

Planning and Zoning Commission Meeting Notice & Agenda



Thursday, April 18, 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 absences of Commission Members Bill Louis and Charles Marr from the March 7, 2013 meeting.

2C **Minutes**

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

Chairman
Nancy Golden

Vice Chairman
Leigh Strickman

Secretary
Leonard Spraker

Member
Greg Loper

Member
Shawn Hutchinson

Member
Bill Louis

Member
Charles Marr

3C **CU12-0017**: Peoria Banquet Hall

Discussion and possible action to recommend approval of a request from Connie Ramirez for a Conditional Use Permit to allow a Banquet/Reception Hall in an existing 4,700 square foot suite at 8520 W. Peoria Avenue, Suite 112.

4C **CU13-0002**: Fry's Fuel Center

Discussion and possible action to recommend approval of a request from KDF Architectural Group for a Conditional Use Permit to allow a new gas station at 7509 W. Cactus Road.

5C **CU13-0003**: RS Pawn

Discussion and possible action to recommend approval of a request from the Law Office of Richard H. Flaaen for a Conditional Use Permit to allow a pawnshop in an existing 1,839 square foot suite at 9069 W. Olive Avenue, Suite 109.

Regular Agenda

New Business

6R **PUBLIC HEARING**: RE: Conditional Use Permit.

PUBLIC HEARING – CU13-0004: Green Desert Patient Center Inc. is requesting a Conditional Use Permit to allow a medical marijuana dispensary in an existing building located at 9275 W. Peoria Avenue, #4.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request from Green Desert Patient Center Inc. for a Conditional Use Permit to allow a medical marijuana dispensary in an existing building located at 9275 W. Peoria Avenue, #4.

7R **PUBLIC HEARING**: RE: PAD Amendment.

PUBLIC HEARING – Z05-20A.2: Garrett Walker Homes is requesting to amend the Planned Area Development for an approximately 17 acre site located north and west of the northwest corner of 67th Avenue and Cactus Road. The amendment would decrease the permitted density, and alter the development standards to change the approved "courtyard cluster" design into a traditional single-family development.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request from Garrett Walker Homes to amend the Planned Area Development for an approximately 17 acre site. The amendment would decrease the permitted density, and alter the development standards to change the approved “courtyard cluster” design into a traditional single-family development.

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, 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
MARCH 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, Rob Gubser – Principal Planner, Melissa Sigmund – Planner, and Bev Parcels – Planning Assistant.

Opening Statement: Read by Chair Nancy Golden.

Call for speaker request forms.

Audience: Two.

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

CONSENT AGENDA

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

- 1C **DISPOSITION OF ABSENCE:** Discussion and possible action to approve/excuse the absence of Commission Member Bill Louis from the February 21, 2013 meeting.
- 2C **MINUTES:** Discussion and possible action to approve the minutes of the Planning and Zoning Commission meeting held on February 21, 2013.
- 3C **CU13-0001:** Discussion and possible action to recommend approval of a request from Goodwill Industries to allow the development of a new Goodwill donation collection facility to replace the existing building at 8515 W. Grand Avenue.

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

REGULAR AGENDA

NEW BUSINESS:

- 4R **PUBLIC HEARING – GPA12-0007:** Bowman Consulting requested a General Plan Amendment to modify the current land use designation for approximately 4.9 acres from

Residential Estate (0-2 du/ac, target of 1 du/ac) to Residential Low Density (2-5 du/ac, target of 3 du/ac) to facilitate the expansion of the Sunset Ranch II residential development. The subject property is located north of the northwest corner of Lake Pleasant Parkway and Williams Road.

STAFF REPORT: Presented by Melissa Sigmund, Planner.

COMMISSION COMMENT: Whether there had been any opposition from neighboring residents.

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Loper moved to recommend approval of a request from Bowman Consulting for a General Plan Amendment to modify the current land use designation for approximately 4.9 acres from Residential Estate (0-2 du/ac, target of 1 du/ac) to Residential Low Density (2-5 du/ac, target of 3 du/ac) to facilitate the expansion of the Sunset Ranch II residential development. The motion was seconded by Commissioner Strickman and upon vote, carried 5-0.

5R **PUBLIC HEARING – Z05-25A.4:** Bowman Consulting requested a Planned Area Development amendment for Sunset Ranch II to incorporate approximately 4.9 acres of additional area that will allow for future residential lots. The subject property is located north of the northwest corner of Lake Pleasant Parkway and Williams Road.

STAFF REPORT: Presented by Melissa Sigmund, Planner.

COMMISSION COMMENT: None

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Loper moved to recommend approval of a request from Bowman Consulting for a Planned Area Development amendment for Sunset Ranch II to incorporate approximately 4.9 acres of additional area that will allow for future residential lots. The motion was seconded by Commissioner Hutchinson and upon vote, carried 5-0.

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

REPORT FROM STAFF: None

REPORTS FROM THE PLANNING AND ZONING COMMISSION: None

ADJOURNMENT: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 6:47 p.m.

Nancy Golden, Chair

Date Signed



CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 12-0017

DATE: April 18, 2013

AGENDA ITEM: 3C

Applicant: Connie Ramirez

Request: Obtain a Conditional Use Permit to allow a Reception Center in the C-3 Zoning District

Proposed Use: Peoria Banquet Hall

Location: 8520 W. Peoria Ave, Ste. 112

Site Area: Approximately 4,700 square foot leased space in an existing commercial center.

Support / Opposition: One letter of opposition was received from a neighboring property owner and later rescinded.

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	Suite in a commercial center	Mixed Use-Community Commercial	C-3, Central Commercial
North	U.S. Post Office	Mixed Use –Community Commercial	C-3 Central Commercial
South	Restaurant, then Peoria Avenue	Mixed Use –Community Commercial	C-3 Central Commercial
East	Parking lot/retail, then 85 th Avenue	Mixed Use –Community Commercial	C-3 Central Commercial
West	Multi-Family Residential	Residential/Medium	RM-1, Multi-Family Residential

PROJECT DESCRIPTION

Request and Development Details

1. The applicant is proposing to operate a banquet hall/reception center in a 4,700 square foot in a suite within an existing multi-tenant commercial building with a total of approximately 16,333 square feet of floor area. The property is located at the northwest corner of 85th Avenue and Peoria Avenue. Other businesses within the building include check cashing, tax services, a salon, and a convenience/liquor store.
2. The proposed hours of operation for the reception center are 9:00 am to midnight, Monday-Sunday depending on the events scheduled.
3. All activities related to the reception center will be restricted to inside of the proposed business suite.

Background

4. The existing multi-tenant commercial building was originally approved under Site Plan case PZ87-09.

DISCUSSION AND ANALYSIS

Applicability

5. The site in question is zoned C-3, Central Commercial. According to Article 14-42 of the Zoning Ordinance, in the C-3 Zoning District the use of a Wedding and Reception 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.

Compatibility With Surrounding Land Uses

7. In addition to the typical requirements for Conditional Use Permits, Wedding and Reception Centers are subject to the following additional requirements (staff comments follow in **bold**):
 - *The maximum building height shall be thirty (30) feet or two (2) stories, whichever is greater.*
The reception center will be located in an existing one-story building that does not exceed 30 feet in height.

- *Outdoor activities between the hours of 10:00 pm and 7:00 am shall require a temporary use permit.*

No outdoor activities will be permitted for the proposed reception center.

8. If any issues arise regarding the operation of the business, Section 14-39-12.1 of the Zoning Ordinance 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.

Parking Analysis

9. The commercial center has a total of 86 existing parking spaces, as indicated on the approved site plan. Based on the parking requirements of Article 14-23 of the Zoning Ordinance, a minimum of 52 spaces are required to accommodate parking for both the existing and proposed uses. Given the staggered hours of operation of the proposed reception center and the other businesses in the commercial center, there will be parking available to accommodate the peak hours of operation for the reception hall.

Neighborhood Mitigation

10. The proposed use is not expected to impact the adjacent residential properties through light, noise, odor, smoke, heat, or glare. The reception hall use will be limited to activities occurring inside of the proposed commercial suite. There is no outdoor component of this use, thereby limiting the potential for the transmission of sound, light, and glare onto adjacent properties. The closest residential buildings are located approximately 80 feet west of the rear of the building in which the proposed reception hall would be located. There is no customer access or parking on this side of the building, minimizing the possibility of disturbances such as noise or light. Reception hall guests would park and enter the building on the east side of the building. The parking lot fronts onto Peoria Avenue, an arterial road where noise from patrons entering or exiting the facility is unlikely to create negative impacts.

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. One letter of opposition was received from a neighboring property owner (Exhibit E). The owner of a neighboring commercial center voiced opposition to the proposed use due to concerns that patrons of the banquet hall would park in their lot. The applicant and the opposing party met and developed a Parking Violation Agreement (Exhibit D) that both parties have executed. As a result of the completed Parking Violation Agreement, the opposing party has rescinded their opposition (Exhibit F).

Citizen Participation Plan - Neighborhood Meeting

12. Section 14-39-8.E of the Peoria Zoning Ordinance requires the applicant of a Conditional Use Permit request to hold a neighborhood meeting if written objection is received within the first 21 days of application. Accordingly, the applicant held a neighborhood meeting on February 10th. No members of the public attended. As discussed above, the original opposition to the case was resolved directly with the affected party.

Proposition 207 Waiver

13. 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

14. Based on the following findings:
 - The request is consistent with the applicable codes, standards, and guidelines; and
 - The request is compatible with the surrounding uses; and
 - The use, in conjunction with the conditions of approval, will operate in a manner that protects the neighborhood from nuisances and other disturbances.

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

Approve the applicant's request for a Conditional Use Permit under Case CU12-0017, subject to the following conditions:

1. The use shall substantially conform to the Conceptual Floor Plan (Exhibit A) contained in the staff report to the Planning & Zoning Commission dated April 18, 2013.
2. All activities related to the reception center use shall take place indoors, inside of the proposed suite.
3. Reception center events shall be limited to between the hours of 10:00am-12:00am.

ATTACHMENTS

Exhibit A	Conceptual Floor Plan
Exhibit B	Vicinity Map
Exhibit C	Zoning Map
Exhibit D	Parking Violation Agreement
Exhibit E	Letter of Opposition
Exhibit F	Letter Rescinding Opposition

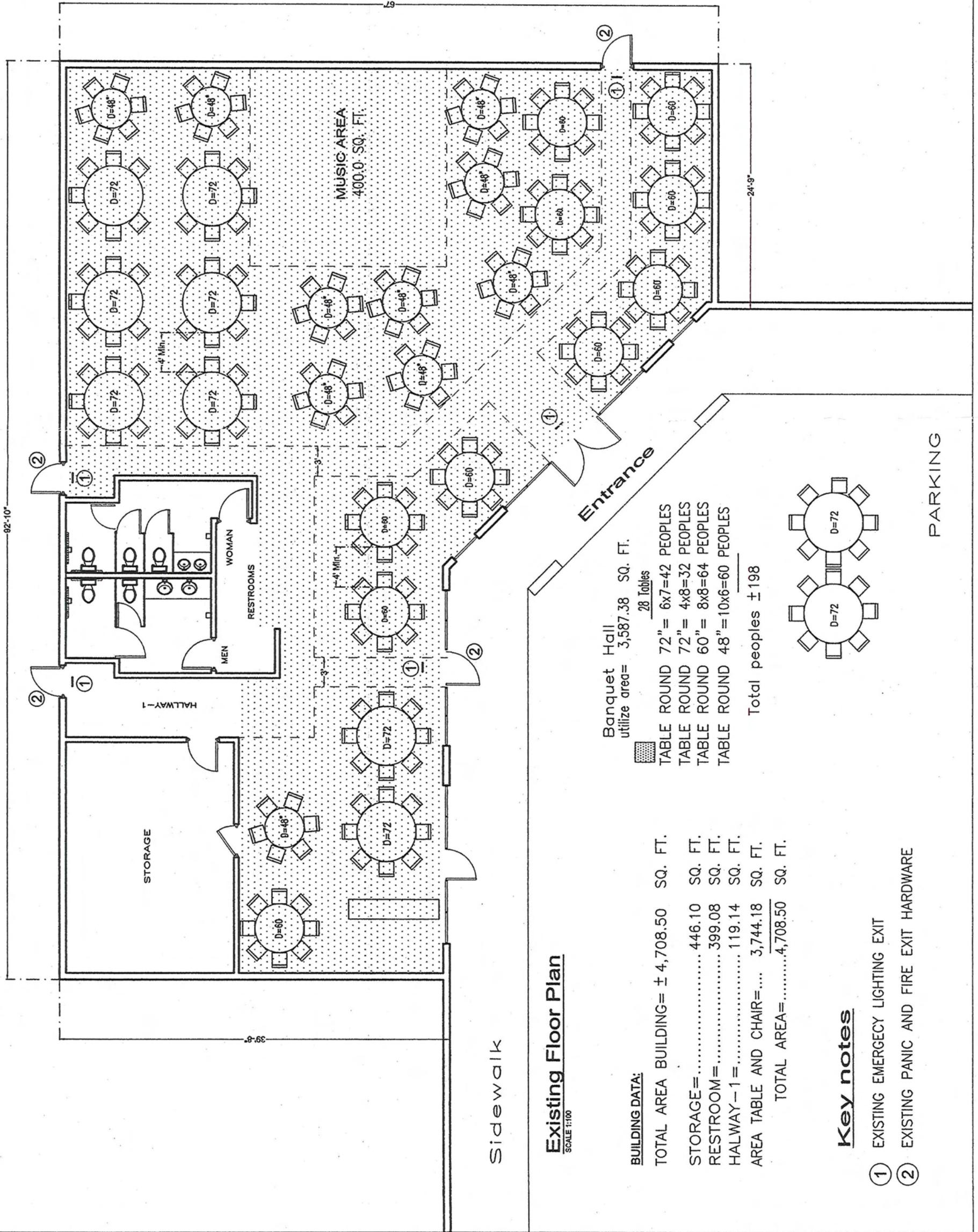
Prepared by: Melissa Sigmund, AICP, LEED Green Associate
Planner

Ubaldoo Gutierrez Architect
 Residential DESIGN PLANS ADDITIONS
 Phone: (602) 272-1869
 (602) 743-2387
 REVISIONS:

Occupancy Capacity
 Peoria Banquet Hall

Abundis West LLC.
 8520 W Peoria Ave. 101
 Peoria, AZ. 85345

PROJECT: DATE: 7-07-12
 SCALE: 1:100
 Contractor: Martin
 Phone: 480-217-4684
 SHEET NUMBER
 1/1



Existing Floor Plan
 SCALE 1:100

BUILDING DATA:

TOTAL AREA BUILDING=	± 4,708.50	SQ. FT.
STORAGE=	446.10	SQ. FT.
RESTROOM=	399.08	SQ. FT.
HALWAY-1 =	119.14	SQ. FT.
AREA TABLE AND CHAIR=	3,744.18	SQ. FT.
TOTAL AREA=	4,708.50	SQ. FT.

Banquet Hall
 utilize area= 3,587.38 SQ. FT.

28 Tables

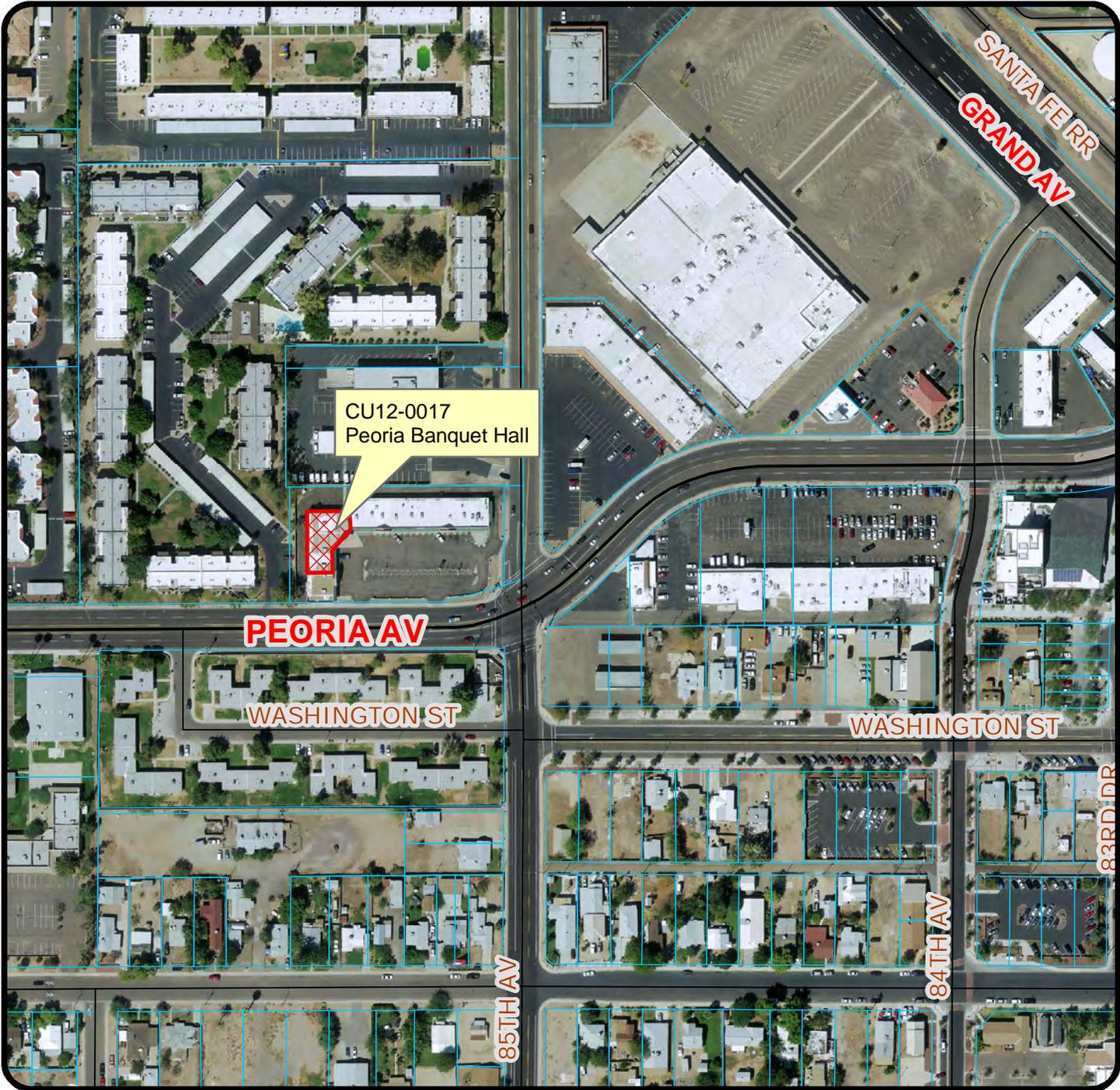
TABLE ROUND 72"	= 6x7=42	PEOPLES
TABLE ROUND 72"	= 4x8=32	PEOPLES
TABLE ROUND 60"	= 8x8=64	PEOPLES
TABLE ROUND 48"	= 10x6=60	PEOPLES

Total peoples ±198

Key notes

- ① EXISTING EMERGENCY LIGHTING EXIT
- ② EXISTING PANIC AND FIRE EXIT HARDWARE

Vicinity/Location Map



CU12-0017 Peoria Banquet Hall

Exhibit B

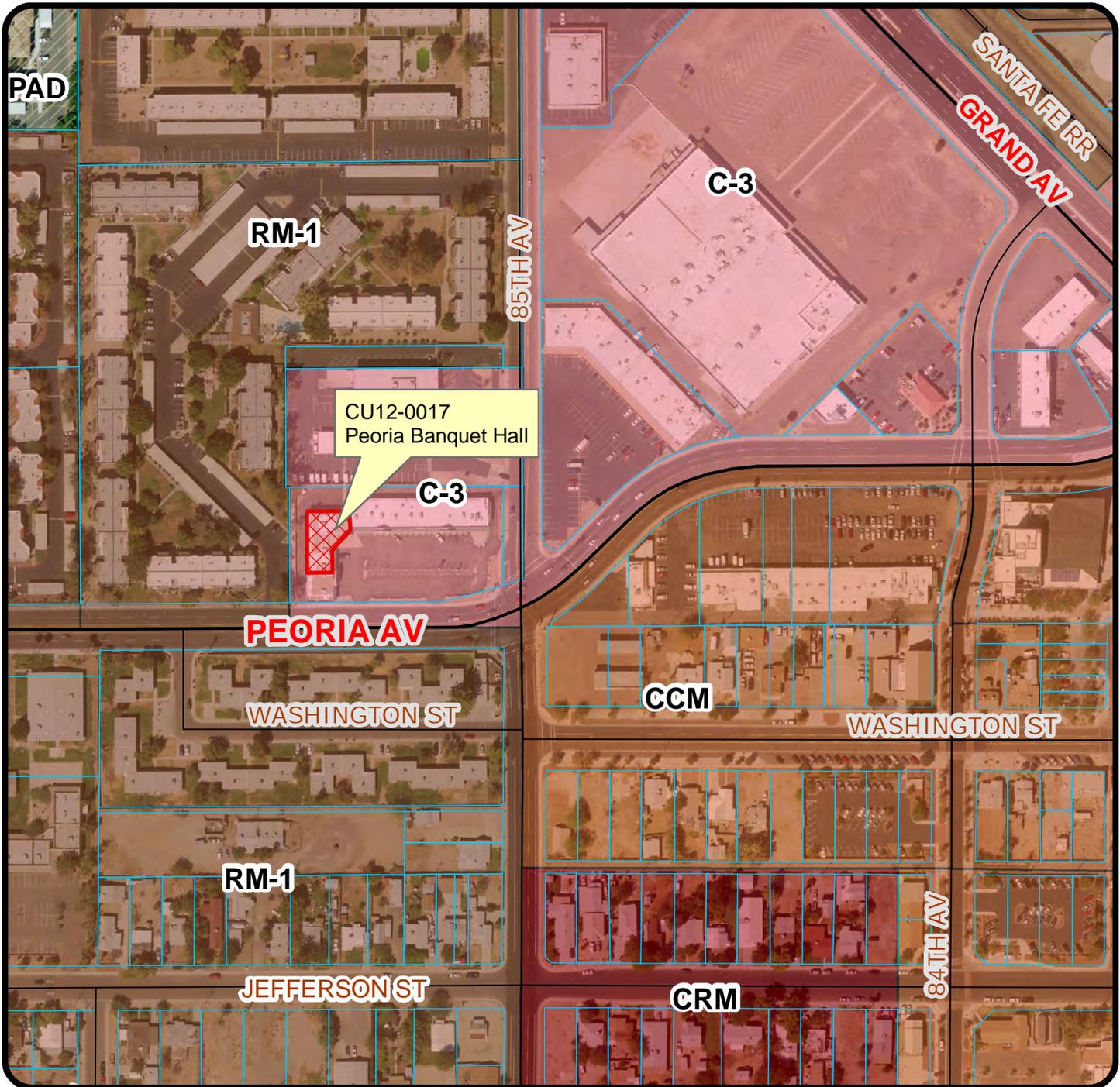
Applicant: Connie Ramirez

Request: Obtain a Conditional Use Permit to allow a reception center in an ~4,700 s.f. suite within an existing building at the northwest corner of 85th Avenue and Peoria Avenue



Not to Scale

Zoning Map



CU12-0017 Peoria Banquet Hall

Exhibit C

Applicant: Connie Ramirez

Request: Obtain a Conditional Use Permit to allow a reception center in an ~4,700 s.f. suite within an existing building at the northwest corner of 85th Avenue and Peoria Avenue



Not to Scale

PARKING VIOLATION AGREEMENT

THIS AGREEMENT LETTER (this "Agreement") is made and entered into as of the 3rd day of March, 2013, by and among ABUDIS WEST, LLC ("Mike's Market Plaza"), as property owner of 8520 W. Peoria Avenue, Peoria, AZ 85345, and CONNIE RAMIREZ, dba, PEORIA BANQUET HALL ("Ramirez"), as Tenant of ABUDIS WEST, LLC, and WAGONER PLAZA, LLC, an Arizona Limited Liability Company dba, WAGONER PLAZA SHOPPING CENTER I & II, (hereinafter referred to as "Wagoner Plaza") located at 8401-8455 W. Peoria Avenue and 8466 W. Peoria Avenue, Peoria, AZ 85345.,

RECITALS

WHEREAS, Wagoner Plaza owns the property known as Wagoner Plaza I & II; and

WHEREAS, Wagoner Plaza has previously experienced problems with Tenants, Customers, Clients, Delivery personnel and other Invitee's of Mike's Market Plaza trespassing onto Wagoner Plaza's property and parking vehicles thereupon; and

WHEREAS, such trespassing and parking of vehicles are damaging to Wagoner Plaza and their Tenants; and

WHEREAS, Mike's Market Plaza and Ramirez are desirous that the Banquet Hall Tenant receive a Use Permit from the City of Peoria; and

WHEREAS, Wagoner Plaza is willing to "Not Oppose" such Permit under the following terms and conditions; and

WHEREAS, Mike's Market Plaza and Ramirez hereby jointly and severally (if more than one) unconditionally guarantees to Wagoner Plaza, its successors and assigns, the full performance of each and all of the terms, covenants and conditions of the Agreement to be kept and performed, including the payment of all charges to accrue thereunder.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agree as follows:

1. Parking Violation. In any such instance where any Tenant, Customer, Client, Delivery Personnel, or any other Invitee of Mike's Market Plaza shall park a vehicle on Wagoner Plaza property, Mike's Market Plaza / Ramirez, hereby jointly and severally, shall immediately pay to Wagoner Plaza a penalty of \$50.00 per vehicle. Any vehicle which violates the Parking Agreement shall also be subject to immediate removal, at vehicle Owner's sole cost, expense and liability. Should Wagoner Plaza sustain any costs, charges or any other damages of any kind due to a parking violation then Mike's Market Plaza / Ramirez, hereby jointly and severally, shall immediately reimburse Wagoner Plaza for damages upon receipt of invoice from Wagoner Plaza. In the event where the number of Parking Violations exceeds 10 vehicles in any 12 month

period then the new fine per vehicle shall be \$100.00 from that point forward. In the event the number of Parking Violations exceeds 20 in any 12 month period then the Banquet Hall Permit shall be revoked and Wagoner Plaza shall be allowed to oppose any such Permit Application.

