



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

**PLANNING & ZONING COMMISSION
REGULAR MEETING
NOTICE & AGENDA
THURSDAY, SEPTEMBER 17, 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:** Discussion and possible action to approve/excuse the absences of Vice Chair Melbo, Commissioner Loper, and Alternate Wojcik from the August 20, 2009 meeting.
- 2C** **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held August 20, 2009.
- 3C** **CU09-13:** Discussion and possible action to approve a request from Sure Lock V, LLC on behalf of 3 Tomatoes & a Mozzarella for approval of a Conditional Use Permit to allow the addition of an outdoor dining patio. The property is located at 8258 West Thunderbird Road, Suite 206.

REGULAR AGENDA

UNFINISHED 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 83rd 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.

NEW BUSINESS:

6R PUBLIC HEARING: RE: General Plan Amendment.

PUBLIC HEARING – GPA08-10: Earl, Curley, & Lagarde P.C. on behalf of SKS Grand Manor, LLC is requesting a minor amendment to alter the current Peoria General Plan and Central Peoria Revitalization Plan Land Use designation of Medium Density Residential/Mixed Use (5-10 du/ac, with a target of 8 du/ac) to High Density Residential (15+ du/ac). The property is located at the southwest corner of Grand and 88th Avenues.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request from Earl, Curley, & Lagarde P.C. on behalf of SKS Grand Manor, LLC for a minor amendment to alter the current Peoria General Plan and Central Peoria Revitalization Plan Land Use designation of Medium Density Residential/Mixed Use (5-10 du/ac, with a target of 8 du/ac) to High Density Residential (15+ du/ac).

7R PUBLIC HEARING: RE: Rezone approximately 17.9 acres.

PUBLIC HEARING – Z08-12: Earl, Curley, & Lagarde P.C. on behalf of SKS Grand Manor, LLC is requesting to rezone approximately 17.9 gross acres from Planned Area Development (PAD) single family residential to PAD multi-family residential to facilitate the development of a 288 unit condominium development. The property is located at the southwest corner of Grand and 88th Avenues.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request from Earl, Curley, & Lagarde P.C. on behalf of SKS Grand Manor, LLC to rezone approximately 17.9 gross acres from Planned Area Development (PAD) single family residential to PAD multi-family residential to facilitate the development of a 288 unit condominium development. The property is located at the southwest corner of Grand and 88th Avenues.

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 20, 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, Commissioners Bill Louis, Nancy Golden, John Gerard, and Leigh Strickman.

Members Absent: Vice Chair Marc Melbo, Commissioner Greg Loper and Alternate Anne Wojcik.

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

Opening Statement: Read by Chris Jacques, Planning Manager.

Call for speaker request forms.

Audience: Five.

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:** None

2C **MINUTES:** 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.

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:

- 4R **PUBLIC HEARING – Z08-11:** 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.

STAFF REPORT: Chris Jacques, Planning Manager, requested that the case be continued to the September 17, 2009 Planning & Zoning Commission meeting.

COMMISSION COMMENT: None

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Louis moved to continue Case Z08-11 to the September 17, 2009 Planning & Zoning Commission meeting. Commissioner Gerard seconded the motion, and upon vote, carried unanimously.

- 5R **PUBLIC HEARING – Z09-02:** 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.

STAFF REPORT: Chris Jacques, Planning Manager, requested that the case be continued to the September 17, 2009 Planning & Zoning Commission meeting.

COMMISSION COMMENT: None

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Gerard moved to continue Case Z09-02 to the September 17, 2009 Planning & Zoning Commission meeting. Commissioner Louis seconded the motion, and upon vote, carried unanimously.

- 6R **PRESENTATION OF ROBERT'S RULES OF ORDER**

STAFF REPORT: Ellen Van Riper, Assistant City Attorney, presented the presentation.

COMMISSION COMMENT: Discussion only.

PUBLIC COMMENT: None

COMMISSION ACTION: No action required.

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

REPORT FROM STAFF:

Chris Jacques reported that the September 3, 2009 meeting will be cancelled.

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 6:54 p.m.

Veda McFarland, Chair

Date Signed



CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 09-13
DATE: September 17, 2009
AGENDA ITEM: 3C

Applicant: [REDACTED] of Sure Lock V, LLC on behalf of 3 Tomatoes & a Mozzarella

Request: Obtain a Conditional Use Permit to allow the addition of an outdoor dining patio area at an existing restaurant.

Proposed Development: 3 Tomatoes & a Mozzarella: Utilize the outdoor patio space adjacent to an existing restaurant establishment for the purposes of an outdoor dining area.

Location: The property is located at 8258 West Thunderbird Road, Suite 206 – within the Griffith Commerce Center at the northeast corner of 83rd Avenue and Thunderbird Road.

Site Acreage: Approximately 2.16 acres

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

Recommendation: Approve, with conditions.

LAND USE BACKGROUND

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

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Commercial Center (Griffith Commercial Center)	Low Density Residential (2.0-5.0 du/ac) Target 3 du/ac.	PAD (Planned Area Development)
North	Undeveloped pad (Griffith Commercial Center)	Low Density Residential (2.0-5.0 du/ac) Target 3 du/ac.	PAD (Planned Area Development)
South	Gas Station, Commercial Plaza (Bade's Commercial Center)	Low Density Residential (2.0-5.0 du/ac) Target 3 du/ac.	C-2 (Intermediate Commercial)
East	Undeveloped pad (Griffith Commercial Center)	Low Density Residential (2.0-5.0 du/ac) Target 3 du/ac.	PAD (Planned Area Development)
West	Marketplace at Thunderbird	Community Commercial	C-2 (Intermediate Commercial)

PROJECT DESCRIPTION

Request and Development Details

1. The applicant is proposing approximately 600 square feet of outdoor dining patio space to be located on the west side of an existing restaurant. The outdoor patio area would contain approximately 6 tables, designed to seat approximately 24 guests. An existing decorative wrought iron railing will enclose the patio area. In addition, a decorative canopy will provide shading for the patio area.
2. Information furnished by the applicant indicates that the outdoor dining area hours of operation are: Sunday – Thursday 11 am to 10 pm, and Friday - Saturday 11 am – 10 pm. It has also been indicated that there will be two speakers mounted outside the west door into the outdoor dining area for music.
3. The subject restaurant is located over 600 feet away from the nearest residential buildings. Intervening between the subject establishment and the nearest residential use is Thunderbird Road, a major arterial roadway as identified in the City of Peoria Circulation Plan.

DISCUSSION AND ANALYSIS

Applicability

4. 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. Outdoor dining and seating areas require the issuance of a Conditional Use Permit.
5. Section 14-39-10.D outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a CUP is to mitigate any identified impacts arising from a specific use on the surrounding neighborhood and provide controls to ensure maximum compatibility.

Analysis

6. In staff's judgment, the proposed use is an appropriate, ancillary function to the existing restaurant use. The proposed use is consistent with surrounding land uses. Staff did not identify any nearby surrounding single family neighborhoods in proximity to this development.

Noticing and Neighborhood Comment

7. 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.

Proposition 207

8. The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver.

Findings/Analysis:

9. Section 14-9-5.B.2.c states outdoor dining areas shall not exceed 25% of the gross floor area (GFA) of the establishment. The floor area occupied by the restaurant is approximately 3,450 square feet in area according to the tenant improvement plans provided to the City. Therefore the 600 square feet of outdoor dining area represents approximately 17% of the gross floor area of the restaurant.
10. When the initial site plan approval was received, the site was parked at 1 space per 300 square feet of floor area (today's current parking requirement). The parcel (buildings 1 & 2) required a total of 64 parking spaces. The total number of spaces provided for the site was 72.
 - a. Current outdoor dining parking requirements are 1 space for every 100 square feet of serving area. The additional serving area would place an additional dependence of 6 parking spaces on the site. Due to initially providing additional spaces, the site would maintain a surplus of 2 parking spaces.
11. A Conditional Use Permit, for an outdoor dining area is subject to limitations as stated in Section 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 establishment is located in an area with other restaurants containing outdoor dining approved for future buildings and commercial uses within the existing center which would create compatibility between the uses.
12. A Notice of Application/Hearing was forwarded to all property owners within 300 feet of the proposal and properly noticed per Section 14-39-10 of the City of Peoria Zoning Ordinance. As a result, to date, the City has not received any verbal or written comments on the proposal.

FINDINGS AND RECOMMENDATION

13. Based on the following findings:

- The proposal is limited in scope and an appropriate, ancillary function for a restaurant use;
- The outdoor dining area is within a larger existing commercial center;
- The site is appropriately parked according to current regulations regarding the additional seating capacity that the outdoor dining proposal will allow for; and
- The proposal does not result in any detrimental impacts to the surrounding neighborhood.

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

Approve the applicant's request for a Conditional Use Permit under Case CU09-13, subject to the following conditions:

1. The use shall substantially conform to the project narrative (Exhibit A) and site plan (Exhibit C) as contained in the staff report to the Planning & Zoning Commission dated September 17, 2009, except where modified herein.

Attachments:

Exhibit A	Project Narrative
Exhibit B	Vicinity Map
Exhibit C	Site Plan
Exhibit D	Site Photos

Prepared by: Lou Brannick
Development Plan Reviewer

Conditional Use Permit Narrative

Date: August 18, 2009

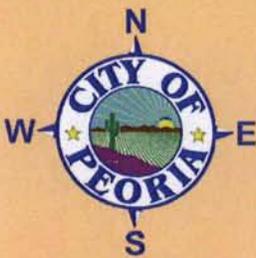
Project: 3 Tomatoes & a Mozzarella Patio

Address: 8258 W. Thunderbird Rd., Suite

The use of the 3 Tomatoes & a Mozzarella Patio will take up 600 square feet of fenced (3ft. Wrought Iron) space on the Courtyard located between Building 1 (13875 N. 83rd Ave.) and Building 2 (8258 W. Thunderbird Rd.) on the Northeast corner of 83rd Avenue & Thunderbird. This cozy little patio will only consist of six (6) tables for four (4). Light music, coming from two (2) speakers located just outside of the West door from the main restaurant, will be played throughout the day to keep the relaxing Tuscan atmosphere the restaurant portrays. The Hours of Operation for the Patio will be Sunday – Thursday 11am - 9pm and Friday & Saturday from 11am – 10pm.

Exhibit A

CU09-13 Vicinity Map



Not to Scale

CU09-13

Applicant: Sure Lock V, LLC (3 Tomatoes & a Mozzarella)

Request for a Conditional Use Permit (CUP) to allow the addition of an outdoor dining patio for an existing restaurant.

Exhibit B

Patio for 3 Tomatoes & a Mozzarella – looking between buildings 1 & 2 toward corner of 83rd Avenue & Thunderbird Road



Patio for 3 Tomatoes & a Mozzarella – looking from corner of 83rd Avenue & Thunderbird Road



Exhibit D



REZONING

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: Z 08-11
DATE: September 17, 2009 (cont. from August 20, 2009)
AGENDA ITEM: 4R

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 83rd Avenue
Site Acreage: Approximately 5.5 acres
Support / Opposition: Staff received one phone call in support prior to the August 20, 2009 P&Z hearing and no comments since that time.
Recommendation: Approve, with conditions.

LAND USE BACKGROUND

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

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Wholesale & outdoor storage of Semi-trucks	Business Park/Industrial	SR-43
North	Vacant/ Future Community Park	Business Park/Industrial	I-1, Light Industrial
South	Light Industrial uses, loose rock/gravel sales	Business Park/Industrial	County IND-2 PD (Industrial Planned Development)
East	Vacant/Agriculture	Business Park/Industrial	County RU-43
West	Single-Family Detached Residences	Low Density Residential (2.0-5.0 du/ac) Target 3 du/ac.	R1-7, Single-Family Residential

Annexation History

1. The parcels were annexed into the City in June 2009. Subsequently, the parcels were given an initial zoning designation of Suburban Ranch (SR-43).

PROJECT DESCRIPTION

Rezoning Request

2. The applicant proposes to rezone approximately 5.5 gross acres from Suburban Ranch (SR-43) to Planned Area Development (Butler Industrial Park) to facilitate a future industrial park development. At this time, no specific user or site plan is proposed for the industrial park; however, the applicant is proposing continuation of the existing use and improvements to the perimeter screening and landscaping.

Development Details

3. The rezoning will facilitate the development of a future unspecified industrial park development. For time being, the applicant is proposing to continue the existing use (Wholesale and storage of semi-trucks). In the next 24 months, a decorative and functional perimeter screen fence and landscaping will be installed to improve screening of the site.

Topography

4. The site is generally flat and will pose no significant issue to future redevelopment of the site.

DISCUSSION AND ANALYSIS

Conformance with the General Plan

5. The proposal is coordinated with the Land Use Plan which designates these parcels as Business Park/Industrial. The parcels are located on the extreme northwest periphery of a larger area known as the Peoria Industrial Park. This designation denotes areas of employment which contain a variety of business-supportive, office, research and development, warehousing, wholesale, and light industrial uses. The more intense uses are usually screened or located away from arterial roads to minimize visibility. The proposed industrial park PAD is in accordance with this land use designation.

Minimum PAD Size

6. 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 5.5 acre subject property is a generally a flat site and is located adjacent to an established single family residential neighborhood and a future community park site. Due to the established, residential character of nearby properties and the future development of a community park, the PAD is tailored to limit the types of the permitted industrial uses and conditionally permits a number of uses which could be considered noxious and/or an impact the nearby residents and future park. Additionally, the PAD specifies screening requirements and other buffers which will further diminish any potential impacts on the adjacent neighborhoods.

- 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.

No adjacent properties benefit from a PAD development at this time. It is anticipated that as the Peoria Industrial Park Area develops, PADs will be utilized to further minimize the impacts on the adjacent residential areas.

- 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.

The parcel is developable without the PAD; however, the proximity of residences and the future community park warrant additional development considerations to minimize impacts and promote use compatibility. The PAD is the mechanism which can implement these protections.

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

The project is located within the Infill Incentive District.

PAD Summary and Highlights

7. The Butler Industrial Park PAD is designed to allow employment based uses and those uses which support employment based uses while providing enhanced buffering, separation, and screening to minimize the impacts on the adjacent properties. A variety of uses common to business parks are permitted such as professional and financial offices, personal services, contractor/wholesale uses, and low-impact and business-supportive retail uses. The PAD also allows for industrial uses such as warehousing, printing/publishing, and light industrial and manufacturing uses. Many of the uses will be required to first obtain Conditional Use Permits due to their greater potential to impact the adjacent neighborhood.
8. Additionally, the existing use, semi truck wholesale and outdoor storage of semi trucks is considered a grandfathered use. The PAD requires that landscaping and site screening is established along 83rd Avenue within 24-months and along Butler Drive by the end of 2012 to improve the aesthetics and minimize the visual impacts of the site while allowing the existing use to continue operating.
9. The PAD lacks redevelopment plans; however, the PAD is in the best interest of the City and nearby residents in that it improves the aesthetics of the current development and provides a framework for future development which will encourage employment uses and limit the impacts of potential intense industrial uses.

Citizen Participation Plan - Neighborhood Meeting

10. 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 (26 ownerships). Accordingly, on November 10, 2008 the applicant held a neighborhood meeting at the Cotton Boll Elementary School located at 8540 W Butler Drive. As indicated in Exhibit F, one adjacent property owner attended the meeting. The neighbor questioned the extent of the proposal and what improvements were required by the City. The questions were answered to the satisfaction of the attendee.

Fire Requirements

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

Public Notice

12. Public notice was provided in the manner prescribed under Section 14-39-6. Additionally, the site was posted with a sign meeting the content and size

requirements prescribed by the Planning Division on 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

13. Proposition 207 requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the City Council action.

FINDINGS AND RECOMMENDATION

14. Based on the following findings:
 - The proposed use is consistent with the Business Park/Industrial designation as described in the General Plan.
 - 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.
 - 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 expanding its industrial base.

It is recommended that the Planning and Zoning Commission take the following action:
Recommend approval to the City Council Case Z 08-11, subject to the following conditions:

1. This development shall conform to the Butler Industrial Park PAD Standards and Guidelines Report (Exhibit F).
2. Screening and Landscaping along 83rd Avenue shall be installed within 24-months and along Butler Drive by the end of 2012.
3. A Final Drainage Report, Water Network Analysis, Phase 1 Environmental Clearance, and Storm Water Pollution Prevention Plan shall be submitted with the future improvement plans.
4. At the time of future development half-street improvements, including but not limited to street lights and under-grounding the utilities will be required.
5. At the time of future development, ROW dedications including a 30-ft by 30-ft chamfer will be required.

6. The Developer shall dedicate an 8' PUE outside of the required ROW. No walls or retention shall be allowed within the PUE.
7. Additional review may be required by the Fire Department to determine what improvements, if any, are necessary to provide adequate access and maneuverability for the existing use.

Attachments:

Exhibit A	Project Narrative
Exhibit B	Aerial/Context Map
Exhibit C	Zoning Map
Exhibit D	Conceptual Development Plan/Screening Elevation
Exhibit E	Citizen Participation Report
Exhibit F	Butler Industrial Park PAD

Prepared by: Edward Boik
Planner

I. PROJECT OVERVIEW

On behalf of [REDACTED] (the Property owners), Beus Gilbert PLLC (the Applicant) is proposing to rezone approximately 5.809 acres located at the southeast corner of 83rd Avenue and Butler Drive (the "Property") to allow for an industrial business park. The Property currently serves as "Limited Wholesaling and Outdoor Storage of Semi-Trucks and Outdoor Storage" with one (1) 2,045 square-foot administrative office building located on Parcel 2. The existing building height is not more than 15-feet from finished grade. No additional improvements exist or are proposed as part of this rezoning request. This use is consistent with the conventional zoning and development standards for the Heavy Industrial (I-2) zoning district.

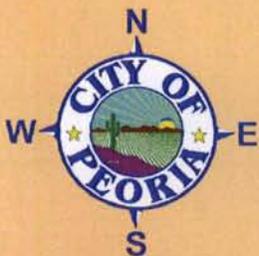
The change request seeks to rezone the Property from future Suburban Residential (SR) to **Planned Area Development (PAD)** to allow development of limited wholesaling and outdoor storage of semi-trucks and outdoor storage. The Property is currently being annexed into the City of Peoria under Annexation Application 07-05. Upon annexation, the Property is anticipated to be rezoned City of Peoria Suburban Residential (SR) and then with this application to PAD.

II. LOCATION AND SURROUNDINGS

The Property is bound by 83rd Avenue to the west and Butler Drive to the north. North of the Property is existing agricultural land uses zoned City of Peoria Industrial (I-1). East of the Property is existing agricultural land uses zoned Maricopa County Rural-43. South of the Property is an existing industrial park zoned Maricopa Country Industrial (I-2). West of the Property are existing single-family residences zoned City of Peoria R1-7. It should be noted, there are remnant parcels within this sub area of the City zoned Maricopa County Rural-43, it is clear these parcels will be annexed and rezoned as the area continues to evolve into more appropriate industrial type uses.

See Exhibit "A" – Vicinity Map

Z08-11 Aerial/Context Map



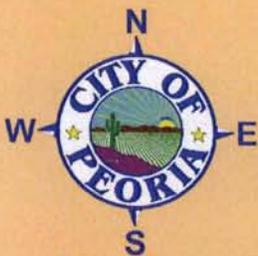
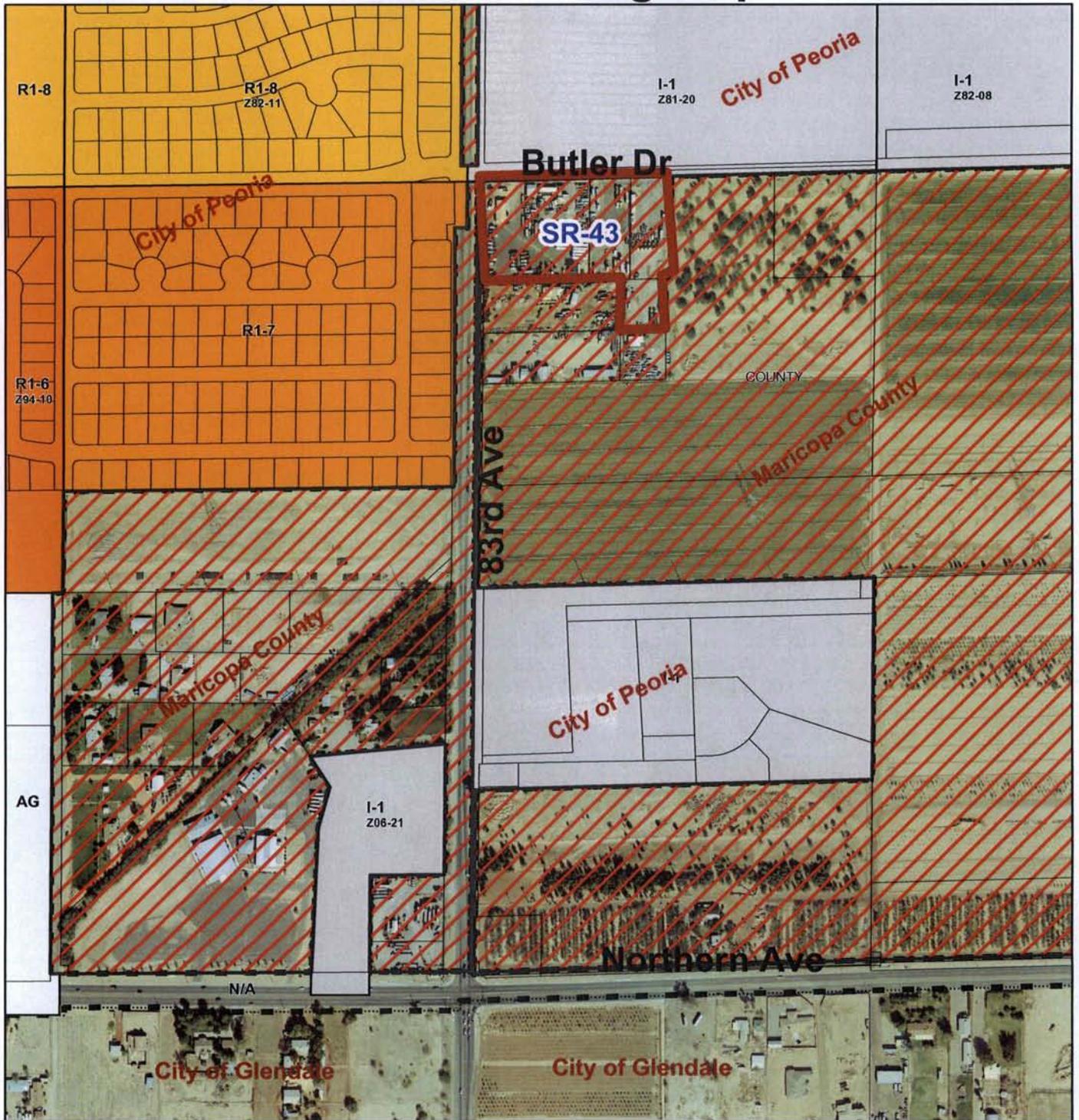
Not to Scale

Z08-11

Southwest corner of Butler Drive & 83rd Avenue
Rezone from SR-43 to PAD

Exhibit B

Z08-11 Zoning Map

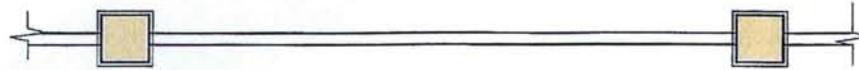


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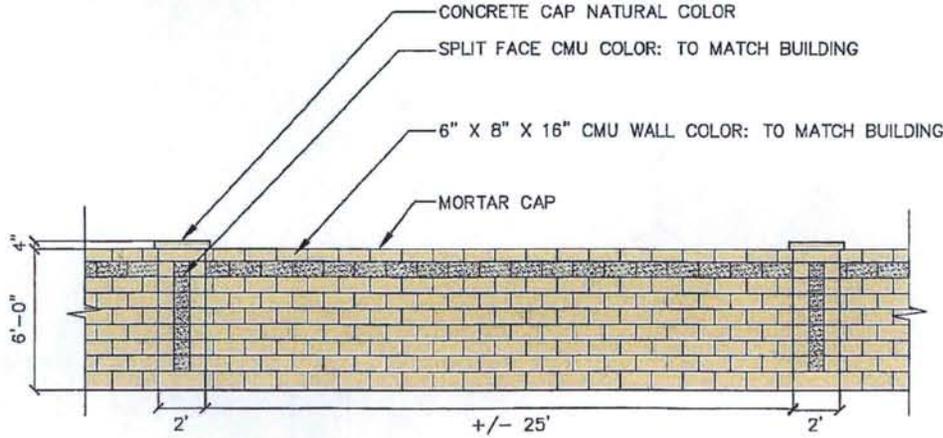
Z08-11

Southwest corner of Butler Drive & 83rd Avenue
Rezone from SR-43 to PAD

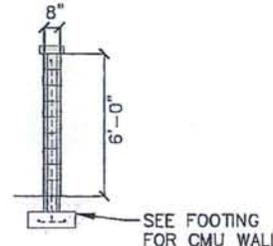
Exhibit C



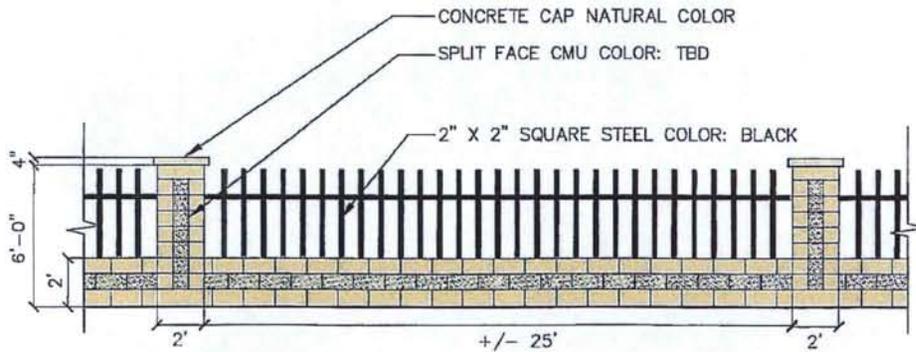
PLAN VIEW



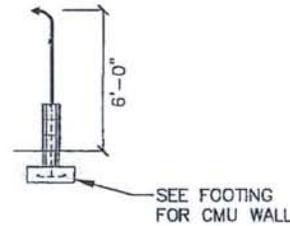
PERIMETER WALL



PERIMETER WALL SECTION



VIEW WALL



VIEW WALL SECTION



MOLSSON
ASSOCIATES

7250 N. 16th Street Suite 210
Phoenix, AZ 85020
Phone 602-748-1000
Fax 602-748-1001

PROJECT: BUTLER INDUSTRIAL PARK
SUBJECT: WALL & FENCING DETAILS
PROJECT NO.: 008-1242 DRAWN BY: JD DATE: 04-21-09

PRELIMINARY
NOT FOR
CONSTRUCTION

NOT TO SCALE

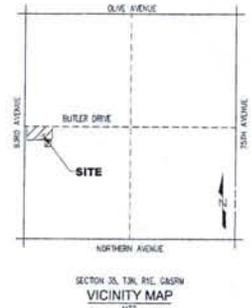
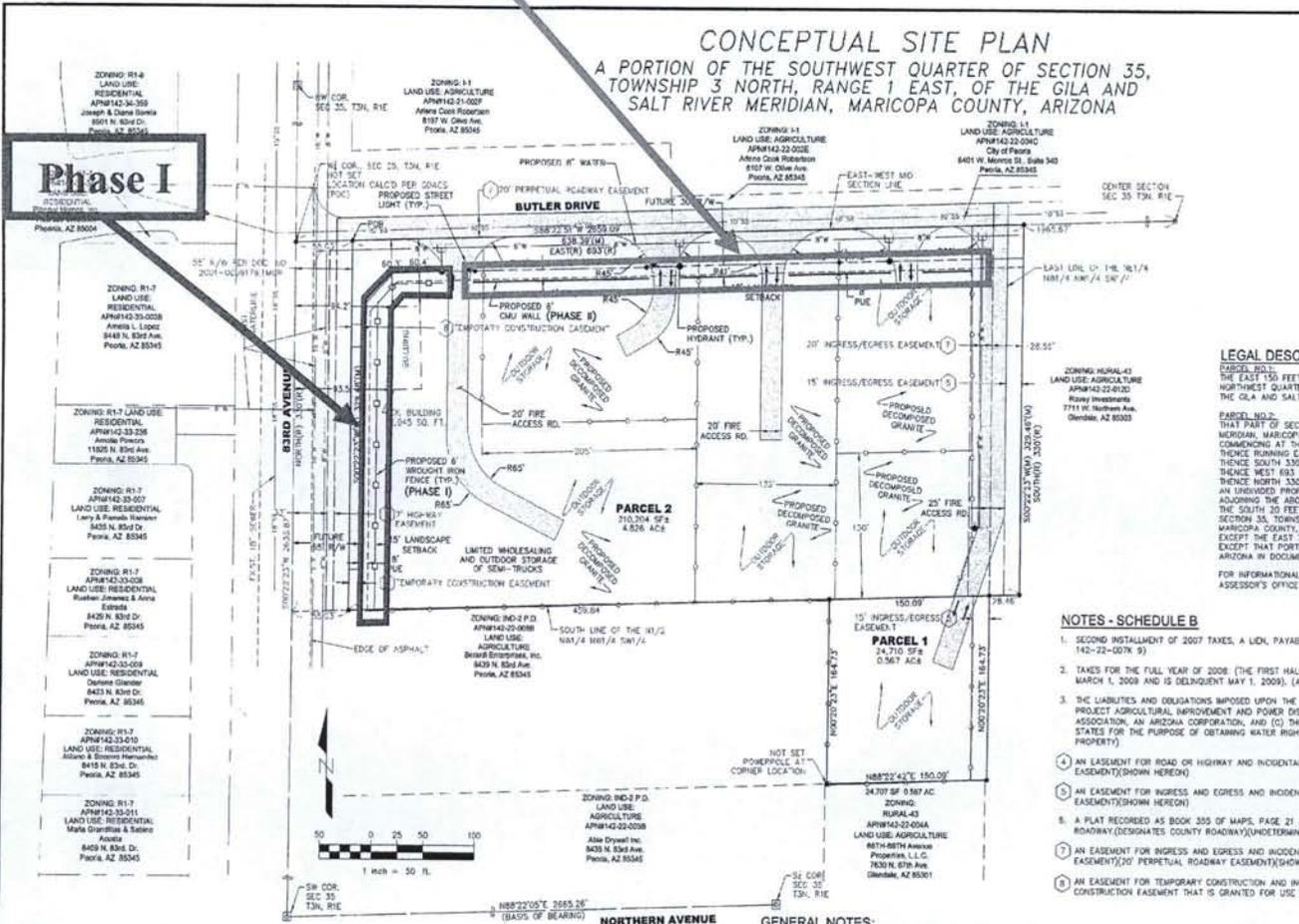
Two Working Days Before You Dig
CALL FOR THE BLUE STAKES!
263-1100
BLUE STAKES CENTER
CALL COLLECT

Exh-1

Phase II

CONCEPTUAL SITE PLAN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 3 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

Phase I



LEGAL DESCRIPTION

PARCEL NO. 1:
THE EAST 150 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 2:
THAT PART OF SECTION 35, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 35, THENCE RUNNING EAST 883 FEET; THENCE SOUTH 330 FEET; THENCE WEST 683 FEET; THENCE NORTH 330 FEET TO THE POINT OF BEGINNING. AN UNDIVIDED PROPORTIONATE PART OF AN APPURTENANT ROADSIDE EASEMENT OVER CERTAIN PROPERTY ADJOINING THE ABOVE PROPERTY DESCRIBED MORE FULLY AS FOLLOWS: THE SOUTH 20 FEET OF THE WEST ONE HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA; EXCEPT THE EAST 7 FEET OF THE WEST 40 FEET THEREOF; AND EXCEPT THAT PORTION CONVEYED TO MARICOPA COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA IN DOCUMENT RECORDED JANUARY 4, 2001 AS 2001-000979, OF OFFICIAL RECORDS. FOR INFORMATIONAL PURPOSES ONLY, THE TAX PARCEL OF SAID LAND AS SHOWN IN THE MARICOPA COUNTY ASSESSOR'S OFFICE IS: APN 142-22-0070, 0070, 0071, 0072.

