



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

**PLANNING & ZONING COMMISSION  
REGULAR MEETING  
NOTICE & AGENDA  
THURSDAY, JANUARY 17, 2008  
6:30 P.M.  
COUNCIL CHAMBER  
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 John Gerard and Anne Wojcik from the January 3, 2008 meeting.
- 2C MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held January 3, 2008
- 3C CU07-24:** The Tasting Room, 27358 N. 127<sup>th</sup> Drive, Peoria, AZ 85383 is requesting a Conditional Use Permit for a wine and beer tasting establishment located at the northeast corner of El Mirage Road and Vistancia Boulevard (Vistancia Marketplace) within a Planned Community District.

## REGULAR AGENDA

### NEW BUSINESS:

**4R PUBLIC HEARING:** RE: a request to rezone approximately 5.05 gross acres from its current Zoning District of General Agriculture (AG) to Suburban Ranch Residential (SR-35) to permit a single-family detached subdivision of five lots. The property is generally located at the southeast corner of 104<sup>th</sup> Avenue and Pinnacle Peak Road.

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

**Open Public Hearing**

**Staff Report**

**Public Comment**

**Close Public Hearing**

**Commission Action:** Discussion and possible action to rezone approximately 5.05 gross acres from its current Zoning District of General Agriculture (AG) to Suburban Ranch Residential (SR-35) to permit a single-family detached subdivision of five lots. The property is generally located at the southeast corner of 104<sup>th</sup> Avenue and Pinnacle Peak Road.

### **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.

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Mary Jo Kief, City Clerk

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







**PLANNING AND ZONING COMMISSION MINUTES  
CITY OF PEORIA, ARIZONA  
CITY HALL, PINE ROOM  
JANUARY 3, 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, William Louis, Marc Melbo, and Michael Worlton.

**Members Absent:** Commissioners John Gerard and Anne Wojcik.

**Others Present:** Steve Kemp, City Attorney, Glen Van Nimwegen, Community Development Director, Chad Daines, Planning Manager, Melissa Zechiel, Planning Technician, Cody Gleason, Planning Technician, and Cathy Griffin, Executive Assistant.

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

Final call for speaker request forms.

**Audience:** Approximately 3.

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

**1C DISPOSITION OF ABSENCE:** Discussion and possible action to approve/excuse the absences of Commissioners Anne Wojcik, Marc Melbo, and Bill Louis from the December 20, 2007 meeting.

**2C MINUTES:** Minutes of the Regular Meeting held December 20, 2007.

**Commission Action:** Commissioner Compton moved to approve the Consent Agenda. The motion was seconded by Commissioner Worlton. Upon vote, the motion carried unanimously.

DRAFT

## REGULAR AGENDA

### NEW BUSINESS, PUBLIC HEARINGS and/or ACTION:

Items 3R and 4R were presented together and were voted upon separately.

- 3R** ACOMA DRIVE CHARACTER AREA PLAN: This area plan provides the proposed character guidelines for the Acoma Drive County Island, an area generally located between 83<sup>rd</sup> and 67<sup>th</sup> Avenue, north of Thunderbird Road centered on Acoma Drive. The planning area is currently under Maricopa County jurisdiction, surrounded by the City of Peoria. The proposed character guidelines include development policies related to land uses, buildings, rural street and utility policies and other general policies which reflect the rural character of the planning area.

**Staff Report:** Chad Daines, Planning Manager, addressed both agenda items as outlined in the commissioners' staff report. The Plans were also explained by using a PowerPoint presentation (see attached). Staff is recommending approval of both Character Area Plans.

Commissioner McFarland asked if there is an annexation, and if they decide to change their waste provider, they have to change to the City, approximately how much would that cost and they get both the re-cycle and the trash pickup? Mr. Daines explained that costs have been compared between the private sanitation services and the cost very comparable. He explained that the citizen has the choice after annexation of continuing with their current private sanitation service or utilize city service.

Commissioner McFarland asked if annexation happened, would all the streets would have to be paved. Mr. Daines stated that the documents being presented tonight have no effect on annexation. He explained about a "threshold study" performed when annexing any area. Each operational department would analyze the area on the cost in terms of servicing the area, operation and maintenance. The information would be presented to the City Council. Mr. Daines further explained the PM10 program.

Commissioner McFarland asked if Rural Metro Fire relocation in Litchfield Park effecting these areas? Mr. Daines stated that not according to the information he has reviewed.

Commissioner Melbo asked if there was a change of ownership and the new owner wanted to improve the property, would they follow the county or city guidelines with regard to permitting. Mr. Daines explained that if the property were ultimately annexed into the City of Peoria, it would follow the City's guidelines. What is being suggested tonight is zoning guidelines that would apply to the property and that's the attachment to the Character Area Plan is essentially patterned or tailored after what Maricopa County provides in terms of land uses, setbacks, building heights, allowable uses.

Commissioner Melbo asked about the land use zoning dwelling units per acre. Mr. Daines explained the land use designation on the General Plan, 0-2 dwelling units to the acre with a target density of one dwelling unit to the acre.

DRAFT

Chair Loper wanted to reinforce that the Character Area Plans are guiding character documents, these are not annexation documents. Mr. Daines stated that was correct and basically these are draft documents that the citizens can have input for the next several months prior to being formalized into the Zoning Ordinance or the General Plan reference.

Chair Loper asked if staff has involved Maricopa County staff in this process. Mr. Daines explained that one of the Senior Planners used to work at Maricopa County, but have not met directly with the Maricopa County staff.

Further discussion ensued regarding current violations and special use permits in the County.

**Public Comment:**

Nancy Paganelli stated that she was happy to hear what the city is trying to address. Ms. Paganelli has lived in the Pinnacle Peak area for close to 40 years and doesn't want any more "progress". She moved to this area with a dream to live in the country. If the City of Peoria takes over the area, will this rural life-style be able to be maintained?

Mr. Daines explained how the annexation process is driven by the property owners. There must be 51 percent of property owners or value in the area before the area can be considered for annexation. The goal is not to force annexation; the goal is to provide the tools for those areas that do desire annexation.

Mr. J.D. Campbell stated his concern that the information has not reached all the citizens that may be affected by this action. Mr. Campbell asked about property being sold and the new owners being required to bring "things" up to city code. Mr. Daines explained that the rights run with the land. If a building is re-built, it would have to be built in accordance with whatever the standards are. Mr. Daines stated that the goal is to mirror, as closely as possible, the existing County entitlements.

