

Planning and Zoning Commission Meeting Notice & Agenda



Thursday, December 6, 2012
City Hall Pine Room
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 Greg Loper and Gene Sweeney from the November 15, 2012 meeting.

2C **Minutes**

Discussion and possible action to approve the minutes of the Planning and Zoning Commission meeting held on November 15, 2012.

Chairman
Bill Louis

Vice Chairman
Nancy Golden

Secretary
Leigh Strickman

Member
Greg Loper

Member
Gene Sweeney

Member
Leonard Spraker

Member
Charles Marr

3C **CU12-0013**: LoanMax

Discussion and possible action to recommend approval of a request from LoanMax to operate a title loan business in an existing building at 7450 W. Cactus Road.

Regular Agenda

New Business

4R **PUBLIC HEARING**: RE: Conditional Use Permit.

PUBLIC HEARING – CU12-0012: Rebel Ink is requesting a Conditional Use Permit to operate a tattoo and piercing studio in an existing building at 7557 W. Greenway Road #104.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request from Rebel Ink for a Conditional Use Permit to operate a tattoo and piercing studio in an existing building at 7557 W. Greenway Road #104.

5R **PUBLIC HEARING**: RE: General Plan Amendment.

PUBLIC HEARING - GPA11-0010: Earl, Curley, & Lagarde P.C. is requesting a minor General Plan Amendment for 23 acres located north of SR-74 and west of Old Lake Pleasant Road. This amendment proposes a change from Residential Estate (0-2 du/ac) to Neighborhood Commercial.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request from Earl, Curley, & Lagarde for a minor General Plan Amendment for 23 acres located north of SR-74 and west of Old Lake Pleasant Road. This amendment proposes a change from Residential Estate (0-2 du/ac) to Neighborhood Commercial.

6R **PUBLIC HEARING**: RE: Rezone of approximately 454 acres.

PUBLIC HEARING - Z98-03A.1: Earl, Curley & Lagarde P.C. is requesting a major amendment to the Estates at Lakeside PAD, renaming it Cholla Hills and adding approximately 244 acres of property to the project. In total, this request proposes 187 acres

of recreational vehicle resort, 23 acres of commercial, and 244 acres of traditional resort development. The property is located north of SR-74 and west of Old Lake Pleasant Road.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request from Earl, Curley, & Lagarde for a major amendment to the Estates at Lakeside PAD, renaming it Cholla Hills and adding approximately 244 acres of property to the project. In total, this request proposes 187 acres of recreational vehicle resort, 23 acres of commercial, and 244 acres of traditional resort development. The property is located north of SR-74 and west of Old Lake Pleasant 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 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
CITY HALL PINE ROOM
NOVEMBER 15, 2012
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 Bill Louis, Vice Chair Nancy Golden, Commissioners Leigh Strickman, Leonard Spraker, and Charles Marr.

Members Absent: Commissioner Members Greg Loper and Gene Sweeney.

Others Present: Cindy Odom – Assistant City Attorney, Chris Jacques – Planning & Community Development Director, Shawn Kreuzwiesner – Engineering Planning Manager, and Robert Gubser – Principal Planner.

Opening Statement: None read.

Call for speaker request forms.

Audience: Eight.

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

CONSENT AGENDA

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

1C **DISPOSITION OF ABSENCE:** Discussion and possible action to approve/excuse the absences of Commission Members Leonard Spraker and Charles Marr from the November 1, 2012 meeting.

2C **MINUTES:** Discussion and possible action to approve the minutes of the Planning and Zoning Commission meetings held on October 18, 2012 and November 1, 2012.

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

REGULAR AGENDA

UNFINISHED BUSINESS:

3R **PUBLIC HEARING - GPA12-0003 Lake Pleasant Heights:** A privately-initiated amendment that proposes changes to the existing Lake Pleasant Heights Specific Area Plan generally located south of the intersection of State Route 74 and the El Mirage Road alignment. This amendment addresses the entire 3,268 acres of the Lake Pleasant

Heights Specific Area Plan and reconfigures the current land uses by increasing overall project density and mixed use acreage, clustering the higher intensity uses, and removing resort/golf course land uses. Approximately 113 acres of new mixed use and 325 dwelling units will be added to the Plan.

STAFF REPORT: Presented by Robert Gubser, Principal Planner.

COMMISSION COMMENT: None

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Marr moved to recommend approval of a privately-initiated amendment that proposes changes to the existing Lake Pleasant Heights Specific Area Plan generally located south of the intersection of State Route 74 and the El Mirage Road alignment. This amendment addresses the entire 3,268 acres of the Lake Pleasant Heights Specific Area Plan and reconfigures the current land uses by increasing overall project density and mixed use acreage, clustering the higher intensity uses, and removing resort/golf course land uses. Approximately 113 acres of new mixed use and 325 dwelling units will be added to the Plan. The motion was seconded by Commissioner Strickman 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 6:43 p.m.

William Louis, Chair

Date Signed



CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 12-0013

DATE: December 6, 2012

AGENDA ITEM: 3C

Applicant: LoanMax, represented by Beus Gilbert, PLLC

Request: Obtain a Conditional Use Permit to allow a new automobile title loan company.

Proposed Use: Issuance of automobile title loans

Location: 7450 W. Cactus Road (NEC 75th Ave and Cactus Rd)

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, General Plan Land Use Designation, Current Zoning. (Exhibit C)

	LAND USE	GENERAL PLAN	ZONING
Subject Property	LoanMax	Residential/Low Density	C-2 Intermediate Commercial
North	Existing commercial center	Residential/Low Density	C-2 Intermediate Commercial
South	Existing commercial center	Residential/Low Density	C-2 Intermediate Commercial
East	Existing fast food restaurant	Residential/Low Density	C-2 Intermediate Commercial
West	Existing gas station	Residential/Low Density	C-2 Intermediate Commercial

PROJECT DESCRIPTION

Request and Development Details

1. LoanMax is requesting a Conditional Use Permit to open an automobile title loan company that will occupy an existing 2,100 (approximately) square foot building located within the existing 9.25-acre retail center on the northeast corner of 75th Avenue & Cactus Road.
2. LoanMax only provides a service wherein short-term/simple interest loans are provided when secured by a vehicle certificate of title. LoanMax does not provide check cashing or payday loans.

DISCUSSION AND ANALYSIS

Applicability

3. The site in question is zoned Intermediate Commercial (C-2). The Zoning Ordinance does not contain a specific use classification for title loan companies. Because the Non-Residential land use matrix in the Zoning Ordinance is not exhaustive, Section 14-3-2.A.5 permits the Department to make a finding that the unspecified use is similar in character to an associated use in the table.
4. Staff initially classified this use as a “Non-Chartered Financial Institution” (definition below) which would require a Conditional Use Permit. After further consideration, staff agreed to reconsider this position in favor of an ‘unspecified’ use classification, which per Section 14-9-3, the Director is authorized to determine the closest associated use.

PEORIA ZONING ORDINANCE (14-2-2.D)

Non-Chartered Financial Institution means a business, other than a state or federally chartered bank, credit union, mortgage lender or savings and loan association, that offers check cashing services and loans for payment of a percentage fee. Specifically included are check-cashing businesses that charge a percentage fee for cashing a check or negotiable instrument and payday loan businesses which make loans upon assignments of wages received. (Ord. No. 00-28)

5. Under the subsequent ‘unspecified’ use classification, staff has determined that the use that most closely relates to the proposed use as described by the applicant is that of a *pawnshop*. While the retail component of the typical pawnshop is not present in the LoanMax proposal, the underlined portions of the Zoning Ordinance definition of a *pawnshop* as follows are consistent with the primary function of the proposal.

PEORIA ZONING ORDINANCE (14-2-2.D)

Pawnshop means 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. According to Article 14-3 of the Zoning Ordinance, a pawnshop requires a Conditional Use Permit within the C-2 zoning district.
7. Section 14-39-10.D 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.

8. 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).

Analysis

9. The applicant has demonstrated through an inventory of businesses in the area (Exhibit A) that there are no other personal service establishments, as described in Section 14-9-5.K (i.e. *body piercing studio, massage establishment, non-chartered financial institution, pawnshop, retail liquor store, plasma center, tattoo studio, adult use, correctional facility, or state local alcohol reception center*), within the required separation distance of 1000 linear feet.
10. The proposed use is surrounded by a diverse range of retail and eating establishments such as a grocery store, drive-through restaurants, salons, and medical offices. The closest residential properties are located north and east of this shopping center, approximately 250 feet away from the proposed use.
11. 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.
12. If any issues arise regarding the operation of the business, Section 14-39-12.I provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that a permit may be revoked, modified, or suspended should any of the following occur:
 - a. The permit was obtained by fraud or misrepresentation;
 - b. The use authorized by the CUP has been exercised in violation of the conditions of approval;
 - c. A change in circumstances where the following has occurred: [1] Impacts from the approved CUP to neighboring properties; and [2] Changes in aesthetic or environmental impacts such as noise, odors, or pollution.
 - d. The use authorized by the CUP is operated in a manner that constitutes a nuisance to neighboring property owners, or is exercised in a manner that is detrimental to the public health, welfare, or safety.

Noticing and Neighborhood Comment

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

14. 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.

RECOMMENDATION

15. 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 CU12-0013, subject to the following conditions:

1. The use and operation shall substantially conform to the Project Narrative, attached as Exhibit A.
2. This Conditional Use Permit shall be limited to use of the property in question by LoanMax.

ATTACHMENTS:

Exhibit A	Project narrative & list of businesses within 1000 ft radius
Exhibit B	Vicinity map
Exhibit C	Zoning map

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



LoanMax
7450 West Cactus Road

Conditional Use Permit

Submitted by:
Beus Gilbert, PLLC
4800 N Scottsdale Road, Suite 6000
Scottsdale, AZ 85251
Contact: Andy Jochums
480-429-3063

Narrative

Overview

On the behalf of the property owner, the Gill Family Trust, LoanMax LLC and Beus Gilbert PLLC have prepared this application for consideration of a Conditional Use Permit in order to permit a non-chartered financial institution at 7450 W. Cactus Road. The property consists of a free-standing building within an existing shopping center zoned C-2.

Adjacent Land Uses

North – C-2

Retail in-line shops with various tenants (Same shopping center as subject property)

East – C-2

Julioberto's and Church's Chicken restaurants (Same shopping center)

South – C-2

Fry's anchored shopping center (Across Cactus Road)

West – C-2

Circle K gas station and c-store (Same shopping center)

Project Description

LoanMax intends on opening an auto-title loan operation within the existing building located at 7450 West Cactus Road. LoanMax does not offer check-cashing or deferred presentment (payday) loans; therefore, the operation does not fall within the definition of a "Non-Chartered Financial Institution" as contained with the Peoria Zoning Ordinance. However, a determination was made by the Planning Director that the proposed use did not clearly fall within any other use category; therefore, as the closest associated use, the regulations for non-

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chartered financial institutions would be required. It is for that reason that we are requesting a Conditional Use Permit.

The subject free-standing building is located along Cactus Road and is a new addition to the overall shopping center encompassing approximately 9.25 acres at the northeast corner of 75th Avenue and Cactus Road. Please see the attached exhibit showing a context aerial photo showing the surrounding area, as well as a site plan/aerial photo detailing the existing improvements to the property. No exterior modification to the building is proposed with the exception of signage, which will fall under a separate application. The previous use of the building was for retail which will require minimal interior modifications. Attached is a draft floor plan, and all tenant improvements will occur under a separate application.

The northwest corner, southwest corner, and southeast corner of this intersection also include additional C-2 zoned shopping centers with a variety of uses. Pursuant to Section 14-9-5.K of the Zoning Ordinance, a non-chartered financial institution (or closely associated use as in this instance) is required to maintain a minimum 1000 foot separation from any other personal service establishments identified within that section, including body piercing, massage establishments, tattoo studios, retail liquor stores, plasma centers, pawnshops, and other non-chartered financial institutions. We have surveyed the adjacent shopping centers and there are no such personal service establishments currently operating within 1000 feet. Below is an inventory of all the existing businesses within the required separation.

Northeast Corner 75th Avenue and Cactus Road	
7410 W. Cactus Road	Church's Chicken
7420 W. Cactus Road B-1	Curves for Women
B-3	A&C Excel Medical and Dental Labs
B-4	Vacant
B-5	Marilyn's Academy of Dance
B-7 -- B-12	Vacant
B-14	Arizona Insurance Association
B-15	T4 Spa Concepts and Design
B-16	Wing Hing Chinese
7430 W. Cactus Road	Vacant
7440 W. Cactus Road A-1	Vacant
A-2	Domino's Pizza
A-3	Boss Barber Shop
A-4	Kumon Math-Reading-Success
A-5	Vacant
A-6	Behind the Mask Sporting Goods
A-7	Enterprise Rent-a-Car
A-8	Cactus Insurance
A-9	Special T's Embroidery
A-10	Vacant
A-11	Valley Dry Cleaners

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A-12	Vacant
A-15	#1 Brother's Pizza
A-17	Cornerstone Graphics
A-18	Cactus Dental Care
A-19	Cactus Chiropractic
A-20 – A-21	Vacant
7446 W. Cactus Road	Julioberto's Mexican Food
7450 W. Cactus Road	Vacant – SUBJECT PROPERTY
7460 W. Cactus Road	Circle K

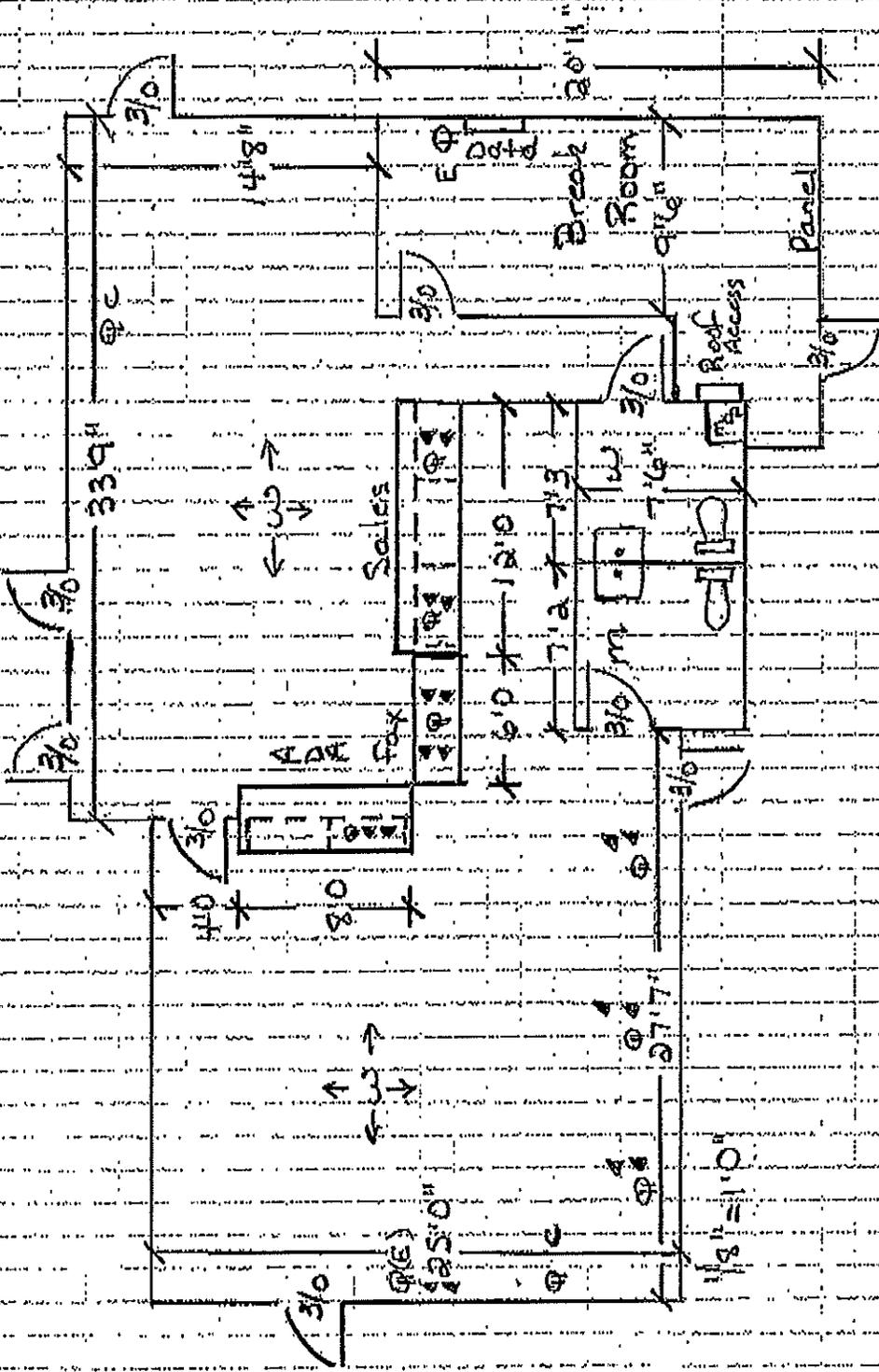
Southeast Corner 75th Avenue and Cactus Road	
7425 W. Cactus Road	Jack in the Box
7435 W. Cactus Road 101	Roadrunner Animal Hospital
103	M.M. Shaaban D.D.S.
105	Wells Fargo
109	Cost Cutters
111	Sally Beauty Supply
112	Vacant
113	Leslie's Pool Supply
121	Water-n-Ice
123	Flash Nails
125	Ultimate Escape Salon
7445 W. Cactus Road 201	Tobacco and Gifts
206	Vacant
207	Chen Wok
209	Martial Arts
211	Vacant
7455 W. Cactus Road	Frys Food and Drug
7465 W. Cactus Road 100	Vacant
101	Papa Murphy's Pizza
7475 W. Cactus Road	Jiffy Lube
7485 W. Cactus Road	MidFirst Bank

Northwest Corner 75th Avenue and Cactus Road	
7530 W. Cactus Road	CVS
7570 W. Cactus Road	TCF Bank
7582 W. Cactus Road B-1	Nick's Deli and Pizza (Closed?)
B-2	AZ Nail Supply
B-3	Star Nails
B-5	Pholicious Vietnamese and Frozen Yogurt
7608 W. Cactus Road	Vacant
110	Vacant
7642 W. Cactus Road	Sunrise Pre-School

Southwest Corner 75th Avenue and Cactus Road	
7509 W. Cactus Road	Shell
7521 W. Cactus Road 101	Bomba Frozen Yogurt
102	April Nguyen D.D.S.
103	Little Caesar's Pizza
106	Panda Express
7549 W. Cactus Road 100	Tony's Hair
101	Farmers Insurance
102	Smoke \$mart
103	E-Tax Insurance
104	Nationwide Nail Supply
107	Leslie's Pool Supply
109	Vacant
110	H&R Block
111	Quilter's Bee
113	Subway
7575 W. Cactus Road	Lee Lee Supermarket
7611 W. Cactus Road	Urgent Care
11990 N 75th Avenue	Extra Space Storage
12110 N 75th Avenue	Carl's Jr

B-Dan Max, LLC
7540 W. Cactus
Peoria, AZ

⊕ = Glass Receipt
⊕ = Ceiling Receipt
⊕ = Existing Receipt
▲ = Data Cabinet
⊕ = Wainscot



Vicinity Map

Exhibit B



CU12-0013 LoanMax

Applicant: Paul Gilbert, Beus Gilbert, PLLC on behalf of LoanMax

Request: Approve CUP for a title loan company

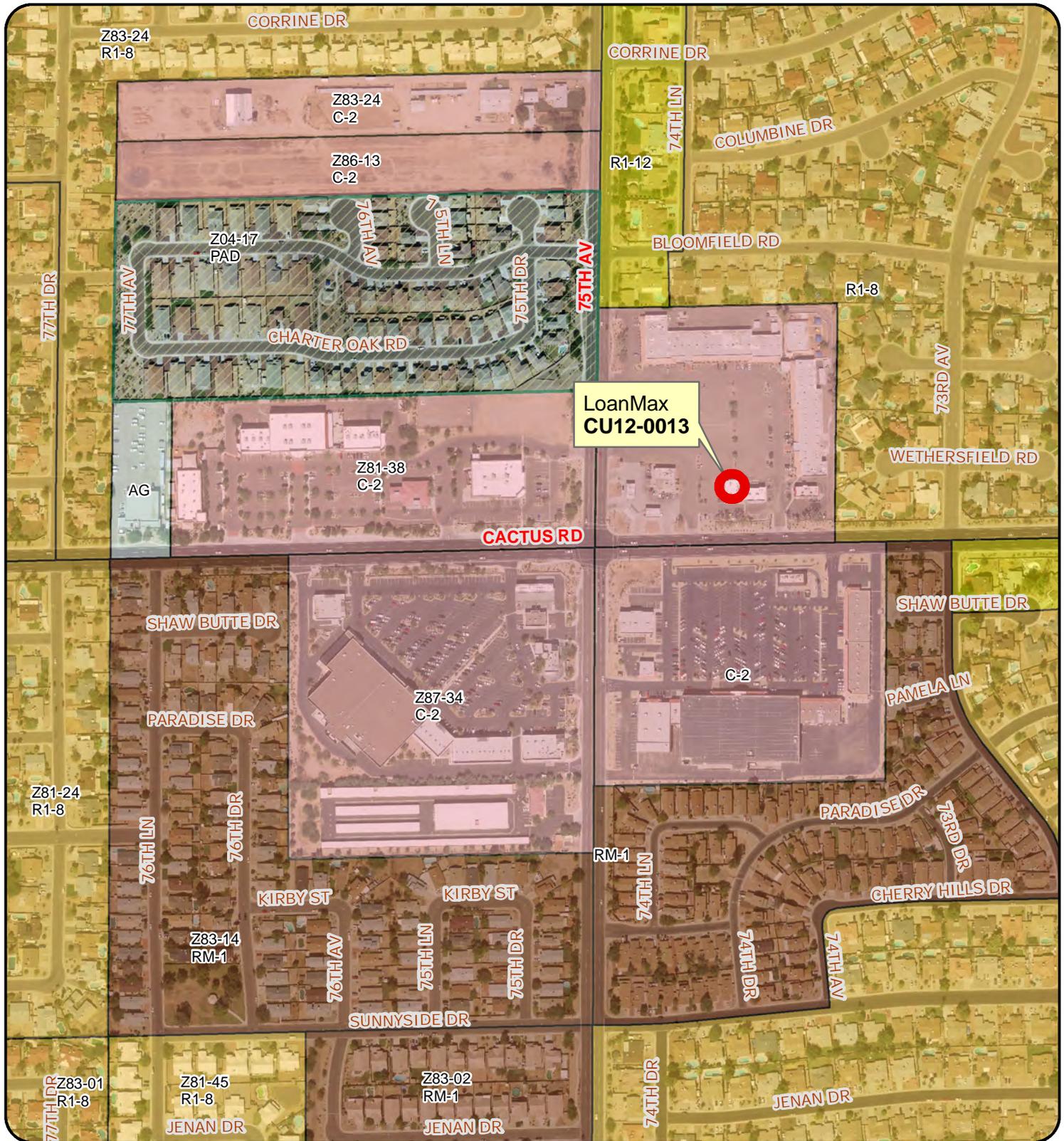
3



Not to Scale

Zoning Map

Exhibit C



CU12-0013 LoanMax

Applicant: Paul Gilbert, Beus Gilbert, PLLC on behalf of LoanMax

Request: Approve CUP for a title loan company

3



Not to Scale



CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 12-0012
DATE: December 6, 2012
AGENDA ITEM: 4R

Applicant: Rebel Ink Tattoo
Request: Obtain a Conditional Use Permit to allow a tattoo and body piercing studio.
Proposed Use: Tattoo & Piercing Studio
Location: 7557 W. Greenway Road, Suite 104. Located on the southwest corner of 75th Avenue and Greenway Road.
Site Area: Approximately 1,100 square foot leased space in an existing commercial center.
Support / Opposition: Staff has received verbal opposition from two individuals, one whom also provided written opposition.
Recommendation: **Approve**, with conditions.

LAND USE CONTEXT

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

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant suite, proposed tattoo studio	Low Density Residential	PAD, Planned Area Development (C-2 standards)
North	Greenway Rd., then single family residential	Low Density Residential	R1-8, Single Family Residential
South	Commercial Center	Low Density Residential	PAD, Planned Area Development (C-2 standards)
East	75 th Ave., then retention for single family residential	Low Density Residential	R1-12, Single Family Residential
West	Parking and undeveloped property for church to the south	Low Density Residential	PAD, Planned Area Development (R1-10 standards)

PROJECT DESCRIPTION

Request and Development Details

1. Rebel Ink Tattoo and Body Piercing, LLC is proposing to operate a 1,100 square foot tattoo and body piercing establishment within a retail center at the southwest corner of 75th Avenue and Greenway Road. Proposed hours of operation are 10:00 a.m. to 10:00 p.m. Monday-Thursday, 10:00 a.m. to 12:00 a.m. Friday-Saturday, and 12:00 p.m. to 6:00 p.m. Sunday. The applicant expects to have seven tattoo artists and two piercing artists.
2. The proposed studio is located within a small multi-tenant commercial center on an approximately 1.15 acre site at the immediate corner. A larger professional/medical complex is located directly to the south and has shared access, creating the appearance of a larger continuous commercial development. Uses within the commercial complex include a salon, vitamin and nutrition store, an American Heart Association training center, and other professional/medical uses.

Background

3. The existing multi-tenant commercial building and associated parking was approved under Site Plan review (PR03-35). There have been multiple uses in this center since the site was developed that have gone out of business, including a restaurant and an approved massage therapy operation.

DISCUSSION AND ANALYSIS

Applicability

4. The proposed location is within the Greenway Place and Palm Valley Church PAD (Z99-05), which refers to the requirements of the Intermediate Commercial (C-2) Zoning District to regulate the property in question. According to Article 14-9 of the Zoning Ordinance, Tattoo and Body Piercing Studios require a Conditional Use Permit when located within the C-2 Zoning District.
5. Section 14-39-12.E outlines the applicable criteria for evaluating Conditional Use Permits (CUP). In general, the purpose of a CUP is to mitigate or minimize any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.

Compatibility With Surrounding Land Uses

6. The proposed use is adjacent to commercial retail and office uses within its commercial center, and to the south of the center as well. The closest single

family residential neighborhood is located approximately 150 feet to the north, across Greenway Road. Staff does not anticipate any negative impacts such as noise, odor, or illumination that would affect adjoining or nearby uses as a result of this request. In addition, the proposed use must comply with a series of special limitations from the zoning ordinance.

Special Limitations

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

- All vehicular access shall be from arterial streets.

The site has access from 75th Avenue, which is an arterial street.

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

The applicant has demonstrated there are no other uses in conflict as described above located within 1,000 feet from the property line boundaries of this proposed establishment. (Exhibit D)

Arizona Revised Statutes Regarding Tattoo & Body Piercing Establishments

8. As prescribed in the Arizona Revised Statutes Chapter 13-3721, it is unlawful for a person to intentionally brand, implant, mutilate, tattoo or pierce the body of a person who is under eighteen (18) years of age without the physical presence of the parent or legal guardian of the person requesting the services indicated above.

Pursuant to Arizona Revised Statutes Title 36, at the minimum, all needles must be sterilized with equipment used by state licensed medical facilities. In addition, a tattoo needle and any waste exposed to human blood that is generated in the creation of a tattoo shall be disposed of in the same manner as biohazardous medical waste pursuant to ARS Section 49-761.

The applicant's narrative indicates that they will comply with and/or exceed state statutes for applicable regulations. In addition, a condition of approval has been included with this recommendation requiring the business to comply with all applicable state laws, ensuring ongoing compliance should state laws be amended.

9. If any issues arise regarding the operation of the business, Section 14-39-12.I provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that a permit may be revoked, modified, or suspended should any of the following occur:
 - a. The permit was obtained by fraud or misrepresentation;
 - b. The use authorized by the CUP has been exercised in violation of the conditions of approval;
 - c. A change in circumstances where the following has occurred: [1] Impacts from the approved CUP to neighboring properties; and [2] Changes in aesthetic or environmental impacts such as noise, odors, or pollution.
 - d. The use authorized by the CUP is operated in a manner that constitutes a nuisance to neighboring property owners, or is exercised in a manner that is detrimental to the public health, welfare, or safety.

Available Parking

10. The Zoning Ordinance requires personal services to be parked at one (1) space per 150 square feet of floor area. The commercial center was approved with 59 parking spaces. Rebel Ink would require 7 parking spaces, which is approximately 12% of the existing parking on site, lower than the percentage of the building that they will occupy. Based upon the parking needs of the existing service and retail uses, available parking is ample and will not be impacted.

Noticing and Neighborhood Comment

11. The application notice was forwarded to all property owners within 600 feet of the proposed use and properly noticed pursuant to Section 14-39-6 of the Peoria Zoning Ordinance. Additionally, the site was posted with a sign at least 15 days prior to the Public Hearing by the Planning Division. As of the printing of this report, staff has received phone calls from two individuals opposing the request. One of these individuals has also provided written opposition, which is attached as Exhibit E.

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 has scheduled a neighborhood meeting for December 4, 2012. The results of the neighborhood meeting will be presented at the December 6, 2012 Planning and Zoning Commission Meeting and additional stipulations may be warranted.

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 City of Peoria Zoning Ordinance and the underlying zoning district, Greenway Place and Palm Valley Church PAD (Z99-05).
 - The use, in conjunction with the conditions of approval, will operate in a manner that will mitigate any negative impacts to the adjoining uses.
 - The applicant/owner has submitted signed and notarized a Proposition 207 waiver, which will be recorded with the conditions outlined below.

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

Approve the applicant's request for a Conditional Use Permit under Case CU12-0012, subject to the following conditions:

1. The development shall substantially conform to Exhibit A (narrative), as contained in the staff report to the Planning and Zoning Commission dated December 6, 2012.
2. The use shall fully comply with applicable state laws.
3. The hours of operation are limited to 10:00 a.m. to 10:00 p.m. Monday through Thursday, 10:00 a.m. to 12:00 a.m. Friday and Saturday, and 12:00 p.m. to 6:00 p.m. on Sunday.

ATTACHMENTS

Exhibit A	Project Narrative
Exhibit B	Vicinity Map
Exhibit C	Zoning Map
Exhibit D	List of Businesses within 1,000 Foot Radius
Exhibit E	Letter of opposition
Prepared by:	Melissa Sigmund, LEED Green Associate Planner

Project Name:
Rebel Ink Tattoo and Body Piercing LLC

The proposed site for our business is located at 7557 W. Greenway Ave. Suite #104 Peoria, AZ. This site is zoned C-2 community commercial and our business is allowed to be located in this zoning district subject to a conditional use permit.

LOCATION INFORMATION:

The location is approximately 1100 square feet of tenant space. Our business will have 7 Independent Contract tattoo artists and will have two piercing artists.

Our location on 7557 W. Greenway Avenue offers plenty of customers parking as to not impact the occupants or the residence of this area. The parking area is located on the East side of the proposed business in the designated parking lot located north side of Greenway Avenue, with additional parking on the Westside of the proposed business.

We are proposing no exterior changes to this proposed site, except for identification signage. There would be minor indoor painting.

There is currently 4 businesses located in our complex; there are numerous commercial establishments adjacent to our proposed shop. We do believe that our business will have minimal effect on any businesses located in our general vicinity and that we will be a profitable draw to our business neighbors.

The hours of operation will be from 10:00 am until 10:00 pm Monday thru Thursday and from 10:00 am to 12:00 Am Friday and Saturday. Sunday will be open 12:00 pm until 6:00pm.

Our proposed business will not generate any noise, smoke, odor, dust, vibration, or illumination that would affect the interior or the exterior of the proposed business.

Information about the proposed business:

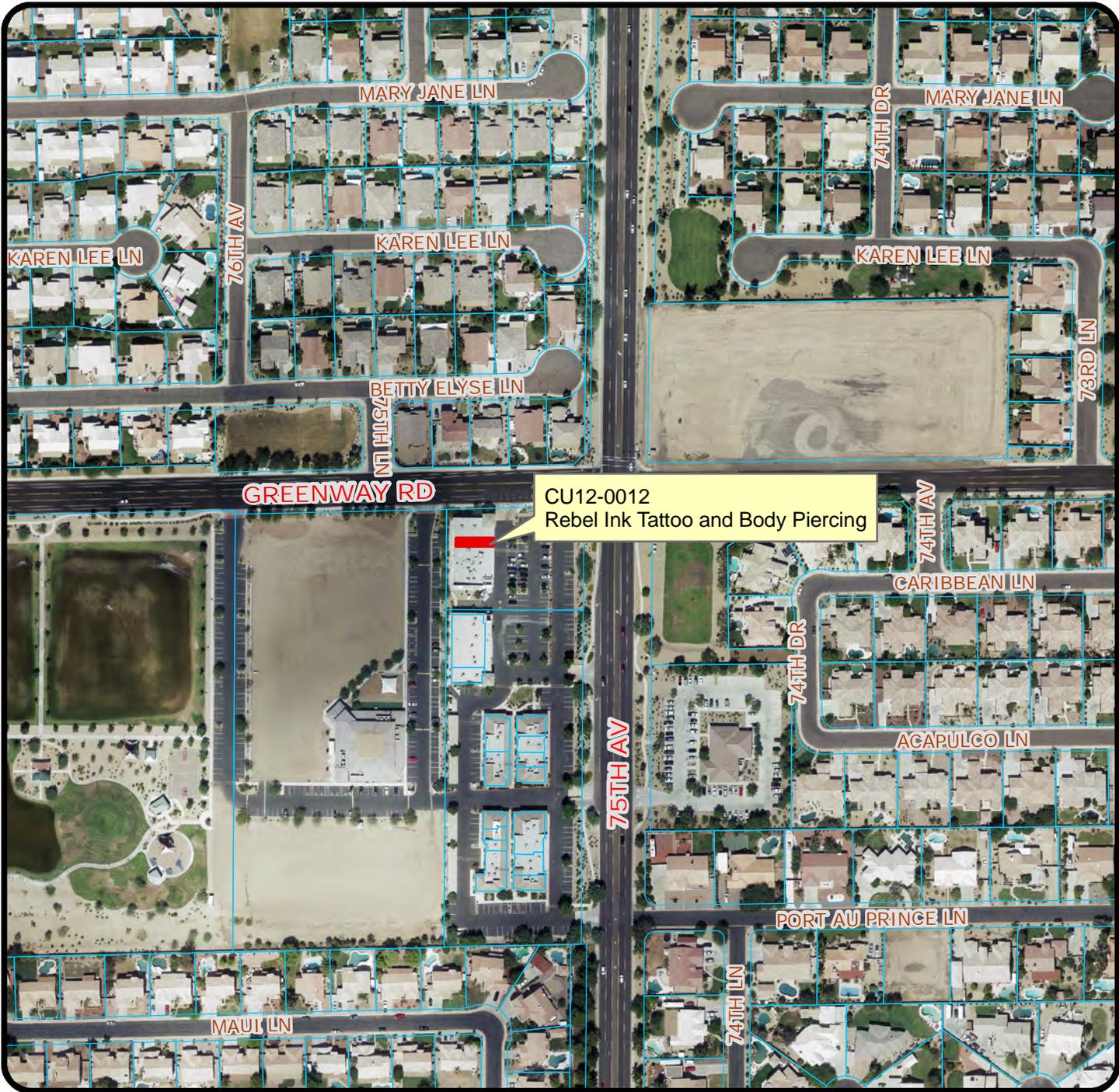
Our company takes great pride in the quality of our business, we look forward to a long and lasting business relationship with the great citizens of Peoria and the business community and its leaders. The sterilization procedures will exceed the state standards for sterilization and is documented in a sterilization log.

No persons under the age of 18 will be allowed in the establishment unless they are in the company of their parent or guardian, and must remain in the lobby area only. Every person receiving services from our business will be required to show photo state of Arizona identification and if they are minors under the age of 18 they must have a legal guardian present along with a birth certificate and photo id.

All services will be documented with a contact card and require a signature and release consent form. A 11x17" sign will be posted in the lobby and front door exterior area pertaining to persons under the age of 18.

Window tinting will be added to the one window in the front of the building. This tinting will be dark enough as to not see through in the daylight or in the dark, so that no one can view tattooing or piercing from the outside of the building. There will be two neon signs in the front window one is the open sign and the other is a signage that says Tattoo.

Vicinity/Location Map



CU12-0012 Rebel Ink Tattoo and Body Piercing

Exhibit B

Applicant: Rebel Ink Tattoo & Body Piercing, LLC

Request: Obtain a Conditional Use Permit to allow a Tattoo and Body Piercing Studio in an approximately 1,100 s.f. suite within an existing commercial center.



Not to Scale

Zoning Map

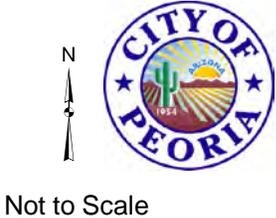


CU12-0012 Rebel Ink Tattoo and Body Piercing

Exhibit C

Applicant: Rebel Ink Tattoo & Body Piercing, LLC

Request: Obtain a Conditional Use Permit to allow a Tattoo and Body Piercing Studio in an approximately 1,100 s.f. suite within an existing commercial center.



Not to Scale

Addresses within 1000 feet of 7557 W. Greenway Rd.

Address	City	APN	Use
15011 N 75TH DR	PEORIA	200-62-384	residence
15021 N 75TH DR	PEORIA	200-62-385	residence
15026 N 74TH LN	PEORIA	200-63-105	residence
15031 N 75TH DR	PEORIA	200-62-386	residence
15041 N 75TH DR	PEORIA	200-62-387	residence
15046 N 74TH LN	PEORIA	200-63-106	residence
15048 N 74TH AV	PEORIA	200-63-133	residence
15068 N 74TH AV	PEORIA	200-63-132	residence
15069 N 74TH AV	PEORIA	200-63-131	residence
15106 N 74TH LN	PEORIA	200-63-107	residence
15126 N 74TH LN	PEORIA	200-63-108	residence
15188 N 75TH AV UNIT 200	PEORIA	200-63-573	True Care Counseling
15188 N 75TH AV UNIT 220	PEORIA	200-63-574	Empty
15188 N 75TH AV UNIT 240	PEORIA	200-63-575	residence
15249 N 75TH AV	PEORIA	200-63-006C	Ashbrook kingdom hall
15249 N 75TH AV UNIT 101	PEORIA	200-63-006C	Ashbrook kingdom hall
15256 N 75TH AV UNIT 380	PEORIA	200-63-579	Desert Oasis Eye Care
15262 N 75TH AV UNIT 450	PEORIA	200-63-582	Academy of advanced aesthetics
15350 N 74TH DR	PEORIA	200-63-185	residence
15360 N 74TH DR	PEORIA	200-63-186	residence
15416 N 73RD LN	PEORIA	231-25-048	residence
15426 N 73RD LN	PEORIA	231-25-047	residence
15436 N 73RD LN	PEORIA	231-25-046	residence
15446 N 73RD LN	PEORIA	231-25-045	residence
7329 W CARIBBEAN LN	PEORIA	200-63-160	residence
7330 W ACAPULCO LN	PEORIA	200-63-171	residence
7330 W CARIBBEAN LN	PEORIA	200-63-153	residence
7337 W ACAPULCO LN	PEORIA	200-63-179	residence
7337 W CARIBBEAN LN	PEORIA	200-63-161	residence
7338 W ACAPULCO LN	PEORIA	200-63-170	residence
7338 W CARIBBEAN LN	PEORIA	200-63-152	residence
7342 W PORT AU PRINCE LN	PEORIA	200-63-081	residence
7345 W ACAPULCO LN	PEORIA	200-63-180	residence
7345 W CARIBBEAN LN	PEORIA	200-63-162	residence
7346 W ACAPULCO LN	PEORIA	200-63-169	residence
7346 W CARIBBEAN LN	PEORIA	200-63-151	residence
7350 W KAREN LEE LN	PEORIA	231-25-042	residence
7353 W ACAPULCO LN	PEORIA	200-63-181	residence
7353 W CARIBBEAN LN	PEORIA	200-63-163	residence
7354 W ACAPULCO LN	PEORIA	200-63-168	residence
7354 W CARIBBEAN LN	PEORIA	200-63-150	residence
7362 W PORT AU PRINCE LN	PEORIA	200-63-080	residence
7363 W PORT AU PRINCE LN	PEORIA	200-63-112	residence

Addresses within 1000 feet of 7557 W. Greenway Rd.

