



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

**PLANNING & ZONING COMMISSION  
REGULAR MEETING  
NOTICE & AGENDA  
THURSDAY, APRIL 3, 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:** Discussion and possible action to approve the absences of Chair Greg Loper and Commissioner Michael Worlton from the March 6, 2008 meeting.
- 2C MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held March 6, 2008.
- 3C CU07-23:** Plaza Town Center Lot 3, located at the SWC 91<sup>st</sup> Ave. & Thunderbird Rd. is requesting a Conditional Use Permit to establish a 200 square foot patio to a proposed restaurant for the purpose of outdoor dining.

- 4C** **CU08-05:** Grande Pizza, Vistancia Marketplace, located at the east corner of Vistancia Blvd. & El Mirage Rd. is requesting a Conditional Use Permit for the purpose of beer and wine sales (Series 7 License) within a restaurant.

## REGULAR AGENDA

### NEW BUSINESS:

- 5R** **PUBLIC HEARING:** RE: The City of Peoria Community Development Department is requesting amendments to the following Articles of the Peoria Zoning Ordinance in order to clarify language and make minor amendments to existing standards: Article 14-9 (Non-Residential Districts), Article 14-19 (AG General), Article 14-34 (Signs), Article 14-35 (Landscape Requirements), and Article 14-39 (Administration).

**PUBLIC HEARING – TA07-09:** The City of Peoria Community Development Department is requesting amendments to the following Articles of the Peoria Zoning Ordinance in order to clarify language and make minor amendments to existing standards: Article 14-9 (Non-Residential Districts), Article 14-19 (AG General), Article 14-34 (Signs), Article 14-35 (Landscape Requirements), and Article 14-39 (Administration).

**Open Public Hearing**

**Staff Report**

**Public Comment**

**Close Public Hearing**

**Commission Action:** Discussion and possible action to modify the Zoning Ordinance via a Text Amendment to Article 14-9 (Non-Residential Districts), Article 14-19 (AG General), Article 14-34 (Signs), Article 14-35 (Landscape Requirements), and Article 14-39 (Administration).

### **CALL TO THE PUBLIC: (Non-Agenda Items)**

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

### **Reports from Staff:**

### **Reports from the Planning and Zoning Commission:**

### **ADJOURNMENT:**

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

\_\_\_\_\_  
Mary Jo Kief, City Clerk

Date Posted: \_\_\_\_\_

**PLANNING AND ZONING COMMISSION MINUTES  
CITY OF PEORIA, ARIZONA  
CITY HALL, COUNCIL CHAMBER  
MARCH 6, 2008**

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

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

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

**Others Present:** Ellen Van Riper, Assistant City Attorney, Glen Van Nimwegen, Community Development Director, Chad Daines, Planning Manager, Chris Jacques, Principal Planner, Caroline Ruiz, Planner, Monique Spivey, Associate Planner, Melissa Zechiel, Planning Technician, Beverly Parcels, Planning Assistant and Cathy Griffin, Executive Assistant.

**Opening Statement:** read by Chad Daines.

Final call for speaker request forms.

**Audience:** Approximately 12.

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

**CONSENT AGENDA**

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

**1C    DISPOSITION OF ABSENCE:** approved the absences of Commissioners William Louis, John Gerard and Anne Wojcik from the February 21, 2008 meeting.

**2C    MINUTES:** approved the minutes of the Regular Meeting held February 21, 2008

**3C    CU07-29:** Azul Café, 9440 W. Peoria Ave, is requesting a Conditional Use Permit to allow an outdoor dining patio off the southeast corner of the existing building

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

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### REGULAR AGENDA

#### UNFINISHED BUSINESS:

- 4R **Z07-06:** A request to rezone approximately 17.2 gross acres north of the northwest corner of 83<sup>rd</sup> Avenue and Olive Avenue from O-1/C-2 (Office/Commercial District) to PAD (Planned Area Development).

**STAFF REPORT:** presented by Caroline Ruiz, Planner, addressed the proposed application as outlined in the commissions' staff report.

#### **PUBLIC HEARING:**

██████████ 3101 N. Central, representing Colonial Properties, explained that he has been meeting with the neighbors to address their concerns. Meetings with neighbors are also scheduled for next week.

Commissioner Wojcik stated that she did not believe that this project would be in the best interest of the City of Peoria.

██████████ stated that he agreed with Commissioner Wojcik in that apartments are not what the area needs.

**Commission Action:** Commissioner Gerard moved to recommend to City Council approval to rezone approximately 17.2 gross acres north of the northwest corner of 83<sup>rd</sup> Avenue and Olive Avenue from O-1/C-2 (Office/Commercial District) to PAD (Planned Area Development). The motion was seconded by Commissioner Compton and upon vote, the motion carried with a 4 to 1 vote with the following conditions:

1. The development of the site shall conform in all material respects to the approved Colonial 83<sup>rd</sup> & Olive Planned Area Development narrative, revised January 25, 2008 (stamp approved 3/4/08) except as modified by the following:
  - a. A landscape area of no less than 25 feet shall be provided adjacent to single-family residentially zoned properties located to the west and north of the subject site. The entire landscape buffer along the west and north property lines shall be enhanced with mature landscaping that includes double rows of trees at alternating intervals spaced 10 feet apart (20 feet spacing in each individual row). 50% of all trees within these areas shall be 36 inch box size, with the other 50% being 24 inch box size. Requirements for 24-inch box trees in these areas shall not be used to meet on-site requirements.
  - b. Landscape buffers along the north and west property lines shall be enhanced with bollard lighting or other low level lighting to increase safety.
  - c. For buildings within one hundred feet (100') of the west and one hundred thirty feet (130') of the north property lines of the subject site, no windows

## DRAFT

or clerestory-type windows only shall be utilized on any building elevations facing the single-family residences to the north and west.

- d. Elevations for all buildings within 100 feet of existing single family residential areas shall be enhanced with 'green screens' or other architectural features.
  - e. All trash enclosures shall be located a minimum of one hundred feet (100') from existing single family residential zoning district boundaries to the north and west of the subject site.
  - f. The jogging trail shown on the preliminary development plan shall be relocated to the landscape buffer area along the north property line. The trail shall be built to standards outlined in the Peoria Parks, Recreation, Open Space, and Trails Master Plan (Updated 2006) and shall be further enhanced with bollard lighting or other low intensity lighting to increase safety.
  - g. The Development shall conform to design standards set forth in the Draft, December 2007 Design Review Manual or any subsequent revisions as approved by the City Council. Standards listed in the Design Guidelines section of the PAD that are not in conformance with these standards shall be deleted.
  - h. The development site plan shall show 3 distinct building color palettes that shall be integrated within the entire site.
  - i. Primary and secondary project entry points shall be enhanced to prominently distinguish the project. The following elements shall be incorporated into the entries:
    - Landscaped median
    - Identifying building form such as a covered entry, prominent architectural feature, monument, or water features
    - Ornamental gates and/or decorative walls
    - Decorative lighting
2. The Developer shall work with City staff to design and construct a gateway feature along 83<sup>rd</sup> Avenue into the Old Town area. This feature shall include a prominent architectural feature such as a monument, obelisk, or other prominent feature as approved by the City.
  3. A Preliminary Drainage Report must be submitted with the site plan. Easements for Drainage are to be dedicated over all retention basins.
  4. An updated Traffic Impact Analysis (TIA) for the site is required to be submitted with the site plan.
  5. The Developer shall dedicate 65- foot half-street ROW along the frontage of the project on 83<sup>rd</sup> and Olive Avenue.

## DRAFT

6. The Developer shall dedicate an additional 10-foot ROW on Olive and 83<sup>rd</sup> Avenue within 500-feet of the intersection of Olive and 83<sup>rd</sup> Avenue.
7. The Developer shall dedicate an 8' PUE outside of the required ROW. No walls or retention shall be allowed within the PUE.
8. The Developer shall construct the half-street for 83<sup>rd</sup> and Olive along the frontage of the project. The roadway improvements shall include curb, gutter, sidewalk, and improvements identified in the Traffic Impact Analysis, and 8-foot sidewalks.
9. The Developer shall remove the irrigation ditch along the Olive Avenue frontage to 85<sup>th</sup> Avenue. This shall be accomplished through fill or piping depending on the needs once the agriculture use is eliminated from this site.
10. The Developer shall construct an 8-foot sidewalk along the Olive Avenue frontage to 85<sup>th</sup> Avenue once the irrigation ditch is removed as stated above.
11. The Developer shall construct a 16-inch waterline along the frontage of 83<sup>rd</sup> Avenue.
12. The Developer shall prepare a final plat to combine the two existing parcels and dedicate all ROW and easements. The final plat shall be submitted to the engineering department with the first submittal of the improvement plans.
13. If existing emergency access to the gas station is not required by either this project or the gas station, then the Developer shall design and construct (with the approval of the affected property owner) the removal of the concrete aprons and re-landscape the areas so the appearance of cross-access is removed.
14. The right-of-way (ROW) for Hatcher Road will be abandoned back to the property owner. This area shall be landscaped by the Developer in accordance with the Landscape Buffer standards as set forth in Article 14-35 of the Zoning Ordinance. The City will facilitate the abandonment and approve the improvements in the area to meet Crime Prevention Through Environmental Design (CPTED) standards. Any fencing constructed by the Developer shall be wrought iron to allow visibility of this area from the project.
15. The Developer shall also design, construct, and maintain landscaping and pedestrian access within the ROW from 84<sup>th</sup> Avenue to the western boundary of this project along the Hatcher alignment. This is required to facilitate the pedestrian connection to the elementary school.

**NEW BUSINESS, PUBLIC HEARINGS and/or ACTION: NONE**

**CALL TO THE PUBLIC FOR NON-AGENDA ITEMS:** NONE

**REPORT FROM STAFF:** Mr. Daines introduced and welcomed Ms. Ellen Van Riper, Assistant City Attorney, to the Planning Commissioners. Mr. Daines also announced that Ms. Caroline Ruiz, Planner, has resigned and thanked her for contributions.

DRAFT

**REPORT FROM THE PLANNING AND ZONING COMMISSION:**

**ADJOURNMENT:** There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 6:50 p.m.

\_\_\_\_\_  
Greg Loper, Chair

\_\_\_\_\_  
Date Signed

# REPORT TO THE PLANNING AND ZONING COMMISSION- CONDITIONAL USE PERMIT

**CASE NO.:** CU 07-23

**DATE:** April 3, 2008

**AGENDA ITEM NO.:** 3C

**Applicant:** DP&W Architects [REDACTED]

**Request:** Approve a Conditional Use Permit (CUP) for an approximately 200 square foot outdoor dining/seating area for a new undetermined restaurant located at Plaza Town Center.

**Proposed/  
Development** Plaza Town Center Lot 3

**Location:** SWC 91<sup>st</sup> Avenue & Thunderbird 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.

**Recommendation:** Approve, with conditions

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

1.

CU 07-23	LAND USE	ZONING
<b>ON-SITE</b>	<b>Plaza Town Center Phase 2 (future)</b>	<b>PUD C-2</b>
North:	Arterial Rd (Thunderbird Rd), then Open Space for Single Family Residential	RM-1
West:	Commercial Center	C-2
East:	Undeveloped Commercial	C-3
South:	Office Condominiums	C-2

Background / Project Description:

2. The applicant is proposing an approximately 200 square foot outdoor patio/seating area extending from the eastern portion of the northern elevation. The outdoor seating area is immediately adjacent to the proposed drive-through restaurant that it would serve. Bordering the outdoor seating area to the north

will be a landscaped area with a tree and shrubs.

