PLANNING & ZONING COMMISSION
REGULAR MEETING
NOTICE & AGENDA
THURSDAY, JULY 21, 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
Charles J. 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 Vice Chair Nancy Golden and Commissioners Veda McFarland and Greg Loper from the June 16, 2011 Meeting.

2C **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held June 16, 2011.

3C **CU11-0004:** John Reddell Architects is requesting a Conditional Use Permit to allow a car wash on a property zoned Intermediate Commercial (C-2). The property is located west of the southwest corner of 107th Avenue and Olive Avenue.

4C **CU11-0013:** [redacted] is requesting a Conditional Use Permit to allow a Day Care Center for five (5) or less children on property zoned Core Residential Mixed Use (CRM). The property is located at 8490 W. Jefferson Street.

REGULAR AGENDA

NEW BUSINESS: **None**

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
JUNE 16, 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 6:29 p.m.

Members Present: Chair Bill Louis, Commissioners Leigh Strickman, Charles Marr, and Gene Sweeney.

Members Absent: Vice Chair Nancy Golden, Commissioners Veda McFarland and Greg Loper.

Others Present: Chris Jacques – Interim Planning and Community Development Director, Shawn Kreuzwiesner – Engineering Planning Manager, Steve Burg – Assistant City Attorney, Ed Boik – Planner, Scott Lekan – Police Commander, and Bev Parcels – Planning Assistant.

Opening Statement: Read by Shawn Kreuzwiesner, Engineering Planning Manager.

Call for speaker request forms.

Audience: Nine.

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

CONSENT AGENDA

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

1C **DISPOSITION OF ABSENCE:** None

2C **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held June 2, 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

NEW BUSINESS:

3R **PUBLIC HEARING - CU11-0007**: Arizona Natural Selections Patient Center requested a Conditional Use Permit to allow a medical marijuana dispensary on an Intermediate Commercial (C-2) zoned property. The property is located at the southeast corner of Loop-101 and Peoria Avenue, 9275 W. Peoria Avenue.

STAFF REPORT: Presented by Ed Boik, Planner.

COMMISSION COMMENT: Comments included the Department of Health Services temporary suspension on issuing certificates, training of the security staff, where the product will come from, and whether the site has good visibility from the street.

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Sweeney moved to recommend approval of a request from Arizona Natural Selections Patient Center for a Conditional Use Permit to allow a medical marijuana dispensary on an Intermediate Commercial (C-2) zoned property with the amendment that 18 months instead of 6 months will be granted to obtain the Department of Health Services dispensary certification. The motion was seconded by Commissioner Marr and upon vote, carried unanimously 4-0.

4R **PUBLIC HEARING - CU11-0010**: Arizona Grown Healthcare requested a Conditional Use Permit to allow a medical marijuana dispensary on an Intermediate Commercial (C-2) zoned property. The property is located north of the northwest corner of Lake Pleasant Road and Beardsley Road, 20340 N. Lake Pleasant Road.

STAFF REPORT: Presented by Ed Boik, Planner.

COMMISSION COMMENT: Comments included security personnel being armed and the dispensaries having bullet proof glass, and if the Planning & Zoning Commission would have anything to do with the selection of the dispensary that is chosen to receive the state certification.

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Strickman moved to recommend approval of a request from Arizona Grown Healthcare for a Conditional Use Permit to allow a medical marijuana dispensary on an Intermediate Commercial (C-2) zoned property with the amendment that 18 months instead of 6 months will be granted to obtain the Department of Health Services dispensary certification. The motion was seconded by Commissioner Sweeney and upon vote, carried unanimously 4-0.

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

REPORT FROM STAFF: A call to the public watching about an open position on the Board of Adjustment was mentioned and to contact the City Clerk's office if interested in the position.

REPORTS FROM THE PLANNING AND ZONING COMMISSION: None

ADJOURNMENT: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 7:04 p.m.

_____ _____

William Louis, Chair Date Signed

CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 11-0004

DATE: July 21, 2011

AGENDA ITEM: 3C

Applicant: John Reddell Architects

Request: Obtain a Conditional Use Permit to allow a car wash in the C-2 zoning district.

Proposed Use: Express Car Wash

Location: The property is located west of the southwest corner of 107th Avenue and Olive Avenue.

Size of facility: Approximately 1.09 acre site, 4,578 s.f. building

Support / Opposition: Staff received one letter of opposition to this case, which was later withdrawn.

Recommendation: **Approve**, with conditions.

LAND USE BACKGROUND

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

	LAND USE	GENERAL PLAN	ZONING
Subject Property	**Vacant, undeveloped**	**Residential/Medium Density**	**C-2 Intermediate Commercial**
North	Olive Avenue, then attached single family residences	Maricopa County	Maricopa County R-3 (Sun City)
South	Vacant, undeveloped	Residential/Medium Density	C-2 Intermediate Commercial
East	CVS pharmacy	Residential/Medium Density	C-2 Intermediate Commercial
West	Vacant, undeveloped	Residential/Medium Density	C-2 Intermediate Commercial

PROJECT DESCRIPTION

Request and Development Details

1. The applicant is proposing to construct an approximately 4,578 square foot automated car wash building and a total of 7,485 square feet of canopies on the site (Exhibits D). The proposed facility will consist of a car wash tunnel and vacuum stations.

2. The subject site is approximately 1.09 acres and fronts onto Olive Avenue.

There is a CVS pharmacy located immediately to the east of the property, while the land to the south and west is undeveloped.

3. The car wash operations will be limited to between the hours of 7:00 am to 8:00 pm.

4. The site plan and design review package is currently under review as case SP11-0007. A preliminary site plan and elevations were provided with the Conditional Use Permit application.

DISCUSSION AND ANALYSIS

Applicability

5. The site in question is zoned Intermediate Commercial (C-2). According to Article 14-9, in the C-2 Zoning District car washes require a Conditional Use Permit.

6. Section 14-39-12.E outlines the applicable criteria for evaluating Conditional Use Permits (CUP). In general, the purpose of a CUP is to mitigate and/or minimize any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure compatibility between nearby land uses.

Analysis

7. In staff's judgment, the proposed use is appropriate and compatible with surrounding land uses and the context of the area in question. The only developed use directly adjacent to the proposed site is a CVS pharmacy and the proposed use is not expected to impact this or other the undeveloped adjacent properties through light, noise, odor, smoke, heat, or glare. As previously stated, hours of operation for the car wash will be limited to between the hours of 7:00 am to 8:00 pm, preventing the potential for early morning or late evening noise disturbance. It is expected that hours of operation will be shorter during non-summer months.

8. The site location and building orientation will assist in minimizing noise impacts on nearby residential developments. The vacuum stalls are located on the east side of the building, allowing the building to serve as a buffer minimizing noise transmission towards the apartment complex located to the west. In addition, the actual vacuum motor will be located inside of the building and will be equipped with sound muffling devices to mitigate sound transmission. Correspondence from the applicant has also indicated that the air driers would produce a maximum decibel level less than or equal to the ambient sound levels produced by Olive Avenue traffic, meaning that essentially the sound produced by the carwash The closest residential uses are located approximately 260 feet away from the proposed car wash building. The apartment buildings to the west are buffered from the site by an undeveloped property, a block wall, and by

intervening parking and landscape areas on the apartment complex site. To the north, residences are separated from the site by Olive Avenue, a 5 lane arterial roadway, as well as a block wall and landscaped common area.

