PLANNING & ZONING COMMISSION
REGULAR MEETING
NOTICE & AGENDA
THURSDAY, FEBRUARY 17, 2011
6:30 P.M.
COUNCIL CHAMBERS
8401 W. MONROE ST.

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

PLANNING & ZONING COMMISSION:

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

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 Chair McFarland, and Vice Chair Melbo from the February 3, 2011 Meeting.

2C **MINUTES:** Discussion and possible action to approve the minutes of the Meeting held February 3, 2011.

3C **CU11-0001:** Kerr Project Services is requesting a Conditional Use Permit to allow the addition of an outdoor dining patio for a proposed Chick-fil-A restaurant. The subject property is located west of the southwest corner of Lake Pleasant Parkway & Happy Valley Parkway.

REGULAR AGENDA

NEW BUSINESS:

4R **PUBLIC HEARING:** City of Peoria Text Amendment.

PUBLIC HEARING - TA10-0140: The City of Peoria has initiated a text amendment to Article 14-38 "Historic Preservation" of the Zoning Ordinance. This amendment is intended to refine and clarify the historic landmark/district designation and regulation processes to ensure that they align with the administrative processes followed for other applications (noticing, forwarding recommendation to Council, etc.)

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 14-38 "Historic Preservation" of the Zoning Ordinance.

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:

2011 Major General Plan Amendment Process
Future Zoning Text Amendments
Development Summary

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
FEBRUARY 3, 2011
DRAFT

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: Commissioners Bill Louis, Nancy Golden, Leigh Strickman, Greg Loper, and Gene Sweeney

Members Absent: Chair Veda McFarland and Vice Chair Marc Melbo,

Others Present: Chris Jacques – Planning Manager, Ellen Van Riper – Assistant City Attorney, Adam Pruett – Senior Planner, and Bev Parcels – Planning Assistant.

Opening Statement: None read.

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:** Discussion and possible action to approve/excuse the absences of Vice Chair Melbo, Commissioner Loper, and Commissioner Strickman from the January 20, 2011 Meeting.

2C **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held January 20, 2011.

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

REGULAR AGENDA

UNFINISHED BUSINESS:

3R **TA10-0131:** The City of Peoria 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: Presented by Adam Pruett, Senior Planner

COMMISSION COMMENT: Commissioners inquired about cuts and fills being a bad option, if the new amendment would increase construction costs for hillside development, and whether the changes would result in a smaller building footprint on a lot.

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Loper moved to recommend approval of a request from the City of Peoria to amend Article 14-22A of the Zoning Ordinance. The motion was seconded by Commissioner Sweeney and upon vote, carried unanimously 5-0.

4R **ELECTION OF OFFICERS:** Discussion and possible action to elect officers for 2011 including Chairman, Vice-Chairman, and Secretary.

COMMISSION ACTION: Commissioner Loper nominated Bill Louis as Chairman, Commissioner Strickman seconded the motion and upon vote carried unanimously. Commissioner Strickman nominated Nancy Golden as Vice Chairman, Commissioner Sweeney seconded the motion and upon vote carried unanimously. Commissioner Sweeney nominated Leigh Strickman as Secretary, Commissioner Loper seconded the motion and upon vote carried unanimously.

NEW BUSINESS: None

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 6:45 p.m.

_____ _____

Bill Louis, Chair Date Signed

CONDITIONAL USE PERMIT
REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 11-0001

DATE: February 17, 2011

AGENDA ITEM: 3C

Applicant:	[redacted]Kerr Project Services on behalf of 'Chick-fil-A'
Request:	Obtain a Conditional Use Permit to allow outdoor dining on a proposed patio area.
Proposed Development:	Chick-fil-A Restaurant
Location:	West of the southwest corner of Lake Pleasant Parkway and Happy Valley Parkway.
Site Acreage:	Restaurant is approximately 4,570 s.f., patio is approximately 517 s.f.
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	**Vacant, proposed fast food restaurant**	**Community Commercial**	**Planned Area Development (Lake Pleasant Pavilions PAD)**
North	Happy Valley Parkway; Commercial Center	**Community Commercial**	**Planned Area Development (Lake Pleasant Town Center)**
South	Commercial Center	**Community Commercial**	**Planned Area Development (Lake Pleasant Pavilions PAD)**
East	Commercial Center	**Community Commercial**	**Planned Area Development (Lake Pleasant Pavilions PAD)**
West	Vacant; proposed commercial shops building	**Community Commercial**	**Planned Area Development (Lake Pleasant Pavilions PAD)**

PROJECT DESCRIPTION

Request and Development Details

1. The applicant is proposing a 517 square foot outdoor dining patio to be located on the east side of a proposed fast foot restaurant. The patio will be uncovered and will consist of six tables with seating for 28 patrons.

2. The property is located west of the southwest corner of Lake Pleasant Parkway and Happy Valley Parkway immediately north of the existing Target anchor store. The patio itself will be oriented toward the driveway off of Happy Valley Parkway.

3. The restaurant hours will be Monday – Thursday 6 a.m. to 10 p.m. and Friday – Saturday 6 a.m. to 11 p.m. The restaurant will be closed on Sundays.

4. The site plan and design review package was submitted concurrently with this application and was approved on January 31, 2011.

FINDINGS AND ANALYSIS

Applicability

5. 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 obtain a Conditional Use Permit. This amendment was the result of multiple incidents at a few existing outdoor dining patios that generated an inordinate number of noise and nuisance complaints.

6. 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.

7. According to Section 14-39-5.B.2.c, an outdoor dining patio shall not exceed 25% of the gross floor area of the associated restaurant establishment unless the Planning and Zoning Commission waives this requirement based on a 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 just over 11% of the total gross floor area of the associated restaurant. Therefore no waiver is necessary.

Analysis

8. In staff's judgment, the proposed use is an appropriate, ancillary function to the proposed restaurant use. The use is consistent with surrounding land uses and the context of the area in question.

9. The applicant has provided staff with a narrative that describes the nature of the business, which appears to be typical for outdoor dining areas associated with fast food restaurants. Considering the approximately 600-foot separation and the intervening Target building, it has been determined that there will be no discernible impacts on the nearest residence.

Noticing and Neighborhood Comment

10. 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 this writing, no responses in support or opposition have been received.

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 agreed to furnish a signed and notarized Proposition 207 Waiver.

RECOMMENDATION

12. 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 use will be located and will operate in a manner that protects the neighborhood from nuisances and other disturbances and is consistent with a neighborhood-serving commercial establishment.

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 CU11-0001, subject to the following condition:

1. The use shall substantially conform to the project narrative (Exhibit C) and floor plan (Exhibit D) as contained in the staff report to the Planning & Zoning Commission dated February 17, 2011, except where modified herein.