### 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 properties immediately to the south, the west, and across 91<sup>st</sup> Ave. to the east of the proposed seating area are zoned for commercial uses. Across Thunderbird Road to the north is a single-family residential development. The land use of the portion of the single-family residential development directly north of the proposed site is landscaped open space, limiting any potential impacts to the residents from the outdoor seating area.
4. The proposed outdoor dining area of  $\pm$  200 square feet is approximately 11.6% of the proposed restaurant's gross floor area, therefore it does not exceed the 25% of gross floor area allowed for outdoor patio/dining uses.
5. The request conforms to all applicable requirements of the City of Peoria Zoning Ordinance and the Design Review Manual for non-residential development.
6. 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.
7. 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.
8. 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:

9. Staff recommends approval of case CU07-23, 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:

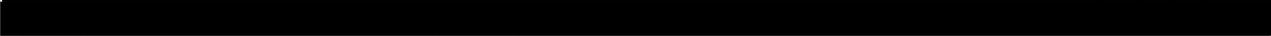
**Approve the Conditional Use Permit requested under case CU07-23, subject to the follow condition:**

1. The use shall substantially conform to the Narrative attached as Exhibit B and the accompanying site plan attached as Exhibit C and D.

Attachments:

Exhibit A	Aerial/Context Map
Exhibit B	Applicant Narrative
Exhibit C	Master Site Plan
Exhibit D	Outdoor Seating Area Plan

Prepared by: Melissa Zechiel  
Planning Technician



# CU 07-23 Aerial/Context Map with Zoning



Not to Scale

## CU 07-23 Plaza Town Center, Lot 3

SWC 91st Ave. & Thunderbird Rd.

Request for a Conditional Use Permit to allow an outdoor seating area for a proposed restaurant site.

**Exhibit A**



Deardorff Pang & Weymiller, Inc



### PROJECT DATA & NARRATIVE

For SITE PLAN / DR & CONDITIONAL USE PERMIT APPLICATIONS  
With RESPONSES TO COMMENTS FROM PRE-APPLICATION MEETING

PLAZA TOWN CENTER PARCEL #3 is a PUD Pad that was carved out of the Plaza Town Center development. It is located northwest of this development, at the southwest corner of Thunderbird Road and 91<sup>st</sup> Avenue.

Proposed for the Parcel is a mixed-use Retail/Restaurant building comprised of "M" and "A-2" Occupancies, Outdoor Seating/Dining, and Construction Type V-B with AFES.

#### PROJECT DATA:

Site Area 39,198 s.f. (within property lines shown on Site Plan)

Landscape Area 7,853 s.f.\* provided (20.03% of Site Area)

\* Includes Parcel #3's portion of divider-planter at 91<sup>st</sup> Ave.  
7,840 s.f. required (20% of Site Area)

Retail / "M" Occupancy = 3,324 s.f. gross  
Restaurant / "A-2" Occupancy = 1,725 s.f. gross  
Total Area = 5,049 s.f. gross

Queuing Space For Drive-Through Services = 155 linear feet provided.

#### Parking Required

Retail 3,324 s.f. gross x 0.9 = 2,992 / 300 = 10  
Restaurant 1,725 s.f. gross x 0.9 = 1,553 s.f. = 19  
Projected Serving Area 600 s.f. / 50 = 12  
Projected Prep Area 953 s.f. / 200 = 5  
Plus Outdoor Seating 200 s.f. / 100 = 2  
Projected Restaurant Subtotal = 19

Total Required = 29

#### Parking Provided

ADA Accessible = 2 (2 required for 26 to 50 spaces provided)  
Standard = 27  
Compact = 2 (7% of total provided, 15% allowed)  
Total = 31

Total Provided = 31

7502 East Monterey Way  
Scottsdale AZ  
85251-6961

Building Height  
28' proposed  
40' allowed



480.663.0404  
Fax 663.0707

Exhibit B

Along the arterial street frontage of Thunderbird Road, a 15' landscape area is provided between the right-of-way line/front property line and parking, matching what exists towards the west.

Landscape areas are provided along the Drive-Through lane, to soften the effect of vehicular queue lines.

The Refuse Enclosure is sized for a single dumpster, with additional space for trash and recycling containers for the Restaurant. It is oriented along the route of refuse trucks serving the existing Retail building to the west.

The design of the Shell is consistent with esthetic elements at the adjacent Retail building. Similar features include:

1. Covered walkways supported by piers with stone veneer "pedestals".
2. Storefront system with similar mullion spacing.
3. Signage bands with tube-steel frame with wire-mesh infill panels.
4. Walls finished with integral-colored stucco system, horizontal-joint-lines pattern, and accented top-of-parapet detail.
5. Corner tower with cantilevered cornice, "keyed" accents, and pronounced horizontal stucco reveal.
6. Recessed exterior niche for electrical service equipment.

The intent is for the design to fit in with the esthetics of Plaza Town Center, except for a gentle twist in character to the corner tower to distinguish this sibling from the rest of the Retail family.

Of four-sided architecture, the building is architecturally integrated on all sides, with a design that convey a rich palette of forms and shadows, of rhythm and movement, and of textures. The materials that form the architecture are low maintenance, comprising of stone veneer, plaster, metal, and glass.

Overall site lighting, exterior building lighting, landscape materials palette, and color scheme will be consistent with those existing at the adjacent Retail building to the west.

See attached Site Plan and Building Elevations for additional information.

See Context Plan for additional information, and Site Photos (#6 & #9) for color scheme of adjacent Retail Building which this building will emulate.

RESPONSES TO SELECTED CURSORY COMMENTS FROM PRE-APPLICATION MEETING:

PLANNING

1.C.2 Conditional Use Permit:

In conjunction with the Outdoor Seating/Dining of the proposed Restaurant for a portion of the building, a CONDITIONAL USE PERMIT Application is also submitted along with the Site Plan/Design Review Application.

2.B Conditional Use Permit:

See prior response.

3.D Parking:

All required parking is met on-site, even though parking for the entire Plaza Town Center Development, which includes this parcel, is under a cross-parking agreement.

3.D Retail Parking:

Parking for the Retail portion of the building is calculated at 1/300 s.f. If treated as Unspecified Retail at 1/250 s.f., 2 additional spaces is required, which can still be accommodated per the 2 available extra spaces.

3.D Drive-Through Services/Stacking:

The required stacking spaces of 80' to menu board and 80' from menu board to pick-up window are provided. Shrubs are proposed to provide screening of the drive-thru lane.

3.F Loading Berths:

A total of three loading berths are provided for the entire Plaza Town Center Development, to be shared by up to an aggregate 160,000 g.s.f. of building area. The provided aggregate g.s.f. is 118,310 + 5,049 for this parcel or 123,359 total.

3.G Parking Screening:

Shrubs are proposed to provide screening of parking at street frontage, consistent with the approved plans for the rest of Plaza Town Center's street frontage towards the west.

3.I Hardscape:

Pedestrian walkway connections are provided to Thunderbird Rd./91<sup>st</sup> Ave. and to the existing retail building to the west. Connection to the south side is not included because customer-access is at the north side. At the south side, access will be predominantly by each building's employees to the dumpster locations.

3.M.3 Trash Enclosure

Besides the required enclosure for a dumpster, an additional area is provided for recycling containers which will be rolled out next to the drive-aisle for pick-up.

RESPONSES TO SELECTED CURSORY COMMENTS FROM PRE-APPLICATION MEETING:

PLANNING

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## FIRE

### 1. Key Boxes:

Key Box locations at north and south sides of building, one of which is next to the Fire Riser Room door.

### 2. "No Parking-Fire Lane" Designation:

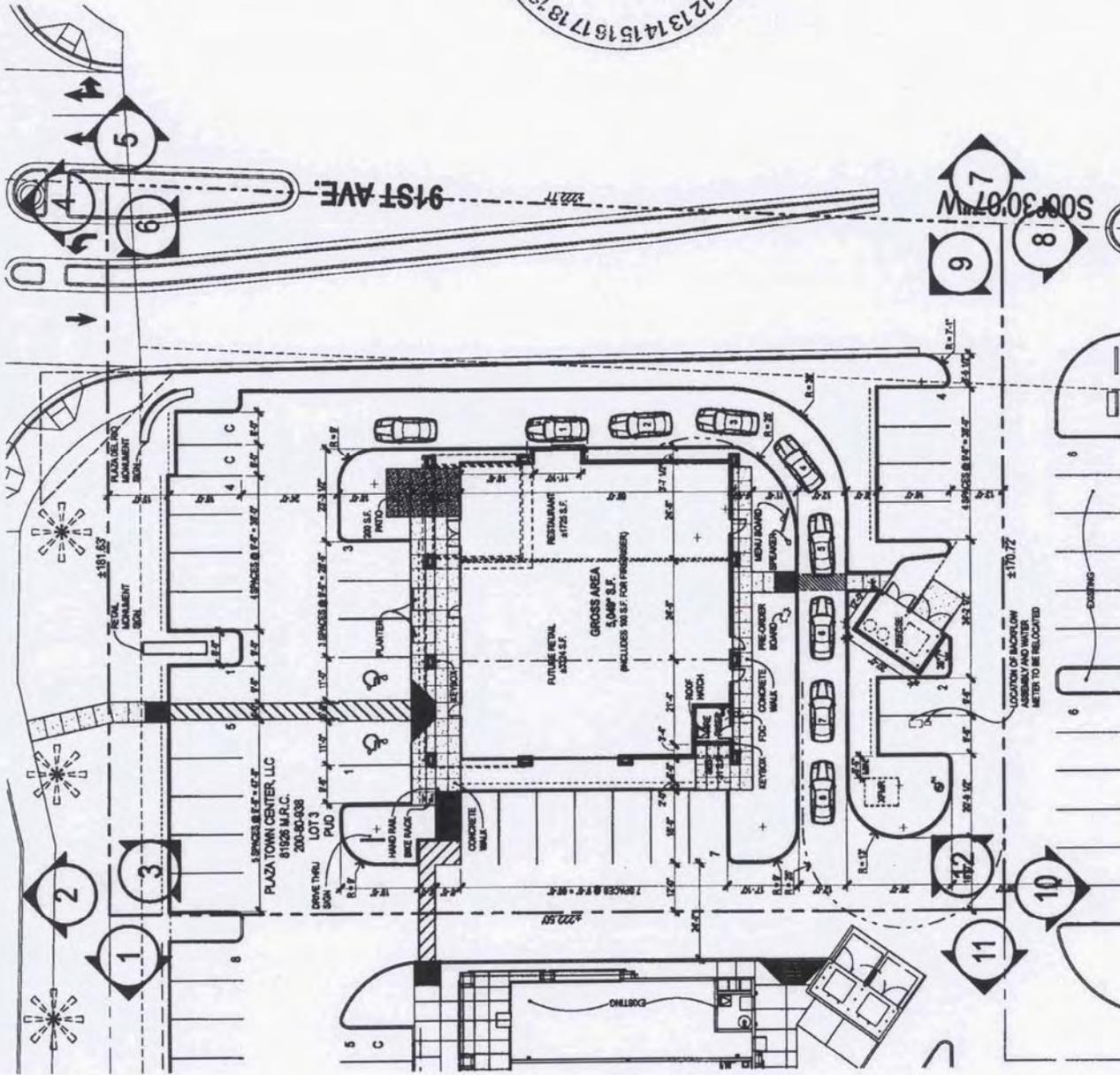
All locations required to be designated as such will be marked by the same method used for the rest of the Plaza Town Center Development.

