



MUNICIPAL OFFICE COMPLEX  
8401 W. MONROE STREET  
PEORIA, AZ 85345

**PLANNING & ZONING  
COMMISSION:**

Bill Louis, Chair  
Nancy Golden, Vice Chair  
Leigh Strickman, Secretary  
Greg Loper  
Gene Sweeney  
Veda McFarland  
Charles J. Marr

Department Liaison  
Chris Jacques

***Accommodations for  
Individuals with Disabilities.***  
*Alternative format materials, sign  
language interpretation, assistive  
listening devices or interpretation  
in languages other than English  
are available upon 72 hours  
advance notice through the Office  
of the City Clerk, 8401 West  
Monroe Street, Room 150, Peoria,  
Arizona 85345 (623)773-7340,  
TDD (623)773-7221, or FAX (623)  
773-7304. To the extent possible,  
additional reasonable  
accommodations will be made  
available within the time  
constraints of the request.*

**PLANNING & ZONING COMMISSION  
REGULAR MEETING  
NOTICE & AGENDA  
THURSDAY, MARCH 15, 2012  
6:30 P.M.  
COUNCIL CHAMBER  
8401 W. MONROE ST.**

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**CONVENE:**

**ROLL CALL:**

**OPENING STATEMENT:**

**CALL TO SUBMIT SPEAKER REQUEST FORMS:**

**CONSENT AGENDA**

**CONSENT AGENDA:** All items listed with "C" are considered to be routine or have been previously reviewed by the Planning and Zoning Commission, and will be enacted by one motion. There will be no separate discussion of these items unless a Commission member so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

**CONSENT – New Business:**

- 1C** **DISPOSITION OF ABSENCE:** Discussion and possible action to approve/excuse the absence of Commissioner Greg Loper from the March 1, 2012 Meeting.
- 2C** **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held March 1, 2012.

## REGULAR AGENDA

### UNFINISHED BUSINESS:

**3R PUBLIC HEARING:** RE: Conditional Use Permit.

**PUBLIC HEARING – CU12-0002:** Phil and Karen Kary are requesting a Conditional Use Permit for Crossroads Books & Coffee to allow an outdoor seating area. The property is located within the Fry's Shopping Center at 9069 West Olive Avenue.

**Staff Report**

**Open Public Hearing**

**Public Comment**

**Close Public Hearing**

**Commission Action:** Discussion and possible action to recommend approval of a request from Phil and Karen Kary for a Conditional Use Permit to allow an outdoor seating area.

### NEW BUSINESS:

**4R PUBLIC HEARING:** RE: Zoning Amendment.

**PUBLIC HEARING – Z01-10A.11:** Vistancia South LLC is requesting to amend the Vistancia South Planned Community District (PCD). This amendment proposes to combine Vistancia South and Vistancia North into a single PCD document. Also proposed is a reduction of total allowable dwelling units, adjustments to certain development standards including increased building height in 'Village D', and modifications to the current hillside development standards. The property is generally located at Vistancia Blvd. & Lone Mountain Road (approximately 7,100 acres).

**Staff Report**

**Open Public Hearing**

**Public Comment**

**Close Public Hearing**

**Commission Action:** Discussion and possible action to recommend approval of a request from Vistancia South LLC to amend the Vistancia South Planned Community District (PCD).

### CALL TO THE PUBLIC: (Non-Agenda Items)

Your comments pertaining to the Planning and Zoning Commission business are welcome. However, if you wish to address the Planning and Zoning Commission, please complete a Speaker Request Form and return it to the clerk before the call to order for this meeting. Boards and Commissions are not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

**Reports from Staff:**

**Reports from the Planning and Zoning Commission:**

**ADJOURNMENT:**

**NOTE:** Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Board/Commission Meeting, at any time during regular business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

**PLANNING AND ZONING COMMISSION MINUTES  
CITY OF PEORIA, ARIZONA  
COUNCIL CHAMBER  
MARCH 1, 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 Gene Sweeney, Charles Marr, Leigh Strickman, and Veda McFarland.

**Members Absent:** Commissioner Greg Loper.

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

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

Call for speaker request forms.

**Audience:** Four.

**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 Commissioners Veda McFarland and Leigh Strickman from the January 5, 2012 Meeting.
- 2C **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held January 5, 2012.
- 3C **CU12-0001:** Robert Brown Architects requested a Conditional Use Permit for a proposed McDonald's restaurant to allow a drive-through within 200 feet of a residential zoning district. The property is located west of the southwest corner of 107<sup>th</sup> Avenue and Olive Avenue.
- 4C **CU12-0002:** Phil and Karen Kary requested a Conditional Use Permit for Crossroads Books & Coffee to allow an outdoor seating area. The property is located within the Fry's Shopping Center at 9069 West Olive Avenue.

A request by staff was submitted that Case CU12-0002 be continued until the March 15, 2012 Planning & Zoning meeting and that Case CU12-0001 be removed from the Consent Agenda and heard as a Regular Agenda item.

**COMMISSION ACTION:** Commissioner Sweeney moved to approve the Consent Agenda items with the request to continue case CU12-0002 until the March 15, 2012 meeting and removal of Case CU12-0001 from the Consent Agenda. The motion was seconded by Commissioner Marr and upon vote, carried unanimously.

## **REGULAR AGENDA**

### **NEW BUSINESS:**

- 3C** **PUBLIC HEARING – CU12-0001:** Robert Brown Architects requested a Conditional Use Permit for a proposed McDonald's restaurant to allow a drive-through within 200 feet of a residential zoning district. The property is located west of the southwest corner of 107<sup>th</sup> Avenue and Olive Avenue.

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

**COMMISSION COMMENT:** Inquiries included wall heights on the north and west side of the property and speaker volume for the drive-thru.

**PUBLIC COMMENT:** Joanne Fisher – HOA representative for the property owners north of the project, voiced concerns regarding headlights shining into the homes and hours of operation.

**COMMISSION ACTION:** Commissioner Sweeney moved to recommend approval of a request for a Conditional Use Permit for a proposed McDonald's restaurant to allow a drive-through within 200 feet of a residential zoning district. The motion was seconded by Commissioner McFarland and upon vote, carried unanimously.

- 5R** **PUBLIC HEARING – TA11-0006:** The City of Peoria proposed an amendment to Article 14-34 "Signs" of the Zoning Ordinance. This amendment is intended to update regulations regarding Political Signs in order to comply with changes in state law, as well as update references to specific staff positions.

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

**COMMISSION COMMENT:** Inquiries included the length of time the City will allow signs to be displayed versus what the State allows and whether a penalty will be assessed for not removing signs in the allotted timeframe.

**PUBLIC COMMENT:** None

**COMMISSION ACTION:** Commissioner Sweeney moved to recommend approval of a request from the City of Peoria for an amendment to Article 14-34 "Signs" of the Zoning Ordinance. The motion was seconded by Commissioner McFarland and upon vote, carried unanimously.

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

**REPORT FROM STAFF:** None

**REPORTS FROM THE PLANNING AND ZONING COMMISSION:** None

**ADJOURNMENT:** There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 7:12 p.m.

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William Louis, Chair

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Date Signed



# CONDITIONAL USE PERMIT

## REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NUMBER:** CU 12-0002  
**DATE:** March 15, 2012  
**AGENDA ITEM:** 3C

**Applicant:** Karen Kary, on behalf of Crossroads Books and Coffee  
**Request:** Obtain a Conditional Use Permit (CUP) to permit an outdoor dining patio.  
**Proposed Development:** Crossroads Books and Coffee  
**Location:** 9069 W. Olive Avenue  
**Outdoor Dining Area:** 820 square feet  
**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 and Future Land Use, Current Zoning (Exhibits B & C)*

	EXISTING LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant suite, proposed bookstore & coffee shop	Low-Density Residential (2-5 du/ac, target 3 du/ac)	C-2, Intermediate Commercial
North	Commercial Center	Low-Density Residential (2-5 du/ac, target 3 du/ac)	C-2, Intermediate Commercial
South	Vacant	Low-Density Residential (2-5 du/ac, target 3 du/ac)	PAD, Single-Family Residential
East	Commercial Center	Low-Density Residential (2-5 du/ac, target 3 du/ac)	C-2, Intermediate Commercial
West	83 <sup>rd</sup> Ave, Commercial Center	Community Commercial	C-2, Intermediate Commercial

### PROJECT DESCRIPTION

1. The applicant is requesting issuance of a Conditional Use Permit (CUP) for a new outdoor patio to be used in conjunction with a proposed bookstore and coffee shop slated for Suite 105 of the Fry's Shopping Center at Olive and 91<sup>st</sup> Avenues. The overall interior size of the business is 4,641 square feet. The

outdoor patio will be 820 square feet which equates to approximately 18% of the interior space.

2. The general improvements to the outdoor patio area will consist of movable tables and chairs to be located along the walkway of the shopping center. Musical instruments or sound reproduction devices will not be operated or used with the patio area. The patio area will not be fenced off.
3. The proposed hours of operation for the patio is six days a week between the hours of 7:00 AM to 9:00 PM Monday through Thursday, 7:00 AM to 11:00 PM on Saturdays and closed on Sundays.

## **FINDINGS AND ANALYSIS**

4. Section 14-39-10.D of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits (CUP). In general, the purpose of a CUP is to mitigate any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.
5. According to Section 14-39-5.B.2.c, an outdoor dining patio shall not exceed 25% of the gross floor area of the associated establishment unless the Planning and Zoning Commission waives this requirement based on a finding that sufficient measures have been taken to mitigate potential adverse impacts on adjacent properties. The floor area of the proposed patio would amount to approximately 18% of the total gross floor area of the associated business. Therefore, no waiver is necessary for this request.
6. The applicant has provided staff with a narrative that describes the nature of the business, which appears to be typical for outdoor dining areas associated with bookstores and coffee shops.
7. In staff's judgment, the proposed use is an appropriate, ancillary function to the proposed bookstore and coffee shop use. The use is consistent with surrounding land uses and the context of the area in question.
8. Pursuant to Section 14-39-10 of the Peoria Zoning Ordinance, notice was forwarded to all property owners within 600 feet of the proposal and all registered Homeowners Associations within 1 mile of the proposal. As of this writing, no responses in support or opposition have been received.

### *Proposition 207*

9. 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 agreed to furnish a signed and notarized Proposition 207 Waiver.

## **RECOMMENDATION**

10. Based on the following findings:

- The proposal is limited in scope and an appropriate, ancillary function for a bookstore and coffee shop use;
- The outdoor dining area is within a larger existing commercial development;
- The use will be located and will operate in a manner that protects the neighborhood from nuisances and other disturbances and is consistent with a neighborhood-serving commercial establishment.

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

**Approve the request for a Conditional Use Permit under Case CU12-0002, subject to the following condition:**

1. The use shall substantially conform to the project Site Plan (Exhibit E) as contained in the staff report to the March 1, 2012 Planning & Zoning Commission, except where modified herein.