2. Indemnification Of Wagoner Plaza. Mike's Market Plaza and Ramirez, hereby jointly and severally, will indemnify Wagoner Plaza, its agents, employees and Tenants and save Wagoner Plaza, its agents, employees and Tenants harmless from and against any and all claims, actions, damages, costs, liabilities, losses, penalties, demands and expenses, including, without limitation, reasonable attorneys' fees and expenses, associated with any parking violation and in connection with loss of life, personal injury and/or damage to property arising from or out of any occurrence in, upon or at the Property of Wagoner Plaza. In case Wagoner Plaza, or its agents, employees or Tenants, shall, without fault on its part, be made a party to any litigation commenced by or against Mike's Market Plaza / Ramirez, then Mike's Market Plaza / Ramirez hereby jointly and severally, shall protect and hold Wagoner Plaza or its agents, employees or Tenants, harmless and shall pay all costs, expenses and reasonable attorney's fees incurred or paid by Wagoner Plaza or its agents, employees or Tenants, in connection, with such litigation. Mike's Market Plaza / Ramirez hereby jointly and severally, shall also pay all costs, expenses and reasonable attorneys' fees that may be incurred or paid by Wagoner Plaza or its agents, employees or Tenants, in enforcing the covenants and agreements in this Parking Violation Agreement.

3. Public Notification of Penalties. Mike's Market Plaza / Ramirez shall use all reasonable efforts to advertise that any parking upon Wagoner Plaza property is expressly prohibited and Owners will be held responsible for all fines, vehicle removal and all other costs and damages. Advertisement shall include, without limitation, designated approved parking areas for Mike's Market Plaza Customers, Clients and other Invitees, Postings upon Mike's Market Plaza and Peoria Banquet Hall notices of non-approved parking areas, including potential fines and damages; also to include notices contained within all Banquet Hall contracts.

4. Payment. All monies owed by Mike's Market Plaza / Ramirez shall be due and payable immediately upon presentment of invoice from Wagoner Plaza. Any monies not paid within 7 calendar days shall be a violation of this agreement and the Banquet Hall Permit shall be subject to immediate revocation.

5. Counterparts. This Agreement may be executed in counterparts and by facsimile transmission, all of which together shall constitute one and the same instrument.

[SIGNATURE PAGE TO FOLLOW]

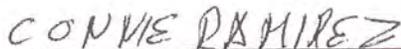
IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year first above written.

**ABUDIS WEST, LLC dba, MIKE'S MARKET
PLAZA:**



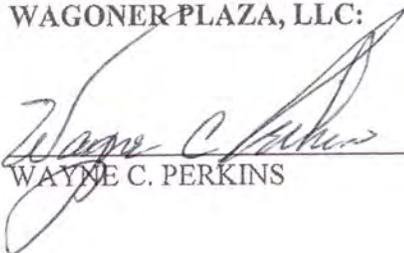
SOMMER AREKAT - MEMBER

**CONNIE RAMIREZ dba, PEORIA BANQUET
HALL:**



CONNIE RAMIREZ

WAGONER PLAZA, LLC:



WAYNE C. PERKINS

Hi Melissa,

Per our telephone conversation yesterday we are very concerned about this type of use on this property. As I have told you this property has previously had a banquet hall type tenant, which created some serious problems for our property at 8466 W. Peoria. At some of the events of their previous tenant there was not sufficient parking upon their own property and their guests would park in our parking lot. There were times when their were in excess of 20 vehicles from their events parked on our property, which damaged our tenant's businesses as we then did not have adequate parking and access for our customers. We are opposed to this use unless there can be some type of legal agreement, which among other things would include immediate damages awarded for any violation of parking upon our property. Thank you,

Gus Squire
Wagoner Plaza, LLC

Hi Melissa,

Wagoner Plaza no longer opposes the Banquet Hall based on the completion of a Parking Violation Agreement which has been fully executed by the Banquet Hall, their Landlord and Wagoner Plaza. Wagoner Plaza's "non-opposition" is conditional upon the full compliance of the Parties to the "Agreement".

Thanks for your assistance.

Gus Squire
Wagoner Plaza, LLC



CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 13-0002

DATE: April 18, 2013

AGENDA ITEM: 4C

Applicant: KDF Architectural Group

Request: Conditional Use Permit to allow a new gas station

Proposed Development: A new gas station and kiosk

Location: 7509 W. Cactus Road (southwest corner of 75th Avenue & Cactus Road)

Site Area: Approximately 1.55 gross acres (.92 net acres)

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

Recommendation: **Approval**, subject to conditions

AREA CONTEXT

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

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant	Residential / Low Density	Intermediate Commercial (C-2)
North	Cactus Road, then Commercial Center	Residential / Low Density (2-5 du/ac)	Intermediate Commercial (C-2)
South	Commercial Center	Mixed-Use / Community Commercial	Intermediate Commercial (C-2)
East	75 th Avenue, then Commercial Center	Residential / Low Density (2-5 du/ac)	Intermediate Commercial (C-2)
West	Commercial Center	Mixed-Use / Community Commercial	Intermediate Commercial (C-2)

PROJECT DESCRIPTION

Request and Development Details

1. The applicant's client, Fry's Food & Drug Stores, recently acquired the subject property with the intention to raze the existing gas canopy and convenience store and develop the site with a new gas station and kiosk. This particular request is unique to Peoria because the nearest Fry's grocery store is across the street on the southeast corner of 75th Avenue and Cactus Road.
2. The applicant is proposing to locate a 4,840 square foot gas canopy for 7 fuel pumps on approximately 1.55 gross acres of property located at the southwest corner of 75th Avenue & Cactus Road.
3. In lieu of a traditional convenience store, the new facility will have a 240 square foot kiosk in which an employee will be present between 6:00 a.m. and 11:00 p.m. The hours of operation will be 24 hours per day, 7 days per week.
4. The subject property is currently zoned C-2 Intermediate Commercial which allows gas stations as permitted conditional uses subject to separation requirements from nearby residential zoning districts.

DISCUSSION AND ANALYSIS

Applicability

5. Gas stations are permitted conditional uses within the C-2 Intermediate Commercial zoning district, which requires applicants to obtain a Conditional Use Permit (CUP) prior to issuance of site plan approval or application for building permits.
6. Section 14-39-10.D of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a CUP is to mitigate any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.
7. Additionally, Section 14-9-5 identifies additional gas station use standards which are designed to mitigate any use-specific impacts. For gas stations, the Zoning Ordinance requires enhanced building setbacks, separation of all buildings / canopies, and equipment of 200 feet from residentially zoned property, and 500 feet of separation from other gas stations on the same side of the street except when an intervening arterial road exists.

Analysis

8. The proposed gas station is located on the hard southwest corner of 75th Avenue & Cactus Road on approximately 1.55 gross acres. Access to the site will be from both frontages using the existing driveways.
9. The site has been designed to comply with the Zoning Ordinance and any applicable variance(s). Staff has identified this intersection as part of a future capital improvement project which will entail the acquisition of additional right-of-way to widen the intersection for enhanced traffic movement. While the improvement project design has not begun, the right-of-way width is known and has been communicated to the applicant. The applicant will be dedicating the additional right-of-way, but has requested a variance to allow a reduced street frontage landscape buffer along Cactus Road. The reduction will be from 15' to 8'-6". Staff is supportive of this request which is scheduled for the April 9, 2013 Board of Adjustment hearing.
10. As part of the site plan and design review (case SP13-0003) application, the applicant is proposing a freestanding gas canopy and kiosk, which meet or exceed the City Design Review guidelines including the requirement to extend the canopy fascia twelve inches below the bottom of the canopy to further screen the flush-mounted canopy lights.
11. Gas stations are subject to additional regulation beyond the typical development standards. These regulations are provided in Section 14-9-5.A.5 of the Zoning Ordinance and are shown below for reference. Though the site plan is currently under review, the plan is in compliance with this Section of the Zoning Ordinance.
 - *Minimum frontage of one hundred-eighty (180) feet on one arterial street is required.*
 - *No part of any building, canopy, fuel dispenser, or accessory equipment shall be within 200 feet of any residentially zoned property.*
 - *A minimum of 500 feet of separation is required between gas service stations located on the same side of the street. Gas Service Stations separated by arterial streets are not subject to this requirement.*
 - *The minimum side and rear building setback including canopies, from a property line abutting a residential zoning district: thirty (30) feet.*
 - *The minimum side and rear building setbacks including canopies, from a property line abutting a non-residential zoning district: ten (10) feet.*
 - *The minimum street setback for buildings, fuel dispensers, accessory equipment, and canopies: twenty-five (25) feet.*

- *All fuel pump mechanism and any accessory equipment dispensing fuel shall be covered by canopies.*
- *Under canopy mounted lights shall be flush with the underside of the canopy.*
- *Fuel tanks larger than 1,000 gallons must be located underground. Above ground tanks shall be screened from street view, shall not exceed 6-feet in height, and shall be setback at least 25-feet from any public street.*

12. In staff's judgment, the proposed use is appropriate and compatible with surrounding land uses and the context of the area in question.

Noticing and Neighborhood Comment

13. The application notice was forwarded to all property owners within 600 feet of the proposal and properly noticed pursuant to Section 14-39-10 of the Peoria Zoning Ordinance.

14. No comments in opposition or support of this application have been received from the public.

Proposition 207

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

FINDINGS AND RECOMMENDATION

16. Based on the following findings:

- Operation of the site with a gas station is compatible with adjacent uses; and
- The project meets the gas service station criteria under Article 14-9-5 and/or all applicable variances; and
- The project has demonstrated mitigation of light, noise, and odor impacts which meets the Conditional Use Permit criteria under Article 14-39-10.D; and
- The use, in conjunction with the conditions will operate in a manner that mitigates nuisances and other disturbances from impacting adjacent uses and properties.

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 CU13-0002, subject to the following conditions:

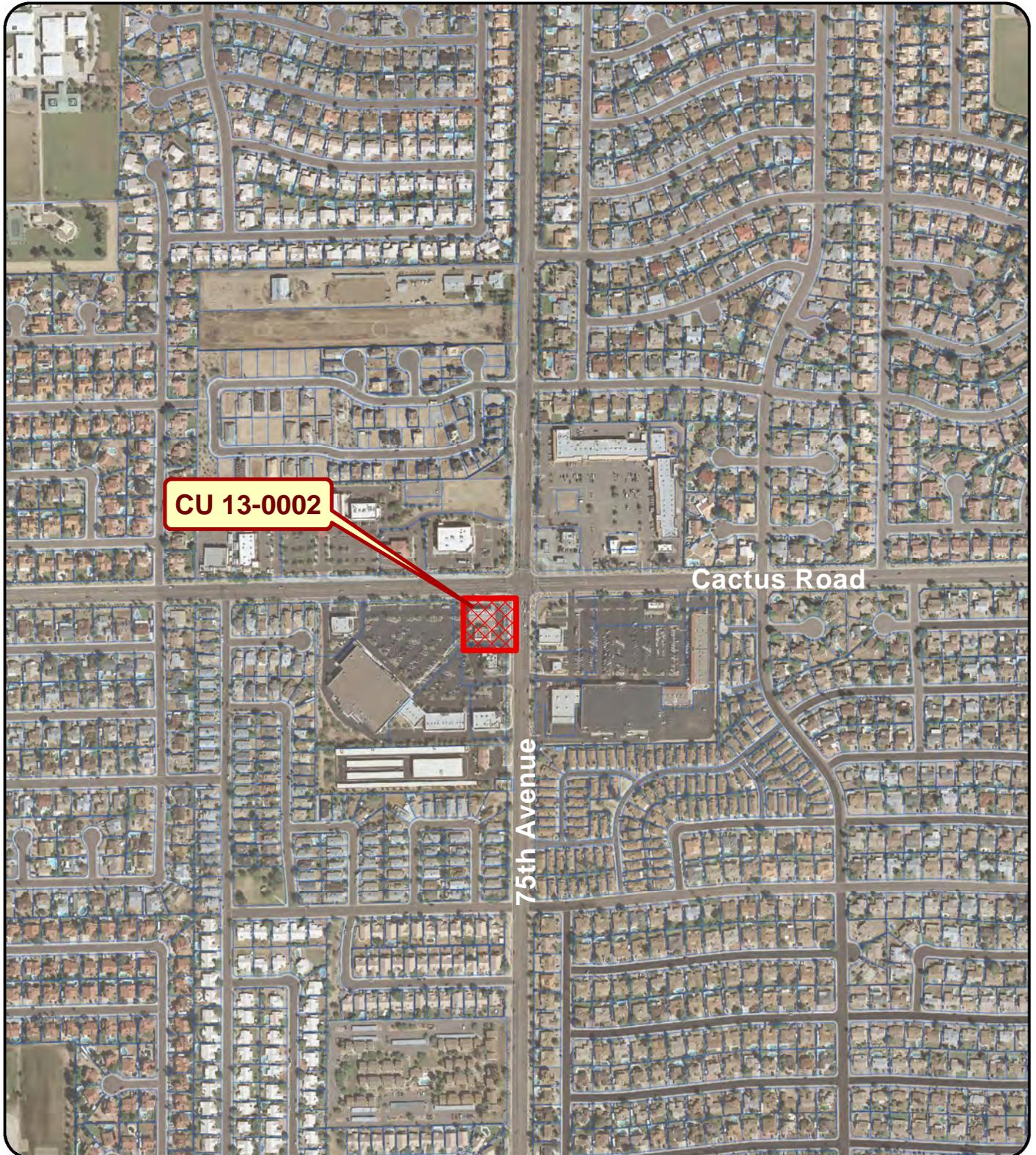
1. The use shall substantially conform to the project narrative (Exhibits D1-D3) as contained in the staff report to the Planning & Zoning Commission dated April 18, 2013, except where modified herein.
2. The use shall be developed in substantial conformance to the site / landscape plan and elevations (Exhibits E1-E3).
3. In accordance with Article 14-39-10.B.5 of the City of Peoria Zoning Ordinance (1977 Edition), a building permit must be obtained within 18 months of the date of Conditional Use Permit approval.
4. The area within the underground storage tank and the dispensers will need to be separated / isolated for treatment if a spill should occur.

ATTACHMENTS

Exhibit A	Vicinity Map
Exhibit B	Zoning Map
Exhibit C	Aerial Photo
Exhibit D1-D3	Project Narrative
Exhibit E1-E3	Site / Landscape Plan & Elevations

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

CU 13-0002 Vicinity Map



CU 13-0002 CUP - Fry's Gas Station

Applicant: KDF Architectural Group, LLC for Fry's Food & Drug Stores

Request: Conditional Use Permit, gas station

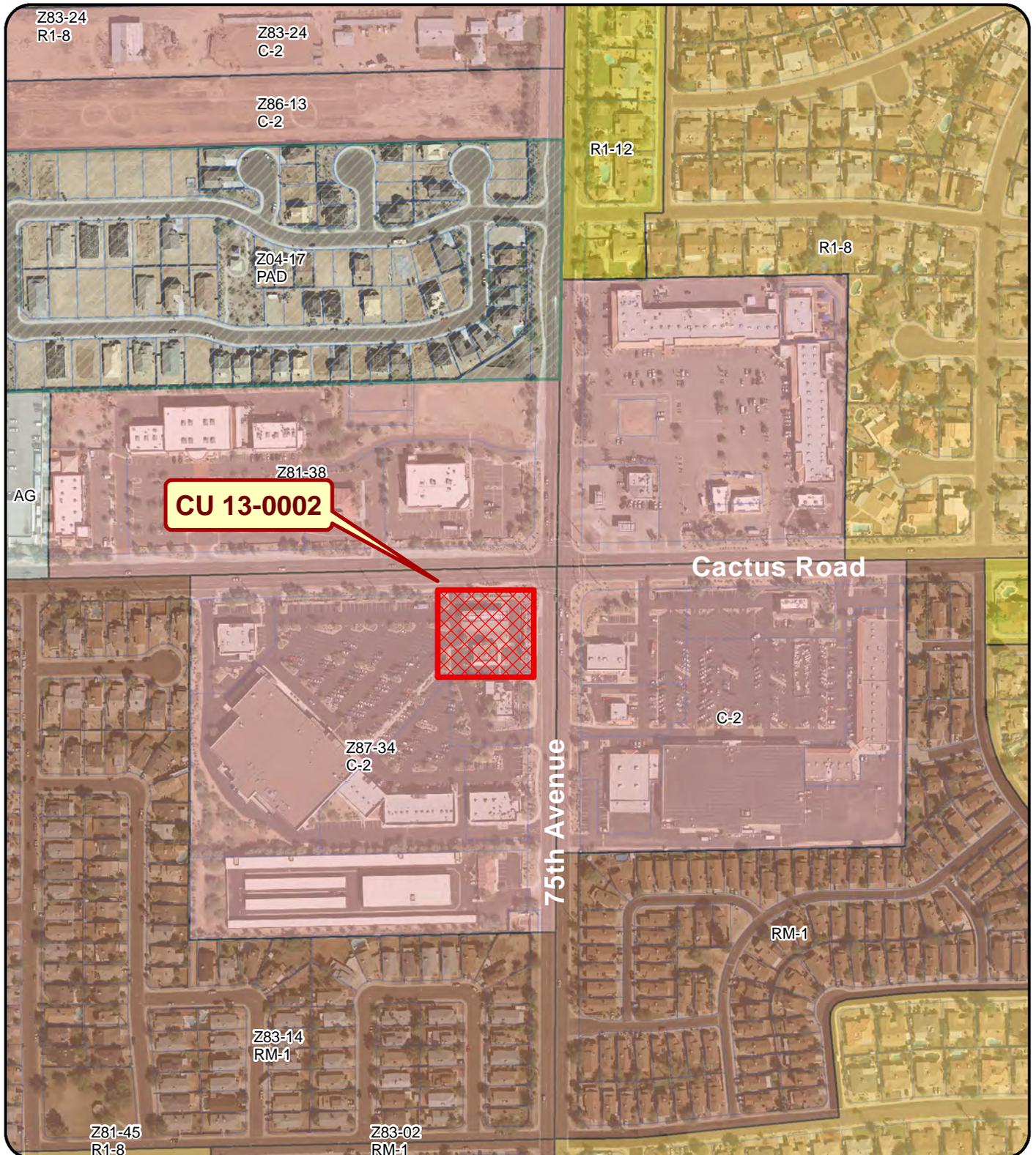
Location: Southwest corner of 75th Avenue & Cactus Road

3



EXHIBIT A

CU 13-0002 Zoning Map



CU 13-0002 CUP - Fry's Gas Station

Applicant: KDF Architectural Group, LLC for Fry's Food & Drug Stores

Request: Conditional Use Permit, gas station

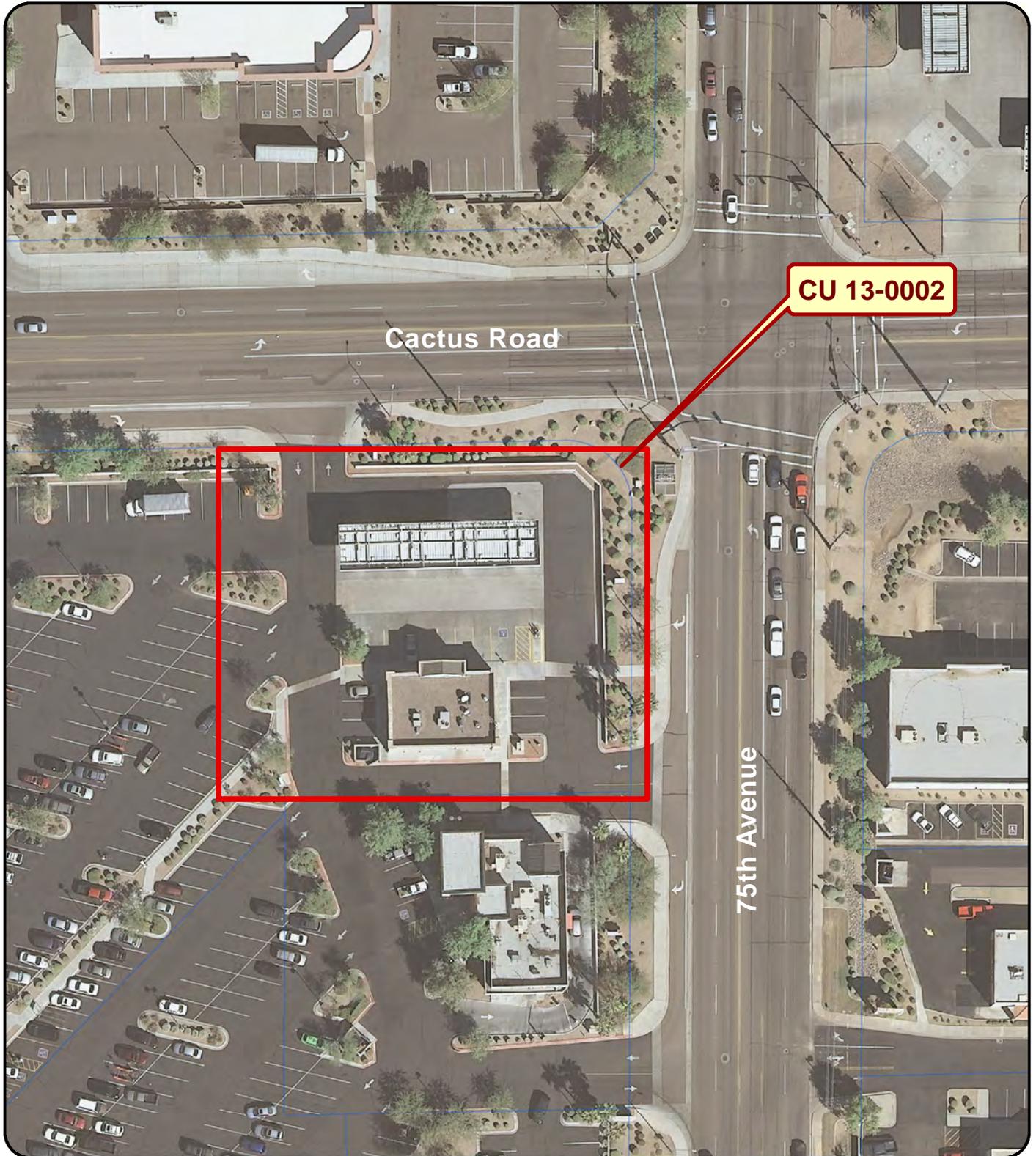
Location: Southwest corner of 75th Avenue & Cactus Road

3



EXHIBIT B

CU 13-0002 Aerial Photo



CU 13-0002 CUP - Fry's Gas Station

Applicant: KDF Architectural Group, LLC for Fry's Food & Drug Stores

Request: Conditional Use Permit, gas station

Location: Southwest corner of 75th Avenue & Cactus Road

3



EXHIBIT C



Project Narrative
Fry's 45 Fueling Station and Kiosk

7509 West Cactus Road
(SWC of 75th Avenue and Cactus Road)
Peoria, Arizona

Site Plan Review
Dated: 1/31/13



KDF Architectural Group, LLC
300 West Clarendon Avenue, Suite 320 Phoenix, AZ 85013
Office: 602.234.1868 Fax: 602.234.1413
Fry's #69 Chandler, AZ page 1 of 3

Exhibit D1

Purpose of Request

The purpose of this site plan submittal is to demo the existing gas station at the SWC of 75th Avenue and Cactus Road. The 1.55 gross acre site is currently zoning is C-2 and will be unchanged.