### 3. FDC Location:

The FDC is located at the south side of the building, outside of the Fire Riser Room.

### 5. Fire Hydrants:

A second fire hydrant is proposed, located at the northeast corner of the site. See Civil Plan Sheet PUT1.



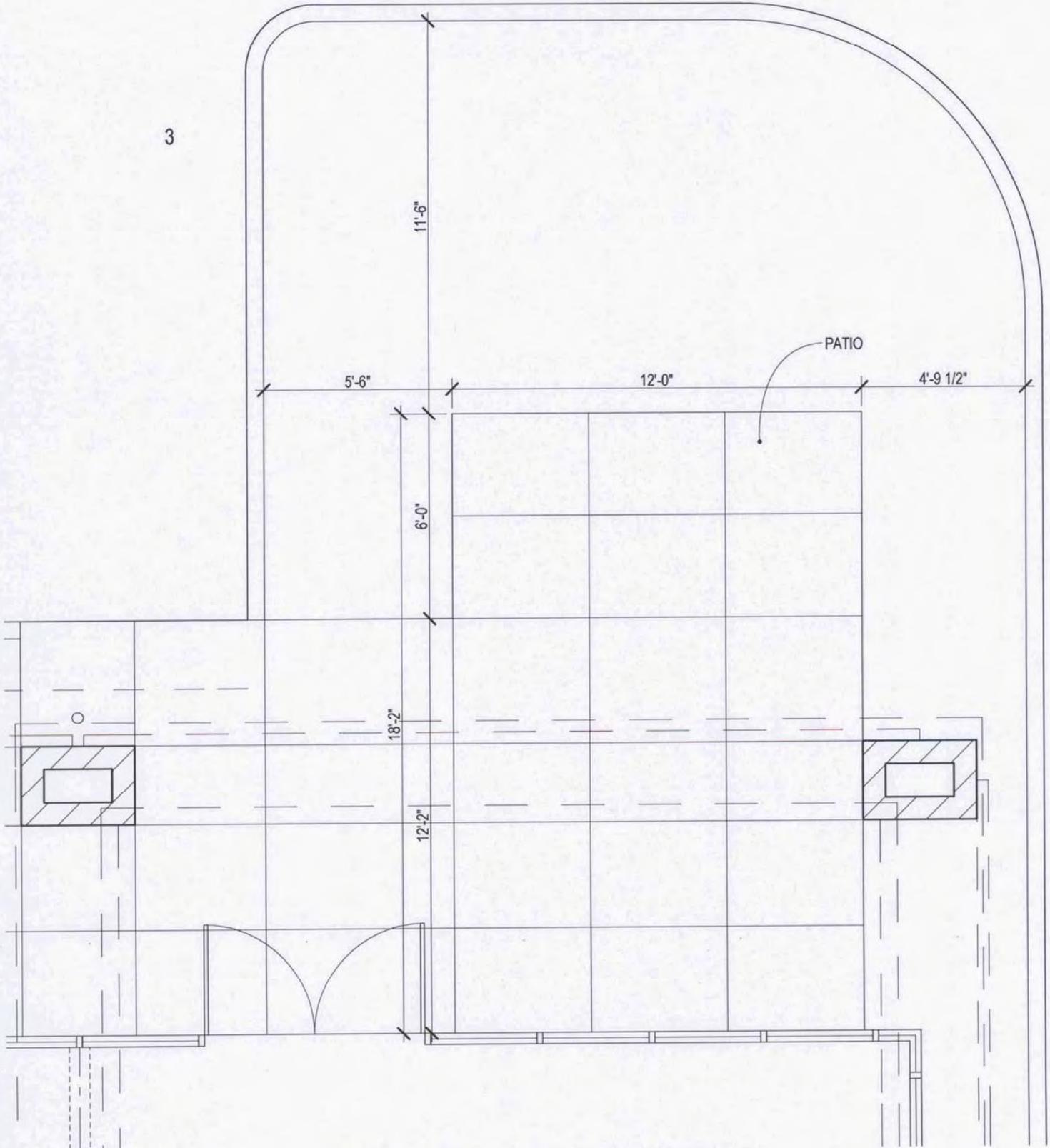
Deardorff Pang & Weymiller, Inc.



**SITE PLAN / PTC PARCEL #3**

SCALE: 1" = 40'-0"

# PLAZA TOWN CENTER PARCEL #3



**PATIO PLAN**   
SCALE: 1/4" = 1'-0"

Exhibit D

**DP**  
**&W** Deardorff Pang  
architects & Weymiller, Inc.

# REPORT TO THE PLANNING AND ZONING COMMISSION- CONDITIONAL USE PERMIT

CASE NO.: CU 08-05

DATE: April 3, 2008

AGENDA ITEM NO.: 4C

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**Applicant:** [REDACTED] dba Grande Pizza, 28465 North Vistancia Blvd. Suite #101, Peoria, AZ 85383 (Exhibit A).

**Request:** Approval of a Conditional Use Permit to allow beer and wine sales in conjunction with a restaurant under a Series #7 License (Beer and Wine Bar).

**Proposed Development:** Grande Pizza: The proposal is to occupy a suite within an existing commercial development.

**Location:** 28465 N. Vistancia Blvd. Suite #101 – Vistancia Marketplace Shopping Center; East corner of Vistancia Blvd and El Mirage Rd.

**Support /Opposition:** None as of this writing

**Recommendation:** Approve, with stipulations.

## Existing Land Use and Zoning:

1.

CU 08-05	LAND USE	ZONING
<b>Subject Property</b>	<b>Vistancia Marketplace</b>	<b>PCD - commercial</b>
North	Vistancia Marketplace II (Vacant Land)	PCD - Commercial
East	Park/Open Space	PCD - Park/Open Space
West	Single Family Residential	PCD - Residential
South	Commercial (Vacant Land)	PCD - Commercial

## Background / Project Description:

2. The applicant desires to operate a restaurant which would also sell beer and wine as a part of their beverage options. The suite is approximately 2100 square feet (Exhibit E). The newly-constructed center contains a diverse mix of tenants

including a Safeway, a grill (Kalahari Grill), dry cleaners, a hair salon (Great Clips), a dentistry office and others. The center is located at the Eastern Corner of Vistancia Blvd. and El Mirage Rd. (Exhibit C).

3. The applicant proposes to operate a restaurant which will also sell beer and wine as a part of their business utilizing an Arizona State Series #7 (beer and wine bar license). The applicant obtained the Series #7 license at a previous location for the purposes of selling beer and wine in conjunction with the restaurant use. No other types of liquor will be sold on the premises.

### Findings/Analysis:

5. The Vistancia Marketplace shopping center is located within the Vistancia Planned Community Development (PCD) zoning district. Accordingly, the center is delineated within Parcel D-9 which allows uses in accordance with the Vistancia Neighborhood Commercial (V-NC) district, and the matrix laid out in the PCD standards and guidelines report (Exhibit F). The V-NC District allows restaurants outright, however it does require the issuance of a conditional use permit (CUP) for *taverns, bars, lounges or establishments that sell alcoholic beverages for consumption on premises*. The reason that this establishment has been classified as such is that it currently holds a Series #7 Liquor License. Restaurant liquor licenses are designated with a Series #12 Liquor License. Although the establishment is not a bar or tavern per se, it has been determined that it would be classified as such in the Zoning Ordinance due to the fact that a Series #7 license would allow for alcohol to be consumed on the premises *for compensation*. For reference, the definition of a tavern, bar or lounge under Section 14-2-2.D 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 and 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. (Ord. No. 98-34A)

6. If the establishment was to simply obtain an Arizona State Series #12 license (restaurant), the establishment would be classified as a restaurant and no conditional use permit would be required. However, according to the Arizona Department of Liquor Licenses and Control, the Series #7 license only allows the establishment to sell beer and wine, and "Allows a beer and wine bar retailer to sell and serve beer and wine, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises" (no other spirituous liquors).
7. The application 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. To date, the City has not received any oral or written comments on the proposal.

8. Staff has not identified any mitigating circumstances with respect to the proposal. Again, the suite will be located within a developed commercial center. Such uses are commonly found in similar commercial centers and are no more injurious than other uses allowed in the V-NC District.
9. The applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the Conditional Use Permit application.

Recommendation:

10. Based on the following findings:
  - The request is consistent with the City of Peoria Zoning Ordinance and compatible with the uses in the surrounding area; and
  - The use will not be detrimental to surrounding properties.

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

**Approve the applicant's request for a Conditional-Use Permit under Case CU 08-05, subject to the following condition:**

1. The use and operation shall substantially conform to the project narrative contained herein (Exhibit B).
2. The restaurant may only conduct sales of beer and wine in accordance with the Series #7 Liquor License which the applicant currently has. Such sales may only persist if this license is maintained by the applicant.

Attachments:

Exhibit A	Application
Exhibit B	Project Narrative
Exhibit C	Location Map
Exhibit D	Zoning Map
Exhibit E	Floor Plan
Exhibit F	Land Use Matrix

Prepared by: Cody Gleason  
Planning Technician

# Exhibit A



## PLANNING DIVISION Community Development Department CONDITIONAL USE

APPLICATION # CU08-05 SUBMITTAL DATE 2/21/08 FEES \_\_\_\_\_ ACCEPTED BY CG

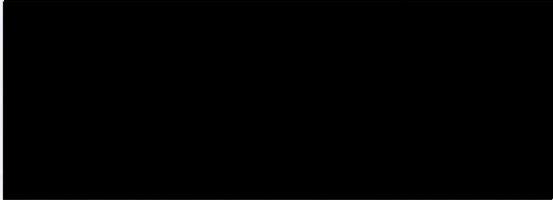
TYPE: \_\_\_\_\_ W/SITE PLAN  W/O SITE PLAN

PARCEL NUMBER(S)	503-99-828	EXISTING ZONING	PCD
GROSS AREA (ACRE/SQ. FT.)	2048	NET AREA (ACRE/SQ. FT.)	2010
DEVELOPMENT/PROJECT NAME	Vistancia Marketplace		
ADDRESS/LOCATION	28465 N. Vistancia Blvd. Peoria, AZ 85383		
REFERENCE CASES (LIST ALL PREVIOUS PLANNING CASES)			
PROPERTY OWNER	Vistancia Marketplace, LLC		
ADDRESS	26840 Aliso Viejo, Ste.100		
CITY	Aliso Viejo	STATE	CA ZIP CODE 92656
PHONE NUMBER	(480) 367-3742	FAX NUMBER	
CONTACT PERSON	[REDACTED]	EMAIL	
APPLICANT	Grande Pizza, Inc.		
ADDRESS	28465 N. Vistancia Blvd., #101		
CITY	Peoria	STATE	AZ ZIP CODE 85883
PHONE NUMBER	(623) 340-4943	FAX NUMBER	(602) 439-0882
CONTACT PERSON	[REDACTED]	EMAIL	
ARCHITECT/ENGINEER	Butler Design Group		
ADDRESS	5555 E. Van Buren Street, #215		
CITY	Phoenix	STATE	AZ ZIP CODE 85008
REGISTRATION NUMBER	22417	FAX NUMBER	
PHONE NUMBER	(602) 957-1800	FAX NUMBER	
CONTACT PERSON	[REDACTED]	EMAIL	
OWNER'S SIGNATURE	[REDACTED]	DATE	2-21-08

# Exhibit B

## Grande Pizza

This conditional use permit is for the purposes of operating a restaurant with a series 7 liquor license. Beer and wine will be the primary alcoholic beverages served at the establishment. There will be 12 tables with the capacity for four people to a table. There will be no outdoor dining for this location. The suite is approximately 2100 square feet.



