

Planning and Zoning Commission Meeting Notice & Agenda



Thursday, February 21, 2013
Council Chamber
8401 West Monroe Street
Peoria, AZ 85345

Regular Meeting

6:30 P.M.

Convene
Roll Call
Opening Statement
Final 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 Board/Commission, and will be enacted by one motion. There will be no separate discussion of these items unless a Board/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 absence of Commission Members Bill Louis and Charles Marr from the February 7, 2013 meeting.

2C **Minutes**

Discussion and possible action to approve the minutes of the Planning and Zoning Commission meeting held on February 7, 2013.

Chairman
Nancy Golden

Vice Chairman
Leigh Strickman

Secretary
Leonard Spraker

Member
Bill Louis

Member
Shawn Hutchinson

Member
Greg Loper

Member
Charles Marr

3C **CU12-0015**: Elements Therapeutic Massage

Discussion and possible action to recommend approval of a request from Elements Therapeutic Massage to operate a massage establishment in an existing building at 7857 W. Bell Road #108.

Regular Agenda

New Business

4R **PUBLIC HEARING**: RE: Rezone of approximately 5.79 acres.

PUBLIC HEARING – Z12-0010: Coe & Van Loo Consultants, Inc. is requesting to rezone approximately 5.79 acres from SR-43 Suburban Ranch to R1-6 Single-Family Residential to allow up to 19 residential lots. The property is located at the northeast corner of 75th Avenue and Greenway Road (APN 200-52-017E).

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request to rezone approximately 5.79 acres from SR-43 to R1-6 Single-Family Residential to allow up to 19 residential lots.

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 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.

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,

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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.

PUBLIC NOTICE:

In addition to the Board/Commission members noted above, one or more members of the City of Peoria City Council or various other Boards and Commissions may be present to observe this meeting as noticed on this agenda.

Planning and Zoning Commission meetings can be viewed live on Channel 11 (Cox Cable) and are available for viewing on demand at <http://www.peoriaaz.gov/content2.aspx?id=2151>.

**PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
FEBRUARY 7, 2013
DRAFT**

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

Members Present: Chair Nancy Golden, Vice Chair Leigh Strickman, Commission Members Greg Loper, Leonard Spraker, and Shawn Hutchinson.

Members Absent: Commission Members Bill Louis and Charles Marr.

Others Present: Cynthia Odom – Assistant City Attorney, Chris Jacques – Planning & Community Development Director, Melissa Sigmund – Planner, and Bev Parcels – Planning Assistant.

Opening Statement: Read by Chris Jacques – Planning & Community Development Director.

Call for speaker request forms.

Audience: Ten.

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 Commission Members Leonard Spraker, Charles Marr, and Gene Sweeney from the December 6, 2012 meeting.
- 2C **MINUTES:** Discussion and possible action to approve the minutes of the Planning and Zoning Commission meeting held on December 6, 2012.
- 3C **CU12-0016:** Discussion and possible action to recommend approval of a request from The Furshire to allow a dog and cat boarding and daycare facility at an existing building and grounds located at 8556 N. 78th Avenue.

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

REGULAR AGENDA

NEW BUSINESS:

4R **PUBLIC HEARING – CU12-0014:** Green Desert Patient Center, Inc requested a Conditional Use Permit to operate a medical marijuana dispensary in an existing building within the Peoria Crossings commercial center located at 9240 W. Northern Avenue, Suite 103.

STAFF REPORT: Presented by Melissa Sigmund, Planner.

COMMISSION COMMENT: Inquiries included –

- Location of public noticing signs for the dispensary.
- Employees having background checks.
- Whether any owners had been convicted of any crime.
- Whether any silent partners exist that have not been identified.
- Any side agreements with any doctor or medical facility that would suggest the dispensary site as a business of choice for filling prescriptions for marijuana.
- No cultivation would occur on site.
- Possibility of seeds being dispensed with marijuana that could be taken and privately cultivated.
- Controls for excessive purchases and fraudulent prescriptions.
- Controls for resale of the marijuana and smoking the product in the parking lot.
- Whether any employees will be armed.
- Whether signs will be posted to prohibit patrons from bearing arms coming into the store.
- The burden on law enforcement officials due to the increase in traffic at the location.
- Who prepares the prepackaged goods and bar codes them.
- The number of dispensaries that are possible in Peoria.
- Did any neighboring businesses express any concerns about the dispensary.

PUBLIC COMMENT:

J.P. Holyoak, applicant – Answered Commission Members questions.

Fran Atkinson, resident – Questioned why dispensary was not being located at 91st Avenue and Peoria Avenue.

COMMISSION ACTION: Commissioner Loper moved to recommend approval of a request from Green Desert Patient Center, Inc for a Conditional Use Permit to operate a medical marijuana dispensary in an existing building within the Peoria Crossings commercial center located at 9240 W. Northern Avenue, Suite 103. The motion was seconded by Commissioner Hutchinson and upon vote, carried 4-1.

5R **ELECTION OF OFFICERS:** Discussion and possible action to elect officers for 2013 including Chairman, Vice-Chairman, and Secretary.

COMMISSION ACTION: Commissioner Loper nominated Nancy Golden as Chairman; Commissioner Strickman seconded the motion and upon vote carried unanimously. Commissioner Hutchinson nominated Leigh Strickman as Vice Chairman; Commissioner Loper seconded the motion and upon vote carried unanimously. Commissioner Loper nominated Leonard Spraker as Secretary; Commissioner Hutchinson seconded the motion and upon vote carried unanimously.

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

REPORT FROM STAFF: None

REPORTS FROM THE PLANNING AND ZONING COMMISSION: Commission Member Loper made a request to revisit the possibility of having all future packets sent electronically.

ADJOURNMENT: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 7:15 p.m.

Nancy Golden, Chair

Date Signed



CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 12-0015
DATE: February 21, 2013
AGENDA ITEM: 3C

Applicant: KJE Enterprises, LLC
Request: Obtain a Conditional Use Permit to allow a therapeutic massage establishment
Proposed Use: Elements Therapeutic Massage Studio
Location: 7857 W. Bell Road, Suite 108. Located south and west of the southwest corner of 77th Avenue and Bell Road
Site Area: Approximately 2,600 square foot leased space in an existing commercial center.
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 CONTEXT

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

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant suite in a commercial center	Sports Complex Mixed Use	Planned Area Development (PAD) Z93-25A.2
North	Bell Road, then various retail and restaurant uses	Outside of Planning Boundary (Glendale)	Glendale PAD
South	Commercial Center	Sports Complex Mixed Use	Planned Area Development (PAD) Z93-25A.2
East	Commercial Center	Sports Complex Mixed Use	Planned Area Development (PAD) Z93-25A.2
West	Commercial Center	Sports Complex Mixed Use	Planned Area Development (PAD) Z90-23 A.9

PROJECT DESCRIPTION

Request and Development Details

1. The applicant is proposing to operate a 2,600 square foot Elements Therapeutic Massage Studio in a suite within an existing multi-tenant building that is part of a larger commercial development, Arrowhead Crossing Shopping Center. The property is located south of the southwest corner of 77th Avenue and Bell Road. Staples and Mario's Hair Co. are currently tenants in the same building as the proposed use. Within Arrowhead Crossing Shopping Center, there are a variety of commercial uses including HomeGoods, Golfsmith, Savers, Men's Wearhouse, and Chili's. The proposed hours of operation would be no earlier than 9:00 a.m. and no later than 9:00 p.m. Monday-Sunday; however, the applicant expects to further limit the hours of operations.

Background

2. The existing multi-tenant commercial building and larger commercial center associated with this proposal were approved under Site Plan case PR94-04.
3. A Variance application (V12-0005) was approved by the Board of Adjustment on February 12, 2013, allowing a reduction in the required 1,000 foot parcel boundary separation distance from an existing massage establishment. The existing Massage Envy business is located to the northwest of the proposed Elements Massage location, across Bell Road in Glendale. The parcel boundaries of the two uses are separated by approximately 880 feet.

DISCUSSION AND ANALYSIS

Applicability

4. The proposed site is located within The Crossing at Arrowhead PAD (Z93-25A.3), which refers to the requirements of the Intermediate Commercial (C-2) Zoning District to regulate the property in question. According to Article 14-9 of the Zoning Ordinance, Massage Establishments require a Conditional Use Permit when located within the C-2 Zoning District.
5. 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.