Description of Proposal

On a portion of this retail center site, we are proposing a new fueling center to replace the current gas canopy and convenience store. The fueling center will be oriented towards 75th Avenue. The fuel center will include an installation of a 40' x 121' (4,840 S.F.) prefabricated canopy, 8' x 29.5' (240 S.F.) prefabricated kiosk, two (2) underground fuel storage tanks and five (5) fuel dispensers. The facility will be open 24 hours, 7 days a week with a designated employee on duty in the kiosk from 6:00 AM to 11:00 PM. It will be unmanned for the remaining hours of operation. Dependent upon demand (each location varies), on an average, deliveries are anticipated to be once daily (possibly twice if required). There are no scheduled delivery times.

Relationship to Surrounding Properties

The proposed site is zoned C-2, with commercial developments in all surrounding directions. There is currently one (1) fueling facility located on the opposite street corner. Fry's does not anticipate any issues with a new fuel center on the SWC because we are replacing an existing gas station. Fry's expects the majority of their customers to be from the existing Fry's grocery store across the street, with a minimum amount being from the surrounding neighborhoods. Because of the supermarket, it will be viewed as a destination point and mostly utilized by patrons currently on site for shopping, rather than a "passing by quick fill-up" model that the nearby fueling stations follow.

In order to tie in to the surrounding properties, the proposed canopy and kiosk will be painted a color scheme to match the existing shopping center. The architectural design will be compatible with the adjacent existing shopping center. Colors and materials selected for the project are both consistent and aesthetically compatible with the existing center, which uses a desert earth tone scheme. All lighting will meet city ordinance. Canopy light fixtures are flush mounted in the ceiling to help alleviate and annoyance concerns of the adjacent properties. There are no canopy lights on the top or sides of the canopy. Additional landscape and existing screen walls are provided to help block any headlights to the properties to the north and East of the fuel center.

Location / Accessibility / Circulation

All of the off-site improvements are currently in place, thus there are no proposed off site improvements. The proposed facility will have access to the public right-of-way from existing driveways on 75th Avenue and Cactus Road, and will utilize existing on-site traffic circulation aisles for access and egress.

The fueling station has been designed for optimum accessibility concerning the tankers' needs to service the station. The tanker is able to both enter and exit the site from either 75th Avenue or Cactus Road avoiding the balance of the shopping center. The below grade fuel storage tanks are located near the northeast corner of the site. In their current location, a tanker truck can easily pull into position to off-load without hindering/blocking any site access drives. There has been adequate clearance provided around the fueling canopy and dispensers for maneuvering needs due to dispenser availability and vehicle fuel tank orientation.

Development Schedule

Fry's has scheduled completion of this facility for the summer of 2013. Once the Use Permit and Site Plan review has been approved, we will be continuing with a Construction Documents submittal for review/approval. It is sometimes difficult to predict the public hearing process timeline, but ultimately, Fry's would anticipate construction to be completed mid 2013. Construction schedules are usually around ninety days.



REVISIONS

NO.	DATE	DESCRIPTION



NEW GAS STATION FOR:
FRY'S #45
 SEC 7TH AVENUE
 PHOENIX, ARIZONA

NO.	DATE	DESCRIPTION



L-1
 PRELIMINARY
 LANDSCAPE PLAN

**NON-RESIDENTIAL AND MULTI-FAMILY
 SITE PLAN PLANTING DATA SHEET**
 (To be completed and provided on face of Landscape Plan)

Required	Provided
7,974 sq. ft.	10,558 sq. ft.

- LANDSCAPE AREAS**
- A. On-Site Landscape Areas [14-31-A.1.A.]**
- Overall 20% of Net Site Area**
 - Multi-Family: 20% of Net Site Area**
 - Commercial/Other Non-Residential: 20% of Net Site Area**
 - Other: 20% of Net Site Area**
 - **Net Site Area includes but does not include: (1) Public Right-of-Way, (2) Applicable (C) (1) Not-Care Land and (3) Other Exclusions.
- B. Street Frontage Buffer [14-31-A.4.2.]**
- Sublots: 15' wide strip (one-way) along street frontage
 - Sublots: 15' wide strip (two-way) along street frontage / 10' others
- C. Land Use Buffer [14-31-A.4.3.]**
- CU-C1 Districts abutting all residential districts: 20' wide
 - CU-C2 Districts abutting all residential districts: 20' wide
 - Multi-Family Districts abutting single-family districts: 20' wide

PLANT QUANTITIES

On-Site Landscape Areas [14-31-A.1.A.]

A. Trees: 19 trees, 100' shrubs

B. Shrubs: 100' shrubs

C. Trees: NA trees, NA shrubs

D. Shrubs: NA trees, NA shrubs

E. Trees: 5 trees, 25' shrubs

F. Shrubs: NA trees, NA shrubs

G. Trees: 1 per 800 sq. ft. of req. landscaping (see A.1.)

H. Trees: 1 per 25' lin. ft. of street frontage

I. Shrubs: 5 per 25' lin. ft. of street frontage

J. Trees: 5 per 1,000 sq. ft. of required buffer area (5 gal. min.)

K. Shrubs: 5 per 1,000 sq. ft. of required buffer area (5 gal. min.)

TOTALS

Trees: 19 trees, 100' shrubs

Total Trees (T + S + C): 19 trees, 100' shrubs

Total Shrubs (D + E + H + I): 100' shrubs

Total Trees (E + G + I + K): 5 trees, 25' shrubs

- GENERAL NOTES**
- All plantings shall be in accordance with the City of Phoenix.
 - A development may substitute 36" box or larger trees at a substitution rate of 1.5 trees for every required (15) gallon tree.
 - All landscaped areas shall be supported by an automatic irrigation system which may be spray, flood or drip system.
 - Plant materials shall be installed in accordance with the most recent edition of the Phoenix Active Management Area Law.
 - The Property Owner and/or contractor shall be responsible for maintaining all landscaping within the Right-of-Way (landscaping within ROW will be maintained by the City of Phoenix).
 - All trees shall be installed in accordance with the City of Phoenix. No plants may be installed that will overgrow when mature.

December 2012

Site Plan Process Guide

17 VALENTINE BUSH (5 gal.)

11 RED YUCCA (5 gal.)

GREEN CLOUD TEXAS SAGE

SILVER CLOUD TEXAS SAGE

DEER GRASS

SILVER CASIA

BAJA FARY DUSTER

YELLOW OLEANDER

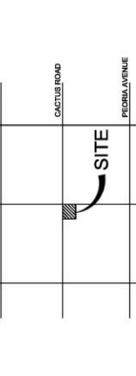
PURPLE RUELLIA

18 LANTANA - RADIATION (1 gal.)

ROSEMARY

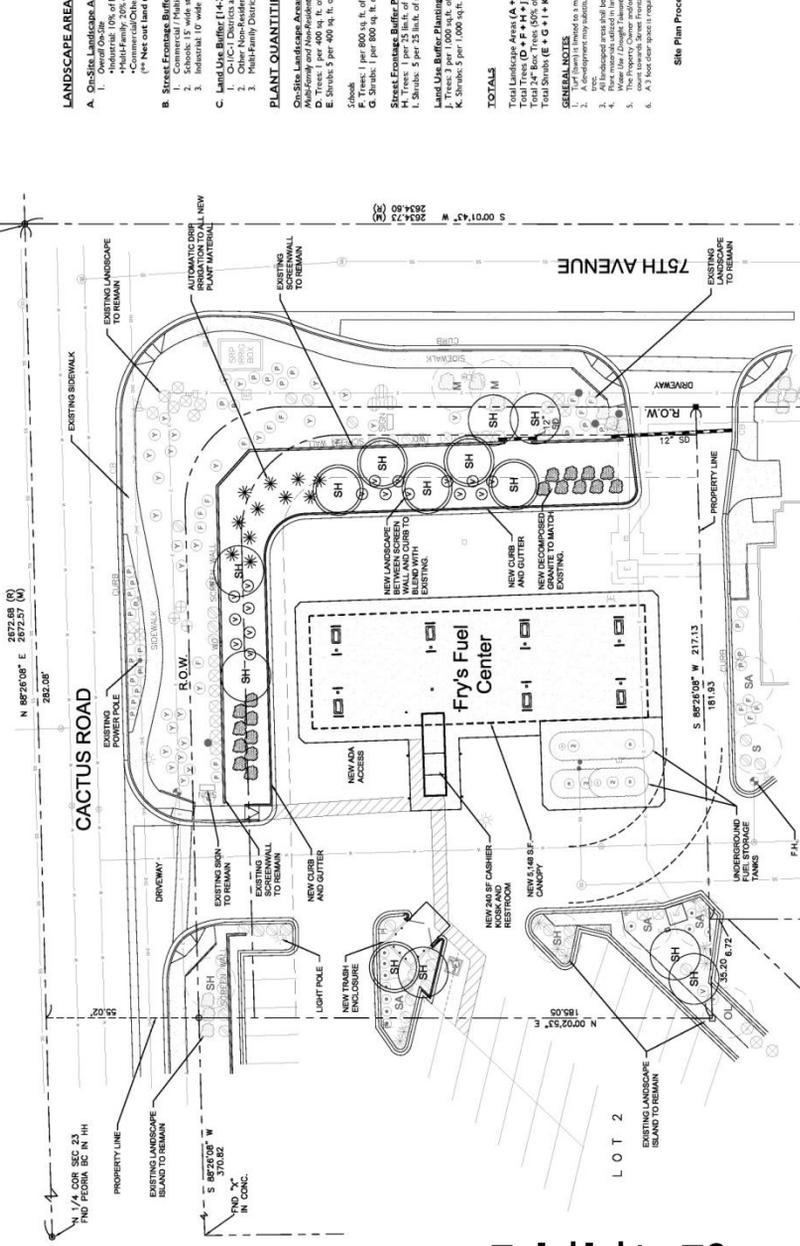
YELLOW DOT

Decomposed granite, 2" deep, match existing size and color.



Plant Legend

Symbol	Common Name/Botanical Name	Quantity	Size
●	MEYCAN FAN PALM Washingtonia robusta	existing	n/a
SA	SWEET ACACIA Acacia Smallii	existing	n/a
M	CHILEAN MESQUITE Prosopis chilensis	existing	n/a
SH	SHOESTRING ACACIA Acacia stenophylla	existing	n/a
SH	SHOESTRING ACACIA Acacia stenophylla	5	15 gal.
SH	SHOESTRING ACACIA Acacia stenophylla	6	24" box
OL	OLEANDER TREE Nerium oleander	existing	n/a
S	SISSOO Diabegia sissoo	existing	n/a



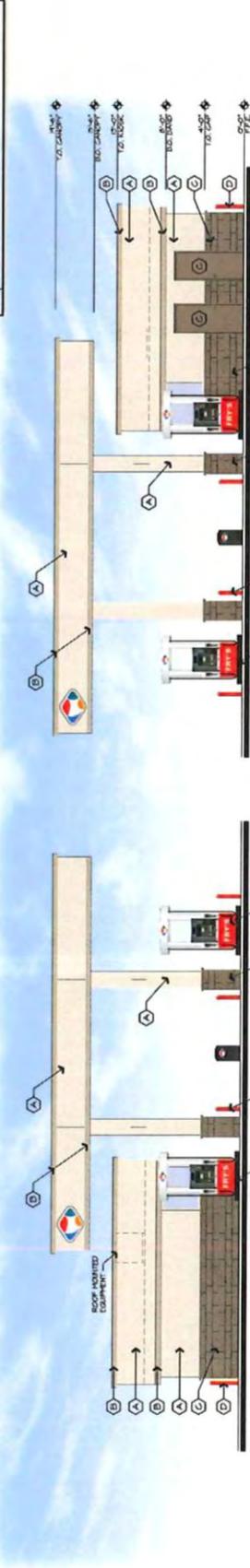
Symbol	Common Name/Botanical Name	Quantity	Size
●	MEYCAN FAN PALM Washingtonia robusta	existing	n/a
SA	SWEET ACACIA Acacia Smallii	existing	n/a
M	CHILEAN MESQUITE Prosopis chilensis	existing	n/a
SH	SHOESTRING ACACIA Acacia stenophylla	existing	n/a
SH	SHOESTRING ACACIA Acacia stenophylla	5	15 gal.
SH	SHOESTRING ACACIA Acacia stenophylla	6	24" box
OL	OLEANDER TREE Nerium oleander	existing	n/a
S	SISSOO Diabegia sissoo	existing	n/a
○	VALENTINE BUSH Emmenanthe bicolorata	5 gal.	17
*	RED YUCCA	5 gal.	11
⊗	Hesperaloe parviflora	n/a	existing
⊙	GREEN CLOUD TEXAS SAGE Leucophyllum frutescens	n/a	existing
⊙	SILVER CLOUD TEXAS SAGE Leucophyllum candidum	n/a	existing
⊕	DEER GRASS Muhlenbergia rigens	n/a	existing
⊖	SILVER CASIA Cassia phylicoides	n/a	existing
⊙	BAJA FARY DUSTER Calliandra californica	n/a	existing
⊙	YELLOW OLEANDER Nerium oleander	n/a	existing
⊙	PURPLE RUELLIA Ruellia brittoniana	n/a	existing
⊙	LANTANA - RADIATION Lantana camara	1 gal.	18
⊙	ROSEMARY	n/a	existing
⊙	YELLOW DOT	n/a	existing
⊙	Decomposed granite, 2" deep, match existing size and color.	n/a	10,558 Sq. ft.



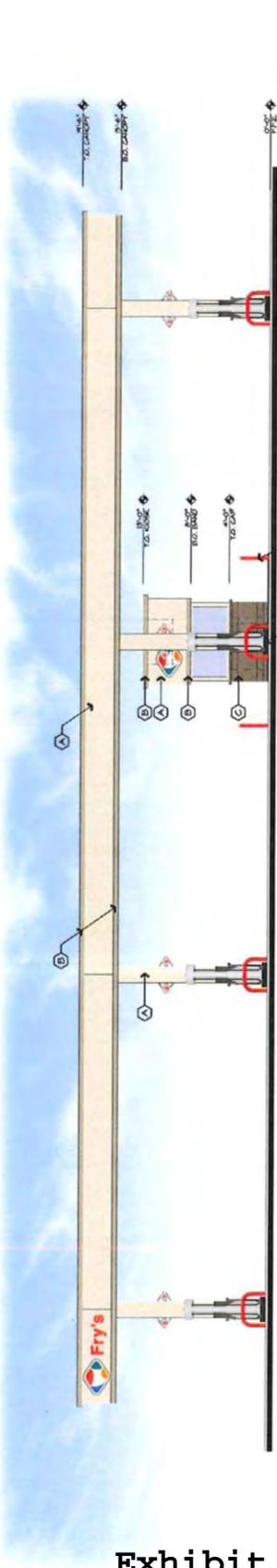
Exhibit E2

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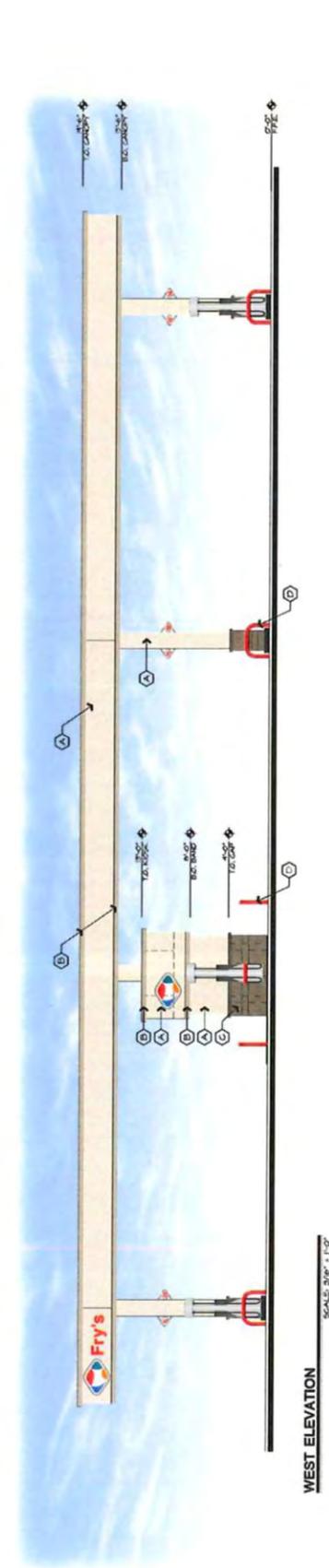
COLOR LEGEND	
ⓐ	COLOR
A	PANT TO MATCH GENE - G1 KIT "BRANTISPAK" - VERIFY
B	PANT TO MATCH GENE - G1 KIT "STICHENSCHMIDT" - VERIFY
C	PANT TO MATCH GENE - G1 KIT "TOMORROW'S TAPE" - VERIFY
D	SKOPE-HELLING MØN "SAFETY NET"
E	SKOPE-HELLING MØN "MANNIT"



SOUTH ELEVATION SCALE: 3/8" = 1'-0"
NORTH ELEVATION (CACTUS RD) SCALE: 3/8" = 1'-0"



EAST ELEVATION (75TH AVE) SCALE: 3/8" = 1'-0"



WEST ELEVATION SCALE: 3/8" = 1'-0"

500 W. Camelback Avenue
 Suite 330
 Phoenix, AZ 85013
 P: 602.274.1313
 F: 602.274.1413

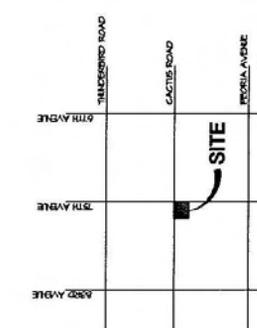
ELEVATION

NEW GAS STATION FOR
FRY'S #45
 75TH AVENUE & CACTUS ROAD
 PEORIA, ARIZONA

The Kroger Co.
 1031 East 1st Street, Suite A
 Phoenix, AZ 85013
 Phone: (602) 715-8917
 Fax: (602) 715-8900

Fry's Food Stores of Arizona
 502 South 9th Avenue, Suite A
 Tempe, AZ 85283
 Phone: (480) 807-1814
 Fax: (480) 807-1814

ARCHITECTURAL GROUP, LLC
 1000 N. CENTRAL EXPRESSWAY
 SUITE 100
 PHOENIX, ARIZONA 85004
 PHONE: (602) 274-1313
 FAX: (602) 274-1413



VICINITY MAP

PROJECT ADDRESS
7501 WEST CACTUS ROAD, PHOENIX, AZ 85046

PROJECT DESCRIPTION
REPLACE EXISTING 10,000 SQ. FT. CONCRETE STORE CANOPY, TANKS AND PIPING, AND BUILD A NEW FRY'S FUEL CENTER. SCOPE OF WORK TO INCLUDE NEW 4,000 SQ. FT. CANOPY, 240 SQ. FT. GASBERG KIOSK, FUEL PUMP, FUEL DISPENSERS (1) AND UNDERGROUND STORAGE TANKS (2).

GENERAL INFORMATION
USE: NEW FUEL CENTER - RETAIL
CONSTRUCTION TYPE: UNIMPROVED
OCCUPANCY: KIOSK (1) & NON-SPRINKLERED
M-CANOPY & KIOSK
ZONING: M-1-45
SITE AREA: 0-2
CURRENT: 24,815 S.F. (5,194 ACRES)
FUTURE: 24,815 S.F. (5,194 ACRES)
NET: 67,640 S.F. (1,564 ACRES)

PARKING CALCULATION
TOTAL PARKING: 114 / 3,000 S.F. OF FLOOR AREA
240 S.F. / 3,000 S.F. = 1 P.S. REQUIRED
240 S.F. / 3,000 S.F. = 1 P.S. REQUIRED
TOTAL PARKING: 114 + 2 = 116 P.S.

ARCHITECT
ARCHITECTURAL GROUP, LLC
500 W. GLENWOOD AVE., SUITE 230
PHOENIX, ARIZONA 85013
O: 602-318-1868
F: 602-318-1413

PROPERTY OWNER
FRY'S FOOD STORES OF ARIZONA
100 W. GLENWOOD AVENUE, SUITE 230
PHOENIX, ARIZONA 85013
O: 602-407-7100
ATTN: JEFF ORTETTE

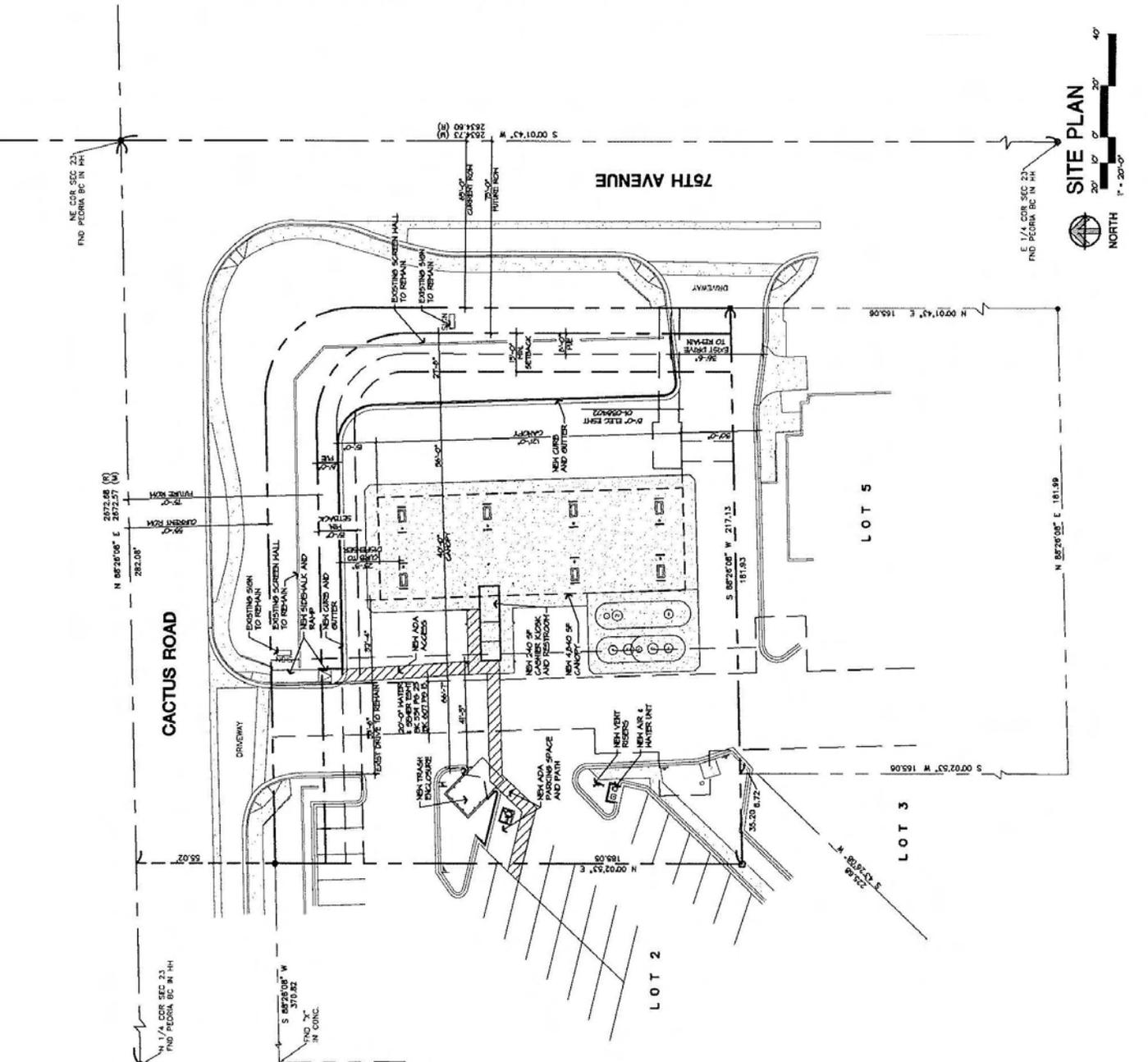


Exhibit E1



CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 13-0003

DATE: April 18, 2013

AGENDA ITEM: 5C

Applicant: Richard H. Flaaen on behalf of RS Pawn

Request: Obtain a Conditional Use Permit to allow the development of a new pawn shop.