Attachments:

Exhibit A	Location / Aerial Map
Exhibit B	Zoning Map
Exhibit C	Project Narrative
Exhibit D	Floor Plan
Exhibit E	Site Plan

Prepared by: Adam D. Pruett, AICP
Senior Planner

Vicinity/Aerial Map

Exhibit A

CU11-0001 Chick-fil-A

Applicant: [redacted] Kerr Project Services

Request: Conditional Use Permit to allow an Outdoor Dining Patio

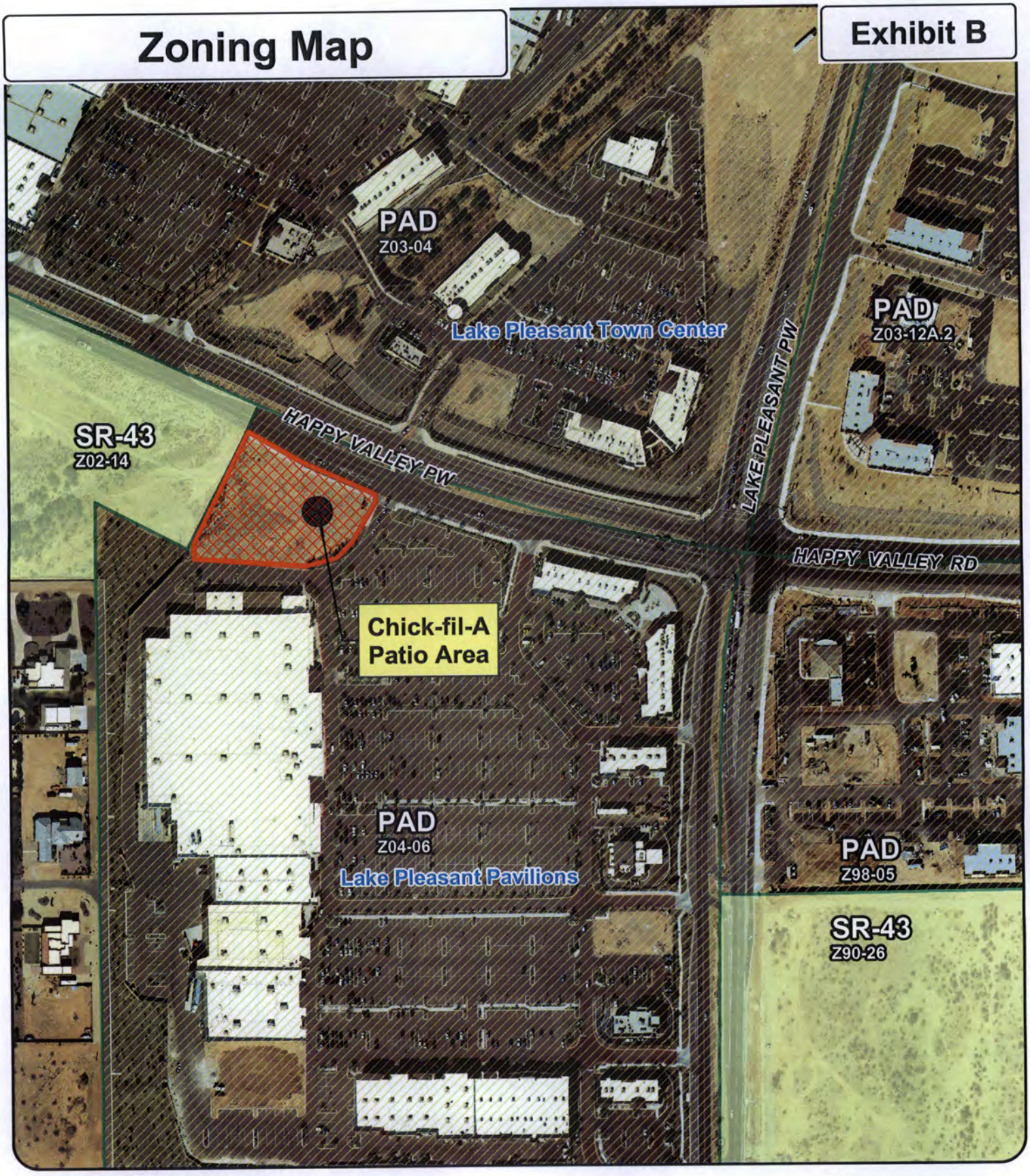
N

Not to Scale

CITY OF PEORIA

Zoning Map

Exhibit B



CU11-0001 Chick-fil-A

Applicant: [redacted] Kerr Project Services

Request: Conditional Use Permit to allow an Outdoor Dining Patio

N

Not to Scale

CITY OF PEORIA

Exhibit C

Project Description
Proposed Chick-fil-A
Pad 6B Lake Pleasant Shopping Center
Happy Valley Rd. & Lake Pleasant Blvd.

Chick-fil-A Company Profile

Chick-fil-A is a 'quick service' restaurant specializing in chicken sandwiches, nuggets and tenders, salads and other assorted side dishes and soft drinks.

Chick-fil-A is an Atlanta based, family owned, privately held corporation – in 2009, sales topped $3 billion. Chick-fil-A opened its first brand restaurant in 1967, its first drive-thru concept in 1986 and currently has over 1,500 stores, with 36 restaurants open and operating in California selling the "Original Chicken Sandwich."

Truett Cathy, the company's founder, opened his first restaurant, The Dwarf House, in Hapeville, GA in 1946. He remains a respected business and community leader at 90 years old and is still active as Chairman and Chief Executive Officer. His eldest son, Dan Cathy, is the Company's President and Chief Operating Officer.

Chick-fil-A was named "Best Drive Thru in America" by QSR magazine (Quick Serve Restaurant) once again last year. They are consistently recognized as best drive-thru for their speed of service, quality of service and accuracy of the orders.

Each location is run by an "owner/operator" whose sole job is to run and operate that location's business. Chick-fil-A is known for its philanthropy both nationally and locally.

Project Description

Chick-fil-A is proposing to construct a new 4,570 sq.ft. restaurant with a 517 sq.ft. patio area for outdoor dining. The site is currently a vacant pad within the Lake Pleasant Shopping Center. It is bordered by Happy Valley Rd. to the north, Target to the south, a vacant pad to the west, and the various retail to the east.

A separate application for Site Plan review for both this project and the proposed retail building to the west (Pad 6A) was submitted on November 17, 2010 (Case #SP10-0244).

The attached Conditional Use Permit application is seeking approval for the 517 sq.ft. patio area. The patio will be used for dining customers and will only be open during normal operating hours (see below). Alcohol is not served in the restaurant or patio area.