## **Attachments:**

Exhibit A	Vicinity Map
Exhibit B	Existing Land Use
Exhibit C	Existing Zoning
Exhibit D	Site Aerial
Exhibit E	Site Plan
Exhibit F	Narrative

Prepared by: Ed Boik, LEED Green Associate  
Planner

# Vicinity Map

Exhibit A



## CU12-002 Crossroads Books and Coffee

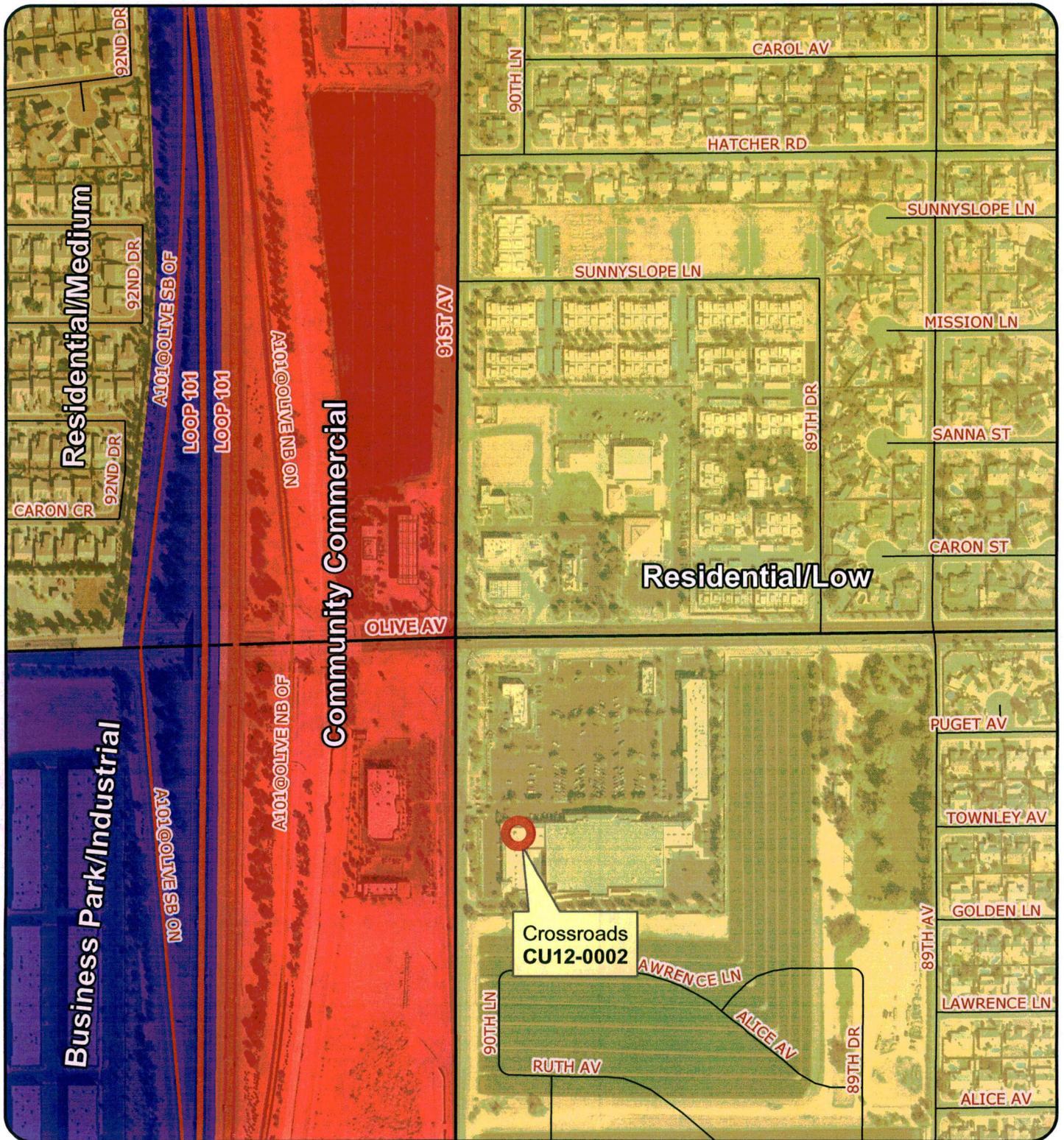
Applicant: Phil & Karen Kary, Crossroads Books & Coffee

Request: Approve CUP for outdoor seating patio



# Land Use Map

Exhibit B



## CU12-0002 Crossroads Books and Coffee

Applicant: Phil & Karen Kary, Crossroads Books & Coffee

Request: Approve CUP for outdoor seating patio

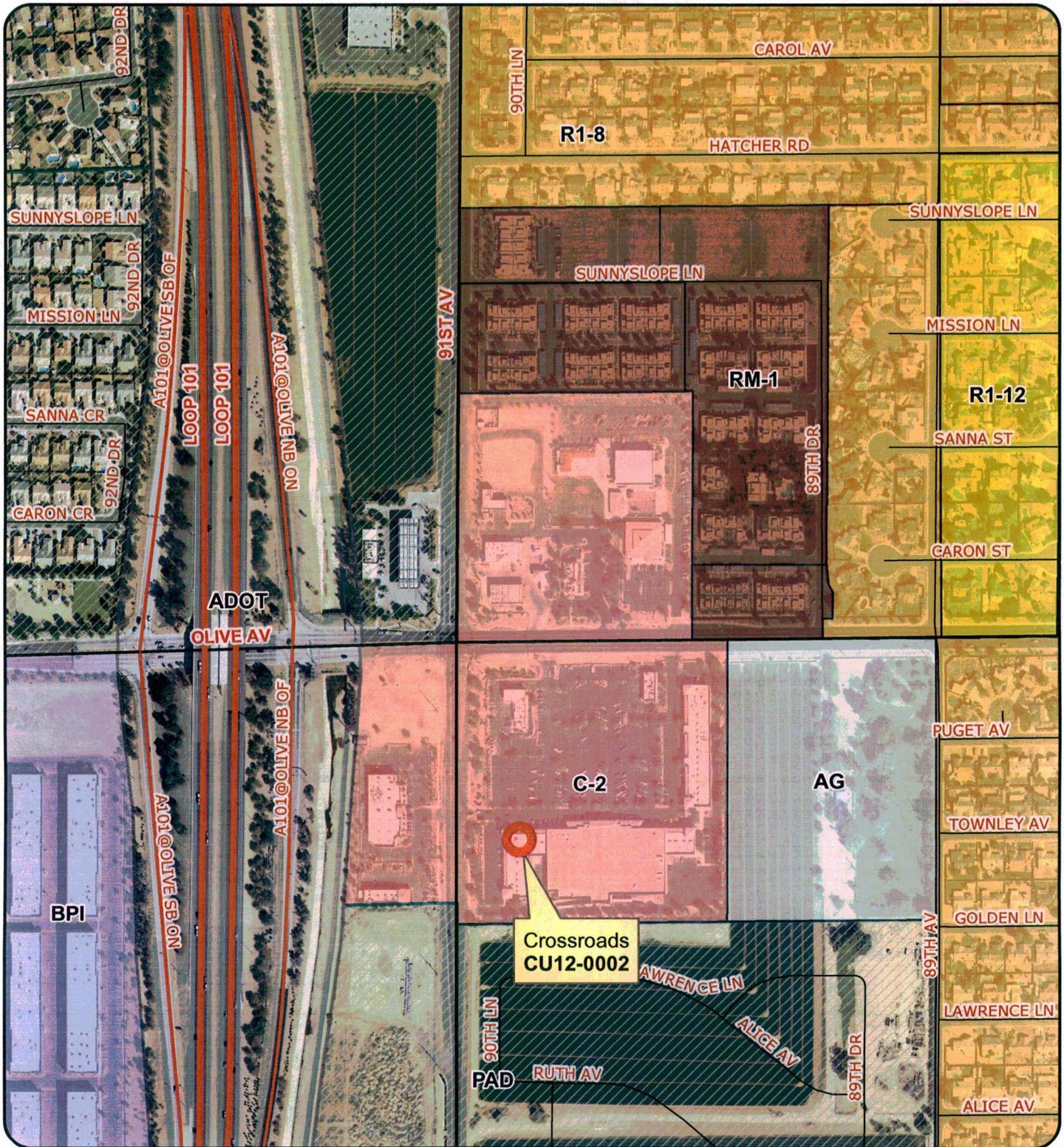


Not to Scale



# Zoning Map

# Exhibit C



## CU12-002 Crossroads Books and Coffee

Applicant: Phil & Karen Kary, Crossroads Books & Coffee

Request: Approve CUP for outdoor seating patio



Not to Scale



# Site Aerial

Exhibit D



## CU12-002 Crossroads Books and Coffee

Applicant: Phil & Karen Kary, Crossroads Books & Coffee

Request: Approve CUP for outdoor seating patio



Not to Scale





Crossroads Books & Coffee  
9069 W. Olive Ave. #105  
Peoria, AZ 85345  
91st. Ave. & Olive

We are asking permission to put 7 tables (28" X28") with 4 chairs each on the sidewalk outside our coffee shop. We will not be fencing it off and there will be 4 feet of free walking space on the outside of the tables and chairs. The area on the west side of the building away from the door will be Designated for smoking. This space will be for the customers of Crossroads Books & Coffee and not open to the general public. All the tables and chairs will be pulled into the store upon closing.

The hours of our store will be as follows:

Mon.—Thurs.	7am—9pm
Fri.—Sat.	7am—11pm
Sun.	Closed

## Ed Boik

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**From:** [REDACTED]  
**Sent:** Thursday, January 26, 2012 11:52 AM  
**To:** Ed Boik  
**Subject:** sq. footage and verification

Hi Ed,

Here is the square footage of the outdoor area for our bookstore/coffee shop: 820 sq. feet

I have also attached our owner verification page from our landlord.

Please call me if you have any questions or need anything else. 623-340-0416 I will not be available by email later today, as I will be at the new location the rest of today.

I so appreciate you trying to get this through quickly.

Karen R. Kary  
Crossroads Christian Stores, Inc  
dba Crossroads of Life  
Christian Books & Gifts

### **soon to be Crossroads Books & Coffee**



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25\_113644.pdf



# REZONING - PCD AMENDMENT

## REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NUMBER:** Z 01-10A.11  
**DATE:** March 15, 2012  
**AGENDA ITEM:** 4R

**Applicant:** Vistancia South, LLC

**Request:** The applicant is requesting to consolidate the Vistancia North PCD (Planned Community District zoning) and the Vistancia South PCD into a single PCD with accompanying adjustments to the overall project density, specified development standards and zoning stipulations.

**Location:** The community is generally located west of the Loop 303 between the Jomax Road and Old Carefree Highway alignments.

**Site Acreage:** Approximately 7,100 gross acres (11.1 square miles)

**Support / Opposition:** As of the date of this printing, staff has received several telephone calls in interest of the application and one letter of opposition (attached).

**Recommendation:** **Approve**, with conditions

### AREA CONTEXT

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

	LAND USE	GENERAL PLAN	ZONING
<b>Subject Property</b>	<b>Developing Community</b>	<b>Estate Residential (0-2 du/ac, target 1 du/ac)</b>	<b>Planned Community District (Vistancia)</b>
North	Vacant	Specific Area Plan	Planned Community District (Saddleback Heights)
South	Vacant / Developing	Residential Low Density (2-5 du/ac, target 3 du/ac); Open Space; Residential Medium Density (5-8 du/ac, target of 6 du/ac)	SR-43, Suburban Ranch; R1-8, Single-Family Residential; Rural-43, Maricopa County
East	Vacant	Regional Commercial; Residential Low Density (2-5 du/ac, target 3 du/ac); Neighborhood Commercial; Loop 303	SR-43, Suburban Ranch and Lake Pleasant Heights PCD
West	Vacant	Estate Residential (0-2 du/ac, target 1 du/ac); Open Space; Residential Low Density (2-5 du/ac, target 3 du/ac)	SR-43, Suburban Ranch; Planned Area Development

## **PROJECT HISTORY**

1. While this amendment was filed under case number Z01-10A.11 *Vistancia South*, it actually involves two separate cases and case histories – *Vistancia South*, formerly known as Lakeland Village, and *Vistancia North*, formerly known as White Peak Ranch. For context, staff has provided a brief timeline of events outlining the entitlement process for what are now Vistancia North and Vistancia South.

### *Summary Timeline of Annexation and Zoning*

- 1997** White Peak Ranch (Vistancia North) property annexed into the City of Peoria and provided with initial zoning of SR-43 (Suburban Ranch).
- 1998** Lakeland Village (Vistancia South) receives entitlement as a Development Master Plan (DMP) in Maricopa County
- 2000** City of Peoria approves a General Plan Amendment amending the Land Use Map in advance of the annexation of Lakeland Village and zoning of White Peak Ranch.
- 2001** City of Peoria adopts a single Annexation & Development Agreement with Shea/Sunbelt Holdings for Lakeland Village and White Peak Ranch to protect 'vested' development rights obtained in Maricopa County (Lakeland Village) and to protect new development rights and responsibilities for White Peak Ranch. The Development Agreement solidified infrastructure requirements, obligations and timing, some of which are still based on the total residential unit count.

City of Peoria annexes Lakeland Village (*Ordinance 01-158*)

City of Peoria establishes Planned Community District (PCD) zoning for Lakeland Village (County DMP zoning converted to City PCD zoning), and DMP stipulations are modified, namely relating to development review processing (*Ordinances 01-159 and 01-160*).

City of Peoria adopts PCD zoning for White Peak Ranch (*Ordinance 01-161*).

- 2004** Lakeland Village PCD recognized as Vistancia South PCD.
- 2006** City approves Major PCD Amendment to White Peak Ranch (thereafter 'Vistancia North') and reduces dwelling units from 7,978 units to 6,288.