Proposed Use: Pawn shop within an existing shopping center

Location: Located on the southeast corner of 91st Avenue & Olive Avenue

Site Area: Approximately 1,839 square-foot suite.

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	Commercial center; vacant suite	Residential Low Density	C-2 Intermediate Commercial
North	Olive Avenue, then Church, then Single Family Residential	Mixed-Use Community Commercial	C-2 Intermediate Commercial
South	Vacant	Residential Low Density	PAD (Residential)
East	Vacant	Residential Low Density	General Agricultural
West	Commercial Retail / Office	Community Commercial	C-2 Intermediate Commercial

PROJECT DESCRIPTION

Request and Development Details

1. The applicant is proposing to occupy Suite 109, approximately 1,839 square feet in size, within the existing commercial shopping center currently anchored by a Fry's grocery store.

2. The applicant has identified a lease agreement with the shopping center's management that requires RS Pawn to provide no less than 70% of the business operation to involve the buying or selling of precious metals and gems. Buying, selling, or trading of firearms or hazardous materials will be prohibited. The applicant has also stated that approximately 30% to 50% of the suite floor area will be occupied by a retail component that is open to the public.
3. The proposed hours of operation for the use are Sunday through Saturday 9 AM to 6PM.

DISCUSSION AND ANALYSIS

Applicability

4. The proposed site is located within the C-2 Intermediate Commercial Zoning District. According to Article 14-9 of the Zoning Ordinance, *pawn shops* require a Conditional Use Permit when located within the C-2 Zoning District.
5. The Zoning Ordinance definition of a pawnshop is as follows:

"...any establishment in that is carried on the business of pawn brokerage, or the business of loaning money, receiving as security for payment thereof pawns or pledges of property, or the business of purchasing personal property and reselling or agreeing to resell, trade or exchange such articles to vendors, their personal representatives, or their assignees at a price agreed upon at or before the time of such purchase whether such business be the principal or sole business so carried on or be merely incidental to, or in connection with, or a branch or a department of some other business. (Ord. No. 00-28)"
6. Section 14-9-5.K of the Zoning Ordinance states that all personal service establishments identified under this section must be located a minimum of 1000 feet from any other personal service establishment identified under this section, (i.e. body piercing studios, massage establishments, tattoo studios, retail liquor stores, plasma center, non-chartered financial institutions, pawnshops, adult uses, and correctional facility or state local alcohol reception center). The proposed location is in compliance with this separation requirement.
7. 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.

8. Additionally, this use is treated procedurally as a pawnbroker through our Tax and Licensing / Police Department protocol whereby acquired merchandise is placed on hold or cataloged for a period of time for inspection to ensure that said merchandise has not been stolen. Accordingly, staff has determined that the use in question is consistent with the definition of a “pawn shop”.

Analysis

9. The proposed use is surrounded by a diverse range of office and retail establishments such as a grocer, fast food restaurants, and a variety of retail uses. The closest residential development is located approximately 500 feet to the north across Olive Avenue. There is no adjacent residential development, though the property south of the shopping center in which this proposal is located is zoned Planned Area Development (PAD) for future single-family residential development.
10. Based on the scale and location of the proposed use in relation to the larger commercial center that it is a part of, staff does not anticipate any negative impacts on residences in the vicinity as a result of this request.
11. If any issues arise regarding the operation of the business, Section 14-39-12.1 provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that a permit may be revoked, modified or suspended should any of the following occur:
 - a. The permit was obtained by fraud or misrepresentation;
 - b. The use authorized by the CUP has been exercised in violation of the conditions of approval;
 - c. A change in circumstances where the following has occurred: [1] Impacts from the approved CUP to neighboring properties; and [2] Changes in aesthetic or environmental impacts such as noise, odors or pollution.
 - d. The use authorized by the CUP is operated in a manner that constitutes a nuisance to neighboring property owners or is exercised in a manner that is detrimental to the public health, welfare or safety.

Noticing and Neighborhood Comment

12. The application was properly noticed pursuant to Section 14-39-6 of the Peoria Zoning Ordinance, which includes notification to all property owners within 300 feet of the site and registered HOA's within 1 mile. Additionally, the site was posted with a sign at least 15 days prior to the Public Hearing by the applicant. As of the printing of this report, no support, opposition, or inquiries into this case have been received from the public.

Proposition 207 Waiver

13. 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

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

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

Approve the applicant's request for a Conditional Use Permit under Case CU13-0003, subject to the following conditions:

1. The development shall substantially conform to the Project Narrative (Exhibit C) as contained in the staff report to the Planning and Zoning Commission dated April 18, 2013.
2. Hours of operation shall be limited to Sunday through Saturday 9 AM to 6PM.

ATTACHMENTS

Exhibit A	Vicinity Map
Exhibit B	Zoning Map
Exhibit C	Project Narrative

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

CU 13-0003 Vicinity Map



CU 13-0003 Conditional Use Permit - RS Pawn

Applicant: Richard H. Flaaen for RS Pawn

Request: Conditional Use Permit, pawnshop

Location: Southeast corner of 91st Ave & Olive Ave

3



EXHIBIT A

PROJECT NARATIVE

Project No. _____

Project Name: Peoria AZ Pawn (RS Pawn, LLC)

Location: SEC 91st Avenue and Olive Avenue
9069 W. Olive Avenue, No. 109
Peoria, AZ 85345

Assessors No.: 142-35-317

Current Zoning: C-2

RS Pawn, LLC, proposes to open a second-hand retail and pawn shop in Suite 109 of the Fry's Center located at the south east corner of 91st Avenue and Olive Avenue in Peoria, Arizona. A five year lease has been entered into with the owner of the parcel, Agua Fria Plaza Limited Partnership, for Suite 109 comprising approximately 1,839 sq. ft. The lease is contingent on obtaining the conditional use permit and pawn license from the City of Peoria to operate a pawn shop and second-hand retail shop at the location.

The lease agreement provides that not less than seventy percent (70%) of the business operation on the site will involve buying and selling of precious metals and gems. The pawn shop will not accept firearms or hazardous materials for pawn, and no firearms will be sold, traded or otherwise exchanged from the proposed location.

Approximately 30%-50% of the space area will contain retail operations open to the public. The remainder of the space will be used for work space, cubicles, storage of inventory and supplies, and office equipment. The store will generally be open for business between 9:00 a.m. and 6:00 p.m., Sunday through Saturday. There will typically be 2-4 employees on-site.

Within 1000 feet of the parcel of the subject site, to the best of the Applicant's knowledge and belief based on a visual inspection of the area and review of public record, there are no schools, pawn shops, second-hand stores, massage parlors, liquor stores, sexually oriented businesses, or medical marijuana dispensaries in operation.



CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 13-0004

DATE: April 18, 2013

AGENDA ITEM: 6R

Applicant: Green Desert Patient Center, LLC

Request: Obtain a Conditional Use Permit to allow a Medical Marijuana Dispensary

Proposed Business: Green Desert Patient Center of Peoria - Medical Marijuana Dispensary

Location: West of the southwest corner of 91st Avenue and Peoria Avenue, specifically 9275 W Peoria Avenue, Suite 104

Size of Suite: ~1,940 square foot inline retail unit in an existing retail building.

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

Recommendation: **Approve**, with conditions.

AREA CONTEXT

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

	LAND USE	GENERAL PLAN	ZONING
Subject Property	In-line retail suite	Community Commercial	C-2, Intermediate Commercial
North	Peoria Ave., then retail center	Regional Commercial	C-2, Intermediate Commercial
South	Home Depot retail store	Community Commercial	C-2, Intermediate Commercial
East	Del Taco fast food restaurant	Community Commercial	C-2, Intermediate Commercial
West	Loop-101	Community Commercial	ADOT property, No City Zoning

PROJECT DESCRIPTION

Request and Development Details

1. The applicant proposes to locate a Medical Marijuana Dispensary within a vacant 1,940 square-foot tenant space. The dispensary will offer pre-packaged medical marijuana, including natural form marijuana, edibles, and tinctures. The business may sell additional related products in order to meet the needs of its patients. Sale of all products will be fully in accordance with Arizona law.
2. The site is currently developed as a multi-tenant in-line retail building located west of the southwest corner of 91st Avenue and Peoria Avenue.
3. Frazee Paint is located within the same retail building as the proposed use. Other nearby businesses include various retail and restaurant uses. Subway, Del Taco, and Burger King restaurants are located to the east of the proposed location, while a Home Depot store is located to the south. Uses within the commercial center to the north, across Peoria Avenue, include a Holsum Bakery outlet, Generation Life Church, Smoker Friendly tobacco shop, and Horizon Tile and Flooring.

DISCUSSION AND ANALYSIS

Applicability

4. This property is zoned C-2, Intermediate Commercial. According to Article 14-9 of the Zoning Ordinance, Medical Marijuana Dispensaries are Conditional Uses in the C-2 Zoning District. Along with the Conditional Use Permit review criteria, a number of specific use standards apply to the proposed use.
5. Section 14-39-10.D of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits (CUP). In general, the purpose of a CUP is to mitigate any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.
6. Section 14-9-5 of the Zoning Ordinance outlines the applicable use standards for Medical Marijuana Dispensaries, which includes standards for security plans, operating hour limitations, business operation limitations and use separation requirements.

Analysis

7. The applicant proposes to operate seven days a week from 8AM to 9PM. It is expected that a minimum of three employees will be on site at any one time to assist patients, while in the future, up to 16 employees may be on the premises depending on patient demand. With maximum staffing, up to six patients could

be served at one time. At maximum capacity, up to 24 patients may be in the medicine area at one time. The expected capacity of the lobby waiting area will be 12 patients. No outdoor loitering will be permitted.

8. Patients will not have direct access to the medicine room upon entering the establishment. Once the patient has been verified, they will be admitted to the controlled access medicine room.
9. Marijuana will be stored in a safe or safes during non-business hours and accounted for according to Arizona Department of Health Services (DHS) rules. All sales will occur in the medicine room. Non-cardholders will not be granted access to the medicine room or be able to purchase items.
10. Any waste/expired marijuana will be stored indoors until pickup and disposal in accordance with state law and DHS rules.
11. The applicant has produced a security plan (Exhibit D) approved by the Peoria Police Department to ensure patient safety and secure operation of the facility. Security personnel will be responsible for maintaining safety, ensuring no marijuana consumption occurs in suite, on site, or in vehicles on the premises.
12. Approximately sixteen indoor and outdoor cameras will capture high resolution video of the premises 24 hours a day. All video footage will be stored for at least 60 days in accordance with the Zoning Ordinance.
13. The front of the suite will be properly illuminated and the windows will not be covered or obscure visibility into the unit. During non-business hours, the windows and doors will be secured with security gates as shown in the Security Plan (Exhibit D). The suite will also have a monitored alarm system.
14. The proposed location meets and exceeds the 500-ft use separation from residentially zoned property and the 1000-ft separation requirement from schools, day care centers, bars, taverns, liquor stores, and substance abuse treatment centers. A list of all businesses located within 1,000 ft of the proposed location and a map illustrating the 1,000 ft separation requirement are provided as Exhibit H.
15. In staff's judgment, the proposed use is appropriate and in compliance with the Zoning Ordinance. The use is compatible with surrounding land uses and the context of the area in question. The use is not expected to generate any undue noise, traffic, light trespass, odor or other impacts on adjacent streets and nearby properties.
16. The applicant has been awarded the only Dispensary Registration Certificate (Exhibit F) from the Department of Health Services (DHS) for the Peoria

Community Health Analysis Area (CHAA), in which the property in question is located. The Peoria CHAA encompasses the majority of the developed land area in the City, exclusive of the area west of the Agua Fria River, and north of State Route 74. DHS will regulate the operational aspects of the business as it relates to the composition of the dispensary board, background investigations, operational requirements, data logging and transportation requirements among other things.

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

Noticing and Neighborhood Comment

18. The application notice was forwarded to all property owners within 600 feet of the proposal, including all registered HOA's within one mile, and properly noticed pursuant to Section 14-39-6 of the Peoria Zoning Ordinance.
19. As of the date of this writing, no letters, emails or phone calls in support or objection to the proposal have been submitted to Planning staff.

Proposition 207

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

FINDINGS AND RECOMMENDATION

21. Based on the following findings:

- The proposal meets the Conditional Use Permit standards and complies with the use limitations for a Medical Marijuana Dispensary;
- The security plan has been reviewed and approved by the Peoria Police Department;
- The use will be located and will operate in a manner that protects the adjacent properties and businesses from nuisances and is consistent with a retail/service character of the 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 CU13-0004, subject to the following conditions:

1. The use shall substantially conform to the Project Narrative (Exhibit A), Security Plan (Exhibit D), and Floor Plan (Exhibit G) as contained in the staff report to the Planning & Zoning Commission dated April 18, 2013; and
2. The applicant shall secure any necessary security (video) system and/or alarm system permits from the Peoria Police Department; and
3. The applicant shall obtain a sales tax license and properly report all sales, and
4. The use shall fully comply with all state and local laws and Department of Health Services regulations pertaining to medical marijuana dispensaries; and
5. The applicant shall post a no loitering sign on all sides of the suite.
6. The applicant waives and abandons all claims to rights conferred under CU12-0015 -Green Desert Patient Center at 9240 W. Northern Avenue #103.

Attachments:

Exhibit A	Project Narrative
Exhibit B	Vicinity / Aerial Map
Exhibit C	Zoning Map
Exhibit D	Security Plan
Exhibit E	Peoria CHAA Map
Exhibit F	DHS Dispensary Registration Certificate
Exhibit G	Floor Plan
Exhibit H	Separation Distances

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

Project Description
9275 West Peoria Avenue
Peoria, AZ 85345

Conditional Use Permit
Project Description

Request for a Conditional Use Permit
for a
Medical Marijuana Dispensary

Prepared for:
Green Desert Patient Center of Peoria, Inc.

Green Desert Patient Center, Inc.
10115 E Bell Rd #107-204
Scottsdale, AZ 85260

February 25, 2013

I. Overview

This request is for a Conditional Use Permit for a Medical Marijuana Dispensary facility located at 9275 West Peoria Avenue, Peoria, Arizona 85345 (the "Property"). The Property will serve only as a medical marijuana dispensary. The applicant, Green Desert Patient Center of Peoria, Inc. ("GDPC"), is the holder of the only Dispensary Registration Certificate issued by the Arizona Department of Health Services ("ADHS") for CHAA #41 – Peoria. A copy of GDPC's notice of award of its Dispensary Registration Certificate is attached hereto as Exhibit A.

GDPC goal is to provide a safe system for legal medical marijuana patients to access their medical cannabis as well as provide educational opportunities regarding alternative therapies to its patients.

In addition to providing patients with a safe environment to obtain cannabis based medicines, GDPC will also be a resource for patients to learn about alternative medical therapies generally and about the benefits of the use of cannabis in various treatment therapies. GDPC may also support the education of patients by providing access to resources on nutritional counseling, diet and exercise and other holistic and educational endeavors as may be appropriate for its patients from time to time. Per A.R.S. R9-17-313, GDPC will have a Medical Director who is an Arizona licensed physician on staff at all times.

GDPC is committed to a site security plan that exceeds the Arizona Department of Health Services ("DHS") security requirements.

The Property is zoned Commercial (C-2).

GDPC was founded by local business owner and civic leader, J.P. Holyoak, who is committed to the highest standards in patient care, patient education and community giving while strictly adhering to the Arizona Medical Marijuana Act and the regulations promulgated thereto. In addition, GDPC has partnered with Dr. Clark York, the Emergency Department Medical Director at John C. Lincoln Health Network, to serve as its Medical Director.

II. About The Founder

Jon-Paul "(J.P.) Holyoak – Mr. Holyoak is a partner with the investment advisory firm of ARMA Financial Services located in Scottsdale, AZ. Mr. Holyoak holds Series 7 (General Securities Representative), Series 63 (Uniform Securities Agent State Law) and Series 65 (Uniform Investment Advisor Law) Securities Licenses and is a Registered Investment Advisor. Mr. Holyoak oversees all aspects of ARMA including regulatory oversight, organizational and policy development, financial oversight and strategic planning. Mr. Holyoak was named one of "The Ten Most Dependable Wealth Managers for Women in the United States" by *Forbes Magazine* in 2008. Mr. Holyoak is very active in the community. Mr. Holyoak is an Active Member of the Scottsdale Charros 501(c)(6). Mr. Holyoak serves on the Board of Directors of the Charro Foundation 501(c)(3). For the past seven (7) years, Mr. Holyoak has served as a co-

founder and co-chairman for seven (7) years of the *Arizona Marine Corps – Law Enforcement Foundation Golf Tournament* which benefits the *Marine Corps – Law Enforcement Foundation* 501(c)(3) (www.mclef.org). In its eight (8) years of operation, the Tournament has raised over \$400,000 which has been distributed to the families of fallen Marines and local police officers. Mr. Holyoak is also a former Member and Director of each of the *Scottsdale Active 20-30 Club and Foundation* 501(c)(3) and a graduate of *Scottsdale Leadership Class XVIII*. Mr. Holyoak is a graduate of Brophy College Preparatory and Arizona State University – W.P. Carey School of Business, Barrett Honors College. Mr. Holyoak resides in Paradise Valley, AZ with his wife and three (3) children.

III. The Medical Director

GDPC has partnered with Dr. Clark York to serve as its Medical Director.

Dr. York is the Emergency Department Medical Director at John C. Lincoln Health Network as well as an Emergency Physician and Director with Lincoln Emergency Physicians, Inc.

Dr. York has served as the Emergency Department Medical Director at John C. Lincoln Hospital Deer Valley since 1996 and Chairman of the Department of Emergency Medicine since 1997. Dr. York is distinguished as having served the Deer Valley hospital as Vice Chief of Staff and then Chief of Staff from January 1996 through December of 2003.

IV. General Discussion/Background of Project:

A. Hours of Operation

GDPC shall comply with the City of Peoria Ordinance No. 2011 (14-9-5(2)(g)) and shall have operating hours not earlier than 8:00 a.m. and not later than 9:00 p.m. The hours of operation are anticipated to be as follows:

	Open	Closed
Monday	<u>8:00 a.m</u>	<u>9:00 p.m.</u>
Tuesday	<u>8:00 a.m</u>	<u>9:00 p.m.</u>
Wednesday	<u>8:00 a.m</u>	<u>9:00 p.m.</u>
Thursday	<u>8:00 a.m</u>	<u>9:00 p.m.</u>
Friday	<u>8:00 a.m</u>	<u>9:00 p.m.</u>
Saturday	<u>8:00 a.m</u>	<u>9:00 p.m.</u>
Sunday	<u>8:00 a.m</u>	<u>9:00 p.m.</u>

B. Number of Employees at Any One Time

GDPC expects to have a minimum of three (3) employees on premise at any one time depending upon the growth of its patient base and patient flow expectations. GDPC may in the future have up to sixteen (16) employees on premise at any one time.

C. Number of Patients at Any One Time; Expected Number of Daily Patients

GDPC expects to be able to serve up to six (6) patients at any one time assuming maximum staff on duty. All patient/Customer Service Agent interaction will be on a one-on-one basis with individual attention given to each patient. GDPC expects there to be a limited patient base for at least the foreseeable future. Based upon ADHS and business plan estimates, GDPC expects to service approximately twenty-five (25) – thirty-five (35) patients per day, but GDPC will have the capacity to comfortably service significantly more patients if the need should arise. Ultimately, the number of patients at any one time or in a day will depend upon the growth of the patient base and the number of dispensaries which are available to service that patient base. GDPC has no control over either of these factors.

D. Maximum Number of Patients Allowed in the Medicine Room at Any One Time

Although GDPC does not anticipate maximum need in the foreseeable future, at maximum employee capacity, GDPC may have up to twenty-four (24) patients in the medicine area at any one time.

E. Capacity of Waiting Area

GDPC will have ample patient waiting area. GDPC is committed to providing a comfortable and safe area for patients to wait until they can be personally attended to by a Customer Service Agent. GDPC's waiting area is designed to ensure that all patients will be able to wait inside the building thus eliminating outside waiting. The expected capacity is anticipated to accommodate up to twelve (12) waiting patients.

F. Air/Odor Filtration Methods

The interior environment of GDPC will be similar to that of other retail establishments. GDPC will employ HVAC that is necessary to keep both temperature and humidity at a comfortable level. All product for sale will be in pre-packaged, air tight, bar coded packages ready for immediate sale to qualifying patients, thus eliminating any noticeable odor from the premises. Should further

air/odor filtration methods be necessary, GDPC will take all reasonable efforts to ensure that there are no offending odors. Such measures may include using carbon air filters/scrubbers and/or ozone generators. However, due to the product being in pre-packaged, air tight, bar coded packages, GDPC believes that additional air/odor filtration methods are unlikely to be unnecessary. GDPC management has met with City of Peoria staff members regarding the City requirements which will be made pursuant to a ventilation calculation in compliance with International Mechanical Code.

G. Refuse Disposal Methods

GDPC's refuse disposal plan begins with a thorough inventory control plan. All retail products for sale will be in pre-packaged, air tight, bar coded packages ready for immediate sale to qualifying patients. There may be a limited amount of sample product that will be available for inspection by patients that will not be in pre-packaged, air tight, bar coded packages. These samples will not be for sale. There will be no medical marijuana or derivatives disposed of in public refuse containers at the site. Any marijuana derived refuse will be stored in secure area prior to proper disposal. Any refuse disposal related to medical marijuana or its derivatives will be disposed of by a third party vendor or transported back to an off-site cultivation facility for proper disposal, each in accordance with Title 36, Chapter 28.1 of the Arizona Revised Statutes, and/or Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services. All sensitive documents, including, but not limited to, patient records, will be shredded and properly disposed. Only standard waste associated with a retail facility (paper products, etc.) will be disposed of at the facility. Please refer to the attached Public Safety and Refuse Control Plan.

H. Describe Business Operation Policy with Regard to Where Product Is Stored, Sold, and How On-Premise Use of the Product Will Be Prevented

All product will be stored after hours in a locked area and/or safe(s). The area and/or safe(s) will be in sufficient volume to securely contain all medical marijuana and medical marijuana products on the premises. It is the intent of GDPC to only have limited product in the retail dispensary for operational needs. All medical marijuana and medical marijuana products will only be sold in the separated secure retail sales area. On-premise consumption of any medical marijuana products is expressly prohibited by Arizona Revised Statutes, Title 36, Chapter 28.1. It is the responsibility of all employees to prevent such use. Please refer to attached Public Safety and Refuse Control Plan.