# Exhibit B

## Narrative - Conditional Use Permit Checklist Grande Pizza

The complex is located at the northeast corner of El Mirage and Vistancia Blvd. The project consists of four free standing buildings that surround a common parking area. Currently, only three spaces are occupied by operating businesses. The remaining sites are either vacant or being developed.

The largest building is at the northern boundary of the project and contains a large anchor store occupied and operated by Safeway Grocery. There are four suites on each side of the Safeway store. The eastern suites are numbered 101 thru 104 and are occupied as follows:

101 (adjacent to Safeway) the space contains boxes , building materials and some cabinetry. The walls have not been completed and there is no indication of who may be leasing the space. It is possible the space is serving as temporary storage.

102 is under construction and appears to be leased by Great Clips Hair Stylist.

103 is vacant and there are no signs that the space has been leased

104, the farthest east location, is occupied by an operating Cleaners. (clothing cleaners)

The western suites are also numbered 101 through 104 and are occupied as follows:

104 (adjacent to Safeway on the west) The space is vacant and there is no indication that the space has been leased.

103 is under construction and appears to be leased by "The Tasting Room," a wine and cheese vendor.

102 has been built out to what appears to be an office suite with painted walls and carpet. There is no indication of who or what may be leasing the space

101, the western most suite in this building (applicant's site), is under construction and when completed will house a pizza restaurant.

To the southeast of the large anchor building is a free standing building with two suites. The eastern most suite is occupied by a dentistry and it is open for business. The western suite is under construction and will house a nail salon.

The to south and directly opposite and accross the parking area from the larger building is a completely vacant building that appears to house up to six suites. There is no indication that any of the suites are leased. There is no construction in process.

# Exhibit B

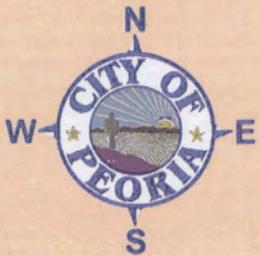
Completing the complex is another free standing building with two suites. The eastern suite is empty and there is no indication that the suite is leased. The western most suite is under construction and is leased by the Kalahari Grill.

A Walgreens Drug store is currently under construction on the northwest corner of El Mirage and Vistancia Blvd, There is currently no other construction on that corner.

The land is vacant on the southwest corner of El Mirage and Vistancia Blvd.. There is no construction evidenced.

The southeast corner of El Mirage and Vistancia Blvd is also vacant but there is a fire station about 500 yards south of the intersection.

# CU 08-05 Location Map



Not to Scale

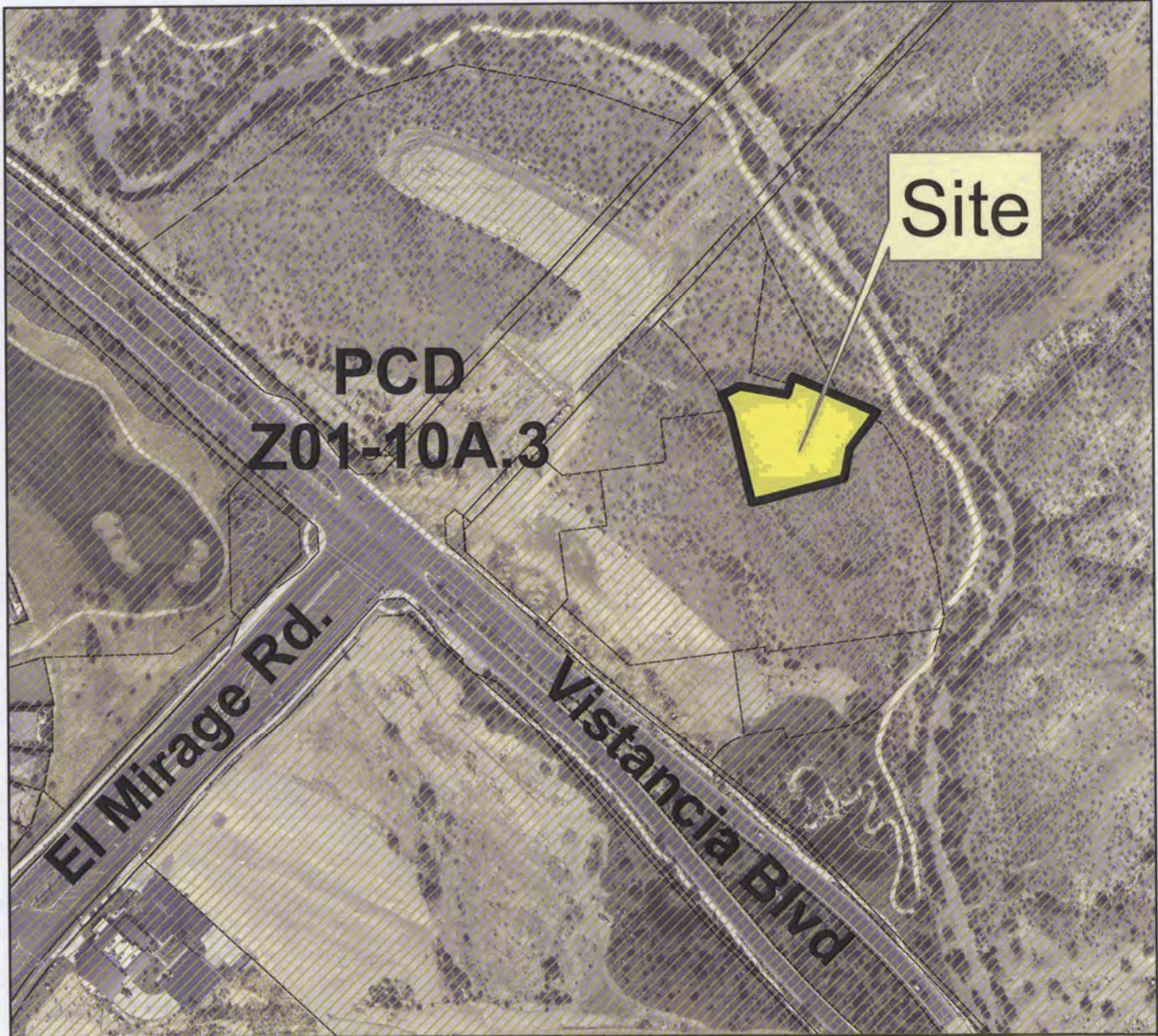
## CU 08-05 Grande Pizza

Applicant: Grande Pizza

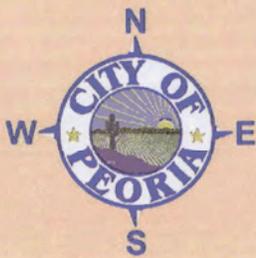
Request: Conditional Use Permit (CUP) to allow sales of beer and wine in conjunction with restaurant operation.

**Exhibit C**

# CU 08-05 Zoning Map



**SR-43**



Not to Scale

## CU 08-05 Grande Pizza

Applicant: Grande Pizza

Request: Conditional Use Permit (CUP) to allow sales of beer and wine in conjunction with restaurant operation.

**Exhibit D**

# Exhibit E

## SECTION 14 Restaurant, or Hotel, Motel Applicants:

1. Is there a valid restaurant or hotel/motel liquor license at the proposed location?  YES  NO If yes, give licensee's name:

\_\_\_\_\_ and license #: \_\_\_\_\_  
 Last First Middle

- If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. Section 4-203.01; and complete Section 5 of this application.
- All restaurant applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor.
- Do you understand that 40% of your gross revenue must be from food sales?  YES  NO

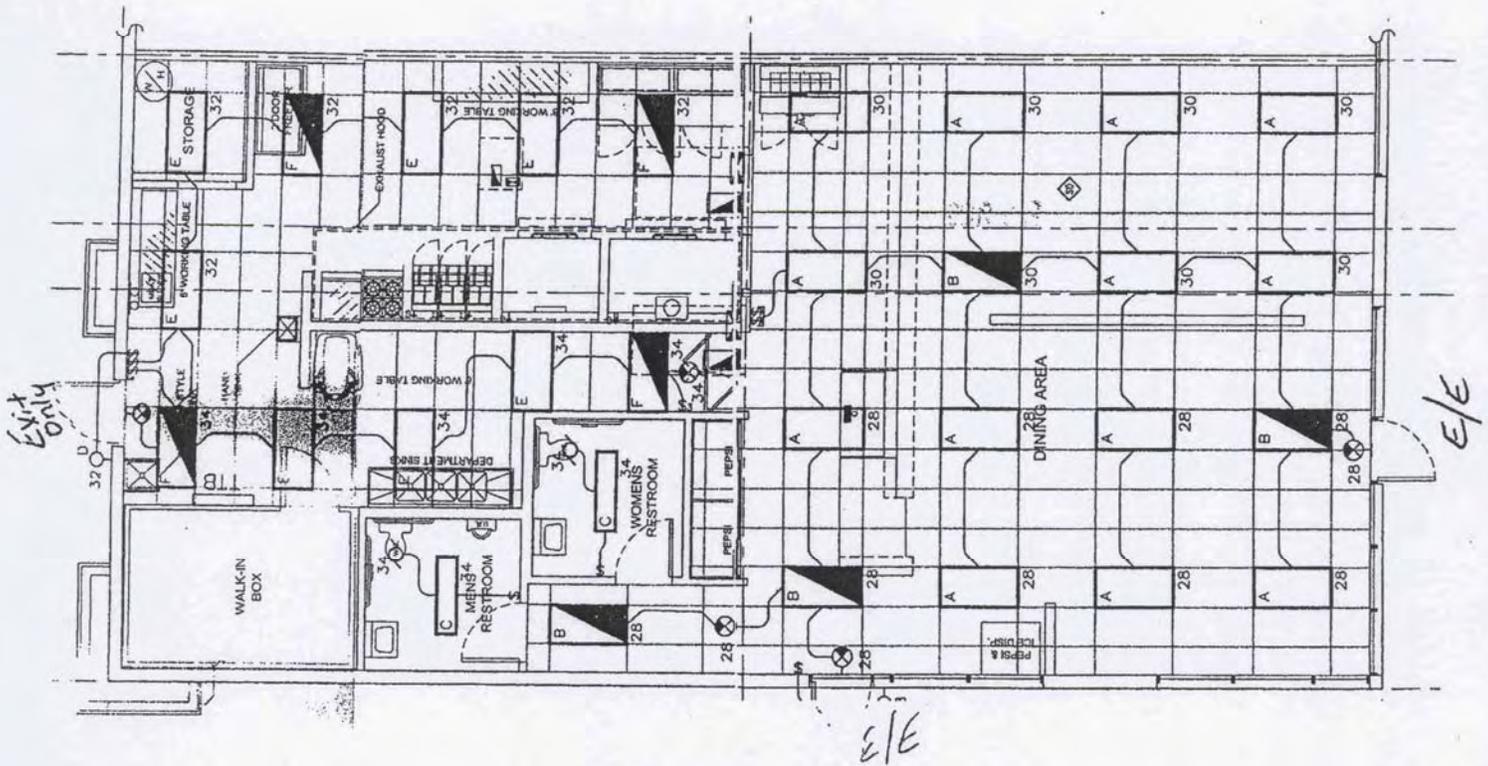
## SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

1. Check ALL boxes that apply to your licensed premises:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Entrances/Exits | <input type="checkbox"/> Liquor storage areas  |
| <input type="checkbox"/> Drive-in windows           | <input type="checkbox"/> Patio enclosures  |
| <input type="checkbox"/> Service windows            | <input checked="" type="checkbox"/> Under construction: estimated completion date <u>January 1, 2008</u> |

- Restaurants and Hotel/Motel applicants must explicitly depict kitchen equipment and dining facilities.
- The diagram below is the only area where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored. Give the square footage or outside dimensions of the licensed premises.