9. If any issues arise regarding the operation of the business, Section 14-39-12.I 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

10. 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.

11. Several neighboring property owners have contacted staff for more information about the project. In addition, staff received opposition from a property owner in the Sun City development to the north of the proposed site opposing the proposed car wash "due to concerns about increased traffic." The opposition was later withdrawn after the property owner was provided with additional information regarding the specific operating characteristics of the proposed car wash.

Proposition 207

12. In 2006, 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 their 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 request is consistent with the applicable codes, standards, and guidelines
    - The request is compatible with the surrounding uses; and uses supported by the existing zoning of adjacent undeveloped property.
    - The proposal does not result in 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 CU11-0004, subject to the following conditions:

1. The use shall substantially conform to the project narrative (Exhibit A) and as contained in the staff report to the Planning & Zoning Commission dated July 21, 2011.
2. The use shall substantially conform to the plans approved with the associated site plan case SP11-0007, and shall conform to all stipulations of case SP11-0007 upon its approval.
3. The hours of operation for the car wash shall be limited to between 7:00 am and 8:00 pm.

ATTACHMENTS:

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

Prepared by: Melissa Sigmund, Planner

John Reddell Architects, Inc.

Architecture Interiors Land Planning

PROJECT NARRATIVE

The proposal before you is for an exterior car wash just west of the southwest corner of Olive Drive and 107th Avenue west of the CVS Store.

An exterior carwash model is that of a full service style tunnel adapted to self –service to provide a high quality exterior car wash. The customer remains in their vehicle thru the pay and wash process and has the option of self- vacuuming their vehicle prior or after the tunnel wash. This system allows for a quick process (5 minute car wash) with a very affordable price structure.

The car wash is entered onto the site from Olive Drive, the customer has the option of vacuuming first or entering the queing on the west side from the north turning south into one of the three pay stations and turning right into the car wash tunnel, an emergency exit drive has been designed on the southwest corner which shall be chained or gated (only operated by an attendant). Upon exiting the car wash tunnel the customer has options to exit the site or to the vacuum areas. The internal circulation has been developed to incur the minimum amount of vehicle cross traffic as possible by creating the clockwise flow. The model of the car wash will not create more traffic, it will only siphon a fractional of a percent of the existing traffic traveling down Olive Drive, it has a much less demand than other approved uses for this zoning ie: bank, restaurants and retail.

The car wash equipment and vacuum motors are all located within the building structure for the elimination of noise. This eliminates the noise, vibration, dust and odor that could be a concern if the equipment was to be exposed. The hours of operation would be at the maximum during the summer months where it could be from 7:00 am to 9:00 pm depending on the demand of service for this area. When the car wash is closed the driveways are chained as to eliminate vehicles and occupants to congregate on the site. The facility is manned with a minimum of one up to four employees to operate and maintain the site during operational hours. These employees will control the site activities and maintain the cleanliness and radio noise during business hours.

The car wash will operate with a water reclaim system that collects the wash water and passes it thru interceptor tanks where it is pumped back to the equipment room thru the reclaim pump and filter system to reuse on the wash cycle of the operation conserving water. A professional car wash as designed is very environmental friendly from the aspect that it use approximately 20 gallons of water per car compared to anywhere from 50 to 200 gallons per car when washing your car at home in the driveway, plus a large percentage of the water we used is recycled. All of the soaps and cleaning products are biodegradable and environmentally friendly, washing a car at home, on the other hand, drains into the storm sewer system without the benefit of the interceptor tanks for the sand and oil contaminants prior to discharge into the ground water, streams, lakes and rivers.

The car wash site will occupy the east side of the vacant lot adjacent to the CVS, the west side will be a vacant lot until a user comes forward, a typical conceptual use has been shown for consideration of how this protects the residential apartments to the west. An entrance from Olive Avenue will be constructed between the two users with an access drive south that will eventually be circulation for the vacant parcel on the south side, this access is also connected to the east on the north and south with access points to CVS. This allows for full access around the new structures for emergency vehicles and sanitation trucks to service trash enclosures in the rear of the site for visibility screening from Olive Avenue. With this site layout it also provides for the required 30' landscape setback adjacent to the apartment complex with additional buffering with parking prior to building structure for an approximate 100'.

