

# Planning and Zoning Commission Meeting Notice & Agenda

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Thursday, June 6, 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 Shawn Hutchinson and Charles Marr from the April 18, 2013 meeting.

#### 2C **Minutes**

Discussion and possible action to approve the minutes of the Planning and Zoning Commission meeting held on April 18, 2013.

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Chairman  
Nancy Golden

Vice Chairman  
Leigh Strickman

Secretary  
Leonard Spraker

Member  
Greg Loper

Member  
Shawn Hutchinson

Member  
Bill Louis

Member  
Charles Marr

3C **CU13-0005:** AT&T at Liberty High School

Discussion and possible action to approve a request from Bechtel Engineering for a Conditional Use Permit to relocate an existing wireless antenna and light tower on the Liberty High School football field located at 9621 W. Speckled Gecko Dr.

## Regular Agenda

### New Business

4R **PUBLIC HEARING:** RE: Rezone.

**PUBLIC HEARING – Z12-0001:** Camino a Lago, LLC is requesting a stipulation modification to The Meadows Planned Community District (PCD). The proposal will revise a zoning stipulation regarding the timing of construction of the neighborhood park. The property is located north of the northwest corner of 91<sup>st</sup> Avenue and Deer Valley Road.

**Staff Report**

**Open Public Hearing**

**Public Comment**

**Close Public Hearing**

**Commission Action:** Discussion and possible action to recommend approval of a request from Camino a Lago, LLC for a major amendment to The Meadows Planned Community District (PCD). The proposal will revise a zoning stipulation regarding the timing of construction of the neighborhood park. The property is located at the northwest corner of 91<sup>st</sup> Avenue and Deer Valley Road.

### 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

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*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  
APRIL 18, 2013**

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 6:49 p.m.

**Members Present:** Chair Nancy Golden, Vice Chair Leigh Strickman, Commission Members Greg Loper, Bill Louis, and Leonard Spraker.

**Members Absent:** Commission Members Shawn Hutchinson and Charles Marr.

**Others Present:** Cynthia Odom – Assistant City Attorney, Chris Jacques - Planning and Community Development Director, Adam Pruett - Senior Planner, Melissa Sigmund – Planner, and Rhonda Geriminsky – City Clerk.

**Opening Statement:** Read by Chair Nancy Golden.

Call for speaker request forms.

**Audience:** Nineteen members of the public were present.

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

## **CONSENT AGENDA**

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

1C **Disposition of Absence**

Discussion and possible action to approve/excuse the absences of Commission Members 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.

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.

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

## REGULAR AGENDA

### NEW BUSINESS:

6R **PUBLIC HEARING – CU13-0004**: Green Desert Patient Center Inc. requested a Conditional Use Permit to allow a medical marijuana dispensary in an existing building located at 9275 W. Peoria Avenue, #4.

**STAFF REPORT:** Presented by Melissa Sigmund, Planner.

**COMMISSION COMMENT:** Discussion regarding Home Depot's letter of concern about their zone of control and zone of influence and whether another location is being considered for the dispensary.

**PUBLIC COMMENT:** Applicant, J.P. Holyoak introduced Kurt Merschman, Legal Advisor, who addressed the Commission regarding Home Depot's concerns.

**COMMISSION ACTION:** Commissioner Loper moved 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. The motion was seconded by Commissioner Strickman and upon vote, carried 4-0 with Commissioner Spraker abstaining from vote.

7R **PUBLIC HEARING – Z05-20A.2**: Garrett Walker Homes requested an amendment to the Planned Area Development for an approximately 17-acre site located north and west of the northwest corner of 67<sup>th</sup> 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:** Presented by Melissa Sigmund, Planner.

**COMMISSION COMMENT:** None

**PUBLIC COMMENT:** Applicant, Laura Ortiz, addressed the Commission regarding the request.

**COMMISSION ACTION:** Commissioner Louis moved 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. The motion was seconded by Commissioner Loper 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 7:28 p.m.

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Nancy Golden, Chair

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Date Signed



# CONDITIONAL USE PERMIT

## REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NUMBER:** CU 13-0005

**DATE:** June 6, 2013

**AGENDA ITEM:** 3C

**Applicant:** Taylor Candland of Bechtel Communications, Inc.

**Request:** Approve a Conditional Use Permit (CUP) to relocate an existing wireless communication antenna and light tower.

**Proposed Development:** Modify and relocate an existing 71-foot antenna eight feet east of the existing equipment building.

**Location:** The site is located on the Liberty High School football field at 9621 W. Speckled Gecko Dr.

**Site Area:** Approximately 51.5 acres (Lease area 600 sq ft)

**Support / Opposition:** As of the date of this printing, Staff has not received any written or verbal support or 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
<b>Subject Property</b>	<b>Liberty High School</b>	<b>Residential / Low Density</b>	<b>Agriculture (AG)</b>
North	Vacant undeveloped land	Residential / Low Density (2-5 du/ac)	Planned Community Development (PCD)
South	Vacant undeveloped land	Residential / Low Density (2-5 du/ac)	Planned Area Development (PAD)
East	Vacant undeveloped land	Residential / Estate (0-2 du/ac)	Planned Community Development (PCD)
West	Vacant undeveloped land	Residential / Low Density (2-5 du/ac)	Planned Community Development (PCD)

## **PROJECT DESCRIPTION**

### *Request and Development Details*

1. Bechtel Communications, Inc. is proposing to modify and relocate an existing 71-foot wireless communication antenna located on a 90-foot high light tower to accommodate new wireless technology and an increased structural load. The facility is situated on an approximately 600 sq ft of leased area adjacent to the Liberty High School football field. The school site is approximately 51.5 acres and is located at 9621 W. Speckled Gecko Rd.
2. A site plan application for this proposal has been submitted and is currently under staff review. (SP13-0005)

## **DISCUSSION AND ANALYSIS**

3. Section 14-3-13 of the Zoning Ordinance outlines the applicable criteria for evaluating wireless communication facilities as Permitted Principal or Conditional Use Permits (CUP). In general, the purpose of a CUP is to mitigate or minimize any identified impacts arising from a specific use on the site or the surrounding neighborhood and provide controls to ensure maximum compatibility with the area.
4. The intent of the wireless communication ordinance is to promote the use of appropriate wireless communication facilities while encouraging co-location and design techniques that minimize the impacts of such facilities on the community. The City of Peoria encourages providers to explore all co-location options, including locating on existing municipal facilities or existing vertical elements (e.g. power poles, light standards, etc) prior to the application for a new facility. The City further encourages applicants to explore all camouflaging (stealth design) and screening options available to reduce the visual impacts of such facilities to the community.
5. As indicated in Section 14-3-13, wireless communication facilities located on existing vertical structures on school or municipal property may exceed 65-feet to a maximum of 80-feet with a Conditional Use Permit. The proposed height of 71-feet for the new antenna triggered the requirement for the CUP. The height of the new light standard will remain at 90-feet.
6. The proposed wireless communication facility is compliant with the intents and goals of the Zoning Ordinance and staff has not identified any potential adverse concerns that will affect the surrounding properties. The application was routed to various City departments and comments will be addressed through the

subsequent site plan application (SP13-0005) and construction document phase of this proposal.

