



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

**PLANNING & ZONING COMMISSION  
REGULAR MEETING  
NOTICE & AGENDA  
THURSDAY, FEBRUARY 4, 2010  
6:30 P.M.  
COUNCIL CHAMBERS  
8401 W. MONROE ST.**

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**PLANNING & ZONING  
COMMISSION:**

Veda McFarland, Chair  
Marc Melbo, Vice Chair  
Bill Louis, Secretary  
Greg Loper  
Gene Sweeney  
Nancy Golden  
Leigh Strickman

Department Liaison  
Glen Van Nimwegen

***Accommodations for  
Individuals with Disabilities.***  
*Alternative format materials, sign  
language interpretation, assistive  
listening devices or interpretation  
in languages other than English  
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 Commissioner Louis, Commissioner Loper, and Commissioner Golden, from the January 7, 2010 meeting.
- 2C** **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held January 7, 2010.
- 3C** **CU09-02269:** Discussion and possible action to approve a request from Squid Ink of Peoria, LLC for a Conditional Use Permit to allow an approximately 900 square foot outdoor dining patio at a proposed restaurant located at the southwest corner of Lake Pleasant Parkway and Happy Valley Parkway.

- 4C** **CU09-02291:** Discussion and possible action to approve a request from 83<sup>rd</sup> Partners, LLC for a Conditional Use Permit to allow an approximately 1,000 square foot outdoor dining patio at a proposed restaurant located south of the southeast corner of 83<sup>rd</sup> Avenue and Mariners Way.

## REGULAR AGENDA

### **NEW BUSINESS:**

- 5R** **PUBLIC HEARING:** RE: Minor GPA Amendment.

**PUBLIC HEARING – GPA08-02:** [REDACTED] on behalf of Aloravita II, LLC and [REDACTED] is requesting a minor amendment to alter the current Peoria General Plan Land Use designation for approximately 78 gross acres from Residential Low Density (2-5 du/ac. target of 3 du/ac) to Neighborhood Commercial Mixed-Use. The proposal is generally located east of 83<sup>rd</sup> Avenue, approximately midway between Happy Valley and Jomax Roads. On January 19, 2010 the City Council remanded this case back to the Planning and Zoning Commission for further discussion and consideration. The applicant is requesting an indefinite continuance.

**Staff Report**

**Open Public Hearing**

**Public Comment**

**Close Public Hearing**

**Commission Action:** Discussion and possible action to recommend approval of a request from [REDACTED] on behalf of Aloravita II, LLC and [REDACTED] to continue case GPA08-02 indefinitely.

- 6R** **ELECTION OF OFFICERS:** Discussion and possible action to elect officers for 2010 including Chairman, Vice-Chairman, and Secretary.

### **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  
JANUARY 7, 2010**

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

**Members Present:** Chair Veda McFarland, Vice Chair Marc Melbo, Commissioners Gene Sweeney, Leigh Strickman, and Alternate Anne Wojcik.

**Members Absent:** Commissioners Bill Louis, Nancy Golden, and Greg Loper.

**Others Present:** Ellen Van Riper - Assistant City Attorney, Chris Jacques - Planning Manager, Robert Gubser – Senior Planner, and Bev Parcels – Planning Assistant.

**Opening Statement:** None.

Call for speaker request forms.

**Audience:** None

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

## **CONSENT AGENDA**

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

**1C**    **DISPOSITION OF ABSENCE:** Approve the absences of Commissioner Gerard, and Alternate Wojcik from the December 17, 2009 meeting.

**2C**    **MINUTES:** Approve the minutes of the Regular Meeting held December 17, 2009.

**COMMISSION ACTION:** Vice Chairman Melbo moved to approve the Consent Agenda items. The motion was seconded by Commissioner Strickman and upon vote, carried unanimously.

## REGULAR AGENDA

### NEW BUSINESS:

**3R PUBLIC HEARING – Z04-34A.5:** [REDACTED] on behalf of Pulte Home Corporation, requested a major amendment to alter the approved residential density, overall lot mix and the access / circulation for a portion of the Tierra del Rio Planned Area Development. The overall density will increase from 2.1 units per acre to 2.2 units per acre, individual subdivisions will have varying lot sizes, and a secondary access will be created to Jomax Road near the Agua Fria River. The portion of the Tierra del Rio development to be amended is generally located at the corner of Jomax Road and 99<sup>th</sup> Avenue.

**STAFF REPORT:** Senior Planner Robert Gubser stated to the Commission that the applicant would like to request an indefinite continuance due to the sale of the property.

**COMMISSION COMMENT:** None

**PUBLIC COMMENT:** None

**COMMISSION ACTION:** Commissioner Strickman moved to continue case Z04-34A.5 indefinitely. The motion was seconded by Vice Chairman Melbo and upon vote, carried unanimously.

**4R ELECTION OF OFFICERS:** Discussion and possible action to elect officers for 2010 including Chairman, Vice-Chairman, and Secretary.

**COMMISSION ACTION:** Commissioner Strickman moved to continue the Election of Officers until the February 4, 2010 meeting. The motion was seconded by Vice Chairman Melbo and upon vote, carried unanimously.

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

**REPORT FROM STAFF:** Chris Jacques, Planning Manager, welcomed new Commissioner Gene Sweeney and announced that the January 21, 2010 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 6:33 p.m.

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Veda McFarland, Chair

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Date Signed



# CONDITIONAL USE PERMIT

## REPORT TO THE PLANNING AND ZONING COMMISSION

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**CASE NUMBER:** CU09-02269  
**DATE:** February 4, 2009  
**AGENDA ITEM:** 3C

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**Applicant:** Squid Ink of Peoria LLC

**Request:** **Sushi Bar.** Proposal to use an outdoor patio space adjacent to the existing suite for the purposes of outdoor dining. This establishment is located within an existing commercial development.

