



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

**PLANNING & ZONING COMMISSION
REGULAR MEETING
NOTICE & AGENDA
THURSDAY, FEBRUARY 19, 2009
6:30 P.M.
COUNCIL CHAMBERS
8401 W. MONROE ST.**

**PLANNING & ZONING
COMMISSION:**

Veda McFarland, Chair
Marc Melbo, Vice Chair
Bill Louis, Secretary
Greg Loper
John Gerard
Nancy Golden
Michael Worlton
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/excuse the absences of Commissioners Loper and Worlton from the February 5, 2009 meeting.
- 2C MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held February 5, 2009.

REGULAR AGENDA

NEW BUSINESS:

3R PUBLIC HEARING: RE: Conditional Use Permit.

PUBLIC HEARING – CU08-13: Tait and Associates on behalf of Fry's is requesting a Conditional Use Permit for a Fry's Gas Station on property zoned C-2 (Intermediate Commercial). The site is generally located south of the southwest corner of 83rd Avenue and Deer Valley Road.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request from Tait and Associates for a Conditional Use Permit to allow a Fry's Gas Station on property zoned C-2 (Intermediate Commercial).

4R PUBLIC HEARING: RE: Minor General Plan Land Use Amendment.

PUBLIC HEARING – GPA08-06: World Gospel Mission is requesting a minor amendment to the Peoria General Plan Land Use designation for approximately 5 gross acres from Residential Estate (0-2 du/ac, target of 1 du/ac) to Neighborhood Commercial.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request from the World Gospel Mission to amend the Peoria General Plan Land Use designation for approximately 5 gross acres from Residential Estate to Neighborhood Commercial.

5R PUBLIC HEARING: RE: Rezone property from Suburban Ranch to Planned Area Development.

PUBLIC HEARING – Z06-18: World Gospel Mission is requesting to rezone approximately 5 gross acres from Suburban Ranch (SR-43) to Planned Area Development (PAD) for the purpose of future commercial development.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request from the World Gospel Mission to rezone approximately 5 gross acres from

Suburban Ranch (SR-43) to Planned Area Development (PAD) for the purpose of future commercial development.

6R PUBLIC HEARING: RE: Amendment to an existing Planned Community District.

PUBLIC HEARING – Z98-09A.9: Copper Hills Community Church is requesting to amend the Westwing Planned Community District (PCD) to amend the setback requirements on the north and east property lines to 0 feet, and to increase the building height limitation from 28 feet to 32 and 40 feet for specified portions of the site.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request from the Copper Hills Community Church to amend the Westwing Planned Community District (PCD) to amend the setback requirements on the north and east property lines to 0 feet, and to increase the building height limitation from 28 feet to 32 and 40 feet for specified portions of the site.

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: _____

**DRAFT
PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
FEBRUARY 5, 2009**

A **Regular Meeting** of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 8401 W. Monroe Street, Peoria, AZ in open and public session at 6:30 p.m.

Members Present: Chairman Veda McFarland, Vice Chair Marc Melbo, Commissioners Bill Louis, Nancy Golden, John Gerard, and Alternate Anne Wojcik.

Members Absent: Commissioners Michael Worlton and Greg Loper.

Others Present: Ellen Van Riper, Assistant City Attorney, Chris Jacques, Planning Manager, Monique Spivey, Associate Planner, Melissa Sigmund, Planning Technician, and Bev Parcels, Planning Assistant.

Opening Statement: Read by Chris Jacques, Planning Manager.

Final call for speaker request forms.

Audience: Eight.

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

CONSENT AGENDA

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

- 1C **DISPOSITION OF ABSENCE:** Approve/excuse the absences of Commissioners Gerard and Worlton from the January 15, 2009 meeting.
- 2C **MINUTES:** Approve the minutes of the Regular Meeting held January 15, 2009.
- 3C **CU07-27:** Robert Kubicek Architects & Associates on behalf of Full Circle Auto Wash requested approval of a Conditional Use Permit to allow the operation of a full service auto wash facility within an Intermediate Commercial (C-2) zoned property. The site is located north of the northwest corner of 91st Avenue and Peoria Avenue.

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

REGULAR AGENDA

NEW BUSINESS, PUBLIC HEARINGS and/or ACTION:

- 4C **CU08-33:** Meram Building Company on behalf of Meineke requested approval of a Conditional Use Permit to allow the operation of an automotive repair facility within an

Intermediate Commercial (C-2) zoned property. The site is located on the northwest corner of 95th Avenue and Olive Avenue.

STAFF REPORT: Presented by Monique Spivey, Associate Planner.

PUBLIC COMMENT:

██████████ spoke on behalf of the homeowners association to the north of the property and stated their concern for the noise and visual impact that the business would have on the neighborhood. He asked about the time frame of the church to be built between the residential subdivision and the Meineke.

Staff responded to his questions and several other items brought up by the Commission members relating to the area that was noticed publicly and making the site visually pleasing until the church is built.

COMMISSION ACTION: Commissioner Gerard moved to recommend to the City Council approval of Case CU08-33, to grant a Conditional Use Permit to Meineke to operate an automotive repair facility within an Intermediate Commercial (C-2) zoned property under staff's stipulations. Vice Chair Melbo seconded the motion, and upon vote, carried unanimously.

- 5R** **PUBLIC HEARING – HP08-01:** The City of Peoria requested to establish Historic Landmark Designation with Historic Preservation Overlay Zoning for the Peoria Jail House, located at the northeast corner of 83rd Drive and Washington Street within Osuna Park.

STAFF REPORT: Presented by Melissa Sigmund, Planning Technician.

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Gerard moved to recommend to the City Council approval of Case HP08-01, for the City of Peoria to establish Historic Landmark Designation with Historic Preservation Overlay Zoning for the Peoria Jail House, located at the northeast corner of 83rd Drive and Washington Street within Osuna Park. Commissioner Louis seconded the motion, and upon vote, carried unanimously.

- 6R** **PUBLIC HEARING – HP08-03:** The City of Peoria requested to establish Historic Landmark Designation with Historic Preservation Overlay Zoning for the Peoria First Presbyterian Church. The church building is generally located at the southwest corner of 83rd Avenue and Madison Street.

STAFF REPORT: Presented by Melissa Sigmund, Planning Technician.

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Gerard moved to recommend to the City Council approval of Case HP08-03, for the City of Peoria to establish Historic Landmark

Designation with Historic Preservation Overlay Zoning for the Peoria First Presbyterian Church, located at the southwest corner of 83rd Avenue and Madison Street. Commissioner Louis seconded the motion, and upon vote, carried unanimously.

7R PUBLIC HEARING – HP08-04: The City of Peoria requested to establish Historic Landmark Designation with Historic Preservation Overlay Zoning for the Peoria Woman's Club building. The building is generally located at the southeast corner of 84th Avenue and Jefferson Street.

STAFF REPORT: Presented by Melissa Sigmund, Planning Technician.

Vice Chair Melbo asked about the Historic Overlay and what it means in terms of changes to the building in the future. Staff responded that the overlay protects the building character and integrity from any exterior changes until a Certificate of Appropriateness is approved by the Historic Preservation Commission.

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Louis moved to recommend to the City Council approval of Case HP08-04, for the City of Peoria to establish Historic Landmark Designation with Historic Preservation Overlay Zoning for the Peoria Woman's Club building, located at the southeast corner of 84th Avenue and Jefferson Street. Commissioner Gerard seconded the motion, and upon vote, carried unanimously.

CALL TO THE PUBLIC: (Non-agenda Items): None

REPORT FROM STAFF: None

REPORTS FROM THE PLANNING AND ZONING COMMISSION:

Alternate Wojcik discussed the possibility of developing a Slum Ordinance for Peoria like other valley cities have done. She requested the item be placed on the next agenda and that the City take this item seriously.

Chris Jacques asked Legal Council for clarification on protocol as the requested Ordinance would not be administered through the Zoning Ordinance or within the purview of the Planning and Zoning Commission.

Ellen Van Riper, Assistant City Attorney, stated that the Ordinance requested would be a City Code issue and would need to be initiated by the Council or senior level management as a directive to staff to be taken before the City Council for discussion.

ADJOURNMENT: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 7:04 p.m.

Veda McFarland, Chair

Date Signed

REPORT TO THE PLANNING AND ZONING COMMISSION- CONDITIONAL USE PERMIT

CASE NO.: CU08-13

DATE: February 19, 2009

AGENDA ITEM NO.: 3R

Applicant: [REDACTED] Tait and Associates, on the behalf of Fry's Food Stores of Arizona

Request: Approval of a Conditional Use Permit to allow the operation of Fry's Gas Station on property zoned Intermediate Commercial (C-2) District. (XREF: Site Plan, PR08-13)

Proposed Development: The development proposes a 7 pump (14 total dispensers) gas station and 176 sq ft kiosk.

Location: The site is located south of the southwest corner of 83rd Avenue and Deer Valley Road.

Site Acreage: Approximately 0.6 acre pad within a 10 acre shopping center.

Support /Opposition: Staff has received a signed petition against the proposed gas station (Exhibit F). The petition was signed by a number of nearby homeowners located to the southwest, south, and east of the development. The petition was submitted in August 2008.

Recommendation: **Approve**, with stipulations.

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

1.

	LAND USE	ZONING
Subject Property	Fry's Food Shopping Center	Intermediate Commercial (C-2)
North	Gas Station/Restaurant (Circle K / McDonalds)	Intermediate Commercial (C-2)
West	Silverton Subdivision (west of Fry's)	S.F. Residential (R1-10, R1-12)
South	Sunrise at Desert Mtn. Subdivision	S.F. Residential PAD
East	Fletcher Heights Subdivision	S.F. Residential PAD

Project Description:

2. Fry's Food is proposing a gas station with 7 pumps (14 dispensers) to be located on an outlot of approximately 0.6 acres along 83rd Avenue. The gas station kiosk will be staffed 6 AM to 10 PM daily for cash and credit transactions. Pay-at-the-pump services will be available 24-hours a day. The gas station will be designed to be consistent with the architecture, colors, and materials of the existing Fry's Food Shopping Center. The underground tanks are located on the north portion of the gas station site. To reduce lighting impacts on the adjacent residences, the applicant has agreed to prohibit signage on the south facing canopy fascia. Although not part of this review, the gas station may provide a monument sign in accordance with Article 14-34 (Signs) of the Zoning Code.
3. The site is currently developed with a shopping center anchored by a Fry's Food grocery store. Other uses on this corner include in-line retail shops, a drive-thru restaurant (Sonic), and a combined Circle K gas station/McDonalds restaurant. To the east are developed single-family residential properties within Fletcher Heights; to the south are developed single-family residential properties within Sunrise at Desert Mountain; and to the west are developed single-family residential properties within Silverton. The proposed gas station is located approximately 160 feet away from the nearest residences which are located south of the project.

Land Use Background:

Application History

4. The subject property was rezoned from Agricultural (AG) District to Intermediate Commercial (C-2) District in 1990 by Ordinance 90-49. Subsequently in 2001, a site plan was approved for the construction of the Fry's Food Shopping Center. In addition to the grocery store and retail buildings, the site plan established the subject outlot at the southeast corner of the site along 83rd Avenue.

Discussion / Analysis:

5. Article 14-9-5.A.5 of the Zoning Ordinance provides specific review criteria to mitigate the impacts of a gas service station. The criteria require the station to observe greater setbacks than the zoning district minimums, maintain a minimum of 180-feet of street frontage and provide a protective canopy over the gas pumps. The proposed gas station meets and exceeds those requirements.
6. As a Conditional Use, the gas station is also subject to Article 14-39-10.D which outlines the applicable criteria for evaluating Conditional Use Permits (CUP). In general, the purpose of a CUP is to mitigate any identified impacts arising from a specific use on the surrounding neighborhood and provide controls to ensure maximum compatibility.

7. Gas stations can generate numerous impacts and if not properly mitigated, the impacts can significantly reduce the quality of life of nearby residents. Land Use Objective 2.1.D and Policy 2.1.H.3 of the General Plan promote the use of regulatory measures to resolve conflicts between incompatible uses. Noise, light, and odor are the principal gas station impacts which must be addressed.

The proposal addresses the above noted impacts through the implementation of landscaping, screening, store hours, lighting controls, and most significantly by locating the gas station approximately 160 feet from the nearest residential property.

The applicant is proposing a 20-foot wide landscaping area adjacent to the south edge of the gas pump canopy. Additionally, the applicant will supplement the existing landscaping buffer on the south property line with additional, appropriately sized plantings. The landscaping will improve the aesthetics of the site and aid in obscuration of light, vehicles, and to a lesser extent noise and odor resulting from the use.

Lighting. All fixtures will be flush-mounted and recessed on the underside of the canopy. Additionally, the canopy fascia will extend 12 inches below the underside of the canopy to screen the light sources. The applicant has provided a photometric plan which indicates that light generated by the gas station will not fall on the adjacent residential properties.

Odor. Gas stations are required by the Maricopa County Air Quality Department to meet stringent requirements for odor and pollution control. Staff believes that the air quality regulations coupled with the location of the gas station will reduce the impacts of vehicle and gas pump odor on the adjacent residential properties.

Noise. Although the operation of the gas station itself does not generate significant noise, customer and delivery vehicles bring engine noise and potentially loud music. An existing 6-foot tall masonry wall located on the south property line will deaden much of the noise. In addition to reducing noise impacts, the existing wall will significantly temper the light and odor produced by the gas station.

In staff's opinion, the above measures satisfy the Conditional Use Permit review criteria.

8. The applicant has also entered into an agreement with the Sunrise at Desert Mountain subdivision. The agreement provides additional operational standards for the Fry's Food shopping center and gas station in order to lessen the existing and future impacts. The agreement is attached as "Exhibit E" and is incorporated as a condition of approval. Despite the agreement, it is noted that as of the date of this writing staff has not received a request to negate the

petition against the gas station.

9. Engineering, Fire, Police, and Parks did not provide any comments or conditions regarding the conditional use permit.

Public Notice

10. Public notice was provided in the manner prescribed under Article 14-39-6. Additionally, the site was posted with a sign meeting the content and size requirements prescribed by the Planning Division on February 4, 2009. 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.

Proposition 207 Waiver

11. The applicant has submitted a signed and notarized Proposition 207 waiver, which will be recorded with the conditions contained herein.

Findings / Recommendation:

12. Based on the following findings:
 - The project meets the gas service station criteria under Article 14-9-5.A.5;
 - The project has demonstrated mitigation of light, noise, and odor impacts which meets the Conditional Use Permit criteria under Article 14-39-10.D;
 - The applicant has entered into an agreement with nearby residential property owners to further reduce impacts generated by the gas station and associated shopping center;
 - The application notice was forwarded to all property owners within 300 feet of the proposal in accordance with Article 14-39-10 of the Peoria Zoning Ordinance.
 - The request is consistent with uses permitted in the Intermediate Commercial (C-2) zoning district.
 - The applicant has submitted signed and notarized a Proposition 207 waiver, which will be recorded with the conditions outlined below;

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

Approve CU08-13, subject to the following conditions:

1. The development shall substantially conform to Exhibit A (narrative), and Exhibit C (site plan) as contained in the staff report to the Planning and Zoning Commission dated February 19, 2009.
2. In accordance with Article 14-39-10.B.5 of the City of Peoria Zoning Ordinance (1977 Edition), a building permit must be obtained within 18 months of the date of Conditional Use Permit approval.
3. The gas station kiosk hours of operation shall be limited to 6 AM to 10 PM daily. 24-hour pay-at-the-pump use is permitted.

4. The gas pump canopy fascia shall extend 12-inches below the underside/ceiling of the canopy to shield light sources and all lighting shall fully comply with Article 14-3-2.F of the Zoning Code.
5. The development shall be subject to the stipulations within the "Fry's Stipulation Agreement".(Exhibit E)

Attachments:

Exhibit A	Narrative
Exhibit B	Vicinity Map
Exhibit C	Zoning Map
Exhibit D	Site Plan
Exhibit E	Fry's Stipulation Agreement
Exhibit F	Petition to Deny CU08-13 & PR08-13

Prepared by: Ed Boik
Planner

1. Purpose of Request

The purpose of this request is to obtain approval of the Planning Division for a Design Review Board approval to operate a fueling station with in the City of Peoria on a parcel located in front of the approved Fry's Marketplace Store.

2. Description of Proposal

The proposed use will be a seven multi product dispenser, 14 nozzle fueling station covered by a 43' x 126' (5,418 S.F.) prefabricated canopy. There will be an 8' x 22' (176 S.F.) prefabricated kiosk with single restroom. Air and water service is included in the proposed development. This facility will be operated and managed by personnel from the existing Fry's grocery store. It will essentially function as an accessory use to the existing grocery store.

3. Relationship to Surrounding Properties

The proposed use is compatible with the surrounding area to the north in that it is commercial in nature. The other surrounding properties consist of residential areas. This fueling station will provide a service to these surrounding neighbors by conveniently allowing those who live, work and play in the area the ease of fueling their respective vehicles in their own neighborhoods. The proposed location for this use is appropriately placed fronting a primary arterial street within the existing shopping center.

Location	Zoning	Current/Proposed Use
North	C-2	Commercial
East	PAD	Residential
South	PAD	Residential
West	R1-10 and R1-12	Residential

4. Location and Accessibility

All of the off-site improvements are currently in place, thus there are no proposed off-site improvements. The site is located with in the existing Frys Marketplace shopping center development with off site access provided by N. 83rd Ave.