NOTES - SCHEDULE B

- SECOND INSTALLMENT OF 2007 TAXES, A LIEN, PAYABLE ON OR BEFORE MARCH 1, 2008 AND DELINQUENT MAY 1, 2008. (AFFECTS TAX PARCEL 142-22-0070, 9)
- TAXES FOR THE FULL YEAR OF 2008. (THE FIRST HALF IS DUE OCTOBER 1, 2008 AND IS DELINQUENT NOVEMBER 1, 2008. THE SECOND HALF IS DUE MARCH 1, 2009 AND IS DELINQUENT MAY 1, 2009). (AFFECTS ALL TAX PARCELS)
- THE LIABILITIES AND OBLIGATIONS IMPOSED UPON THE LAND BY REASON OF: (A) INCLUSION THEREOF WITHIN THE BOUNDARIES OF THE SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT; (B) MEMBERSHIP OF THE OWNER THEREOF IN THE SALT RIVER VALLEY WATER USERS' ASSOCIATION, AN ARIZONA CORPORATION; AND (C) THE TERMS OF ANY WATER RIGHT APPLICATION MADE UNDER THE RECLAMATION LAWS OF THE UNITED STATES FOR THE PURPOSE OF OBTAINING WATER RIGHTS FOR SAID LAND (LEGAL IN NATURE AND CANNOT BE SHOWN GRAPHICALLY) (AFFECTS SUBJECT PROPERTY)
- AN EASEMENT FOR ROAD OR HIGHWAY AND INCIDENTAL PURPOSES RECORDED AS DOCKET 3725, PAGES 15 AND 17, OF OFFICIAL RECORDS. (7' HIGHWAY EASEMENT) (SHOWN HEREON)
- AN EASEMENT FOR INGRESS AND EGRESS AND INCIDENTAL PURPOSES RECORDED AS 83-458803, OF OFFICIAL RECORDS. (15' INGRESS/EGRESS EASEMENT) (SHOWN HEREON)
- A PLAT RECORDED AS BOOK 355 OF MAPS, PAGE 21 AND, RECORDED AS 88-88442, OF OFFICIAL RECORDS PURPORTING TO SHOW A COUNTY ROADWAY (DESIGNATES COUNTY ROADWAY) (UNDETERMINABLE WIDTH) (AFFECTS SUBJECT PROPERTY)
- AN EASEMENT FOR INGRESS AND EGRESS AND INCIDENTAL PURPOSES RECORDED AS 99-888377, OF OFFICIAL RECORDS. (20' INGRESS/EGRESS EASEMENT) (20' PERPETUAL ROADSIDE EASEMENT) (SHOWN HEREON)
- AN EASEMENT FOR TEMPORARY CONSTRUCTION AND INCIDENTAL PURPOSES RECORDED AS 2001-000980, OF OFFICIAL RECORDS (TEMPORARY CONSTRUCTION EASEMENT THAT IS GRANTED FOR USE DURING CONSTRUCTION OF THE IMPROVEMENT OF A PUBLIC HIGHWAY) (AFFECTS SUBJECT PROPERTY)

GENERAL NOTES:

- PERIMETER WALLS ARE TO BE CONSTRUCTED IN TWO PHASES:
 - PHASE I INCLUDES THE BROUGHT IRON FENCE ALONG 83RD AVENUE.
 - PHASE II INCLUDES THE CMU WALL ALONG BUTLER DRIVE.
- SEE CONCEPTUAL LANDSCAPING PLAN FOR TYPICAL WALL SECTIONS AND ELEVATIONS.
- PRESSURE TESTS OF THE EXISTING WATERLINES HAVE NOT BEEN PERFORMED FOR THIS CONCEPTUAL SITE PLAN. PRIOR TO FINAL DESIGN, THE PRESSURES AND FLOW RATES WILL NEED TO BE VERIFIED.
- THE PROPOSED 8" WATERLINE SHALL CONNECT TO THE 16" WATERLINE WITHIN 83RD AVENUE.
- THE 5 ENTRANCES SHOWN ON BUTLER DRIVE HAVE BEEN SHOWN TO HAVE NO NEGATIVE IMPACTS TO BUTLER DRIVE PER THE TRAFFIC IMPACT ANALYSIS PERFORMED BY TASK ENGINEERING, INC. DATED JUNE 2, 2009. (TASK ENGINEERING PROJECT #2311.01)
- ALL AREAS OF THE SITE NOT USED FOR FIRE ACCESS ROADS AND/OR STRUCTURES ARE TO BE COVERED WITH DECOMPOSED GRANITE FOR DUST CONTROL. FIRE ACCESS ROADS ARE TO BE COVERED WITH A DUST PALLIATIVE PER MAG SPECIFICATIONS.
- STREET LIGHT LOCATIONS ARE PRELIMINARY AND MAY BE SUBJECT TO CHANGE DURING FINAL DESIGN. STREET LIGHTS ARE TO BE DESIGNED PER CITY OF PEORIA'S STREETLIGHTING POLICY. CURRENT LOCATIONS ARE SHOWN AT A MIN. OF 200' MAX. SPACING AS PERD BY THE STREETLIGHT POLICY DATED 5/16/07. THE INTENTION OF THE CURRENT LOCATION IS TO LIGHT THE ENTRANCES TO THE SITE FROM BUTLER.

(1)	SCHEDULE B ITEM
(M)	MARICOPA COUNTY RECORDERS
(APN)	ASSESSORS PARCEL NUMBER
(FND)	FOUND
(POC)	POINT OF COMMENCEMENT
(POB)	POINT OF BEGINNING
(M)	MEASURED
(R)	RECORDED

OWNERS:
PAUL AND LORENA BAKER
5112 N. 75TH AVENUE
PEORIA, AZ 85345
PH: 623-460-5595

APPLICANT:
BEUS GILBERT PLLC
4800 N. SCOTTSDALE RD., SUITE 8000
SCOTTSDALE, AZ 85251
PH: 480-429-3059
FAX: 480-429-3100
CONTACT: NICHOLAS SOBIRASKI

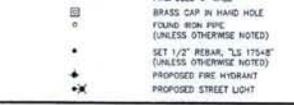
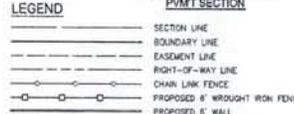
CIVIL ENGINEER/LANDSCAPE ARCHITECT:
OLSON ASSOCIATES
7250 N. 16TH STREET
SUITE 212
PHOENIX, AZ 85020
PH: 602-748-1000
FAX: 602-748-1001
CONTACT: CLYNT MORRIS, PE

REFERENCE DOCUMENTS

- ABSTRACT OF COUNTY RECORDS, BK 2 OF ROAD MAPS, PG 14, MCR
- WARRANTY DECL. FILE SAMPLE RIGHT-OF-WAY, DOC. 2002-0009179, MCR
- DEODIC DENIFICATION AND CADASTRAL SURVEY (DACS), BK 863, PG 2, MCR
- DEODIC DENIFICATION AND CADASTRAL SURVEY (DACS), BK 869, PG 28, MCR

SITE SUMMARY:
GROSS ACREAGE: 5.809 ACRES OR 253,036 S.F.
NET ACREAGE: 5.360 ACRES OR 234,914 S.F. (NET IS GROSS AREA LESS THE ROAD RIGHT-OF-WAY)
EXISTING ZONING: RURAL-43 (MARICOPA COUNTY)
EXISTING LAND USE: LIMITED WHOLESALE AND OUTDOOR STORAGE OF SEMI-TRUCKS/OUTDOOR STORAGE

PROPOSED ZONING: I-2
PROCESSING ANNEXATION THROUGH THE CITY (ANEXA # 07-05)



CONCEPTUAL SITE PLAN

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 35,
TOWNSHIP 3 NORTH, RANGE 1 EAST, OF THE GILA AND
SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



MOLSSON ASSOCIATES

7280 North 16th Street, Suite 212
Phoenix, AZ 85020-5322

TEL: 602-748-1000
FAX: 602-748-1001
www.molssonaz.com

DATE: July 2009
DWN BY: CLM
CHKD BY: CLM
JOB NO.: 08-1242
SHEET: 1
OF 1

EXHIBIT D.2

**REZONE CHANGE
BUTLER INDUSTRIAL PARK
CITIZEN PARTICIPATION PLAN
APPLICATION No: Z08-11
NOVEMBER 11, 2008**

SOUTHEAST CORNER OF 83RD AVENUE AND BUTLER DRIVE

**REQUEST FOR REZONE FROM SUBURBAN RESIDENTIAL (SR) TO
CITY OF PEORIA PLANNED AREA DEVELOPMENT DISTRICT(PAD)**

**PRE-APPLICATION MEETING: APRIL 29, 2008
FORMAL APPLICATION FILED: OCTOBER 20, 2008**

PREPARED FOR

[REDACTED]
8112 NORTH 75TH AVENUE
PEORIA, ARIZONA 85345

PREPARED BY

**BEUS GILBERT PLLC
4800 NORTH SCOTTSDALE ROAD, SUITE 6000
SCOTTSDALE, ARIZONA 85251**

CONTACT: [REDACTED]

**PHONE: 480.429.3069
FAX: 480.429.3100**

I. PROJECT OVERVIEW

On behalf of [REDACTED] (the Property owners), Beus Gilbert PLLC (the Applicant) is proposing to rezone approximately 5.809 acres located at the southeast corner of 83rd Avenue and Butler Drive (the "Property") to allow for an industrial business park. The Property currently serves as "Limited Wholesaling and Outdoor Storage of Semi-Trucks and Outdoor Storage" with one (1) 2,045 square-foot administrative office building located on Parcel 2. The existing building height is not more than 15-feet from finished grade. No additional improvements exist or are proposed as part of this rezoning request. This use is consistent with the conventional zoning and development standards for the Heavy Industrial (I-2) zoning district.

The change request seeks to rezone the Property from future Suburban Residential (SR) to **Planned Area Development (PAD)** to allow development of limited wholesaling and outdoor storage of semi-trucks and outdoor storage. The Property is currently being annexed into the City of Peoria under Annexation Application 07-05. Upon annexation, the Property is anticipated to be rezoned City of Peoria Suburban Residential (SR) and then with this application to PAD.

II. LOCATION AND SURROUNDINGS

The Property is bound by 83rd Avenue to the west and Butler Drive to the north. North of the Property is existing agricultural land uses zoned City of Peoria Industrial (I-1). East of the Property is existing agricultural land uses zoned Maricopa County Rural-43. South of the Property is an existing industrial park zoned Maricopa County Industrial (I-2). West of the Property are existing single-family residences zoned City of Peoria R1-7. It should be noted, there are remnant parcels within this sub area of the City zoned Maricopa County Rural-43, it is clear these parcels will be annexed and rezoned as the area continues to evolve into more appropriate industrial type uses.

See Exhibit "A" – Vicinity Map

III. CITIZEN PARTICIPATION ORDINANCE

Article 14-39-6(E) of the City of Peoria Zoning Ordinance and Articles 05-25 and 07-22 of the City of Peoria City Code require all rezoning requests to be accompanied by a Citizen Participation Plan. The purpose the Citizen Participation Plan is to provide a forum for public involvement and resolution of concerns prior to the formal public hearing process.

1. *The applicant shall hold at least one neighborhood meeting with persons who may be affected or have interest in the application, including but not limited to, landowners living in the vicinity of the property that is the subject of the application, affected HOA's and Condominium Associates, adjacent jurisdictions, public utilities, and public agencies (Ord. No. 05-44 & Ord, No. 07-22). The neighborhood meeting shall be held in a neutral location within the general area of the request.*

For purposes of this section, vicinity shall mean the following (Ord. No. 05-44):

<u>Size of Parcel Subject to Rezoning</u>	<u>Notification Distance</u>
<i>Up to 40 Gross Acres</i>	<i>300 Feet</i>

Response: The Applicant held a Neighborhood Meeting on November 10, 2008 with the affected parties identified within 300-feet of the Property. A list of all adjacent property owners was obtained through the Maricopa County Assessor's web site. See Exhibit "B" – *Mailing Map and Notification List*

2. *At a minimum, the applicant shall send written notice to interested and affected persons no later than ten (10) days prior to the neighborhood meeting. The notice shall provide a description and map of the request, a mailing address, telephone number, fax number, and email address where comments regarding the application will be received.*

Response: The Applicant sent a Neighborhood Notification Letter and Property Location Map through the mail to all property owners within three-hundred feet (300) feet of all property lines of the Property on October 28, 2008. This notification letter described the proposed land use and rezoning request.

See Exhibit "C" – *Neighborhood Notification Letter and Property Location Map*

- 3. The applicant shall prepare and submit a report to the Community Development Department that describes the meeting, numbers in attendance, any comments received at the meeting or any other form of communication received regarding the application, how these comments will be evaluated, and any mitigation issues identified as a result of the comments and concerns received.*

Response: See Exhibit "D" – Neighborhood Meeting Notes

- 4. Timing of Citizen Participation Meetings and Communications (Ord. No. 05-25 & 07-22)
The required neighborhood meeting shall be conducted within forty-five (45) calendar days of submittal of the application. No hearing date shall be scheduled until the meeting report is submitted and validated by the Community Development Department.*

Response: The Applicant complied with the above requirement. The Rezoning Application was submitted to the City of Peoria on October 20, 2008. The Neighborhood Meeting was held November 10, 2008.

The purpose of the Citizen Participation Plan is to ensure the Applicant pursues early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts our application may have on the community; ensures that citizens and property owners of the City of Peoria have an adequate opportunity to resolve concerns at an early stage of the process; and facilitates ongoing communication between the Applicant, interested citizens and property owners, City Staff and elected officials throughout the application and review process.

Residents and property owners were supplied with information that will enable them to contact the Applicant. Residents were encouraged to contact our office with any questions or concerns and at the request of any interested citizen, and at the request of any interested citizen, the Applicant will meet with on a one-by-one basis. Neighbors will be kept informed of any changes or amendments to the proposed zoning request after initial contact through additional mailing and/or neighborhood meetings if necessary.

EXHIBIT "A" – VICINITY MAP

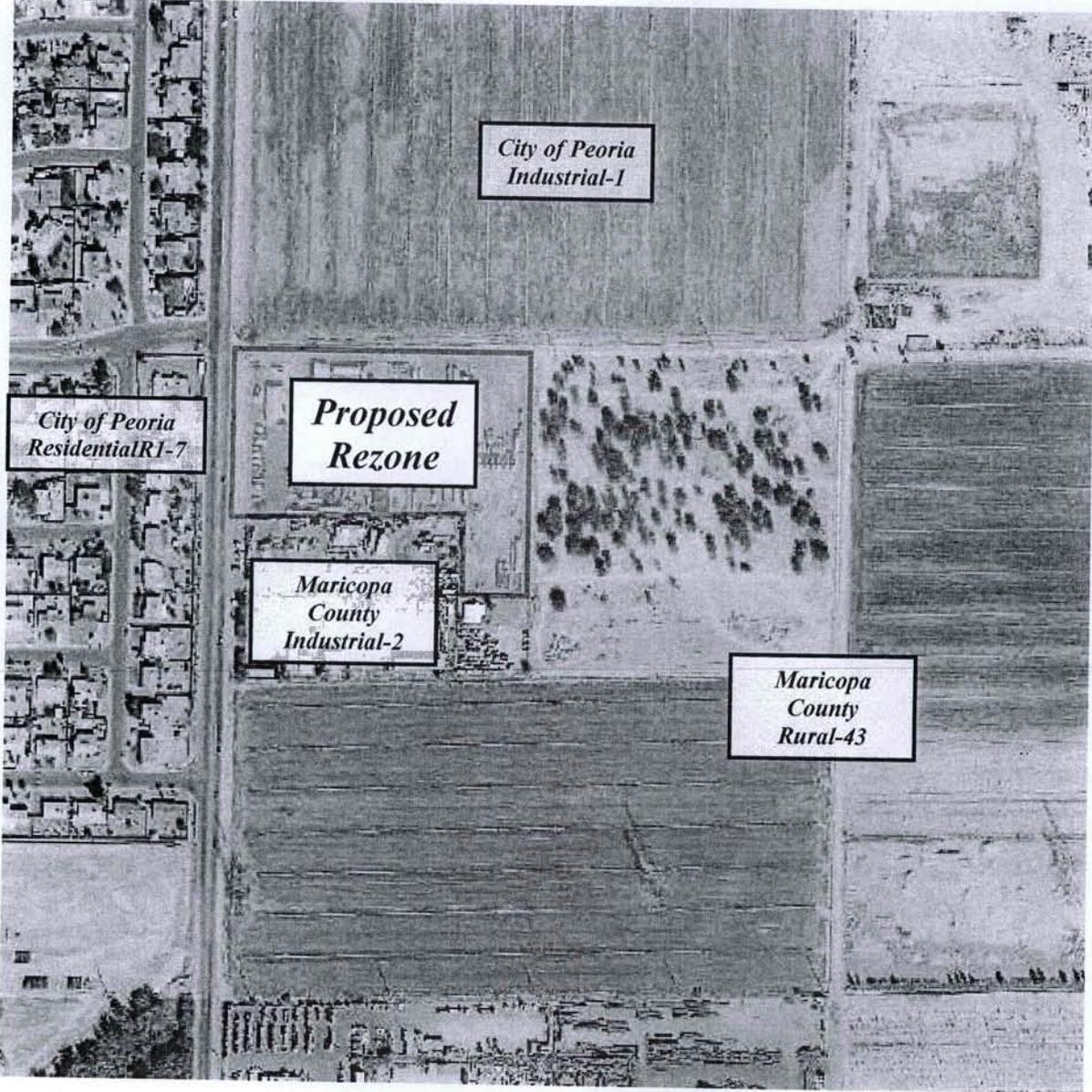
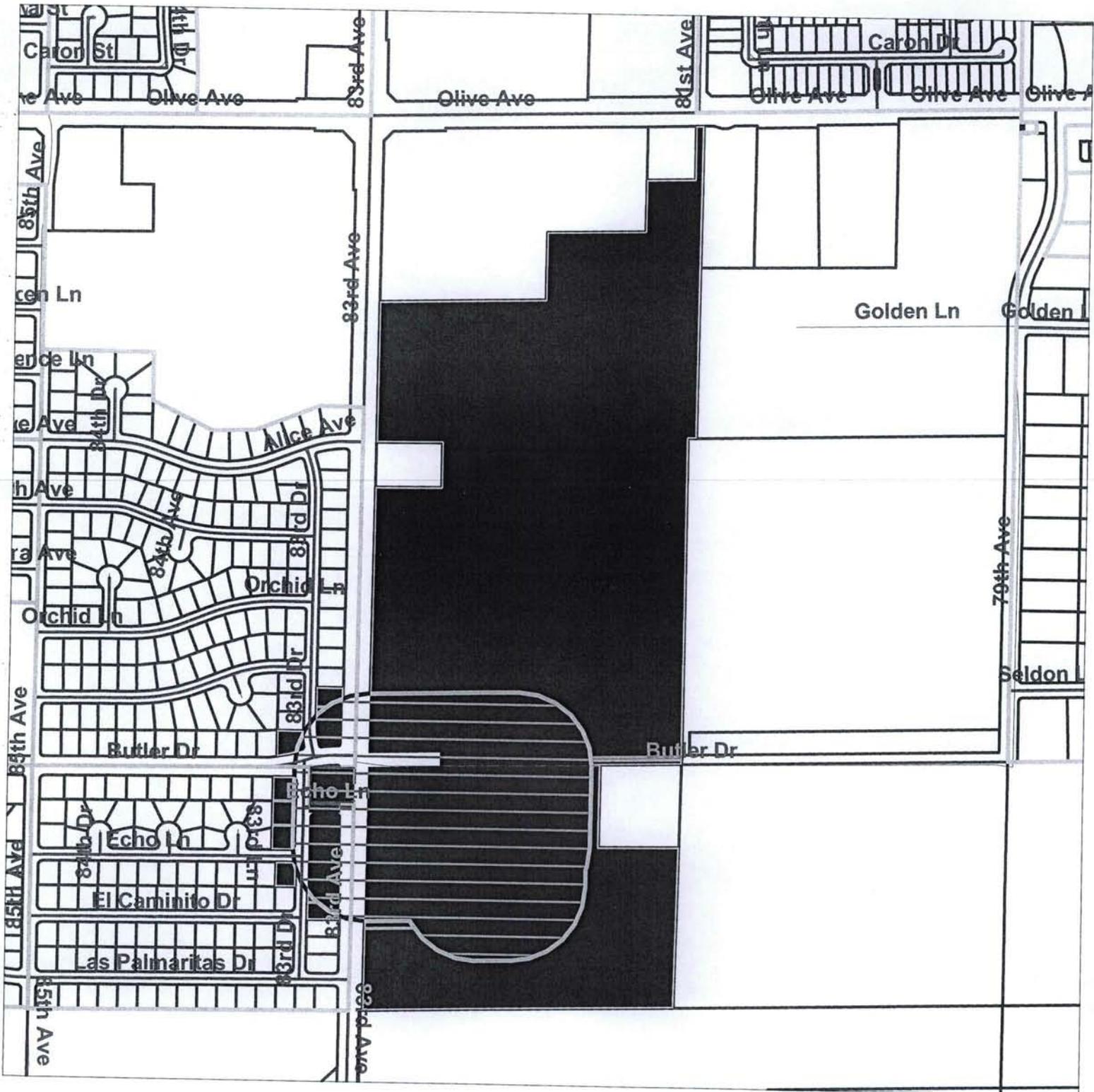


EXHIBIT "B" – MAILING MAP AND NOTIFICATION LIST

County Parcels



BEUS GILBERT

PLLC

ATTORNEYS AT LAW

4800 NORTH SCOTTSDALE ROAD
SUITE 6000
SCOTTSDALE, ARIZONA 85251-7616

(480) 429-3000

FAX (480) 429-3100

WRITER'S DIRECT LINE
(480) 429-3069



13161-0001

27 October 2008

Notice of Neighborhood Meeting

Re: Project No. Z08-11 – Rezone Application

Dear Neighboring Property Owner:

A neighborhood meeting has been scheduled regarding a Rezoning application which has been submitted to the City of Peoria for approximately six (6) acres located at the southeast corner of 83rd Avenue and Butler Drive (the "Property"). The property location is more specifically identified on the attached map.

This application request seeks to rezone the Property from Suburban Residential (SR) to Planned Area Development (PAD) to allow for the continued use of limited wholesaling and outdoor storage. The Property is currently being annexed into the City of Peoria under Annexation Application 07-05. Upon annexation, the Property is anticipated to be rezoned from Maricopa County Rural-43 to City of Peoria Suburban Residential (SR) and then with this application to PAD. The proposed land use is consistent with the City of Peoria General Plan.

The meeting has been scheduled for **Monday, November 10, 2008 at 6:30 p.m. in the Library at Cotton Boll Elementary School, 8540 West Butler Drive**. Members of the development team will be in attendance to discuss the application and development plans for the property.

Should you have any questions or are unable to attend the meeting and would like additional information, please do not hesitate to contact me at the above number.

