



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

**PLANNING & ZONING COMMISSION  
REGULAR MEETING  
AMENDED NOTICE & AGENDA  
THURSDAY, JANUARY 20, 2011  
7:00 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 Vice Chair Melbo from the December 22, 2010 Special Meeting.
- 2C MINUTES:** Discussion and possible action to approve the minutes of the Special Meeting held December 22, 2010.
- 3C CU10-0245:** [REDACTED] [REDACTED] is requesting a Conditional Use Permit to allow for a Bed and Breakfast establishment. The subject property is located east of the northeast corner of 83<sup>rd</sup> Avenue and Monroe Street, and is more specifically described as 8250 W. Monroe St.

- 4C**     **CU10-0238:** Earl, Curley and Lagarde P.C. on behalf of PMT Ambulance, is requesting a Conditional Use Permit to allow for a Ambulance Operational Center (no dispatch). The subject property is located on the southwest corner of Loop 101 and Olive Avenue, and is more specifically described as 9299 W Olive Avenue, Building #7.

## REGULAR AGENDA

### **NEW BUSINESS:**

- 5R**     **PUBLIC HEARING:** City of Peoria Initial Zoning.

**PUBLIC HEARING - Z10-0282:** The City of Peoria has initiated a rezoning application for approximately 16.4 acres of privately owned property located at the corner of Beardsley Road & The Loop-101 alignment(s) and is more accurately described as a portion of APNs 200-30-010M and 200-30-010N. This request follows a recent annexation application. Arizona State Law mandates initial City zoning to be established on the property within six months of the effective annexation date. The request is to rezone the property from City of Glendale Agricultural (A-1) to City of Peoria General Agricultural (AG).

**Staff Report**

**Open Public Hearing**

**Public Comment**

**Close Public Hearing**

**Commission Action:** Discussion and possible action to recommend approval of a request from the City of Peoria to rezone approximately 16.4 acres of privately owned property located at the corner of Beardsley Road & The Loop-101 alignment(s) from City of Glendale Agricultural (A-1) to City of Peoria General Agricultural (AG).

- 6R**     **PUBLIC HEARING:** City of Peoria Text Amendment.

**PUBLIC HEARING - TA10-0131:** The City of Peoria has initiated a text amendment to Article 14-22A (Hillside Overlay District) of the Zoning Ordinance. The amendment will amend the Hillside Development criteria within the City of Peoria.

**Staff Report –** Request for continuance of the case until the February 3, 2011 meeting.

**Open Public Hearing**

**Public Comment**

**Close Public Hearing**

**Commission Action:** Discussion and possible action to recommend a continuance of a request from the City of Peoria to amend Article 14-22A (Hillside Overlay District) of the Zoning Ordinance until the February 3, 2011 meeting.

**7R     PUBLIC HEARING:** City of Peoria Text Amendment.

**PUBLIC HEARING - TA10-0040:** The City of Peoria has initiated a text amendment to Article 14-37 (“Administrative and Decision Making Bodies”) and Article 14-39 (“Administrative Procedures”) of the Zoning Ordinance relating to the composition and duties of the Planning and Zoning Commission, Design Review Appeals Board and the Design Standards Advisory Boards and provide for various housekeeping updates.

**Staff Report**

**Open Public Hearing**

**Public Comment**

**Close Public Hearing**

**Commission Action:** Discussion and possible action to recommend approval of a request from the City of Peoria to amend Article 14-37 (“Administrative and Decision Making Bodies”) and Article 14-39 (“Administrative Procedures”) of the Zoning Ordinance.

**8R     ELECTION OF OFFICERS:** Discussion and possible action to elect officers for 2011 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  
DECEMBER 22, 2010  
DRAFT**

A **SPECIAL 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, Commissioners Bill Louis, Leigh Strickman, Nancy Golden, Greg Loper and Gene Sweeney

**Members Absent:** Vice Chair Marc Melbo.

**Others Present:** Steve Kemp - City Attorney, Chris Jacques – Planning Manager, Robert Gubser – Senior Planner, Ed Boik – Planner, and Bev Parcels – Planning Assistant.

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

Call for speaker request forms.

**Audience:** Two.

**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:** Discussion and possible action to approve/excuse the absences of Chair McFarland, Commissioners Loper and Sweeney from the December 2, 2010 meeting.
- 2C **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held December 2, 2010.
- 3C **CU10-0192:** Cost Plus World Market requested a Conditional Use Permit to facilitate a Series 7 - Beer and Wine Bar liquor license for beer and wine tasting in conjunction with the operation of an existing retail store. The site is located at 7419 W. Bell Rd.

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

### **REGULAR AGENDA**

#### **NEW BUSINESS:**

**4R PUBLIC HEARING - TA10-0225:** The City of Peoria proposed an amendment to Articles 14-2 Definitions, 14-3 General Provisions, 14-9 Non-Residential Districts, and 14-39 Administrative Procedures of the Zoning Ordinance. The amendment will amend definitions, home occupations, permitted land uses, and temporary use permits as related to the sales of Permissible Consumer Fireworks within the City of Peoria.

**STAFF REPORT:** Presented by Robert Gubser, Senior Planner

**COMMISSION COMMENT:** None

**PUBLIC COMMENT:** None

**COMMISSION ACTION:** Commissioner Louis moved to recommend approval of a request from the City of Peoria to amend Articles 14-2 Definitions, 14-3 General Provisions, 14-9 Non-Residential Districts, and 14-39 Administrative Procedures of the Zoning Ordinance. The motion was seconded by Commissioner Sweeney and upon vote, carried unanimously 6-0.

**5R PUBLIC HEARING - TA10-0239:** The City of Peoria proposed an amendment to Article 14-2 Definitions, 14-3, General Provisions, and 14-9 Non-Residential Districts of the Zoning Ordinance. The amendment will amend the definitions, home occupations, and permitted land uses as related to Medical Marijuana Dispensaries and Cultivation Facilities within the City of Peoria.

**STAFF REPORT:** Presented by Ed Boik, Planner

**COMMISSION COMMENT:** Commissioners inquired about the following -

- The twenty-five mile distance requirement from dispensaries for private growing.
- Clarification on the allowance for twelve privately grown plants.
- The Arizona Department of Health Services regulations.
- The difference between the dispensaries and a pharmacy.
- The use of marijuana in public places.
- The issues other states have encountered.
- Type of rules and identification required to obtain medical marijuana.
- Whether the identification card to obtain medical marijuana can be revoked if you are caught driving under the influence.
- The reason for separating the dispensaries and the cultivation facilities.
- Clarification on the non-profit wording.
- The problems that police will encounter and the difficulty in regulating the use.

**PUBLIC COMMENT:**

█ – Representative for the Rose Law Group, commented on rules and regulations to sell and grow marijuana, favors lowering the distance requirements, and placing the facilities in high-trafficked areas.

**COMMISSION ACTION:** Commissioner Loper moved to recommend approval of a request from the City of Peoria to amend Article 14-2 Definitions, 14-3, General Provisions, and 14-9 Non-Residential Districts of the Zoning Ordinance. The motion was seconded by Commissioner Sweeney and upon vote, carried unanimously 6-0.

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

**REPORT FROM STAFF:** None

**REPORTS FROM THE PLANNING AND ZONING COMMISSION:** None

**ADJOURNMENT:** There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 7:25 p.m.

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Veda McFarland, Chair

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Date Signed



# CONDITIONAL USE PERMIT

## REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NUMBER:** CU 10-0245  
**DATE:** January 20, 2011  
**AGENDA ITEM:** 3C

**Applicant:** [REDACTED]

**Request:** Obtain a Conditional Use Permit to allow for a Bed and Breakfast in the Core Residential Mixed Use zoning district.

**Proposed Development:** Bed and Breakfast

**Location:** East of the northeast corner of 83<sup>rd</sup> Avenue and Monroe Street, specifically 8250 W. Monroe Street.

**Site Acreage:** .28 acres (11,984 square feet)

**Support / Opposition:** As of the date of this printing, staff has not received any support or opposition to this request.

**Recommendation:** **Approve**, with conditions.

### AREA CONTEXT

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

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Single-Family Residential	Core Residential Neighborhood Mixed Use	Core Residential Mixed Use (CRM)
North	Single-Family Residential	Core Residential Neighborhood Mixed Use	CRM
South	Residential street (Monroe St), then vacant	Office Use	Planned Area Development (PAD): Peoria Place
East	Single-Family Residential	Core Residential Neighborhood Mixed Use	CRM
West	Single-Family Residential	Core Residential Neighborhood Mixed Use	CRM

## **PROJECT DESCRIPTION**

### *Request Details*

1. The applicants are requesting a Conditional Use Permit (CUP) to allow for a proposed Bed and Breakfast operation within an existing single-family residential home at the property located at 8250 W. Monroe Street in the Old Town Peoria area. The Bed and Breakfast would be utilized as a "get-away" location for hobbyists, group planning meetings, bible studies and craft classes.
2. At this time, the exact hours of operation have not been determined; however, they are anticipated to be Monday through Friday 10 am – 4 pm. Weekend stays will be by appointment only and if there are no overnight guests on Saturday evening, they will be closed on Sundays.
3. Accommodations will be available for up to 10 guests in no more than five rooms. Any meals that may be served will be restricted to those staying at the Bed and Breakfast.
4. A property manager will oversee the daily operation of the Bed and Breakfast and will be residing on-site in the bungalow located in the backyard.
5. Parking for the site will be accommodated with the four available spots on the driveway in the front (accessed from Monroe Street) and three available spots in the back (accessed from the alley). Any excess parking needed will be accommodated via on-street parking.

## **DISCUSSION AND ANALYSIS**

### *Applicability*

6. A Bed and Breakfast Inn is designated as a Permitted Conditional Use in the Core Residential Mixed Use zoning district. Section 14-39-10.E of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a CUP is to mitigate any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.

### *Analysis*

7. Established in 2004, the Old Town Mixed Use District (OTMU) was designed to direct development in the Peoria central core by allowing complimentary mixtures of commercial, specialized retail, office, and various types of residential developments. As one of the two mixed use designations in the OTMU, Core Residential Mixed Use (CRM) allows for primarily single-family residential uses. Limited types of non-residential uses adapted to the residential structures are permitted in the Residential Mixed-Use area. Non-residential uses may include small-scale entrepreneurial, pedestrian-oriented goods and services, family-

owned business, bed and breakfast establishments, and small professional or home business whose business is primarily oriented to users in the Old Town area.

8. Based on the zoning ordinance, a Bed and Breakfast Inn is defined as a house, or portion thereof, where short-term lodging rooms and meals are provided for a fee. The operator of the inn shall live on the premises or abutting premises. In no event shall a Bed and Breakfast Inn have for rent more than five (5) rooms. A Bed and Breakfast Inn does not include institutions for the care of alcoholics, drug addicts, and persons with mental illness or communicable diseases, group care homes, community residential setting facilities and recovery centers licensed by the State of Arizona.
9. Bed and Breakfast Inns shall be subject to all of the following additional requirements (**staff responses in bold**):
  - Maximum building height shall be thirty (30) feet or two (2) stories, whichever is greater. (**This is an existing one-story residence and does not exceed 30 feet in height.**)
  - Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in lawns or landscaping. (**No additional paving is planned.**)
  - Short-term lodging for the purposes of a Bed and Breakfast Inn shall be for a period not exceeding fourteen (14) consecutive days. (**The narrative report indicates that stays will never exceed 14 consecutive days.**)
  - Meals shall be restricted to registered guests. (**The narrative report indicates that meals will be restricted to guests only.**)
10. As indicated in the description of the request, the site has an adequate number of parking spots available to accommodate most patrons of the Bed and Breakfast. Under the OTMU zoning district, there are no minimum requirements for parking spaces, therefore any excess parking needed for the site would be accommodated via on-street parking. It should be noted that only the north side of Monroe Street is available for parking given that the south side is lined with no parking signs.
11. In staff's judgment, the proposed use is appropriate and compatible with surrounding land uses and is a use that is envisioned with the OTMU zoning district. As outlined in the attached narrative report (Exhibit D), the proposed Bed and Breakfast will be operated in a manner that is consistent with the definition of a Bed and Breakfast Inn and the additional Conditional Use Permit requirements. In addition, the proposed use is considered to be a low intensity use and is not anticipated to negatively impact the adjacent residences through light, odor, smoke, heat or glare.

