



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

**PLANNING & ZONING COMMISSION  
REGULAR MEETING  
NOTICE & AGENDA  
THURSDAY, AUGUST 20, 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  
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:**

**CALL TO SUBMIT SPEAKER REQUEST FORMS:**

**CONSENT AGENDA**

**CONSENT AGENDA:** All items listed with "C" are considered to be routine or have been previously reviewed by the Planning and Zoning Commission, and will be enacted by one motion. There will be no separate discussion of these items unless a Commission member so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

**CONSENT – New Business:**

- 1C** **DISPOSITION OF ABSENCE:** None
- 2C** **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held August 6, 2009.
- 3C** **CU09-10:** Discussion and possible action to approve a request from [REDACTED] on behalf of Top Rocker Tattoo, LLC for a Conditional Use Permit to allow a proposed tattoo and body piercing studio to be located at 16140 N. Arrowhead Fountains Center Drive, Suite 101, in the Arrowsport Office Center.

## REGULAR AGENDA

### NEW BUSINESS:

- 4R **PUBLIC HEARING:** RE: Rezone approximately 6 acres.

**PUBLIC HEARING – Z08-11:** Beus Gilbert PLLC, on behalf of [REDACTED] is requesting to rezone approximately 6 gross acres from SR-43 (Suburban Ranch) to PAD (Planned Area Development) to facilitate future industrial business park development. The property is located at the southeast corner of 83<sup>rd</sup> Avenue and Butler Drive.

**Staff Report**

**Open Public Hearing**

**Public Comment**

**Close Public Hearing**

**Commission Action:** Discussion and possible action to recommend approval of a request from Beus Gilbert PLLC, on behalf of [REDACTED] to rezone approximately 6 gross acres from SR-43 (Suburban Ranch) to PAD (Planned Area Development) to facilitate future industrial business park development.

- 5R **PUBLIC HEARING:** RE: Rezone approximately 1.67 acres.

**PUBLIC HEARING – Z09-02:** Curtis Architecture, Inc., on behalf of KJ Way LLC and Wealth Management International is requesting to rezone approximately 1.67 gross acres from AG (General Agriculture) to PAD (Planned Area Development) to facilitate a future single-story office building project. The property is generally located south of the southeast corner of Pinnacle Peak Road 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 Curtis Architecture, Inc., on behalf of KJ Way LLC and Wealth Management International to rezone approximately 1.67 gross acres from AG (General Agriculture) to PAD (Planned Area Development) to facilitate a future single-story office building project.

- 6R **Presentation of Robert's Rules of Order**

Presentation and possible discussion of Robert's Rules of Order.

**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.

**PLANNING AND ZONING COMMISSION MINUTES  
CITY OF PEORIA, ARIZONA  
COUNCIL CHAMBER  
AUGUST 6, 2009  
DRAFT**

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

**Members Present:** Chair Veda McFarland, Vice Chair Marc Melbo, Commissioners Bill Louis, Nancy Golden, John Gerard, Leigh Strickman, Greg Loper, and alternate Anne Wojcik.

**Members Absent:** None

**Others Present:** Steve Kemp, City Attorney, Glen Van Nimwegen, Community Development Director, Chris Jacques, Planning Manager, Ed Boik, Planner, Cody Gleason, Planning Technician, Bev Parcels, Planning Assistant, Lou Brannick, Development Plans Reviewer, Sherine Zaya, Public Information Officer, Terri Smith, Council Assistant, and Dawn Boyer, Council Assistant.

**Opening Statement:** Read by Chris Jacques, Planning Manager.

Call for speaker request forms.

**Audience:** Approximately 85.

**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 Strickman and Loper from the July 16, 2009 meeting.

2C **MINUTES:** Approve the minutes of the Regular Meeting held July 16, 2009.

**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:**

3R **PUBLIC HEARING-PR06-48A.1:** Discussion and possible action to hear an appeal of Staff's determination to APPROVE a site plan amendment allowing a church, day care,

and associated playground on the property located south of the southwest corner of 67<sup>th</sup> Avenue and Cactus Road by overturning, upholding, or modifying the Staff's determination.

**STAFF REPORT:** Ed Boik, Planner, presented the staff report.

**COMMISSION COMMENT:** Commission members questioned the current condition of the property, amount of buffer area between playground and residential, finished grade difference between church and houses, and the hours of operation for the day care.

**PUBLIC COMMENT:**

██████████ neighbor, voiced concerns about the closeness of the church to residential, number of children allowed at day care, use not being for church but for anyone to use, the noise level, devaluation of homes next to church, past experiences with children playing on dirt mounds next to houses, and unwillingness of church to work with neighbors.

**COMMISSION ACTION:** Commissioner Louis moved to approve Case PR06-48A.1 with staff's stipulations. Commissioner Loper seconded the motion, and upon vote, carried 6-1. Commissioner Melbo voted against the motion.

**4R PUBLIC HEARING – CU09-09:** Discussion and possible action to recommend approval of a request from ██████████ dba Cabo Joe's for a Conditional Use Permit to operate a bar/tavern with a Series 6 liquor license at 8190 W. Deer Valley Rd., Suite 110.

City Attorney, Steve Kemp gave an update on why the case was remanded back to the Planning & Zoning Commission to be heard again and the elements and purpose of a conditional use permit review.

**STAFF REPORT:** Chris Jacques, Planning Manager, presented the staff report.

**COMMISSION COMMENT:** Questions from Commission members included –

- What were the conditions that applicant had not agreed to.
- Guidelines and determination of the 60/40 food / alcohol sales ratio.
- How often records are audited for sales evaluation by state and if City audited records would allow for recourse and time allowance to remedy any infractions.
- Whether other bars in the city have the same requirements and restrictions.
- Why applicant applied for a Series 6 liquor license instead of a Series 12.
- The layout of floor plan and seating area for dining.
- Why applicant would agree to allow landlord and state to regulate 60/40 sales but not the City.
- Designation of a smoking area.
- Comparison to Top Shelf's Cantina area, music that is offered, and hours of operation.
- Crowd control provided for when bar closes to restrict noise.
- Concern about the compatibility of the use to the surrounding neighborhood.
- Contact with the owner of the retail center.
- Refusal to sign Proposition 207 waiver.

**PUBLIC COMMENT:**

- ██████████ applicant – Remarks given included:
- Landlord and State conduct 60/40 audit based on purchase of supplies and inventory.
  - Bar / Restaurant will add jobs to area.
  - Series 6 liquor licenses allows for pool tables and dart boards in establishment, Series 12 license does not.
  - Landlord lease restricts entertainment and type of employee uniforms.
  - Minors allowed during meal times unaccompanied but not late night.
  - Opposed to City regulating 60/40 sales due to ability of City to revoke use permit and not allowing any recourse.
  - Smoking would be conducted outside at the allowable distance from door.
  - Closing time restriction of 11p.m. is not given to other restaurants or bars.
  - Bar / Restaurant employees will oversee and regulate noise and loitering in parking lot.
  - Personally gathered 150 signatures in support of bar / restaurant.
  - Restrictions being required are not required of other establishments in the City and are unfair and unconstitutional.
  - No statistics to verify that a bar lowers home values or ruins neighborhoods.
  - Has had a Series 6 liquor license for 8 years without a single violation.
  - Has support of other retail center businesses.

██████████ resident, opposed due to noise level of bar and proximity to homes.

██████████ resident, opposed because of location next to homes. Suggested a location away from bedroom communities.

██████████ resident representing Deer Valley Estates HOA, 168 households opposed. Concerned about change in landscape of center parking lot.

██████████ resident, opposed, too close to homes, will hurt resale value, not family friendly, negative aspects of smoking, bar fights, and increased accidents.

██████████ resident, opposed, bar not meeting the 60/40 food requirement, drunk drivers in an area that already has too many accidents occurring.

██████████ resident, opposed, area is a family neighborhood, concerned about safety of children going to the center, addition of drunk drivers in parking lot.

██████████ resident, opposed, there is no other bar in a residential neighborhood and City is setting precedent if they allow this one, concerned about loitering, smoking, disorderly conduct, and fights.

██████████ resident, opposed, remembers experience with bar at 83<sup>rd</sup> Ave. & Lake Pleasant Road, police are slow to respond if an issue occurs, wants the bar stopped before it opens instead of correcting problems after its in business.

██████████ resident, opposed, traffic and intersection are already dangerous, bar would share a parking lot with adults and children, Top Shelf does not share a parking lot with other businesses.

██████████ resident, opposed, daughter was killed because bar kept serving her alcohol and did not offer to call a cab for her when she left.

██████████ resident, opposed, has problems with the Site Plan and only 10 tables being shown for eating, no natural surveillance will be asking for crime, landlords are not good at regulating leases.

██████████ resident, opposed, stated there was 72 emails that were opposed.

██████████ resident, opposed, was involved in the shaping of the neighborhood and is unhappy about businesses moving into the area that don't care about the neighborhoods.

██████████ resident, opposed, traffic on Deer Valley Rd. is horrible and adding a bar would create even more unwanted traffic.

██████████ resident, opposed, asked what recourse the residents have if there is a problem that occurs at the bar if they are allowed to open.

██████████ resident, opposed, would not feel comfortable going to shopping center alone if bar is allowed.

██████████ resident, opposed, concerned about teenagers driving to shopping center and eating at bar without an adult, if Albertson's leaves what will happen to the lease restrictions, in regards to 60/40 food requirement who will regulate if bar owner purchases food to be delivered to one location and moves it to another one of his businesses.

██████████ resident, opposed, City should allow businesses because residents want them, fears bar will bring too many outside people to neighborhood, questioned why a Series 6 license costs so much.

██████████ resident, opposed, mentioned Top Shelf and fact that area does not need another bar, fact that there is no designated smoking area.

██████████ resident, opposed, regular customer at Cost Cutters will be uncomfortable sending son to get hair cut alone if bar opens.

██████████ resident, opposed, ex police officer who thinks site is too close to homes, bars bring an increase of drugs and prostitution to area.

██████████ resident, opposed, bar is too close to schools and teenage drivers who are inexperienced.

██████████ resident, opposed, applicant came to her door representing proposed business as a Top Shelf type establishment and feels he misrepresented himself, she inquired about menu and none is chosen, not comfortable with applicant not in agreement with City's 60/40 stipulation for regulation of food sales.

**COMMISSION ACTION:** Commissioner Louis moved to deny Case CU09-09. Vice Chair Melbo 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:** None

**ADJOURNMENT:** There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 9:38 p.m.

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Veda McFarland, Chair

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Date Signed



# CONDITIONAL USE PERMIT

## REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NUMBER:** CU 09-10  
**DATE:** August 20, 2009  
**AGENDA ITEM:** 3C

**Applicant:** [REDACTED] owner of Top Rocker Tattoo LLC

**Request:** Obtain a Conditional Use Permit to allow a tattoo and body piercing studio.

**Proposed Development:** Top Rocker Tattoo: Approximately 1,460 square feet of leased studio space.

**Location:** 16140 N. Arrowhead Fountains Center Drive, Suite 101:  
 Located south of the southwest corner of Paradise Lane and Arrowhead Fountains Center Drive

**Site Acreage:** 1.93 acres

**Support / Opposition:** As of the date of this printing, Staff has not received written or verbal support or opposition for this proposal.

