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Joysaphine
Waitman

Secretary
Jeff Nelson

Member
Nate Cottrell

Member
Thomas
Konkowski

Member
Doug Myers

Member
Layla
Villasenor

Planning and Zoning Commission Meeting Notice & Agenda

Thursday, October 17, 2024
City Council Chamber
8401 West Monroe Street
Peoria, AZ 85345



Regular Meeting 6:00 PM

Convene
Opening Statement
Roll Call
Final Call to Submit Speaker Request Forms

NOTE: The City of Peoria Boards and Commissions may go into Executive Session at any time during this meeting pursuant to A.R.S. 38-431.03(A)(2) for the purpose of discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained confidential by state or federal law, and pursuant to A.R.S. 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the attorney or attorneys of the public body.

Consent Agenda

CONSENT AGENDA: All items listed on the Consent Agenda are considered to be routine or have been previously reviewed by the 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

1 C [Disposition of Absence](#)

Discussion and possible action to approve/excuse the absence of Commissioner Thomas Konkowski and Commissioner Doug Myers from the October 3, 2024 meeting.

2 C Minutes

Discussion and possible action to approve the minutes of the October 3, 2024 meeting.

Regular Agenda

REGULAR AGENDA: All items listed on the Regular Agenda are considered public hearing items subject to separate discussion and action by the Commission unless indicated otherwise by the Commission Chair or by the agenda item description. The order in which the following items are heard may be altered at the discretion of the Commission Chair.

New Business

3 R Cibola Vista Self-Storage: Conditional Use Permit (CU22-08)

Discussion and action to approve a request to obtain a Conditional Use Permit (CUP) to allow a Self-Storage facility on an approximately 2.2-acre site located west of Lake Pleasant Parkway and south of WestWing Parkway.

4 R Study Session: Zoning Code Amendments TA24-01, TA24-02, and TA24-03

Presentation and possible discussion related to three upcoming city-initiated code amendments to the Zoning Ordinance to address recently adopted legislative bills. This item is for discussion only, no action will be taken.

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

5 R Reports

A. Upcoming Commission Meeting Dates

Planning and Zoning Commission Updates and Report of Current Events:

Planning and Zoning Commission members will give updates on relevant events and activities they have attended since the last meeting. These items are for information only - no action will be taken.

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.

Accommodations for Individuals with Disabilities. *Alternative format materials, sign language interpretation and assistive listening devices are available upon 72 hours advance notice through the Office of the City Clerk, 8401 West Monroe Street, Peoria, Arizona 85345 - Phone: (623) 773-7340 or FAX (623) 773-7304. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request. The City has a TDD line where accommodations may be requested at: (623) 773-7221.*

Public Notice

In addition to the Board/Commission members noted above, one or more members of the Peoria City Council or various other Boards and Commissions may be present to observe this meeting as noticed on this agenda.

Planning and zoning commission meetings can be viewed live on Channel 11 (Cox Cable) and are available for viewing on demand at <https://www.peoriaaz.gov/government/departments/planning-and-zoning/planning-and-zoning-videos>.

PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBERS
OCTOBER 3, 2024

A meeting of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 8401 West Monroe Street, Peoria, AZ in open and public session at 6:01 p.m.

Members Present: Chair Tony Feiter, Vice-Chair Joysaphine Waitman-Powell, Secretary Jeff Nelson, Commissioner Nate Cottrell and Commissioner Villasenor

Members Absent: Commissioner Thomas Konkowski and Commissioner Doug Myers

Others Present: Mike Faust – Deputy City Manager, Lorie Dever – Deputy Director, Cody Gleason – Planning Manager, Jenna Norris – Water Resources Policy Analyst, Sawyer Reese – Water Conservation Specialist, Mike Dynes – Assistant City Attorney, and Della Ernest – Management Specialist.

Audience: 3

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 on the Consent Agenda are considered to be routine or have been previously reviewed by the 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.

1C **Minutes**

Discussion and possible action to approve the minutes of the September 19, 2024 meeting.

COMMISSION ACTION:

Secretary Nelson moved to approve the consent agenda as presented. The motion was seconded by Commissioner Villasenor and upon vote, passed unanimously 5-0.

REGULAR AGENDA

2R **Water Services Presentation**

Presentation and possible discussion regarding the city's water resources and water conservation programs.

Ms. Jenna Norris, Water Resources Policy Analyst and Mr. Sawyer Reese, Water

Conservation Specialist provided an overview of Water Resources and Water Conservation including:

- Portfolio and use,
- Planning challenges and solutions,
- Outreach and education,
- Youth and adult water conservation programs, and
- Sustainability dashboard

Discussion ensued regarding water capacity for proposed projects, demand projections, conservation and outreach.

3R **Study Session: 2024 Zoning & Housing Code Updates**

Presentation and discussion regarding upcoming zoning code amendments resulting from housing and zoning bills passed in 2024 by the Arizona State Legislature. This item is for discussion only, no action will be taken.

The staff report was presented by Ms. Lorie Dever, Deputy Planning Director.

Ms. Dever presented to the Commission an overview of provisions within bills impacting municipal zoning taking effect January 1, 2025.

HB 2720 Accessory Dwelling Units (ADU's)

All Single-Family Lots:

- Up to one (1) detached and one (1) attached ADU

Lots one (1) acre and larger in size:

- 3rd ADU allowed when *"Restricted Affordable" up to 80% of Area Median Income*
- Allowed with Deed Restriction and/or Development Agreement
- Each ADU can be 75% of house gross floor area or 1,000 Square Feet, whichever is less

City May Not Regulate/Require ADU to:

- Comply with commercial building code or require fire sprinklers
- More restrictive regulations for building height, lot coverage etc.
- Have side and rear setbacks greater than five (5) feet
- Provide additional parking (or in-lieu fee to offset)
- Match the design/finish of house
- Family relationship between owner / occupant
- ADU as long-term rental housing
- Roadway improvements

HB 2297 Commercial Buildings; Adaptive Reuse

Must allow ***multifamily residential development*** or adaptive reuse of any commercial, office or mixed-use building on not more than 10% of existing inventory of existing buildings citywide.

Impact On Peoria: Unknown

- Baseline inventory required of existing buildings citywide
- City cannot require discretionary review with conversion
- Modified development standards are already set in bill

Baseline Building Inventory Required Citywide:

- May modify percentage of existing buildings available for conversion every ten (10) years.
- Can designate “commercial or employment hubs” where buildings are excluded from the inventory.
- ***Exclusion cannot exceed 10% of total existing inventory.***

Cannot Require Discretionary Review With Conversion:

- Cannot require Rezone, Conditional Use Permit, or other discretionary review ***which requires public hearing process.***
- In other words, permitted outright – but can require **objective review through Site Plan Review & Tenant Improvement process.**

Modified Standards Built Into Bill:

- **Parking:**
 - Comply with MFR district parking requirements, or
 - Sum of uses for mixed-use project, or
 - Qualified parking study.
- **Setbacks:** Lesser of existing standard for MFR districts or existing zoning district at time of development.
- **Building Height:**
 - Two (2) stories on a site within 100 FT of SFR zoning district; OR
 - Five (5) stories in height; or
 - Highest allowable height for MFR district within 1-mile; or
 - If no MFR district, utilize closest MFR district to the building
- **Density:** Highest allowable MFR density within 1-mile or closest

City Shall Include as Standards (*But No More Than*):

- **Site Plan Review process** that includes utility provider review
- Evidence of **adequate existing public sewer and water service**
- **Compliance with applicable building and fire codes**
- Evidence demonstrating that **building is economically or functionally**

obsolete.

- Building is on parcel or site between 1 to 20 acres.
- Documentation that **redevelopment sets aside up to 20% of the units for moderate-income or low-income households** for up to 20 years.

HB 1162 Residential Rezoning: Housing Assessment

Housing Assessment:

- Publication on or before January 1, 2025
- Required to be updated every 5 years thereafter
- Submittal of Annual Report to Arizona Department of Housing
- Defined reporting requirements within report

Impact On Peoria: On-going

- Significant tracking requirements on yearly basis
- Update to 2023 report underway by Neighborhoods & Human Services Department.

Rezoning Cases Processing Deadlines: Administrative Completeness

- 1st Submittal – Determination within 30 Days
- Resubmittal – Determination within 15 Days

Impact On Peoria: None

- Applicants can file cases 24/7 via Development Portal
- Administrative Completeness
 - Current Average = 2 Days
 - May extend to 5 days during holiday weeks/weekend submittal
 - Target Service Level = 10 days each submittal

Approval / Denial Decision within 180 Days

- City may grant 30-day extension if “extenuating circumstances”
 - If applicant requests, city may grant 30-day extension for each extension granted
- *Shot clock does not address or speak to applicant “resubmittal time” or allow organic resolution of issues.*

Impact On Peoria: Limited

- Limited to Non-PAD/PCD cases
- Low number of cases submitted annually, currently processed under 180 Days
- State Statutory Noticing Requirements = Approximately 75 Days
- Possible waiver option being pursued, similar to one used for SB1597

Discussion ensued regarding treating accessory structures the same as ADU's for setbacks/height, demonstrating that a building is economically or functionally obsolete, and any possible protections for buildings of historical significance.

Call to the Public (Non-Agenda Items): None

7R **Reports from Staff**

The next meeting is October 17th and staff will check Commission availability for one meeting in November.

Planning and Zoning Commission Updates and Report of Current Events: None

Adjournment: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 8:14pm.

Tony Feiter, Chair

Submitted by Della Ernest

Date

Date



PLANNING AND ZONING COMMISSION REPORT

Meeting October 17, 2024

Date:

Agenda Item: 3R

Case Name: Cibola Vista Self-Storage: Conditional Use Permit (CU22-08)

General Application Information

Proposal:

The applicant is requesting a Conditional Use Permit to allow a Self-Storage Facility.

Location:

Northwest Corner of Lake Pleasant Parkway and Cibola Vista Drive

Project Acreage:

Approximately 2.2 acres

Applicant:

Taylor Earl of Earl & Curley, PC on behalf of Abernathey Holdings

ATTACHMENTS:

Description

Staff Report

Exhibit 1 - Conditions of Approval

Exhibit 2 - Vicinity Map

Exhibit 3 - Project Narrative

Exhibit 4 - Site Plan

Exhibit 5 - Elevations

Exhibit 6 - Landscape Plan

Exhibit 7 - Citizen Participation Plan

Exhibit 8 - Opposition and Support



PLANNING & ZONING COMMISSION

STAFF MEMORANDUM

Meeting Date: 10/17/2024

Agenda Item: 3R

TO: Planning and Zoning Commission

THROUGH: Chris M. Jacques, AICP, Planning Director

FROM: Robert Kuhfuss, AICP, Senior Planner

SUBJECT: Cibola Vista Self-Storage
Northwest Corner of Lake Pleasant Parkway and Cibola Vista Drive

PROPOSAL

The applicant is requesting a Conditional Use Permit (CUP) to operate a Self-Storage facility on a vacant 2.2-acre site located at the northwest corner of Lake Pleasant Parkway and Cibola Vista Drive.

APPLICATION INFORMATION

Case Numbers: Conditional Use Permit (CU22-08)

Applicant: Taylor Earl of Earl & Curley, on behalf of Abernathy Holdings, LLC

Requests: Approval of a Conditional Use Permit (CUP) to allow for the construction of a new Self-Storage Facility.

BACKGROUND AND CONTEXT

The subject site is approximately 2.2 acres, consisting of vacant land that is part of the Cibola Vista Planned Area Development (PAD) (**Exhibit 2**).

CONTEXT:

The subject site is a triangular shaped property, and bounded on the west by a single-family subdivision (Pleasant Valley Estates). To the north is a single undeveloped commercial parcel that is part of the West Wing Planned Community District (PCD) Zoning District. The east side of the site is bounded by Lake Pleasant Parkway, which is designated as a limited access parkway. Lake Pleasant Parkway runs at an angle from southwest to northeast at this location thereby creating the triangular shape of the subject site. Directly east of Lake Pleasant Parkway is the northern extent of the Cibola Vista resort, and a vacant commercial parcel that is part of the Cibola Vista PAD (**Exhibit 2**).

APPLICANT'S PROPOSAL

The applicant is requesting approval of a Conditional Use Permit for a Self-Storage Facility. The applicant is proposing a 92,157 square foot facility within a three (3) story building consisting of two (2) floors above-ground and one (1) basement level (below ground). With a floor situated below grade, the top of the building parapet will be twenty-five (25) feet above grade, which effectively places the building height below what is permitted in the adjacent single-family neighborhoods at 30 feet. Office hours will be from 9:30 AM to 6:00 PM Monday through

Friday, and 9:30 AM to 5:00 PM Saturday and Sunday. Move-in and access hours will be from 6:00 AM to 9:00 PM daily (**Exhibit 3**).

DEVELOPMENT INFORMATION:

<u>Existing Use:</u>	Vacant
<u>Proposed Use:</u>	Self-Storage Facility
<u>Property Size:</u>	2.2 acres (approximately)
<u>Required Parking:</u>	17 spaces
<u>Provided Parking:</u>	17 spaces + 2 loading berths

STAFF ANALYSIS

ZONING HISTORY AND PROPERTY DEVELOPMENT:

The subject property was annexed from Maricopa County on November 14, 1989, under *Ordinance #89-34*, and has remained vacant since. The City Council approved the original Planned Area Development (PAD) for Cibola Vista on May 1, 2001, under case Z00-10.

APPLICABILITY:

The subject site is part of the Cibola Vista Planned Area Development (PAD) and is designated for Retail Commercial uses by the PAD. More specifically, the PAD Standards and Guidelines Report indicates that uses within this Retail Commercial portion of the development are allowed in accordance with the City's Intermediate Commercial (C-2) zoning district.

The proposed use is analogous to *Self-Storage, Indoor or Drive-Up* which is conditionally permitted in the C-2 zoning district. The City of Peoria Zoning Ordinance also prescribes Special Limitations outlined in Section 21-505.D.1 of the Peoria Zoning Ordinance, which are discussed more specifically in the Special Limitations section of this staff report.

CONDITIONAL USE PERMIT ANALYSIS:

The purpose of a Conditional Use Permit is to ensure that the physical and operating characteristics inherent with the land use have been sufficiently resolved or mitigated, optimizing compatibility with the surrounding area, and that the use is not injurious to the health, safety, and general welfare of the community.

Review Criteria:

Section 21-321 of the Peoria Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. The Planning Department must review applications and make a recommendation for approval or denial to the Planning and Zoning Commission based on the following criteria:

1. Whether the use is designated as a permitted Conditional Use within the zoning district in which the property is located.

2. Whether the use meets the locational and development standards provisions, as applicable for the Conditional Use Permit, for the zoning district in which the property is located.
3. Whether the use is consistent with the goals, policies, and intent of the General Plan and any adopted Specific Plan applicable to the site where the proposed use is located.
4. Whether the use is consistent with documentation and recommendations provided by reviewing City Departments.
5. Whether the use complies with all applicable City Codes, standards, and guidelines governing such use.
6. Whether the use will be materially detrimental to the health, safety, or general welfare of persons residing or working in the vicinity of the property, to the neighborhood, or to the public welfare; or if the use will unreasonably interfere with the use and enjoyment of nearby properties. Consideration shall include, but not be limited to the following factors:
 - a. Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination;
 - b. Impact on surrounding areas resulting from an unusual volume or character of traffic;
 - c. Ingress and egress to the property and proposed structures;
 - d. Pedestrian and vehicular circulation with particular reference to fire protection;
 - e. Parking and loading; and
 - f. Impact on public services, including schools, utilities, and recreation.
7. The Planning Manager may not approve or recommend approval of any Conditional Use Permit unless the Department has received a Waiver of Proposition 207 from the Owner(s) of the property that is the subject of the Conditional Use Permit or has determined that the absence of such a Waiver of Proposition 207 is consistent with the City's General Plan and zoning goals and regulations.

SPECIAL LIMITATIONS:

Over the course of the project duration, regulations associated with Self-Storage within the City of Peoria Zoning Ordinance have been changed through a Zoning Ordinance Text Amendment for Self-Storage Facilities (Ord 2024-05). As a result, the regulations at the time of this application were different than those regulations applicable to such facilities found in the Zoning Ordinance today.

At the time of adoption of the revised standards, special care was taken to identify within the provisions of the adopting ordinance that any applications in process at the time of the amendment would not be subject to the new regulations. As a result, the applicable *Limitations on Use* are noted below and staff's findings are identified within italics:

1. Mini-storage warehouses, RV, Boat, and Trailer Storage, indoor and/or screened, shall be subject to the following additional requirements:
 - a. For the purposes of this Section, an outdoor RV, Boat and Trailer Storage use shall be visibly screened from a public street by an architecturally integrated wall or structure consisting of a minimum height of ten (10) feet, or as otherwise approved by the Planning and Zoning Commission. Additional screening from elevated roadways may be required, such as canopies, berming, or other design solutions.

This is an indoor self-storage facility, in which all operations are internalized to the building. As such this criteria has been met.

- b. Doors of the storage areas shall not front on any public street.

As identified within the conceptual elevations shown in Exhibit 5, no "storage area" doors are visible to the public, and as such, this criteria has been met.

- c. Only storage shall be permitted. No sale of goods, materials or other tangible or intangible property from the facility or any part thereof shall be permitted. No activities conducted on the premises, whether related to the stored items or otherwise. The sale of insurance by the operator on goods stored therein or the sale by the operator of items used in connection with the storage of goods at the site shall not be prohibited.

This provision will be addressed within the site plan application, and monitored throughout the duration of the project. As such, this criteria has been met.

- d. No hazardous or flammable materials, as defined in the Peoria City Building Code, shall be stored in such facility.

This provision will be addressed within the site plan application, and monitored throughout the duration of the project. As such, this criteria has been met.

- e. The City may exempt any structure from side and rear yard setbacks, except in circumstances where the site devoted to such use abuts a residential use or residentially-zoned vacant property. In such cases, the setback for the site boundary abutting the residential district shall be no less than thirty (30) feet.

As identified within the conceptual elevations shown in Exhibit 5, a minimum thirty (30) foot building setback has been provided. As such, this criteria has been met.

OPERATIONAL CHARACTERISTICS:

Hours of Operation:

The facility will observe the following hours of operation:

Office Hours	Monday through Friday	9:30 AM to 6:00 PM
	Saturday and Sunday	9:30 AM to 5:00 PM
Move-in and Access Hours	Daily	6:00 AM to 9:00 PM

Vehicle Access:

The facility will be served by a single point of access from Lake Pleasant Parkway. This access will consist of right-in and right-out only turning movements; meaning there will be no left-in or left-out movements to or from the subject site. While the applicant will construct a right-turn deceleration lane to serve the facility, there will be no median break at this location, hence no left-turn movements into or out of the facility (**Exhibit 4**).

Parking:

The proposed storage facility will consist of 693 units and 470 square feet of office space. Section 21-825.B.2 of the Peoria Zoning Ordinance requires one (1) parking space for every 50 storage units plus one (1) parking space for every 200 square feet of office floor area. This would result in a minimum of 17 parking spaces required for the site. The applicant seeks to provide 17 parking spaces as well as 2 loading spaces (**Exhibit 4**).

Pedestrian Access:

An existing sidewalk extends from the south up to approximately the midpoint along the Lake Pleasant Parkway street frontage. The applicant will extend the public sidewalk north along the Lake Pleasant Parkway frontage to the northern boundary of the subject site. Pedestrian access to the facility will extend from the city sidewalk to the main building (**Exhibit 4**).

Architecture:

The building by incorporates design elements on all four façades of the building and seeks to mimic elements present in the nearby residential design that exists in the area. Building design is discussed further in a subsequent section of this report as it relates to citizen comments.

Outdoor Lighting:

The applicant has provided an outdoor lighting plan which demonstrates compliance with the City's outdoor lighting standards. To minimize the impact of lighting on the neighboring residential properties, the applicant will utilize low-level bollard lighting along the emergency pedestrian egress route located between the building and the west wall (shared with Pleasant Valley Estates subdivision). There will be a wall-mounted light at each of the four (4) egress doors in keeping with building code egress requirements; however, these will be equipped with motion sensors and time-delay shut-off, to minimize impacts to the surrounding property owners. The proposed parking lot lighting will be lower than the permissible height of 16 feet at 15 feet in height and will be directed down and / or away from the neighboring properties (**Exhibits 4 & 5**).

Screening and Buffering:

The Site Plan and Landscape Plan reflects a 30-foot setback and associated landscape buffer between the west side of the proposed building and the existing single-family subdivision to the west as required by Section 21-505.D.1, and 21-818 of the Peoria Zoning Ordinance. This landscape buffer will be landscaped with minimum 24-inch box trees thereby creating a tree canopy to aid in the screening of the facility. Since the subject site, is adjacent to Lake Pleasant Parkway, it is required to include a 30-foot wide street frontage landscape area along Lake Pleasant Parkway in accordance with Section 21-819 of the Peoria Zoning Ordinance and Chapter 4 of the Peoria Community Design Guidelines with respect to the Lake Pleasant Scenic Corridor.

CONTINUING JURISDICTION:

If any issues arise regarding the operation of the business, Section 21-321.I of the Peoria Zoning Ordinance provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that the Planning Manager may recommend to the Planning and Zoning Commission that a permit may be revoked, modified, or suspended should any of the following occur:

1. The permit was obtained by fraud or misrepresentation;

2. The use authorized by the permit has been exercised in violation of the conditions of its approval;
3. A change in circumstances consisting of any of the following has occurred:
 - a. Impacts from the approved conditional use to neighboring properties.
 - b. Changes in aesthetic or environmental impacts such as noise, odors, or pollution.
4. 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.
 - a. Notice and a public hearing shall be provided in the same manner as for Conditional Use Permit applications.

COMMUNITY INVOLVEMENT

Public Noticing:

The application was properly noticed pursuant to Section 21-315 of the Peoria Zoning Ordinance, which includes notification to all property owners within 600 feet of the site and registered HOAs within one (1) mile, posting of a sign on the site, and placing an ad in the Peoria Times at least 15 days prior to the Public Hearing.

Outreach Requirements:

Within the first 21 days of the notice of application, City staff received opposition to the proposal. This opposition triggered the requirement for an outreach meeting, which was held on January 25, 2023, at the West Wing Mountain Community Center. In advance of the meeting, the former applicant notified all property owners within a 600-foot radius of the site and all registered Homeowners' Associations within one (1) mile.

Several neighboring property owners attended the meeting, in addition to the development team for the project, as well as City staff. The applicant team presented the details of the proposed project to the attendees and answered questions presented by the neighboring residents. Issues of concern included traffic, building heights / blocked views, design aesthetics, property values, crime, incompatible uses, and leaf litter (**Exhibit 7**).

In response to neighbor concerns, the applicant team, worked with City staff to refine the site design. Refinements included a reduction in building height, the use of non-reflective glass for the faux windows, changes to the overall design aesthetics, the use of trees with minimal leaf litter, and relocation of the air conditioning units to the east side of the building. Subsequent to the proposed changes, the applicant team held a 2nd neighborhood meeting following the same notification procedures identified above. The applicant presented those changes during the second outreach meeting held on August 14, 2024, at the West Wing Mountain Community Center from 5:00 – 7:00pm (**Exhibit 7**).

Support / Opposition:

Prior to the second outreach meeting, 101 individuals expressed opposition to the project, with eight (8) additional commentors not identifying a stance on the proposal. There were no items of support during the early stages of the outreach. Since the redesign and subsequent outreach meeting, staff has received one (1) letter which contained numerous review comments regarding the site. The applicant has since refined the design in an effort to address these comments to the extent practical. Staff has received no other items of support or opposition, although several individuals did inquire as to the status of the project (**Exhibit 8**).

KEY FINDINGS

1. The subject site is located within the Retail Commercial portion of the Cibola Vista Planned Area Development (PAD).
2. The Cibola Vista PAD allows permitted and conditionally permitted uses consistent with the Intermediate Commercial (C-2) zoning district, as outlined in the Peoria Zoning Ordinance, within the Retail Commercial portion of the PAD.
3. The City Council adopted Zoning Ordinance Text Amendment (Ord. 2024-05) regarding Self-Storage facilities which allowed for those facilities in process at the time of the text amendment to utilize the ordinance in place prior to the ordinance adoption.
4. The proposal meets the requisite Limitations on Use standards within Section 21-505 of the City of Peoria Zoning Ordinance.
5. When operated in accordance with the recommended conditions of approval, the use is not expected to have an impact on adjacent properties.
6. On behalf of the owner, the applicant has submitted a signed and notarized Proposition 207 waiver, which will be recorded with the conditions outlined below.

RECOMMENDATION

Staff recommends that the Planning and Zoning Commission take the following action:

Approve the Conditional Use Permit for Case CU22-08, subject to the Conditions of Approval identified in Exhibit 1.

STAFF CONTACT

Robert Kuhfuss, AICP
Senior Planner
623-773-7643
Robert.Kuhfuss@peoriaaz.gov

Cibola Vista Self-Storage: CU22-08

Northwest Corner of Lake Pleasant Pkwy and Cibola Vista Drive

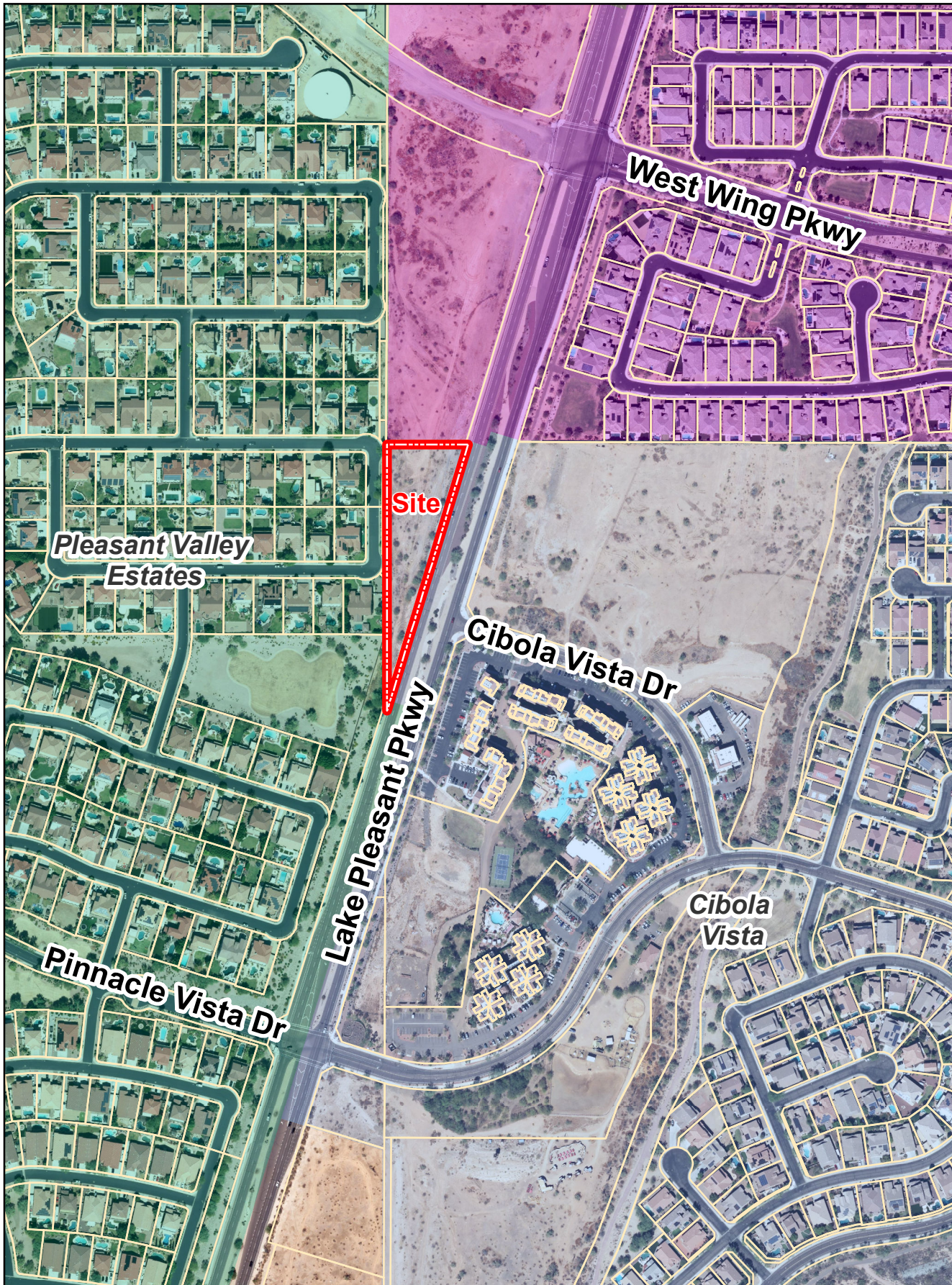


The Conditional Use Permit request for the above-referenced property is subject to the following Conditions of Approval in order to protect the public health, safety, welfare, and the City of Peoria:

1. Development and use of the site shall substantially conform to the Project Narrative (Exhibit 3), Site Plan (Exhibit 4), and Landscape Plan (Exhibit 6) as contained in the staff report to the Planning and Zoning Commission dated October 17, 2024, except as necessary to ensure compliance with applicable ordinances or regulations governing the site.

Cibola Vista Self-Storage: CU22-08

Northwest Corner of Lake Pleasant Pkwy & Cibola Vista Dr



Cibola Vista Self-Storage Conditional Use Permit



Project Narrative

*NWC of Lake Pleasant Pkwy. & Cibola Vista Dr.
A request for CUP with Site Plan*

*Application Numbers: CU22-08 and SP22-34
Re-filing date: September 16th, 2024*



PRINCIPALS AND DEVELOPMENT TEAM

Developer:

Abernathey Holdings

1845 S Dobson Rd., Suite 201

Mesa, AZ 85202

Phone: 618-978-6937

E-mail: dq@abernatheyholdingco.com



Attorney:

Earl & Curley, PC

3101 North Central Avenue, Suite #1000

Phoenix, AZ 85012

Attorney: Taylor Earl

Principal Planner: Michael Buschbacher

Phone: (602) 265-0094

E-mail: tearl@earlcurley.com

E-mail: mbuschbacher@earlcurley.com



Architect:

RKAA Architects, Inc.

2233 E Thomas Road

Phoenix, AZ 85016

Contact: Robert W. Kubicek, RA

Phone: (602) 955-3900

E-mail: rkubicek@rkaa.com



Civil Engineer:

Helix Engineering

3240 E Union Hills Dr. #113

Phoenix, AZ 85050

Contact: Steve Bowser, PE

Phone: (602) 788-2616

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Site Plan.....	Exhibit C

INTRODUCTION

On behalf of our client, Abernathey Holdings, Inc. (Abernathey) we are pleased to submit this Conditional Use Permit and Site Plan applications and supporting materials for an approximately 3.84-gross acre site located on the northwest corner of Lake Pleasant Parkway and Cibola Vista Drive (APN: 201-36-598). The site is within 2 miles of the Loop 303 Freeway and bounded by the Cibola Vista Resort to the southeast; Pleasant Valley Subdivision to the west and southwest; future Cibola Vista Commercial to the north; and vacant land to the east. The hours of operation will be from 9:30am to 6pm M-F and, 9:30a to 5pm on Sat-Sun. with access to the building loading door allowed at 6am and restricted to 9pm, M-SU with Personal Identification Number.



Exhibit A – Vicinity Map

Who is the Developer? The Developer of the proposed development is Abernathey Holdings, a development and holding company that specializes in the development and construction of Class A storage facilities. They adhere to longstanding principles of integrity and excellence, with over \$100M assets under management and 80 investors.



Abernathey owns and operates its own construction company, ensuring high-quality projects that are on time and within budget. Abernathey forms strategic relationships with leading self-storage and e-commerce partners to provide foundational support for its developments.

Abernathey is seeking a Conditional Use Permit with Site Plan, to develop this challenging triangle-shaped parcel into a high-quality self-storage facility that will be compatible with the adjacent single-family community.

Why self-storage? Being in the right location with the right development is important in the development of self-storage centers. Abernathey has carefully reviewed the market data in this area and based on that research has concluded there is sufficient market demand for not only self-storage at this location but also the type of Class-A facility it is proposing.

The increased demand for self-storage over the past decade is attributable to many different factors. Those include the following factors:

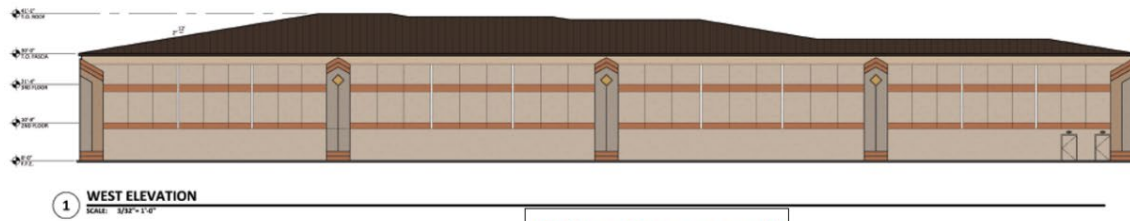
- The dramatic increase in housing development over the past several years;
- Baby Boomers are downsizing as they approach retirement but often do not wish to discard possessions;
- 18 percent of households are now multigenerational, which has steadily increased over the past decades;
- 56% of adults (18-24) are living at home;

- More employees since COVID-19 have converted their spare bedroom (which often double as an overflow storage room) to a home office;
- New self-storage facilities, which are climate controlled, secure, and often have internal loading and unloading areas, are more appealing to a broader consumer base than older centers, which increases demand for self-storage.

What is the proposed layout? Two floors of storage will be built above ground with one floor below grade for a total of 96,290 square feet. The site includes circulation, parking for 19 vehicles, and two dedicated unloading spaces. The site also includes landscaping along the Lake Pleasant Parkway Scenic Corridor around the parking lot. The building includes a 470 SF office with store front glazing with access to the loading/unloading area and storage spaces. An elevator is located close to the office and loading/unloading area.

What Design Elements Address Neighborhood Concerns? After two neighborhood meetings, we have obtained valuable neighborhood feedback. The following design features are not required by the zoning ordinance but are included into the plan and address neighbor concerns:

- We reduced from three stories above ground to two stories above with a basement.
- Even after reducing the height to two stories above ground, we further lowered the height from 32 feet (top of parapet) to 25' (top or parapet).
- We revised the architectural elevations to reflect the design aesthetic, colors, and materials of the adjacent resort and neighborhood (see before and after below). This includes the use of stone veneer on the building façade along Lake Pleasant Parkway.



Prior Proposal

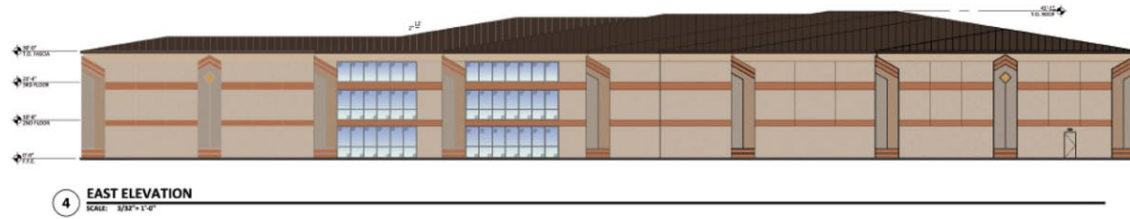
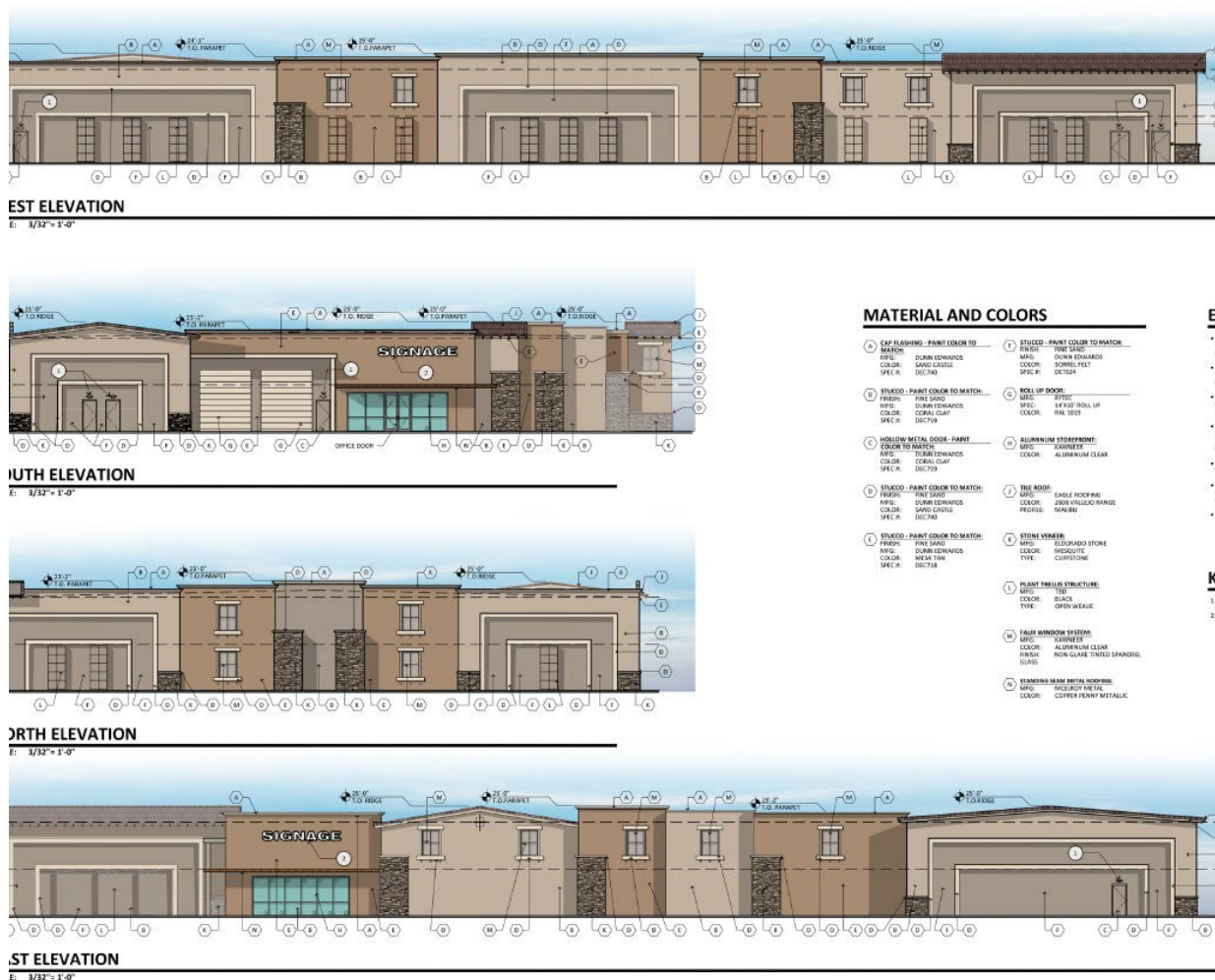


Exhibit B (Before) – Architectural Elevations



- We shifted the location of the air condition units away from the neighborhood. Previously, these units were located on the west side, near the neighborhood. Based on neighborhood concerns about sounds from the A/C units, we moved these near Lake Pleasant Parkway, behind a screen wall.
- We have added motion sensors to the lighting on the west side of the building so that it only turns on when needed.
- We added faux windows and trellises to west elevation for architectural character.
- View fencing will be used on the south and north ends of the 30' setback space on the west side of the building to enhance security and discourage trespassing near the neighborhood.
- Loading and unloading will occur within an enclosed space, which makes it much quieter and eliminates most of the visibility of any loading and unloading activities.

Additionally, below is a list of project features that, while required by the zoning ordinance, also address neighbor concerns:

- Row of trees along west property line to mitigate views of the building from the neighborhood, using a tree species that will produce minimal leaf and flower litter.
- 30-foot buffer from the western property line, pushing building away from neighborhood.
- Screening of storefront glazing with desert landscaping along Lake Pleasant Parkway to reduce commercial appearance.
- Eight-foot sidewalk along Lake Pleasant Parkway.

DESCRIPTION of PROPERTY and RELATIONSHIP to SURROUNDING PROPERTIES

Located on the northern edge of Peoria, eight miles south of Lake Pleasant, the site is on the west side of Lake Pleasant Parkway, across from the Cibola Vista Resort. The subject site is located within the approved Cibola Vista PAD area, which designates this site for retail commercial with C-2 uses. Self-storage is permitted in the C-2 zoning district with a Conditional Use Permit (CUP). The Planned Area Development (PAD), approved in March of 2001, encompasses over 240 acres, which has been mostly developed with the resort on the east side of Lake Pleasant Parkway and the West Wing Mountain subdivision to the east and north. The Pleasant Valley subdivision is located directly west of the site.

The subject site is level with a gentle slope to the south. At present the site is vacant with remnant fragments of native vegetation, due to the construction of Lake Pleasant Parkway and the routing of utility lines along both edges of the property. In general, the site is mostly a graded vacant dirt lot with little vegetation.

The site is currently serviced by utilities available within Lake Pleasant Parkway. The site is located within Flood Zone X (areas of minimal flooding) per the FEMA FIRM map currently on file for this location. Traffic generation to the use will be limited, and access to the site will be limited to right-in and right-out access only. Landscaping, planting palettes and screen wall themes are clearly defined within the Cibola Vista PAD, which is the guiding document for this site. A native plant inventory will be done as part of the development permitting process. Stormwater drainage will be accommodated with underground retention tanks and dry wells.

(Site Plan attached below on next sheet).

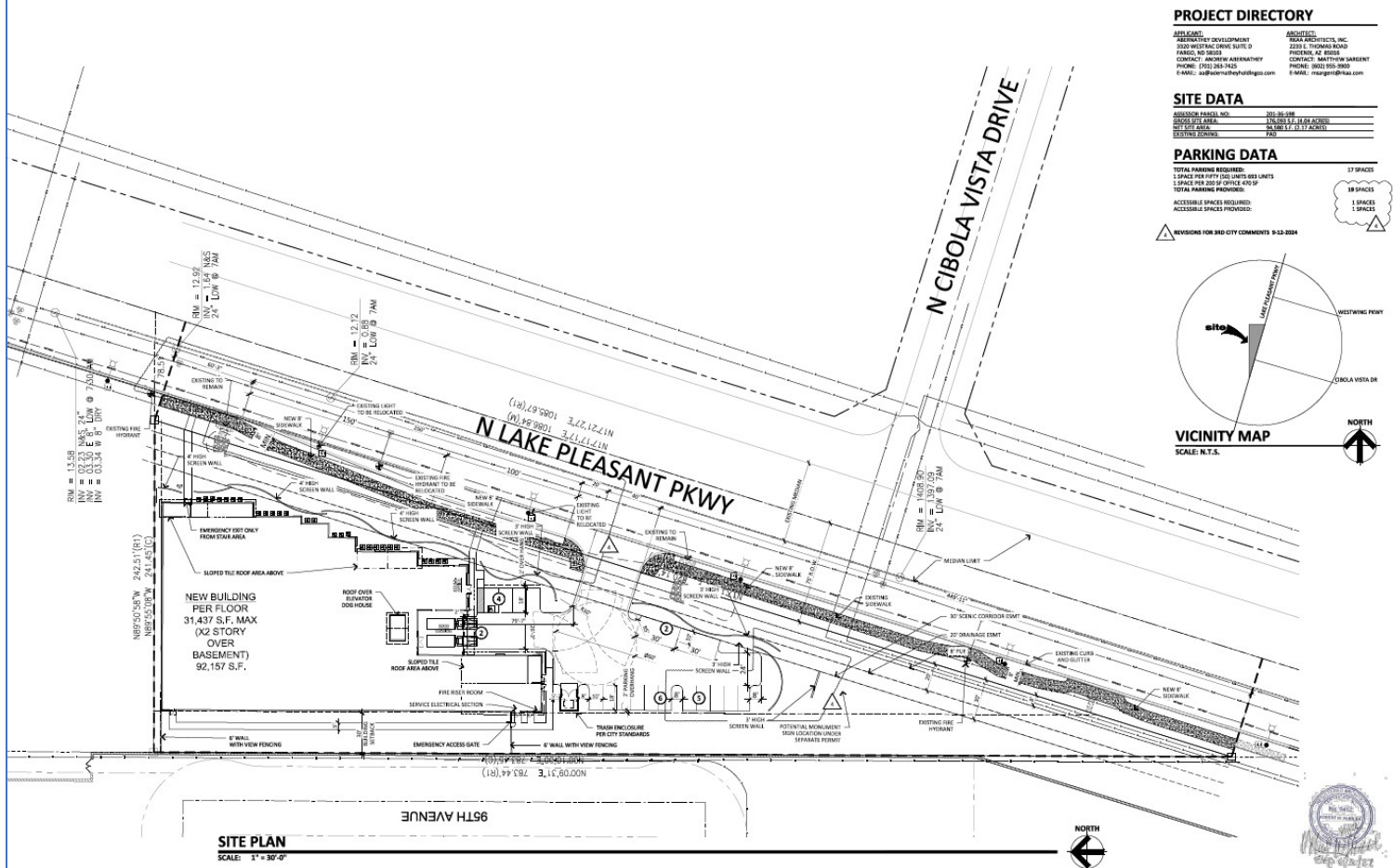


Exhibit C – Site Plan

GENERAL PLAN CONSISTENCY

The City's Plan Peoria AZ General Plan 2040 Land Use map designates this site as "Commercial." The subject site is zoned PAD with a C-2 designation, which is consistent with that General Plan designation. Similarly, the proposed self-storage use is also consistent with the General Plan's designation of Commercial.

Even beyond the General Plan Land Use Map, the proposed development is consistent with various goals, policies, and stated intents of the City's General Plan. Those will be analyzed below in numerical order as they appear in the General Plan.

Section 2.1 – Economic Prosperity, Prosperity, Strategies, page 2-3

- Support small businesses and cultivate entrepreneurship.

Self-Storage is regularly used by small businesses and entrepreneurs. Such businesses and ventures use storage for equipment, inventory, records, and more. Large businesses

may elect to accommodate such items on-site by leasing larger properties, larger warehouses, and larger offices. But small businesses need self-storage for such items because it is much more cost effective than leasing larger offices/warehouses and can be scaled as a business grows. Moreover, for home-based small businesses, self-storage frees up the entrepreneur's house and garage from being overrun by elements of the business.

By bringing in this additional service to the community the city is cultivating entrepreneurship for this self-storage business. Abernathey is a small business itself and with this development will support more small businesses, which are the life blood of the American economy.

Section 3.3 - Smart Growth, Land Use categories, Office and Local Commercial, page 3-26

- Supports low-intensity commercial development consisting of a variety of small to moderate in scale professional offices, medical and legal services, and ancillary retail uses.

A variety of services and businesses is critical for balanced economic development. Low intensity- uses like self-storage provide great value to the community while consuming only small amounts of the City's finite water, sewer, police, and fire resources.

Moreover, this proposal will serve as a conveniently located support for other low-intensity businesses, such as professional offices, medical and legal services in the area. It will provide a cost-effective storage location for equipment, inventory, and files.

As Peoria seeks to support low-intensity commercial uses, it needs to provide tools for supporting such uses. Storage is one of those tools. And it makes most sense to provide that tool on a parcel that would struggle to be developed with anything else.

- This project has a character and building height of one to two stories due to proximity to residential neighborhoods.

Over the past decade, it has become clear that internal self-storage is a great option for infill parcels adjacent to residential uses. This is due to their nature of having low activity, low traffic, low lighting, and high security. Our proposed building will be a two-story building above ground with a basement. The architectural character is like the surrounding residential homes and the nearby resort. The building was re-designed to blend in with the surrounding residential neighborhood. In addition, our building does not have windows that would look down on the adjacent neighborhood, such as would be the case with an office building or multifamily. Our proposal also does not bring back of house elements such as grease traps, delivery areas, outdoor storage, and smoke-break areas—which are common in restaurants and retail establishments.

Section 3.3 - Smart Growth, Land Use categories, Commercial, page 3-28

- Retail uses that includes a wider variety of goods and services compared to neighborhood shopping areas.

Neighborhood shopping areas typically include a supermarket with daily convenience shops such as a drugstore, dry cleaner, shoe repair, coffee shop and bank, but not self-storage. Self-storage is part of a wider variety of services that goes beyond a neighborhood shopping use. As self-storage becomes more innocuous with climate-controlled buildings that look more like an office building, they are increasingly becoming a critical service that is being added to well-designed neighborhoods adjacent to shopping centers.

- Encourages uses along arterial streets for ease of access.

Four-lane arterial streets are the backbone of the street network. This classification of roadways provides high-capacity urban roads that carry longer-distance flows of traffic between centers of activities. This is why it is advantageous to locate services, such as self-storage, along these types of roads. The site is located on Lake Pleasant Parkway, a four-lane arterial parkway that provides ease of access to and from the site. Arterial roads provide the highest level of mobility, which is desirable when you need to access a business quickly, for short periods of time.

Additionally, to support the intent of these types of roadways, it is helpful to limit left-turn movements. Here, because of self-storage's low traffic generation, the center is able to thrive without seeking to petition the city for a median break.

- Character that is reflected in an architectural style that is consistent throughout a larger center, or is complimentary to other nearby commercial sites, where all sides of the buildings feature architectural treatments of the facades.

Efforts were made to revisit the architectural elevations to apply similar materials and colors from the adjacent residential neighborhood and the Cibola Vista Resort directly across the street from the site. The revised site plan and elevations reflect the nearby architectural character of the resort by utilizing a similar paint pallet, stone veneer, and other architectural features. The scale and height of the facility are consistent with the Pleasant Valley Subdivision to the west, where two story homes are allowed with heights up to 28 feet, which is three feet taller than our proposed building with a height of 25 feet.

Section 3.8–Smart Growth-Goals and Policies, Balanced Land Uses, page 3-41.

This section includes several policies that promote a balanced mix of land uses that support a broad range of housing and lifestyle choices, business, and employment opportunities, etc. Several policies apply to this project.

LUC-1 Promote sustainable planning concepts for growth, new development, areas in transition through active citizen participation.

An active citizen participation plan is critical for the development of any project. It is important to receive comments and feedback and then respond to this feedback in a positive way that is reflected in changes to the project. Great efforts have been made in this case to listen carefully to the residents, answer their questions, and address concerns where possible through re-designs of the project. Though not required, we held a second, follow-up neighborhood meeting to bring back a heavily revised design and to continue to hear and respond to neighborhood questions and concerns.

Evidence of our outreach efforts can be seen above in the list of items that the citizen participation process affected in the final design of this project. This project has gone beyond the required citizen participation process, in good measure, and we believe our project is better because of it.

LUC-3 Integrate a variety of compatible land uses into new and established neighborhoods to provide residents with convenient access to goods, services, and other community amenities.

The Pleasant Valley subdivision to the west was constructed in 2002 and has been mostly built out since 2006. Pradera and Escena, the most recent phase of the nearby WestWing Mountain subdivision were built as recently as 2018-19. The proposed project sits between these two subdivisions and will be providing convenient access to the services of our storage facility. This project is proposed on a remnant sliver shaped triangle parcel, where little else could be developed. This facility will provide an available service to both the established Pleasant Valley neighborhood, the newly established neighborhoods in WestWing, and additional housing developments that are being proposed in the area.

LUC-8 Use the principles of sound water management to inform and shape the land use patterns within the community.

Sound water management is essential in the desert southwest. It is important to minimize water use when possible. Self-Storage uses consume very little water, only a small amount for the office and bathroom uses. Cooling units will be air conditioning, which will drip condensation back into the landscaping. All plant material will be from the low water use plant lists in compliance with the local drought tolerant water user associations. We anticipate that our proposal will use less water than a single-family home.

Section 3.8—Smart Growth-Goals and Policies, Complete Neighborhoods, page 3-41.

CN-1 Promote efforts to make complete neighborhoods by encouraging the development of a mix of complementary uses and amenities that meet the daily needs of residents.

The need and use of storage has clearly grown in recent years. There are many reasons why self-storage has become an essential service and should be included as part of a mix of complimentary uses. While they may not be the most exciting use, they are heavily used by residents and businesses in every community.

By approving this use on a difficult to develop parcel, the city would be supporting “complete neighborhoods” with a complimentary mix of uses.

CN-3 Protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.

The proposed building uses complimentary building forms from both sides of Lake Pleasant Parkway, incorporating design elements of the resort and the nearby residences. Efforts were made to revisit the architectural elevations to apply similar materials and colors from the adjacent residential neighborhood and the Cibola Vista Resort directly across the street from the site. The revised site plan and elevations reflect the nearby architectural character of the resort by utilizing a similar paint pallet, stone veneer, and other architectural features. The scale and height of the facility are consistent with the Pleasant Valley Subdivision to the west, where two story homes are allowed with heights up to 28 feet, which is three feet taller than our proposed building height of 25 feet.

Section 3.8–Smart Growth-Goals and Policies, Complete Neighborhoods (cont.)

CN-5 Require new commercial and mixed-use developments to have a pedestrian-scale and orientation by:

- Placing the building and outdoor gathering spaces along or near the sidewalk.

The building entrance is positioned on the southeast corner of the building, adjacent to the Lake Pleasant Parkway sidewalk.

- Designing the building with ground floor retail frontages or storefronts that front the street.

The ground floor will use a glass storefront that will front the street and provide a pedestrian scale and orientation.

Summary of General Plan Analysis

The proposed self-storage facility provides a use that will help increase the diversity of services provided for the immediate area, where there currently are no self-storage

services within 2-miles of this site, thus contributing to the goal of providing a wider variety of services and goods. The site is located on an arterial street and has employed the use of nearby architectural styles consistent with the existing Cibola Vista Resort. All sides of the building feature architectural treatments such as the use of stone and architectural pop-outs and cornices to provide visual variation. All of the above-mentioned facts are consistent with the general plan designated land use category of commercial as described in section 3.3 under land use within the category of the Smart Growth, within the Office and Local Commercial, Commercial, Balance Land Uses, and Complete Neighborhoods sections.

In addition, within Section 2, Economic Prosperity, one of the most important roles of economic development is to ensure that there is an adequate supply of land and buildings to accommodate the needs of all existing and future businesses. With approval of this request, Peoria will be adding a service that will support other businesses, which furthers the City's economic development goals. Additionally, self-storage supports the development of residential and residential in turn helps attract and support restaurants, retail, entertainment, and employment uses. Again, while we recognize that storage may not be exciting, it is needed, and it is used. It has become an important element of the development eco-system. Approving this CUP will create a tool that will support more economic development—all on a parcel that is ill-suited for anything else.

REQUEST

The formal request would be for a decision of approval of a Conditional Use Permit (CUP), to allow for the construction and operation of a self-storage facility, within the Cibola Vista Planned Area Development on a remnant parcel, listed as assessor's parcel number 201-36-598. As per the zoning ordinance, Section 21-321.A.1, states that a Conditional Use Permit shall be issued for all designated conditional uses under the Peoria Zoning Ordinance. In our case, the conditional use is allowed in the C-2 zoning district. Per 21-321.E the following criteria will be used to evaluate requests for a CUP.

1. Whether the use is designated as a permitted Conditional Use within the zoning district in which the property is located.
2. Whether the use meets the locational and development standards provisions, as applicable for the Conditional Use Permit, for the zoning district in which the property is located.
3. Whether the use is consistent with the goals, policies, and intent of the General Plan and any adopted Specific Plan applicable to the site where the proposed use is located.
4. Whether the use is consistent with documentation and recommendations provided by reviewing City Departments.

5. Whether the use complies with all applicable City Codes, standards, and guidelines governing such use.
6. Whether the use will be materially detrimental to the health, safety, or general welfare of persons residing or working in the vicinity of the property, to the neighborhood, or to the public welfare; or if the use will unreasonably interfere with the use and enjoyment of nearby properties. Consideration shall include, but not be limited to the following factors:
 - a. Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination;
 - b. Impact on surrounding areas resulting from an unusual volume or character of traffic;
 - c. Ingress and egress to the property and proposed structures;
 - d. Pedestrian and vehicular circulation with particular reference to fire protection;
 - e. Parking and loading; and,
 - f. Impact on public services, including schools, utilities, and recreation.

JUSTIFICATIONS FOR THIS CONDITIONAL USE PERMIT

Upon review, it is clear to us that the evaluation criteria for this Conditional Use Permit have been met. We have provided below a detailed explanation of how each criteria has been met.

1. Whether the use is designated as a permitted Conditional Use within the zoning district in which the property is located.

The approved Cibola Vista PAD has designated this site with an underlying zoning district of C-2 Commercial use. Under C-2 (Section 21-503) Mini-Storage Warehouses are permitted with a CUP.

2. Whether the use meets the locational and development standards provisions, as applicable for the Conditional Use Permit, for the zoning district in which the property is located.

The use meets the locational and development standards provisions, as applicable for the Conditional Use Permit, per section 21-505, D, part 1 under C-2 zoning district standards allowed in the approved Cibola Vista PAD. The land use allocation is retail commercial, and the land use conditions applied to the site are specifically for mini storage.

3. Whether the use is consistent with the goals, policies, and intent of the General Plan and any adopted Specific Plan applicable to the site where the proposed use is located.

The use is consistent with many of the goals, policies, and intents of the General Plan. Please see the above section regarding General Plan consistency for further detail.

4. Whether the use is consistent with documentation and recommendations provided by reviewing City Departments.

The use is consistent with documentation and recommendations provided by reviewing City Departments. Comments from the pre-app meeting, the first submittal review and a subsequent meeting with staff have been implemented.

5. Whether the use complies with all applicable City Codes, standards, and guidelines governing such use.

The use complies with all applicable City Codes, standards, and guidelines governing self-storage. During the site plan and building permit process, the project will undergo additional review to ensure that applicable codes, standards, and guidelines for this use are complied with.

6. Whether the use will be materially detrimental to the health, safety, or general welfare of persons residing or working in the vicinity of the property, to the neighborhood, or to the public welfare; or if the use will unreasonably interfere with the use and enjoyment of nearby properties. Consideration shall include, but not be limited to the following factors:
 - a. Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination;
 - b. Impact on surrounding areas resulting from an unusual volume or character of traffic;
 - c. Ingress and egress to the property and proposed structures;
 - d. Pedestrian and vehicular circulation with particular reference to fire protection;
 - e. Parking and loading; and,
 - f. Impact on public services, including schools, utilities, and recreation.

This portion of the CUP standards has various sub-elements, which we address below. In short, the use will not be materially detrimental to the health, safety, or general welfare of persons residing or working in the vicinity of the property, to the neighborhood, or to the public welfare. Nor will it unreasonably interfere with the use and enjoyment of nearby properties. In particular:

- a. No damage or nuisance will arise from noise, smoke, odor, dust, vibration, or illumination for this project. Self-storage is now well understood

to be a quiet, low-impact neighbor to residential. Our firm has found them to be a great solution for commercial properties next to residential uses because of how low-impact and low-activity they are.

b. There will be little to no impact on surrounding areas resulting from an unusual volume or character of traffic. This is due in large part to the nature of how self-storage facilities are used and the very small number of daily trips that this use generates.

c. Ingress and egress to the property will be limited to southbound Lake Pleasant Parkway traffic with right-in and right-out movements for ingress and egress.

d. Pedestrian and vehicular circulation will allow for emergency exit pathways from the building and will allow for firefighting apparatus to be able to access the site for public safety activities and fire protection.

e. Self-storage requires very few parking spaces because of its low trip generation. And after leasing a unit, customers will often park in the loading and unloading area rather than in the parking lot. Thus, the site's parking and loading needs are fully accommodated within the site. Parking will be at 90-degree angles for safer parking conditions and the drive aisle will be wide enough to accommodate the anticipated vehicular traffic for this use. Loading will occur indoors, so as not to be visible to the neighborhood.

f. The use will have little impact on public services. It does not generate any students. It uses very little water and sewer. And it generates no use of recreational facilities.

Based on our analysis, we firmly believe the proposal meets all of the CUP requirements. The use will not be detrimental to the health, safety or general welfare of any persons residing or working in the vicinity of the property and will not unreasonably interfere with the use and enjoyment of nearby properties. In addition, Self-storage facilities use very little water, wastewater and electrical capacity as compared to office or neighborhood commercial uses of the same square footage. Low demand on City and other utility infrastructure leaves excess capacity to support other higher-intensity commercial uses in the area which may also ultimately enhance tax revenue.

The posture of a CUP request is fundamentally different than a rezoning request. Those uses that are listed as requiring a CUP are simply uses that the city wants to examine in its context before approving. They are permitted uses, subject to simply meeting the criteria set forth in the CUP. And the ordinance is clear that if the proposed use meets those criteria, the CUP "shall be issued." In other words, unlike zoning that is fully discretionary, CUP applicants have the assurance that if their use meets the CUP criteria, they have a right to obtain the CUP. Here, there is no question that our use meets the CUP criteria. We respectfully request, therefore, that this CUP be granted.

PLANNED AREA DEVELOPMENT – REVIEW AND ANALYSIS

The Cibola Vista Planned Area Development, as amended by Z-00-10A.2, carved out portions of the plan for retail in addition to a larger plan for residential and a resort component. As a part of implementing the PAD for this site an interpretation was requested to determine the applicable setback and landscape buffer along Lake Pleasant Parkway and the maximum building height.

It was determined by the Planning Director that the setback, landscape buffer and building height under the PAD would be a building setback of 30 feet, a landscape setback for Lake Pleasant Parkway of 30 feet, and a maximum building height of 25 feet. The planning director's interpretation letter has been included with this update narrative.

GENERAL DEVELOPMENT PLAN - PHASING

This project would be built in a single phase.

PUBLIC PARTICIPATION

Two neighborhood outreach meetings have been conducted with adjacent property owners within 600-feet and Property Owner's Associations within 1-mile of the site as a part of the Conditional Use Permit application process. A citizen participation /neighborhood meeting summary has been submitted, showing how the number of concerned citizens has been reduced significantly after listening to the community, revising the plans, and updating the elevation to include more design elements from the surrounding area. The input from the neighborhood and residents has been very important and helped inform the direction of the design revisions. For more detail, refer to the attached citizen participation report and to the section of this document identifying the design elements that address neighbor concerns.

CONCLUSION

The proposal meets the City's CUP criteria and should be granted.

Moreover, the proposed use will bring a quality development to a small, triangle-shaped parcel that is ill suited for other uses. The proposal is consistent with the General Plan and will act as a low-traffic, low-activity, low-light neighbor to the residential to the west. It will provide a needed commercial use for current and future residents in the area as well as offices and other commercial operations. As designed and re-designed based on neighbor and staff feedback, the proposal fits in very well with the aesthetics of the community.

Thank you for your consideration of this application.

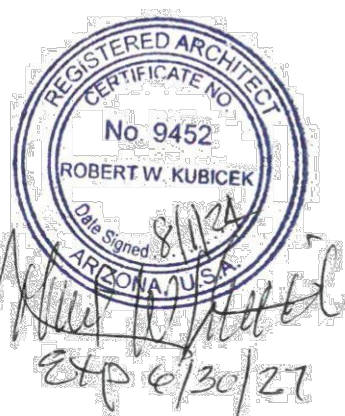
APPLICANT:	ARCHITECT:
ABERNATHY DEVELOPMENT	RKAA ARCHITECTS, INC.
3320 WESTRAC DRIVE SUITE D	2233 E. THOMAS ROAD
FARGO, ND 58103	PHOENIX, AZ 85016
CONTACT: ANDREW ABERNATHY	CONTACT: MATTHEW SARGENT
PHONE: (701) 263-7425	PHONE: (602) 955-3900
E-MAIL: aa@adernathyholdingco.com	E-MAIL: msargent@rkaa.com

ASSESSOR PARCEL NO:	201-36-598
GROSS SITE AREA:	176,093 S.F. (4.04 ACRES)
NET SITE AREA:	94,580 S.F. (2.17 ACRES)
EXISTING ZONING:	PAD

TOTAL PARKING REQUIRED:	17 SPACES
1 SPACE PER FIFTY (50) UNITS 693 UNITS	
1 SPACE PER 200 SF OFFICE 470 SF	
TOTAL PARKING PROVIDED:	19 SPACES
ACCESSIBLE SPACES REQUIRED:	1 SPACE
ACCESSIBLE SPACES PROVIDED:	1 SPACE

A map of the study area, which is a circular region. A diagonal line representing Lake Pleasant Parkway runs from the bottom left towards the top right. A road labeled 'WESTWING PKWY' branches off to the right from Lake Pleasant Parkway. Another road labeled 'CIBOLA VISTA DR' branches off to the right from Lake Pleasant Parkway further down. A shaded triangular area is located on the left side of Lake Pleasant Parkway, with an arrow pointing to it from the word 'site'.

SCALE: N.T.S.



SCALE: 1" = 30'-0"

RKAA# 22048.50

Exhibit 4

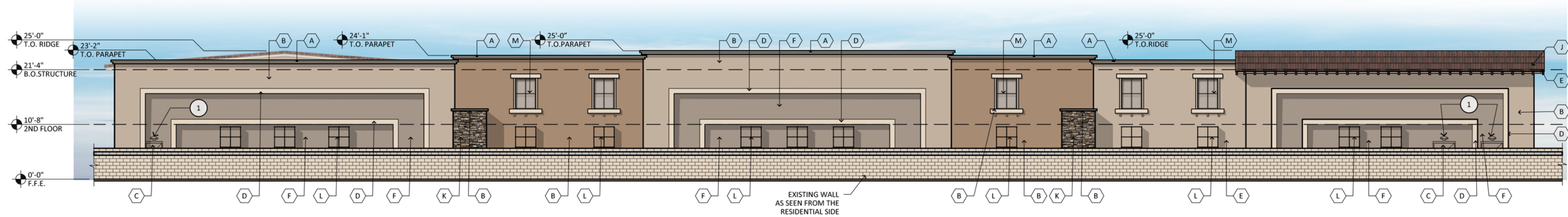
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OF THE ARCHITECT.

The logo for RKAA Architects, Inc. features a stylized, textured 'rk' in red and black on the left, followed by 'RKA A' in large, grey, serif capital letters, and 'ARCHITECTS, INC' in smaller, grey, sans-serif capital letters below.