*Noticing and Neighborhood Comment*

12. The application notice was forwarded to all property owners within 600 feet of the proposal and properly noticed pursuant to Section 14-39-10 of the Peoria Zoning Ordinance. As of the printing of this report, no comments in support or opposition to the request have been received from the surrounding property owners. However, there were two calls received following the initial routing requesting further information on the application.

*Proposition 207*

13. 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 that will be recorded following the outcome of this application.

**FINDINGS AND RECOMMENDATION**

14. Based on the following findings:
  - The request is consistent with the applicable codes, standards, and guidelines; and
  - The proposal does not result in any detrimental impacts to the surrounding residences; and
  - The request for a Bed and Breakfast is one of the types of uses envisioned for Old Town with the adoption of the Old Town Mixed Use districts.

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 CU10-0245, subject to the following conditions:**

1. The use shall substantially conform to the project narrative (Exhibit D) as contained in the staff report to the Planning & Zoning Commission dated January 20, 2011.

**Attachments:**

Exhibit A	Location Map
Exhibit B	Zoning Map
Exhibit C	Context Aerial Map
Exhibit D	Project Narrative

Prepared by: Robert Gubser, AICP  
Senior Planner

# Location Map

Exhibit A



## CU10-0245 An Old Town Get-Away

Applicant: [REDACTED]

Request: Conditional Use Permit to allow for a Bed and Breakfast in the Core Residential Mixed Use zoning district

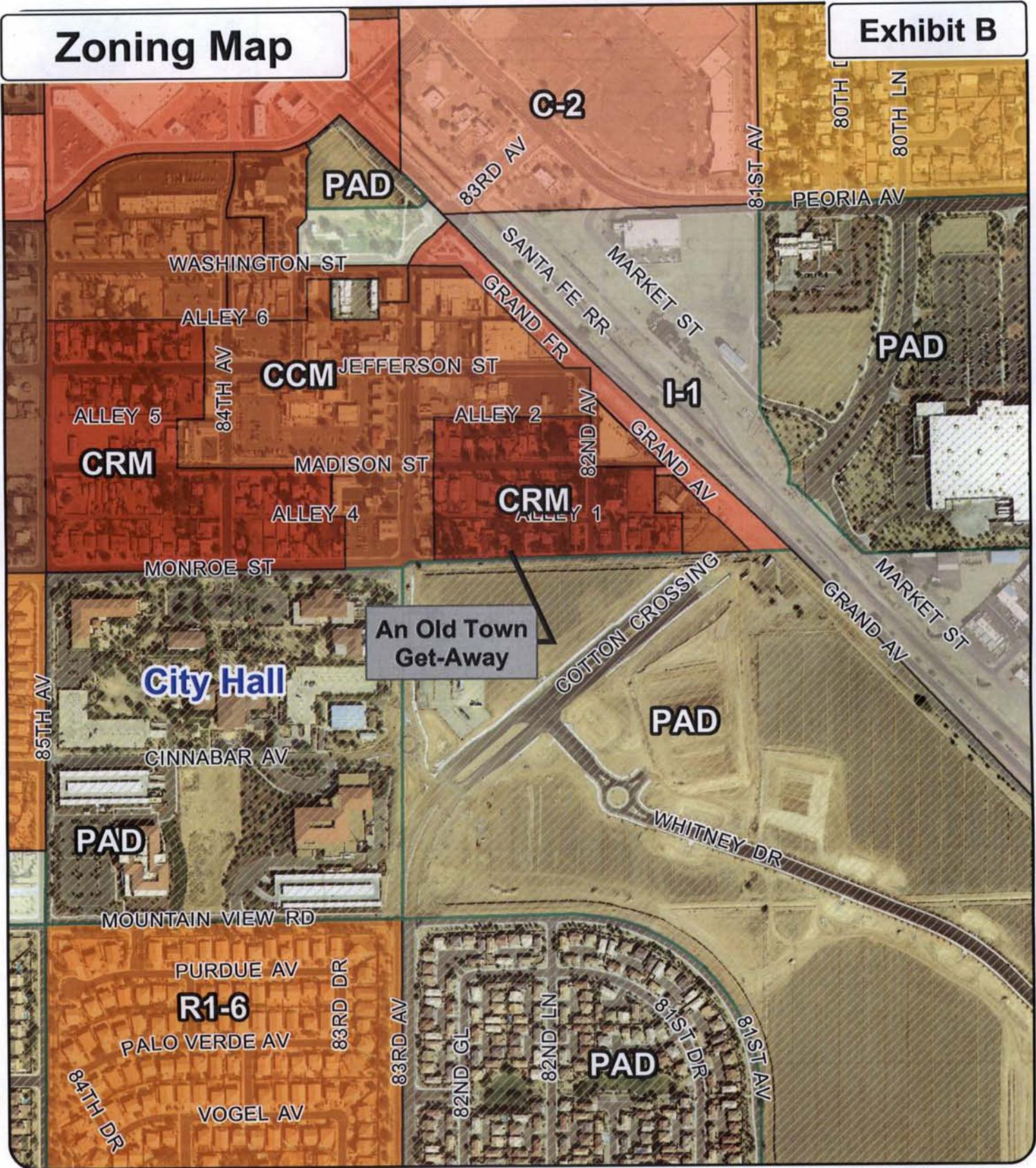


Not to Scale



# Zoning Map

# Exhibit B



## CU10-0245 An Old Town Get-Away

Applicant: [REDACTED]

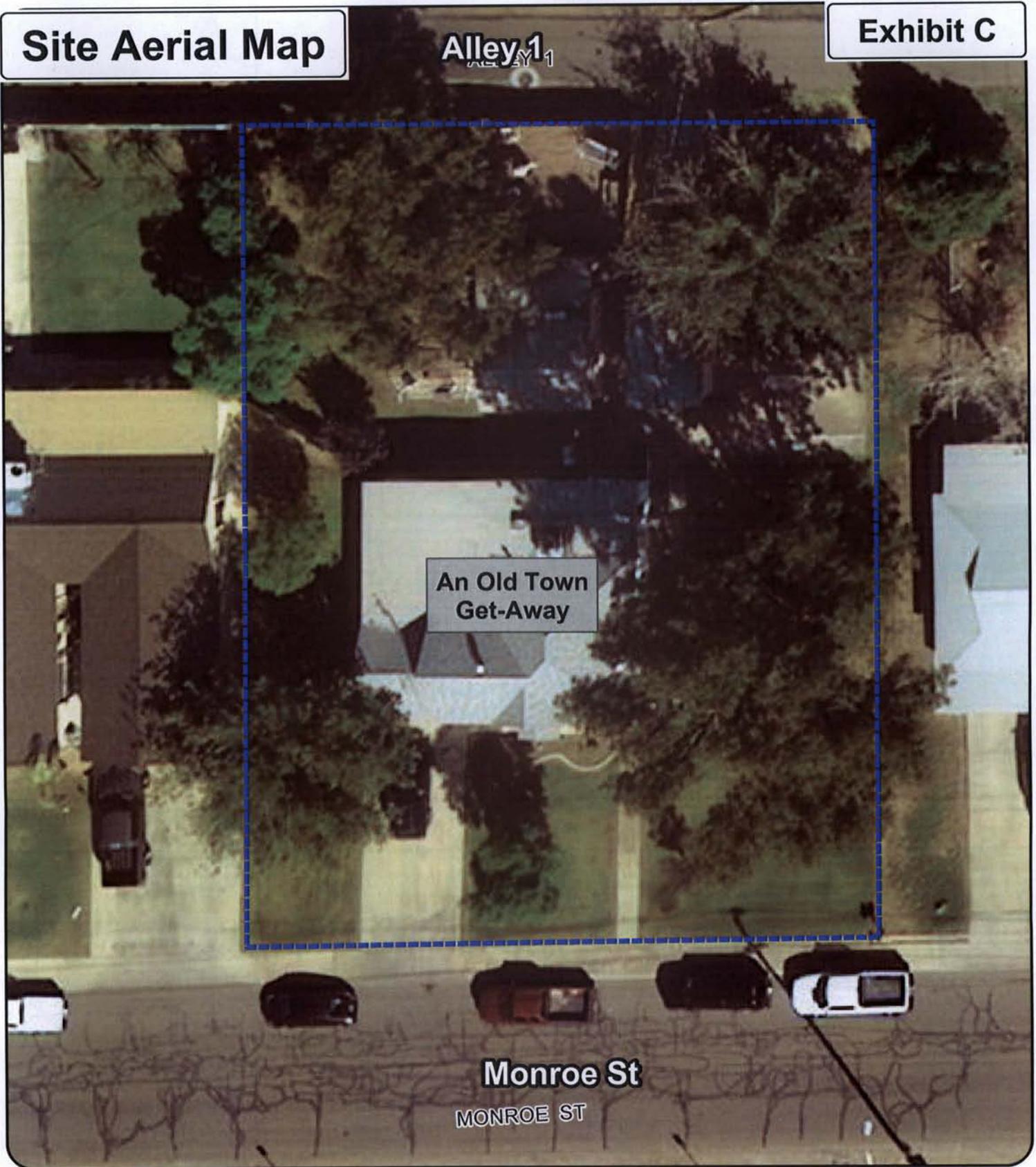
Request: Conditional Use Permit to allow for a Bed and Breakfast in the Core Residential Mixed Use zoning district



Not to Scale

# Site Aerial Map

Exhibit C



## CU10-0245 An Old Town Get-Away

Applicant: [REDACTED]

Request: Conditional Use Permit to allow for a Bed and Breakfast in the Core Residential Mixed Use zoning district



Not to Scale



## **Narrative Report: An Old Town Get-Away**

**Case # CU10-0245**

This is a request for a Conditional Use Permit for a Bed & Breakfast-type facility to be located at 8250 W. Monroe St. in Peoria.

We are not 100% certain of our hours of operation yet, but probably M-F 10-4--F-SN weekend stays by appt. If no overnight guests, closed Sundays.

We can accommodate up to and including ten guests. Stays will be short-term in nature, never exceeding 14 days, and mostly limited to weekends.

We have an individual, a property manager, living on-site in the bungalow in the back.

Any meals will be restricted to guests only.

No more than 5 rooms will be rented at a time.

We have seven parking spaces available on-site, three in the back and four in the driveway. (The Old Town Overlay allows for on-street parking.)



# CONDITIONAL USE PERMIT

## REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NUMBER:** CU 10-0238  
**DATE:** January 20, 2011  
**AGENDA ITEM:** 4C

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**Applicant:** Earl, Curley & Lagarde P.C. on behalf of PMT Ambulance  
**Request:** Obtain a Conditional Use Permit to allow an ambulance operations center.  
**Proposed Development:** PMT Ambulance  
**Location:** The southwest corner of Loop 101 and Olive Avenue, specifically 9299 W Olive Avenue, Building #7.  
**Site Acreage:** An approximately 9,568 s.f. building (building #7) within an existing commercial center on approximately 23 acres.  
**Support / Opposition:** As of the date of this printing, staff has not received any phone calls or emails regarding this request.  
**Recommendation:** **Approve**, with conditions.

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### AREA CONTEXT

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

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Business Park	Business Park Industrial	BPI
North	Single-Family Residential	Residential Medium Density (5-8 du/ac, target of 6 du/ac)	Planned Area Development (Z99-08)
South	Loop-101	Business Park Industrial	None
East	Loop-101	Business Park Industrial	None
West	Single-Family Residential – 1 Acre Lots	Residential Estate (0-2 du/ac, target of 1 du/ac)	R1-35, Single Family Residential

## **PROJECT DESCRIPTION**

### *Request and Development Details*

1. The applicant is proposing an ambulance operational center within a 9,568 square-foot building at an existing business park. The center currently contains a mix of business park, office and commercial uses.
2. PMT Ambulance provides ambulance service for the City of Peoria. The facility will house offices, supply storage, parking and light servicing of ambulances which are not in use. The operational center will not be a dispatch facility. No lights or sirens will be activated for ambulances leaving or arriving at this location.
3. Building #7 is a 9,568 square-foot building located on the southwest portion of the site. It is currently vacant and PMT Ambulance will be the sole tenant in the building.
4. Employee and ambulance parking will be within a secured, enclosed area immediately adjacent and south of building #7. Enclosing this area will not negatively impact the parking availability for the existing uses in the business park.
5. The building and landscaping were approved through previous Site Plan, Design Review, and Building Permit applications for this site.
6. Other than the enclosed parking area and minimal modifications to the 'storefront' of the building, no external changes are proposed.

