PLANNING & ZONING COMMISSION
REGULAR MEETING
NOTICE & AGENDA
THURSDAY, JUNE 3, 2010
6:30 P.M.
COUNCIL CHAMBERS
8401 W. MONROE ST.

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

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

CONVENE:

ROLL CALL:

OPENING STATEMENT:

CALL TO SUBMIT SPEAKER REQUEST FORMS:

CONSENT AGENDA

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

CONSENT – New Business:

1C **DISPOSITION OF ABSENCE:** Discussion and possible action to approve/excuse the absences of Commissioners Loper and Golden from the May 20, 2010 meeting.

2C **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held May 20, 2010.

3C **CU10-0084:** Discussion and possible action to approve a request from Brothers Restaurant for a Conditional Use Permit to allow approximately 479 square feet of outdoor dining adjacent to the existing restaurant. The restaurant is located at the northeast corner of 85th Avenue and Peoria Avenue.

REGULAR AGENDA

UNFINISHED BUSINESS:

4R **PUBLIC HEARING:** RE: Rezone approximately 25.59 acres.

PUBLIC HEARING – Z09-02247: Coe & Van Loo Consultants, Inc, on behalf of South Terramar LLC is requesting a change in zoning for approximately 25.59 acres of vacant land from Single-Family Residential (R1-10) District to Single Family Residential (R1-6) District. The subject parcels are located within the Terramar development and are generally located north of the northwest corner of Happy Valley Road and Terramar Boulevard adjacent to the New River wash corridor. The parcels are more specifically described as Maricopa County Assessor's Parcels 201-09-036B & 201-09-040B.

Staff Report
Open Public Hearing
Public Comment
Close Public Hearing
Commission Action: Discussion and possible action to recommend approval of a request from Coe & Van Loo Consultants, Inc, on behalf of South Terramar LLC to change zoning for approximately 25.59 acres of vacant land from Single-Family Residential (R1-10) District to Single Family Residential (R1-6) District.

NEW BUSINESS:

5R **PUBLIC HEARING:** RE: Conditional Use Permit for outdoor dining.

CU10-0073: Cousin Vinny Pizza & Pasta is requesting a Conditional Use Permit to allow the use of an existing approximately 640 square foot patio for outdoor dining at a proposed restaurant. The restaurant will be located at 8267 W. Lake Pleasant Parkway. The property in question is generally located east of the southeast corner of Fletcher Way and Lake Pleasant Parkway.

Staff Report
Open Public Hearing
Public Comment
Close Public Hearing
Commission Action: Discussion and possible action to recommend approval of a request from Cousin Vinny Pizza & Pasta for an outdoor dining patio at a proposed restaurant.

6R **PUBLIC HEARING:** RE: Rezone approximately 640 acres.

PUBLIC HEARING – Z09-04: The City of Peoria has initiated a rezoning application for approximately 640 acres of privately owned property located at the southeast corner of 139th Avenue & Dixileta Drive alignment(s) and is more accurately described as APN 503-52-034, -036, -037A, -037B, -037C, -038C, -038D, -038E, -038G, -038J, -038K, -038L, -039, -040. This request follows a recent annexation application. Arizona State Law mandates initial City zoning to be established on the property within six months of the effective annexation date. The request is to rezone the property from Maricopa County Rural-43 to City of Peoria SR-43.

Staff Report
Open Public Hearing
Public Comment
Close Public Hearing
Commission Action: Discussion and possible action to recommend approval of a request from the City of Peoria to rezone approximately 640 acres of privately owned property from County Rural-43 to City of Peoria Suburban Ranch-43.

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
MAY 20, 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, Bill Louis, and Leigh Strickman.

Members Absent: Commissioners Greg Loper and Nancy Golden.

Others Present: Ellen Van Riper - Assistant City Attorney, Chris Jacques - Planning Manager, Ed Boik – Planner, and Bev Parcels – Planning Assistant.

Opening Statement: None read.

Call for speaker request forms.

Audience: Two.

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 absences of Vice Chair Melbo, Commissioners Loper and Strickman from the April 15, 2010 meeting.

2C **MINUTES:** Approve the minutes of the Regular Meeting held April 15, 2010.

3C **CU10-0066:** Discussion and possible action to approve a request from Coal Creek Consulting on behalf of Clearwire Wireless for a Conditional Use Permit to allow a wireless communication facility consisting of a 65 foot high monopalm and associated ground equipment. The proposed wireless facility is positioned behind Lee Lee's Supermarket, located on the southwest corner of 75th Avenue and Cactus Road.

COMMISSION ACTION: Commissioner Louis moved to approve the Consent Agenda items. The motion was seconded by Commissioner Strickman and upon vote, carried unanimously.

REGULAR AGENDA

NEW BUSINESS:

4R **PUBLIC HEARING – Z09-02247**: Coe & Van Loo Consultants, Inc, on behalf of South Terramar LLC requested a change in zoning for approximately 25.59 acres of vacant land from Single-Family Residential (R1-10) District to Single Family Residential (R1-6) District. The subject parcels are located within the Terramar development and are generally located north of the northwest corner of Happy Valley Road and Terramar Boulevard adjacent to the New River wash corridor.

STAFF REPORT: Planner Ed Boik stated to the Commission that due to the site not being posted as required a continuance was being requested and the case would be heard at the June 3, 2010 meeting.

COMMISSION COMMENT: None

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Louis moved to continue case Z09-02247 until the June 3, 2010 meeting. The motion was seconded by Commissioner Strickman and upon vote, carried unanimously.

5R **Zoning Code Amendment – Multiple Amendments**

Discussion and presentation on several amendment to Zoning Ordinance definitions, permitted and conditional non-residential uses and use standards. (No Action).

STAFF REPORT: Ed Boik, Planner, presented an overview of the proposed changes to several Zoning Ordinance Amendments.

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

REPORT FROM STAFF: None

REPORTS FROM THE PLANNING AND ZONING COMMISSION: None

ADJOURNMENT: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 7:00 p.m.

_____ _____

Veda McFarland, Chair Date Signed

CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU10-0084

DATE: June 3, 2010

AGENDA ITEM: 3C

Applicant: Brother's Restaurant

Request: Brother's Restaurant: Proposal to construct and utilize a covered space adjacent to the existing restaurant for an outdoor dining area.

Location: 8466 W. Peoria Ave., Peoria, AZ 85345 – East of the Northeast Corner of 85th Avenue and Peoria Avenue.

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

Recommendation: **Approve**, subject to Conditions 1-2.

AREA CONTEXT

Table 1: *Existing Land Use, Future Land Use, Current Zoning. (Exhibit B)*

	LAND USE	GENERAL PLAN	ZONING
Subject Property	**Brother's Restaurant**	Mixed Use	Central Commercial (C-3)
North	Vacant Commercial Building	Mixed Use	Central Commercial (C-3)
South	Bar/Restaurant	Mixed Use	Core Commercial Mixed Use (CCM)
East	Chiropractic Office	Mixed Use	Central Commercial (C-3)
West	Retail Suites	Mixed Use	Central Commercial (C-3)

PROJECT DESCRIPTION

Brother's Restaurant

1. Brother's Restaurant occupies one of the endcaps of Wagnor Plaza II Shopping Center.

Proposed Outdoor Seating Area

2. The applicant desires to operate an outdoor seating area of approximately 479 square feet adjacent to the existing restaurant. The stated purpose of the seating area is to provide outdoor space for patrons to smoke outdoors (Exhibit B). The restaurant does not currently hold a liquor license. The proposed hours of operation for the outdoor area are Monday through Saturday 5:30pm – 9:00pm & Sunday 5:30pm – 7:00pm.

3. The subject establishment is located adjacent to Peoria Avenue, an arterial roadway. The outdoor seating area will be located between the the building and Peoria Avenue on a portion of what is currently the existing parking lot of Wagoner Plaza II. The proposed seating area will be enclosed by a 7' screen wall composed of 3'4" masonry wall with 3'8" wrought iron fencing on top. Additionally the plans indicate a metal trellis over the outdoor dining area at 9 feet in height (Exhibit E).

DISCUSSION AND ANALYSIS

Applicability

4. The current zoning of the property is Central Commercial (C-3). Therefore, pursuant to the Non-Residential Districts Land Use Matrix (Table 14-9-3) outdoor dining and seating areas require the issuance of a Conditional Use Permit in accordance with Section 14-39-10.D and subject to special limitations as set forth in Section 14-9-5.B.2.

Analysis

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. The proposed wall would not only enclose the area adjacent to the arterial roadway, but it would also ensure that any debris created within the subject area would not find its way onto the road.

6. In staff's judgment, the proposed use is an appropriate, ancillary function to the restaurant use. The proposed use is consistent with surrounding land uses and the context of the area in question. The restaurant has been located within the existing commercial establishment for several years.

7. Additionally, Section 14-9-5.B.2 identifies special limitations for outdoor dining and seating areas:

a. *Such area shall be located adjacent to the restaurant or establishment to which it is an accessory use*. The patio area is located adjacent to the existing establishment behind a proposed screen wall.

b. *The use shall not interfere with pedestrian access, fire lanes, driveways, or traffic visibility at driveways or street intersections*. The patio area is enclosed from drive aisles and roadways. Access to the patio will be provided through a gate built in to the patio walls.

c. *The patio area shall not exceed 25% of the gross floor area of the establishment*. The patio area is will not exceed 25% of the gross floor area of the existing establishment.

d. *Planning and Zoning Commission may impose stipulations including, but not limited to, a restriction relating to operating hours, screening, noise, and visual mitigation measures*. There are no adjacent residential uses to the proposed patio area.

On-Site Parking

8. The site currently contains 117 parking spaces according to the plans submitted by the applicant. Due to the age of the establishment there are no files documenting the initial site plan. According to today's standards, the site would only require approximately 86 spaces.

   a. Current outdoor dining parking requirements are 1 space for every 100 square feet of serving area. The additional serving area would place an additional dependence of 5 parking spaces on the site. Due to initially provided spaces the site would maintain a surplus of parking spaces.

Patio Structure

9. The patio structure has not yet been constructed and would be required to obtain all applicable permits prior to construction.

Proposition 207

10. 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 for recordation pending the outcome of the Planning & Zoning Commission action.

Public Notification

11. Public notice was provided in the manner prescribed under Section 14-39-10. The posting was completed a minimum of 15-days prior to the Public Hearing.

FINDINGS AND RECOMMENDATION

12. Based on the following findings:

- The proposal is limited in scope and an appropriate ancillary function for a longstanding establishment;
- The outdoor seating area is within a larger existing commercial development; and
- The proposal will not result in any detrimental impacts to the surrounding neighborhood.
- The site is appropriately parked according to current regulations regarding the additional seating capacity that the outdoor dining proposal will allow for.

It is recommended that the Planning and Zoning Commission take the following action:
Approve Case CU10-0084 subject to the following conditions:

1. The use and operation shall substantially conform to the project narrative (identified as Exhibit A in the staff report to the 06/03/2010 Planning & Zoning Commission) except where modified herein.

2. A building permit must be obtained for the patio structure.

   a. The color and materials shall match the existing building as indicated on the plans.

ATTACHMENTS

Exhibit A:	Project Narrative
Exhibit B:	Location Map
Exhibit C:	Zoning Map
Exhibit D1-D2:	Site Plan
Exhibit E:	Elevations

Report prepared by:

Cody Gleason
Planning Technician

Brothers Restaurant
8466 W. Peoria Ave.
Peoria, AZ. 85345

Narrative:

Customers have requested a place to smoke after eating at the restaurant. This proposed patio would provide such an area. The patio is 479 square feet next to the restaurant in a pie shape area along Peoria Avenue. The patio will have 4 tables and seating for approximately 16 people. The patio area will be open during normal business hours M-Sat. 5:30-9:00, Sun. 5:30-7:00.

