



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

**PLANNING & ZONING COMMISSION
REGULAR MEETING
NOTICE & AGENDA
THURSDAY, JUNE 2, 2011
6:30 P.M.
COUNCIL CHAMBERS
8401 W. MONROE ST.**

**PLANNING & ZONING
COMMISSION:**

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

Department Liaison
Chris Jacques

***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 Commissioners Gene Sweeney and Marc Melbo from the March 17, 2011 Meeting.
- 2C MINUTES:** Discussion and possible action to approve the minutes of the Meeting held March 17, 2011.
- 3C CU11-0008:** Marvel Masonry is requesting a Conditional Use Permit to allow a home improvement store with outdoor storage in a C-2 zoning district. The property is located at 8060 W. Thunderbird Road.

REGULAR AGENDA

NEW BUSINESS:

4R PUBLIC HEARING: Conditional Use Permit

PUBLIC HEARING - CU11-0003: SS Services is requesting a Conditional Use Permit to allow used car sales in conjunction with an auto rental business in a C-4 zoning district. The property is located at 9231 W. Grand Avenue.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request from SS Service for a Conditional Use Permit to allow used car sales in conjunction with an auto rental business in a C-4 zoning district.

5R PUBLIC HEARING: Conditional Use Permit

PUBLIC HEARING - CU11-0005: Pinnacle Consulting on behalf of T-Mobile is requesting a Conditional Use Permit to allow a monopalm (approximately 65 feet high) wireless communication facility on a property zoned Multi-Family Residential (RM-1). The property is located at the southwest corner of Olive Avenue and 103rd Avenue.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request from Pinnacle Consulting for a Conditional Use Permit to allow a monopalm (approximately 65 feet high) wireless communication facility on a property zoned Multi-Family Residential (RM-1).

6R PUBLIC HEARING: Conditional Use Permit

PUBLIC HEARING - CU11-0009: Thomas Hunt is requesting a Conditional Use Permit to allow for outdoor receptions and special events in conjunction with the existing bed and breakfast operation. The property is located at 8250 W. Monroe Street.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request from Thomas Hunt for a Conditional Use Permit to allow for outdoor receptions and special events in conjunction with the existing bed and breakfast operation.

7R PUBLIC HEARING: Zoning Ordinance Text Amendment.

PUBLIC HEARING - TA11-0002: K. Hovnanian Homes has initiated a text amendment to Article 14-5 Single-Family Residential Districts, Section 14-5-6 *Property Development Standards for Permitted Residential Uses* of the Zoning Ordinance. The amendment proposes to amend the setback and lot coverage development standards within the City of Peoria.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request from K. Hovnanian Homes to amend Article 14-5 Single-Family Residential Districts, Section 14-5-6 *Property Development Standards for Permitted Residential Uses* of the Zoning Ordinance.

8R Medical Marijuana Dispensary and Cultivation

Presentation and discussion of the City's recent medical marijuana zoning ordinance amendment and discussion of the final rules developed by the Department of Health Services **(No Action)**.

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
MARCH 17, 2011**

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 6:33 p.m.

Members Present: Chair Bill Louis, Vice Chair Nancy Golden, Commissioners Veda McFarland, Leigh Strickman, and Greg Loper.

Members Absent: Commissioners Gene Sweeney and Marc Melbo.

Others Present: Glen Van Nimwegen – Planning & Community Development Director, Steve Berg – Assistant City Attorney, Adam Pruet – Senior Planner, Melissa Sigmund – Planner, and Bev Parcels – Planning Assistant.

Opening Statement: None read.

Call for speaker request forms.

Audience: One

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, and Vice Chair Melbo from the February 3, 2011 Meeting.
- 2C **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held February 3, 2011.
- 3C **CU11-0001:** Kerr Project Services requested 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.

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

REGULAR AGENDA

NEW BUSINESS:

- 4R 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: Presented by Melissa Sigmund, Planner

COMMISSION COMMENT: None

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Loper moved to recommend approval of a request from the City of Peoria to amend Article 14-38 of the Zoning Ordinance. The motion was seconded by Commissioner Strickman and upon vote, carried unanimously 5-0.

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

REPORT FROM STAFF:

Glen Van Nimwegen made a statement to the Commission regarding his leaving the City. Adam Pruett discussed the 2011 Major General Plan Amendment Process, Future Zoning Text Amendments, and the Development Summary.

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 6:47 p.m.

Bill Louis, Chair

Date Signed



CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 11-0008

DATE: June 2, 2011

AGENDA ITEM: 3C

Applicant: Marvel Masonry

Request: Obtain a Conditional Use Permit to allow a home improvement store with outdoor storage in the C-2 zoning district.

Proposed Use: Marvel Masonry

Location: The property is located at 8060 W. Thunderbird Road, east of the northeast corner of 83rd Avenue and Thunderbird Road.

Size of facility: Approximately 2.65 acres

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

Recommendation: **Approve**, with conditions.

LAND USE BACKGROUND

Table 1: Existing Land Use, General Plan Land Use Designation, Current Zoning. (Exhibits C & D)

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Marvel Masonry	Residential/Low Density	C-2 Intermediate Commercial
North	Quail Run Apartment Complex	Residential/Low Density	RM-1 Multi-family Residential
South	Thunderbird Rd, then single family residential	Residential/Low Density	C-2 Intermediate Commercial
East	Landscape Mart commercial building	Residential/Low Density	C-2 Intermediate Commercial
West	Undeveloped lots in Arrowhead Commerce Center	Residential/Low Density	PAD, Planned Area Development

PROJECT DESCRIPTION

Request and Development Details

1. The applicant is proposing to operate Marvel Masonry on a property previously occupied by a plant and tree nursery. The approximately 2.65 acre site includes parking and an approximately 3,800 square foot sales building. The previous occupant used the remainder of the site for outdoor storage and it would continue to be used for outdoor storage by Marvel Masonry. Land uses adjacent to the

site include a commercial building, an undeveloped commercial center, and a residential apartment complex.

2. The applicant is proposing (Exhibits A-B) to use the property as a home improvement store with outdoor storage. The outdoor area would be used for the storage of landscape materials such as pavers, cement block, and bulk material. Marvel Masonry's largest source of retail revenue comes from the sale of pavers, including flagstone and tile. Marvel Masonry's customers include both professional landscape installers and members of the general public. While the business does sell landscape rock, these materials will not be stored on the proposed site. Instead, they are delivered directly to the customer from the quarry site.

DISCUSSION AND ANALYSIS

Applicability

3. The site in question is zoned Intermediate Commercial (C-2). The proposed use has been deemed to constitute a Home Improvement Store with Outdoor Storage. According to Article 14-9, in the C-2 Zoning District this use requires a Conditional Use Permit.
4. Section 14-39-12.E 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

5. In staff's judgment, the proposed use is appropriate and compatible with surrounding land uses and the context of the area in question. The proposed use is not expected to impact the adjacent commercial or residential properties through light, noise, odor, smoke, heat, or glare. Marvel Masonry's operation will be similar in intensity to that of the tree and plant nursery previously operated on the site in terms of the outdoor storage component of the business.
6. The block wall along the north and west sides of the property, a landscape buffer on the east side of the property, as well as intervening landscape, parking, and driving aisles on the adjacent properties will allow the use to operate with minimal disturbance to the area's residents, business owners, and patrons. The closest apartment building is located approximately 75 feet away from the north property boundary of the proposed site. The business hours of operation will be from 6 a.m. to 5 p.m. Monday-Friday and 8 a.m. to 12 noon on Saturday; thereby limiting the potential for impacting neighboring properties outside of regular business hours. Marvel Masonry will be particularly compatible with the pool and spa design & contractor business located directly to the east of the proposed site in the adjacent commercial building.

Noticing and Neighborhood Comment

7. The application notice was forwarded to all property owners within 600 feet of the proposed use and properly noticed pursuant to Section 14-39-6 of the Peoria Zoning Ordinance. Additionally, the site was posted at least 15 days prior to the Public Hearing with a sign meeting the content and size requirements prescribed by the Planning Division. The applicant has provided a photo exhibit and signed affidavit attesting to the posting.

Proposition 207

8. The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions that have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement that 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

9. Based on the following findings:
- The request is consistent with the applicable codes, standards, and guidelines
 - The request is compatible with the surrounding uses; and
 - The proposal does not result in any detrimental impacts to the surrounding area.

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 CU11-0008, subject to the following conditions:

1. The use shall substantially conform to the project narrative (Exhibit A) and the site plan (Exhibit B) as contained in the staff report to the Planning & Zoning Commission dated June 2, 2011.
2. Separate approval is required for all applicable permits, including Building and Sign permits.

ATTACHMENTS:

- | | |
|-----------|-------------------|
| Exhibit A | Project Narrative |
| Exhibit B | Site Plan |
| Exhibit C | Vicinity Map |
| Exhibit D | Zoning Map |

Prepared by: Melissa Sigmund, Planner

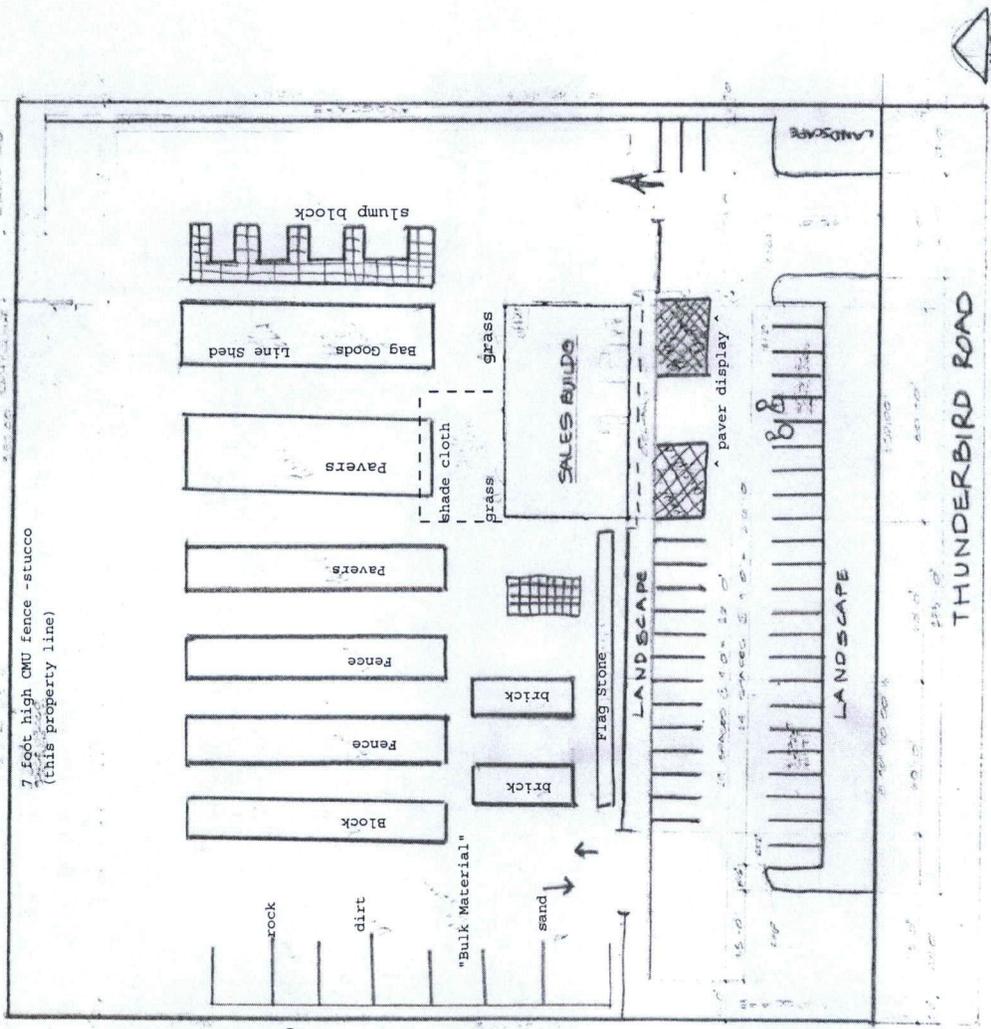
Marvel Masonry Project Narrative

Marvel
8060 West Thunderbird Road
Peoria, Az. 85381
P: 623-487-1500
F: 623-487-1511