I. Parking

The Property (including adjacent business(es)) has a total square footage of 6,000 square feet. The intended dispensary will be 1,940 square feet. The Property has a total of sixty-two (62) parking spaces, four (4) of which are marked handicapped. Pursuant to Article 14-23 of the Parking and Loading Requirements of the City of Peoria, General Retail requires one (1) space per 300 square feet of floor space. Based upon this ratio, the total Property requires twenty (20) parking spaces. The sixty-two (62) spaces provided at the Property far exceeds the requirement in the regulations.

J. Products For Sale

GDPC's core business plan currently anticipates the sale of pre-packaged marijuana products, including natural form marijuana, edibles and tinctures only; however GDPC remains flexible to meeting the needs of its patients through the sale of additional related products should the future need arise. The sale of all products will be fully in accordance with Arizona law.

V. Discussion of Anticipated Security Plan/Measures

A. The Use of On-Premise Security Personnel

GDPC will utilize on-premise security personnel. To the extent required by the City Code of the City of Peoria, GDPC will contract with a security company that provides security guards whom are licensed and duly bonded security personnel pursuant to Arizona Revised Statutes 32-601. Security guards will be on-duty one half hour before the commencement of business hours until one half hour closing of business hours. Please refer to attached Public Safety and Refuse Control Plan.

B. Transportation Security Measures

All medical marijuana products will arrive at the dispensary securely delivered by an unmarked vehicle. The product will be transported directly from the vehicle and to the interior of the dispensary where it will be unloaded in the secured area of the dispensary. Pursuant to Title 9. Health Services, Chapter 17. Department of Health Services – Medical Marijuana Program Regulations, R9-17-318(A)(B)(C)(D)(E)(F); transportation of marijuana and marijuana products shall include the following:

1. Complete a trip plan that includes:
 - a. The name of the dispensary agent in charge of transporting the marijuana;
 - b. The date and start time of the trip;
 - c. A description of the marijuana, marijuana plants, or marijuana paraphernalia being transported; and

- d. Anticipated route of transportation; and
- 2. During transportation, a dispensary agent shall:
 - a. Carry a copy of the trip plan with the dispensary agent for the duration of the trip;
 - b. Use a vehicle without any medical marijuana identification;
 - c. Have a means of communication with the dispensary; and
 - d. Ensure that the marijuana, marijuana plants, or marijuana paraphernalia is not visible
- 3. After transportation, a dispensary agent shall enter the end time of the trip and any changes to the trip plan.
- 4. The dispensary shall:
 - a. Maintain a copy of the above requirements, and
 - b. Provide a copy of the documents to the Department of Health Services for review upon request.

C. Secured Entrances

Please refer to the attached Public Safety and Refuse Control Plan and Site Plan illustrations.

D. Cameras and Video Retention Plans

Please refer to the attached Public Safety and Refuse Control Plan and Site Plan illustrations.

E. Other Proposed Security Techniques

Please refer to the attached Public Safety and Refuse Control Plan and Site Plan illustrations.

F. Pursuant to City of Peoria Ordinance No. 2011, Article 14-9 Non-Residential Districts

14-9-5 Limitations On Uses

M. Medical Marijuana Dispensaries and Manufacturing or Cultivation Facilities (Ord No.2011-05A)

1. General Requirements

- a. *For the purposes of measuring separation distances, the measurements will be taken in a straight line from the*

exterior wall of the building or suite housing the use without regard to intervening buildings or political boundaries.

All measurements for the purposes of measuring separation distances of GDPC have been taken in a straight line from the exterior wall of the building or suite housing the use without regard to intervening buildings or political boundaries.

b. Medical Marijuana remnants or by-products shall be disposed of according to an approved plan and not placed within the facility's exterior refuse containers.

All medical marijuana remnants or by-products of GDPC shall be disposed of according to an approved plan and not placed within the facility's exterior refuse containers.

c. There shall be no emission of dust, fumes, vapors or odors into the environment from the premise.

GDPC shall emit no emission of dust, fumes, vapors or odors into the environment from the dispensary.

d. Signage for Dispensary and/or Medical Marijuana Cultivation Facilities shall be limited to the name of the business only, and no advertising of the goods and/or services shall be permitted.

GDPC shall limit its signage for the dispensary to the name of the business only. GDPC signage will not advertise its goods and/or services.

e. Medical Marijuana Dispensaries and Cultivation Facilities shall be located in a permanent building on an established foundation adhering to Peoria building codes and shall not include any temporary, portable, or self powered mobile facilities.

GDPC's location is in a permanent building on an established foundation that adheres to Peoria's building codes and does not include any temporary, portable, or self-powered mobile facilities.

f. An active Security Management Plan shall be approved by the Police Department. The Plan shall include, but is not limited to, the following:

GDPC will have an active Security Management Plan that is approved by the Police Department. The Security Management Plan will include, but is not limited to, the following:

- 1. Security Cameras shall be installed and maintained in good condition, and used in an on-going manner. Recordings shall be retained for a minimum of 60 days and comply with any additional standards defined by the Security Management Plan.***

GDPC will install and maintain security cameras in good condition. Security cameras will be used in an on-going manner. All recordings will be retained for a minimum of 60 days and will comply with any additional standards defined by the Security Management Plan. Please refer to the attached Public Safety and Refuse Control Plan and site plan illustrations.

- 2. The business space shall be alarmed with an alarm system that is operated and maintained by a recognized security company.***

GDPC's dispensary premise will be alarmed with an alarm system that is operated and maintained by a recognized security company. Please refer to the attached Public Safety and Refuse Control Plan and site plan illustrations.

- 3. A security guard shall be provided at the main entrance during all hours of operation. For the purposes of this section, "security guard" shall mean licensed and duly bonded security personnel registered pursuant to A.R.S. §§32-601.***

To the extent required by the City of Peoria, GDPC will provide a security guard at the main entrance of the dispensary during all hours of operation. The security guard will be licensed and duly bonded security personnel registered pursuant to A.R.S. SS 32-601. Please refer to the attached Public Safety and Refuse Control Plan.

2. Medical Marijuana Dispensaries

- a. Vehicular access into the center or site containing the dispensary shall be from an arterial roadway.***

GDPC's dispensary location has access to the premises, center or site from an arterial roadway.

- b. The use shall not be located within 2,640-feet of another Medical Marijuana Dispensary or Medical Marijuana Manufacturing or Cultivation facility.***

GDPC's dispensary location is not located within 2,640 feet of another known medical marijuana dispensary or medical marijuana manufacturing or cultivation facility.

- c. The use shall not be located within 1,000-feet of the property line of Day-Care Facilities, Pre-Schools, Public/Charter or Private Schools.***

GDPC's dispensary location is not located within 1,000 feet of the property line of day-care facilities, pre-schools, public/charter or private schools.

- d. The use shall not be located within 1,000-feet of a Retail Liquor Store; Tavern, Bar or Lounge; Adult Use; Substance Abuse Treatment Centers; or State Local Alcohol Reception Center.***

GDPC's dispensary location is not located within 1,000 feet of a Retail Liquor Store, tavern, bar or lounge, substance abuse treatment center, or state local alcohol reception center.

- e. The use shall not be located within 500-feet of the property line of a residentially-zoned property.***

GDPC's dispensary location is not located within 500 feet of the property line of a residentially zoned property.

- f. The product offered for retail sales to Medical Marijuana Cardholders shall be inaccessible to the public entering the Medical Marijuana Dispensary. All product provided for retail sales shall be located behind a counter staffed by a Nonprofit Medical Marijuana Dispensary Agent as defined by A.R.S. SS 36-2801.et.seq.***

GDPC's products offered for retail sale to qualified medical marijuana cardholders will be inaccessible to the public entering the medical marijuana dispensary. All medical marijuana products offered for sale will be located behind a counter staffed by a nonprofit medical marijuana dispensary agent as defined by A.R.S. SS 36-2801.et.seq.

- g. The dispensary shall have operating hours not earlier than 8:00 a.m. and not later than 9:00 p.m.***

GDPC will have operating hours not earlier than 8:00 a.m. and not later than 9:00 p.m.

h. The Cultivation of Marijuana is prohibited.

GDPC's dispensary location is a retail facility only. There will be no cultivation on the premises.

i. Delivery services are prohibited.

GDPC's dispensary location will not have delivery services.

j. Drive-through services and sales are prohibited.

GDPC's dispensary location will not have drive-through services.

k. Alcoholic beverages shall not be sold, stored, distributed or consumed on the premises.

GDPC's dispensary location will not sell, store, distribute or allow consumption of alcoholic beverages on the premises.

l. The Dispensary shall not have outdoor seating areas, but shall have adequate indoor seating to prevent outside loitering.

GDPC's dispensary location will not have outdoor seating areas. GDPC's dispensary location will have adequate indoor seating to prevent outside loitering.

m. The business entrance and all window areas shall be illuminated during evening hours and shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding etc.

GDPC's dispensary location business entrance and all window areas will be illuminated during evening hours and will comply with the city's lighting standards regarding fixture type, wattage, illumination levels, shielding etc.

n. The windows and/or entrances shall not be obstructed and must maintain a clear view into the premises during business hours.

GDPC's dispensary location windows and/or entrances will not be obstructed and will maintain a clear view into the premises during business hours.

o. The use shall provide a plan to ensure that no consumption of Marijuana or any product containing Marijuana occurs on the premises of a Medical Marijuana Dispensary.

GDPC's dispensary location will provide a plan to ensure that no consumption of marijuana or any product containing marijuana occurs on the premises. Please refer to the attached Public Safety and Refuse Control Plan.

- p. Tenant improvement plan shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes.*

GDPC's tenant improvement plan will ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes.

3. *Medical Marijuana Manufacturing or Cultivation Facility.*

- a. Other than for delivery to an authorized Medical Marijuana Dispensary, distributing, transmitting, dispensing, giving, selling, or providing medical Marijuana is prohibited.*

GDPC's dispensary location is a retail facility only. There will be no manufacturing or cultivation on the premises.

- b. All cultivation, manufacturing, and storage of Marijuana and Marijuana plants shall occur within secured, enclosed buildings and structures.*

GDPC's dispensary location is a retail facility only. There will be no manufacturing or cultivation on the premises.

- c. The use shall not be located within 2,640-feet of another Medical Marijuana Manufacturing or Cultivation Facility.*

GDPC's dispensary location is a retail facility only. There will be no manufacturing or cultivation on the premises.

- d. The use shall not be located within 1,000-feet of the property line of Day-Care Facilities, Pre-Schools, Public/Charter or Private Schools.*

GDPC's dispensary location is a retail facility only. There will be no manufacturing or cultivation on the premises.

- e. The use shall not be located within 500-feet of the property line of a residentially-zoned property.*

GDPC's dispensary location is a retail facility only. There will be no manufacturing or cultivation on the premises.

- f. There shall be no signage advertising the location of Medical Marijuana Dispensaries or retail sales of Medical Marijuana on the premises.*

GDPC's dispensary location is a retail facility only. There will be no manufacturing or cultivation on the premises.

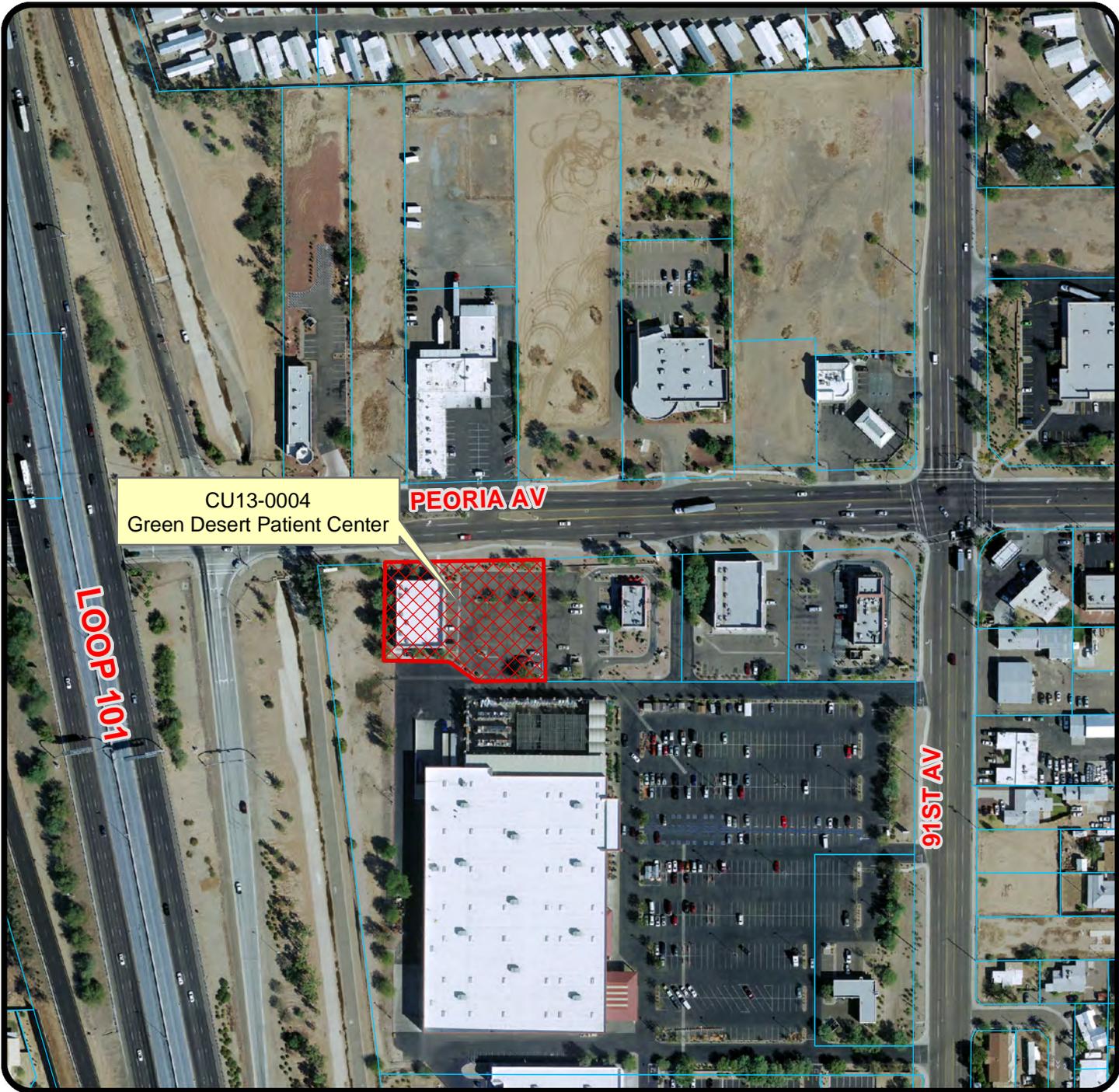
- g. The Community Development Director may require additional ventilation and air filtration necessary to ensure compatibility with adjacent uses.*

GDPC's dispensary location is a retail facility only. There will be no manufacturing or cultivation on the premises.

EXHIBIT A

DISPENSARY REGISTRATION CERTIFICATE

Vicinity/Location Map



CU13-0004 Green Desert Patient Center of Peoria Exhibit B

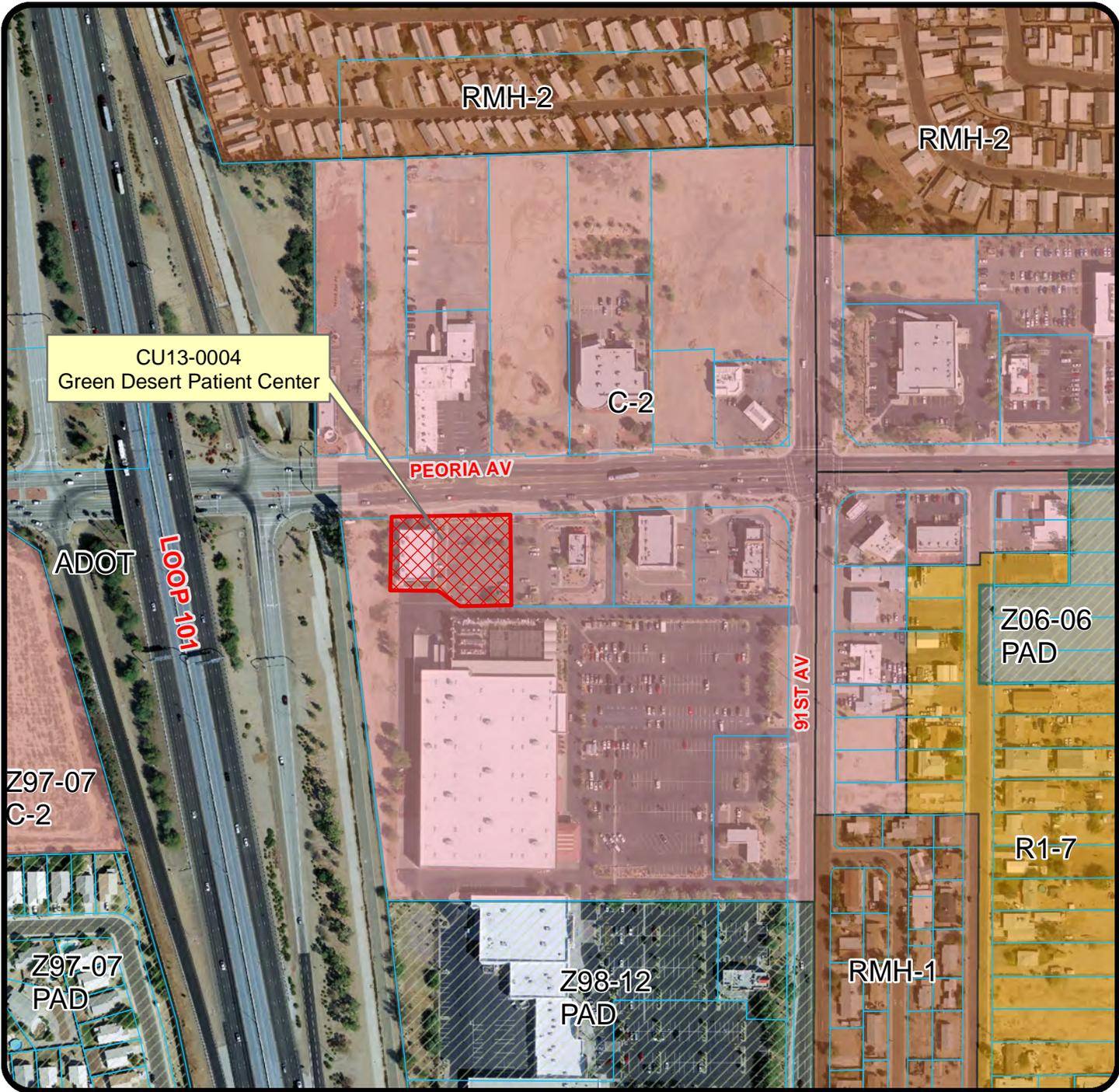
Applicant: Jon Paul Holyoak

Request: Obtain a Conditional Use Permit to allow a Medical Marijuana dispensary in an ~1,940 s.f. suite within an existing building west of the southwest corner of 91st Avenue and Olive Avenue.



Not to Scale

Zoning Map



CU13-0004 Green Desert Patient Center of Peoria Exhibit C

Applicant: Jon Paul Holyoak

Request: Obtain a Conditional Use Permit to allow a Medical Marijuana dispensary in an ~1,940 s.f. suite within an existing building west of the southwest corner of 91st Avenue and Olive Avenue.



Not to Scale

Project Description
9275 West Peoria Avenue
Peoria, AZ 85345

City of Peoria
Public Safety and Refuse Control Plan
For Security, Maintenance and Operation of
Green Desert Patient Center of Peoria, Inc.

Prepared for:
Green Desert Patient Center of Peoria, Inc.

Green Desert Patient Center, Inc.
10115 E Bell Rd #107-204
Scottsdale, AZ 85260

April 10, 2013

I. Purpose of the Plan.

This Public Safety and Refuse Control Plan's (this "Plan") purpose is to address security measures, maintenance, refuse and operations for Green Desert Patient Center of Peoria ("GDPC"). The contents of the Plan will address community concerns regarding:

- Compatibility with surrounding structures and uses;
- Dispensary security and patient safety; and
- Waste disposal measure relating to the dispensing of medical marijuana.

II. Community Cooperation/Complaints/Concerns:

GDPC will maintain communications with other business establishments, organizations, and residents located on and adjacent to the premises, and with residents and other businesses that may be affected by patrons or operations of GDPC. GDPC designates the following individual to receive and respond to concerns or complaints from other residents or businesses:

- J.P. Holyoak
10115 E Bell Rd, Ste 107-204
Scottsdale, AZ 85260
480-442-0069
JPH@AzNaturalSelections.com

GDPC, its managing members, managers, supervisors and security personnel will cooperate closely with Peoria Police, City of Peoria Code Enforcement staff or other City staff as well as business and residential neighbors in addressing and investigating complaints, criminal acts, refuse issues and any other concerns.

III. Security and Maintenance.

1. On-Premise Security Personnel

- a. To the extent required by the City of Peoria, GDPC will utilize on-premise security personnel. To the extent required by the City Code of the City of Peoria, GDPC will contract with a security company that provides security guards whom are licensed and duly bonded security personnel pursuant to Arizona Revised Statutes 32-601. Security guards will be on-duty one half hour before the commencement of business hours until one half hour closing of business hours.
- b. Peoria Police Department will be notified and informed of the specific security company required by the city of Peoria pursuant to Arizona Revised Statutes 32-601.

2. Security Attire.

GDPC's Security Plan is based on deterring threats before they occur through capable and visible security personnel, and security equipment. This Security Plan will include security personnel that will be readily available at all times to police, patients and employees. Safety is the top priority at GDPC, and we will take all reasonable efforts to ensure that patients, employees, and our community are kept from harm's way at all times.

The Plan has been designed to warmly greet visitors, yet deter threats by visible security presence. Security personnel will be trained, experienced and alert. In addition, GDPC will issue photo ID cards to all agents (employees) of GDPC and each agent will be required to wear such ID cards on the front of their clothing at all times while on duty at the GDPC facility. Employees will be trained to be alert to strangers on the premises and to question anyone without proper ID. Those who refuse to comply will be escorted from the GDPC facility, and security personnel will be immediately notified. Security personnel will address any encountered difficulties and bring those difficulties to the attention of local police if the situation warrants a higher level of response.

Security personnel will wear a specific uniform clearly identifying them as "security." All other employees will wear badges clearly identifying them as GDPC employees. Peoria Police Department will be notified and informed of the specific uniform worn by security personnel and the badges worn by GDPC employees.

GDPC will inform and regularly update the Peoria Police Department as to specific policies, procedures and protocols of all aspects of security management, including rules of engagement. It is the stated goal of GDPC to work hand-in-hand with the Peoria Police Department in order to ensure that GDPC is a safe environment for patients as well as the surrounding community. GDPC plans to have regular communication with Peoria Police Department.

3. Security Officer Responsibilities.

- a. The Security Plan will begin 30 minutes prior to opening hours and for 30 minutes following the final patron's departure from the premises.
- b. Security officer(s) will be responsible for identifying hazards, problems, and maintaining patient and employee safety.
- c. Security officer(s) will be responsible for ensuring that no persons are consuming marijuana within the dispensary and on the premises.
- d. Security officers will report all acts of criminal activity to management personnel, complete a written report, log the act of criminal activity, and report the act to the Peoria Police Department immediately.

4. Management Responsibilities – GDPC shall delineate the below responsibilities to all managers, assistant managers, and person(s)-in-charge and ensure these responsibilities are understood and followed.
 - a. The manager(s) shall ensure that all employees and security staff employed by GDPC be trained and knowledgeable about the contents of this Plan. The following shall be agreed upon and adhered to:
 - b. There will be a minimum of one (1) manager available during all operational hours.
 - c. At least one (1) manager shall be identified as “Security Manager” for the dispensary and be responsible for ensuring that a safe environment exists for the supervision of all security personnel and that all security personnel as identified here shall meet or exceed the requirements established by A.R.S. 32-2621 through A.R.S. 32-2636, as amended, relating to security personnel and guards, and any regulation issued pursuant thereto.

IV. Refuse Plan.

It is GDPC’s responsibility to ensure refuse containers are properly used and the area in and around the business is kept clean. Waste associated with the medical marijuana, including seeds, stems, leaves, oils, etc. shall be disposed of in accordance with Title 36, Chapter 28.1 of the Arizona Revised Statutes, and/or Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services (“ADHS”) Regulations.

