculture (AG) to Suburban Ranch Residential (SR-35) to permit a single-family detached subdivision of five lots. The property is generally located at the southeast corner of the 104th Ave and Pinnacle Peak Rd alignments and is more particularly described as Maricopa County Assessor Parcel Number (APN) 200-10-031.

The staff report, presented by Rob Gubser, Senior Planner, addressed the proposed application as outlined in the commissions' staff report. Staff is recommending approval of this case, subject to the conditions as noted in the staff report.

Public Comment: [redacted] ABM Development Services, 1855 East Southern Avenue, Mesa, Arizona, stated that he has read the staff report and is in agreement with the stipulations that staff is recommending.

[redacted] lives to the west of this property and is in support of the rezoning application. In review of the staff report, [redacted] stated that she does have some questions.

1. Page 5, item 1, the 8' trail easement, located along the bank of the wash, connecting Pinnacle Peak Road to the Ironwood subdivision trail to the south. [redacted] stated that when the Ironwood subdivision went in, there was suppose to be an all-purpose trail that went through the middle of this subdivision. However, it was suppose to be public, but now there are signs that say it is a private trail.

2. Item # 3, states "The Developer shall dedicate 55-foot half-street ROW along Pinnacle Peak and 30-foot half-street ROW along 104th along the frontage of the project." [redacted] stated that she had called the applicant and that he was under the impression that Pinnacle Peak was a major arterial. She went on to state that this section of Pinnacle Peak was down-graded to a collector road, which only would require a 40-foot Right of Way dedication.

3. Item # 6, states: "The Developer shall construct temporary pavement and a temporary asphalt sidewalk on Pinnacle Peak Road or pay an in lieu fee that will be used for the future Pinnacle Peak Road construction project. This will be determined at the time of Final Plat." In conjunction with #7: "The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at the intersection of 104th and Pinnacle Peak." [redacted] said that lead back to item #2 of the staff report, which states: access options are limited for this site due to the unimproved status of Pinnacle Peak Road west of the intersection with Lake Pleasant Parkway. Until such a time that Pinnacle Peak is fully improved, access to this site will be provided from 104th Avenue to a temporary asphalt roadway along Pinnacle Peak Road. Each lot will have frontage on Pinnacle Peak Road. Full improvements on 104th Avenue will be required by the developer.

[redacted] stated that there is a barricade on 104th Avenue and if this barricade is removed to put 104th in, this would open the flood gates of the Ironwood Subdivision to a dirt road.

Mr. Hazine, Assistant City Engineer, responded to [redacted] comments. In regards to the trail, Mr. Hazine will contact the Parks Department so they can verify that the trail is a public trail.

In reference to the areas and stipulations, Mr. Hazine stated that the intent of the zoning is to make sure that the city secures any right of way that is necessary as well as trying to provide for any responsibilities upon a developer. 104th Avenue has always been designed to go through to Pinnacle Peak; we have not addressed anything north of Pinnacle Peak, because that is currently in Maricopa County. As far as the timing, Mr. Hazine stated that is it undetermined how long it will take the developer to develop the project. Mr. Hazine went on to explain drainage that is projected for this area and why the city is securing the maximum allowable right of way to insure space for a drainage channel and roadway.

Mr. Hazine stated that in relationship to cut-through traffic, which can be an issue. The intent is that the access of this parcel will be coming in from Pinnacle Peak. He went on to explain why the stipulations are written as they are.

[redacted] stated the she attended the Pinnacle Peak road improvement meeting with Maricopa County about a year ago. She thinks there seems to be confusion between the County and City as to what Pinnacle Peak is actually designated as a major arterial or collector. [redacted] would like communication between the County and the City regarding the designation of Pinnacle Peak.

Mr. Hazine stated that will be done.

Commissioner Gerard asked Mr. Hazine who is responsible for maintenance for the trail system in the Ironwood subdivision. Mr. Hazine stated that all trails that are dedicated to the public are under the responsibility of the Parks Department.

Commission Action: Commissioner Gerard moved to recommend to City Council approval to rezone approximately 5.05 gross acres from its current Zoning District of General Agriculture (AG) to Suburban Ranch Residential (SR-35) to permit a single-family detached subdivision of five lots. The property is generally located at the southeast corner of 104th Avenue and Pinnacle Peak. The motion was seconded by Commission Louis and upon vote, the motion carried unanimously, with the following conditions:

1. At the time of Final Plat, the Developer shall provide an 8' trail easement, located along the bank of the wash, connecting Pinnacle Peak Road to the Ironwood subdivision trail to the south.
2. Prior to the final of any residential building permit on the subject site, the Developer shall construct and improve the 8' trail with a decomposed granite base material.
3. The Developer shall dedicate 55-foot half-street ROW along Pinnacle Peak and 30-foot half-street ROW along 104th along the frontage of the project.
4. The Developer shall dedicate an 8' PUE outside of the required ROW on Pinnacle Peak and 104th. No walls or retention shall be allowed within the PUE.

5. The Developer shall construct the half-street for 104th Avenue including a 5-foot sidewalk.
6. The Developer shall construct temporary pavement and a temporary asphalt sidewalk on Pinnacle Peak Road or pay an in lieu fee that will be used for the future Pinnacle Peak Road construction project. This will be determined at the time of Final Plat.
7. The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at the intersection of 104th and Pinnacle Peak.
8. A Final Drainage Report must be submitted with the improvement plans. Each individual lot shall provide on lot retention for the 100-year 2-hour storm event. All basins shall be within a dedicated drainage easement and shall include an access easement for the City to inspect and maintain in the event the homeowner fails to maintain the retention area.
9. Lot 3, as represented on the conceptual development plan, cannot be built on until such time as a regional drainage solution removes the wash from the parcel. This shall be indicated on the final plat.
10. The sewer system shall be designed so that it may sewer the lots east of the wash, this may require the sewer to be slurry sealed within the wash limits. If the sewer cannot function as gravity, then septic will be permitted.
11. The developer must construct a 16-inch waterline in Pinnacle Peak Road along the frontage of the project per the City Water Master Plan.
12. Based on the actual fire flows, the 16-inch water line may need to be extended off-site to provide a looped system. The fire flow and water model shall be submitted with the Final Plat and improvement plans.
13. The developer shall extend the 8-inch sewer and 8-inch water line in 104th Avenue along the frontage of the property.
14. A Phase 1 Environmental Clearance will be required for all right-of-way to be dedicated to the City.
15. 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.
16. The preservative seal required for the new streets shall be applied 1-year after completion of the streets. A fee to cover this cost will be required at the time of the paving permit. The City will determine the amount at the time of permit issuance.
17. All flood plains, floodways, and erosion hazard setback areas must be shown on the final plat.
18. The Development will be responsible to 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.
19. 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.

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 6:58 p.m.

_____
Greg Loper, Chair

_____
Date Signed

REPORT TO THE PLANNING AND ZONING COMMISSION-CONDITIONAL USE PERMIT

CASE NO.: CU 08-01

DATE: January 25, 2008

AGENDA ITEM NO.: 3C

Applicant: Massage Envy [redacted], 9744 W. Northern Ave. #1340.

Request: Obtain a Conditional Use Permit (CUP) to allow a therapeutic massage establishment to be located within Park West.

Proposed Development: Massage Envy: The business is planning to occupy a suite within the Park West mixed use center (currently under construction)

Location: Suite 1340 of 9744 W. Northern Ave. within the Park West development – northeast corner of 99th Avenue and Northern Avenue. Also know by the legal description shown in Exhibit E.

Support/ Opposition: No letters or phone calls in support or opposition to this case have been received as of this writing.

Recommendation: Approve, with stipulations

Existing and Surrounding Land Uses and Zoning (Exhibits C and D):

1.

CU 08-01	LAND USE	ZONING
ON-SITE	**Commercial Center (under construction)**	**Park West PAD**
North:	Single Family Residential	R1-8
East:	ADOT Freeway & Commercial Center	N/A
West:	Single Family & Agriculture/Construction Staging	**Agriculture**
South:	Vacant	Maricopa County

Background / Project Description:

1. Park West is a 74.17 acre mixed-use project currently under construction at the northeast corner of 99th and Northern Avenue. The P.A.D. as adopted by the City Council in 2004 (Ordinance 04-202) envisioned a Kierland Commons type of "urban lifestyle center" with a broad array of land uses including retail, multi-family residential, office and hotel organized into a "main-street" style development format. A number of sites within the center have been constructed and are currently in operation (including Harkins, and the Sandbar), while several others are in for design and permit review.

2. The applicant proposes to operate a nationally franchised business specializing in therapeutic massage. The business model will be that of a clinic employing fully licensed and certified massage therapists. The clinic will be approximately 2,964 square feet in size, containing 13 therapeutic massage treatment rooms, a reception area, an office, a quiet room, two restrooms (one male and one female), a break room, and a storage room. The relative location of the site can be found on Exhibit C. The suite is internalized to the site and is located just off of the main drive for the retail portion of the development.

5. The Park West PAD requires the issuance of a Conditional Use Permit for Massage Establishments.

Findings/Analysis:

6. Massage Establishments and certain other personal services are subject to special limitations under section 14-9-5 of the Zoning Ordinance (Ord. No 00-28). Such uses must have all vehicular access from arterial streets, and may not be located on a lot with a property line within one thousand (1,000) feet in any direction of a Body Piercing Studio, (another) Massage Establishment, Non-Chartered Financial Institution, Pawnshop, Retail Liquor Store, Plasma Center, Tattoo Studio, Adult Use, Correctional Facility, or State Local Alcohol Reception Center.

7. The tenant coordinator for the Landlord has provided a statement that they have conducted a search of personal services within a 1,000 foot radius of the subject site (Exhibit B). The letter indicates that none of the above listed personal service businesses are located within 1000 feet of the subject property as specified under section 14-9-5.K. The application was also forwarded to all property owners within 300 feet of the proposal and properly noticed per Section 14-39-10 of the Peoria Zoning Ordinance. To date, the City has not received any oral or written comments on the proposal.

8. Staff has not identified any mitigating circumstances with respect to the proposal.

The suite will be located within a developing commercial center and business activity on the subject site will be conducted during normal business hours. The proposed use is one that is commonly found in similar commercial centers and is no more injurious than other uses allowed within the PAD Zoning District.

9. The applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the Conditional Use Permit application.

Recommendation:

10. Based on the following findings:

- The request is consistent with the City of Peoria Zoning Ordinance and compatible with the uses in the surrounding area; and
- The use does not result in any detrimental impacts to the surrounding neighborhood.

It is recommended that the Planning & Zoning Commission take the following action:

Approve the Conditional Use Permit requested under case CU 08-01, subject to the following condition:

1. The business conducted on site shall substantially conform to the narrative submitted to the Community Development Department stamped and dated January 11, 2008.

