



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

**PLANNING & ZONING COMMISSION
REGULAR MEETING
NOTICE & AGENDA
THURSDAY, FEBRUARY 21, 2008
6:30 P.M.
COUNCIL CHAMBER
8401 W. MONROE ST.**

**PLANNING & ZONING
COMMISSION:**

Greg Loper, Chair
Veda McFarland, Vice Chair
Michael Worlton, Secretary
Kenneth Compton
William Louis
Marc Melbo
John Gerard
Anne Wojcik, Alternate

Department Liaison
Glen Van Nimwegen

***Accommodations for
Individuals with Disabilities.***
*Alternative format materials, sign
language interpretation, and
assistive listening devices 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.*

CONVENE:

ROLL CALL:

OPENING STATEMENT:

FINAL CALL TO SUBMIT SPEAKER REQUEST FORMS:

CONSENT AGENDA

CONSENT AGENDA: All items listed with "C" are considered to be routine or have been previously reviewed by the 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 the absences of Commissioners Marc Melbo and Michael Worlton from the February 7, 2008 meeting.
- 2C MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held February 7, 2008.
- 3C CU07-20:** Starbucks, 24654 N. Lake Pleasant Parkway, Suite 101 is requesting a Conditional Use Permit to allow an outdoor dining area in the Lake Pleasant Pavilions commercial center.

REGULAR AGENDA

UNFINISHED BUSINESS:

- 4R **PUBLIC HEARING:** RE: A request to rezone approximately 17.2 gross acres north of the northwest corner of 83rd Avenue and Olive Avenue from O-1/C-2 (Office/Commercial District) to PAD (Planned Area Development).

PUBLIC HEARING – Z07-06: Earl, Curley, & Lagarde [REDACTED] on behalf of Rovey Investments is requesting to rezone approximately 17.2 gross acres from its current Zoning District of Office Commercial (O-1) and Intermediate Commercial (C-2) to Planned Area Development (PAD) to permit a multi-family residential development consisting of 360 units. The property is generally located north of the northwest corner of 83rd Avenue and Olive Avenue and is more particularly described as Assessor's Parcel Numbers (APN) 142-37-041G and 142-37-041H.

Open Public Hearing

Staff Report

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to amend approximately 17.2 gross acres from its current Zoning District of Office Commercial (O-1) and Intermediate Commercial (C-2) to Planned Area Development (PAD) to permit a multi-family residential development consisting of 360 units. The property is generally located north of the northwest corner of 83rd Ave. and Olive Ave.

NEW BUSINESS:

- 5R **PUBLIC HEARING:** RE: A modification to Section 14-9-3 of the Zoning Ordinance to allow a Wedding and Reception Center to be located in an O-1(Office Commercial) Zoning District with the issuance of a Conditional Use Permit.

PUBLIC HEARING – TA 08-01: [REDACTED] on behalf of Luke Land Realty is requesting to modify Section 14-9-3 of the Peoria Zoning Ordinance to allow an existing property be used as a Wedding and Reception Center to be located in an O-1 (Office Commercial) Zoning District with the issuance of a Conditional Use Permit.

Open Public Hearing

Staff Report

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to modify Section 14-9-3 of the Zoning Ordinance to allow an existing property currently located in an O-1 (Office Commercial) Zoning District use the facility as a Wedding and Reception Center with the issuance of a Conditional Use Permit.

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.

Mary Jo Kief, City Clerk

Date Posted: _____

**PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
CITY HALL, COUNCIL CHAMBER
FEBRUARY 7, 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 Kenneth Compton, William Louis, John Gerard and Anne Wojcik.

Members Absent: Commissioner Marc Melbo and Michael Worlton.

Others Present: Steve Burg, City Attorney, Glen Van Nimwegen, Community Development Director, Maher Hazine, Assistant City Engineer, Chad Daines, Planning Manager, Chris Jacques, Principal Planner, Rob Gubser, Senior Planner, Adam Pruett, Senior Planner, Caroline Ruiz, Planner, Monique Spivey, Associate Planner, Melissa Zechiel, Planning Technician, and Cathy Griffin, Executive Assistant.

Opening Statement: read by Chad Daines.

Final call for speaker request forms.

Audience: Approximately 26.

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:** approved the absences of Commissioners Greg Loper and Michael Worlton from the January 17, 2008 meeting.
- 2C **MINUTES:** approved the minutes of the Regular Meeting held January 17, 2008
- 3C **CU08-01:** Massage Envy, 9744 W. Northern Ave. #1340 is requesting a Conditional Use Permit to allow the operation of a Massage Establishment in the Park West Commercial Development.

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

REGULAR AGENDA

NEW BUSINESS, PUBLIC HEARINGS and/or ACTION:

GPA07-03 and Z07-06 were heard as one discussion item but were voted on as two separate actions.

4R **GPA07-03**, A request to amend the Peoria General Plan through the Central Peoria Revitalization Plan for approximately 17.2 gross acres from "Neighborhood Commercial Mixed Use" to "Residential High Density".

STAFF REPORT: presented by Caroline Ruiz, Planner. Ms. Ruiz stated that if the Commission sees fit to approve GPA07-03, staff would recommend a one month continuance of Z07-06 to draft stipulations for approval.

Chair Loper questioned staff regarding the 207 Waiver. Ms. Ruiz stated that the 207 waiver has been provided for both cases.

Commission McFarland questioned an approval of a mixed-use case approved recently along Peoria Avenue. Chad Daines, Planning Manager stated that the case is located at 77th Avenue and Peoria.

Chair Loper asked staff to clarify where the City Park is located. Ms. Ruiz indicated on the map where the park will be located.

PUBLIC HEARING:

██████████ 3101 N. Central, representing Colonial Properties, a very large luxury multi-family developer, own and operate approximately 40,000 units throughout the southwest. The proposal tonight is a luxury rental project, which will be built to condominium standards. ██████████ stated that this is probably the most high-end luxury-laden multi-family project that the City has seen to date, from a landscaping, amenities and architectural standpoint. ██████████ stated his history with the City of Peoria and the projects he has been involved in and that he is well aware of what the City's aspirations are for the downtown area. ██████████ stated that in this instance the difference between staff and this proposal is whether roughly four or five acres of this site should be commercial.

██████████ stated that before they went forward with this case, he asked Colonial to conduct research to see if we could accommodate staffs' concerns. ██████████ stated that Colonial did the following: 1. Employed ██████████ an Economist, who performed analysis, which a summary of that report has been provided to the Commission and staff. 2. Looked at what is happening in other downtown areas. 3. Looked at what is happening in Peoria. After researching a several month period, ██████████ stated that he became convinced that staffs' position here is not realistic.

██████████ stated that this project is a gated community, heavily landscaped with mature landscaping 25 feet around the property. The units are located internally, along the perimeter there are carriage units, which are garage units on the bottom with the living unit above, typically for each carriage unit there will be two living units above. ██████████

stated that it has been expressed to the neighbors that the location of these carriage units is flexible. The carriage units will be only 24 feet in height, which is lower than a typical new single family house. The entire project is designed to CPTED design standards, and basically that is to try and maximize security. This is luxury environment and will be very secure with an on-site manager. [REDACTED] presented elevations of the club house, and explained that the applicant is willing to go above and beyond what the architectural standards have historically been in the City in terms of multi-family. They are willing to upgrade the architectural standards in terms of adding decorative iron rail, stone enhancements, and arch windows.

[REDACTED] explained that from an amenities standpoint, we feel we have met what the typical standards are, and actually have gone above these standards. Pool, Jacuzzi, club house with café, living room with flat screen TV, full fitness center, small movie theater, Ramada, two open spaces approximately 10,000 sq. ft. A jogging trail around the perimeter of the site, which may be an issue with some of the neighbors, and we are willing to delete. [REDACTED] explained that the units will be built to condominium standards with vaulted ceilings, wired for security, crown moldings, upgraded appliances and upgraded countertops.

[REDACTED] stated that he disagrees with staffs' position as to whether or not to having four or five acres of office on this site is really viable. He explained that the existing zoning is basically 15 acres of C2 and roughly 2 acres of office. The mixed-use designation essentially doesn't mean anything in terms of what ultimately will happen on this property. The reality is from a legal standpoint, this property is zoned for 15 acres of C2 and 2 acres of CO, there is no requirement that any mixed-use or integration with the residential that was talked about in staffs' report be actually incorporated into this plan. From a legal standpoint, a retail developer could build a 15 acre site, subject to site plan review from staff, with zero residential or integration. What is going to dictate whether or not a development of mixed-use takes place is if this area has the characteristics which are going to give rise to a mixed-use project [REDACTED] went on to explain other mixed-use sites in the Valley and what he feels is required to support a mixed-use environment.