**Recommendation:** Approve, with conditions.

### LAND USE BACKGROUND

*Table 1: Existing Land Use, Future Land Use, Current Zoning. (Exhibits B)*

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Arrowsport Office Center	Regional Commercial	PAD (Planned Area Development)
North	Professional Offices	Regional Commercial	PAD (Planned Area Development)
South	Harley Davidson Dealership	Regional Commercial	PAD (Planned Area Development)
East	Restaurants	Regional Commercial	PAD (Planned Area Development)
West	Interstate Highway (Loop 101)	Regional Commercial	ADOT Right-Of-Way (Loop 101)

## **PROJECT DESCRIPTION**

### *Request and Development Details*

1. Top Rocker Tattoo is proposing to operate a 1,460 square foot tattoo and body piercing establishment within the Arrowsport Office Center.
2. The proposed studio is located within the Arrowsport Office Center, a multi-tenant commercial building of approximately 18,310 square feet. The center is located on a site of approximately 1.93 acres, two parcels south of the southwest corner of Paradise Lane and Arrowhead Fountains Center Drive. Uses within the center include a hair salon, a motorcycle showroom, and a restaurant. Adjacent land uses include multi-tenant professional office building to the north, Harley Davidson dealership to the south, various restaurants to the east, and Interstate Loop 101 to the west.
3. The applicant proposes tattoo and above the waist body piercing services within a salon style facility. Four (4) employees will work at individual stations. Top Rocker tattoo will offer services to clientele who are eighteen (18) years of age and above in accordance with Arizona State Revised Statute 13-3721. There will be no services provided behind closed doors. (Exhibit C Floor Plan)
4. Proposed hours of operation are Tuesday through Thursday 12:00 p.m. to 10:00 p.m., Friday and Saturday from 12:00 p.m. to 12:00 a.m. midnight, Sunday 11:00 a.m. to 7:00 p.m., and closed on Mondays.

### *Background*

5. The existing multi-tenant commercial building and associated parking was approved under Site Plan review (PR01-49). The center received final building permit occupancy approval in 2002.

## **DISCUSSION AND ANALYSIS**

### *Purpose of a Conditional Use Permit*

6. Section 14-39-10.A identifies the intent of a Conditional Use Permit (italics by staff). The intent is:

Every zoning district contains certain buildings, structures, and uses of land which are normal and complementary to permitted principal uses in the district, but which, by *reason of their physical or operational characteristics influence on the traffic function of adjoining streets or similar conditions, are often unnecessarily incompatible with adjacent activities and uses.* It is the intent of this chapter to permit conditional uses in appropriate zoning districts, but only in

specific locations within such districts and only *when designed and developed in a manner which ensures maximum compatibility with adjoining uses*. It is the purpose of this Ordinance to establish principles and procedures for the development and control of such uses.

### *Zoning and Classification*

7. The proposed location is within a Planned Area Development (PAD), which requires all uses to comply with the regulations of the Intermediate Commercial (C-2) Zoning District. Tattoo and body piercing establishments require the issuance of a Conditional Use Permit.

### *Compatibility With Surrounding Land Uses*

8. The proposed use is surrounded by a diverse range of retail and entertainment services, such as a theatre, motorcycle showrooms, home goods, salons, a variety of themed restaurants, and professional offices. The closest single-family and multi-family residential neighborhoods are located approximately 1,450 feet to the east, and 1,500 feet to the southwest (across Loop 101). Staff does not anticipate any negative impacts on the adjoining uses as a result of this request. In addition, the proposed use must comply with a series of special limitations from the zoning ordinance.

### *Special Limitations*

9. Section 14-9-5-K of the Zoning Ordinance provides the following limitation on *personal services* in the C-2 District. Staff responses are in *italics*.

- All vehicular access shall be from arterial streets.

*Arrowhead Fountain Center Drive is served primarily from Bell Road, as well as 83<sup>rd</sup> Avenue, which are both arterial roads*

- The use shall not be located on a lot with a property line within one thousand (1,000) feet measured in a straight line in any direction of the lot line of a Body Piercing Studio, Massage Establishment, Non Chartered Financial Institution, Pawnshop, Retail Liquor Store, Plasma Center and Tattoo Studio, Adult Use, Correctional Facility or State Local Alcohol Reception Center.

*The applicant has indicated there are no other uses in conflict as described above located within 1,000 feet from the property line boundaries of this proposed establishment. (Exhibit D & E)*

*Arizona Revised Statutes Regarding Tattoo & Body Piercing Establishments*

10. As prescribed in the Arizona Revised Statutes Chapter 13-3721, it is unlawful for a person to intentionally brand, implant, mutilate, tattoo or pierce the body of a person who is under eighteen (18) years of age without the physical presence of the parent or legal guardian of the person requesting the services indicated above.

*As stated by the applicant, services will only be rendered to clientele who are eighteen years of age and above. In an e-mail correspondence with the applicant, it was confirmed that anyone under the age of 18 will not be offered tattoo or body piercing services. (E-mail correspondence in case file)*

11. Pursuant to Arizona Revised Statutes Title 36, at the minimum, all needs must be sterilized with equipment used by state licensed medical facilities. In addition, a tattoo needle and any waste exposed to human blood that is generated in the creation of a tattoo shall be disposed of in the same manner as biohazardous medical waste pursuant to ARS Section 49-761.

*Tattoo establishments typically utilize autoclave, which is a device to sterilize equipment and supplies by subjecting them to high pressure steam at 121° C or more. To mitigate potential contamination due to malfunctioning of an untested autoclave device, the applicant has opted to provide disposable needles and forceps for each client. Furthermore, the applicant has contracted with ENSERV, a full service clinical waste disposal company who will pick up and discard waste from the facility on a quarterly basis. All medical waste will be properly stored in a storage container provided by ENSERV. The storage container will be placed in a separate area apart from inventory materials stored on-site. The Building Safety Division and the Fire Prevention Division have had an opportunity to conduct a preliminary review of the proposal. Their assessment resulted in a condition, which will require the applicant to obtain a building permit. (Conditions 2 and 3)*

12. It is unlawful to administer anesthesia during the course of any procedure involving the branding, scarifying, tattooing, implanting, mutilating or piercing of the body of another person without obtaining the property medical licensing pursuant to A.R.S Chapter 32 (Professions and Occupations).

*The applicant has indicated to staff, there will be no anestesthia provided. If the client requests this service, they will refer the client to another facility. (Condition 3)*

*Sanitary Conditions for Employees and Customers*

13. Furthermore, for health and safety purposes, employees will wear gloves and face masks, as well as provide disposable seat covers for each customer. In addition, employees are required to be qualified in First Aid, Blood Borne Pathogens, and to meet OSHA standards. (Exhibit A)

*Available Parking*

14. The Zoning Ordinance requires personal services to be parked at one (1) space per 150 square feet of floor area. The Arrowhead Office Center was approved for 105 parking spaces. Top Rocker would require approximately 10 parking spaces, which is 9% of the existing parking on site. Therefore, available parking is ample and will not be impacted.

*Other Department Review*

15. As deemed necessary by the Building Safety Division and Fire Prevention Division, a stipulation will require the applicant to seek approval of a building permit. (Condition 2)

*Noticing and Neighborhood Comment*

16. The application notice was forwarded to all property owners within 300 feet of the proposal and properly noticed pursuant to Section 14-39-10 of the Peoria Zoning Ordinance. As a result, to date, the City has not received any verbal or written comments on the proposal.

*Public Notice*

17. Public notice was provided in the manner prescribed under Section 14-39-6-H. Additionally, the site was posted with a sign meeting the content and size requirements prescribed by the Planning Division on August 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*

18. [REDACTED] owner of Top Rocker Tattoo LLC has submitted a signed and notarized Proposition 207 waiver, which will be recorded with the conditions contained herein.

Findings / Recommendation:

19. Based on the following findings:

- The proposed location is within a Planned Area Development (PAD), which requires all uses to comply with the regulations of the Intermediate Commercial (C-2) Zoning District. Tattoo and body piercing establishments require the issuance of a Conditional Use Permit.
- The proposed use complies with all requirements prescribed in Section 14-39-10-E and 14-9-5-K of the Peoria Zoning Code. Accordingly, staff does not believe the proposal will result in any negative impacts to the adjoining uses.
- 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.
- The applicant, [REDACTED] owner of Top Rocker Tattoo LLC 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 CU09-10, subject to the following conditions:

1. The development shall substantially conform to Exhibit A (narrative), as contained in the staff report to the Planning and Zoning Commission dated August 20, 2009 and as herein modified.
2. The applicant shall obtain a building permit.
3. The biohazardous waste container must be stored in a separate room.
4. No employee or outside contractor shall administer anesthesia in conjunction with the operation of this establishment at any time.
5. The hours of operation are Tuesday through Thursday 12:00 p.m. to 10:00 p.m., Friday and Saturday from 12:00 p.m. to 12:00 a.m. midnight, Sunday 11:00 a.m. to 7:00 p.m., and closed on Mondays.

Attachments:

Exhibit A	Project Narrative
Exhibit B	Aerial Vicinity Map
Exhibit C	Floor Plan
Exhibit D	Business List 1,000 Foot Radius
Exhibit E	1,000 Foot Radius Aerial Map
Exhibit F	Site Photos