Operations

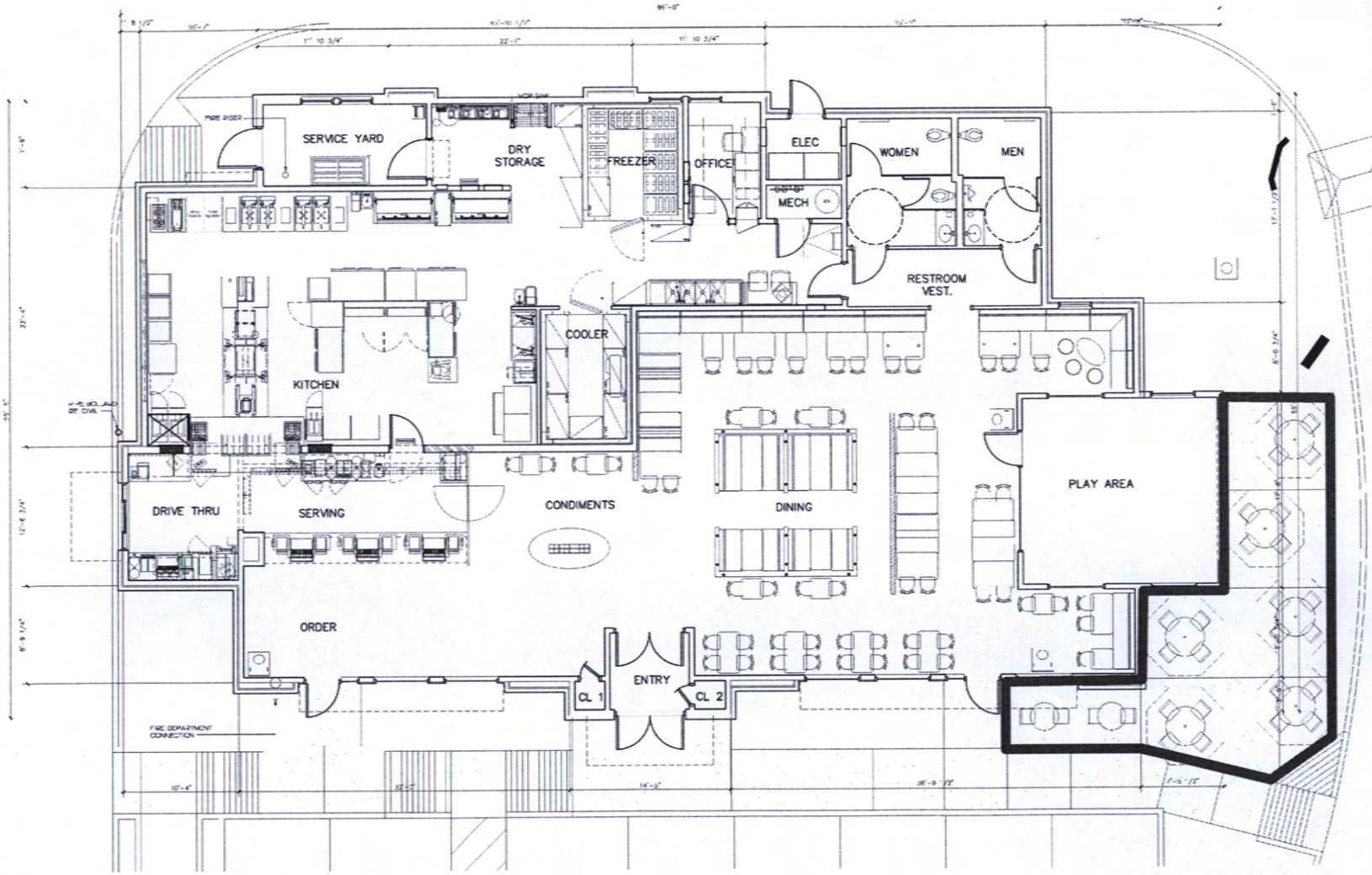
Store Hours:

Monday thru Thursday:	6 a.m. to 10 p.m.
Friday & Saturday:	6 a.m. to 11 p.m.
Sunday:	Closed

Patio Seating:

Patio: 28

Employees: Approximately 15 employees per shift



BUILDING AREA: 4570 S.F.
PATIO AREA: 517 S.F.
TOTAL AREA: 5087 S.F.

1 **PRELIMINARY FLOOR PLAN**
1/4" = 1'-0"

Chick-fil-A
5200 Buffington Rd.
Atlanta Georgia,
30349-2998

Revisions:
Mark Date By
REVISED 10-29-10
Mark Date By
REVISED 11-24-10
Mark Date By
REVISED 1-4-11