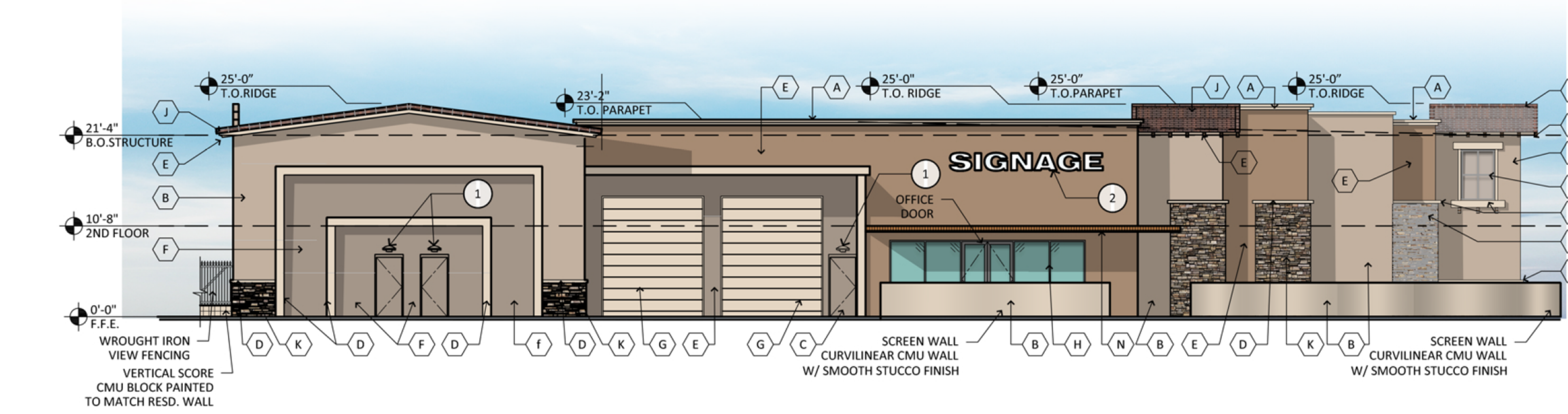
NWC LAKE PLEASANT & CIBOLA VISTA
PEORIA, ARIZONA
DATE: 09-16-2024 (PRELIMINARY)

Cibola Vista Self-Storage: CU22-08
West of Lake Pleasant Pkwy and South of WestWing Pkwy

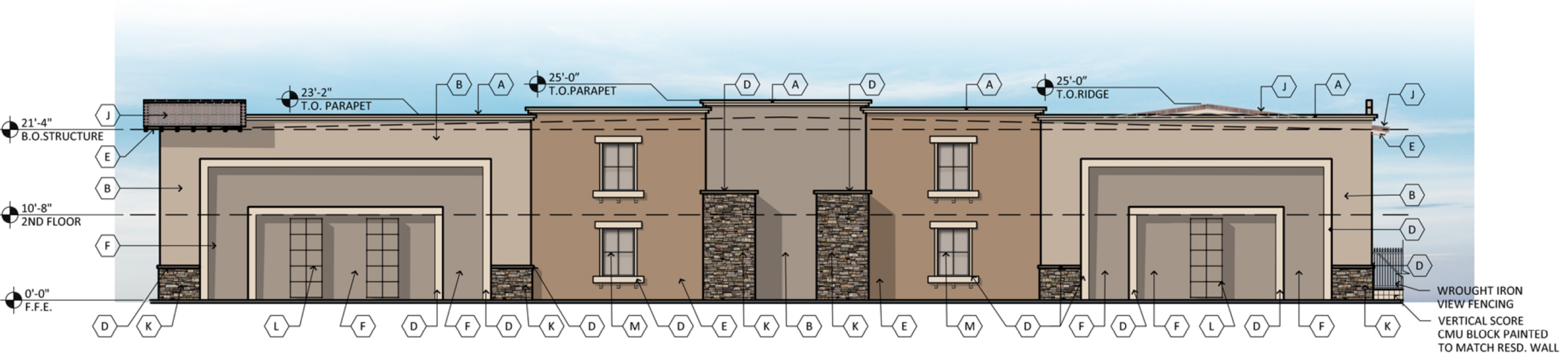




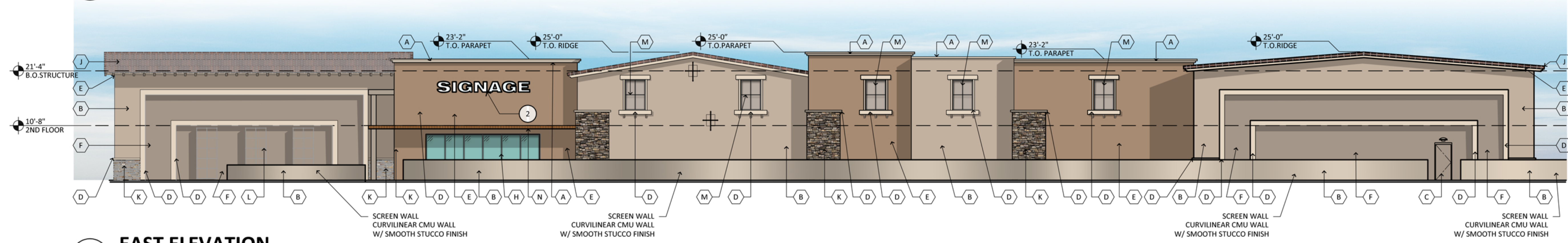
1 WEST ELEVATION
SCALE: 3/32"= 1'-0"



2 SOUTH ELEVATION
SCALE: 3/32"= 1'-0"



3 NORTH ELEVATION
SCALE: 3/32"= 1'-0"



4 EAST ELEVATION
SCALE: 3/32"= 1'-0"

MATERIAL AND COLORS

A CAP FLASHING - PAINT COLOR TO MATCH: MFG: DUNN EDWARDS COLOR: SAND CASTLE SPEC #: DEC740	F STUCCO - PAINT COLOR TO MATCH: FINISH: FINE SAND MFG: DUNN EDWARDS COLOR: SORREL FELT SPEC #: DET624
B STUCCO - PAINT COLOR TO MATCH: FINISH: FINE SAND MFG: DUNN EDWARDS COLOR: CORAL CLAY SPEC #: DEC719	G ROLL UP DOOR: MFG: RYTEC SPEC: 14'X10' ROLL UP COLOR: RAL 1019
C HOLLOW METAL DOOR - PAINT COLOR TO MATCH: MFG: DUNN EDWARDS COLOR: CORAL CLAY SPEC #: DEC719	H ALUMINUM STOREFRONT: MFG: KAWNEER COLOR: ALUMINUM CLEAR
D STUCCO - PAINT COLOR TO MATCH: FINISH: FINE SAND MFG: DUNN EDWARDS COLOR: SAND CASTLE SPEC #: DEC740	J TILE ROOF: MFG: EAGLE ROOFING COLOR: 2606 VALLEJO RANGE PROFILE: MALIBU
E STUCCO - PAINT COLOR TO MATCH: FINISH: FINE SAND MFG: DUNN EDWARDS COLOR: MESA TAN SPEC #: DEC718	K STONE VENEER: MFG: ELDORADO STONE COLOR: MESQUITE TYPE: CLIFFSTONE
	L PLANT TRELLIS STRUCTURE: MFG: TBD COLOR: BLACK TYPE: OPEN WEAVE
	M FAUX WINDOW SYSTEM: MFG: KAWNEER COLOR: ALUMINUM CLEAR FINISH: NON-GLARE TINTED SPANDREL GLASS
	N STANDING SEAM METAL ROOFING: MFG: MCELROY METAL COLOR: COPPER PENNY METALLIC

ELEVATION GENERAL NOTES

- ALL ROOF MOUNTED MECHANICAL EQUIPMENT SHALL BE FULLY SCREENED BY PARAPET WALLS EQUAL TO, OR GREATER THAN, THE HIGHEST POINT ON THE MECHANICAL EQUIPMENT.
- SOLID MASONRY WALLS AND GATES EQUAL TO, OR GREATER THAN, THE HIGHEST POINT ON THE MECHANICAL EQUIPMENT SHALL SCREEN ALL GROUND MOUNTED MECHANICAL EQUIPMENT.
- ROOF DRAINAGE SHALL UTILIZE INTERIOR ROOF DRAINS OR BE ARCHITECTURALLY INTEGRATED INTO THE BUILDING DESIGN. ARCHITECTURALLY INTEGRATED ROOF DRAINS SHALL REQUIRE ADDITIONAL ARTICULATION BEYOND PAINT ACCENTS.
- SCREENING SHALL BE ARCHITECTURALLY INTEGRATED FOR THE SERVICE ENTRANCE SECTION (SES) AND ALL UTILITIES. ALL GROUND MOUNTED EQUIPMENT SHALL BE SCREENED FROM PUBLIC VIEW BY A CONCRETE OR MASONRY WALL WITH SOLID GATES, EQUAL TO OR GREATER IN HEIGHT THAN THE MECHANICAL EQUIPMENT.
- SIGNS REQUIRE A SEPARATE SUBMITTAL AND PERMIT - GC TO COORDINATE WITH SIGN PACKAGE FOR BLOCKING.
- ALL NONE EMERGENCY LIGHTING AT THE REAR OF THE BUILDING SHALL BE MOUNTED LOWER THEN THE RESIDENTIAL WALL AND SHALL BE ON MOTION DETECTORS AND TIME DELAY SHUT OFFS
- THERE WILL BE NO SIGNAGE ON THE NORTH ELEVATION.

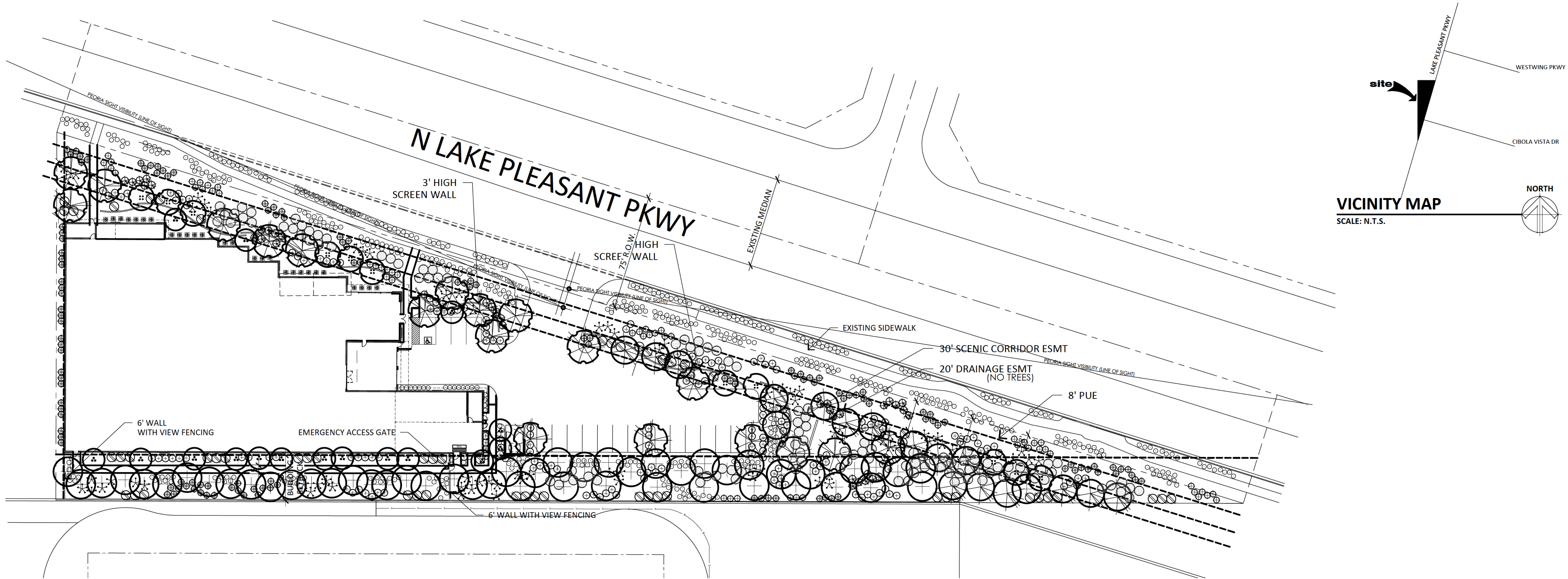
KEY NOTES: # →

1. ALL EXIT DOOR SECURITY LIGHTING TO BE ON MOTION DETECTOR OR AND TIME DELAY SHUT OFF
2. SIGNAGE PER SEPARATE PERMIT

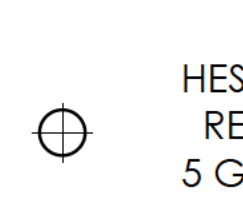
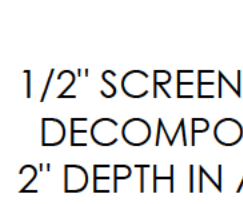
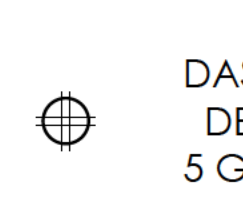
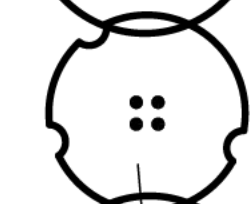
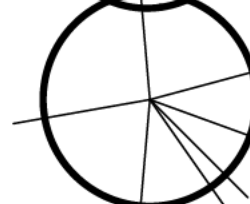
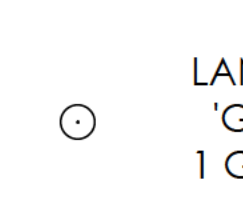
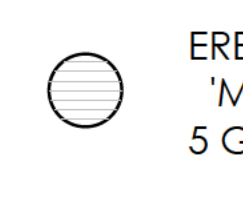
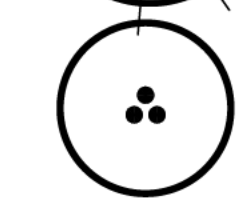
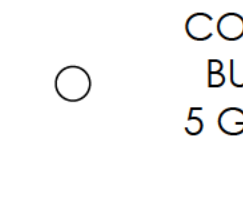
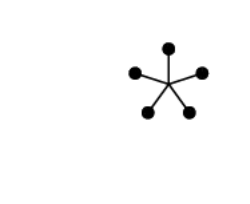
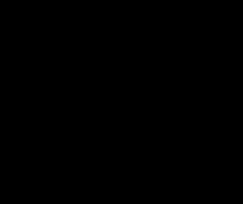
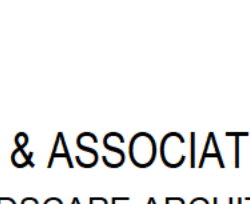
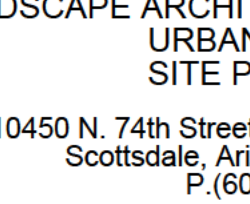
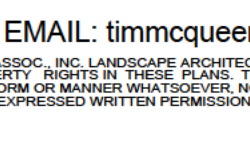
Cibola Vista Self-Storage: CU22-08

West of Lake Pleasant Pkwy and South of WestWing Pkwy





LANDSCAPE LEGEND (NO SALVAGED TREES ALL ARE IN POOR OR DECLINING CONDITION)

	CERCIDIUM 'HYBRID'		TECOMA 'ORANGE JUBILEE'		1/2\"/>
	DESERT MUSEUM PALO VERDE		ORANGE JUBILEE		DECOMPOSED GRANITE
	24\"/>		5 GALLON (19)		2\"/>
	ACACIA SALICINA		HESPERALOE PARVIFLORA	LANDSCAPE DATA:	
	WILLOW ACACIA		RED YUCCA		
	24\"/>		5 GALLON (50)	OFF-SITE LANDSCAPE AREA: 10,043 SQ.FT.	
	ACACIA ANEURA		DESERT SPOON	ON-SITE LANDSCAPE AREA: 47,578 SQ.FT.	
	MULGA (SRP/APS APPROVED)		5 GALLON (126)		
	24\"/>		LEUCOPHYLLUM FRUTESCENS		
	PROSOPIS 'RIO SALADO'		'GREEN CLOUD'		
	HYBRID THORNLESS MESQUITE		5 GALLON (37)		
	24\"/>		LANTANA MONTEVIDENSIS		
	SOPHORA SECUNDIFLORA		'GOLD MOUND'		
	TEXAS MOUNTAIN LAUREL		1 GALLON (418)		
	24\"/>		EREMOPHILA GLABRA		
	CAESALPINIA MEXICANA		'MINGENEW GOLD'		
	MEXICAN BIRD OF PARADISE		5 GALLON (119)		
	5 GALLON (72)		CONVOLVULUS CNEORUM		
	EREMOPHILA MACULATA		BUSH MORNING GLORY		
	VALENTINE EMU BUSH		5 GALLON (111)		
	5 GALLON (173)				



Multi-Family Non-Residential Planting Data Sheet

Site Planting Data Sheet and General Notes shall be completed and provided on all Landscape Plans. Landscape requirements are in the Peoria Zoning Ordinance Sections 21-815 through 21-822, and the Community Design Guidelines. Cells containing bold boarders are to be entered as applicable for the site. Provided quantities must meet or exceed required quantities.					
Street Frontage Area (Linear Feet)			Required	Provided	
Multi-Family or Commercial (15-foot width)			820	Industrial (10-foot width)	12,300
1 tree per 25 linear feet				33	33
3 shrubs per 25 linear feet				98	215
Land Use Buffer if Adjacent to Residential (Linear Feet)			Required	Provided	
RM-1, O-1, or C-1 (20 feet wide)			783.00	23,490	23,490
3 trees per 1,000 square feet (24-inch box minimum)				70	70
3 shrubs per 1,000 square feet				70	135
On-Site Landscape Area (Square Feet)			Required	Provided	
Net Site Area			Multi-Family or Commercial	Industrial	0
1 tree per 500 square feet			95,022		4,363
3 shrubs per 500 square feet				9	9
				26	43
Totals			Required	Provided	
Landscape Areas			35,790	40,153	
Number of Trees			112	114	
24-inch+ box trees (All use buffer trees or 50% of the required total whichever is greater)				70	103
15-gallon trees (Maximum of 50% of the required total number of trees)				42	0
Number of Shrubs (5-gallon minimum)				195	393



Multi-Family Non-Residential Planting Data Sheet

General Requirements and Standard Notes	
Parking Area Requirements	
Landscape Islands	
1 every 8 parking spaces	
1 at the end of each parking row	
Shall have 1 tree and three shrubs	
Minimum 7 feet wide from back of curb to back of curb and the length of the stall	
Landscape Medians	
Shall be installed for all double rows of parking exceeding 30 total spaces.	
1 shrub every 5 linear feet and 1 tree between islands	
Standard Notes	
Shrubs and ground cover shall occupy at least 30% of the street frontage landscaped area at maturity.	
Turf (lawn) is limited to a maximum of 10% of the site area and limited to slopes 5:1.	
The maximum separation between the canopy coverage of trees, shrubs, or groundcover shall not exceed 10 feet in any direction as measured at maturity.	
All landscaped areas shall have automatic irrigation systems.	
Plant materials must be in the most recent edition of the Phoenix Active Management Area Low Water Use / Drought Tolerant Plant List.	
Property Owner is responsible to install/maintain all landscaping / irrigation within the right-of-way.	
All trees and shrubs shall be installed a minimum of 2.5 feet from back of curb.	
Ground surface treatment, (e.g. decomposed granite), shall be 3/4" at a2" minimum depth.	
Turf shall not be within the right-of-way or any space 5 feet in width or length.	
All trees shall be double staked at the time of planting and maintained as such for a minimum of 2 years.	
Plantings at maturity shall maintain a minimum 6-foot clearance from all water / wastewater lines, and fire hydrants /	



Multi-Family Non-Residential Planting Data Sheet

Suppression Devices	
Plantings shall not interfere with any traffic control signs and shall maintain a maximum height of 2.5 feet within any sight distance triangles per PE-090 and PE-091.	
The Developer is responsible for the location and protection of all underground utilities during the landscape and irrigation installation.	
All landscape and irrigation shall be installed per the approved plans. Any deviations require City approval.	
All street frontage landscaping shall be completed prior to a Certificate of Occupancy for the first phase of the development.	
All planting areas (except turf) shall be treated with a pre-emergent herbicide by a licensed applicator prior to and after placement of ground covering.	
Planning Department	Revised May 2023
9575 North 15th Avenue, Peoria, Arizona 85345	Phone: 623-773-7200 Web: www.peoriaaz.gov/planning

T.J. McQUEEN & ASSOCIATES, INC.

LANDSCAPE ARCHITECTURE
URBAN DESIGN
SITE PLANNING

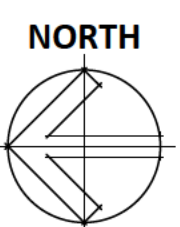
10450 N. 74th Street, Suite 120
Scottsdale, Arizona 85258
P. (602)265-0320

EMAIL: timmcqueen@tjmla.net



LANDSCAPE PLAN

SCALE: 1" = 30'-0"



PROPOSED SELF STORAGE FACILITY

NWC LAKE PLEASANT & CIBOLA VISTA

PEORIA, ARIZONA

DATE: 07-20-2024 (PRELIMINARY)

La.01

RKAA# 22048.50

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REVISED: 07.20.24

EXHIBIT 6

Cibola Vista Self-Storage: CU22-08

West of Lake Pleasant Pkwy and South of WestWing Pkwy



**Citizen Participation Report & Outreach Summary
Cibola Vista – Abernathey Self Storage**

**February 26th, 2024
Revised: July 31st, 2024**

First Meeting Summary

An early in-person neighborhood meeting was held on January 25th, 2023, at 6pm to present the details of a new self-storage project to the local community and any interested parties. This meeting was held at the West Wing Mountain Community Center located at 27008 N High Desert Drive in Peoria, approximately 1 mile from the subject site. At that meeting a slide presentation was given by Peter Yachinski, the developers representative at the time. Information about the proposal was shared, including a site plan, building elevations and information about the Cibola Vista PAD Master Plan, which designated this site as C-2 commercial since May of 2001. There was discussion about building heights, the number of stories and other uses that could be located within C-2 zoning districts. The developer's representative also discussed what the footprint could be and that the project could be up to 4 stories as allowed by code.

Based on email replies and responses sent to staff and council members over 78 people expressed their concern with the project based on several criteria. The criteria reported included blocked views, increased traffic, incompatible design aesthetics, lowered property values, increase in crime, building height, and that this does not belong in a wealthy area. Many of the initial comments came from residents that live a mile or more away from the site and from the adjacent subdivision. It should be noted that after a careful analysis of the attendees and their comments that there were only three neighbors within the immediate vicinity of the proposed project and only one of the adjacent neighbors that commented or sent emails to staff. Regardless, it became clear that revisions to the design, elevation and site plan were needed to address the concerns of the neighborhood and community. The project was transferred to our firm to summarize the concerns, meet with staff and propose a revised set of plans that accommodated the request of the community.

Post Application Meeting

A meeting was held with staff to discuss the revisions completed by the design team on April 16th with the planning director and senior planner. The updated drawings were reviewed, and several additional revisions were requested by staff.

Those changes were made, sent back to staff to review and it was agreed that the revisions should be presented to a follow-up neighborhood meeting.

A summary was created of the neighborhood concerns to determine what the primary issues were with the community. That list also helped to inform us of the changes and revisions to the design along with the comments from staff.

Second Neighborhood Meeting

A mailing list was created that included property owners within 600 feet of the site, along with all Homeowner Associations within one mile of the site. A site was located to hold the meeting and a date was agreed upon with staff that would occur after people had returned from vacations and after school had started for the fall semester. A notification letter with the revised site plan, elevations and renderings was sent via first class mail to all individuals on the mailing list, inviting them to a neighborhood meeting on August 14th at the West Wing Mountain Community Center. A copy of that letter is attached to the end of this report.

The meeting was held on August 14 from 5pm to 7pm. The format for the meeting was an open house, with two sets of four presentation boards displayed on easels in the front and back of the room. A project fact sheet, comment cards and sign-in sheets were provided at the entrance as residents arrived for the meeting. Each individual was greeted by a team member and then invited to view the presentation boards and have a seat for a brief introduction to our team and the revised proposal for the self-storage facility. Several individuals walked through and reviewed the presentation boards, while the development team provided overviews for each of the boards. The presentation boards included aerial photos, a color conceptual landscape plan, a rendered perspective drawing of the view of the project from Lake Pleasant Parkway and a rendering of the project from the residential neighborhood along 95th Avenue. Team members described the site, the proposed plan and how the conditional use permit process was needed to allow development of the proposed self-storage on the site. It was also made clear that the project now showed a two-story building with a reduced height of 31 feet, updated elevations that reflect the architecture of the neighborhood and the resort directly across the street from the project site.

A total of 25 individuals attended the meeting, five of whom had previously reached out to staff and 20 new individuals attended that had not previously reached out to staff in opposition. From the original 78 individuals that reached out to staff, in opposition only 5 of those individuals attended this meeting, approximately 6.7% of the original number of concerned individuals. Overall, there was a 2/3 reduction in the total number of concerned neighbors that had previously reached out to staff. Perhaps this could be attributed to the revised elevations and lower building height. There were some comments at the meeting and those have been captured below.

Notes were collected by individuals on the team that reflected the questions asked and the answers provided by the team. A summary of those notes and discussions are listed below, along with the questions and comments that were heard and the responses that were provided by members of the Development Team.

Neighborhood Meeting Comments/Questions & Answers:

Comment:	Acacia tree leaves could fall onto 95 th Ave
Comment:	Too much vegetation proposed.
Comment:	No Sissoo trees.
Comment:	Walls that abut into the common property wall should use a control joint.
Question:	What about your retention areas? Would they be above ground or below ground tanks?
Answer:	At this point, it is most likely that stormwater would be directed to underground retention tanks.
Question:	How many employees will there be for the project
Answer:	They will only employ two people at any one time.
Question:	What kind of equipment would be used to dig below grade?
	The ground is very hard with lots of caliche.
Answer:	We will use boring equipment to break up the hard ground.
Question:	Will you maintain the common wall that separates the proposed development and the community to the west?
Answer:	We will maintain our side of the fence and our entire including the landscape along the west side of the building.
Question:	Can you lower the lighting on the west side of the building, if the city allows it.
Answer:	Yes, we will work with staff to see if wall pack lighting can still work lowered along the west façade of the building.
Question:	The AC units will create a lot of sound, especially at night, can you move the units to another location on site to minimize the noise. Can we explore variable speed motors for the AC units.
Answer:	We will investigate alternative locations for placement of the AC units for the building. (The northeast corner of the building will be examined along with the roof). Variable speed motors will be reviewed to determine if they produce a significantly lower ambient noise level.

- Question: Can you provide wrought iron fence along the west property boundary with the subdivision to the west?
- Answer: We will explore the options with the Pleasant Valley HOA, to see if it is a possibility. (Both parties must agree on common walls).
- Question: It looks like you only have one unloading bay, is that a concern?
- Answer: There are two unloading bays, which should accommodate all users adequately.
- Question: What are the hours for facility?
- Answer: The office will be open from 8am to 6pm with automatic gates opened by 6am and locked by 9pm.
- Question: Will the site lighting be bright and appear glaring to the residential neighborhood?
- Answer: The lighting will be per the minimum required standards.
- Comment: A 24-inch box tree may be too small to create any significant buffer.
- Answer: Larger box sizes often contain trees that are girdled and unhealthy, as they often sit in the box too long. The trees shown as 24-inch box trees on the landscape plan, will grow to a mature height of 18-22 feet within 5 to 7 years.
- Question: Can you provide a detailed landscape plan for the 30-foot setback from the residential neighborhood?
- Answer: Yes.
- Question: Can you run your security cameras 24 hours a day, seven days a week?
- Answer: Typically, security cameras run on a 30-day loop.
- Question: Can you provide more depth on the west wall of the building that fronts the neighbors?
- Answer: Yes, we can provide more undulation and 3-dimensionality along the west facing wall of the building.
- Question: Can we put lighting next to the property wall?
- Answer: The City limits the amount of light spilled from adjacent properties, so that the photometric plan reads zero lumens at the property line.

Comment: Confirm the location of two new reclaimed water lines that run either adjacent of across the site in at least two locations.

There were no other comments or questions, and the meeting was concluded at 7:00 pm.

After the meeting concluded staff received email from Kirk Baumgartner, who attended the second meeting, but wanted to provide additional comments about the project. Mr. Baumgartner is 100 percent opposed to the project and does not want this project to be developed at this location. Mr. Baumgartner lives over half a mile away and does not have any direct views of the site from his property. A summary of Mr. Baumgartner's comment follows.

Popouts and cornices seem small and need to be projected further. Comment that trees are shown to be larger than they would be, and it would take 10 year for the trees to grow to a height as shown in the rendering. Provide an appealing west elevation wall with detail. Add faux windows with no glass and enlarged pop-outs along west elevation. Place stone veneer in places where the adjacent residents can see it, not below the fence line. Parapet is insufficient to screen HVAC units if they are located on top of the building. What are the existing soil conditions? No on-site retention along the 30-foot buffer to maintain the integrity of the common property wall. Mount building lighting on common property wall facing away from the residents. Do not plant trees close to the common property wall and use root barriers against the common property wall. The developer must be responsible for maintaining the east side of the common property wall. Trees should be 36" box, to appear more mature and screen the building. This concludes the summary of comments from Mr. Baumgartner.

End of Report as of February 26, 2024.



Citizen Participation Process Report:

TO : Robert Kufus – City of Peoria Planning Dept.
FROM: Peter Yachinski
RE : **CUP 22-08: Abernathey Holdings, LLC Self-Storage Facility**
DATE : January 31, 2023

Dear Robert,

This Citizen Participation Process Report memorializes the content and results of our Citizen Participation Meeting for the above referenced Conditional Use Permit application held on January 25, 2023. These meeting minutes are submitted in conformance with the Public Participation Process section 8.5 of the Peoria 2040 General Plan.

Attendees:

For the Developer: Peter M. Yachinski (Vanguard Professional Services, LLC)
Nate Medhus (Abernathey Development)

For the City: Cody Gleason (Peoria Planning Department)
Councilman Schafer

Public Participants: See attached lists

Exhibits used: Powerpoint presentation attached to this email

Meeting commenced at 6:00 PM

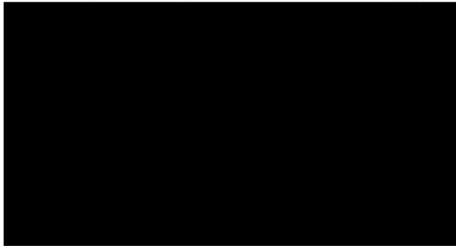
- Following are comments from the neighbors:
 - o Concerns about lighting
 - o Desire no traffic between the building and the Pleasant Valley subdivision
 - o Move trash enclosure to the NE corner of the site
 - o No windows on the building looking into the subdivision
 - o Maybe add stonework to the façade
 - o Add gates to limit access after hours
 - o Reduce hours of operation to 8PM?



- Place a crash gate on the rear of the building to prevent homeless from taking refuge there
- Can we go 2-stories instead of 3?
- What would be the construction timeline?
- Can we fire rate the walls to a higher element?
- Concerns over home values
- Enhance landscape buffer
- What will be the west elevation façade material?
- Concerns about noise levels

Attached hereto is the “sign-in” sheet for the public

Thank you very much for the opportunity to present these minutes



Peter Yachimski, RLS

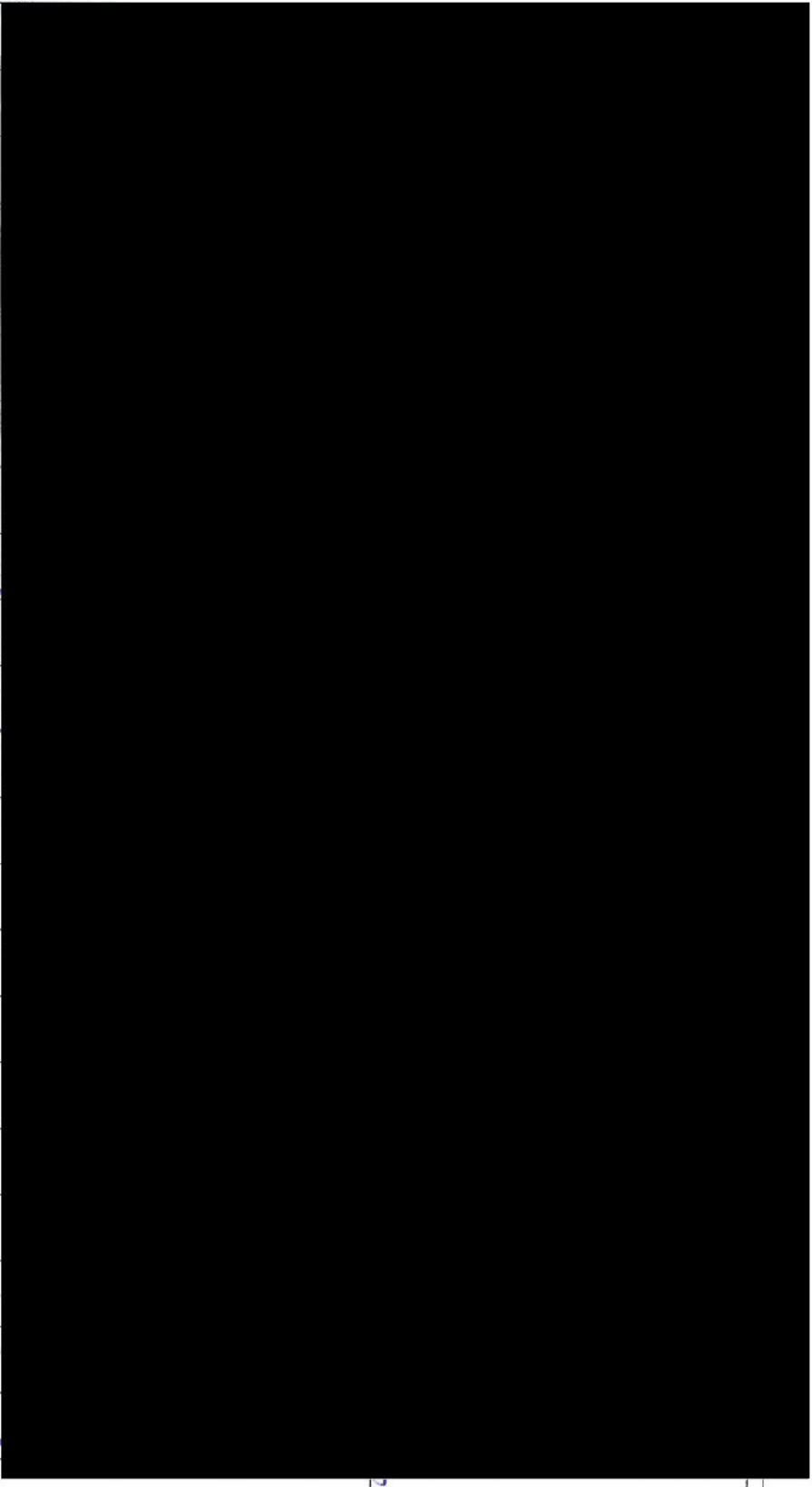
**City of Peoria – Public Meeting
Neighborhood Meeting for: CUP 22-08**

<u>Name</u>	<u>Address</u>	<u>Phone #</u>
Christine Piska		
Kevin Piska		
Melanie Easterwood		
Brian Wohle		
FRANK ROTCHFORD		
MICHAEL BANKS		
Liz Walton		
T. Watters		
DEREK CLINGO		
Kelly Hammer		
Jane Steinsieffer		
Nathan Cottrell		
Judy Yum		
Samuel Baxton		
Steve + Cheryl Lewandowski		
DARREL : mellissa Bingham		

**City of Peoria – Public Meeting
Neighborhood Meeting for: CUP 22-08**

<u>Name</u>	<u>Address</u>	<u>Phone #</u>
Jennifer & Steve FARK		
Charly Best		
Chad Best		
Zachary Rosmussen		
David Tedesco		
Diane Koch		
Peyton Hoelscher		
Chris Hoelscher		
Angela Kiessner		
Justin Porter		
Terry Porter		
Bob FREDERICK		
Olga Barkai		
Stacey Milner		
Steve Smith		
Jessica Larsen		
Rachel Frevert		
Rachael & Adam Giff		
Pawel & Sharon Fudwisch		

**City of Peoria – Public Meeting
Neighborhood Meeting for: CUP 22-08**

<u>Name</u>	<u>Address</u>	<u>Phone #</u>
Janette Givones		
REVEN MOORE		
Patrick Walker		
Kim Corey		
John Brooks		
Alyssa Broening		
Barney Hoff		
Dave Thomas		
Caridad D. Jugo Thomas		
Ray & Robin Hastings		
Michelle Thompson		
Don LaBrunt		
Timothy Borkes		
BRAD SHAFER		
Katica Baumgartner		
David Garcia		
TONY FASSETTE		
Kristie Fassette		
Kirk Baumgartner		
Cheryl Lingo		
Charlie Lingo		
Vanilla Clark		

**City of Peoria – Public Meeting
Neighborhood Meeting for: CUP 22-08**

[illegible]

City of Peoria – Public Meeting
Neighborhood Meeting for: CUP 22-08

Address

Phone #[illegible]

**City of Peoria – Public Meeting
Neighborhood Meeting for: CUP 22-08**

Name

Address**Phone #**[illegible]

4

Phone #[illegible]



PLANNING AND ZONING AFFIDAVIT OF NOTIFICATION

Date 01/09/23 Case Number CU 22-08

Location of Property West side of Lake Pleasant Parkway across from the intersection of
Cibola Vista Dr. (within the Cibola Vista PAD)

Sign Company Name Fast Signs

I, Peter M. Yachimski certify that the site has been posted on the 9th day of
January, 20 23 as indicated by the project manager for the case listed
above.

Applicant/Representative Signature

STATE OF ARIZONA

County of Maricopa

) ss

The foregoing instrument was acknowledged before me this 20TH day of

JANUARY 20 23.

Notary Public

01-13-2026
My Commission Expires

Return completed notarized affidavit AND photographic evidence of site posting to the
Community Development **at least 15 days prior** to the hearing body date.

9875 N. 85th Ave., Development and Community Services Building

Peoria, AZ 85345

623-773-7200

July 26, 2023

Dear Community Member,

This is a follow up letter to a prior communication regarding a proposed internal self-storage building on the infill parcel shown in the map to the right (at the northwest corner of Lake Pleasant Parkway and Cibola Vista Drive).

We want to thank all those who provided feedback to us, including in our prior neighborhood meeting. We greatly benefited from that feedback. After that meeting and other meetings with City staff, we have been working on significantly modifying the project's design to be more compatible with the area.

One significant change is that we have reduced the height of the proposed building from three stories to two stories to create a better condition for the neighborhood to the west and to be more compatible with the design of the broader area. We have also incorporated architectural elements from the Cibola Vista Resort and Spa across the street so that this proposed building better fits into the fabric of the community.

The subject request is for a conditional use permit. To be clear, this is not a change of zoning. The property is already zoned for commercial uses. But in a location such as this, and on a parcel shaped like this one, most commercial uses would not be appropriate or practical. The parcel is right up against residential homes, is shaped like a narrow triangle that comes to a point on the south side, and is small for a commercial parcel.

Other permitted commercial uses on this site would not require a conditional use permit and could proceed forward without extra permission from the City. However, many of those commercial uses would generate too much noise and activity next to the neighborhood to the west and would be a nuisance; would have a footprint and parking area that would be too large to fit on this triangle parcel (like a day care that might cause traffic to back up into the street); and/or would come with two-story or three-story windows with views into residential yards to the west (like an office building).

The proposed development avoids each of these issues. Self-storage facilities are often placed next to neighborhoods on difficult infill parcels because they are incredibly quiet, with very little day-to-day traffic. Customers store their belongings but do not regularly return to access them. The facility is also able to nicely fit on this odd-shaped parcel in part because with so few people



accessing the facility, we don't need a large parking lot. And because people aren't working or residing in the building, like with an office building, windows that would normally face toward the neighborhood to the west are not needed.

As noted above, after a prior neighborhood meeting, our client has agreed to reduce the height of the building from three stories to two stories. He's also increased the tree buffer on the west side of the building to act as a screen between the building and the neighbors (this can be seen in the below conceptual rendering—full sized image attached).



He has also enhanced the building architecture to be more compatible with the architectural design of the area (shown in the conceptual rendering below—full sized image attached).



We heard loud and clear that the project's appearance off of Lake Pleasant Parkway is important to the community. And that is why we have made such significant changes to the design of the building. Although this is only a conditional use permit application, we also know that appearance is important. And so we're grateful for the community feedback in this regard.

The proposed storage facility will be a fully enclosed climate-controlled building. There will be no outdoor storage and all storage will occur indoors. The hours of operation have been limited based on neighbor feedback and will be from 7am to 9pm. All activities will be monitored by state-of-the-art security cameras and customers will use a card and pin system to access the building during business hours. The operations team will know who came, when they came, what they did while they were on site, and when they left.

Commercial parcels up against residential neighborhoods are always challenging. But this use would be quiet and secure; the building would be comparable in height to a two-story home; and it would serve as an effective sound barrier between the traffic on Lake Pleasant Parkway and the neighborhood to the west.

Attached to this letter we have included a copy of the revised site plan, new color elevations, and conceptual renderings to help you get a better sense of what the project would look like.

Neighborhood Meeting Information

This follow up neighborhood meeting will be held in an open house format so that you can come and go at your convenience and have individual conversations with team members. The doors will open at 5pm, and we will be there until 7pm. You can come anytime during that two-hour window.

Here are the details:

- Location:** 27008 N High Desert Drive, Peoria AZ 85383. (West Wing Mountain Community Center)
- Date/Time:** Monday, August 14th, 2023; between 5pm and 7pm
- Format:** Open House. You can come and look at exhibit boards, talk to team members, ask questions, and provide your feedback. We are sincere in our desire to hear from you and talk to you.

We were ready to return to the community earlier in the summer but we delayed the meeting to make sure people were back from summer vacations. That being said, we know some people still may not be able to make it. If that is the case, please contact me (Taylor Earl) or our office's principal planner helping with this project, Michael Buschbacher, at 602-265-0094 or by email at mbuschbacher@earlcurley.com to learn more about the case, ask any questions, and express your opinions.

Sincerely,



Taylor Earl
Managing Partner
o (602) 265-0094



EXHIBIT 7

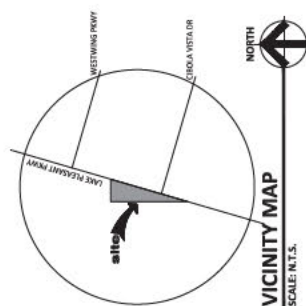
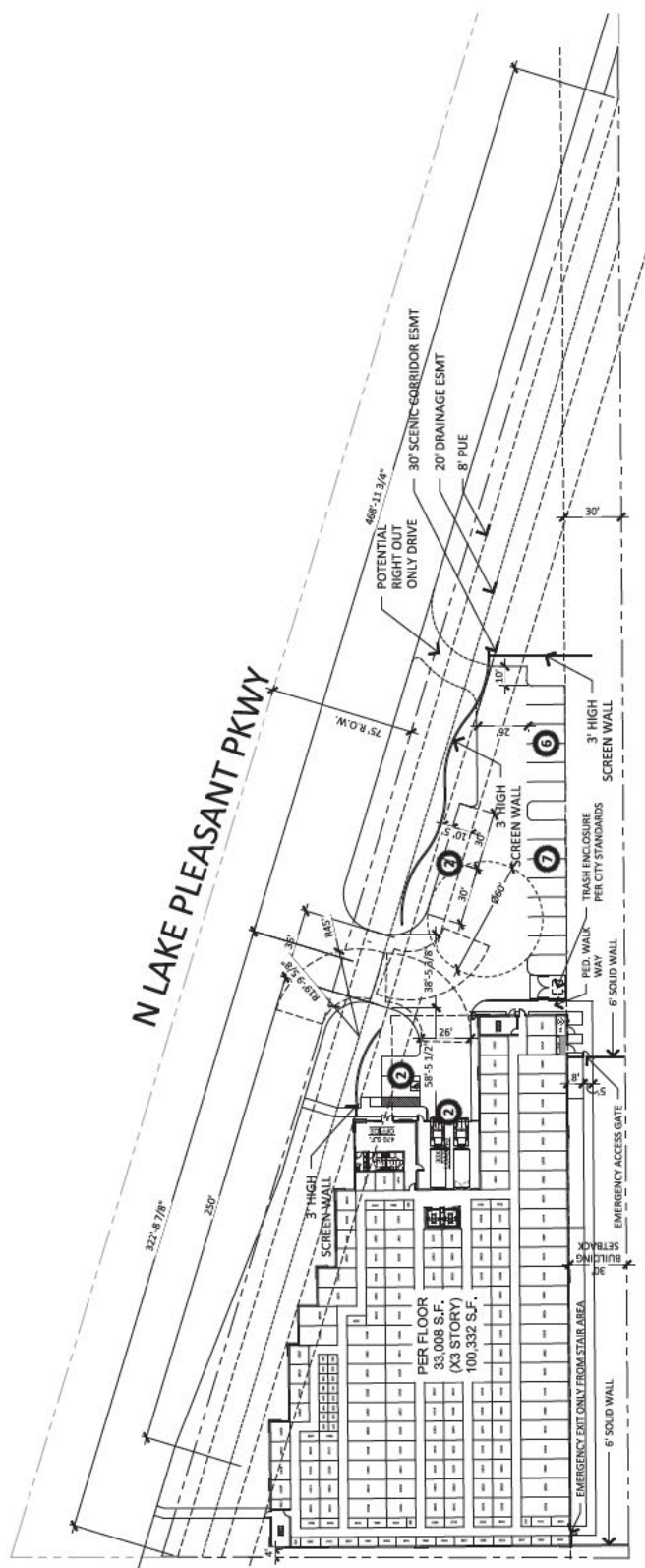


APPLICANT:
ABERDEEN DEVELOPMENT
3320 WESTRICH DRIVE SUITE D
FARGO, ND 58103
CONTACT: ANDREW ABERNETHY
PHONE: (701) 263-7425
E-MAIL: andrew@theholdings.com

ARCHITECT:
TRCA ARCHITECTS, INC.
2233 E. THOMAS ROAD
PHOENIX, AZ 85036
CONTACT: MATTHEW SARGENT
PHONE: (602) 955-3900
E-MAIL: msargent@trca.com

ASSESSOR PARCEL NO:	201-36-598
GROSS SITE AREA:	167,270 S.F. (3.84 ACRES)
NET SITE AREA:	95,022 S.F. (2.18 ACRES)
EXISTING ZONING:	PMD

TOTAL PARKING REQUIRED:
 SPACE FOR FIFTY (50) UNITS 834 UNITS
 SPACE FOR 200 SF OFFICE 470 SF
 TOTAL PARKING PROVIDED:
 19 SPACES
 18 SPACES
 1 SPACES
 1 SPACES



SITE PLAN
SCALE: 1" = 30'-0"

BKA
ARCHITECTS INC.

PROPOSED SELF STORAGE FACILITY

NWC LAKE PLEASANT & CIBOLA VISTA
PEORIA, ARIZONA

DATE: 04-26-2023(PRELIMINARY)

SP-1

RKA# 22048.50

SP22-34/ CU22-08

EXHIBIT 7

A	CLAP LACING - PAINT COLOR TO MATCH FINISH: DUNN EDWARDS PAINT: DUNN EDWARDS SPOKE: DUNN EDWARDS SPEIC: DUNN EDWARDS	B	STUCCO - PAINT COLOR TO MATCH FINISH: DUNN EDWARDS PAINT: DUNN EDWARDS SPOKE: DUNN EDWARDS SPEIC: DUNN EDWARDS	C	WOLVEN WITH A DOOR - PAINT COLOR TO MATCH FINISH: DUNN EDWARDS PAINT: DUNN EDWARDS SPOKE: DUNN EDWARDS SPEIC: DUNN EDWARDS	D	STUCCO - PAINT COLOR TO MATCH FINISH: DUNN EDWARDS PAINT: DUNN EDWARDS SPOKE: DUNN EDWARDS SPEIC: DUNN EDWARDS	E	STUCCO - PAINT COLOR TO MATCH FINISH: DUNN EDWARDS PAINT: DUNN EDWARDS SPOKE: DUNN EDWARDS SPEIC: DUNN EDWARDS	F	PAINT COLOR TO MATCH FINISH: DUNN EDWARDS PAINT: DUNN EDWARDS SPOKE: DUNN EDWARDS SPEIC: DUNN EDWARDS	G	ROLL UP DOOR SPOKE: DUNN EDWARDS COLOR: DUNN EDWARDS	H	ALUMINUM THERMOFORM FINISH: DUNN EDWARDS PAINT: DUNN EDWARDS SPOKE: DUNN EDWARDS SPEIC: DUNN EDWARDS	I	THE NOOF FINISH: DUNN EDWARDS PAINT: DUNN EDWARDS SPOKE: DUNN EDWARDS SPEIC: DUNN EDWARDS	J	STONE VENER FINISH: DUNN EDWARDS PAINT: DUNN EDWARDS SPOKE: DUNN EDWARDS SPEIC: DUNN EDWARDS
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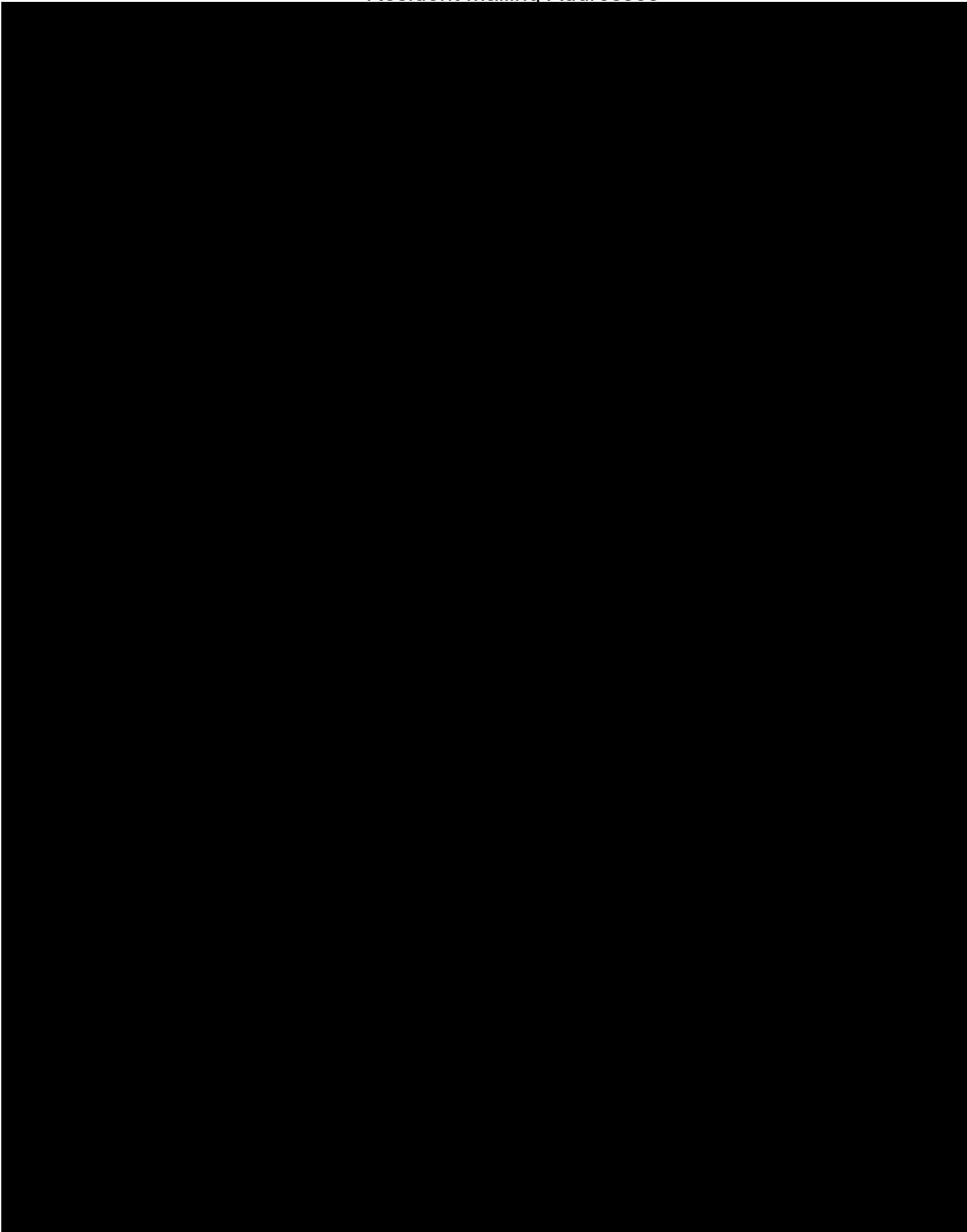
- ALL ROOF-MOUNTED MECHANICAL EQUIPMENT SHALL BE FULLY SCREENED BY PERMANENT WALLS EQUAL TO, OR GREATER THAN, THE HIGHEST POINT OF THE EQUIPMENT.
- SOLID MASONRY WALLS AND GATES EQUAL TO, OR GREATER THAN, THE HIGHEST POINT OF THE EQUIPMENT SHALL BE FULLY SCREENED BY PERMANENT MECHANICAL EQUIPMENT.
- ROOF DRAINAGE SHALL UTILIZE INTERIOR ROOF DRAINING OR BE ARCHITECTUALLY INTEGRATED INTO THE BUILDING DESIGN. ARCHITECTUALLY INTEGRATED ROOF DRAINS SHALL BE FULLY SCREENED BY PERMANENT WALLS EQUAL TO, OR GREATER THAN, THE HIGHEST POINT OF THE EQUIPMENT.
- SPREADERS SHALL BE FULLY SCREENED BY PERMANENT WALLS EQUAL TO, OR GREATER THAN, THE HIGHEST POINT OF THE EQUIPMENT.
- SECTION RESS AND ALL UTILITIES, ALL GROUND-MOUNTED EQUIPMENT SHALL BE FULLY SCREENED FROM PUBLIC VIEW BY A CONCRETE OR MASONRY WALL WITH SOLID GATES, EQUAL TO, OR GREATER IN HEIGHT, THAN THE MECHANICAL EQUIPMENT.
- ALL SCREENING SHALL BE PERMANENT SUBMITTAL AND PERMIT - GC TO COORDINATE WITH SIGNAGE FOR THE PROJECT.

RKAA# 22048.50

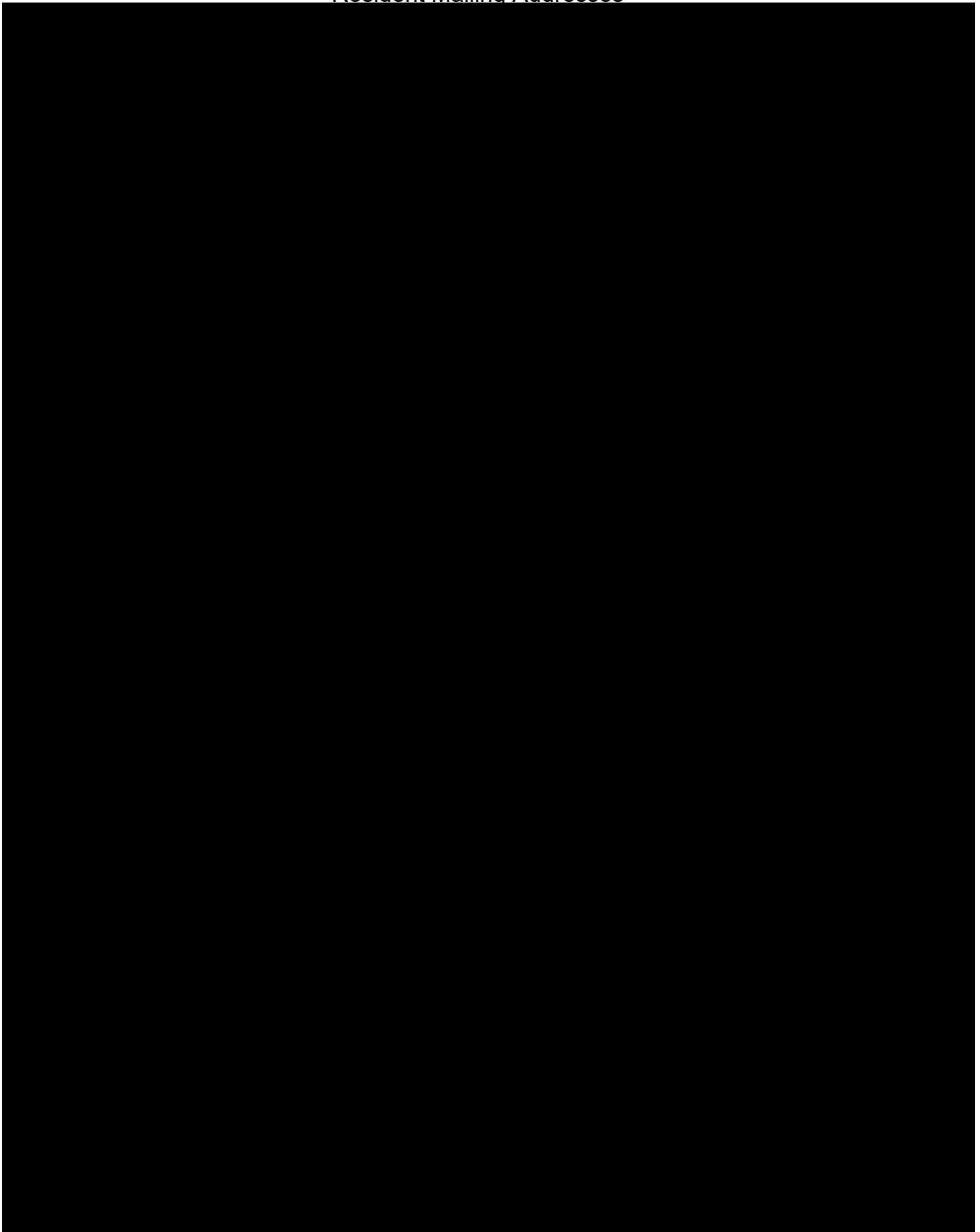


Resident Mailing Addresses

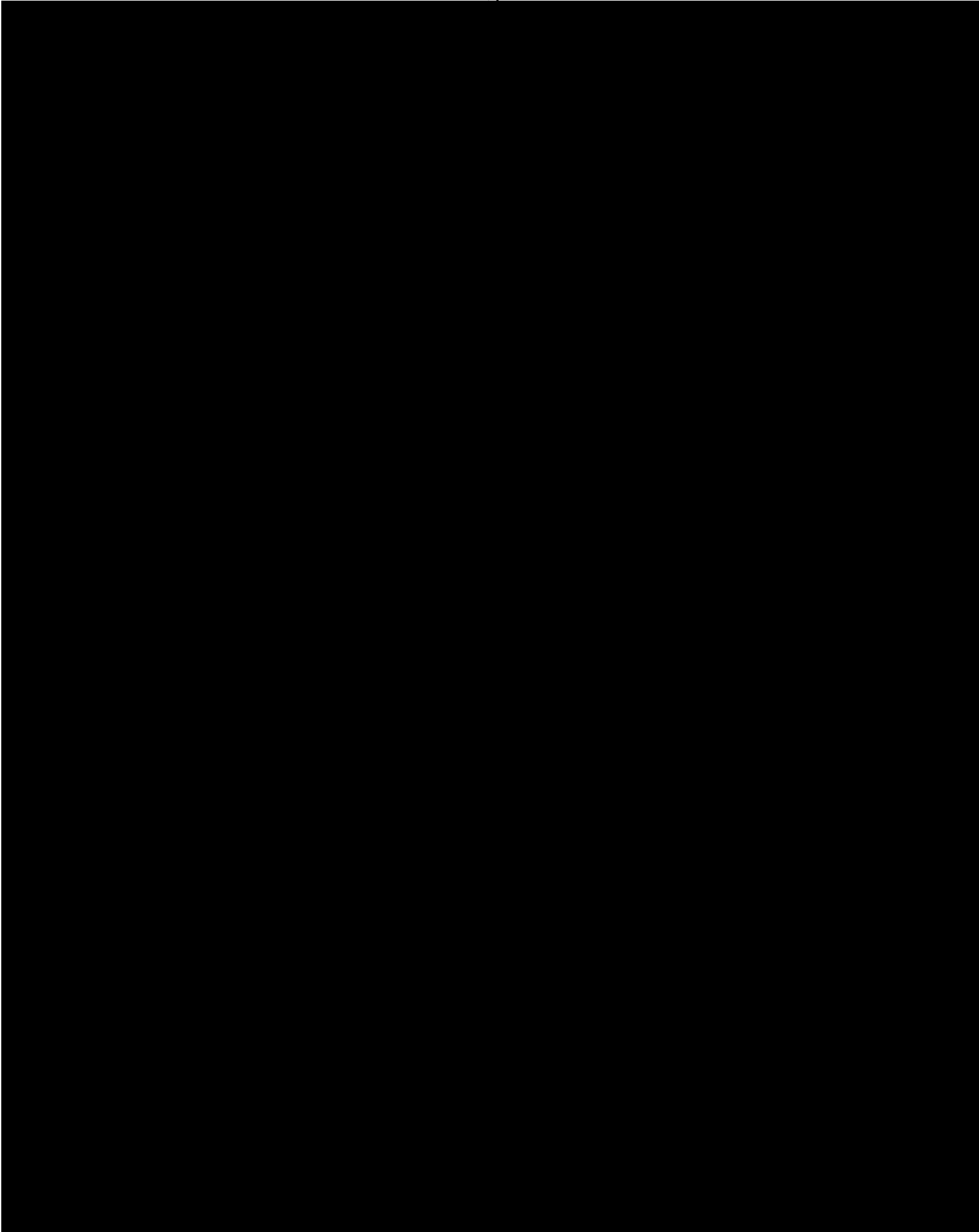
Resident Mailing Addresses



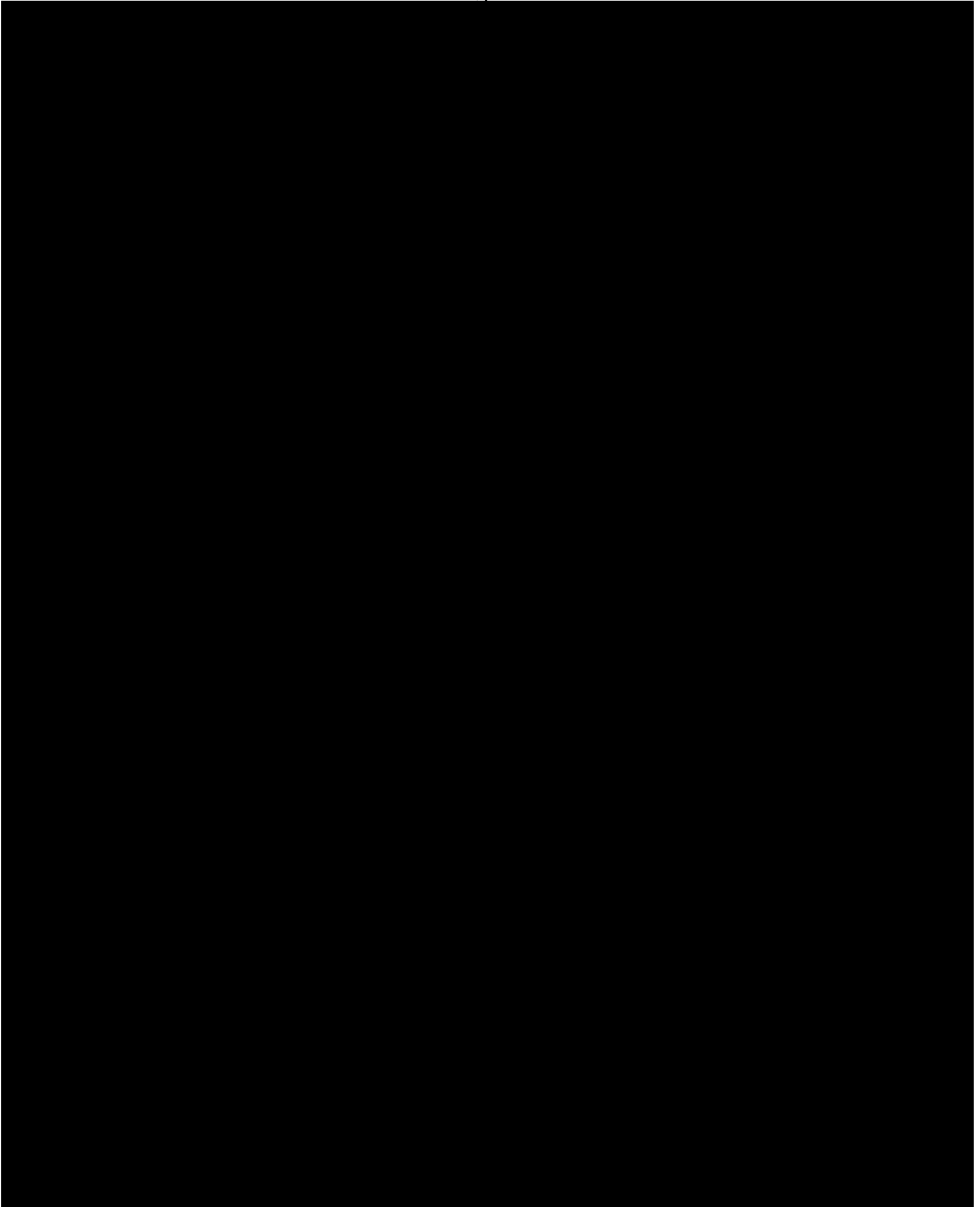
Resident Mailing Addresses



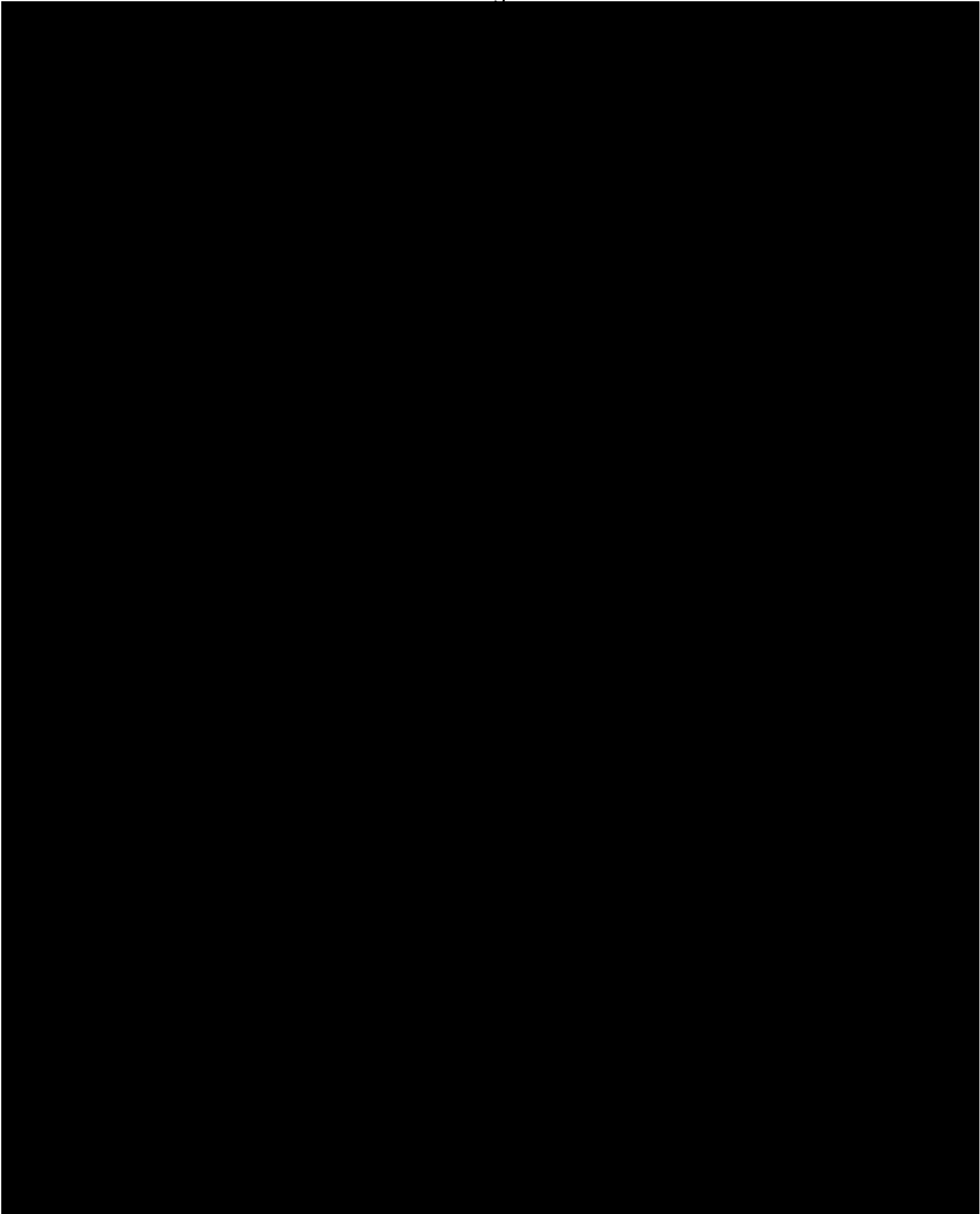
Resident Mailing Addresses



Resident Mailing Addresses



Resident Mailing Addresses



Resident Mailing Addresses



NAME

ADDRESS / PHONE

89

Jim & Ann Rivers

10

Jane Scherbing

11 & 12

Chad & Charity Best

13 & 14

Jason & Mary Vandermote

15

BRAD SHAFER 100

16 & 17

Chris / Peyton Haelscher

18

Amdey 11

19

Kirk BERNGARTNER

20

Rep SA 4m

21 & 22

Becky & Taylor Proudft

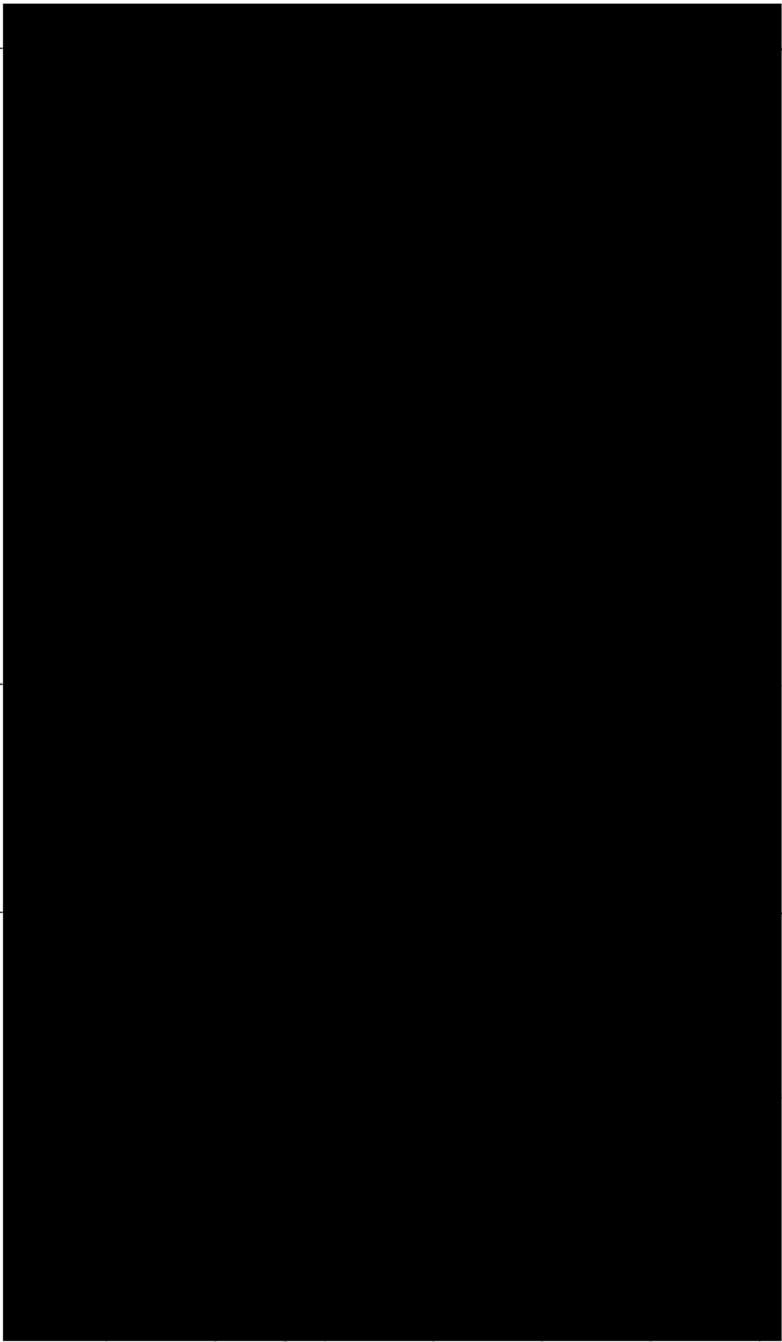
23 & 24

Zab & Stephonie Turbett

25

Jennifer Farr

For Submission to the City

Name	Address	Phone	Email
1 Sander Barber			
2 Lanae Haring			
3 T. Ullis			
4 Ken Bobb			
5 Lutana Kuhfuss			
6 Steve Smith			
7 GLEN KANDRAU			
26 Mike Wrenn - not signed but attached.			