Sincerely,

BEUS GILBERT PLLC



Planning Assistant

NAS

Enclosure: As stated.

cc: Edward Boik, City of Peoria (U.S. mail w/ enclosure)
 (internal mail w/ enclosure)

Property Location Map

Rezone Application Z08-11

Existing Zoning: Suburban Residential (SR) / Proposed Zoning: Planned Area Development (PAD)

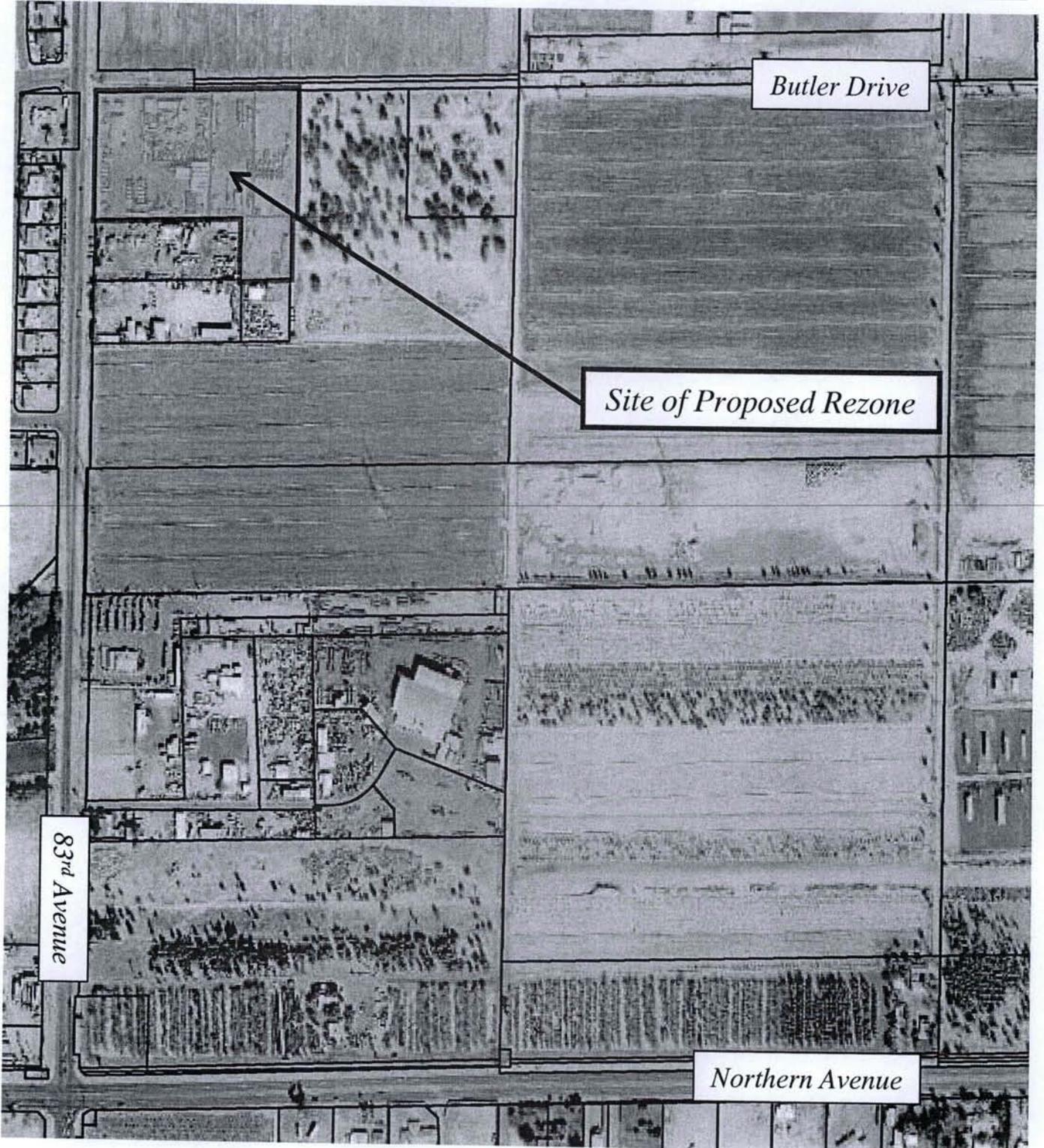


EXHIBIT "D" – NEIGHBORHOOD MEETING NOTES

City of Peoria

ARIZONA

Project: Butler Industrial Park

Staff: [REDACTED]

Date: November 10, 2008

Time Begin: 6:30 PM

End: 7:00 PM

Meeting Location: Cotton Boll Elementary School - Library
8540 West Butler Drive

ATTENDANCE SIGN-IN

Name (please print)	ADDRESS	ZIP	SUBDIVISION/BUSINESS	PHONE
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

NEIGHBORHOOD MEETING NOTES

NOVEMBER 10, 2008

LOCATION:

COTTON BOLL ELEMENTARY SCHOOL
8540 WEST BUTLER DRIVE
PEORIA, ARIZONA 85345

PROPOSAL:

PROPOSED REZONING FROM SUBURBAN RESIDENTIAL TO PLANNED AREA DEVELOPMENT REQUEST

PROJECT LOCATION:

SOUTHEAST CORNER OF 83RD AVENUE AND BUTLER DRIVE (APPROXIMATELY 5.809 ACRES)

****One (1) neighbor attended the meeting.****

INTRODUCTION

██████████ explained the City of Peoria Rezoning Process. ██████████ explained to the neighbor that Beus Gilbert PLLC is proposing to rezone the Property from Suburban Residential (SR) to Planned Area Development (PAD). After a brief introduction of the project, ██████████ opened the meeting for questions.

COMMENTS/ISSUES:

1. NEIGHBOR QUESTION:

What improvements to the Property are proposed as part of this application?

██████████ (Beus Gilbert PLLC)

██████████ explained that decorative wrought iron and solid fencing, as well as landscaping is proposed along 83rd Avenue and Butler Drive to improve the streetscape and buffering for the neighborhood west of the proposed zone change. The landscaping and fencing will meet all City of Peoria development standards. No additional improvements are proposed as part of this application.

2. NEIGHBOR QUESTION:

What improvements will the Property owners be required to make along 83rd Avenue?

██████████ (Beus Gilbert PLLC)

██████████ indicated that the improvements will only be required as far as the property lines. The City of Peoria will dictate any additional improvement requirements.

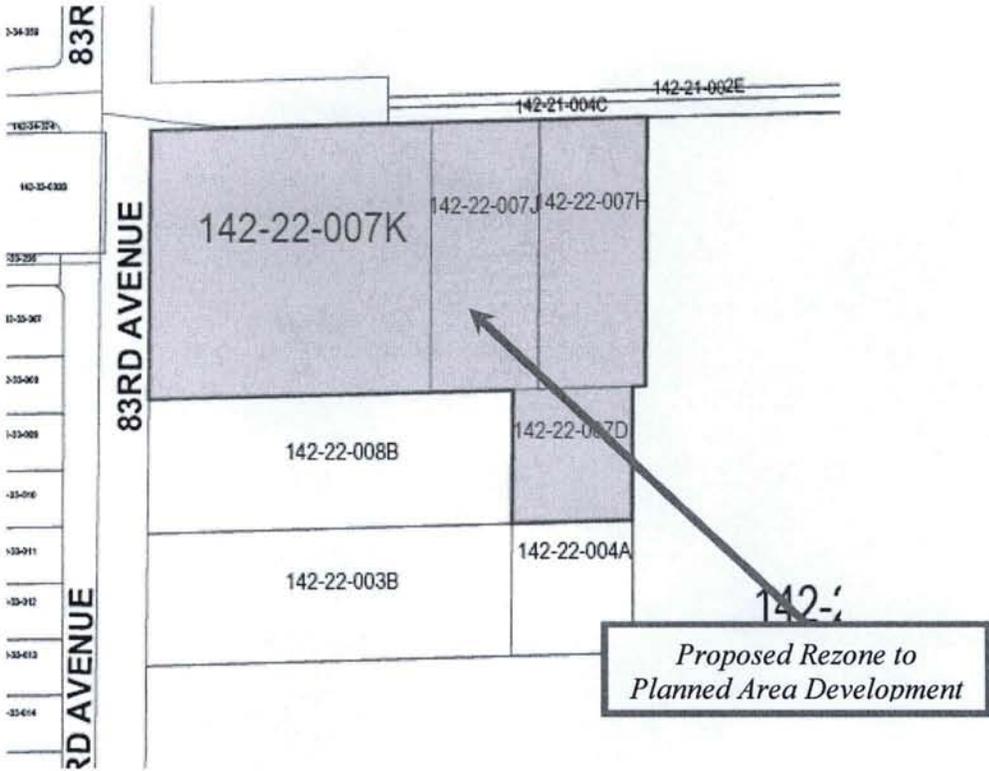
CONCLUSION:

Overall, the meeting went very well and the neighbor felt comfortable with the proposal. The questions and answer session lasted approximately fifteen (15) minutes. ██████████ provided the neighbor his contact information if she had any additional questions. The meeting closed at approximately 7:00 p.m.

**BUTLER INDUSTRIAL PARK
PROJECT NARRATIVE
1ST SUBMITTAL - OCTOBER 20, 2008
2ND SUBMITTAL - JUNE 11, 2009
3RD SUBMITTAL - AUGUST 13, 2009**

SOUTHEAST CORNER OF 83RD AVENUE AND BUTLER DRIVE

**REQUEST FOR REZONE FROM SUBURBAN RESIDENTIAL (SR) TO
PLANNED AREA DEVELOPMENT DISTRICT (PAD)**



**PREPARED BY
BEUS GILBERT PLLC
4800 NORTH SCOTTSDALE ROAD, SUITE 6000
SCOTTSDALE, ARIZONA 85251
CONTACT [REDACTED]
PHONE: 480.429.3069
FAX: 480.429.3100**

DEVELOPMENT TEAM

PROPERTY OWNERS

[REDACTED]
8112 NORTH 75TH AVENUE
PEORIA, ARIZONA 85345

APPLICANT

BEUS GILBERT PLLC
4800 NORTH SCOTTSDALE ROAD, SUITE 6000
SCOTTSDALE, ARIZONA 85251

c/o

[REDACTED]
PHONE: 480.429.3017
FAX: 480.429.3100

[REDACTED]
PHONE: 480.429.3069
FAX: 480.429.3100

ENGINEER

OLSSON ASSOCIATES
7250 NORTH 16TH STREET, SUITE 210
PHOENIX, ARIZONA 85020
PHONE: 602.748.1000
FAX: 602.748.1001

[REDACTED]

I. PROJECT OVERVIEW

This application request with the City of Peoria is for a rezone change for approximately 5.809 acres located at the southeast corner of 83rd Avenue and Butler Drive (the "Property") to allow for an industrial business park (*See Exhibit A*). The Property currently serves as "Limited Wholesaling and Outdoor Storage of Semi-Trucks and Outdoor Storage" with one (1) 2,045 square-foot administrative office building located on Parcel 2. The existing building height is not more than 15-feet from finished grade. Included with this rezoning application is a site plan detailing the existing land use and layout. No additional improvements exist or are proposed as part this application.

The change request seeks to rezone the Property from future Suburban Residential (SR) to **Planned Area Development (PAD)** to allow for the existing use of limited wholesaling and outdoor storage of semi-trucks and outdoor storage. The Property is currently being annexed into the City of Peoria under Annexation Application 07-05. Upon annexation, the Property is anticipated to be rezoned City of Peoria Suburban Residential (SR) and then with this application to PAD.

II. LOCATION AND SURROUNDINGS

The Property is bound by 83rd Avenue to the west and Butler Drive to the north. North of the Property is existing agricultural land uses zoned City of Peoria Industrial (I-1). East of the Property is existing agricultural land uses zoned Maricopa County Rural-43. South of the Property is an existing industrial park zoned Maricopa Country Industrial (I-2). West of the Property are existing single-family residences zoned City of Peoria R1-7. It should be noted, there are remnant parcels within this sub area of the City zoned Maricopa County Rural-43, it is clear these parcels will be annexed and rezoned as the area continues to evolve into more appropriate industrial type uses.

That being said, from a land use perspective, this request is consistent and compatible with the existing surrounding City of Peoria Land Use designations and developments. The approval of this application will allow Paul and Lorena Baker, the Property owners, to continue to use their property to the highest and best use. In determining the compatibility of this rezoning request with the elements of the City of Peoria General Plan, it is necessary that the proposed rezone be both compatible with the specific area as well as the larger general context of the City of Peoria.

III. CONFORMANCE WITH THE GENERAL PLAN

The proposed rezone change is consistent with the *Land Use Element* policy articulated in the City of Peoria Business Park/Industrial General Plan designation. The General Plan description for the Business Park/Industrial land use designation states that

*Butler Industrial Park
Rezone Request from Suburban Residential to Planned Area Development
Located at the Southeast Corner of 83rd Avenue and Butler Drive*

appropriate development includes professional offices, research and development, manufacturing, wholesale and storage warehouses, utility centers and the manufacturing, processing, repairing and packaging of goods.

With that said, the following outlines the relationship between the requested rezone change, the identified adjoining land uses, and the City of Peoria General Plan *Land Use Element*. The *Land Use Element* of the General Plan seeks to promote quality development and redevelopment that is sustainable and appropriate to maintain the quality of life elements that make the City of Peoria a desirable community. The following discussion of the *Land Use Element* will concern itself exclusively to the Property and the surrounding neighborhood context.

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.

Response: *The Property's proposed rezone change supports employment uses close to local neighborhoods and recognizes the desired scale and land use classification of the adjacent developed properties. Given the Property's extensive edge treatments and buffering, the proposed rezone change will not adversely impact the surrounding residential neighborhood. Further, the proposed rezone change provides the necessary opportunities to support the larger emerging industrial and employment district adjacent to State Route 101.*

The proposed rezone change will take advantage of the existing utilities and of infrastructure to stimulate quality economic and neighborhood development. Accordingly, the proposed zone change will not burden the existing utilities or infrastructure systems. As discussed in the Water and Sewer Report prepared by Olsson Associates, the proposed rezone change will allow the Property to continue utilizing the existing 8-inch water main located along the eastern right-of-way of 83rd Avenue, located approximately 25-feet east of the centerline of 83rd Avenue (City of Peoria Water Map 44L). Further, an existing 16-inch sewer main is located approximately 15-feet west of the centerline of 83rd Avenue and an existing 10-inch sewer main is located within the Butler Drive alignment. Because the site is fully improved, the aforementioned water and sewer statements are intended to describe the existing water and sewer infrastructure. No water or sewer improvements are proposed as part of this rezoning application.

Objective 2.1.H – Encourage employment sectors to provide high quality, attractive buildings, site design and landscaping.

Response: *The proposed rezone change and improvements satisfy this Objective by meeting the community goal of promoting high quality, attractive development, while avoiding conflicting, damaging or otherwise unwanted land uses from compromising the overall character of the Property, neighborhood and community.*

The rezone change proposal includes the construction of a 6-foot perimeter wrought iron fence and wall with architectural embellishments and perimeter landscaping to visually enhance the 83rd Avenue and Butler Drive streetscapes, as well as mitigate unwanted noise. The proposed improvement of the existing development will exceed the architectural character, landscaping and sustainability of the existing development. The introduction of the perimeter wall and landscaping will provide the necessary level of buffering from the adjacent residential zoning district and any future development north of the Property. Further, the existing building and ingress/egress points are positioned to access Butler Drive, a collector street, to minimize public visibility, and ensure compatibility with adjacent properties enhance the visual quality of the community.

The proposed rezone change and improvements are compatible with the surrounding area character, with heavy industrial located south of the Property and medium density single-family residential west of the Property; and are appropriate to the specific context of the surrounding neighborhood as it relates to locating compatible uses within the appropriate proximity of one another to further balance the City of Peoria General Plan. The proposed rezone change is sensitive to good community design and improving the overall quality of life that makes the City of Peoria a desirable place for business development.

Objective 2.1.I – Foster commercial, **industrial** and business park **employment centers that are compatible with Peoria’s economic needs and opportunities.**

Response: *The proposed zone change supports a dynamic, diversified and growing economic base that compliments the community. Given the Property’s close proximity to State Route 101 and Grand Avenue, there is a strong demand for industrial uses in this sub area of the City. With the approval of the proposed rezone change, the Property will help to meet the demand in this sub area, as well as allow the Property owner’s to elevate the Property to its highest and best use.*

Growth Area Element: Grand Avenue Gateway Growth Area

The City of Peoria Grand Avenue Gateway Growth Area is oriented along the Grand Avenue corridor from downtown Peoria to neighboring Glendale. The area south of Grand Avenue is largely designated and zoned for *industrial* and

business park uses. The purpose of the Grand Avenue Gateway Growth Area is to designate an area in the City that is a major regional artery providing direct access to the greater Northwest Valley from downtown Glendale and Phoenix. With that said, the Property is located within the Grand Avenue Gateway Growth Area (*See Exhibit B*).

The proposed rezone change will allow the Property to become part of a larger, emerging retail and business district adjacent to the State Route 101 interchanges at Olive and Northern Avenues, thus creating an ideal opportunity for industrial and employment land uses. Further, the proposed rezone change and improvements will enhance the Property and bring potential customer to a rejuvenated downtown.

Economic Development Element: Southern Employment Zone

The Southern Employment Zone extends from Northern Avenue to Cactus Road and covers approximately 15 square miles. The Southern Employment Zone encompasses the oldest and most mature area of the City, and the majority of the businesses and employees in Peoria are currently located here. This is home to the bulk of the City's general commercial base and its largest *industrial* segment, due largely to its proximity to State Route 101, the existing rail lines and the *Grand Avenue Gateway Growth Area* corridor.

With that said, in the year 2005, the estimated industrial workforce population was 3,700 persons and 155 businesses. The proposed rezone change offers additional employment opportunities to meet the estimated industrial workforce population of 6,867 persons by year 2030 (*See Exhibit C*).

With that said, the proposed rezone is consistent with the core planning principles of the City of Peoria.

IV. PLANNED AREA OF DEVELOPMENT REQUEST

This application includes a Planned Area Development rezoning request that will allow for Light Industrial (I-1) uses, and *limited* Heavy Industrial (I-2) and Intermediate Commercial (C-2) uses with the addition of "Limited Wholesaling and Outdoor Storage of Semi-Trucks." The intent of this Planned Area Development rezoning request is to offer a degree of flexibility with appropriate commerce, service and employment uses and activities while assuring compatibility with adjacent and nearby uses. Due to the proximity of the proposed Community Park II to the north and the existing single-family residences to the west, a select group of less intense and more compatible uses are proposed. Other than the existing "Limited Wholesaling and Outdoor Storage of Semi-Trucks" use, all uses with outdoor components will be limited or not permitted. Additionally, all uses involving

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noxious odors or materials, noise, vibration and other impacts are not permitted or made conditional uses. The ultimate approval of this PAD will allow for a comprehensive, compatible and cohesive development.

Permitted/Conditional/Accessory Uses

PERMITTED USES	
P = PERMITTED USE / C = PERMITTED CONDITIONAL USE / A = ACCESSORY USE	
# = SUBJECT TO SPECIAL LIMITATIONS PER SECTION 14-9-5	
* = SIGNIFIES THOSE USES WHICH REQUIRE CONDITIONAL USE PERMITS WITHIN 200-FEET OF A RESIDENTIAL ZONING DISTRICT.	

ADMINISTRATIVE AND FINANCIAL	
<i>Automatic Teller Machine (ATM)</i>	P
<i>Banks and Financial Institution</i>	P
<i>Professional, Administrative or Business Offices</i>	P
AUTOMOBILE RELATED	
<i>Auto Auction</i>	C
<i>Auto Sound System Installation, Auto Glass Tinting & Repair and similar uses</i>	P#
<i>Auto Repair and Painting Facilities</i>	P#
<i>Automobile Dealership, Boats, RV or Motorcycle Sales, including Outdoor Sales and Rental</i>	P*
<i>Automobile Diagnostic and/or Service Establishment, including Engine & Transmission Overhaul, Repair Facilities & Similar Services</i>	P#*
<i>Automobile Towing and Impound Facilities</i>	C
<i>Boat & RV Repair</i>	C
<i>Car Wash, Automated</i>	C
<i>Car Wash, Self Service</i>	C
<i>Tire Sales, Repair and Mounting</i>	P#
EATING & DRINKING ESTABLISHMENTS	
<i>Catering Establishment</i>	P

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<i>Outdoor Dining and Seating Areas</i>	C
<i>Restaurants</i>	A
GENERAL INDUSTRIAL & MANUFACTURING	
<i>Call Center</i>	P
<i>Commercial Laundry & Dying Plant</i>	P
<i>Contractors Storage Yard, including outdoor storage of construction equipment & materials</i>	P*
<i>Data Center</i>	P
<i>Essential Public Service or Utility Installation</i>	P
<i>Limited Wholesaling and Outdoor Storage of Semi-Trucks</i>	P
<i>Machine Shops</i>	P
<i>Manufacturing, Fabrication & Processing of Goods</i>	P#
<i>Manufacturing of lumber & wood products, primary metal industries, fabricating metal products, machinery & transportation equipment excluding ore reduction & smelting, production or refining of petroleum, gas or hydrocarbons</i>	C
<i>Mini-Storage Warehouses, RV, Boat & Trailer Storage indoor only</i>	P
<i>Moving Company Storage & Transfer Facility</i>	C
<i>Moving Truck, Trailer & Equipment Rental</i>	C
<i>Outdoor Automobile, RV, Boat & Trailer Storage</i>	P*
<i>Parcel Delivery Service</i>	P
<i>Printing and Publishing Facilities</i>	P
<i>Recycling Collection Facility</i>	C#
<i>Recycling Collection Point</i>	A
<i>Research Laboratories</i>	P#
<i>Wholesaling, Warehousing, Distributing, Repair, Rental & Servicing of any commodity excluding live animals, explosives & storage of flammable liquids & gases.</i>	P
GENERAL RETAIL	
<i>Bait and Tackle Shops</i>	P
<i>Copy Center</i>	P
<i>Florist</i>	P
<i>Gift, Novelty and Souvenir Shop</i>	P
<i>Hobby, Stamp and Coin Shop</i>	P
<i>Newsstand</i>	A
<i>Pet Shop</i>	P#
<i>Plumbing, Heating & Air-conditions Sales and Services</i>	P
<i>Retail Decorative Rock Sales</i>	P

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INSTITUTIONAL	
<i>Public Buildings</i>	P
<i>Public/Private Schools, College and University Facilities excluding College & university Campuses</i>	P#
<i>Public Utility Buildings, Structures, Uses, Facilities and Equipment</i>	P
INTENSE RETAIL	
<i>Business/Office Equipment Sales and Rentals</i>	P
<i>Contractor (equipment and supplies retail sales)</i>	P*
<i>Contractor hardware/specialty home improvement store</i>	P*
<i>Commercial Service Establishments combing retail, showroom and workshop</i>	P
<i>Equipment Sales, Rental and Storage Yard</i>	P
<i>Farmers Markets</i>	P
<i>Hardware store (wholesale and distribution)</i>	P*
<i>Mobile Homes Sales</i>	P
<i>Monument Sales and Engraving Shop</i>	P
<i>Office Supply & Machine Sales & Service</i>	P
<i>Outdoor Sales and Display Area</i>	P
<i>Plant Nursery, Retail</i>	P
<i>Plant Nursery, Wholesale</i>	P
<i>Retail Sales of lumber & Building Materials</i>	P#
<i>Sales & Storage of grain, feed, seed, fertilizer, farm & garden supplies</i>	P*
<i>Swimming Pool and Spa Sales</i>	P
<i>Upholstery Shop</i>	P
<i>Wholesale Produce Storage or Market</i>	P
LODGING	
<i>Living quarters for night guards</i>	A
MEDICAL	
<i>Ambulance Service Facility</i>	P
<i>Emergency Medical Care Facility</i>	P
<i>Medical, Dental, Optician or Health, Clinics and Laboratories</i>	P
<i>Veterinary Hospital</i>	P#
<i>Veterinary Offices and Clinics, excluding animal boarding</i>	P#

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PERSONAL SERVICES	
<i>Animal Shelter</i>	C
<i>Appliance Repair</i>	P
<i>Auction Houses and Estate Sales</i>	P
<i>Blueprint Shop</i>	P
<i>Boarding & Training Kennels</i>	C
<i>Cabinet and Carpentry Shop</i>	P
<i>Custom Dressmaking, Furrier, Millinery or Tailor Shop</i>	P#
<i>Dry Cleaning and Laundry Establishment</i>	P
<i>Employment Agencies, not including Day Labor Hiring Centers</i>	P
<i>Locksmith</i>	P
<i>Messenger Delivery Service</i>	P
<i>Pest Control Services</i>	P
<i>Pet Grooming Shop</i>	P#
<i>Photographic Developing and Printing</i>	P
<i>Photographic Studio</i>	P
<i>Recording Studio</i>	P
<i>Shoe Service & Clothing Alteration</i>	P
<i>Sightseeing Tour Companies</i>	P
<i>Tanning Salon, Nail Salon, Barber Shop, Beauty Parlor & similar uses</i>	P
<i>Ticket and Travel Agency</i>	P

Property Development Standards

PROPERTY DEVELOPMENT STANDARDS	
Minimum Size of Lot by Use	
<i>Area (acreage)</i>	No Minimum Requirement
<i>Width (ft)</i>	No Minimum Requirement
Minimum Setbacks for Principal Buildings	
<i>Front Setback (ft)</i>	25
<i>Least Side (ft)</i>	0
<i>Total Sides (ft)</i>	30
<i>Interior Setback (ft)</i>	No Minimum Requirement
<i>Rear Setback (ft)</i>	25 / 0 when adjacent to industrially zoned property
<i>Corner Side (ft)</i>	25
<i>Residential Zone Boundary (ft)</i>	50
Maximum Lot Coverage	
<i>Percentage – by all Buildings</i>	No Minimum Requirement
Maximum Building Height	
<i>Principal Building Height (ft)</i>	48
<i>Accessory Building Height & Setbacks</i>	(a)

- (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. (Ord. No. 04-23)

Parking Standards	
<i>Parking Standards</i>	Per City of Peoria Zoning Ordinance Article 14-23
Lighting Standards	
<i>Lighting Standards</i>	Per City of Peoria Lighting Standards

Screening, Fencing, Walls	
<i>Screening, Fencing, Walls</i>	Per City of Peoria Zoning Ordinance Article 14-23
Roadway Standards	
<i>Roadway Standards</i>	Per City of Peoria Roadway Standards
Sign Standards	
<i>Sign Standards</i>	Per City of Peoria Zoning Ordinance Article 14-34
Landscaping Standards	

All street rights-of-way classified as collector or higher contiguous with the proposed development or located within the interior of a development not used for street pavement, curbs, gutters, sidewalks or driveways shall be landscaped. Right-of-way landscaping shall be designed to minimize maintenance issues.

- (a) The installation of street trees, shrubs and vegetative ground cover shall be required for projects in an amount equal to or greater than one (1) tree and ten (10) shrubs for every fifty (50) feet of street frontage along 83rd Avenue, and vegetative ground cover. The shrubs and ground cover shall occupy a minimum of sixty percent (60%) of the total street frontage landscaped area at maturity.
- (b) The installation of street trees, shrubs and vegetative ground cover shall be required for projects in an amount equal to or greater than one (1) tree and five (5) shrubs for every thirty (30) feet of street frontage along Butler Drive, and vegetative ground cover. The shrubs and ground cover shall occupy a minimum of sixty percent (60%) of the total street frontage landscaped area at maturity.
- (c) The required plantings shall be located in the street right-of-way landscaped area within a minimum five (5) foot wide planter area, or within the front ten (10) feet of the required on-site landscape areas, and shall be designed and located to enhance the proposed development project and the streetscape.
- (d) Such planting requirements shall be in addition to the landscape requirements in Section 14-35-4-A.1. All additional plantings in excess of the requirement may be used to satisfy the on-site landscaping requirements.

Given the principles and goals of the Planned Area Development District, the existing improvements on the Property, the proposed streetscape improvement plan and the conformance with the General Plan, this request satisfies the City of Peoria planning principles. The proposed rezoning and planned area development application is consistent with the character of the area.

V. PHASING PLAN

The perimeter wall and landscaping improvements are proposed to be completed in two (2) phases. The Phase I improvements include a 6-foot perimeter wrought iron fence with architectural embellishments and landscaping along 83rd Avenue. The proposed Phase I improvements will respect the ultimate right-of-way lines (65-foot half street) along 83rd Avenue. The construction of the Phase I improvements will commence within two (2) years of the approval of this rezone request.

The Phase II improvements include a 6-foot perimeter solid wall with architectural embellishments and landscaping along Butler Drive. The proposed Phase II improvements will respect the ultimate right-of-way line (30-foot half street) along Butler Drive. The Phase II improvements will be completed by year end 2012 or when Community Park II is completed, whichever comes first.

Future phases, site modifications, building expansions or new developments beyond Phase I and II will necessitate an amendment to the PAD specifically including the submittal of a conceptual site plan for the entirety of the PAD.

See Exhibit C – Phasing Plan

VI. STREET CLASSIFICATION MAP, ACCESS AND CIRCULATION

The Property is bound by 83rd Avenue to the east and Butler Drive to the north. The City of Peoria Streets Classification Map designates 83rd Avenue as a major arterial street and Butler Drive as a collector street.