Seal

C·R·II·O
Architecture Interior Planning
Tulsa, California 92780

SITE PLAN REVIEW

STORE
Name
FSU S08 CA

LAKE PLEASANT PAVILLION SHOPPING CENTER
PEORIA, AZ

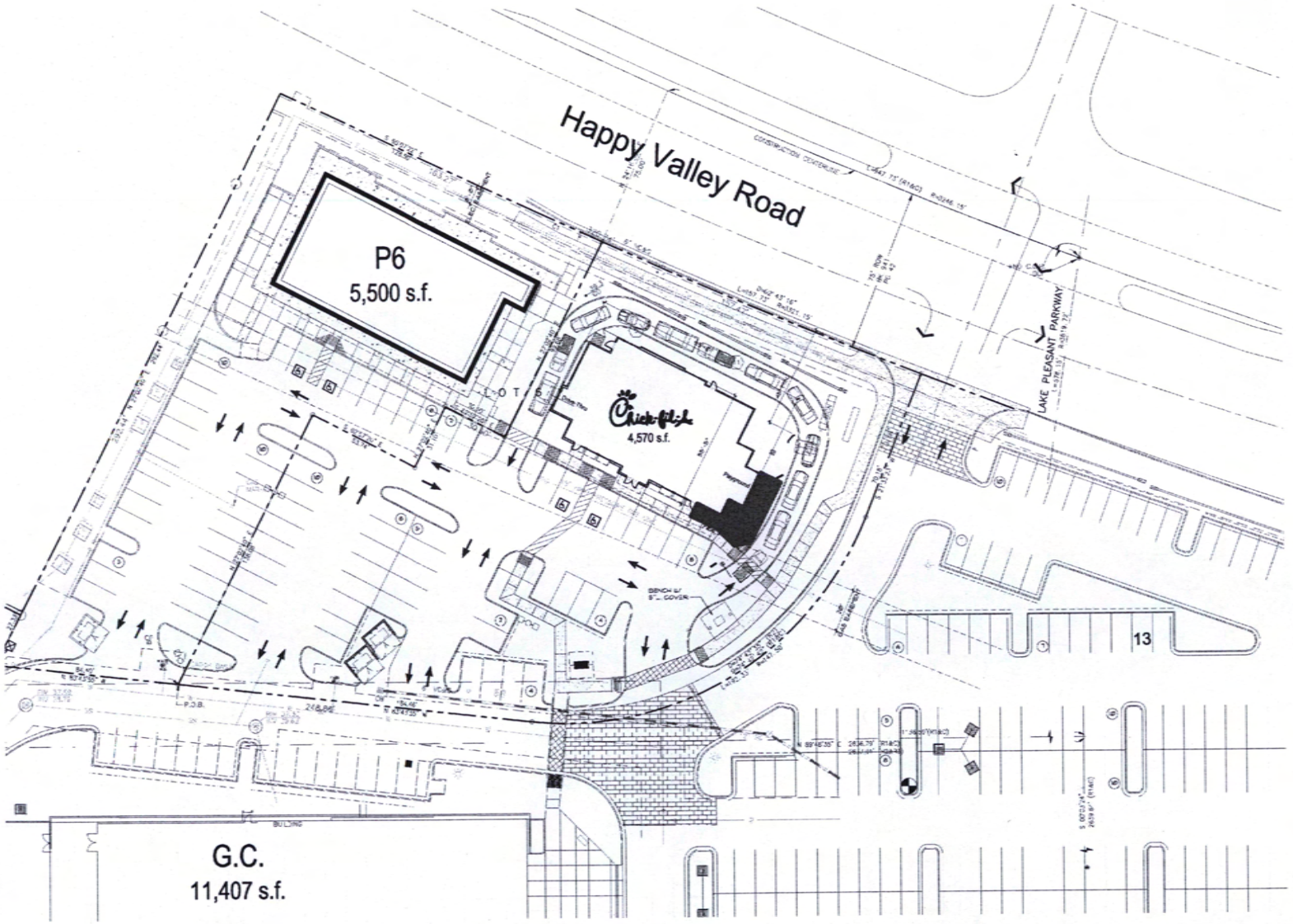
SHEET TITLE
PRELIMINARY FLOOR PLAN

VERSION: 4
ISSUE DATE: 9-2009

Job No. : 09-197
Store : 2700
Date : 8/26/10
Drawn By : --
Checked By: --

Sheet
A-1.1

Exhibit D



1 PRELIMINARY SITE PLAN #2

5200 Buffington Rd.
Atlanta Georgia,
30349-2998

Revisions:

Mark	Date	By
△	revised 10-29-10	
△	revised 9-2-10	
△	revised 8-24-10	
	revised 10-9-09	

Seal

C·R·H·O

SITE PLAN REVIEW

STORE Name
FSU 508 CA

LAKE PLEASANT PAVILLION SHOPPING CENTER
PEORIA, AZ

SHEET TITLE
PRELIMINARY SITE PLAN

VERSION: 4
ISSUE DATE 9-2009

Job No. : 09-197
Store : 2700
Date : 8/26/10
Drawn By : ---
Checked By: ---

Sheet
SP-1

Exhibit E

ZONING ORDINANCE TEXT AMENDMENT
REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: TA 10-0140

DATE: February 17, 2011

AGENDA ITEM: 4R

Applicant: City of Peoria

Request:

A. Amend Article 14-38, Historic Preservation of the Zoning Ordinance as follows:
- Update definitions
- Expand Historic Landmark/District designation criteria
- Clarify the landmark/historic district designation review and approval process

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

Recommendation: **Approve** as requested.

BACKGROUND

1. In 2002, as a part of the City's efforts to become a Certified Local Government (CLG) and take an active role in historic preservation, the City Council adopted the Historic Preservation section of the Zoning Ordinance (Article 14-38). The City's historic preservation program has since expanded and changes to the ordinance are warranted in order to maintain its relevance.

2. On September 15, 2010,the Historic Preservation Commission was briefed on the proposed amendment. Commission members had several questions and comments related to the proposed amendment. Based on their concerns, the text of the proposed amendment was revised. A brief summary of the commission members' comments/suggestions, along with subsequent response from planning staff, is provided in the Discussion and Analysis section of this report.

3. The proposed amendment was brought back before the Historic Preservation Commission on January 12, 2011 to allow the Commission to comment on the revised amendment. Based on the revisions, the Historic Preservation Commission did not suggest any further changes to the proposed amendment.

4. The proposed amendment is intended to achieve several objectives: The objectives listed below are described in more detail in the Discussion and Analysis section of this report:

   - Increase the consistency of Article 14-38 with other Planning documents such as the draft Historic Preservation Master Plan Update and the Desert Lands Conservation Ordinance by updating the Definitions section of the Article.
   - Enhance opportunities for the listing of archaeological resources as Local Historic Landmarks/Districts by expanding the eligible listing criteria.
   - Increase the clarity and usability of Article 14-38, Historic Preservation by reorganizing existing standards within the ordinance and providing a more detailed explanation of the specific procedures involved of the Landmark designation process.

DISCUSSION AND ANALYSIS

Historic Preservation Commission Comments

Certificate of No Effect

5. There are currently four properties listed on the Peoria Register of Historic Places. These historically significant properties are regulated by the Historic Preservation section of the Zoning Ordinance, which currently requires owners of such properties to receive approval from the Historic Preservation Commission before they can make certain changes to the exterior of their properties. This approval is granted in the form of a "Certificate of Appropriateness".

6. The version of the proposed text amendment that was presented to the Historic Preservation Commission at their September 15, 2010 meeting included a provision to create a "Certificate of No Effect". The Certificate of No Effect process would allow a staff-level administrative review of applications for minor changes to the exterior appearance of properties on the Peoria Register of Historic Properties. Currently, all applications for changes to such properties must be approved by the Historic Preservation Commission. The intent of the change was to provide a more expedient review process for minor changes to Peoria Historic Landmark properties.

7. Commission members had the following questions/comments on the Certificate of No Effect:
   - *What criteria would be used to determine whether a project qualified for a Certificate of No Effect, or if it required Commission review?*

- *Who would make the administrative decision that the project warranted a Certificate of No Effect?*
- *Is there any check and balance in case someone disagrees with the administrative decision to grant a Certificate of No Effect?*
- *What timeframe would such projects need to be completed in? Commission member feels a time limit should be included in the ordinance.*
- *Commission member requests that the Commission be informed every time a Certificate of No Effect is issued.*

In response to the Commission's concerns, staff has modified the proposed text amendment, removing the proposed Certificate of No Effect language. Currently, three out of four of the properties on the Peoria Register of Historic Places are owned by the City of Peoria, therefore the limited instances of requests for changes to Historic Landmark properties can be managed under the current Certificate of Appropriateness process. A tailored Certificate of No Effect process may be given further consideration in the future if warranted and deemed appropriate by the Historic Preservation Commission.