EXHIBIT A

Vicinity/Location Map

CU11-0004 Express Car Wash

Applicant: John Reddell Architects

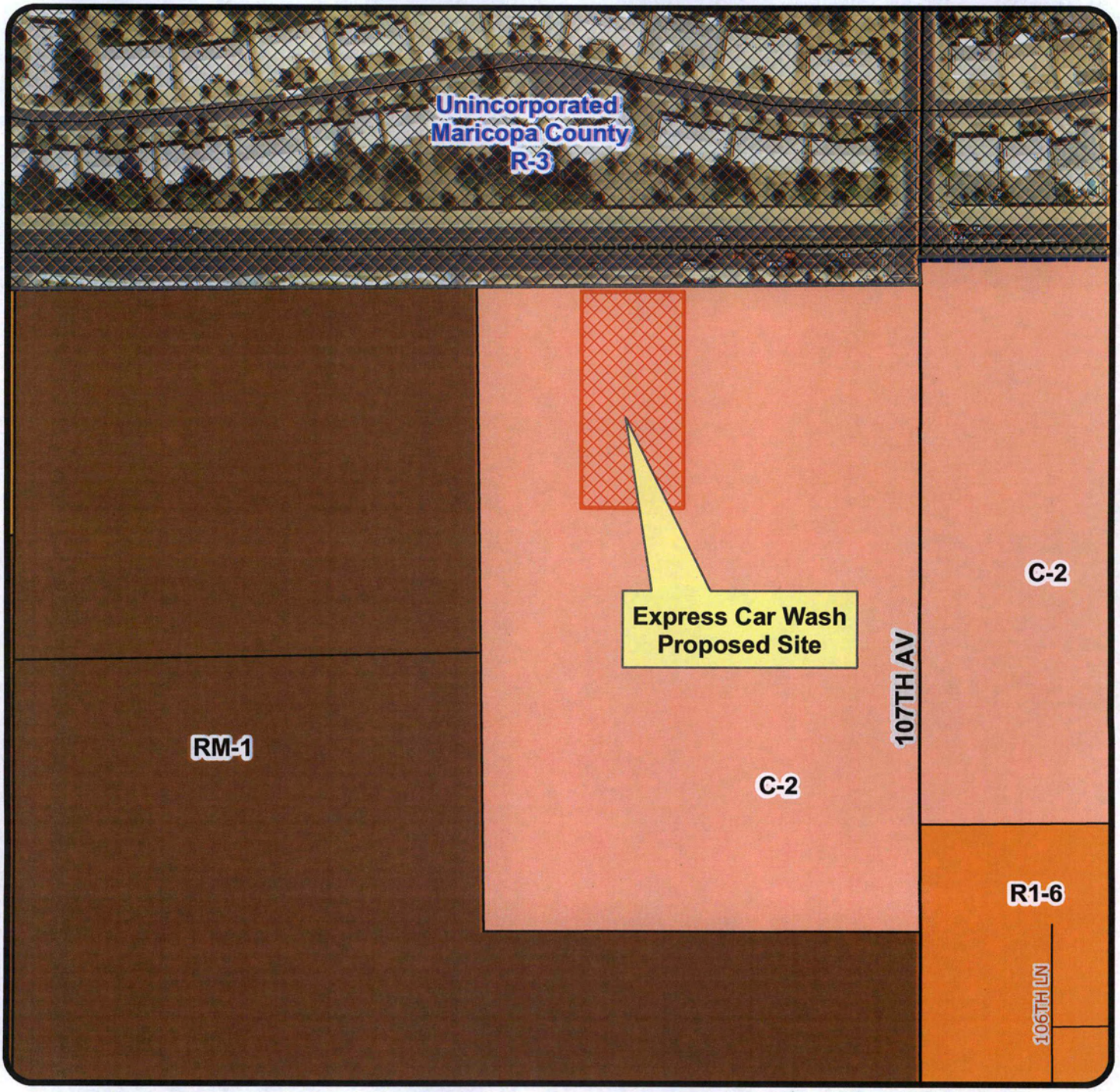
Exhibit B

Request: Obtain a Conditional Use Permit to allow a car wash in the C-2 Zoning District.

N

Not to Scale

Zoning Map



CU11-0004 Express Car Wash

Applicant: John Reddell Architects

Exhibit C

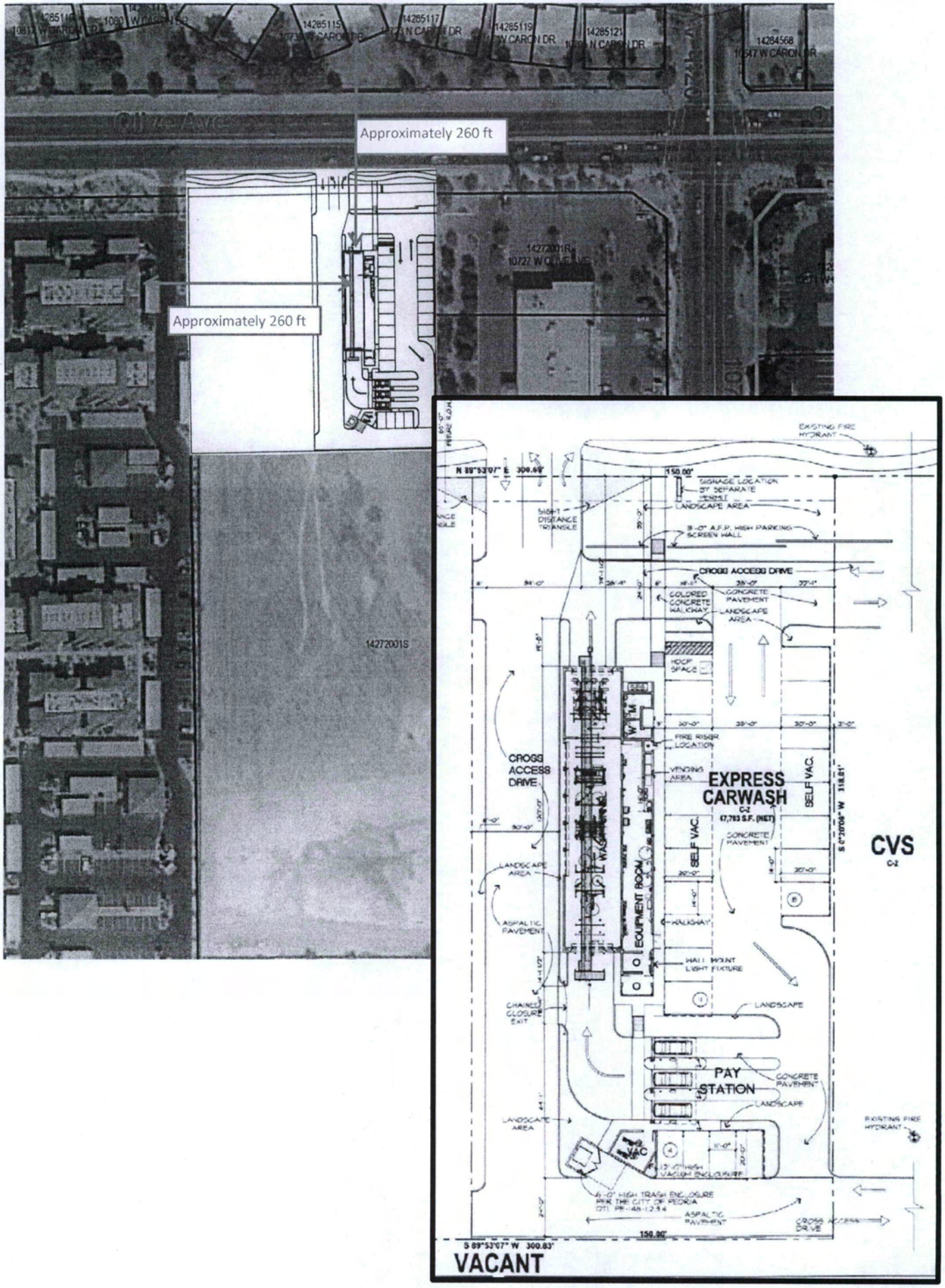
Request: Obtain a Conditional Use Permit to allow a car wash in the C-2 Zoning District.