## **FINDINGS AND ANALYSIS**

### *Applicability*

7. Section 14-39-10.D of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a CUP is to mitigate any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.
8. The use is not expected to impact the adjacent business park uses or residential properties through light, odor, smoke, heat or glare.

### *Analysis*

9. Ambulance Operational Center is not a defined use in the Zoning Code, however, the Planning Manager has determined that the use behaves and is most similar to the use "School Bus Parking and Maintenance Facility" which is a conditional use in the BPI district. Therefore, this use is considered a Conditional Use in the Business Park / Industrial District.

10. In staff's judgment, the proposed use is appropriate and compatible with surrounding land uses and the context of the area in question. The condition prohibiting siren operation will ensure the use operates in compliance with City Codes and with minimal disturbance to the adjacent residential properties.

*Noticing and Neighborhood Comment*

11. The application notice was forwarded to all property owners within 600 feet of the proposal and properly noticed pursuant to Section 14-39-10 of the Peoria Zoning Ordinance. No calls or emails have been received either for or against the proposal.

*Proposition 207*

12. 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**

13. Based on the following findings:
  - Operation of the site will minimally impact the adjacent uses; and
  - The use, in conjunction with the conditions will operate in a manner that protects the neighborhood from nuisances and other disturbances.

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 CU10-0238, subject to the following conditions:**

1. The use shall substantially conform to the project narrative (Exhibit A) as contained in the staff report to the Planning & Zoning Commission dated January 20, 2011, except where modified herein.
2. Ambulances shall not be dispatched from this site and sirens shall not be activated for vehicles entering or leaving this site.
3. Maintenance shall be limited to preventative maintenance such as oil changes, electrical/lighting repair, communication equipment repair, brake maintenance, oil changes and other similar maintenance.

## **Attachments:**

Exhibit A	Narrative
Exhibit B	Vicinity Map

Exhibit C  
Exhibit D  
Exhibit E

Zoning Map  
Site Plan  
Elevations

Prepared by:

Ed Boik  
Planner

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

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Fax (602) 265-2195  
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3101 North Central Avenue  
Suite 1000  
Phoenix, Arizona 85012

November 16, 2010

**Use Permit Narrative  
for PMT Ambulance Company  
Olive Avenue Business Park-Building #7  
Southwest Corner of Loop 101 and Olive Avenue**

On behalf of our client, PMT Ambulance Company, we are seeking a Use Permit to allow them to locate their Westside Operational Center within an existing vacant building located within Building #7 of the Olive Avenue Business Park (9299 West Olive Avenue). Olive Avenue Business Park is located at the southwest corner of Loop 101 and Olive Avenue, adjacent to the Loop 101 Freeway. This facility will provide PMT Ambulance Company a much desired location to serve the City of Peoria and its residents. The uses which will occur on the property are limited to minor maintenance of the vehicles, offices for the company, supply storage, and parking of ambulance when not in use. It should be noted that **emergency calls will never be dispatched from this location; therefore, there will be no lights or sirens from the vehicles leaving or returning to this specific site.**

The specific Use Permit request is to allow use of Building #7 and the parking area directly south of the subject building for PMT Westside Operational Center. This proposal includes a 6-foot high wrought iron fence which includes a vehicular entry gate which is located directly south of Building #7. The wrought-iron fence is intended to provide security for the ambulance vehicles that will be parked overnight when not in use.

**Background**

The Olive Business Park property is an approximately 23 acre property located at the southwest corner of Loop 101 Freeway and Olive Avenue. The irregular shaped property is situated between the Loop 101 on the east side and larger lot single-family residential homes on the west side. The overall property is fully developed with all access, parking, buildings and landscaping already existing, including an existing minimum 9-foot 6-inch high wall along the west property line. The City Council approved the current BPI zoning on the entire property in May 1991 subject to conditions. The site is developed according the existing zoning and the conditions of approval from the City Council.

**Use Permit**

The Use Permit request is to allow use of Building #7 and the parking area directly south of the subject building for PMT Westside Operational Center. This proposal includes a 6-foot high

wrought iron fence directly south of Building #7 to provide security for the ambulance vehicles. This fenced area will also provide an automatic vehicular gate into the secured parking area from the south.

The City's Planning Department has reviewed the land use request and has determined that this request can be broken down into three general uses of which could be permitted within the existing zoning on the property. The first part of the use could be defined as overnight parking and minor maintenance of ambulance vehicles. The second part of the use, storage (warehouse), is for PMT fleet supplies and Peoria Fire Stations and the third part of the use can be classified as an ancillary office for crews, supervisors and maintenance staff. It should be noted that warehousing of supplies and office space are permitted outright in the BPI zoning district.

The subject Use Permit request is only for Building #7 and a parking area immediately south of Building #7 which will be enclosed by a proposed wrought-iron fence to secure the ambulance vehicles which will be parking over night on this site while not in use. The secure parking area will be accessed from the south via an automatic vehicular gate. The overall site access is from Olive Avenue. The site will continue to accommodate adequate access to/from the site. No changes are being proposed to the over site access. Building #7 is the smallest of the existing 8 buildings located within the Olive Avenue Business Park and is located near the southwest corner of the site. Building #7 faces to the northwest with its loading area internal to the site facing east away from the neighbors. Building #7 is a stand alone 9,568 square feet concrete building with parking being provided along the west and south sides of the subject building.

As previously mentioned, the specific Use Permit request is to allow use of Building #7 and the parking area directly south of the subject building for PMT Westside Operational Center. This proposal includes a 6-foot high wrought iron fence (and gate) directly south of Building #7 to allow for security for the 12-15 ambulance vehicles that will be parked overnight when not in use. This location of the fence does not restrict or cause any circulation problems to the remainder of the site as this area of the site actually acted as a dead-end or cul-de-sac. Parking for this site is not an issue. The Zoning Ordinance requires 20 parking spaces for this use and 34 parking spaces are provided. Even with the enclosed security area there is sufficient parking for this site. It is expected that this site will not generate a large demand for parking since the majority of the floor space will be used to accommodate work space or warehousing.

The request also allows for indoor minor preventative maintenance for their fleet vehicles that will be performed on the vehicles every 3,000 miles. Preventative maintenance will include check and repair of electrical equipment, communication equipment, brakes and oil changes, and checking equipment inside the ambulances, etc. all of which will be performed indoors. No major mechanical and/or painting or body work will be performed at this location. Additionally, the building will include office and warehousing of supplies for PMT vehicles as well as Peoria fire stations. It should be noted that **emergency calls will never be dispatched from this location; therefore, there will be no lights or sirens from the vehicles leaving or returning to this specific site.** PMT agrees to a stipulation to this effect.

The staff has been very helpful to the applicant in the processing of this application. We believe this proposed Use Permit meets the Zoning Ordinance requirements and is appropriate and compatible with the surrounding areas. With the exception of the proposed 6-foot high wrought iron fence, including the vehicular gate, and a new window wall system and doors to match the existing, no other changes are being proposed to the exterior. With all of the existing perimeter improvements, including the minimum 9-foot 6-inch high wall along the west property line, the existing maturing landscaping along the perimeter, and the existing building along the freeway frontage, we believe this request will not be noticeable from the perimeter of the site. With the exception of the vehicle parking within the security fencing the characteristics of the use will take place entirely indoors.

In sum, we believe that this is a proper land use which is a low impact and benign use. We thank you for your consideration and respectfully request approval of this Use Permit to allow implementation of PMT's Westside Operational Center.

