



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

**PLANNING & ZONING
COMMISSION:**

Veda McFarland, Chair
Marc Melbo, Vice Chair
Bill Louis, Secretary
Greg Loper
Gene Sweeney
Nancy Golden
Leigh Strickman

Department Liaison
Glen Van Nimwegen

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TDD (623)773-7221, or FAX (623)
773-7304. To the extent possible,
additional reasonable
accommodations will be made
available within the time
constraints of the request.*

**PLANNING & ZONING COMMISSION
REGULAR MEETING
NOTICE & AGENDA
THURSDAY, APRIL 15, 2010
6:30 P.M.
COUNCIL CHAMBERS
8401 W. MONROE ST.**

CONVENE:

ROLL CALL:

OPENING STATEMENT:

CALL TO SUBMIT SPEAKER REQUEST FORMS:

CONSENT AGENDA

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

CONSENT – New Business:

- 1C DISPOSITION OF ABSENCE:** None
- 2C MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held April 1, 2010.
- 3C CU10-0061:** Discussion and possible action to approve a request from Sardella's Pizza for a Conditional Use Permit to replace a current Series 12 - Restaurant liquor license with a Series 7 - Beer and Wine Bar liquor license in conjunction with the operation of an existing restaurant. The site is located within the Fletcher Heights Marketplace, 8278 W. Lake Pleasant Parkway.

REGULAR AGENDA

NEW BUSINESS:

4R PUBLIC HEARING: RE: Conditional Use Permit for Day Care.

PUBLIC HEARING – CU10-0059: Lil' Lites Day Care is requesting a Conditional Use Permit to allow a Pre-school/Day Care in conjunction with the existing Lighthouse Assembly of God Church. The site is located at 14185 N. 83rd Ave.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request from Lil' Lites Day Care for a Conditional Use Permit to allow a Pre-school/Day Care in conjunction with the existing Lighthouse Assembly of God Church.

5R Zoning Code Amendment – Enhanced Public Notice (TA 09-02)

Discussion and presentation on several key elements of a draft zoning code amendment regarding public notification and conditional use permit criteria **(No Action)**.

CALL TO THE PUBLIC: (Non-Agenda Items)

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

Reports from Staff:

Reports from the Planning and Zoning Commission:

ADJOURNMENT:

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

**PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
APRIL 1, 2010
DRAFT**

A **Regular Meeting** of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 8401 W. Monroe St., Peoria, AZ in open and public session at 6:30 p.m.

Members Present: Chair Veda McFarland, Vice Chair Marc Melbo, Commissioners Gene Sweeney, Leigh Strickman, Bill Louis, Greg Loper, and Nancy Golden.

Members Absent: None

Others Present: Ellen Van Riper - Assistant City Attorney, Glen Van Nimwegen – Planning and Community Development Director, Chris Jacques - Planning Manager, Dave Moody – Transportation Planning Director, Shawn Kreuzwiesner – Systems Planning Manager, Robert Gubser – Senior Planner, Cody Gleason – Planning Technician, Lou Brannick – Development Plans Reviewer, and Bev Parcels – Planning Assistant.

Opening Statement: Read by Chris Jacques, Planning Manager.

Call for speaker request forms.

Audience: Nine.

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:** Approve the absence of Commissioner Greg Loper from the February 18, 2010 meeting.
- 2C** **MINUTES:** Approve the minutes of the Regular Meeting held February 18, 2010.
- 3C** **CU10-0034:** Discussion and possible action to approve a request from Mike's Rigatoni for a Conditional Use Permit to allow an outdoor dining patio in conjunction with the operation of an existing restaurant. The site is located within the North Valley Power Center, 8215 W. Bell Road Suite 125.

- 4C **CU10-0047:** Discussion and possible action to approve a request from Coal Creek Consulting, representing Clearwire Wireless, for a Conditional Use Permit to increase the height of proposed antennas to be co-located on an existing athletic field light pole. The site is located at Centennial High School, 14388 North 79th Avenue, Peoria, Arizona.
- 5C **CU10-0007:** Discussion and possible action to approve a request from Sun City Elk's Lodge #2559 for a Conditional Use Permit to allow the addition of an approximately 360 square foot outdoor patio at 10760 W. Union Hills Dr. Peoria, AZ 85373.

Case CU10-0034, Mike's Rigatoni, was pulled off the consent agenda due to an error in the stipulations of approval.

COMMISSION ACTION: Commissioner Loper moved to approve the Consent Agenda items with the exception of item 3C. The motion was seconded by Commissioner Louis and upon vote, carried unanimously.

REGULAR AGENDA

NEW BUSINESS:

- 3C **CU10-0034:** Discussion and possible action to approve a request from Mike's Rigatoni for a Conditional Use Permit to allow an outdoor dining patio in conjunction with the operation of an existing restaurant. The site is located within the North Valley Power Center, 8215 W. Bell Road Suite 125.

STAFF REPORT: Chris Jacques, Planning Manager reiterated the reason for pulling the case off the consent agenda.

COMMISSION COMMENT: None

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Loper moved to approve case CU10-0034 . The motion was seconded by Vice Chair Melbo and upon vote, carried unanimously.

6R **Peoria Sports Complex Urban Design Plan**

Discussion and update on the status of the Peoria Sports Complex Urban Design Plan (**No Action**).

STAFF REPORT: Chris Jacques, Planning Manager presented an update on the status of the Plan.

7R **Multi-Modal Transportation Plan**

Presentation and discussion on various aspects of the Multi-Modal Transportation Plan under development (**No Action**).

STAFF REPORT: Shawn Kreuzwiesner, System Planning Manager, provided a background and introduction to the presentation.

PRESENTATION: The consultant team led by Nelson/Nygaard Consulting Associates presented various aspects of the Multi-Modal Transportation Plan under development including Local Service Options presented by Geoff Slater, Old Town Transit Center siting presented by Mark Wavering, and bus stop heirarchy and design presented by Michael Tarek.

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

REPORT FROM STAFF: None

REPORTS FROM THE PLANNING AND ZONING COMMISSION: None

ADJOURNMENT: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 8:28 p.m.

Veda McFarland, Chair

Date Signed



CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 10-0061

DATE: April 15, 2010

AGENDA ITEM: 3C

Applicant: [REDACTED]

Request: Obtain a Conditional Use Permit to replace a Series 12 restaurant liquor license with a Series 7 beer and wine liquor license.

Location: The property is located at 8278 W. Lake Pleasant Parkway, south of the southeast corner of 83rd Avenue and Lake Pleasant Parkway.

Size of facility: Approximately 2,850 square feet

Support / Opposition: As of the date of this printing, Staff has not received any correspondence in support or opposition to the request.

Recommendation: Approve, with conditions.

AREA CONTEXT

Table 1: Existing and Future Land Use / Zoning (Exhibit B and C)

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Commercial - Fletcher Heights Marketplace	Residential/Low	Planned Area Development (PAD) Case # Z93-10
North	Commercial – Fletcher Heights Marketplace	Residential/Low	PAD: Z93-10 (Commercial)
South	Open Space	Residential/Low	PAD: Z93-10 (Open Space)
East	Open Space, Single-Family Residential, and Institutional (Primrose Pre-School)	Residential/Low	PAD: Z93-10 (Single-Family)
West	Lake Pleasant Parkway, then commercial – Fletcher Heights Plaza	Residential/Low	PAD: Z93-10 (Commercial)

1. The Fletcher Heights Marketplace is a 21-acre neighborhood shopping center containing a variety of commercial tenants, such as dentistry, insurance, hair and nail salon, financial, fitness, mini-storage, restaurants, pre-school and others. The retail center was, until recently, anchored by a Safeway grocery store. The overall site plan for the center was approved in 2001.
2. The 2,850 square foot suite, housing the existing Sardella's Pizza and Wings establishment, is located along Lake Pleasant Parkway towards the southern portion of the site. The exterior building wall of the suite is located approximately 150 feet away from the nearest residential property line (east of the suite). Between the suite and residential wall is an intervening parking area and landscaped open space. The open space contains a combination of grass, shrubs, trees and decomposed granite groundcover.
3. There is currently no outdoor dining area. Any proposal for outdoor dining would require the issuance of a Conditional Use Permit.