Exhibit A

CU10-0084 Location Map

N
W CITY OF PEORIA E
S

Not toScale

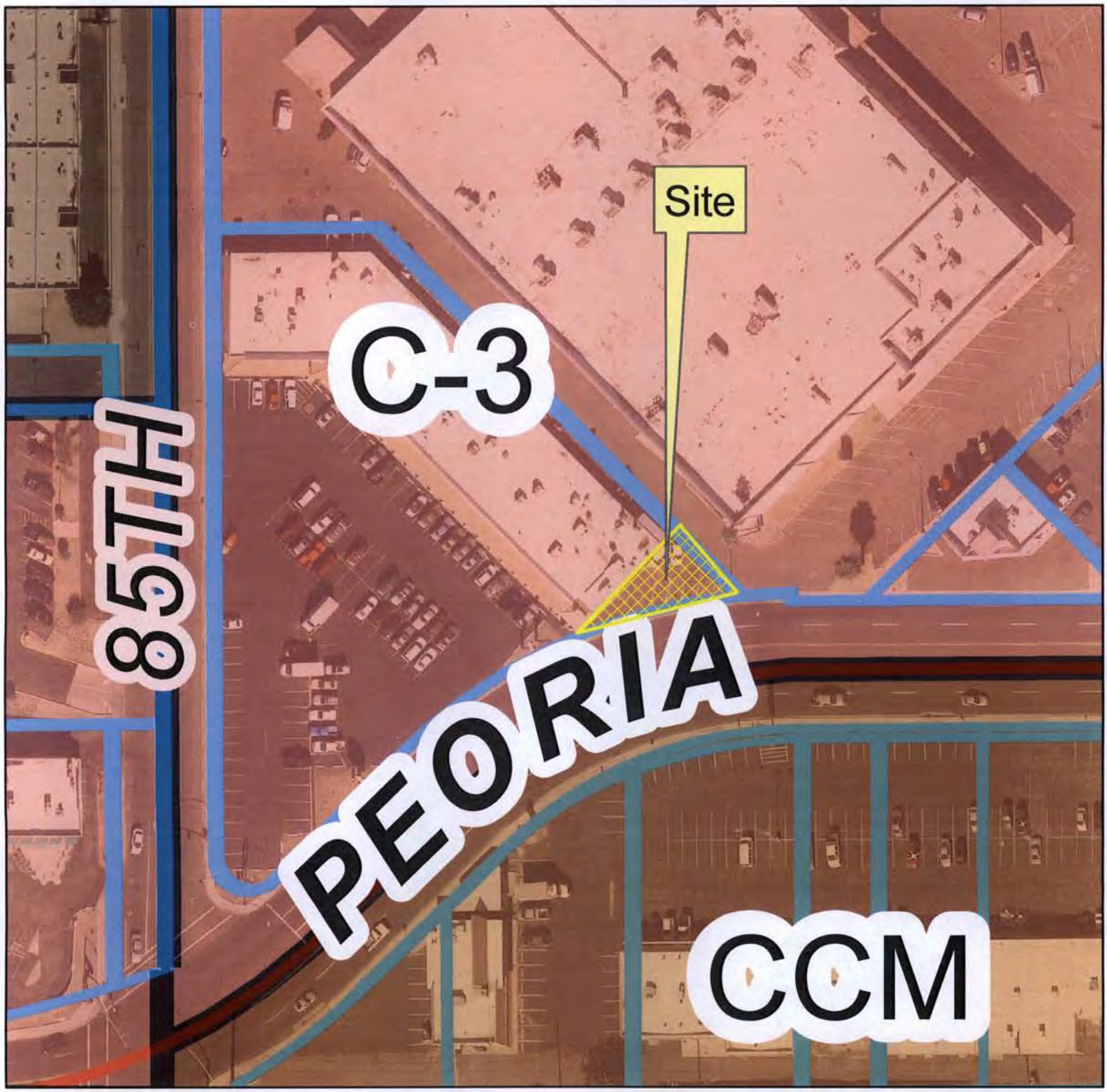
CU10-0084 Brothers Restaurant

Applicant: Brothers Restaurant

Request: Approximately 479 square foot outdoor dining area adjacent to establishment.

Exhibit B

CU10-0084 Zoning Map



N
W CITY OF PEORIA E
S
Not toScale

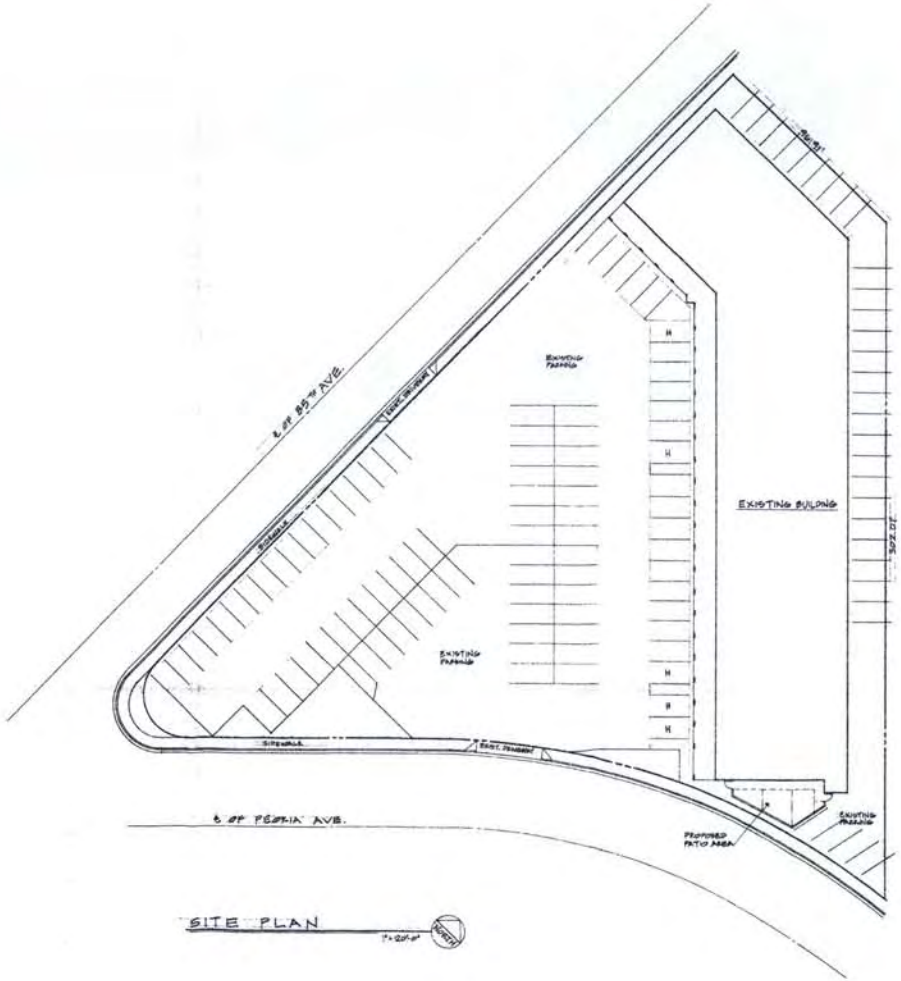
CU10-0084 Brothers Restaurant

Applicant: Brothers Restaurant

Request: Approximately 479 square foot outdoor dining area adjacent to establishment.

Exhibit C

Exhibit D1



SITE PLAN

PROJECT DATA

PROJECT ADDRESS:
8466 W. PEORIA AVE.
PEORIA, AZ. 85345

PARCEL NO.:
142-42-042-B

ZONING: C-3

LOT SIZE: 85,813 (1.97 ac.)

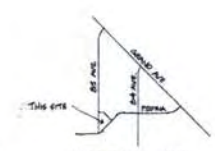
APPLICANT:
BROTHERS RESTAURANT
8466 W. PEORIA AVE.
PEORIA, AZ. 85345
623-979-1077
CONTACT: BARBARA SAVAIDI

OWNER:
WAGONER PLAZA LLC
13825 N. 7TH STREET SUITE M
PHOENIX, AZ. 85022
602-993-0940
CONTACT: GUS SQUIRE

ARCHITECT:
BERTA ASSOCIATES, LTD.
8367 E. THOROUGHBRED TRAIL
SCOTTSDALE, AZ. 85258
DOMENIC BERTA - ARCHITECT
CONTACT: DAVID LLOYD 602-509-6222

PROPOSED BUILDING & DESCRIPTION
OPEN PATIO AREA CONTAINED BY 3'-6" HIGH MASONRY WALLS W/ WROUGHT IRON TO 7'-0" & OPEN METAL TRELLIS @ 7'-0"
TOTAL AREA = 479 SQ. FT.
THIS PATIO TO BE TO THE SIDE OF THE EXISTING RESTAURANT

PARKING:
EXISTING STANDARD PARKING SPACES = 112
EXISTING ACCESSIBLE PARKING SPACES = 6
EXISTING TOTAL PARKING SPACES = 117
H = ACCESSIBLE SPACE



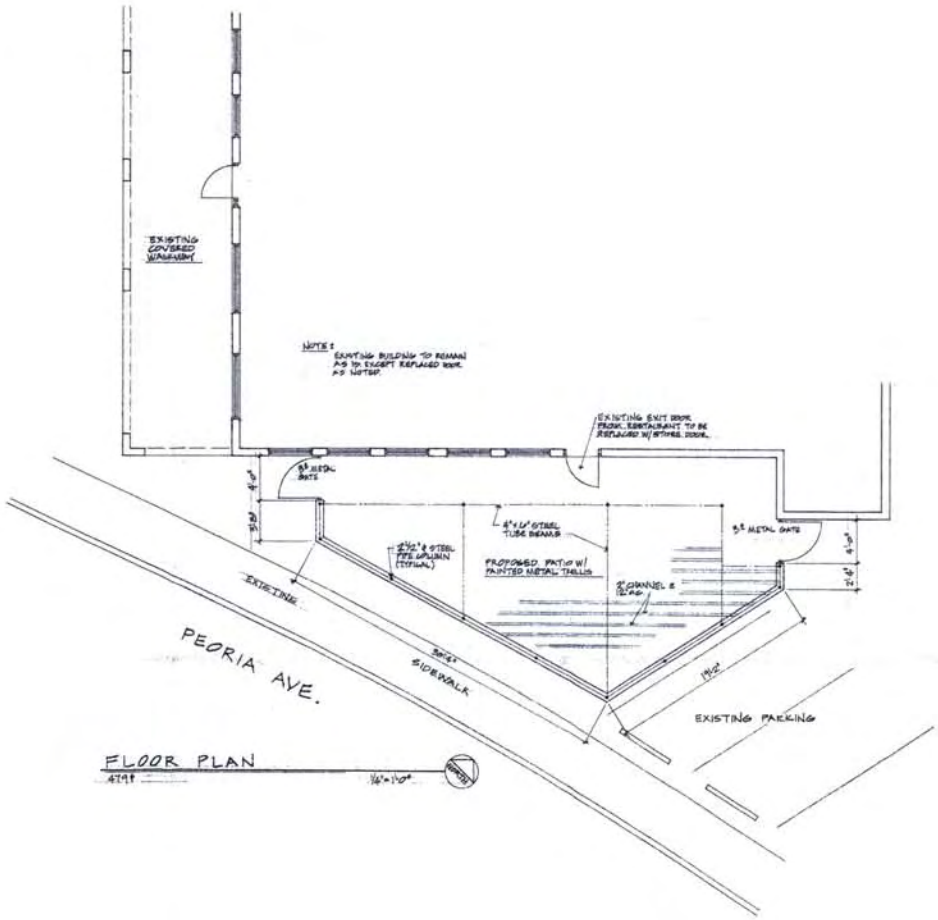
VICINITY MAP

NO SCALE

BERTA ASSOCIATES, LTD.
8367 E. THOROUGHBRED TRAIL
SCOTTSDALE, ARIZONA 85258
480-947-0346

A PROPOSED PATIO AREA FOR
BROTHERS RESTAURANT
8466 W. PEORIA AVE.
PEORIA, AZ. 85345

SHEET 1 OF 3



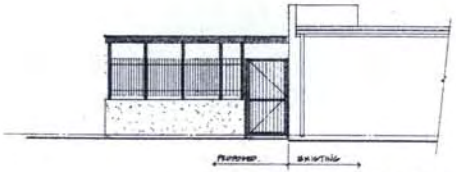
BERTA ASSOCIATES, LTD.
8367 E. THOROUGHBRED TRAIL
SCOTTSDALE, ARIZONA 85258
480-947-0346

A PROPOSED PATIO AREA FOR
BROTHERS RESTAURANT
8440 W. PEORIA AVE.
PEORIA, AZ. 85345

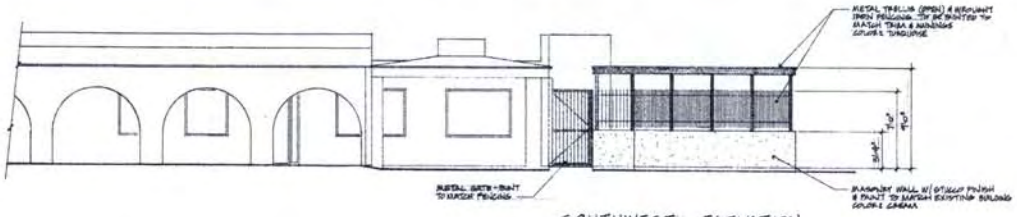
SHEET
2
OF 5

Exhibit D2

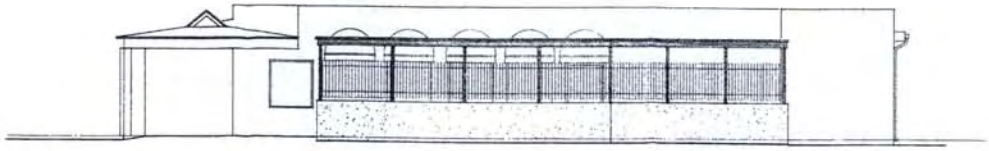
Exhibit E



NORTHEAST ELEVATION
1/4" = 1'-0"



SOUTHWEST ELEVATION
1/4" = 1'-0"



SOUTHEAST ELEVATION
1/4" = 1'-0"

BERTA ASSOCIATES, LTD.
8367 E. THOROUGHBRED TRAIL
SCOTTSDALE, ARIZONA 85258
480-947-0346

A PROPOSED PATIO AREA FOR
BROTHERS RESTAURANT
8400 W. PEORIA AVE.
PEORIA, AZ. 85345

SHEET
3
OF 3

REZONING

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: Z 09-02247

DATE: June 3, 2010

AGENDA ITEM: 4R

Applicant: Coe and Van Loo Consultants, for South Terramar LLC

Request: Rezone approximately 25.59 gross acres from Single Family (R1-10) to Single Family (R1-6) to facilitate the development of residential subdivision.