Proposed Changes

Section 14-38-2 Definitions

8. Additional terms have been added to the Definition Section and others have been modified for consistency with the definitions contained in the Desert Lands Conservation Ordinance and the draft update of the Historic Preservation Master Plan.

Section 14-38-3 Designation of Landmarks or Historic Districts

9. The proposed amendment updates the Zoning Ordinance to clarify the landmark designation process and better align with the administrative processes followed for other applications (e.g. noticing, forwarding recommendation to Council, etc.)

10. This change also prepares the City to nominate archaeological resources as historic landmarks/districts. Currently, such resources may be excluded based on the eligibility criteria. The new criterion would allow a property that "has yielded, or may be likely to yield, information important in prehistory or history" to be eligible for designation as a local Historic Landmark.

11. A description of the Local Landmark designation process has been expanded to more thoroughly explain the various actions that occur during the designation process.

Section 14-38-4 Certificate of Appropriateness

12. The description of specific circumstances requiring a Certificate of Appropriateness has been consolidated to avoid repetition and increase clarity.

Administrative Procedure

Public Notice

13. Public notice of this proposed amendment to the Zoning Ordinance was provided in the manner prescribed under Article 14-39. The time, date, and place of the hearing have been published at least once in a newspaper of general circulation in the City at least fifteen (15) days prior to the hearing. The notice included the text of the proposed amendment and a general description of any regulations proposed to be amended.

FINDINGS AND RECOMMENDATION

14. Based on the following findings:
    - The proposed amendment constitutes an improvement to the Zoning Ordinance by increasing its accuracy, clarifying inferences, and enhancing the document's overall usability.
    - The proposed amendment increases the transparency of City regulatory processes related to historic preservation.
    - The amendment also updates the language of the Zoning Ordinance to maintain its relevancy and concurrency with other City ordinances and standards.
    - Upon review of the application, the Planning Manager has determined that a Proposition 207 waiver is not required for this application.

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

Recommend to the Mayor and City Council approval of Case TA 10-0140, a request to amend the Peoria Zoning Ordinance as contained in Exhibit A.

ATTACHMENTS:

Exhibit A	Proposed changes to Article 14-38 (deletions/additions shown as ~~strike~~/underscore)
Prepared by:	Melissa Sigmund Planner

EXHIBIT A

ARTICLE 14-38
HISTORIC PRESERVATION

(Ord. No. 02-59)
(Amended by Ord. No. 10-XX)

14-38-1 INTENT

A. The protection, enhancement and perpetuation of landmarks and historic districts are necessary to promote the economic, cultural, educational, and general welfare of the citizens of the City of Peoria. The identity of a people is founded in its past, and inasmuch as the City of Peoria has significant historic, cultural, and architectural resources which constitute its heritage, this Section is intended to:

1. protect and enhance the historic resources, landmarks, and historic districts which represent distinctive elements of Peoria's historic, architectural, and cultural heritage;

2. foster civic pride in accomplishments of the past;

3. protect and enhance Peoria's attractiveness to visitors and the support and stimulus to the economy thereby provided; and

4. enhance and implement the General Plan for the City of Peoria.

14-38-2 DEFINITIONS

The following definitions shall apply to the provisions of this Section.

Archaeologist - A person engaged in the study of human activity, primarily through the study of its material remains, which includes structures still standing, and who meets the requirements of the Secretary of the Interior's guidelines for professional archaeologists.

Archaeological Resource - Material remains of past human activity and life which are at least fifty (50) years old and are of archaeological interest including, but not limited to, pottery, basketry, bottles, weapon projectiles, tools, structures, pit houses, rock paintings and carvings, graves, human skeletal materials, or any portion thereof.

Archaeological Site - A geographic location that contains an archaeological resource.

Certified Local Government (CLG) - A local government that has been certified or approved by the State Historic Preservation Office (SHPO), and given the authority and responsibility to oversee various aspects of historic preservation within the municipality.

Cultural Resources - A broad assortment of assets, which includes buildings, sites, structures, objects, and districts that are of historic, cultural, architectural, or archaeological significance. Examples of such resources include petroglyphs, jewelry, textiles, pottery, projectiles, tools, irrigation canals, and pit houses. This includes artifacts, records, and material remains related to such resources. These assets may be included in or eligible for inclusion in the National Register.

Demolition - Any act or process that partially or totally disassembles ~~dissembles~~ or remakes a landmark or a structure within a historic district.

Historic Landmark - See "Landmark"

Historic Preservation Zoning Overlay - Also termed "Historic Preservation Overlay Zoning," a type of zoning regulation placed on a property in addition to the underlying land use regulations. The overlay is designed to protect historic resources from harm or neglect.

Historic Property or Historic Resource - A property, building, site, structure, object, or district that is generally at least fifty (50) years old; and which has significant historic, architectural, cultural, or archaeological value as part of the heritage or history of Peoria, the State of Arizona, or the nation.

National Register of Historic Places - The National Register is the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Register is managed by the National Park Service.

14-38-3 DESIGNATION OF LANDMARKS OR HISTORIC DISTRICTS

B. The Historic Preservation Commission may recommend to the City Council that a group of properties in an identifiable area be designated as an historic district if:

1. The area contains several properties that meet one or more of the criteria for designation of a landmark; and

2. by reason of possessing such qualities, the area constitutes a historic district of the City, and

3. a majority owner(s) of the properties concur with the designation.

The boundaries of each historic district shall be specified by legal description and map ~~prepared by a land surveyor registered in the state of Arizona or the City~~ and shall be filed in the City Clerk's Office for public inspection. Properties designated as landmarks or as a part of a historic district shall receive Historic Preservation Overlay Zoning.

C. Notice of a proposed designation and all associated hearings shall be provided in the manner required for Rezoning applications as described in Article 14-39, "Administrative Procedures". ~~sent by registered mail to the owner(s) of the property proposed for designation, either by the Commission or by the owner, describing the property proposed and announcing a public hearing by the Commission to consider the~~

~~designation. Where the proposed designation involves so many owners that individual notice is infeasible, notice may instead be published at least once in a newspaper of general circulation at least 15 days prior to the date of public hearing. Once the Commission has issued notice of a proposed designation, the Building Official shall issue no building permits until the Commission has made its decision.~~

D. The Historic Preservation Commission shall hold a public hearing prior to designation of any landmark or historic district. The testimony or documentary evidence at the hearing will become part of a record regarding the historic, architectural, or cultural importance of the proposed landmark or historic district. The record may also contain staff reports, public comments, or other evidence offered outside of the hearing. The report and recommendation of the Historic Preservation Commission shall then be forwarded to the Planning and Zoning Commission for review and public hearing. Any recommendation of approval may be subject to such conditions as the commission deems applicable in order to fully carry out the provisions and intent of this chapter.