*Public Noticing and Neighborhood Comment*

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

*Proposition 207*

8. A signed Proposition 207 Waiver has been submitted by the property owner. The waiver will be forwarded to the City Clerk's Office for signatures and recordation pending the outcome of the Conditional Use Permit application.

**RECOMMENDATION**

9. Staff recommends approval of case CU13-0005, based on the following findings:
  - The proposed wireless communication facility meets all Conditional Use Permit criteria; and
  - The proposal integrates design techniques (co-locating on an existing light pole adjacent to a football field) in furtherance of neighborhood compatibility and design consistency on-site.

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 CU13-0005, subject to the following conditions:**

1. The development shall substantially conform to Exhibit A (narrative), Exhibit C (site plan), and Exhibit D (elevations) as contained in the staff report to the Planning and Zoning commission dated June 6, 2013.
2. In accordance with Article 14-39-10.B.5 of the City of Peoria Zoning Ordinance, a building permit must be obtained within 18 months of the date of CUP approval or the CUP will expire.

**ATTACHMENTS:**

- |           |                   |
|-----------|-------------------|
| Exhibit A | Project Narrative |
| Exhibit B | Vicinity Map      |

Exhibit C  
Exhibit D

Site Plan  
Existing Condition

Prepared by: Rick Williams, Planner

# Exhibit A

## **Project Submittal Narrative**

### **AT&T X460**

AT&T Liberty High School Light Pole  
9621 W. Speckled Gecko Drive  
Peoria, AZ 85383

Wireless Communication Facility  
Antenna/Pole Change on existing 90' Light pole

Submitted To:  
City Of Peoria  
Planning and Development Services  
9875 N. 85<sup>th</sup> Ave.  
Peoria, AZ 85345

Submitted By:  
Taylor Candland  
Bechtel Communications Inc.  
AT&T LTE Project

3 May 2013

# Exhibit A

**Project Information:**

AT&T X460 / Liberty High School  
9621 W. Speckled Gecko Dr.  
Peoria, AZ 85383

APN: 200-09-010B

**Proposed Use:**

This application is for the modification of an existing AT&T wireless communication facility located at Liberty High School. The purpose of the modification is to provide new 4G LTE wireless technology and services as mandated by the FCC for the license held by AT&T. The pole will be replaced and moved 8' east due to the existing tower will fail structurally with the proposed load. The proposed antenna configuration will change from two (2) antennas per sector to four (4) antennas per sector. The two (2) new antennas will be 8' tall and the array width will be 10' wide. RRH's will be mounted behind the antennas.

<b>Current zoning:</b>	<b>AG</b>
Zoning to North:	PCD
Zoning to East:	PCD
Zoning to South:	PCD
Zoning to West:	PCD

**Narrative:**

The subject property is located on the northeast corner of 97<sup>th</sup> Ave and Deer Valley Rd. The modification involves replacing an existing ballfield lightpole to accommodate increased structural loading from new antennas. The overall structure height will not change. There are currently (6) antennas on the existing facility. The modification will result in (9) antennas and associated equipment. The ground equipment is located adjacent to the existing light pole and will not change aesthetically.

The site will require one technician on a once per month visit after construction for maintenance and will not affect any vehicular or pedestrian patterns. The proposed project will not require connection to any water or sewer system, nor require any refuse collection.

The communication site does not emit any odor, dust, gas, noise, vibration, smoke, heat or glare. The RF emissions from this site are well within FCC guidelines for a digital PCS communication site.

Respectfully submitted,

Taylor Candland  
Bechtel Communications Inc.  
AT&T LTE Project

# CU13-0005 Vicinity/Location Map

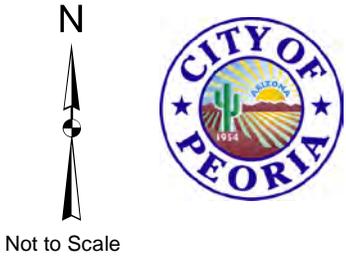


## CU13-0005 AT&T at Liberty High School

Applicant: Bechtel Communications

Request: The applicant is requesting a Conditional Use Permit to allow a change in the wireless antenna and light tower on the Liberty High School Football field.