GDPC’s refuse disposal plan begins with a thorough inventory control plan. All retail products for sale will be in pre-packaged, air tight, bar coded packages ready for immediate sale to qualifying patients. There may be a limited amount of sample product that will be available for inspection by patients that will not be in pre-packaged, air tight, bar coded packages. These samples will not be for sale. There will be no medical marijuana or derivatives disposed of in public refuse containers at the site. Any refuse disposal related to medical marijuana or its derivatives will be disposed of by a third party vendor or transported back to an off-site cultivation facility for proper disposal, each in accordance with Title 36, Chapter 28.1 of the Arizona Revised Statutes, and/or Title 9, Chapter 17, Article 3 of the ADHS Regulations. All sensitive documents, including, but not limited to, patient records, will be shredded and properly disposed. Only standard waste associated with a retail facility (paper products, etc.) will be disposed of at the facility.

All employees will receive thorough, consistent training about inventory management. GDPC’s dispensary will use a secure point-of-sale (POS) system. Medicine coming from a cultivation or processing site will be inventoried against this system upon arrival. Management will conduct audits. If physical inventory counts do not match the inventory counts recorded in the POS system the GDPC Inventory Manager will document the incident in a report that includes the following information: the date, name of people involved, a description of the incident(s), identification of known or suspected

cause(s) for the event(s), and any corrective action(s) taken. If there is a reduction in inventory that is due to suspected criminal activity, GDPC shall report the incident and/or the agent to the ADHS and to local law enforcement authorities.

V. Establishment Record Keeping.

In addition to those requirements spelled out in Title 9, Chapter 17, Article 3 of the DHS Regulations, GDPC shall retain all video surveillance recordings no less than 60 days. Records include all audio recordings, video recordings, written receipts invoices and evidence of any transaction occurring within the establishment that are related to the dispensary.

GDPC has developed a stringent and comprehensive records and inventory control system that integrates with ADHS's internal medical marijuana electronic verification system. GDPC's system is also fully integrated with our security system, Point of Sale system, video surveillance system and inventory tracking system.

This system creates a transparent chain-of-command and inventory control systems for internal staff, provide transparent records for review by DHS, and prevent diversion by staff or patients/caregivers.

GDPC will maintain all records for at least 60 days on a secured server that include all video recordings, the name of the registered patient or caregiver to whom medical cannabis was dispensed, the date, the quantity and the form of medicine.

Regular review and audit of these policies and programs are designed to prevent unlawful activities and ensure that ongoing improvements are implemented.

VI. Physical Security.

GDPC will utilize the following security features throughout the premises:

1. Video Surveillance.

- In addition to those requirements spelled out in Title 9, Chapter 17, Article 3 of the ADHS Regulations, GDPC will install and utilize 24 hour high quality video surveillance and video lines that record to a secure location that GDPC can provide to ADHS and/or the Peoria Police Department, each upon request.
- Video surveillance will record all persons who enter the dispensary.
- Video surveillance will cover all patron areas.

GDPC's video surveillance system utilizes a digital surveillance system that will be installed at the dispensary. The Security Plan will incorporate the use of security cameras with digital video recorders. GDPC's closed circuit television system is designed to exceed the state's current standard for video surveillance requirements

for medical marijuana dispensing sites. This type of advanced system allows for the 24 hour monitoring of both employees and patients, which gives GDPC the ability to record actions that are taking place. Video surveillance will record all persons who enter the facility. This video will be stored for at least 60 days.

CCTV equipment will include the following (or similar):

- 600TVL CNB Color Vandal Dome Cam, Sony ICR, 2.9-10mm
- 24 VAC 9-Channel Camera Power Supply Panel
- DVR Camera & Web Server
- UPC Battery Backup
- Offsite Failure and communication monitoring

GDPC shall provide Peoria Police Department with video footage upon request. GDPC shall provide Peoria Police Department with a list of contacts in case of emergency. GDPC shall notify and inform Peoria Police Department of any changes to the emergency contact list. The initial emergency contact list is (in order of priority):

- J.P. Holyoak
480-227-5458 Cell
JPH@AzNaturalSelections.com
- Jonathan Coombs
480-250-4301 Cell
JSC@AzNaturalSelections.com
- Kurt Merschman
602-881-6988 Cell
KDM@AzNaturalSelections.com

GDPC's Security Plan puts forth all reasonable efforts to ensure that patients, employees, visitors, and our community are kept from harm's way at all times. The Plan is based on deterring threats before they occur through a capable and visible security personnel and security equipment. Unlawful activity will be prevented through the use of window security, shutters, cameras mounted in plain sight, security warning signs, access control policies and systems, video surveillance monitoring, intrusion detection, alarm monitoring service, and locks. A critical feature of the proposed Security Plan includes a comprehensive audit trail of all security related operations.

GDPC has engaged with a reputable security company to administer our security monitoring and safety program. Access restriction devices will be used on all regulated areas. All facilities will adhere to ADA standards for access and safety for our patients in the event of an emergency.

GDPC will inform Peoria Police Department of the company contracted to monitor and maintain the electronic security system. Peoria Police Department will be notified and informed of any changes to the security monitoring company.

There is only one publicly assessable point of access into the dispensing facility which will be secured using three (3) types of measures. These security measures include: physical, video surveillance and administrative.

2. Lighting.

All interior and exterior lighting will be sufficient to assure reasonable security for all patients and will be in compliance with City of Peoria Code and regulations.

3. Method of Providing Secured, Controlled Access to the Medicine Room.

The secured medicine area will only be available to qualified patients. Patients will be required to present their Arizona Department of Health Services Patient Identification card to the front desk receptionist or security guard. Using the interactive ADHS verification computer system, the receptionist will verify the identity and legitimacy of the Patient Identification card as well as other ADHS requirements. Once this is complete and it is determined that the patient is qualified to purchase medicine, the patient will be granted access to be able to purchase medicine.

4. Windows and doors containing glass will be secured with mounted accordion (or similar) style security gates during non-business hours. A conceptual design of the proposed security gates is attached hereto as Exhibit A.

5. Product Deliverables.

GDPC shall comply with all Requirements of Title 9, Chapter 17, Article 3 of the ADHS Regulations as related to product transportation and deliveries. Prior to any transportation, a GDPC agent shall complete a trip plan which includes the name of the agent in charge of the delivery, the date and start time of the trip, a description of the product being transported and the anticipated route of transportation. During transportation, the GDPC agent shall carry a copy of the trip plan at all times during transportation, use a vehicle without any medical marijuana identification, have means of communication with GDPC and ensure that all medical marijuana product is not visible.

6. Case Deliverables.

GDPC anticipates that the majority of its transactions will be conducted via credit or debit cards. To the extent that cash is present at the dispensary, all cash in excess of an amount deemed necessary for immediate transactions shall be locked in a safe in GDPC's secured area. All cash removal shall be made at random times and in an unmarked vehicle.

7. Per the recommendation of Peoria Police Department, GDPC shall consider the use of bollards on the front of the retail store. The use of such bollards are subject to community development standards and landlord discretion.
8. GDPC shall post “No Loitering” signs on the premises.
9. GDPC shall store medicine in secured safes overnight. The safes shall be of sufficient size and weight to make their removal difficult. Such safes shall be bolted to the floor.

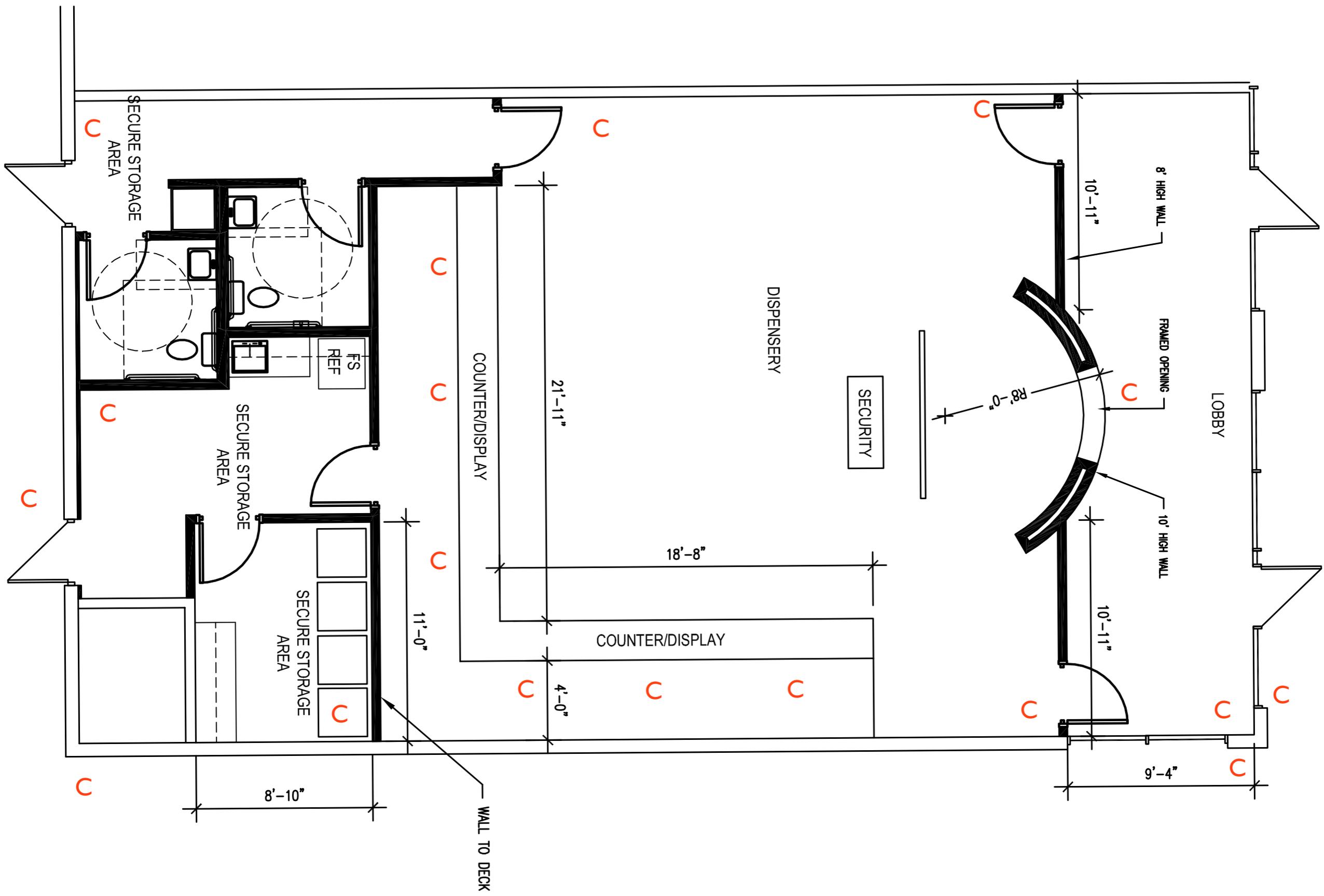
VII. Access to Employee Areas

Restricted areas will be protected with doors that have been equipped with locks and will remain closed at all times except when in use by an authorized employee. GDPC will issue photo ID cards to all agents of GDPC and each agent will be required to wear such ID cards on the front of their clothing at all times while in the GDPC facility. Employees will be trained to be alert to strangers on the premises and to question anyone without proper ID. Those who refuse to comply will be escorted from the GDPC facility, and the Security Manager immediately notified. The Security Manager will address any encountered difficulties and bring it to the attention of local police if the situation warrants a higher level of response.

VIII. Dissemination of the Security Plan

1. A copy of this Plan must be provided to each security officer, manager(s), assistant manager(s) and employees of GDPC.
2. A reading log will be maintained and will be signed by each of the above persons, stating they have read and understood this Plan. Each employee must read the Plan once per year, or when there are any changes to the Plan.
3. A current copy of this Plan will be maintained on the premises at all times, and a copy of this Plan will be made available upon request of any code enforcement officer or police officer.

EXHIBIT A
SECURITY GATE CONCEPTUAL DESIGN



Floor Plan Concept Subject to Change
C -Security Camera

Green Desert Patient Center of Peoria, Inc.
 9275 West Peoria Avenue, Peoria, AZ 85345

Cadmium Plated Steel
Ball Bearing Roller

Adjustable
Carriage

Main Vertical Posts
Secured in Top Track

Steel Box Track
1-7/8" x 2-3/8"
14 Gauge

Post
1" x 2"
16 Gauge

Main Vertical
1" x 1/2" 16 Gauge Tubing

Padlock Tab Welded to
Main Vertical

Intermediate
Verticals & Expanders
3/16" x 3/4" Steel Bar

Retaining
Arm

Bottom Track
Can Pivot Up

Main Vertical Posts
Secured in Bottom Track

Steel Box Track
1-7/8" x 2-3/8"
14 Gauge

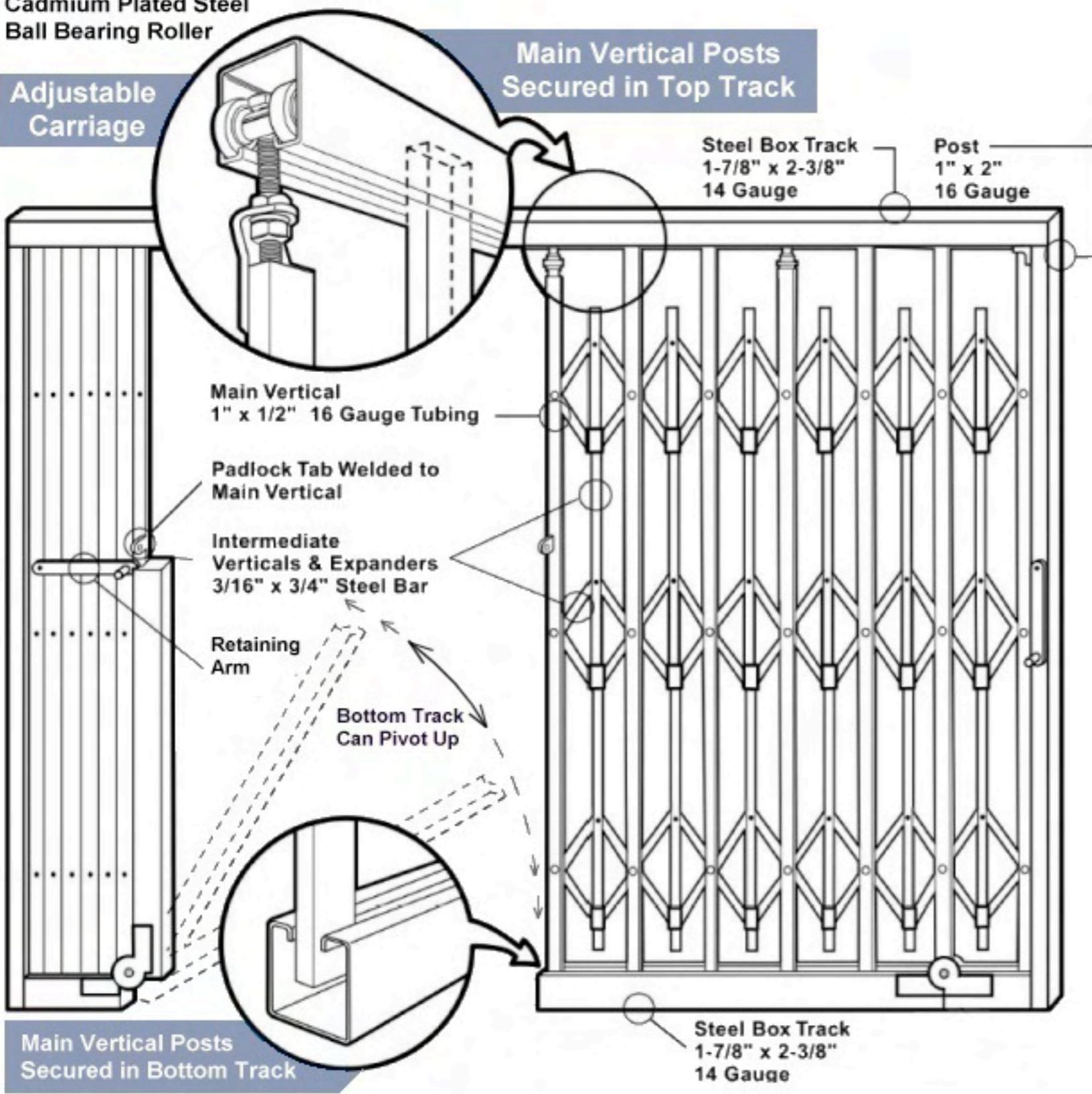
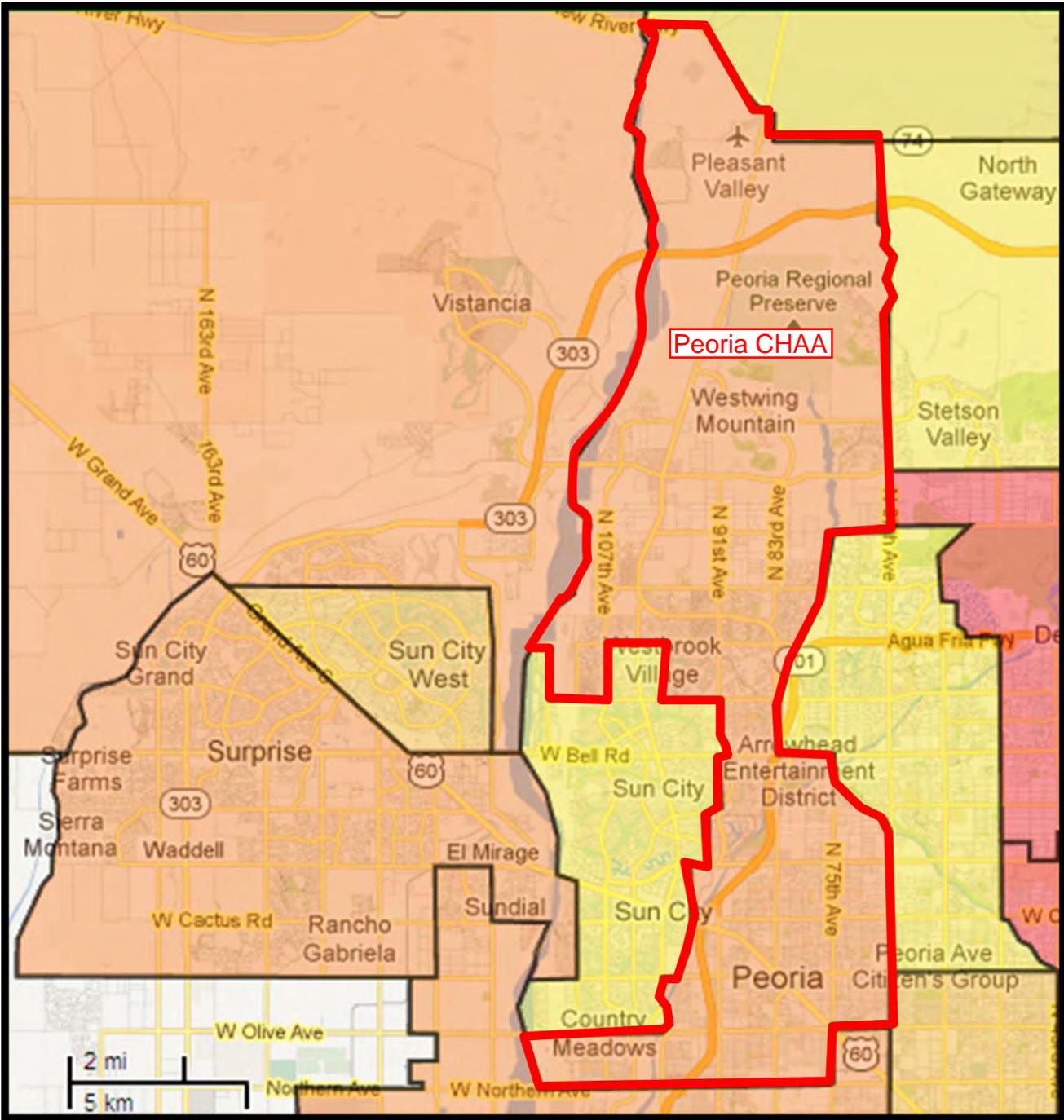


EXHIBIT E





**Arizona Department of Health Services
Office of Inspection and Compliance
Medical Marijuana Program**

COPY

GREEN DESERT PATIENT CENTER OF PEORIA INC
10115 E BELL RD STE 107-204
SCOTTSDALE, AZ 85260

To Whom It May Concern:

Your Dispensary Registration Application indicated below has been selected and allocated a Dispensary Registration Certificate by the Arizona Department of Health Services.

Dispensary Name: GREEN DESERT PATIENT CENTER OF PEORIA INC
Application ID#: AZDS000000306
CHAA#/Name: 41 - Peoria

Your Dispensary Registration Certificate Number is: 00000023DCAK00675039, please include this number on any future correspondence.

Before receiving the allocated Dispensary Registration Certificate, the dispensary must first submit a Dispensary Agent Application for each Principal Officer and Board Member for whom fingerprints were submitted. Your Dispensary Registration Certificate will be mailed to the dispensary along with the first approved Dispensary Member Registry Identification Card. For Dispensary Agent Application instructions and access to the Dispensary Point of Sale (POS) and Card Verification System, visit <http://www.azdhs.gov/medicalmarijuana/agents/index.htm>. Dispensary Agent Applications are located on the same system as the Dispensary POS and Card Verification System interface. In order to access this system, the dispensary member needs to register and create a Log In Account using their individual access code provided below.

FIRST NAME	MIDDLE INITIAL	LAST NAME	ACCESS CODE
BENTON	D	HEGLIE	1C2B9185EA5D33D920C4A12EF5FAE6D6
JON-PAUL		HOLYOAK	8A7EB6B78ED46132DE13AA5704BECA0D

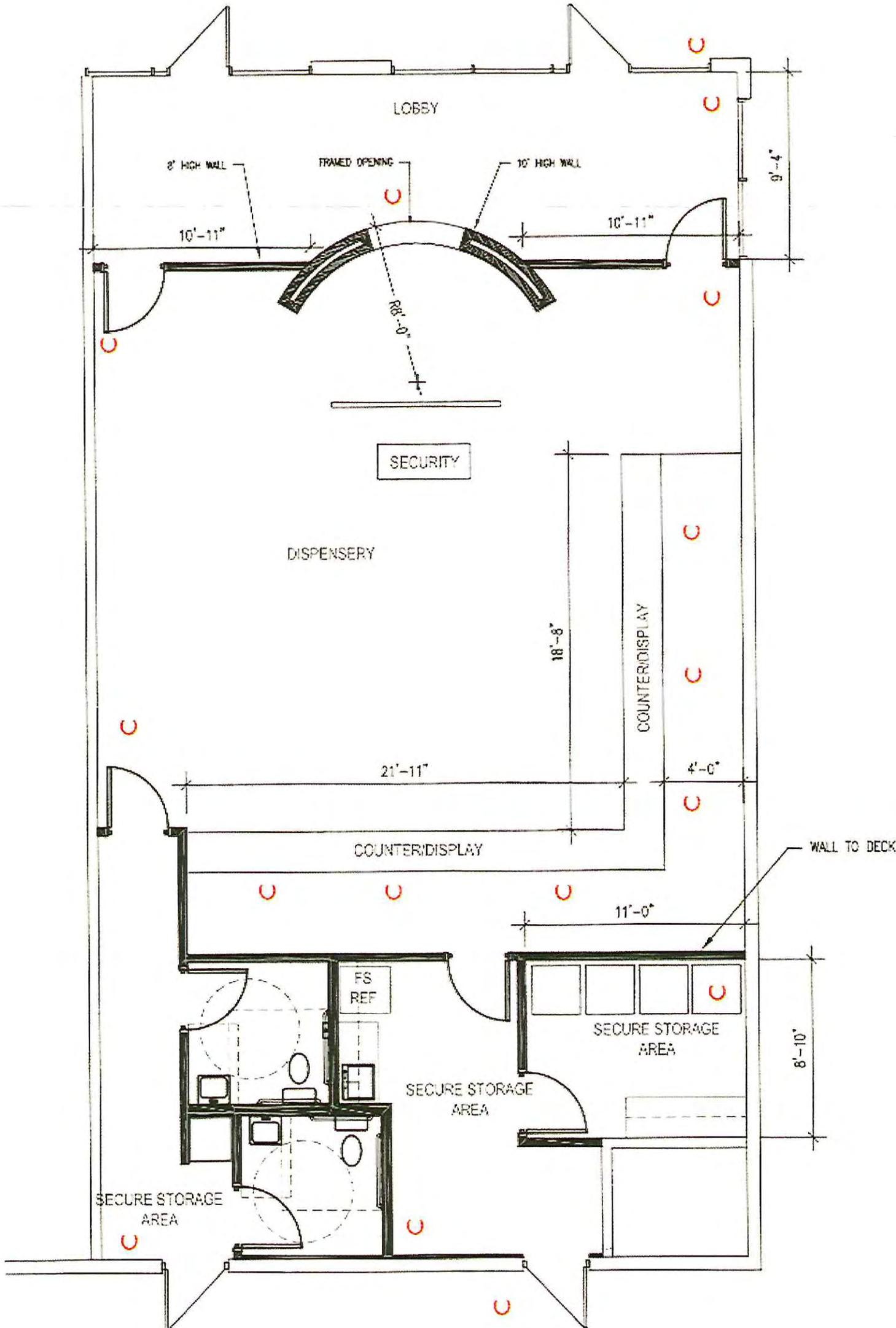
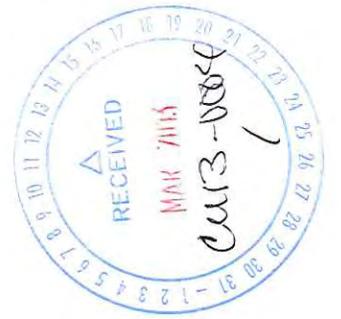
If you have any questions, please contact the Arizona Medical Marijuana Program at 602-364-0857 or email m2dispensaries@azdhs.gov.