2. In October of 2001, the City Council took action to approve several items pertaining to Lakeland Village and White Peak Ranch. As outlined above, White Peak Ranch was already within the City limits and only required rezoning. Lakeland Village was not in the City and needed to be annexed prior to any rezoning action. As such, the City Council approved an annexation request, an Annexation & Development Agreement and two PCDs – one for Lakeland Village and one for White Peak Ranch. Both projects were under the same ownership and were included in a single Annexation & Development Agreement.
3. Prior to its effective annexation into the City of Peoria, Lakeland Village had already obtained full zoning entitlement through Maricopa County in 1998 with a Development Master Plan (DMP) and a comprehensive zoning package with a PAD / PD overlay. The overlay structure approved by Maricopa County allowed modifications to the County's hillside, roadway, setback, lot coverage, parking and other requirements. The flexible overlay structure also permits administrative alterations to the DMP and underlying zoning allowing for slight changes to the parcel zoning boundaries and the ability to transfer density within development units without disturbing the overall maximum allowed densities and intensities. The aforementioned Annexation & Development Agreement protected these vested development rights.
4. As with many Annexation & Development Agreements, this agreement addresses protection of previously established development rights, timing and dedication of open space, performance measures / triggers, location and timing of police and fire infrastructure, but it also set the criteria for water and sewer infrastructure provisions based on overall residential unit counts.
5. In addition, the City Council approved a request to form a Community Facilities District (CFD), which is essentially a public financing mechanism that allows the developer to build public infrastructure to the City's standards, but only for the use of the residents within the development. Each landowner within the CFD boundary pays an incremental property tax to offset the cost of the infrastructure. In this case, the CFD permitted development to begin significantly earlier than would have been feasible without this mechanism in place.
6. In total, both properties, approximately 7,100 acres (11.1 square miles), were entitled for 17,334 residential units in 2001. Later, in 2006, a major PCD amendment was approved for White Peak Ranch, which reduced the residential unit count by 1,690 units, thereby reducing the overall Vistancia entitlement to 15,644 dwelling units.
7. For continuity, this report will refer to this project, or portions thereof, as "Vistancia" (both North and South combined), "Vistancia South" (formerly Lakeland Village, generally south of the CAP canal), or "Vistancia North" (formerly White Peak Ranch, generally north of the CAP canal).

8. Since 2001, both Vistancia PCDs have undergone several minor amendments, most of which pertained to modifications to development standards, signage, and minor parcel boundary adjustments. In 2005, the City approved a major PCD amendment to Vistancia South (*Ordinance 05-24*) and amended a stipulation thereby aligning the construction and golf course water usage with the City's Reclaimed Water Service ordinance.
9. Vistancia North was also the subject of one previous major PCD amendment. In 2006, the City approved *Ordinance 06-13* that reduced the project density by 1,690 residential units, eliminated one golf course, one K-8 school, one fire / police station, but made no changes to the parks or open space.

## **PROJECT REQUEST**

10. The current request is to eliminate the 'on-paper' separation between Vistancia North and Vistancia South by merging both PCDs into a single comprehensive PCD. From an administrative perspective, this streamlines the review process and eases the burden on staff, the developer, and builders within the community. It has also provided the applicant and staff an opportunity to review each section of the PCD to correct conflicting standards and to improve existing standards such as the Hillside Development standards and the Desert Lands Conservation Overlay requirements.
11. Additionally, the applicant has also sought adjustments to the existing entitlement and is proposing changes as part of an Amended and Restated Development Agreement. The latter will be part of the City Council deliberation when this case moves forward for final action. The Amended and Restated Development Agreement essentially addresses the obligations, timing and costs associated with infrastructure development in the community. The Agreement was reviewed and modified in coordination with the PCD Amendment and was the subject of a November 2, 2011 Council Study Session.
12. More specifically, this major PCD amendment proposes various adjustments to the entitlement and development standards including the following:
  - Overall reduction in the maximum residential unit count from 15,644 to 10,500 to align with Master Water and Sewer Reports; and
  - Modification to the maximum height standard in the 'commercial core' (Village D) located east of El Mirage Road with stepback provisions; and
  - Tailored modifications to the Hillside and Desert Lands Conservation Overlay (DLCO) standards to be more responsive to topographic conditions; and
  - Consolidation of the relevant zoning stipulations from each PCD and including modification to the transportation requirements recognizing a smaller

entitlement and facilities in the area (e.g. Loop 303) that weren't contemplated as part of the original entitlement.

A summary of the changes are identified in table below and discussed in more detail in the report.

ITEM	EXISTING ENTITLEMENT	PROPOSED ENTITLEMENT
Zoning Documentation	Vistancia South PCD governs southern 3,119 acres and Vistancia North PCD governs northern 3,985 acres	Combine North and South PCD into 1 Vistancia PCD Entitlement (7,104 gross acres; 11.1 sq. miles)
Maximum Units	Vistancia South PCD: 9,356 units Vistancia North PCD: 6,288 units OVERALL: 15,644 UNITS	Reduce overall maximum unit count to 10,500 to align with Master Water/Sewer Reports.
Gross Density	2.2 units/acre	1.5 units/acre
Commercial/Mixed Use Acres	443 acres total North 31 acres; South 420 acres	No Change
Police/Fire Facilities	2 stations (up to 2 acres per site) South 1 site existing; North 1 site proposed	No Change
K-8 Schools (PUSD)	3 schools (Min. 15 acres per K-8)	No Change
High Schools (PUSD)	1 high school (Min. 40 acres per HS)	No Change
Golf Courses	Up to 4 golf courses 2 Existing in South (36 holes); 1 or 2 in North TBD;	No Change
Library Sites	1 General location Lone Mtn./El Mirage	No Change New location general area of Community Park
Community Parks (Public)	2	No Change
Neighborhood Parks (Public)	3	No Change
Expanded Trailhead (Public)	1 (9.8 acres @ H4)	No Change
Open Space (Public)	900 acres dedicated; up to approximately 1,175 acres (Development Agreement)	No Change
Timing of Open Space Dedication	Dedication to occur prior to approval of 1 <sup>st</sup> Preliminary Plat north of the CAP (Dev. Agreement)	Dedication timed when infrastructure is available to provide public access OR within 180 days of written request by the City.
Development Standards	Existing Vistancia South/North PCD's	Amend: <ul style="list-style-type: none"> <li>- Tailored Hillside/DLCO standards</li> <li>- Village D Max. Height: 74' to 120'</li> <li>- Various cleanups</li> </ul>

## **DISCUSSION AND ANALYSIS**

### *Reduction of Residential Units*

13. As the southern portions of the Vistancia community have developed, the character of the community is such that it has realized significantly lower densities than its entitled density. The consolidated Vistancia community is currently entitled for 15,644 dwelling units (9,356 South and 6,288 North). To maintain the character of existing development within Vistancia, and size infrastructure improvements appropriately, the application proposes to reduce the units count over 30% to a maximum of 10,500 residential dwelling units.

14. Shortly after this amendment was filed with the City, staff received a large volume of calls from concerned residents. Many of the concerns purported that the reduction in the number of residential units would compromise the quality of amenities and commercial opportunities in the area. It was explained to the residents by the applicant and by staff, that the reason for the reduction is to control infrastructure costs because, as mentioned earlier in this report, the Annexation & Development Agreement requires the developer to build water and wastewater infrastructure for the number of entitled units, not the built units. To this end, the character and development standards of the Vistancia community are such that whether or not this amendment was filed, the entitled 15,644 units is unrealistic. The proposed 10,500 units is realistic and again, would have been the resulting unit count regardless of whether or not the PCD was amended based purely upon development trends and acceptable character within Vistancia. By reducing the entitled unit count to the realistic unit count, the developer will not be required to construct and pay for oversized infrastructure, of which, due to the aforementioned Community Facilities District (CFD), cannot be shared by surrounding (i.e. non-CFD) land owners.

#### *Height Restrictions*

15. The application proposes an increase in the allowable height for Mixed Use parcels located east of El Mirage Road (Village D) in the Vistancia commercial core. The request proposes an increase from 74 feet to 120 feet. Additionally, the PCD includes 'stepback' provisions which enables gradual realization of the height increase from El Mirage Road as the distance or setback is increased (See Figure D-1 in the PCD).
16. The commercial core is part of the Loop 303 Specific Area Plan, which identified the opportunity to develop a unique, high quality, mixed-use development for the region (Exhibit E). Increasing this allowable height will enable these parcels the flexibility to develop an effective mixed-use environment, while also helping to screen the 190' power line towers from the residential parcels to the west.

#### *Hillside & Desert Lands Conservation Overlay*

17. The City of Peoria administers a Hillside Development Overlay District and a Desert Lands Conservation Overlay as found in Articles 14-22A and 14-22B in the Zoning Ordinance. The purpose of these documents is to guide development in a manner that protects natural features in the City. These ordinances were created to apply across a number of different landscapes and circumstances within the City, but were not created with a specific site in mind.
18. The Vistancia developers have invested significantly in planning and analyzing the unique character of the land north of the Central Arizona Project (CAP) Canal, and are proposing to tailor the City's ordinances to this specific area. Unlike many hillside areas in the City, the terrain in the northern portion of

Vistancia is heavily undulating and therefore strict adherence to the City's hillside standards is challenging. The developer has worked closely with staff to allow more development flexibility in certain regions in exchange for greater open space connectivity and more comprehensive guidelines for the restoration of disturbed areas.

19. Early in the amendment process, staff presented the applicant with a draft amendment to the Desert Lands Conservation Overlay (DLCO) seeking incorporation of the concepts into the new Vistancia PCD. After a few minor modifications, which are anticipated to appear in the City's next draft, the applicant did incorporate the DLCO into the PCD. Staff is confident that although there are modifications to the hillside development standards and the DLCO, the project will maintain the same high design and livability standards found in the developed portions of Vistancia. Throughout the review process, the City and the applicant worked to encourage flexibility in development standards, connectivity among open spaces, and protection of the natural environment and wildlife corridors.

#### *Consolidated / Modified Zoning Stipulations*

20. Relevant stipulations attached to the Vistancia North and Vistancia South PCD's were consolidated resulting in a single framework of requirements. There were significant modifications to the transportation stipulations (namely #22-25). When the project was initially conceived, the Loop 303 did not exist resulting in a requirement for Vistancia to build Lone Mountain Road from the community to Lake Pleasant Parkway. A decade later, with the Loop 303 in place and a significantly downsized entitlement, the stipulations were modified to reflect realities on the ground and the impact resulting from the community, as identified in the approved Traffic Impact Analysis (TIA).

#### *General Content and Format*

21. The applicant has continued to work with the PCD in the familiar format to ensure that any frequent users are able to locate specific chapters or sections with ease. Staff has forwarded what appears to be a heavily amended version of the PCD in this format to the Planning & Zoning Commission for review and recommendation. In an effort to further streamline the review process and the document as a whole, a Condition of Approval has been added that will require the applicant to provide the City with a final version of the PCD that consolidates the 'exceptions to the Zoning Ordinance' sections into the various Appendices that contain the Zoning Ordinance itself. This action centralizes the development standards and will reduce the overall size of the PCD.

*Public Response*

22. Upon receipt of the initial Notice of Application, staff received a large volume of telephone calls seeking clarification on the application. The vast majority of the callers were satisfied with the information provided while others were skeptical. The applicant held a neighborhood meeting on July 11, 2011 at the Vistancia Community Center. Approximately 50 persons attended the meeting. As part of the meeting summary, the applicant provided staff with a summary of questions and responses provided (Exhibit G). The general tone of the attendees was pleasant and generally supportive of the project. At the time of this report, staff has received several telephone calls of inquiry and one letter of opposition (Exhibits F1-F4) regarding this request.

*Hearing Notification*

23. Public notice was provided in the manner prescribed under Section 14-39-6, which includes notification to all property owners within Vistancia and within a ¼ mile (1,320 feet) radius of the development and all registered HOA's within a 1-mile radius. Additionally, the site was posted with a sign meeting the size and content requirements prescribed by the Planning Division. In total, approximately 3,000 notifications were mailed to property owners within and around Vistancia.

## **FINDINGS AND RECOMMENDATION**

24. Based on the following findings:

- This request is consistent with the the General Plan and the Loop 303 Specific Area Plan; and
- This request advances the intent of the Planned Community District and alleviates unnecessary administrative burdens on staff and the applicant.
- This request results in the continuation of a well-designed, well-appointed master planned community with a blend of meaningful open space, recreation, and commercial uses with opportunities for a diverse mix of housing.
- This request does not represent a significant deviation from the approved land use plan or accepted Vistancia community character.
- The applicant has provided an executed Proposition 207 waiver.

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

**Recommend to the City Council approval of Z 01-10-A.11 subject to the following conditions:**

### Land Use

1. The Development shall comply with the Vistancia Planned Community District (Vistancia PCD) Development Plan & Standards Report, dated February 2012, except as modified herein.
2. The total number of dwelling units for the Vistancia Planned Community shall not exceed the maximum units permitted within each development village and 10,500 units for the project as a whole as outlined in *Table C.1*. The number of dwelling units shall be tracked by the Developer during the review of each subdivision and/or site plan
3. Within 60 days of City Council adoption, the applicant shall provide to the City three (3) copies of the Vistancia PCD in its final format, which shall include the incorporation of all exceptions to the City's Zoning Ordinance into the appropriate Appendices containing the applicable section(s) of the Zoning Ordinance.
4. The golf course zoning shall be aligned with the adjoining zoning districts.
5. The residential development units shall adhere to Table D.1 Residential Development Standards of the Vistancia PCD.

