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

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

PLANNING & ZONING COMMISSION:

Veda McFarland, Chair
Marc Melbo, Vice Chair
Bill Louis, Secretary
Greg Loper
John Gerard
Nancy Golden
Leigh Strickman
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 Chair McFarland and Alternate Wojcik from the March 5, 2009 meeting.

2C **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held March 5, 2009.

3C **CU09-03**: Westside Sign-A-Rama is requesting a Conditional Use Permit to allow a Commercial Service Establishment combining retail and showroom with a workshop on property zoned Intermediate Commercial (C-2). The site is located on the southwest corner of 95th Avenue and Peoria Avenue.

4C **CU09-06:** Evans, Kuhn & Associates, Inc on behalf of HealthSouth is requesting a Conditional Use Permit for a minor addition to an existing rehabilitation facility for the purposes of additional beds on property zoned Office Commercial (O-1). The site is generally located south of the southwest corner of 67th Avenue and Thunderbird Road.

REGULAR AGENDA

UNFINISHED BUSINESS:

5R **PUBLIC HEARING:** RE: Conditional Use Permit.

PUBLIC HEARING – CU09-01: A Design Invision, LLC, on behalf of AEO Powersports is requesting a Conditional Use Permit to allow automotive diagnostic and service facilities for motorcycles, quads, and UTVs in an Intermediate Commercial (C-2) District. This use would occur in conjunction with retail sales of associated products. The property is located south of the south east corner of 77th Ave. and Deer Valley Rd.

Staff Report
Open Public Hearing
Public Comment
Close Public Hearing
Commission Action: Discussion and possible action to recommend approval of a request from A Design Invision, LLC, on behalf of AEO Powersports for a Conditional Use Permit to allow automotive diagnostic and service facilities for motorcycles, quads, and UTVs in an Intermediate Commercial (C-2) District. This use would occur in conjunction with retail sales of associated products.

NEW BUSINESS:

6R **PUBLIC HEARING:** RE: Rezone property from County Rural to Suburban Ranch.

PUBLIC HEARING – Z09-03: The City of Peoria is requesting an initial rezone of approximately 2.1 acres of property from Maricopa County Rural-43 to Suburban Ranch (SR-43). The site is generally located west of the northwest corner of Happy Valley Parkway and Lake Pleasant Parkway.

Staff Report
Open Public Hearing
Public Comment
Close Public Hearing
Commission Action: Discussion and possible action to recommend approval of a request from the City of Peoria for an initial rezone of approximately 2.1 acres of property from Maricopa County Rural-43 to Suburban Ranch (SR-43).

CALL TO THE PUBLIC: (Non-Agenda Items)

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

Reports from Staff:
Discussion regarding possible topics for future training sessions.

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
MARCH 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: Vice Chair Marc Melbo, Commissioners Nancy Golden, Bill Louis, Greg Loper and John Gerard.

Members Absent: Chair Veda McFarland, Commissioner Worlton, and Alternate Anne Wojcik.

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

Opening Statement: Read by Chris Jacques, Planning Manager.

Final call for speaker request forms.

Audience: Six.

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 Loper and Worlton from the February 19, 2009 meeting.

2C **MINUTES**: Approve the minutes of the Regular Meeting held February 19, 2009.

3C **CU08-31**: Shaw & Associates, P.L.C on behalf of Verizon requested a Conditional Use Permit to allow a monopalm (approximately 70 feet high) wireless facility within an Intermediate Commercial (C-2) zoned property. The site is located on the southwest corner of 91st Avenue and Olive Avenue.

4C **CU08-35:** The Kart Company requested a Conditional Use Permit to allow a golf cart reconditioning establishment which includes a retail showroom and limited outdoor display within the Intermediate Commercial (C-2) zoning district. The property is located on the southwest corner of 96th Avenue and Peoria Avenue.

COMMISSION ACTION: Commissioner Loper 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:

5R **PUBLIC HEARING - CU09-01:** A Design Invision, LLC, on behalf of AEO Powersport requested a Conditional Use Permit to allow automotive diagnostic and service facilities for motorcycles, quads, and UTVs in an Intermediate Commercial (C-2) District. This use would occur in conjunction with retail sales of associated products. The property is located south of the south east corner of 77th Ave. and Deer Valley Rd.

Commissioner Loper recused himself from the hearing due to a personal conflict regarding this case.

STAFF REPORT: Melissa Sigmund, Planning Technician, on behalf of the applicant, requested a continuance until the March 19, 2009 meeting due to improper posting at the site.

PUBLIC COMMENT: None

COMMISSION COMMENTS: None

COMMISSION ACTION: Commissioner Gerard moved to continue Case CU09-01 until the March 19, 2009 Meeting. Commissioner Louis seconded the motion, and upon vote, carried 4-0.

6R **PUBLIC HEARING – TA08-07:** The City of Peoria proposed an amendment to Article 14-34 of the Zoning Ordinance entitled "Signs", to modify current standards regarding grand opening and special event signage as well as set in place standards for sign walkers.

STAFF REPORT: Presented by Cody Gleason, Planning Technician.

PUBLIC COMMENT: None

COMMISSION COMMENTS:
Commissioner Gerard asked whether the City has control over what the content of a sign is going to say. Ellen Van Riper replied that enforcement capabilities are available if the sign violates the profanity laws. Commissioner Gerard asked staff if they require an example of the text when the applicant applies for the permit. Cody Gleason replied that a preview of the text is requested on the application. Commissioner Gerard requested clarification on allowed locations of banners and sign walkers.

Commissioner Loper asked if there was any data that supports the effectiveness of sign walkers on increasing business. Chris Jacques replied that he was unaware of any such data.

Commissioner Louis inquired about non profit organizations such as schools being required to have a permit to hold signs for car washes. Cody Gleason replied that they would not be required to have a permit because they are non profit organizations but

would need to comply with location requirements. Commissioner Louis asked about enforcing private businesses claiming to be non profits that do not get a sign permit and advertising at an off site location. Chris Jacques replied that the amendment requires the sign walker to be on the same site as the business.

Vice Chair Melbo inquired about the fee for the sign permit and enforcing who has one and who does not. Cody Gleason replied that the fee is $30.00 with a total of two permits allowed per year for a total of $60.00 per year. The enforcement is basically complaint driven.

Commissioner Golden asked about businesses that are going out of business and the fact that the signs are up for six months. Cody Gleason responded that this situation allows for an extended period to display the sign.

COMMISSION ACTION: Commissioner Loper moved to recommend to the City Council approval of Case TA08-07, for the City of Peoria's request to amend Article 14-34 of the Zoning Ordinance entitled "Signs", to modify current standards regarding grand opening and special event signage as well as set in place standards for sign walkers. Commissioner Louis seconded the motion, and upon vote, carried unanimously.

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

REPORT FROM STAFF:
Chris Jacques announced to the Commission that a new Commissioner, Leigh Strickman, had been appointed to replace Michael Worlton and should be present at the next meeting. He also discussed holding regular training sessions and asked for suggestions of possible topics the Commissioners would like to learn more about. A draft of possible topics will be presented at the next meeting.

REPORTS FROM THE PLANNING AND ZONING COMMISSION: None

ADJOURNMENT: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 7:03 p.m.

_____ _____
Veda McFarland, Chair Date Signed

REPORT TO THE PLANNING AND ZONING COMMISSION-CONDITIONAL USE PERMIT

CASE NO.: CU09-03

DATE: March 19, 2009

AGENDA ITEM NO.: 3C

Applicant: [redacted] Westside Sign-A-Rama

Request: Approval of a Conditional Use Permit to allow the operation of a commercial service establishment combining showroom and workshop on property zoned Intermediate Commercial (C-2) District.

Proposed Development: The proposal includes a workshop for laminating, printing and cutting of various sign materials, office space, and a customer/waiting area. Additionally, a small area will be used to apply vinyl signs to vehicles.

Location: The site is located south of the southwest corner of 95th Avenue and Peoria Avenue.

Site Acreage: Approximately 1.47 acre site. The use will occupy 2 vacant tenant spaces (2,500 sq ft) within the 14,000 sq ft, 13-unit in-line building.

Support /Opposition: No comments as of the date of this writing.

Recommendation: **Approve**, with stipulations.

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

1.

	LAND USE	ZONING
Subject Property	**Multi-tenant inline commercial**	**Intermediate Commercial (C-2)**
North	Multi-tenant inline commercial	Intermediate Commercial (C-2)
West	Multi-tenant inline commercial	Intermediate Commercial (C-2)
South	Sun-Air Estates (attached residential)	Multi-Family Residential (RM-1)
East	Vacant	Intermediate Commercial (C-2)

Project Description:

2. Westside Sign-A-Rama is proposing to occupy two tenant spaces in an existing multi-tenant retail building. There are currently eight vacant tenant spaces. The occupied tenant spaces include a church, restaurant, hair salon and retail.

3. North and west of the site are additional in-line multi-tenant retail buildings. To the east are vacant parcels; one of which will be developed as an office building for Hospice of the Valley. South of the site are attached single-family homes.

4. Specifically, the commercial service establishment use will allow for light production and sales of signs. Production will be limited to cutting, printing, and lamination of signs. Additionally, vinyl signs will be applied to vehicles. The use operates during regular business hours and will be closed on weekends. Business vehicles are not expected to be on site. Six to nine employees will be onsite at any one time. On average, 10 to 12 customer visits occur per business day.

Land Use Background:

Application History

5. The property was annexed in 1971 and rezoned to Intermediate Commercial (C-2) District in 1972. Thereafter, the property was developed as it stands today as an inline multi-tenant retail building.

Discussion / Analysis:

6. Section 14-9-5.H.1 requires that the maximum area of a commercial service establishment may not exceed 15,000 square feet and that no more than 50% of the floor area is occupied by workshop. The use meets this requirement.

7. Additionally, as a Conditional Use, commercial service establishments are 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.

   The proposed use will not have unusual hours, generate excessive noise or unduly impact the adjacent tenants and nearby residential properties. All operations and production will occur completely within the facility and no outdoor storage is proposed. The existing 5.5-foot tall wall will remain and provide screening of the service area of the site. No additional dumpsters or other service activity is proposed with the use.

   There are 115 existing parking spaces on the property. The proposed use is 2,

500 sq ft and requires 5 parking spaces. If the existing parking needs are considered and the vacant tenant spaces are assumed to be retail, approximately 77 parking spaces are required to park the entire commercial building including the proposed use.

In staff's opinion, the proposed use is compliant with the Conditional Use Permit review criteria.

Public Notice

8. 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 March 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

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

Findings / Recommendation:

10. Based on the following findings:

- The project meets the commercial service establishment criteria under Article 14-9-5.H.1;
- The project is compliant with the Conditional Use Permit criteria under Article 14-39-10.D;
- The application and meeting 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 CU09-03, subject to the following conditions:

1. The development shall substantially conform to Exhibit A (narrative), and Exhibit D (floor plan) as contained in the staff report to the Planning and Zoning Commission dated March 19, 2009.
2. No auto/vehicle repair or maintenance of any type is permitted. Use of the vehicle bay shall be limited to affixing, repairing, and removing vinyl graphics on vehicles.
3. Outside storage shall be prohibited.

Attachments:

Exhibit A	Narrative
Exhibit B	Vicinity Map
Exhibit C	Zoning Map
Exhibit D	Floor Plan
Exhibit E	Site Plan

Prepared by: Ed Boik
Planner

J:\CommDevelopment\Development Review\CUP\CUP2009\CU09-03_Westside Sign-A-Rama\CU09-03 Staff Report.doc

EXHIBIT A

SIGN★A★RAMA
WHERE THE WORLD GOES FOR SIGNS
Independently Owned & Operated
ROC210282

WESTSIDE SIGN*A*RAMA
8345 W. Thunderbird Road, #112
Peoria, AZ 85381-3668
P:623-979-5115 F:623-979-0204
info@WestsideSigns.com
www.WestsideSigns.com

Conditional Use Application Narrative
Revised Feb 17, 2009

9501 W. Peoria Ave, Suites 105 & 106

This request is to allow the operation of a full-service retail sign center in a C-2 zoned shopping center, located at 9501 W. Peoria Ave, Suites 105 & 106.