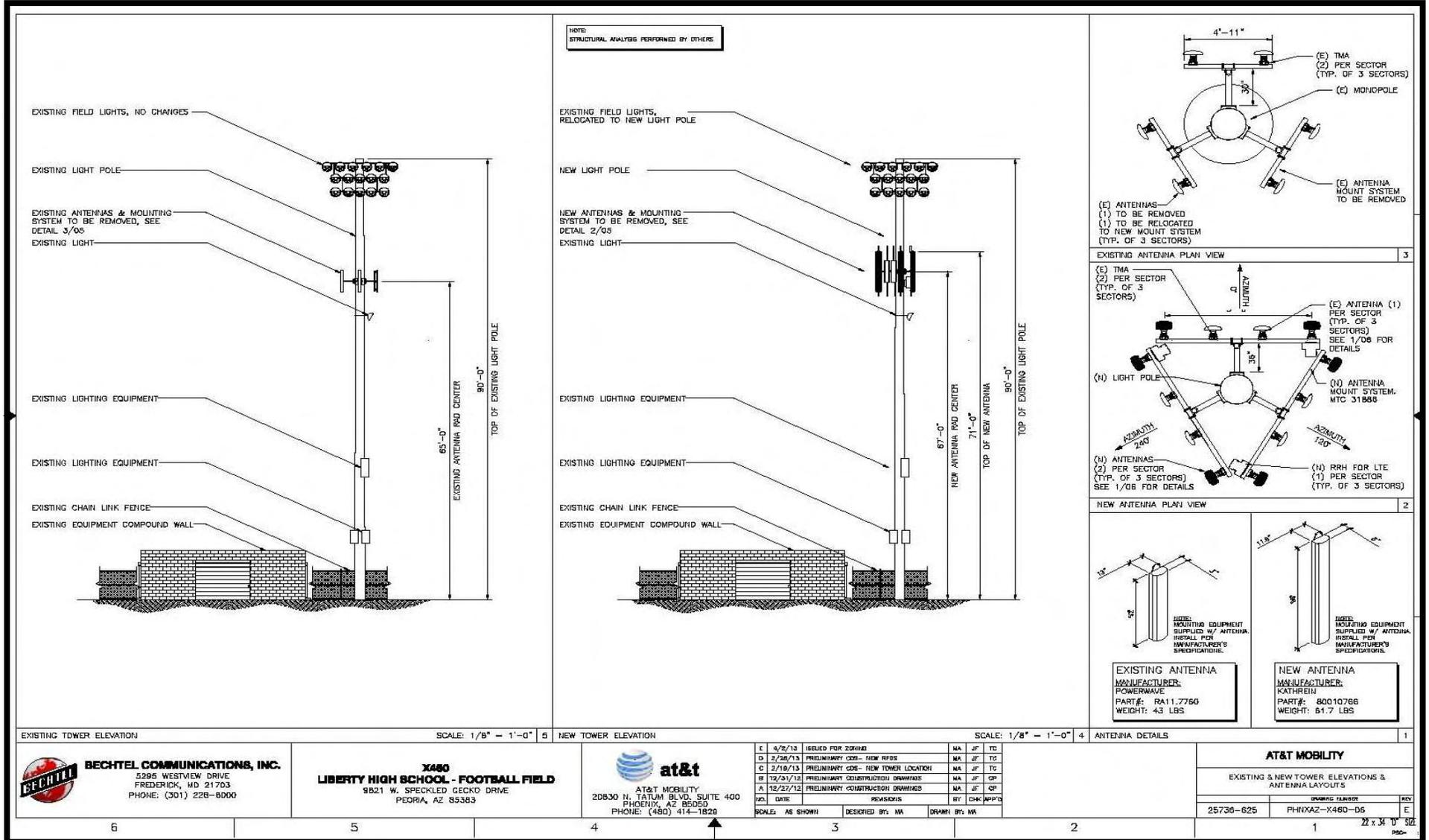
Location: SWC of Happy Valley Road and the 75th Ave alignment



Not to Scale

## EXHIBIT B

# Site Plan



## CU13-0005 AT&T at Liberty High School

**Applicant: Bechtel Communications**

Request: The applicant is requesting a Conditional Use Permit to allow a change in the wireless antenna and light tower.

Exhibit C



## Existing Conditions



### CU13-0005 AT&T at Liberty High School

Exhibit D

**Applicant: Bechtel Communications**

Request: The applicant is requesting a Conditional Use Permit to allow a change in the wireless antenna and light tower.





# REZONING

## REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NUMBER:** Z07-10A.2

**DATE:** June 6, 2013

**AGENDA ITEM:** 4R

**Applicant:** Camino a Lago, LLC

**Request:** Modify a stipulation to The Meadows Planned Community District (PCD) in regards to the timing of construction of the neighborhood park.

**Proposed Development** The Meadows single family residential development

**Location:** The property is located north of the northwest corner of 91<sup>st</sup> Avenue and Deer Valley Road.

**Site Acreage** 9.37 acre park site within The Meadows 694 acre property

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

**Recommendation:** Recommend approval of case Z07-10A.2 to the City Council, subject to conditions.

### AREA CONTEXT

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

	LAND USE	GENERAL PLAN	ZONING
<b>Subject Property</b>	Vacant, undeveloped	Residential/Low Density (2-5 du/ac)	The Meadows Planned Community District (PCD)
North	Vacant, undeveloped	Residential/Low Density (2-5 du/ac)	The Meadows Planned Community District (PCD)
South	Vacant, undeveloped	Residential/Low Density (2-5 du/ac)	The Meadows Planned Community District (PCD)
East	Vacant, undeveloped	Residential/Low Density (2-5 du/ac)	The Meadows Planned Community District (PCD)
West	Vacant, undeveloped	Residential/Low Density (2-5 du/ac)	The Meadows Planned Community District (PCD)

## **PROJECT DESCRIPTION**

### *Site and Project Details*

1. The Meadows is an entitled single family residential development encompassing approximately 694 acres at the northwest corner of 91<sup>st</sup> Avenue and Deer Valley Road. Within this community is a planned 10 gross acre neighborhood park site, described as "Parcel 5" (Exhibit B), which is the subject of the proposed PCD amendment. The planned park site is located near the proposed alignment of 95<sup>th</sup> Avenue and Williams Road.
2. The request is for a major amendment to The Meadows Planned Community District (PCD) for the property in question. The proposed amendment (Exhibit C) would modify a stipulation of The Meadows PCD to revise the timing of construction of the neighborhood park within the development.

## **LAND USE BACKGROUND**

3. The site is part of a larger area governed by the Camino a Lago Specific Area Plan, which was approved by the City in April 1997 and subsequently amended in 2002 and 2008 to refine the land use plan.
4. The site is part of the larger Meadows planned community. The Meadows PCD was adopted in 2008.
5. The original zoning approval of the PCD included a stipulation relating to the timing of construction of the neighborhood park within the development. This timing was based upon projected development time frames. However, overall economic conditions, and more particularly, conditions related to the housing market have faced a substantial downturn in the intervening years.
6. As a result of market conditions between 2008 and present, development of The Meadows project has been significantly delayed. At present, Meritage Homes is only beginning to ramp up construction on the first of the residential parcels (Parcel 4) under development at the northwest corner of 93<sup>rd</sup> Avenue and Deer Valley Road. The only other development that has occurred within the project is the construction of Liberty High School, located directly west of the Meritage Homes parcel.

## **DISCUSSION AND ANALYSIS**

7. Given the considerable slowdown in the pace of development of The Meadows project from what was originally forecasted, the current stipulation requiring the developer to dedicate the Neighborhood Park site to the City and begin construction of the park by July 1, 2013 (as required under the current stipulation) is unwarranted and undesirable for the City. If the park was constructed and dedicated to the City at this time, it would not be accessible to citizens, as there are not yet roads leading to the site. The unused resource would also need to be maintained; and exposure to the elements would incur

wear on the facility well before it could be enjoyed by the area's future residents. Given continued uncertainty in the timing of development, the applicant has proposed removing the hard date trigger from this stipulation.

