

ARTICLE 14-36 PLANNED COMMUNITY (PC) DISTRICT

(Ord. No. 01-146)

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14-36-1 INTENT

The Planned Community (PC) District is intended to accommodate large-scaled, yet unified, comprehensively planned developments which conform with and enhance the policies and programs contained within the Peoria General Plan. This district is intended to provide an alternative zoning district and development process to accommodate substantial developments for residential, commercial, professional, industrial or other activities, including combinations of uses appropriately requiring flexibility under controlled conditions, not otherwise attainable under conventional zoning districts so that the following goals may be achieved:

- A. To enhance the City's development and to promote the public health, safety, and general welfare.
- B. To provide within such areas a combination of land uses, which may include a variety of residential types, commercial, industrial, public and semi-public areas, arranged and designed in accordance with sound site planning principles and development techniques; and in such a manner as to be properly related to each other, the immediate surrounding area, the planned thoroughfare system, and other public facilities such as water and sewer systems, parks, schools and utilities.
- C. To encourage a more creative approach in the utilization of land in order to accomplish an efficient, aesthetic, and desirable development which may be characterized by special features of the geography, topography, size or shape of a particular property.

- D. To establish planning and development control parameters tailored to the opportunities and constraints of the property while allowing sufficient flexibility to permit final detailed planning and the precise distribution of the approved density and intensity of the project at the time of site plan or subdivision application submittal.
- E. To provide reasonable assurances to the City and land developer that the proposed development may be planned and carried out in one or more phases over an extended period of time, in accordance with an approved PC "Development Plan" and "Standards Report".
- F. To assure that the PC District is developed in accordance with a PC "Development Plan" and "Standards Report." The PC "Development Plan" and "Standards Report" shall be designed to fulfill the goals established by the General Plan, provide development standards promoting an appropriate balance of land uses, and promote the planning of public facilities designed to serve the projected population.

14-36-2 GENERAL PROVISIONS

- A. *Conformance with the General Plan.* The proposed PC District shall be in general conformance with the Peoria General Plan. The Planning Manager shall not approve or recommend approval of any PC District unless the Planning Manager has received a Waiver of Proposition 207 from the Owner or Owners of the property that is the subject of the PC District.

(Section 14-36-2 amended by Ordinance No. 07-14, enacted April 17, 2007 and effective May 17, 2007.)

- B. *Location of PC District.* PC Districts may be established on large parcels of land which, because of their ownership, size, topography, or exceptional or unusual locational characteristics, are suitable for planned development in a manner consistent with the purposes of this section.

- C. *Minimum PC District Area.*

- 1. The minimum area required for a planned community district is six hundred (600) contiguous acres held under single ownership at the time of application submittal or under multiple ownership within a partnership as expressed through written correspondence and signatures provided with the PC application.
- 2. Areas within rights-of way may be included in the computation of the minimum six hundred (600) acres.

- D. *Property Development Standards.* All land uses in a PC District shall be established within planned "development units." The PC District is intended to be combined with the general property development standards of various zoning districts in the Peoria Zoning Ordinance or as modified in the approved PC "Development Plan" and "Standards Report."

1. The proposed PC District shall comply with overlay districts of general applicability including, but not limited to, the Hillside Development Overlay and Floodplain Districts, except where modifications are expressly authorized through an approved Standards Report and Development Plan;
 2. The proposed PC District shall comply with the Subdivision regulations and other adopted policies, codes and ordinances of general applicability;
 3. The proposed PC District may include modified property development standards (contained within the zoning ordinance) to address defined opportunities and constraints related to the property, including, but not limited to, building placement and height, minimum lot size and parking area landscaping.
- E. *Permitted Uses.* Any use may be permitted in any specific “development unit” within a proposed PC district provided such use shall be specifically listed as a permitted use and shall be located and conducted in accordance with the approved “Development Plan” and “Standards Report” and other applicable regulations.
- F. *Conditional Uses.* Any use may be established as a conditional use in any specific development unit within a proposed PC district provided such use shall be specifically listed as a conditional use subject to the provisions of Article 14-24 (“Conditional Use Permits”) and shall be located and conducted in accordance with the approved “Development Plan” and “Standards Report” and other applicable regulations.