# Vicinity Map

Exhibit B



## CU10-0238 PMT Ambulance

Applicant: Earl, Curley & Lagarde, P.C. on behalf of PMT Ambulance

Request: CUP for Ambulance Operational Center



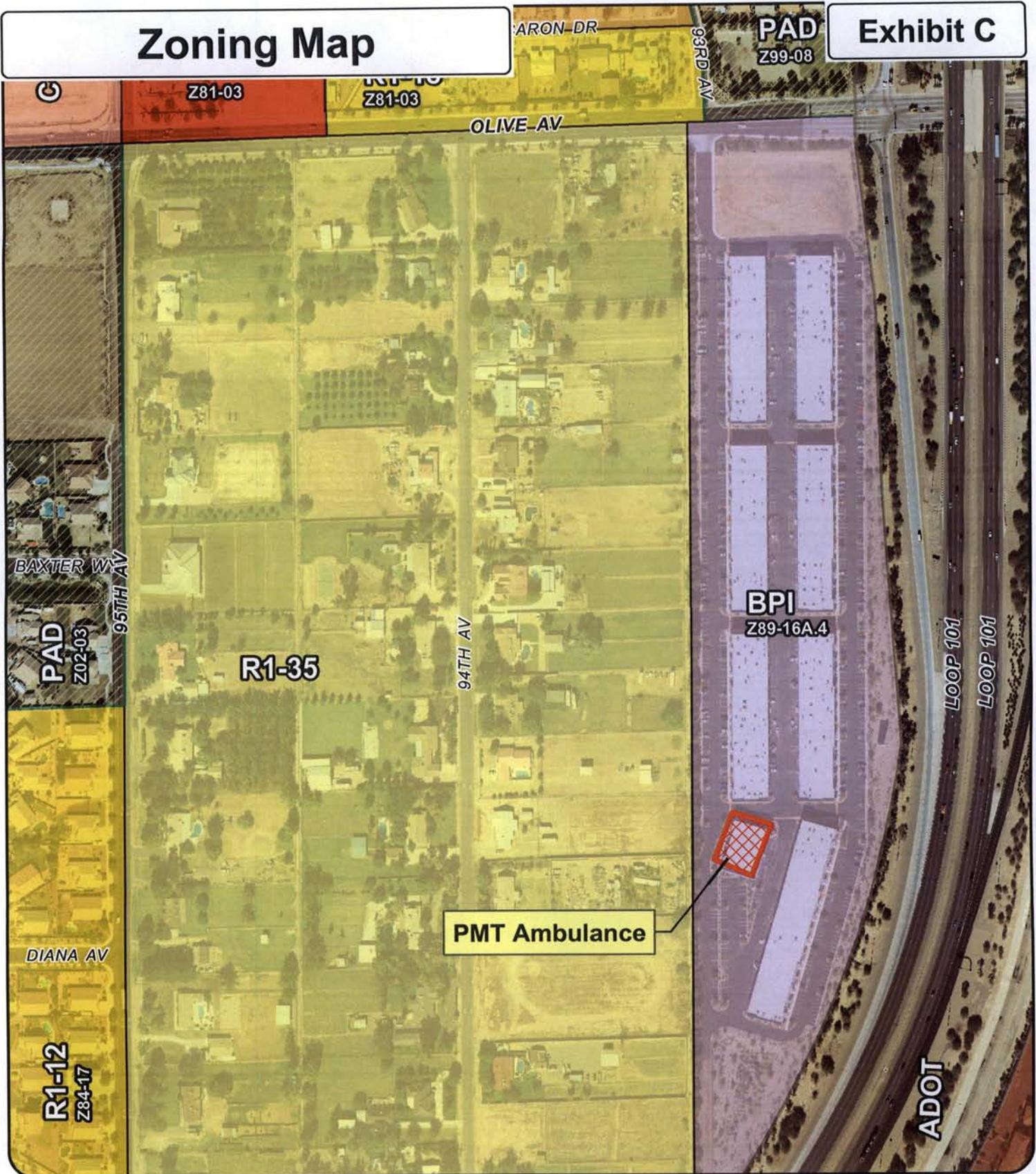
Not to Scale

# Zoning Map

ARON DR

PAD  
Z99-08

Exhibit C



## CU10-0238 PMT Ambulance

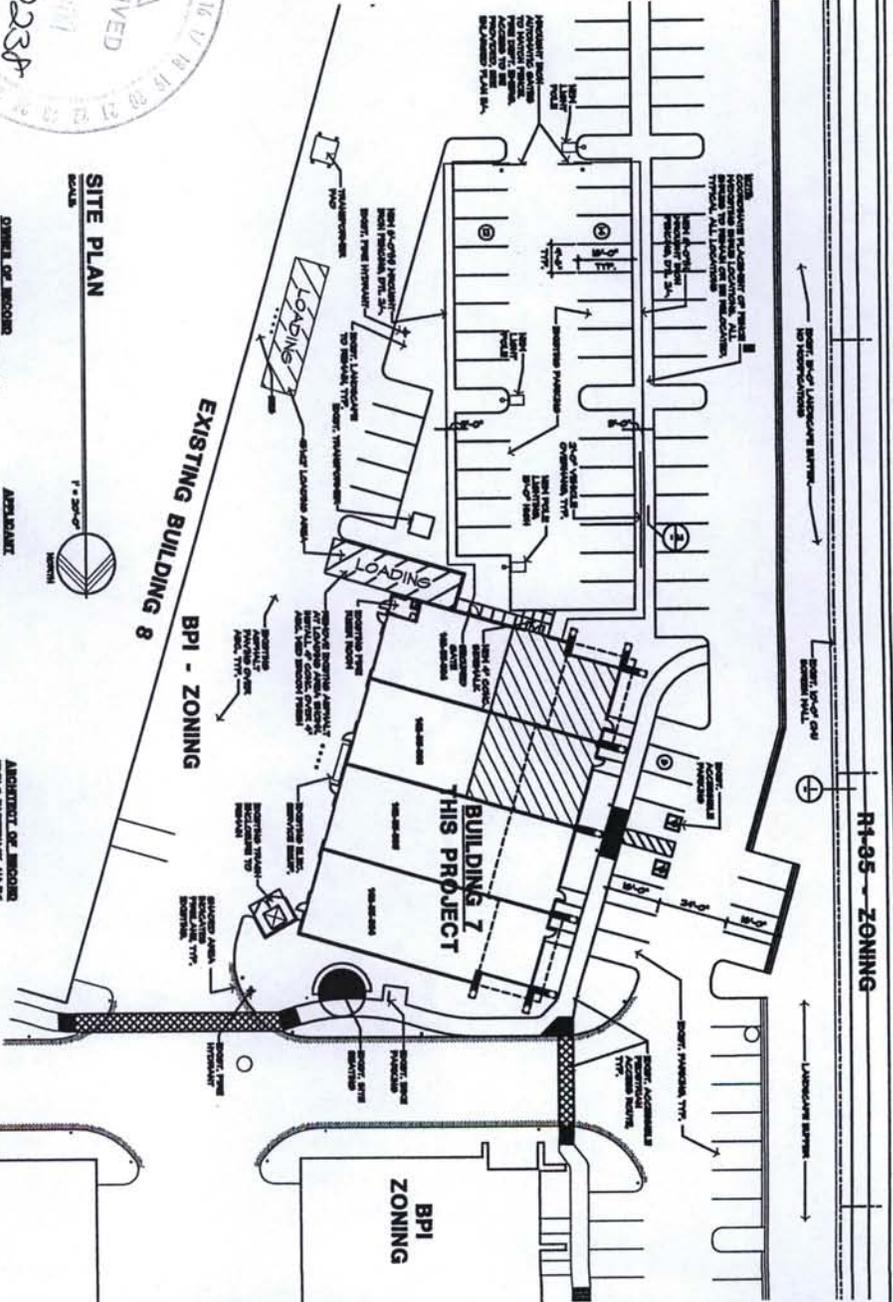
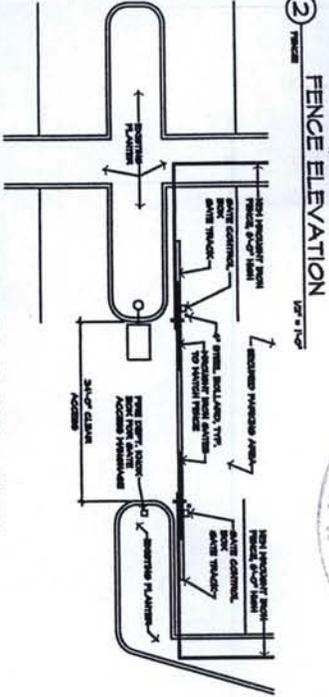
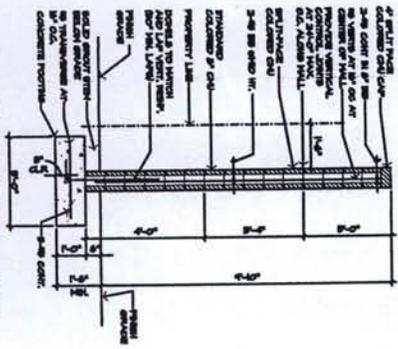
Applicant: Earl, Curley & Lagarde, P.C. on behalf of PMT Ambulance

Request: CUP for Ambulance Operational Center



Not to Scale



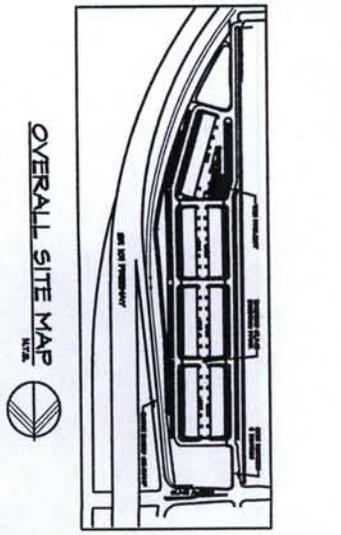


**OWNER OF RECORD**  
 TRANSPORT PMT AMBULANCE, LLC  
 9299 W. OLIVE AVENUE, SUITE 104  
 PEORIA, ARIZONA 86801  
 PH: 623-980-0000

**ARCHITECT**  
 ROBIN A. PASTERNAK, ARCHITECT  
 1000 N. UNIVERSITY AVENUE, SUITE 100  
 PEORIA, ARIZONA 86801  
 PH: 623-980-0000

**APPROVED BY RECORDERS**  
 JOHN B. HANCOCK, PEORIA, ARIZONA  
 JOHN B. HANCOCK, PEORIA, ARIZONA  
 JOHN B. HANCOCK, PEORIA, ARIZONA

**PERMITS**  
 1. ALL PERMITS MUST BE OBTAINED FOR A STRUCTURE  
 AND/OR CONSTRUCTION.  
 2. ALL PERMITS MUST BE OBTAINED FOR A STRUCTURE  
 AND/OR CONSTRUCTION.  
 3. ALL PERMITS MUST BE OBTAINED FOR A STRUCTURE  
 AND/OR CONSTRUCTION.  
 4. ALL PERMITS MUST BE OBTAINED FOR A STRUCTURE  
 AND/OR CONSTRUCTION.



**PROFESSIONAL MEDICAL**  
**TRANSPORT**  
**PMT AMBULANCE**  
 9299 W. OLIVE AVENUE, SUITE 104  
 PEORIA, ARIZONA

**ROBIN A. PASTERNAK, ARCHITECT**  
 1000 N. UNIVERSITY AVENUE, SUITE 100  
 PEORIA, ARIZONA 86801  
 PH: 623-980-0000

**PROJECT ADDRESS**

RELATIONS 1	.....	EXISTING	RELATIONS 6	.....	EXISTING
RELATIONS 2	.....	EXISTING	RELATIONS 7	.....	EXISTING
RELATIONS 3	.....	EXISTING	RELATIONS 8	.....	EXISTING
RELATIONS 4	.....	EXISTING	RELATIONS 9	.....	EXISTING
RELATIONS 5	.....	EXISTING	RELATIONS 10	.....	EXISTING

**PARKING CALCULATIONS**

**REQUIREMENTS:**

TOTAL, BUILDING RELATED PROGRAMS: 300

TOTAL, RESIDENTIAL UNITS: 100

TOTAL, OFFICE: 100

TOTAL, RETAIL: 100

TOTAL, COMMERCIAL: 100

TOTAL, PUBLIC: 100

TOTAL, TOTAL: 700

TOTAL, REQUIRED: 700

TOTAL, PROVIDED: 700

TOTAL, DEFICIT: 0

TOTAL, EXCESS: 0

TOTAL, BALANCE: 0

**PROJECT DATA**

**GENERAL DATA**

OWNER: [Name]

DESIGNER: [Name]

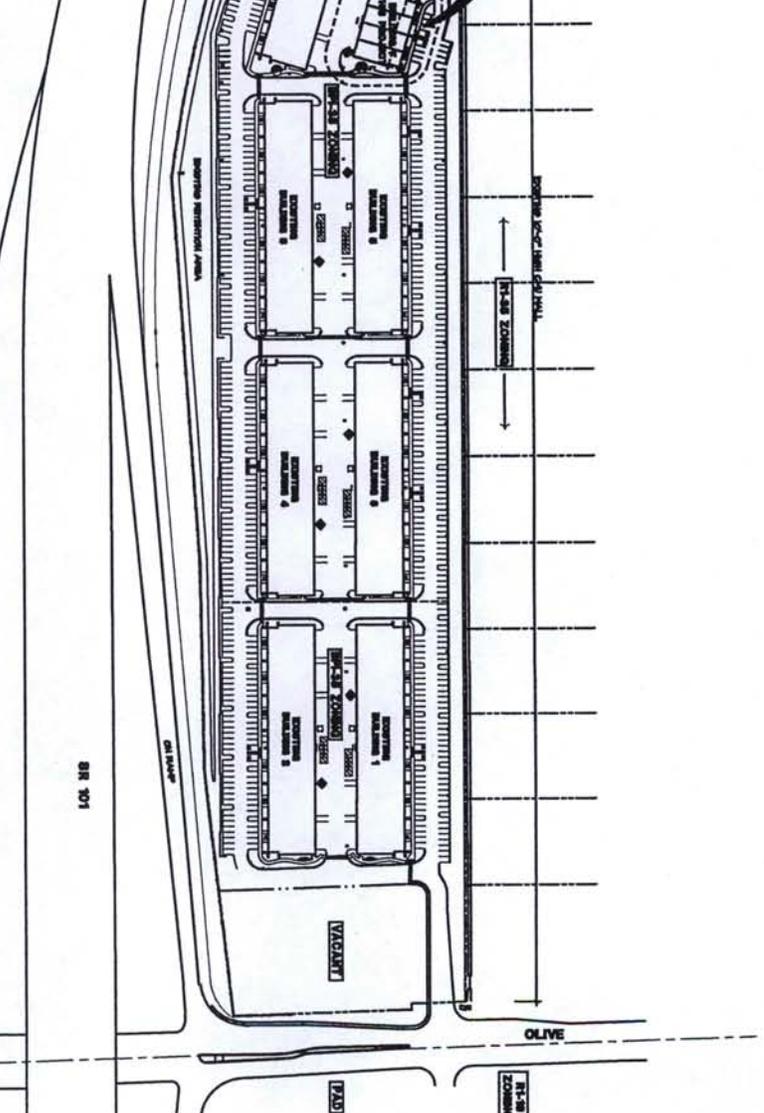
DATE: [Date]

SCALE: 1" = 30'-0"

NOTES:

OVERALL SITE PLAN IS PROVIDED AS A REFERENCE ONLY. BUILDINGS 1-4 ARE EXISTING WITH ACCESS TO OLIVE AVENUE. ALL UTILITIES ARE EXISTING TO EACH BUILDING. EXISTING PARKING TO REMAIN.