[REDACTED] continued to state the amount of possible commercial square footage at 83rd and Olive, as currently zoned. He stated that is a very large amount for this area and that it will not occur. He also stated that as part of the initial analysis, they looked at what other cities have been successful and stimulating downtown redevelopment has done. The one priority is to have additional housing, because without housing the retail and office won't occur. He went on to explain what Glendale did along the 101 and Glendale Avenue. No retail development occurred until residential was allowed to be built in the area.

[REDACTED] had two last points: 1) He spent a lot of time in the neighborhood, had three neighborhood meetings, and went door to door trying to contact as many people as possible. The most difficult development is infill. [REDACTED] stated that if any people who are now hearing this case for the first time, he pledges to them that between now and the City Council hearing, if he needs to meet and make changes to the site plan or make adjustments in where the carriage units are located, increase set-backs, increase landscaping, he is willing to do that. 2) comparing the existing zoning versus what we're proposing, existing zoning, if developed under the C2 zoning and the office zoning, it will result in approximately 6,000 trips per day, based on I.T.E. numbers that are generated by the Institute of Traffic Engineers. Our project results in reduction of approximately

3,600 or approximately 2,400 trips per day. [REDACTED] stated this because of the concern stated by the neighbors.

Commissioner Gerard asked [REDACTED] about the underlying use of property. [REDACTED] explained that they started out with the intention to build condominiums, but that market is no longer feasible. [REDACTED] stated that if the market supported condominiums, that the apartments could be converted in the future. Commissioner Gerard asked if the applicant would be doing a condo map. [REDACTED] stated that yes; they would be doing a condo map.

Commissioner Wojcik stated that she likes the plan, but is concerned with all the rental units in the area. [REDACTED] explained that in this market, probably the healthiest element of the economy right now is the rental market, particularly in this area, especially what is available in the high-end market. Further discussion ensued between Commissioner Wojcik and [REDACTED] regarding rentals, commercial development and re-development.

Commissioner McFarland asked why this area was chosen for high-end project. [REDACTED] stated that the multi-family luxury developers are attracted to freeway oriented sites. He further explained that this area has no other luxury development; therefore there is no competition in this area.

Chair Loper asked [REDACTED] to explain the design of the project, the unit size, and what rents might be. [REDACTED] explained that the rents would range from \$750 to \$1300.

Chair Loper asked about the accessibility to the Diamond Shamrock. [REDACTED] stated that the Diamond Shamrock is walled off, however it would not be a problem to provide gated access at various points along Olive and 83rd. Mr. Daines stated that Diamond Shamrock was built with barricades so that it could connect to the north and to the west.

Chair Loper asked what the typical height of the existing single-story and two-story homes were. [REDACTED] stated that the west side of the property is all single-story and to the north there is a combination of one and two-story homes. Mr. Daines stated that the existing residential lots have a 15 foot setback.

[REDACTED] stated he has been a resident for 16 years, his concerns: 1) traffic capacity problems, already having trouble getting to the loop 101, 2) density verses upscale, 3) security.

[REDACTED] lives in Stoneview, concerns: this is a small neighborhood, not a lot of traffic; it's a good place to raise families, by bringing in 360 additional units, that's traffic that will be going into downtown Peoria. The price of rent, \$700 isn't a lot of money for an apartment, feels that renters don't take a vested interest in the community. Overcrowding at Alta Loma School is a concern, are there plans to build another school? [REDACTED] asked the Commissioners if they would want these apartments built next door to their house. He stated concerns with an increase in crime that comes with apartments. He also stated no one came to his neighborhood to inform them about the project.

[REDACTED] lives just west of the proposed project, stated that he agrees with everything already said. He stated that he is opposed to the project because it's apartments, the

traffic area, the amount of people, the school. He also stated that he would also be opposed to a retail project.

██████████ wanted to concur with his neighbors; it is a problem with the traffic and went on to explain his traffic concerns.

██████████ concerned about the set-backs and his privacy and the buildings won't allow the sun to heat his pool, so he's losing the advantage of what he had when he bought his house. He also stated that they have been truthful, can't have a condominium style building turned into luxury apartments. He feels that luxury apartment rent should start as \$1200 and up. There should be no carriage houses against the wall; they should build a wall at least 12 feet tall, so the people in the two and three story units cannot be looking into the neighbor's property.

██████████ stated that her concerns are that she has three small children and that her backyard could be viewed by the apartments. Understands that this area need to be developed, but is concerned with the traffic, the school influx for the children and the teachers and our tax dollars, the jogging track and the design of the carriage units.

Chair Loper questioned staff regarding the staff report noted that the school district does support the project. Ms. Ruiz, Planner, stated that the district did provide a letter of support and are working with the applicant on an agreement.

██████████ moved into the neighborhood because it was quiet, didn't have a lot of traffic. This project will change the traffic flow of his neighborhood. He stated that he has attended meetings twice and has not heard the same story. The rent amounts have changed.

██████████ stated that in April 2007 the applicant attended a Stone View Homeowners Associate meeting. Sun Tree apartments rent for \$650 to \$850 per month. Other concerns are who will maintain the units, will the units actually be sold at a later date. Windows on the carriage units should be changed.

██████████ stated that her house backs up to the west side of this project. She is very opposed to the carriage house units only having a 25 foot setback. She stated she is not opposed to this project as long as it allows an opportunity to look at the crime rate, the issue with the schools, the traffic and accidents at 85th Avenue and Olive. The jogging trail would need to be eliminated; she doesn't want people running along her fence line.

██████████ lives just west of the site, stated that in 11 years she has seen a lot of change, some has raised her property value. She does not believe that this project will raise her property value. She stated that it will cause a lot of traffic, crime, and her quiet neighborhood will become noisy and she is opposed to this project.

██████████ stated that modifications to the carriage units can be made. Also, if the carriage units stay, the windows will be clerestory windows, which are up higher and will allow light, but would preclude someone from looking down, this is reflected in the stipulations provided to staff. The jogging path can be eliminated. ██████████ continued to explain that in-fill projects are difficult, but the question is the quality of what is proposed going to be sustainable and compatible with what exists. He went on to

discuss other projects and potential densities and that to call 21 units per acre dense, by multi-family standards is not the case. Pertaining to traffic, something is going to happen on this property, and a retail development will have 3500 more trips per day than our proposal. [REDACTED] discussed the security issue, with a gated entrance and an on-site manager, wiring for security and therefore will try to do everything possible to ensure security. The people that live in this type of project are the workforce of the community, teachers, secretaries, police and firemen, young people who are starting out. To somehow state that the people living in this type of community are criminals, is just not the fact. It would be depriving people of a quality environment to live. We have met with the schools and are in agreement with them. [REDACTED] also explained that the three-story units will be 100 feet away for the property line to try to minimize any impact on the neighborhood.

Public Hearing was closed.

Commissioner Compton stated that he has lived in the community over 20 years and has watched intersections grow, some thrive and some die. He went one to state examples. He stated that removing commercial from an intersection is not bad and for that reason he is in favor of removing the commercial from this location. Commissioner Compton also stated that he is disappointed that there are not stipulations and that his recommendation is to approve subject to staff working with the applicant to address the stipulations to satisfy the neighborhood as best possible.

Commissioner Louis stated concerns with vacant lots and empty boxes in our City and as a resident of Peoria is concerned with the economic health of our City. Commissioner Louis went on to state that he is not in favor of this project the way it is currently proposed. He stated that a mixed-use would benefit the City. If a change to zoning is purposed to allow residential at this location, then retail should be included.

Commissioner McFarland questioned staff pertaining to a water usage report for the project. Mr. Daines explained that as part of the General Plan Amendment, water usage reports only apply to major General Plan Amendments. This project is a minor plan amendment; therefore that analysis would not be applicable to this request.

Commissioner Wojcik stated that she agrees with Commissioner Louis, but to add that the proposed building is new, not necessarily luxury. She also stated that Peoria has enough \$600 to \$800 rentals and we don't need to attract any more and she is not in favor of this project.

Commissioner Gerard stated that he wanted to address some of the concerns of the neighbors. Under the present zoning, potentially there could be up to 3500 more trips than the multi-family residential.