**Location:** 9947 W. Happy Valley PKWY. #109 Peoria, AZ 85383 – Lake Pleasant Pavilions Planned Area Development; Southwest corner of Happy Valley PKWY. & Lake Pleasant PKWY.

**Support / Opposition:** Staff has not received opposition in regards to the proposed outdoor dining.

**Recommendation:** Recommend approval of CU09-02269.

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### **BACKGROUND**

#### *Project Site Location*

1. The proposed use will be located in the Lake Pleasant Pavilions Planned Area Development which contains a diverse mix of tenants including several retail establishments, and restaurants.
2. The center is located at the southwest corner of Happy Valley PKWY. & Lake Pleasant PKWY. (Exhibit B).

#### *Proposed Concept*

3. The applicant desires to operate an outdoor dining area of approximately 900 square feet adjacent to the existing restaurant/bar. The outdoor dining area would contain approximately 12 tables and a bar (Exhibit A, D1 & D2).
4. There is currently a tenant improvement plan in the review process with the building development division for the interior suite as well as the outdoor dining area. Review for the outdoor dining portion of the tenant improvement shall

remain pending until a decision is rendered with respect to the conditional use permit in question.

5. The applicant has applied for a series 12 liquor license (restaurant liquor license), which includes the patio area in the liquor license request. The scheduled City Council date for the liquor license hearing is 4/6/2010.
6. The subject restaurant/bar is located at the intersection of two major arterial roadways, and over 800 feet away from the nearest residential buildings. Intervening between the subject establishment and the nearest residential use is a large parking field as well as a big box retail store.
7. The fenced outdoor dining area does allow for a 4 foot free and clear walkway around the exterior. The fenced outdoor dining area is located on the easternmost portion of the building (Exhibit D1 & D2).

## **DISCUSSION AND ANALYSIS**

### *Request for outdoor dining*

8. A Conditional Use Permit, for an outdoor dining area is subject to Section 14-39-10 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 many other restaurants containing outdoor dining which would create compatibility between the uses.
9. Additionally Section 14-9-5.B.2.c states outdoor dining areas shall not exceed 25% of the gross floor area (GFA) of the establishment unless this requirement is waived by the Planning and Zoning Commission. The floor area occupied by the restaurant is approximately 3057 square feet according to the tenant improvement building plans submitted by the applicant. Therefore the approximately 900 square feet of outdoor dining area represents approximately 29% of the gross floor area of the restaurant.
10. When the initial site plan was approved the development was parked at 1 space per 250 square feet of floor area at 90% which comes out to 1386 required parking spaces. The overall development provided 1843 parking spaces as approved in the revised site plan on 6/24/05. This creates a surplus of 457 parking spaces.
  - 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 9 parking spaces on the site. Due to initially provided spaces the site would maintain a surplus of parking spaces.

*Proposition 207*

11. 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 for recordation pending the outcome of the Planning & Zoning Commission action.

## **CIVIC ENGAGEMENT & NOTIFICATION**

*Public Notification*

12. Public notice was provided in the manner prescribed under Section 14-39-10. The posting was completed a minimum of 15-days prior to the Public Hearing.
13. To date, the City of Peoria has not received opposition to the proposed outdoor dining.

## **FINDINGS AND RECOMMENDATION**

14. 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.

It is recommended that the Planning and Zoning Commission take the following action:  
**Approve Case CU09-02269 subject to the following conditions:**

1. The use and operation shall substantially conform to the project narrative (identified as Exhibit A in the staff report to the 02/04/2010 Planning & Zoning Commission) except where modified herein.
2. The maximum 25% of gross floor area requirement shall be waived allowing the outdoor dining area in line with the request contained within the narrative (Exhibit A in the staff report to the 2/4/2010 Planning & Zoning Commission) except where modified herein.
3. A four foot free and clear walkway be maintained around the exterior of the fenced off outdoor dining area.

## **ATTACHMENTS**

Exhibit A:	Project Narrative
Exhibit B:	Location Map
Exhibit C:	Zoning Map
Exhibit D1-D2:	Site Plan
Exhibit E1-E5:	Site Photos

Report prepared by:

Cody Gleason  
Planning Technician

**NARRATIVE**

SUSHI BAR IS PROPOSING AN APPROXIMATE 900 SF OUTDOOR PATIO AT SUITE 109 WITHIN "SHOPS A" OF THE LAKE PLEASANT PAVILION. THE OUTDOOR PATIO WILL BE USED AS AN EXTENSION TO THE BAR AND BAR DINING AREA.

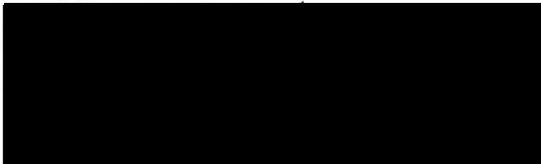
THE SUITE IS LOCATED ON THE HARD CORNER OF HAPPY VALLEY ROAD AND LAKE PLEASANT PARKWAY WHICH HAS IDEAL VISIBILITY TO CREATE A SUCCESSFUL BUSINESS. THE PROPOSED SUITE IS SURROUNDED BY COMMERCIAL RETAIL CENTERS AND BUSINESSES, NO RESIDENTAL HOMES ARE WITHIN A CLOSE PROXIMATELY TO DISTRUP ANY NOICE ORDINANCES.

SHOPS "A" OF THE LAKE PLEASANT PAVILION WAS DESIGNED IN 2007 WITH THE INTENT OF THE PROPOSED SUITE TO HAVE AN OUTDOOR PATIO SPACE. SHOPS "A" AND "B" WERE CONSTRUCTED IN 2008. RUBIO'S WHICH IS CURRENTLY LOCATED DIRECTLY ACROSS FROM SUSHI BAR HAS A SIMILAR OUTDOOR PATIO SPACE.