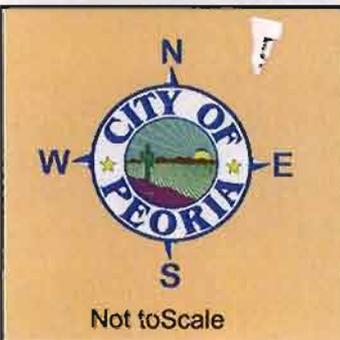
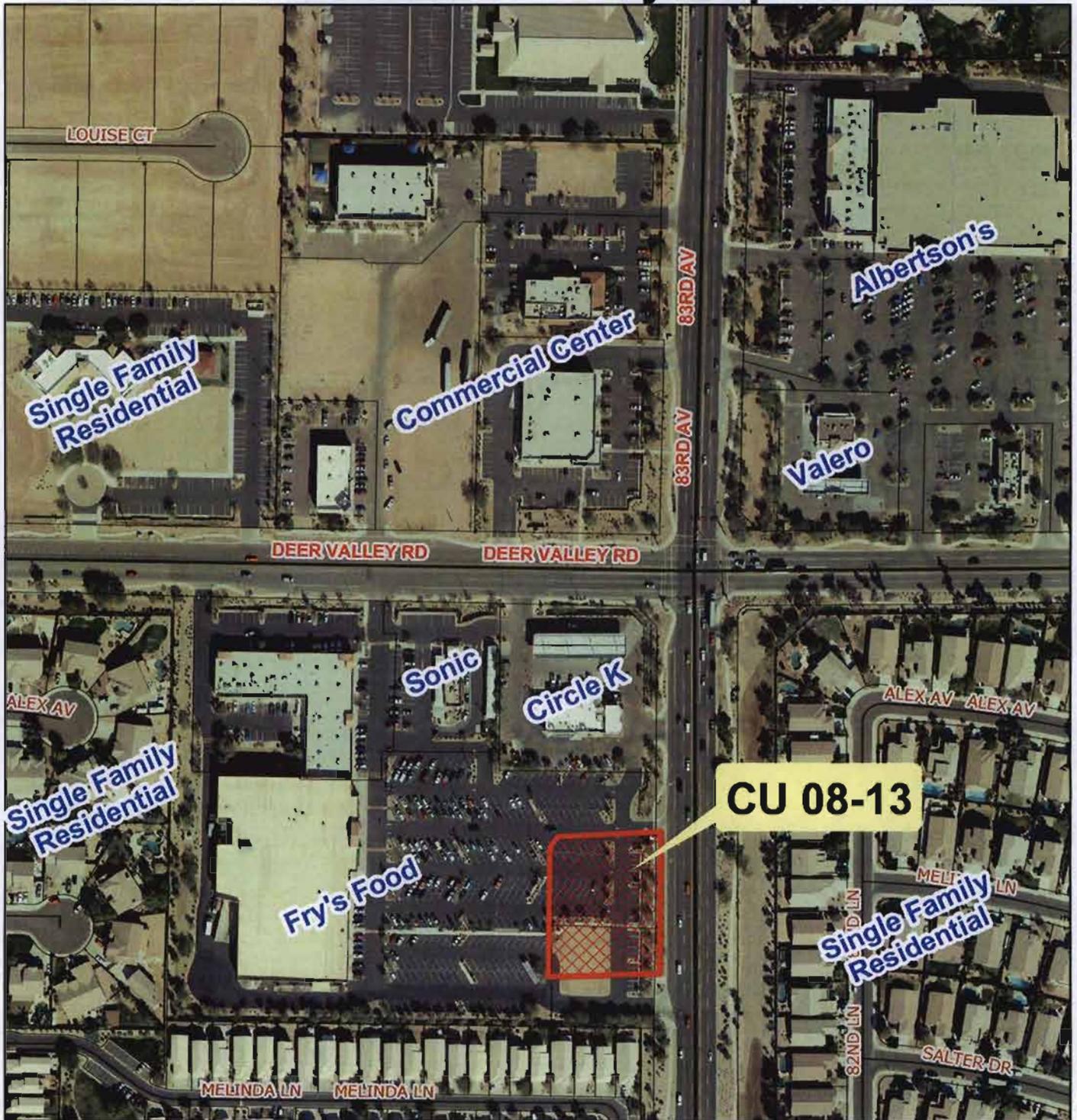
5. Circulation System

The fueling station has been design for optimum accessibility concerning the tankers needs to service the station. As shown the tanker is able to enter the site from N. 83rd Ave and upon exiting, exit the same way without having to completely access the balance of the Marketplace. This assists in the traffic control within the shopping center.

6. Health and Safety Issues

The installation, storage and dispensing of petroleum products will comply with all applicable local, county, state and federal laws and regulations. The facility will also be designed to meet all prevailing building codes and environmental regulations.

CU 08-13 Vicinity Map



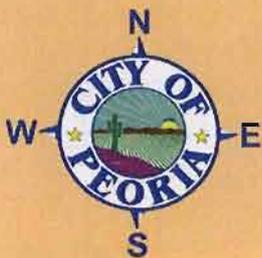
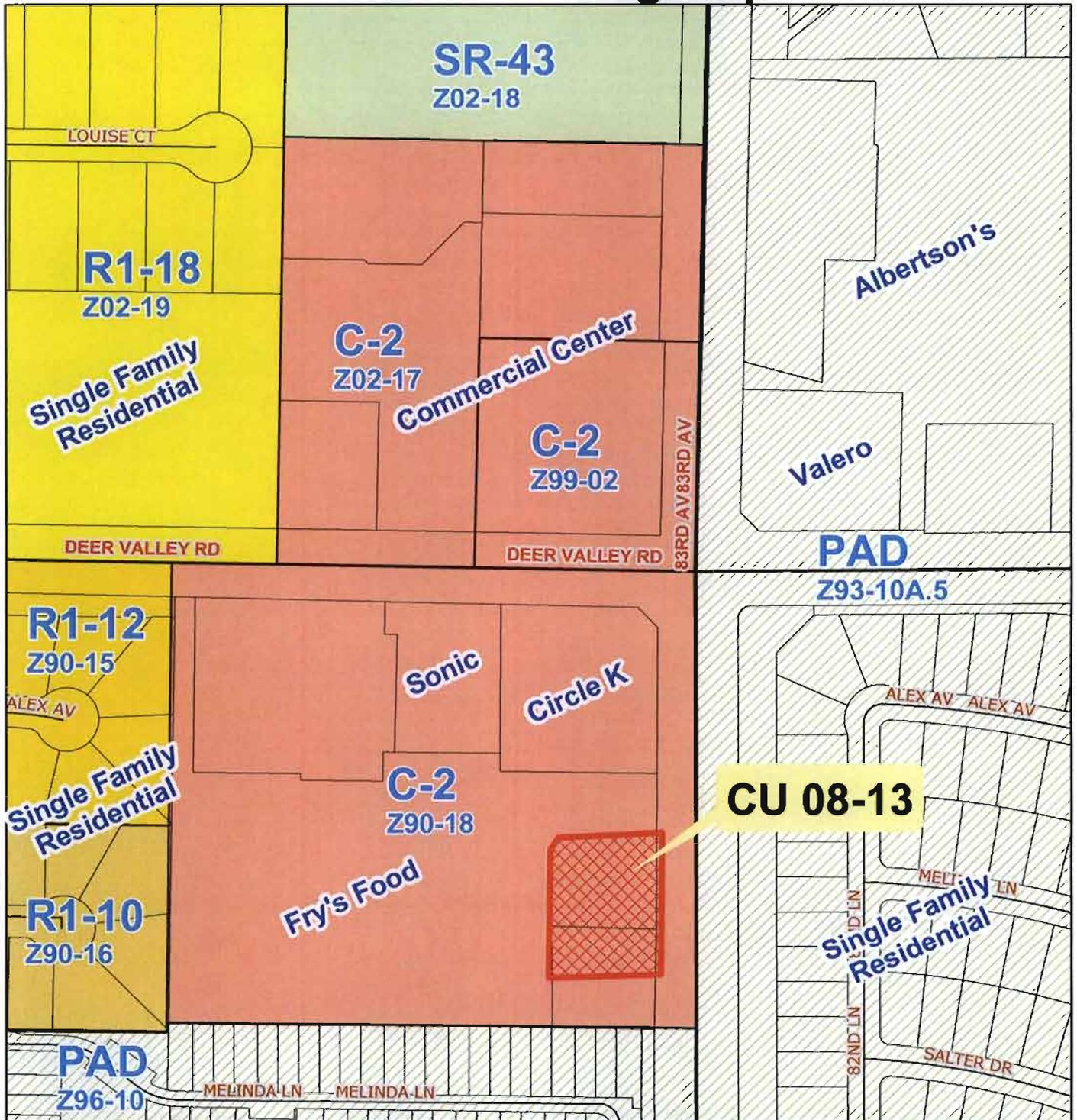
CU 08-13 Fry's Gas Station

S/O SWC 83rd Avenue and Deer Valley Road

Request for a Conditional Use Permit (CUP) to allow a gas station.

Exhibit B

CU 08-13 Zoning Map



Not to Scale

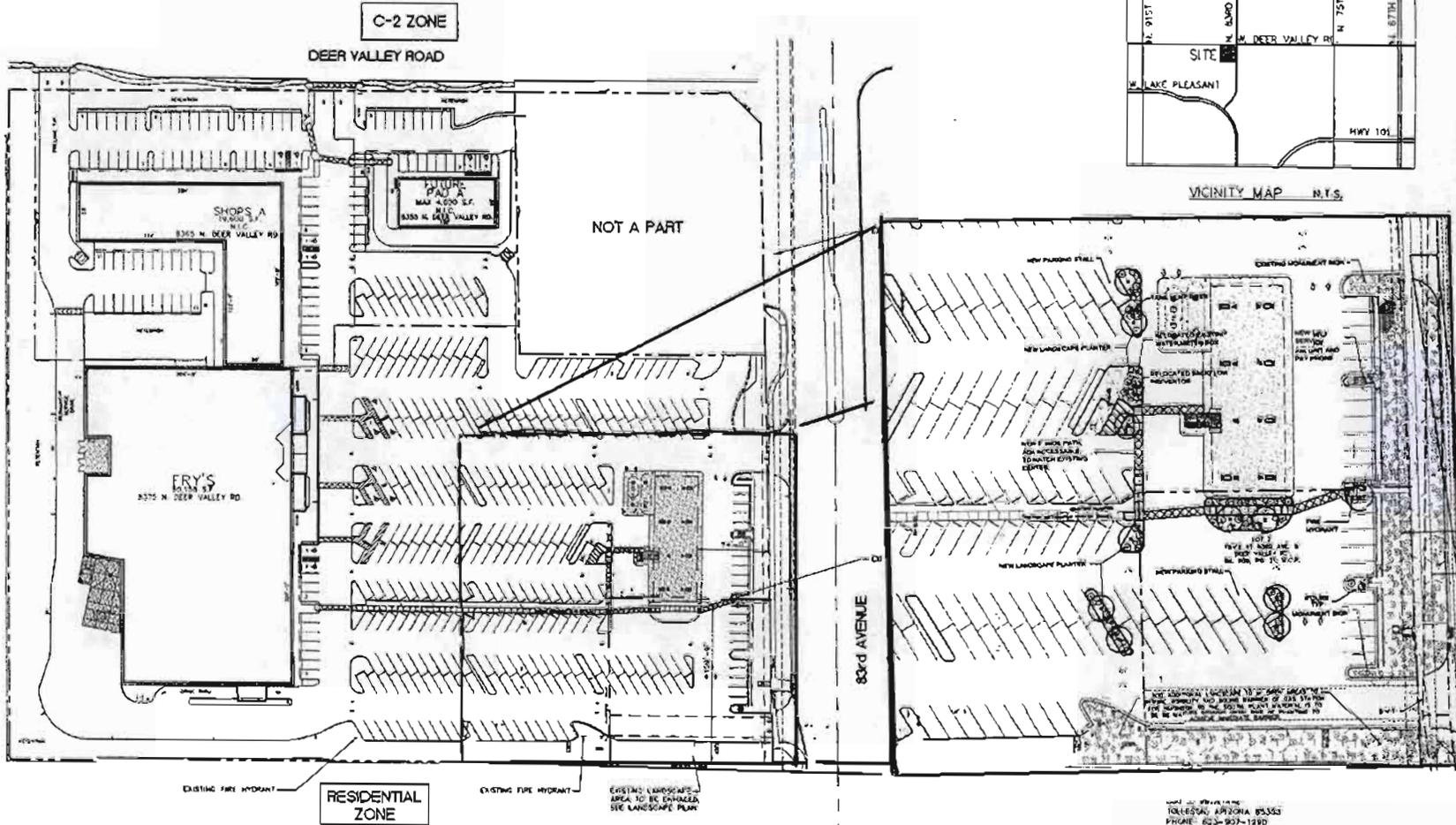
CU 08-13 Fry's Gas Station

S/O SWC 83rd Avenue and Deer Valley Road

Request for a Conditional Use Permit (CUP) to allow a gas station.

Exhibit C

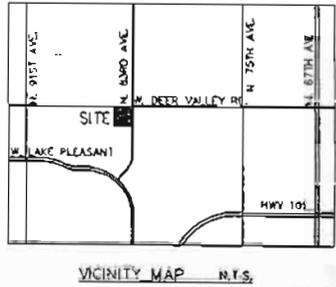
RESIDENTIAL ZONE



SITE PLAN SCALE: 1" = 50'



TRASH COLLECTION
 TRASH RECEPTACLES WILL BE LOCATED AT THE FUELING AREA UNDER THE CANOPY AND AT THE RIDGE. TRASH FROM THESE RECEPTACLES WILL BE COLLECTED ON A REGULAR BASIS BY A CONTRACTED MAINTENANCE PERSON AND DISPOSED OF IN THE MAIN TRASH COLLECTION RECEPTACLE FOR THE GROCERY STORE TO ENSURE THERE IS NO OODOR, OVER FLOW OR DEBRIS



TNT
 TANT & ASSOCIATES, INC.
 2240 N. DEER VALLEY ROAD, SUITE 100
 PHOENIX, ARIZONA 85024
 PHONE: (602) 953-1280
 FAX: (602) 953-1280

FRY'S
 Fry's Food Stores
 8375 N. DEER VALLEY RD.
 PHOENIX, ARIZONA 85024
 PHONE: (602) 953-1280
 FAX: (602) 953-1280

Kroger
 Kroger
 8375 N. DEER VALLEY RD.
 PHOENIX, ARIZONA 85024
 PHONE: (602) 953-1280
 FAX: (602) 953-1280

REVISIONS

NO.	DATE	DESCRIPTION
1	07/21/01	ISSUE FOR PERMITS
2	08/01/01	REVISED PERMITS
3	08/01/01	REVISED PERMITS
4	08/01/01	REVISED PERMITS
5	08/01/01	REVISED PERMITS
6	08/01/01	REVISED PERMITS
7	08/01/01	REVISED PERMITS
8	08/01/01	REVISED PERMITS
9	08/01/01	REVISED PERMITS
10	08/01/01	REVISED PERMITS

PROJECT INFORMATION

Project No.	01001
Client	FRY'S
Design By	TANT
Drawn By	01/01/01
Checked By	01/01/01
Date	01/01/01
Scale	AS SHOWN
Drawn By	01/01/01
Checked By	01/01/01
Date	01/01/01

ARCHITECTURAL CONCEPTUAL SITE PLAN

SP-1

February 5, 2009

Fry's Stipulation Agreement

Representatives of Fry's and Residents of Sunrise at Desert Mountain subdivision have met on several occasions to discuss Fry's Proposal to locate the Fuel Center on Fry's site at the southwest corner of 83rd Avenue and Deer Valley Road, and to listen to the neighbors' questions and concerns. As a result of these meetings, Fry's has agreed to make several concessions to address the concerns of residents who live in Sunrise at Desert Mountain to the south of the Fry's property. These concessions include, first and foremost, the relocation of the proposed Fuel Center to a point approximately 150 feet north of the common property line between the Fry's site and Sunrise at Desert Mountain. In addition, Fry's agrees to abide by the stipulations enumerated below.

- 1) The fuel center kiosk will close at 10:00 p.m. daily. However credit card sales will be allowed 24/7.
- 2) Propane will not be sold at the Fuel Center.
- 3) There will be no signage on the south elevation of the Fuel Center canopy.
- 4) Lighting under the canopy will be flush mounted so there will be no spill onto the neighbor's property.
- 5) The canopy will be no higher than the minimum required by the City, approximately 15 feet to the bottom of the canopy.
- 6) Vending machines outside the kiosk will be limited to low profile non-illuminated ice cases.
- 7) Fry's will cause additional trees to be planted in the southerly perimeter landscape area of a type of tree agreed to by the neighbors and in a quantity approved by the City.
- 8) Fry's will maintain the trees in the southerly perimeter landscaping so the tree canopy will provide a fuller screen.
- 9) Non-emergency maintenance of landscaping will be completed by 5:00 p.m.
- 10) Fry's will remove the existing light pole with unscreened fixtures at the time of the construction of the Fuel Center.
- 11) Fry's parking lot lighting will be on a timer to turn the lights off no later than 1:00 a.m.
- 12) Fry's will post a sign along the southern perimeter stating, No Parking or idling motors permitted.

- 13) Fry's will instruct their drivers not to park/idle in the proximity of neighbors.
- 14) The Shopping Center Property Manager has been asked to respond in a timely manner to complaints regarding the shopping center. Fry's Real Estate may be contacted at (623) 907-7187 if issues are not addressed satisfactorily.
- 15) A licensed contractor will spray the property with insecticide, which is safe for cats and dogs, on a bimonthly basis.
- 16) The shopping center parking lot will be swept between the hours of 9:00 p.m. and 10:00 p.m. beginning with the southern portion.
- 17) Fry's will enter this document into public record of case CU-08-13.



Date: 02-09-09

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

CASE NO.: GPA 08-06

DATE: February 19, 2009

AGENDA ITEM NO.: 4R

Applicant: [REDACTED] on behalf of World Gospel Mission

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

Proposed Development: 75th Avenue & Thunderbird Road Commercial Sites: This proposal consists of two parcels separated by an existing Walgreens Pharmacy and a AAA business office. Each parcel will permit commercial office and light retail uses.

Location: The site is located north and east of the NEC of 75th Avenue & Thunderbird Road (Assessor Parcel Numbers 200-65-001-D, 200-65-007-C and 200-65-009-A).

Site Acreage: Approximately 5 gross acres

Support /Opposition: Staff has not received any letters of opposition or support as of this writing.

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

Existing and Future Land Use: (Exhibit A)

1.

Parcel 1	EXISTING LAND USE	DESIGNATION
SITE	Vacant	Residential Estate (0-2 du/ac)
North	Vacant	Residential Estate (0-2 du/ac)
West	75 th Avenue / Retail Commercial Center (Basha's)	Residential Low (2-5 du/ac)
East	Vacant	Residential Estate (0-2 du/ac)
South	Retail Commercial (Walgreens)	Residential Estate (0-2 du/ac)

Parcel 2		EXISTING LAND USE	DESIGNATION
SITE	Vacant		Residential Estate (0-2 du/ac)
North	Vacant		Residential Estate (0-2 du/ac)
West	AAA business office / rental facility		Residential Estate (0-2 du/ac)
East	Large-Lot Residential (single residence on 5 acres)		Residential Estate (0-2 du/ac)
South	Thunderbird Road / Vacant Commercial / Single-Family Residential		Residential Low (2-5 du/ac)

Project Description:

1. The applicant is requesting a minor amendment to the General Plan Land Use Map for approximately 5 acres located north and east of the northeast corner of 75th Avenue & Thunderbird Road. The amendment would change the current Residential Estate designation to Neighborhood Commercial to allow for future small-scale office and retail development.
2. This request is accompanied by a rezoning application for a Planned Area Development (Case Z06-18) that tailors the development standards and permitted uses to ensure a reasonable fit between the existing commercial uses on the corner and the developing large-lot residential adjacent to the north and east of the subject properties.

Discussion / Analysis:

3. All General Plan Amendments must be accompanied by a project narrative and an analysis that provides justification for the requested amendment. Staff has reviewed the applicant's analysis and believes the responses to the justification questionnaire have been satisfactorily answered.
4. Additionally, the proposal is evaluated against the Neighborhood Commercial siting guidelines the General Plan. These guidelines are (i) all such uses are to be located within 1320 feet of the intersection of two arterial roads, (ii) no single corner shall exceed 25 acres of commercial, retail and office uses, and (iii) commercial, retail and office uses are restricted to the height limitation of the adjacent residential district. This proposal complies with these guidelines.
5. Support for this request is primarily based upon the finding that these properties are located near the corner of two arterial roads and are adjacent to two existing commercial uses. The applicant is seeking Neighborhood Commercial designation, which is intended to be a low-intensity commercial use that is most suitable for transitional areas such as this where the property is located between slightly more intense retail uses and single-family residential. Since this

application was processed concurrently with a PAD rezoning request on the same property, staff had the luxury of narrowing the scope of this project to ensure compatibility with the immediate area.

6. The applicant presented this request and the proposed zoning request during a neighborhood meeting held at the Southwest Indian School on September 24, 2008. Only one of the 41 surrounding property owners attended the meeting. This owner showed no concerns regarding the proposal and is not in opposition to this request.