Mr. Campbell asked if the new addition have to comply with the City code. Mr. Daines explained that it would have to comply with that zoning district. Mr. Daines further clarified that what is being proposed is zoning district standards only, not any other "codes".

Mr. Campbell asked if a septic tank failed, would the property have to connect to the city or could they repair or replace the tank? Mr. Daines stated that would be a question for the Utilities Department, which are not present this evening.

Mr. Daines wanted to illustrate that on the Pinnacle Peak Character Area Plan, on page 5 there is an error to be corrected. In the first sentence of the description, under background it states the areas generally located between 83<sup>rd</sup> and 91<sup>st</sup> Avenues. It is actually generally located between 83<sup>rd</sup> and Lake Pleasant Parkway.

Ms. Paganelli asked if a person would have to pay City taxes on services if they had a septic system. She also asked that when there are going to be meetings, that notification not be limited to the web-site. Please send notices to the homes.

DRAFT

Mr. Kemp, City Attorney, explained that the City's utilities are financed off rates; the customer pays taxes for the utilities they use.

Chair Loper stated that staff went to great length to identify some of the unique characteristics and went above and beyond to accommodate those in the area. Chair Loper wanted to clarify the purpose of the Character Area Plans versus annexation.

**Commission Action:** Commissioner Compton moved to recommend to City Council approval of the Acoma Drive Character Area Plan. The motion was seconded by Commissioner McFarland. Upon vote, the motion carried unanimously.

- 4R PINNACLE PEAK CHARACTER AREA PLAN:** This area plan provides the proposed character guidelines for the Pinnacle Peak County Island, an area generally located between 83<sup>rd</sup> Avenue and Lake Pleasant Parkway, from Deer Valley north to Via Lindo Road centered on Pinnacle Peak Road. The planning area is currently under Maricopa County jurisdiction, surrounded by the City of Peoria. The proposed character guidelines include development policies related to land uses, buildings, rural street and utility policies and other general policies which reflect the rural character of the planning area.

Staff Report: presented by Chad Daines, Planning Manager.

**Commission Action:** Commissioner Compton moved to recommend to City Council approval of the Pinnacle Peak Character Area Plan. The motion was seconded by Commissioner Melbo and upon vote, the motion carried unanimously.

Mr. Daines stated that the City Council meeting for these plans will be January 15, 2008.

- 5R ELECTION OF OFFICERS:** Discussion and possible action to elect officers for 2008 including Chairman, Vice-Chairman, and Secretary.

Mr. Kemp, City Attorney, gave a brief explanation on the process.

**Commission Action:** Commissioner Compton moved to re-elect Michael Worlton as Secretary, and upon vote, the motion carried unanimously. Commissioner Louis moved to re-elect Veda McFarland as Vice Chair, and upon vote, the motion carried unanimously. Commissioner Melbo moved to re-elect Greg Loper as Chair, and upon vote, the motion carried unanimously.

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

**REPORT FROM STAFF: NONE**

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

Chair Loper asked that the contact information to the Planning and Zoning Commissioners be provided to each Commissioner.

DRAFT

Chair Loper asked the Planning and Zoning meeting agenda is attached to the email requesting attendance notification.

Chair Loper asked about closing a road for a special event. Mr. Daines and Mr. Kemp explained the special event process.

Chair Loper asked if the City of Peoria had meetings with neighboring jurisdictions. Mr. Daines explained what there is a variety of meetings with neighboring cities.

**ADJOURNMENT:** There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 7:40 p.m.

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

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



## Acoma Drive and Pinnacle Peak Road Character Area Plans



Planning & Zoning Commission  
Regular Meeting  
Thursday, January 3, 2008

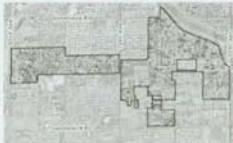


## Background & Purpose

- **Background:**
  - Open, rural development pattern
  - 1980's annexations surrounded the Areas
  - Residents harbored concerns regarding annexation
  - Focus groups initiated in 2006
- **Purpose:**
  - Establish policy guidance for the Areas
  - Identify valued community characteristics specific to the Areas
  - Protect and maintain valued characteristics of the rural lifestyle

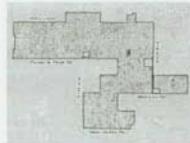
## Land Use

- Low density, rural residential land uses typify the Planning Character Areas.
- Adjacent lots within the City range from 8,000 square feet to over 1 acre in area.



Acoma Drive

- Centennial High School & Paseo Verde Elementary School
- Neighborhood Commercial Services: intersection of 75<sup>th</sup> Ave. & Thunderbird Rd.



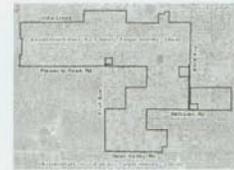
Pinnacle Peak Road

- Liberty High School & Sunrise Mountain Elementary School
- Neighborhood & Regional Commercial Services: intersection of Lake Pleasant Pkwy & Happy Valley Rd.

## General Plan



Acoma Drive



Pinnacle Peak Road

- The General Plan designates the Character Areas in their entirety as Residential Estate (0-2 du/ac, Target 1 du/ac)
- The Character Area Plans may be adopted into the General Plan as policy guides for future land use.

## Zoning



Acoma Drive

- Acoma Drive: Rural 43 zoning – residential, minimum 1 acre lots



Pinnacle Peak Road

- Pinnacle Peak Road: Rural 43, R1-18, and R1-35 – residential, ranging from 18,000 sq. ft. to one acre minimum lots

## Character Elements

- **Rural Land Use Character Policy**
  - Intended to protect and maintain the rural, open feeling of the area
  - Creates Acoma - 43 and Pinnacle Peak - 43 zoning classifications



## Character Elements

- Home Based Business Policy
  - Establishes legal conforming entitlement for existing legal home based businesses
  - Does not designate existing legal home based businesses as non-conforming uses



## Character Elements

- Principle and Accessory Building Policy
  - Exempt from normal design review standards
  - Accessory buildings are also exempt from material and design compatibility requirements



## Character Elements

- Fence & Wall Policy
  - Allowances for open fencing and increased height
  - Accommodates equestrian and livestock uses
  - Maintains open character



## Character Elements

- Equestrian, Large Mammal and Poultry Policy
  - Provisions for the keeping of livestock, poultry, and other animals are identical to those currently existing in Maricopa County



## Character Elements

- Gateway Policy
  - Neighborhood grants for enhancement of key gateways available



## Character Elements

- Citizen Participation Policy
  - Newsletters, website, notice & meeting requirements
  - City Council Representation
  - Voting rights
  - Advisory boards