Cibola Vista Self-Storage: CU22-08
West of Lake Pleasant Pkwy and South of WestWing Pkwy



From: [Wendi Bateman](#)
To: [Robert Kuhfuss](#)
Subject: Cibola vista Storage
Date: Wednesday, November 9, 2022 8:27:22 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Hi,

I heard there was an application for a storage space to be built off Lake Pleasant and Cibola Vista Dr. I live in the surrounding neighborhood and am not too happy to hear that. I would like to state I do NOT want this to be built and to please decline the application.

Wendi Bateman

Sent from my iPhone

From: [Terri Moore](#)
To: [Robert Kuhfuss](#)
Subject: Cibola Vista Storage unit
Date: Wednesday, November 9, 2022 8:58:31 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Hello,

I just wanted to express my concern about the proposed storage unit. We have lived in the area for 14 years. I LOVE this area of Peoria. I know that change is inevitable but I am very disappointed about the types of places that are being put right on top of our neighborhoods. I hope that the city will take into consideration all of the community members who will have to live near this. No one in the area that I know is intrested in this. Pleasant Valley Estates has been there for about 20 years. They would be the most affected by this. Especially those that would have to look at this type of building on top of their houses. When we moved to this neighborhood we already knew that Cibola Vista Resort was here before our houses were built. This is something entirely different since our community neighborhoods have been here for a long time. I think our community has been bombard with things like this over the last year. 2 new hotels, apparments, micro houses etc...I think many families are growing frustrated because when we bought here no one thought that these types of business would be in our neighborhoods. It is my understanding if community members express concern that a meeting would be called. I have questions along with many members of our neighborhood. Thank You for letting me voice my concern.

Regards,
Terri Moore

From: [Rachel Buseti](#)
To: [Robert Kuhfuss](#)
Subject: Proposed storage unit
Date: Wednesday, November 9, 2022 9:02:26 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

To Whom It May Concern:

This email is to inform you of my disapproval of the proposed storage unit on the corner of Lake Pleasant and Cibola Vista. The last thing this beautiful neighborhood needs is an ugly eyesore storage unit.

Thank you for your consideration,

Rachel Frevert


Sent from my iPhone

From: [Lydia Walch](#)
To: [Robert Kuhfuss](#)
Subject: Oppose
Date: Wednesday, November 9, 2022 9:05:00 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

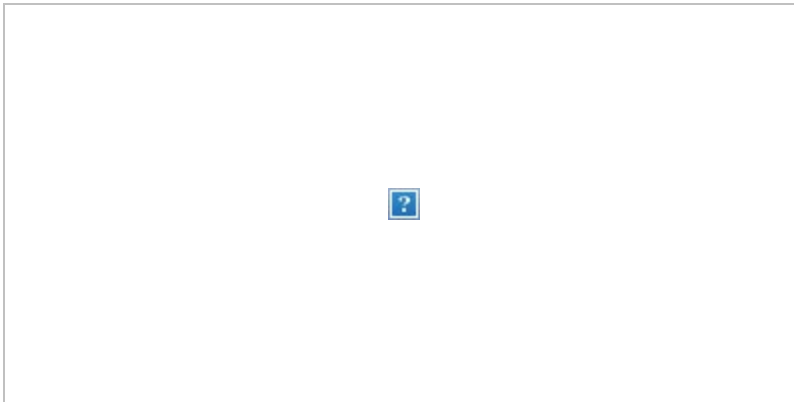
Hello,
Please do not build a self-storage building near Cibola Vista.
~ Lydia Walch

From: [Christi Hanson](#)
To: [Robert Kuhfuss](#)
Subject: Proposed storage unit-85383
Date: Wednesday, November 9, 2022 9:08:02 PM
Attachments: [REDACTED]

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Hi there! I just heard some disturbing news.....the proposal for a 3-story self-storage facility at Lake Pleasant and Cibola Vista This would be such an eye sore to our beautiful community. I am also a realtor that does a lot of my business in the 85383 zip code. I can promise you that it will not help property values either. What can we as community do to stop this?

Thanks,



From: [Amy Neier](#)
To: [Robert Kuhfuss](#)
Subject: Cibola Vista Self Storage
Date: Wednesday, November 9, 2022 9:18:50 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Good evening Mr. Kuhfuss,

It's been brought to my attention that there is a proposal for a three story self storage building to be built west of Lake Pleasant and Cibola Vista Drive. As this building is close to my home I'm taking the opportunity to write you and voice my concern and overall dismay of this being approved and moving forward.

This location is surrounded by neighborhoods with lots of children who enjoy their days and use that intersection to get from Pleasant Valley to Cibola Vista. This area is already becoming more and more populated resulting in more traffic and this is only going to bring more, closer to home nonetheless.

I urge you to please reconsider the location of this building.

Thanks for your time.
Amy Neier

From: [Bridget Balchik](#)
To: [Robert Kuhfuss](#); [InetPlanning](#)
Subject: Cibola vista self storage
Date: Wednesday, November 9, 2022 9:42:10 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Hi- I'm writing in regards to the proposed cibola vista self storage. This type of business and building does not fit with the area and design and would be a terrible eye sore.

Thank you for considering
Bridget Balchik

Sent from my iPad

From: [Kim Clover](#)
To: [InetPlanning](#); [Robert Kuhfuss](#)
Subject: storage unit
Date: Wednesday, November 9, 2022 9:43:09 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Good Evening,

It has been brought to my attention that a 3 story storage unit is being considered across from the Cibola Vista Resort on Lake Pleasant Pkwy. I truly hope this is not true for so many reasons. One, it doesn't fit within the design and aesthetics of our community. This community is family based. This community and the resort have a certain look that blends into the surrounding landscape. A storage unit is going to be an eye sore, bring prop values down. Two, the additional traffic will also cause problems within the community, not to mention disrupt the tranquil setting already in place. Lastly, this structure is not welcomed in this community.

Thank you for your time!

Kim Clover

[REDACTED]

[REDACTED]

Kim Clover

[REDACTED]

From: [REDACTED]
To: [Robert Kuhfuss](#); [InetPlanning](#)
Subject: Cibola Vista Self Storage proposed site
Date: Thursday, November 10, 2022 6:45:20 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Project Name & Case Numbers
Cibola Vista Self Storage
Conditional Use Permit (CU22-08)
Site Plan (SP22-34)

To Whom It May Concern,

Please come by our lovely community & take a look at this proposed site. A storage unit does not fit within the design and aesthetics of any of our communities in this area. Furthermore, it will be an eye sore & bring all surrounding property values down. These are examples of things that will make homeowners such as ourselves move out of Peoria for a better planned community.

Sincerely,

[REDACTED]

From: [Wendi Bateman](#)
To: [InetPlanning](#)
Subject: Cibola Vista Storage application
Date: Thursday, November 10, 2022 7:30:20 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Hi,

I heard there was an application for a storage space to be built off Lake Pleasant and Cibola Vista Dr. I live in the surrounding neighborhood and am not too happy to hear that. I would like to state I do NOT want this to be built and to please decline the application.

Wendi Bateman

Sent from my iPhone

From: [Jennifer Wilkinson](#)
To: [Robert Kuhfuss](#)
Subject: Cibola Vista Proposed Storage Unit
Date: Thursday, November 10, 2022 8:25:41 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Hello,

It was brought to our attention that there is a proposed three story storage unit across from our neighborhood. This is not something we want in or near our neighborhood.

Thanks,
Jennifer Tran Wilkinson



From: [Jill Shavrnach](#)
To: [Robert Kuhfuss](#)
Subject: Proposed 3 story public storage
Date: Thursday, November 10, 2022 2:30:37 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Dear Mr. Kuhfuss,

This is a horrible idea!! 3 story storage unit right in front of a beautiful subdivision. This most certainly does not align with the design and aesthetician of our community.

Please reconsider!

Sincerely,
Jill Shavrnach

A black rectangular redaction box covering the signature area.

From: [Joe Schweers](#)
To: [Robert Kuhfuss](#)
Subject: Public Storage Property
Date: Thursday, November 10, 2022 5:22:28 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

I am not in favor of having a public storage facility built along Lake Pleasant Road across from Cibola Vista. The views in the area are too beautiful for such business. Unfair to homeowners in the area.

Joe Schweers


From: [Ryan Ensminger](#)
To: [InetPlanning](#)
Subject: Storage units on lake pleasant and cibola vista
Date: Thursday, November 10, 2022 6:11:57 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

I am concerned/against the building of these storage units.

Thank you,

Ryan Ensminger

Sent from my iPhone

From: [Angela Thomas](#)
To: [InetPlanning](#)
Subject: Storage units on Lake Pleasant
Date: Thursday, November 10, 2022 7:02:15 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

We do not want storage units on Lake Pleasant across from Cibola Vista resort. We live in the neighborhood behind Cibola Vista and we don't want any big businesses that can attract crime near us. We will fight this to the bitter end. Do not wreck our beautiful neighborhood with these ugly storage units!

Thank you for your attention,
Angela Thomas
Sent from my iPhone

From: [Curli Woods](#)
To: [Robert Kuhfuss](#)
Subject: Public Storage
Date: Friday, November 11, 2022 8:23:43 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Hi Mr. Kuhfuss,

I live in Pleasant Valley subdivision and I am strongly against putting a public storage right next to my subdivision, it doesn't fit within the design and aesthetics of our community. It will be an eye sore, and bring prop values down!

Best Regards,
Curli Woods

From: [Elaine Faul](#)
To: [Robert Kuhfuss](#)
Subject: Storage units
Date: Friday, November 11, 2022 11:42:22 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

I'm a resident of the Cibola Vista neighborhood and just received the information about the permit request for the 3 story storage for across LPPKWY on a vacant strip of land. The entire area up there along the Pkway is residential and would like you to reconsider a different location closer to the already commercial area at Happy Vly Rd & LPPKWY. This is going to be a huge eyesore & block the view for several neighborhoods. Please let me know what the property this is proposed on, is zoned for at this time. Please email me any notices of any public meetings regarding this.
Thank you.
Elaine Faul

From: [Kim Corey](#)
To: [Robert Kuhfuss](#)
Subject: Proposal for Cibola Vista Self Storage
Date: Friday, November 11, 2022 11:48:38 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Hello Robert,

My name is Kim Corey, I live at [REDACTED]. I have been a Peoria resident since the early 90's. I briefly moved into the city of Glendale but returned back into the Peoria city limits due to the overgrowth of commercial property that the city of Glendale was allowing in their residential areas. I have lived on [REDACTED] since 2011 and I love it here. I have watched the neighborhood and surrounding areas develop nicely. Up until now the new commercial properties that have been approved I feel have been done so keeping the residential areas residential. The proposal for the Cibola Vista Self Storage is TOO CLOSE AND TOO BIG to be placed on that sliver of land. My home is directly over that wall and a storage facility that is 3 stories high would greatly impact my property value and my love for my home. From my backyard I have a nice view of the mountain that stands in West Wing. That view would be completely covered with a 3 story building.

There are two other storage units that are close by so I do not feel that there is a need for this and if the city feels that there is indeed a need for a 3rd self storage facility it should be placed away from residential areas. Please ask yourself how you would feel if this was built over your wall? Please try to relate to the residents that are voicing concern. A self storage facility of this size is cheapening North Peoria and making it resemble downtown Glendale. (Not a place I would want to live and raise a family). North Peoria is growing to be a sought after place to live just like North Scottsdale. If you take a drive through North Scottsdale you will see that they have left quite a bit of undeveloped land next to their residential areas; that is part of the draw that makes it a sought after place to live.

Please keep in mind that the homes in this area are worth 800K to over 1M. This is not a low income area; at least not yet.

I am asking that you PLEASE deny the proposal for such an eye sore and help keep our North Peoria what it is; a beautiful sought after residential area where people are moving to escape the crazy hustle and bustle of the busy city.

Respectfully,

Kim Corey
[REDACTED]

From: [Glenn Flandrau](#)
To: [Robert Kuhfuss](#)
Subject: 3 story Storage Unit across from Cibola Vista
Date: Friday, November 11, 2022 12:48:37 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Mr. Kuhfuss,

I strongly oppose this facility being built in this location for the following reasons:

- 1) This area is the luxury home market of Peoria. It does not fit in this neighborhood.
- 2) It will affect home values in the area as we are dealing with hotels and apartments looking to build here as well which also don't fit the area.
- 3) It will obstruct the view of the surrounding mountains. There is no need for a 3 story structure.
- 4) There are enough storage facilities in the area.
- 5) It can be built in other areas near here that aren't adjacent to residences.

I don't understand the city's constant push to allow these types of businesses to build in this area. Again, this is Peoria's luxury home market.

Glenn Flandrau

From: [kim arbogast](#)
To: [Robert Kuhfuss](#)
Subject: Ciobla Vista Storage Facility Proposal
Date: Friday, November 11, 2022 12:51:45 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Hello Robert,

I understand there is a proposal for a 3 story storage facility off Lake Pleasant and south of West Wing Drive. I live in Westwing therefore right by the proposed site. Please do not consider as this will be an eyesore and doesn't fit with the aesthetics of the eye. In addition, it will definitely bring down property value.

Thank you.

From: [REDACTED]
To: [InetPlanning](#); [Robert Kuhfuss](#)
Subject: Proposed 3 story storage unit
Date: Friday, November 11, 2022 3:15:58 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

To whom it may concern:

The proposed 3 story storage unit doesn't fit within the design and aesthetics of our community. It will be an eyesore, bringing prop values down.

Respectfully,

Marie



Experience Extraordinary
Every Client, Every Time.
No Exceptions, No
Excuses.

Marie Shafer



From: [Steve Lemke](#)
To: [Robert Kuhfuss](#)
Subject: Cibola Vista Self Storage
Date: Friday, November 11, 2022 3:38:59 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Hi Robert,

My wife, Jillene, and I have lived in the Cibola Vista neighborhood since 2007.

We have heard of a possible conditional use permit being issued for the purpose of a 3 story self storage unit to be built at the intersection of Lake Pleasant Road and Cibola Vista Drive.

We are not interested in a self storage facility in or around our neighborhood.

What can be done to assure our Cibola Vista neighborhood concerns can be heard on this matter?

Thank you, Robert.



Sent from my iPhone

From: [burtonhouse](#)
To: [Robert Kuhfuss](#); [InetPlanning](#)
Subject: Cibola Vista Self Storage
Date: Saturday, November 12, 2022 8:32:29 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Good Morning,

Please consider this notice an objection from a Peoria resident living in the West Wing neighborhood.

The projected 3 story storage unit complex across from Cibola Vista is not appropriate for our area and does not fit the neighborhood. No-one wants to live by a storage facility and I am concerned it will drive our property values down.

Regards,

Breanna Burton

From: [marilee sheridan](#)
To: [Robert Kuhfuss](#)
Cc: [InetPlanning](#)
Subject: Storage
Date: Saturday, November 12, 2022 8:59:35 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

I heard they were going to put a storage unit across from Cibola vista please don't let this happen!!!

From: [Nate Cottrell](#)
To: [Robert Kuhfuss](#)
Subject: Mini-storage SP22-34 CU22-08
Date: Saturday, November 12, 2022 12:11:52 PM
Attachments: [image.png](#)

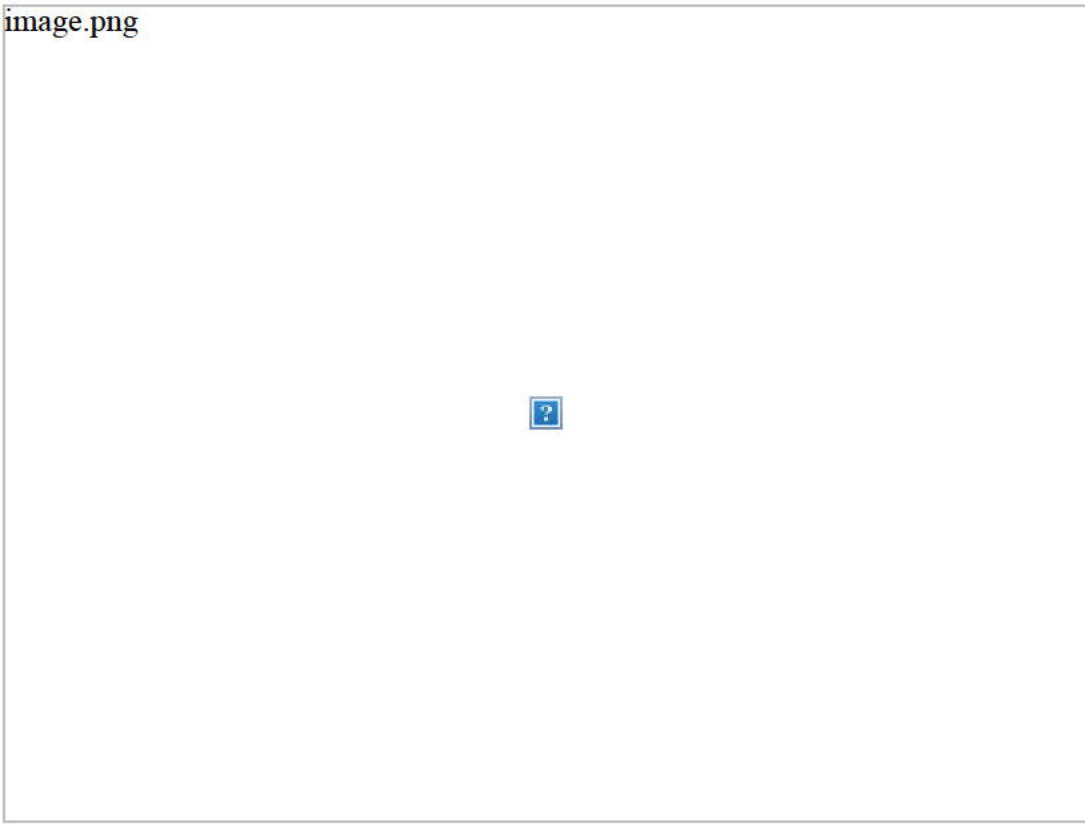
This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Good morning Robert,
I see this case here with a CUP and site plan. As a resident in the adjacent Pleasant Valley, I feel the proposed use is inappropriate for the location. The intensity of activity and proposed building heights are not compatible with the adjacent residential and resort areas.

I would appreciate the opportunity to discuss with you or your staff, and the applicant at a neighborhood meeting.

Thank you.

image.png



Nate Cottrell

[REDACTED]

[REDACTED]

[REDACTED]

You can make a difference. Donate or sponsor a child:



From: [Kelley Costello](#)
To: [Robert Kuhfuss](#)
Subject: Cibolo Vista Self Storage
Date: Saturday, November 12, 2022 1:06:14 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

I just learned of the proposed development of a 3-story storage complex west of Lake Pleasant Pkwy immediately adjacent to Pleasant Valley Estates. I cannot imagine that this falls into the original planning of this area as it doesn't make logistical sense to place a structure such as this so close to a large residential community.

I am a regular visitor to Lake Havasu City and their lack of city planning is mind boggling; to have gas station or a Pizza Hut standing alone in the middle of residential areas...well, I've never seen anything like it after having lived in 5 cities in three states. I was thankful to live in an area that took more pride in its planning. It would be a shame to see N Peoria become a quagmire of land uses in any given area. Not to mention property values within view of this eyesore of a structure will take a huge hit in one of the nicest areas in Peoria. Perhaps a location further north beyond the residential areas would be more appropriate.

Thank you for your time and consideration.

Kelley Costello
North Peoria Resident

From: [kim bissell](#)
To: [Robert Kuhfuss](#)
Cc: [REDACTED]
Subject: Public storage
Date: Saturday, November 12, 2022 2:02:34 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

The proposed 3 story public storage units on the west side of Lake Pleasant across from Cibola Vista is not something we want in this community. You have already repurposed commercial property for additional residential units which was not part of our northern Peoria planned community. It doesn't fit within the design and aesthetics of our community. It will be an eye sore and bring prop values down. We need restaurants and shops that will bring the community together. With hundreds of acres of non HOA land we certainly do not need public storage.

Kim Bissell

Homeowner for 15 years in Cibola Vista

From: [Amanda Brown](#)
To: [InetPlanning](#)
Cc: [Robert Kuhfuss](#)
Subject: Proposed Storage Facility
Date: Sunday, November 13, 2022 11:34:21 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Hi there,

I strongly discourage the building of a 3 story storage facility along Lake Pleasant north of Happy Valley & south of West Wing. This does not fit the aesthetics of our community, will bring down property values and will ultimately be a detriment to our community. Please have a neighborhood meeting prior to approving this. Thank you.

Amanda Brown
Peoria resident & business owner

Sent from my iPhone

From: [shani olexa](#)
To: [Robert Kuhfuss](#)
Subject: Storage facility
Date: Sunday, November 13, 2022 8:05:51 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Please do not vote yes on the storage families planned for lake pleasant and westwing! That is a horrible place for that and will block Mountain View's!!

Shani olexa

Sent from my iPhone

From: [Doug Shafer](#)
To: [InetPlanning](#)
Subject: Storage
Date: Monday, November 14, 2022 7:37:12 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

To whom it may concern:

The proposed 3 story storage unit doesn't fit within the design and aesthetics of our community. It will be an eyesore, bringing prop values down. There was another storage unit only 4 miles away.

Respectfully,

Doug Shafer

From: [REDACTED]
To: [Robert Kuhfuss](#)
Subject: Please Read- 3 story building
Date: Thursday, November 10, 2022 12:31:13 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Hi Rob,

I'm gonna try and keep this short. My address is [REDACTED] I live in Pleasant Valley. Where they are proposing to build up against my wall. I'm so upset needless to say. It's bad enough that the City has allowed transient hotels to be built on the corner of Jomax and Lake Pleasant parkway. They may be built with aesthetics in mind but that won't last for long. This north side of Peoria is beautiful and a safe place to live. I know, no one at the city really cares. I think the city only cares about revenue. This will impact our property value and the lifestyle that we all love. Anyone from the city is welcome to come and actually stand in my backyard to see how it will affect us. Not sure that anyone cares but it is such a bad idea. The mountain that we all have come to love will be gone. A metal peak roof will glare right at us. There is a storage facility at Pinnacle Peak and Lake Pleasant parkway. The homes in this area are large enough with enough land that we all have a shed on our property. We don't need this. My second thought is that the city is doing this because of all the rental property you're allowing to be built next to our community.....

Please dont let this happen IF you would like to speak with me or come and visit my property please feel free to call me at [REDACTED]

Thank you for taking the time to read this.

Will and Janette Quinones

From: [Charlee Addler](#)
To: [Robert Kuhfuss](#)
Subject: CU22-08
Date: Wednesday, November 16, 2022 7:35:15 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

To whom it may concern,

Please know that the residents in this area do NOT want storage units here.

From: [Sheila Barinque](#)
To: [Robert Kuhfuss](#)
Subject: CU22-08
Date: Thursday, November 17, 2022 12:02:28 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Hello,

I live in the area and just heard about the storage facility being proposed in my neighborhood. Why? We have two facilities just like that a mile, maybe 2 miles away. Not to mention, how it's going to destroy the aesthetics of our neighborhood. I'm just a resident wanting to voice my opinion.

Thanks,

Sheila Barinque

From: [Darcee](#)
To: [Robert Kuhfuss](#)
Subject: Cu22-08 : Concerned resident
Date: Thursday, November 17, 2022 9:46:58 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Hello Robert,

It has come to my attention that a storage facility has been proposed for construction on Lake pleasant parkway and the southwest corner of West wing parkway.

I would like to voice my objection to this project. I am a home owner in Cibola Vista community and do not feel this project is in the best interest of my community. I am concerned with the height allowed for construction which will obstruct our view of the beautiful surroundings. Additionally, I feel it will not assist in maintaining the luxury feel we have thus far created in our community. My desire, and feel my neighbors desire the same thing, is to increase the value on my custom home. A storage facility will not doing that. It will totally changes the high end, luxury feeling, buildings, and homes surrounding our community.

Please let me know if there is anything else I can do to prevent this from moving forward.

Thank you,
Darcee Bowen

--

Thanks,

Darcee Bowen

From: [Kim Corey](#)
To: [Robert Kuhfuss](#)
Subject: CU22-08
Date: Thursday, November 17, 2022 3:13:12 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Hello Robert,

My name is Kim Corey, I live at [REDACTED]. I have been a Peoria resident since the early 90's. I briefly moved into the city of Glendale but returned back into the Peoria city limits due to the overgrowth of commercial property that the city of Glendale was allowing in their residential areas. I have lived on [REDACTED] since 2011 and I love it here. I have watched the neighborhood and surrounding areas develop nicely. Up until now the new commercial properties that have been approved I feel have been done so keeping the residential areas residential. The proposal for the Cibola Vista Self Storage is TOO CLOSE AND TOO BIG to be placed on that sliver of land. My home is directly over that wall and a storage facility that is 3 stories high would greatly impact my property value and my love for my home. From my backyard I have a nice view of the mountain that stands in West Wing. That view would be completely covered with a 3 story building.

There are two other storage units that are close by so I do not feel that there is a need for this and if the city feels that there is indeed a need for a 3rd self storage facility it should be placed away from residential areas. Please ask yourself how you would feel if this was built over your wall? Please try to relate to the residents that are voicing concern. A self storage facility of this size is cheapening North Peoria and making it resemble downtown Glendale. (Not a place I would want to live and raise a family). North Peoria is growing to be a sought after place to live just like North Scottsdale. If you take a drive through North Scottsdale you will see that they have left quite a bit of undeveloped land next to their residential areas; that is part of the draw that makes it a sought after place to live.

Please keep in mind that the homes in this area are worth 800K to over 1M. This is not a low income area; at least not yet.

I am asking that you PLEASE deny the proposal for such an eye sore and help keep our North Peoria what it is; a beautiful sought after residential area where people are moving to escape the crazy hustle and bustle of the busy city.

Respectfully,

Kim Corey
[REDACTED]

From: [Jennifer Corso](#)
To: [Robert Kuhfuss](#)
Subject: CU22-08
Date: Thursday, November 17, 2022 3:36:11 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Robert-

I hope you are having a nice Thursday. I am a homeowner in the Cibola Vista neighborhood and am concerned about the conditional use permit for the establishment of a storage facility across from the entrance to our neighborhood.

The proposed facility is three stories, which would be an eyesore near the resort and for the neighborhood directly to the west of the facility. It would seem to vastly stick out among the single family residences and also drive commercial traffic to an otherwise family-oriented area. There may be line of sight issues and congestion as well.

In addition it seems there are quite a number of storage facilities in the area already - this lot is not zoned for an additional unit and would be best served as something else that is more appropriate for this residential area. Most people here love this area because it is quiet, beautiful and family oriented.

Thank you for taking the time to listen, and for your consideration.

Sincerely,

Jennifer Corso



From: [chris damato](#)
To: [Robert Kuhfuss](#)
Subject: CU22-08
Date: Wednesday, November 16, 2022 6:29:52 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Hi,

I would like to voice my opposition to the proposed 3 story storage unit at the West Side of Lake Pleasant Rd across from Cibola Vista. I feel it would be an eyesore to this beautiful area

From: [Christin Day](#)
To: [Robert Kuhfuss](#)
Subject: No Storage Units
Date: Thursday, November 17, 2022 6:52:25 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Please keep storage units out of our wonderful community (85383).
Make us like Scottsdale, not Phoenix!

Thank you
Christin Day

From: [Michael Dudiak](#)
To: [Robert Kuhfuss](#)
Subject: Conditional Use Permit CU22-08; Site Plan SP22-34
Date: Thursday, November 17, 2022 8:14:16 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Dear Mr Kuhfuss,

I'm writing to you to oppose conditional use permit CU22-08; site plan SP22-34. We moved to Arizona from out of state in June of 2021 and we settled on North Peoria because it was a quiet and peaceful area, yet had enough modern conveniences to meet my family's needs.

We settled on the WestWing subdivision where my property backs to the open space between WestWing and Cibola Vista. We completed a lot of diligence related to the open field since it had the potential to sway our decision on where to purchase. After researching, we were comfortable enough that the area would remain undeveloped for many years.

The proposed project referenced above, while across Lake Pleasant Parkway, will impede western views from my backyard. The area is mainly residential with no commercial development until you get closer to Happy Valley Road. Even the consideration of adding a 3 story storage facility that will impede many residents' views and disturb a peaceful area seems irresponsible. There is a lot of activity and noise that comes with storage facilities, and draws customers from other cities increasing traffic in the area.

I'm sure I speak for my neighbors when I ask that you do not approve this project to move forward. I understand the zoning of this property, but ask that any development on that land be desirable and add to the area / home values. Would you want a 3-story storage facility in your backyard?

Thank you for your consideration.

- Michael & Cambria Dudiak

From: [Lindsay Elbling](#)
To: [Robert Kuhfuss](#)
Subject: CU22-08
Date: Thursday, November 17, 2022 5:29:23 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Please do not put up another storage unit. They are all over the upper west side and they are tragically tacky and bring down the ambiance of our city.

From: [Kari Falkiewicz](#)
To: [Robert Kuhfuss](#)
Subject: CU22-08
Date: Thursday, November 17, 2022 10:15:58 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Good morning,

I am writing regarding the potential 3 story storage facility being contemplated at Lake Pleasant Parkway and Cibola Vista. I am adamantly opposed to this particular structure going in so close to a residential area especially when there is huge amounts of land located further north on Lake Pleasant Parkway. I realize this may be currently zoned commercial, however a 3 story building is unnecessary right there. There is another storage facility located south on Lake Pleasant Parkway close to residential areas and one out by Cold Water Ranch that are only 1 story and much less of an intrusion on surrounding homes.

Peoria is a great place to live and it seems the current council often does not take into consideration the effects of their decisions on its residents. Hopefully there will be a public meeting about this proposed project.

Respectfully,
Kari Falkiewicz

From: [Franz Forman](#)
To: [Robert Kuhfuss](#)
Subject: Three story self-storage building proposed for Lake Pleasant Parkway
Date: Wednesday, November 16, 2022 5:58:55 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Robert,

I received an email from our WestWing Mountain HOA with regards to a three story self-storage building with a metal roof proposed to be built across the street from Cibola Vista, right on (and highly visible from) Lake Pleasant Parkway.

I would like to voice my opposition to this project in an email, in the event I am unable to make it to the zoning hearing/planning meeting.

My wife, Emily, and I have been residents of NW Peoria since 2001 and have witnessed the tremendous growth of the Phoenix MSA. We are both self-employed and all for ongoing progress and small business growth in north Peoria (especially after years of losing tax revenue to neighboring Glendale, Surprise, and north Phoenix). However, this growth must be appropriate to the surroundings and a three story storage operation in the midst of hundreds of upscale homes in the NW Corner of Peoria is an eyesore that will certainly deteriorate the feel (and purpose) of this corridor. There is already a storage operation on the west side of LPP (near the Peoria Police Station) that occupies a large footprint. Adding an additional storage complex in a residential area down the same road is a huge mistake that will have a negative impact on our property values and start to make LPP heading north look like Grand Avenue. We should be modeling our building and zoning codes after what is taking place in north Scottsdale. It has been my observation that homeowners and developments there are highly protected from encroaching commercial activity. And, while there is plenty of commercial activity in north Scottsdale, it tends to blend in, be highly stylized to the desert surroundings, and not have as much of an impact on the homes. The result for north Scottsdale residents has been incredible for keeping the "natural" look of the area, maintaining high property values, and have consequently increased the property values for the dedicated commercial pockets of Scottsdale as well.

Commercial activity in NW Peoria should be limited to specific pockets that are distinctly for that purpose (ie... the intersections of LPP and Happy Valley Rd., or the shopping area where WalMart is located at LPP and Deer Valley Rd.). If the developer of the storage operation wishes to open a new location I would recommend that the City of Peoria designate a new area up near the intersection of LPP and Carefree highway to become the next specific commercial use area and set aside hundreds of acres specifically for this purpose. NW Peoria is beautiful and has so much to offer. With the Taiwan Semiconductor campus and surrounding industry moving into the NW Valley shortly we have lots of exciting growth coming, but it must

be done purposefully. Let's keep north Peoria beautiful and designate specific areas for this type of activity. No one is saying we shouldn't allow storage units, but let's have more pride for the aesthetics of our city than to just put them wherever a vacant lot is, especially surrounded by beautiful homes and scenery.

Thank you,
Franz and Emily Forman

From: [David Garcia](#)
To: [Robert Kuhfuss](#)
Subject: CU22-08
Date: Thursday, November 17, 2022 1:27:24 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

To whom it may concern:

In regards to the proposed storage unit to be located on the West side of Lake Pleasant Parkway across from Cibola Vista, My neighbors and I have concerns. We do not want to have a large building blocking our gorgeous views. We worry about the increased traffic and potential for environmental impacts this building may cause. We also deny the need for another facility in close proximity to the one at Happy Valley and 115th. This proposed facility is neither desired nor needed. We would appreciate the opportunity to oppose this building request and thank you for your consideration.

From: [Lindsey Garcia](#)
To: [Robert Kuhfuss](#)
Subject: CU22-08
Date: Thursday, November 17, 2022 1:24:25 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

To whom it may concern:

In regards to the proposed storage unit to be located on the West side of Lake Pleasant Parkway across from Cibola Vista, My neighbors and I have concerns. We do not want to have a large building blocking our gorgeous views. We worry about the increased traffic and potential for environmental impacts this building may cause. We also deny the need for another facility in close proximity to the one at Happy Valley and 115th. This proposed facility is neither desired nor needed. We would appreciate the opportunity to oppose this building request and thank you for your consideration.

From: [Ray Hastings](#)
To: [Robert Kuhfuss](#)
Cc: [InetPlanning](#)
Subject: public storage units
Date: Thursday, November 17, 2022 4:07:44 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

I would like to protest the proposed 3 story public storage units on the west side of Lake Pleasant Pkwy across from Cibola Visa Resort. They don't fit within the design and aesthetics of our community. They will also be an eye sore and bring our property values down. They are not needed in this area. Move them somewhere else.

Sincerely,

Ray Hastings

From: [Jodi Howe](#)
To: [Robert Kuhfuss](#)
Subject: CU22-08
Date: Thursday, November 17, 2022 7:00:26 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Dear Robert Kuhfuss,
Thank you for taking the time to read my email. I am a resident of [REDACTED] neighborhood and am opposed to the idea of a three story storage facility on lot CU22-08. We have plenty of storage units already within a reasonable radius of our home. I also believe that the building will be unsightly in this area. It backs right into Pleasant Valley neighborhood (poor homeowners) and across from Cibola Vista Resort. It would be an unsightly addition to the neighborhood. Other commercial retail spaces would enhance the area, but a storage facility will not.

Sincerely,
Jodi Howe

From: [Kent Howe](#)
To: [Robert Kuhfuss](#)
Subject: CU22-08
Date: Thursday, November 17, 2022 11:54:22 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Dear Robert Kuhfuss,

Thank you for taking the time to read my email. I am a resident of [REDACTED] neighborhood and am opposed to the idea of a three story storage facility on lot CU22-08. We have plenty of storage units already within a reasonable radius of our home. I also believe that the building will be unsightly in this area; it would back into the Pleasant Valley neighborhood and across from Cibola Vista Resort. Other commercial retail spaces would enhance the area, but a storage facility will not. Storage facilities are also highly influenced by market pressures, which results in low fill rates, leaving the opportunity for financial gaps which could potentially bring debt issues to the area. I kindly ask that you help voice the community's desires to not have a storage facility in the area.

Sincerely,

Kent Howe

From: [Krystal Kay](#)
To: [Robert Kuhfuss](#)
Subject: West wing storage unit
Date: Thursday, November 17, 2022 1:44:47 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

To whom it may concern:

In regards to the proposed storage unit to be located on the West side of Lake Pleasant Parkway across from Cibola Vista, My neighbors and I have concerns. We do not want to have a large building blocking our gorgeous views. We worry about the increased traffic and potential for environmental impacts this building may cause. We also deny the need for another facility in close proximity to the one at Happy Valley and 115th. This proposed facility is neither desired nor needed. We would appreciate the opportunity to oppose this building request and thank you for your consideration.

From: [Kim Obrzut Native American Bronze](#)
To: [Robert Kuhfuss](#)
Subject: Storage unit west wing?
Date: Thursday, November 17, 2022 1:43:47 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

To whom it may concern:

In regards to the proposed storage unit to be located on the West side of Lake Pleasant Parkway across from Cibola Vista, My neighbors and I have concerns. We do not want to have a large building blocking our gorgeous views. We worry about the increased traffic and potential for environmental impacts this building may cause. We also deny the need for another facility in close proximity to the one at Happy Valley and 115th. This proposed facility is neither desired nor needed. We would appreciate the opportunity to oppose this building request and thank you for your consideration.

--

Kim Seyesnem Obrzut
Krystal Obrzut


From: [Jennifer Presmyk](#)
To: [Robert Kuhfuss](#)
Subject: CU22-08
Date: Thursday, November 17, 2022 8:23:43 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

To whom it may concern:

In regards to the proposed storage unit to be located on the West side of Lake Pleasant Parkway across from Cibola Vista, My neighbors and I have concerns. We do not want to have a large building blocking our gorgeous views. We worry about the increased traffic and potential for environmental impacts this building may cause. We also deny the need for another facility in close proximity to the one at Happy Valley and 115th. This proposed facility is neither desired nor needed. We would appreciate the opportunity to oppose this building request and thank you for your consideration.

Jennifer Presmyk
Peoria Resident and property owner
[REDACTED]

From: [Jacob Katherine](#)
To: [Robert Kuhfuss](#)
Subject: CU22-08
Date: Thursday, November 17, 2022 11:38:34 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Mr. Kuhfuss,

I am writing with great concern of the proposed storage facility outside of the Pleasant Valley neighborhood. This would dramatically decrease the value of the homes that not only back up to the monstrosity, but the entire surrounding area. There are many other places a site like that could benefit, this spot is not it. This neighborhood has already seen such an increase in traffic with hospital and exponential growth of businesses and homes.

Please listen to the people who live here and do not allow this development.

Sincerely,

Katherine and Jake Sanford
Pleasant Valley Residents

From: [Jenna Skaugrud](#)
To: [Robert Kuhfuss](#)
Subject: CU22-08
Date: Thursday, November 17, 2022 1:56:15 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

This email is in regard to the proposed storage unit planned for Lake Pleasant Pkwy just south of West Wing Parkway.

Why put a 3 story structure in an already established residential area? Such an eye sore! Put this way out near lake pleasant pkwy and 74 where a gas station is under construction. Make this more commercial and keep the proposed site untouched.

Let's try to build up Peoria with high quality restaurants/shops and stop the nail salon and car wash eye-sore structures! Plan with a long term vision of beauty to rival that of Scottsdale and Paradise Valley.

Ask yourself if you would be happy as one of the residents who will have this structure be in their side yard???

Jenna

From: [Josh Spradling](#)
To: [Robert Kuhfuss](#)
Subject: Cibola Vista Storage
Date: Wednesday, November 16, 2022 2:30:36 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Robert,
I'm emailing to let you know I'm **against** the storage facility being built at that location.

Thanks,

Josh Spradling
CREATIVE DIRECTOR | DESIGNER



From: [Nate Sykes](#)
To: [Robert Kuhfuss](#)
Subject: CU22-08
Date: Wednesday, November 16, 2022 6:35:32 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Robert-

As a resident of Peoria, I am concerned to hear that an unsightly, 3-story storage facility is proposed to be built amongst the neighborhoods and beautiful mountain landscape.

We have plenty of storage facilities nearby that don't obstruct the views of the beautiful surroundings. There is a facility on Lake Pleasant Rd just South of Happy Valley and another close to the 303 and Happy Valley.

I believe this proposed project would be an eyesore and take away from the neighborly, serene community we enjoy up this way.

Please don't allow this project to move forward or propose other areas, perhaps near the 303 that have more wide open space and won't impede the mountain views.

Thank you,

Nathan Sykes



From: [Juliet A White](#)
To: [Robert Kuhfuss](#)
Subject: Proposed 2 story storage structure west of lake pleasant pkwy and cibola vista
Date: Wednesday, November 16, 2022 11:11:59 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Hello,

This proposed structure does not fit within the design and aesthetics of our residential community. It will be an eyesore and bring my property value down. Can we please schedule a neighborhood meeting? Many on nextdoor.com are very upset about this structure being built there.

Thank you.

Juliet White-Pekaar



West Wing/ Rock Springs Resident

From: [Juliet A White](#)
To: [InetPlanning](#)
Subject: Proposed 2 story storage unit west of lake pleasant and cibola vista
Date: Wednesday, November 16, 2022 11:04:58 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Hello,

This proposed structure does not fit within the design and aesthetics of our residential community. It will be an eyesore and bring my property value down. Can we please schedule a neighborhood meeting? Many of [REDACTED]

[REDACTED] are very upset about this structure being built there.

Thank you.

Juliet White-Pekaar

[REDACTED]
West Wing/ Rock Springs Resident

Sent from my iPhone

From: [Kevin Woods](#)
To: [InetPlanning](#); [Robert Kuhfuss](#)
Subject: Conditional Use Permit CU22-08
Date: Tuesday, November 15, 2022 1:59:17 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Dear Peoria Planning Group,

I received your project information flyer for the Cibola Vista Self Storage Project that's planned for the west side of Lake Pleasant Parkway. As a long time resident in the Pleasant Valley community I am very concerned with the installation of a three-story self storage facility at this location.

The planned location backs up to Pleasant Valley Estates and would be visible above the east community wall, sticking out like an albatross. It would not fit in with the aesthetics of our northern Peoria residential community and would definitely bring down property values.

I understand that new development and growth are crucial as our city expands, and also that facilities like the one proposed could help financially, but I would think the location for it to be better suited near apartments or convenience stores, not upper end single family homes. Hopefully there are alternate locations under consideration.

I look forward to hearing more about your next steps in this planning process.

Thank you,

Kevin Woods


From: [Danique Wyckoff](#)
To: [Robert Kuhfuss](#)
Subject: CU22-08
Date: Thursday, November 17, 2022 8:32:32 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Hi Robert,

I am a member of the Cibola Vista Community and would like to express my concern about approving zoning for a massive storage unit right in the middle of our beautiful community. There is no need for one, it will ruin the look and aesthetic appeal of our neighborhoods and likely increase crime in the area.

Please consider denying the zoning for this storage unit.

Many thanks,
Danique Wyckoff

Sent from my iPhone

From: [Nate Cottrell](#)
To: [Robert Kuhfuss](#)
Cc: pmv@vps-llc.com
Subject: Re: CU22-08 Cibola Vista Self Storage
Date: Thursday, November 17, 2022 6:58:40 PM
Attachments: [image001.jpg](#)

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Thank you Robert,
I appreciate the response and look forward to participating in the meetings
Please keep my name and email on the list of interested parties so I can be sure to be notified of the neighborhood meeting and eventual P&Z meeting

Nate Cottrell



On Thu, Nov 17, 2022 at 6:34 PM Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov> wrote:

Hello all,

My name is Rob Kuhfuss and I am the planner assigned to the above-referenced case. We want you to know that your comments have been noted. Your emails have been redacted and will be forwarded to the Planning and Zoning Commission when the case progresses to public hearing. You will also have the opportunity to speak at the Commission Hearing if you choose.

In the meantime, as a direct result of the opposition received, the requirement for a neighborhood outreach meeting has been triggered. That meeting has not been scheduled however, it cannot occur until after the first review is completed. The outreach meeting is the applicant's responsibility to coordinate. When the meeting has been scheduled, they will post the site and send out notices per the requirements as stated in the Peoria Municipal Code. I will also notify everyone on this list when I learn the specific details regarding the outreach meeting.

Sometime after the outreach meeting, the applicant will make their revisions and resubmit to the city for review and additional comment. At some point, the Conditional Use Permit will be scheduled for public hearing, with separate notification being sent regarding that hearing. As yet, no hearing dates have been set.

Some of you have asked to see documents relating to this case. You may do so by filing a Public Records Request online through the City Clerk's Office at [Public Records Request | City of Peoria \(peoriaaz.gov\)](#).

Finally, all of the correspondence received has been redacted for privacy and provided to the applicant, Peter Yachinski, via separate email. The applicant is also copied on this email.

Please feel free to contact me directly if you have additional questions.

Respectfully,

Robert H. Kuhfuss, AICP, MPA

Senior Planner

City of Peoria Planning and Community Development

9875 North 85th Avenue

Peoria, AZ 85345

T: 623-773-7643

www.peoriaaz.gov

Hours | Monday – Thursday 7:00am – 6:00pm – **CLOSED FRIDAY**

General



Robert Kuhfuss

From: Damon Daricek [REDACTED]
Sent: Monday, November 21, 2022 10:20 AM
To: Robert Kuhfuss
Subject: Cibola Vista Self Storage

⚠️⚠️ This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.⚠️⚠️

Good Morning Mr. Kuhfuss,

Would you please add me to the email list of homeowners who would like to keep track of this proposed self storage facility(SP22-34)? Just a heads up that your name has been sent around our community as a contact for information regarding this particular project. If you are not the proper contact for this information please advise me of who I may correspond with. Thank you and have a great day.

Respectfully,
Damon Daricek

Robert Kuhfuss

From: Sherri Dastrup [REDACTED]
Sent: Saturday, November 19, 2022 2:58 PM
To: Robert Kuhfuss
Subject: Cibola Vista Self Storage

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Robert we would like to let you know we are opposed to the new Cibola Vista Self Storage going in near Lake Pleasant and north of Jomax road. Please include us as a NO vote for this facility as we feel it will be an eye sore and not needed for this community.

Thank you,
Sherri and Jeff Dastrup
Peoria AZ

Robert Kuhfuss

From: [REDACTED]
Sent: Friday, November 18, 2022 7:19 PM
To: Robert Kuhfuss
Subject: RE: CU22-08 Cibola Vista Self Storage

⚠️⚠️ This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.⚠️⚠️

Thank you Rob, for letting us know that our emails have reached you and we are being heard. It is appreciated.

I am a resident of Cibola Vista and very much interested in this project and truly believe it is not the right place for a 3 story storage building. I am glad to hear there is a meeting to be scheduled and would appreciate it if the meeting could be accessed online as I am currently out of the area for the holidays.

Sincerely
Elaine Faul

From: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Sent: Thursday, November 17, 2022 6:34 PM
To: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Cc: pmy@vps-llc.com
Subject: CU22-08 Cibola Vista Self Storage

Hello all,

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Respectfully,

Robert H. Kuhfuss, AICP, MPA

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Robert Kuhfuss

From: Cherlyn Faulds [REDACTED]
Sent: Friday, November 18, 2022 2:11 PM
To: Robert Kuhfuss
Subject: CU22-08 Storage at Lake Pleasant and Cibola

⚠⚠ This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.⚠⚠

To whom it may Concern :

Please find a more appropriate spot for the 3 story storage building that you want to put in the Westwing area. All of these neighborhoods were here first and should not have this industrial business in our neighborhood. It is unsightly, will ruin views, as well as bring rats to the area. This is a very inappropriate business to bring to our neighborhood and there are many more appropriate places to put this else where. Thank you,
Cherlyn Faulds of Pradera Westwing.

Robert Kuhfuss

From: allison fitzpatrick [REDACTED]
Sent: Thursday, November 17, 2022 8:19 PM
To: Robert Kuhfuss
Subject: CU22-08

⚠️⚠️ This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.⚠️⚠️

Good Evening,

I am against the proposed storage unit to be located on the West side of Lake Pleasant Parkway across from Cibola Vista. I have concerns about the negative effect this will have on our north Peoria community. We do not want to have a large building, that is just another storage unit, that does not fit the current aesthetic of the area. Currently this area mirrors the likes of north Scottsdale with the thoughtful architecture, business selection and natural landscaping.

The land that is just north of this area, just north of lake pleasant parkway/west wing parkway has been zoned for residential houses, including the Peoria lakes area. A three story storage unit does not fit in to the other plans and zoning in this area.

This proposed facility is neither desired nor needed. We would appreciate the opportunity to oppose this building request and thank you for your consideration.

Best,
Allison

Robert Kuhfuss

From: Jason Fitzpatrick [REDACTED]
Sent: Thursday, November 17, 2022 8:11 PM
To: Robert Kuhfuss
Subject: CU22-08

⚠️⚠️ This email arrived from an external source. Please exercise caution when opening attachments or clicking on links. ⚠️⚠️

Feel Free to adapt to your own concerns as appropriate.

To whom it may concern:

In regards to the proposed storage unit to be located on the West side of Lake Pleasant Parkway across from Cibola Vista, My neighbors and I have concerns. We do not want to have a large building blocking our gorgeous views. We worry about the increased traffic and potential for environmental impacts this building may cause. We also deny the need for another facility in close proximity to the one at Happy Valley and 115th. This proposed facility is neither desired nor needed. We would appreciate the opportunity to oppose this building request and thank you for your consideration.

Sent from my iPhone

Robert Kuhfuss

From: Sharon Foxx [REDACTED]
Sent: Friday, November 18, 2022 7:50 PM
To: Robert Kuhfuss
Subject: Storage unit lake pleasant

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To whom it may concern,

I have been a resident of the Cibola Vista area for 14 years now and I absolutely love my area. I am addressing the proposal of a storage unit being built at the corner of lake pleasant parkway and civilian vista drive.

I am very concerned about the lowering of my property value as storage units can be an eyesore to a potential buyer. We have beautiful sunset views in that direction and to destroy that would be a shame. I am also very concerned for the potential increase in crime as I have seen this in other areas.

Our community is a beautiful and serene area and I do not want to see it destroyed. This simply does not fit our community.

Please reconsider other areas that are not right within a housing neighborhood.

Thank you for your consideration in this matter.

Sincerely,
Sharon Foxx

Sharon

Robert Kuhfuss

From: Ryan Hernandez [REDACTED]
Sent: Friday, November 18, 2022 7:22 AM
To: Robert Kuhfuss
Subject: RE: Cibola Vista Self Storage

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To whom it may concern:

In regards to the proposed storage unit to be located on the West side of Lake Pleasant Parkway across from Cibola Vista, My neighbors and I have concerns. We do not want to have a large building blocking our gorgeous views. We worry about the increased traffic and potential for environmental impacts this building may cause. We also deny the need for another facility in close proximity to the one at Happy Valley and 115th. This proposed facility is neither desired nor needed. We would appreciate the opportunity to oppose this building request and thank you for your consideration.

Thank you,
Ryan Hernandez

Robert Kuhfuss

From: Robert Kuhfuss
Sent: Monday, November 21, 2022 11:41 AM
To: [REDACTED]
Subject: RE: CU22-08 Cibola Vista Self Storage

Elaine,

Thank you for your email. The details of the outreach meeting have not been set; however, I suspect that it will not be until after the 1st of the year. [REDACTED]

Also, the case has not been scheduled for Planning and Zoning Commission but those meetings are in-person only. You can watch live via live streaming, but you cannot participate in the public hearing virtually.

Thanks again.

Robert H. Kuhfuss, AICP, MPA

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From: [REDACTED]
Sent: Friday, November 18, 2022 7:19 PM
To: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Subject: RE: CU22-08 Cibola Vista Self Storage

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attachments or clicking on links.⚠⚠

Thank you Rob, for letting us know that our emails have reached you and we are being heard. It is appreciated.

I am a resident of Cibola Vista and very much interested in this project and truly believe it is not the right place for a 3 story storage building. I am glad to hear there is a meeting to be scheduled and would appreciate it if the meeting could be accessed online [REDACTED].

Sincerely
Elaine Faul

From: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Sent: Thursday, November 17, 2022 6:34 PM
To: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Cc: pmy@vps-llc.com
Subject: CU22-08 Cibola Vista Self Storage

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Please feel free to contact me directly if you have additional questions.

Respectfully,

Robert H. Kuhfuss, AICP, MPA
Senior Planner
City of Peoria Planning and Community Development

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Peoria, AZ 85345

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Robert Kuhfuss

From: Renee Leonard [REDACTED]
Sent: Sunday, November 20, 2022 12:04 PM
To: Robert Kuhfuss
Subject: No storage garage on Lk pleasant!!!

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Thank you!
Cheryl R Leonard

Robert Kuhfuss

From: Karen Moran [REDACTED]
Sent: Thursday, November 17, 2022 9:03 PM
To: Robert Kuhfuss
Subject: 3-story storage units

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I speak for many of us in far north Peoria; we moved here for the smaller neighborhoods that didn't have the traffic of Phoenix; the views, and being away from big businesses. Putting in an out of place building that blocks residents views; brings in traffic to neighborhoods that wouldn't have that, does not fit in with why we moved here. Let's keep urban sprawl away from our neighborhoods. Preserve what we cherish and why we moved out here. Not to mention there is already a huge storage area by the 303 off of Happy Valley.

This does not fit in, and not needed.

Sent from my iPhone

Robert Kuhfuss

From: Don S [REDACTED]
Sent: Wednesday, November 23, 2022 4:33 PM
To: Robert Kuhfuss
Subject: Disapproval of CU22-08

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Dear Mr Kuhfuss,

I am writing to express my disapproval of CU22-08. A storage facility, no matter how tall, would NOT be a good addition to the aesthetics of the proposed area.

It would be nice if Peoria did things differently than the surrounding cities and NOT try and fill every empty piece of land. The areas that are vacant and dessert looking, is what gives our area it's unique look.

Please do not build anything on that piece of land.

Thank you,
Donald R & Sharon R Smallman
[REDACTED]
[REDACTED]

Robert Kuhfuss

From: Robert Kuhfuss
Sent: Monday, November 21, 2022 11:30 AM
To: Richard Starr
Subject: RE: 2 self storage projects on LPP

Richard,

Thank you for your email.

CU22-07 Abernathy is on hold until the applicant decides whether or not to proceed forward.

CU22-08 Cibola Vista is currently in first review. Once 1st review is completed, the applicant will schedule an outreach meeting. The details of that meeting have not been set.

Neither case has been scheduled for P&Z.

I will include you on any notifications regarding these two cases.

Thanks again.

Robert H. Kuhfuss, AICP, MPA

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From: Richard Starr [REDACTED]
Sent: Friday, November 18, 2022 10:21 AM

To: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>

Subject: 2 self storage projects on LPP

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Hello Robert,

I found these two storage projects on City's Planning and Zoning mapping tool. Have these projects been scheduled for Planning & Zoning yet? Thank you.

CU22-07 "Abernathy Self-Storage Facility" at Lake Pleasant Pkwy & Pinnacle Peak.

CU22-08 "Cibola Vista Mini-Storage Facility" at Lake Pleasant Pkwy & Cibola Vista.

Richard "R.T." Starr



Robert Kuhfuss

From: Richard Starr [REDACTED]
Sent: Friday, November 18, 2022 10:21 AM
To: Robert Kuhfuss
Subject: 2 self storage projects on LPP

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Hello Robert,

I found these two storage projects on City's Planning and Zoning mapping tool. Have these projects been scheduled for Planning & Zoning yet? Thank you.

CU22-07 "Abernathy Self-Storage Facility" at Lake Pleasant Pkwy & Pinnacle Peak.

CU22-08 "Cibola Vista Mini-Storage Facility" at Lake Pleasant Pkwy & Cibola Vista.

Richard "R.T." Starr



Robert Kuhfuss

From: [REDACTED]
Sent: Sunday, November 20, 2022 2:53 PM
To: Robert Kuhfuss
Cc: pmy@vps-llc.com [REDACTED]
Subject: CU22-08 Cibola Vista Self Storage

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--To Whom it may concern,

Our names are David Thomas and Carrie Jayo Thomas. We live at [REDACTED], Peoria Az. 85383. We have been a Peoria Resident since the early 80's and watched neighborhoods be destroyed by people not caring for their neighborhoods, rentals and overgrowth of commercial properties, many becoming vacate. We moved to into our dream home on Gambit in North Peoria, into a gated community in 2008. And absolutely love it, because of the care and concerns of all this North Peoria area.

The proposal or the **Cibola Vista Self Storage CU22-08** is **TOO CLOSE AND TOO BIG** to be placed on the little portion of land. This **3 story bldg.** which will be **LIGHTED ALL NIGHT**, is **2 doors down**, on other side of fence. **Our HOME AND ALL THE SURROUNDING RESIDENCES and Cibola Vista Resort Resort will be greatly impacted and affected by bringing our PROPERTY VALUE DOWN , taking our view away of West Wing Mountain(which is ONE of the reason we moved here) IT WILL SHINE INTO OUR HOMES ALL NIGHT, disturbing many, and bring lots of noice and traffic!!!** And these storage places attract rats, traffic , environmental impacts and many other issues!!

There are several other storage units very close by within a mile or 2, so there really isn't a need another storage facility in a residential area that **CHEAPENS** our neighborhood, and Cibola Vista Resort and surrounding areas. Please ask yourself's how you would feel if this **STORAGE** was 2doors down over your wall to look at!! Please keep in mind that the homes in this area are worth **\$700K** and over **\$1million**, this is not a low income area and placing this storage unit will be a **very cheap eyesore.**

We are asking that you **PLEASE DENY the proposal** for such an eyesore and help keep our NORTH PEORIA neighborhoods what it is, a beautiful sought after residential area(like Scottsdale) where people are moving to escape the craziness of the busy city.

Sincerely and respectfully,

David Thomas and Carrie Jayo Thomas
[REDACTED]

Robert Kuhfuss

From: Rob Torbett [REDACTED]
Sent: Sunday, November 20, 2022 9:24 AM
To: InetPlanning; Robert Kuhfuss
Subject: Concern about proposed storage facility

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Hi. my name is Rob Torbett. I live in Pleasant Valley Peoria, AZ. I am concerned about the 3 story storage facility proposed for the small sliver of land west of lake pleasant across from Cibola Vista Resort. We live in a high end gated community with some of the highest property values in the northwest, across from a very nice resort complex. This type of development does not fit the design and aesthetics of a community like our or the area in which we reside. There are so many other areas where this could be developed that would be better suited.

PROJECT INFORMATION

Project Name and Case Numbers

Cibola Vista Self Storage
Conditional Use Permit (CU22-08)
Site Plan (SP22-34)

Applicant Representative

Abernathy Holdings, LLC
Attn: Peter Yachimski
623-295-9964
pmv@vsg-llc.com

How to learn more and comment

Project application materials may be viewed in person at:

Development and Community
Services Building
9875 N. 85th Avenue
Peoria, AZ 85345

Planning and Community Development
is located on the 1st Floor.

If you have an interest in this request,
contact the following Planning and
Community Development Department
staff member:

Robert Kuhfuss, Senior Planner
623-773-7643
robert.kuhfuss@peoriaaz.gov

Location and Project Size

West of Lake Pleasant Parkway and Cibola Vista Drive
Approximately 2.17 net acres

Project Description

The applicant has submitted a **Conditional Use Permit application (CU22-08)** to allow for the development of a self-storage (or mini-storage) facility on a vacant 2.17-acre parcel located west of the intersection of Lake Pleasant Parkway and Cibola Vista Drive as shown on the map.

There is an associated **Site Plan application (SP22-34)** that will determine the physical layout of the proposed project (e.g. such as where the building is located) while the subject Conditional Use Permit establishes the operational characteristics of the business such as hours of operation, location of vehicular access, screening requirements, etc.

The proposed use would consist of:

- A three-story building with pitched, standing-seam metal roof. It is approximately 30 feet to the eave / fascia, and approximately 41 feet to the peak of the roof.
- There is a 30-foot setback / landscape buffer from the west property line.
- Access to the facility will be from Lake Pleasant Parkway

Planning and Community Development Department | 9875 N. 85th Avenue Peoria, AZ 85345 | 623-773-7200

NOTICE OF DEVELOPMENT APPLICATION

This notice is being sent to you because you own or represent property located within the required notification area for the following project:



Project Name and Location

Cibola Vista Self Storage
West of Lake Pleasant Parkway and Cibola Vista Drive

Case Number(s)

Conditional Use Permit: CU22-08
Site Plan: SP22-34

Turn over for more information ➡



thanks.../rct

Rob Torbett, CPA



Peoria, AZ 85383

Robert Kuhfuss

From: Tina Trippe [REDACTED]
Sent: Saturday, November 19, 2022 1:53 PM
To: Robert Kuhfuss
Subject: RE: Cibola Vista Self Storage project

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Robert,

We live in the Cibola Vista neighborhood on Buckhorn Trail.

Please add myself & my husband to the list of concerned neighbors to be notified of any public meetings in regard to the Cibola Vista Storage proposed development.

Thank you,
Tina Trippe
[REDACTED]

Bryan Trippe
[REDACTED]

Robert Kuhfuss

From: [REDACTED]
Sent: Tuesday, November 22, 2022 7:32 PM
To: Robert Kuhfuss
Subject: RE: CU22-08 Cibola Vista Self Storage

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Robert,

[REDACTED]

Thank you for the information provided. I will try to be at the outreach meeting if it is after the 1st of the year. Will we also be notified when the Planning & Zoning meetings are? If they are earlier I would like to know and watch via live streaming.

Thank you
Elaine Faul

From: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Sent: Monday, November 21, 2022 11:41 AM
To: [REDACTED]
Subject: RE: CU22-08 Cibola Vista Self Storage

Elaine,

Thank you for your email. The details of the outreach meeting have not been set; however, I suspect that it will not be until after the 1st of the year. If that is the case, will you be available to attend an in-person outreach meeting?

Also, the case has not been scheduled for Planning and Zoning Commission but those meetings are in-person only. You can watch live via live streaming, but you cannot participate in the public hearing virtually.

Thanks again.

Robert H. Kuhfuss, AICP, MPA

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Thank you Rob, for letting us know that our emails have reached you and we are being heard. It is appreciated.

I am a resident of Cibola Vista and very much interested in this project and truly believe it is not the right place for a 3 story storage building. I am glad to hear there is a meeting to be scheduled and would appreciate it if the meeting could be accessed online as I am currently out of the area for the holidays.

Sincerely
Elaine Faul

From: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Sent: Thursday, November 17, 2022 6:34 PM
To: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Cc: pmy@vps-llc.com
Subject: CU22-08 Cibola Vista Self Storage

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Finally, all of the correspondence received has been redacted for privacy and provided to the applicant, Peter Yachimski, via separate email. The applicant is also copied on this email.

Please feel free to contact me directly if you have additional questions.

Respectfully,

Robert H. Kuhfuss, AICP, MPA

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From: [Olga Barkai](#)
To: [Robert Kuhfuss](#)
Subject: RE: Cibola Vista Self Storage on Lake Pleasant Rd. Conditional permit CU22-08
Date: Wednesday, November 30, 2022 1:26:17 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Dear Mr. Kuhfuss,

Recently it came to our attention that a three-story building potentially will be built right next to our subdivision and next to our house. When we were buying our house in 2003 Lake Pleasant Road was directly next to us and as such, we did not foresee any commercial development right behind our street. At the time we also examined city maps and nothing pointed to potential commercial development in our backyard. Eventually the city changed the plans and Lake Pleasant Road location was altered, it is not directly behind our development anymore. As a result a developer thought that it would be a brilliant idea to build such a monstrosity next to us. We are categorically against it. The value of our property would go down. We are paying taxes to the city of Peoria and as such we have a right to enjoy our property without losing the value. We ask you to reconsider the project.

Sincerely,

Alex Barkai, MD

Olga Barkai

From: [John Brooks](#)
To: [Robert Kuhfuss](#)
Subject: Self-storage plan near Cibola Vista
Date: Saturday, November 26, 2022 10:18:21 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Dear Mr. Kuhfuss,

Please add me to the list of concerned neighbors for the proposed self-storage commercial building applicant meeting and I would like email notifications of any meetings. Also, would you kindly let me know that I have been added to those lists? Thank you.

Kind Regards,
John

TRUTH does not mind being questioned. A LIE does not like being challenged.

From: [Mike Faulds](#)
To: [Robert Kuhfuss](#)
Subject: CU22-08
Date: Monday, November 28, 2022 11:36:33 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Dear Sir,

I am writing to you to express my concern about the three story storage units proposed for N. Lake Pleasant Parkway and Cibola. Though it will not impact me directly, I feel that the construction of these units will have an overall negative impact on the esthetics of the area and to the value of the homes adjacent to the development.

In addition, which would impact me, is there is a potential for environmental impact as storage units have been known to attract rodents.

Cordially,
Mike Faulds

[REDACTED]

From: [Peyton Hoelscher](#)
To: [Robert Kuhfuss](#)
Date: Sunday, December 4, 2022 5:37:17 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Good evening,

I am reaching out in regards to Cibola Vista Self Storage. I am a Peoria native and have loved growing up and living in Peoria. I am also a real estate agent and believe this storage facility should not be built where it is proposed.

Not only will this hurt the value of homes that surround the storage facility but it will also be quite the eyesore to an extremely nice resort across the street. It simply does not belong in this highly sought after, desirable location in North Peoria.

We live in this beautiful city for the mountain views and landscape, not for a 3 story metal structure to block it all. Please do not allow this project to continue.

Thank you,



From: [Chris Hoelscher](#)
To: [Robert Kuhfuss](#)
Subject: 3 story North Peoria storage unit
Date: Tuesday, November 29, 2022 11:32:42 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Robert,

I'm writing to express my most sincere concerns about the proposed three story storage unit located at Lake Pleasant Rd. and Cibola Vista.

The proposed structure will absolutely RUIN the current flow and look of what we are so proud of here in North Peoria!!! This proposed project must be stopped!!! What an eyesore it would be. The metal storage structure is supposed to be three stories high, plus the addition of the 11' pitched roof. This puts the building a whopping 40' plus in height. It's even directly adjacent to some of the most beautiful homes. This city deserves a much more aesthetic plan for the space. Please do not allow this project to continue any further. It MUST BE STOPPED!

