



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

**PLANNING & ZONING COMMISSION
REGULAR MEETING
NOTICE & AGENDA
THURSDAY, MAY 15, 2008
6:30 P.M.
COUNCIL CHAMBERS
8401 W. MONROE ST.**

**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:** None
- 2C MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held April 17, 2008.
- 3C CU06-16:** 75th Ave. Mini-Storage located north of the northwest corner of 75th Ave. and Tierra Buena Lane is requesting a Conditional Use Permit to allow for an expansion of the existing mini-storage facility.
- 4C CU07-25:** Grimaldi's Pizzeria located at the northeast corner of 99th Avenue and Northern Avenue within the Park West commercial center is requesting a Conditional Use Permit to allow for an outdoor dining patio.

- 5C** **CU08-03:** La Hacienda Reception Center, 7380 W. Olive Ave. is requesting a Conditional Use Permit to allow the operation of a reception facility that would accommodate weddings, special events, receptions, and/or meetings/luncheons. The request also includes an outdoor ceremonial garden.
- 6C** **CU08-07:** Spectrum Retirement Community located south of the southeast corner of 87th Avenue and Union Hills Drive is requesting a Conditional Use Permit Nursing/Long Term Care on a property currently zoned C-2 to allow the construction of a 121,300 square foot facility containing 2 and 3 story portions totaling 140 living units.
- 7C** **CU08-11:** FuNuGyz Sports Tavern located north of the northwest corner of 83rd Avenue and Thunderbird Road in the Thunderbird Marketplace commercial center is requesting a Conditional Use Permit to allow liquor sales (series 6 license) and to allow the addition of an outdoor smoking/dining patio to the existing tavern/bar establishment.
- 8C** **CU08-12:** Enoch's Sports Lounge located on the northwest corner of 67th Avenue and Peoria Avenue is requesting a Conditional Use Permit to allow the addition of an outdoor patio to the existing establishment.

REGULAR AGENDA

NEW BUSINESS:

- 9R** **PUBLIC HEARING:** RE: Appeal to the site plan approval for Phase 4 of the Olive Commerce Park.

PUBLIC HEARING – PR06-09: An appeal has been filed in regards to the approval of a site plan for Phase 4 of the Olive Commerce Park which would allow the construction of a two-story, 44,545 square foot building with a maximum height of 35 feet.

Open Public Hearing

Staff Report

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to render a decision to uphold the approval of the site plan or to overturn the decision.

- 10R** **PUBLIC HEARING:** RE: Request for a monopalm wireless facility.

PUBLIC HEARING – CU08-08 T-Mobile located on the northwest corner of Lake Pleasant Parkway and Jomax Road is requesting a Conditional Use Permit to allow an approximately 50 foot monopalm wireless facility to be constructed within a future retail center.

Open Public Hearing

Staff Report

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to approve the construction of a monopalm wireless facility.

- 11R PUBLIC HEARING:** RE: Minor amendment to alter the current Peoria General Land Use designation.

PUBLIC HEARING – GPA07-05: Nagaki Design-Build Associates, Inc. is requesting a minor amendment to alter the current Peoria General Plan Land Use designation for approximately 10.12 gross acres from Residential Estate (0-2 du/ac, target of 1 du/ac) to Office. The property is generally located on the southwest corner of Pinnacle Peak Road and 83rd Avenue and is more particularly described as Maricopa County Assessor Parcel Numbers (APN) 200-08-098A, -099, -098B, -129 and -130.

Open Public Hearing

Staff Report

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to alter the current Peoria General Land Use designation from Residential Estate to Office.

- 12R PUBLIC HEARING:** RE: Rezone land from AG to PAD.

PUBLIC HEARING – Z07-09: Nagaki Design-Build Associates, Inc. is requesting to rezone approximately 10.12 gross acres from AG (General Agricultural) to Planned Area Development (PAD) to allow for a professional office development. The property is generally located on the southwest corner of Pinnacle Peak Road and 83rd Avenue and is more particularly described as Maricopa County Assessor Parcel Numbers (APN) 200-08-098A, -099, -098B, -129 and -130.

Open Public Hearing

Staff Report

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to rezone approximately 10.12 acres of land from AG to Planned Area Development to allow a professional office development.

- 13R PUBLIC HEARING:** RE: Rezone land from R1-7 and C-2 to PAD.

PUBLIC HEARING – Z06-06: [REDACTED] represented by ESCA Environmental, Inc. [REDACTED] is requesting to rezone approximately 2.03 gross acres from R1-7 and C-2 to Planned Area Development (PAD) to permit a commercial office plaza and town home development. The property is generally located south and east of 90th

Avenue and Peoria Avenue and is more particularly described as Maricopa County Assessor Parcel Numbers (APN) 142-39-020B, 021B, 022A, 023, 024 and 025.

Open Public Hearing

Staff Report

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to rezone approximately 2.03 acres of land from R1-7 and C-2 to Planned Area Development (PAD) to allow a commercial office plaza and town home development.

14R PUBLIC HEARING: RE: Rezone private land from Rural-43 to SR-43.

PUBLIC HEARING – Z08-05: The City of Peoria is requesting to rezone approximately one acre of privately owned land from Maricopa County Rural-43 to Peoria SR-43.

Open Public Hearing

Staff Report

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to rezone approximately one acre of privately owned land from Maricopa County Rural-43 to Peoria SR-43.

15R PUBLIC HEARING: RE: Rezone private land from Rural-43 to SR-43.

PUBLIC HEARING – Z08-06: The City of Peoria is requesting to rezone approximately 4.5 acres of privately owned land from Maricopa County Rural-43 to Peoria SR-43.

Open Public Hearing

Staff Report

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to rezone approximately 4.5 acres of privately owned land from Maricopa County Rural-43 to Peoria SR-43.

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: Presentation on proposed amendments to the City Design Review Ordinance.

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
APRIL 17, 2008**

DRAFT

A **Regular Meeting** of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 8401 W. Monroe Street, Peoria, AZ in open and public session at 6:32 p.m.

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

Members Absent: none

Others Present: Ellen Van Riper, Assistant City Attorney, Glen Van Nimwegen, Community Development Director, Steve Prokopek, Economic Development Director, Maher Hazine, Assistant City Engineer, Chris Jacques, Acting Planning Manager, Rob Gubser, Senior Planner, Adam Pruet, Senior Planner, Monique Spivey, Associate Planner, Melissa Zechiel, Planning Technician, Cody Gleason, Planning Technician, Bev Parcels, Planning Assistant and Cathy Griffin, Executive Assistant.

Opening Statement: read by Chris Jacques.

Final call for speaker request forms.

Audience: Approximately 65.

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

CONSENT AGENDA

All items listed with a "C" are considered to be routine by the Planning and Zoning Commission, and were enacted by one motion.

- 1C **DISPOSITION OF ABSENCE:** approve the absences of Commissioners John Gerard, William Louis, and Anne Wojcik from the April 3, 2008 meeting.
- 2C **MINUTES:** approve the minutes of the Regular Meeting held April 3, 2008
- 3C **CU08-02:** Rubio's Fresh Mexican Grill located at the SWC Lake Pleasant Parkway & Happy Valley Parkway, a Conditional Use Permit to allow the addition of a 412 square foot enclosed patio area for outdoor dining.

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

DRAFT

REGULAR AGENDA

NEW BUSINESS, PUBLIC HEARINGS and/or ACTION:

Citing a conflict of interest, Commissioner Mark Melbo recused himself from the proceedings relating to items 4R – 6R.

- 4R **PUBLIC HEARING – GPA08-03:** The City of Peoria is requesting a minor amendment to the Peoria General Plan to modify descriptive information for the Public/Quasi-Public Land Use designation to allow the flexibility to provide land for a proposed public medical facility.

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

Public Comment: none

Commission Action: Commissioner Louis moved to recommend approval to the City Council to amend the Peoria General Plan to modify descriptive information for the Public/Quasi-Public Land Use designation to allow the flexibility to provide land for a proposed public medical facility. The motion was seconded by Commissioner Gerard and upon vote, the motion carried unanimously.

Agenda items GPA 08-04 and Z08-04 were presented together.

- 5R **PUBLIC HEARING – GPA08-04:** TAMM Development, LLC and McDowell Enterprises, LLC, represented by Iplan Consulting, is requesting a minor amendment to alter the current Peoria General Plan Land Use designation for 48.16 gross acres from Low Density Residential (2.0 du/ad to 5.0 du/ac, target of 3 du/ac) to Public/Quasi-Public. The property is generally located north and west of the northwest corner of Yearling Road and Lake Pleasant Parkway and is more particularly described as Maricopa County Assessor Parcel Numbers (APN) 201-17-004V, 201-17-019, 201-30-151, 201-30-127A, and 201-30-150.

Staff Report: presented by Chris Jacques, Acting Planning Manager and Steve Prokopek, Economic Development Director.

██████████ Iplan Consulting representing the applicant, Tamm Development LLC and McDowell Enterprises, LLC, reviewed key elements also presented during the staff report.

██████████ SWA Architects, reviewed the conceptual site plan.

██████████ explained how the Gilbert Regional Hospital operates differently from other hospitals, i.e., locally owned and operated, exceptional retention of staff and the many benefits to the community they provide.

Public Comment:

Note: 26 letters of opposition and 14 letters in support of the hospital were distributed to the PZ Commissioners.

DRAFT

██████████ stated his opposition to the hospital at this location. At the neighborhood meeting, there was 99% opposed to this project at this location. This would be placing a commercial project in a residential area. Follow the General Plan. This commercial project needs to be on Happy Valley Road and the 303.

██████████ stated he is in favor of this project. The area is growing quickly and a hospital at this location would benefit the area. The noise level is reasonable.

██████████ stated he is not in favor of this project. He questioned the sound decibels quoted for the noise level of the helicopter. Somewhere along the 303 that would not impact residential would be a more logical location for a hospital. This does not fit the General Plan.

██████████ stated he is within 600 feet of this location and was not included in the neighborhood meeting. He recommends postponing approval of this until further information is acquired. There is no noise abatement procedure to deal with the helicopter noise. The 303 and Lake Pleasant would be a better site. He also questions if Luke Air Force Base would appreciate helicopter flights within their flight path.

██████████ stated he is in favor of the hospital. Due to the growth of this city, we do need emergency care in this area. He stated that based on his experience, hospital increases property value and is a good neighbor. He encourages the Commission to approve this zoning change.

██████████ developer of Plaza Del Lago project and a lot owner in West Wing is in support of this project.

██████████ stated he would ask the Commission to vote against the project. When he purchased his home 3 years ago, he had no idea that a project such as this could be built at this location. He also stated his concerns that property values would go down due to this project, impact of traffic due to a 24/7 operation, and the noise. This would be the first of other commercial type projects that would further impact residential zoning.

██████████ stated that his recommendation is to build the hospital off the 303. He stated his concerns on when the hospital needs to expand, and what the height of the building may become in the future. He also stated his concerns on the noise of the helicopter, Lake Pleasant Parkway becoming more like a freeway. ██████████ feels this is a major change in the General Plan. He also asked that if the helicopter picked up a dying person on Lake Pleasant Parkway, wouldn't they bring that patient to this location?

██████████ stated that he is opposed to the hospital. He questioned the 65 decibels of the helicopter noise at 1000 feet. What happens when it's closer to the ground? He stated that he can get to the other hospitals in the area within 15 minutes. The Doctor mentioned a 170,000 square foot expansion in Gilbert, is that going out or up? ██████████ stated that he contacted the developer of Stonebridge and he stated that if the hospital is approved, he too, will apply for re-zoning for higher density.

██████████ agrees that hospitals are good neighbors, and likes the idea of the professional positions in the area. She stated that she supports the project.

DRAFT

██████████ stated that he is opposed to the hospital. He has a lot in La Strada and fears the decrease in property value. ██████████ stated that he represents the ██████████ and they do own a lot in La Strada and are opposed to the location of the hospital. The City of Peoria has invested in making Lake Pleasant a scenic view and this was because it's not a major artery. He asked the Commission to request staff to do more research for a better site for the hospital.

██████████ asked how many of the Commissioners live in the neighborhood. The neighborhood meeting did not include over 500 houses that are just past the 600 foot notification area. There are a lot of neighbors not included in the process.

██████████ stated that he is opposed to this project. He doesn't want the noise or other things that a hospital may bring. He stated that the City of Peoria takes the General Plan and uses it to make money. He wants the City of Peoria to respect what the citizens want.

██████████ stated that he purchased 2 properties in La Strada in excess of 2 million dollars. Prior to purchasing that property, his attorney checked the General Plan to verify what was going in the area. He continued by saying he was about to submit custom home plans for a home valued over 4.2 million when he received the notice for the change in the zoning. This is a great hospital, but the location is wrong. Why try to squeeze it in at this location? He proposes that the City help the applicant find a different location. Don't change the General Plan.

██████████ represents the La Strada Homeowners Association. It appears a rush to judgment by staff. He stated he has never seen anything like this. The applicant is not responding to the neighborhood. ██████████ feels this is a major amendment and should have been presented to the neighborhood earlier. The unique nature of Lake Pleasant Parkway would not longer be unique with this project.

██████████ owns 20 acres known as Stonebridge Ranch, and stated he is in favor of this project. ██████████ stated that about 4 years ago he proposed a project meeting the General Plan at a density of 3 units per acre on 68 acres and the same individuals opposed that also. So, what does the neighborhood really want?

██████████ an attorney representing ██████████ stated that they oppose the hospital at this location. ██████████ stated that it is up to the Commissioners to decide if this is the right location for a hospital. This is not part of the General Plan, and feels this a major change for this area. Stated that this project is more dense than what is in the commercial area at Happy Valley and Lake Pleasant.

██████████ also known as ██████████ President of the La Strada Homeowners Association, asked why if a bed shortage was identified 3 years ago, it has taken this long to reach a wrong conclusion. ██████████ went on to say that one of the reasons there is a lack of medical facilities in this area is because there has been a lack of office to house them. Within 3 months, 100,000 sq. ft. of office space will be available. Today, there is 32,000 sq. ft. available and another 40,000 sq. ft. in the planning stage. Think about a medical corridor location that a hospital can anchor.

Note: There were a total of 18 speakers, of which 13 opposed and 5 supported the hospital at this location.

DRAFT

██████████ responded that a critical accident patient would not be brought to this hospital. It will not be a level one trauma hospital. The noise issue, the flight plan for the hospital is preliminary study. A much more in-depth study will be provided for site plan review.

In regards to the expansion question ██████████ stated that they like this site because it has the ability to allow horizontal expansion. ██████████ also stated he feels this is a good location for the transition of the commercial area into residential. He also stated that he feels that they have a good plan to address all the concerns of the neighbors.

Commissioner Worlton, helipad will come back before the Commission as a Special Use permit?

Mr. Jacques stated that is correct.

Commissioner Wojcik asked if other sites had been considered.

██████████ responded that they had looked at dozens of sites with analysis and at the end of the process, this is the site that was selected as best for the area.

Public Hearing was closed.

Vice Chair McFarland stated that notice of the neighborhood meeting was prominently posted in the local paper and at the site. Ms. McFarland stated that she is very happy that there is going to be a hospital located in the area. She went on to discuss property values and this project is doable and that there are already helicopters that fly in the area.

Commissioner Worlton asked staff if there was originally designed a site for a hospital like this.

Steve Prokopek, Economic Development Director, responded that there were general areas designed as a site for a hospital and this was one of them. We feel this project will fit what the community needs today.

Commissioner Worlton asked Maher Hazine, Assistant City Engineer, questions regarding traffic impact analysis for this facility.

Mr. Hazine stated that a conceptual traffic analysis was performed for this site, based on a build-out condition of approximately 10-15 years.

Commissioner Worlton asked Mr. Jacques to explain the difference between a minor and a major General Plan amendment.

Mr. Jacques explained that State law requires that each community define what constitutes a major amendment. They both have to go before the Planning and Zoning Commission and the City Council. The difference is a major amendment requires two meetings before the Planning and Zoning Commission. Major amendments require a two-thirds majority vote, versus a minor amendment which requires a simple majority vote. Within the General Plan there is an 80 acre minimum requirement that constitutes a major amendment.

DRAFT

Commissioner Worlton also asked staff what they have done to address the concerns of the citizens from the neighborhood meeting and what's been done to help those against the hospital to "get on board".

Mr. Jacques explained that through the PAD and the stipulations, staff tried to address their concerns.

Commissioner Gerard discussed the General Plan as a document that can be changed. Commissioner Gerard went on to discuss this application for this site and the benefit to the community as a whole.

Chair Loper asked staff about the special use permit process for the heliport. He then discussed the fact that this case would go before City Council regardless of the decision made tonight. And he informed the applicant that when the heliport comes before the Planning and Zoning Commission as a special use permit, he would like to know why it is being placed on the second floor rather than at ground level. Chair Loper also requested that the applicant go beyond the "600 foot rule" when working with the neighborhood. He also stated that the site plan review will involve the community also.

Chair Loper stated that the number one concern he heard tonight from the speakers was on the helicopter noise and the applicant should address those concerns during the special use permit process.

Commission Action: Commissioner McFarland moved to recommend approval of case **GPA08-04** to the City Council to amend the Peoria General Plan Land Use designation for 48.16 gross acres from Low Density Residential to Public/Quasi-Public. The motion was seconded by Commissioner Louis and upon vote, the motion carried by a 5 to 1 vote.

- 6R **PUBLIC HEARING – Z08-04:** TAMM Development, LLC and McDowell Enterprises, LLC, represented by Iplan Consulting is requesting to rezone approximately 48.16 gross acres from the current Bella Casa Planned Area Development (PAD) zoning district to a new Planned Area Development (PAD) to permit a regional medical facility. The property is generally located north and west of the northwest corner of Yearling Road and Lake Pleasant Parkway and is more particularly described as Maricopa County Assessor Parcel Numbers (APN) 201-17-004V, 201-17-019, 201-30-151, 201-30-127A and 201-30-150.

Staff Report: presented by Chris Jacques, Acting Planning Manager, during agenda item 5R.

Public Comment: see 5R.

Commission Action: Commissioner Gerard moved to recommend approval of Z08-04 to City Council to rezone approximately 48.16 gross acres from the current Bella Casa Planned Area Development to a new Planned Area Development to permit a regional medical facility. The motion was seconded by Commissioner Louis and upon vote, the motion carried by a 5 to 1 vote, with the following stipulations:

1. The development shall conform to the *Peoria Regional Medical Center Planned Area*

DRAFT

- Development (PAD) Standards and Guidelines Report revised April 9, 2008.
2. The Conceptual Elevation and Site Plans contained within the PAD are intended as illustrative in nature and shall be modified as necessary to conform to Zoning, Design Review, Infrastructure and other specified City requirements, including any requirements arising from the reports and plans required below.
 3. The Developer shall provide an updated Native Plant Inventory and Preservation Plan (Salvage Plan) with the Site Plan submittal. The preservation and/or relocation of salvageable protected plants as defined in Article 14-22B ("Desert Lands Conservation Overlay") shall be integrated into the landscape concept for the campus. A Native Plant Permit will be required prior to the removal of any protected plants.
 4. The Developer shall provide a Restoration Plan with the Site Plan Review for any areas disturbed within the 404 wash. The restored area shall be re-vegetated to its predevelopment condition (utilizing native plant types arranged and placed at a density matching the immediate area).
 5. The heliport shall be subject to the issuance of a Special Use Permit in accordance with Article 14-41 of the Peoria Zoning Ordinance. The Developer shall provide documentation of Federal Aviation administration (FAA) approval of the heliport prior to issuance of the Special Use Permit.
 6. A Noise Impact Analysis shall be prepared and provided with the Special Use Permit for the heliport.
 7. The Developer shall provide a Photometric Study with the Site Plan Review submittal.
 8. The residential landscape buffers (west and north) identified in the PAD shall be installed within the initial phase of this project.
 9. The Developer shall conduct a neighborhood meeting on the proposed Site Plan prior to the second (2nd) submittal (Site Plan Review). The developer shall provide notice of the neighborhood meeting in accordance with the provisions outlined in Section 14-39-6.E of the Zoning Ordinance.
 10. The developer shall provide a ten-foot wide (10') stabilized decomposed granite (or equivalent) trail along the west side of the 404 wash through the site and must align and connect with the existing and/or planned trail extensions to the north and south of the project. The trail may be located within the specified erosion control setback. The trail shall be constructed within the initial phase of the project.
 11. A dedicated public access easement (15'-20' in width) shall be provided over the trail. The property owner or lessee shall be responsible for the all landscape and trail maintenance within the easement.
 12. It is preferred that all trailroad crossings be at-grade. However, should an under crossing be required, the minimum clearance shall be 12-feet in height. Equestrians shall not be prohibited from accessing the trail.
 13. The Developer shall design and construct an eight foot wall along its northern, western, and southern limits adjacent to residential uses. This wall shall be designed to either replace any existing walls with the approval of the adjacent property owners or may be constructed adjacent to any existing walls as approved by the City. The design shall insure that any wall construction will not become an alley nor a collector of debris.
 14. A Master Drainage Report shall be approved prior to Site Plan approval.
 15. The developer shall submit a site-specific Drainage Report for each Site Plan/Phase in conformance with the approved Master Drainage Report.
 16. The Master Drainage report must reflect any proposed phases and must demonstrate that each phase of development is retaining 100% of the peak flow and volume of runoff from the 100-year, 2-hour duration storm event. In the event that site geologic and topographic conditions does not allow for such a requirement, the developer may apply for a waiver from the City Engineer's office. If granted, the requirement to retain the 100-

DRAFT

- year 2-hour runoff volume may be waived; however, the post-development peak discharge leaving the site can not exceed predevelopment Peak Flow and Volume conditions. In addition to the 100-year event, the effects of more frequent events (2- 10-, and 50- year events) must be determined and mitigation for any down stream impact must be provided for.
17. Street drainage shall conform to the City of Peoria Street Drainage Policy outlined in the Engineering Development Design Guide. Specifically, flow within the street section of the right-of-way shall be designed to carry a maximum 100-CFS; a storm drain system is required when that capacity is exceeded with discharge of such a system to an approved facility.
 18. The developer may not construct any crossings that will be designed for less than the 100-year storm capacity or will permit overtopping of such during a storm event.
 19. The developer shall delineate any limits of water surface elevations in drainage features resulting from the 100-year storm event. These limits shall be reflected on the Site Plan, Civil Plans and Final Plat. This does not include any limits of water retained as part of the onsite retention requirements.
 20. All floodplains (FEMA designated or not) must be shown on the Site Plan(s) and Final Plat.
 21. No structure shall be constructed within the limits of any floodplain regardless of the designation by FEMA. Any modification to existing FEMA designated floodplain shall be pre-approved by FEMA via the CLOMR process through the City of Peoria Engineering Department. Any modification to any other floodplain shall be pre-approved by the City of Peoria Engineering Department.
 22. All construction activities within the State of Arizona must comply with the AZ Pollutant Discharge Elimination System (AZPDES) rules and regulations as a minimum standard, in addition to City-established criteria.
 23. The wash will remain undisturbed except for roadway crossings, utility crossings, or building piers / foundations. The project will provide an erosion hazard setback based on the State Standard Level 1, 2 or 3 analyses per State Standard (SS5-96).
 24. The developer shall obtain approval of a Final Master Traffic Impact Analysis (TIA) prepared in accordance with the City's Traffic Impact Study Criteria prior to any Site Plan approvals. Additional TIA for each phase of development may be required by the City Engineer to provide recommendations for the interim traffic conditions.
 25. The developer will make such right-of-way dedications and adopt such roadway sections that the City will require based on the City's review of the TIA submitted at Site Plan Review.
 26. The Developer shall dedicate the required right-of-way and construct full and half street improvements where necessary to serve this project as determined by the City Engineer and in accordance with an approved Phasing Plan.
 27. The right-of-way dedications and roadway sections will be determined based on the City Standards that are in effect at the time of the Site Plan approval process.
 28. The Developer shall dedicate an 8' PUE outside of the required ROW or private roadway tract. No walls or retention shall be allowed within the PUE.
 29. The Developer shall construct any additional necessary improvements along Lake Pleasant Parkway (LPP) and Yearling including all deceleration lanes as detailed in the approved TIA.
 30. The Developer shall be responsible for the design and construction of any and all signals at Lake Pleasant Parkway.
 31. This development shall be limited to a single median break with a ½ signal off of Lake Pleasant Parkway to be located no closer than one-quarter (1/4) mile from any adjacent existing or proposed signalized intersections or as approved by the City Engineer.

DRAFT

32. A Phasing Plan for access locations, roadway, drainage and utility improvements must be reviewed and approved by the City of Peoria Engineering Department prior to Site Plan approval.
33. The Developer shall prepare a Master Utility (Water and sewer) Plan reflecting any required utility improvements. The utility improvements shall address both water and sewer demands for the site including fire flows as outlined per City of Peoria criteria.
34. The developer must obtain approval by the Utilities Department of the design and location of any water, wastewater, or reclaimed water (if needed) infrastructure prior to construction of such infrastructure. Where ever in these conditions infrastructure is required to be dedicated to the City, the underlying real property interest must be conveyed to the City as well. The Developer will be required to convey the land in fee to the City for public water treatment facilities, public booster stations, water storage tanks, public wastewater lift stations and any other such infrastructure. Potable water lines, sanitary sewer lines and non-potable water lines will be placed in easements dedicated to the City for access and maintenance.
35. Public water and sewer lines located outside of right-of-way shall be located in easements dedicated for that use and shall comply with the City's minimum requirements. Easements shall be dedicated at no cost to the City. The City at its own discretion may require such easements for public water and sewer lines to be located within designated roadway cross-sections and or tracts.
36. The developer must design, construct, and dedicate the water infrastructure requirements (pipelines, boosters, storage, production & treatment facilities, etc) as necessary based on the City requirements.
37. If required, the Developer shall acquire off-site easements or property as needed to construct the utility improvements needed to service this site.
38. Preliminary findings indicate that the existing water and waste waterlines near the project boundaries can be extended to the project to serve the project. The extension of these lines is the responsibility of the Developer.
39. The Developer shall construct a water sampling station on this site as part of the water infrastructure requirements.
40. This development shall accept the existing off-site flows from the north and the west and allow them to flow through the site, routing them to the adjacent roadway as quickly as possible. This may result in wall openings and drainage easements on individual lots.
41. This project must provide a water and sewer stub in a 50' foot tract to the development to the north in the first phase.
42. The Development is responsible for payment of all current repayment zones. There is currently a repayment on Lake Pleasant Parkway for roadway, ROW, and waterline improvements. There will be a repayment for the half-street of Yearling and the proportionate share of the signal at Yearling and Lake Pleasant Parkway. All repayments will be paid to the City by the developer prior to any permits being issued for the site.

CALL TO THE PUBLIC FOR NON-AGENDA ITEMS: NONE

REPORT FROM STAFF: Mr. Jacques reminded the Commissioners that the next meeting on May 1 would begin at 7:00 p.m. Mr. Jacques also explained the Design Review Manual will be on the next agenda for the review of the Planning and Zoning Commission.

REPORT FROM THE PLANNING AND ZONING COMMISSION: Commissioner Worlton asked if there was a better way to address the concerns of those citizens that attended the neighborhood meeting. Mr. Jacques explained how staff did try to address those concerns

DRAFT

within the stipulations. Mr. Van Nimwegen also discussed how staff has tried to address the concerns.

ADJOURNMENT: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 9:34 p.m.

Greg Loper, Chair

Date Signed

REPORT TO THE PLANNING AND ZONING COMMISSION- CONDITIONAL USE PERMIT

CASE NO.: CU06-16

DATE: May 15, 2008

AGENDA ITEM NO.: 3C

Applicant: [REDACTED] represented by [REDACTED]

Request: Approve a Conditional Use Permit (CUP) for an expansion of an existing mini-storage facility.

**Proposed/
Development** 75th Avenue Mini-Storage expansion

Location: South of the SWC of 75th Avenue & Paradise Lane

**Support/
Opposition:** At the time of printing, the City has not received any letters or phone calls in support or opposition to this case.

Recommendation: Approve, with conditions

Existing and Surrounding Land Uses and Zoning:

1.

CU 06-16	LAND USE	ZONING
ON-SITE	Vacant	C-4
North:	Single-Family Residential / Mini-Storage	R1-8 / C-4
West:	Single-Family Residential	R1-8
East:	Auto Body Repair Facility	C-4
South:	Multifamily Residential	PAD

Background / Project Description:

2. The applicant is requesting a Conditional Use Permit to allow for the expansion of the existing 75th Avenue Mini-Storage facility located south of Paradise Lane on 75th Avenue. The expansion will consist of two single-story buildings totaling approximately 23,000 square feet in area. All storage will be located indoors.
3. The buildings have been designed to match the color and design of the existing facility and are shown to be approximately 14 feet tall. A landscape buffer has been provided along all property lines abutting single-family residential districts

and all required building setbacks will be satisfied.

4. Access to and from this site will be through the adjacent A&D Auto Body shop site by way of an access easement. The mini-storage facility will be gated.

Findings/ Analysis:

5. Section 14-39-10.D of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a CUP is to mitigate any identified impacts arising from a specific use on the surrounding neighborhood and provide controls to ensure maximum compatibility. As of this writing, no neighborhood concerns have been received.
6. The proposed development is adjacent to a single-family residential neighborhood on two sides. By right, the C-4 zoning district allows buildings up to 48 feet in height and allows uses often considered more intense than the proposed indoor storage expansion. Since this proposal consists of single story buildings and is in conformance with the applicable development standards, staff believes this to be an acceptable use for this infill site.
7. This proposal is located on a one-acre infill site situated between two auto body repair facilities, an existing mini-storage facility and single-family residential development. The property has little to no visibility from 75th Avenue making new, stand-alone development difficult, thereby encouraging the expansion of one of the surrounding businesses. Staff believes the mini-storage expansion to be the use option most compatible with the adjacent residential development.
8. A signed Proposition 207 Waiver has been submitted by the property owner. The waiver will be forwarded to the City Clerk's Office for signatures and recordation pending the outcome of the Conditional Use Permit application.
9. The application notice was forwarded to all property owners within 300 feet of the proposal and properly noticed per Section 14-39-10 of the Peoria Zoning Ordinance. As a result, to date, the City has not received any verbal or written comments on the proposal.

Recommendation:

10. Staff recommends approval of case CU06-16, based on the following findings:
 - The proposed use has been designed to maximize compatibility between this site and the adjacent single-family residential development.
 - The proposal is an effective transitional use between the existing auto body repair facility and the adjacent residential development.

It is recommended that the Commission take the following action:

Approve the Conditional Use Permit requested under case CU06-16, subject to the follow condition:

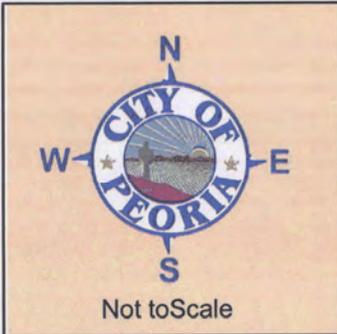
1. The use shall substantially conform to the Site Plan, Landscape Plan and Elevations stamp dated March 31, 2008.
2. All residential buffer trees along the north and west property lines shall be 36" evergreen trees.
3. Provide an ALTA based on a current title report (within 6 months of the submittal date). This was deferred during site plan but is a requirement of the improvement plans.
4. A Final Drainage Report must be submitted with the improvement plans.
5. The Developer is responsible to provide an Agreement to Install Improvement for the public improvements required by the development (the public water line) with an accompanying financial assurance for subdivision improvements in accordance with City's requirements.
6. 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.
7. Water line easement can be dedicated by separate instrument and must be submitted with the improvement plans. The easement must be recorded by the City prior to permits being issued for the site.
8. The Traffic Impact Analysis has been waived; during the site plan process the site removed all RV and boat storage uses and is now a traditional mini-storage. If the use changes to allow RV or boat storage then a Traffic Impact Analysis will be required.
9. Per the conditions of the approved Fire Code Appeal, Building 1 is to have two (2) each two (2) hour fire walls built to separate the building into three (3) approximately equal fire areas.
10. Where the available fire flow from the area fire hydrants does not meet the required fire flow for a structure, additional requirements and/or restrictions can be imposed on both residential and commercial type properties. A flow test will be required to be submitted with the Civil Plan review to verify the available fire flow.

Attachments:

Exhibit A	Location Map
Exhibit B	Site Plan
Exhibit C	Landscape Plan
Exhibit D	Elevations

Prepared by: Adam Pruett
Senior Planner

CU 06-16 Location Map



CU 06-16 75th Avenue Mini-Storage

Applicant: [REDACTED]
Request: Conditional Use Permit (CUP) to allow a mini-storage expansion

Exhibit A

REPORT TO THE PLANNING AND ZONING COMMISSION- CONDITIONAL USE PERMIT

CASE NO.: CU 07-25

DATE: May 15, 2008

AGENDA ITEM NO.: 4C

Applicant: Grimaldi's Pizzeria

Request: Approve a Conditional Use Permit (CUP) for an outdoor dining patio for Grimaldi's Pizzeria, located at the northeast corner of 99th Ave. & Northern Ave. in the Park West commercial center.

**Proposed/
Development** Grimaldi's Pizzeria

Location: NEC 99th Ave. & Northern Ave.
9788 W. Northern Ave. #1440

**Support/
Opposition:** At the time of printing, the City has not received any letters or phone calls in support or opposition to this case.

Recommendation: Approve, with conditions.

Existing and Surrounding Land Uses and Zoning (Exhibit A):

1.

CU 07-25	LAND USE	ZONING
ON-SITE	Grimaldi's Pizzeria	Park West PAD
North:	Park West Commercial Center	Park West PAD
West:	Park West Commercial Center	Park West PAD
East:	Park West Commercial Center	Park West PAD
South:	Park West Commercial Center	Park West PAD

Background / Project Description:

2. The applicant is proposing an approximately 700 square foot outdoor dining patio located adjacent to the northern elevation of the Grimaldi's Pizzeria restaurant site. The outdoor dining patio will be surrounded by a decorative railing. The site will be separated from the adjacent commercial building by a drive aisle internal to the Park West development.

Findings/ Analysis:

3. Section 14-39-10.D of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a CUP is to mitigate any identified impacts arising from a specific use on the surrounding neighborhood and provide controls to ensure maximum compatibility. The proposed restaurant site is fully encompassed by the Park West Commercial Center. There are no residences within close proximity to the site; therefore staff does not believe any negative impacts would arise as a result of the outdoor dining request.
4. The request conforms to all applicable requirements of the City of Peoria Zoning Ordinance and the Design Review Manual for non-residential development.
5. In staff's judgment, the proposed use is an appropriate, ancillary function to a restaurant use. Outdoor seating areas are typical of this type of use and are highly encouraged by the City provided they do not create conditions that are undesirable to the community.
6. A signed Proposition 207 Waiver has been submitted by the property owner. The waiver will be forwarded to the City Clerk's Office for signatures and recordation pending the outcome of the Conditional Use Permit application.
7. The application notice was forwarded to all property owners within 300 feet of the proposal and properly noticed per Section 14-39-10 of the Peoria Zoning Ordinance. As a result, to date, the City has not received any verbal or written comments on the proposal.

Recommendation:

8. Staff recommends approval of case CU07-25, based on the following findings:
 - The proposed outdoor dining area is located immediately adjacent to the proposed restaurant establishment for which it is an ancillary use.
 - The proposal does not result in any detrimental impacts to the adjacent residential neighborhood.

It is recommended that the Commission take the following action:

Approve the Conditional Use Permit requested under case CU07-25, subject to the follow condition:

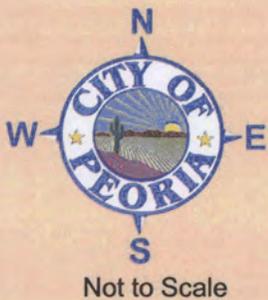
1. The use shall substantially conform to the accompanying patio plan attached as Exhibit C and the narrative attached as Exhibit D.