E. After receiving the reports and recommendations of the Historic Preservation Commission and the Planning and Zoning Commission, the City Council shall make a final determination in the designation of any landmark or historic district. The City Council may take action as follows:

1 Approve the request;

2. Deny the request;

3. Modify the recommendations of the Historic Preservation Commission and/or the Planning and Zoning Commission and adopt the request as modified;

4. Remand the matter back to the Planning and Zoning Commission or the Historic Preservation Commission for further consideration.

~~The Commission shall forward notices of each proposed property designated as a landmark and of the boundaries of each designated historic district to the City Council for final designation, and subsequently to the office of the Maricopa County Recorder for recordation, as appropriate.~~

14-38-4 CERTIFICATE OF APPROPRIATENESS

A. No person shall perform any work that alters the exterior of any landmark or changes the appearance of any property within an historic district, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley without first obtaining a Certificate of Appropriateness or a Finding of Hardship from the Peoria Historic Preservation Commission. This includes, but is not limited to, exterior alteration, restoration, reconstruction, demolition, new construction, or relocation of such buildings, structures, and elements.

~~A. The Historic Preservation Commission shall receive application for a Certificate of Appropriateness for any exterior alteration, restoration, reconstruction, demolition, new~~

~~construction or moving of a landmark, or property within a historic district, and for any material change in the appearance of such a property, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley which affect the appearance and cohesiveness of the historic landmark or historic district.~~

~~B. No person shall perform any work that alters the exterior of any landmark or changes the appearance of any property within an historic district, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley without first obtaining a Certificate of Appropriateness from the Historic Preservation Commission.~~

14-38-5 APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

A. Prior to the commencement of any work requiring a Certificate of Appropriateness the property owner shall file an application for such a certificate on the official form provided by ~~with~~ the Planning and Community Development Department. ~~Historic Preservation Commission~~. ~~The application form shall be available from the Community Development Department and contain:~~

~~1. Name, address and telephone number of applicant;~~

~~2. Name, address and telephone number of the property owner;~~

~~3. Location and photographs of property;~~

~~4. Elevation drawings of proposed changes;~~

~~5. Perspective drawings, including relationship to adjacent properties;~~

~~6. Where the proposal includes signs of lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, description of materials to be used, method of illumination and a plan showing the sign's location on the property;~~

~~7. Any other information which the Commission may deem necessary in order to visualize the proposed work.~~

B. No building permit shall be issued for such a proposed work until the Historic Preservation Commission has first issued a Certificate of Appropriateness. The Certificate of Appropriateness required by this act shall be in addition to and not in lieu of any building permit that may be required by any other ordinance or the City of Peoria.

14-38-6 HEARING OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

B. The Commission shall approve, deny, or approve the permit with modifications ~~within twenty one (21) days from receipt of the completed application~~.

D. The Commission's decision shall be based upon the following principles:

1. Properties which contribute to the character of the historic district shall be retained, with their historic features altered as little as possible;

2. Any alteration of existing historic landmark properties shall be compatible with ~~its~~ their historic character. Any alteration of existing properties within a historic district shall be compatible with ~~its~~ their historic character as well as with the surrounding district; and

3. New construction shall be compatible with the district in which it is located.

E. In applying the principle of compatibility, the Commission shall consider the following factors:

G.~~C.~~ ~~—~~All decisions of the Commission shall be in writing. A copy shall be sent to the applicant within ten (10) days after the Commission's decision by ~~registered~~ mail. ~~and a~~ A copy shall be made available ~~filed with the City Clerk's Office~~ for public inspection at the Planning and Community Development Department. The Commission's decision shall state findings and reasons for denying or modifying any application.

14-38-8 APPLICATION FOR FINDING OF HARDSHIP

A. An applicant shall submit an application for Finding of Hardship within thirty (30) ~~20~~ days after ~~receiving written notification from~~ the Commission's decision ~~of the denial of to~~ deny the Certificate of Appropriateness. No building permit or demolition permit shall be issued unless the Commission makes a finding that a hardship exists.

B. The Commission shall hold a public hearing on the hardship application in accordance with the procedures specified in Section 14-37-7 above.

C. The applicant shall consult in good faith with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.

D. All decisions of the Commission shall be in writing. A copy of the decision shall be sent to the applicant by ~~registered~~ mail ~~within ten (10) days after the Commission's decision, and a copy shall be filed with the City Clerk's Office for public inspection.~~ A copy shall be made available for public inspection at the Planning and Community Development Department. The Commission's decision shall state findings and reasons for granting or denying the hardship application.

P & Z DEVELOPMENT SUMMARY

Tuesday, February 01, 2011
3:51 PM

Housing Our Communities S/O SWC 86th Ave. & Jefferson St.	SP10-0254 Site Plan	Site Plan for 4-unit Multi family housing.	1st review comments send 12/22/10.	Waiting for resubmittal from applicant.
An Old Town Get-Away 8250 W MONROE ST	CU10-0245 Conditional Use Permit	Conditional Use Permit to allow a bed and breakfast establishment.	Approved by Planning and Zoning Commission on 1/20/11.	CUP approved. No appeal received during the 10-day appeal period.
Circle K SEC 83rd Ave. & Olive Ave.	SP10-0217 Site Plan	Site Plan for a Convenience Store and Gas Pumps.	Project approved on 1/20/11. Building permits were submitted following the first review of the site plan.	Building permits may be issued, if all comments have been resolved, following site plan approval.
All-Pro Hydrojetting SEC 76th Dr. & Carol Ave.	SP10-0003 Site Plan	Onsite storage of restaurant oil and grease waste stored in tanks.	1st review comments sent 2/3/10.	Waiting for resubmittal.
Rock of Ages N/O NWC 79th Ave. & Cholla St.	PR09-11 Site Plan	Site Plan for addition to existing building.	2nd review comments sent out 2/4/10.	Awaiting applicants resubmittal.

Peoria Ford 9130 W BELL RD.	PR89-32A.1 Site Plan Amendment	Site Plan Amendment to existing dealership with design review.	1st Comments due 2/9/11.	