Proposed Development: The conceptual development plan proposes a 43 lot detached single-family residential neighborhood.

Location: The site is generally located north of the northwest corner of Terramar Boulevard and Happy Valley Road (Assessor Parcel Numbers 201-09-036-B, 201-09-040-B).

Site Acreage: 25.59 gross acres.

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

Recommendation: **Approve**, with conditions.

AREA CONTEXT

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

	LAND USE	GENERAL PLAN	ZONING
Subject Property	**Vacant**	**Park/Open Space; Small section of Low Density Residential (2-5 du/ac, target 3 du/ac)**	**Single Family (R1-10)**
North	Single Family Residential, Open Space & Park	Park/Open Space; Low Density Residential (2-5 du/ac, target 3 du/ac)	Suburban Ranch (SR-43); Single Family (R1-8)
South	Vacant	Park/Open Space	Suburban Ranch (SR-43; Single Family (R1-10)
East	Single Family Residential	Low Density Residential (2-5 du/ac, target 3 du/ac)	Single Family (R1-8)
West	Vacant, New River Wash Corridor	Park/Open Space; Water	Adjacent: Single Family (R1-10) Agricultural (AG)

Annexation and Case History

1. The parcel was annexed into the City in November 1989. At that time, a zoning designation of General Agriculture (AG) was assigned. In November 1995, the parcel was rezoned to R1-10.

2. The original preliminary plat (approved in 1996) for this parcel proposed 51 residential lots and expired due to inactivity. A preliminary plat to increase the number of residential lots (Case #P01-05) on this parcel expired due to inactivity in 2009. The City's erosion setback standards have changed since the earlier preliminary plats were proposed. The changes reduce the area of the site which can be developed.

PROJECT DESCRIPTION

Site and Project Details

3. The subject site is vacant and relatively flat on the eastern half. The west portion of the site falls within the New River Wash floodway and is vacant, natural open space. A drainage way abuts the property to the south. Access to this site will be from Terramar Boulevard and an existing residential stub-street, Remuda Drive, which connects to established single-family residential lots to the north.

4. The applicant proposes to rezone the parcel from R1-10 (10,000 square foot minimum) single family residential district to R1-6 (6,000 square foot minimum) single-family residential district. The preliminary plat proposes 43 residential lots which range from 14,239 square feet to 7,416 square feet in area with an average lot size of 8,873 square feet.

DISCUSSION AND ANALYSIS

Conformance with the General Plan

5. The underlying land use designation for the property is largely Park/Open Space. This designation allows for a residential density up to 1 du/ac; however, the designation is intended to describe active and passive recreational areas and sensitive areas (e.g. floodway/floodplain, which in this case has now been delineated). The northeast corner of the subject property is designated Residential/Low (2.0-5.0 du/ac), target 3.0 du/ac. This is the dominant land use category for the remainder of Terramar.

6. The General Plan Land Use Plan is by its nature, general. The land use boundaries are approximate and generalize the areas which are intended to be developed as a particular use. Through review, staff ensures that the intent of the land use plan is met. The proposed rezoning and accompanying plat will designate 12.6 acres of open space and park area while accommodating residential development which is compatible with the adjacent, established

Terramar neighborhoods. Furthermore, as illustrated in Table 2, the proposed density of this development of 1.79 acres is generally less than and compatible with the built-up portions of Terramar in the area.

Table 2: *Area Density Comparison. (Exhibits A,D)*

Parcel	Zoning	Acreage	Units	Density
10B	**R1-6**	**25.59**	**43**	**1.68 du/ac**
8	R1-8	44.72	161	3.60 du/ac
9B	R1-10	12.96	28	2.16 du/ac
10A	R1-8	15.72	36	2.29 du/ac
11	R1-8	15.50	51	3.29 du/ac
14	R1-10	14.66	39	2.66 du/ac

Land Use Compatibility

7. As noted in #6 above, the proposed single family residential land use, density and lot size is compatible with the established neighborhoods within Terramar. To be sure, some of the proposed lots will be slightly smaller than the abutting neighborhoods north and west of the property. To provide transition between neighborhoods, the larger lots are proposed along Terramar Boulevard and along the north/northeast perimeter of the property while the smaller lots are internal to the neighborhood or adjacent to the proposed open space.

   Because the R1-6 zoning district could allow for properties much smaller than proposed by the current preliminary plat, staff recommends the rezoning approval be conditioned to the proposed preliminary plat and lot density.

Citizen Participation Plan - Neighborhood Meeting

8. Section 14-39-6.E of the Peoria Zoning Ordinance requires the applicant of a rezoning request to hold at least one neighborhood meeting. The applicant notified property owners within 300 feet of the subject site (61 ownerships). Accordingly, on January 28, 2010, the applicant held a neighborhood meeting at the Terramar Elementary School located at 7000 W Happy Valley Road. As indicated in Exhibit F, twelve property owners attended the meeting and none objected to the proposal.

Engineering Requirements

9. The Engineering Department had no specific review comments in conjunction with the rezoning request. There are specific conditions of approval that address standards and submittal requirements as the project is implemented.

Fire Requirements

10. The Fire Department had no specific conditions of approval relative to this rezone request. However, with the subsequent Site Plan Review, the Fire Department will be evaluating compliance with the technical requirements including turnaround provisions, hydrant placement and other issues.

Public Notice

11. 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 on May 12, 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

12. The applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the City Council action.

FINDINGS AND RECOMMENDATION

13. Based on the following findings:

- The proposed rezoning is consistent with the underlying Park/Open Space and Low Density Residential land use designations as described in the General Plan; and
- The proposed rezoning and preliminary plat are consistent with the development pattern found within Terramar; and
- The proposal will advance the City's goals and objectives by maintaining quality residential neighborhoods and furthering the development of recreational trails and natural open spaces.

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

Recommend approval to the City Council Case Z 09-02247, subject to the following conditions:

1. The proposed development shall substantially conform to the layout shown on the preliminary plat and the maximum density shall not exceed the density indicated on preliminary plat date stamped 03/08/2010.
2. The Developer shall construct the half-street for Remuda Ave between this project and 74th Avenue.
3. The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at all intersections with collectors or arterials. The Developer shall dedicate a 20-foot by 20-foot ROW chamfer at all local/local roadway intersections.

Attachments:

Exhibit A	Project Narrative
Exhibit B.1	Vicinity Map
Exhibit B.2	Vicinity Map (expanded)
Exhibit C	Land Use Map
Exhibit D	Zoning Map
Exhibit E	Preliminary Plat
Exhibit F	Citizen Participation Report

Prepared by: Ed Boik
Planner

Terramar Parcel 10B Rezone Narrative

By: Coe and Van Loo Consultants, Inc.
November 4, 2009

1. Background and Existing Conditions

The Terramar Development generally bound north-south by Jomax and Happy Valley Roads, and east-west by 67th and 75th Avenues, has been an ongoing development for more than ten years. Parcel 10B is one of two remaining parcels that will be constructed in the near future; all remaining parcels have been constructed. The Maricopa County Assessor's parcel numbers for this parcel are 201-09-036-B and 201-09-040-B, and encompass approximately 25.59 gross acres.

The purpose of this rezone request is to change Parcel 10B's current, standard zoning designation of R1-10 to the standard zoning designation of R1-6 for standard single-family dwelling units. The zoning needs to be changed due to the expiration of the site's preliminary plat that was approved in 1996, the requirements directed by the City to include an erosion setback line buffering New River Wash, and the need to accommodate a smaller lots size than originally approved. This rezone request has been filed concurrently with a minor general plan amendment and preliminary plat applications.

The site is designated in the general plan as Low Density Residential (LDR) and Park/Open Space (OS). Approximately 9.69 acres (38 percent) of the parcel is designated as Park/Open Space, and 15.9 acres (62 percent) of the parcel is designated as Low Density Residential. Rezoning the parcel falls in line with the goals, policies, and objectives of the general plan. For more detailed information on how these goals are met, please see Section 4.

2. Land Use and Open Space

Approximately 15.9 gross acres (62 percent) of the site are available for residential development. The New River Wash and erosion setback encompass the remaining 9.69 gross acres (38 percent of the development) as open space.

Due to the inclusion of a 162-feet buffer surrounding New River Wash, the unit count and lot size are different from what was previously approved in the preliminary plat. The previously approved preliminary plat provided a standard lot size of 70' x 115' (8,050 SF) for 51 units with a gross density of 2 du/ac. Parcel 10B will have a standard lot size of 60' x 115' (6,900 SF) for 43 residential units. The gross density for the project is 1.68 dwelling units per acre. (du/ac).

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Parcel 10B will adhere to the following development standards:

Property Development Standards	R1-6
Minimum Lot Area (ac)	6,000
Minimum Lot Width (ft)	50
Minimum Lot Depth (ft)	100
Maximum Lot Coverage	45%
Maximum Building Height (ft)	30
Front Setback (ft)	20
Interior Setback (min/total ft)	5/8/13
Rear Setback (ft)	15
Corner Setback (ft)	10

The minimum lot area of 6,900 SF will apply to the entire parcel, but only because two lots are slightly above the minimum requirement. As can been seen from the preliminary plat, almost all lots are larger than the minimum lot dimensions provided above. The larger lot sizes are strategically placed along Terramar Boulevard and Parcel 11 in order to maintain similar sized properties along the periphery of the development, tying into the surrounding built environment.

The General Plan designation of LDR asks for a target density of 3 du/ac. The entire Terramar development is designated as LDR. The following chart shows the zoning and density of surrounding parcels and the impact that the rezone would have on the area:

SURROUNDING DEVELOPMENTS				
PARCEL	ZONING	ACREAGE	UNITS	DENSITY
8	R1-8	44.72	161	3.60
9B*	R1-10	12.96	28	2.16
10A	R1-8	15.72	36	2.29
11	R1-8	15.50	51	3.29
14	R1-10	14.66	39	2.66
SUBTOTAL		103.57	315	3.04
PROPOSED DEVELOPMENT				
10B	R1-6	25.59	43	1.68
TOTAL		129.16	358	2.77

* Taken from the approved preliminary plat

By rezoning Parcel 10B to R1-6, the LDR target density of 3 du/ac is maintained. As can been from the chart, rezoning the parcel to R1-6 decreases the overall density in the area from 3.04 to 2.77 du/ac. Rezoning land to accommodate smaller lot sizes usually increases the density for the parcel and surrounding area; however, due to the inclusion of the erosion setback, the smaller lot size still decreases the density of Parcel 10B and the surrounding area.

3. Existing and Proposed Infrastructure

Since Parcel 10B is in the latter phase of development, most of the improvements are already constructed. Terramar Boulevard, an 80-foot major collector road, is fully constructed. The ingress/egress points along Terramar Boulevard will be maintained in Parcel 10B. All local streets will be constructed to the City of Peoria's standards.

There is a 16-inch water and 12-inch wastewater line following the Terramar Boulevard alignment. All on-site water and wastewater lines will be 8 inches in size, and will tie into the lines within Terramar Boulevard.

Parcel 10B will follow the drainage standards of the City by retaining on-site drainage of a 100-year, 2-hour storm event. Off-site flows are conveyed to New River Wash at the southeast corner of the parcel by 4-10'x4' box-culvert and drainage easement.

4. General Plan Compliance

The following lists many of the General Plan goals of the City of Peoria, and how Terramar Parcel 10B helps meet those goals:

a. Goal 2.1: Provide a balance of land uses that will preserve and enhance neighborhoods, promote economic development, encourage redevelopment at appropriate locations, and protect environmentally sensitive areas.

   Terramar Parcel 10B is part of the high quality, planned, residential Terramar development. Rezoning to R1-6 will help provide a range of housing types that is compatible with the areas development, is orderly, and provides efficient urban services.

b. Goal 3.1: Provide for a multi-modal transportation system that will serve the community and region in a safe, efficient, cost effective and aesthetic manner while minimizing adverse impacts to neighborhoods, businesses, and the natural environment.