### Open Space

6. A Wash Corridor Protection Plan, documenting the location of all significant washes on the site, as illustrated in the Vistancia PCD, shall be approved with each applicable preliminary plat or site plan for any development unit. The plan shall identify the relationship between the existing wash corridors, proposed development activity, and all wash protection measures, road crossings, and pedestrian and recreational amenities planned along the wash corridor. All washes shall be protected in accordance with Section 14-22B (Desert Lands Conservation Overlay) of the Zoning Ordinance as modified in the Vistancia PCD document.
7. The City acknowledges that the Developer intends to donate, per the terms of the Amended and Restated Development Agreement, an initial 900 acres of Natural Mountain Preserve to the City of Peoria as depicted in the Vistancia PCD document. Subsequent donations to the City of Peoria shall occur concurrent with the final plat approval for any development unit in which the additional Preserve Area is located or as otherwise determined through the Amended and Restated Development Agreement for Vistancia. A revised boundary survey of the Preserve shall be provided at no cost to the City at the time of donation.
8. The Developer shall site, construct and dedicate all public park sites, as depicted in the Vistancia PCD document, with future sites totaling a minimum of ten (10) useable acres or more, to the City of Peoria for use as Neighborhood Parks. During the platting process of adjacent parcels, the Developer and City shall work together to determine timelines to dedicate land and construct capital facilities for the Neighborhood Parks. Future park sites less than 10 acres shall be private parks and are not subject to dedication to the City. Final park

locations shall be subject to the approval of the Community Services Director or designee at the time of Preliminary Plat review and approval. The Developer shall dedicate such lands and construct such facilities as determined by the Community Services Director and as provided for in the Vistancia PCD document and/or the Amended and Restated Development Agreement for Vistancia.

9. An archaeological survey of the subject property shall be conducted, prior to the filing of the first preliminary plat north of the CAP canal, to locate and evaluate cultural resources that might be present. Once the survey is complete, a report of the results shall be forwarded to the Arizona State Historic Preservation Office and the City's Historic Preservation Officer for review and comment before any ground disturbing activities related to development are initiated. If prehistoric or historic sites are identified within the subject area, it may be necessary to have archaeological testing performed at the sites to evaluate their eligibility for the National or State Register of Historic Places. Further, if Register eligible properties cannot be avoided by project activities, then the Arizona State Historic Preservation Office shall determine if a data recovery (excavation) program is necessary. Should federal permits be required for the project, then any archaeological work performed must meet the Secretary of Interior Standards, and will be subject to the provisions of Section 106 of the National Historic Preservation Act.
10. Not less than 137 acres shall be set aside and donated for neighborhood and community park space.
11. Prior to filing each preliminary plat, north of the CAP Canal, and excluding the Clementine Mine Exemption area as shown in the PCD, the developer will submit a landscaping inventory and salvage plan which identifies and assesses the native trees and cacti within the development parcel, and which determines the preservation/disposition for each of the selected native trees and cacti.

#### *Utilities*

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12. All water, wastewater and reclaimed water infrastructure necessary for each plat and site plan shall be constructed in conformance with both the current Utility Master Plans approved by the Public Works-Utilities Director and the Water Appendix (Exhibit G) of the Amended and Restated Development Agreement for Vistancia.
13. The City of Peoria, at its discretion, may place a hold on the approval of preliminary plats, construction documents, final plats, infrastructure permits, and/or building permits to insure that sufficient treatment capacity in the Jomax Water Reclamation Facility and availability of water resources and capacity to the site is available prior to actual demand for such services and resources.
14. All water, wastewater and reclaimed water system infrastructure shall be designed and constructed by the Developer or Vistancia Community Facilities District in accordance with the most current City Water, Sewer and Disposal Code, City's Utility Master Plans, Vistancia Utility Master Plan, and the City's Infrastructure Design Guidelines.

15. The City reserves the right to request that the utility infrastructure be oversized to accommodate development outside the project area. The City shall be responsible to pay for the incremental cost between that which is needed to serve the Vistancia development and the oversizing request.
16. Any or all of the above referenced infrastructure may be located off-site but shall be planned and developed to accommodate this project. All infrastructure and water resources required for this development will be developed and dedicated to the City of Peoria by the Developer at no cost to the City.
17. The Developer is responsible to provide water supplies for the development that will be physically, legally, and continuously available for 100 years. Prior to recording individual plats for the project / property, the Developer must demonstrate that the plat is included in Peoria's most current approved Designation of Assured Water Supply. The developer shall be responsible to fund the City's acquisition of additional CAP water resources for the project in accordance with the Water Appendix (Exhibit G) of the Amended and Restated Development Agreement for Vistancia.
18. Public water, sewer and reclaimed water lines located outside of right-of-way shall be located in easements dedicated for that use and shall comply with the City's minimum requirements. Easements shall be dedicated at no cost to the City. The City at its own discretion may require such easements for public water and sewer lines to be located within designated roadway cross-sections and or tracts.
19. The City of Peoria, at its discretion, may request that an update / revision to the Utility Master Plan be submitted and approved prior to the approval of individual preliminary plats to ensure the necessary water, wastewater and reclaimed water infrastructure is completed to support the plat and/or development phase.
20. All water for construction purposes, irrigation supplied to golf courses and large common areas, and water used to fill or refill lakes shall be used in a manner that is consistent with the City of Peoria Reclaimed Water Service Ordinance and the rules, regulations and policies of the Arizona Department of Water Resources governing the use of water for turf-related facilities.

### *Transportation*

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21. Improvements shall be consistent with development standards set forth in the City Infrastructure Guide.
22. The developer shall build Lone Mountain Road (outside lanes) from El Mirage Road to the Loop 303 by Spring 2012.
23. The developer shall build Lone Mountain Road (lanes 3 and 4) from El Mirage Road to the Loop 303 interchange. This project shall be initiated when the City has determined the existing level of service has reached "C" (as defined by Table 2.1 of the Northwest Valley Transportation Study Peoria Community Transportation Plan) on Lone Mountain Road east of El Mirage Road. The improvements shall be completed within 24 months after being initiated; unless extended with valid reasoning and receiving support from the City Engineer.
24. The developer shall build El Mirage Road (the half-street) from Jomax Road to

Happy Valley Road. This project shall be initiated when the City has determined that the existing level of service has reached "C" (as defined by Table 2.1 of the Northwest Valley Transportation Study Peoria Community Transportation Plan) on Vistancia Boulevard east of El Mirage Road. The improvements shall be completed with a Letter of Acceptance from the City within 36 months of project initiation unless extended with valid reasoning and receiving support from the City Engineer.

25. The developer shall build El Mirage Road (the half-street) from Happy Valley Road to the Loop 303 interchange. This project shall be initiated when the City has determined that the existing level of service has reached "C" (as defined by Table 2.1 of the Northwest Valley Transportation Study Peoria Community Transportation Plan) on El Mirage Road north of Happy Valley Road. The improvements shall be completed with a Letter of Acceptance from the City within 36 months of project initiation unless extended with valid reasoning and receiving support from the City Engineer. If this level of service is not reached at build out of the Vistancia community, this improvement shall cease to be a developer obligation.
26. The developer shall be responsible for construction of all public and private on-site roadways within the designated Vistancia PCD boundaries. Further, the homeowners association shall be responsible for the maintenance and upkeep of all private roads, washes / wash crossings, roadway median landscaping, landscaping within the public rights-of-way, and of pedestrian, bicycle, and multi-use pathways within or adjacent to public right-of-ways.
27. The Developer shall dedicate the required right-of-way and construct full and half street improvements where necessary to serve this project as determined by the City Engineer or his designee and in accordance with an approved Phasing Plan.
28. The Developer shall provide both on-site and off-site roadway infrastructure to serve this development in accordance with the current, approved Vistancia Traffic Impact Study, subject to the approval of the City Engineer or his designee. The City Engineer or his designee may require the developer to provide an updated Traffic Impact Analysis periodically due to phasing issues as preliminary plats for the development of the PCD are submitted. The developer shall use reasonable efforts to acquire off site rights-of-way as necessary and required by the City of Peoria, consistent with the current, approved Traffic Impact Analysis.
29. At the time of the submittal of the first residential preliminary plat north of the Central Arizona Project Canal, if Vistancia Boulevard provides the only roadway access to the proposed area, the applicant shall prepare and submit a report addressing emergency access to and from the site in the event of a blockage or failure of the Vistancia Boulevard crossing of the Central Arizona Project Canal. The report shall be subject to the approval of the City Engineer, Fire Chief and Police Chief prior to approval of said preliminary plat.
30. A Final Master Traffic Impact Analysis (TIA) prepared in accordance with the City's Traffic Impact Study Criteria shall be approved prior to any preliminary

plat, site plan or infrastructure plan submittal for that phase. Additional TIA for each phase of development will be required by the City Engineer to provide recommendations for the interim traffic conditions.

31. A site specific (individual) TIA, or update letter as approved by the City Engineer or designee, shall be submitted with all residential and nonresidential parcels within the development.
32. The right-of-way dedications and roadway sections will be determined based on the City Standards that are in effect at the time of the preliminary plat and/or site plan approval process.
33. The Developer shall submit a noise mitigation study addressing the anticipated truck traffic on the arterial roadways. All walls shall be designed in accordance with the recommendations of the sound study and per the Zoning Ordinance.
34. The Developer shall dedicate ROW on all roadways per the City of Peoria standards in place at the time of the preliminary plat or final plat submittal / approval for all arterials, collectors, and residential roadways within this subdivision.
35. The Developer shall dedicate an additional 10-foot ROW within 500-feet of a major arterial roadway intersection.
36. The Developer shall dedicate an 8' PUE outside of the ROW or private roadway Tract. No walls, or retention or other encumbrances shall be allowed within the PUE without approval from the City Engineer or his designee.
37. The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at all intersections with collectors or arterials. The Developer shall dedicate a 20-foot by 20-foot ROW chamfer at all local/local roadway intersections.
38. The Developer shall install traffic signal interconnect conduit along all arterials. Plans for the installation of the traffic signal interconnect conduit shall be submitted with the improvement plans. The traffic signal interconnect shall also be shown on the paving plans.

### Drainage

39. This development shall implement the recommendations of the "North Peoria Area Drainage Master Plan 'low-impact' development alternative" for any activity within the floodway fringe or erosion hazard zone that does not significantly alter the natural form and function of the watercourse. The following standards are proposed to quantify the definition of "low impact":
  - Minimal velocity increases:
    - The average 10-year velocity in the *channel* or over bank should not change ( $\pm 0.0$  fps).
    - The average 100-year velocity in the *channel* or over bank should not change (increase or decrease) by more than 10 percent or one-foot per second (fps), whichever is less.
  - Minimal water surface elevation increase:
    - The 10-year water surface elevation should not change ( $\pm 0.0$  ft.).
    - The 100-year water surface elevation should not increase or decrease by more than 0.1-foot.

- Minimal disturbance of the main channel:
    - No decrease in the full bank width of the main channel.
    - No excavation or deepening of the streambed in the main channel.
    - No removal of bank vegetation. Where bank vegetation is temporarily disturbed by construction, it should be replaced, monitored for health, and irrigated if required to assure its survival.
    - No relocation of the low-flow channel within the floodplain.
  - No offsite impacts:
    - No erosion, sedimentation, or flood impacts to adjacent properties without written permission of affected property owners.
    - Engineering and geomorphic analysis required to demonstrate no long-term, short-term or 100-year off-site impacts.
    - Preservation of natural landscape character and habitat within the floodplain. Alternatives that exceed the standards listed above are not considered low-impact alternatives.
40. In addition to establishing 100-year floodplain limits, erosion hazard zone delineations shall be conducted on all watercourses with drainage areas more than  $\frac{1}{4}$  of a square mile or have a 100-year estimated flow rate of more than 500 cfs. Erosion hazard delineation shall be conducted at a minimum in conformance with State Standard for Watercourse System Sedimentation Balance (State Standard 5-96) guidelines.
41. A Maintenance Plan shall be developed for all structural type improvements. The Plan will document required maintenance to be provided by the owner/owners of structural type drainage improvements. The Plan shall include the following items as applicable:
- Type of facility.
  - Owner of facility.
  - Required maintenance activity.
  - Vegetation maintenance.
  - Bank protection maintenance.
  - Grade control maintenance.
  - Removal of debris and sediment from structures.
  - Required permits for maintenance activity.
  - Required inspection/monitoring activity.
  - Schedule for inspection and monitoring activity.
  - Required agency notification.
42. A Phased Drainage Plan must be submitted and approved for each proposed development phase prior to any preliminary plat or site plan approval for that phase. Each approved phased drainage report must be updated at the completion of each phase based on final design conditions. This requirement must be satisfied for each phase prior to submittal of the next construction phase unless specifically permitted by the City Engineer or his designee.
43. The post development flows exiting this project shall not exceed the pre-development peak flow rate and volume generated from the 100-year, 6-hour storm event. This site must demonstrate that the post runoff peak and volume

from the 2, 10, 50, and 100 years storm event do not exceed the pre-development values. This will essentially require the use of retention and detention systems within the site.