## City Services

### Public Safety Services

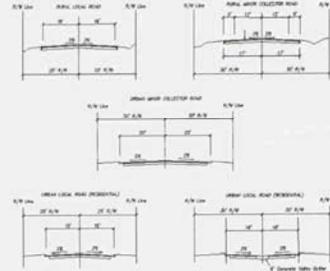
- Average response time: 4 min. 30 sec.
- Fire stations within 1-2 miles of most locations within the planning areas



## City Services

### Streets and Drainage

- Rural cross-sections



## City Services

### Water and Wastewater

- Functional water and septic systems can be maintained
- Resident pays prevailing development fees if they wish to connect



## City Services

### Solid Waste Service

- Services include bulk trash & comprehensive recycling
- If a resident changes providers they must utilize City services
- New construction must utilize City services



## City Services

### Dial A Ride Service

- Accessible transit services
- Curb-to-curb service
- Monday-Friday from 6:00 a.m. -6:00 p.m.
- Extended ADA hours



## City Services

### Parks and Recreation Services

- Community Recreation Programs

#### Acoma Drive

- Rio Vista Community Park & Recreation Center

- Centennial Pool
- Paseo Verde Park

#### Pinnacle Peak Road

- Sunrise Mountain High School Community Pool

- Planned Northern Library



Questions?







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

**CASE NO.:** CU 07-24

**DATE:** January 17, 2008

**AGENDA ITEM NO.:** 3C

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**Applicant:** Richard Arnold, Co-Owner The Tasting Room.

**Request:** Obtain a Conditional Use Permit (CUP) to allow a beer and wine tasting establishment within the Vistancia Marketplace. (Exhibit A)

**Proposed/ Development:** The Tasting Room: The business is planning to occupy a suite within the Vistancia Marketplace commercial center.

**Location:** The Tasting Room, 28465 N. Vistancia Boulevard, Suite 103, located on the northeast corner of Vistancia Boulevard and El Mirage 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:** See Recommendation section of this report.

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

1.

CU 07-24	LAND USE	ZONING
ON-SITE	Safeway Anchored Commercial Center	Planned Community District (PCD)
North:	Public/Quasi Public	Planned Community District (PCD)
East:	Public/Quasi Public	Planned Community District (PCD)
West:	Community Commercial and Residential	Planned Community District (PCD)
South:	Community Commercial	Planned Community District (PCD)

### Background / Project Description:

2. The applicant is proposing a beer and wine tasting establishment located within a 1,568 square foot leased tenant space. As illustrated in the interior floor plans, the suite will include a sitting lounge area, wine sample bar, premium wine display, gourmet foods display, a wine cellar, retail wine racks, and chilled display case. (Exhibit C)
3. Vistancia Marketplace is a  $\pm$  10 acre commercial center located at the northeast corner of Vistancia Boulevard and El Mirage Road. The retail center encompasses approximately  $\pm$  93, 222 square feet of retail space. The available commercial space is distributed between an anchor building (Safeway), connected 'shops' buildings, and freestanding 'pad' buildings. The proposed Tasting Room will be located within a connected shop (Shop B) adjacent to the (Major A) tenant. (Exhibit D)
4. No exterior modifications to the building are proposed. No outdoor partitions such as fencing or railing are being proposed.
5. Hours of operation proposed are Monday through Saturday 10:00 a.m. to 10:00 p.m. and Sunday 12:00 p.m. to 8:00 p.m.

### Findings/ Analysis:

6. Pursuant to the Vistancia Planned Community District Land Use Master Plan (Table 5 Matrix) a Tavern, Bar, Lounge or establishment that sells alcoholic beverages for consumption on premise, excluding restaurants require the issuance of a Conditional Use Permit within the Vistancia Neighborhood Commercial Based Zoning District (V-NC).
7. The proposed use falls within the tavern, bar lounge or *establishment* classification as defined in Article 14-2-D ("Definitions"):
  - A Tavern, bar, lounge or *establishment* means a business that sells beer or intoxicating liquor for the consumption on premises and having a Spirituous Liquor License with a (Series 6 or 7) license classification.
  - As determined by the Arizona Department of Liquor License and Control, a license type (Series 7) allows a beer and wine bar retailer to sell and serve beer and wine defined primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises.

8. 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.
9. 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. The proposed site is located within a commercially designated interior retail tenant space. The shopping center is buffered between designated open space the north and not located within close proximity to residences. Therefore staff does not believe any impacts would arise as a result of the beer and wine tasting establishment.

Recommendation:

10. Staff recommends approval of CU07-24 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 request is consistent with the intent of the (PCD) approved Planned Community Development for Vistancia Marketplace retail development. The underlying land use designation for the site is Community Commercial (CC) which is intended to support this type of retail establishment.
  - c. The request conforms to all applicable requirements of the City of Peoria Zoning Ordinance and is a permitted use subject to conditional use permit within the Vistancia Neighborhood Commercial (V-NC) Based Zoning District as identified in the Vistancia Master Plan.
  - d. The request does not present any negative impacts to the community.
  - e. The property owner, The Tasting Room, 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 CU07-24, subject to the following conditions:**

1. The use shall substantially conform to the Narrative attached as (Exhibit A) and the accompanying floor plan (Exhibit C) and site plan location (Exhibit D). In particular, the hours of operation shall be limited to 10:00 a.m. to 10:00 p.m. Monday through Saturday, and 12:00 p.m. to 8:00 p.m. on Sunday.
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 eight (180) days.

Attachments:

Exhibit A	Project Narrative
Exhibit B	Aerial / Location Map
Exhibit C	Floor Plan
Exhibit D	Master Site Plan

Prepared by: Monique Spivey  
Associate Planner

## **Narrative for the Tasting Room – application # CU07-24 (11/30/2007)**

### **Background**

The Tasting Room is located in a new shopping center at Vistancia Blvd and El Mirage that is anchored by a Safeway Store. This center will serve the Vistancia community which is a community of 3000 homes today and eventually will total 5000 homes. The makeup of the population is equally divided between Trilogy (a 55+ community) and Village A which has no age restriction. The demographics are considered to be upscale.

### **Business Model**

The Tasting Room will be a business that takes advantage of these upscale demographics and fits into the community. Our focus will be 85% retail sales and 15% wine and beer bar. The retail sales will be of fine wines, imported and artisanal cheeses, imported and micro-brewed beers, gourmet foods, desserts and assorted accessories. We will not carry any jug wines nor will we carry any domestic mainstream beer (i.e.; Budweiser, Miller, Coors, etc.) Our business plan is to offer a treasure hunt experience and feature items that are unique and/or hard to find and that will supplement the mainstream items sold by Safeway. We also have an exclusivity clause with the landlord for our concept within the development.