Compatibility With Surrounding Land Uses

6. The proposed use is proximate to commercial retail, service, and restaurant uses within the Arrowhead Crossing Shopping Center. The larger vicinity supports a wide variety of commercial uses, including Arrowhead Towne Center mall to the north, across Bell Road. The closest residential development is the Enclave at Paradise Lane apartment complex, approximately 1,000 feet to the southwest of the proposed site. The property in question and adjacent developments are part of a larger regional commercial destination. Therapeutic massage establishments have gained recognition as reputable, desirable personal service establishments, similar in nature to hair or tanning salons. The proposed massage establishment is compatible with the context of existing development and can positively contribute to the diverse mix of retail and service businesses that attract patrons to the area.
7. Staff does not anticipate any negative impacts such as noise, odor, or illumination that would affect adjoining or nearby uses as a result of this request. In addition, the proposed use must comply with a series of special limitations from the zoning ordinance.

Special Limitations

8. Section 14-9-5-K of the Zoning Ordinance provides the following limitation on *personal services* in the C-2 District. Staff responses are in *italics*.

- All vehicular access shall be from arterial streets.

The site has access from Bell Road, which is an arterial street.

- The use shall not be located on a lot with a property line within one thousand (1,000) feet measured in a straight line in any direction of the lot line of a Body Piercing Studio, Massage Establishment, Non Chartered Financial Institution, Pawnshop, Retail Liquor Store, Plasma Center and Tattoo Studio, Adult Use, Correctional Facility or State Local Alcohol Reception Center.

The applicant has received a Variance from the Board of Adjustment to allow the use to be located less than 1,000 feet from an existing massage establishment, as measured from the property boundary of the proposed use to the property line of the existing establishment.

9. 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, adjacent neighborhoods, or the City; or is exercised in a manner that is detrimental to the public health, welfare or safety.

Available Parking

10. The Zoning Ordinance requires personal services to be parked at one (1) space per 150 square feet of floor area. Elements Massage would require 16 parking spaces and the adjacent use, Mario's Hair Co. would require 8 parking spaces. There are 45 parking spaces are located in close proximity to the Mario's Hair Co. and proposed Elements Massage suites, exceeded the 24 required spaces. Parking for the Arrowhead Crossings center as a whole was approved at 987 parking spaces, well over the 860 spaces that were required. Based upon the parking needs of the existing service and retail uses, available parking is more than ample and will not be negatively impacted by the proposed use.

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 with a sign at least 15 days prior to the Public Hearing by the Planning Division. As of the printing of this report, no comments in support or opposition to this case have been received from the public.

Proposition 207 Waiver

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 City of Peoria Zoning Ordinance and the underlying PAD zoning district, "The Crossing at Arrowhead" (Z93-25A.3).

- The use, in conjunction with the conditions of approval, will operate in a manner that will not negatively impact the adjoining uses.
- The applicant/owner has submitted a 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 CU12-0015, subject to the following conditions:

1. The development shall substantially conform to the Project Narrative (Exhibit A) and the Conceptual Floor Plan (Exhibit D), as contained in the staff report to the Planning and Zoning Commission dated February 21, 2013.
2. The hours of operation are limited to 9:00 a.m. to 9:00 p.m. Monday through Sunday.

ATTACHMENTS

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

Prepared by: Melissa Sigmund, AICP, LEED Green Associate
Planner

Conditional Use Permit Project Narrative

Elements Therapeutic Massage Studio

7857 W Bell Road, Suite 108

Introduction

KJE Enterprises (Don Gatzemeier, owner), Franchise Owner of Elements Therapeutic Massage, Inc. is applying for a Conditional Use Permit to operate the franchise in C-2 Zoning of Peoria, AZ. The proposed location for operation is 7857 W. Bell Road, Suite 108. As part of the process to submit an application for a conditional use permit, due diligence was completed. A pre-application meeting was held with the City and it was determined that an application for a variance to Article 14-9 of the Zoning Ordinance would also be required. Application for variance has been submitted to the city in addition to this application for a Conditional Use Permit.

General Description of Elements Massage

Elements Therapeutic Massage is a successful business concept that is focused on treating body pain and stress with massage. 100 million Americans suffer from back pain and 8 out of 10 Americans will suffer from back pain at some point in their life. Additionally, 75 percent of Americans experience symptoms related to stress in a given month with 90 percent of all doctors visits (due to illness) being stress related. Pain relief is the #1 reason that people seek out their first massage with massage therapy on the rise for stress relief.

How does the Elements Concept address these rising demands of massage? A focused concept is a key part of building a strong brand. The brand strategy of Elements Therapeutic Massage is simple – utilize therapeutic positioning by focusing on pain relief, stress reduction, and overall well being.

Currently there are 111 franchises open across the country, including 6 in Arizona. There is one studio open in Glendale and more expansion is anticipated in the west valley. This project is to assist in the opening of one in Peoria at 7857 W. Bell Road, Suite 108.

Explanation of the relationship to Adjacent Developments

The proposed business location for the Elements Massage Studio is 7857 W Bell Road, Suite 108, Peoria, AZ. This is located on the South side of Bell in the Arrowhead Crossings Shopping Center. Arrowhead Crossings Shopping Center stretches from 75th Ave West to just East of 79th Ave on the South side of Bell Road. Co-tenants of Arrowhead Crossings include Home Goods, Golfsmith, David's Bridal, Nordstrom Rack, Ulta, Barnes and Noble, Pier One Imports and many others. Staples and Mario's Hair Co, are co-tenants in the same building as the proposed site address.

West of the proposed site location is the North Valley Power Center, which has Target as the anchor tenant and JC Penney Home Furnishings. Other smaller businesses and restaurants are located in this center as well.

EXHIBIT A-1

The North side of Bell in this area is part of Glendale, AZ. Arrowhead Towne Center Mall is at 7700 W Bell Road and has over 200 business tenants. Other businesses on the north side of Bell in the near vicinity are Best Buy, Discount Tire, Springhill Suites, Fuddrucker's, Trader Joe's and many others. In the Best Buy shopping center, Massage Envy is a tenant. Due to the parcel the Massage Envy is located, in relation to the proposed site parcel, an application for variance to Article 14-9 has also been submitted.

Variance Discussion

An application for Variance to Article 14-9 has been submitted for consideration to the Board of Adjustments in addition to the application for the Conditional Use Permit. In Article 14-9, Section K, for Massage Establishments it is required to be 1000 feet from Body Piercing Studios, other Massage Establishments, Tattoo Studios, Plasma Centers, Non-Chartered Financial Institutions, and Pawn Shops when measured between the parcel lines of the parcels the businesses reside on. It was found that 7857 W. Bell Road, Suite 108 Parcel is within 1000 feet of a parcel that a Massage Envy is currently operating on the North side of Bell Road. Details can be found in the Variance Application.

Scope/Description of the Project

The proposed project will consist of completing tenant improvements and signage in a 2600 square foot retail space located at 7857 W Bell Road, Suite 108. The improvements will consist of building out the space to accommodate a Lobby, approximately 10 Massage Rooms, a Break Room for Staff, and a Storage Room to house linens and laundry facilities. Two existing bathrooms will remain where they are currently located. After all the finishing work is completed, Fixtures, Furniture and Equipment will be installed prior to opening for business.

A general contracting house that has teamed up with the Elements Therapeutic Massage Franchisor, along with the owner, will be managing the schedule and budget of the project. All required coordination with City codes, and inspection requirements will be carefully managed throughout the process. Anticipated build out of the space is expected to be approximately 8 weeks once building permits are approved.