DO NOT INCLUDE PARKING LOTS, LIVING QUARTERS, ETC. *3100 SQ FT*



**YOU MUST NOTIFY THE DEPARTMENT OF LIQUOR OF ANY CHANGES OF BOUNDARIES, ENTRANCES, EXITS, OR SERVICE WINDOWS MADE AFTER SUBMISSION OF THIS DIAGRAM.**

# Exhibit F

## b. Commercial and Mixed Use Districts

### Intent

The commercial districts listed above are designed to respond to opportunities and constraints of the site, as well as respond to demographic projections for the planned community at build-out. There are two commercial/retail districts and one mixed-use district provided for Vistancia South Planned Community District. The districts are described as follows:

- **V-NC** - Neighborhood Commercial District - intended to provide neighborhood-level goods and services within a Development Unit (Character Village) (typically intended to serve a local market area within a one-mile radius)
- **V-CC** - Community Commercial District – intended to provide community level goods and services as necessary to serve the Vistancia Planned Community as a whole (typically intended to serve an intermediate market within a three-mile radius)
- **V-MU** - Mixed Use District – intended to accommodate higher intensity commercial, employment, industrial, as well as residential uses (typically intended to serve a regional market area within a 10 mile radius)

Project approved intensity (non-residential square footage) may be transferred between the V-NC, V-CC and V-MU districts throughout the project as necessary to meet the employment, entertainment and retail demands of the project population.

### Permitted Principal, Conditional and Accessory Uses for LPH-NC and LPH-CC

**Table 5, Commercial and Mixed Use Districts Permitted Uses**, provides a list of the permitted uses for the Vistancia South Planned Community Overlay District. This table provides regulatory provisions affiliated with permitted Principal uses (P), permitted Conditional uses (C), permitted Accessory uses (A) or uses not permitted (-) for each of the non-residential zoning districts. The uses noted within **Table 5** are further subject to the regulatory provisions of Section 14-9-5 of the Peoria Zoning Ordinance – Limitations on Uses.

**Table 5  
Commercial and Mixed Use Districts Permitted Uses**

LAND USE	V-NC	V-CC	V-MU
<b><u>Administrative &amp; Financial</u></b>			
Automatic Teller Machine (ATM)	P	P	P
Banks and Financial Institutions	P	P	P
Bonding Companies & Non-chartered Financial# (see Section 14-9-5.1)	-	-	C
Medical, Dental or Health Offices	P	P	P
Professional, Administrative or Business Offices	P	P	P
<b><u>Automobile Related</u></b>			
Auto Auction	-	-	C
Auto dismantling, Scrap Dealers, Recycling Centers	-	-	-

# Exhibit F

LAND USE	V-NC	V-CC	V-MU
<b>(Automobile Related, continued)</b>			
Auto Parts and Accessory Store	P	P	P
Auto Sound System Installation, Auto Glass Tinting & Repair, & similar uses#	-	C	P
Autobody Repair and Painting Facilities#	-	-	P
Automobile, Boat, RV, or Motorcycle, Outdoor Sales and Rental	-	-	P
Automobile Diagnostic and/or Service Establishment#	-	C	P
Auto Parking Lot or Parking Structure as Principal Use	-	C	P
Automobile Rental Facility, limit to six (6) vehicles#	-	C	P
Automobile, RV, & Boat Storage Facility	-	-	P
Automobile Towing & Impound Facilities	-	-	P
Automotive Repair Facilities	-	P	P
Boat & RV Repair	-	-	C
Car Wash, Automated	P	P	P
Car Wash, Self Service	P	P	P
Emissions Testing Facility	-	-	P
Gas Service Station#	P	P	P
Tire Sales, Repair and Mounting#	-	P	P
Truck Stop, including wash	-	-	-
<b><u>Eating &amp; Drinking Establishments</u></b>			
Coffee Shop	P	P	P
Delicatessen and Catering Establishment	P	P	P
Food & Beverage Vendor Cart#	A	A	A
Restaurant, fast-food (drive-thru)	P	P	P
Restaurant, fast-food (w/o drive thru)	P	P	P
Restaurants and Cafeterias	P	P	P
Tavern, Bar, Lounge or Establishment that sells alcoholic beverages for consumption on premise, excluding restaurants#	C	P	P
<b><u>Entertainment and Recreation</u></b>			
Adult Uses#	-	-	-
Convention Centers and Exhibition Halls	-	-	C
Dancing, Theatrical or Music Studio	-	P	P
Golf Courses, incl. golf clubs and maintenance facilities	P	P	P
Health and Exercise Center	P	P	P
Indoor Recreation/Entertainment including Bowling Alleys, Game Rooms, Video Arcades, Ice & Roller Skating Rinks, Shooting Ranges, Pool & Dance Halls, Bingo Halls, & similar uses, excluding Adult Uses & Taverns Bars & Lounges	-	-	P
Recreation and Social Clubs#	P	P	P
Resorts	-	P	P
Tennis, Racquet Clubs, Miniature Golf & similar uses	-	C	P
Theater, indoor	-	P	P
Wedding and Reception Center (Ord. 02-21)#	C	C	P
<b><u>General Industrial &amp; Manufacturing*</u></b>			
Bulk Fuel Sales and Storage	-	-	-

# Exhibit F

LAND USE	V-NC	V-CC	V-MU
<b>(General Industrial &amp; Manufacturing, continued)</b>			
Call Center	-	-	P
Cement & Asphaltic Concrete Batch Plants	-	-	-
Commercial Laundry & Dying Plant	-	-	-
Commercial Livestock Feeding, Hog Ranches, Poultry Hatcheries, Dairy Farms, Cattle Sales & Livestock Auctions	-	-	-
Commercial Slaughtering, Lard & Tallow Rendering, Meat Packing, Poultry & Game Dressing & Packing	-	-	-
Contractors Storage Yard, including outdoor storage of construction equipment & materials	-	-	-
Cotton Ginning & Baling, Wood Preserving by pressure impregnation, Rubber or Oil Reclaiming	-	-	-
Day Labor Hiring Centers	-	-	-
Data Center (Ord. 02-21)	-	-	P
Drilling, Production, Refining of Petroleum, Gas or Hydrocarbons	-	-	-
Electric Power Generating Plants, Transformer Stations & Sub-stations, Gas Pumping Plants	-	-	P
Environmental Remediation Facility	-	-	-
Essential Public Service or Utility Installation	P	P	P
Incineration or Reduction of offal, garbage or refuse when conducted entirely within an approved enclosed facility	-	-	-
Machine Shops	-	-	P
Manufacturing, Fabrication & Processing of Goods#	-	-	P
Manufacturing of lumber & wood products, primary metal industries, fabricating metal products, machinery, & transportation equipment excluding ore reduction & smelting, production or refining of petroleum, gas or hydrocarbons	-	-	-
Manufacturing of chemical & allied products, petroleum & coal products, leather & tanning, wool pulling/scouring, explosives, fertilizers detergents, soaps & animal fat by-products, sugar, starches, serums, toxins & viruses, oils & fats, animal & vegetable	-	-	-
Mini-storage warehouses, excluding RV, Boat and Trailer Storage (Ord. 02-21)#	-	C	P
Mini-storage warehouses, RV, Boat & trailer storage	-	C	P
Moving truck, trailer & equipment rental	-	-	P
Moving company storage & transfer facility	-	-	P
Outdoor storage	-	-	C
Parcel delivery service	-	-	P
Printing and publishing facilities	-	C	P
Processing & compounding to reform recyclable materials into a useable state	-	-	-
Railroad shops & similar heavy service facilities	-	-	-
Recycling collection facility#	-	-	C
Recycling Collection Point	A	A	A
Remote Mail Service	P	P	P
Research laboratories#	-	-	P
Storage, processing & sale of scrap metal & junk	-	-	-
Wholesaling, warehousing, distributing, repair, rental & servicing of any commodity excluding live animals, explosives & storage of flammable liquids & gases	-	-	P

# Exhibit F

LAND USE	V-NC	V-CC	V-MU
<b>General retail</b>			
Antiques, Crafts, and Collectibles Sales	P	P	P
Bait and Tackle Shops	P	P	P
Book, Stationery & Greeting Card Store	P	P	P
Candy and Ice Cream Store	-	P	P
Carpet and Floor Covering Store	P	P	P
Copy Center	P	P	P
Florist	P	P	P
Gift, Novelty and Souvenir Shop	P	P	P
Hobby, Stamp and Coin Shop	P	P	P
Newsstand	-	-	-
Pawn Shop# (see Section 14-9-5.1)	P	P	P
Pet Shop	-	C	P
Plumbing, Heating & Air-conditioning Sales and Service	-	C	P
Retail Decorative Rock Sales	P	P	P
Retail Sales of Merchandise, Indoor	-	C	C
Retail Liquor Store# (see Section 14-9-5.1)	-	-	P
Surplus Store	-	-	P
Thrift Store	P	P	P
Video Rental Store	P	P	P
Water and Ice Store			
<b>Institutional</b>			
Art Gallery	P	P	P
College or University#	-	-	P
Cultural Institutions	P	P	P
Day Care Centers or Pre-school Centers#	P	P	P
Group Care Facility or Community Residential Facility#	-	-	-
Homeless Shelter & similar uses	-	-	-
Libraries and Museums	P	P	P
Non-profit Social services#	P	P	P
Nursing or Convalescent Home, Long term Care Facility#	-	C	P
Public Buildings#	P	P	P
Public Utility Buildings, Structures, Uses, Facilities and Equipment#	P	P	P
Religious Institutions & similar places of worship#	P	P	P
Public/Private Schools, Educational Institutions, Business, Technical or Vocational excluding Colleges Universities#	-	P	P
Substance Abuse Detoxification & Treatment Centers	-	-	C
Water Production and Storage	P	P	P
Water Reclamation Facility	-	-	P
Wireless Communication Facilities (regulated per Section 14-3-13 of the Peoria Zoning Ordinance)	-	-	C

# Exhibit F

<u>LAND USE</u>	<u>V-NC</u>	<u>V-CC</u>	<u>V-MU</u>
<b><u>Intense Retail</u></b>			
Appliance, Furniture, & Household Equipment Sales and Rentals	P	P	P
Office Supply & Machine Sales & Service	P	P	P
Department Store	P	P	P
Equipment Sales, Rental and Storage Yard	-	-	P
Farmers Markets	-	C	P
Hardware Store with outdoor storage	C	C	P
Home Improvement Store	-	P	P
Mobile Home Sales	-	-	-
Monument Sales and Engraving Shop	-	P	P
Outdoor Sales and Display Area (Ord. 02-21) #	-	-	P
Plant Nursery, Retail**	-	P	P
Plant Nursery, Wholesale	-	-	P
Retail Sales of Lumber & Building Materials#	-	-	P
Sales & Storage of grain, feed, seed, fertilizer, farm & garden supplies	-	-	-
Swap Meet, indoor	-	-	P
Swap Meet, outdoor & similar outdoor sales	-	-	P
Upholstery Shop	-	P	P
Wholesale Produce Storage or Market	-	-	P
Wholesale sales of finished goods	-	-	P
<b><u>Lodging</u></b>			
Bed and Breakfast Inn#	P	P	P
Hotel or Motel#	-	P	P
Living quarter for night guards	-	A	A
<b><u>Medical</u></b>			
Ambulance Service Facility	-	C	P
Emergency Medical Care Facility#	-	C	P
Hospitals	-	-	P
Medical, Dental, Optician or Health, Clinics and Laboratories	P	P	P
Veterinary Hospital#	-	C	P
Veterinary Offices and Clinics, excluding animal boarding#	P	P	P
<b><u>Personal Services</u></b>			
Animal Shelter	-	-	C
Appliance Repair	-	-	P
Auction Houses and Estate Sales	-	-	P