Parcel 1 will be accessed via an existing 20-foot ingress/egress easement as shown on the Site Plan. Parcel 2 will be accessed by four (4) ingress/egress points positioned on Butler Drive. In consideration of the proposed City of Peoria Community Park II located at the northeast corner of 83rd Avenue and Butler Drive, future access points will be coordinated with the Streets and Parks Departments. The Property will not be accessed from 83rd Avenue.

No improvements to 83rd Avenue and Butler Drive are proposed as part of this rezoning application. At the time of future development, 83rd Avenue and Butler Drive will be constructed to meet City of Peoria standards.

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VII. COMMUNITY FACILITIES AND SERVICES

The proposed annexation and rezone change would provide high levels of municipal services and facilities to serve the Property in a manner that enhances the quality of development. Given this proposal, the City's ability to provide services under an efficient cost structure takes advantage of the economy scale given the surrounding residential neighborhood is already serviced. Further, the Rural/Metro Fire Department effectively has the capability to absorb the proposed annexation and zone change.

The proposed rezone change will not facilitate the need for additional schools, parks or other similar or related facilities.

VIII. CONCLUSION

As previously stated, the Property is currently zoned Maricopa County Rural-43 (which is generally reserved for very low residential). Given the General Plan, Grand Avenue Gateway Growth Area and Southern Employment Zone, the current zoning, at such a low density does not represent the highest and best use of the Property. The City of Peoria has long anticipated significant industrial development and employment in this area. That being said, the Property owner's wish to meet the above City's goals and objectives in this area of Peoria, as well as contribute to the City's overall tax base.

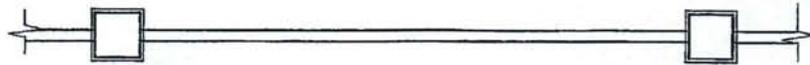
EXHIBITS

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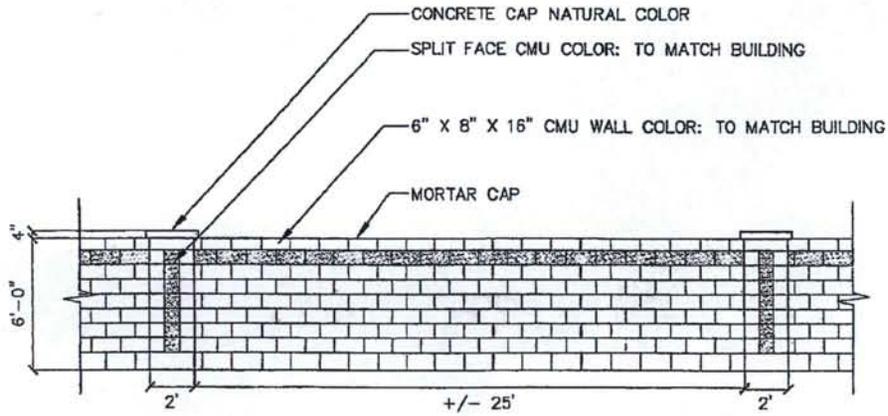
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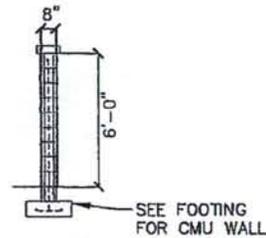
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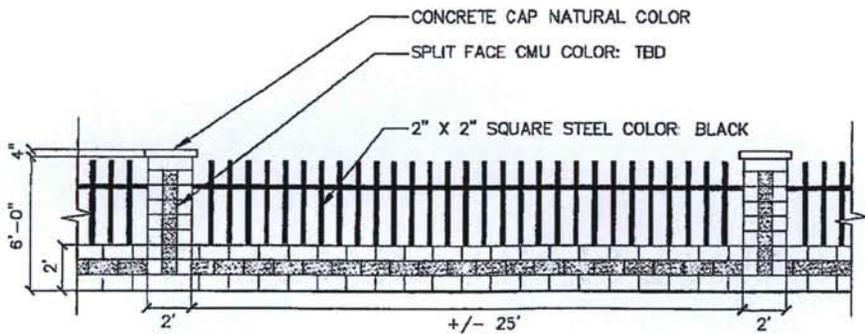
PLAN VIEW



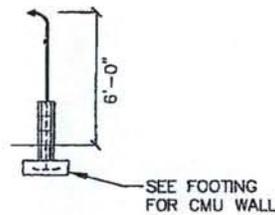
PERIMETER WALL



PERIMETER WALL SECTION



VIEW WALL



VIEW WALL SECTION



MOLSSON
ASSOCIATES

7250 N. 16th Street Suite 210
Phoenix, AZ 85020
Phone 602-748-1000
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PROJECT: BUTLER INDUSTRIAL PARK
SUBJECT: WALL & FENCING DETAILS
PROJECT NO.: 008-1242 DRAWN BY: JD DATE: 04-21-09

PRELIMINARY
NOT FOR
CONSTRUCTION

NOT TO SCALE



Exh-1

SHEET 1 OF 1



REZONING

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: Z 09-02
DATE: September 17, 2009 (continued from August 20, 2009)
AGENDA ITEM: 5R

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

Represented by: Curtis Architecture, Inc. [REDACTED]

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.

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)	20	30
Western (Front) Setback ¹ (ft)	20	15
Northern (Side) Setback ¹ (ft)	15	n/r
Eastern (Rear) Setback ¹	20	20
Southern Setback ¹ (ft)	15	30
Setback from Residential Zone ¹	15	30
Accessory Building Height and Setbacks	(a)	(a)

n/r Not Required

¹ 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.

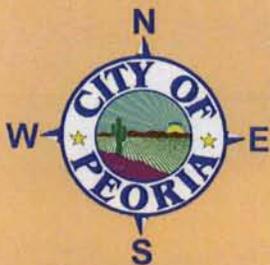
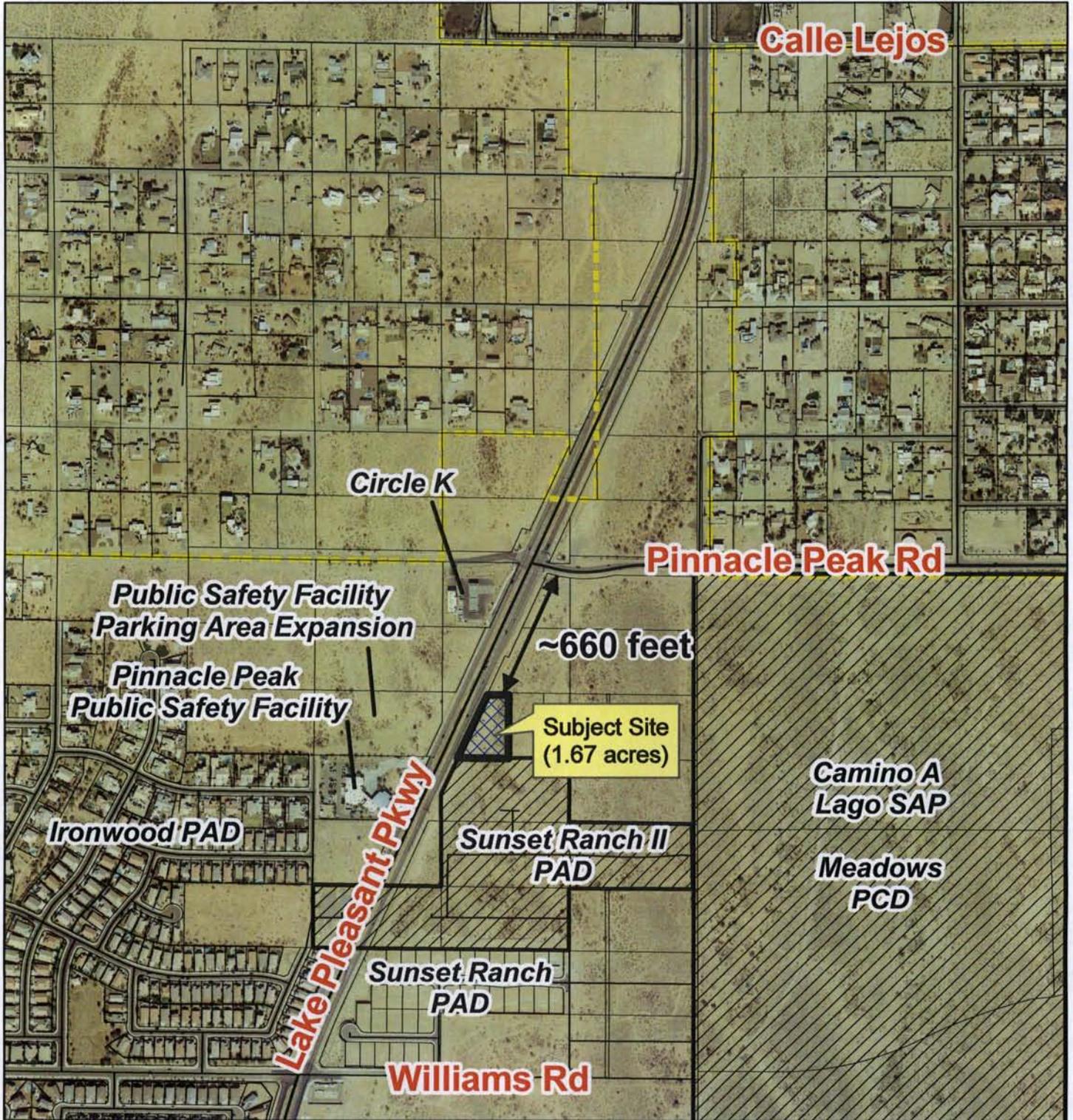
6. *Provide general site information and describe unusual physical features or characteristics of the site which present opportunities or constraints for development.*

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:

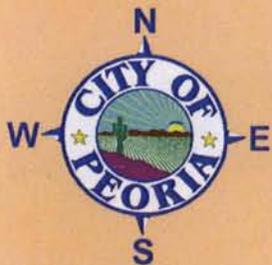
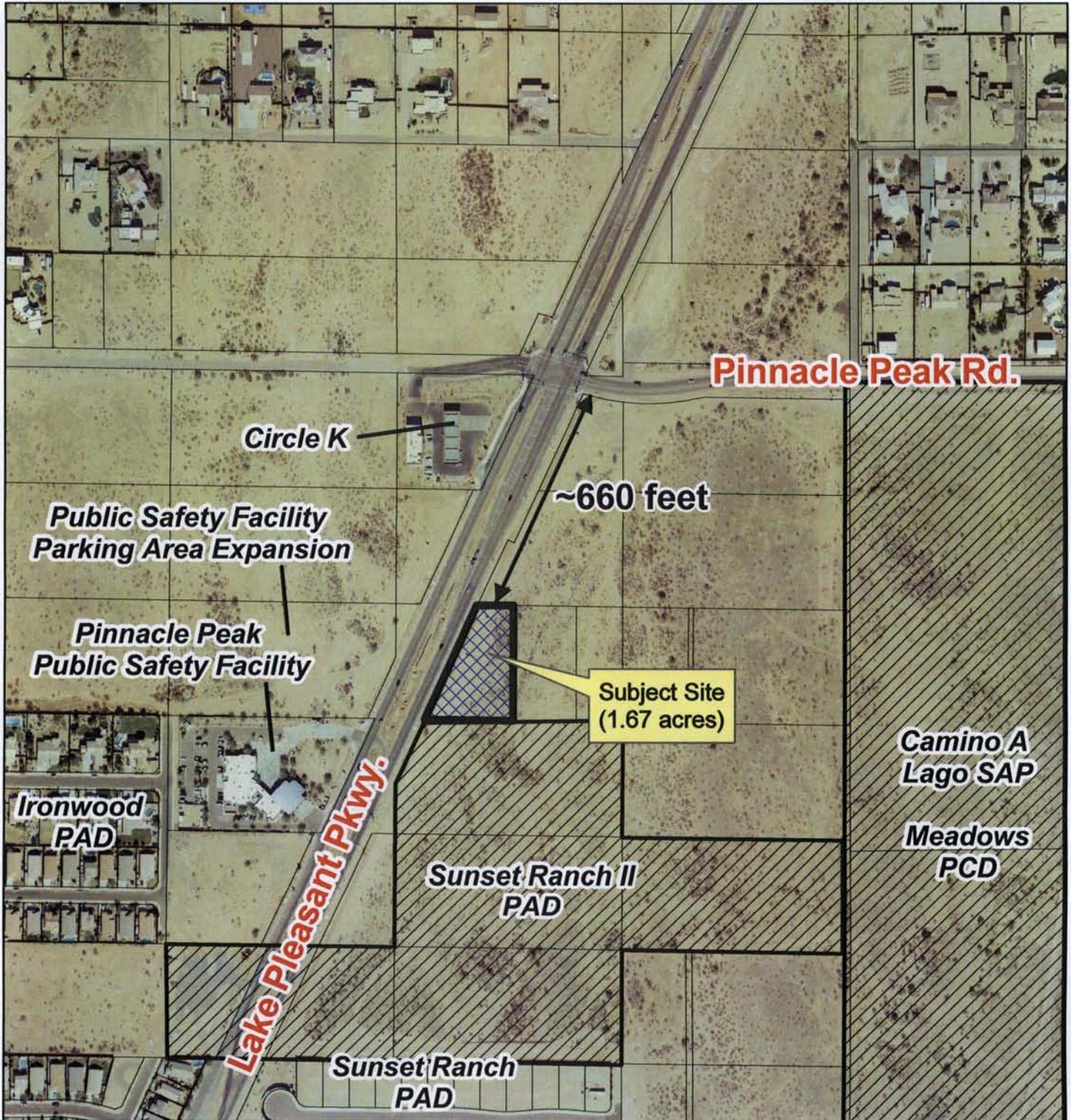
Rezone from General Agriculture (AG) to Planned Area Development (PAD) for a site encompassing 1.67 gross acres.

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:

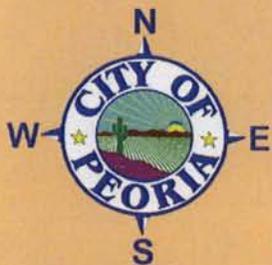
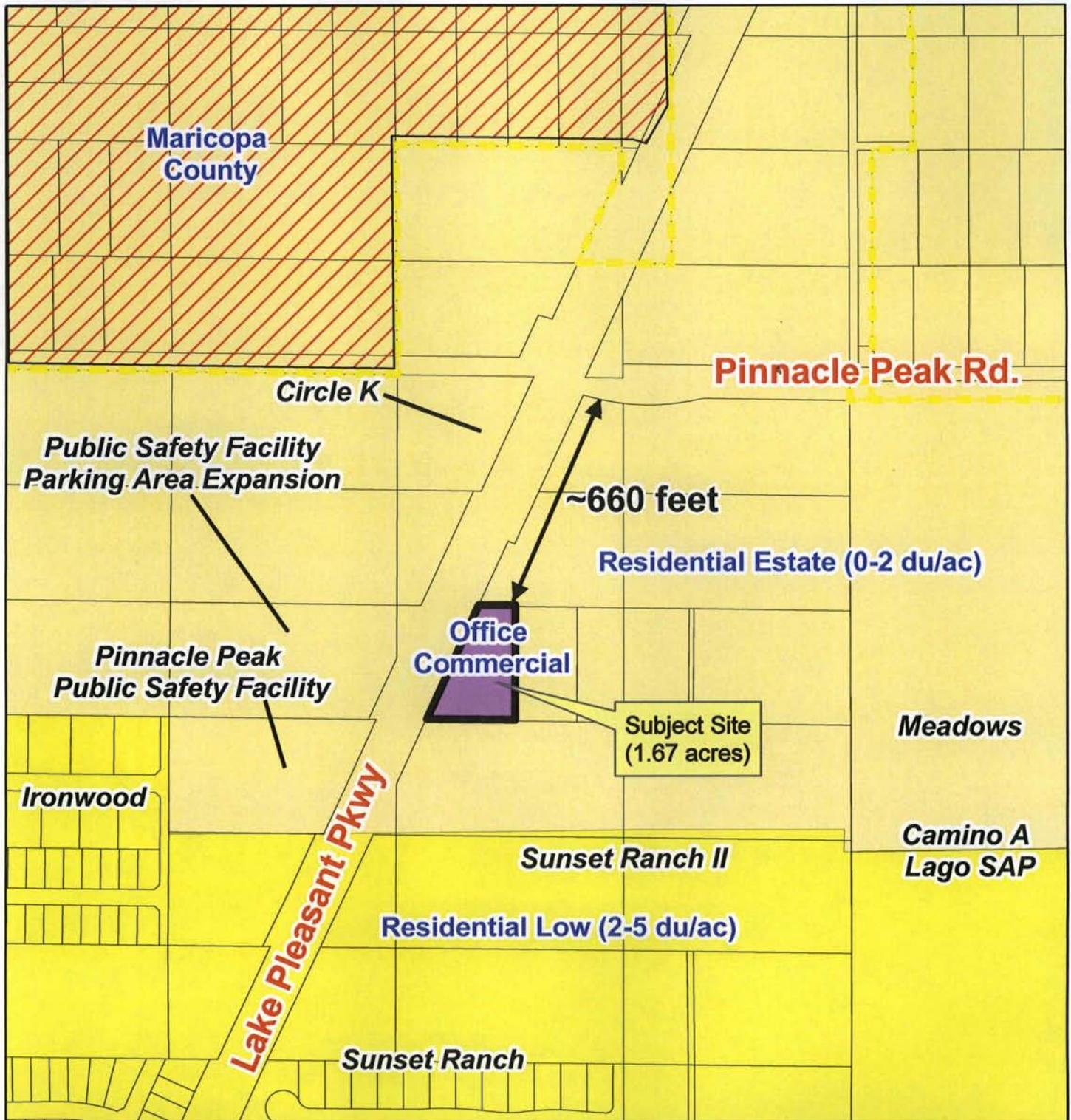
Rezone from General Agriculture (AG) to Planned Area Development (PAD) for a site encompassing 1.67 gross acres.

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:

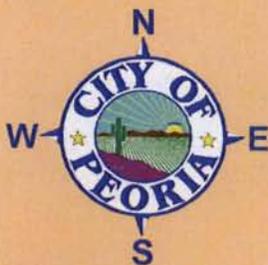
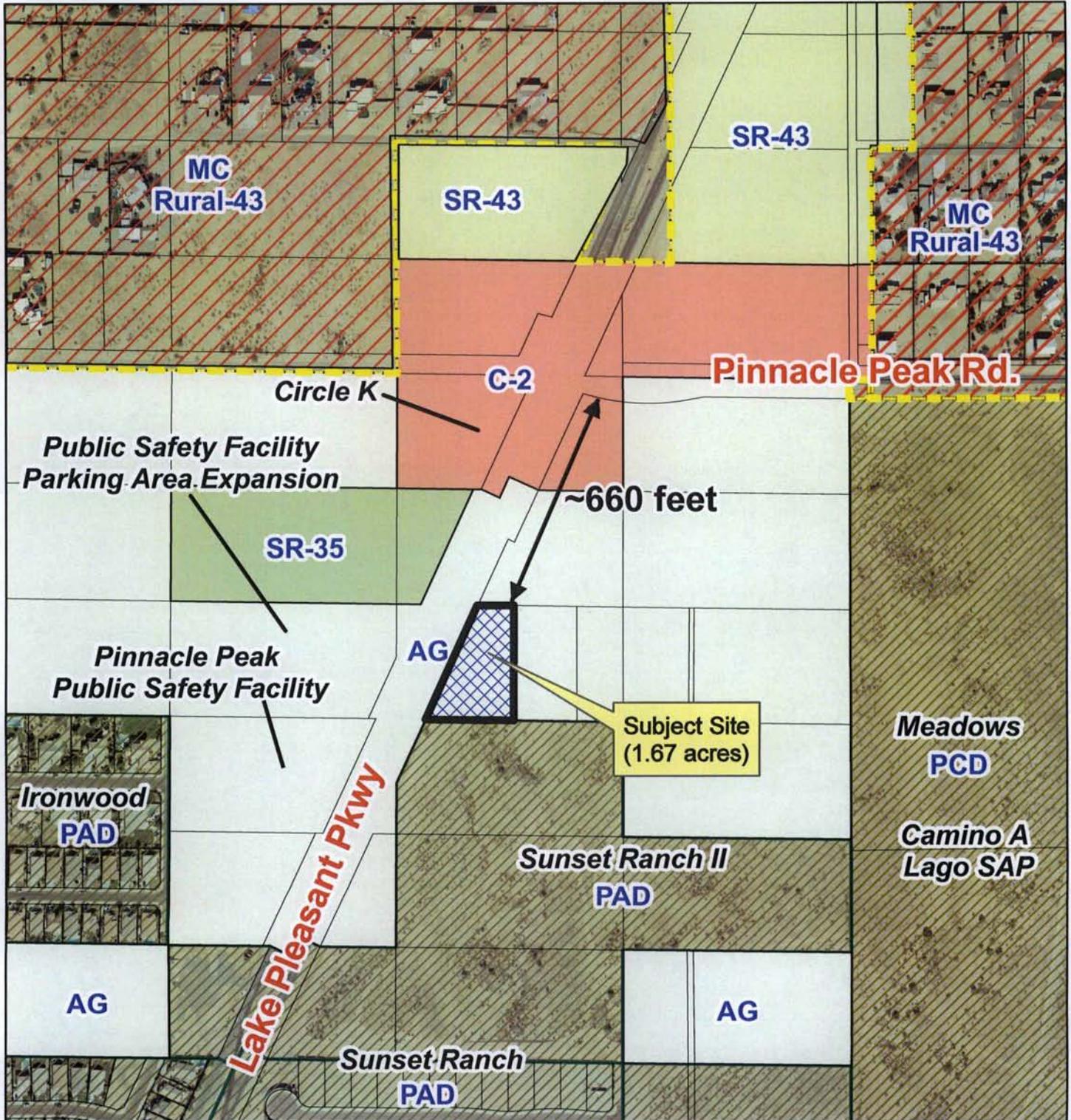
Rezone from General Agriculture (AG) to Planned Area Development (PAD) for a site encompassing 1.67 gross acres.

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

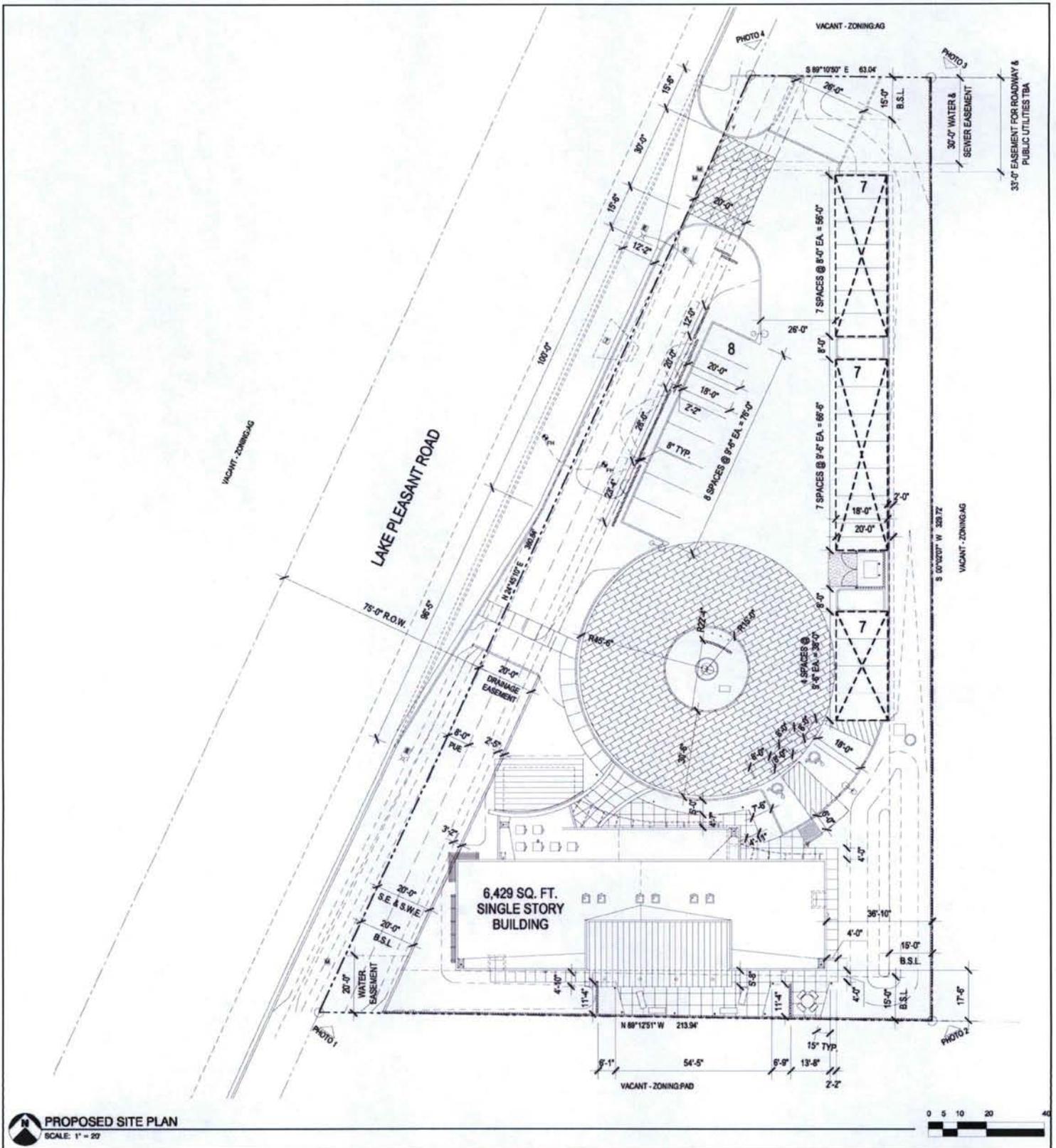
Request:

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



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
[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. 7th 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
2211 North 7th Street
Phoenix, AZ 85006
Phone: 602.266.5622**

3. Consultant

DJK Consulting
[REDACTED]

**7314 W. Acapulco Lane
Peoria, AZ 85381
Phone: 623. 776.8898**

4. Document Prepared By

Curtis Architecture
[REDACTED]
**7714 N. 7th Street
Phoenix, AZ 85020
Phone: 602.266.2712**

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VIII. Citizen Participation	5

LIST OF EXHIBITS

- A. Legal Description
- B. Aerial Survey
- C. Zoning Map
- D. Conceptual Site Plan
- E. Conceptual Elevations

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 ¹ (ft)	20
Eastern Setback ¹ (ft)	20
Northern Setback ¹ (ft)	15
Southern Setback ¹ (ft)	15
Maximum Building Height (ft)	20
Setback from Residential Zones (ft)	15
Accessory Building Height and Setbacks	(a)

¹ 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. 52nd St., Ste 115
Tempe, AZ 85284

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



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.