44. A site specific Drainage Report shall be submitted with each preliminary plat and/or site plan and shall be in conformance with the approved Master Drainage Report and the Master Drainage Plan for that phase of construction.
45. First flush runoff (first 1-inch of rainfall) must be treated prior to discharge to any adjacent drainage way or public drainage system. All first flush treatment system(s) must be outlined and approved by the City of Peoria prior to approval of the preliminary plat.
46. All non-single family residential parcels shall retain 100% of the 100-year, 2-hour storm event. In the event site specific geologic and topographic conditions do not permit compliance with the retention requirement, the developer may request from the City Engineer a waiver from the retention requirement. If approved by the City Engineer, the developer shall design each site to detain 100% of the 100-year, 2-hour storm event with a discharge rate designed to permit the detained volume to drain within 36-hours per the City Infrastructure Guide.
47. Street drainage shall conform to the City of Peoria Street Drainage Policy outlined in the City Infrastructure Design Guidelines. Specifically, the street right-of-way shall be designed to carry a maximum 100-CFS; a storm drain system is required when that capacity is exceeded with discharge of such a system to an approved facility.
48. The City's Policy is not to permit any crossings that will be designed for less than the 100-year storm capacity and will permit overtopping of such a storm event. However, depending on the location and ownership of such roadway, a waiver may be granted by the City Engineer or his designee. Such a waiver must be requested and approved on a case by case basis.
49. All construction activities within the State of Arizona shall comply with the AZ Pollutant Discharge Elimination System (AZPDES) rules and regulations as a minimum standard in addition to City of Peoria established criteria.
50. All floodplains must be shown on the preliminary and final plats.
51. No structure shall be constructed within the limits of the Federal Emergency Management Agency (FEMA) designated flood plain. Any modification to existing flood plain shall be pre-approved by FEMA through the City of Peoria Site Development Division and the Engineering Department.
52. A Final Drainage Report shall be approved by the City of Peoria for each subdivision plat.

*Other*

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53. One Emergency Response Facility (fire and police) shall be located within Vistancia North as depicted on Figure C-3 and Figure C-6 in the PCD ('Emergency Response Plan'). The station shall be dedicated at the City's discretion and as otherwise specified in the Amended and Restated Development Agreement for Vistancia.

54. Approval of this zoning amendment is not a waiver or amendment by the City of any provision of the Amended and Restated Development Agreement for Vistancia affecting the property. If any provision of this PCD is inconsistent with the Amended and Restated Development Agreement for Vistancia, then the Developer must amend the Agreement prior to implementing the conflicting zoning, or be in breach of the Agreement.
55. The Developer shall provide a library site within the Vistancia property, in a location acceptable to the City of Peoria, subject to the provisions identified within the Amended and Restated Development Agreement for Vistancia.
56. The Developer shall preserve, in their entirety except as necessary to accommodate road and utility crossings, the McMicken, White Peak, and Twin Buttes washes, as identified on Figure B-3 of the PCD. The preservation area is considered an area fifty (50) feet from each side of the "sandy bottom" of said washes. The developer shall be responsible for providing a survey to determine the sandy bottom of said washes prior to or concurrent with each preliminary plat application.

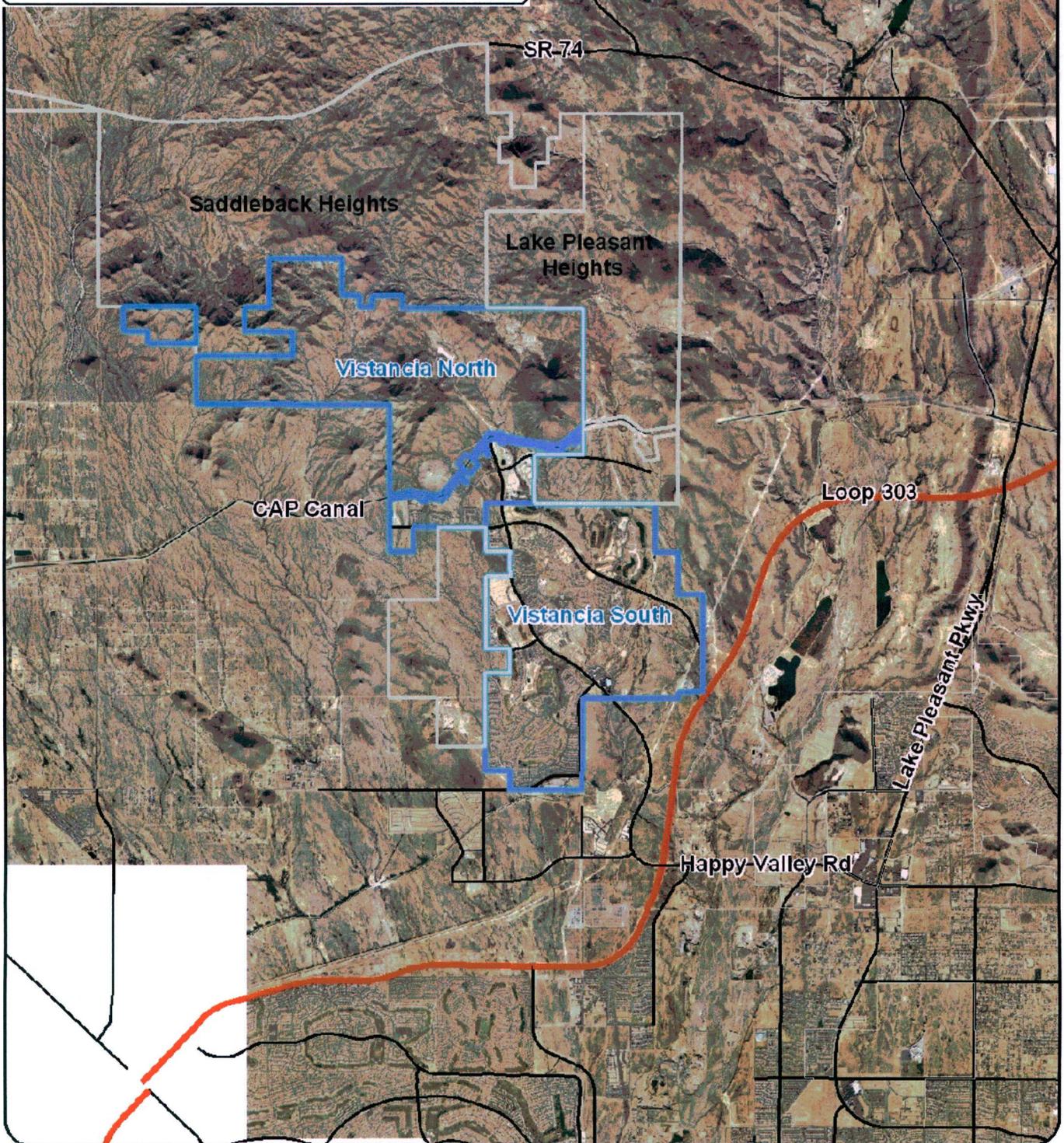
## **ATTACHMENTS**

Exhibit A	Vicinity Map
Exhibit B1-B2	Existing Land Use & Open Space Maps (Vistancia North)
Exhibit C1-C2	Existing Land Use & Open Space Maps (Vistancia South)
Exhibit D1-D4	Proposed Land Use & Open Space Maps (Combined)
Exhibit E	Village Plan
Exhibit F1-F4	Letter of Opposition and Supporting Materials from Vistancia Resident
Exhibit G	Community Meeting Summary of questions/responses
Exhibit H	Proposed Combined Vistancia PCD (under separate cover; electronic copy)