8. Given the existing state of development of The Meadows project and continued uncertainty regarding the precise timing development will occur, staff is supportive of the amendment request as it will more appropriately align the timing of construction of neighborhood amenities with construction of the neighborhoods themselves.
9. In addition to changes in timing of the "triggers" for dedication and construction of the park, the Community Services Department staff have recommended changes to the stipulation to add language requiring the home builder to provide disclosure to homebuyers in Parcels 7, 8, and 9 that the park and school facilities within the development may include playgrounds, off-leash areas, basketball courts, sports fields, and ballfield lighting. This ensures that future residents are aware of potential park and school amenities that could affect their properties.

#### *Proposition 207*

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

### **FINDINGS AND RECOMMENDATION**

11. Based on the following findings:
  - The proposed stipulation modification is in conformance with the goals and objectives set forth in the Peoria General Plan; and
  - The proposed stipulation modification is consistent with the City's interests for development and management of public facilities

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

**Recommend to the City Council approval of Case Z07-10A.2, subject to the following condition:**

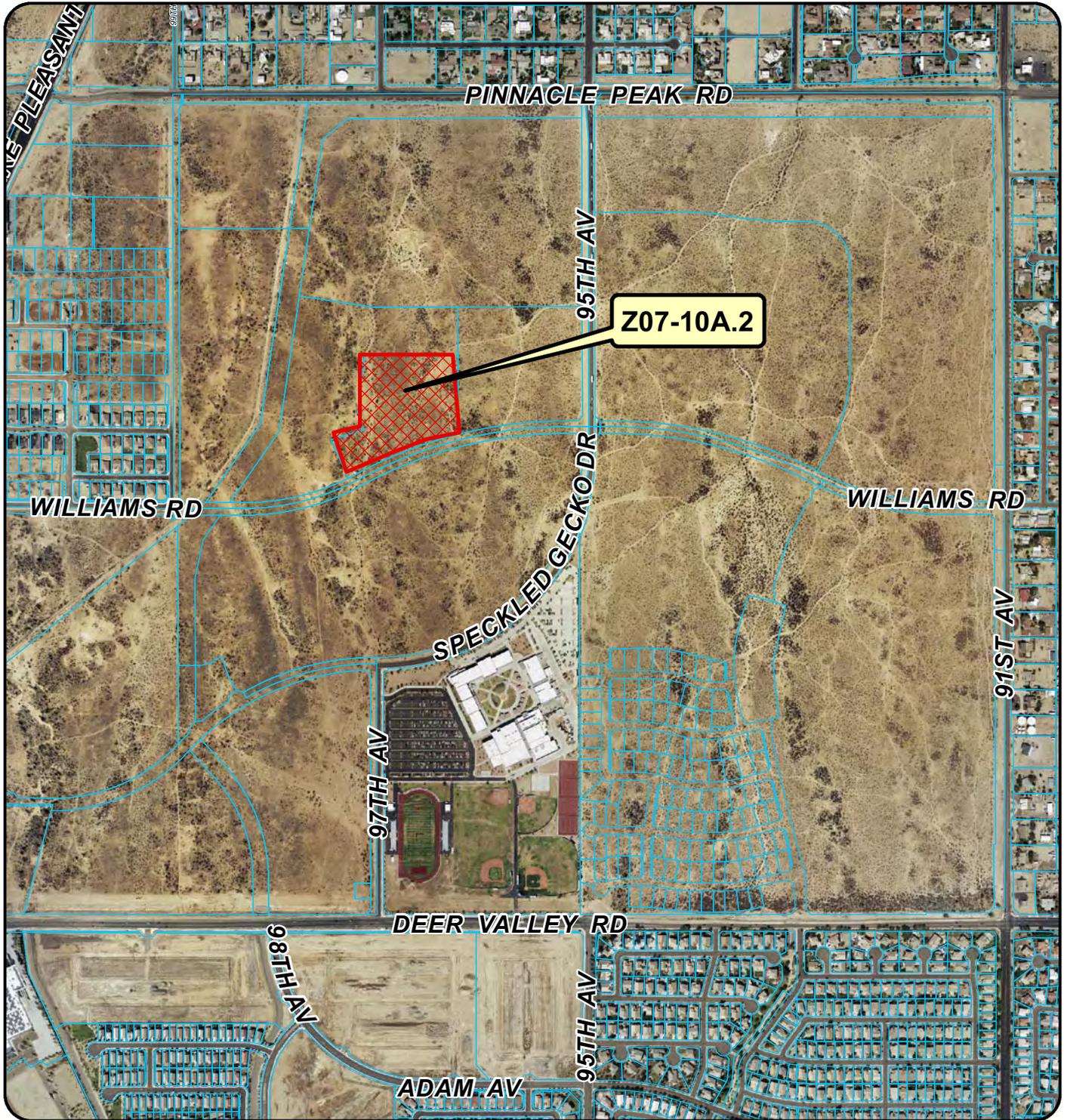
1. The approval entered herein shall not negate any of the prior conditions contained or referenced within the original Case Z07-10 (*The Meadows PCD*) and the subsequent amendment (Z07-10A.1), aside from the change to Stipulation 29 as proposed by this amendment. All other conditions shall remain in force for the PCD.

Attachments:

Exhibit A	Vicinity/Location Map
Exhibit B	Conceptual Development Plan
Exhibit C	Proposed Stipulation Modification with <del>deletions</del> / <u>insertions</u>
Exhibit D	Ordinance 08-02 (for reference)