   The transportation system for Parcel 10B is already in place – Terramar Boulevard is fully constructed. Parcel 10B will add a safe and efficient trail system outlined by the City's general plan that will promote alternative forms of transportation.

c. Goal 5.1: Promote efficient development areas that support a variety of land use types, conserve natural resources, reduce automobile dependency, and exhibit a logical extension of infrastructure and service capacities.

Rezoning Parcel 10B to accommodate smaller lot sizes coincides with surrounding land uses, will help preserve a 162' buffer of New River Wash, and will tie into existing infrastructure and services that have already been designed to accommodate residential development.

d. Goal 7.1: Provide for sufficient availability and a variety of opportunities for safe, decent and affordable housing, cohesive neighborhoods to meet the needs of present and future residents of Peoria.

Terramar Parcel 10B will provide additional housing opportunities for the area. The development will be a high quality development, tying into the architecture and housing types of the area. Development of this parcel will help promote safety for the surrounding parcels and create a cohesive neighborhood.

e. Goal 8.1: Provide a high level of municipal services and facilities to properly serve the community in a manner that enhances quality of life and economic opportunities, optimizes the use and protection of existing facilities and provides for future needs.

The entire Terramar development has utilities already in place and is currently being serviced by the City. The City's infrastructure and other public services, such as police and fire protection, have been designed to accommodate the development of Parcel 10B as a residential development. This also includes access to educational facilities

f. Goal 9.1: Develop an accessible, comprehensive, integrated, high quality parks, recreation, and open spaces system servicing the needs of Peoria residents.

Terramar Parcel 10B accommodates the open space system needs outlined in the general plan figures.

g. Goal 9.4: Develop an open space system that is environmentally sensitive and self-sustaining.

New River Wash will be buffered 162 feet, providing a wide open space corridor that can accommodate trails and maintain native vegetation and wildlife.

h. Goal 9.5: Develop a safe, multi-use and inter-connected path and trail system throughout the City.

The general plan identifies a secondary trail along the southern portion of Parcel 10B, as well as a primary trail and path along New River Wash; both trails will be accommodated on the site.

i. Goal 9.7: Appropriately plan the unique recreational resources of the North Planning Area of Peoria through future master planned development.

The Terramar development provides many of the identified recreational needs of the City, and has coordinated open spaces and trails with surrounding developments.

j. Goal 10.1: Provide a high level of environmental quality with a safe, healthy, and enjoyable environment for Peoria residents.

The incorporation of an open space buffer along New River Wash and the on-site landscaping and open space makes up 38 percent of the Terramar Parcel 10B development. The buffer provides natural vegetation and wildlife preservation, and contributes to the preservation of New River Wash as a continuous open space and multi-use amenity. Water and wastewater services are already available for the site.

k. Goal 11.1: Manage a coordinated system of water and wastewater utility service facilities and resources to adequately serve business, housing, and other uses.

Water and wastewater facilities have already been developed to service the Terramar development, including Parcel 10B.

l. Goal 13.1: Protect the City form the threats of natural and man-made hazards and national emergencies.

The erosion setback buffer along New River Wash will provide an appropriate measure of safety for the development upon construction.

Z09-02247 Vicinity Map

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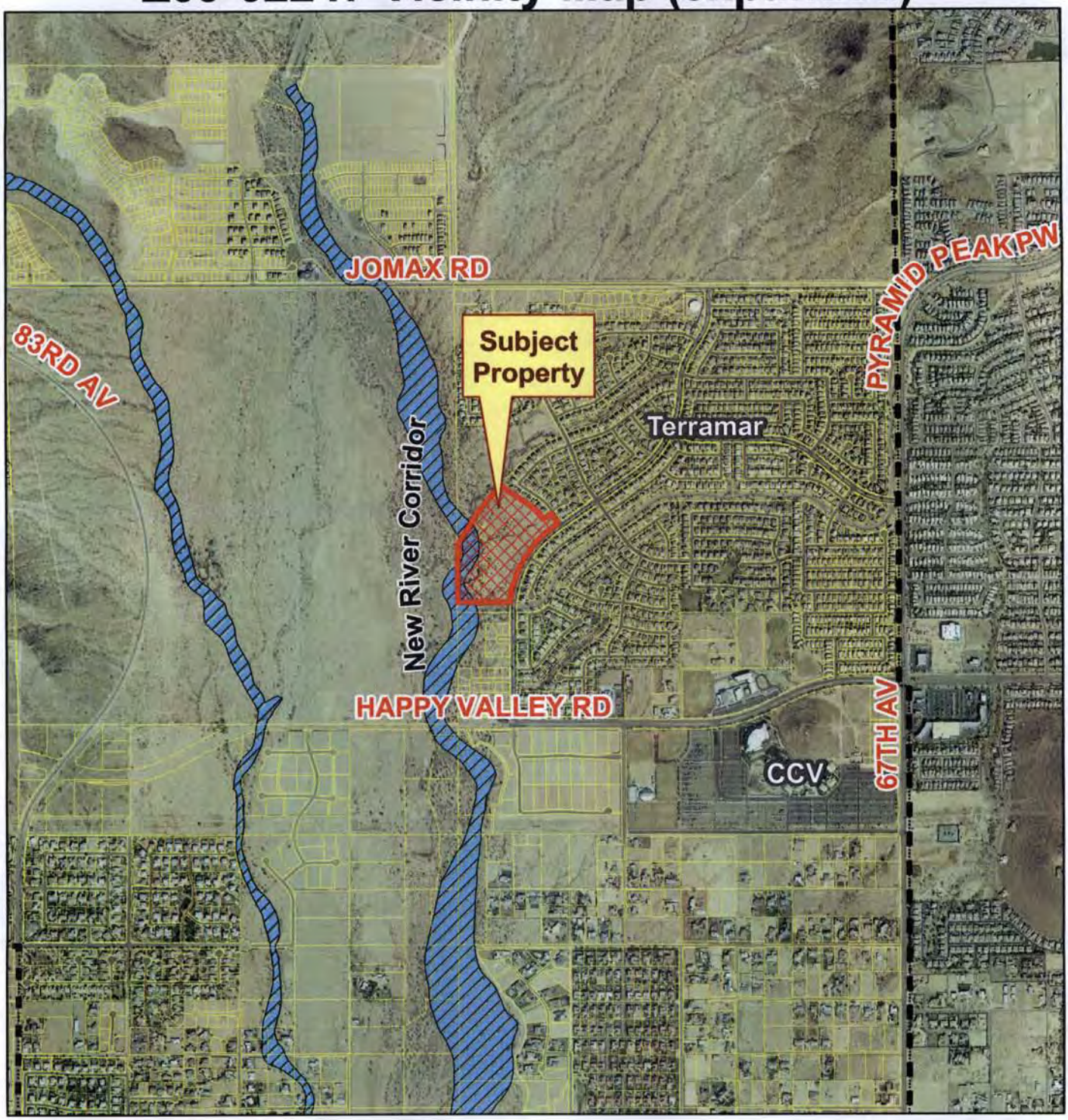
Z 09-02247

North of the northwest corner of Terramar Blvd and Happy Valley Rd.

Request to rezone from R1-10 to R1-6 district.

Exhibit B.1

Z09-02247 Vicinity Map (expanded)



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W CITY OF PEORIA E
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Not toScale

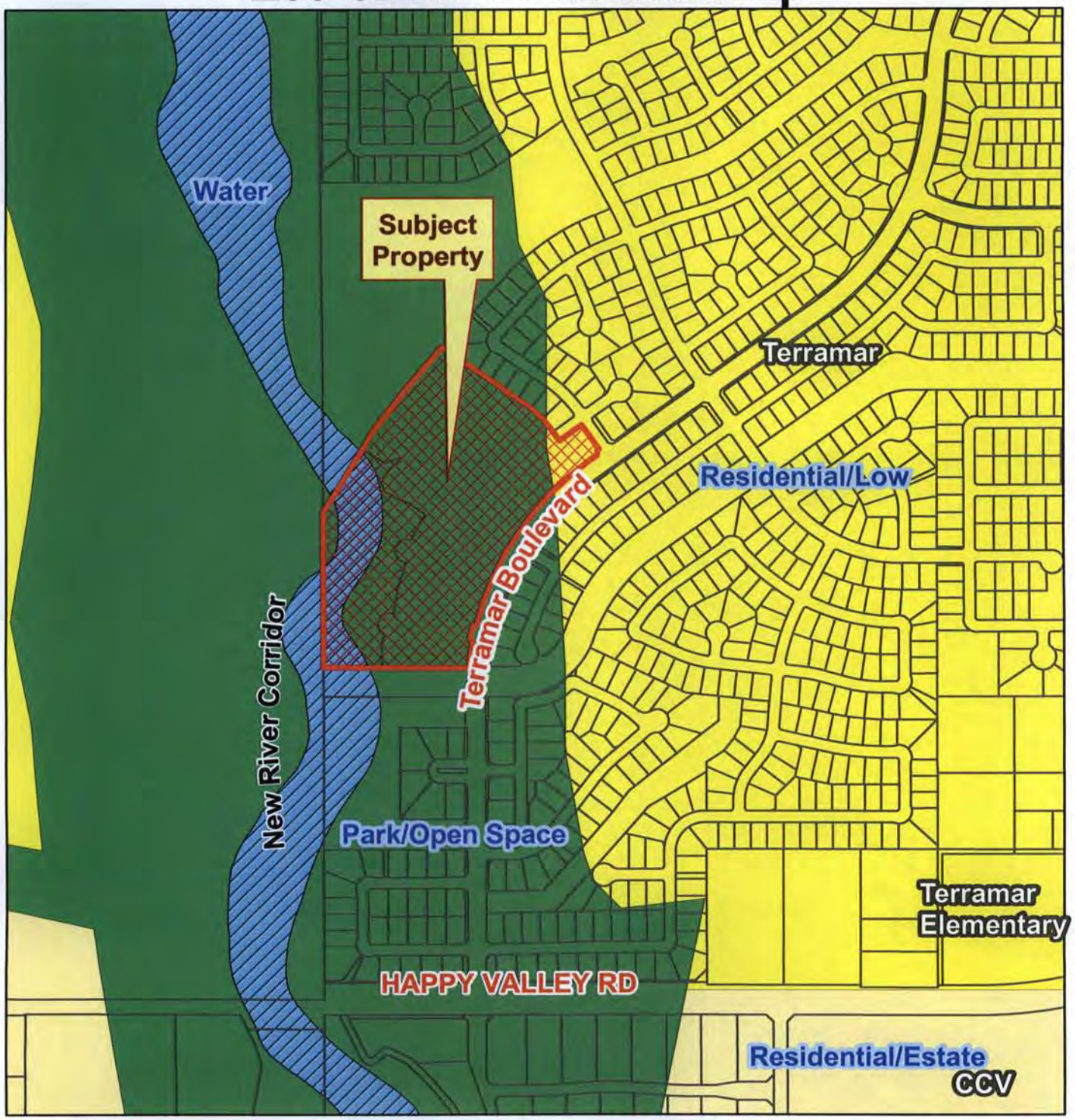
Z 09-02247

North of the northwest corner of Terramar Blvd and Happy Valley Rd.

Request to rezone from R1-10 to R1-6 district.