Feel free to reach out to me directly or indirectly at anytime. It's critical to the future of our amazing city.

Of the utmost concerned,

Chris Hoelscher



From: [Tammy Shreeve](#)
To: [Robert Kuhfuss](#)
Subject: FW: Site of Cibola Vista mini storage
Date: Monday, December 5, 2022 7:39:43 AM

Hi Robert,

This email was sent to Councilmember Shafer Office. It is regarding the proposed Cibola Vista Mini Storage project. Can you please include it in the received comments for the project.

[Tammy Shreeve](#)

From: Jessica Larsen [REDACTED]
Sent: Friday, December 2, 2022 8:12 AM
To: InetMesquite <mesquite@peoriaaz.gov>
Subject: Site of Cibola Vista mini storage

⚠⚠ This email arrived from an external source. Please exercise caution when opening attachments or clicking on links. ⚠⚠

To whom it may concern,

I am displeased with the plan to cram a mini storage into the small obscure property currently being sought for approval by Cibola Mini Storage.

I am a resident of the Pleasant Valley neighborhood which would share a wall with this mini storage. Pleasant Valley neighborhood is a planned community where each home has a good size lot for the home on the property. All tallest homes are two stories. And many of the homes are single level. This Cibola Mini Storage plans to cram a three story building on the other side of our neighborhood wall. The building will be an eye sore.

Please share with me what I can do to further speak out against this plan to build this mini storage. Is there another email address to whom to send my concerns?

Thank you for your time,
Jessica Larsen

From: [Kristin Lowery](#)
To: [Robert Kuhfuss](#)
Subject: Proposed Storage Facility N Lake Pleasant Pkwy
Date: Sunday, December 11, 2022 9:58:39 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

I am writing in regards to the proposed storage facility on N Lake Pleasant Pkwy. I am a resident of Pleasant Valley Estates. My husband and I purchased our home in 2021 during the real estate boom and paid top dollar for it. We strongly oppose a storage facility - especially with multiple levels - being built at the proposed location. Not only is a three story building an eye sore which would tower above the nearby homes, it would also block the view for so many of our community's residents. Additionally, a storage facility would increase the traffic in an already busy area, which is not ideal with a school on the same road. For the above reasons, this location is not appropriate for a multi-level storage facility.

Thank you for your time,
Kristin Lowery

From: [Rick Marteney](#)
To: [Robert Kuhfuss](#)
Subject: Proposed Storage Facility
Date: Thursday, December 8, 2022 7:44:15 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

To whom it may concern:

In regards to the proposed storage unit to be located on the West side of Lake Pleasant Parkway across from Cibola Vista, My neighbors and I have concerns. We do not want to have a large building blocking our gorgeous views.

We worry about the increased traffic and potential for environmental impacts this building may cause. We also deny the need for another facility in close proximity to the one at Happy Valley and 115th.

This proposed facility is neither desired nor needed. We would appreciate the opportunity to oppose this building request and thank you for your consideration.

Rick Marteney

From: [REDACTED]
To: [Robert Kuhfuss](#)
Subject: Ugly development near Pleasant Valley
Date: Thursday, December 1, 2022 6:50:25 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Please please please do not allow this three story ugly storage unit next to a beautiful neighborhood of Homes. Please consider rezoning.

Kathleen Mulligan

[REDACTED]

From: [Rita Papini](#)
To: [Robert Kuhfuss](#)
Subject: Site Plan Application (SP22-34) 3 Story Storage Unit, West of Lake Pleasant Rd & Cibola Vista Dr
Date: Tuesday, November 29, 2022 12:35:50 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Good afternoon Robert,

I am strongly opposed to the approval of the 3-story storage unit referenced above.

We've lived in Peoria since we moved to Arizona in 2004. We live in Pleasant Valley from 2004-2018 and we now live in Pradera at West Wing. I love the area.

Up until this point, I think Peoria has done a pretty good job of managing the business needs and residential needs of the beautiful communities, parks, and mountains in this part of Peoria. This storage unit will be an eye sore against the background of the homes and mountain landscaping. I don't want to pull out of my subdivision and see a storage unit or any other unattractive business structures.

I understand the land on the west side of Lake Pleasant Road at Cibola Vista Drive and a bit north of that is zoned commercial, however, I think consideration should be given to the esthetic of the area. What will uplift the area not just fill in vacant land?

Kind regards,
Rita M. Papini



From: [REDACTED]
To: [Robert Kuhfuss](#)
Subject: Site Plan Application (SP22-34) 3 Story Storage Unit, West of Lake Pleasant Rd & Cibola Vista Dr
Date: Tuesday, November 29, 2022 12:43:30 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Good afternoon Robert,

I am strongly opposed to the approval of the 3-story storage unit referenced above.

We've lived in Peoria since we moved to Arizona in 2004. We live in Pleasant Valley from 2004-2018 and we now live in Pradera at West Wing. I love the area.

Up until this point, I think Peoria has done a pretty good job of managing the business needs and residential needs of the beautiful communities, parks, and mountains in this part of Peoria. This storage unit will be an eye sore against the background of the homes and mountain landscaping. I don't want to pull out of my subdivision and see a storage unit or any other unattractive business structures.

I understand the land on the west side of Lake Pleasant Road at Cibola Vista Drive and a bit north of that is zoned commercial, however, I think consideration should be given to the esthetic of the area. What will uplift the area not just fill in vacant land?

Kind regards,
Ron Papini

[REDACTED]

From: [Jim Potts](#)
To: [Robert Kuhfuss](#)
Subject: CU22-08
Date: Thursday, November 24, 2022 7:48:00 AM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Dear Sir,

I am very upset about the proposal for the storage building planned next to Pleasant Valley. Please represent me as a homeowner in this matter that I am against it being built in that area. See, to me Cibola Vista has plenty of room next to its resort.

Thank you for your time,
James R and Judy M Potts

[REDACTED]

From: [Mark Wicher](#)
To: [Robert Kuhfuss](#)
Subject: Proposed Storage Unit on Lake Pleasant
Date: Saturday, November 26, 2022 2:49:53 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Robert,

There is no good reason to put a storage facility next to our neighborhood. We are a bedroom community that enjoys the views around us. We also like to keep additional traffic out of the area. There are several storage facilities nearby. We got all kinds of businesses down the road and it looks like even more are going in soon. That is enough. Take care of your residents who are paying their taxes and listen to what they want. We are supposed to be in this together. Please keep me informed of any public meetings concerning this proposal. Thank you.

Best Regards,

Mark Wicher

Sent from my iPhone

From: [Judy Yung](#)
To: [Robert Kuhfuss](#)
Subject: CU22-08
Date: Saturday, November 26, 2022 12:38:54 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Dear Mr. Khufuss,

I am not particularly happy about the 3 story storage facility plan that has been submitted to the city. I live on one of the affected streets where I have a view of West Wing Mountain and I live 4 houses away from the neighborhood wall adjacent to Lake Pleasant Parkway.

A three story building so close to us will essentially be a big towering wall that obstructs any of the natural beauty that surrounds us. I am not sure what kind of a voice we can have, but I wanted to make my thoughts known. If the project had to proceed, I would prefer a lower structure. Thank you for your time.

Sincerely,
Judy Yung

Sent from my iPad

From: [Nate Cottrell](#)
To: [Robert Kuhfuss](#)
Cc: pmv@vps-llc.com
Subject: Re: CU22-08 Cibola Vista Self-Storage
Date: Tuesday, January 3, 2023 3:37:20 PM
Attachments: [image001.jpg](#)

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Good afternoon Rob,
Checking back in with you on this one Cibola Vista Self Storage Conditional use permit and site plan application (CU22-08 SP22-34)

Is there any updated information or dates that you can share?
Thanks in advance

Nate Cottrell



On Wed, Nov 23, 2022 at 6:06 PM Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov> wrote:

Good evening all,

My name is Rob Kuhfuss and I am the planner assigned to the above-referenced case. I am sending this out for the benefit of those who recently emailed their concerns to me regarding the above-referenced case. For those of you who have already seen this information, I apologize for the redundancy.

We want you to know that your comments have been noted. Your emails have been redacted and will be forwarded to the Planning and Zoning Commission when the case progresses to public hearing. You will also have the opportunity to speak at the Commission Hearing if you choose.

In the meantime, as a direct result of the opposition received, the requirement for a neighborhood outreach meeting has been triggered. That meeting has not been scheduled; however, it cannot occur until after the first review is completed. The outreach meeting is the applicant's responsibility to coordinate. When the meeting has been scheduled, they will post the site and send out notices per the requirements as stated in the Peoria Municipal Code. I will also notify everyone on this list when I learn the specific details regarding the outreach meeting.

Sometime after the outreach meeting, the applicant will make their revisions and resubmit to the city for review and additional comment. At some point, the Conditional Use Permit will be scheduled for public hearing, with separate notification being sent regarding that hearing. As yet, no hearing dates have been set.

Some of you have asked to see documents relating to this case. You may do so by filing a Public Records Request online through the City Clerk's Office at [Public Records Request | City of Peoria \(peoriaaz.gov\)](#).

Finally, all of the correspondence received has been redacted for privacy and provided to the applicant, Peter Yachimski, via separate email. The applicant is also copied on this email.

Please feel free to contact me directly if you have additional questions.

Respectfully,

Robert H. Kuhfuss, AICP, MPA

Senior Planner

City of Peoria Planning and Community Development

9875 North 85th Avenue

Peoria, AZ 85345

T: 623-773-7643

www.peoriaaz.gov

Hours | Monday – Thursday 7:00am – 6:00pm – **CLOSED FRIDAY**

General

2

From: [REDACTED]
To: [Robert Kuhfuss](#)
Subject: RE: Neighborhood outreach meeting for Cibola Vista Self-Storage, case CU22-08 and SP22-34
Date: Friday, January 20, 2023 4:14:06 PM
Attachments: [image001.jpg](#)

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Thank you Robert

I will be there.

Wondering if you know if the zoning for that piece of property in question, was changed anytime after Lake Pleasant Pkwy went through there splitting it off from the resort? Additionally, the property on the corner of LPPkwy & Cibola Vista, on the West side, presumably still owned by the resort, I am now curious about its zoning. If you don't have the answers, could you direct me to the department that would.

Thank you

Elaine Faul

From: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Sent: Monday, January 9, 2023 5:11 PM
To: Robert Kuhfuss <Robert.Kuhfuss@peoriaaz.gov>
Cc: pmy@vps-llc.com
Subject: Neighborhood outreach meeting for Cibola Vista Self-Storage, case CU22-08 and SP22-34

Good afternoon all,

You are receiving this email as you have expressed an interest in this project.

The applicant has scheduled their neighborhood outreach meeting for Wednesday, January 25, 2023 at 6:00 PM (please see attached). The meeting will be held at the Westwing Mountain Community Center at 27008 North High Desert Drive in Peoria. The meeting is open to the public and you will have the opportunity to learn more about the proposed development and offer feedback.

Thank you.

Robert H. Kuhfuss, AICP, MPA

Senior Planner

City of Peoria Planning and Community Development

9875 North 85th Avenue

Peoria, AZ 85345

T: 623-773-7643

www.peoriaaz.gov

Hours | Monday – Thursday 7:00am – 6 00pm – **CLOSED FRIDAY**

General



From: [Franz Forman](#)
To: [Robert Kuhfuss](#)
Subject: Re: Neighborhood outreach meeting for Cibola Vista Self-Storage, case CU22-08 and SP22-34
Date: Friday, January 13, 2023 6:48:41 PM
Attachments: [image001.jpg](#)

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Thank you, Robert.

I have a schedule conflict with an event for work that evening on the other side of town. However, I previously sent a letter to you outlining our thoughts on the Storage facility. Will the contents of this letter be shared at the meeting?
Would just like to make sure that our voices are heard since we are residents of WestWing community (since it originally opened).

Thank you,
Franz and Emily Forman

On Mon, Jan 9, 2023 at 5:16 PM Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov> wrote:

Good afternoon all,

You are receiving this email as you have expressed an interest in this project

The applicant has scheduled their neighborhood outreach meeting for Wednesday, January 25, 2023 at 6:00 PM (please see attached) The meeting will be held at the Westwing Mountain Community Center at 27008 North High Desert Drive in Peoria The meeting is open to the public and you will have the opportunity to learn more about the proposed development and offer feedback

Thank you

Robert H. Kuhfuss, AICP, MPA

Senior Planner

City of Peoria Planning and Community Development

9875 North 85th Avenue

Peoria, AZ 85345

T: 623-773-7643

www.peoriaaz.gov

Hours | Monday – Thursday 7:00am – 6:00pm – **CLOSED FRIDAY**

General



From: [Deb Mueldener](#)
To: [Robert Kuhfuss](#)
Cc: [Brad Shafer](#)
Subject: Cibola Vista Self Storage, CU22-08
Date: Thursday, January 19, 2023 4:25:05 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Dear Mr. Kuhfuss:

I am adamantly against this project! It seems there is a self storage building either already built, or proposed every two to three miles in North Peoria. I understand that they are inexpensive to build, the upkeep is fairly inexpensive, and the owner(s) reap(s) big profits! Good for them. What about the homeowners?

I realize the land is already zoned for commercial, but there is, I am sure, a better use of this property. This proposal is for a 3-story self storage building that abuts single family homes IMMEDIATELY behind the building. Please put yourself in the place of these homeowners and see how you would like a three-story building just beyond the fence line to the East of your home. I have no idea how this property was zoned when these people purchased their homes, but I'm sure they never dreamed that THIS would be built here.

The Pleasant Valley subdivision will eventually have two multi-story hotels along with two drive-thru restaurants, on the NW corner of Jomax and Lake Pleasant Parkway, literally in the back yards of homeowners. I searched the entire Phoenix metro area and there are ZERO hotels of these brands that back up directly to single family homes. I know that this has already been approved by the City Council, but it is indicative of what homeowners are facing...we have little say. When I wrote in opposition to this proposal, I was told it didn't matter because it was already zoned for a hotel. I also know that the hotel zoning has NOT been in place that long. Was it in the general plan?

I live just West of Pleasant Valley and do not feel that this is what the area residents want or need. All the vegetation in the world still won't cover this eyesore. **Please listen to the homeowners** both who are writing to you as I am, and will be attending the meeting next Wednesday.

Sincerely,

Debbie Mueldener


From: [Brad Shafer](#)
To: [Deb Mueldener](#); [Robert Kuhfuss](#)
Subject: Re: Cibola Vista Self Storage, CU22-08
Date: Thursday, January 19, 2023 5:43:10 PM

Debbie,

Thank you for your email and I know Mr. Kuhfuss will make sure that your email is presented to the developer and the planning department.

Please make sure you attend the developers public meeting, next Wednesday night, 6pm at the WestWing community center.

Brad

Councilman Brad Shafer
Mesquite District

From: Deb Mueldener [REDACTED]
Sent: Thursday, January 19, 2023 4:24:43 PM
To: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Cc: Brad Shafer <brad.shafer@peoriaaz.gov>
Subject: Cibola Vista Self Storage, CU22-08

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Dear Mr. Kuhfuss:

I am adamantly against this project! It seems there is a self storage building either already built, or proposed every two to three miles in North Peoria. I understand that they are inexpensive to build, the upkeep is fairly inexpensive, and the owner(s) reap(s) big profits! Good for them. What about the homeowners?

I realize the land is already zoned for commercial, but there is, I am sure, a better use of this property. This proposal is for a 3-story self storage building that abuts single family homes IMMEDIATELY behind the building. Please put yourself in the place of these homeowners and see how you would like a three-story building just beyond the fence line to the East of your home. I have no idea how this property was zoned when these people purchased their homes, but I'm sure they never dreamed that THIS would be built here.

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Lake Pleasant Parkway, literally in the back yards of homeowners. I searched the entire Phoenix metro area and there are ZERO hotels of these brands that back up directly to single family homes. I know that this has already been approved by the City Council, but it is indicative of what homeowners are facing...we have little say. When I wrote in opposition to this proposal, I was told it didn't matter because it was already zoned for a hotel. I also know that the hotel zoning has NOT been in place that long. Was it in the general plan?

I live just West of Pleasant Valley and do not feel that this is what the area residents want or need. All the vegetation in the world still won't cover this eyesore. **Please listen to the homeowners** both who are writing to you as I am, and will be attending the meeting next Wednesday.

Sincerely,

Debbie Mueldener

[REDACTED]

From: [Jenna Danielle](#)
To: [Robert Kuhfuss](#)
Subject: CU22-08
Date: Monday, January 9, 2023 8:45:30 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

To whom it may concern:

In regards to the proposed storage unit to be located on the West side of Lake Pleasant Parkway across from Cibola Vista, My neighbors and I have concerns. We do not want to have a large building blocking our gorgeous views. We worry about the increased traffic and potential for environmental impacts this building may cause. We also deny the need for another facility in close proximity to the one at Happy Valley and 115th. This proposed facility is neither desired nor needed. We would appreciate the opportunity to oppose this building request and thank you for your consideration.

Jenna & Brian Oxford


From: [Web Master](#)
To: [Robert Kuhfuss](#)
Subject: FW: [Form Submission] Contact the City
Date: Thursday, January 19, 2023 7:39:32 AM

Hi Robert,

The following message was submitted through the Contact Form on the city website. Forwarding on for your review.

Trevor Freeman

Web Content Administrator

Trevor.Freeman@peoriaaz.gov

City of Peoria

Office of Communications

8401 W. Monroe St.

Peoria, AZ 85345

From: webmaster@peoriaaz.gov <webmaster@peoriaaz.gov>

Sent: Wednesday, January 18, 2023 10:26 PM

To: Web Master <webmaster@peoriaaz.gov>

Subject: [Form Submission] Contact the City

A new entry to a form/survey has been submitted.

Form Name: Contact the City
Date & Time: 01/18/2023 9:25 PM
Response #: [REDACTED]
Submitter ID: [REDACTED]
IP address: [REDACTED]
Time to complete: 5 min. , 51 sec.

Survey Details

Page 1

Who would you like to contact?

(o) Planning and Zoning

Contact Type:

(o) Suggestion

First Name:

Jessica

Last Name:

Roza

Your Email Address

[REDACTED]

Your Comments:

Project Name and Location
Cibola Vista Self Storage
West of Lake Pleasant Parkway and Cibola Vista Drive
Case Number(s)
Conditional Use Permit:
Site Plan:
CU22-08
SP22-34

I cannot make the public meeting, however I am a resident & would like to comment that I oppose this development. A building like this is an eyesore & a service that unneeded in this neighborhood. There are better uses of this land or just keep it as beautiful desert!

Do you wish to be contacted?

☒ Email

☐ Do not contact me

Thank you,
City of Peoria

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: [Amy Sap](#)
To: [Robert Kuhfuss](#)
Subject: Opposition to Cibola Vista Self Storage
Date: Tuesday, January 24, 2023 1:35:30 PM

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Hi Robert,

I am writing to express my opposition to the proposed self storage project, Cibola Vista Self Storage. This is not what community members want for this area and certainly not a building that's 3 stories in height. I hope the city realizes this is not right for North Peoria and votes no on this project.

Amy Sap


From: [Brad Shafer](#)
To: [REDACTED]
Cc: [Tammy Shreeve](#); [Robert Kuhfuss](#); [Cody Gleason](#)
Subject: Re: Vote no on self storage/ apartment's upper Lake Pleasant corridor
Date: Thursday, January 26, 2023 7:09:41 PM

Robin,

Thank you for the email and for being an engaged citizen in what's going on in our wonderful community. I have copied the planning department staff so they can capture your comments for the planning/zoning commission.

Right now there is no immediate vote and these projects are all in different phases:

Hotels on the NW corner of Lake Pleasant and Jomax: This project does not require a vote from planning/zoning OR from city council because the parcel is already zoned (years ago) for commercial that allows hotels. The only thing we, as the community and as your councilmember, have any say in on this project is design. You may recall, a few months ago, the city and I distributed information via social media to the surrounding HOA's and community pages, and the Mesquite District social media page and Eblast about needing input for the design of the parcel. The planning department received a lot of feedback regarding design suggestions which was then passed onto the developer. I have not seen any updates on this project since then and I expect it will be some time before there is an update on this.

Storage Units: The parcel is zoned for commercial currently, the developer has submitted an application to the city for conditional use permit, the community received notice and was given an opportunity to write in to the city planner, since feedback was received, the developer had the opportunity to walk away or move to the next step of a community meeting (which was held last night). At this point, IF the developer of the storage project decides to move forward, the next step will be a vote at a future planning and zoning meeting. If it goes for a vote in front of planning and zoning, I would encourage you to attend and speak at that meeting. If/when that meeting gets scheduled, we will be informing Pleasant Valley and the surrounding communities of the date/time.

Rental Bungalows and apartments on East side of LP Parkway: There are currently 2 applications in for this as of last year and both projects would be a rezone. This means it would have to go to planning and zoning AND city council for a vote. When those were initially submitted, the public was notified, the developer held community meetings, (of which I also attended) and we have not had any update since.

Again, thank you for your email. I also am an advocate for putting the right development in the right places and look forward to representing the community on these issues.

Councilmen Brad Shafer

From: Robin Porter [REDACTED]
Sent: Wednesday, January 25, 2023 9:19 PM
To: Brad Shafer <brad.shafer@peoriaaz.gov>
Subject: Vote no on self storage/ apartment's upper Lake Pleasant corridor

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Vote no on self storage/ apartment's upper Lake Pleasant corridor.

We do not want an industrial, eyesore storage unit sitting on the corner near Pleasant Valley neighborhood. We do not want apartments or small rental homes or hotels near Jomax/ Lake Pleasant Parkway intersection. This would be extremely detrimental to our home values and our school ratings. This is a quiet high-end area. The incoming business need to fit the area.

Thank you,
Robin Porter

[REDACTED]

From: [Upper West Side PHX](#)
To: [Robert Kuhfuss](#)
Subject: Re: CU22-08 Cibola Vista Mini Storage update
Date: Thursday, February 23, 2023 9:34:03 PM
Attachments: [image001.jpg](#)

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Ok, thank you for the update!

On Thu, Feb 23, 2023 at 2:51 PM Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov> wrote:

Hi Katie. He has not resubmitted but is working on addressing comments. No hearings set just yet.

Robert H. Kuhfuss, AICP, MPA

Senior Planner

City of Peoria Planning and Community Development

9875 North 85th Avenue

Peoria, AZ 85345

T: 623-773-7643

www.peoriaaz.gov

Hours | Monday – Thursday 7:00am – 6:00pm – **CLOSED FRIDAY**

General



From: Upper West Side PHX [REDACTED]
Sent: Thursday, February 23, 2023 1:37 PM
To: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Subject: CU22-08 Cibola Vista Mini Storage update

⚠⚠ This email arrived from an external source. Please exercise caution

when opening attachments or clicking on links.⚠⚠

Hi Robert,

I'm looking for an update on Cibola Vista Mini Storage following the community meeting last month. Their rep Peter let me know that they will be proceeding and have revised the design plans in accordance with community requests. He said to copy you on everything. Can you please send over the revised site plan and design plans and let me know if there is a date set for P & Z Commission yet?

Thanks,

Katie

Upper West Side PHX
[REDACTED]

--

Thanks,
Katie
Upper West Side PHX
[REDACTED]

From: webmaster@peoriaaz.gov
To: [InetPlanning](#)
Subject: NEW Public Comment on Development
Date: Thursday, February 23, 2023 11:42:42 PM

A new entry to a form/survey has been submitted.

Form Name: Planning - Public Comment Form
Date & Time: 02/23/2023 10:42 PM
Response #: 1
Submitter ID: [REDACTED]
IP address: [REDACTED]
Time to complete: 2 min. , 35 sec.

Survey Details

Page 1

1. Name

Jessica Roza

2. Phone Number

[REDACTED]

3. Email Address

[REDACTED]

4. Project Name

Cibola vista storage

5. Project Case Number

Not answered

6. Project Location

(Lake Pleasant Pkwy. & Cibola Vista Dr

7. Please provide your feedback on this project:

Project Name and Location
Cibola Vista Self Storage
West of Lake Pleasant Parkway and Cibola Vista Drive
Case Number(s)
Conditional Use Permit:
Site Plan:
CU22-08

SP22-34

I am a resident & would like to comment that I oppose this development. A building like this is an eyesore & a service that unneeded in this neighborhood. There are better uses of this land or just keep it as beautiful desert!

Thank you,
City of Peoria

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: [Robert Kuhfuss](#)
To: [Kirk Baumgartner](#)
Subject: RE: CU22-08 and SP22-34 Cibola Vista Mini-Storage Facility
Date: Monday, February 27, 2023 5:43:00 PM
Attachments: [image001.jpg](#)

Thank you for the clarification regarding faux stone treatment

Regarding the PowerPoint, that is not something that we would normally ask for although other jurisdictions might. In any event, I asked Peter for it but I was not able to save it. I asked him to resend and include in his Summary.

Robert H. Kuhfuss, AICP, MPA

Senior Planner
City of Peoria Planning and Community Development
9875 North 85th Avenue
Peoria, AZ 85345
T: 623-773-7643
www.peoriaaz.gov
Hours | Monday – Thursday 7:00am – 6:00pm – **CLOSED FRIDAY**

General



From: Kirk Baumgartner [REDACTED]
Sent: Monday, February 27, 2023 3:50 PM
To: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Subject: RE: CU22-08 and SP22-34 Cibola Vista Mini-Storage Facility

⚠️ This email arrived from an external source. Please exercise caution when opening attachments or clicking on links. ⚠️

Mr. Kuhfuss,

Thank you for the response.

As to the faux windows, my full comment was: *"Potential faux windows of EIFS along entire wall (typ). We do not want glass to avoid heat reflection and glare."*, with the first part being operative as to the material. Based upon the discussion at the meeting, a developer referenced using EIFS for the building skin, thus the "windows" could simply be another accent color in EIFS (I used blue, but it could be something more subtle). These faux windows are simply one mechanism to break up the large massing / monotone plane of the storage facility wall. Please refer to the faux window detail labeled *"Typical faux window with perimeter popout"* on the elevation sheet. The faux window with popouts are intended to provide third dimension relief. Should the developer have an alternative, have them present such. Also note my other comments on the elevations, most importantly: *"The massing of the N & W elevations must be relieved with planar dimensional changes via the faux columns shown, the addition of a cornice, the addition of faux windows with perimeter popouts, color changes, etc."*

And to reiterate, *"We definitely do not want glass (visible glass or spandrel glass) to avoid heat reflection and glare"* down onto our street or onto our houses from the afternoon sun.

Finally, interestingly, I did speak that Peter after the presentation and his assistant said to contact you for the power point. I will email him after sending this. Hmmmm ...

Sincerely,
Kirk B.

From: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Sent: Monday, February 27, 2023 1:17 PM
To: Kirk Baumgartner [REDACTED]
Subject: RE: CU22-08 and SP22-34 Cibola Vista Mini-Storage Facility

Mr. Baumgartner,

My apologies. I was out of town and neglected to follow up on all of my emails.

We do appreciate your input. I discussed your comments with the applicant this morning and will share with the applicant after redaction. We will also include your comments in the packet that goes to P&Z when the time comes.

We did have one question though: In your comments, you mentioned faux windows along the west and north elevations, but you also indicated concerns over heat and glare. Are you looking for faux window or are you saying that you don't want faux windows due to heat and glare?

Regarding the PowerPoint, we do not have that document, but you can contact Peter directly. I did ask Peter to include it as an exhibit to his Citizen Participation Summary with his next submittal.

Robert H. Kuhfuss, AICP, MPA

Senior Planner

City of Peoria Planning and Community Development

9875 North 85th Avenue

Peoria, AZ 85345

T: 623-773-7643

www.peoriaaz.gov

Hours | Monday – Thursday 7 00am – 6:00pm – **CLOSED FRIDAY**

General



From: Kirk Baumgartner [REDACTED]
Sent: Friday, February 24, 2023 6:54 PM
To: Robert Kuhfuss <Robert.Kuhfuss@Peoriaaz.gov>
Subject: RE: CU22-08 and SP22-34 Cibola Vista Mini-Storage Facility

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Robert,
I sent the emails below weeks ago The common courtesy of a reply would be appropriate
Kirk B

From: Kirk Baumgartner [REDACTED]
Sent: Monday, February 6, 2023 11:56 AM
To: 'Robert Kuhfuss@Peoriaaz.gov' <Robert.Kuhfuss@Peoriaaz.gov>
Subject: RE: CU22-08 and SP22-34 Cibola Vista Mini-Storage Facility

Robert,
Adding to my earlier email, the City must ask themselves the following question: *"Is this the highest and best use of the land?"* Not whether it is an allowed use, but is it the best use?
We have all been told that Lake Pleasant Parkway is supposed to be a new shining example of the City at its best in economic development with the residents interests in mind Does another storage facility really fit this ideal?

Sincerely,
Kirk B

From: Kirk Baumgartner [REDACTED]
Sent: Saturday, February 4, 2023 9:15 AM
To: 'Robert Kuhfuss@Peoriaaz.gov' <Robert.Kuhfuss@Peoriaaz.gov>
Subject: CU22-08 and SP22-34 Cibola Vista Mini-Storage Facility

Robert,
As a Pleasant Valley HOA neighbors, we attended the January 25th neighborhood meeting for the above referenced potential project Upon speaking with the developer, they stated the we could obtain a copy of their PowerPoint presentation from you Would you please email said presentation or provide a link to download such?
Also, please see the attached annotated copy of the site plans and building elevations for the project Annotations provide some additional considerations for you and them should the project move forward

Thank you,
Kirk B



Notice of Neighborhood Meeting

January 9, 2023

Dear Neighbor,

You are cordially invited to an informal neighborhood meeting to learn about the proposed Conditional Use Permit concerning the 2.17-acre property generally located on the west side of Lake Pleasant Parkway, opposite the intersection of Cibola Vista Drive in Peoria, AZ (see attached Location Map).

A Conditional Use Permit application and Site Plan Application have been filed for this property with the City of Peoria for a Self-Storage facility development. The Conditional Use Permit requires that a neighborhood meeting notice will be sent inviting you to participate. The purpose of this meeting is to solicit your participation and feedback on the proposed development.

PLEASE NOTE: that the application does NOT seek to allow for boat and/or RV storage at the property, and there will be no storage unit garage doors on the exterior of the building. ALL storage activities will occur inside the building.

As part of the Land Use approval process, we are offering our neighbors, adjacent property owners, neighborhood associations and homeowner's associations the opportunity to view and comment on the proposal in conformance with the City of Peoria public noticing requirements. The meeting time and location are as follows:

**Wednesday, January 25, 2023
@ 6:00 P.M.**

**Location:
Westwing Mountain
Community Center
27008 N. High Desert Drive
Peoria, AZ 85383**

This meeting notice is being sent to all property owners within 600-feet and all registered neighborhood and homeowner's association groups and apartment management companies within a 1-mile radius of the proposed development. Notice is also being sent to other parties who have expressed interest.



Subsequent to the neighborhood meeting, along with the benefit of your input, public meetings and hearings will be held before the Peoria Planning & Zoning Commission and Peoria City Council, who will be reviewing the cases prior to approval. Those meetings have not yet been scheduled.

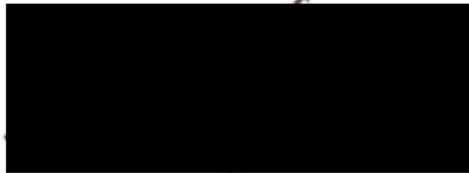
These meetings will provide an additional opportunity for public input relative to the proposed development. If you have questions throughout the process, please feel free to contact me at (602) 295-9984 or at pmy@vps-llc.com. You may also contact the City of Peoria Planning Division at (623) 773-7200 or planning@peoriaaz.gov for more information.

Attached are copies of:

- The project location map
- Currently proposed site plan
- Currently proposed building elevations

Again, please feel free to contact me at the phone number or email address noted above with any questions.

Sincerely,
Peter M. Yachimski, RLS



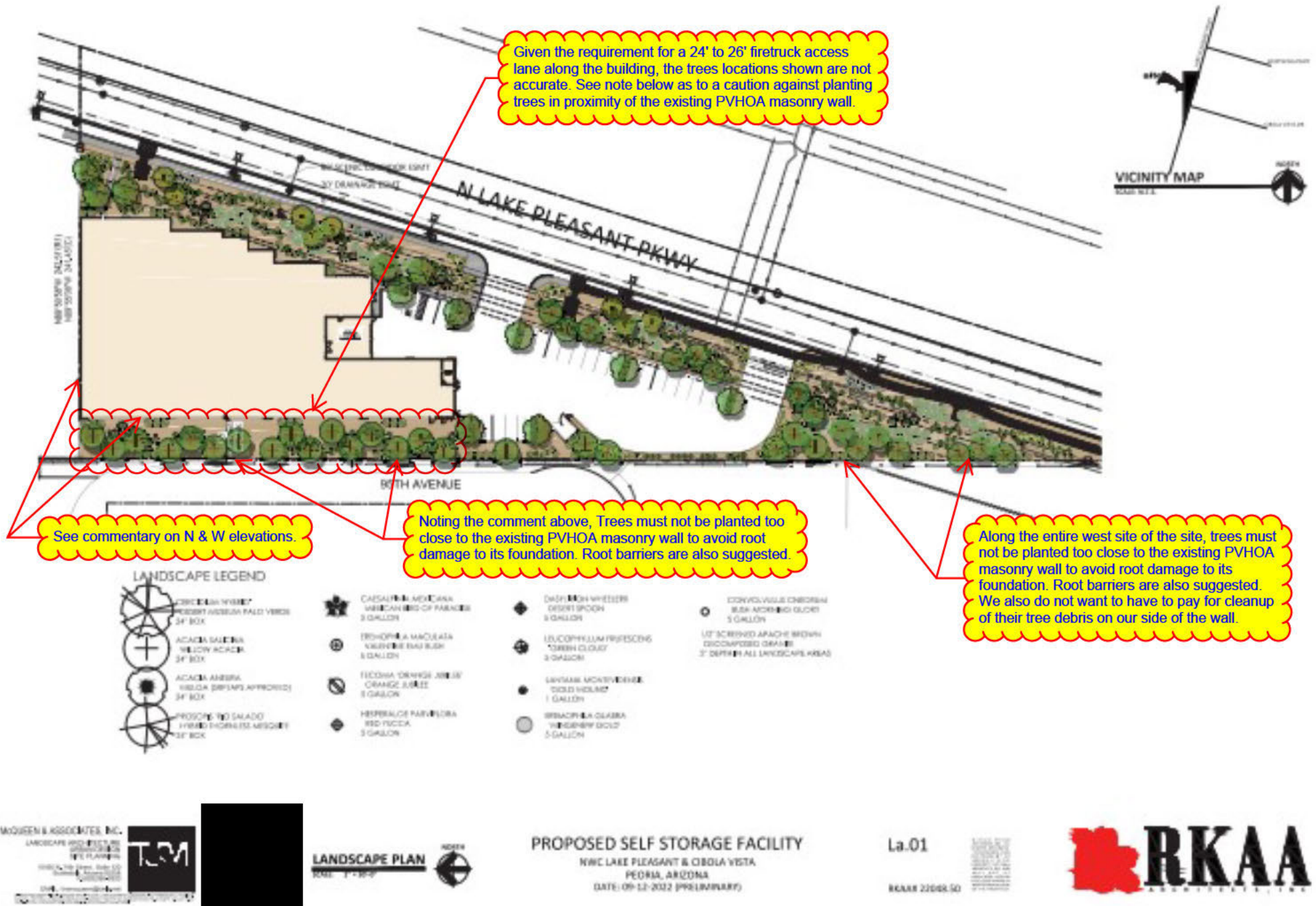
VANGUARD PROFESIONAL SERVICES, LLC



Vicinity Map & Aerial Photo



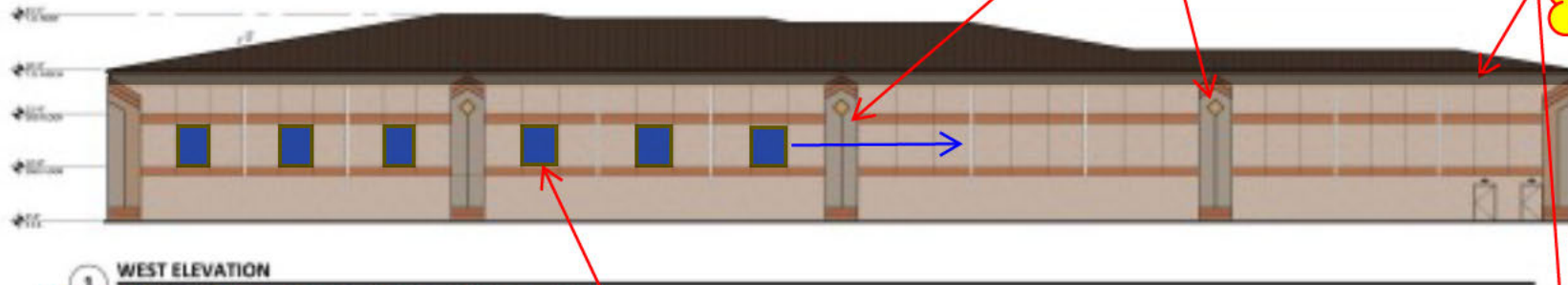
The views of all PVHOA neighbors need to be considered (typ).



The massing of the N & W elevations must be relieved with planar dimensional changes via the faux columns shown, the addition of a cornice, the addition of faux windows with perimeter popouts, color changes, etc.

Faux columns must have planar dimensional relief and not just be a color change (typ).

Provide continuous cornice popout in a different color for planar relief (typ).

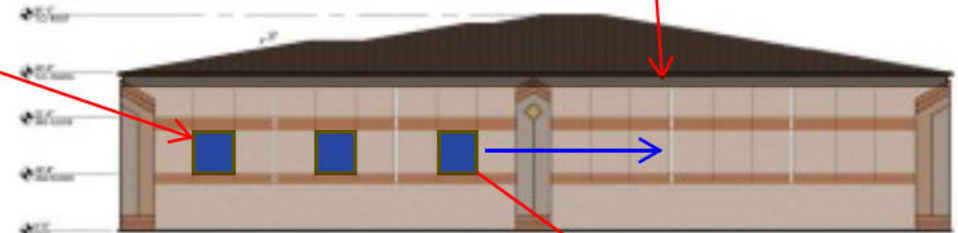


1 WEST ELEVATION
SCALE: 1/8" = 1'-0"

Potential faux windows of EIFS along entire wall (typ). We do not want glass to avoid heat reflection and glare.



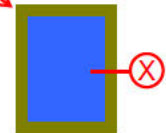
2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



3 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



4 EAST ELEVATION
SCALE: 1/8" = 1'-0"



Typical faux window with perimeter popout

Section X



PROPOSED SELF STORAGE FACILITY
NWC LAKE PLEASANT & CIBOLA VISTA
PEORIA, ARIZONA
DATE: 10-11-2022 (PRELIMINARY)

EL-1

RECAP 22048.50



Robert Kuhfuss

From: Robert Kuhfuss
Sent: Thursday, June 8, 2023 4:53 PM
To: K McClure
Subject: RE: Concerns

Mr. McClure,

Thank you for the email and sorry for not responding sooner.

The self-storage you are referring to is Cibola Vista and is being processed under cases CUP22-08 and SP22-34. Both of those cases went through first review; however, they have not resubmitted and no hearing dates have been set. I will save this correspondence to the CUP case file and will forward to the Planning and Zoning Commission should the project move forward. I will also add you to the notification list so that you are included in any notification efforts.

Regarding the hotels, that property was essentially zoned for C-2 Commercial many, many years ago. The hotels are an allowed use in that district. The site plan was approved earlier this year.

Respectfully,

Robert H. Kuhfuss, AICP, MPA

Senior Planner
City of Peoria Planning and Community Development
9875 North 85th Avenue
Peoria, AZ 85345
T: 623-773-7643
www.peoriaaz.gov
Hours | Monday – Thursday 7:00am – 6:00pm – **CLOSED FRIDAY**



From: K McClure [REDACTED]
Sent: Wednesday, May 31, 2023 8:27 AM

To: InetPlanning <planning@peoriaaz.gov>

Subject: Concerns

△△This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.△△

I was researching what was being built on Lake Pleasant Pkwy and Happy Valley. I was hoping for an AJs to class it up. However I see that Peoria is thinking about putting in a self storage by the resort and basically an extended stay at Jomax and the Pkwy. This is a horrible idea! These kinds of places bring the wrong type of people we want in our area. It brings homeless, theft and hookers. If I knew this is what was being planned I would have moved to a different area. You do not see Hotels and self storage places being built at Pinnacle and Pima! Do not allow this! These places go beside freeways like the 10 or 17 not on Lake Pleasant and Happy Valley. Do the smart thing, not what the pocket book thinks. It will down grade the area I guarantee it. No one wants it to look like LA.

Robert Kuhfuss

From: Taylor Proudfit [REDACTED]
Sent: Thursday, June 8, 2023 4:36 PM
To: Robert Kuhfuss
Subject: Re: Hearing for Case No CU 22-08 / SP 22-34

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Thank you!

On Thu, Jun 8, 2023 at 4:14 PM Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov> wrote:

Sorry for the delay in getting back to you on this. They have not resubmitted and there are no hearing dates have been set. I added you to the notification list.

Robert H. Kuhfuss, AICP, MPA

Senior Planner

City of Peoria Planning and Community Development

9875 North 85th Avenue

Peoria, AZ 85345

T: 623-773-7643

www.peoriaaz.gov

Hours | Monday – Thursday 7:00am – 6:00pm – **CLOSED FRIDAY**



From: Taylor Proudfit [REDACTED]
Sent: Monday, June 5, 2023 11:15 AM
To: Planning & Zoning <planning&zoning@peoriaaz.gov>
Subject: Hearing for Case No CU 22-08 / SP 22-34

⚠️⚠️ This email arrived from an external source. Please exercise caution when opening attachments or clicking on links. ⚠️⚠️

Hi Robert Kuhfuss,

I wanted to check and see when the Planning and Zoning Commission Hearing is for this site? it is not posted on the board that i could see. it says Not Yet Scheduled. I hear that a 3 story building is proposed to be installed here and I live in that community and am not ok with that.

How can i be notified when this hearing is scheduled for?

Thanks,

Taylor Proudfit

--
Sent from Gmail Mobile

Robert Kuhfuss

From: Robert Kuhfuss
Sent: Monday, May 8, 2023 2:18 PM
To: [REDACTED]
Cc: Kelly Madrid
Subject: FW: Site Plan and Status for CU 22-08 and SP 22-34

Sheldon,

Regarding both cases, we are told they wish to address city comments and resubmit, but we do not know the timing of the resubmittal; however, I will add you to the list of interested parties so that I can keep you informed.

If you would like to review either file, you would need to file a Public Records Request. You can do that online at [Public Records Request | City of Peoria \(peoriaaz.gov\)](#); however, I might suggest holding off until they resubmit so that you have the latest and greatest iteration.

Hope this is helpful.

Robert H. Kuhfuss, AICP, MPA

Senior Planner

City of Peoria Planning and Community Development

9875 North 85th Avenue

Peoria, AZ 85345

T: 623-773-7643

www.peoriaaz.gov

Hours | Monday – Thursday 7:00am – 6:00pm – **CLOSED FRIDAY**



From: Kelly Madrid <Kelly.Madrid@peoriaaz.gov>
Sent: Monday, May 8, 2023 1:53 PM
To: Sheldon Wong [REDACTED]; InetPlanning <planning@peoriaaz.gov>
Cc: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Subject: RE: Site Plan and Status for CU 22-08 and SP 22-34

Robert,

Can you please contact Sheldon Wong (see email below)

Should you have any questions, please feel free to contact me at 623-773-7312.

Thank You~

Kelly Madrid | Planning Specialist
City of Peoria | Planning and Community Development
9875 N. 85th Avenue Peoria, AZ 85345
P: 623-773-7312 | **F:** 623-773-7245 | kelly.madrid@peoriaaz.gov
Office Hours: Monday through Thursday, 7am - 6pm / **Closed Friday**

From: City of Peoria <webmaster@peoriaaz.gov>
Sent: Monday, May 8, 2023 1:26 PM
To: InetPlanning <planning@peoriaaz.gov>
Subject: Site Plan and Status for CU 22-08 and SP 22-34

Message submitted from the <City of Peoria> website.

Site Visitor Name: Sheldon Wong
Site Visitor Email: [REDACTED]

I would like to know the status for CU 22-08, and I would like to see the Site Plan for SP 22-34. Thanks.

Robert Kuhfuss

From: Robert Kuhfuss
Sent: Monday, July 31, 2023 9:14 AM
To: Rob Kuhfuss (office)
Cc: Taylor Earl
Subject: FW: Cibola Vista Self-Storage - 2nd Outreach Meeting
Attachments: 2nd N. Mtg Notification Letter 7.26.23 w Exhibits.pdf

Good morning everyone. As many of you noted, there was a discrepancy in the date of the upcoming outreach meeting. As stated in Taylor Earl's letter, the outreach meeting will be held on **August 14, 2023**, not April 14, 2023. Please accept my sincere apology.

Also, some of you wanted clarity regarding the height of the building. The revised proposal seeks two (2) stories above ground plus a below-grade basement level. The height of the building above grade will be as shown in the revised building elevations that were attached to Mr. Earl's letter.

Thank you and have a nice day.

Robert H. Kuhfuss, AICP, MPA

Senior Planner
623-773-7643
robert.kuhfuss@peoriaaz.gov

City of Peoria | Planning Department

9875 N. 85th Avenue, Peoria, AZ 85345
Monday through Thursday, 7am to 6pm | **Closed Friday**
[Peoriaaz.gov/planning](https://peoriaaz.gov/planning)

From: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Sent: Thursday, July 27, 2023 6:00 PM
To: Robert Kuhfuss <Robert.Kuhfuss@peoriaaz.gov>
Cc: Taylor Earl <tearl@EarlCurley.com>
Subject: Cibola Vista Self-Storage - 2nd Outreach Meeting

Good evening everyone.

Please see attached outreach letter from Taylor Earl, who now represents the applicant. They have redesigned the project and would like to share their new design with you. To that end, they have scheduled an outreach meeting for Monday, April 14, 2023 between 5:00 PM to 7:00 PM at the WestWing Mountain Community Center located at 27008 N. High Desert Drive in Peoria. Some of you will also receive this letter via mail.

Thank you and have a nice weekend.

Robert H. Kuhfuss, AICP, MPA

Senior Planner

623-773-7643

robert.kuhfuss@peoriaaz.gov

City of Peoria | Planning Department

9875 N. 85th Avenue, Peoria, AZ 85345

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Peoriaaz.gov/planning



Robert Kuhfuss

From: Robert Kuhfuss
Sent: Thursday, July 27, 2023 6:00 PM
To: Rob Kuhfuss (office)
Cc: 'Taylor Earl'
Subject: Cibola Vista Self-Storage - 2nd Outreach Meeting
Attachments: 2nd N. Mtg Notification Letter 7.26.23 w Exhibits.pdf

Good evening everyone.

Please see attached outreach letter from Taylor Earl, who now represents the applicant. They have redesigned the project and would like to share their new design with you. To that end, they have scheduled an outreach meeting for Monday, April 14, 2023 between 5:00 PM to 7:00 PM at the WestWing Mountain Community Center located at 27008 N. High Desert Drive in Peoria. Some of you will also receive this letter via mail.

Thank you and have a nice weekend.

Robert H. Kuhfuss, AICP, MPA

Senior Planner

623-773-7643

robert.kuhfuss@peoriaaz.gov

City of Peoria | Planning Department

9875 N. 85th Avenue, Peoria, AZ 85345

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Robert Kuhfuss

From: Darcee [REDACTED]
Sent: Friday, July 28, 2023 8:25 AM
To: Robert Kuhfuss
Subject: Re: Cibola Vista Self-Storage - 2nd Outreach Meeting

⚠⚠ This email arrived from an external source. Please exercise caution when opening attachments or clicking on links. ⚠⚠

He. Can you clarify the date for the meeting? The date listed below has already passed.

On Thu, Jul 27, 2023 at 6:04 PM Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov> wrote:

Good evening everyone.

Please see attached outreach letter from Taylor Earl, who now represents the applicant. They have redesigned the project and would like to share their new design with you. To that end, they have scheduled an outreach meeting for Monday, April 14, 2023 between 5:00 PM to 7:00 PM at the WestWing Mountain Community Center located at [27008 N. High Desert Drive](#) in Peoria. Some of you will also receive this letter via mail.

Thank you and have a nice weekend.

Robert H. Kuhfuss, AICP, MPA

Senior Planner

623-773-7643

robert.kuhfuss@peoriaaz.gov

City of Peoria | Planning Department

[9875 N. 85th Avenue, Peoria, AZ 85345](#)

Monday through Thursday, 7am to 6pm | **Closed Friday**



--

Thanks,

Darcee Bowen

Robert Kuhfuss

From: Nate Cottrell [REDACTED]
Sent: Friday, July 28, 2023 8:27 AM
To: Robert Kuhfuss
Subject: Re: Cibola Vista Self-Storage - 2nd Outreach Meeting

⚠️⚠️ This email arrived from an external source. Please exercise caution when opening attachments or clicking on links. ⚠️⚠️

Good morning Robert,
Can you verify the date of that new meeting? You listed April in your previous email.

Nate Cottrell
[REDACTED]

On Thu, Jul 27, 2023 at 6:04 PM Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov> wrote:

Good evening everyone.

Please see attached outreach letter from Taylor Earl, who now represents the applicant. They have redesigned the project and would like to share their new design with you. To that end, they have scheduled an outreach meeting for Monday, April 14, 2023 between 5:00 PM to 7:00 PM at the WestWing Mountain Community Center located at 27008 N. High Desert Drive in Peoria. Some of you will also receive this letter via mail.

Thank you and have a nice weekend.

Robert H. Kuhfuss, AICP, MPA

Senior Planner

623-773-7643

robert.kuhfuss@peoriaaz.gov

City of Peoria | Planning Department

9875 N. 85th Avenue, Peoria, AZ 85345

Monday through Thursday, 7am to 6pm | **Closed Friday**

Peoriaaz.gov/planning



Robert Kuhfuss

From: Nate Cottrell [REDACTED]
Sent: Wednesday, August 9, 2023 1:29 PM
To: Robert Kuhfuss
Subject: Re: Lake Pleasant parkway corridor specific area plan

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Perfect! Thank you.
I didn't think to look in the design guidelines for it. I was focusing on the zoning codes and overlays.

Nate Cottrell
[REDACTED]

On Wed, Aug 9, 2023 at 1:19 PM Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov> wrote:

Nate,

Take a look at Pages 4-25 through 4-34 of the Community Design Guidelines at [City Codes and Regulations | City of Peoria \(peoriaaz.gov\)](#). Also, take a look at Section 21-819 of the Peoria Zoning Ordinance [Chapter 21 ZONING \(amlegal.com\)](#).

Thanks

Robert H. Kuhfuss, AICP, MPA

Senior Planner

623-773-7643

robert.kuhfuss@peoriaaz.gov

City of Peoria | Planning Department

9875 N. 85th Avenue, Peoria, AZ 85345

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From: Nate Cottrell [REDACTED]
Sent: Wednesday, August 9, 2023 9:56 AM
To: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Subject: Lake Pleasant parkway corridor specific area plan

⚠️⚠️ This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.⚠️⚠️

Good morning Robert,

I'm looking at the Cibola Vista Self-storage application and was wondering if you had a map for the Lake Pleasant Parkway corridor.

Specifically, the urban/suburban/rural boundaries identified in the narrative.

I can't seem to find the boundary map on Peoria's website.

Thanks.

Nate Cottrell

[REDACTED]

[REDACTED]

[REDACTED]

Robert Kuhfuss

From: Ryan Ensminger [REDACTED]
Sent: Thursday, July 27, 2023 7:14 PM
To: Robert Kuhfuss
Subject: Re: Cibola Vista Self-Storage - 2nd Outreach Meeting

⚠️⚠️ This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.⚠️⚠️

April or August?

Sent from my iPhone

On Jul 27, 2023, at 18:04, Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov> wrote:

Good evening everyone.

Please see attached outreach letter from Taylor Earl, who now represents the applicant. They have redesigned the project and would like to share their new design with you. To that end, they have scheduled an outreach meeting for Monday, April 14, 2023 between 5:00 PM to 7:00 PM at the WestWing Mountain Community Center located at 27008 N. High Desert Drive in Peoria. Some of you will also receive this letter via mail.

Thank you and have a nice weekend.

Robert H. Kuhfuss, AICP, MPA

Senior Planner

623-773-7643

robert.kuhfuss@peoriaaz.gov

City of Peoria | Planning Department

9875 N. 85th Avenue, Peoria, AZ 85345

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[//Peoriaaz.gov/planning](https://Peoriaaz.gov/planning)

<image001.jpg>

<2nd N. Mtg Notification Letter 7.26.23 w Exhibits.pdf>

Robert Kuhfuss

From: Cherlyn Faulds [REDACTED]
Sent: Friday, July 28, 2023 9:00 AM
To: Robert Kuhfuss
Subject: Re: Cibola Vista Self-Storage - 2nd Outreach Meeting

⚠️⚠️ This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.⚠️⚠️

April 14, 2023 has already passed. Did you mean August ???

From: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Sent: Thursday, July 27, 2023 7:00 PM
To: Robert Kuhfuss <Robert.Kuhfuss@peoriaaz.gov>
Cc: Taylor Earl <tearl@EarlCurley.com>
Subject: Cibola Vista Self-Storage - 2nd Outreach Meeting

Good evening everyone.

Please see attached outreach letter from Taylor Earl, who now represents the applicant. They have redesigned the project and would like to share their new design with you. To that end, they have scheduled an outreach meeting for Monday, April 14, 2023 between 5:00 PM to 7:00 PM at the WestWing Mountain Community Center located at 27008 N. High Desert Drive in Peoria. Some of you will also receive this letter via mail.

Thank you and have a nice weekend.

Robert H. Kuhfuss, AICP, MPA

Senior Planner
623-773-7643
robert.kuhfuss@peoriaaz.gov

City of Peoria | Planning Department

9875 N. 85th Avenue, Peoria, AZ 85345
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Robert Kuhfuss

From: Franz Forman [REDACTED]
Sent: Thursday, July 27, 2023 7:55 PM
To: Robert Kuhfuss
Subject: Re: Cibola Vista Self-Storage - 2nd Outreach Meeting

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Robert, just to clarify, do you mean August 14 instead of April 14?

On Jul 27, 2023, at 6:04 PM, Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov> wrote:

Good evening everyone.

Please see attached outreach letter from Taylor Earl, who now represents the applicant. They have redesigned the project and would like to share their new design with you. To that end, they have scheduled an outreach meeting for Monday, April 14, 2023 between 5:00 PM to 7:00 PM at the WestWing Mountain Community Center located at 27008 N. High Desert Drive in Peoria. Some of you will also receive this letter via mail.

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<image001.jpg>

<2nd N. Mtg Notification Letter 7.26.23 w Exhibits.pdf>

Robert Kuhfuss

From: [REDACTED]
Sent: Sunday, July 30, 2023 10:28 AM
To: Robert Kuhfuss
Subject: RE: Cibola Vista Self-Storage - 2nd Outreach Meeting

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Robert

Your email states meeting is April 14, 2023. Is this correct?

Joel A Fredericks

From: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Sent: Thursday, July 27, 2023 6:00 PM
To: Robert Kuhfuss <Robert.Kuhfuss@peoriaaz.gov>
Cc: Taylor Earl <tearl@EarlCurley.com>
Subject: Cibola Vista Self-Storage - 2nd Outreach Meeting

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Robert Kuhfuss

From: [REDACTED]
Sent: Thursday, July 27, 2023 9:14 PM
To: Robert Kuhfuss
Cc: 'Taylor Earl'
Subject: RE: Cibola Vista Self-Storage - 2nd Outreach Meeting

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Monday April 14, 2023??

From: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Sent: Thursday, July 27, 2023 6:00 PM
To: Robert Kuhfuss <Robert.Kuhfuss@peoriaaz.gov>
Cc: Taylor Earl <tearl@EarlCurley.com>
Subject: Cibola Vista Self-Storage - 2nd Outreach Meeting

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Robert Kuhfuss

From: Jessica Larsen [REDACTED]
Sent: Friday, July 28, 2023 5:39 PM
To: Robert Kuhfuss
Subject: Re: Cibola Vista Self-Storage - 2nd Outreach Meeting

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The meeting is August 14th? In this letter it says April.

On Thu, Jul 27, 2023 at 7:04 PM Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov> wrote:

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Robert Kuhfuss

From: Deb Muedener [REDACTED]
Sent: Thursday, July 27, 2023 6:18 PM
To: Robert Kuhfuss
Subject: Re: Cibola Vista Self-Storage - 2nd Outreach Meeting
Attachments: image001.jpg

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Is this the correct date? It says April.

On Thu, Jul 27, 2023, 6:04 PM Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov> wrote:

Good evening everyone.

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Robert Kuhfuss

From: Ron Newhouse [REDACTED]
Sent: Friday, July 28, 2023 8:33 AM
To: Taylor Proudfit; Mike [REDACTED]; Robert Kuhfuss
Subject: Re: Cibola Vista Self-Storage - 2nd Outreach Meeting

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Tay, what does this mean? Why the text re a meeting on April 14, 2023? And you sent it to the Peoria planner.

From: Taylor Proudfit [REDACTED]
Sent: Thursday, July 27, 2023 11:47 PM
To: Mike [REDACTED]; Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>; Ron Newhouse [REDACTED]
Subject: Re: Cibola Vista Self-Storage - 2nd Outreach Meeting

On Thu, Jul 27, 2023 at 6:04 PM Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov> wrote:
Good evening everyone.

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--
Sent from Gmail Mobile

Robert Kuhfuss

From: Robin Porter [REDACTED]
Sent: Friday, July 28, 2023 9:19 AM
To: Robert Kuhfuss
Cc: Taylor Earl
Subject: RE: EXTERNAL EMAIL: Cibola Vista Self-Storage - 2nd Outreach Meeting

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When is the outreach meeting? The date listed below is in the past.

Thank you,
Robin Porter



From: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Sent: Thursday, July 27, 2023 6:00 PM
To: Robert Kuhfuss <Robert.Kuhfuss@peoriaaz.gov>
Cc: Taylor Earl <tearl@EarlCurley.com>
Subject: EXTERNAL EMAIL: Cibola Vista Self-Storage - 2nd Outreach Meeting

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Robert Kuhfuss

From: Taylor Proudfit [REDACTED]
Sent: Thursday, July 27, 2023 11:48 PM
To: Mike [REDACTED]; Robert Kuhfuss; ronnewhouse [REDACTED]
Subject: Re: Cibola Vista Self-Storage - 2nd Outreach Meeting

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On Thu, Jul 27, 2023 at 6:04 PM Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov> wrote:

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Sent from Gmail Mobile

Robert Kuhfuss

From: [REDACTED]
Sent: Friday, July 28, 2023 4:59 PM
To: Robert Kuhfuss
Subject: Re: Cibola Vista Self-Storage - 2nd Outreach Meeting

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Hi Im thinking there's been a typo .. I think you wanted to type AUGUST 14, not APRIL 14.

On Thursday, July 27, 2023 at 06:10:22 PM MST, Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov> wrote:

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Robert Kuhfuss

From: Taylor Earl <tearl@EarlCurley.com>
Sent: Friday, July 28, 2023 9:26 AM
To: [REDACTED]; Robert Kuhfuss
Subject: Re: Cibola Vista Self-Storage - 2nd Outreach Meeting

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Hi there. There was a typo in the city's email below. If you look at the letter we sent, it correctly lists the meeting in August. Let us know if you have any questions.

Sincerely,

Taylor C. Earl
Managing Partner
Earl & Curley
(602) 265-0094
3101 N. Central Avenue
Suite 1000
Phoenix, Arizona 85012
www.earlcurley.com

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From: [REDACTED]
Sent: Thursday, July 27, 2023 9:14:27 PM
To: 'Robert Kuhfuss' <robert.kuhfuss@peoriaaz.gov>
Cc: Taylor Earl <tearl@EarlCurley.com>
Subject: RE: Cibola Vista Self-Storage - 2nd Outreach Meeting

Monday April 14, 2023??

From: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Sent: Thursday, July 27, 2023 6:00 PM
To: Robert Kuhfuss <Robert.Kuhfuss@peoriaaz.gov>
Cc: Taylor Earl <tearl@EarlCurley.com>
Subject: Cibola Vista Self-Storage - 2nd Outreach Meeting

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Robert Kuhfuss

From: Taylor Earl <tearl@EarlCurley.com>
Sent: Friday, July 28, 2023 9:27 AM
To: Robin Porter; Robert Kuhfuss
Subject: Re: EXTERNAL EMAIL: Cibola Vista Self-Storage - 2nd Outreach Meeting

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From: Robin Porter [REDACTED]
Sent: Friday, July 28, 2023 9:19:17 AM
To: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Cc: Taylor Earl <tearl@EarlCurley.com>
Subject: RE: EXTERNAL EMAIL: Cibola Vista Self-Storage - 2nd Outreach Meeting

When is the outreach meeting? The date listed below is in the past.

Thank you,
Robin Porter

[REDACTED]



From: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Sent: Thursday, July 27, 2023 6:00 PM
To: Robert Kuhfuss <Robert.Kuhfuss@peoriaaz.gov>
Cc: Taylor Earl <tearl@EarlCurley.com>
Subject: EXTERNAL EMAIL: Cibola Vista Self-Storage - 2nd Outreach Meeting

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Robert Kuhfuss

From: Taylor Earl <tearl@EarlCurley.com>
Sent: Friday, July 28, 2023 10:47 AM
To: 'BRYAN TRIPPE'
Cc: Robert Kuhfuss
Subject: RE: Cibola Vista Self-Storage - 2nd Outreach Meeting

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Yep, my pleasure. Have a great weekend and let me know if other questions occur to you. We're here as a resource.

Taylor C. Earl
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From: BRYAN TRIPPE [REDACTED]
Sent: Friday, July 28, 2023 10:30 AM
To: Taylor Earl <tearl@EarlCurley.com>; Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Subject: Re: Cibola Vista Self-Storage - 2nd Outreach Meeting

Thank you for clarifying that and responding so quickly.

From: Taylor Earl <tearl@EarlCurley.com>
Sent: Friday, July 28, 2023 9:37 AM
To: BRYAN TRIPPE [REDACTED]; Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Subject: Re: Cibola Vista Self-Storage - 2nd Outreach Meeting

Yes, the project now includes a basement. It's a more expensive process, but the client was willing to do that. When we were making the reference to the height, we were focusing on the building portion above ground because we understood that to be the element people cared most about. But, thank you for the opportunity to make that clarification.

Robert, perhaps you could email this out to the group since I don't have access to the emails. Perhaps other people will have the same question.

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From: BRYAN TRIPPE [REDACTED]
Sent: Friday, July 28, 2023 9:29:15 AM
To: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Cc: Taylor Earl <tearl@EarlCurley.com>
Subject: Re: Cibola Vista Self-Storage - 2nd Outreach Meeting

Good morning,

I noticed the proposed architectural site plan still says PER FLOOR 33,008 S.F. (**X3 STORY**) 100,332 S.F. but your letter says **2 STORY**.

Thank you,
Bryan Trippe

From: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Sent: Thursday, July 27, 2023 6:00 PM
To: Robert Kuhfuss <Robert.Kuhfuss@peoriaaz.gov>
Cc: Taylor Earl <tearl@EarlCurley.com>
Subject: Cibola Vista Self-Storage - 2nd Outreach Meeting

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Robert Kuhfuss

From: BRYAN TRIPPE [REDACTED]
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Subject: Re: Cibola Vista Self-Storage - 2nd Outreach Meeting

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From: BRYAN TRIPPE [REDACTED]
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To: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>

Cc: Taylor Earl <tearl@EarlCurley.com>

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Thank you,
Bryan Trippe

From: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>

Sent: Thursday, July 27, 2023 6:00 PM

To: Robert Kuhfuss <Robert.Kuhfuss@peoriaaz.gov>

Cc: Taylor Earl <tearl@EarlCurley.com>

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Robert Kuhfuss

From: Tina Trippe [REDACTED]
Sent: Thursday, July 27, 2023 6:07 PM
To: Robert Kuhfuss
Subject: Re: Cibola Vista Self-Storage - 2nd Outreach Meeting

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April 14, 2023?

From: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Sent: Thursday, July 27, 2023 6:00:13 PM
To: Robert Kuhfuss <Robert.Kuhfuss@peoriaaz.gov>
Cc: Taylor Earl <tearl@EarlCurley.com>
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Please see attached outreach letter from Taylor Earl, who now represents the applicant. They have redesigned the project and would like to share their new design with you. To that end, they have scheduled an outreach meeting for Monday, April 14, 2023 between 5:00 PM to 7:00 PM at the WestWing Mountain Community Center located at 27008 N. High Desert Drive in Peoria. Some of you will also receive this letter via mail.

Thank you and have a nice weekend.

Robert H. Kuhfuss, AICP, MPA

Senior Planner
623-773-7643
robert.kuhfuss@peoriaaz.gov

City of Peoria | Planning Department

9875 N. 85th Avenue, Peoria, AZ 85345
Monday through Thursday, 7am to 6pm | **Closed Friday**
[//Peoriaaz.gov/planning](https://Peoriaaz.gov/planning)



From: [Kirk Baumgartner](#)
To: [Robert Kuhfuss](#)
Subject: RE: Cibola Vista Self-Storage - 2nd Outreach Meeting documents with annotations
Date: Tuesday, August 15, 2023 2:05:33 PM
Attachments: [image001.jpg](#)
[Notice of Second Neighborhood Meeting - annotated.pdf](#)
Importance: High

This email arrived from an external source. Please exercise caution when opening attachments or clicking on links.

Good afternoon Robert,

As I stated after the meeting yesterday evening, attached are the second community meeting documents with my annotations. These annotations are based upon discussions during the meeting, as well as my opinion and those of others in attendance. I trust they will be taken under serious consideration by both the city and the developer with appropriate changes being made to protect our PVHOA community interests.

Should you have any questions or need clarification, please feel free to contact me.

Sincerely,
Kirk B.

From: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Sent: Monday, July 31, 2023 9:14 AM
To: Robert Kuhfuss <Robert.Kuhfuss@peoriaaz.gov>
Cc: Taylor Earl <tearl@EarlCurley.com>
Subject: FW: Cibola Vista Self-Storage - 2nd Outreach Meeting

Good morning everyone. As many of you noted, there was a discrepancy in the date of the upcoming outreach meeting. As stated in Taylor Earl's letter, the outreach meeting will be held on [August 14, 2023](#) not April 14, 2023. Please accept my sincere apology.

Also, some of you wanted clarity regarding the height of the building. The revised proposal seeks two (2) stories above ground plus a below-grade basement level. The height of the building above grade will be as shown in the revised building elevations that were attached to Mr. Earl's letter.

Thank you and have a nice day.

Robert H. Kuhfuss, AICP, MPA

Senior Planner
623-773-7643
robert.kuhfuss@peoriaaz.gov

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From: Robert Kuhfuss <robert.kuhfuss@peoriaaz.gov>
Sent: Thursday, July 27, 2023 6:00 PM
To: Robert Kuhfuss <Robert.Kuhfuss@peoriaaz.gov>
Cc: Taylor Earl <tearl@EarlCurley.com>
Subject: Cibola Vista Self-Storage - 2nd Outreach Meeting

Good evening everyone.

Please see attached outreach letter from Taylor Earl, who now represents the applicant. They have redesigned the project and would like to share their new design with you. To that end, they have scheduled an outreach meeting for Monday, April 14, 2023 between 5:00 PM to 7:00 PM at the WestWing Mountain Community Center located at 27008 N. High Desert Drive in Peoria. Some of you will also receive this letter via mail.

Thank you and have a nice weekend.

Robert H. Kuhfuss, AICP, MPA

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General



July 26, 2023

Dear Community Member,

This is a follow up letter to a prior communication regarding a proposed internal self-storage building on the infill parcel shown in the map to the right (at the northwest corner of Lake Pleasant Parkway and Cibola Vista Drive).

We want to thank all those who provided feedback to us, including in our prior neighborhood meeting. We greatly benefited from that feedback. After that meeting and other meetings with City staff, we have been working on significantly modifying the project's design to be more compatible with the area.

One significant change is that we have reduced the height of the proposed building from three stories to two stories to create a better condition for the neighborhood to the west and to be more compatible with the design of the broader area. We have also incorporated architectural elements from the Cibola Vista Resort and Spa across the street so that this proposed building better fits into the fabric of the community.