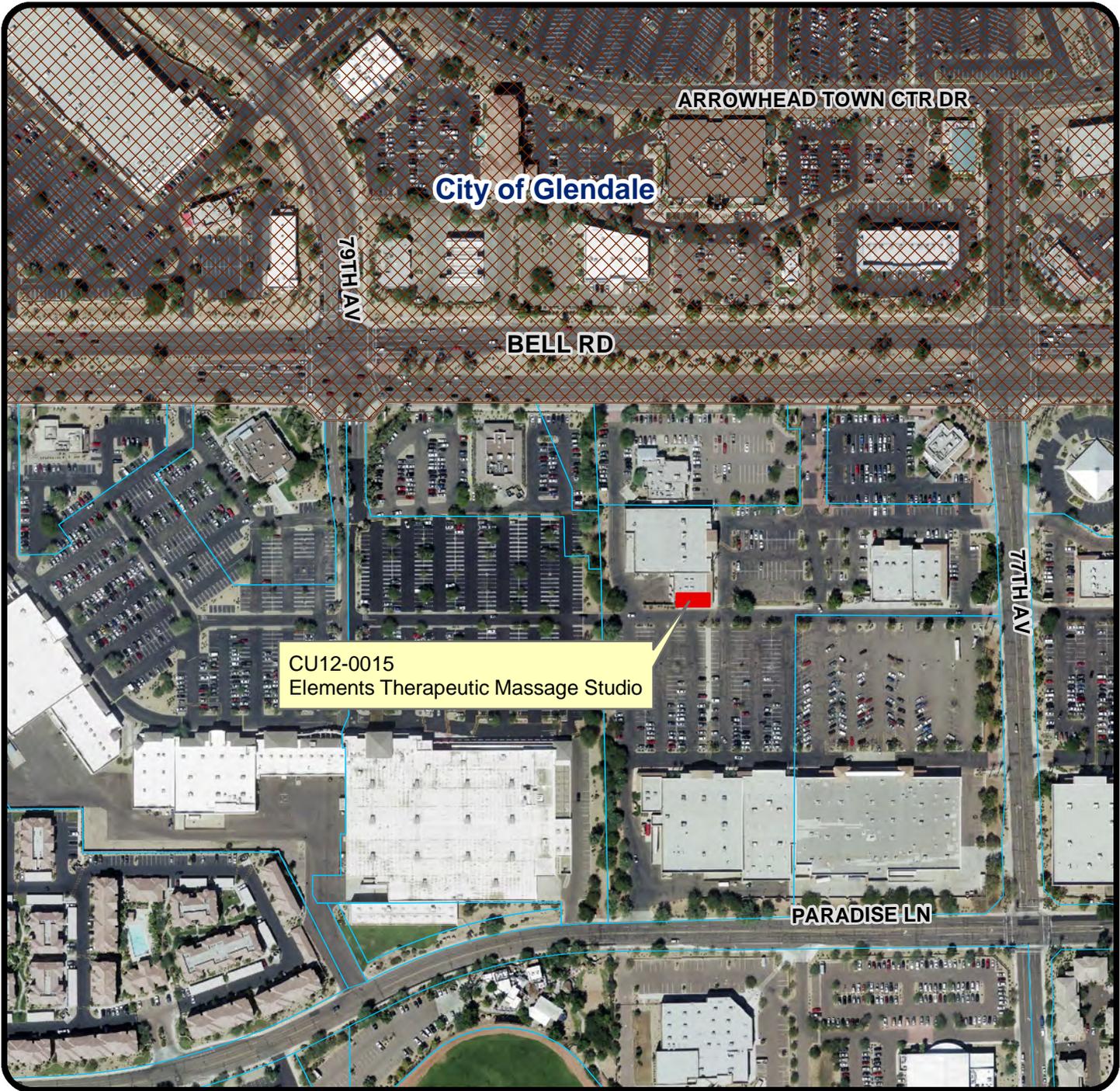
Parking – Parking was discussed at the Pre-Application meeting. The proposed use is under the "Personal Improvement" for parking requirements. The requirement is 1 space per 150 Sq Ft of net floor area (net floor area = 90% of gross floor area). 90% of 2,600 Sq Ft = 2,340 Sq Ft. A total of 16 Spaces are required to meet the parking requirement. There are a total of 46 spots directly in front of Mario's Hair Co and the proposed site. Additionally, there are hundreds of parking spots to the South between the Site and Home Goods/Golfsmith.

Aerial photographs of the site and a preliminary space layout are included in this application.

Summary

In summary, an application for a Conditional Use Permit is being submitted for the operation of an Elements Therapeutic Massage Studio at 7857 W Bell Road, Peoria, AZ. A Pre-Application meeting was held with the City to review the requirements for the Conditional Use Permit Application. From this Pre-App meeting it was determined that a Variance to Article 14-9, Section K would also be required. An application for Variance has also been submitted to the Board of Adjustments for this project.

Vicinity/Location Map



CU12-0015 Elements Therapeutic Massage Studio

Exhibit B

Applicant: KJE Enterprises, LLC

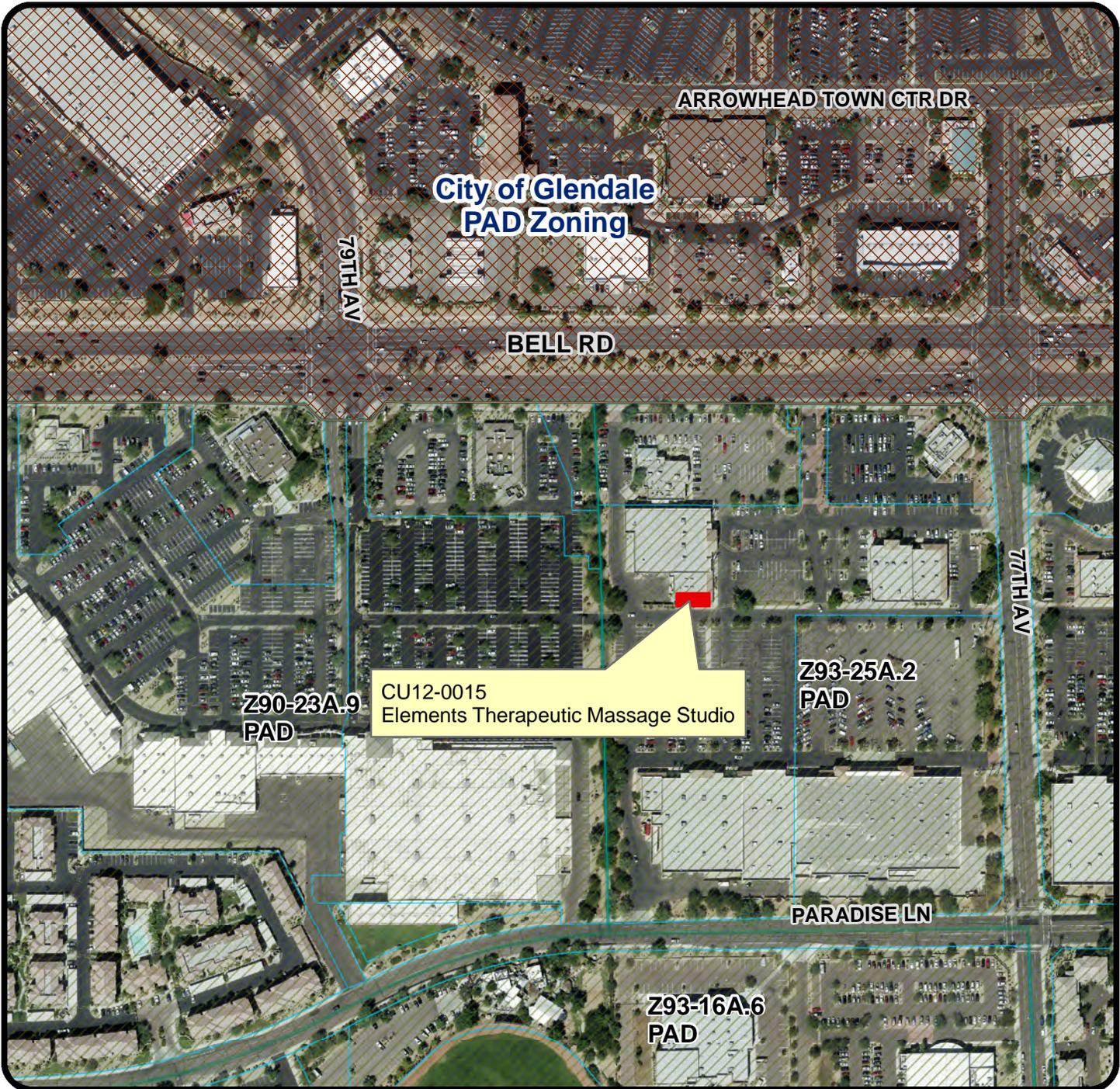
Request: The applicant is requesting a Conditional Use Permit to allow the operation of a massage establishment (Elements Therapeutic Massage Studio) in an existing suite at 7857 W. Bell Road, #108.



N
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Not to Scale

Zoning Map



CU12-0015 Elements Therapeutic Massage Studio

Applicant: KJE Enterprises, LLC

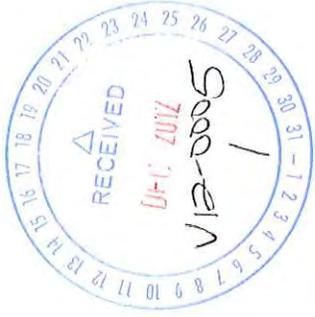
Request: The applicant is requesting a Conditional Use Permit to allow the operation of a massage establishment (Elements Therapeutic Massage Studio) in an existing suite at 7857 W. Bell Road, #108.