Address	City	APN	Use
7402 W PORT AU PRINCE LN	PEORIA	200-63-079	residence
7403 W PORT AU PRINCE LN	PEORIA	200-63-111	residence
7413 W ACAPULCO LN	PEORIA	200-63-182	residence
7413 W CARIBBEAN LN	PEORIA	200-63-164	residence
7414 W ACAPULCO LN	PEORIA	200-63-167	residence
7414 W CARIBBEAN LN	PEORIA	200-63-188	residence
7421 W ACAPULCO LN	PEORIA	200-63-183	residence
7421 W CARIBBEAN LN	PEORIA	200-63-165	residence
7422 W ACAPULCO LN	PEORIA	200-63-166	residence
7422 W CARIBBEAN LN	PEORIA	200-63-187	residence
7422 W PORT AU PRINCE LN	PEORIA	200-63-078	residence
7423 W PORT AU PRINCE LN	PEORIA	200-63-110	residence
7429 W ACAPULCO LN	PEORIA	200-63-184	residence
7431 W MARY JANE LN	PEORIA	231-25-031	residence
7432 W KAREN LEE LN	PEORIA	231-25-041	residence
7437 W MARY JANE LN	PEORIA	231-25-032	residence
7438 W KAREN LEE LN	PEORIA	231-25-040	residence
7442 W PORT AU PRINCE LN	PEORIA	200-63-077	residence
7443 W PORT AU PRINCE LN	PEORIA	200-63-109	residence
7449 W MARY JANE LN	PEORIA	231-25-033	residence
7450 W KAREN LEE LN	PEORIA	231-25-039	residence
7450 W MARY JANE LN	PEORIA	231-25-022	residence
7455 W MARY JANE LN	PEORIA	231-25-034	residence
7456 W KAREN LEE LN	PEORIA	231-25-038	residence
7456 W MARY JANE LN	PEORIA	231-25-021	residence
7461 W MARY JANE LN	PEORIA	231-25-035	residence
7461 W TUMBLEWOOD DR	PEORIA	231-25-017	residence
7462 W KAREN LEE LN	PEORIA	231-25-037	residence
7462 W MARY JANE LN	PEORIA	231-25-020	residence
7462 W PORT AU PRINCE LN	PEORIA	200-63-076	residence
7467 W MARY JANE LN	PEORIA	231-25-036	residence
7467 W TUMBLEWOOD DR	PEORIA	231-25-018	residence
7468 W MARY JANE LN	PEORIA	231-25-019	residence
7482 W PORT AU PRINCE LN	PEORIA	200-63-075	residence
7515 W BETTY ELYSE LN	PEORIA	200-53-279	residence
7515 W MARY JANE LN	PEORIA	200-53-312	residence
7516 W BETTY ELYSE LN	PEORIA	200-53-280	residence
7516 W KAREN LEE LN	PEORIA	200-53-295	residence
7516 W MARY JANE LN	PEORIA	200-53-313	residence
7525 W BETTY ELYSE LN	PEORIA	200-53-278	residence
7525 W KAREN LEE LN	PEORIA	200-53-294	residence
7525 W MARY JANE LN	PEORIA	200-53-311	residence
7525 W TUMBLEWOOD DR	PEORIA	200-53-325	residence

Addresses within 1000 feet of 7557 W. Greenway Rd.

Address	City	APN	Use
7526 W BETTY ELYSE LN	PEORIA	200-53-281	residence
7526 W KAREN LEE LN	PEORIA	200-53-296	residence
7526 W MARY JANE LN	PEORIA	200-53-314	residence
7530 W MAUI LN	PEORIA	200-62-388	residence
7535 W BETTY ELYSE LN	PEORIA	200-53-277	residence
7535 W KAREN LEE LN	PEORIA	200-53-293	residence
7535 W MARY JANE LN	PEORIA	200-53-310	residence
7535 W TUMBLEWOOD DR	PEORIA	200-53-324	residence
7536 W BETTY ELYSE LN	PEORIA	200-53-282	residence
7536 W COUNTRY GABLES DR	PEORIA	200-62-415	residence
7536 W KAREN LEE LN	PEORIA	200-53-297	residence
7536 W MARY JANE LN	PEORIA	200-53-315	residence
7537 W MAUI LN	PEORIA	200-62-414	residence
7538 W MAUI LN	PEORIA	200-62-389	residence
7544 W COUNTRY GABLES DR	PEORIA	200-62-416	residence
7545 W BETTY ELYSE LN	PEORIA	200-53-276	residence
7545 W KAREN LEE LN	PEORIA	200-53-292	residence
7545 W MARY JANE LN	PEORIA	200-53-309	residence
7545 W MAUI LN	PEORIA	200-62-413	residence
7545 W TUMBLEWOOD DR	PEORIA	200-53-323	residence
7546 W BETTY ELYSE LN	PEORIA	200-53-283	residence
7546 W KAREN LEE LN	PEORIA	200-53-298	residence
7546 W MARY JANE LN	PEORIA	200-53-316	residence
7546 W MAUI LN	PEORIA	200-62-390	residence
7547 W GREENWAY RD UNIT 500	PEORIA	200-63-583	The Skin and Makeup Institute of Arizona
7547 W GREENWAY RD UNIT 580	PEORIA	200-63-583	Z's Fine Jewelry
7552 W COUNTRY GABLES DR	PEORIA	200-62-417	residence
7553 W MAUI LN	PEORIA	200-62-412	residence
7554 W MAUI LN	PEORIA	200-62-391	residence
7555 W BETTY ELYSE LN	PEORIA	200-53-275	residence
7555 W KAREN LEE LN	PEORIA	200-53-291	residence
7555 W MARY JANE LN	PEORIA	200-53-308	residence
7556 W BETTY ELYSE LN	PEORIA	200-53-284	residence
7556 W KAREN LEE LN	PEORIA	200-53-299	residence
7557 W GREENWAY RD UNIT 101	PEORIA	200-62-976	Par Education System
7557 W GREENWAY RD UNIT 102	PEORIA	200-62-976	Win vitamins
7557 W GREENWAY RD UNIT 103	PEORIA	200-62-976	vacant
7557 W GREENWAY RD UNIT 104	PEORIA	200-62-976	vacant
7557 W GREENWAY RD UNIT 105	PEORIA	200-62-976	vacant
7557 W GREENWAY RD UNIT 106	PEORIA	200-62-976	Illusions Salon
7560 W COUNTRY GABLES DR	PEORIA	200-62-418	residence
7561 W MAUI LN	PEORIA	200-62-411	residence
7562 W MAUI LN	PEORIA	200-62-392	residence

Addresses within 1000 feet of 7557 W. Greenway Rd.

Address	City	APN	Use
7565 W KAREN LEE LN	PEORIA	200-53-290	residence
7565 W MARY JANE LN	PEORIA	200-53-307	residence
7565 W TUMBLEWOOD DR	PEORIA	200-53-322	residence
7566 W BETTY ELYSE LN	PEORIA	200-53-285	residence
7566 W KAREN LEE LN	PEORIA	200-53-300	residence
7566 W MARY JANE LN	PEORIA	200-53-317	residence
7568 W COUNTRY GABLES DR	PEORIA	200-62-419	residence
7569 W GREENWAY RD	PEORIA	200-62-019G	Great Beginnings Preschool
7569 W MAUI LN	PEORIA	200-62-410	residence
7575 W KAREN LEE LN	PEORIA	200-53-289	residence
7575 W MARY JANE LN	PEORIA	200-53-306	residence
7575 W TUMBLEWOOD DR	PEORIA	200-53-321	residence
7576 W BETTY ELYSE LN	PEORIA	200-53-286	residence
7576 W KAREN LEE LN	PEORIA	200-53-301	residence
7576 W MARY JANE LN	PEORIA	200-53-318	residence
7585 W KAREN LEE LN	PEORIA	200-53-288	residence
7585 W MARY JANE LN	PEORIA	200-53-305	residence
7585 W TUMBLEWOOD DR	PEORIA	200-53-320	residence
7586 W BETTY ELYSE LN	PEORIA	200-53-287	residence
7586 W KAREN LEE LN	PEORIA	200-53-302	residence
7586 W MARY JANE LN	PEORIA	200-53-319	residence
7595 W MARY JANE LN	PEORIA	200-53-304	residence
7596 W KAREN LEE LN	PEORIA	200-53-303	residence
7602 W MAUI LN	PEORIA	200-62-393	residence
7608 W COUNTRY GABLES DR	PEORIA	200-62-420	residence
7609 W MAUI LN	PEORIA	200-62-409	residence
7610 W MAUI LN	PEORIA	200-62-394	residence
7617 W MAUI LN	PEORIA	200-62-408	residence
7618 W MAUI LN	PEORIA	200-62-395	residence
7625 W MAUI LN	PEORIA	200-62-407	residence
7626 W MAUI LN	PEORIA	200-62-396	residence
7634 W MAUI LN	PEORIA	200-62-397	residence
7642 W MAUI LN	PEORIA	200-62-398	residence
7647 W BETTY ELYSE LN	PEORIA	200-53-173	residence
7647 W KAREN LEE LN	PEORIA	200-53-156	residence
7647 W MARY JANE LN	PEORIA	200-53-144	residence
7647 W TUMBLEWOOD DR	PEORIA	200-53-132	residence
7648 W BETTY ELYSE LN	PEORIA	200-53-167	residence
7648 W KAREN LEE LN	PEORIA	200-53-155	residence
7648 W MARY JANE LN	PEORIA	200-53-143	residence
7655 W BETTY ELYSE LN	PEORIA	200-53-172	residence
7655 W KAREN LEE LN	PEORIA	200-53-157	residence
7655 W MARY JANE LN	PEORIA	200-53-145	residence

Addresses within 1000 feet of 7557 W. Greenway Rd.

Address	City	APN	Use
7656 W BETTY ELYSE LN	PEORIA	200-53-166	residence
7656 W KAREN LEE LN	PEORIA	200-53-154	residence
7656 W MARY JANE LN	PEORIA	200-53-142	residence
7663 W BETTY ELYSE LN	PEORIA	200-53-171	residence
7663 W KAREN LEE LN	PEORIA	200-53-158	residence
7663 W MARY JANE LN	PEORIA	200-53-146	residence
7664 W BETTY ELYSE LN	PEORIA	200-53-165	residence
7664 W KAREN LEE LN	PEORIA	200-53-153	residence
7664 W MARY JANE LN	PEORIA	200-53-141	residence
7665 W GREENWAY RD	PEORIA	200-62-019F	Northwest Valley adventure boot camp
7671 W BETTY ELYSE LN	PEORIA	200-53-170	residence
7671 W KAREN LEE LN	PEORIA	200-53-159	residence
7671 W MARY JANE LN	PEORIA	200-53-147	residence
7672 W BETTY ELYSE LN	PEORIA	200-53-164	residence
7672 W KAREN LEE LN	PEORIA	200-53-152	residence
7679 W BETTY ELYSE LN	PEORIA	200-53-169	residence
7679 W KAREN LEE LN	PEORIA	200-53-160	residence
7679 W MARY JANE LN	PEORIA	200-53-148	residence
7680 W BETTY ELYSE LN	PEORIA	200-53-163	residence
7680 W KAREN LEE LN	PEORIA	200-53-151	residence
7687 W BETTY ELYSE LN	PEORIA	200-53-168	residence
7687 W KAREN LEE LN	PEORIA	200-53-161	residence
7688 W BETTY ELYSE LN	PEORIA	200-53-162	residence

Melissa Sigmund

From: Jack McDurmon [REDACTED]
Sent: Wednesday, November 14, 2012 4:30 PM
To: Melissa Sigmund
Subject: Tattoo business

I am writing to voice my concern about the proposal for the tattoo business going in on 75th Ave. and Greenway.

I live in a subdivision called Teresita on the south east corner of that same intersection. At night we can hear traffic on 75th Ave. I believe that a business like that which will be open until 10 o'clock every night on the weekdays and midnight on the weekends will probably contribute to the problem of traffic noise in the area. The people I have known who have gotten tattooed have confessed it was often under the influence of some substance. That's not the kind of business I would like to see within a stones throw of my house.

Jack McDurmon

Sent from my iPhone



MINOR GENERAL PLAN AMENDMENT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: GPA 11-0010
DATE: December 6, 2012
AGENDA ITEM: 5R

Applicant: Earl, Curley & Lagarde, PC

Request: A Minor Amendment to the City of Peoria General Plan for approximately 23 acres from Residential/Estate (0-2 du/ac) to Community Commercial.

Proposed Development Cholla Hills (formerly Estates at Lakeside): The 23-acre commercial component of a 454-acre resort / recreation community. (xref: Z98-03A.1)

Location: The property is located at the northwest corner of State Route 74 and Old Lake Pleasant Road. (APN 201-24-004H).

Site Acreage 23 acres

Support / Opposition: Staff has not received any support or opposition regarding this request.

Recommendation: Recommend approval of case GPA11-0010 to the City Council

BACKGROUND

Table 1: Existing and Future Land Use (Exhibits A-B)

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant	Residential/Estate (0-2 du/ac. Target 1 du/ac.)	Planned Area Development
North	Vacant	Residential/Estate (0-2 du/ac. Target 1 du/ac.)	Planned Area Development
South	Vacant, SR 74	Residential/Estate (0-2 du/ac. Target 1 du/ac.)	Planned Area Development
East	Vacant	Park / Open Space	SR-43 (Suburban Ranch)
West	Vacant	Residential/Estate (0-2 du/ac. Target 1 du/ac.)	AG (General Agricultural)

1. Records indicate that this parcel was annexed into the City in 1993 as part of much larger annexation that covered more than 675 acres of land primarily located southwest of Lake Pleasant. An initial zoning designation of General Agriculture (AG) was assigned through case Z93-21. In 1998, the City Council approved the Estates at Lakeside Planned Area Development (PAD), which included the subject 23-acre parcel. The PAD permitted up to 257 single-family residential units, a resort site, and an 11-acre commercial parcel.

PROJECT DESCRIPTION

2. The applicant is requesting a minor amendment to the General Plan Land Use Map for approximately 23 acres located at the southwest corner of "Parcel 1" (Exhibit A). The amendment would change the current Residential Estate designation to Community Commercial to allow for future development of a commercial center, which will be integrated into the larger Cholla Hills Planned Area Development (PAD).
3. This request is accompanied by a rezoning application for a major Planned Area Development amendment (case Z98-03A.1) that tailors the development standards and permitted uses to ensure a reasonable fit within the context of the area.

DISCUSSION AND ANALYSIS

Minor General Plan Amendment Evaluative Criteria

4. Chapter 14 of the Peoria General Plan ("Plan Administration") directs the City to make an affirmative finding that the proposal substantially demonstrates or exhibits the following evaluative criteria:
 - i. The development pattern contained in the Land Use Plan inadequately provides appropriate optional sites for the use or change proposed in the amendment.
 - ii. The amendment constitutes an overall improvement to the General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.
 - iii. The amendment will not adversely impact the community as a whole or a portion of the community by:
 - Significantly altering acceptable existing land use patterns,
 - Requiring larger and more expensive improvements to roads, sewer or water delivery systems than are needed to support the prevailing land uses and which, therefore, may impact developments in other areas,

- Adversely impacting existing uses because of increased traffic on existing systems, or
 - Affecting the livability of the area or the health and safety of the residents.
- iv. That the amendment is consistent with the overall intent of the General Plan and other adopted plans, codes and ordinances.

Existing General Plan Land Use Designation

5. The underlying land use designation (Exhibit B) for the subject property is Estate Residential (0-2 dwelling units per acre) with a target density of 1 unit per acre. This designation is intended to provide areas where large-lot single family residential development is desirable or areas of maximized open spaces are sought. This land use designation also provides transitional areas between natural open spaces and / or more dense residential development.

Request to Designate Site to Neighborhood Commercial

6. The request is to change the land use designation for the site to Neighborhood Commercial. This category denotes areas of office and commercial centers designed to serve the needs of the immediate area. Buildings and uses generally relate to adjacent communities with respect to architectural style and scale. This designation also prohibits any single retail user from exceeding 100,000 square feet of gross floor area.

Land Use Compatibility

7. The original Estates at Lakeside PAD (case Z98-03) provided approximately 11 acres of commercial zoning; however, this area was located south of State Route 74 on a relatively flat parcel. Since that time, additional ADOT right-of-way was acquired for the future widening of State Route 74. This acquisition reduced the 11-acre site to approximately three acres and severely limited access to, and use of, the property. Accordingly, through this proposal, the applicant is seeking the relocation of the commercial area to the north side of State Route 74 and expanding it to 23 acres. The new location is planned at the project's main entry and is intended to provide the opportunity for a neighborhood / convenience-oriented retail center to serve the resort and those passing by along State Route 74.
8. The original commercial acreage was approved at a time when the General Plan allowed commercial zoning to occur without amending the Plan provided the area being zoned met certain size and location criteria. This provision was removed from the General Plan in 2004.

9. This request shifts the commercial acreage north of State Route 74 (still adjacent to the right-of-way) and increases the acreage to 23 acres to account for topographical constraints and the City's Desert Lands Conservation Overlay and Hillside Development Overlay restrictions.

Relevant General Plan Policies and Objectives

10. The applicant has identified goals and policies from the General Plan that support this request. Staff also finds the following goals and objectives particularly relevant:

Land Use Element

Policy 1.B.1:

Work to enhance commercial activity by attracting, retaining, and expanding those developments, which improve economic conditions in Peoria.

Policy 1.C.3:

Utilize performance standards and site design elements to reduce compatibility conflicts with adjacent uses.

Objective 1.F:

Promote sustainable developments that elevate community identity and convenience, reduce vehicular trips, minimize infrastructure needs, improve air quality and provide a diversity of uses.

Economic Development Element

Objective 3.A:

Facilitate and support the development of key commercial retail cores and regional service

Policy 3.A.1:

Identify and promote sites for commercial cores and regional retail development.

Policy 3.B.1:

Explore potential partnerships with federal, state, and county agencies to capitalize on the economic and recreational opportunities presented by Lake Pleasant Regional Park.

Policy 3.B.3:

Identify potential resort locations to capitalize on the City's amenities and its natural beauty.

CIVIC ENGAGEMENT & NOTIFICATION

Neighborhood Meeting

11. As a requirement of the General Plan Amendment and Rezoning application processes, the applicant conducted a neighborhood meeting and provided a Citizen Participation Process Report detailing the results of the meeting. The applicant notified property owners within 1320 feet of the subject site for the required neighborhood meeting, which was held on October 18, 2012 at the Wild Horse West Restaurant (8415 W. Carefree Hwy) at 6:00 p.m. No surrounding property owners or members from the public attended the meeting.

Public Notification

12. Public notice was provided in the manner prescribed under Section 14.D of the City of Peoria General Plan. Posting of the site was completed within the prescribed 15 days prior to the Public Hearing.

Support / Opposition

13. As of this writing, the City has not received any opposition or support on this item.

Proposition 207

14. 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.

FINDINGS AND RECOMMENDATION

15. The proposed amendment supports the following findings:
 - The amendment constitutes an overall improvement to the City's General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time; and
 - That the amendment will better reflect the development needs of the area while accounting for the existing environment; and
 - The amendment is in conformance with the Goals, Objectives, and Policies of the Peoria General Plan; and
 - That the amendment will not adversely impact the community as a whole or a portion of the community by:
 - i. Significantly altering acceptable existing land use patterns,

- ii. Requiring larger and more expensive improvements to roads, sewer or water systems than are needed to support the prevailing land uses and which, therefore, may impact development of other lands,
- iii. Adversely impacting existing uses because of increased traffic on existing systems, or
- iv. Affecting the livability of the area or the health and safety of the residents.

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

Recommend approval of Case GPA11-0010 to the City Council.

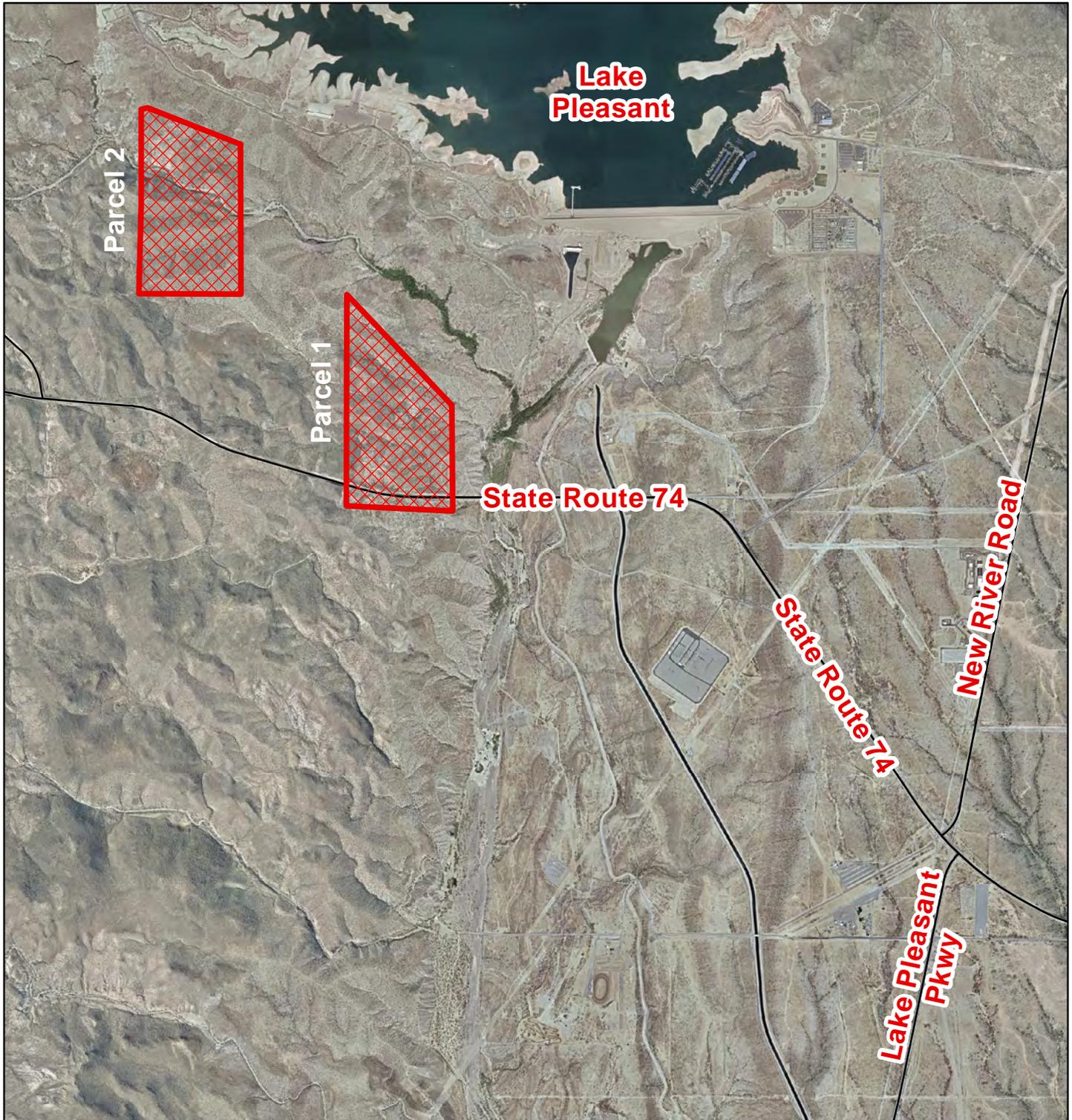
Attachments:

Exhibit A	Aerial / Context Map
Exhibit B	General Plan Land Use Map
Exhibit C	Proposed Amendment to General Plan Land Use Map
Exhibit D	Description and Justification Report

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

Aerial / Context Map

Exhibit A



GPA11-0010 General Plan Amendment

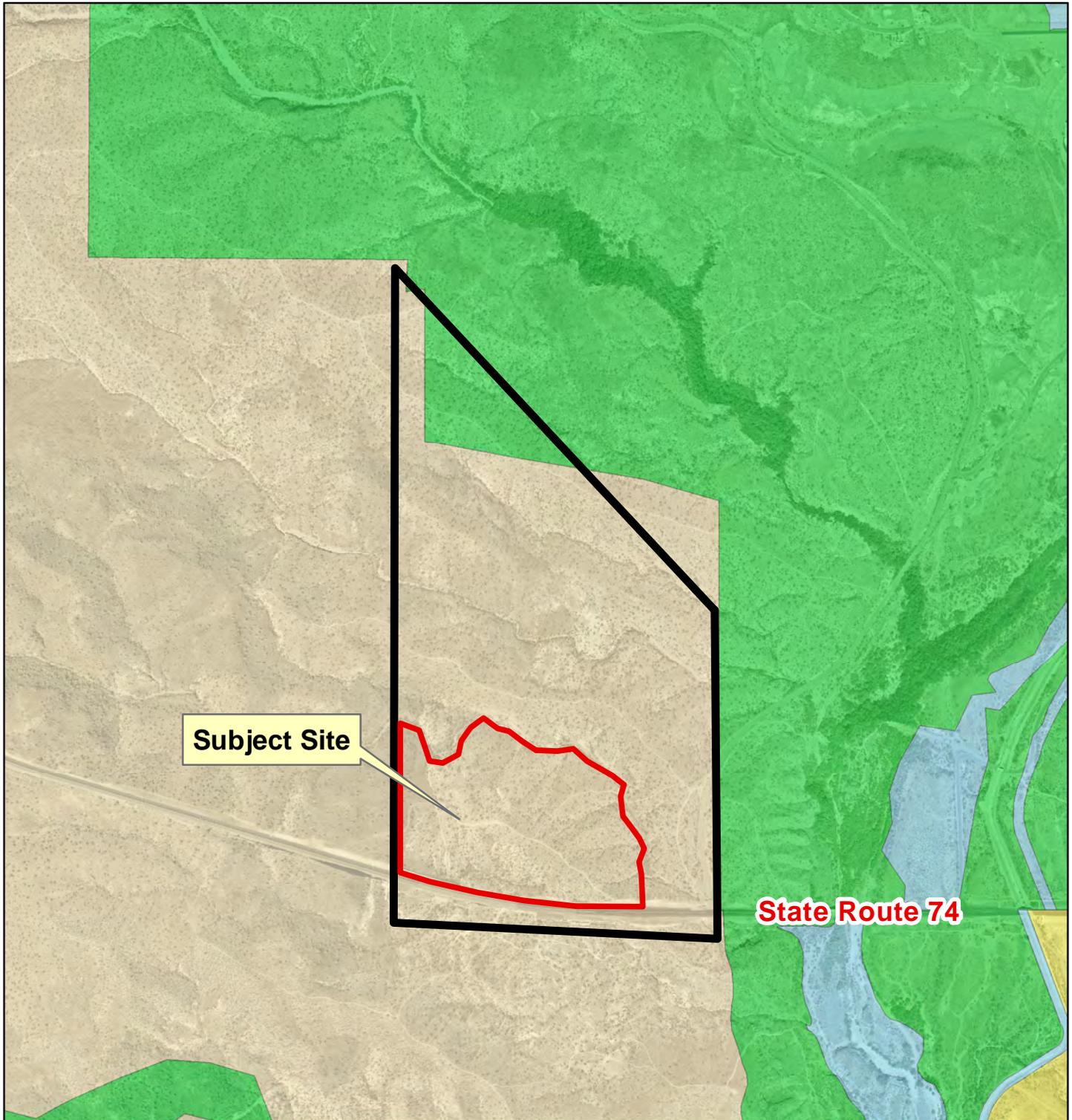
Applicant: Earl, Curley & Lagarde, PC

Request: General Plan Amendment for Cholla Hills
(formerly Estates at Lakeside)

3



Not to Scale



GPA11-0010 General Plan Amendment

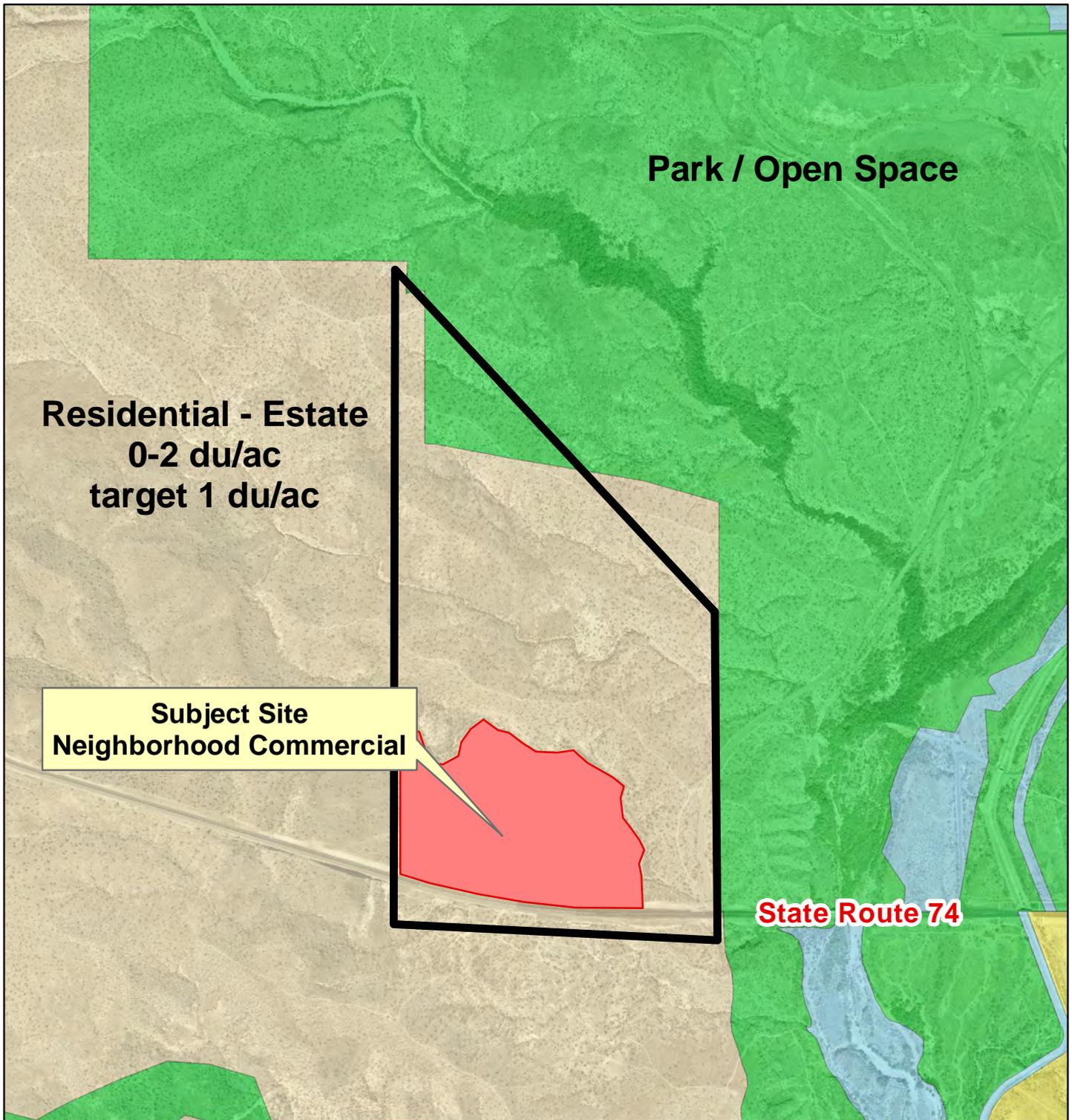
Applicant: Earl, Curley & Lagarde, PC

Request: General Plan Amendment for Cholla Hills
(formerly Estates at Lakeside)

3



Not to Scale



GPA11-0010 General Plan Amendment

Applicant: Earl, Curley & Lagarde, PC

Request: General Plan Amendment for Cholla Hills
(formerly Estates at Lakeside)

3



Not to Scale

Cholla Hills
Minor General Plan
Amendment

located

**Northwest corner of State Route 74
and Old Lake Pleasant Road**

Application Number: GPA11-0010

Property Owners
DLGC II, LLC
and
Lake Pleasant Group, LLP

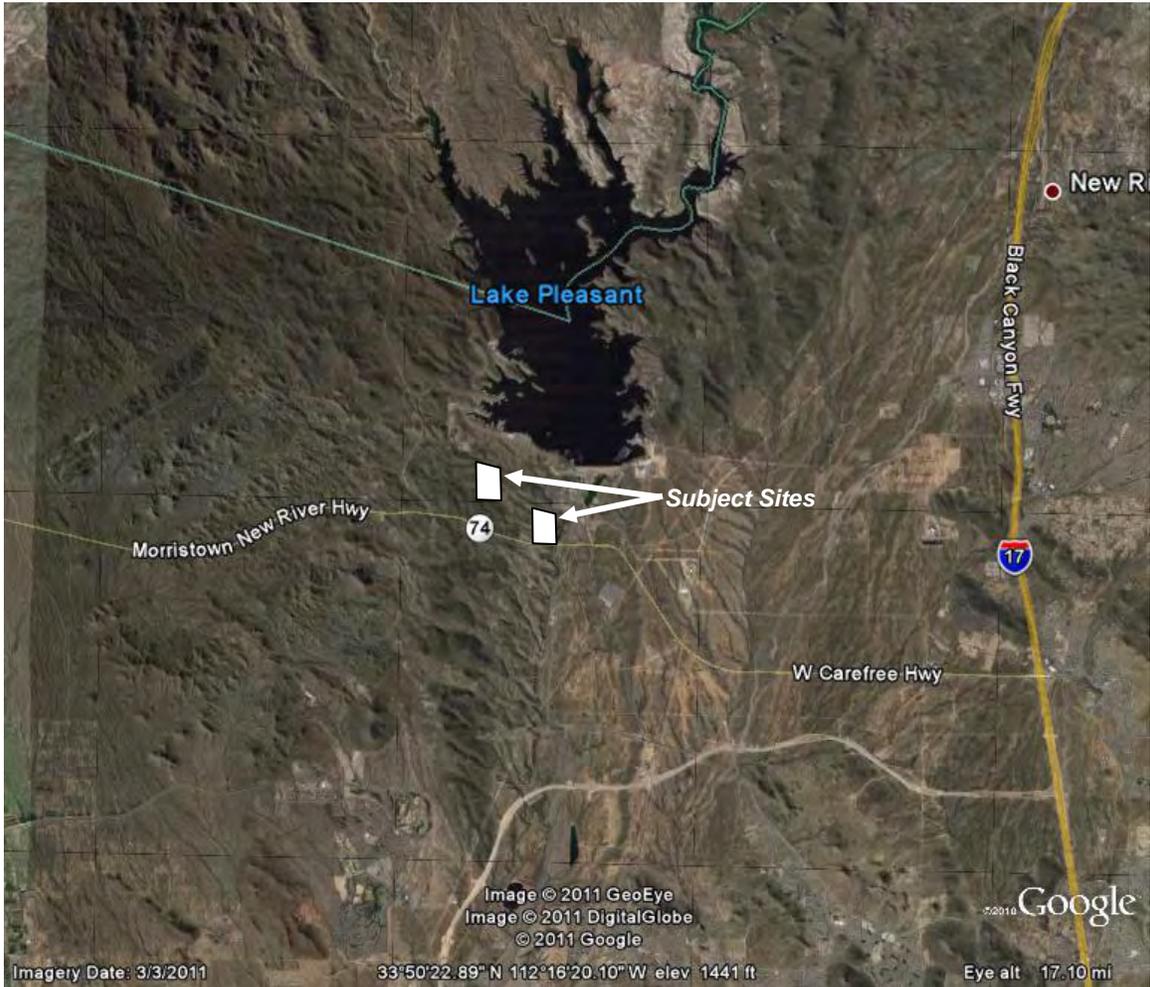
Prepared:
April 25, 2011
May 23, 2011
August 24, 2012
Revised November 19, 2012

**Cholla Hills
General Plan Amendment
Project Narrative**

APNs: 201-24-004H, 201-24-004K and 201-25-001A

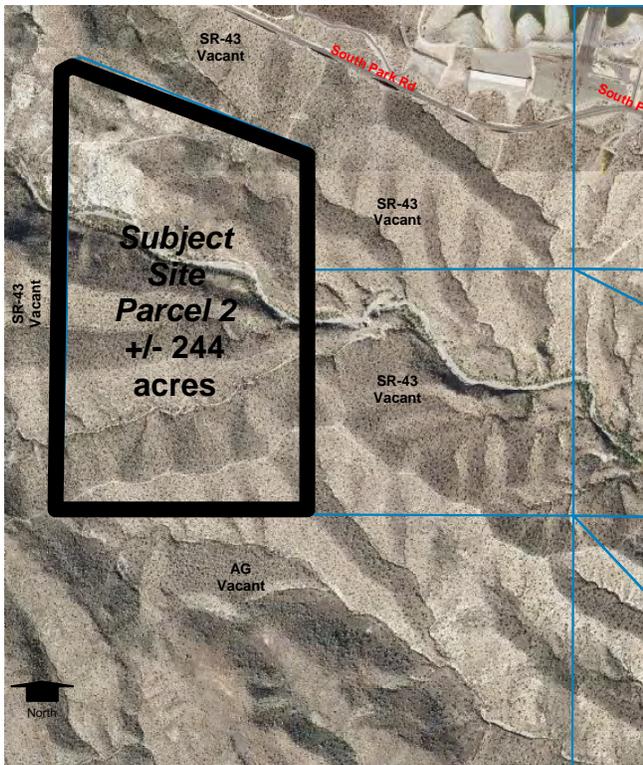
INTRODUCTION

DLGC II, LLC and Lake Pleasant Group, LLP, the property owners are seeking a Minor General Plan Amendment for approximately 23 acres and a companion Rezoning/Planned Area Development Amendment request (under separate application). The **Cholla Hills** properties are located northwest of the northwest corner of State Route 74 and Old Lake Pleasant road and at the northwest corner of State Route 74 and Old Lake Pleasant Road. This Minor General Plan Amendment is for only approximately 23 acres located at the southwest corner of **Cholla Hills** Parcel 1.