Prepared by: Monique Spivey  
Associate Planner

## Narrative (Top Rocker Tattoo)

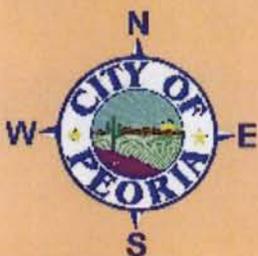
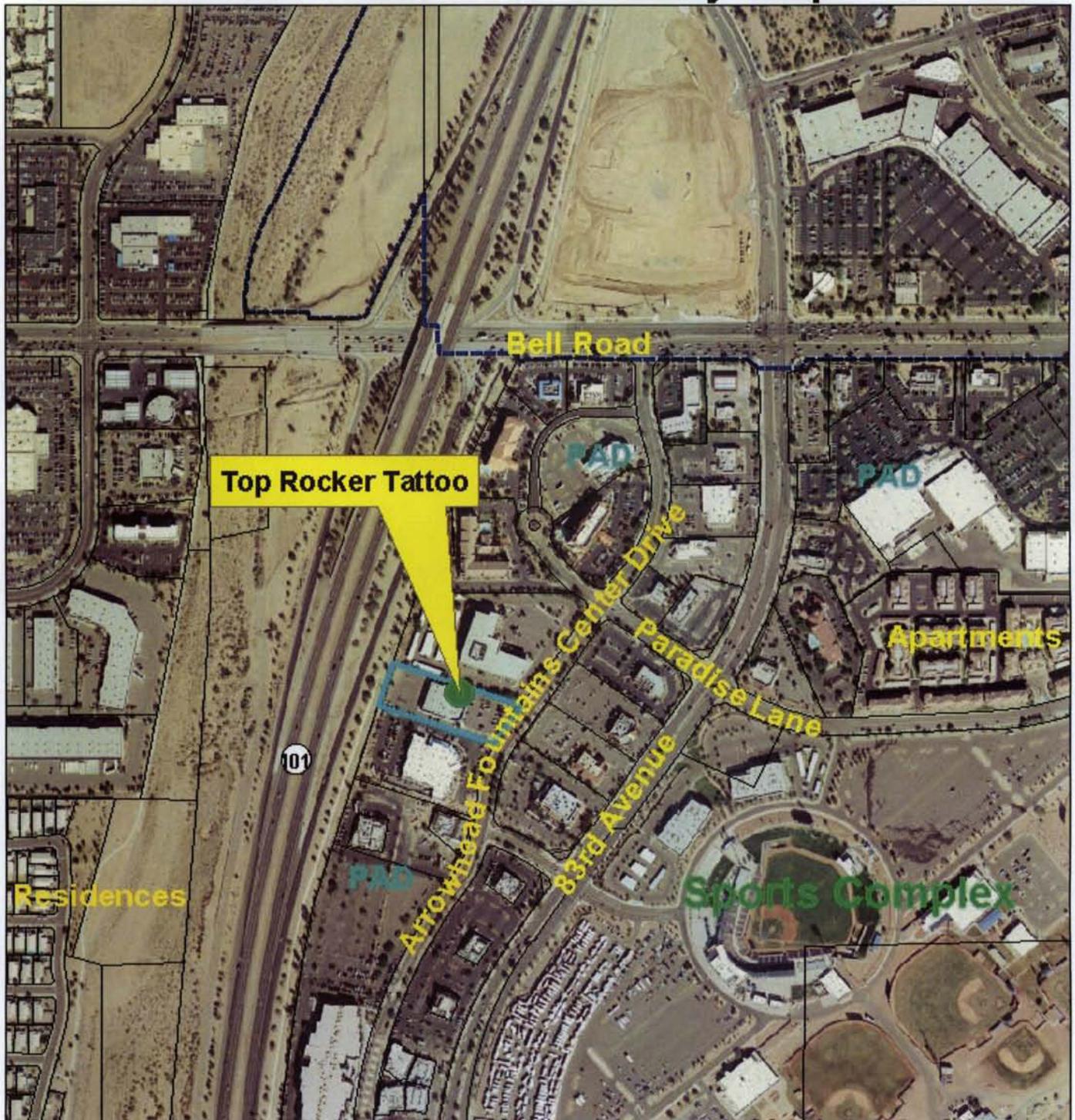
Top Rocker Tattoo LLC is providing a professional service to the residents of Peoria while assisting in promoting stimulation of neighboring businesses. Built upon the foundation of a sterile, friendly, and professional atmosphere; Top Rocker Tattoo separates itself from many other tattoo studios by attempting to maintain a classier clientele and limiting loitering of unwanted persons in the general vicinity of the establishment. Top Rocker Tattoo provides body modification services in the form of tattoos and piercing for residents above the age of eighteen in conjunction with Arizona State Legislature Revised Statute 13-3721. In addition, Top Rocker Tattoo is one of the only shops in Arizona to be completely disposable. This means that not only every needle for a tattoo and piercing is new but so is the tube that holds the needle as well as the forceps used to pierce. Being a disposable studio eliminates the possibility of contamination to a client due to a malfunctioning or untested autoclave which is used to sterilize the above mentioned equipment in most shops.

Although there is no license required by the state to tattoo, employees of Top Rocker Tattoo are required to be qualified in First Aid, Blood Borne Pathogens, and to meet the standards set forth by OSHA (occupational standards and health administration). Legislation also states “ a tattoo needle and any waste exposed to human blood that is generated in the creation of a tattoo shall be disposed of in the same manner as biohazardous medical waste pursuant to section 49-761.” To be in compliance Top Rocker Tattoo has established a contract with ENSERV, a medical waste disposal company to dispose of our waste quarterly.

Lastly, Top Rocker Tattoo is veteran owned and operated. We employ four artists, three with prior military service, one of which is a combat veteran. Our goal is to give residents in this area a welcoming, sterile, and safe environment to receive the tattoos and piercings that are becoming more popular with recent television shows. Cleanliness, courtesy, and class are our key ingredients.



# CU09-10 Aerial Vicinity Map



Not to Scale

**CU09-11**

Applicant: [REDACTED] Owner of Top Rocker Tattoo LLC

Request for a Conditional Use Permit (CUP) to allow the operation of a tattoo and body piercing establishment.

**Exhibit B**

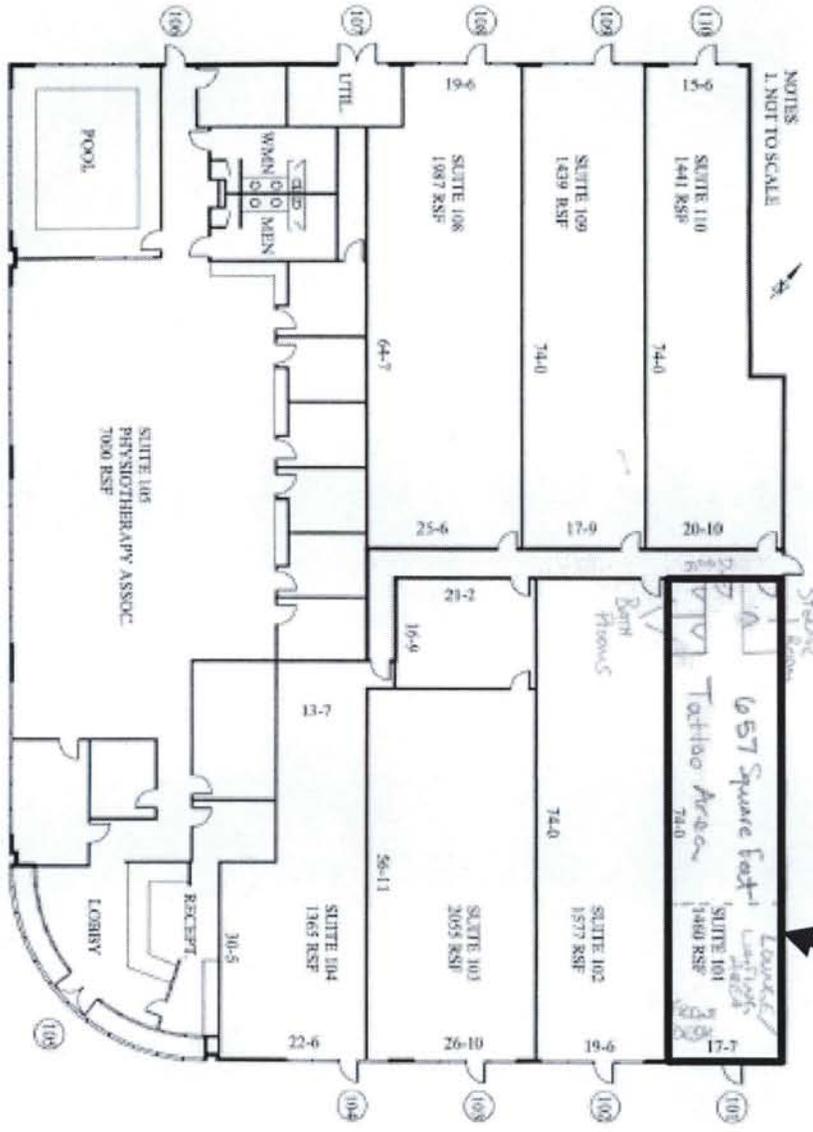
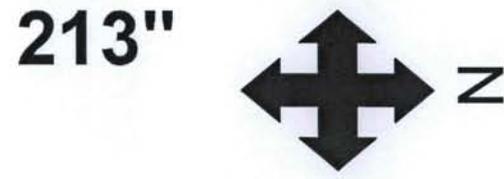
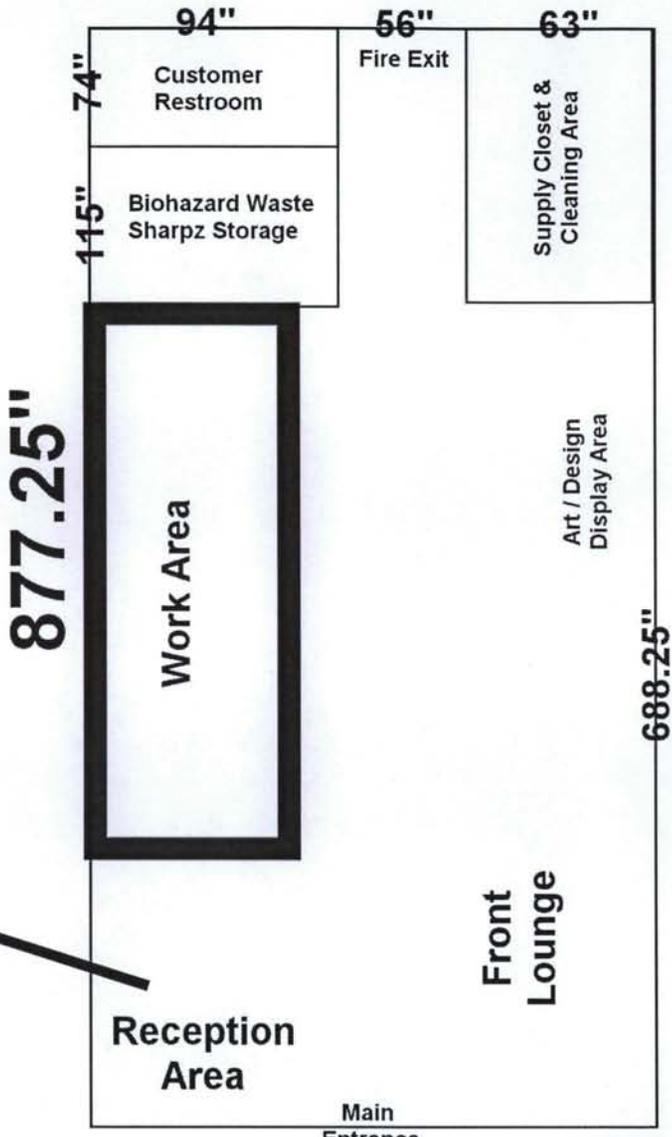
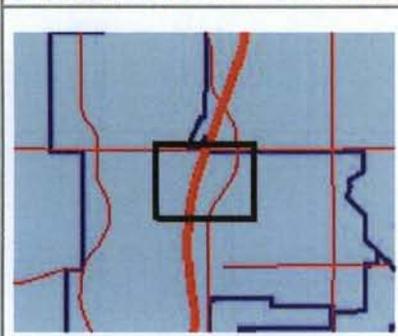


Exhibit C (Floor Plan)



CU09-10 (Top Rocker Tattoo)  
List of Businesses within 1,000 Feet of the Property