Attachments:

Exhibit A	Aerial/Context Map
Exhibit B	Park West Site Map
Exhibit C	Patio Plan
Exhibit D	Narrative

Prepared by: Melissa Zechiel
Planning Technician

CU 07-25: Grimaldi's Pizzeria



CU 07-25 Grimaldi's Pizzeria

NEC 99th Ave & Northern Ave. (Park West)
Request for a Conditional Use Permit to allow an outdoor dining patio for Grimaldi's Pizzeria.

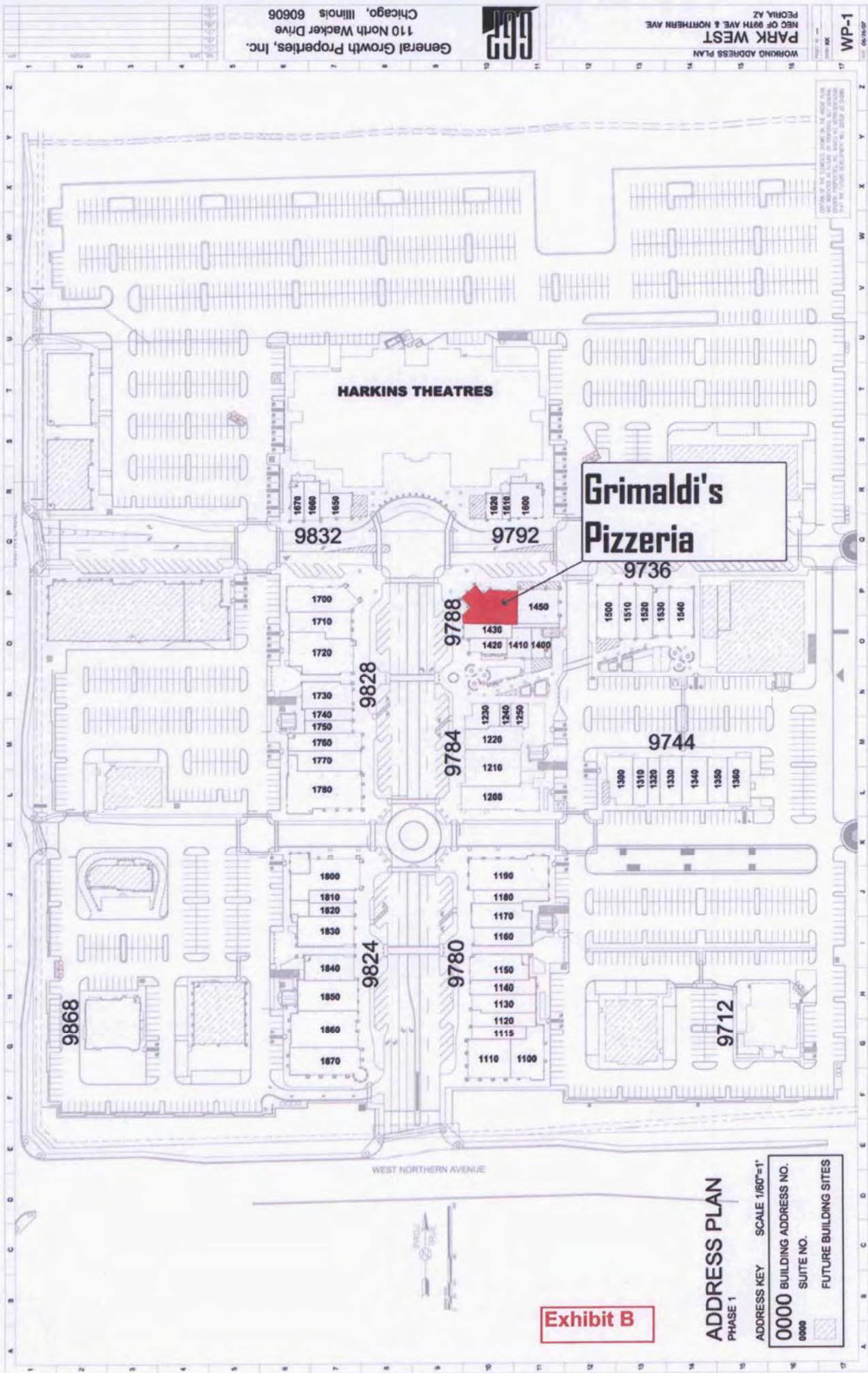
Exhibit A

General Growth Properties, Inc.
110 North Wacker Drive
Chicago, Illinois 60606



WORKING ADDRESS PLAN
PARK WEST
REC OF 99TH AVE & NORTHERN AVE
PEORIA, AZ

WP-1



DATE OF THE PLANED WORK IN THE AREA FROM WHICH THIS ADDRESS PLAN WAS PREPARED SHALL BE THE DATE OF THE PLAN. THE ADDRESS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.

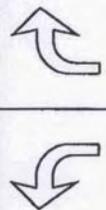
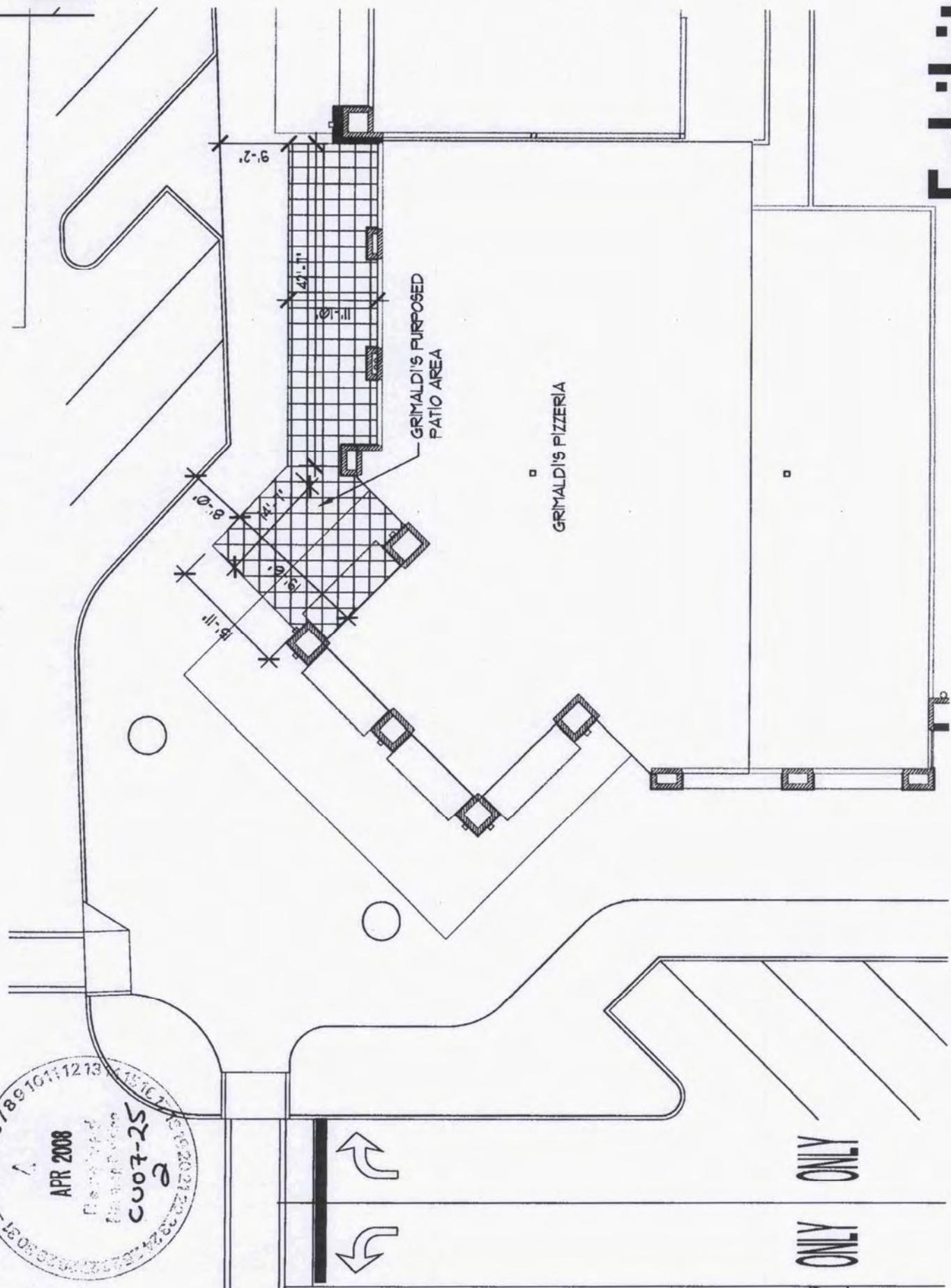
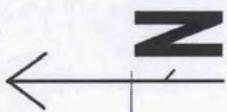
WEST NORTHERN AVENUE

Exhibit B

ADDRESS PLAN
PHASE 1

- ADDRESS KEY SCALE 1/60"=1"
- 0000 BUILDING ADDRESS NO.
- 0000 SUITE NO.
- Future Building Sites

Exhibit C



ONLY

ONLY

City of Peoria
Attention Mellissa Zachiel

Re: Grimaldi's Pizzeria Patio

Narrative:

Grimaldi's Pizzeria Patio will be used for dinning only. It will have no adjacent residential to the patio. Our hours of operations for lunch and Dinner will be from 11:00am to midnight seven days a week. Please call me with any other questions.

Thank you

Grimaldi's Pizzeria
4000 N. Scottsdale Rd #203
Scottsdale AZ 85251
480 947-7100 office
480 947-7105 fax



Exhibit D

REPORT TO THE PLANNING AND ZONING COMMISSION- CONDITIONAL USE PERMIT

CASE NO.: CU 08-03

DATE: May 15, 2008

AGENDA ITEM NO.: 5C

Applicant: [REDACTED] Luke Land Realty & Investments

Request: To allow the operation of a reception facility that would accommodate weddings, special events, receptions, and meeting/luncheons. The request also includes an outdoor ceremonial garden. (Exhibit A)

**Proposed/
Development:** La Hacienda Wedding Reception Center: The proposed development will be facilitated within the interior of an existing building previously utilized as a church. The applicant also proposes to expand the use within a remnant and undeveloped portion of the site.

Location: La Hacienda Reception Center, 7380 W. Olive Avenue, located on the northwest corner of Olive Avenue Frontage Road and 73rd Avenue.

**Support/
Opposition:** At the time of printing, the City has received one (1) phone inquiry and no letters or phone calls in support or opposition to this case.

Recommendation: Approve, with conditions.

Existing and Surrounding Land Uses and Zoning (Exhibit B)

1.

CU 08-03	LAND USE	ZONING
ON-SITE	Unutilized Building Previously Connecting Point Church	O-1 Office Commercial
North:	Westfield Gardens III Residential Subdivision (Single-Family)	RM-1 Multi-Family Residential District
East:	Undeveloped Parcel Approved for 6 Single-Family residences (Sunnyslope Estates) Z07-03	R1-6 Single-Family Residential
West:	Retail Center	C-2 Intermediate Commercial
South:	Olive Avenue & Field Crops	C-2 Intermediate Commercial

Background / Project Description:

2. The subject property is primarily a rectangular shaped lot of approximately 103,978 square feet in area (2.39 acres), located one parcel west of the northwest corner of Olive Frontage Road and 73rd Avenue (Exhibit B). The applicant is requesting the approval of a reception center to accommodate weddings, special events, receptions, and meeting/luncheons. As indicated by the applicant, the subject property maintains an existing 5,238 square foot building, which previously housed a church and formerly the AAA offices. The site also contains an existing 6,400 square foot storage warehouse, which will serve as storage for items specifically relating to the proposed facility.

Phase I (Exhibit C)

3. In the preliminary phase of this request (Phase I), the business operation will be restricted to indoor receptions within the existing 5,238 square foot reception hall building. Additional improvements within the primary phase of development include a new decorative wrought-iron fence with gate which will restrict access into the undeveloped future ceremonial garden. Screening trees and appropriate flowering species will be planted on the rear perimeter of the site to serve as a buffer between residential uses to the north, northwest, and future anticipated residences parcels to the east. The existing chain link fencing which surrounds the storage building will be removed. The existing 67 parking spaces will also serve the proposed use. The applicant has indicated that the preliminary phase of development is intended to serve approximately 268 occupants.

Phase II (Exhibit D)

4. Pending a successful operation, it is the applicant's intent to further develop the undeveloped portion of the site into a fully landscaped and designed outdoor ceremonial garden and provide additional landscaping around the storage building. The second phase of development also includes an expansion of the existing parking area with pedestrian connections into the ceremonial garden. The additional 24 parking spaces will result in a total of 91 parking spaces upon the completion of Phase II, and a total proposed occupancy of 364.

Hours of Operation Sunday-Thursday

5. The proposed hours of operation are Sunday through Thursday from 10:00 a.m. to 11:00 p.m. All event activity shall end by 10:00 p.m. with doors closing by 11:00 p.m.

Hours of Operation Friday-Saturday

6. Friday through Saturday from 10:00 a.m. to 1:00 a.m. All event activity to end by 12:00 p.m. with doors closing by 1:00 a.m.
7. All outdoor activity shall end by 10:00 p.m. For clarification, as stated in Section 14-9-C-4, outdoor events between the hours of 10:00 p.m. and 7:00 a.m. require a temporary use permit. However, the hours of operation tied to this request would simply restrict the applicant from seeking a temporary use permit for these hours.

Findings/ Analysis:

8. On March 18, 2008 the City Council approved a Zoning amendment case (TA08-01) requested by the applicant to allow Wedding and Reception Centers in O-1 Zoning Districts subject to the issuance of Conditional Use Permit.

Site Plan Review

9. As part of this request a condition will require the applicant to submit a site plan review application in Phase II portion of this development. The site plan review will ensure that the project meets all development standards, design and landscape criteria and all other requirements of the City prior to any construction of Phase II.
10. Section 14-39-10.D outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a CUP is to mitigate any identified impacts arising from a specific use on the surrounding neighborhood and provide controls to ensure maximum compatibility. In reviewing the nature of an outdoor ceremonial and reception area, staff evaluated potential noise factors as a result of outdoor speech and various music sources. As prescribed by *Section 13-92-b* of the Peoria City Code Noise Ordinance states that to “*create any noise that would exceed the noise level measured from fifty (50) feet from the property line where the noise is generated exceeding the following community standards*”:

11.

Table 1: Performance Standards (Noise)

Zoning District Type	Time	Noise Standard (dBA)
Residential	6:00 a.m.- 10:00 p.m.	65
Residential	10:00 p.m.- 6:00 a.m.	55
Commercial	6:00 a.m.- 10:00 p.m.	70
Commercial	10:00 p.m.- 6:00 a.m.	65
Industrial	6:00 a.m.- 10:00 p.m.	80
Industrial	10:00 p.m.- 6:00 a.m.	70

Acoustic Analysis

12. As indicated in the narrative, it is the applicant’s intention to provide full services to the outdoor ceremonial garden. A condition will require that all outdoor and indoor noise generated from the use will be required to be in compliance with Section 13-92 of the Peoria City Code (Noise; general prohibitions). To ensure the noise standards can be adhered to by the applicant, a recommended condition would require an acoustic analysis prepared by a certified engineer must be submitted to staff during the Phase II site plan review. The noise study should include an analysis of amplified and non-amplified noise sources and determine the appropriate orientation and location of those sources. The sources could include pop or rock music, whether live or recorded, drum sets amplified or non-amplified, electrical musical instruments, single music instruments such as a cello or flute, string

quartets, or saxophone. The intent of the study is to assist the applicant in implementing a successful strategy to restrict loud events, and/or loud noise within the outdoor garden area. If the applicant chooses not to submit the acoustic analysis, outdoor music would be prohibited until this condition is met.

Parking Analysis

13. The proposed venue could potentially offer two (2) events running simultaneously. As a result, the available and future proposed parking must be considered. The existing (67) parking spaces provided to the site can adequately accommodate Phase I of the proposed use¹. Accordingly, the Zoning Ordinance requires 24 spaces for the 5,283 square foot reception hall, leaving a surplus of 43 spaces. However the code does not address outdoor reception area calculations. Therefore, based on the applicant's proposal of 364 seats and the nature of the operation, staff recommends the parking calculations be administered in accordance with Section 14-23 of the Parking and Loading Requirements, whereas the rate is calculated at one (1) space per (4) fixed seats of design capacity. In this case 364 proposed seats would function as the design capacity occupants on site at any given time would result in 91 spaces. Conditions of approval will regulate the maximum site occupancy of the site as a whole. Conditions of approval will also regulate the maximum occupancy within interior of the reception hall in accordance with Peoria Fire Code Standards.

Traffic Impacts

14. The applicant held an informational meeting for residents within the vicinity of the site. However, no residents attended. The applicant indicated that they received a phone call from one property owner expressing concern regarding traffic through her neighborhood in order to avoid the Grand Avenue overpass. Staff notes, this could be accomplished by vehicles making a left turn from the site and onto 73rd Avenue. The applicant has responded by recommending a "no left turn" sign at both entrance/exits of the property. Engineering Division has requested that the applicant provide a Traffic Impact Statement to evaluate access to/from Olive, driveway spacing, and deceleration lanes. The applicant has responded in good faith by submitting the requested report on April 18, 2008. Mitigation measures will be addressed in the site plan review (Exhibit E).

Parking vs. Maximum Site Capacity

15. In preliminary review of the parking expansion it was determined that zoning code compliance requirements such as parking stall size, drive aisle widths, and landscape island requirements may affect the additional 24 spaces as shown in Exhibit D. The final seating design maximum for Phase II will rest upon the site's final parking yield.

¹ Section 14-23 of the Parking and Loading Requirements, reception centers are calculated at a rate of one (1) space per two hundred (200) square feet of floor area. The floor area is the "gross floor area" minus 10%.

Food and Beverage Concessions

16. As indicated by the applicant all food and beverages, including alcoholic beverages will be catered separately through outside sources coordinated by the guest. It is the applicant's intent to offer guests a food and beverage service option in the Phase II development. This could potentially involve future interior tenant improvements if cooking facilities are constructed. (See Condition # 20)

Recommendation:

17. Staff recommends approval of CU08-03 Based on the following findings:
- a. The application notice 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. As a result, to date, the City has not received any verbal or written comments on the proposal.
 - b. The O-1 District is intended to provide an environment conducive to the establishment of professional offices, medical and legal services, and ancillary retail uses. As approved in (TA08-01) a reception center is a permitted use subject to conditional use permit within the O-1 Office Commercial Zoning District as identified in Section 14-9-3 (Land Use Matrix).
 - c. Listed conditions of approval will also ensure that the proposed use will not adversely affect the health, safety, and welfare of the public.
 - d. The representative on behalf of La Hacienda Reception Center has submitted signed and notarized a Proposition 207 waiver, which will be recorded with the conditions outlined below.

It is recommended that the Commission take the following action:

Approve the Conditional Use Permit requested under Case CU08-03, subject to conditions 1-19:

1. The use shall substantially conform to the Narrative attached as (Exhibit A) and the site plans (Exhibit C and D).
2. The conditional use permit shall terminate upon any interruption or cessation of the use authorized by the Conditional Use Permit for a period of one-hundred and eighty (180) days.
3. The applicant shall obtain formal site plan/design review approval for Phase II development.
4. The hours of operation shall be limited to Sunday through Thursday from 10:00 a.m. to 11:00 p.m. All event activity shall end by 10:00 p.m. with doors closing by 11:00 p.m.

5. The hours of operation for Friday through Saturday from 10:00 a.m. to 1:00 a.m. All event activity to end by 12:00 p.m. with doors closing by 1:00 a.m.
6. All outdoor activity shall end by 10:00 p.m. Seven (7) days a week. This includes the take down, setup, or event.
7. Noise must be in compliance with Section 13-92 of the Peoria City Code (Noise; general prohibitions).
8. An acoustic analysis prepared by a certified engineer must be submitted to staff during the Phase II site plan review. The noise study should include an analysis of amplified and non-amplified noise sources and determine the appropriate orientation and location of those sources. The sources could include pop or rock music, whether live or recorded, drum sets amplified or non-amplified, electrical musical instruments, single music instruments such as a cello or flute, string quartets, or saxophone. If the applicant chooses not to submit the acoustic analysis, outdoor music would be prohibited until this condition is met.
9. All doors must be kept close while music is in progress.
10. The applicant shall not conduct any weddings or receptions until all of the conditions herein have been satisfied and a certificate of occupancy for a wedding center has been issued.
11. Phase I shall be limited to 268 persons at any given time.
12. Phase II, for purposes of calculating maximum guest occupancy for the site as a whole, the final number of parking spaces yielded in Phase II shall be multiplied by four (4) to attain the number of allowable persons on the property at any given time. For example, 85 parking spaces would equate to 340 persons.
13. The interior reception building maximum occupancy shall be determined by the Peoria Fire Department/Community Services Division. In no event shall the indoor occupancy exceed the amount permitted by the Fire Department.
14. The 20' foot landscape buffer is required on all lot perimeters adjacent to residential zones.
15. The applicant shall revise the Phase I landscape plan to meet the zoning requirements of Section 14-35 of the Peoria Zoning Ordinance.
16. All landscaping as proposed for Phase I site plan (Exhibit D) shall be installed prior to issuance of final occupancy.
17. The applicant shall clear all trash, debris, weeds and provide a dust proof surface to the Phase II.
18. A photometric study shall be submitted to as part of the Phase II site plan review. The approved lighting shall be installed prior to final occupancy.
19. The applicant shall obtain proper licensing through Arizona Department of Liquor Licensing and Control in the event they provide alcoholic beverages at future venues.

Attachments:

- Exhibit A Project Narrative
- Exhibit B Aerial / Location Map
- Exhibit C Existing Site Plan
- Exhibit D Phase I Site Plan
- Exhibit E Phase II Site Plan
- Exhibit F Traffic Impact Analysis

Prepared by: Monique Spivey
Associate Planner



1) The Property:

The subject property can be identified as 7380 W. Olive Avenue or Maricopa County APN: 143-10-005C and is located directly east of the intersection of Grand and Olive Avenues.

The property consists of two existing commercial structures, Building 'A' (Reception Center) measuring approx. 5,238 SF and Building 'B' (Storage Warehouse) measuring approx. 6,400 SF, all of which is situated on an approx. 103,978 square foot lot.

2) Purpose of Request:

The purpose of this CUP application is to allow the subject property to be used as a wedding / reception center in compliance with the City of Peoria.

3) Scope of Project: (please refer to attached Site Plan)

The main goal of the "La Hacienda Reception Center" is to provide the community with a quality and convenient venue to hold special events, receptions, and/or meetings/luncheons. For several years the subject property has been used as a religious worship venue by the Connecting Point Church. It is our intention to continue with a similar use of the property by utilizing the existing structures on site. In order to facilitate the most efficient use of the property we have identified a two phased approach towards opening our doors for business:

Phase I - During Phase I the operation will only host events at the Reception Hall and will use the subject property in its "As-Is" condition, with the exception of the following improvements: **a)** a new gate will be installed on the existing trash enclosure to eliminate visual exposure of garbage containers, **b)** a new wrought iron fence with latch for opening will be installed on the Southern portion of the future Ceremonial Garden to restrict access from the Reception Hall parking lot, **c)** existing chainlink fence to be removed around Storage/Warehouse to improve visual appearance and create added space for future Ceremonial Garden, **d)** installation of bougainvillea & "swan hill" olive trees along perimeter of Northern and Western portion of future Ceremonial Garden to improve visual appearance and establish both a visual and noise buffer between future Ceremonial Garden and adjacent properties, **e)** installation of a 3' Adobe Screen Wall in front of the Southern portion of the Reception Hall to improve visual appearance as well as creating a noise buffer between Reception Hall and Olive Ave., **f)** installation of Concrete Headers on the

South West and South East portions of property to act as a retention wall for shrubs, **g)** extension of existing oleander hedge along the Eastern portion of property to enhance visual appearance and create a visual and noise buffer between Reception Hall and adjacent property, **h)** installation of multiple shrubs in the South East and South West portions of property behind Concrete Headers to enhance visual appearance, **i)** installation of a new Curb and Sidewalk at the North end of the Reception Hall to provide handicap access to parking lot and future Ceremonial Garden, **j)** installation of 2 Thornless Chilean Mesquite trees at the North East and North West portions of the Reception Hall to increase visual appearance, **k)** installation of new Curb at the South East portion of parking lot to establish handicap access to Reception Hall, **l)** installation of multiple Mexican Bird of Paradise and "New Gold" Lantana to reduce vision of electrical box(s) at the North end of Reception Hall .

Phase II - Once La Hacienda Reception Center has been established as a successful operation, the operator may choose to integrate Phase II, which shall be implemented as follows: **a)** installation of 6 California Fan Palms to improve visual appearance (note: Fan Palm located at the South East portion of Fountain is preexisting), **b)** installation of 4 Thornless Chilean Mesquite trees located on the East and West ends of the Northern parking spaces to enhance visual appearance, **c)** creation of Ceremonial Garden using turf to enhance versatility of events as well as improving visual appearance, **d)** installation of Fountain at Southern portion of Ceremonial Garden, **e)** installation of Patio using flagstone pavers to provide space for ceremonies as well as visual enhancement, **f)** installation of Gazebo on top of Patio to provide shade/cover for ceremonies, **g)** installation of 11 Chinese Evergreen Elms to provide shade and increase visual appearance, **h)** installation of 17 "Swan Hill" Olive trees around Storage/Warehouse and multiple Desert Cassia along the West and North sides of Storage/Warehouse to reduce visibility of Storage/Warehouse from Ceremonial Garden, parking lot, and Reception Hall, **i)** installation of Stained Concrete from Reception Hall across parking lot to Ceremonial Garden to create a visually pleasant walkway for events/ceremonies, **j)** expansion of parking area to provide 91 parking spaces.

4) Hours of Operation

Sunday – Thursday	10:00am – 11:00pm
Friday – Saturday	10:00am – 1:00am

All outdoor activity shall end at 10:00pm.

Sun. – Thurs. all event activity shall end by 10:00pm with doors closing by 11:00pm.

Fri. – Sat. all event activity shall end by 12:00pm with doors closing by 1:00am.

5) Food and Beverages:

During Phase I all food and beverages, including alcoholic beverages, will be catered separately through outside sources coordinated by the guest. During Phase II the operator may choose to include food and beverage service as part of the options available to guests. The operator will be responsible for obtaining both licensing for liquor distribution and appropriate equipment for food preparation if it decides to offer such services.

6) Parking:

The existing 67 parking spaces will be used during Phase I of the operation. Additional parking will be created for Phase II, increasing the number of parking spaces to 91.

7) Occupancy:

Based on the number of parking spaces available, the Reception Hall would have a maximum of 268 seats available during Phase I and 364 seats during Phase II. The Storage Warehouse will only be used for general storage purposes.

8) Surrounding Land Uses:

- West: The area to the west contains several commercial developments with an adjoining retail strip center zoned C-2 and further west is zoned I-1.
- South: The area immediately south is currently undeveloped and has C-2 and C-4 zoning, and the area further south is mostly developed with I-1 zoning.
- East: The adjoining parcel to the east is currently vacant and had previously been zoned C-2, but recently completed a zoning change to R1-6.
- North: The area to the north of the subject property is occupied by the Westfield Gardens residential community and is currently zoned RM-1.

9) Relationship to Surrounding Properties:

A wedding/ reception center use at the subject site will provide a good transition from the heavier commercial and industrial uses in the area, and will act as a buffer between the residential aspects to the North and East.

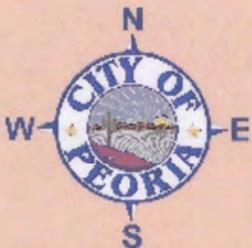
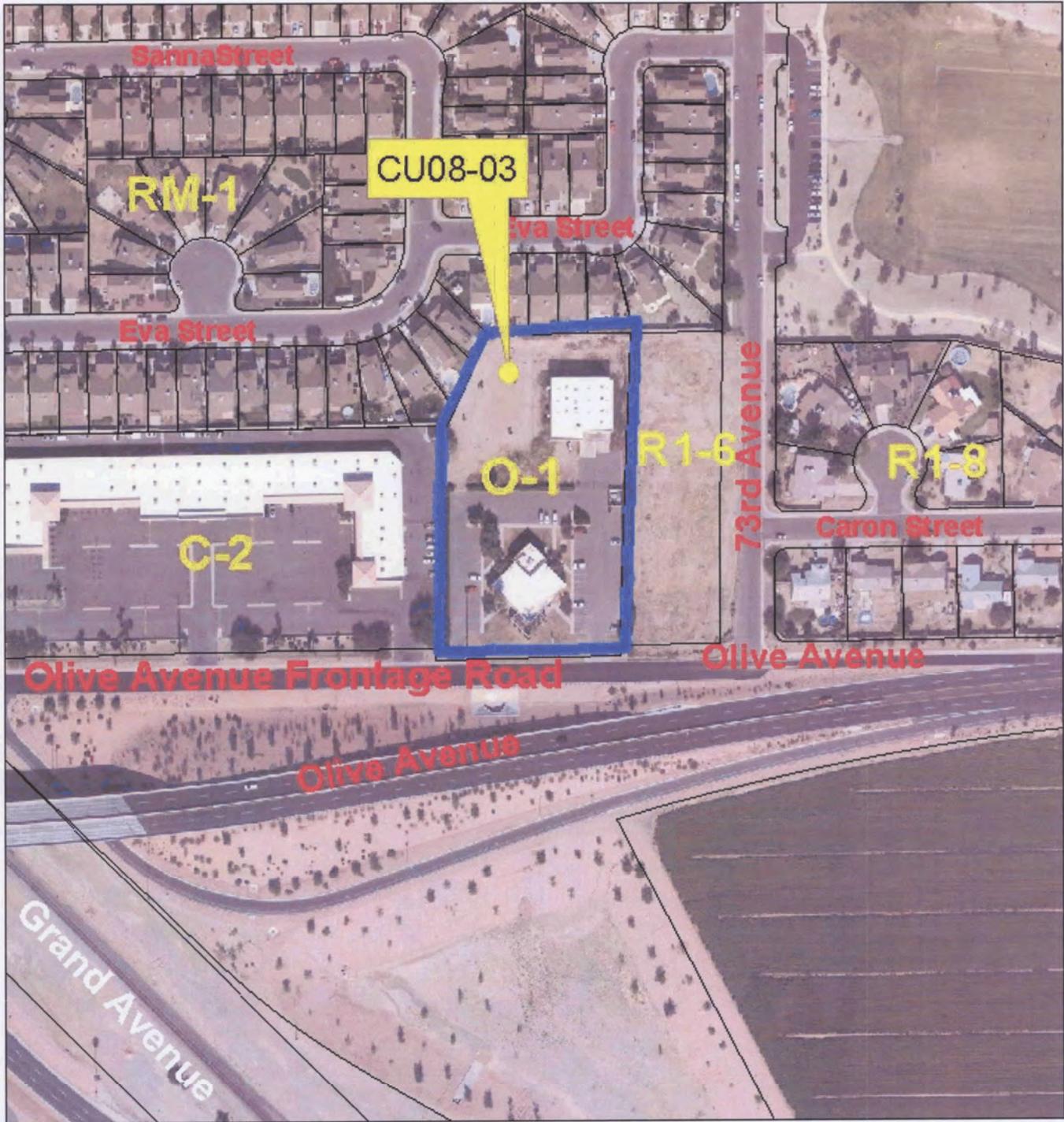
10) Neighborhood Participation:

Notification Letters were sent out on January 3, 2008 to 44 property owners within the vicinity of the subject property, advising them of an informational meeting held on-site Wednesday January 9th, 2008. Although we did not have any neighbors in attendance, we did receive a phone call from Rosana Sartirana of 7375 W. Eva Street. She was notifying us that she could not attend the meeting, but that she would like to express her concern regarding traffic passing through the neighborhood. It was her belief that vehicle traffic traveling along Olive Ave would continually detour through the neighborhood to avoid the Grand Ave overpass. Additionally, her only worry relating to the Wedding / Reception Center use was that it might increase vehicle traffic through the neighborhood.

In analyzing the subject property's ingress/egress from Olive Avenue, it would seem that the only way vehicular traffic from the proposed reception center could direct itself through the neighborhood, would be if the guests were to turn left exiting the property in an attempt to find access onto Olive, 75th, and/or Grand Avenues.

One possible solution in resolving this concern could be to install "no left turn" signs at both entrance/ exits of the property. The new signs would direct traffic to the west along Olive towards Grand and 75th Avenues and away from the neighborhood.

CU08-03 Location Map



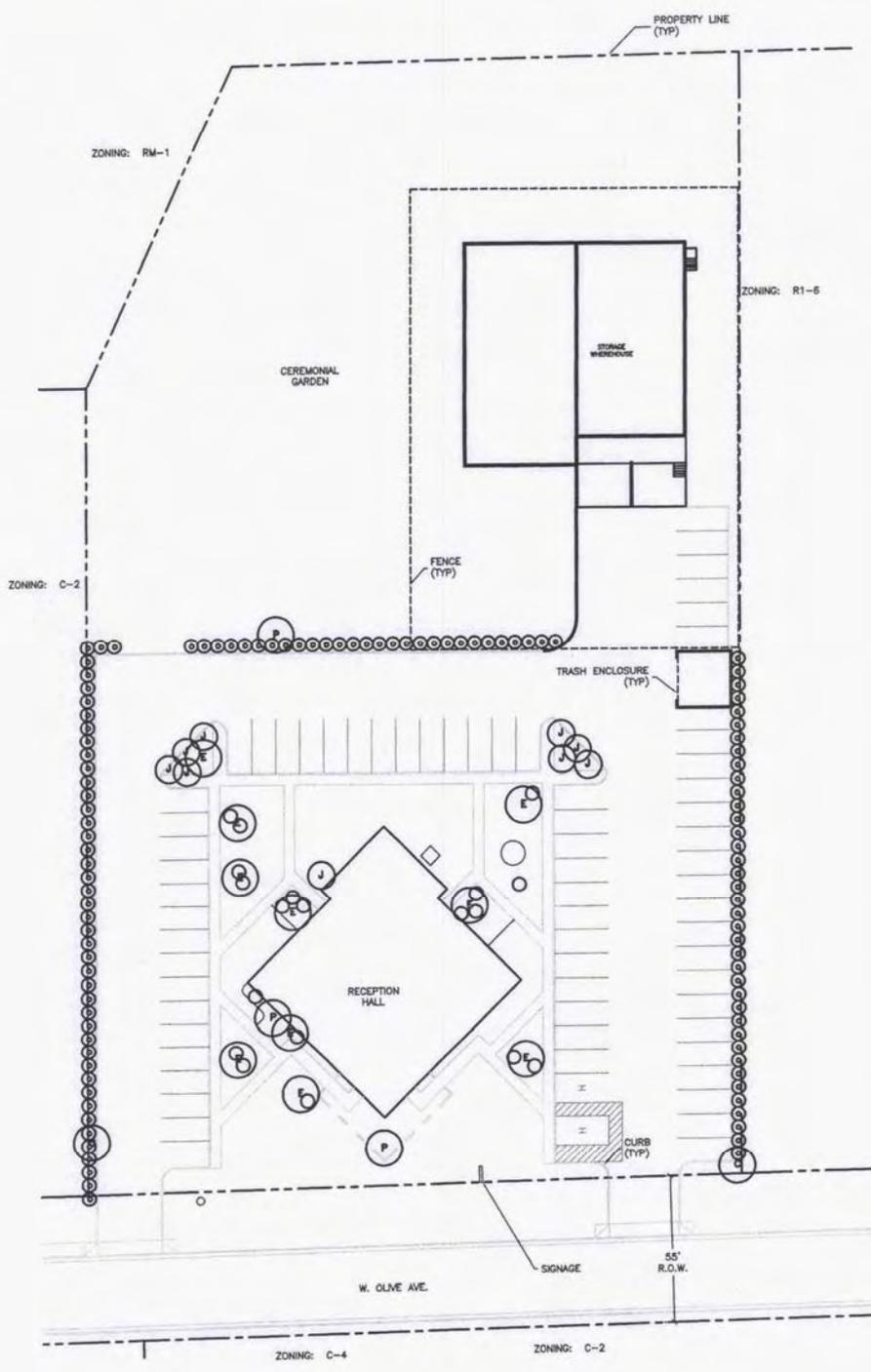
Not to Scale

CU08-03 La Hacienda Reception Center

Applicant: Luke Land Realty

Request: Conditional Use Permit (CUP) to allow a wedding and special event reception center with outdoor ceremonial garden.