Maher Hazine, Assistant City Engineer, stated that he did not have the actual numbers here, but the numbers that [REDACTED] referred to, seem to be accurate. Mr. Hazine when on to state that clearly the commercial will have a lot of traffic, but more importantly, it's not just the amount of traffic, but the type of traffic. At this intersection, as currently zoned commercial, Mr. Hazine stated that it will be more problematic than what the current proposal is.

Commissioner Gerard asked about hours of operation, the type of building that could be built there with the existing zoning. The residential component in dealing with multi-family would be more morning and evening traffic as opposed to normal hours of operation for retail or offices.

Mr. Hazine stated that based on experience, residential has a morning and evening concentration, it is not as concentrated as an office. So the office has a higher concentration based on the amount of traffic in the a.m. peak and the p.m. peak. He went on to state the clearly the morning peak is not as bad because people leave at different times. The p.m. peak is the worst of the two because generally people leave around the same time.

Commissioner Gerard asked that if traffic is a concern, then it would be a safe assumption to say under its current zoning, that it would have more of a negative impact on the home owners than if it went to the multi-family.

Mr. Hazine stated that based on the concentration of commercial and the office, that yes that would generate more traffic. Mr. Hazine went on to address Olive Avenue and future proposed A.D.O.T. modifications near 91st Avenue and the 101 Loop. He stated that design completion and start of construction the latter part of this year, or beginning of next year based on S.R.P. schedule to relocate their facilities.

Chair Loper asked Mr. Hazine if there is a signal at 87th and Olive or at Butler. Mr. Hazine stated that there is not a signal at 87th and Olive or on Butler and 83rd. 83rd and Butler will eventually have a signal that is the half mile. From a spacing standpoint, Mr. Hazine stated that 87th and Olive is not slated for a signal.

Commissioner Gerard questioned security and a gated community, would there be any type of anticipated security within the premises. [REDACTED] stated that there is an extensive background check that every tenant would complete before they can lease and there is an on-site manager.

Commissioner Gerard asked whether the developer was working with the school district to reach an agreement. Mr. Ruiz indicated that staff has received a letter of support from the district conditional upon working out a developer assistance agreement prior to City Council meeting. She also indicated that the district has sent a more recent letter reaffirming their support and stating that they are working with the developer's representative to reach an agreement.

Mr. Daines explained that the absence of stipulations is because that staff believes that the Commission expects a clear recommendation from staff. When we recommend denial, we do not include stipulations of approval. If the Commission is inclined to approve the General Plan Amendment, a continuance of two weeks would still maintain the original City Council date.

Chair Loper asked what the height potentially would be under the current zoning and what would the set-backs potentially be. Mr. Jacques, Principal Planner, explained that C2 District has a height limitation of 48 feet. However, the setback provision, there is a 30 foot setback from the residential, for every three feet that the building is moved back, an additional one foot in height is allowed above 30 feet. Basically, the farther back, the

higher the building can be. Ultimately, C2 district can be up to 48 feet high. The O1 District has a height limitation of 30 feet and a 20 foot setback to residential.

Chair Loper also is concerned about loosing commercial opportunities to residential. However, he stated that perhaps this intersection has more commercial than can be supported in this area. He also commented that perhaps too much commercial is not necessarily a good thing. Chair Loper stated his concerns that if there is no mixed-use application in the City for the northeast corner of 83rd and Olive, what is the actual demand for this type of project here. He also commented on this intersection being referred to as a gateway and other improvements that could be made at this intersection. Chair Loper stated he is in support of this case as proposed and that mixed use is a regional issue, not necessarily parcel specific.

Commission Action: Commissioner Gerard moved to recommend to City Council approval to re-designate approximately 17.2 gross acres from "Neighborhood Commercial Mixed Use" to "Residential High Density". The property is generally located northwest of the northwest corner of 83rd Ave. and Olive Ave. The motion was seconded by Commission Compton and upon vote, the motion carried with a 4 to 1 vote

5R **Z07-06:** Earl, Curley, & Lagarde [REDACTED] on behalf of Rovey Investments is requesting to rezone approximately 17.2 gross acres from its current Zoning District of Office Commercial (O-1) and Intermediate Commercial (C-2) to Planned Area Development (PAD) to permit a multi-family residential development consisting of 360 units. The property is generally located northwest of the northwest corner of 83rd Avenue and Olive Avenue and is more particularly described as Assessor's Parcel Numbers (APN) 142-37-041G and 142-37-041H.

Commission Action: Commissioner Compton moved to continue Z07-06 to the February 21, 2008, Planning and Zoning Commission meeting, at which time stipulations can be presented. The motion was seconded by Commission Gerard and upon vote, the motion carried unanimously.

CALL TO THE PUBLIC FOR NON-AGENDA ITEMS: NONE

REPORT FROM STAFF: NONE

REPORT FROM THE PLANNING AND ZONING COMMISSION: Chair Loper asked about the sound wall on Pinnacle Peak. Mr. Hazine explained that the project will begin soon and he would get back to the Commission with an estimated time.

ADJOURNMENT: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 8:15 p.m.

Greg Loper, Chair

Date Signed

REPORT TO THE PLANNING AND ZONING COMMISSION- CONDITIONAL USE PERMIT

CASE NO.: CU 07-20
DATE: February 21, 2008
AGENDA ITEM NO.: 3C

Applicant: Looker & Cappello Architects, Inc.

Request: Obtain a Conditional Use Permit (CUP) for an outdoor dining area (patio) for a new restaurant planned in the Lake Pleasant Pavilions commercial center.

Proposed/ Development: Starbucks Coffee: The business is planning to occupy a suite within Pad 1 in the Lake Pleasant Pavilions commercial center (under construction).

Location: Starbucks Coffee, 24654 N. Lake Pleasant Parkway, Suite #101, Peoria AZ, 85383. South of the southwest corner of Lake Pleasant Parkway and Happy Valley Road.

Support/ Opposition: At the time of printing, the City has not received any letters or phone calls in support or opposition to this case.

Recommendation: **Approve** proposal as requested.

Existing and Surrounding Land Uses and Zoning:

1.

CU 07-20	LAND USE	ZONING
ON-SITE	Developing Commercial Center	PAD
North:	Happy Valley Road / Developing Commercial Center	SR-43 / PAD
East:	Vacant / Vacant	PAD / SR-43
West:	Single Family Residential	Maricopa County R-43
South:	Single Family Residential / Powerline Easement	R1-18

Background / Project Description:

2. Lake Pleasant Pavilions is a 40-acre commercial center located at the southwest corner of Lake Pleasant Parkway and Happy Valley Road. Upon completion, this center will contain approximately 389,000 square feet of retail space. The available commercial space will be distributed between an anchor, connected 'shops' buildings and freestanding 'pad' buildings. The proposed Starbucks will be located within a new pad building near the southeast corner of the property.
3. The applicant is proposing an outdoor seating area immediately adjacent to the front entry of the suite. This seating area will consist of four small tables with seating for nine patrons, two shade umbrellas, three small planters, a trash can and two small speakers for outdoor music (Exhibit C).
4. No modifications to the building are proposed nor are outdoor partitions such as fencing or railing being proposed.

Findings/ Analysis:

5. The Lake Pleasant Pavilions Standards & Guidelines Report does not specifically identify outdoor dining and seating areas as a specified use. Accordingly, in such ambiguous circumstances, the administration reverts to the Peoria Zoning Ordinance. Accordingly, per Section 14-9-3 (Land Use Matrix), *outdoor dining and seating areas* require the issuance of a Conditional Use Permit.
6. Section 14-39-10.D outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a CUP is to mitigate any identified impacts arising from a specific use on the surrounding neighborhood and provide controls to ensure maximum compatibility.
7. In staff's judgment, the proposed use is an appropriate, ancillary function to a restaurant use. Outdoor seating areas are typical of this type of use and are highly encouraged by the City provided they do not create conditions that are undesirable to the community.
8. The application notice was also forwarded to all property owners within 300 feet of the proposal and properly noticed per Section 14-39-10 of the Peoria Zoning Ordinance. As a result, to date, the City has not received any verbal or written comments on the proposal.

Proposition 207 Discussion

9. The voters of Arizona recently approved Proposition 207, which amongst 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. This waiver agreement has been sent to the applicant and at the time of the writing of this report, the City has not received the signed waiver from the applicant. Short of receiving a signed waiver or a request for a continuance to allow for more time for the applicant to consider, complete and return the requested waiver, staff will be recommending denial of this case. Any update to the staff recommendation will be provided at the hearing.