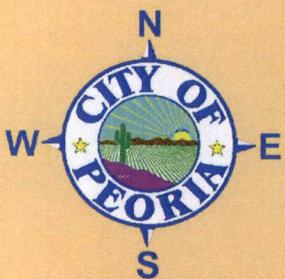
THE PATIO SPACE WILL MAINTAIN A HIGH QUALITY APPEARANCE TO COMPLIMENT THE OVERALL DESIGN OF THE CENTER. A DECORATIVE METAL GATE SHALL BE DESIGNED AND CONSTRUCTED UPON APPROVAL OF THE CONDITIONAL USE PERMIT AND TENANT IMPROVEMENT PROCESS. TENANT IMPROVEMENT PLANS SHALL BE SUBMITTED FOR THE OUTDOOR PATIO SPACE FOR BUILDING AND FIRE APPROVAL UPON APPROVAL OF THE CONDITIONAL USE PERMIT.

PLEASE CALL OR EMAIL AT THE INFORMATION BELOW WITH ANY QUESTIONS OR COMMENTS THAT MAY DELAY THE REVIEW OF THE PROPOSED APPLICATION.

THANK YOU,



# CU09-02269 Location Map



Not to Scale

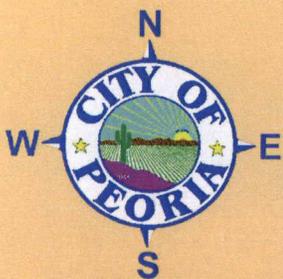
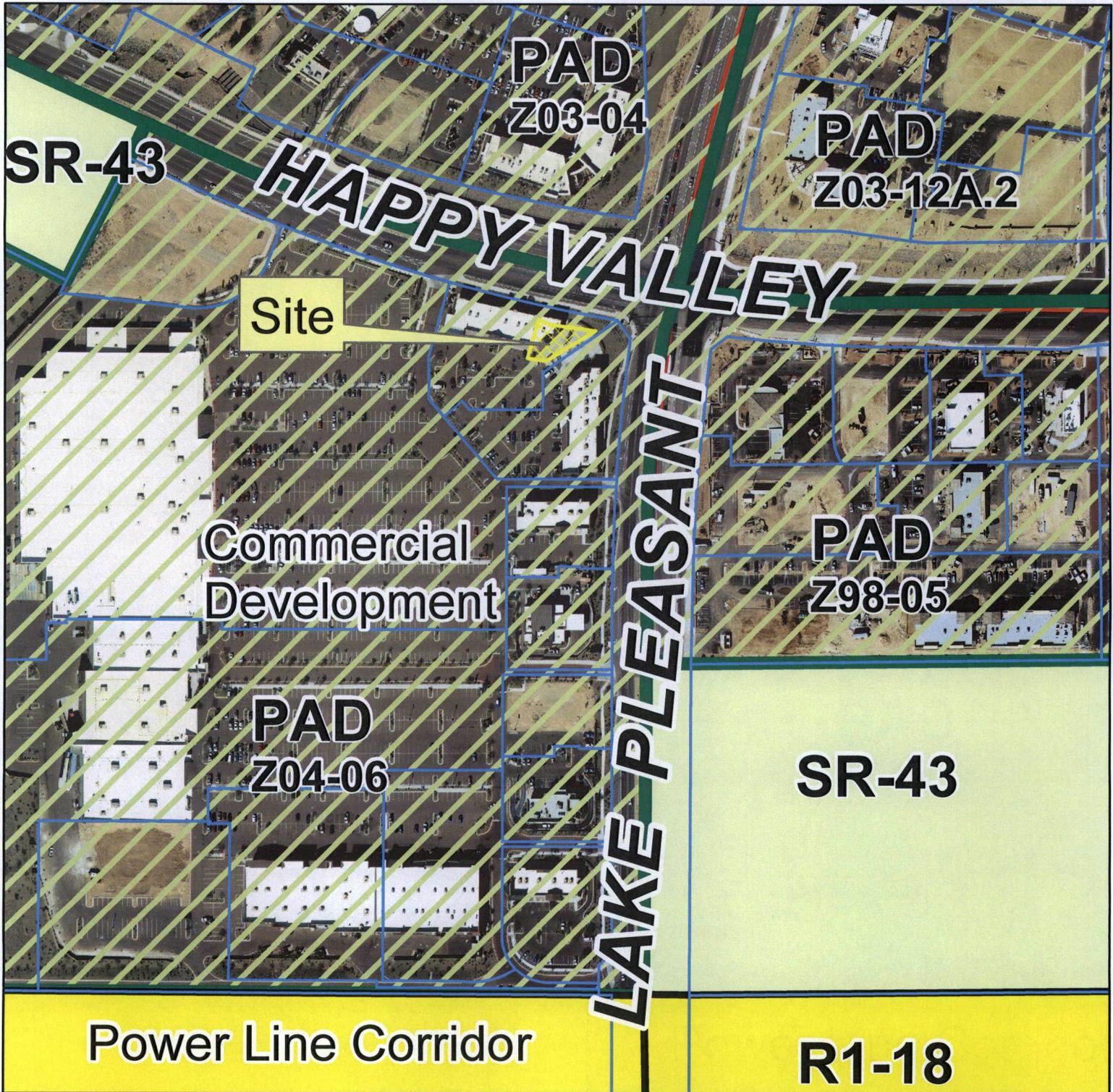
## CU09-02269 Sushi Bar

Applicant: Squid Ink of Peoria

Request: Approximately 900 square foot outdoor dining area adjacent to restaurant.

**Exhibit B**

# CU09-02269 Zoning Map



Not to Scale

## CU09-02269 Sushi Bar

Applicant: Squid Ink of Peoria

Request: Approximately 900 square foot outdoor dining area adjacent to restaurant.