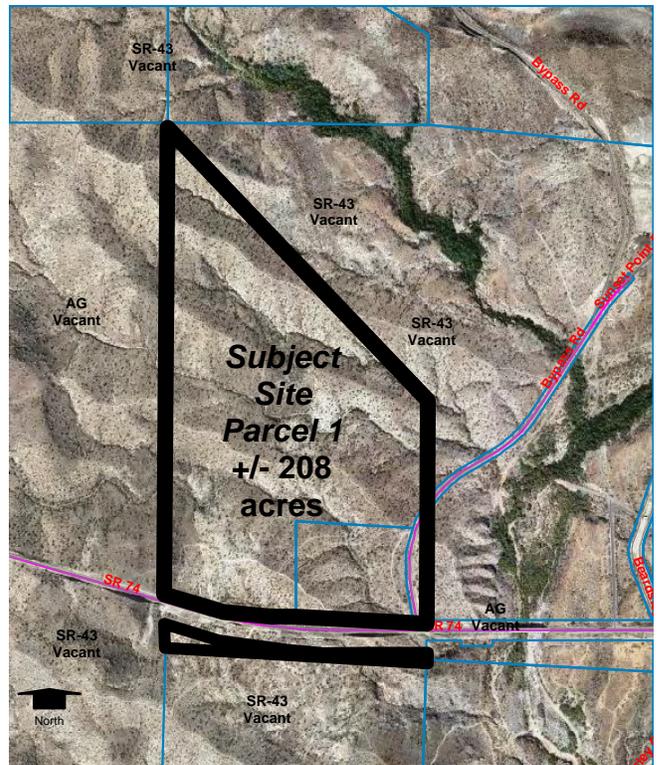


The overall *Cholla Hills* properties are the former site of the Estate at Lakeside I and II. The *Cholla Hills* project consists of two properties-Parcel 1 (Southeast Property) and Parcel 2 (Northwest Property). Parcel 1 (Southeast Property) is a 210 acre site and is located at the immediate northwest corner of State Route 74 and Old Lake Pleasant Road. It is zoned PAD. Parcel 2 (Northwest Property) is approximately 244-acres and zoned SR-43 and located northwest of the State Route 74 and Old Lake Pleasant Road. Both properties are generally located on the north side of State Route 74 and are undeveloped.

Two requests are being filed concurrently. The first request is for a Minor General Plan Amendment (“GPA”) to amend the land use designation for approximately 23 acres from “Residential Estate” to “Commercial” on the Parcel 1 (Southeast property). The second companion request seeks a Planned Area Development Amendment (“PAD Amendment”) application for 2 parcels. The property owners seek to amend the existing Estates at Lakeside PAD (“Parcel 1” the Parcel which fronts onto State Route 74) which was approved by the City Council on November 3, 1998. This request seeks to amend that existing PAD to allow for a unique Resort Community, consisting of a Recreational Vehicle Resort development component and a highly designed and unique commercial project that is integrated into and consistent with the existing scenic desert environment. Additionally, the request seeks to also increase the size of the existing PAD by including Parcel 2 (Northwest Property) into the existing PAD. The applicant seeks a resort and resort residential development for Parcel 2.



Cholla Hills – Parcel 2
Northwest Site



Cholla Hills - Parcel 1
Southeast Site

The change of the Residential Estate designation for the proposed 23-acres to Commercial provides a more compatible designation and transition with the planned developments in the area. This application request increases the commercial zoning by 12 acres for a total of 23 acres of commercial zoning on the north side of State Route 74. A Minor General Plan Amendment is therefore being requested to allow for the additional acreage of commercial zoning on the north side of State Route 74. The commercial property has a natural desert preservation which separates the proposed commercial from the RV Resort. Furthermore this area is also enhanced by a major drainage swale that will be left undeveloped with the exception of a roadway that connects the RV Resort directly to State Route 74.

This new commercial site will provide an opportunity for convenience retail which will be supported by the Residential, Resort, Recreational Vehicle Resort and the surrounding area. When the commercial site develops, the east 2/3 of the site will not be visible from S.R. 74 due to the 10 foot vertical grade differential along the highway frontage. As shown on the accompanying section, State Route 74 will be 10-feet lower than the finish floors of the proposed commercial parcel. The western 1/3 of the property's frontage along S.R. 74 is lower than S.R. 74 and therefore it is proposed that landscaping integrating earthen berms to imitate the natural surrounding and environment will be incorporated in order to screen the commercial development. The architectural style, size, and character of the commercial development will be similar to developments in the Valley's northern desert environments as represented in the pictures that accompany this narrative. All commercial development will adhere to the City's Design Review Manual. The scale of building will be visually reduced by mixing materials, soft desert colors, textures, and the addition of articulated details to provide a variation of building scale and size. Variation in building scale shall be provided in this development.

LOCATION AND ACCESSIBILITY

The I-17 Freeway and Carefree Highway (State Route 74) interchange is only just over 9 miles east of the proposed site. State Route 74 also provides excellent access to Grand Avenue which provides access to Las Vegas and other parts of the western United States. State Route 74 is a two-lane paved road and is designated to be a major roadway as the area matures. State Route 74 will provide primary access to the site. State Route 74 right-of-way has been expanded to 308-feet which will accommodate a "controlled access rural freeway". The current feasibility study indicates a ten lane roadway with a 65' open median. It is owned and maintained by the Arizona Department of Transportation (ADOT).

SURROUNDING LAND USES AND ZONING

Parcel 1-*Southeast parcel:*

North: Lake Pleasant Regional Park-Vacant undeveloped land zoned SR-43.
East: Lake Pleasant Regional Park-Vacant undeveloped land zoned SR-43.
South: State Land-Vacant undeveloped land zoned SR-43.
West: State Land-Vacant undeveloped land zoned AG.

Parcel 2-*Northwest parcel:*

North: Lake Pleasant Regional Park-Vacant undeveloped land zoned SR-43.
East: Lake Pleasant Regional Park-Vacant undeveloped land zoned SR-43.
South: State Land-Vacant undeveloped land zoned AG.
West: Bureau of Land Management-Vacant undeveloped land zoned SR-43.

DESCRIPTION OF OVERALL PROPOSAL

Both properties are designated in the City of Peoria General Plan (“Plan”) as “Residential Estate.” The existing zoning on Parcel 1 (Southeast Property) allows for approximately 13 acres of resort near the northern tip of the property, 195 acres of single-family residential (1.18 DU/AC), and approximately 11 acres of commercial. A Minor General Plan Amendment has been filed to change the land use designation on the southern 23 acres of Parcel 1 from “Residential Estate” to “Commercial” to allow the implementation of the companion *Cholla Hills* PAD Amendment. Since the existing zoning allows 11 acres of commercial the net increase of commercial is 12 acres of commercial on Parcel 1.

This application request increases the commercial zoning by 12 acres for a total of 23 acres of commercial zoning on the north side of State Route 74. The property on the south side of SR74 will remain undeveloped except for Wastewater Treatment Plant and associated uses. A Minor General Plan Amendment is therefore being requested to allow for the additional acreage of commercial zoning on the north side of State Route 74. The commercial property has a natural desert preservation which separates the proposed commercial from the RV Resort. Furthermore this area is also enhanced by a major drainage swale that will be left undeveloped with the exception of a roadway that connects the RV Resort directly to State Route 74.

Primary access to the property will be provided via State Route 74 in large part due to the difficult topography of the property. The existing 10-acre commercial designation that was approved with the Estate at Lakeside project will be relocated to the north side of State Route 74 since the ADOT condemnation has essentially eliminated the parcel south of the roadway. The new proposed 23-acre commercial site is planned off the project’s main entry road and located at the southern portion of the site, which provides good visibility and access. The proposed commercial designation will also provide the opportunity for a neighborhood/convenience-oriented retail center to serve the

Residential, Resort, R.V Resort and those passing by along State Route 74. Support retail/commercial and two R.V. storage sites, totaling approximately 23 acres, are located along the southern portion of the property of the southeastern site. The most viable commercial sites are those located at the intersection of major transportation routes or at entrances to a project. These locations increase visibility and traffic flow critical for successful retail businesses. The proposed neighborhood commercial designation additionally provides a buffer and excellent transition to State Route 74. Additionally, given the future intersection immediately west of this property, the approximately 22 acres commercial designation is a logical land transitional use to the future intersection of two major arterial streets.

This new commercial site will provide an opportunity for convenience retail which will be supported by the Residential, Resort, Recreational Vehicle Resort and the surrounding area. When the commercial site develops, the east 2/3 of the site will not be visible from S.R. 74 due to the 10 foot vertical grade differential along the highway frontage. As shown on the accompanying section, State Route 74 will be 10-feet lower than the finish floors of the proposed commercial parcel. The western 1/3 of the property's frontage along S.R. 74 is lower than S.R. 74 and therefore it is proposed that landscaping integrating earthen berms to imitate the natural surrounding and environment will be incorporated in order to screen the commercial development. The architectural style, size, and character of the commercial development will be similar to developments in the Valley's northern desert environments as represented in the pictures that accompany this narrative. All commercial development will adhere to the City's Design Review Manual. The scale of building will be visually reduced by mixing materials, soft desert colors, textures, and the addition of articulated details to provide a variation of building scale and size. Variation in building scale shall be provided in this development.

CONFORMANCE OF OVERALL PROPOSAL WITH GENERAL PLAN

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

Policy 1.B.1: Work to enhance commercial activity by attracting, retaining, and expanding those developments, which improvement economic conditions in Peoria.

This new commercial site will enhance commercial opportunities by providing convenience retail which will be supported by the Residential, Resort, Recreational Vehicle Resort and the surrounding area. The commercial development is intended to accommodate both the general public as well as the guests who will be visiting and utilizing the amenities of Parcels 1 & 2. These opportunities will provide additional tax dollars to the City of Peoria.

Policy 1.C.3: Utilize performance standards and site design elements to reduce compatibility conflicts with adjacent uses.

Most of the surrounding land is owned by Federal Government and is under Bureau of Land Management Jurisdiction, State Trust Land or part of the Lake Pleasant Regional Park. The companion PAD Amendment incorporates rigid standards and criteria relative to commercial uses and design, open space, limitation on grading, limitation on building footprints, and design guidelines which will preserve the natural beauty and terrain of these parcels and minimize the impact on the land. These regulations will insure compatibility with the surrounding lands which are owned by the Federal Government, State Trust land or part of the Lake Pleasant Regional Park. **The companion PAD incorporates commercial representations which establish a level of quality for the commercial portion. This will be the benchmark against which future site plan and elevation submittals will be judged by City Staff. While the applicant may submit elevations which differ in character from the representations shown in this PAD, the intent of these exhibits is to establish a level of quality for the proposed commercial development; The Staff shall ensure that the level of quality shown in these exhibits are commensurate in quality with the actual elevations, materials, colors which are ultimately provided with each Design Review application. Additionally, any storage use must be visually screened through the use of landscaping, walls, etc. as approved by the City to ensure such facility is not visible from public streets. The commercial uses proposed on this parcel will be limited with potentially noxious C-2 uses being eliminated.**

Objective 1.F: Promote sustainable development that elevate community identity and convenience, reduce vehicular trips, minimize infrastructure needs, improve air quality and provide a diversity of use.

The proposed “Resort” and “Commercial” land use designations and PAD zoning will allow for the development of a Resort Community and a Residential Resort Community on very limited portions of the properties. The retail portion on the site provides a service which allows guests to stay on the property when shopping for their daily needs. **The new commercial site will provide an opportunity for near-by convenience retail which will be supported by the Residential, Resort, Recreational Vehicle Resort and the surrounding area all of which help reduce vehicular trips, minimize infrastructure needs, improve air quality and provide a diversity of use.**

Objective 1.I: Promote resort development that provides tourism opportunities within the City.

This proposal takes advantage of one of the City’s most unique recreational facilities-Lake Pleasant. The proposed resort on Parcel 2 (Northwest Property), the Recreational Vehicle Resort on Parcel 1 (Southeast Property) along with the proposed commercial, will all help promote tourist opportunities and enhances this recreational area and the City.

Policy 1.I.1: Identify and designate resort development sites that have direct access to significant recreational corridors and open spaces areas.

The proposed 240 room resort on 100 acres nestled in the pristine high desert is a spectacular opportunity for the City. Resort goers will flock to this natural and preserved desert environment.

Policy 1.1.2: Identify recreational corridors with future access points to resort areas and visitor access that encourage tourism and visitors activity.

Hiking trails, preserved wash corridors and slopes will make this site an exciting destination for tourists and visitors.

Objective 3.A: Develop program that encourage the clustering of development in exchange for preserved natural open space area.

The casita concept envisioned in this plan is premised upon clustering of development and the resulting retention of natural open space.

Policy 3.A.1: Open space preservation and planning is equally as important to the City as all other components of development review when considering the appropriateness of development proposals.

We agree and as demonstrated by this PAD open space preservation is one of the key planning principles of this application.

Policy 3.A.2: Encourage creative development patterns to ensure preservation of open spaces.

This site has significant washes that traverse the site, running generally from northwest to southeast. These washes are deeply incised, 30 to 50 feet deep in many locations. The topographic contouring of the property is dramatic and offers opportunities for creating a unique Recreational Vehicle Resort environment. The major collector street that runs from northwest to southeast is designed to have a divided highway with a median varying in width from 20 to 50 feet. The median is aligned with one of the major ridgelines on the property enabling some of the natural vegetation to remain in place and minimize construction to one of the most visible natural features on the site. As noted previously, the natural washes will be left in a natural state preserving the existing flora. In addition to the preservation of the washes, approximately 50 percent of the RV site will be maintained as either natural untouched open space or open space that will be revegetated to its original condition.

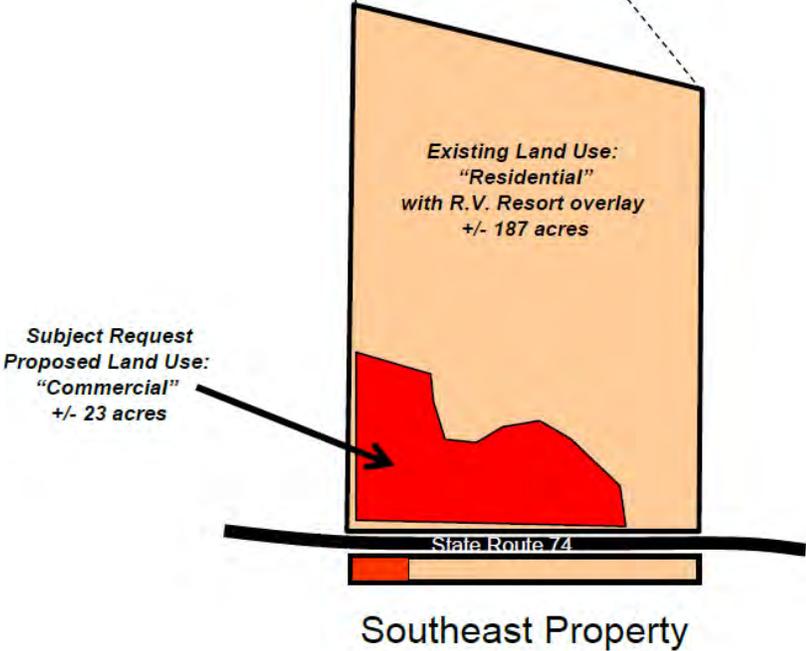
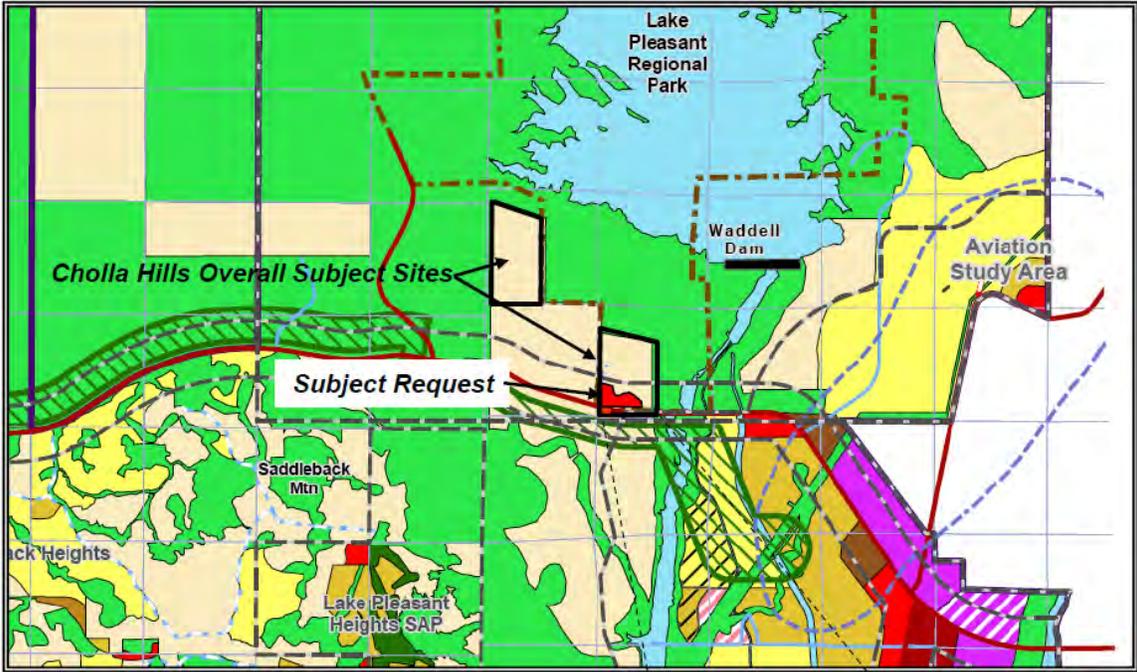
This Commercial designation is intended to provide development that integrates a combination of active and passive recreational amenities and ancillary commercial opportunities in areas of exceptional scenic and environmental quality. The RV Resort plan has been designed in concert with the existing contours of the land which minimizes cuts and fills and retains more of the existing vegetation in place. The individual recreational vehicle pads and spaces have been designed and orientated in a manner that takes advantage of views, minimizes alteration of the natural landscape, and provides substantial setbacks from the roads to allow additional landscaping to screen or soften the visibility to the individual sites from the roadway. The RV pad sites will blend in harmony with the surrounding desert minimizing permanent structures and surfaces. The

pad surface will be constructed, subject to City approval, of a stabilized decomposed granite material that will blend in color with the surrounding desert surface. A small 8 X 16 foot concrete pad will be provided at each site that will be finished with a heavy salt pitted color finish. Cuts and fills to achieve the finish grades of sites will be minimized.

This project will be one of Peoria's most unique resort communities nested in the scenic desert near Lake Pleasant. The high standard of creative design is sensitive to environmental conditions and is prescribed both pictorially and in a narrative format in this PAD. This proposal will offer a true Arizona desert experience, with hiking, swimming, and other leisure activities while also taking advantage of the activities associated with nearby Lake Pleasant Regional Park.

Based upon the analysis provided above, we believe this proposed amendment is consistent with the overall intent and goals of the General Plan and will be beneficial to the surrounding area as an additional recreational resort.

Enlargement of Proposed General Plan Land Use Map



Proposed General Plan Land Use
Proposed Land Use Designation: "Commercial" (23 acres)

ECONOMIC BENEFITS

Under separate cover an economic impact statement resulting from the development will be provided.

The economic opportunities afforded by this project include; the generation of construction jobs, management jobs, tax revenue from real estate, sales taxes, increased land values, revenue to local businesses, and general economic growth for the region.

PUBLIC FACILITIES

The public facilities plan shows the subject site to be within the City's Fire Management Area. This request to change the land use designation to Resort puts no demands for additional schools, parks, or municipal offices. In fact, changing the land use to resort should reduce the number of children from the existing Residential Estate land use which provides permanent homes with children. The properties are located within the service areas of the regional water and wastewater facilities defined in the City of Peoria Water & Wastewater Master Plans.

Fire protection is provided by an existing fire company at Lake Pleasant. Police protection is provided by the City of Peoria police department, Maricopa County Sheriffs department and park rangers.

The project is not presently within an incorporated school district and is anticipated to be primarily vacation/second or retirement population which would require no school facilities.

CONCLUSION

In summary the proposed land use amendment to the General Plan Land Use map is a unique opportunity to provide for a development which reflects the community's needs and is compatible with the cities planning goals, policies and objectives. The *Cholla Hills* project is a well planned, low impact and sustainable R.V Resort with a Commercial component that is compatible with the existing Lake Pleasant Regional Park, BLM and State land in the surrounding area. Further the very low intensity land use is very much in harmony with the Lake Pleasant Regional Park. *Cholla Hills* is particularly well suited to maintain the openness of the high desert terrain. The project will contribute to the orderly growth of the City and will provide a unique opportunity which is currently unavailable. We believe that this Minor General Plan Amendment and companion rezoning will contribute positively to the well planned growth of the northern portion of Peoria and a high quality of life for its residents and visitors.



REZONING

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: Z 98-03A.1
DATE: December 6, 2012
AGENDA ITEM: 6R

Applicant: Earl, Curley & Lagarde, PC
Request: Major Planned Area Development (PAD) amendment
 - Amending existing 210-acre PAD
 - Addition of 244 acres, currently zoned SR-43
Proposed Development: Cholla Hills resort, commercial and recreation community.
Location: The property is located at the northwest corner of State Route 74 and Old Lake Pleasant Road. (APN 201-24-004K, 201-24-004M, 201-24-004H, 201-24-004J, 201-25-001A).
Site Acreage: 454 gross acres
Support / Opposition: Staff has not received any support or opposition regarding this request.
Recommendation: **Approve**, with stipulations.

AREA CONTEXT

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

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant	Residential/Estate (0-2 du/ac. Target 1 du/ac.)	Planned Area Development and SR-43
North	Vacant	Residential/Estate (0-2 du/ac. Target 1 du/ac.)	Planned Area Development
South	Vacant, SR 74	Residential/Estate (0-2 du/ac. Target 1 du/ac.)	Planned Area Development
East	Vacant	Park / Open Space	SR-43 (Suburban Ranch)
West	Vacant	Residential/Estate (0-2 du/ac. Target 1 du/ac.)	AG (General Agricultural)

Annexation and Case History

- Records indicate that Parcel 1 of this proposal was annexed into the City in 1993 as part of much larger annexation that covered more than 675 acres of land primarily located southwest of Lake Pleasant. An initial zoning designation of General Agriculture (AG) was assigned through case Z93-21. The current Estates at Lakeside Planned Area Development (PAD) zoning was assigned in 1998 through case Z98-03.

2. Parcel 2 was annexed into the City and was granted initial zoning of Suburban Ranch (SR-43) in 1996. No further activity has occurred on this Parcel.

PROJECT DESCRIPTION

Proposal Overview

3. This proposal is divided into two primary parcels – the 210-acre recreational vehicle and commercial parcel (Parcel 1) and the 244-acre traditional resort parcel (Parcel 2). Both parcels are identified in Exhibits A and B.
4. The original Estates at Lakeside PAD (case Z98-03) was limited to Parcel 1 and established 11 acres of commercial zoning south of the State Route 74 right-of-way. It also established a 13-acre resort site on the north end of the parcel and residential zoning of 1.18 du/ac for the remainder of the site.
5. The recent acquisition of additional right-of-way for State Route 74 has reduced the commercial site to approximately 3 acres and has severely limited access to that portion of the property.
6. The applicant has stated the existing zoning entitlement is in conflict with the current and foreseeable market realities. As such, this proposed amendment is intended to preserve the existing entitlement as a development option, but also provide alternative uses for Parcel 1 and a new use for Parcel 2, which is being included as part of this application.
7. Both parcels are encumbered by significant topography and vegetation, which through compliance with the City's Hillside Development Overlay and Desert Lands Conservation Overlay (DLCO) will limit the disturbance and development of each site.
8. Parcel 1 will gain access directly from State Route 74 via two locations – one will serve as the access through the commercial portion of the property near the southwest corner of the site and the second will be from the existing, but closed Bypass Road. Parcel 2 will be accessed via a future roadway or easement through the intervening State Land parcel, which is anticipated to connect to Castle Hot Springs Road. The applicant is aware of ADOT's planning efforts to expand State Route 74 and is also aware that these plans may affect the location of access to and from these parcels. These impacts are contemplated on the current site plan for Parcel 1. (Exhibit D)

Parcel 1 – Recreational Vehicle Resort and Commercial (Exhibits E1-E5)

9. Parcel 1 will have two development options – one being the commercial, resort, and residential concept entitled in 1998 as the Estates at Lakeside PAD and the second being the RV resort and commercial proposal included in this application. Staff worked with the applicant to ensure the original development option remained intact as a secondary development plan should the demand for estate residential be restored prior to the development of the RV resort use. The

applicant agreed to keep the original entitlement, excluding the 13-acre resort use, and has included it in Appendix B of the new Cholla Hills Planned Area Development (PAD). The exclusion of the 13-acre resort option on Parcel 1 is offset by the additional 244-acre resort site on Parcel 2 of the Cholla Hills PAD.

10. The revised concept for Parcel 1 is a recreational vehicle resort on approximately 187 acres and neighborhood commercial uses on the remaining 23 acres (subject to Minor General Plan Amendment case GPA11-0010). This will be the City's first RV resort. Unlike traditional RV resorts, which provide spaces for approximately 15 vehicles per acre, this proposal will be limited to 3 vehicles per acre (approximately 560 vehicles), leaving approximately 50 percent of the overall site to be left as natural open space. Central to this parcel is recreation and community center associated with the RV resort. This facility will include year-round activities including tennis, shuffleboard, swimming, and general fitness. While the RV resort will be in operation year-round, stays will be limited to six months or 180 days.
11. This proposal is also requesting to relocate and expand the 11-acre commercial site discussed earlier to a new site north of, but still adjacent to, State Route 74. The new commercial standards limit the site to 23 acres and reflect the C-2 Intermediate Commercial zoning district provisions with the exception of those uses perceived to be 'noxious' such as gas stations, adult uses, and automotive repair garages.
12. It should be noted that the PAD explains that the 23-acre commercial site is anticipated to consist of 13 acres of retail and up to 10 acres of RV and boat storage. The storage use is proposed to be in compliance with the Conditional Use Permit and screening requirements found in Article 14-9 of the Zoning Ordinance. This site has the added advantage of grade separation that will enhance the screening of the storage use from State Route 74. The site is at a higher elevation than State Route 74 and slopes away from the highway. It should also be noted that the current Estates at Lakeside PAD permits the RV and boat storage use without first requiring a Conditional Use Permit or prescribed screening requirements. The applicant agreed to the additional layer of review (Conditional Use Permit) to ensure the City's acceptance of this use.
13. Development of this site will also be subject to the City's Design Review Manual, which in conjunction with the Hillside Development Overlay, will control building color, height, and general design quality. To assist staff with overall project visioning during future site planning and design review processing, the applicant has provided a comprehensive series of photos in the PAD illustrating acceptable design concepts for the commercial component of this project.

Parcel 2 – Traditional Resort (Exhibits F, G1-G4)

14. Parcel 2 is a 244-acre addition to the original Estates at Lakeside project area. Its inclusion in this amendment is solely for the location of a traditional 240-room resort and associated ancillary residential and commercial uses.

15. While the site is quite large, there are noteworthy topographical conditions that will narrow the opportunities for development on the property. Landforms such as ridgelines and major washes will be protected through the Hillside Development Overlay and the DLCO requirements.
16. Similar to the photo examples of the acceptable commercial development concepts provided in the PAD for Parcel 1, the applicant has provided photos of resort types and architectural styles deemed acceptable for this project.
17. The Cholla Hills PAD provides development standards for two types of residential development permitted on the property, which include a detached single-family product and an attached single-family / multi-family product. The PAD restricts the detached product to 6,000 square-foot minimum lot sizes, 1,500 square feet of maximum developable area, and no walls permitted between lots. The residential component on this parcel will not exceed 1 du/ac, or 144 homes, which is in conformance with the target density (1 du/ac) of underlying General Plan Residential Estate designation. All residential products, including the primary resort building are limited to 30 feet in height. These self-imposed requirements are intended to perpetuate the resort environment.

DISCUSSION AND ANALYSIS

Conformance with the General Plan

18. Staff received this application in May of 2011 in conjunction with a Major General Plan Amendment. After further review of the request and the General Plan criteria for Resort uses, it was determined that resorts are permitted in all land use categories, thereby negating the need for a major amendment. The relocation and expansion of the commercial acreage would still require a minor amendment.
19. Staff has worked with the applicant over the last several months to shape this proposal in such a way that it meets the General Plan Resort guidelines and land use criteria (provided below). Each iteration of the plan established commitments in site design, provision of amenities, and more stringent development standards to gain conformance with the General Plan. (Exhibit I)

Resort Development Guidelines:

Resort developments are projects that integrate a combination of destination hotels, casitas, timeshares, active or passive recreational amenities and ancillary commercial opportunities in areas of exceptional scenic and environmental quality.

All resort proposals shall substantially exhibit or demonstrate the following characteristics:

- *The proposal is compatible with the scale and character of surrounding land uses; and*
- *The proposal will not result in excessive traffic volumes on the surrounding circulation system; and*
- *The proposal provides for adequate infrastructure needs; and*

- *The proposal adequately includes measures to protect the natural and scenic qualities of the area.*

Resort Development [Land Use Criteria]

Objective 1.I:

Promote resort development that provides tourism opportunities within the City.

Policy 1.I.1:

Identify and designate resort development sites that have direct access to significant recreational corridors and open space areas.

Policy 1.I.2:

Identify recreational corridors with future access points to resort areas and visitor access that encourage tourism and visitor activity.

Objective 1.J:

Promote the provision of convenient housing and support infrastructure for resort development service employees.

Policy 1.J.1:

Promote the development of affordable housing options for service employees near major resort and commercial areas.

Policy 1.J.2:

Require adequate road, transit, utility, and water service infrastructure in conjunction with resort development.

Objective 1.K:

Establish incentives to attract appropriately-scaled resort developments integrating a mix of land uses.

20. Lake Pleasant is one the City's most valuable resources. Its recreational opportunities are highly regarded by its visitors and its life-sustaining water is valuable to the valley and the region. The majority of the surrounding property is publically owned and managed by the Bureau of Land Management, Arizona State Land Department, Bureau of Reclamation, and the Maricopa County Parks Department. In working with the applicant on this proposal, staff has emphasized the necessity for this proposal to minimize site disturbance, maximize integration into the natural environment, and minimize the visual impact from State Route 74 while providing a unique recreational amenity that will fit within the context Lake Pleasant and the Sonoran Desert.

Citizen Participation Plan - Neighborhood Meeting

21. Section 14-39-8.E of the Peoria Zoning Ordinance requires the applicant of a rezoning request to hold at least one neighborhood meeting. The applicant conducted a neighborhood meeting and provided a Citizen Participation Process Report detailing the results of the meeting. The applicant notified property owners within 1320 feet of the subject site for the required neighborhood meeting, which was held on October 18, 2012 at the Wild Horse West Restaurant

(8415 W. Carefree Hwy) at 6:00 p.m. No surrounding property owners or members from the public attended the meeting.

City Review

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

Public Notice

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

FINDINGS AND RECOMMENDATION

24. Based on the following findings:

- The proposed zoning district is in conformance with the goals and objectives set forth in the Peoria General Plan.
- This rezoning request is consistent with General Plan Residential / Estate (0-2 du/ac, target of 1 du/ac) land use designation and is less intense than the existing zoning.
- This rezoning request will result in recreation and tourism opportunities in the vicinity of an existing and developing recreational area within the City.

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

Recommend to the City Council approval of Z98-03A.1 subject to the following conditions:

1. The development shall substantially conform with Cholla Hills Planned Area Development standards and guidelines report.
2. Phase 1 of the recreational vehicle resort shall include the recreation center and associated amenities as depicted in Exhibit E3 of this report.
3. All preliminary plats and site plans shall be accompanied by a complete Desert Lands Conservation Report (or equivalent) at the time of submittal. Each Desert Lands Conservation Report shall be approved prior to the issuance of approval for the subject preliminary plat or site plan.
4. The 2008 edition of NFPA 1194 shall be used for the Standard for Recreational Vehicle Parks and Campgrounds
5. The Developer shall dedicate ROW along the frontage of the project per the City's Street Classification Map or as determined by the City Engineer to accommodate the ultimate development of the half-street.

6. A more detailed Traffic Impact Analysis must be submitted during the preliminary plat or site plan review. Detailed analysis with respect to traffic signal analyses, storage lengths, and turn lane details have to be determined along with access control. Secondary access has to be determined along with internal circulation. If the proposed developments will be done in different phases, it has to be outlined as to what will be completed in each phase and the timeline for each phase. Separate TIAs will be required for each phase of development.
7. Secondary access to Parcel 2 shall be approved by the City prior to the development of that phase of the project.
8. Preliminary plans for water, sewer, roadway, and drainage must be included with the first preliminary plat or site plan application. The developer must understand that any infrastructure constructed for the RV resort may have to be removed and replaced at the time that a residential subdivision is constructed.
9. The Developer shall be responsible to construct the water and wastewater facilities, which will then be turned over to the City of Peoria for operation – under the terms outlined in the Asset Purchase Agreement
10. The Water and Sewer infrastructure required for the northwest parcel will have to be constructed and dedicated to the city at no cost. Also, any oversizing of the infrastructure designs identified in the Asset Purchase agreement will be the financial responsibility of the developer.
11. Per the Asset Purchase Agreement, the applicant is the water/wastewater provider, and is responsible for obtaining all the required regulatory permits.
12. Final approval of the plans will not be granted, nor permits issued, until all necessary permits and licenses have been obtained for the construction of the water and sewer facilities.

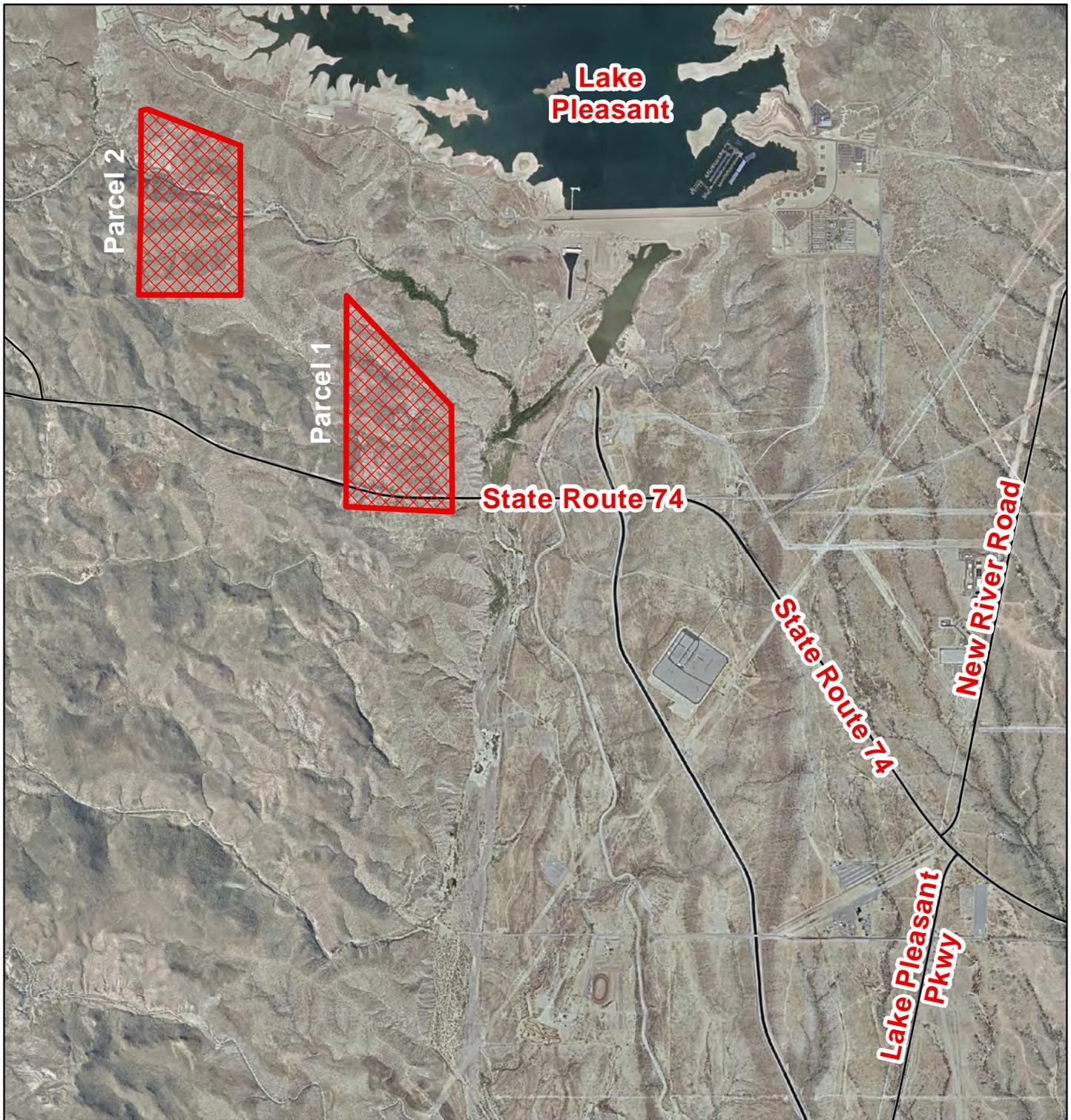
Attachments:

Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Future Access Plan
Exhibit E1-E5	Proposed Site Plan – Parcel 1
Exhibit F	Proposed Site Plan – Parcel 2
Exhibit G1-G4	Sample Photos – Commercial and Resort
Exhibit H	Informational Comments
Exhibit I	Proposed Cholla Hills Amended PAD Standards & Guidelines Report

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

Aerial / Context Map

Exhibit A



Z98-03A.1 Major PAD Amendment

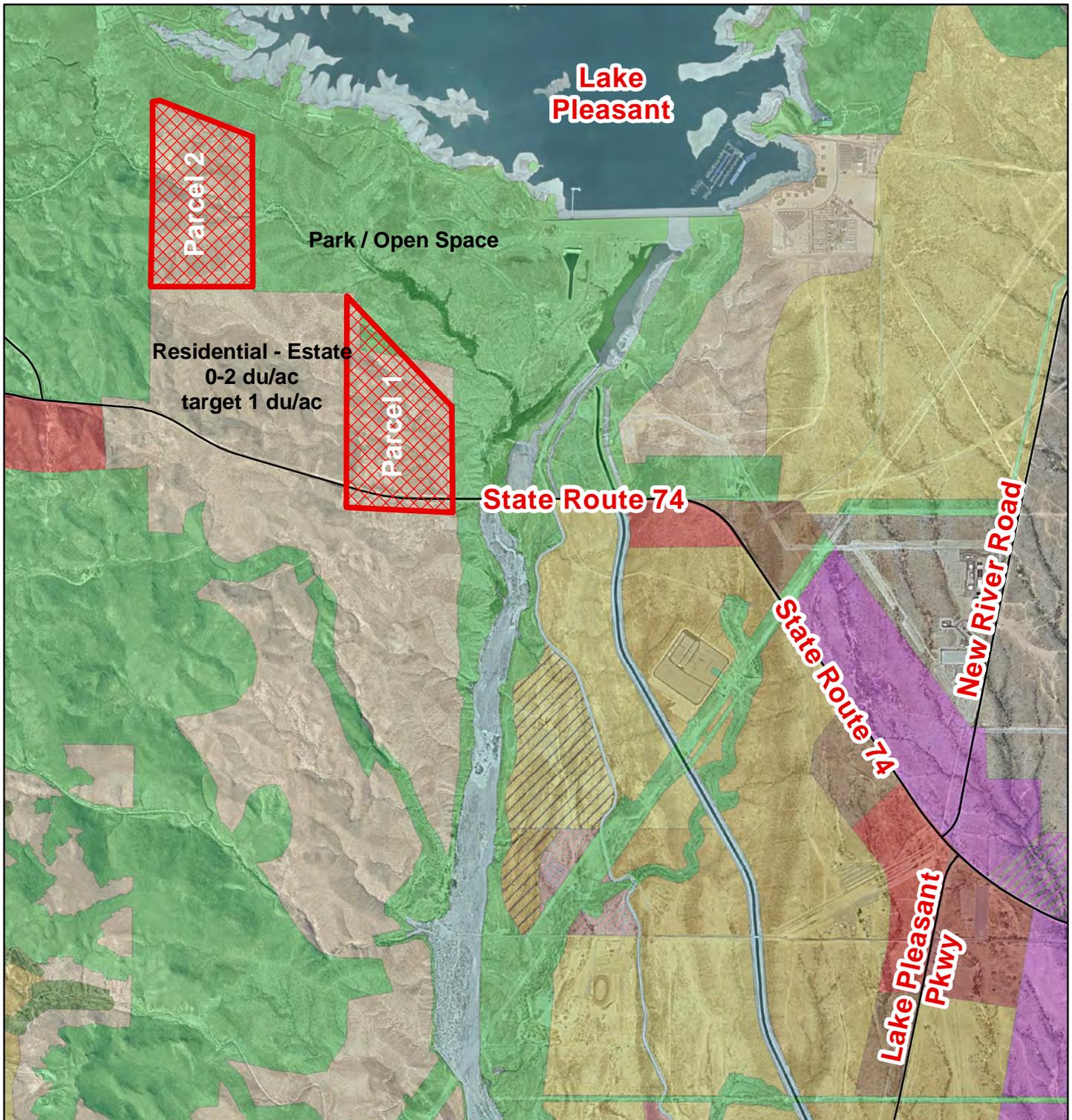
Applicant: Earl, Curley & Lagarde, PC

Request: Major PAD Amendment - Cholla Hills
(formerly Estates at Lakeside)