### **Physical Layout**

We plan an upscale environment which will include an 8 stool tasting bar with a small lounge area consisting of a love seat, two comfortable chairs and a fountain for ambience. Across the room there will be an 8 foot domed cheese display case, 3 foot domed dessert display case and assorted display shelves for hard cheeses, gourmet foods and accessories. Beyond the bar there will be a climate controlled wine cellar with super premium wines, retail wine racks with approximately 400 varieties of wine, 12 foot display case of chilled beer and water, and display space for additional gourmet foods and accessories.

### **Bar Operation**

The tasting bar that will sell flights of wine (three varieties - 1 to 1 ½ ounces each) or wine by the glass (4 to 5 ounces). We will feature specific wines in our flights along with a description of the wine, region, characteristics, etc. We will offer a white and a red flight daily and these same wines will also be available by the glass. Additionally we will have two taps and will offer two featured beers by the glass.

### **Hours of Operation and Management**

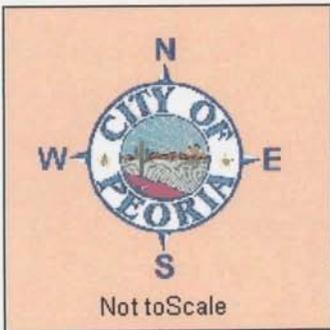
Monday – Saturday 10:00 a.m. – 10:00 p.m.

Sunday 12:00 p.m. – 8:00 p.m.

We are an LLC that is co-owned by two families and will be actively involved in the day to day management of the business.



# CU 07-24 Location Map



## CUP07-24 The Tasting Room

Applicant: Richard Arnold  
Request: Conditional Use Permit (CUP) to allow wine and beer tasting establishment.

**Exhibit B**





EL MIRAGE RD.

EL MIRAGE ROAD  
REVISIONS  
BY OTHERS

VISTANCIA BLVD

TWIN BUTTES WASH

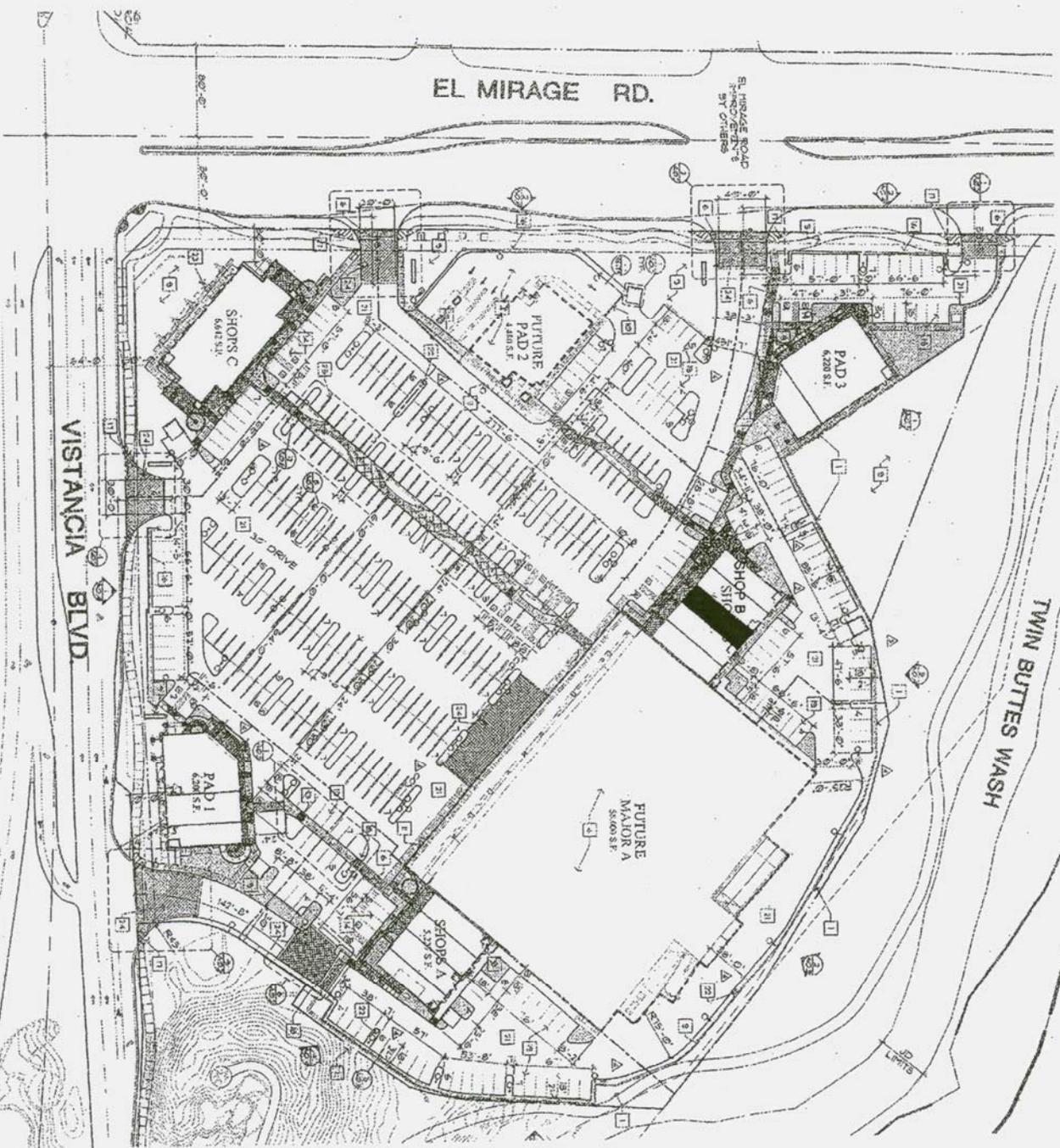
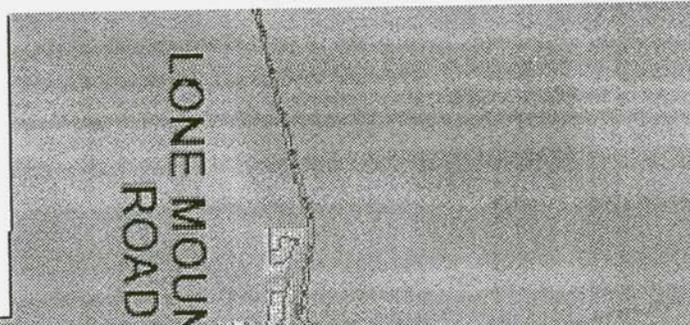


Exhibit D







# REPORT TO THE PLANNING AND ZONING COMMISSION- REZONING

**CASE NO.:** Z 07-01

**DATE:** January 17, 2008

**AGENDA ITEM NO.:** 4R

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**Applicant:** ABM Development (c/o Joseph Moon).