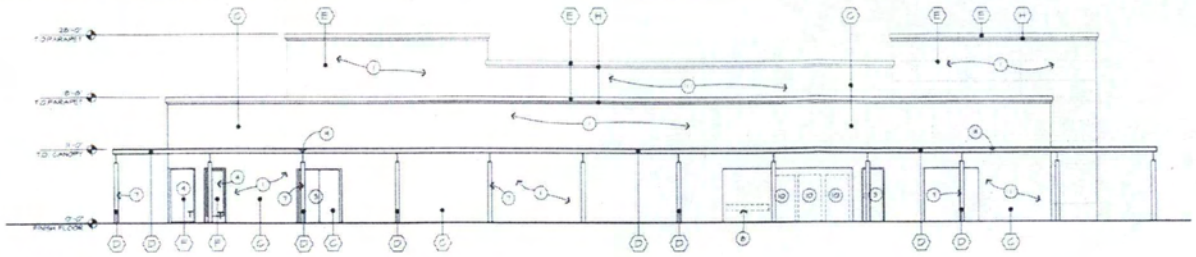
N

Not to Scale

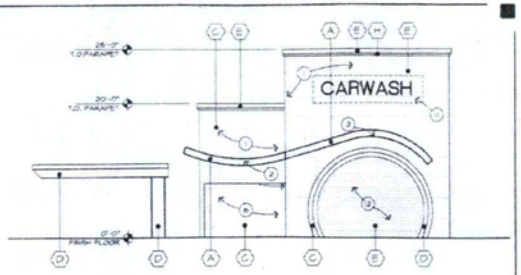
Aerial Map with Site Plan Overlay

Exhibit D

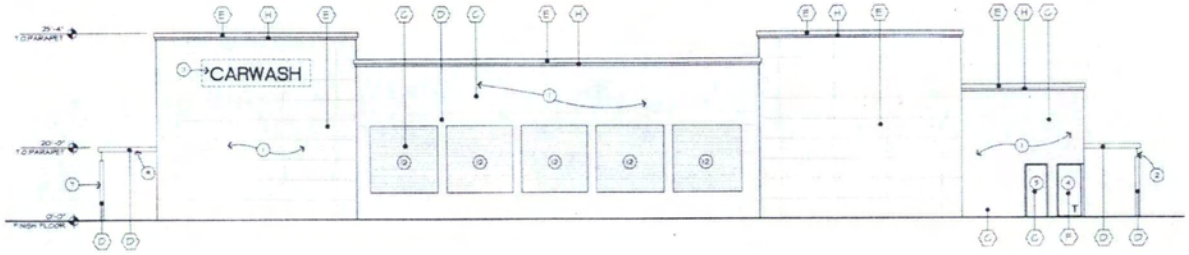




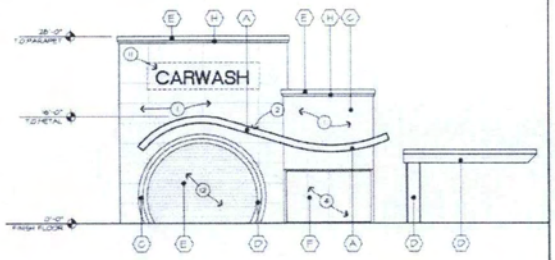
EAST



SOUTH



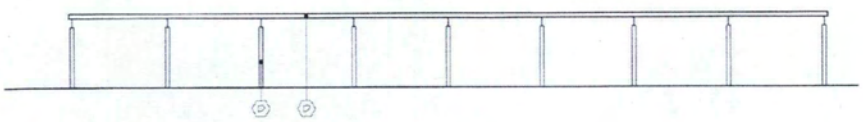
WEST



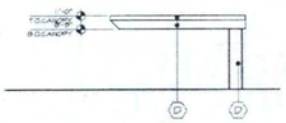
NORTH

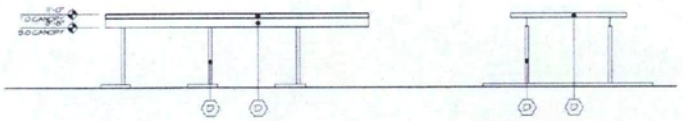
BUILDING ELEVATIONS

1/8"=1'-0"



VACUUM CANOPYS

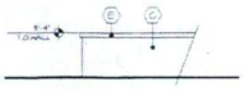




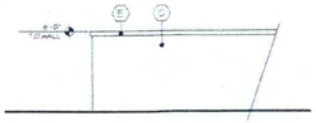
PAY STATION

CANOPY ELEVATIONS

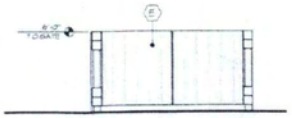
1/8"=1'-0"



PARKING SCREEN WALL



REFUSE ENCLOSURE WALL



REFUSE ENCLOSURE GATE

SCREEN WALL ELEVATIONS

1/4"=1'-0"

COLOR SCHEDULE

Painted DUNN EDWARDS Blue Chip - DE6241	A
Painted DUNN EDWARDS Lighthouse - DE6204	B
Painted DUNN EDWARDS Rustic Shade - DE6121	C
Painted DUNN EDWARDS Tailored Taupe - DE6178	D
Painted DUNN EDWARDS Tailored Taupe - DE6178	E
STOREFRONT DOORS AND WINDOWS SHALL BE BRONZE ALUMINUM FRAME W/ BRONZE TINT	F
(WHITE)	G
Painted DUNN EDWARDS Old Stone - DE6159	H

RECEIVED
JUN 2011
SP11-0007
1

NOTES:

1. BUILDING SHALL HAVE APPROVED ADDRESS NUMBERS, BUILDING NUMBERS OR APPROVED BUILDING IDENTIFICATION PLACED IN A POSITION THAT IS PLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY.

Express Carwash

West of SWC Olive Avenue & 107th Avenue

John Reddell Architects, Inc.
Architecture Interiors Land Planning
7524 E. Angus Drive, Scottsdale, Arizona 85251
Office: (480) 946-0242 Fax: (480) 946-0182 Email: john@reddellarchitects.com

Date: 5/25/11
Revisions:

C

Preliminary Elevations

EXHIBIT E

[redacted]

Melissa Sigmund
Planning & Community Development
City of Peoria
8401 W. Monroe St
Peoria, AZ 85345

RE: Express Car Wash at 107th and Olive Avenue

I am writing to express my concern about the new car wash proposed on Olive Avenue. The homes on the north side of Olive are in a quiet residential area. The stores on the south side of Olive are for the most part indoor commercial establishments. Will there be a study of the noise levels generated by the car wash and will there be controls in place to keep the noise level low?

In addition, the lights from the CVS parking lot light up our back yard all night. CVS did plant trees on the west side, which do reduce the lighting mounted on the west side of the building. Will there be adequate landscaping and setbacks to ensure the least amount of stray lighting? Will the exterior lights be constant rather than blinking? The name of the car wash should face traffic coming from the east or west. The name should not be facing directly north, since it will not need to be read by customers in the residential area.

I also noticed that the cars will go through the car wash from south to north (facing the residential area). Will the cars be instructed to turn off their headlights, so the lights will not face directly into the residential area?

It seems that in an era of increasing water expense, there is a possibility of the closure of this type of business due to high water costs. Is the city protected in some way from buildings that stand vacant? The residents of Sun City would not want to see vacant or run down property.

Please keep me informed about the status of the proposed car wash at [redacted] I also would appreciate acknowledgement that this letter was received. Thank you.

Sincerely,

[redacted]

Exhibit F 1

Melissa Sigmund

From: [redacted]
Sent: Wednesday, July 06, 2011 10:34 PM
To: [redacted]
Cc:
Subject: Regarding your letter in response to the proposed carwash on Olive & 107th Ave...
Attachments: Express Car Wash_fisher.pdf

Dear [redacted]

I'd like to thank you for taking the time to write about your concerns for the proposed carwash project. You have a lot of valid questions and concerns and we appreciate you making us aware of those concerns so that we have the opportunity to discuss those with you and take your thoughts into account as we develop the project. The ownership group that is putting this together is a local family with other business that they run themselves in and around Phoenix. They employ roughly 200 people and growing. As members of the local community, we're all concerned about the impact of our businesses on the people we hope to serve. Our goal is to be an asset to the community. And we appreciate the opportunity to share our plans with you.

I'd like to take a minute better explain the type of car wash we're developing and then reply to your specific questions.