PROJECT DESCRIPTION

Request

4. The applicant is proposing to replace their Series 12 restaurant liquor license with a Series 7 beer and wine liquor license for their existing Sardella's Pizza and Wings restaurant. The operation will continue to serve alcohol for consumption on-site but the Series 7 license will allow for the ability to provide for the consumption of beer and wine off the premises. The applicant is seeking the Series 7 to allow for the delivery of beer with food orders. The hours of operation will continue to be Sunday through Thursday 11:00am-10:00pm, and Friday through Saturday 11:00am-11:00pm (Exhibit A). All on-site business operations are conducted indoors.

FINDINGS AND ANALYSIS

Zoning / Use Classification

5. The Fletcher Heights Marketplace retail center is located within the Fletcher Heights Planned Area Development (PAD) zoning district. The commercial use standards for this development allow for Planned Community Commercial (PC-2) zoning district uses. Although the PC-2 Zoning District allows restaurants outright, it does require the issuance of a Conditional Use Permit (CUP) for *taverns, bars, lounges or establishments that sell alcoholic beverages for consumption on premises*.
6. Section 14-2-2 of the Zoning Ordinance defines a *tavern, bar, lounge or establishment that sells alcoholic beverages for consumption on premises* as a "business that sells beer or intoxicating liquor for consumption on the premises

and having and a Spirituous Liquor License with any of the following classifications: Bar License (Series #06) or Beer and Wine Bar License (Series #07) or the equivalent of such license, and excluding restaurants and recreation and social clubs. (Ord. No. 98-34A)." Accordingly, this establishment has been classified as a *tavern, bar, or lounge* in the Zoning Ordinance due to the fact that the applicant is seeking a Series #7 liquor license to replace their existing Series 12 restaurant liquor license.

Purpose of a Conditional Use Permit

7. Section 14-39-10.D outlines the applicable criteria for evaluating Conditional Use Permits (CUP). In general, the purpose of a CUP is to mitigate any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.
8. Additionally, Section 14-9-5.B.2 identifies a special limitation for a tavern, bar, lounge or establishment that sells beer or intoxicating liquor on the premises for consumption on the premises :
 - a. *The exterior building wall shall not be located within one thousand (1000) feet of the exterior property line of a state designated Local Alcohol Reception Center.* Staff response - Based on a review of the surrounding area, there are no Local Alcohol Reception Centers located within a 1000 foot radius of the existing Sardella's restaurant.

Noticing and Neighborhood Comment

9. The application notice was forwarded to all property owners within 300 feet of the proposal and properly noticed pursuant to 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.

Analysis

10. Staff has not identified any mitigating circumstances with respect to the proposal as it will be located entirely within an enclosed building and within a developed commercial center. Additionally, this is an existing restaurant that has been operating without incident under the current Series 12 liquor license. Similar uses to the Sardella's restaurant are commonly found in similar commercial centers and are no more injurious than other uses allowed in the PC-2 Zoning District.
11. As indicated in Paragraph #9, no public comment regarding the requested use has been received. However, if any issues arise regarding the operation of the business, Section 14-39-10.I provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that a permit may be revoked, modified or suspended should any of the following occur:

- a. The permit was obtained by fraud or misrepresentation;
- b. The use authorized by the CUP has been exercised in violation of the conditions of approval;
- c. A change in circumstances where the following has occurred: [1] Impacts from the approved CUP to neighboring properties; and [2] Changes in aesthetic or environmental impacts such as noise, odors or pollution.
- d. The use authorized by the CUP is operated in a manner that constitutes a nuisance to neighboring property owners or is exercised in a manner that is detrimental to the public health, welfare or safety.

Public Notice

12. Public notice was provided in the manner prescribed under Section 14-39-6-H. Additionally, the site was posted with a sign meeting the content and size requirements prescribed by the Planning Division by March 23, 2010. The posting was completed within 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

13. The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver.

RECOMMENDATION

14. Based on the following findings:
 - The PAD allows bar / tavern uses with the issuance of a Conditional Use Permit provided the physical, operational and other characteristics of the use are designed and developed in a manner that provides maximum compatibility with adjoining uses; and
 - The Planning Manager retains the ability to revoke, modify or suspend the Conditional Use Permit if the operation is deemed to no longer be in conformance with the conditions of approval; and
 - The proposal will not result in any detrimental impacts to the surrounding neighborhood.

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

Approve the request for a Conditional Use Permit under Case CU10-0061, subject to the following condition:

1. The use shall substantially conform to the project narrative (Exhibit A) as contained in the staff report to the Planning & Zoning Commission dated April 15, 2010.
2. All alcohol sales shall be permitted for consumption entirely within the restaurant or for deliver off-site only.

Attachments:

Exhibit A	Project Narrative
Exhibit B	Vicinity/Aerial Map
Exhibit C	Zoning Map
Exhibit D	Floor Plan

Prepared by: Robert Gubser, AICP
Senior Planner

Conditional Use Permit – Narrative

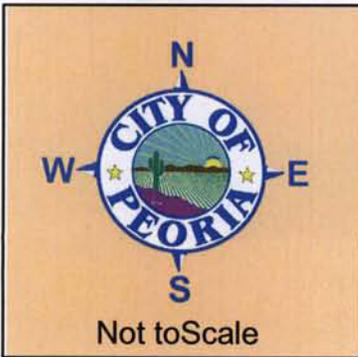
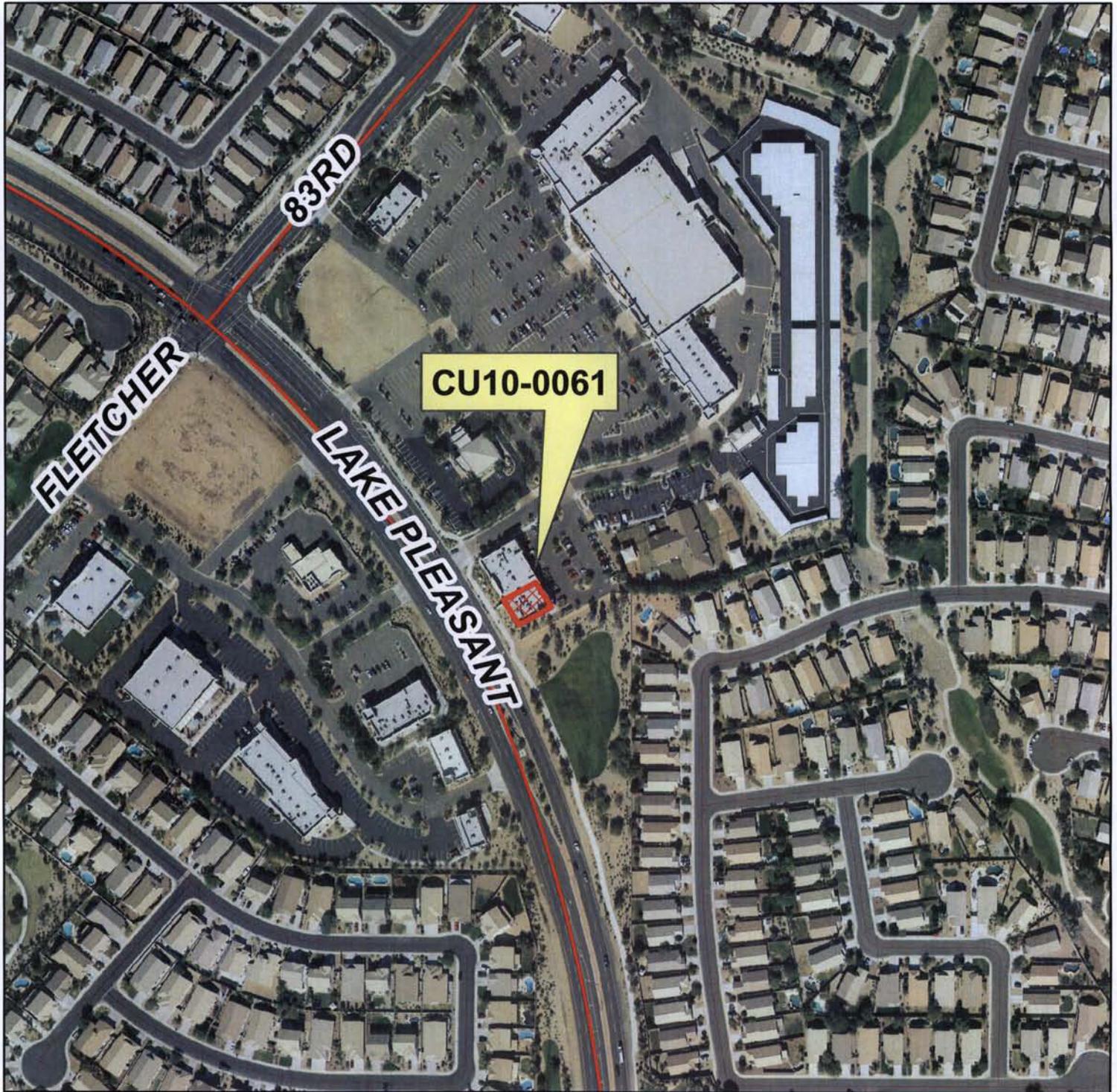
Sardella's Pizza and Wings