3



Not to Scale



Z98-03A.1 Major PAD Amendment

Applicant: Earl, Curley & Lagarde, PC

Request: Major PAD Amendment - Cholla Hills
(formerly Estates at Lakeside)

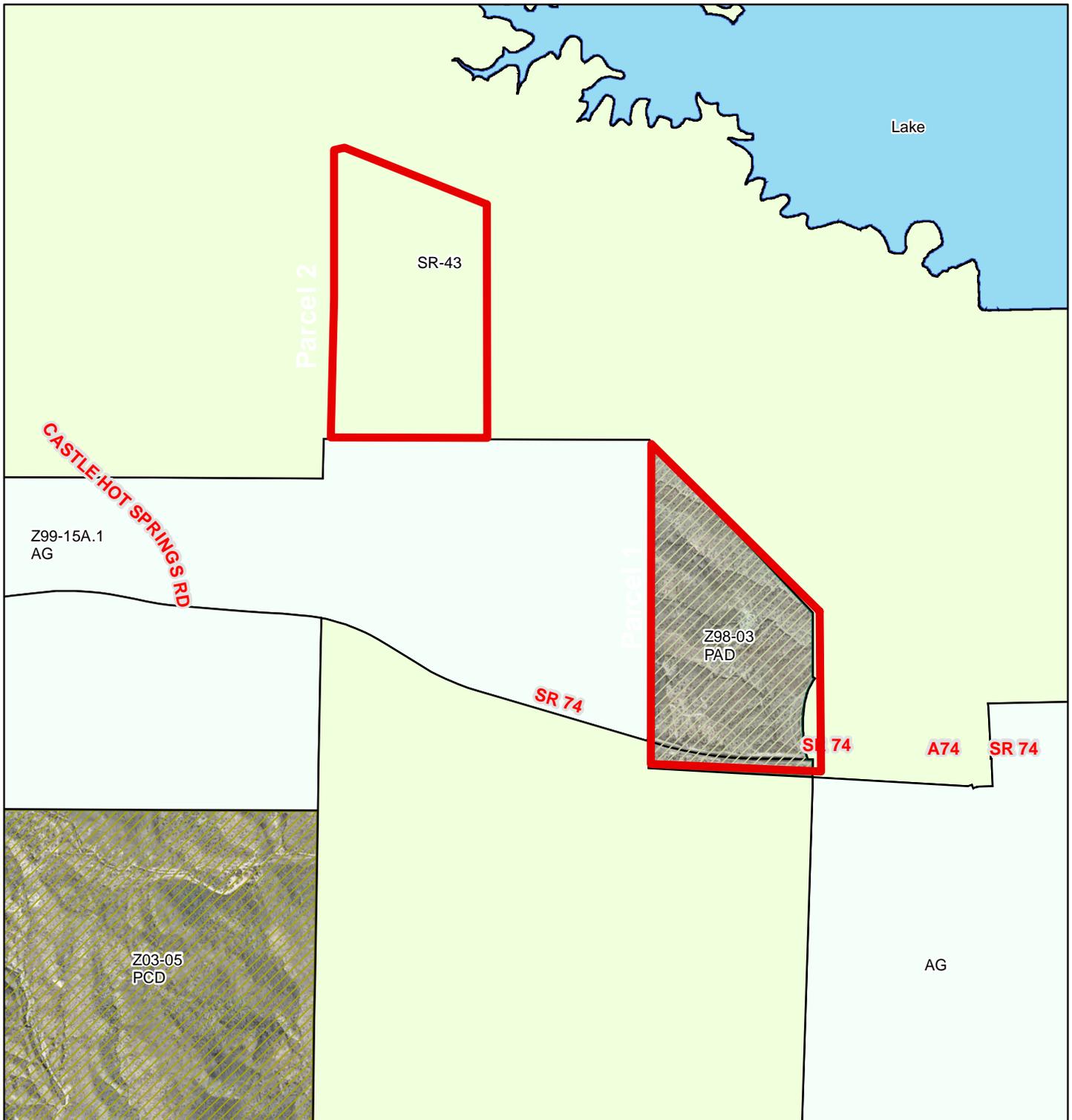
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Not to Scale

Zoning Map

Exhibit C



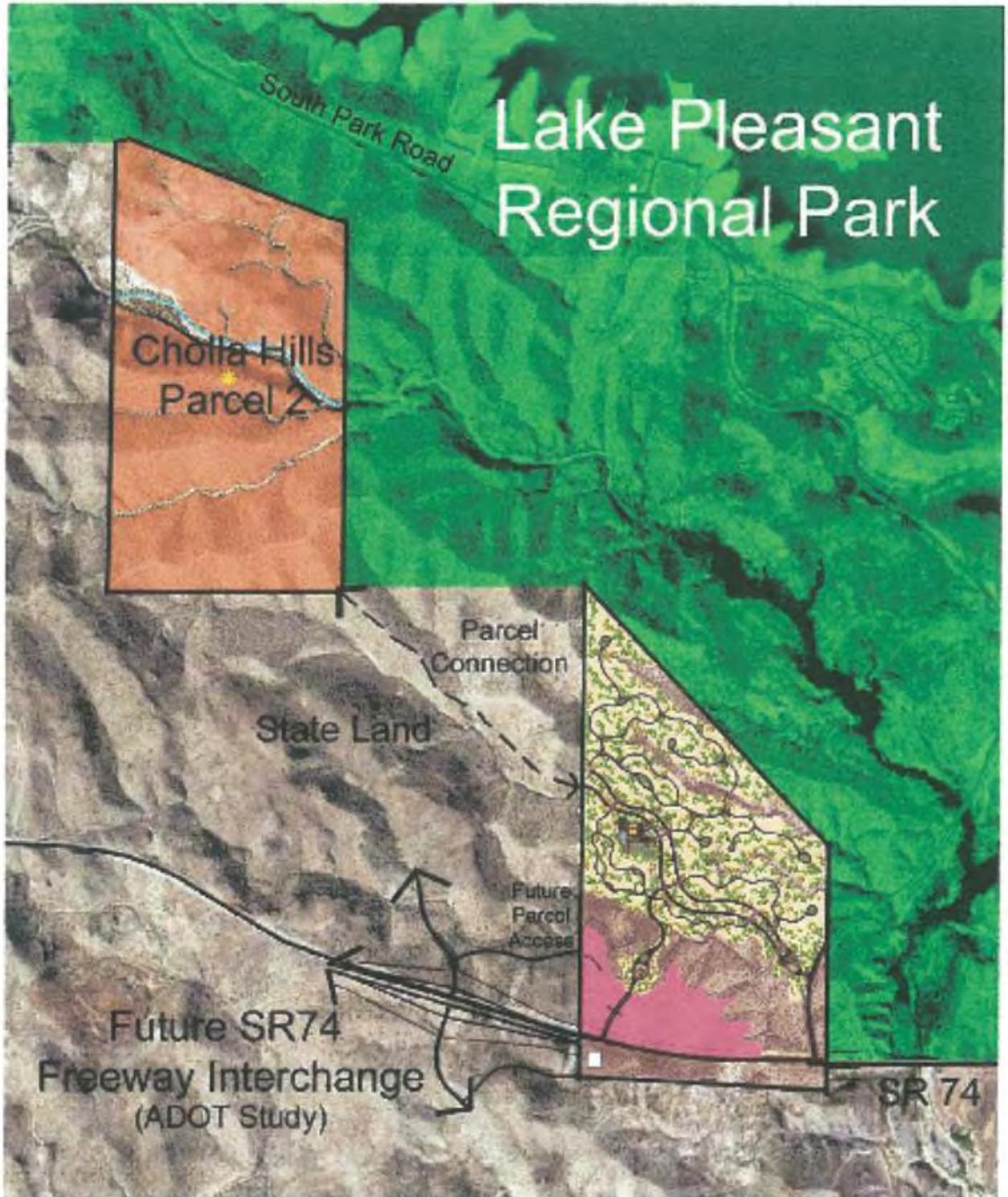
Z98-03A.1 Major PAD Amendment

Applicant: Earl, Curley & Lagarde, PC

Request: Major PAD Amendment - Cholla Hills
(formerly Estates at Lakeside)



Not to Scale



Future Access Plan

Recreational Vehicle Resort Site Plan Parcel 1 (Southeast Property)

Plan Data:

Overall Project Area-
Parcel 1&2: 454± Acres

Parcel 1: 210 Acres
Parcel 2: 244 Acres

Existing Zoning:

Parcel 1: PAD (Case #Z98-03)
Parcel 2: SR-43

Request:

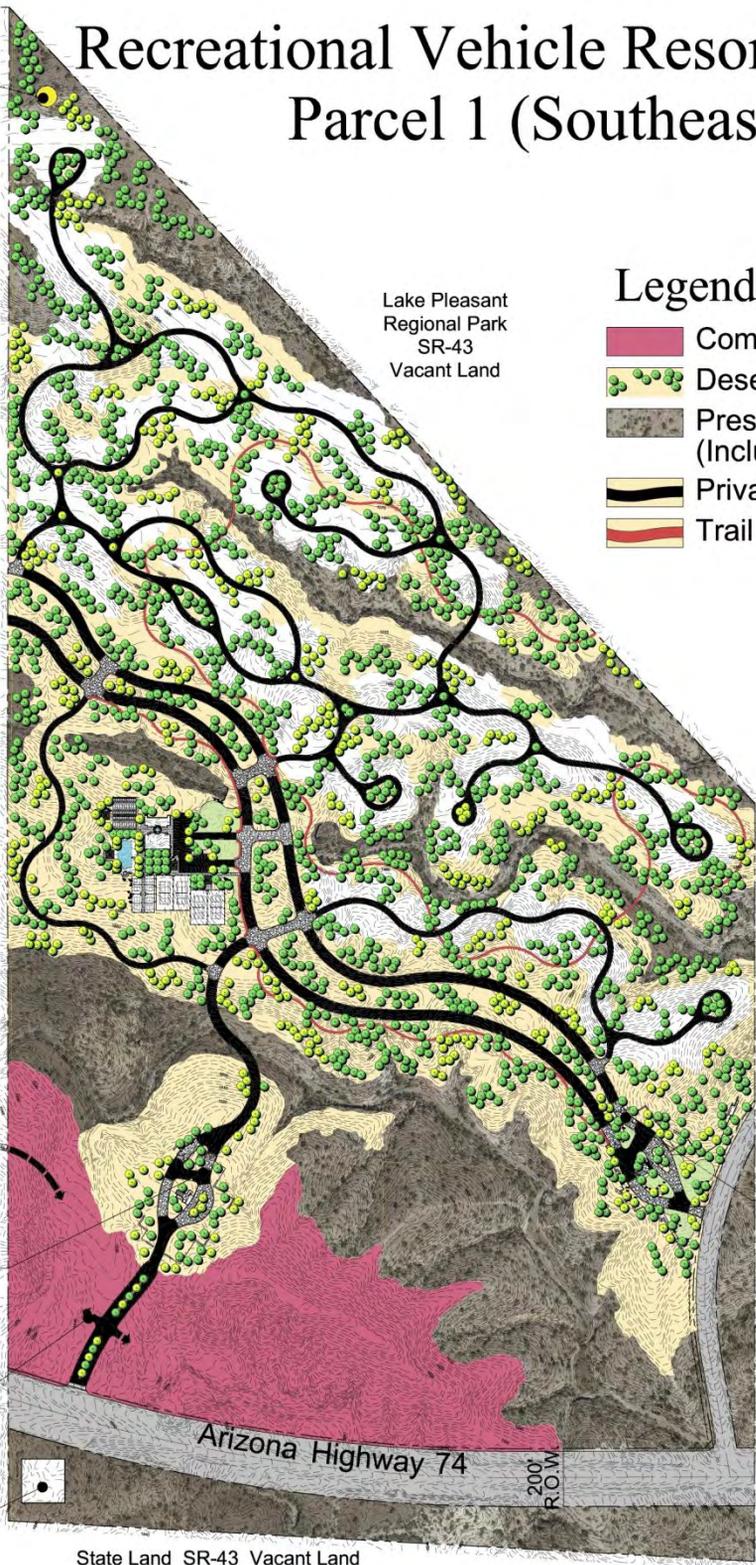
Parcel 1: PAD Amendment
Parcel 2: Rezoning

Proposed Uses:

Parcel 1:
A. Recreational Vehicle Resort-
187 Acres- 750 Sites
B. Commercial- 23 Acres
Parcel 2:
C. Resort- 244 Acres;
144 Units, .59 DU/Ac

Legend:

-  Commercial
-  Desert Open Space
-  Preserved Desert (Included w/ RV Project)
-  Private Roadway
-  Trail System



State Land
AG
Vacant Land

Future Access
to be provided through
State Land Parcel

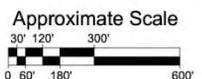
Secondary Gated
Access to RV Resort

Commercial Access

WWTP

Lake Pleasant
Regional Park
SR-43
Vacant Land
Primary Gated
Access to RV
Resort

Applicant/Zoning Attorney:
Earl, Curley & Lagarde, P.C.
3101 N. Central Ave., Suite 100
Phoenix, Arizona 85012
602-265-0094



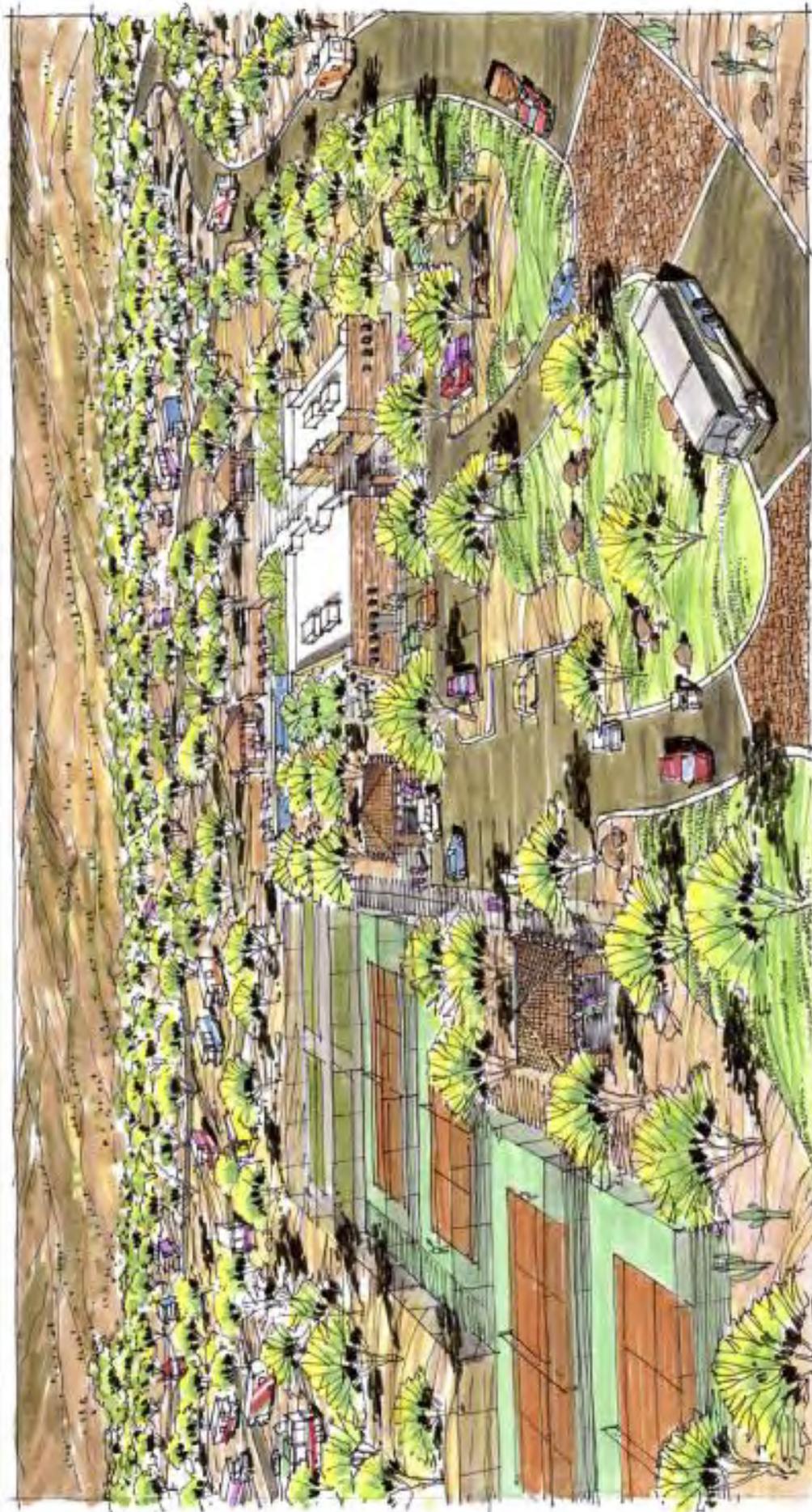
Date: April 10, 2012

State Land SR-43 Vacant Land



Cholla Hills

Peoria, Arizona



Aerial View of Recreational Center at RV Park

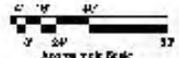
The structures at the center of the aerial view will consist of the fitness center and activity rooms. Amenities at the recreational center will include tennis, pickleball, lawn bowling, shuffleboard, and a lap pool with ramedas and B-B-Qs.

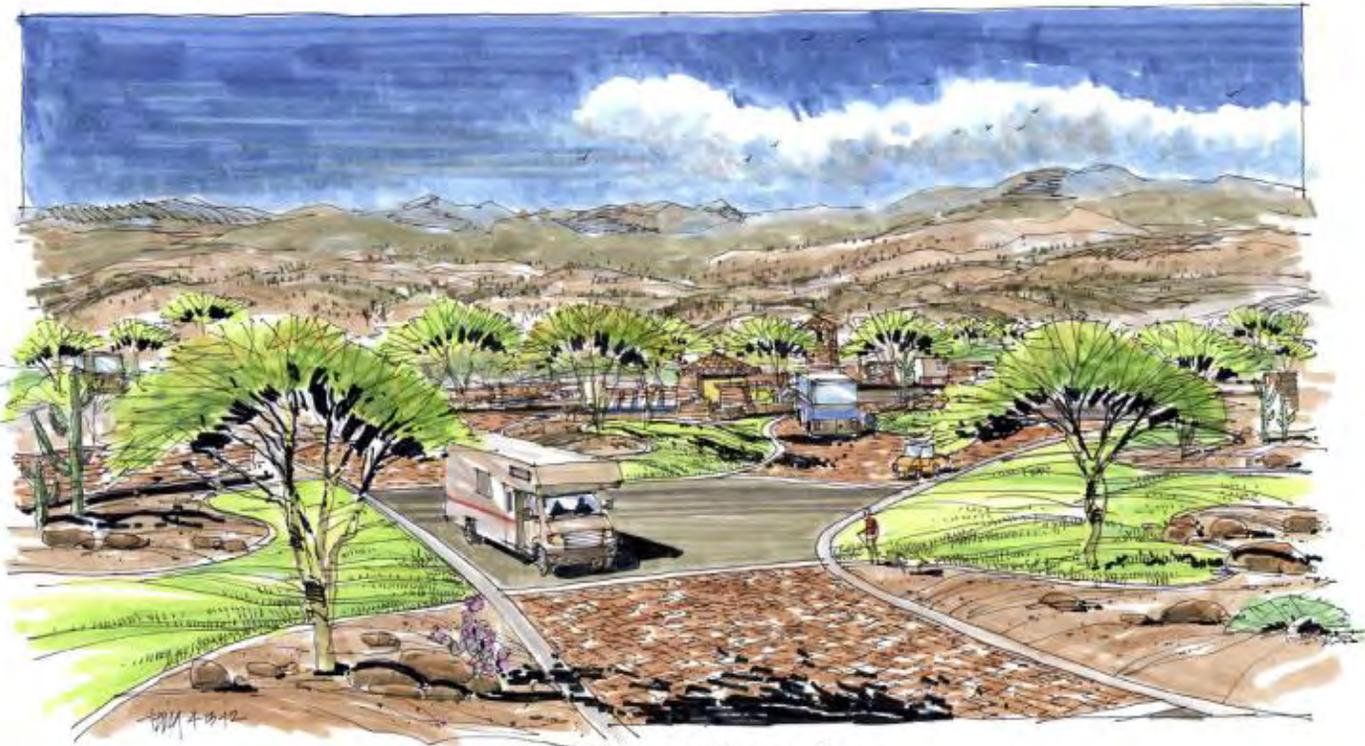
Preliminary Landscape Plan For Recreational Center - Parcel 1



Plant Schedule:

	Tree	Delivered From On site		Echinocactus Grouse-Egg Cactus Barrel Cacti	10' Ht.		Lonicera Californica Chuparosa	5' Galon Full, Post-Con
	Shrub	Delivered From On site		Fuchsia	5' Galon Full, Post-Con		Celastrus	5' Galon Full, Post-Con
	Shrub	Delivered From On site		Buddleia	5' Galon Full, Post-Con		Ficus	5' Galon Full, Post-Con
	Shrub	45" Ht. Multi-trunk		Sisymbrium	5' Galon Full, Post-Con		Ligustrum	5' Galon Full, Post-Con
	Shrub	35" Ht. Multi-trunk		Lavender	5' Galon Full, Post-Con		Rosa	5' Galon Full, Post-Con
	Shrub	7-8' Pods 5 Galon - Min.		Amorpha	5' Galon Full, Post-Con		Nerium	5' Galon Full, Post-Con





R.V. Entrance Perspective

One of two gated entrances into the Parcel 1 (RV Site). A gatehouse structure with water feature, decorative paved surfaces, custom gated entrance with decorative stone walls/ wrought iron fencing, lighted monument sign, and a 32' tower element are incorporated into entry to provide for grandeur and sense of arrival to an "upscale" development.

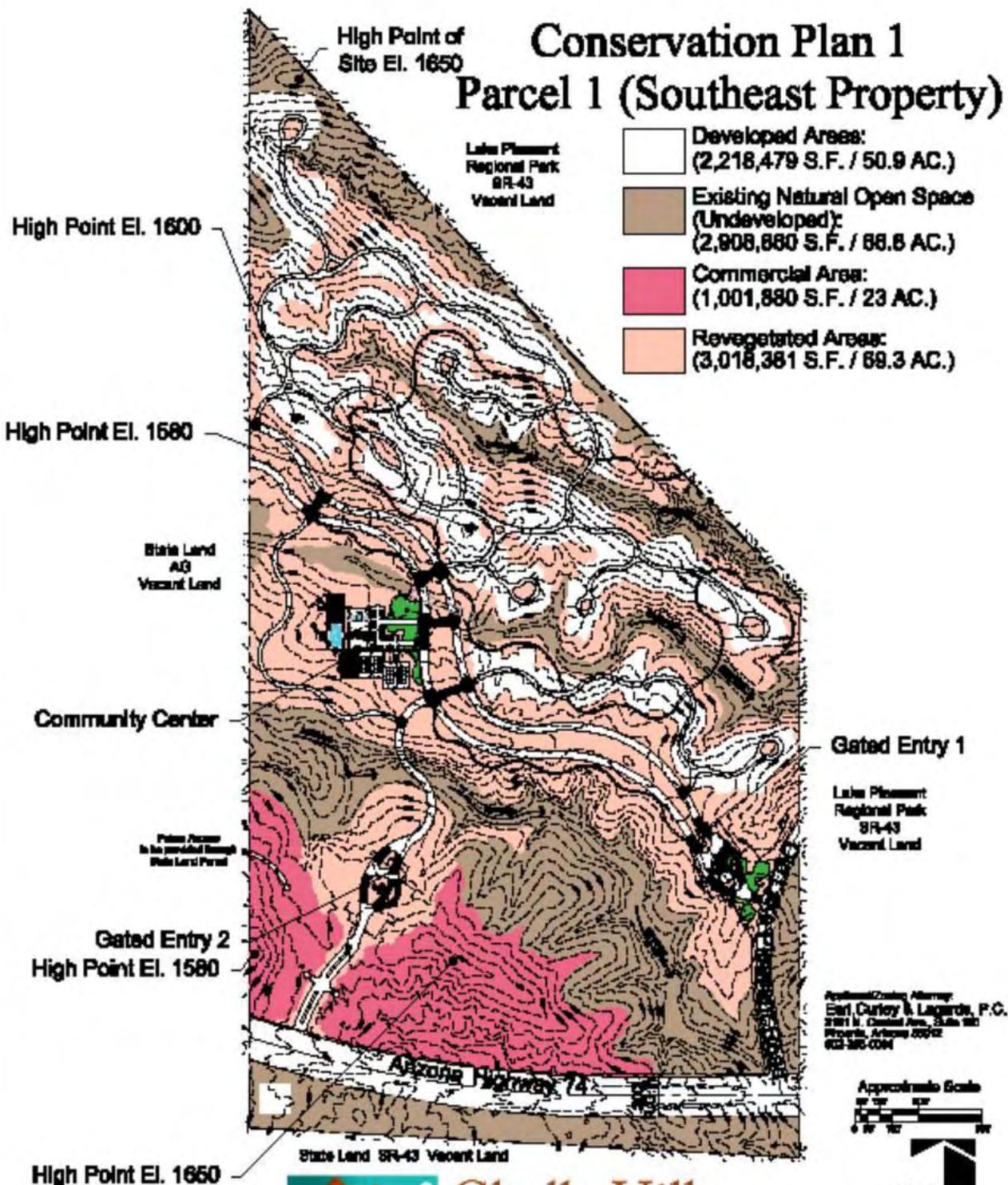


Main Entry Elevation

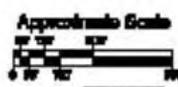


Entry Gate Elevation

Conservation Plan 1 Parcel 1 (Southeast Property)



Appraisal/Consulting Attorney:
Earl Curley & Lagarde, P.C.
2881 N. Central Ave., Suite 502
Peoria, Arizona 85602
602-395-0084



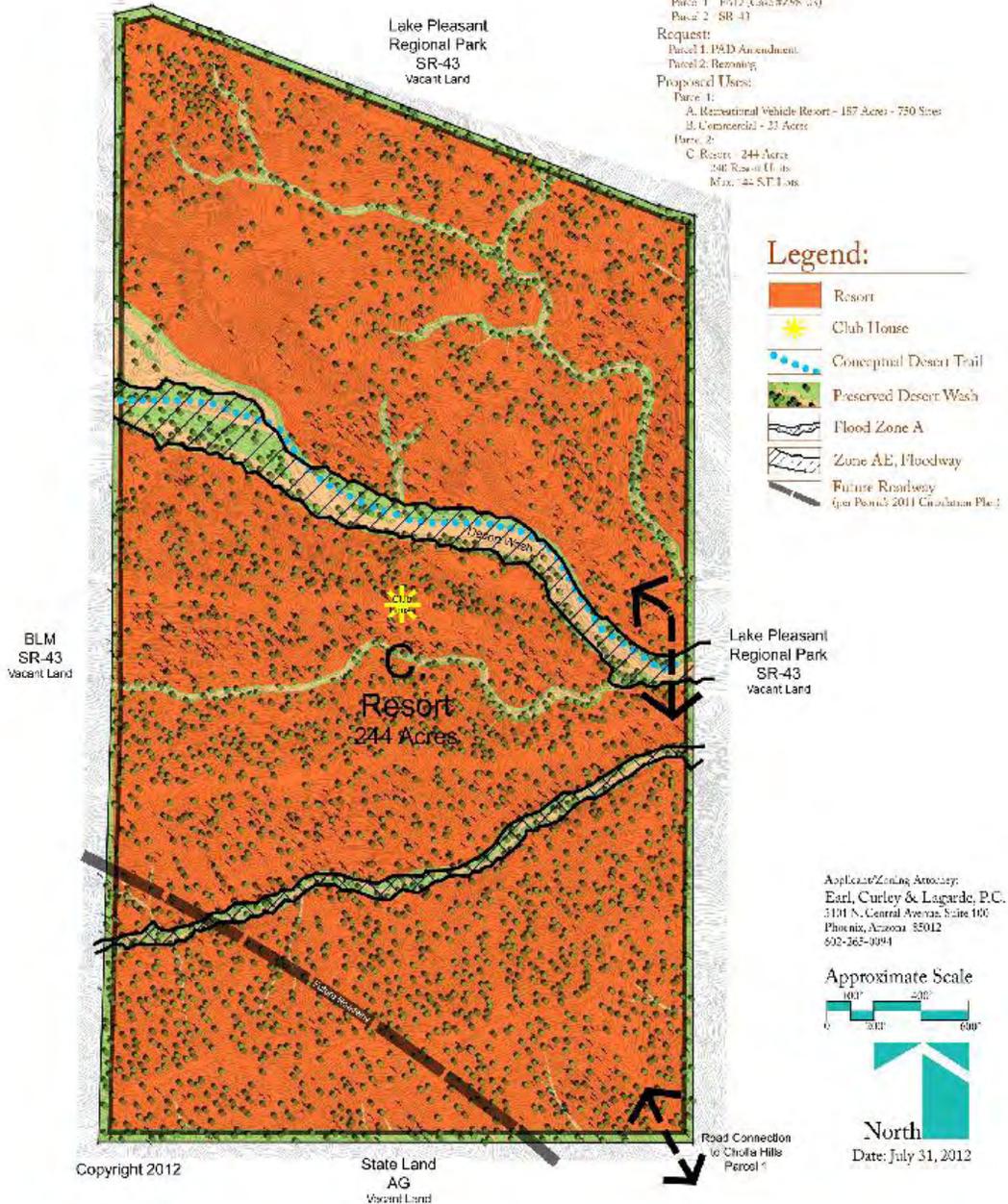
Resort Site Plan Parcel 2 (Northwest Property)

Plan Data:

Overall Project Area - Parcel 1 & 2: 457+/- Acres
 Parcel 1: 319 Acres
 Parcel 2: 244 Acres
 Existing Zoning:
 Parcel 1: P4D, Case#758 (25)
 Parcel 2: SR-43
 Request:
 Parcel 1: P4D Amendment
 Parcel 2: Rezoning
 Proposed Uses:
 Parcel 1:
 A. Recreational Vehicle Resort - 187 Acres - 750 Sites
 B. Commercial - 23 Acres
 Parcel 2:
 C. Resort - 244 Acres
 240 Residential Units
 Max. 345 ST Units

Legend:

-  Resort
-  Club House
-  Conceptual Desert Trail
-  Preserved Desert Wash
-  Flood Zone A
-  Zone AE, Floodway
-  Future Roadway
(per Parcel 1 2011 Circulation Plan)



Applicant/Zoning Authority:
 Earl, Curley & Lagarde, P.C.
 3101 N. Central Avenue, Suite 100
 Phoenix, Arizona 85012
 602-263-0994

Approximate Scale



North
 Date: July 31, 2012

Copyright 2012

State Land
 AG
 Vacant Land

Road Connection
 to Cholla Hills
 Parcel 1



Cholla Hills

Peoria, Arizona



Verrado, Arizona



DC Ranch, Scottsdale, Arizona



Terravita



Gray Hawk, Scottsdale, Arizona

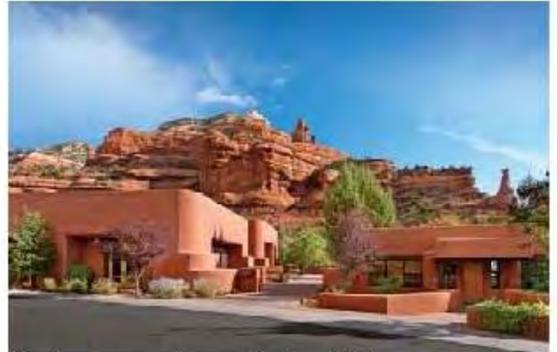


Lake Pleasant Marketplace, Peoria

Representative examples of commercial architectural characters and materials.



El Pedregal, Scottsdale, Arizona



Enchantment Resort Casitas, Sedona



Four Season Resort



Four Seasons Resort, Scottsdale, Arizona



Camelback Inn, Phoenix, Arizona

Representation of Resort Character



Wigwam, Litchfield Park, Arizona



Auberge Sedona Cabin Lodging



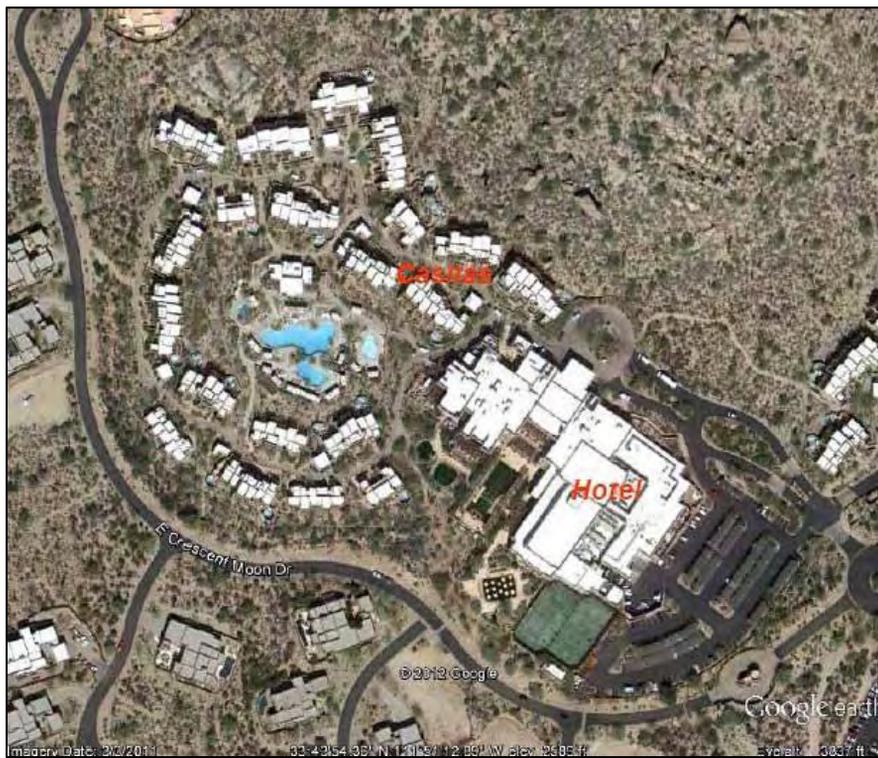
Wigwam, Litchfield Park, Arizona



Encantado, Santa Fe, New Mexico



The Boulders Resort, Scottsdale



Four Seasons Resort, Scottsdale

The following comments are informational in nature and are not considered stipulations or conditions of approval. They are, however, important to the future phases of development of the Cholla Hills development and will be enforced at the appropriate time.

Site Development and Water Resources Divisions

1. The following comments are from the Water Resources Department:

The following comments are based on the Cholla Hills proposal as currently understood, which entails two separate parcels of land separated by a parcel owned by the Arizona State Land Department. The parcel to the northwest (Parcel 2) is joined to the parcel that was the subject of the original Estates at Lakeside proposal (Parcel 1) by an easement for utilities which crosses the ASLD parcel. This easement suggests that the two parcels are to be considered as one for purposes of evaluating water resources.

As originally proposed in 1982, the subdivision called Estates at Lakeside was to consist of 350 lots in T6N R1E Section 29 (Parcel 1), with water to be provided by Lake Pleasant Associates. On January 9, 1985 a Stipulation and Order was signed by ADWR granting 50 acre-feet in a Type II Non-Irrigation Grandfathered Right, 58-100616. The Type II right was apparently transferred to Lake Pleasant Associates on January 15, 1985. Apparently no water withdrawals under this right have ever been reported to ADWR.

In 1984 several wells were drilled, including 55-507619 as a production well, four monitor wells, a piezometer, and three springs erroneously registered as wells. On October 20, 2003, well 55-507619 was permitted as a non-exempt well under Permit T-595201, with the Type II right attached to the well to provide authority to pump 50 acre-feet per year to establish a service area (which process was apparently never completed). The production well remains in existence. While a petition to establish a service area for Parcel 1 only was submitted based on this well, there is no indication that a service area was ever established or customers served.

On December 3, 1984 the Maricopa County Board of Supervisors granted a franchise to Lake Pleasant Associates to operate a water distribution system. On February 19, 1985 the Maricopa County Board of Supervisors granted a franchise to Lake Pleasant Associates to operate a sewage system.

On August 22, 1985, the Arizona Corporation Commission (ACC) issued Order Preliminary 54646 to Lake Pleasant Associates for a Certificate of Convenience and Necessity (CCN). On April 21, 1987, the ACC issued Decision 55499 granting a CCN to Lake Pleasant Water Company. However, no service area for Lake Pleasant Water Company was established with ADWR. The CC&N covered only Parcel 1, the original Estates at Lakeside.

On June 26, 1986 ADWR issued a Certificate of Assured Water Supply for a plat describing 350 lots, file number unknown. Due to a change of ownership to DLGC II LLC, and a change of the plat, an application for a new Certificate of Assured Water Supply was filed with ADWR, and on May 12, 2004 a Certificate of Assured Water Supply was issued for Estates at Lakeside based on a total demand of 122.5 acre-feet per year for 209 lots. All lots were enrolled in the Central Arizona Groundwater Replenishment District (CAGR) as Member Lands on June 12, 2003. Water provider was specified as Lake Pleasant Water Company. The Certificate of Assured Water Supply covered only Parcel 1, the original Estates at Lakeside. Apparently the plat was never approved, and the subdivision was never built. The inclusion of Parcel 2 in the current proposal invalidates the old Certificate. Please submit a new or modified Certificate of Assured Water Supply that demonstrates that sufficient water supplies are physically, legally, and continuously available to meet the expected demand for the current Cholla Hills proposal for the next 100 years.