- Blown Away Salon and Spa (16140 Arrowhead Fountains Center Drive, Ste 102)
- Firebirds Wood Fired Grill (16067 Arrowhead Fountains Center Drive)
- Elephant Bar Restaurant (16160 N 83<sup>rd</sup> Avenue)
- PF Chang's China Bistro (16170 N 83<sup>rd</sup> Avenue)
- Red Robin Gourmet Burgers ( 16233 N 83<sup>rd</sup> Avenue)
- Cheesecake Factory (16134 N 83<sup>rd</sup> Avenue)
- Texas Roadhouse (16079 Arrowhead Fountains Center Drive)
- Abuelo's Mexican Food Embassy (16092 Arrowhead Fountains Center Drive)
- Buca Di Beppo (16091 Arrowhead Fountains Center Drive)
- Famous Dave's (16148 N 83<sup>rd</sup> Avenue)
- Hooters (16550 N 83<sup>rd</sup> Avenue)
- Skye Supper Club (16844 N Arrowhead Fountains Center Drive)
- Corner Baker Café (16222 N. 83<sup>rd</sup> Avenue)
- The Motorcycle Store (16140 Arrowhead Fountains Center Drive)
- Arrowhead Fountain Office Building (16150 N. Arrowhead Fountains Center Drive)
- Hampton Inn (8408 W. Paradise Lane)
- Residence Inn (8435 W. Paradise Lane)
- Satara Thai Restaurant (8350 W. Paradise Lane)
- Cracker Barrel (16771 N. 84<sup>th</sup> Avenue)
- Hotel (16845 N. 84<sup>th</sup> Avenue)
- Peoria Industrial Offices (16681 N. 84<sup>th</sup> Avenue)
- Professional Offices (16155 N. 83<sup>rd</sup> Avenue)
- Chipotle, Lamps Plus, and Fax (16680 N. 83rd Avenue)
- Magdalena's Tex Mex Restaurant (16140 N. Arrowhead Fountains Center Drive )



#### LEGEND

	<b>Selected Features</b>		Minor Street		Peoria
	theBufferPolygons		Freeway Ramp		Parcels
	InsideBuffer Streets		Railroad		City Limit
	Freeway		Minor Street		County Island
	Major Street (cont)		Minor Street		External (cont)

This map is based on imprecise source data, subject to change, and for general reference only.



Exhibit F



# REZONING

## REPORT TO THE PLANNING AND ZONING COMMISSION

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**CASE NUMBER:** Z 08-11  
**DATE:** August 20, 2009  
**AGENDA ITEM:** 4R

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**Applicant:** Beus Gilbert PLLC, on behalf of [REDACTED]

**Request:** Rezone approximately 6 gross acres from SR-43 (Suburban Ranch) to PAD (Planned Area Development) to facilitate future industrial business park development.

**Proposed Development:** Future establishment of an industrial/business park development.

**Location:** The subject property is located at the southeast corner of Butler Road and 83<sup>rd</sup> Avenue.

**Site Acreage:** Approximately 5.5 acres

**Support / Opposition:** As of the date of this printing, Staff has received one (1) phone call in support and no opposition to this proposal.

**Recommendation:** Defer the case to the **September 17, 2009** agenda.

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The petitioner has requested the case be deferred to September 17, 2009. The request has been attached as EXHIBIT A. Staff has no objection to this request.

Ed Boik  
Planner

Exhibit A                      Petitioner's request for deferral.

**Ed Boik**

---

**From:** [REDACTED]  
**Sent:** Thursday, August 06, 2009 10:52 AM  
**To:** Ed Boik  
**Cc:** [REDACTED]  
**Subject:** Continuance - Butler Industrial Park (Z08-11)

Ed –

With this correspondence we respectfully request a continuance from the August 20<sup>th</sup>, 2009 Planning and Zoning Commission Hearing to the September 17<sup>th</sup>, 2009 hearing due to scheduling conflicts.

Thank you in advance and do not hesitate to contact me if you have any questions.

[REDACTED]  
**Beus Gilbert PLLC**  
4800 North Scottsdale Road, Suite 6000  
Scottsdale, AZ 85251-7642

480.225.4400 C  
480.429.3017 PL  
480.429.3100 F

08/06/2009



# REZONING

## REPORT TO THE PLANNING AND ZONING COMMISSION

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**CASE NUMBER:** Z 09-02  
**DATE:** August 20, 2009  
**AGENDA ITEM:** 5R

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**Applicant:** KJ Way, LLC (dba Wealth Management International, Inc.)

*Represented by:* Curtis Architecture, Inc. (c/o [REDACTED]  
[REDACTED] 7714 N. 7<sup>th</sup> Street, Phoenix, AZ 85004

**Request:** Rezone approximately 1.67 gross acres from General Agriculture (AG) to Planned Area Development (Wealth Management International PAD) to facilitate an office building.

**Proposed Development:** Wealth Management International: The conceptual development plan proposes a project consisting of a single-story office building (6,429 square feet GFA - projected)

**Location:** The site is generally located south of the southeast corner of Lake Pleasant Parkway and Pinnacle Peak Road (Assessor Parcel Number 200-10-036F).

**Site Acreage:** 1.67 gross acres.

**Support / Opposition:** As of the date of this printing, Staff has received one (1) phone call in support and no opposition to this proposal.

**Recommendation:** Approve, with conditions.

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## LAND USE BACKGROUND

*Table 1: Existing Land Use, Future Land Use, Current Zoning. (Exhibits B-D)*

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant	Office Commercial	General Agriculture (AG)
North	Vacant to the immediate north. Pending site plan for in-line retail shops at the SEC of Pinnacle Peak Rd and Lake Pleasant Pkwy.	Estate Density Residential (0-2 du/ac)	General Agriculture (AG)
South	Vacant. Approved Sunset Ranch II PAD with minimum 10k sq.ft. lots.	Estate Density Residential (0-2 du/ac)	PAD (Sunset Ranch Phase II)
East	Vacant / Close proximity (~950') to the approved Meadows PCD with both 7k and 24k sq.ft. lots.	Estate Residential (0-2 du/ac) / Camino a Lago Specific Area Plan	General Agriculture (AG), then the Meadows PCD
West	Arterial (Lake Pleasant Pkwy), then vacant. Future parking lot expansion for the Pinnacle Peak Public Safety Facility.	Estate Density Residential (0-2 du/ac)	General Agriculture (AG)

### *Annexation History*

1. The parcel was annexed into the City in September 1981. At that time, a zoning designation of General Agriculture (AG) was assigned. To date, no General Plan Amendment (other than GPA 07-14) or rezoning activity has occurred for this location.

## PROJECT DESCRIPTION

### *Site and Project Details*

2. The subject site is a vacant, relatively flat parcel bounded to the west by approximate 361 feet of street frontage along Lake Pleasant Parkway and located approximately 660 feet south of Pinnacle Peak Road. The western most 20 feet of this parcel is encumbered by a drainage and slope easement and the northern 33 feet of the parcel is a roadway and public utility easement for the parcels to the north and east. Access to this site will be from Lake Pleasant Parkway and will be a dedicated right-in/right-out only due to the median located within Lake Pleasant Parkway.
3. The conceptual site plan shown in *Exhibit E – Conceptual Site Plan* indicates a 6,429 sq.ft., single story building to be constructed near the southern portion of the site. The main access to the building will be from the north side, with a circular drive consisting of a stamped concrete decorative feature. An outdoor

patio seating area with a canopy extension will be located on the south side of the building. There will be two rows of parking flanking the drive aisle, with the eastern row proposed to be covered parking stalls.

4. As depicted on the elevations shown in *Exhibit F – Conceptual Elevations*, the building will be stucco over CMU block construction. A steel canopy/awning will be placed over the windows on the north and west elevations. Colors will vary from light to dark brown. The roof will be constructed utilizing a standing seam metal system.

## **DISCUSSION AND ANALYSIS**

### *Conformance with the General Plan*

5. The underlying land use designation for the subject property is Office Commercial (as designated under case GPA 07-14). This designation denotes areas that contain the least intense commercial development and consists of office uses that provide services directly to residential neighborhoods in residential scale buildings. The PAD use schedule and development standards are consistent with the underlying land use designation.

### *Land Use Compatibility*

6. Currently, the four corners of Pinnacle Peak Road and Lake Pleasant Parkway contain approximately 15 acres of existing C-2 zoning (Exhibit D). Commercial activities have begun to occur with the completion of the Circle K convenience store at the SWC and a pending site plan application for a multi-tenant retail building at the SEC. In addition, immediately across Lake Pleasant Parkway to the southwest is the existing Pinnacle Peak Public Safety Facility. Directly north of the facility, the City intends to utilize this site for a parking expansion to serve the facility. Access to the facility is via a signalized intersection.
7. A small-scale office development is compatible with the surrounding areas and will assist in providing a transitional land use from the existing non-residential uses, existing and planned intermediate commercial land uses and the heavily utilized Lake Pleasant Parkway to the abutting and adjacent residential project to the south (Sunset Ranch II) and to the east (The Meadows).

### *Wealth Management International PAD Standards*

8. The applicant is seeking to rezone the site from AG to a Planned Area Development (PAD) to develop a product that could be developed under the City's O-1 (Office) zoning district. The PAD allows the development framework to be tailored to facilitate an office product type while responding to several physical encumbrances of the site including the physical shape and size of the parcel, the

drainage easement and the roadway and public utility easement. Table 2 compares the standards of the PAD with the City's O-1 District. Variations in the PAD standards from the O-1 standards are in **bold** text.

*Table 2: Standards Comparison*

DEVELOPMENT STANDARDS	Wealth Management Intl PAD	O-1 District
Min Lot Width (ft)	n/r	50
Max Building Height (ft)	<b>20</b>	30
Western (Front) Setback <sup>1</sup> (ft)	<b>20</b>	15
Northern (Side) Setback <sup>1</sup> (ft)	15	n/r
Eastern (Rear) Setback <sup>1</sup>	20	20
Southern Setback <sup>1</sup> (ft)	<b>15</b>	30
Setback from Residential Zone <sup>1</sup>	<b>15</b>	30
Accessory Building Height and Setbacks	(a)	(a)

n/r Not Required

<sup>1</sup> Awnings, canopies and other architectural embellishments shall not project or extend more than five (5) feet over any required yard, and shall be no closer than two (2) feet to any lot line.

(a) All regulations and development standards applicable to the principal building shall apply, except for covered parking canopies which shall comply with the standards established in Section 14-23-3 of the Zoning Ordinance.

9. As illustrated in Table 2, the proposed PAD closely resembles the O-1 Office Commercial zoning district with several minor modifications to the maximum, height, western setback, southern setback, and setback from residential zones. The relaxation of the setback from the residential zone to the south is offset by the decrease in the allowable height. This will minimize the impact on any adjacent residential and keep with a more residential feel to the office development. The increase in the setback along Lake Pleasant Parkway will allow for the accommodation of the drainage easement.
10. For all O-1 and C-1 residential districts that abut a single family residential district, a minimum 20 foot landscape buffer is required. The PAD is reducing the minimum buffer required to 15 feet to mirror the southern setback requirement. The buffer will be planted with plant material at a density of 3 - 24" box trees and 5 - 5 gallon shrubs per every 1,000 sq.ft in buffer area. A patio and outdoor seating area will be permitted to be located within the buffer area.
11. The parking standards will follow the requirements for Professional Offices at a ratio of one (1) space per 200 sq.ft. of floor area as outlined in Article 14-23 of the zoning ordinance. The maximum allowance for compact stalls has been increased to 30% from 15% of the required stalls. Additionally, due to the size of the office building, the off-street loading requirement for one 10 foot x 30 foot loading berth has been removed. The majority of deliveries to this building will be package delivery companies (e.g. FedEx, UPS, USPS, etc.) that will not require

long-term loading and off-loading and will generally stop directly in front of the building for a short period of time.