Exhibit C



Not to Scale

Elements Massage Conceptual Floor Plan



Elements Therapeutic Massage
7857 W Bell Road, Suite 108
Peoria, AZ 85382
Preliminary Space Layout

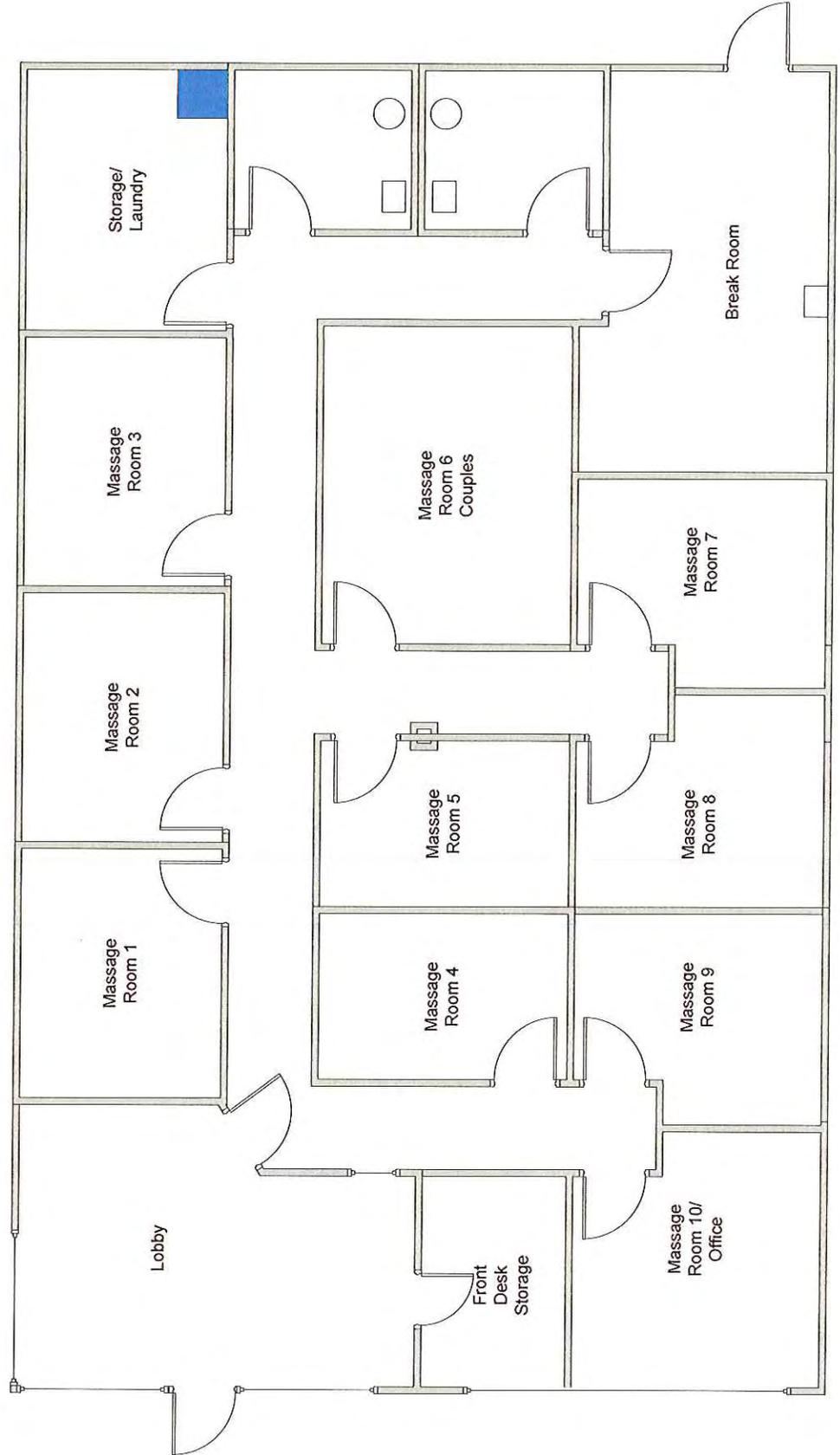


EXHIBIT D



REZONING

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: Z 12-0010
DATE: February 21, 2013
AGENDA ITEM: 4R

Applicant: Coe & Van Loo on behalf of D.R. Horton

Request: Rezone approximately 5.79 acres from SR-43 Suburban Ranch to R1-6 Single-Family Residential.

Proposed Development: This proposal is for a 19-lot single-family detached residential community.

Location: The property is located at the northeast corner of 75th Avenue and Greenway Road (APN 200-52-017E).

Site Acreage: 5.79 gross acres

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

Recommendation: **Approve**, with stipulations.

AREA CONTEXT

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

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant	Residential/Low Density (2-5 du/ac, target 3 du/ac)	SR-43, Suburban Ranch
North	Single Family Residential	Residential/Low Density (2-5 du/ac, target 3 du/ac)	R1-10, Single Family Residential
South	Greenway Road, then Single Family Residential	Residential/Low Density (2-5 du/ac, target 3 du/ac)	R1-12, Single Family Residential
East	Single Family Residential	Residential/Low Density (2-5 du/ac, target 3 du/ac)	R1-10, Single Family Residential
West	75 th Avenue, then Single Family Residential	Residential/Low Density (2-5 du/ac, target 3 du/ac)	R1-8, Single Family Residential

Annexation and Case History

1. The site was part of a larger area annexed into the City of Peoria in 1993 under *Ordinance 1993-46*. Upon annexation, it was designated with equivalent city zoning of SR-43 (Suburban Ranch) which requires 1-acre minimum lot size.

PROJECT DESCRIPTION

Site and Project Details

2. The subject property is a 5.79-acre parcel located at the northeast corner of 75th Avenue & Greenway Road and is currently vacant with SR-43 zoning.
3. This request is to rezone the property to R1-6 Single-Family Residential to allow a 19-lot residential development. The R1-6 zoning district requires lot sizes to be no smaller than 6,000 square feet in area with lot depths and widths to be 50 feet and 100 feet, respectively. Through the accompanying Preliminary Plat application P12-0010, the minimum lot size of this proposal is depicted to be 53' x 120' (6,360 square feet) and the maximum proposed lot size is 13,844 square feet. (Exhibit D1-D2)
4. The City's Design Review Manual prescribes, among other elements, the minimum required open space for residential developments. For projects with minimum lot sizes less than 10,000 square feet in size, 9% of the project area is to be usable open space. This proposal provides .78 acres or 16.5% total open space, of which .73 acres or 15.5% is useable with a turf area and ramada.

DISCUSSION AND ANALYSIS

Conformance with the General Plan

5. The underlying General Plan land use designation for the property is Residential/Low Density (2-5 du/ac, target 3.0 du/ac). This designation allows for only single-family detached residential development. The proposed density of 3.28 du/ac is slightly above the target density. Per the Land Use Element of the General Plan, the target density may be exceeded if a project provides amenities beyond the minimum standards. Staff considers the additional 6.5% of useable open space as an adequate offset as permitted by the Land Use Element of the General Plan. As such, staff is supportive of this request.

Citizen Participation Plan - Neighborhood Meeting

6. Section 14-39-8.E of the Peoria Zoning Ordinance requires the applicant of a rezoning request to hold at least one neighborhood meeting. The applicant notified property owners within 600 feet of the subject site. Accordingly, the applicant held a neighborhood meeting on December 5, 2012 at Paseo Verde Elementary School. Only Councilman Aames attended the meeting; however, the applicant has indicated that several telephone calls were received in support of this proposal.

City Review

7. Due to the small number of lots in this proposal, only one access point is required. Access will be non-gated and will be from Greenway Road on approximately the 74th Avenue alignment.

8. This request has been reviewed and commented on through the City's standard rezoning application review process and has been approved by the Planning Division, Site Development / Engineering, and Fire Safety with conditions as provided in the *Conditions of Approval* portion this report.

Public Notice

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

FINDINGS AND RECOMMENDATION

10. Based on the following findings:
 - The proposed zoning district is in conformance with the goals and objectives set forth in the Peoria General Plan.
 - This rezoning request is consistent with General Plan Residential / Low Density (2-5 du/ac, target of 3 du/ac) land use designation.
 - This rezoning request will result in a residential development that is compatible with the existing adjacent neighborhood(s).

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

Recommend to the City Council approval of Z 12-0010 subject to the following conditions:

1. The development shall be limited to 19 units.
2. All Engineering Improvement plans shall comply with the City of Peoria requirements. Refer to the Infrastructure Guide.
3. A Final Drainage Report must be submitted with the final plat. Note that the City of Peoria has adopted the Maricopa County Uniform Drainage Design Standards, Policies and Procedures and Drainage Design Manual for Maricopa County for drainage criteria. Retention must be provided for the 100-year, 2-hour storm event.
4. The final drainage report shall address recommendations of the Area Drainage Master Plan (ADMP) and any impacts identified thereto.
5. Any additional courses of block added to existing walls (as stated on Pre-plat) will need to be verified by a structural engineer to determine if the existing wall will need modification or possibly re-built.
6. Fiber optic conduit along Greenway Road may be required with this site unless CIP construction is ahead of this project.
7. If utilized, all Drywells must be registered with the Arizona Department of Environmental Quality and drilling logs shall be provided to the City. The

percolation rate shall be tested and the results provided to the City before the drywell is accepted.