In terms of wastewater, the original Estates at Lakeside was to be served by the Lake Pleasant Sewer Company. On August 26, 2006, ADWR issued an Underground Storage Facility permit, 71-205388.0000

to Lake Pleasant Sewer Company for 67.5 acre-feet of treated effluent per year. Water Storage Permit 73-205388.0000 was also issued for 67.5 acre-feet of treated effluent per year. However, annual reports indicate that no water has ever been stored at the facility, which apparently has not yet been constructed. It is not clear that the ACC issued a CC&N for Lake Pleasant Sewer Company.

No evidence of any Approval to Construct ever being issued was found, suggesting that no infrastructure was ever constructed for either the Lake Pleasant Water Company, other than the well, or the Lake Pleasant Sewer Company. It will be the applicant's responsibility to submit copies of the current Approvals to Construct the necessary infrastructure for both Parcels 1 and 2 as issued by Maricopa County Environmental Services Department.

After all the changes, only a few conditions remain the same. The Lake Pleasant Water Company and the Lake Pleasant Sewer Company hold outdated CC&Ns from the ACC and franchises from Maricopa County that cover only Parcel 1, the original Estates at Lakeside subdivision. The Lake Pleasant Water Company seemingly has no established service area and no infrastructure, but has a non-exempt production well permitted for 50 acre-feet per year of withdrawals under a Type II right. The Lake Pleasant Sewer Company holds permits for a recharge project that was never built, but these permits will require substantial modification if the location of the USF is changed as has been suggested to accommodate changes in State Highway 74. Because the old plat (apparently never approved) for Estates at Lakeside has been abandoned, the Certificate of Assured Water Supply that went with it is no longer valid, and any new plat covering both parcels (the current Cholla Hills proposal) will require a new application for a Certificate. The area cannot become a City satellite service area in the absence of functioning utility companies that can be taken over.

2. The city is concerned about that the ADWR Certificate of Assured Water Supply issued to the Lake Pleasant Water Company for the exiting Estates at Lakeside development may not be valid for the proposed development. The concern has to do with the substantial changes in the project scope.
3. Response comments indicate that there are "maximum potential groundwater resources of 443gpm or 714.6 acre-feet per year...." However, this is the physical ability to withdraw groundwater only; legally, there may only be the ability to withdraw 50 acre feet per year. This will need to be addressed by the applicant.

Fire Safety

1. As of January 1st, 2006 the City of Peoria has gone to a deferred permit for fire sprinkler systems, fire alarm systems, underground fire lines, kitchen hood systems, and special hazard fire suppression systems. The building plans are to include Conceptual (Preliminary) drawings containing the following information sealed by an Arizona Registrant to meet the Substantive Policy Statement from the Board of Technical Registration.
 - a. For fire sprinkler systems, the following are considered to be professional registrant activities:
 - i. Consider the range of hazards of the project;
 - ii. Prepare hazard analysis; identify the hazard classification of the intended occupancy, including any special hazards;
 - iii. Determine the applicable codes and standards and appropriate engineering practices;
 - iv. Ascertain the availability and adequacy of the water supply for the project;
 - v. Determine the appropriate design density and area of operation for each hazard area.
 - b. For fire alarm and other code regulated alarm systems, the following are considered to be professional registrant activities:
 - i. Determine the system type;
 - ii. Determine the applicable codes and standards and appropriate engineering practices;
 - iii. Determine device types and locations;
 - iv. Prepare generalized riser diagram;
 - v. Coordinate and interface with other systems;
 - vi. Develop system specifications.

The contractor will submit "Shop Drawings" after the building permit is issued for the permit on the appropriate fire system, to be signed by a NICET Level III or greater in the appropriate field. See the following web site locations for the appropriate check list that show the information required on both the Conceptual (Preliminary) and Shop Drawings.

http://www.peoriaaz.gov/uploadedFiles/Peoriaaz/Departments/Fire/Sprinkler_Alarm_Engineering_Design_020309.pdf (Conceptual Plan Checklist)

http://www.peoriaaz.gov/fire/docs/Sprinkler_092607.pdf (Fire Sprinkler Plan Checklist)

http://www.peoriaaz.gov/uploadedFiles/Peoriaaz/Departments/Fire/Alarms_020309.pdf (Fire Alarm Plan Checklist)

http://www.peoriaaz.gov/uploadedFiles/Peoriaaz/Departments/Community_Development/Building_Safety/Building_Forms/400G_General_Permit_Application.pdf

(Permit Application)

NOTICE - FOR TENANT IMPROVEMENT PLANS ONLY. As of September 1st, 2006 the Shop Drawings are to be submitted concurrently with the Tenant Improvement Plans that will include the Conceptual (Preliminary) fire alarm/fire sprinkler drawings.

2. Fire extinguisher types and locations, per NFPA 10 – 2002, shall be shown on the building plans.
3. Table 6.3.1.1 NFPA 10, 2007 edition, Fire Extinguisher Size and Placement for Class B Hazards (repair garage areas with more than 5 gallons of fuel), requires either a 40B fire extinguisher to be placed a maximum travel distance of 30 feet to the extinguisher or an 80B fire extinguisher to be placed a maximum travel distance of 50 feet to the extinguisher.
4. The structures will require an automatic fire sprinkler system installed per NFPA 13 – 2002 standards.
5. When required the FDC shall be mounted on the front of the building, facing the street and within 100 feet of a fire hydrant.
6. Fire department connections shall be located and arranged so that hose lines can be attached to the inlets without interference from nearby objects, including buildings, fences, posts, landscaping, vehicles, or other fire department connections.
7. The structures will require a Class "A" fire alarm system installed per NFPA 72 – 2002 standards.
8. All address numbers shall be on contrasting backgrounds. NO numbers are permitted on glass except suite numbers. All numbers SHALL BE VISIBLE from all street frontages.
9. Address numbers located twelve (12) feet and higher from finished grade shall be MINIMUM TWELVE (12) INCH NUMBERS.
10. Address numbers located up to twelve (12) feet from finished grade, monument signs and commercial suites shall have a minimum of six (6) inch numbers.
11. The locations of each clubhouse must be identified at each vehicle location into the RV park
12. Knox Boxes shall be located at the front entry and the fire riser room exterior door. If no exterior door leads to the fire riser room then a Knox Box shall be located at the nearest door leading to the fire riser location. The required application form may be obtained from the internet at <http://www.knoxbox.com/>
13. Gated access, if provided, must apply for a gate permit separately.
14. The **required fire flow** for a structure from 000 square feet to 3,600 square feet, using Type V-B construction is **1,500 gpm** for two hours, (ref: IFC - 2006, Appendix B, table B105.1). This will require a **minimum of one (1) fire hydrants** within three hundred (300) feet hose lay distance apart (ref: IFC – 2006 amended, section 508.5.2.1) and three hundred (300) feet hose lay from any exterior point of the structure (ref: IFC – 2006 amended, section 508.5.1). **Flow tests will be required to prove the required fire flows.**
***** This section applies to each clubhouse area**
15. If no public water supply is available, then the above water flow requirements must be provided and maintained as approved by the fire department.
16. Final fire hydrant placement, type and spacing will be verified on the Civil Construction Documents (ref: IFC – 2006 amended, section 508.5.2.1).
17. Fire department access shall be provided within 150 feet of all portions of the exterior of the buildings.
18. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet.
19. Fire department access roads shall be designed to carry the imposed loads of the apparatus, 75,000 pounds.
20. Final fire apparatus turning and turn around requirements will be verified on the Civil Construction Documents (ref: IFC – 2006, section 503.2.4). The AASHTO WB-50 turning template is to be used for all turning radius.

21. Where the available fire flow from the fire hydrants does not meet the required fire flow for a structure, additional requirements and/or restrictions can be imposed on both residential and commercial type properties. This item will be verified during the Civil Plan review.

NOTICE

The volume and pressure of a public water supply shall be determined from water flow test data. An adjustment to the water flow test data to account for daily and seasonal fluctuations, possible interruption by flood or ice conditions, large simultaneous industrial use, future demand on the water supply system, or any other condition that could affect the water supply shall be made as appropriate.

It should be noted that the City of Peoria water department will only supply up to 40 psi (private water purveyors are only required to provide 20 psi) and even if the flow test shows a higher pressure, there is no guarantee that the water pressure supplied can be maintained.

22. Water supply data for hydraulic calculations shall be based on the available water supply as determined by flow test information less a 10 psi safety factor. This flow test shall be witnessed by a City of Peoria employee.

The above flow test must provide a minimum of a 25% difference between the static water pressure and the residual water pressure.



Cholla Hills

*(Previously known as
Estates at Lakeside PAD)*

A Planned Area Development Amendment Amendment No. 1

Approximately 454 acres
at

Northwest corner of State Route 74
and Old Lake Pleasant Road

Application Number: Z98-03A.1

Property Owners:

DLGC II, LLC and Lake Pleasant Group, LLP
Biltmore Financial Center
2390 E. Camelback Road, Suite 310
Phoenix, Arizona 85016

Prepared by:

Earl Curley & Lagarde, P.C.
3101 N. Central Avenue, Suite 1000
Phoenix, AZ 85012

Prepared:

August 24, 2011

January 10, 2012

April 20, 2012

July 18, 2012

Revised September 20, 2012

Development Team

Property Owners:

DLGC II, LLC

and

Lake Pleasant Group, LLP

Contact: Donald R. Leo

Biltmore Financial Center

2390 E. Camelback Road, Suite 310

Phoenix, Arizona 85016

Attorney:

Earl, Curley & Lagarde

Contact: Michael Curley

3101 N. Central Avenue, Suite 1000

Phoenix, Arizona 85012

Phone: (602) 265-0094

Fax: (602) 265-2195

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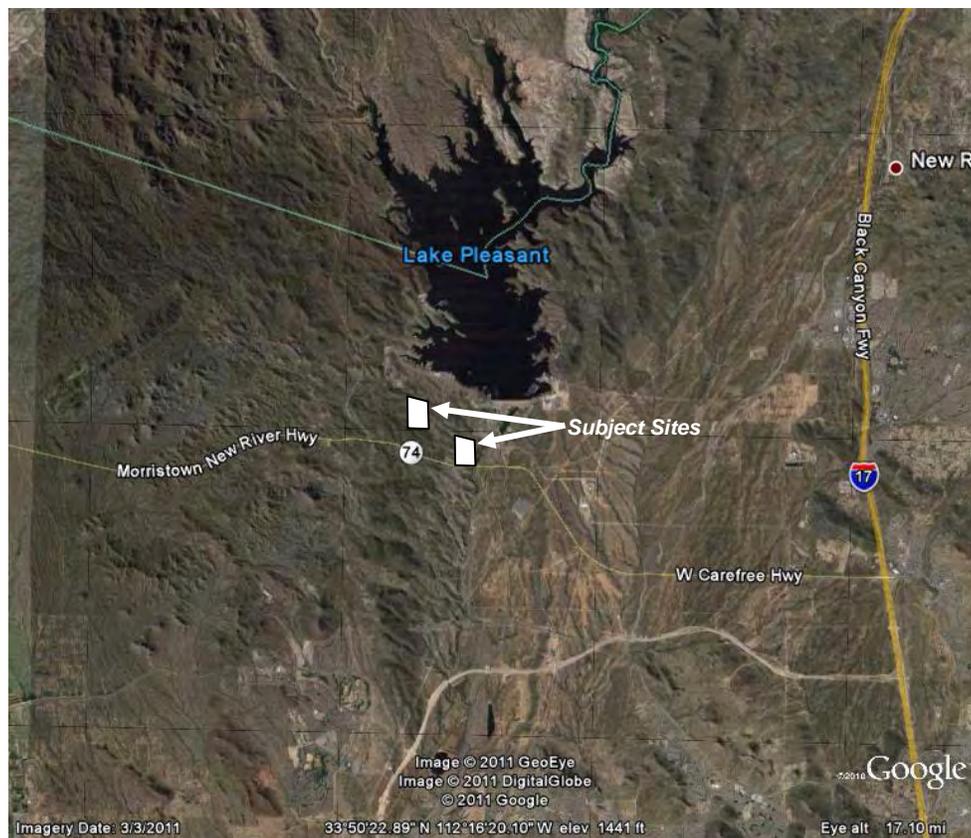
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***Cholla Hills
Planned Area Development Amendment No. 1
Project Narrative***

APNs: 201-24-004J, 201-24-004L, 201-24-004H, 201-24-004K and 201-25-001A

INTRODUCTION

This Planned Area Development Amendment (“PAD Amendment”) application is for 2 parcels which are depicted on the map below. The property owners seek to amend the existing Estates at Lakeside PAD (“Parcel 1” the Parcel which fronts onto State Route 74) which was approved by the City Council on November 3, 1998. This request seeks to amend that existing PAD to allow for a unique Resort Community, consisting of a Recreational Vehicle Resort development component and a highly designed and unique commercial project that is integrated into and consistent with the existing scenic desert environment. Additionally, the request seeks to also increase the size of the existing PAD by including the northwest parcel (Parcel 2) into the existing PAD. The applicant seeks a resort and resort residential development for Parcel 2.



The approved The Estates at Lakeside PAD (Parcel 1) is a 218.5-acre project located at the northwest corner of State Route 74 (“S.R. 74”) and the Old Lake Pleasant Road. The Estates at

Lakeside PAD was envisioned to be essentially a 1.18 DU/AC residential community. This 1.18 DU/AC approved density is one which we do not believe is feasible given today's market realities. The other approved land uses on Parcel 1 include a 13 acre resort/commercial, and approximately 11 acres of commercial acreage along S.R. 74. The current application seeks to expand the resort component to include a Recreational Vehicle Resort component on Parcel 1 (S.R. 74 parcel) and provide a more traditional resort and resort residential development on Parcel 2 (Northwest property).

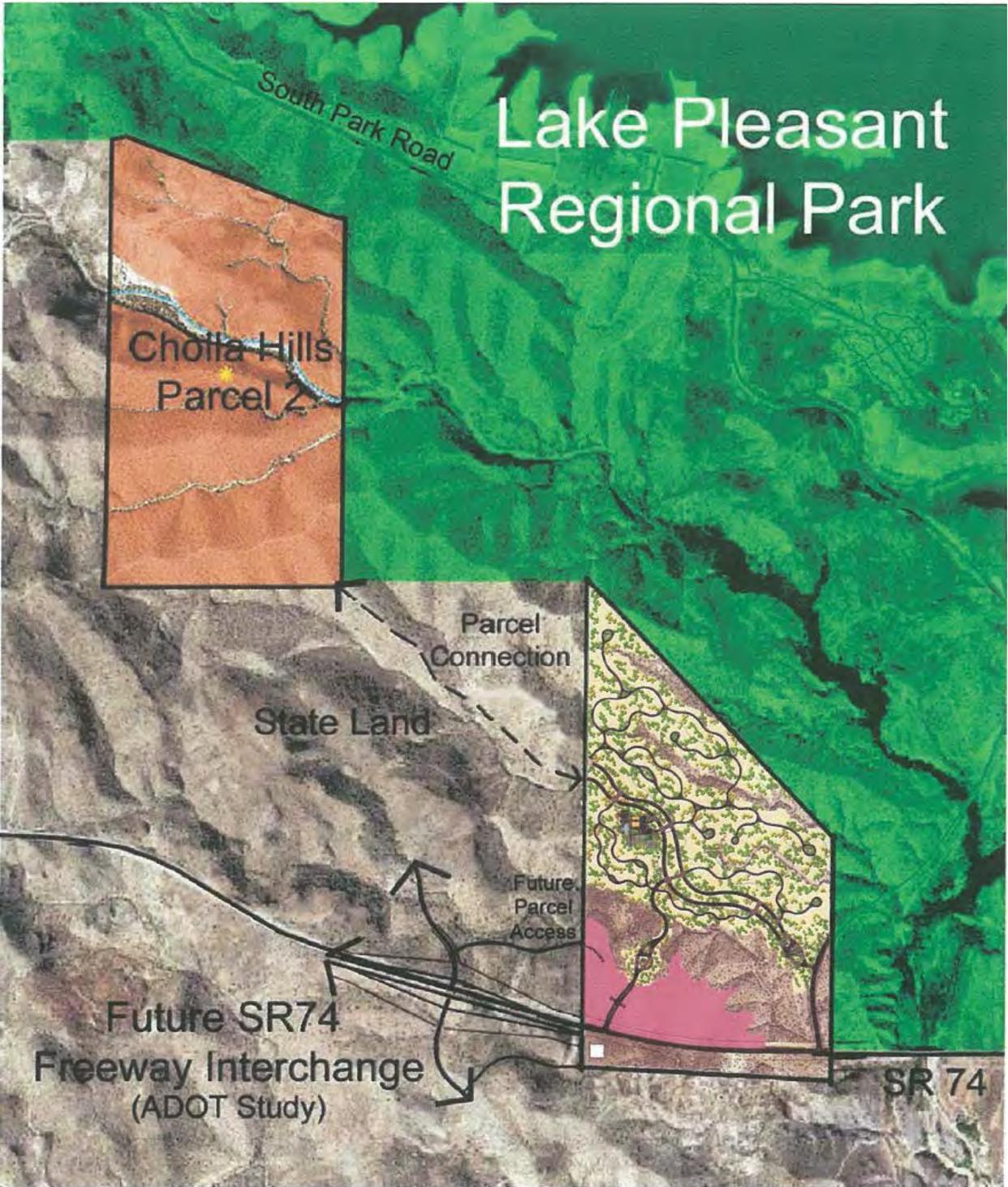
“Parcel 1 (Southeast Property)” is located at the northwest corner of State Route 74 and Old Lake Pleasant Road and the second property “Parcel 2 (Northwest Property)” is located northwest of the northwest corner of State Route 74 and Old Lake Pleasant road. The intent of this PAD Amendment request is to amend the existing zoning to incorporate Parcel 2 (the northern 244 acres) together with the southern 210 acres (Parcel 1) with the net result being that both properties will be subject to one set of PAD zoning district regulations. This PAD Amendment will also provide strict design and development standards for both properties. The imposition of these regulations will result in the development of an attractive and desert appropriate architecture and materials that will create a quality low density Resort and commercial development with minimal impacts to the desert and surrounding environment. The new (overall) property size will be approximately 454 acres. The Estate at Lakeside PAD name for the existing approved Parcel 1 (Southeast Property) and Parcel 2 (Northwest Property) will also be changed to ***Cholla Hills PAD***.

Project Scope

This PAD Amendment will allow: 1) the existing uses allowed pursuant to the 1998 rezoning case (with the exception of the existing 13 acre Resort use) to remain on Parcel 1 (Southeast Property); 2) shifts the existing 1998 Resort designation from Parcel 1 (Southeast Property) to Parcel 2 (Northwest Property) to accommodate a 240 room Resort; 3) creates a Recreational Vehicle Resort Use component on approximately 187 acres of Parcel 1 (Southeast Property); 4) shifts and increases the approved commercial acreage on Parcel 1 (Southeast Property) from 11 acres to 23 acres (approximately 13 acres of commercial development and approximately 10 acres of RV and boat storage); and 5) reduces the approved residential density from the existing 1.18 DU/AC to 1.0 DU/AC on Parcel 2 (Northwest Property). As will be demonstrated below the overriding design concept on the entire PAD is to preserve the natural desert environment and topography by mandating that development limit the disturbed area and requiring that development be respectful and sensitive to the natural topography.

Reasons for Request - Parcel 1 (Southeast Property)

Since the original 1998 zoning approval, there have been significant changes in the market which have caused the property owners to re-evaluate plans for this site. There is limited commercial in this area of the City and providing commercial at this location is a logical land use solution along S.R. 74.



Future Access Plan

This application request increases the commercial zoning by 12 acres for a total of 23 acres of commercial zoning on the north side of State Route 74. The property on the south side of SR74 will remain undeveloped except for Wastewater Treatment Plant and associated uses. A Minor General Plan Amendment is therefore being requested to allow for the additional acreage of commercial zoning on the north side of State Route 74. The commercial property has a natural desert preservation which separates the proposed commercial from the RV Resort. Furthermore this area is also enhanced by a major drainage swale that will be left undeveloped with the exception of a roadway that connects the RV Resort directly to State Route 74.

This new commercial site will provide an opportunity for convenience retail which will be supported by the Residential, Resort, Recreational Vehicle Resort and the surrounding area. When the commercial site develops, the east 2/3 of the site will not be visible from S.R. 74 due to the 10 foot vertical grade differential along the highway frontage. As shown on the accompanying section, State Route 74 will be 10-feet lower than the finish floors of the proposed commercial parcel. The western 1/3 of the property's frontage along S.R. 74 is lower than S.R. 74 and therefore it is proposed that landscaping integrating earthen berms to imitate the natural surrounding and environment will be incorporated in order to screen the commercial development. The architectural style, size, and character of the commercial development will be similar to developments in the Valley's northern desert environments as represented in the pictures that accompany this narrative. All commercial development will adhere to the City's Design Review Manual. The scale of building will be visually reduced by mixing materials, soft desert colors, textures, and the addition of articulated details to provide a variation of building scale and size. Variation in building scale shall be provided in this development.

The RV portion of the development is highly designed, environmentally friendly, and a low density recreational vehicle resort development which will be limited to 3 vehicles per acre as compared with other RV developments which typically have up to 15 vehicles per acre. The proposed development will protect the natural desert swales, and retain more than 50 percent of the natural desert flora that exists on the site. The individual RV sites will have a setback from the roadways that varies from 4 to 15 feet. Individual RV sites will be oriented to capture the spectacular views and the natural topography of the site. The washes which traverse the property will be retained as undeveloped natural preserved desert.

Reasons for Amended Request - Parcel 2 (Northwest Property)

This request also seeks a PAD Amendment to: 1) incorporate Parcel 2 (Northwest Property) into the overall PAD and establishes PAD zoning to allow a resort and resort/residential community. The concept for the proposed resort and resort residential uses is similar to a traditional low intensity resort such as the Boulders and Four Seasons in North Scottsdale or The Wigwam in Litchfield Park. Parcel 2 (Northwest Property) will be comprised of a low intensity 2-story resort which have guest rooms within the hotel building as well as hotel casitas. In addition to the hotel and casitas there will be single-family homes which have been designated as "Resort Residential" which will be designed to be part of the resort community and environment. These residential units may be part of the Resort Community having privileges to the Resort amenities.

A maximum of 1.0 DU/AC (144 single-family homes) shall be permitted. The 1.0 DU/AC residential units are exclusive of the rooms and casitas, and other for rent units associated with the resort. Like other single family areas near resorts the single family owners, will be attracted to the resort and low-intensity high-desert environment associated with this parcel. The residential component will only occur upon development of the primary resort component. The predominant design principal will be minimal building foot prints and maximum preservation of natural desert and open space.

Developer Experience

The proposed operator and developer of the Parcel is the Pensus Group who has a highly regarded reputation in the area of active recreational developments. This developer has developed 4 marinas including Roosevelt Lake Marina, Lake Pleasant Marina, Antelope Point Marina in Lake Powell, Arizona, and Lake Berryessa in Napa, California. These developments include over 1,200 lodging units, 1,150 wet slips, over 2,000 dry storage units and include amenities such as a hotel, club houses, lodges, cabins, BBQ areas, campgrounds, recreational vehicle storage, retail villages with shops, restrooms and showers, laundry facilities, and restaurants.

The vast experience that this development team has garnered from developing and operating these facilities will ensure that the proposed Resort facilities will be developed as a first class environment.

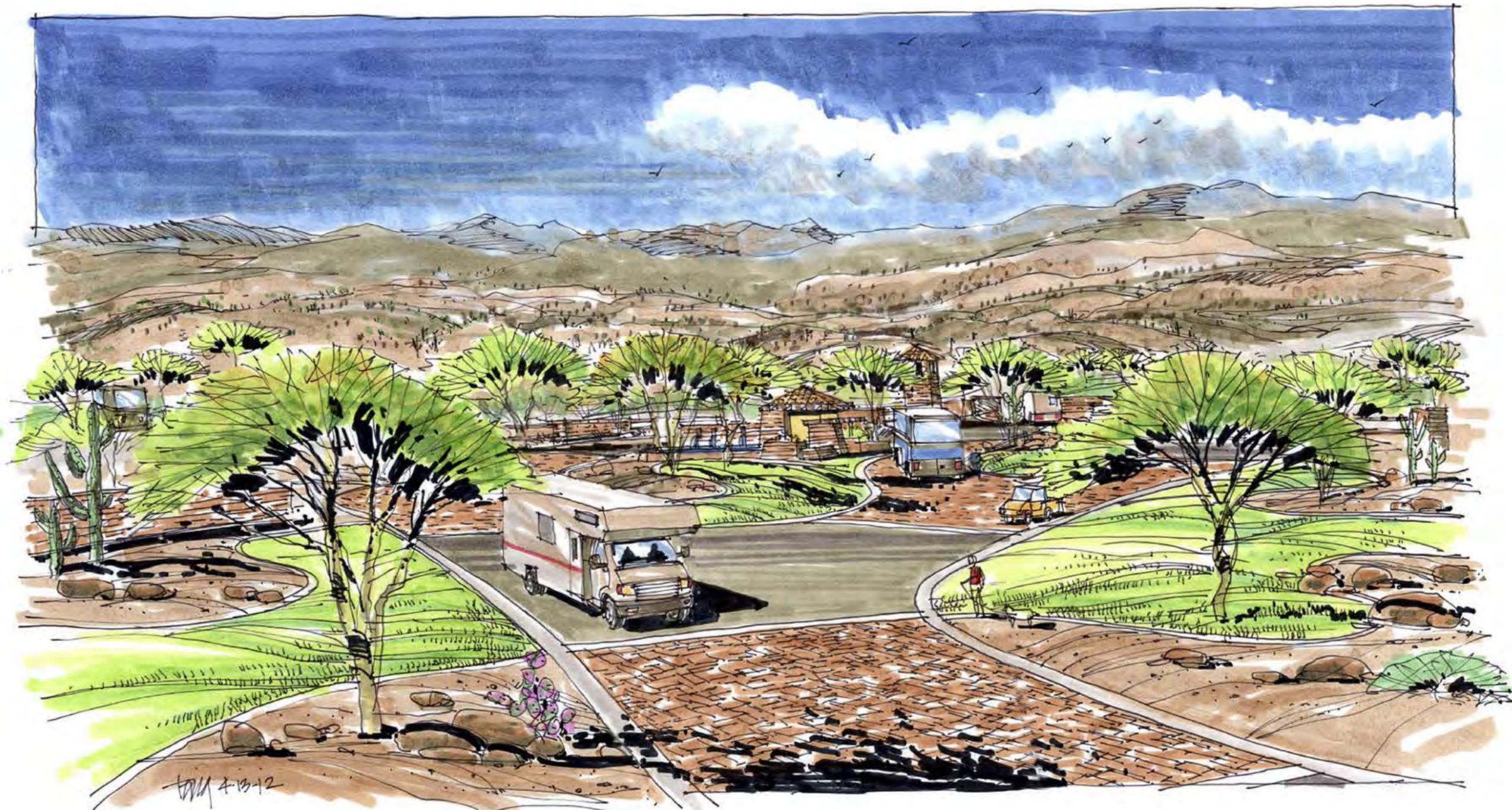
Project Description for Recreational Vehicle Resort

The ***Cholla Hills*** project proposes a gated Desert Resort Community, with a Luxury Recreational Vehicle Resort and a pedestrian-oriented commercial parcel with neighborhood convenience commercial uses. The project **offers an opportunity to create a unique vacation destination in a beautiful, desert mountainous setting with amenities and recreational facilities centrally located within the Recreational Vehicle Resort site.** The amenities will include tennis courts, pickleball courts, a large lap style swimming pool, shuffleboard courts, fitness center and equipment, and activity and game rooms. The RV pad sites will be designed and oriented to take advantage of the views of the surrounding mountains and natural features. Roadway layouts and the individual RV pads will respect and accommodate the natural topography of the site and will be designed to retain as much of the desert flora as possible. The drainage swales traversing the site will be left undeveloped and will be retained in a natural state. More than 50 percent of the land will either be natural open space or untouched natural desert swales. The southernmost drainage swale traversing the site in an east-west direction will be the natural buffer between the RV Resort and Commercial Center.

The RV Resort will be accessed from (2) two gated entries. Indigenous landscaping along with a variety of walls and architectural features constructed of masonry and stone veneer as depicted in

the “Main Entry Elevation”, “Entry Gate Elevation”, and the entry perspective will be incorporated.

This PAD Amendment will allow the existing residential and commercial uses to remain as prescribed in the General Plan and existing zoning. In addition to the existing uses, the PAD proposes to provide a development plan which will adhere to the City of Peoria’s Desert Lands Conservation Guide as adopted October 5, 2004.



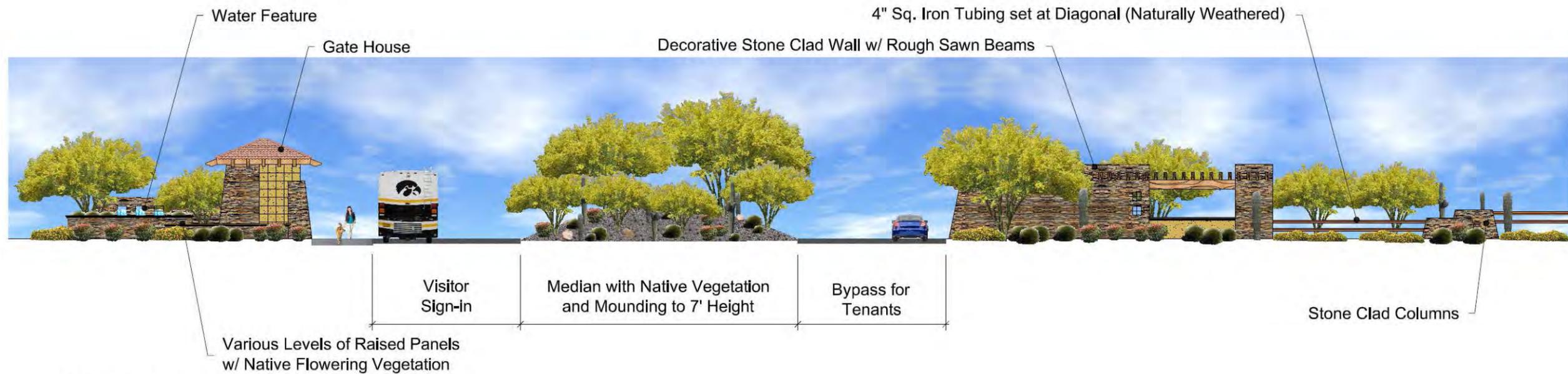
R.V. Entrance Perspective

One of two gated entrances into the Parcel 1 (RV Site). A gatehouse structure with water feature, decorative paved surfaces, custom gated entrance with decorative stone walls/ wrought iron fencing, lighted monument sign, and a 32' tower element are incorporated into entries to provide for grandeur and sense of arrival to an "upscale" development.

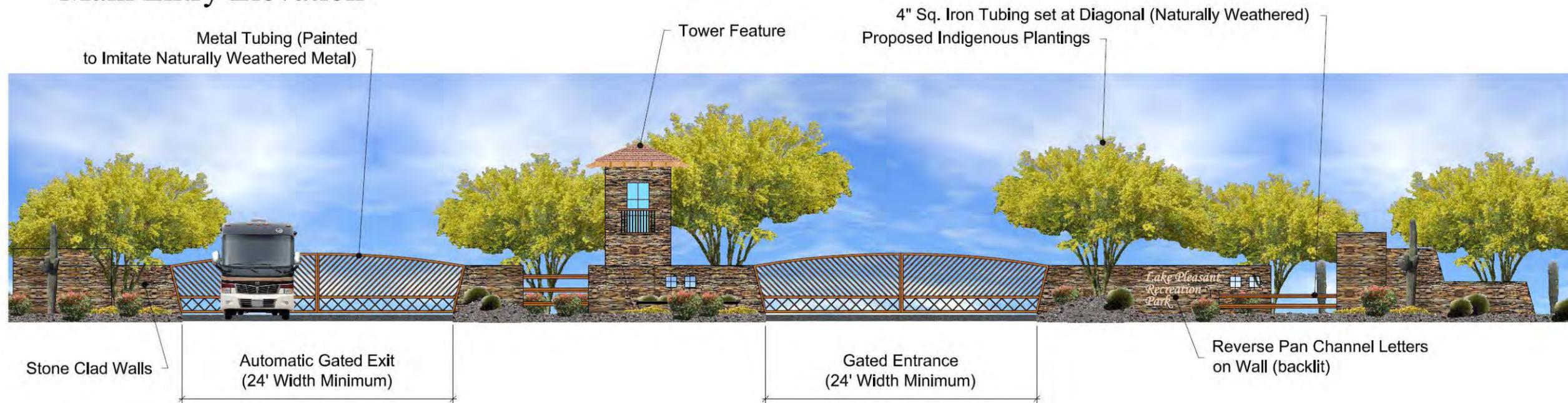


Aerial View of Recreational Center at RV Park

The structures at the center of the aerial view will consist of the fitness center and activity rooms. Amenities at the recreational center will include tennis, pickleball, lawn bowling, shuffleboard, and a lap pool with ramadas and B-B-Q's.



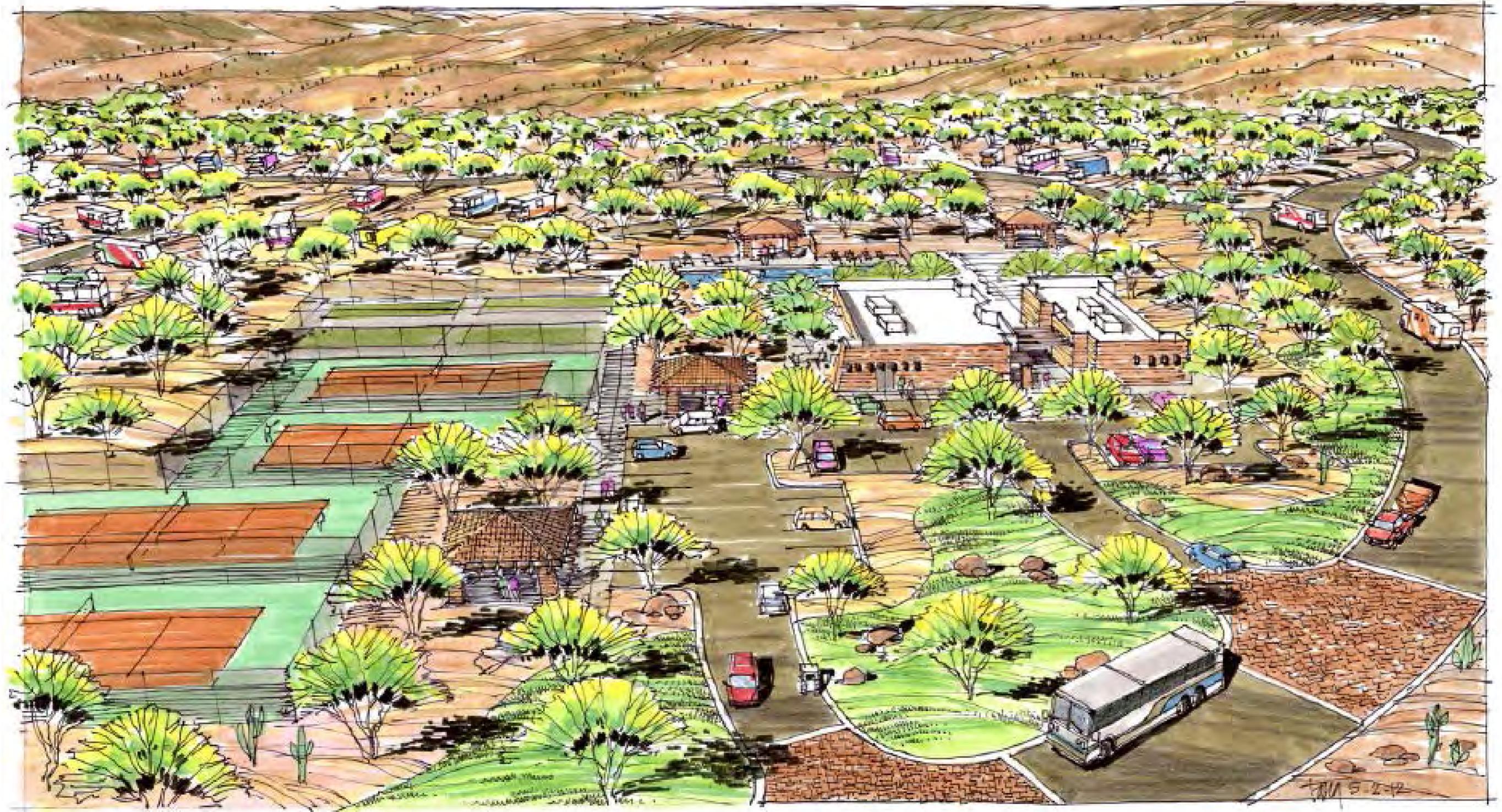
Main Entry Elevation



Entry Gate Elevation



Collector Street Section



LOCATION AND ACCESSIBILITY

The I-17 Freeway and Carefree Highway (State Route 74) interchange is approximately 9 miles east of the proposed site. State Route 74 also provides excellent access to Grand Avenue/U.S. 60 which provides access to Las Vegas and other parts of the western United States.

SURROUNDING LAND USES AND ZONING

Northwest parcel:

- North: Lake Pleasant Regional Park-Vacant undeveloped land zoned SR-43.
- East: Lake Pleasant Regional Park-Vacant undeveloped land zoned SR-43.
- South: State Land-Vacant undeveloped land zoned AG.
- West: Bureau of Land Management-Vacant undeveloped land zoned SR-43.

Southeast parcel:

- North: Lake Pleasant Regional Park-Vacant undeveloped land zoned SR-43.
- East: Lake Pleasant Regional Park-Vacant undeveloped land zoned SR-43.
- South: State Land-Vacant undeveloped land zoned SR-43.
- West: State Land-Vacant undeveloped land zoned AG.

“General Plan” Discussion

Both properties are designated in the City of Peoria General Plan (“Plan”) as “Residential Estate.” The existing zoning on Parcel 1 (Southeast Property) allows for approximately 13 acres of resort near the northern tip of the property, 195 acres of single-family residential (1.18 DU/AC), and approximately 11 acres of commercial. A Minor General Plan Amendment (under separate application) has been filed to change the land use designation on the southern 23 acres of Parcel 1 from “Residential Estate” to “Commercial” to allow the implementation of this ***Cholla Hills*** PAD Amendment. Since the existing zoning allows 11 acres of commercial the net increase of commercial is 12 acres of commercial on Parcel 1.

CONFORMANCE WITH GENERAL PLAN

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

Policy 1.C.3: Utilize performance standards and site design elements to reduce compatibility conflicts with adjacent uses. The subject PAD Amendment incorporates rigid standards and criteria relative to open space, limitation on grading, limitation on building footprints, and design

guidelines which will preserve the natural beauty and terrain of these parcels and minimize the impact on the land. These regulations will insure compatibility with the surrounding lands which are owned by the Federal Government, State Trust land or part of the Lake Pleasant Regional Park.

Objective 1.F: Promote sustainable development that elevate community identity and convenience, reduce vehicular trips, minimize infrastructure needs, improve air quality and provide a diversity of use. The proposed “Resort” and “Commercial” land use designations and PAD zoning will allow for the development of a Resort Community and a Residential Resort Community on very limited portions of the properties. The retail portion on the site provides a service which allows guests to stay on the property when shopping for their daily needs.

