

**PLANNING AND ZONING COMMISSION MINUTES  
CITY OF PEORIA, ARIZONA  
CITY HALL, COUNCIL CHAMBER  
MAY 15, 2008**

A **Regular Meeting** of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 8401 W. Monroe Street, Peoria, AZ in open and public session at 6:32 p.m.

**Members Present:** Chair Greg Loper, Vice Chair Veda McFarland, Commissioners John Gerard, Michael Worlton, Marc Melbo and William Louis.

**Members Absent:** Commissioners Kenneth Compton and Anne Wojcik.

**Others Present:** Ellen Van Riper, Assistant City Attorney, Glen Van Nimwegen, Community Development Director, Maher Hazine, Assistant City Engineer, Chris Jacques, Acting Planning Manager, Rob Gubser, Senior Planner, Adam Pruett, Senior Planner, Monique Spivey, Associate Planner, Melissa Zechiel, Planning Technician, Cody Gleason, Planning Technician, and Cathy Griffin, Executive Assistant.

**Opening Statement:** read by Chris Jacques.

Final call for speaker request forms.

**Audience:** Approximately 30.

**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:** NONE

2C **MINUTES:** approve the minutes of the Regular Meeting held April 17, 2008.

3C **CU06-16:** 75<sup>th</sup> Ave. Mini-Storage located north of the northwest corner of 75<sup>th</sup> Ave. and Tierra Buena Lane is requesting a Conditional Use Permit to allow for an expansion of the existing mini-storage facility.

4C **CU07-25:** Grimaldi's Pizzeria located at the northeast corner of 99<sup>th</sup> Avenue and Northern Avenue within the Park West commercial center is requesting a Conditional Use Permit to allow for an outdoor dining patio.

6C **CU08-07:** Spectrum Retirement Community located south of the southeast corner of 87<sup>th</sup> Avenue and Union Hills Drive is requesting a Conditional Use Permit Nursing/Long Term Care on a property currently zoned C-2 to allow the construction of a 121,300 square foot facility containing 2 and 3 story portions totaling 140 living units.

7C **CU08-11:** FuNuGyz Sports Tavern located north of the northwest corner of 83<sup>rd</sup> Avenue and Thunderbird Road in the Thunderbird Marketplace commercial center is requesting

a Conditional Use Permit to allow liquor sales (series 6 license) and to allow the addition of an outdoor smoking/dining patio to the existing tavern/bar establishment.

- 8C **CU08-12:** Enoch's Sports Lounge located on the northwest corner of 67<sup>th</sup> Avenue and Peoria Avenue is requesting a Conditional Use Permit to allow the addition of an outdoor patio to the existing establishment.

**Commission Action:** Commissioner Gerard moved to approve the Consent Agenda items. The motion was seconded by Commissioner Louis and upon vote, carried unanimously.

## **REGULAR AGENDA**

### **NEW BUSINESS, PUBLIC HEARINGS and/or ACTION:**

NOTE: Item 5C was removed from the Consent Agenda:

- 5C **CU08-03:** La Hacienda Reception Center, 7380 W. Olive Ave. is requesting a Conditional Use Permit to allow the operation of a reception facility that would accommodate weddings, special events, receptions, and/or meetings/luncheons. The request also includes an outdoor ceremonial garden.

**Staff Report:** Presented by Monique Spivey, Associate Planner.

#### **Public Comment:**

The applicant, Luke Lewis, stated that he was in concurrence with the additional conditions from Maher Hazine, Assistant City Engineer.

**Commission Action:** Commissioner Gerard moved to approve Case **CU08-03** to allow the operation of a reception facility that would accommodate weddings, special events, receptions, and/or meetings/luncheons. The request also includes an outdoor ceremonial garden. The motion was seconded by Commissioner Louis and upon vote, the motion carried unanimously, with the following conditions:

1. The use shall substantially conform to the Narrative attached as (Exhibit A) and the accompanying floor plan (Exhibit C) and site plan location (Exhibit D).
2. The conditional use permit shall terminate upon any interruption or cessation of the use authorized by the Conditional Use Permit for a period of one-hundred and eight (180) days.
3. The hours of operation shall be limited to Sunday through Thursday from 10:00 a.m. to 11:00 p.m. All event activity shall end by 10:00 p.m. with doors closing by 11:00 p.m.
4. The hours of operation for Friday through Saturday from 10:00 a.m. to 1:00 a.m. All event activity to end by 12:00 p.m. with doors closing by 1:00 a.m.
5. All outdoor activity shall end by 10:00 p.m. Seven (7) days a week. This includes the take down, setup, or event.
6. Outdoor music is prohibited after 9:00 p.m. Sunday through Thursday.
7. Noise must be in compliance with Section 13-92 of the Peoria City Code (Noise; general prohibitions).