**Request:** Rezone approximately 5.05 gross acres from General Agricultural (AG) to Suburban Ranch (SR-35).

**Proposed Development:** Pinnacle Peak Subdivision The conceptual development plan (Exhibit E) references up to five (5) single-family residential lots (0.99 du/ac gross).

**Location:** The property is generally located at the southeast corner of 104<sup>th</sup> Avenue and Pinnacle Peak Road (Exhibits B-D).

**Site Acreage:** 5.05 gross acres

**Support /Opposition:** One (1) phone call has been received in opposition.

**Recommendation:** **Approve**, with stipulations.

## Existing and Surrounding Land Use and Zoning:

Z 07-01	LAND USE	ZONING
<b>Subject Property</b>	<b>Vacant</b>	<b>General Agricultural (AG)</b>
North	Single-Family Residential	Maricopa County Rural-43
East	Vacant	AG
West	Single Family Residential	Suburban Ranch (SR-35)
South	Single Family Residential	Planned Area Development (PAD)

### Background/Project Description:

1. The subject property is currently an undeveloped property located at the southeast corner of 104<sup>th</sup> Avenue and Pinnacle Peak Road, which is approximately one-third of a mile (1/3 mile) west of the intersection of Lake Pleasant Parkway and Pinnacle Peak Road (Exhibit B). The overall site size is approximately 5.05 gross acres with a current zoning designation of General Agriculture (AG). The applicant is requesting a rezone to the Suburban Ranch (SR-35) zoning district to allow for up to five (5) single-family residential lots, with a gross density of 0.99 du/ac and minimum proposed lot size of 35,041 sq.ft. (net). The applicant's narrative (Exhibit A) outlines a summary of the request.
2. Presently, access options are limited for this site due to the unimproved status of Pinnacle Peak Road west of the intersection with Lake Pleasant Parkway. Until such a time that Pinnacle Peak is fully improved, access to this site will be provided from 104<sup>th</sup> Avenue to a temporary asphalt roadway along Pinnacle Peak Road. Each lot will have frontage on Pinnacle Peak Road. Full improvements on 104<sup>th</sup> Avenue will be required by the developer.
3. The site is bisected by a significant wash traversing north to south that places portions of proposed Lots 3 and 4 within the 100 year floodplain. Development of Lot 3 will be prohibited until a time that the regional drainage pattern in this area is addressed.
4. During the platting stage, an 8' wide trail easement will be required to be established that will provide a connection from Pinnacle Peak Road to the existing trail in the Ironwood subdivision to the south. The location of the trail will be along the bank of the wash in either Lot 3 or 4, or a combination thereof. Construction of the trail will occur during the building permit stage.

### Conformance with the Peoria General Plan:

5. The Peoria General Plan designates this property for Estate Density Residential (ED). The ED designation has a density range of 0-2 dwelling units per acre (du/ac) with a target density of 1.0 du/ac. This designation promotes residential lots that provide sufficient open space and maintain an open environment. The development of this category may serve as a transitional land use buffer between areas of differing single-family densities. Typical corresponding zoning districts range from SR-43/35, R1-43, R1-35 and R1-18 (Peoria General Plan, page 14-13).
6. The applicant has proposed a zoning district (SR-35) that is consistent with the general character anticipated in the ED 0-2 designation. Additionally, the ultimate build-out of five (5) lots will yield a gross density of 0.99 units per acre, thereby conforming to the General Plan Land Use Map. Secondly, the proposed

zoning district and accompanying lot sizes will be compatible with the scale and character of adjacent single-family residential uses.

### Discussion / Analysis:

7. The application was routed internally and to external agencies including the Peoria Unified School District. The major comments from the reviewing agencies are summarized below. All other agency comments (Police, Community Services, Utilities, Fire) have been addressed.

### *Planning Division*

8. Residential properties in the area surrounding the subject site are zoned (County) Rural-43 (1du/ac), Suburban Ranch (SR-35), or PAD. Additionally, there are three adjacent parcels (to the immediate east, southeast and southwest) that are zoned AG. Rezoning to SR-35 brings the property into greater conformity with the neighboring properties in terms of applicable development standards and parcel size. The Ironwood subdivision directly to the south is zoned as a PAD and includes multiple lot sizes ranging from 6,000 sq.ft. lots near Williams Road to the south and transitioning to 35,000 sq.ft. lots at a point where the subdivision abuts the subject site. The current proposal will continue this established transition to blend with the 1+ acre residential lots north of Pinnacle Peak Road.
9. The Planning Division evaluated the proposal in terms of its conformance to the Peoria General Plan and the overall compatibility with surrounding land uses. The analysis addressed in paragraphs 5 and 7 demonstrates that the proposal does conform to General Plan land use designation of Estate density residential as well as to the surrounding area's character and land use. A rezoning of this site will allow it to be developed in a similar manner and character as the adjacent subdivisions and residential lots in the area.
10. The applicant held the required Citizen Participation Meeting with the surrounding residents on July 24, 2006. The comments were summarized and addressed in meeting minutes submitted to the City (Exhibit F). Notable issues at the meeting centered on the concern expressed for the requested zoning change from agriculture and the possible construction of two-story homes. As indicated in the preceding analysis, the requested zoning designation is in conformance with the underlying General Plan land use designation. The applicant has not chosen to self-stipulate to a one-story height limit.
11. City staff has received a phone call from an abutting property owner to the east protesting the application for the requested zoning category. The property owner is concerned that proposed lot sizes are too small for the area and should remain a minimum of five (5) acres in size.

12. Public notice was provided in the manner prescribed under Section 14-39-6. Additionally, the site was meeting the content and size requirements prescribed by the Zoning Ordinance on December 31, 2007. The posting was completed within the prescribed 15-days prior to the Public Hearing. The applicant has provided a photo exhibit and signed affidavit attesting to the posting.
13. The applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the rezoning application.

