

**PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBERS
JANUARY 18, 2018**

A Meeting of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 8401 W. Monroe Street, Peoria, AZ in open and public session at 6:31 p.m.

Members Present: Chair Shawn Hutchinson, Vice-Chair Jeff Nelson, Secretary Jay Otlewski, Commissioner Clay Allsop, Commissioner Joanna Conde, Commissioner Linda Grice, Commissioner Bryan Patterson and Alternate Commissioner John Albright.

Members Absent: None

Others Present: Chris Jacques – Planning Director, Adam Pruett – Planning Manager, Lorie Dever – Principal Planner, Sean Allen – Senior Planner, David Benton – Assistant City Attorney and Della Ernest – Executive Assistant

Opening Statement: The Opening Statement was read by Chair Hutchinson

Call for speaker request forms.

Audience: 5

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**

Discussion and possible action to approve/excuse the absence of Commissioner Joanna Conde from the Planning and Zoning Commission meeting held on January 4, 2018.

2C **Minutes**

Discussion and possible action to approve the minutes of the Planning and Zoning Commission meeting held on January 4, 2018.

COMMISSION ACTION: Secretary Otlewski moved to approve the Consent Agenda. The motion was seconded by Commissioner Allsop and upon vote, passed unanimously.

REGULAR AGENDA

New Business

3R **Z17-30: Life in Christ Lutheran Church Initial Zoning**

A request by the City of Peoria to apply 'initial zoning' of Suburban Ranch (SR-43) to a newly annexed property comprising 2.19 acres located at the northwest corner of 75th Avenue and Banff Lane. The SR-43 zoning district is the closest associated zoning district to the prior Maricopa County Rural Residential (RU-43) zoning district.

The staff report was presented by Mr. Sean Allen, Senior Planner.

COMMISSION COMMENTS: None

COMMISSION ACTION: Commissioner Conde moved to recommend approval for item 3R. The motion was seconded by Commissioner Patterson and upon vote, passed unanimously.

4R **Z17-11: 99th Avenue Estates Rezoning**

A request to rezone 2.25 acres from General Agriculture (AG) to Single-Family Residential (R1-10) for the future infill development of six (6) residential lots, located north of the northeast corner of 99th Avenue and Hedge Hog Place.

The staff report was presented by Mr. Sean Allen, Senior Planner.

COMMISSION COMMENTS:

Chair Hutchinson asked for clarification of the Prop 207 waiver.

Mr. Pruett stated Proposition 207 was approved by voters in 2006. This law provides affected property owners the right to pursue a legal claim against the city if there is demonstrable proof of a diminution in property as a result of a city action, like a rezone. The Prop 207 waiver says that the owner wants the city to take action on this property and therefore waiving their right to litigation.

Chair Hutchinson asked about the drainage concern brought up by a neighbor.

Mr. Allen stated the issues regarding drainage will be addressed through the accompanying preliminary plat which is running concurrently with the rezone application.

COMMISSION ACTION: Commissioner Allsop moved to recommend approval of item 4R. The motion was seconded by Commissioner Patterson and upon vote, passed unanimously. .

5R **Study Session – Z16-0013: Cowtown Rezoning**

A request to consider a request to rezone approximately 78 acres from Special Use Permit (SU) and Floodplain (FP) to the Cowtown Planned Area Development (PAD) to clarify uses, development standards and operational criteria for the Cowtown Range.

The staff report was presented by Ms. Lorie Dever, Principal Planner.

PUBLIC COMMENTS:

Mr. Brian Greathouse: for the applicant stated a lot of people deserve an acknowledgement for their work on the PAD. Mr. Greathouse mentioned that a yes vote would place regulations on the site and a no vote would mean the site operates as it has been with less rules.

COMMISSION COMMENTS:

Commissioner Hutchinson asked under what circumstances the 1994 pre-annexation letter was issued.

Mr. Jacques stated the letter was issued under the authority of the City Manager during the annexation process.

Secretary Otlewski asked if the land to the west of the Cowtown property to Lake Pleasant Heights is trust land.

Ms. Dever confirmed it is Arizona State trust land.

Chair Hutchinson mentioned that he visited the site noting that it is a lot more rugged than appears on paper and seems to be a safe environment.

Commissioner Conde mentioned she visited the site as well and was surprised it wasn't as noisy as expected and was impressed with the safety.

Commissioner Albright asked for clarification on the temporary use permits such as the frequency and how long one is good for.

Ms. Dever stated in certain conditions, a TUP would be required for an event where a generator, canopy or other element would require a Fire Department inspection. The permit length is based on the event type ranging from one to multiple days.

Commissioner Allsop stated he appreciates that the applicant hired an expert and made changes. Commissioner Allsop also mentioned he appreciates State Land has no other interest other than to preserve the value of the land.

6R **Study Session – TA16-0001: Sign Code Modernation Project**

A request to consider a request a city-initiated proposal to replace the Sign Code by amending Sections 21-827 through 21-855 of the City Code, recently renumbered from Article 14-34, "Signs", of the Zoning Ordinance.

The staff report was presented by Ms. Lorie Dever, Principal Planner.

PUBLIC COMMENTS:

Ms. Susan Nicholson: realtor and on behalf of WeMAR thanked staff for the work on the sign reference guide and the concessions made from the September 2017 draft.

COMMISSION COMMENTS:

Commissioner Albright mentioned in regard to the number of allowed signs, should a realtor or homeowner require more, then perhaps the Planning Manager could authorize those extra signs.

Mr. Jaques stated based on information from a WeMAR representative that the proposed number of signs (8) would satisfy 80% of the situations. However, WeMAR preferred a standard that would allow one sign per turning point within a mile radius.

Commissioner Allsop mentioned the city is right to regulate the right-of-way; however, it seems that enforceability could be an issue.

Commissioner Allsop feels that fewer signs are desired on public property.

Chair Hutchinson asked fellow Commissioners if the open house signs work.

Commissioner Conde mentioned that the open house signs are effective.

Following discussion on the number of Resident Roadway Signs which include open house signs and garage/yard sale signs, Commission consensus was to allow one sign per turning point within a 1 mile radius from the event.

Vice-Chair Nelson asked if a Homeowners Association doesn't allow the sign placement, which rule is the homeowner obligated to follow, the city ordinance or the HOA.

Ms. Dever stated city ordinance sets the standard and HOA can be more restrictive. The homeowner would be required to abide by the more restrictive rules.

Secretary Otlewski questioned the maximum sign area for window signs.

Ms. Dever stated that the maximum signage is 25% per building side.

Commissioner Allsop stated he does not approve regulating private property; however, if industry request is 50% maximum signage, he is in support of that.

Chair Hutchinson stated that while government regulations on private businesses is not always desirable, he is in favor of the 25% maximum for window signage.

CALL TO THE PUBLIC ON NON-AGENDA ITEMS:

None

UPDATES FROM STAFF:

Mr. Chris Jacques notified the Commission of upcoming Planning Commission meetings for February 1st and February 15th.

Mr. Jacques updated the Commission on the Zoning Text Amendment pertaining to mobile food vendors or food trucks. A bill was recently dropped at the legislature about food truck vendors and staff is now participating in that review. To that end, staff will pause on the current text amendment pending the outcome of the bill.

UPDATES AND 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 8:52 p.m.

Shawn Hutchinson, Chair

Submitted by Della Ernest

Date

Date