# Exhibit F

LAND USE	V-NC	V-CC	V-MU
<b>(Personal Services, continued)</b>			
Boarding Kennels	-	-	C
Blueprint Shop	-	P	P
Cabinet and Carpentry Shop	-	P	P
Custom Dressmaking, Furrier, Millinery or Tailor Shop#	-	P	P
Dry Cleaning and Laundry Establishment	P	P	P
Employment Agencies, not including Day Labor Hiring Centers	-	P	P
Laundromat, self-service	P	P	P
Locksmith	P	P	P
Messenger Delivery Service	P	P	P
Plasma Center, Massage Establishment, Tattoo & Body Piercing Studio#	-	-	-
Palm Readers, Phrenologists, Fortune Tellers and Astrologers	-	-	-
Tanning salon, Nail Salon, Barber Shop, Beauty parlor & similar uses	P	P	P
Pest Control Service	-	-	P
Pet Grooming Shop	P	P	P
Photographic Developing and Printing	P	P	P
Photographic Studio	P	P	P
Radio and Television Sales and Service	P	P	P
Recording Studio	-	P	P
Shoe Sales and Service, Clothing Alteration	P	P	P
Sightseeing Tour Companies	P	P	P
Ticket and Travel Agency	P	P	P
Watch and Clock Repair Shop	P	P	P
<b>Residential</b>			
Multi-family Residential***	-	-	P
Single-Family Residential***	-	-	P
<b>Transportation</b>			
Aviation uses such as Aircraft Repair, Aircraft Sales & Air Charter Services	-	-	-
Bus Terminals	-	C	P
Marine Fuel Facility	-	-	-
Rail and Motor Freight Terminals & Facilities	-	-	-
School Bus Parking and Maintenance			C

- P = Permitted Use.  
 C = Permitted Conditional Use. Conditional Use Permit required. See Peoria Zoning Ordinance Article 14-39-10  
 A = Permitted Accessory Use.  
 - = Use Not Permitted.  
 # = Subject to special limitations per Section 14-9-5 of the Peoria Zoning Ordinance, if permitted or conditional use.  
 \* = No industrial or manufacturing uses will be allowed within Vistancia South, except as indicated in the above table.  
 \*\* = Outdoor sales of nursery stock, lawn furniture and home garden supplies when developed in integral relation to the planned complex and screened from view from any street.  
 \*\*\* = Residential use shall conform to the maximum density and development standards established for the VRA-2 district. Single-family residential shall be permitted only within Mixed Use parcels west of El Mirage Road.

# REPORT TO THE PLANNING AND ZONING COMMISSION- ZONING CODE TEXT AMENDMENT

**CASE NO.:** TA 07-09

**DATE:** April 3, 2008

**AGENDA ITEM NO.:** 5R

---

**Applicant:** City of Peoria, 8401 W. Monroe Street, Peoria AZ, 85345

**Request:** A City-initiated request to amend the following sections in the Peoria Zoning Ordinance:

- A. Article 14-9, Non-Residential Districts:
  - Reclassify the land uses categories for Mini-Storage Warehouse, RV, Boat and Trailer Storage and Outdoor Storage.
  - Modify the special limitations pertaining to indoor mini-storage warehouses and/or screened RV, boat and trailer storage uses.
  - Add limited, ancillary retail sales based on total floor area as a permitted use within the BPI zoning district.
- B. Article 14-19, Agricultural District:
  - Add public uses/structures as a permitted use within this district.
- C. Article 14-34, Signs:
  - Remove ambiguous and conflicting language within the categories of Banner Signs/Promotional Display Signs and Prohibited Signs.
  - Integrate the Core Commercial Mixed Use (CCM) and the Core Residential Mixed Use (CRM), SR-35, and SR-43 zoning districts into the appropriate existing permitted sign categories.
- D. Article 14-35, General Landscape Requirements:
  - Reclassify Building Frontage Landscaping to Building Foundation Landscaping and redefine the required locations.
- E. Article 14-39, Administrative Procedures:
  - Incorporate a procedure for identifying and expiring inactive applications submitted for review to the Community Development Planning Division.

## Support

**/Opposition:** None as of this writing

**Recommendation:** *Approve* proposal as requested

## Background / Project Description:

1. The Planning Division has initiated this text amendment to several specified sections within the Zoning Ordinance. Each of the revised elements is elaborated below.

## Analysis and Discussion:

### *Article 14-9: Non-Residential*

#### 2. **General Industrial and Manufacturing Uses:**

- A. There is an apparent inconsistency in the current land use matrix with respect to the allowances for "outdoor automobile, RV, boat and trailer storage" as opposed to "general outdoor storage" with the latter more permissive. This amendment combines the two types of outdoor storage into one category. Secondly, the amendment proposes that outdoor automobile, RV, boat and trailer storage facilities that are visibly screened from public view be considered in the same manner as "indoor mini-storage warehouses, RV, boat and trailer storage" uses. The compelling concern is the aesthetic and visual impact of such uses. Staff has proposed additional limitations to define what constitutes screening and measures to ensure that any such visual impacts are mitigated (Exhibit B).
- B. The special limitations associated with mini-storage warehouses have been amended to include "*RV, Boat, & Trailer Storage, Indoor and/or Screened*" to reflect the changes to the land use categories. More specifically, to be considered in this manner, staff has entered language requiring such outdoor RV, boat and trailer storage uses to be visibly screened from a public street by an architecturally integrated wall of a minimum height of ten (10) feet or as determined by the Planning & Zoning Commission. Furthermore, additional screening may be warranted to address circumstances in which the use is adjacent to an elevated roadway. The balance of the changes to the limitations are housekeeping in nature and/or are intended to create consistency with other similar sections in the Zoning Ordinance (i.e. 25' buffer vs 30' buffer). ~~The language of the amendment specifies the required setback for such uses when they are adjacent to residential uses or residentially zoned vacant~~

~~property. The intention of the limitation is to safeguard existing and future residential developments from potential negative impacts associated with storage uses.~~

**3. Retail Sales in Business Park Industrial:**

- A. Based on the description provided in Article 14-9, the Business Park Industrial (BPI) zoning district is intended to accommodate the development of office parks, support retail services, warehousing and certain light industrial uses. Currently, general retail sales of new and used merchandise are prohibited; while wholesaling, warehousing, and distributing are permitted. This broad classification does not account for businesses that utilize the majority of their floor space for storage (warehousing) and/or manufacturing, and also sell product to the general public (retail sales) in a limited, ancillary manner. This amendment seeks to define the extent of retail sales as an accessory use within the BPI District.
- B. One of the limitations to traditional retail sales within the BPI district is the greater demand for parking due to increased trip generation for retail sales. Developments within BPI districts are typically proposed as shell warehouse buildings with the future tenant unknown at the time of development. During the tenant improvement plan phase (building plans for the interior space), the actual use and tenant area is defined. By having an allowance for retail space allocated during the initial development stage, this will assist in alleviating parking issues from arising after the building and parking areas have been constructed.
- C. Allowing retail sales as an Accessory Use limited to twenty (20) percent of gross floor area within the BPI district would potentially avert the potential parking needs associated with traditional retail sales while permitting businesses that more closely resemble wholesalers to provide their goods to the public. Destination-retail stores that utilize large warehouse/manufacturing spaces and dedicate only a small percentage of floor space for retail sales fit well with the intended character of the BPI district.

*Article 14-19: General Agriculture*

- 4. The General Agricultural district (AG) is currently the only zoning district that does not specify public utility buildings, uses, structures, equipment, and storm water retention areas as permitted uses. While Article 14-3-8.D (General Provisions) provides for the location of public utility facilities within all zoning districts, the addition of language indicating public utility facilities as permitted uses within the AG zoning district will reinforce the permissibility of such uses. The language of this addition is drawn from Article 14-5-2.F (Single Family Residential) and Article 14-5-2.G (Multi-Family Residential).

*Article 14-34: Signs*

5. The language of Section 14-34-4.4 (Banner Sign/Promotional Display Sign) currently includes several typographical errors. The proposed changes will create consistency between the several types of Promotional Display Signs in terms of specifically stating whether or not a sign permit is required for each of the sub-categories for this sign type.
6. Section 14-34-9 and Section 14-34-10 have been updated to include the CCM, CRM, SR-35, and SR-43 zoning districts in the lists of zoning districts in which particular signs are permitted. Previously, the signs permitted within these zoning districts were not expressly discussed.
7. Section 14-39-10.B states the criteria for building mounted signs for non-residential uses, such as churches and schools, located within residential zoning districts. Text has been added to specify a maximum sign height on facades abutting residential uses. The language of this section is intended to avoid negative impacts from signage on residential uses. In the event that a non-residential use is located in a residential district and abuts other non-residential uses, this amendment will remove the height restriction for building mounted wall signs.

*Article 14-35: Landscape Requirements*

8. The amendment to Article 14-34 addresses the reclassification of "*Building Frontage Landscaping*" to "*Building Foundation Landscape*". Currently, the requirement is to place a landscape planter at the base of the building that faces the street frontage. The amendment will designate the base of all sides of a building to be landscaped, independent of the actual orientation of the building. The Planning Manager or designee will have discretion to consider deviations from the standard on a situational basis. For example, a loading area could receive an alternative planting treatment or it could be excluded from the required building foundation landscape requirement.

*Article 14-39: Administrative Procedures*

9. Staff proposes the addition of Section 14-39-16 "*Expiration of Applications*", consisting of standard procedures to expire and withdraw existing applications if there has been no re-submittal of case material for more than twelve (12) consecutive months. Currently, there are no procedures existing to allow staff to administratively close cases. Applications remain open indefinitely creating a significant accumulation of inactive cases. Written notice will be provided to the applicant contact of record no less than thirty (30) days prior to the expiration and subsequent administrative closing of the application. If deemed necessary,

the Planning Manager or designee thereof may authorize a one-time, six (6) month extension.

Findings / Recommendation:

Based on the following findings:

- The proposed amendment constitutes an improvement to the Zoning Ordinance by eliminating ambiguities, clarifying inferences and improving the overall usability; and
- The proposed amendment updates several existing sections in the Zoning Ordinance to maintain currency; and
- The amendment seeks to improve the protection of neighborhoods, and reduce compatibility conflicts; and
- The proposed amendment will establish procedures to maintain relevant case records.

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

Recommend to the Mayor and City Council approval of case TA 07-09, a request to amend several specified sections of the Peoria Zoning Ordinance as contained in Exhibit B.