Objective 1.I: Promote resort development that provides tourism opportunities within the City. This proposal takes advantage of one of the City’s most unique recreational facilities-Lake Pleasant. The proposed resort on Parcel 2 (Northwest Property) and the Recreational Vehicle Resort on Parcel 1 (Southeast Property), will be compatible with and enhances this recreational area.

Policy 1.I.1: Identify and designate resort development sites that have direct access to significant recreational corridors and open spaces areas.

The proposed 240 room resort on 100 acres nestled in the pristine high desert is a spectacular opportunity for the City. Resort goers will flock to this natural and preserved desert environment.

Policy 1.I.2: Identify recreational corridors with future access points to resort areas and visitor access that encourage tourism and visitors activity.

Hiking trails, preserved wash corridors and slopes will make this site an exciting destination for tourists and visitors.

Goal 3: Protect and preserve the Sonoran Desert in its natural state.

Over 50% of the site will be preserved, in additional to wash corridors.

Objective 3.A: Develop program that encourage the clustering of development in exchange for preserved natural open space area.

The casita concept envisioned in this plan is premised upon clustering of development and the resulting retention of natural open space.

Policy 3.A.1: Open space preservation and planning is equally as important to the City as all other components of development review when considering the appropriateness of development proposals.

We agree and as demonstrated by this PAD open space preservation is one of the key planning principles of this application.

Policy 3.A.2: Encourage creative development patterns to ensure preservation of open spaces.

This site has significant washes that traverse the site, running generally from northwest to southeast. These washes are deeply incised, 30 to 50 feet deep in many locations. The topographic contouring of the property is dramatic and offers opportunities for creating a unique Recreational Vehicle Resort environment. The major collector street that runs from northwest to southeast is designed to have a divided highway with a median varying in width from 20 to 50 feet. The median is aligned with one of the major ridgelines on the property enabling some of the natural vegetation to remain in place and minimize construction to one of the most visible natural features on the site. As noted previously, the natural washes will be left in a natural state preserving the existing flora. In addition to the preservation of the washes, approximately 50 percent of the RV site will be maintained as either natural untouched open space or open space that will be revegetated to its original condition.

This Resort and Commercial designations are intended to provide development that integrates a combination of active and passive recreational amenities and ancillary commercial opportunities in areas of exceptional scenic and environmental quality. The RV Resort plan has been designed in concert with the existing contours of the land which minimizes cuts and fills and retains more of the existing vegetation in place. The individual recreational vehicle pads and spaces have been designed and orientated in a manner that takes advantage of views, minimizes alteration of the natural landscape, and provides substantial setbacks from the roads to allow additional landscaping to screen or soften the visibility to the individual sites from the roadway. The RV pad sites will blend in harmony with the surrounding desert minimizing permanent structures and surfaces. The pad surface will be constructed, subject to City approval, of a stabilized decomposed granite material that will blend in color with the surrounding desert surface. A small 8 X 16 foot concrete pad will be provided at each site that will be finished with a heavy salt pitted color finish. Cuts and fills to achieve the finish grades of sites will be minimized.

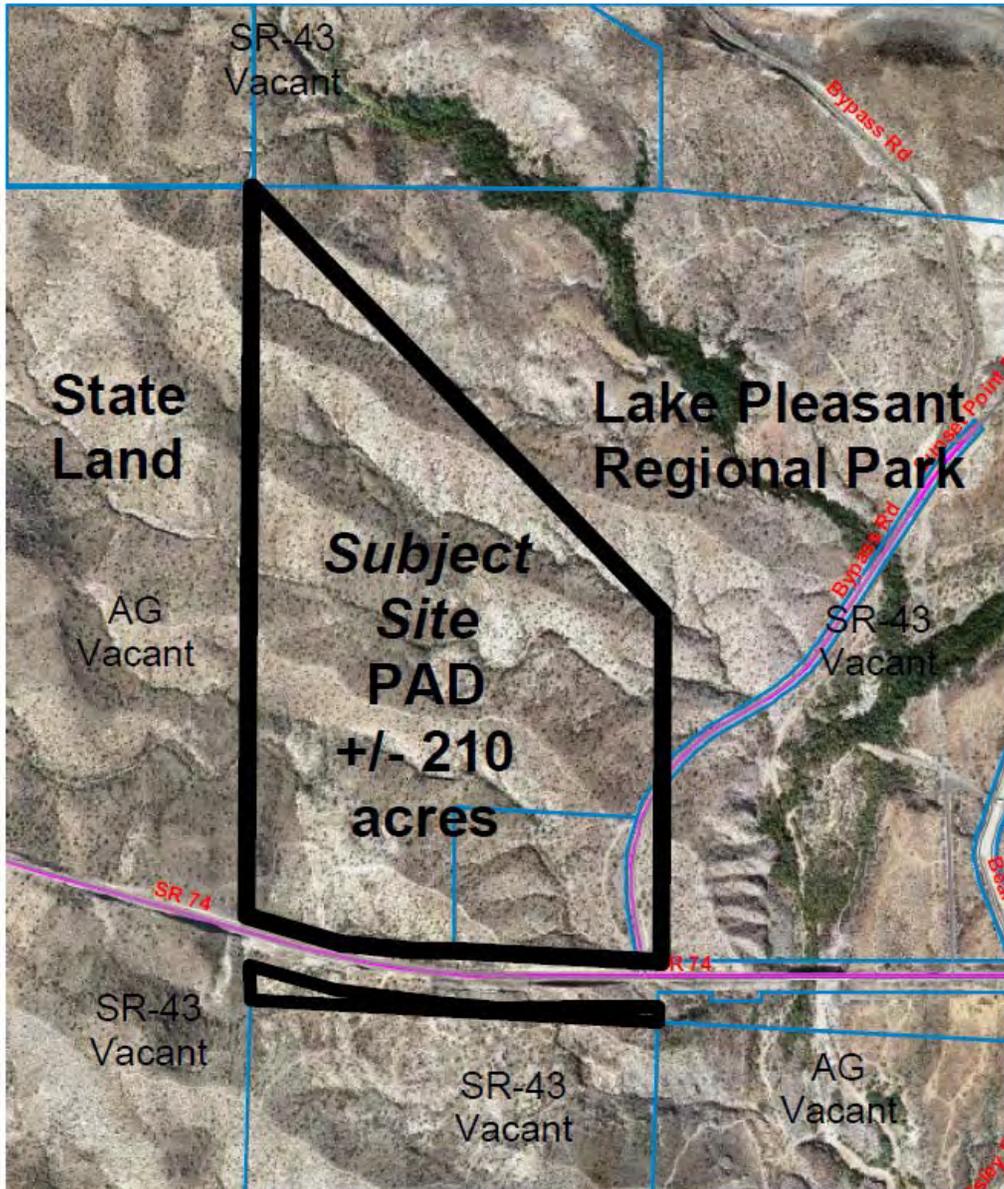
This project will be one of Peoria's most unique resort communities nested in the scenic desert near Lake Pleasant. The high standard of creative design is sensitive to environmental conditions and is prescribed both pictorially and in a narrative format in this PAD. This proposal will offer a true Arizona desert experience, with hiking, swimming, and other leisure activities while also taking advantage of the activities associated with nearby Lake Pleasant Regional Park.

Based upon the analysis provided above, we believe this proposed amendment is consistent with the overall intent and goals of the General Plan and will be beneficial to the surrounding area as an additional recreational resort.

Parcel 1 (Southeast Property)

The existing 1998 single-family residential and commercial land use entitlement will remain on the property (Appendix B). In addition, the Recreational Vehicle Resort component will be allowed. The concept of the Recreation Vehicle Resort component is to create a special place for

visitors to enjoy a vacation experience that is in a rural area which has been designed with maximum desert/open with minimal street widths and street improvements. A minimum of 50% of the Recreational Vehicle Resort site will be preserved and the Recreational Vehicle spaces will be designed in order to limit the disturbed area. Amenities such as pools, clubhouse, walking paths will be incorporated. In many cases, subject to City approval, streets with limited street lights, sidewalks, curb and gutters are proposed to further minimize impacts to the natural rural ambience of the area. The parcel is subject to the City of Peoria's Hillside Overlay and Desert Lands Conservation Overlay ordinances, except as modified herein.



Parcel 1 – (Southeast Property)

Recreational Vehicle Lifestyle

It is estimated that 8 million U.S. households currently own Recreational Vehicles. With that number growing each year, so does the demand for new, quality Recreational Vehicle Resorts to accommodate those enthusiasts who take to the road each year for months at a time. Recreational Vehicle Resorts in desirable vacation spots from southern Florida to the northern Pacific have been established and are being built to meet the demand of this rapidly growing vacation segment. The ***Cholla Hills*** project presents a great and timely opportunity to tie into this market making this scenic portion of Peoria next to Lake Pleasant a new vacation destination for RVers across America.

What sets ***Cholla Hills*** apart from most Recreational Vehicle parks is the emphasis on providing a significant amount of meaningful open space within the development. Whereas typical Recreational Vehicle parks are characterized by a density of 15 RV sites per acre, ***Cholla Hills*** proposes a density just over 3. Additionally, ***Cholla Hills*** proposes individual Recreational Vehicle sites surrounded by undisturbed desert that will accommodate a variety of Recreational Vehicles. Recreational Vehicles range from the smaller, towable camping vehicles to the larger, more elite custom motor coaches. These custom rigs are built with high quality appointments that rival hotel suites. Retractable canopies and expandable slide outs can add up to 450 square feet of living space when parked.



Perspective View of Recreational Center at RV Park

The 41-space landscaped parking lot will provide ample parking for tenants and guests. Landscaped areas with earth berms, granite surface boulders, mature salvaged indigenous trees, and decorative paved surfaces will enhance the recreational center. The buildings and ramadas will consist of stone veneers, rough sawn wood, and desert earth tones to blend in harmony with the desert.

As compared with a typical single family home, a recreational vehicle disturbs far less area and thus allows for retention of large amounts of open spaces resulting in considerably less impact on the land when compared to a single family development. The existing Residential Estate land use designation allows homes with yards, streets, and infrastructure to be built to accommodate homes on a large footprint all of which causes considerably more impact on the land than the proposed Recreational Vehicle Resort request.



Commercial Development

Architectural elevations and plans for all development proposed by this PAD will be reviewed by the City to ensure compliance with the City of Peoria’s design guidelines and the architectural themes established in this PAD. Elevations, colors, materials and building relationships will be reviewed by the City to ensure that the proposed architecture is compatible with and commensurate in quality with the attached exhibits.

The commercial development is intended to accommodate both the general public as well as the guests who will be visiting and utilizing the amenities of Parcels 1 & 2. The Development will be of a quality commensurate with the following illustrations.

Cholla Hills

Planned Area Development - Amendment #1



Verrado, Arizona

DC Ranch, Scottsdale, Arizona



Terravita

Gray Hawk, Scottsdale, Arizona

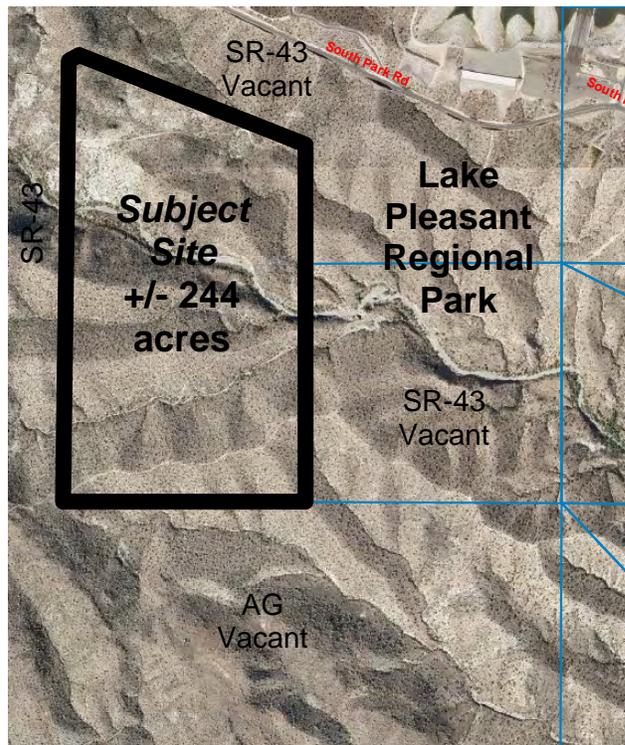
Lake Pleasant Marketplace, Peoria

Representative examples of commercial architectural characters and materials.

The above representations illustrate and establish a level of quality which will be the benchmark against which future site plan and elevation submittals will be judged by City Staff. While the applicant may submit elevations which differ in character from the representations shown in this PAD, the intent of these exhibits is to establish a level of quality for the proposed commercial development; The Staff shall ensure that the level of quality shown in these exhibits are commensurate in quality with the actual elevations, materials, colors which are ultimately provided with each Design Review application. Additionally, any storage use must be visually screened through the use of landscaping, walls, etc. as approved by the City to ensure such facility is not visible from public streets.

Parcel 2 (Northwest Property)

Parcel 2 - (Northwest Property) is 244 acres and is located one half mile west of (Parcel 1). The existing zoning on this parcel is SR-43 single-family residential. Access to the site is via a State Land perpetual easement which connects the two parcels. Peoria’s General Plan provides for up to 2 units per acre on this parcel. The parcel is subject to the City of Peoria’s Hillside Overlay and Desert Lands Conservation Overlay ordinances, except as modified herein. A low intensity 240 room resort and a 1.0 DU/AC residential development associated with the resort is proposed on this project. The 1.0 DU/AC residential units are exclusive of the rooms and casitas, and other for rent units associated with the resort.



Parcel 2 – (Northwest Property)

Parcel 2's unique topography includes a series of moderately sloping plateau-ridges which cross the site from northwest to southeast. Between these plateaus are deep, stone-walled washes with sandy bottoms that make this site a unique and attractive desert environment. The resort will be located to take advantage of the topography and spectacular views associated with the property. The resort development will consist of a traditional resort building and small "cottage"-style casitas, located near the main resort buildings. The casitas will be located within the natural desert setting.

In addition to the casitas, the resort will provide residential homes which are located adjacent to the resort. These homes, like those single family developments adjacent to such resorts as The Boulders, Four Seasons, The Wigwam & Pointe Resorts will be a part of the resort environment and will be entitled to utilize resort amenities.

All units and development in Parcel 2 shall be located to follow the contours of the gentler upper slopes in order to minimize cuts and fills in an effort to blend into the surrounding desert environment. A trail system within the open spaces will be provided throughout the development which will connect the different components within Parcel 2. The resort and residential community will offer a true Arizona desert experience, with hiking, swimming, and other leisure activities on site in addition to the nearby amenities associated with the lake Pleasant Recreation Area.

This development proposed by this PAD Amendment will be a natural transition into the surrounding properties. Most of the lands surrounding the subject parcels are BLM, State Trust Land, or part of the Lake Pleasant Regional Park all of which are intended to have very little development. The PAD's proposed uses are consistent and compatible with these surrounding land uses. Additionally, the resort and residential resort uses are designed to blend in and be part of the open space/desert character of those surrounding land uses which are located adjacent to the resort. The homes proposed on Parcel 2 will be like those single family developments adjacent to such resorts as The Wigwam, The Boulders, and Pointe Resorts and will in fact be a part of the resort environment and will be entitled to utilize resort amenities. This resort/residential project, with its limitation on disturbable area, is environmentally sensitive and respective of the desert. The adherence to the City's Hillside Ordinance will ensure a high quality architectural appearance for all buildings within this project.

The below representations illustrate and establish a level of quality which will be the benchmark against which future site plan and elevation submittals will be judged by City Staff. While the applicant may submit elevations which differ in character from the representations shown in this PAD, the intent of these exhibits is to establish a level of quality and the Staff shall ensure that the level of quality shown in these exhibits are commensurate in quality with the actual elevations, materials, colors which are ultimately provided with each Design Review application.

Cholla Hills

Planned Area Development - Amendment #1



Boulders Resort, Scottsdale, Arizona

Cholla Hills

Planned Area Development - Amendment #1



Wigwam, Litchfield Park, Arizona

Cholla Hills

Planned Area Development - Amendment #1



Camelback Inn, Paradise Valley, Arizona

Cholla Hills

Planned Area Development - Amendment #1



Hermosa Inn, Paradise Valley, Arizona

Cholla Hills

Planned Area Development - Amendment #1



Four Seasons Resort, Scottsdale, Arizona

DESCRIPTION OF PROPOSAL

As previously mentioned, the existing single-family residential, and commercial designations granted in the 1998 zoning case (Z98-03) will remain as allowable uses on the property. The proposed resort use and additional commercial acreage proposed for Parcel 1 (Southeast Property) will be in addition to these 1998 approvals.

This PAD Amendment seeks to amend the existing The Estates at Lakeside PAD to allow for development for a Recreational Vehicle Resort development component on Parcel 1 (Southeast Property), and architecturally integrate a commercial project on the S.R. 74 frontage of Parcel 1 and a resort and residential resort community on Parcel 2 (Northwest Property).

Development of the 750 luxury Recreational Vehicle Resort Use on Parcel 1 will be subject to the attached site plan and the environmental and development restrictions enumerated in this PAD application which include a provision which mandates a minimum of 50% of the total land area as native desert open space. The Recreational Vehicle Resort Site Plan provides a development character which respects the natural environment. This proposal ensures the retention of the existing washes as open space; preserves the spectacular views of desert open space; and retains a significant amount of the site's natural topography remains in place.

Parcel 1 (Southeast Property) Site Plan

On-site vehicular roadways are designed and will be engineered to be sensitive to the property's natural topography. The roadway system serving access to the individual RV pad sites is designed to follow the topographic contours to reduce the impact to natural features and flora. The RV spaces will be setback a minimum of 20 feet from the roadway edge and the pads will have finish elevations that blend with the surrounding elevations to minimize grading. Pads will be orientated to either take advantage of scenic views or to minimize intrusion to existing indigenous large specimen trees. All spaces will be designed on the slopes with the natural ridgelines left in a natural vegetative state to minimize the visual impact to the site.

The central clubhouse amenities for the Recreational Vehicle component include tennis courts, pickleball courts, shuffleboard courts, a large lap pool, jacuzzi, lawn bowling, and an indoor fitness center and activity/game rooms with restrooms, showers, and laundry. A 42 space paved parking lot will serve the complex along with a trail system that connects the central amenities with all the remote pad sites. The buildings, ramadas, and other structures will be stone faced with colors blending with the natural desert surroundings. The recreational vehicle resort will be accessed from one of two gated entry points. The first access point will connect to S.R. 74 and continue through the commercial area. The second access point will be from the Old Lake Pleasant access road on the east side of the property. The main collector road running in an east-west direction will be a divided roadway with a median that will have an abundance of existing and introduced indigenous plantings on a natural ridge that ranges in height from 4-8 feet above

the adjacent roadway. The two gated entries will be enhanced with additional structures including a “manned” gatehouse, water features, an abundance of landscaping, monument/wall signage that will have a soft backlighting for a shadow affect, and a variation of stone clad walls and naturally weathered tube steel decorative fencing. The RVer’s who will be locating here will be seasonal visitors who will generally be vacationing for anywhere between a few days to six month. No permanent stays shall be allowed.

The commercial uses allowed on this parcel will be limited with potentially noxious C-2 uses being eliminated. Height of C-2 uses will be limited to 30-feet.

Recreational Vehicle Resort Site Plan Parcel 1 (Southeast Property)

Existing Reservoir

Plan Data:

Overall Project Area-
Parcel 1&2: 454± Acres

Parcel 1: 210 Acres
Parcel 2: 244 Acres

Existing Zoning:

Parcel 1: PAD (Case #Z98-03)
Parcel 2: SR-43

Request:

Parcel 1: PAD Amendment
Parcel 2: Rezoning

Proposed Uses:

Parcel 1:
A. Recreational Vehicle Resort-
187 Acres- 750 Sites
B. Commercial- 23 Acres
Parcel 2:
C. Resort- 244 Acres;
144 Units, .59 DU/Ac

State Land
AG
Vacant Land

Future Access
to be provided through
State Land Parcel

Secondary Gated
Access to RV Resort

Commercial Access

WWTP

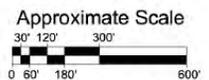
Lake Pleasant
Regional Park
SR-43
Vacant Land

Legend:

-  Commercial
-  Desert Open Space
-  Preserved Desert
(Included w/ RV Project)
-  Private Roadway
-  Trail System

Lake Pleasant
Regional Park
SR-43
Vacant Land
**Primary Gated
Access to RV
Resort**

Applicant/Zoning Attorney:
Earl, Curley & Lagarde, P.C.
3101 N. Central Ave., Suite 100
Phoenix, Arizona 85012
602-265-0094

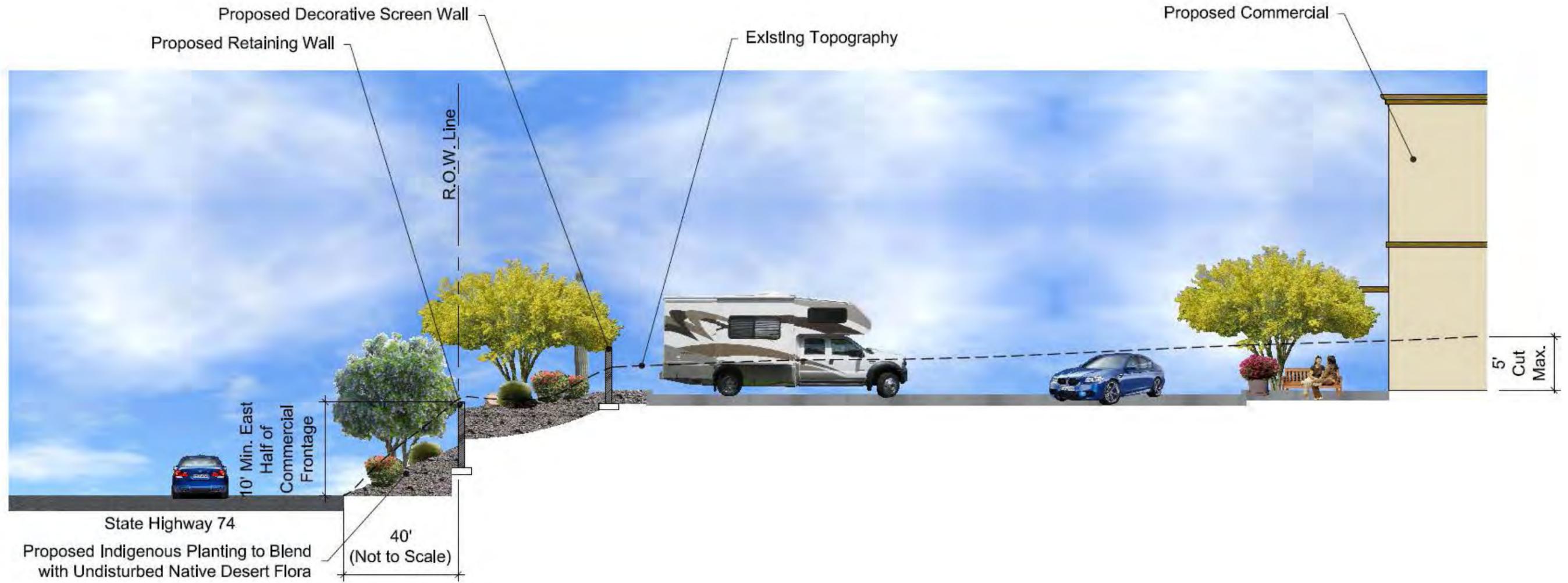


State Land SR-43 Vacant Land



Cholla Hills

Peoria, Arizona



State Highway 74 Section

Parcel 2 (Northwest Property) Site Plan

The northwest project proposes to retain 122 acres (50%) as undisturbed natural open space. The Resort Community will consist of low scale resort buildings with associated small "cottage"-style casita, time share, condominium, and/or townhouse units located near the main resort building. The design concept is to minimize disturbance of the natural environment. This approach will allow the development to take advantage of the scenic and desert vistas. The Resort Community will offer a true Arizona desert experience, with hiking, swimming, and other leisure activities on site and have the activities associated with the Lake Pleasant Recreation Area available offsite.

The residential component of 1.0 DU/AC (this figure does not include units associated with the Resort) will strictly limit the areas which can be developed. Disturbable area to accommodate the homes will be severely limited and all areas surrounding the living unit will remain as open space. For example, no walls/fences will be allowed around the homes and development will be limited to 1,500 square feet per lot. Lastly, there will be easements which preclude development and/or disturbances of areas outside of the living structure.

Resort Site Plan Parcel 2 (Northwest Property)

Plan Data:

Overall Project Area - Parcel 1 & 2: 454+/- Acres

Parcel 1: 210 Acres

Parcel 2: 244 Acres

Existing Zoning:

Parcel 1 - PAD (Case #298-03)

Parcel 2 - SR-43

Request:

Parcel 1: PAD Amendment

Parcel 2: Rezoning

Proposed Uses:

Parcel 1:

A. Recreational Vehicle Resort - 187 Acres - 750 Sites

B. Commercial - 23 Acres

Parcel 2:

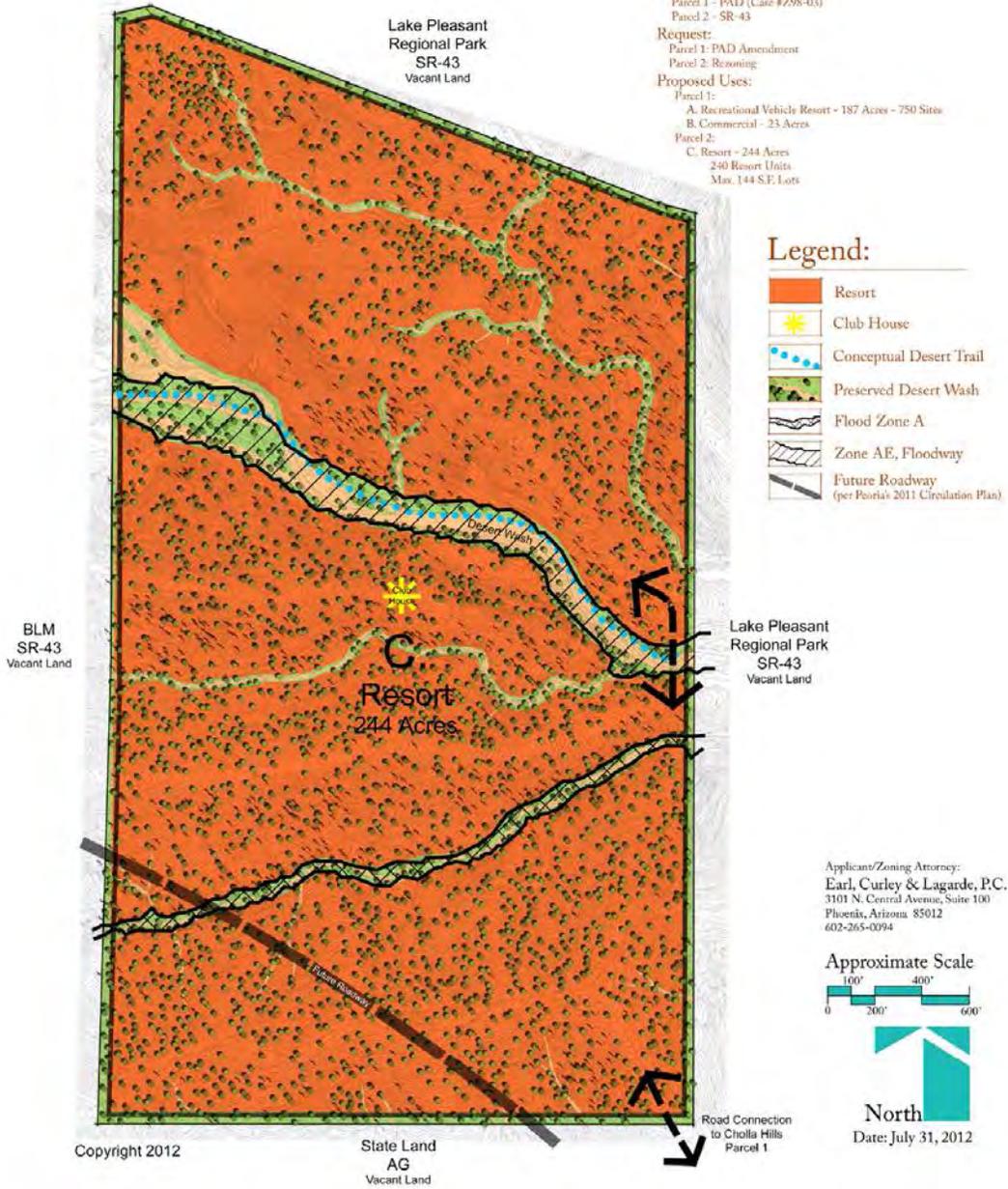
C. Resort - 244 Acres

240 Resort Units

Max. 144 S.F. Lots

Legend:

-  Resort
-  Club House
-  Conceptual Desert Trail
-  Preserved Desert Wash
-  Flood Zone A
-  Zone AE, Floodway
-  Future Roadway (per Peoria's 2011 Circulation Plan)



Applicant/Zoning Attorney:
Earl, Curley & Lagarde, P.C.
3101 N. Central Avenue, Suite 100
Phoenix, Arizona 85012
602-265-0094

Approximate Scale



North
Date: July 31, 2012

Copyright 2012

State Land
AG
Vacant Land

Road Connection
to Cholla Hills
Parcel 1



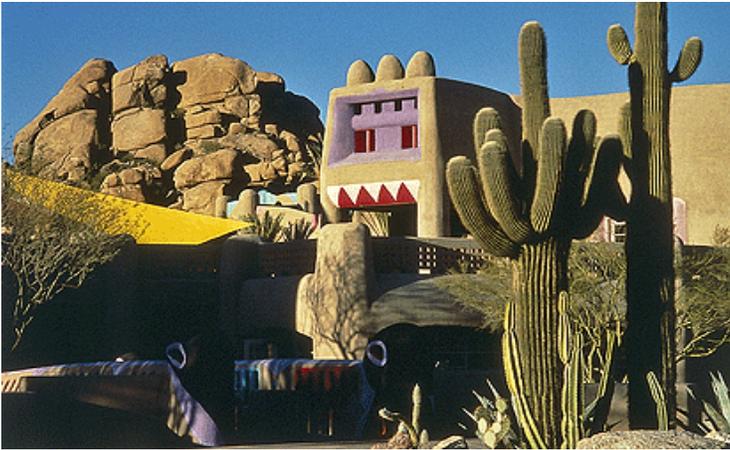
Cholla Hills

Peoria, Arizona

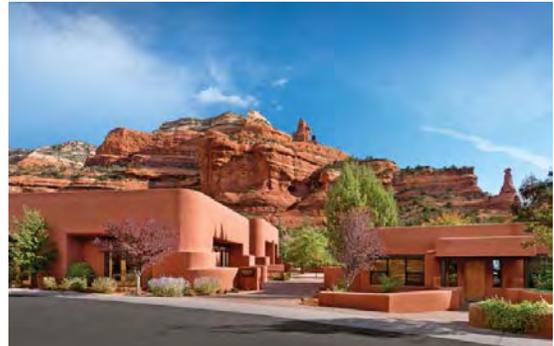
Cholla Hills

Planned Area Development - Amendment #1

The below representations illustrate and establish a level of quality which will be the benchmark against which future site plan and elevation submittals will be judged by City Staff. While the applicant may submit elevations which differ in character from the representations shown in this PAD, the intent of these exhibits is to establish a level of quality and the Staff shall ensure that the level of quality shown in these exhibits are commensurate in quality with the actual elevations, materials, colors which are ultimately provided with each Design Review application. Additionally, any storage use must be visually screened through the use of landscaping, walls, etc. as approved by the City to ensure such facility is not visible from public streets.



El Pedregal, Scottsdale, Arizona



Enchantment Resort Casitas, Sedona



Four Season Resort



Camelback Inn, Phoenix, Arizona



Four Seasons Resort, Scottsdale, Arizona

Representation of Resort Character

Cholla Hills

Planned Area Development - Amendment #1



Wigwam, Litchfield Park, Arizona



Auberge Sedona Cabin Lodging



Wigwam, Litchfield Park, Arizona



Encantado, Santa Fe, New Mexico

REGULATORY PROVISIONS

This PAD Amendment request has been prepared in accordance with Article 14-33 of the Zoning Ordinance of the City of Peoria, Arizona to establish the regulatory framework for the **Cholla Hills** development by creating development standards and design guidelines specific to the context of this site. This PAD Amendment is in addition to Zoning Narrative & Standards Report for Estates at Lakeside PAD approved by the City of Peoria Council on November 3, 1998. This is a document comprised of project specific zoning regulations, including permitted uses, development standards, and the project's design criteria. In the event of a conflict between a provision of this PAD and a provision of the Zoning Ordinance of the City of Peoria, the PAD prevails. Where the PAD is silent on a matter, the Zoning Ordinance shall prevail. The PAD Amendment does not modify other City Code provisions or requirements.

PARCEL 1 (SOUHTEAST PROPERTY) PERMITTED USES

- The approved permitted uses as described in the Estate at Lakeside Zoning Narrative and Development Standards narrative dated Revised May 26, 2000 shall remain on Parcel 1 (Southeast Property). (Appendix B);
- Detached Single Family Residential and/or Resort (Appendix B);
- Resort and Commercial associated with resort development and open space;
- Permitted Uses, Permitted Conditional Uses and Accessory Uses as outlined in Articles 14-9-2 (C-2) and 14-9-3 Land Use Matrix of the City's Zoning Ordinance. Such non-residential uses shall only be permitted on the commercial designated parcel;
- Permitted Principal Uses and Permitted Conditional Uses as outlined in Articles 14-8-3 and 14-8-4 of the City's Zoning Ordinance, including a Recreational Vehicle Resort use as described herein;

- The following uses shall be prohibited uses over the entire site:
 - Auto Parking Lot or Garage as Principal Use.
 - Auto Parts and Accessory Store.
 - Auto Sound System Installation, Auto Glass Tinting & Repair and similar uses.
 - Automobile Diagnostic and/or Service Establishment, including engine & transmission overhaul, repair facilities & similar service.
 - Automobile Rental Facility.
 - Tire Sales, Repair and Mounting.
 - Gas Stations or drive-thrus.
 - Adult uses.
 - Golf Courses.
 - Recycling Collection Point.
 - Pawn Shop.
 - Permissible Consumer Fireworks Sales.
 - Nursing or Convalescent Home, Long term Care Facility.
 - Appliance, Furniture, & Household Equipment Sales and Rentals.
 - Sales & Storage of grain, feed, seed, fertilizer, farm & garden supplies.
 - Bus Terminals
 - School Bus Parking and Maintenance Facilities.
 - Cell Tower/facility unless stealth.

This application also strictly regulates the development theme for the site via the PAD's: development standards, design criteria, preservation of open space, and the project's theme for all permitted uses.

PARCEL 1 (SOUTHEAST PROPERTY) DEVELOPMENT STANDARDS

Single Family Residential:	No change. Development Standards remain as approved through The Estates at Lakeside, Application Z-98-03, except as modified herein.
Recreational Vehicle Resort:	See below standards herein.
Commercial:	See below standards herein.

PARCEL 1 RECREATIONAL VEHICLE RESORT DEVELOPMENT STANDARDS

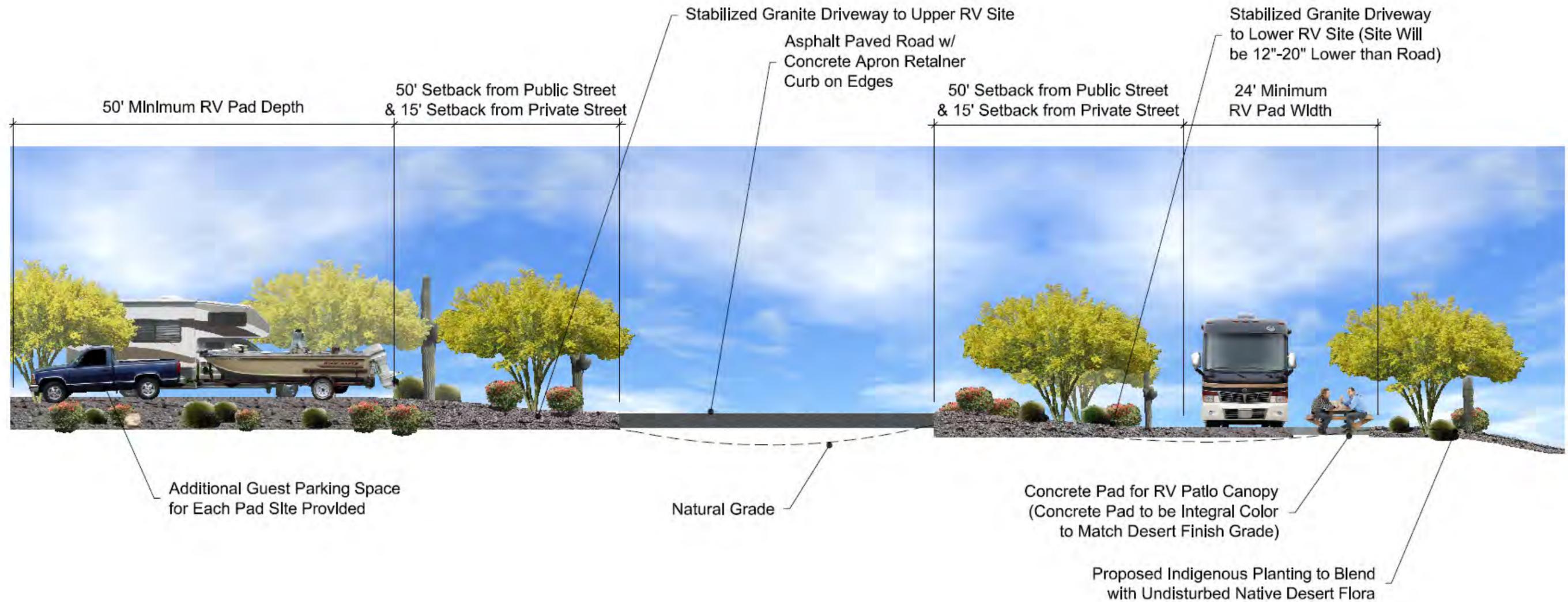
Conceptual Recreational Vehicle Resort Site Plan

This PAD amendment includes a Recreational Vehicle Site Plan, a Preliminary Development Plan of the central clubhouse and amenities, a Typical Gated Entry Plan, a typical RV Site Layout, and various elevations, sections, and perspectives which illustrates the scope, quality of the proposal, the amount of open space being provided, the limitation on the amount of grading being proposed, and the overall nature of the development which is sensitive to and responds to the sites topography and natural features. Development shall be consistent with material presented in this PAD booklet.