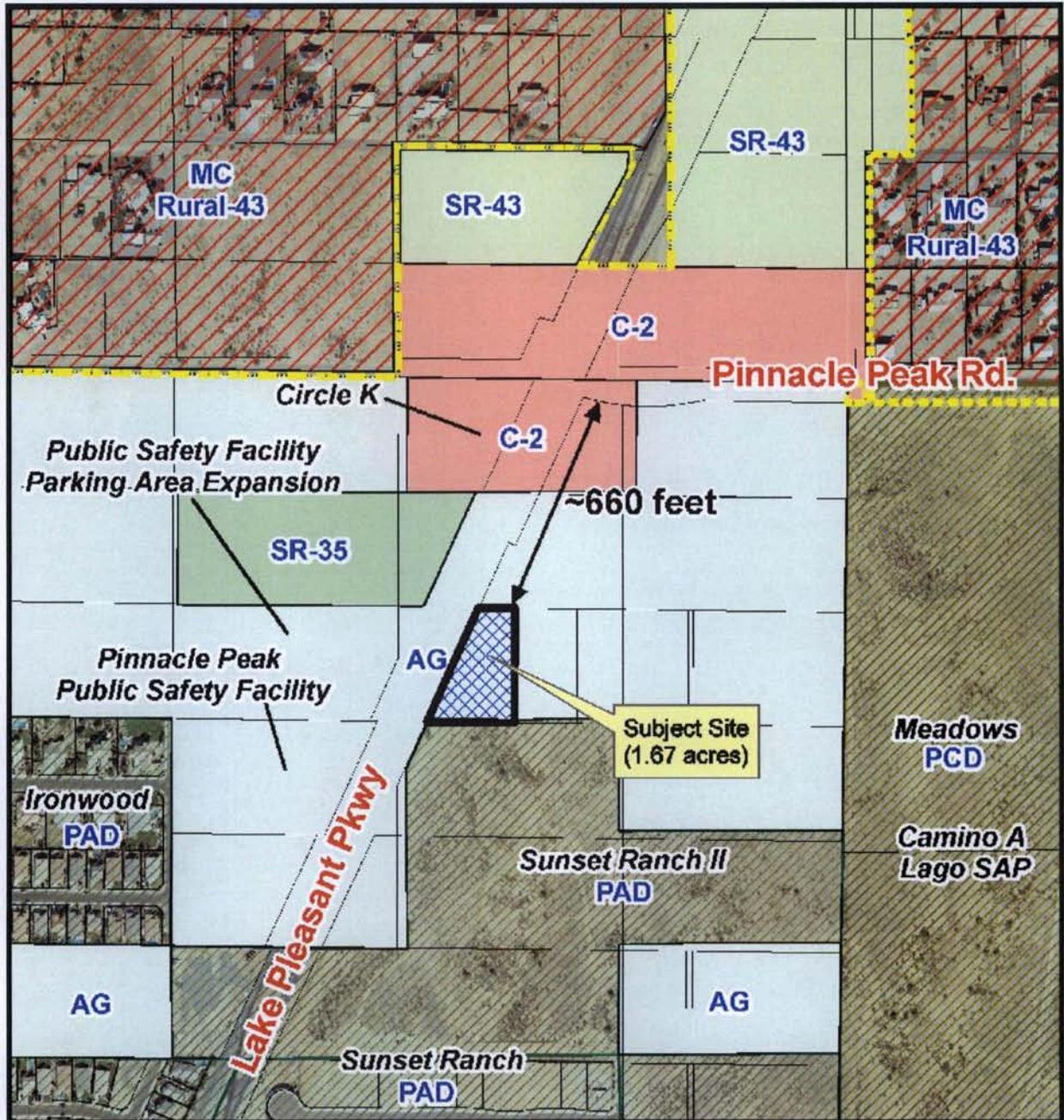
APN: 200-10-036F

SITE AREA (GROSS): 1.671 ACRES

Exhibit B – Aerial Map



Exhibit C – Zoning Map





General Plan Amendment - Minor

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: GPA 08-10
DATE: September 17, 2009
AGENDA ITEM: 6R

Applicant: SKS Grand Manor, LLC

Represented by: Earl, Curley & Lagarde [REDACTED]
[REDACTED] 3101 N. Central Avenue, Suite 1000, Phoenix, AZ
85012

Request: A Minor Amendment to the Peoria General Plan through the Central Peoria Revitalization Plan Land Use Map for approximately 17.9 gross acres from "Medium-Density Residential / Mixed-Use" to "High-Density Residential" (15+ du/ac, target of 18 du/ac)

Proposed Development: Grand Manor Condominiums: The conceptual development plan proposes a multi-family condominium project consisting of 288 owner occupied units with an overall density of 16.1 dwelling units per acre.

Location: The site is located at the southwest corner of 88th and Grand Avenues.

Site Acreage: 17.9 gross acres.

Support / Opposition: As of the date of this printing, Staff has received one (1) letter in opposition; however, that letter was subsequently rescinded following the neighborhood meeting. No other support or opposition to this proposal has been received.

Recommendation: Approve, with conditions.

LAND USE BACKGROUND

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

	LAND USE	CPRP – LAND USE	ZONING
Subject Property	Vacant	Medium Density Residential Mixed Use	Planned Area Development (PAD)
North	Grand Avenue and BNSF railroad, then single family residential and an elementary school (Cheyenne).	Medium Density Residential Mixed Use and Community Facility	RM-1 (Multi-Family)
South	Single family residential (Crystal Cove subdivision)	Low Density Residential (0-5 du/ac, target of 3 du/ac)	R1-6 (Single Family)
East	88 th Drive, then retail	Business/Service Center	C-2 (Intermediate Commercial)
West	Hospitality (Ramada) and Recreational Vehicle (RV) park	Business/Service Center	C-4 (General Commercial)

Site History

- Records show that this property was annexed into the City in two separate actions several years apart. The first action, annexing the northern portion of this property and portions of adjacent properties was taken on January 10, 1961. The second action, a much larger annexation request, occurred on April 14, 1970. At the time of annexation, a zoning designation of General Agriculture (AG) was assigned.
- At a point in time between the original AG zoning designation and 2005, the property was rezoned to C-2 (Intermediate Commercial). There was no subsequent activity on the parcel under the C-2 zoning designation.
- On September 21, 2004, the Mayor and Council adopted *Resolution 04-185* amending the Central Peoria Revitalization Plan (CPRP) land use designation from Business/Service Center to Medium-Density Residential/Support Business in the CPRP which would enable the applicant to proceed with their intended rezoning request
- In 2005, under Case Z 05-05, the subject site was rezoned from C-2 (Intermediate Commercial) to a Planned Area Development (PAD). The PAD permitted up to 86 single-family homes on 4,500 square foot average lots. To date, there has been no activity beyond the initial grading of the project site.

Central Peoria Revitalization Plan

5. The subject site is part of a larger area governed by the Central Peoria Revitalization Plan which was originally adopted by the City in October 2000. The Plan provides a level of refinement to the Peoria General Plan. The purpose of the CPRP is to transform Old Town Peoria and its environs into a vital urban center with a distinct design theme. The Plan proposed to address economic strategies for downtown Peoria and provide neighborhood planning through new mixes of supportive land uses and functions. A recent update to the CPRP (*Resolution 06-173*) amended the text and land use map to, among other things, expanded land use definitions, added higher density allocations and target density policies, and established mixed-use development guidelines.
6. The City is currently developing the Old Town Revitalization Plan that is intended to replace the CPRP. This new plan will build upon the achievements of the CPRP, while placing a greater emphasis on the interrelationship between land use and the various forms of transportation required to support them. An anticipated goal of the plan is to create a higher density urban core that will support a true multi-modal infrastructure. Although the Old Town Peoria Revitalization Plan has not yet been adopted, the development proposal is consistent with the overarching goals and objectives of the plan.

PROJECT DESCRIPTION

Site and Project Details

7. The proposed development is for a 288-unit condominium development on a 17.9-acre site. The proposed development will yield a density of approximately 16.1 units per acre.
8. The project site is bounded by Grand Avenue to the north and 88th Drive to the east. Access to Grand Avenue has been restricted to right in – right out only. Emergency access only will be permitted on 88th Avenue.
9. This site is a vacant parcel that is relatively flat, though there is a slight grade difference between this site and the single-family residential to the south. Due to the previous planned development, the site was graded to create a slope from east to the west for sewer purposes. The new proposal will not require the slope variation and the overall grade will match the residential parcels to the south.
10. The mix of units will consist of two-story buildings (35 feet high max) with approximately 152 one-bedroom units and 136 two-bedroom units. Along the western and southern boundaries of the site, single-story garages (15' high max) will be constructed. Parking areas for the project will be internalized to the

greatest extent possible. A single-story 4,200 sq.ft. clubhouse will be constructed near the center of the development.

11. Further details regarding the project elements are provided in the Planned Area Development Standards and Guidelines Report submitted under the concurrent rezoning application (Z 08-12).

DISCUSSION AND ANALYSIS

Existing Central Peoria Revitalization Plan Land Use Designation

12. The underlying land use designation (Exhibit C) for the subject property is Medium Density Residential Mixed Use (5-10 dwelling units per acre) with an underlying target density of 8 units per acre. This designation is intended to provide areas for residential uses on small lots with single family detached or attached, town house, patio, and condominium housing. Other uses that may be integrated within these areas are home offices (at street level) and, at the outer edges of these areas, business uses supporting area occupants such as child care, fitness, recreational businesses with activity areas.

Request to Designate Site to High Density Residential

13. The current request is to amend the Central Peoria Revitalization Plan (CPRP) from Medium Density Residential Mixed Use to High Density Residential. This category denotes areas where the highest multi-family residential density development is appropriate. The density range (15.0+ dwelling units per gross acre) is intended to provide for two- and three-story apartments, condominiums, and townhouses close to employment and service areas and to buffer lower density residential areas. Increases in density above the target density of 18.0 dwelling units per acre should be accompanied by the provision of enhanced amenities and accomplishing specific community goals addressing infill development. Development options may include a range of densities and housing products. Development should be similar in scale to surrounding land uses. Suitability is determined on the basis of location, access and availability of existing or proposed public facilities and utilities and existing and future land use patterns. Neighborhood Commercial Uses may be located near intersections with arterial streets.

Minor General Plan Amendment Evaluative Criteria

14. Chapter 14 of the Peoria General Plan ("Plan Administration") directs the City to make an affirmative finding that the proposal substantially demonstrates or exhibits the following evaluative criteria:

- i. The development pattern contained in the Land Use Plan inadequately provides appropriate optional sites for the use or change proposed in the amendment.
- ii. The amendment constitutes an overall improvement to the General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.
- iii. The amendment will not adversely impact the community as a whole or a portion of the community by:
 - Significantly altering acceptable existing land use patterns,
 - Requiring larger and more expensive improvements to roads, sewer or water delivery systems than are needed to support the prevailing land uses and which, therefore, may impact developments in other areas,
 - Adversely impacting existing uses because of increased traffic on existing systems, or
 - Affecting the livability of the area or the health and safety of the residents.
- iv. That the amendment is consistent with the overall intent of the General Plan and other adopted plans, codes and ordinances.

Conformance with the Central Peoria Revitalization Plan (CPRP)

15. One of the key elements in the revitalization of Old Town Peoria is to provide the population density needed to support existing commercial services and to attract future professional and retail services in the downtown area. The proposed amendment complies with the economic goals and objectives set forth in the Central Peoria Revitalization Plan by achieving the specific goal of being 'A Good Place to Live' through the following objectives:
 - Increase residential population within the Old Town area by offering urban densities and quality residential environments.
 - Promote development of new urban housing including condominium, patio homes, town home style of housing.
 - Encourage construction of design compatible, in-fill housing on vacant lots in existing residential areas.
16. The proposed amendments to the CPRP better reflects the development needs of the area while taking into consideration the existing built environment and the anticipated goals forthcoming from the Old Town Peoria Revitalization Plan. In addition, this amendment will allow for a development that will further stimulate the revitalization efforts in the Old Town area.

Land Use Compatibility

17. This request presents the City with a unique opportunity to add residential density on an infill site in a manner that maximizes compatibility with an existing single-family residential neighborhood by providing increased setbacks,

intervening garage buildings, unit ownership, and limited building heights. Although the applicant is requesting High Density Residential (15+ du/ac), which often yields densities at or above the target 18 dwelling units per acre range, this proposal is for approximately 16 du/ac. The proposed density will assist in keeping this development more in scale with the surrounding residential while conforming to the language contained in the High Density Residential land use category. In addition, this development will act a transition from the intensity of a highly traveled transportation corridor that includes automobile and truck traffic as well as the BNSF rail line.

Relevant General Plan Policies and Objectives

18. The Peoria General Plan provides guidelines and policies for redevelopment in the Old Town area; the objectives of the Plan include the provision for diverse housing products and increased population density to support the economic base in the redevelopment area. Providing a higher-density residential use in a vacant in-fill area would supply the much needed population density in the redevelopment area and will further the City's desire to increase the demand for public transportation along Grand Avenue. The amendment is consistent with the overall intent of the Peoria General Plan and complies with the following specific policies and objectives:

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.

Policy 2.1.C.1: The City shall require adequate buffering to protect residential neighborhoods from intrusion by incompatible land uses.

Policy 2.1.C.2: The City shall ensure that high-density residential developments have direct access to arterial streets without traversing existing or proposed lower density residential areas.

Policy 2.1.C.3: The City shall locate housing developments in areas that can be adequately served by police, fire and ambulance services.

Policy 2.1.C.4: The City shall require adequate provision of open space or direct access to open space in all large-scale housing developments and, in particular, medium-and high density multiple-family housing development.

- Policy 2.1.C.7 The City shall encourage infill residential development that takes advantage of existing municipal services, utilities, transportation facilities, schools, and shopping areas.
- Objective 2.1.E: Locate multi-family residential development in suitable areas in which they will not adversely impact lower density developments.
- Policy 2.1.E.2 The City shall prohibit target densities for residential designations of eight units/acre or greater from being exceeded unless four of the following conditions are met: (condensed)
- a. The site is located adjacent to an arterial roadway and/or transit corridor.
The project is adjacent to Grand Avenue.
 - b. The site is within one mile of community-level commercial, service, or employment centers.
This project is within a ½ mile of the Old Town area.
 - c. The site creates a transition between existing or approved lower residential densities and non-residential uses.
This development is located on 17.9 acres between Grand Avenue and the Burlington Northern/Santa Fe Railroad to the north and single-family residential to the south. The site is bound by commercial development to the east and west. Multi-family will provide an appropriate transition and buffer between area land uses.
 - d. Development of the site will not disrupt or negatively impact adjacent lower density land uses.
The proposed condominium development will enhance the area development.

Neighborhood Meeting

19. As a requirement of the Zoning Ordinance for rezone applications, the applicant conducted a neighborhood meeting. The applicant notified property owners within 300 feet of the subject site for the required neighborhood meeting, which was held on July 30, 2009 at the City of Peoria Main Library – Willow Room. Fifty-five (55) notices were sent out to property owners and the meeting was attended by 7 people, including a member of the City Planning staff.

Engineering Requirements

20. The Engineering Department had no specific review comments in conjunction with the General Plan Amendment request, though comments and conditions of approval for the concurrent rezoning case have been issued.

Public Works - Utilities Requirements

21. The Public Works - Utilities Department stated their concerns regarding the increase in residential density from the previous single family residential project. An increase in the residential density went beyond the water allocation for this site. The Department is requiring substantial and measurable water conservation methods be taken to reduce the overall water needs. These measures have been accommodated in the PAD's Sustainability/Water Conservation Plan.

Public Notice

22. 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 31, 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

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

FINDINGS AND RECOMMENDATION

24. Based on the following findings:
- The proposal constitutes an overall improvement to the General Plan and the Central Peoria Revitalization Plan; and
 - That the amendment will better reflect the development needs of the area while accounting for the existing built environment,
 - That the amendment clearly addresses the fundamental goals and objectives of the Central Peoria Revitalization Plan; and
 - That the amendment will not adversely impact the community as a whole or a portion of the community by:
 - i. Significantly altering acceptable existing land use patterns,

- ii. Requiring larger and more expensive improvements to roads, sewer or water systems than are needed to support the prevailing land uses and which, therefore, may impact development of other lands,
- iii. Adversely impacting existing uses because of increased traffic on existing systems, or
- iv. Affecting the livability of the area or the health and safety of the residents.

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

Recommend approval to the City Council Case GPA 08-10.

Attachments:

Exhibit A	Description and Justification Report
Exhibit B.1	Vicinity Map
Exhibit B.2	Vicinity Map (enlarged)
Exhibit C	Central Peoria Revitalization Plan Land Use Map
Exhibit D	Conceptual Development Plan (for reference only)

Prepared by: Robert Gubser, AICP
Senior Planner

DESCRIPTION AND JUSTIFICATION FOR REQUEST
Amendment to the City of Peoria General Plan

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

This is a request to amend the City of Peoria General Plan and Central Peoria Revitalization Plan (CPRP) Land Use Maps for a 17.9-acre site located at the northwest corner of 88th Drive and Grand Avenue from "Medium Density Residential Mixed Use" to "High Density Residential 15+ dwelling units per acre (du/ac)". This amendment has been filed in concurrence with a rezoning application to allow the subject property to be developed with a 288-unit condominium development. The proposed development will produce a gross density of 16.1 du/ac.

This property has been zoned PAD for a single-family residential development since 2005. Prior to the PAD zoning the General Plan/CPRP was amended from Commercial to Medium Density Residential/Support Business, which is now called Medium Density Residential Mixed Use. Since that time, the property has remained vacant and with the recent downturn in the single-family residential market will likely remain vacant for some time. With the market change and since this is an ideal location for higher density residential along Grand Avenue and in a commercial area, we feel the requested General Plan/CPRP amendment to High Density Residential for a condominium development is an appropriate change. The condominium development provides an appropriate use to support the commercial area and transition from Grand Avenue, which will be a six-lane thoroughfare, to the single-family south of the subject site.

It has been demonstrated in recent rezoning and General Plan Amendment cases that higher density is necessary in the Downtown Peoria core to support and provide incentive for commercial development/re-development in the area. Along Grand Avenue is an appropriate location for the proposed high quality condominium development.

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

This is an amendment to the General Plan and Central Peoria Revitalization Plan (CPRP) Land Use Maps from "Medium Density Residential Mixed Use" to "High Density Residential".

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

As previously discussed in item 1 above, this is a vacant property that is bound by Grand Avenue and the Santa Fe Railroad on the north, commercial to the east and west, and single-family residential to the south, which makes this site ideal for a transitional property with higher density residential to support the area commercial. Evaluation by the property owner of the current zoning and General Plan designation shows that the best use of the site is not single-family residential. Again, additional density is necessary to support and help revive the Downtown Peoria commercial area.

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

This is a transitional property as previously discussed. The City Zoning Ordinance and Design Guidelines provide many measures to ensure compatibility with surrounding properties. In addition, a PAD rezoning case for the proposed condominium development has been concurrently filed that provides additional setbacks, landscaping standards and architectural enhancements to further ensure compatible uses. The proposed high quality of development will not affect area property values, but rather enhance property values by removing a vacant property from the area. The condominium development will provide consistent maintenance for the site and buildings unlike individual owners of traditional single-family residences who are responsible for the maintenance of their lots and homes.

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

As previously stated, this site is a transitional property as can be witnessed through its various land use designations over the last 5-10 years. The proposed High Density Residential land use designation is the most appropriate considering the surrounding land uses and the regional transportation infrastructure adjacent to the site. Grand Avenue will eventually be a six-lane road and the Santa Fe Railroad line is north of Grand Avenue.

Access to the site is proposed from Grand Avenue avoiding impacts on 88th Drive (an emergency only access is shown on 88th Drive). The proposed condominium development will be self supportive with its own amenities and open space, and be ideally located in a commercial area to reduce vehicular trips.

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

The proposed upscale development with a higher density will provide additional tax base for the City through commercial spending. As previously stated, higher density residential will provide support for area commercial development in the Downtown Peoria, which in turn will translate into re-investment in the Downtown area.

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

This area has developed primarily with single-family residential and commercial along Grand Avenue. There are limited opportunities for higher density residential in this area. The proposed 288 condominium units occupied with residents who have a higher level of disposable income will result in a benefit to the Downtown area. Compared to other valley cities, the redevelopment of Peoria's Downtown is way behind and one of the key reasons, we believe, is the lack of rooftops and population near Downtown Peoria. Additional density is necessary to support the redevelopment efforts of Downtown Peoria.

The proposed development will have its own recreational amenities and open space areas thus minimizing the impacts on City recreational services.

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

Water and wastewater are available to the site, and preliminary reports provided with the rezoning submittal indicate that services are adequate to service the development. The condominium development will utilize water conservation measures throughout the development to further support the City's efforts in preserving water resources.

Grand Avenue will provide access to the site. The current configuration of Grand Avenue provides adequate access to the site. Appropriate access modifications, such as a deceleration lane, to support the condominium development will be provided.

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

The development is in the Peoria Unified School District. Typically, the District is notified by the City when a rezoning case is filed. The District usually requests the developer to enter into a Developer's Assistance Agreement that requires a monetary donation on a per-unit basis. The actual dollar amount varies based on the type of development being proposed. The developer of the site is committed to working with the school district.

Students within this development would attend Cheyenne Elementary School and Peoria or Raymond S. Kellis High Schools (student's choice). Experience has proven that multi-family developments in suburban areas typically do not generate a significant number of students since many residents are typically single, young couples with no kids or empty nesters.

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

Below are Objectives and Policies of the General Plan that are supported by the proposed amendment:

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.

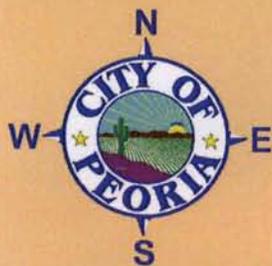
Policy 2.1.A.3 The City shall encourage development to occur as master planned communities with an appropriate mix of land use types in areas where infrastructure is or will be adequate.

- Policy 2.1.B.1 The City shall zone an adequate supply and mix of developable residential land to accommodate future housing needs.*
- Objective 2.1.C Create high-quality residential environments that provide for safe and convenient vehicular circulation, open space and recreational opportunities, access to public schools and services and protection from incompatible land uses.*
- Policy 2.1.C.1: The City shall require adequate buffering to protect residential neighborhoods from intrusion by incompatible land uses.*
- Policy 2.1.C.2: The City shall ensure that high-density residential developments have direct access to arterial streets without traversing existing or proposed lower density residential areas.*
- Policy 2.1.C.3: The City shall locate housing developments in areas that can be adequately served by police, fire and ambulance services.*
- Policy 2.1.C.4 The City shall require adequate provision of open space or direct access to open space in all large-scale housing developments and, in particular, medium-and high density multiple-family housing development.*
- Policy 2.1.C.7 The City shall encourage infill residential development that takes advantage of existing municipal services, utilities, transportation facilities, schools, and shopping areas.*
- Objective 2.1.E: Locate multi-family residential development in suitable areas in which they will not adversely impact lower density developments.*
- Policy 2.1.E.2 The City shall prohibit target densities for residential designations of eight units/acre or greater from being exceeded unless four of the following conditions are met: (condensed)*
- a. The site is located adjacent to an arterial roadway and/or transit corridor.
The project is adjacent to Grand Avenue.
 - b. The site is within one mile of community-level commercial, service, or employment centers.
This project is within a ½ mile of the Old Town area.
 - c. The site creates a transition between existing or approved lower residential densities and non-residential uses.
This development is located on 17.9 acres between Grand Avenue and the Santa Fe Railroad to the north, and single-family residential to the south. The site is bound by commercial development to the east and west. Multi-family will provide an appropriate transition and buffer between area land uses.
 - d. Development of the site will not disrupt or negatively impact adjacent lower density land uses.
The proposed upscale condominium development will enhance the area development.

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

The amendment will provide an overall improvement to the General Plan by providing an appropriate and balanced mix of uses, and providing opportunities for transitional high density residential in an area of varying land uses that include Grand Avenue, the Santa Fe Railroad line, commercial development, a hotel, a RV park and a single-family residential neighborhood. The proposed high quality condominium development will provide an increased tax base for the area commercial and potentially encourage re-development in the Downtown Peoria area. The current single-family residential zoning on the site is not the best use of the property and with the current market conditions the site will stay vacant for a number of years as currently zoned.

GPA 08-10: Vicinity/Aerial Map



Not to Scale

GPA 08-10: Grand Manor

Request:

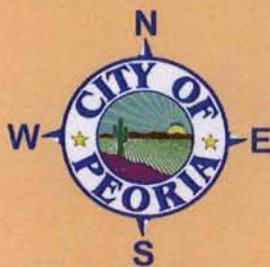
Minor Map Amendment to the Central Peoria Revitalization Plan from "Medium Density Residential - Mixed Use" to "High Density Residential."

Location:

Southwest corner of 88th and Grand Avenues

Exhibit B.1

GPA 08-10: Vicinity/Aerial Map (enlarged)



Not to Scale

GPA 08-10: Grand Manor

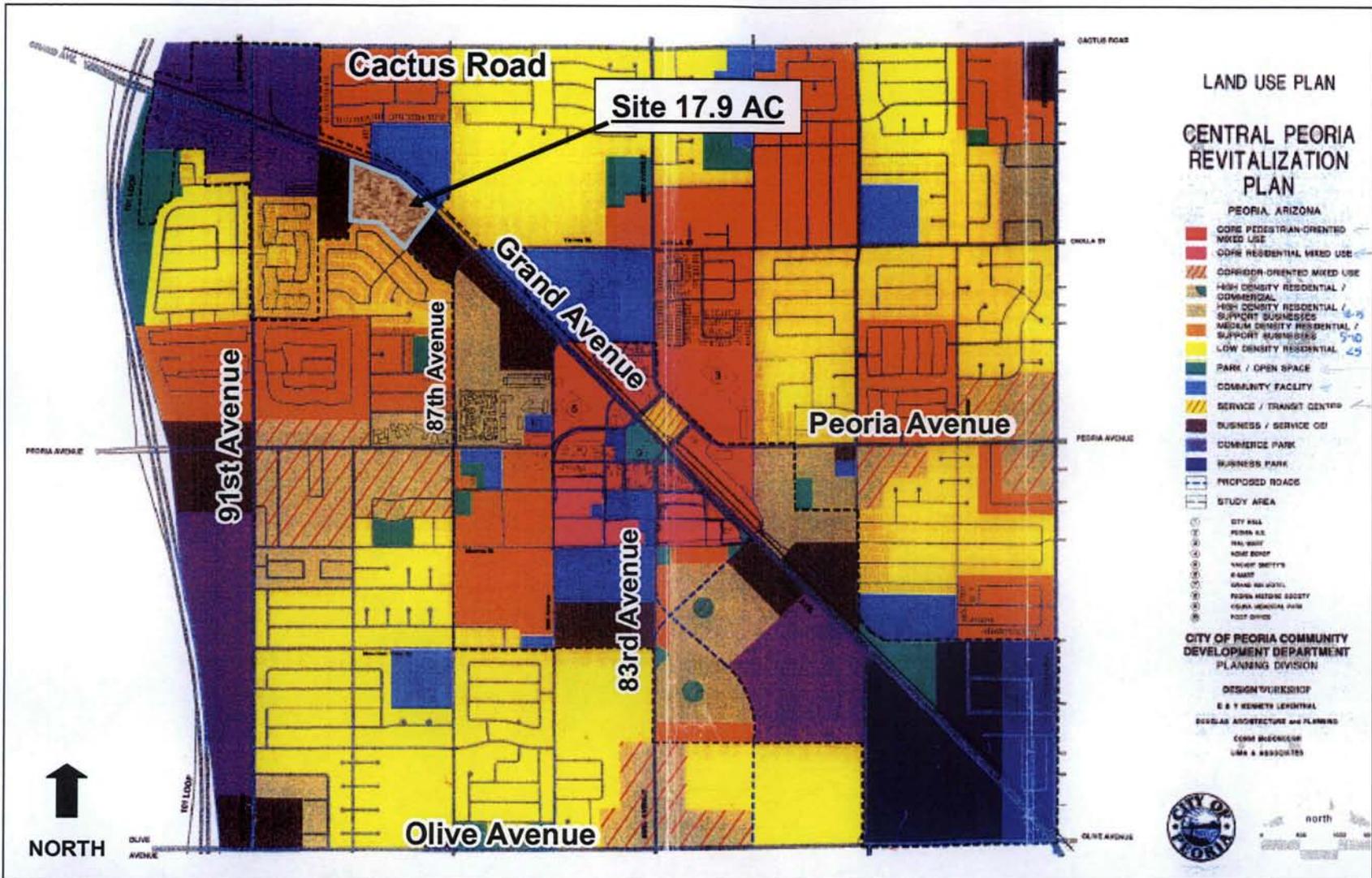
Request:

Minor Map Amendment to the Central Peoria Revitalization Plan from "Medium Density Residential - Mixed Use" to "High Density Residential."

Location:

Southwest corner of 88th and Grand Avenues

Exhibit B.2



GPA 08-10: Grand Manor

Request:

Minor Map Amendment to the Central Peoria Revitalization Plan from "Medium Density Residential - Mixed Use" to "High Density Residential."

Location:

Southwest corner of 88th and Grand Avenues

Exhibit C



REZONING

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: Z 08-12
DATE: September 17, 2009
AGENDA ITEM: 7R

Applicant: SKS Grand Manor, LLC

Represented by: Earl, Curley & Lagarde [REDACTED]
[REDACTED] 3101 N. Central Avenue, Suite 1000, Phoenix, AZ
85012

Request: Rezone approximately 17.9 gross acres from Planned Area Development – Single Family to Planned Area Development – Multi-Family to facilitate a condominium project.