Exhibit B



EXISTING PLANT SCHEDULE

SYMBOL	NAME
P	PALM TREE
E	EUCALYPTUS TREE
J	JANIPER TREE
S	CITRUS TREE
⊙	CLEANDER
○	SAGE

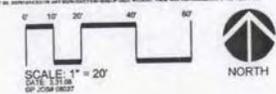


VICINITY MAP
NTS

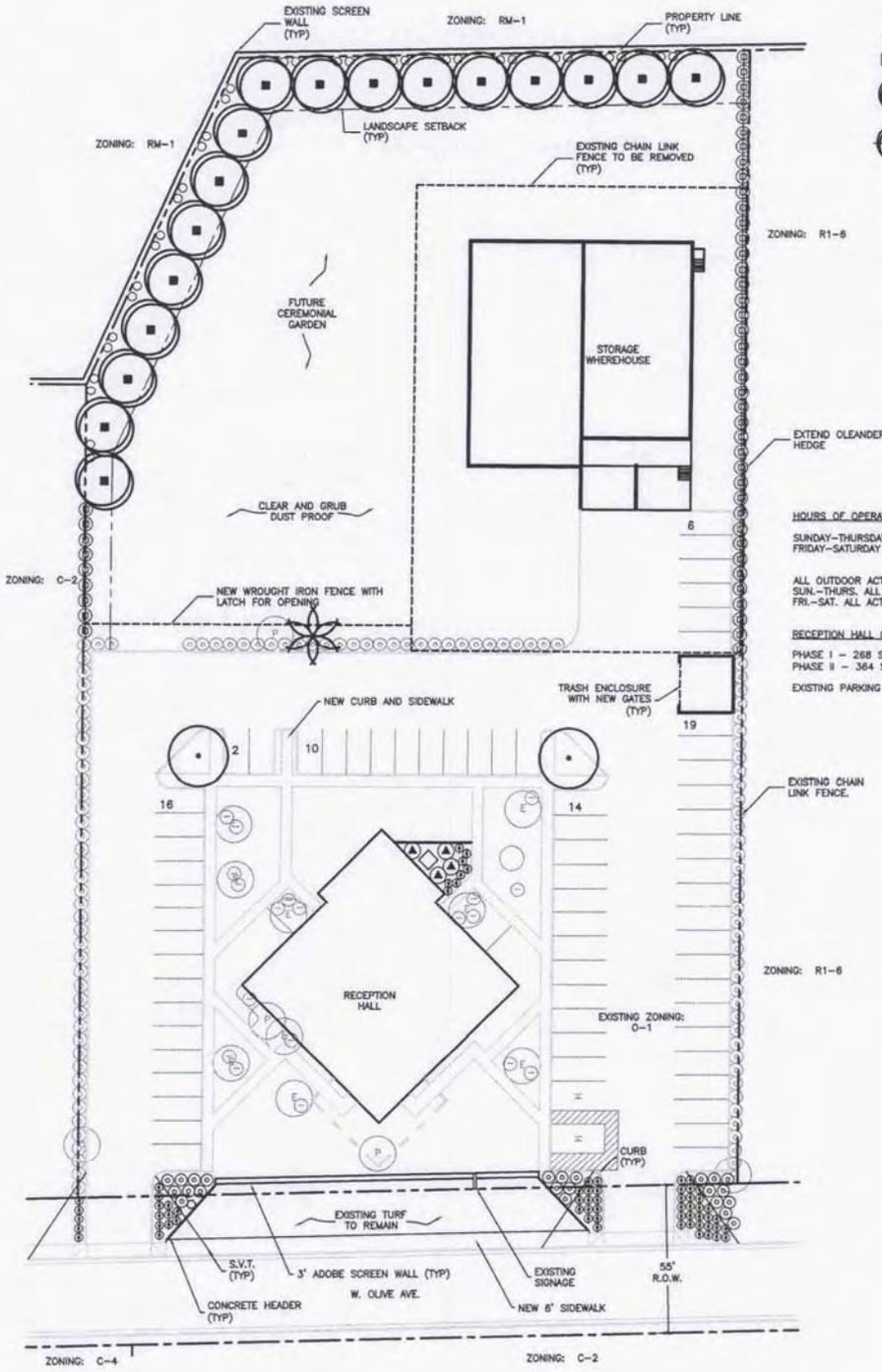
LA HACIENDA RECEPTION CENTER

7380 W. OLIVE PEORIA, AZ
PREPARED FOR: - LUKE LAND REALTY, LLC

EXISTING SITE PLAN



GILMORE PARSONS
LAND DESIGN GROUP
2211 N. 7th Street, Phoenix, AZ 85006
T 602.266.5622 F 602.266.5707
www.gilmore.com



PLANT SCHEDULE

SYMBOL	BOTANICAL / COMMON NAME	SIZE
TREES		
■	OLEA EUROPAEA "OLIVE HILL" OLIVE	24" BOX
✱	WASHINGTONIA FILIFERA CALIFORNIA FAN PALM	25' CLEAR TRUNK
○	LARIX PARVIFOLIA "CHINESE EVERGREEN ELM"	24" BOX
•	PROSOPIS CHILIDENSIS "THORNLESS" THORNLESS CHILEAN MESQUITE	24" BOX
SHRUBS		
○	BOUSSANALLEXIA SP. "BARKING JUNE" BARKING JUNE	5 GAL
⊙	CAESALPINIA MEXICANA MEXICAN BIRD OF PARADISE	5 GAL
⊙	SEDNA MEXICANA DESERT CASSIA	5 GAL
⊙	NERUM OLEANDER ST. AGNES	5 GAL
ACCENTS		
⊙	LANTANA SP. "NEW GOLD" LANTANA	1 GAL
MATERIAL		
—	CONCRETE HEADER	6" x 6" SQUARE
—	DECOMPOSED GRANITE	3/4" SCREENED
—	"WALKER GOLD"	

HOURS OF OPERATION:
 SUNDAY-THURSDAY 10:00AM-11:00PM
 FRIDAY-SATURDAY 10:00AM-1:00PM

ALL OUTDOOR ACTIVITY SHALL END AT 10:00PM.
 SUN-THURS. ALL EVENT ACTIVITY SHALL END BY 10:00PM WITH DOORS CLOSING BY 11:00PM.
 FRI.-SAT. ALL ACTIVITY SHALL END BY 12:00PM WITH DOORS CLOSING BY 1:00AM.

RECEPTION HALL CAPACITY:
 PHASE I - 268 SEATS
 PHASE II - 364 SEATS (OR MORE DEPENDING ON FINAL PARKING LAYOUT)

EXISTING PARKING - 67 SPACES

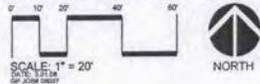


VICINITY MAP
 NTS North

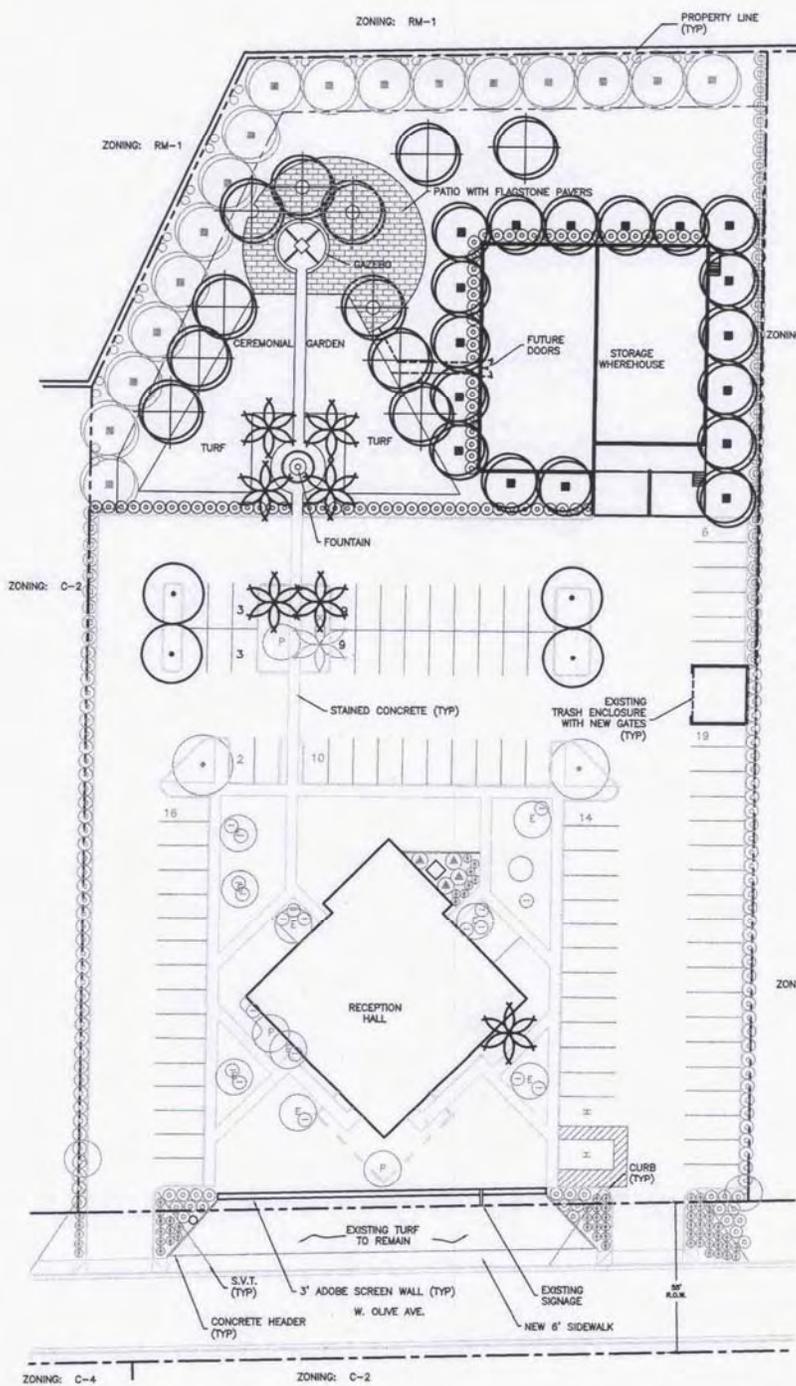
**LA HACIENDA
 RECEPTION CENTER**

7380 W. OLIVE PEORIA, AZ
 PREPARED FOR: - LUKE LAND REALTY, LLC

SITE PLAN - PHASE ONE



GILMORE PARSONS
 LAND DESIGN GROUP
 2211 N. 78. Street, Phoenix, AZ 85006
 T 602.266.5622 F 602.266.5707
 www.gilgilm.com



PLANT SCHEDULE

SYMBOL	BOTANICAL / COMMON NAME	SIZE
TREES		
○	OLEA EUROPAEA "SMALL HILL" OLIVE	24" BOX
○	WASHINGTONIA FILIFERA CALIFORNIA FAN PALM	35" CLEAR TRUNK
○	ULMUS PARVIFOLIA CHINESE EVERGREEN ELM	24" BOX
○	PROSOPIS CHILENSIS "THORNLESS" THORNLESS CHILEAN MESQUITE	24" BOX
SHRUBS		
○	BOUGAINVILLEA SP. "BARBOSA VARIET"	5 GAL.
○	CAESALPINA MEDICANA MEXICAN BIRD OF PARADISE	5 GAL.
○	SEBIA NUDIPANOLA DESERT CASSIA	5 GAL.
○	NERIUM OLIVACEUM ST. ADNE'S	5 GAL.
ACCENTS		
○	LANTANA SP. "NEW GOLD" LANTANA	1 GAL.
MATERIAL		
—	CONCRETE HEADER	6" CUBES
—	DECOMPOSED GRANITE "MURKIN GOLD"	3/4" SCREENED

HOURS OF OPERATION:
 SUNDAY-THURSDAY 10:00AM-11:00PM
 FRIDAY-SATURDAY 10:00AM-1:00PM

ALL OUTDOOR ACTIVITY SHALL END AT 10:00PM.
 SUN-THURS. ALL EVENT ACTIVITY SHALL END BY 10:00PM WITH DOORS CLOSING BY 11:00PM.
 FRI-SAT. ALL ACTIVITY SHALL END BY 12:00PM WITH DOORS CLOSING BY 1:00AM.

RECEPTION HALL CAPACITY:
 PHASE I - 268 SEATS
 PHASE II - 364 SEATS (OR MORE DEPENDING ON FINAL PARKING LAYOUT)
 TOTAL PARKING - 91 SPACES



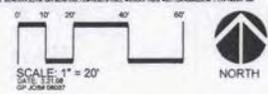
VICINITY MAP
 NTS North



**LA HACIENDA
 RECEPTION CENTER**

7380 W. OLIVE PEORIA, AZ
 PREPARED FOR: - LUKE LAND REALTY, LLC

SITE PLAN - PHASE TWO



GILMORE PARSONS
 LAND DESIGN GROUP
 2111 N. 7th Street, Phoenix, AZ 85006
 T 602.266.5622 F 602.266.5707
 www.gilgibson.com



DAVID EVANS
AND ASSOCIATES INC.



To: City of Peoria
From: [REDACTED] David Evans and Associates, Inc.
Date: 4/18/2008
Re: Traffic Impact Statement for La Hacienda Reception Center

Introduction

This traffic impact statement has been prepared to address the anticipated impacts for the proposed La Hacienda Reception Center in Peoria, Arizona. The site sits on approximately 2.4 acres and currently has two existing buildings that are being used for church and storage uses. The new proposed use includes conversion into a reception center. The site is located on the north side of Olive Avenue between Grand Avenue and 73rd Avenue. It currently has two driveways onto Olive Avenue. The site is planned in two phases: Phase 1 includes the reception center with a capacity of 268 seats, while Phase 2 includes an increase in capacity of 96 seats plus the addition of a ceremonial garden.

This traffic impact statement addresses the following issues:

- Determine the anticipated daily, as well as AM and PM peak hour, trips generated by the full buildout of the proposed development that will impact the internal and adjacent roadways
- Estimate the projected future background traffic on the study area roads
- Present any traffic recommendations or roadway improvements based upon the preliminary findings

The following sections detail the methodology and engineering judgment used in the assessment of the above stated issues.

Exhibit F

1

Traffic Impact

Background Traffic Projections

Background traffic is the amount of traffic on the study area roads if the proposed site is not built. The most recent traffic counts available for the area are from the City of Peoria's website for the year 2006. Applying a 6 percent per year growth factor the year 2008 traffic volumes are obtained. Using the *Turns W32* program, the approach daily traffic volumes are disaggregated to obtain a reasonable estimate of the daily traffic anticipated to use Olive Avenue adjacent to the site. It was found that approximately 2,000 vehicles per day would use this road adjacent to the site, while also taking into account the minimal amount of eastbound traffic.

Site Traffic Projections

Table 1 presents the proposed land use intensities for the reception hall by phase.

Table 1 – Land Use Intensity

Land Use	Intensity
Reception Hall (Phase 1)	268 Seats
Reception Hall (Phase 2)	364 Seats

In order to estimate the trip generation from the site *Trip Generation, Seventh Edition*, published by the Institute of Transportation Engineers (ITE) in 2003 was used. There is no specific reception center use as defined by the ITE land use designations. Therefore, the church land use code was used to approximate the trip generation. This designation was used since it most closely represents the trip generating characteristics of the reception center, which entails intense but short ingress and egress periods with high entering/exiting splits.

The ITE average trip generation rates were used to estimate the trips generated by the proposed development. The number of trips expected to be generated by the development at buildout on a daily basis, as well as during the peak hour is summarized in Table 2. The peak hour in this case was based upon the peak hour generator rates rather than typical adjacent street peak hours as the peak hour traffic for a site such as this will likely vary. This helps to present a "worst case" scenario.

Table 2 – Site Trip Generation

Land Use			Peak Hour Trips			Daily Trips
			Total	In	Out	
ITE LUC	Type	Size	Vph	Vph	Vph	Vpd
560	Reception Hall (Phase 1)	268 Seats	169	88	81	410
560	Reception Hall (Phase 2)	364 Seats	229	119	110	557

The net external site generated traffic per phase is shown in Table 2. This is the amount of traffic that will impact the roadways surrounding the development during each phase.

As shown in Table 2, the Phase 1 development is expected to generate 410 external trips on a typical weekday, with 169 trips during the peak hour, while the Phase 2 development is expected to generate 557 external trips on a typical weekday, with 229 trips during the peak hour

Trip Distribution

To estimate the directions from which traffic will arrive and depart to access the site, the surrounding area and roadways were considered. Directions of approach for site traffic were developed based on the location of population centers relative to the project site. The direction of approach percentages for the site trips can be seen in Table 3.

Table 3 – Trip Distribution

Travel Direction (to and from)	Percentage of External Trips
Olive Avenue (East)	66 %
Olive Avenue (West)	34 %

Roadway Network

The site is primarily served by Olive Avenue. Olive Avenue adjacent to the site acts more like an access road. Just east of the site before 71st Avenue, the eastbound Olive Avenue lane terminates. The westbound lane serves as an off-ramp from the mainline Olive Avenue (grade separated) traffic. The Olive Avenue "access road" is largely used by traffic wishing to travel northbound on 75th Avenue. The area

surrounding the Park View West residential development has also been established as a residential traffic control area, which includes the Olive Avenue "access road".

There are two existing intersections that provide access to the site. These access driveways provide full access and are proposed to remain unchanged for the La Hacienda development. The current Olive Avenue roadway adjacent to the site is undivided and has one lane in each direction.

The right turn deceleration lane warrants as provided by the Peoria guidelines are as follows (a minimum of three must be met):

1. At least 5,000 vehicles per day are using or are expected in the near future (five years after the development is built-out) to be using the adjacent street
2. The 85th percentile speed limit is greater than 35 mph or the posted speed limit is 35 mph or greater
3. At least 1,000 vehicles per day are using or are expected to use the driveway(s) for the development or adjacent development(s) (existing or future)
4. At least 30 vehicles are expected to make right-turns into the driveway(s) use the driveway(s) for the development or adjacent development(s) (existing or future)

Based on the background projections and total traffic projections, warrant 1 is not met. Warrant 2 is met. Based on the trip generation, warrant 3 is not met, while Warrant 4 is met. Therefore, since only two of the four warrants are met, a right turn deceleration lane is not warranted for either access.

Preliminary Conclusions & Recommendations

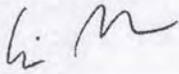
Based upon the preceding analysis, the following preliminary conclusions and recommendations have been developed:

- Phase 1 of the La Hacienda Wedding Reception Center development is anticipated to generate 410 external daily trips, with 169 peak hour trips.
- Phase 2 of the La Hacienda Wedding Reception Center development is anticipated to generate 557 external daily trips, with 229 peak hour trips.
- Background traffic projections for Olive Avenue adjacent to the La Hacienda site are estimated to be 2,000 vehicles per day.

- The main access driveways should operate as stop sign controlled intersections with full access movements allowed.
- It is recommended that a 55 foot half street right of way for the north half of Olive Avenue be reserved. No additional roadway improvements are recommended.

I hope this helps to address your concerns. Please feel free to contact me with any additional questions or concerns.

Sincerely,



 P.E., PTOE
David Evans and Associates, Inc.



REPORT TO THE PLANNING AND ZONING COMMISSION - CONDITIONAL USE PERMIT

CASE NO.: CU 08-07

DATE: May 15, 2008

AGENDA ITEM NO.: 6C

Applicant: Spectrum Acquisition Partners, LLC

Request: Approval of a Conditional Use Permit to allow a nursing/long-term care facility within the Intermediate Commercial (C-2) zoning district.

Proposed Development: Spectrum Senior Living: The proposal is for a nursing/long-term care facility in a 121,300 square foot, two and three story building with a total of 140 living units.

Location: S/O SEC 87th Avenue & Union Hills Drive

Site Acreage: Approximately 5.5 gross acres

Support/ Opposition: None as of the writing of this report

Recommendation: **Approve** with conditions.

Existing and Surrounding Land Use and Zoning (Exhibit B):

1.

CU 08-07	LAND USE	ZONING
Subject Property	Vacant	PUD(C-2)
North	Commercial Office Condominiums	PUD(C-2)
East	Well site / Country Club Pkwy, then Single-Family Residential (Bell Park Parcel 2A)	PUD (C-2) –well site PAD / Single-Family
South	Single-Family Residential (Bell Park Parcel 3)	PAD / Single-Family
West	87 th Ave, then Single-Family Residential	RM-1

Background / Project Description:

2. The applicant is proposing to develop a nursing/long-term care facility on a relatively flat, approximately 5.5 acre parcel of undeveloped land south of the southeast corner of 87th Avenue and Union Hills Drive. The current uses of adjacent properties include professional/medical office to the north of the site. There is a mix of one and two story single-family residences located to the east across Country Club Parkway, to the south, and to the west across 87th Avenue. Currently, an eight foot high CMU wall exists between the site and the residences located along the project's southern border. A city-owned well site is located directly east of the proposed development.
3. The proposed development will consist of one 121,300 square foot building with a maximum proposed height of 48 feet or three-stories. The building will be divided into sections with varying maximum heights based on their relative proximity to the abutting residential properties. The proposed facility will consist of 140 living units, which will include 76 congregate care units, 48 assisted living units, and 16 Alzheimer's units. The common area amenities include a central dining room, private dining rooms, a wellness center, beauty shop, meeting room theater, library, game room, and a gated outdoor courtyard with a terrace. The applicant has submitted an accompanying Site Plan Review (Case PR 07-44) that is being considered concurrently with this Conditional Use Permit request.

Findings/Analysis:

4. The parcel is zoned Planned Unit Development (PUD) for Intermediate Commercial [PUD (C-2)]. The C-2 zoning district permits a nursing/long-term care facility with the issuance of a Conditional Use Permit (CUP).
5. The project was reviewed for conformance with the Zoning Ordinance and the C-2 zoning district. A nursing or long-term care facility is a permitted conditional use within the C-2 district, provided that all vehicular access is from an abutting arterial or non-residential collector street, and that the site contains a net land area of at least one thousand (1,000) square feet per dwelling unit. In general, the purpose of a CUP is to mitigate potential negative impacts to adjacent properties from the proposed use where appropriate.
6. The development will have primary vehicular access from 87th Avenue, which functions as a non-residential major collector. Secondary access to the site will be via Country Club Parkway.

7. The net land area per dwelling unit for this facility will be approximately 1,687 square feet per dwelling unit, exceeding the minimum requirement of 1,000 square feet per dwelling unit.
8. The applicant has revised the site plan per staff's direction to lessen the apparent mass of the building in relation to the residential areas to south of the site. The three-story portions of the building will be oriented towards the commercial office uses located to the north of the site, while the portions of the building closest to the single-family residences south of the site will be two stories in height. The nearest portion of the building will be located approximately 85 feet from the abutting residential district to the south. Accordingly, Section 14-9-6 of the Zoning Ordinance requires a "stepback" provision for buildings abutting residential districts. The building is limited to a height of 30 feet within 30 feet of an abutting residential district with allowances for an additional foot of height for each additional 3 feet of setback. Along the south side, the building height is proposed at 48 feet thereby requiring an 84 foot setback. Again, the building will be located approximately 85 feet from the south property line.
9. Additionally, the applicant will be providing two rows of trees within a 30 foot landscape buffer along the southern edge where the project abuts residential. No freestanding light fixtures are proposed within the landscape buffer.
10. The application and hearing notices were 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 verbal or written comments on the proposal.
11. This request has been routed to various City departments. None of the other reviewing agencies had any comments on the proposed use.
12. Staff considers this use to provide an appropriate transitional buffer between the commercial office uses to the north of the site and the single-family residential uses to the south of the site.

Recommendation:

13. Based on the following findings:
 - The request is consistent with the Peoria Zoning Ordinance.
 - The request is compatible with the surrounding uses.

It is recommended that the Commission take the following action:

Approve, Case CU 08-07, subject to the following conditions:

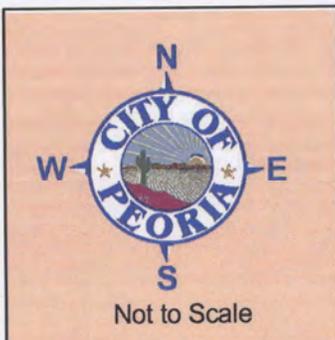
1. Development shall conform to the Site and Elevation Plans as approved under Site Plan Case PR 07-44. All conditions associated with Case PR 07-44 must be met.
2. The use shall substantially conform to the project narrative stamp dated March 11, 2008 (Exhibit C).

Attachments:

- Exhibit A: Project Map
- Exhibit B: Zoning Map
- Exhibit C: Project Narrative
- Exhibit D: Preliminary Site Plan
- Exhibit E: Preliminary Landscape Plan
- Exhibit F: Project Elevations

Prepared by Melissa Zechiel
 Planning Technician

CU 08-07: Spectrum Retirement Community

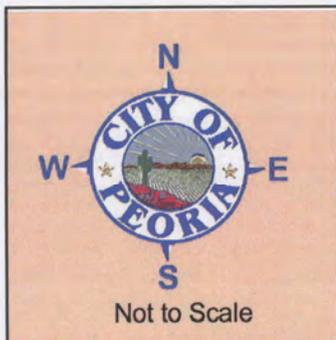
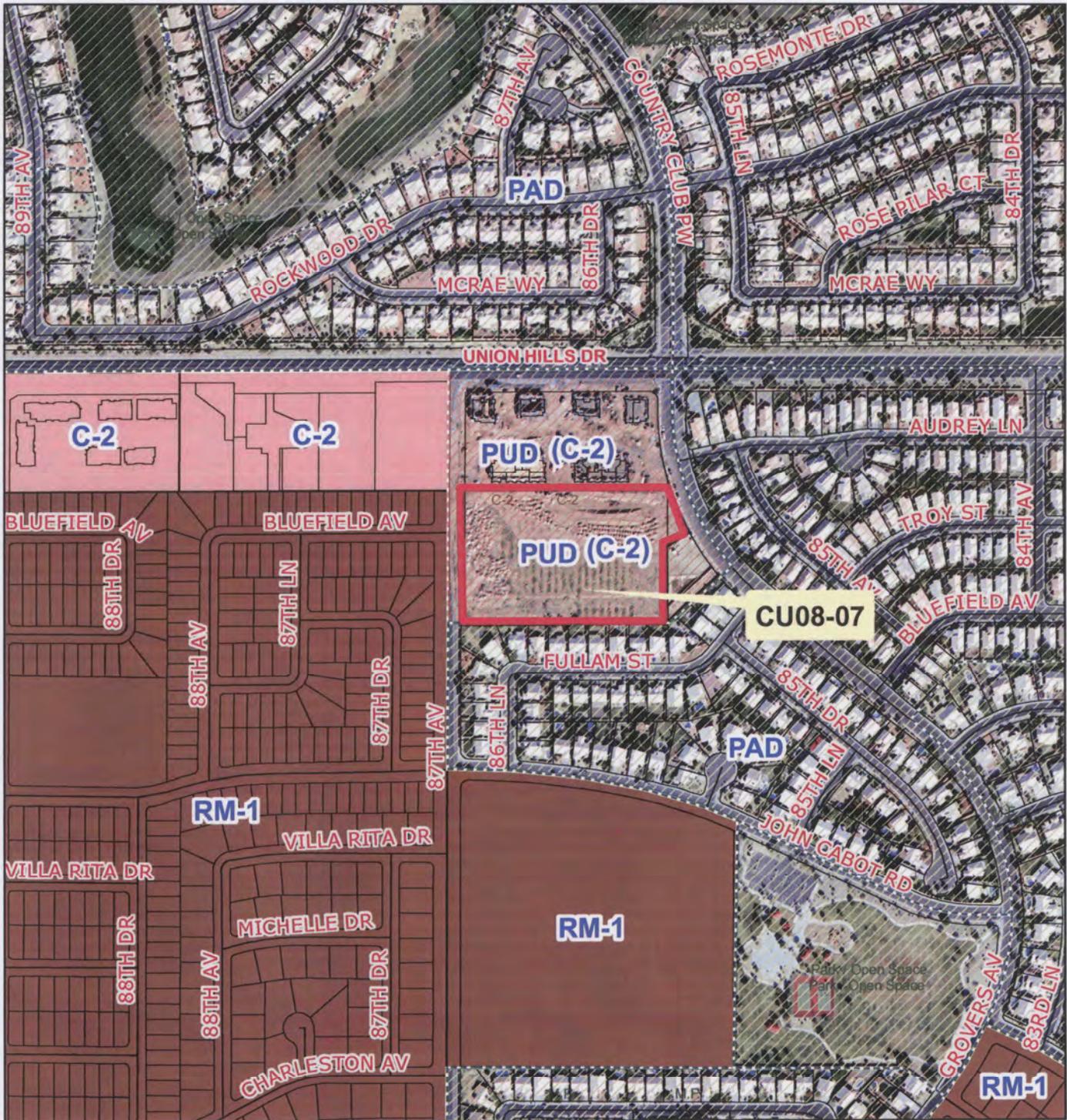


CU 08-07 Spectrum Retirement Community

S/O SEC 87th Ave. & Union Hills Dr.
Request for a Conditional Use Permit to allow a
nursing/long-term care facility in a C-2 Zoning District.

Exhibit A

CU 08-07: Spectrum Retirement Community



CU 08-07 Spectrum Retirement Community

S/O SEC 87th Ave. & Union Hills Dr.
 Request for a Conditional Use Permit to allow a
 nursing/long-term care facility in a C-2 Zoning District.

Exhibit B



Spectrum
Acquisition Partners, LLC

Narrative: Spectrum Retirement Community - Peoria

In its scale, massing, and roof forms, the proposed development will provide an excellent architectural transition between the existing commercial development to the north and the single-family residential neighborhood to the south. A drive will connect to the commercial development to the north, and a 30-foot landscape area on the south will provide a partial physical and visual buffer to the residential neighborhood.

The proposed development will consist of a 121,300 square foot, two- and three-story building. The facility includes 140 total living units, of which 76 units are congregate care, 48 are assisted living units, and 16 are Alzheimer's units. The living units range in size from approximately 400 to 450 square feet for a studio, 550 to 700 square feet for a one bedroom, and 800 to 1 000 square feet for a two-bedroom unit. Each unit contains a full bathroom and kitchenette. Common area amenities include a central dining room, private dining rooms, wellness center, beauty shop, meeting room, theater, library, game room, and an outdoor, gated courtyard with a terrace. The common area comprises approximately 38% of the total building.

The site will be generously landscaped, and will include the gated courtyard, an enclosed Memory Garden, and a walking path around the full building perimeter. The site plan shows 80 parking spaces, six of which will be handicapped accessible.

The Spectrum Retirement model is designed to accommodate the lifestyle and requirements of the senior population. While this facility is designed to be aesthetically attractive, the design is functional in addressing the physical requirements and/or limitations of its elderly residents. In meeting the need for personal interaction, a variety of indoor areas and outdoor spaces have been incorporated into the Spectrum Retirement community model to provide for socialization, activities, light exercise, and informal recreation.