### *Development Engineering*

14. The developer will be required to dedicate 55' of half-street ROW along Pinnacle Peak Road and 30' of half-street along 104<sup>th</sup> Avenue. Due to the timing of ultimate build-out of Pinnacle Peak Road, the developer will either construct temporary asphalt pavement and sidewalk or pay an in lieu fee for future construction. The requirement will be decided at the final plat stage. The developer will be required to construct half-street improvements for 104<sup>th</sup> Avenue, including sidewalk.
15. As mentioned previously, the site is bisected by a significant drainage wash that will prevent the development of the middle lot (Lot #3 as shown on Exhibit E) until such time that a regional drainage solution removes the need for the wash on this site. Grading of Lot 4 to establish a building envelope located outside of the floodplain will be addressed through the grading and drainage plans to be submitted with the final plat.
16. Additional items, including water and sewer service, will be addressed through subdivision process.

### Findings / Recommendation:

16. Based on the following findings:
  - The proposed rezone conforms to and advances the Peoria General Plan and Land Use Map; and
  - The development character and density is compatible with the abutting and surrounding developments.

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

**Recommend approval to the City Council of Z 07-01, subject to the following stipulation:**

1. At the time of Final Plat, the Developer shall provide an 8' trail easement, located along the bank of the wash, connecting Pinnacle Peak Road to the Ironwood subdivision trail to the south.
2. Prior to the final of any residential building permit on the subject site, the Developer shall construct and improve the 8' trail with a decomposed granite base material.
3. The Developer shall dedicate 55-foot half-street ROW along Pinnacle Peak and 30-foot half-street ROW along 104<sup>th</sup> along the frontage of the project.
4. The Developer shall dedicate an 8' PUE outside of the required ROW on Pinnacle Peak and 104<sup>th</sup>. No walls or retention shall be allowed within the PUE.
5. The Developer shall construct the half-street for 104<sup>th</sup> Avenue including a 5-foot sidewalk.
6. The Developer shall construct temporary pavement and a temporary asphalt sidewalk on Pinnacle Peak Road or pay an in lieu fee that will be used for the future Pinnacle Peak Road construction project. This will be determined at the time of Final Plat.
7. The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at the intersection of 104<sup>th</sup> and Pinnacle Peak.
8. A Final Drainage Report must be submitted with the improvement plans. Each individual lot shall provide on lot retention for the 100-year 2-hour storm event. All basins shall be within a dedicated drainage easement and shall include an access easement for the City to inspect and maintain in the event the homeowner fails to maintain the retention area.
9. Lot 3, as represented on the conceptual development plan, cannot be built on until such time as a regional drainage solution removes the wash from the parcel. This shall be indicated on the final plat.
10. The sewer system shall be designed so that it may sewer the lots east of the wash, this may require the sewer to be slurry sealed within the wash limits. If the sewer cannot function as gravity, then septic will be permitted.
11. The developer must construct a 16-inch waterline in Pinnacle Peak Road along the frontage of the project per the City Water Master Plan.
12. Based on the actual fire flows, the 16-inch water line may need to be extended off-site to provide a looped system. The fire flow and water model shall be submitted with the Final Plat and improvement plans.
13. The developer shall extend the 8-inch sewer and 8-inch water line in 104<sup>th</sup> Avenue along the frontage of the property.
14. A Phase 1 Environmental Clearance will be required for all right-of-way to be dedicated to the City.
15. The Developer is responsible to provide an Agreement to Install Improvement for the public improvements required by the development with an accompanying financial assurance for subdivision improvements in accordance with City's requirements.
16. The preservative seal required for the new streets shall be applied 1-year after completion of the streets. A fee to cover this cost will be required at the time of the paving permit. The City will determine the amount at the time of permit issuance.

17. All flood plains, floodways, and erosion hazard setback areas must be shown on the final plat.
18. The Development will be responsible to comply with the phase 2 AZPDES Storm Water Pollution Prevention criteria. This should include runoff control, erosion control, and sediment control. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with the improvement plans in accordance with the SWPPP checklist.
19. Prior to Final Plat recordation, the applicant shall obtain approval of final grading, drainage, utilities, and paving plans in conjunction with a Final Drainage Report. These final plans and report shall be in conformance with the approved preliminary plans and report. The Final Plat shall be submitted with the first submittal of the improvement plans. The Final Plat shall be approved prior to permits being issued for the site.

### Attachments:

Exhibit A	Application Narrative
Exhibit B	Location Map
Exhibit C	General Plan Map
Exhibit D	Zoning Map
Exhibit E	Conceptual Development Plan
Exhibit F	Citizen Participation Meeting Minutes

Prepared by:            Robert Gubser, AICP  
Senior Planner

**Narrative Statement/Project Justification**  
**November 20, 2007**  
**Z07-01 Pinnacle Peak Subdivision**

Attach a narrative statement which addresses the following questions. Additional information pertaining to the request may also be included, as appropriate. This information is requested to provide the staff, Commission and Council with the information necessary to fully evaluate the rezoning and development proposal.

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

*The project will be developed with custom single family dwellings. Each site will be custom graded to take into account the existing terrain and native vegetation. The applicant is also proposing to subdivide the property into 5 lots with each lot containing approximately 35,000 square feet.*

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 proposed rezoning will be consistent with the Peoria Land Use Plan and the General Plan by creating minimal lot sizes of approximately 35,000 square feet. The 35,000 square foot lot sizes will help achieve the goals and policies of maintaining an open and rural lifestyle for the properties adjacent to the north and the similar sized properties to the south and west.*

*The objectives of the General Plan are being met by offering a variety of lot sizes to meet the needs of the City of Peoria. In addition the lot sizes are compatible with the 1-acre properties to the north that are within the unincorporated portion of Maricopa County.*

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

*The proposal is consistent with the City of Peoria General Plan and meets the following policy objectives:*

*Objective 2.1.B:*

*Provide a diversity of housing types to meet the needs of persons of all income levels and ages.*

*Policy 2.1.B.1:*

*The City shall zone an adequate supply and mix of developable residential land to accommodate future housing needs.*

*Objective 2.1.C:*

*Create high-quality residential environments that provide for safe and convenient vehicular circulation, open space and recreational opportunities, access to public schools and services and protection from incompatible land uses.*

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 property is vacant and the current zoning is AG, Agricultural. The applicant is proposing to rezone the site to SF-35 to accommodate single family residential development. The surrounding properties both within the City of Peoria as well as in the adjacent unincorporated portion of Maricopa County are developing with single family homes on similar sized lots. There is no agricultural production or livestock on any of the adjacent properties; therefore the current AG zoning designation is not appropriate.*

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

*The unique design considerations, beyond the Zoning Ordinance requirements, which create compatibility between the proposed use and adjoining developments, include custom lot grading and custom home development. The site will be developed with large single family homes that will enhance and compliment the surrounding developments.*

*In addition, as previously mentioned, the lot sizes are compatible with the 1-acre properties to the north that are within the unincorporated portion of Maricopa County and the similar sized properties to the south and west.*

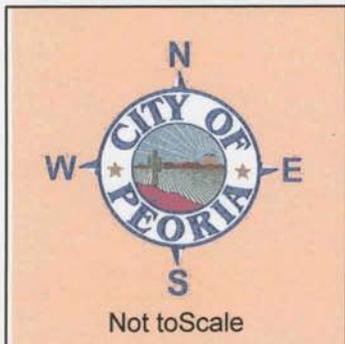
6. Provide general site information and describe unusual physical features or characteristics of the site which present opportunities or constraints for development.