Westside Sign*A*Rama has been operating in Peoria since Nov 2003 at 8345 W. Thunderbird Road, #112, a C-2 zoned shopping center. Due to growth requirements the business needs to move to a larger location.

This business incorporates a retail/showroom component and administrative offices, along with a production area for the printing, laminating and cutting of various signage materials. Additionally, a drive-in bay will be incorporated into the new location to enable the application of vinyl graphics onto vehicles.

Hours of operation are 8:30am to 5:30pm, Mon to Fri
Average number of employees onsite: 6 to 9
Number of business vehicles: There is 1 business vehicle, and it is stored off-site.
Average number of daily customer visits: 10 to 12

The commercial center, Sun Air Plaza, located at 9501 W. Peoria Ave., is zoned C-2. It is a 13-unit, single-story center with currently eight unoccupied suites. The remaining five suites are occupied by four businesses:

1) Chinese restaurant
2) "Dented Can" grocery store
3) Beauty salon
4) Church

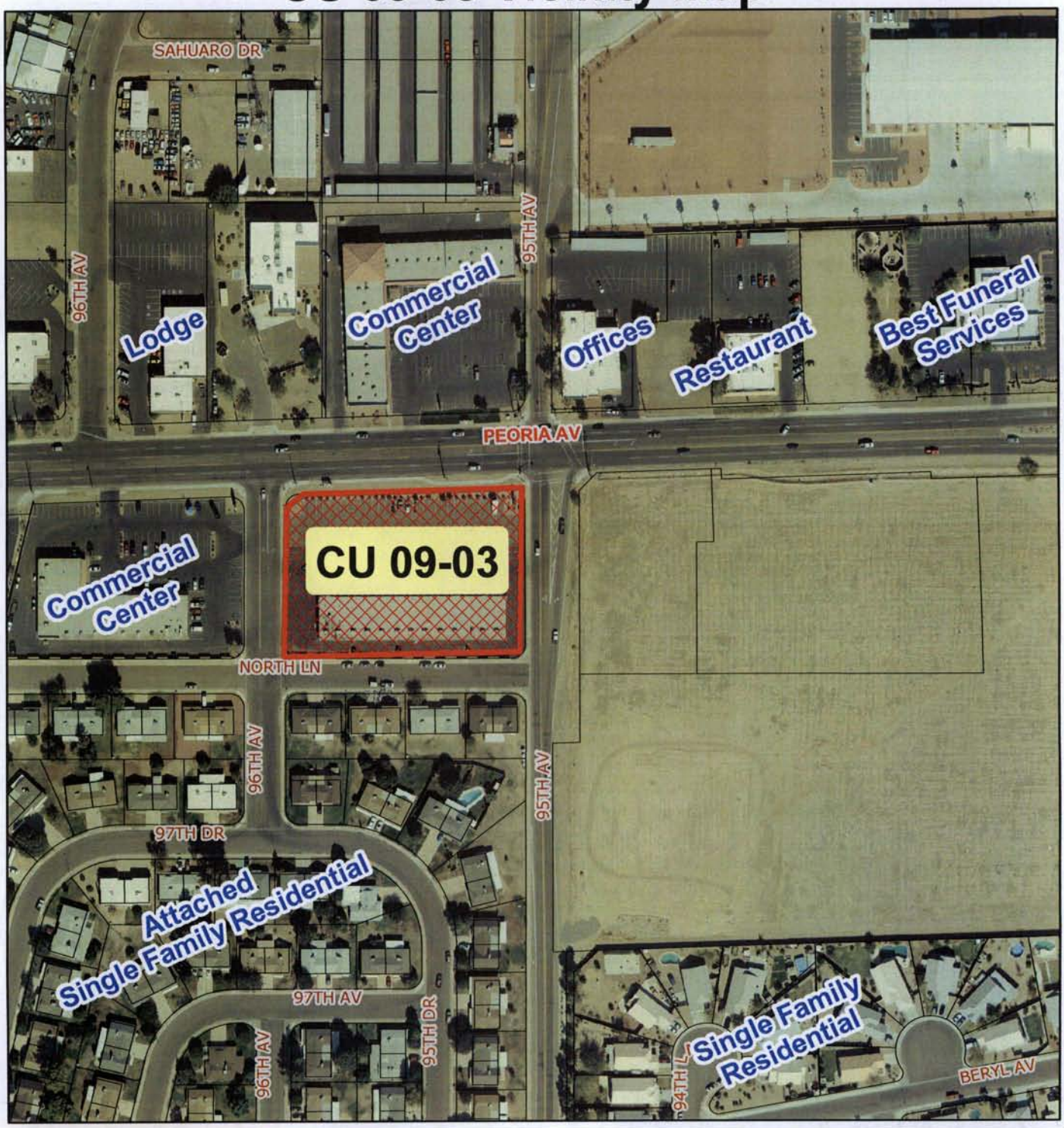
Westside Sign*A*Rama has leased two of the unoccupied suites, and is requesting approval of this Conditional Use application.

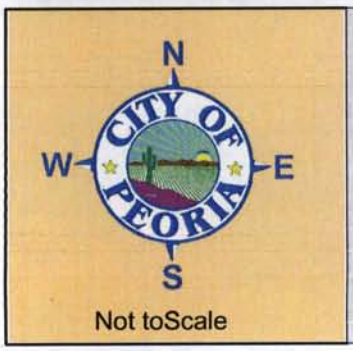
Thank you for your consideration.

[redacted]

Owner, Westside Sign*A*Rama

CU 09-03 Vicinity Map





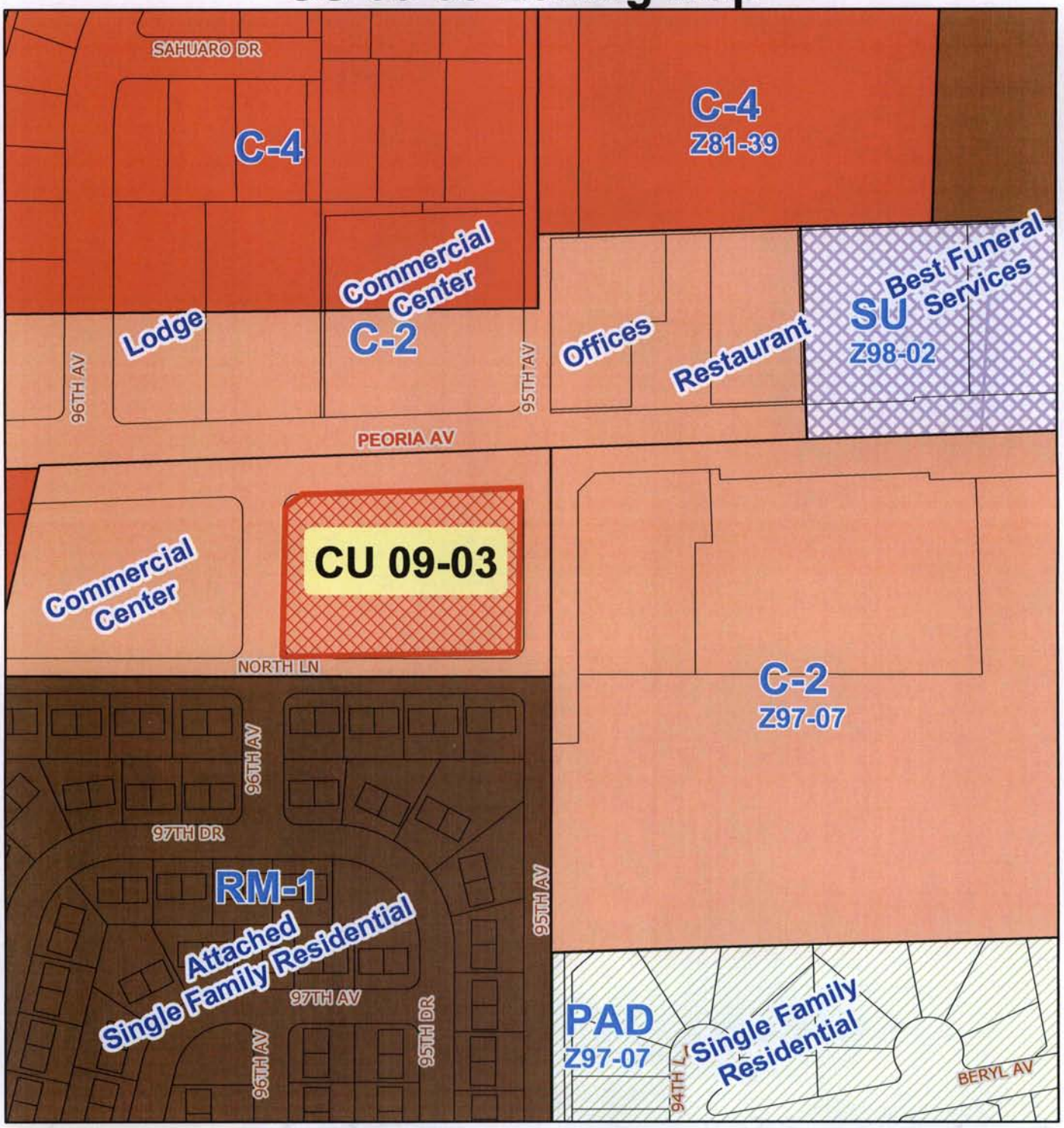
CU 09-03 Westside Sign-A-Rama

SWC 95th Avenue and Peoria Avenue

Request for a Conditional Use Permit (CUP) to allow a commercial service establishment including workshop and customer sales area.