The proposed Recreational Vehicle Resort development standards are unique to this lot layout and product and only apply to the site if it is developed as a Recreational Vehicle Resort community. The standards are as noted in the following Development Standards Table:

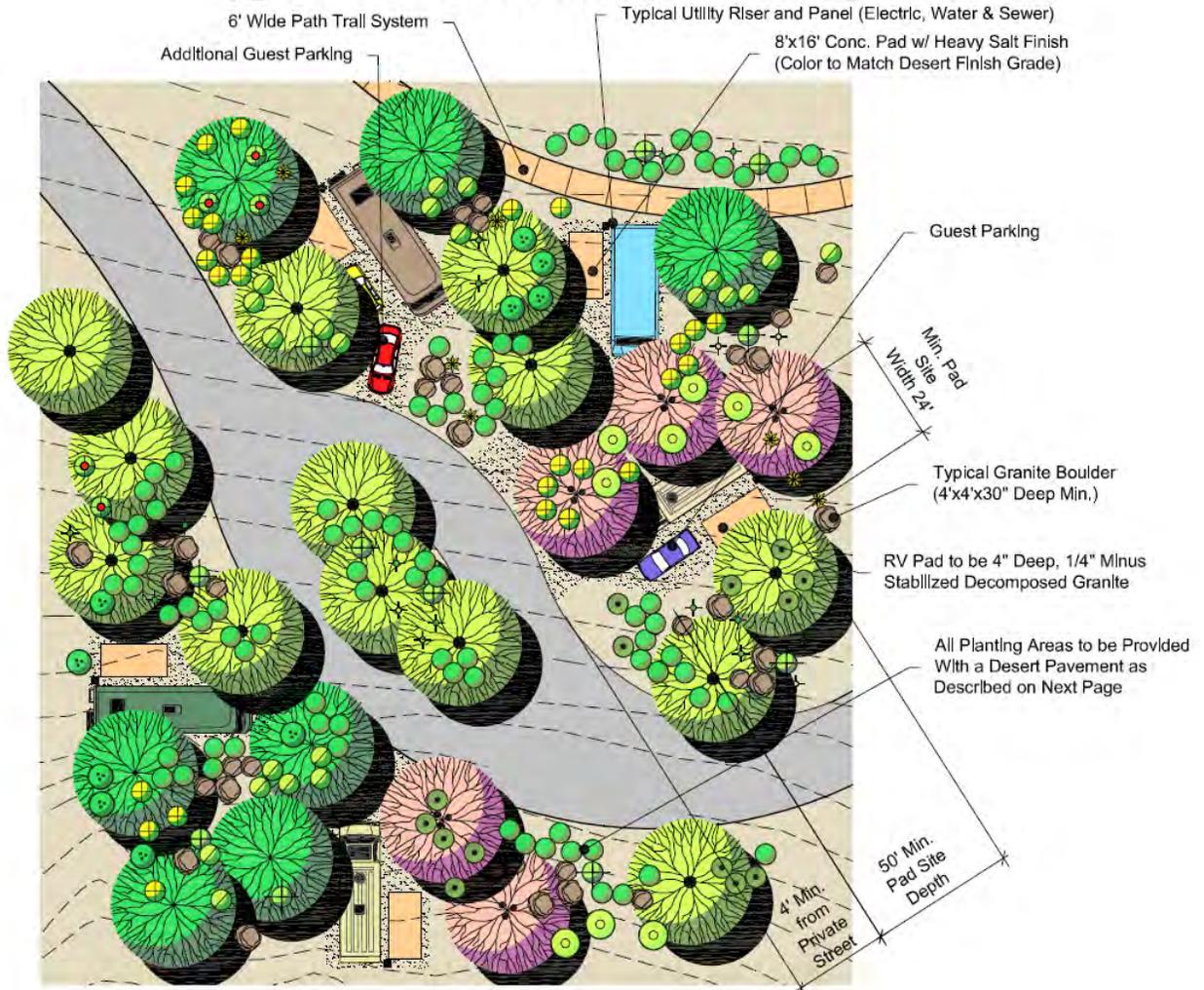
Recreational Vehicle Resort Development Standards

Development Standards	Proposed PAD Amendment
Minimum Area.	Ten (10) acres undivided by a public street except as provided in 14-8-3 (b-6) of this code and based on full acre including street easements.
Minimum Area Per Recreational Vehicle Site.	One thousand two hundred (1,200) square feet
Minimum Recreational Vehicle Site Width.	Twenty-four (24) feet. (See Typical RV Site Layout & Typical RV Site Section exhibits)
Minimum Recreational Vehicle Site Depth.	Fifty (50) feet. (See Typical RV Site Layout & Typical RV Site Section exhibits)
Minimum Setback for Recreational Vehicle Park.	Fifty (50) feet from any public street. 15-feet from perimeter property line.
Minimum setbacks for Recreational Vehicles	Four (4) feet from any private street. Fifteen (15) feet between recreational vehicles on adjacent sites.
Minimum Private Street Width.	Twenty-five (25) feet measured between edge/curb faces.
Maximum Building Height.	Two stories or thirty (30) feet, whichever is less.
Recreation and Open Space Area.	Minimum fifty percent (50%) of area less private streets shall be devoted to recreation and natural or re-vegetated open space.
Recreational Vehicle Lot/Pad shade	Minimum fifty percent (50%) shade shall be provide for each Recreational Vehicle Lot/Pad by vegetation (see Typical RV Preliminary Landscape Plan & Landscape Guidelines)
Recreational Vehicle Storage Area.	Long term storage of Recreational Vehicles such boats, utility trailers and the like not in use with the primary RV guest/tenant shall be located with the commercial parcel.



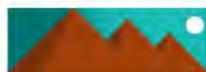
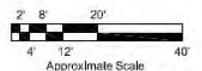
Typical RV Site Section

Typical RV Preliminary Landscape Plan



Plant Schedule:

	Tree	Salvaged From On-site		Simmondsia Chinensis	5 Gallon
	Saguaro	Salvaged From On-site		Larea Tridentata	5 Gallon
	Oleia Tesota	48" Box		Ambrosia Deltoidea	5 Gallon
	Ironwood	Multi-trunk		Triangle Bursage	Full, Past Can
	Cercidium Floridum	36" Box		Justicia Californica	5 Gallon
	Blue Palo Verde	Multi-trunk		Chuparosa	Full, Past Can
	Opuntia Violacea	7-8 Pads		Callandra Erlyphylla	5 Gallon
	Purple Prickley Pear	5 Gallon Min.		Fairy Duster	Full, Past Can
	Echinocactus Grusonii	18" Ht.		Hesperaloe Funifera	5 Gallon
	Golden Barrel Cactii			Giant Hesperaloe	Full, Past Can
	Encella Farinosa	5 Gallon		Ruellia Peninsularis	5 Gallon
	Brittle Bush	Full, Past Can		Ruellia	Full, Past Can



Cholla Hills

Peoria, Arizona



North
Date: April 10, 2012

Use of Recreational Vehicle site

- A. No recreational vehicle or accessory structure shall be placed over any existing utility easements.
- B. On-site parking shall be provided for one vehicle in addition to the recreational vehicle. Such vehicle parking stall dimension shall be a minimum of 8.5 feet wide x 18 feet long.
- C. All recreational vehicle camp sites/pads shall consist of surface which is compacted and shall consist of materials which help to reduce dust.
- D. No access to Lake Pleasant Park without permission.

Occupancy

- A. Development plans for the Recreational Vehicle Resort shall be submitted to the City Staff for its review and approval prior to the issuance of building permits.
- B. The length of stay for the typical RV user shall be between a few days to six months. No permanent stay shall be permitted. Maximum stay only 6 months or 180 days.

General Regulations

- A. All direct vehicular access shall be from abutting arterial or collector streets.
- B. It shall be the responsibility of the park owners or managers of rental parks to see that all sections of this article are complied with, including requirements relative to required permits.

PARCEL 1 RECREATIONAL VEHICLE RESORT SIGNAGE

The project may include up to two freestanding wall signs near the street and main entrances to the development. Such signage shall be integrated into the landscaping and/or theme walls. Total Sign area for permanent signs requiring permits shall be 64 square feet, with no more than 32 square feet on any one street frontage. All signage shall be in accordance with Article 14-34 of the Zoning Ordinance. No billboards or pylon signs will be permitted.

PARCEL 1 COMMERCIAL PROPERTY DEVELOPMENT STANDARDS

Any commercial development within the 23 acre commercial parcel on Parcel 1 (Southeast Property) shall comply with Article 14-9, Section 14-9-6 Property Development Standards for C-2 in the City's Zoning Ordinance except as modified as herein and except that the maximum building height shall be limited to 30-feet.

COMMERCIAL DESIGN GUIDELINES

Design of the commercial development within the PAD shall comply with the City of Peoria Hillside Ordinance and Design Review Manual for Non-Residential uses and shall be compatible with a desert character theme.

In addition to the City’s Design Review Manuel the below *Architectural Design* provisions seek to create a foundation for design that will ensure development of an attractive, high quality mixture of architectural styles with primary emphasis on a low density commercial appearance. Buildings will feature creative applications of materials, colors and textures. The design of each building within the overall commercial development, including complementary uses such as retail, restaurants and hotels, will be compatible through the use of compatible materials and colors while creating a strong individual identity consistent with their individual use and purpose. **This document provides representative examples of architectural characters and materials with finishes and color.**





Mountain Ranch Marketplace, Goodyear, Arizona



Lake Pleasant Commercial, Peoria

Representative examples of architectural characters and materials.

The above representations illustrate and establish a level of quality which will be the benchmark against which future site plan and elevation submittals will be judged by City Staff. While the applicant may submit elevations which differ in character from the representations shown in this PAD, the intent of these exhibits is to establish a level of quality and the Staff shall ensure that the level of quality shown in these exhibits are commensurate in quality with the actual elevations, materials, colors which are ultimately provided with each Design Review application. Additionally, any storage use must be visually screened through the use of landscaping, walls, etc. as approved by the City to ensure such facility is not visible from public streets.

The architectural design elements for these buildings include:

1. Building modulation, indentations and architectural details;
2. Building entry accentuation;
3. Four sided architecture;
4. Building entrances shall be emphasized through the use of special building materials, architectural design and enhanced landscaping;
5. Particular design emphasis should be placed on those sides of the building most visible to S.R. 74 traffic. Building facades may be used to promote the corporate image on large wall expanses or for non-administrative buildings on the most critical building sides;
6. Windows and glazing areas should include a variety of shapes, insets, shading devices, accent mullions or other treatments that complement the overall building design;
7. Building wall articulation is required on the buildings with appropriate details and elements to help create pedestrian scale and a sense of quality. Horizontal banding will likewise be used to foster this pedestrian scale;
8. Boulder retaining walls.
9. The east half of the property's frontage along S.R. 74 is largely screened from view because there is a 10ft grade differential between S.R. 74 and this property's frontage. The western half of the property's frontage along S.R. 74 is lower than the adjacent street and therefore any commercial development will be required to provide screening through landscape and/or additional berming along S.R.74.

10. Reduction of building mass may be achieved by using a combination of the following techniques:
 - a) Variations in rooflines, parapets and/or other significant roof or canopy forms shall be used to reduce the scale of commercial buildings. Roof size, shape, material, color and slope should be coordinated with the scale and theme of the building. Parapets for concealing flat roofs shall feature three dimensional cornice treatments (where appropriate) or other similar details that enhance the building architecture. Where not used in conjunction with other roof elements, parapets should vary in height;
 - b) Use of ground level arcades and covered areas;
 - c) Use of protected and recessed entries;
 - d) Use of vertical elements on or in front of expansive blank walls;
 - e) Use of pronounced wall plane offsets and projections;
 - f) Use of focal points and vertical accents; and
 - g) Inclusion of windows on elevations facing streets and pedestrian areas.

Entrances

All buildings shall have clearly defined customer entrance(s) incorporating elements such as:

1. Canopies or porticos
2. Overhangs
3. Recesses/projections
4. Arcades
5. Raised parapets
6. Peaked roof forms
7. Arches
8. Entrance framed by outdoor pedestrian features or enhanced landscaping
9. Architectural details such as tile work and moldings integrated into the building structure to frame the entryway
10. Integral planters or wing walls that incorporate landscaped areas and/or sitting areas and
11. Enhanced pedestrian surfaces.

All buildings adjacent to roads shall have entryways that are unique and easily identifiable.

Building Materials

Approved Exterior Wall Material: Common clay brick, granite, marble, or other natural stone, concrete, concrete masonry units (provided that surfaces are integrally colored, painted, stained or have attractive exposed aggregate which must be approved as to color and texture) and shall have architectural relief, architectural metal, and stucco or plaster (synthetic systems simulating stucco or plaster are permitted) provided that finishes must be smooth, sand, or ceramic tile. Concrete may be allowed provided that the building is highlighted with architectural features. All exterior wall materials and design must be approved by City Staff.

PARCEL 2 (NORTHWEST PARCEL) PERMITTED USES

- Detached Single Family Residential associated with a Resort;
- Resort and ancillary Commercial associated with resort development and open space;

PARCEL 2 (NORTHWEST PARCEL) DEVELOPMENT STANDARDS

Heights, setbacks and separation will meet all applicable code and ordinance requirements and will be subject to review by City staff at the time of plat and site plan approvals, except as modified below. The residential component will only occur upon development of the resort component.

A. Development Standard for Permitted Residential Uses shall be as follows:

DEVELOPMENT STANDARDS	DETACHED SINGLE FAMILY	ATTACHED SINGLE OR MULTIFAMILY BUILDINGS	NON-RESIDENTIAL (RESORT) BUILDINGS
Maximum Density	1.0 du/ac	N/R	N/R
Minimum Lot Size	6,000-sq. ft. *	N/R	N/R
Maximum Lot Coverage (%)	25%	50%	50%
Minimum Lot Width	30-feet	N/R	N/R
Maximum Building Height	2-story or 30-feet	30-feet	30-feet
MINIMUM BUILDING SETBACKS			
Front	10-feet	20-feet	20-feet
Rear	15-feet	15-feet	15-feet
Side	5-feet	15-feet	15-feet
Corner	10-feet	15-feet	15-feet

<p>Detach Single Family</p>	<p>Attached Single or Multifamily Buildings</p>	<p>Non-Residential (Resort) Buildings</p>	<p>* A maximum of 1,500 square feet per residential lot shall be allowed to be disturbed for construction. Additionally, no walls shall be allowed on individual residential lots.</p> <p>N/R No minimum requirement.</p>
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The following development guidelines should be followed.

- 1) Streets should be planned to be located wherever the least amount of disturbance is reasonably possible. .
- 2) Residential units shall generally be located wherever the least amount of disturbance is reasonably possible. Generally the area which will involve the least amount of disturbance will be located along the plateau-ridge lines, where slopes are least severe. In some cases it may be necessary to cluster units to and minimize cuts and fills.
- 3) Development shall be in accordance with Peoria's Hillside Ordinance and the Desert Conservation Ordinance. Major washes and the steep slopes along the sides of the washes will be preserved as dedicated open space. Most of the resort/residential related buildings, casitas, condominiums, townhouses and/or time share units will back directly onto open space. Where lots do not have direct views onto open space corridors, access to them will be provided via pathways and "windows" into the washes and common areas.
- 4) A series of trails will be provided to access the open space areas where views of wildlife, rock formations and the desert landscape can be enjoyed. The pathways will be designed for minimum impact on the land and will blend into the natural terrain. Trails are planned, subject to City approval, to be cleared walkways, 4 to 6 feet wide with a native material surface. Improvements shall include path direction markers, erosion protection similar to that used in forest service trails, benches at natural overlook locations, small rock retaining walls and culverts at small wash crossings.
- 5) To provide the least amount of cuts and fills on individual single-family residential lots, a maximum of 1,500 square feet per residential lot shall be allowed to be disturbed for construction. Additionally, no walls shall be allowed on individual residential lots.

Architectural Style, Appearance

Development shall comply with the requirements as set forth in the City of Peoria Design Review Manual. Additionally, a Design Review Committee will be formed within the framework of the master homeowners association. This committee will monitor and review the architecture, site planning, landscaping and building modifications.

In addition to City's Design Review Manual, development shall conform with the following:

1. Use of colors and materials shall blend with the desert (no whites, pastels or red tile);
2. "Breaking up" the apparent mass of buildings through variations in roof lines, detailing of windows and use of "pop-outs";
3. Roof lines designed to reflect natural slopes and geologic forms;
4. Southwestern architectural character (no French Provincial, red barns, southern mansions, etc.);
5. Use of regional plant materials exclusively where visible from streets or common open space areas;

6. Low level light standards (bollard-style) to be used throughout;
7. Use of consistent design for house numbers, mailbox enclosures, street numbers and furnishings;
8. Garages may be side entry or detached and behind the principal structure.
9. Signage and lighting shall not consist of exposed neon.
10. All illuminated signs shall not be placed higher than 18-feet as measured from the adjacent grade.
11. Parking lot light pole shall not be taller than 18-feet and shall be shielded.

LANDSCAPE GUIDELINES

The sites are separated by undeveloped property in the Sonoran Desert and both sites have light to medium density indigenous Sonoran shrubs, trees, and cactus with a rolling topography that varies as much as 200 feet. Both sites are traversed with natural stream beds that flow from the northwest and through the sites to the southeast. The development plans proposed with this PAD will be enhanced with landscaping that is guided by the Sonoran Palette, yet allowing the diversity of introduced plant types that will enhance various spaces, structures, and pedestrian uses within the PAD. The overall landscape theme is intended to establish continuity and compatibility throughout the two communities.

As shown in the plan graphics that follow this narrative and in the "Desert Lands Conservation Guideline" in the appendix, the proposed plant palette will be generally lush indigenous Sonoran shrubs, trees, and cactus and the existing tree, saguaro, and barrel cacti in the path of construction that are healthy will be salvaged and re-used in the landscape to provide a mature landscape that is harmonious with the arid desert landscape. The existing salvaged and transplanted desert trees and cactus will provide for a minimum of 40% of the total trees provided in the landscape. This will provide for a vegetative canopy at all RV sites, pedestrian pathways, and user amenities allowing for shade coverage of 50%. Accents of turf will be proposed at the entry points to the Hotel Site and Recreational Vehicle development, in addition to the R.V. Clubhouse and amenities, and around the Hotel pools, tennis courts, and outdoor passive recreational spaces for additional interest and to reduce solar reflection in high use pedestrian spaces. The sites will be planned with a comprehensive trail system and the pedestrian environment will be comfortable throughout the year with shaded places to sit and rest. Site sidewalks and paths shall connect all site amenities, entry courts, building entrances, parking areas, and RV sites. All walkways will be a minimum 5 foot width. The paving of the walkways will have an integral tan color incorporated into the walkway paved surface to harmonize with the desert floor. Various pavement textures and colors will be integrated into the vehicular streets at the resort entry points and at prominent intersections and pedestrian crosswalks that traverse the streets for both pedestrian safety and accenting paved surfaces for interest (See entry landscape plan following this narrative). Pedestrian and vehicular conflicts will be minimized and effective low level lighting will be incorporated into the intersections and intermittently along the pathways to promote a sense of security after dark.

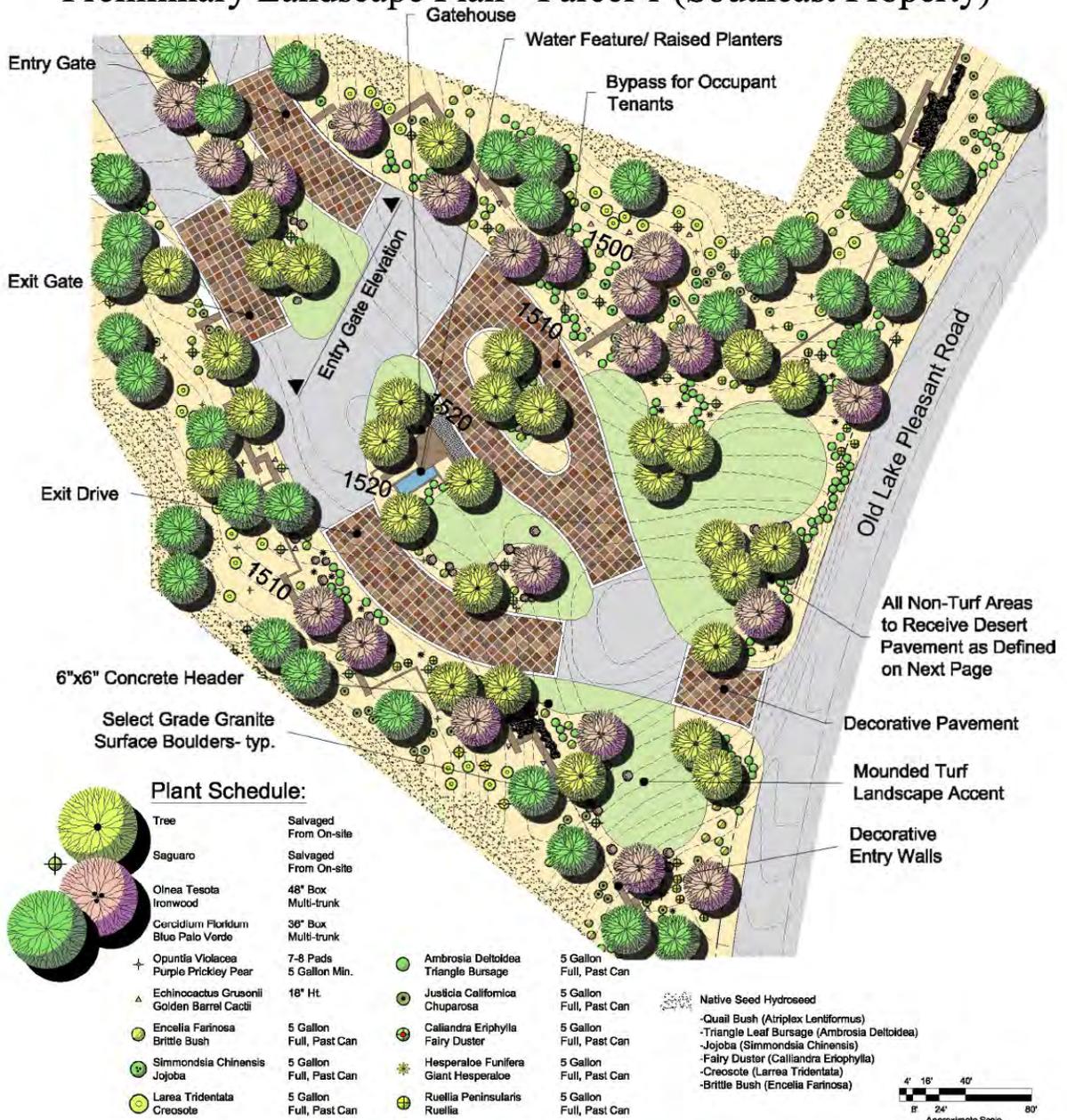
All landscaped areas will have earth berms and swales integrated into the landscape to emulate the natural surrounding topography and other landscape features like surface grade granite boulders, granite cobble, and decomposed granite will be integrated into non-turf landscape surfaces to emulate the natural desert surface. Installation of the “desert pavement” will occur as the final step in the landscape process and be implemented in such a way as to blend with undisturbed native areas. To insure that the proposed desert surface will match that of the existing desert floor the following construction sequence will be provided for:

1. Troughs created of varying shapes no less than 2'x8' and approximately 2 inches deep and rake in any cobble-sized rock that was exposed during the landscape process. The trough will be covered with soil to expose only the top half of the cobbles. The cobble will appear as an outcropping and will be placed in locations and at a frequency that matches the existing native areas.
2. A soil/aggregate mixture will be randomly scattered over the disturbed areas in varying depths no greater than ½ inch. App. 80% of the disturbed areas will be covered with this mix.
3. Cobbles 4 inch and greater that were collected with the soil/aggregate mixture will be half buried. Cobbles less than 4 inches will be left on the surface.

Open space areas identified in the “Desert Lands Conservation Guide” in the appendix as undeveloped will be maintained in their natural state and protected during construction. These areas will be free from grading and improvements and are limited to natural drainage swales and stream beds and areas at outer edges of the site. Any disturbance to these areas will be repaired by hydroseeding native seed as prescribed in other sections of this booklet.

The (3) three preliminary landscape plan graphics following this narrative identify the typical plant types, placement of salvaged native trees and cacti, and the overall design incorporating accents of turf and densities of plantings. The designs are examples of the landscape that will continue throughout both parcels and commercial area and are provided to show the emphasis placed on creating an outdoor environment that blends with and enhances the natural Sonoran Desert.

Preliminary Landscape Plan - Parcel 1 (Southeast Property)

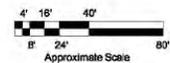


Plant Schedule:

	Tree	Salvaged From On-site
	Saguaro	Salvaged From On-site
	Olivea Tesota Ironwood	48" Box Multi-trunk
	Cercidium Floridum Blue Palo Verde	36" Box Multi-trunk
	Opuntia Violaacea Purple Prickley Pear	7-8 Pads 5 Gallon Min.
	Echinocactus Cruentii Golden Barrel Cacti	18" Ht.
	Encelia Farinosa Brittle Bush	5 Gallon Full, Past Can
	Simmondsia Chinensis Jojoba	5 Gallon Full, Past Can
	Larrea Tridentata Creosote	5 Gallon Full, Past Can

	Ambrosia Deltoidea Triangle Bursage	5 Gallon Full, Past Can
	Justicia Californica Chuparosa	5 Gallon Full, Past Can
	Calliandra Eriophylla Fairy Duster	5 Gallon Full, Past Can
	Hesperaloe Funifera Giant Hesperaloe	5 Gallon Full, Past Can
	Ruellia Peninsularis Ruellia	5 Gallon Full, Past Can

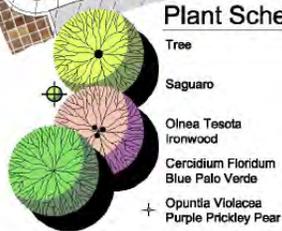
- Native Seed Hydroseed**
- Quail Bush (Atriplex Lentiformus)
 - Triangle Leaf Bursage (Ambrosia Deltoidea)
 - Jojoba (Simmondsia Chinensis)
 - Fairy Duster (Calliandra Eriophylla)
 - Creosote (Larrea Tridentata)
 - Brittle Bush (Encelia Farinosa)



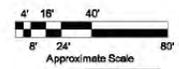
Preliminary Landscape Plan For Recreational Center - Parcel 1



Plant Schedule:



Tree	Salvaged From On-site	Echinocactus Grusonii	18" Ht.	Justicia Californica	5 Gallon Full, Past Can
Saguaro	Salvaged From On-site	Golden Barrel Cactii		Chuparosa	5 Gallon Full, Past Can
Oleña Tesota	48" Box Multi-trunk	Encelia Farinosa	5 Gallon Full, Past Can	Calliandra Eriphylla	5 Gallon Full, Past Can
Ironwood	36" Box Multi-trunk	Brittle Bush	5 Gallon Full, Past Can	Fairy Duster	5 Gallon Full, Past Can
Cercidium Floridum	7-8 Pads	Simmondsia Chinensis	5 Gallon Full, Past Can	Hesperaloe Furifera	5 Gallon Full, Past Can
Blue Palo Verde	5 Gallon Min.	Jojoba	5 Gallon Full, Past Can	Giant Hesperaloe	5 Gallon Full, Past Can
Opuntia Violacea		Larea Tridentata	5 Gallon Full, Past Can	Ruellia Peninsularis	5 Gallon Full, Past Can
Purple Prickly Pear		Creosote	5 Gallon Full, Past Can	Ruellia	5 Gallon Full, Past Can
		Ambrosia Deltoidea	5 Gallon Full, Past Can	Native Seed	
		Triangle Bursage		Hydroseed	



PUBLIC FACILITIES

The public facilities plan shows the subject site to be within the City’s Fire Management Area. This request to change the land use designation to Resort puts no demands for additional schools, parks, or municipal offices. In fact, changing the land use to resort should reduce the number of children from the existing Residential Estate land use which provides permanent homes with children. The properties are located within the service areas of the regional water and wastewater facilities defined in the City of Peoria Water & Wastewater Master Plans. It is the land owner responsibility to construct the water and wastewater facilities, which will then be turned over to the City of Peoria for operation – under the terms outlined in the Asset Purchase Agreement.

Fire protection is provided by an existing fire company at Lake Pleasant. Police protection is provided by the City of Peoria police department and Maricopa County Sheriff’s department.

The project is not presently within an incorporated school district and is anticipated to be primarily vacation/second or retirement population which would require no school facilities.

PHASING

Development of the recreational vehicle component will be in minimum 10-acre phases and will start at south end of the property to the north. The residential component will only occur upon development of the resort component. All phases of development will be developed as per market demand. The necessary onsite and offsite improvements will be determined during the Final Site Plan process in accordance with City of Peoria Ordinances and Guidelines.

CONCLUSION

In summary, the proposed land use amendment is a unique opportunity to provide for a development which reflects the community’s needs and is compatible with the City’s planning goals, policies and objectives. The ***Cholla Hills*** project is a well-planned, low impact and sustainable Resort, Resort Residential and Recreational Vehicle Resort with a commercial component that is compatible with the existing Lake Pleasant Regional Park, BLM and State land in the surrounding area. Further, the very low density land use is very much in harmony with the Lake Pleasant Regional Park. The project will contribute to the orderly growth of the City and will provide a unique opportunity and use which is currently unavailable. We believe that this PAD Amendment will contribute positively to the well planned growth of the northern portion of Peoria and a high quality of life for its residents and visitors.

DLGC II, LLC

PARCEL NO. 1:

THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 6 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THAT PORTION LYING NORTH OF A LINE BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 29;

THENCE SOUTHEASTERLY TO THE CENTER OF SAID SECTION 29; AND

EXCEPT THAT PORTION WHICH LIES WITHIN A STRIP OF LAND 200.00 FEET IN WIDTH, BEING 100.00 FEET WIDE ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 29;

THENCE SOUTH 00 DEGREES 08 MINUTES 58 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 29, 2174.08 FEET;

THENCE NORTH 73 DEGREES 42 MINUTES 02 SECONDS WEST; 308.14 FEET TO THE TRUE POINT OF BEGINNING OF THIS LINE DESCRIPTION;

THENCE SOUTH 73 DEGREES 42 MINUTES 02 SECONDS EAST, 474.00 FEET;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 5729.58 FEET A DISTANCE OF 1646.86 FEET;

THENCE NORTH 89 DEGREES 49 MINUTES 51 SECONDS EAST, 3440 FEET, MORE OR LESS, TO THE EAST LINE OF SAID SECTION 29, AND THE TERMINUS OF SAID LINE; AND

EXCEPT THOSE PORTIONS OF THE SOUTHWEST QUARTER OF SAID SECTION 29 CONVEYED TO THE COUNTY OF MARICOPA IN WARRANTY DEEDS RECORDED NOVEMBER 16, 1995, IN DOCUMENT NOS. 95-0706064, 95-0706065 AND 95-0706096 MARICOPA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 6 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, SAID PARCEL BEING AN 80 FEET (24.384 METERS) WIDE STRIP OF LAND, BEING 40 FEET (12.192 METERS), MEASURED AT RIGHT ANGLES, ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 29;

THENCE SOUTH 00 DEGREES 08 MINUTES 58 SECONDS WEST (ASSUMED BEARING) A DISTANCE OF 2069.97 FEET (630.927 METERS) ALONG THE SOUTHERLY PROLONGATION OF A STRAIGHT LINE BETWEEN SAID WEST QUARTER CORNER AND THE SOUTHWEST CORNER OF SAID SECTION TO THE NORTHERLY RIGHT-OF-WAY LINE OF MORRISTOWN-NEW RIVER HIGHWAY AS SHOWN ON SHEETS 5 AND 6, ARIZONA DEPARTMENT OF TRANSPORTATION PROJECT S-4, =34-705 AT A POINT 100 FEET LEFT OF HIGHWAY STATION 1076+79.18;

THENCE SOUTH 73 DEGREES 42 MINUTES 02 SECONDS EAST, A DISTANCE OF 194.82 FEET (59.381 METERS) ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO THE BEGINNING OF A CURVE CONCAVE TO THE LEFT HAVING A RADIUS 5629.58 FEET (1715.896 METERS);

No. NCS-202187B-PHX1

THENCE AN ARC DISTANCE OF 1618.12 FEET (493.203 METERS) SOUTHEASTERLY AND EASTERLY ALONG SAID CURVE TO THE BEGINNING OF A TANGENT;

THENCE NORTH 89 DEGREES 49 MINUTES 51 SECONDS EAST, A DISTANCE OF 733.12 FEET (223.455 METERS) TO THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID MORRISTOWN-NEW RIVER HIGHWAY AND THE CENTER LINE OF THE ACCESS ROAD (STATE ROUTE 74 TO LAKE PLEASANT) AS SHOWN ON THE MARICOPA COUNTY HIGHWAY DEPARTMENT PLANS MARKED W.O.30081 AT STATION 1+01.40 AND THE TRUE POINT OF BEGINNING OF SAID STRIP OF LAND 80 FEET (24.384 METERS) WIDE, LYING 40 FEET (12.192 METERS) ON EACH SIDE OF A LINE DESCRIBED AS FOLLOWS:

THENCE NORTH 09 DEGREES 42 MINUTES 09 SECONDS WEST, A DISTANCE OF 331.88 FEET (101.157 METERS) TO THE BEGINNING OF A CURVE CONCAVE TO THE RIGHT HAVING A RADIUS OF 1145.92 FEET (349.276 METERS);

THENCE NORTHERLY AND NORTHEASTERLY, AN ARC DISTANCE OF 1358.19 FEET (413.976) METERS ALONG SAID CURVE TO THE BEGINNING OF A TANGENT;

THENCE NORTH 58 DEGREES 12 MINUTES 23 SECONDS EAST, A DISTANCE OF 400.64 FEET (122.115 METERS) TO THE BEGINNING OF A CURVE CONCAVE TO THE LEFT HAVING A RADIUS OF 1145.92 FEET (349.276 METERS);

THENCE NORTHEASTERLY AND NORTH-NORTHEASTERLY, AN ARC DISTANCE OF 505.06 FEET (153.942 METERS) ALONG SAID CURVE TO THE BEGINNING OF A TANGENT;

THENCE NORTH 32 DEGREES 57 MINUTES 11 SECONDS EAST, A DISTANCE OF 1242.88 FEET (378.830 METERS) TO THE BEGINNING OF A CURVE CONCAVE TO THE RIGHT HAVING A RADIUS OF 1145.92 (349.276 METERS);

THENCE NORTHEASTERLY, AN ARC DISTANCE OF 178.35 FEET (54.361 METERS) ALONG SAID CURVE TO THE BEGINNING OF A TANGENT:

THENCE NORTH 41 DEGREES 52 MINUTES 13 SECONDS EAST A DISTANCE OF 281.60 FEET (85.832 METERS) TO THE POINT OF ENDING OF THE HEREIN DESCRIBED 80 FEET (24.384 METERS) WIDE STRIP OF LAND, THE NORTHEAST CORNER OF SAID SECTION BEARS NORTH 41 DEGREES 52 MINUTES 13 SECONDS EAST, A DISTANCE OF 460.52 FEET (140.366 METERS),

THENCE NORTH 11 DEGREES 16 MINUTES 05 SECONDS EAST, A DISTANCE OF 954.12 FEET (290.816 METERS). THE SIDELINES OF THE 80 FEET (24.384 METERS) WIDE STRIP ARE TO BE SHORTENED OR LENGTHENED AS NECESSARY TO END ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY AT STATION 1+01.40 AND ARE TO END AT RIGHT ANGLES TO THE POINT OF ENDING AT STATION 44+00.00; AND

EXCEPT THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 6 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, WHICH LIES EASTERLY OF THE EAST RIGHT-OF-WAY LINE OF THE 80 FEET WIDE STRIP OF LAND KNOWN AS THE WADDELL DAM LOOKOUT ROAD FROM STATE ROUTE 74 TO LAKE PLEASANT REGIONAL PARK;

ALSO EXCEPT ALL OIL, GAS, OTHER HYDROCARBON SUBSTANCES, HELIUM OR OTHER SUBSTANCES OF GASEOUS NATURE, COAL, METALS, MINERALS, FOSSILS, FERTILIZER OF EVERY NAME AND DESCRIPTION AND EXCEPT ALL URANIUM, THORIUM OR ANY OTHER MATERIAL WHICH IS OR MAY BE DETERMINED TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIALS WHETHER OR NOT OF COMMERCIAL VALUE, AS SET FORTH IN SECTION 37-231, ARIZONA REVISED STATUTES.

PARCEL NO. 2:

A NONEXCLUSIVE EASEMENT FOR THE PURPOSE OF TRANSPORTING WATER AND OTHER UTILITY FACILITIES, AS CREATED IN INSTRUMENT RECORDED NOVEMBER 16, 1995, IN DOCUMENT NO.95-0706097, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 50 FEET (15.240 METERS) WIDE STRIP OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 6 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, SAID STRIP LYING NORTHERLY OF THE NORTHERLY RIGHT-OF-WAY LINE OF MORRISTOWN-NEW RIVER HIGHWAY AND LYING EASTERLY OF THE WEST RIGHT-OF-WAY LINE OF AN 80 FEET (24.384 METERS) WIDE STRIP OF LAND BEING 40 FEET (12.192 METERS) ON EACH SIDE OF THE CENTER LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 29;

THENCE SOUTH 00 DEGREES 08 MINUTES 58 SECONDS WEST (ASSUMED BEARING), A DISTANCE OF 2069.97 FEET (630.927 METERS) ALONG THE SOUTHERLY PROLONGATION OF A STRAIGHT LINE BETWEEN SAID WEST QUARTER CORNER AND THE SOUTHWEST CORNER OF SAID SECTION TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE MORRISTOWN-NEW RIVER HIGHWAY AS SHOWN ON SHEETS 5 AND 6, ARIZONA DEPARTMENT OF TRANSPORTATION PROJECT S-4, =34-705 AT A POINT 100 FEET LEFT OF HIGHWAY STATION 1076+79.18;

THENCE SOUTH 73 DEGREES 42 MINUTES 02 SECONDS EAST, A DISTANCE OF 194.82 FEET (59.381 METERS) ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO THE BEGINNING OF A CURVE CONCAVE TO THE LEFT HAVING A RADIUS OF 5629.58 FEET (1715.896 METERS);

THENCE AN ARC DISTANCE OF 1618.12 FEET (493.203 METERS) SOUTHEASTERLY AND EASTERLY ALONG SAID CURVE TO THE BEGINNING OF A TANGENT;

THENCE NORTH 89 DEGREES 49 MINUTES 51 SECONDS EAST, A DISTANCE OF 733.12 FEET (223.455 METERS) TO THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID MORRISTOWN-NEW RIVER HIGHWAY AND THE CENTER LINE OF THE ACCESS ROAD (STATE ROUTE 74 TO LAKE PLEASANT AS SHOWN ON THE MARICOPA COUNTY HIGHWAY DEPARTMENT PLANS MARKED W.O.30081 AT STATION 1+01.40 AND THE TRUE POINT OF BEGINNING OF SAID STRIP OF LAND 80 FEET (24.384 METERS) WIDE, LYING 40 FEET (12.192 METERS) ON EACH SIDE OF A LINE DESCRIBED AS FOLLOWS:

THENCE NORTH 09 DEGREES 42 MINUTES 09 SECONDS WEST, A DISTANCE OF 331.88 FEET (101.157 METERS) TO THE BEGINNING OF A CURVE CONCAVE TO THE RIGHT HAVING A RADIUS OF 1145.92 FEET (349.276 METERS);

THENCE NORTHERLY AND NORTHEASTERLY, AN ARC DISTANCE OF 1358.19 FEET (413.976 METERS) ALONG SAID CURVE TO THE BEGINNING OF A TANGENT;

THENCE NORTH 58 DEGREES 12 MINUTES 23 SECONDS EAST, A DISTANCE OF 400.64 FEET (122.115 METERS) TO THE BEGINNING OF A CURVE CONCAVE TO THE LEFT HAVING A RADIUS OF 1145.92 FEET (349.276 METERS);

THENCE NORTHEASTERLY AND NORTH-NORTHEASTERLY, AN ARC DISTANCE OF 505.06 FEET (153.942 METERS) ALONG SAID CURVE TO THE BEGINNING OF A TANGENT;

THENCE NORTH 32 DEGREES 57 MINUTES 11 SECONDS EAST A DISTANCE OF 1242.88 FEET (378.830 METERS) TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1145.92 FEET (349.276 METERS);

THENCE NORTHEASTERLY AN ARC DISTANCE OF 178.35 FEET (54.361 METERS) ALONG SAID CURVE TO THE BEGINNING OF A TANGENT;

THENCE NORTH 41 DEGREES 52 MINUTES 13 SECONDS EAST, A DISTANCE OF 281.60 FEET (85.832 METERS) TO THE POINT OF ENDING OF THE HEREIN DESCRIBED 80 FEET (24.384 METERS) WIDE STRIP OF LAND, THE NORTHEAST CORNER OF SAID SECTION BEARS NORTH 41 DEGREES 52 MINUTES 13 SECONDS EAST, A DISTANCE OF 460.52 FEET (140.366 METERS),

THENCE NORTH 11 DEGREES 16 MINUTES 05 SECONDS, EAST, A DISTANCE OF 954.12 FEET (290.816 METERS).