**OVERALL SITE PLAN**



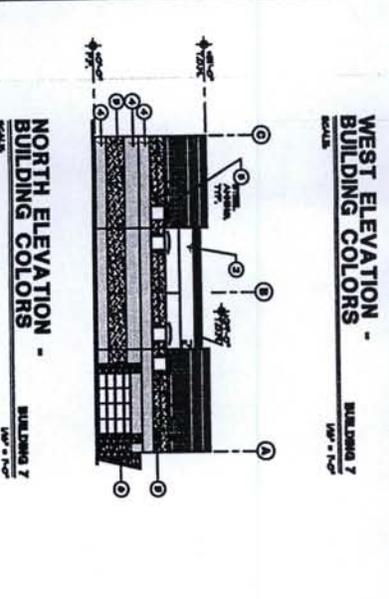
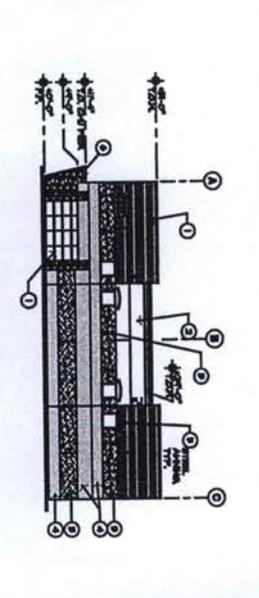
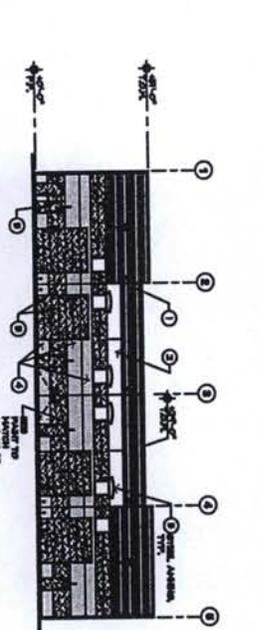
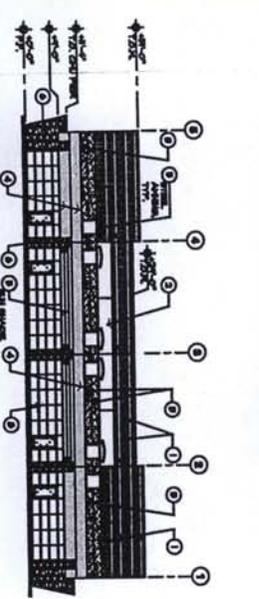
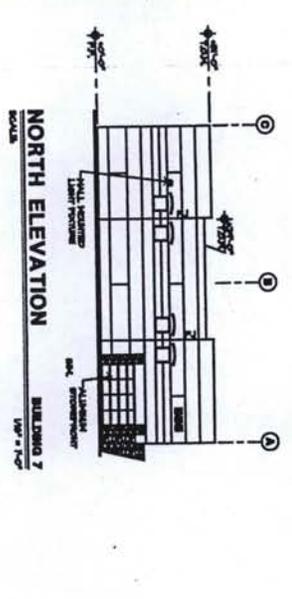
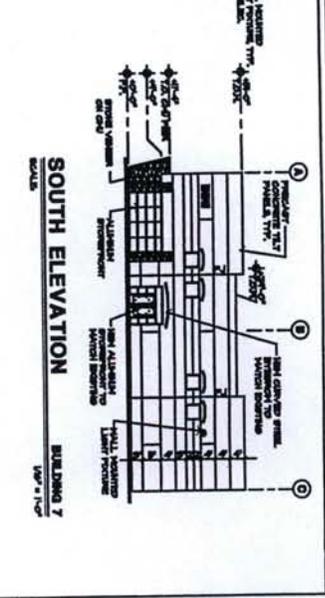
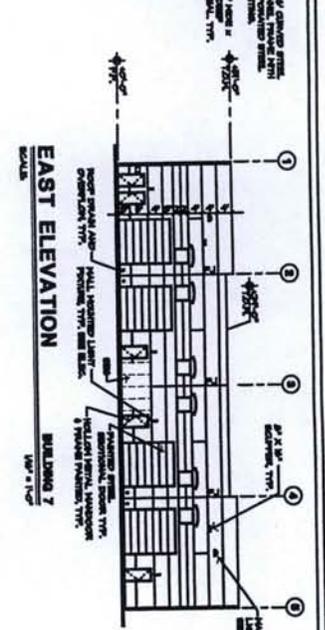
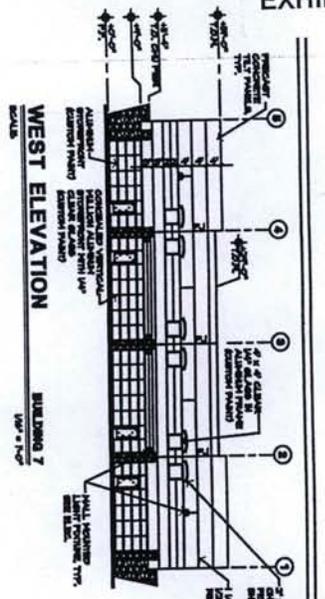
NO. OF UNITS	300
TOTAL AREA	100,000
PER UNIT AREA	333
PER UNIT PRICE	100,000
TOTAL PRICE	30,000,000
PER UNIT PRICE	100,000
TOTAL PRICE	30,000,000

**PROFESSIONAL MEDICAL TRANSPORT**  
**PMT AMBULANCE**  
 9299 W. OLIVE AVENUE, SUITE 104  
 PEORIA, ARIZONA



**IRWIN G. PASTERNAK P.A., P.C.**  
 ARCHITECTS - PLANNERS - ENGINEERS  
 1001 EAST BIRN GARDEN PASTERNAK  
 SUITE 100  
 PEORIA, ARIZONA 85604



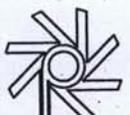


- COLORS / FINISHES / MATERIALS, ETC.**
- ① PAINT ON GYPSUM CONCRETE PANEL
  - ② BRICK
  - ③ PAINT ON GYPSUM CONCRETE PANEL
  - ④ PAINT ON GYPSUM CONCRETE PANEL
  - ⑤ PAINT ON GYPSUM CONCRETE PANEL
  - ⑥ PAINT ON GYPSUM CONCRETE PANEL
  - ⑦ PAINT ON GYPSUM CONCRETE PANEL
  - ⑧ PAINT ON GYPSUM CONCRETE PANEL
  - ⑨ PAINT ON GYPSUM CONCRETE PANEL
  - ⑩ PAINT ON GYPSUM CONCRETE PANEL

**NOTE:**  
 COLOR & MATERIAL EXHIBIT PROVIDED FOR REFERENCE. BUILDING IS EXISTING & ONLY SOUTH ELEVATION IS BEING MODIFIED.

**NOTE:**  
 EXTERIOR ELEVATIONS & NOTE ARE PROVIDED FOR REFERENCE. THE SOUTH ELEVATION IS BEING MODIFIED TO ADD WINDOW WALL SYSTEMS TO MATCH EXIST. ALL OTHER ELEMENTS ARE EXISTING.

**PROFESSIONAL MEDICAL TRANSPORT**  
 PMT AMBUANCE  
 9299 W. OLIVE AVENUE, SUITE 104  
 PEORIA, ARIZONA



**ROSE-GLS**  
 304 BLAIRS  
 1000 S. UNIVERSITY  
 PEORIA, ARIZONA 85604  
 (602) 342-1111





# REZONING

## REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NUMBER:** Z 10-0282  
**DATE:** January 20, 2011  
**AGENDA ITEM:** 5R

**Applicant:** City of Peoria

**Request:** Establish equivalency zoning for approximately 16.4 gross acres of recently annexed property from City of Glendale Agricultural (A-1) to City of Peoria General Agricultural (AG) pursuant to state annexation statutes.

**Proposed Development:** None. The rezoning is required by state statute.

**Location:** The site is generally located on the southeast corner of 81<sup>st</sup> Avenue and Beardsley Road (Assessor Parcel Numbers 200-30-010-M & 200-30-010-N).

**Site Acreage:** 16.4 acres

**Support / Opposition:** As of the date of this printing, staff has not received any public comment in support or opposition to this proposal.

**Recommendation:** **Approve**

### AREA CONTEXT

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

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant	High Density Residential (15+ du/ac, target 18 du/ac)	Glendale Agricultural (A-1)
North	Single Family Residential	Low Density Residential (2-5 du/ac, target 3 du/ac)	PAD 93-10A.6 Fletcher Heights
South	Vacant; New River	Water	Glendale AG
East	New River; Vacant; Loop-101	Glendale	Glendale AG
West	Apartments	High Density Residential (15+ du/ac, target 18 du/ac)	PAD 93-10A.6 Fletcher Heights

#### *Annexation and Case History*

1. The parcel was annexed into the City in November of 2010 (Case ANX09-03). No other case history is applicable to the parcel.

## **PROJECT DESCRIPTION**

### *Site and Project Details*

2. The subject property is a 16.4 acre triangular-shaped parcel situated between 81<sup>st</sup> Avenue on the west and the centerline of New River on the east.
3. The eastern half of the parcel is located within the New River floodplain and would require significant engineering to accommodate development.
4. The subject parcel was part of a cooperative annexation/deannexation effort with the City of Glendale (ANX09-03 & ANX09-04). Peoria annexed this 16.4 acre parcel and deannexed a 4.5 acre parcel located south of this parcel and east of the new river. The land-swap aligned with operational and service-delivery goals.

## **DISCUSSION AND ANALYSIS**

5. Pursuant to A.R.S. §9-471.D and Section 14-4-3 of the Peoria City Code, the City must begin the process of assigning City zoning to the annexed property within six (6) months following the official adoption of the annexation.
6. Per State Statute, the initial corresponding zoning shall not permit densities and uses more intense than those permitted by the County prior to the annexation. The closest City of Peoria zoning category to the Glendale Agricultural (A-1) zoning is City of Peoria General Agricultural (AG). This request is consistent with the State Statute

### *Public Notice*

7. Public notice was provided in the manner prescribed under Section 14-39-6. Additionally, the site was posted on January 4, 2011 with a sign meeting the size and content requirements prescribed by the Planning Division.

## **FINDINGS AND RECOMMENDATION**

8. Based on the following findings:
  - The initial zoning request is mandated by the State Laws on annexation of properties into a municipal jurisdiction.
  - The proposed initial zoning of Peoria's AG district is similar in density and uses as permitted by Glendale under Glendale's A-1 district.
  - The proposed zoning district is in conformance with the goals and objectives set forth in the Peoria General Plan.

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

**Recommend to the City Council approval of Z 10-0282, establishing the initial zoning of property as Peoria AG.**

Attachments:

Exhibit A	Vicinity Map
Exhibit B	Zoning Map
Exhibit C	Land Use Map

Prepared by:	Ed Boik Planner
--------------	--------------------

# Vicinity/Aerial Map

Exhibit A



## Z10-0282 Initial Zoning

Applicant: City of Peoria

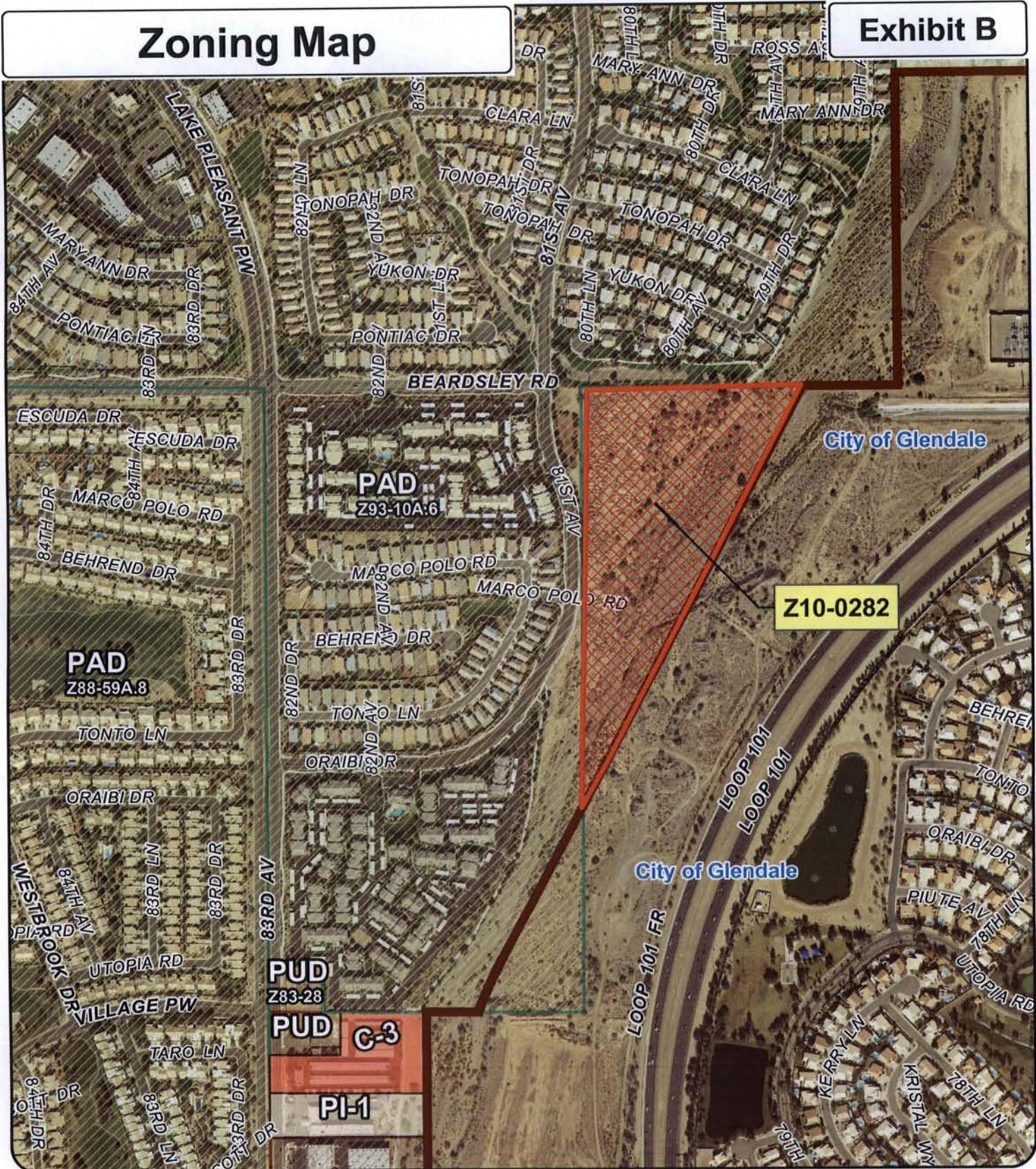
Request: Initial Zoning from Glendale A-1 to Peoria AG District



Not to Scale

# Zoning Map

Exhibit B



## Z10-0282 Initial Zoning

Applicant: City of Peoria

Request: Initial Zoning from Glendale A-1 to Peoria AG District

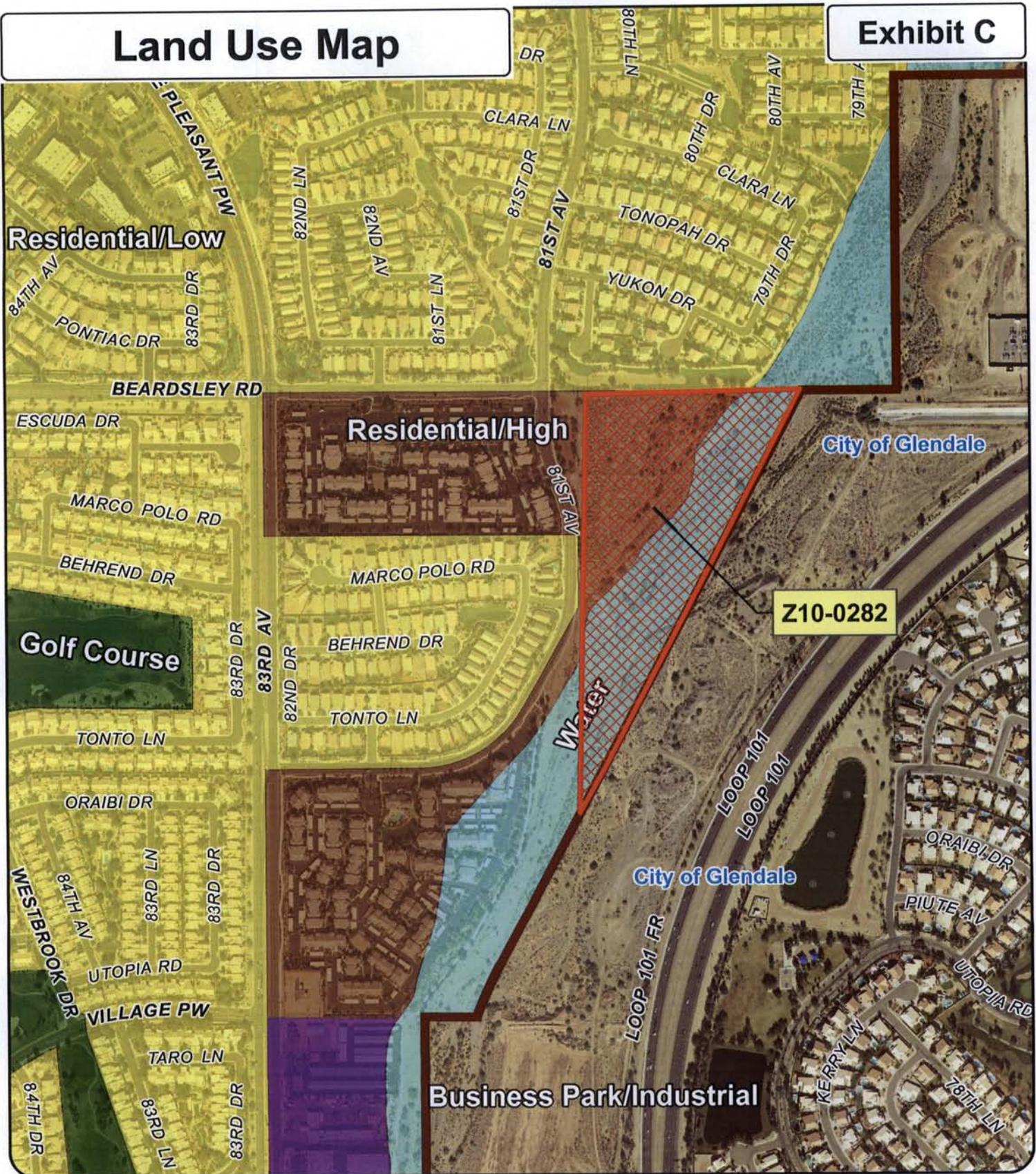


Not to Scale



# Land Use Map

Exhibit C



## Z10-0282 Initial Zoning

Applicant: City of Peoria

Request: Initial Zoning from Glendale A-1 to Peoria AG District



Not to Scale



## Planning and Community Development Department

### Planning Division

#### MEMORANDUM

**DATE:** January 20, 2011

**TO:** Planning and Zoning Commission

**FROM:** Adam Pruett, Senior Planner

**RE:** Proposed Zoning Code Amendment  
TA10-0131 Hillside Development Overlay Amendment

**AGENDA ITEM:** 6R

---

Staff is requesting a continuance of this item to the February 3, 2011 Planning & Zoning Commission meeting to allow time to review and respond to comments from the Homebuilder's Association of Central Arizona (HBACA).



# ZONING ORDINANCE TEXT AMENDMENT

## REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NUMBER:** TA 10-0040  
**DATE:** January 20, 2011  
**AGENDA ITEM:** 7R

---

**Applicant:** City of Peoria Planning Division

**Request:** Amend Section 14-37 ("Administrative and Decision Making Bodies") and Section 14-39 ("Administrative Procedures") of the Peoria Zoning Ordinance pertaining to the composition of the Planning & Zoning Commission and Design Review Boards; and housekeeping changes as directed.

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

**Recommendation:** **Approve** as requested.

---

### **BACKGROUND**

1. The City of Peoria maintains twenty-three (23) formal Boards and Commissions, as well as several Ad Hoc Committees. Boards and Commissions are essentially classified as 'regularly scheduled' or 'unscheduled'. A *regularly scheduled* Board or Commission is either quasi-judicial in nature or meet on a regularly scheduled basis (e.g. Board of Adjustment, Planning & Zoning Commission). An *unscheduled* Board or Commission meets on an as-needed basis (e.g. Design Standards Advisory Board, Design Review Appeals Board, Historic Commission). With the exception of six *regularly scheduled* bodies, most Peoria Boards and Commissions are *unscheduled*.
2. The various Boards and Commissions are comprised of volunteers and are an invaluable resource to the City by contributing time, expertise and advice to the Staff and City Council.
3. The Council Subcommittee for Boards and Commissions is comprised of three City Council members and is primarily charged with reviewing and enacting appointments to the various boards and commissions. As part of its duties, last year, with staff input, this Subcommittee conducted a comprehensive review of the duties, rules and membership of the City's boards and commissions to

ensure effectiveness and relevancy. To this end, the Subcommittee directed staff to proceed with changes to the City Code and Zoning Ordinance (where appropriate). This amendment (Case TA 10-0040) addresses specific changes to the Zoning Ordinance largely pertaining to the composition of the Planning and Zoning Commission and Design Review Boards as described below.

4. Separately, parallel changes will need to be made to Chapter 2 and Chapter 20 of the Peoria City Code (1992). The changes to the City Code (Exhibit B) are **not** part of this Zoning Text Amendment but are anticipated to be forwarded to the City Council at the same time (~March, 2011) for action.

## **ANALYSIS AND DISCUSSION**

### **Section 14-37-3, Planning and Zoning Commission**

5. The Planning and Zoning Commission acts as an advisory board to the City Council on land use and zoning matters and is comprised of seven (7) regular members and one (1) alternate. Although the alternate is able to participate in proceedings, they are unable to vote on matters, unless designated by the Chairperson to meet a quorum in the event a regular member is absent or is recused from participating on a matter. A quorum requires 4 Commissioners.
6. As directed by the subcommittee, this amendment proposes to remove the alternate position from the membership. Presumably, the alternate was established to serve in a substitute role. However, cancellation of Commission meetings due to a lack of quorum are a fairly rare occurrence. In a review of its records over the last 4 years (since 2007), the Planning & Zoning Commission has conducted 68 meetings. Of the 68 meetings, the alternate was able to vote in only 4 of the meetings or 5% of the time.
7. Additionally, as Planning & Zoning Commissioners can attest, members are asked to review voluminous packets twice a month and be ready to participate in often complex or controversial matters. The alternate is expected to be no less prepared but as the data above suggests, is rarely in a position to fully participate. In staff's judgement, the alternate position is unnecessary, given the large regular membership and accompanying success in attendance.

### **Section 14-37-5, Board of Adjustment**

8. Staff is recommending a minor housekeeping change to this section in regards to the replacement of the term "minor variances" with "administrative relief". Minor Variances have not existed since 2003. In its place, the Administrative Relief

process has enabled the Planning Manager to consider minor deviations from prescribed standards (5% of prescribed setback, lot coverage) for residential circumstances. For example, a front setback of 20' could be administratively reduced by up to 1' (5%) for a substantiated hardship. Full notification is provided. If an appeal is received, the request is automatically forwarded to the Board of Adjustment for consideration as a Variance.

### Sections 14-37-6&7 / 14-39-15, Design Review Board (DRB)

#### *Establishment of Architectural Design Review*

9. In 1997, the City adopted its first Design Review Manual whereby architectural and site guidelines were applied to development projects in the City. Additionally, that year through *Ordinance 97-99*, the City established two (2) separate design boards – the Design Standards Advisory Board and the Design Review Appeals Board – each with its specific mission, to assist staff in administering the design review process.

#### *Design Standards Advisory Board*

10. The Design Standards Advisory Board is comprised of five (5) Peoria citizens charged with the review of design standards for commercial and residential design and any proposed modifications to the review process. The general citizen composition was intended to ensure community review and input on design review concepts. However, since 1997, this Board has only convened on a few occasions, most recently in 2008 when the City's Design Review Manual was comprehensively updated.