Recommendation:

1. A signed and notarized Proposition 207 waiver has been received in a form, manner and content acceptable to the City Attorney's Office, therefore staff recommends **approval** to the Planning and Zoning Commission of Case CU 07-20, based on the following findings:
 - The proposal is limited in scope and an appropriate, ancillary function for a restaurant use; and
 - The proposal does not present any negative impacts to the community.

If the Commission elects to approve Case CU 07-20, it is recommended that the approval be subject to the following conditions:

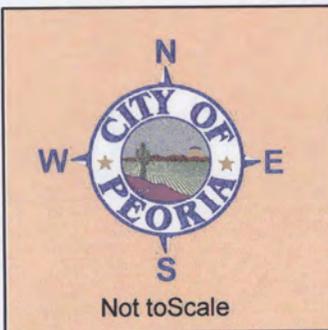
1. The use shall substantially conform to the Narrative attached as Exhibit B and the accompanying Site Plan (Exhibit C).
2. An unobstructed pedestrian access of not less than four feet in width shall be maintained along all front and side elevations where existing pedestrian walkways have been approved.

Attachments:

Exhibit A Aerial / Location Map
Exhibit B Project Narrative
Exhibit C Site Plan

Prepared by: Adam D. Pruett
Senior Planner

CU 07-20 Aerial / Location Map



CU 07-20 Starbuck's Coffee

SWC Lake Pleasant Parkway & Happy Valley Road - Pad 1
Request for a Conditional Use Permit to allow for an outdoor
seating area for restaurant

Exhibit A

REPORT TO THE PLANNING AND ZONING COMMISSION- REZONING

CASE NO.: Z 07-06

DATE: February 21, 2008

AGENDA ITEM NO.: 4R

Applicant: Earl, Curley, & Lagarde, P.C. [REDACTED]

Request: Proposal to rezone approximately 17.2 gross acres from Office Commercial (O-1) and Intermediate Commercial (C-2) to Planned Area Development (PAD)

Proposed Development: The conceptual development plan proposes up to 364 multi-family residential units (2-3 stories), along with a clubhouse, pool, and interior open spaces.

Location: The property is generally located north and west of the northwest corner of 83rd Avenue and Olive Avenue

Site Acreage: ± 17.2 gross acres

Support /Opposition: Staff has received 5 emails (**1 additional email since the 2/7/08 hearing**) in opposition to the proposed development and the applicant has provided 9 statements of support for the project (Exhibit D).

Recommendation: Should the Commission elect to align their recommendation with that of the companion case (GPA 07-03), then the Commission should recommend **approval** of case Z07-06.

Note: Case Z07-06 was originally presented in a public hearing on February 7, 2008, along with a concurrent General Plan Amendment (GPA 07-03). At this hearing, the Commission voted 4-1 to recommend approval of case GPA 07-03 to the City Council. The Commission also recommended a two-week continuance of case Z07-06. This staff report will therefore contain a significant amount of information carried over from the report of 2/7/08. **Any substantial changes or additions to the 2/7/08 staff report are denoted in bold.**

Existing and Surrounding Land Use and Zoning (Exhibit A)

1.

Z 07-06	LAND USE	ZONING
Subject Property	Vacant	Intermediate Commercial (C-2) and Office Commercial (O-1)
North	Single-Family Residential	R1 - 6
East	Vacant	Planned Area Development (PAD-Mixed Use) and Office Commercial (O-1)
West	Single-Family Residential	R1 - 8
South	Vacant	Intermediate Commercial (C-2)

Project Description

2. The applicant is requesting to rezone a site constituting approximately 17.2 gross acres from Intermediate Commercial (C-2) and Office Commercial (O-1) to Planned Area Development (PAD) in order to permit a multi-family residential development of approximately 364 units.

3. The subject property is a vacant, flat, infill parcel constituting approximately 17.2 gross acres located north and west of the NWC of 83rd Avenue and Olive Avenue (two arterial roadways). The site is irregularly shaped, surrounding an existing Diamond Shamrock gas station adjacent to the southeast corner of the site. It is located approximately one (1) mile east of the Loop 101 and one-half-mile south of the Peoria Municipal Complex and Downtown Peoria. The property abuts existing single family residences (6,000 to 8,000 sf lots) to the north (Mesquite Vistas) and west (Cedarbrook). Vacant land surrounds the remaining three corners of the 83rd and Olive intersection. Surrounding zoning for the undeveloped land includes Intermediate Commercial (C-2) to the south and southeast across Olive Avenue. The parcel to the east is zoned Planned Area Development, with a proposed development plan for a mixed-use project incorporating both commercial and residential uses.

4. **At the public hearing on February 7, 2008, the staff report referenced Preliminary Development Plan in the PAD Standards and Guidelines Report (Exhibit E). This plan illustrated a 364 unit multi-family development on 17.21 gross acres (21.16 du/acre).** The PAD and Preliminary Development Plan identifies both passive and active open space areas. Approximately 38% of the site area is dedicated to landscape areas, while 10% of the site is dedicated to active open spaces consisting of ramadas, barbecue facilities, a clubhouse/business center, and

pool/spa facility. The proposed design guidelines also include a decorative perimeter theme wall along 83rd and Olive Avenues, an interconnected network of sidewalks and paths throughout the complex, and an exercise path located around the perimeter of the site.

Land Use Background

5. The site was annexed into the City of Peoria in 1960 (Ordinance No. 45). In 1985, the site was rezoned from General Agricultural (AG) and Convenience Commercial (C-1) to its current zoning of Office Commercial (O-1) and Intermediate Commercial (C-2) (Ordinance No. 85-19).
6. The subject site is part of a larger area guided by the Central Peoria Revitalization Plan (CPRP), which was originally adopted by the City on 10/2/00 (Resolution 01-142). The purpose of the CPRP was to transform downtown Peoria into a vital urban center with a distinct design theme. The Plan proposed to address economic strategies for downtown Peoria and provide neighborhood planning through new mixes of supportive land uses and functions. A recent update to the CPRP (Resolution 06-173) amended the text and land use map to, among other things, expand land use definitions, add density and target density policies, and establish mixed-use development guidelines.

Discussion/Analysis

Conformance with the Central Peoria Revitalization Plan

7. In its original report, Planning Division staff evaluated the proposal in terms of its conformance to the Peoria General Plan and the Central Peoria Revitalization Plan (CPRP) as well as overall compatibility with surrounding land uses. The CPRP provides a refinement to the underlying General Plan Land Use designation for the subject property of Mixed Use with a designation of Neighborhood Commercial Mixed Use. This designation promotes high to medium density residential uses integrated with high to medium intensities of office, business, and retail uses that attract vehicular, public transit, and pedestrian users. The designation calls for residential densities of 15+ units per acre with a target density of 18 units per acre. Furthermore, Mixed Use development guidelines contained within the General Plan also call for up to 40% of the development to incorporate commercial land uses. To this end, staff was amenable to allowing the existing gas station to count towards a portion of the required commercial component of the overall corner, reducing the on-site commercial requirement to approximately 36% of the subject site.