Exhibit C

200 SPRUCE STREET, SUITE 200 DENVER, COLORADO 80230
303-360-8812 FAX 303-360-8814



CU08-07 Spectrum Retirement Community Preliminary Site Plan

MOLSSON ASSOCIATES

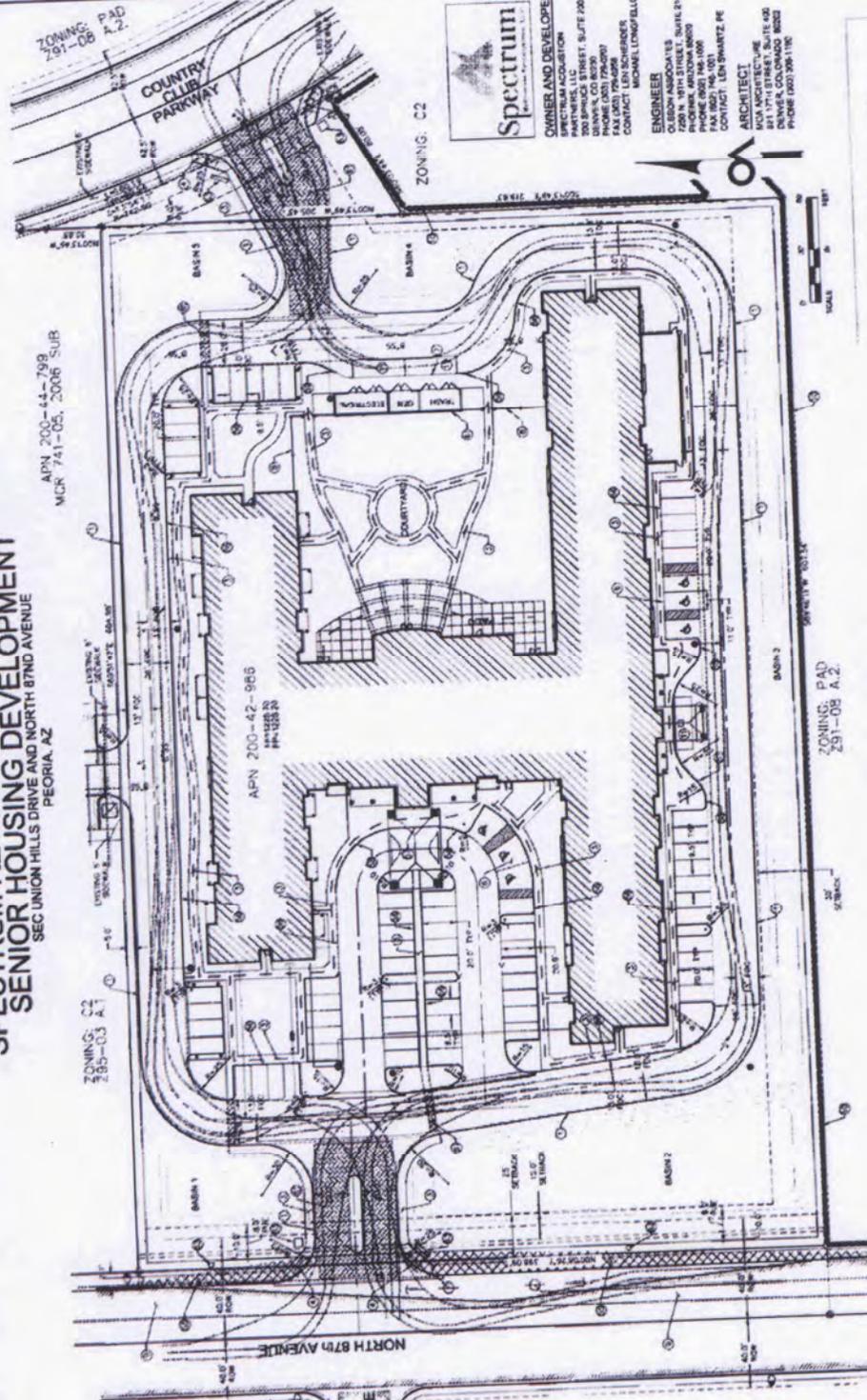
PEORIA, ARIZONA
SPECTRUM RETIREMENT COMMUNITIES
ASSISTED LIVING FACILITY
PRELIMINARY SITE PLAN
2008

REVISIONS

C1.0

SPECTRUM RETIREMENT COMMUNITIES SENIOR HOUSING DEVELOPMENT

SEC UNION HILLS DRIVE AND NORTH 87ND AVENUE
PEORIA, AZ



ZONING: PAD 291-08 A.2
COUNTRY CLUB PARKWAY

APN 200-44-799
MCR 741-05, 2008 SUB

APN 200-42-985
MCR 128-23

ZONING: C2
285-03 A.1

ZONING: RM-1

ZONING: RM-1

W BLUEFIELD AVE

NORTH 87th AVENUE

SENIOR HOUSING DEVELOPMENT

PEORIA, AZ

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

PRELIMINARY SITE PLAN

2008

REVISIONS

C1.0

PEORIA, ARIZONA

SPECTRUM RETIREMENT COMMUNITIES

ASSISTED LIVING FACILITY

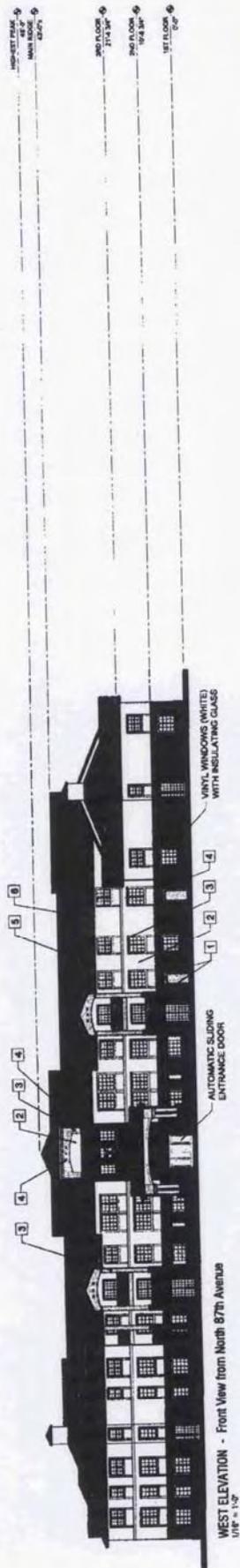
PRELIMINARY SITE PLAN

2008

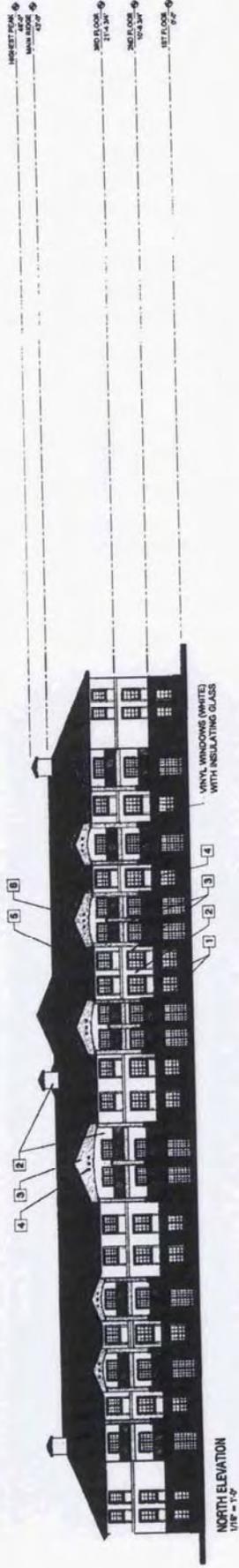
REVISIONS

C1.0

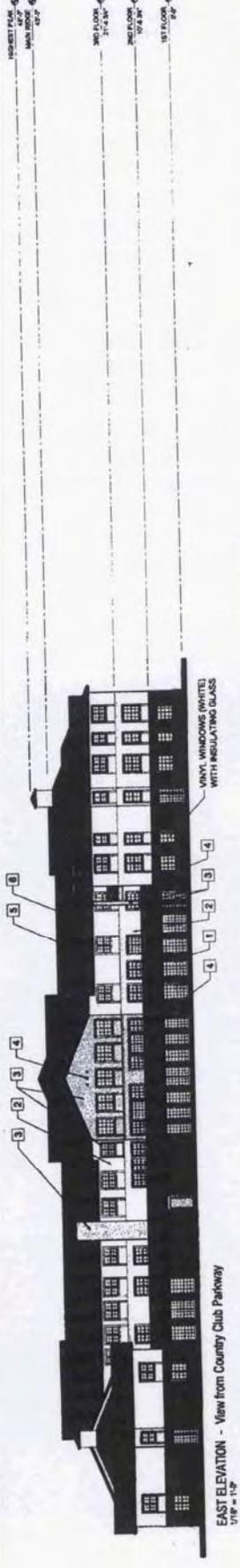
PEORIA, ARIZONA



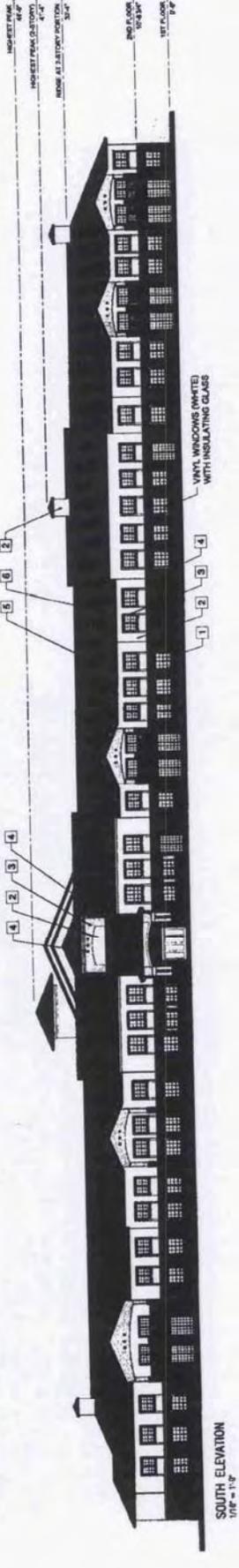
WEST ELEVATION - Front View from North 87th Avenue
1/8" = 1'-0"



EAST ELEVATION - View from Country Club Parkway
1/8" = 1'-0"



NORTH ELEVATION
1/8" = 1'-0"



SOUTH ELEVATION
1/8" = 1'-0"

EXTERIOR COLOR & MATERIALS LEGEND:
SEE SHEET A2 FOR COLOR SAMPLES

- 1 STONE VENER BASE - Owens Corning Cultured Stone - Charbonnery CSI-20000
- 2 STUCCO, SAND FINISH (Light Red Coat) - Sherwin-Williams Color SW 6117 - ROSE
- 3 STUCCO, SAND FINISH (Medium Coat) - Sherwin-Williams Color SW 6113 - BASKET BEIGE
- 4 STUCCO, SAND FINISH (Greatest Coat) - Sherwin-Williams Color SW 6102 - PORTABELLO
- 5 CONCRETE ROOF TILE - Mowbray Lintex 15152299 Spanish Red - Sassy Finish
- 6 FASCIA, GUTTER, & DOWNSPOUTS - Prefinished Aluminum, Medium Bronze

EXTERIOR ELEVATIONS
SPECTRUM SENIOR LIVING - PEORIA, AZ



SCALE: 1/8" = 1'-0"
MARCH 10 2008

Exhibit F

REPORT TO THE PLANNING AND ZONING COMMISSION- CONDITIONAL USE PERMIT

CASE NO.: CU 08-11

DATE: May 15, 2008

AGENDA ITEM NO.: 7C

Applicant: Buff Brothers, LLC

Request: Approval of a Conditional Use Permit to allow liquor sales with a Series 6 License, and the addition of an approximately 600 square foot smoking/outdoor dining patio, to the proposed FuNuGyz Sports Tavern located in an existing suite within Thunderbird Beltway Plaza.

Proposed Development: FuNuGyz Sports Tavern

Location: N/O NWC 83rd Ave. & Thunderbird Rd.
8378 W. Thunderbird Rd. Ste. B-104

Support /Opposition: At the time of printing, the City has not received any letters or phone calls of support or opposition in this case.

Recommendation: Approve, with conditions.

Existing Land Use and Zoning:

1.

CU 08-11	LAND USE	ZONING
Subject Property	Thunderbird Beltway Plaza (Commercial Center)	C-2 (Intermediate Commercial)
North	Thunderbird Office Park	C-2
East	Thunderbird Beltway Plaza (Commercial Center)	C-2
West	Thunderbird Beltway Plaza (Commercial Center)	C-2
South	Thunderbird Beltway Plaza (Commercial Center)	C-2

Background / Project Description:

2. The proposed FuNuGyz Sports Tavern will be located within the Thunderbird Beltway Plaza, a commercial center approximately 16 acres in size, located on the northwest corner of 83rd Avenue and Thunderbird Road. Existing tenants in the Thunderbird Beltway Plaza include Gold's Gym, Baum's Sporting Goods, Heidi's Brooklyn Deli, and Kabuki Sushi Grill.
3. The applicant is proposing the addition of an approximately 600 s.f. patio for the purposes of outdoor dining. The patio would be located adjacent to the southern elevation of the suite to be occupied by FuNuGyz Sports Tavern. The proposed patio will be enclosed by partial walls that would coordinate with the colors and materials of the existing building in which FuNuGyz Sports Tavern would be located.
4. The applicant is also proposing to operate the FuNuGyz Sports Tavern with a Series 6 (Bar) liquor license. The facility would operate as a full-service restaurant, with hours from 10:00 a.m. to 2:00 a.m. seven days a week.

Findings/Analysis:

5. Based on the changes proposed to the façade of the building for the purposes of the outdoor dining patio, a separate Non-Residential Design Review application will be required for approval of the outdoor dining patio structure. Compliance with any stipulations of the Design Review will be a condition of approval for this CUP.
6. The Thunderbird Beltway Plaza is located within the C-2 zoning district. The C-2 District permits restaurants, which may serve alcohol, but requires the issuance of a conditional use permit (CUP) for *taverns, bars, lounges or establishments that sell alcoholic beverages for consumption on premises*.
7. The applicant is seeking a Series 6 liquor license for the sale of alcohol at a bar/tavern and therefore will require a CUP to locate within the C-2 zoning district. For reference, the definition of a tavern, bar or lounge under Section 14-2 of the Zoning Ordinance is as follows:

Tavern, bar, lounge or establishment means a business that sells beer or intoxicating liquor for consumption on the premises **and** having a Spirituous Liquor License with any of the following classifications: Bar License (Series #06) or Beer and Wine Bar License (Series #07) or the equivalent of such license, and excluding restaurants and recreation and social clubs.

8. If the establishment was to obtain an Arizona State Series 12 license (restaurant), the establishment would be classified as a restaurant and no CUP would be required. The primary difference between the Series 6 license and the Series 12 license is that the Series 12 license more specifically "allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food." The Series 6 license allows for the sales and consumption of spirituous liquor on the premises without a restaurant license, or a minimum percentage of the establishment's gross revenue to be derived from food sales.
9. Pursuant to Section 14-9-5-B-3, there were no designated Local Alcohol Reception Centers identified within 1000 feet of the subject site building wall.
10. In staff's judgment, the proposed outdoor dining use is an appropriate, ancillary function to a restaurant use. Outdoor seating areas are typical of this type of use and are highly encouraged by the City provided they do not create conditions that are undesirable to the community.
11. With respect to the outdoor dining patio and bar/tavern CUP requests, staff has not identified any potentially negative impacts derived from these uses on adjacent properties. The FuNuGyz Sports Tavern will be located within a developed commercial center with other restaurants. There are no residential developments directly adjacent to this use, or to the larger Thunderbird Beltway Plaza of which this use would be a part. The larger Thunderbird Beltway Plaza is surrounded by non-residential uses and/or zoning districts, including the parcels located to the east across 83rd Avenue and south across Thunderbird Road.
12. The application was routed to various City departments and other external agencies. None of the departments or agencies had any comments on the proposal. 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.

Recommendation:

13. 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 will not be detrimental to surrounding properties.

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

Approve the Conditional Use Permit requested under case CU 08-11, subject to the follow conditions:

1. The use shall substantially conform to the Narratives attached as Exhibits B and C, and the accompanying site plan attached as Exhibit D.
2. The outdoor dining patio shall require approval of a Design Review application and of all applicable building permits.

Attachments:

Exhibit A	Location Map
Exhibit B	Project Narrative (Outdoor Dining Patio)
Exhibit C	Project Narrative (Series 6 license)
Exhibit D	Site Plan
Exhibit E	Patio Plan

Prepared by: Melissa Zechiel
Planning Technician

CU 08-11: FuNuGyz Sports Tavern



Not to Scale

CU 08-11 FuNuGyz Sports Tavern

N/O NWC 83rd Ave. & Thunderbird Rd.

8378 W. Thunderbird Rd. Ste. B104

Request for a Conditional Use Permit to allow the addition of an outdoor dining patio and liquor sales with a Series 6 Liquor License.

Exhibit A



P.O. Box 2502
Clanton, Arizona 85244
(480) 738-2973 Phone (480) 738-2978 Fax

Re: Narrative of conditional use permit

Adam Pruett **INDUSTRY CONSULTANTS**

Capital Consulting is acting as the owner's representative and is submitting the following application on behalf of Buff Brothers LLC. The establishment (FuNuGyz Sports Tavern) is to be located at the Thunderbird Beltway Marketplace 8378 West Thunderbird Rd. Suite B-104, Peoria, AZ.

The suite was completely built out and opened by Nick and Vitos II. Buff Brothers use of the facilities is the same as the original occupants Nick and Vitos II. They are applying to add a smoking patio to the facility. This was disclosed to the property owners/West Valley Properties prior to their formal lease agreement. Attached is the completed Peoria Conditional Use Permit with West Valley's signature included. Also included is a "site plan for overview" and a "detailed site plan" identifying the area to be used as a patio as well as site photographs. We are including several conceptual drawings and renderings of the patio requesting approval.

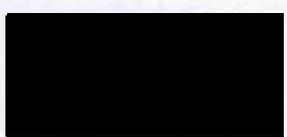
We have commissioned Andrews Design Group Inc. to provide professional formal design services. For clarity Andrews Design Group was the original architect of record who designed the entire plaza and is experienced in working with the City of Peoria. All finishes and colors of the new patio cover will match existing finishes. The smoking patio will create an additional ~600 sf of serving area which by ordinance requires six additional parking spaces. These spaces have been confirmed available by West Valley Properties.

Delco Construction has been chosen as the contractor and also has valuable experience working with the City of Peoria.

We appreciate your assistance with this process. We have carefully chosen local team members that provide valuable experience working in the community. Buff Brothers is a respected company in the Denver area and has chosen this site as their first location in AZ. They are a well established restaurateur and will be a valuable asset to the community.

Please feel free to contact me anytime.

Thank you,



REPORT TO THE PLANNING AND ZONING COMMISSION- CONDITIONAL USE PERMIT

CASE NO.: CU 08-12
DATE: May 15, 2008
AGENDA ITEM NO.: 8C

Applicant: [REDACTED] Enoch's Sports Lounge

Request: Obtain a Conditional Use Permit (CUP) for an outdoor dining area (patio) on the southeast corner of an existing restaurant use.

Proposed/ Development: Enoch's Sports Lounge: 6750 W. Peoria Avenue, #145 Peoria AZ 85345. (Existing Sports Lounge)

Location: North of the northeast corner of Peoria Avenue and 67th Avenue.

Support/ Opposition: At the time of printing, the City has not received any letters or phone calls in support or opposition to this case.

Recommendation: **Approve**, with stipulations

Existing and Surrounding Land Uses and Zoning (Exhibit B):

1.

CU 07-29	LAND USE	ZONING
ON-SITE	Cross Roads Plaza	C-2
North:	Mobile Home Park	RMH-2
East:	City of Glendale	Commercial
West:	Mobile Home Park	RMH-2
South:	Peoria Station Shopping Center	C-2

Background / Project Description:

2. Enoch's Sports Lounge is an existing establishment located within the Crossroads Plaza Shopping Center located north of the northeast corner of Peoria Avenue and 67th Avenue.
3. The applicant, Enoch's Sports Lounge, is proposing a 360 square foot outdoor area (patio) on the exterior of the existing establishment. The outdoor seating patio will measure approximately 40' feet in length by 9' feet in width located within an existing sidewalk area. Staff notes, the request will not displace required sidewalk clearance (See Exhibit C). A decorative railing will enclose the area. See recommended conditions 3 and 4.
4. The patio is proposed to be open during regular business hours of Monday thru Saturday from 6:00 a.m. to 2:00 a.m. (Exhibit A) and Sunday from 10:00 a.m. to 2:00 a.m.

Findings/ Analysis:

5. Pursuant to the Non-Residential Districts Land Use Matrix (Table 14-9-3) outdoor dining and seating areas require the issuance of a Conditional Use Permit within the C-2 Intermediate Commercial District.
6. Section 14-39-10.D outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a CUP is to mitigate any identified impacts arising from a specific use on the surrounding neighborhood and provide controls to ensure maximum compatibility.
7. In staff's judgment, the proposed use is an appropriate, ancillary function to an existing sports lounge use. The outdoor dining area is located within a use oriented to the intersection of a major arterial street. The outdoor dining area will be buffered from the adjacent mobile home park to the west by the existing commercial building which houses the lounge. The outdoor seating area will be oriented towards the interior of the shopping center and positioned towards 67th Avenue. Therefore, staff does not anticipate any significant negative impacts as a result of the outdoor dining area.
8. The application notice was also forwarded to all property owners within 300 feet of the proposal and properly noticed pursuant to Section 14-39-10 of the Peoria Zoning Ordinance. As a result, to date, the City has not received any verbal or written comments on the proposal.

Proposition 207 Discussion

9. The voters of Arizona recently approved Proposition 207, which amongst other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City.
10. The applicant, [REDACTED] has submitted a signed and notarized Proposition 207 waiver, which will be recorded with the conditions outlined below.

Recommendation:

11. Staff recommends approval of CU08-12 based on the following findings:
 - The proposal is limited in scope and an appropriate, ancillary function for a restaurant use; and
 - The proposal does not result in any detrimental impacts to the surrounding neighborhood

It is recommended that the Commission take the following action:

Approve the Conditional Use Permit requested under case CU 08-12, subject to the following conditions:

1. The use shall substantially conform to the Narrative attached as (Exhibit A) and the accompanying Patio Plan (Exhibit C).
2. The decorative railing shall be painted a neutral color that is compatible with the building.

Attachments:

Exhibit A	Project Narrative
Exhibit B	Aerial Map/Photo
Exhibit C	Patio Plan
Exhibit D	Seating Area Photo
Exhibit E	Site Layout

Prepared by: Monique Spivey
Associate Planner

I am proposing to enclose a 360sq ft area in the front of Enoch's Sport's Lounge with rod iron to use as a patio for smoking and drinking. It will help my business and keep customers in one area this will not effect any other businesses. I am located at the last space on the north end of the center the space south is unoccupied further south is bridle shop, even further is a nail shop, and across the parking lot from Enoch's is McDonalds. This is also requested by my landlord [REDACTED] for better appearance. I know this needs to be excepted by liquor control.

ENOCH'S SPORTS LOUNGE
6750 w. PEORIA #145
PEORIA AZ. 85345
[REDACTED]

Date: 3-24-08

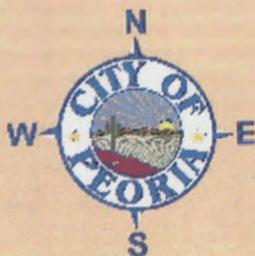
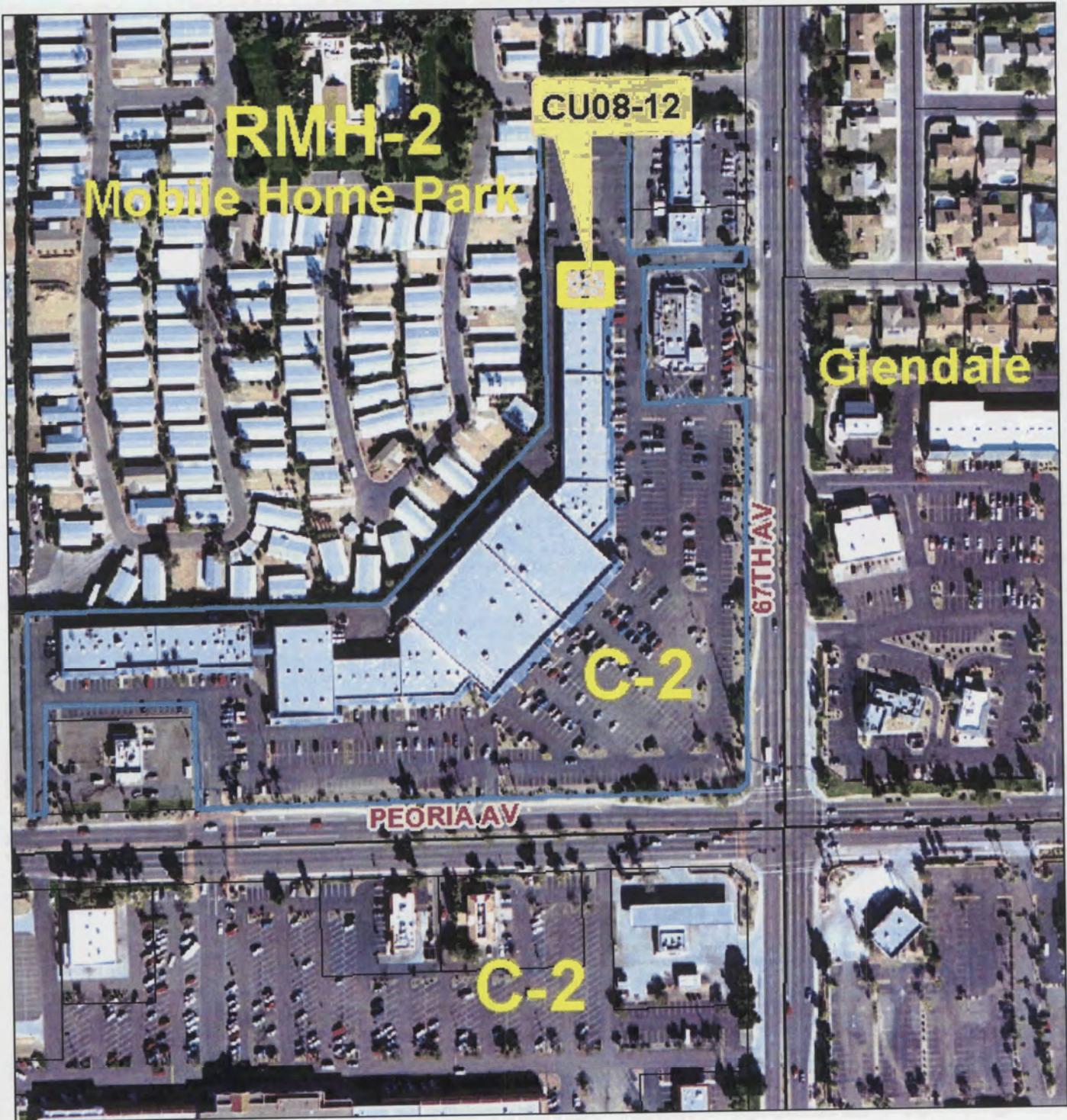
ATTN: MONIC SPIVEY

P.S. HOURS OF BUSINESS ARE AS FOLLOWS
MONDAY - SATURDAY 6:00a.m. TO 2:00a.m.
SUNDAY 10:00a.m. TO 2:00a.m.



Exhibit A

CU 08-12: Enoch's Sport Lounge

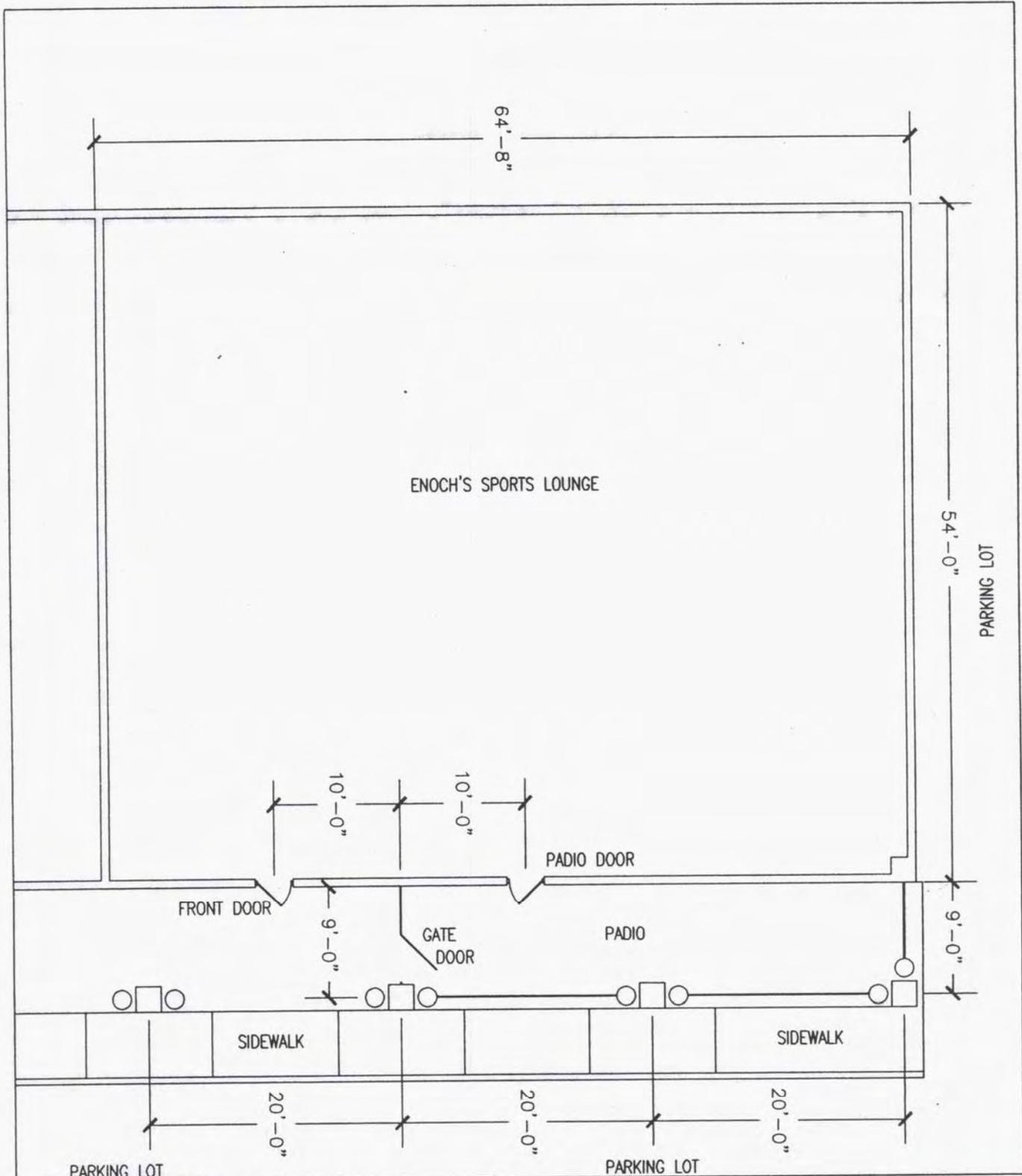


Not to Scale

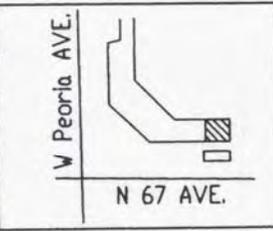
CU 08-12; Enoch's Sports Lounge

N/O NEC 67th Ave. & Peoria Avenue.
Request for a Conditional Use Permit to allow an outdoor patio area.

Exhibit B



ENOCH'S SPORTS LOUNGE
 6750 W. PEORIA AVE., #145
 PEORIA, AZ 85345
 (623) 878-6296
 DATE: MARCH 21, 2008
 CAD DWG FILE: SPORTS BAR.DWG
 DRAWN BY: EJS
 2 OF 3 3/32"-1'-0"



MAR 2008
 Received
 Planning Division
 CUD 12
 1

12345678910111213141516171819202122232425262728293031

Exhibit C



Exhibit D

Jurisdiction: PEORIA
 City Zone Code: C-2
 Assessor Zone Code: C-C
 Last received from jurisdiction: 1/12/07



ENOCH'S SPORTS LOUNGE
 6750 W. PEORIA AVE., #145
 PEORIA, AZ 85345
 (623) 878-6296
 DATE: MARCH 21, 2008
 CAD DWG FILE: SPORTS BAR.DWG
 DRAWN BY: EJS
 1 OF 1 1/8" = 1'-0"



Exhibit E

REPORT TO THE PLANNING AND ZONING COMMISSION- SITE PLAN APPEAL

CASE NO.: PR 06-09

DATE: May 15, 2008

AGENDA ITEM NO.: 9R

Applicant: Irwin G. Pasternack, AIA, P.C., 745 E. Maryland Ave., Suite 100, Phoenix, AZ 85014.

Request: Consideration of appeal to the Site Plan approval issued by staff on March 10, 2008.

Proposed Development: Development of a 44,545 sq.ft building as the fourth and final phase of Olive Commerce Park.

Location: The property is located at the southwest corner of State Route 101 Freeway and Olive Avenue (Exhibits A & B).

Site Acreage: 1.55 gross acres

Support /Opposition: One phone call/letter has been received in opposition to this project (appeal letter).

Recommendation: Uphold Staff Approval, with stipulations.

Existing and Surrounding Land Use and Zoning:

PR06-09	LAND USE	ZONING
Subject Property	Vacant	BPI (Olive Commerce Park Phase 4)
North	Arterial (Olive Ave), then single-family residential	PAD (Canterra @ Springer Ranch)
East	Freeway (SR 101)	N/A
West	Single Family Residential	R1-35 (West Olive Farms)
South	Olive Commerce Park Phase 1-3	Business Park / Industrial

Project Description/Background:

1. On March 10, 2008, the City of Peoria Planning Division issued an approval for the site plan case # PR 06-09. The approval will permit a two-story, 44,545 sf building consisting of multi-use light industrial and office flex space. Specific users of the space are undefined at this time. The building will be constructed to an overall height of 35'.
2. The subject property is currently accessed from Olive Avenue at a point located at the northwest corner of the site. Per the approved Traffic Impact Analysis (TIA), the Phase 4 site plan (Lot 2 per Ord. 04-194) will be permitted to be built with the requirement that the developer connect to the SR 101 frontage road at such a time that it is constructed.
3. The site is buffered from the adjacent residential subdivision (West Olive Farms) by a 10' high noise attenuation masonry wall and a 15' minimum wide landscape buffer. Both were constructed during the first phase of the Olive Commerce Park project. The new building will be set back approximately 86' from the western property boundary and 106' from Olive Avenue.
4. The existing zoning for the site is Business Park Industrial (BPI). The site was zoned under case PZ 89-16 and included four subsequent amendments. The following is a brief outline of the history of the zoning for the site.
 - a. **PZ 89-16:** The initial zoning case that rezoned the property from Office Commercial (O-1) to Business Park Industrial (BPI) – Ordinance 91-14. Stipulations were added to minimize potential impacts from this development on the adjacent residential properties.
 - b. **PZ 89-16A.1:** A stipulation modification to allow an additional two-year time frame for the submittal of a final subdivision plat to be filed – Ordinance 93-29.
 - c. **PZ 89-16A.2:** A second stipulation modification to allow additional time for the submittal of a final subdivision plat to be filed – Ordinance 95-65.
 - d. **PZ 89-16A.3:** A revision to the preliminary development plan to address the physical constraints of the site through multiple modifications to the approved stipulations – Ordinance 00-126. The most relevant modifications affecting the site plan application are as follows:
 - i. Alteration of the maximum allowable height of building to 36' (3 stories) for multi-use buildings or 45' (4 stories) for offices only.
 - ii. Increase the western noise attenuation wall height to 8' from 6'.
 - iii. Add a second row of 48" box trees along the western property line.

- e. **PZ 89-16A.4:** A fourth stipulation modification to address Engineering related issues, the noise attenuation wall height, and the 48" box tree requirement – Ordinance 04-194:
- i. The developer shall construct Olive Avenue street improvements including a deceleration lane.
 - ii. Requirement for the dedication of ROW along the SR 101 for the future frontage road.
 - iii. No development on Lot 2 (Phase 4 parcel) until the Engineering Department approves a TIA and/or the frontage road has been constructed.
 - iv. An increase of the noise attenuation wall height to 10' from 8'.
 - v. Removal of the second row of 48" box tree requirement in the landscape buffer and replaced with shrubs to accent the existing pine trees.

Analysis:

Conformance with the Zoning Ordinance

5. The Business Park Industrial (BPI) district is intended to accommodate the development of office parks, support retail services, warehousing and certain light industrial uses in a comprehensively planned and attractive setting. The approximate 44,000 square feet of flex industrial/office space offering BPI type opportunities is consistent with zoning authorized by case PZ 16-89 approved in 1991 and the four subsequent amendments.
6. The appellant (appeal letter - Exhibit D) contends that the height and placement of the Phase 4 development will adversely impact their neighboring residential home. The concern is that due to the close proximity to the SR 101 elevated overpass, any noise emanating from the overpass will be deflected from the face of the 35' high building, over the 10' high noise attenuation wall and into the house/backyard of the appellant.
7. The appellant's property is located in the West Olive Farms single-family subdivision, which has a zoning designation of R1-35. Business Park Industrial zoned developments adjacent to residential properties are subject to specific requirements intended to mitigate potential adverse impacts. As a stipulation of approval, the developer of this project was required to construct a 10' high wall along the western property line to minimize the impacts of noise emanating from this site on the abutting properties. Additionally, a 15' landscape buffer was created and the existing pine trees were supplemented with additional evergreen trees and shrubbery. See Image 1 and 2 below.



Image 1 – Main Entrance / Buffer & Wall



Image 2 – Buffer & Wall

8. Based on staff observations during several site visits, the most prominent noise impacts appeared to emanate from Olive Avenue, rather than the freeway overpass. Noise emanating from the overpass and freeway on-ramp were secondary sources to the Olive Avenue road noise. In addition to site visits, staff consulted a representative from ADOT regarding possible noise studies or testing that may have been performed in the vicinity. The ADOT representative indicated that they had actually tested the noise level on the appellant's property (at the request of the appellant) and determined that the freeway noise was not at a level that would warrant the need for any sound barriers. The following image depicts the approximate distances from the appellant's residence to noise generating locations.



Image 3 – Distances between functions.

9. It should be noted that as part of the FY09 Capital Improvement Projects (CIP), the SR 101 and Olive traffic interchange will be widened. Included in this project

is the construction of a block wall along the appellant's northern property line (see Image 4). The wall will only be located on the eastern parcel (two total parcels) and will not extend to 94th Avenue. This wall will assist in reducing the impact of Olive Avenue road noise on the appellant's property.



Image 4 – New wall location.

10. In consideration of the adjacent residential subdivision, staff worked with the developer during all four phases of the Olive Commerce Park development to ensure that operational components that may have greatest potential for impact to neighbors were designed to mitigate adverse effects to the maximum extent possible. Ordinance requirements that pertain to the noise attenuation wall placement, screening of loading berths, location of trash enclosures and to the placement of residential landscape buffers have been established by the City for this purpose. The development plan has demonstrated compliance with these objectives as described below.
 - Per Ordinance 04-194, a ten-foot noise attenuation wall shall be constructed during the first phase of construction along the west property line. This wall was built as per the approved stipulation.
 - Article 14-23-4A.3 of the Zoning Ordinance requires loading berths not be located closer than 50' to residential districts, and also be screened by a masonry wall not less than 10' in height. The designated loading berth on the south side of the building is no closer than 170' from the western property line abutting the West Olive Farms subdivision, and is screened by a 10 foot masonry wall at the property line.
 - Per Ordinance 04-194, a ten-foot landscape strip shall be placed along the west property line. During Phase 1, a 15' wide landscape buffer was constructed and the existing pine trees were supplemented with shrubs

(Ref. Image 2 above). The width of the buffer exceeds the minimum width per the ordinance requirements.

- Per Ord 04-194, trash receptacles/enclosures shall be located a minimum of 50' from any residential zoned property. The site plan was approved with the trash enclosure approximately 350' from the west property line. This exceeds the minimum distances required per the approved ordinance.