**Exhibit C**

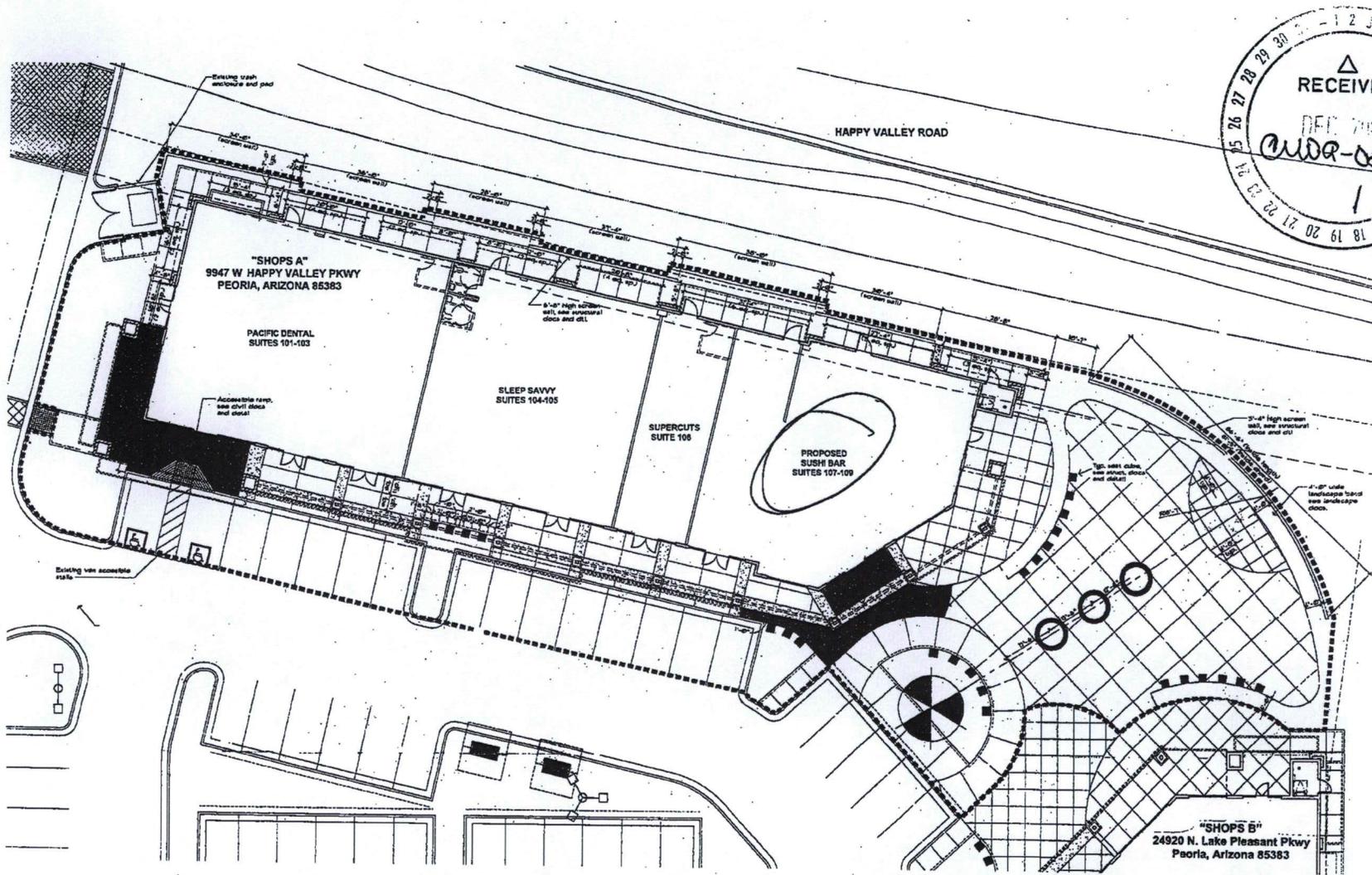
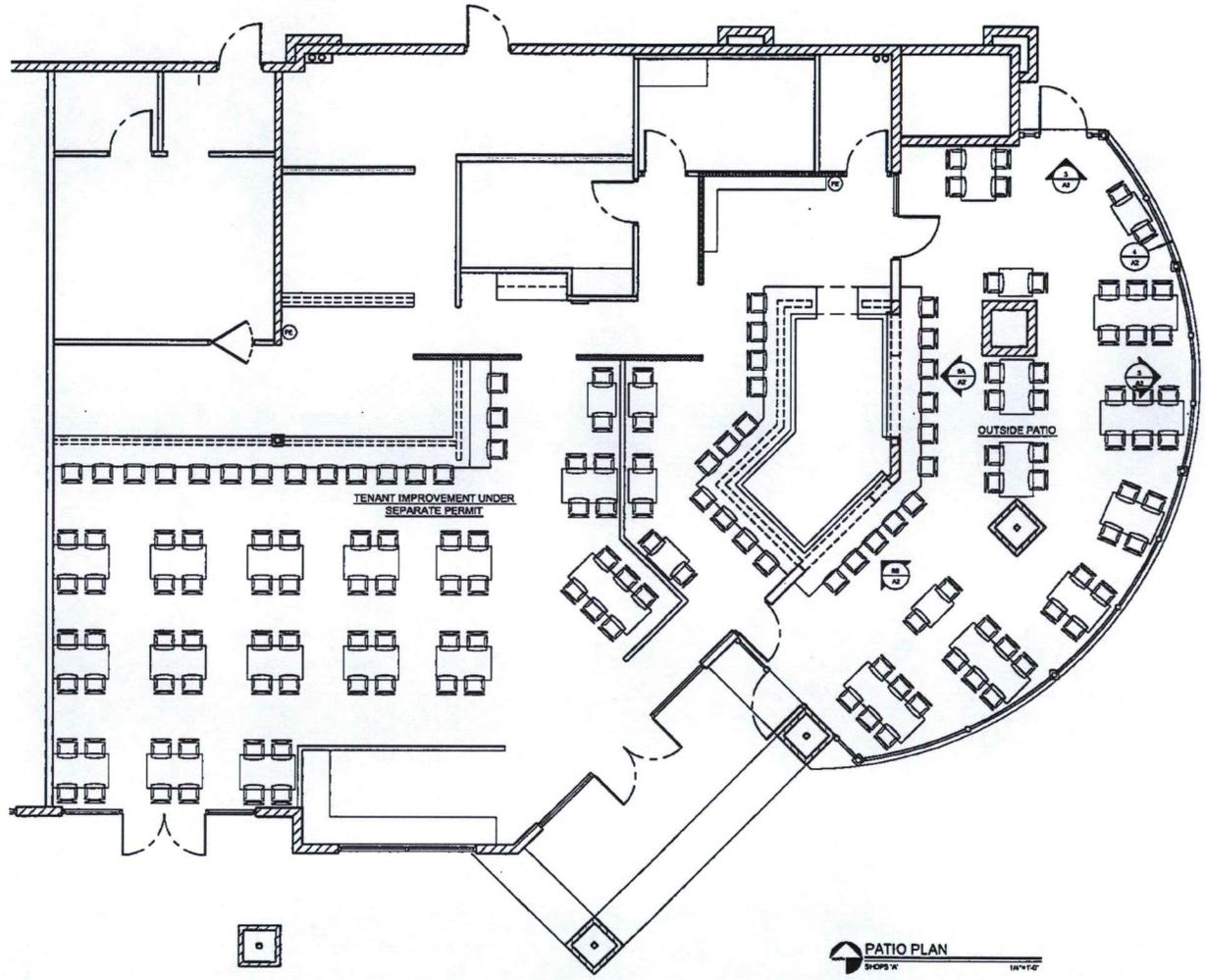