Alta Vista @ Vistancia Alta Vista @ Vistancia Parcel G6	DR11-0002 Design Review	Proposed changes to existing approved Design Review.	Approved January 27th	Construction Documents
Blackstone @ Vistancia Blackstone Parcels F7A & F7B	DR11-0001 Design Review	Design Review Changes to approved Design Review.	Approved 2/1/2011	Construction Documents
Candeo School 9965 W. Calle Lejos	PR08-02A.1 Site Plan Amendment	Site Plan amendment to add a playground area.	1st Comments due 2/16/11.	
Chick-fil-A W/O SWC Lake Pleasant Pkwy. & Happy Valley Rd.	CU11-0001 Conditional Use Permit	Conditional Use Permit for outdoor dining patio.	Scheduled for 2/17/11 P&Z	Staff report due 2/2/11
Sunset Ranch NEC Williams Rd. & Lake Pleasant Pkwy.	DR11-0003 Design Review	Design Review for 5 single family home plans.	1st Comments due 2/16/11.	Complete Review and Comments
Terrazza SW of SWC 67th Ave. & Happy Valley Rd.	Z11-0001 Rezoning	Rezone approx. 26 acres from SR-43 to PAD for a mixed use development including residential condo, retail, restaurant and office uses.	1st Comments due 2/17/11.	
Terrazza SW of SWC 67th Ave. & Happy Valley Rd.	GPA11-0001 General Plan Amendment	General Plan Amendment to change from Resitential Estate to Neighborhood Commercial/Mixed Use.	1st Comments due 2/17/11.	

New cases are bold, italics, and underlined

Basis School 25890 N LAKE PLEASANT Pkwy	SP10-0266 Site Plan	Site Plan for Charter School.	Site Plan application approved on 1/24/11.	Building/civil permits were submitted following the first review of the site plan. Continue with building/civil plan review.
Trilogy @ Vistancia 12967 W EAGLE RIDGE LN	DR10-0054A.1 Design Review	Design Review Amendment to previously approved plans.	Approved 1/6/2011	Construction Documents
Lake Pleasant Pavilions 6A & 6B W/O SWC Lake Pleasant Pkwy. & Happy Valley Pkwy.	SP10-0244 Site Plan	Site Plan for a 5,500 square foot retail building and a 4,343 square foot restaurant building.	Approved site plan 1/26/11	Process CUP for outdoor dining
67th Ave. & Happy Valley Rd. 67th Ave. & Happy Valley Rd.	V10-0179 Variance	Setback & Landscape Buffer Reduction.	Variance approved by BOA 12/14/10	
Clearwire Cellular @ Sunrise Water Company 8040 W. Williams Rd.	SP10-0123 Site Plan	Site Plan for a new Mono-Palm.	Awaiting responses from applicant regarding acceptable tree irrigation methods.	Awaiting applicants response.
Happy Valley Basic School 7140 W. Happy Valley Rd.	PR99-30A.1 Site Plan Amendment	Site Plan Amendment to add two modular class room buildings.	1st review comments sent 7/7/10.	Waiting for resubmittal.
Meadows Parcel 4 NWC 95th Ave. & Deer Valley Rd.	P10-0112 Preliminary Plat	Preliminary Plat for 227 Single Family residential lots.	2nd Review Comments Sent 12/22/10	Awaiting 3rd Submittal
Clearwire Sun Groves N/O NWC Lake Pleasant Rd. & Beardsley Rd.	SP10-0092 Site Plan	Site Plan for a monopalm and ground equipment.	1st Review comments sent out 5/12/10.	Awaiting 2nd Submittal. See associated CUP (CU10-0093). (no change 1/4/11)
Clearwire Sun Groves N/O NWC Lake Pleasant Rd. & Beardsley Rd.	CU10-0093 Conditional Use	Conditional Use Permit for a 65' monopalm.	1st Review comments sent out 5/12/10.	Awaiting 2nd Submittal. (no change 1/4/11)
Agua Fria 426 NWC Old Carefree Highway and the 91st Ave alignment	Z07-02 Rezone	Rezone for 426 acres from AG to PAD (mixed use - residential/commercial/resort/open space). Have met with owner's rep since the issuance of comments (2010).	Review comments out to applicant on 4/29/2008.	Awaiting resubmittal.
Agua Fria 426 NWC Old Carefree Highway and 91st Ave alignment	GPA07-01 General Plan Amendment	General Plan Amendment for a portion of a 426 acre site to allow for a mixed use - residential/commercial/resort/open space development. Have met with owner's rep since the issuance of comments (2010).	Review comments out August 6, 2007.	Awaiting applicant's resubmittal.
Peoria Shell S/O SEC Lake Pleasant Pkwy. & Happy Valley Rd.	SP10-0058 Site Plan	Site Plan for a 3,000 square foot convenience store and gas station.	Approved 12/23	Approved 12/23, in permit review.

New cases are bold, italics, and underlined

Offices at 83rd Ave. & Pinnacle Peak SWC 83rd Ave. & Pinnacle Peak Rd.	Z07-09 Rezone	Rezone 10 acres from Agriculture to Office Commercial.	Continued indefinitely.	Last contact w/ applicant 3/31/10 seeking status update. Property supposedly in foreclosure. Multiple calls received by investors. No submittal/hearing activity since 8/26/08.
Offices at 83rd Ave. & Pinnacle Peak Rd. SWC 83rd Ave. & Pinnacle Peak Rd.	GPA07-05 Minor General Plan Amendment	Change General Plan designation from Residential Estate to Office.	Indefinite continuance approved by City Council on 8/26/08.	Last contact w/ applicant 3/31/10 seeking status update or request for withdrawal. Property supposedly in foreclosure. Multiple calls received by investors. No submittal/hearing activity since 8/26/08.
Southwest Sand & Gravel NWC 107th Ave. & Jomax Rd.	Z08-09 Rezone	Rezone approximately 75 acres to allow mining for sand & gravel.	Comments issued 9/19/08. Awaiting 2nd submittal.	Legal Department is working on a proposed agreement with ASLD regarding all mining operations; case to remain active until agreement reached or normal case review activity ceases.
Offices at 83rd Ave. & Pinnacle Peak Rd. SWC 83rd Ave. & Pinnacle Peak Rd.	PR07-24 Site Plan	Site Plan for an office complex.	Associated zoning and GPA applications continued indefinitely.	No submittal activity since 8/26/08.
APS Annexation Loop 303, Dysart Rd, 115th Ave, Jomax Rd	ANX07-04 Annexation	Combination annexation of State and private land. Includes APS Westwing site.	On-going discussion with State Land regarding appropriate land uses within annexation area.	Awaiting state selection board hearing.
Boulders @ White Peak SWC Dixileta Pkwy. & Dysart Rd.	P05-19 Preliminary Plat	465 Single Family Residential lots on 160 acres.	Case inactive since 4th submittal comments sent out on 2/2/09.	Inactivity letter sent on 9/14/10. If no response received within 30 days, the case will be administratively closed. **Update: Applicant has requested a 6-month extension. New expiration date is April 5, 2011.
City of Peoria Annexation Section 29/T5N/R1E - N/O Happy Valley Rd.	ANX09-01 Annexation	Annexation of 101 acres.	BLM Annexation. Documents to DOR/Assessor 6/4/09.	Need to process petition.
City of Peoria Annexation Section 6/T5N/R1E - N/O Happy Valley Rd.	ANX09-02 Annexation	Annexation of 168 acres	BLM Annexation. Documents to DOR/Assessor 6/4/09.	Need to process petition.
Columbia Communities/Verona Estates S/O SWC Lone Mountain & Vistancia Blvd.	Z06-23 Rezone	Rezone SR-43 (Single Family) to PAD (Planned Area Development. Related to case GPA06-19.	Case inactive since 3rd review comments sent 6/17/08.	Inactivity letter sent on 9/14/10. If no response received within 30 days, the case will be administratively closed. **Update: Applicant has requested a 6-month extension. New expiration date is April 20, 2011.