Departmental Comments

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

Proposition 207 Discussion

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

Findings / Recommendation:

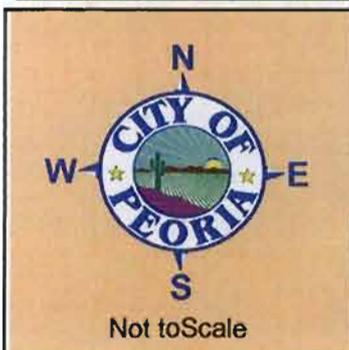
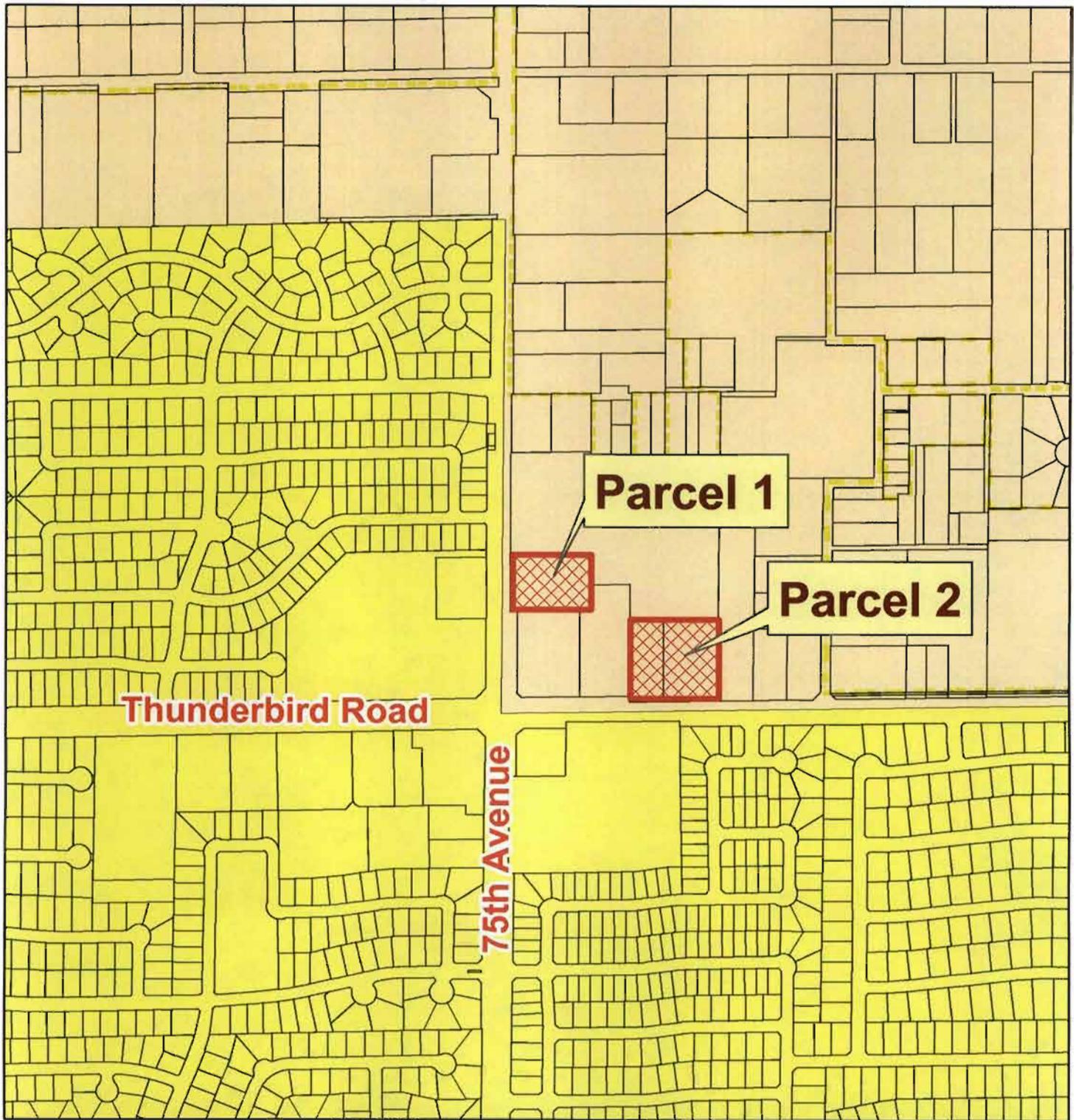
9. Staff recommends **approval** to the City Council of Case GPA 08-06, based on the following findings:
 - The proposal provides commercial services in a low-impact, low intensity fashion in an effort to be integrated with the developing residential neighborhood and existing commercial uses; and
 - The proposal will appropriate tax, employment service opportunities to City and County residents on a strategically located site at a major arterial intersection; and
 - The proposal is consistent with the Neighborhood Commercial siting guidelines in the General Plan; and
 - The proposal will advance several goals in the General Plan by reducing the overall job and housing imbalance and providing local employment opportunities; and
 - The amendment is consistent with the intent of the General Plan to provide a balance of land uses that will preserve and enhance neighborhoods and promote economic development.

Attachments:

Exhibit A	General Plan Land Use Map
Exhibit B	Aerial Map
Exhibit C1-C3	Applicant Amendment Justification
Exhibit D	Citizen Participation Documentation

Prepared by:	Adam D. Pruett Senior Planner
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GENERAL PLAN LAND USE MAP

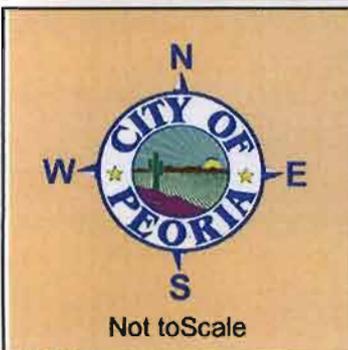


GPA 08-06 75th Ave & Thunderbird Rd Commercial Sites

Request: Minor General Plan Amendment
Redesignation of approximately 5 acres
from Residential Estate (0-2 du/ac; target of 1 du/ac)
to Neighborhood Commercial

Exhibit A

AERIAL MAP



GPA 08-06 75th Ave & Thunderbird Rd Commercial Sites

Request: Minor General Plan Amendment
Redesignation of approximately 5 acres
from Residential Estate (0-2 du/ac; target of 1 du/ac)
to Neighborhood Commercial

Exhibit B

DESCRIPTION AND JUSTIFICATION FOR REQUEST

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

Parcel 1 and Parcel 2 are the subject of a Rezoning Application, Case No. Z 06-18. That case seeks to re-zone the parcels from SR-43 to PAD, where the PAD standards will substantially overlap with the requirements of the C-1 District. Parcel 1 is a 2.0 acre gross/ 1.6 acre net parcel immediately to the north and abutting the Walgreen's at the northeast corner of the intersection of 75th Avenue and Thunderbird Road. Parcel 2 is a 3.0 acre gross/ 2.6 acre net parcel immediately to the east and abutting the AAA facility located east of the Walgreen's and fronting on Thunderbird Road.

Applicant believes that the requested rezoning will provide for natural and appropriate uses along both Thunderbird Road and 75th Avenue, both of which are major arterial rights-of-way. The requested rezoning also will create an optimal transitional use between the commercial uses at the corner of 75th Avenue and Thunderbird Road and the R1-18 single family residential zone to the north and east of the sites.

The minor amendment to the General Plan requested by Applicant covers the same parcels that are the subject of Rezoning Case Z 06-18. The minor amendment seeks to change the Land Use designation for both Parcel 1 and Parcel 2 from Estate Residential to Neighborhood Commercial.

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

Existing General Plan Land Use Designation: Estate Residential

Proposed General Plan Land Use Designation: Neighborhood Commercial

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

The Estate Residential Land Use classification permits 0 – 2.0 dwelling units per acre, with a target density of 1.0 dwelling units per acre. It does not contemplate commercial uses. The vehicular traffic and consumer demand passing through the intersection of 75th Avenue and Thunderbird Road, however, fairly demands commercial development. Each of the other three corners of this intersection are significantly developed or zoned for C-2 development. In rezoning the adjacent 12.5 acres from R1-43 to R1-18, Applicant specifically excluded Parcel 1 and Parcel 2 because of their proximity to the intersection of Thunderbird Road and 75th Avenue. Applicant believes that appropriately limited commercial development will both capture the potential for development along the frontages of 75th Avenue and Thunderbird Road, while assuring minimal impact on the adjacent residential uses. Thus, because the existing General Plan designation fails to provide commercial development alternatives for the subject parcels,

Applicant believes redesignation from Estate Residential to Neighborhood Commercial is appropriate, subject to the limitations set forth in the PAD under Case Z06-18.

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

Applicant believes that the choices for the subject parcels are either to develop them into appropriate commercial uses or to see them remain vacant. It seems intuitive that vacant parcels of land at this intersection will not promote neighborhood stability or enhance property values. Rather, failure to complete the development of the intersection of 75th Avenue and Thunderbird Road into appropriate commercial uses only invites dereliction and blight.

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

As the attached aerial map indicates, each of the other corners of the intersection of 75th Avenue and Thunderbird Road has significant commercial development at the corner, which then transitions to small lot residential uses and thence to larger lot single family uses. Applicant seeks to replicate this pattern on the subject property – by rezoning the subject property to what is essentially a C-1 classification, Applicant will provide an appropriate buffer between the traffic and commerce at the intersection and frontages and the large lot (R1-18) development to the north and east of the subject parcels.

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

Applicant submits as a self-evident proposition the tax benefits of commercial development on the subject property relative to residential development, both in terms of property valuation and generation of sales and lease taxes. This differential is heightened by the fact that the subject parcels are relatively undesirable for development as R1-43 residential lots. Further, Applicant submits that commercial development will generate employment opportunities in a variety of retail, professional and service categories.

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

As noted above, Applicant believes the choice presented is between commercial development and no development at all. Also as noted, commercial development at the intersection of major arterial rights-of-way is of the essence to the proper balancing of housing, shopping, employment and recreation. Applicant believes that establishment of 40± acres of retail shopping and service businesses on the four corners of Thunderbird Road and 75th Avenue will create an optimal mix of convenient consumer opportunities and employment opportunities.

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

All infrastructure required to serve the subject property is in place. The proposed development of the subject property will have no material effect on existing utilities.

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

The proposed amendment will have no effect on the school district.

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

Within the General Plan's Land Use Element, the proposed amendment implicates Goal 2.1, and specifically Objective 2.1.A, Policy 2.1.A.1, Objective 2.1.D and Objective 2.1.I.

Applicant submits that the proposed amendment promotes orderly growth and an efficient urban development pattern in that it will comprise a quarter of what will be a larger shopping/business district on all four corners of 75th Avenue and Thunderbird Road. It also interposes a benign commercial use as a buffer between residential and commercial uses, as well as buffering the residential neighborhood from the traffic noise generated on both Thunderbird Road and 75th Avenue.

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

Applicant believes the above responses amply demonstrate that a minor amendment to designate the subject properties as Neighborhood Commercial is entirely consistent with the overall intent of the General Plan. The General Plan is intended to create a regulatory environment in which rational, orderly development of the City may occur. The proposed amendment simply takes cognizance of the fact that zoning decisions have been made and prior development has occurred which render the development of the subject properties in large lot residential uses highly problematic. This amendment merely restates the obvious, which is that a commercial buffer is an appropriate use for these parcels, will preserve the value of the adjacent neighborhood, will permit the highest and best development of the entire intersection of Thunderbird Road and 75th Avenue, and will prevent the subject parcels from lying vacant for the foreseeable future.

[REDACTED]
Attorney at Law
5534 West Palmyra Avenue
Glendale, Arizona 85301
Telephone: (623) 521-2975
Facsimile: (623) 217-2389
[REDACTED]

October 1, 2008

Mr. Adam Pruett
Senior Planner
Community Development Department
City of Peoria
9875 North 85th Avenue
Peoria, Arizona 85345

Re: Rezoning Case No. Z06-18
General Plan Minor Amendment GPA 08-06
Citizens Participation Report

Dear Mr. Pruett:

The World Gospel Mission held a public meeting at the Worship and Conference Center at the Southwest Indian School on September 24, 2008, from 7:00 to 7:45 p.m. At the meeting we elicited public comment in regard to the pending rezoning of 5.0 acres to PAD and the proposed minor amendment to the Land Use element of the Peoria General Plan required thereby.

My office sent notice of the meeting to each of the property owners within 300 feet of the both properties. I have attached the list of homeowners. Four notices were returned as undeliverable. I have those notices in my file.

I was present, along with [REDACTED] of the World Gospel Mission. One other person attended the meeting, [REDACTED] - I have attached a sheet executed by all attendees.

I presented the text of the PAD and showed those C-2 uses that will, and will not, be permitted under its terms. No serious concerns were raised concerning these matters. [REDACTED] [REDACTED] is satisfied with what we are doing.

I encouraged [REDACTED] to contact me immediately with any further thoughts in this matter and to attend the Planning and Zoning Commission hearings, which I hope will occur by the end of this year. Please do not hesitate to contact me directly with questions or if you require anything further in this matter.

Very truly yours,
[REDACTED]

Exhibit D

REPORT TO THE PLANNING AND ZONING COMMISSION- REZONING

CASE NO.: Z06-18

DATE: February 19, 2009

AGENDA ITEM NO.: 5R

Applicant: [REDACTED] on behalf of World Gospel Mission

Request: Proposal to rezone approximately 5 acres from Suburban Ranch (SR-43) to Planned Area Development (PAD).

Proposed Development: 75th Avenue & Thunderbird Road Commercial Sites: This proposal consists of two parcels separated by an existing Walgreens Pharmacy and a AAA business office. Each parcel will permit commercial office and light retail uses.

Location: The site is located north and east of the NEC of 75th Avenue & Thunderbird Road (Assessor Parcel Numbers 200-65-001-D, 200-65-007-C and 200-65-009-A).

Site Acreage: Approximately 5 gross acres

Support /Opposition: Staff has not received any letters of opposition or support as of this writing.

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

Existing and Future Land Use: (Exhibit A)

1.

Parcel 1	EXISTING LAND USE	ZONING
SITE	Vacant	SR-43
North	Vacant	R1-18
West	75 th Avenue / Retail Commercial Center (Basha's)	C-2
East	Vacant	R1-18 / C-2
South	Retail Commercial (Walgreens)	C-2

Parcel 2		EXISTING LAND USE	ZONING
SITE	Vacant		SR-43
North	Vacant		R1-18
West	AAA business office / rental facility		C-2
East	Large-Lot Residential (single residence on 5 acres)		SR-43
South	Thunderbird Road / Vacant Commercial / Single-Family Residential		PAD

Project Description:

1. The applicant is requesting PAD zoning for two separate, but related sites totaling approximately 5 acres in size. The sites are located north and east of the northeast corner of 75th Avenue and Thunderbird Road.
2. As proposed, this PAD establishes its permitted, conditional and accessory uses by citing the C-1 zoning district with some additional uses included in the PAD document. The C-1 zoning district is the City's Convenience Commercial, which is intended to provide incidental daily necessities for local residential neighborhoods while keeping with the scale of the surrounding residential area.
3. Using the C-1 district as the basis for the PAD is consistent with the transitional nature of this corner, but is also consistent with the Minor General Plan Amendment filed concurrently with this rezoning request.
4. The applicant has filed a Minor General Plan Amendment application (Case GPA 08-06) to change the current Residential Estate (0-2 du/ac) designation to Neighborhood Commercial. Staff is in support of the request.

Land Use Background:

Annexation

5. This site was part of a larger area annexed into the City of Peoria in 2004 under Ordinance #04-404. Upon annexation, it retained equivalency City zoning of SR-43.

Discussion / Analysis:

Conformance with the General Plan

6. Staff has determined that the proposed zoning is in the best interest of the City and is suitable for the surrounding area. The development history of this corner

has created challenges with which staff must work. The existing Walgreens Pharmacy and the AAA Business Office located at this corner of the intersection were both developed in what was at the time unincorporated Maricopa County. Much of the surrounding property remained the County for several years until annexed into Peoria in November of 2004. The property behind the subject sites received R1-18 zoning in 2006 and is currently in the final plat process for a single-family residential subdivision.

7. Staff believes that the uses and development standards found in the C-1 zoning district are appropriate for both sites included in this application. Since the PAD cites the C-1 district, future changes to the district in the Zoning Ordinance will apply. This ensures the uses and development standards continue to remain relevant to the point when the site(s) develop.
8. Currently, the conceptual plans represent small office buildings on both sites. Staff would like to clarify that no formal site plan submittals have been made. Upon submittal of such plans, staff will conduct a full review based on all applicable standards within the PAD, Zoning Ordinance, Design Review Manual and other City documents pertaining to development.
9. Support for this request is based on several factors such as the adjacency to existing arterial roads, parcel size and each parcel's location between existing C-2 commercial development and newly developing large-lot residential. When considering the combination of these factors, it is with confidence that staff has determined that the uses and development standards within the proposed PAD offer a sound transition between the existing uses in the context of this particular corner.

Minimum PAD Size

11. Section 14-33-2 of the Zoning Ordinance requires Planned Area Developments to be no less than ten (10) gross acres in size. However, the minimum acreage can be waived if it is demonstrated that the waiver would be in the public interest and that one or more of the following conditions exist.
 - a. Unusual physical features of the property itself or of the surrounding area are such that development under the standard provisions of this Ordinance would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community.

The subject property is a flat, vacant, infill site. With that said, there is no physical impediment associated with the parcel or terrain to prevent development in either commercial or residential. It has been argued in this application that the proposed use and density provides for an appropriate transition between commercial and small-lot single-family residences. The PAD option provides an opportunity to structure the development standards to ensure maximum compatibility in the edge treatment.

- b. The property is adjacent to or across the street or alley from property which has been developed under the provisions of this section and will contribute to the amenities of the area.

The adjacent or abutting developments have been established for some time or in some cases have been newly entitled and awaiting future construction. No PAD zoning exists on the surrounding property.

- c. The use of the P.A.D. concept will encourage the use of otherwise undevelopable property, particularly in the case of small undeveloped parcels surrounded or partially surrounded by developed property.

Although the site is an infill parcel surrounded by existing development, this condition does not cause the site to be undevelopable. The PAD facilitates maximum compatibility in terms of restricted uses and site-specific development standards not otherwise available through standard zoning districts.

- d. The property is located within the Infill Incentive District.

The project is not located within the Infill Incentive District.

Neighborhood Meetings

10. The applicant held a neighborhood meeting at the Southwest Indian School on September 24, 2008. All property owners within 300 feet of the subject properties were notified of the meeting. Of the 41 notified owner-interests, only one attended the meeting. The project was described in terms of location, uses and developments standards. The attending owner showed no signs of concern. No additional communication has been received from this area regarding this request.

Proposition 207 Discussion

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

Recommendation

12. Based on the following findings:
- The proposal will appropriate tax, employment service opportunities to City and County residents on a strategically located site at a major arterial

intersection; and

- The proposal will advance several goals in the General Plan by reducing the overall job and housing imbalance and providing local employment opportunities; and
- The amendment is consistent with the intent of the General Plan to provide a balance of land uses that will preserve and enhance neighborhoods and promote economic development.