#### *Design Review Appeals Board*

11. The Design Review Appeals Board is comprised of five (5) members and one (1) alternate. The Appeals Board is charged with deciding appeals to a staff decision pertaining to compliance with the City's design criteria. The Board can uphold, modify or overturn a staff decision on a design review submittal. However, unlike the Advisory Board, the Appeals Board membership requires a certain technical makeup (see below). With the exception of the architect (who must reside or have an office in the City), members who meet the technical makeup are not required to reside within the City of Peoria.

- One member to be a registered Architect; and
- One member to be a registered Landscape Architect; and
- One member to be a registered Professional Engineer; and
- One member to have experience in planning or urban design; and
- The fifth (5<sup>th</sup>) member is a Peoria citizen; the alternate can be any of the above.

*Newly constituted Design Review Board*

12. In this amendment, staff is proposing that both Design Review boards be consolidated into a single and newly constituted Design Review Board. The new Design Review Board would assume the responsibilities that were previously assigned to both the Appeals Board and Standards Board. The changes are summarized below in Table 1.

**Table 1.0: New Design Review Board**

	<b>Design Standards Advisory Board</b>	<b>Design Review Appeals Board</b>	<b>Design Review Board (NEW)</b>
<b>Mission</b>	Review amendments to design standards and review processes	Act on appeals to staff decisions on design and development review issues.	- Review Amendments - Act on appeals
<b>Members</b>	5 members	5 members + 1 alternate	7 members (no alternate)
<b>Composition</b>	Private citizens of the city	4 technical + 1 private citizen (alternate no req't)	4 technical + 3 private citizens

13. In the review of this function, it was apparent that maintaining two (2) separate design boards was unnecessary. Staff is not aware of any other municipalities that maintain two separate design review boards. Functionally, staff believes that a board composed of private citizens of the City *and design practitioners* would be most effective in assisting staff in the review and vetting of amended design standards. The technical experience provided by development and design professionals are duly complemented by the perspectives offered by private citizens who may be experts in other unrelated fields.
14. Additionally, staff contends that the board that is charged with considering amended design standards ought to be the same body that considers appeals or deviations from the same. They are in the best position to understand the purpose and intent of the standard being challenged in an appeal.
15. In preparation for membership on the new Design Review Board, staff has informally polled members of Design Standards Advisory Board. Three of the five members have expressed an interest in continuing as part of the new Board. Given existing vacancies, these three members would comprise the private citizen makeup of the new Board.

## **FINDINGS AND RECOMMENDATION**

16. Based on the following findings:

- The proposed amendments advance the directives issued by the Council Subcommittee on Boards and Commissions; and
- The proposed amendments are consistent with the General Plan in terms of regularly assessing the effectiveness of the Design Review Manual and its processes to ensure the highest level of design quality (Policy 1.0.4); and
- The proposed amendments constitute an improvement to the efficiency and effectiveness in the administration of the City's design review standards and processes by employing a single, appropriately diverse board in the discharge of its duties.

It is recommended that the Planning and Zoning Commission take the following action:  
**Recommend approval to the City Council for Case TA 10-0040.**

## **ATTACHMENTS:**

Exhibit A	Proposed Zoning Code Amendments, legislative format
Exhibit B	Draft Ordinance – Changes to City Code (FOR REFERENCE ONLY)

Prepared by: Chris M. Jacques, AICP  
Planning Manager

3  
4 **ARTICLE 14-37**  
5 **ADMINISTRATIVE AND DECISION**  
6 **MAKING BODIES**

7  
8  
9 **CONTENTS**

10 14-37-1 INTENT  
11 14-37-2 CITY COUNCIL  
12 14-37-3 PLANNING AND ZONING COMMISSION  
13 14-37-4 ZONING ADMINISTRATOR AND ENFORCEMENT OFFICIAL  
14 14-37-5 BOARD OF ADJUSTMENT  
15 ~~14-37-6 DESIGN STANDARDS ADVISORY BOARD~~  
16 14-37-~~7~~6 DESIGN REVIEW APPEALS BOARD  
17 14-37-~~8~~7 HISTORIC PRESERVATION BOARD COMMISSION  
18 14-37-~~9~~8 ADMINISTRATIVE HEARING OFFICER  
19 14-37-~~10~~9 PLANNING AGENCY

20  
21  
22 **14-37-1 INTENT**

23  
24 The intent of this Article is to outline the roles played by the decision-making bodies  
25 involved in the zoning processes, and to set forth the procedures for application, review,  
26 and approval of land development requests governed by this Ordinance.  
27

28 **14-37-2 CITY COUNCIL**

29  
30 A. *Authority.* Pursuant to provisions of the Peoria City Charter and limitations imposed  
31 by the State of Arizona, the Peoria City Council is vested with all the powers of the  
32 City.  
33

34 B. *General Powers and Duties.* The organization, powers, and duties of the City  
35 Council shall be as prescribed in Article II of the City Charter with all amendments  
36 thereof. The Council exercises broad approval authority and approves many types  
37 of land-use proposals contained in this ordinance. The Council has the power to  
38 create or abolish boards, commissions, or committees and may grant to them such  
39 powers and duties as are consistent with the provisions of the City Code.  
40

41 **14-37-3 PLANNING AND ZONING COMMISSION**

42  
43 A. *Establishment.* The City has established the Planning and Zoning Commission  
44 pursuant to Chapter 20, Section 20-16, of the Peoria City Code (1992 edition) and in  
45 accordance with ARS §9-461.  
46

47 B. *Membership.* The Planning and Zoning Commission shall be composed of seven  
48 members ~~and one alternate~~ who shall be appointed by the Mayor with the approval  
49 of the City Council in accordance with the provisions of the City Code.

50  
51 C. *General Powers and Duties.* The Planning and Zoning Commission acts as an  
52 advisory board to the City Council on land use and zoning matters. The Planning  
53 and Zoning Commission shall hold public hearings as required by law and make  
54 recommendations to the City Council on all matters concerning or relating to General  
55 Plan amendments, zoning district map amendments, zoning ordinance text  
56 amendments, and other matters affecting land use and development within the City.

57

58 **14-37-4 ZONING ADMINISTRATOR AND ENFORCEMENT OFFICIAL**

59

60 A. *Authority.* The Planning & Community Development Director or designee(s) thereof  
61 shall carry out all responsibilities of the office(s) of the Zoning Administrator and  
62 Enforcement Official as defined in A.R.S. §9-462 and as set forth hereafter.

63

64 B. *General Powers and Duties.* Powers and duties of the Planning & Community  
65 Development Director acting in capacity of the Zoning Administrator and  
66 Enforcement Official shall include, but not be limited to, the following:

67

68 1. Administration and interpretation of this ordinance, including clarification of the  
69 intent, review of land uses described and included in a zoning district, and  
70 delegation of responsibilities for administering procedures and requirements of  
71 the ordinance;

72

73 2. Preparation of application guidelines, forms, and administrative procedures; and

74

75 3. Enforcement of this ordinance.

76

77 **14-37-5 BOARD OF ADJUSTMENT**

78

79 A. *Establishment.* The City has established the Board of Adjustment pursuant to A.R.S.  
80 §9-462 and the City Code, Chapter 20, Section 20-31, and all amendments thereof.

81

82 B. *Membership.* The Board of Adjustment shall be composed of five (5) members and  
83 one alternate who shall be appointed by the Mayor with the approval of the City  
84 Council.

85

86 C. *General Powers and Duties.* The Board of Adjustment shall hear and decide  
87 appeals from decisions of the Planning & Community Development Department  
88 concerning the interpretation of provisions of this Ordinance, ~~and minor variances~~  
89 Administrative Relief per 14-39-13, ~~shall hear appeals from decisions of~~  
90 ~~administrative hearing officers, shall act on applications for temporary use permits~~  
91 ~~and variances (other than those variances determined to be minor), and shall~~  
92 exercise such other powers as granted by Council.

93

94 **14-37-6** ——— **DESIGN STANDARDS ADVISORY BOARD**

- 95
- 96 A. ~~Establishment.~~ The City has established the Design Standards Advisory Board  
97 pursuant to the City Code, Chapter 20, Section 20-76, and all amendments thereof.
- 98
- 99 B. ~~Membership.~~ The Design Standards Advisory Board shall be composed of five (5)  
100 members who shall be appointed by the Mayor with the approval of the City Council.
- 101
- 102 C. ~~General Powers and Duties.~~ The Design Standards Advisory Board shall review and  
103 make recommendations concerning review standards for non-residential and  
104 residential design, work with City staff and provide recommendations concerning the  
105 review process, and perform other duties as prescribed by City Council.

106

107 **14-37-76** **DESIGN REVIEW APPEALS BOARD**

- 108
- 109 A. *Establishment.* The City has established the Design Review Appeals Board pursuant  
110 to the City Code, Chapter 20, Section 20-75, and all amendments thereof.
- 111
- 112 B. *Membership.* The Design Review Appeals Board shall be composed of five (5)  
113 seven (7) members who shall be appointed by the Mayor with the approval of the  
114 City Council.
- 115
- 116 C. *General Powers and Duties.* The Design Review Appeals Board shall hear and  
117 render a decision on all appeals of decisions of the Planning & Community  
118 Development Department of pertaining to the implementation of the Design Review  
119 Manual design review. The Board shall also review and make recommendations on  
120 design standards and review procedures thereof, and other duties as prescribed by  
121 the City Council.

122

123 **14-37-87** **HISTORIC PRESERVATION BOARD COMMISSION**

- 124
- 125 A. *Establishment.* The City has established the Historic Preservation Commission  
126 pursuant to the City Code, Chapter 20, Section 20-30, and all amendments thereof.
- 127
- 128 B. *Membership.* The Historic Preservation Commission shall be composed of five (5)  
129 members who shall be appointed by the Mayor with the approval of the City Council.
- 130
- 131 C. *General Powers and Duties.* Pursuant to the City Code, Chapter 20, Section 20-34,  
132 and all amendments thereof, the Historic Preservation Commission shall review and  
133 make recommendations to the City Council on matters concerning significant  
134 historic, architectural, and cultural landmark's within the City.

135

136 **14-37-98** **ADMINISTRATIVE HEARING OFFICER**

- 137
- 138 A. *Authority.* Pursuant to A.R.S. §9-462.08 and in accordance with Chapter 20, Section  
139 20-41 of the City Code (1002), the City has the authority to establish administrative  
140 hearing officer(s) and delegate to the hearing officer(s) the authority to conduct  
141 hearings.
- 142

143 B. *Appointment.* Hearing officers shall be appointed by the City Manager on the basis  
144 of technical training and experience which qualifies them to conduct hearings and  
145 make findings and conclusions on the matters heard.

146  
147 C. *Land Use Hearing Officer.* Pursuant to Subsection A of this Section, the City has  
148 established a Land Use Hearing Officer. The Land Use Hearing Officer shall hear  
149 appeals for the following: (Ord. No. 03-03)

150  
151 1. Decisions of the Planning & Community Development Department regarding  
152 administration of the requirements of the Hillside Development Overlay District as  
153 described in Article 14-22A and in accordance with Article 14-39, "Administrative  
154 Procedures," Section 14-39-14, "Hillside Appeals."

155  
156 2. Determinations for exactions or dedications required by the City as a condition of  
157 granting approval for the use, improvement, or development of real property, in  
158 accordance with this Ordinance and all amendments thereto.

159  
160 3. Other matters as the Council may provide by Ordinance

161  
162 **14-37-409 PLANNING AGENCY**

163  
164 A. *Establishment.* The City has established the Planning & Community Development  
165 Department to carry out the functions of the Planning Agency, pursuant to A.R.S. §9-  
166 461-01 and the City Code, Chapter 20, Section 20-1, and further described herein.

167  
168 B. *General Powers and Duties.* The Planning & Community Development Department  
169 shall perform but not be limited to, the following functions:

170  
171 1. Develop and maintain a General Plan.

172  
173 2. Develop such specific plans as may be necessary to implement the General  
174 Plan.

175  
176 3. Develop and administer a zoning code which will serve as an implementation  
177 vehicle for the General Plan and specific area plans.

178  
179 4. Perform such other planning functions as directed by the City Manager, Mayor  
180 and City Council.