*The site is traversed by two minor washes that flow from the north property line through lots 3 and 4 and into the Ironwood Subdivision to the south. A drainage study has been prepared by Cano Engineering to address the drainage and potential grading for the site. Lot 3 is the most impacted by the existing washes. The applicant is proposing to subdivide the property into 5 lots with immediate development of lots 1, 2, 4 & 5. Lot 3 is proposed to be developed after future Maricopa County drainage improvements are made that may eliminate the washes.*

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*As previously mentioned the all of the lots contain in excess of 35,000 square feet and therefore provide ample area for future development with the proposed delineation of the wash.*

# LOCATION MAP

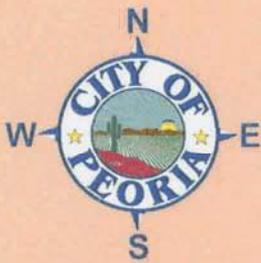
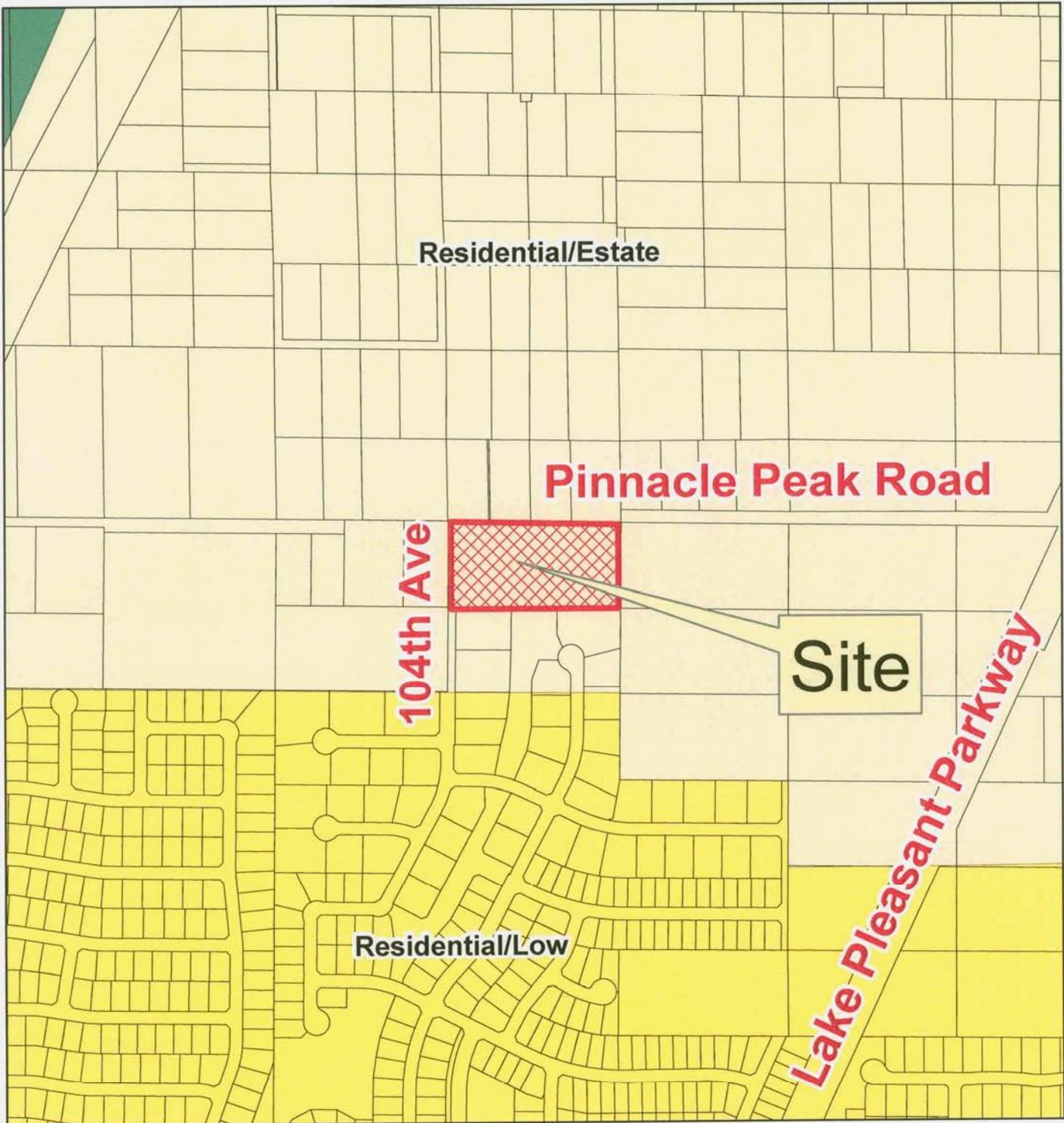


## Z 07-01: Pinnacle Peak Subdivision

Request: Rezone approximately 5.05 acres from General Agriculture (AG) to Suburban Ranch (SR-35) to permit up to 5 single-family residential lots.

**Exhibit B**

# General Plan Land Use



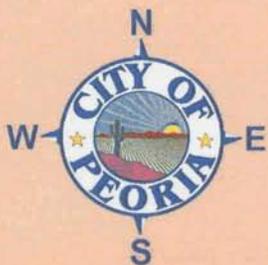
Not to Scale

## Z 07-01: Pinnacle Peak Subdivision

**Request:** Rezone approximately 5.05 acres from General Agriculture (AG) to Suburban Ranch (SR-35) to permit up to 5 single-family residential lots.