Attachments:

Exhibit A Project Narrative
Exhibit B Personal Service Inventory Statement
Exhibit C Location Map
Exhibit D Zoning Map
Exhibit E Legal Description

Prepared by: Cody Gleason,
Planning Technician

Massage Envy A National Brand

To Whom It May Concern:

Massage Envy is an innovative business concept that combines the ancient art of massage with modern business systems, service and pricing strategies. The result of this combination is a state of the art massage clinic that appeals to both veteran and first-time massage clients. Massage Envy is leading the revolution in relaxation by providing professional massages, in convenient locations at affordable prices. Our model is based on membership as the creator of the concept, John Leonesio, comes from a 20+ year background in the health club industry. In the health clubs, massage therapy was the highest grossing ancillary service. Massage Envy's concept works by the consumer becoming a Massage Envy member for one low monthly rate. In their monthly rate members receive one massage and thereafter all their massages in that same month are at a low member rate. Members can bring in guests or buy gift certificates at the low member rate as well. Non-members can still visit our clinics for gift certificates and/or other therapy services at competitive non-member rates.

We currently have 179 clinics open, and 331 in development. 2006 was our break out year as a franchise concept. We celebrated our 1 millionth massage in March and 2 millionth in December, our 100th clinic opened in May and we awarded the **North America's Hottest Retailer** award by the International Council of Shopping Centers. If our recent ranking by Entrepreneur Magazine (#3 for **Top New Franchises)** in the January 2007 issue is any indication we are looking forward to another stellar year.

Each Massage Envy clinic employs therapists who have graduated from an accredited massage school with a minimum requirement of 500 hours of education and meeting all state and local licensing requirements. The therapists also receive training and orientation from Massage Envy. In addition to these requirements, we perform background checks on our therapists prior to their recruitment. These therapists offer approximately 15 different hands-on modalities of massage and all of our therapists are employees of Massage Envy not independent contractors. We are currently the largest employer of massage therapists nationally.

Clinic hours are Monday through Friday from 8am to 10pm and weekends until 6pm. A mature clinic will perform around 1000 massages each month, operating out of 8-10 fully occupied therapy rooms during peak hours. Our peak hours are typically after 5pm, and on weekends. During off peak hours, we typically operate out of 2-3 fully occupied therapy rooms. Our primary use is considered retail, being that is driven by membership sales, gift certificate sales and retail products relating to neuromuscular, therapeutic massage.

Exhibit A

Massage Envy has performed over two million massages nationwide since our inception and is committed to providing a high quality service to our customers in a safe and comfortable environment.

Giving back to the community is also very important for Massage Envy. On September 19th, 2006, Massage Envy sponsored its second annual Phoenix Susan G. Komen day "Massage for the Cure" and most recently did the 3rd Annual Event in Sept. of 2007. On this very special day Massage Envy did not charge for any massages given, in lieu our members and guests donate to the Susan G. Komen foundation that supports breast cancer. Again, this is just one of the many ways that Massage Envy gives back to the community locally and nationally.

I hope that this letter and information packets has better informed you about the Massage Envy concept. Please also feel free to visit our website at www.massageenvy.com.

Should you have any further questions regarding our legitimacy or use, please do not hesitate to call me direct (480-366-4131). We look forward to add more value and being a part of your community!

Sincerely,

[redacted]

[redacted]
Director of Real Estate Development
Massage Envy Ltd.

Exhibit A

JAN 2008
Planning Div
CU08-01

Massage Envy®

...the feeling every body wants

Massage Envy® has created relationships and earned credibility with developers such as Developers Diversified, Regency Centers, Westcor/ Macerich, Turnberry, Kimco, Simon and many others. We are in multiple locations with them across the United States, where we continue to discern ourselves from the public perception of what massage service used to be, particularly with regard to being categorized as a "Massage Parlor."

Massage Envy is a membership-based massage therapy clinic, where members pay a monthly rate to receive a massage and additional massages in that month are provided at a discounted rate. Clients are offered more than a dozen different massage treatments to choose from, including Swedish, Deep Tissue, Pre-Natal and Sports therapy to name just a few. Offering these professional treatments in a safe and comfortable environment, is as important as making them convenient enough to fit into today's busy lifestyles; which is why Massage Envy clinics are open 7 days a week, with appointments available before and after work hours for many. Massage Envy's target customers are females, ages 25-59 with an average household income of $75,000 or more.

We are a growing brand that has seen a great deal of success in our journey to bring massage to the masses. In 2006 the company celebrated its 1 millionth massage, 100th clinic opening, and received North America's Top 5 Hot Retailers Award from the International Council of Shopping Centers. In addition, Franchise Times magazine ranked Massage Envy the 35th fastest growing franchise in the U.S. Massage Envy's prime objective continues to be making professional, convenient and affordable massage readily available to everyone throughout the United States.

www.massageenvy.com

Exhibit A

CU 08-01 Location Map

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W CITY OF PEORIA E
S
Not toScale

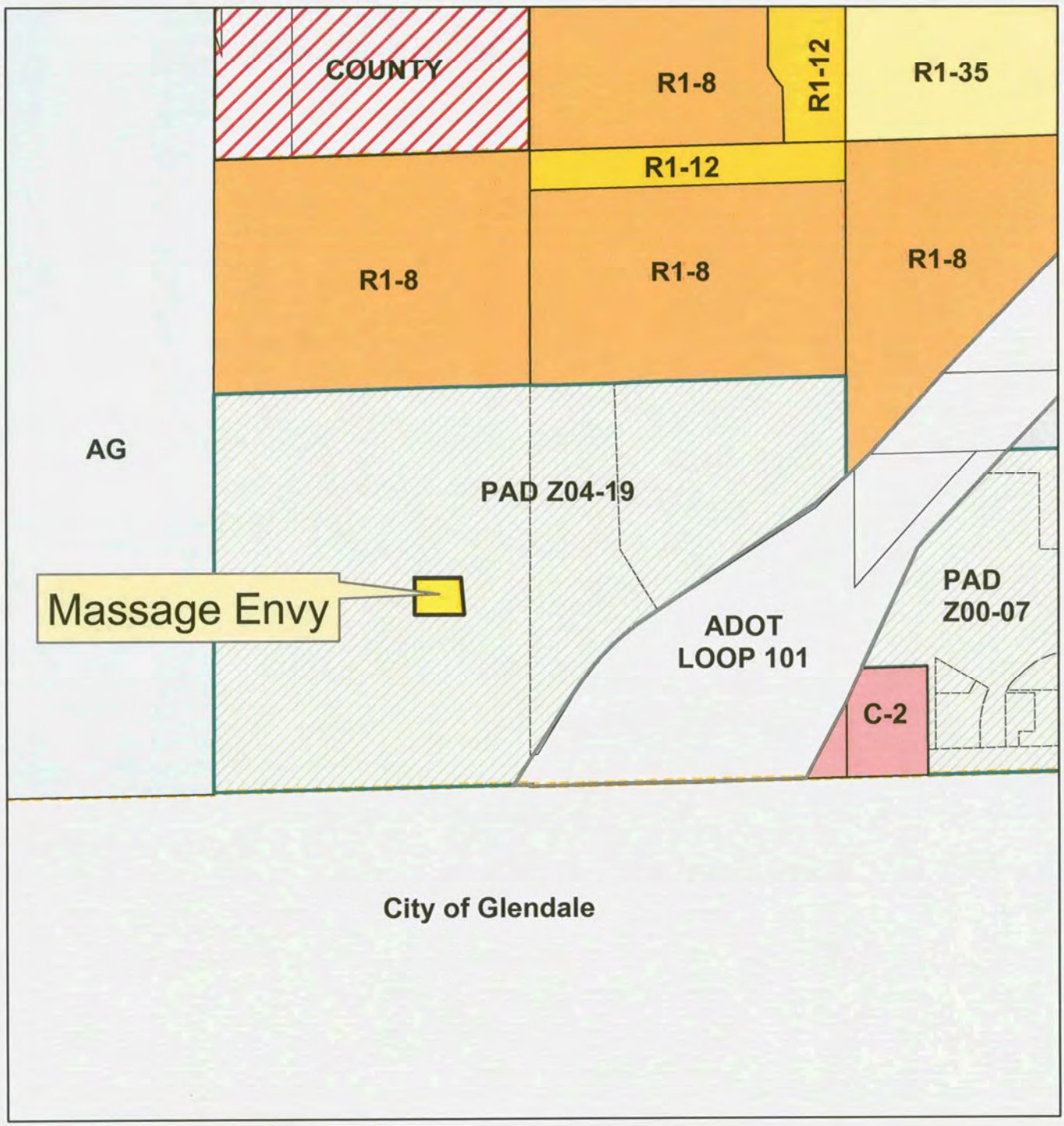
CU 08-01 Massage Envy

Applicant: Massage Envy

Request: Conditional Use Permit (CUP) to allow a therapeutic massage establishment.

Exhibit C

CU 08-01 Zoning Map



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CITY OF PEORIA
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CU 08-01 Massage Envy

Applicant: Massage Envy

Request: Conditional Use Permit (CUP) to allow a therapeutic massage establishment.

Exhibit D

A PORTION OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN HANDHOLE AT THE SOUTHWEST CORNER OF SAID SECTION 33, FROM WHICH A BRASS CAP IN HANDHOLE AT THE SOUTH QUARTER CORNER OF SAID SECTION 33 BEARS NORTH 88 DEGREES 40 MINUTES 39 SECONDS EAST, A DISTANCE OF 2,661.77 FEET;

THENCE NORTH 88 DEGREES 40 MINUTES 39 SECONDS EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1,330.89 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33;

THENCE NORTH 00 DEGREES 06 MINUTES 00 SECONDS EAST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 86.74 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE SOUTH 86 DEGREES 20 MINUTES 43 SECONDS WEST, A DISTANCE OF 533.48 FEET TO A POINT 65.00 FEET NORTH OF SAID SOUTH LINE OF THE SOUTHWEST QUARTER;

THENCE SOUTH 88 DEGREES 40 MINUTES 39 SECONDS WEST PARALLEL WITH AND 65.00 FEET NORTH OF SAID SOUTH LINE, A DISTANCE OF 713.27 FEET;

THENCE NORTH 45 DEGREES 34 MINUTES 09 SECONDS WEST, A DISTANCE OF 41.87 FEET TO A POINT 55.00 FEET EAST OF THE WEST LINE OF SAID SOUTHWEST QUARTER;

THENCE NORTH 00 DEGREES 11 MINUTES 02 SECONDS EAST, PARALLEL WITH AND 55.00 FEET EAST OF SAID WEST LINE, A DISTANCE OF 1,546.92 FEET TO THE SOUTH LINE OF A PLAT KNOWN AS "NORTH RANCH" RECORDED AS BOOK 580, PAGE 17, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 88 DEGREES 33 MINUTES 01 SECONDS EAST, ALONG THE SOUTH LINE OF SAID PLAT, BEING PARALLEL WITH AND 330.00 FEET NORTH OF THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 1,273.53 FEET;

THENCE SOUTH 00 DEGREES 06 MINUTES 00 SECONDS WEST ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 1,557.97 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

SAID PARCEL CONTAINS 2,004,843 SQUARE FEET OR 46.025 ACRES, MORE OR LESS.