Exhibit D1

**ADDRESS PLAN**

**GANEM HOUSTON**  
 DESIGN BUILD DEVELOP

ROC # 252341 | 1617 West Williams Drive Phoenix, Arizona 85027  
 Phone: 623.587.4430 | Fax: 623.587.4436 | www.ganem-houston.com



**PATIO PLAN**  
SHOPS 'X' 1/8"=1'-0"

**SHENEN HOUSTON**  
DESIGN BUILD DEVELOP

DESIGN BUILD DEVELOP  
10117 New Sahara Blvd., Suite 100, Houston, TX 77036  
Phone: 281-214-4100 Fax: 281-214-4101 www.shenen-houston.com

**EXHIBIT D**

**SUSHI BAR**  
Lake Pleasant Pavilion  
SUITE 109  
Happy Valley Rd & Lake Pleasant  
Peoria, Arizona

Project: 1000000000  
Date: 11/20/2009  
Proj Mgr: P. Clavin  
Dwn By: K. Thomas

Rev.	Date	Desc.
△		
△		
△		
△		

Patio Plan

A1

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**SUSHI BAR AT LAKE PLEASANT PAVILION**



**PHOTO #1 FRONT ELEVATION OF PROPOSED SUSHI BAR PATIO LOCATION**



**PHOTO #2 SHOPS "B" ADJACENT TO SUSHI BAR**

**SUSHI BAR AT LAKE PLEASANT PAVILION**



**PHOTO #3 SHOPS "B" ADJACENT TO SUSHI BAR**



**PHOTO #4 PARKING LOT OF SHOPS A**

**SUSHI BAR AT LAKE PLEASANT PAVILION**



**PHOTO #5 FRONT ELEVATION OF "SHOPS A"**



**PHOTO #6 FACING PROPOSED PATIO OF SUSHI BAR**

**SUSHI BAR AT LAKE PLEASANT PAVILION**



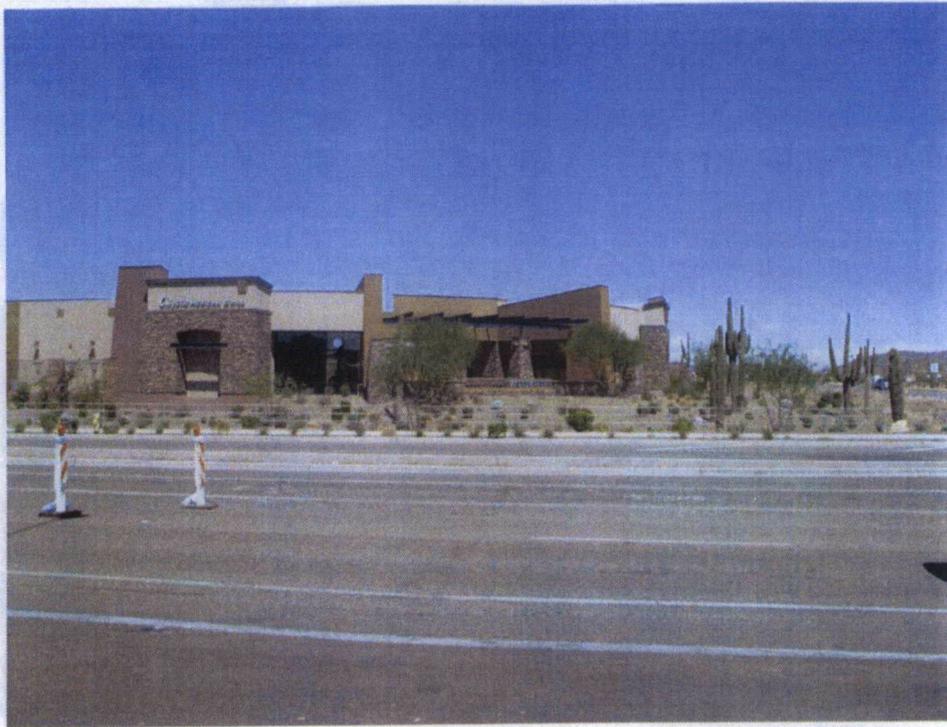
**PHOTO #7 SHOPS "B" ADJACENT TO SUSHI BAR**