11. The overall height of the building is 35' which is 4' taller than the buildings previously constructed during the earlier phases. As per the zoning stipulation approved with case PZ 16-89A.3, the overall height of the building may not exceed 36' or three stories if the property is used for multi-use buildings and 45' or four stories if the building is used office only. The building proposed will be utilized as a multi-use facility to attract tenants similar to those currently operating within the commerce park. The building height is in conformance with the approved zoning.

Conformance with the Non-Residential Design Manual

12. Section 20-70-6 of the Non-Residential Design Review Manual requires new development proposals coordinate and complement the architectural elements and other contextual influences of surrounding buildings. Any new project shall substantially conform with the predominate architectural theme of the surrounding area in terms of style, material, texture, color and scale. Phase 4 is a replication of the architecture established with the previous 3 phases and therefore is deemed to be in compliance with the Non-Residential Design Review requirements. See Images 5 & 6 for an example of the proposed architecture of the Phase 4 building.



Image 5 – Front Facade



Image 6 – Side Facade

Proposition 207 Waiver

13. The applicant has furnished a signed and notarized Proposition 207 Waiver that was recorded following the administrative approval of the site plan.

14. In conclusion, the subject matter before the Commission is whether the Site Plan application is in conformance with all of the applicable City development standards. The preceding analysis has demonstrated that the site plan was reviewed extensively by all relevant City departments and was deemed to be in conformance to the development standards established by the City and through the adopted zoning cases. Therefore, the City issued a formal approval for case PR 06-09 Olive Commerce Park Phase 4. As for the noise issue, it is staff's opinion that the mass and location of the building will create a barrier to further assist in reducing the noise impacts from the freeway and the on-ramp on the appellant's property. Staff believes the project, including the construction occurring during the previous 3 phases, has adequately mitigated the sound transmission issue through City Code and Zoning Ordinance requirements, the approved zoning stipulations and appropriate site planning.

Findings / Recommendation:

15. Based on the following findings:
 - The proposed Site Plan is prepared in accordance with the Peoria Zoning Ordinance.
 - The proposed Site Plan is in compliance with the Non-Residential Design Standards and substantially conforms to the architectural character established with the previous phases of Olive Commerce Park.
 - The proposed Site Plan is in compliance with the Conditions of Approvals set forth in the approved Olive Commerce Park zoning case PZ 16-89 and all subsequent amendments.

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

Uphold Staff approval under case PR 06-09, subject to the following conditions:

1. The site shall be developed in accordance with the Site, Elevation and Landscape Plans date stamped approved **March 10, 2008**, except as amended herein.
2. A Final Drainage Report must be submitted with the improvement plans.
3. 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.
4. A Phase 1 Environmental Clearance will be required for all right-of-way to be dedicated to the City.
5. The Developer is responsible to provide an Agreement to Install Improvement for the public improvements required by the development with an accompanying

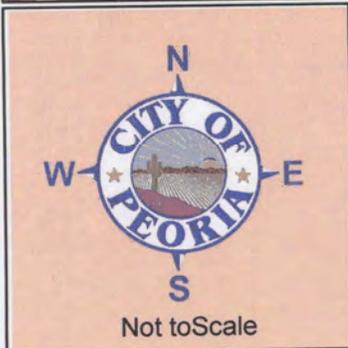
- financial assurance for subdivision improvements in accordance with City's requirements.
6. The Development will be responsible to comply with the phase 2 AZPDES Storm Water Pollution Prevention criteria. This should include runoff control, erosion control, and sediment control. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with the improvement plans in accordance with the SWPPP checklist.
 7. The Developer shall dedicate Peoria Roadway Easement along the frontage of the project on Olive Avenue (total half-street ROW/Peoria Roadway Easement required is 75-feet).
 8. The monument sign may remain within the ROW/Peoria Roadway Easement. If the sign must be relocated in the future, the City will pay half the cost of relocation.
 9. The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at the intersection of Olive and Loop 101.
 10. The Traffic Impact Analysis has been approved with the following condition, this development will be required to connect into the frontage road and pay all proportionate costs.
 11. Where the available fire flow from the fire hydrants does not meet the required fire flow for a structure, additional requirements and/or restrictions may be imposed on both residential and commercial type properties. This item will be verified during the Civil Plan review process.
 12. The FDC will need to be relocated to the front (north) side of the building, maintaining the maximum spacing of one hundred (100) feet to a fire hydrant. This item will be verified during the Civil Plan review process.

Exhibits:

Exhibit A	Location/Aerial Map
Exhibit B	Zoning Map
Exhibit C.1	Site Plan
Exhibit C.2	Landscape Plan
Exhibit C.3	Elevation Drawings
Exhibit D	Appeal Letter

Prepared by: Robert Gubser, AICP
Senior Planner

AERIAL/LOCATION MAP

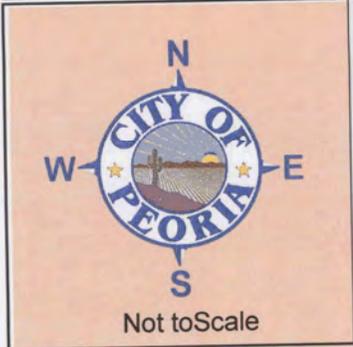
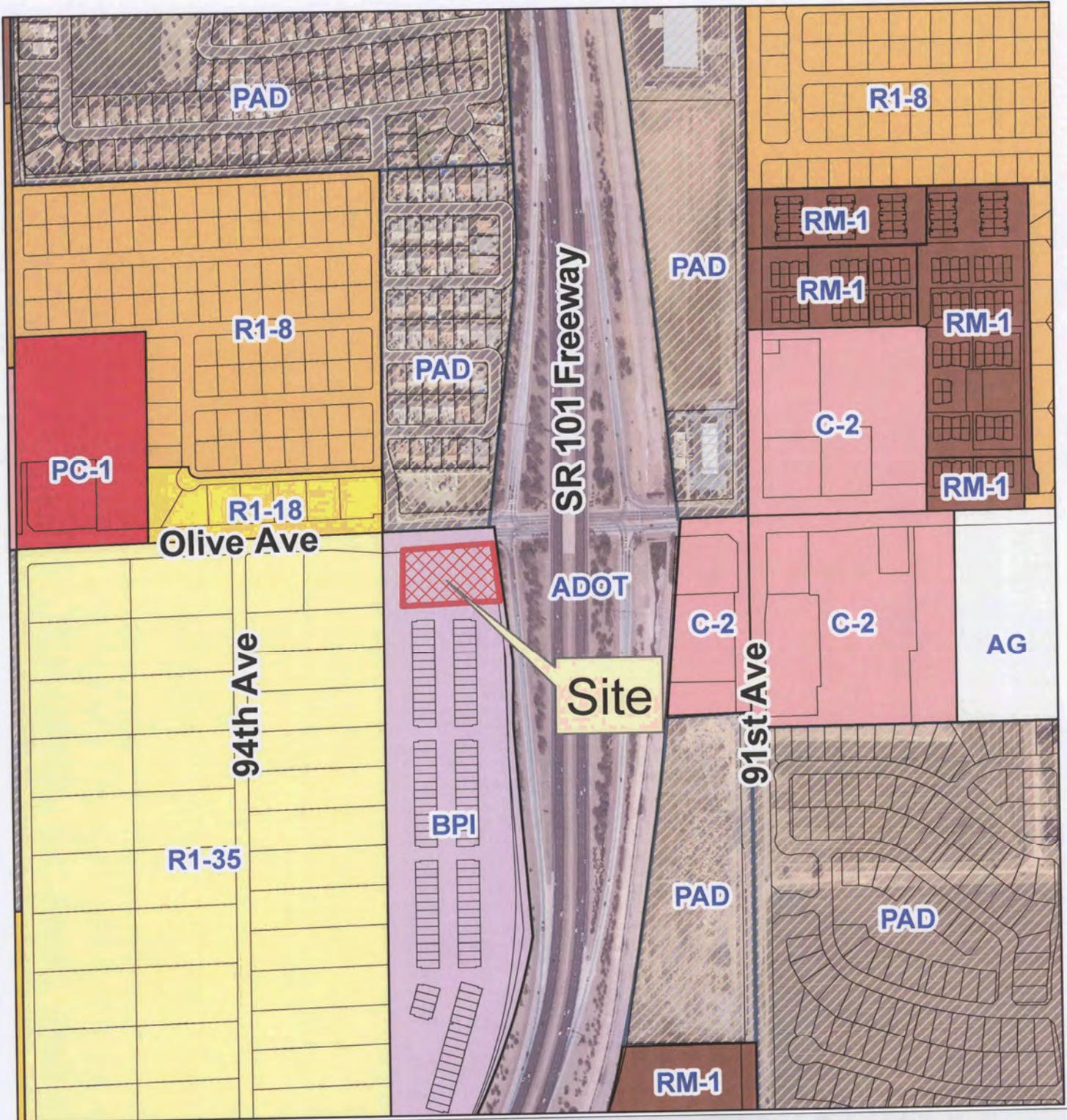


PR06-09: Olive Commerce Park Phase 4

Appeal of a site plan approval for a new two-story (35' in total height), 44,545 sq.ft. building containing industrial flex-space (users are unspecified at this time).

Exhibit A

EXISTING ZONING



PR06-09: Olive Commerce Park Phase 4

Appeal of a site plan approval for a new two-story (35' in total height), 44,545 sq.ft. building containing industrial flex-space (users are unspecified at this time).

Exhibit B

OLIVE COMMERCE PARK



CONSTRUCTION OF 10 AND 15 UNIT APARTS

GENERAL CONTRACTOR: IRWIN G. PASTERNAK AIA, P.C.
 PROJECT: OLIVE COMMERCE PARK
 ADDRESS: 1000 N. OLIVE AVENUE, CHICAGO, IL 60610
 DATE: 12/10/07

EXISTING DATA

EXISTING BUILDING: 1000 N. OLIVE AVENUE, CHICAGO, IL 60610
 EXISTING FLOOR AREA: 100,000 SQ. FT.
 EXISTING HEIGHT: 10 STORIES
 EXISTING USE: OFFICE BUILDING
 EXISTING OWNER: [REDACTED]

PROPOSED DATA

PROPOSED BUILDING: 1000 N. OLIVE AVENUE, CHICAGO, IL 60610
 PROPOSED FLOOR AREA: 150,000 SQ. FT.
 PROPOSED HEIGHT: 15 STORIES
 PROPOSED USE: APARTS
 PROPOSED OWNER: IRWIN G. PASTERNAK AIA, P.C.

REMARKS

1. ALL EXISTING STRUCTURE TO BE DEMOLISHED BY 1/1/2008
 2. ALL EXISTING UTILITIES TO BE RELOCATED BY 1/1/2008
 3. ALL EXISTING PAVING TO BE REPAVED BY 1/1/2008
 4. ALL EXISTING LANDSCAPE TO BE REPLACED BY 1/1/2008

PERMITS

PERMITS REQUIRED: BUILDING, PLUMBING, MECHANICAL, ELECTRICAL, FIRE, ENVIRONMENTAL
 PERMITTING AGENCY: CHICAGO DEPARTMENT OF PERMITS
 PERMIT NUMBER: [REDACTED]

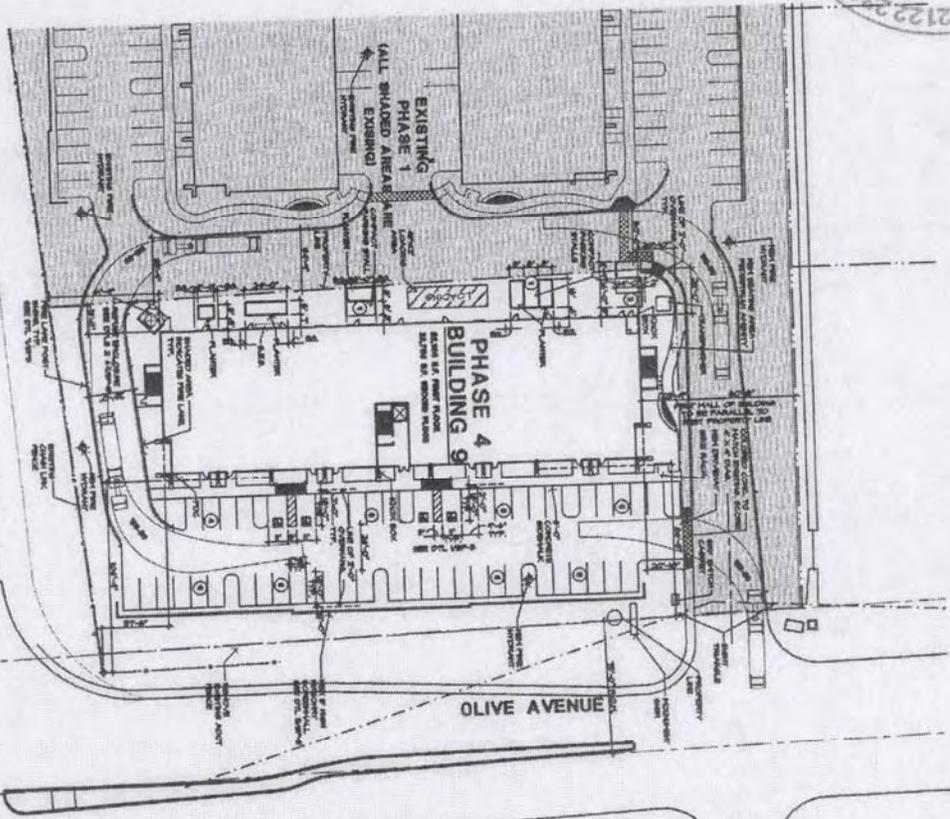
NOTES

1. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE CHICAGO BUILDING CODE
 2. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE CHICAGO PLUMBING CODE
 3. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE CHICAGO MECHANICAL CODE
 4. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE CHICAGO ELECTRICAL CODE
 5. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE CHICAGO FIRE CODE
 6. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE CHICAGO ENVIRONMENTAL CODE

GENERAL NOTES

1. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE CHICAGO BUILDING CODE
 2. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE CHICAGO PLUMBING CODE
 3. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE CHICAGO MECHANICAL CODE
 4. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE CHICAGO ELECTRICAL CODE
 5. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE CHICAGO FIRE CODE
 6. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE CHICAGO ENVIRONMENTAL CODE

CITY OF PEORIA
 SITE PLAN APPROVAL
 APPROVED: [Signature]
 DATE: 3/10/08
 CONDITIONS: [REDACTED]
 BY: [Signature] PLANNER



ENLARGED SITE PLAN

SP-2

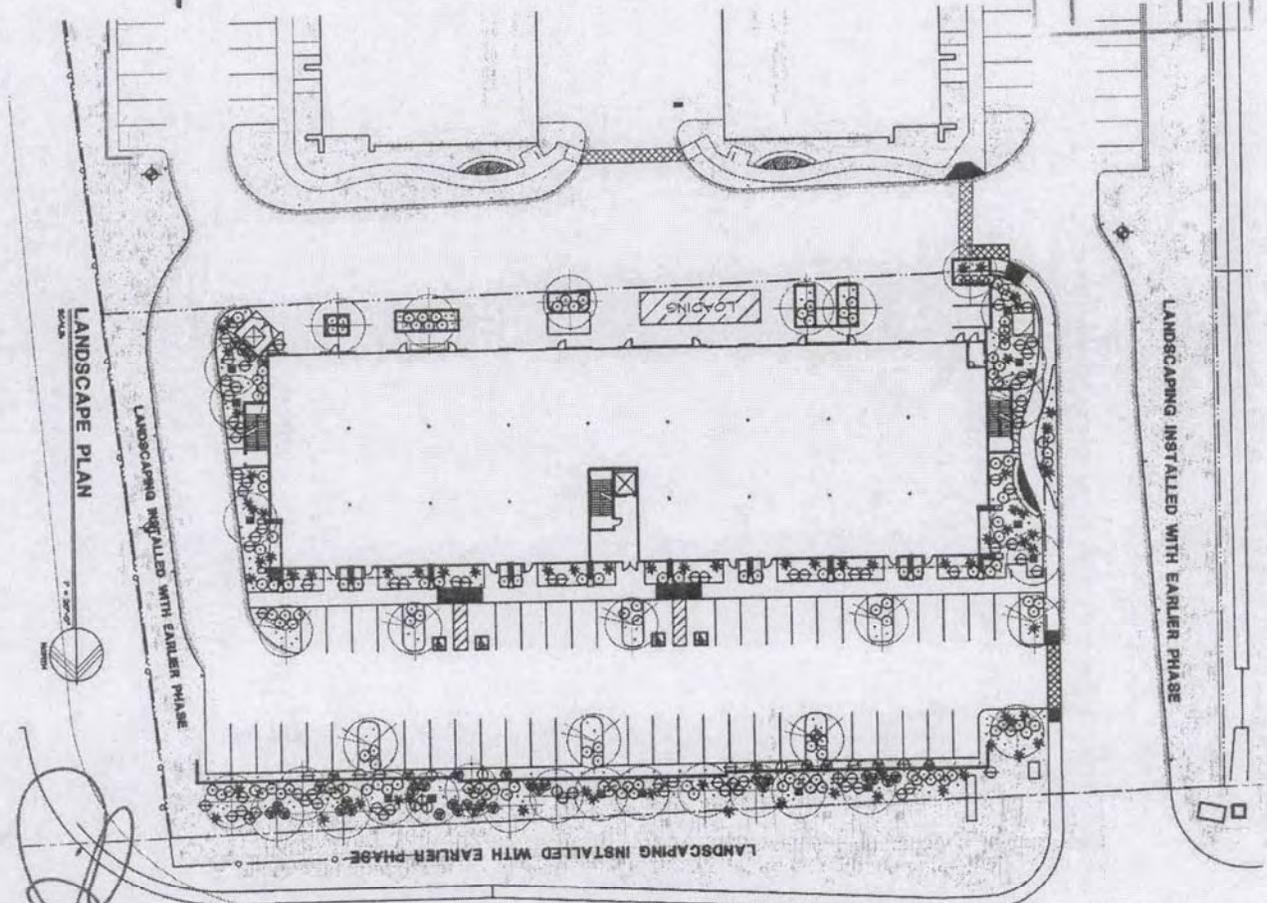


IRWIN G. PASTERNAK AIA, P.C.
 ARCHITECTURE - PLANNING - LANDSCAPE - INTERIORS

CITY OF PEORIA
 SITE PLAN APPROVAL
 APPROVED DATE 3/10/08
 CONDITIONS
 YES
 NO
 BY: _____
 PLANNER

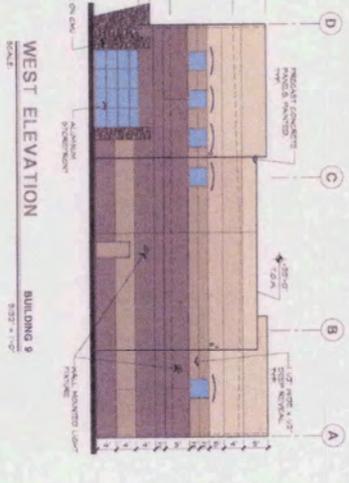
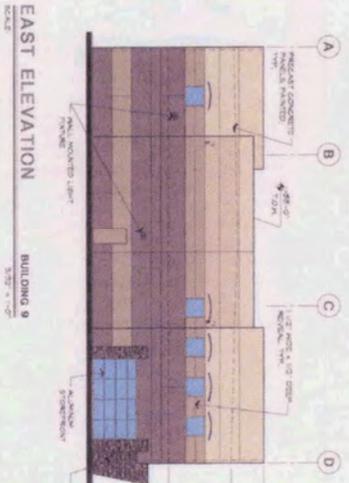
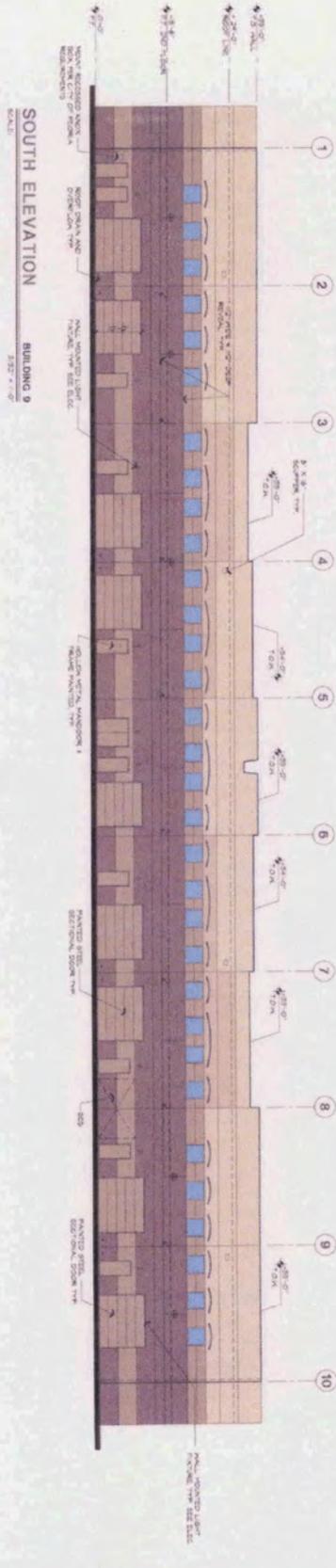
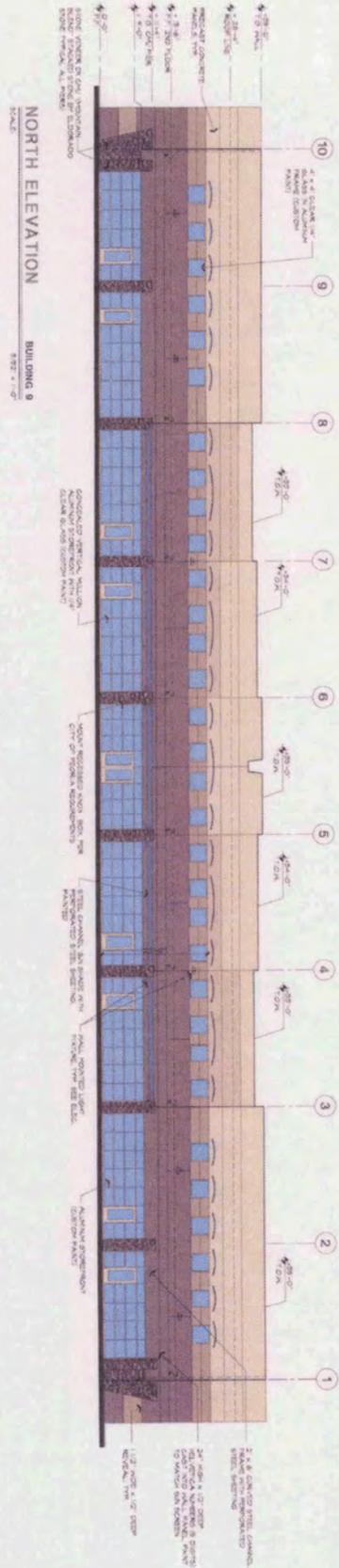
LANDSCAPE DATA

NO.	DESCRIPTION	AREA	DATE
1.	EXISTING LANDSCAPE	12,000 S.F.	12/10/07
2.	NEW LANDSCAPE	12,000 S.F.	12/10/07
3.	TOTAL LANDSCAPE	24,000 S.F.	12/10/07
4.	LANDSCAPE COST	\$12,000	12/10/07
5.	LANDSCAPE MAINTENANCE COST	\$12,000	12/10/07
6.	LANDSCAPE TOTAL COST	\$24,000	12/10/07



12-10-07
 IRWIN G. PASTERNAK
 ARCHITECTURE - PLANNING - LANDSCAPE - INTERIORS

IRWIN G. PASTERNAK 919, P.C.
 ARCHITECTURE - PLANNING - LANDSCAPE - INTERIORS



CITY OF PEORIA
 DESIGN REVIEW APPROVAL
 Date 3/10/08
 Approved yes no
 Conditions yes no
 By [Signature]

A-4
 THE CITY OF PEORIA
 DESIGN REVIEW BOARD

From [REDACTED]

House on west Side 101
of Olive Business Park
Per our phone Conversation

[REDACTED] are

[REDACTED] Filing a protest to the Height of
the proposed Bld. at 93rd AU - 101-
Olive at the business park on the
SW side of 101. We live right next
door our house is by far much closer
to this park than our neighbors.

To place a wall of this height would
create even more noise than is already
going on the face of the bld. would
cause the noise from the over
pass to bounce into us. All of
our neighbors have a flat 10' ∇
10' wall To keep the noise back $\&$
nearly 500' between them ∇ this

Exhibit D

business part., the reason a 10' wall was required was to keep noise from the neighborhood this wall would not serve its purpose if a 32' Bld would be placed ~~in~~ along side of it. with the height of the 10' it would serve as a great big noise deflector right into us. Is n't there a law that prohibits this type of thing from depreciating the homes around it? Just because the builder signed a waiver dose not mean we did, We are the ones that will be effected not the builder you need to bring this up with us. not him.

due to the noise inandation &
discegard for our pursute of happyness
(per Constitution) as residential we
are protesting Such a move by
the City,



REPORT TO THE PLANNING AND ZONING COMMISSION- CONDITIONAL USE PERMIT

CASE NO.: CU 08-08

DATE: May 15, 2008

AGENDA ITEM NO.: 10R

Applicant: T-Mobile on behalf of Jomax Development Group

Request: Obtain a Conditional Use Permit (CUP) to allow approximately 50 foot in height monopalm wireless facility within a future retail center. (Exhibit A)

Proposed/ Development: Mobile Wireless Facility: The business is planning to locate the wireless facility within the future Lake Pleasant Promenade Retail Center.

Location: The proposed wireless facility is located on the northwest corner of Lake Pleasant Parkway and Jomax Road.

Support/ Opposition: At the time of printing, the City has not received any letters or phone calls in support or opposition to this case. However, the applicant has provided staff with a neighborhood petition in support of this request (Exhibit G)

Recommendation: **Approve**, with conditions

Existing and Surrounding Land Uses and Zoning (Exhibit B)

1.

CU 07-24	LAND USE	ZONING
ON-SITE	Vacant (Future Lake Pleasant Promenade Retail Center)	PAD (Pleasant Valley)
North:	Pleasant Valley Residential Subdivision	PAD (Pleasant Valley)
East:	Vacant	AG General Agricultural District
West:	Pleasant Valley Residential Subdivision	PAD (Pleasant Valley)
South:	Vacant & Future Residential Subdivision (Stonebridge Ranch)	C-2 Intermediate Commercial District & SR-43 Suburban Ranch District

Background / Project Description:

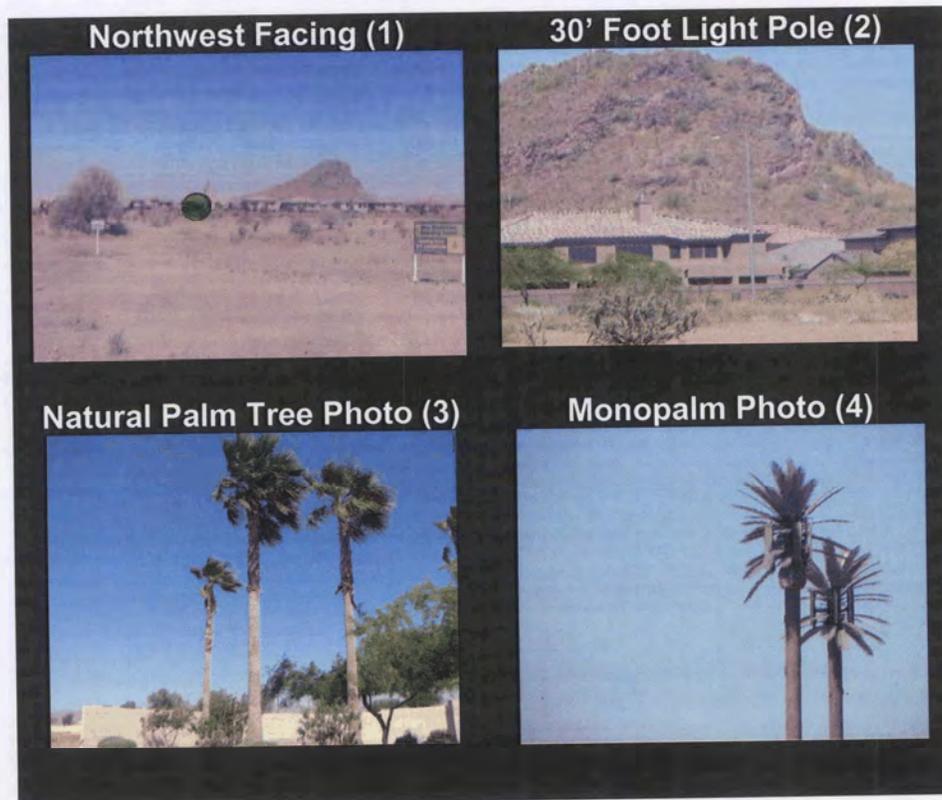
2. The applicant is requesting the approval of an approximately 50' foot monopalm accompanied by two (2) natural live date palm trees, and a 450 square foot mechanical equipment screening enclosure. The project site is within a future retail center located on the northwest corner of Lake Pleasant Parkway and Jomax Road. The proposed T-Mobile wireless facility is proposed to be located within the southwestern portion of the property located approximately 327' feet to the north of Jomax Road, approximately 110' feet from Pleasant Valley Road, and approximately 523' feet from Lake Pleasant Parkway.
3. The 14.12 ± acre site is slated for a future retail development center (Lake Pleasant Promenade), and is currently in site plan and design review with the City (PR 07-34). The projected site layout incorporates a minor anchor building, connected 'shops' buildings, and freestanding 'pad' buildings, and a native sonoran desert landscape palette.
4. The mono-palm wireless facility was originally submitted by the applicant for a site plan review (PR07-43) under the premise that the proposal could be approved administratively based on the proposed height of 50' feet. However, upon further review of the request and design it was determined that project did not completely meet the intent of Section 14-3-13 of the City's wireless communication ordinance and the Desert Lands Conservation Ordinance (DLCO) due to the lack of compatibility with the surrounding environment.
5. Staff met with the applicant to discuss alternative structure design approaches to the wireless facility. Suggestions included architectural tower elements to tie in with the retail center. The applicant did not respond to staff's objection. Subsequently staff made concessions to offer the applicant an administrative approval of this request with the construction of a flag pole design, which staff believes would be visually less obtrusive. The applicant indicated their wish was to proceed with the monopalm design request.

Findings/Analysis

6. Section 14-39-10.D outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a CUP is to mitigate any identified impacts arising from a specific use on the surrounding neighborhood and provide controls to ensure maximum compatibility.

10. Based on preliminary building height data provided for the Lake Pleasant Promenade site plan/design review (PR 07-43), the monopole height could potentially extend 20 to 25 feet of above the retail buildings. Therefore, staff must exclude the plausibility of these future structures used as screening method or visual buffer from the intersection of Lake Pleasant Parkway and Jomax Road. The 30' foot high light pole illustrated on (Table 1, Photo 2) provides a visual reference as to the potential height extension of the monopalm.
11. Staff has provided the following photos below to address visual impacts. The natural palm tree photo (3) illustrates the natural characteristics of a live palm tree. Monopalm photo (4) illustrates a monopalm design similar to this request, which lacks a natural appearance.

Table 1



12. Although staff believes the monopalm design is not compatible with the natural characteristics of this intersection of Lake Pleasant Parkway and Jomax Road, the proposed wireless facility use is in compliance with the zoning ordinance. Therefore, it is recommended that the applicant construct a flag pole wireless facility or other acceptable design with a natural color applied to the pole. (See Exhibit F example) Staff notes, the flag pole photograph presented in Exhibit F may illustrate a height of greater than 50' feet. Therefore, staff would like to clarify that the height of the pole shall not exceed 50' feet in height.

Recommendation:

13. Staff recommends approval of CU08-08 Based on the following findings:
- a. The application notice 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. As a result, to date, the City has not received any verbal or written comments on the proposal.
 - b. The requested use is consistent with the intent of the (PAD) approved Planned Area Development for Pleasant Valley. As part of the PAD the subject property was allotted commercial uses intended to support retail uses permitted within the C-2 Intermediate Commercial District. Wireless Facilities are a permitted use subject to conditional use permit approval.
 - c. Given the recommendation as described above, staff does not believe the project will not present any negative impacts to the community.
 - d. The property owner, Jolake, LLC has submitted signed and notarized a Proposition 207 waiver, which will be recorded with the conditions outlined below.

It is recommended that the Commission take the following action:

Approve the Conditional Use Permit requested under Case CU08-08, subject to the following conditions:

1. The applicant shall construct the wireless facility with a flag pole design or other alternative design deemed acceptable by the Community Development Director to be painted with a natural earth tone color.
2. The mechanical equipment enclosure shall substantially conform to the elevations presented in (Exhibit C).
3. The site layout and location shall conform to the accompanying site plan (Exhibit E).

Attachments:

Exhibit A	Project Narrative
Exhibit B	Aerial / Location Map
Exhibit C	Elevation
Exhibit D	Floor Plan
Exhibit E	Master Site Landscape Plan (PR07-34)
Exhibit F	Flag Pole Photo
Exhibit G	Neighborhood Letters of Support

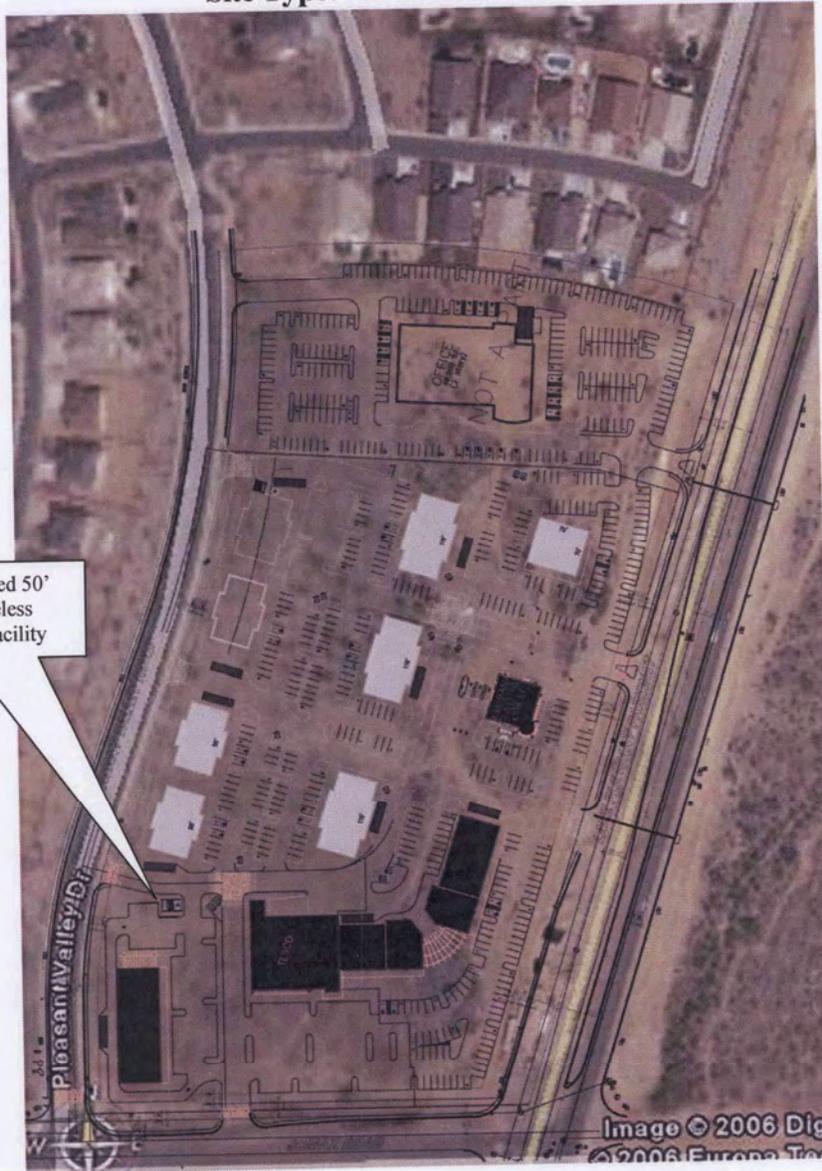
Prepared by: Monique Spivey
Associate Planner

Narrative Report

Site Name: Jomax & Lake Pleasant

Site ID#: PH11629F

Site Type: 50' Mono-Palm WFC



Location of proposed 50' Mono-Palm Wireless Communication Facility

Date: 11/27/07

Exhibit A

DEC 2007
Received
Planning Division
PRO7-43
1
CU08-08

I. PURPOSE OF REQUEST

This statement supplements T-Mobiles request for the placement of new antennae mounted to a faux palm tree or Mono-Palm as part of the wireless communication facility. The ultimate height of the proposed facility will be fifty feet (50') above grade level located at the Northwest corner of Jomax Rd. & Lake Pleasant Peoria, AZ 85383.