Exhibit B.2

Z09-02247 Land Use Map



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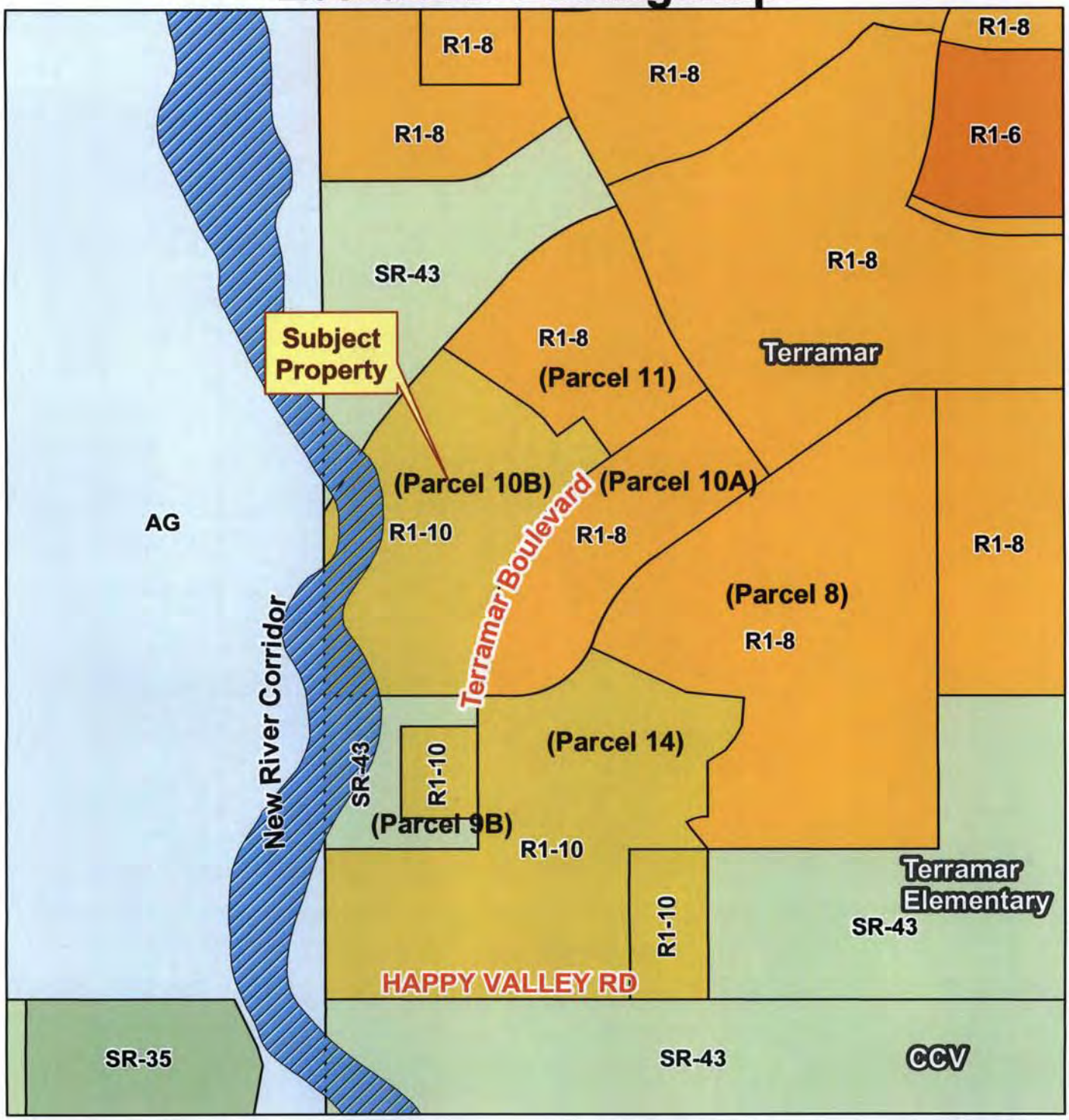
Z 09-02247

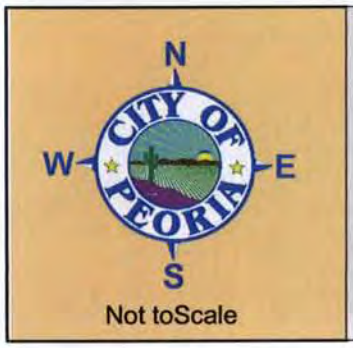
North of the northwest corner of Terramar Blvd and Happy Valley Rd.

Request to rezone from R1-10 to R1-6 district.

Exhibit C

Z09-02247 Zoning Map





Z 09-02247

North of the northwest corner of Terramar Blvd and Happy Valley Rd.

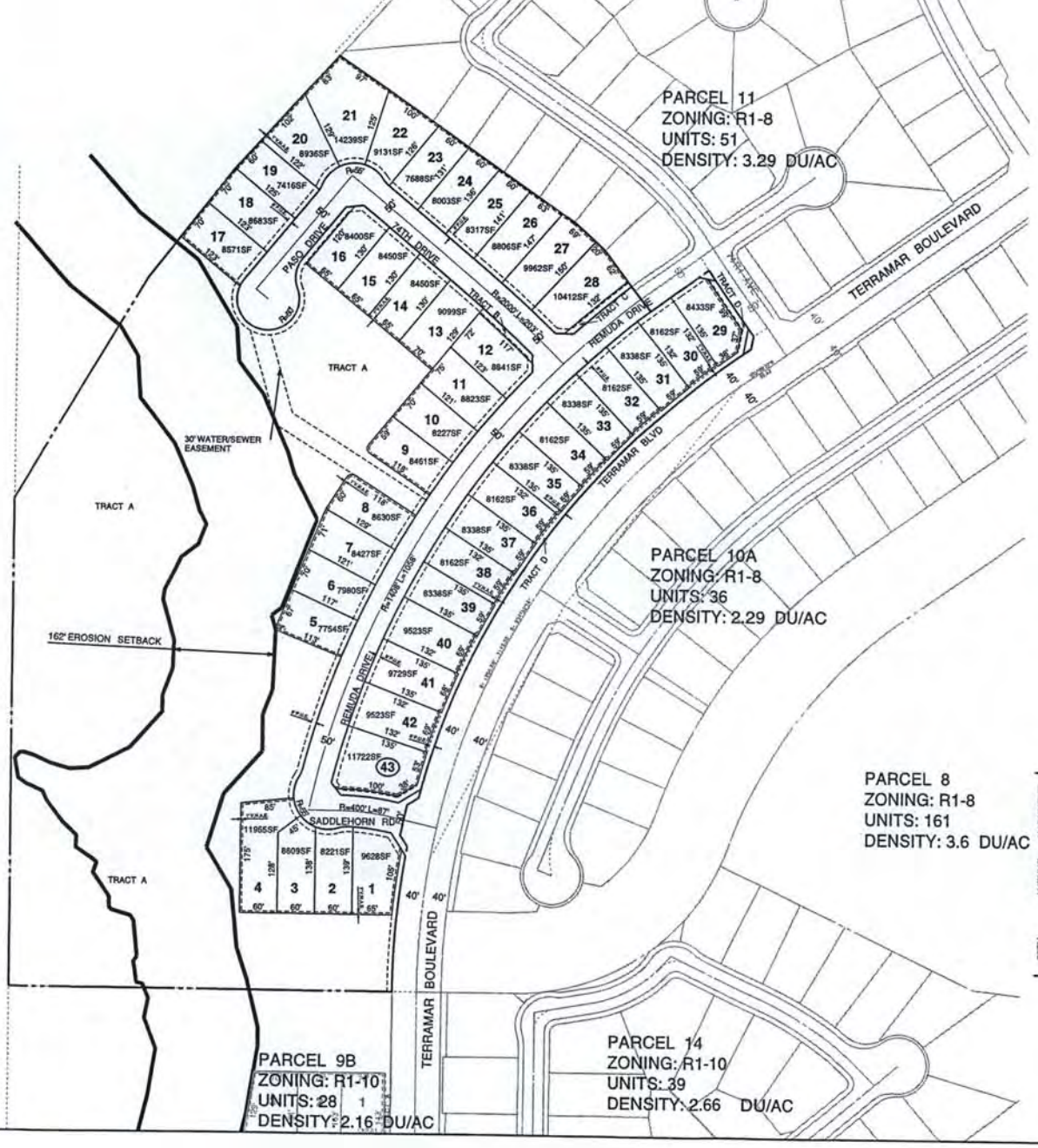
Request to rezone from R1-10 to R1-6 district.

Exhibit D

EXHIBIT E

TERRAMAR 10B CONCEPTUAL SITE PLAN

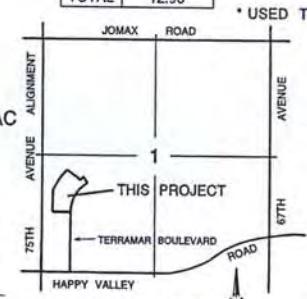
APPLICANT
COE AND VAN LOO CONSULTANTS, INC.
4550 NORTH 12TH STREET
PHOENIX, AZ 85014
PHONE: 602-285-4752
FAX: 602-285-4753
CONTACT: DAVID COBLE



SITE DATA TABLE	
GROSS AREA	23.99 AC
CURRENT ZONING	R1-10
PROPOSED ZONING	R1-6
UNITS	43
DENSITY	1.79
REQUIRED OPEN SPACE	2.15 AC/ 9%
PROPOSED OPEN SPACE *	12.64 AC/ 49%
PUBLIC R.O.W	2.28 AC
MINIMUM LOT AREA	6,900 SF
MINIMUM LOT WIDTH/DEPTH	60'/ 115'
AVERAGE LOT AREA	8,873 SF
MEDIAN LOT AREA	8,450 SF
LOTS LESS THAN 8,000 SF	5, 6, 19, 23

TRACT TABLE		
TRACT	AREA (AC)	DESCRIPTION
A*	12.64	EROSION SETBACK/ LANDSCAPE/ OPEN SPACE
B	0.03	10' MINIMUM LANDSCAPE
C	0.03	10' MINMIUM LANDSCAPE
D	0.26	8' MINIMUM LANDSCAPE
TOTAL	12.96	

* USED TO CALCULATE OPEN SPACE



VICINITY MAP
(NOT TO SCALE)

APN NUMBERS:
201-09-036-B
201-09-040-B

SCALE: 1" = 80'
FEBRUARY 16, 2010

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EXHIBIT F

Terramar Parcel 10B

CITIZEN PARTICIPATION PLAN

Case# Z09-02247/P09-02248

25.59Acres

Generally located west of Terramar Boulevard and north of Happy Valley Road

PREPARED FOR CITY OF PEORIA

February 16, 2010

Parties Affected by Application

The affected parties include:

- Surrounding property owners within 300'
- Deer Valley Unified School District
- Terramar Home Owners Association
- Other groups, associations, and entities identified by City Staff

Notification and Information Procedures

Notification and information about the Terramar Parcel 10B rezone and preliminary plat will follow the requirements set forth by the City of Peoria for the citizen review process. All individuals who are real property owners within 300 feet of the proposed zone change and other persons who have been added to a contact list and have requested to be updated (see exhibit A), was sent a notification letter concerning the neighborhood meeting.

Notification of the neighborhood meeting was sent by first class mail on January 11, 2010 (see Exhibit B). Approximately, three mailings were returned due to closed Post Office Boxes and nonforwarding addresses.

The City requires that a neighborhood meeting be held within 45 days after application submittal. The application was submitted to the City on November 5, 2009. With Staff approval, the neighborhood meeting was held after the Christmas holiday in order to provide all property owners the opportunity to voice their opinions or concerns, and allow the City to provide first review comments.

The neighborhood meeting was held at 6:30 P.M. on January 28, 2010, at the Terramar Elementary School Library Media Center located at 7000 W. Happy Valley Road. Twelve people attended (see Exhibit C, Sign-in Sheet). Dave Coble, with Coe and Van Loo Consultants, Inc., presented the proposed development and its history. Two exhibits were used; the first was an aerial photograph, and the other a lotting plan showing the square footage of each lot. The neighbors asked a few general questions about the project, including timing, prices, and product types, but were mainly concerned about the trash on the parcel. There were no objections to the proposal. The meeting lasted 55 minutes.

Response Procedures

All parties that contact the applicant outside of the neighborhood meeting, with an interest in the development will be responded to in the following ways:

- Provide all information possible, to the interested party, in a timely manner. Every effort will be made to satisfy any questions that come up throughout the process.
- All correspondence, including contact information, will be noted and filed for future reference and records.
- Prior to public hearings, the Applicant will notify all interested parties on file; this includes surrounding property owners, of the public hearing date.

Exhibit A

Mailing Address

[redacted]

[redacted]

Exhibit B

Notification Letter

COE & VAN LOO

Land Planning | Civil Engineering | Water Resources | Storm Water Engineering
Landscape Architecture | Land Surveying | Construction Services

Founded 1958

January 11, 2010

Re: Terramar Parcel 10B Rezone and Preliminary Plat

Dear Property Owner:

You are invited to participate in a neighborhood meeting. The purpose of the meeting is to discuss the proposed rezone and preliminary plat for Terramar Parcel 10B that is currently under review by the City of Peoria Planning and Community Development Department. The site is west of Terramar Boulevard, north of Happy Valley Road, and southwest of 74th Avenue (see attached land use map). The meeting will be held at:

Terramar Elementary School
Library Media Center
7000 West Happy Valley Road
Peoria, AZ 85383

January 28, 2010, at 6:30 P.M.

If you cannot attend this meeting, but would like more information, please contact Dave Coble at (602) 285-4752; fax (602) 285-4753; or email at dcoble@cvlci.com.

Sincerely,

COE & VAN LOO
Consultants, Inc.

[redacted]

Associate, Project Manager

Enclosure

N:\960043\ADMIN\10B\Terramar 10B Neighborhood Meeting.doc

4550 North 12th Street | Phoenix, AZ 85014-4291 | 602.264.6831 | (F) 602.264.0928

Exhibit C

Sign-in Sheet

NEIGHBORHOOD MEETING SIGN-IN SHEET

TERRAMAR PARCEL 10B REZONE AND PRELIMINARY PLAT

DATE: January 28, 2010
TIME: 6:30 P.M.
PLACE: Terramar Elementary School Library Media Center - 7000 W. Happy Valley Road

NAME	ADDRESS		
[redacted]			

CONDITIONAL USE PERMIT
REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 10-0073

DATE: June 3, 2010

AGENDA ITEM: 5R

Applicant:	[redacted] on behalf of 'Cousin Vinny'
Request:	Obtain a Conditional Use Permit to allow the use of outdoor dining in an existing patio area.
Proposed Development:	Cousin Vinny Pizza & Pasta restaurant, located at 8267 W. Lake Pleasant Parkway, Peoria AZ, 85382
Location:	East of the southeast corner of Lake Pleasant Parkway and Fletcher Way.
Site Acreage:	Restaurant suite is approximately 2,200 s.f., attached patio is approximately 640 s.f.
Support / Opposition:	As of the date of this printing, Staff has received one email and two telephone calls in opposition and one telephone call in inquiry.
Recommendation:	**Approve**, with conditions.