**PHOTO #8 FACING EAST ALONG HAPPY VALLEY ROAD**

PHOTO #8 FACING WEST ALONG HAPPY VALLEY ROAD

**SUSHI BAR AT LAKE PLEASANT PAVILION**



**PHOTO #9 FACING DIRECTLY NORTH OF SUSHI BAR LOCATION**



**PHOTO #10 FACING WEST ALONG HAPPY VALLEY ROAD**



# CONDITIONAL USE PERMIT

## REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NUMBER:** CU 09-02291

**DATE:** February 4, 2009

**AGENDA ITEM:** 4C

**Applicant:** [REDACTED] on behalf of House of Pizza

**Request:** Obtain a Conditional Use Permit to allow the use of outdoor dining in an existing patio area.

**Proposed Development:** House of Pizza restaurant, located at 15703 N. 83<sup>rd</sup> Avenue Ste. 100, Peoria AZ, 85382

**Location:** South of the southeast corner of 83<sup>rd</sup> Avenue & Mariners Way

**Site Acreage:** Restaurant suite is approximately 3,200 s.f., attached patio is approximately 1,000 s.f.

**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. (Exhibit B)

	LAND USE	GENERAL PLAN	ZONING
<b>Subject Property</b>	<b>Commercial Building</b>	<b>Community Commercial</b>	<b>Peoria Sports Complex PAD (Planned Area Development)</b>
North	Peoria Sports Complex baseball fields	Public/Quasi-Public	Peoria Sports Complex PAD (Planned Area Development)
South	commercial building/ ice rink	Community Commercial	Peoria Sports Complex PAD (Planned Area Development)
East	Peoria Sports Complex baseball fields	Public/Quasi-Public	Peoria Sports Complex PAD (Planned Area Development)
West	83 <sup>rd</sup> Ave. then multi-family residences	Regional Commercial	Arrowhead Entertainment Center PAD (Planned Area Development)

## **PROJECT DESCRIPTION**

### *Request and Development Details*

1. The applicant is proposing the use of outdoor dining for an existing approximately 1,000 square foot patio that is located on the east side of an existing building designed for restaurant use. An existing masonry and stucco screen wall encloses the patio area.
2. The patio that is under consideration for outdoor dining use is part of a restaurant suite in a three suite commercial building located in the Peoria Sports Complex PAD, south of the southeast corner of 83<sup>rd</sup> Avenue & Mariners Way. It is part of a larger commercial center which includes the Polar Ice Entertainment ice skating rink east of the site, as well as a multi-tenant commercial building located to the south of the proposed site.
3. The patio area was previously delineated and approved through the Site Plan, Design Review, and Building Permit applications for this site.
4. The patio in question was previously approved for outdoor dining use through the Conditional Use Permit process by the Planning and Zoning Commission for a different previously planned restaurant that ultimately did not occupy the space.
5. Information furnished by the applicant indicates that the outdoor dining area hours of operation are 11:00 am-2:00 am.
6. The subject restaurant is located approximately 280 feet away from the nearest residential buildings. Intervening between the subject establishment and the nearest residential use is 83<sup>rd</sup> Avenue, an arterial roadway as identified in the City of Peoria Circulation Plan.

## **FINDINGS AND ANALYSIS**

### *Applicability*

7. In 2006, the Peoria City Council approved a text amendment to the Zoning Ordinance which required that all new outdoor dining patio uses in all non-residential zoning districts as described in Article 14-9 of the Zoning Ordinance obtain a Conditional Use Permit. This amendment was the result of multiple incidents at existing outdoor dining patios that generated an inordinate number of noise and nuisance complaints. The PAD standards that govern the property in question, Z93-16A.8 –Peoria Sports Complex, do not expressly allow outdoor dining patios as a permitted use, therefore the regulations of Section 14-9-3 (Land Use Matrix) of the Zoning Ordinance would apply. Pursuant to the Non-Residential Districts Land Use Matrix (Table 14-9-3) outdoor dining and seating areas require the issuance of a Conditional Use Permit in all non-residential districts.

8. 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 negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.

According to Section 14-39-5.B.2.c, an outdoor dining patio shall not exceed 25% of the GFA of the associated restaurant establishment unless the Planning & Zoning Commission waives this requirement based on the finding that sufficient measures have been taken to mitigate potential adverse impacts on adjacent properties. The floor area of the proposed patio would amount to approximately 31 % of the total gross floor area of the associated restaurant. Staff recommends waiving this requirement based on the proposal's contextual location. The patio faces practice baseball fields in the Peoria Sports Complex and is adjacent to a parking area. The commercial and recreational nature of the area alleviates the need for additional mitigation efforts. The specific orientation and location of the patio was included in the site plan approval for this commercial building. Therefore, while the actual use of the patios for outdoor dining was not included in the scope of approval during site plan review, the arrangement of the patio area was an integral component of the site's design.

#### *Analysis*

2. In staff's judgment, the proposed use is an appropriate, ancillary function to the proposed restaurant use. The proposed use is consistent with surrounding land uses and the context of the area in question. A number of restaurants are located in this vicinity, many of which have outdoor dining patios. The adjacency of both the Peoria Sports Complex and the Polar Ice Entertainment ice skating rink makes this a complimentary use for the area that enhances its function as an entertainment and recreation venue. In addition, this specific location previously received CUP approval in November 2008 for use as an outdoor dining patio by a different restaurant that did not occupy the space. The same general site conditions that existed at the time of approval of the previous CUP still exist today.

#### *Noticing and Neighborhood Comment*

9. 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*

10. 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.

**RECOMMENDATION**

11. 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 development;
  - 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 CU09-02291, subject to the following condition:**

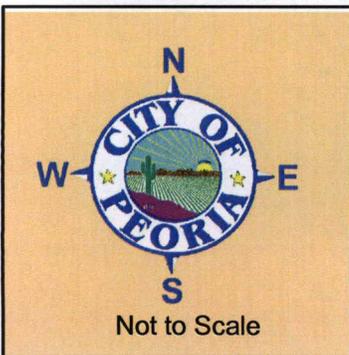
1. The use shall substantially conform to the project narrative (Exhibit C) and site plan (Exhibit D) as contained in the staff report to the Planning & Zoning Commission dated February 4, 2010.