Prepared by: Melissa Sigmund, AICP  
Planner

# Z07-10A.2 Vicinity Map



## Z07-10A.2 -The Meadows

Applicant: Camino a Lago, LLC

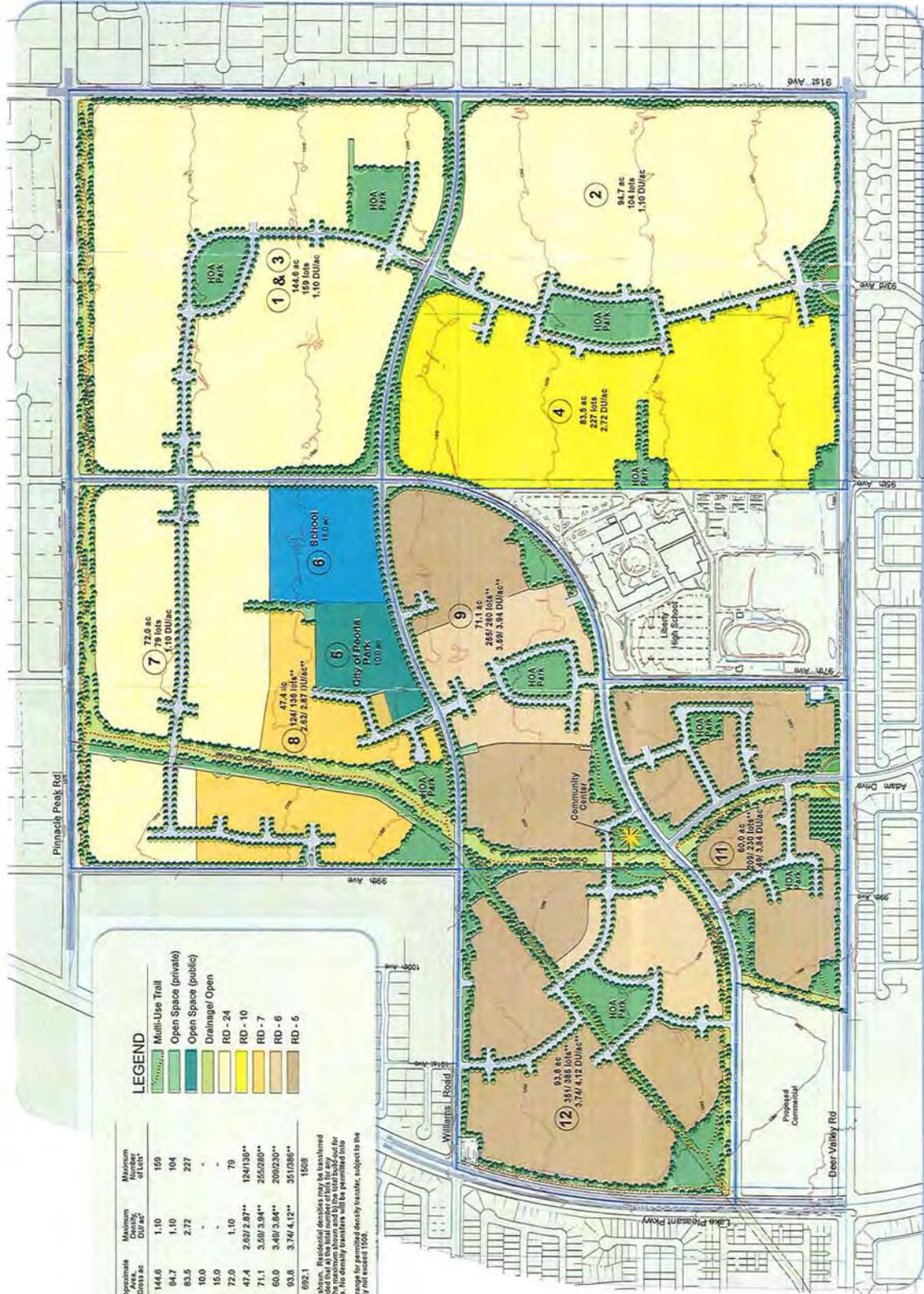
Request: Modify a stipulation to The Meadows PCD in regards to timing of construction of the neighborhood park.

Location: North of the northwest corner of 91st Avenue and Deer Valley Road.



Not to Scale

## EXHIBIT A



**SITE DATA**

Development Unit	Proposed Zoning	Approximate Area (ac)	Maximum Density (DU/ac)	Maximum Units (DU)
1 & 3	MRD-24	144.6	1.10	159
2	MRD-24	94.7	1.10	104
4	MRD-10	83.5	2.72	227
5	MRD-7 (Park)	10.0	-	-
6	MRD-7 (School)	15.0	-	-
7	MRD-24	72.0	1.10	79
8	MRD-7	47.4	2.82/2.87**	134/138**
9	MRD-5, MRD-6	71.1	3.58/3.94**	255/260**
11	MRD-5	60.0	3.48/3.64**	209/230**
12	MRD-5, MRD-6	93.8	3.74/4.12**	351/386**
Total		692.1		1568

**LEGEND**

- Multi-Use Trail
- Open Space (private)
- Open Space (public)
- Drainage/ Open
- RD-24
- RD-10
- RD-7
- RD-6
- RD-5

\*Actual Lot counts may be less than shown. Residential densities may be transferred between units. The total density for the entire site shall not exceed the total density for the site. \*\*Density transfer is permitted between units. The total density for the site shall not exceed 1568 DU. No density transfers will be permitted into units with a higher number. The density transfer shall be subject to the same restrictions that the original lots may not exceed 100%.

## Z07-10A.2 Modification to Stipulation 29 of The Meadow PCD

### Additions

### ~~Deletions~~

The Developer shall dedicate to the City a 10 gross acre Neighborhood Park, described as Development Unit 5, on page 3, table 2, in the PCD Standards Report. The Neighborhood Park shall be dedicated to the City upon the earlier of: A) the issuance of the 1,000 building permit in The Meadows project, or B) the dedication of commencement of construction of a school upon the adjacent proposed school site to the Peoria Unified School District or C) July 1, 2013. Developer agrees to obtain City approval for the design of the park and commence construction of the park at or before the issuance of the 1,000 building permit in The Meadows project. For Parcels 7, 8, and 9, the Home Builder shall provide disclosures to all home buyers indicating that park and school facilities within the development may include: playgrounds, off-leash areas, basketball courts, sports fields, and ball field lighting. The City may elect to construct the park itself at any time subsequent to the dedication of the park site but prior to the commencement of construction by Developer. Upon the completion of the park improvements, the City shall be responsible for any and all operation and maintenance costs associated with the park regardless of the date upon which completion occurs. Upon dedication of the park site, Developer shall receive impact fee credits equal to the value of the property dedicated subject only to the limitations included in stipulation 26. In the event Developer designs and constructs the park pursuant to this stipulation, Developer shall receive impact fee credits for the design, engineering, and construction of the park site. Any impact fee credits obtained by Developer shall be made immediately available and any impact fees previously collected by the City shall be promptly forwarded to Developer. The City will work in good faith with the Developer to approve a park design so that the cost of the park improvements, the value of the land dedication, and any other creditable items do not exceed the park impact credits that are collectable by Developer through permits issued within The Meadows project.