Thank you,
Arizona Department of Health Services
Arizona Medical Marijuana Program

Thursday, August 09, 2012

Conceptual Floor Plan

EXHIBIT G



Green Desert Patient Center of Peoria, Inc.
9275 West Peoria Avenue, Peoria, AZ 85345

Floor Plan Concept Subject to Change
C - Security Camera

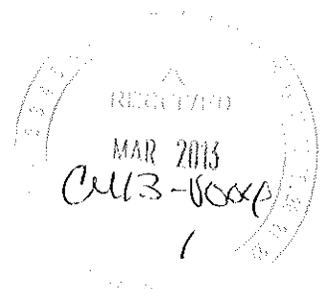
GREEN DESERT PATIENT CENTER OF PEORIA, INC.
9275 WEST PEORIA AVENUE
PEORIA, ARIZONA 85345

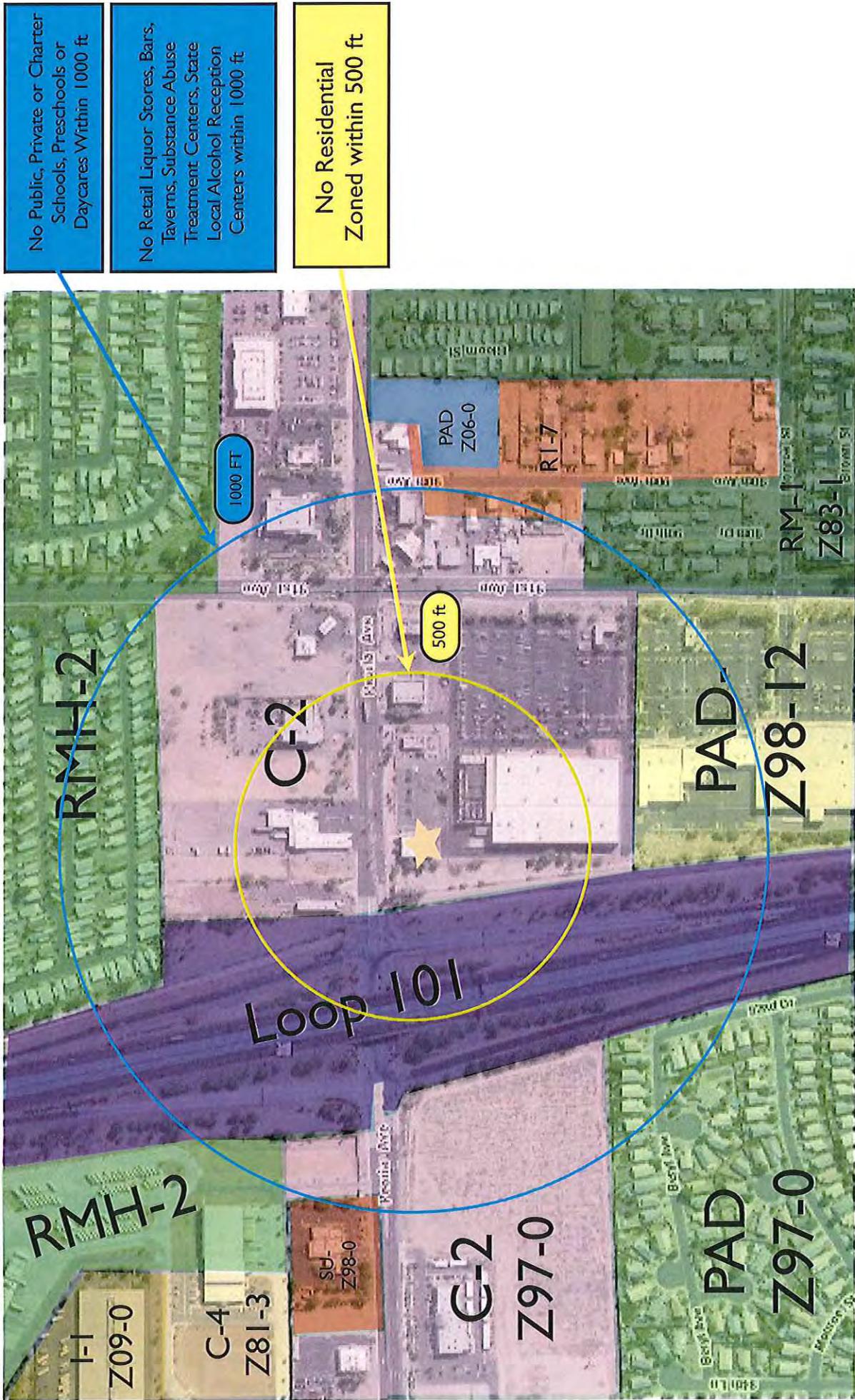
Distance Separation Exhibit and Statement

The applicant, Green Desert Patient Center of Peoria, Inc., hereby states, upon due inquiry, that the proposed medical marijuana dispensary is at least:

- 2,640 feet from the nearest dispensary or cultivation facility
- 500 feet from the nearest residential zoned property
- 1,000 feet of public, private and charter schools, preschools, & daycares
- 1,000 feet of retail liquor stores, bars, taverns, substance abuse treatment centers, State Local Alcohol Reception Centers

The respective distance separations are depicted on the maps attached hereto.





No Public, Private or Charter Schools, Preschools or Daycares Within 1000 ft

No Retail Liquor Stores, Bars, Taverns, Substance Abuse Treatment Centers, State Local Alcohol Reception Centers within 1000 ft

No Residential Zoned within 500 ft

Zoning: C-2
Zoning and Separation Exhibit

Green Desert Patient Center of Peoria, Inc.
9275 West Peoria Avenue, Peoria, AZ 85345

Green Desert Patient Center of Peoria, Inc.

Businesses within 1000' of 9275 W. Peoria Avenue

North side of Peoria Ave

- Brake Masters – 9240 W. Peoria Ave
- Dunn Edwards – 9156 W. Peoria Ave
- Strip Commercial – 9210 W. Peoria Ave
 - Holsum Bakery – Suite 2
 - Generation Life Church – Suite 10
 - Smoker Friendly – Suite 7
 - Horizon Tile and Flooring
 - F&R Peoria Properties
- AM/PM – 9102 W. Peoria Ave
- Walgreens – 9040 W. Peoria Ave.
- Best Funeral Services – 9380 W. Peoria Ave.

South side of Peoria Ave

- Frazee Paint – 9275 W. Peoria Ave., #1
- Del Taco – 9171 W. Peoria Ave.
- Subway – 9151 W. Peoria Ave.
- American Fastest Refund – 9151 W. Peoria Ave.
- Burger King – 9119 W. Peoria Ave.
- Home Depot – 9201 W. Peoria Ave.
- Econo Lube & Tube – 10380 N. 91st Ave.
- Arby's – 10320 N. 91st Ave.
- Sears -10140 N. 91st Ave.
- Arizona Hair Company – 10250 N. 91st Ave., #109
- Staples – 10310 N. 91st Ave
- Radio Shack – 10250 N. 91st Ave., #106
- Circle K – 9049 W. Peoria Ave.
- Taqueria Los Angeles – 10590 N. 90th Ave.
- Occasion Florist – 10590 N. 90th Ave.
- Smoke Shop – 10590 N. 90th Ave.
- Accurate Corrosion Control, Inc. – 10487 N. 91st Ave.
- Arrowhead Fellowship – 8979 W. Peoria Ave.
- It's All About Cuts, Colors and Fades – 10590 N. 90th Ave., #3
- Lauren's Fine Furnishings – 10590 N. 90th Ave., #2
- Uptight Flooring – 10535 & 10533 N. 91st Ave.
- Fashion Bug – 10280 N. 91st Ave.
- Nail Avenue – 10250 N. 91st Ave., #110
- Café & More – 10250 N. 91st Ave., #108
- Styles For Less – 10250 N. 91st Ave., #104

- A to Z Smoke Shop – 10535 N. 91st Ave.
- Peoria Florist – 10539 N. 91st Ave.



REZONING

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: Z05-20A.2

DATE: April 18, 2013

AGENDA ITEM: 7R

Applicant: Garrett Walker Homes

Request: Amend a Planned Area Development (PAD) to decrease the allowable density and change the development standards from a courtyard cluster design to a traditional detached single-family development

Proposed Development Location: Peoria Village

Location: The property is located north and west of the northwest corner of 67th Avenue and Cactus Road

Site Acreage 19.3 acres

Support / Opposition: Staff received initial opposition from several members of the public. A letter of support signed by owners of 8 neighboring properties attending the neighborhood meeting has since been received.

Recommendation: Recommend approval of case Z05-20A.2 to the City Council

AREA CONTEXT

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

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant, undeveloped	Medium Density Residential (5-8 du/ac)	PAD, Planned Area Development, Single Family Residential
North	Promenade subdivision –single family residential	Residential/Low Density (2-5 du/ac)	R1-8, Single Family Residential
South	Cactus Rd, then charter school, credit union, & Walgreens	Residential/Low Density (2-5 du/ac)	C-2, Intermediate Commercial
East	67 th Ave, then commercial center	City of Glendale Planned Commercial	City of Glendale, C-2, General Commercial
West	Single family residential	Residential/Low Density (2-5 du/ac)	R1-12, Single Family Residential, and AG, General Agricultural

PROJECT DESCRIPTION

Site and Project Details

1. The project site is a 19.3 acre undeveloped parcel located north and west of the northwest corner of 67th Avenue and Cactus Road. There is a Shell gas station located at the immediate corner of 67th Avenue and Cactus Road.
2. The request is for a major amendment to the Planned Area Development (PAD) for the property in question. The amendment would rename the PAD to Peoria Village and would change the character of the allowed development from a “courtyard cluster” design to instead accommodate a traditional detached single family development. The total lot count/density would decrease from 111 lots/5.75 du/ac to 83 lots/4.3 du/ac. The lot sizes will range between 4,590 – 12,360 square feet, with an average lot size of 5,752 square feet. This exceeds the existing PAD standards, which permit lots as small as 3,033 square feet in area. Proposed access to the site would be from 67th Avenue and Cactus Road.

Land Use Background

Subject Site

3. In 2006, the property was rezoned from C-2, Intermediate Commercial to the Cactus Gardens PAD to allow cluster single family residential development. The conceptual development plan for the existing PAD calls for a “courtyard cluster” style of development, with groups of 4-5 houses oriented around a short common drive with a cul-de-sac.
4. A General Plan Amendment was processed concurrently with the 2006 rezoning and changed the land use designation of the property from Residential/Low Density (2-5 du/ac, Target: 3, du/ac) to Residential/Medium Density (5-8 du/ac, Target: 6 du/ac).
5. A minor amendment to the Gardens on Cactus PAD was approved in 2008 to modify the open space amenities and reduce the side setbacks in response to increased retention requirements and changes to the development plan resulting from the preliminary plat review process.

DISCUSSION AND ANALYSIS

Conformance with the General Plan

6. The underlying General Plan land use designation for the property is Residential/Medium Density (5-8 du/ac, target 6.0 du/ac). This designation allows for single-family detached or attached residential development. The proposed density of 4.3 is below the density range for this category. Per the Plan Administration section of the General Plan, projects requesting a change of density from Residential/Medium Density to Residential/Low Density may be processed without requiring an amendment to the General Plan and are deemed compliant with the Land Use Element of the General Plan.

Peoria Village PAD Development Standards Exhibit E

7. Among the key changes to the PAD development standards, is an increase in the minimum lot size and a decrease in the minimum lot width to accommodate homes on rectangular lots oriented to a residential street in the form of a traditional detached single family development. This is in contrast to the smaller, but nearly square lots contemplated for the court-yard cluster design proposed by the existing PAD standards.

Development Standards Comparison

Development Standard	Existing Gardens on Cactus PAD	Proposed Peoria Village PAD
Minimum Lot Size	3,033 s.f.	4,500 s.f.
Minimum Lot Width	52'	45'
Minimum Lot Depth	45'	80'
Minimum Front Yard Setback	<ul style="list-style-type: none"> • 8' to living areas or side loaded garages • 18' to front loaded garages 	<ul style="list-style-type: none"> • 8' to living areas or side loaded garages • 18' to front loaded garages
Minimum Rear Setback	10'	10'
Minimum Side Setback	4'	4'
Total Side Setback	8'	8'
Maximum Building Height	30'	30'
Maximum % Lot Coverage	44%	46% 52% along the northern boundary
Number of Lots	111	83

- In both cases, setbacks along the northern boundary of the property and the adjacent commercial parcel are a minimum of 15'.
- In both cases, building heights along the northern boundary are limited to one-story in height.

Citizen Participation Plan - Neighborhood Meeting

8. Based on initial opposition received by the City, the applicant conducted a neighborhood meeting and provided a Citizen Participation Process Report detailing the results of the meeting. The applicant notified all property owners within 600 feet and registered Homeowner's Associations within 1 mile of the subject site for the required neighborhood meeting, which was held on February 28, 2013 at the Apostles Lutheran Church. Fifteen (15) members of the public attended the meeting, including members of 10 neighboring households and a real estate agent. The applicant described the existing approved PAD and

conceptual development plan and outlined the proposed changes. While there were concerns about the proposed lot sizes, many attendees conceded that the proposed PAD was preferable to the existing PAD in terms of the character of proposed development and the lot sizes. Many of the attendees were also interested in maintaining some of the standards that the previous developer had agreed to as mitigation. The PAD standards will still limit the homes along the northern boundary of the property to single story and that those same lots would be held to the 15 foot setback. While some of the neighbors indicated that they would prefer an even greater reduction in development density, out of the ten neighboring households represented, eight households signed a letter of support for the proposed amendment.

Land use compatibility

9. It is staff's assessment that the proposed major PAD amendment creates an appropriate development form that will continue the transition from the larger-lot single family developments to the north towards the intersection of 75th Avenue and Cactus Road, both major arterial roadways. The development will also provide a buffer for the existing residential developments from the more intense commercial developments located at this intersection. The traditional single family design and reduced density over the previous PAD standards for this property will be more compatible with existing residential developments, while still adding variety to the housing choices to the area.

City Review

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

Public Notice

11. 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.

Proposition 207

12. The applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the City Council action.

FINDINGS AND RECOMMENDATION

13. Based on the following findings:
 - The proposed zoning district is in conformance with the goals and objectives set forth in the Peoria General Plan; and
 - This rezoning request is considered consistent with General Plan Land Use designation of Residential/Medium Density (5-8 du/ac, target of 6 du/ac); and

- The PAD amendment will result in a residential development form that is more compatible with the existing adjacent neighborhoods.

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

Recommend to the City Council approval of Case Z05-20A.2, subject to the following conditions:

1. The development shall conform in all material respects to the "Peoria Village" Planned Area Development Standards and Guidelines Report, (case Z05-20A.2) dated 04/11/13.
2. All Civil Improvement plans shall comply with the Peoria Infrastructure Development guide. Refer to the Infrastructure Guide.
3. A Final Drainage Report shall be submitted with the subdivision.
4. The Final Drainage Report shall incorporate recommendations of the applicable ADMP and any impacts that it may have on the development.
5. 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.
6. On-site basins shall be provided to retain/detain 100% of the 100-year, 2-hour storm event for the sub-basin it serves.
7. The Developer is responsible for submitting water and sewer analysis for the entire site, and necessary documentation required for issuance of the Agreement to Serve letter to Maricopa County. A flow test will be required to determine the fore flow requirements. Flow test to be coordinated with the City of Peoria Fire department
8. The Developer is responsible for providing 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.
9. Streetlights are required to be installed by the Developer. The streetlight plan must be submitted with the second submittal of the Civil Improvement Plans. The streetlights shall also be indicated on the paving or grading plan.
10. The Developer will be responsible to underground any overhead utilities rated less than 69 kV, which are adjacent to the subdivision.
11. A Phase 1 Environmental Clearance will be required for all right-of-way to be dedicated to the City.
12. 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.
13. The Developer will be responsible to form a Maintenance Improvement District (MID) for this subdivision.

14. 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.
15. 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.
16. The Developer shall dedicate half-street ROW on 67th Avenue and Cactus Road (75-foot) along the frontage of the project within the first 500 feet of the intersection and (65-foot) thereafter.
17. The Developer shall dedicate an 8' PUE outside of the required ROW. No walls or retention shall be allowed within the PUE
18. 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.

Attachments:

Exhibit A	Vicinity/Location Map
Exhibit B	Zoning Map
Exhibit C	General Plan Land Use Map
Exhibit D	Conceptual Development Plan (for reference)
Exhibit E	PAD Standards and Guidelines Report
Exhibit F	Citizen Participation Report

Prepared by: Melissa Sigmund, AICP
Planner

Vicinity/Location Map



Z05-20A.2 Peoria Village

Applicant: Garrett Walker Homes

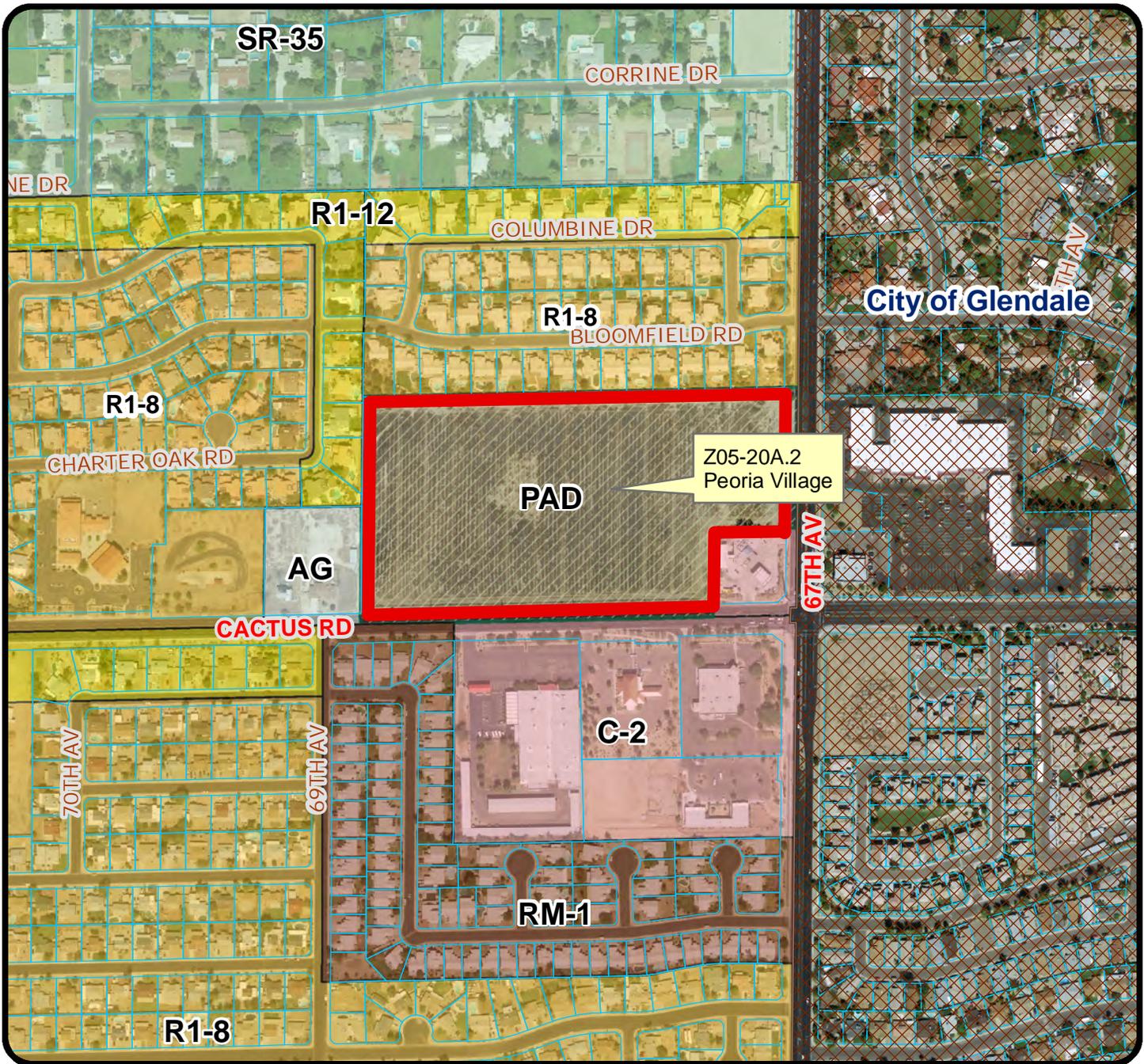
Request: Amend the Planned Area Development (PAD) zoning for an approximately 19.3 acre property to decrease the permitted density and alter the development standards from the current courtyard cluster design to a traditional single-family development.