Columbia Communities/Verona Estates S/O SWC Lone Mountain & Vistancia Blvd.	GPA06-19 Minor General Plan Amendment	Change land use designation from Estate Residential (0-2 du/ac) to Low Density Residential (2-5 du/ac).	To move forward together with rezone case Z06-23.	Inactivity letter sent on 9/14/10. If no response received within 30 days, the case will be administratively closed. **Update: Applicant has requested a 6-month extension. New expiration date is April 20, 2011.
Mt. Pleasant N/O SR 74 & Castle Hot Springs Rd.	Z07-04 Rezone	Rezone AG (General Agricultural) to PAD (Planned Area Development) for residential & resort.	1st review comments sent 7/31/07. Meeting with applicant on 3/27/08. Case inactive since 3/27/08.	Inactivity letter sent on 9/14/10. If no response received within 30 days, the case will be administratively closed. **Update: New ownership has responded to inactivity letter. The case will be granted a six-month extension (expiration date of 4/18/2011).
Retail Center SWC 67th Ave. & Happy Valley Rd.	PR08-04 Site Plan	4 acre site plan multiple retail pads	Site plan review on hold until rezoning of 15' strip (south of property) is complete. Rezoning set for 11/16/10 City Council Hearing.	Continue review of site plan and approve once rezoning is complete.
The Villages at Aloravita SEC 83rd Ave. & Jomax Rd.	Z08-02 Rezone	Rezone 628 acres from AG (General Agricultural) to PCD (Planned Community District).	Had several meetings with applicant to discuss PCD submittal materials; met with engineering consultant(s) regarding utilities, pressure zones, submittal requirements and timelines; met with applicant and Legal Dept. regarding development agreement.	Awaiting formal submittal of PCD and supporting documents
Tierra Del Rio NWC 99th Ave. & Jomax Rd.	Z04-34A.5 Rezone	Proposed changes to density, varying lot sizes, and access.	Scheduled for 1/7/10 P&Z. Update - Property has been sold from Pulte to Corona (Sunbelt Holdings is managing). Indefinite continuance has been requested.	Awaiting new P&Z hearing date request by applicant.
Village at Lake Pleasant S/O SEC Happy Valley Rd. & Lake Pleasant Pkwy.	Z08-13 Rezone	Rezone from SR-43 (Suburban Ranch residential) to C-2 (Intermediate Commercial).	1st review comments sent 1/30/09.	Awaiting resubmittal.
Village at Lake Pleasant S/O SEC Happy Valley Rd. & Lake Pleasant Pkwy.	GPA08-11 General Plan Amendment	General Plan Amendment to change 20 acres from Residential/Estate to Community Commercial.	1st review comments sent 1/30/09.	Awaiting resubmittal.
Village at Lake Pleasant S/O SEC Happy Valley Rd. & Lake Pleasant Pkwy.	PR08-43 Site Plan	Site Plan for commercial project.	1st review comments sent 2/17/09.	Awaiting resubmittal.
Village at Lake Pleasant S/O SEC Happy Valley Rd. & Lake Pleasant Pkwy.	V08-07 Variance	Variance request for a reduction in landscape buffer width from 30 feet to 20 feet.	1st comments sent 1/30/09.	Awaiting resubmittal

New cases are bold, italics, and underlined

Comerica Bank SWC 75th Ave. & Thunderbird Rd.	SP11-0002 Site Plan	Site Plan for a bank.	1st Comments due 2/22/11.	
Midfirst Bank 7485 W. Cactus Rd.	PR86-57A.1 Site Plan Amendment	Site Plan Amendment to reconfigure an existing building into a bank.	1st Comments due 2/10/11.	

AT&T Country Meadows SEC 111th Ave. & Butler Dr.	SP10-0211 Site Plan	Monopole co-location on golf safety net.	Comments sent 11/22	Waiting for 2nd submittal (no change 1/4/11)
AT&T Country Meadows SEC 111th Ave. & Butler Dr.	CU10-0213 Conditional Use Permit	Monopole co-location on golf safety net.	Comments sent 11/22	Waiting for 2nd submittal (no change 1/4/11)
Clearwire Alta Loma SWC 87th Ave. & Mountain View Rd.	SP10-0135 Site Plan	Site Plan for a 57 foot mono-palm.	2nd review comments sent 8/9/10.	Waiting for resubmittal.
SPR Telecom NEC 91st Ave. & Butler Dr.	SP10-0078 Site Plan	Site Plan for an 80 foot cell tower.	3rd review comments sent 9/16/10.	Waiting for resubmittal.
SRP Telecom NEC 91st Ave. & Butler Dr.	CU10-0077 Conditional Use Permit	Conditional Use Permit to allow an 80 foot cell tower.	3rd review comments sent 9/16/10.	Waiting for resubmittal.

America's Gold Buyers 7518 W THUNDERBIRD RD #102	CU10-0232 Conditional Use Permit	Conditional Use Permit to allow a Gold Buying business.	1st review comments sent 11.23.10.	Waiting for applicant to resubmit plans.
Clearwire Wireless - Heritage Mortuary W/O NWC 67th Ave. & Thunderbird Rd.	SP10-0042 Site Plan	Site Plan for a 65' mono-pine and ground equipment.	CUP appealed to City Council- case continued, to be heard before council prior to Sept. 2011.	See associated Conditional Use Permit (CU10-0042).
Clearwire Wireless - Heritage Mortuary W/O NWC 67th Ave. & Thunderbird Rd.	CU10-0044 Conditional Use	Conditional Use Permit for a 65' mono-pine and ground equipment.	CUP appealed to City Council- case continued, to be heard before council prior to Sept. 2011.	Await City Council decision.

New cases are bold, italics, and underlined