- Marvel has 4 stores in the greater Phoenix area, started in 1958, owned by Border Const. Specialties which started operations in Arizona in 1953.
- Marvel sales are comprised of landscape....
 - 1} Pavers 40%
 - 2} Block, Brick 13%
 - 3} Bulk Material 8%
 - 4} Sealers, kool deck paint 6%
 - 5} Special Orders 8%
 - 6} Veneer 5%
 - 7} Bagged products 5%
 - 8} Delivery charges 3%
 - 9} Garden and hand tools 3%
 - 10} Artificial Turf 3%
- Marvel DOES NOT SELL
 - 1} Lumber
 - 2} Dry Wall
 - 3} Roofing products
 - 4} Plumbing items
 - 5} Electrical items
 - 6} Cabinets
 - 7} Ply Wood
 - 8} Window treatments
 - 9} Insulation
 - 10} HVAC items
- Marvel sells to home owners and landscape installers.
- Marvel hours of operation are, Monday-Friday 6 A.M to 5 P.M., Saturday 8 A.M to Noon.
- Marvel has a total of 9 employees at this branch, 3 inside sales, 3 yard sales and 3 drivers.
- Marvel has 3 delivery trucks.
- Marvel does sell landscape rock. This product is picked up from the various mines and delivered directly to the customer's house by a trucking company.

Marvel Masonry Site Plan

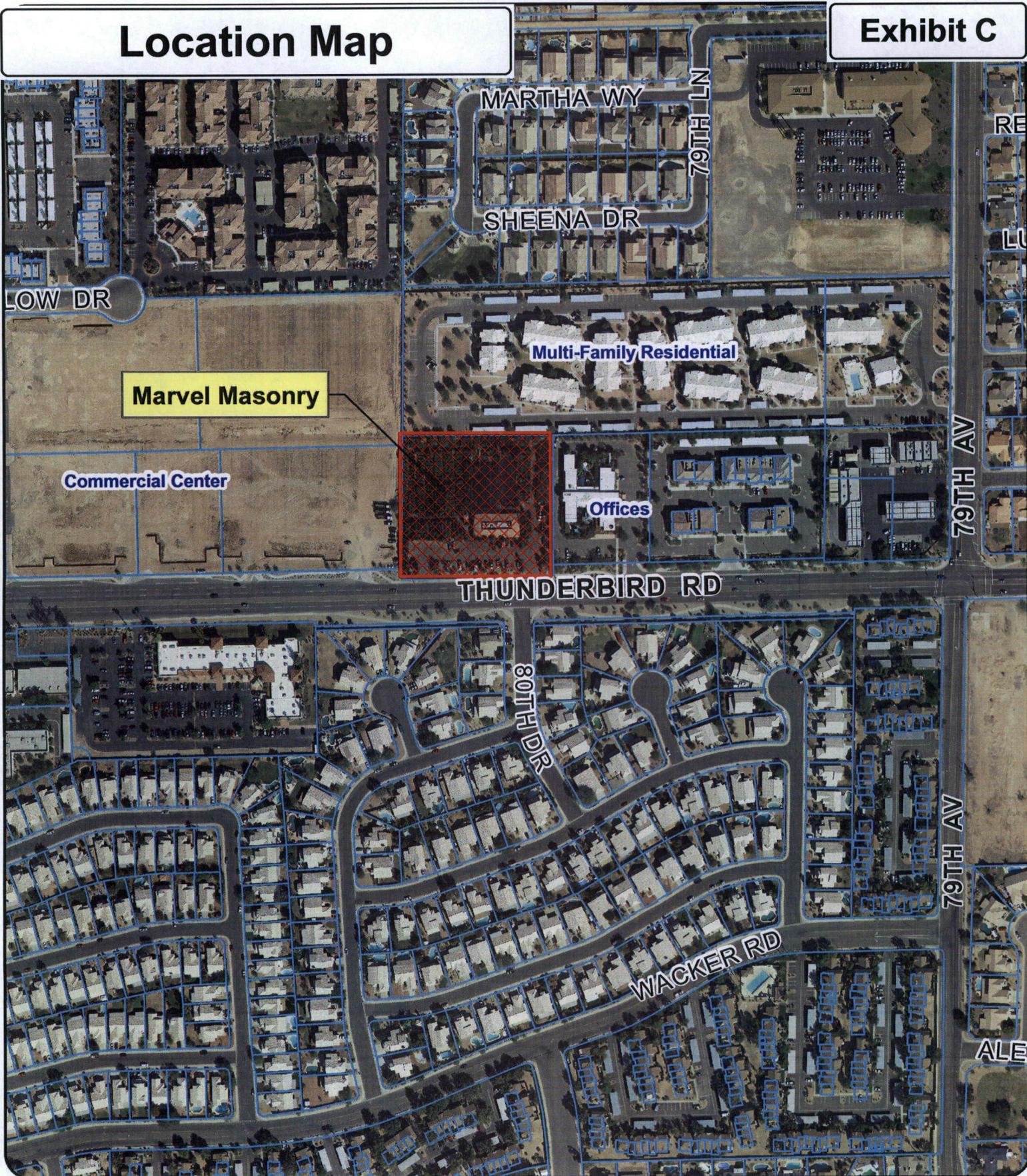
STAR NURSERIES, INC. GEORIA, ARIZONA	DRAWN BY:	JOB NO.	REVISIONS	DATE	PAGE
Arvid Johnson Associates Ltd. ARCHITECTS					



SITE PLAN

Location Map

Exhibit C



CU11-0008 Marvel Masonry

Applicant: Marvel Masonry

Request: Conditional Use Permit to allow a Home Improvement Store with outdoor storage in the C-2 Zoning District



Not to Scale

Zoning Map

Exhibit D



CU11-0008 Marvel Masonry

Applicant: Marvel Masonry

Request: Conditional Use Permit to allow a Home Improvement Store with outdoor storage in the C-2 Zoning District



Not to Scale



CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 11-0003

DATE: June 2, 2011

AGENDA ITEM: 4R

Applicant: Jeff Kotcha, SS Services / Dollar Rent-A-Car

Request: Obtain a Conditional Use Permit to allow limited use auto sales.

Proposed Development: Dollar Rent-A-Car w/ ancillary used car sales use.

Location: Southwest corner of 92nd Drive and Grand Avenue.

Site Acreage: Approximately 15,000 square feet.

Support / Opposition: As of the date of this printing, Staff has not received any written support or opposition to this request. One phone call was received objecting to the request.

Recommendation: **Approve**, with conditions.

AREA CONTEXT

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

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Auto Rental	Business Park Industrial	C-4, General Commercial
North	Grand Avenue (US 60); Industrial Uses	Industrial	I-1, Light Industrial
South	Detached Residential (mobile town)	Business Park/Industrial	R1-7, Single Family Residential
East	Commercial uses	Business Park/Industrial	C-4, General Commercial
West	Commercial uses	Business Park/Industrial	C-4, General Commercial

PROJECT DESCRIPTION

Request and Development Details

1. The site is currently developed as a detail shop and a Dollar Rent-A-Car business. As part of the rental car use, the applicant is proposing to sell a limited number of decommissioned rental cars. The cars for sale will be located in the northwest corner of the property along Grand Avenue and will be limited to a maximum of two vehicles for sale at any one time.
2. The property is located on the southwest corner of the Grand Avenue frontage road and 92nd Drive.
3. Although no site plan package is required for the proposed use, the applicant provided a site plan showing landscaping and parking lot circulation improvements for the property.

FINDINGS AND ANALYSIS

Applicability

4. Auto sales are a permitted use within the C-4 district unless the use occurs within 200-feet of residential property. Because the property abuts residential zoned property to the south, a conditional use permit is required.
5. 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.

Analysis

6. In staff's judgment, the proposed use is an appropriate, ancillary function to the rental car use. The use is consistent with surrounding land uses and the context of the area in question. The use is not expected to generate any additional or undue noise, traffic, light trespass or other impacts on adjacent streets and nearby properties.
7. The applicant has provided staff with a narrative that describes the nature of the business, which appears to be typical for an auto rental based business. Due to the limitations of the site and to ensure auto sales remains ancillary to the auto rental use, the maximum number of vehicles for sale at any time is limited to two. Based on the above, it has been determined that there will be no discernible impacts on the nearest residential properties.

Noticing and Neighborhood Comment

8. 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.
9. One phone call was received in objection to the proposed auto sales use. The caller expressed concern with traffic, noise, and crime impacts on the adjacent residential streets. The caller also stated that they do not believe the use will adhere to the conditions of approval. The caller declined to provide written objection. As stated above, Staff has determined that this use is an appropriate and ancillary function of the existing use and that there will be no discernable impacts to the neighboring properties to the south.

Proposition 207

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

RECOMMENDATION

11. Based on the following findings:
 - The proposal is limited in scope and a customary ancillary function for an auto rental use;
 - The auto sales aspect will be limited in scope to two vehicles at any one time;
 - The use will be located and will operate in a manner that protects the neighborhood from nuisances 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 CU11-0003, subject to the following condition:

1. The use shall substantially conform to the project narrative (Exhibit C) and site plan (Exhibit D) as contained in the staff report to the Planning & Zoning Commission dated June 2, 2011, except where modified herein.
2. The maximum number of vehicles for sale at any one time is (2) two. Only decommissioned Dollar Rent-A-Car vehicles may be sold on the premises.

Attachments:

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

Prepared by: Ed Boik
Planner

Vicinity/Aerial Map

Exhibit A



**Dollar
Rent-A-Car**

CU11-0003 SS Services / Dollar Rent-A-Car

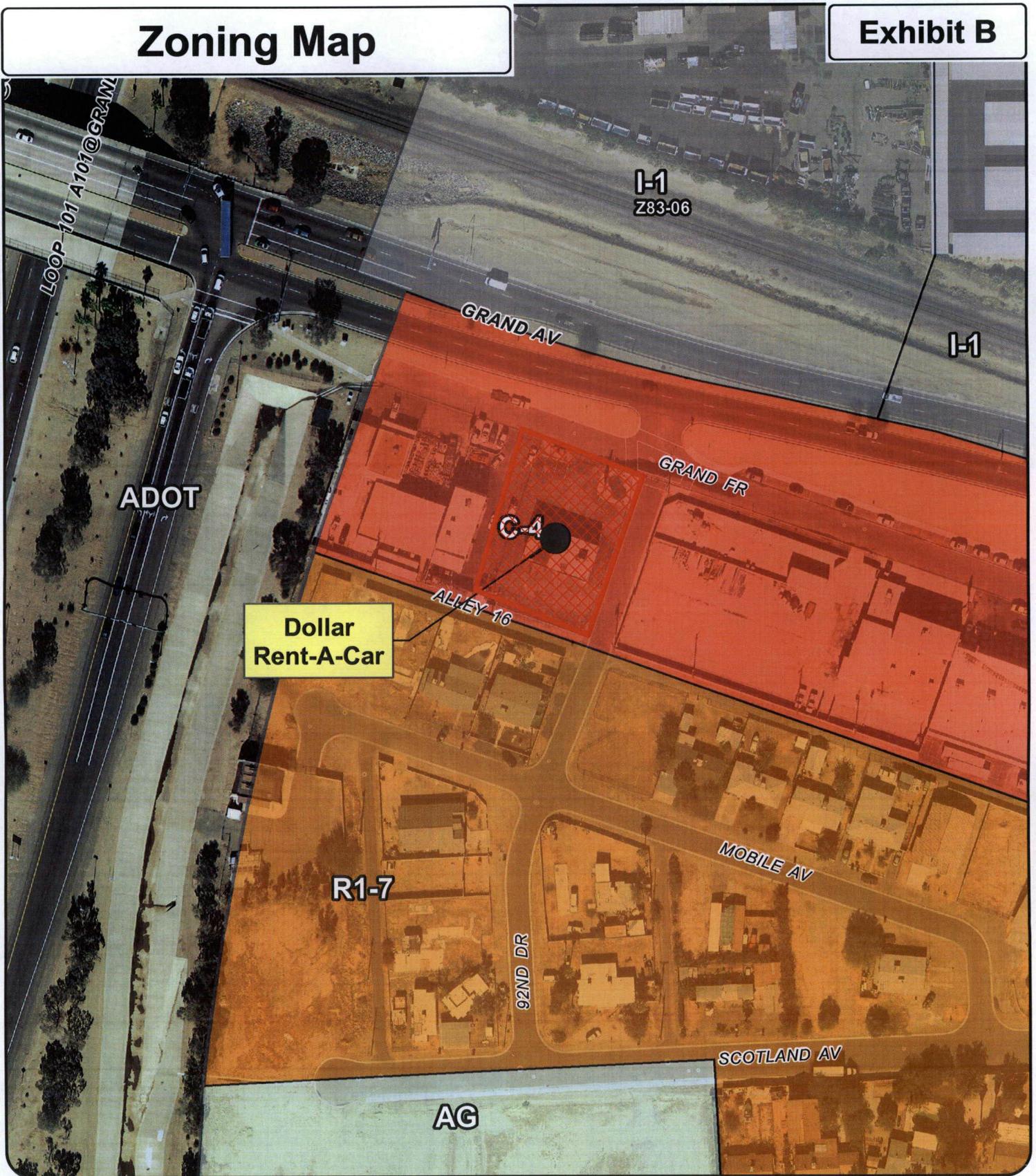
Applicant: Jeff Kotcha
Request: Conditional Use Permit to allow used auto sales.



Not to Scale

Zoning Map

Exhibit B



CU11-0003 SS Services / Dollar Rent-A-Car

Applicant: Jeff Kotcha

Request: Conditional Use Permit to allow used auto sales.



Not to Scale

SS SERVICES/DOLLAR RENT-A-CAR

9231 WEST GRAND AVENUE
PEORIA, ARIZONA 85345
PHONE # 602-620-0570

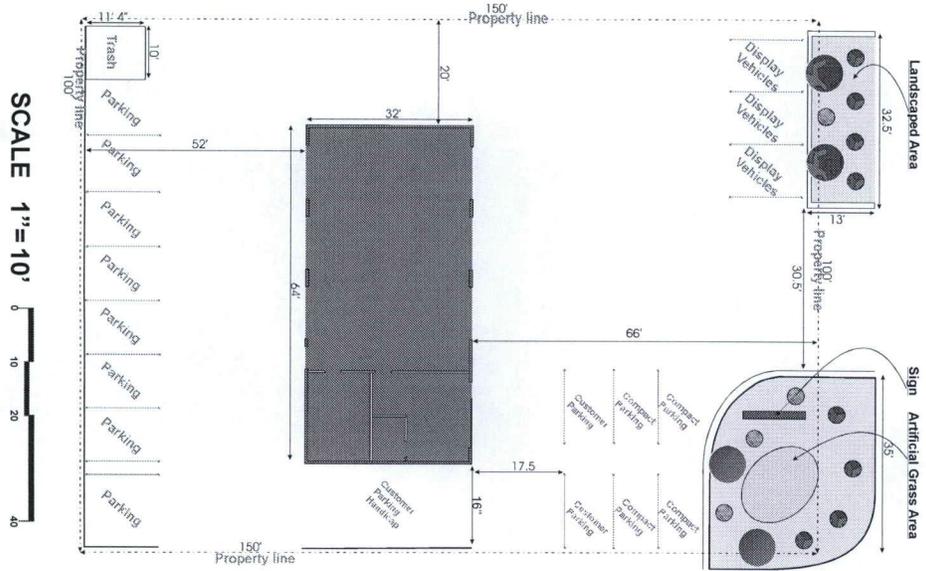
TO WHOM IT MAY CONCERN:

THE CONDITIONAL USE PERMIT IS FOR THE C-4 ZONED PROPERTY AT 9231 WEST GRAND AVE, IS TO ADD A DEALERS LICENSE TO THE EXISTING DETAIL SHOP AND THE DOLLAR RENT-A-CAR FRANCHISE THAT IS TARGETED TO OPEN APRIL 1ST 2011. THE WHOLESALE-RETAIL USED CAR DEALERS LICENSE WILL BE USED TO DISPOSE OF RENTAL CARS THAT HAVE BEEN TIMED OUT UNDER THE DOLLAR RENT-A-CAR FRANCHISE AGREEMENT. THE CARS CAN NOT BE OVER 2 YEARS OLD OR OVER 40,000 MILES. THESE CARS WILL HAVE TO BE SOLD AND REPLACED WITH NEW ONES. WE WILL HAVE 1-2 CARS FOR SALE AT ANY ONE TIME.

3/3/2011
REGARDS
JEFF KOTCHKA



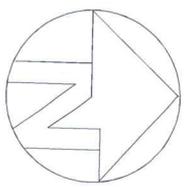
3/3/11



SCALE 1" = 10'

N. 92nd AVE.

GRAND AVE. FRONTAGE RD.



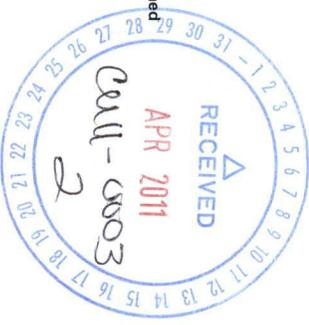
LEGEND

1. Total Lot Size 15,000 sq ft
2. Total Foot Print of Building 2,048 sq ft 64' x 32'
3. Total Parking Lot 12,952 sq ft (Existing asphalt)
4. Parking Spaces = 9.5' x 20'
5. Compact Parking = 8' x 18'
6. Handicap Parking = 16' x 20'

PLANT MATERIAL LEGEND

- Total Landscaping 1,577 sq ft
- TREES**
- 2 - 15 Gallon Washingtonia robusta Mexican Fan Palm
 - 2 - 15 Gallon Shoestring Acacia
- SHRUBS**
- 4 - 5 Gallon Red Yucca
 - 8 - 5 Gallon Baja Rueillia
- LANDSCAPE MATERIALS**
- Landscaped Area Shaded - Desert Gold Granite 3/4" Size Screened

JEFF KOTCHKA 602-620-0570
 SS SERVICES
 DOLLAR RENT-A-CAR
 9231 W. GRAND AVE.
 PEORIA, ARIZONA 85345





CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 11-0005

DATE: June 2, 2011

AGENDA ITEM: 5R

Applicant: Robert Smith of Pinnacle Consulting on behalf of T-Mobile.

Request: Obtain a Conditional Use Permit to allow a 65-foot high monopalm wireless communication facility within a Multi-Family Residential (RM-1) zoned property.

Proposed Use: T-Mobile Wireless: The applicant is proposing to locate a wireless communication facility on a property which is developed with an assisted living facility (Good Shepherd Skilled Care Facility).

Location: The site is located at the southwest corner of 103rd and Olive Avenues.

Size of facility: 600 square feet (20' x 30')

Support / Opposition: As of the date of this printing, Staff has received one phone call in opposition to the requested height of the monopalm.

Recommendation: **Approve**, with conditions.

LAND USE BACKGROUND

Table 1: Existing Land Use, General Plan Land Use Designation, Current Zoning. (Exhibit B & C)

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Senior Skilled Care Facility (Peoria Good Shepherd)	Residential/Med-High Density	RM-1 Multi-Family Residential
North	Arterial (Olive Ave), then single-family residential (Sun City)	Maricopa County	Maricopa County
South	Vacant	Residential/Med-High Density	R1-6 Single-Family Residential
East	Collector (103 rd Ave), then vacant	Residential/Med-High Density	C-2 Intermediate Commercial and RM-1 Multi-Family Residential
West	Senior Housing Community (Peoria Good Shepherd)	Residential/Medium Density	RM-1 Multi-Family Residential

PROJECT DESCRIPTION

1. Pursuant to Section 14-3-13-C of the Zoning Ordinance, the applicant is proposing a 65-foot monopalm and a 600 square-foot screened mechanical equipment enclosure. The wireless facility is proposed to be located behind an existing maintenance/office and storage buildings, approximately 134-feet to the west of 103rd Avenue, and approximately 543-feet to the south of Olive Avenue. Primary access to the wireless facility would be provided from the existing access drive off of 103rd Avenue.
2. The subject site is approximately 8.8 acres and is currently developed as a skilled care facility operated by Evangelical Lutheran, located on the southwest corner of Olive and 103rd Avenues. Adjacent land uses include the Sun City residences to the north, vacant land to the east, an adjoining extension of the independent living facility to the west, and vacant land to the south. The nearest residential subdivision is located approximately 615-feet to the south/southwest (Country Meadows Unit 2).
3. The subject property is currently located within a Multi-Family Residential (RM-1) zoning district. Pursuant to Section 14-3-13-C of the Wireless Communications Facilities Ordinance, a maximum 65-foot high wireless facility is permitted within the Multi-Family Residential (RM-1) zoning district subject to the approval of a Conditional Use Permit.
4. The subject site was approved for a T-Mobile monopalm of similar nature to this request in 2008 (CU 08-28 and PR 08-29). The applicant at the time was unable to act on the approved site plan within the permitted 18-month timeframe and the approval subsequently expired. Records show there was no written or verbal opposition to the 2008 cases. There have been a few minor modifications to this request including the monopalm construction type, landscaping, and the shifting of the precise location a few feet to the southeast. The requested height of 65-feet has remained unchanged between applications.

DISCUSSION AND ANALYSIS

5. Section 14-3-13 of the Zoning Ordinance outlines the applicable criteria for evaluating wireless communication facilities as Permitted Principal or Conditional Use Permits (CUP). In general, the purpose of a CUP is to mitigate any identified impacts arising from a specific use on the surrounding neighborhood and provide controls to ensure maximum compatibility with the area.
6. The intent of the wireless communication ordinance is to promote the use of appropriate wireless communication facilities while encouraging co-location and

design techniques that minimize the impacts of such facilities on the community. The City of Peoria encourages providers to explore all co-location options, including locating on existing municipal facilities or existing vertical elements (e.g. power poles, light standards, etc) prior to the application for a new facility. The City further encourages applicants to explore all camouflaging (stealth design) and screening options available to reduce the visual impacts of such facilities to the community.