ORDINANCE NO. 08-02

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REZONING PROPERTY FROM GENERAL AGRICULTURAL (AG) TO A PLANNED COMMUNITY DISTRICT (PCD) ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on December 20, 2007 for zoning case Z 07-10 in the manner prescribed by law for the purpose of considering an amendment to the district boundaries of property within the City of Peoria, Arizona to provide for rezoning of a parcel of property as described below from General Agricultural (AG) to a Planned Community District (PCD) zoning district as provided in Article 14-39 of Chapter 14 of the Peoria City Code (1977 edition);

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance and manner provided by law including publication of such notice in the Peoria Times on November 30, 2007; and

WHEREAS, the City of Peoria Planning and Zoning Commission has recommended to the Mayor and the Council of the City of Peoria, Arizona, the zoning of property as aforesaid and the Mayor and the Council of the City of Peoria, Arizona desires to accept such recommendation and rezone the property as described below as aforesaid.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona that:

SECTION 1. A parcel of land in Peoria, Maricopa County, Arizona is more accurately described and illustrated in Exhibit A to this Ordinance, is hereby conditionally rezoned from General Agricultural (AG) to a Planned Community District (PCD) zoning district.

SECTION 2. The amendment to the zoning stipulations herein provided for be conditioned and subject to the following stipulations:

1. The development shall conform in all material respects to 'The Meadows'

Planned Community District Standards Report, (case Z07-10) stamp approved 01/15/08.

2. The total number of dwelling units for The Meadows Planned Community District shall not exceed 1,508. The number of dwelling units shall be tracked on all subdivision plats.
3. The Development is responsible for payment of all current repayment zones at the time of civil permitting. This will include repayments for LPP, Deer Valley, 97<sup>th</sup> and Speckled Gecko.
4. Submit a noise mitigation study per ADOT's Noise Abatement Policy for Lake Pleasant Parkway and all adjacent arterial roadways. All walls shall be designed and constructed in accordance with the recommendations of the noise study. The minimum height requirement for the noise wall is an 8-foot wall as measured from the top of curb of the adjacent parkway/arterial roadway.
5. A Preliminary Drainage Report must be submitted with the Preliminary plat. The drainage report must meet the following requirements:
  - All proposed drainage facilities within this development shall adhere to the "Glendale/Peoria Area Drainage Master Plan (ADMP)" (as amended) design guidelines except as noted herein.
  - A maintenance plan shall be developed for all structural type improvements. The plan will document required maintenance to be provided by the owner(s) of structural type drainage improvements. The plan shall include the following discussions as applicable:
    - Type of facility.
    - Owner of facility.
    - Required maintenance activity.
    - Vegetation maintenance.
    - Bank protection maintenance.
    - Grade control maintenance.
    - Removal of debris and sediment from structures.
    - Required permits for maintenance activity.
    - Required inspection/monitoring activity.
    - Schedule for inspection and monitoring activity.
    - Required agency notification.
  - Each approved phased drainage report must be updated (along with any updates to the Master drainage report, as necessary) at the completion of each phase based on final design conditions. This requirement must be satisfied for each phase prior to submittal of the next construction phase unless specifically permitted by the City Engineer.

- A site specific Drainage Report shall be submitted for each site plan and shall be in conformance with the approved Master Drainage Report and applicable Phased Drainage report for that phase of construction.
  - All parcels shall retain 100% of the 100-year, 2-hour storm event. The developer shall design each site to drain the required retention volume within the required 36-hours.
  - Street drainage shall conform to the City of Peoria Street Drainage Policy outlined in the Engineering Development Design Guide. Specifically, flow within the street section of the right-of-way shall be designed not to carry any flows in excess of 100-CFS; a storm drain system is required when that capacity is exceeded with discharge of such a system to an approved facility.
  - The City's Policy is not to permit any crossings that will be designed for less than the 100-year storm capacity and will permit overtopping of such a storm event. However, depending on the location and ownership of such roadway, a waiver may be granted by the City Engineer. Such a waiver must be requested and approved on a case by case basis.
6. Based on the proposed drainage concept submitted as part of the zoning case, the developer will be required to intercept the flows approaching the site currently and transmit this flow through the site via system that is separate from the onsite retention basins to the existing downstream facilities designed by the Adjacent development to the south (Camino-a-Lago South) and shall comply with the capacity of each such adjacent facility based on accepted drainage reports.
  7. The proposed drainage concept significantly changes that presented as part of the Glendale/Peoria ADMP. As such, the developer is responsible for cost of the improvements along their property frontage and for such costs of passing these flows through the site to approved outlet facility in a manor acceptable to the City Engineer or their designee.
  8. The drainage design (subject to approval of the Engineering department) shall provide protection of downstream facilities and shall provide for the necessary protection in support of each phase. This may require the developer to provide for facilities that are outside the limits of each phase.
  9. The developer will also be required to design and construct a system that will accept flows generated by the difference between the 100-year runoff and the 10-year storm along Pinnacle Peak Road from 87<sup>th</sup> Avenue to 91<sup>st</sup> Avenue. These flows shall be carried through the site to an approved outfall point acceptable to the City Engineer or their designee.
  10. The design and construction cost of intercepting the flow from the 87<sup>th</sup> Avenue to 91<sup>st</sup> Avenue along Pinnacle peak and transmitting to the SWC of the intersection of Pinnacle Peak and 91<sup>st</sup> shall be reimbursed to the developer through the City/County joint Capital Improvement Project. The developer may be entitled for an incremental cost reimbursement for any drainage facilities

designed onsite if such a system must be enlarged to accommodate this additional flow.