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

# Vicinity/Aerial Map

Exhibit A



## Z 01-10A.11 Vistancia North & South

Applicant: Vistancia South, LLC

Request: Major PCD Amendment - Combine Vistancia North and South PCDs

N

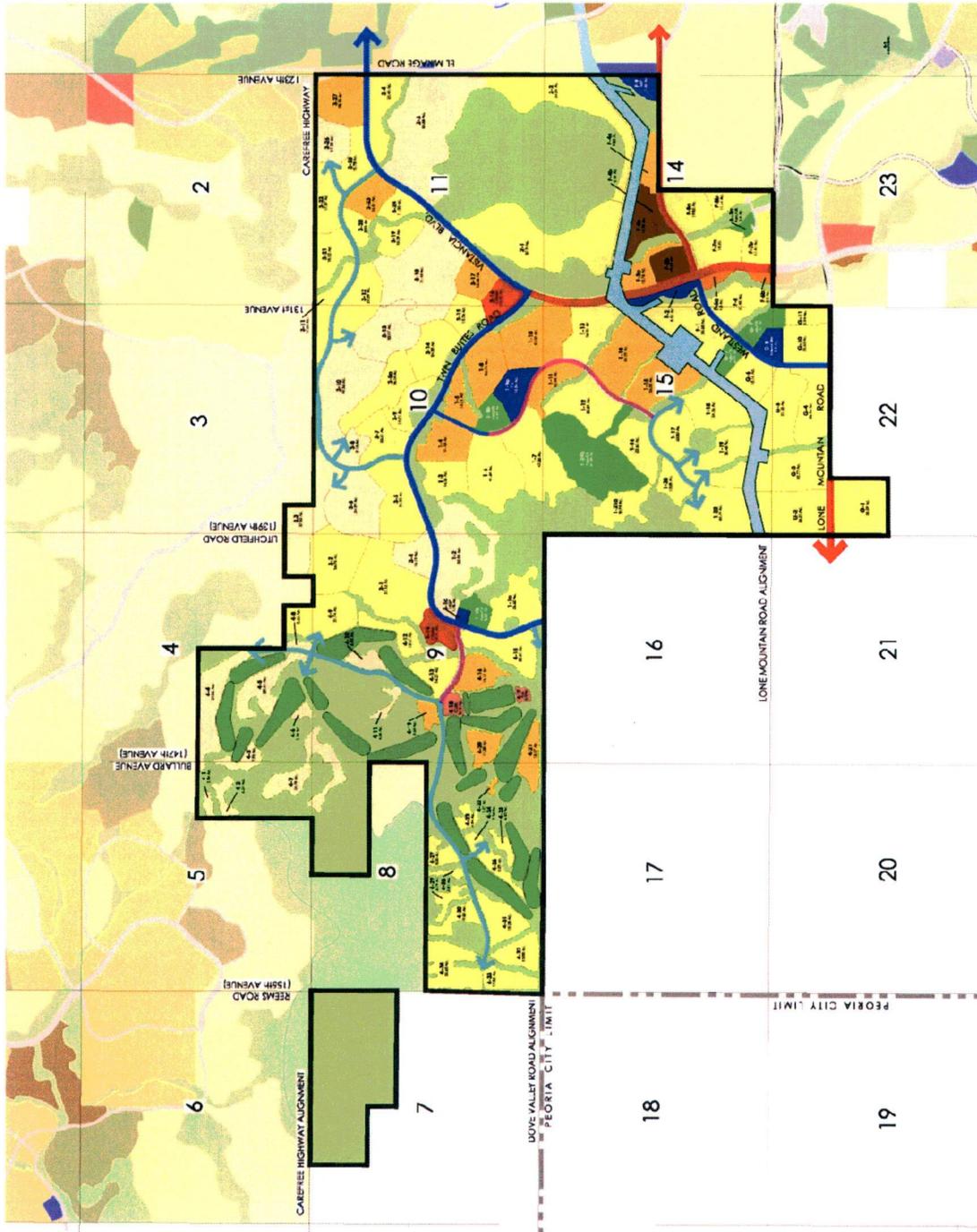


Not to Scale

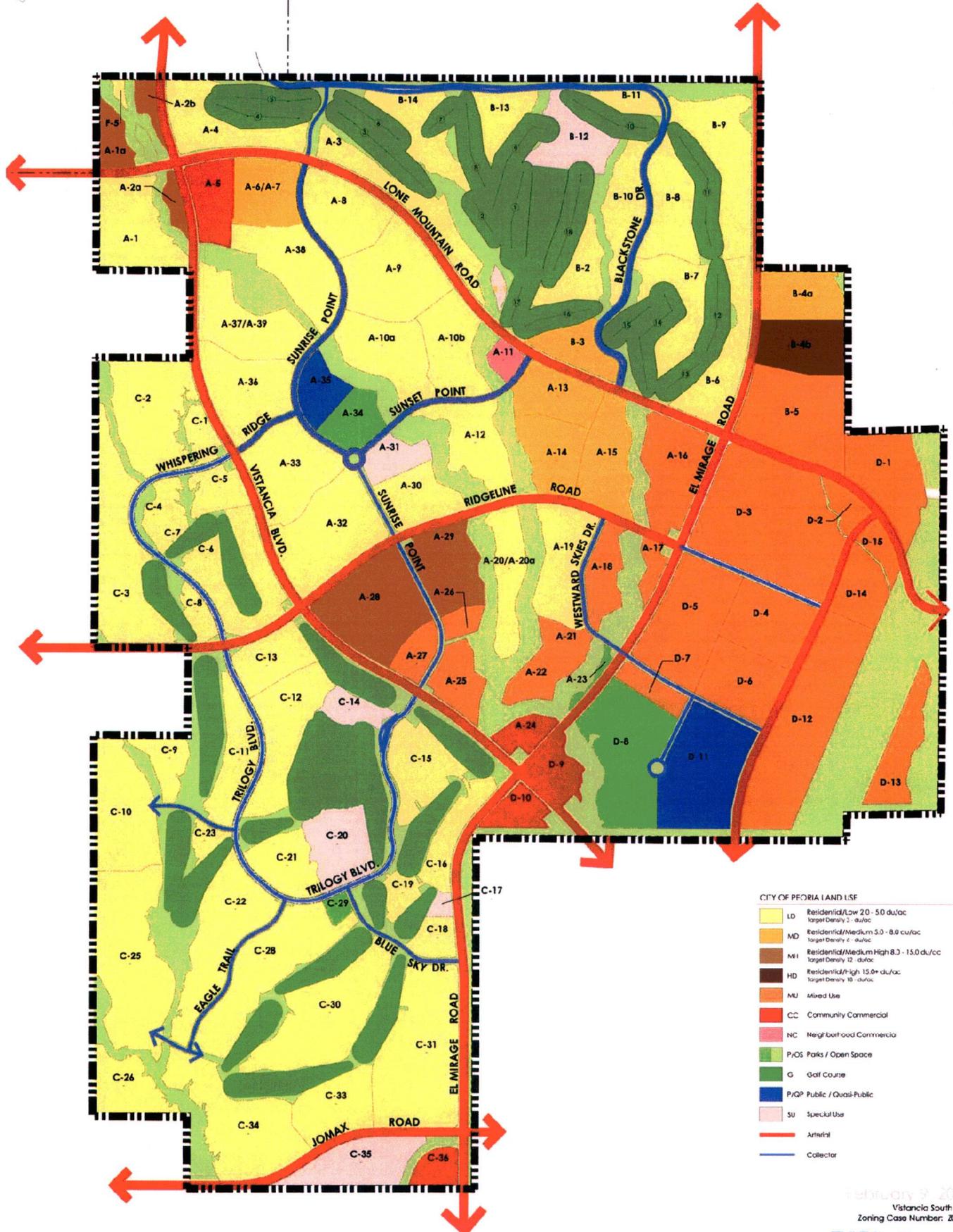


LAND USES

RF	Residential/Estate 0.2-0 du/ac
LD	Residential/Low 2.0-5.0 du/ac
MD	Residential/Medium 5.0-8.0 du/ac
MH	Residential/Medium High 8.0-15.0 du/ac
MU	Mixed Use
SL	Special Use
CC	Community Commercial
P/CS	Park/Open Space
G	Golf Course
P/CP	Public/Quas-Public
W	Water
(Red line)	Major Arterial
(Blue line)	Minor Arterial
(Light blue line)	Major Collector
(Dark blue line)	Minor Collector







**CITY OF PEORIA LAND USE**

LD	Residential/Low Density	20 - 50 du/ac
	Target Density	2 - du/ac
MD	Residential/Medium Density	5.0 - 8.0 du/ac
	Target Density	4 - du/ac
MI	Residential/Medium High Density	8.0 - 15.0 du/ac
	Target Density	12 - du/ac
HD	Residential/High Density	15.0+ du/ac
	Target Density	18 - du/ac
MU	Mixed Use	
CC	Community Commercial	
NC	Neighborhood Commercial	
P/O S	Parks / Open Space	
G	Golf Course	
P/QP	Public / Quasi-Public	
SU	Special Use	
(Red line)	Arterial	
(Blue line)	Collector	



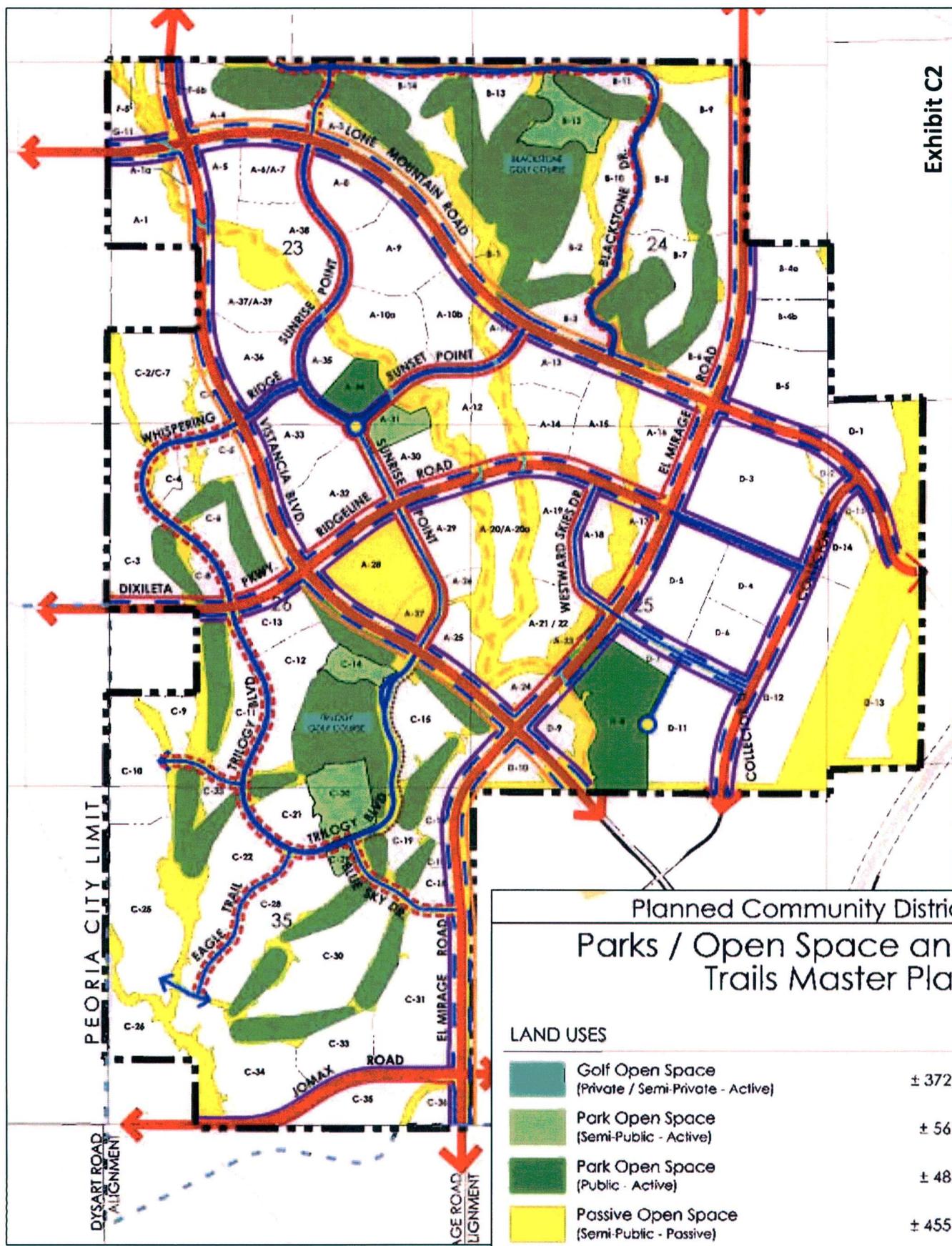
**VISTANCIA SOUTH**  
**Approved Land Use Plan**  
 City Of Peoria Zoning #ZD1-10, Approved October 1st, 2009

Figure A-3 GREEBY PICKETT TASK ENGINEERS WILSON ENGINEERS

Vistancia South PCD  
 Zoning Case Number: ZD1-10

0 400 800 1200

GREEBY PICKETT  
 Task Engineers  
 Wilson Engineers



### Planned Community District Parks / Open Space and Trails Master Plan

LAND USES	
	Golf Open Space (Private / Semi-Private - Active) ± 372.8 Ac.
	Park Open Space (Semi-Public - Active) ± 56.4 Ac.
	Park Open Space (Public - Active) ± 48.3 Ac.
	Passive Open Space (Semi-Public - Passive) ± 455.6 Ac.
<b>Total</b>	<b>± 933.1 Ac.</b>