1011127
JAN 2008
Planning
CU 08-01

Exhibit E

REPORT TO THE PLANNING AND ZONING COMMISSION-GENERAL PLAN AMENDMENT

CASE NO.: GPA 07-03

DATE: February 7, 2008

AGENDA ITEM No.: 4R

Applicant: Earl, Curley, and LaGarde, P.C. [redacted]

Request: A Minor Amendment to the Peoria General Plan through the Central Peoria Revitalization Plan Land Use Map for approximately 17.2 gross acres from "Neighborhood Commercial Mixed Use" to "High Density Residential" (15+ du/ac)

Proposed Development: The conceptual development plan proposes up to 364 multi-family residential units (2-3 stories), along with a clubhouse, pool, and interior open spaces.

Location: The property is generally located north and west of the northwest corner of 83rd Avenue and Olive Avenue (Exhibit A).

Support /Opposition: Staff has received 4 emails expressing opposition to the proposed amendment. The developer has provided 9 statements of support for the project.

Recommendation: Recommend denial to the Peoria City Council

Existing and Surrounding Land Use, Zoning and General Plan Designations: (Exhibits B and C):

1.

GPA 07-03	LAND USE	ZONING	GENERAL PLAN
Subject Property	**Vacant**	**Intermediate Commercial (C-2) and Office Commercial (O-1)**	**Neighborhood Commercial Mixed Use (15+ du/ac)**
North	Single Family Residential	R1 - 6	Residential Low (2-5 du/ac; target = 3)
East	Vacant	Planned Area Development (PAD-Mixed Use) and O - 1	Neighborhood Commercial Mixed Use (15+ du/ac)
West	Residential	R1 - 8	Residential Low (2-5 du/ac; target = 3)
South	Vacant	Intermediate Commercial (C-2)	Residential Low (2-5 du/ac; target = 3)

Background:

2. The subject property is a flat, vacant and irregularly-shaped infill site located approximately one-mile east of the Loop 101 and one-half mile south of the Peoria Municipal Complex and Downtown Peoria. The site abuts single-family residences (6,000 to 8,000 sf lots) to the north and west and is adjacent to an existing gas station at the southeast corner. Surrounding zoning for the undeveloped land includes Intermediate Commercial (C-2) to the south and southeast across Olive Avenue. The parcel to the east is zoned Planned Area Development, with a proposed development plan for a mixed-use project incorporating both commercial and residential uses. Olive Avenue and 83rd Avenue are both arterial roadways meeting at a signalized intersection.

3. The applicant is requesting to amend the General Plan through the Central Peoria Revitalization Plan by re-designating a site constituting approximately 17.2 gross acres from Neighborhood Commercial Mixed Use to High Density Residential (15+ du/ac; target-18 du/ac) to accommodate their plans for a multi-family residential development of approximately 364 units (21.15 du/ac). The applicant has submitted an associated rezoning case (Case Z 07-06) that is being considered concurrently with this request. In that case, the applicant is proposing to change the current zoning from Intermediate Commercial (C-2) and Office Commercial (O-1) to a Planned Area Development (PAD).

4. The subject site is part of a larger area governed by the Central Peoria Revitalization Plan (CPRP), which was originally adopted by the City on 10/2/00 (RES 01-142). The purpose of the CPRP was to transform downtown Peoria into a vital urban center with a distinct design theme. The Plan proposed to address economic strategies for downtown Peoria and provide neighborhood planning through new mixes of supportive land uses and functions. A recent update to the CPRP (RES 06-173) amended the text and land use map to, among other things, expand land use definitions, add density and target density policies, and establish mixed-use development guidelines.

Discussion/Analysis:

Central Peoria Revitalization Plan

5. The Central Peoria Revitalization Plan (CPRP) identifies this site as "Neighborhood Commercial Mixed Use". This land use designation is intended to integrate high to medium density residential uses with high to medium intensities of office, business, and retail uses that attract vehicular, public transit, and pedestrian users. The 83rd Avenue and Olive transportation corridor is considered a "gateway" into Downtown Peoria and its historic town center. The City's intent is to promote a sense of identity and urban unity within the Downtown area and encourages the combination of business, shopping, residential, and cultural elements that attract a full range of market and community-oriented interests.

6. The Peoria General Plan includes several policies, goals, and objectives that encourage the development of job growth and retail opportunities throughout the City and specifically in the Downtown area. Goal 2.1 encourages a balance of land uses to preserve and enhance neighborhoods, promote economic development, and encourage redevelopment at appropriate locations. Within the Economic Development Element, Objective 4.2.A seeks to facilitate and support the development of key commercial retail cores while Policy 4.2.A.2 specifically directs decision-making to explore opportunities to create mixed-use zones anchored by quality retail services. These mixed-use nodes can provide a range of living units, retail establishments, and employment and entertainment opportunities in multiple locations throughout the City. This type of development is intended to promote efficient future growth due to the utilization of less land and the facilitating of complementary activities such as shared parking, access, and multi-modal facilities to minimize overall impacts to the community.

General Plan Mixed-Use Development Guidelines

7. The General Plan Land Use Element provides guiding language for mixed-use development. The guidelines allow for either vertically or horizontally integrated formats. Although the guidelines recognize residential uses as an important ingredient to the mixed-use formula, a ceiling is provided so that the desired mix and type of uses is achieved. To this end, the residential component is limited to a range of 30-60% of the overall gross floor area (GFA) or total net site area, whichever is greater.

8. Mixed Use development guidelines call for up to 40% of the site to incorporate commercial land uses, leaving up to 60% of the site to be used for residential. Table 1 illustrates that a horizontally integrated mixed use project using these percentages could potentially generate approximately 60,440 square feet of new commercial space, assuming the existing gas station were counted towards the site total. This could accommodate neighborhood scale retail shops and office uses.

Table 1: MF/Commercial yield, based on Mixed-Use development guidelines

Land Use[A]	**Total Site Area[B]**	**Portion of Subject Site**	**Total Yield[C]**	**New Commercial Yield**
Multi-Family Residential	9.7 ac (60%)	9.7 ac (**64%**)	194 units	n/a
Commercial	6.47 ac (40%)	5.55 ac (**36%**)	70,437 sf	**60,440 sf**

A. Assumes a maximum of 60% net site area for residential
B. Calculation of total site area (16.17 ac) includes existing gas station
C. Assumes 0.25 Floor Area Ratio (FAR) for commercial and 20 du/ac residential density

9. Retail, employment, and entertainment uses at this location are necessary to serve the needs of existing residents, and new residents that will be generated by several new high-density residential projects already approved in this area (Exhibit D). To this end, staff is not supportive of any change of land use which reduces retail opportunities and furthers a jobs/housing imbalance due to previously stated inconsistencies with policies outlined in the General Plan. The applicant's justification for the requested land-use change does not provide sufficient empirical data that mixed-use development is not viable at this location.

Evaluation of Residential Density:

10. The applicant proposes 364 units on 17.21 gross acres, or 21.15 du/acre. The proposed density exceeds the target density for Neighborhood Commercial Mixed Use (18 du/ac) by 3.16 du/ac. Increased densities beyond the target may be allowed utilizing criteria established by the Peoria General Plan (Chapter 2.c. Land Use Plan). Projects greater than 10 acres in size which are located in an Infill Incentive District may be granted approval for an increase of up to two (2) dwelling units per acre. The project exceeds ten acres and is located in an Infill Incentive District. Accordingly, the presence of these attributes adjusts the target density to twenty (20) dwelling units per acre. While the PAD Standards and Guidelines Report (case Z 07-06) references various ornamental elements such as iron railings, decorative window treatments, and stone enhancements, the building elevations provided do not reflect enhanced design review standards. In addition, the Conceptual Development Plan designates 10% of the site for usable open space, which merely meets the current standard as outlined in the Design Review Manual. These proposed development standards as demonstrated do not warrant an increase above the target density of 20 du/ac.

General Plan Decision Criteria:

11. Chapter 14 of the Peoria General Plan ("Plan Administration") directs the City to make an affirmative finding that the proposal (re-designation) substantially demonstrates or exhibits the following evaluative criteria. The staff responses are *italicized*.

    i. The development pattern contained in the Land Use Plan inadequately provides appropriate optional sites for the use or change proposed in the amendment.

    There are various areas of the City which would be appropriate for high-density residential development in addition to the subject site. This location has been targeted for mixed use development due to its proximity to the downtown area and the need for both residential and commercial activity to spur redevelopment.

    ii. The amendment constitutes an overall improvement to the General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.

    The proposal will not result in an overall improvement to the City's General Plan as it reduces employment opportunities and increases the overall jobs-to-housing

imbalance on a strategic site within the downtown redevelopment area with access to two arterial streets. The proposed development plan also does not provide sufficient amenities to justify the proposed residential density.

iii. The amendment will not adversely impact the community as a whole or a portion of the community by:
- Significantly altering acceptable existing land use patterns,
- Requiring larger and more expensive improvements to roads, sewer or water delivery systems than are needed to support the prevailing land uses and which, therefore, may impact developments in other areas,
- Adversely impacting existing uses because of increased traffic on existing systems, or
- Affecting the livability of the area or the health and safety of the residents.

The proposal supports paragraph iii by utilizing an infill site which could exhibit a reduction in trip generation from that of a grocery store and retail center. Appropriate mitigations would be critical to ensure a smooth transition through building orientation, landscape buffering and traffic movement to prevent adverse impacts to existing single-family residential areas. However, existing utilities and road infrastructure also support uses currently identified in the General Plan.

iv. That the amendment is consistent with the overall intent of the General Plan and other adopted plans, codes and ordinances.

The CPRP provides a refinement to the General Plan. Accordingly, as discussed above, the proposal is inconsistent with the land use designation as identified herein and is incompatible with several General Plan goals, objective and policies as outlined below:

Land Use Type

× *Objective 2.1.I:* *Foster commercial, industrial and business park employment centers that are compatible with Peoria's economic needs and opportunities.*

× *Policy 4.1.A.2:* *The City shall encourage commercial activity in conjunction with appropriate highway and transit corridors (i.e.at arterial intersections).*

× *Policy 10.1.A.8:* *The City should encourage jobs/housing balance by promoting land use patterns that decrease automobile travel between home and the workplace.*

Department Comments:

12. Economic Development – The Economic Development Department has concurred that retaining employment opportunities is preferable near the Downtown area, and indicates that some commercial development is warranted at this location. The development of future high-density residential within the area and the proximity to both the Peoria Sports

Complex and Glendale's Westgate Center make this a viable site for commercial development to support existing and future activity in the surrounding area.