Sardella's Pizza and Wings is a restaurant serving pizza and wings in a commercial plaza located in the S.E.C of 83rd Avenue and Lake Pleasant Parkway. Currently, Sardella's Pizza and Wings shares the plaza with Vina's Nails and Spa by JB and three other vacant suites. The developments directly adjacent to Sardella's Pizza and Wings include Chase Bank and Primrose School. In its entirety, Fletcher Heights Marketplace also includes, Storage Solutions, ES Orthodontics, Blimpie Subs and Salads, Pur Tone Hearing Center, FH Dental Care, Arizona Hair Co., Diamante's Salon and Spa, The UPS Store, Panda Express, Delia's Cleaners, Vincent's Nails and Spa, Fletcher Heights Chiropractic, Glo Tanning, Crazy Carlos, Allstate, Berrygood, Anytime Fitness, Ramiro's Mexican Food and a number of other vacant suites.

Sardella's Pizza and Wings has the following hours of operations: Sunday-Thursday 11:00 AM to 10:00 PM, Friday and Saturday 11:00 AM to 11:00 PM. Currently, Sardella's Pizza and Wings holds a series 12 liquor license and sells alcohol from 11:00 AM to 10:00 PM Sunday-Thursday and to 11:00 PM on Friday and Saturday. Sardella's Pizza and Wings offers the following bottled beer: Amber Bock, Bud Light, Budweiser, Coors Light, Corona Extra, Michelob Ultra, and Miller Light.

Sardella's Pizza and Wings is applying for a series 7 liquor license, which will continue to allow the sale of alcohol; as well as, the delivery of alcohol. With the series 7 liquor license, Sardella's Pizza and Wings will continue to sell alcohol from 11:00 AM to 10:00 PM Sunday-Thursday and to 11:00 PM on Friday and Saturday. With the series 7 liquor license, Sardella's Pizza and Wings will continue to offer the same bottled beer for dine-in customers; as well as, the following canner beer for delivery: Bud Light, Coors Light, Corona Extra, and Michelob Ultra.

CU10-0061 Vicinity/Aerial Map



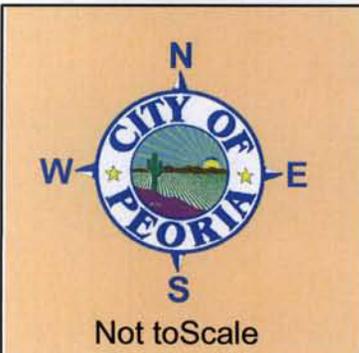
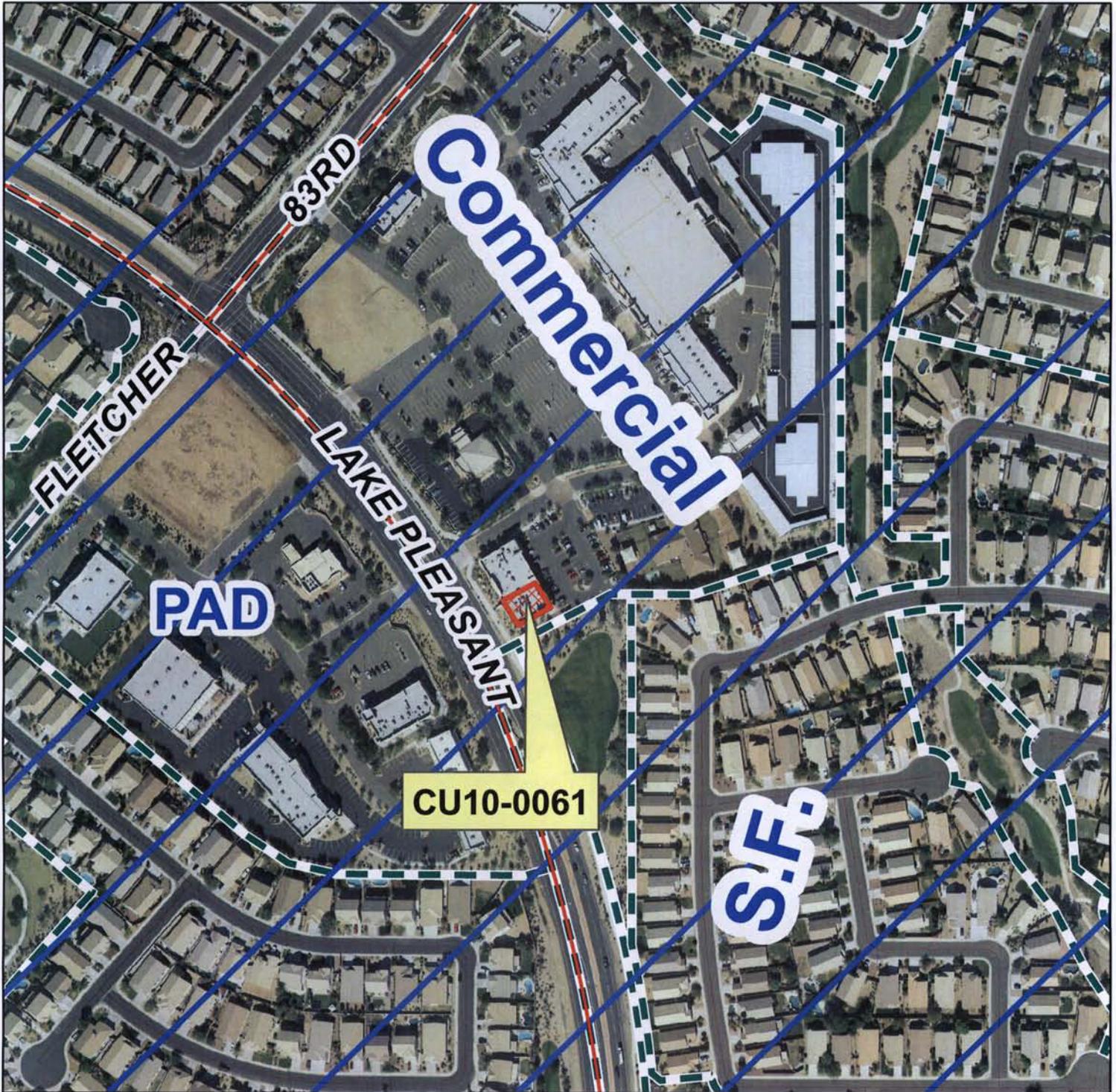
CU10-0061 Sardella's

Applicant: [REDACTED]

Request: Conditional Use Permit to replace a Series 12
Liquor License (Restaurant) with a Series 7 Liquor
License (Beer and Wine)