### Exhibit C

# EXISTING ZONING



Not to Scale

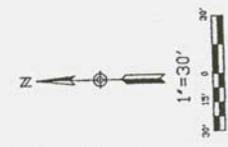
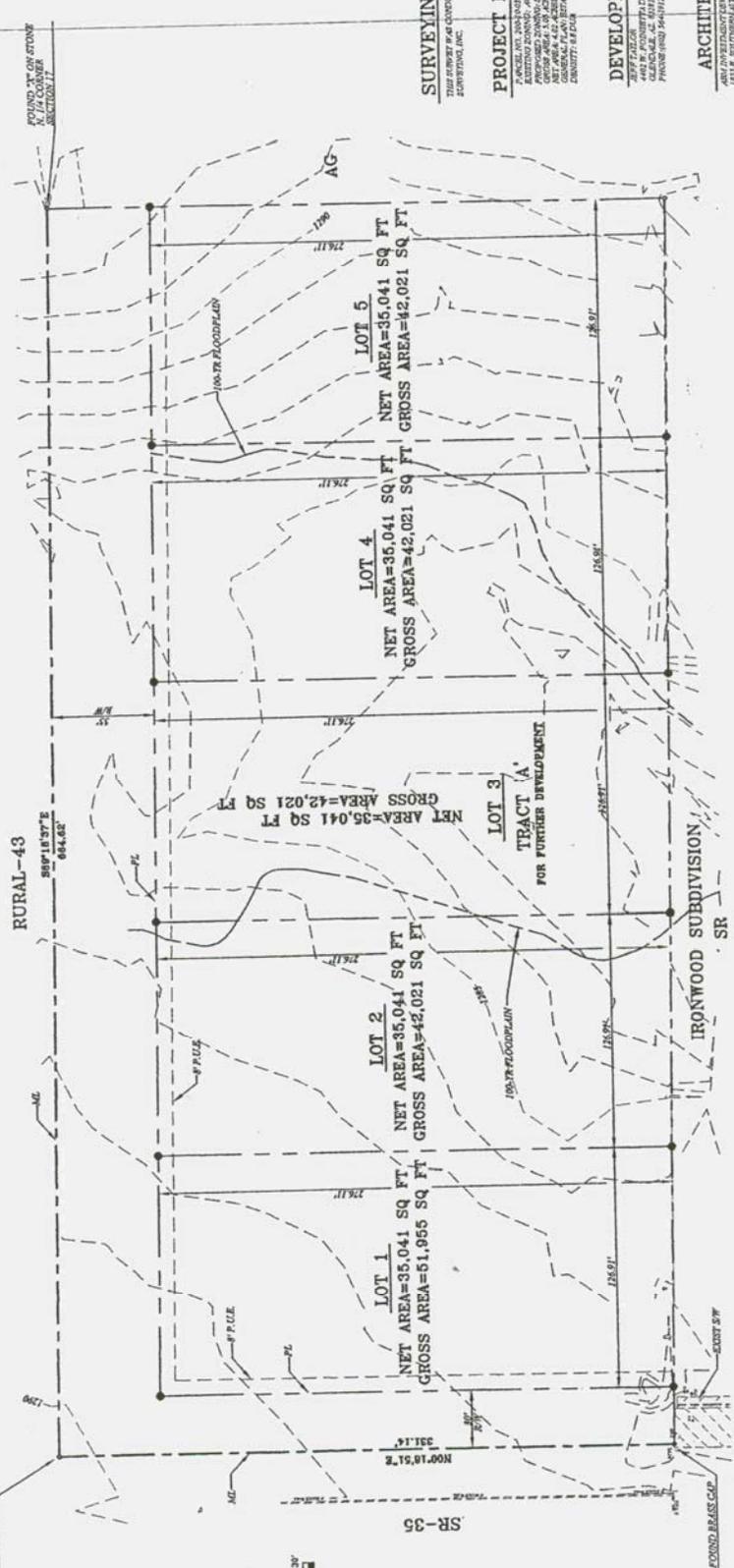
## Z 07-01: Pinnacle Peak Subdivision

Request: Rezone approximately 5.05 acres from General Agriculture (AG) to Suburban Ranch (SR-35) to permit up to 5 single-family residential lots.

### Exhibit D



# PINNACLE PEAK SUBDIVISION MINOR SUBDIVISION



NOT FOR CONSTRUCTION

**SURVEYING NOTE**  
THIS DRAWING WAS CONDUCTED BY MILLER LAND SURVEYING, INC.

**PROJECT DATA**  
PARCEL NO. 00000001  
SUBDIVISION PINNACLE PEAK  
OWNER PINNACLE PEAK SUBDIVISION  
OWNER'S ADDRESS 10000 N. 10TH AVENUE  
PHOENIX, AZ 85028

**DEVELOPER**  
PINNACLE PEAK SUBDIVISION  
10000 N. 10TH AVENUE  
PHOENIX, AZ 85028

**ARCHITECT**  
MILLER LAND SURVEYING, INC.  
10000 N. 10TH AVENUE  
PHOENIX, AZ 85028

**CANO INTERNATIONAL CONSULTANTS, INC.**  
CANO INTERNATIONAL CONSULTANTS, INC.  
INTERNATIONAL CONSULTANTS, INC.  
7015 S. 28RD LANE, PHOENIX, AZ 85041 (602) 243-9977, michael.cano@cano.com

Assigned	J.L.C.
Drafted	J.L.C.
Checked	J.L.C.
Drawn	J.L.C.

Job no.	263-1100
Date	11/2007
Scale	
Sheet	SR-1 of 3

MINUTES OF THE NEIGHBORHOOD MEETING FOR SEC 104<sup>TH</sup> AVE &  
PINNACLE PEAK RD

The meeting was held on Monday, July 24, 2006. The meeting place was the Sunrise Mountain High School Library located at 21200 North 83<sup>rd</sup> Avenue in Peoria, in Presentation Room 1.

The meeting began at 6:00 pm. There were approximately 9 people in attendance. Mr. Dan Wiersig, members of the Born Family, Mr. Jeff Taylor, (owner of property) Mr. Danny Webb, Mr. Lyle Bare, Mrs. Vonda Culp, Mr. Joseph Moon (ABM Development) Mr. Gregory Arrington (ABM Development) and Ms. Tanya Castro (ABM Development).

A brief presentation was made by Mr. Moon. He gave an overview of the planning process and the steps that would be taken to rezone and plat the property. There was discussion regarding the wash adjacent to the property. Mr. Moon explained that a future CIP project would address the issue of the wash. There was concern from adjacent property owners that they were told that the subject property would always be zoned AG. Mr. Moon explained that the zoning district that was being requested for the site was consistent with the Peoria General Plan. There was also concern expressed by some of the neighbors that there would be 2 story homes constructed on the site. Mrs. Vonda Culp felt that the project would be consistent with existing development and expressed her support for the project.

The meeting adjourned at 7:30 pm.