8. **In Case GPA 07-03 (considered concurrently on February 7, 2008), staff argued against the request as inconsistent with the objectives provided in the Central Peoria Revitalization Plan. That request would effectively eliminate the planned availability and intensity of non-residential uses at this important Old Town gateway location.** Based upon the objectives of the CPRP, a high-density residential component is an important "ingredient" at this corner and does advance objectives calling for diversity in housing types and density, near planned commercial uses. However, staff contended that a non-residential component (i.e. retail, employment uses), at this location is also necessary to serve the needs of existing and future residents and promote the pedestrian-oriented, urban fabric critical to the revitalization of Downtown. **On February 7, 2008, the Commission recommended approval of case GPA 07-03 to amend the General Plan Land Use Map and allow the change to High Density Residential land use. They also recommended a continuance of case Z 07-06 in order to give staff time to work with the applicant on stipulations to address neighborhood concerns. A revised PAD will be submitted after the City Council hearing, which will include any necessary changes resulting from the stipulations attached to this report.**

Residential Density

9. The applicant proposes 364 units on 17.21 gross acres, or 21.15 du/acre. The proposed density exceeds the target density for Neighborhood Commercial Mixed Use (18 du/ac) by 3.16 du/ac. Per the General Plan (Land Use Element, 2-20), projects greater than 10 acres in size which are located in an Infill Incentive District may be granted approval for an increase of up to two (2) dwelling units per acre. This provision effectively adjusts the target density from 18 units per acre to 20 units per acre. The City may consider additional density (up to 25 units per acre) provided that the proposal demonstrably "exhibits superior quality and design and/or which provide amenities, dedications, or improvements above and beyond the minimum city standards."
10. The PAD (revised 1/25/08) referenced various ornamental elements such as iron railings, decorative window treatments, and stone enhancements, as well as setting aside 10% of the site for usable open space. However, in the report dated February 7, 2008 staff argued that these amenities merely met the current standards as outlined in the Residential Design Review Manual but did not rise to the level of superior quality required to justify the additional 1.15 du/ac of requested density. Enhanced amenities may include, but are not limited to, substantial variation in product type and/or functional and spatial integration of residential/commercial land uses, architectural and thematic integration of project components, incorporation of additional amounts of open space and developed recreational amenities, and enhanced architectural design standards. **As a result of the two week**

continuance of case Z07-03, the applicant has worked with staff to draft stipulations which now justify the additional requested density. These improvements will ultimately be reflected in the updated PAD.

PAD Development Standards

11. The development standards proposed in the PAD call for all permitted, conditional, and accessory uses consistent with those listed in the RM-1 (multi-family residential) district as set forth in the Zoning Ordinance. Minimum residential development standards are set forth in Table 1 below. Building heights are limited to 40 feet for 'stacked flats', with these units set back a minimum of 100 feet from single-family residential property lines, and 30 feet for 'carriage units'. Standards for accessory buildings revert to those set forth in Article 14-5 of the Zoning Ordinance.

Land Use	Streetside Setback (83 rd Ave, Olive Ave)	Setback from Commercial Corner	Setback from SF Residential	Building Height	Max Lot Cover %
Stacked Flats	20'	20'	100'	40'	60%
Carriage Units			25'	30'	
Clubhouse			100'	30'	

Table 1, Development Standards

Neighborhood Meeting

12. A Citizen Participation Plan was submitted as required by the Zoning Ordinance. The applicant notified property owners within 300 feet of the subject site for the required neighborhood meeting, which was held on November 13, 2007 at Alta Loma Elementary School (Exhibit C). One-hundred fifteen (115) notices were sent out to property owners and the meeting was attended by 18 people (sign in sheet and minutes from both meetings available upon request).

13. At the neighborhood meeting, the applicant addressed concerns with traffic generation and Olive Avenue access. The developer indicated that the location of access points to the development could be re-evaluated, and that multi-family residential would actually generate less traffic than commercial or office development allowed under the existing zoning. With regard to crime, the developer acknowledged the perception of crime with regard to multi-family development but proposed to address this through high-end development standards and a gated entry

into the project. With regard to the units overlooking existing residences, the site plan proposes all 3-story units be at least 100 feet from adjacent residential property lines, with 2-story units set back 25 feet to act as a buffer. The developer indicated that they were amenable to a stipulation which would require clerestory windows along the rear of the units adjacent to existing residential. They indicated that other options could also be explored, such as shifting the location of certain units and providing additional landscaping. Finally, the proposed jogging trail could be removed and replaced with passive open-space areas to eliminate pedestrian traffic behind the single-family residences.

14. **Residents of neighboring properties voiced numerous concerns about the proposed project in the public hearing on February 7, 2008. Table 2 below illustrates the specific concerns that were raised, and outlines stipulations that have been agreed upon by staff and the applicant for mitigation of these issues. Items that are otherwise addressed or are outside the scope of case Z07-06 have also been noted.**

Table 2: Neighborhood Concerns

Neighborhood Concerns	Condition of Approval
Price of Apartment Rentals affecting Property Values	<p>#1g. The Development shall conform to design standards set forth in the Draft, December 2007 Design Review Manual or any subsequent revisions as approved by the City Council. Standards listed in the Design Guidelines section of the PAD that are not in conformance with these standards shall be deleted.</p> <p>#1h. The development site plan shall show 3 distinct building color palettes that shall be integrated within the entire site.</p> <p>#1i. Primary and secondary project entry points shall be enhanced to prominently distinguish the project. The following elements shall be incorporated into the entries:</p> <ul style="list-style-type: none"> • Landscaped median • Identifying building form such as a covered entry, prominent architectural feature, monument, or water feature • Ornamental gates and/or decorative walls • Decorative lighting

	<p>#2. The Developer shall work with City staff to design and construct a gateway feature along 83rd Avenue into the Old Town area. This feature shall include a prominent architectural feature such as a monument, obelisk, or other prominent feature as approved by the City.</p>
<p>Crime/Safety</p>	<p>#1b. Landscape buffers along the north and west property lines shall be enhanced with bollard lighting or other low level lighting to increase safety.</p> <p>#1c. For buildings within one hundred feet (100') of the west and one hundred thirty feet (130') of the north property lines of the subject site, no windows or clerestory-type windows only shall be utilized on any building elevations facing the single-family residences to the north and west.</p>
<p>Privacy- 2 and 3 story units with views of existing backyards</p>	<p>#1a. A landscape area of no less than 25 feet shall be provided adjacent to single-family residentially zoned properties located to the west and north of the subject site. The entire landscape buffer along the west and north property lines shall be enhanced with mature landscaping that includes double rows of trees at alternating intervals spaced 10 feet apart (20 feet spacing in each individual row). 50% of all trees within these areas shall be 36 inch box size, with the other 50% being 24 inch box size. Requirements for 24-inch box trees in these areas shall not be used to meet on-site requirements.</p> <p>See also #1c above</p>
<p>Jogging trail proximity to SF homes</p>	<p>#1f. The jogging trail shown on the preliminary development plan shall be relocated to the landscape buffer area along the north property line. The trail shall be built to standards outlined in the Peoria Parks, Recreation, Open Space, and Trails Master Plan (Updated 2006) and shall be further enhanced with bollard lighting or other low intensity lighting to increase safety.</p>
<p>Carriage Units: Proximity to SF</p>	<p>See #1a and #1c above</p>

Noise	#1e. All trash enclosures shall be located a minimum of one hundred feet (100') from existing single family residential zoning district boundaries to the north and west of the subject site.
Traffic	#4. An updated Traffic Impact Analysis (TIA) for the site is required to be submitted with the site plan.
School influx	The Peoria School District has issued letter of support regarding school facilities and developer assistance
Bus Routes	This issue is addressed through City policies outside the scope of this case

Peoria Unified School District:

15. Staff has received a letter of support from the District, conditional upon the execution of a Developer Assistance Agreement prior to City Council action. The District is in ongoing discussions with the developer and expects an agreement to be reached prior to the Council hearing.

Legal Notification:

16. Public notice was provided in the manner prescribed under Section 14-39-6. Additionally, the site was posted with a sign meeting the content and size requirements prescribed by the Planning Division. The posting was completed before the prescribed 15-days prior to the Public Hearing. The applicant has provided a photo exhibit and signed affidavit attesting to the posting.

Proposition 207:

17. The applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the Rezoning application.

Recommendation

Based on the findings in the staff report, it is recommended that the Planning and Zoning Commission take the following action:

Should the Commission elect to recommend approval of case Z07-06, staff recommends Conditions 1-15 as follows:

1. The development of the site shall conform in all material respects to the approved Colonial 83rd & Olive Planned Area Development narrative, revised January 25, 2008 (stamp approved 3/4/08) except as modified by the following:
 - a. A landscape area of no less than 25 feet shall be provided adjacent to single-family residentially zoned properties located to the west and north of the subject site. The entire landscape buffer along the west and north property lines shall be enhanced with mature landscaping that includes double rows of trees at alternating intervals spaced 10 feet apart (20 feet spacing in each individual row). 50% of all trees within these areas shall be 36 inch box size, with the other 50% being 24 inch box size. Requirements for 24-inch box trees in these areas shall not be used to meet on-site requirements.
 - b. Landscape buffers along the north and west property lines shall be enhanced with bollard lighting or other low level lighting to increase safety.
 - c. For buildings within one hundred feet (100') of the west and one hundred thirty feet (130') of the north property lines of the subject site, no windows or clerestory-type windows only shall be utilized on any building elevations facing the single-family residences to the north and west.
 - d. Elevations for all buildings within 100 feet of existing single family residential areas shall be enhanced with 'green screens' or other architectural features.
 - e. All trash enclosures shall be located a minimum of one hundred feet (100') from existing single family residential zoning district boundaries to the north and west of the subject site.
 - f. The jogging trail shown on the preliminary development plan shall be relocated to the landscape buffer area along the north property line. The trail shall be built to standards outlined in the Peoria Parks, Recreation, Open Space, and Trails Master Plan (Updated 2006) and shall be further enhanced with bollard lighting or other low intensity lighting to increase safety.
 - g. The Development shall conform to design standards set forth in the Draft, December 2007 Design Review Manual or any subsequent revisions as approved by the City Council. Standards listed in the Design Guidelines section of the PAD that are not in conformance with these standards shall be deleted.
 - h. The development site plan shall show 3 distinct building color palettes that

shall be integrated within the entire site.