12. All additional standards including lighting and signage will be per the provisions of the respective sections within the zoning ordinance.
13. The PAD has respected its close proximity to future residential as well as residing along a major arterial by limiting uses to be more compatible with the location of the site. The uses outlined in the PAD strictly limit the permitted uses to Professional, Administrative, Business, Medical and Dental Offices. The uses are typically those that have hours limited to daytime and early evenings, limiting the traffic and noise impacts to the future adjacent neighborhoods.

#### *Minimum PAD Size*

14. 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 1.67 acre subject property is a generally a flat site with a 20' drainage and slope easement along the western boundary and a 33' roadway and utility easement along the north boundary. The limited size of the parcel coupled with the two easements, severely restricts the developable area when applying the setbacks associated with the O-1 zoning district. This PAD will allow for several relaxations of standards that create additional area for development. In addition, the PAD option provides an opportunity to limit the types of non-residential uses that may negatively impact residents of the adjacent subdivisions. The PAD has been structured to create development standards that will ensure maximum compatibility in the edge treatment with the abutting subdivision to the south and any future development to the east.*

- 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 abutting future residential project (Sunset Ranch II) to the south was afforded the opportunity to develop under the provisions of the PAD section. However, this proposal does not contain any amenities that will contribute to the Sunset Ranch project.*

- 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.

*Development of this parcel would be extremely limited under the current zoning district. With the inclusion of the 20 foot drainage easement along the western boundary, and a 33 foot roadway and utility easement along the northern boundary, the developable area of the site is extremely limited. The PAD concept encourages the development of a site that is better suited for an office type product.*

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

*The project is not located within the Infill Incentive District.*

#### *Citizen Participation Plan - Neighborhood Meeting*

15. Section 14-39-6.E of the Peoria Zoning Ordinance requires the applicant of a rezoning request to hold at least one neighborhood meeting. The applicant notified property owners within 300 feet of the subject site (6 ownerships). Accordingly, on July 2, 2009 the applicant held a neighborhood meeting at the Wealth Management International offices located at 8801 W. Union Hills Drive. As indicated in Exhibit G, one adjacent property owner attended the meeting and stated her support for the project.

#### *Engineering Requirements*

16. The Engineering Department had no specific review comments in conjunction with the rezoning request. There are specific conditions of approval that address sidewalk construction, Lake Pleasant Parkway improvement repayments, deceleration lane requirements and water line placement.

#### *Fire Requirements*

17. The Fire Department had no specific conditions of approval relative to this rezone request. However, with the subsequent Site Plan Review, the Fire Department will be evaluating compliance with the technical requirements including turnaround provisions, hydrant placement and other issues.

#### *Public Notice*

18. 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 August 5, 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*

19. The applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the City Council action.

**FINDINGS AND RECOMMENDATION**

20. Based on the following findings:
- The proposed use is consistent with the underlying Office Commercial land use designation as described in the General Plan; and
  - The PAD benefits the public interest by promoting a development framework that maximizes compatibility, provides appropriate land use transition and reduces the potential for conflict; and
  - The proposal will advance the City's goals and objectives at improving the current jobs-to-housing ratio by facilitating new opportunities for professional employment; and
  - The proposal improves the transition from commercial intensities at the immediate intersection and roadway corridors to abutting residential land uses.

It is recommended that the Planning and Zoning Commission take the following actions:  
**Recommend approval to the City Council Case Z 09-02, subject to the following conditions:**

1. This development shall conform to the Wealth Management International PAD Standards and Guidelines Report dated June 9, 2009.
2. A Final Drainage Report must be submitted with the improvement plans.
3. The Development is responsible for payment of all current repayment zones. There is currently a repayment for the roadway and waterline installed along the frontage on Lake Pleasant Parkway. The repayment amount of \$113,122.65 shall be paid to the City of Peoria prior to any permits being issued by the City.
4. The Developer shall dedicate a 20-foot sidewalk easement along the frontage of the project on Lake Pleasant Parkway to accommodate the future sidewalk. This easement shall be placed over the existing drainage and slope easement.
5. The Developer shall dedicate an 8' PUE outside of the existing ROW.

6. The Developer shall construct the deceleration lane for the new driveway on Lake Pleasant Parkway per the approved Traffic Impact Analysis.
7. The Developer is responsible for the construction of a 10-foot sidewalk along the frontage of the project on Lake Pleasant Parkway. This may be accomplished through an in lieu payment for the design and construction of the sidewalk based on a City approved sealed engineer's estimate. The in lieu payment would be allowed if sidewalk north and south of the project does not exist at the time this project is constructed.
8. The developer shall install an 8-inch public water line within a 30-foot water and sewer easement along the northern property boundary that extends from Lake Pleasant Parkway to the eastern property boundary.
9. When the fire line is indicated as being smaller than 6" pipe, hydraulic calculations must be submitted along with the plans to justify the smaller pipe size.

Attachments:

Exhibit A	Project Narrative
Exhibit B.1	Vicinity Map
Exhibit B.2	Vicinity Map (enlarged)
Exhibit C	Land Use Map
Exhibit D	Zoning Map
Exhibit E	Conceptual Development Plan (for reference)
Exhibit F	Conceptual Building Elevations (for reference)
Exhibit G	Citizen Participation Report
Exhibit H	Wealth Management International PAD

Prepared by: Robert Gubser, AICP  
Senior Planner

## Narrative Statement/Project Justification

1. *What type of development and uses are proposed by the rezoning request?*  
Proposed use is for professional offices, specifically financial services. It is proposed to be a single tenant, owner occupied business.
2. *State how your proposal is consistent with the surrounding Land Use Plan and other goals, policies and objectives of the Peoria General Plan.*  
Specifically, what Elements, Goals, Objective and Policies of the General Plan will be affected?

This amendment is consistent with the overall intent of the General Plan. Elements of the General Plan affected include Land Use, Economic Development and Plan Administration. The following are examples of some Element, Goals, Objectives and Policies of the General Plan that will be affected.

**Office commercial:** Denotes areas that contain the least intense commercial development and consist of office uses that provide services directly to residential neighborhoods in residential scale buildings. Buildings do not exceed one story in height and are compatible with adjacent residential areas with respect to architectural style and proximity of buildings. Office buildings have a more proximate relationship to the street, presenting a pedestrian environment adjacent to street right-of-way. Denotes areas where small lot or small-scale business sites may be located.

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

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

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

Policy 2.1.G.1: The City shall work to enhance commercial activity by at (commercial, office or residential) which improve economic conditions in Peoria.

Goal 4.1: Create employment opportunities for Peoria Residents.

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

Goal 4.2 Generate new net City sales tax collections.

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

The project is compatible as it is a residential scale single user office building. Current surrounding zoning designations are all ag and parcels are currently vacant. It is anticipated that office uses will come to the North and large lot residential to the East. The residential scale office building will be an excellent buffer to the large lot residential from busy Lake Pleasant Rd.

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

Ag zoning in an area that is growing into a residential/commercial corridor is not a compatible zoning district or land use. Office usage for this corridor serves as compatible and appropriate use for the area.

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

While there are no current adjoining developments we are mindful of potential future uses. Because of this the proposed development will maintain a residential character for compatibility with future anticipated residential development in the area.

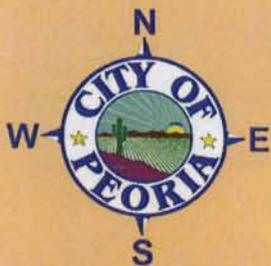
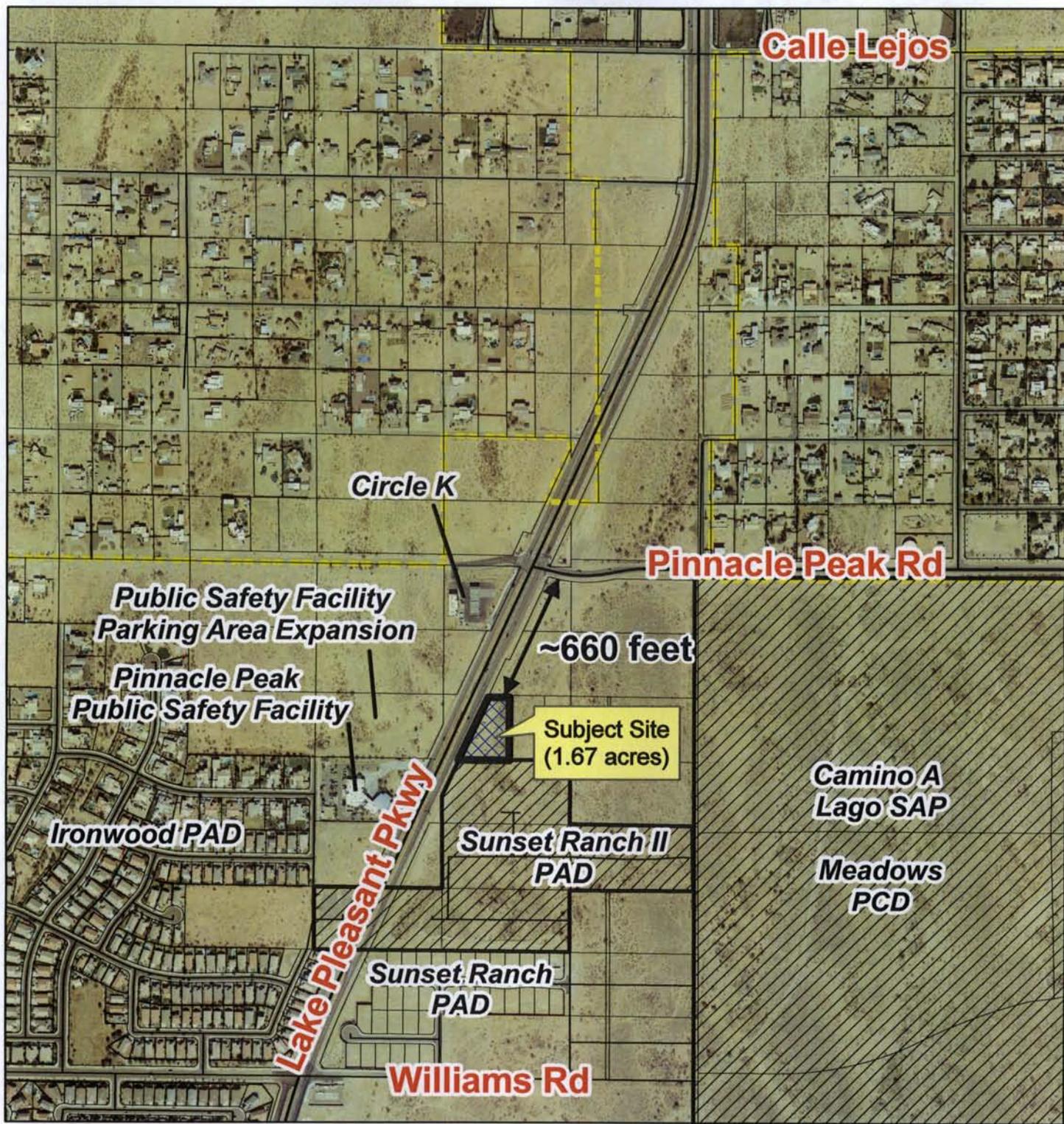
6. *Provide general site information and describe unusual physical features or characteristics of the site which present opportunities or constraints for development.*

The western side of the site along Lake Pleasant Road has a 30 ft. drainage easement which minimizes the usable area of the site. The balance of the site is flat and relatively usable.