This type of carwash is considered an "express" wash. The concept is that we will have a very long tunnel full of the most advanced cleaning equipment available instead of a lot of employees. We intend to give a very good quality carwash, very quickly (5 minutes or less), at a great value ($3, $6, or $10 and free use of the vacuum system with any purchase). The business will be kept extremely clean and manicured at all times. We'll operate with only 2-3 employees at any given time. Our hours of operation will fluctuate with the seasons, but we've already committed to the city that we will not be open before 7am or after 9pm at the extremes.

Your first question was regarding noise levels. There have been numerous studies done around the country regarding the noise output from different styles of carwashes. There are only 3 types of machines that we will be using at the carwash that make any level of noise that can be heard more than a few feet away. They include the air compressors, the vacuum machines, and the air driers. The first two units, air compressors and vacuum machines will both be housed inside the walls of the building. The vacuum machines will be vented to the outside, but will be equipped with sound muffling devices and will not be able to be heard beyond the car wash property. The vacuum hoses will not have individual motors, but will be piped back to the enclosed muffled central vacuum. That leaves us with the air driers. According to the documentation from the manufacturer, the air driers produce a maximum decibel level of 90 decibels right underneath them. That sound diminishes to 75 decibels at 100 feet away. We've located the building so that the air dryers will be at least 110' from the edge of Olive Ave. The ambient noise levels from the 35,000+ traffic volume on Olive Ave is over 70 decibels, with louder vehicles reaching over 100 decibels. So in a nutshell, for the local residents, the sounds produced by the carwash will be less than that produced by traffic on Olive Ave.

Your second and third questions reflected lighting concerns. We agree with you completely that our signage will be most effective if aimed towards the Eastbound and Westbound traffic. We'll be required to conform to the city's sign codes, but our intentions will be to focus our signage to maximize the visibility for the traffic on Olive Ave. The ownership group and the city are both concerned about the impact of stray lighting and we'll be working together to come up with a plan to minimize stray lighting. Regarding the patron's headlights, we don't expect to have a lot of nighttime operations, but we can ask the customers to turn off their headlights in the evening if it creates a problem for the local residents.

Exhibit F 2

Your final concern reflected the risk of rising water costs resulting in a possible closure of the business in the future. I can say with complete confidence that potential increases in water costs would not result in business closure. We have contingency plans in place to compensate for the rising water costs in the future that would allow us to operate under very adverse water conditions. Interestingly enough, in other areas of the country where water restrictions have become a major problem, it has typically had the opposite effect. Water restrictions on lawn water use and driveway car washing actually boost the professional car wash business. We recapture a lot of the water that we use and overall use a much less quantity of water per car than is used when washing the car in the driveway.

Again, [redacted] we appreciate your thoughts and comments. If you have any additional questions, please feel free to contact me. I'm available via email, by phone, or I'd even be happy to meet with you if you'd like to discuss our plans further. My direct mobile number is [redacted] Thanks again.

Sincerely,

[redacted]

Exhibit 2

From: [redacted]
Sent: Monday, March 14, 2011 5:39 PM
To: Melissa Sigmund
Subject: car wash

We are opposed to a car wash at this location, due to concerns about increased traffic so close to a Senior Community. [redacted]
City.

Exhibit F3

From: [redacted]
To: Melissa Sigmund;
Subject: Car Wash
Date: Tuesday, May 24, 2011 8:38:13 PM

After talking with [redacted] today about the proposed Car Wash to be built at 107th & olive ave. they have relieved all my concerns I had about the project. Iam no longer opposed to the Car Wash being built. [redacted]

Exhibit F 4

CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 11-0013

DATE: July 21, 2011

AGENDA ITEM: 4C

Applicant: [redacted]

Request: Obtain a Conditional Use Permit to allow a Day Care Center for a maximum of 5 children.

Proposed Use: Day Care Center

Location: The property is located at 8490 W. Jefferson Street, at the northeast corner of 85th Avenue and Jefferson Street.

Size of facility: Approximately 1,720 s.f. residential building on a 7,000 s.f. lot.

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. (Exhibit C)*

	LAND USE	GENERAL PLAN	ZONING
Subject Property	**Single Family Residence/Day Care Center**	**Mixed Use**	**CRM, Core Residential Mixed Use**
North	Single family residence	Mixed Use	CCM, Core Commercial Mixed Use
South	Jefferson Street, then vacant lot	Mixed Use	CRM, Core Residential Mixed Use
East	Single family residence	Mixed Use	CRM, Core Residential Mixed Use
West	85th Avenue, then single family residence	Residential/Medium Density	RM-1, Multi-Family Residential

PROJECT DESCRIPTION

Request and Development Details

1. The applicant is proposing to operate a Day Care Center for a maximum of five children as a home occupation in a single-family residence. The property contains an approximately 1,720 square-foot single-family residential building on a 7,000 square-foot lot.

2. The subject property is located on a corner lot with primary access via Jefferson Street. 85th Avenue runs along the west side of the property, however, there is no direct access to the residence from this street due to a wall. The property is also accessible via an alleyway located at the north (rear) of the property.

3. The proposed hours of operation are from 5:30 am-5:00 pm.

4. The day care will provide child care for infants and children through the age of 12.

DISCUSSION AND ANALYSIS

Applicability

5. The site in question is zoned Core Residential Mixed Use (CRM). According to Article 14-42 of the Zoning Ordinance, in the CRM Zoning District the use of a Day Care Center requires a Conditional Use Permit.

6. Section 14-39-12.E outlines the applicable criteria for evaluating Conditional Use Permits (CUP). In general, the purpose of a CUP is to mitigate or minimize any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.

Analysis

7. Established in 2004, the Old Town Mixed Use District (OTMU) was designed to direct development in Peoria's central core by allowing a mix of complimentary uses including commercial, specialized retail, office, and various types of residential developments. As one of the two mixed use designations in the OTMU District, the Core Residential Mixed Use (CRM) Zoning District allows primarily for single-family residential uses, as well as a mix of small-scale non-residential uses that are compatible with the predominantly residential character of these areas. Limited types of non-residential uses adapted to the residential structures are permitted in the CRM District. Non-residential uses may include small-scale entrepreneurial, pedestrian-oriented goods and services, family-owned businesses, wedding and reception centers, bed and breakfast establishments, and small professional or home-based businesses primarily oriented to users in the Old Town area.

8. The applicant intends to run the daycare business as a small home occupation. Due to applicable Building and Fire Codes, the proposed Day Care will be limited to caring for a maximum of five (5) children in a 24-hour period.

9. In staff's judgment, the character of the proposed use is appropriate and compatible with surrounding land uses and is a use that is envisioned with the

CRM Zoning District. The proposed use is not expected to impact the adjacent residential properties through light, noise, odor, smoke, heat, or glare. Even in the City's less intense single-family residential zoning districts that do not allow a mixed-use component, home-based daycare uses of the nature proposed would be conditionally permitted.

10. If any issues arise regarding the operation of the business, Section 14-39-12.I 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

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. As of the printing of this report, no opposition to this case has been received from the public.

Proposition 207

12. In 2006, 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 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.