8. An acoustic noise study and music plan shall be submitted at the time of Phase II site plan review. The noise study should include but is not limited to the review of pop or rock music, whether live or recorded, drum sets amplified or non-amplified, electrical musical instruments, single music instruments such as a cello or flute, string quartets, or saxophone.
9. All doors must be kept close while music is in progress.
10. The applicant shall obtain formal site plan/design review approval for Phase II development.
11. The applicant shall not conduct any weddings or receptions until all of the conditions herein have been satisfied and a certificate of occupancy for a wedding center has been issued.
12. Phase I shall be limited to 268 persons at any given time.
13. Phase II, for purposes of calculating maximum guest occupancy for the site as a whole, the final number of parking spaces yielded in Phase II shall be multiplied by four (4) to attain the number of allowable persons on the property at any given time. For example, 85 parking spaces would equate to 340 persons.
14. The interior reception building maximum occupancy shall be determined by the Fire Department. In no event shall the indoor occupancy exceed the amount permitted by the Fire Department.
15. The 20' foot landscape buffer is required on all lot perimeters adjacent to residential zones.
16. In lieu of the proposed 17 Swan Olive trees, an alternative landscape buffer tree shall be selected from the Phoenix AMA Low Water Use/Drought Tolerant Plant List. Pollen producing vegetation such as the Mulberry tree (*Morus Alba*) or Olive tree (*Olea Europea*) is prohibited in accordance with Ordinance 00-20.
17. The applicant shall revise the Phase I landscape plan to meet the zoning requirements of Section 14-35 of the Peoria Zoning Ordinance.
18. All landscaping as proposed for Phase I site plan (Exhibit C) shall be installed prior to issuance of final occupancy.
19. The applicant shall clean the undeveloped future garden area to the rear of all trash, debris, weeds and provide a dust proof surface, and shall not be utilized as outdoor storage prior to the issuance of final occupancy.
20. An exterior lighting plan shall be submitted to as part of the Phase II site plan review. The approved lighting shall be installed prior to final occupancy.
21. The applicant shall comply with all applicable building codes and the requirements of the City, County, State, and other responsible agencies.

**Conditions added by Maher Hazine, Assistant City Engineer, memo dated May 15, 2008:**

22. The developer shall provide an ALTA Survey to reflect existing boundary and recorded easements on the site as part of the final improvement plans.
23. The developer is responsible to submit water and sewer analysis, for the entire site, and necessary documentation required for issuance of the Agreement to Serve letter to Maricopa County.
24. All flood plains must be shown on the final plans.
25. No new structure shall be constructed within the limits of the FEMA designed flood plain.
26. Any modification to existing flood plain shall be pre-approved by FEMA through the City of Peoria Engineering Department.

27. The developer is responsible to provide an Agreement to Install Improvement for the public improvements required by the development with an accompanying financial assurance for subdivision improvements in accordance with City's requirements.
28. The developer will be responsible to verify visibility and sight distance triangles for intersections, driveways, and grade separations.
29. A new 6' concrete sidewalk shall be constructed along the project frontage.
30. The developer shall dedicate an 8' PUE outside of the required ROW or private roadway Tract. No walls or retention shall be allowed within the PUE.
31. All driveways shall be in accordance with the requirements of Peoria Detail PE-251. Any deviations from this detail shall be addressed in a Traffic Impact Analysis for review and possible approval by the City Engineering Department.

9R **PUBLIC HEARING – PR06-09**: An appeal has been filed in regards to the approval of a site plan for Phase 4 of the Olive Commerce Park which would allow the construction of a two-story, 44,545 square foot building with a maximum height of 35 feet.

**Staff Report:** presented by Rob Gubser, Senior Planner.

**Public Comment:**

**Rebekah Coty**, stated that she lives next to the proposed site plan and she is opposed to this because of the increase noise that would be directed from the freeway to her property. She mentioned other concerns from construction issues pertaining to the original building of Olive Commerce Park.

Discussion ensued regarding access to this site, possible traffic signals, future frontage road access, right of way, and the noise from the 101 freeway overpass.