The subject request is for a conditional use permit. To be clear, this is not a change of zoning. The property is already zoned for commercial uses. But in a location such as this, and on a parcel shaped like this one, most commercial uses would not be appropriate or practical. The parcel is right up against residential homes, is shaped like a narrow triangle that comes to a point on the south side, and is small for a commercial parcel.

Other permitted commercial uses on this site would not require a conditional use permit and could proceed forward without extra permission from the City. However, many of those commercial uses would generate too much noise and activity next to the neighborhood to the west and would be a nuisance; would have a footprint and parking area that would be too large to fit on this triangle parcel (like a day care that might cause traffic to back up into the street); and/or would come with two-story or three-story windows with views into residential yards to the west (like an office building).

The proposed development avoids each of these issues. Self-storage facilities are often placed next to neighborhoods on difficult infill parcels because they are incredibly quiet, with very little day-to-day traffic. Customers store their belongings but do not regularly return to access them. The facility is also able to nicely fit on this odd-shaped parcel in part because with so few people



accessing the facility, we don't need a large parking lot. And because people aren't working or residing in the building, like with an office building, windows that would normally face toward the neighborhood to the west are not needed.

As noted above, after a prior neighborhood meeting, our client has agreed to reduce the height of the building from three stories to two stories. He's also increased the tree buffer on the west side of the building to act as a screen between the building and the neighbors (this can be seen in the below conceptual rendering—full sized image attached).



He has also enhanced the building architecture to be more compatible with the architectural design of the area (shown in the conceptual rendering below—full sized image attached).



We heard loud and clear that the project's appearance off of Lake Pleasant Parkway is important to the community. And that is why we have made such significant changes to the design of the building. Although this is only a conditional use permit application, we also know that appearance is important. And so we're grateful for the community feedback in this regard.

The proposed storage facility will be a fully enclosed climate-controlled building. There will be no outdoor storage and all storage will occur indoors. The hours of operation have been limited based on neighbor feedback and will be from 7am to 9pm. All activities will be monitored by state-of-the-art security cameras and customers will use a card and pin system to access the building during business hours. The operations team will know who came, when they came, what they did while they were on site, and when they left.

Commercial parcels up against residential neighborhoods are always challenging. But this use would be quiet and secure; the building would be comparable in height to a two-story home; and it would serve as an effective sound barrier between the traffic on Lake Pleasant Parkway and the neighborhood to the west.

Attached to this letter we have included a copy of the revised site plan, new color elevations, and conceptual renderings to help you get a better sense of what the project would look like.

Neighborhood Meeting Information

This follow up neighborhood meeting will be held in an open house format so that you can come and go at your convenience and have individual conversations with team members. The doors will open at 5pm, and we will be there until 7pm. You can come anytime during that two-hour window.

Here are the details:

- Location:** 27008 N High Desert Drive, Peoria AZ 85383. (West Wing Mountain Community Center)
- Date/Time:** Monday, August 14th, 2023; between 5pm and 7pm
- Format:** Open House. You can come and look at exhibit boards, talk to team members, ask questions, and provide your feedback. We are sincere in our desire to hear from you and talk to you.

We were ready to return to the community earlier in the summer but we delayed the meeting to make sure people were back from summer vacations. That being said, we know some people still may not be able to make it. If that is the case, please contact me (Taylor Earl) or our office's principal planner helping with this project, Michael Buschbacher, at 602-265-0094 or by email at mbuschbacher@earlcurley.com to learn more about the case, ask any questions, and express your opinions.

Sincerely,



Taylor Earl
Managing Partner
o (602) 265-0094



Cornice seem small in comparison to mass of wall. Enlargement would add character to wall (typical all elevations).

Popouts seem small as to depth from plane of wall. They should project further to add character to wall (typical all elevations).

It is deceptive to show 22' mature trees here. The 24" box trees mentioned in the meeting will be lower than the top of the existing 8' PVHOA wall and not reach 22' for a decade.

It is del berately deceptive to show 22' mature trees here. The 24" box trees mentioned in the meeting will be lower than the top of the existing 8' PVHOA wall and not reach 22' for a decade.

Note that there still is an ~240' long by ~17' tall (above our existing 8' tall wall) large mass of wall that will be the view of multiple PVHOA residents. Making it as appealing as possible is paramount.

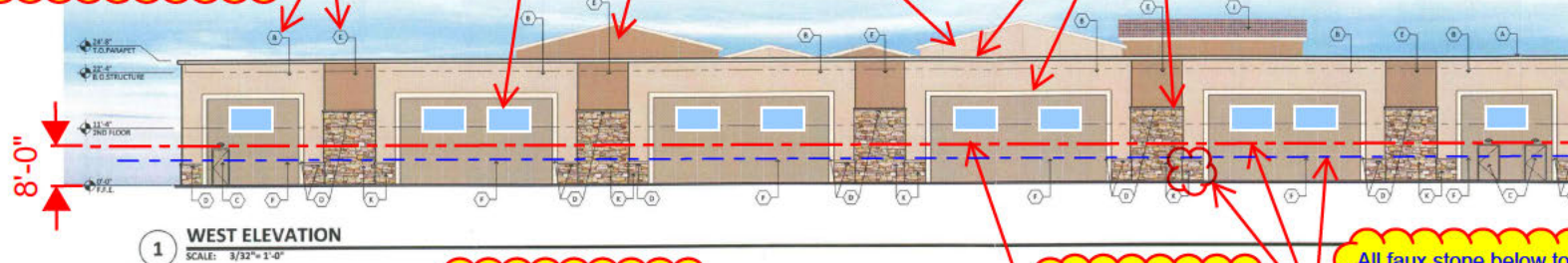


Potential faux windows of stucco a different color with perimeter popout along entire wall (typ). *We do not want glass to avoid heat reflection and glare.*

These dead air spaces will need to be vented. How will this be done? Visible louvered vents?

The massing of the N & W elevations must be relieved with planar dimensional changes via the faux columns shown, an enhanced / larger cornice, enhanced popouts, the addition of faux windows with perimeter popouts, etc.

Is the "E" brown stucco accent 'column' projected out from the "B" tan stucco field?



MATERIAL AND COLORS

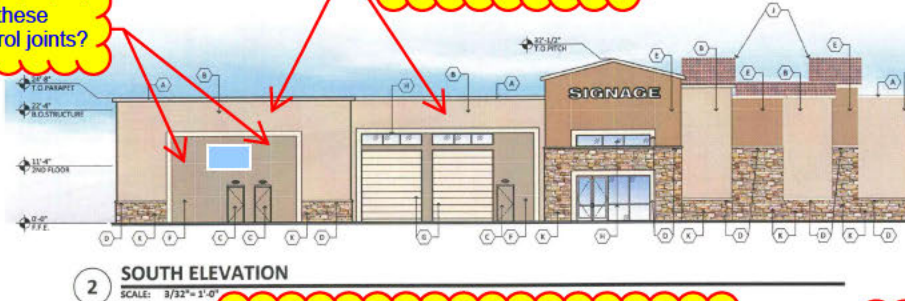
1. EAP FLASHING - PAINT COLOR TO MATCH: MATCH: DUNN EDWARDS COLOR: SAND CASTLE SPEC: # DEC742	7. STUCCO - PAINT COLOR TO MATCH: FINISH: FINE SAND MATCH: DUNN EDWARDS COLOR: SORREL FELT SPEC: #
2. STUCCO - PAINT COLOR TO MATCH: FINISH: FINE SAND MATCH: DUNN EDWARDS COLOR: CORAL CLAY SPEC: # DEC729	8. ROLL UP DOOR: SPEC: 8"X16" MATCH: DUNN EDWARDS COLOR: CORAL CLAY SPEC: # DEC729
3. HOLLOW METAL DOOR - PAINT COLOR TO MATCH: MATCH: DUNN EDWARDS COLOR: CORAL CLAY SPEC: # DEC729	9. ALUMINUM STOREFRONT: MATCH: KAUFER COLOR: ALUMINUM CLEAR SPEC: #
4. STUCCO - PAINT COLOR TO MATCH: FINISH: FINE SAND MATCH: DUNN EDWARDS COLOR: SAND CASTLE SPEC: # DEC742	10. TILE ROOF: MATCH: EAGLE ROOFING COLOR: 2800 VALLEY RANGE PROFILE: #
5. STUCCO - PAINT COLOR TO MATCH: FINISH: FINE SAND MATCH: DUNN EDWARDS COLOR: MESA TAN SPEC: # DEC742	11. STONE VENEER: MATCH: ELDORADO STONE COLOR: MEDICINE TYPE: CLIFFSTONE

Where are control joints in other areas of stucco?

Are these control joints?

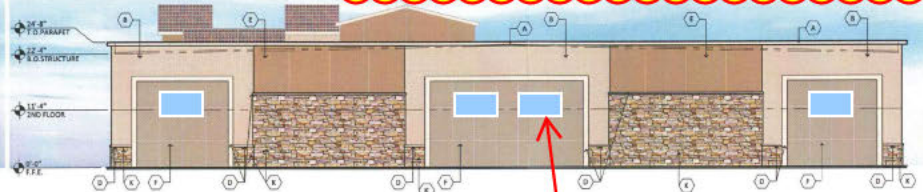
T.O.W. for PVHOA.

All faux stone below top of PVHOA wall (red dashed line) will not be seen by 99% of the PVHOA people and thus is a waste of money. Even the faux stone below the line of sight from two-story PVHOA homes (blue dashed line) will not be seen by the other 1% of the PVHOA people.



NORTH ELEVATION

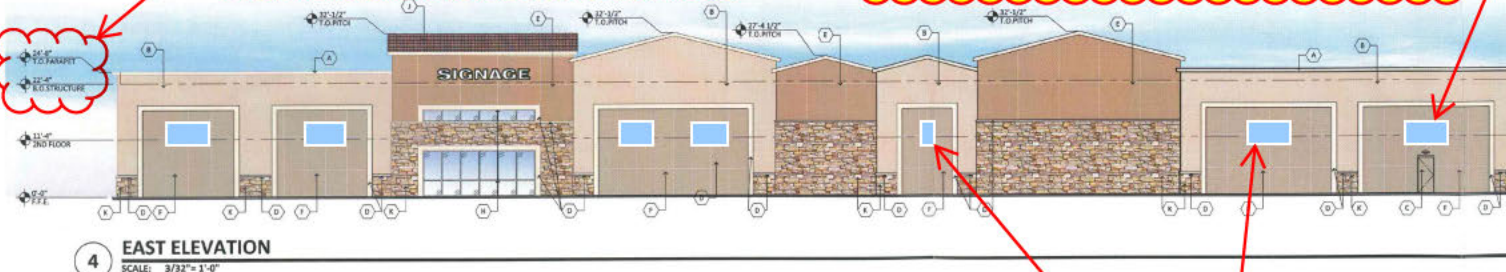
SCALE: 3/32" = 1'-0"



A 2' parapet is insufficient to screen HVAC units if it is decided to install packaged units atop the roof.

Potential faux windows of stucco a different color with perimeter popout to carry similar look as west elevation (typ).

See comment at left.



ELEVATION GENERAL NOTES

- ALL ROOF MOUNTED MECHANICAL EQUIPMENT SHALL BE FULLY SCREENED BY PARAPET WALLS EQUAL TO, OR GREATER THAN, THE HIGHEST POINT ON THE MECHANICAL EQUIPMENT.
- SOLID MASONRY WALLS AND GATES EQUAL TO, OR GREATER THAN, THE HIGHEST POINT ON THE MECHANICAL EQUIPMENT SHALL SCREEN ALL ROOF MOUNTED MECHANICAL EQUIPMENT.
- ROOF DRAINAGE SHALL UTILIZE INTERIOR ROOF DRAINS OR BE ARCHITECTURALLY INTEGRATED INTO THE BUILDING DESIGN. ARCHITECTURALLY INTEGRATED ROOF DRAINS SHALL REQUIRE ADDITIONAL ARTICULATION BEYOND PARAPETS.
- SCREENING SHALL BE ARCHITECTURALLY INTEGRATED FOR THE SERVICE ENTRANCE SECTION (SES) AND ALL UTILITIES. ALL GROUND MOUNTED EQUIPMENT SHALL BE SCREENED FROM PUBLIC VIEW BY A CONCRETE OR MASONRY WALL WITH SOLID GATES, EQUAL TO OR GREATER IN HEIGHT THAN THE MECHANICAL EQUIPMENT.
- SEMS REQUIRE A SEPARATE SUBMITTAL AND PERMIT - GC TO COORDINATE WITH SIGN PACKAGE FOR SIGNAGE.



PROPOSED SELF STORAGE FACILITY
NWC LAKE PLEASANT & CIBOLA VISTA
PEORIA, ARIZONA
DATE: 04-19-2023 (PRELIMINARY)

EL-1

RKAA# 22048.50

Note that these proposed faux windows *are not glass*, rather just stucco of a different color and finish (smooth) to 'look like glass' with perimeter popout in order to break up the huge mass of brown stucco that is this building.

Smooth finish stucco painted to 'simulate' the glass at building's entry.

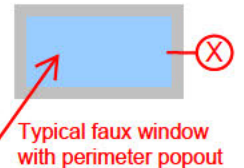


EXHIBIT 8

PROJECT DIRECTORY

APPLICANT: SHERIDAN DEVELOPMENT
3000 W. TRAC DRIVE SUITE 3
PEORIA, AZ 86801
CONTACT: ANDREW ABERNATHY
PHONE: (702) 263-7425
E-MAIL: andrew@sherdandev.com

ARCHITECT: RKAA ARCHITECTS, INC.
2000 E. THOMAS ROAD
PHOENIX, AZ 85016
CONTACT: MATTHEW GARGENT
PHONE: (602) 955-7962
E-MAIL: mattgargent@rkaa.com

SITE DATA

ADDRESS & PARCEL NO.: 200 N. 30th
CITY & COUNTY: PHOENIX, AZ 85016
KEY SITE AREA: 10.27 ACRES
EXISTING ZONING: R2

PARKING DATA

TOTAL PARKING REQUIRED:	10 SPACES
1 SPACE PER FIFTY (50) UNITS RES. UNITS	
1 SPACE PER 1000 SF OFFICE 470 SF	
TOTAL PARKING PROVIDED:	10 SPACES
ACCESSIBLE SPACES REQUIRED:	1 SPACE
ACCESSIBLE SPACES PROVIDED:	1 SPACE

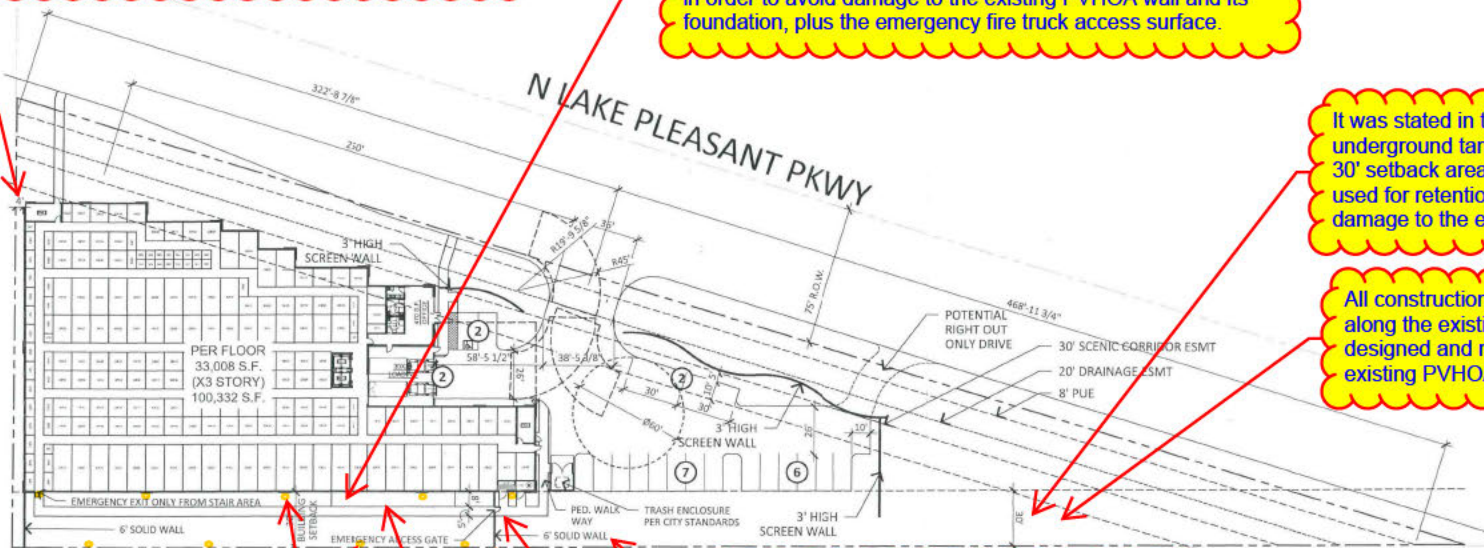
What are existing soils conditions? What type of excavation equipment will be utilized for construction (standard or rock-breaking ramhoes, etc.)? Given the area's propensity for caliche rock, this is a concern for both noise for the PVHOA community, as well as vibration, which may damage the existing PVHOA wall and/or houses.

> What is to occur with this 4' dead space, both now and in the future?
> Will it be landscaped now?
> If the future northern neighbor wants a wall there, how is the 4'+ dead space to be dealt with for maintenance and security?

It was stated in the meeting that all rain runoff from the building roof is to be conveyed via downspouts to underground pipe routed to the tank storage under the parking area AND that no surface drainage will be utilized for such within the 30' setback area along the existing PVHOA wall. This must be adhered to in order to avoid damage to the existing PVHOA wall and its foundation, plus the emergency fire truck access surface.

It was stated in the meeting that all retention is to be via underground tank storage under the parking area AND that the 30' setback area along the existing PVHOA wall will not be used for retention. This must be adhered to in order to avoid damage to the existing PVHOA wall and its foundation.

All construction and grading within the 30' setback area along the existing PVHOA wall will need to be carefully designed and monitored in order to avoid damage to the existing PVHOA wall and its foundation.



SITE PLAN

SCALE: 1" = 30'-0"

Use steel picket fence for visual monitoring of 'alley'.

Gate will need to be larger / wider to accommodate a fire truck.

PROPOSED SELF STORAGE FACILITY

NWC LAKE PLEASANT & CIBOLA VISTA
PEORIA, ARIZONA
DATE: 04-26-2023(PRELIMINARY)

SP-1

RKAA# 22048.50

VICINITY MAP

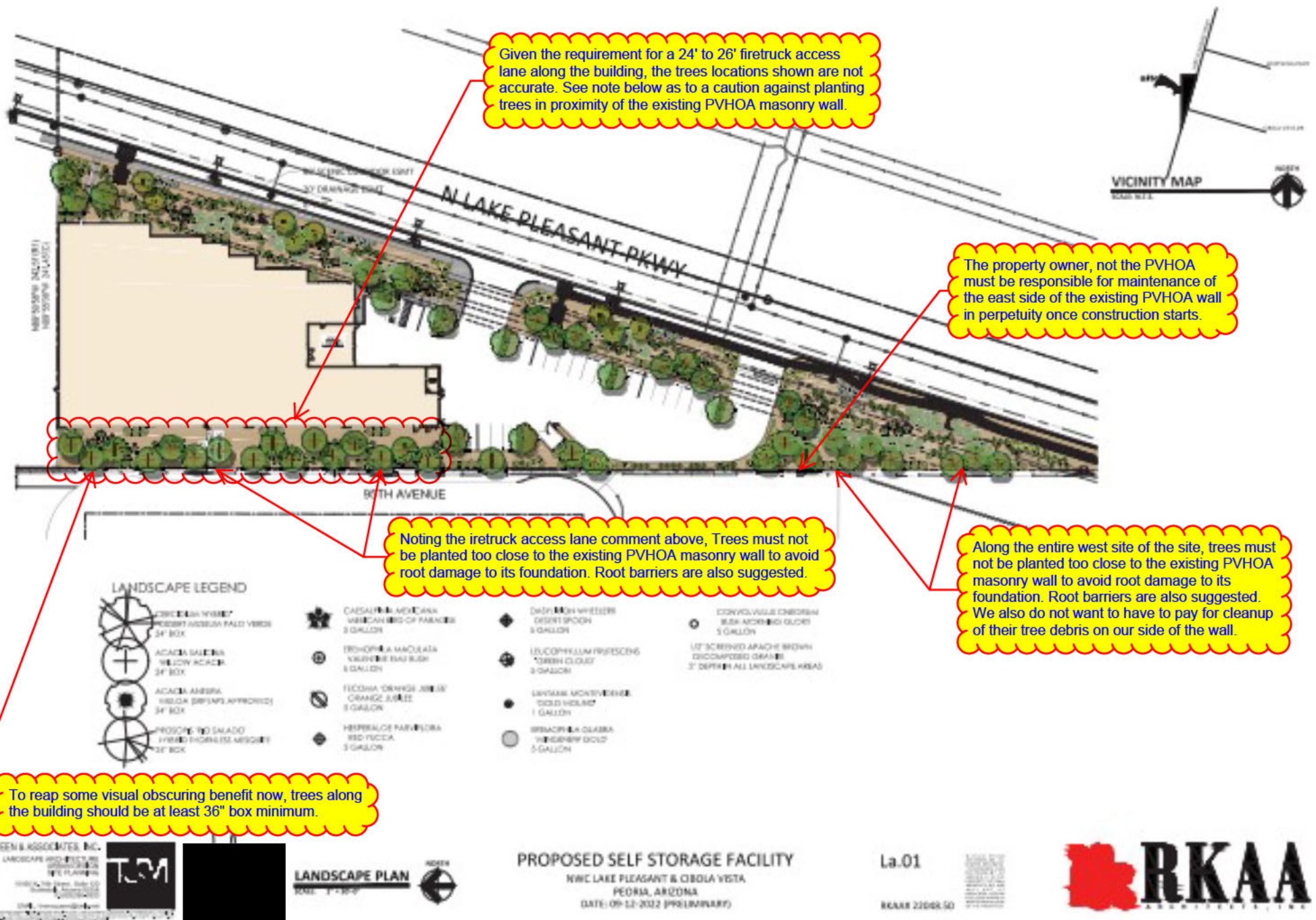
SCALE: N.T.S.

SP22-34/ CU22-08

To ensure enough lighting in 'alley' but not too many shining at PVHOA community, mount half of the lights along the existing all.

As discussed in the meeting, not all HVAC condensers can be located in this area for reasons of:
1) Excessive noise for the PVHOA community.
2) Line set lengths will be too long for efficient functionality of units.

N & S walls must not be allowed to structurally tie into the existing PVHOA wall. An open or caulked only isolation joint should be used.





PLANNING AND ZONING COMMISSION REPORT

Meeting October 17, 2024

Date:

Agenda Item: 4R

Case Name: Study Session: Zoning Code Amendments TA24-01, TA24-02, and TA24-03

General Application Information

ATTACHMENTS:

Description

Staff Memo

Draft Code: Administrative Refinements (TA24-01)

Draft Code: ADU and Backyard Fowl (TA24-02)

Draft Code: Adaptive Reuse (TA24-03)



PLANNING & ZONING COMMISSION STAFF REPORT

Meeting Date: 10/17/2024

Agenda Item(s): 4R

TO: Planning and Zoning Commission
THROUGH: Chris M. Jacques, AICP, Planning Director
FROM: Lorie Dever, Deputy Director
SUBJECT: Study Session: Zoning Code Amendments TA24-01, TA24-02, and TA24-03

PURPOSE

The purpose of this Study Session is to review and discuss three city-initiated code amendments to the Zoning Ordinance to address recently adopted legislative bills.

SUMMARY

The 56th Arizona state legislature passed a number of bills this session that have been signed into adoption by the Governor pertaining to municipal zoning. These bills were intended to facilitate greater housing affordability by increasing opportunities for diverse housing types and streamlining processes. Three (3) of these bills require local municipalities to amend their Zoning Code by January 1, 2025. They are:

- SB 1162: Rezoning "Shot Clock"
- HB 2720: Accessory Dwelling Units (ADU's)
- HB 2297: Adaptive Reuse for Multifamily Development

Additionally, HB2325: Backyard Fowl was also signed into adoption by the Governor, and preempts any city regulations associated with the keeping of backyard fowl. The new backyard fowl regulatory provisions went into effect upon September 24, 2024. As such, minor adjustments to the Zoning Ordinance are required to realign the existing regulations to be in compliance with the newly adopted regulations. Attached is a Briefing Sheet prepared by the Planning Department summarizing the bills.

During tonight's study session, staff will present and seek discussion on the three code amendments as shown in the attached exhibits. As this is a study session item, no action will be taken.

CODE AMENDMENTS

At tonight's study session, staff will present and seek discussion on the three code amendments as noted below and shown in the attached exhibits. As this is a study session item, no action will be taken.

TA24-01: ADMINISTRATION AND PROCEDURES

SB1162 requires municipalities on or before January 1, 2025, to adopt a zoning amendment requiring the determination of administrative completeness of a zoning application to occur within thirty (30) days of receipt. The bill also requires the municipality to determine if a resubmitted application is "administratively complete" within fifteen (15) days. It also requires approval or denial of an administratively complete non-PAD (and non-PCD) zoning application within 180 days; however, it does permit extensions within certain circumstances.

In addition to updating the provisions of the Zoning Ordinance to conform with the administrative deadlines and duration timelines specified within SB1162, staff are taking this opportunity to clarify and modernize the Zoning Code in preparation for future code amendments. As such, the following encapsulates the proposed

ZONING CODE AMENDMENTS (TA24-01, TA24-02, AND TA24-03)

changes in Sections 21-100, 21-300, 21-400, 21-500, 21-600, 21-700, 21-800:

- Rename *Section 21-100 Introduction* to *21-100 Introductory Provisions and Administration*
- Append and update Administrative regulations from 21-300 into *Section 21-100*
- Rename *21-300 Administration and Procedures* to *21-300 General Provisions and Standards*
- Relocate and renumber 21-800 through 21-814 into 21-300
- Standardize formatting for interior setback within Section 21-420 to match other tables.
- Within Section 21-400, add note to clarify when corner setback minimum distance is applicable versus an interior setback.
- In Section 21-600, standardize PAD / PCD references to match existing practices.
- Eliminate regulations within Section 21-701 through 21-709 known as *Senior Citizen Overlay Zoning District*
- Consolidate provisions within Section 21-710 through 21-734 and append into revised *21-600 Special Uses, Districts and Overlays*
- Rename subsections to clarify topics of individual sections for easier reference.
- Update cross-references within individual regulations to point to new section numbers.
- Create uniformity in use of terms for Zoning Administrator and Department references.

TA24-02: ACCESSORY DWELLING UNITS AND BACKYARD FOWL

Refinements are proposed to Sections 21-300, 21-400, 21-600, 21-700, and 21-800 in order to align the Zoning Ordinance with the accessory dwelling unit provisions adopted as part of HB2720, and the backyard fowl regulations associated with HB2325.

More specifically, HB 2720 requires municipalities with a population of 75,000 or more to adopt regulations allowing accessory dwellings units (ADUs) on any lot or parcel where a single-family dwelling is allowed. HB2720 additionally outlines minimum allowances and prohibits municipalities from establishing various restrictions. If a municipality fails to adopt these development regulations by January 1, 2025, ADUs will be allowed on all lots or parcels zoned for residential use without limits.

Given the ability for certain existing and future accessory buildings to be converted to accessory dwelling units, and their indistinguishable nature from a permitting and enforcement perspective, staff are also proposing refinements to the accessory building and structure regulations.

TA24-03: ADAPTIVE REUSE

HB2297 requires by January 1, 2025, that municipalities with 150,000 or more persons must allow multifamily residential development or adaptive reuse of any commercial, office or mixed-use building on not more than 10% of existing inventory of existing buildings citywide. The city cannot require discretionary review with conversion but can designate “commercial or employment hubs” where buildings are excluded from the inventory. Further, modified development standards are already set in the bill. As such, regulatory parameters are being added within Section 21-400 to address the provisions of HB2297.

Zoning Code Amendment Administrative Refinements TA24-01

Applicable Sections of Chapter 21 Zoning Ordinance:

21-100, 21-300, 21-400, 21-500, 21-600, 21-700, and 21-800

Overview of Revisions:

1. Rename *Section 21-100 Introduction* to *21-100 Introductory Provisions and Administration*
2. Append and update Administrative regulations from 21-300 into *Section 21-100*
3. Rename *21-300 Administration and Procedures* to *21-300 General Provisions and Standards*
4. Relocate and renumber 21-800 through 21-814 into 21-300
5. Standardize formatting for interior setback within Section 21-420 to match other tables.
6. Within Section 21-400, add note to clarify when corner setback minimum distance is applicable versus an interior setback.
7. In Section 21-600, standardize PAD / PCD references to match existing practices.
8. Eliminate regulations within Section 21-701 through 21-709 known as *Senior Citizen Overlay Zoning District*
9. Consolidate provisions within Section 21-710 through 21-734 and append into revised *21-600 Special Uses, Districts and Overlays*
10. Rename subsections to clarify topics of individual sections for easier reference.
11. Update cross-references within individual regulations to point to new section numbers.
12. Create uniformity in use of terms for Zoning Administrator and Department references.

HOW TO READ THIS DOCUMENT

Applicable Sections of the Zoning Ordinance are denoted by **highlighted bold text** for ease of readability during the drafting process.

Unless otherwise stated, provisions or graphics that are being deleted are shown in bold red strikethrough text or a line through the graphic, like this: ~~**Provisions that are being deleted are shown with a bold red strikethroughs text.**~~ Graphics containing bold red strikethrough are intended to remove the graphic in its entirety as well as any text that is embedded in the graphic.

Provisions or graphics that are being added are shown in double-underlined bold blue text, like this: **Provisions that are being added are shown in double-underlined bold blue text.** Graphics containing bold double underline underneath the graphic are intended to add the graphic in its entirety as well as any text that is embedded in the graphic.

Unless otherwise specifically addressing changes to a particular section or subsection of the code through the above referenced methods changes are only intended for those specific sections and subsections of the code that are addressed herein.

Exhibit A - City Code Amendment

Amendment for Adoption to the Peoria City Code, Chapter 21

Section 1. *Amend Chapter 21 - Zoning, Section 21-100 Introduction, only as follows, leaving all other sections and subsections not specifically referenced unchanged:*

Sec. 21-100. INTRODUCTORY PROVISIONS AND ADMINISTRATION.

Sec. 21-101. Intent.

The intent of this Section is to secure adequate light and air, to prevent the overcrowding of land and undue concentration of population, to secure safety from fire, panic and other dangers, to lessen or avoid congestion in the streets, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public facilities, and otherwise to promote the health, safety, morals, convenience and general welfare of the citizens of the City of Peoria, Arizona.

~~Sec. 21-102. Conflicting Regulations.~~

~~A. Relation to Other Regulations. Wherever any provision of this Section imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Section shall govern.~~

~~B. Applicability to Property. This Ordinance shall apply, to the extent permitted by law, to all property within the City of Peoria, including all uses, structures and land. For property located within the City of Peoria, the zoning designation is as stated in this Zoning Ordinance unless otherwise modified by this Ordinance and its successive editions.~~

Sec. 21-102. Title.

Chapter 21 of the City Code shall be known and cited as the "City of Peoria Zoning Ordinance," "Zoning Ordinance of the City of Peoria," "Zoning Ordinance", or "this Ordinance". Whenever reference is made to any portion of the ordinance set out in Chapter 21, or of any other law or ordinance, the reference applies to all amendments and additions to this Title made hereafter.

~~21-103. Private Agreements.~~

~~It is the intent of this Section not to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between parties; provided, however, that whenever this Section imposes a greater restriction upon the use of buildings, structures or land, the provisions of this Section shall govern.~~

Sec. 21-103. Structure.

Organization of Regulations. This Ordinance consists of nine (9) sections:

Section 21-100. Introductory Provisions and Administration

Section 21-200. Definitions

Section 21-300. General Provisions and Development Standards

Section 21-400. Residential Districts

Section 21-500. Non-Residential Districts

Section 21-600. Special Uses, Districts and Overlays

Section 21-700. Signage

Section 21-800. Landscape

Section 21-900. Parking and Loading

Code Amendment: Administrative Refinements (TA24-01)

Sec 21-104. Types of Regulations.

Four types of zoning regulations control the use and development of property in the City:

- A. **Administrative Regulations.** Section 21-100 contains regulations and detailed procedures for the administration of this Ordinance, and include responsibilities of the Zoning Administrator and planning agency, common procedures, processes and standards for entitlement and conceptual planning applications, and other permits.
- B. **General Terms and Use Classifications.** Section 21-200 contains a list of use classifications and a list of terms and definitions used in this Ordinance.
- C. **Land Use Regulations.** These regulations specify land uses permitted, conditionally permitted or specifically prohibited in each zone, and include special requirements, if any, applicable to specific uses. Certain regulations, applicable in some or all of the districts, and performance standards that govern special uses, are in Sections 21-400, 21-500 and 21-600.
- D. **Development Regulations.** These regulations control the height, bulk, density, intensity, location and appearance of structures on development sites. General provisions applicable to all of the districts, along with certain regulations applicable in some of the districts, are in Sections 21-300, 21-700, 21-800, and 21-900.

Sec 21-105. Relationship to the General Plan.

It is the intention of the City Council that this Zoning Ordinance implement the vision, goals and policies adopted by the City Council and ratified by the voters as reflected in the General Plan. The City Council affirms its commitment that this Zoning Ordinance and any amendments will be in conformity with the adopted planning policies as expressed in the General Plan, specific area plans, and any amendments.

Sec. 21-106. General Rules For Applicability of Zoning Regulations

- A. **Applicability to Property.** This Ordinance shall apply, to the extent permitted by law, to all property within the City of Peoria, including all uses, structures and land. For property located within the City of Peoria, the zoning designation is as stated in this Zoning Ordinance unless otherwise modified by this Ordinance and its successive editions.
- B. **Compliance with Regulations.** No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished or moved in any zoning district, except in accordance with the provisions of this Ordinance.
- C. **Provisions Interpreted as Minimum Requirements.** *In interpreting and applying the provisions of Chapter 21, the applicant shall meet or exceed the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.*
- D. **Relationship to Other Regulations.** The Zoning Ordinance, along with other regulations of the City of Peoria, including but not limited to the Subdivision Ordinance, Peoria Engineering Standards Manual (PESM), and applicable International Building and Fire Codes, as amended, is a tool to implement the Peoria General Plan. In regulating future development or redevelopment within the City of Peoria, the requirements of the Zoning Ordinance shall be construed as minimum requirements.
- E. **Relationship to Private Agreements.** It is the intent of this Section not to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between parties; provided, however, that whenever this Section imposes a greater restriction upon the use of buildings, structures or land, the provisions of this Section shall govern.

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- F. **Conflicting Regulations.** Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

Sec. 21-107. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the code adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Sec. 21-108~~4~~. Vested Rights.

This Section and any of the provisions herein established are not intended and shall not be construed to establish any vested rights in or on behalf of any person, firm or corporation, in respect to the continuation of any particular, use, zoning district classification or any activity occurring in connection therewith.

Sec. 21-109~~5~~. Statutory Exemptions.

Nothing contained in this Section shall be construed as:

- A. Unreasonably affecting existing uses of property or the right to its continued use or the reasonable repair or alteration thereof for the purpose for which used prior to the effective date of this Section.
- B. Preventing, restricting or otherwise regulating the use or occupation of and improvements for railroad, metallurgical, grazing or general agricultural purposes, as herein defined, if the tract concerned is not less than two (2) contiguous acres.

Sec. 21-106. Jurisdiction.

~~The jurisdiction of this Section shall include all lands and waters within the corporate limits of the City of Peoria, Arizona.~~

Sec. 21-~~110~~.107. ADMINISTRATION.

~~Responsibility for the administration of this Section is hereby vested in the Zoning Inspector. Zoning, as a police power vested in the City, is a primary means of regulating the specific, current and immediate future use of land in the community. Zoning regulations must therefore be comprehensive and reasonable and must be adjusted and expanded as necessary to meet new and changing conditions. To this end, the Planning and Zoning Commission shall, from time to time as the need arises, undertake and carry out such special studies and make such revisions, modifications and amendments of zoning standards, requirements, regulations, procedures and maps as may be necessary to improve the effectiveness of this Section, and keep it responsive to Peoria's needs. The Commission shall be assisted in its duties by the Zoning Inspector, and by such outside consultants as the Council may retain for the purpose.~~

Sec. 21-111. Zoning Administrator.

The City Manager, or such other city employee as the City Manager may designate, shall carry out all responsibilities of the Zoning Administrator as defined in A.R.S. § 9-462 and as set forth hereafter. Responsibility for the administration of Chapter 21 Zoning Ordinance is hereby vested in the Zoning Administrator. The Zoning Administrator may delegate to a designee those duties as assigned by the Zoning Ordinance to the Zoning Administrator.

Sec. 21-~~112~~311. Interpretations and Decisions.

- A. The Zoning Administrator ~~Department Director~~ or designee thereof, shall interpret the provisions of this Zoning Ordinance (or Ordinance), and shall interpret uses within each district as provided in the intent and regulations governing the subject district. The Zoning Administrator ~~Director~~ or designee shall respond in writing to written requests for Zoning Ordinance interpretations within forty-five (45) days from the date of receipt of the written request. A record of the Zoning Administrator's responses shall be

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[available for public review.](#)

- B. The appeal of Zoning Ordinance interpretations or other decisions by the Zoning Administrator may be initiated by any aggrieved person or by any officer, department, board or commission of the city affected by the interpretation or decision of the Zoning Administrator. For purposes of this subsection an aggrieved person is one who receives a particular and direct adverse impact from the interpretation or decision which is distinguishable from the effects or impacts upon the general public. Appeals must be filed with the City Clerk no later than thirty (30) days after the Zoning Administrator issues any written interpretation or decision. Any timely appeal shall be processed pursuant to Section 21-162. ~~Ordinance interpretations may be appealed to the Board of Adjustment (BOA). Such appeals may be initiated by an office, department, board, or commission of the City, or by any aggrieved party. The appeals shall be processed in accordance with Section 21-323 of this Ordinance.~~
- C. When the provisions of this Zoning Ordinance are interpreted or applied they shall be held to be the minimum requirements for the promotion of the public safety, health and general welfare.
- D. The Zoning Administrator shall interpret uses within each district. The presumption established in this Zoning Ordinance is that all general uses of land are permissible within at least one (1) zoning district in the city's planning jurisdiction. The use regulations set forth in each district cannot be all inclusive, and may include general use descriptions that encompass several specific uses. Uses specified in each district shall be interpreted liberally to include other uses which have similar impacts to the listed uses.
- E. Inspections may be made by the Zoning Administrator. If such inspection reveals that any property or portion of a project is not in compliance with the requirements of the applicable ordinances and codes, the Zoning Administrator shall report the discrepancy to the property owner, developer or their representative and shall order work on the project stopped or corrective action taken as appropriate.

Sec. 21-113. Amendments.

- A. ~~107.~~ Zoning, as a police power vested in the City, is a primary means of regulating the specific, current and immediate future use of land in the community. Zoning regulations must therefore be comprehensive and reasonable and must be adjusted and expanded as necessary to meet new and changing conditions.

To this end, the Zoning Administrator ~~Planning and Zoning Commission~~ shall, from time to time as the need arises, undertake and carry out such special studies and make such revisions, modifications and amendments of zoning standards, requirements, regulations, procedures and maps as may be necessary to improve the effectiveness of this ~~Section~~ Chapter, and keep it responsive to Peoria's needs. The ~~Commission~~ Zoning Administrator shall be assisted in its duties by the Zoning Inspector, and by such outside consultants as the City Council ~~or the City of Peoria, through the procurement process~~, may retain for the purpose.

- B. ~~109.~~ References within this Ordinance to provisions, or Sections within this Ordinance shall be deemed to refer to said provision or Section as most recently amended, including cases in which such amendment may be located in a new or different Section of this Ordinance or be otherwise renumbered.

Sec. 21-114. ~~108.~~ Enforcement Official.

- A. **Authority.** The City Manager, or such other city employee as the City Manager may designate, shall carry out all responsibilities of the Enforcement Official as defined in A.R.S. § 9-462 and as set forth hereafter. Responsibility for the enforcement of ~~this Section the~~ Chapter 21 Zoning Ordinance, as hereinafter provided, is hereby vested in the office of the Enforcement Official. The Enforcement Official may delegate to a designee those duties as assigned by the Zoning Ordinance to the Enforcement Official.

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B. Enforcement Official. The Enforcement Official shall enforce this Zoning Ordinance in accordance with the subsections below: ~~Zoning Inspector, who shall be a city official appointed by the City Council.~~

- ~~1.A.~~ Unless expressly stated otherwise, violations of this Section may be enforced alternatively by civil or criminal penalties; however, no person served with a notice charging a civil violation may be subject to criminal charge arising out of the same offense. However, prior civil determinations of responsibility for the same offense may be used to enhance penalties imposed upon a subsequent criminal conviction for an offense.
- ~~2.B.~~ Civil violations of this Section shall be enforced as provided in Chapter 5 and Chapter 17, Section 17-51 of the City Code.
- ~~3.C.~~ Criminal violations of this Section shall be enforced as provided in Chapter 5 and Chapter 17, Section 17-51 and pursuant to state statute.
- ~~4.D.~~ In addition to other enforcement actions that may be taken pursuant to this code or ordinance, the City Manager or designee may issue an order of abatement pursuant to Chapter 17, Section 17-59 of the City Code.
- ~~5.E.~~ Violations of this Ordinance are in addition to any other violation enumerated within the City ordinances or the City Code and in no way limits the penalties, actions or abatement procedures which may be taken by the City for any violation of this ordinance, which is also a violation of any other ordinance or Code provision of the City or statutes of the State.

Sec. 21-~~115, 327.~~ Classification Establishment of Zoning Districts.

The City of Peoria, Arizona is hereby divided into specific zoning districts as shown below. Each zoning district will have its own development standards to ensure a cohesive and compatible pattern of land use throughout the City. All buildings, structures, uses, lots, and developments shall comply with the requirements of their respective zoning district as set forth in this Zoning Ordinance.

A. Residential Districts

Suburban Ranch (SR-43 and SR-35)

~~R1-43~~ Single-family Residential (R1-43, R1-35, R1-18, R1-12, R1-10, R1-8 and R1-6)

~~R1-35 Single-family Residential~~

~~R1-18 Single-family Residential~~

~~R1-12 Single-family Residential~~

~~R1-10 Single-family Residential~~

~~R1-8 Single-family Residential~~

~~R1-6 Single-family Residential~~

~~RM-1~~ Multi-family Residential (RM-1)

~~RMH-1~~ Mobile Home Subdivision (RMH-1)

~~RMH-2~~ Recreational Vehicle Resort (RMH-2)

~~SR-43 Suburban Ranch~~

~~SR-35 Suburban Ranch~~

B. Non-Residential Districts

~~O-1~~ Office Commercial (O-1)

~~C-1~~ Convenience Commercial (C-1)

~~PC-1~~ Planned Neighborhood Commercial (PC-1)

~~PC-2~~ Planned Community Commercial (PC-2)

~~C-2~~ Intermediate Commercial (C-2)

~~C-3~~ Central Commercial (C-3)

~~C-4~~ General Commercial (C-4)

~~C-5~~ Regional Commercial (C-5)

~~BPI~~ Business Park Industrial (BPI)

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~~PI-1~~ Planned Light Industrial ([PI-1](#))

~~I-1~~ Light Industrial ([I-1](#))

~~I-2~~ Heavy Industrial ([I-2](#))

C. Special Districts [and Overlay Districts](#)

~~PUD~~ Planned Unit Development Option ([PUD](#))

~~PAD~~ Planned Area Development ([PAD](#))

~~PCD~~ Planned Community District ([PCD](#))

~~AG~~ General Agricultural ([AG](#))

~~FP~~ Flood Plain ([FP](#))

~~SU~~ Special Use ([SU](#))

~~OTMU Old Town Mixed-Use~~

[Downtown \(D\)](#)

[Hillside Development Overlay District \(HDOD\)](#)

[Desert Lands Conservation Overlay \(DLCO\)](#)

Sec. 21-~~116328~~— Classification of Annexed Areas.

Lands annexed into the City of Peoria shall be considered zoned as shown on the official zoning map of the original jurisdiction until the City adopts Initial Zoning for said lands in accordance with Section 21-~~117318~~ and pursuant to A.R.S. § 9-462.04.E.

Sec. 21-~~117318~~— Initial Zoning upon Annexation.

- A. *Legal Requirements.* Pursuant to A.R.S. § 9-462.04(E), the City shall consider areas annexed to the City of Peoria, until officially zoned by the City Council, to be zoned as shown on the official zoning map of the original jurisdiction at the time of the annexation. The original jurisdiction's zoning shall be effective for a maximum of six (6) months after annexation. Pursuant to A.R.S. § 9-462.04(E) and § 9-471(ML), the City shall, within six (6) months of the annexation, adopt zoning classifications which permit densities and uses no greater than those permitted by the County immediately before annexation.
- B. *Application.* The Department shall file applications for the initial zoning of annexed land. Once filed, such applications shall be subject to the [rezoning procedures specified within Section 21-153 and notification requirements outlined in Section 21-146.](#) ~~same procedures herein outlined for Rezoning, with the exception that a Notice of Application as described therein shall not be required. Changes in zoning of the annexed territory that occur after the initial zoning shall thenceforth be subject to the Rezoning procedures contained herein. Citizen Participation Plans shall not be required for the initial zoning of property subsequent to annexation.~~
- C. *Building Permits.*
1. The City shall honor Maricopa County building permits, lawfully issued not more than sixty (60) days prior to the effective date of annexation. Within sixty (60) days after the effective date of annexation, the City shall issue a building permit when construction details conforming to the City building codes and County regulations, in effect at the time the County permit was issued, are provided to the City. Any fee paid to the County for the County permit shall apply towards the City permit fee, and only the balance shall be paid to the City before a City permit is issued.
 2. A city building permit shall not be required for buildings legally under construction, with a building permit issued by Maricopa County prior to the effectiveness date of annexation, in cases where exterior walls have been completed to the plat line or beyond. The City shall require that building construction be structurally safe and in conformance with pertinent County zoning regulations in effect at the time the County permit was issued.

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Sec. 21-~~118329~~. Classification of Vacated Streets.

Whenever a public street or alley is vacated by official action of the council, the zoning districts adjoining each side of such street or alley shall automatically be extended to the centerline thereof, and all land area thus vacated shall then and henceforth be subject to all regulations of the extended districts.

Sec. 21-~~119330~~. Official Zoning District Map.

- A. *Establishment.* The areas and boundaries of zoning districts are hereby established as shown on the official zoning district map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Section.
- B. *Identification.* The official zoning district map shall be identified by the signature of the Mayor attested by the City Clerk and bear the Seal of the City. Regardless of the existence of purported copies of the official zoning district map which may, from time to time, be made or published, the official zoning district map, which shall be located in the office of the City Clerk, shall be the final authority as to the current zoning status of land area, buildings and other structures in the city.
- C. *Changes.* If, in accordance with the provisions of this Section, changes are made in district boundaries or in other matters portrayed on the official zoning district map, such changes shall be made on said map promptly after the amendment has been approved by the Council, together with an entry signed by the City Clerk certifying to the accuracy and date. No amendment to this Section which involves matter portrayed on the official zoning district map shall become effective until after such change and entry have been made on said map, and all conditions under Section 21-~~119331.D~~ have been fulfilled. No changes of any nature shall be made in the official zoning district map or matters shown thereon except in conformity with the provisions of this Section. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Section and punishable as hereinafter provided.
- D. Notwithstanding the provisions of this Section of Chapter 21 of the Peoria City Code as it existed prior to the effective date of this Subsection, any zoning resulting in an amendment to the official zoning map of the City of Peoria, Arizona shall be deemed unconditional irrespective of whether the conditions of this Section have been met and such zoning shall be deemed unconditional and final in the event all other provisions of the Peoria City Code were complied with.
- E. *Replacement.* In the event that the official zoning district map becomes damaged, destroyed, lost or difficult to interpret due to the nature of number of changes and additions, the Council may, by resolution, adopt a new official zoning district map which shall supersede the former map. The new official zoning district map may correct drafting or other errors or omissions in the former map, but no such correction shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof.
~~The new official zoning district map shall be identified by the signature of the Mayor attested by the City Clerk and bear the Seal of the City under the following words: "This is to certify that this official zoning district map supersedes and replaces the official zoning district map adopted October 26, 1976 as part of Chapter 14 of the City Code of Peoria, Arizona".~~
- F. *Interpretation.* Where, due to scale, lack of detail or illegibility of the official zoning district map, there is an uncertainty, contradiction or conflict as to the intended location of any district boundary shown thereon, the exact location of such boundary shall be determined by the Zoning Administrator Board, ~~after having received the recommendation of the Commission~~. The Zoning Administrator Board, in reaching its determination, shall apply the following standards:
1. a Zoning district boundary lines are intended to follow lot lines or be parallel or perpendicular thereto, and centerline of streets, alleys, right-of-way, unless otherwise fixed by dimensions shown on the official zoning district map.

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- 2. b.** In subdivided property or where a zoning district boundary divides a lot, the exact locations of such boundary, unless otherwise indicated by dimensions shown on the official zoning district map, shall be determined by use of the map scales included thereon.
- 3. c.** If, after application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary, the Zoning Administrator ~~Board~~ shall determine and fix the location of such boundary in accordance with the purposes and intent of this Section.

Sec. 21-~~120860~~, Legal Non-Conformance. ~~Intent,~~

This Section establishes provisions for the regulation of non-conforming uses, buildings, structures, lots, and sites. These regulations are designed to identify legal non-conforming rights, but discourage their perpetuation and expansion.

Sec. 21-~~121861~~, Establishment of Legal Non-Conformance. ~~ity,~~

Legal non-conforming status is the result of a use, building, structure, lot, or site that was legally established prior to the adoption or amendment of this Zoning Ordinance or annexation into the City, but which would be prohibited, regulated, or restricted differently under the terms of this Zoning Ordinance. The burden of establishing lawfulness of a non-conformity shall be upon the owner.

Sec. 21-~~122862~~, General Provisions.

All legal non-conformities may be continued so long as they remain otherwise lawful, subject to the following provisions:

A. *Non-Conforming Buildings and Structures.*

1. Only routine repair and maintenance, which does not increase the non-conformity are permitted.
2. The replacement of damaged or partially destroyed non-conforming buildings or structures due to fire, flood, or other calamity, to an extent of:
 - a. Fifty percent (50%) or less of the gross floor area may be restored to its previous condition(s), provided a building permit for such restoration has been obtained within one (1) year of calamity.
 - b. Greater than fifty percent (50%) of the gross floor area shall not be reconstructed except in conformance with the regulations for the current zoning district in which it is located.
3. Should any such building or structure be moved for any reason, for any amount of time, any distance, it shall thereafter conform to the regulations for the current zoning district in which it is located after moving.

B. *Non-Conforming Uses.*

1. The expansion of a non-conforming use within an additional building, structure, or land area is prohibited.
2. Whenever a non-conforming use has been discontinued or abandoned for a period of one (1) year, such use shall not thereafter be re-established and any future uses shall be in conformance with the current regulations for the current zoning district in which the property is located.
 - a. If the non-conforming use was forced to cease operations due to a fire, flood, or other calamity, the Zoning Administrator may extend the one (1) year deadline if a delay in recommencing was shown to be caused by unforeseen circumstances beyond the control of the property owner.
 - b. Once changed to a conforming use, no building, structure or land shall be permitted to revert back to a non-conforming use.

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C. *Non-Conforming Lots.*

1. A non-conforming lot shall develop in conformance with the regulations for the current zoning district in which it is located.

D. *Non-Conforming Sites.*

1. All sites deemed non-conforming due to non-compliance with current applicable development standards, to include, but not limited to parking, circulation, and landscaping, shall be subject to the Site Plan Amendment process in Section 21-~~154~~**320**.

Sec. 21-~~123~~**863**. Exceptions.

- A. Additions to a non-conforming single-family dwelling shall be permitted if the added portion conforms to all current development standards as regulated by the current zoning district in which it is located.
- B. Any non-conformity will be required to be brought into conformance, in a timely manner, if such compliance is mandated by State or Federal Law.
- C. Nothing in this section shall prevent the full restoration of a building or structure that is listed on the National Register of Historic Places, the Arizona State Register of Historic Places, or the Peoria Register of Historic Places.
- D. Non-conforming signs shall be subject to Section 21-838.

Sec. 21-124 through 21-129 Reserved.

Sec. 21-130.~~301.~~ **Decision-Making Officials and Bodies.** ~~Intent.~~

The intent of this Section is to outline the roles played by the decision-making officials and bodies involved in the zoning processes, and to set forth the procedures for application, review, and approval of land development requests governed by this Ordinance.

Sec. 21-~~131.~~**309.** Planning Agency.

- A. *Establishment.* The City has established the Planning and Community Development Department (or otherwise referred to interchangeably as the “Planning Department” or “Department”) to carry out the functions of the Planning Agency, pursuant to A.R.S. § 9-461.01 and the City Code, Chapter 20, Section 20-1, and further described herein.
- B. *General Powers and Duties.* The Planning ~~Community Development~~ Department shall perform but not be limited to, the following functions:
 - 1. Develop and maintain a General Plan.
 - 2. Develop such specific plans as may be necessary to implement the General Plan.
 - 3. Develop and administer a zoning code which will serve as an implementation vehicle for the General Plan and specific area plans.
 - 4. Perform such other planning functions as directed by the City Manager, Mayor and City Council.

Sec. 21-~~132.~~**308.** Administrative Hearing Officer.

- A. *Authority.* Pursuant to A.R.S. § 9-462.08 and in accordance with Chapter 20, Section 20-41 of the City Code (1992), the City has the authority to establish administrative hearing officer(s) and delegate to the hearing officer(s) the authority to conduct hearings.

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- B. *Appointment.* Hearing officers shall be appointed by the City Manager on the basis of technical training and experience which qualifies them to conduct hearings and make findings and conclusions on the matters heard.
- C. *Land Use Hearing Officer.* Pursuant to Subsection A. of this Section, the City has established a Land Use Hearing Officer. The Land Use Hearing Officer shall hear appeals for the following:
1. Decisions of the ~~Planning~~ ~~Community Development~~ Department regarding administration of the requirements of the Hillside Development Overlay District as described in Section 21-~~640710~~ and in accordance with Section 21-~~112311~~ through Section 21-~~115327~~.
 2. Determinations for exactions or dedications required by the City as a condition of granting approval for the use, improvement, or development of real property, in accordance with this Ordinance and all amendments thereto.
 3. Other matters as the Council may provide by Ordinance.

Sec. 21-~~133.302~~- City Council.

- A. *Authority.* Pursuant to provisions of the Peoria City Charter and limitations imposed by the State of Arizona, the Peoria City Council is vested with all the powers of the City.
- B. *General Powers and Duties.* The organization, powers, and duties of the City Council shall be as prescribed in Section II of the City Charter with all amendments thereof. The Council exercises broad approval authority and approves many types of land-use proposals contained in this ordinance. The Council has the power to create or abolish boards, commissions, or committees and may grant to them such powers and duties as are consistent with the provisions of the City Code.

Sec. 21-~~134.303~~- Planning and Zoning Commission.

The City has established the Planning and Zoning Commission pursuant to Chapter 3, ~~Section 3-53~~, of the Peoria City Code. ~~(1992)~~.

Sec. 21-~~135.305~~- Board of Adjustment.

The City has established the Board of Adjustment pursuant to A.R.S. § 9-462 and the [Chapter 3 of the Peoria City Code](#), ~~Chapter 3 Section 3-15~~, and all amendments thereof.

A. ~~21-323.C-~~ *Limitations of Power.* The Board of Adjustment shall be subject to the following limitations of power:

1. Under no circumstances shall the Board allow a use not permissible under the terms of this Ordinance, whether expressly or by implication, in the zoning district in which the property is located.
2. Every decision of the Board shall be based upon finding of fact, and every finding of fact shall be supported in the record of its proceedings. A mere finding of recitation of the enumerated conditions, unaccompanied by the findings of specific fact, shall not be deemed findings of fact and shall not be deemed in compliance with this Ordinance.
3. The Board shall not hear any matter arising out of an exaction provided by a ~~rezoning~~ ~~Zoning~~.

B. ~~21-323.D-~~ *Hearing and Presentation of Evidence.*

1. Parties in interest shall have the right to present their case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination of witnesses as may be required for a full and true disclosure of the facts, in accordance with the following:
 - a. The submission of documentary evidence shall not, by reason of its written form, prejudice the interest of any party.

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- b. The Board shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence, and, in the furtherance of this policy, may limit cross-examination.
- c. A petition to the Board signed by persons not parties in interest to an appeal, as defined herein, shall not be considered documentary evidence and shall have no bearing on the Board's decision, nor shall any person presenting such petition be considered the agent of its signers.

Sec. 21-~~136.306~~– Design Review Board.

The City has established the Design Review Appeals Board pursuant to the [Chapter 3 of the Peoria](#) City Code, ~~Chapter 3, Section 3-18~~, and all amendments thereof.

Sec. 21-~~137.307~~–Historic Preservation Board.

The City has established the Historic Preservation Commission pursuant to the [Chapter 3 of the Peoria](#) City Code, ~~Chapter 3, Section 3-23~~, and all amendments thereof.

Sec. 21-138 through 21-139 Reserved

Sec. 21-140. Development Applications and Procedures.

Sec. 21-141. ~~310~~. Intent.

The intent of ~~the Administrative Procedures~~ [this](#) Section of this Ordinance is to set forth the procedures used for application, review, and decision-making for land development request governed by this Ordinance.

Sec. 21-142. Processing of Planning Applications and Permits.

[The Planning Department shall establish review process and procedures, submittal requirements, and applicable guidelines in conformance with the requirements of Chapter 21 Zoning Ordinance and the Peoria Community Design Guidelines for all planning applications and permits.](#)

[These development applications may include, but not limited to the following: General Plan amendments, Specific Area Plan adoption and amendments, Zoning Ordinance text amendments, zoning district map amendments, conditional use permits, conditional use permit, site plan and amendments thereto, administrative relief, and variances. Planning permits may include, but are not limited to the following: sign permits, temporary use permits, and native plan permits.](#)

Sec. 21-143. Applications and Supporting Materials.

- A. **Pre-application Meeting.** [Before filing any applications described Sections 21-150 through 21-165 below, the applicant shall submit a preliminary description of the proposal for review and comment by City staff.](#)

[This preliminary description shall include, at minimum, those items noted in the pre-application meeting guide, and contain sufficient scope and detail so as to allow a basic review of location, land area, land use, land use intensity, traffic generation and adjacent streets, stormwater drainage, utility service, and previous case history. The need for the conference and fee may be waived by the Zoning Administrator if it is determined sufficient information already exists regarding the request and case site.](#)

- B. **Applicants.** [The following persons may file an application:](#)

1. [The owner of the subject property; or](#)
2. [An agent representing the owner, duly authorized to do so in writing by the owner.](#)

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C. **Applications.** Applications required by this ordinance shall be filed with the office of the Planning Department and include all of the following:

1. An application, provided by the City.
2. The required documents and information in a form acceptable to the Planning Department.
3. Additional materials, as required. The Zoning Administrator may require the submission of supporting materials as part of the application, including but not limited to, statements, photographs, plans, drawings, renderings, models, material samples and other items necessary to describe existing conditions and the proposed project.
4. The required fee.

D. **Determination of Completeness.** The Zoning Administrator, or designee, shall determine whether an application is complete.

1. **Incomplete Application.** If an application is deemed incomplete, notification to the applicant shall be sent listing any additional forms, information, and/or fees that are necessary to complete the application within fourteen (14) days.
2. **Complete Application.** When all necessary forms and/or information has been provided, and fees have been paid, then the application is determined to be complete. A notation of the date shall be made on the application record and initiation of the review process may begin.

Sec. 21-~~144.314~~-Fees.

A. **Schedule of Fees.** Fees charged by the Planning Department shall be as adopted in the City Code. Payment of the fee is required in order for an application to be deemed complete. No application shall be processed without payment of the applicable fee unless a fee waiver or hardship has been approved by the Planning Department Director.

B. ~~A.~~ **Waivers.** In cases where the applicant is the City Council, ~~City~~ Peoria Planning and Zoning Commission, City Department, or an official or agency of the City, County, State, or Federal government, fees for administrative procedures associated with this Ordinance shall be waived.

~~B.~~ **Non-Profit Organizations.** ~~For non-profit community organizations, the Department shall reduce fees to ten percent (10%) of the fees required under this Ordinance. A non-profit community organization for purposes of this Ordinance is defined as a corporation organized under the laws of the State of Arizona as a non-profit organization and having been certified by the United States Internal Revenue Service of 1986 as amended.~~

C. **Hardship.** In cases where hardship exists and can be demonstrated to the satisfaction of the City Council, the City Council shall have the authority to waive, reduce, or otherwise adjust the normal fee as it deems appropriate.

D. **Refund of Fees.** Once an application is filed with the Planning Department, no part of any application fee shall be refundable, unless the Planning Department Director determines such a refund is justified on the basis of unique financial hardship and factual circumstances. No refund shall be made for any application that has been denied.

Sec. 21-~~145.316~~-Expiration of Applications.

A. All applications submitted to the Planning ~~Department~~ Division for staff review will expire and be deemed withdrawn if more than ~~twelve (12)~~ six (6) months pass from the latest date that staff has provided the applicant with review comments, unless a full re-submittal of case materials occurs.

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This includes, but is not limited to, applications for [General Plan Amendments](#), Rezoning, PAD [or PCD Amendments](#), Zoning Ordinance Text Amendments, Site Plan ~~Reviews~~, ~~Major Site Plan Amendments~~, Conditional Use Permits, Temporary Use Permits, ~~Requests for~~ Administrative Relief, ~~Requests for~~ Variance, Hillside Ordinance Appeals, Design Review [including A](#)appeals, Preliminary Plats, [Waivers for Walls](#), and Sign Permits.

B. Prior to the date of expiration, the applicant may file a request for an extension. The [Zoning Administrator](#) ~~Planning Manager~~ may authorize a one-time, six (6) month extension. ~~The Applicant contact of record shall be provided written notice no less than thirty (30) days prior to the date of application expiration.~~

Sec. 21-~~146.315~~. Notification Requirements.

The purpose of these requirements are to facilitate the provision of information to the impacted property owners, interested persons, government agencies, neighborhood and homeowner's association representatives that are registered with the City, the general public, and utilities (hereafter, the "Public") regarding development applications that have been submitted to the City, neighborhood meetings, and public hearings. In addition, the intent of these provisions are to provide opportunities to the Public to participate in neighborhood meetings and public hearings, and discuss an application with the applicant's representative(s) and City Staff during the City's application review process.

A. *Requirement.* Notice shall be provided for applications identified in Table 21-~~146.315.A~~, and in accordance with the method(s) specified.

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Table 21-146. ~~315.A~~ Notice Requirements¹

Application Type	Notice of Application and Notification Distance	Notice of Hearing and Notification Distance	Newspaper Ad	Site Posting	Notice of Decision Notification Distance	Notice of Neighborhood Meeting and Notification Distance
<u>Minor</u> General Plan (Major/Minor) or Specific Area Plan Amendment	Yes ^{3, 4}	Yes ^{3, 4}	Yes	Yes ²	No	Yes ^{2, 3, 4}
Zoning Ordinance Text Amendment	No	No	Yes	No	No	N/A
Zoning, Initial	No	Yes ^{3, 4}	Yes	Yes	No	N/A
Rezoning	Yes ^{3, 4}	Yes ^{3, 4}	Yes	Yes ²	No	Yes ^{2, 3, 4}
PAD/PCD Minor Amendment	Map Amendments only (300 FT)	Yes ^{3, 4}	Text Amendments Only	No	No	N/A
PAD/PCD Major Amendment	Yes ^{3, 4}	Yes ^{3, 4}	Yes	Yes ²	No	Yes ^{2, 3, 4}
Preliminary Plat	300 FT	Yes, if appealed, 300 FT	Yes, if appealed	No	300 FT	N/A
Site Plan and Site Plan Amendments	300 FT	Yes, if appealed, 300 FT	Yes, if appealed	No	300 FT	N/A
Conditional Use Permits	600 FT	600 FT	Yes	Yes ²	No	If a meeting is required, 600 FT
Temporary Use Permits	No	If a BOA hearing is required, 300 FT	If a BOA hearing is required	Yes ⁵	No	N/A
Administrative Relief ⁶	Abutting Properties only	N/A	No	No	Abutting Properties only	N/A
Hillside Appeal	No	300 FT	Yes	Yes	No	N/A
Variance	No	300 FT	Yes	Yes ²	No	N/A

Notes:

1. The Department shall provide the required notices and site postings unless Table 21-315.A indicates that they are to be provided by the applicant.

2. The applicant is to provide the notice/site posting.

3. Notification distance for a site area less than forty (40) acres: 600 feet.

4. Notification distance for a site area greater than forty (40) acres: 1,320 feet.

5. A sign shall be posted on the subject property for those temporary uses that operate during the qualifying hours specified in Section 21-~~160322~~.E.

6. Subject to the notification requirements outlined in Section 21-~~164324~~.E.

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B. *Notice to Impacted Associations, Entities, Governmental Agencies, Property Owners, and Interested Persons.*

1. The following notices shall be sent by first-class mail:
 - a. Notice of Application;
 - b. Notice of Neighborhood Meeting;
 - c. Notice of Hearing; and
 - d. Notice of Decision.
2. Each required notice shall be sent to the:
 - a. Owner of real property as last disclosed by County real estate tax records, situated wholly or partially within the notification distances for the application type specified in Table 21-~~146.315.A~~
 - b. Neighborhood Association(s) and Home Owners Association(s) that have registered with the City and is affiliated with a neighborhood located within a one (1) mile radius of the subject property; and
 - c. Interested persons.
3. Additional Notice Requirements for General Plan, Specific Area Plan and Rezoning Applications. In addition to the notices set in accordance with subsection B.2. of this section, a Notice of Application and Notice of Hearing shall be sent electronically, or another method approved by the Zoning Administrator, to:
 - a. The military airport or facility if the subject property is in the Territory in the Vicinity of the military airport or facility described in A.R.S. § 28-8461, as amended;
 - b. The planning agency for the municipalities and unincorporated areas of counties whose corporate area is situated wholly or partially within one (1) mile of the subject property; and
 - c. Any other governmental agency, school district or public utility required by the Zoning Administrator.

C. *Notice Timeframes and Additional Requirements.*

1. *Notice of Application.* When the notice is required in Table 21-~~146.315.A~~, it shall be mailed prior to the completion of the Department's first review of an application.
2. *Notice of Neighborhood Meeting and Notice of Public Hearing.*
 - a. When the notice is required in Table 21-~~146.315.A~~, it shall be sent at least fifteen (15) calendar days prior to a meeting and public hearing. The number of days stated herein excludes the day that the mailing is sent, and the day of the neighborhood meeting and public hearing.
 - b. The notice shall provide:
 - 1) A general description of the purpose of the application and property location map;
 - 2) Contact information (mailing address, telephone number, and email address) for City Staff and the applicant; and

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- 3) The time, date, and place or method (e.g. electronic virtual meeting or hearing) that the meeting or hearing will be held.
3. *Notice of Decision.* When the notice is required in Table 21-~~146.315.A~~, it shall be mailed within fourteen (14) calendar days of the last action on the application.
4. *Newspaper Ad.*
 - a. When a newspaper notice is required in Table 21-~~146.315.A~~, it shall be published in a newspaper of general circulation in the City at least fifteen (15) calendar days prior to the hearing. The number of days stated herein excludes the day of the publication and the day of the hearing. The notice shall provide:
 - 1) A general description of the purpose of the application and property location;
 - 2) Contact information (mailing address, telephone number, and email address) for City Staff and the applicant; and
 - 3) The time, date, and place or method (e.g. electronic virtual hearing) that the hearing will be held.
 - b. Zoning Ordinance Text Amendment. The notice shall be a "display ad" covering not less than one-eighth (1/8) of a full-page. The proposed text of the amendment shall be provided in the notice or available on the City's website.
 - c. All Other Applications. The notice shall be a "display ad" covering not less than one-eighth (1/8) of a full-page. The notice may be combined with other notices to be heard at the same hearing.
5. *Site Posting.*
 - a. The subject property shall be posted in a conspicuous location with a minimum of one sign when it is required in Table 21-~~146.315.A~~. The Zoning Administrator may require additional signs for an application that is greater than ten (10) acres, abuts multiple streets, or requires additional sign area to provide application-related information. The sign shall conform with the site posting guide available from the Department.
 - b. The site posting, including any updates to the sign, shall be completed at least fifteen (15) calendar days prior to a neighborhood meeting and public hearing. The number of days stated herein excludes the day that the sign is posted, any day that the sign is updated, and the day of the hearing and neighborhood meeting. If the applicant is responsible for the posting and updating of the sign, the applicant shall provide the City with a photo exhibit and affidavit attesting to the posting and updating of the sign within the timeframe state herein.
 - c. All site postings required by this section shall be removed within fourteen (14) calendar days of the last action, withdrawal, or expiration of an application.