T-Mobile requires additional facilities in this area to extend its network coverage and address network capacity limitations. Less than peak network performance, as realized or perceived by the user, results from a gap in coverage in this area. Gaps and network burdens cause dropped or blocked calls which results in less than optimal customer service.

II. DESCRIPTION OF PROPOSAL

Jomax Development Group is beginning the first phase of development for the retail center in which T-Mobile will be apart of. As set forth above, T-Mobile proposes to install three (3) sectors with three (3) antennae on each for a total of nine (9) antennae as a part of the proposed Mono-Palm. As part of the overall design "friends" or natural palm trees will be planted around the facility. The associated equipment at grade level will be enclosed by an eight foot (8') block wall that encompasses the 20' X 30' leased area behind future structures. The block wall will be painted and textured to match the surrounding buildings. The tech lighting required will be installed on motion sensor override switch that will be no higher than the CMU wall.

III. RELATIONSHIP TO SURROUNDING PROPERTIES

The parcel is zoned PAD and is beginning the first phase of development. The proposed Mono-Palm is set back 650 feet from the Northern property line; 523' from the Eastern; 297' from the Southern; and 110' from the Western property lines. Properties surrounding the parcel are also zoned PAD.

IV. PUBLIC UTILITY AND SERVICES

Water:	N/A
Sewer:	N/A
Electric:	APS
Police:	City of Peoria
Fire:	Peoria
School District:	Peoria Unified
Refuse:	Tech to carry out

V. CONCLUSION

As set forth above this property is one upon which T-Mobile desires to locate its operational antennae and the associated electrical equipment necessary to run their wireless system. T-Mobile analysis is that their current coverage is less than optimal. Indeed, this application is driven in part by feedback from their customers as to poor areas. The proposed use is not contrary to the health, safety and welfare of the citizens of Peoria.

It is T-Mobile Policy to search for existing vertical structures on which to collocate before constructing a new tower. T-Mobile has undergone great lengths in seeking an appropriate site for this need while designing the facility to blend aesthetically with the surrounding area. Collocation on existing towers could not be accomplished due to the lack of development within the area. Other alternative sites considered include:

Copper Creek Elementary – A design of a Mono-pole was presented to the Copper Creek Elementary school board. The monopole was taken into consideration but later denied.

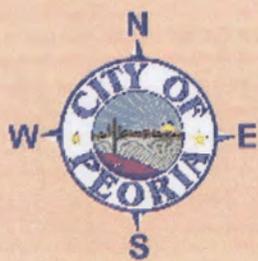
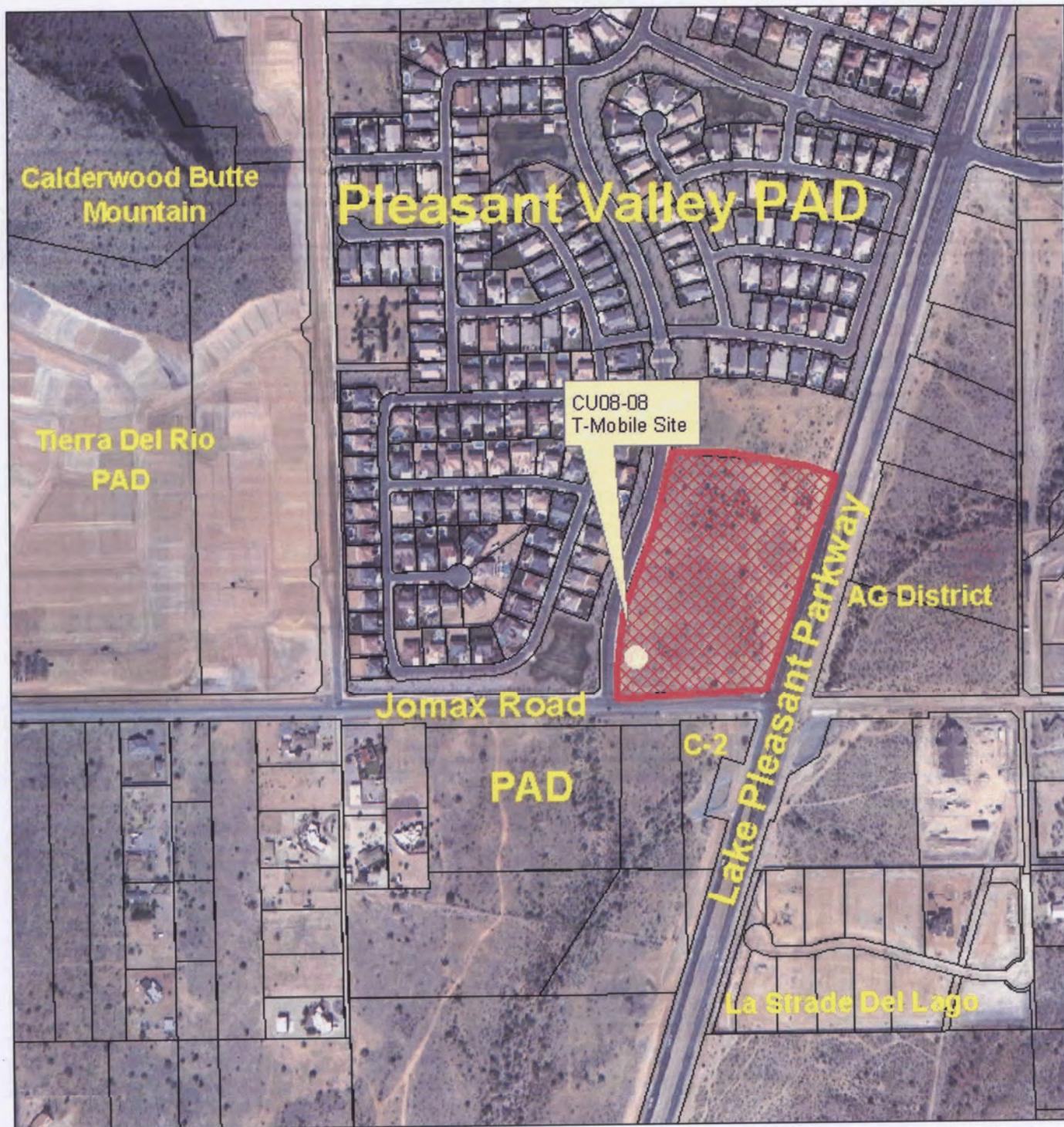
Hillcrest Middle School – T-Mobile presented a light pole design to the school board at Hillcrest Middle School. An agreement could not be made on the location of the equipment compound.

Mountain Ridge High School – This site also had a light pole design. A lease agreement could not be made with the school board; T-Mobile continued to search for a more suitable site.

SRP Lake Pleasant – SRP agreed with to the terms of the lease for T-Mobile to collocate on an existing lattice tower, however placement of the equipment would only be allowed in a retention area which is not suitable for poor drainage conditions.

Cross of Glory– A design of a Mono-cross was presented to the Cross of Glory Lutheran Church. T-Mobile's RF engineer determined the terrain will impede on the network.

CU 08-08 Location Map



Not to Scale

CU08-08 T-Mobile Monopalm

Applicant: T-Mobile

Request: Conditional Use Permit (CUP) to allow a monopalm wireless facility.

Exhibit B



PLANS PROVIDED BY
Young design corp
 10245 E. Via Linda, Scottsdale, AZ 85258
 PH: 480 451 9509 FAX: 480 451 9508
 email: corporate@youngdesign.com



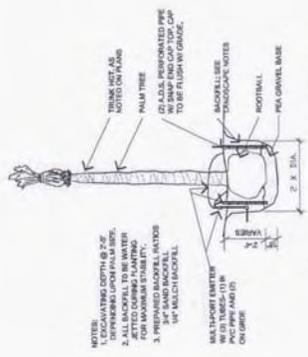
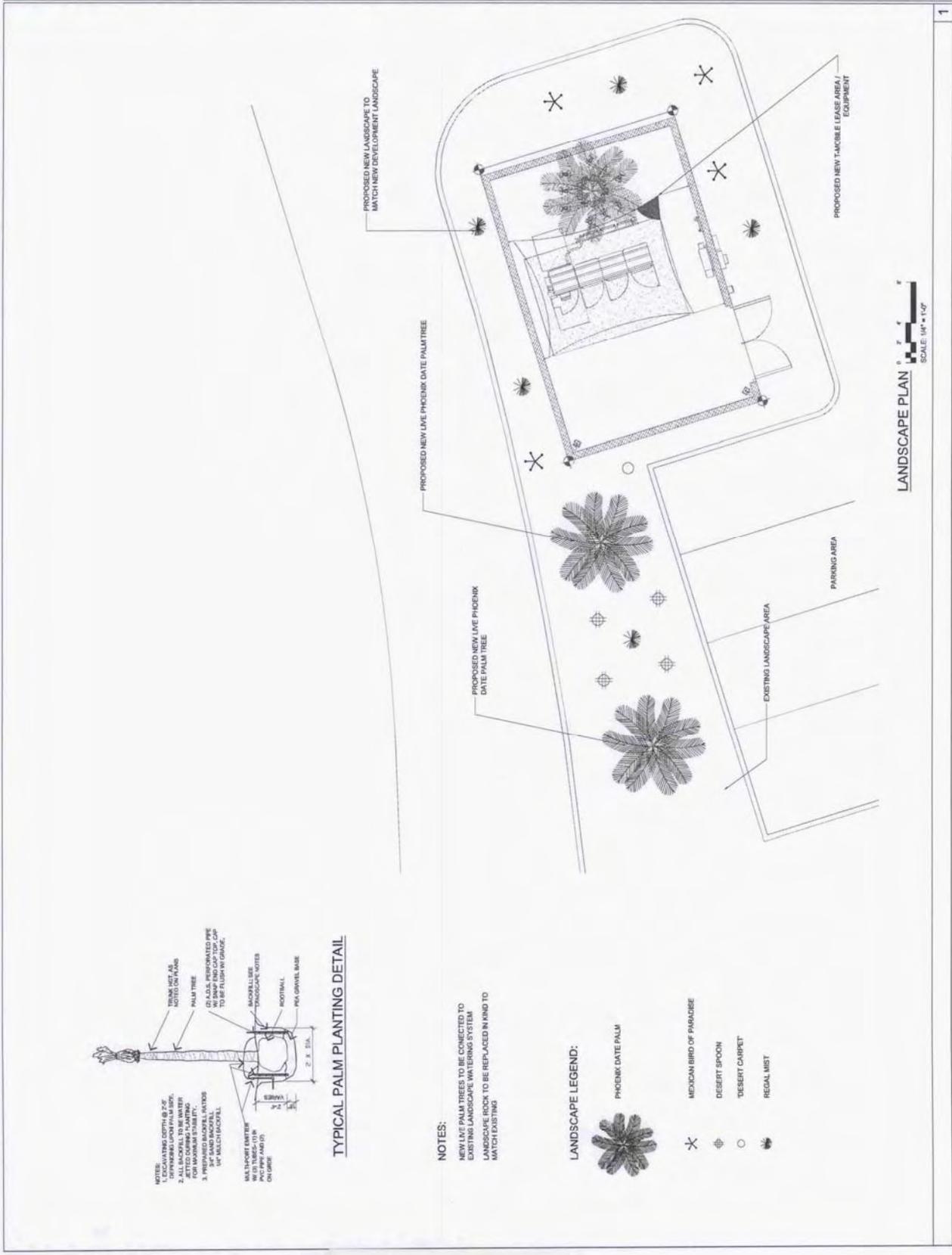
NO.	DATE	DESCRIPTION	BY
1	11/27/09	INITIAL ISSUE	
2	12/01/09	FINAL ISSUE	
3	05/04/07	REVISED FOR REVIEW	
4	11/26/07	REVISED	

ARCHITECT'S JOB NO. YDC-998
 PROJECT INFORMATION
PH10629 F
JOMAX & LAKE PLEASANT
 JOMAX TRD.
 MEDINA, AZ 85202

SHEET TITLE
LANDSCAPE PLAN

ARCHITECT'S APPROVAL

SHEET NUMBER
LP-1



TYPICAL PALM PLANTING DETAIL

NOTES:
 NEW LIVE PALM TREES TO BE CONNECTED TO EXISTING LANDSCAPE WATERING SYSTEM
 LANDSCAPE ROCK TO BE REPLACED IN KIND TO MATCH EXISTING

LANDSCAPE LEGEND:

- PHOENIX DATE PALM
- MEXICAN BIRD OF PARADISE
- DESERT SPOON
- DESERT CARPET
- REGAL MIST

C108-08



Exhibit F

CU08-08

REPORT TO THE PLANNING AND ZONING COMMISSION- MINOR GENERAL PLAN AMENDMENT

CASE NO.: GPA 07-05

DATE: May 15, 2008

AGENDA ITEM NO.: 11R

Applicant: West Wing Mountain View, LLC

Request: Proposal to amend the General Plan Land Use Map from Residential Estate (0-2 du/ac) to Office Commercial.

Proposed Development: Offices at 83rd Avenue & Pinnacle Peak: Upon completion, this development would yield approximately 83,000 square feet of single-story office space on approximately 10 acres.

Location: The site is located on the SWC of 83rd Avenue & Pinnacle Peak Road (Assessor Parcel Numbers 200-08-099, 098A, 098B, 129 and 130).

Site Acreage: Approximately 10.12 gross acres

Support /Opposition: Several letters of mixed opinion are on file. These letters come from those residents that attended the neighborhood meeting on July 18, 2007.

Recommendation: Recommend **approval** to the Peoria City Council.

Existing and Future Land Use: (Exhibit A)

1.

GPA 07-05	EXISTING LAND USE	LAND USE DESIGNATION
SITE	Vacant	Residential / Estate 0-2 du/ac
North	Pinnacle Peak Road / Developing Large-Lot Residential	Residential / Estate 0-2 du/ac
West	Large-Lot Residential	Residential / Estate 0-2 du/ac
East	Large-Lot Residential	Residential / Estate 0-2 du/ac
South	Planada Lane / Large-Lot Residential	Residential / Estate 0-2 du/ac

Project Description:

2. The applicant is requesting a minor amendment to the General Plan Land Use Map for approximately 10.12 acres located at the southwest corner of 83rd Avenue & Pinnacle Peak Road. The amendment would change the current Residential Estate designation to Office Commercial to allow for a multiple-building, single-story office development. The subject property is somewhat isolated in that it is bounded by a County Island on three sides and 83rd Avenue on the fourth.
3. This request is accompanied by a rezoning application for a Planned Area Development (Case Z 07-09) that tailors the development standards and permitted uses to ensure a reasonable fit within the existing neighborhood.

Discussion / Analysis:

Peoria General Plan Evaluation

4. All General Plan Amendments must be accompanied by a project narrative and an analysis that provides justification for the requested amendment. Although staff has received a site plan review application and has had the opportunity to work with the applicant on site and building design issues, the City's decision to support this General Plan Amendment request must be on the merits of the request itself and not on the findings of a separate application.
5. Staff has reviewed the applicant's analysis and believes the responses to the justification questionnaire have been satisfactorily answered and therefore staff support for the request is being granted.
6. Support for this request is primarily based upon the finding that this property is located on the corner to two arterials, in a very low-density part of the City where services and professional offices are virtually non-existent. The applicant is seeking an Office Commercial designation, which is the City's least intense commercial land use category. Staff believes that through use and design limitations, this is an ideal development type for this corner. While some may contend that commercial development in general is undesirable in this location, it is important to note that typical development patterns throughout the City often result in commercial uses at arterial corners such as this one. That said, this proposal is consistent with the development trends found throughout the City, but the Office Commercial designation is by far the most compatible with the surrounding residential neighborhood, and further compatibility assurances are being made in the PAD zoning.
7. To further this point, the development pattern in the area shows that large-lot

residential development at arterial intersections is either lagging due to undesirability or has been designed as a walled-in subdivision where the lots back up to the intersection. To develop this site in a similar manner would force a break in the pattern that exists on Pinnacle Peak between 83rd and approximately 87th Avenues, which is predominantly forward-facing homes. Direct access to Pinnacle Peak or 83rd Avenue for individual residential lots would not be permitted should this property be subdivided.

8. The vast majority of local commercially zoned property is occupied by general retail uses such as grocery stores, gas stations and restaurants. The nearest professional offices are approximately 2 ½ miles away at 91st Avenue & Lake Pleasant Parkway. Staff views this application as an opportunity to establish a low-impact office designation that encourages neighborhood compatibility and an opportunity to encourage economic health in an underserved part of the City.
9. This site has significant history in that previous requests to develop the site with general commercial retail uses were highly opposed and were considered by the neighbors to be highly intrusive. To the contrary, the Office Commercial designation is often viewed as a deterrent to general retail development where traffic counts and visibility are heavily relied upon to sustain business. Although some retail operations may be present, they are usually ancillary to the professional office users that occupy the bulk of the site.

Departmental Comments

10. The City of Peoria Engineering, Fire Safety, Community Services and Police Departments were given the opportunity to comment on this application. No comments were generated. However, comments on the zoning application were made by these departments and addressed by the applicant.

Proposition 207 Discussion

11. The voters of Arizona recently approved Proposition 207, which amongst other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. This waiver agreement has been sent to the applicant, completed and returned to the Planning Department for recordation upon approval of this application by the City Council.

Findings / Recommendation:

12. Staff recommends **approval** to the City Council of Case GPA 07-05, based on the following findings:
 - The proposal provides professional offices and services in an underserved area and provides these elements in a low-impact, low

intensity fashion in an effort to be integrated with the surrounding residential neighborhood; and

- The proposal will appropriate tax, employment service opportunities to City and County residents on a strategically located site at a major arterial intersection; and
- The proposal will advance several goals in the General Plan by reducing the overall job and housing imbalance and providing local employment opportunities; and
- The amendment is consistent with the intent of the General Plan to provide a balance of land uses that will preserve and enhance neighborhoods and promote economic development.

Attachments:

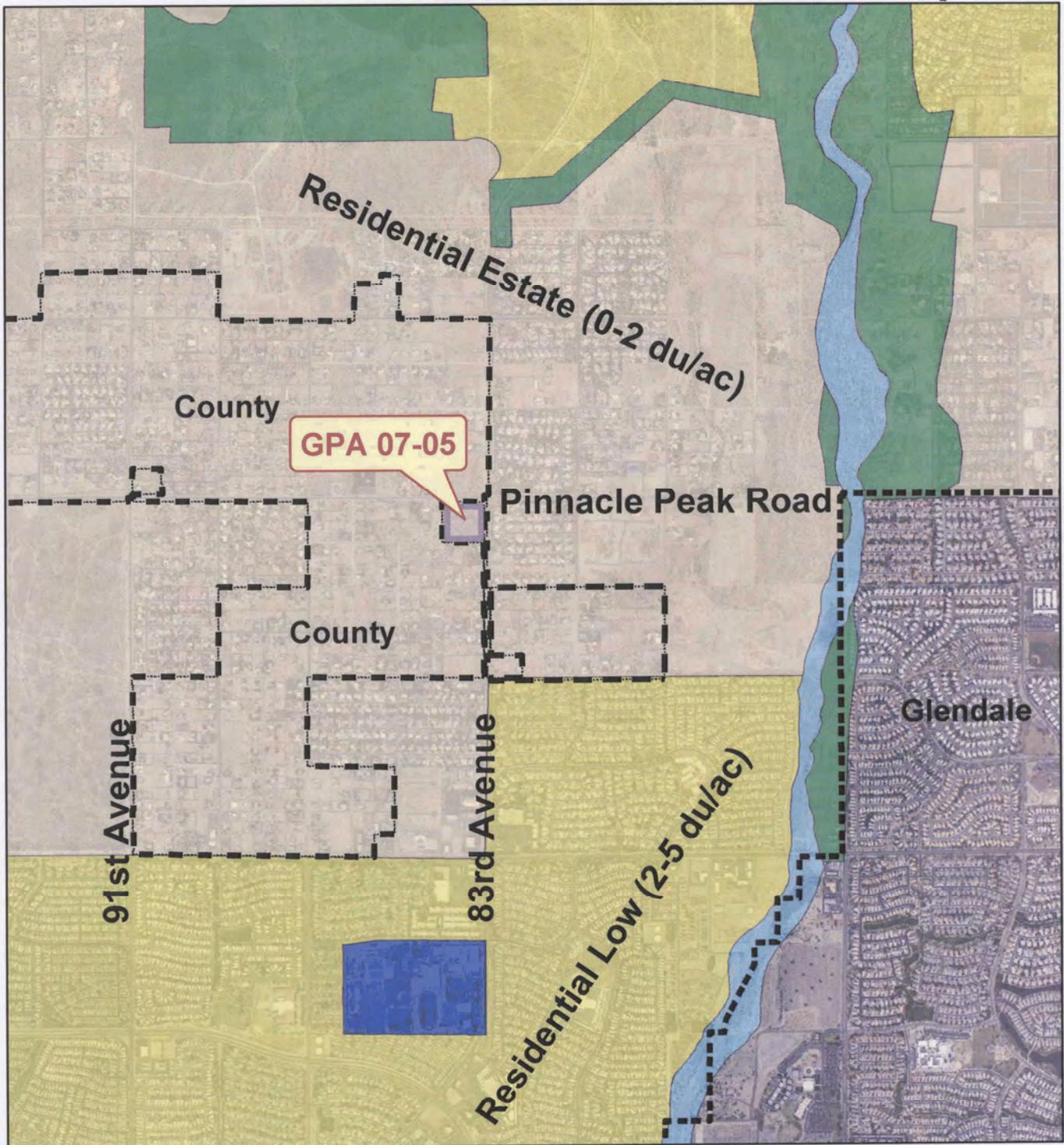
Exhibit A.1	General Plan Land Use Map
Exhibit A.2	Aerial Map
Exhibit B	Applicant Amendment Justification

FOR REFERENCE ONLY:

Exhibit C	Conceptual Development Plan
-----------	-----------------------------

Prepared by: Adam D. Pruett
Senior Planner

GPA 07-05 General Plan Land Use Map



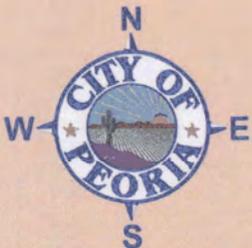
Not to Scale

GPA 07-05 Offices at 83rd & Pinnacle Peak

Applicant: West Wing Mountain View, LLC
Request: Minor General Plan Amendment from
Residential Estate (0-2 du/ac) to Office

Exhibit A.1

GPA 07-05 Aerial Map

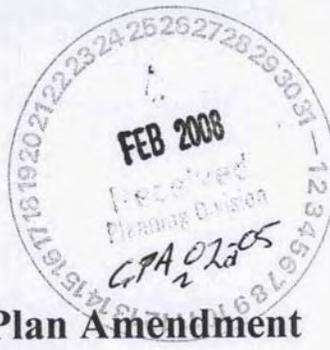


Not to Scale

GPA 07-05 Offices at 83rd & Pinnacle Peak

Applicant: West Wing Mountain View, LLC
Request: Minor General Plan Amendment from Residential Estate (0-2 du/ac) to Office

Exhibit A.2



4601 N. Black Canyon Highway
Phoenix, Arizona 85015
(602) 604-8886
(602) 604-8965 FAX

**General Plan Amendment
for
Professional Offices at 83rd Ave. & Pinnacle Peak Rd.**

DESCRIPTION AND JUSTIFICATION FOR REQUEST

1. Provide a brief description and reason for the requested change. Provide supporting data.

We are requesting a Minor General Plan Amendment to allow Office type use on these parcels. The existing land use plan designates the property as residential/estate land thus does not allow any commercial use. There is currently not sufficient professional office space available to lease in the area, with the nearest similar development being approximately two miles away. By contrast, residential development has rapidly grown over the past 10 years with little office facilities to support it. An office development would meet these demands as well as provide additional economic growth in the City of Peoria.

2. If map amendment, indicate the existing and the proposed General Plan Land Use designation(s).

The existing land use designation is Residential/Estate. The proposed land use designation is Office.

3. In what way does the existing plan inadequately provide suitable alternatives for this request?

The existing land use plan designates only residential type uses within over four square miles of this site. As it exists, a professional office development would not be allowed in an area lacking facilities such as this. In addition, all suitable land in immediate area has been developed or is within a planned residential community. The existing land use plan does not address any office needs in the immediate vicinity of this site.

4. How will this amendment affect property values and neighborhood stability? Provide supporting data and/or case studies.

Currently this property is undeveloped and is designated as Residential/Estate land. Through a Minor General Plan Amendment, the proposed development will be able to provide many tangential benefits. Healthy office centers positively affect overall neighborhood character and could encourage local residents to renovate or improve their properties. By offering small business services to surrounding residents, this development would help stabilize the community and reduce the need for

further commutes. Decreasing the distance to office areas could reduce congestion and encourage residents to walk or bike instead of driving to local services. This development is designed to retain the character and appearance of adjacent neighborhood developments while promoting low intense business activity. With all of these factors considered, by developing this property with low-impact neighborhood offices, adjacent land values should increase in value.

5. How will this amendment contribute to compatible neighborhood patterns? Provide supporting data.

Existing developments in the City of Peoria would suggest that typical patterns consist of residential neighborhood that integrate a variety of housing types and densities with amenities, services, and retail uses to generate opportunities and choices for households. The pattern does not entirely exist in this immediate area and professional services are not available nearby. An Office land use designation would contribute to such a pattern and would be the type, scale and nature of non-residential use that will contribute to the efficient functioning and attractiveness of the neighborhood. The closest office building of this type and size is approximately two miles away at 77th avenue and Deer Valley Road. A smaller office complex is currently under construction at Lake Pleasant Parkway and Jomax, approximately 2 ½ miles away. Both of these developments contribute to the neighborhood pattern that is requested in this GPA.

6. How will this amendment contribute to an increased tax base, economic development, and employment opportunities? Provide supporting data.

This study uses assumptions and demographic studies for a three mile radius from 83rd Avenue and Pinnacle Peak Road. Data is from Claritas Inc, Site Reports dated December 6, 2007.

The area surrounding 83rd Ave. and Pinnacle Peak Road has shown tremendous growth in the last seven years. There has been a 70% increase in households during this time and for the years 1990-2000 the growth is even greater at 436%. This equates to a population increase of 26,586 for the period 2000 to 2007 and 35,569 for the period 1990 to 2000. With all of the growth, the available space for professional office has not grown at the same level, leaving the area void of professional and other services.

By comparison commercial real estate pays greater real estate tax per square foot of building than residential. 80,000 square feet of commercial office space will generate approximately \$275,000 in real estate taxes versus approximately \$65,000 a year for residential. Also the project will generate \$46,000 per year in sales tax. And initially the impact fees and building permits will add an additional \$250,000 in revenue.

Most importantly, the employers (tenants) of the project will be able to add up to 500 employees in the building. With an average of \$40,000 per employee this is \$20 million of payroll added to the Peoria economy. Overall this project will impact the economy in a positive manner.

7. How will this amendment contribute to the City's goal of achieving balanced housing, shopping, employment, and recreational opportunities?

Currently there are limited employment opportunities within the immediate area of the site and community. Housing is prominent in this area. This amendment would help balance the City's goal by attracting small business to the area which will provide employment opportunities to the surrounding communities. In addition, Pinnacle Peak Rd. and 83rd Avenue right of ways are currently undeveloped. This office development would include right of way improvements including a bike lane and sidewalks which promote outdoor recreational activity.

8. How will this amendment affect existing infrastructure of the area, specifically, the water, wastewater, and street systems?

This amendment will not adversely affect existing waste and water infrastructure as it more than adequate to support office type developments. However, the street infrastructure will be improved with half street improvements and sidewalks along the property frontages. The water demand, prepared by Cottrell Engineering shows that in the worst case scenario, the water system provides the site with 3,075 GPM at 40 psi. This is more than adequate to support the heavy fire department demands and as such, will also support domestic use.

9. How will this amendment affect the ability of the school district to accommodate children? Indicate the specific schools to be attended and provide attendance and other data reflecting impacts to the specified schools, and district comments.

This development will not affect the school district's ability to accommodate children.

10. Specifically, what Elements, Goals, Objectives, and Policies of the General Plan will be affected?

The amendment is consistent with the overall intent of the General Plan and other adopted plans, codes and ordinances. Elements of the general plan affected include Land Use, Economic Development, & Plan Administration. The following are examples of some of the goals, policies and objectives that show consistency between the General Plan and the proposed Land Use map amendment.

Goal 2.1: Provide a balance of land uses that will preserve and enhance neighborhoods, promote economic development, encourage redevelopment at appropriate locations, and protect environmentally sensitive areas.

Policy 2.1.A.1: The City shall promote planned developments where resources and facilities are in place to facilitate a high quality, attractive and efficient urban development pattern.

Objective 2.1.F: Develop appropriate commercial, business park, industrial, and mixed-use employment centers within large-scale residential master planned areas.

Policy 2.1.G.1: The City shall work to enhance commercial activity by attracting, retaining, and expanding those developments (commercial, office or residential) which improve economic conditions in Peoria.

Goal 4.1: Create employment opportunities for Peoria Residents.

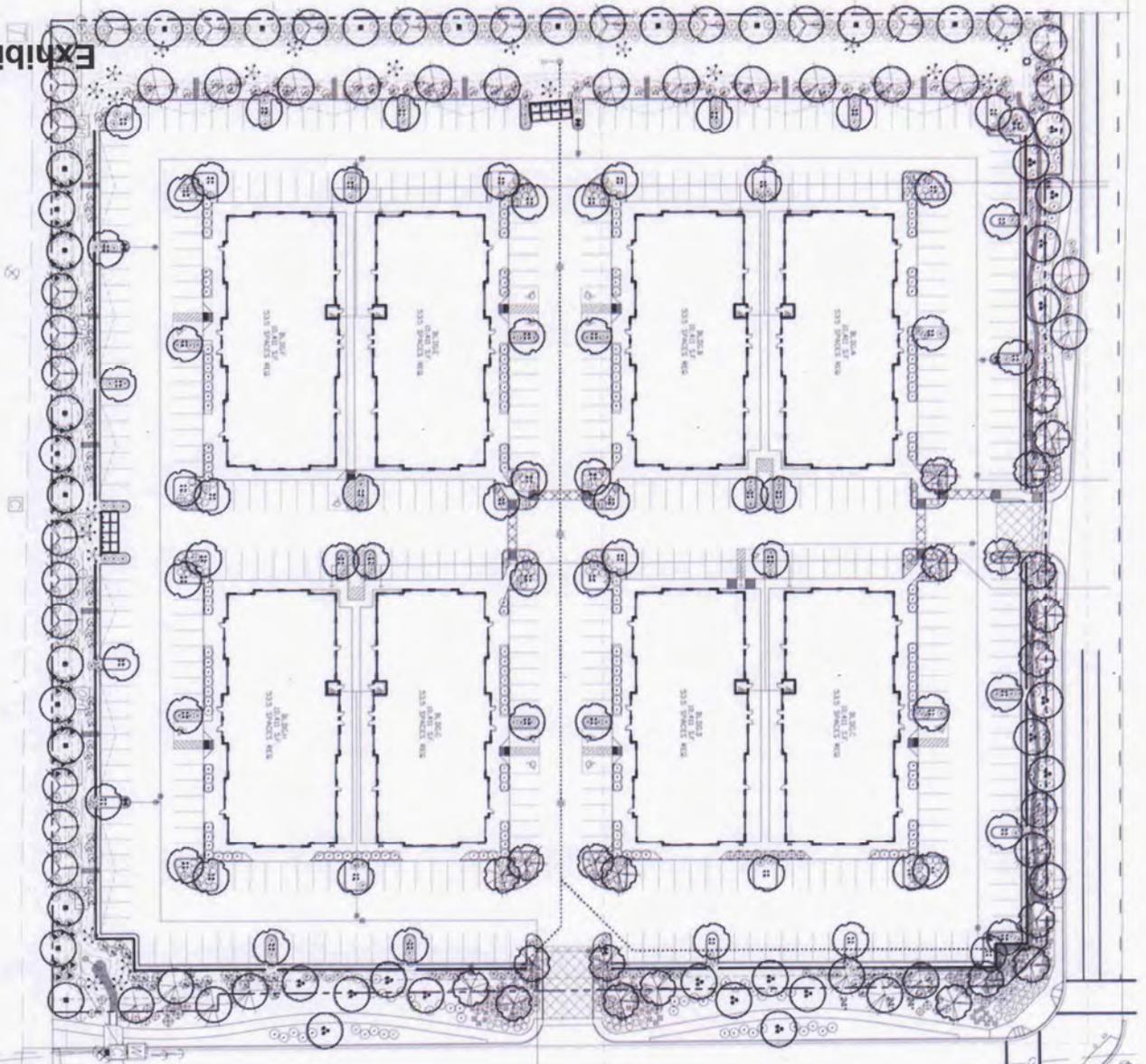
Objective 4.1.B: Improve the business environment within Peoria.

Goal 4.2: Generate new net city sales tax collections

11. How will this amendment support the overall intent and/or constitute an overall improvement to the General Plan?

This Minor General Plan Amendment will support the verbiage stated in the General Plan text. The General Plan text states several goals, policies and objectives that are not currently being addressed in this neighborhood. Amending the map to include office use in this location will improve the consistency General Plan as it relates to the goals, policies and objectives stated within. Specifically, this amendment will meet the goals, policies and objectives stated in the Land Use and Economic Development elements of the General Plan.

Exhibit C



PROPOSED PLANT PALETTE

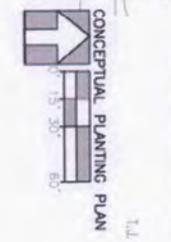
- 1. CEREAL BERTER WILLOW 24' HGT. 22"
- 2. FRODOG CHAIRS 24' HGT. 22"
- 3. CHALK WINDMILL FERN 24' HGT. 22"
- 4. PALMERIA MISSO 24' HGT. 18"
- 5. ACICHA TERNOPHILA 24' HGT. 22"
- 6. CEREAL BERTER WILLOW 24' HGT. 22"
- 7. FRODOG CHAIRS 24' HGT. 22"
- 8. CHALK WINDMILL FERN 24' HGT. 22"
- 9. PALMERIA MISSO 24' HGT. 18"
- 10. ACICHA TERNOPHILA 24' HGT. 22"
- 11. CEREAL BERTER WILLOW 24' HGT. 22"
- 12. FRODOG CHAIRS 24' HGT. 22"
- 13. CHALK WINDMILL FERN 24' HGT. 22"
- 14. PALMERIA MISSO 24' HGT. 18"
- 15. ACICHA TERNOPHILA 24' HGT. 22"
- 16. CEREAL BERTER WILLOW 24' HGT. 22"
- 17. FRODOG CHAIRS 24' HGT. 22"
- 18. CHALK WINDMILL FERN 24' HGT. 22"
- 19. PALMERIA MISSO 24' HGT. 18"
- 20. ACICHA TERNOPHILA 24' HGT. 22"

SITE PLAN PLANTING DATA

LANDSCAPE AREA	REQUIRED	PROPOSED
A. ON-SITE LANDSCAPE AREA (14,554.4 A. I)	86,173	86,873
B. STREET FRONTAGE (114,554.4 A. I)	1,682	1,682
C. LAND USE BUFFER (14,554.4 A. I)	12,140	12,947
D. ON-SITE LANDSCAPE AREA (14,554.4 A. I)	86,173	86,873
E. STREET FRONTAGE (114,554.4 A. I)	1,682	1,682
F. LAND USE BUFFER (14,554.4 A. I)	12,140	12,947

GENERAL NOTES:

1. ALL PLANTING SHALL BE INSTALLED BY THE CONTRACTOR IN ACCORDANCE WITH THE SPECIFICATIONS AND SCHEDULED IN THE CONTRACT DOCUMENTS.
2. ALL PLANTING SHALL BE INSTALLED BY THE CONTRACTOR IN ACCORDANCE WITH THE SPECIFICATIONS AND SCHEDULED IN THE CONTRACT DOCUMENTS.
3. ALL PLANTING SHALL BE INSTALLED BY THE CONTRACTOR IN ACCORDANCE WITH THE SPECIFICATIONS AND SCHEDULED IN THE CONTRACT DOCUMENTS.
4. ALL PLANTING SHALL BE INSTALLED BY THE CONTRACTOR IN ACCORDANCE WITH THE SPECIFICATIONS AND SCHEDULED IN THE CONTRACT DOCUMENTS.
5. ALL PLANTING SHALL BE INSTALLED BY THE CONTRACTOR IN ACCORDANCE WITH THE SPECIFICATIONS AND SCHEDULED IN THE CONTRACT DOCUMENTS.