7. As indicated in Section 14-3-13.C.1, wireless facilities in excess of 50-feet in height within a residential district are subject to Conditional Use Permit approval with a maximum allowable height of 65-feet. Staff notes, the maximum allowable height of 65-feet in residential districts is 10' feet less than the maximum allowable height in non-residential districts. Furthermore, to meet the intent of the wireless communication ordinance, the applicant has implemented a stealth design technique to increase the compatibility with the existing site and surrounding area by utilizing the proposed monopalm design. The surrounding area contains many palm trees ranging in height from 20-feet to over 60-feet. In addition to the existing palms, the applicant will plant one 25-foot high palm tree immediately adjacent to the facility to assist in creating additional context.
8. At the request of staff, the applicant made several modifications to the design of the monopalm as part of the revised submittal. Alterations consisted of the addition of more fronds to further hide the internal cellular array and the removal of extension arms on the array so they could be located closer to the "trunk" of the monopalm. Therefore, by utilizing the monopalm stealth wireless communication facility and modifying the design as requested, staff does not believe the project will present any negative visual impacts to the surrounding area or nearby neighborhoods.
9. Following the initial routing of the application, one phone call was received in opposition to the request. The caller, who was a resident in the area, indicated that the overall height of 65-feet was too tall for the area and would be out of place. During the subsequent initial review of the applicant, staff requested the applicant substantiate the need for the monopalm to be at the 65-foot height limit. On the following submittal, the applicant stated that the height could not be lowered below the 65-foot height because it would significantly impact the coverage objectives for the area. This in turn would lead to the requirement to add additional towers in the area to maintain the minimum coverage. In addition, as stated above, the surrounding area contains many palm trees that will further assist in helping this monopalm fit contextually within the area.
10. The application was routed to various City departments. No specific concerns were identified to staff. All departmental comments will be addressed through the subsequent site plan application (SP11-0003) and construction document phase

of this proposal.

Public Noticing and Neighborhood Comment

11. The application notice was forwarded to all property owners within 600 feet of the proposed use and properly noticed pursuant to Section 14-39-6 of the Peoria Zoning Ordinance. Additionally, the site was posted at least 15 days prior to the Public Hearing with a sign meeting the content and size requirements prescribed by the Planning Division. The applicant has provided a photo exhibit and signed affidavit attesting to the posting.

Proposition 207

12. The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions that have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement that 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:
 - The requested use is consistent with the intent of the Wireless Communications Ordinance. Wireless Facilities are permitted within the Multi-Family Residential (RM-1) zoning district subject to conditional use permit approval; and
 - The proposal integrates stealth design techniques (monopalm) in furtherance of neighborhood compatibility and design consistency on-site; and
 - The applicant, T-Mobile, has submitted signed and notarized a Proposition 207 waiver, which will be recorded with the conditions outlined below.

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

Approve the applicant's request for a Conditional Use Permit under Case CU11-0005, subject to the following conditions:

1. The development shall substantially conform to Exhibit A (narrative), Exhibit D (site plan), and Exhibit E (Elevations) as contained in the staff report to the Planning and Zoning Commission dated June 2, 2011.
2. In accordance with Article 14-39-10.B.5 of the City of Peoria Zoning Ordinance (1977 Edition), a building permit must be obtained within 18 months of the date of CUP approval.

ATTACHMENTS:

Exhibit A	Project Narrative
Exhibit B	Vicinity Map
Exhibit C	Zoning Map
Exhibit D	Site Plan
Exhibit E	Elevations

Prepared by: Robert Gubser, AICP
Interim Principal Planner



Robert Gubser, Senior Planner
City of Peoria
9875 North 85th Ave.
Peoria, AZ 85345

RE: Corrective Comments for CU11-0005, SP11-0003
Location: 10323 West Olive Ave.
APN: 142-61-006-Q

Dear Mr. Gubser:

This modified narrative should address comments transmitted by Planning on 4/11/11. Responses to planning department comments have been listed directly below, and adjustments to the narrative following those comments have been executed to make the narrative consistent with corrective notes.

Transmitted with this narrative are the following required materials:

1. Two (2) sets of 24 x 36 drawings, including site plans, elevations and colored elevations
2. One (1) set of 11 x 17 drawings, including site plans, elevations and colored elevations
3. One (1) set of 8 ½ x 11 drawings, including site plans, elevations and colored elevations
4. Propagation maps showing coverage objectives before and after activation of the facility

Planning Division Comments / CUP/Site Plan Revisions:

1. Before and After Coverage maps have been included as an attachment to this narrative. The maps detail the coverage areas which the site will address once it is active.
2. Colored elevations for the monopalm and equipment compound have been added to the drawing set
3. Antenna panel mounts have been redesigned, to eliminate the mounting brackets between the panel antennas and the pinch ring on the pole...this will reduce the antenna panel standoff from 2' to 1' - 3" - which is the minimum T-Mobile can use and still adjust panels for down-tilt. This will result in the most compact installation possible in the palm frond area. Original density of palm fronds was suggested at 55 fronds for the proposed monopalm. At staff's request, palm frond density has been increased - based on field experience and feedback from other stealth providers, a palm frond count of 60 is proposed, which represents about a 10% increase over the original design proposal. The applicant did explore a "growth pod" radome as suggested by staff, but based upon feedback and discussions with staff, it was determined that reducing antenna array standoffs and increasing palm frond density would yield a better stealth design.
4. A 25' live palm has been added to the planting plan.
5. Irrigation information has been added to sheets L1, L2 and L3, including irrigation system, service location, supply line, control valve and timer.
6. A 65' facility height is necessary to obtain a 61' - 6" antenna centerline while embedding the panel antennas within the palm frond cluster to minimize visual impacts. A lower install height will negatively impair radiofrequency coverage objectives (see propagation maps attached) because it will reduce the vertical centerline of the installed antennas. Should the facility be limited to a 50' install height, the antenna centerline will be limited to about 46' and coverage objectives for the facility will suffer significantly. A lower mounting height would require the installation of additional network infrastructure in the area to supplement coverage (additional towers/monopalms), and would result in additional installations and associated visual impacts that are not warranted. No additional network enhancements are planned in the immediate future for this market at
5978 W. Aurora Drive | Glendale, AZ 85308 | 623-252-2505 | Robert@AnvilPartners.net

Thursday, February 28, 2011

this time, and this facility should be used to its maximum potential to benefit the market/coverage objective.

Additionally, 65' is a common height for live palms in the area, and several are present within the viewshed.

7. Items 7 – 9 are stipulated as requirements for the approval and are considered as conditions of same.

Introduction:

Please accept this letter and attachments for a pre-application review with City Staff for a new monopalm construction proposal from T-Mobile. The applicant desires feedback and instruction on the most efficient manner in which to seek approval and act upon the permit.

The applicant has identified this area for systems improvement, and in 2008 obtained approval (PR08-29) to create a facility at this location. Unfortunately, the applicant was not able to act upon that permit within the 18 month window for building permit application, and now seeks to submit a zoning application to again secure land use entitlement and subsequently pursue a building permit and construction.

Current use of the property (religious services and care for the elderly) is compatible with the proposed facility, as are the parcel's location and adjacent zoning designations:

Subject Parcel:	RM-1
North:	C-2/R1-6
East:	C-2/RM-1
South:	R1-6
West:	RM-1

Palm trees are common and proximal to the site – the proposed stealth facility should be consistent with expectations for mitigation of visual impacts.

Proposed Facility Description:

The applicant, T-Mobile, seeks to create a 65' Monopalm, which will support antenna panels mounted at a vertical centerline of 61' – 6", arranged radially in 3 antenna sectors, and aligned at 0, 120 and 240 degrees respectively. Each antenna sector shall contain 3 panel antennas, located well within the foliage/fronds of the monopalm.

A 20' x 30' compound will house all related ground equipment and the base of the monopalm. The compound will be surrounded by an 8' concrete masonry wall, painted and textured to match the existing church building on site. Plantings have been indicated along the masonry wall, as were specified in approval PR08-29. Additionally, a 25' live palm tree has been specified, and irrigation details have been included. This proposal is substantially identical to PR08-29, which was approved 10/28/08 but not acted upon within the 18 month window for building permit application.

The facility should have few, if any impacts, beyond improving wireless service within the market coverage area of the site. There should be no discernable impacts to pedestrian or vehicular transit, and the facility will not emit odor, dust, gas, noise, vibration, smoke, heat or glare. Applicant recognizes that compliance with the City of Peoria's nuisance codes is a condition of approval for the permit. Beyond a once-a-month operations inspection, the site should generate no activity or impact, and will not utilize connections to water, sewer or refuse utilities/services.

Thursday, February 28, 2011

Attachments:

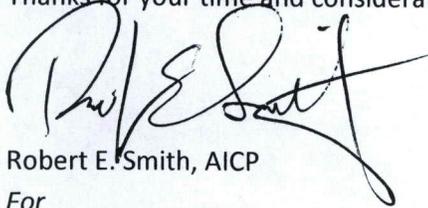
Please find submitted under this cover, the following attachments in six (6) duplicate sets:

1. Preapplication Submittal Form
2. Project Description (in Narrative Above)
3. Context & Conceptual Plan -- See attached drawings and site photos

Scheduling:

The applicant would request a scheduled pre-application meeting at staff's earliest convenience. T-Mobile is anxious to make service improvements to this market.

Thanks for your time and consideration.

A handwritten signature in black ink, appearing to read "Robert E. Smith". The signature is stylized and cursive, with a large initial "R" and "S".

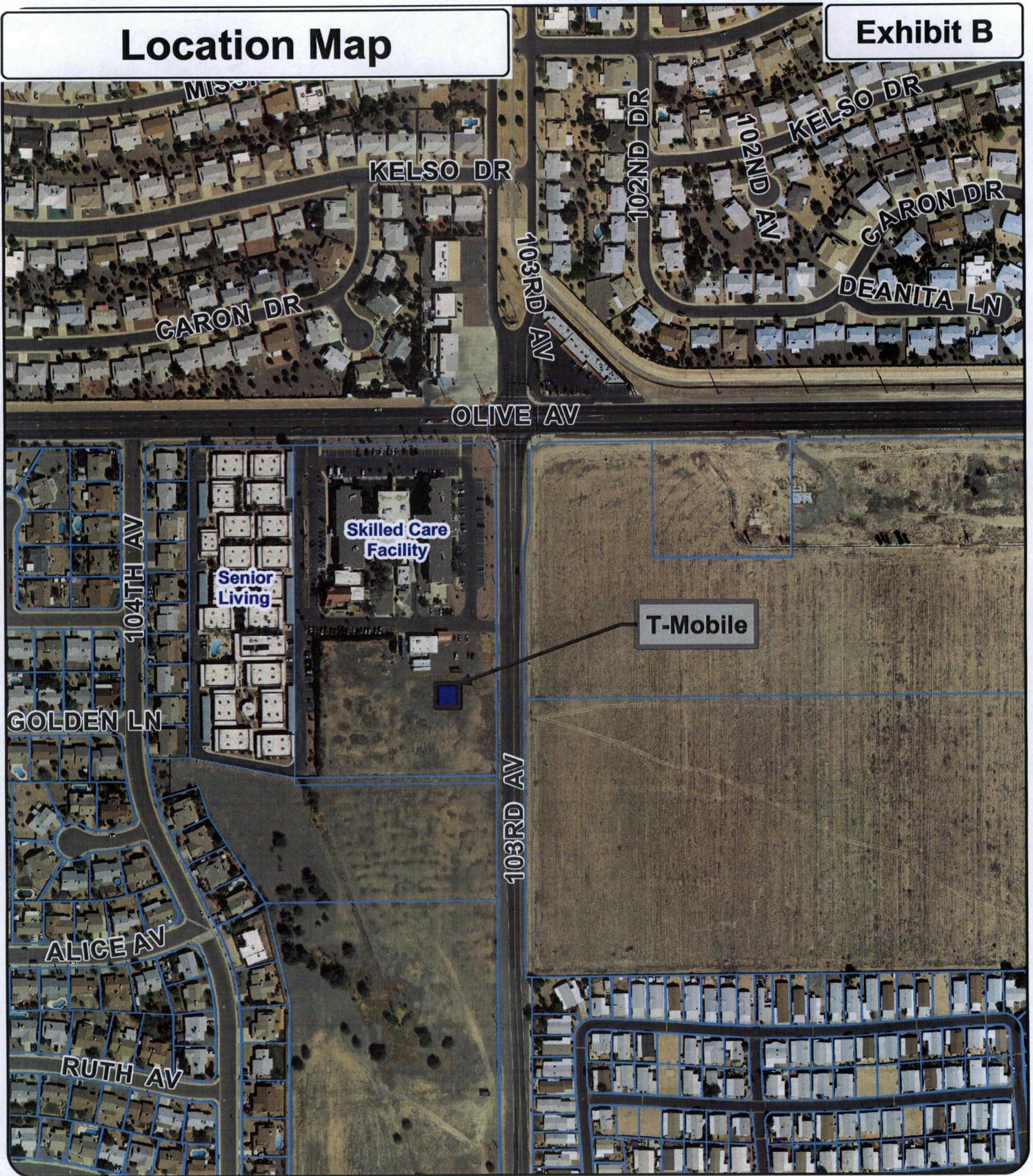
Robert E. Smith, AICP

For

Pinnacle Consulting, Inc.