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

Recommend to the City Council approval of the requested zoning for a PAD District under Case Z 06-18 subject to the following conditions of approval:

1. The development shall substantially conform to the approved Planned Area Development Standards and Guidelines Report stamp dated December 30, 2008.
2. A Preliminary Drainage Report must be submitted with the site plan.
3. Each commercial project will be required to provide a Specific Trip generation and Distribution Analysis together with Driveway Spacing and Right Turn Lane Analysis. This information is to be submitted with the Site Plans for each of these sites, based on the City Requirements each commercial project will be granted one driveway.
4. The Development is responsible for payment of all current repayment zones. There is a sewer repayment zone (\$388.19 per acre) and a street repayment (\$66,611.75 for parcels 200-65-001B and 200-65-001D) for 75th Avenue.
5. The Developer shall dedicate half-street ROW of 65-feet on 75th Avenue and 75-feet on Thunderbird along the frontage of the parcels per the City Transportation Needs Study.
6. The Developer shall dedicate an 8' PUE outside of the required ROW on 75th Avenue and Thunderbird Road along the frontage of the parcels.
7. The Developer shall construct the half-street improvements including curb, gutter, 8-foot sidewalk, landscaping, and deceleration lanes per the approved transportation analysis for 75th Avenue and Thunderbird Road along the frontage of the project.
8. The Developer shall install traffic signal interconnect conduit along the Thunderbird Road frontage of the parcel.

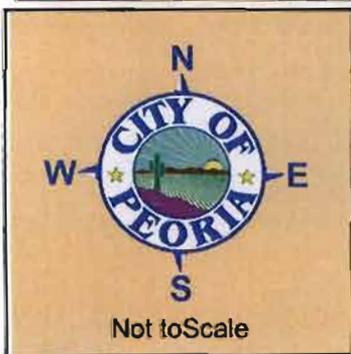
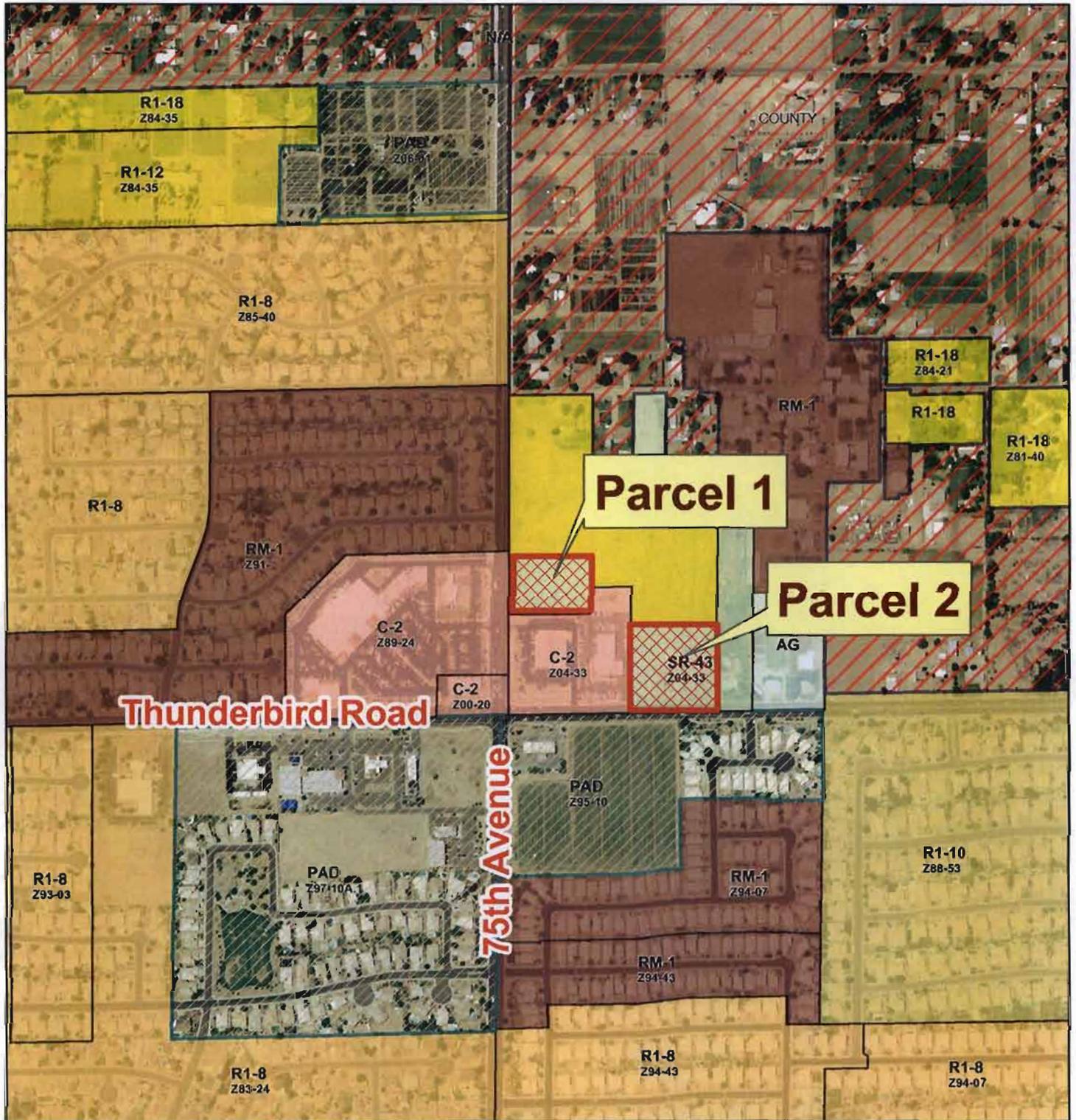
Staff Report Z 06-18
February 19, 2009
Page 6

Attachments:

Exhibit A	Zoning Map
Exhibit B1-B3	Project Narrative & Illustrative Map
Exhibit C	Citizen Participation Documentation
Exhibit D1-D4	Informational Comments
Exhibit E	PAD Standards & Guidelines Report (<i>including conceptual site plan and elevations</i>)

Prepared by: Adam D. Pruett
Senior Planner

ZONING MAP



Z 06-18 75th Ave & Thunderbird Rd Commercial Sites

Request: Rezone approximately 5 acres
from SR-43 (Suburban Ranch)
to Planned Area Development (PAD)

Exhibit A

75th Avenue and Thunderbird Road Commercial Parcels

Narrative



Background:

World Gospel Mission, a not-for-profit corporation organized under the laws of the State of Illinois (the "Applicant"), owns approximately 30 acres of land generally north and east of the intersection of Thunderbird Road and 75th Avenue. It received the land by gift over 50 years ago and, until several years ago, operated the Southwest Indian School at the site. The Mission has changed its emphasis away for residential educational efforts and, accordingly, has determined that it no longer has a need for a portion of its property.

The land that is the subject of this rezoning request involves two tracts of land. The first comprises 2.0011 gross acres and 1.3418 net acres, after dedication of right-of-way for 75th Avenue (the "75th Avenue Property"). The second comprises 3.0013 gross acres and 2.4818 net acres, after dedication for Thunderbird Road (the "Thunderbird Road Parcel"). The 75th Avenue Parcel and the Thunderbird Road Parcel are together referred to as the "Property." The 75th Avenue Parcel has never been developed and traditionally was used by the Applicant for pasturage. An abandoned residence is located on the Thunderbird Road Parcel. The Applicant has entered into an agreement to sell the Property to a commercial developer, upon approval of this rezoning request, who proposes to develop a series of commercial uses consistent with the C-2 zoning classification.

The Applicant has submitted an application to re-zone 12.795± gross acres of vacant land adjacent to the Property under Case Z06-11 to the R1-18 zoning classification. That parcel is also under contract with a residential developer.

Consistency with the General Plan:

The Land Use Element of the Peoria General Plan reserves the Property for low density single family residential development. Rezoning of the Property, however, will not require any amendment to the General Plan under the criteria set forth in Section 14(b) thereof. The General Plan contemplates that variations of the type here proposed by the Applicant from the broad-brush parameters of the General Plan's Land Use Map (i.e., affecting less than 10 acres in gross) are not inconsistent with the overall purpose of the General Plan. The propriety of the requested land uses is therefore left to the sound discretion of the City Council as a re-zoning matter.

Surrounding Land Uses and Conditions:

The attached maps show that the Property completes the northeast quadrant of a commercial corner at 75th Avenue and Thunderbird Road. As proposed by Applicant in this Application and in conjunction with Case Z06-11, the Applicant seeks to create a consistent development pattern over the entire vicinity, in which intense commercial activity at the intersection transitions into residential uses as the radius from the corner increases. The Applicant further believes that properly designed commercial activity will form a good buffer between the residential uses proposed under Case Z06-11 and the Walgreen's and AAA business

Exhibit B1

Rezoning Narrative
75th Avenue and Thunderbird Road Commercial Parcels

already existing at the corner. Finally, the Applicant notes that both 75th Avenue and Thunderbird Road are major arterial thoroughfares, indicating both their relative incompatibility for low density residential uses and the fiscal advantages to the City of developing their respective frontages for commercial uses.

Zoning Justification:

As noted above, each of the northwest, southwest and southeast corners of the intersection of 75th Avenue and Thunderbird Road provides for not less than 10 acres of commercial development at the corner, with surrounding residential development. The highest density residential uses abut the commercial zoning, with lower density development as one proceeds away for the commercial zones. Accordingly, the Applicant seeks to rezone the Property so that, in conjunction with the rezoning proposed under Case Z06-11, the entire vicinity of 75th Avenue and Thunderbird Road will be developed in a consistent and productive fashion, consistent with the City's General Plan and sound development policy.


Attorney for World Gospel Mission
July 26, 2006

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[REDACTED]

October 1, 2008

Mr. Adam Pruett
Senior Planner
Community Development Department
City of Peoria
9875 North 85th Avenue
Peoria, Arizona 85345

Re: Rezoning Case No. Z06-18
General Plan Minor Amendment GPA 08-06
Citizens Participation Report

Dear Mr. Pruett:

The World Gospel Mission held a public meeting at the Worship and Conference Center at the Southwest Indian School on September 24, 2008, from 7:00 to 7:45 p.m. At the meeting we elicited public comment in regard to the pending rezoning of 5.0 acres to PAD and the proposed minor amendment to the Land Use element of the Peoria General Plan required thereby.

My office sent notice of the meeting to each of the property owners within 300 feet of the both properties. I have attached the list of homeowners. Four notices were returned as undeliverable. I have those notices in my file.

I was present, along with [REDACTED] of the World Gospel Mission. One other person attended the meeting, [REDACTED] - I have attached a sheet executed by all attendees.

I presented the text of the PAD and showed those C-2 uses that will, and will not, be permitted under its terms. No serious concerns were raised concerning these matters. [REDACTED] is satisfied with what we are doing.

I encouraged [REDACTED] to contact me immediately with any further thoughts in this matter and to attend the Planning and Zoning Commission hearings, which I hope will occur by the end of this year. Please do not hesitate to contact me directly with questions or if you require anything further in this matter.

Very truly yours,
[REDACTED]

Exhibit C

Informational Comments

Development Engineering

1. Improvement plans submitted as part of the site plan review is intended for concept only. Upon approval of site plan, construction documents shall be submitted to the Engineering Department and reviewed for conformance with the City of Peoria guidelines.
2. Improvement plans submitted to the Engineering Department shall be drawn at a horizontal scale of 1-inch equal to 20-feet and a vertical scale of 1-inch equal to 2-feet. Additionally all plans shall reference the City of Peoria Benchmarks (the current Datum is NAVD 88).
3. The City of Peoria Standard Informational Comments are available for review on the City of Peoria Web Site under the Engineering Department.
4. Coordinate with all dry utilities and verify that the minimum clearance, as required by those utilities, has been met.
5. Dry utilities will not be allowed within any water or sewer easement.
6. All retaining walls shall be shown on the grading and drainage plans. Structural calculations for retaining walls shall be submitted with the improvement plans.
7. Prior to Issuance of site plan approval, an Industrial Waste Survey must be completed.
8. Streetlights are required to be installed by the Developer along Thunderbird Road. The streetlight plan must be submitted with the second submittal of the improvement plans. The streetlights shall also be indicated on the paving or grading plan.
9. The Developer will be responsible to underground any overhead utilities rated less than 69 kV, which are adjacent to the subdivision.
10. A Phase 1 Environmental Clearance will be required for all right-of-way to be dedicated to the City.
11. 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.
12. 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.
13. Pavement sections shall be verified by the project soils report.
14. The Developer will be responsible to verify visibility and sight distance triangles for intersections, driveways, and grade separations.
15. 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.
16. The Developer shall install traffic signal interconnect conduit along the Thunderbird Road frontage of the parcel. Plans for the installation of the traffic signal interconnect conduit shall be submitted as part of the improvement plans. The traffic

signal interconnect shall also be shown on the paving plans, this included the existing conduit along 75th Avenue.

17. Preliminary comments to be addressed during site plan review:
18. Each parcel shall have a refuse enclosure
19. Each parcel shall only be granted one driveway and that driveway shall meet City of Peoria Requirements for spacing.
20. Each commercial project will be required to provide a Specific Trip generation and Distribution Analysis together with Driveway Spacing and Right Turn Lane Analysis. This information is to be submitted with the Site Plans for each of these sites.
21. The water and sewer lines may need to be extended through the parcels as public utilities to service the remainder of the property that was known as World Gospel Mission.
22. All public water or sewer lines shall be within public water or sewer line easements.
23. A Final Plat is required to legally define these parcels. 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 and Final TIA. These final plans and reports 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.
24. If deceleration lanes are constructed, a signing and striping plan for off-site improvements is required for this project and must be submitted with the first submittal of the improvement plans.

Fire Safety

The following are items of interest that will apply in the future for site plan reviews.

1. The Governing Codes for the project needs to read "2003 International Fire Code with City of Peoria Amendments".
2. Key boxes are to be located on all exterior sides of a building with access (ref: IFC – 2003 amended, section 506.1.2). Indicate the key box locations on the site plan for evaluation. Provide a note that states "A full set of keys to open all areas inside and outside the structure, to include the fire alarm panel, shall be placed inside the key box".
3. The minimum unobstructed width required on a fire apparatus access road is twenty (20) feet (ref: IFC – 2003, section 503.2.1).
4. The minimum width required on a fire apparatus access road where a fire hydrant is located is twenty six (26) feet (ref: IFC – 2003 Appendix D, section D103.1).
5. Indicate on the site plan both the method and the areas to be marked as "No Parking – Fire Lane" for evaluation. Fire lanes are to be marked with either vertical signs visible from either direction or red painted curb with four (4) inch block letters, both spaced at a maximum distance of eighty (80) feet on center. Fire apparatus access roads less than or equal to twenty four (24) feet in width shall be designated "No Parking – Fire Lane" on both sides. Fire apparatus access roads between twenty four (24) feet and less than or equal to twenty eight (28) feet in width shall be designated "No Parking – Fire Lane" on one side. Fire apparatus

- access roads greater than twenty (28) feet wide are allowed parking on both sides (ref: IFC – 2003 amended, section 503.3).
6. The fire department connection (FDC) shall be located on the street side of the building or nearest point of fire department vehicle access (ref: IFC - 2003, section 912.2.1). The FDC shall also be located within one hundred (100) feet of a fire hydrant (ref: NFPA 14 - 2003, section 6.3.5.4). Show the FDC locations on the drawings for each building for evaluation.
 7. Fire hydrants shall be spaced, in other than single family residential areas, so that they are not more than three hundred (300) feet hose lay distance apart (ref: IFC – 2003 amended, section 508.5.2.1).
 8. Fire hydrants are required to be installed so that they are not more than three hundred (300) feet hose lay distance from any exterior point on the building (ref: IFC – 2003 amended, section 508.5.1).
 9. Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets (ref: IFC - 2003, Appendix C, section C102.1). Show any existing fire hydrants along the entire property frontage.
 10. Fire hydrants shall be located not less than forty (40) feet from the buildings to be protected (ref: NFPA 24 - 2002, section 7.2.3). Maintain the minimum forty (40) foot clearance from the building while meeting the required three hundred (300) foot maximum distance from the building and the one hundred (100) foot distance from the FDC.
 11. Provide an AASHTO WB50 turning template on the site plan drawing to show that the fire apparatus can turn and negotiate throughout the parking lot and drives from the street and back (ref: IFC – 2003, section 503.2.4).
 12. Add a note to the Landscaping drawings that a three (3) foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved (ref: IFC - 2003, section 508.5.5).
 13. Approved fire apparatus access roads shall be provided for every building and shall extend to within one hundred fifty (150) feet of all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building (ref: IFC – 2003 amended, section 503.1.1).
 14. The minimum number of fire hydrants required shall be based on the maximum fire flow for the structures on the site (ref: IFC - 2003 Appendix C, table C105.1).
 15. Indicate the commercial building height on an elevation plan. Buildings that exceed thirty (30) feet in height to any architectural feature are subject to meeting the following requirements.
 - a. Shall have at least three (3) means of fire apparatus access to each structure (ref: IFC - 2003 Appendix D, section D104.1).
 - b. Shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway (ref: IFC - 2003 Appendix D, section D105.1).
 - c. Fire apparatus access roads shall have a minimum unobstructed width of twenty six (26) feet (ref: IFC - 2003 Appendix D, section D105.2).
 - d. At least one of the required access routes meeting this condition shall be located within a minimum of fifteen (15) feet and a maximum of thirty (30)

feet from the building and shall be positioned parallel to one entire side of the building (ref: IFC - 2003 Appendix D, section D105.3).

16. Provide the following statement on the Title page "Fire Apparatus Access Roads shall be maintained at all times during construction of this project. The minimum standards shall comply with sections 503.1 and 503.2 of the International Fire Code – 2003 edition with City of Peoria Amendments". Per section 503.3 provide a sign at the entrance to the property during construction. This sign shall be 48" x 48" with RED lettering on a WHITE background stating: FIRE ACCESS ROAD - NO PARKING (job address).

PLANNED AREA DEVELOPMENT STANDARDS AND GUIDELINES REPORT

FOR

75TH AVENUE AND THUNDERBIRD ROAD COMMERCIAL SITES
(Case Z06-18)

LOCATION

2.0 gross acres located north of the northeast corner of the intersection of 75th Avenue
and Thunderbird Road, Peoria, Arizona
and

3.0 gross acres located east of the northeast corner of the intersection of 75th Avenue and
Thunderbird Road, Peoria, Arizona.

OWNER

World Gospel Mission
P.O. Box 948
Marion, Indiana 46952

PREPARED BY

[REDACTED]
7508 North 59th Avenue
Glendale, Arizona 85301
Telephone (623) 521-2975
Facsimile: (623) 399-8651
[REDACTED]

December 30, 2008



Exhibit E

Table of Contents

1. Introduction	2
a. Background	2
b. Consistency with General Plan	3
c. General Site Information and Existing Site Conditions	3
d. Surrounding Land Uses and Conditions	3
2. Legal Description	4
3. Preliminary Development Plan; Phasing	4
4. Table of Permitted, Conditional and Accessory Uses	4
5. Project Development Standards	5
6. Project Signage Standards	5
7. Project Landscaping Standards	5
8. Slope Analysis	6
9. Infrastructure/Utilities	6
10. Table of Exhibits	6

1. Introduction

a. Background

This application concerns two parcels of land generally located in proximity to the northeast corner of the intersection of 75th Avenue and Thunderbird Road. The first ("Parcel 1"), comprises 2.0± acres fronting 75th Avenue immediately to the north of the Walgreens retail store on the corner of 75th Avenue and Thunderbird Road. The second ("Parcel 2") comprises 3.0± acres fronting Thunderbird Road immediately to the east of the AA facility immediately to the east of Walgreens. Parcel 1 and Parcel 2 are herein sometimes referred to collectively as the "Property."

World Gospel Mission, an Illinois not-for-profit corporation (the "Applicant"), entered into contracts to sell the Property over three years ago to Franklin Hilton Holdings, LLC, an Arizona limited liability company (the "Buyer"). Applicant's agreements with the Buyer conditioned closing on successful re-zoning of the Re-zoning the subject property to C-2 is a condition precedent to the Buyer's obligation to close.