Exhibit B

CU10-0061 Zoning Map

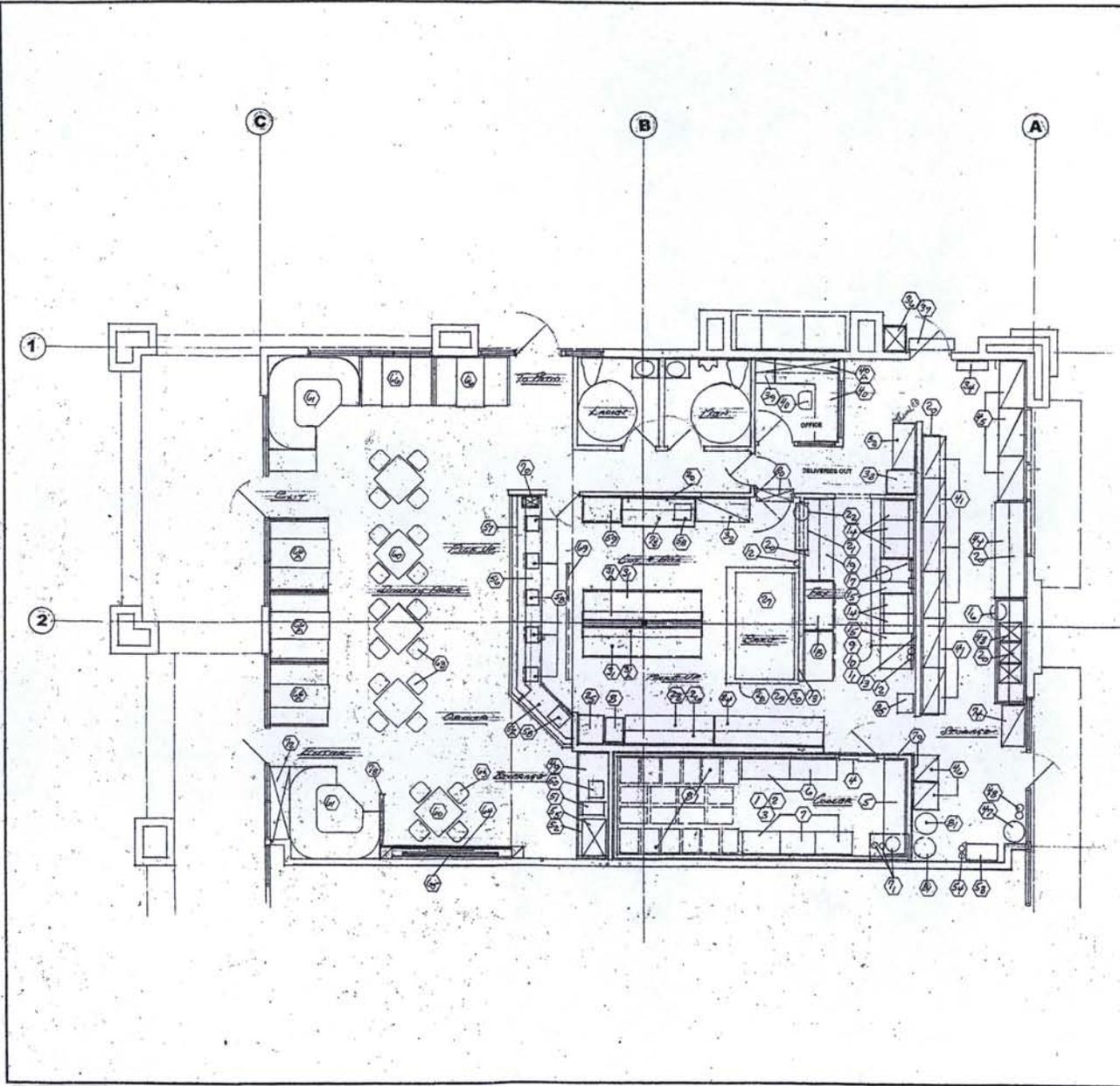


CU10-0061 Sardella's

Applicant: [REDACTED]

Request: Conditional Use Permit to replace a Series 12 Liquor License (Restaurant) with a Series 7 Liquor License (Beer and Wine)

Exhibit C



- | NO. | QTY | ITEM |
|-----|-----|---------------------------------------|
| 1 | 1 | WALK IN COOLER 24' X 6' 6" X 8' HIGH |
| 2 | 1 | COOLER REFRIGERATION COOL. T |
| 3 | 1 | COOLER REMOTE COMPRESSOR |
| 4 | 1 | SPILT DOOR COOL. CURTAIN |
| 5 | 1 | LOT STORAGE SHELVES - 48" HIGH |
| 6 | 1 | LOT STORAGE SHELVES (CHERRIES) |
| 7 | 1 | LOT STORAGE SHELVES |
| 8 | 1 | LOT STORAGE BOX STORAGE |
| 9 | 1 | EXHAUST HOOD (FRYERS) |
| 10 | 1 | HOOD EXHAUST SYSTEM |
| 11 | 1 | HOOD AIR MAKE UP SYSTEM |
| 12 | 2 | FIRE SUPPRESSION SYSTEM |
| 13 | 1 | LOT STAINLESS WALL FLASHING |
| 14 | 8 | FRYERS - 8" WIDE |
| 15 | 2 | WORK TABLES |
| 16 | 1 | LOT TRASH CAN |
| 17 | 2 | MULTI PRODUCT TABLES |
| 18 | 3 | MOBILE REACH IN FREEZERS |
| 19 | 3 | WORK TABLE |
| 20 | 1 | WIRE WALL SHELVES |
| 21 | 1 | PASS THROUGH WINDOW - 48" |
| 22 | 1 | CHEESE WHEEL - 24" |
| 23 | 1 | ROLL OUT TABLE |
| 24 | 1 | PIZZA MAKE UP TABLE |
| 25 | 1 | MOBILE PROOFING CABINET |
| 26 | 1 | STAINLESS WALL SHELVES |
| 27 | 1 | CONVEYOR PIZZA OVEN |
| 28 | 1 | PIZZA OVEN EXHAUST HOOD |
| 29 | 1 | HOOD EXHAUST SYSTEM |
| 30 | 1 | AIR MAKE UP SYSTEM |
| 31 | 2 | CUT AND PACKAGE TABLE |
| 31A | 3 | OVERSHELVES |
| 32 | 1 | WIRE STORAGE SHELVES |
| 33 | 1 | BEVERAGE REFRIGERATOR |
| 34 | 1 | LOCK BOX |
| 35 | 2 | WASH SINK |
| 36 | 1 | CAN WASH / MOP SINK |
| 37 | 1 | FLY FAN / AIR CURTAIN |
| 38 | 1 | SPRINKLER |
| 39 | 1 | FILE CABINET |
| 40 | 1 | OFFICE DESKTOP & CHAIR |
| 41 | 1 | BOX DRAINAGE RACKS |
| 42 | 1 | WIRE WALL SHELVES |
| 43 | 1 | POT AND PAN SINK |
| 44 | 1 | PREP TABLE |
| 45 | 1 | LOT STORAGE SHELVES - 80" X 24" |
| 46 | 2 | PALLETS |
| 47 | 1 | WATER HEATER |
| 48 | 1 | LOT WATER SOFTNER |
| 49 | 1 | BEVERAGE COUNTER |
| 50 | 1 | CONDIMENT HOLDER |
| 51 | 1 | TEA BREWER DISPENSER |
| 52 | 1 | BEVERAGE & ICE DISPENSER |
| 53 | 1 | STUMP PUMP (SINK-HOOD) |
| 54 | 2 | CO2 GAS TANKS |
| 55 | 1 | ICE MAKER ON TOP OF AISL |
| 56 | 1 | ORDER COUNTER |
| 56A | 1 | ORDER COUNTER - 80" HIGH |
| 57 | 1 | PICK UP COUNTER - 48" HIGH |
| 58 | 7 | P.O.B. UNITS |
| 59 | 1 | SALAD & BEVERAGE REFRIGERATOR |
| 60 | 2 | TABLE & BARBER - 30" X 48" |
| 61 | 2 | 24" ROUND BOOTHS |
| 62 | 1 | DOUBLE TRASH UNIT |
| 63 | 1 | CHURR |
| 64 | 1 | PLASMA TELEVISION |
| 65 | 1 | WATER WALL |
| 66 | 2 | PULLMAN BOOTH - 48" |
| 66A | 2 | PULLMAN BOOTH - 60" |
| 67 | 1 | WALL SINK |
| 68 | 1 | OFFICE NO. |
| 69 | 8 | MENU BOARDS |
| 70 | 1 | PROP IN HAND SINK |
| 71 | 1 | REVERSE CONDENSED EYE FOR AIS |
| 72 | 1 | FULLER PRICES - HALLWIDE |
| 73 | 1 | DELIVERY TABLE |
| 74 | 1 | MOBILE CLEAN DISH & PAN SHELF UNIT |
| 75 | 1 | DUTCH OVEN / STOCK UP SHELF |
| 76 | 1 | Chop-Block |
| 77 | 1 | Chop-Block |
| 78 | 1 | BOOTH DIVIDER |
| 79 | 1 | LOT WALK IN COOLER TO CLOTHING PANELS |
| 80 | 1 | SWISSING SATELIFT UP SHLF |
| 81 | 2 | USED OIL HOLDING TANK |



PRELIMINARY DRAWINGS FOR REVIEW AND COMMENT ONLY NOT FOR CONSTRUCTION

REVISIONS BY JULY 26, 2008 JULY 23, 2008	
HAMILTON ASSOCIATES 8801 NORTH BUCKLEY AVE SUITE 100 PHOENIX, ARIZONA 85028	
Date: JUNE 23, 2009 Drawn: <i>Hamilton</i> Design: HAMILTON Job: Sheet: FS-1 Of: 04/10	

SARDELLA'S PIZZA & WINGS
 4110 VANDERBILT AVENUE, PHOENIX, ARIZONA
PRELIMINARY SPACE STUDY LAYOUT



CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 10-0059

DATE: April 15, 2010

AGENDA ITEM: 4R

Applicant: Lil' Lites Day Care

Request: Obtain a Conditional Use Permit to allow the use of a Pre-School/Day Care in conjunction with a permitted use in the R1-18 zoning district.