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## ARTICLE 14-39 ADMINISTRATIVE PROCEDURES

### CONTENTS

14-39-15 DESIGN REVIEW APPEALS

### 14-39-15 DESIGN REVIEW APPEALS

#### A. *Filing*

1. The applicant may appeal a final decision of the Department on a design review submittal to the Design Review Appeals Board. Such appeal shall be filed on the official form provided by the Department, within ten (10) calendar days of the Department's decision, to the Department, together with any applicable fee. The appeal shall specifically indicate those items of the final decision by the Department being appealed.
2. The Department shall submit any response to the appeal and relevant background material on file to the Design Review Appeals Board for the next scheduled meeting.

B. *Action of the Design Review Appeals Board.* The Design Review Appeals Board shall hear an appeal within ~~thirty (30)~~ forty-five (45) calendar days of submission of the appeal. The Board shall make a decision on the date of the hearing, unless continued at the discretion of the Board, and shall transmit the decision to the applicant in writing. The decision of the Design Review Appeals Board shall be final.

**Exhibit B – Draft Ordinance for changes to City Code  
(FOR REFERENCE ONLY – Not part of Zoning Code Amendment)**

ORDINANCE NO. 2011-\_\_\_

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 2 AND CHAPTER 20 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 2-152 PERTAINING TO UNSCHEDULED BOARDS AND COMMISSIONS; AND SECTION 20-17 PERTAINING TO PLANNING AND ZONING COMMISSION; MEMBERS AND BY AMENDING SECTION 20-70 PERTAINING TO DESIGN REVIEW; PRINCIPLES AND GUIDELINES AND BY AMENDING SECTION 20-74 PERTAINING TO DESIGN REVIEW; APPEALS AND AMENDING SECTION 20-75 PERTAINING TO DESIGN REVIEW BOARD; MEMBERS AND REPEALING EXISTING SECTION 20-76 PERTAINING TO DESIGN STANDARDS ADVISORY BOARD; MEMBERS AND ENACTING SECTION 20-76 PERTAINING TO DESIGN REVIEW BOARD; POWERS AND DUTIES AND PROVIDING THAT SECTION 20-77 PERTAINING TO DESIGN STANDARDS ADVISORY BOARD; POWERS AND DUTIES SHALL BE REPEALED AND SECTION 20-77 SHALL BE RESEVED AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-152 pertaining to Planning and Zoning Commission; members and which shall read as follows:

Sec. 2-152. Boards and Commissions; unscheduled boards and commissions.

- (a) The following are unscheduled boards and commissions and shall include:
- (1) Building Code Board of Appeals - 7 members
  - (2) Citizens commission on Elected Officials Salaries – 5 members
  - ~~(3) Design Standards Advisory Board 5 members~~
  - (4 3) Historic Preservation Commission - 7 members
  - (5 4) Industrial Development Authority - 7 members
  - (6 5) Municipal Development Authority - 5 members
  - (7 6) Personnel Board - 3 members, 1 alternate
  - (8 7) Peoria Municipal Sports Complex Authority - 7 members
  - (9 8) Public Defender Review Board - 5 members
  - (10 9) Public Safety Review Board-Police - 5 members

- ~~(11)~~ 10) Public Safety Review Board-Fire - 5 members
- ~~(12)~~ 11) Volunteer Firefighter Pension Board - 5 members
- ~~(13)~~ 12) Sister Cities Board – 7 members
- ~~(14)~~ 13) Veteran’s Memorial board – 7 members
- ~~(15)~~ 14) Judicial Selection Advisory Board – 5 members
- ~~(16)~~ 15) Employee Benefits Trust Board – 5 members
- ~~(17)~~ 16) Design Review Appeals Board – 5 7 members

SECTION 2. Chapter 20 of the Peoria City Code (1992) is amended by amending Section 20-17 pertaining to Planning and Zoning Commission; members and which shall read as follows:

Sec. 20-17. Planning and Zoning Commission; members.

(a) The Planning and Zoning Commission of the City shall be composed of seven regular members and ~~one alternate member~~. All members of the Commission shall be appointed by the Mayor with the approval of the Council in accordance with the provisions of this code.

~~(b) Members of the Commission appointed as alternates shall be able to participate in all Commission proceedings, but shall not be able to vote, except in accordance with the provisions of this section. Upon a determination by the Chairman that a regular member(s) of the commission is disqualified from participating in a matter or the commission is lacking a quorum, the Chairman shall designate the alternate member present to sit in place of the absent or disqualified regular member. The designated alternate member shall exercise all powers and duties granted to a regular member during the meeting that they are so designated, except to be nominated to the position of chairman or vice chairman. In the event a matter before the commission during which an alternate member is designated is continued to a subsequent meeting, the alternate member shall participate in all subsequent proceedings involving the matter.~~

(e b) All members shall serve without pay. However, members of the commission may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the commission and approval of such expenditures by the council.

~~(d) Alternate Board members shall not automatically succeed to the seat of a vacant board member, unless appointed by the Mayor with the approval of the council in the manner provided by this Code.~~

(c) An alternate member appointed pursuant to the provisions of this code shall serve until the end of their term or until their position becomes vacant. At that time, the position of alternate shall be deemed to be abolished.

SECTION 3. Chapter 20 of the Peoria City Code (1992) is amended by amending Section 20-70 pertaining to Design review; principles and guidelines; members and which shall read as follows:

Sec. 20-70. Design review; principles and guidelines.

(a) The city manager or his designee shall promulgate a design review manual containing the principles and guidelines used for the implementing of design review within the city. Copies of the manual shall be available for public inspection in the office of the city attorney and the city clerk and community development departments.

(b) The design review process shall consist of requirements and considerations:

(1) Requirements: are mandatory standards contained in the city's ~~comprehensive plan~~ general plan, city code, zoning ordinance, ~~public works guidelines~~ infrastructure design guidelines and design review manual. Requirements are not permissive and must be satisfied by any plan prior to design review approval. If a requirement cannot be satisfied or the applicant objects to a final staff decision rejecting or modifying the application, the final staff decision may be appealed to the Design Review ~~Appeals~~ Board pursuant to this chapter.

(2) Considerations: are guidelines listed in the adopted design review manual that an applicant shall consider in preparing a submittal. ~~The inclusion or recognition of such considerations may result in the application receiving a higher overall score in the approval process.~~

SECTION 4. Chapter 20 of the Peoria City Code (1992) is amended by amending Section 20-74 pertaining to Design review; appeals and which shall read as follows:

Sec. 20-74. Design review: appeals.

(a) A final decision of the planning and community development department on a design review submittal may be appealed by the applicant to the Design Review ~~Appeals~~ Board within 10 calendar days of the date of the final decision. The planning and community development department shall submit any response to the appeal and relevant background material on file within 10 calendar days following the submission of the appeal

(b) Appeals shall be filed with the planning and community development department on a form provided by the City. The appeal shall specifically indicate those items of the final decision by staff being appealed. The city may charge a fee in the amount provided in chapter 2 of the city code for the appeal.

(c) All appeals shall be heard within ~~30~~ 45 calendar days from the date of submission of the appeal. Any person invited to the review of the design review submittal shall be informed by the planning and community development department of the date, time and location of the appeal hearing.

(d) A decision on the appeal will be made by the Design Review ~~Appeals~~ Board on the date of the hearing, unless continued at the discretion of the Board and shall be transmitted to the applicant in writing. The decision of the Design Review ~~Appeals~~ Board shall be final.

SECTION 5. Chapter 20 of the Peoria City Code (1992) is amended by amending Section 20-75 pertaining to Design review board; members and which shall read as follows:

Sec. 20-75. Design Review ~~Appeals~~ Board; members; ~~powers and duties.~~

(a) The Design Review ~~Appeals~~ Board shall be composed of a total of ~~five (5)~~ seven (7) regular members ~~and one alternate member~~. All members of the Board shall be appointed by the Mayor with the approval of the Council in accordance with the provisions of this code. The members of the Board shall consist of:

(1) One member shall be a registered architect residing in the city or maintaining an office in the City of Peoria.

(2) One member shall be a registered Landscape Architect.

(3) One member shall be a registered professional engineer.

(4) One member with a background or experience in land planning and urban design.

(5) ~~One~~ Three private citizens who ~~is a resident~~ are residents of the City.

(6) One alternate member meeting any of the qualifications contained in subsections (a)(1) - (a)(5)

(b) All members shall serve without pay. However members may be reimbursed their actual expenses incurred in connection with their duties upon authorization or ratification by the Council.

(c) Members shall be appointed in accordance with Section 2-150 of this Code, with the initial terms being staggered to meet the requirements of that section.

(d) Members of the Board appointed as alternates shall be able to participate in all proceedings, but shall not be able to vote, except in accordance with the provisions of this section. Upon a determination by the Chairman that a regular

member(s) of the Board is disqualified from participating in a matter or is absent, the Chairman shall designate the alternate member present to sit in place of the absent or disqualified regular member. The designated alternate member shall exercise all powers and duties granted to a regular member during the meeting that they are so designated, except to be nominated to the position of chairman or vice chairman. In the event a matter before the board during which an alternate member is designated is continued to a subsequent meeting, the alternate member shall participate in all subsequent proceedings involving the matter.

(e) Alternate Board members shall not automatically succeed to the seat of a vacant board member, unless appointed by the Mayor with the approval of the Council in the manner provided by this Code.

(f) An alternate member appointed pursuant to the provisions of this code shall serve until the end of their term or until their position becomes vacant. At that time, the position of alternate shall be deemed to be abolished.

~~(f) The Design Review Appeals Board is authorized to hear appeals of the final staff decision of any design review submittal under this chapter. The board may uphold the final staff decision, modify or overrule in whole or in part the final staff decision on the design review submittal.~~

SECTION 6. Chapter 20 of the Peoria City Code (1992) is amended by repealing existing Section 20-76 pertaining to Design Standards Advisory Board; members.

~~Sec. 20-76. Design Standards Advisory Board; members.~~

~~(a) The Design Standards Advisory Board shall be composed of a total of five (5) members. All members of the Board shall be appointed by the Mayor with the approval of the Council in accordance with the provisions of this code.~~

~~(b) All members shall serve without pay. However members may be reimbursed their actual expenses incurred in connection with their duties upon authorization or ratification by the Council.~~

~~(c) Members shall be appointed in accordance with Section 2-150 of this Code, with the initial terms being staggered to meet the requirements of that section.~~

SECTION 7. Chapter 20 of the Peoria City Code (1992) is amended by enacting Section 20-76 pertaining to Design Review Board; powers and duties and which shall read as follows:

Sec. 20-76. Design Review Board; powers and duties.

The Design Review Board shall have the following powers and duties.

(a) The Design Review Board is authorized to hear appeals of the final staff decision of any design review submittal under this chapter. The board may uphold the final staff decision, modify or overrule in whole or in part the final staff decision on the design review submittal.

(b) Review standards for commercial and residential design in the City and recommend modifications and changes to the city council and city manager.

(c) Work with assigned city staff on issues in the city's design review process and provide recommendations on modifications to the process to ensure community review and input on design review concepts.

(d) Make recommendations to the Council and City Manager pertaining to design and development review issues.

(e) Perform such other duties as may be prescribed by the Council.

SECTION 8. Chapter 20 of the Peoria City Code (1992) is amended by repealing existing Section 20-77 pertaining to Design Standards Advisory Board; powers and duties and providing for the section to be reserved.

~~Sec. 20-77. — Design Standards Advisory Board; powers and duties.~~

~~— The Design Standards Advisory Board shall have the following powers and duties.~~

~~(a) — Review standards for commercial and residential design in the City and recommend modifications and changes to the city council and city manager.~~

~~(b) — Work with assigned city staff on issues in the city's design review process and provide recommendations on modifications to the process to ensure community review and input on design review concepts.~~

~~(c) — Make recommendations to the Council and City Manager pertaining to design and development review issues.~~

~~(d) — Perform such other duties as may be prescribed by the Council.~~

SECTION 9. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 10. This Ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Bob Barrett, Mayor

ATTEST:

\_\_\_\_\_  
Wanda Nelson, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephen M. Kemp, City Attorney

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