**Attachments:**

Exhibit A	Location Map
Exhibit B	Zoning Map
Exhibit C	Project Narrative
Exhibit D	Site Plan

Prepared by:           Melissa Sigmund  
                                  Planner

# CU09-02291: Location Map



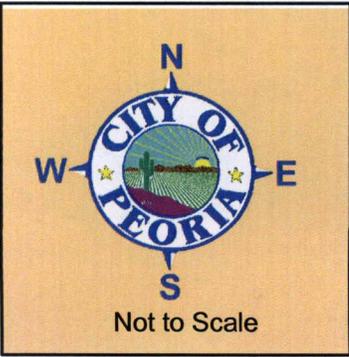
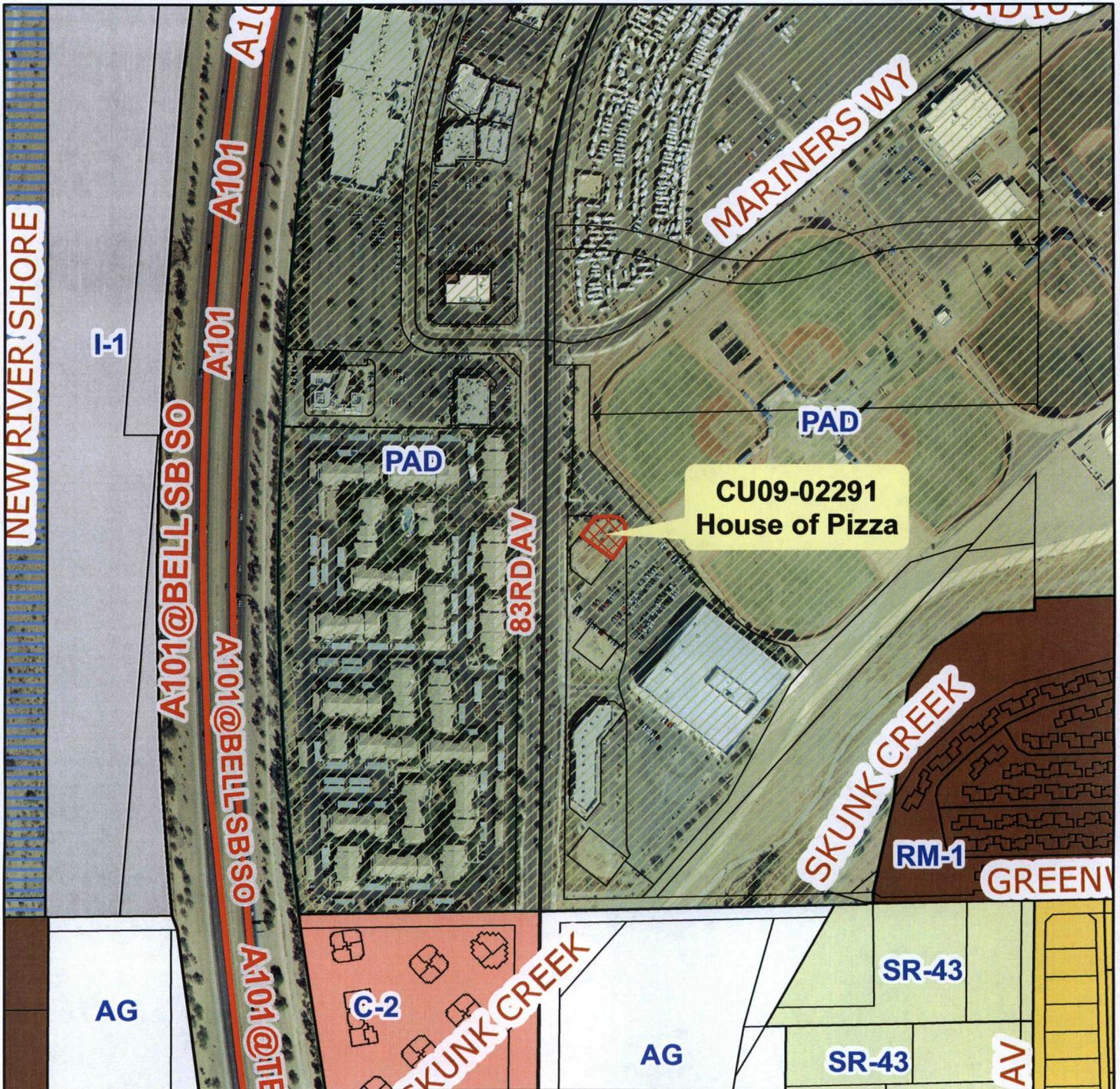
## CU09-02291: House of Pizza

S/O SEC 83rd Ave. & Mariners Way.

Request for a Conditional Use Permit to allow the use of outdoor dining in an existing patio area.

**Exhibit A**

# CU09-02291: Zoning Map



**CU09-02291: House of Pizza**  
S/O SEC 83rd Ave. & Mariners Way.  
Request for a Conditional Use Permit to allow the use of outdoor dining in an existing patio area.

**Exhibit B**

**NARRATIVE**

**House of Pizza**  
**15703 N. 83<sup>rd</sup> Avenue, #100**  
**Peoria, AZ 85382**

House of Pizza is a full-service pizza and salad restaurant that will be open for lunch and dinner. Beer, wine, and spirits will be served within the boundaries of the patio and within the restaurant itself. House of Pizza will sit in a 17,000 square foot building composed of three restaurant suites. The other two suites are vacant.

Hours of operation: 11<sup>00</sup> am - 2<sup>00</sup> am.