14-36-3 APPLICATION REQUIREMENTS

In addition to complying with the provisions of Article 14-39, Section 14-39-6, “Rezoning,” each application for a PC District shall be accompanied by a “Standards Report,” “Development Plan” and “Development Schedule.” The “Standards Report” and “Development Plan” shall, as approved by the City Council, become a part of the applicable zoning regulations within the respective PC District. Subsequent changes to the “Development Plan” shall be made in accordance with Section 14-36-8. (Ord. No 02-80)

- A. *Standards Report.* The “Standards Report” shall describe the purpose, nature and characteristics of the proposed PC district including, but not limited to, the proposed development unit use or uses to be conducted in the district in a manner sufficient to enable preparation and consideration of regulations governing permitted and conditional uses, site use and other development regulations which may be appropriate to govern development, use, and maintenance of the sites included within the PC district. The “Standards Report” shall include the following:
1. Contact listing of key project team representatives including the contact, owner, and developer.
 2. Vicinity Map.
 3. Legal description of the district boundary.

4. A statement by the applicant demonstrating the necessity of the application for the PC district, including information demonstrating compliance with the findings contained within Section 14-36-6.
 5. Existing conditions map drawn to a suitable scale showing the use and general condition of the land within the proposed PC district boundary and adjacent lands for one mile. The map will provide the total gross acreage, overall density proposed and a delineation of major physical constraints or opportunities, major environmental features, topography, existing roads, trails, utilities, generalized location of any hundred (100) year floodway and mapped stormwater drainage conditions.
 6. The delineation of development units including a parcel matrix inclusive of each proposed development unit indicating as appropriate: the approximate unit size in acres, proposed allocation of land uses, the proposed zoning district(s) (either an existing zoning district or a modified proposed district as further defined within the Standards Report), the projected number of employees, the maximum number of potential dwelling units, and intended floor area ratios (FAR) for the project.
 7. The parcel matrix shall also indicate the projected number of residential units or non-residential square footage for each development unit to guide the preparation of supporting infrastructure studies outlined herein.
 8. Such additional information as the Planning Manager may prescribe as necessary, to facilitate review and action on the application by the Planning and Zoning Commission and the City Council.
- B. *Development Plan.* The “Development Plan” must include a land use and circulation system concept that is consistent with the goals and policies of the General Plan, compatible with the environment, and capable of being served by existing and planned public facilities and utilities. The “Development Plan” submitted with the application for the PC District shall include the following, unless waived by the Planning Manager:
1. Submittal of a Development Plan Map divided into approximate development sub-areas or development units. The proposed Development Plan Map(s) shall be drawn to a suitable scale and include at least the following:
 - a. The boundary of the proposed PC District.
 - b. The existing and proposed topographic character of the land.
 - c. The approximate location of each proposed land use development unit.
 - d. The general location of all proposed major and minor arterial streets, including their proposed connections to major streets identified on the Circulation Map in the Peoria General Plan.
 - e. Major drainage elements.

- f. All proposed public schools, parks and open space areas.
 - g. Any trails and/or bikeways, including their proposed connections to conceptual trail locations identified in the Peoria Trails Master Plan and other relevant documents.
 - h. Conceptual location of any significant historical, cultural and archaeological features of the site, including proposed methods to incorporate and preserve such features into the proposed project.
2. Master Drainage and Hydrology Report, prepared by an Arizona registered engineer.
 3. Master Water and Sewer System Report, prepared by an Arizona registered engineer.
 4. Traffic Impact Analysis Engineering Report, prepared by an Arizona registered engineer.
 5. A Cost Impact Analysis of the proposed public facilities and infrastructure, prepared by a competent person or firm with experience in the preparation of such studies. The study shall provide the specific detailed accounting of the financing structure for the development of required facilities for parks, law enforcement, fire protection, public services, municipal government, and other necessary governmental services.
 6. Such additional information as the Planning Manager may prescribe as necessary, to facilitate review and action on the application by the Planning and Zoning Commission and the City Council.
- C. *Development Schedule.* The following schedule submitted with the application for a PC District shall include the following:
1. A schedule, indicating to the best of the applicant's knowledge, the approximate timeframe in which construction or development is expected to begin, the duration of time required for completion of the development; and
 2. Proposed phasing if the project will not be developed as one (1) unit, including a plan for the interim use and management of the undeveloped phase or phases.

14-36-4 APPLICATION PROCEDURES

- A. The applicant is encouraged to meet with the Planning Manager prior to making an application for a PC District to discuss the development concept, the review and approval process, and the submittal requirements.
- B. The applicant shall obtain the necessary application forms from the Planning Division. Application forms when properly completed and accompanied by the required fee and required material shall be submitted to the Planning Division.