8. On-site basins shall be provided to retain/detain 100% of the 100-year, 2-hour storm event for the sub-basin it serves.
9. The Developer is responsible to submit water and sewer analysis, for the entire site, and necessary documentation required for issuance of the Agreement to serve letter to Maricopa County.
10. The Developer is responsible to provide an Agreement to Install Improvement for the public improvements required by the development. The accompanying financial assurance for subdivision improvements shall be in accordance with City's requirements.
11. Streetlights are required to be installed by the Developer. The streetlight plan must be submitted with the second submittal of the improvement plans. The streetlights shall also be indicated on the paving or grading plan.
12. The Developer will be responsible to underground any overhead utilities rated less than 69 kV, which are adjacent to the subdivision.
13. A Phase 1 Environmental Clearance will be required for all right-of-way to be dedicated to the City.
14. The Developer will be responsible to form a Street Light Improvement District (SLID) for this subdivision. A SLID Assessment Diagram will be required as part of the Final Plat submittal. An example of a diagram is available on disc from the City Engineering Department.
15. The Developer will be responsible to form a Maintenance Improvement District (MID) for this subdivision.
16. The preservative seal required for the new streets shall be applied 1-year after completion of the streets. A fee to cover this cost will be required at the time of the paving permit. The City will determine the amount at the time of permit issuance.
17. Pavement sections shall be verified by the project soils report. The Developer will be responsible to replace all pavement adjacent to the development to the monument line unless, they can demonstrate that the existing pavement meets the City of Peoria's minimum requirements.
18. The Developer will be responsible to verify visibility and sight distance triangles for intersections, driveways, and grade separations.
19. The Development will be responsible to comply with the Phase 2 AZPDES Storm Water Pollution Prevention criteria. This should include runoff control, erosion control, and sediment control. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with the improvement plans in accordance with the SWPPP checklist.
20. The Developer shall submit a noise mitigation study to address the anticipated truck traffic on 75th Avenue. All walls shall be designed in accordance with the recommendations of the noise study.
21. The Developer shall dedicate half-street ROW on 75th Avenue (65-foot) along the frontage of the project.

22. The Developer shall dedicate an 8' PUE outside of the required ROW. No walls or retention shall be allowed within the PUE
23. The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at all intersections with collectors or arterials. The Developer shall dedicate a 20-foot by 20-foot ROW chamfer at all local/local roadway intersections.
24. Prior to Final Plat recordation, the applicant shall obtain approval of final grading, drainage, utilities, and paving plans in conjunction with a Final Drainage Report and Final TIA. These final plans and reports shall be in conformance with the approved preliminary plans and report. The Final Plat shall be submitted with the first submittal of the improvement plans. The Final Plat shall be approved prior to permits being issued for the site.
25. All subdivisions shall submit a local street signing plan with the first submittal of the improvement plans.
26. A signing plan for off-site improvements is required for this project and must be submitted with the first submittal of the improvement plans.

Attachments:

Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D1-D2	Proposed Site Plan
Exhibit E	Proposed Landscape Plan

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

Z12-0010 Vicinity Map



Z12-0010 Rezoning

Applicant: Coe & Van Loo / D.R. Horton

Request: Rezoning 5.79 acres from SR-43 to R1-6

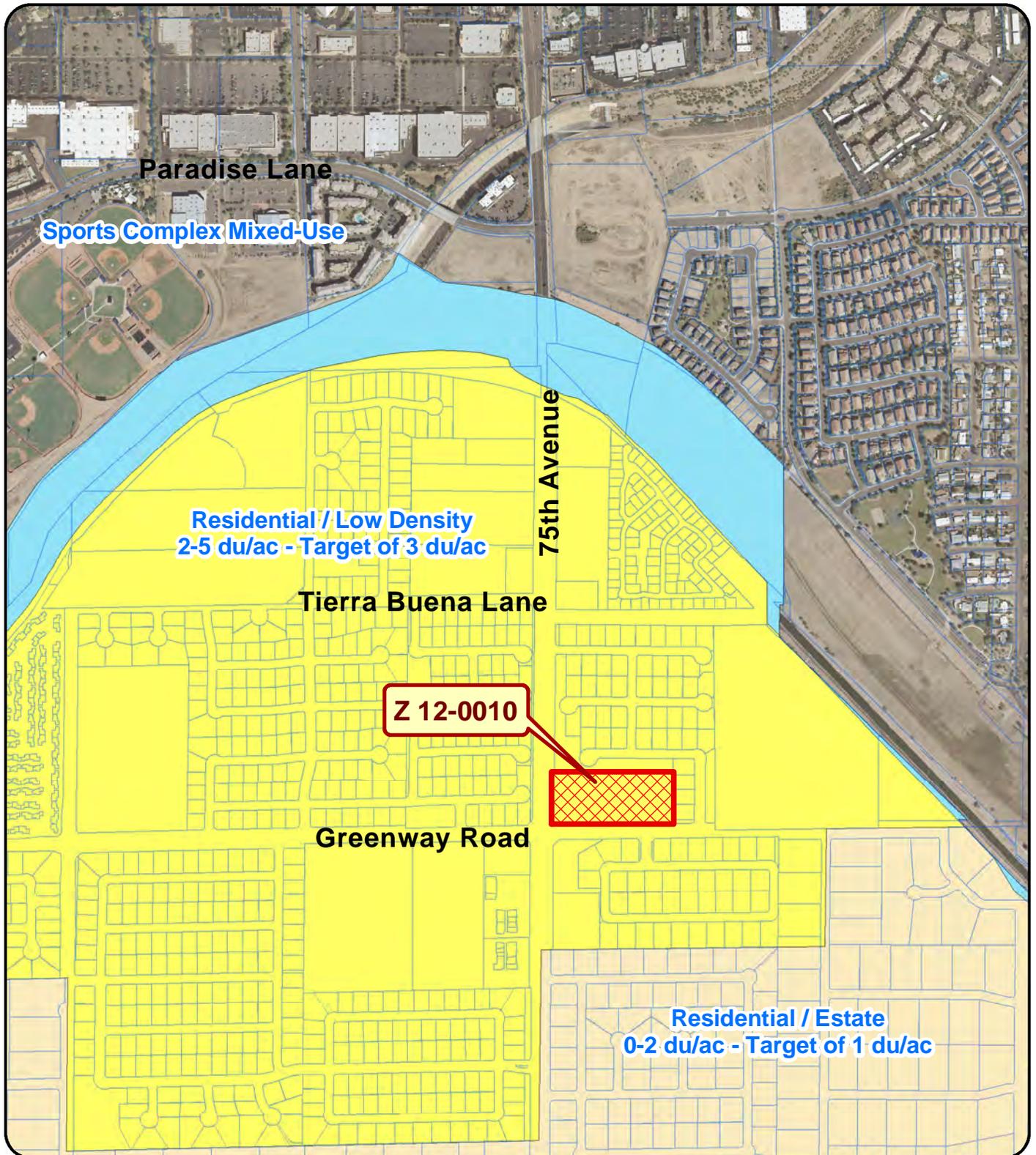
Location: Northeast corner of 75th Avenue & Greenway Road