- i. Primary and secondary project entry points shall be enhanced to prominently distinguish the project. The following elements shall be incorporated into the entries:
 - Landscaped median
 - Identifying building form such as a covered entry, prominent architectural feature, monument, or water features
 - Ornamental gates and/or decorative walls
 - Decorative lighting
2. The Developer shall work with City staff to design and construct a gateway feature along 83rd Avenue into the Old Town area. This feature shall include a prominent architectural feature such as a monument, obelisk, or other prominent feature as approved by the City.
3. A Preliminary Drainage Report must be submitted with the site plan. Easements for Drainage are to be dedicated over all retention basins.
4. An updated Traffic Impact Analysis (TIA) for the site is required to be submitted with the site plan.
5. The Developer shall dedicate 65- foot half-street ROW along the frontage of the project on 83rd and Olive Avenue.
6. The Developer shall dedicate an additional 10-foot ROW on Olive and 83rd Avenue within 500-feet of the intersection of Olive and 83rd Avenue.
7. The Developer shall dedicate an 8' PUE outside of the required ROW. No walls or retention shall be allowed within the PUE.
8. The Developer shall construct the half-street for 83rd and Olive along the frontage of the project. The roadway improvements shall include curb, gutter, sidewalk, and improvements identified in the Traffic Impact Analysis, and 8-foot sidewalks.
9. The Developer shall remove the irrigation ditch along the Olive Avenue frontage to 85th Avenue. This shall be accomplished through fill or piping depending on the needs once the agriculture use is eliminated from this site.
10. The Developer shall construct an 8-foot sidewalk along the Olive Avenue frontage to 85th Avenue once the irrigation ditch is removed as stated above.

11. The Developer shall construct a 16-inch waterline along the frontage of 83rd Avenue.
12. The Developer shall prepare a final plat to combine the two existing parcels and dedicate all ROW and easements. The final plat shall be submitted to the engineering department with the first submittal of the improvement plans.
13. If existing emergency access to the gas station is not required by either this project or the gas station, then the Developer shall design and construct (with the approval of the affected property owner) the removal of the concrete aprons and re-landscape the areas so the appearance of cross-access is removed.
14. The right-of-way (ROW) for Hatcher Road will be abandoned back to the property owner. This area shall be landscaped by the Developer in accordance with the Landscape Buffer standards as set forth in Article 14-35 of the Zoning Ordinance. The City will facilitate the abandonment and approve the improvements in the area to meet Crime Prevention Through Environmental Design (CPTED) standards. Any fencing constructed by the Developer shall be wrought iron to allow visibility of this area from the project.
15. The Developer shall also design, construct, and maintain landscaping and pedestrian access within the ROW from 84th Avenue to the western boundary of this project along the Hatcher alignment. This is required to facilitate the pedestrian connection to the elementary school.

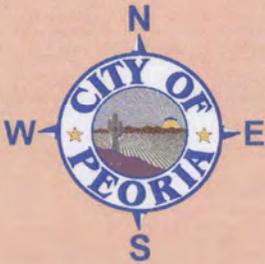
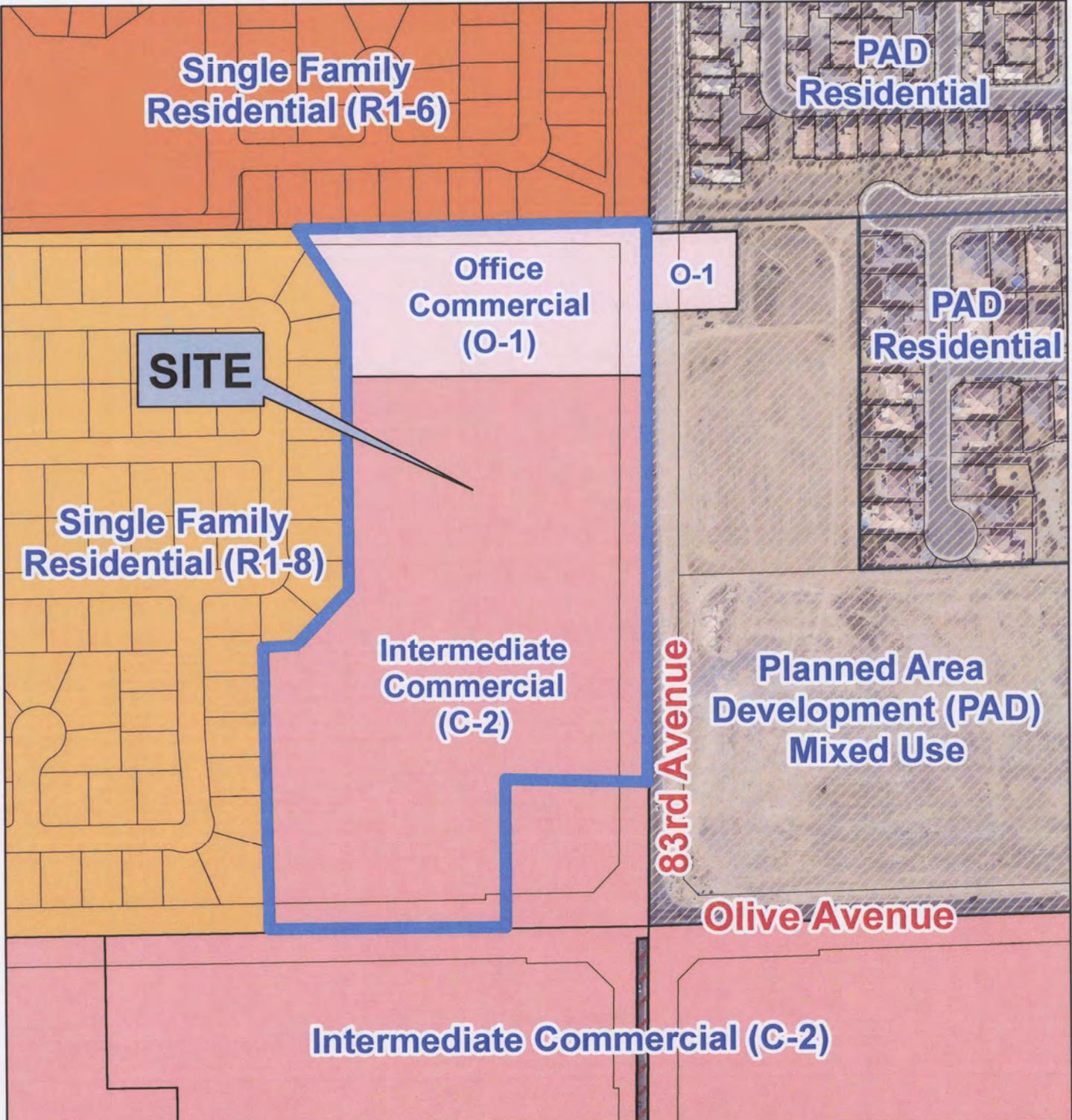
Attachments:

- | | |
|-----------|---|
| Exhibit A | Location/Zoning Map |
| Exhibit B | Preliminary Site Plan |
| Exhibit C | Neighborhood Meeting Notification and Minutes |
| Exhibit D | Citizen emails (5) and Statements of Support (9) |
| Exhibit E | PAD Standards and Guidelines Report, revised 1/25/08
(Attached separately) |

Prepared by:

Caroline L. Ruiz,
Planner

Z 07-06: Zoning Map



Not to Scale

Z 07-06: Colonial 83rd & Olive

Request:
Rezone approximately 17.2 gross acres from Office Commercial (O-1) and Intermediate Commercial (C-2) to Planned Area Development (PAD) to permit a multi-family residential development of approximately 360 units.