Attachments:

Exhibit A	Application
Exhibit B	Proposed Amendment

Prepared by:	Melissa Zechiel Planning Technician
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**PLANNING DIVISION  
Community Development Department**

**ZONING ORDINANCE TEXT AMENDMENT**

APPLICATION # TA07-09 SUBMITTAL DATE 11/05/07 FEES \$0

<b>APPLICANT:</b> City of Peoria		
<b>ADDRESS:</b> 8401 W. Monroe St.		
<b>CITY:</b> Peoria	<b>STATE:</b> AZ	<b>ZIP:</b> 85345
<b>PHONE:</b> 623-773-7603	<b>EMAIL:</b> melissa.zechiel@peoriaaz.gov	
<b>PROPOSED ARTICLE/SECTION OF ZONING ORDINANCE TO BE AMENDED:</b> Article 14-34-8.31 Signs, Article 14-19 General Agriculture District, Article 14-9 Non-Residential Districts		
<b>REASON FOR REQUESTED AMENDMENT:</b>  Article 14-34-8.31 (Signs) to prohibit Temporary Event Signs from locating within ROWs. Article 14-19 (Ag General) to add public uses/structures as a permitted use. Article 14-9 (Non-Residential) to add limited retail as a permitted use based on floor area.		
<b>EXISTING ZONING ORDINANCE LANGUAGE:</b>		
<b>PROPOSED ZONING ORDINANCE LANGUAGE:</b>		
<b>APPLICANT'S SIGNATURE:</b>		

*\* APPLICANT MAY USE ADDITIONAL SHEETS AS NECESSARY*

1 **Article 14-9 (Non-Residential Districts)**

2

3 **14-9-3 LAND USE MATRIX**

4

5 **Table 14-9-3 Land Use Matrix**

6

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
<b>GENERAL INDUSTRIAL &amp; MANUFACTURING</b>												
Mini-Storage Warehouses, RV, Boat, & Trailer Storage indoor, and/or screened only (Ord. No. 05-58A) <sup>#</sup>	-	-	-	C	C	-	C	C	P	P	P	P
Moving Company Storage & Transfer Facility (Ord. No. 05-58A)	-	-	-	-	-	-	P*	-	-	P*	P*	P*
Moving Truck, Trailer & Equipment Rental (Ord. No. 05-58A)	-	-	-	-	-	-	P*	P*	-	P*	P*	P*
Outdoor Automobile, RV, Boat, & Trailer Storage (Ord. No. 05-58A)	-	-	-	-	-	-	-	-	-	P	P	P
Outdoor Storage, including Automobile, RV, Boat and Trailer Storage	-	-	-	-	-	-	C	C	-	P	P	P

7

8

9

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
<b>GENERAL RETAIL - CONTINUED</b>												
Candy and Ice Cream Store	P	P	P	P	P	P	P	P	-	-	-	-
Carpet and Floor Covering Store	-	-	-	-	P	P	P	P	-	-	-	-
Copy Center	P	P	P	P	P	P	P	P	P	P	P	P
Donation Center <sup>#</sup> (Ord. No. 03-171)	-	-	-	-	C	-	C	C	P	P	P	P
Florist	P	P	P	P	P	P	P	P	-	-	-	-
Gift, Novelty and Souvenir Shop	P	P	P	P	P	P	P	P	-	-	-	-
Hobby, Stamp and Coin Shop	P	P	P	P	P	P	P	P	-	-	-	-
Newsstand (Ord. No. 05-58A)	P	P	P	P	P	P	P	P	P	A	A	A
Pawn Shop <sup>#</sup>	-	-	-	-	C	-	C	C				
Pet Shop <sup>#</sup> (Ord. No. 05-51)	-	-	P	P	P	P	P	P	-	-	-	-
Plumbing, Heating & Air-conditioning Sales and Service	-	-	-	-	-	-	P	-	-	P	P	P
Retail Decorative Rock Sales	-	-	-	-	C	-	P	-	-	P	P	P
Retail Sales of New & Used Merchandise, Indoor, excluding Sale of Automobile, Boats RVs and Motorcycles (Ord. No. 05-36)	-	P	P	P	P	P	P	P	A <sup>#</sup>	-	-	-
Retail Liquor Store <sup>#</sup>	-	-	-	-	C	-	C	C	-	-	-	-
Small Merchandise Vendor Carts <sup>#</sup> (Ord. No. 05-36)	A	A	A	A	A	A	A	A	A	A	A	A
Video Rental Store	P	P	P	P	P	P	P	P	-	-	-	-
Water and Ice Store	-	P	P	P	P	P	P	P	-	-	-	-
<b>INSTITUTIONAL</b>												

Art Gallery	P	P	P	P	P	P	P	P	-	-	-	-
Cultural Institutions	P	P	P	P	P	P	P	P	P	-	-	-
Day Care Centers or Pre-school Centers #	P	P	P	P	P	P	P	-	-	-	-	-
Group Care Facility or Community Residential Facility # (Ord. No. 05-58A)	-	-	-	-	C	-	P	P	-	-	-	-
Homeless Shelter & similar uses	-	-	-	-	-	-	-	-	-	-	P	P
Libraries and Museums	P	P	P	P	P	P	P	P	-	-	-	-
Non-profit Social services #	P	P	P	P	P	P	P	P	P	P	P	P
Nursing or Convalescent Home, Long term Care Facility #	-	-	-	-	C	-	P	P	-	-	-	-
Public Buildings #	P	P	P	P	P	P	P	P	P	P	P	P
Public/Private Schools, College and University Facilities excluding College & University Campuses# (Ord. No. 05-58A)	P	P	P	P	P	P	P	P	P	P	P	P
Public Utility Buildings, Structures, Uses, Facilities and Equipment #	P	P	P	P	P	P	P	P	P	P	P	P
Religious Institutions & similar places of worship #	P	P	P	P	P	P	P	-	-	-	-	-
Substance Abuse Detoxification & Treatment Centers	-	-	-	-	-	-	C	-	-	P	P	P

- 1
- P = Permitted Use
  - C = Permitted Conditional Use. Conditional Use Permit required. See Article 14-39-10.
  - A = Accessory use
  - \* = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit (Ord. No. 05-58A)
  - # = Subject to special limitations (see the following section 14-9-5)
  - = Not Permitted

2  
3 **Section 14-9-5**

4  
5 **D. General Industrial & Manufacturing**

- 6  
7 1. Mini-storage warehouses, RV, Boat, & Trailer Storage, indoor and/or screened, shall be subject  
8 to the following additional requirements:  
9
- 10 a. For the purposes of this section, an outdoor RV, Boat & Trailer Storage use shall be visibly  
11 screened from a public street by an architecturally integrated wall or structure consisting of a  
12 minimum height of ten (10) feet, or as otherwise approved by the Planning and Zoning  
13 Commission. Additional screening from elevated roadways may be required, such as  
14 canopies, berming, or other design solutions.
  - 15 b. Doors of the storage areas shall not front on any public street.
  - 16 c. Only storage shall be permitted. No sale of goods, materials or other tangible or intangible  
17 property from the facility or any part thereof shall be permitted. No activities conducted on the  
18 premises, whether related to the stored items or otherwise. The sale of insurance by the  
19 operator on goods stored therein or the sale by the operator of items used in connection with  
20 the storage of goods at the site shall not be prohibited.
  - 21 d. No hazardous or flammable materials, as defined in the Peoria City Building Code, shall be  
22 stored in such facility.
  - 23 e. The City may exempt any structure from side and rear yard setbacks, except in  
24 circumstances where the site devoted to such use abuts a residential use or residentially-  
25  
26  
27  
28

1 zoned vacant property. In such cases, the setback for the site boundary abutting the  
2 residential district shall be no less than thirty (30) feet that in all cases where the conditional  
3 use abuts any residential district on its side or rear lot lines, there shall be a side yard of not  
4 less than twenty-five (25) feet and a rear yard of not less than twenty-five (25) feet.

- 5
- 6 f. All direct vehicular access shall be from an abutting arterial street.
- 7
- 8 g. The locations of the driveways, wall, landscaping, and buildings shall be so arranged as to  
9 minimize traffic disruptions.
- 10
- 11 h. A wall with a minimum height of six (6) feet and a landscaping screen buffer in accordance  
12 with Section 14-35-4.A.3, or all as approved by the Planning and Zoning Commission, shall  
13 be constructed along the site boundary devoted to such use where abutting a residential use  
14 or residentially-zoned vacant property on the side and/or rear property lines of a conditional  
15 use which abuts any residential district.
- 16
- 17 i. All vehicle storage shall be limited to hard surfaced areas.
- 18
- 19 j. Lighting shall be directed toward the site and shall not cause undesirable glare to nearby  
20 residential properties.
- 21

22

23 E. General Retail (Ord. No. 03-171)

24

- 25 1. Donation Centers shall be subject to the following conditions:
- 26
- 27 a. Donation drop off shall be limited to business hours only.
- 28
- 29 b. Drop off location shall be at the rear of the building and shall be fully screened from view.
- 30
- 31 c. No drop off items shall be stored outside the screened area.
- 32
- 33 2. Pet Shops, including commonly associated accessory uses such as grooming, veterinary care,  
34 training, pet day camp services and the boarding of household pets, shall be subject to the  
35 following conditions: (Ord. No. 06-16)
- 36
- 37 a. Veterinarian and grooming services shall be restricted to the care and treatment of small  
38 animals during regular business hours.
- 39
- 40 b. The commercial breeding of animals shall be prohibited. (Ord. No. 06-16)
- 41
- 42 c. All activities shall be completely contained within enclosed buildings; the building shall be  
43 designed and constructed to achieve a Sound Transmission Control Value of 50 or greater.
- 44
- 45 d. All refuse shall be stored within a completely enclosed building.
- 46
- 47 e. Outdoor runs or exercise pens shall be prohibited.
- 48
- 49 f. Overnight boarding services for household pets may be operated as an accessory use,  
50 provided no more than twenty-five percent (25%) of the total square footage of the  
51 establishment may be used as sleeping quarters for the boarded pets; and the area shall be  
52 constructed, maintained or operated so that the smell of the boarded animals does not create  
53 a nuisance off-site. (Ord. No. 06-16)
- 54

- 1 3. Indoor retail sales of new & used merchandise excluding sale of automobiles, boats, RVs, and  
2 motorcycles as an Accessory Use within the BPI Zoning District shall be no greater than 20% of  
3 the overall gross floor area (G.F.A) of the establishment and shall not exceed 1,000 square feet in  
4 area.  
5

6 **Article 14-19 (AG General)**

7  
8 **14-19-2 PERMITTED PRINCIPAL USES**

9  
10  
11 **C. *Public and quasi-public uses.***

- 12  
13 1. Water pumping plants and storage tanks.  
14  
15 2. Religious Institutions such as churches, synagogues, temples, chapels or similar places of  
16 worship, and related facilities, subject to review and approval of vehicular access by the City  
17 Engineer. (Ord. No. 02-21)  
18  
19 3. Public recreational uses.  
20  
21 4. Golf courses, subject to provisions of Article 14-5, Section 14-5-3.D. (Ord. No. 06-16)  
22  
23 5. Public utility buildings, structures, equipment and uses,

24  
25 **D. *Group Homes.*** In accordance with Article 14-3, General Provisions, Section 14-3-12 "Group Homes,  
26 Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities  
27 "subsection 14-3-12 (A) "Group Homes". (Ord. No. 02-85)

28  
29 **E. *Public/charter schools and private schools.*** Provided that the facility shall have direct vehicular  
30 access to an arterial or collector street. Facilities for the repair or storage of vehicles and equipment  
31 shall be prohibited. (Ord. No. 99-89)  
32  
33  
34