3



EXHIBIT A

Z12-0010 Land Use Map



Z12-0010 Rezoning

Applicant: Coe & Van Loo / D.R. Horton

Request: Rezoning 5.79 acres from SR-43 to R1-6

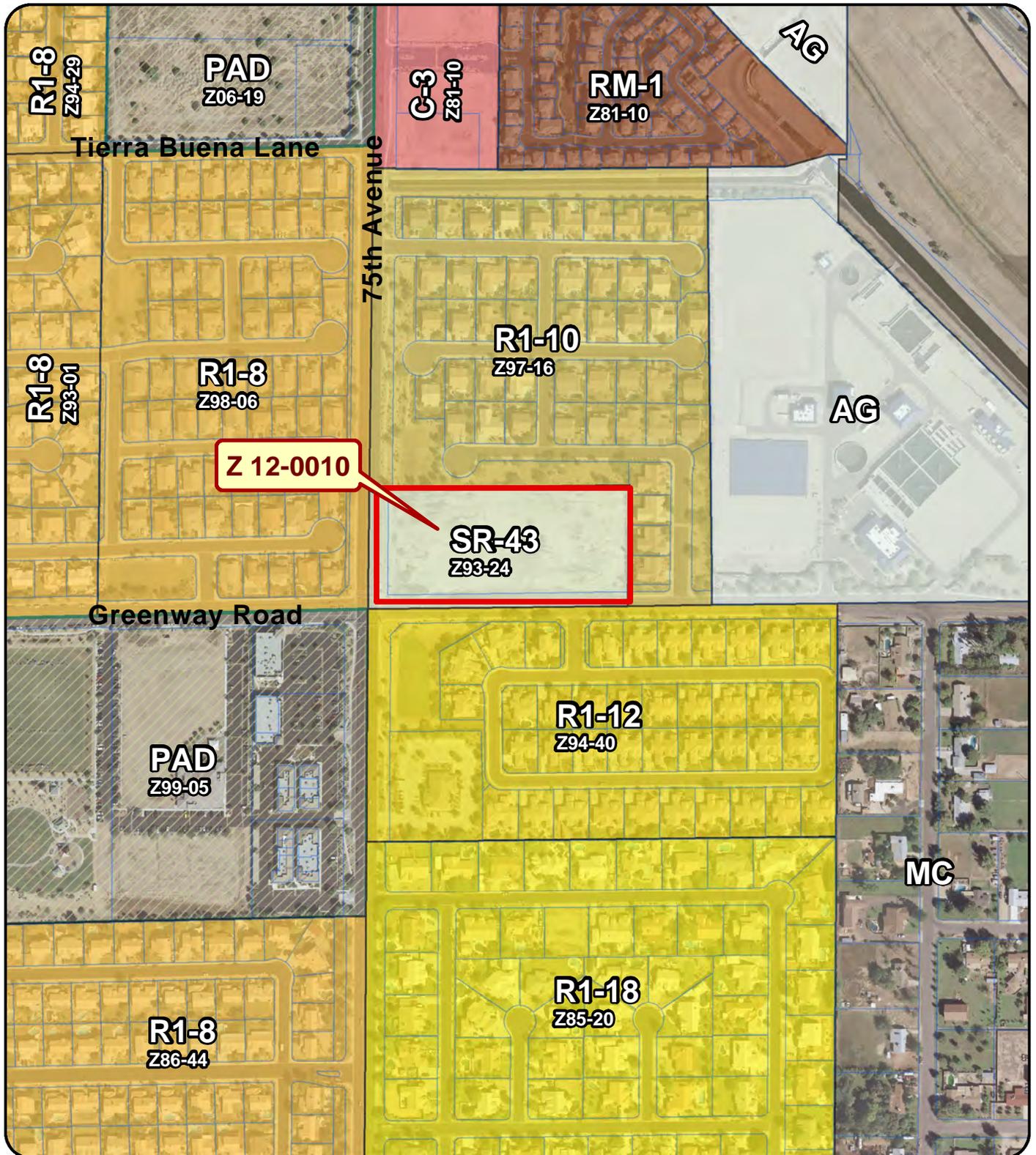
Location: Northeast corner of 75th Avenue & Greenway Road

3



EXHIBIT B

Z12-0010 Zoning Map



Z12-0010 Rezoning

Applicant: Coe & Van Loo / D.R. Horton

Request: Rezoning 5.79 acres from SR-43 to R1-6

Location: Northeast corner of 75th Avenue & Greenway Road

3



EXHIBIT C

NOTES:

- (1) CONSTRUCTION WITHIN UTILITY EASEMENTS SHALL BE LIMITED TO UTILITIES AND WOOD, WIRE OR REMEDIABLE SECTION TYPE FENCING, ASPHALT OR GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTIONS OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION OF CITY UTILITIES.
- (2) ALL EASEMENTS ARE SUBORDINATE TO DRAINAGE EASEMENTS.
- (3) ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.
- (4) AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR EASEMENTS, INCLUDING LANDSCAPED AREAS, LANDSCAPING IN THE RIGHT-OF-WAY ADJACENT TO THE BACK OF REVERSE FRONTAGE LOTS AND DRAINAGE FACILITIES IN ACCORDANCE WITH APPROVED PLANS.
- (5) STRUCTURES AND LANDSCAPING AT THE INTERSECTIONS OF STREET RIGHT-OF-WAY WILL BE MAINTAINED AT 3' MAXIMUM IN HEIGHT WITHIN A TRIANGLE MEASURED 33' ALONG A MAJOR STREET AND 15' ALONG A LOCAL STREET. (6) ANY LIGHTING WILL BE PLACED SO AS TO DIRECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL DISTRICTS AND WILL NOT EXCEED ONE FOOT CANDLE AT THE PROPERTY LINE. NO NOISE, ODOR OR VIBRATION WILL BE EMITTED SO THAT IT EXCEEDS THE GENERAL LEVEL OF NOISE, ODOR OR VIBRATION EMITTED BY USES OUTSIDE OF THE SITE.
- (7) TWO PARKING SPACES WILL BE PROVIDED PER DWELLING UNIT
- (8) DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.
- (9) EACH LOT IN THIS SUBDIVISION IS PERMITTED ONE DWELLING UNIT FOR A TOTAL OF 19 DWELLINGS (WITHIN THE ENTIRE SUBDIVISION)
- (10) ALL SEWER LINES TO BE 8" UNLESS OTHERWISE NOTED.
- (11) ALL WATER LINES TO BE 8".

BENCHMARK:

GDAC - #47088-1
EAST QUARTER CORNER OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 1 EAST, FOUND CHISELED + IN CONCRETE BRIDGE DECK. ELEVATION = 1214.79 CITY OF PEORIA DATUM

BASIS OF BEARINGS:

N00°39'13"E ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 1 EAST, FOUND CHISELED + IN CONCRETE BRIDGE DECK, ACCORDING TO BOOK 651 OF MAPS, PAGE 13, RECORDS OF MARICOPA COUNTY, ARIZONA.

FLOOD ZONE INFORMATION:

THE MARICOPA COUNTY, ARIZONA AND INCORPORATED AREAS FLOOD INSURANCE RATE MAP (FIRM), PANEL NUMBERS 04013C1190H, MAP REVISED SEPTEMBER 30, 2005 (REF 3), INDICATED THE SUBJECT SITE FALLS WITHIN ZONE "X".

ZONE "X" IS DEFINED BY FEMA AS:
AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.*

SITE DATA TABLE	
APN#	200-52-017E
GROSS AREA	5.79 ACRES
NET AREA	4.72 ACRES
CURRENT ZONING	SR-43
PROPOSED ZONING	R1-6
UNITS	19
DENSITY (GROSS)	3.28 DU/AC
PROPOSED OPEN SPACE	.78 AC/16.53%
USEABLE OPEN SPACE	.73 AC/15.47%
MINIMUM LOT WIDTH REQUIRED	50'
MINIMUM LOT DEPTH REQUIRED	100'

TRACT TABLE			
TRACT	ACRES	SQUARE FT	DESCRIPTION
A	0.73	31797	OPEN SPACE/LANDSCAPE TRACT/RETENTION/DRAINAGE
B	0.05	2201	15' LANDSCAPE TRACT
TRACT TOTAL	0.78	33998	

LOT DATA TABLE			
LOT #	AREA SF	LOT WIDTH	LOT DEPTH
1	6352	53'	120'
2	6514	53'	120'
3	6355	53'	120'
4	6355	53'	120'
5	6514	53'	120'
6	6502	53'	120'
7	6726	53'	120'
8	6360	53'	120'
9	6360	53'	143'
10	6360	53'	120'
11	6360	53'	120'
12	6360	53'	120'
13	6360	53'	120'
14	6360	53'	120'
15	7184	53'	120'
16	13844	53'	120'
17	10679	53'	120'
18	6443	53'	120'
19	6344	53'	120'

LOT AREAS			
MINIMUM LOT AREA	MAXIMUM LOT AREA	AVERAGE LOT AREA	LOT SIZE
6344	13844	7070	134331



PRELIMINARY PLAT FOR TIERRA BUENA II

PREPARED FOR:
DR HORTON
20410 N. 19TH AVENUE, SUITE 100
PHOENIX, AZ 85027
PHONE: (480) 480-0008
CONTACT: HOLLY JAMES

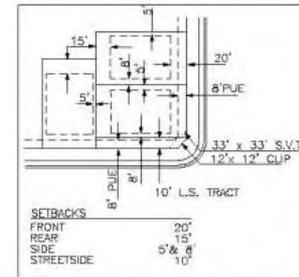
PREPARED BY:
COE & VAN LOO, CONSULTANTS, INC
4550 N. 12TH STREET
PHOENIX, AZ 85014
PHONE: (602) 285-4730
FAX: (602) 285-4731
CONTACT: RYAN WEED, P.E.