Location Map

Exhibit B



CU11-0005 T-Mobile

Applicant: Pinnacle Consulting

Request: Obtain a Conditional Use Permit to allow a 65 foot high monopalm wireless communication facility within a Multi-Family Residential (RM-1) zoned



Not to Scale

Zoning Map

Exhibit C



CU11-0005 T-Mobile

Applicant: Pinnacle Consulting

Request: Obtain a Conditional Use Permit to allow a 65 foot high monopalm wireless communication facility within a Multi-Family Residential (RM-1) zoned



Not to Scale

T-Mobile
 2625 S. PLAZA DR. #100, TUCUMC, ARIZONA, 85282
 PHONE: (480) 679-1600 FAX: (480) 679-2852

PINNACLE CONSULTING
 6515 E. BIRDA RD. #101, TUCUMC, ARIZONA, 85283
 PHONE: (480) 644-2288 FAX: (480) 644-2252

PLANS PREPARED BY:
Young design corp
 architectural / project management
 10033 WEST OLIVE AVE
 PEORIA, ARIZONA, 85505
 P: 480 451 8609 fax: 480 451 8608
 e mail: ccorporative@youngdesign.com



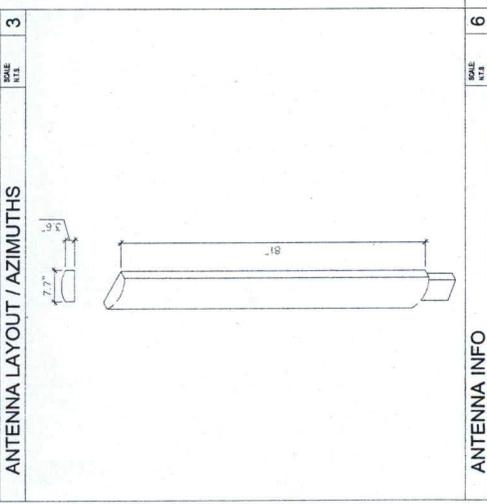
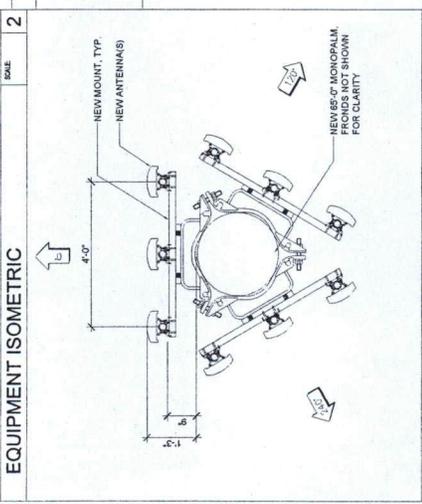
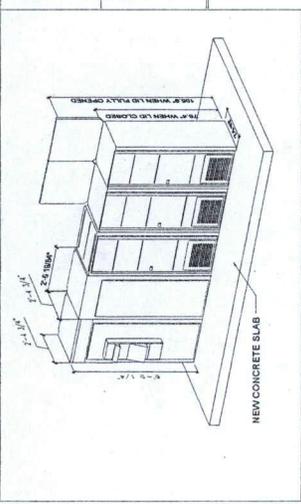
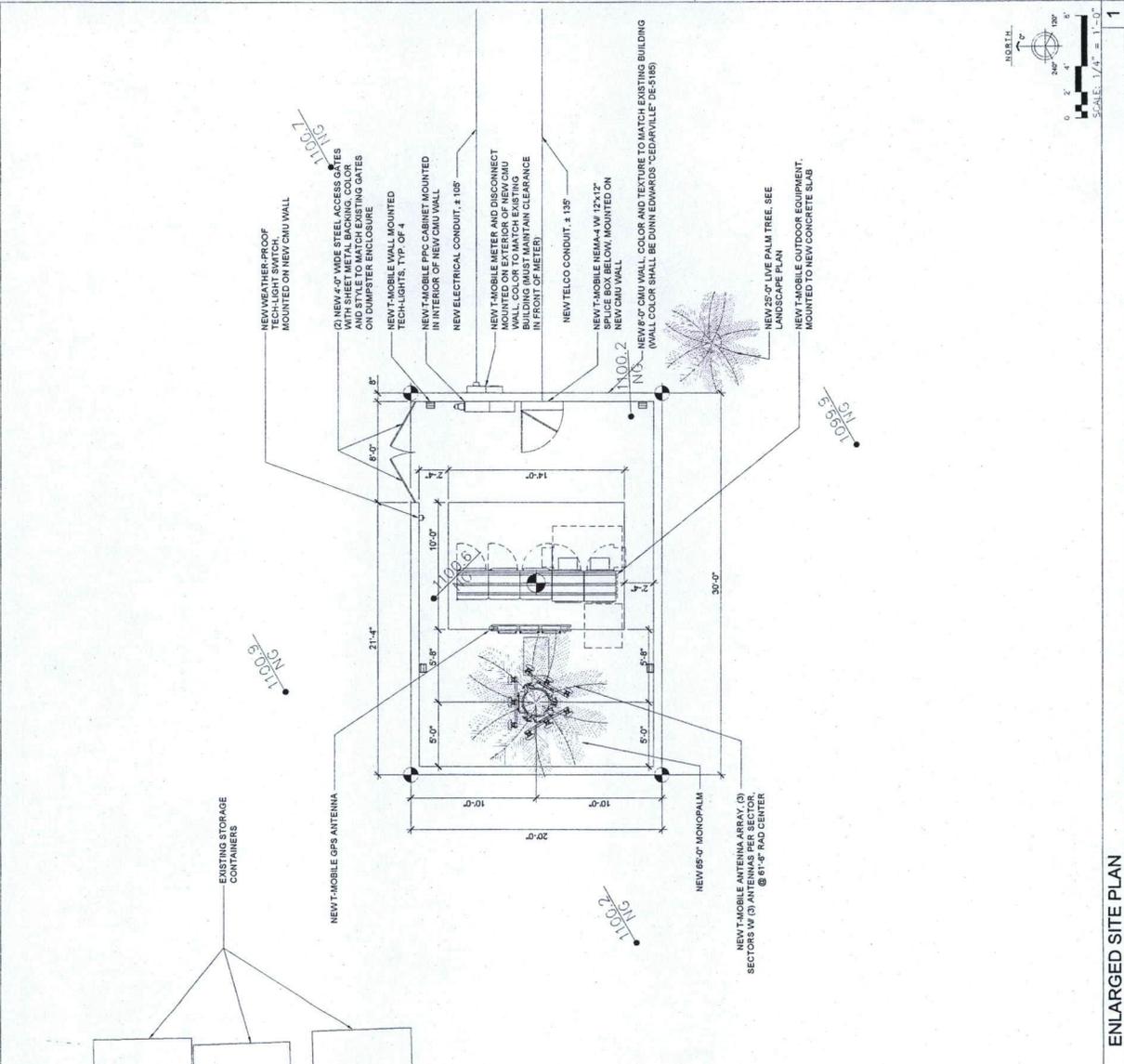
NO.	DATE	DESCRIPTION
1	02/22/11	INITIAL ISSUE
2	02/22/11	SUBMITTAL
3	02/17/11	PRE-APP COMMENTS
4	04/29/11	CITY COMMENTS

PROJECT INFORMATION
PH11108A
EVANGELICAL LUTHERAN
 10033 WEST OLIVE AVE
 PEORIA, ARIZONA, 85505

SHEET TITLE
ENLARGED PLAN

JURISDICTION APPROVAL

SHEET NUMBER
22



ANTENNA INFO 6 ENLARGED SITE PLAN 1



1000 E. MAIN ST. SUITE 200
 PHOENIX, AZ 85001
 PH: 602.419.5500 FAX: 602.419.5502
 WWW.T-MOBILE.COM



1000 E. MAIN ST. SUITE 200
 PHOENIX, AZ 85001
 PH: 602.419.5500 FAX: 602.419.5502
 WWW.PINNACLECONSULTING.COM



1000 E. MAIN ST. SUITE 200
 PHOENIX, AZ 85001
 PH: 602.419.5500 FAX: 602.419.5502
 WWW.YOURSDSIGN.COM



NO.	DATE	DESCRIPTION
1	08/29/11	ISSUE FOR PERMITS
2	09/09/11	REVISIONS
3	03/27/11	PRELIMINARY COMMENTS
4	04/15/11	CITY COMMENTS

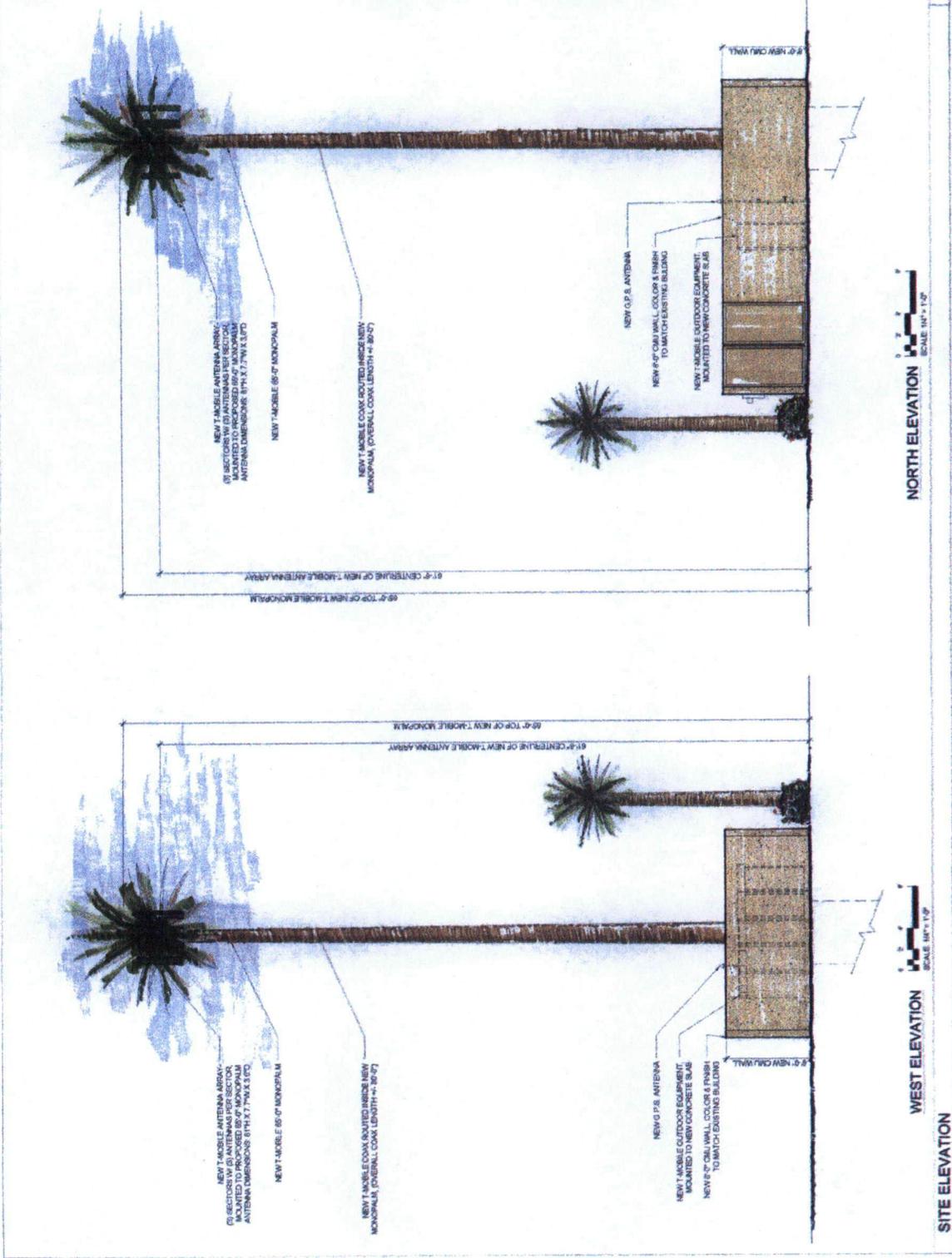
ARCHITECT: YDC-2832
 PROJECT NUMBER: YDC-2832

PH11108A
EVANGELICAL LUTHERAN
 1033 WEST CLINE AVE
 PHOENIX, ARIZONA 85015

SITE ELEVATION



SHEET NUMBER: **Z3**





CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 11-0009

DATE: June 2, 2011

AGENDA ITEM: 6R

Applicant: Thomas Hunt

Request: Obtain a Conditional Use Permit to allow for a Wedding and Reception Center in the Core Residential Mixed Use zoning district.