35 **Article 14-34 (Signs)**

36  
37 **14-34-4 EXCEPTIONS**

38  
39 **A. The provisions of Article 14-34 shall not apply to:**

- 40  
41 1. Tablets, grave markers, headstones, statuary or remembrances of persons or events  
42 noncommercial in nature.  
43  
44 2. Works of fine arts when not displayed in conjunction with a commercial enterprise which may  
45 derive direct commercial gain from such display.  
46  
47 3. Signs not visible beyond the boundaries of the lot or parcel upon which they are located, or from  
48 any public right-of-way or thoroughfare, providing that such sign does not constitute a traffic  
49 hazard.  
50  
51 4. The erection, construction and maintenance of official traffic, fire and police signs, signals and  
52 devices that are markings of the State of Arizona and the City of Peoria or other authorized public  
53 agency, nor the posting of notices as required by law.  
54

- 1 5. Advertising on bus passenger shelters located within the public right-of-way and on private  
2 property adjacent to the public -right-of-way as approved by City Council and Contract Number  
3 L.C.O.N.4989 on June 27, 1989 as amended and modified from time to time. (Ord. No. 89-21)  
4
- 5 6. City of Peoria municipal uses ~~for public notices and/or temporary special events~~. (Ord. No. 99-87)  
6
- 7 7. Portable electronic signs used by the City of Peoria for special events. Such signs shall be  
8 restricted to traffic control copy. (Ord. No. 03-01)  
9

10  
11  
12 **Section 14-34-8.A Sign Types and Requirements**  
13

- 14 4. Banner Sign/Promotional Display Sign. A temporary sign which is painted or displayed upon  
15 cloth or other flexible material, used for the promotion of goods or services for a specified period  
16 of time. (Ord. No. 02-56)  
17
  - 18 a. Special Events. A sign used for a special sales event or product promotion.  
19
    - 20 1) For the purpose of this regulation, special event signs shall include sign banners,  
21 balloons, flags, streamers, and pennants. Vehicle mounted signs, flashing lights, search  
22 lights and portable signs are prohibited, except as may otherwise be provided in this  
23 Ordinance. (Ord. No. 03-01)  
24
    - 25 2) Signs used to promote special sales or product promotions shall be limited to a maximum  
26 total square footage of twenty-four (24) square feet.  
27
    - 28 3) Signs shall be allowed four (4) times per year for a maximum period of fourteen (14)  
29 consecutive days. A minimum of thirty (30) days shall pass between each such sale.  
30
    - 31 4) All such signs shall include wind cuts to reduce sign billowing or sailing and shall be  
32 securely fastened to a building or other permanent structure. Such signs and/or banners  
33 shall not be mounted to trees or other landscaping elements.  
34
    - 35 5) Individual balloons and balloon arches/clusters shall be allowed provided they are  
36 securely fastened to permanent structures and setback from all streets and driveways a  
37 distance equal to the tether of the balloon.  
38
    - 39 6) Sign permit required.
  - 40 b. Exterior Sales. A sign for the sale of merchandise where most of the business is conducted,  
41 or items are displayed, in an open exterior area in compliance with all City Codes. (Ord. No.  
42 03-09)  
43
    - 44 1) Exterior sales promotions are allowed however shall be restricted to Friday, Saturday,  
45 and Sunday or federally recognized holidays.  
46
    - 47 2) For the purpose of this regulation, exterior sales signs shall include sign banners,  
48 balloons, flags, streamers, pennants or merchandise. Vehicle mounted signs, flashing  
49 lights, search lights, and portable signs are prohibited except as may otherwise be  
50 provided in this Ordinance. (Ord. No. 03-01)  
51
    - 52 3) Streamers, pennants and flags shall contain no advertising copy, but may include a  
53 symbol, logo or replica of a flag on a pennant. (Ord. No. 03-09)  
54  
55

- 4) Inflatable structures are allowed by separate permit. Such structures shall be permitted only twice per year at three-day intervals. Inflatable structures shall not be roof-mounted and shall be securely fastened to permanent structures and/or proper ground staking.
- 5) Individual balloons and balloon arches/clusters shall be allowed provided they are securely fastened to permanent structures and setback from all streets and driveways a distance equal to the tether of the balloon.
- 6) All banner signs shall include wind cuts to reduce sign billowing or sailing and shall be securely fastened to a building, private light standard or other permanent structure. Such banners shall not be mounted to trees or other landscaping elements. The total allowable square footage of all banner signs shall not exceed one hundred fifty (150) square feet.
- 7) Uses eligible for exterior sales signs shall not be eligible for special ~~sales~~ event signs.
- 8) Torn, faded or soiled exterior sales signs shall be prohibited.
- 9) No permit required, except for inflatable structures.

c. Civic Events. Signs used to advertise, promote public entertainment uses including carnivals, circuses, street fairs, concerts, cultural events, home and garden shows, parades, community events and similar uses.

- 1) For the purpose of this regulation, civic event signs ~~exterior sales signs~~ shall include sign banners, balloons, flags, streamers, and pennants. Vehicle mounted signs, flashing lights, search lights and portable signs are prohibited, except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)
- 2) No off premise signs, strobe lights or search lights are permitted, except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)
- 3) All banner signs shall include wind cuts to reduce sign billowing or sailing and shall be securely fastened to a building, private light standard or other permanent structure. Such banners shall not be mounted to trees or other landscaping elements.
- 4) Size and quantity of signs are not regulated; however signs shall not be displayed for more than seven (7) days prior to the event and shall be removed within forty-eight (48) hours after the event.
- 5) Inflatable structures are allowed by separate permit. Inflatable structures shall not be roof-mounted and shall be securely fastened to permanent structures and/or proper ground staking.
- 6) Torn, faded or ~~solid~~ soiled exterior sales signs shall be prohibited.
- 7) Light standard banner advertisement is allowed within one mile of the event as approved by the Public Works Director.
- 8) No permit required, except for inflatable structures.

**Section 14-34-8.B** Prohibited Signs. Signs that are not specifically authorized are expressly prohibited. Prohibited signs include, but are not limited to the following:

- 1 1. Any non-public signs in existing and future public right-of-way, as defined in the Peoria  
2 Comprehensive Plan or the Peoria Master Street/Right-of-way Map, whichever is more restrictive,  
3 or on public property, except as may otherwise be provided in this Ordinance. The City may  
4 install signs on its own property to identify public buildings and uses, and to provide necessary  
5 traffic control;  
6
- 7 2. Sign permits required for signs as specified in Section 14-34-8;  
8  
9

10  
11 **Section 14-34-9**            **SIGNS PERMITTED FOR NON-RESIDENTIAL USES IN THE C-0, C-1, C-2, C-**  
12 **3, I-1, I-2, P.A.D., P.C., O-1, PC-1, PC-2, C-4, C-5, CCM, PI-1 AND BPI NON-**  
13 **RESIDENTIAL ZONING DISTRICTS. (Ord. No. 96-03/96-88)**  
14

15  
16 **Section 14-34-10**        **SIGNS PERMITTED FOR NON-RESIDENTIAL USES IN THE AG, FP, SU, R1-**  
17 **6, R1-7, R1-8, R1-10, R1-12, R1-18, R1-35, SR-35, SR-43, RM-1, RMH-1, RMH-**  
18 **2, RMH-3, CRM, P.A.D. AND P.C. RESIDENTIAL ZONING DISTRICTS (Ord.**  
19 **No. 96-88)**  
20

- 21 A. Sign permits required for signs specified in Section 14-34-8.  
22
- 23 B. An identification or multi-tenant sign may display only the name of the building or tenant business with  
24 a total maximum sign area not exceeding thirty-two (32) square feet. Such sign may be wall-mounted  
25 with a maximum height of ten (10) feet on facades abutting residential uses, or it may be freestanding  
26 according to the following requirements.  
27
  - 28 1. One freestanding identification or multi-tenant sign shall be permitted with a maximum height of  
29 five (5) feet. A second such freestanding sign shall be permitted for a property having greater  
30 than eighty (80) linear feet of frontage. Where two (2) freestanding signs are permitted, they shall  
31 be located at least sixty (60) feet apart;  
32
  - 33 2. A freestanding identification or multi-tenant sign shall be located at least five (5) feet from any  
34 property line;  
35
  - 36 3. A landscaped area shall be provided on-site along the street frontage at the base of the  
37 freestanding sign, with said landscaped area to have a minimum area of four (4) square feet for  
38 each one (1) square foot of sign area;  
39
- 40 C. In addition to the above, each tenant may be allowed two (2) square feet of non-illuminated sign area,  
41 identifying his business, to be located on the wall immediately next to the entry of the tenant's  
42 business.  
43
  - 44 1. No permit required.  
45
- 46 D. In addition to the above, directory with a maximum area of six (6) square feet and a maximum height  
47 of six (6) feet may be permitted behind the required front yard setback.  
48
  - 49 1. No permit required unless such sign is visible from off-premises.  
50
- 51 E. All wall or fascia-mounted signs for individual businesses shall be uniform in terms of colors, shapes,  
52 and maximum vertical dimension with all other such signs in the center or as otherwise provided for in  
53 a sign package approved by the Plans Review Committee.  
54

55 **Article 14-35**

1  
2 **14-35-4 GENERAL LANDSCAPE REQUIREMENTS**

3  
4 A. Required Landscape Areas

5  
6 7. Building Frontages Foundation

7  
8 ~~Non-residential and multi-family residential buildings shall include a five (5) foot minimum~~  
9 ~~landscape planter between the building and parking area which may include a two (2) foot~~  
10 ~~parking overhang. Non-residential and multi-family residential buildings shall include a landscape~~  
11 ~~foundation planter with a minimum width of five (5) feet between the building and parking lot. This~~  
12 ~~foundation planter area shall encompass~~ comprise ~~a minimum of fifty percent (50%) of the~~  
13 ~~facade(s)' front footage length and may count towards the on-site landscape area requirements.~~  
14 ~~(Ord. No. 03-182) A deviation or alternative to this requirement may be considered by the~~  
15 ~~Planning Manager or designee.~~

16  
17  
18 Building ~~frontage~~ foundation planter areas shall include one (1) shrub for every five (5) linear feet.  
19 All plantings within building ~~frontage~~ foundation planter areas may be used to satisfy the  
20 landscape requirements in Section 14-35-4-A.1. A deviation or alternative to this requirement,  
21 including but not limited to, raised planters with seatwalls, decorative planter boxes, potted trees /  
22 shrubs, may be considered by the Planning Manager or designee provided the intent of the  
23 building ~~frontage~~ foundation planter is satisfied. (Ord. No. 06-07)

24  
25  
26 **Article 14-39**

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28 **Section 14-39-16 Expiration of Applications**

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30 A. All applications submitted to the Community Development planning division for staff review will expire  
31 and be deemed withdrawn if more than twelve (12) months pass from the latest date that staff has  
32 provided the applicant with review comments, unless a full re-submittal of case materials occurs. This  
33 includes, but is not limited to, applications for Rezoning, PAD Amendments, Zoning Ordinance Text  
34 Amendments, Site Plan Reviews, Major Site Plan Amendments, Conditional Use Permits, Temporary Use  
35 Permits, Requests for Administrative Relief, Requests for Variance, Hillside Ordinance Appeals, Design  
36 Review Appeals, Preliminary Plats, and Sign Permits. Prior to the date of expiration, the applicant may  
37 file a request for an extension. The Planning Manager or designee thereof may authorize a one-time, six  
38 (6) month extension. The applicant contact of record shall be provided written notice no less than thirty  
39 (30) days prior to the date of application expiration.  
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