D. Failure to Receive Notice.

1. In accordance with A.R.S. § 9-462.04.A.7, notwithstanding the notice requirements herein set forth, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given.

Sec. 21-148 through 21-149 Reserved

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Sec. 21-150. Specific Application Procedures.

Sec.21-151 Annexation Procedures.

Annexations shall be considered by City Council in accordance with the adopted policies and procedures on file with the Planning Department.

Sec. 21-152. General Plan Amendments.

- A. **General.** The chapters of the General Plan may be amended, supplemented or modified. Requests to amend the General Plan may be initiated by the Planning Commission, City Council or property owner of the real property which is the subject of the application.
- B. **Application.** Refer to Arizona State Law and the Peoria General Plan for procedures, criteria and processing of amendments. Additionally, refer to Table 21-146 for notice requirements for minor amendments.

Sec. 21-~~153.~~317. Rezoning.

- A. *General.* In accordance with the provisions of A.R.S. § 9-462.01, The City Council may from time to time change the zoning of parcels of land within the municipality. These changes in zoning classification are intended to meet the land use needs of the residents of the City and conform to the City's General Plan.
- B. *Applicability.* The procedures herein described shall apply to all rezone requests within the City of Peoria.
- C. *Mandatory Pre-Application Conference, Plan Submittal and Approval.* The applicant must attend a pre-application conference prior to applying for rezoning. The requirement for a Citizen Participation Plan and required meetings with the adjacent neighborhoods and interested persons will be reviewed at the conference.
- D. *Application for Rezoning.*
 - 1. All applications for rezoning, except those involving a Planned Area Development (PAD), Planned Community District (PCD), or detached or attached single-family units on individual lots, shall be accompanied by a Site Plan Review application prepared in accordance with this Section.
 - 2. Rezoning may be initiated by the City Council, the Planning and Zoning Commission, the Department, or an owner or duly authorized agent of property proposed for rezoning. In the case of an application that includes property not owned by the applicant, and where the applicant is not the City Council, the Planning and Zoning Commission, or the Department, the application shall include the signatures of the real property owners representing at least seventy five percent (75%) of the land in the subject area.
 - 3. Any person or entity who seeks a rezoning shall submit an application on the official form provided by the Planning Department. Submittal requirements shall be as established administratively by the Planning Department, and shall include but not be limited to the legal description of the property, the present zoning classification, the recommended use of the property in the City's General Plan, a scaled diagram of the subject parcel and surrounding

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area, and a Citizen Participation Report Plan.

4. The applicant shall present evidence of ownership or the type of controlling interest in the property (e.g., option to purchase) to the Planning Department. The applicant shall submit the application together with the applicable fee to the Planning Department.

E. *Citizen Participation Process.* ~~A Citizen Participation Process shall accompany all rezone requests.~~

The purpose of the Citizen Participation Process is to provide a forum for public involvement and resolution of concerns prior to the formal public hearing process. The Citizen Participation Process ("CPP") shall not be required for initial zoning cases per Section 21-~~117.319~~ and minor amendments to approved Planned Area Developments (PADs) and Planned Community Districts ~~Developments~~ (PCDs).

1. Number of Meetings. The applicant shall hold at least one neighborhood meeting with persons who may be impacted or have an interest in the application; said persons shall be notified pursuant to Section 21-~~146.315~~.
2. Venue. The neighborhood meeting shall be held in person at a neutral location within the general area of the request, unless an alternative meeting method, including but not limited to an electronic virtual meeting or similar method, is approved or required by the Zoning Administrator. The Zoning Administrator may approve, or require the use of, an alternative meeting method in place of, or in addition to, an in person meeting. The notice of the neighborhood meeting and the format and manner of an alternative meeting method shall conform with the neighborhood meeting guide available from the Planning Department.
3. Citizen Participation Report. The applicant shall prepare and submit a "Citizen Participation Report" ~~report~~ to the Planning Department that describes the meeting, numbers in attendance, any comments received at the meeting or any other form of communication received regarding the application, how these comments will be evaluated, and any mitigation issues identified as a result of the comments and concerns received.
4. ~~3.~~ Timing of Neighborhood Meeting(s). The required neighborhood meeting shall be conducted after the applicant receives notice that the Planning Department has completed its review of the first submittal of the application, and before the applicant's second submittal of the application.

Upon completion of the Department's review of the first submittal of an application, if the Zoning Administrator determines that a subsequent application submittal is not required, the applicant shall conduct a neighborhood meeting at least thirty (30) calendar days before the Planning and Zoning Commission's first public hearing.

5. ~~3.~~ Validation of Report. A hearing date shall not be scheduled until the applicant has held the neighborhood meeting and the applicant's Citizen Participation Report has been submitted and validated by the Planning Department.

F. *Department Review.*

1. The Planning Department shall review the application in accordance with provisions set forth in the Process Guide. After an application has been deemed complete by the Department, the application shall be routed to City Departments and affected external agencies for review. Upon the completion of each review, the Department shall transmit the comments to the applicant.

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The applicant shall then revise and resubmit the application materials to address the outstanding issues and concerns raised in the comments. Upon final completion of the review or a determination by the Zoning Administrator ~~Planning Manager~~, that the application is ready to proceed, the Department shall set a date for a public hearing with the Planning and Zoning Commission. The Department shall prepare and submit a written report and recommendation to the Commission.

2. The Zoning Administrator ~~Planning Manager~~ shall not approve or recommend approval of any rezoning unless the Zoning Administrator ~~Planning Manager~~ has received a Waiver of Proposition 207 from the Owner or Owners of the property that is the subject of the rezoning or has determined that the absence of such a waiver of Proposition 207 is consistent with the City's General Plan and zoning goals and requirements.

G. *Planning and Zoning Commission Hearing and Recommendation.*

1. The Department shall refer all rezonings to the Planning and Zoning Commission for study and public hearing.
2. In its deliberations on the matter, the Commission shall consider oral or written statements from the applicant, the public, City staff, and its own members. The Commission shall recommend to the Council that the application be granted as requested, be denied, or be granted subject to specific conditions.
3. In its deliberations, the Commission may continue the public hearing concerning the application; however, the Commission shall not continue the public hearing more than three meetings in succession without again providing notice in the above prescribed manner.

H. *City Council Hearing and Action.*

1. The City Council may adopt the Planning and Zoning Commission's recommendations without holding a second public hearing unless:
 - a. The applicant (for the rezoning request), aggrieved party, member of the public, or a member of the City Council objects to adoption of the recommendation of the Planning and Zoning Commission without a City Council hearing. Said objection shall be filed in writing within ten (10) calendar days after the Commission renders its recommendations.
 - b. The Planning and Zoning Commission has recommended approval of the proposed amendment and a written legal protest, as defined in A.R.S. § 9-462.04.H., as amended or renumbered, has been filed.
2. *Council Action.*
 - a. The City Council, after receiving the report and recommendation of the Planning and Zoning Commission, may take action as follows:
 - 1) Affirm in whole or in part the action of the Commission;
 - 2) Reverse in whole or in part the action of the Commission;
 - 3) Modify any decision, determination, or requirement of the Commission; or
 - 4) Remand the matter back to the Commission for further consideration.

b. Rezone applications shall be approved or denied by the City Council within one hundred and eighty (180) days from the date of "Determined Completeness", pursuant to Sec. 21-143.D.

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- 1) The City may extend the timeframe to approve or deny the request beyond the timeframe noted above for any of the following reasons:
- a) For extenuating circumstances, the City may grant a onetime extension of not more than thirty (30) days.
- b) If an applicant requests an extension, the City may grant an extension of thirty (30) days for each extension granted.
- c. Section 21-153.H.2.b shall not apply to rezone applications or amendments for Planned Area Developments (PADs), Planned Community Districts (PCDs), or lands designation as a District of Historical Significance pursuant to A.R.S. §9-462.01.A.10 as amended or renumbered, or any area designated Historic on the National Register of Historic Places.
3. *Legal Protest.* A Legal Protest occurs when protests are filed in accordance with A.R.S. § 9-462.04.H., as amended or renumbered. The protests must be filed in writing, with the Department, within ten (10) calendar days after the Commission renders its recommendations. Actions involving Legal Protest require a supermajority vote of the City Council in accordance with A.R.S. § 9-462.04.H., as amended or renumbered.
4. *Withdrawal of Objection, Protest, or Request for Public Hearing.* To withdraw a protest, objection, or request for public hearing, the applicable party must provide a request in writing to the Department.
- I. *Application Withdrawn or Denied.* In the event that a rezoning amendment is denied by Council or is withdrawn after the Commission hearing, the Commission shall not reconsider an application for the same request, or any other application for the same zoning requirement that applies to the same property described in the original application or any part thereof, for a period of one year from the date of said denial, unless, as determined by the Department, the conditions upon which the original denial was based have changed.
- J. *Conditions of Approval.* As part of any rezoning approval, the Planning and Zoning Commission may recommend and the City Council may adopt conditions and/or schedules for the development of the property.
1. *Conditions.* The City Council may condition approval of a rezoning upon the occurrence of one or more of the following:
- a. Development in accordance with a specific Site Plan and/or obtaining Site Plan approval in accordance with Section 21-~~156~~320 of this Section.
- b. Reduction in the otherwise applicable floor area ratio, lot coverage, building height, or density requirements.
- c. Increases in the otherwise applicable building setback, lot area, parking space, landscaping, or open space requirements.
- d. Public dedication of rights-of-way as streets, alleys, public ways, drainage, utility, and/or other public improvements, and/or the installation of off-site improvements as are reasonably required by or related to the effect of rezoning.
- e. Such other conditions as may be allowed by law.
- f. Completion of a re-use plan as determined by the Planning Department.
2. *Schedules.* The City Council may require as part of a rezoning approval specific time schedules for

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any or all of the following:

- a. Approval of a final site plan.
 - b. Submission and approval of a preliminary plat for the subdivision of the subject property.
 - c. Submission and approval of the final plat for the subdivision of the subject property.
 - d. Application for and issuance of a building permit to commence construction of one or more buildings upon the subject property.
 - e. Commencement of on-site construction on the subject property in accordance with the final site plan as approved
 - f. Completion of a specified percentage of construction on the subject property in accordance with the final site development plan
3. *Adoption of Ordinance.* The City Council shall set forth in the Zoning Ordinance any condition(s) or schedule(s) imposed pursuant to this Section.
4. *Modification of Adopted Conditions and Schedules.* A request to modify the condition(s) or schedule(s) of approval adopted by Council is subject to the following:
- a. The applicant must file a written request with the [Planning](#) Department, requesting a modification to the adopted requirements. The [Planning](#) Department shall forward the request to the Commission for consideration and recommendation to the Council. The Council shall thereupon determine whether or not the modifications will be approved.
5. *Failure to Comply with Adopted Conditions and Schedules.* If an applicant fails to comply with any condition(s) or schedule(s) adopted by Council upon the rezoning of the property, the applicant shall be subject to the following:
- a. The applicant may file a request with the Planning and Zoning Commission for an extension of the time schedule for meeting the adopted requirements. The Commission shall consider the request and submit a recommendation to the Council. The Council shall thereupon determine whether or not the extension will be approved.
 - b. The [Zoning Administrator](#) ~~Department Director~~, or designee thereof, may file an application with the Planning and Zoning Commission requesting reversion of the zoning, based upon the applicant's failure to comply with the adopted conditions for the rezoning. The Commission shall consider the [Zoning Administrator](#) ~~Department Director~~'s application and may accept, modify, or reject and shall thereupon recommend acceptance, modification, or rejection of the application to the City Council.
 - c. Upon action by the Commission, the [Zoning Administrator](#) ~~Department Director~~'s application together with the Commission's recommendation shall be submitted to the City Council for final action. The Council may accept, reject, or modify the recommendations of the Commission in accordance with the foregoing, outlined above in Subsection J.
- K. *Change of Classification of Requested Zoning Districts.* In cases where an application is made to request a change from a more restrictive to a less restrictive zoning district, the City Council may elect to grant the amendment for a district that is more restrictive than the requested district but less restrictive than the current district. The City Council may take such action without requiring a new or amended application and with providing new or additional notice.

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- L. *Right-of-Way Dedication.* Pursuant to A.R.S. § 9-462.01, the City Council may require, as a condition to the change or zoning, the dedication of right-of-way necessary for roadways and other public improvements as a reasonably required by or related to the effect of the rezoning.
- M. *Effective Date of Rezoning.* Rezoning amendments shall become effective thirty (30) days after the date of adoption by the City Council.
- N. *Public Participation.* Pursuant to A.R.S. § 9-462.01, the City is required to establish a public participation process for rezoning applications that require a public hearing. The notice requirements set forth above shall constitute the City's adopted Public Participation process.

Sec. 21-~~154.319~~ Zoning Ordinance Text Amendments.

- A. *General.* The City Council may amend, change, repeal, or supplement the regulations established in this Ordinance.
- B. *Application.*
 - 1. Changes or amendments to the text of regulations contained in this Ordinance may be initiated by the City Council, Planning and Zoning Commission, Board of Adjustment, City Staff, or any member of the public.
 - 2. An applicant shall submit an application for a text amendment on the official form provided by the [Planning](#) Department. Submittal requirements shall be as established administratively by the Planning Department and are set forth in the Process Guide. The application shall include the existing language in the Ordinance that is proposed to be changed, the proposed language, and the reason for the requested amendment. The applicant shall submit the application materials together with the applicable fee to the [Planning](#) Department.
- C. *Department Review.* The application shall be reviewed by appropriate City Departments. After the review is complete, the Department shall set a date for a public hearing with the Planning and Zoning Commission. The Department shall prepare and submit a written report and recommendation to the Commission, prior to the date of the public hearing.
- D. *Planning and Zoning Commission Hearing and Recommendation.* The Department shall refer all proposed text amendments to the Planning and Zoning Commission. The Commission shall conduct a public hearing, review the proposal, and forward a recommendation to the City Council for consideration.
- E. *City Council Hearing and Action.* The City Council, after receiving the report and recommendation of the Planning and Zoning Commission, shall consider the proposal. If there is no protest related to the amendment, the Council may adopt the recommendation of the Commission without holding a second public hearing. In cases where there is written protest to an application for a text amendment, the Council shall hold a public hearing.

Sec. 21-~~155.321~~ Conditional Use Permits.

- A. *Intent.*
 - 1. Every zoning district contains certain buildings, structures, and uses of land which are normal and complementary to permitted principal uses in the district, but which, by reason of their physical or operational characteristics, influence on the traffic function of adjoining streets or

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similar conditions, are often unnecessarily incompatible with adjacent activities and uses. It is the intent of this Section to permit conditional uses in appropriate zoning districts, when designed and developed in a manner which ensures maximum compatibility with adjoining uses. It is the purpose of this [Zoning](#) Ordinance to establish principles and procedures for the development and control of such uses.

2. A Conditional Use Permit shall be issued for all designated conditional uses under the Peoria Zoning Ordinance.

B. *General Regulations.*

1. Zoning district regulations established elsewhere in this [Zoning](#) Ordinance specify that certain buildings, structures, and uses of land may be allowed by the [Planning and Zoning](#) Commission as permitted conditional uses in a given district, subject to the provisions of this Ordinance and to requirements set forth in the district regulations.
2. The [Planning](#) Department shall consider any building, structure, or use existing on the effective date of this Ordinance as meeting the requirements and conditions of this Ordinance provided that the building, structure, or use is listed as a Permitted Conditional Use in the applicable zoning district. Continuance of the use shall not require the issuance of a new or additional Conditional Use Permit. However, the [Planning](#) Department shall consider a building, structure, or use that fails to conform to the requirements of this Section as non-conforming as described in Section 21-~~120,860~~₂ "Legal Non-Conformance," and its continuance shall be governed by all non-conformity regulations stipulated in this [Zoning](#) Ordinance.
3. When issued, a Conditional Use Permit shall be applicable only to the specific use and to the specific property for which it is issued. However, once all zoning and site development requirements imposed in connection with the permit have been satisfied and an occupancy permit has been issued, the Conditional Use Permit shall thereafter be transferable and shall run with the land. Thenceforth, maintenance of special conditions imposed by the permit, as well as compliance with other provisions of this Section, shall be the responsibility of the property owner.
4. A Conditional Use Permit shall terminate upon any interruption or cessation of the use authorized by the Conditional Use Permit for a period of one hundred and eighty (180) days.
5. A Conditional Use Permit shall expire within eighteen (18) months of the date of approval of the application in the event that: (a) the use has not been exercised; or (b) a building permit or another regulatory permit, or demonstrable evidence to obtain such, is not obtained within this timeframe.

C. *Mandatory Pre-Application Conference.*

~~1.~~ The applicant must attend a pre-application conference prior to applying for a Conditional Use Permit. Submittal requirements specific to the desired use will be discussed at the conference.

D. *Application.* An application for a Conditional Use Permit shall be submitted to the Department on an official form provided by the Department. The application shall satisfy the submittal requirements as provided in the Conditional Use Permit Process Guide. Submittal requirements shall be as outlined in the Process Guide and shall include, but not be limited to, the following:

1. Identification of impacts upon adjacent residential neighborhoods within one quarter mile, or such other distance deemed appropriate by the [Zoning Administrator](#) ~~Planning Manager~~, from the subject site and of the means proposed to address the identified impacts.

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2. Specific conditions proposed by the applicant to make the proposed use compatible with existing permitted principal and conditional uses.
 3. Other data as may be required by the Zoning Administrator ~~Planning Manager~~ in order to determine whether the proposed use qualifies as a conditional use under the Zoning Ordinance and the City's codes and guidelines.
- E. *Review.* The Department shall review applications for Conditional Use Permits and make a recommendation for approval or denial to the Planning and Zoning Commission based on the following criteria;
1. Whether the use is designated as a permitted Conditional Use within the zoning district in which the property is located.
 2. Whether the use meets the locational and development standards provisions, as applicable for the Conditional Use Permit, for the zoning district in which the property is located.
 3. Whether the use is consistent with the goals, policies, and intent of the General Plan and any adopted Specific Plan applicable to the site where the proposed use is located.
 4. Whether the use is consistent with documentation and recommendations provided by reviewing City Departments.
 5. Whether the use complies with all applicable City Codes, standards, and guidelines governing such use.
 6. Whether the use will be materially detrimental to the health, safety, or general welfare of persons residing or working in the vicinity of the property, to the neighborhood, or to the public welfare; or if the use will unreasonably interfere with the use and enjoyment of nearby properties. Consideration shall include, but not be limited to the following factors:
 - a. Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination;
 - b. Impact on surrounding areas resulting from an unusual volume or character of traffic;
 - c. Ingress and egress to the property and proposed structures;
 - d. Pedestrian and vehicular circulation with particular reference to fire protection;
 - e. Parking and loading; and,
 - f. Impact on public services, including schools, utilities, and recreation.
 7. The Zoning Administrator ~~Planning Manager~~ shall not approve or recommend approval of any Conditional Use Permit unless the Department has received a Waiver of Proposition 207 from the Owner(s) of the property that is the subject of the Conditional Use Permit or has determined that the absence of such a Waiver of Proposition 207 is consistent with the City's General Plan and zoning goals and regulations.
 8. For Adult Uses. Whether the use complies with specific guidelines established by the Zoning Administrator ~~Planning Manager~~ for all Adult Uses. Such guidelines are designed to ensure compatibility with existing principal permitted uses and conditional uses and conform with the intent and purpose for which Conditional Use Permits are granted. Such guidelines must be in writing and on file before the date of the application of the Conditional Use Permit for the Adult Use and copies shall be on file with the Department, City Clerk Department, and Office of the City Attorney.

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F. *Citizen Participation Process.*

~~1.~~ If written opposition to a Conditional Use Permit application is received by the Department within 21 days, a neighborhood meeting shall be required as part of the process of identifying and addressing potential impacts that the proposed use may impose on the surrounding area. The Citizen Participation Process ("CPP") shall include the following:

- ~~1.-a.~~ The applicant shall hold at least one neighborhood meeting. The neighborhood meeting shall be held in a neutral location within the general area of the request.
- ~~2.-b.~~ At a minimum, the applicant shall send written notice to interested and affected persons; said parties shall be notified according to the requirements of Section 21-~~146~~~~315~~.
- ~~3.-c.~~ The applicant shall prepare and submit a report to the Department that describes the meeting, number of individuals in attendance, any comments received at the meeting or any other form of communication received regarding the application, how these comments will be evaluated, and any mitigation issues identified as a result of the comments and concerns received.

G. *Planning and Zoning Commission Public Meeting.*

1. The Planning and Zoning Commission shall consider a request for a Conditional Use Permit at a public meeting. The Commission Chair may choose to open a portion of the meeting to public comment if the Chair believes it is necessary to further address the health, safety and welfare of the neighborhood.
 - a. If the Commission approves the application, the Department shall issue a Conditional Use Permit setting forth all conditions and requirements imposed pursuant to this Ordinance and adopted by the Commission as part of the approval governing such use.
 - b. If the Commission denies the application, the Commission will identify the basis for the denial and the specific criteria in this Ordinance that have not been met by the applicant.
 - c. Continuance. A continuance may be requested by City staff, the Planning and Zoning Commission, or the applicant. All requests for continuance shall be to a date certain, unless otherwise agreed to by the applicant.
2. The decision of the Commission is final and effective fifteen (15) calendar days following the date of decision unless an appeal is filed pursuant to this Section.

H. *Appeal of Decision of Planning and Zoning Commission to City Council.* Any member of the public, including the applicant, may appeal a decision of the Planning and Zoning Commission, regarding a Conditional Use Permit, to the City Council. The appeal must be in writing and filed with the Department, within fifteen (15) calendar days of the date of the decision. The filing of an appeal will be considered complete upon receipt by the Department Director.

The Department shall set the hearing date for an appeal of a Conditional Use Permit no more than seventy-five (75) days after the date the appeal is filed.

1. *Notice.* The Department shall ensure that notice is provided in the manner described above for the Planning and Zoning Commission hearing.
2. *Hearing.*
 - a. The City Council shall hold the hearing and shall reverse, affirm, or modify the decision of the Commission. The Council shall base its decision on the written findings previously issued by

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the Commission, applicable law, the review criteria stipulated in this Section, and guidelines promulgated by the Department.

- b. If the City Council reverses or modifies the decision of the Commission, the Council shall direct the City Attorney to prepare written findings setting forth the basis for the reversal or modification.
3. *Continuance.* The matter shall not be continued except by written request of the applicant prior to the hearing or upon oral request of the applicant on the record at the hearing. The City Council may request a continuance as long as the applicant is in concurrence of said request.
- I. *Continuing Jurisdiction and the Revocation, Modification, or Suspension of Permits.*
 1. Conditional Use Permits.
 - a. The Zoning Administrator~~Planning Manager~~ shall have continuing jurisdiction over all Conditional Use Permits and may recommend that a permit be revoked, modified, or suspended should any of the following occur:
 - 1) The permit was obtained by fraud or misrepresentation;
 - 2) The use authorized by the permit has been exercised in violation of the conditions of its approval;
 - 3) A change in circumstances consisting of any of the following has occurred:
 - a) Impacts from the approved conditional use to neighboring properties.
 - b) Changes in aesthetic or environmental impacts such as noise, odors, or pollution.
 - 4) 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.
 - a) Notice and a public hearing shall be provided in the same manner as for Conditional Use Permit applications
 - 5) Conditional Use Permits for Adult Uses. For proceedings to revoke, modify, or suspend the approval of a Conditional Use Permit for an Adult Use, the Commission shall consider no criteria other than the a) criteria set forth in this Section, criteria set forth in Sections 21-501 through 21-506 pertaining to Adult Uses, and b) guidelines promulgated by the Zoning Administrator~~Planning Manager~~ in accordance with said Sections.

Sec. 21-~~156320~~-Site Plan.

A. *Purpose and Applicability.*

1. New development and existing developments which are proposing qualifying building additions, alterations and/or site improvements shall be subject to Section 21-~~156320~~ of the Zoning Ordinance ("Site Plan Review"). Detached or attached single-family units on individual lots shall not be subject to the Site Plan process.
2. The Zoning Administrator~~Department~~ is authorized by the provisions of the City Code to review site plan applications, and make a determination that the proposed project, or alterations and site improvements are in compliance with the underlying zoning and other applicable ordinances, codes, and regulatory requirements. The Zoning Administrator, or their designee, shall be referred interchangeably hereinafter in this Section as Department.

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3. The regulations provided herein are intended to facilitate the orderly present and future development of the City by promoting the public health, safety, and general welfare, and aesthetic character of the community.
 4. This Section establishes the application requirements, review procedures, and approval criteria utilized by the Department when considering an application for a Site Plan.
- B. *Application Requirements.* An application for Site Plan Review must include all information required in the official process guide and application packet for Site Plan Review applications made available by the Department, in addition to other information required by the [Zoning Administrator](#) ~~Planning Manager~~ or designee based on the nature of the proposed development.
- C. *Approval Criteria.*
1. The Department shall review Site Plan applications in accordance with applicable Zoning Ordinance regulations, Peoria [Community Design Guidelines](#) ~~Review Manual~~, applicable City Code provisions, and other regulatory requirements.
 2. Approval of a Site Plan application shall be given only when in the judgement of the City, such an approval is consistent with the intent and purpose of this Section, and it is determined that the proposed application is:
 - a. Consistent with the health, safety, and welfare of the community;
 - b. In harmony with the purposes and intent of this Ordinance, the General Plan, and any adopted plan for the area; and
 - c. Will not cause traffic related concerns that cannot be mitigated as determined by the City Engineer.
- D. *Notice of Decision.*
1. The Department shall notify the applicant, in writing, of the decision to approve or deny the application, and shall state any conditions for approval or reasons for denial in said letter.
 2. The Department shall provide notice of the decision in accordance with the provisions of Section 21-~~146315.F.3~~. If no appeal is filed within the timeframe specified in subsection E.4.b. of this section, then the decision of the Department shall be final.
- E. *Appeal Criteria and Procedure.*
1. The Notice of Decision by the Department may be appealed by the applicant, or any City of Peoria property owner or property owners within the notification area identified within Section 21-~~146315~~, Notices of the Zoning Ordinance.
 2. The purpose of the appeal criteria provided herein is to fairly accommodate appeal rights of persons aggrieved by City decisions, while also ensuring that appeals are conducted fairly and expeditiously in a manner that protects the rights of all parties and ensures finality in land use decisions and development permitting.
 3. An appeal of a Site Plan decision is limited to instances where the aggrieved party alleges there was an error in a decision or determination in the enforcement of the Zoning Ordinance or applicable regulatory requirements.

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4. To initiate an appeal the Department's decision regarding a site plan application:
 - a. A written notice of appeal shall be submitted on a form prescribed by the Department and includes specific citations from the Zoning Ordinance or other regulatory documents in which the Appellant believes the Site Plan does not comply with; and
 - b. Be received by the Department within fifteen (15) calendar days after the Notice of Decision has been issued. The deadline shall be extended to the end of the next business day when the deadline occurs on a non-business day.
5. The filing of an appeal will be considered complete upon receipt of the written appeal by the Department Director within the specified timeframe and meets all of the appeal criteria as specified within the Subsection ~~21-322.E~~ above.

F. *Determination by Department Director.*

1. Appeals filed with the intent to contest the proposed land use, the zoning designation, or an approval of a conditional use permit shall be determined by the Department Director to be invalid and shall not be forwarded to an appeal body for consideration.
2. Upon receipt of a valid appeal, the Department Director shall make a determination as to the nature of the appeal and shall determine the appropriate Hearing Officer to hear the appeal.
3. Appeals of a technical nature, such as but not limited to utility locations, grading and drainage, or traffic mitigation measures shall be heard by the City Engineer, or designee thereof, acting in capacity of the Hearing Officer.
4. Appeals regarding exactions or dedications associated with the site plan shall be heard by the Land Use Hearing Officer, which shall be the City Manager or designee.
5. For all other types of appeals, they shall be heard by the Land Use Hearing Officer, which shall be the City Manager or designee.

G. *Action of Hearing Officer.*

1. The Hearing Officer shall hold a hearing and provide the appellant, applicant, Department staff, and those property owners and registered homeowner's associations within the required notification radius of the subject property an opportunity to present their position. Such hearings shall be informal and the rules of evidence and civil procedure shall not apply. The hearing officer shall have the authority to approve, deny, or modify the request.
2. The Hearing Officer's decision shall be in writing and shall be provided to the appellant, applicant, the Department, and any property owners and homeowner's association representatives who attended the hearing.
3. The decision of the Hearing Officer shall be final.

H. *Building Permits Based upon Approved Site Plan.*

1. For all development subject to Site Plan review, an approved Site Plan and proper zoning are required prior to the commencement of any construction or development on the site.
2. The applicant shall obtain the necessary building and/or construction permits within eighteen (18) months of the date of approval of the Site Plan application. ~~If~~ If not obtained within the eighteen (18) month time frame, the applicant may, prior to the date of expiration, file a request for an extension, whereupon the Zoning Administrator ~~Planning Manager~~ may authorize a one-time, six

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(6) month extension. If the time frame has expired, the applicant shall submit a new Site Plan, together with the applicable documents and fees as stipulated in the above provisions.

I. Amendments to Approved Site Plans.

1. When a site plan has been previously approved and alterations to the proposed buildings or site improvements are desired, a site plan amendment will be required if those changes are deemed by the ~~Zoning Administrator~~ **Planning Manager** or designee to be substantial in nature.
2. Substantial changes may include, but not be limited to a ten (10) percent increase in a project gross land area, a building or buildings' square footage, or a multi-family project's density, or a material change to the project's land use, or an alteration to the project's circulation pattern.
3. A site plan amendments shall be submitted, reviewed and approved in accordance with the same Site Plan approval criteria as identified herein.
4. Any modification which does not substantially change the approved site plan, shall be not require the applicant to obtain new site plan approval and may be addressed through the building permit process.

Sec. 21-~~157~~ **856**. Special Use Permit. ~~Intent~~

~~The Special Use Permits allow for uses, which would otherwise be prohibited in the conventional zoning districts. These special uses usually do not conform to traditional use groupings, and because of their unique characteristics, and nature of operation, require specific safeguards or design constraint to be in place prior to their development. In addition, a special use shall be permitted only when adequate mitigation measures have been provided to eliminate or reduce any potential negative impacts the use may have on surrounding properties.~~ A Special Use Permit is intended to provide a zoning overlay on conventional zoning districts for specific uses. [Refer to Section 21-670 for a list uses subject to a Special Use Permit.](#)

Sec. 21- ~~158~~**858**. Special Use Permit Application Process.

A. *Application*.

1. An application for a Special Use Permit shall be submitted to the Planning ~~Community Development~~ Department on an official application provided by the Department. Submittal requirements shall be as outlined in the Special Use Permit Process Guide and shall include, but not be limited to, the following:
 - a. A detailed site plan prepared in accordance with the provisions set forth in Section 21-~~156~~**320** of this Ordinance.
 - b. A design review submittal in ~~accordance with Chapter 20 of the Peoria City Code (1992) and the City's Community Design Guidelines~~ **Review Manual**, and any other applicable provisions.
 - c. Identification of off-site impacts and adequate measures proposed to mitigate those impacts including, but not limited to, dust, smoke, noise, odors, lights, or storm water run-off.

B. *Application Review*.

1. The ~~Community Development~~ Planning Department shall review the application in accordance with provisions set forth in the Site Plan and ~~the Community Design Guidelines~~ **Design Review Process Guide**. City staff will provide initial review of the proposal and will identify issues related

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to the overall project. Staff will then provide the applicant recommendations and comments on the initial concept of the proposal and the applicant shall revise the proposal accordingly prior to formal submittal of the application.

2. After the submittal of the application, the ~~Community Development~~ Planning Department will transmit the application to the applicable City Departments for formal review. The ~~Community Development~~ Planning Department shall transmit all comments in writing to the applicant. The applicant shall then revise and resubmit the application materials that address all of the concerns and issues raised in the comments. Upon final submittal, the ~~Community Development~~ Planning Department shall establish the hearing dates for the proposal and shall provide a written report with a recommendation to both the Planning and Zoning Commission and the City Council.
- C. *Public Notice and Hearing.* The Special Use Permit serves as a zoning overlay, the public notice and hearing process shall be conducted in the same manner as set forth in Section 21-~~146~~³¹⁷.
- D. *Site Developments Standards.*
1. The Planning Commission or the City Council may establish additional or more stringent standards to mitigate the negative impacts that the proposed special use may have on the surrounding areas. These standards may include but not be limited to the following:
 - a. Site coverage, structure height and setback requirement;
 - b. Screening;
 - c. Off-street parking and loading specifications and improvements;
 - d. On-site and off-site street and drainage improvements;
 - e. Traffic circulation to include point of vehicular ingress and egress;
 - f. Landscaping;
 - g. Control of noise, vibration, odor, emissions, hazardous materials and other potentially dangerous or objectionable elements;
 - h. Hours of operation;
 - i. Time limits within which the Special Use Permit shall cease to exist;
 - j. Storm run-offs and water conservation measures; and
 - k. Hazardous materials handling.
- E. *Findings.* In considering an application for a Special Use Permit or an Appeal of a decision denying a Special Use Permit, the Planning and Zoning Commission and City Council shall base the decision on the following findings:
1. The proposed use is consistent with the goals, policies, objectives and future land use map of the Peoria General Plan and specific elements of the General Plan and any adopted Specific Plan applicable to the site where the proposed special use is located.
 2. The proposed use is in compliance with documentation and recommendations provided by reviewing City Departments.
 3. The proposed use is in compliance with all applicable City Codes, standards and guidelines governing such use.
 4. The proposed special use is adequately served by essential public services, such as street, drainage facilities, fire protection, and public water and sewer.

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5. The proposed special use is designed and landscaped to preserve the character of the neighborhood and that it will not discourage appropriate development or use of surrounding properties.
6. The proposed special use will not generate adverse impacts on adjoining properties and land uses.
7. The proposed special use will not be injurious to the public health, safety and welfare of the community.
8. The Zoning Administrator ~~Planning Manager~~ shall not approve or recommend approval of any Special Use Permit unless the Zoning Administrator ~~Planning Manager~~ has received a Waiver of Proposition 207 from the Owner or Owners of the property that is the subject of the Special Use Permit or has determined that the absence of such a Waiver of Proposition 207 is consistent with the City's General Plan and zoning goals and regulations.

Sec. 21-~~159.859~~. Permit Limitations.

- A. *Effective Date.* A Special Use Permit shall be in effect upon amendment to the City Zoning Map adopted by the City Council designating the approved use.
- B. *Expiration.* The expiration or termination of the Special Use Permit shall be in effect upon amendment to the City Zoning Map adopted by the City Council designating the approved use.
- C. *Modification.*
 1. The applicant to whom the Special Use Permit was granted may request a modification of the Permit in writing to the City of Peoria Community Development Planning Department along with appropriate documents and fee.
 2. The Zoning Administrator ~~Community Development Director~~ or designee(s) shall determine whether or not the requested change(s) is a substantial modification or within the scope of the original Special Use Permit and whether or not the requested change(s) is consistent with the requirements set forth in this Ordinance.
 3. The Zoning Administrator ~~Community Development Director~~ or designee(s) may approve the modification if the change(s) is insubstantial, is within the general purview of the original Special Use Permit, and is consistent with the requirements set forth in this Ordinance.
 4. If the requested change is substantial and is not within the general purview of the original Special Use Permit, or is not consistent with the requirements set forth in this Ordinance, then the matter shall be decided at a public hearing before both the Planning Commission and City Council. All public noticing procedures shall be given in the manner specified in Section 21-~~146.318~~.
- D. *Termination and Revocation.*
 1. There has been material noncompliance with any conditions prescribed in the Special Use Permit or the approved site plan.
 2. The use covered by the permit or the manner of conducting the operation is a safety hazard to nearby residents or anyone working in the vicinity, detrimental to adjacent properties, to the neighborhood, or to the general public welfare.
 3. The use is being conducted in violation of any provision of this ordinance, or any Federal, State, City, County and other applicable regulations.

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Sec. 21-~~160322~~. Temporary Use Permits.

A. *Purpose and Applicability.*

1. In addition to regulating uses which are permanent in nature, it is the intent of Section 21-~~160322~~ of the Zoning Ordinance, otherwise referred to as the Temporary Uses Section, or Section herein, to accommodate reasonable requests for interim or temporary uses for a limited period of time when such activities are appropriate.
2. The Temporary Use Section authorizes the City to allow short-term land uses if the use does not interfere with surrounding uses, or pose a threat to public health, safety, and welfare. Allowing temporary uses, as provided for herein is not intended to permanently establish or authorize uses otherwise prohibited by the Zoning Ordinance.
3. These regulations are intended to ensure that the temporary use is conducted in a manner to maintain compatibility between the temporary use and surrounding area. Any review or approval by the City is solely intended to address City ordinances and regulations, and is not intended to supersede applicable state or federal regulations.
4. Temporary uses shall be permitted on private property with the issuance of a Temporary Use Permit (TUP) as specified within this Section. Events or activities conducted on City of Peoria owned property, or within public streets or public right-of-way shall obtain a Special Event Permit, which is administered by the City.
5. This Section establishes the procedures, and criteria to be used by the Department when considering an application for a Temporary Use Permit.

B. *Temporary Use Permit:*

1. *Temporary Uses Allowed, Permit Required.* The Temporary Uses identified below shall obtain a Temporary Use Permit pursuant to the procedures set forth in this Section. Temporary Uses shall mean events such as, but not limited to:
 - a. Carnivals, circuses, craft shows, exhibitions, fairs, festivals, home and garden shows, temporary outdoor sales events, or similar special events not otherwise excluded within this Section.
 - b. Donation/Recycling Drop-Off Boxes.
 - c. Outdoor concerts, and paid admission events.
 - d. Events held on unimproved surfaces or lots.
 - e. Such other uses as the City may deem to be within the Purpose and Applicability of this Section.
2. *Temporary Use Permit Exemptions, No Permit Required.* All temporary uses identified below are not required to submit an application for a Temporary Use Permit, but are required to comply with Subsection 21-~~160322~~.C ("General Requirements for All Temporary Uses"). Those events which do not comply with the exemptions provided herein shall obtain a Temporary Use Permit as provided within this Section.
 - a. Events utilizing City property, public streets or public right-of-way, provided that the applicant shall coordinate the event with the City as part of the Special Event application process.

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- b. Ancillary activities on residential properties, including but not limited to, residential garage or yard sales, open houses, etc.
- c. HOA events or activities, intended for residents only, located on HOA property.
- d. On-site school events.
- e. Other intermittent activities deemed by the Department to be ancillary to the customary use of the property.
- f. Other uses not defined in Subsection 21-~~160~~~~322~~.B.1 which meet all of the following criteria:
 - i. Limited activity area;
 - 1. An activity area, which is limited to the following size requirements and summarized within the Table below:
 - a. Four thousand (4,000) square feet or less on a site or center that is greater than one (1) acre, but less than five (5) acres in size, or
 - b. Ten thousand (10,000) square feet or less on a site or center that is greater than or equal to five (5) acres in size.

Minimum Site or Center Size	Maximum Exemption Area
≤1 acre	No Exemption
>1 & <5 acres	≤4,000 square feet
≥5 acres	≤10,000 square feet

- 2. For the purposes of this Section, an activity area means the area housing the proposed use and any associated storage. The activity area does not take in to account patron parking for the purposes of tabulating the square foot allowances identified above.
- 3. An improved surface without blocking primary drive aisles or site and building general or emergency access.
 - a. For the purposes of this Section, an improved site means a site with paved access to the grounds, including curb-cuts as necessary to access public rights-of-way, and paved or dust-proof surfaces for the area occupied by the subject temporary use and associated parking.
- ii. Uses which do not operate between the hours of 10:00 p.m. and 7:00 a.m. and do not occur for more than two (2) days within a thirty (30) day period, per site.
- iii. Uses which are located at least two hundred (200) feet away from a residential structure.
- iv. Uses which provide for all necessary pedestrian and vehicular queuing to occur outside of the right-of-way and outside of any primary or emergency drive aisles.
- v. Events occurring within a designated Entertainment District. Such Entertainment Districts may be adopted by resolution from time to time by the City Council in

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accordance with A.R.S § 4-207.

1. All boundaries of the temporary use must remain at least 200 feet away from Grand Avenue right-of-way.
2. There is no limit on activity area size to qualify as an exempt temporary use when the use is located within a designated Entertainment District.

C. *General Requirements for all Temporary Uses.* All temporary uses shall meet the following general requirements, unless otherwise specified in the Temporary Uses Section:

1. Structures utilized for the Temporary Uses of outdoor sales and/or displays that exceed seven (7) days in duration shall be limited only to the following: Tents, canopies, and/or membrane structures.
2. Permanent alterations to the site are prohibited.
3. All temporary signs associated with the temporary use shall comply with Section 21-~~836~~⁸²⁷ of the City Code, and all associated signs shall be removed upon completion of the activity.
4. The temporary use standards of this Section do not exempt the applicant or operator from any other required permits, such as health department permits.
5. If the property is undeveloped, it shall contain sufficient land area to support the temporary use, including but not limited to, adequate parking and traffic movement to support the event.
6. Tent and/or generator permits shall be required for all uses in accordance with the applicable Fire or Building code, regardless of any Temporary Use Permit Exemptions identified within Subsection 21-~~160~~³²².B.
7. All uses shall comply with adopted City noise ordinances contained within the City Code.
8. All Temporary Uses shall prevent activity across improved landscape areas that would negatively impact the landscaped areas.

D. *Application Requirements.* An application for a Temporary Use Permit:

1. Must be submitted at least thirty (30) calendar days prior to the proposed commencement of the temporary use. Application made within 30 days of the start date of the event will not be accepted:
2. Must include all information required in the official process guide and application packet for Temporary Uses made available by the Department. The Zoning Administrator-~~Planning Manager~~ or designee may require additional information as necessary, based on the nature of the proposed temporary use.
3. Each occurrence of a non-exempt Temporary Use as defined within Section 21-~~160~~³²².B shall require a separate submittal and approval of a Temporary Use Permit Application.

E. *Appeal of Decision.* Upon receiving notification of the Department's decision to approve or deny the application for a Temporary Use Permit, the applicant or any party of interest aggrieved by the decision may file an appeal to the Board of Adjustment pursuant to Section 21-~~163~~³²³⁻¹.

Sec 21-161.Variance.

A. *General.* The Board of Adjustment may grant a variance that departs from the terms of these zoning

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regulations pertaining to 1) height or width of structures, 2) size of yard and open spaces, or 3) other development standards where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape, or topography, and not as a result of the action of the applicant, the literal enforcement of this Ordinance would deprive the owner of the reasonable use of the land and/or building involved.

- B. *Application.* A request for variance shall be made by filing an official application and development plan, together with the applicable fee, with the Department, at least thirty (30) days prior to the Board meeting. The application shall identify the exceptional conditions and the peculiar and practical difficulties being claimed as a basis for the requested variance. The development plan shall contain sufficient information for the Board to consider the request and make a proper decision on the matter. Such additional materials required for submittal are described in greater detail in the Process Guide.
- C. *Evidence Required.* At the public hearing the applicant shall present a statement and adequate documentation to demonstrate the following:
1. Special circumstances or conditions exist on the subject property that does not exist on other property in that zoning district.
 2. The literal interpretation of the provisions of this Ordinance would deprive the appellant of rights commonly enjoyed by other properties in the same zoning district.
 3. The alleged hardship caused by literal interpretation of the provisions of this Ordinance includes more than personal inconvenience and financial hardship and is not the result of actions by the appellant.
 4. Granting the variance will not confer upon the applicant any special privilege that is denied by this Ordinance to other land, parcels, structures, or buildings in the same zoning district.
 5. Granting the variance will not interfere with or substantially or permanently injure the appropriate use of adjacent conforming properties in the same zoning district.

D. *Board of Adjustment Action.*

1. *Approval.* In the event the Board of Adjustment determines that the applicant demonstrates compliance with conditions set forth above in Subsection G.3, of this Section 21-~~161323~~ it may approve or conditionally approve the variance. Approval may be granted only upon the affirmative vote of the majority of the Board members present.
2. *Findings.* In approving or conditionally approving the variance, the Board shall find that:
 - a. The reasons set forth in the appeal justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and
 - b. Granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
3. *Conditions of Approval.* In granting any variance, the Board may impose such conditions and safeguards as it deems appropriate to ensure that the purpose and intent of this Ordinance will be fulfilled and to ensure that the integrity and character of the zoning district is maintained.
4. *Considerations.* The Board shall not consider the following when considering grounds for granting a variance:

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- a. Violations related to uses or structures in the same zoning district
 - b. Permitted uses or structures in other zoning districts
- 5. *Denied Application.* In the event the Board of Adjustment denies an application for a variance, no permits shall be issued.
- E. *Propriety of Variance.* Every variance granted shall be personal to the appellant; however, the variance shall be transferable and run with the land after an occupancy permit for any authorized structure or structures has been issued.
- F. *Guarantees.* The Board of Adjustment may require guarantees in such form as it deems suitable to ensure compliance with any conditions of approval
- G. *Violations.* The violation of any condition under which a variance is granted shall cause the variance to cease to exist and any permit(s) therewith shall become null and void.

Sec 21-162. Appeal of a Zoning Interpretation.

- A. *General.* The Board of Adjustment (BOA) shall hear and decide any appeal in which it is alleged there is an error in an order, requirement, or decision made by the Zoning Administrator ~~Department~~ in the administration or enforcement of the Peoria Zoning Ordinance.
- B. *Application.* Applications for an appeal of an interpretation shall be filed in writing, with the Department, within thirty (30) days after the action appealed from, together with the applicable fee, and shall specify the grounds thereof. An appeal concerning interpretation or administration of this Ordinance may be filed by any office, department, board, or commission of the City or by an aggrieved person(s), which for the purpose at hand shall be deemed to be any persons(s) who demonstrate to the BOA substantial interest in the appeal or who receive a particular and direct impact from the interpretation that is distinguishable from the effects or impacts upon the general public.
- C. *Board of Adjustment Action.* Pursuant to A.R.S § 9-462.06, the Board shall reverse or affirm, wholly or partly, or modify the order, requirement or decision of the Department being appealed, and make such order, requirement, decision, or determination as necessary.

Sec 21-163. Appeal of a Temporary Use Permit.

- A. *General.* The Board of Adjustment (BOA) shall hear and act upon appeals for temporary use permits for those uses which are specifically authorized in this Ordinance. The applicant or any party in interest aggrieved by the decision of the Department concerning a Temporary Use Permit may file a notice of appeal with the Board of Adjustment.
- B. *Application.* An aggrieved person who shall be construed to be the applicant or any party in interest may file an appeal with the Board for a decision of the Department on a Temporary Use Permit. Applications for the appeal shall be filed in writing, with the Department, on the official form provided by the Department, together with the applicable fee, within seven (7) days after the Department's decision, and shall specify the grounds for the appeal. The Department shall transmit to the Board all papers constituting the record upon which the action appealed from is taken.
- C. *Board of Adjustment Action.*
 - 1. Pursuant to A.R.S. § 9-462.06, the Board shall reverse or affirm, wholly or partly, or modify the order, requirement, or decision of the Department being appealed, and make such order, requirement, decision, or determination as necessary.

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2. As part of the terms of any temporary use permit, the Board may stipulate certain restrictions and limitations in accordance with Section 21-322 of this Ordinance.

Sec. 21-~~164.324~~, Administrative Relief.

- A. *Applicability.* This Section pertains to minor deviations from single-family residential property development standards as described in Section 21-405, Section 21-412, and Section 21-420.
- B. *General.*
 1. Requests for Administrative Relief shall be limited to a modification from the front, rear, or side yard setbacks or from the maximum percentage of lot coverage, in an amount that is not greater than ten percent (10%) of the setback, or five percent (5%) of the maximum lot coverage permitted by the underlying zoning.

Zoning	Existing Lot Coverage	Modified Lot Coverage	Existing Setbacks	Modified Setbacks
R1-10	45%	47.25%	Front - 10◆ Front - 20◆◆ Side - 5/15 Rear - 15 Corner - 10	Front - 9 Front 18 Side - 4.5/13.5 Rear - 13.5 Corner - 9
10,000 SF	4,500 SF	4,725 SF		

- ◆ 10-foot front setback for side-entry garage
 - ◆◆ 20-foot front setback for front-facing garage
2. Requests for Administrative Relief shall be acted upon by the Zoning Administrator~~Planning Manager~~ and shall adhere to the procedures in this Section.
 3. A property owner may seek Administrative Relief for both setback and lot coverage, to be evaluated by the Zoning Administrator~~Planning Manager~~.
 4. Requests to deviate from the development standards of the zoning district that do not meet the above criteria shall not be considered a minor deviation available for Administrative Relief, but to be considered a Variance as outlined in Section 21-~~161~~325.
- C. *Conditions of Approval.* The Zoning Administrator~~Planning Manager~~ may authorize Administrative Relief when all of the following conditions are fulfilled:
1. The requested modification is the minimum modification for the reasonable use and enjoyment of the land and/or structure;
 2. The relief shall not be contrary to the purpose and intent of this Ordinance;
 3. Any proposed improvement is for the accommodation of a use designated as a permitted principal, conditional, or accessory use within the zoning district in which the property is located;
 4. The request is filed for the use and enjoyment of the current property owner, and is not part of multiple applications from an individual homebuilder for a specific subdivision or planned community;

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5. The requested modification will not unduly impact the peace and enjoyment of abutting properties; and
6. Appropriate and specific conditions as may be deemed necessary in order to fully carry out the intent of this Section have been stipulated by the [Zoning Administrator](#) ~~Planning Manager~~.

D. Application for Administrative Relief.

1. A request for Administrative Relief may be filed by any property owner within the City of Peoria.
2. An applicant shall submit an application for Administrative Relief to the Department on an official form provided by the Department, together with the applicable fee(s). The application shall specify the modifications from the zoning code that are being requested, the reason for the request, and the desired decision.

E. *Notification.* The noticing requirements for Administrative Relief are outlined below:

1. The Department shall send a Notice of Application to each owner of real property that abuts the property requesting an Administrative Relief.
2. The Department shall send a Notice of Decision regarding the [Zoning Administrator](#) ~~Planning Manager~~'s decision to each owner of real property that abuts the subject property requesting an Administrative Relief.

F. *Appeal Criteria and Procedure.*

1. The purpose of the appeal criteria provided herein is to accommodate appeal rights of persons aggrieved by City decisions, while also ensuring that appeals are conducted in a manner that protects the rights of all parties and ensures finality in land use decisions.
2. An appeal of the [Zoning Administrator](#) ~~Planning Manager~~'s decision is limited to instances where the aggrieved party alleges there was an error in a decision in the enforcement of the Zoning Ordinance or applicable regulatory requirements.
3. An appeal of the [Zoning Administrator](#) ~~Planning~~ Manager's decision shall be appealed to the Board of Adjustment in accordance with procedures set forth in Section 21-~~162323~~.
4. If the nature of the appeal goes beyond the conditions of approval outlined in Section 21-~~164324~~.C, the [Zoning Administrator](#) ~~Planning Director~~ shall determine the validity of the appeal to go before the Board of Adjustment.
5. To initiate an appeal of the [Zoning Administrator](#) ~~Planning Manager~~'s decision regarding an Administrative Relief application:
 - a. A written notice of appeal shall be submitted on a form prescribed by the Department and includes specific citations from the Zoning Ordinance or other regulatory documents which the applicant or appellant contends has been incorrectly applied; and
 - b. The appeal must be received by the Department within fifteen (15) calendar days after the date of the decision. The deadline shall be extended to the end of the next business day when the deadline occurs on a non-business day.
 - c. If an appeal is received by the Department within fifteen (15) days of the mailing date of notice, the matter shall be heard by the Board of Adjustment.

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G. Allowance. The granted Administrative Relief shall run with the land.

Sec. 21-~~165326~~. Design Review Appeals.

A. *Filing.*

1. The applicant may appeal a final decision of the Department on a design review submittal to the Design Review Board. Such appeal shall be filed on the official form provided by the Department, within ten (10) calendar days of the Department's decision, to the Department, together with any applicable fee. The appeal shall specifically indicate those items of the final decision by the Department being appealed.
2. The Department shall submit any response to the appeal and relevant background material on file to the Design Review Board for the next scheduled meeting.

- B. *Action of the Design Review Board.* The Design Review Board shall hear an appeal within thirty (30) calendar days of submission of the appeal. The Board shall make a decision on the date of the hearing, unless continued at the discretion of the Board, and shall transmit the decision to the applicant in writing. The decision of the Design Review Board shall be final.

Exhibit B - City Code Amendment

Amendment for Adoption to the Peoria City Code, Chapter 21

Section 1. *Amend Chapter 21 - Zoning, Section 21-300 Administration and Procedures, only as follows, leaving all other sections and subsections not specifically referenced unchanged:*

ADMINISTRATION AND PROCEDURES

Sec. 21-301 through Sec. 21-330 are removed in its entirety and replaced with the following:

Sec. 21-300. GENERAL PROVISIONS AND STANDARDS.

Sec. 21-~~301~~. Purpose and Applicability.~~**801-Intent.**~~

~~The purpose of the General Provisions Section is to set forth provisions that apply to all or various zoning districts. In the case of a conflict between provisions set forth in this Section and provisions for a specific zoning district, the stricter provision shall govern.~~

A. Purpose of the General Provisions and Standards Section. The purposes of this Section are to:

1. Prescribe development and site regulations that establish a framework for diverse, comfortable, safe and sustainable neighborhoods;
2. Enhance existing community character and encourage transitions to more mixed- use community centers characterized by attractive urban design, high quality architecture, vibrant public spaces, and pedestrian amenities where appropriate;
3. Encourage orderly, well-planned development of individual sites;
4. Encourage development that fits seamlessly into attractive, viable neighborhoods and improves areas that are in transition;
5. Ensure appropriately designed and maintained site features that incorporate Community Policing Through Environmental Design (CPTED) principles and allow natural surveillance;
6. Ensure development functions efficiently and screens unsightly and utilitarian elements and uses from public view;
7. Contribute to the pedestrian environment by prescribing a safe, shaded network of walkways that connect destinations on-site to destinations on the public street, and to adjacent development.

B. Applicability. The standards apply, except where specifically stated, to development in all districts. These standards shall be used in conjunction with the standards for each zoning district located in Sections 21-400 Residential, 21-500 Non-Residential and Section 21-600, Special Uses, Districts and Overlays. When a conflict exists, the standards specific to a zoning district, or approved by a plan as part of an applicable special district or overlay, shall override these regulations.

Sec. 21-~~302~~802**. General Use Provisions.**

A. General Use Restrictions.

- 1. Principal Uses.** Only those uses and groups of uses specifically designated as permitted principal

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uses in zoning district regulations shall be permitted as principal uses; all other uses shall be prohibited, except as otherwise provided in this Ordinance.

2. *Conditional Uses.* Certain specified uses designated as permitted conditional uses may be permitted as principal uses subject to special conditions of location, design, construction, operation, and maintenance hereinafter specified in this ordinance or imposed by the City during the development review and approval process.
3. *Accessory Uses.* Uses normally accessory and incidental to permitted principal or conditional uses shall be permitted as hereinafter specified. No accessory use or structure shall be permitted in any zoning district until its principal use or structure is present or under construction with an approved building permit.
4. *Temporary Uses.* Certain temporary uses may be permitted by temporary use permit, subject to such special conditions as the City may impose in accordance with provisions of this Ordinance.
5. *Unspecified Uses.* The schedule of use listings within each zoning district is intended to establish the character of uses to be permitted, but may not include each and every allowable use. Unspecified uses may be permitted by the Community Development Director or designee thereof upon finding that such uses are similar in character to, and not typically more objectionable than, other uses specifically listed as permitted.

B. *Restrictions on Occupation for Dwelling Purposes.*

1. No cellar, garage, tent, basement with unfinished structure above, or accessory building shall at any time be used as a dwelling unit. This provision shall not apply to guest houses or to quarters for night watchmen where such are allowed.
2. No mobile home or recreational vehicle outside an approved mobile home or recreational vehicle development shall be used as a dwelling unit at any time in any zoning district.

C. *General Yard and Setback Requirements.*

1. *Future Streets.* When future street lines have been officially established by the City Council, all required setbacks along said streets shall be measured from such street lines. For private streets or private access-easements, setbacks shall be measured from the street easement or tract boundary.
2. *Separate Space Requirements.* No lot, yard, parking or loading area, building area, or other space nor any part thereof, that is required about, or in connection with, any building, shall be included as part of a yard, area, or space required for any other building.
3. *Sight Distance Triangles.* Sight distance triangles shall adhere to the provisions set forth in the Peoria Infrastructure Guidelines.
4. *Cooling Units and Similar Devices in Non-Residential Districts.* In non-residential zoning districts, compressor units, condensing units, cooling towers, evaporative condensers, and similar devices shall be located at a minimum distance of three (3) feet from any interior lot line, except as otherwise provided in this Ordinance. Air conditioning units may be located entirely within a required side or rear yard provided such device conforms to the provisions of the Building Code.
5. *Projections into Required Yards in all Districts.* Awnings, canopies, standard balconies, open fire balconies, fire escape stairs, exterior stairs and other architectural embellishments shall not project or extend more than five (5) feet over any required yard, and shall be no closer than two

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(2) feet to any lot line.

6. *Projections into Required Yards in Residential Districts.* In residential zoning districts, projections shall meet the following standards:
- a. Any projection lying within three (3) feet of any lot line shall be subject to provisions of the International Residential Code (IRC), and shall be constructed with 1 Hour Protection as therein defined.
 - b. Window type refrigeration units not exceeding one and one-half (1.5) tons or a one and one-half (1.5) horsepower rating, suspended or roof evaporative coolers, and forced air furnaces shall not project or extend more than five (5) feet into any required yard and shall be no closer than two (2) feet from any lot line. Air conditioning units may be located entirely within a required side or rear yard provided such device conforms to the provisions of the City's Building Code.
 - c. Cornices, eaves, and other overhangs shall not project more than three (3) feet over any required yard and shall be no closer than two (2) feet to any lot line; however, any projection within three (3) feet of any lot line shall be subject to provisions of the International Residential Code (IRC), and thereby be constructed with 1 Hour Protection as therein defined.
 - d. Sills, leaders, belt courses, and similar ornamental features may project up to two (2) feet into any required yard provided that a minimum of five (5) feet remains in the side yard setback dimension.
 - e. Building projections, such as bay windows, chimneys, pilasters, green house windows, vestibules, built-in bookshelf and entertainment center projections, and similar functional projections may project a maximum of two (2) feet into a required yard provided that said projection is no closer than three (3) feet to any lot line. The projection shall have a maximum width of ten (10) feet, paralleling the nearest lot line, with a maximum width of twenty (20) feet of projection allowed per facade.
 - f. Terraces, patios, steps, or other similar un-roofed features not over three (3) feet in height above grade may project into any required yard provided that projections into required front yards shall not exceed ten (10) feet. Such projections shall be no closer than three (3) feet from any lot line.
 - g. Arched masonry entry features may be constructed as part of a fence surrounding the front yard. Such features shall not exceed seven (7) feet in height and shall not exceed three (3) feet in width. Such features shall adhere to the side yard setbacks of the principal building. No more than one such feature shall be permitted on a given lot.
 - h. A structure, which is a primary front entryway or porch may extend into a required front yard setback a maximum of three (3) feet, provided that such structure is not fully enclosed and is not more than eleven (11) feet in width.
 - i. A trellis or similar type lattice structure for the purpose of training vegetation may project into any required side or rear yard under the following conditions:
 - 1) Lattice structures not higher than six (6) feet without an attached roof member may be placed on the property line and utilized in the same manner and under the same conditions as a property line fence.
 - 2) Lattice structures that are higher than six (6) feet but no higher than eight (8) feet, with

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or without an attached roof member, may be located within three (3) feet of a side or rear property line.

- 3) Lattice structures over eight (8) feet high, with or without an attached roof member, must meet all minimum required yard setbacks for the principal structure.
- 4) For the purpose of this Section trellis and/or lattice structures shall meet the following dimensions:
 - a) Openings shall be no smaller than one (1) inch by one (1) inch and no longer than twelve (12) inches by twelve (12) inches.
 - b) Minimum dimensions of cross strips shall not exceed two (2) inches by two (2) inches.

D. *Height Exceptions.*

1. Church spires, belfries, cupolas and domes not for human occupancy; monuments; water towers; and noncommercial radio or television antennas located in any zoning district may be erected to a height not exceeding one hundred (100) feet.
2. Height regulations established elsewhere in this Ordinance shall not apply to the following when located in industrial districts: chimneys; smokestacks; derricks; conveyors; grain elevators; or similar structures wherein the industrial process involved customarily requires a height greater than otherwise permitted in this Ordinance.
3. Religious institutions, schools, public buildings and other similar public assembly uses may exceed the maximum height established by a particular zoning district, provided that the minimum front, side and rear setbacks shall be increased by one additional foot for each foot by which the height of the building exceeds the maximum building height.

E. *Trash Enclosures.* A permanent concealing enclosure for temporary storage of garbage, refuse, and other waste materials shall be provided for every use, other than single-family dwellings, in every zoning district. Such enclosures shall adhere to provisions set forth in the City's Infrastructure Development Guidelines as most recently amended.

F. *Exterior Lighting.*

1. *Purpose.* The Exterior Lighting regulations are intended to create awareness and maintain a high level of the City's physical and visual qualities by limiting light pollution, promoting energy conservation, reducing glare, and limiting pole height.
2. *Applicability.* All lighting within the Peoria City limits shall comply with the Dark Sky Ordinance set forth in the City Code, Chapter 20, Sections 20-60 through 20-67, and all amendments thereof. These regulations shall apply to all outdoor lighting including, but not limited to, search, spot, or floodlights for all structures, recreational areas, parking lots, landscape areas, or other outdoor lighting.
3. *Allowable Height.* The height of any freestanding light fixture shall not exceed sixteen (16) feet in a residential zoning district or twenty-five (25) feet in any other zoning district. Exempt from the height restrictions are the following uses:
 - a. Baseball, softball, soccer, volleyball, or football fields or similar uses.
 - b. Golf driving ranges.

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- c. Outdoor arenas and amphitheaters.
- d. Public parks.
- 4. *Adjacent to Residential Districts.* Lighting in any non-residential zoning district shall be shielded in a manner in which the light source is not visible from, nor are there spillover effects into, the residential zoning district. Additionally, any outdoor light fixture in a non-residential zoning district shall be a minimum of ten (10) feet from any adjacent residential zoning district.
- 5. *Within Residential Districts.* Any lighting on residential properties shall be directed downward and shielded in a manner that the illumination source shall not be visible from any adjacent property.
- 6. *Sign Lighting.* Any lighting used to illuminate wall or ground mounted signs shall be directed downward and shielded in a manner that the illumination source shall not be visible from any adjacent property.
- 7. *Submittal Requirements.* All new development submittals shall include an outdoor lighting plan for the entire site that describes compliance with the standards of this ordinance and the Dark Sky Ordinance set forth in the City Code, Chapter 20, Sections 20-60 through 20-67.

Sec. 21-~~303~~⁸⁰⁶. Performance Standards.

All uses within the City shall conform to the performance standards set forth below, and shall be constructed, maintained, and operated so as not to be a nuisance or hazard to persons, animals, vegetation, or property located on adjacent or nearby properties or rights-of-way; or to interfere with the reasonable use or enjoyment of adjacent or nearby property by reason of noise, vibration, smoke, dust, or other particulate matter; toxic or noxious matters; odors, glare, heat or humidity; radiation, electromagnetic interference, tire or explosion hazard, liquid waste discharge or solid waste accumulation. Furthermore no use shall be carried out so as to create any nuisance or hazard which is in violation of any applicable Federal, State, or City laws.

- A. *Noise.* No use shall create sound which is in violation of Chapter 13 of the City Code or any other applicable regulations.
- B. *Vibrations.* No use shall create inherently and recurrently generated ground vibrations that are perceptible without instruments at any point at or beyond the property lines of the property on which the use is located.
- C. *Smoke, Dust, Dirt, or Other Particulate Matter.* No use shall allow the emission of smoke, dust, dirt, or other particulate matter which may cause damage to property or vegetation, discomfort or harm to persons or animals, or prevent the reasonable use and enjoyment of property and rights-of-way, at or beyond the property lines of the property on which the use is located. Furthermore, no use shall be carried out so as to allow the emission of any substances in violation of any Federal, State, or City laws or permits governing the emission of such substances.
- D. *Odors and Fumes.* No use shall be carried out so as to allow the emission of objectionable or offensive odors or fumes in such concentration as to be readily perceptible at any point at or beyond the boundary of the property.
- E. *Toxic or Noxious Matter.* No use shall be carried out so as to allow the discharge of any toxic or noxious matter in such concentration as to cause damage to property or vegetation, discomfort or harm to

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persons or animals, or prevent the reasonable use and enjoyment of property or rights-of-way, at or beyond the property line of the property on which the use is located; or to contaminate any public waters or any groundwater.

- F. *Fire and Explosion Hazards*. No use shall be carried out so as to create a fire or explosion hazard to adjacent or nearby property or rights-of-way, or any persons or property thereon. Furthermore, the storage, use, or production of flammable or explosive materials shall be in conformance with the provisions of the City Code, Chapter 9 and with all other applicable regulations.
- G. *Liquid Waste*. No use shall be carried out so as to dispose of liquid waste of any type, quantity, or manner which is not in conformance with the provisions of the City Code, Chapter 25 and all other applicable regulations.
- H. *Solid Waste*. No use shall be carried out so as to allow the accumulation or disposal of solid waste which is not in conformance with Chapter 22 of the City Code, or which would cause solid waste to be transferred in any manner to adjacent or nearby property or rights-of-way.
- I. *Electromagnetic Interference*. No use shall be carried out so as to create electromagnetic radiation which causes abnormal degradation of performance of any electromagnetic receptor of quality and proper design as defined by the principles and standards adopted by the Institute of Electrical and Electronics Engineers, or the Electronic Industries Association. Furthermore, no use shall be carried out so as to cause electromagnetic radiation which does not comply with the Federal Communications Commission regulations, or which causes objectionable electromagnetic interference with normal radio or television reception.

Sec. 21-~~304~~⁸⁰⁸. Miscellaneous Provisions.

- A. *Unsuitable Site*. If the City determines a site to be an "Unsuitable Site" for a given development, for reasons of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low percolation rate or bearing strength, erosion susceptibility, or any other adverse features, transfer of density shall be permitted in accordance with the density formula established in the Peoria General Plan.
- B. *Moving of Buildings*. No building or structure which has been wholly or partially erected on any premises located within or outside the city, shall be moved to or be placed upon any other premises within the City until a permit for such removal and a zoning compliance certificate for such relocation shall have been issued by the Community Development Director or designee thereof. Any such building or structure shall conform to all provisions of this Ordinance in the same manner as any new building or structure. No such building or structure shall be used or occupied until an occupancy permit shall have been issued as herein provided. The moving of any building or structure shall, furthermore, comply with requirements of the City Code, Chapter 18, Section 18-6.
- C. *Dumping or Disposal*. The use of land for the dumping of scrap iron, junk, garbage, rubbish or other refuse or of ashes, slag or other industrial wastes or by-products shall be prohibited in every zoning district, except as may be otherwise provided in this Ordinance or other applicable regulations, and pursuant to provisions of the City Code, Chapter 17.
- D. *Essential Services Permitted*. Nothing in this Ordinance shall prevent the location of a public utility facility for any essential services herein defined. Such facility shall adhere to all development

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standards, including but not limited to setback, height, and landscaping requirements, for the given zoning district.

[Sec. 21-305 through 21-309 Reserved](#)

SEC. 21-~~310~~. SCREENING AND WALLS

Sec. 21-~~311~~⁸⁰⁴. Screening.