7. *Other than the requested rezoning approval, what other approvable processes are required to accomplish the development proposal.*

Moving forward we will need site plan approval and building permits. No other approvals are needed.

# Z 09-02: Vicinity/Aerial Map



Not to Scale

## Z 09-02: Wealth Management International

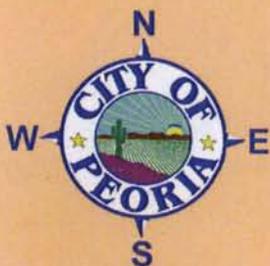
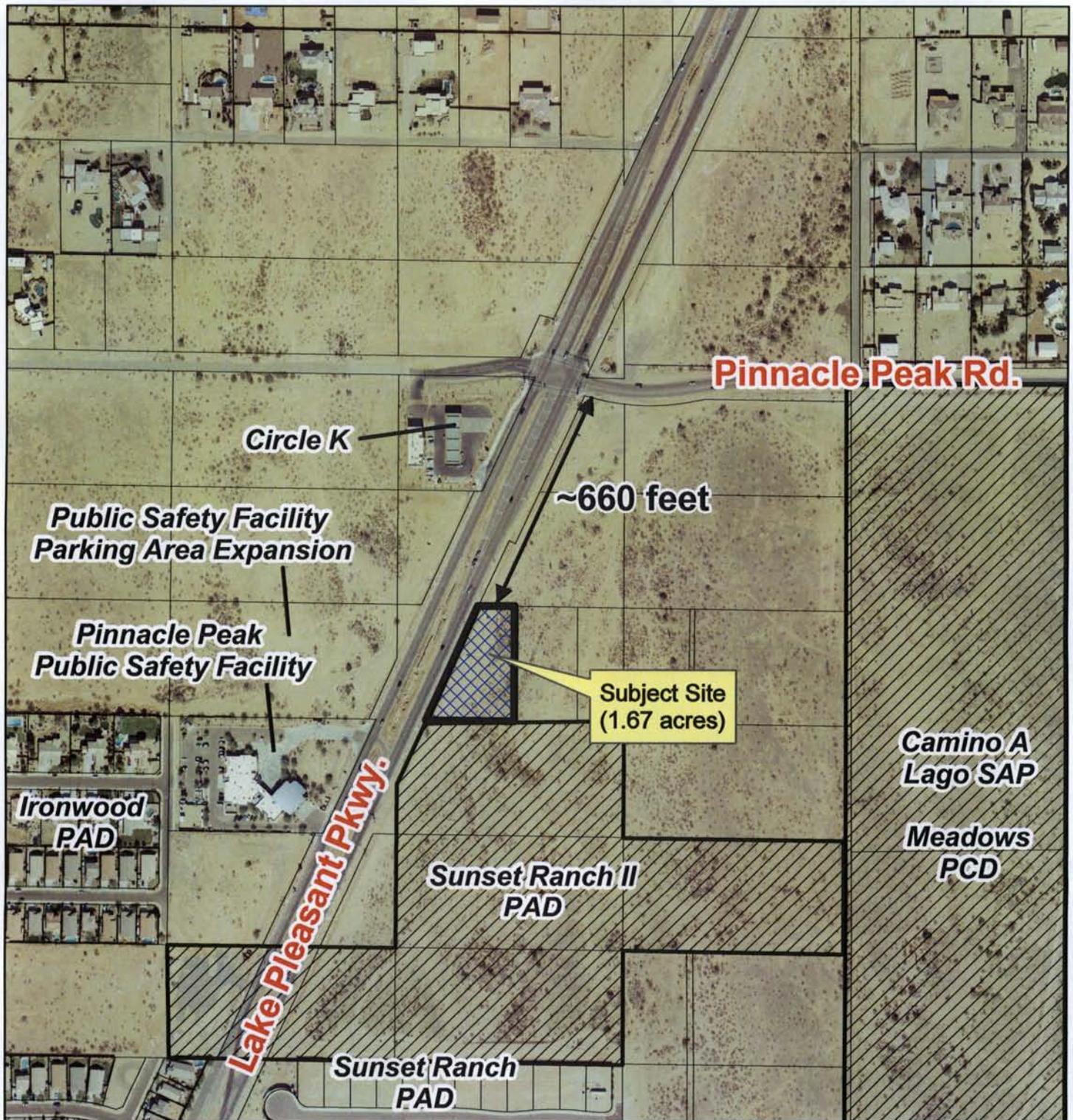
Request:

Rezone from General Agriculture (AG) to Planned Area Development (PAD) for a site encompassing 1.67 gross acres.

Location:

S/O SEC Pinnacle Peak Rd. & Lake Pleasant Pkwy. **Exhibit B.1**

# Z 09-02: Vicinity/Aerial Map (Enlarged)



Not to Scale

## Z 09-02: Wealth Management International

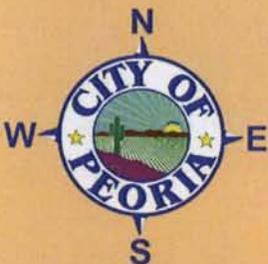
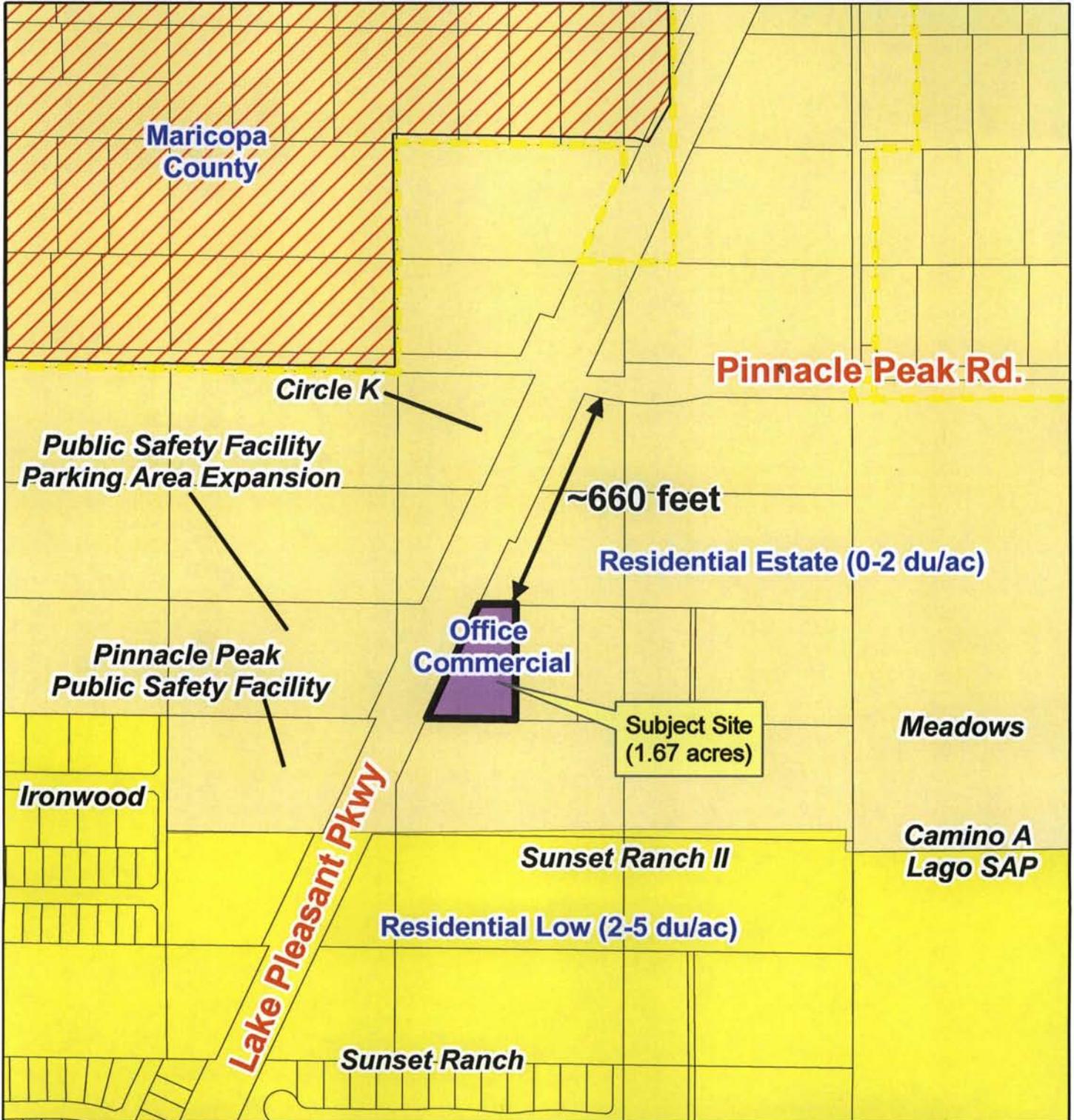
Request:

Rezone from General Agriculture (AG) to Planned Area Development (PAD) for a site encompassing 1.67 gross acres.