Proposed Development: Lil' Lites Day Care within an existing building on the Lighthouse Assembly of God Church campus.

Location: The property is located at 14185 N. 83rd Avenue, south of the southeast corner of 83rd Avenue and Acoma Drive.

Size of facility: Approximately 3,000 square feet

Support / Opposition: As of the date of this printing, Staff has received verbal opposition from one neighboring property owner.

Recommendation: Approve, with conditions.

LAND USE BACKGROUND

Table 1: Existing Land Use, Current Zoning. (Exhibit C)

LAND USE		GENERAL PLAN	ZONING
Subject Property	Lighthouse Assembly of God Church	Residential/Low Density	R1-18 Single-Family Residential
North	Single-Family residences	Residential/Estate	County
South	Single-Family residences	Residential/Low Density	R1-10
East	Centennial High School	Public/Quasi Public	R1-12 and R1-8
West	83 rd Avenue, then apartment complex	Residential/Medium High Density	PAD (Planned Area Development) Rock Canyon Apartments Z99-09

PROJECT DESCRIPTION

Request and Development Details

1. The applicant is proposing to operate a day care in an approximately 3,000 square foot space within an existing building on the Lighthouse Assembly of God Church campus in conjunction with other church uses. The site is located south of the southeast corner of 83rd Avenue and Acoma Drive.
2. The proposed day care will be a faith-based organization that is open to the public. According to the Project Narrative (Exhibit A) provided by the applicant, the hours of operation for the proposed use are as follows: Monday-Friday 5:45 a.m. – 6:00 p.m.
3. The building to be used for the proposed day care is located approximately 59 feet away from the adjacent residential properties located to the south of the church property.
4. An outdoor play area approximately 96 feet by 75 feet (7,200 square feet) is proposed for the area directly west of the building for the proposed day care use, as shown in Exhibit D. The outdoor play area is located approximately 80 feet away from the adjacent residential properties located to the south of the church property. The neighborhood is separated from the outdoor play area by a parking area, a 10' foot wide landscape buffer and a 6 foot high masonry site wall.

DISCUSSION AND ANALYSIS

Applicability

5. Section 14-39-10.D outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a CUP is to mitigate any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.
6. The site in question is zoned R1-18 (Single-Family Residential). Accordingly, preschool centers or day care centers may be permitted in the R1-18 Zoning District subject to issuance of a Conditional Use Permit and adherence to the provisions listed below. The manner in which each provision will be addressed follows the provision in *italics*.
 - a. The use shall be in conjunction with a non-residential principal or conditional use within Article 14-5.
 - *The daycare use will be conducted in an existing building that is part of the Lighthouse Assembly of God Church campus. This use will occur*

in conjunction with other religious uses of the property such as worship facilities.

- b. All vehicular access shall be from an existing arterial or collector street. No on street parking or drop-off shall be permitted.
 - *Vehicular access for the pre-school will be from 83rd Avenue, an arterial street. All required parking for this use has been accommodated on the site; no on-street parking will be permitted.*
- c. Playgrounds or other outdoor activity area shall be separated from adjacent residential land uses by no less than twenty-five (25) feet.
 - *The playground area for the day care is located approximately 80 feet from the residences located to the south of the proposed site.*
- d. All playgrounds or outdoor activity areas shall be properly fenced using the following methods:
 - i) Solid masonry wall no shorter than 4'-6" or
 - ii) Wrought-iron view fence no shorter than 4'-6" with vertical members no greater than 4" apart; or
 - iii) Other fencing method approved by the Planning and Zoning Commission.
 - *The playground is surrounded by an existing 5 foot high wrought-iron-style view fence with vertical members that are less than 4 inches apart.*
- e. Hours of operation shall be between 6:00 a.m. and 7:00 p.m., or as otherwise established by the Planning and Zoning Commission.
 - *The applicant is proposing hours of operation Monday-Friday from 5:45 a.m. to 6:00 p.m.*
- f. Hours of *outdoor* activity shall be limited to between 8:00 a.m. and 6:00 p.m.
 - *Hours of outdoor activity shall be limited between 8:00 a.m. and 6:00 p.m. as a condition of approval of this permit.*

Noticing and Neighborhood Comment

7. The application notice was forwarded to all property owners within 300 feet of the proposal and properly noticed pursuant to Section 14-39-10 of the Peoria Zoning Ordinance. Additionally, the site was posted at least 15 days prior to the Public

Hearing with a sign meeting the content and size requirements prescribed by the Planning Division. The applicant has provided a photo exhibit and signed affidavit attesting to the posting.

8. The City has received verbal opposition from one neighboring property owner, located to the south of the proposed day care site. On Saturday March 13th two messages were left on staff voicemail concerning the proposed day care. In his voicemails, the caller provided his name and address, which identified him as a neighbor to the Lighthouse Church. In the voicemails, the individual stated that he had many issues previously with noise disturbances coming from the church property, including people drag racing, that prevented him from enjoying his yard. Staff attempted to contact the individual, however the individual did not wish to discuss the matter.

As the owner of a property within 300 feet of the subject site, the individual will have been sent a postcard notifying them of the date, time, and location of the Planning and Zoning Hearing at which this case will be discussed should they wish to attend and provide comment. At the Planning and Zoning Hearing, the public is notified of their right and the process for appealing decisions of the commission.

Analysis

9. According to the staff of the Peoria Police Department, over 1 year has passed since a complaint was filed against the Lighthouse Assembly of God Church at 14185 N. 83rd Ave. The last time a noise complaint was logged against the Lighthouse Assembly of God Church was on January 4, 2008. When police officers responded to the complaint on this date, there was no noise occurring on the church property that would violate City Ordinance.
10. As mentioned in the Project Description, the building where the proposed use would occur is located approximately 59 feet away from the church's southern property boundary, which corresponds with the northern boundary of the adjacent residential properties (Exhibit D).

The proposed outdoor play area is located approximately 80 feet north of the residential properties. A six-foot block wall separates the church property from the residential properties, and a ten-foot landscape buffer consisting of trees and shrubs is located on the church property directly north of the block wall, providing additional screening between the church and the residential properties.

11. Based on the character of the use as described, staff believes that the day care is an appropriate use for the area, provided that it operates within certain constraints. As discussed earlier in the Applicability section of this report, unless the Commission establishes otherwise, the hours of operation for the day care

will be limited to a start time of 6:00 a.m. This has been generally established as an appropriate start time for this type of facility when located within single-family residential zoning districts.

The applicant has requested a start time of 5:45 a.m., however they are amenable to the 6:00 a.m. start time if the Commission feels that it would be more appropriate given the proximity of the proposed day care facility in relation to the adjacent residential lots.

12. While it appears that the proposed use will not cause undue negative impacts on nearby properties, the Planning Manager maintains continuing jurisdiction over all Conditional Use Permits, and may recommend that a permit be revoked, modified, or suspended should any of the following occur:
 - a. The permit was obtained by fraud or misrepresentation;
 - b. The use authorized by the permit has been exercised in violation of the conditions of its approval;
 - c. A change in circumstances consisting of any of the following has occurred:
 - 1) Impacts from the approved conditional use to neighboring properties.
 - 2) Changes in aesthetic or environmental impacts such as noise, odors, or pollution.
 - d. The use authorized by the permit has been exercised in a manner that is detrimental to the public health, safety, or welfare of the community or in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods, or the City.

Therefore, based on the Planning Manager's continuing jurisdiction, should the day care prove unduly detrimental to the neighborhood, recourse could be taken to modify the operating conditions of the day care, or to stop the day care use entirely.

Proposition 207

13. The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver.

RECOMMENDATION

14. Based on the following findings:
- The request is consistent with the applicable codes, standards, and guidelines
 - The request is compatible with the surrounding uses; and
 - The proposal does not result in any detrimental impacts to the surrounding area.