- The request for a Day Care 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 CU11-0013, subject to the following conditions:

1. The use shall substantially conform to the Project Narrative (Exhibit A), the Site Plan (Exhibit D), and Floor Plan (Exhibit E) contained in the staff report to the Planning & Zoning Commission dated July 21, 2011.
2. The use shall be limited to caring for a maximum of five (5) children in a 24 hour period.
3. The use shall be maintained as a home occupation, with the principal use of the property remaining as a single-family residence.

ATTACHMENTS:

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

Prepared by: Melissa Sigmund, Planner

Hello, my name is [redacted] and I am the owner of Mom's Little Daycare. I meet with safety , health, and nutritional standards. Taking care of children is my profession. This profession gives me the opportunity to watch them grow and become attached to one another. I am looking forward to a good relationship with all the children and their parents.

At, this time Mom's Little Daycare has one employee. Mom's Little daycare is open all year around . The business hours are from 5:30am to 5:00pm. The ages of care are birth -12 years of age and we do closed on the following holidays:

Memorial Day, 4th of July, Labor Day, Thanksgiving, Christmas and New years Day. On Christmas eve and New Years eve Mom's litte daycare wil be closing at noon.

(Provider)

EXHIBIT A

Vicinity/Location Map

CU11-0013 Mom's Little Daycare

Applicant: [redacted]

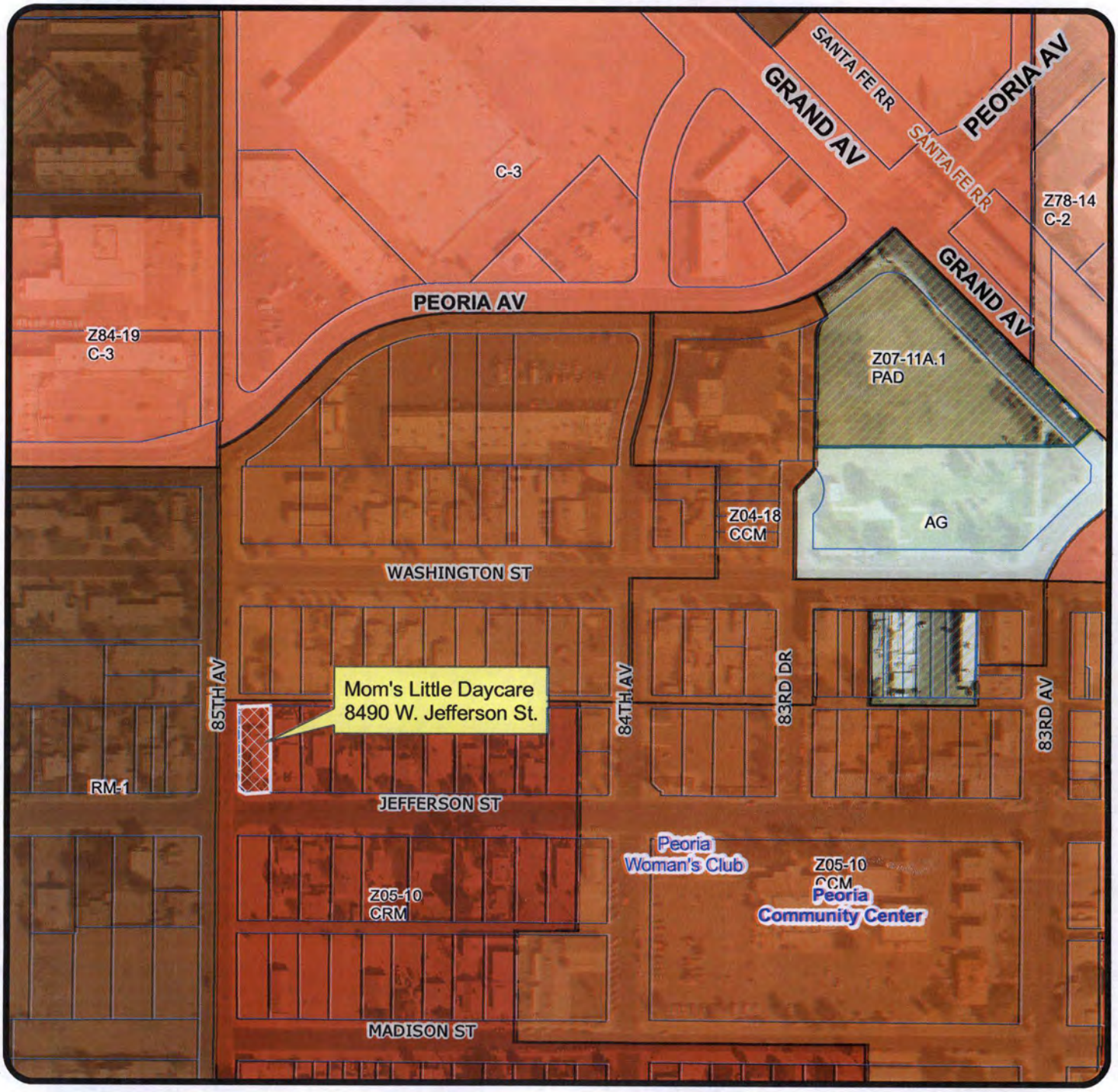
Exhibit B

Request: Obtain a Conditional Use Permit to allow a residential Day Care for 5 children in the CRM Zoning District.

N

Not to Scale

Zoning Map



CU11-0013 Mom's Little Daycare

Applicant: [redacted]