11. The developer shall delineate any limits of water surface elevations in drainage features resulting from the 100-year storm event. These limits shall be reflected on the final plat. This does not include any limits of water retained as part of the onsite retention requirements.
12. The developer will be required to retain 100% of the runoff generated onsite from the 100-year, 2-hour storm event, for all parcels within this development including those parcels that are zoned at a minimum density of 1 unit per acre, with 100% of such retained volume shall be designed to discharge within the required 36 hours via drywells.
13. The Developer shall dedicate ROW along the frontage of the project on Lake Pleasant Parkway (75-foot half-street ROW), 91<sup>st</sup> Avenue (minimum 60-foot half-street ROW), Deer Valley (minimum of 55-foot half-street ROW), Pinnacle Peak (minimum of 55-foot half-street ROW), Williams (minimum of 80-foot ROW), 97<sup>th</sup> Avenue (80-foot ROW), Speckled Gecko (80-foot ROW) and 99<sup>th</sup> Avenue (minimum 35-foot half-street ROW) per the City's Street Classification Map or as determined by the City Engineer or their designee to accommodate the ultimate development of the half-street. Additional ROW may be required to accommodate the actual cross-sections to accommodate features including, but not limited to, intersection improvements, deceleration lanes and traffic calming measures as necessary.
14. The Developer shall dedicate an additional 10-foot half-street ROW along an arterial roadway within 500-feet of an intersection of two arterial roadways.
15. If required, the Developer shall acquire off-site right-of-way as needed to construct the roadway and drainage improvements along Pinnacle Peak from 91<sup>st</sup> Avenue to Lake Pleasant Parkway.
16. Prior to the developer acquiring any offsite right-of-way, the developer shall coordinate with the City Engineer's office to insure that the developer is following the City's adopted policy regarding right-of-way purchases. In the event the developer may request the City to utilize its powers of eminent domain for acquiring such rights-of-way as long as the developer agrees to enter into an agreement to reimburse the City for any and all costs incurred for such an acquisition.
17. The Developer shall dedicate an 8' PUE outside of the required ROW or private roadway Tract for all roadways along the frontage of the project and within the project boundary. No walls or retention shall be allowed within the PUE.
18. The Developer shall construct the half-street for 91<sup>st</sup>, Deer Valley, Pinnacle Peak, Williams, and 99<sup>th</sup> Avenue along the frontage of the project. Williams, Deer Valley, and Pinnacle Peak will be constructed by the developer to Lake Pleasant Parkway.
19. A phasing plan for access locations, roadway, drainage and utility improvements must be reviewed and approved by the City of Peoria

- Engineering Department prior to submitting any site plan or preliminary plat.
20. The phasing plan shall demonstrate that each phase can function independently of the other phases. The developer shall construct any and all necessary improvements identified on the approved phasing plan as determined by the City Engineer or their designee based on traffic safety and functionality.
  21. 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.
  22. The Developer shall install traffic signal interconnect conduit along the frontage of the parcel on Lake Pleasant Parkway, Deer Valley Road, 91<sup>st</sup> Avenue, and Pinnacle Peak Road.
  23. The Developer shall be responsible for the design and construction of any and all signals at Deer Valley and Adam and 91<sup>st</sup> and Williams with the developer responsible for 100% of the design and construction. The Developer shall pay 50% of the cost to design and construct a signal at Williams and Lake Pleasant Parkway.
  24. The Developer shall dedicate the Booster Station site to the City of Peoria on the Final Master Plat.
  25. The developer shall prepare a Master Final Plat (for review and approval prior to or with the first individual parcel Final Plat) to designate the necessary right-of-way for the proposed roadways that are classified Collectors and arterial and identify the individual master parcels for future development. Additionally, The Master Final Plat shall dedicate those portions of the right-of-way that are deemed necessary, by the City Engineer or their designee, as part of Phase 1 of this development.
  26. The developer may utilize as much of 5 acres of the required Neighborhood Park for drainage facilities as long as the final configuration of the basin and the design of the basin has been reviewed and approved by the Engineering and Community Services Department. The developer further understands that any portion of the site that is encumbered with such drainage facilities may be used by the City as part of the park site but is ineligible for land dedication impact fee credits due to its limited use.
  27. The developer shall construct public trails and dedicate the necessary easement for in accordance with the Parks Open Space and Trails Master Plan (PROST).
  28. Developer must dedicate all the private open space to an HOA serving the community at the time of Final Plat.
  29. The Developer shall dedicate to the City a 10 gross acre Neighborhood Park, described as Development Unit 5, on page 3, table 2, in the PCD Standards Report. The Neighborhood Park shall be dedicated to the City upon the earlier of: A) the issuance of the 1,000<sup>th</sup> building permit in The Meadows project, B) the dedication of the adjacent school site to the Peoria Unified School District,

or C) July 1<sup>st</sup>, 2013. Developer agrees to obtain City approval for the design of the park and commence construction of the park at or before the issuance of the 1,000<sup>th</sup> building permit in The Meadows project. The City may elect to construct the park itself at any time subsequent to the dedication of the park site but prior to the commencement of construction by Developer. Upon the completion of the park improvements, the City shall be responsible for any and all operation and maintenance costs associated with the park regardless of the date upon which completion occurs. Upon dedication of the park site, Developer shall receive impact fee credits equal to the value of the property dedicated subject only to the limitations included in stipulation 26. In the event Developer designs and constructs the park pursuant to this stipulation, Developer shall receive impact fee credits for the design, engineering, and construction of the park site. Any impact fee credits obtained by Developer shall be made immediately available and any impact fees previously collected by the City shall be promptly forwarded to Developer. The City will work in good faith with the Developer to approve a park design so that the cost of the park improvements, the value of the land dedication, and any other creditable items do not exceed the park impact credits that are collectable by Developer through permits issued within The Meadows project.

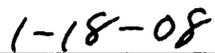
30. The Developer shall prepare a Master utility (Water and sewer) plan to reflect any required utility improvements. At a minimum, the developer shall install the following utility improvements:
- 16-inch waterline in Pinnacle Peak
  - 16-inch waterline in 91<sup>st</sup> Avenue
  - Two 12-inch lines in Williams, one for each pressure zone
  - One PRV located at 91<sup>st</sup> and Williams.

SECTION 3. Amendment of Zoning Map. The City of Peoria zoning map is herewith amended to reflect the change in districts referred to in Section 1 above.

SECTION 4: Effective Date. This Ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Council for the City of Peoria, Arizona this 15<sup>th</sup> day of January, 2008.