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

Approve the applicant's request for a Conditional Use Permit under Case CU10-0059, subject to the following conditions:

1. The use shall substantially conform to the Project Narrative (Exhibit A), and Site Map (Exhibit D) as contained in the staff report to the Planning & Zoning Commission dated April 15, 2010.
2. Hours of operation shall be limited to between 6:00 a.m. and 6:00 p.m.
3. Hours of outdoor activity shall be limited to between 8:00 a.m. and 6:00 p.m.

ATTACHMENTS:

Exhibit A1-6	Project Narrative
Exhibit B	Vicinity Map
Exhibit C	Zoning Map
Exhibit D	Site Map
Exhibit E	Context Site Plan

Prepared by: Melissa Sigmund
 Planner

November 12, 2009

Project Narrative

Lil' Lites Daycare Inc.

LIL' Lites Daycare Inc. is working in conjunction with Lighthouse Church located at 14185 N. 83rd Ave, Peoria. The Daycare is to rent facilities on the existing Lighthouse Church campus. The Daycare hours of operation will be from 5:45 a.m. to 6:00 p.m. Monday thru Friday. The Daycare is a Faith Based organization that will cater to infants beginning at 6 weeks old to 12 year old children.

The Daycare has submitted for license in August and is awaiting the inspection from Arizona Department of Health. The portion of the facility licensed will include our nursery, classrooms and lobby area.

The properties that surround Lighthouse Church are already developed with residential on the North and South. The east border of the property is adjacent to Centennial High School and the west in the 83rd Ave. frontage. Directly across 83rd Ave. is an apartment complex.

Exhibit A1

Narrative

Lil' Lites Daycare will be utilizing the existing Lighthouse Church Classrooms and will be a Faith Based Daycare. Lighthouse Church is described as a Worship Facility and Religious Use. The property to the north is described as Residential (not parsonage) Religious Use, this property is actually the Lighthouse Church Office. The other properties to the north are described as SFR Grade 010-3 Urban Non-Divided. The property to the east is Centennial High School and is described as County School. The property to the south is described as SFR Grade 010-4 Urban Sub Divided. The property to the west which is separated by 83rd Ave. is described as Rental Residential which is a large apartment complex.

Please note that the building and parking are already in existence and no additional improvements will be needed to facilitate the daycare.

Pre-Application Meeting Responses

Section 5. Planning and Zoning Comments

B. Identify square footage of daycare facility. 3,000 square footage of Building B will be used for daycare.

C. Provide site plan with outdoor play area illustrated. See attached Illustration "A".

D. Describe fencing methods and square footage of proposed play area. The fencing is of the wrought iron variety with vertical members less than 4 inches in width. The fence is five feet tall. The square footage is 7,200. See attached photo Exhibit "B".

E. Parking requirements;

1. Child Care one (1) space per 400 square feet of floor space. Lil' Lites square footage is 3,000 square feet for parking space of 8 spaces. We have 23 spaces just south of main entrance to the building. See site plan.

2. Religious Assembly; parking already approved for the existing building.

3. Office Space 1 space for 200 square feet of office space we have less than 200 square feet of office space. The 23 spaces south of the main entrance will accommodate the office staff.

4.

A. Identify weekly schedule of other uses within the church facility. Lighthouse Church weekly usage schedule is as follows; Wednesday Nights Prayer and Mid-Week service 6:00 p.m. to 8:30 p.m. Sunday Morning Service schedule is as follows; First service 8:30 a.m. to 10:00 a.m., Second service is from 10:30 a.m. to noon. Please note we do have an off duty officer for traffic control. Currently we are having one service at 9:30 to 11:30 until Easter 2010. We will return to the two service format on Easter Day.

B. Provide Square Footage of the following Buildings;

Remaining area of Building "B" 18,665 square feet will not be utilized by Lil' Lites Daycare.

Building "C" 2,100 square footage and will not be utilized by Lil' Lites Daycare.

Building "E" 5,000 square footage and will not be utilized by Lil' Lites Daycare.

Building "A" 18,860 square footage and will not be utilized by Lil' Lites Daycare.

C. Provide the design (number of existing seats) with the church sanctuary. The design capacity is 911. The actual existing chair set up varies from 380 to 650. When we have two services we set out 380 to 400 chairs. During the one service schedule we set out 650 chairs.

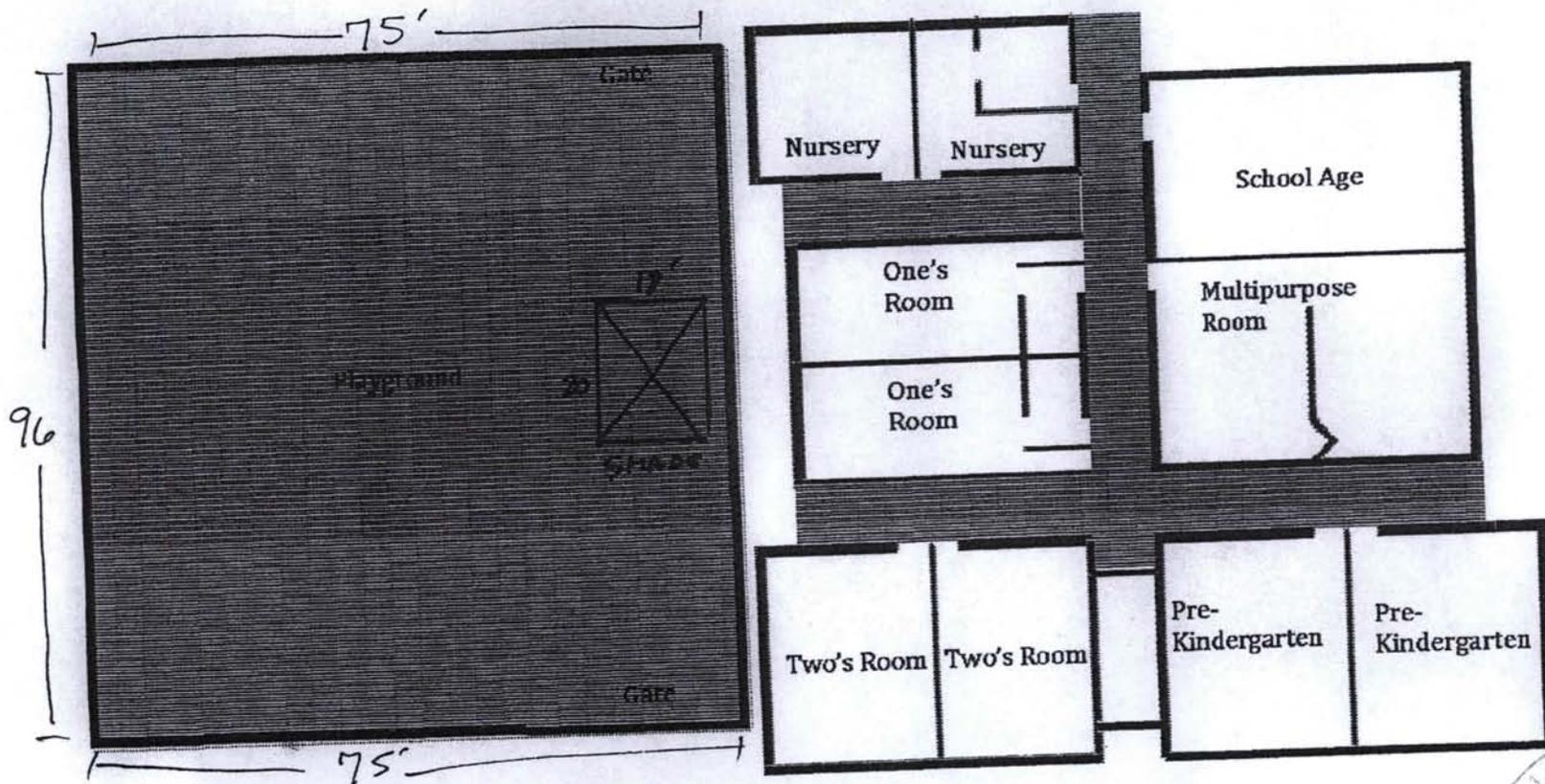
Engineering comments; provide traffic impact statement which addresses trip generations, deceleration lane evaluation and turning movements. See attached Traffic Statement Report provided by Anthony O. Voyles, P.E.