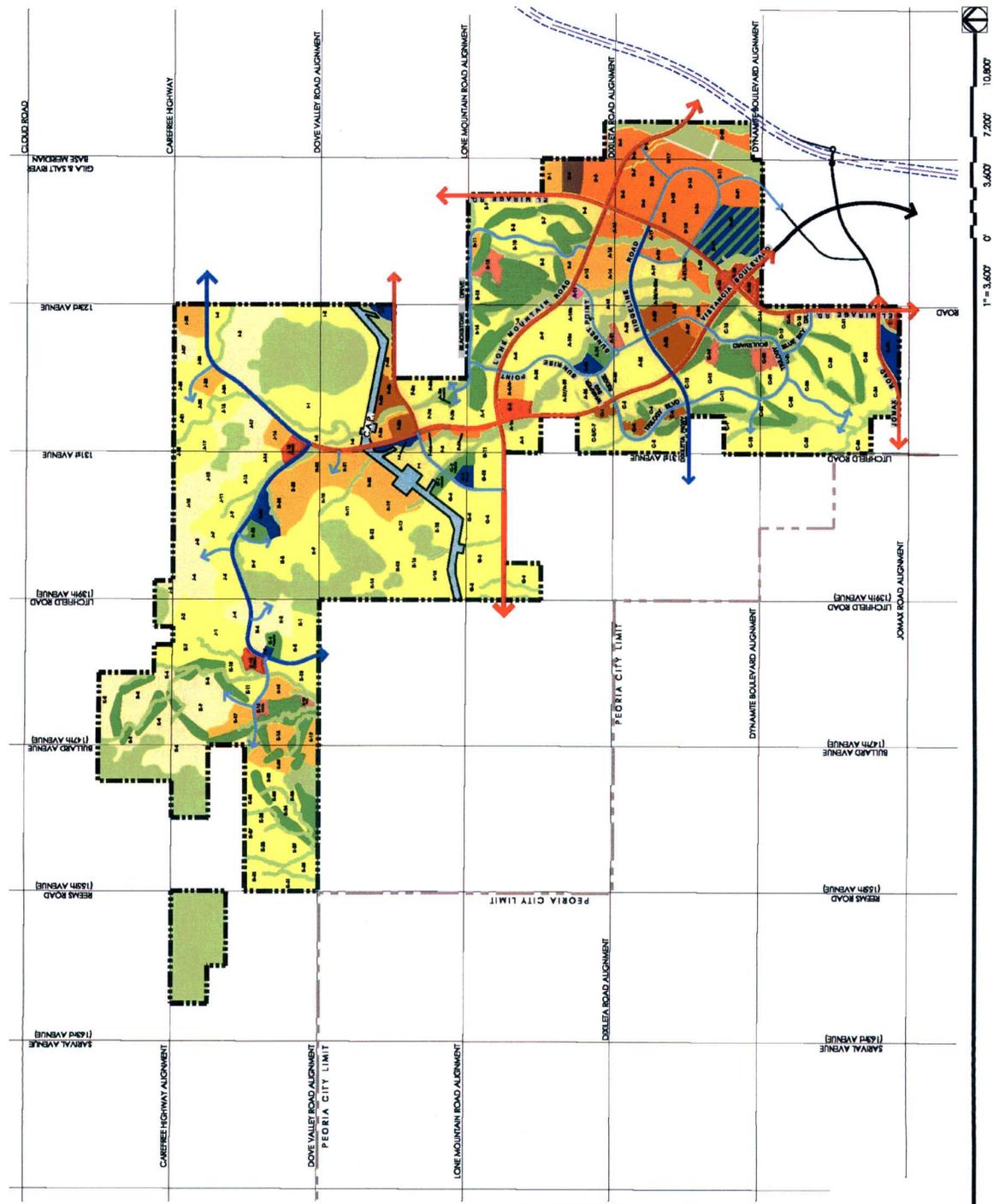


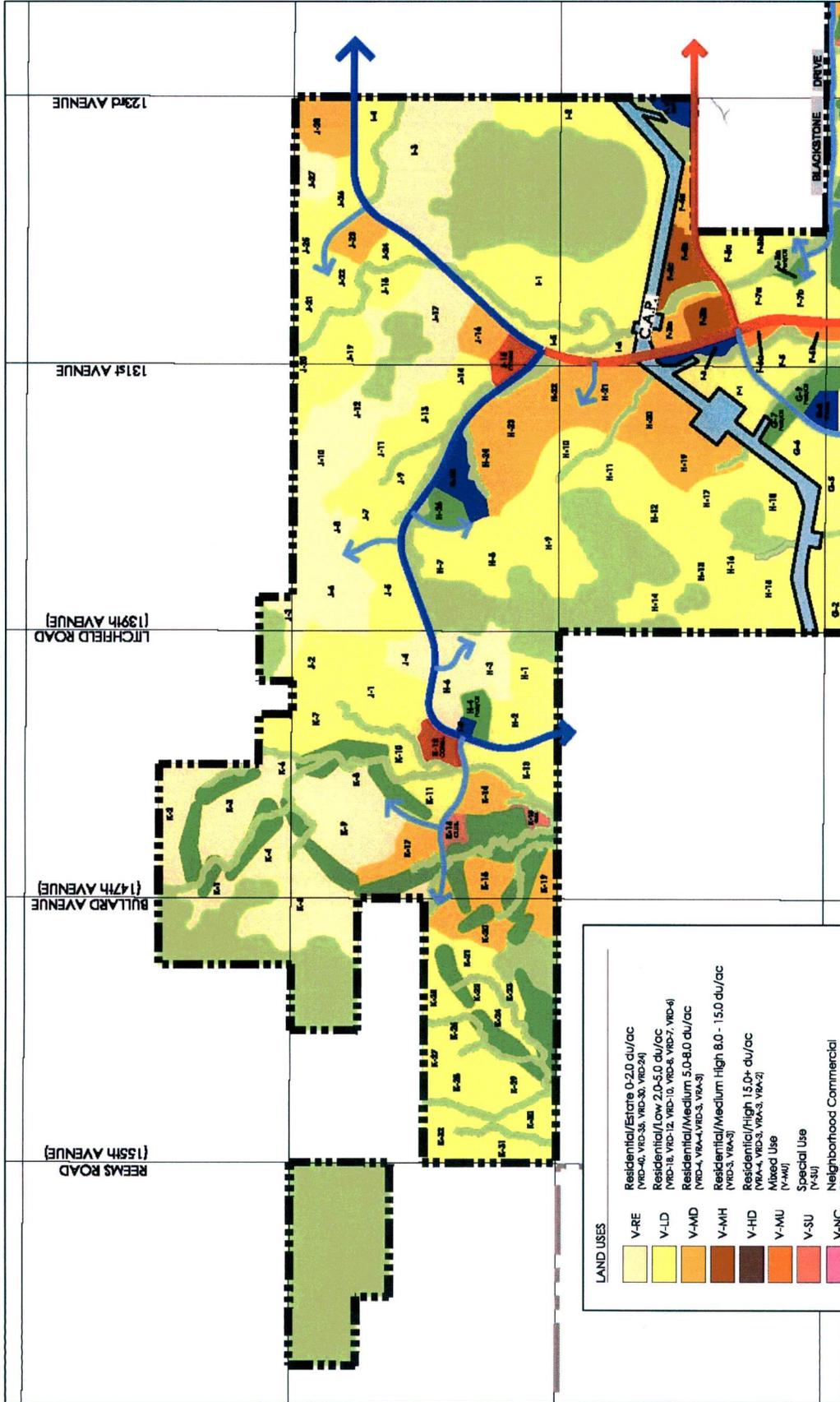
# Planned Community District Land Use Master Plan

## LAND USES

V-RE	Residential/Estate 0-2.0 du/ac (VRD-40, VRD-30, VRD-24)
V-LD	Residential/Low 2.0-5.0 du/ac (VRD-18, VRD-12, VRD-10, VRD-8, VRD-7, VRD-4)
V-MD	Residential/Medium 5.0-8.0 du/ac (VRD-4, VRD-3, VRA-3)
V-MH	Residential/Medium High 8.0 - 15.0 du/ac (VRD-3, VRA-3)
V-HD	Residential/High 15.0+ du/ac (VRA-4, VRD-3, VRA-3, VRA-2)
V-MU	Mixed Use (V-MU)
V-SU	Special Use (V-SU)
V-NC	Neighborhood Commercial (V-NC)
V-CC	Community Commercial (V-CC)
V-OS/P	Open Spaces/Park
V-G	Golf Course
V-P/QP	Public/Quasi-Public
V-W	Water (C.A.P.)
(Red line)	Major Arterial
(Blue line)	Minor Arterial
(Light blue line)	Minor Collector

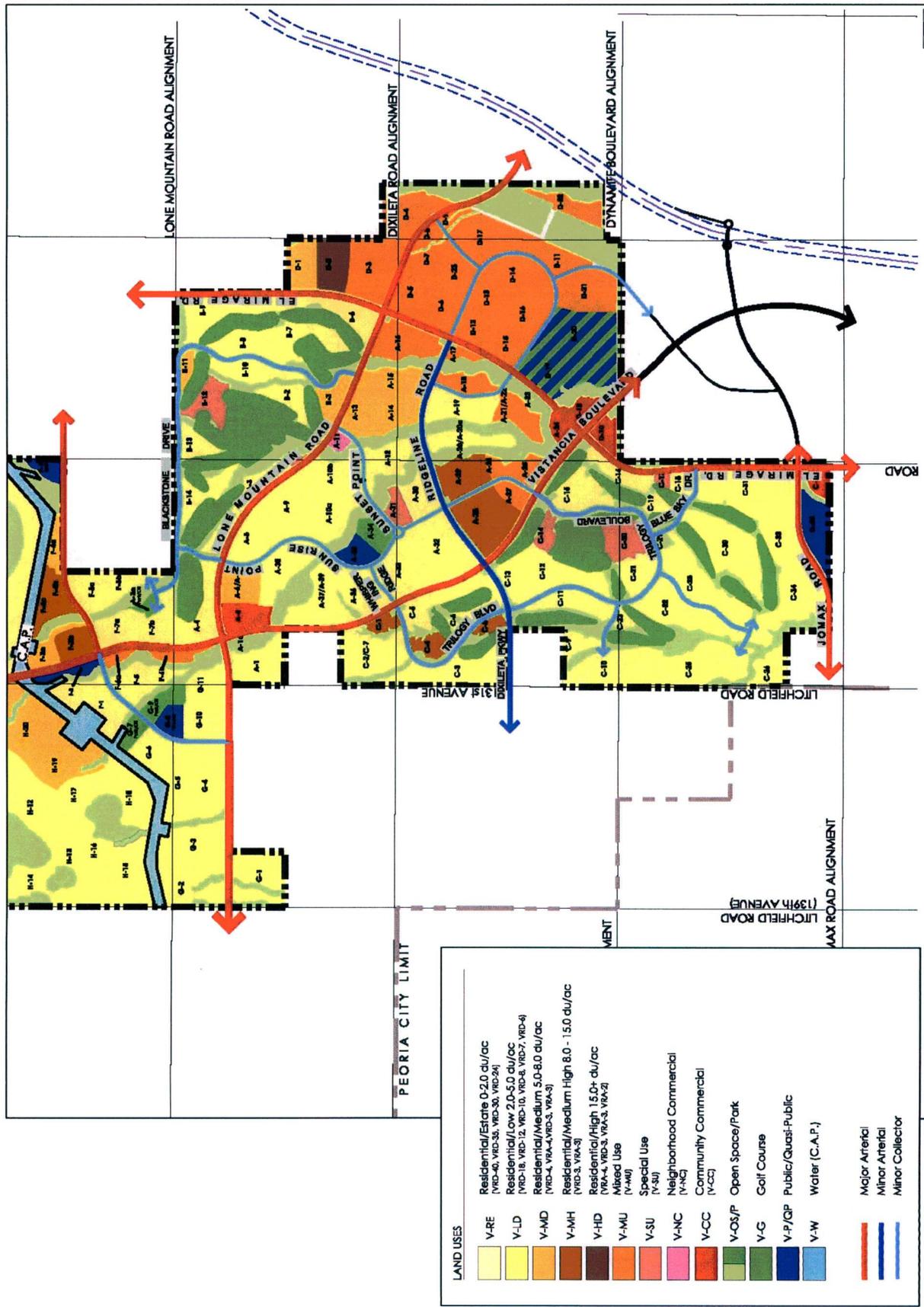
\* Routing at Village K Golf is Conceptual.  
 \* Future roadway alignments, parcel boundaries, and village entities are subject to change based on detailed land planning and engineering constraints.





**LAND USES**

V-RE	Residential/Estate 0-2.0 du/ac (VRD-6, VRD-33, VRD-30, VRD-24)
V-LD	Residential/Low 2.0-5.0 du/ac (VRD-18, VRD-12, VRD-10, VRD-8, VRD-7, VRD-4)
V-MD	Residential/Medium 5.0-8.0 du/ac (VRD-4, VRD-4, VRD-3, VRD-3)
V-MH	Residential/High 8.0 - 15.0 du/ac (VRD-3, VRD-3)
V-HD	Residential/High 15.0+ du/ac (VRD-4, VRD-3, VRD-3, VRD-2)
V-MU	Mixed Use (V-MU)
V-SU	Special Use (V-SU)
V-NC	Neighborhood Commercial (V-NC)
V-CC	Community Commercial (V-CC)
V-OS/P	Open Space/Park
V-G	Golf Course
V-P/QP	Public/Quasi-Public
V-W	Water (C.A.P.)
(Red line)	Major Arterial
(Blue line)	Minor Arterial
(Thin blue line)	Minor Collector



**LAND USES**

V-RE	Residential/Estate 0-2.0 du/ac (VRD-40, VRD-55, VRD-20, VRD-24)
V-LD	Residential/Low 2.0-5.0 du/ac (VRD-18, VRD-12, VRD-10, VRD-6, VRD-7, VRD-4)
V-MD	Residential/Medium 5.0-8.0 du/ac (VRD-4, VRD-1, VRD-3, VRD-5)
V-MH	Residential/Medium High 8.0 - 15.0 du/ac (VRD-3, VRD-3)
V-HD	Residential/High 15.0+ du/ac (VRD-4, VRD-3, VRD-3, VRD-2)
V-MU	Mixed Use (V-MU)
V-SU	Special Use (V-SU)
V-NC	Neighborhood Commercial (V-NC)
V-CC	Community Commercial (V-CC)
V-OS/P	Open Space/Park
V-G	Golf Course
V-P/QP	Public/Quasi-Public
V-W	Water (C.A.P.)
(Red line)	Major Arterial
(Blue line)	Minor Arterial
(Light blue line)	Minor Collector





Samuel [REDACTED]  
[REDACTED]  
[REDACTED] 85345

February 29, 2012

Peoria City Council  
The City of Peoria  
8401 W. Monroe St.  
Peoria, Arizona 85345

**RE: Case Name: Vistancia North & South Combination, Case Number: Z01-10A. 11**

Dear Members of The City Council:

As a residential lot owner in the Vistancia Community, I wanted to briefly make know my thoughts & concerns on the request made by Sunbelt Holdings for a major amendment to the Vistancia South Planned Community Districts and have my comments placed on the record.

My understanding is that the key proposed change to the Vistancia Community, by Sunbelt Holdings, is to lower the overall density of homes at build-out from 15,644 to 10,500 homes. The original Vistancia development agreement with the City of Peoria was approved a decade ago during a time of unbridled housing growth in The Valley. At the time of the agreement, Vistancia was assigned a special taxing district to pay for amenities. With a reduction by one-third fewer homes, this would translate into less of the anticipated sales and property tax revenue planned for at the time of original agreement. In an 11/3/11 Arizona Republic article, Deputy City Manager Susan Daluddung, states that the city's push for economic development in the area should make up for fewer residents.

**A major concern is that if the economic development does not take place as anticipated, the residential lot owners in Vistancia will more than likely be called upon to make up any short falls in tax revenue.**

Additionally, attendees at the recent 2012 Vistancia Village A Community Association Annual Meeting, received information that the 2012 Association Operating Budget has an operating deficiency of approximately \$650,000.00 with the shortfall currently being funded by Sunbelt Holdings. So not only do the Vistancia lot owners face the potential for higher property taxes, they may also have to deal with a significant increase in homeowner's maintenance fees paid to the association upon Sunbelt Holdings departure from Vistancia. I would like for the City Council Members to ask the requesting representatives of Sunbelt Holdings to share the plan in place to reduce the operating budget deficiency to \$0.00 prior to their exiting of the Vistancia protect?