The subject properties are presently zoned SR-43. The Applicant desires to re-zone the subject properties to PAD, generally providing for development in conformity with the City's C-1 zoning classification, subject to the terms of the PAD.

b. Consistency with General Plan

The requested PAD requires a minor amendment to The Land Use Element of the Peoria General Plan. That amendment, which seeks to reclassify the Property from "Estate Residential" to "Neighborhood Commercial" is submitted concurrently as GPA 08-06. Consistent with that amendment application, the Land Use descriptions and the Guidelines for Neighborhood Office and Commercial Uses set forth in Chapter Two of the Land Use Element of the Peoria General Plan are incorporated herein as if fully set forth.

c. General Site Information and Existing Site Conditions

The attached maps show that the Property completes the northeast quadrant of a commercial corner at 75th Avenue and Thunderbird Road. As proposed by Applicant in this Application and in conjunction with Case Z06-11, the Applicant seeks to create a consistent development pattern over the entire vicinity, in which intense commercial activity at the intersection transitions into residential uses as the radius from the corner increases. The Applicant further notes that both 75th Avenue and Thunderbird Road are major arterial thoroughfares, indicating both their relative incompatibility for low density residential uses and the fiscal advantages to the City of developing their respective frontages for commercial uses.

d. Surrounding Land Uses and Conditions

	<u>Parcel 1</u>	
	<u>Land Use</u>	<u>Zoning</u>
Site	Vacant	SR-43
South:	Walgreen's	C-2
East:	Vacant	R1-18 and C-2
North:	Vacant	R1-18
West:	Retail shopping center, anchored by Basha's	C-2

	<u>Parcel 2</u>	
	<u>Land Use</u>	<u>Zoning</u>
Site	Vacant	SR-43
South:	The west half of the frontage across Thunderbird Road is vacant land, zoned for commercial development The east half of the frontage across Thunderbird Road is developed as part of the Sweetwater Ridge subdivision	PAD
East:	Single residence on five acres	SR-43
North:	Vacant	R1-18
West:	AAA business office and auto rental facility	C-2

2. Legal Description of the Property

Parcel 1 – See Exhibit A.

Parcel 2 – See Exhibit B.

3. Preliminary Development Plan; Phasing

Upon rezoning, the Applicant will close the sale of the Property to the Buyer. The Buyer will propose site plans consistent with the terms of this PAD. Conceptual elevations and conceptual site plans are attached to this Application as Exhibits C through G. The Buyer will develop Parcel 1 and Parcel 2 separately as they are sold and site plans are approved.

4. Table of Permitted, Conditional and Accessory Uses

The Applicant agrees that development of the Property shall be limited to permitted principal and conditional C-1 uses, as set forth in Table 14-9-3, the Land Use Matrix of the Peoria Zoning Ordinance, and the following:

Additional Principal Permitted Uses:

- Auto Parts and Accessory Store
- Antiques, Crafts, and Collectibles Sales
- Bait and Tackle Shops
- Carpet and Floor Covering Store
- Pet Shop (Ord. No. 05-51)
- Appliance, Furniture, & Household Equipment Sales and Rentals (Ord. No. 07-22)
- Office Supply & Machine Sales & Service
- Employment Agencies, excluding Day Labor Hiring Centers
- Locksmith
- Pet Grooming Shop (Ord. No. 05-51)
- Photographic Studio
- Radio and Television Sales and Service
- Shoe Service & Clothing Alteration
- Tanning Salon, Nail Salon, Barber Shop, Beauty Parlor & similar uses
- Watch and Clock Repair Shop

Additional Conditional Uses:

- Donation Center (Ord. No. 03-171, and as limited pursuant to Art. 14-9-5)
- Retail Liquor Store (as limited pursuant to Art. 14-9-5) and excluding drive through facilities

Group Care Facility or Community Residential Facility (Ord. No. 05-58A, and as limited pursuant to Art. 14-9-5)
Nursing or Convalescent Home, Long term Care Facility (Ord. No. 05-58A, and as limited pursuant to Art. 14-9-5)
Hardware & Home Improvement Store, excluding outdoor storage and/or garden center (Ord. No. 03-171)
Plant Nursery, Retail, excluding bulk sales (e.g. soil, fertilizer, building materials)
Swimming Pool and Spa Sales (Ord. No. 07-36)
Veterinary Hospital (Ord. No. 05-51, and as limited pursuant to Art. 14-9-5)
Veterinary Offices and Clinics, excluding animal boarding (Ord. No. 05-51)
Automobile Diagnostic and/or Service Establishment, repair facilities & similar services (Ord. No. 05-58A, and as limited pursuant to Art. 14-9-5)
Car Wash, Automated
Car Wash, Self Service

5. Project Development Standards

All requirements of the C-1 zoning district are hereby incorporated into this PAD Application as if fully set forth with respect to the each of the uses permitted hereunder. The Applicant acknowledges that any site plan submitted shall provide enhanced vegetation to provide adequate screening for the residential neighborhoods abutting the properties.

6. Project Signage Standards.

All signage for the Property shall conform to the requirements of Chapter 14-34 of the Peoria City Ordinances. Signage will be submitted under separate permit application.

7. Project Landscaping Standards

All landscaping for the Property shall conform to the requirements of Chapter 14-35 of the Peoria City Ordinances. Landscape plans and specifications will be submitted as part of site plan review. Landscaping will be enhanced to create appropriate sight and sound buffers between all commercial uses permitted hereunder and adjacent residential areas. Specific landscape requirements will be determined upon identification of specific commercial users and as part of the site plan approval process.

8. **Slope Analysis – N/A.**

9. **Infrastructure/Utilities**

The Property represents an in-fill opportunity within the existing infrastructure grid of the City of Peoria. All City services are available to the Property. The development of the Property pursuant to this PAD will not place any undue burden on any of the City services currently available to the sites.

10. **Table of Exhibits**

- Exhibit A – Legal Description of Parcel 1
- Exhibit B – Legal Description of Parcel 2
- Exhibit C - Vicinity Map (1" = 480')
- Exhibit D – Conceptual Site Plan Overlay (1" = 160')
- Exhibit E – Conceptual Site Plan, Parcel 1 (1" = 80')
- Exhibit F - Conceptual Site Plan, Parcel 2 (1" = 80')
- Exhibit G - Conceptual Exterior Elevations

Submitted this 30th day of December, 2008.

World Gospel Mission, an Illinois not-for-profit corporation

By



Attorney for the Applicant

Exhibit A

Parcel 1

A portion of the Southwest Quarter of the Southwest Quarter of Section 12, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 12:

THENCE North 01 degree 47 minutes East 11 seconds East (basis of bearing) along the west line of said Section 12 a distance of 418.96 feet to the POINT OF BEGINNING;

THENCE North 01 degrees 47 minutes 11 seconds East, continuing along said West line 240.73 feet;

THENCE South 89 degrees 33 minutes 10 seconds East 362.10 feet;

THENCE South 01 degree 47 minutes 11 seconds West 240.73 feet;

THENCE North 89 degrees 33 minutes 10 seconds West 362.10 feet to the POINT OF BEGINNING.

Exhibit B

A portion of the Southwest Quarter of the Southwest Quarter of Section 12, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 12:

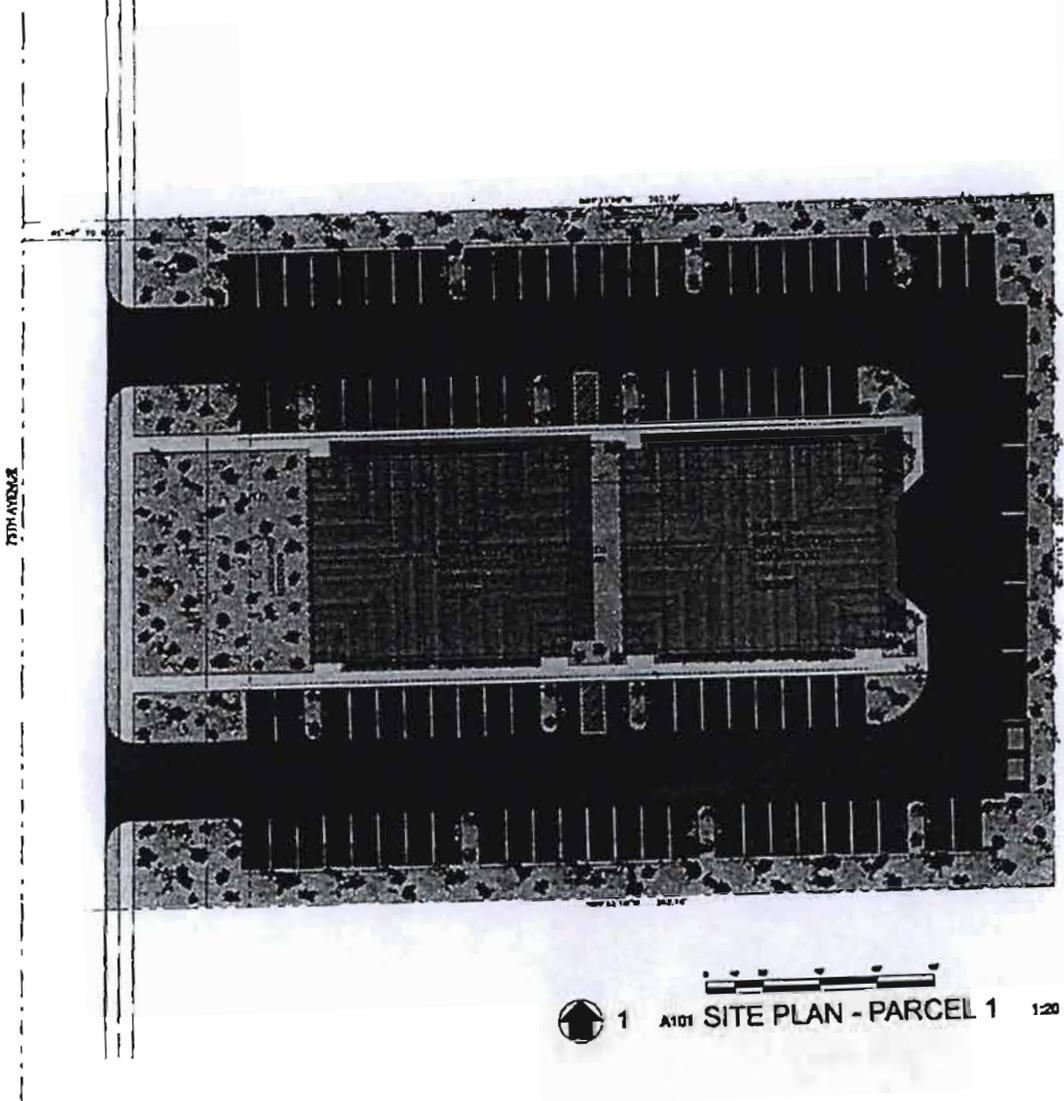
THENCE South 89 degrees 27 minutes 19 seconds East (basis of bearing) along the South line of the Southwest quarter of said Section 12 a distance of 532.25 feet to the POINT OF BEGINNING;

THENCE North 02 degrees 01 minute 32 seconds East 375.55 feet;

THENCE South 89 degrees 27 minutes 19 seconds East 348.12 feet;

THENCE South 02 degrees 01 minute 32 seconds West to a point on the South line of said Southwest quarter;

THENCE North 89 degrees 27 minutes 19 seconds West along said South line 348.12 feet to the POINT OF BEGINNING.



PROJECT DATA

ZONING: S-1 WITHIN A PAD
 SITE AREA: 34,880 SF (1.60 AC)
 GROSS: 71,518 SF (1.84 AC)
 NET
 LANDSCAPE AREA: 17,252 SF
 LOC OF NET SITE
 BUILDING USE: OCCUPANCY TYPE "B" - MEDICAL OFFICE
 PROPOSED BUILDING AREA:
 BUILDING 4A: 4,308 SF
 BUILDING 4B: 6,300 SF
 TOTAL: 12,608 SF
 MAX OCCUPANT LOAD: 126 PERSONS
 PARKING REQUIRED:
 12,608 SF / 150 = 84 SPACES
 PARKING PROVIDED:
 87 INCLUDING FOUR (4) ACCESSIBLE SPACES

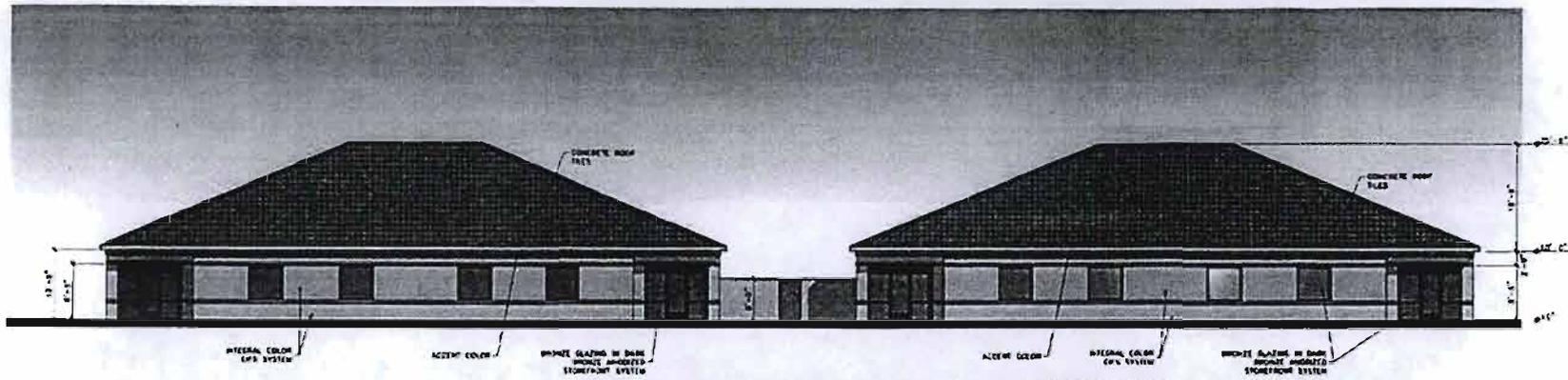
R STUDIO DESIGN GROUP, LLC
 4200 EAST RAYBROOK WAY
 DENVER, CO 80231
 303.750.4664
 www.rstudio.com
 THE GRANITE IS REPRESENTED BY THE NAME OF R STUDIO DESIGN GROUP, LLC

75TH AND THUNDERBIRD
 EXHIBIT E - CONCEPTUAL SITE PLAN - PARCEL 1

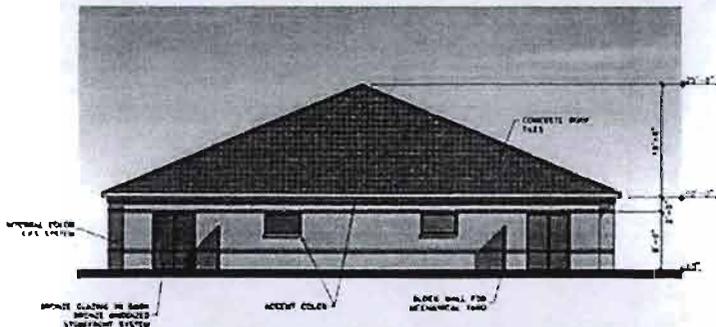
A101
 R STUDIO

H STUDIO
 DESIGN
 GROUP, LLC
 1601 EAST
 CANTONWAY WAY
 BOZEMAN, MT
 59717
 (406) 552-4444
 WWW.HSTUDIO.COM

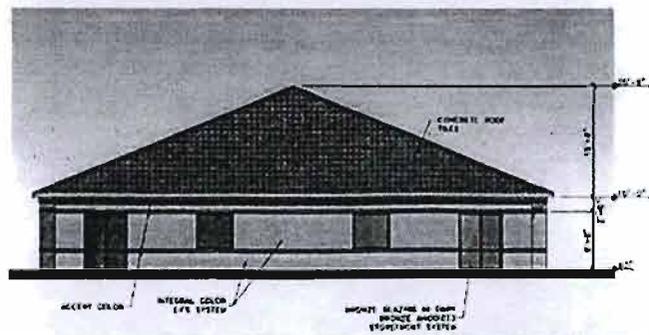
THIS DRAWING IS
 UNPUBLISHED
 AND SHALL BE
 USED ONLY WITH
 PERMISSION



1 A201 NORTH AND SOUTH ELEVATIONS 1/8"



2 A201 BLDG 4A EAST & BLDG 4B WEST ELEVATIONS 1/8"



3 A201 BLDG 4A WEST & BLDG 4B EAST ELEVATIONS 1/8"

75TH AND THUNDERBIRD
 EXHIBIT G - CONCEPTUAL EXTERIOR ELEVATIONS,
 PAGE 1 OF 1

1/2/17
A201
H STUDIO

REPORT TO THE PLANNING AND ZONING COMMISSION- ZONING AMENDMENT

CASE NO.: Z98-09A.9

DATE: February 19, 2009

AGENDA ITEM NO.: 6R

Applicant: Eagle Project Consulting on behalf of Copper Hills Community Church

Request: Approval of an amendment to the West Wing Mountain Planned Community Development (PCD) pertaining to the setback and building height requirements for a site designated for a religious facility.

Proposed Development: Copper Hills Community Church: A proposed church to be constructed in two phases. The initial phase proposes 13,313 square feet of building area.

Location: The site is located one parcel south of the southeast corner of Black Rock Boulevard and West Wing Parkway.

Site Acreage: 3.32 acres.

Support /Opposition: To date, staff has not received any correspondence in opposition or support of this case.

Recommendation: **Recommend Approval**, with stipulations.

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

1.

	LAND USE	ZONING
Subject Property	Undeveloped	Planned Community District
North	Undeveloped Future City Park	Planned Community District (PCD)
West	Detached Single-Family Residential	Planned Community District (PCD)
South	Detached Single-Family Residential	Planned Community District (PCD)
East	Undeveloped Future City Park	Planned Community District (PCD)

Project Description:

2. Copper Hills Church is proposing to develop a religious facility which will be constructed in two (2) phases. The first phase of development includes approximately 13,313 square feet of building area. Anticipated future phases of development will include an auditorium, a building expansion, and parking expansion.
3. The subject property encompasses approximately 3.32 gross acres in area. The site is an undeveloped rectangular shaped parcel located one parcel south of the southeast corner of Black Rock Boulevard and West Wing Parkway. Surrounding land uses include an abutting future City park property to the north and east, and existing one and two story single-family residential homes to the south and west. The subject property is the only designated religious facility identified in the West Wing Mountain Planned Community Development (PCD) Plan.
4. Copper Hills Church has been actively working with the City's Park Project Administrator in pursuit of a shared use agreement with the abutting future park site. The shared use agreement will include additional parking for park use on church property, availability of the church facility for City community functions, shared drive access ways, and a direct pedestrian linkage from the church to the park. It is also anticipated that phase II of this development will include additional parking to accommodate users of the trailhead system.
5. The applicant is requesting an amendment to the West Wing Residential Planned Community Development (PCD) guidelines and standards report pertaining to this site to eliminate the north and east building setback lines to a zero 0' lot line to unify the church property with the bordering future City park property to the north and east. Secondly, the request proposes to increase the allowable building height from 28' feet to range from 32' to 40' feet in height. The increased height specifically supports the direct function of the phase II auditorium, desired floor to ceiling heights, equipment screening and architectural design.

Land Use Background:

Site Plan

6. The overall development is currently under Site Plan Review (PR08-32). The approval of the site plan is contingent upon this request.