PROJECT DESCRIPTION:
THE SITE IS A PROPOSED SINGLE-FAMILY DETACHED RESIDENTIAL DEVELOPMENT UNDER THE R1-6 ZONING DISTRICT.

LEGAL DESCRIPTION:
A PORTION OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 3 NORTH, RANGE 1 EAST, MARICOPA COUNTY, ARIZONA

LEGEND

EXISTING CONTOUR	----	1008
SIGHT VISIBILITY LINE	- - - -	
INDICATES VEHICULAR NON-ACCESS EASEMENT	---	V.N.A.E.
INDICATES PUBLIC UTILITY EASEMENT	---	P.U.E.
EXISTING WATER	—EX—	W
EXISTING SEWER	—EK—	S
PROPOSED WATER	—W—	
PROPOSED SEWER	—S—	
PROPOSED ROW	---	
PROPOSED CENTER LINE (ROW)	---	
PROPOSED VALVE	⊕	
PROPOSED MANHOLE	⊙	
FIRE HYDRANT	⊙	
SURFACE DRAINAGE	→	



TYPICAL LOT DETAIL
(NOT TO SCALE)



EXHIBIT D1

PRELIMINARY PLAT FOR TIERRA BUENA II

PREPARED FOR:

DR HORTON
20410 N. 19TH AVENUE, SUITE 100
PHOENIX, AZ 85027
PHONE: (480) 480-0008
CONTACT: HDLLY JAMES

PREPARED BY:

COE & VAN LOO, CONSULTANTS, INC
4550 N. 12TH STREET
PHOENIX, AZ 85014
PHONE: (602) 285-4730
FAX: (602) 285-4731
CONTACT: RYAN WEED, P.E.

PROJECT DESCRIPTION:

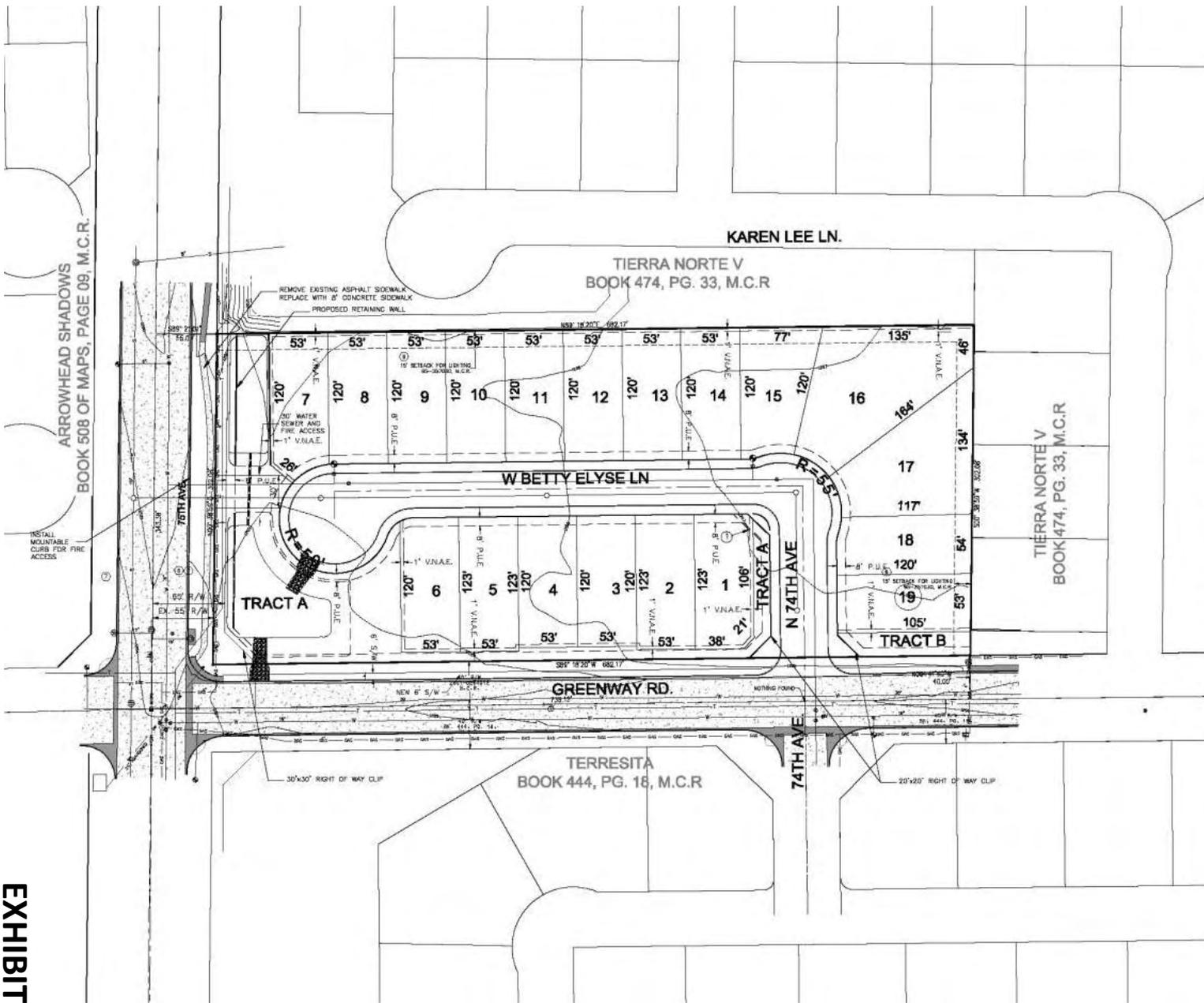
THE SITE IS A PROPOSED SINGLE-FAMILY DETACHED RESIDENTIAL DEVELOPMENT UNDER THE R1-6 ZONING DISTRICT.

LEGAL DESCRIPTION:

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 3 NORTH, RANGE 1 EAST, MARICOPA COUNTY, ARIZONA

LEGEND

EXISTING CONTOUR	—+005—
SIGHT VISIBILITY LINE	---
INDICATES VEHICULAR NON-ACCESS EASEMENT	V.N.A.E.
INDICATES PUBLIC UTILITY EASEMENT	P.U.E.
EXISTING WATER	EX W
EXISTING SEWER	EX S
PROPOSED WATER	W
PROPOSED SEWER	S
PROPOSED ROW	—
PROPOSED CENTER LINE (ROW)	—
PROPOSED VALVE	⊙
PROPOSED MANHOLE	⊖
FIRE HYDRANT	⊕
SURFACE DRAINAGE	→



ARROWHEAD SHADOWS
BOOK 508 OF MAPS, PAGE 09, M.C.R.

EXHIBIT D2

2 OF 2
PLAN
SCALE: 1" = 40'
DATE: 10/17/2012

CVL

27325
PLAN
V.C.D.

PRELIMINARY LANDSCAPE PLAN FOR TIERRA BUENA II

TIERRA NORTE V
ROCK 474 PG 33 M.C.R.