In addition to the operating budget deficiency that the Vistancia lot owners may be left to deal with upon Sunbelt Holdings exit of Vistancia, the coming years will more than likely see a significant spike in needed capital expenditures for replacement cost upkeep to an aging infrastructure.

Thank you for allowing me to share my thoughts & concerns on this matter with the City Council.

Yours truly,

[Handwritten signature]  
[REDACTED]  
Samuel [REDACTED]

Three (3) Attachments

RESPONSE RECEIVED TO VISTANJA  
LOTOWNER QUESTIONS SUBMITTED IN  
CONJUNCTION WITH THE 2/27/12 ANNUAL  
MEETING

charged by the square foot but rather the special use assessment was divided equally  
amount the total number of homes that benefitted from the project.

Question 22 – Who paid for the police presence—3 cars and six officer's, for last year's  
annual meeting ??? Was it the association hiring off duty policemen or did the City of Peoria  
pay for them???, As Ms. Rietmann found it necessary to write an editorial to a newspaper---  
public knowledge---

Answer – The Association paid for some off-duty police officers though many officers were  
present as part of their usual and community related duties.

Question 23 – How many lots remain empty ???

Answer – Currently there are 1,038 lots on which homes have not been completed.

Question 24 – what is the schedule for turn over ??

Answer – If transition is meant by "turnover," please see response to Question 19.

Question 25 – Why is there a deficiency in our operating budget for 2012- that requires a  
subsidy of money in the amount of approx..ly \$650,000.00 almost 1/2 of a million dollars????  
For 2012 Why ??

Answer – During the Declarant control period, a subsidy is required to be paid in the amount  
equal to the deficiency in the operating budget. It is a very common practice in communities  
under development, and allows for costs to be born by the Declarant and Developers in  
addition to homeowners.

Question 26 – There was a deficiency in our operating budget for 2011 –that required a  
subsidy of money in the amount of approx..ly \$800,000.00 ---- Why ??

Answer – Please see the response to Question 25.

Question 27 – There was a deficiency in our operating budget for 2010---that required a  
subsidy of the money in the amount of approx..ly \$900,000.00 Why ??

Answer – Please see the response to Question 25.

Question 28 – Why is our 3 year operating budgets for ---2010, 2011, 2012, falling short in  
operating revenue in the amount of over \$ 2,500,000.00 million dollars-----Why ??

Answer – Please see the response to Question 25.

# Peoria helping to lure major Vistancia employer

Council agrees to provide necessary infrastructure

By Sonu Munshi

The Republic | [azcentral.com](http://azcentral.com)

Peoria is forging ahead with efforts to attract a major corporate employer to Vistancia, with plans to invest millions of dollars in partnership with the developer of the master-planned community.

The City Council last week agreed to enter a partnership with Sunbelt Holdings, the developer of the north Peoria community. The plan is for the developer to donate 50 acres of land to the city. In return, Peoria would set aside \$6.7 million to help build infrastructure to better connect the land for commercial development.

The idea is to land a major employer, in keeping with the council's goal to add high-paying private-sector jobs. The Greater Phoenix Economic Council is promoting the site, which is close to Loop 303 and large enough that it could be used for a corporate headquarters or hospital.

The council's consensus to move forward on the plan was part of a larger presentation on proposed changes to development at Vistancia. The developer is lowering the community's planned number of homes at build-out by about a third.

City Manager Carl Swenson described the city's partnership with Sunbelt Holdings as "mutually beneficial."

A formal agreement is expected to return to council for a formal vote by March.

## Promoting development

Councilwoman Cathy Carlat, who represents the area, said the agreement is vital because it would make it easier for companies to invest in the city. She said companies could avoid the complicated process of acquiring state trust land, which is predominant in the area, and instead rat an



An outdoor room in a model home from Shea Homes at Trilogy at Vistancia. Peoria has agreed to set aside funds for economic development there. MICHAEL MCNAMARA/THE REPUBLIC

**“The hope and the plan will be that commercial activity would result from the business activity, not just the residential activity.”**

**SUSAN DALUDDUNG**

Peoria deputy city manager

Road and other improvements. Sunbelt would build access roads and sewerlines. “We’re all throwing skin in the game,” Whyte noted. “We all benefit from it.”

## Tweaking Vistancia

Vistancia has been recognized as one of the country's best master-planned communities with about 1,200 commercial homes

consideration, the high number of homes didn't make sense.

He assured council that future homes would be no different than what already exists, a mix of cluster homes, single-family homes, multifamily homes and custom homes.

The key proposed change is to lower the overall density of homes at build-out from

residents.

“The hope and the plan will be that commercial activity would result from the business activity, not just the residential activity,” Daluddung said.

## Commercial area

The 50 acres that may be donated to the city is part of a 400-acre planned commercial core on the northeastern corner of El Mirage Road and Vistancia Boulevard.

Developers want to create an urban, pedestrian-friendly commercial area. Parking would be tailored to avoid a sea of parking.

The maximum building heights would increase from 74 feet to up to 120 feet.

## Community connection

From a roads standpoint, Engineering Director Andy Granger said the original development agreement had not taken Loop 303, which opened this year, into account.

The developers previously were required to extend Lone Mountain Road from El Mirage Road to Lake Pleasant Parkway. Under the revised plan, Lone Mountain would extend to the freeway to provide another access route to the community. The first two lanes are under construction and are expected to open in May. Eventually, two more lanes would be required based on traffic.

## Amenities

Planned amenities, such as parks and a library, would still happen, although the timing or location for some may change.

For instance, the original development agreement stipulated the developer would donate up to 1,175 acres of open space to the city. The revised agreement would change the acreage, but the timing would be altered to better fit the city's ability to take over that responsibility, city Planning Director Chris Terrace said.

## **FF** *The hope and the plan will be that commercial activity would result from the business activity, not just the residential activity.*

**SUSAN DALUDDUNG**  
Peoria deputy city manager

sentation on proposed changes to development at Vistancia. The developer is lowering the community's planned number of homes at build-out by about a third.

City Manager Carl Swenson described the city's partnership with Sunbelt Holdings as "mutually beneficial."

A formal agreement is expected to return to council for a formal vote by March.

### **Promoting development**

Councilwoman Cathy Carlat, who represents the area, said the agreement is vital because it would make it easier for companies to invest in the city. She said companies could avoid the complicated process of acquiring state trust land, which is predominant in the area, and instead get access to easily available land in a well-connected spot.

City officials are trying to leverage the community's proximity to Loop 303 to lure a medical or corporate campus or a university. It's also close to Sun City and Interstate 17.

City Economic Development Director Scott Whyte said having "shovel-ready" property would make it attractive to companies.

If a business prospect comes through, Sunbelt would donate the 50 acres to the city. Peoria would then help extend El Mirage Road to connect to Lone Mountain

would extend to the freeway to provide another access route to the community. The first two lanes are under construction and are expected to open in May. Eventually, two more lanes would be required based on traffic.

### **Amenities**

Planned amenities, such as parks and a library, would still happen, although the timing or location for some may change.

For instance, the original development agreement stipulated the developer would donate up to 1.175 acres of open space to the city. The revised agreement would not change the acreage, but the timing would be altered to better fit the city's ability to take over that responsibility, city Planning Director Chris Jacques said.

The open space area would include the creation of extensive recreational opportunities through mountainous trail systems, according to a staff document.

A branch public library initially planned near El Mirage and Lone Mountain roads, would instead be built near Southern Vistancia Community Park and a future high school site. Since the city would have to pay for the library, the revised agreement is expected to stipulate that the city would have to let the developer know before October 2016 whether it intends to use the site for a library or release the developer from the obligation, Jacques said.

consideration, the high number of homes didn't make sense.

He assured council that future homes would be no different than what already exists, a mix of cluster homes, single-family homes, multifamily homes and custom homes.

The key proposed change is to lower the overall density of homes at build-out from 15,644 to 10,500 homes.

City officials said current residents in Vistancia, which has a special taxing district to pay for amenities, would not pay any extra to compensate for fewer homes. The area would still get a similar level of public-safety service as previously planned, officials said.

Councilman Ron Arnes asked whether fewer homes would mean less sales and property tax for the city and how that would impact maintenance.

Deputy City Manager Susan Daluddung said the city's push for economic development in the area should make up for fewer

Road and other improvements. Sunbelt would build access roads and sewerlines. "We're all throwing skin in the game," Whyte noted. "We all benefit from it."

### **Tweaking Vistancia**

Vistancia has been recognized as one of the country's best master-planned communities, with about 4,300 occupied homes.

It's also a growth area for the city. Between 2007 and 2010, half of all residential permits pulled in the city were at Vistancia.

The original Vistancia development agreement was approved a decade ago, "during times of unbridled growth," Whyte said.

Today's market reality has forced the city and developer to take another look at that agreement.

Mark Hammons, senior vice president of Sunbelt Holdings, said early plans were "very aggressive," but when taking the market and the land characteristics into

**Vistancia South and Vistancia North Consolidation  
Common Questions and Answers  
As of July 11, 2011**

**Question: How is this related to the Redistricting process within the City of Peoria?**

*Answer: This application and the City's Redistricting are unrelated topics. The similar timing of these items is coincidental.*

**Question: How will this impact my HOA dues and/or amenity access?**

*Answer: There will be no impact on the Vistancia HOAs. These entities and boundaries have been set up without regard to the entitlement boundaries and will not be impacted by removing the entitlement line between Vistancia South and Vistancia North.*

**Question: Will the lower unit count impact my utility bills?**

*Answer: Utility rates are set for the City as a whole and are based on existing and projected costs for operations and capital projects across the entire City. Rates are not set based on the costs or the customer units in an individual development.*

**Question: Will my property taxes increase because of this, what about the CFD?**

*Answer: This amendment will have no direct impact on property taxes. Nor is the CFD tax rate impacted by this application (it will remain at \$2.10 per \$100 in secondary assessed value).*

**Question: Will the decrease in entitled unit count inhibit commercial development?**

*Answer: The commercial and mixed use land is primarily located near the 303, and as such, expected to develop as a regional center. Relative to the regional access, the few thousand units fewer in entitlements are not expected to make a difference, especially when factoring in the greater per-unit economic impact often generated by a lower density development.*

**Question: Where is the additional height going to be located, and how many 120' tall buildings are expected?**

*Answer: The increased height overlay is being requested east of El Mirage Road, and maximum heights are allowed as the buildings push back from infrastructure roads. This height is being requested to allow for various users that would likely be interested in the development as the market recovers. There are no users in escrow, so there is no way to determine how many buildings may ultimately be built at the maximum height.*

**Question: Does the increased height overlay increase the chance of industrial uses coming in where retail, office, and residential is currently anticipated?**

*Answer: No. Although the allowed uses outlined in table D.2 of the PCD are undergoing some cleanup, none of these small adjustments will impact the character of the community.*

**Question: The edits to Hillside Development Overlay District and Desert Lands Conservation Overlay are not a part of the PDF document online. When will those details be available for public review?**

*Answer: The Developer and City have been working together through these edits for several months, and this piece was not ready to include at time of first submittal (that is online). These documents will be included with second submittal, which is expected to occur (and be posted online) in late August.*

**Question: What specifically is being revised in the Hillside Development Overlay District and Desert Lands Conservation Overlay?**

*Answer: A significant portion of the revisions being made are updating the existing Vistancia approval to the City's current ordinances. Additionally, greater flexibility is being requested in land contouring and lot sizes at higher slope categories as well as maximum cut/fill heights. The current ordinances, when applied to the Vistancia specific topography, tend to push density to lower slopes and only allow larger structures on slopes. The proposed revisions are accompanied by design guidelines that demand a higher quality of hillside development and provide the tools to make the community more integrated with the open space elements. This will allow flexibility in unit type, better utilize developable areas, and encourage appropriate transitions between the built and natural environment while increasing both usability and connectivity.*

**Question: What is the construction status of Lone Mountain Rd to the 303, Vistancia Blvd north of Westland Rd, the Vistancia Bridge over the CAP Canal, and Westland Rd east of Vistancia Blvd? When will El Mirage connect between Vistancia Blvd and Lone Mountain Rd.**

*Answer: With the exception of Lone Mountain, the completion of these roads is tied to sale and/or development of the serviced parcels (based on a number of third party and economic conditions beyond the developer's control). The following are the latest preliminary projections:*

- *Lone Mountain connection to 303 opening at the end of March, 2012.*
- *Vistancia Blvd and CAP Bridge crossing resuming/beginning construction in 2013.*
- *Westland Rd east of Vistancia Blvd paving in 2012.*
- *El Mirage between Vistancia Blvd and Lone Mountain beginning construction in 2013.*