Discussion / Analysis:

7. In accordance with Section 14-36-E-1 the request was initially classified as a Minor PCD Amendment thereby allowing for administrative review. Subsequently a notice of application was mailed to property owners within 300 feet of the subject property. Concerns by the neighborhood were immediately received by staff. The application was reclassified to a Major PCD Amendment as prescribed in Section 14-36-8-E-2. A Major PCD Amendment requires a recommendation to be made by the Planning and Zoning Commission to the City Council.

8. The religious facility site is designated on the PCD Zoning Map as West Wing Residential. However the West Wing Residential District (WWR) development standards primarily address single-family residences. The residential zoning designations are broken up into three (3) development options: Custom Option (13,000 square feet to 5 acre lot), Semi-Custom Option (8,000 to 20,000 square foot lot), and Low Density Option (6,000 to 12,000 square foot lot). Although church facilities are permitted principal uses within these districts, the PCD document is unclear in describing which category of development standards apply. Accordingly, staff has reviewed this project against the most conservative option. The table below illustrates where the proposed amendment departs from the development option:

Table 1.0

DEVELOPMENT SUMMARY	DEVELOPMENT STANDARDS FOR CUSTOM OPTION	COPPER HILLS COMMUNITY PROPOSED CHURCH STANDARDS PAGE 13B
Front Setback	25 feet	25' feet fronting Black Rock Boulevard 25' feet fronting Maya Way
Side Setback	10 feet	0' foot lot line for north and east property lines adjacent to park
Rear Setback	20 feet	No Rear Yard
Height	28 feet	32-40' feet
Lot Coverage (%)	48%	No Change Requested

*Staff notes the Low Density Option side setback allows a zero lot line with a minimum separation between structures of ten (10) feet.

9. Section 14-3-6-D (General Provisions) of the Zoning Ordinance contains language that allows religious institutions to exceed the maximum height prescribed by the underlying zone provided the applicable building setbacks increase by one (1) foot for each one (1) foot of additional height. However, there is no such provision in the West Wing Mountain PCD. Additionally, if the provision above was to be utilized, the building footprint would be configured within the center of the lot and would limit design choice. With this said, staff believes the current proposal is the optimal solution for the site due to the fact the buildings are shifted away from residential uses, which further minimize potential impacts, as well as create opportunity for a multi-functioning and community relationship with the future City park.

Neighborhood Meeting

10. In accordance with Section 14-39-6.E, the applicant was required to hold at least one (1) neighborhood meeting with a notification distance of 300 feet. Accordingly, on November 6, 2008, the applicant held a Neighborhood Meeting at Westwing Elementary School.
11. On Thursday November 6, 2008, the applicant held a Neighborhood Meeting at Westwing Elementary School. The meeting was attended by four (4) persons and two (2) members of the project development team. Items of discussion included concern that public would be left out of process, concern about the height of the buildings and reduced setbacks. Each concern was addressed to the attendees. The applicant provided the attendees with an in depth 3D computer model presentation which demonstrated views from specific locations and properties. As stated in the Citizen Participation Report, each person from the community that attended expressed their satisfaction.

Public Notice

12. Public notice was provided in the manner prescribed under Section 14-39-6. Additionally, the site was posted with a sign meeting the content and size requirements prescribed by the Planning Division on February 3, 2009. 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.

Proposition 207 Waiver

13. The applicant, Copper Hills Community Church Mennonite Brethren has submitted a signed and notarized Proposition 207 waiver, which will be recorded with the conditions contained herein.

Findings / Recommendation:

14. Based on the following findings:
 - 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 written comments on the proposal.
 - Staff believes the current proposal is the optimal solution for the site due to the fact the buildings are shifted away from residential uses, which further minimize potential impacts, as well as create opportunity for a multi-functioning and community relationship with the future City park.
 - As illustrated in the 3D Model photos, the applicant has demonstrated that the proposed height of the building will not have a negative impact on surrounding residential land uses.

- The applicant, Copper Hills Community Church Mennonite Brethren, has submitted signed and notarized a Proposition 207 waiver, which will be recorded with the conditions outlined below.

It is recommended that the Planning and Zoning Commission take the following action:
Recommend approval of Z98-09A.9 to the City Council, subject to the following conditions:

1. The Development shall conform to the revised West Wing Mountain PC Plan & Program, dated February 19, 2009.
2. The approval entered herein shall not negate any of the prior conditions contained or referenced within the original Case Z98-09 (WestWing Mountain PCD) and successive amendments. Those conditions shall remain in force for the PCD.

Attachments:

- Exhibit A Narrative
- Exhibit B Location Map
- Exhibit C Site Plan
- Exhibit D Campus Plan Showing Church & Park Connection
- Exhibit E Phase I Renderings
- Exhibit F Phase II Conceptual Rendering
- Exhibit G 3D Model Illustrations
- Exhibit H PCD Amendment (Page 13b)
- Exhibit I Citizen Participation Report
- Exhibit J West Wing Mountain Zoning Map
- Exhibit K West Wing Mountain Planned Community Plan

Prepared by: Monique Spivey
Associate Planner

**PROJECT NARRATIVE
PCD AMMENDMENT
COPPER HILLS COMMUNITY CHURCH
December 2008**

Copper Hills Community Church is a congregation planning to develop a parcel of land on the east side of Black Rock Boulevard just south of Westwing Parkway as described on the attached Site Plan.

The church's desire is to have a seamless relationship with the adjacent park and community while maintaining a unique identity. To that end, communication has been ongoing with Jeff Sargent, Park Projects Administration with the City of Peoria, to pursue a shared use agreement with the new park east of the church's property. Highlights of the shared uses are: additional parking for park use on church property, availability of the church facility for community functions, church property retention requirements accommodated on park property, and a shared drive between properties. On the east side of the property/buildings, provisions will be made for a potential screen element and paved area to be used for "movie in the park" nights, small events, community parties, etc. The goal is to establish an anchor for the park's west end, to have an open, physical connection between the two properties.

There will be two pedestrian links between the park and the church property, both on the east side: one to the north leading directly into the main lobby space; the second at the south end allowing for easy access from the neighborhood to the south, immediately adjacent to the parking area, and into the park.

Two adjustments to the existing PCD are being requested: First, to reduce the setbacks for the north and east property lines to 0'-0" and, second, to increase the height limitation to 40'-0".

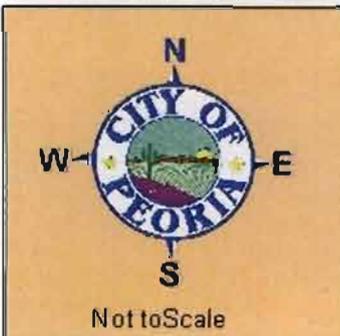
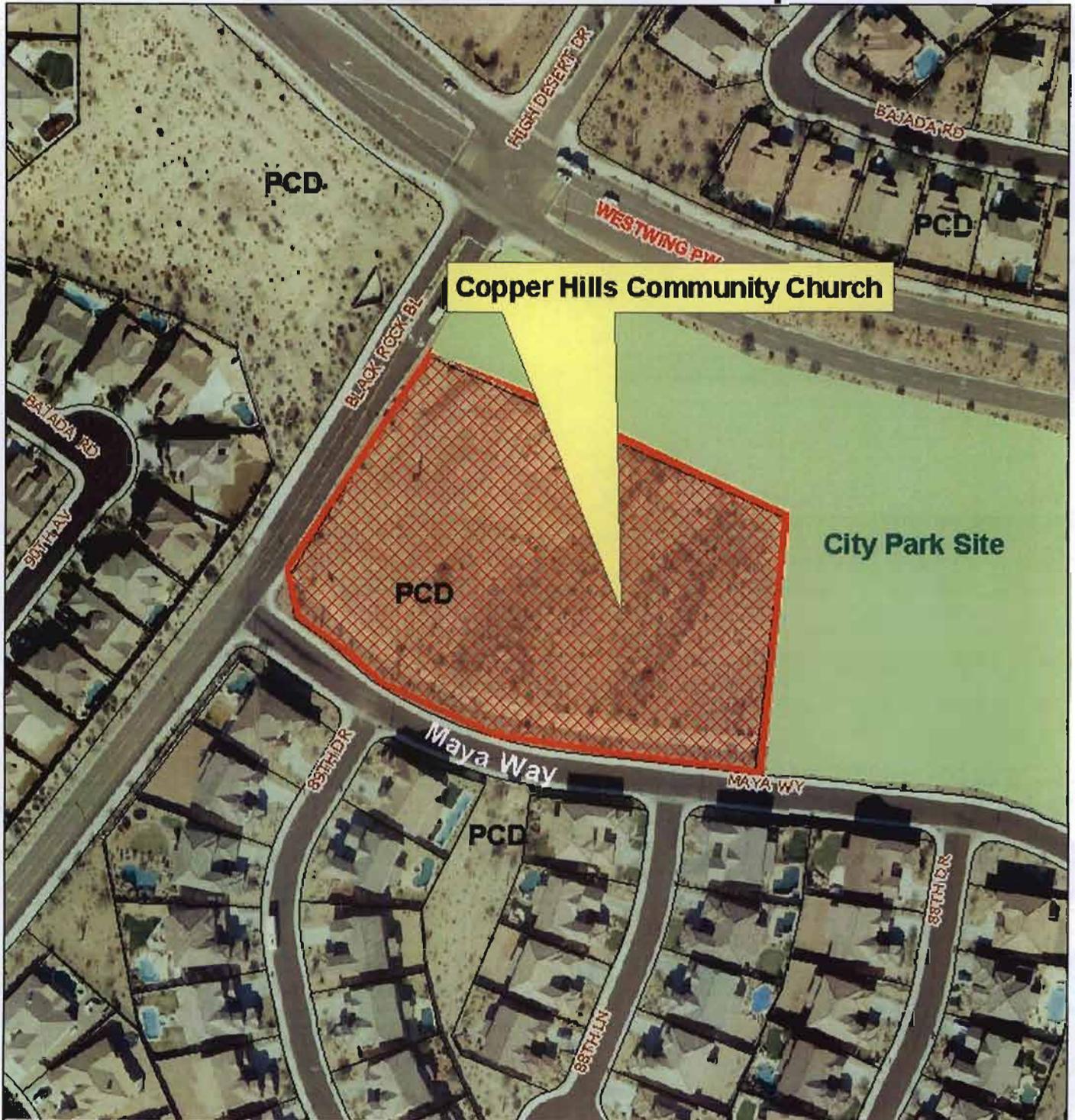
The reduction of the setbacks is requested so that the land use may be maximized. We believe that to remove the setback requirement at the north and east property lines still honors the spirit of the ordinance as the land is City-owned and operated and there is no plan for any built structures within any close proximity to these property lines. The reduction of setbacks also increases the physical distance between the buildings and the residential areas to the west and south. Note: the structures will maintain a minimum distance from the property lines for egress and circulation.

The additional height is being requested as a function of the building as an auditorium. While there are no plans for a traditional "fly space" which would require a height approaching 80'-0", height above 28'-0" is still necessary to allow for some minimal lighting positions, rigging, sets, etc. The remainder of the two story volume buildings will range from 25'-0" to 32'-0" as a result of desired floor to floor heights, equipment screening and the architectural design solution for the project. We believe this request to be in keeping with the intent of the ordinance and a minimal impact to the surrounding neighborhoods (see exhibits attached to the Citizen Participation Report): The mass of the buildings and area for greater height is to the north, well away from the neighborhood to the south, and critical sight lines from this area are still maintained to the Westwing Mountains. Along the north property line, only the park is adjacent and an area in which a 404 wash traverses the park property. This portion of the park also acts as a buffer between the church property and Westwing Parkway, the distance between the two varying between 150' and 170'; the nearest neighbors to the north are more than 300' distant. When compared to allowable building heights at the existing building setbacks the sight lines from many points are better than currently allowed by ordinance and from only a few vantage points is the additional height requested an impact. See following images for reference – the transparent blue "wall" represents what is currently allowed by ordinance for comparison to the proposed development.

Exhibit A



Z98-09A.9 Location Map



Z98-09A.9 Copper Hills Community Church
South of SEC Westwing Parkway and Black Rock Boulevard

Request height increase and reduced setbacks within
the WestWing PCD

Exhibit B

PROJECT DATA

PROJECT DESCRIPTION:
 THE PROJECT CONSISTS OF A NEW WORSHIP FACILITY WITH MULTIPLE SPACES AND GARDENS/PARKING AND LANDSCAPING WILL BE PROVIDED. INCLUDED IS A DRIVEWAY AND PLEISTINE CONNECTION TO WESTWING PARK TO THE EAST.

SITE AREA:

TRACT: 144.728 ACRES
 NET: 134.511 ACRES, 2,000 ACRES

BUILDING:

TOTAL FOOTPRINT AREA: 8,919 SF
 SITE COVERAGE: 40% ALLOWED
 3.75:1 OVERLAY = 20% ACTUAL, DIA.
 HEIGHT: 32 FT
 1ST FLOOR AREA: 8,794 SF
 2ND FLOOR AREA: 3,502 SF
 TOTAL AREA: 12,296 SF

PARKING (SEE ORDINANCE 12-20-01):

MIN. # OF SPACES REQUIRED: 142 SPACES PROVIDED: DIA.
 COMPACT SPACES:
 15% OF 142 = 21 SPACES PROVIDED: DIA.
 HC SPACES (PER 2008 BC TABLE 106.1):
 8 REQUIRED, 8 PROVIDED: DIA.

SCREENING:

1. ALL SCREENING SHALL BE SUBJECT TO A SEPARATE REVIEW AND APPROVAL PROCESS.
2. ALL NEW SCREENING AND EQUIPMENT SHALL BE SCREENED FROM NEIGHBORS.
3. TRASH ENCLOSURE WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF FLORIDA STANDARD DETAIL AND SECTION 14-11.01 OF THE CITY OF PEORIA ZONING ORDINANCE.

PROJECT TEAM

OWNER:
 COPPER HILLS COMMUNITY CHURCH
 1300 N. 25TH AVE. STE. 11
 GLENDALE, AZ 85304
 602-434-3200
 602-434-8800
 CONTACT: BRAD KLASSEN

ARCHITECT/ENGINEER (TO BE DETERMINED):
 LARRY J. PHILLIPS CONSULTING, INC. LLC
 3731 N. AVOCADO
 MESA, AZ 85207
 480-214-8810
 480-214-8811
 CONTACT: DEAN HODGES

ARCHITECT:
 CONCEPTS
 202 E. BROADWAY ST.
 PHOENIX, AZ 85001
 602-254-2211
 602-254-2211
 CONTACT: MARK PHILLIPS

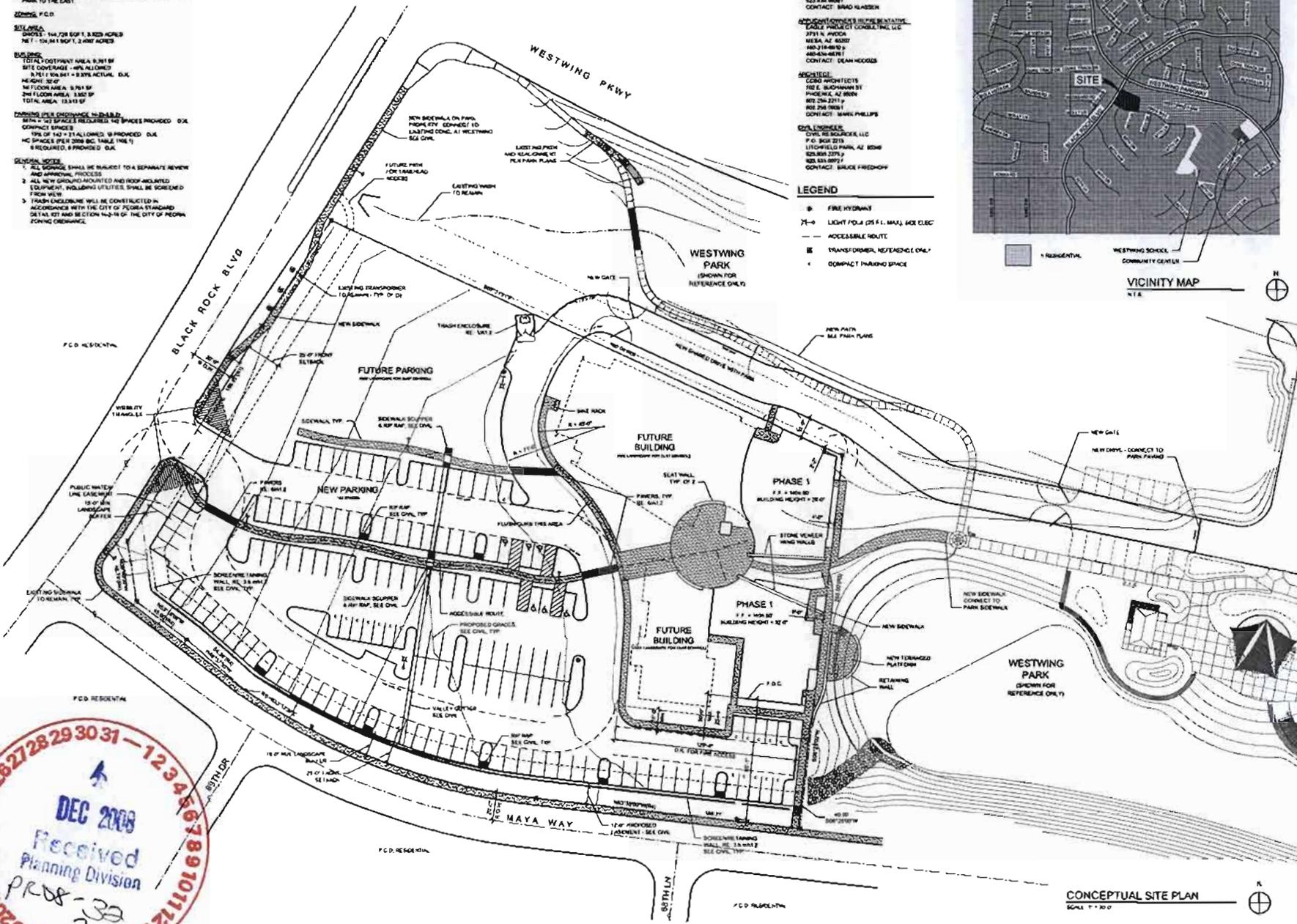
CIVIL ENGINEER:
 CIVIL RESOURCE, LLC
 P.O. BOX 2018
 TONOPAH, NV 89050
 702-868-2018
 702-868-2019
 CONTACT: BRUCE FRIEDHOFF

LEGEND

- FIRE HYDRANT
- LIGHT POLE (25' H. MAX), 600' ELEC.
- ACCESSIBLE ROUTE
- TRANSFORMER, REFERENCE ONLY
- COMPACT PARKING SPACE



VICINITY MAP
 N.T.S.