Opposition/Support:

13. Staff has received 4 emails from neighboring residents in opposition to the proposed project. Specific were expressed about increased traffic, particularly along Olive Avenue, an increase in crime/blight from rental units, privacy issues with 2-3 story structures adjacent to backyards, and the proximity of a proposed jogging path to existing single-family homes. Through neighborhood outreach, including door-to-door contact and meetings, the developer has attempted to address concerns, as outlined below. The developer has provided 9 statements of support for the General Plan Amendment and accompanying Rezoning application through their neighborhood canvassing efforts (available upon request).

14. The applicant made a presentation about the proposed multi-family development at the Stoneview Homeowners Association Board meeting on April 18, 2007. They also held a neighborhood meeting on November 13, 2007 at Alta Loma Elementary School. 115 notices were sent out to property owners within 300 feet of the subject site, and the meeting was attended by 18 people (sign in sheet and minutes from both meetings available upon request). To address concerns with traffic generation and Olive Avenue access, the developer indicated that the location of access points to the development could be re-evaluated, and that multi-family residential would actually generate less traffic than commercial or office development allowed under the existing zoning. With regard to crime, the developer acknowledged the perception of crime with regard to multi-family development but proposed to address this through high-end development standards and a gated entry into the project. With regard to the units overlooking existing residences, the site plan proposes all 3-story units be at least 100 feet from adjacent residential property lines, with 2-story units set back 25 feet to act as a buffer. The developer is amenable to a stipulation which would require only clerestory windows along the rear of the units adjacent to existing residential. Other options could also be explored, such as shifting the location of certain units and providing additional landscaping. Finally, the proposed jogging trail could be removed and replaced with passive open-space areas to eliminate pedestrian traffic behind the single-family residences.

15. Peoria Unified School District: Staff has received a letter of support from the District, conditional upon the execution of a Developer Assistance Agreement prior to City Council action. The District is in ongoing discussions with the developer and expects an agreement to be reached prior to the Council hearing.

16. Proposition 207: The applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the City Council action.

Recommendation:

17. Based on the following findings it is recommended that the Planning and Zoning Commission recommend to the City Council **denial** of case GPA 07-03:

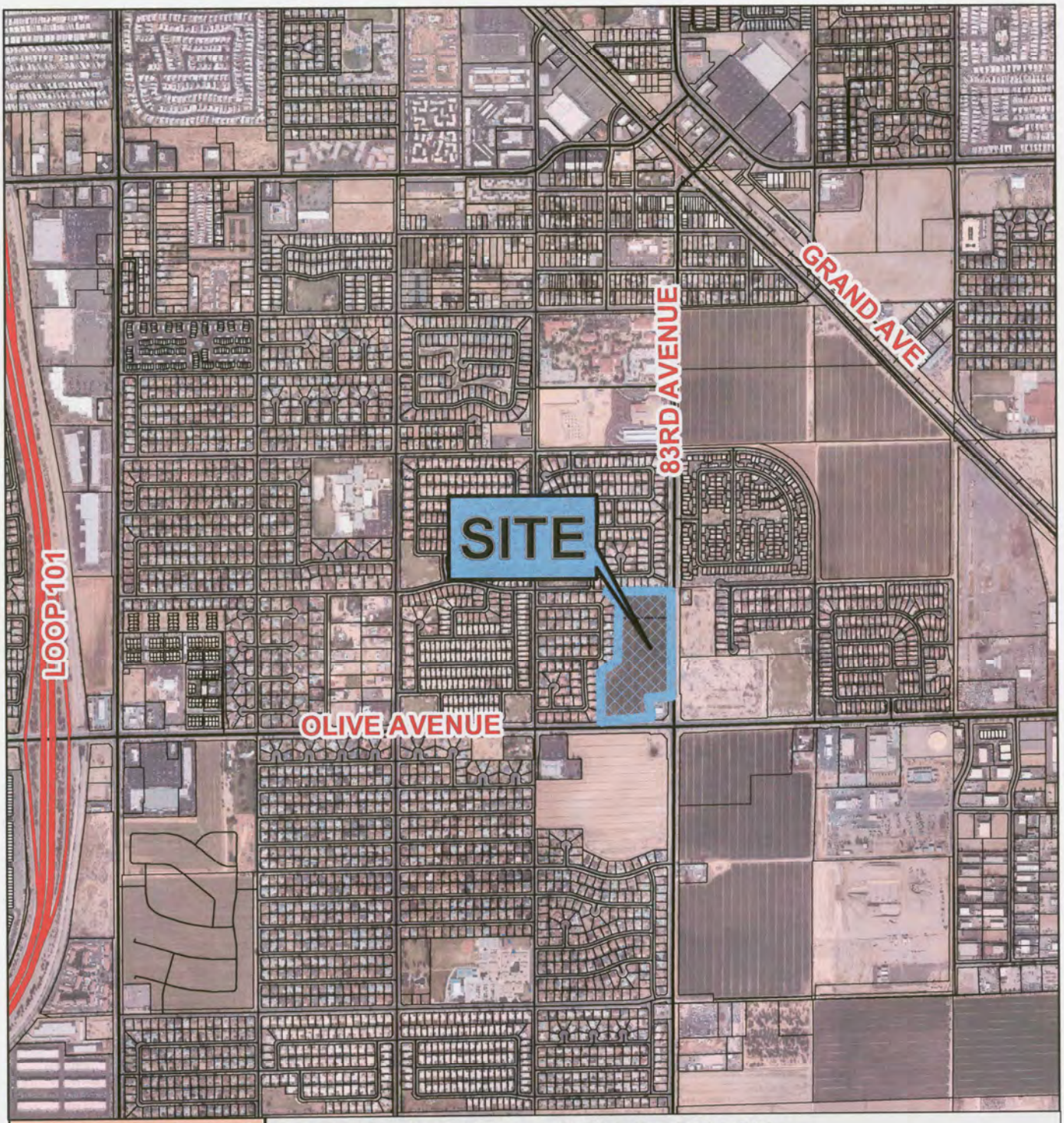
    - The proposal is not consistent with the Central Peoria Revitalization Plan and the Neighborhood Commercial Mixed-Use designation; and
    - The proposed change results in a land use mix at this corner that does not conform to the Mixed-Use guidelines as set forth in the Land Use Element of the General Plan
    - The proposed amendment does not constitute an overall improvement to the City's General Plan, and instead is solely for the good or benefit of a particular landowner or owners at a particular point in time.

Attachments

Exhibit A – Location Map
Exhibit B – Existing Land Use Map
Exhibit C – Zoning Map
Exhibit D – High Density Residential Proximity Map

Prepared by: Caroline Ruiz, Planner

GPA 07-03: Aerial/Context Map



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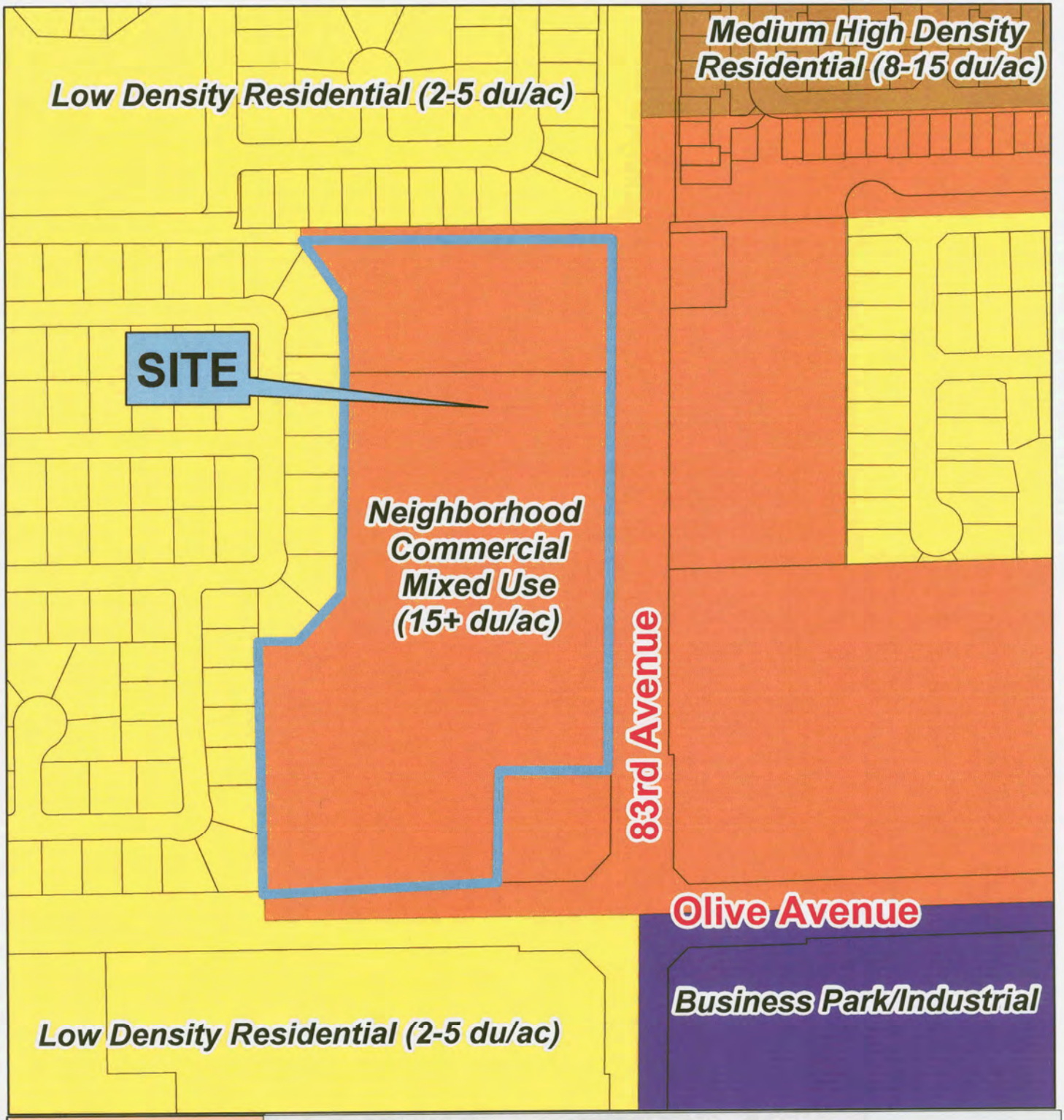
GPA 07-03: Colonial 83rd & Olive

Request:
Amend the General Plan through the Central Peoria Revitalization Plan Land Use Map from "Neighborhood Commercial Mixed Use" to " High Density Residential" (15+ du/ac).
Location:
North and west of the NWC of 83rd Avenue and Olive Avenue