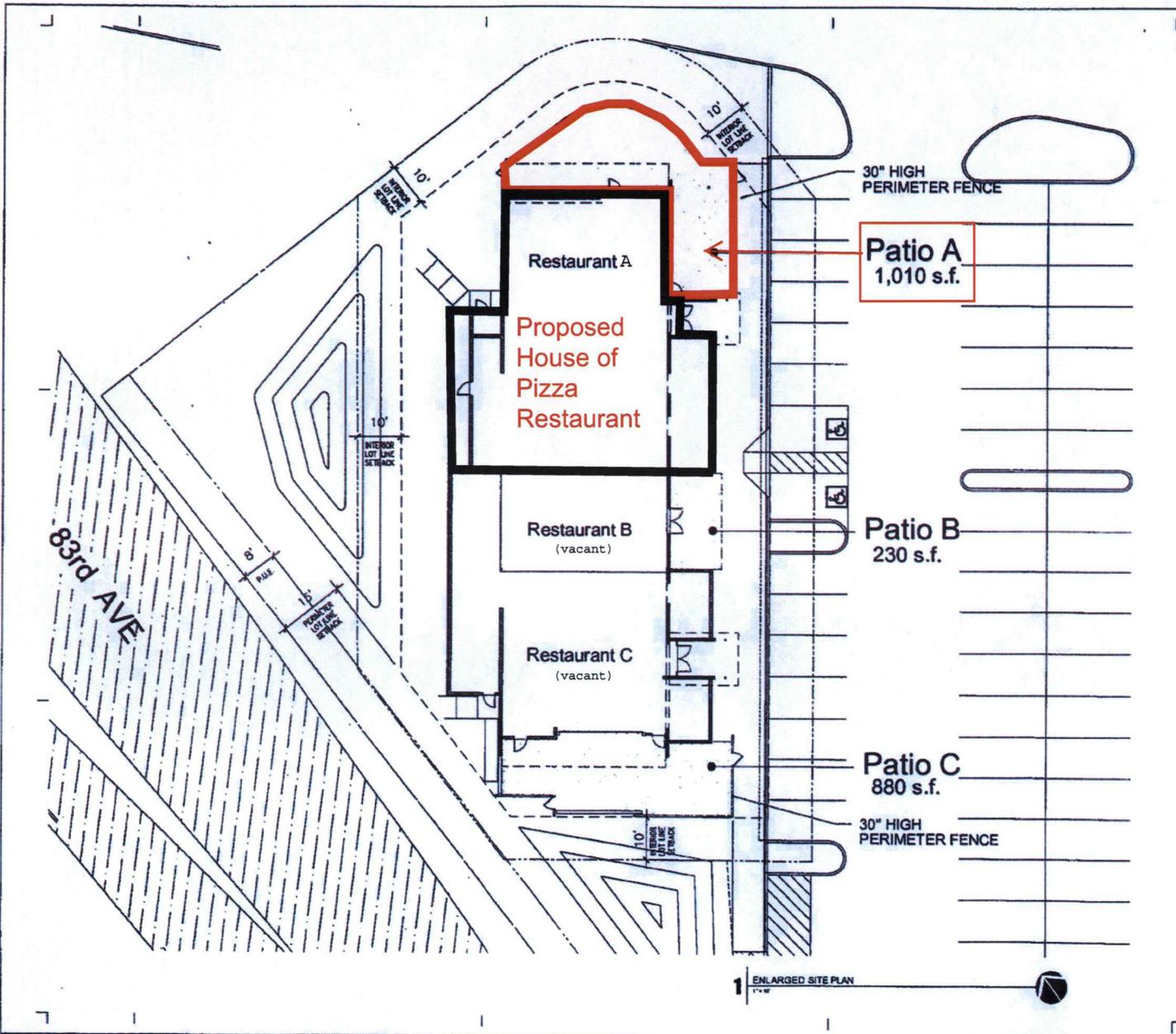
restaurants at  
83rd avenue

moderna

CU09-02291

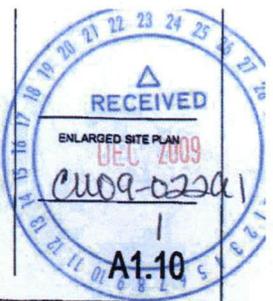
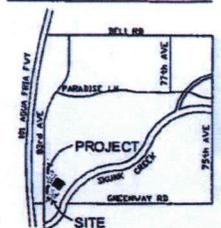
House of Pizza

Exhibit D - Site Plan



1 ENLARGED SITE PLAN

VICINITY MAP





# **MINOR GENERAL PLAN AMENDMENT**

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## **REPORT TO THE PLANNING AND ZONING COMMISSION**

**CASE NUMBER:** GPA 08-02  
**DATE:** February 4, 2010  
**AGENDA ITEM:** 5R

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**Applicant:** Aloravita II, LLC  
**Request:** Minor Amendment to the City of Peoria General Plan  
**Location:** South of the southeast corner of 83<sup>rd</sup> Avenue & Jomax Road  
**Recommendation:** Continue case GPA08-02.

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### **MEMORANDUM**

The applicant has requested an indefinite continuance of case GPA08-02. This continuance will allow the applicant additional time to work with local residents and staff to resolve issue presented prior to the January 19, 2010 City Council meeting where the Council voted unanimously to remand the item back to this evening's Planning & Zoning Commission hearing.

Brownstein | Hyatt  
Farber | Schreck

January 28, 2010



City of Peoria  
Adam Pruett  
9875 N. 85th Avenue  
Peoria, Arizona 85345

RE: GPA 08-02

Dear Mr. Pruett:

As was discussed at the neighborhood meeting yesterday evening we would like to request that the Peoria Planning and Zoning Commission continue the proposed minor General Plan Amendment (Item No. GPA 08-02). This continuance will allow us the ability to work with representatives of the neighborhoods surrounding the proposed project. We would propose that this continuance remain in place until such time as Aloravita I, LLC and City staff mutually determine that it is appropriate to move forward.

Sincerely,



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