CCBG
 Architects, Inc.
 PHOENIX AZ 85001
 101 E. BROADWAY, SUITE 100
 PHOENIX, ARIZONA 85001

A NEW FACILITY FOR
COPPER HILLS COMMUNITY CHURCH
 WEST WING PARKWAY & BLACK ROCK BOULEVARD
 PEORIA, ARIZONA 85001

ISSUE
 DATE: 12/15/08
 SHEET NO: 006
 OF: 006

Drawn: CL, MYNP
 Checked: MYNP
 Job Number: 0806
 Drawing: CONCEPTUAL SITE PLAN
 Sheet: A1.1

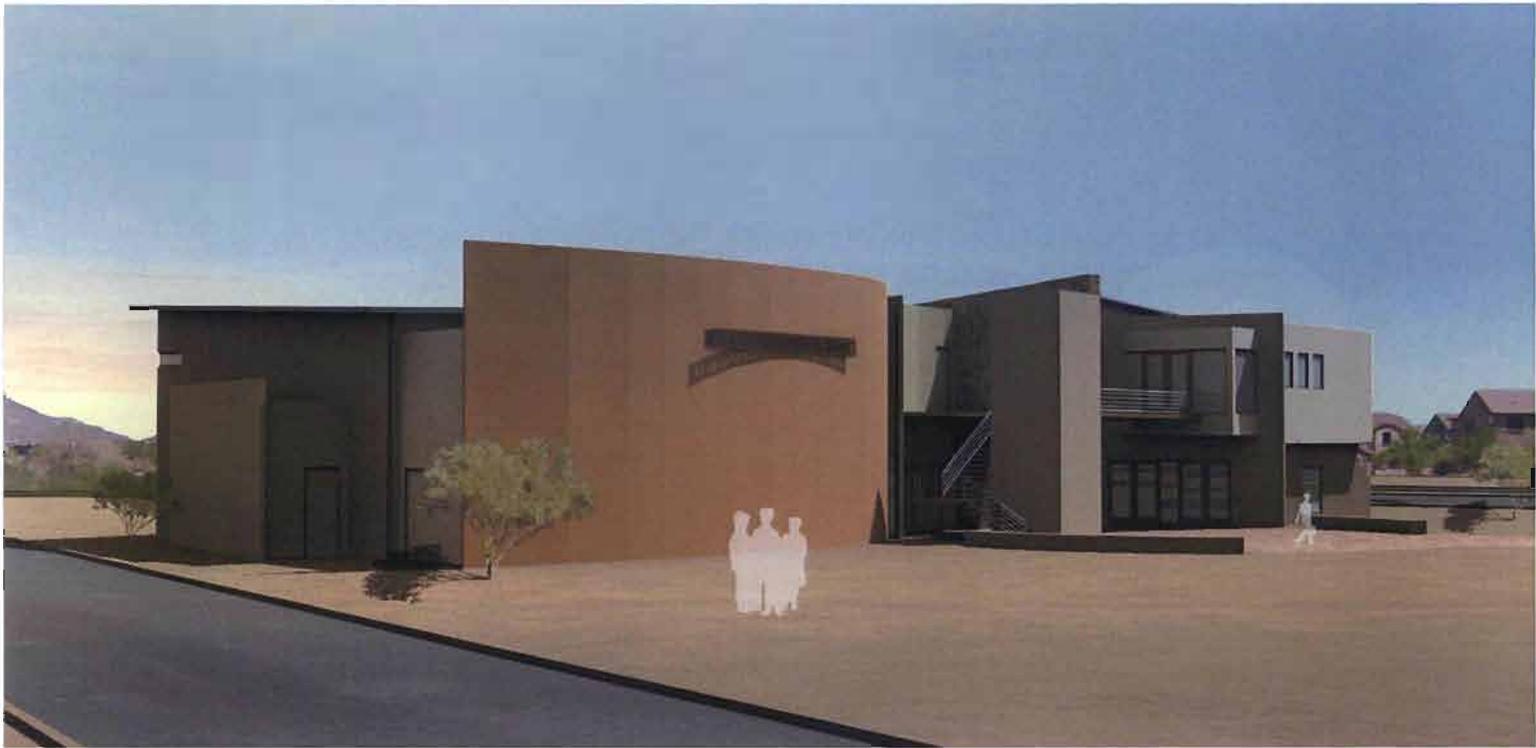


Exhibit D



Exhibit E

103





.3083

**Phase II Conceptual Renderings
Auditorium**

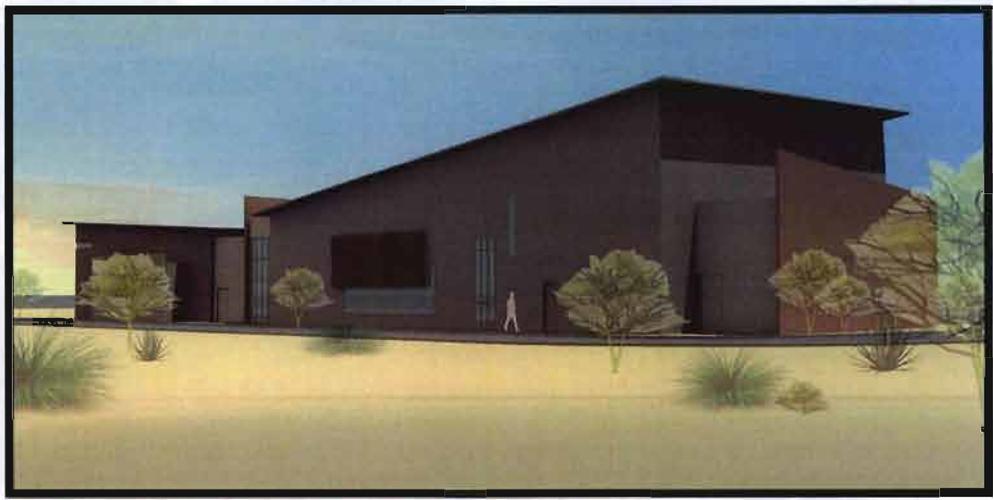
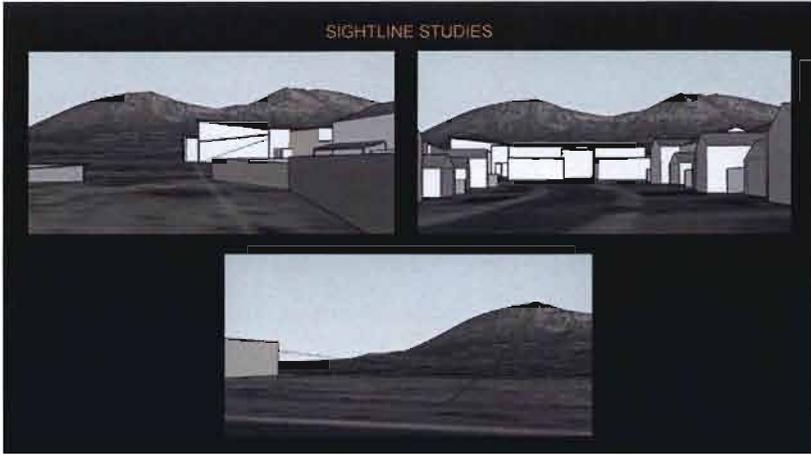
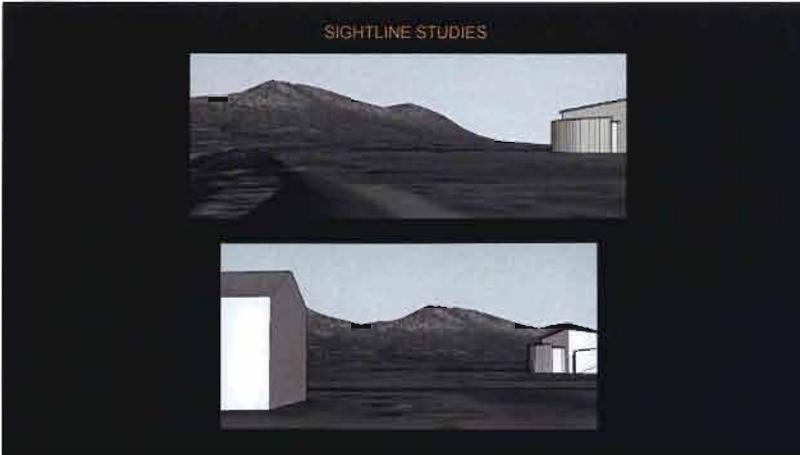
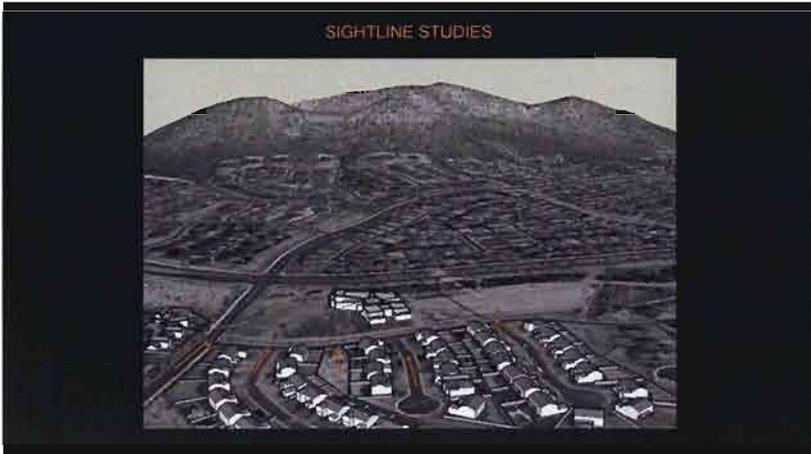
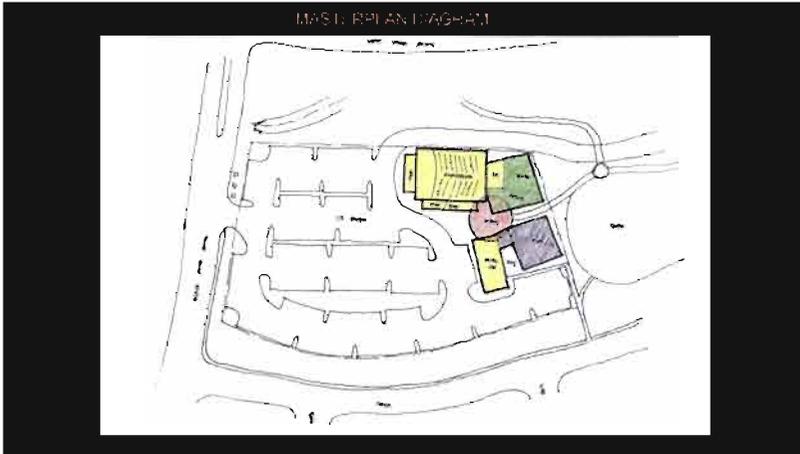
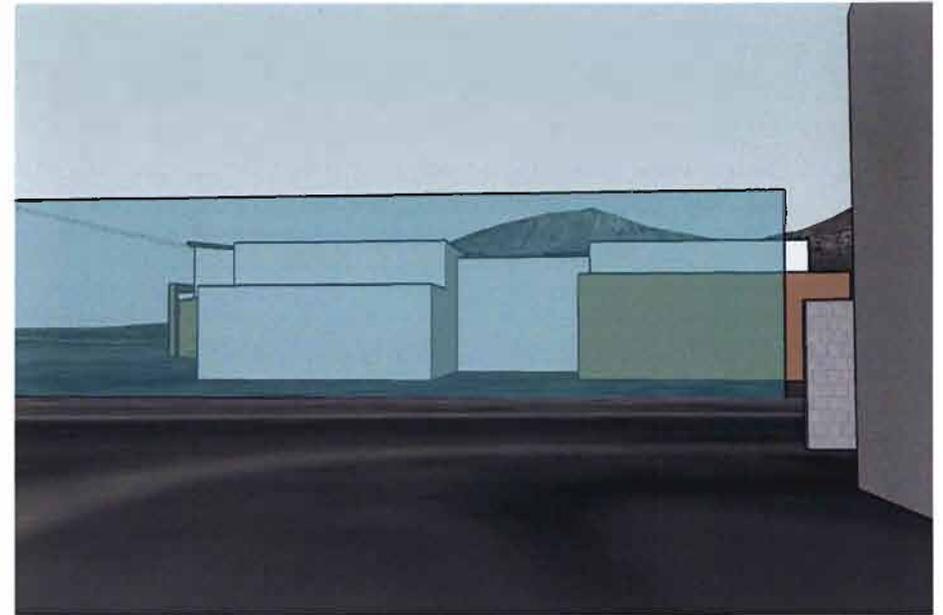


Exhibit F





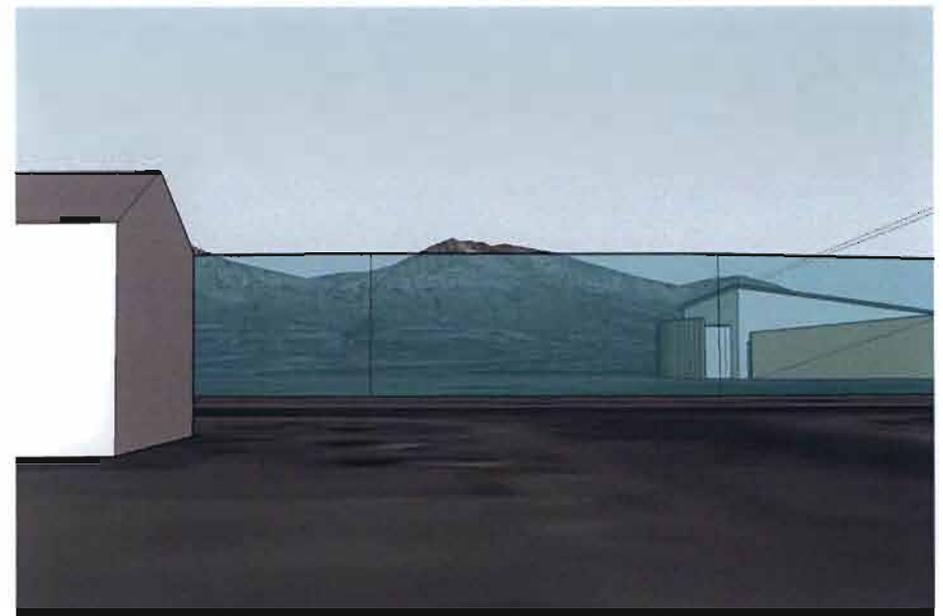
01 view from south up 88th In



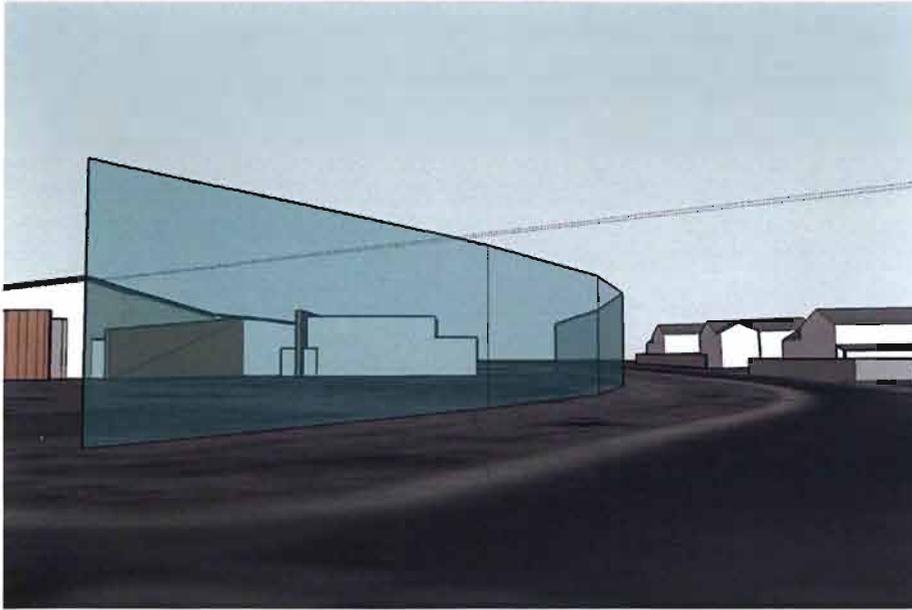
02 view from south at maya



03 view from south at maya



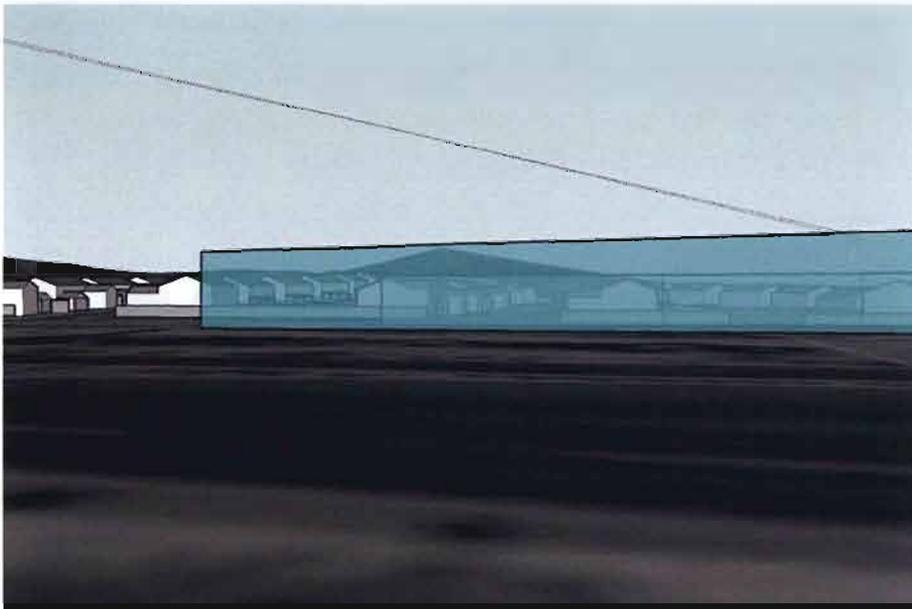
04 view from south at 89th



05 view from west at black rock



06 view from south at native area



07 view from north across westwing



08 view from north across westwing with building

ii. Development Standards for Parcel #201-06-077Q

Minimum front yard setback: Twenty-five (25) feet
(applies to Black Rock Blvd. and Maya Way frontages)

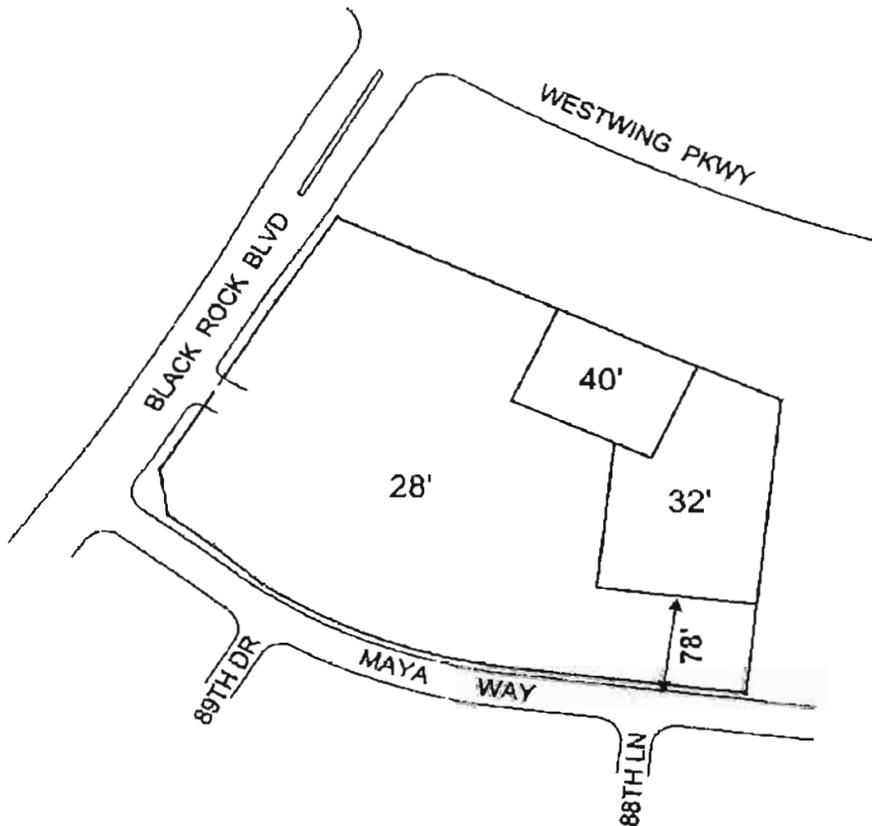
Minimum total side yard setback: Zero feet (0)
(applies to north and east property lines)

Minimum rear yard setback: N/A, no "rear" yard

Maximum building height: Forty (40) feet (except as provided in Section 14-3-8 of the Zoning Ordinance) – see height exhibit below for clarification of the area with a maximum height of 40'-0" and the area with a maximum height of 32'-0".