Location:

S/O SEC Pinnacle Peak Rd. & Lake Pleasant Pkwy. **Exhibit B.2**

# Z 09-02: Land Use Map



Not to Scale

## Z 09-02: Wealth Management International

Request:

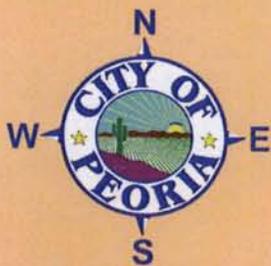
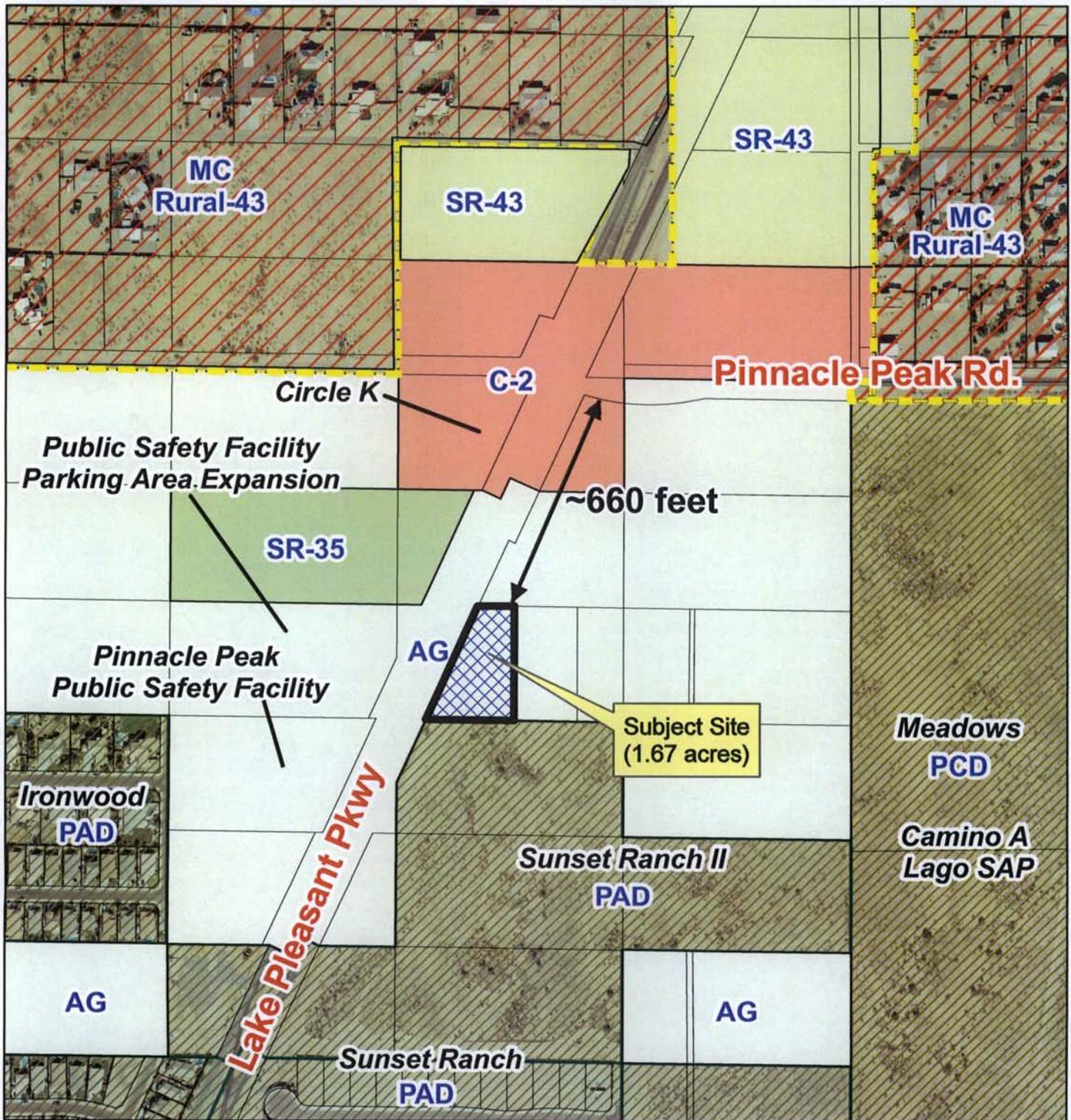
Rezone from General Agriculture (AG) to Planned Area Development (PAD) for a site encompassing 1.67 gross acres.

Location:

S/O SEC Pinnacle Peak Rd. & Lake Pleasant Pkwy.

**Exhibit C**

# Z 09-02: Zoning Map



Not to Scale

## Z 09-02: Wealth Management International

Request:

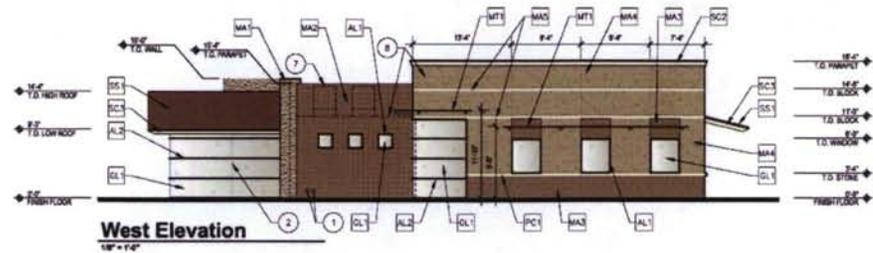
Rezone from General Agriculture (AG) to Planned Area Development (PAD) for a site encompassing 1.67 gross acres.

Location:

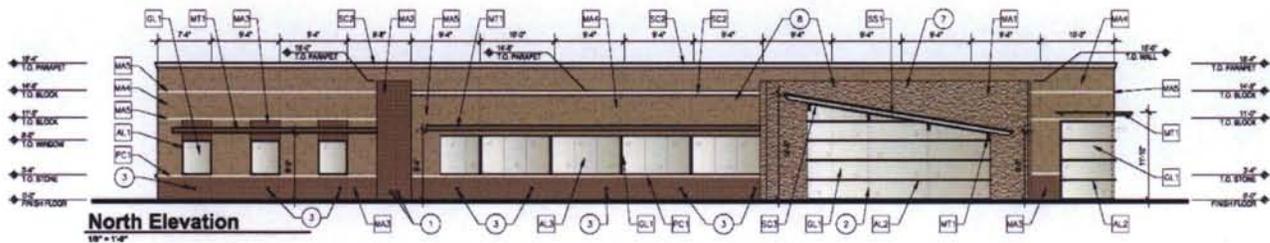
S/O SEC Pinnacle Peak Rd. & Lake Pleasant Pkwy.

Exhibit D

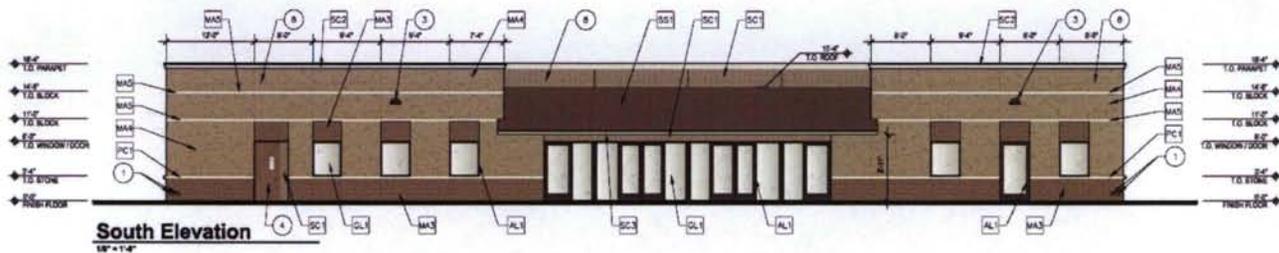




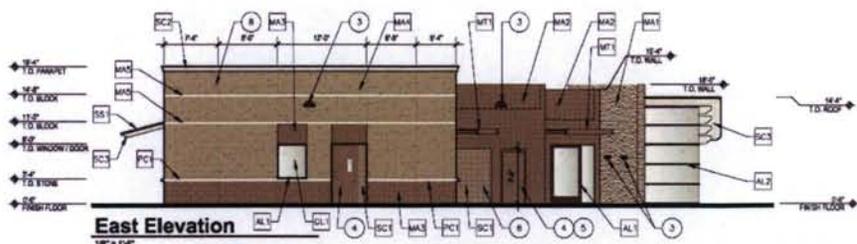
**West Elevation**  
1/8" = 1'-0"



**North Elevation**  
1/8" = 1'-0"



**South Elevation**  
1/8" = 1'-0"



**East Elevation**  
1/8" = 1'-0"

**Finish Legend**

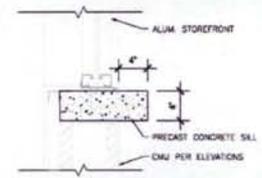
MAT	TREMPYTH - TRENDSTONE (GROUND FACE MASONRY UNIT)
MTI	MORTAR
MAI	CMU BLOCK - 1/2" BLOCK WITH CENTER SCORE
MAJ	PAINTED - DUNN EDWARDS KESBIRN STOODORSE LRV 14
MAK	CMU BLOCK - SPILT FACE
MAI	PAINTED - DUNN EDWARDS KESBIRN STOODORSE LRV 14
MAO	STUCCO OVER CMU BLOCK
MAU	PAINTED - DUNN EDWARDS KESBIRN WHOLE WHOLE LRV 26
MAV	CMU BLOCK - 1/2" BLOCK RECESSED 3/4" FROM FACE OF WALL
MAW	PAINTED - DUNN EDWARDS KESBIRN SHAMESE KITTEN LRV 12
MAZ	STUCCO FINISH
MA1	PAINTED - DUNN EDWARDS KESBIRN WHOLE WHOLE LRV 26
MA2	FOAM POP-OUT WITH STUCCO FINISH - SEE DETAIL
MA3	PAINTED - DUNN EDWARDS KESBIRN SHAMESE KITTEN LRV 12
MA4	STONEFRONT WINDOW - COOR SYSTEM
MA5	DARK BRONZE ALUMINUM
MA6	OVERSIZE HORIZONTAL SULLOW WINDOW SYSTEM WITH BUTT GLAZE
MA7	VERTICAL JOINTS - DARK BRONZE ALUMINUM
MA8	TOP & BOTTOM ALUMINUM TRACK WITH BUTT GLAZE VERTICAL JOINTS
MA9	DARK BRONZE ALUMINUM
MA10	GLAZING - 1" LOW E INSULATED
MA11	BRONZE TRUSS
MA12	STANDING SEAM METAL ROOF - BRONZE WP/2 OF EQUAL
MA13	COLOR - MEDIUM BRONZE
MA14	UNDERSIDE OF ROOF & OVERHANDS
MA15	METAL BRANDED WITH JOISTS
MA16	PAINTED - DUNN EDWARDS KESBIRN STOODORSE LRV 14
MA17	PRECAST CONCRETE SILL - SEE DETAIL
MA18	PAINTED - DUNN EDWARDS KESBIRN SHAMESE KITTEN LRV 12

**Keynotes**

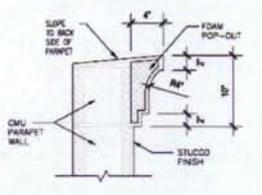
1. ROOF DRAIN AND OVERFLOW OUTLET WITH BRASS LAMBS TONGUE.
2. STRUCTURAL COLUMN ON RIDGE OF GLAZING TYPICAL.
3. WALL MOUNTED LIGHT FIXTURE.
4. ROOM TO BE PAINTED TO MATCH WALL COLOR DUNN EDWARDS KESBIRN STOODORSE LRV 14.
5. FIRE RISEN ROOM.
6. SERVICE ELECTRICAL SECTION ABOVE.
7. ALL HVAC EQUIPMENT ON THE ROOF TO BE SCREENED FROM VIEW BY FINNAPT.
8. DASHED LINE INDICATES ROOF LAY BEYOND.

**General Notes**

1. ALL ROOFTOP EQUIPMENT AND SATELLITE DISHES SHALL BE SCREENED TO THE RIGHT OF THE TALLEST EQUIPMENT.
2. ALL HVAC EQUIPMENT ON THE ROOF TO BE SCREENED FROM VIEW BY FINNAPT.



**Precast Concrete Sill**  
1/8" = 1'-0"



**Foam Pop-Out Detail**  
1/8" = 1'-0"

OPEN HOUSE REPORT  
WEALTH MANAGEMENT INTERNATIONAL  
JULY 2, 2009

An Open House was held July 2, 2009 to receive comments from neighbors of the proposed KJ Way LLC dba Wealth Management international offices south of Pinnacle Peak Rd. on Lake Pleasant Road. We had one neighbor attend who attended with her sister. [REDACTED] called to discuss the project and then came to the Open House. She reviewed the site plan, interior lay out and elevations. Her only two comments related to her being pleased to see the future interconnectivity between the two parcels and that she was pleased with the look of the building. No other comments have been received verbally, in writing or in person.