AREA CONTEXT

Table 1: *Existing Land Use, Current Zoning. (Exhibits A & B)*

	LAND USE	GENERAL PLAN	ZONING
Subject Property	**Commercial Building**	**Residential Low Density (2-5 du/ac, target of 3 du/ac)**	**Planned Area Development (Fletcher Heights PAD)**
North	Lake Pleasant Parkway; Commercial Center	**Residential Low Density (2-5 du/ac, target of 3 du/ac)**	**Planned Area Development (Fletcher Heights PAD)**
South	Single-Family Residential	**Residential Low Density (2-5 du/ac, target of 3 du/ac)**	**Planned Area Development (Fletcher Heights PAD)**
East	Lake Pleasant Parkway; Single-Family Residential	**Residential Low Density (2-5 du/ac, target of 3 du/ac)**	**Planned Area Development (Fletcher Heights PAD)**
West	Commercial Center	**Residential Low Density (2-5 du/ac, target of 3 du/ac)**	**Planned Area Development (Fletcher Heights PAD)**

PROJECT DESCRIPTION

Request and Development Details

1. The applicant is proposing an outdoor dining use for an existing 640 square foot patio that is located on the northeast side of an existing building designed for restaurant use. The patio is uncovered, but is contained by decorative wrought iron railing.

2. The patio under consideration is part of a multi-suite commercial building located in a commercial center within the Fletcher Heights master planned community. The property is located east of the southeast corner of Lake Pleasant Parkway & Fletcher Way (83rd Avenue alignment) on the furthest southeastern portion of the center. The patio itself is oriented toward Lake Pleasant Parkway.

3. The building, patio and landscaping was approved through previous Site Plan, Design Review, and Building Permit applications for this site.

4. The patio in this application was previously used for outdoor dining for a small restaurant, however at that time, outdoor dining uses did not require a Conditional Use Permit.

5. The subject restaurant is located approximately 108 feet from the nearest residential property line, though most of the patio is screened from view by the building itself. No modifications to the existing parking, site lighting or trash enclosure locations are required.

FINDINGS AND ANALYSIS

Applicability

6. In 2006, the Peoria City Council approved a text amendment to the Zoning Ordinance which required that all new outdoor dining patio uses in all non-residential zoning districts as described in Article 14-9 of the Zoning Ordinance obtain a Conditional Use Permit. This amendment was the result of multiple incidents at existing outdoor dining patios that generated an inordinate number of noise and nuisance complaints.

7. Section 14-39-10.D of the Zoning Ordinance 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.

8. According to Section 14-39-5.B.2.c, an outdoor dining patio shall not exceed 25% of the GFA of the associated restaurant establishment unless the Planning & Zoning Commission waives this requirement based on the finding that sufficient

measures have been taken to mitigate potential adverse impacts on adjacent properties. The floor area of the proposed patio would amount to approximately 29% of the total gross floor area of the associated restaurant. Staff recommends waiving this requirement based on the proposal's contextual location and its existence prior to this application. The patio faces Lake Pleasant Parkway and is substantially screened from the adjacent single-family residential neighborhood by the building itself. Portions of the patio that are not screened by the building are, or will be, screened by landscaping.

Analysis

9. In staff's judgment, the proposed use is an appropriate, ancillary function to the proposed restaurant use. The proposed use is consistent with surrounding land uses and the context of the area in question. Despite the buildings location within the center and its proximity to single-family residential uses, the applicant has agreed to the limited hours of operation, the removal of the outdoor speakers, and the placement of additional landscaping between the patio and the nearby homes. The applicant has also gone door-to-door to introduce herself and her business plan to the adjacent neighbors, to which, based on the applicant's feedback to staff, the neighbors seemed to have responded positively.

10. The applicant has provided staff with a narrative that describes the nature of the business, which is not that of a sports bar or similar use. Menus have also been provided for the file to show the extent of the products offered to the customers. After speaking several times with the applicant and reviewing the provided materials, staff is confident that this proposal fits nicely with the center and the neighborhood.

11. Staff has reviewed the application and has determined that the proposed use is not detrimental to the nearby residents and that the orientation and location of the patio is such that it will not impact the neighborhood. To further ensure this to be the case, the applicant has agreed to limit the patio hours to 11 a.m. – 9 p.m. Sunday through Thursday and 11 a.m. – 10 p.m. Friday & Saturday. The applicant has also agreed to remove the outdoor speaker, though the only music to be played would have been for ambiance. And lastly, staff has spoken with the center's management company about placing another tree near the end of the patio between the patio and the neighborhood for the purpose of additional screening. They have agreed.

Noticing and Neighborhood Comment

12. 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. Shortly after this application was submitted, staff received one email and two telephone calls (one of the calls was from the sender of the email) in opposition (Exhibit F). Staff also received one telephone call in inquiry. No further calls or emails have been received.

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 proposal is limited in scope and an appropriate, ancillary function for a restaurant use;
- The outdoor dining area is within a larger existing commercial development;
- The use, in conjunction with Conditions 1-4 will operate in a manner that protects the neighborhood from nuisances and other disturbances and is in alignment with a neighborhood serving commercial establishment.

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 CU10-0073, subject to the following condition:

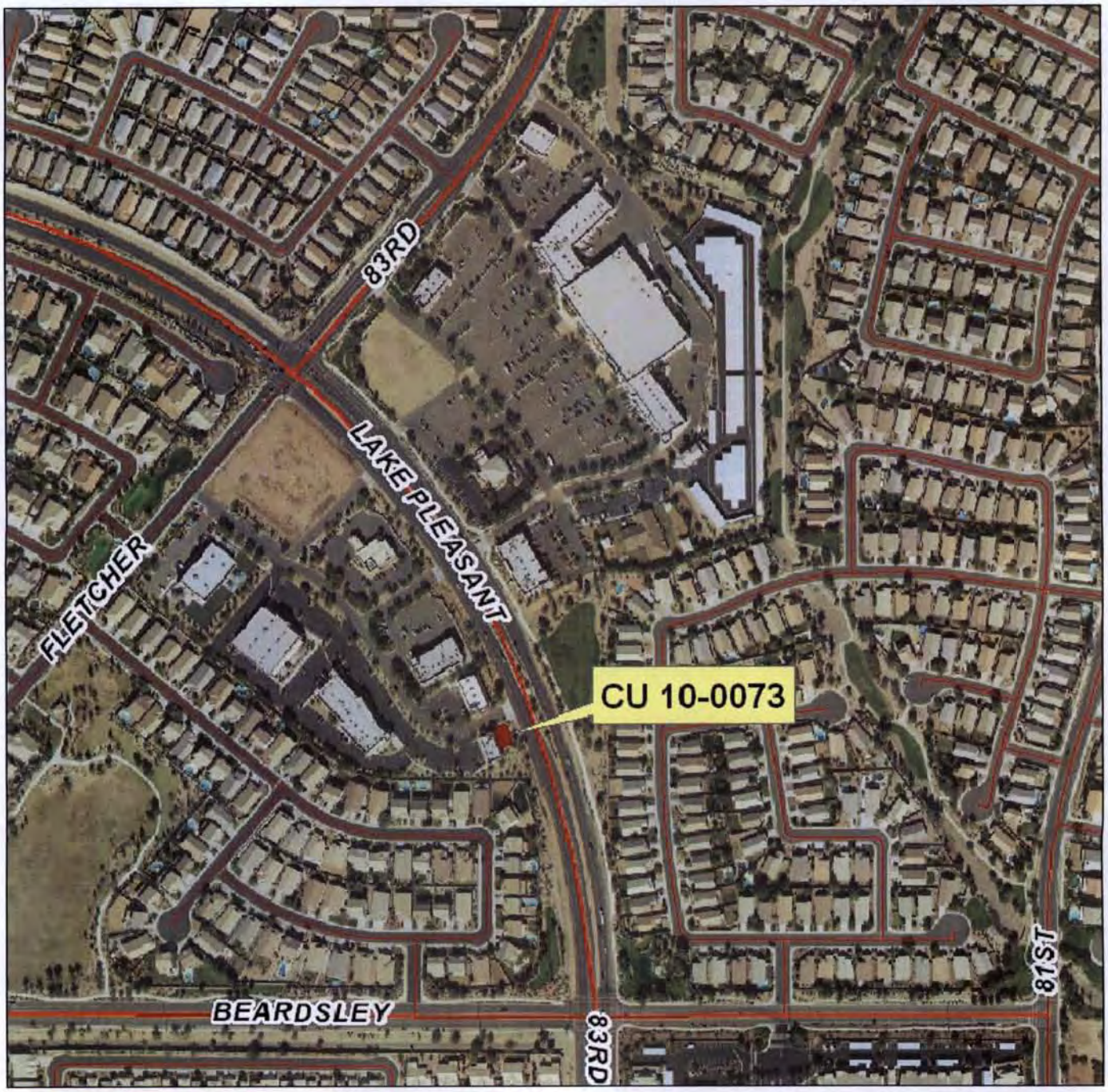
1. The use shall substantially conform to the project narrative (Exhibit D) and floor plan (Exhibit E) as contained in the staff report to the Planning & Zoning Commission dated June 3, 2010, except where modified herein.
2. An additional screening tree, minimum 24" box in size, shall be planted between the patio and the nearest residential property line prior to issuance of a certificate of occupancy (C of O).
3. The hours of operation for the outdoor patio shall be limited to 11 a.m. – 9 p.m. Sunday through Thursday and 11 a.m. – 10 p.m. Friday & Saturday.
4. Outdoor speakers and/or live music shall be prohibited.

Attachments:

Exhibit A	Location Map
Exhibit B	Zoning Map
Exhibit C	Context Aerial Map
Exhibit D	Project Narrative
Exhibit E	Floor Plan
Exhibit F	Opposition Letter / Email

Prepared by: Adam D. Pruett, AICP
Senior Planner

CU 10-0073 Location Map



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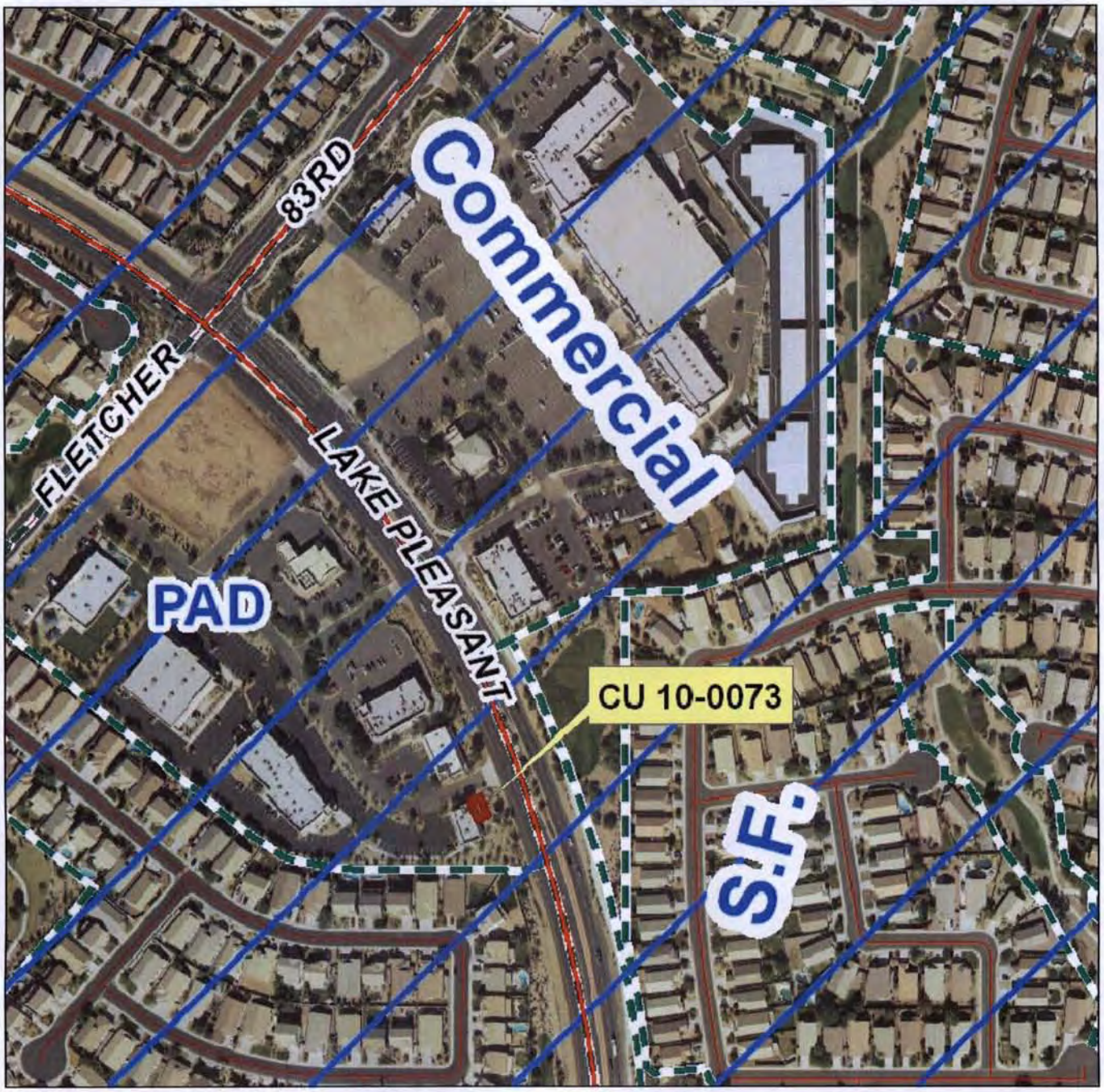
CU 10-0073 Cousin Vinny Pizza & Pasta

Applicant: [redacted]
Request: Conditional Use Permit to allow an outdoor dining patio

Exhibit A

CU 10-0073 Zoning Map



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Not toScale

CU 10-0073 Cousin Vinny Pizza & Pasta

Applicant: [redacted]
Request: Conditional Use Permit to allow an outdoor dining patio

Exhibit B

Proposed Cousin
Vinny's Site
Approx. 108'
W Lake Pleasant Pkwy
W Lake Pleasant Pkwy
W Lake Pleasant Pkwy
50 feet
20 m
© 2010 Microsoft Corporation © 2010 NAVTEQ © AND
© 2010 Pictometry International Corp.