Proposed Development: "Old Town Get-Away Event Center" – A place for weddings, receptions, and other outdoor events.

Location: East of the northeast corner of 83rd 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 received one letter of 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 applicant is requesting a Conditional Use Permit (CUP) to allow for a wedding and reception center that will also include a variety of outdoor events at the property located at 8250 W. Monroe Street in the Old Town Peoria area. The "Old Town Get-Away" would be utilized as an event center for small weddings/receptions, tea parties, baby/bridal shower, book signings, craft fairs, and similar type outdoor events.
2. At this time, the exact hours of each event have not been determined; however, any event will be limited to the hours between 7 am and 10 pm daily.
3. Exact locations of each event on the site will be established on an individual event basis. There are three areas called out on the site that would be set aside for events (east/west side yards or in the back yard).
4. Parking for the event may 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). Available parking on site will be subject to the specific location of the individual event on the site. Any excess parking needed will be accommodated via on-street parking or available public parking on the City Hall campus.

BACKGROUND

5. On January 20th, 2011, the Planning and Zoning Commission approved the request for a Conditional Use Permit to allow for a Bed and Breakfast (B&B) at the subject site. The B&B is currently in operation and is being utilized as a "get-away" location for hobbyists, group planning meetings, bible studies and craft classes. The proposed event center may, at times, be used in conjunction with the approved B&B (depending in event).

DISCUSSION AND ANALYSIS

Applicability

6. A Wedding and Reception Center is designated as a Permitted Conditional Use in the Core Residential Mixed Use zoning district. Section 14-39-12.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, such as light, noise, odor, and traffic, 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 Core Residential Mixed-Use area. Non-residential uses may include small-scale entrepreneurial, pedestrian-oriented goods and services, family-owned business, wedding and reception centers, bed and breakfast establishments, and small professional or home business whose business is primarily oriented to users in the Old Town area.

8. The Zoning Ordinance defines a Reception Center as *“an indoor or outdoor facility for the purpose of hosting meetings, weddings, receptions and/or luncheons.”* The applicants proposed uses of wedding/receptions, tea parties, baby/bridal shower, book signings, craft fairs, and similar type outdoor events are akin to the definition of Reception Center and meet the intent of the Wedding and Reception Center use listing in the CRM zoning district. In addition, there is currently a Wedding and Reception Center, “An Old Town Wedding and Event Center”, located several lots to the west of the subject site that has been in operation since the late 1990’s and has been a good fit in the Old Town area.
9. In addition to the typical requirements for Conditional Use Permits, Wedding and Reception Centers 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. Based on issues relating to building occupancy ratings, the building itself will be limited in function for the wedding and reception center.**
 - Outdoor activities between the hours of 10:00 pm and 7:00 am shall require a temporary use permit **The narrative report indicates that the hours of operation will be from 7:00 am to 10:00 pm. A conditional of approval has been included to limit the hours of operation to this timeframe.**
10. As indicated in the description of the request, the site has a limited number of parking spaces available to accommodate a few of the patrons to the wedding and reception event center. 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 or other areas of public parking. The applicant has indicated that patrons will be directed to the public lots within the City Hall campus for additional parking. Parking in the City Hall surface lots and upper level of the parking structures may be used for public 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. The application was routed internally to various City departments including Economic Development, Police, and Fire. None of the reviewing departments

presented any issues that warranted an additional review of the project. The Fire Department included several conditions of approval that address the need for tent permits and if the occupant load of the existing home exceeds 10 people, the home will need to receive a new Certificate of Occupancy to change to an assembly use. The Police Department did not include any conditions; however, they did reference the code requirements for parking, signage, and noise and that the Conditional Use Permit did not exempt them from any of these requirements.

12. 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) and the subsequent response letter (Exhibit G), the proposed Wedding, Reception Center and Event Center will be operated in a manner that is consistent with the definition of a Wedding and Reception Center and the additional Conditional Use Permit requirements. In addition, several conditions of approval have been provided that will ensure the proposed use minimizes or eliminates any negative impacts to the adjacent residences through light, odor, smoke, heat or glare.
13. If any issues arise regarding the operation of the business, Section 14-39-12.1 provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that a permit may be revoked, modified or suspended should any of the following occur:
 - a. The permit was obtained by fraud or misrepresentation;
 - b. The use authorized by the CUP has been exercised in violation of the conditions of approval;
 - c. A change in circumstances where the following has occurred: [1] Impacts from the approved CUP to neighboring properties; and [2] Changes in aesthetic or environmental impacts such as noise, odors or pollution.
 - d. The use authorized by the CUP is operated in a manner that constitutes a nuisance to neighboring property owners or is exercised in a manner that is detrimental to the public health, welfare or safety.

Noticing and Neighborhood Comment

14. The application notice was forwarded to all property owners within 600 feet of the proposal and properly noticed pursuant to Section 14-39-12 of the Peoria Zoning Ordinance. As of the printing of this report, one opposition letter (Exhibit F) has been received from one of the nearby property owners.
15. The owners of the Old Town Wedding and Event Center have stated their opposition (Exhibit F) to the request due to the "additional wedding/reception/event center with only one residence separating the businesses". They were also concerned about the additive increase in impacts to the neighborhood in terms of traffic flow, parking, noise and the overall amount of people in one area. As indicated above, for Conditional Use Permit requests,

staff's review of the application is based on the requirements to mitigate any identified or perceived negative impacts on the surrounding neighborhood that may result from physical or operational aspects such as noise, light, glare, parking, traffic and accessibility. Economic or market share considerations are outside of the purview of the CUP review and are dictated by the marketplace. Through the review and proposed conditions of approval, staff finds that the proposed use meets the required criteria for a Conditional Use Permit.

Proposition 207

16. 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

17. Based on the following findings:

- The request is consistent with the applicable codes, standards, and guidelines; and
- The use, in conjunction with the conditions of approval, will operate in a manner that protects the neighborhood from nuisances and other disturbances; and
- The Planning Manager retains the ability to revoke, modify or suspend the Conditional Use Permit if the operation is deemed to no longer be in conformance with the conditions of approval; and
- The request for a Wedding and Reception Center 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 CU11-0009, 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.
2. The operation for any event shall be restricted to the hours from 7am to 10pm.
3. No more than one hundred (100) people may be in attendance at any one time. A Temporary Use Permit will be required for any events that will exceed one hundred (100) people.

4. Any outdoor lighting, music and/or public address systems utilized for events in conjunction with this Conditional Use Permit shall be directed away from neighboring properties.
5. Permits shall be obtained from the Peoria Fire Department prior to the installation, construction or erecting of any tent(s) on the property.
6. Currently the existing building has a classification of an R-1 occupancy with a maximum occupant load of 10; the use of this building is not within the scope of an assembly type use and cannot be used as such. A new Certificate of Occupancy classifying the use of the building as an assembly occupancy would be required to be obtained from the Peoria Building Division.
7. The residential cooking facilities shall not be used for commercial food preparation for any outdoor event associated with this conditional use permit.

Attachments:

Exhibit A	Location Map
Exhibit B	Zoning Map
Exhibit C	Site Aerial Map
Exhibit D	Project Narrative
Exhibit E	Outdoor Activity Location Map
Exhibit F	Opposition Letter (5/12/11)
Exhibit G	Applicant's Response Letter (5/19/11)

Prepared by: Robert Gubser, AICP
Principal Planner

Location Map

Exhibit A



CU11-0009 An Old Town Get-Away Event Center

Applicant: Thomas and Vicki Hunt

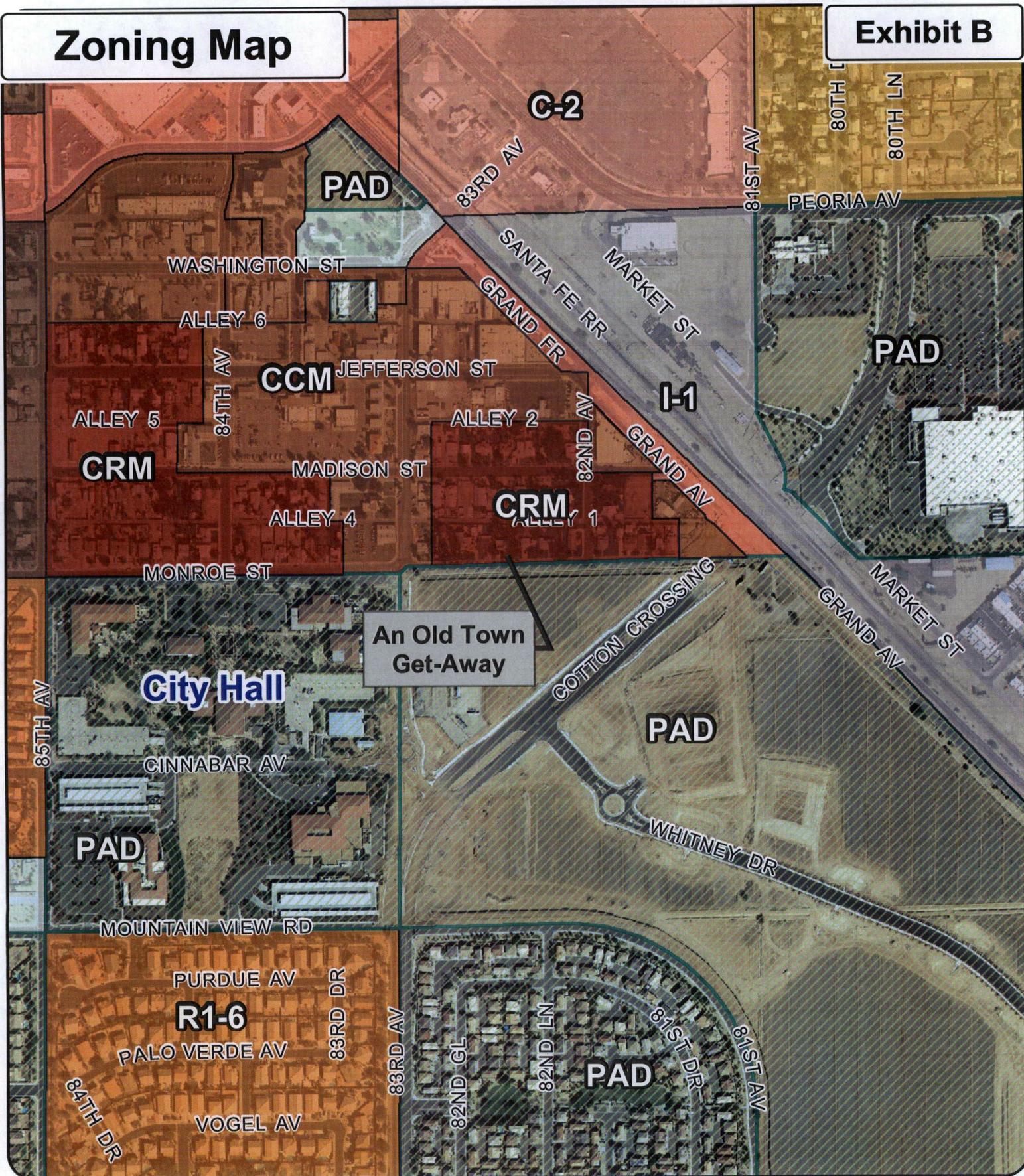
Request: Conditional Use Permit to allow for outdoor receptions and special events in the Core Residential Mixed Use zoning district.