Exhibit B

CU 09-03 Zoning Map



Not toScale

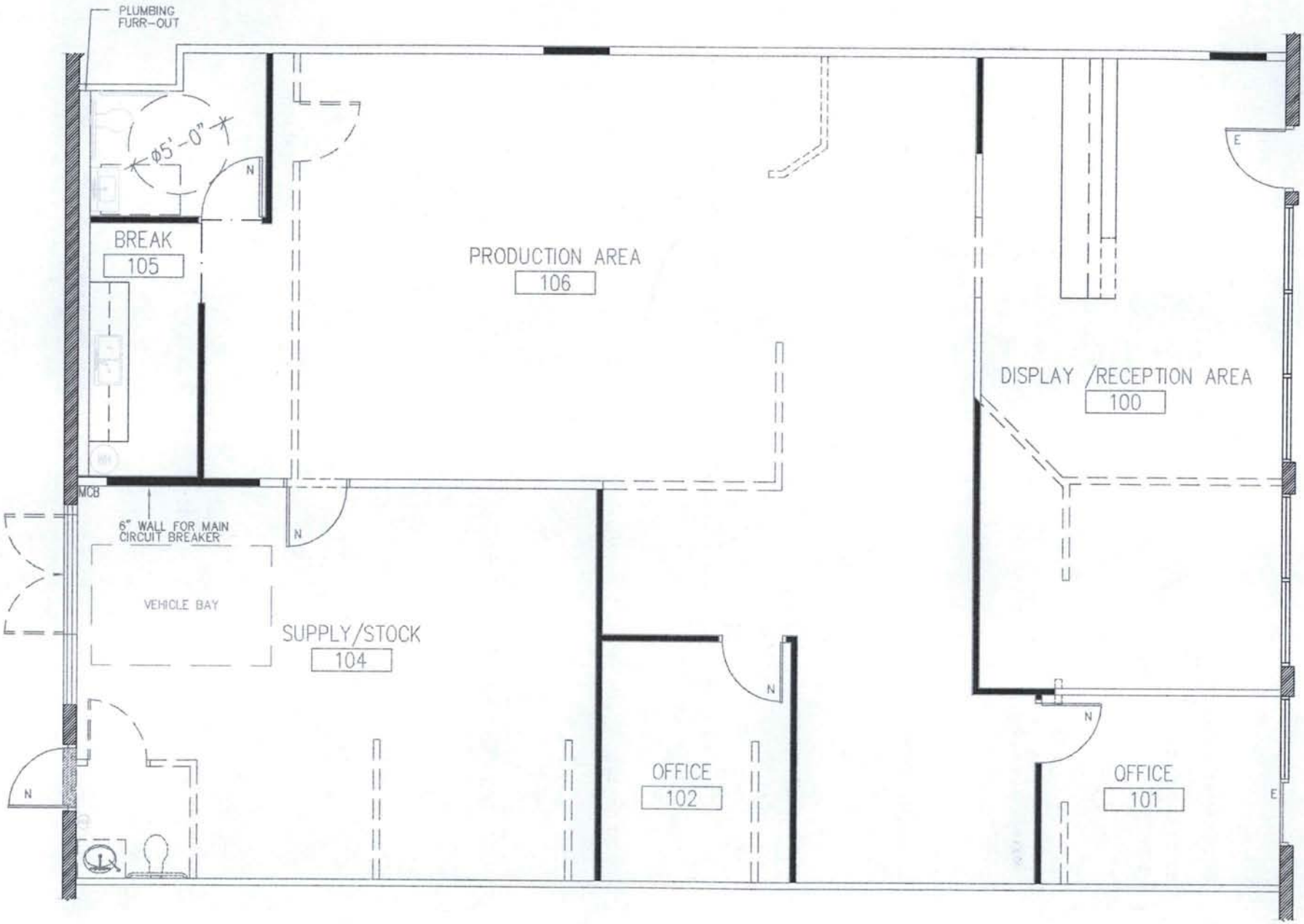
CU 09-03 Westside Sign-A-Rama

SWC 95th Avenue and Peoria Avenue

Request for a Conditional Use Permit (CUP) to allow a commercial service establishment including workshop and customer sales area.

Exhibit C

EXHIBIT D


PLUMBING
FURR-OUT
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BREAK
105
PRODUCTION AREA
106
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DISPLAY /RECEPTION AREA
100
MCB
6" WALL FOR MAIN
CIRCUIT BREAKER
N
VEHICLE BAY
SUPPLY/STOCK
104
N
N
OFFICE
102
OFFICE
101
E
N

EXHIBIT E

Westside Sign*A*Rama
9501 W. Peoria Ave.

N

SCALE
1" = 20'

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JAN 2009
CW09-03
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REPORT TO THE PLANNING AND ZONING COMMISSION-CONDITIONAL USE PERMIT

CASE NO.: CU09-06

DATE: March 19, 2009

AGENDA ITEM NO.: 4C

Applicant: [redacted] Evans, Kuhn & Associates for HealthSouth

Request: Approval of a Conditional Use Permit to allow a 5,600 sq ft expansion to an existing rehabilitation facility on property zoned Office Commercial (O-1) District.

Proposed Development: The proposal includes two small building additions totaling 5,600 square feet and 15 additional beds. Additional parking is also proposed on the south side of the property.

Location: The site is located south of the southwest corner of 67th Avenue and Thunderbird Road.

Site Acreage: Approximately 6.7 acre site.

Support /Opposition: As of this writing, two adjacent residents inquired of the project. They did not clearly indicate support or opposition.

Recommendation: **Approve**, with stipulations.

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

1.

	LAND USE	ZONING
Subject Property	**Rehabilitation Facility**	**Office Commercial (O-1)**
North	Vacant	Office Commercial (O-1)
West	Detached Single Family Residences	Single-Family Residential (R1-18)
South	Detached Single Family Residences	Suburban Ranch (SR-43)
East	Detached Single Family Residences	City of Glendale, (SR-17 & A-1)

Project Description:

2. HealthSouth is proposing to make two small additions to the southwest corner of their building. A 3,500 sq ft, 9 bed addition will be located on the west side of the building and a 2,100 sq ft, 6 bed addition will be located on the south side of the building. In addition to the building additions, additional parking will be provided on the south side of the building as well as increased landscaping within the

residential buffer and parking lot area.

3. North of the site is a vacant lot zoned Office Commercial (O-1) District. To the east, west, and south are detached single-family residential homes.

Land Use Background:

Application History

4. The property was annexed in 1979 and zoned to Single-Family Residential (R1-35) District in 1980. In 1983. the property was rezoned to Office Commercial (O-1) District and a site plan was approved for a 70,000 square feet rehabilitation facility. Except for a minor patio canopy addition in 1992, the site is unchanged from the original site plan approval.

5. In 1983, Nursing, Convalescent and Long Term Care Facilities were allowed as permitted uses in the O-1 district. In 2002, a text amendment (ORD 02-68) was approved which reorganized the permitted and conditional use lists for nonresidential uses into a consolidated non-residential use matrix. As part of that reorganization, Nursing, Convalescent, and Long Term Care Facilities were prohibited in the O-1 district.

   In 2008, staff recognized that Nursing, Convalescent and Long Term Care Facilities are allowed as conditional uses in the Multi-Family Residential (RM-1) District. RM-1 is frequently used as a "transitional zoning district" between more intense commercial areas and less intense single family residential areas. The O-1 District is used in much the same way. To provide for use consistency in the "transitional zoning districts", City Council approved a text amendment on February 17, 2009 to allow Nursing, Convalescent and Long Term Care Facilities within the O-1 District as permitted uses unless the use is within 200 feet of a residential property. In the instance that the use is within 200 feet of residential property, a Conditional Use Permit is required. The subject use is within 200-feet of residential property.

Discussion / Analysis:

6. A Conditional Use is 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.

   The proposed building expansion is 8% of the existing building gross floor area. Because the expansion of the use does not exceed 10% of the building area, the proposal is deemed to be a minor site plan amendment. Comprehensive site plan review is not required for changes of this small scale. However because the use is within 200 feet of residential property, a conditional use permit is required. Through the CUP, design review, landscaping, lighting and screening were

addressed to mitigate any potential impacts on the adjacent residential properties.

The proposed building additions are designed to blend in with the existing architecture. Also, additional screening is proposed on the rooftop to obscure any proposed rooftop mechanical units.

Additional buffer landscaping and shielded lighting is proposed in areas adjacent to the proposed building additions. This will reduce noise and visual impacts and soften the edge between this facility and the adjacent residences. On the south side of the building, additional parking is proposed. The proposed parking will also be improved with landscaping and shielded lighting to reduce impacts on the adjacent residences.

The Zoning Ordinance does not specifically identify a parking requirement for long-term care facility or physical rehabilitation facilities. It identifies "senior care" which includes long-term senior care and nursing homes and "hospitals" which include emergency room and acute medical care services. This use falls between these two categories. The senior care parking calculation requires one parking space per every 3 beds. The hospital parking calculation requires two parking spaces per each bed, plus parking for staff and emergency services. The applicant is providing 166 parking spaces which equates to one parking space per 2.2 beds. This rate compares favorably to other community standards in the area. Scottsdale, for instance, requires between one-half and one parking space for each bed depending on the intensity/type of the hospital/long-term care use. Staff is agreeable to the parking provided for this particular long-term physical rehabilitation hospital.

In staff's opinion, the proposed use is compliant with the Conditional Use Permit review criteria.

Public Notice

7. 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 March 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

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

Findings / Recommendation:

9. Based on the following findings:

- The project is compliant with the Conditional Use Permit criteria under Article 14-39-10.D;
- The application and meeting 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 Office Commercial (O-1) 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 CU09-06, subject to the following conditions:

1. The development shall substantially conform to Exhibit A (narrative), Exhibit D (site plan), and Exhibit E (building elevation) as contained in the staff report to the Planning and Zoning Commission dated March 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. Proposed free standing and wall mounted light fixtures shall be flat-lensed, down-facing, and full cut-off. No light source shall be visible from adjacent residential properties and no light shall trespass/spill onto adjacent residential properties. Fixtures impacted by construction shall not be reused unless they comply with this requirement.
4. No activities, tables, refuse containers, or other material shall be permitted in the south and west landscape buffers. All existing equipment shall be removed.
5. Proposed parking lot landscaping end-islands shall be no less than 7-feet in width and landscaped in accordance with the Zoning Code.
6. The final design of the additions shall be consistent with the existing building.
7. All roof drains shall be internalized.

Attachments:

Exhibit A	Narrative
Exhibit B	Vicinity Map
Exhibit C	Zoning Map
Exhibit D	Site Plan
Exhibit E	Building Elevation

Prepared by: Ed Boik
Planner

EXHIBIT A

HealthSouth Valley of the Sun Rehab. Hospital Addition

Project Design Narrative

The scope of work for this project includes two patient bed additions; one nine (9) bed addition (3,768 sf) and one six (6) bed addition (2282 sf). The new additions will provide for a total of 15 new patient beds to accommodate for increased patient load. The six bed addition will be added to the south end of the building and will extend from the existing corridor. The nine bed addition will be added to the west side of the building and will extend from the existing corridor. Refer to attached site plan and floor plan for locations of new additions and design. The south and west side of the site are currently situated adjacent to existing residential. Both of the additions respect the required 30' set back from the property line adjacent to the residential neighborhood. The new additions will have independent structural systems from the existing facility. A 4" seismic gap will be provided from lateral movement between the two buildings. The exterior elevations will be similar in look and scale. The materials and paint will match the existing facility. Please refer to the provided exterior elevations for additional information.

Project Phasing

There will be minimal impact to the existing facility during construction. The new additions will requires some removal of existing storefront and EIFS finish system at locations where the new addition meets the existing facility. The remainder of the existing facility will be not be impacted. The construction of the two additions will occur simultaneously and will be designed to fit with the existing exterior façade and look.

Applicable Codes

The following codes are enforced for this project:

International Building Code (2006 edition),
International Mechanical Code (2006 edition)
National Electric Code (2005 edition)
International Plumbing Code (2006 edition)
International Fire Code (2006 edition)
City of Peoria Code Amendments

The building will be designed as an 'I-2' Occupancy facility and the construction type of the additions will match the existing facility and will be a Type II-A construction type. This facility will be reviewed by the City of Peoria, through their planning and building review process. The building additions will also be reviewed by the Arizona Department of Health Services, for compliance with licensing requirements.

01 – Foundations and 02-Substructure

Foundations, slab, excavation, and site preparation will be designed and executed based on the recommendations of the soils report. Note at the south addition the building will sit above the adjacent sidewalk and parking. A ramp will be designed for in order to provide an accessible route of travel. The west addition will be close, in level to the existing parking lot and sidewalk and will not require a ramp in order to comply with accessibility.

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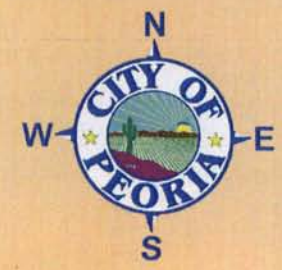
1

CU 09-06 Vicinity Map



Not toScale

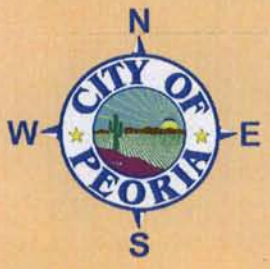
CU 09-06 HealthSouth

S/O SWC 67th Avenue and Thunderbird Road

Request for a Conditional Use Permit (CUP) to allow a 5,600 sq ft expansion of an existing physical rehabilitation hospital.