Exhibit C

April 20, 2010

Cousin Vinny Pizza and Pasta
8267 W Lake Pleasant Pkwy
Peoria, AZ 85382
(602) 350-9532

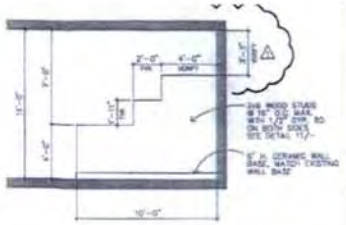
To Whom It May Concern,

My name is Diana Kitchukova, and I am opening a new business Cousin Vinny Pizza and Pasta, a small family friendly Italian restaurant . The establishment serves sandwiches, salads, pastas, our specialty pizzas, and provides delivery to the surrounding area. It is brought to my attention that the community has expressed some concerns as to potential noise coming from the patio specifically. I would like to express the few changes and the intended atmoshere of the business since it is of great importance that Cousin Vinny Pizza and Pasta is welcomed into the community. The new hours of operation wil be 11:00am to 10:00pm daily. The décor of the patio will consist of 8 small tables and chairs ,with red umbrellas. There will also be 3 tiki torches and potted plants surrounding the patio fence to provide a relaxing atmoshpere. The built in speaker that exists will be removed since I do not intend on having music on the patio. The interior of the establishment will consist of approximately ten dining tables with matching chairs. There is also a bar area with six bar chairs, intended mostly to prepare beverages for those customers dining in. The bar area will also have two televisions for customer viewing. I greatly appriciate the concerns of the community and it is my intention to work with the community to provide the friendliest and most comfortable impression for local families and homeowners. I am confident that Cousin Vinny Pizza and Pasta will be welcomed and will provide excellent food and a friendly atmoshpere to the neighborhood. I appreciate the concerns brought forth and I welcome any changes that will provide a comfortable and pleasant experience at Cousin Vinny Pizza and Pasta. Thank you for your time and consideration.

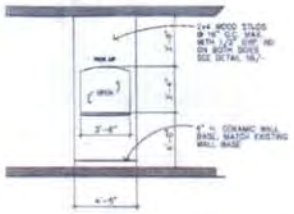
Sincerely Yours,

[redacted]

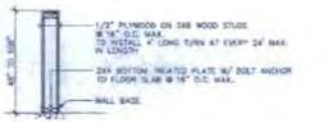
Exhibit D



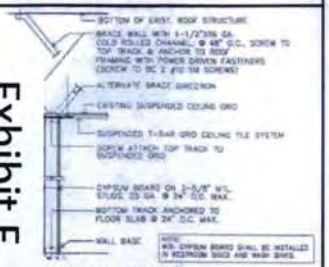
1 STEPPED DRYWALL ELEVATION



6 PICK UP COUNTER ELEVATION

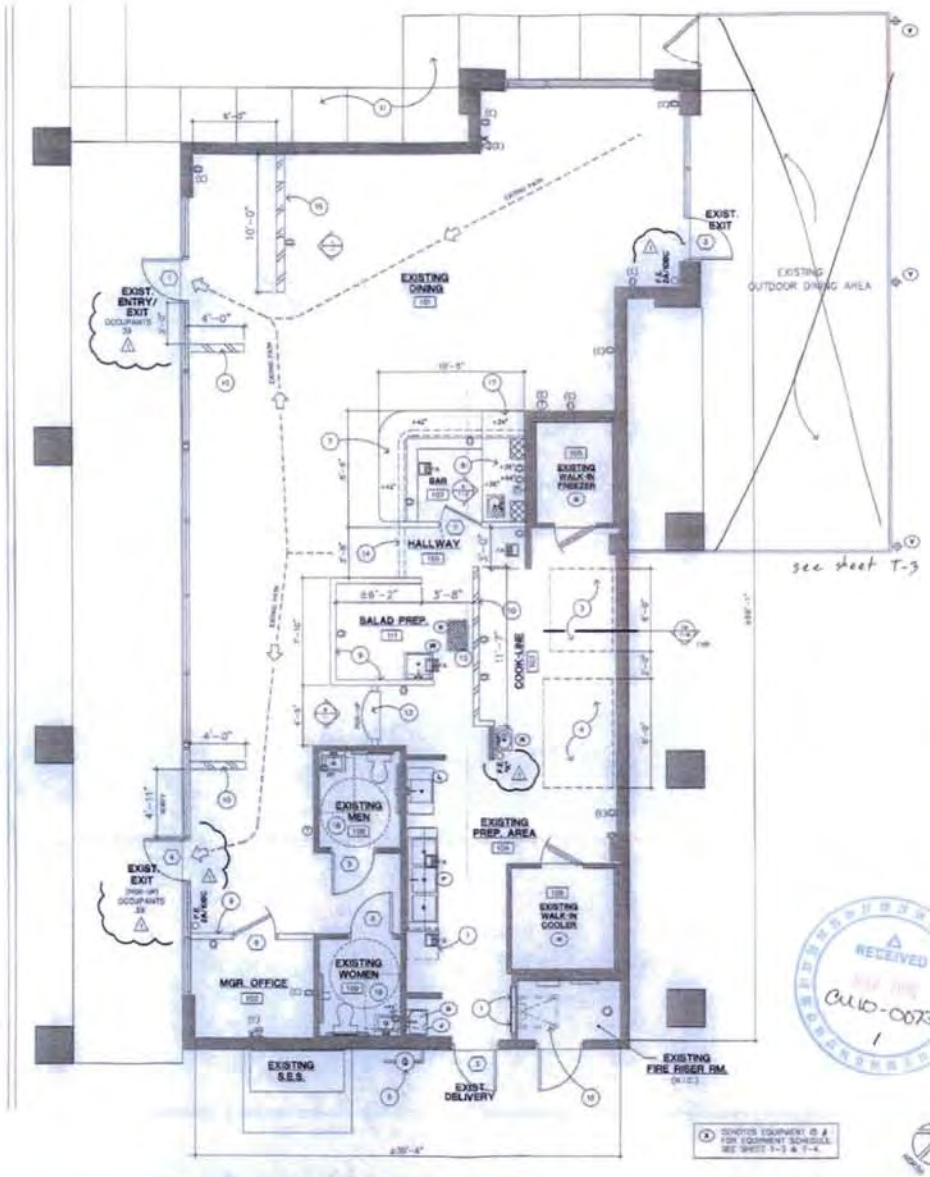


11 LOW DRYWALL SECTION



DRYWALL SECTION

Exhibit E



PROPOSED FLOOR PLAN

SCALE: 1/4"=1'-0"

1. EXISTING ELECTRICAL PANELS (V.I.F.) – SEE ELEC. DWGS.
2. NEW 30" HIGH TRAY COUNTER TOP ATTACHED TO EXISTING COUNTER SEE SUSHI BAR COUNTER TOP SECTION 1/T-2.
3. NEW TYPE-I KITCHEN HOOD W/ EXHAUST FAN – SEE SHEETS K, T-3 & 4.
4. NEW TYPE-II OVEN HOOD W/ VENTILATOR – SEE SHEETS K, T-3 & 4.
5. NEW GAS METER – SEE EQUIPMENT SCHEDULE & PLUMBING DWGS. COORD. WITH SOUTHWEST GAS CO., SAM McCONNELL, 602-911-6221.
6. DISHWASHER VENT HOOD – SEE SHEETS K, T-3 & 4.
7. GRANITE SLAB BAR COUNTER TOP ON 2x6 LOW DRYWALL – AT 42" A.F.F. TYPICAL AT 34" A.F.F. FOR ACCESSIBLE BAR COUNTER, 36" WIDE. SEE DETAIL 11/– AND 1/ T-2. VERIFY DETAIL & DESIGN WITH OWNER.
8. 36"D & 36" H. GRANITE COUNTER TOP WITH BASE CABINET & S.S. SINK–IN HAND SINK AND WRIST WIPE BADGE. SEE ELEVATION 6/T-3. VERIFY DETAILS WITH OWNER.
9. 11' HIGH DRYWALL – SEE DETAIL 10/–
10. 4' HIGH LOW DRYWALL – SEE DETAIL 11/–
11. EXISTING 4' WIDE CONC. SIDE WALK TO REMAIN.
12. NEW 40–GPM DOW GREASE TRAP – SEE PLUMBING DRAWINGS.
13. 2'–6"W X 36"D X 46"H PASS–THRU PICKUP COUNTER TOP – GRANITE SLAB COUNTER TOP. SEE ELEVATION 6/–
14. EXISTING DRYWALL SOFFIT ABOVE. FIELD VERIFY.
15. 4' TO 8' HIGH STEPPED DRYWALL – SEE DETAIL 11/– & INTERIOR ELEVATION 1/–.
16. EXISTING ROOF HATCH AND LADDERS TO REMAIN
17. ACCESSIBLE GRANITE SLAB BAR COUNTER TOP – AT 34" A.F.F. FOR ACCESSIBLE BAR COUNTER, 36" WIDE.
18. EXISTING ACCESSIBLE RESTROOMS TO REMAIN – SHALL COMPLY WITH CURRENT ADAAG REQUIREMENTS. SEE ACCESSIBLE NOTES ON SHEET T–6.

SYMBOL

- THERMOSTAT MOUNTED AT +54 A.F.F.
- WALL ELECTRICAL DUPLEX RECEPTACLE
- WALL ELECTRICAL DUPLEX RECEPTACLE, WATERPROOF
- WALL ELECTRICAL DUPLEX RECEPTACLE 208/230V
- WALL TELEPHONE AND DATA OUTLET
- WALL TV CABLE JACK/ PORT AND DATA OUTLET
- WALL MOUNTED FIRE ALARM/ STROBE
- GAS METER, CODE W/ LOCAL GAS CO.
- KEYNOTE NUMBER
- EXISTING WALL TO REMAIN
- 42" TO 96" HIGHT DRYWALLS SEE DETAIL 11/–
- (E) EXISTING ITEM TO REMAIN OR RELOCATED.
- (R) EXISTING ITEM TO BE RELOCATED.
- N.I.C. NOT IN CONTRACT

RECEIVED
CU10-0073
1

RESTAURANT REMODELING FOR:

Cousin Vinny Pizza & Pasta Restaurant

8267 W. Lake Pleasant Parkway
Peoria, Arizona

CITY SUBMITTAL

No.	Revision	Date
1	CITY'S COMMENTS	5-1-10

CHEN Architects International
877 N. Alma School Road
Chandler, Arizona 85224
(480)792-1200 TEL
(480)792-1288 FAX

T-2

Adam Pruett

From: [redacted]
Sent: Monday, April 12, 2010 6:28 PM
To: Adam Pruett
Cc: 'Jigar P
Subject: RE: Notice of Application

Adam,
Regarding a notice of application for a conditional use permit I received recently, I would like to provide input if I may. The applicant i[redacted] and the case name is Cousin Vinny and the case number is CU10-0073. The applicant is asking to allow an outdoor dining patio at a restaurant with hours of 11am -11pm.