Exhibit A



Not to Scale

Zoning Map



Z05-20A.2 Peoria Village

Applicant: Garrett Walker Homes

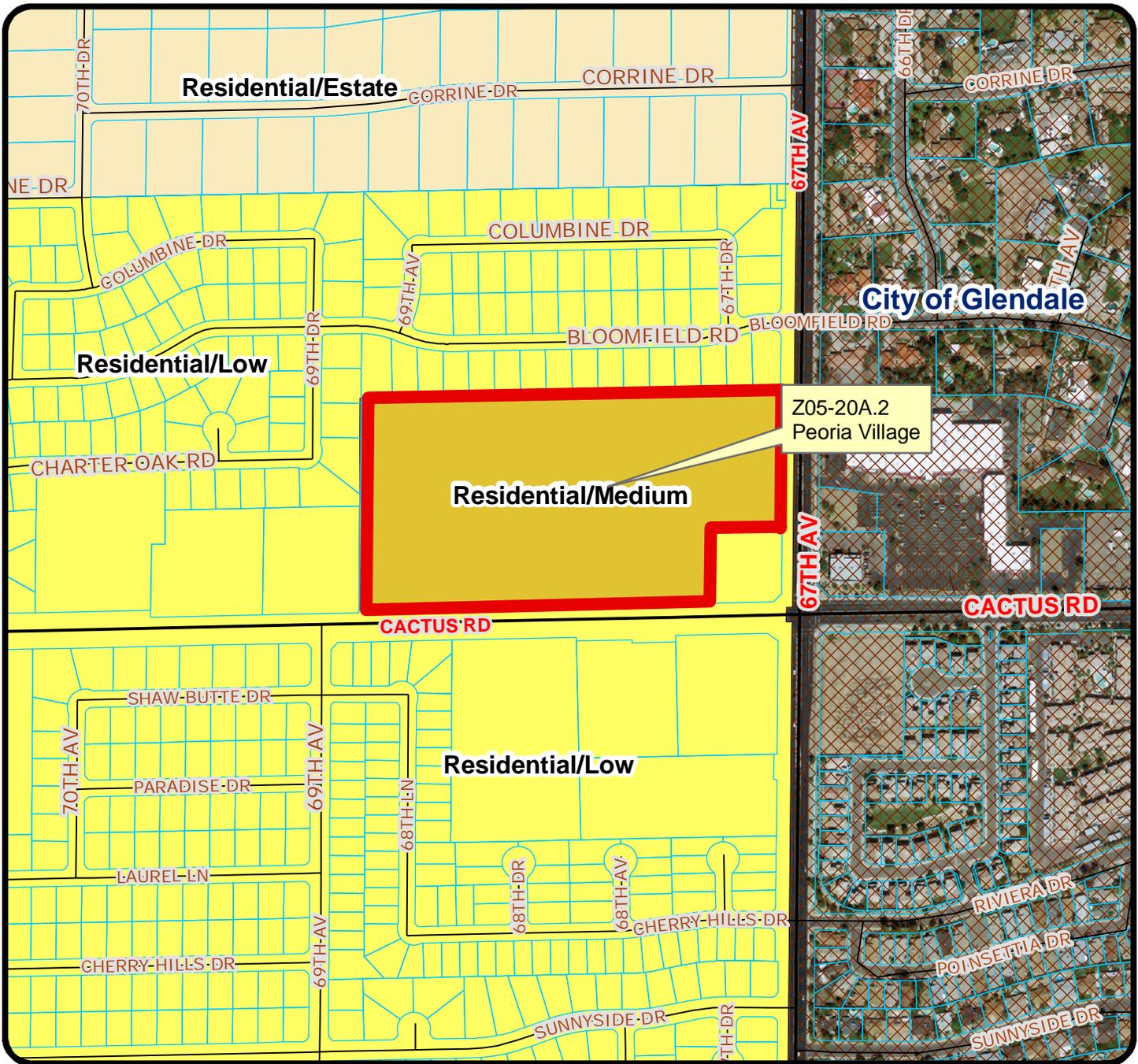
Request: Amend the Planned Area Development (PAD) zoning for an approximately 19.3 acre property to decrease the permitted density and alter the development standards from the current courtyard cluster design to a traditional single-family development.

Exhibit B



Not to Scale

General Plan Land Use Map



Z05-20A.2 Peoria Village

Applicant: Garrett Walker Homes

Request: Amend the Planned Area Development (PAD) zoning for an approximately 19.3 acre property to decrease the permitted density and alter the development standards from the current courtyard cluster design to a traditional single-family development.

Exhibit C



Not to Scale

EXHIBIT E

Peoria Village PAD Standards and Guidelines Report

Peoria Village

A Single Family Residential
Planned Area Development

19.3 Gross Acres

North and West of the northwest corner of 67th
Avenue and Cactus Road

Peoria, Arizona

Zoning Case Z05-20

Revisions:

Z05-20A.1 9/15/2008

Z05-20A.2 04/11/2013

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EXHIBITS

Vicinity Map	A
Legal Description	B
Conceptual Development Plan	C

Introduction

This Planned Area Development (PAD) zoning is for approximately 19.3 gross acres of land located both north and west of the northwest corner of 67th Avenue and Cactus Road. This site surrounds an existing convenience store/gas station which is located at the immediate northwest corner of 67th Avenue and Cactus Road.

The PAD proposes a detached single family residential development concept for approximately 83 homes on a 19.3 acre property at a density of 4.3 dwelling units per acre.

The conceptual development plan calls for one and two story homes on lots generally ranging in size from approximately 4,700 square feet to 6,000 square feet, with several considerably larger lots.

This PAD will be a traditional single family development containing open spaces and recreational amenities.

Legal Description

See Exhibit B.

Consistency with General Plan

The General Plan land use designation for this property is Medium Density Residential with a range of 5-8 du/ac and a target of 6 du/ac. The proposed development is consistent with the development type and density indicated by the General Plan.

The PAD zoning residential density will further the City's stated goal of enhancing diversity in the area's housing stock. Different household types (i.e. couples with young children, empty nesters, working individuals) demand different types of housing based on their differing needs. Moreover, diversity in housing is needed in the area to create population stability. The need for different types of housing alters over time as households change.

The Land Use Element of the General Plan includes Goals, Objectives and Policies that encourage the type of development requested in this PAD application, such as:

Policy 2.1.A.1: Requires the City to promote planned developments where resources and facilities are in place to facilitate a high quality, attractive and efficient urban development pattern.

Objective 2.1.B.1: Provide a diversity of housing types to meet the needs of persons of all income levels and ages." This request allows the opportunity to provide a diversity of housing types to meet the needs of persons of all income levels and ages.

Policy 2.1.B.1: “The City shall zone an adequate supply and mix of developable residential land to accommodate future housing needs.”

Objective 2.1.C: Create high-quality residential environments that provide for safe and convenient vehicular circulation, open space and recreational opportunities, access to public schools and services and protection from incompatible land uses.

Policy 2.1.C.3: “The City shall locate housing developments in areas that can be adequately served by police, fire, and ambulance services.”

Policy 2.1.C.7: The City shall encourage infill residential development that takes advantage of existing municipal services, utilities, transportation facilities, school, and shopping areas.

Policy 2.1.C.8: The City shall ensure that schools are accessible to residents of all housing units. Schools should have the current or potential capacity to support the increase enrollment generated by the new development.

Objective 2.1.Q: allows the consideration of amendments to ensure that the General Plan remains a valid and applicable document.

General Site Information

The site is 19.3 gross acres and 17.9 net acres. The site is relatively flat, with public street access along 67th Avenue and Cactus Road.

Surrounding Land Use

The surrounding properties are developed as follows:

- North: Single Family subdivision, R1-8 zoning
- East: Across 67th Avenue, City of Glendale, Shopping Center, C-2 Zoning
- South: Commercial developments, C-2 zoning
- West: Single Family subdivision and a large single family lot, R-12 and AG zoning.

Preliminary Development Plan

The Conceptual Development Plan (Exhibit C) illustrates 83 single family lots and common open space. Entrances would be located off of both 67th Avenue and Cactus Road. As an accommodation to the existing neighborhood to the north, the developer has agreed to build only one-story homes along the north property line. Also, the minimum building setback along the north property line and adjacent to the commercial parcel at the southeast corner of the site will be 15 feet.

Permitted Uses

The site shall be developed with permitted, conditional, and accessory uses consistent with the single family residential zoning standards under Article 14-5 of the Zoning Ordinance.

Phasing

The PAD will be developed in one phase. The necessary onsite and offsite improvements will be determined during the Preliminary and Final Plat process in accordance with City of Peoria Ordinances and Guidelines.

Development Standards

Land use	Min. Lot Size	Minimum Setbacks for Principal Buildings						Max. Bld Ht (feet)	Max. Lot Coverage
		Area	Width	Depth	Front	Least Side	Total Sides		
Single family residential	4,500 sf	45'	80'	8' [*] 18' ^{**}	4' ⁽¹⁾	8'	10' ^(2,3)	30' ⁽⁴⁾	46%

*To living areas or side loaded garages.

**To front loaded garages.

⁽¹⁾Corner lots abutting local private streets shall provide a 10'-wide side setback.

⁽²⁾Building setbacks along the northern boundary shall be a minimum of 15'

⁽³⁾Building setbacks along the common boundary with the adjacent commercial parcel shall be a minimum of 15'

⁽⁴⁾All lots abutting the northern boundary shall be limited to one-story in height

⁽⁵⁾The maximum lot coverage shall be 52% for the houses along the northern boundary because they are limited to single-story structures.

Development Standards for accessory structures shall be in accordance with Article 14-5 of the Zoning Ordinance.

Design Guidelines

Development within the PAD shall comply with the City of Peoria Design Review Manual for Detached Single Family Residential uses.

One and two story homes are proposed with four conceptual floor plans, each with three conceptual elevations.

Signage

All signage shall be in accordance with Article 14-34 of the Zoning Ordinance and subject to a separate permitting process.

Landscaping

Landscaping shall be in accordance with Article 14-35 of the Zoning Ordinance.

Useable Open Space

The development shall meet the open space provisions of the Design Review Manual, which requires a minimum of 9% useable open space for single family developments with lots less than 10,000 square feet in area.

A Homeowners Association (HOA) will maintain the common open spaces within the development and the landscaped tracts along the perimeter streets. The subdivision Covenants, Conditions, and Restrictions, (CC&Rs) for this development will identify that the HOA will own all common areas, landscaping within any open space tracts, retention areas, pedestrian pathways, decorative perimeter walls, entry features, and recreation amenities.

Screening

Screening shall be in conformance with Article 14-3 of the Zoning Ordinance.

Lighting

Lighting shall be in accordance with Article 14-3 of the Zoning Ordinance and with the Dark Sky Ordinance set forth in Chapter 20 of the City Code.

Parking

Parking shall be in accordance with Article 14-23 of the Zoning Ordinance.

Grading and Drainage

The PAD site has limited slopes, but some fill dirt may need to be added to the site to properly accommodate on-site drainage and retention. On-site retention basins approved in Preliminary and Final Plat will accommodate all storm water drainage. Drainage will be designed to accommodate 100-year, 2-hour storm events.

Public Utilities and Services

There are existing water and sewer lines available to the site. The developer will provide street and utility improvements when the site is developed as required by the City of Peoria.

Sewer	City of Peoria	Gas	Southwest Gas
Water	City of Peoria	Refuse	City of Peoria
Electricity	Arizona Public Service	Fire/Emergency	City of Peoria
Telephone	Qwest Communications	Police	City of Peoria
Cable TV	Cox Communications	Schools	Peoria Unified School District

EXHIBIT A

Vicinity Map



EXHIBIT B

Legal Description

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 1 EAST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 13, BEING MARKED BY A BRASS CAP IN HAND HOLE;

THENCE SOUTH 88 DEGREES 13 MINUTES 32 SECONDS WEST (BASIS OF BEARINGS) ALONG THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 275.13 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 88 DEGREES 13 MINUTES 32 SECONDS WEST, 1059.71 FEET (1059.64 FEET MEASURED) TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 13 AND FROM WHICH POINT THE SOUTH QUARTER CORNER OF SAID SECTION 13 BEING MARKED BY A BRASS CAP IN HAND HOLE, BEARS SOUTH 88 DEGREES 13 MINUTES 32 SECONDS WEST, 1334.84 FEET (1334.77 FEET MEASURED) DISTANT THEREFROM;

THENCE NORTH 00 DEGREES 04 MINUTES 09 SECONDS EAST (NORTH 00 DEGREES 04 MINUTES 12 SECONDS EAST MEASURED) ALONG THE WESTERLY LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13, A DISTANCE OF 685.40 FEET (685.25 FEET MEASURED) TO A POINT ON THE SOUTHERLY LINE OF THE SUBDIVISION KNOWN AS PROMENADE, ACCORDING TO BOOK 342 OF MAPS, PAGE 27 OF MARICOPA COUNTY RECORDS;

THENCE NORTH 88 DEGREE 13 MINUTES 32 SECONDS EAST, 1334.06 FEET (NORTH 88 DEGREES 13 MINUTES 23 SECONDS EAST, 1334.01 FEET MEASURED) TO A POINT ON THE EASTERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 13 AND FROM WHICH POINT THE EAST QUARTER CORNER OF SAID SECTION 13, BEING MARKED BY A BRASS CAP IN HAND HOLE, BEARS NORTH 00 DEGREES 00 MINUTES 15 SECONDS EAST, 1929.47 FEET (NORTH 00 DEGREES 00 MINUTES 22 SECONDS EAST, 1929.46 FEET MEASURED) DISTANT THEREFROM;

THENCE SOUTH 00 DEGREES 00 MINUTES 15 SECONDS WEST, 420.24 FEET (SOUTH 00 DEGREES 00 MINUTES 22 SECONDS WEST, 420.15 FEET MEASURED) ALONG THE EASTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 13 TO

A POINT FROM WHICH THE SAID SOUTHEAST CORNER OF SECTION 13 BEARS SOUTH 00 DEGREES 00 MINUTES 15 SECONDS WEST, 265.13 FEET (SOUTH 00 DEGREES 00 MINUTES 22 SECONDS WEST, 265.13 FEET MEASURED) DISTANT THEREFROM;

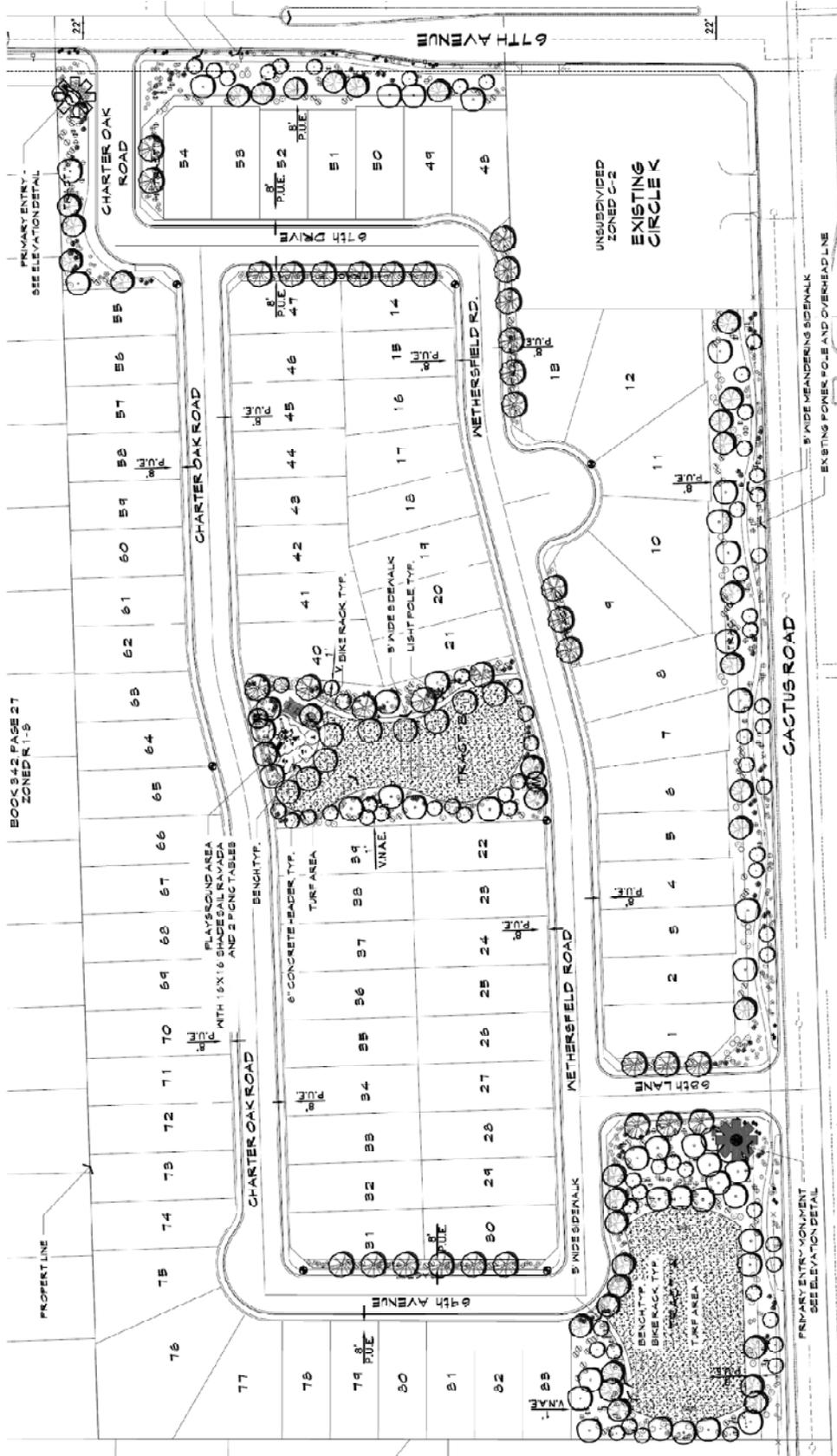
THENCE SOUTH 88 DEGREES 13 MINUTES 32 SECONDS WEST, PARALLEL WITH AND 265.00 FEET NORTHERLY OF AS MEASURED AT A RIGHT ANGLE TO THE SAID SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 13, A DISTANCE OF 275.13 FEET;

THENCE SOUTH 00 DEGREES 00 MINUTES 15 SECONDS WEST (SOUTH 00 DEGREES 00 MINUTES 22 SECONDS WEST MEASURED), A DISTANCE OF 265.13 FEET TO THE POINT OF BEGINNING.

EXCET THE EAST 55 FEET THEREOF, AND ALSO

EXCEPT THE SOUTH 40 FEET THEREOF.

EXHIBIT C





Evergreen

Development | Services | Investments

www.evgre.com

March 14, 2013

Via Email

Melissa Sigmund
 Planner
 Planning & Community Development Dept.
 City of Peoria
 9875 N. 85th Ave.
 Peoria, AZ 85345

Re: Peoria Village Citizen Participation Report

Dear Melissa:

As you know, Evergreen and Garrett-Walker Homes held a neighborhood meeting on February 28th at the Apostles Lutheran Church on Cactus, to inform the neighbors of the changes in the development plans and discuss the newly proposed Peoria Village project at the NWC of 67th Avenue and Cactus.

During the meeting, we described the existing City-approved PAD and the "courtyard cluster" home lot layout that could be built on the property today. We then described the changes that we are proposing to make to the PAD, which will change the development to a more "traditional single-family home" layout. These changes include reducing density (83 instead of 111 homes), decreasing the number of lots per acre (4.3 instead of 5.75), increasing rear yard setbacks (14'-6" to 35' instead of 10' minimum), increasing open space (2.03 acres instead of 1.53 acres), and increasing home size (1581-2674 s.f. instead of 1300-1900 s.f.). We tried to make it clear that while the proposed changes would reduce the lot width from 52' to 45', the actual lot sizes will be increased significantly, and the proposed development would have, instead of lots 52'x45' in size, lots that are an average of 45'x105', up to 45'x120' in size, with a few much larger lots.

Once they understood the new development proposal, many of the neighbors were very supportive of the changes that have been proposed. Out of ten neighboring households who attended the meeting, eight signed a Letter of Support for our proposed changes to the zoning, stating that they preferred the new plan to the previously approved plan.

It was clear that the unsupportive neighbors still desired that houses on much larger lots be built in this development, which is not necessarily in line with the City's Medium Density Residential designation (5-8 du/acre) in the General Plan for this land. Based on the comments made during the meeting, it appears this sentiment was left over from the prior rezoning, but the new 45' lot

widths were also specifically commented on by dissenting neighbors. We explained that a larger lot width would make the project economically infeasible to the point where the previously approved design and lot layout would actually be more feasible to build. Most of the neighbors agreed that this tradeoff was worth the benefits of the proposed new plan over the layout that is currently approved by the City.

Other concerns brought up in the meeting included a worry by one of the neighbors north of the development who wanted a larger rear setback for the houses that would be built behind his property. He lives north of some of the lots with shorter lengths along the northern property line on the far east side of the development. We showed how the proposed development still complies with the restriction on the previous design, so in this respect, it is no different from what could be built today, and in many cases is an improvement over the previous design, as many of the houses that will be built will have deeper lots than before. The minimum along the northern border with neighbors will still be 15', which was approved on the previous PAD, and many of the houses will actually have a significantly larger rear setback than 15' in the new layout.

A similar issue was taken by one neighbor about the 5' side setbacks between houses and their property lines. But this change, too, is an improvement over the existing zoning restrictions, which stipulate a 4' minimum side setback, instead of 5'.

One of the neighbors directly to the north of the proposed driveway onto 67th Avenue whose property aligns north of the north/south portion of the internal streets in the new development also expressed a concern about headlights from traffic on the new inner street loop inside the development shining into his back windows at night. To alleviate this concern, we would consider putting in extra landscaping or trees along the landscaped tract of land between the new exit onto 67th Avenue and the neighbors to the north, to block headlights shining in that direction.

As shown by the majority of neighbors supporting the proposed changes to the PAD, they agree that new development proposal is preferable to what could be built on the property today without altering the zoning. It is our hope that the City will consider this feedback favorably as we move forward in the PAD amendment application process.

Sincerely,

A handwritten signature in black ink that reads "Amy Stieg". The signature is written in a cursive, flowing style.

Amy Stieg
Evergreen Devco, Inc.

Sign-In Sheet

Name	Phone	Address	Affiliation (Neighbor, Business Owner, etc.)
------	-------	---------	---

Jim Dorr	623-363-6244	6829 W. Bloomfield Rd	Neighbor
----------	--------------	-----------------------	----------

Jay Foss (Mending)	423-847-9116	6835 W Bloomfield Rd	Neighbor
--------------------	--------------	----------------------	----------

Jerry & Rosie Heck	623-486-3213	6841 W Bloomfield Rd.	Neighbor
--------------------	--------------	-----------------------	----------

Colin & Lynne Furies	623-878-4799	6817 W. Cocomar Ave or	Neighbor
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Lisa & Bob Bergsson	480-306-7918	6731 W. Bloomfield	Neighbor
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Frank Augusta	623-878-6569	6719 W. Bloomfield Rd.	Neighbor
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Ron Thomas	623-848-2057	6225 W. Bloomfield Rd	Neighbor
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RAD MAESH	623 334 3030	12415 N 69 Dr	Neighbor
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Ron Brooks	602-228-3926	6749 W Bloomfield Rd	Neighbor
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Sign-In Sheet

Name

Phone

Address

Affiliation
(Neighbor, Business Owner, etc.)

ALYSON ANNE BOHN 623-486-4656 12455 N 69TH DR Homeowner

BRAD NEAL 602-5492209

REAL ESTATE AGENT

TERRI SUE KILB City of Peoria

Letter of Support

I have met with Evergreen and Garrett-Walker Homes regarding the property at the NWC of 67th Avenue and Cactus.

I support a PAD amendment that would allow for the development of the attached newly proposed lot layout instead of the existing lot layout, including the changes in design standards that would be made to develop the land this way.

Name	Phone	Address	Affiliation (Neighbor, Business Owner, etc.)
Jim DARR	623.363.6244	6829 W. BLOOMFIELD RD.	NEIGHBOR
JAY Foss	623-847-9116	6835 W BLOOMFIELD RD	NEIGHBOR
Wendy Foss	602-803-2808	6835 W. Bloomfield Rd.	Neighbor
Rasie Heck	623-486-3213	6841 W. Bloomfield Rd.	Neighbor
* JERRY Heck	623-486-3213	6841 W BLOOMFIELD RD	NEIGHBOR

Letter of Support

I have met with Evergreen and Garrett-Walker Homes regarding the property at the NWC of 67th Avenue and Cactus.

I support a PAD amendment that would allow for the development of the attached newly proposed lot layout instead of the existing lot layout, including the changes in design standards that would be made to develop the land this way.

Name	Phone	Address	Affiliation (Neighbor, Business Owner, etc.)
Routhomas	623-848-7097	6725 W. Bloomfield Rd	neighbor
Frank AGOSTA	623 878 6569	6719 W. Bloomfield Rd	Neighbor -
* Lisa Bengtsson	480-206-7918 623	6731 W. Bloomfield Rd.	neighbor
Lynne Furfie	623 878 4799	6817 W. Columbine Dr	neighbor

Letter of Support

I have met with Evergreen and Garrett-Walker Homes regarding the property at the NWC of 67th Avenue and Cactus.

I support a PAD amendment that would allow for the development of the attached newly proposed lot layout instead of the existing lot layout, including the changes in design standards that would be made to develop the land this way.

Name

Phone

Address

Affiliation

(Neighbor, Business Owner, etc.)

Donald W. Burt

602-228-3926

6799 W Bloomfield Rd

Neighbor