Not to Scale

Zoning Map

Exhibit B



CU11-0009 An Old Town Get-Away Event Center

Applicant: Thomas and Vicki Hunt

Request: Conditional Use Permit to allow for outdoor receptions and special events in the Core Residential Mixed Use zoning district.



Not to Scale



Site Aerial Map

Exhibit C



CU11-0009 An Old Town Get-Away Event Center

Applicant: Thomas and Vicki Hunt

Request: Conditional Use Permit to allow for outdoor receptions and special events in the Core Residential Mixed Use zoning district.



Not to Scale



AN OLD TOWN GET-AWAY EVENT CENTER
8250 W. MONROE ST. PEORIA AZ 85345

ATTACHED:

1. ARIAL VIEW OF PROPERTY WITH AREAS FOR OUTDOOR EVENT ACTIVITIES MARKED
2. CITY OF PEORIA CAMPUS WITH EAST PARKING GARAGE SHOWN (ACCESS FROM 83RD AVE AND CINNABAR AVE.)

HOURS OF OPERATION 7AM TO 10PM DAILY

ESTIMATED UP TO 100 PERSONS PER EVENT

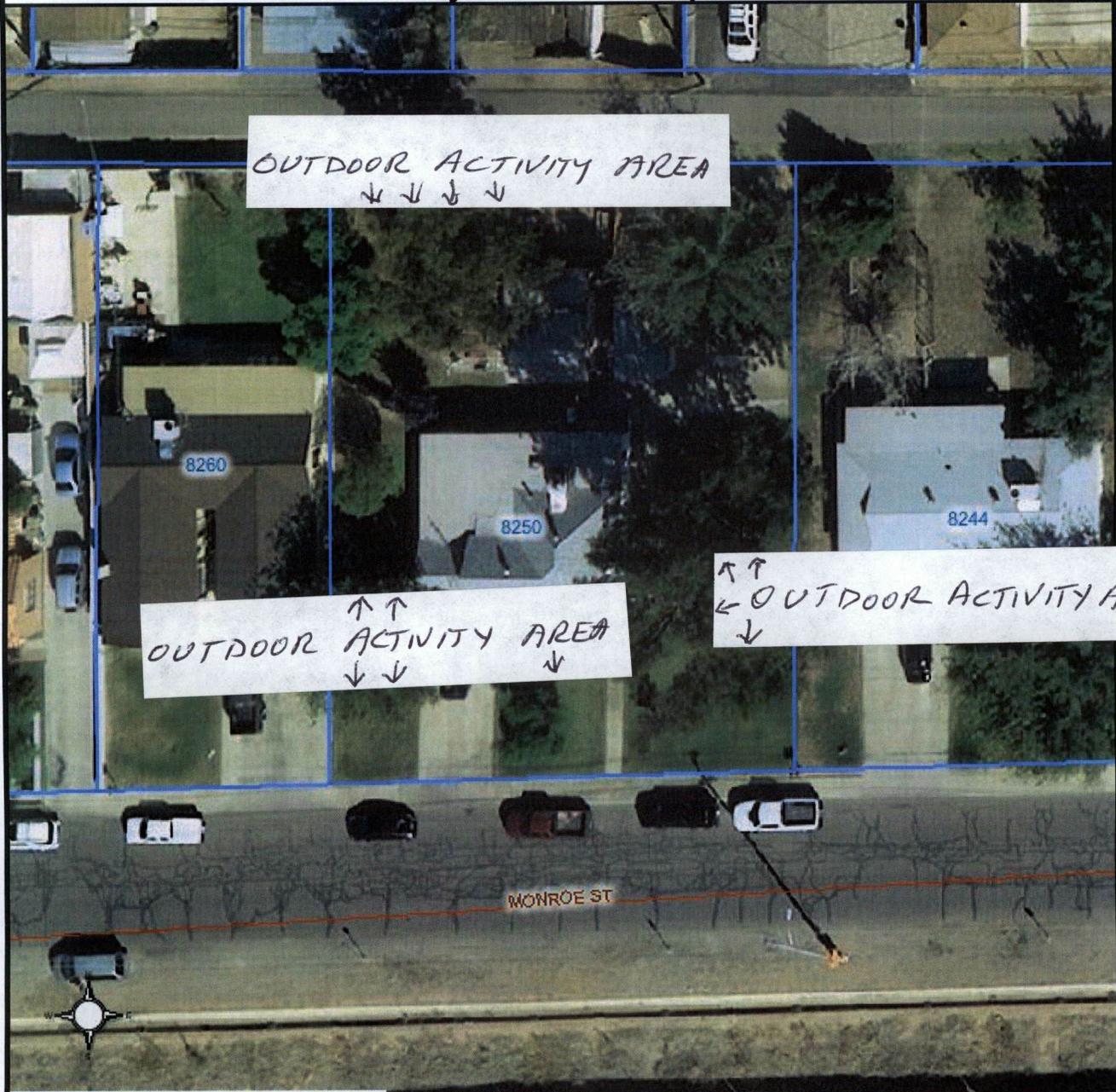
PARKING - ON SITE: 4-6 CARS

PARKING - ON STREETS, MONROE ST,
83RD AVE AND OTHER SIDE STREETS.
NO PARKING ON MONROE ST. IN DIRT
AT SOUTH SIDE OF STREET

PARKING - CITY OF PEORIA EAST PARKING
GARAGE WHICH IS WITHIN EASY WALKING
DISTANCE. THIS IS PREFERRED PARKING AREA

TYPE OF EVENTS: BOOK SIGNINGS,
CRAFT FAIRS, WEDDINGS & RECEPTIONS,
OTHER SPECIAL EVENTS

City of Peoria GIS Map



OUTDOOR ACTIVITY AREA
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 OUTDOOR ACTIVITY AREA
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 ← OUTDOOR ACTIVITY AREA
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MONROE ST

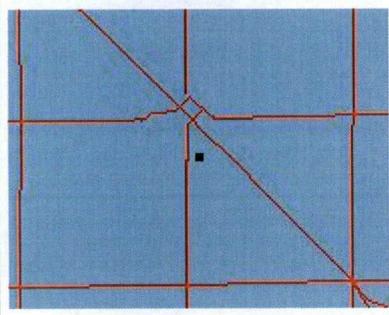
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Map created with ArcIMS - Copyright (C) 1992-2002 ESRI Inc.

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LEGEND

- | | | | |
|--|--------------|--|----------------|
| | Streets | | Parcels |
| | Freeway | | Address Points |
| | Major Street | | City Limit |
| | Minor Street | | County Island |
| | Freeway Ramp | | External |
| | Railroad | | Peoria |
| | Minor Street | | |



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

AIRIAL VIEW OF PROPERTY WITH AREAS FOR OUTDOOR EVENT ACTIVITIES MARKED

May 12, 2011

An Old Town Wedding & Event Center
8276 W. Monroe St.
Peoria, AZ 85345

Mr. Robert Gubser
City of Peoria

We wish to state our opposition to a Conditional use permit application for An Old Town Get-Away Event Center by Thomas Hunt listing weddings and receptions as part of their events.
Case number CU11-0009

OPPOSITION QUESTIONS / CONCERNS

The Conditional use permit application says "to allow **outdoor special events** at a bed and breakfast establishment". The ambiguity of the types of events, prompted us to contact Robert Gubser at the City of Peoria for more specific details. Mr. Gubser advised us that the events listed on the application included book signings, craft activities/events and wedding/receptions. Our opposition is to additional wedding/reception/event center business with only one residence separating the businesses; adding to the issue is the similar name which will confuse patrons/service providers of both businesses. The potential for an increase of undesired amounts of traffic, parking, music (DJ), and people in the same location during wedding/reception events would be an issue for the neighborhood. There is a potential to create complaints to city council, issues, unwanted problems for the police with additional lights/traffic, and wrong amount of people to the relatively peaceful area. The business was represented to be an indoor bed and breakfast and craft activity location to which we do not have any objection. Based on the advertisement, the normal/approximate guest count for a "crafty" weekend would be 10 guests. This would not have the negative impact that adding another wedding/reception on the same date/time would create.

Other questions - still further clarification – If the "special outdoor events" permit is granted, what would this due to the existing business that is held indoor? The permit is for "outdoor". Again, the permit does not seem to capture the true types/location of the events that will be held. This ambiguity has the potential for neighbors to not know what the real impact may be to the area or their specific homes.

With a similar business two doors from each other offering similar services, with almost an identical name, we've already experienced confusion from customers via phone and physically going to the wrong property.

On 5/12/11 at 6:00pm our business experienced people coming onto property with items to set up for an event. Thankfully we had no event and had property staff on site to redirect these individuals to An Old Town Get-Away Event Center. Our site personal is on property based on appointments and events. In a situation where we are not here to redirect customers to An Old Town Get-Away Event Center, they may attempt to go to neighborhood houses for clarification. Does the City of Peoria have requirements for permitting two businesses of the same nature to be in such close proximity, specifically in a neighborhood setting?

We have already experienced complaints from a neighbor regarding the two businesses. These complaints were directed at us due to the assumption that during two of An Old Town Get-Away Event Center events, the additional noise, light and traffic were from customers from our property. We have not received a neighbor complaint regarding light, noise and traffic in over 5 years. This is largely due to requiring our customers to use the public parking around the city for events at our property and requiring all events end by 10pm to accommodate city noise ordinance. Our rationale for these practices is to not disrupt the neighborhood so the neighborhood would accommodate our business. If neighborhood complaints similar to this one continue, how long until both businesses are no longer able to conduct their business in this neighborhood setting? This impacts the taxes paid by our business to the City of Peoria in addition to other revenue generated from referring customers to accommodations within the city.

As a business, we are of course concerned with the wedding and reception verbiage on the conditional permit. Our concern is that an additional outdoor wedding and reception site will have a negative impact on the neighborhood and specifically on the relationships we have built with our neighbors who allow us to continue to conduct business in the City of Peoria without complaints or issues.

We are asking that wedding and reception be taken off of the use permit and the verbiage "outdoor" be removed from the special events.

Thank you,

Sarah Butler
Jim King
Abe Gordo

May 19, 2011

An Old Town Get-Away
(A Place for Crafty People)
8250 W. Monroe Street
Peoria, AZ 85345
CUP Case Number: CU11-0009

Dear Mr. Gubser:

We are writing to clarify the purpose/intent of our new business, as well as to address concerns expressed in Sarah Butler's letter dated May 12, 2011.