LAKE PLEASANT GROUP, LLP

PARCEL NO. 3:

THAT PART OF SECTION 19, TOWNSHIP 6 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 19;

THENCE NORTH 00 DEGREES 52 MINUTES 38 SECONDS EAST, ALONG THE WEST LINE OF SAID SECTION 19, A DISTANCE OF 1916.62 FEET RECORD (1920.00 FEET, MEASURED) TO AN ANGLE POINT ON SAID WEST LINE;

THENCE NORTH 00 DEGREES 28 MINUTES 22 SECONDS WEST, ALONG THE WEST LINE OF SAID SECTION 19, A DISTANCE OF 689.76 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 19;

THENCE CONTINUING NORTH 00 DEGREES 28 MINUTES 22 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 19, A DISTANCE OF 1922.77 FEET RECORD NORTH 00 DEGREES 28 MINUTES 10 SECONDS WEST 2612.40 FEET MEASURED, TO AN ANGLE POINT ON SAID WEST LINE;

THENCE NORTH 00 DEGREES 00 MINUTES 52 SECONDS WEST ALONG SAID WEST LINE OF SECTION 19, A DISTANCE OF 146.02 FEET, RECORD NORTH 00 DEGREES 00 MINUTES 52 SECONDS WEST 146.02 FEET 146.02 MEASURED;

THENCE NORTH 76 DEGREES 25 MINUTES 06 SECONDS EAST, A DISTANCE OF 153.80 FEET, RECORD NORTH 76 DEGREES 31 MINUTES 28 SECONDS EAST 153.79 FEET MEASURED;

THENCE SOUTH 69 DEGREES 35 MINUTES 55 SECONDS EAST 2288.02 RECORD, SOUTH 69 DEGREES 35 MINUTES 56 SECONDS EAST, A DISTANCE OF 2288.02 FEET MEASURED;

THENCE SOUTH 75 DEGREES 35 MINUTES 58 SECONDS EAST, A DISTANCE OF 174.03 FEET RECORD, SOUTH 75 DEGREES 38 MINUTES 07 SECONDS EAST 174.06 FEET MEASURED TO A POINT ON THE NORTH-SOUTH MIDSECTION LINE OF SAID SECTION 19 FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 19 BEARS NORTH 00 DEGREES 40 MINUTES 50 SECONDS WEST, A DISTANCE OF 1385.78 FEET;

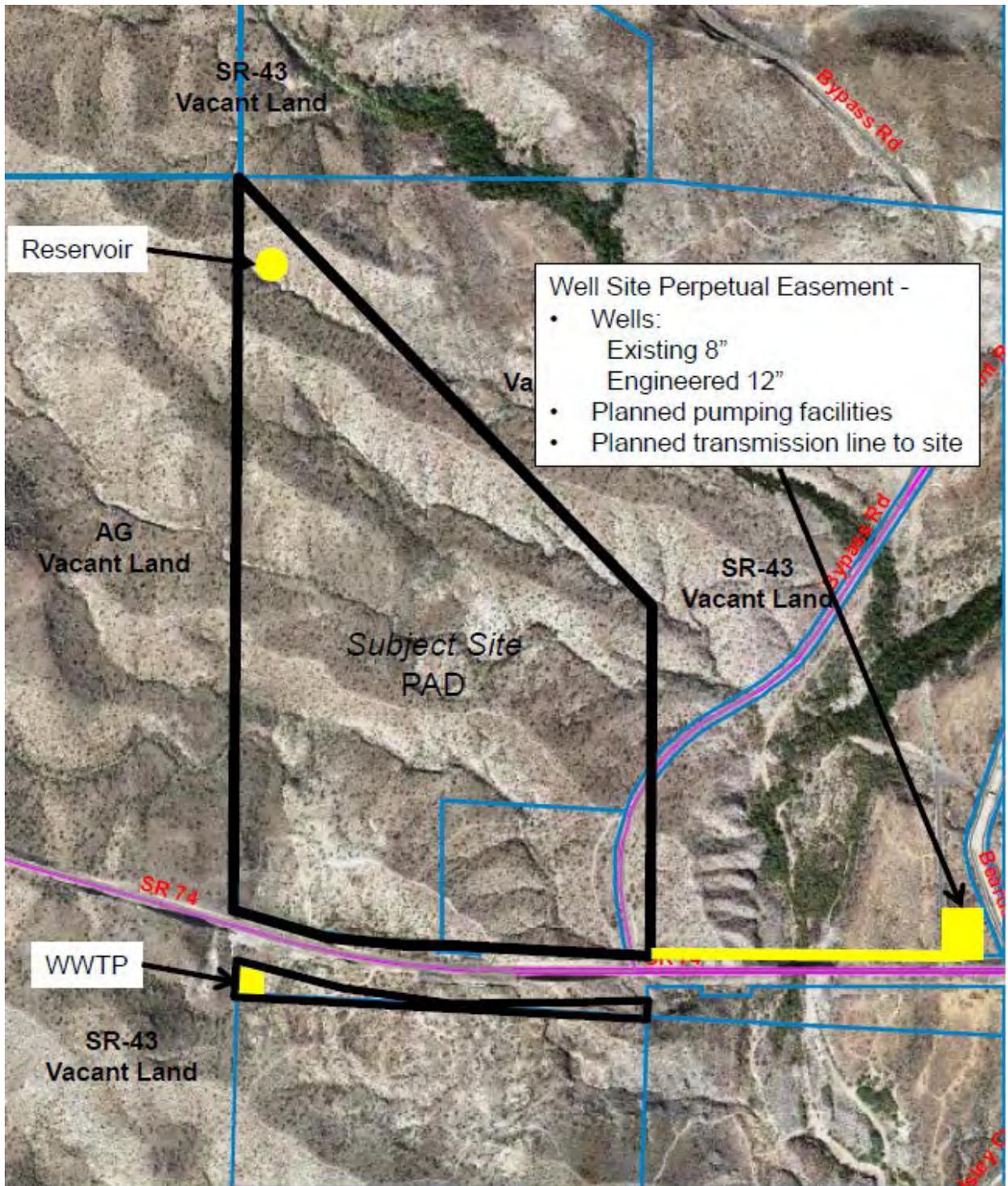
THENCE SOUTH 00 DEGREES 40 MINUTES 50 SECONDS EAST ALONG SAID NORTH-SOUTH MIDSECTION LINE, A DISTANCE OF 1235.58 FEET RECORD, SOUTH 00 DEGREES 40 MINUTES 13 SECONDS EAST 1235.69 FEET MEASURED, TO THE CENTER OF SAID SECTION 19;

THENCE CONTINUING SOUTH 00 DEGREES 40 MINUTES 50 SECONDS EAST ALONG SAID MIDSECTION LINE, A DISTANCE OF 2608.24 FEET RECORD SOUTH 00 DEGREES 41 MINUTES 11 SECONDS EAST 2607.91 FEET MEASURED TO THE SOUTH QUARTER CORNER OF SAID SECTION 19;

THENCE SOUTH 89 DEGREES 23 MINUTES 44 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 19, A DISTANCE OF 2516.11 FEET, RECORD SOUTH 89 DEGREES 23 MINUTES 44 SECONDS WEST 2516.33 FEET MEASURED TO THE POINT OF BEGINNING;

EXCEPT 1/16TH OF ALL OIL, GAS, OTHER HYDROCARBON SUBSTANCES, HELIUM OR OTHER

HYDROCARBON SUBSTANCES OF A GASEOUS NATURE, COAL, METALS, MINERALS, FOSSILS, FERTILIZER OF EVERY NAME AND DESCRIPTION, TOGETHER WITH ALL URANIUM, THORIUM, OR ANY OTHER MATERIAL WHICH IS OR MAY BE DETERMINED BY THE LAWS OF THE UNITED STATES OR OF THIS STATE, OR DECISIONS OF COURT, TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE AND THE EXCLUSIVE RIGHT THERETO, ON, IN OR UNDER THE ABOVE DESCRIBED LANDS, SHALL BE AND REMAIN AND ARE HEREBY RESERVED IN AND RETAINED BY THE STATE OF ARIZONA.



Cholla Hills
Water and Wastewater Off-site Infrastructure

Appendix A

Developing the Property in Accordance with “Desert Lands Conservation Guidelines”

Both Parcel 1 and Parcel 2 will be developed in accordance with the “Desert Lands Conversation Guide” created and adopted by the City of Peoria for the purpose to promote greater design sensitivity to the unique Sonoran desert. The Guidelines apply to property located within the Desert Lands Conservation Overlay District as defined in that plan, and will serve as a basis on the limitation, density, and quality for this plan’s development. This narrative will discuss each parcel’s existing conditions in respect to topography, drainage, plant community identification, geologic formations and conservation features to be preserved, and wildlife species and habitat. The accompanying report and graphics included with this report are of a preliminary nature and will serve as a preliminary first step and evaluation to a final report and Conversation Plan.

General

Cholla Hills PAD is directly south of Lake Pleasant, one of the largest lakes in Arizona. The Lake encompasses 10,000 acres of water surface and 118 miles of shoreline. Lake Pleasant is fed by the Aqua Fria and Colorado Rivers via the Central Arizona Project Canal. The area surrounding Lake Pleasant is developed with campsites and recreational amenities that serve the users of the Lake. The campgrounds can often exceed their capacity during the busy summer months and holiday weekends resulting in campers and boaters being turned away. The Waddell Dam Construction Project in 1992 tripled the size of the Lake and the need for additional developed RV and camp sites was even more evident. It became apparent to this land owner the need for additional services and facilities to support the Lake’s recreational attraction. The property owners request to develop an upscale Resort on Parcel 2 along with a 5-star Recreational Vehicle Resort Community on Parcel 1 as the result of this additional demand for RV. Due to the topographic constraints of both parcels as well as the desire of the owner to preserve the natural beauty, each site will develop a program and site plan to retain this beauty and develop a site plan that will both enhance and conserve the natural desert landscape.

Parcel 1

Parcel 1 (Southeast Property) is located at the northwest corner of State Route 74 and Old Lake Pleasant Road and encompasses 210 acres of light to medium density indigenous Sonoran shrubs, trees, and cactus. The site is currently void of improvements and development and is surrounded on all sides by vacant desert property. The topography of this site ranges from (2) two high elevation points of 1650.00 to low points in (4) four major dry stream beds of approximately 1450.00. The stream beds traverse this site from the northwest and flow through and off the site to the southeast. “Conservation Plan 2” (Parcel 2), illustrates the exact location and orientation of the washes and ridge lines that traverse this site. The major natural washes will generate in excess of 500 CFS of stormwater drainage during the 100 year storm event therefore it will be imperative that these washes will be left in a natural state and undeveloped to allow the rainfall generated upstream and offsite to flow through this site unimpeded. As illustrated on “Conservation Plan 1” and Conservation Plan 2” (Parcel 1) following this narrative section, the R. V. Site, RV pads sites, roadways, and clubhouse/recreational amenities are designed to allow for these natural washes to be left unchanged and in their natural state. The road and utility crossings over these washes are minimized with the proposed plan and where this occurs an

engineered bridge or culvert system will be designed to provide for the maximum flows with a minimal amount of disturbance to the site.

Most of the landform types on this parcel are defined as “bajada” or “hillside” with slope gradients in the range of 9% - 25%. At present and without further detailed research there are no known or unusual geologic formations on this site. A geotechnical survey and soils report will be provided by the property owner’s consultant prior to preparation of final improvement plans. The soils report will identify any problem soils that exhibit instability and expansive qualities that are present in the soil and substrata and provide recommendations to overcome any unusual soil conditions that may exist on this site.

The existing plant community on this site is generally of light to medium dense vegetation and for the most part healthy and free of disease. The significant or more densely populated vegetated areas are in the natural washes where rainfall accumulates and provides available moisture for indigenous plants and cacti to evolve. The higher topographic elevations and slopes of this site have plant community species and densities estimated at the following rates:

Native Mesquite (Prosopis Velutina)	1 tree/acre	210 trees total
Foothills Palo Verde (Cercidium Microphyllum)	1.5 trees/acre	315 trees total
Ironwood Tree (Olneya Tesota)	.75 tree/acre	157 trees total
Saguaro Carnegiana Gigantea)	6 /acre	1,260 total
Barrel Species (Ferrocactus)	12 /acre	2,520 total
Ocotillo (Fouquieria Splendens)	.25/acre	52 total
Buckhorn Cholla (Opuntia Acanthocarpi)	14/acre	2,940 total

The plant types listed above are protected species and will require salvaging and relocation to open space areas on-site for those plants that are in the path of improvements, are physically healthy, and do not have accessibility limitations. From a visual survey of the site, it is estimated that approximately 60-75% of the existing plants in the path of development will be capable of salvaging and successfully relocating to other areas on this site. Other plant species that were inventoried and visually inspected are included in the list below:

- Quail Bush (Atriplex Lentiformus)
- Triangle Leaf Bursage (Ambrosia Deltoidea)
- Jojoba (Simmondsia Chinensis)
- Fairy Duster (Calliandra Eriophylla)
- Creosote (Larrea Tridentata)
- Brittle Bush (Encelia Farinosa)
- Hedgehog Cactii (Echinocereus Triglochidiatus)

Due to the small size of these plants, they will not be salvaged, but instead will be revegetated in areas where construction has scarred or damaged the existing vegetation and ground surface. Using this blend of plant types in a revegetation seed mix will create a landscape that will blend harmoniously with the surrounding native desert flora.

The wildlife of this Sonoran Desert parcel is quite extensive and for many of the species they are quite adaptive and adjust well with development and habitat modification. We will limit the wildlife inventory to those species that are known to inhabit this area specifically as stated by the “Arizona Game and Fish Department”.

Desert Tortoise (*Gopherus Agassizii*): This species can be found in the gravelly desert washes and sandy canyon bottoms. This species of Tortoise spends November through February in a torpid state in underground burrows and is usually not seen by human, since 95% of the life of a tortoise is spent underground. The most active time is Spring when they forage for herbs, grasses, and new growth of cactus. The Desert Tortoise is considered a threatened species under the “Federal Endangered Species Act” of 1990. Their habitat, if they exist on this property, will be the desert washes.

Great Horned Owl (*Bubo Virginiana Strigidae*): One of the most widespread and common owls in North America and specifically the Sonoran Desert. They are very adaptive to habitat change and will move and nest into areas that are not populated.

Golden Eagle (*Aquila Curysaetos*): The eagle is a protected species and will maintain territories as large as 60 square miles. During site visits and visual inventories of the property, the Golden Eagle or its nest was not evident. Further research and visual inspection of the property will be required prior to developing a final plan for construction.

Javelina (*Tayassu Tajacu*): Javelina typically live in canyon areas of the desert and travel/hunt in groups. The natural washes that traverse this site and continue into adjacent properties are their habitat. The Javelina can be found in great numbers and they will not be extinct anytime soon. In populated and developed areas, if the natural desert washes that orient parallel with each other are less than 1,000 feet apart, the Javelina will typically not use the wash for their habitat or migration. The spacing of the desert washes on this site conforms to that minimum distance, therefore it is anticipated that for the most part the Javelina that roam this area will adjust their migrating and habitat patterns.

Coyote (*Canis Latrans*): Coyotes are clever animals and adjust to their environment. Like the Javelina, the Coyote can be found in great numbers and will adjust to a change in their habitat.

Parcel 2

Parcel 2 (Northwest Property) is approximately 244 acres in size and is located one half mile north and west of Parcel 1. Access to this site is via a State Land easement which also continues through this site and continues on to connect to Parcel 1. This site’s vegetation density is similar to Parcel 1 and is also void of any substantial improvements and development. Lake Pleasant Regional Park adjoins this site and is surrounded by vacant desert property. The topography of this site undulates vertically with a topographic high point elevation of 1756.00 at various points along the west property line as illustrated on “Conservation Plan 2” (Parcel 2) following this report. There are (3) three washes that traverse this site, but the major wash which is named “Morgan City Wash” bisects this property and will carry an amount of storm water exceeding 500 CFS during the 100 year storm event. Other than a single road and utility crossing, there will

be no improvements in or near this Wash for a distance that will be prescribed in a drainage and hydrologic report prepared by the owner's engineering consultant prior to preparation of the final construction drawings. The smaller secondary washes will also be left as natural open space and undeveloped. As stated in the narrative under Parcel 1, the sandy desert washes are the natural corridors for animal species that live in this region and are also the most heavily vegetated areas of the sites. It is obvious that the natural washes will be preserved as much as possible and development restricted to the higher slopes and ridges of each site.

Again, most of the landform types on this parcel are defined as "bajada" or "hillside" with slope gradients in the range of 8% - 25%. Like Parcel 1, there are no known or unusual geologic formations on this site. Prior to proceeding with final improvement plans, a geotechnical survey and soils report will be provided by the property owner's engineering consultant to further review and identify any soil problems relative to instability and expansive qualities. "Conservation Plan 1" (Parcel 2) graphically shows the extent of the existing natural open space that will be left undeveloped and preserved.

The existing plant community and wildlife species and habitat on Parcel 2 is very similar to Parcel 1 in respect to overall plant densities, quality of plant species, and wildlife habitats. Only a few minor off-road vehicular trails are evident on both sites with vandalism to plants and natural desert surfaces almost non-existent.

Conclusion

Parcel 1 (Southeast Property) will be improved with a low density of approximately 750 developed R. V. Sites on app. 187 acres. In addition to this, App. 23 acres of ancillary commercial will serve the R.V. park and will be placed along State Route 74. The R.V sites will have electrical/water hookups, a dump station, a small concrete pad for portable picnic tables, grills, and chairs, and a graded pad with a stabilized granite surface. The campsites will also be graded and finished with a stabilized granite topdressing, and most will be furnished with fire pits, and areas to accommodate grills and portable picnic tables.

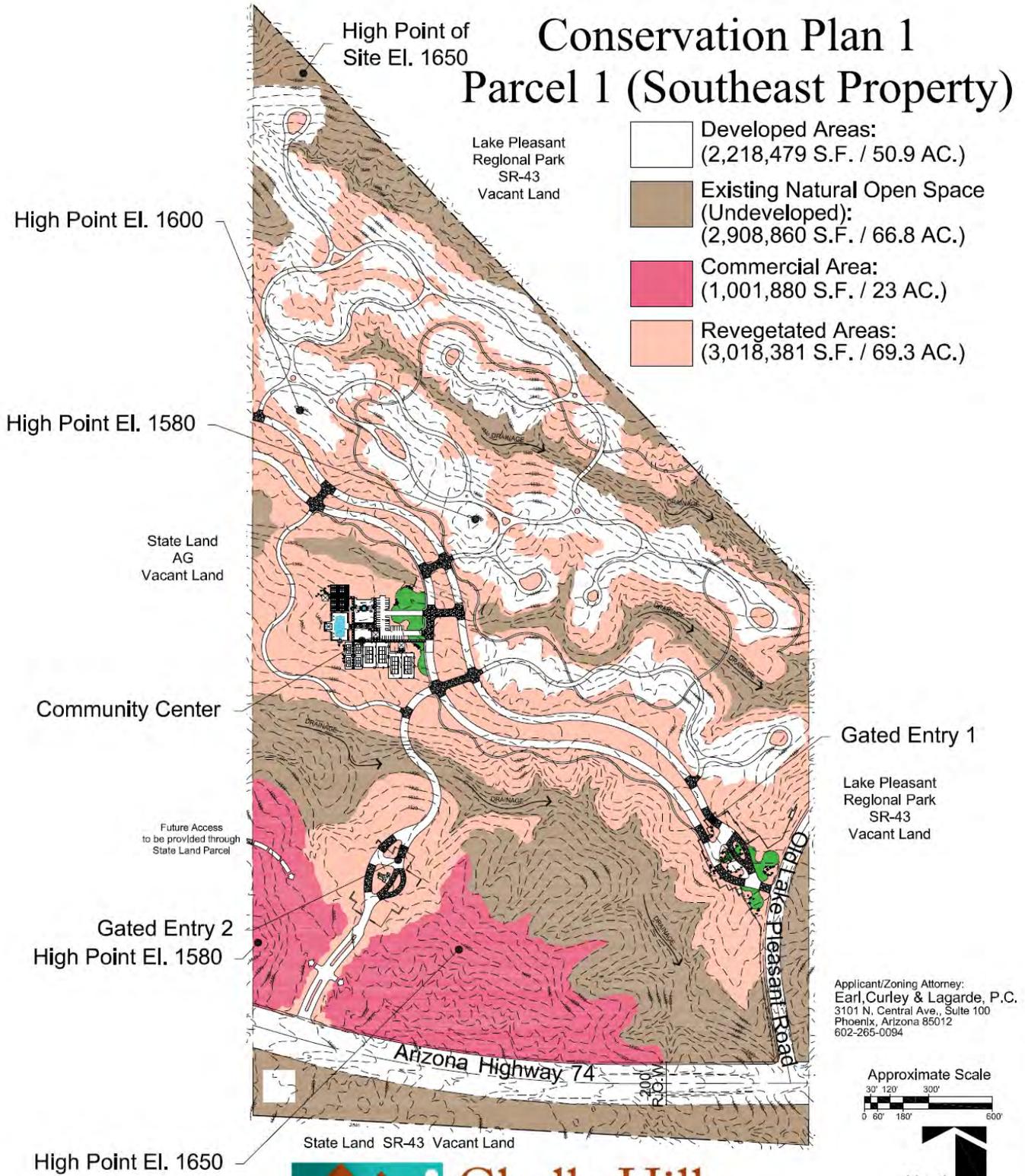
As shown on the exhibit that follows, "Conservation Plan 1" (Parcel 1), the roadways, and Recreational Vehicle sites for Parcel 1 have been designed with respect to the contouring of the land, minimizing cuts and fills, and allowing the natural desert washes to be undeveloped and reserved for natural open space and trails. The combination of the common open space left in its natural condition and open space re-vegetated with all salvaged trees and cacti, will be over 50% of the Recreational Vehicle resort site. The 23 acre commercial will have a very low building coverage that has been identified and stated previously in this report. With the required parking included, the building and parking site coverage will be 25% less than the average commercial center. As shown on "Conservation Plan 1" (Parcel 1), a large undeveloped open space and desert wash will buffer the commercial from the Recreational Vehicle resort. A multi-use trail system has been designed to connect the clubhouse/amenities and commercial center services with the various Recreational Vehicle sites (See "Conservation Plan 1").

Architecturally, the building materials will be of natural stone and painted stucco with earthtone colors complementing the surrounding environment. Stone that is indigenous to the site will be

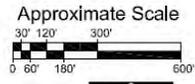
utilized in wire gabion baskets throughout the decorative entry walls and for retaining walls that will be provided as needed. Stone veneer materials to embellish the clubhouse, commercial, and resort architecture will be similar in color and texture to the native stone on site blending all (3) three site harmoniously.

Overall the proposed development has taken steps to preserve the desert vegetation and open space, provided pedestrian linkages and trails through developed and undeveloped open space corridors, provided a program for revegetation of the native desert habitat and landscape, minimized mass grading, limited disturbance to desert washes so that net loss of endangered species animal habitats are protected, and lastly provided low density developments designed with color finishes and materials that will blend harmoniously with the surrounding area and environment.

Conservation Plan 1 Parcel 1 (Southeast Property)



Applicant/Zoning Attorney:
Earl, Curley & Lagarde, P.C.
3101 N. Central Ave., Suite 100
Phoenix, Arizona 85012
602-265-0084



North
Date: April 10, 2012

Conservation Plan 2 Parcel 1 (Southeast Property)

**PLAN DATA AND
PROPOSED USES:**

PARCEL 1: 210 ACRES (9,147,600 S.F.)

- RECREATIONAL VEHICLE RESORT- 187 ACRES
- COMMERCIAL PROPERTY- 23 ACRES

PROPERTY OWNERS:

DLGC II, L.L.C. AND LAKE PLEASANT GROUP, L.L.P.
BILTMORE FINANCIAL CENTER
2390 E. CAMELBACK ROAD, SUITE 310
PHOENIX, ARIZONA 85016

PREPARED BY:

PHILLIP R. RYAN, LANDSCAPE ARCHITECT, P.C.
575 W. CHANDLER BOULEVARD, SUITE 229
CHANDLER, ARIZONA 85225
PHONE: (480) 899-5813
E-MAIL: mail@ryanassoclatesonline.net

PROJECT NARRATIVE:

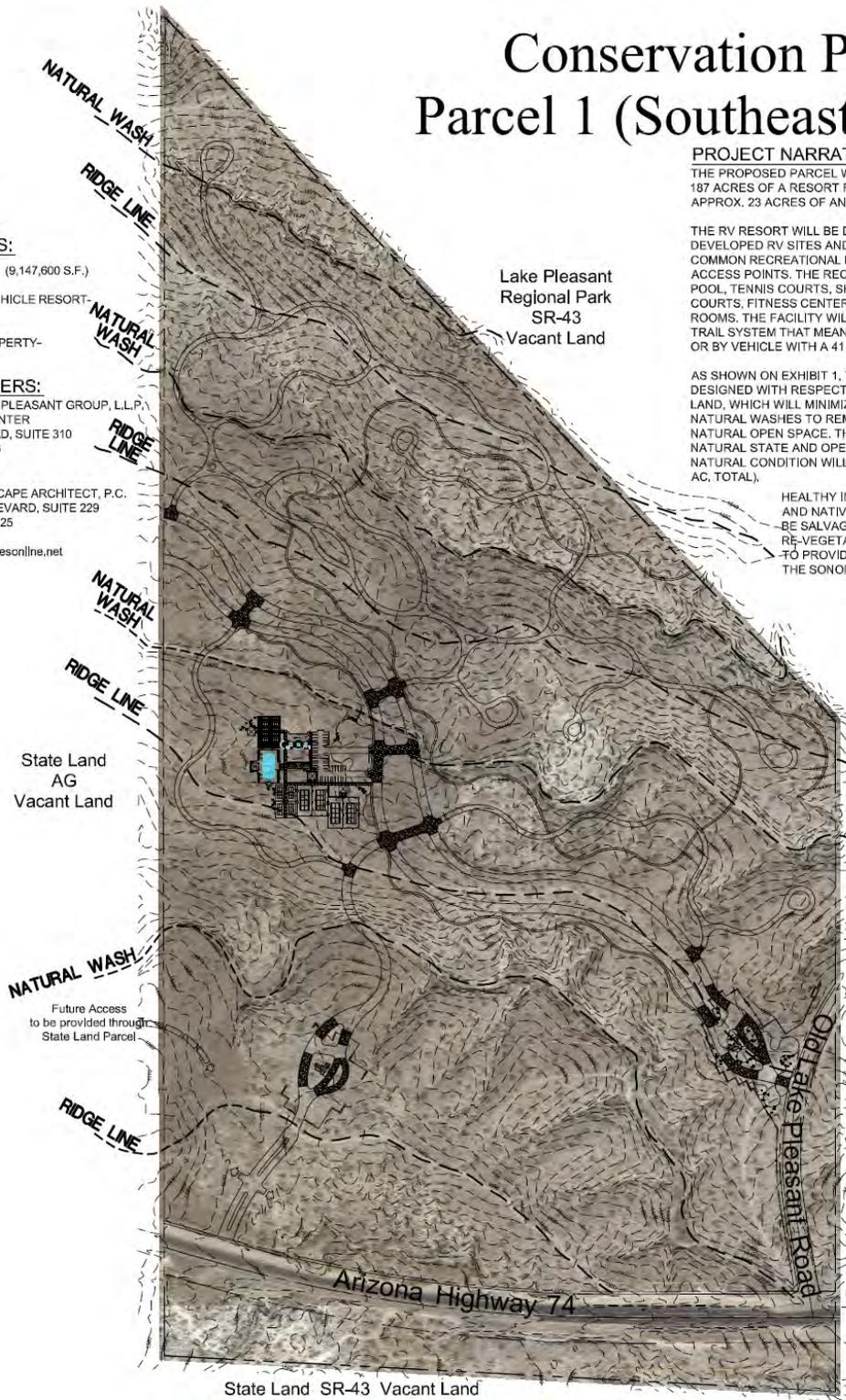
THE PROPOSED PARCEL WILL BE DEVELOPED WITH APPROX. 187 ACRES OF A RESORT FOR RECREATIONAL VEHICLES AND APPROX. 23 ACRES OF ANCILLARY COMMERCIAL RETAIL.

THE RV RESORT WILL BE DEVELOPED WITH APPROX. 750 DEVELOPED RV SITES AND SEMI-DEVELOPED CAMPSITES, A COMMON RECREATIONAL FACILITY AND (2) TWO GATED ACCESS POINTS. THE RECREATIONAL FACILITY WILL INCLUDE A POOL, TENNIS COURTS, SHUFFLEBOARD COURTS, PICKLEBALL COURTS, FITNESS CENTER WITH SHOWERS, AND ACTIVITY ROOMS. THE FACILITY WILL BE ACCESSABLE BY A PEDESTRIAN TRAIL SYSTEM THAT MEANDERS THROUGH THE DEVELOPMENT OR BY VEHICLE WITH A 41 CAR PAVED PARKING LOT.

AS SHOWN ON EXHIBIT 1, THE IMPROVEMENT PLAN HAS BEEN DESIGNED WITH RESPECT TO THE EXISTING CONTOURS OF THE LAND, WHICH WILL MINIMIZE CUTS AND FILLS AND ALLOW THE NATURAL WASHES TO REMAIN AS MUCH AS POSSIBLE AS NATURAL OPEN SPACE. THE COMMON OPEN SPACE LEFT IN A NATURAL STATE AND OPEN SPACE RE-VEGETATED TO ITS NATURAL CONDITION WILL BE OVER 70% OF THE RV SITE (132.6 AC. TOTAL).

HEALTHY INDIGENOUS TREES (OVER 4" CALIPER) AND NATIVE CACTII IN DEVELOPED AREAS WILL BE SALVAGED AND TRANSPLANTED TO EITHER RE-VEGETATED AREAS OR DEVELOPED SITES TO PROVIDE FOR A VISUAL CONTINUATION OF THE SONORAN DESERT LANDSCAPE.

MOST OF THE LANDFORM TYPES ON THIS PARCEL WILL BE BAJADA OR HILLSIDE WITH SLOPE GRADIENTS THAT RANGE FROM 9%-25%. THE MAJOR COLLECTOR ROAD THAT TRAVERSES THE SITE FROM SOUTHEAST TO NORTHWEST IS DESIGNED TO STRADDLE THE HIGHEST RIDGE ON THE PROPERTY AND WILL HAVE A RESTORED LANDSCAPED MEDIAN THAT IS PARALLEL WITH THE RIDGE LINE. THIS HEAVILY VEGETATED MEDIAN WILL BE THE PREDOMINANT VISUAL FEATURE UPON ENTERING THE SITE. OTHER ROADWAYS ARE DESIGNED TO INTEGRATE WITH THE NATURAL SLOPES AND WILL PROVIDE GRADIENTS OF 5% OR LESS TO CONFORM TO LOCAL AND FEDERAL ACCESSIBILITY REQUIREMENTS FOR PEDESTRIAN PATHWAYS. DISTURBANCE TO THE NATURAL WASHES WILL BE LIMITED TO ROAD AND UTILITY CROSSINGS.



State Land
AG
Vacant Land

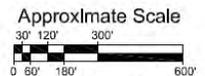
Lake Pleasant
Regional Park
SR-43
Vacant Land

Lake Pleasant
Regional Park
SR-43
Vacant Land

Applicant/Zoning Attorney:
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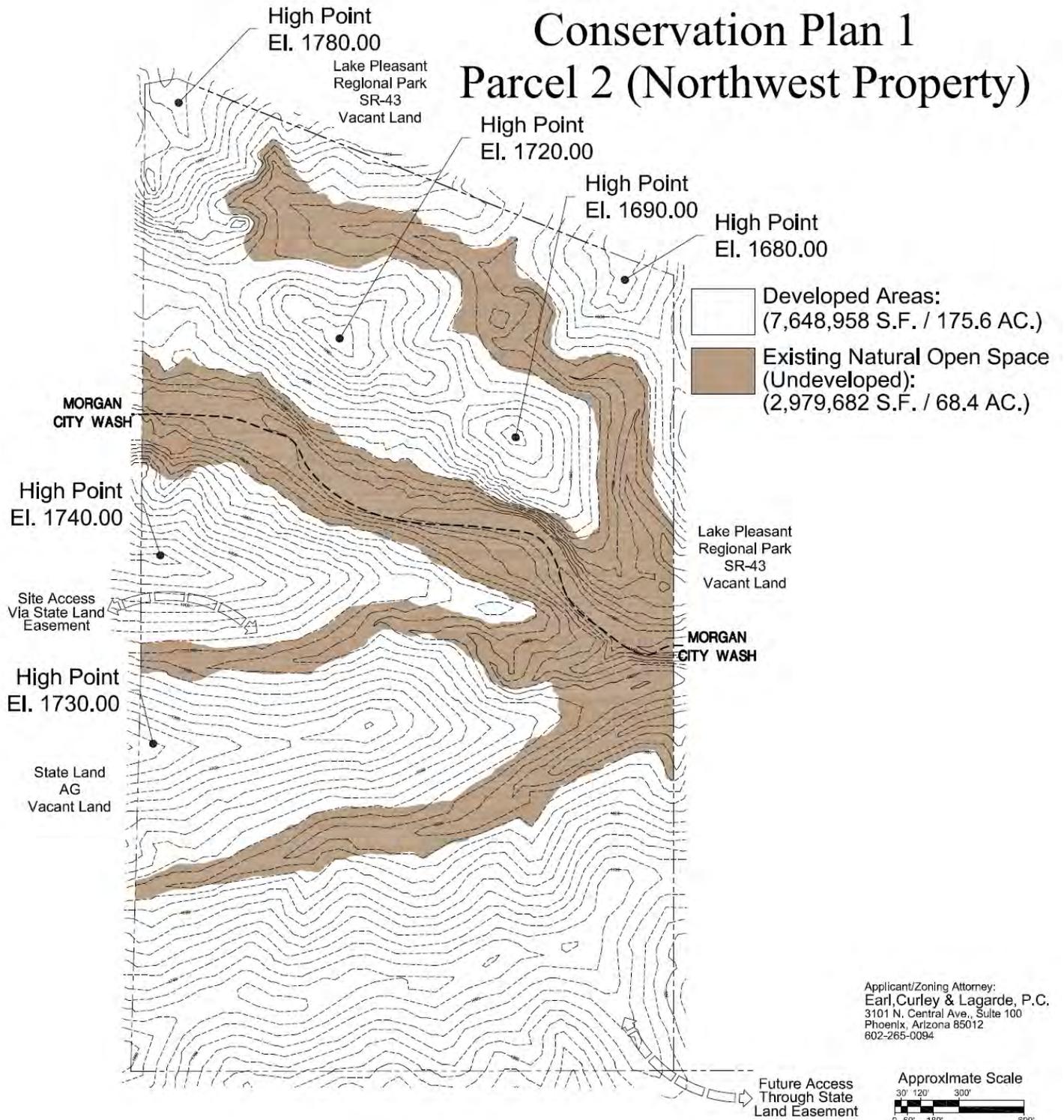
Future Access
to be provided through
State Land Parcel

State Land SR-43 Vacant Land

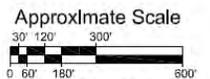


North
Date: April 10, 2012

Conservation Plan 1 Parcel 2 (Northwest Property)



Applicant/Zoning Attorney:
Earl Curley & Lagarde, P.C.
3101 N. Central Ave., Suite 100
Phoenix, Arizona 85012
602-265-0094



North
Date: July 30, 2012

Conservation Plan 2 Parcel 2 (Northwest Property)

High Point
 El. 1780.00

High Point
 El. 1680.00

**PLAN DATA AND
 PROPOSED USES:**

PARCEL 2: 244 ACRES (10,628,640 S.F.)

- 5 STAR RESORT (144 UNITS)- 244 ACRES

PROPERTY OWNERS:

DLGC II, L.L.C. AND LAKE PLEASANT GROUP, L.L.P.
 BILTMORE FINANCIAL CENTER
 2390 E. CAMELBACK ROAD, SUITE 310
 PHOENIX, ARIZONA 85016

PREPARED BY:

PHILLIP R. RYAN, LANDSCAPE ARCHITECT, P.C.
 575 W. CHANDLER BOULEVARD, SUITE 229
 CHANDLER, ARIZONA 85225
 PHONE: (480) 899-5813
 E-MAIL: mail@ryanassociatesonline.net

PROJECT NARRATIVE:

THE PROPOSED PARCEL WILL BE DEVELOPED WITH 144 UNITS ON 244 ACRES FOR A 5-STAR RESORT DEVELOPMENT.

THE IMPROVEMENT PLAN WILL BE DESIGNED WITH RESPECT TO THE EXISTING CONTOURS OF THE LAND, WHICH WILL MINIMIZE CUTS AND FILLS AND ALLOW THE NATURAL WASHES TO REMAIN AS MUCH AS POSSIBLE AS NATURAL OPEN SPACE. THE COMMON OPEN SPACE LEFT IN A NATURAL STATE WILL BE OVER 28% OF THE SITE.

HEALTHY INDIGENOUS TREES (OVER 4" CALIPER) AND NATIVE CACTII IN DEVELOPED AREAS WILL BE SALVAGED AND TRANSPLANTED TO EITHER RE-VEGETATED AREAS OR DEVELOPED SITES TO PROVIDE FOR A VISUAL CONTINUATION OF THE SONORAN DESERT LANDSCAPE.

MOST OF THE LANDFORM TYPES ON THIS PARCEL WILL BE BAJADA OR HILLSIDE WITH SLOPE GRADIENTS THAT RANGE FROM 8%-25%.

High Point
 El. 1720.00

High Point
 El. 1690.00

High Point
 El. 1740.00

MORGAN CITY WASH

NATURAL DESERT WASH

RIDGE LINE

NATURAL DESERT WASH

MORGAN CITY WASH

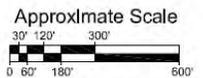
High Point
 El. 1730.00

RIDGE LINE

NATURAL DESERT WASH

RIDGE LINE

Applicant/Zoning Attorney:
 Earl Curley & Lagarde, P.C.
 3101 N. Central Ave., Suite 100
 Phoenix, Arizona 85012
 602-265-0094



North
 Date: July 30, 2012



Cholla Hills

Peoria, Arizona

Appendix B