- C. If the application request requires an amendment of the City's adopted General Plan and/or an adopted Specific Plan, the applicant shall submit an application to amend the General Plan or adopted Specific Plan prior to or simultaneously with the application for a PC District.
- D. The Planning Division shall distribute the PC application and supporting materials (pursuant to Section 14-36-3), and other relevant documentation to each responsible department for review and comment.
- E. Written responses shall be obtained by the applicant from public or quasi-public agencies identified by the Planning Manager as being stakeholders in the outcome of the development proposal within the timeframe defined above. The Planning Manager or assigned designee shall compile all of the comments and recommendations and submit a written report to the applicant.
- F. The revised PC "Development Plan" and "Standards Report" shall be resubmitted to the Planning Division for further evaluation by the Planning Manager and the reviewing agencies.
- G. A development agreement between the applicant and the City may be prepared and reviewed concurrently to afford resolution to issues and concerns identified through agency review.

14-36-5 ADOPTION OF A PLANNED COMMUNITY DISTRICT

- A. The Planned Community District shall be adopted in accordance with procedures set forth in Article 14-39, Section 14-39-6, "Rezoning." The Commission and Council shall consider the PC "Development Plan" and "Standards Report" as part of the rezoning application and all provisions and protocols therein set forth in Section 14-39-6 shall apply to said "Development Plan" and "Standards Report."
- B. At the time a PC District is approved by the City Council, the associated "Development Plan" and "Standards Report" shall become an integral part of the Peoria zoning regulations for the PC District established by the City on the property. All future development within the adopted PC District shall thereafter be in conformity with the "Development Plan and Standards Report."

14-36-6 FINDINGS

Before approval or adoption of an application for a PC District, the Planning and Zoning Commission and the City Council shall find:

- A. That the development proposed is in conformance with the General Plan.
- B. That the streets and thoroughfares proposed are in conformance with the General Plan Circulation Map and will be adequate to serve the proposed uses.
- C. The Planning and Zoning Commission and City Council shall further find:

1. In the case of proposed residential development, that the development will promote compatible buildings and uses and that it will be compatible with the character of the surrounding area; and
2. That the conceptual site locations proposed for public facilities such as schools, fire protection, law enforcement, water, wastewater, streets, public services and parks, are adequate to serve the anticipated population within the PC District.
3. In the case of proposed commercial, industrial, institutional, recreational and other non-residential uses or mixed-uses, that such development will be appropriate in area, location and overall planning for the purpose intended.
4. That the development is fiscally sound, as demonstrated in the Cost Impact Analysis, and is consistent with adopted policies, infrastructure plans and applicable Capital Improvement Programs (CIP).

14-36-7 FUTURE DEVELOPMENT

Upon adoption of the PC District, the applicant may then proceed with the development of the property in accordance with the "Standards Report" and "Development Plan" by filing subdivision plats for any portion of the PC District in accordance with Chapter 24 of the Peoria City Code (1977), which constitutes the City's Subdivision Regulations; or a site plan, pursuant to Article 14-39, Section 14-39-9, "Site Plan Review" of the City's Zoning Ordinance. Legal descriptions for each affected development unit must be provided with subdivision plats or site plan applications. (Ord. No. 03-06)

The Planning and Zoning Commission will not take any subsequent approval action on a project within thirty (30) days of the City Council's adoption of the PC District.

14-36-8 AMENDMENTS TO AN APPROVED PC DISTRICT

- A. Amendments to the PC District "Development Plan" or "Standards Report" may be requested by the applicant or its successors. Amendments to the approved PC District shall be delineated as *major* or *minor* amendments. Amendments to the approved PC "Development Plan" and "Standards Report" may be limited to one or more "development units" and any proposed change will not affect development units not included in the proposed amendment.
- B. Upon receipt of an amendment application to the Planning Division, the Planning Manager shall determine if the proposed amendment constitutes a *major* or *minor* amendment.
- C. *Major Amendments*. If the Planning Manager determines the amendment to be a *major*, the amendment request shall be processed in the manner set forth in Sections 14-36-4 & 5.
- D. An amendment will be deemed *major* if it involves any *one* of the following:
 1. A change in the overall PC District Boundary; or