Exhibit A

GPA 07-03: Land Use Map



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Location:
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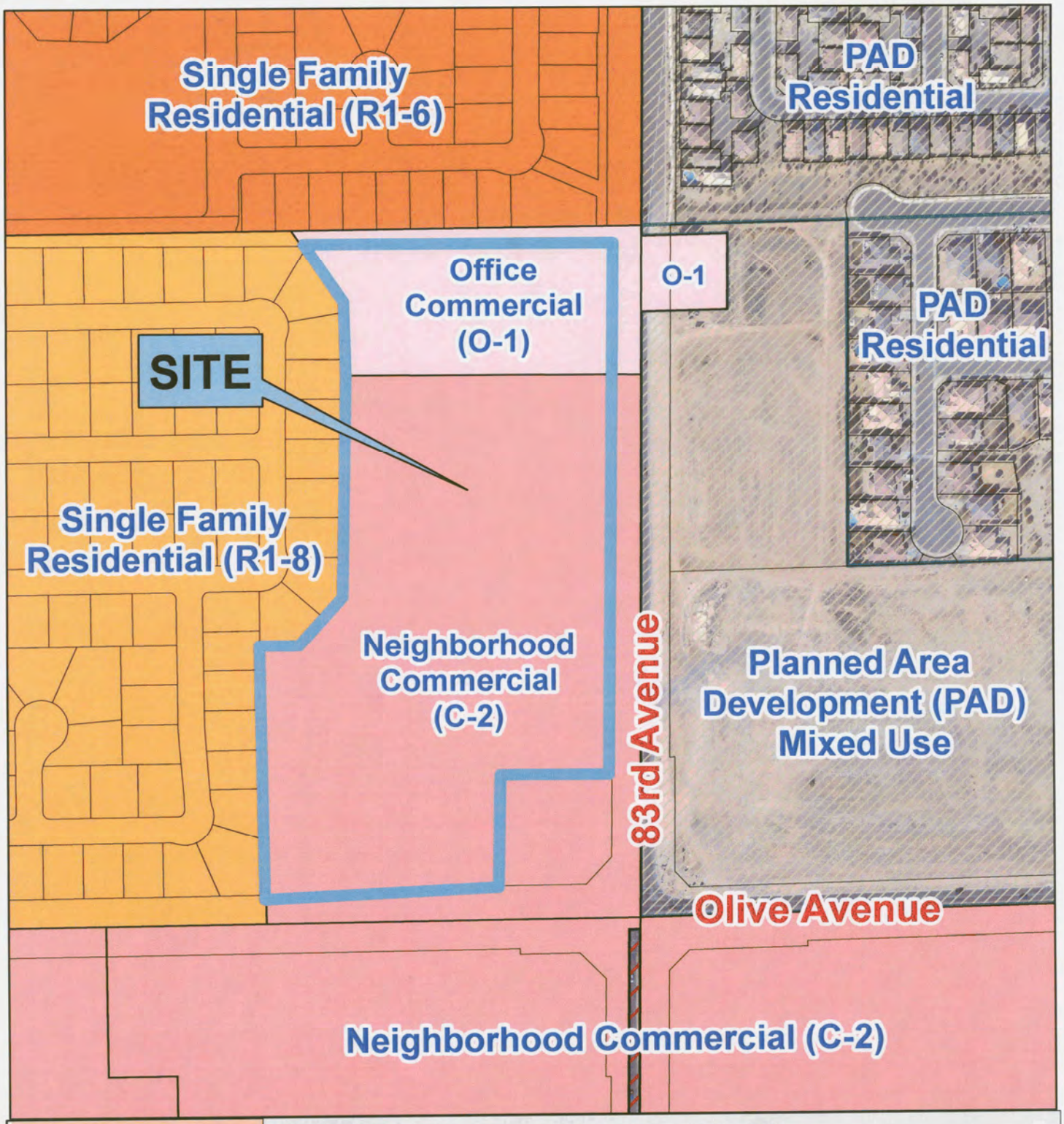
Exhibit B

GPA 07-03: Zoning Map



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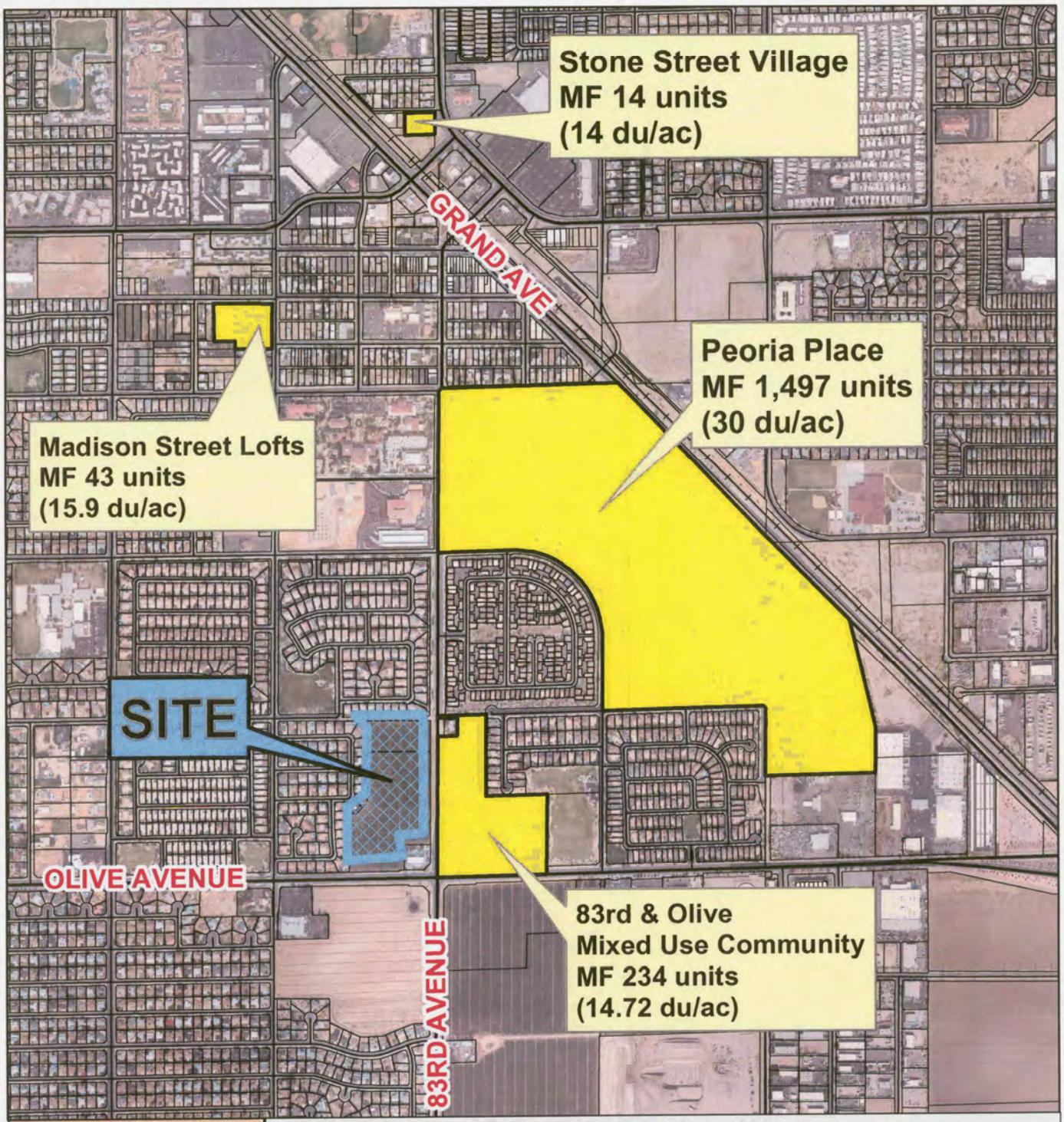
GPA 07-03: Colonial 83rd & Olive

Request:
Amend the General Plan through the Central Peoria Revitalization Plan Land Use Map from "Neighborhood Commercial Mixed Use" to " High Density Residential" (15+ du/ac).

Location:
North and west of the NWC of 83rd Avenue and Olive Avenue

Exhibit C

Approved High Density Residential



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GPA 07-03: Colonial 83rd & Olive

Request:
Amend the General Plan through the Central Peoria Revitalization Plan Land Use Map from "Neighborhood Commercial Mixed Use" to " High Density Residential" (15+ du/ac).

Location:
North and west of the NWC of 83rd Avenue and Olive Avenue

Exhibit D

REPORT TO THE PLANNING AND ZONING COMMISSION-REZONING

CASE NO.: Z 07-06

DATE: February 7, 2008

AGENDA ITEM NO.: 5R

Applicant: Earl, Curley, & Lagarde, P.C. [redacted]

Request: Proposal to rezone approximately 17.2 gross acres from Office Commercial (O-1) and Intermediate Commercial (C-2) to Planned Area Development (PAD)

Proposed Development: The conceptual development plan proposes up to 364 multi-family residential units (2-3 stories), along with a clubhouse, pool, and interior open spaces.

Location: The property is generally located north and west of the northwest corner of 83rd Avenue and Olive Avenue

Site Acreage: ± 17.2 gross acres

Support /Opposition: Staff has received 4 emails in opposition to the proposed development and the applicant has provided 9 statements of support for the project (Exhibit D).

Recommendation: **Recommend denial to the City Council.**

Existing and Surrounding Land Use and Zoning (Exhibit A)

1.

Z 07-06	LAND USE	ZONING
Subject Property	**Vacant**	**Intermediate Commercial (C-2) and Office Commercial (O-1)**
North	Single-Family Residential	R1 - 6
East	Vacant	Planned Area Development (PAD-Mixed Use) and Office Commercial (O–1)
West	Single-Family Residential	R1 - 8
South	Vacant	Intermediate Commercial (C-2)

Project Description

2. The applicant is requesting to rezone a site constituting approximately 17.2 gross acres from Intermediate Commercial (C-2) and Office Commercial (O-1) to Planned Area Development (PAD) in order to permit a multi-family residential development of approximately 364 units. A concurrent General Plan Amendment (Case GPA 07-03) has been filed - proposing to change the land use designation set forth in the Central Peoria Revitalization Plan from Neighborhood Commercial Mixed Use to High Density Residential (15+ du/ac; target-18 du/ac).

3. The subject property is a vacant, flat, infill parcel constituting approximately 17.2 gross acres located north and west of the NWC of 83rd Avenue and Olive Avenue (two arterial roadways). The site is irregularly shaped, surrounding an existing Diamond Shamrock gas station adjacent to the southeast corner of the site. It is located approximately one (1) mile east of the Loop 101 and one-half-mile south of the Peoria Municipal Complex and Downtown Peoria. The property abuts existing single family residences (6,000 to 8,000 sf lots) to the north (Mesquite Vistas) and west (Cedarbrook). Vacant land surrounds the remaining three corners of the 83rd and Olive intersection. Surrounding zoning for the undeveloped land includes Intermediate Commercial (C-2) to the south and southeast across Olive Avenue. The parcel to the east is zoned Planned Area Development, with a proposed development plan for a mixed-use project incorporating both commercial and residential uses.