**Commission Action:** Commissioner Gerard moved to uphold staff's administrative approval of PR06-09 to approve a site plan for Phase 4 of the Olive Commerce Park which would allow the construction of a two-story, 44,545 square foot building with a maximum height of 35 feet. The motion was seconded by Commissioner Worlton and upon vote, the motion carried unanimously, with the following stipulation: Uphold Staff approval under case PR 06-09, subject to the following conditions:

1. The site shall be developed in accordance with the Site, Elevation and Landscape Plans date stamped approved **March 10, 2008**, except as amended herein.
2. A Final Drainage Report must be submitted with the improvement plans.
3. The Developer is responsible to submit water and sewer analysis, for the entire site, and necessary documentation required for issuance of the Agreement to Serve letter to Maricopa County.
4. A Phase 1 Environmental Clearance will be required for all right-of-way to be dedicated to the City.
5. The Developer is responsible to provide an Agreement to Install Improvement for the public improvements required by the development with an accompanying financial assurance for subdivision improvements in accordance with City's requirements.
6. The Development will be responsible to comply with the phase 2 AZPDES Storm Water Pollution Prevention criteria. This should include runoff control, erosion control, and sediment control. A Storm Water Pollution Prevention Plan (SWPPP)

shall be submitted with the improvement plans in accordance with the SWPPP checklist.

7. The Developer shall dedicate Peoria Roadway Easement along the frontage of the project on Olive Avenue (total half-street ROW/Peoria Roadway Easement required is 75-feet).
8. The monument sign may remain within the ROW/Peoria Roadway Easement. If the sign must be relocated in the future, the City will pay half the cost of relocation.
9. The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at the intersection of Olive and Loop 101.
10. The Traffic Impact Analysis has been approved with the following condition, this development will be required to connect into the frontage road and pay all proportionate costs.
11. Where the available fire flow from the fire hydrants does not meet the required fire flow for a structure, additional requirements and/or restrictions may be imposed on both residential and commercial type properties. This item will be verified during the Civil Plan review process.
12. The FDC will need to be relocated to the front (north) side of the building, maintaining the maximum spacing of one hundred (100) feet to a fire hydrant. This item will be verified during the Civil Plan review process.

- 10R **PUBLIC HEARING – CU08-08** T-Mobile located on the northwest corner of Lake Pleasant Parkway and Jomax Road is requesting a Conditional Use Permit to allow an approximately 50 foot monopalm wireless facility to be constructed within a future retail center.

**Staff Report:** Presented by Monique Spivey, Associate Planner.

**Public Comment:**

Applicant: Declan Murphy, T-Mobile, stated the gap in mobile service in this area and the importance to improve service. He also stated that there are not many design alternatives for wireless facilities.

Discussion ensued pertaining to:

- the wireless facility and possible alternatives to a “palm-tree” type design for a wireless facility at this site, which is in the Desert Lands Conservation area
- The live tress being maintained
- Validity of Signatures within the staff report that support the mono-palm
- Limited stealth design alternatives
- Cost versus effectiveness of a mono-palm
- Mono-palm inconsistent with the area and the Desert Lands Ordinance

**Commission Action:** Commissioner Louis moved to approve of CU08-08 Conditional Use Permit to allow a wireless facility to be constructed within a future retail center. The

motion was seconded by Commissioner Worlton and upon vote, the motion carried unanimously, with the following revised stipulations:

1. The applicant shall construct the wireless facility with a flag pole design or other alternative design deemed acceptable by the Community Development Director to be painted with a commensurate texture and color.
2. The mechanical equipment enclosure shall substantially conform to the elevations presented in (Exhibit C).
3. The site layout and location shall conform to the accompanying site plan (Exhibit E).

**NOTE: 11R (GPA07-05) and 12R (Z07-09) were heard together:**

11R **PUBLIC HEARING – GPA07-05:** Nagaki Design-Build Associates, Inc. is requesting a minor amendment to alter the current Peoria General Plan Land Use designation for approximately 10.12 gross acres from Residential Estate (0-2 du/ac, target of 1du/ac) to Office. The property is generally located on the southwest corner of Pinnacle Peak Road and 83<sup>rd</sup> Avenue and is more particularly described as Maricopa County Assessor Parcel Numbers (APN) 200-08-098A, -099, -098B, -129 and -130.

**Staff Report:** presented by Adam Pruet, Senior Planner.

**Public Comment:**

**Jason Lee**, applicant, discussed the parcels, the frontage, the design of the project and stated that they are in agreement with the stipulations.

**Debra Grunwald**, stated she has been in Peoria a long time, owns two properties in this area, concerned about left-hand turns, increased traffic, dust, residential area, one mile south at 83<sup>rd</sup> & Deer Valley are many retail facilities and a medical building not yet at capacity, therefore does not agree that is area is “under served” by medical facilities. Ms. Grunwald also stated she is concerned with the lighting, doesn’t want lights to interfere with viewing stars, and the placements of the two garbage containers at the south and west where houses are located. Ms. Grunwald is also concerned that this would affect her property value. Ms. Derby’s letter was provided to staff.