PLAYGROUND AREA DIMENSIONS

ILL.# A

Lil' Lites Evacuation Map



PROGRAM FOR EVACUATION OF BUILDING IN CASE OF FIRE OR EMERGENCY
FIREDRILLS WILL BE HELD MONTHLY

WHEN BELL SOUNDS OFFICE WILL CALL 911 IMMEDIATELY
 TEACHER WILL OPEN OUTSIDE DOORS TO THEIR ROOM AND ALL STUDENTS WILL GO TO THE BACK OF THE PLAY AREA WHERE EACH TEACHER
 WILL KEEP HER CHILDREN TOGETHER.
 KITCHEN AND OFFICE PERSONNEL WILL IMMEDIATELY GO TO THE NURSERY TO ASSIST WITH PULLING THE INFANT CRIB OUTSIDE AND

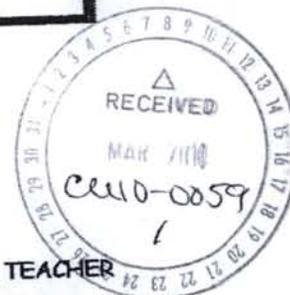
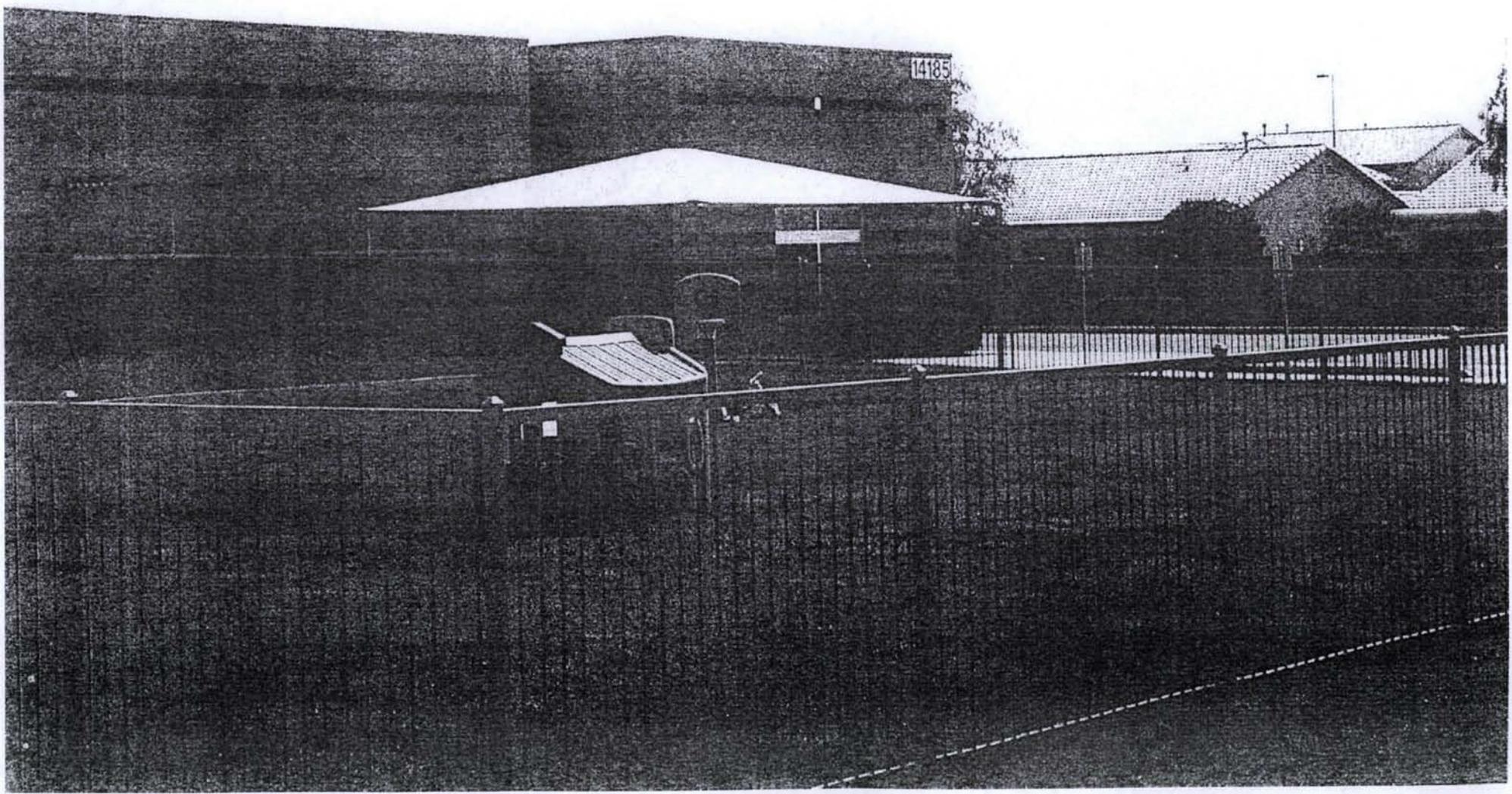


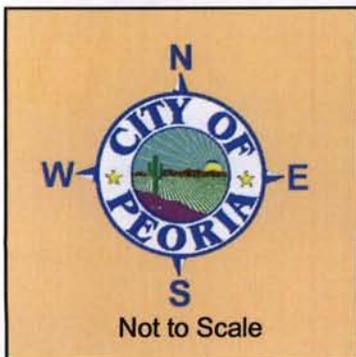
Exhibit AS

III "B"

Exhibit A6



CU19-0059: Vicinity Map



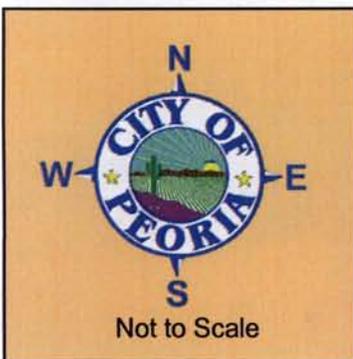
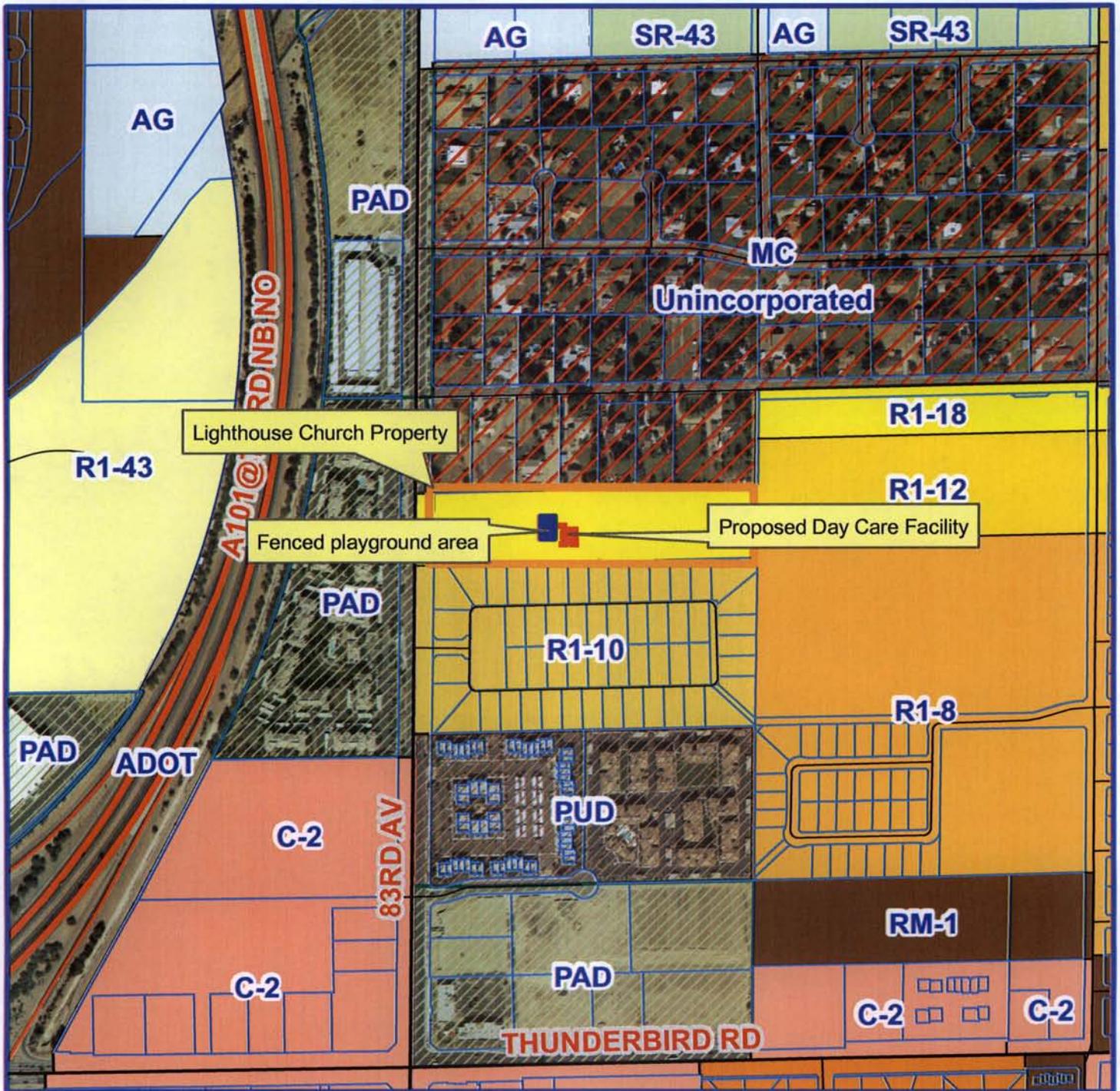
CU10-0059 Lil Lites Day Care

Applicant: Lighthouse Assembly of God Church

Request: Day Care facility in conjunction with an existing church use in the R-18 Zoning District.