PREPARED FOR:
DR. HORTON
20410 N. 19TH AVENUE, SUITE 100
PHOENIX, AZ 85027
PHONE: (480) 480-0008
CONTACT: HOLLY JAMES

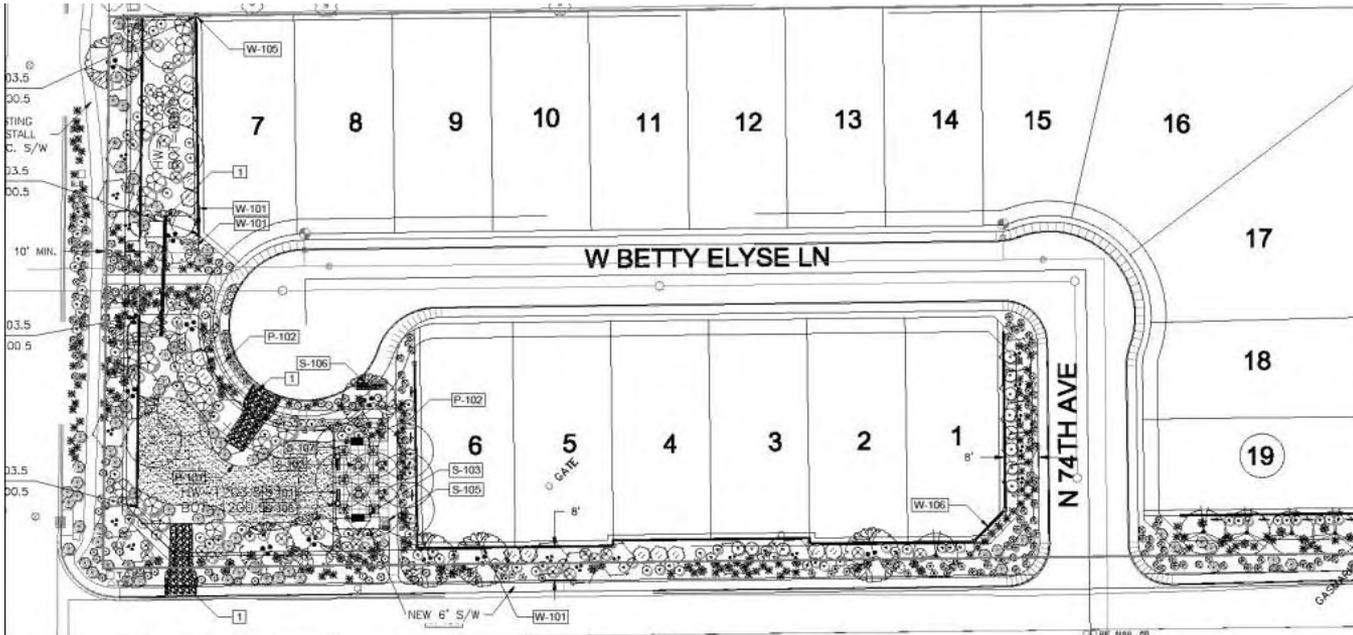
PREPARED BY:
COE & VAN LOO, CONSULTANTS, INC.
4450 N. 12TH STREET
PHOENIX, AZ 85014
PHONE: (602) 285-4730
FAX: (602) 285-4731
CONTACT: RYAN WEED, P.E.

PROJECT DESCRIPTION:
THE SITE IS A PROPOSED SINGLE-FAMILY DETACHED RESIDENTIAL DEVELOPMENT UNDER THE R1-6 ZONING DISTRICT.

LEGAL DESCRIPTION:
A PORTION OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 3 NORTH, RANGE 1 EAST, MARICOPA COUNTY, ARIZONA

LEGEND

EXISTING CONTOUR	1000
SIGHT VISIBILITY LINE	
INDICATES VEHICULAR NON-ACCESS EASEMENT	V.N.A.E.
INDICATES PUBLIC UTILITY EASEMENT	P.U.E.
EXISTING WATER	EX. W
EXISTING SEWER	EX. S
PROPOSED WATER	W
PROPOSED SEWER	S
PROPOSED ROW	
PROPOSED CENTER LINE (ROW)	
PROPOSED VALVE	
PROPOSED MANHOLE	
FIRE HYDRANT	
SURFACE DRAINAGE	



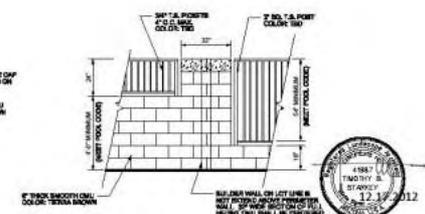
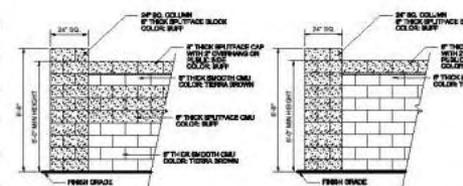
REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION	QTY
[T]	DRAINAGE STRUCTURE. SEE CIVIL PLANS.	
PAVING DESCRIPTION		
[P-100]	CONCRETE HEADER: 6" X 6" WITH 1/2" REBAR.	477 #
[P-102]	CONCRETE SIDEWALK: 4" WIDE, MEDIUM BROOM FINISH.	
SITE FURNISHINGS DESCRIPTION		
[S-101]	6" BENCH, SURFACE MOUNT.	2
[S-102]	6" PICNIC TABLE, SLEEVED IN GROUND MOUNT.	4
[S-103]	SINGLE DECK BBQ GRILL WITH SIDE COUNTER, SLEEVED IN GROUND MOUNT.	2
[S-104]	32" DIAMETER TRASH RECEPTACLE WITH LID, SLEEVED IN GROUND MOUNT.	2
[S-105]	BIKE RACK, IN GROUND MOUNTED LOOPS.	1
[S-106]	PROPOSED LOCATION OF PEDESTAL MOUNTED GROUP MANHOLE. FINAL LOCATION TO BE DETERMINED BY POST OFFICE. COORDINATE LOCATION WITH STREET LIGHTING FOR SAFETY.	2
[S-107]	6" SQUARE TREE WELL.	6
[S-108]	VANDAL RESISTANT LIGHT BOLLARD WITH SHIELDED LIGHT SOURCE. BEGA MODEL 8137 OR SIMILAR.	
WALL DESCRIPTION		
[W-101]	THEME WALL: 6" HIGH MINIMUM, 7" HIGH MAXIMUM (TYPICAL, UNLESS OTHERWISE NOTED). MINIMUM 9 COURSES EXPOSED. REFER TO DETAIL FOR FINISH AND OTHER INFORMATION.	767 #
[W-104]	PARTIAL VIEW FENCE: 6" HIGH MINIMUM, 7" HIGH MAXIMUM (TYPICAL, UNLESS OTHERWISE SPECIFIED).	160 #
[W-105]	THEME COLUMN	16
[W-106]	PARCEL IDENTITY SIGN. SANDBLASTED TILE MOUNTED	

PLANT SCHEDULE

TREES	QTY	COMMON NAME / BOTANICAL NAME	CONT.
[1C]	16	Sweet Acacia / <i>Acacia farnesiana</i> small	10 gal
[5]	5	Rosewood / <i>Dalbergia sesoo</i>	24K
[11]	11	Chiron Mesquite Thimble / <i>Prosopis chilensis</i> 'Thimble Thimble'	24K
[14]	14	Cheese Evergreen Tree / <i>Ulmus parvifolia</i> 'Sempervirens'	10 gal
SHRUBS			
SYMBOL	QTY	COMMON NAME / BOTANICAL NAME	CONT.
[37]	37	Century Plant / <i>Agave gemifera</i>	5 gal
[7]	7	Bougainvillea / <i>Bougainvillea</i> x 'La Jola'	5 gal
[10]	10	Red Bird Of Paradise / <i>Caesalpinia pulcherrima</i>	5 gal
[26]	26	Bush Morning Glory / <i>Convolvulus cheurum</i> 'Snow Angel'	1 gal
[73]	73	Sierra Gold Dalia / <i>Dalea capitata</i> 'Sierra Gold' TM	1 gal
[54]	54	Gizama / <i>Guzmania negera</i> 'Presto Red'	1 gal
[162]	162	Brakelights Red Yucca / <i>Yucca parviflora</i> 'Brakelights' TM	5 gal
[78]	78	New Gold Lantana / <i>Lantana</i> x 'New Gold'	1 gal
[113]	113	Brewster County Barometerbush / <i>Leucophyllum candidum</i> 'Thunder'	5 gal
[11]	11	Chihuahuan Sage / <i>Leucophyllum laevigatum</i>	5 gal

GROUND COVERS	QTY	COMMON NAME / BOTANICAL NAME	CONT.
[5,029]	5,029	Bermuda Grass / <i>Cynodon dactylon</i> 'Makron' Hybrid	5 gal
STOLONS			
[77]		Myoporum / <i>Myoporum parvifolium</i> 'Prostratum'	5 gal
[37]		Dwarf Rosemary / <i>Rosemarinus officinalis</i> 'Prostratum'	1 gal
[15]		Orange Jubilee Yellow Bell / <i>Taxonia</i> x 'Orange Jubilee'	1 gal



CVL
SHEET OF 1-01-0226601
DATE: 12/17/2012

EXHIBIT E



Planning & Community Development Department

MEMORANDUM

DATE: February 13, 2013
TO: Planning & Zoning Commission
FROM: Chris M. Jacques, AICP
Planning & Community Development Director
RE: Discussion Topics
ITEM : REPORTS FROM STAFF

At a prior Planning & Zoning Commission meeting, interest was expressed in staff bringing forward training and/or discussion topics, particularly with new appointments or as a refresher from past discussion. To that end, staff has assembled a list of potential topics. We welcome your feedback on items you would appreciate more information on.

POTENTIAL TOPICS

- ← Robert's Rules of Order
- ← Understanding Conflict of Interest
- ← The Development Process at a glance
- ← Update on Planning Department Work Plan
- ← Update on Open Space Plan (in progress)
- ← Development Trends
- ← Council Goals