The first and primary purpose of An Old Town Get-Away is to serve crafters in a variety of ways: as a weekend retreat, a place for classes, and a place where they can come to practice their hobby in a quiet, creative setting. After receiving our first CUP, which allows only for indoor use, we realized that our request had been too limited. (We even had to get an SUP for our Grand Opening.) As I began to envision other activities that might naturally accompany my intended users, I realized that an additional CUP was needed to allow for outdoor events.

Within the new CUP we would be allowed to hold book signings of authors who write craft-themed novels. We would also be allowed to hold craft-themed get-togethers where crafters exchange/sell items to the public. It would also allow for SMALL weddings/receptions, as well as tea parties, baby/bridal showers and a myriad of events we may not have yet thought of. That's why we don't want to be limited to a specific list of activities nor to an exact number of guests.

We do not have the size of facility, nor the desire, to hold large weddings which would compete with Old Town Event Center. This has never been our intent. However, our back garden is a lovely, intimate setting for a small gathering, and we have been asked several times if we would allow people to get married back there. Let me assure you, we do not wish to be in the "wedding" business again. Been there, done that. But we have always prided ourselves on meeting individual needs of people who want to have a nice event, but don't have the money for a big one.

As to the parking, the Old Town Overlay allows for on-street parking. However, common sense tells us that when a large crowd is expected, City Hall parking garage would be recommended to guests. Our crafters come in very small numbers and we certainly allow them to park on the north side of Monroe street.

As to the May 12 event, that was Council member Rivero's fundraiser to which fewer than 20 people attended. It began at 5:30 p.m. and everyone was gone by 7:30--no lights were needed and no music was played. The only other outdoor event we've had was our Grand Opening and it was finished by 3 p.m. Again, no lights. I can't imagine

what the "two complaints" re: "noise, light and traffic" were, since we've held no events that would generate these concerns.

I have spoken with Sarah Butler re: our intent in seeking this CUP. At that time, she raised none of the items listed in her letter. Her only concern was the "competition" for the wedding business that we would create. At that time I explained that we had no desire to hold big weddings such as the ones they attract. She agreed that they do not want to do small weddings, as their costs exceed their profits. We agreed (verbally) to send each other business that we could not accommodate. I truly feel that it is the competition that they are concerned about--not the other neighborhood-related issues.

We maintain that we have not in any way impacted the neighborhood negatively in the couple of months we've been open, nor do we have any intent to do so in the future. We operated at 8276 (current site of Butler's business) for eight years without disrupting the neighborhood. We have utmost respect for this neighborhood, and I believe past service, specifically to Old Town Peoria, bears out our intent. We hope to highlight business opportunities in an Old Town overlay district designed to offer opportunities for small businesses to work from historic homes.

It would be impossible to accommodate Butler's request to take "outdoor" off of our CUP, as that is the whole purpose of our request--to be able to hold outdoor activities of all types without having to come to the City for an SPU each time. It is also unnecessary to remove "wedding and reception" as there are all sizes of weddings and all types of receptions other than "wedding receptions." We plan to be good neighbors, and, as I've already assured Ms. Butler, to send large wedding requests to them.

Thank you for considering our CUP application.

Tom and Vicki Hunt



ZONING ORDINANCE TEXT AMENDMENT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: TA 11-0002

DATE: June 2, 2011

AGENDA ITEM: 7R

Applicant: K. Hovnanian Homes

Request: Amend Section 14-5-6 *Property Development Standards for Permitted Residential Uses* of the Zoning Ordinance to amend the front setback and lot coverage development standards.

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

Recommendation: **Approve** as requested.

BACKGROUND

1. The applicant submitted this zoning ordinance text amendment in response to comments from staff during the review of the Colina del Sur subdivision located near 77th Avenue & Jomax Road. This subdivision is zoned R1-10, which requires a 20' front setback and 40% lot coverage. The applicant was proposing a product with a side-entry garage that would encroach into the front setback and that would slightly exceed the maximum allowable lot coverage.
2. Staff presented the applicant with a number of possible solutions, including revisions to the product type, amending the applicable development standards in the zoning ordinance, or rezoning the property to Planned Area Development (PAD).

ANALYSIS AND DISCUSSION

Section 14-5-6 Property Development Standards for Permitted Residential Uses

3. This section of the zoning ordinance consists of a table containing the development standards (e.g. *minimum lot dimensions, building height, and setbacks*) for each of the City's residential zoning districts. While the applicant

filed this amendment request to address their concern with the R1-10 zoning district, staff expanded it to include all residential districts.

4. Currently, the R1-6 through the R1-18 districts require a 20' front setback. This requirement allows for adequate driveway length for homes with front-facing garages to be used for additional parking without causing vehicles to protrude into the adjacent sidewalk. Since the creation of this requirement, however, mainstream development trends and product types have changed. The most relevant change related to this amendment is the side-entry garage, which is a desirable option to the homebuyer but also to the City as it relieves the 'garage-scape' that had become increasingly prevalent in more modern tract home subdivisions.
5. The City's Design Review Manual provides specific emphasis on façade articulation to help break up each building's mass, but also to add visual interest to the streetscape as a whole. Side-entry garages are a highly effective and highly efficient way to accomplish this articulation, however, under the current development standards the 20' front setback is severely limiting.
6. Support for the applicant's request is partially based on the fact that nearly all residential Planned Area Developments (PADs) include development standards such as those being proposed in this request. As mentioned above, side-entry garages are an effective and desirable method of breaking up large building facades and minimizing garage-dominant homes, therefore this request not only reflects shifts in development trends, but it furthers the neighborhood design principles found in the Design Review Manual.
7. Staff has reviewed the applicant's request to reduce the front setbacks to 10' for homes with side-entry garages within the R1-10 zoning district and has broadened it to include all of the residential districts except those considered to be 'large-lot' R1-18, R1-35 and R1-43 districts, which will be required to maintain the current setbacks of 20', 30', and 35', respectively. Front-facing garages must still meet a minimum 20' setback unless in a 'large-lot' district which requires larger setbacks.
8. The second part of this application was to increase the maximum lot coverage in the R1-10 zoning district from 40% to 45%. When considering the residential zoning districts collectively, staff believes there is a change in overall character that occurs once the minimum lot size increases beyond 10,000 square feet (i.e. R1-10), then again at 18,000 square feet (i.e. R1-18). As such, staff agrees that the R1-10, R1-12, and R1-18 districts are essentially transitional districts from the small-lot to large-lot products, therefore the request for 45% lot coverage in the R1-10 district is supported as it is very similar in character to the R1-8 district, which shares the 45% coverage allowance. The lot coverage for the R1-12 district was also increased, but from 35% to 40%. The R1-12 district functions as the transitional district between the R1-10 and R1-18 districts, and is therefore

justified in its lot coverage being between that of the R1-10 and R1-18 districts. The lot coverage for the R1-18 district remains unchanged at 35%.

9. The development standards table and footnotes from Section 14-5-6 has been modified as follows:

Property Development Standards	R1-43 ¹	R1-35	R1-18	R1-12	R1-10	R1-8	R1-7 ²	R1-6 ³
Minimum Lot Area (acreage)	43,560	35,000	18,000	12,000	10,000	8,000	7,000	6,000
Minimum Lot Width (ft)	145	125	90	70	70	70	70	50
Minimum Lot Depth (ft)	100	100	100	100	100	100	100	100
Maximum Lot Coverage (percentage)	30%	35%	35%	35% 40%	40% 45%	45%	45%	45%
Maximum Building Height (ft) ⁴	30	30	30	30	30	30	30	30
Front Setback (ft) – <i>Side-entry garage</i>	35	30	20	<u>10*</u>	<u>10*</u>	<u>10*</u>	<u>10*</u>	<u>10*</u>
Front Setback (ft) – <i>Front-facing garage**</i>	<u>35</u>	<u>30</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
Interior Setback (min/total ft)	10/30	10/20	5/15	5/15	5/15	5/15	5/15	5/8/13
Rear Setback (ft)	30	20	15	15	15	15	15	15
Corner Setback (ft)	10	10	10	10	10	10	10	10

* Not more than 60% of the total front-facing elevation shall occur at the 10-foot setback.

** Where front-facing garages are present, a 10-foot front setback shall apply to the livable portion of the home provided that not more than 60% of the total front-facing elevation occurs at the 10-foot setback.

FINDINGS AND RECOMMENDATION

10. Based on the following findings:

- The proposed amendment is consistent with the goals, objectives and policies of the Land Use element of the General Plan which promote high-quality architectural and site development;
- The proposed amendment is intended to resolve known issues relating to building placement and design options in residential districts;
- The proposed amendment will advance the principles of neighborhood design as outlined in the Design Review Manual;
- Upon review of the application, it has been 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 approval to the City Council Case TA 11-0002.

ATTACHMENTS:

Exhibit A Proposed Amendment, legislative format

Prepared by: Adam Pruett, AICP, LEED Green Associate
Senior Planner

ARTICLE 14-5 SINGLE-FAMILY RESIDENTIAL DISTRICTS R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, AND R1-6 (Ord. No. 93-12)

14-5-6 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED RESIDENTIAL USES (Ord. No. 89-36)

A. The following property development standards shall apply in zoning districts R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, R1-7 and R1-6: (Ord. No. 03-158)

Property Development Standards	R1-43 ¹	R1-35	R1-18	R1-12	R1-10	R1-8	R1-7 ²	R1-6 ³
Minimum Lot Area (acreage)	43,560	35,000	18,000	12,000	10,000	8,000	7,000	6,000
Minimum Lot Width (ft)	145	125	90	70	70	70	70	50
Minimum Lot Depth (ft)	100	100	100	100	100	100	100	100
Maximum Lot Coverage (percentage)	30%	35%	35%	35% 40%	40% 45%	45%	45%	45%
Maximum Building Height (ft) ⁴	30	30	30	30	30	30	30	30
Front Setback (ft) – <u>Side-entry garage</u>	35	30	20	<u>10*</u>	<u>10*</u>	<u>10*</u>	<u>10*</u>	<u>10*</u>
Front Setback (ft) – <u>Front-facing garage**</u>	<u>35</u>	<u>30</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
Interior Setback (min/total ft)	10/30	10/20	5/15	5/15	5/15	5/15	5/15	5/8/13
Rear Setback (ft)	30	20	15	15	15	15	15	15
Corner Setback (ft)	10	10	10	10	10	10	10	10

* Not more than 60% of the total front-facing elevation shall occur at the 10-foot setback.

** Where front-facing garages are present, a 10-foot front setback shall apply to the livable portion of the home provided that not more than 60% of the total front-facing elevation occurs at the 10-foot setback.

1. Ordinance 97-95
2. Residential District R1-7 shall only apply to property zoned R1-7 on or before February 13, 1991. No property shall be re-zoned to the R1-7 district after February 13, 1991. (Ord. No. 99-92)
3. Ordinance 93-42
4. Ordinance 04-187



Planning and Community Development Department

Planning Division

MEMORANDUM

DATE: June 2, 2011
TO: Planning and Zoning Commission
FROM: Ed Boik, Planner
RE: Medical Marijuana Dispensary and Cultivation
AGENDA ITEM: 8R

The Planning and Community Development Department will brief the Planning and Zoning Commission on the recently adopted Medical Marijuana Zoning Ordinance Amendments and recent changes to the Department of Health Services rules governing Medical Marijuana.

The presentation will outline the Zoning Ordinance with respect to:

- Medical Marijuana Guidelines and Standards;
- Areas of the City which may qualify for dispensary and cultivation sites;
- Application process and review procedure;
- The scope of the City's regulations.

With regard to State rules the presentation will outline:

- Details of the final DHS Medical Marijuana rules;
- Community Health Areas (CHAs);
- DHS process and timelines.