Location:
North and west of the NWC of 83rd Ave & Olive Ave

Exhibit A

Summary of Neighborhood Meeting – Nov. 13, 2007 at 6:00 pm
Alta Loma Elementary School Multi-Purpose Room
Project Nos. GPA07-03 and Z07-06

There were 115 notices sent to property owners within 300 feet of the subject site inviting people to attend a neighborhood meeting to hear details about a new multi-family development located north and west of the northwest corner of 83rd Avenue and Olive Avenue (notice and mailing list attached). There were 18 people that signed-in attending the neighborhood meeting (sign-in sheet attached). Two voicemails/emails from area property owners were also received through City staff (correspondence attached).

After a presentation of the proposed Class A multi-family development the following comments were raised by the attendees:

- Impact on schools.

Answer: High end multi-family developments have a low generation of students since the projects are tailored to working professionals desiring a low maintenance lifestyle. Families are unlikely to pay higher rents demanded by this type of development when a mortgage is in the same price range.

- Traffic generation and proposed Olive Avenue access.

Answer: The proposed multi-family development would actually reduce the traffic versus the current zoning of commercial and office on the site. We also indicated that we would evaluate the location of the access points of the development.

- Crime.

Answer: There is always a perception of crime in regards to multi-family in general, but with the level of development proposed and a gated community provided, crime will not increase due to this proposal. Having a residential development as opposed to the back of a commercial project will be more of a benefit and deterrent to crime occurring in the area. As acknowledged by resident attendees, crime has occurred regardless.

- Site layout in regards to units overlooking residences/proximity to residences.

Answer: The 3-story apartment units are 100+ feet from the adjacent residential property lines and the carriage units have been provided in between to provide additional visual barrier and to minimize noise. The 2-story carriage units are setback 25+ feet for the adjacent residential property lines. The carriage units are similar in height to typical 2-story single-family residential homes and are setback similarly. The developer will accept a stipulation to provide only clerestory windows along the rear of the carriage units if views into single-family backyards are a concern. We can also evaluate shifting some of the carriage units if a particular property owner desires. There will also be landscaping provided along the boundary of the development and that a stipulation to additional or larger trees could be considered.

- Trail/open space adjacent to single-family residences.

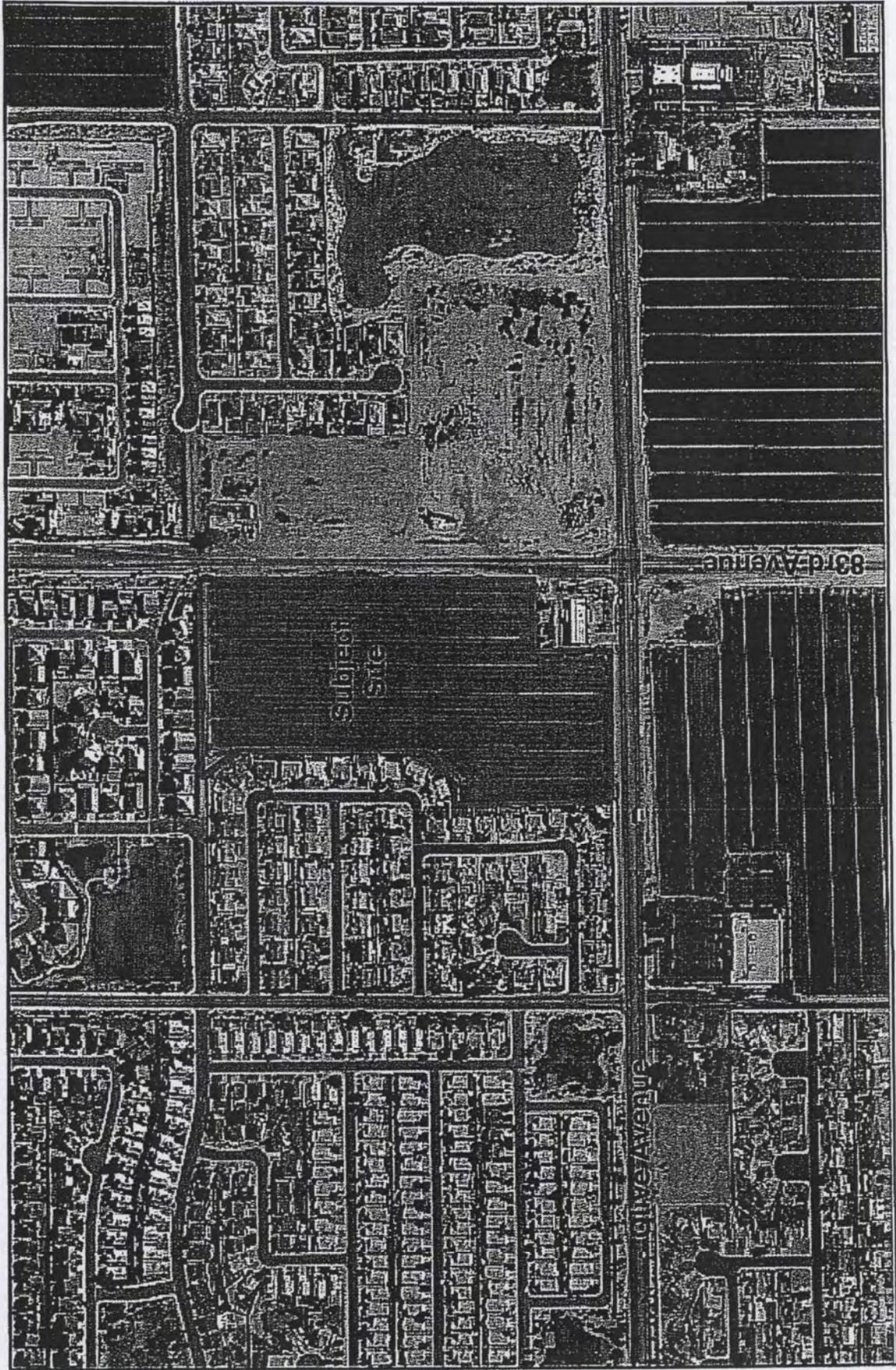
Answer: This is viewed as an amenity by the developer, but if there is a concern with pedestrian traffic behind the single-family residences the trail can be eliminated and the area preserved as only passive open space.

- Hatcher Road right-of-way.

Answer: There does not appear to be a need for the right-of-way since Hatcher is not intended to go through to 83rd Avenue. The developer will evaluate abandonment of the right-of-way with the City of Peoria.

The responses appeared to be acceptable to the attendees. There appeared to be general support for the proposal and preference for residential development versus commercial, though not all attendees voiced support and there may still be concerns with the proposal. The meeting concluded at about 7:40 pm.

Aerial Map



billform
landscape architecture

billform architects
architects & landscape architects
1111 East Camelback Road, Suite 700
Phoenix, Arizona 85016
Phone: 602.998.1111
Fax: 602.998.1112

83rd & Olive
Distinctive Residences
A.W.C. of East Avenue & Oak, Western City, Phoenix, Arizona 85016
Phone: 602.998.1111

Colonial Properties Trust
2525 East Camelback Road, Suite 700, Phoenix, Arizona 85016
Phone: 602.998.1111

PL1.3

PRELIMINARY LANDSCAPE PLAN

DATE: 11/11/11
SCALE: 1" = 10'-0"