Proposed Development: Grand Manor Condominiums: The conceptual development plan proposes a multi-family condominium project consisting of 288 owner occupied units with an overall density of 16.1 dwelling units per acre.

Location: The site is located at the southwest corner of 88th and Grand Avenues.

Site Acreage: 17.9 gross acres.

Support / Opposition: As of the date of this printing, Staff has received one (1) letter in opposition; however, that letter was subsequently rescinded following the neighborhood meeting. No other support or opposition to this proposal has been received.

Recommendation: Approve, with conditions.

LAND USE BACKGROUND

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

	LAND USE	CPRP – LAND USE	ZONING
Subject Property	Vacant	Medium Density Residential Mixed Use	Planned Area Development (PAD)
North	Grand Avenue and BNSF railroad, then single family residential and an elementary school (Cheyenne).	Medium Density Residential Mixed Use and Community Facility	RM-1 (Multi-Family)
South	Single family residential (Crystal Cove subdivision)	Low Density Residential (0-5 du/ac, target of 3 du/ac)	R1-6 (Single Family)
East	88 th Drive, then retail	Business/Service Center	C-2 (Intermediate Commercial)
West	Hospitality (Ramada) and Recreational Vehicle (RV) park	Business/Service Center	C-4 (General Commercial)

Parcel History

1. Records show that this property was annexed into the City in two separate actions several years apart. The first action, annexing the northern portion of this property and portions of adjacent properties was taken on January 10, 1961. The second action, a much larger annexation request, occurred on April 14, 1970. At the time of annexation, a zoning designation of General Agriculture (AG) was assigned.
2. At a point in time between the original AG zoning designation and 2004, the property was rezoned to C-2 (Intermediate Commercial). There was no subsequent activity on the parcel under the C-2 zoning designation.
3. On September 21, 2004, the Mayor and Council adopted by Resolution # 04-185 to amend the CPRP by altering the land use designation from Business/Service Center to Medium Density Residential/Support Business in the CPRP which would enable the applicant to proceed with their intended rezoning request
4. In 2005, under case Z 05-05, the subject site was rezoned from C-2 (Intermediate Commercial) to a Planned Area Development (PAD). The PAD permitted approximately 86 single family homes on 4,500 sq.ft average lots. To date, there has been no activity beyond the initial grading of the project site.

PROJECT DESCRIPTION

Site and Project Details

5. The applicant is requesting to rezone a site constituting approximately 17.9 gross acres from Planned Area Development (PAD) – Single Family to PAD – Multi-Family to facilitate the development of a 288 unit owner-occupied condominium development.
6. The project site is bounded by Grand Avenue to the north and 88th Drive to the east. Access to Grand Avenue has been restricted to right in – right out only. Emergency access only will be permitted on 88th Avenue. The entrance point will be tree-lined and defined with a median and enhanced pavement.
7. This site is a vacant parcel that is relatively flat, though there is a slight grade difference between this site and the single-family residential to the south. Due to the previous planned development, the site was graded to create a slope from east to the west for sewer purposes. The new proposal will not require the slope variation and the overall grade will match the residential parcels to the south.
8. The mix of units will consist of two-story buildings (35 feet high max) with approximately 152 one-bedroom units and 136 two-bedroom units. Along the western and southern boundaries of the site, single-story garages (15' high max) will be constructed. Parking areas for the project will be internalized to the greatest extent possible. A single-story 4,200 sq.ft. clubhouse will be constructed near the center of the development.
9. The conceptual development plan identifies 28% of the net site area to be in both landscaping and open space. The open space amenities are comprised of both passive and active areas throughout the site. Common useable amenities include several ramadas and shaded barbeque facilities, a tot-lot and an exercise course. In addition, the development will contain a resort style pool and spa and a clubhouse containing a business center, fitness facility, and an entertaining/kitchen area.
10. The proposed thematic elements include a decorative perimeter theme wall along Grand and 88th Avenues and an interconnected network of sidewalks and paths throughout the complex. The overall development will be gated.
11. In an effort to maximize privacy for the existing neighbors, the applicant has proposed a 15' wide landscape buffer along the southern property line and has added single-story garage buildings just beyond the buffer. The landscape buffer will contain a variety of 24"-36" box trees at a planting density of 4 per 1000 sq.ft. Also, the residential buildings are limited to two-stories and the nearest building is a minimum of 100-feet from the property line.

DISCUSSION AND ANALYSIS

Conformance with the Central Peoria Revitalization Plan

12. The rezoning request does not conform to the existing Central Peoria Revitalization Plan Land Use designation of Medium Density Residential Mixed Use, hence the companion Minor General Plan Amendment request (Case GPA 08-10). In the aforementioned case, staff provided an analysis of the request (please refer to Staff Report). Staff recommended that the Planning & Zoning Commission issue a recommendation of approval to the Peoria City Council on the basis of the findings identified below:

- The proposal constitutes an overall improvement to the General Plan and the Central Peoria Revitalization Plan; and
- That the amendment will better reflect the development needs of the area while accounting for the existing built environment,
- That the amendment clearly addresses the fundamental goals and objectives of the Central Peoria Revitalization Plan; and
- That the amendment will not adversely impact the community as a whole or a portion of the community by:
 - i. Significantly altering acceptable existing land use patterns,
 - ii. Requiring larger and more expensive improvements to roads, sewer or water systems than are needed to support the prevailing land uses and which, therefore, may impact development of other lands,
 - iii. Adversely impacting existing uses because of increased traffic on existing systems, or
 - iv. Affecting the livability of the area or the health and safety of the residents.

Land Use Compatibility

13. This request presents the City with a unique opportunity to add residential density on an infill site in a manner that maximizes compatibility with an existing single-family residential neighborhood by providing increased setbacks, intervening garage buildings, unit ownership, and limited building heights. Although the applicant is requesting High Density Residential (15+ du/ac), which often yields densities in the 18-20 du/ac range, this proposal is for approximately 16 du/ac. In addition, this development will act a transition from the intensity of a highly traveled transportation corridor that includes automobile and truck traffic as well as the BNSF rail line.

Grand Manor PAD Standards

14. The applicant is seeking to rezone the site from a Planned Area Development – Single Family to a Planned Area Development for Multi-Family to develop a product that could be developed under the City’s RM-1 (Multi-Family) zoning

district. The PAD allows the development framework to be tailored to facilitate the multi-family condominium project while addressing any site constraints, specific project requirements and neighboring residential concerns. Table 2 compares the standards of the PAD with the City's RM-1 District. Variations in the PAD standards from the RM-1 standards are in **bold text**.

Table 2: Standards Comparison

DEVELOPMENT STANDARDS	Grand Manor PAD	RM-1 District
Streetside Setback (88 th /Grand)	20'	20'
Setback from Commercial	15'	15' or 20' ¹
Setback from Single Family Residential (Condo Units)	100'	15'
Setback from Single Family Residential (Clubhouse)	100'	5'
Setback from Single Family Residential (Garages)	15'	5'
Building Height (Condo Units)	35'	48'
Building Height (Clubhouse)	30'	30'
Building Height (Garages)	15'	20'
Maximum Lot Coverage	50%	50%
Maximum Density	16.1 du/ac	18 du/ac ²

¹ The required setback is dependant on whether the adjacent commercial is on the side (15') or rear (20') of the development.

² Maximum density may be increased up to seven (7) additional units per acre based on a finding that the project incorporates additional amounts of open space, recreational amenities, enhanced landscaping, enhanced project amenities, and/or pedestrian corridors.

(a) Covered parking canopies shall comply with the standards established in Section 14-23-3 of the Zoning Ordinance.

15. As illustrated in Table 2, the proposed PAD standards resemble the RM-1 Multi-Family zoning district with several modifications to the maximum heights and setbacks. The applicant has not requested that any of the development standards for this project be relaxed, in fact, the majority of the standards for this project have been further restricted. To enhance the overall compatibility with the adjacent single-family residential, the setbacks for the livable areas have been increased to 100 feet and the heights reduced from 48 feet to 35 feet.
16. With a maximum height of 35 feet and a setback of 100 feet or greater, visibility from the second floor of the condominium units to the rear yards of the adjacent residential will be severely limited, if visible at all. Exhibit J contained in the PAD is a slight line study representing the respective heights of all of the structures on the project site and the adjacent residential.
17. The landscaping for the site will meet the requirements of the zoning ordinance except for the landscape buffer adjacent to the single family residential. Per the ordinance, the required buffer is 20 feet. The PAD calls out a reduction to 15 feet which is offset by an increase in overall tree count from 3 trees per 1,000 sq.ft. to 4 trees per 1,000 sq.ft.

18. There is one minor modification made to the overall signage allowed for the project. Typically, a project of this size would be permitted a maximum sign size of 32 sq.ft. per street frontage. Due to the fact that this project has two street frontages and only one of those will be used for access (Grand Avenue), the applicant has requested 2 – 32 sq.ft. signs to be placed on the walls flanking the main entrance.
19. All additional standards including parking and lighting will be per the provisions of the respective sections within the zoning ordinance.

Neighborhood Meeting

20. As part of the rezone process, the applicant is required to hold a neighborhood meeting. The applicant notified property owners within 300 feet of the subject site for the required neighborhood meeting, which was held on July 30, 2009 at the City of Peoria Main Library – Willow Room. Fifty-five (55) notices were sent out to property owners and the meeting was attended by 7 people, including a member of the City Planning staff (sign in sheet and minutes are included in Exhibit F).
21. At the neighborhood meeting, the applicant addressed concerns with the grade variations on the site, potential negative impact on property values, privacy issues and prevention of pedestrian crossing on Grand Avenue.
22. To address the concerns received, the development team has made several modifications to the PAD and the conceptual site plan. The changes are as follows:
 - A. The existing grade of the site will be leveled to match that of the adjacent subdivision and allow for a minimum 6 foot high wall along the southern property boundary. This will alleviate concerns of views into the existing subdivision that would be exacerbated from a higher grade.
 - B. Several of the buildings have been reoriented or elongated to decrease any potential visibility into the Crystal Cove subdivision.
 - C. The size and amount of trees in the landscape buffer along the southern boundary were increased from 3 per 1,000 square feet to 4 per 1,000 square feet.
 - D. "Hostile vegetation" (i.e. thorny plants) was added to the southern landscape buffer to act as a deterrent for any undesirable activity occurring in that area.
23. In response to the question regarding the safety of pedestrians crossing Grand Avenue, City Staff was in attendance and addressed the question. With the future Grand Avenue improvements (Grand Avenue Major Investment Study), a combination wrought-iron/block wall will be constructed north of the rail road tracks, from Cheyenne Elementary school to Peoria High School. It is anticipated

that this will deter mid-block pedestrian crossings and limit activity to the crosswalk at 83rd Avenue.

24. In addition to the neighborhood meeting, the applicant hired a professional outreach consultant to gain initial feedback on the proposed development. The consultant made three visits to the neighborhood during various days of the week and times to attempt to capture a greater amount of feedback. This feedback helped direct the conceptual site plan and the P.A.D. standards.

Engineering Requirements

25. During the course of the review, the Engineering Department made specific comments on the Grand Avenue access and noise mitigation. Based on the Traffic Impact Analysis (TIA), the right-in/right-out single access on Grand Avenue will suffice for the development as proposed; however, the second scenario of a right-in/right-out/left-in is preferred. The final determination whether a left-in will be permitted is ADOT's decision. To date, that decision has not been made.
26. Under both access scenarios, exiting Grand Manor traffic wanting to travel westbound on Grand Avenue will have to make a right turn onto Grand Avenue, followed by a u-turn at the first available median break to the east, at 87th Avenue. Current conditions indicate that there are 8 u-turns occurring in AM and 10 u-turns occurring in the PM. With the completion of this project, total u-turns will increase to 29 and 20 in the AM and PM, respectively.
27. If ADOT does not permit a left turn lane to access this development, westbound Grand Avenue traffic wanting to access this site will need to perform a u-turn at the Ramada east driveway entrance. Current conditions indicate that there are 2 turning movements at this location in the AM and 4 in the PM. Without a left-in, total movements will increase to 14 in the AM and 58 in the PM.
28. In regard to noise mitigation, the theme wall along Grand must be designed based on an approved noise study in accordance with ADOT Noise Abatement Policy to address the anticipated truck traffic on Grand Avenue. All walls will be designed in accordance with the recommendations of the noise study and the City's Infrastructure Guide.
29. During early negotiations regarding the traffic access/impact for this project, dialogue centered on a possible extension of a bus route to serve this project. After further discussions, it became apparent that due to the severe limitations for a northbound bus stop on Grand Avenue, a bus route extension to this site is currently not feasible.

Public Works - Utilities Requirements

30. The Public Works - Utilities Department stated their concerns regarding the increase in residential density from the previous single family residential project. An increase in the residential density went beyond initial water allocation projections for this site. The Department is requiring substantial and measurable water conservation methods be taken to reduce the overall water needs. These measures have been accommodated in the PAD's Sustainability/Water Conservation Plan. In addition, the Department has provided a cost-benefit breakdown (Exhibit H) as to how much water and cost savings may occur for this site by utilizing xeriscape principles over turf.

Fire Requirements

31. 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 fire sprinkler requirements, accessibility within 150 feet of all buildings, fire lane locations and determination of water flow.

Police Department

32. The Police Department has requested that the management company and residents of the development establish a Neighborhood Watch Program. In addition, they provided informational comments regarding lighting, accessibility and landscaping. These items will be reviewed and addressed in accordance with the City's Crime Prevention Through Environmental Design (CPTED) requirements during the site plan/design review stage.

Public Notice

33. 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 31, 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.

Peoria Unified School District

34. Staff has received a letter of support from the District, conditional upon the execution of a Developer Assistance Agreement (DAA) prior to City Council action. The District has received a signed DAA from the developer and expects Governing Board approval on September 10, 2009.

Proposition 207

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

FINDINGS AND RECOMMENDATION

36. Based on the following findings:
- The proposed development conforms to and advances the goals and objectives of the Central Peoria Revitalization Plan and the Peoria 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 development will be an infill project that will utilize existing municipal services, utilities, transportation facilities, schools and commercial centers; and
 - The proposed residential type, density and development character contained within the PAD provide an effective land use transition to the abutting residential; and
 - The PAD effectively addresses the concerns of the surrounding residential neighborhood through increased building setbacks, limiting visibility and by increasing the plant density within the landscape buffer

It is recommended that the Planning and Zoning Commission take the following actions:
Recommend approval to the City Council Case Z 08-12, subject to the following conditions:

1. This development shall conform to the Grand Manor Condominiums PAD Standards and Guidelines Report dated August 2009.
2. The site shall be developed to be in substantial conformance with the conceptual site plan included as Exhibit E in the P.A.D. Standards and Guidelines Report.
3. Provide an ALTA Survey reflecting existing boundary and recorded easements on the site.
4. A final condominium plat shall be recorded prior to the issuance of any permits.
5. Retention locations and design will be reviewed during the site plan process. Retention is not permitted within the waterline easements.

6. Easements for Drainage are to be dedicated over all retention basins.
7. A final Traffic Impact Analysis must be submitted for approval after finalizing the negotiations with ADOT on the ultimate location and configuration of access to the development.
8. A final water network analysis and final sewer report will be required for final design. If you are utilizing a fire flow reduction in your Water Network Analysis report, then you must include documentation from the Fire department response in the report.
9. CC&R documents shall include all the water conservation maintenance requirements and shall be enforced by the Condominiums Owners Association.
10. In order for the City to issue a "Will Serve Letter" the Developer shall submit the water and sewer reports and the Approval to Construct (ATC) form with an original signature by the owner. The current ATC forms are available at <http://www.maricopa.gov/EnvSvc/WaterWaste/Subdivisions/Downloads.aspx>
11. Streetlights are required to be installed by the Developer. The streetlight plan must be submitted with the second submittal of the improvement plans. The streetlights shall also be indicated on the paving or grading plan.
12. The Developer is responsible to provide an Agreement to Install Improvement for the public improvements required by the development with an accompanying financial assurance for subdivision improvements in accordance with City's requirements.
13. The Development will be responsible to comply with the phase 2 AZPDES Storm Water Pollution Prevention criteria. This should include runoff control, erosion control, and sediment control. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with the improvement plans in accordance with the SWPPP checklist.
14. Submit a noise mitigation study in accordance with ADOT Noise Abatement Policy to address the anticipated truck traffic on Grand Avenue. All walls shall be designed in accordance with the recommendations of the noise study and the City Infrastructure Guide.
15. The Developer shall dedicate an 8' PUE outside of the required ROW. No walls or retention shall be allowed within the PUE.

16. The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at all intersections with collectors or arterials. The Developer shall dedicate a 20-foot by 20-foot ROW chamfer at all local/local roadway intersections.

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	Citizen Participation Report
Exhibit G	Letter from Peoria Unified School District
Exhibit H	Xeriscape vs. Grass Cost Analysis

Grand Manor Condominiums PAD dated August 2009

Prepared by: Robert Gubser, AICP
Senior Planner

Narrative Statement / Project Justification
SKS Grand Manor Condominiums PAD

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

This rezoning request is to allow for a high quality multifamily residential development consisting of condominiums. This will be a gated community with 288 units. The buildings will be two-story in height and surround the clubhouse and pool facility that will be the focal point of the development in the center of the site. Additional usable open space with various amenities will be provided throughout the site. One-story garage structures will be provided along the southern portion of the site and provide a transition to the single-family residences to the south. The development will provide an alternative to traditional single-family residences and provide higher density to support the area commercial along Grand Avenue.

2. State whether your proposal is consistent with the Land Use Plan and other goals, policies and objectives of the Peoria General Plan.

The site is currently designated as Medium Density Mixed Use on the Peoria General Plan Land Use Map. A concurrent request has been submitted to request a Residential High (15+ du/ac) land use designation on the site that will provide the opportunity for the proposed development providing support residential for the area commercial development. Below is a list of Policies and Objectives from the General Plan that support this proposal.

Policy 2.1.A.3 The City shall encourage development to occur as master planned communities with an appropriate mix of land use types in areas where infrastructure is or will be adequate.

Policy 2.1.B.1 The City shall zone an adequate supply and mix of developable residential land to accommodate future housing needs.

Objective 2.1.C Create high-quality residential environments that provide for safe and convenient vehicular circulation, open space and recreational opportunities, access to public schools and services and protection from incompatible land uses.

Policy 2.1.C.4 The City shall require adequate provision of open space or direct access to open space in all large-scale housing developments and, in particular, medium-and high density multiple-family housing development.

Policy 2.1.C.7 The City shall encourage infill residential development that takes advantage of existing municipal services, utilities, transportation facilities, schools, and shopping areas.

Policy 2.1.E Locate multi-family residential development in suitable areas in which they will not adversely impact lower density developments.

3. Discuss your proposal's compatibility with the surrounding land use and zoning patterns.

This proposal is compatible with the surrounding land uses and existing zoning patterns in the area. This area is comprised of single-family residential and commercial uses, and is deficient in higher density residential. The proposed residential development will provide an appropriate transition from Grand Avenue and the railroad north of the site, and provide a higher density housing opportunity to support the area commercial development along Grand Avenue. The immediate surrounding properties offer the following mix of uses:

North: Grand Avenue and the Railroad
East: C-2 (Commercial Development)
South: R1-6 (Single Family Residential)
West: C-4 (Hotel and RV Park)

-
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.

This is an ideal site along Grand Avenue and adjacent to commercial development to provide a transitional higher density residential development that will support the area commercial. The current and foreseeable future does not lend itself to single-family residential as currently zoned, and the site would be a long term vacant property, which does not benefit anyone. The site was previously zoned commercial prior to the current single-family residential zoning. A change back to commercial would have negative impacts for the existing residential south of the site. The proposed condominium development will provide an appropriate transition that will not adversely impact the existing area development.

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

The proposed site plan is designed to properly transition to the adjacent single-family residential while providing a high quality development for its residents to live and relax. The taller, two-story buildings are located internal to the site and are buffered by the shorter garage structures adjacent to the single-family properties. The taller buildings are located approximately 100' from the adjacent residential development. A 15' landscape buffer with

mature trees to be planted will also be provided between the garages and single-family properties.

The developer has also emphasized the architecture of the development with varying roof elements and vertical relief to the buildings, and horizontal plane variations as well as architectural elements to further enhance the character of the development.

6. Describe unusual physical features or characteristics of the site which present opportunities or constraints for development.

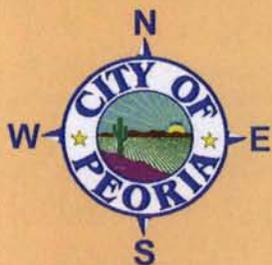
The site is relatively flat with a slight slope to the southwest. The site is elevated above the single-family residential to the south. A combination of landscaping, height limitation setbacks for different building types and screen walls will mitigate the grade difference between the uses.

The Grand Avenue driveway will provide a sufficient access to the development. Traffic from the development will not be allowed to directly access onto 88th Drive. The driveway shown on 88th Drive is provided for emergency use only.

-
7. Other than the requested rezoning approval, what other approval processes are required to accomplish the development proposal, i.e., variances, site plans, subdivision plats, conditional use permits, comprehensive master plan amendments, State or County licensing or permits, etc.?

After the zoning is approved by the City, additional processes will include formal site plan review through the Planning Department, re-plat of the site through the Engineering Department, and construction plan review for grading and drainage and building permits through the City's particular reviewing disciplines.

Z 08-12: Vicinity/Aerial Map



Not to Scale

Z 08-12: Grand Manor Condominiums

Request:

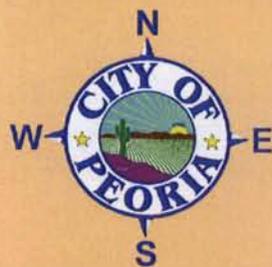
Rezone from Single Family PAD to a Multi-Family PAD to accommodate a 288 unit condominium development.

Location:

Southwest corner of 88th and Grand Avenues

Exhibit B.1

Z 08-12: Vicinity/Aerial Map (enlarged)



Not to Scale

Z 08-12: Grand Manor Condominiums

Request:

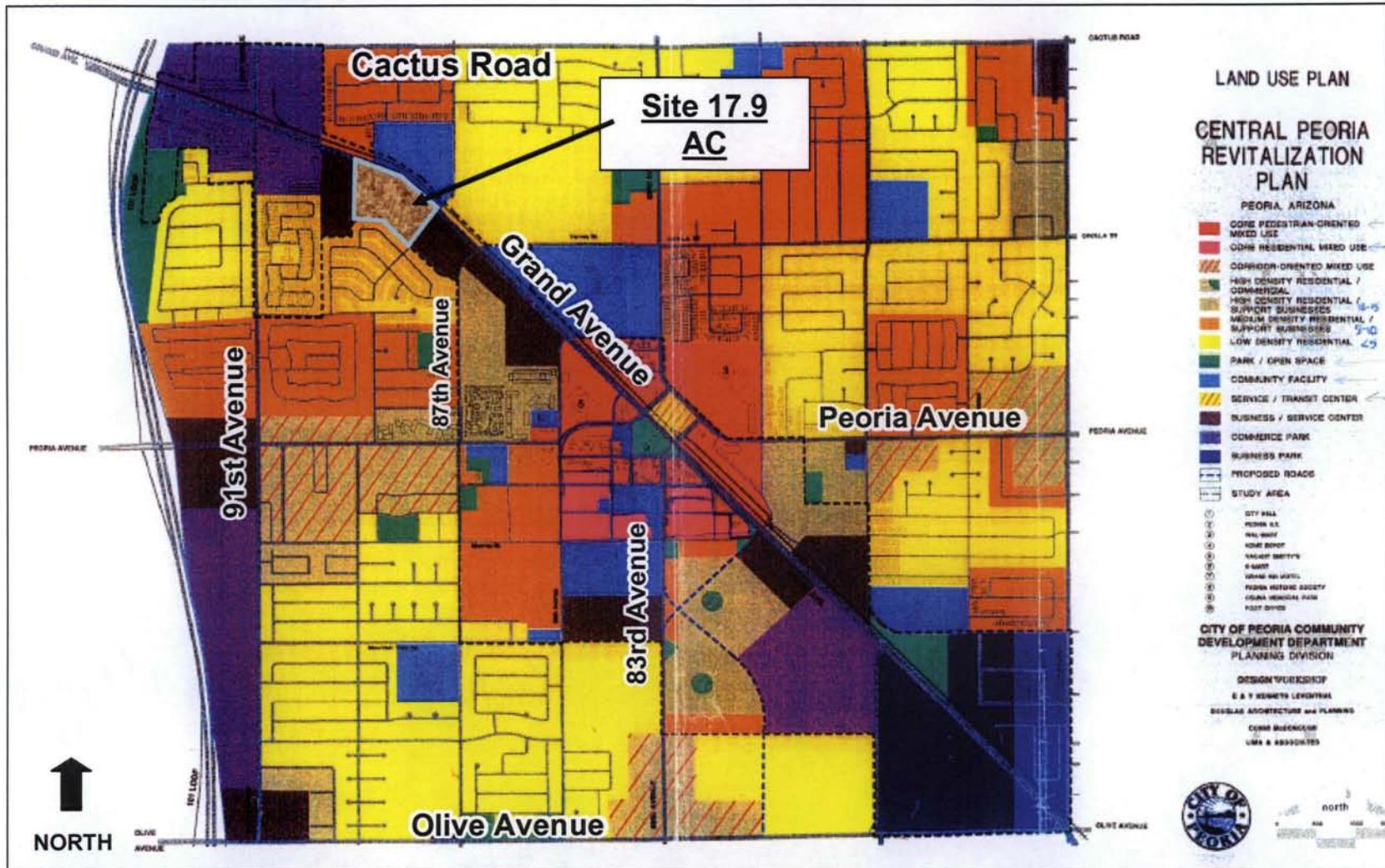
Rezone from Single Family PAD to a Multi-Family PAD to accommodate a 288 unit condominium development.

Location:

Southwest corner of 88th and Grand Avenues

Exhibit B.2

Z 08-12: Central Peoria Revitalization Plan Land Use Map



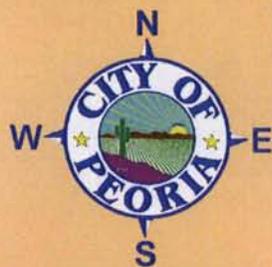
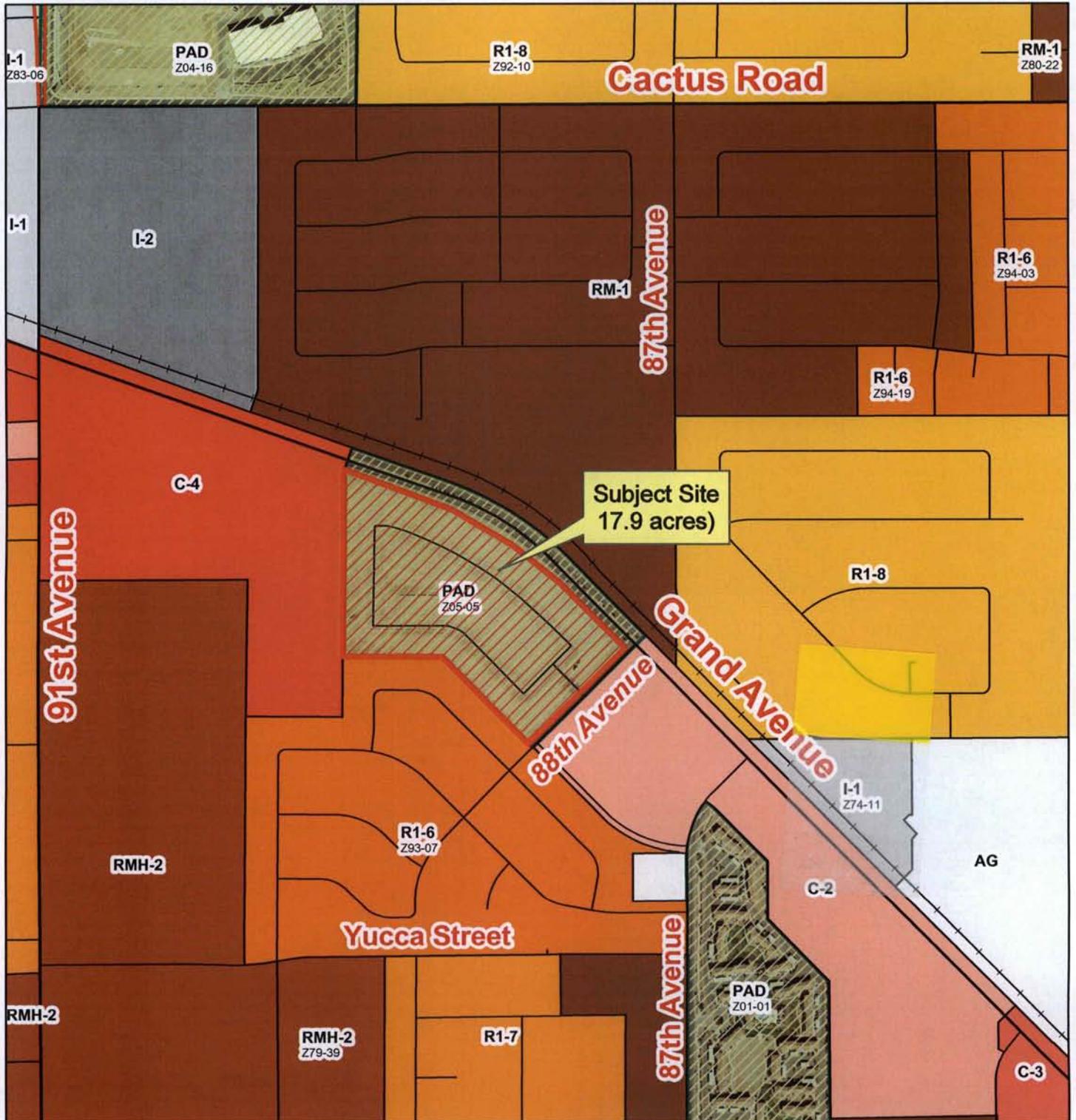
Z 08-12: Grand Manor Condominiums

Request:
 Rezone from Single Family PAD to a Multi-Family PAD to accommodate a 288 unit condominium development.