Exhibit B

CU 09-06 Zoning Map



Not toScale

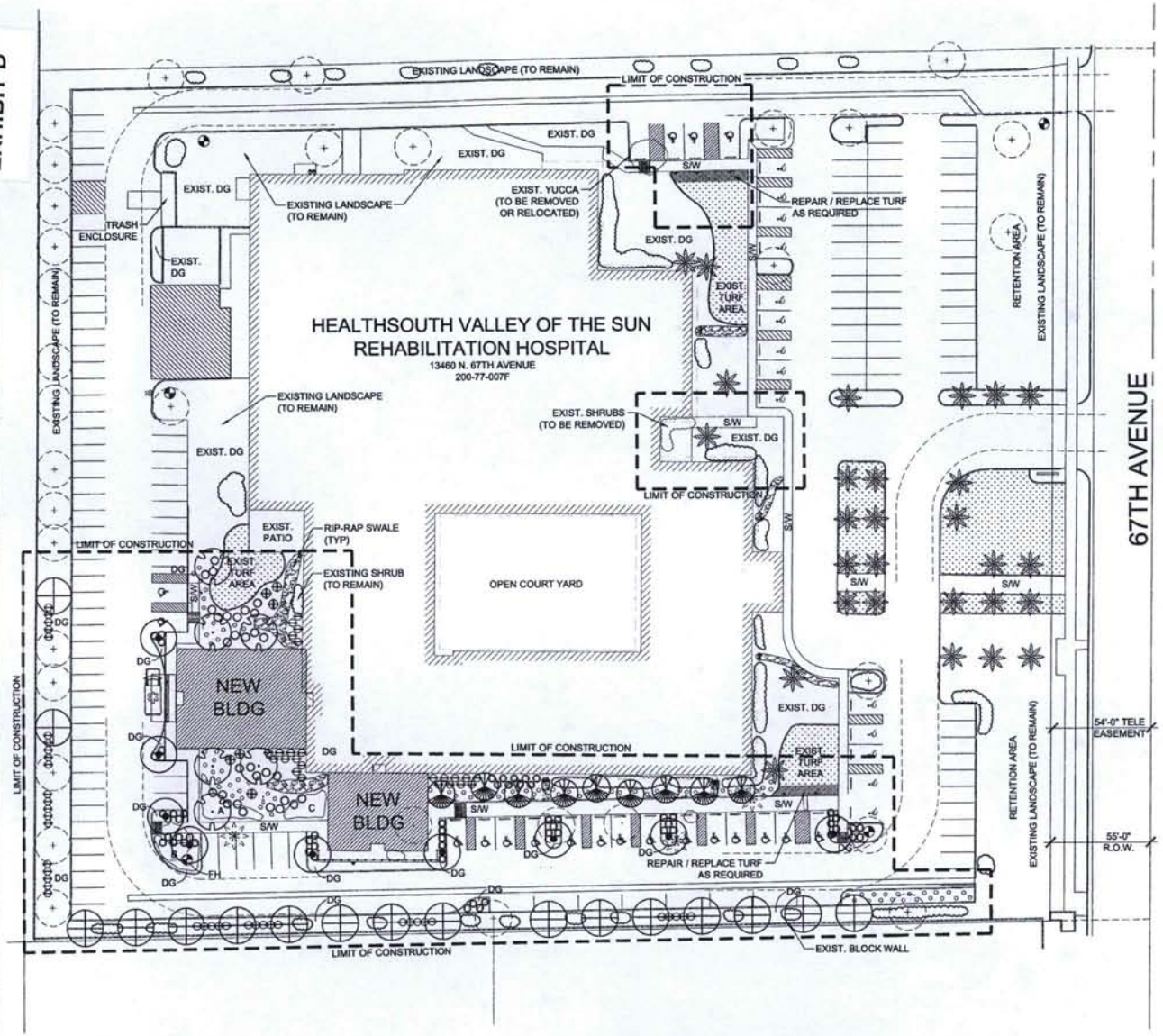
CU 09-06 HealthSouth

S/O SWC 67th Avenue and Thunderbird Road

Request for a Conditional Use Permit (CUP) to allow a 5,600 sq ft expansion of an existing physical rehabilitation hospital.

Exhibit C

EXHIBIT D



CONCEPTUAL PLANTING PLAN

NORTH

SCALE: 1" = 30'-0"

0 30 60 90

CONCEPTUAL PLANT PALETTE

TREES	SIZE / COMMENTS / QTY
EXISTING TREE (TO REMAIN)	
EXISTING TREE (TO BE REMOVED)	
EXISTING PALM (TO REMAIN)	
EXISTING PALM (TO BE REMOVED)	
PROSOPIS X 'AZT HYBRID' 'AZT HYBRID' MESQUITE	36" BOX / 2.50" CAL. / STANDARD / MATCHED / 9 QTY
ULMUS PARVIFOLIA 'SEMPERVIRENS' CHINESE EVERGREEN ELM	36" BOX / 2.50" CAL. / STANDARD / MATCHED / 6 QTY
ULMUS PARVIFOLIA 'SEMPERVIRENS' CHINESE EVERGREEN ELM	24" BOX / 1.50" CAL. / STANDARD / MATCHED / 17 QTY
ACACIA STENOPHYLLA SHOESTRING ACACIA	24" BOX / 1.50" CAL. / STANDARD / MATCHED / 9 QTY
SHRUBS	
EXISTING SHRUB (TO REMAIN)	
EXISTING SHRUB (TO BE REMOVED)	
SENNA NEMOPHILA DESERT CASSIA	5 GAL. / 6 QTY
NERIUM OLEANDER 'PETITE PINK' 'PETITE PINK' OLEANDER	5 GAL. / 64 QTY
XYLOSMA CONGESTUM 'COMPACTA' COMPACT SHINY XYLOSMA	5 GAL. / 60 QTY
SIMMONDSIA CHINENSIS 'COMPACTA' COMPACT JOJOBA	5 GAL. / 30 QTY
GROUNDCOVERS	
ERICAMERIA LARICIFOLIA TURPENTINE BUSH	1 GAL. EA / 90 QTY
A LANTANA M. 'NEW GOLD' 'NEW GOLD' LANTANA	1 GAL. @ 3' O.C. / 42 QTY
B ROSMARINUS OFFICINALIS 'PROSTRATA' TRAILING ROSEMARY	1 GAL. @ 3' O.C. / 37 QTY
C ACACIA REDOLENS 'DESERT CARPET' 'DESERT CARPET' ACACIA	1 GAL. @ 3' O.C. / 31 QTY
TURF EXISTING TURF (TO REMAIN) REPAIR / REPLACE TURF DAMAGED BY CONSTRUCTION	
DG DG TO MATCH EXISTING IN SIZE AND COLOR 2" DEPTH, TYP.	

CALL TWO WORKING DAYS BEFORE YOU DIG
602-263-1100
1-800-STAKE-IT
(OUTSIDE MARICOPA COUNTY)

081610.00

DRAWN BY

DATE
January 2009

REVISIONS

Evans, Kuhn & Associates, Inc.
7227 N. 16th St. Suite 140
Phoenix, Az 85020
602.241.0762 phone
602.248.9158 fax

BOULDER ASSOCIATES ARCHITECTS

Boulder Associates, Inc.
Architecture + Interior Design
1426 Pearl Street, Suite 300
Boulder, Colorado 80302
303.499.7795 F 303.499.7767
www.boulderassociates.com

G.K. FLANAGAN ASSOCIATES

PROJECT
Healthsouth Valley Of The Sun Rehabilitation Hospital Addition

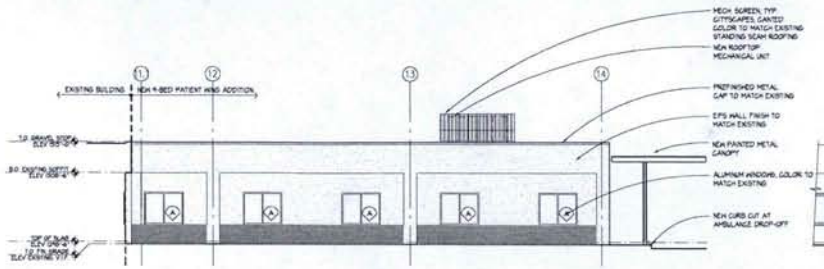
13460 N. 67th Avenue
Glendale, AZ 85304

PRELIMINARY DRAFTING NOT FOR CONSTRUCTION
EXPIRES 12/31/2011

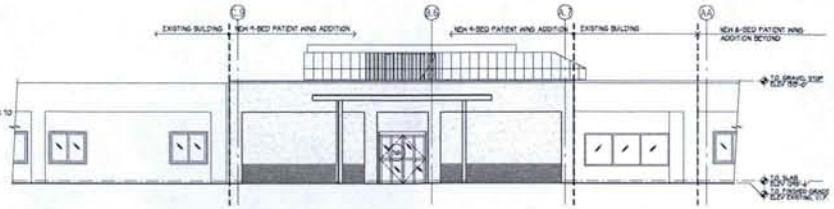
SHEET TITLE
CONCEPTUAL PLANTING PLAN

SHEET NUMBER
L1.0
2 OF 2

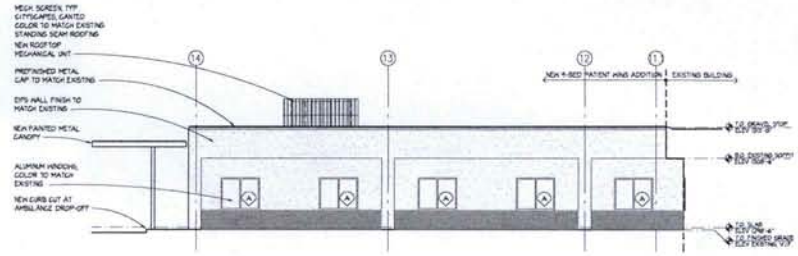
EXHIBIT E



1 NORTH ELEVATION - 9 BED ADDITION
A2.1 | A5.1 1/8" = 1'-0"



2 WEST ELEVATION - 9 BED ADDITION
A2.1 | A5.1 1/8" = 1'-0"



3 SOUTH ELEVATION - 9 BED ADDITION
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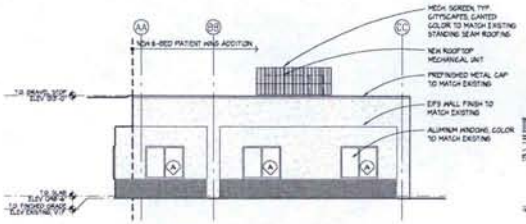
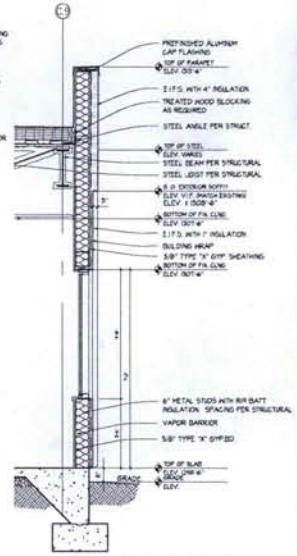
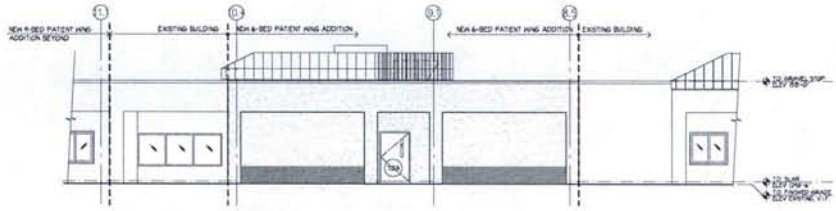