PLANT LEGEND

TREES

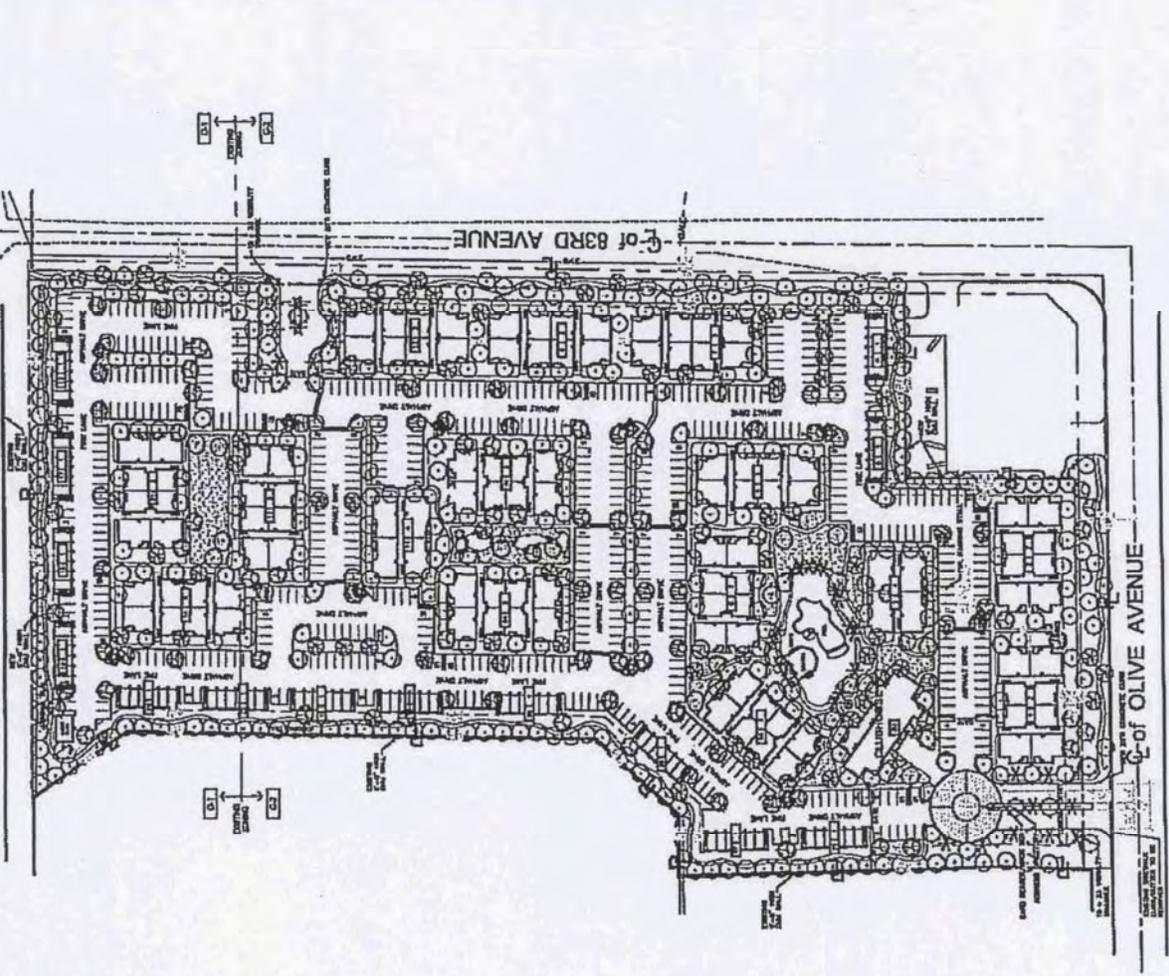
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SHRUBS

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- 59" - 60" DBH: PINE, OAK, PALM, etc.
- 61" - 62" DBH: PINE, OAK, PALM, etc.
- 63" - 64" DBH: PINE, OAK, PALM, etc.
- 65" - 66" DBH: PINE, OAK, PALM, etc.
- 67" - 68" DBH: PINE, OAK, PALM, etc.
- 69" - 70" DBH: PINE, OAK, PALM, etc.
- 71" - 72" DBH: PINE, OAK, PALM, etc.
- 73" - 74" DBH: PINE, OAK, PALM, etc.
- 75" - 76" DBH: PINE, OAK, PALM, etc.
- 77" - 78" DBH: PINE, OAK, PALM, etc.
- 79" - 80" DBH: PINE, OAK, PALM, etc.
- 81" - 82" DBH: PINE, OAK, PALM, etc.
- 83" - 84" DBH: PINE, OAK, PALM, etc.
- 85" - 86" DBH: PINE, OAK, PALM, etc.
- 87" - 88" DBH: PINE, OAK, PALM, etc.
- 89" - 90" DBH: PINE, OAK, PALM, etc.
- 91" - 92" DBH: PINE, OAK, PALM, etc.
- 93" - 94" DBH: PINE, OAK, PALM, etc.
- 95" - 96" DBH: PINE, OAK, PALM, etc.
- 97" - 98" DBH: PINE, OAK, PALM, etc.
- 99" - 100" DBH: PINE, OAK, PALM, etc.

LANDSCAPE MATERIALS

- CONCRETE: 4" THICK
- GRAVEL: 1/2" - 1" (4" DEEP)
- SOIL: TOPSOIL
- PLANTING: 1" - 2" DBH TREES, 1" - 2" DBH SHRUBS



PRELIMINARY LANDSCAPE PLAN

REPORT TO THE PLANNING AND ZONING COMMISSION- ZONING CODE TEXT AMENDMENT

CASE NO.: TA 08-01

DATE: February 21, 2008

AGENDA ITEM NO.: 5R

Applicant: [REDACTED]

Request: Amend Section 14-9-3, Non-Residential Districts, of the Peoria Zoning Ordinance as follows:

- Add Wedding and Reception Center as a permitted conditional use in the Office Commercial (O-1) zoning district.

Support

/Opposition: None as of this writing

Recommendation: Approve proposal as requested

Background / Project Description:

1. [REDACTED] is requesting an amendment to Section 14-9-3 (Non-Residential Districts) to allow Wedding and Reception Center as a permitted conditional use within the Office Commercial (O-1) zoning district.

Analysis and Discussion:

2. The Office Commercial (O-1) district is designed to provide for an environment conducive to the establishment of professional offices, medical and legal services, and ancillary retail uses. Certain other types of uses are permitted under conditions and standards that ensure their compatibility with surrounding uses as well as nearby residential districts. The O-1 Districts provide for land use transition between more intensive commercial developments and the less intensive residential neighborhoods.
3. Wedding and Reception Centers are only permitted with conditional use permits in Convenience Commercial District (C-1), Planned Community Commercial District (PC-2), Intermediate Commercial (C-2), Central Commercial (C-3), General Commercial (C-4), and Regional Commercial (C-5) zoning districts. The

level of intensity of the proposed use is consistent with uses currently allowed within the O-1 district, such as Health and Exercise Centers, Restaurants, Religious Institutions, Public/Private Schools, College and University Facilities, and School Bus Parking and Maintenance Facility. In maintaining a comparable intensity relative to the uses listed above this use does allow for the intent of O-1, which is a transition between residential and commercial, to be carried out.

4. The proposed amendment maintains the current provisions that the maximum building height shall be 30 feet or 2 stories, whichever is greater, as well as the provision stating that outdoor events between the hours of 10:00p.m. and 7:00a.m. shall require a temporary use permit. This information is located within section 14-9-5 (Limitations on Uses). The text of the existing limitations for Entertainment and Recreation remains in place.

Findings / Recommendation:

5. Based on the following findings:
 - The proposed amendment constitutes an improvement to the Zoning Ordinance by enhancing consistency among the various uses allowed within the non-residential districts; and
 - The amendment seeks to improve the protection of neighborhoods and reduce conflicts between uses with the aid of the conditional use permit; and
 - Upon review of the application, the Planning Manager has determined that a Proposition 207 waiver is not required for this application.

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

Recommend to the Mayor and City Council **approval** of TA 08-01, a request to amend Article 14-9-3, Non-Residential Districts, of the Peoria Zoning Ordinance.

Attachments:

Exhibit A Proposed Amendment to Article 14-9-3

Staff Report TA 08-01
January 7, 2008
Page 3 of 3

Prepared by: Cody Gleason,
Planning Technician

Exhibit A
Item to be amended

Article 14-9-3

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
ENTERTAINMENT AND RECREATION - CONTINUED												
Recreation and Social Clubs [#]	-	-	P	P	P	P	P	P	P	-	-	-
Resorts	-	-	-	-	P	P	P	P	-	-	-	-
Outdoor Recreation including Tennis, Racquet Clubs, Miniature Golf & similar uses (Ord. No. 03-171)	-	-	-	-	C	-	P	P	-	-	-	-
Theater, indoor	-	-	P	P	P	P	P	P	-	-	-	-
Wedding and Reception Center [#] (Ord. 02-21)	<u>C</u>	C	-	C	C	C	C	C	-	-	-	-

- P = Permitted Use
- C = Permitted Conditional Use. Conditional Use Permit required. See Article 14-39-10.
- A = Accessory use
- * = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit (Ord. No. 05-58A)
- # = Subject to special limitations (see the following section 14-9-5)
- = Not Permitted

Proposed amendment alters the O-1 zoning district to allow for Wedding and Reception Center uses with the approval of a conditional use permit.