4. The PAD preliminary development plan illustrates a 364 unit multi-family development on 17.21 gross acres (21.16 du/acre). The PAD and Preliminary Development Plan identify both passive and active open space areas. Approximately 38% of the site area is dedicated to landscape areas, while 10% of the site is dedicated to active open spaces which consist of ramadas, barbecue facilities, a clubhouse/business center, and pool/spa facility. The proposed design guidelines include a decorative perimeter theme wall along 83rd and Olive Avenues, an interconnected network of sidewalks and paths throughout the complex, and an exercise path located around the perimeter of the site (Exhibit B).

Land Use Background

5. The site was annexed into the City of Peoria in 1960 (Ordinance No. 45). In 1985, the site was rezoned from General Agricultural (AG) and Convenience Commercial (C-1) to its current zoning of Office Commercial (O-1) and Neighborhood Commercial (C-2) (Ordinance No. 85-19).

6. The subject site is part of a larger area guided by the Central Peoria Revitalization Plan (CPRP), which was originally adopted by the City on 10/2/00 (RES 01-142). The

purpose of the CPRP was to transform downtown Peoria into a vital urban center with a distinct design theme. The Plan proposed to address economic strategies for downtown Peoria and provide neighborhood planning through new mixes of supportive land uses and functions. A recent update to the CPRP (RES 06-173) amended the text and land use map to, among other things, expand land use definitions, add density and target density policies, and establish mixed-use development guidelines.

Discussion/Analysis

Conformance with the Central Peoria Revitalization Plan

7. The Planning Division evaluated the proposal in terms of its conformance to the Peoria General Plan and the Central Peoria Revitalization Plan (CPRP) as well as overall compatibility with surrounding land uses. The CPRP provides a refinement to the underlying General Plan Land Use designation for the subject property of Mixed Use with a designation of Neighborhood Commercial Mixed Use. This designation promotes high to medium density residential uses integrated with high to medium intensities of office, business, and retail uses that attract vehicular, public transit, and pedestrian users. The designation calls for residential densities of 15+ units per acre with a target density of 18 units per acre. Furthermore, Mixed Use development guidelines contained within the General Plan also call for up to 40% of the development to incorporate commercial land uses. To this end, staff is amenable to allowing the existing gas station to count towards a portion of the required commercial component of the overall corner, reducing the on-site commercial requirement to approximately 36% of the subject site.

8. In Case GPA 07-03 (considered concurrently), staff argues against the request as inconsistent with the objectives provided in the Central Peoria Revitalization Plan. That request would effectively eliminate the planned availability and intensity of non-residential uses at this important Old Town gateway location. Based upon the objectives of the CPRP, a high-density residential component is an important "ingredient" at this corner and does advance objectives calling for diversity in housing types and density, near planned commercial uses. However, staff contends that a non-residential component (i.e. retail, employment uses), at this location is also necessary to serve the needs of existing and future residents and promote the pedestrian-oriented, urban fabric critical to the revitalization of Downtown.

Residential Density

9. The applicant proposes 364 units on 17.21 gross acres, or 21.15 du/acre. The proposed density exceeds the target density for Neighborhood Commercial Mixed Use (18 du/ac) by 3.16 du/ac. Per the General Plan (Land Use Element, 2-20), projects greater than 10 acres in size which are located in an Infill Incentive District may be granted approval for an increase of up to two (2) dwelling units per acre. This

provision effectively adjusts the target density from 18 units per acre to 20 units per acre. The City may consider additional density (up to 25 units per acre) provided that the proposal demonstrably "exhibits superior quality and design and/or which provide amenities, dedications, or improvements above and beyond the minimum city standards."

10. The PAD references various ornamental elements such as iron railings, decorative window treatments, and stone enhancements, as well as setting aside 10% of the site for usable open space. However, in staff's judgment, these amenities merely meet the current standards as outlined in the Residential Design Review Manual and do not rise to the level of superior quality required to justify the additional 1.15 du/ac of requested density. Enhanced amenities may include, but are not limited to, substantial variation in product type and/or functional and spatial integration of residential/commercial land uses, architectural and thematic integration of project components, incorporation of additional amounts of open space and developed recreational amenities, and enhanced architectural design standards.

PAD Development Standards

11. The development standards proposed in the PAD call for all permitted, conditional, and accessory uses consistent with those listed in the RM-1 (multi-family residential) district as set forth in the Zoning Ordinance. Minimum residential development standards are set forth in Table 1 below. Building heights are limited to 40 feet for 'stacked flats', with these units set back a minimum of 100 feet from single-family residential property lines, and 30 feet for 'carriage units'. Standards for accessory buildings revert to those set forth in Article 14-5 of the Zoning Ordinance.

Land Use	**Streetside Setback** (83rd Ave, Olive Ave)	**Setback from Commercial Corner**	**Setback from SF Residential**	**Building Height**	**Max Lot Cover %**
Stacked Flats	20'	20'	100'	40'	60%
Carriage Units			25'	30'	
Clubhouse			100'	30'	

Table 1, Development Standards

12. In order to be in conformance with the General Plan Mixed-Use guidelines, permitted uses within the PAD should integrate both residential and commercial uses. Staff suggests that uses allowed in the C-1 (Convenience Commercial) zoning district be considered as a baseline, with the possible inclusion of other uses as deemed appropriate for the area. However, as of the writing of this report, the applicant has

indicated that they are unable to provide a commercial component to the site and have elected to keep the allowed uses as originally proposed.

13. Upon review, staff has determined that the requested change in zoning and proposed product does not advance the policies of the General Plan and the Central Peoria Revitalization Plan. While the General Plan seeks to add to the inventory of diverse housing types, particularly in an infill area with established infrastructure and services in place, it also sets forth mixed-use development guidelines as a key component to accommodate efficient growth and preserve an adequate jobs/housing balance. The proposed use and density does not provide for an appropriate land use transition and buffer between more intensive commercial uses and abutting small-lot single-family residences.

Neighborhood Meeting

14. A Citizen Participation Plan was submitted as required by the Zoning Ordinance. The applicant notified property owners within 300 feet of the subject site for the required neighborhood meeting, which was held on November 13, 2007 at Alta Loma Elementary School (Exhibit C). One-hundred fifteen (115) notices were sent out to property owners and the meeting was attended by 18 people (sign in sheet and minutes from both meetings available upon request).

15. To address concerns with traffic generation and Olive Avenue access, the developer indicated that the location of access points to the development could be re-evaluated, and that multi-family residential would actually generate less traffic than commercial or office development allowed under the existing zoning. With regard to crime, the developer acknowledged the perception of crime with regard to multi-family development but proposed to address this through high-end development standards and a gated entry into the project. With regard to the units overlooking existing residences, the site plan proposes all 3-story units be at least 100 feet from adjacent residential property lines, with 2-story units set back 25 feet to act as a buffer. The developer is amenable to a stipulation which would require clerestory windows along the rear of the units adjacent to existing residential. Other options could also be explored, such as shifting the location of certain units and providing additional landscaping. Finally, the proposed jogging trail could be removed and replaced with passive open-space areas to eliminate pedestrian traffic behind the single-family residences.

Peoria Unified School District:

16. Staff has received a letter of support from the District, conditional upon the execution of a Developer Assistance Agreement prior to City Council action. The District is in ongoing discussions with the developer and expects an agreement to be reached prior to the Council hearing.

Legal Notification:

17. Public notice was provided in the manner prescribed under Section 14-39-6. Additionally, the site was posted with a sign meeting the content and size requirements prescribed by the Planning Division. The posting was completed before the prescribed 15-days prior to the Public Hearing. The applicant has provided a photo exhibit and signed affidavit attesting to the posting.

Proposition 207:

18. The applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the Rezoning application.

Recommendation

Based on the following findings, it is recommended that the Planning and Zoning Commission take the following action:

Recommend to the City Council the denial of the requested zoning for a PAD District under case Z 07-06

- The proposed development does not conform to or advance the goals and objectives outlined in the Peoria General Plan, and the Central Peoria Revitalization Plan; and
- Said PAD does not demonstrably provide the amenities or design considerations warranting an increase above the adjusted target density of 20 units per acre and is therefore inconsistent with the intent of the Planned Area Development zoning district as set forth in the Peoria Zoning Ordinance; and
- The applicant has not provided a signed Waiver of Rights under Proposition 207, which could impose a financial and administrative burden upon the City that could significantly interfere with the its ability to discharge its duties related to the health, safety, and welfare of its citizens.

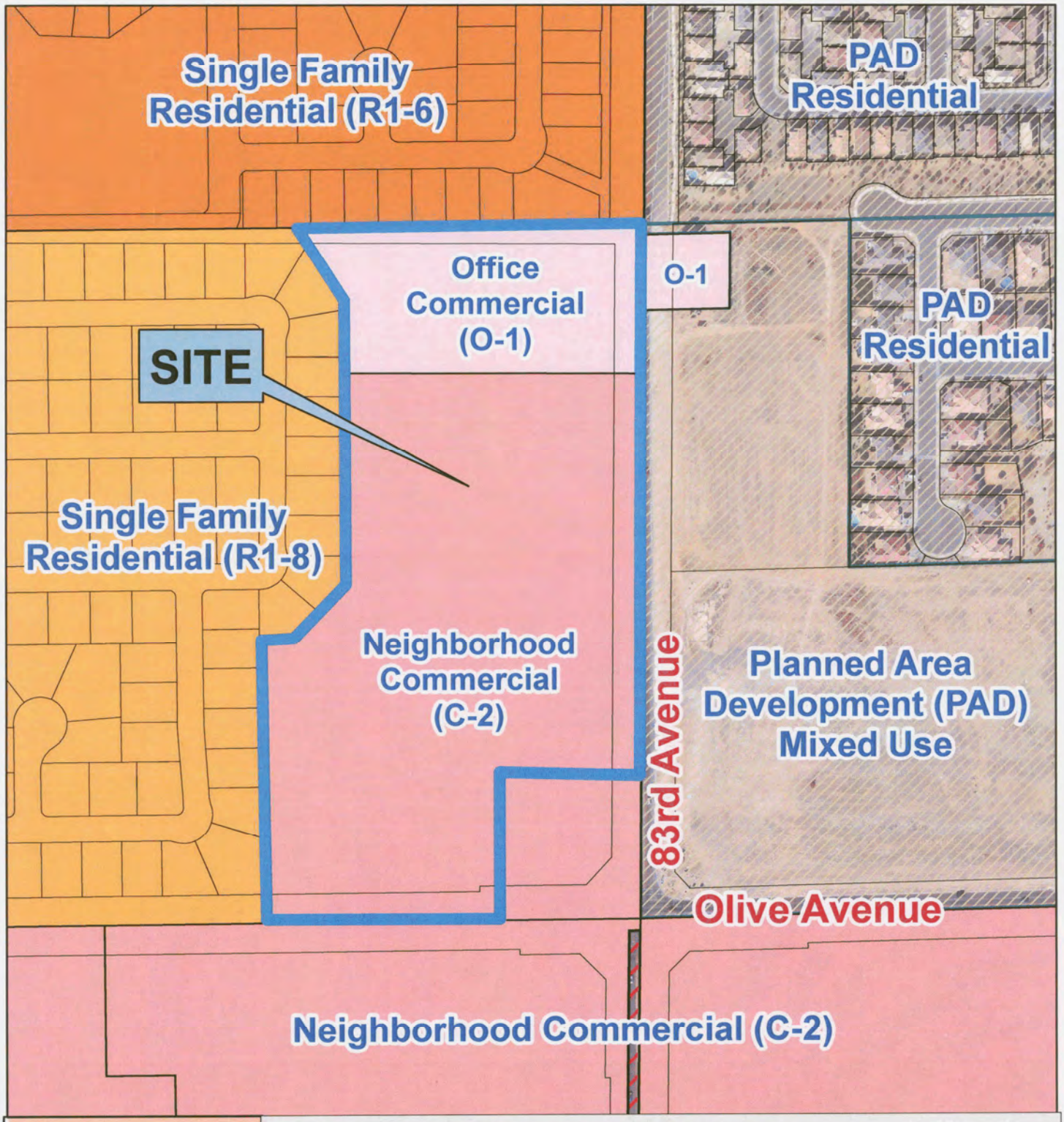
Attachments:

Exhibit A	Location/Zoning Map
Exhibit B	Preliminary Site Plan
Exhibit C	Neighborhood Meeting Notification and Minutes
Exhibit D	Citizen emails (4) and Statements of Support (9)
Exhibit E	PAD Standards and Guidelines Report, revised 1/25/08 (Attached separately)

Prepared by:

Caroline L. Ruiz,
Planner

Z 07-06: Zoning Map



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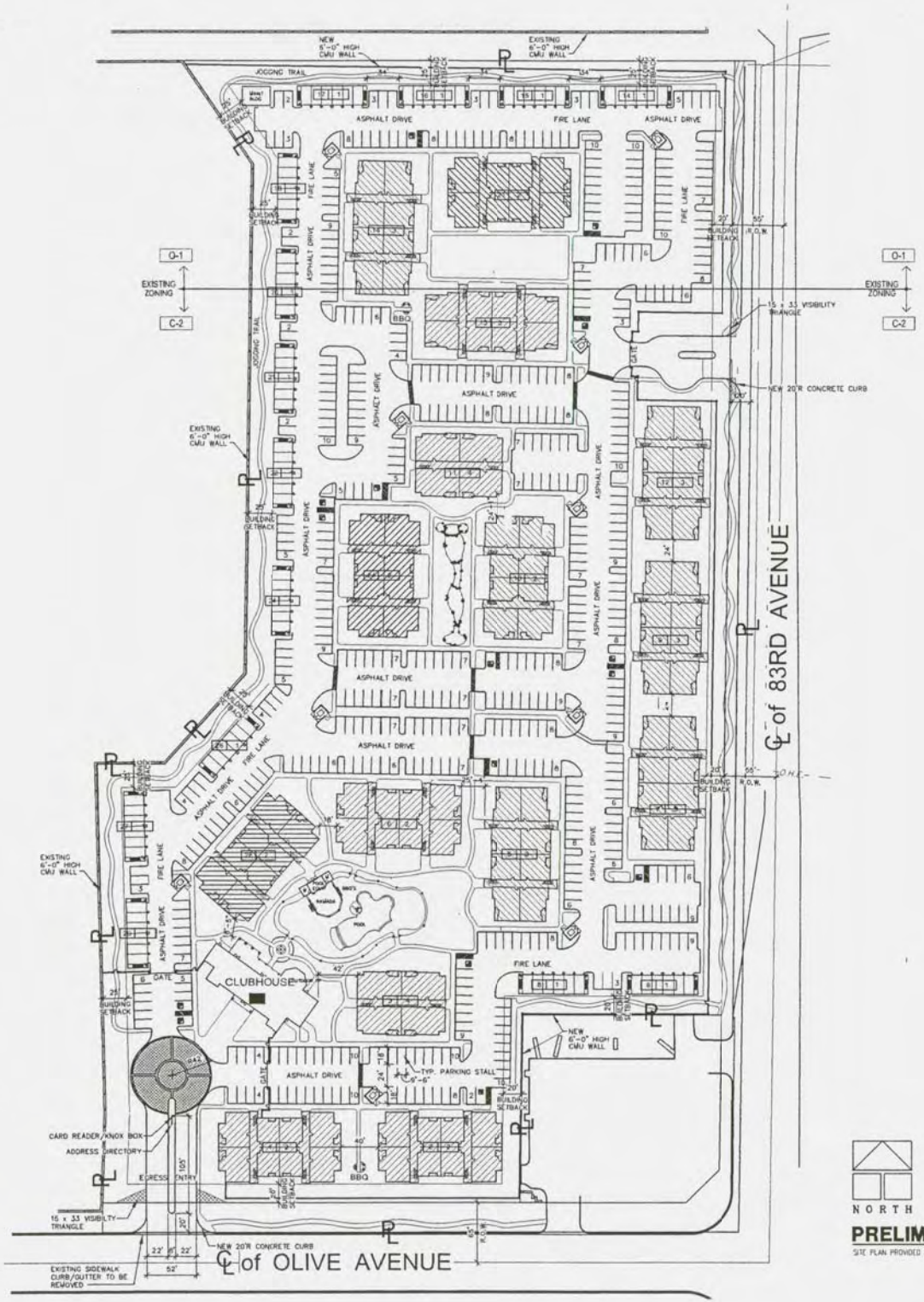
GPA 07-03: Colonial 83rd & Olive

Request:
Amend the General Plan through the Central Peoria Revitalization Plan Land Use Map from "Neighborhood Commercial Mixed Use" to " High Density Residential" (15+ du/ac).
Location:
North and west of the NWC of 83rd Avenue and Olive Avenue

Exhibit A



PROJECT NARRATIVE

83RD & OLIVE IS A 364 UNIT MULTI-FAMILY RESIDENTIAL PROJECT. THE SITE IS A 17.21 GROSS ACRE PARCEL AT NORTHWEST CORNER OF OLIVE & N. 83RD AVENUE. THE PROPERTY PROVIDES APPROXIMATELY 448 FEET OF FRONTAGE ON OLIVE AND 1,023 ALONG 83RD AVE. THIS DEVELOPMENT OF TWO & THREE STORY APARTMENT BUILDINGS INCLUDES A SINGLE STORY CLUBHOUSE, A POOL, RAMADA, OUTDOOR FIREPLACE AND NUMEROUS BBQ'S. THE TWO STORY LOFT BUILDINGS PROVIDE PRIVATE GARAGE SPACES ON THE GROUND FLOOR. ALL UNITS HAVE OPEN PATIO/BALCONY SPACE.

PROJECT DATA

SITE DATA

ADDRESS: TO BE ASSIGNED N.W.C. OF 83RD AVENUE AND OLIVE PEORIA, ARIZONA

APN NUMBER:

SITE AREA (GROSS): 17.21 ACRES (749,542 S.F.)

SITE AREA (NET): 15.25 ACRES (664,215 S.F.)

PROPOSED ZONING:

PROPOSED USE: MULTIFAMILY RESIDENTIAL

BUILDING HEIGHT

APPROVED:

PROVIDED: 34'-0"

DENSITY (GROSS)

ALLOWED:

PROVIDED: 364 UNITS/17.21 ACRES = 21 D.U./ACRE

USEABLE OPEN SPACE:

REQUIRED: 7.0% X 664,215 = 46,495 S.F.

PROVIDED: 7.4% X 664,215 = 49,152 S.F.

ON SITE LANDSCAPE AREA:

REQUIRED: 25% X 664,215 = 166,054 S.F.

PROVIDED: 38% X 664,215 = 253,416 S.F.

LOT COVERAGE (MAX50%) 20% X 749,542=157,271 S.F.

PARKING

REQUIRED:	# UNITS	SPACES REQ'D
MULTIFAMILY RESIDENTIAL	364 X 1.76 = 641	

PROVIDED:

GARAGES	=	84 P.S.
CARPORT	=	270 P.S.
OPEN	=	279 P.S.
TOTAL		642 P.S.

642 SPACES DIVIDED BY 364 UNITS = 1.76 P.S. PER UNIT

ACCESSIBLE PARKING PROVIDED = 13 SPACES (2%)

TYPICAL PARKING STALL TO BE 9'-6" x 18'-0"

TYPICAL ACCESSIBLE PARKING STALL TO BE 11'-0" x 19'-0" W/ 5'-0" ACCESS AISLE

LEGEND

BUILDING NUMBER

BUILDING TYPE

ACCESSIBLE PARKING SPACE

INDICATES 3 STORY ALL OTHER BUILDINGS 2 STORY EXCEPT 1 STORY CLUBHOUSE

NUMBER OF SPACES IN THAT BAY

BUILDING AREAS

Type	A1	A2	A3	B1	B2	C1	UNITS PER BLDG	# of BLDGS	TOTAL UNITS	AREA OF BUILDING	TOTAL AREA
CLUBHOUSE								1		5,000 S.F.	5,000 S.F.
BLDG TYPE 1	12						12	4	48	12,000 S.F.	48,000 S.F.
BLDG TYPE 2		18		14				2	32	17,000 S.F.	34,000 S.F.
BLDG TYPE 3			16		18			2	34	18,000 S.F.	36,000 S.F.
BLDG TYPE 4						12	12	2	24	16,000 S.F.	32,000 S.F.
BLDG TYPE 5						14	14	2	28	16,000 S.F.	32,000 S.F.
	12	18	16	14	18	12	14	13	364	TOTAL S.F.	447,000 S.F.

PRELIMINARY SITE PLAN

SITE PLAN PROVIDED BY OWNER

1" = 60'-0"

Contractor must verify all dimensions of project before proceeding with this work.
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PEORIA APARTMENTS

83RD AVE. AND OLIVE
PEORIA, ARIZONA

PRELIMINARY

WHITNEYBELL PERRY INC
1102 East Missouri Avenue
Phoenix, Arizona 85014-2784
(602)265-1891

ARCHITECTURE AND PLANNING

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24 Jan 2008

SITE PLAN
PRELIMINARY

Exhibit B

Summary of Neighborhood Meeting – Nov. 13, 2007 at 6:00 pm
Alta Loma Elementary School Multi-Purpose Room
Project Nos. GPA07-03 and Z07-06

There were 115 notices sent to property owners within 300 feet of the subject site inviting people to attend a neighborhood meeting to hear details about a new multi-family development located north and west of the northwest corner of 83rd Avenue and Olive Avenue (notice and mailing list attached). There were 18 people that signed-in attending the neighborhood meeting (sign-in sheet attached). Two voicemails/emails from area property owners were also received through City staff (correspondence attached).

After a presentation of the proposed Class A multi-family development the following comments were raised by the attendees:

- Impact on schools.

  Answer: High end multi-family developments have a low generation of students since the projects are tailored to working professionals desiring a low maintenance lifestyle. Families are unlikely to pay higher rents demanded by this type of development when a mortgage is in the same price range.