Maximum lot coverage: 48%

Height Exhibit



CITIZEN PARTICIPATION REPORT
COPPER HILLS COMMUNITY CHURCH
December 2008

Copper Hills Community Church, with the assistance of its owner's representative, Eagle Project Consulting, and its architect, CCBG Architects, conducted a neighborhood meeting on Thursday, November 6, 2008 at Westwing Elementary School. Notice was sent to the surrounding community and potentially interested parties by the required 10 days prior to the meeting. Attached is a copy of the initial letter sent and a subsequent letter clarifying a few details. Also attached is a copy of the material used to determine the distribution list for the letters, the material presented at the meeting, and the sign-in sheets and the one comment card left behind.

The meeting was set up informally with several presentation boards, a powerpoint presentation (see attached for reference), a sketch-up 3D computer model, and a site model set up for general viewing and discussion. Representatives from the church, Eagle Project Consulting, and CCBG were on hand to answer questions and help those in attendance better understand the project. There were a total of four different parties who came and the primary concern mentioned was the request for additional height. Using the presentation materials, especially the 3D computer model, we were able to approximate and demonstrate views from specific locations, properties, etc. One of the critical things the church has worked on from the beginning of the design process was to protect the sight lines of the neighbors to the south to the greatest extent possible while maintaining other necessary site relationships to Maya Way, Black Rock Boulevard, the park to the east, Westwing Parkway, and internal site circulation. We believe we were able to demonstrate this effort and the resulting design through the material on hand.

There were several concerns/misconceptions about the project.

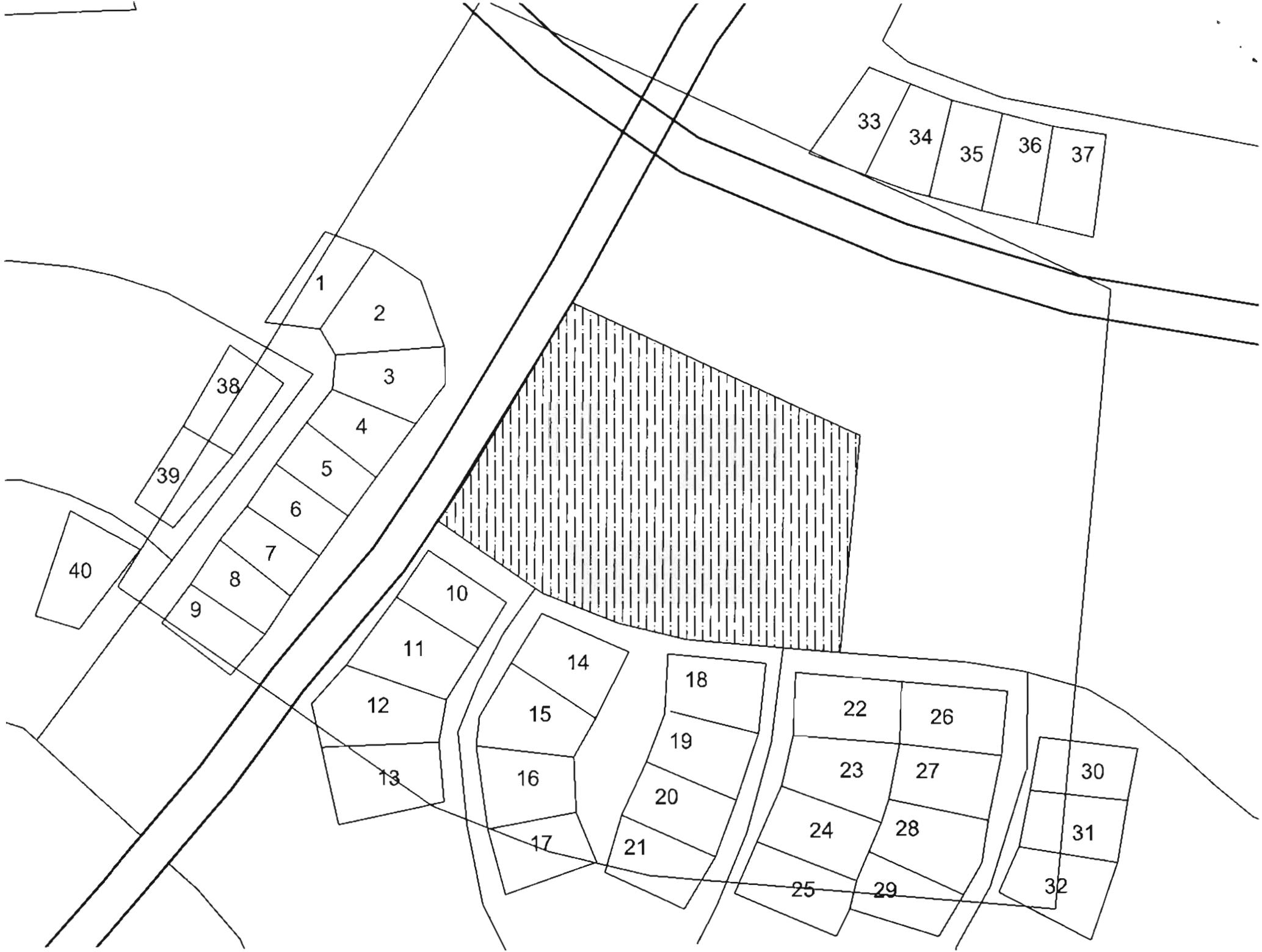
- First, one of the attendees was upset thinking that they would be left out of the process and not have a voice. They were assured that there was a full, public process being adhered to and that, in addition to this meeting, they would have opportunity to present their views to city staff as well as in a future public meeting at the city.
- Second, there was understandable concern that the requested 40'-0" height would be applied to the entire site, not just in the area demonstrated in the model and renderings. Reassurances were given that this was/is not the intent of the development and this is now reflected in the revised requested amendment document specifying/clarifying where the requested height variances will be applied.
- The request for zero lot lines on the north and east property lines was a little confusing and the attendees did not understand the request and ramifications. Once explained that the setbacks were against the park property only and would not negatively impact any adjacencies to the neighborhoods and/or sight lines, this seemed to resolve the concerns.

Each person from the community that attended expressed total satisfaction with the architecture and design of the buildings and were very complimentary. The general consensus was that the building design would fit nicely into the neighborhood and compliment the community look and feel.

The meeting was very beneficial and successful as the neighbors were able to come out and express their concerns and discuss them with the church and its representatives. The church will continue to listen to and communicate with the community and looks forward to reaching consensus on the design that will best meet and serve the needs and desires of the city, the community and the church.

Exhibit I







"A PLACE TO CONNECT WITH GOD AND PEOPLE."

October 22, 2008

Re: Copper Hills Church Development Plans

Dear Sir or Madam,

The purpose of this letter is to invite you to an Open House meeting being held on **Thursday, November 6, 2008 from 7:00 – 8:30 pm in the Music Room (Room 404) of West Wing School**, to discuss our proposed development plans, to update you on our planning progress to date, and inform you of the potential timing of the project.

We recently submitted a request to amend the existing PCD (Planned Community Development) and a new Site Plan to the City of Peoria for approval. An important part of our submittal is the Citizen Participation Process and we would like to solicit your comments and opinions about our project. Please come meet with representatives from the church and the architectural firm to see renderings and models of the new church/community center.

We look forward to meeting you at our Open House and hearing your thoughts and comments about our plans. If you are unable to attend we would still like to make ourselves available for your inquiries and commentary which can be provided directly to [REDACTED] at CCBG Architects, 102 East Buchanan, Phoenix, 85004; [REDACTED] (602) 228-2211 (b)/(602)255-0909 (f).

Very truly yours,

[REDACTED]

21448 N 75TH AVE.— SUITE 11 GLENDALE, AZ 85308
623.434.3304 (OFFICE) • 623.434.9859 (FAX)
WWW.COPPERHILLS.ORG

October 30, 2008

To Whom It May Concern:

Pursuant to the previous letter you should have received from Copper Hills Church, please find attached a map of the location of the church's property for your reference. Also, as requested by the City, following is a brief description of the project:

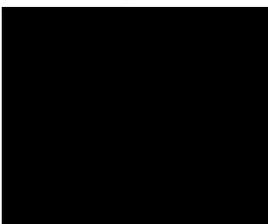
The church's desire is to have a seamless relationship with the adjacent park and community while maintaining a unique identity. To that end, communication has been ongoing with the City of Peoria to pursue a shared use agreement with the new park east of the church's property. Highlights of the shared uses are: additional parking for park use on church property, availability of the church facility for community functions, church property retention requirements accommodated on park property, and a shared drive between properties. On the east side of the property/buildings, provisions will be made for a screen element and possible level, paved area to be used for "movie in the park", small events, community parties, etc. The goal is to establish an anchor for the park's west end, and to have an open, physical connection between the two properties.

Included in the design is a theatre-style worship space, a youth space, classrooms, offices, and a small coffee shop. The project will be landscaped to blend with the existing and allowable palette in the community which consists primarily of desert plant material. Great care will be taken along the east property line to blend with the park materials to help achieve the seamless appearance of the two properties.

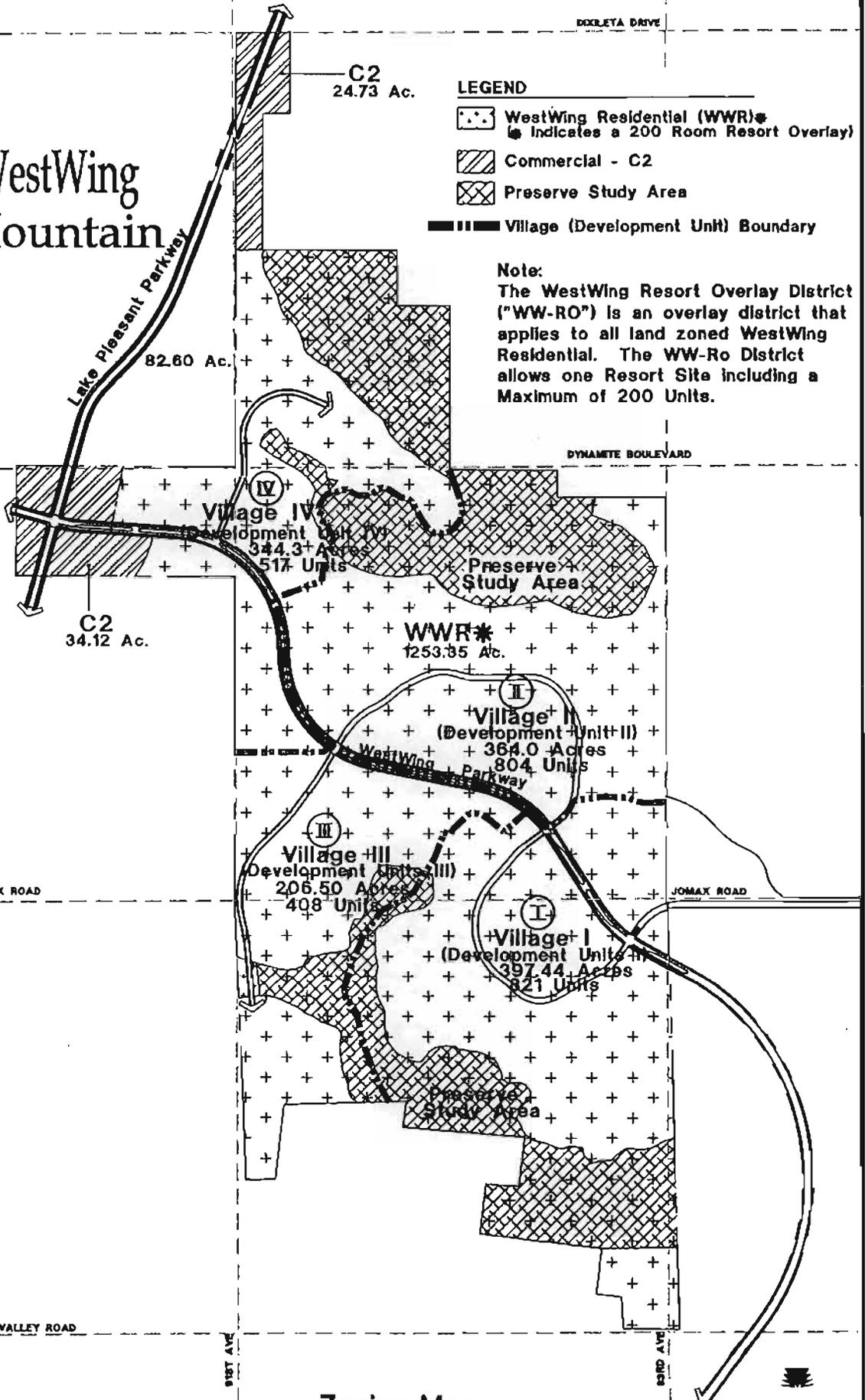
Please feel free to contact us with any inquiries and/or comments at CCBG Architects, 102 E. Buchanan, Phoenix, AZ 85004; [REDACTED] 602.258.2211, or via fax 602.255.0909. (please note that the phone number listed is the correct number; the previous letter contained a typo).

Please note once again that the meeting will be **Thursday, November 6, 2008 from 7:00 – 8:30 pm in the Music Room (Room 404) of West Wing School.**

Sincerely,

A large black rectangular redaction box covering the signature area.

WestWing Mountain



Zoning Map

VSA *Yates Strubbe Associates*
Architects and Planners
1616 East Main Street - Suite 100, Phoenix, Arizona 85004
602 252-2722 • FAX 602 252-2722

WOOD/PATEL
Civil Engineers • Hydrologists • Land Surveyors
3200 E. McDowell, Suite 200 • Phoenix, Arizona 85004



Date: August 21, 1998

Exhibit J

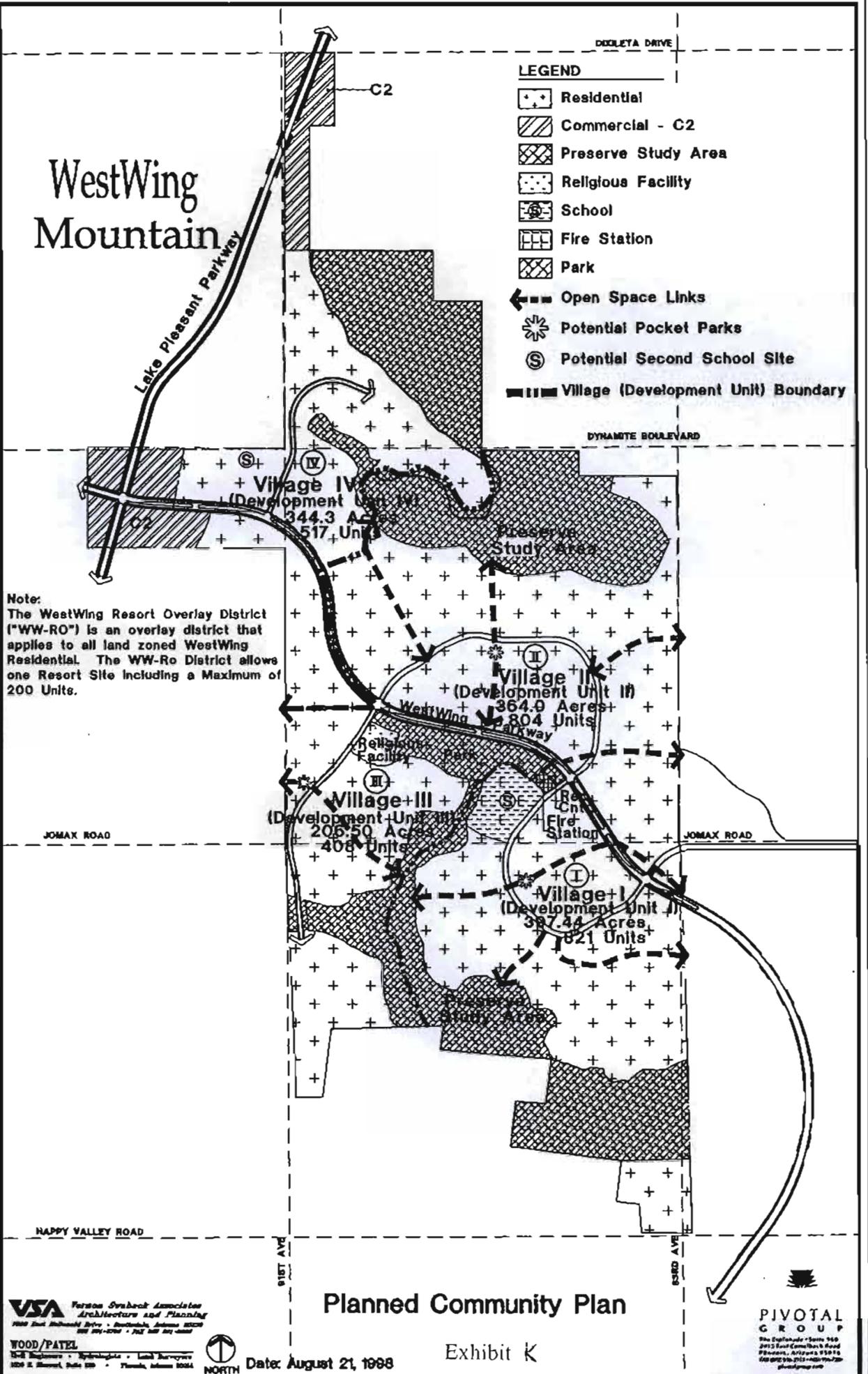
PIVOTAL GROUP
The CityCenter • Suite 1000
2475 East Camelback Road
Phoenix, Arizona 85016
FAX 602 954-2111 • 602 954-7200
pivotalgroup.com

WestWing Mountain

LEGEND

- Residential
- Commercial - C2
- Preserve Study Area
- Religious Facility
- School
- Fire Station
- Park
- Open Space Links
- Potential Pocket Parks
- Potential Second School Site
- Village (Development Unit) Boundary

Note:
The WestWing Resort Overlay District ("WW-RO") is an overlay district that applies to all land zoned WestWing Residential. The WW-RO District allows one Resort Site including a Maximum of 200 Units.



Planned Community Plan

Exhibit K

VSA *Verizon Southwest Association*
Architecture and Planning
1900 East McDowell Drive • Scottsdale, Arizona 85260
480 974-2700 • FAX 480 974-2800

WOOD/PATEL
Civil Engineers • Hydrologists • Land Surveyors
1020 E. McDowell, Suite 200 • Phoenix, Arizona 85004



Date: August 21, 1998

PIVOTAL GROUP
The Clubhouse - Suite 200
2012 East Camelback Road
Phoenix, Arizona 85016
602 998-2111 • info@pivotalgroup.com