4 WEST ELEVATION - 6 BED ADDITION
A2.1 | A5.1 1/8" = 1'-0"



7 WALL SECTION
A2.0 | A4.1 1/2" = 1'-0"



5 SOUTH ELEVATION - 6 BED ADDITION
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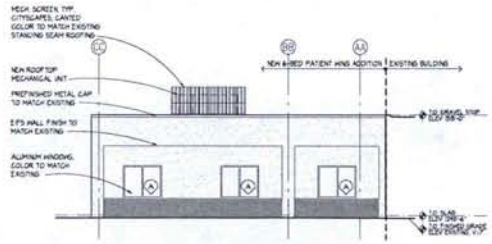


6 EAST ELEVATION - 6 BED ADDITION
A2.1 | A5.1 1/8" = 1'-0"

MATERIALS LEGEND

ALL NEW EXTERIOR FINISHES AND COLORS SHALL MATCH EXISTING

- EXTERIOR FINISH SYSTEM COLOR 'A'-MATCH EXISTING
- WINDOW GLAZING-MATCH EXISTING
- EXTERIOR FINISH SYSTEM COLOR 'C'- EXISTING NOT USED
- WINDOW FRAME - MATCH EXISTING
- EXTERIOR FINISH SYSTEM COLOR 'B'- MATCH EXISTING
- MESH SCREEN GITYSCAPES CANT STYLE- COLOR TO MATCH EXISTING STANDING SEEM ROOFING

PROJECT NUMBER
081610.00

DRAWN BY
--

DATE
February 2, 2009

REVISIONS

BOULDER ASSOCIATES
ARCHITECTS

Boulder Associates, Inc.
Architecture + Interior Design
1426 Pearl Street, Suite 300
Boulder, Colorado 80302
303.499.7795 F 303.499.7767
www.boulderassociates.com

PROJECT
Healthsouth Valley Of The Sun Rehabilitation Hospital Addition

13460 N. 67th Avenue
Glendale, AZ 85304

PRELIMINARY DRAWING NOT FOR CONSTRUCTION

SHEET TITLE
EXTERIOR ELEVATIONS

SHEET NUMBER
A3.1

REPORT TO THE PLANNING AND ZONING COMMISSION-CONDITIONAL USE PERMIT

CASE NO.: CU 09-01

DATE: March 19, 2009

AGENDA ITEM NO.: 5R

Applicant: A Design InVision LLC, for AEO Powersports

Request: Approve a Conditional Use Permit (CUP) to allow automotive diagnostic and service facilities for motorcycles, quads, and UTVs within the Deer Valley Service Center PAD

Proposed/ Development AEO Powersports

Location: South of the SEC of 78th Ave and Deer Valley Road

Site Area: AEO Powersports is proposing to occupy a suite with approximately 4,469 square feet of interior space and approximately 2,770 square feet of enclosed yard space.

Support/ Opposition: At the time of printing, the City has received one letter of opposition to this request (Exhibit G)

Recommendation: **Approve**, with stipulations

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

1.

CU 09-01	LAND USE	ZONING
ON-SITE	**AEO Powersports Planned Tenant Improvement**	**Deer Valley Service Center PAD**
North:	Arrowhead Ranch Office Park Retail/service businesses	Deer Valley Service Center PAD
West:	Arrowhead Ranch Office Park Retail/service businesses	Deer Valley Service Center PAD
East:	Riverwalk Professional Center	Deer Valley Service Center PAD
South:	Single Family Dwellings	Riverstone Estates PAD

Background / Project Description:

2. The applicant is proposing a tenant improvement within an existing multi-tenant building to allow an automotive diagnostic and repair facility for motorcycles, quads, and UTVs. The facility will occupy a suite with approximately 4,469 square feet of interior space and an exterior yard of approximately 2,770 square feet within the Deer Valley Service Center PAD. Customer vehicles (motorcycles, quads, and UTVs) will be stored within a fully-screened, rear parking area. There are a number of multi-tenant buildings within the PAD housing approximately 80,544 sq ft of commercial tenant space (Exhibit E). The existing uses range from offices to swim and dance schools.

3. The suite location is within the Deer Valley Service Center PAD. This PAD consists of approximately 30 gross acres and was originally entitled in 1996 (Ordinance 96-20). The PAD was structured as a commercial and business park/industrial center and was consistent with its Community Commercial and Business Park/Industrial land use designation at the time of entitlement.

4. An amendment to the PAD was later approved by City Council in 2005 (Ordinance 05-47). The PAD Development Plan delineates the 30 acres into a "Parcel 1" and "Parcel 2". The suite in question is located within "Parcel 2" of the PAD.

Findings/ Analysis:

5. For Parcel 2, the Deer Valley Service Center PAD allows permitted and conditional uses according to the Intermediate Commercial (C-2) and Business Park/Industrial (BPI) Zoning Districts.

6. The Zoning Ordinance does not contain a specific use classification for diagnostic and repair facilities for motorcycles, quads, and UTVs. Per Section 14-9-3, in such circumstances, the closest associated land use classification is selected based on the provisions of this ordinance. Accordingly, staff has deemed *Automobile Diagnostic and/or Service Establishment, including engine & transmission overhaul, repair facilities & similar services* as the closest associated use. Therefore, a Conditional Use permit is required for the subject use.

7. Section 14-39-10.D of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a CUP is to mitigate any identified impacts arising from a specific use on the surrounding neighborhood and provide controls to ensure maximum compatibility. Residences are located approximately 150 feet to the south and 550 feet to the west of the facility.

8. In addition to the CUP criteria, there are additional limitations on

automotive/diagnostic facilities (Section 14-9-5 of the Zoning Ordinance):

a. *No outdoor displays or storage shall be permitted, except for merchandise normally sold from the premises that is displayed during normal business hours. No temporary parking of vehicles waiting for repair shall be permitted except in the garage, or in C-4, C-5, PI-1, I-1, and I-2 zoning districts. The parking area shall be fully screened from public view.*

b. *All activities shall be performed entirely within an enclosed building. High-speed washing, body repair, machining of auto parts, painting, vehicle or trailer rental shall be expressly prohibited.*

c. *Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in landscaping. All exterior design shall be compatible with surrounding developments.*

9. The applicant has stated that all of the Zoning Ordinance requirements for the proposed use (as described above) will be met (Exhibit C 1&2). Outdoor display will be limited to business hours and only to merchandise normally sold on the premises as permitted in Section 14-9-5 of the Zoning Ordinance. All activities will be conducted within the facility; the engines of customer vehicles will not be started or run outside of the tenant's enclosed suite inside of the building. No additional paving is proposed as the application is limited to tenant improvements.

10. The residences to the south will be buffered from the proposed use by an existing landscape tract that is approximately 60 feet wide located directly north of the residential properties.

11. The tenant will conduct all business activities within the facility and the 6-ft tall screening wall surrounding the storage yard will obscure vehicles awaiting repair. The PAD was intended for uses such as the one that is proposed, and the enclosed outdoor areas were designed and developed with proper permits for these types of outdoor storage purposes. The screened storage of vehicles waiting to be serviced in the storage yard is an appropriate use based on previously approved zoning and site plan cases for this development. Furthermore, vehicles being serviced at this facility will not have their engines started outside. The engines will only be started once the vehicle is inside the building, reducing potential impacts from noise or exhaust fumes. These measures will help ensure the use will be compatible with adjacent tenants in the development and with the adjacent residential neighborhood.

12. In order to address the potential impact of noise from this use on the adjacent suite, staff is recommending that the business suite be modified through the Tenant Improvement Permit to achieve a Sound Transmission Control Value of 50 or greater, and could be permitted along with the other building improvements

that will be required by Building Safety prior to occupancy. The STC value of 50 is consistent with the Zoning Ordinance limitation on Pet Grooming uses, which are also required to meet the STC value of 50 or greater.

13. The application notice was forwarded to all property owners within 300 feet of the proposal and properly noticed per Section 14-39-10 of the Peoria Zoning Ordinance. As a result, to date, the City has received one letter of opposition to the proposed request. The primary concerns stated by the individual voicing opposition are listed below, staff response follows in italics:

    a. Motorcycle and quad repair is not the same as automotive repair.

        - *The use in question has been determined to be most closely associated with the use described in the Zoning Ordinance as Automobile Diagnostic & or Service Establishment. As motor-driven vehicles with internal combustion engines; motorcycles, quads, and UTVs have been interpreted as automobiles for the purposes of Section 14-9 of the Zoning Ordinance.*

    b. The business in question, AEO Powersports currently operates in another location where they allow employees to drive the vehicles being serviced throughout the commercial complex in which the business is located and also into the nearby open space wash.

        - *The stipulations of this Conditional Use Permit would require the business to perform all maintenance activities within their tenant space inside of a fully enclosed building. This will mitigate potential noise impacts and eliminate the potential for reckless operation of customer vehicles by AEO Powersports employees in and around Arrowhead Ranch Office Park. Any activities such as test driving vehicles throughout the Arrowhead Ranch Office Park would be deemed a violation of this approval and would allow the Planning Manager to recommend that the Conditional Use Permit be revoked, modified, or suspended as provided in Section 14-39-10 of the Zoning Ordinance. In addition, the Planning Manager may recommend that the Conditional Use Permit be revoked, modified, or suspended if its use creates detrimental impacts on neighboring properties. The case would then be brought back to the Planning & Zoning Commission for further consideration.*

        - *Operation of vehicles as a business activity within a natural wash would also be in violation of this Conditional Use Permit. In addition, this activity would likely violate state and/or federal laws and would be open to law enforcement action as such.*

14. A signed Proposition 207 Waiver has been submitted by the applicant. The waiver will be forwarded to the City Clerk's Office for signatures and recordation

pending the outcome of the Conditional Use Permit application.

15. Staff recommends approval of case CU09-01, based on the following findings:

- The proposed automotive repair/diagnostic facility meets all use-specific limitations and CUP requirements as described in the Zoning Ordinance and PAD Standards and Guidelines Report.
- The proposal will mitigate potential negative impacts to the adjacent properties and land uses.

Recommendation:

It is recommended that the Commission take the following action:

Approve the Conditional Use Permit requested under case CU09-01, subject to the follow stipulations:

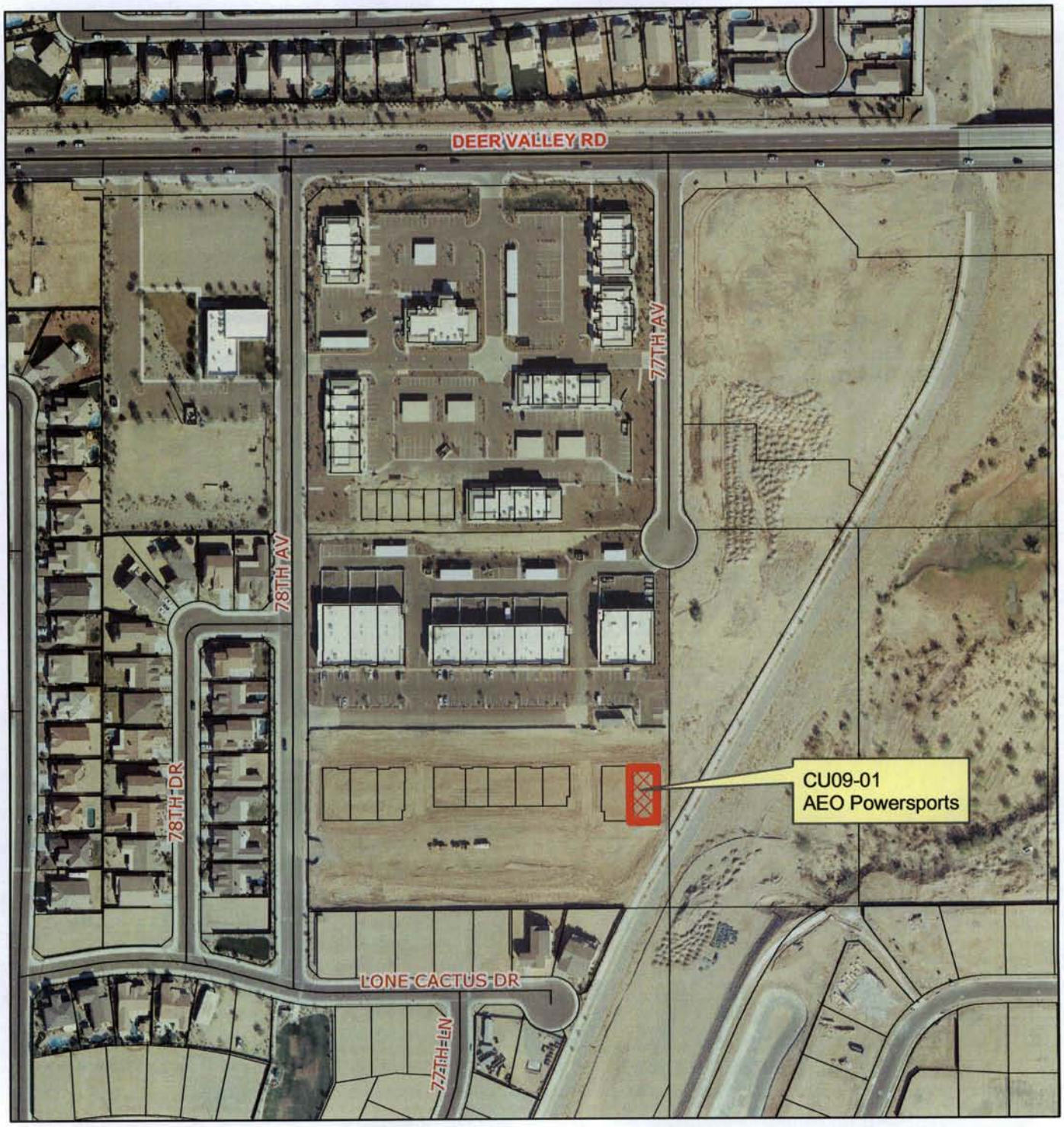
1. The use shall substantially conform to the Project Narrative and Floor Plan, attached as Exhibit C and Exhibit D respectively.
2. The use shall be limited to the extent of the Floor Plan. No activities, including but not limited to, the starting or running of engines or the operation of customers' vehicles shall occur outside of the building in question. This includes employee "test driving" of customer vehicles within the larger commercial center in which the tenant space is located, as well as the open space wash located to the east of the site. The occurrence of any such activity shall be deemed a violation of this permit.
3. The business suite in question shall be designed through the Tenant Improvement Permit process to achieve a Sound Transmission Control Value of 50 or greater.

Attachments:

Exhibit A	Location Map
Exhibit B	Zoning Map
Exhibit C	Project Narrative
Exhibit D	Floor Plan
Exhibit E	Site Plan
Exhibit F	Landscape Plan
Exhibit G	Letter of Opposition

Prepared by: Melissa Sigmund
Planning Technician

CU09-01 Location Map



N
W CITY OF PEORIA E
S
Not to Scale

CU09-01 AEO Powersports

S/O SEC 78th Ave. & Deer Valley Rd.
Request for a Conditional Use Permit to allow automotive diagnostic and service facilities for motorcycles, quads, and UTVs within the Deer Valley Service Center PAD.

Exhibit A

CU09-01 Zoning Map

N
W E
S
Not to Scale

CU09-01 AEO Powersports

S/O SEC 78th Ave. & Deer Valley Rd.
Request for a Conditional Use Permit to allow automotive diagnostic and service facilities for motorcycles, quads, and UTVs within the Deer Valley Service Center PAD.

Exhibit B

RECEIVED
JAN 2009
CUDA-01
2

AEO Powersports
Business Narrative

Project Scope

AEO Powersports is a tenant improvement within an existing unoccupied gray shell building. When completed this space will serve as a retail store and small engine diagnostic and/or repair service establishments. Services could include small engine repair, oil changes, installing new parts, and changing tires. There will not be any vehicles sales occurring at this location. This tenant improvement is located in Building "D" in the Arrowhead Ranch Industrial Park, Warehouse Condominiums. Building "D" has a gross square footage of 9,300 square foot. The proposed tenant improvement will occupy 4,469 square feet. The building was constructed as a Type V-B building with an automatic fire sprinkler system throughout. The existing zoning for the parcel is C-2, PAD. Occupancy types for the building were assumed to be B and S-1 as indicated in the shell building documents. The proposed occupancy for this tenant space is M and S-1. The front 3,000 square feet retail area will be used as showroom for accessories, apparel and parts sales. The back 1,469 square feet will be used as the repair service facility for motorcycles, quads and UTV's.

This tenant space will be constructed within a shell building that is part of a two phase, six building complex. Each of the buildings is similar in height and exterior finish materials and features. Building facades include a mixture of Founders Finish masonry, split faced, and smooth concrete masonry units; exterior insulation finish system (EIFS); glazed aluminum store front window and entries; and painted steel shade canopies. The buildings form a double loaded streetscape at the building entries with all service areas and overhead door oriented to the rear.

Buildings in adjacent developments are of similar heights and exterior finish materials. This similarity provides for a general rhythm of scale, materials, and user functions while maintaining specific detailing to avoid over repetition. Integral building base courses of contrasting finish materials, expressed structural masonry piers, placement of exterior lighting fixtures and lower window mullions help maintain a human scale throughout the development.

Planning

The existing zoning for the parcel is BPI/C-2, PAD. Per the Land use table in Article 14-9, Automobile Diagnostic and/or Service Establishments are a permitted conditional use and require a Conditional Use Permit. In Section 14-9-5 Limitations on Uses for Automotive Diagnostic and/or Service Establishments, including those that perform automotive repairs, engine and transmission overhaul, lubrication; tire repair and/or replacement and wheel balancing and

Exhibit C1

alignment; muffler repair or replacement; brake service, repair or replacement; shall be subject to the following requirements:

a. No outdoor displays or storage shall be permitted, except for merchandise normally sold from the premises that is displayed during normal business hours. No temporary parking of vehicles waiting for repair shall be permitted except in the garage or in C-4, C-5, PI-1, I-1, and I-2 zoning districts. The parking area shall be fully screened from public view.

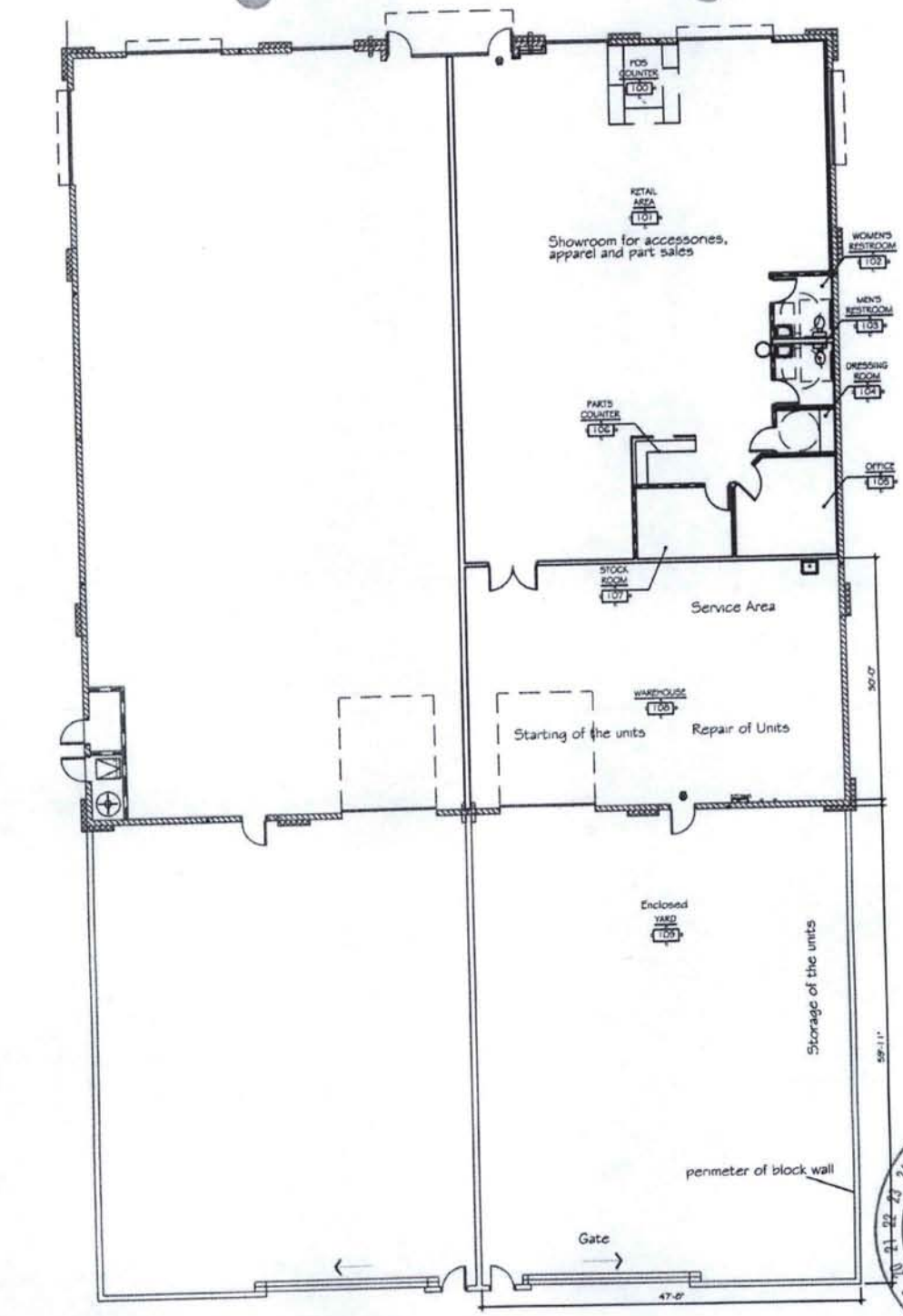
   Any outdoor displays will be limited to merchandise normally sold from the premises during normal business hours. Vehicles waiting for repairs will be parked in the repair garage or within the existing screened yards at the rear side of the buildings. These yards are screened with a 6'-0" high masonry walls with hollow metal man door, and solid sliding gate.

b. All activities shall be performed entirely within an enclosed building. High speed washing, body repair, machining of auto parts, painting, and vehicle or trailer rental shall be expressly prohibited.

   All activities will be performed with in the enclosed building. The facility will not engage in vehicle washing, body repair, parts machining, painting, or rentals.

c. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in landscaping. All exterior shall be compatible with surrounding developments.

   All paving is existing and was previously approved as a part of the shell building documents.