**John Albers**, stated that this area is low density and this request is not consistent with or appropriate for the area, and people are there for the open space and to get away from commercial projects. Mr. Albers discussed the problems with the traffic in the area.

**J. D. Campbell**, stated that there are services closer than what is stated in the staff report and this area is a low density area and should remain that. Mr. Campbell also stated is concern on the size of the potential 3,000 square feet deli/restaurant. Mr. Campbell is also concerned the stated water pressure for this site is incorrect.

**Heinz Grunwald**, stated that the buildings will block the view of the mountains, also concerned with the location of the trash containers. If this applicant wants to serve West Wing, that’s where they should locate this facility.

**Gary Morgan**, applicant and property owner in this area, stated he was in favor of development on this property. Mr. Morgan stated that this corner attracts “junk” as an empty lot. Mr. Morgan also stated that this project would enhance the area.

Discussion ensued regarding residential development verses commercial on this property.

Applicant, Jason Lee, stated he would like to address some of the concerns of the neighbors. For instance mosquitoes, that shouldn't be an issue with the design of the retention areas, which is also required by the City of Peoria standards to percolate the water within 72 hours. As far as the trash enclosures, Mr. Lee stated that they would be open to re-locate. In regard to the water issue, Mr. Lee stated that is was himself and Jerry Yamashita, another owner of the property, meet with Mr. Campbell. Mr. Lee stated that they had their Civil Engineer perform the test and he determined the water flow data.

Mr. Lee discussed the size of the deli/coffee shop was to provide enough facility for the end user. The site only allows for one deli and/or one coffee shop. Mr. Lee stated that it is their intention to provide a food facility for the occupants.

Discussion ensued regarding the type of occupants, which will be leased property; lease agreements; lighting restrictions (20 feet is the height limit – current zoning ordinance allows up to 25 feet), thus, reducing the allowable height by 5 feet and shielded the light from the residential areas; movement of the garbage containers; trash pick-up; allowable square feet for a food service facility, no drive-through facilities and; traffic for commercial site versus residential.

Mr. Hazine, Assistant City Engineer, discussed the traffic and street restrictions, which will be addressed during the site plan review of the project.

Commissioner McFarland stated her concern with the vacant office buildings already in this area and additional medical offices that will be built nearby.

Chair Loper discussed past zoning request for this vacant property and traffic in the area. Chair Loper also questioned the set-backs for this property, trash container location, trash pick-up options, addressing the concerns of the neighbors. Mr. Pruett, Senior Planner, stated that the concerns have been or will be addressed.

Lighting issues and location of the lights and type of businesses allowed in this office complex were also discussed further.

Commissioner McFarland questioned the neighborhood meeting for this case. Mr. Pruett stated that this site plan was introduced July 18, 2007. To meet citizen participation, there are sign-in sheets and exhibits used during the neighborhood meeting, in the case file. Commissioner McFarland also stated her concern on not seeing the letters received in favor or against this case.

Additional discussion regarding lighting and covered parking ensued.

**Commission Action:** Commissioner Worlton moved to recommend approval of case **GPA07-05** to the City Council for the minor amendment to alter the current Peoria

General Plan Land Use designation for approximately 10.12 gross acres from Residential Estate (0-2 du/ac, target of 1 du/ac) to Office. The motion was seconded by Commissioner Melbo and upon vote, the motion carried by a 5 to 1 vote.

- 12R **PUBLIC HEARING – Z07-09:** Nagaki Design-Build Associates, Inc. is requesting to rezone approximately 10.12 gross acres from AG (General Agricultural) to Planned Area Development (PAD) to allow for a professional office development. The property is generally located on the southwest corner of Pinnacle Peak Road and 83<sup>rd</sup> Avenue and is more particularly described as Maricopa County Assessor Parcel Numbers (APN) 200-08-098A, -099, -098B, -129 and -130.

**Staff Report:** presented by Adam Pruet, Senior Planner, during agenda item 11R.

**Public Comment:** See agenda item 11R.

**Commission Action:** Commissioner Worlton moved to recommend approval of case **Z07-09** to the City Council to rezone approximately 10.12 gross acres from AG (General Agricultural) to Planned Area Development (PAD) to allow for a professional office development. The motion was seconded by Commissioner Louis and upon vote, the motion carried by a 5 to 1 vote, subject to the conditions listed below, as well as that there will be no trash enclosures against the western and southern areas of the outside drive aisles and only one food service establishment throughout the entire development, not to exceed 3,000 square feet and the lighting adjacent to the south and west drive aisles, be limited to 16 feet in height and outside of the residential buffer.