- Traffic generation and proposed Olive Avenue access.

  Answer: The proposed multi-family development would actually reduce the traffic versus the current zoning of commercial and office on the site. We also indicated that we would evaluate the location of the access points of the development.

- Crime.

  Answer: There is always a perception of crime in regards to multi-family in general, but with the level of development proposed and a gated community provided, crime will not increase due to this proposal. Having a residential development as opposed to the back of a commercial project will be more of a benefit and deterrent to crime occurring in the area. As acknowledged by resident attendees, crime has occurred regardless.

- Site layout in regards to units overlooking residences/proximity to residences.

  Answer: The 3-story apartment units are 100+ feet from the adjacent residential property lines and the carriage units have been provided in between to provide additional visual barrier and to minimize noise. The 2-story carriage units are setback 25+ feet for the adjacent residential property lines. The carriage units are similar in height to typical 2-story single-family residential homes and are setback similarly. The developer will accept a stipulation to provide only clerestory windows along the rear of the carriage units if views into single-family backyards are a concern. We can also evaluate shifting some of the carriage units if a particular property owner desires. There will also be landscaping provided along the boundary of the development and that a stipulation to additional or larger trees could be considered.

- Trail/open space adjacent to single-family residences.

  Answer: This is viewed as an amenity by the developer, but if there is a concern with pedestrian traffic behind the single-family residences the trail can be eliminated and the area preserved as only passive open space.

- Hatcher Road right-of-way.

  Answer: There does not appear to be a need for the right-of-way since Hatcher is not intended to go through to 83rd Avenue. The developer will evaluate abandonment of the right-of-way with the City of Peoria.

The responses appeared to be acceptable to the attendees. There appeared to be general support for the proposal and preference for residential development versus commercial, though not all attendees voiced support and there may still be concerns with the proposal. The meeting concluded at about 7:40 pm.

o:\index\colonial\83 - olive\docs\neighborhood mtg summary - colonial.doc

EARL, CURLEY & LAGARDE, P.C.
ATTORNEYS AT LAW

Telephone (602) 265-0094
Fax (602) 265-2195

3101 North Central Avenue
Suite 1000
Phoenix, Arizona 85012

November 2, 2007

Dear Property Owner or Neighborhood Association:

The purpose of this letter is to invite you to participate in a Neighborhood Meeting to review and discuss our client's, Colonial Properties Trust, proposed General Plan Amendment (Project No. GPA07-03) and rezoning (Project No. Z07-06) for development of a multi-family residential project located north and west of the northwest corner of 83rd Avenue and Olive Avenue (see attached Aerial and site plan). The proposal is to amend the General Plan from Mixed Use to Residential High Density, and rezone the approximately 17.2-acre site from C-2 (Intermediate Commercial) and O-1 (Office) to PAD to develop a 360-unit Class-A apartment project.

The meeting is scheduled as follow:

Neighborhood Meeting
6:00 PM
Tuesday, November 13, 2007
Alta Loma Elementary School
Multi-Purpose Room
Peoria, Arizona

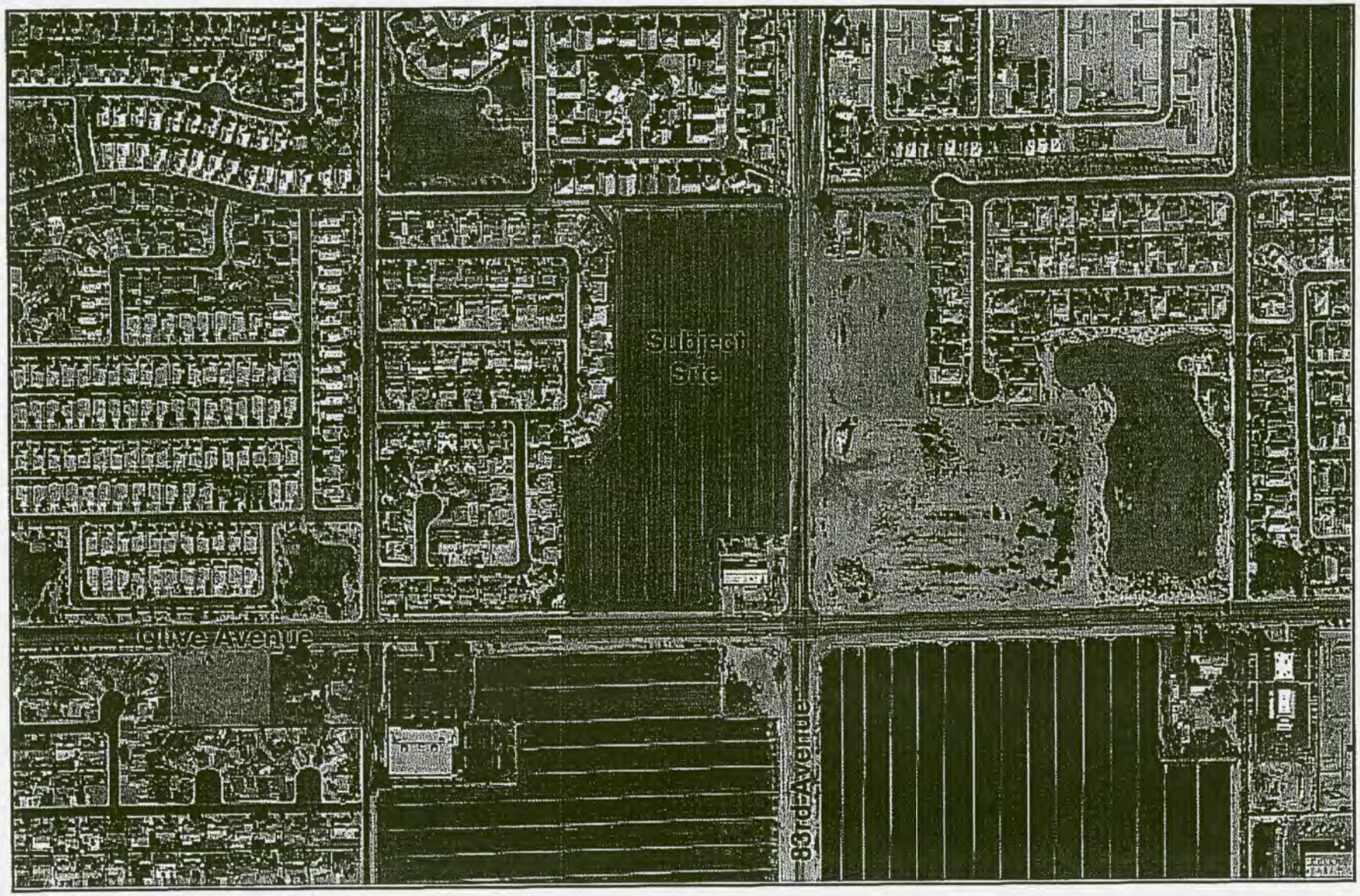
If you cannot attend this neighborhood meeting, but would like to discuss the proposed rezoning, please contact me or Adrian Williamson at (602) 265-0094. Thank you for your time and attention.

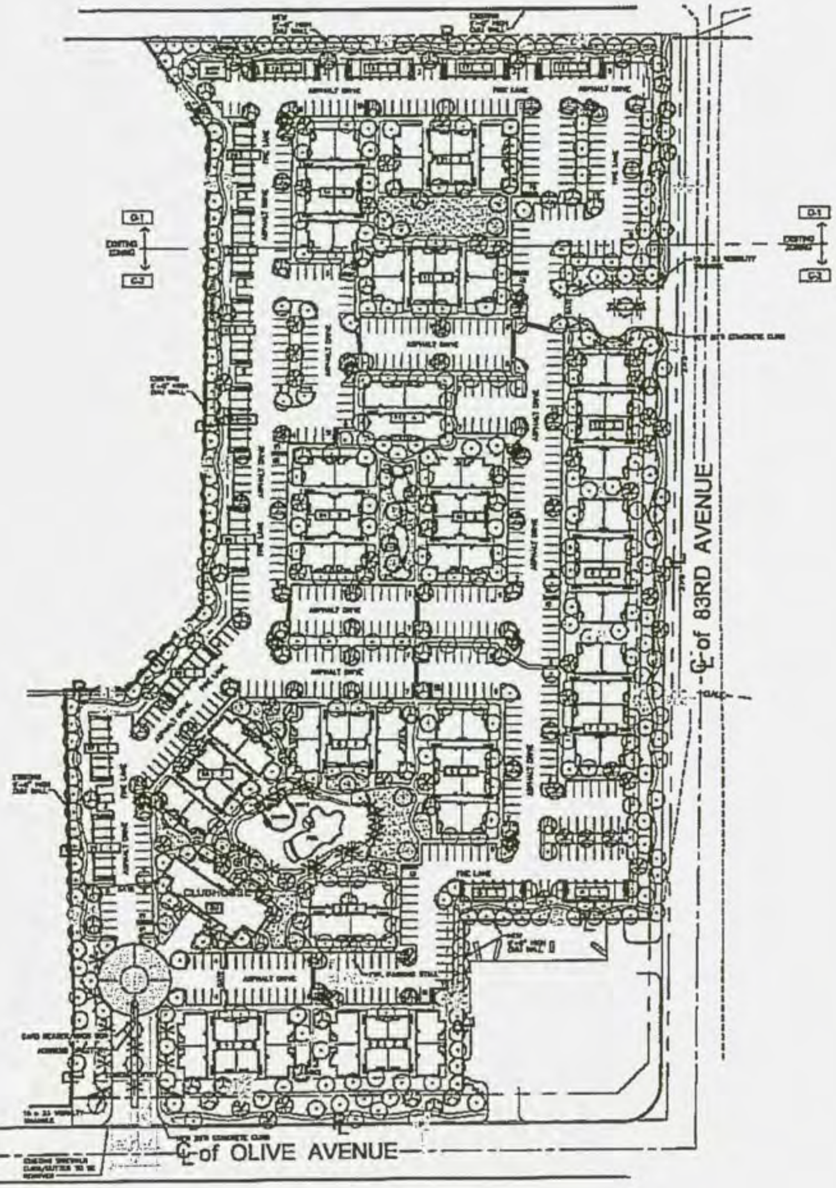
Sincerely,

Enclosures: As Stated

O:\INDEX\Colonial\83 - Olive\Docs\Neigh Mtg Invitation - Colonial.doc

Aerial Map





PLANT LEGEND

TREES — SIZE

SHRUBS — SIZE

GROUNDCOVERS — SIZE

VINES — SIZE

LANDSCAPE MATERIALS — SIZE

NORTH

0 30' 60' 120'

PRELIMINARY LANDSCAPE PLAN

billform landscape architecture

billform landscape architecture group, inc.

83rd & Olive

Distinctive Residences

Colonial Properties Trust

2525 East Camelback Road, Suite 730, Phoenix, Arizona 85016

PL1.3