FLOOR PLAN

NORTH

SCALE: NTS

RECEIVED
JAN 2009
CUSA-01
2

DATE:	ISSUED FOR:
1/6/08	USE PERMIT

SHEET: SK-2

REVISIONS:

AEO POWERSPORTS

21469 N. 78th Ave Peoria, AZ

Project Manager: K. AMEN
Drawn by: K. AMEN
Checked by: A.VOTE
Project Number: 08124

A Design InVision LLC
tenant improvements
interior architecture
interiors
14583 W. Windsor Ave.
Goodyear, AZ 85338

Exhibit D

Arrowhead Ranch Office Park Site Plan

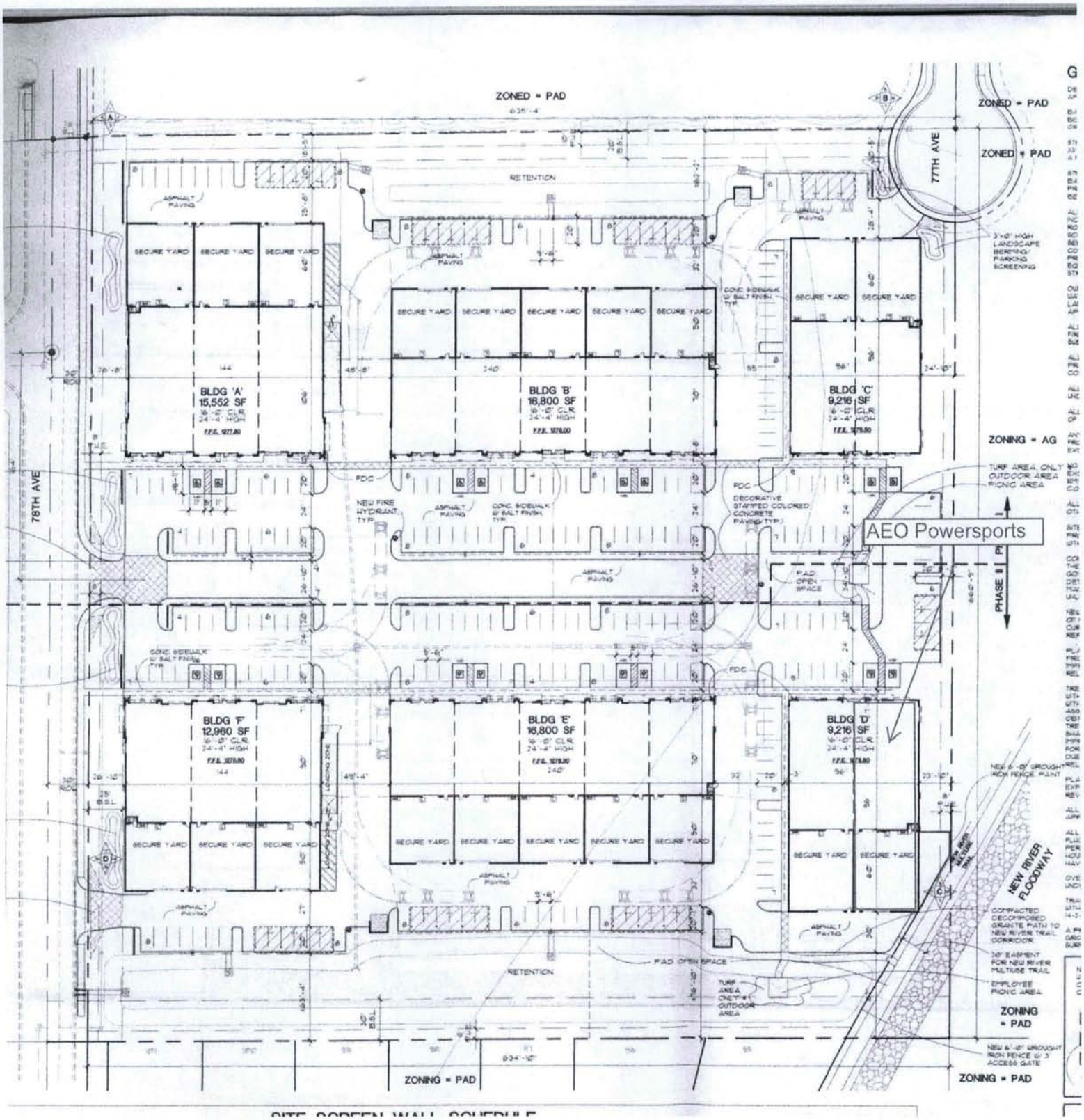


Exhibit E

Arrowhead Ranch Office Park Phase II Landscape Plan

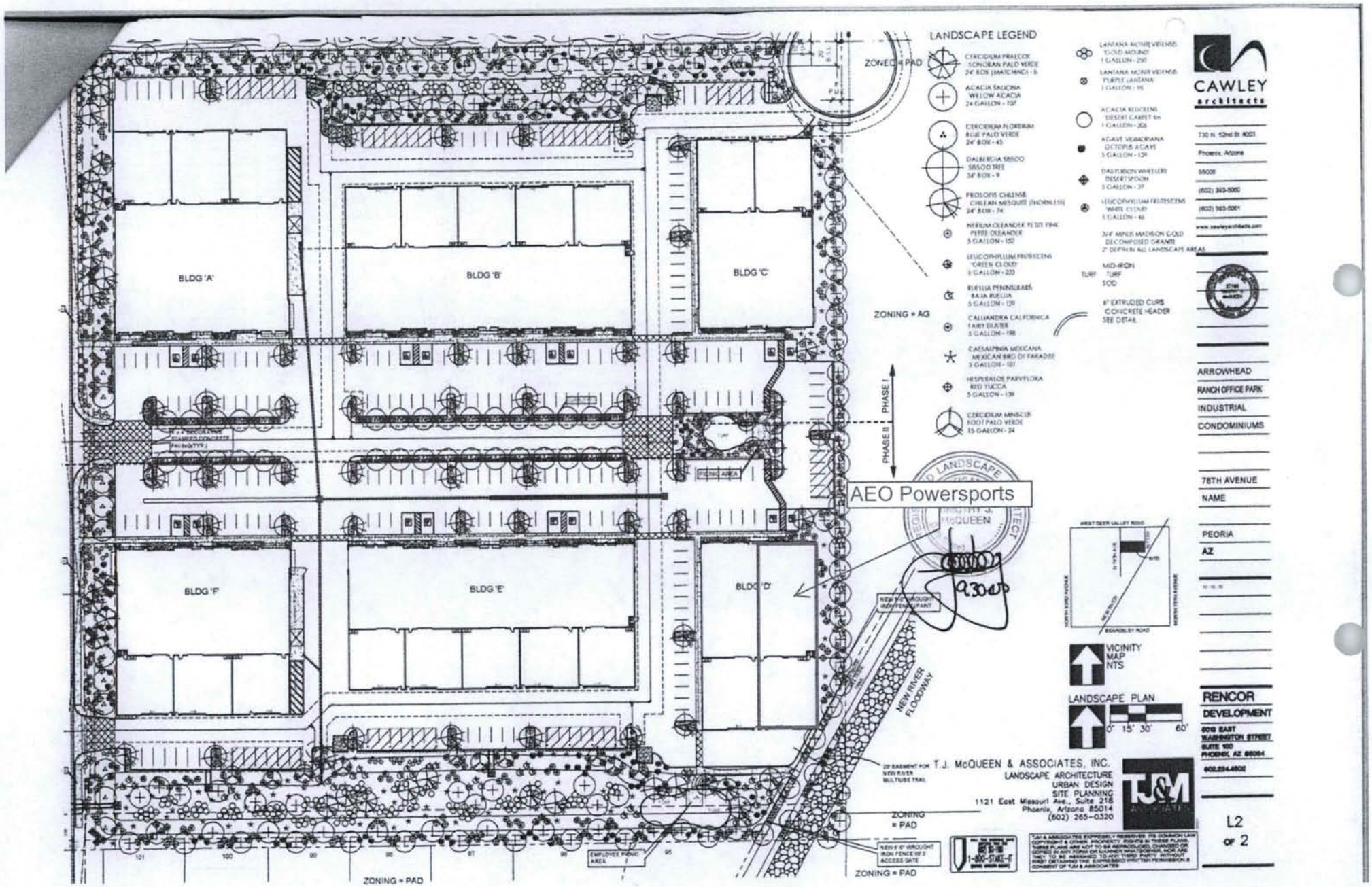


Exhibit F

1-26-2009

Melissa Sigmund;

I am responding in reference to Case Name "AEO Power Sports", case number CU09-01. I had talked with you briefly at the counter a short time back. You had informed me I should put in writing my concerns. I am the property owned directly to the Ease of the Rencor Development in which AEO desires to be come a part of. My complex, zoned C-2 intermediate, as well as Rencor's, is planned for 60,000 SF of office space. I currently have two buildings with a Certificate of Completion, and all pads certified, with all utilities to remaining pads. I have invested approximately $6,000,000 dollars in this project. I object for the following reasons;

1. Motorcycle and Quad repair is not the same as automotive. You have them requesting under the Automotive Diagnostic category for their conditional use. AEO Power Sports is currently **my** tenant in another PI-1 complex. They are a difficult tenant to deal with. Unlike automotive , where problems are solved with computers, motorcycles need to be test driven. At their existing location, 18-22 year old men drive the bikes and quads around in the complex to test their work. They drive too fast and sometimes recklessly. They even drive off my property, trespassing across Beebe Plumbing's property to access the New River Wash. Yes, the same wash that backs up to their desired new location. There is a gate and eight foot sidewalk, that is for pedestrian use, that they will be running motorcycles and quads up and down. This extreme noise will be directly next to my new 60,000 foot office complex. These office dwellers will not appreciate the noise and nuisance created by these motorcycles.

2. Motorcycle repair must not be compared on the same scale as automotive diagnostics.

3. There are homes directly south and butting up against the proposed location of AEO. You will be receiving unlimited complaints from these Peoria citizens about noise. The employees "ref" up the throttles continuously in the process of determining if they are repaired.

Motorcyle repair needs to be in an industrial zoning. Placing this noisy and busy business in a C-2 Zoning is inappropriate. I will be fighting this all the way through the process. I would like to be on the schedule to speak at the public hearing.

Sincerely,

[redacted]

EXHIBIT G

REPORT TO THE PLANNING AND ZONING COMMISSION INITIAL ZONING

CASE NO.: Z09-03

DATE: March 19, 2009

AGENDA ITEM NO.: 6R

Applicant: City of Peoria, Community Development Department

Request: Establish Initial Zoning for subject property that has recently been annexed into the City of Peoria from Maricopa County zoning district of Rural-43 to Peoria Suburban Ranch SR-43.

Location: The subject property is located west of the northwest corner of Happy Valley Parkway and Lake Pleasant Parkway.

Site Acreage: Approximately 2.1 acres

Support /Opposition: To date, the Department has not received any public comments.

Recommendation: **Recommend Approval**

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

1.

	LAND USE	ZONING
Subject Property	**Undeveloped**	**County Rural-43**
North	Single-Family Residential (Developing)	Planned Area Development (PAD)
West	Single-Family Residential (Developing)	Planned Area Development (PAD)
South	Happy Valley Parkway	Excess Right-Of-Way
East	Denaro Corporate Center	Planned Area Development (PAD)

Background:

2. On November 18, 2008 the City Council approved Annexation (ANX08-01) for the subject property, which became effective on December 28, 2008 (Ordinance 08-34).

3. Pursuant to A.R.S. §9-471.D and Section 14-4-3 of the Peoria City Code, the City must begin the process of assigning City zoning to the annexed property within six (6) months following the official adoption of the annexation.

4. Per State Statute, the initial zoning corresponding shall not permit densities and uses more intense than those permitted by the County prior to the annexation. The closest City of Peoria zoning category to the County Rural-43 zoning is Suburban Ranch SR-43 zoning classification with a one acre minimum lot size. This request is consistent with the State Statute.

5. Although no additional zoning requests are being proposed at this time, it is the owner's intent to file a petition to rezone the property to Planned Area Development (PAD) in the future. The future rezone request will involve amending the current PAD (Z03-04) for the Lake Pleasant Town Center to include the annexation area.

Public Notice

6. Public notice was provided in the manner prescribed under Section 14-39-7. Additionally, the site was posted by the Planning Division on March 3, 2009. The posting was completed within the prescribed 15-days prior to the Public Hearing.

Recommendation:

7. Based on the following findings:
   - The initial zoning request is mandated by the Arizona revised Statutes regarding the annexation of properties into a municipal jurisdiction.
   - The proposed initial zoning of Peoria SR-43 is the closest associated zoning district that is permitted by the County's Rural-43 District.