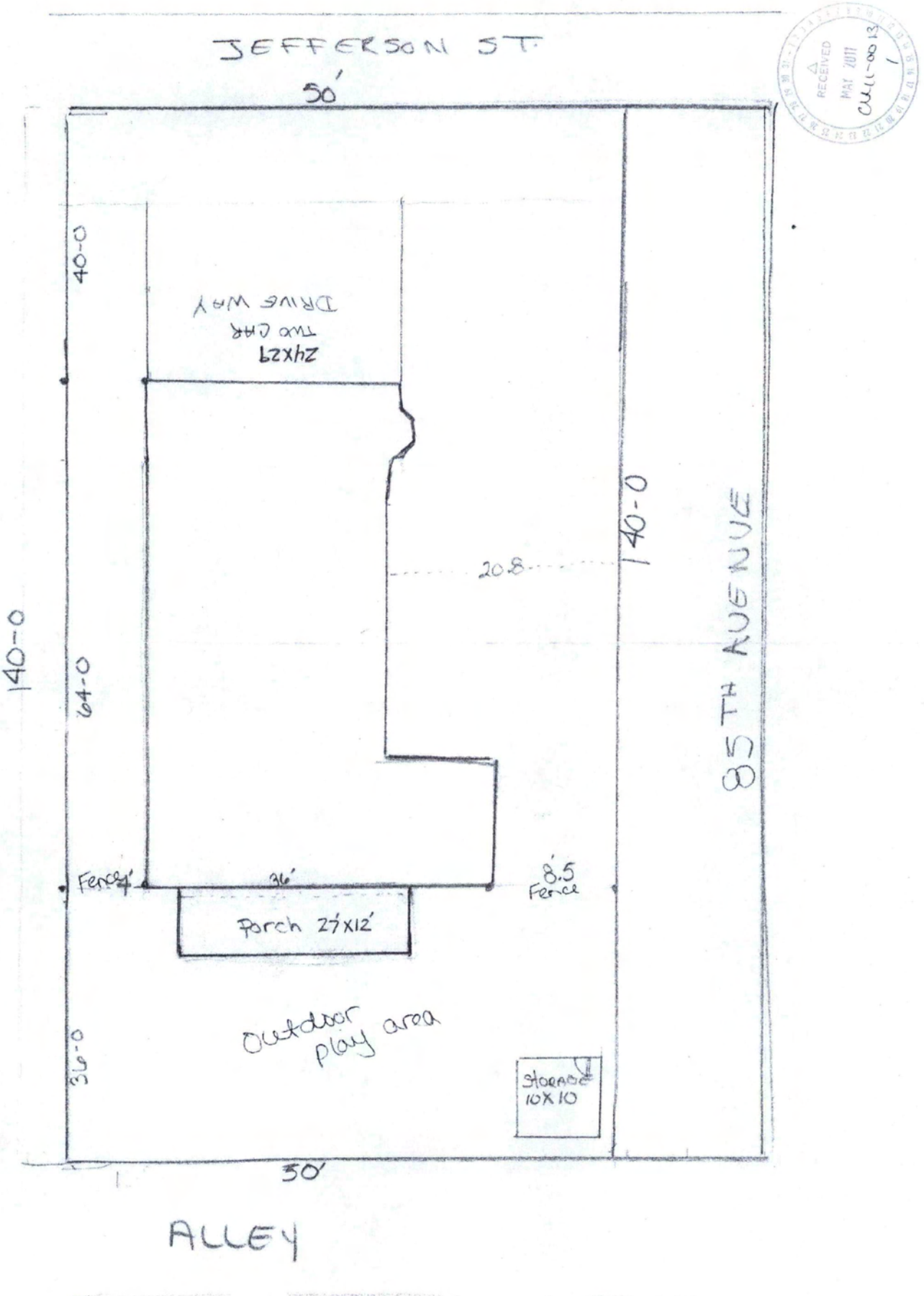
Exhibit C

Request: Obtain a Conditional Use Permit to allow a residential Day Care for 5 children in the CRM Zoning District.

N

Not to Scale

EXHIBIT D



RECEIVED
MAY 2011
CU11-00013
1

FLOOR PLAN

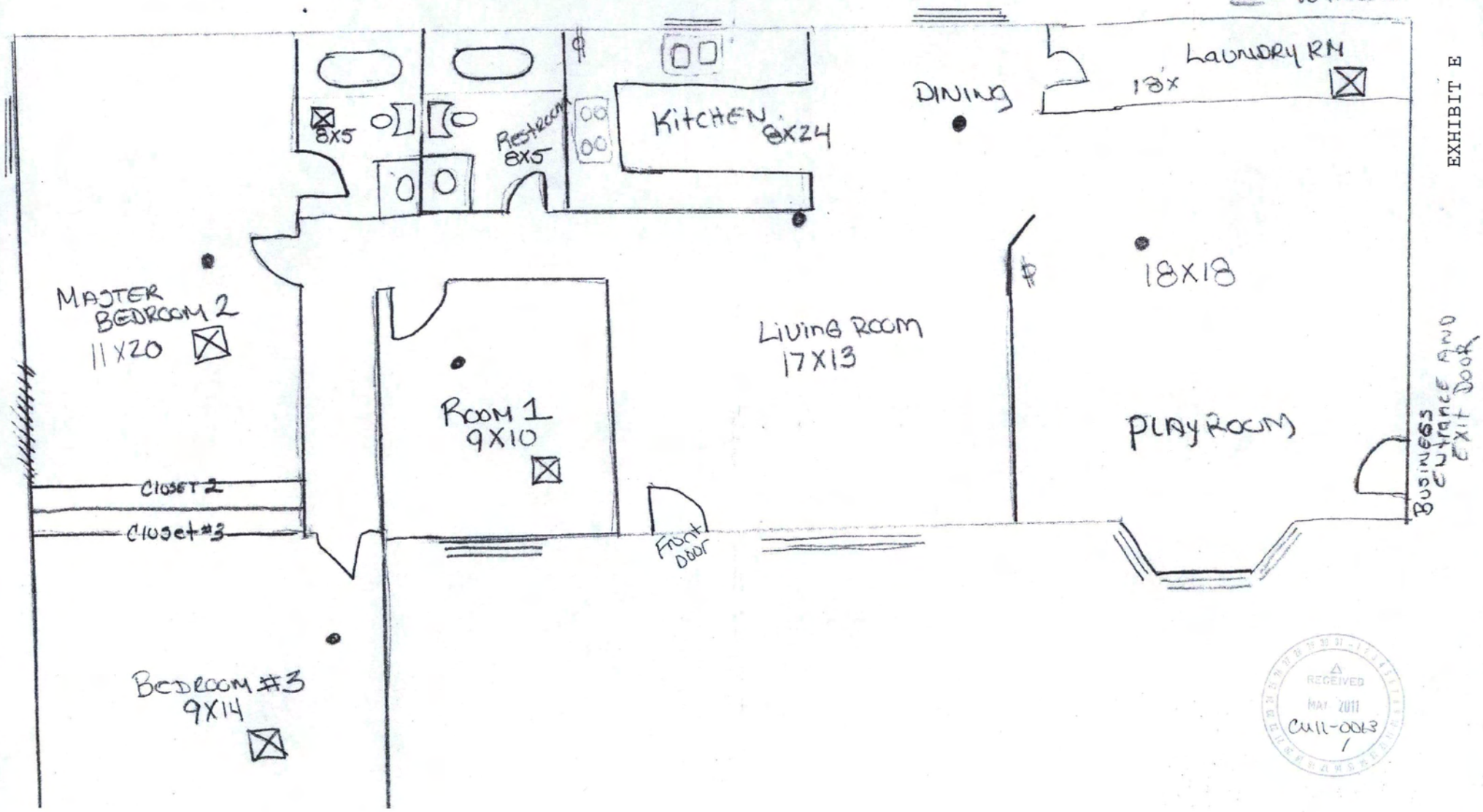


EXHIBIT E

RECEIVED
MAY 2011
CU11-0063
1

P & Z DEVELOPMENT SUMMARY

Thursday, June 30, 2011
8:23 AM

ACACIA

Name/Address	File #/Type	Comments	Case Status	Next Step
Sunset Pointe Reception Hall 8815 W. Peoria Ave.	CU11-0014 Conditional Use Permit	Conditional Use Permit for a reception hall.	1st Comments due 7/5/11.	
Mom's Little Daycare 8490 W. Jefferson St.	CU11-0013 Conditional Use Permit	Conditional Use Permit for a residential daycare facility for 5 children.	Scheduled for P&Z 7/21/11.	P&Z Hearing 7/21/11.
An Old Town Getaway Event Center 8250 W. Monroe St.	CU11-0009 Conditional Use Permit	Conditional Use Permit to allow special events.	Application approved by the Planning and Zoning Commission at the 6/2/11 hearing.	Applicant may commence with outdoor activities on the site subject to the conditions of approval.
All-Pro Hydrojetting SEC 76th Dr. & Carol Ave.	SP10-0003 Site Plan	Onsite storage of restaurant oil and grease waste stored in tanks.	30 day withdrawl notice sent 6.28.11.	Applicant may request 6 month extension.
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.