Location:
 Southwest corner of 88th and Grand Avenues

Exhibit C

Z 08-12: Zoning Map



Z 08-12: Grand Manor Condominiums

Request:

Rezone from Single Family PAD to a Multi-Family PAD to accommodate a 288 unit condominium development.

Location:

Southwest corner of 88th and Grand Avenues

Exhibit D



PROJECT DESCRIPTION
 Project amenities will include a pool, amenity courtyard, amenity courts, 1st fl. dog clubhouse which will include a demonstration kitchen, gymnasium facility, and small business/conference center.

SITE DATA

Site Area:
 Gross: 117.85 ACRES (779,724 S.F.)
 Net: 118.00 ACRES (818,000 S.F.)

Zoning:
 Existing: RPD
 Proposed: RPD

Details:
 Allowed: 18 C.U. Units/Acre may be increased up to 7 additional units based on findings of applicant project management team.
 Proposed: 18 C.U. Units/Acre

Building Details:
 Allowed: 40' max. (30' if 10' max.)
 Proposed: 30' (10' max.)

Proposed Building Setbacks:
 Front (Street Side): 30'
 Side (Street): 30'
 Rear (Single-Family): 15'

Proposed Building Setbacks:
 Front (Street Side): 30'
 Side (Street): 30'
 Rear (Single-Family): 15'

Common Open Space:
 Required: 10% of 422,000 sq ft = 42,200 sq ft
 Proposed: 100,000 sq ft (24% of 422,000 sq ft)

Lot Coverage:
 Allowed: 50%
 Proposed: 25%

Lot Coverage:
 N. of 1st St: 40% (40,000 sq ft) = 25%
 S. of 1st St: 40% (40,000 sq ft) = 25%

Landscaping Area:
 Required: 25% of Net Site Area = 29,250 sq ft
 Proposed: 60,000 sq ft (21% of 285,000 sq ft)

Lot Area:
 100' x 100' = 10,000 sq ft
 100' x 150' = 15,000 sq ft
 100' x 200' = 20,000 sq ft
 100' x 250' = 25,000 sq ft

Particular Standards:
 1' x 1' x 2' Parking space
 20' min.

Parking Requirements:
 1 Automobile: 110 sq ft (8' x 14' x 2') = 770 sq ft
 2 Automobiles: 110 sq ft x 2 = 220 sq ft
 1 Motorcycle: 70 sq ft (6' x 14' x 2') = 490 sq ft
 1 Bicycle: 10 sq ft (5' x 2' x 2')

Parking Provided:
 Covered: 200 sq ft
 Uncovered: 40 sq ft
 Total provided: 240 sq ft
 100% of the units are covered (includes motorcycle)

SYMBOLS
 3 1/4" Building Footprint
 G-1-4 Garage & Wall
 Accessible parking spot

VICINITY MAP
 Shows location relative to Grand Avenue, Greer Avenue, and 100th Avenue.

SCALE: 1" = 50'-0"

GRAND MANOR

Peoria, Arizona

Exhibit E

TODD & ASSOCIATES, INC.
 ARCHITECTURE PLANNING LANDSCAPE ARCHITECTURE
 402 152.8300 www.toddassociates.com

Project No. 08-2011-00 Date August 28, 2009
Conceptual Site Plan

GRAND MANOR

*A Citizen Participation Plan
for
Grand Manor*

NWC 88th Drive & Grand Avenue
GPA08-10/Z08-12



<u>Property Owner</u>	<u>Attorney</u>
SKS Builders 4414 N. Civic Center Plaza, Suite 103 Scottsdale, Arizona 85251	 Earl, Curley & Lagarde, P.C. 3101 North Central Avenue, #1000 Phoenix, AZ 85012

August 25, 2009

INTRODUCTION

This request seeks to rezone the subject +/- 17.9 gross-acre property to a 288-unit (16.1 du/acre) multi-family PAD condominium development. The undeveloped property is located at the southwest corner of 88th Drive and Grand Avenue. This request is in harmony with the City's *Central Peoria Revitalization Plan* ("CPRP") which strongly encourages a framework of greater density, infill residential areas along the Grand Avenue Corridor District extending from Agua Fria Expressway/Loop 101 Fwy. to 75th Avenue.

CITIZEN NOTIFICATION PROCESS

The subject Citizen Participation Plan has been prepared in accordance with the City of Peoria requirements and meets the City's recommended notification area as identified by the Planning Department. The purpose of this plan to identify the persons who may be directly affected by the proposed Rezoning/Minor GPA requests and to provide an overview of the recent neighborhood meeting that was held on July 30, 2009 at the Peoria Library (Willow Room) at 6:00 p.m. for area residents and interested parties. The meeting enabled the development team/applicant to obtain comments and feedback regarding the proposed development and associated requests prior to public hearings so that any issues identified during the process can be resolved.

In accordance with requirements of the CPP, the following process began with sending a letter with a copy of the site plan and aerial by first class mail to the following:

- Property owners within 300-feet of the subject site boundary;
- Peoria Unified School District #11;
- Interested parties;

The letter advised those listed above of the proposed Minor GPA/Rezoning request in order to accommodate the proposed 288-unit (Approx. 16.1 du/ac) condominium development referred to as "Grand Manor" (See Exhibit A- Copy of Notification Letter & Attachments & Exhibit B- Copy of the Notification Labels). In addition to the amenities and development standards proposed, the letter also mentioned that the City's land use goals along the Grand Avenue/Old Town Corridor which includes the subject site, has created an opportunity to develop the property as proposed.

NEIGHBORHOOD OUTREACH

Prior to the official neighborhood meeting that was held on July 30, 2009 the applicant directed professional outreach consultants DGA Associates, to speak with the adjacent property owners of the Crystal Cove neighborhood (immediately south of the subject site) in order to gain initial feedback regarding the proposed development. DGA met with available property owners during the evening of January 13, 2009 to discuss the development proposal, existing site conditions and obtain any possible concerns and/or comments regarding the development of the site.

A subsequent visit was made by DGA during the late afternoon of Sunday, July 12th and they were able to contact the neighbors available along the north side of Greer Avenue to inform them that they would be receiving a letter from ECL on behalf of the applicant inviting them to the future neighborhood meeting on July 30th. In addition, they discussed the conceptual site plan and encouraged them to attend the neighborhood meeting.

A few days prior to the neighborhood meeting, DGA again went door-to-door on Saturday, July 25th to meet with available neighbors along Greer Avenue and Christopher Michael Lane to discuss the revised site plan, obtain any concerns and/or comments as well as encourage them to attend the neighborhood meeting.

As a result of the applicant's outreach, neighborhood meeting and subsequent contact with those interested in the project, the applicant and development team have worked diligently to address the concerns and/or comments and plan to continue to work with the neighbors up to and during the public hearing process.

NEIGHBORHOOD MEETING (JULY 30, 2009)

The neighborhood meeting was held at the City of Peoria Public Library (Willow Room) on July 30, 2009 (6:00 p.m.). [REDACTED] of Earl, Curley & Lagarde, PC presented the subject proposal to both Staff (i.e. Rob Gubser) and seven (7) adjacent property owners attended the meeting (See Exhibit C- Sign-In Sheet). In addition to explaining the rationale for the subject development proposal, Mr. Curley briefly explained who the current owner/developer is (SKS Builders and Development, LLC) and presented photos of existing local developments that SKS has built recently to show the type of quality they expect for the proposed "Grand Manor" development. A summary of comments from those who attended and ECL's responses is as follows:

1. What will happen to the dirt pile that exists on the site and adjacent to the southern common 6-foot wall shared with the Crystal Cove neighborhood?

ECL Response: The dirt pile will be removed so that there will be a 6-foot wall on either side to ensure privacy. In addition, the 1-story garages proposed along the southern boundary wall (no units occupying them) will provide an additional buffer between the property line and the proposed units which are located no closer than +100 feet from the property line.

2. *Neighbor Comment Only:* Prefers to have the subject development underway as kids and vagrants cross the vacant site all times during the day/night which in their opinion is not safe or conducive for maintaining their property values.
3. How can the neighborhood be certain that their homes won't be negatively affected by the proposed development?

ECL Response: Stipulations attached to the zoning case pursuant to the approved PAD narrative and site plan are available to ensure that the development is built as presented so that commitments made to the neighbors are maintained. In addition, the applicant is agreeable to making changes to the

site plan prior to public hearings to address their concerns such as placing hostile vegetation along the southern property line, re-orientating buildings to provide improved visual buffers, planting mature trees along southern property line, etc...

4. Can the balconies facing this neighbor's home (located close to 88th Drive) be changed to improve visual privacy?

ECL Response: The development team will assess the possibility of options to reorientate the Building #12 to accommodate their wishes.

5. Can the developer work with the City/ADOT to provide a school cross walk/pedestrian bridge to connect either side of Grand Avenue?

ECL Response: Grand Avenue is in ADOT's jurisdiction however ECL will contact the Councilwoman and Staff to encourage further dialogue on the matter and determine if there is already a funding program underway to provide this type of pedestrian crossing at this location.

Staff (Rob Gubser) Response:

The Old Town/Downtown Revitalization Plan which has been drafted currently proposes (not approved) an overpass at 85th Avenue. Also, as part of an ADOT Major Investment study that is underway walls, iron fencing and barricades along the school boundaries (NWC 87th Ave. & Grand Ave.) and other areas are proposed to keep the students and others from directly crossing Grand Avenue.

MODIFICATIONS TO SITE PLAN

As a result of the comments received on July 30th, the development team has revised the conceptual site plan. Building #12 (closest to 88th Drive) which faced north/south has been removed and replaced with an additional amount of open space. Buildings #13 and #14 which currently face east/west have been elongated to recapture the units lost from Building #12 so that there is now the same number of units as beforehand (See Exhibit D- Revised Site Plan).

The applicant has also agreed to stipulations in the zoning case that would require mature trees (both 24" and 36" box trees) to provide additional privacy and hostile vegetation along the southern property line to discourage any undesirable activity between the garages and existing 6-foot wall adjacent to the single-family homes. The team recommends the Sissoo Tree (plant 24" box) as that species is a well-known screening tree due to their fast rate of growth and mature canopy which can reach to approximately 40-foot wide and 60-foot tall. Also, other types of trees that are suggested to act as a deterrent to potential undesirable activity along the southern landscape buffer include the following:

- Mesquite – maturity 20' x 30' – 36" box the tree would be approximately 8' to 10' tall.
- Texas Ebony – 20' x 30' – 36" box the tree would be approximately 6' tall.
- Sweet Acacia – 15' x 20' – 36" box the tree would be approximately 7' to 8' tall.

CONCLUSION

Further meetings/discussions with interested ones and neighborhood outreach will continue up to and throughout the public hearing process as needed. The applicant has shown a willingness to work with the neighbors by committing to a plan that benefits those who are immediately affected by the development and plans to be an integral part of the community.

EARL, CURLEY & LAGARDE, P.C.
ATTORNEYS AT LAW

Telephone (602) 265-0094
Fax (602) 265-2195

3101 North Central Avenue
Suite 1000
Phoenix, Arizona 85012

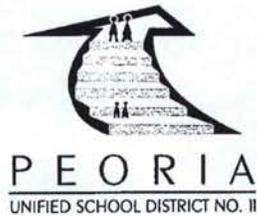
Sign-In Sheet
Grand Manor
88th Ave. & Grand Ave.

Neighborhood Meeting

July 30, 2009 at 6:00pm

Peoria Public Library (Willow Room- 8463 W Monroe St.)

	Name	Address	Phone/Email
1.			
2.			
3.			
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24.			
25.			



Rob Gubser, Senior Planner
City of Peoria
9875 N. 85th Avenue, 1st floor
Peoria, Arizona 85345

September 2, 2009

RE: Z08-12, SKS Grand Manor

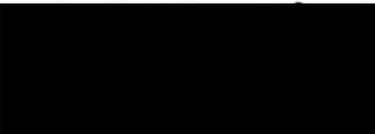
Dear Mr. Gubser,

This letter is intended to keep the City of Peoria informed of the communication between the Peoria Unified School District and SKS Grand Manor, LLC regarding the subdivision Grand Manor, located at the southwest corner of 88th Drive and Grand Avenue.

The District is in the process of executing a Developer Assistance Agreement (DAA) to provide support for additional students that may be generated by the proposed development. Staff has recently corresponded at length with Kirste Kowalsky of Earl, Curley, and LaGarde, the developer's representative, and we have received copies of the signed agreement. These will be presented for approval by the Peoria School District Governing Board at their September 10th meeting.

We expect that the DAA will be fully executed before the October 20th Council action date. The District wishes to commend SKS Grand Manor, LLC for their support of public education, and we look forward to our new partnership in serving the future residents of the city.

Sincerely,



Office of Research and Planning

Cc: Mike Maas, Administrator for Support Services

6330 W. Thunderbird Road · Glendale, AZ. 85306
P.O. Box 39 · Peoria, Arizona 85380-0039
623.486.6000 · www.peoriaud.k12.az.us

Exhibit G



City of Peoria

Public Works-Utilities Department

8401 West Monroe Street, Peoria, Arizona 85345

Ph: 623-773-7286 Fax: 623-773-7291

August 2009

Does Xeriscape vs. Grass save our customers on their water bills?

Xeriscape is an approach to landscaping that has proven to be compatible with the arid desert climate. Xeriscape refers to seven principles, which if used properly, ensure that landscapes are water efficient, yet creative and colorful:

1. Proper landscape planning and design
2. Low water use plants
3. Appropriate grass areas
4. Efficient irrigation
5. Soil improvements
6. Use of mulches
7. Appropriate maintenance

Xeriscape landscapes save time, water and money.

- Grass will need mowing, seeding, fertilizing, dethatching, and aerating.
- Grass requires about 60 inches of water each year, but we average less than 8 inches of rainfall per year.
- Xeriscape uses one-half to two-thirds less water than a lawn.
- Save on the cost of water, fertilizer, mowing, seed, and labor.
- Choosing xeriscape also minimizes the environmental footprint.
- Grass clippings create landfill waste.
- No mowing, weed-whacking or leaf blowers means less noise and air pollution.

Using a test case of a multi-family development, with 6 acres of landscaping planned, the water use and costs at today's rates would be as follows:

Xeriscape: 6 acres X 1.5 acre-ft per acre per year = 9 acre-ft or 2,932,659 gallons

Grass: 6 acres X 4.9 acre-ft. per acre per year = 29.4 acre-ft or 9,580,019 gallons

Total difference = 20.4 acre-ft per year

Total gallons saved = 20.4 acre-ft per year X 325,851 gallons per acre-ft =
6,647,360 gallons per year!

Per thousand gallons billed = 6,647.36 gallons annually, round down to 6,647 gallons

6,647 thousand gallons/12 months = 553.92 gallons, round down to 553 thousand gallons per month

Cost of water (tiered rates)

2,000-5,000 gals @ \$1.49/1000	= \$	5.96
6,000-10,000 gals @ \$2.17/1000	= \$	10.85
11,000-25,000 gals @ \$2.63/1000	= \$	39.45
26,000-50,000 gals @ \$3.15/1000	= \$	78.75
51,000+ gals @ \$3.20/1000	= \$	1,609.60
Total Savings per Month	= \$	1,744.61

\$1744.61/month X 12 months = **\$20,935.32 annual savings!**

Actual savings will vary depending on whether recommended watering guidelines are followed.

Grand Manor Condominiums



Southwest Corner of
88th Drive & Grand Avenue
+/- 18-acres

Planned Area Development
Z08-12

August 2009

Development Team

Property Owner:

SKS Grand Manor, L.L.C.

4414 N. Civic Center Plaza, Suite 103
Scottsdale, Arizona 85251

Developer:

SKS Builders and Development, L.L.C.

4414 N. Civic Center Plaza, Suite 103
Scottsdale, Arizona 85251

Attorney/Applicant:

Earl, Curley & Lagarde

3101 N. Central Avenue, Suite 1000
Phoenix, Arizona 85012

Architect:

Todd & Associates, Inc.

4019 N. 44th Street
Phoenix, Arizona 85018

Engineer:

Rick Engineering Company

6150 N. 16th Street
Phoenix, AZ 85016

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Exhibits

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Grand Manor

Narrative

Introduction

This request seeks to rezone the subject +/- 17.9 gross-acre property to a 288-unit (16.1 du/acre) multi-family PAD condominium development. The undeveloped property is located at the southwest corner of 88th Drive and Grand Avenue (See "Vicinity Map," Exhibit A & "Legal Description," Exhibit B). This request is in harmony with the City's *Central Peoria Revitalization Plan* ("CPRP") which strongly encourages a framework of greater density, infill residential areas along the Grand Avenue Corridor District extending from Agua Fria Expressway/Loop 101 Fwy. to 75th Avenue. Without additional density to support a diverse mix of land uses a thriving and revitalized downtown is not possible.

Consistency with General Plan and CPRP Goals

A minor amendment to the General Plan (GPA 08-10) has been concurrently filed with the proposed rezoning (Z08-12) request. The General Plan and CPRP currently designate this property as Medium Density Residential/Mixed Use. At this time, this request is to amend the General Plan to High Density Residential (15+ du/ac) with a target density of 18 du/ac (See "Proposed General Plan/Revitalization Plan," Exhibit C). This minor land use request will accommodate the density proposed (16.1 du/ac) for the Grand Manor condominium development.

The site is located adjacent to the Grand Avenue transit corridor and is designated in the General Plan as part of the Peoria Old Town Growth Area. Synonymous with this growth area, the subject site is one of the last large vacant parcels to be developed in accord with the Central Peoria Revitalization Plan which is a 4.6 square-mile (between Loop 101 to 75th Ave. and Cactus to Olive Ave.) study area that plans to rejuvenate the historic center of the City. The proposed in-fill development is in harmony with the objectives and policies of this revitalization area plan because it provides a transition between existing lower residential densities and non-residential uses. In addition, the site has direct access to the Grand Avenue corridor making it convenient for future residents to shop, work, and enjoy other leisure activities locally. The proposed land use furthers the long-term goals of the General Plan and adopted redevelopment plans due to the projected population and the existing land use within the area which is predominantly single-family homes.

As mentioned above, the underutilized infill site is designated as part of the Peoria Old Town Growth Area because of its ability to strategically accommodate higher density development along an existing and emerging major transportation corridor (i.e. Existing US 60/Grand Avenue which is to be widened by ADOT). In context with the "Growing Smarter" (1998) and "Growing Smarter 'Plus'" (2000) State legislation, the General Plan emphasizes the strong relationship between the land

use and the transportation needs of the community and acknowledges that Grand Avenue is a key element because of the connections and continuity it provides between the Northwest Valley and the Phoenix Metropolitan Area. Promoting more intense multi-family uses along major corridors is encouraged to help manage the growth, revitalize existing areas, and reduce the "urban sprawl" effect. The site is not only conveniently located adjacent to US60/Grand Avenue but has direct access to the Loop 101 Fwy. which furthers the ability for future residents to maintain a shorter commute to community-level commercial, service and/or employment centers.

The General Plan also encourages residential development to achieve a well-designed arrangement of on-site structures and to include amenities such as: 1) Recreational amenities that substantially exceed City requirements; 2) Separation and screening between buildings so that residents will enjoy privacy in their living units; and 3) More than 10 percent on-site usable open space. The attached preliminary development plan includes the criteria listed above which will improve the livability and function of the development (See "Preliminary Development Plan," Exhibit E). In addition, the proposed residential community complies with the goals of the General Plan in the following ways: 1) Provides a diverse of housing type to meet both future housing needs and the current needs of persons of all income levels and ages, 2) Creates a high-quality residential environment that provides for safe and convenient vehicular circulation, open space and recreational opportunities, access to public schools/services and protection from incompatible land uses, 3) Provides direct access to arterial streets without traversing existing or proposed lower density residential areas, 4) Allows infill residential development to take advantage of existing municipal services, utilities, transportation facilities, schools, and shopping areas and 5) Locates multi-family residential housing in suitable areas which do not adversely impact lower density developments.

General Site Information / Existing Conditions

The site is 17.9 gross acres and 15.9 net acres. The site is vacant and relatively flat and has approximately one-quarter mile of frontage along Grand Avenue. The proposed development anticipates a minimum right-in/right-out primary access point from Grand Avenue and an emergency-only access point along 88th Drive.

As confirmed by the recent traffic impact study prepared by Kimley-Horn & Associates (dated July 2009) the proposed right-in/right-out access from Grand Avenue provides acceptable ingress/egress to the site. In fact, all intersections described within the study under the 2010 and 2015 right-in/right-out scenarios are projected to operate at acceptable levels of service.

Future changes to the vehicular circulation patterns are expected to occur along the Grand Avenue corridor as a result of ADOT's right-of-way widening project. ADOT's initial phase for the US 60/Grand Ave. widening project (from 99th Ave. to 83rd Ave.) which abuts the subject site, anticipates a construction schedule between 2009-2010 and will result in six (6) lane arterial roadway with dedicated turn pockets on either side of a median per ADOT approved locations.

Surrounding Land Uses

The surrounding properties are developed with the following land uses and zoning (See "Existing Zoning Map," Exhibit D):

North: Grand Avenue and the Railroad
East: C-2 - Commercial Development
South: R1-6 - Single Family Residential
West: C-4 - Hotel and RV Park

Preliminary Development Plan

The Grand Manor preliminary development plan proposes 288-owner-occupied units with a central clubhouse and pool to be the main focal point as residents and visitors enter the gated community (See "Preliminary Development Plan," Exhibit E). The decorative and tree-lined primary entry into the development is centrally located to the site along Grand Avenue with an emergency only access along 88th Drive. The location of the site and direct access to the US/60 and Agua Fria/Loop 101 Fwy. furthers the ability for residents to maintain a shorter commute to their place of employment and/or shopping areas.

The mix of units consists of two-story buildings with approximately (152) one-bedroom unit and (136) two-bedroom unit condos. A high quality architectural style is proposed with varying roof heights, horizontal plane changes and decorative enhancements (See "Conceptual Unit Elevations," Exhibit F). Along the western and southern boundaries of the site, 1-story garages that compliment the residential unit's style and architecture are proposed in order to maintain privacy both within the development and those neighboring the site (See "Garage Elevations," Exhibit G). The +/- 4,200 square-foot clubhouse will be a single-story building (max height of approx. 27-feet) designed to compliment the architecture of the condominium buildings and will be used as the focal point within the development as one enters from Grand Avenue.

The proposed multi-family development standards are unique as a result of the lot configuration which has more than a quarter-mile of frontage along Grand Avenue and the type of housing product. The "Grand Manor" development proposal consists of two-story owner occupied condominiums, a one-story clubhouse located within the center of the development and one-story garages located along the western and southern property lines.

The preliminary plan dedicates 28% of the net site area as landscaped areas (above 20% required) to be enjoyed by those living or visiting the community. The open space amenities which exceed the required amount by an additional 26,300 s.f. are comprised of both active and passive landscaped and shaded areas located in centralized locations throughout the site. Common usable amenities throughout the site include several ramadas and shaded barbecue facilities, a tot lot/jungle gym and an exercise course. Other amenities that are more centrally located within the development include a state-of-the-art clubhouse with unique

features such as a demonstration/entertaining/wine bar and kitchen area, fitness/work-out facility center, a business/conference center and a resort-style pool and spa area with a cool deck perimeter. Decorative pedestrian walkways are provided throughout the development to provide safe and direct connections to these amenities and the condominium buildings.

The architectural style and quality of the buildings, resort-style amenities and abundant landscaping will provide a high-quality development for those living within the community. Grand Manor will also contribute to the long-term success of the local community and the City by providing a multi-family product that is affordable, sustainable and in-line within the City's population projections and goals to attract new infill development along the Grand Avenue corridor as anticipated with the Old Town Peoria Revitalization Plan (i.e. "CPRP").

This well-designed infill development offers a diverse housing type in a growing segment of the community which will further stimulate other types of complimentary and sustainable land uses within the local community. Grand Manor is designed to attract working professionals who choose to live and work close to their place of employment and/or empty nesters who would rather spend less time constantly maintaining a larger property.

Permitted Uses

The site shall be developed with permitted, conditional and accessory uses consistent with the uses listed in the RM-1 (Multi-family Residential) zoning district under Article 14-6 of the Zoning Ordinance.

Phasing

The PAD will be developed in one phase. The necessary on-site and off-site improvements will be determined during the site plan review process in accordance with City of Peoria Ordinances and Guidelines.

Development Standards

The development standards will comply with the standards noted in the following Development Standards Table:

Minimum Development Standards

Land Use	Streetside Setback (88 th Drive, Grand Avenue)	Setback from Commercial*	Setback from S.F. Residential	Building Height	Max Lot Cover %
Condominium Units	20'	15'	100'	35'	50%
Clubhouse			100'	30'	
Garages			15'	15'	

* Accessory structures such as parking canopies may encroach into this setback as stated in Article 14-23-3.A.18

Parking

The parking ratios for this development will satisfy the current parking requirements established in Article 14-23 of the Zoning Ordinance.

Design Guidelines

Development within the PAD shall comply with the City of Peoria Design Review Manual for Multi-family Residential uses. As described below under the section "*Landscaping*", there are several active and passive amenities proposed throughout the development to provide recreation areas for all residents to relax and enjoy which include: six (6) ramada & BBQ areas, a tot lot, an exercise course, a pool/spa with a ramada, and a several up-graded resident facilities within a 4,200-square foot clubhouse. The level of quality and location proposed for the clubhouse and pool amenities will provide sufficient access to all residents.

A minimum 6-foot decorative solid perimeter theme wall and automatic gates leading into the development will be constructed along 88th Drive and Grand Avenue. The final materials that will be incorporated for these walls and gates along the perimeter of the site may include combinations of smooth and/or split face block, CMU block, wrought iron, steel and/or stone elements (See "Conceptual Wall & Gate Plan," Exhibit H).

Based on the current grade levels along the southern boundary of the site, the existing on-site dirt (i.e. north side of the existing 6-foot CMU wall) will be removed in order to maintain a matching grade level on both sides of the wall. Therefore, the proposed development will provide a minimum 6-foot wall in addition to a dense canopy of mature landscaping and trees along the southern boundary to provide a visual buffer between the existing homes and the proposed 1-story garages (with no residential units) on the subject site. The existing 6-foot CMU wall may be modified if desired by the majority of homeowners to the south prior and the City prior to final site plan approval.