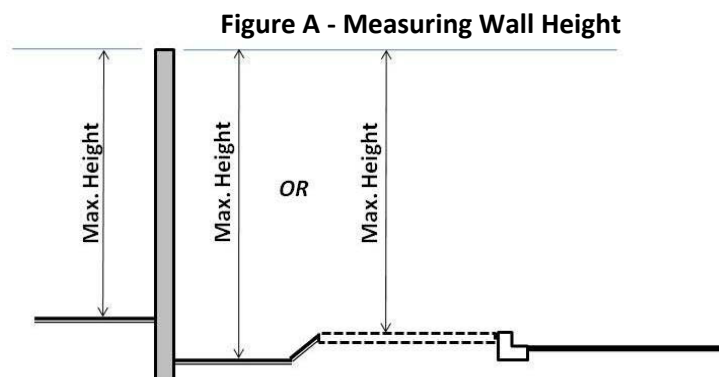
- A. *Intent.* The intent of this Section is to establish general development standards for screening between uses of differing character, density, or intensity and for screening certain uses and activities on a site from public view. The screening standards are intended to assure compatibility of uses, minimize deterioration of properties and property values, and to enhance the health and safety of the residents of Peoria.
- B. *Use of Screening.*
1. *Wall or Fence.* A masonry wall or fence a minimum of six (6) feet in height above grade, or as otherwise approved, shall be constructed and maintained between the following uses of differing intensity or character:
 - a. Single-family and multi-family developments.
 - b. Residential (single or multi-family) and non-residential uses.
 - c. Different non-residential uses.
 - d. Rear and/or side lot areas adjacent to public rights-of-way or landscape tracts.
 2. *Educational and Municipal Facilities.* Public elementary and secondary and similar private educational facilities, as well as municipal facilities, are exempt from the screening provisions of this Section.
 3. *Loading and Delivery Bays.* All loading and delivery bays shall be screened from street view in accordance with provisions of Section 21-~~900~~⁸²⁶.
 4. *Outdoor Storage.* All outdoor storage for Commercial and Industrial uses, and for materials, racking, equipment, vehicles, or other similar items, shall be screened from public view, public uses, and areas such as rivers, washes, equestrian and bike paths, parks, golf courses, and other public open spaces. Such screening shall consist of a wall or fence with a minimum height of six (6) feet, or a height that will adequately screen the stored items as determined by the [Zoning Administrator](#) ~~Planning Manager~~ during the Site Plan review process. Agriculturally related activities are exempt from this provision.
 5. *Utilities.* All utility substations, wells, storage facilities, or other utilities shall be screened from public view. Such screening shall consist of a wall, fence, or landscape screen of a height adequate to screen the facility, as determined by the [Zoning Administrator](#) ~~Planning Manager~~ during the Site Plan review process.
 6. *Mechanical Equipment.* All roof and ground-mounted mechanical equipment, except in single-family applications, shall be fully screened from public view unless otherwise specified elsewhere this Ordinance.
 7. *Parking.* Parking screening requirements are provided in Section 21-~~900~~⁸¹⁵.

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Sec. 21-~~312~~⁸⁹⁵. Walls and Fences.

A. General Provisions.

1. *Permit Required.* No persons, firm or corporation, shall hereafter construct, or cause to be constructed or erected within the City of Peoria any fence or wall exceeding seven (7) feet in height without first making an application for and securing a permit from the City. In addition, no fence or walls shall be constructed within the street right-of-way without obtaining a permit from the Engineering Department. Wall height requests above eight (8) feet shall be reviewed for approval by the City Engineer.
2. *Locations.* All fences, walls, and gates shall be located entirely upon the private property of the persons, firms, or corporation constructing, or causing the construction of such fence unless the owner of the property adjoining agrees, in writing, that such fence or wall may be erected on the division line of the respective properties. This shall not apply to the initial wall construction by the homebuilder. Pedestrian gates may be installed by a private property owner to provide access to public open space with written approval from the Community Services Department.
3. *Maintenance.* Every fence or wall shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair, damage, or unsightliness, or constitute a nuisance, public or private. Any such fence or wall which is, or has become, dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect is a public nuisance and the Code Compliance Officer shall commence proper proceedings for the abatement thereof. Any wall, or a portion of any wall, which is removed for any purpose or by any means whatsoever, shall be restored to its original or upgraded condition relative to construction, material and finish whenever exposed to any street or any adjoining property.
4. *Measuring Fence and Wall Height.* The height of any fence or wall shall be calculated to the uppermost points as follows:
 - a. In required yards abutting a street, sidewalk, or trail, the height of the fence shall be measured from the required two (2) foot shelf at the base of the wall or from the top of curb or the top of sidewalk, path, or trail when such element is at a higher elevation than the shelf. (Figure A)

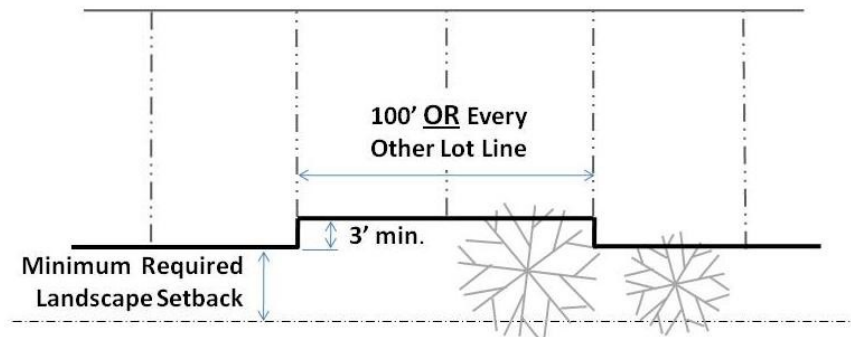


5. *Undulating Wall Required.* All fences and walls along arterial and collector streets with a continuous length greater than two hundred (200) feet shall use an undulating pattern at minimum intervals of one hundred (100) feet or at every other side lot line, whichever is less, to provide variety and visual interest. The undulation depth from the street line shall be minimum

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of three (3) feet. (Figure B) Alternative options may be approved during the Preliminary Plat or Site Plan Review Process.

Figure B - Perimeter Wall Undulation



6. *Finished Elevations.* Any fence or wall that is constructed to have only one elevation "finished", which shall be defined as not having its supporting members significantly visible, shall be erected such that the finished elevation of the fence is exposed to the adjacent street or public/semi-public area.
7. *Exemptions.* The following uses are exempt from the height restriction of three (3) feet within or bounding the front yard, as set forth in Section 21-~~312805~~.B.1.
 - a. An agriculture activity.
 - b. Residential and ranch uses in the Suburban Ranch Districts.
 - c. Schools and other public or quasi-public institutions when necessary for the safety or restraint of the occupants.
 - d. Temporary construction sites which are enclosed for security purposes.
 - e. Temporary construction yards for off-site construction.
 - f. Arched, masonry entry features in accordance with Section 21-~~312802~~ of this Ordinance.
8. *Barbed Wire Fences.* Barbed wire shall be prohibited in the City of Peoria except for the following:
 - a. Barbed wire shall be permitted in the General Agriculture and Suburban Ranch zoning districts.
 - b. Barbed wire shall be permitted for temporary construction sites or yards in all zoning districts provided that the barbed wire is located six (6) feet or more above grade.
 - c. Barbed wire shall be permitted for security purposes for commercial and industrial uses provided that the barbed wire is located six (6) feet or more above grade.

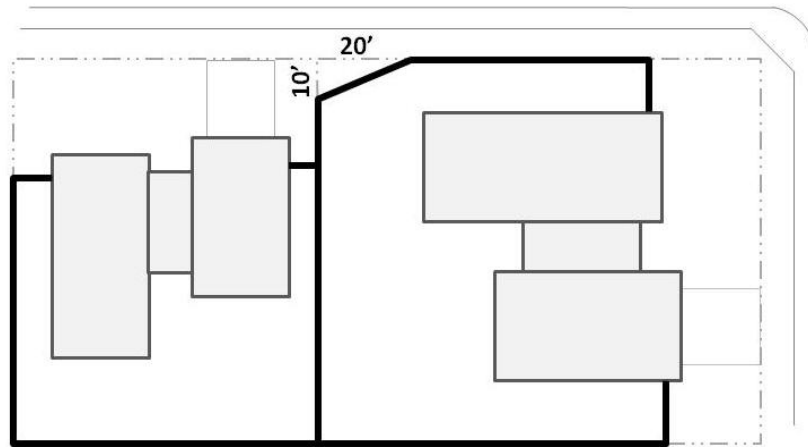
B. *Residential Requirements.*

1. *Height of Fences and Walls.* In all Residential Districts, no fence or wall within or bounding the front yard shall exceed a height of three (3) feet, and no fence or wall within or bounding a side or rear yard shall exceed a height of seven (7) feet, except as specified elsewhere within this Ordinance.

2. *Corner Lots and Key Lots (Figure C).*

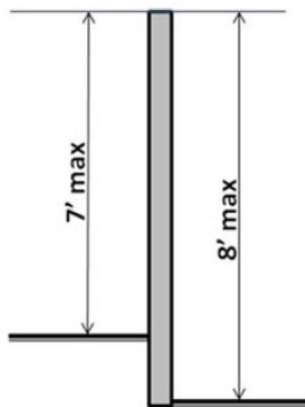
- a. On a corner lot contiguous to a key lot a fence or wall over three (3) feet in height may be placed on the property line except within a triangle measured ten (10) feet from the street line along the common lot line, and twenty (20) feet along the property line extending from the common lot line towards the front of the corner lot. The location of this clear zone may shift in areas where landscape tracts exist.
- b. On a key lot contiguous to a corner lot, a fence or wall not exceeding seven (7) feet may be erected along that portion of a key lot contiguous with the rear yard of the corner lot, but such fence or wall shall not come closer to the front line of the key lot than ten (10) feet.

Figure C - Key Lots



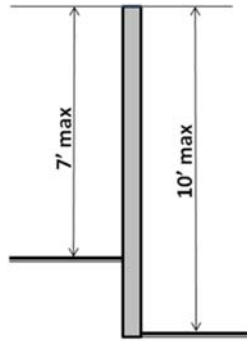
3. *Adjacent Residential Lots.* Where two residential lots abut one another, but have differing finished grades, the wall heights shall be limited to seven (7) feet in height on the high side and eight (8) feet in height on the low side. (Figure D)

Figure D - Residential to Residential



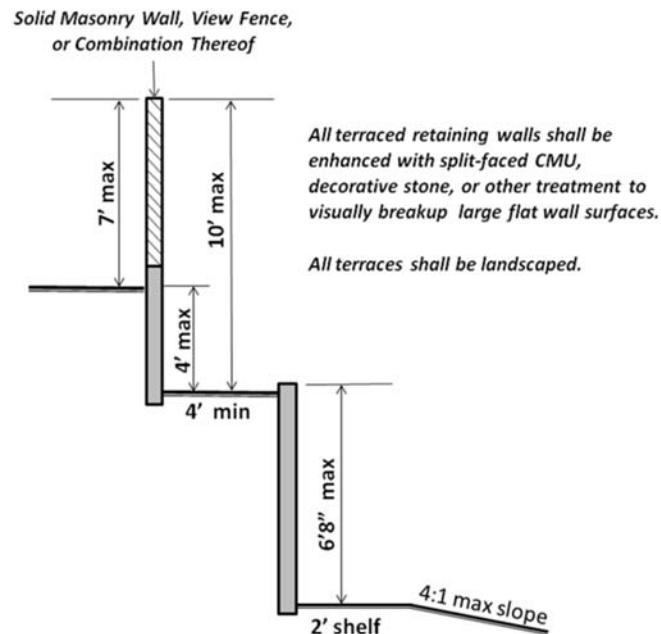
4. *Lots Adjacent to Streets.* The lot side of a wall shall not exceed seven (7) feet in height. The Street side shall not exceed ten (10) feet in height (Figure E).

Figure E - Residential to Street



1. *Retaining Walls.* For the purpose of this ordinance, any wall retaining a minimum of twelve (12) inches of earth shall be considered a retaining wall. If retaining requirements exceed ten (10) feet in height, then terracing shall be required. When terracing walls, the first wall at grade level shall not exceed seven (7) feet or be less than five (5) feet in height and each retaining wall above the first shall not retain more than four (4) feet of earth (Figure F). Terraced walls shall be offset a minimum of four (4) feet and each terrace shall be landscaped. Terraces and terraced walls shall be designed to include weep holes for drainage and sleeves for landscape irrigation. All terracing shall be subject to review by the City Engineer and/or the Building Official. Nothing herein is intended to relax the building code or other applicable city standards.

Figure F - Retaining Walls

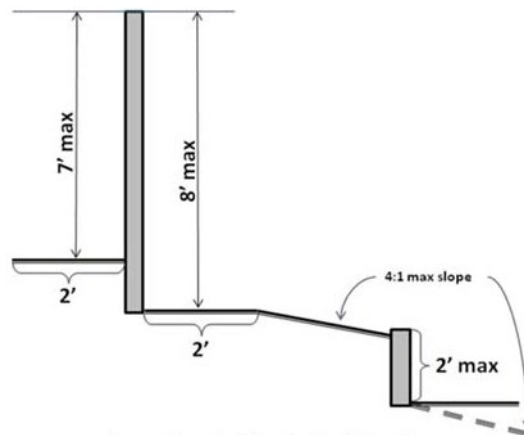


6. *Lots Adjacent to Retention Areas.* Walls adjacent to planned or natural retention areas, waterways, or similar features shall not exceed seven (7) feet in height on the lot side and shall not exceed eight (8) feet on the retention side as measured to the required two (2) foot shelf at the base of the wall. Maximum slope of the retention shall be no greater than 4:1. If

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additional retention depth is required, retaining walls may be added in the sloped banks of the retention area. Such walls shall not exceed two (2) feet in height and shall be offset by no less than four (4) feet. The maximum slope between walls shall not exceed 4:1 (see Figure G). All terraced walls shall be subject to review by the City Engineer and the Building Safety Division. All retaining walls are subject to review by the City Engineer or designee. Nothing herein is intended to relax the building code or other applicable City standards.

Figure G - Residential to Retention



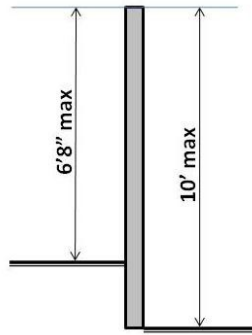
7. *Wall Waivers.* Waivers from the wall requirements may be granted by the [Zoning Administrator](#) ~~Planning Manager~~ if the applicant for the waiver has provided a Waiver of Proposition 207. A wall plan and narrative shall be submitted to the [Zoning Administrator](#) ~~Planning Manager~~ for review. Waivers may be granted based on the following:
 - a. Topography prohibits walls from conforming to wall requirements.
 - b. Waiver will not be detrimental to present or future surrounding property owners.
 - c. City Engineer recommends approval of waiver. If the waiver request is denied by the [Zoning Administrator](#) ~~Planning Manager~~, the applicant can file a Variance Request to be heard by the Board of Adjustment, in accordance with Section 21-~~161~~**323** of this Ordinance.
8. *Gates Required.* In those instances where a fence or wall is erected as an enclosure which restricts access from the front to the rear yard, a gate with a minimum of three (3) feet in width shall be included to provide access. Gates located between parcel lines must first be approved of in writing by both property owners. For pedestrian gates located between private and City properties, written permission must first be obtained from the appropriate City department.
9. *Noise Attenuation Walls Required.* Where adjacent to a transportation corridor a masonry noise attenuation wall shall meet Engineering sound wall requirements and shall be a minimum wall height of six (6) feet with a minimum total effective height of eight (8) feet. Walls shall be constructed of a minimum of six (6) inch (thick) concrete block, or as otherwise approved by the City Engineer, and shall be placed adjacent to the transportation corridor for any residential subdivisions recorded after the effective date of this Ordinance. A transportation corridor shall be defined as all arterial streets, truck routes north of Union Hills Drive, Lake Pleasant Parkway, Loop 101, Loop 303, State Route 74, and the Burlington Northern Santa Fe Railroad.

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C. Commercial and Industrial Requirements.

1. Fences and walls in all Commercial and Industrial Districts shall not exceed ten (10) feet in height except that boundary line fences abutting Residential Districts shall not be greater than six (6) feet eight (8) inches in height, or except as specifically required as a condition of an approved Site Plan or Preliminary Plat or as otherwise specified in this Ordinance (Figure H).

Figure H - Residential to Non-Residential



2. In Industrial zoning districts, walls and fences on local streets except when adjacent to a Residential District, may exceed three (3) feet in height in the front and corner side yard building setback when located no closer than ten (10) feet to the street line except as may be specified elsewhere in this Ordinance.
3. Within the Light Industrial (I-1) and the Heavy Industrial (I-2) zoning districts the construction and use of electrical fences shall be permitted only as provided in this Section and subject to the following:
 - a. Electrical fences shall not be permitted on any property that contains a dwelling unit other than a caretakers' residence.
 - b. Electric fences shall not be located within required landscape and street side setbacks.
 - c. No electrical fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet in height and no more than three (3) to twelve (12) inches from the electrical fence.
 - d. No electrical fence may extend more than thirty-six (36) inches above the adjacent non-electrical fence.
 - e. No electrical fence may exceed a maximum height of twelve (12) feet.
 - f. The electrical charge produced by the fence upon contact shall not exceed energizer characteristics set forth in the International Electrotechnical Commission (IEC) Standard.
 - g. The energy source (energizer) for electric fences must be provided by a storage battery not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However, the solar panel may be augmented by a trickle charger.
 - h. Electric fences shall be clearly identified with warning signs that read "Warning - Electrical Fence" at intervals no less than sixty (60) feet. Signs shall also contain imagery, symbols, or the international sign for electricity that allow individuals to understand that the fence is electrically charged, e.g. lightning bolts.

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- i. Electrical fences shall contain a City approved Knox key switch capable of disconnecting the electric fence in its totality from all energizers. Such switch shall be clearly marked and easily observable and accessible from a primary path of entry for emergency and enforcement personnel.
 - j. The installation of electric fences are subject to the issuance and approval of a Miscellaneous Building Permit obtained through the Building Development Department of the City of Peoria.
- D. *Hillside Development.* Additional wall requirements for hillside areas are provided in Section 21-710 of the Zoning Ordinance.

Sec. 21-313-314 Reserved

Sec. 21-~~315~~⁸⁰³. Accessory Buildings and Uses.

Sec. 21-316 through 319. Reserved

Sec. 21-~~320~~⁸⁰⁹. Home Occupations.

- A. *General.* A Home Occupation is an accessory use of the primary dwelling unit permitted either by-right or by conditional use permit. Home occupations are generally conducted and located such that the average neighbor, under normal circumstances, would not be aware of their existence. The home occupation is generally carried on by a member of a family, residing on the premises, and is clearly incidental to the use of the structure for dwelling purposes and does not change the exterior character of the premises in any way.
- B. *Standards.* The standards set forth in this Section are intended to ensure compatibility of the Home Occupation use with the residential character of the neighborhood. The proposed use shall be clearly accessory or incidental to the residential use of the main building to qualify as a home occupation use under this Section.
1. *Home Occupation as Permitted Accessory Use.* A home occupation where permitted, except for Day Care Group Homes, shall be considered a permitted accessory use when it complies with the following regulations:
- a. Changes or alterations to the exterior of the building(s) that are inconsistent with the residential character of the building(s) or with the character of the surrounding area shall not be allowed. Such changes or alterations include, but are not limited to, construction of parking areas or garages at a scale exceeding the scale of such structures in the surrounding area.
 - b. Signs advertising a home occupation shall be strictly prohibited.
 - c. Exterior display or storage of materials or equipment, or any other exterior indication of the home occupation, shall be prohibited.
 - d. Emissions of noise, light, dust, gas, vibration, odor, smoke, or any other noxious matter emanating from the home occupation at a scale greater than that normally associated with the residential use shall be prohibited.
 - e. The home occupation shall not involve more than one (1) business caller or visitor at a time and not more than two (2) visitors per hour, nor commercial deliveries or outside services beyond those normal and incidental to the residential uses in the district.

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- f. The home occupation shall be conducted by a resident or residents of the dwelling unit only. No outside employees shall be employed at the site and not more than one (1) employee may report to the site for off-site employment.
 - g. No unusual load shall be placed on power, sewer, water, or other utilities as a result of the home occupation use.
 - h. External activity resulting from the home occupation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
 - i. Storage of commercial vehicles used in conjunction with the home occupation is not permitted on the home occupation site. Up to two (2) commercial vehicles may be parked on the home occupation site if these commercial vehicles are used for both business and personal needs. Commercial vehicles must be parked in accordance with Section 21-~~900~~~~823~~ of this Ordinance.
 - j. All home occupations shall be subject to the standards contained herein and shall be approved by the City prior to the initiation of any business activity.
 - k. A valid City sales tax and/or business license shall be obtained for the home occupation use.
2. *Home Occupation as Conditional Use.* A Conditional Use Permit for a home occupation shall be required in cases where any of the following conditions may result:
- a. The home occupation use requires or uses storage or space accessory to the principal residence, will utilize or require outdoor or open storage of materials or will require or result in the construction or installation of additional parking on-site.
 - b. The home occupation use will produce or make noticeable the appearance of a non-residential use or will cause the emission of noise, light, dust, gas, vibration, odor, smoke, or other noxious matter from the premise.
 - c. The home occupation will have more than one (1) business caller or visitor at any one time, more than two (2) visitors per hour, or more than one (1) commercial delivery per business day.
 - d. Pedestrian or vehicular traffic will increase beyond what is considered normal and incidental to the zoning district in which the use is located.
 - e. An increased load will be placed on any of the power, water, sewer or other utilities.
 - f. The home occupation use will require the services of a single employee or assistant who is not a resident of the household.
3. *Prohibited Home Occupations.* Home occupations expressly prohibited shall include, but not be limited to, the following:
- a. Personal service offices such as physicians, dentists, massage therapists, and barber and beauty shops.
 - b. Animal services such as commercial stables, dog grooming, veterinary offices, hospitals, and kennels.
 - c. Permanent real estate offices.
 - d. Restaurants.
 - e. Vehicle services such as repairing, painting, storage, washing, or sales, where vehicle is defined as any motorized or non-motorized means of transportation.

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- f. Sales of Permissible Consumer Fireworks.
- g. Marijuana Dispensing, Cultivation or Manufacturing, except as provided in A.R.S. § 36-2852.
- 4. *Violations.* The City may deem any violation of the above conditions as just cause for the termination of the home occupation. In such cases, the City may issue a Cease and Desist Order, and, if the violation continues, file a criminal complaint in City Court.

Sec. 21-~~321~~810. Manufactured Housing.

- A. *Applicability.* Manufactured homes shall be homes built and manufactured in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974.
- B. *General Requirements.* Manufactured homes may be installed in any single-family residential zoning district. Such installation must meet all requirements of the Peoria Zoning Ordinance and applicable State regulations. The Community Development Director or designee thereof may require such enclosures, roof overhang, and roofing or siding materials as may be necessary for compatibility with other residential structures in the area.

Sec. 21-322-324 Reserved

Sec. 21-~~325~~811. Construction Trailers, Sales Office, and Mobile Homes, ~~Travel Trailers, House Trailers, and Recreational Vehicles.~~

~~A. Within RMH 1 and RMH 2 Districts. A mobile home, travel trailer, house trailer, or recreational vehicle may be placed, constructed, assembled, or used, whether for residential or any other purpose, exclusively in the RMH 1 or RMH 2 zoning districts, except as may be otherwise specifically allowed or permitted in this Ordinance.~~

AB. Outside RMH-1 and RMH-2 Districts.

- 1. ~~Permits in I-1, I-2 and Agricultural Districts.~~ Construction trailers and ~~M~~mobile homes, ~~travel trailers, recreational vehicles, or house trailers~~ may be placed in zoning districts I-1, I-2, or Agriculture Districts, provided a permit is obtained from the Planning Department prior to establishing the trailer or mobile home on the property. ~~Community Development Director or designee thereof.~~ Such permits shall not exceed one (1) year in duration and shall be renewable. No permit or renewal thereof shall be issued unless proof is presented that the construction trailers and/or mobile home, ~~trailer, or vehicle~~ is necessary for, or related to, the industrial or agricultural uses of the property.
- 2. ~~Special Permits in All~~ Other Districts.
 - a. The Zoning Administrator ~~Community Development Director~~ may issue ~~special permits a~~ Temporary Use Permit (TUP) for placement of ~~travel trailers, house trailers off-site~~ construction trailers, sales office, or mobile homes in other zoning districts for the following purposes:
 - 1) Sales office for the sale of those products characterized as being "open" land uses, such as automobiles, mobile home, or travel trailer sales.
 - 2) Construction field office for use by contractors while a permanent building is under construction.

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- 3) Quarters for the night watchman or caretaker in industrial, commercial, or residential zones, provided no person other than the night watchman or caretaker shall occupy the unit.
 - 4) Quarters for the night watchman or caretaker in a mobile home sales lot, provided no person other than the night watchman or caretaker shall occupy the unit.
 - 5) Temporary place of business for the owner or lessee during the course of construction of a new building on the site.
 - 6) Temporary residence during reconstruction of a residential unit following damage by fire, flood, or other similar casualty.
- b. *Fee.* A fee established by the City Council shall be required for all permits issued pursuant to this Section; such fee shall be in addition to all other applicable fees.

c. *Duration.*

- 1) The Temporary Use Permit shall be valid for one (1) year, unless otherwise determined by the Zoning Administrator or designee.
 - 2) Any temporary or mobile structures shall be removed prior to Certificate of Occupancy.
3. *Development Standards outside RMH-1 and RMH-2 Districts.* In addition to all other requirements of this Ordinance, construction trailers ~~travel trailers, house trailers, recreational vehicles~~, or mobile homes located outside an RMH-1 or RMH-2 district shall comply with the following:
- a. The unit shall be equipped with wheels that remain on the unit; however, the wheels may be blocked for stability.
 - b. Setbacks shall be subject to all regulations of the applicable zoning district.
 - c. No permanent room addition shall be attached to the unit nor shall the unit be attached to any permanent structure.
 - d. The unit shall contain a water closet and lavatory connected with the City sewer, unless other acceptable sanitary provisions are made as set forth in the City Plumbing Code.
 - e. The unit shall comply with applicable building and fire codes ~~the Uniform Electrical Code, and be connected with a minimum of one hundred (100) ampere service on a suitable temporary pole approved by the serving agent, observing all necessary wire clearances.~~
 - ~~f. Permit shall be approved for one (1) year and may be granted for a longer period of time as determined by the Community Development Director or designee.~~
 - ~~g. Any temporary or mobile structures shall be removed prior to Certificate of Occupancy.~~

Sec. 21-326-329 Reserved

Sec. 21-~~330~~⁸¹². Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities.

Sec. 21-331-339 Reserved

Sec. 21-340. Antenna and Wireless Communication Facilities

Sec. 21-~~341~~⁸⁰⁷. Satellite Dish Antennae.

- A. *Intent.* The intent of the regulations set forth in this Section, "Satellite Dish Antennae," is to protect and promote the health, safety, and welfare of the residents of the City of Peoria and the aesthetic quality of life as set forth in the goals, objectives, and policies of the Peoria General Plan, while at the same time not unduly restricting the placement of equipment and hence access to communications provided by Satellite Dish Antennae.
- B. *Definition.* For purposes of this Section, a *Satellite Dish Antenna* shall mean a dish antenna that is usually a parabolic, spherical, conical, bowl, disc, or saucer-shaped accessory structure, which includes the main dish and covering, feedhorn, low noise amplifier, structural supports, and all other components thereof, for the purpose of transmitting and/or receiving communications via electromagnetic waves by line of sight with a geosynchronous orbiting satellite.
- C. *Applicability.* These regulations shall apply to all satellite dish equipment situated in the City of Peoria except as may be otherwise provided in the Telecommunications Act of the Federal Communications Commission.
- D. *All Residential Zoning Districts.*
1. *General.*
 - a. The satellite dish shall only be utilized for the personal enjoyment of the occupants of the dwelling unit.
 - b. The satellite dish shall not be utilized for any commercial purpose.
 2. Satellite dishes measuring four (4) feet or less in diameter may be mounted on the roof or side of the residence or accessory building, or on the ground, and shall be exempt from screening requirements.
 3. Satellite equipment measuring more than four (4) feet shall be subject to the following:
 - a. Issuance of a Conditional Use Permit.
 - b. Shall not be placed in front yards or corner side yards.
 - c. Shall be placed in rear or side yards only and shall be set back from the lot line by a distance equal to or greater than the diameter of the dish.
 - d. Shall be screened so as to not be visible from any public street or right-of-way, or from adjacent property.
- E. *Non-Residential Districts.* Satellite dish equipment in non-residential zoning districts shall comply with the following requirements:
1. Satellite dish equipment in Non-Residential Districts shall be considered a permitted accessory use and subject to all provisions thereof, in accordance with Sections 21-501 through 21-506.
 2. Satellite dishes measuring four (4) feet or less in diameter may be mounted on the roof or side of a principal or accessory building or on the ground and shall be exempt from screening requirements.

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3. Satellite dishes measuring four (4) feet or more shall be screened in a manner so as not to be visible from a public street, public right-of-way, or any adjacent property. All screening shall be consistent with provisions set forth in the City's [Community Design Guidelines](#) ~~Design Review~~ **Manual**.

Sec. 21-~~342~~⁸¹³. Wireless Communication Facilities.

- A. *General Requirements.* All Wireless Communication Facilities, hereinafter referred to as WCF shall meet each of the following general requirements.
1. WCFs must meet or exceed all current state and federal standards and regulations.
 2. WCFs shall be constructed, maintained, and modified in compliance with all adopted Peoria building codes.
 3. To ensure compliance with the National Environmental Policy Act (NEPA), a Finding of No Significant Impact (FONSI) issued by the FCC may be required for new WCFs and co-locations.
 4. A WCF shall be removed by the provider or the property owner within six (6) months of cessation of use, along with returning the area to its condition prior to the construction of the WCF.
 5. A WCF shall not be located within one thousand three hundred and twenty (1,320) feet of a City, State, or Nationally designated historical site.
 6. Commercial advertising or signage on the WCF or associated aerial or ground mounted equipment is prohibited.
 7. Artificial lighting of a WCF is prohibited, unless required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC).
 8. WCFs located within a residential zoning district shall be allowed a single microwave dish not in excess of twenty-four (24) inches in diameter. WCF located within non-residential zoning districts shall be allowed a maximum of two (2) microwave dishes which shall not exceed forty-eight (48) inches in diameter per microwave dish unless otherwise approved through a Conditional Use Permit. Such dishes shall be appropriately integrated into concealment efforts to minimize the visual presence of the microwave equipment.
 9. Screening of ground mounted equipment shall adhere to the rules and regulations set forth in accordance with the screening provisions found in Section 21-804.
 10. Colors and materials of the WCF shall be compatible with the surrounding environment as determined by the City, except as otherwise required by the FAA;
 11. One (1) parking space is required per WCF and shall be designed to meet City standards; this includes maneuvering and access.
 12. A WCF shall not Alter the Mountain Top Ridge Line as defined in Section 21-~~641~~⁷⁴¹.
 13. A WCF located in the right-of-way shall be exempt from the standards contained within this ordinance; however they must comply with all standards and practices established by the Engineering Director including but not limited to all applicable agreements and permits.
 14. Co-locations on a utility pole not located in the right-of-way or co-locations located on a public/quasi-public property shall not be required to meet the setback requirements set forth in this section; provided that the ground equipment does not expand the perimeter of the utility facilities. Quasi-public property includes, but is not limited to:

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- a. Schools, to include private, public, charter;
- b. College or University Campus;
- c. Power substations; or,
- d. Water pumping plants and storage tanks.

B. Development Standards.

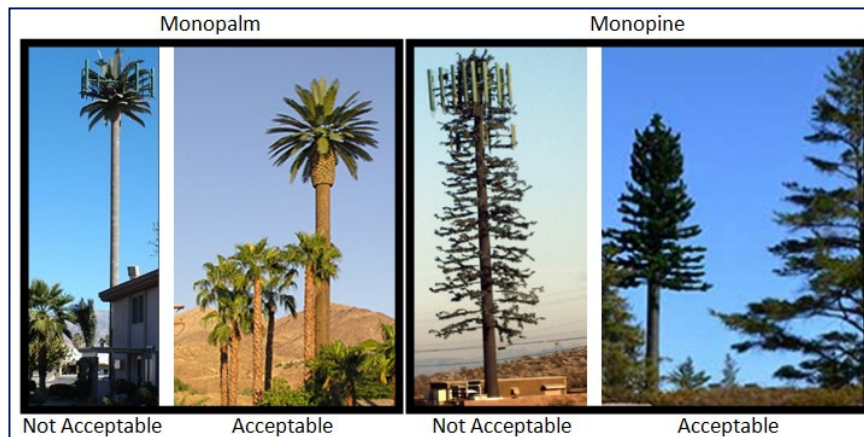
1. Permitted Principal Use.

- a. A Facility shall be deemed a Permitted Principal Use if the following development standards are met:

Development Standards	Zoning District	Distance to Residential Property Line	Maximum Height ^c	Distance to Non-Residential Property Line	Equipment Enclosure	Antenna Distance from Pole	Alternate Design WCF ^d
Permitted Principal Use	Residential ^b	>110% ^a	50'	>50% ^a	450 SF	6% ^a	Required
	Non-Residential	>130% ^a	65'				

Notes:

- ^a Percentage (%) figures listed shall be based on the height of the pole from adjacent finished grade. Distance is measured from the edge of the tower.
- ^b In instances where residential and non-residential uses occupy the same footprint, residential standards shall apply.
- ^c If facility WCF is located on or within a height exempt structure per Section 21-8802, the height will be measured to the top of the antennae. For ground mounted WCFs height shall be measured from finished grade to the top of the structure including any associated concealment materials.
- ^d Fronds, branches, or other methods of concealment shall completely conceal any antennae or other associated Aerial Mounted Equipment.



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b. *Rooftop and wall-mounted equipment:*

- 1) Shall follow the height restrictions as listed in the above permitted principal use development standards table; unless otherwise permitted in the height exception provision of Section 21-~~83~~02.
- 2) Shall be integrated into the design of the building.
- 3) Shall be fully screened from public view.

c. The co-location of aerial mounted equipment on an existing WCF:

- 1) Shall not constitute a substantial change unless otherwise identified within Section 21-~~340813~~.C of the City Code.
- 2) Shall not be more than an overall height of eighty (80) feet.
- 3) Shall not otherwise inhibit stealth aesthetics.

2. *Permitted Conditional Use.*

- a. Any facility which does not meet the Permitted Principal development standards shall require a Conditional Use Permit, and shall be in accordance with the following development standards:

Development Standards ^d	Zoning District	Distance to Residential Property Line	Maximum Height ^c	Distance to Non-Residential Property Line	Distance Between Non-Alternate Design WCF (Monopole)
Permitted Conditional Use	Residential ^b	>110% ^a	65'	>5'	1,320'
	Non-Residential	>130% ^a	80'		
Notes: ^a Percentage (%) figures listed shall be based on the height of the pole from adjacent finished grade. Distance is measured from the edge of the tower. ^b In instances where residential and non-residential occupy the same footprint, residential standards shall apply. ^c If facility is located on or within a height exempt structure per Section 21-802, the height will be measured to the top of the antennae. For ground mounted WCFs height shall be measured from finished grade to the top of the structure including any associated concealment materials. ^d All conditions not specifically identified within this section shall be approved through the Conditional Use Permit process.					

b. Rooftop and wall-mounted equipment.

- 1) Shall follow the height restrictions as listed in the above conditional use development standards table; unless otherwise permitted in the height exception provision of Section 21-~~83~~02.
- 2) Shall be integrated into the design of the building.

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- 3) Shall be fully screened from public view.
 - c. All monopoles shall be constructed to allow for co-location by other wireless providers. The applicant shall demonstrate that the engineering of the tower and the placement of ground mounted facilities will not preclude other providers. The owner of the proposed tower must certify in writing that the tower will be available for use by other wireless communication providers on an economically reasonable and non-discriminatory basis.
 - d. The co-location of aerial mounted equipment on an existing WCF:
 - 1) Shall not constitute a substantial change unless otherwise identified within Section 21-~~340813~~.C of the City Code.
 - 2) Shall not be more than an overall height of ninety-five (95) feet.
 - 3) Shall not otherwise inhibit stealth aesthetics.
- C. *Administrative Procedures.*
1. *Permitted Principal Use.*
 - a. All facilities categorized as a permitted principal use are subject to site plan review process as set forth in Section 21-~~156320~~.
 2. *Permitted Conditional Use.*
 - a. All facilities categorized as a permitted conditional use are subject to the following processes as set forth in Section 21-~~155321~~ and Section 21-~~156321~~:
 - 1) Site Plan Review; and,
 - 2) Conditional Use Permit.
 - b. The Applicant shall be provided the opportunity to execute a Waiver of Proposition 207 as to only the property leased by the Applicant. In addition to any other grounds the City may have, the City expressly reserves the right to recommend denial of such applications in the event the Applicant elects not to execute a Waiver of Proposition 207.
 3. The following criteria shall identify what constitutes a substantial change to a facility. All modifications deemed substantial shall refer to 21-~~340813~~.B Development Standards:
 - a. An increase in the originally approved WCF height by more than twenty (20) feet or ten percent (10%), whichever amount is greater;
 - b. An increase in the Width more than twenty (20) feet from the Edge of the Tower to the Face of the Antennae.
 - c. An increase in the height of Ground Mounted Equipment by more than ten percent (10%) or ten (10) feet, whichever amount is greater;
 - d. An increase in the Width of a non-tower structure by six (6) feet or more;
 - e. The installation of more than the standard number of Equipment Cabinets needed, not to exceed four (4);
 - f. Excavation outside the current boundaries of the WCF;
 - g. Proposed changes that would defeat the existing concealment elements of the WCF; and,

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- h. Proposed changes that do not comply with prior approval of the WCF unless the non-compliance is within the thresholds outlined in this section.
 - 4. Any proposed facility that does not meet the standards identified within this section shall be prohibited.
 - 5. No facility shall be installed, erected, modified, repaired, or altered without receiving all necessary permit approvals.
- D. *Exemptions from Section 21-~~155320~~ and Section ~~156321~~*
- 1. Routine maintenance of a WCF; and,
 - 2. Modifications to a WCF that are not considered a substantial change as specified in Section 21-~~340813~~.A.
 - 3. WCFs that are owned and operated by a governmental entity for the purposes of public safety or governmental operations.

Sec. 21-~~350814~~. Donation/Recycling Drop-Off Boxes.

- A. Donation/Recycling Drop-Off Boxes are subject to the issuance of a Business License and approval of a Temporary Use Permit (TUP) pursuant to Section 21-~~160322~~ and upon receipt of notarized written authorization by the property owner or authorized agent. An authorized agent must provide written evidence he/she has the authority to approve and locate a drop-off box on the parcel.
- B. Donation/Recycling Drop-Off Boxes may be permitted as an accessory use to all permitted non-residential uses within a residential zoning district pursuant to this Section.
- C. Donation/Recycling Drop-Off Boxes shall be located on a paved surface.
- D. Donation/Recycling Drop-Off Boxes shall not be located within the front or corner side setbacks, required landscaped areas or within required parking spaces.
- E. Donation/Recycling Drop-Off Boxes shall not obstruct pedestrian or vehicular circulation, or be located within the public right-of-way, drive aisles, fire lanes, loading zones, or any other location that may cause hazardous conditions, or constitute a threat to the public health, safety, and welfare.
- F. There shall be no more than one (1) Donation/Recycling Drop-Off box on lots or complexes/centers less than one (1) acre in size, no more than two (2) Donation/Recycling Drop- Off Boxes on lots or complexes/centers of one (1) to three (3) acres in size, and no more than four (4) Donation/Recycling Drop-off Boxes on lots or complexes/centers greater than three (3) acres in size. No more than two donation boxes shall be clustered together in any one location. A property may contain one 12 yard container in lieu of two (2) six cubic yard containers.

Donation Box Allotment			
Lots or Complexes/Centers Size	1 Acre	1—3 Acres	3 + Acres
Number of Boxes Allowed	1 Box	2 Boxes ^a	4 Boxes ^a
^a No more than two (2) Donation Bins shall be clustered together in any one location.			

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- G. Each Donation/Recycling Drop-Off Box shall have a firmly closing and locking lid, shall be clearly marked to identify the specific items and materials to be collected for donation, and shall be clearly marked to identify the City of Peoria Temporary Use Permit number with contrasting paint. The numbers shall be a minimum of two (2) inches high and located on the deposit face of the box.
- H. The name and local telephone number of the entity obtaining the TUP shall be affixed to the box on an area no larger than one (1) foot by one (1) foot.
- I. Donation/Drop-Off Boxes shall have a capacity no greater than six (6) cubic yards.
- J. All donated items must be collected and stored in the Donation/Recycling Drop-Off Box and all contents cleared no less than once a week. Any items or materials left outside of the Donation/Recycling Drop-Off Boxes shall be removed within 24 hours of discovery or notification, whichever occurs first. If a container is damaged or vandalized, it must be repaired or removed within 5 business days of discovery or notification. If there is a public health, safety or welfare concern pursuant to the authority granted to the City, the container must then be removed within 24 hours of discovery or notification.
- K. It is the joint responsibility of the property owner or authorized agent and the entity obtaining the TUP to keep the area around the donation boxes free of litter and debris, and remove any graffiti within 24 hours of discovery or notification, whichever occurs first.
- L. It is the responsibility of the entity obtaining the TUP to maintain the donation box painted or otherwise un-rusted and un-dented and in good condition.
- M. Donation/Recycling Drop-Off Boxes not located or maintained in compliance with this Section may be subject to revocation of the Business License and the Temporary Use Permit (TUP).
- N. The City may consider prior permit revocations, prior notices of violation, and fraudulent application information when granting or denying new Temporary Use Permits for Donation Drop-Off Boxes.
- O. Any Donation/Recycling Drop-Box (including its contents) which is determined to be unauthorized, unpermitted, or is otherwise in violation of this ordinance shall be deemed a public nuisance as defined in Chapter 17 of the Peoria City Code and may be removed pursuant to those provisions.
- P. The property owner shall control the Temporary Use Permit. The permittee or drop box operator does not control the Temporary Use Permit unless he/she is also the property owner. As such, the property owner or authorized agent may rescind his/her authorization for the donation/drop-off box at any time and the permit shall be revoked. Nothing in this Ordinance prohibits a property owner from removing a donation/drop-off box regardless of whether said box is permitted or not permitted. A property owner retains the right to remove and dispose of an unwanted donation/drop-off box at any time.

Exhibit C - City Code Amendment

Amendment for Adoption to the Peoria City Code, Chapter 21

Section 1. *Amend Chapter 21 - Zoning, Section 21-400 Residential Districts, only as follows, leaving all other sections and subsections not specifically referenced unchanged:*

Sec. 21-400 RESIDENTIAL DISTRICTS

GENERAL AGRICULTURAL

Sec. 21-401 through 21-407 are removed in their entirety.

Sec. 21-401 through 21-407. Reserved.

SUBURBAN RANCH (SR-43 AND SR-35)

Sec. 21-408. Suburban Ranch (SR-43 and SR-35) ~~Intent.~~

The purpose of the Suburban Ranch Districts (SR-43 and SR-35) is to provide for and conserve existing rural and low-density residential uses in their present or desired character fostering orderly growth in rural areas.

Sec. 21-409. Permitted Principal Uses.

- A. Single-Family Dwelling.
- B. Publicly owned and operated parks, recreation areas, and centers.
- C. Soil Crops.
- D. Group Homes, in accordance with Section 21-~~330~~**812.C**
- E. Public/Charter Schools and Private Schools, provided that the facility shall have direct vehicular access to an arterial or collector street. Facilities for the repair or storage of vehicles and equipment shall be prohibited.
- F. Churches, Synagogues, Temples, Chapels, or similar places of worship, and related facilities.
- G. Public utility buildings, uses, structures, equipment and storm water retention areas; provided that repair or storage facilities in connection therewith are expressly prohibited.

Sec. 21-410. Permitted Conditional Uses.

- A. Commercial breeding, raising, training and feeding principally by grazing of horses, cattle, sheep and goats; provided that pens, buildings, corrals and yards other than open pastures are not closer than one hundred (100) feet to any property line.
- B. Commercial poultry, bird and egg farms, provided that pens, buildings and enclosures are not closer than one hundred (100) feet to any property line.
- C. Kennels, for the boarding and breeding of dogs and cats.
- D. Plant Nurseries, including on-site retail sales, for the propagation, cultivation, sales and distribution of plants.
 - 1. Development of the plant nursery area shall require Site Plan Review.
 - 2. A six (6) foot high solid (opaque) fence or wall shall be provided between all plant nursery areas

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- and adjacent properties.
3. Development of the plant nursery shall be subject to completion of all improvements as recommended by the Traffic Impact Analysis approved by the City Engineer.
 4. Retail Sales shall be limited to plants grown in the ground or pots on the premises.
- E. Public buildings providing cultural, educational, administrative, fire, or police protection services to district residents; provided that all vehicular access shall be restricted to public streets.
- F. Colleges or University Facilities, such facilities shall have direct vehicular access to an arterial or collector street. Facilities for repair or storage of vehicles and equipment shall be prohibited.
- G. Golf Courses - including clubhouses, provided that:
1. All direct vehicular access shall be from abutting arterial or collector streets.
 2. All principal and accessory buildings shall be located not less than fifty (50) feet from any property line adjoining any residential district.
 3. Any accessory restaurant or bar shall be an integral part of a principal building, shall have no public entrance except from within the building, and shall make no exterior display or advertising of any commercial activity.
 4. Golf greens and tees, swimming pools, tennis courts and similar outdoor recreation facilities shall be located not less than twenty-five (25) feet from any property line.
- H. Group Care Facility or Community Residential Setting Facility in accordance with Section 21-~~330812.C~~
- I. Day Care Group Homes with five (5) or more children, in accordance with Section 21-~~330812.B~~, and provided that the residence is a single-family detached dwelling.
- J. Bed and Breakfast Inn, subject to the following:
1. Maximum building height shall be thirty (30) feet or two (2) stories, whichever is greater.
 2. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in lawns or landscaping.
 3. Short-term lodging, for the purposes of a Bed and Breakfast Inn, shall be for a period not exceeding fourteen (14) consecutive days in any calendar year.
 4. Meals shall be restricted to registered guests.
- K. Preschool centers or day care centers in conjunction with a non-residential permitted principal or conditional use:
1. The use shall be in accordance with State Department of Health Services regulations.
 2. All vehicular access shall be from an existing arterial or collector street.
 3. No on street parking or drop-off shall be permitted.
 4. Playgrounds or other outdoor activity area shall be separated from adjacent residential land uses by no less than twenty-five (25) feet.
 5. All playgrounds or outdoor activity areas shall be properly fenced using the following methods:
 - a. Solid masonry wall no shorter than four feet, six inches (4'-6") or
 - b. Wrought-iron view fence no shorter than four feet, six inches (4'-6") with vertical members no

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- greater than four inches (4") apart; or
- c. Other fencing method approved by the Planning and Zoning Commission.
- 6. 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.
- 7. Hours of outdoor activity shall be limited to between 8:00 a.m. and 6:00 p.m.

~~SINGLE FAMILY RESIDENTIAL R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, AND R1-6~~

Sec. 21-415. Single-Family Residential (R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, AND R1-6) ~~Intent.~~

These districts comprise single-family residential areas and certain land areas where such development is desirable. They provide for a range of single-family lot sizes and establish minimum property development standards directly related to such lot sizes. Each district is restricted to the same principal, accessory and conditional uses and affords each residential property a uniform degree of protection from encroachment and adverse influence, regardless of its price class or lot size. Regulations are designed to stabilize and protect the single-family character of the districts, to promote and encourage creation of a favorable environment for family life where most families include children and to prohibit all incompatible activities. Certain essential and complementary uses are also permitted under conditions and standards, which assure their compatibility with the character of the district.

Sec. 21-416. Permitted Principal Uses.

- A. One detached single-family dwelling per lot.
- B. Publicly-owned and operated parks and recreation areas and centers.
- C. Group Homes, in accordance with provisions of Section 21-~~330~~812-A.
- D. Public/Charter Schools and Private Schools, provided that the facility shall have direct vehicular access to an arterial or collector street and that facilities for repair or storage of vehicles and equipment shall be prohibited.
- E. Churches, synagogues, temples, chapels, or similar places of worship, and related facilities, subject to review and approval of vehicular access by the City Engineer.
- F. Public utility buildings, uses, structures, equipment and storm water retention areas; provided that repair or storage facilities in connection therewith are expressly prohibited.

Sec. 21-417. Permitted Conditional Uses.

Any of the following uses may be permitted as principal uses subject to approval by the Commission of site development plans prepared in accordance with provisions of this Section and Section 21-~~155~~321.

- A. Public buildings providing cultural, educational, administrative, fire and police protection services to district residents; provided that all vehicular access shall be restricted to public streets.
- B. Colleges or university facilities, such facilities shall have direct vehicular access to an arterial or collector street. Facilities for the repair or storage of vehicles and equipment shall be prohibited.
- C. Non-commercial recreational uses provided that all direct vehicular access is from an arterial or collector street.
- D. Golf courses, including clubhouses, provided that:
 - 1. All direct vehicular access shall be from abutting arterial or collector streets.

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2. All principal and accessory buildings shall be located not less than fifty (50) feet from any property line adjoining any residential district.
3. Any accessory restaurant or bar shall be an integral part of a principal building, shall have no public entrance except from within the building, and shall make no exterior display or advertising of any commercial activity.
4. Golf greens and tees, swimming pools, tennis courts and similar outdoor recreation facilities shall be located not less than twenty-five (25) feet from any property line.
- E. Day Care Group Homes with five (5) or more children, in accordance with provision of Section 21-~~330812.B.~~, and upon a finding by the Planning and Zoning Commission, that such homes will be operated in a manner that is compatible with and not detrimental to, adjacent properties or the neighborhood in general:
- F. Group Care Facility or Community Residential Setting Facility in accordance with provision of Section 21-~~330812.C.~~
- G. Preschool centers or day care centers in accordance with State Department of Health Care Services regulations provided that:
 1. The use shall be in conjunction with a non-residential principal or conditional use within this Section.
 2. All vehicular access shall be from an existing arterial or collector street.
 3. No on street parking or drop-off shall be permitted.
 4. Playgrounds or other outdoor activity area shall be separated from adjacent residential land uses by no less than twenty-five (25) feet.
 5. All playgrounds or outdoor activity areas shall be properly fenced using the following methods:
 - a. Solid masonry wall no shorter than 4'-6"; or
 - b. Wrought-iron view fence no shorter than 4'-6" with vertical members no greater than 4" apart; or
 - c. Other fencing method approved by the Planning and Zoning Commission.
 6. 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
 7. Hours of outdoor activity shall be limited to between 8:00 a.m. and 6:00 p.m.

Sec. 21-419. General Property Development Standards.

- A. On any lot, no structure shall exceed three (3) feet in height above grade within the required front setback area.
- B. Side lot lines shall be substantially at right angles or radial to street lines, except where other treatment can be justified.
- C. All Flag Lots, except as provided under Section 21-~~643.713~~, shall be subject to the following standards:
 1. The access portion of the flag lot ("flag pole") must be under the same ownership as the flag portion

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2. Each flag lot shall have at least twenty (20) feet of street frontage and at least twenty (20) feet of width for the entire length of the flagpole.
3. The area of the flag pole portion of the flag lot shall not be included in the calculation of minimum lot area.
4. For flag lots, the Zoning Administrator ~~Planning Manager~~ shall determine which property line(s) shall constitute the front and rear lot lines for the purposes of compliance with yard and setback provisions of this ordinance.
5. Flag lots shall have the street address clearly visible from the street to identify a dwelling that is set back from the street.
6. The driveway providing access to the flag lot shall be placed as close as possible to an existing driveway on adjacent property.
7. The number of flag lots shall be limited per parcel or subdivision pursuant to the following schedule. No more than two (2) flag lots may be contiguous.

Table 21-419 Maximum Number of Flag Lots

Size of Subdivision or Minor Land Division	Maximum Number or Percentage (%) of Flag Lots
10 or fewer lots	1 lot
11—50	10%
50+	5%

Sec. 21-420. Property Development Standards for Permitted Principal Uses.

- A. The following property development standards shall apply in zoning districts R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, R1-7, and R1-6:

Property Development Standards	R1-43	R1-35	R1-18	R1-12	R1-10	R1-8	R1-7	R1-6
Minimum Lot Area (acreage)	43,560	35,000	18,000	12,000	10,000	8,000	7,000	6,000
Minimum Lot Width (FT)	145	125	90	70	70	70	70	50
Minimum Lot Depth (FT)	100	100	100	100	100	100	100	100
Maximum Lot Coverage (percentage)	30%	35%	35%	40%	45%	45%	45%	45%
Maximum Building Height FT	30	30	30	30	30	30	30	30
Front Setback (FT)								
Side-entry garage (◆◆)	35	30	20	10●	10●	10●	10●	10●
Front-facing garage (○)	35	30	20	20	20	20	20	20
Interior Setback (min/total FT)	10/30	10/20	5/15	5/15	5/15	5/15	5/15	5/8/13
Rear Setback (FT)	30	20	15	15	15	15	15	15
Corner Setback (FT) (◆◆◆)	10	10	10	10	10	10	10	10

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Notes

- Not more than 60% of the total front-facing elevation shall occur at the 10-foot setback.
- Where front-facing garages are present, a 10-foot front setback shall apply to the livable portion of the home provided that not more than 60% of the total front-facing elevation occurs at the 10-foot setback.
- ◆ Residential District R1-7 shall only apply to property zoned R1-7 on or before February 13, 1991. No property shall be re-zoned to the R1-7 district after February 13, 1991.
- ◆◆ Side-entry garages shall be prohibited on corner lots.
- ◆◆◆ If a tract of land is present between the right of way and the side property line for landscaping or other purposes, the tract shall not be considered a corner yard for setback purposes

Sec. 21-421. Property Development Standards for Permitted Conditional Uses.

- A. *Maximum height of principal buildings conditionally permitted.* Two stories of not more than thirty (30) feet, except as provided in Section 21-~~304808~~ of this Ordinance.
- B. *Minimum setbacks.* Every conditionally permitted principal and accessory building shall maintain required setbacks.

MULTI-FAMILY RESIDENTIAL

Sec. 21-424. Multi-Family Residential (RM-1) Intent.

This district is intended to fulfill the need for multi-family residences or attached single-family residences which are compatible with abutting single-family residential districts. Certain essential and complimentary uses are permitted under conditions and standards which assure protection of the character of the district.

Sec. 21-425. Permitted Principal Uses.

- A. Attached Single-family dwellings.
- B. Two-family dwellings.
- C. Multi-family dwellings.
- D. Group Homes, in accordance with provision of Section 21-~~330812.A~~ provided that the residence is pre-existing single-family detached dwelling or attached dwelling.
- E. Public/charter schools and private schools provided that the facilities have direct vehicular access to an arterial or collector street. Facilities for repair or storage of vehicles and equipment shall be prohibited.
- F. Religious Institutions such as churches, synagogues, temples, chapels, or mosque, subject to review and approval of vehicular access by the City Engineer.
- G. Public utility buildings, uses, structures, equipment and storm water retention areas; provided that repair or storage facilities in connection therewith are expressly prohibited.

Sec. 21-426. Permitted Conditional Uses.

The following uses may be permitted subject to Conditional Use Permit approval by the Planning and Zoning Commission.

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- A. Bed and Breakfast Inn, Subject to the following:
 - 1. Maximum building height shall be thirty feet (30') or two (2) stories, whichever is greater.
 - 2. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in lawns or landscaping.
 - 3. Short-term lodging, for the purposes of a Bed and Breakfast Inn, shall be for a period not exceeding fourteen (14) consecutive days within one calendar year.
 - 4. Meals shall be restricted to registered guests.
- B. Colleges or university facilities, such facilities shall have direct vehicular access to an arterial or collector street. Facilities for the repair or storage of vehicles and equipment shall be prohibited.
- C. Day Care Group Homes with five (5) or more children, in accordance with Section 21-~~330812.B~~, provided that the residence is a single-family detached dwelling, and upon a finding by the Planning and Zoning Commission that such a home will be operated in a manner that is compatible with, and not detrimental to, adjacent properties or the neighborhood in general.
- D. Group Care Facilities or Community Residential Setting Facility in accordance with Section 21- ~~330812.C~~.
- E. Hospitals, or similar health care facilities, provided access to the site shall be determined by a Traffic Impact Analysis (TIA) approved by the City Engineering Department and that the site contains a net land area totaling at least four (4) acres for the first one hundred beds or less, plus one additional acre for each additional twenty-five beds.
- F. Group Care Facility or Community Residential Setting Facility in accordance with Section 21-~~330812.C~~.
- G. Preschool centers or day care centers in accordance with State Department of Health Care Services regulations.
- H. Rooming house provided that the site contains a net land area of at least five hundred (500) square feet per resident.
- I. Reception Center provided that all outdoor events between the hours of 10:00 p.m. and 12:00 a.m. have obtained a temporary use permit.

Sec. 21-428. General Regulations.

- A. All multi-family residential developments in the RM-1 Districts are subject to site plan approval as set forth in the provisions of this Ordinance. All design standards, including on-site parking, traffic circulation, and landscaping, shall be in accordance with the City of Peoria [Community Design Guidelines](#) ~~Review Manual~~ and the Peoria Zoning Ordinance.
- B. All off-site improvements shall be the responsibility of the developer and shall be accomplished in the same manner as is specified and required in the subdivision regulations of the City of Peoria, Chapter 24 of this Code.

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Sec. 21-429. Development Standards.

A. Development Standard for Permitted Residential Uses shall be as follows:

Development Standards	Attached Single-Family Buildings	Two, Three, Four-Family and Multi-Family Buildings	Multi-Family Buildings (Five-Family Dwelling & Above)
Maximum Lot Coverage by all structures (%)	60	50	50
Minimum Lot Width (FT)	30	N/R	N/R
Maximum Density (du/ac) as calculated by Peoria General Plan)	8●	12●	18○
Maximum Principal Building Height (FT)	30	30	48◆
MINIMUM BUILDING SETBACKS (FT)			
Front Setback	10	20	20
Rear Setback	15	15	15
Side Setback	5◆◆	20◆◆	20◆◆
Corner Side (◆◆◆)	10	15	15

Notes

N/R No minimum requirement

- Maximum density may be increased up to two (2) additional units per acre based on finding that the project incorporates additional amount of open space, recreational amenities, enhanced landscaping, enhanced project amenities, and/or pedestrian corridors.
- Maximum density may be increased up to seven (7) additional units per acre based on a finding that the project incorporates additional amounts of open space, recreational amenities, enhanced landscaping, enhanced project amenities, and/or pedestrian corridors.
- ◆ Building Height: Maximum thirty (30) feet high within thirty (30) feet of any Single-Family Residential District. The height may be increased by one (1) foot per each three (3) feet of additional setback to a maximum of 48-feet.
- ◆◆ For condominium and attached housing types, only building separation applies. No minimum building separation is required along common wall.
- ◆◆◆ If a tract of land is present between the right of way and the side property line for landscaping or other purposes, the tract shall not be considered a corner yard for setback purposes.

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- B. Development Standards for Non-Residential Uses shall be as follows:

DEVELOPMENT STANDARDS	NON-RESIDENTIAL BUILDINGS
Maximum Lot Coverage (%)	50
Maximum Principal Building Height (FT) •	48
SETBACKS (feet)	
Front (street line)	40
Rear	25
Side	25
Corner Side (from edge of pavement)	10

Note

- Provided that the minimum required side and rear setbacks shall be increased by three additional feet (3) for each one (1) foot by which the height of the structure exceeds thirty feet (30').

- C. Development Standards for Accessory uses shall be as follows:

1. Accessory building development standards for Attached Single-Family shall conform to the regulations set forth in Section 21-~~315~~422.

2. All other residential uses shall conform to the following:

DEVELOPMENT STANDARDS	TWO, THREE, FOUR-FAMILY DWELLING AND MULTI-FAMILY	NON-RESIDENTIAL
Maximum Building Height (FT) •	20 •	20
MINIMUM BUILDING SETBACKS (FT)		
Front	10	20
Rear	5	10
Side	8	10

Note

- Thirty feet (30') maximum height for Clubhouse

~~MOBILE HOME SUBDIVISION DISTRICT (RMH-1)~~

Sec. 21-431. Mobile Home Subdivision District (RMH-1) ~~Intent.~~

This district comprises areas suitable for placement and occupancy of mobile homes for residential purposes on individually owned lots in mobile home subdivisions. Regulations are designed to stabilize and protect the residential character of the district and to promote compatibility with adjacent districts.

Sec. 21-432. Permitted Principal Uses.

- A. One mobile home per lot.
- B. Churches, synagogues, temples, chapels, or similar places of worship, and related facilities, subject to review and approval of vehicular access by the City Engineer. ~~Appeals from the application of these requirements may be made following the provisions of Section 21-320.~~

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Sec. 21-433. Permitted Conditional Uses.

- A. Any use permitted in any R1-8 single-family residential district, in accordance with all regulations pertaining hereto in such district.
- B. Recreational areas, facilities and buildings; offices; service buildings and yards, subject to approval by the Commission of the proposed site development plans; provided that the primary purpose of any such use is service to residents of the subdivision.
- C. Day Care Group Homes with five (5) or more children, in accordance with Section 21-~~330~~812.8, and provided that the residence is a single-family detached dwelling.

~~RECREATIONAL VEHICLE RESORT DISTRICT (RMH-2)~~

Sec. 21-438. Recreational Vehicle Resort District (RMH-1) ~~Intent~~.

This district provides for the development of areas designed and intended for use and temporary occupancy as recreational vehicle resorts as defined herein. Regulations are designed to protect and enhance the public health, safety, welfare and the environment by requiring adequate utilities and facilities and proper development standards to ensure the quality of uses within the district, and to promote compatibility with adjacent districts.

Section 2. Amend Chapter 21 - Zoning, Section 21-500 Non-Residential Districts only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 21-500 NON-RESIDENTIAL DISTRICTS

Sec. 21-503. Land Use Matrix.

The following Land Use Matrix (Table 21-503) indicates uses which are permitted outright, conditionally permitted, or prohibited in specific non-residential zoning districts in the City of Peoria. The Land Use Matrix is intended to serve as a guide for the convenience of the user of this Zoning Ordinance. Where the text of this Zoning Ordinance differs from the Land Use Matrix, the text shall prevail. In the event of a specific use not being identified on the matrix, the Zoning Administrator ~~Community Development Director~~ or designee(s) shall determine the closest associated use based on the provisions of this ordinance. The City will permit any accessory use customarily incidental to a permitted principal use in the same zoning district.

Sec. 21-505. Limitations on Uses.

- B. Eating & Drinking Establishments.
 - 1. Mobile Food/Merchandise Unit and all accessory equipment ("use") shall be subject to the following additional requirements:
 - a. Location.
 - 1) The vendor shall obtain written permission from the property owner or an authorized agent.
 - 2) The use shall not be located within 250 feet of a single-family residentially zoned lot, not including common area tracts.
 - 3) The use shall not cause the site to fall below minimum required parking for the site.
 - 4) The use shall be located on a dustproof surface.

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- 5) The use shall not obstruct pedestrian or vehicle circulation, or be located within drive aisles, fire lanes, loading zones, or any location that may cause hazardous conditions, or constitute a threat to the public health, safety and welfare.
 - 6) The site shall be restored to its previous condition after each use. Permanent alterations to the site are prohibited.
- b. Operation.
 - 1) The use shall not be present at the site or center for a period exceeding eight (8) consecutive hours within a 24-hour period. This period includes for set-up, operation and takedown.
 - 2) Unless a Temporary Use Permit has been issued pursuant to Section 21-~~155322~~, the operation shall not occur between the hours of 10:00 pm and 7:00 am, unless the mobile food unit is acting as an auxiliary kitchen for an existing bar, tavern, or restaurant, in which case the use shall be limited to the hours of operation for that primary business.
 - 3) Mobile restrooms are prohibited.
 - 4) The site shall be properly lit, provided that any temporary lighting be directed downward and shielded in a manner that the illumination source is not be visible from any adjacent property.
2. Restaurants with Drive-Through:
 - a. All drive-through lanes, menu boards, speaker box, and other related elements shall be located at least 50 feet from any residentially zoned property or use. Speakers at a drive-through shall not be audible from residentially zoned property. Sound shall be mitigated through the use of sound attenuation walls, landscaping, or other measures.
 - b. The drive-through lane shall be separated from parking areas and driving lanes by a minimum 5-foot wide landscaping island or other alternative as approved by the [Zoning Administrator](#)-~~Planning Manager~~.
 - c. Drive-through canopies and other appurtenances shall be architecturally compatible with the principal building.
 - d. Through the Conditional Use Permit (CUP) process, the conditions considered for imposition by the Planning and Zoning Commission may include, but are not limited to, a restriction on operating hours, additional screening, relocation of the drive-through, modification of the minimum drive-through stacking requirements, noise and visual mitigation, and other measures appropriate to the relevant circumstances.
3. Outdoor Dining and Seating Areas:
 - a. No Conditional Use Permit is required when the exterior wall or area of the patio or seating area is located at least two-hundred (200) feet from the nearest residentially-zoned lot, not including common area tracts
 - b. Such areas shall be located adjacent to the restaurant or establishment to which it is an accessory use.
 - c. The use shall not interfere with pedestrian access, fire lanes, driveways, or traffic visibility at driveways or street intersections.
 - d. Through the Conditional Use Permit (CUP) process, the conditions considered for imposition by the Planning and Zoning Commission may include, but is not limited to, a

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restriction on operating hours, additional screening, re-location of the outdoor dining and seating area, noise and visual mitigation and other measures appropriate to the relevant circumstances.

4. Tavern, Bar, or Lounge:

- a. The exterior building wall shall not be located within one-thousand (1,000) feet of the property lines of a state designated Local Alcohol Reception Center.
- b. The exterior building walls of the use shall be located at least two-hundred (200) feet from a residentially zoned property.
- c. Through the Conditional Use Permit (CUP) process, the conditions considered for imposition by the Planning and Zoning Commission may include, but are not limited to, a restriction on operating hours, additional screening, relocation of any outdoor patio areas, live entertainment standards, noise and visual mitigation, and other measures appropriate to the relevant circumstances.

D. General Industrial & Manufacturing.

1. Mini-storage warehouses, RV, Boat, and Trailer Storage, indoor and/or screened, shall be subject to the following additional requirements:
 - h. A wall with a minimum height of six (6) feet and a landscaping buffer in accordance with Section 21-818.A.3, or as approved by the Planning and Zoning Commission, shall be constructed along the site boundary devoted to such use where abutting a residential use or residentially-zoned vacant property.

F. Institutional Uses.

2. Group Care Facility or Community Residential Setting Facility in accordance with Section 21-~~330~~**812.C**.

Sec. 21-506. Property Development Standards.

- A. The following property development standards shall apply in zoning districts O-1, C-1, PC- 1, PC-2, C-2, C-3, C-4, and C-5:

Property Development Standards	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5
Minimum Lot/site Area (acreage)	N/R	N/R	3	20	N/R	N/R	N/R	10
Minimum Lot Width (FT)	50	N/R	N/R	N/R	N/R	N/R	N/R	N/R
Minimum Lot/Site Depth (FT)	N/R	120	250	660	N/R	N/R	N/R	660
Minimum Frontage on One Arterial (FT)	N/R	N/R	450	660	N/R	N/R	N/R	660
Maximum Lot Coverage (percentage)	N/R	N/R	30%	N/R	N/R	100%	N/R	N/R
Maximum Building Height (FT)	30	30	30	60	48 ^a	48	48 ^a	60
Front Setback (FT)	15	15	60	120	15	N/R	15	40
Corner Setback (FT) 	15	15	60	120	15	N/R	15	40
Rear Setback (FT)	20	20	20	60	20	N/R	20	30
Interior Rear/Side Setback (FT)	N/R	N/R	60	60	N/R	N/R	N/R	N/R
Setback from Residential Zones (FT)	30	30	30	120	30	N/R	30	120
Accessory Building Height and Setbacks (FT)	●	●	●	●	●	●	●	●

N/R No minimum requirements

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- ^a Building Height: Maximum thirty 30 feet high within thirty 30 feet of any residential district. The height may be increased by one 1 foot per each three 3 feet of additional setback to a maximum of forty-eight 48 feet.