I have viewed the property location on the illustration provided on the notice and have since seen in person, the location's close proximity to the Fletcher Heights neighborhood. I do not know if the restaurant intends to serve liquor, beer, or wine nor do I know if there is intent to have speakers on the requested patio. I suspect both are possible if not likely. In any event, I can tell you from my experience living in this neighborhood from the beginning that a restaurant patio provides tremendous potential for conflict between the residences and the commercial property.

We, the neighborhood, have had many nights of loud vehicle stereos, loud Harley-Davidson type motorcycles, yelling matches, fights/assaults, police intervention and other customer related traffic issues with the adjacent commercial property since construction. Unless I'm mistaken, the current City of Peoria noise ordinances and patio use requirements are a direct result of the many conflicts arising from BFD's Sports Bar in this same property in recent years. BFD's was also in close proximity to residential housing and promised to close the patio at 11pm, too.

The conditional use permit application process is there in part, to protect residents from the same condition being repeating. I strongly object to any permit for any type of patio use requested by the applicant. Please use the power of the Planning Dept. to protect the interests of the residences and don't let this happen again. I am seeking information regarding liquor licensing as well and will object to any liquor sales again, based upon our recent experiences. I have inquired to Council Member Pearson in this regard and will proceed to [redacted] if necessary.

Thank you,

[redacted]
Phone:
Fax:
mailto:

Exhibit F

REZONING

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: Z 09-04

DATE: June 3, 2010

AGENDA ITEM: 6R

Applicant: City of Peoria

Request: Establish equivalency zoning for a 640-acre property recently annexed into the City of Peoria from Maricopa County. This request would rezone the property from Maricopa County Rural-43 to City of Peoria SR-43.

Location: The site is generally located at the southeast corner of 139th Avenue & Dixileta Drive alignment(s) and is more accurately described as APN 503-52-034, -036, -037A, -037B, -037C, -038C, -038D, -038E, -038G, -038J, -038K, -038L, -039, -040.

Site Acreage: 640 gross acres.

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

Recommendation: **Approve** the initial zoning request.

AREA CONTEXT

Table 1: *Existing Land Use, Current Zoning*

	LAND USE	GENERAL PLAN	ZONING
Subject Property	**Vacant**	**Residential Low Density (2-5 du/ac, target of 3 du/ac)**	**County Rural-43**
North	Vacant (zoned for single-family residential)	**Residential Low Density (2-5 du/ac, target of 3 du/ac)**	**Planned Area Development (PAD)**
South	Vacant	**Residential Low Density (2-5 du/ac, target of 3 du/ac)**	**County Rural-43**
East	Single-family residential (Vistancia)	**Residential Low Density (2-5 du/ac, target of 3 du/ac)**	**Planned Community District (PCD)**
West	Vacant	**Residential Low Density (2-5 du/ac, target of 3 du/ac)**	**County Rural-43**

BACKGROUND / ANALYSIS

1. On May 4, 2010 the City Council adopted Ordinance 2010-10 which provided for the annexation of approximately 640 acres near 139th Avenue & Dixileta Drive alignments.

2. Pursuant to A.R.S. §9-471.D and Section 14-4-3 of the Peoria City Code, the City must establish equivalent City zoning to the annexed property within six (6) months following the official adoption of the annexation. The initial corresponding zoning shall not permit densities and uses more intense than those permitted by the County prior to the annexation. The closest City of Peoria zoning category to the County Rural-43 zoning is SR-43, a suburban ranch zoning classification with a one-acre minimum lot size. This request is consistent with the State Statute.

3. No additional zoning requests are being proposed or anticipated at this time.

RECOMMENDATION

4. Based on the following findings:
   - The initial zoning request is mandated by the State Laws on annexation of properties into a municipal jurisdiction.
   - The proposed initial zoning of Peoria SR-43 is similar in density and character as permitted by the County under the County's Rural-43 district.
   - The proposed zoning district is in conformance with the goals and objectives set forth in the Peoria General Plan.

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

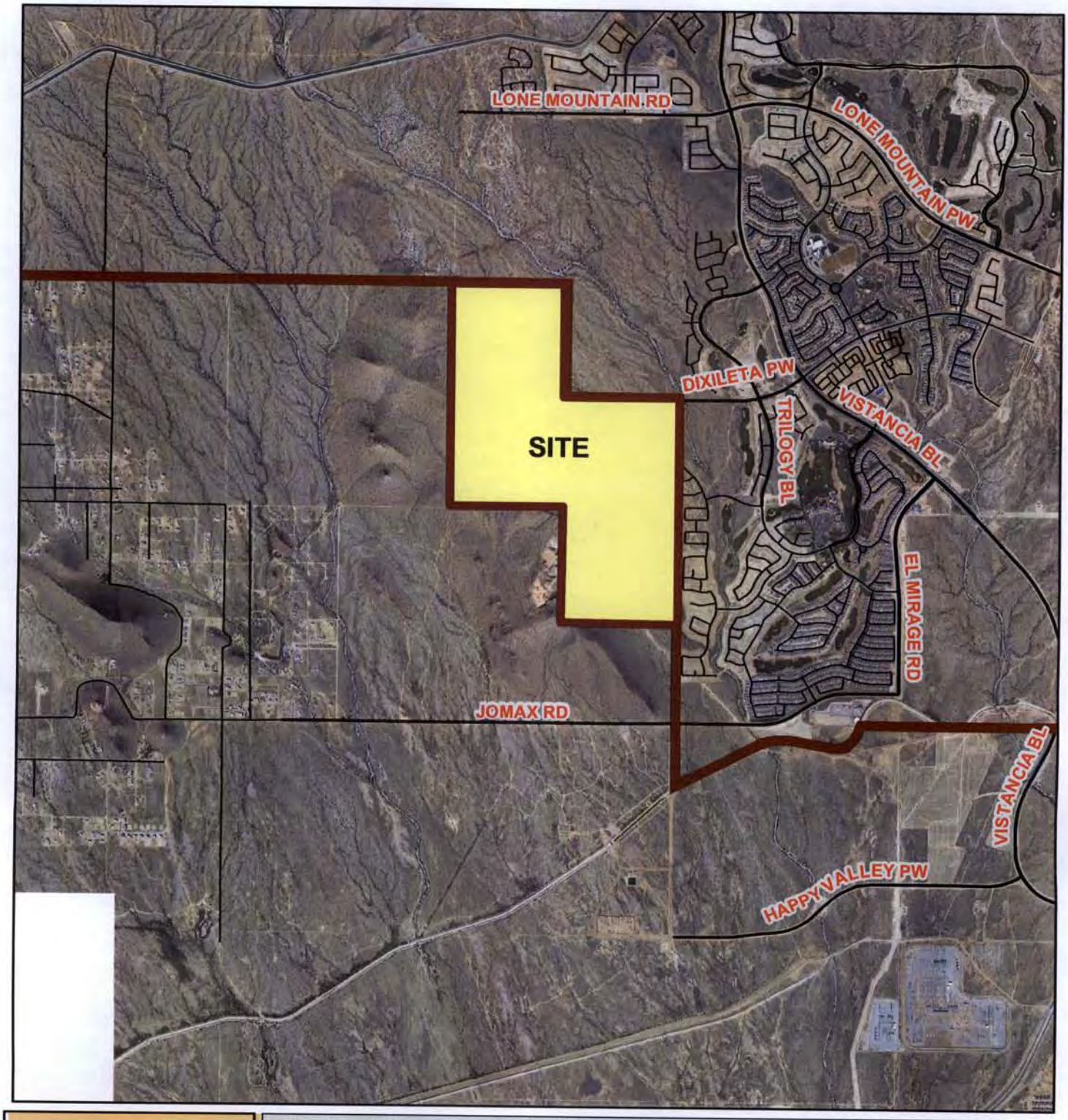
Recommend to the City Council approval of Z 09-04, establishing the initial zoning of property as City of Peoria SR-43.

Attachments

Attachment A	Context Map
Attachment B	Zoning Map
Attachment C	Legal Description

Prepared by:
Adam Pruett, AICP, Senior Planner

Z09-04 CONTEXT MAP



N
W CITY OF PEORIA E
S
Not toScale

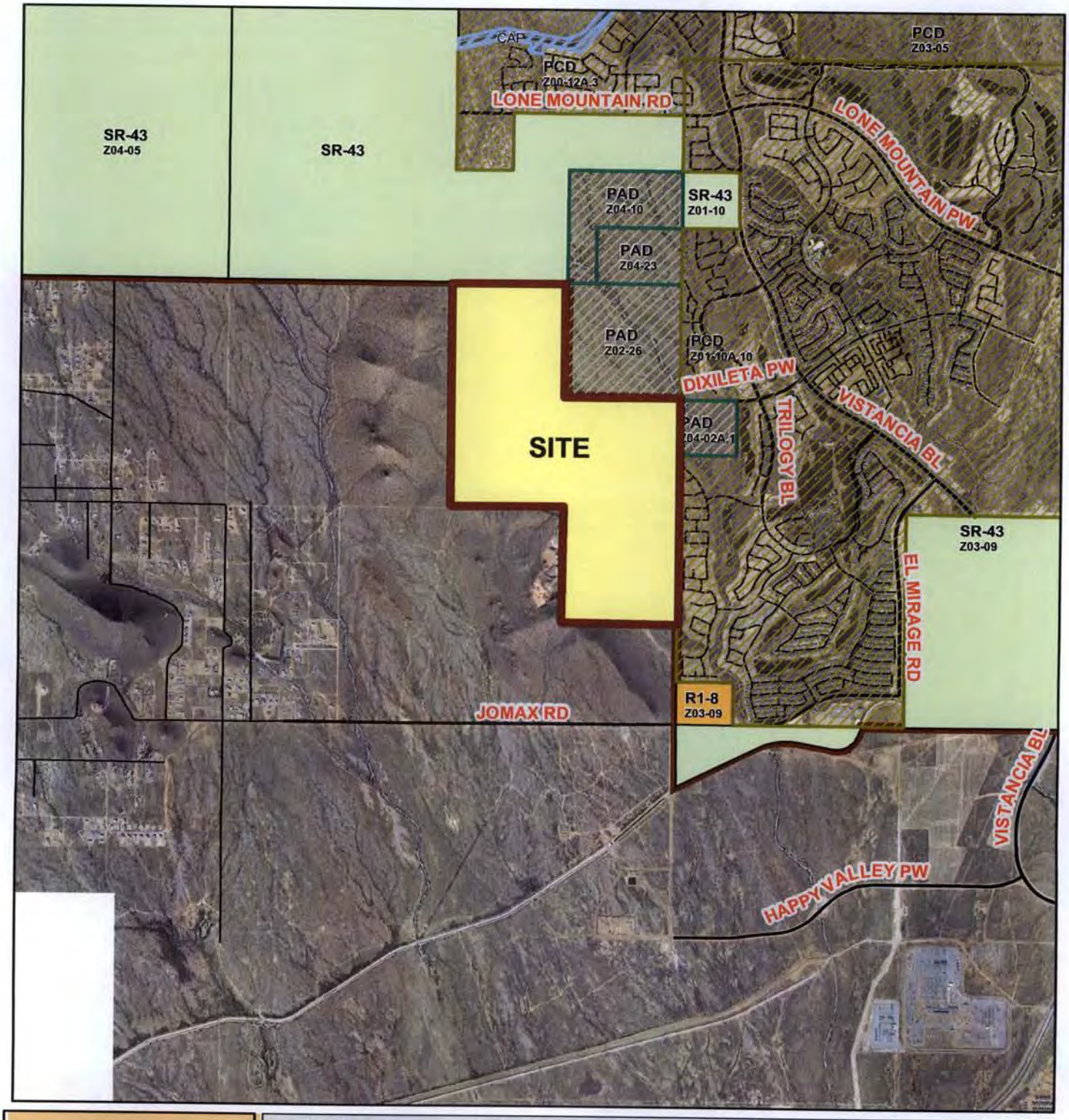
Z09-04

Request: SEC of 139th Avenue & Dixileta Parkway alignments
Rezone from County Rural-43 to City of Peoria SR-43

Approximately 640 acres

Exhibit A

Z09-04 ZONING MAP



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Z09-04

Request: SEC of 139th Avenue & Dixileta Parkway alignments
Rezone from County Rural-43 to City of Peoria SR-43

Approximately 640 acres

Exhibit B

LEGAL DESCRIPTION

ANNEXATION OF A PORTION OF SECTION 27 AND 34, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHWEST, SOUTHWEST AND SOUTHEAST QUARTERS OF SAID SECTION 27;

TOGETHER WITH THE NORTHEAST QUARTER OF SAID SECTION 34;

EXCEPT ANY PORTION THAT HAS HERETOFORE BEEN ANNEXED BY THE CITY OF PEORIA.

Title: Annexation 08-02

Preparing Firm: City of Peoria

Address: 8401 W. Monroe St.

Phone: 623-773-7210 **Fax: 623-773-7211**

Exhibit C