The tree-lined entry with a landscaped median and enhanced pavement will provide a sense of arrival into Grand Manor. Two decorative monument entry signs will flank both sides of the Grand Avenue entrance. Perimeter landscaping planted along both sides of the enhanced solid 6-foot wall with pre-cast columns spaced at regular intervals along Grand Avenue and 88th Drive which compliment the architectural style and color of the buildings will also create a tranquil sanctuary for those living and visiting the community.

The number of amenities Grand Manor accommodates is greater in number and far superior to most typical multi-family projects. Grand Manor will include a number of amenities that residents and visitors will enjoy such as a resort-style pool and spa area with a ramada adjacent to the clubhouse located central within the development. The +/- 4,200 square-foot clubhouse will include a demonstration/wine bar/entertainment kitchen area, gym/fitness center and a small conference/business center along with a management office for the development. In addition, a tot lot/jungle gym (adjacent to Building #3) and an exercise course (adjacent to Buildings #10 and #11) are proposed within the development. There

will also be several shaded ramada and barbeque areas throughout the development with passive open space for resident enjoyment (See "Preliminary Development Plan," Exhibit E). Decorative pedestrian crosswalks are provided throughout the development delineate the paths designed for easy access to these amenities and other units to encourage the sense of a close-knit community. Again, the development will be gated to provide a safe and enjoyable environment for the residents.

Signage

The project shall include two wall-mounted monument signs at the entrance located on Grand Avenue (two signs flanking each side of the entrance). The signage shall be integrated into the landscaping and / or theme walls and shall be no larger than 32 square feet each (area of lettering and logos only). All other signage shall be in accordance with Article 14-34 of the Zoning Ordinance.

Landscaping

This project shall be landscaped in accordance with Article 14-35 of the Zoning Ordinance and the Design Review Manual, with the following exception:

The 20' landscape buffer for multi-family projects adjacent to single-family residential districts is reduced to 15'. The reduction is offset with an increase in tree density from 3 trees per 1,000 square feet to 4 trees per 1,000 square feet. The trees planted along the southern property boundary will include (1) -36-inch box tree for every (3) 24-inch box trees per 1,000 square feet to provide a dense canopy of mature trees. In addition, hostile vegetation along the southern property line will be planted to discourage any potential undesirable activity between the proposed 1-story garages and existing boundary wall adjacent to the single-family homes which may include the following species:

- Mesquite
- Texas Ebony
- Sweet Acacia
- Sissoo Tree

Grading and Drainage

The PAD site has no slope and generally drains to the southwest. On-site retention and drainage will comply with the City of Peoria requirements. Additional drainage concerns not addressed during this rezoning process will be addressed during site plan review.

Excavation of dirt along the adjacent existing masonry wall that is shared with the *Crystal Cove* neighborhood to the south of the site will be conducted as part of the construction process. This will ensure that there will be a 6-foot wall on either sides of the wall between the proposed development and existing single-family residential (See "Conceptual Utility/Grading & Drainage Plan," Exhibit I).

Sustainability/Water Conservation Plan

The proposed development has been designed and is dedicated to conserve water which will assist in the City's goal to preserve this precious resource. It should be noted that the project is tailored to working professionals and empty nesters, by accommodating only one and two bedroom units, thus minimizing the typical population increase found with other types of multi-family developments that accommodate larger families. In addition, there are no individual "yards" or numerous "pools" which are usually associated with single-family development. The below conservation measures are proposed in order to ensure water usage is controlled and minimized to an acceptable level. The City requires measurable water conservation initiatives to be implemented prior to final approval of this development which include each of the following:

- a. Turf/grass is prohibited within right of way
- b. Turf/grass limited to common active recreational areas only; but not to exceed 25% of total landscape area
- c. Turf/grass shall not be planted immediately next to street curbing or sidewalks without a minimum 18 inch set back of decomposed granite to minimize or prevent overspray and runoff from irrigation system
- d. Developer shall install only approved Arizona Department of Water Resources, Phoenix Active Management Area, drought tolerant/low water use plants
- e. Developer shall install evapo-transpiration and rain sensor irrigation timer
- f. Condominium Owner's Association (COA) shall adjust irrigation schedule to accommodate seasonal water demand;
- g. COA shall evaluate the watering system weekly for water waste to ensure proper watering (check each dripper and/or spray head);
- h. COA shall aerate turf areas annually to ensure proper watering of root system;
- i. Utilize recirculating pumps and cartridge filters on swimming pool;
- j. COA shall maintain pool/water feature automatic fill valve in good working order;
- k. Any water features shall include recirculating features for multi-pass water usage.

Public Utilities and Services

There are existing water and sewer lines available to the site. The developer will provide any additional street and utility improvements necessary for this development when the site is developed as required by the City. Service providers are as follows:

Sewer	City of Peoria
Water.....	City of Peoria
Electricity	Arizona Public Service
Telephone	Local Provider
Cable TV	Local Provider
Gas.....	Southwest Gas Company
Refuse	City of Peoria
Fire and Emergency	City of Peoria
Police.....	City of Peoria
Schools.....	Peoria Unified School District

PAD Exhibit A



Subject Site



Grand Manor

SWC of 88th Drive & Grand Avenue

ECL

GPA08-10/Z08-12

PAD Exhibit B

Legal Description

A portion of Section 22, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at a brass cap in a handhole that is the South quarter corner of said Section 22;

THENCE East (assumed bearing) along the South line of the Southeast quarter of said Section 22, a distance of 28.00 feet to a point;

THENCE North 00 degrees 35 minutes 01 seconds East along the East line of BRAEWOOD PEORIA, according to Book 143 of Maps, Page 10, records of Maricopa County, Arizona, a distance of 1745.24 feet to a point;

THENCE South 89 degrees 47 minutes 04 seconds West along a line which is coincident with the North line of BRAEWOOD PEORIA NO. 2, according to Book 161 of Maps, Page 8, records of Maricopa County, Arizona, a distance of 1841.49 feet to a point;

THENCE North 00 degrees 46 minutes 43 seconds East along the Easterly line of that parcel described as Book 385 of Deeds, Page 350 and the West line of CRYSTAL COVE, according to Book 370 of Maps, Page 47, records of Maricopa County, Arizona, a distance of 1013.34 feet to a point to the Northwest corner of said CRYSTAL COVE;

THENCE South 89 degrees 13 minutes 17 seconds East along the North line of CRYSTAL COVE, a distance of 400.00 feet to a point;

THENCE North 00 degrees 46 minutes 43 seconds East along the North line of said CRYSTAL COVE, a distance of 250.00 feet to the TRUE POINT OF BEGINNING;

THENCE continuing North 00 degrees 46 minutes 43 seconds East, a distance 773.60 feet to a point on the Southwesterly right-of-way line of the PHOENIX-WICKENBURG (U.S. 60, 70, 89) HIGHWAY;

THENCE South 70 degrees 21 minutes 40 seconds East along said Southwesterly right-of-way line, a distance of 122.07 feet, to a point of tangent to a spiral curve with a total central angle of 26 degrees 04 minutes 21 seconds;

THENCE Southeasterly along said Southwesterly right-of-way line, along the arc of said spiral curve to the right, the long chord of which bears South 69 degrees 00 minutes 20 seconds East, a distance of 288.72 feet to a point of curvature of a simple curve, the radius of which bears South 24 degrees 03 minutes 13 seconds West, a distance of 1829.46 feet;

THENCE Southeasterly along said Southwesterly right-of-way line, along the arc of said curve to the right, through a central angle of 17 degrees 13 minutes 17 seconds, an arc distance of 549.88 feet to a point of curve to spiral;

THENCE Southeasterly along said Southwesterly right-of-way line, along the arc of said spiral curve to the right, the long chord of which bears South 45 degrees 38 minutes 40 seconds East, a distance of 288.72 feet to a point of tangency;

THENCE South 44 degrees 17 minutes 19 seconds East along said Southwesterly right-of-way line, a distance of 135.10 feet to a point of curvature with a radius of 12.00 feet;

THENCE Southwesterly along the arc of said curve to the right, through a central angle of 90 degrees 00 minutes 00 seconds, an arc distance of 18.85 feet to a point of tangency on the Northwesterly right-of-way line of 88TH DRIVE, according to SUNFLOWER RETAIL CENTER, according to Book 243 of Maps, Page 50, records of Maricopa County, Arizona;

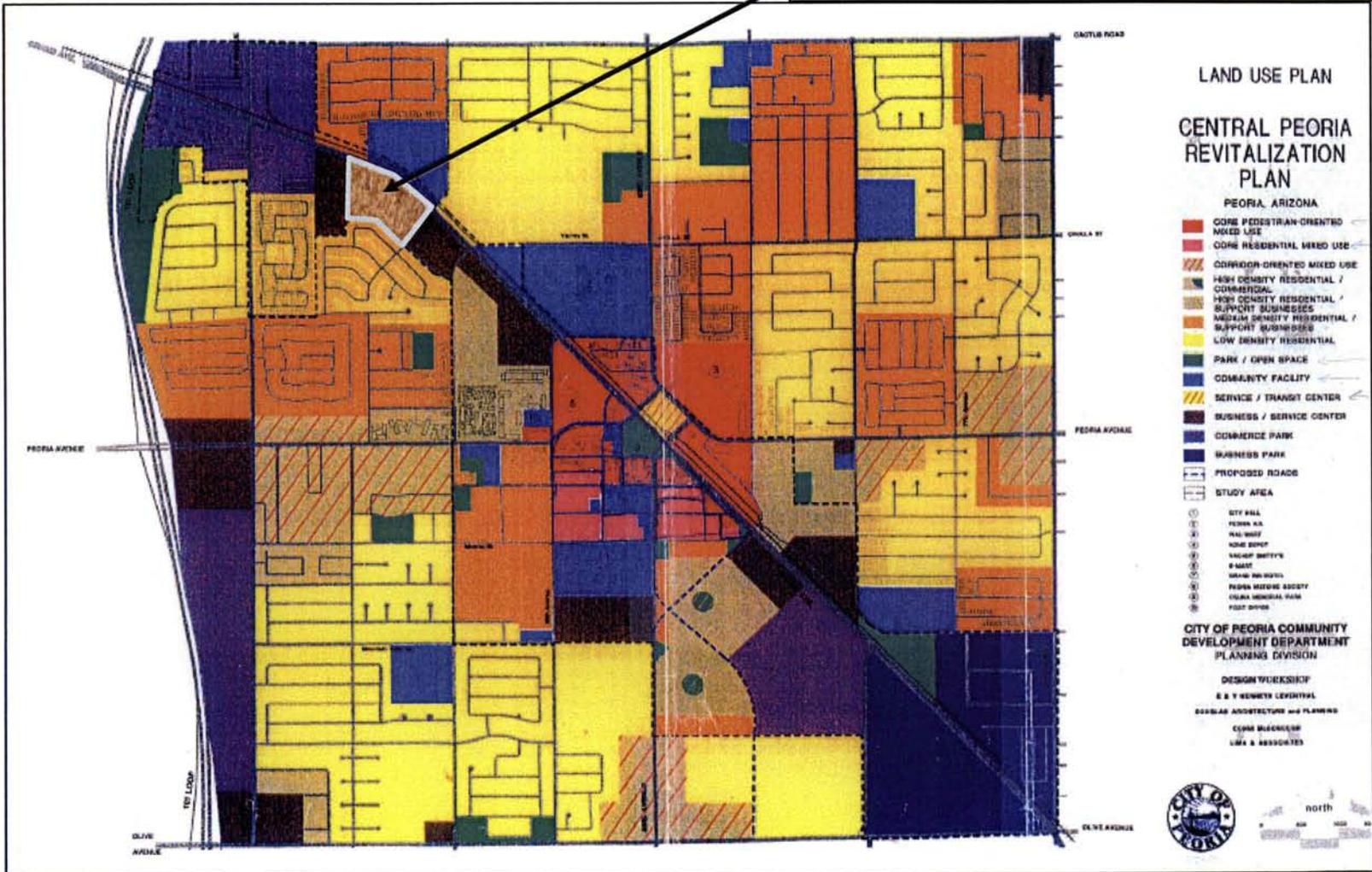
THENCE South 45 degrees 42 minutes 41 seconds West along said Northwesterly right-of-way line, a distance of 544.10 feet to a point on the Southwesterly right-of-way line of WEST CHOLLA STREET, according to said SUNFLOWER RETAIL CENTER, also being on the Northeasterly line of said CRYSTAL COVE, according to Book 370 of Maps, Page 47, records of Maricopa County, Arizona;

THENCE North 44 degrees 13 minutes 58 seconds West along said Northeasterly line, a distance of 497.35 feet to a point on the North line of said CRYSTAL COVE;

THENCE North 89 degrees 13 minutes 17 seconds West along the North line of said CRYSTAL COVE, a distance of 420.40 feet to the TRUE POINT OF BEGINNING.

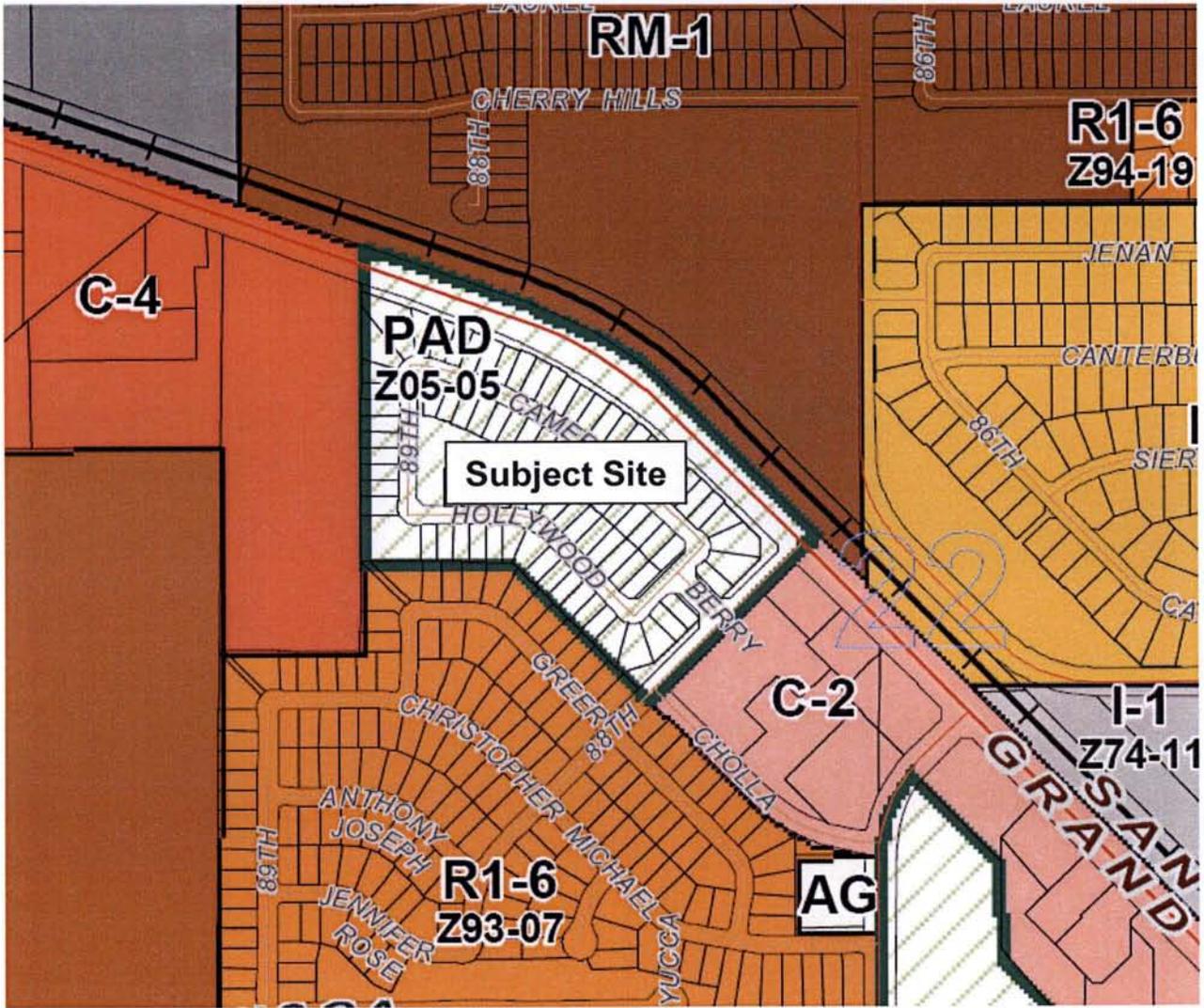
PAD Exhibit C

**Grand Manor
High Density Residential (15+ du/ac)**



Proposed General Plan / Revitalization Plan
SWC of 88th Drive & Grand Avenue

PAD Exhibit D



Existing Zoning Map
SWC of 88th Drive & Grand Avenue

PAD Exhibit E



PROJECT DATA

PROJ. DECS: Project owner will include a pool, remodel building's exterior, and include a demonstration kitchen, gymnasium facility, and small business/retail center.

Site Area: 17.90 ACRES (779,754 S.F.)
110.80 ACRES (4,819,360 S.F.)

Zoning: FAD
FAD

Density: 18 D.U./Acre Area must be increased to 17 units/lot/acre based on building or structure project (improvements) 18.1 D.U./Acre Area

Building Height: 40' Max
40' (2 stories)

Required Building Setbacks:
Front (General Area) 30'
Side (General Area) 30'
Side (Corner) 30'
Rear (Single-Family) 15'

Provided Building Setbacks:
Front (General Area) 30'
Side (General Area) 30'
Side (Corner) 30'
Rear (Single-Family) 15'

Common Open Space:
Area: 10' of 4' x 4' footprints = 43,620 S.F.
150' x 100' area (maximum) 15,000 S.F.
Provide: 80,000 S.F. of 4' x 4' footprints = 372,000 S.F. of 15' x 15' area (minimum) 337,500 S.F.

Lot Coverage: Max. 40%
Min. 20%
Max. 40% (100,000 S.F.)
Min. 20% (50,000 S.F.)

Landscaping Area:
Required: 20% of net lot area (487,500 S.F. of 4' x 4' = 195,000 S.F.)
Provided: 20% (195,000 S.F.)

Wall mix:

Wall Type	# of Units
1. 4' x 4' Footprints	1,000
2. 15' x 15' Area	1,000
3. 15' x 15' Area	1,000
Subtotal	3,000 (1,000)

Parking Standards: 7.0' x 20' Parking Space for 1 Car

Parking Required:
1. 1,000 S.F. (1,000 S.F.) 200 P.S.
2. 1,000 S.F. (1,000 S.F.) 200 P.S.
3. 1,000 S.F. (1,000 S.F.) 200 P.S.
Total Required: 3,000 P.S. (1,000 P.S.)

Parking Provided:
Covered: 200 P.S.
Open: 200 P.S.
Total Provided: 400 P.S.
1 Space per unit shall be covered (includes 100 P.S.)

SYMBOLS:
[3] [4] Building foot
[1] Building number
[G1] Garage # 1
[P] Accessible parking spot

VICINITY MAP: Shows site location relative to Grand Avenue, Greer Ave., and Bath Drive.

SCALE: 1" = 50'-0"

GRAND MANOR

Peoria, Arizona

Project No. 08-2011-00 Date August 28, 2009
Conceptual Site Plan

TODD & ASSOCIATES, INC.
ARCHITECTURE PLANNING LANDSCAPE ARCHITECTURE
802.992.8300 www.toddsassoc.com

GRAND MANOR

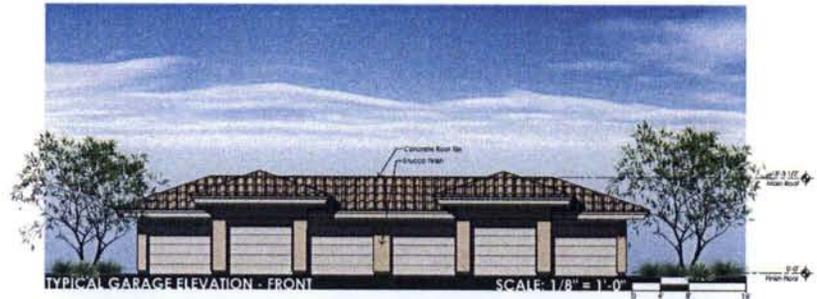
PAD Exhibit F



GRAND MANOR

Peoria, Arizona

PAD Exhibit G

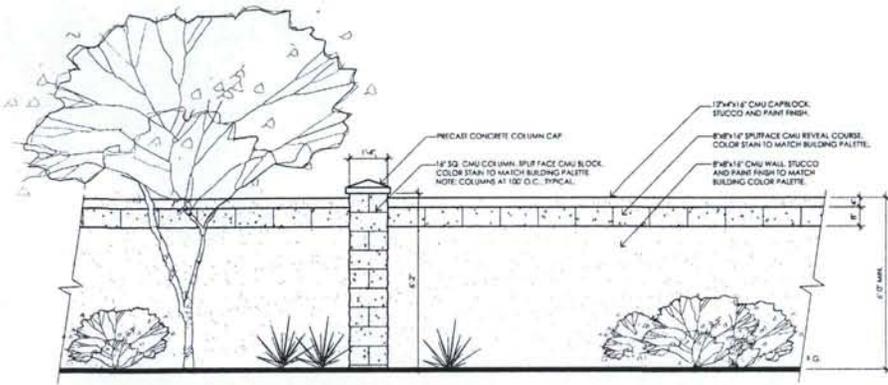


GRAND MANOR

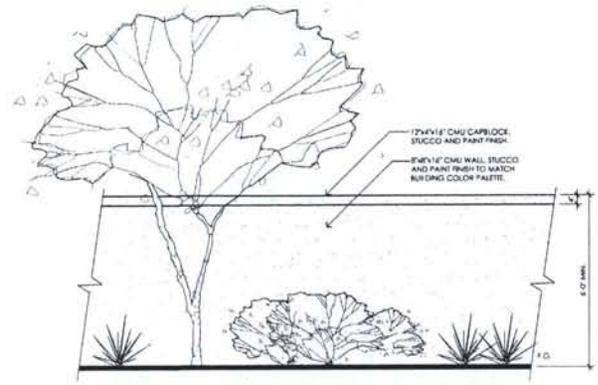
Peoria, Arizona



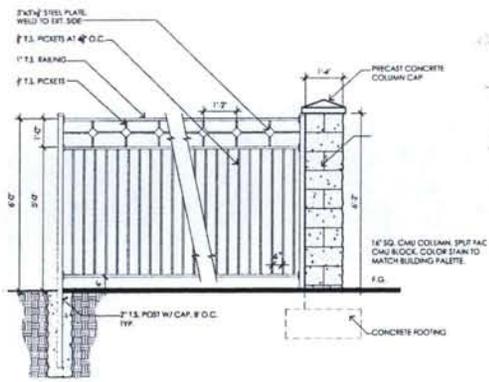
PAD Exhibit H



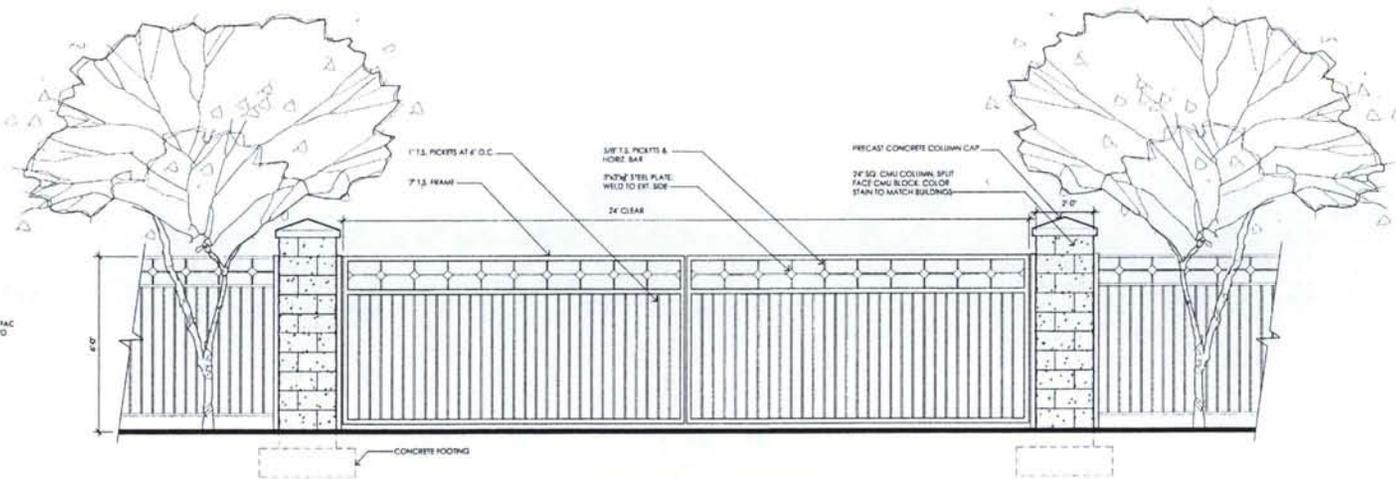
1 FRONTAGE CMU THEME WALL- GRAND AVENUE
SCALE: 1/2" = 1'-0"



2 6' CMU PERIMETER WALL- 88TH DRIVE
SCALE: 1/2" = 1'-0"



3 TUBE STEEL FENCE @ ENTRY DRIVE
AT 88TH DRIVE AND FROM GRAND AVENUE
SCALE: 1/2" = 1'-0"



4 VEHICULAR ENTRY GATE ELEVATION
AT 88TH DRIVE AND ENTRY FROM GRAND AVENUE
SCALE: 1/2" = 1'-0"

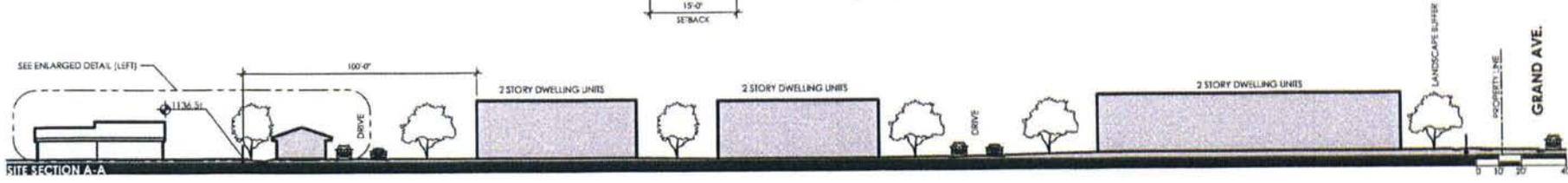
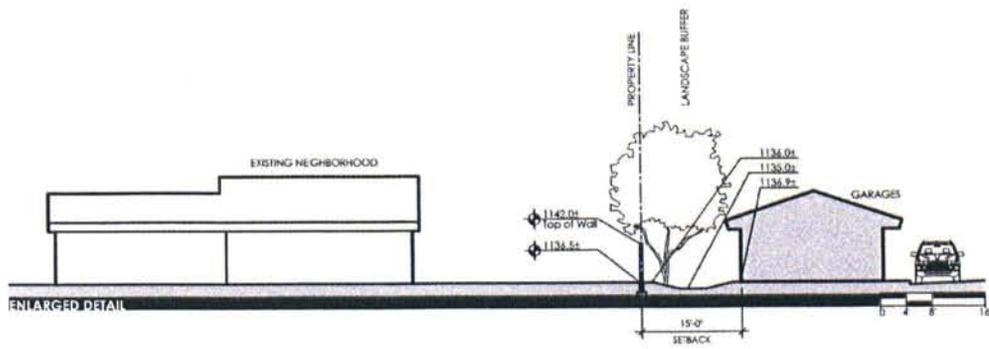
GRAND MANOR

Peoria, Arizona



PAD Exhibit I

PAD Exhibit J



GRAND MANOR

Peoria, Arizona

TODD & ASSOCIATES, INC.

ARCHITECTURE PLANNING LANDSCAPE ARCHITECTURE

Project No. 08 2011-00 Date August 28, 2009

Site Section



Handwritten signature and date: 8/28/09

EXPIRES 8-30-11