IRONWOOD

Name/Address	File #/Type	Comments	Case Status	Next Step
Liberty Buick 8737 W. Bell Rd.	DR11-0013 Design Review	Design Review for a façade update to an existing dealership.	Approved 5/10/11.	Applicant may submit for Building Permits.
Liberty GMC 8660 W. Bell Rd.	DR11-0012 Design Review	Design Review for a façade update to an existing dealership.	Approved 5/10/11.	Applicant may submit for Building Permits.

MESQUITE

Name/Address	File #/Type	Comments	Case Status	Next Step
Quiktrip SWC 67th Ave. & Happy Valley Rd.	V11-0001 Variance	Variance for reduction in distance requirement from residential.	1st Comments due 7/12/11.	Issue comments when complete or schedule for BOA hearing if additional variances are not requested.
Quiktrip SWC 67th Ave. & Happy Valley Rd.	SP11-0008 Site Plan	Site Plan for gas station with convenience store.	1st Comments due 7/12/11.	Issue comments when complete
Vistancia	Z01-10A.11 Major PCD Amendment	Major PCD Amendment to combine Vistancia North and South.	1st Comments due 7/25/11; application notifications sent; numerous calls of inquiry received and returned.	Applicant in process of setting up neighborhood meeting
Arizona Grown Healthcare 20340 N. Lake Pleasant Rd.	CU11-0010 Conditional Use Permit	Conditional Use Permit for a medical marijuana dispensary.	Approved June 16, 2011	Wait for AZ DHS license
QuikTrip SWC 67th Ave. & Happy Valley Rd.	CU11-0011 Conditional Use Permit	Conditional Use Permit for a gas station and convenience store.	1st review complete	Comments sent to applicant 6/13/11
KB Homes @ Plaza Del Rio 93rd Ave. & Wood Dr.	DR11-0011 Design Review	Design Review for new Single Family home plans.	Comments sent 5/17/2011	Awaiting 2nd submittal
AT&T at Desert Star 107th Ave. North of Rose Garden Lane	SP11-0004 Site Plan	Site Plan for 65 foot monopalm.	Comments sent 4/21	Await response to comments 2nd review (no change 6/28/11)

New cases are bold, italics, and underlined

MESQUITE

Name/Address	File #/Type	Comments	Case Status	Next Step
AT&T at Desert Star 107th Ave. North of Rose Garden Lane	CU11-0006 Conditional Use Permit	Conditional Use Permit for a 65 foot monopalm.	Comments sent 4/21	Await response to comments 2nd review (no change 6/28/11)
Colina Del Sur SWC 67th Ave. & Jomax Rd.	DR11-0010 Design Review	Design Review for new Single Family home plans.	Approved 6/7/2011	Construction Documents
Honest 1 Auto Care 20429 N. Lake Pleasant Rd.	CU11-0002 Conditional Use Permit	Conditional Use Permit for an auto facility use.	1st review comments sent 3/15/11.	Waiting for applicant to resubmit.
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 review comments sent 2/17/11.	Waiting for applicant to resubmit.
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 review comments sent 2/17/11.	Waiting for applicant to resubmit.
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.
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 6/28/11)
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 6/28/11)
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.
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.
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.

New cases are bold, italics, and underlined

MESQUITE

Name/Address	File #/Type	Comments	Case Status	Next Step
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.
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.
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.
Retail Center SWC 67th Ave. & Happy Valley Rd.	PR08-04 Site Plan	Formerly 4-acre site now approximately 2 acres with site plan for single retail user	QuikTrip site plan and CUP submitted under separate case number	Awaiting next submittal.
The Villages at Aloravita SEC 83rd Ave. & Jomax Rd.	Z08-02 Rezone	Rezone 1280 acres from AG (General Agricultural) to PCD (Planned Community District).	5th Review received.	Neighborhood meeting set for 6/29/11; hearings tentatively set for August 18th (P&Z) and September 20th (City Council).
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.	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

MESQUITE

Name/Address	File #/Type	Comments	Case Status	Next Step
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.

PALO VERDE

Name/Address	File #/Type	Comments	Case Status	Next Step
Dollar Rent A Car 9231 W GRAND AVE	CU11-0003 Conditional Use Permit	Conditional Use Permit to allow auto sales.	Approved 6/2/11	None.

PINE

Name/Address	File #/Type	Comments	Case Status	Next Step
Desert Leaf 9240 W. Northern Ave.	CU11-0015 Conditional Use Permit	Conditional Use Permit for a medical marijuana dispensary.	1st Comments due 7/20/11.	
Express Carwash W/O SWC 107th Ave. & Olive Ave.	SP11-0007 Site Plan	Site Plan for a car wash.	1st Comments due 7/6/11.	
Arizona Natural Selections 9275 W PEORIA Ave.	CU11-0007 Conditional Use Permit	Conditional Use Permit for a Medical Marijuana Dispensary.	Approved June 16, 2011	Wait for AZ DHS license
Express Car Wash W/O SWC 107TH AVE. & OLIVE AVE.	CU11-0004 Conditional Use Permit	Conditional Use Permit for a self service car wash.	Scheduled for P&Z hearing 7.21.11	P&Z hearing 7.21.11.
T-Mobile 10323 W OLIVE AVE.	SP11-0003 Site Plan	Site Plan for a 65 foot Monopalm and ground equipment.	Application withdrawn by applicant.	Case closed.
T-Mobile 10323 W OLIVE AVE.	CU11-0005 Conditional Use Permit	Conditional Use Permit for a 65 foot Monopalm.	Application has been withdrawn by applicant.	Case closed.
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 6/28/11)
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 6/28/11)
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.

WILLOW

Name/Address	File #/Type	Comments	Case Status	Next Step
Casa del Sol East 6960 W. Peoria Ave.	CU11-0012 Conditional Use Permit	Conditional Use Permit to allow Recreational Vehicles at the property.	1st Comments due 6/21/11.	

New cases are bold, italics, and underlined

WILLOW				
Name/Address	**File #/Type**	**Comments**	**Case Status**	**Next Step**
Marvel Masonry 8060 W. Thunderbird Rd.	CU11-0008 Conditional Use Permit	Conditional Use Permit for Home Improvement Outdoor Storage in C-2 Zone.	Approved by P&Z 6/2/11.	Applicant may apply for any necessary permits (building, signs, etc) and begin operations upon their approval.
Spirit of Grace 7033 W CACTUS RD	PR02-03A.1 Site Plan Amendment	Site Plan amendment to add a permanent modular building.	Approved 5/19/2011	Building Permits
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.

New cases are bold, italics, and underlined