CONCEPTUAL PLANTING PLAN

1.1. MOOREN & ASSOCIATES, INC.
 LANDSCAPE ARCHITECTURE
 URBAN DESIGN
 1121 East McDowell Ave., Suite 210
 Phoenix, AZ 85016
 (602) 998-3550



PROFESSIONAL OFFICE COMPLEX
 83RD AVENUE & PINNACLE PEAK ROAD
 PEORIA, ARIZONA

APBA
 Arizona Professional Building Association
 1001 East McDowell Ave., Suite 210
 Phoenix, AZ 85016
 (602) 998-3550
 www.apbaaz.org

DATE	BY	REVISION

REPORT TO THE PLANNING AND ZONING COMMISSION- REZONING

CASE NO.: Z07-09

DATE: May 15, 2008

AGENDA ITEM NO.: 12R

Applicant: West Wing Mountain View, LLC, represented by [REDACTED]

Request: Proposal to rezone approximately 10.12 acres from General Agricultural (AG) to Planned Area Development (PAD).

Proposed Development: Offices at 83rd Avenue & Pinnacle Peak: Upon completion, this development would yield approximately 83,000 square feet of single-story office space on approximately 10 acres.

Location: The site is located on the SWC of 83rd Avenue & Pinnacle Peak Road (Assessor Parcel Numbers 200-08-099, 098A, 098B, 129 and 130).

Site Acreage: Approximately 10.12 gross acres

Support /Opposition: Several letters of mixed opinion are on file. These letters come from those residents that attended the neighborhood meeting on July 18, 2007.

Recommendation: Recommend **approval**, subject to conditions.

Existing and Future Land Use: (Exhibit A)

1.

GPA 07-05		EXISTING LAND USE	ZONING
SITE	Vacant		General Agricultural (AG)
North	Pinnacle Peak Road / Developing Large-Lot Residential		County Rural-43
West	Large-Lot Residential		County Rural-43
East	Large-Lot Residential		R1-18
South	Planada Lane / Large-Lot Residential		County Rural-43

Project Description:

2. The applicant is requesting PAD zoning on approximately 10.12 acres located on the southwest corner of 83rd Avenue & Pinnacle Peak Road. The rezoning would allow for a multiple-building, single-story office development. The subject property is bounded by County property on three sides and 83rd Avenue on the fourth.
3. This request is accompanied by a Minor General Plan Amendment application (Case GPA 07-05) to change the current Residential Estate (0-2 du/ac) designation to Office Commercial. Staff is in support of the request.
4. The applicant originally filed a General Plan Amendment, an O-1 zoning application and a Site Plan Review application to run concurrently. After the first review, staff acknowledged some of the residents' concerns and recommended the applicant re-file the zoning as a Planned Area Development (PAD). The PAD zoning option is appropriate in this situation as it allows the City and the applicant the opportunity to customize development standards and the permitted use listing to ensure compatibility with the surrounding area. Since the O-1 district does allow a variety of uses besides professional offices and heights that could yield two-story development, staff believed it was appropriate to redirect the applicant toward a PAD.
5. This PAD limits building height to 28 feet or one story. Current zoning (AG) and all single-family residential zoning districts allow 30 feet or two stories. Uses have been limited to professional offices, a bank and medical offices with the additional allowance of a deli and a coffee shop provided both are located within a suite (i.e. not freestanding) and neither can exceed 3,000 square feet. Drive through or non-chartered financial uses are prohibited. Some specialty retail may also be permitted, but by specialty, the applicant has specifically referenced medical supply, which unlike general retail uses, is low-impact, low traffic generating use.
6. The site has been designed to maintain the residential character of the area. The buildings have been placed in a series of courtyards where the rear of each building is internalized to ensure the most pleasing elevations are seen by the community. All buildings are accented with architectural elements found in the area such as stone, pitched roofs, exposed rafter tails, decorative lighting and residentially-scaled windows. Colors will be rich desert tones and color palettes will be varied throughout the project.
7. As part of the original O-1 zoning application, the applicant was required to concurrently file a complete Site Plan and Design Review Package. Staff issued

first review comments based on Zoning Ordinance standards, Design Review Manual criteria and input from the public. Because the applicant was directed to modify the zoning application from an O-1 request to a PAD, the Site Plan and Design Review application will lag behind the zoning. In spite of this lag time, the applicant has made substantial changes to the site plan and building elevations in an effort to better illustrate the development standards provided in the PAD Standards and Guidelines Report. A conceptual site plan and building elevation has been provided as Exhibits D through F of this report for reference only. Formal review of the Site Plan and Design Review will continue upon completion of the rezoning process; however staff will use the provided plans as a baseline for site and building design.

8. Access to and from this site has been limited to 83rd Avenue and Pinnacle Peak Road only. No access, pedestrian or vehicular, from Planada Lane is being proposed. Treatment of these access points will be reviewed during Site Plan Review. However, decorative paving, enhanced landscaping and theme walls will be evaluated for compatibility with the buildings as well as the surrounding area.
9. The proposed building setbacks are consistent with the O-1 Zoning District, though the buildings have been located on the site in a manner that more than doubles the minimum setbacks. A landscape buffer has been provided along the west property line in accordance with Section 14-35-4.A.3 of the Zoning Ordinance. Similarly, appropriate street frontage landscaping and parking screen walls are being provided along 83rd Avenue, Pinnacle Peak Road and Planada Lane.
10. The Zoning Ordinance allows site lighting to be 25 feet in height for non-residential uses. Site lighting for this project has been limited to 20 feet above finish grade and will be shielded from nearby residential areas. All lighting must comply with the City's Dark Sky Ordinance.

Discussion / Analysis:

11. After reviewing the application, staff is supportive of this request. This property has significant history where attempts to develop the site with general retail uses were heavily opposed and ultimately withdrawn. The applicant for this request has presented the City with a request for a single-story professional office complex that has been designed to blend with the community, both architecturally and through site design.
12. In general terms, sites of this size that are located at the intersection of two major arterials are prime candidates for retail development. Such intersections are designed to safely handle commercial traffic, and, these properties are highly desirable for retail users since visibility is a critical component for the success of retail businesses; therefore, the City and the commercial development

community often seek these corners for retail development.

13. This application represents a balance between typical development trends and the desires of the community. Although some opposition to this case has been received, staff believes this is an appropriate use that has been executed in a desirable fashion especially considering the site's location and proximity to existing single-family residential uses.
14. To further this point, the development pattern in the area shows that large-lot residential development at arterial intersections is either lagging due to undesirability or has been designed as a walled-in subdivision where the lots back up to the intersection. To develop this site in a similar manner would force a break in the pattern that exists on Pinnacle Peak between 83rd and approximately 87th Avenues, which is predominantly forward-facing homes. Direct access to Pinnacle Peak or 83rd Avenue for individual residential lots would not be permitted should this property be subdivided.
15. Support for both requests is primarily based upon the finding that this property is located on the corner to two arterials, in a very low-density part of the City where services and professional offices are virtually non-existent. The General Plan contains several Goals, Objectives and Policies that promote a balance between housing and employment, economic development and development that is in proportion to surrounding areas.
16. Opponents to this application have indicated that identical services are available near 75th Avenue and Deer Valley Road or at 91st Avenue & Lake Pleasant Parkway, both of which are two to two and a half miles from this site. Though some services are available in these locations, this area and areas to the north are still developing and the population will continue to grow. What may be considered sufficient today, will not be sufficient in the future. Staff views this application as an opportunity to establish a low-impact office designation that encourages neighborhood compatibility and an opportunity to encourage economic health in an underserved part of the City.
17. Staff believes that through design and use limitations, this application will result in a well-balanced development for this corner. While some may contend that commercial development in general is undesirable at this location, it is important to note that typical development patterns throughout the City, and even throughout the Valley, often result in commercial uses at arterial corners such as this one. That said, this proposal is consistent with the development trends found throughout the City by way of locating non-residential uses at arterial intersections and is responsive to input from the public on this application as well as prior development requests.

Proposition 207 Discussion

18. The voters of Arizona recently approved Proposition 207, which amongst other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. This waiver agreement has been sent to the applicant, completed and returned to the Planning Department for recordation upon approval of this application by the City Council.

Recommendation

19. Based on the following findings:

- The proposal provides professional offices and services in an underserved area and provides these elements in a low-impact, low intensity fashion in an effort to be integrated with the surrounding residential neighborhood; and
- The proposal will appropriate tax, employment service opportunities to City and County residents on a strategically located site at a major arterial intersection; and
- The proposal will advance several goals in the General Plan by reducing the overall job and housing imbalance and providing local employment opportunities; and
- The amendment is consistent with the intent of the General Plan to provide a balance of land uses that will preserve and enhance neighborhoods and promote economic development.

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

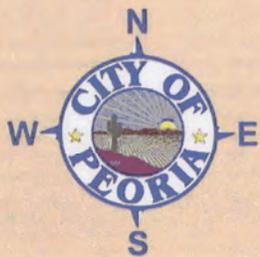
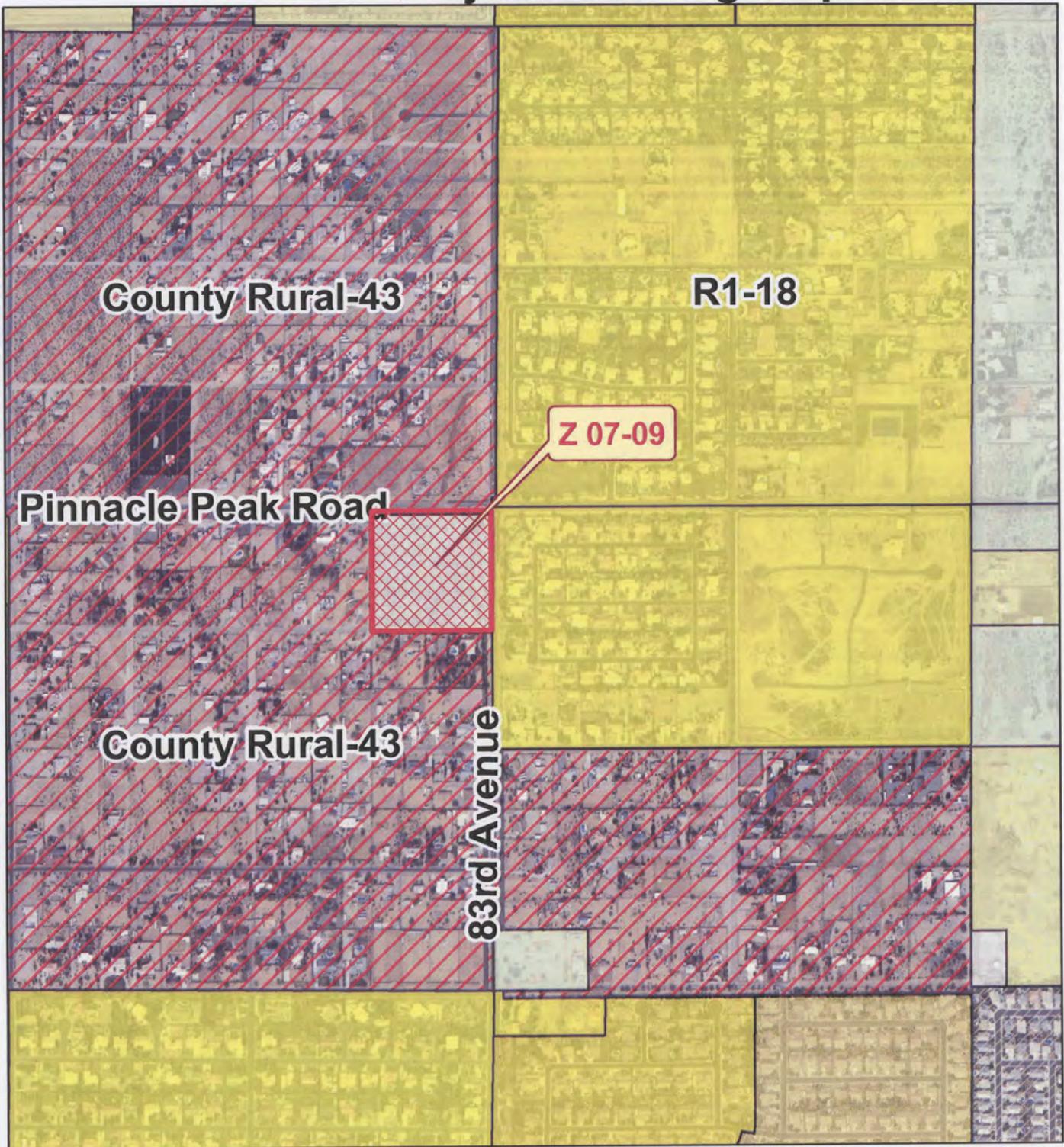
Recommend to the City Council approval of the requested zoning for a PAD District under Case Z 07-09 subject to the conditions provided in Exhibit C of this report.

Attachments:

Exhibit A	Project / Zoning Map
Exhibit B	Applicant Amendment Justification
Exhibit C	Conditions of Approval
Exhibit D	Conceptual Site Plan
Exhibit E	Conceptual Landscape Plan
Exhibit F	Conceptual Elevations
Exhibit G	PAD Standards & Guidelines Report

Prepared by: Adam D. Pruett
Senior Planner

Z 07-09 Project / Zoning Map



Not to Scale

Z 07-09 Offices at 83rd & Pinnacle Peak

Applicant: West Wing Mountain View, LLC

Request: Rezone to PAD to allow for a professional office development

Exhibit A



4601 N. Black Canyon Highway
Phoenix, Arizona 85015
(602) 604-8886
(602) 604-8965 FAX

Narrative Statement/Project Justification
for
Professional Offices at 83rd Ave. & Pinnacle Peak Rd.



1. What type of development and uses are proposed by the rezoning request?

This proposed development is a professional/medical office complex serving the area. While office is the primary use, other supporting uses are also proposed, including: coffee shop with limited size and hours, small deli with limited size and hours, physical therapy/exercise facility limited in size, specialized retail supporting tenants (such as medical supply) limited in size, and a copy center.

2. State how your proposal is consistent with the Land Use Plan and other goals, policies and objectives (list each goal, policy and objective and how they are met) of the Peoria General Plan.

The proposal is not consistent with the current Land Use Plan (residential estate) for the property and subsequently a General Plan Amendment is also being reviewed at this time. This proposal is consistent with the following General Plan goals, policies and objectives.

Goal 2.1: Provide a balance of land uses that will preserve and enhance neighborhoods, promote economic development, encourage redevelopment at appropriate locations, and protect environmentally sensitive areas.

The PAD will accomplish each aspect of this goal by specifically defining allowed uses with the development while enhancing neighborhood appearance and furthering economic development.

Objective 2.1A: Manage and control development to facilitate orderly growth and an efficient urban form.

By locating this development adjacent to existing estate and master planned developments, efficiency is improved through the availability of low density community services nearby. With a growing population in the area, business uses are deficient and will help balance orderly growth.

Policy 2.1.A.1: The City shall promote planned developments where resources and facilities are in place to facilitate a high quality, attractive and efficient urban development pattern.

Resources and facilities are in place for a development such as this and will facilitate a quality and attractive project.

Objective 2.1.F: Develop appropriate commercial, business park, industrial, and mixed-use employment centers within large-scale residential master planned areas.

This mixed use commercial office development will create employment opportunities adjacent to residential estates and master planned areas nearby.

Policy 2.1.G.1: The City shall work to enhance commercial activity by attracting, retaining, and expanding those developments (commercial, office or residential) which improve economic conditions in Peoria.

The proposal of this PAD development is in alignment with both the policies and strategies of the city of Peoria. By creating an attractive, functional, and integrated environment, this will attract business to the area and improve economic conditions.

Goal 4.1: Create employment opportunities for Peoria Residents.

The proposal of this PAD development is in alignment with this goal by providing employment opportunities for an area lacking such.

Objective 4.1.B: Improve the business environment within Peoria.

Through the approval of this PAD proposal, the business environment will be enhanced by providing the services and employment opportunities to area residents.

Goal 4.2: Generate new net city sales tax collections

The city will generate sales tax through not only the development of the buildings, but also continually by accessory uses allowed in the PAD such as the deli, coffee shop, etc.

3. Discuss your proposal's compatibility with the surrounding land use and zoning patterns. Include a list of surrounding zoning designations, land uses, and designations.

The majority of land uses within a one-mile radius include R-43, R-45, R-18, R-12, R-10, and PAD residential developments. C-2 and PAD commercial uses (primarily retail) exist at the major intersections of 83rd and Deer Valley as well as 91st and Pinnacle Peak. The proposed commercial PAD for this development will follow a similar pattern of the other major intersection listed above, although with less impact than a typical commercial use. The focus of office within the PAD provides a low-density compatible setting which will service the immediate community.

4. Indicate why the current zoning is not appropriate given the surrounding land use, zoning, and factors, which have changed since the current zoning was established.

The current AG (agricultural zoning) is not consistent with any adjacent land uses or zoning designations. Due to tremendous growth within the last decade, this land has become an obscure island among many new adjacent developments.

5. Describe any proposed unique design considerations, beyond Zoning Ordinance requirements, which create compatibility between the proposed use and adjoining developments.

The core developments which exist in this area vary drastically in terms of density and design. The proposed development is intended to integrate into both the lower density developments and newer developments which are prevalent immediately adjacent to the site. By limiting lot coverage to 22% and by providing strict design guidelines which are outlined in the PAD Standards and Guidelines, neighborhood compatibility is created. Specific considerations include rich and varied color palettes, building details such as arches, pop-outs/architectural elements, and varying textures such as stone, wood, stucco, and glass. The development will consist of smaller buildings limited to one-story and 25', which is similar to size and heights of surrounding residences.

6. Provide general site information and describe unusual physical features or characteristics of the site which present opportunities or constraints for development.

This undeveloped site is located at the major intersection of 83rd Ave. and Pinnacle Peak and is approximately 9 net acres in size. This development has a unique opportunity to provide services to an immediate area which is currently lacking such. By creating a relatively open, small, and compatible development, there is also an opportunity to strengthen a devoted community.

7. Other than the requested zoning approval, what other approval processes are required to accomplish the development proposal, ie., Variances, site plans, subdivision plats, conditional use permits, comprehensive master plan amendments, State or County licensing or permits, etc.

The site will require the completion of the General Plan Amendment (GPA07-05) currently under review, site plan approval, and issuance of building permits. Offsite improvements associated with half street requirements will require county permits and approval.

Conditions of Approval
Z07-09 Offices at 83rd & Pinnacle Peak

1. The development shall substantially conform to the approved Planned Area Development Standards and Guidelines Report stamp dated April 25, 2008. The addition of uses to the PAD use listing shall be considered a Major Planned Area Development Amendment.
2. Future Site Plan, Landscape Plan and Elevations or modifications thereto shall remain in substantial conformance with Exhibits D, E and F of the May 15, 2008 Planning and Zoning Commission staff report for this application.
3. The developer shall submit a preliminary drainage report with the site plan.
4. The developer shall submit the updated Traffic Impact Analysis to the City with the site plan. The City will require preliminary approval of the Traffic Impact Analysis from MCDOT and the City prior to site plan approval.
5. The Developer shall dedicate 65-foot half-street ROW along the frontage of the project on Pinnacle Peak Road and 83rd Avenue. The Developer shall dedicate a minimum 25-foot half-street ROW along the frontage of the project on Planada.
6. The Developer shall dedicate an additional 10-foot ROW within 500-feet of the intersection of 83rd and Pinnacle Peak.
7. The Developer shall dedicate an 8' PUE outside of the required ROW on 83rd, Pinnacle Peak, and Planada. No walls or retention shall be allowed within the PUE.
8. The Developer shall construct the half-street for Pinnacle Peak, 83rd, and Planada along the frontage of the project. This will include curb, gutter, paving, improvements required by the TIA, street lights, and sidewalk.
9. The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at the intersection of 83rd and Pinnacle Peak. The Developer shall dedicate a 20-foot by 20-foot ROW chamfer at the intersection of 83rd and Planada.
10. The Developer shall install traffic signal interconnect conduit along the frontage of the parcel on 83rd Avenue.

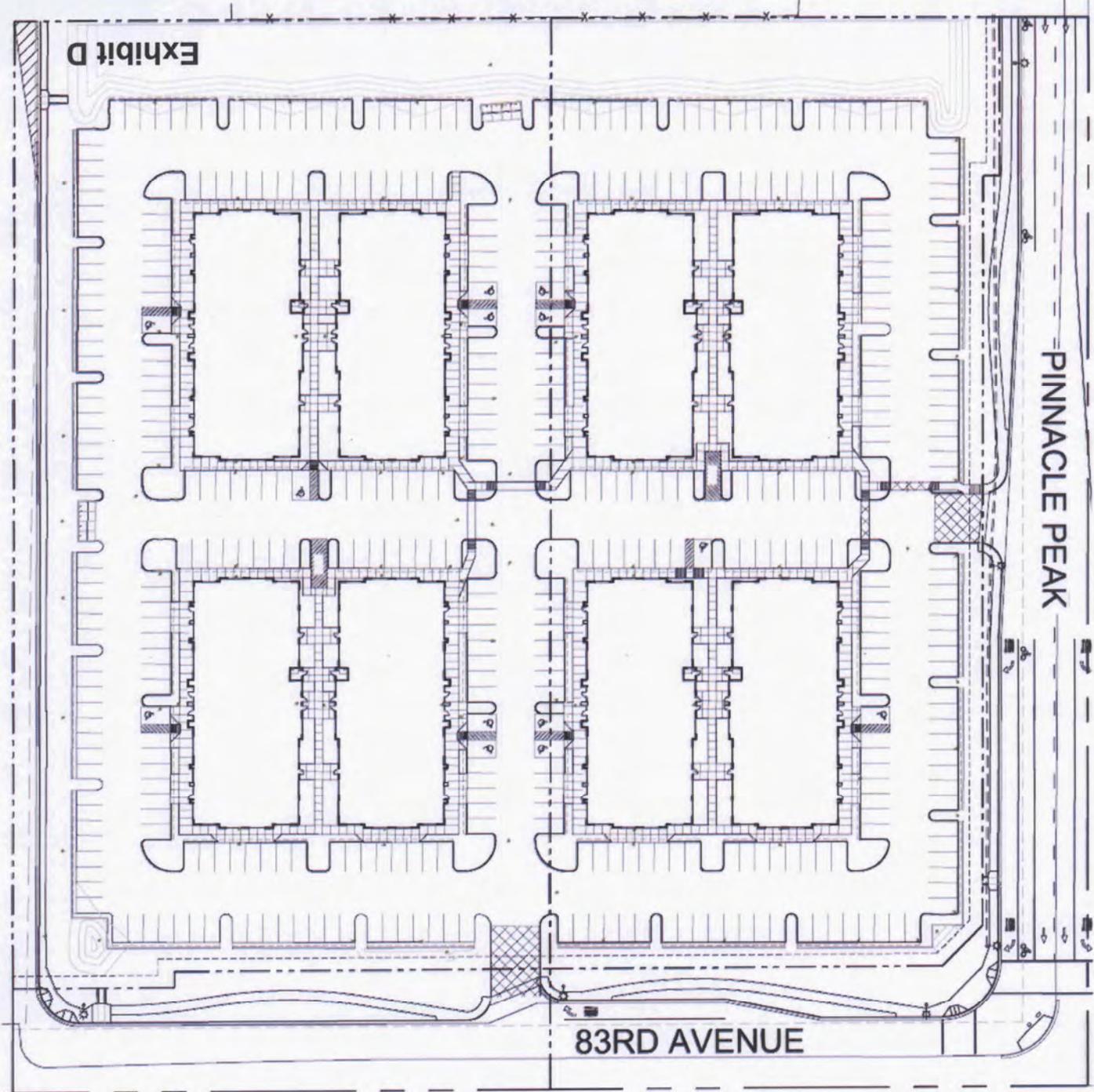


Exhibit D

PINNACLE PEAK

83RD AVENUE

SITE PLAN
SCALE: 1/8" = 1'-0"

SA-1.0

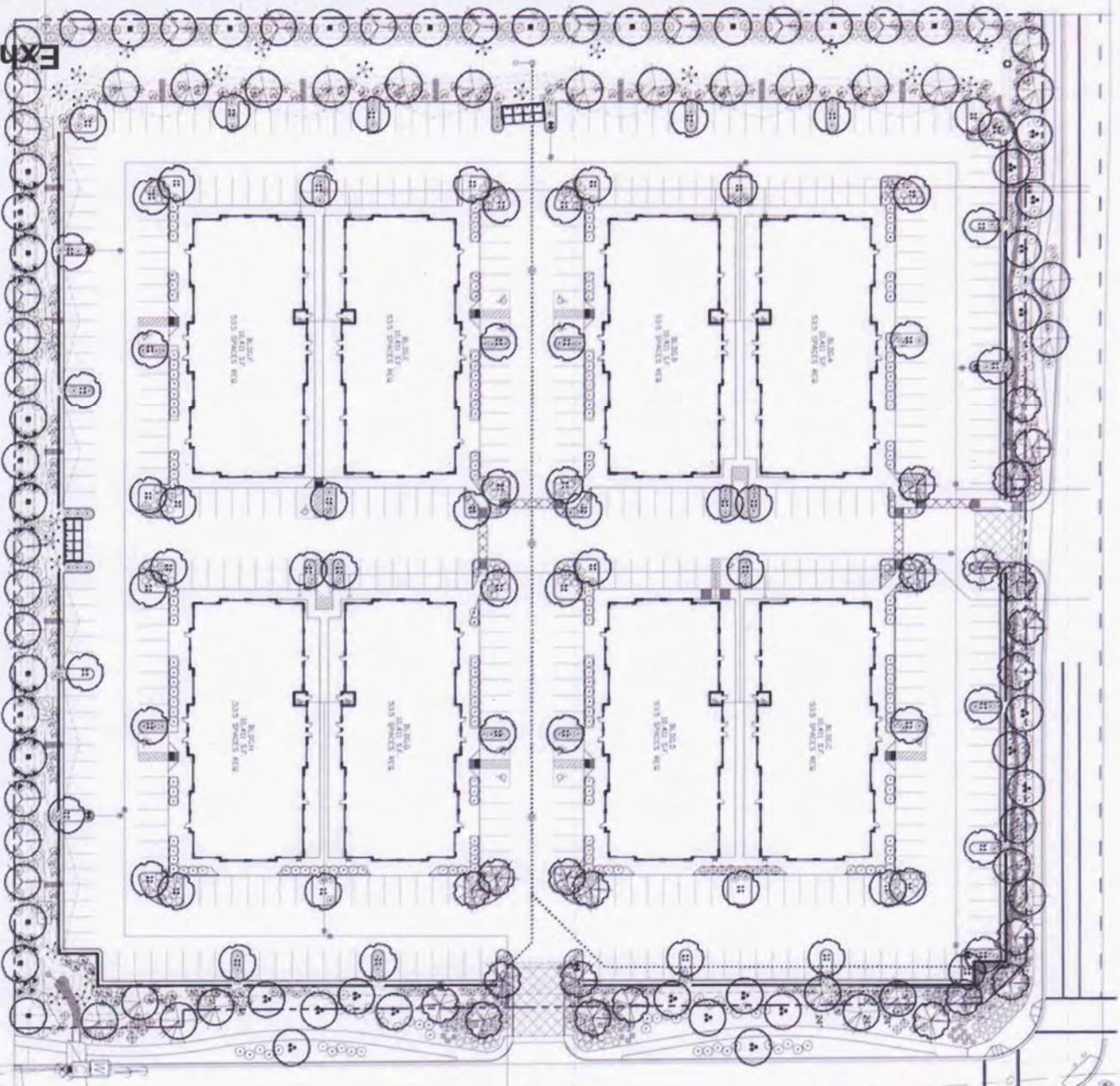
DATE:	03/27/02
BY:	SA/02
PROJECT NO.:	200007.01
DATE:	03/27/02
BY:	SA/02
PROJECT NO.:	200007.01
DATE:	03/27/02
BY:	SA/02
PROJECT NO.:	200007.01

PROFESSIONAL OFFICE COMPLEX
83RD AVENUE & PINNACLE PEAK ROAD
PEORIA, ARIZONA

PRELIMINARY NOT FOR CONSTRUCTION



NABA
NATIONAL ASSOCIATION OF ARCHITECTS
1115 N. MEADE COUNTRY SQUARE
PEORIA, ARIZONA 85202
OFFICE: (602) 998-8800
FAX: (602) 998-8801
WWW.NABA.ORG



PROPOSED PLANT PALETTE

- ① CENTRAL TREE MARIANA 24' HGT. - 20'
- ② SHADY WILLOW 24' HGT. - 20'
- ③ PROUDY CHINAEL 24' HGT. - 20'
- ④ CHELSEA MEDICINE (PINK BLOSS) 24' HGT. - 20'
- ⑤ BALSAMIC SASSO 24' HGT. - 18'
- ⑥ ACACIA SINICENSIS 24' HGT. - 20'
- ⑦ SPOONING ACACIA 24' HGT. - 20'
- ⑧ CERCOSIA D'ARNEYA 24' HGT. - 20'
- ⑨ BIRCH (LOW BRANCH) 24' HGT. - 20'
- ⑩ LINDA PARVIFLORA 15' GALTON - 41'
- ⑪ BELLA PENNSYLVANIA 5' GALTON - 25'
- ⑫ REDWOOD 25' GALTON - 25'
- ⑬ REDWOOD 25' GALTON - 25'
- ⑭ REDWOOD 25' GALTON - 25'
- ⑮ REDWOOD 25' GALTON - 25'
- ⑯ REDWOOD 25' GALTON - 25'
- ⑰ REDWOOD 25' GALTON - 25'
- ⑱ REDWOOD 25' GALTON - 25'
- ⑲ REDWOOD 25' GALTON - 25'
- ⑳ REDWOOD 25' GALTON - 25'
- ㉑ REDWOOD 25' GALTON - 25'
- ㉒ REDWOOD 25' GALTON - 25'
- ㉓ REDWOOD 25' GALTON - 25'
- ㉔ REDWOOD 25' GALTON - 25'
- ㉕ REDWOOD 25' GALTON - 25'
- ㉖ REDWOOD 25' GALTON - 25'
- ㉗ REDWOOD 25' GALTON - 25'
- ㉘ REDWOOD 25' GALTON - 25'
- ㉙ REDWOOD 25' GALTON - 25'
- ㉚ REDWOOD 25' GALTON - 25'
- ㉛ REDWOOD 25' GALTON - 25'
- ㉜ REDWOOD 25' GALTON - 25'
- ㉝ REDWOOD 25' GALTON - 25'
- ㉞ REDWOOD 25' GALTON - 25'
- ㉟ REDWOOD 25' GALTON - 25'
- ㊱ REDWOOD 25' GALTON - 25'
- ㊲ REDWOOD 25' GALTON - 25'
- ㊳ REDWOOD 25' GALTON - 25'
- ㊴ REDWOOD 25' GALTON - 25'
- ㊵ REDWOOD 25' GALTON - 25'
- ㊶ REDWOOD 25' GALTON - 25'
- ㊷ REDWOOD 25' GALTON - 25'
- ㊸ REDWOOD 25' GALTON - 25'
- ㊹ REDWOOD 25' GALTON - 25'
- ㊺ REDWOOD 25' GALTON - 25'
- ㊻ REDWOOD 25' GALTON - 25'
- ㊼ REDWOOD 25' GALTON - 25'
- ㊽ REDWOOD 25' GALTON - 25'
- ㊾ REDWOOD 25' GALTON - 25'
- ㊿ REDWOOD 25' GALTON - 25'

SITE PLAN PLANTING DATA

LANDSCAPE AREA	REQUIRED	PROPOSED
A. ON SITE LANDSCAPE AREA 114,354.4 A.1	1,489	1,489
B. STREET BUFFER 114,354.4 A.2	12,140	12,140
C. LAND USE BUFFER 114,354.4 A.3	12,140	12,140
D. TOTAL LANDSCAPE AREA 114,354.4 A.4	25,769	25,769

PLANT QUANTITIES

PLANT QUANTITIES	REQUIRED	PROPOSED
TOTAL LANDSCAPE AREA 114,354.4 A.4	25,769	25,769
TOTAL TREES 114,354.4 A.4	1,489	1,489
TOTAL SHRUBS 114,354.4 A.4	12,140	12,140
TOTAL PALMS 114,354.4 A.4	12,140	12,140

GENERAL NOTES

1. THE PLANTING SHALL BE LIMITED TO A MAXIMUM OF 20% OF THE SITE AREA.
2. ALL PLANTING SHALL BE LIMITED TO A MAXIMUM OF 15 GALTON PER 4 A SQUARE FOOT.
3. ALL LANDSCAPE AREAS SHALL BE SLOPED BY AN AUTOMATIC SPECIFICATION.
4. PLANT MATERIALS LISTED IN LANDSCAPE AREA SHALL BE 8.0' OR MORE IN HEIGHT ON THE MOST RECENT EDITION.
5. PLANT MATERIALS LISTED IN LANDSCAPE AREA SHALL BE 2.0' OR MORE IN HEIGHT ON THE MOST RECENT EDITION.
6. PLANT MATERIALS LISTED IN LANDSCAPE AREA SHALL BE 1.0' OR MORE IN HEIGHT ON THE MOST RECENT EDITION.
7. PLANT MATERIALS LISTED IN LANDSCAPE AREA SHALL BE 0.5' OR MORE IN HEIGHT ON THE MOST RECENT EDITION.
8. PLANTING SHALL BE LIMITED TO A MAXIMUM OF 20% OF THE SITE AREA.
9. PLANTING SHALL BE LIMITED TO A MAXIMUM OF 15 GALTON PER 4 A SQUARE FOOT.
10. PLANTING SHALL BE LIMITED TO A MAXIMUM OF 15 GALTON PER 4 A SQUARE FOOT.
11. PLANTING SHALL BE LIMITED TO A MAXIMUM OF 15 GALTON PER 4 A SQUARE FOOT.
12. PLANTING SHALL BE LIMITED TO A MAXIMUM OF 15 GALTON PER 4 A SQUARE FOOT.
13. PLANTING SHALL BE LIMITED TO A MAXIMUM OF 15 GALTON PER 4 A SQUARE FOOT.
14. PLANTING SHALL BE LIMITED TO A MAXIMUM OF 15 GALTON PER 4 A SQUARE FOOT.
15. PLANTING SHALL BE LIMITED TO A MAXIMUM OF 15 GALTON PER 4 A SQUARE FOOT.
16. PLANTING SHALL BE LIMITED TO A MAXIMUM OF 15 GALTON PER 4 A SQUARE FOOT.
17. PLANTING SHALL BE LIMITED TO A MAXIMUM OF 15 GALTON PER 4 A SQUARE FOOT.
18. PLANTING SHALL BE LIMITED TO A MAXIMUM OF 15 GALTON PER 4 A SQUARE FOOT.
19. PLANTING SHALL BE LIMITED TO A MAXIMUM OF 15 GALTON PER 4 A SQUARE FOOT.
20. PLANTING SHALL BE LIMITED TO A MAXIMUM OF 15 GALTON PER 4 A SQUARE FOOT.