1. The development shall substantially conform to the approved Planned Area Development Standards and Guidelines Report stamp dated April 25, 2008. The addition of uses to the PAD use listing shall be considered a Major Planned Area Development Amendment.
2. Future Site Plan, Landscape Plan and Elevations or modifications thereto shall remain in substantial conformance with Exhibits D, E and F of the May 15, 2008 Planning and Zoning Commission staff report for this application.
3. The developer shall submit a preliminary drainage report with the site plan.
4. The developer shall submit the updated Traffic Impact Analysis to the City with the site plan. The City will require preliminary approval of the Traffic Impact Analysis from MCDOT and the City prior to site plan approval.
5. The Developer shall dedicate 65-foot half-street ROW along the frontage of the project on Pinnacle Peak Road and 83rd Avenue. The Developer shall dedicate a minimum 25-foot half-street ROW along the frontage of the project on Planada.
6. The Developer shall dedicate an additional 10-foot ROW within 500-feet of the intersection of 83rd and Pinnacle Peak.
7. The Developer shall dedicate an 8' PUE outside of the required ROW on 83rd, Pinnacle Peak, and Planada. No walls or retention shall be allowed within the PUE.
8. The Developer shall construct the half-street for Pinnacle Peak, 83rd, and Planada along the frontage of the project. This will include curb, gutter, paving, improvements required by the TIA, street lights, and sidewalk.
9. The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at the intersection of 83rd and Pinnacle Peak. The Developer shall dedicate a 20-foot by 20-foot ROW chamfer at the intersection of 83rd and Planada.
10. The Developer shall install traffic signal interconnect conduit along the frontage

of the parcel on 83rd Avenue.

- 13R **PUBLIC HEARING – Z06-06:** John F. Rastegar, represented by ESCA Environmental, Inc. (Gene Cetwinski) is requesting to rezone approximately 2.03 gross acres from R1-7 and C-2 to Planned Area Development (PAD) to permit a commercial office plaza and town home development. The property is generally located south and east of 90<sup>th</sup> Avenue and Peoria Avenue and is more particularly described as Maricopa County Assessor Parcel Numbers (APN) 142-39-020B, 021B, 022A, 023, 024 and 025.

Applicant requested a continuance to the Planning and Zoning Commission meeting on June 5, 2008.

**Staff Report:** none

**Public Comment:** none

**Commission Action:** Commissioner Gerard moved to continue Case Z06-06 to the June 5, 2008, Planning and Zoning Commission meeting. The motion was seconded by Commissioner Louis and upon vote, the motion carried unanimously.

- 14R **PUBLIC HEARING – Z08-05:** The City of Peoria is requesting to rezone approximately one acre of privately owned land from Maricopa County Rural-43 to Peoria SR-43.

**Staff Report:** Presented by Adam Pruett, Senior Planner

**Public Comment:** None

**Commission Action:** Commissioner Louis moved to recommend approval of Z08-05 to City Council to rezone approximately one acre of privately owned land from Maricopa County Rural-43 to Peoria SR-43. The motion was seconded by Commissioner Worlton and upon vote, the motion carried unanimously.

- 15R **PUBLIC HEARING – Z08-06:** The City of Peoria is requesting to rezone approximately 4.5 acres of privately owned land from Maricopa County Rural-43 to Peoria SR-43.

**Staff Report:** Presented by Adam Pruett, Senior Planner

**Public Comment:** None

**Commission Action:** Commissioner Louis moved to recommend approval of Z08-06 to City Council to rezone approximately 4.5 acres of privately owned land from Maricopa County Rural-43 to Peoria SR-43. The motion was seconded by Commissioner Melbo and upon vote, the motion carried unanimously.

**CALL TO THE PUBLIC FOR NON-AGENDA ITEMS:** NONE

**REPORT FROM STAFF:** A brief overview of the draft Design Review Manual was presented by Chris Jacques, Interim Planning Manager.

Chair Loper stated that pertaining to single family requirements, he would like to see a limitation to single story lots on either side of entrances into a subdivision. He would like to see a

recommendation that the end cap of blocks be limited to single story homes. Also, the same building type, the same plan design, should not be allowed next to each other or across the street.

Commissioner Worlton, asked about staggered set-backs. Mr. Jacques explained that this is one of the changes suggested, a staggered street profile would be required.

Chair Loper discussed streetscape, and that uniformity in materials used in front yards add to a better looking neighborhood.

**REPORT 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 9:10 p.m.

\_\_\_\_\_  
Greg Loper, Chair

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