2. An increase in the total number of approved dwelling units or gross leasable area (GLA) for the overall PC District; or
 3. A significant change to the approximate boundary of one or more "development unit(s)" from that approved in the PC District, as determined by the Planning Manager. A change to an individual development unit generally shall be deemed to be significant if it represents a ten percent (10%) increase to the approximate gross area of the development unit as approved in the PC District.
 4. An increase of ten percent (10%) or more of the approved number of projected dwelling units or gross leasable area (GLA) for an individual development unit.
 5. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the City Engineer.
 6. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PC District or to the overall major street system as determined by the City Engineer.
 7. Any other proposed change to the "Development Plan" and/or "Standards Report" which substantively alters one or more components of the PC District as determined by the Planning Manager.
- E. *Minor Amendments.* Amendments not meeting one or more of the criteria listed in subsection (D) shall be considered minor. If the Planning Manager determines the amendment to be minor, the Planning Manager may administratively act on the amendment and attach stipulations or conditions of approval thereto, to protect the public health, safety and welfare.
1. If the amendment proposes a change to the Development Plan Map, notice of the proposed minor amendment shall be mailed to each owner of property as last disclosed by County Assessor records, situated wholly or partly within three hundred (300) feet of the affected development unit(s) to which the amendment relates. For purposes of giving mailed notice, the Planning Manager shall require the applicant to furnish the names and addresses and stamped/addressed envelopes of all affected property owners as determined above. If the amendment proposes any other change to the "Development Plan" or "Standards Report", including but not limited to, text changes or changes to the development standards of the "Standards Report," notice of the minor amendment shall be published within a newspaper of general circulation.
 2. If written protest to any minor amendment is received from any notified property owner within ten (10) days of the notification mailing date in the case of mailed notice, or within ten (10) days of the final date of advertising in the case of published notification, and such protest cannot be resolved, then the Minor Amendment shall be reclassified as a Major Amendment. No additional application shall be required, however, all provisions governing Major Amendments shall then apply.

3. If written protest is not received as described above, the Planning Manager shall render a decision on the minor amendment request. The Planning Division decision shall be final unless appealed under Section 14-36-9. The Planning Manager or assigned designee shall send copies of the decision to the applicant, interested parties of record and members of the Planning and Zoning Commission.

14-36-9 ADMINISTRATIVE DECISION APPEALS

- A. An action or decision by the Planning Division on *minor* amendments may be appealed by the applicant within seven (7) days from the date of the Planning Manager's decision.
 1. Appeals shall be in writing on a form provided by the Planning Division and shall include only the specific items being appealed.
 2. The Planning Division will submit a report and any background material regarding the appeal to the Planning and Zoning Commission for its next scheduled meeting. Any persons associated with the action being appealed shall be informed by the Planning Division of the date, time, and location of the appeal hearing.
 3. The Planning and Zoning Commission's decision on the appeal will be sent out (in writing) to the applicant. The decision of the Planning and Zoning Commission will be final, unless the applicant initiates an appeal to the City Council.
- B. *Appeal to Council.* An action or decision by the Planning and Zoning Commission on minor amendments may be appealed by the applicant within seven (7) calendar days after the date of the Commission decision.
 1. Appeals shall be in writing on a form provided by the Planning Division and shall include the specific items being appealed and the nature upon which the decision was in error.
 2. The Planning Division shall transmit to the City Council a transcript, with exhibits, of the Planning and Zoning Commission's hearing. The City Council shall review the transcript and exhibits and may, at their discretion, hear further oral or written comments.
 3. The City Council may affirm the decision of the Planning and Zoning Commission; or remand the matter for further proceedings before the Planning and Zoning Commission; or reverse or modify the Planning and Zoning Commission's decision.

14-36-10 ADMINISTRATION AND ENFORCEMENT

- A. While ownership of a project may subsequently be transferred (in whole or in part), PC District zoning will continue to be implemented and maintained on the total acreage of the PC District zoned project. It is the responsibility of the owner to notify

all prospective purchasers of the existence of the PC District and the PC "Development Plan" and "Standards Report". It is also the responsibility of the owner to initiate a dialogue with the Planning Manager to ensure the program of development can be administered to comply with all of the processing time frames and hearing schedules required.

- B. In the event that the applicant has failed to comply with the conditions adopted by the City Council in conjunction with the approved PC District and the PC "Development Plan" and "Standards Report", the City may proceed in accordance with Section 14-4-6B of the Peoria Zoning Ordinance.

14-36-11 DEFINITIONS

Development Unit: An approximate "subarea" within a specifically defined PC boundary containing singular or multiple designated land use and zoning classifications. Multiple classifications or mixed-use classifications may be permitted in the PC District in conformance with the General Plan. A development unit in text or table format is the same area as referenced on a map but describes the area in more specific detail. The City Council may approve a particular definition of "subarea" or "development unit" for any individual PC District.

Standards Report: Consists of a narrative report, existing conditions map and background information describing the characteristics, components and timing of the proposed PC District by development unit(s). The Standards Report includes a development unit matrix describing density, projected employment, intended FAR's, zoning districts and applicable development standards.

Development Plan: Is a multi-faceted development plan, organized by development unit, demonstrating how the Standards Report will be implemented. The Development Plan will illustrate the proposal's relationship and conformity with adjacent land uses, circulation systems and the provision of utilities and other public services.