VICINITY MAP



PROFESSIONAL OFFICE COMPLEX
83RD AVENUE & PINNACLE PEAK ROAD
PEORIA, ARIZONA

T.M. McQUEEN & ASSOCIATES, INC.
LANDSCAPE ARCHITECTURE
SITE PLANNING
1121 East Watson Ave., Suite 218
Peoria, Arizona 85201
Phone: (602) 376-0329
Fax: (602) 376-0329

L-1

PLANNED AREA DEVELOPMENT

STANDARDS AND GUIDELINES
FOR

WEST WING PROFESSIONAL OFFICES

Located at:
The Southwest Corner of
83rd Avenue and Pinnacle Peak Rd.
Peoria, AZ



April 16, 2008

TABLE OF CONTENTS

I. INTRODUCTION	3
II. SITE DESCRIPTION	3
III. PRELIMINARY DEVELOPMENT PLAN	3
IV. LISTING OF PERMITTED & ACCESSORY LAND USES	4
A. LAND USES	4
V. PROJECT PHASING & DEVELOPMENT SCHEDULE	5
VI. DEVELOPMENT STANDARDS	5
A. Lot Coverage	5
B. Setbacks	5
C. Minimum Lot Size.....	5
D. Building Heights.....	5
E. Accessory Use Standards.....	5
F. Open Space Requirements.....	5
G. Lighting	5
H. Screening, Fencing and Walls	6
I. Roadway Standards	6
J. Parking.....	7
K. Enhanced Design Review Standards	7
VII. PROJECT SIGNAGE STANDARDS	9
A. Building Signage	9
VIII. PROJECT LANDSCAPING STANDARDS	9
IX. LANDSCAPE PLANTING AND MAINTENANCE	9
X. INFRASTRUCTURE /UTILITIES	10
A. Grading / Drainage / Retention.....	10
B. Water / Wastewater	10
C. Electrical Power / Natural Gas / Telephone Service	10
XI. SITE PLAN APPROVAL	10

I. INTRODUCTION

This "Development Guide" provides a project overview of a commercial Planned Area Development (P.A.D.) planned for a 9 Acre parcel in Peoria, Arizona to be known as the **West Wing Professional Offices**.

The "Development Guide" Standards shall apply to all properties to be developed in the **West Wing Professional Offices** P.A.D. Any standards not set forth herein are subject to criteria established in the current Federal, State or City of Peoria regulations.

II. SITE DESCRIPTION

The P.A.D. currently consists of five (5) lots totally approximately 10.12 gross / 8.94 net acres located at the southwest corner of 83rd Avenue and Pinnacle Peak Road in Peoria, Arizona.

The legal description for the 10.12 gross acres is listed below.

LOT 1 (APN: 200-08-099)
(PER INST. 2000-0935233)
S 15F OF N 55F OF N2 NE4 NE4 NE4 SEC 15 T4N R1E

LOT 2 (APN: 200-08-098A)
(PER INST. 2000-0935235)
N ½ NE ¼ NE ¼ NE ¼ SEC 15 EX N 55F & EX E 55F OF S27 5 TH/DF T4N R1E

LOT 3 (APN: 200-08-098B)
(PER INST. 2000-0935234)
W 15F OF E 55F OF S 275F OF N2 NE4 NE4 NE4 SEC 15 T4N R2E

LOT 4 (APN: 200-08129)
(PER INST. 2000-0935228)
S ½ NE ¼ NE ¼ NE ¼ SEC 15 EX E 55F SEC 15 T4N R1E

LOT 5 (APN: 200-08-130)
(PER INST. 2000-0935239)
W 15F OF E 55F OF S2 NE4 NE4 NE4 SEC 15 T4N R2E

III. PRELIMINARY DEVELOPMENT PLAN

The proposed development, consisting of multiple one-story office buildings, is intended to create a pleasant transition from the adjacent residential areas to a commercial use. The P.A.D. will be divided up into two development parcels. Lots 1, 2, & 3 will be part of Parcel One and Lots 4 & 5 will be part of Parcel Two. See Preliminary Development Plan, Exhibit B for the site configuration. These parcels are being considered for various medical office, general office, and minor accessory uses. See Section IV for the description of permitted and accessory land uses of each parcel.

IV. LISTING OF PERMITTED & ACCESSORY LAND USES

A. LAND USES

All improvements on individual sites shall comply with City of Peoria Codes, ordinances and standards, unless otherwise specified herein.

1. LAND USE TABLE

	Parcel 1	Parcel 2
Medical, dental, or health offices - limited to 42,000 S.F. total within the PAD	P	P
General professional offices	P	P
Coffee shop in a suite less than 3,000 S.F.	P	P
Deli type restaurants in a suite less than 3,000 S.F.	P	P
Outdoor seating as relates to coffee shop or deli restaurant.	A	A
Physical Therapy/Exercise facility	P	P
Specialized Retail (i.e. Medical Supply) in a suite less than 5,000 S.F.	P	P
Copy & Mail Center	P	P
Bank (no drive through; excludes non-chartered financial uses)	P	P

P= Permitted Use

A=Accessory Use

2. PROHIBITED USES

Uses not listed in the land use table are prohibited.

V. PROJECT PHASING & DEVELOPMENT SCHEDULE

1. The West Wing Professional Offices P.A.D. will be constructed in multiple phases. Parcel 1 is scheduled be developed first and it is anticipated that construction will start late 2008 or in 2009. Parcel 2 is scheduled to be developed last and it is anticipated that construction will start within one year of Parcel 1 completion. All perimeter landscaping (right-of-way and buffer) will be completed with the first phase.

VI. DEVELOPMENT STANDARDS

A. Lot Coverage

1. Lot coverage shall be limited to 22% of net site area.

B. Setbacks

1. 83rd Avenue – 15 ft. minimum setback
2. Planada – 15 ft. minimum setback
3. Pinnacle Peak – 15 ft. minimum setback
4. Interior Rear/Side Setback – No Minimum
5. Setback from residential zones – 30 ft. minimum setback

C. Minimum Lot Size

1. No lot shall be subdivided to less than 2 gross acres

D. Building Heights

1. All buildings shall not exceed twenty-eight (28) feet or one (1) story. Building height shall be measured to the parapet on flat-roofed structures and to the peak on gable, hip, and gambrel roofs. Height limitations shall not apply to cupolas, domes, unoccupied towers, and similar architectural features incorporated into the design of the building.

E. Accessory Use Standards

1. Accessory uses shall be limited to those established in the Land Use Table and shall not exceed 10% of the total development within the PAD.

F. Open Space Requirements

1. The open space requirement for this development is 5%

G. Lighting

1. Decorative building lighting shall be incorporated into the building design including: wall sconces, under eave lighting, etc. Lighting shall be shielded from adjacent residential areas.
2. Parking lot lighting shall be by fixtures which are fully shielded from adjacent streets and residential areas. Fixtures to be mounted at top of pole with no intermediate flood lighting placed on poles. Maximum fixture height to be twenty eight (20) feet above finish grade. No parking lot lighting may be closer than 10 feet to any residential use.
3. When ground mounted flood lighting is used, they shall be shielded by landscape and/or architectural elements.
4. A minimum level of security lighting shall be provided on lots in all areas.
5. All lighting installations shall conform to applicable Dark Sky Ordinances.

H. Screening, Fencing and Walls

1. Screen Walls

- a. Screen walls shall be used to conceal exterior storage areas, refuse collection areas, service yards, solar panels, satellite dishes, and other exterior equipment.
- b. Screen walls shall be constructed of brick, textured and/or patterned masonry or common masonry with a stucco finish designed to match or complement the building(s) on the Lot.
- c. Screen walls shall be painted or have an integral finish which matches the building(s) on the Lot.

2. Temporary Fences

- a. Temporary fences may be used along phase lines and similar locations where needed to enclose/secure activities or uses from the public.
- b. Temporary fences may be chain link.

3. Gates

- a. When gates are visible from the public right-of-way they shall be decorative, wrought iron, wrought iron with decorative wood slats, or opaque metal gates. Chain link gates are not permitted, except when associated with a temporary fence.

I. Roadway Standards

1. All vehicle maneuvering areas on-site will remain private and will serve as interior site circulation and parking areas. These areas shall be asphalt paved based on recommendations from a Soils Engineer.

J. Parking

1. Parking shall be provided as follows:
 - a. Medical Offices: One (1) space per 150 S.F.
 - b. General Professional Offices: One (1) space per 200 S.F.
 - c. Coffee Shop: One (1) Space per 50 S.F. serving area
 - d. Deli: One (1) Space per 50 S.F. serving area
 - e. Physical Therapy: One (1) space per 150 S.F. plus (1) space per employee
 - f. Specialized Retail: One (1) space per 300 S.F.
 - g. Copy and Mail Center: One (1) space per 200 S.F. plus (1) space per employee
 - h. Bank: One (1) space per 150 S.F. plus (1) space per employee

K. Enhanced Design Review Standards

1. This development shall conform to the Non-Residential Design Review Manual
2. Additional standards applicable to this PAD:
 - a. Buildings developed shall be compatible architecturally with the other commercial buildings within the P.A.D. Multiple color palettes (a minimum of 3) should be used throughout the development and should be rich earth tones, including yellows, browns, reds, and greens.
 - b. Each building in development is required to incorporate the following: Arched windows, window surrounds (pop-outs), decorative lighting, and shall use varied materials from the list below.
 - c. Materials
 1. The building elevations within the P.A.D. shall be constructed of materials from the following list:
 2. Decorative concrete unit masonry such as scored, split-faced, or textured block
 - (a) Stucco (Portland cement or synthetic systems)
 - (b) Glass and insulated glazing
 - (c) Ceramic, concrete or clay tile.

- (d) Faux stone, natural stone, or slate.
 - (e) Rough sawn or other decorative wood trim, corbels, rafters, beams, and columns, etc.
 - (f) Decorative metal accents, wall sconces, etc.
 - (g) Gable, Hip, or Sloped Roofs
 - (h) Metal roof panels: Panels shall be 24 gauge minimum and limited to standing seam T-panels, flush seam panels, flat seam panels, batten seam system, C lock panels or similar. Panel seams, battens, ribs, corrugations, etc. shall be 12".
 - (i) Flat or Barrel clay roof tile
3. The following materials are not permitted:
- (a) Asphalt shingles, wood shakes or shingles.
 - (b) Wood Siding or simulated wood siding
 - (c) Metal panels on exterior vertical surfaces (walls).
 - (d) The use of a completely metal building is not permitted
- d. Screening
- 1. All roof top mounted equipment shall be fully screened from view by parapet walls equal to or greater than the highest point of the equipment. Solar collector panels shall be similarly screened unless specifically designed within the architectural theme.

VII. PROJECT SIGNAGE STANDARDS

A. Building Signage

1. All signage is approved under a separate permit. Signage shall conform to the City of Peoria Zoning Ordinance Article 14-34, except as noted below.
2. All building signage shall be made up of individual letters, either script or block. Illumination may be by back-lighted interior or plastic faced only, with no exposed neon or exposed raceways permitted. Signs made of durable material, such as wood, metal, cast plastic, etc., and protected with a durable, clean finish surface, shall be permitted.
3. The maximum projection to face of letter from mounting surface shall be fourteen inches (14").
4. Flashing, animated, or audible signs will not be permitted.
5. All signs shall be designed to harmonize with the color scheme of the total project.

VIII. PROJECT LANDSCAPING STANDARDS

1. All landscaping within this PAD shall conform to requirements listed in Article 14-35 of the Zoning Ordinance except as listed below.
 - a. Undeveloped areas, held in reserve for future building or pavement development, need not be irrigated or fully landscaped. These areas, however, shall, as a minimum: be raked; treated with a plant pre-emergent; and maintained in a litter, weed and dust controlled manner.
 - b. Temporary use of the undeveloped land is permitted. However, it must meet all applicable, conditions defined in the Standards and Guidelines and any applicable City of Peoria Ordinance requirements regarding temporary site uses (Parking areas, setbacks, vision triangles, etc.)
 - c. Provide 20% of net site area as on-site landscaping on Parcel 1 and Parcel 2.

IX. LANDSCAPE PLANTING AND MAINTENANCE

1. On-site and public right-of-way landscaping shall be provided and maintained by the owner/ possessor of such lot.
2. All landscaped areas shall be maintained in a reasonable and attractive manner. Failure to maintain landscaped areas in a reasonable and attractive manner shall be a violation of the P.A.D. zoning and, as such, subject to enforcement as a zoning violation.
3. Any plant material that does not survive shall be replaced within thirty (30) days of its demise.

X. INFRASTRUCTURE /UTILITIES

A. Grading / Drainage / Retention

- a. Streets, utilities and services will be provided in accordance with the City of Peoria's typical specifications and standards.
- b. All properties shall meet the drainage requirements of the City of Peoria at the time of development, and retention basins are to be designed to meet the "100-year storm" of duration as defined by the Drainage Design Manual for Maricopa County. Retention basins may be altered in configuration to adapt as approved.

B. Water / Wastewater

- a. All water and waste water facilities shall conform to the City of Peoria requirements as defined in the ENGINEERING DEPARTMENT'S DEVELOPMENT GUIDE, Chapters 5 and 6.
- b. No cesspool, septic tank, sewage or hazardous waste disposal facility shall be erected or maintained upon a site.

C. Electrical Power / Natural Gas / Telephone Service

- a. All on-site utility lines, including overhead electrical lines less than 69 KVA shall be placed underground.

XI. SITE PLAN APPROVAL

1. All developments within the West Wing Professional Offices P.A.D. shall be subject to Site Plan Approval by the City of Peoria prior to development of such parcels.



Community Development Department

Planning Division

MEMORANDUM

DATE: May 8, 2008
TO: The Planning and Zoning Commission
FROM: Adam Pruett, Senior Planner
RE: **Case Z 06-06** – Request for Continuation to June 5, 2008

**ITEM
NUMBER:** 13R

The Public Hearing for Case Z 06-06 was scheduled for the May 15, 2008 Planning and Zoning Commission Hearing. Due to insufficient posting of the site, Staff is requesting that the case be continued to the June 5, 2008 to ensure adequate time for the applicant to properly execute the posting requirements outlined in the Notice of Hearing section of the Zoning Ordinance.

**REPORT TO THE PLANNING AND ZONING COMMISSION
INITIAL ZONING**

CASE NO.: Z 08-05

DATE: May 15, 2008

AGENDA ITEM: 14R

Applicant: City of Peoria, Community Development Department

Request: Establish Initial Zoning for subject property that has recently been annexed into the City of Peoria from Maricopa County zoning district of Rural-43 (Rural, 43,000 square feet in area) to Peoria SR-43 (Suburban Ranch, one acre minimum lot size).

Location: The subject parcel is located west of the southwest corner of Lake Pleasant Parkway and Calle Lejos.

Site Acreage: 1.14 acres

Support /Opposition: The Department has not received any public comments as of the date of this report.

Recommendation: Approve the initial zoning request

Surrounding Land Use and Zoning:

1.

Z 08-05	LAND USE	ZONING
On-Site	Vacant	County Rural-43
North:	Single-Family Residences (developing)	R1-18
East:	Vacant	SR-43
West:	Single-Family Residences	County Rural-43
South:	Vacant	Peoria SR-43

Background

2. The City has recently completed annexation activities on this single-lot annexation request near Lake Pleasant Parkway and Calle Lejos. Pursuant to A.R.S. §9-471.D and Section 14-4-3 of the Peoria City Code, the City must begin the process of

assigning City zoning to the annexed property within six (6) months following the official adoption of the annexation.

3. Per State Statute, the initial corresponding zoning shall not permit densities and uses more intense than those permitted by the County prior to the annexation. The closest City of Peoria zoning category to the County Rural-43 zoning is SR-43 – a suburban ranch zoning classification with a one acre minimum lot size. This request is consistent with the State Statute.
4. No additional zoning requests are being proposed or anticipated at this time.

Recommendation

6. Based on the following findings:

- The initial zoning request is mandated by the State Laws on annexation of properties into a municipal jurisdiction.
- The proposed initial zoning of Peoria SR-43 is similar in density as permitted by the County under the County's Rural-43.
- The proposed zoning district is in conformance with the goals and objectives set forth in the Peoria General Plan.

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

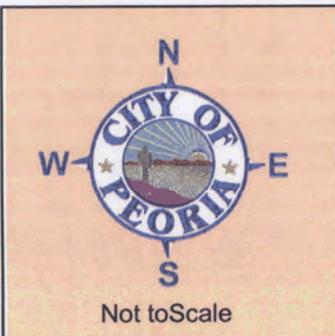
Recommend to the City Council approval of Z 08-05, establishing the initial zoning of property as Peoria SR-43.

Attachments:

Attachment A	Location Map
Attachment B	Zoning Map
Attachment C	Legal Description

Prepared by:
Adam Pruet, Senior Planner

Z08-05 Location Map

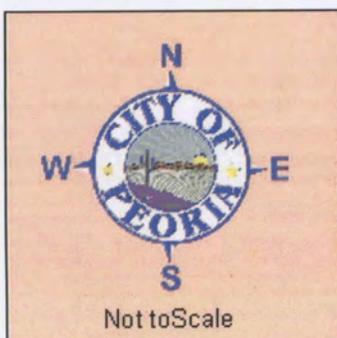
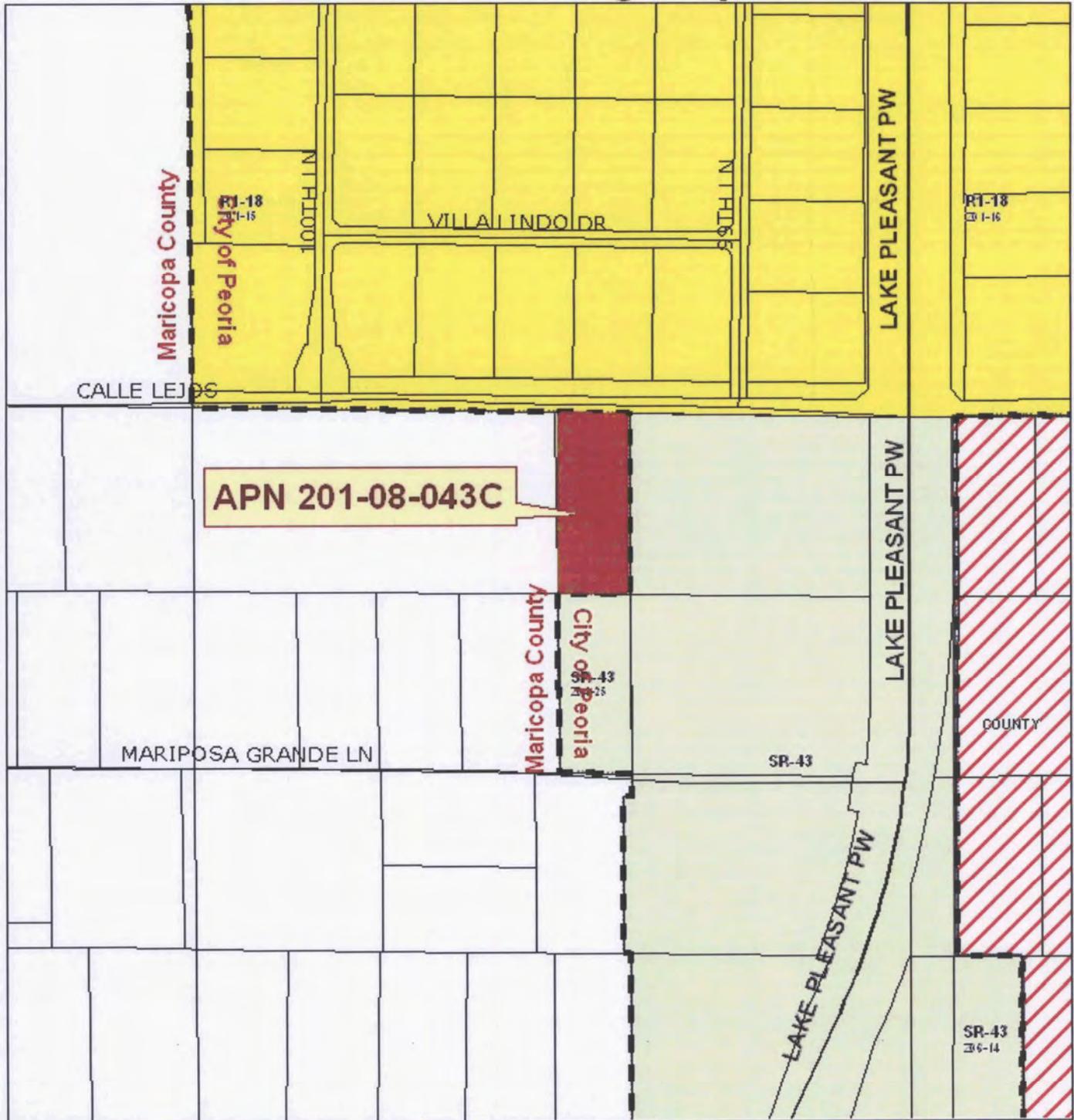


Z08-05

West of the SWC of Calle Lejos & Lake Pleasant Parkway
Request for annexation into the City of Peoria

Exhibit A

Z08-05 Zoning Map



Z08-05

West of the SWC of Calle Lejos & Lake Pleasant Parkway
Request for annexation into the City of Peoria

Exhibit B

Z08-05

LEGAL DESCRIPTION

The North half of the Northeast quarter of the Northeast quarter of the Southeast quarter of Section 8, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona:

Except the East 510 feet thereof.

Except that portion conveyed to the City of Peoria for a roadway in Document No. 2005-0720980; and

Except all oil, gas and other minerals as reserved in Patent from the United States of America.

Exhibit C

**REPORT TO THE PLANNING AND ZONING COMMISSION
INITIAL ZONING**

CASE NO.: Z 08-06

DATE: May 15, 2008

AGENDA ITEM: 15R

Applicant: City of Peoria, Community Development Department

Request: Establish Initial Zoning for subject property that has recently been annexed into the City of Peoria from Maricopa County zoning district of Rural-43 (Rural, 43,000 square feet in area) to Peoria SR-43 (Suburban Ranch, one acre minimum lot size).

Location: The subject parcel is located north of the northwest corner of Lake Pleasant Parkway and Pinnacle Peak Road.

Site Acreage: 4.5 acres

Support /Opposition: The Department has not received any public comments as of the date of this report.

Recommendation: Approve the initial zoning request

Surrounding Land Use and Zoning:

1.

Z 08-06	LAND USE	ZONING
On-Site	Vacant	County Rural-43
North:	Single-Family Residences (developing)	County Rural-43
East:	Lake Pleasant Parkway / Vacant	County Rural-43 / Peoria SR-43
West:	Vacant	County Rural-43
South:	Vacant	C-2

Background

2. The City has recently completed annexation activities on an annexation request near Lake Pleasant Parkway and Pinnacle Peak Road. Pursuant to A.R.S. §9-471.D and

Section 14-4-3 of the Peoria City Code, the City must begin the process of assigning City zoning to the annexed property within six (6) months following the official adoption of the annexation.

3. Per State Statute, the initial corresponding zoning shall not permit densities and uses more intense than those permitted by the County prior to the annexation. The closest City of Peoria zoning category to the County Rural-43 zoning is SR-43 – a suburban ranch zoning classification with a one acre minimum lot size. This request is consistent with the State Statute.
4. No additional zoning requests are being proposed or anticipated at this time.

Recommendation

6. Based on the following findings:

- The initial zoning request is mandated by the State Laws on annexation of properties into a municipal jurisdiction.
- The proposed initial zoning of Peoria SR-43 is similar in density as permitted by the County under the County's Rural-43.
- The proposed zoning district is in conformance with the goals and objectives set forth in the Peoria General Plan.

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

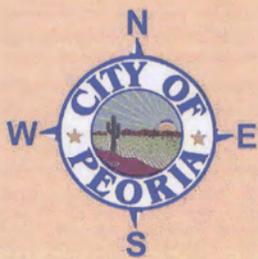
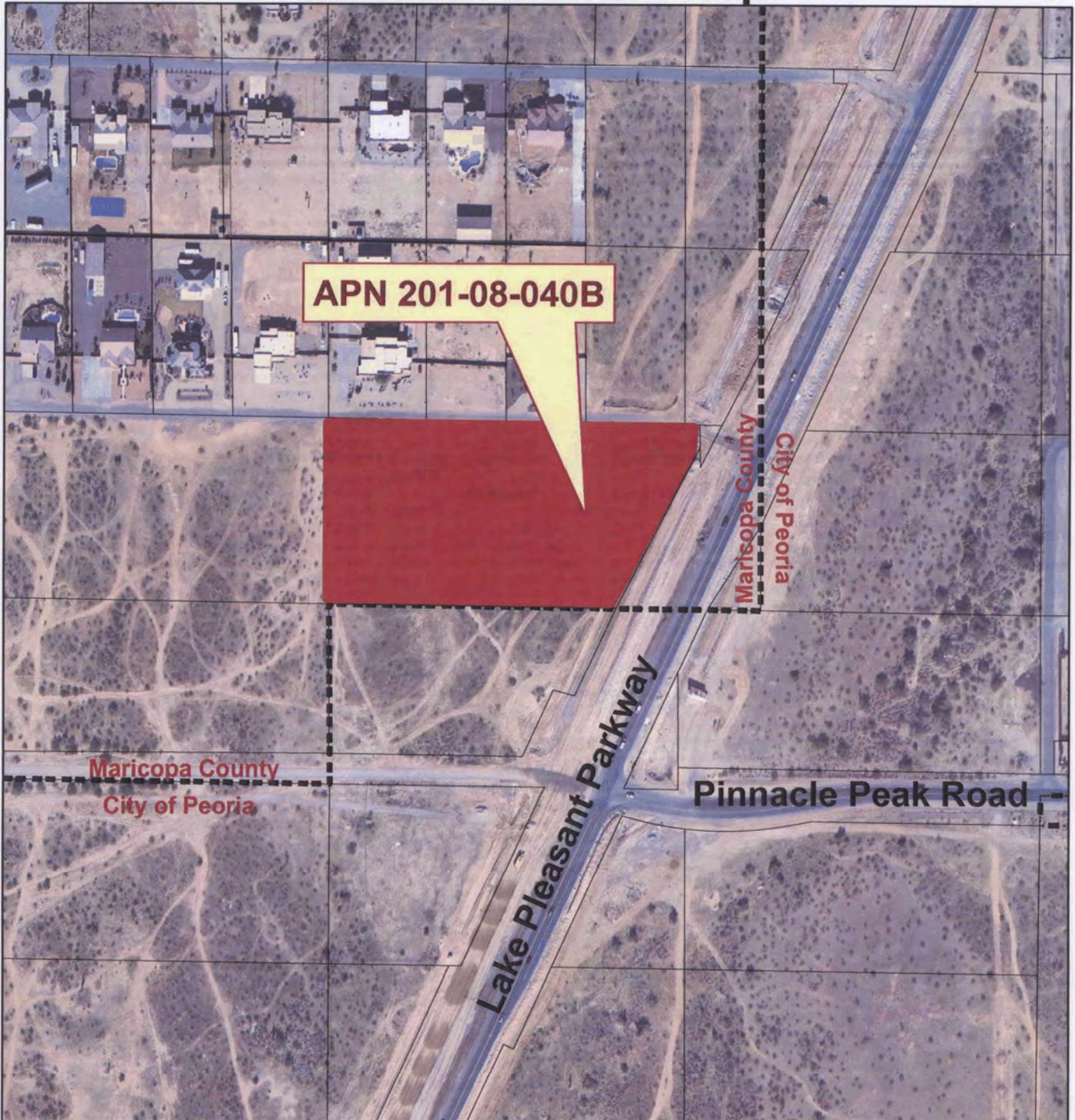
Recommend to the City Council approval of Z 08-06, establishing the initial zoning of property as Peoria SR-43.

Attachments:

Attachment A	Location Map
Attachment B	Zoning Map
Attachment C	Legal Description

Prepared by:
Adam Pruett, Senior Planner

Z08-06 Location Map

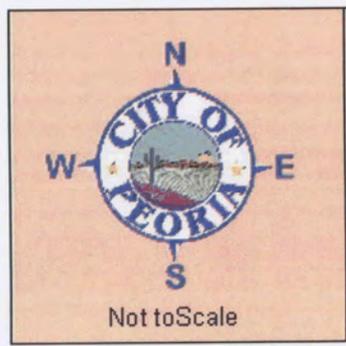
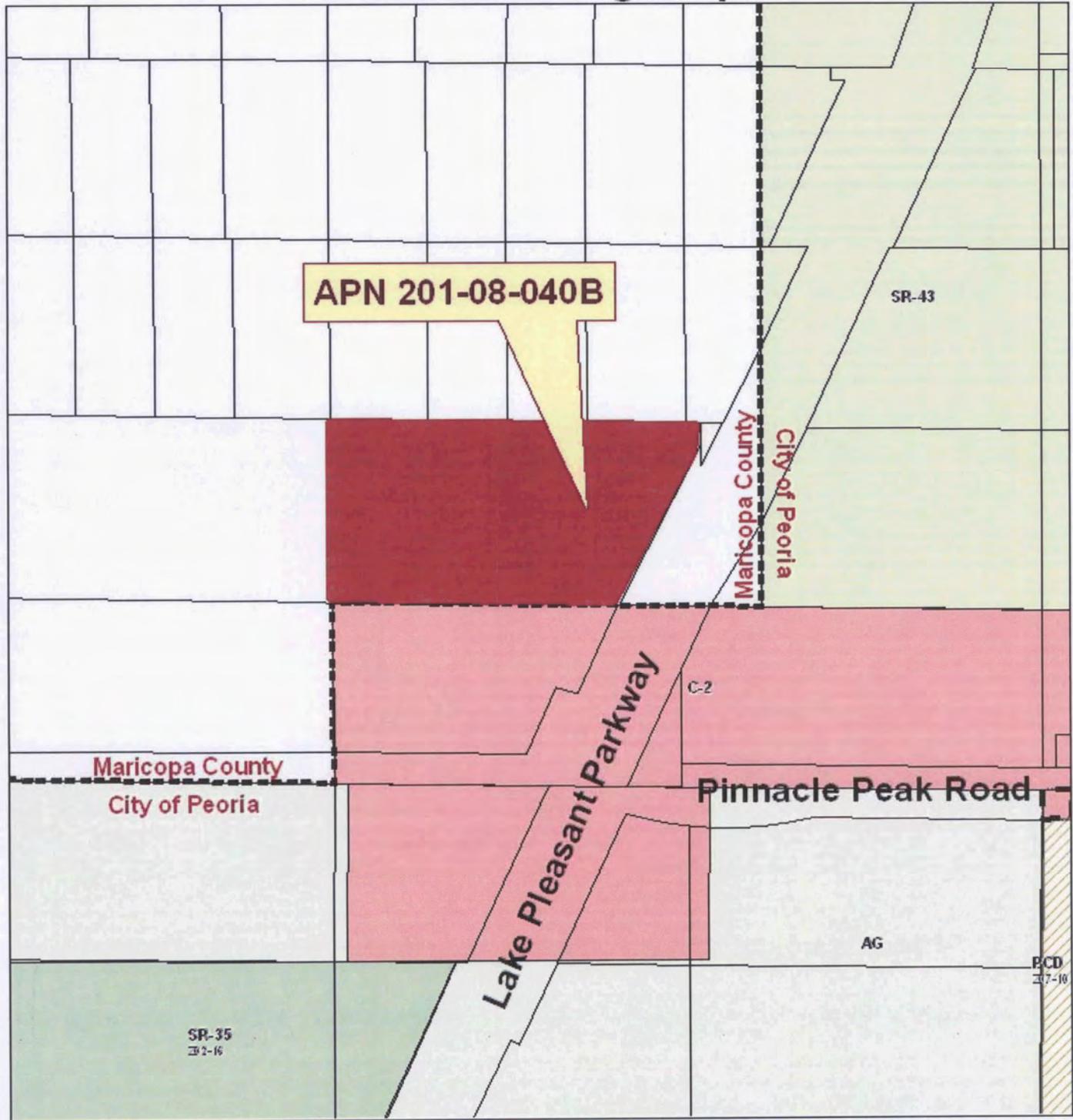


Z08-06

North of the northwest corner of Lake Pleasant Parkway
& Pinnacle Peak Road

Exhibit A

Z08-06 Zoning Map



Z08-06
North of the northwest corner of Lake Pleasant Parkway
& Pinnacle Peak Road

Exhibit B

Z08-06
LEGAL DESCRIPTION

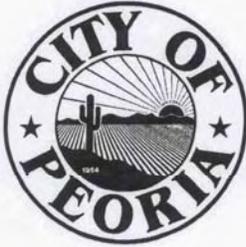
(APN 201-08-040B)

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, LYING WEST OF THE WEST RIGHT OF WAY OF LAKE PLEASANT ROAD AS SET FORTH IN DOCKET 10067 PAGE 126;

EXCEPT THAT PORTION DEEDED TO THE CITY OF PEORIA IN RECORDING NO. 2005-0434995; AND EXCEPT ALL OIL, GAS AND OTHER MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

EXCEPT ALL OIL, GAS AND OTHER MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

Exhibit C



Community Development Department

MEMORANDUM Planning Division

DATE: May 1, 2008
TO: Planning & Zoning Commission
FROM: Chris M. Jacques, AICP, Interim Planning Manager
SUBJECT: Draft Design Standards and Guidelines
(REPORTS FROM STAFF)

Introduction:

The City of Peoria adopted its first set of design guidelines in 1997. The design guidelines generally were delineated between architectural and site design. The architectural standards were *quantitative* meaning that a minimum score had to be achieved. In achieving this overall score, several subareas were scored including fenestration (windows), articulation (horizontal break to building footprint), roof plane variation and many others. Several site elements were also scored. In 2005, the non-residential design standards were modified, namely replacing the quantitative system with a balance of hard requirements and qualitative (discretionary) guidelines. In short, staff found that good design was difficult to quantify and scores were susceptible to skewing particularly if one subarea scored excessively high.

Last year, the Planning Division embarked upon a comprehensive update to its design standards. Although to some degree the effort was motivated by concerns expressed on design results, staff believes the Manual warrants a fresh look – particularly at the ten-year anniversary of the establishment of the initial standards.

The document has been organized into five (5) chapters replete with photos and diagrams. The photos and diagrams are particularly useful in supplementing the policies and providing shape to the City's overall design message. Some of the highlights of the document include:

- A. Universal
- Architectural Form, Site Design and Thematic Quality standards.
 - Includes walls, parking, landscaping, lighting, refuse enclosures etc.
 - New CPTED (*Crime Prevention Through Environmental Design*) standards promoting safe design.

1. Administration

- Enhanced Design Review Process
- Definitions

2. Non-Residential

- Includes specific uses such as drive-through facilities, gas stations, car washes, hotels, shopping centers, industrial and "big boxes."

3. Single-Family Residential

4. Multi-Family Residential

5. Supplemental Standards

- Old Town
- Lake Pleasant Parkway
- Standards for utility box location and screening

Process Forward:

December 18, 2007
January, 2008
January 22, 2008

City Council Study Session (Review Kick-Off)
Document notice forwarded to stakeholders/public
Special Joint Meeting with Design Standards Advisory Board and Design Review Appeals Board.

March 13, 2008
March 14, 2008
March 14, 2008

OPEN HOUSE: Non-Residential
OPEN HOUSE: Multi-Family Residential
OPEN HOUSE: Single-Family Residential

May 1, 2008

Planning & Zoning Commission briefing

June, 2008
June, 2008
July 1, 2008

Design Standards Advisory Board hearing (date TBD)
Design Reviews Appeals Board (date TBD)
City Council action.

Attachments:

Draft Design Standards and Guidelines (ENCLOSED)