Exhibit B

CU19-0059: Zoning Map



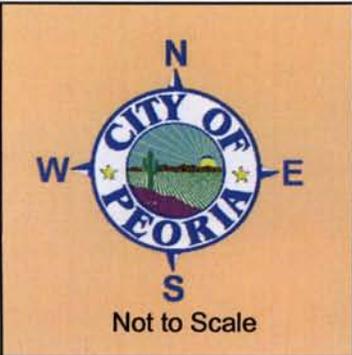
CU10-0059 Lil Lites Day Care

Applicant: Lighthouse Assembly of God Church

Request: Day Care facility in conjunction with an existing church use in the R-18 Zoning District.

Exhibit C

CU19-0059: Site Map Close-up



CU10-0059 Lil Lites Day Care

Applicant: Lighthouse Assembly of God Church

Request: Pre-school/Day Care in conjunction with existing church use in the R-18 Zoning District.

Exhibit D



Planning and Community Development Department

Planning Division

MEMORANDUM

DATE: April 15, 2010

TO: Planning and Zoning Commission

FROM: Melissa Sigmund, Planner

RE: Proposed Zoning Code Amendment – Enhanced Notification (TA 09-02)
AGENDA ITEM 5R

The Planning and Community Development Department will outline the highlights of a draft Zoning Code amendment in regards to public noticing for discretionary cases (CUP's, Rezones). While provisions are in place to provide a basic level of public notification and involvement, a few recent development cases have highlighted the need to increase opportunities for the public to participate in the review and approval processes for future development cases. This report provides a brief overview of the proposed changes.

INCREASED NOTICING/PUBLIC INVOLVEMENT

Provide greater notice of pending Zoning and Conditional Use Permit cases and promote greater public interaction early in the process.

Postcards: *Notice of Application (NOA) & Notice of Hearing (NOH)*

	Current Noticing	Proposed Noticing
Property Owners		
CUP Post Card Radius	300 ft	600 ft
Rezoning Post Card Radius		
Up to 40 acres	300 ft	600 ft
40-320 acres	600 ft	1320 ft (approx. ¼ mile)
>320 acres	900 ft	1320 ft (approx. ¼ mile)
Registered Neighborhood Associations		
CUP Post Card Radius	1 mile (NOH only)	1 mile (NOA / NOH)
Rezoning Post Card Radius	N/A	1 mile (NOA / NOH)
Registered Home Owners Associations		
CUP Post Card Radius	N/A	1 mile (NOA / NOH)
Rezoning Post Card Radius	N/A	1 mile (NOA / NOH)

The City's current noticing radius of 300 feet exceeds the statutory requirement of 150 feet and is consistent with that of other jurisdictions in the valley. The majority of communities reviewed (12) have a notification distance of less than or equal to 300 feet. Only 2 (Chandler and Scottsdale) have greater required distances for notification. Increasing the

initial notification radius to 600 ft will significantly increase the number of properties directly informed of pending cases.

In order to limit the increases in costs to the City from the expanded noticing, the applicant will be responsible for reimbursing the City for noticing costs. Prior to 2007, the applicants bore the cost of the notices. They had to provide stamped envelopes addressed to the property owners being notified. This process required a significant amount handling time on the part of both the applicant and City staff. The new postcard notification system reduces applicant and staff time required *and* reduces the cost per notice. An informal review of other Valley municipalities indicates that the majority still require the applicant to cover the cost of noticing and that they still rely on the applicant to pay for envelopes and postage and perform the time consuming task of labeling and stamping the envelopes. As a result many applicants who have worked with other municipalities in the development process already have the expectation of paying for public noticing costs.

NEIGHBORHOOD INVOLVEMENT

Conditional Use Permit Neighborhood Involvement

Goal: Resolve a perceived deficiency of neighborhood involvement in the CUP process.

- Actively enforcing existing regulations that require CUP applicants to identify impacts (from their proposed use) upon adjacent residential neighborhoods within ¼ mile, and how they plan to address these impacts.
- If staff receive written opposition to a CUP case within twenty one (21) days of receipt of the case application, a neighborhood meeting will be required in order to identify and mitigate impacts and resolve potential conflicts with neighboring property owners. If a meeting is required, the applicant will notify all owners of real property located within 600 ft of the proposed project as well as all registered Neighborhood Associations and Home Owners Associations within ¼ mile of the proposed use.
- Pre-Application meetings will be required for all CUPs so that staff can properly inform applicants of the requirements for their particular project (neighborhood meeting, list of existing businesses in the area, hours of operation, etc)

Enforcing the existing requirement for applicants to identify negative impacts that may be generated by their proposed use will provide extra assurance that applicants are aware of and are addressing issues that may arise as a result of their proposed use.

While the majority of CUP proposals are unopposed, a few cases have created considerable concern among neighboring residents. The neighborhood meeting can provide the opportunity for the applicant and neighbors or other interested individuals to discuss their concerns early in the review process before staff provides recommendations and the case is heard by the Planning and Zoning Commission where discussion is by

necessity more structured and limited in time.

Staff may need to provide additional assistance to potential applicants to help them determine whether their proposal will require a neighborhood meeting, and if so, who needs to be notified. Other municipalities have dealt with this situation by requiring Pre-Application Meetings for all CUP applications. This will allow staff to discuss the neighborhood meeting process with potential applicants and inform them if their project will in fact require a neighborhood meeting and will also allow the opportunity to ensure that the applicant is aware of other CUP requirements (e.g. separation requirements, floor plans, etc.) Because conditionally permitted uses and their associated negative impacts vary greatly (e.g. outdoor dining vs. check cashing) the specific information needed for review also varies significantly. Requiring a Pre-Application Meeting may also reduce the number of reviews needed for a CUP by ensuring the applicant is aware of specific concerns and requirements pertinent to their type of use prior to actual application.

CONDITIONAL USE DECISION CRITERIA

Goal: Clarify the criteria used in determining recommendations and approvals of CUPs.

- List specific decision criteria to incorporate language explicitly referring to health, safety, and welfare:
 - Impacts from noise, smoke, dust, odor, vibration, or illumination.
 - Impacts from type or volume of traffic.
 - Ingress and egress (i.e. driveways, turn lanes, traffic control devices, etc.)
 - Pedestrian and vehicular circulation
 - Parking and loading
 - Impact on public services

Benchmarking with other valley cities revealed several common Conditional Use decision criteria not covered by Peoria's code. These additional criteria address the primary impacts of conditional uses that commonly need to be mitigated such as noise, traffic, etc. While many of these decision criteria are embedded in the review processes of the various departments that weigh in on Conditional Use Permit recommendations, explicitly stating them in the Zoning Ordinance will increase the transparency of the review process and clarify the City's expectations.

Substantial "criteria" or development standards have already been developed for specific uses – described as "special limitations". These limitations provide a set of requirements that potential projects must meet (Example: Outdoor Dining –such areas shall be located immediately adjacent to the restaurant or establishment to which it is an accessory use, etc.). The CU decision criteria explicitly state that CU applications will be evaluated for conformance with all applicable development standards. Therefore, more specific standards in this Article would be redundant. If desired, references could be made to the location of these standards; however this can be problematic if later amendments shift the referenced section numbers.

As a whole, these changes to the noticing, public involvement, and decision criteria of development cases will increase their transparency for the both applicants and members of the public.