Notices were sent to 6 property owners within the required distance parameter.(see attached list)

**Wealth Management International  
Planned Area Development (PAD)  
Standards and Guidelines Report**

**South of the  
Southeast Corner of  
Lake Pleasant Parkway  
and  
Pinnacle Peak Road**

**City of Peoria  
Case Number Z 09-02**

**June 9, 2009**

## **Development Team**

### **1. Developer/Applicant**

**KJ Way LLC**  
Contact: [REDACTED]  
8801 West Union Hills Drive  
Suite C-120  
Peoria, AZ 85382  
Phone: 623.875.5266

### **2. Architect/Engineering Firms**

**Architect: Curtis Architecture**  
7714 N. 7<sup>th</sup> Street  
Phoenix, AZ 85020  
Phone: 602.266.2712

**Civil Engineer: Manhard Consulting**  
14505 North Hayden Road  
Suite #340  
Scottsdale, AZ 85260  
Phone: 480.946.5550

**Landscape Architect: Gilmore Parsons**  
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- A. Legal Description
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## **I. INTRODUCTION**

This "Standards and Guidelines Report" establishes the development framework for facilitating a minimum of 6,429 square feet of office space (single-story) on approximately 1.67 acre site located south of the southeast corner of Lake Pleasant Parkway. The proposed use of the site is for professional offices, specifically financial services. It is proposed to be a single tenant, owner occupied business.

## **II. CONSISTENCY WITH THE GENERAL PLAN**

Under case GPA 07-14 (City Council approved resolution on August 28, 2008), the General Plan land use category for this site was designated from Estate Residential (0-2 du/ac) to Office Commercial. This category denotes areas allocated for the least intense commercial development and consists of office uses that provide services directly to residential neighborhoods in residential scale buildings. Buildings may not exceed one-story in height and are compatible with adjacent residential areas with respect to architectural style and proximity to buildings. As represented in this document, the PAD is consistent with and further facilitates the General Plan Office Commercial land use designation.

## **III. SITE CONDITIONS**

### **A. Existing Zoning and Land Use Compatibility**

Currently, the four corners of Pinnacle Peak Road and Lake Pleasant Parkway contain approximately 15 acres of existing C-2 zoning (*Exhibit C – Zoning Map*). Commercial activities have begun to occur with the completion of the Circle K convenience store at the southwest corner and a pending site plan application for a multi-tenant retail building at the southeast corner. In addition, immediately across Lake Pleasant Parkway to the southwest is the existing Pinnacle Peak Public Safety Facility, plus the City intends to expand the parking for the facility to the parcel immediately north. Access to the facility is via a signalized intersection.

A small-scale office development is compatible with the surrounding areas and will assist in providing a transitional land use from the existing non-residential uses, existing and planned intermediate commercial land uses, public uses, and the heavily utilized Lake Pleasant Parkway to the abutting and adjacent residential project to the south (Sunset Ranch II) and further to the east (The Meadows).

We, the developer, are seeking an exemption to the minimum PAD size requirement of no less than ten (10) acres in size. As stated in the PAD section of the Zoning Ordinance, "The Use of the PAD concept will encourage the use of otherwise undevelopable property." This property would otherwise be undevelopable because of the narrow and unique shape of the site, the existing drainage easement along the west side and the requirement for future vehicle access to the property directly to the north.

In addition, the PAD request will allow the restriction of uses on the site and will address the single-story height requirements included in the General Plan Office Commercial land use designation. Therefore, we are **requesting a waiver of the minimum 10-acre PAD requirement** from the Planning and Zoning Commission.

## **B. Utilities and Drainage**

The site will contain storm water from a 100 yr, 2 hour storm on site in two retention areas within the project site. The western-most 20 feet of this parcel is encumbered by a drainage and slope easement.

Water and wastewater services will be provided by the City of Peoria. Electric, gas and telephone will be provided by the applicable private utility.

## **IV. PRELIMINARY DEVELOPMENT PLAN**

The subject site is a vacant, relatively flat parcel bounded to the west by approximate 361 feet of street frontage along Lake Pleasant Parkway and located approximately 660 feet south of Pinnacle Peak Road. The western most 20 feet of this parcel is encumbered by a drainage and slope easement and the northern 33 feet of the parcel is a roadway and public utility easement for the parcels to the east. Access to this site will be from Lake Pleasant Parkway and will be a dedicated right-in/right-out only due to the median located within Lake Pleasant Parkway.

The conceptual site plan shown in *Exhibit D – Conceptual Site Plan* indicates a 6,429 sq.ft., single story building to be constructed near the southern portion of the site. The main access to the building will be from the north side, with a circular drive consisting of a stamped concrete decorative feature. An outdoor patio seating area with a canopy extension will be located on the south side of the building. There will be two rows of parking flanking the drive aisle, with the eastern row proposed to be covered parking stalls.

As depicted on the elevations shown in Exhibit E – Conceptual Elevations, the building will be stucco over CMU block construction. Colors will vary from light to dark brown. The roof will be constructed utilizing a standing seam metal system.

## V. DEVELOPMENT STANDARDS

The following sections identify the minimum development standards. Standards not identified shall be as established by the applicable City Ordinances and Codes or as otherwise determined by the Community Development Director.

### A. Permitted and Accessory Uses

The following uses shall be permitted:

1. Professional, Administrative or Business Offices
2. Medical or Dental Offices

The following uses shall be considered accessory to the permitted use(s):

1. Cafeterias or delis
2. Copy Center
3. Newspaper stand

### B. Development Standards Matrix

Development Standards	Wealth Management International PAD
Lake Pleasant Parkway (Western) Setback <sup>1</sup> (ft)	20
Eastern Setback <sup>1</sup> (ft)	20
Northern Setback <sup>1</sup> (ft)	15
Southern Setback <sup>1</sup> (ft)	15
Maximum Building Height (ft)	20
Setback from Residential Zones (ft)	15
Accessory Building Height and Setbacks	(a)

<sup>1</sup> Awnings, canopies and other architectural embellishments shall not project or extend more than five (5) feet over any required yard, and shall be no closer than two (2) feet to any lot line.

(a) All regulations and development standards applicable to the principal building shall apply, except for covered parking canopies which shall comply with the standards established in Section 14-23-3 of the Zoning Ordinance.

### C. Additional Development Standards

#### 1. Landscaping

On-site landscape areas shall be provided in accordance with the Landscape Requirements as outlined in Article 14-35, Chapter 14 of the Peoria City Code (1977 edition). Overall landscaped area will not be less than 20%.

The landscape buffer adjacent to single family residential districts shall be a minimum of 15'. Outdoor seating and patio areas may be accommodated within the landscape buffer. The prescribed plant

materials shall be three (3) trees and five (5) shrubs per 1,000 sq.ft. based on the minimum width of 15'.

## **2. Parking and Loading**

Parking and the number of parking spaces to be provided shall be in accordance with the Parking Requirements for ***Professional Offices at one space per two hundred (200) sq.ft. of floor area*** as outlined in Article 14-23, Chapter 14 of the Peoria City Code (1977 edition).

Compact Parking Stalls: maximum of 30% of the required stalls may be compact.

Due to the size of the office building, there will be no requirement for any off-street loading spaces and/or loading berths.

## **3. Signage**

Signage shall be in accordance with the Sign Requirements as outlined in Article 14-34, Chapter 14 of the Peoria City Code (1977 edition).

## **4. Fences and Screen Walls**

Fences, wall heights and locations shall be in accordance with the Screening and Walls and Fences Requirements as outlined in Article 14-3, Chapter 14 of the Peoria City Code (1977 edition), and as further defined in the Design Review Standards.

## **5. Exterior Lighting**

Exterior light standards within parking areas shall not exceed 20 feet in height above the finished surface of the parking lot.

## **6. Architectural Style and Materials**

The building will consist of stucco over CMU with standing seam metal roof. The entry lobby will have horizontal mullions window system with butt glaze vertical joints at seams and corners. The building mass varies in height around the building. Stucco will have score patterns in the field of finish with three colors. The storefront system will be aluminum. Stamped concrete will be present at driveway entrance and around the drive circle. The proposed building elevations and architectural style shall substantially conform to *Exhibit E – Conceptual Elevations*.

## **VI. DESIGN REVIEW**

This commercial project is subject to all applicable design review requirements as outlined in the City of Peoria Design Review Manual.

## **VII. SITE PLAN REVIEW**

The development and/or redevelopment of the PAD is subject to the Site Plan Review process outlined in Article 14-39, Chapter 14 or the Peoria City Code (1977 edition).

## **VIII. CITIZEN PARTICIPATION**

An Open House was held July 2, 2009 to receive comments from neighbors of the proposed KJ Way LLC dba Wealth Management International offices south of Pinnacle Peak Road on Lake Pleasant Road. We had one neighbor attend who attended with her sister. Ms. Beverly Lorvig called to discuss the project and then came to the Open House. She reviewed the site plan, interior layout and elevations. Her only two comments related to her being pleased to see the future interconnectivity between the two parcels and that she was pleased with the look of the building. No other comments have been received verbally, in writing or in person.

Notices were sent to 6 property owners within the required distance parameter (see list below).

### Mailing List for KJ Way, LLC:

City of Peoria  
8401 W. Monroe  
Peoria, AZ 85381

South Pacific District of Christian Missionary  
4130 Adams St. Ste A  
Riverside, CA 92504

Danville Land Investments, LLC  
8950 S. 52<sup>nd</sup> St., Ste 115  
Tempe, AZ 85284

Lomas Land Company Arizona, LLC  
PO Box 72248  
Yuma, AZ 85365

  
9800 S. Muskegon Ave.  
Chicago, IL 60617

  
10655 N. 9<sup>th</sup> St. No. 138  
Phoenix, AZ 85020

## **Exhibit A – Legal Description**

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE EAST 353.4 FEET THEREOF; AND

EXCEPT ALL THAT PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 17, LYING NORTHWESTERLY TO THE 55 FOOT RIGHT OF WAY LINE OF LAKE PLEASANT ROAD, AS DESCRIBED IN INSTRUMENT RECORDED IN DOCKET 10029, PAGES 917, 918, AND 919, RECORDS OF MARICOPA COUNTY, ARIZONA, AS DEEDED TO THE CITY OF PEORIA, A MUNICIPAL CORPORATION BY SPECIAL WARRANTY DEED RECORDED IN RECORDING NO. 2005-0724605, RECORDS OF MARICOPA COUNTY, ARIZONA; AND

EXCEPT ALL OIL, GAS AND OTHER MINERAL DEPOSITS AS RESERVED IN THE PATENT TO SAID LAND RECORDED IN DOCKET 3169, PAGE 476, RECORDS OF MARICOPA COUNTY, ARIZONA.

APN: 200-10-036F

SITE AREA (GROSS): 1.671 ACRES

**Exhibit B – Aerial Map**



**Exhibit C – Zoning Map**