  
\_\_\_\_\_  
Bob Barrett, Mayor

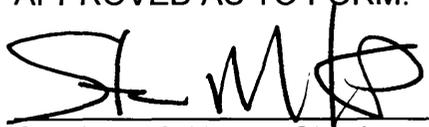
  
\_\_\_\_\_  
Date Signed

ATTEST:

  
\_\_\_\_\_  
Mary Jo Kief, City Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Stephen M. Kemp, City Attorney

Published in: Peoria Times Pub. Dates: January 18 and 25, 2008

Effective Date: February 18, 2008

**EXHIBIT A**  
**Legal Description**

TRACTS 1 THROUGH 9 INCLUSIVE, 11, 12 AND THE WEST 120.00 FEET OF TRACT A, OF STATE PLAT NO. 43 CAMINO A LAGO, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 456 OF MAPS, PAGE 6, AND LOCATED IN SECTION 16 AND THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPTING A PORTION OF TRACT 11, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 16; THENCE NORTH 89° 58' 17" EAST ALONG THE SOUTH LINE OF SAID 16 A DISTANCE OF 1244.84 FEET TO A POINT WHICH IS 40.00 FEET WEST OF THE EAST LINE OF SAID TRACT 11 AND AN EXTENSION OF THE PROPOSED WEST RIGHT-OF-WAY LINE OF STREET "B" AS SHOWN ON STATE PLAT NO. 43; THENCE NORTH 00° 01' 46" WEST ALONG THE PROPOSED WEST RIGHT-OF-WAY LINE OF STREET "B" AS SHOWN ON STATE PLAT NO. 43, SAID RIGHT-OF-WAY LINE BEING PARALLEL WITH AND 40.00 FEET WEST OF THE EAST LINE OF SAID TRACT 11 A DISTANCE OF 155.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00° 01' 46" WEST ALONG THE PROPOSED WEST RIGHT-OF-WAY LINE OF STREET "B" A DISTANCE OF 100.00 FEET; THENCE SOUTH 89° 58' 17" WEST ALONG A LINE PARALLEL WITH AND 255.00 FEET NORTH OF THE SOUTH LINE OF SECTION 16 A DISTANCE OF 100.00 FEET; THENCE SOUTH 00° 01' 46" EAST ALONG A LINE PARALLEL WITH AND 140.00 FEET WEST OF THE EAST LINE OF SAID TRACT 11 A DISTANCE OF 100.00 FEET; THENCE NORTH 89° 58' 17" EAST ALONG A LINE PARALLEL WITH AND 155.00 FEET NORTH OF THE SOUTH LINE OF SECTION 16 A DISTANCE OF 100.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 694.14 GROSS ACRES, MORE OR LESS

EXHIBIT B

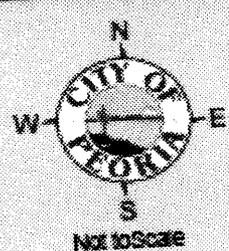
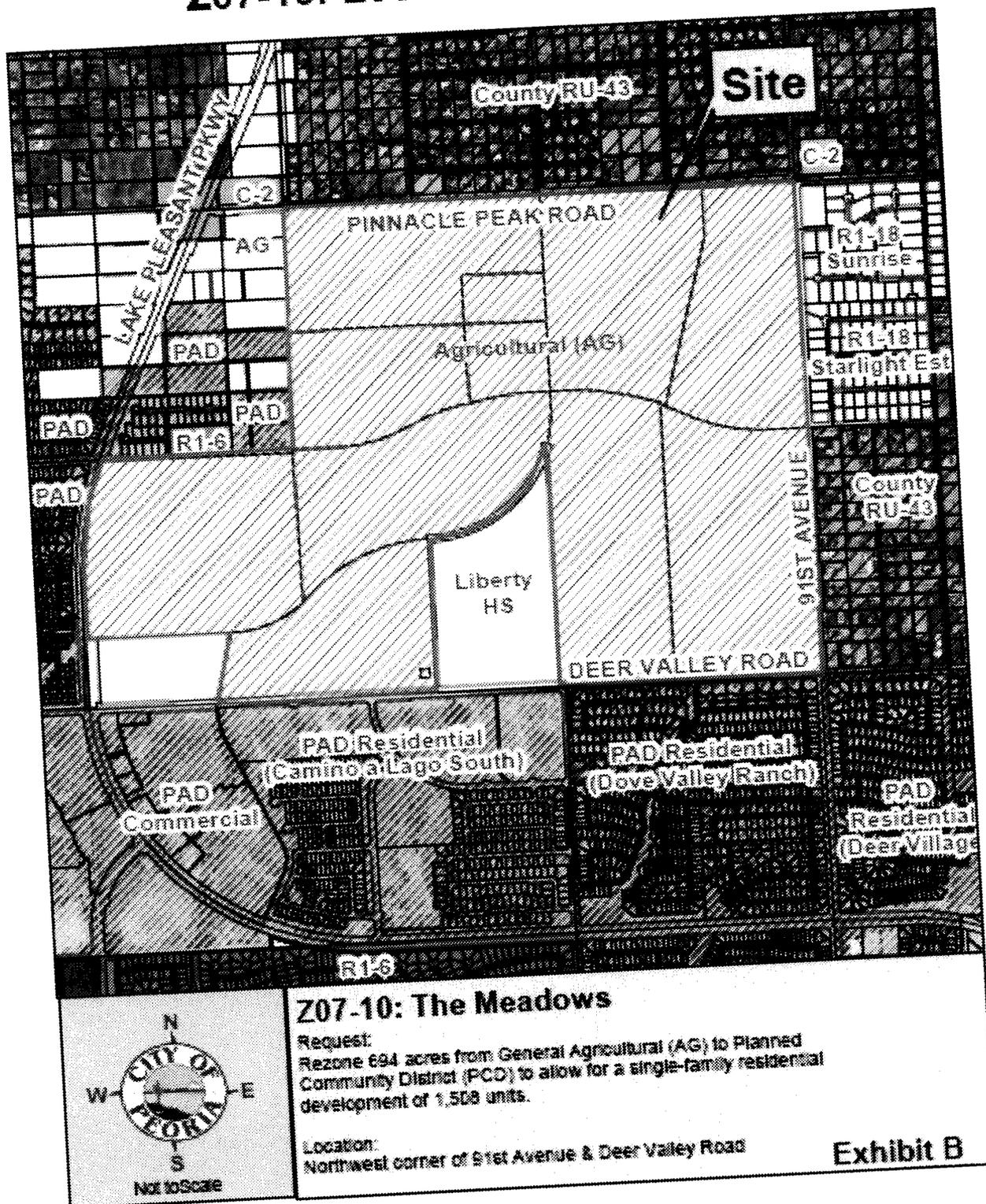
IS ON FILE IN THE

CITY OF PEORIA

CITY CLERK'S OFFICE

8401 W. Monroe Street  
Peoria AZ 85345

## Z07-10: Location/Zoning Map



### Z07-10: The Meadows

**Request:**  
Rezone 694 acres from General Agricultural (AG) to Planned Community District (PCD) to allow for a single-family residential development of 1,508 units.

**Location:**  
Northwest corner of 91st Avenue & Deer Valley Road

**Exhibit B**