   It is recommended that the Planning and Zoning Commission take the following action: **Recommend to the City Council approval of Z 09-03, establishing the initial zoning of property as Peoria Suburban Ranch SR-43.**

Attachments:

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

Prepared by: Monique Spivey
Associate Planner

Z09-03 Location Map

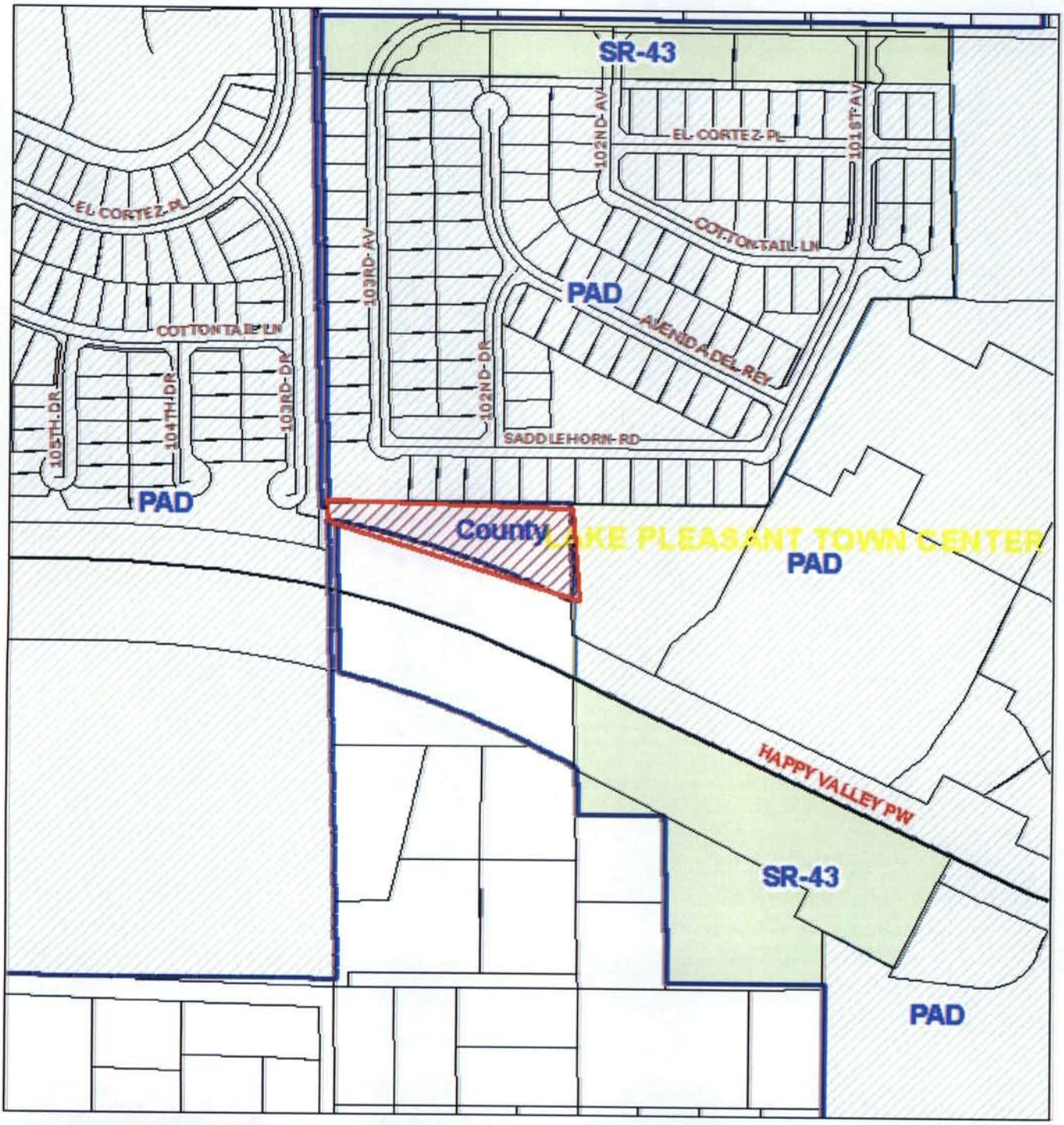
N
W
E
S
Not toScale

City of Peoria Zoning (Z09-03)

Rezone approximately 2.1 acres of property from County Rural to Suburban Ranch (SR-43). The site is generally located west of the northwest corner of Happy Valley Parkway and Lake Pleasant Parkway.

Exhibit A

Z09-03 Zoning Map



N
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Not toScale

City of Peoria Zoning (Z09-03)

Rezone approximately 2.1 acres of property from County Rural to Suburban Ranch (SR-43). The site is generally located west of the northwest corner of Happy Valley Parkway and Lake Pleasant Parkway.

Exhibit B

EXHIBIT C
Initial Zoning (Z09-03)
LEGAL DESCRIPTION

That portion of the Northwest quarter of the Southwest quarter of the Southeast quarter of Section 5, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said portion is Parcel No. 3 of that certain Warranty Deed recorded in 00-456984, Maricopa County Recorder, described as follows:

COMMENCING at the South quarter corner of said Section 5;

Thence North 01 degrees 27 minutes 49 seconds West along the North-South mid-Section line of said Section 5, a distance of 1,268.67 feet to the Northerly right-of-way line of the Estrella Roadway (Happy Valley Parkway), said roadway description per MCDOT Project No. 68840, said point also being the POINT OF BEGINNING;

Thence continuing along the North-South mid-Section line of said Section 5, North 01 degrees 27 minutes 49 seconds West, a distance of 47.30 feet;

Thence South 89 degrees 49 minutes 51 seconds East a distance of 658.97 feet;

Thence South 01 degrees 28 minutes 50 seconds East a distance of 265.47 feet to the point of a not-tangent curve to the left having a central angle of 13 degrees 03 minutes 06 seconds, and whose radius bears South 24 degrees 50 minutes 41 seconds West a distance of 3,080.00 feet, said point also being on the Northerly right-of-way line of the Estrella Roadway;

Thence Westerly along said Northerly right-of-way line an arc distance of 701.60 feet to the point of BEGINNING.

Community Development Department

MEMORANDUM
Planning Division

DATE: March 19, 2009

TO: Planning & Zoning Commission

FROM: Chris M. Jacques, AICP, Planning Manager

SUBJECT: Reports from Staff
Planning Commissioner Training

At our last meeting, staff introduced the idea of providing regular training opportunities to the Commission. The training would be helpful as the Commission membership has received some new additions recently. Additionally, the training would serve to supplement and "refresh" the Commission's understanding of its role given the various intersecting topics and legal parameters.

The following is a list of suggested topics:

a. Robert's Rules of Order
b. The Development Process and Appeals
c. The role of the Commission
d. Proposition 207
e. Open Meetings Law (provided January 15, 2009)

At the March 19 meeting, staff will be looking to the Commission for guidance on the specific topics and their priority and the frequency of training. Certainly, the Commission may wish to suggest additional topics of interest that have not been listed.

Community Development Department

MEMORANDUM
Planning Division

DATE: March 19, 2009

TO: Planning & Zoning Commission

FROM: Chris M. Jacques, AICP, Planning Manager

SUBJECT: Reports from Staff
Planning Calendar

In the past, the Commission has indicated an interest in how its recommendations have fared at City Council and what cases are coming up. The following Planning Calendar accomplishes exactly that and is provided for Commission reference.

PLANNING DIVISION MEETING CALENDAR

FEBRUARY, 2009

February 3, City Council:

640-acre GPA near Vistancia (GPA 05-01) - **APPROVED**

February 5, P&Z:

Full Circle Auto Wash CUP (CU 07-27) - **APPROVED**
Meineke CUP (CU 08-33) – **APPROVED** (Appealed to 4/7 City Council)
Peoria Jail House HPO (HP 08-01) – **RECOMMEND APPROVAL**
Peoria First Presbyterian HPO (HP 08-03) – **RECOMMEND APPROVAL**
Peoria Women's Club (HP 08-04) – **RECOMMEND APPROVAL**

February 10, Board of Adjustment:

Verizon Wireless Monopalm (V 08-05) - **APPROVED**

February 17, City Council:

Central School (HP 08-02) - **APPROVED**
Long-term care / Building Height Stepback (TA 08-04) - **APPROVED**

February 19, P&Z:

Fry's Gas Station (CU 08-13) – **DENIED** (Appealed to 4/7 City Council)
World Gospel GPA (GPA 08-06) – **RECOMMEND APPROVAL**
World Gospel Rezone (Z 06-18) – **RECOMMEND APPROVAL**
Copper Hills Church PCD Amendment (Z 98-09A.9) – **RECOMMEND APPROVAL**

Central Peoria Revitalization Plan Update:

February 24: PAC #3, Point of View Room 6-8pm
February 25: TAC #3, Point of View Room 3:30 – 5pm
February 25: Public Workshop #2, Pine Room, 6-8 p.m.

Peoria Sports Complex Area Urban Design Plan:

February 3: City Council briefing
February 25: PAC #2, Arizona Broadway Theater 2-5pm
February 26: TAC #2, Point of View Room 1-3pm

MARCH, 2009

March 3, City Council:

Peoria Women's Club (HP 08-04) - **APPROVED**

March 5, P&Z:

Grand Opening / Sign Walkers (TA 08-07) – **RECOMMEND APPROVAL**
Monopalm at SWC 91st/Olive (CU 08-31) - **APPROVED**
AEO Powersports (CU 09-01) – **CONTINUED TO MARCH 19**
The Kart Company (CU 08-35) - **APPROVED**

March 5, Board of Adjustment: -- CANCELLED

PLANNING DIVISION MEETING CALENDAR

March 19, P&Z:

Westside Sign-A-Rama (CU 09-03) - Consent
HealthSouth addition (CU09-06) - Consent
AEO Powersports (CU 09-01) - Regular
City Initiated Zoning of Denaro Corporate Center (Z09-03) - Regular

March 25, Historic Preservation Commission:

CPRP Update – Historic Preservation Briefing
Local Historic Landmark Marker Design (Discussion)
Historic Preservation Month – May (Discussion)

Central Peoria Revitalization Plan Update:

March 18: TAC #4, Point of View Room 3-5pm
March 18: PAC #4, Point of View Room 6-8pm
March 25: Historic Preservation Commission

Peoria Sports Complex Area Urban Design Plan:

March 7: Spring Training Booth #1
March 10: Spring Training Booth #2
March 10: Public Workshop #2, Peoria Library 6-8pm
March 11: Chamber of Commerce, Rio Vista Park
March 31: PAC #3, Location TBD
March 31: TAC #3, Location TBD

APRIL, 2009

April 2, P&Z:

No items - CANCELLED

April 7, City Council:

Grand Opening / Sign Walkers (TA 08-07)
World Gospel GPA (GPA 08-06)
World Gospel Rezone (Z 06-18)
Copper Hills Church PCD Amendment (Z 98-09A.9)
Peoria Jail House HPO (HP 08-01)
Peoria First Presbyterian HPO (HP 08-03)
Meineke CUP – Appeal (CU 08-33)
Fry's Gas Station (CU 08-13)

April 16, P&Z:

CPRP Update (Reports from Staff)
SCD Update (Reports from Staff)

April 21, City Council:

640-acre Annexation near Vistancia (ANX 08-02) – 1st Hrg/No Action

PLANNING DIVISION MEETING CALENDAR

Central Peoria Revitalization Plan Update:
April 8: Open House
April 16: P&Z Commission Briefing

MAY, 2009

May 5, City Council:
Central Peoria Revitalization Plan Update Briefing (Reports from CM)
Peoria Sports Complex Area Urban Design Plan Briefing (Reports from CM)

May 7, P&Z:
TBD

May 12, Board of Adjustment:
TBD

May 19, City Council:
TBD

May 21, P&Z:
TBD

JUNE, 2009

June 2, City Council:
TBD

June 4, P&Z:
TBD

June 9, Board of Adjustment:
TBD

June 16, City Council:
TBD

June 18, P&Z:
TBD