◆ If a tract of land is present between the right of way and the side property line for landscaping or other purposes, the tract shall not be considered a corner yard for setback purposes

- All regulations and development standards applicable to the principal building shall apply, except for covered parking canopies which shall comply with the standards established in Section 21-825 of the Zoning Ordinance.

B. The following property development standards shall apply in zoning districts BPI, PI-1, I-1, and I-2:

Property Development Standards	BPI	PI-1	I-1	I-2
Minimum Size of Lot by Use				
Area (acreage)	N/R	N/R	N/R	N/R
Width (FT)	80	80	80	80
Minimum Setbacks for Principal Buildings				
Front Setback (FT)	30	40	20	60
Least Side (FT)	20	0	0	0
Total Sides (FT)	40	20	20	30
Interior Setback (FT)	N/R	N/R	N/R	N/R
Rear Setback (FT)	25	25	25	40
Corner Side (FT) (◆)	20	20	20	30
Setback from Residential Zoning Districts (FT) ^a	30	50	50	50
Maximum Lot Coverage				
Percentage - by all Buildings	N/R	40%	N/R	N/R
Maximum Building Height				
Principal Building Height (FT)	48 ^b	48 ^b	48 ^b	60 ^b
Accessory Building Height and Setbacks (FT)	•	•	•	•

N/R No minimum requirements.

- ^a The setback shall be applied to sides which abut or are adjacent to a residential zoning district, as established in Section 21-415.A. or as designated residential on a PAD or PCD. Where a side is adjacent to a residential zoning district, said setback shall be applied when the abutting right-of-way is a collector or lower classification as identified on the Peoria General Plan and Street Classification Map.

- ^b Building Height: Where a setback from residential zoning district applies, the building shall be limited to a maximum height of thirty 30 feet at the setback line. The building height may be increased by one (1) foot per each three 3 feet of additional setback to the maximum height as prescribed by the applicable district.

◆ If a tract of land is present between the right of way and the side property line for landscaping or other purposes, the tract shall not be considered a corner yard for setback purposes

- All regulations and development standards applicable to the principal building shall apply, except for covered parking canopies which shall comply with the standards established in Section 21-~~900~~⁸²⁵ of the Zoning Ordinance.

Exhibit D - City Code Amendment

Amendment for Adoption to the Peoria City Code, Chapter 21

Section 1. *Amend Chapter 21 - Zoning, Section 21-600 Special Districts, Uses, and Designation, only as follows, leaving all other sections and subsections not specifically referenced unchanged:*

Sec. 21-600 SPECIAL USES, DISTRICTS AND OVERLAYS-~~DESIGNATIONS~~ ~~PLANNED AREA DEVELOPMENT (PAD)~~

Sec. 21-601. Planned Area Development (PAD) ~~Intent.~~

- A. The Planned Area Development District (~~PAD P.A.D.~~) is intended to provide an alternative zoning district to the conventional zoning and development approaches and processes in the City of Peoria, Arizona in order that within this designated District the following goals may be achieved:
1. To enhance the City's development growth in order that the public health, safety, and general welfare be enhanced as Peoria increasingly urbanizes;
 2. To encourage innovations in residential, commercial, and industrial development so that greater opportunities for better housing, recreation, shopping and employment, may extend to all citizens and residents of Peoria;
 3. To reflect changes in the technology of land development;
 4. To encourage a more creative approach in the utilization of land in order to accomplish a more efficient, aesthetic, and desirable development which may be characterized by special features of the geography, topography, size or shape of a particular property; and,
 5. To provide a compatible and stable developed environment, in harmony with that of the surrounding area.

The ~~PAD P.A.D.~~ may include any development having one or more principal uses or structures on a single parcel of ground or contiguous parcels. The ~~PAD P.A.D.~~ shall consist of a compatible selection of uses and groupings of buildings, parking areas, circulation and open spaces, and shall be designed as an integrated unit, in such manner as to constitute a safe, efficient, and convenient urban area development.

Sec. 21-602. General Requirements and Standards.

- A. Conformance with the Peoria General Plan. The land uses and design of the proposed ~~PAD P.A.D.~~ shall be consistent with the Peoria General Plan. The ~~Zoning Administrator-Planning Manager~~ shall not approve or recommend approval of any ~~PAD P.A.D.~~ unless the ~~Zoning Administrator-Planning Manager~~ has received a Waiver of Proposition 207 from the Owner or Owners of the property that is the subject of the ~~PAD P.A.D.~~ or has determined that the absence of such a Waiver of Proposition 207 is consistent with the City's General Plan and zoning goals and regulations.
- B. ~~PAD P.A.D.~~ Regulations.
1. All Planned Area Developments shall be between ten (10) and six-hundred (600) acres in size. The minimum total ~~PAD P.A.D.~~ shall be no less than ten (10) acres unless the applicant can show that the minimum ~~PAD P.A.D.~~ requirements should be waived because the waiver would be in the public interest and that one or more of the following conditions exist:

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- a. Unusual physical features of the property itself or of the surrounding area are such that development under the standard provisions of this Ordinance would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community.
 - b. The property is adjacent to or across the street or alley from property which has been developed under the provisions of this Section and will contribute to the amenities of the area.
 - c. The use of the ~~PAD P.A.D.~~ concept will encourage the use of otherwise undevelopable property, particularly in the case of small undeveloped parcels surrounded or partially surrounded by developed property.
 - d. The property is located within the Infill Incentive District.
2. Waivers of the ten (10) acre minimum requirement may be recommended by the Planning and Zoning Commission, upon a finding that one or more of the above conditions enumerated in paragraph B.1 of this Section exist.
- C. Uses in a ~~PAD P.A.D.~~ Any use or combination of uses may be allowed in a ~~PAD P.A.D.~~ provided it is consistent with the Peoria General Plan, provided such uses are identified as permitted uses upon approval of the ~~PAD P.A.D.~~.
- D. Residential Density in ~~a PADP.A.D.s.~~
1. Residential development in a ~~PAD P.A.D.~~ may provide for a variety of housing types allowed in any one of the basic residential zoning districts. In addition, the number of dwelling units allowed may be flexible relative to the number of dwelling unit per acre that would be permitted by the zoning regulations otherwise applicable to the site. However, the total number of dwelling units and the resulting density allowed in a ~~PAD P.A.D.~~ shall be consistent with the Land Use Plan of the City's General Plan and the target density framework described therein.
- E. More Than One Building Per Lot. More than one building may be placed on one platted or recorded lot in any ~~PAD P.A.D.~~ Areas for single family detached dwellings or other housing types providing privately owned lots must comply with the City's Subdivision Ordinance in all respects not specifically noted in Section 21-602 as appropriate variances or waivers.
- F. One Housing Type Not Inconsistent With Intent. A ~~PAD P.A.D.~~, which only incorporates one housing type such as all detached or all attached units shall not be considered inconsistent with the stated purposes and objectives of this Section and shall not be the sole basis for denial or approval.
- G. Architectural Style, Appearance. Architectural style of buildings shall not solely be a basis for denial or approval of a plan. However, the overall appearance and compatibility of individual buildings to other site elements or to surrounding development may be considered during ~~PAD P.A.D.~~ review by the Planning and Zoning Commission and City Council.
- H. Phasing of Development.
1. Any ~~PAD P.A.D.~~ plan proposed to be constructed in phases shall include full details relating thereto, and the City Council may approve or modify, where necessary, any such proposals.
 2. The phasing shall include the projected time for beginning and completion of each phase. Such timing may be modified by the City on the showing of good cause by the developer.
 3. The land owner or developer shall make such easements, covenants, and other arrangements

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and shall furnish such financial or other guarantees as may be determined by the City to be reasonably required to assure performance in accordance with the Plan and to protect the public.

- I. Street Utilities, Services and Public Facilities. The uniqueness of each proposal for a ~~PAD P.A.D.~~ may allow specifications and standards for streets, utilities and services to be subject to minor modifications of the specifications and standards established in this and other City ordinances. The plans and profiles of all streets, utilities and services shall be reviewed by the City Engineer prior to the final approval of the ~~PAD P.A.D.~~
- J. Additional Standards. Development within a ~~PAD P.A.D.~~ shall conform to all conditions and standards agreed upon by the applicant and the City at time of ~~PAD P.A.D.~~ approval.
- K. Each ~~PAD P.A.D.~~ standards and guidelines submittal consistent with the definitions and standards in this code shall address the placement of community residential setting facilities, group homes and group care facilities in a manner consistent with state law and the federal fair housing act amendments of 1988.

Sec. 21-603. Application.

- A. The applicant is encouraged to meet with appropriate City staff prior to making application for ~~PAD P.A.D.~~ approval to discuss the development concept, the review and approval process, and the submittal requirements.
- B. The applicant shall obtain the necessary application forms from the ~~Zoning Administrator-Planning Manager~~ or designee. Application forms properly completed and accompanied by the required fee shall be submitted to the ~~Zoning Administrator-Planning Manager~~ or designee. Conceptual Development Plan exhibits shall accompany the application.
- C. Conceptual Development Plan. A Conceptual Development Plan illustrating the general development framework shall be submitted with the ~~PAD P.A.D.~~ application. At a minimum, the following items shall accompany the Conceptual Development Plan:
 - 1. Legal description of property (written and electronic form); and,
 - 2. A generalized location map showing surrounding land use, zoning and traffic circulation patterns.
 - 3. Site Condition. An analysis of the existing site conditions which indicates at a minimum:
 - a. Topographic contours with intervals of no more than two (2) feet, to a distance of one hundred (100) feet beyond the property boundary;
 - b. Location and extent of major vegetative cover (if any);
 - c. Location and extent of perennial or intermittent streams and water ponding areas;
 - d. Existing drainage and irrigation patterns; and,
 - e. Other information considered relevant by the applicant or City staff.
 - 4. Proposed allocations of land use expressed as a percentage of the total area, as well as in acres. Uses to be indicated include:
 - a. Arterial Streets;
 - b. Open Space (public);

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- c. Open Space (private);
 - d. Residential (if appropriate);
 - e. A stratification of residential uses in terms of single family detached units, patio homes, townhouses, garden apartments, etc.;
 - f. Commercial (if appropriate); and,
 - g. Industrial (if appropriate).
- 5. A land use plan at a scale not smaller than one (1) inch equals one hundred (100) feet, indicating land uses, acres and development densities of each land use and the most nearly equivalent zoning categories; all arterial and collector street circulation elements, pedestrian and/or bicycle circulation elements, exact perimeter locations of any/all arterial streets and major collector streets; open spaces; and recreational areas.
 - 6. Plans indicating the approximate alignment and sizing of waterlines, sanitary sewers, and storm sewers (if any), as well as easements for all utilities, if necessary. Also indicated should be proposed surface drainage patterns.
 - 7. Conceptual architectural renderings indicating the elevations and exterior wall finishes of proposed buildings types.
 - 8. A Traffic Impact Analysis or Statement, if deemed necessary by the City.
 - 9. Phasing Plan, if development is to take more than two (2) years.
- D. ~~PAD P.A.D.~~ Standards and Guidelines Report. A Standards and Guidelines Report meeting the content requirements as specified by the ~~Zoning Administrator~~ **Planning Manager** shall be submitted with the application. The Report shall function as the development standards framework and shall identify all deviations, standards, references and bulk requirements thereto; where the ~~PAD P.A.D.~~ is silent on a requirement, the applicable Zoning provision, as determined by the ~~Zoning Administrator~~ **Planning Manager**, shall control. No provision in the Standards and Guidelines Report shall be construed to negate any applicable provision in the Infrastructure Guidelines or any life safety code requirements as mandated by the Building Safety Manager and Fire Marshal.

Sec. 21-604. Amendments to an Approved Planned Area Development.

- A. General. Amendments to an approved ~~PAD P.A.D.~~ may be requested by the applicant or its successors.
- B. Applicability. Amendments to the approved ~~PAD P.A.D.~~ may be limited to one or more "development units" and any proposed change will not affect development units not included in the proposed amendment.
- C. Major or Minor Amendments. Amendments to the approved ~~PAD P.A.D.~~ shall be delineated as major or minor amendments. Upon receipt of an amendment application to the Planning ~~Division~~ **Department**, the ~~Zoning Administrator~~ **Planning Manager** shall determine if the proposed amendment constitutes a major or minor amendment.
- D. Major Amendments. If the ~~Zoning Administrator~~ **Planning Manager** determines the amendment to be a major amendment, the amendment request shall be processed in the manner set forth in Section 21-603. An amendment shall be deemed major if it involves any one of the following:
 - 1. A change in the overall ~~PAD P.A.D.~~ District Boundary;

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2. An increase in the total number of approved dwelling units or gross leasable area (GLA) for the overall ~~PAD P.A.D.~~ District;
 3. A significant change to the approximate boundary of one or more "development unit(s)" from that approved in the ~~PAD P.A.D.~~ District, as determined by the ~~Zoning Administrator-Planning Manager~~. A change to an individual development unit generally shall be deemed to be significant if it represents a 10% increase to the approximate gross area of the development unit as approved for the ~~PAD P.A.D.~~;
 4. An increase of 10% or more of the approved number of projected dwelling units or gross leasable area (GLA) for an individual development unit;
 5. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the City Engineer;
 6. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the ~~PAD P.A.D.~~ or to the overall major street system as determined by the City Engineer; or,
 7. Any other proposed change to the Final Development Plan that substantively alters one or more components of the ~~PAD P.A.D.~~ as determined by the ~~Zoning Administrator-Planning Manager~~.
- E. Minor Amendments. Amendments not meeting one or more of the criteria listed above in Subsection D. shall be considered minor. If the ~~Zoning Administrator-Planning Manager~~ determines the amendment to be minor, the ~~Zoning Administrator-Planning Manager~~ may administratively act on the amendment and attach stipulations or conditions of approval thereto, to protect the public health, safety and welfare.
1. Notice.
 - a. *Map.* If the amendment proposes a change to the map for the Final Development Plan, notice of the proposed minor amendment shall be mailed to each owner of property as last disclosed by County Assessor records, situated wholly or partly within three hundred (300) feet of the affected development unit(s) to which the amendment relates. For purposes of giving mailed notice, the ~~Zoning Administrator-Planning Manager~~ shall require the applicant to furnish the names and addresses and stamped/addressed envelopes of all affected property owners as determined above.
 - b. *Other.* If the amendment proposes any other change to the Final Development Plan, including but not limited to, text changes or changes to the development standards, notice of the minor amendment shall be published in a newspaper of general circulation.
 2. Protest.
 - a. *Protest Received.* If written protest to any minor amendment is received from any notified property owner within ten (10) days of the notification mailing date in the case of mailed notice, or within ten (10) days of the final date of advertising in the case of published notification, and such protest cannot be resolved, then the Minor Amendment shall be reclassified as a Major Amendment. No additional application shall be required; however, all provisions governing Major Amendments shall then apply.
 - b. *Protest Not Received.* If written protest is not received as described above, the ~~Zoning Administrator-Planning Manager~~ shall render a decision on the minor amendment

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request. The Planning ~~Division~~Department decision shall be final unless appealed under Subsection F, set forth below. The Zoning Administrator~~Planning Manager~~ or assigned designee shall send copies of the decision to the applicant, interested parties of record, and members of the Planning and Zoning Commission.

F. Appeals.

1. Appeal of Planning ~~Division~~Department decision to Planning and Zoning Commission. An action or decision by the Planning ~~Division~~Department on minor amendments may be appealed by the applicant within ten (10) calendar days from the date of the Zoning Administrator~~Planning Manager~~'s decision.
 - a. Appeals shall be in writing on a form provided by the Planning ~~Division~~Department and shall include only the specific items being appealed.
 - b. The Planning ~~Division~~Department will submit a report and any background material regarding the appeal to the Planning and Zoning Commission for its next scheduled meeting. Any persons associated with the action being appealed shall be informed by the Planning ~~Division~~Department of the date, time, and location of the appeal hearing.
 - c. The Planning and Zoning Commission's decision on the appeal will be sent out (in writing) to the applicant. The decision of the Planning and Zoning Commission will be final, unless the applicant initiates an appeal to the City Council.
2. Appeal of Planning and Zoning Commission decision to Council. An action or decision by the Planning and Zoning Commission on Minor Amendments may be appealed by the applicant within ten (10) calendar days after the date of the Commission decision.
 - a. Appeals shall be in writing on a form provided by the Planning ~~Division~~Department and shall include the specific items being appealed and the nature upon which the decision was in error.
 - b. The Planning ~~Division~~Department shall transmit to the City Council a transcript, with exhibits, of the Planning and Zoning Commission's hearing. The City Council shall review the transcript and exhibits and may, at their discretion, hear further oral or written comments.
 - c. The City Council may affirm the decision of the Planning and Zoning Commission; or remand the matter for further proceedings before the Planning and Zoning Commission; or reverse or modify the Planning and Zoning Commission's decision.

~~PLANNED COMMUNITY DISTRICT (PCD)~~

Sec. 21-605. Planned Community District (PCD) ~~Intent~~.

The Planned Community ~~(P-C-)~~ District (PCD) is intended to accommodate large-scaled, yet unified, comprehensively planned developments which conform with and enhance the policies and programs contained within the Peoria General Plan. This district is intended to provide an alternative zoning district and development process to accommodate substantial developments for residential, commercial, professional, industrial or other activities, including combinations of uses appropriately requiring flexibility under controlled conditions, not otherwise attainable under conventional zoning districts so that the following goals may be achieved:

- A. To enhance the City's development and to promote the public health, safety, and general welfare.

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- B. To provide within such areas a combination of land uses, which may include a variety of residential types, commercial, industrial, public and semi-public areas, arranged and designed in accordance with sound site planning principles and development techniques; and in such a manner as to be properly related to each other, the immediate surrounding area, the planned thoroughfare system, and other public facilities such as water and sewer systems, parks, schools and utilities.
- C. To encourage a more creative approach in the utilization of land in order to accomplish an efficient, aesthetic, and desirable development which may be characterized by special features of the geography, topography, size or shape of a particular property.
- D. To establish planning and development control parameters tailored to the opportunities and constraints of the property while allowing sufficient flexibility to permit final detailed planning and the precise distribution of the approved density and intensity of the project at the time of site plan or subdivision application submittal.
- E. To provide reasonable assurances to the City and land developer that the proposed development may be planned and carried out in one or more phases over an extended period of time, in accordance with an approved ~~P.C. District~~ PCD "Development Plan" and "Standards & Guidelines Report".
- F. To assure that the ~~P.C. District~~ PCD is developed in accordance with a ~~P.C. District~~ PCD "Development Plan" and "Standards & Guidelines Report". The ~~P.C. District~~ PCD "Development Plan" and "Standards & Guidelines Report" shall be designed to fulfill the goals established by the General Plan, provide development standards promoting an appropriate balance of land uses, and promote the planning of public facilities designed to serve the projected population.

Sec. 21-606. General Provisions.

- A. Conformance with the General Plan. The proposed ~~P.C. District~~ PCD shall be in general conformance with the Peoria General Plan. The ~~Zoning Administrator-Planning Manager~~ shall not approve or recommend approval of any ~~P.C. District~~ PCD unless the ~~Zoning Administrator-Planning Manager~~ has received a Waiver of Proposition 207 from the Owner or Owners of the property that is the subject of the ~~P.C. District~~ PCD or has determined that the absence of such a Waiver of Proposition 207 is consistent with the City's General Plan and zoning goals and regulations.
- B. Location of ~~P.C. District~~ PCD. ~~P.C. District~~ PCDs may be established on large parcels of land which, because of their ownership, size, topography, or exceptional or unusual locational characteristics, are suitable for planned development in a manner consistent with the purposes of this Section.
- C. Minimum ~~P.C. District~~ PCD Area.
 - 1. The minimum area required for a planned community district is six hundred (600) contiguous acres held under single ownership at the time of application submittal or under multiple ownership within a partnership as expressed through written correspondence and signatures provided with the PCD application.
 - 2. Areas within rights-of-way may be included in the computation of the minimum six hundred (600) acres.
- D. Property Development Standards. All land uses in a ~~P.C. District~~ PCD shall be established within planned "development units". The ~~P.C. District~~ PCD is intended to be combined with the general property development standards of various zoning districts in the Peoria Zoning Ordinance or as modified in the approved ~~P.C. District~~ PCD "Development Plan" and "Standards & Guidelines Report".

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1. The proposed ~~P.C.-District~~ PCD shall comply with overlay districts of general applicability including, but not limited to, the Hillside Development Overlay and Floodplain Districts, except where modifications are expressly authorized through an approved Standards Report and Development Plan;
 2. The proposed ~~P.C.-District~~ PCD shall comply with the Subdivision Regulations and other adopted policies, codes and ordinances of general applicability;
 3. The proposed ~~P.C.-District~~ PCD may include modified property development standards (contained within the Zoning Ordinance) to address defined opportunities and constraints related to the property, including, but not limited to, building placement and height, minimum lot size and parking area landscaping.
- E. Permitted Uses. Any use may be permitted in any specific "development unit" within a proposed ~~P.C.-District~~ PCD provided such use shall be specifically listed as a permitted use and shall be located and conducted in accordance with the approved "Development Plan" and "Standards & Guidelines Report" and other applicable regulations.
- F. Conditional Uses. Any use may be established as a conditional use in any specific development unit within a proposed ~~P.C.-District~~ PCD provided such use shall be specifically listed as a conditional use subject to the provisions of Section 21-~~155321~~ and shall be located and conducted in accordance with the approved "Development Plan" and "Standards & Guidelines Report" and other applicable regulations.

Sec. 21-607. Application Requirements.

In addition to complying with the provisions of Section 21-~~153317~~ each application for a ~~P.C.-District~~ PCD shall be accompanied by a "Standards & Guidelines Report," "Development Plan" and "Development Schedule". The "Standards & Guidelines Report" and "Development Plan" shall, as approved by the City Council, become a part of the applicable zoning regulations within the respective ~~P.C.-District~~ PCD. Subsequent changes to the "Development Plan" shall be made in accordance with Section 21-612.

- A. Standards & Guidelines Report. The "PCD Standards and Guidelines Report" shall describe the purpose, nature and characteristics of the proposed ~~P.C.-District~~ PCD including, but not limited to, the proposed development unit use or uses to be conducted in the district in a manner sufficient to enable preparation and consideration of regulations governing permitted and conditional uses, site use and other development regulations which may be appropriate to govern development, use, and maintenance of the sites included within the ~~P.C.-District~~ PCD. The "PCD Standards and Guidelines Report" shall include the following:
1. Contact listing of key project team representatives including the contact, owner, and developer;
 2. Vicinity Map;
 3. Legal description of the district boundary;
 4. A statement by the applicant demonstrating the necessity of the application for the ~~P.C.-district~~ PCD, including information demonstrating compliance with the findings contained within Section 21-612;
 5. Existing conditions map drawn to a suitable scale showing the use and general condition of the land within the proposed ~~P.C.-district~~ PCD boundary and adjacent lands for one

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mile. The map will provide the total gross acreage, overall density proposed and a delineation of major physical constraints or opportunities, major environmental features, topography, existing roads, trails, utilities, generalized location of any hundred (100) year floodway and mapped stormwater drainage conditions;

6. The delineation of development units including a parcel matrix inclusive of each proposed development unit indicating as appropriate: the approximate unit size in acres, proposed allocation of land uses, the proposed zoning district(s) (either an existing zoning district or a modified proposed district as further defined within the Standards Report), the projected number of employees, the maximum number of potential dwelling units, and intended floor area ratios (FAR) for the project;
 7. The parcel matrix shall also indicate the projected number of residential units or non-residential square footage for each development unit to guide the preparation of supporting infrastructure studies outlined herein; and,
 8. Such additional information as the Zoning Administrator ~~Planning Manager~~ may prescribe as necessary, to facilitate review and action on the application by the Planning and Zoning Commission and the City Council.
- B. Development Plan. The "Development Plan" must include a land use and circulation system concept that is consistent with the goals and policies of the General Plan, compatible with the environment, and capable of being served by existing and planned public facilities and utilities. The "Development Plan" submitted with the application for the P.C. District shall include the following, unless waived by the Zoning Administrator ~~Planning Manager~~:
1. Submittal of a Development Plan Map divided into approximate development sub-areas or development units. The proposed Development Plan Map(s) shall be drawn to a suitable scale and include at least the following:
 - a. The boundary of the proposed PCD ~~P.C. District~~;
 - b. The existing and proposed topographic character of the land;
 - c. The approximate location of each proposed land use development unit;
 - d. The general location of all proposed major and minor arterial streets, including their proposed connections to major streets identified on the Circulation Map in the Peoria General Plan;
 - e. Major drainage elements;
 - f. All proposed public schools, parks and open space areas;
 - g. Any trails and/or bikeways, including their proposed connections to conceptual trail locations identified in the Peoria Trails Master Plan and other relevant documents; and,
 - h. Conceptual location of any significant historical, cultural and archaeological features of the site, including proposed methods to incorporate and preserve such features into the proposed project.
 2. Master Drainage and Hydrology Report, prepared by an Arizona registered engineer.
 3. Master Water and Sewer System Report, prepared by an Arizona registered engineer.
 4. Traffic Impact Analysis Engineering Report, prepared by an Arizona registered engineer.

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5. A Cost Impact Analysis of the proposed public facilities and infrastructure, prepared by a competent person or firm with experience in the preparation of such studies. The study shall provide the specific detailed accounting of the financing structure for the development of required facilities for parks, law enforcement, fire protection, public services, municipal government, and other necessary governmental services.
6. Such additional information as the Zoning Administrator ~~Planning Manager~~ may prescribe as necessary, to facilitate review and action on the application by the Planning and Zoning Commission and the City Council.
- C. Development Schedule. The following schedule submitted with the application for a PCD-P.C. ~~District~~ shall include the following:
 1. A schedule, indicating to the best of the applicant's knowledge, the approximate timeframe in which construction or development is expected to begin, the duration of time required for completion of the development; and,
 2. Proposed phasing if the project will not be developed as one (1) unit, including a plan for the interim use and management of the undeveloped phase or phases.

Sec. 21-608. Application Procedures.

- A. The applicant is encouraged to meet with the Zoning Administrator ~~Planning Manager~~ prior to making an application for a PCD-P.C. District to discuss the development concept, the review and approval process, and the submittal requirements.
- B. The applicant shall obtain the necessary application forms from the Planning ~~Division~~ Department. Application forms when properly completed and accompanied by the required fee and required material shall be submitted to the Planning ~~Division~~ Department.
- C. If the application request requires an amendment of the City's adopted General Plan and/or an adopted Specific Plan, the applicant shall submit an application to amend the General Plan or adopted Specific Plan prior to or simultaneously with the application for a PCD-P.C. District.
- D. The Planning ~~Division~~ Department shall distribute the PCD-P.C. application and supporting materials pursuant to Section 21-607, and other relevant documentation to each responsible department for review and comment.
- E. Written responses shall be obtained by the applicant from public or quasi-public agencies identified by the Zoning Administrator ~~Planning Manager~~ as being stakeholders in the outcome of the development proposal within the timeframe defined above. The Zoning Administrator ~~Planning Manager~~ or ~~assigned~~ designee shall compile all of the comments and recommendations and submit a written report to the applicant.
- F. The revised PCD-P.C. "Development Plan" and "Standards & Guidelines Report" shall be resubmitted to the Planning ~~Division~~ Department for further evaluation by the Zoning Administrator ~~Planning Manager~~ and the reviewing agencies.
- G. A development agreement between the applicant and the City may be prepared and reviewed concurrently to afford resolution to issues and concerns identified through agency review.

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Sec. 21-609. Adoption of a Planned Community District.

- A. The Planned Community District shall be adopted in accordance with procedures set forth in Section 21-~~153317~~. The Commission and Council shall consider the ~~PCD-P.C.~~ "Development Plan" and "Standards & Guidelines Report" as part of the rezoning application and all provisions and protocols therein set forth in Section 21-~~153317~~ shall apply to said "Development Plan" and "Standards & Guidelines Report".
- B. At the time a ~~PCD-P.C. District~~ is approved by the City Council, the associated "Development Plan" and "Standards & Guidelines Report" shall become an integral part of the Peoria zoning regulations for the ~~PCD-P.C. District~~ established by the City on the property. All future development within the adopted ~~PCD-P.C. District~~ shall thereafter be in conformity with the "Development Plan" and "Standards & Guidelines Report".

Sec. 21-610. Findings.

Before approval or adoption of an application for a ~~PCD-P.C. District~~, the Planning and Zoning Commission and the City Council shall find:

- A. That the development proposed is in conformance with the General Plan.
- B. That the streets and thoroughfares proposed are in conformance with the General Plan Circulation Map and will be adequate to serve the proposed uses.
- C. The Planning and Zoning Commission and City Council shall further find:
 - 1. In the case of proposed residential development, that the development will promote compatible buildings and uses and that it will be compatible with the character of the surrounding area;
 - 2. That the conceptual site locations proposed for public facilities such as schools, fire protection, law enforcement, water, wastewater, streets, public services and parks, are adequate to serve the anticipated population within the ~~PCD-P.C. District~~;
 - 3. In the case of proposed commercial, industrial, institutional, recreational and other non-residential uses or mixed-uses, that such development will be appropriate in area, location and overall planning for the purpose intended; and,
 - 4. That the development is fiscally sound, as demonstrated in the Cost Impact Analysis, and is consistent with adopted policies, infrastructure plans and applicable Capital Improvement Programs (CIP).

Sec. 21-611. Future Development.

Upon adoption of the ~~PCD-P.C. District~~, the applicant may then proceed with the development of the property in accordance with the "Standards & Guidelines Report" and "Development Plan" by filing subdivision plats for any portion of the ~~P.C.D. District~~ in accordance with Chapter 24 of the Peoria City Code (~~1977~~), which constitutes the City's Subdivision Regulations; or a site plan, pursuant to Section 21-~~156320~~ of the Peoria Zoning Ordinance. Legal descriptions for each affected development unit must be provided with subdivision plats or site plan applications.

The Planning and Zoning Commission will not take any subsequent approval action on a project within thirty (30) days of the City Council's adoption of the ~~PCD-P.C. District~~.

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Sec. 21-612. Amendments to an Approved P.C. District.

- A. Amendments to the ~~PCD-P.C. District~~ "Development Plan" or "Standards & Guidelines Report" may be requested by the applicant or its successors. Amendments to the approved P ~~PCD-P.C. District~~ shall be delineated as major or minor amendments. Amendments to the approved ~~PCD-P.C.~~ "Development Plan" and "Standards & Guidelines Report" may be limited to one or more "development units" and any proposed change will not affect development units not included in the proposed amendment.
- B. Upon receipt of an amendment application to the Planning ~~Division-Department~~, the Zoning Administrator ~~Planning Manager~~ shall determine if the proposed amendment constitutes a major or minor amendment.
- C. Major Amendments. If the Zoning Administrator ~~Planning Manager~~ determines the amendment to be a major, the amendment request shall be processed in the manner set forth in Sections 21-608 and 21-609.
- D. An amendment will be deemed Major if it involves any one of the following:
 - 1. A change in the overall ~~PCD-P.C. District~~ Boundary;
 - 2. An increase in the total number of approved dwelling units or gross leasable area (GLA) for the overall ~~PCD-P.C. District~~;
 - 3. A significant change to the approximate boundary of one or more "development unit(s)" from that approved in the P ~~PCD-P.C. District~~, as determined by the Zoning Administrator ~~Planning Manager~~. A change to an individual development unit generally shall be deemed to be significant if it represents a ten percent (10%) increase to the approximate gross area of the development unit as approved in the ~~PCD-P.C. District~~;
 - 4. An increase of ten percent (10%) or more of the approved number of projected dwelling units or gross leasable area (GLA) for an individual development unit;
 - 5. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the City Engineer;
 - 6. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the ~~PCD-P.C. District~~ or to the overall major street system as determined by the City Engineer; or,
 - 7. Any other proposed change to the "Development Plan" and/or "Standards & Guidelines Report" which substantively alters one or more components of the ~~PCD-P.C. District~~ as determined by the Zoning Administrator ~~Planning Manager~~.
- E. Minor Amendments. Amendments not meeting one or more of the criteria listed in Subsection (D) shall be considered minor. If the Zoning Administrator ~~Planning Manager~~ determines the amendment to be minor, the Zoning Administrator ~~Planning Manager~~ may administratively act on the amendment and attach stipulations or conditions of approval thereto, to protect the public health, safety and welfare.
 - 1. If the amendment proposes a change to the Development Plan Map, notice of the proposed minor amendment shall be mailed to each owner of property as last disclosed by County Assessor records, situated wholly or partly within three hundred (300) feet of the affected development unit(s) to which the amendment relates. For purposes of giving mailed notice,

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- the Zoning Administrator~~Planning Manager~~ shall require the applicant to furnish the names and addresses and stamped/addressed envelopes of all affected property owners as determined above. If the amendment proposes any other change to the "Development Plan" or "Standards & Guidelines Report", including but not limited to, text changes or changes to the development standards of the "Standards & Guidelines Report", notice of the minor amendment shall be published within a newspaper of general circulation.
2. If written protest to any minor amendment is received from any notified property owner within ten (10) days of the notification mailing date in the case of mailed notice, or within ten (10) days of the final date of advertising in the case of published notification, and such protest cannot be resolved, then the Minor Amendment shall be reclassified as a Major Amendment. No additional application shall be required; however, all provisions governing Major Amendments shall then apply.
 3. If written protest is not received as described above, the Zoning Administrator~~Planning Manager~~ shall render a decision on the minor amendment request. The Planning Division Department decision shall be final unless appealed under Section 21-613. The Zoning Administrator~~Planning Manager~~ or assigned designee shall send copies of the decision to the applicant, interested parties of record and members of the Planning and Zoning Commission.

Sec. 21-613. Administrative Decision Appeals.

- A. An action or decision by the Planning ~~Division~~Department on minor amendments may be appealed by the applicant within ten (10) calendar days from the date of the Zoning Administrator~~Planning Manager~~'s decision.
 1. Appeals shall be in writing on a form provided by the Planning ~~Division~~Department and shall include only the specific items being appealed.
 2. The Planning ~~Division~~Department will submit a report and any background material regarding the appeal to the Planning and Zoning Commission for its next scheduled meeting. Any persons associated with the action being appealed shall be informed by the Planning ~~Division~~Department of the date, time, and location of the appeal hearing.
 3. The Planning and Zoning Commission's decision on the appeal will be sent out (in writing) to the applicant. The decision of the Planning and Zoning Commission will be final, unless the applicant initiates an appeal to the City Council.
- B. Appeal to Council. An action or decision by the Planning and Zoning Commission on minor amendments may be appealed by the applicant within ten (10) calendar days after the date of the Commission decision.
 1. Appeals shall be in writing on a form provided by the Planning ~~Division~~Department and shall include the specific items being appealed and the nature upon which the decision was in error.
 2. The Planning ~~Division~~Department shall transmit to the City Council a transcript, with exhibits, of the Planning and Zoning Commission's hearing. The City Council shall review the transcript and exhibits and may, at their discretion, hear further oral or written comments.
 3. The City Council may affirm the decision of the Planning and Zoning Commission; or remand the matter for further proceedings before the Planning and Zoning Commission; or reverse or modify the Planning and Zoning Commission's decision.

Sec. 21-614. Administration and Enforcement.

- A. While ownership of a project may subsequently be transferred (in whole or in part), ~~PCD-P.C. District~~ zoning will continue to be implemented and maintained on the total acreage of the ~~PCD-P.C. District~~ zoned project. It is the responsibility of the owner to notify all prospective purchasers of the existence of the ~~PCD-P.C. District~~ and the ~~PCD-P.C.~~ "Development Plan" and "Standards Report". It is also the responsibility of the owner to initiate a dialogue with the ~~Zoning Administrator~~ **Planning Manager** to ensure the program of development can be administered to comply with all of the processing time frames and hearing schedules required.
- B. In the event that the applicant has failed to comply with the conditions adopted by the City Council in conjunction with the approved ~~PCD-P.C. District~~ and the ~~PCD-P.C.~~ "Development Plan" and "Standards **& Guidelines** Report", the City may proceed in accordance with Section 21-~~153~~**317** of the Peoria Zoning Ordinance.

Sec. 21-615. Definitions.

Development Plan: Is a multi-faceted development plan, organized by development unit, demonstrating how the Standards Report will be implemented. The Development Plan will illustrate the proposal's relationship and conformity with adjacent land uses, circulation systems and the provision of utilities and other public services.

Development Unit: An approximate "subarea" within a specifically defined ~~PCD-P.C.~~ boundary containing singular or multiple designated land use and zoning classifications. Multiple classifications or mixed-use classifications may be permitted in the ~~PCD-P.C. District~~ in conformance with the General Plan. A development unit in text or table format is the same area as referenced on a map but describes the area in more specific detail. The City Council may approve a particular definition of "subarea" or "development unit" for any individual ~~PCD-P.C. District~~.

*Standards **& Guidelines** Report:* Consists of a narrative report, existing conditions map and background information describing the characteristics, components and timing of the proposed ~~PCD-P.C. District~~ by development unit(s). The Standards Report includes a development unit matrix describing density, projected employment, intended FAR's, zoning districts and applicable development standards.

PLANNED UNIT DEVELOPMENT (PUD)

Sec. 21-616. Planned Unit Development (PUD) **Intent.**

It is the intent of this Section to assist the City in planning large tract areas to insure proper design of water, sewer and utility services. This option can be filed with the City to determine basic land use needs and density requirements, for the purpose of achieving a Master Plan Concept, and to assist a developer in density requirements when the developer elects to leave large, open space areas for recreational use. The final zoning shall not be reflected on the zoning map until the developer has submitted individual plot plans of each phase before the Council, with exact metes and bounds descriptions. Upon Council approval, the City Zoning Map shall be assigned permanent zoning as approved. Under this portion of the option, the maximum gross population density and building intensity of the overall development shall not exceed that permitted under conventional single-family standards.

HISTORIC PRESERVATION (HP)

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Sec. 21-625. Historic Preservation (HP) ~~Intent~~.

Sec. 21-627. Designation of Landmarks or Historic Districts.

- C. Notice of a proposed designation and all associated hearings shall be provided in the manner required for Rezoning applications as described in Section 21-146 ~~21-311 through Section 21-326~~.

Sec. 21-629. Application for Certificate of Appropriateness.

- A. Prior to the commencement of any work requiring a Certificate of Appropriateness the property owner shall file an application for such a certificate on the official form provided by with the Planning ~~and Community Development~~ Department.
- B. No building permit shall be issued for such a proposed work until the Historic Preservation Commission has first issued a Certificate of Appropriateness. The Certificate of Appropriateness required by this act shall be in addition to and not in lieu of any building permit that may be required by any other ordinance or the City of Peoria.

Sec. 21-630. Hearing of Application for Certificate of Appropriateness.

- A. The Historic Preservation Commission shall hold a public hearing for each application for a Certificate of Appropriateness. The hearing shall be posted and noticed in accordance with A.R.S. § 9-462.04.
- B. The Commission shall approve, deny, or approve the permit with modifications.
- C. In its review and consideration of an application for a Certificate of Appropriateness, the Historic Preservation Commission shall not consider changes to interior spaces, unless they are open to the public, or to architectural features that are not visible from a public street or alley.
- D. The Commission's decision shall be based upon the following principles:
1. Properties which contribute to the character of the historic district shall be retained, with their historic features altered as little as possible;
 2. Any alteration of existing historic landmark properties shall be compatible with their historic character. Any alteration of existing properties within a historic district shall be compatible with their historic character as well as with the surrounding district; and,
 3. New construction shall be compatible with the district in which it is located.
- E. In applying the principle of compatibility, the Commission shall consider the following factors:
1. The general design character and appropriateness to the property of the proposed alteration or new construction;
 2. The scale of proposed alteration or new construction in relation to the property itself, surrounding properties and the neighborhood;
 3. Texture, materials, and color and their relation to similar features of other properties in the neighborhood;
 4. Visual compatibility with surrounding properties, including proportion of the property's front facade, proportion and arrangement of windows and other openings with the facade, roof shape, and the rhythm of spacing of properties on streets, including setback; and,

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- 5. The importance of historic, architectural or other features to the significance of the property.
- F. The Commission shall utilize the Secretary of the Interior's Standards for Rehabilitation (1990 edition) as a guide for its decisions with respect to review of applications for Certificate of Appropriateness.
- G. All decisions of the Commission shall be in writing. A copy shall be sent to the applicant within ten (10) days after the Commission's decision by mail. A copy shall be made available for public inspection at the Planning ~~and Community Development~~ Department. The Commission's decision shall state findings and reasons for denying or modifying any application.

Sec. 21-632. Application for Finding of Hardship.

- A. An applicant shall submit an application for Finding of Hardship within thirty (30) days after the Commission's decision to deny the Certificate of Appropriateness. No building permit or demolition permit shall be issued unless the Commission makes a finding that a hardship exists.
- B. The Commission shall hold a public hearing on the hardship application in accordance with the procedures specified in Chapter 3, Section 3-20.
- C. The applicant shall consult in good faith with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.
- D. All decisions of the Commission shall be in writing. A copy of the decision shall be sent to the applicant by mail. A copy shall be made available for public inspection at the Planning ~~and Community Development~~ Department. The Commission's decision shall state findings and reasons for granting or denying the hardship application.

Sections 21-633 through 24-639 Reserved

~~HILLSIDE DEVELOPMENT OVERLAY DISTRICT (HDOD)~~

Sec. 21-~~640~~⁷¹⁰. Hillside Development Overlay District (HDOD) ~~Intent~~.

- A. It is the purpose of this Section to establish regulations which recognize that development of hillside areas involves special considerations which result from the slope of the land. These considerations include but are not limited to increased hazards to development from rock falls, storm water runoff, geologic hazards, increased limitations on vehicular travel, and increased difficulties in providing public services. In addition, steeply sloped lands introduce design limitations to roadways, cuts and fills, and building sites.
- B. The Hillside Development Overlay District is an overlay district that applies to all land wherever the natural terrain of any lot or parcel or any portion thereof has a slope of ten percent (10%) or greater. The application of the Hillside Development Overlay district shall be as depicted below in Table 1, Hillside Determination.

Table 1 Hillside Determination	
< 10% slope	Non-Hillside
≥ 10% slope	Hillside
≤ 5 acres with 50% or more of the site in Hillside	Hillside

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≥ 5 acres with less than 50% of the site in Hillside	Only areas greater than 10% considered Hillside
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- C. All rezoning applications to Planned Community District (PCD) and Planned Area Developments (PAD) shall conform with the provisions of this Section unless expressly modified through an approved PCD or PAD ~~District~~ Standards ~~/ &~~ Guidelines Report and Development Plan.
- D. Conservation features identified in Section 21-726 shall be preserved in accordance with that Section.

Sec. 21-~~641~~~~711~~. Definitions.

Sec. 21-~~642~~~~712~~. Slope Determination.

- A. A Slope Category Determination Study shall be required prior to the initiation of any Site Disturbance Activities for all land with slopes of 10% or greater.
- B. A property owner subject to Subsection A above shall prepare a Slope Category Determination Study utilizing one of the two methodologies outlined in this Section. A property owner or authorized agent shall submit to the Department a Slope Category Determination Study pursuant to this Section, as follows:
 - 1. Simultaneously with a rezoning application;
 - 2. If a rezoning action is not required, simultaneously with a preliminary plat or site plan; or,
 - 3. If a rezoning, plat, site plan, or minor land division is not required, prior to the issuance of any building permit or site grading permit.
- C. Applicants seeking a waiver from the provisions of this Section may request a waiver of the requirements for a Slope Category Determination Study to the Zoning Administrator ~~Planning Manager~~. A written waiver request shall be submitted to the Zoning Administrator ~~Planning Manager~~ with an explanation of why a waiver is warranted and shall include such supporting materials as follows:
 - 1. Site photographs;
 - 2. Site specific topography information;
 - 3. All other such information which may provide information on the request.

The Zoning Administrator ~~Planning Manager~~ may approve or deny an application as submitted or may request additional information if necessary. In addition to any other grounds the City may have, the City expressly reserves the right to reject the waiver request in the event the Owner is unwilling to enter into a Waiver of Proposition 207 regarding the property that is the subject of the waiver request. It shall be the sole burden of the applicant requesting such a waiver to show that the subject property does not qualify as a Hillside Development Area under this Section. The Zoning Administrator ~~Planning Manager~~ may grant the requested waiver upon a finding that reasonable evidence exists that the subject site does not contain potential slope area that would qualify as a Hillside Development Area.

- D. Applicants may prepare a Slope Category Determination Study utilizing a methodology differing from those outlined in this Section, if acceptable to the Zoning Administrator ~~Planning Manager~~.

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Applicants seeking to utilize an alternative methodology shall provide both a written explanation of the proposed alternative methodology and a graphical example of its use. If, upon review of the proposed alternative Slope Category Determination Study by the ~~Zoning Administrator-Planning Manager~~, the slope analysis is not acceptable, the applicant shall utilize one of the adopted methodologies contained herein. Appeals of the ~~Zoning Administrator-Planning Manager~~ decision pursuant to this paragraph may be heard by the Administrative Hillside Hearing Officer subject to the provisions of Section 21-~~132311~~ of this Ordinance.

Sec. 21-~~643713~~. Density.

- D. The transfer of density within a Hillside Development Area shall not be an assumed right and in no case shall a transfer of density occur without the approval of the ~~Zoning Administrator-Planning Manager~~. Approvals of a density transfer shall be made only upon a finding that the proposed transfer will not be detrimental to the intent of the Hillside Development Overlay District and upon a finding that the transfer will advance the City's interests in protecting a Hillside Development Area.

Sec. 21-~~644714~~. General Provisions for Hillside Lots.

Sec. 21-~~645715~~. Height and Appearances.

Sec. 21-~~646716~~. Disturbed Area Calculations for Individual Hillside Lots.

- K. Transfer of Disturbed Area and dwelling units/development rights to a lower slope category shall be subject to the following conditions:
1. Permitted Lot Coverage and Disturbed Area from a higher slope category may be transferred to the next lower slope category within the site/parcel provided the transferred-to category does not exceed its allowable disturbed area. In the event that the transfer would cause the lower category to exceed its allowable disturbed area, the remaining portion of the transferred square footage may be transferred to the next lower category. This pattern may be repeated until all hillside categories have attained their respective allowable disturbed area. Transfers below the 10% slope line are not permitted.
 2. Permitted Disturbed Areas shall not be transferred from the 0-10% slope category to any other category.
 3. After any applicable transfers of Disturbed Areas have been calculated, the Total disturbed Area, which includes Lot Coverage, within the 10% - 25% slope categories as indicated in Table 4, may be combined to produce a "bucket" of disturbable square footage. This "bucket" may be distributed throughout the 10% - 25% slope categories at the applicant's discretion (Figure 1).
 4. Approvals of a disturbed area transfer shall be made only upon a finding that the proposed transfer will not be detrimental to the intent of the Hillside Development Overlay District and upon a finding that the transfer will advance the City's interests in protecting a Hillside Development Area.
 5. The location of the Disturbed Area and the allocation of Disturbed Area among parcels or lots shall require approval of the ~~Zoning Administrator-Planning Manager~~ or designee; such approval shall be made upon a finding that:
 - a. The proposed location will not be detrimental to the intent of the Hillside

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Development Overlay District and, to the maximum extent feasible, is located in the lowest slope categories;

- b. The difference of allocated Disturbed Area does not vary by more than twenty percent (20%) among lots of comparable size and location;
 - c. The resulting change in Disturbed Area on an individual lot does not interfere with the preservation of Natural Open Space;
 - d. The resulting change in Disturbed Area does not result in more cuts into hillside slopes above the twenty percent (20%) slope line or changes in contours that will remain unrestored;
 - e. The location will advance the City's interest in protecting a Hillside Development Area; and
 - f. The development or development parcel is otherwise in compliance with this Section.
- M. A Disturbed Area (up to 50% over Table 3, for slope areas over 10%) may be excluded from Disturbed Area calculations when the applicant has committed to comply with the following restoration conditions:
- 1. The restored area shall be re-contoured to match pre-existing contours.
 - 2. The restored area shall be re-vegetated to its pre-development condition utilizing native plant types arranged and placed at a density matching the surrounding native desert.
 - 3. The restoration area shall be treated with an aging agent approved by the [Zoning Administrator](#) ~~Planning Manager~~ and restored with indigenous desert material.
 - 4. The restoration plan and process shall be prepared by a registered engineer or landscape architect and shall be approved prior to issuance of a building permit.

Sec. 21-~~647~~~~717~~. Grading and Drainage.

Sec. 21-~~648~~~~718~~. Driveways.

Sec. 21-~~649~~~~719~~. Perimeter Walls, Privacy Walls, Retaining Walls, and Edge Treatments.

Retaining Walls

- G. View fences not exceeding six (6) feet in height above the highest part of adjacent natural grade may be added to a retaining wall. Increases in the height of view fences may be granted by the [Zoning Administrator](#) ~~Planning Manager~~ provided that the retaining wall contains unique design and materials or other amenity features that, in the determination of the [Zoning Administrator](#) ~~Planning Manager~~, mitigate the impact of the additional height.

Edge Treatment

- L. Within the ten to fifteen percent (10-15%) slope category only, exceptions to the limitations on fences or walls may be permitted. In those instances where an exception is desired, applicants shall submit a detailed Wall Plan to the [Zoning Administrator](#) ~~Planning Manager~~ for review and action. In conjunction with the submittal of the Wall Plan to the [Zoning Administrator](#) ~~Planning Manager~~, the applicant shall submit a copy of the Wall Plan to the appropriate City department(s) for review and approval for conformance with all City Grading and Drainage requirements. Wall Plans shall indicate

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the proposed locations of walls or fences, the proposed materials, colors and design of any wall or fence, and fence construction and disturbance mitigation measures. Such plans shall be accompanied by a narrative explaining the reasons why such an exception should be made. Upon completion of the review of the Wall Plan by the Zoning Administrator~~Planning Manager~~, and following the review and approval of the Wall Plan by the Engineering Department~~Division/Site Planning Division Department~~, the Zoning Administrator~~Planning Manager~~ may approve the Wall Plan. Wall Plans may be approved by the Zoning Administrator~~Planning Manager~~ upon a finding that the proposed location and design of the wall(s) is in accordance with this Section and further that the proposed wall will not be contrary to the intent and purpose of this Section.

- M. Perimeter walls or fences approved by the Zoning Administrator~~Planning Manager~~ within the ten to fifteen percent (10-15%) slope category and abutting an open space area or tract, shall be a maximum of six feet eight inches (6'-8") in height with no more than three (3) feet being constructed of a solid or opaque material. That portion of the wall or fence not constructed of a solid or opaque material shall be open in design and may not include chain-link or wood materials. Notwithstanding the foregoing, walls exceeding six (6) feet eight inches in height and constructed of solid or opaque material may be approved by the Zoning Administrator~~Planning Manager~~ if the wall is for the purpose of screening non-residential uses.

Sec. 21-~~650~~720. Lighting, Sewers, and Utilities.

Sec. 21-~~651~~721. Mountain Ridge Profile.

- A. Within areas above the twenty percent (20%) slope line, no construction shall occur which will alter the mountain top profile and no building or structure shall be constructed which will project above a ridge line of significance when viewed from adjacent properties. Ridge lines of significance shall be identified in the hillside analysis accompanying the project submittal for a subdivision or shall be shown on the individual site analysis plan for individual lots. Upon review of the project submittal, the Zoning Administrator~~Planning Manager~~ or designee shall determine the ridges of significance for the site. Ridge lines of significance shall include, but not be limited to the following, and may include ridge lines or ridge line complexes which meet the criteria listed below:
1. Ridge lines and ridge line complexes which are visible from existing and/or planned collector and arterial roadways,
 2. Ridge lines and ridge line complexes which are visible from surrounding vantage points when viewed from a location with an elevation difference of a maximum of three hundred (300) vertical feet from the property line of the subject parcel/structure,
 3. Ridge lines and ridge line complexes which have a vertical height increase of more than three hundred (300) feet as measured from the point of the ten percent (10%) slope line of the ridge or ridge complex, and
 4. Other significant ridge lines or ridge line complexes as determined during the site analysis process.
- B. Prior to the issuance of any building permits, cross-sections shall be submitted showing the relationship of the proposed development with established mountain top ridge lines and ridge lines of significance when applicable.

Sec. 21-~~653~~722. Submittal Requirements for Construction on a Hillside Lot.

- A. In addition to drawings, plans, specifications and details necessary to obtain a building permit, the

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following shall be provided for staff review:

1. A topographic map at an appropriate scale on a 24" x 36" sheet presenting the total lot and a twenty (20) foot area beyond the property line shall be submitted with the application. This map shall show existing and proposed finished contours at two (2) foot intervals within a twenty (20) foot perimeter from any proposed building, five (5) foot intervals elsewhere. Existing contours shall be shown with dashed lines. This map shall show limits of excavation and fill, slope of cut and fill, total cubic yards of excavation and fill. The location and area of the sewage disposal systems, if public sewers are not provided.
2. Detailed site plans and landscape plans at an appropriate scale, shall be submitted with each application and shall include, but not be limited to, the following: grade and slope in percent at all disturbed areas. Dimensions and calculations of all cut and fill for the building site, roads, drives, swimming pools, septic systems and the method of concealment for each fill or exposed cut. Dimensions of length and height of retaining walls, fences and other attachments; the location and grade of all drainage channels, swales, drain pipes, etc. The amount and degree of surface disturbance, destruction or removal of natural vegetation. Protected desert vegetation shall be preserved in an appropriate manner in accordance with the Desert Lands Conservation Overlay district.
3. Cross sections at 1:1 scale, at two (2) or more locations perpendicular to the contours through the building site. Location of the cross-sections shall be clearly shown on the topographic map. Properties impacting ridge lines shall provide additional cross-sections indicating their relation and impact on such ridge lines as established in Section 21-721.
4. An overall excavation, grading and drainage plan shall be prepared in accordance with sound professional engineering practices and to address minimum standards adopted by the City. Said plans shall be prepared and certified by a professional engineer registered in the State of Arizona. If any drainage structures or culverts are involved, it will be necessary to include calculations for peak flows for a 100 year storm to establish appropriate drainage facilities, cross-sections and details. Storm water diverted from its original drainage pattern shall be returned to its natural course before leaving the property.
5. Where possible and appropriate on less complex lots and lots with acceptable site conditions, the combining of the above maps into one drawing may be acceptable.
6. The Zoning Administrator~~Planning Manager~~, or their designee, may require an accurate oblique view architectural rendering in color; showing the appearance of the building, lot, landscaping, and skyline. The Zoning Administrator~~Planning Manager~~ may also require a model if determined necessary to evaluate the project. The model may be a three dimensional physical model or it may be a computer generated model in a three dimensional format and presented by a series of prints or by a disc that can be viewed on a monitor. The rendering and the model will remain in the custody of the Zoning Administrator~~Planning Manager~~ until a Certificate of Occupancy is issued. On the rendering or attached thereto, the applicant shall list all colors depicted on the exterior of all structures according to Section 21-713.B.
7. Plans for any structure to be constructed on any land governed by these Hillside Regulations shall be sealed by a registered engineer or architect.
8. The plans for any hillside development of any kind or nature whatsoever, must be approved by the staff and appropriate permit(s) issued, before any grading, bulldozing, blasting, or movement of earth is commenced.

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Sec. 21-~~654~~~~723~~. Inspections.

Sec. 21-~~655~~~~724~~. Enforcement/Compliance.

- A. Violations should be reported by the City to the property owner, together with a Compliance Order describing the measures required to correct the violation(s). Failure to comply with the terms of a Compliance Order shall constitute a violation of this Section.
- B. In those instances where a Site Disturbance Activity has commenced within a Hillside Development Area without an approved Slope Category Determination Study or where another violation of this Section has occurred, the City may issue a Stop Work Order to terminate immediately all development or construction related Site Disturbance Activity on the site, parcel or property. In addition, the City may revoke any or all of the permits issued by the City for the site, parcel or property. Upon the issuance of a Stop Work Order, the responsible party shall immediately terminate all activities on the site and then contact the City of Peoria Planning ~~Department~~ regarding what measures should be taken to eliminate any problems resulting from the development activity. Failure to comply with the terms of a Stop Work Order shall be a violation of this Section.
- C. Violations of this Section are subject to prosecution by the City of Peoria under the City Code and shall be punishable as provided by law.

Sections 21-656 through 24-659 Reserved

~~DESERT LANDS CONSERVATION OVERLAY (DLCO)~~

Sec. 21-~~660~~~~725~~. Desert Lands Conversation Overlay (DLCO) ~~Intent~~.

Sec. 21-~~661~~~~726~~. Applicability.

Sec. 21-~~662~~~~727~~. Definitions.

Sec. 21-~~663~~~~728~~. Review and Approval Process.

- D. Desert Lands Conservation Report. A comprehensive report shall be submitted as part of a rezoning, platting site plan or building permit request that reviews existing conditions and site and project characteristics. For projects larger than 10 acres, this shall be the Desert Lands Conservation Report (DLCR). Projects of 10 acres or less may submit a Master Conservation Plan (MCP), as specified in this Section in order to meet this requirement. If a development request is being proposed on a property for which an existing DLCR is on file with the City, the Zoning Administrator ~~Planning Manager~~ shall determine what information, if any, needs to be updated.

A request to modify some or all of the submittal requirements listed in this Section may be submitted to and approved by the Zoning Administrator ~~Planning Manager~~ based upon a finding that sufficient information will be provided to make a determination as to compliance with the provisions of the DLCO.

A narrative description of the proposed development and information included on exhibits shall be submitted as the essential document of the report. The DLCR shall contain information specified in the Desert Lands Conservation Guide.

- G. Approval Process. The Planning and Zoning Commission or the City Council shall review and either approve or disapprove any DLCR and/or MCP that is submitted as part of a development request

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requiring approval by the Planning and Zoning Commission or the City Council. The Zoning Administrator~~Planning Manager~~ or his/her designee shall review and either approve or disapprove a DLCR and/or MCP for development request requiring building permit, site plan or subdivision plat approval. Appeals of the decision(s) regarding a DLCR and/or MCP will be addressed in the same manner as the development request which it accompanies. Approvals of the DLCR shall be valid for the same period of time accorded to the accompanying development request. After a period of one year from the submittal date of the MCP the Zoning Administrator~~Planning Manager~~ shall determine the continued sufficiency of the MCP for future development planning applications. The Zoning Administrator~~Planning Manager~~ shall not approve or recommend approval of any DLCR and/or MCP unless the Zoning Administrator~~Planning Manager~~ has received a Waiver of Proposition 207 from the Owner or Owners of the property that is the subject of the DLCR and/or MCP or has determined that the absence of such a Waiver of Proposition 207 is consistent with the City's General Plan and zoning goals and regulations.

F. Native Plants.

6. The prohibited plant species list shall be provided by the Developer to all purchasers of property within the development. Exceptions to the Prohibited Plant Species List may be approved by the Zoning Administrator~~Planning Manager~~ or designee subject to a report from a registered landscape architect and a satisfactory recommendation from the Community Services Department.

Sec. 21-~~664~~729. Conservation Standards.

Sec. 21-~~665~~730. Native Plant Permit.

- C. Submittal Requirements. Any submittals made for a Native Plant Permit shall comply with the requirements contained in this Section. The developer of a single family custom home shall not require a Native Plant Permit. Submittals must be complete and submitted to the Planning~~Community Development~~ Department with the appropriate fee.
 1. Native Plant Preservation Plan containing:
 - a. Project name and address;
 - b. Owner name, address, and phone number;
 - c. Proposed salvage contractor, cacti salvage contractor, and tax license number;
 - d. Quarter Section Number;
 - e. Prior Peoria case numbers;
 - f. Number of protected plants to be relocated;
 - g. Number of protected plants to be destroyed;
 - h. Total number of protected plants disturbed;
 - i. Brief description of your project including estimated timing of salvaging and relocation of plants, plant nursery location, transplanting activities and any other relevant information.
 2. Three (3) copies of the site plan aerial with plat overlay indicating the location by tag number each plant which is required to be protected per the Protected Native Plant List (from the NPPP).

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3. Three (3) copies of the plant inventory performed by a City of Peoria Approved Salvage Contractor (which corresponds to the tag number on the site plan) indicating the following (from the NPPP):
 - a. Plant type;
 - b. Plant size in caliper inches;
 - c. Plant salvageability (Any plant that is determined to be unsalvageable must have an explanation of the present status of the plant material.);
 - d. Whether the plant will remain in place, be moved to another location or be destroyed. (Any plant that is destroyed must have an explanation detailing why the plant cannot remain in place or be moved.)
 - e. Current market value by species and size for all plants identified for salvage.
 4. Temporary project nursery location shown on a map, in a written description or as an address (from the NPPP). Notice of when plant materials have been tagged in the field for City Staff review.
 5. Letter of Authorization from the property owner identifying the city-approved salvage contractor for the project and verifying that all plants are to be replanted on site (from the NPPP).
 6. A copy of the form notifying the Arizona Department of Agriculture, Native Plant Section, of the intent to destroy plant materials protected by state statutes (from the NPPP).
- E. Action on applications. Applications may be approved, approved conditionally, or denied. Where the Zoning Administrator ~~Planning Manager~~ or designee determines that the application is in conformance with the provisions of this Section, a permit shall be issued, with such conditions attached as necessary to insure that the Native Plant Preservation Plan is successfully accomplished. Where it is determined that the application is not in conformance with the provisions of this Section, the application shall be denied. Action taken on applications may be appealed to the hearing officer appointed by the City Manager according to the procedures specified in this Section.
- H. Expiration.
1. Every permit issued by the City under the provisions of this Section shall expire and become null and void if the work authorized under the provisions of this Section is not commenced within ninety (180) days from the date of issuance, unless otherwise specified as a condition of the permit approval or if the work authorized under the provisions of this Section is suspended or abandoned for a period of ninety (90) days. Before such work can be recommenced, a new permit shall be obtained to do so pursuant to the provisions of this Section.
 2. Work shall be completed within the time period specified on the Native Plant Permit. The Zoning Administrator ~~Planning Manager~~ or designee shall have the authority to grant a ninety (90) day extension of the time limit for completion of the work upon written request of the applicant. Failure to comply with the time limitation without an extension authorized by the city shall require application for a new permit pursuant to the provisions of this Section.
- K. Timing of work authorized by this Section. Time periods shall commence on the date of permit

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issuance. This requirement shall not apply to those native plants deemed to be unsalvageable by the City and noted as such on the permit.

1. Plants with Protected Plant Status authorized for destruction under the provisions of this Section shall not be destroyed within a time period specified as follows:
 - a. One (1) to five (5) plants with Protected Plant Status to be destroyed, fifteen (15) days;
 - b. Six (6) to fifteen (15) plants with Protected Plant Status to be destroyed, thirty (30) days;
 - c. Sixteen (16) or more plants with Protected Plant Status to be destroyed, sixty (60) days.
2. In no instance shall destruction of plants with Protected Plant Status occur prior to issuance of a Native Plant Permit by the City unless the Zoning Administrator-Planning Manager or ~~his/her~~ designee agrees to allow preliminary at-risk grading. Such decision will be based on a report by a registered landscape architect providing an assessment of the salvageability given the time of year, and concurrence from the Community Services Department.

N. Penalties.

1. Generally. Any violation of this Section is a Class 1 misdemeanor which, upon conviction, may be punishable by a fine not exceeding two thousand five hundred dollars (\$2,500.00), or by imprisonment for a term not to exceed six (6) months, or by both such fine and imprisonment, at the discretion of the city magistrate. Each day this violation continues shall constitute a separate offense.
2. A Native Plant Permit shall not be issued after a violation resulting in destruction, removal, or relocation of plants with Protected Plant Status has been discovered until such time as a restoration program has been approved and the property has been restored with plants included on the Protected Native Plant List of equivalent type, size, density, distribution, and condition as existed on the property prior to the violation. A program for restoration of the site shall be approved by the Zoning Administrator-Planning Manager or designee and shall be based on the expected type, size, density, distribution, and condition of plants with Protected Plant Status within the vegetation communities in which the violation occurred. Appeal of a decision made by the Zoning Administrator-Planning Manager or designee regarding a restoration program shall be heard by the Hearing Officer appointed by the City Manager. Appeal of a decision made by the Hearing Officer regarding a restoration program may be made to the City Council in accordance with the rules and procedures established in this Section.
3. Waiver of restoration requirement generally. The City Manager or designee may waive the restoration requirement in this Section when it will further the purpose of this Section and be in the best interest of the community, and when it is demonstrated that development of the property is imminent as determined by the following criteria:
 - a. A development proposal is submitted for approval by a development review board within ten (10) days of the notice of violation.
 - b. The general plan designation of the property is consistent with the proposed development.

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- c. The zoning of the property is consistent with the proposed development.
- d. Infrastructure improvements are in place, which can support the proposed development.
- 4. Granting of waiver; cost of replacing and maintaining native plant materials.
 - a. If a waiver is granted, a sum of money shall be paid to the City for the purpose of replacing and maintaining native plant materials. The development review board shall determine the sum of money to be paid to the city from the following schedule:
 - 1) Protected native trees. Three hundred dollars (\$300.00) per caliper inch (measured one (1) foot above ground level).
 - 2) Protected native cacti. Two hundred dollars (\$200.00) per foot.
 - 3) Maximum per plant. Ten thousand dollars (\$10,000.00).
 - b. Determination of the sum of money to be paid to the City pursuant to this Section shall be based upon the type, size, density, distribution, and condition of plant materials that existed on the property prior to the violation, or upon inspection of the remains of plant materials or other physical evidence as may be available. Appeal of a decision of the Hearing Officer regarding this determination may be made to City Council in accordance with the rules and procedures established in this Section.
 - c. The sum of money required by this Subsection shall be used to replace removed or damaged plant materials whose retention is required by a Native Plant Preservation Plan approved in conjunction with the development proposal specified in this Section and to maintain replacement plant materials for a period of three (3) years. Additionally, fifteen (15) percent of the total amount payable shall be kept by the City as payment for the enforcement of these regulations and administration of the agreement specified in this Section.
 - d. Prior to issuance of any permits for construction on or development of the property, the property owner shall provide a mechanism acceptable to the City for replacement of plant materials for a period of three (3) years.

Sec. 21-~~666~~~~731~~. Inspections.

- A. In order to ensure compliance with this Section, inspections may be made by the Zoning Administrator ~~Planning Manager~~ or designee ~~his or her duly authorized representative~~ consistent with law.
- B. If such inspection reveals that any property or portion of a project is not in compliance with the requirements of this Section, the Zoning Administrator ~~Planning Manager~~ or his or her duly authorized representative shall report the discrepancy to the property owner, developer or their representative and shall order work on the project stopped or corrective action taken as appropriate.

Sec. 21-~~667~~~~732~~. Desert Lands Conservation Guide.

Sec. 21-~~668~~~~733~~. Enforcement.

- A. Enforcement Authority. The DLCO shall be enforced by the Zoning Administrator ~~Community Development Director of the City of Peoria~~, or designee ~~his or her duly authorized representative~~.

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- B. Interference with Enforcement Personnel. It shall be unlawful for any person to willfully interfere with, hinder or obstruct enforcement personnel in the discharge of their duties pursuant to this Section.
- C. Penalties. A violation of any provision of this Section shall be subject to the violation and penalty provisions of the Zoning Ordinance.
- D. Notices. Notices to adjacent property owners shall be sent prior to a hearing or determination on an application for a waiver. Notices shall be mailed to property owners within 300 feet of the subject property of the waiver request no less than ten (10) days prior to the day scheduled for the waiver decision. The Planning Department shall be responsible for mailing such notices. ~~Letters containing information regarding the waiver application shall be mailed to property owners within 300 feet of the property that is subject to the waiver request not less than ten (10) days prior to the day scheduled for the waiver decision. The applicant for the waiver shall supply the City a list of all property owners within 300 feet of the property and stamped addressed envelopes for each address.~~

Sec. 21-~~669~~⁷³⁴. Appeals.

- A. Appeals to the Hearing Officer.
 - 1. Decisions of the Planning ~~Community Development~~ Department ~~Staff~~ arising from the administration of the requirements contained in this Section may be appealed to the hearing officer or "Hearing Officer", which shall be appointed by the City Manager to hear such appeals. The appeals shall be in writing and set forth the specific decision, or portions thereof, of the Planning ~~Community Development~~ Department ~~staff~~ that is being appealed. The appeal shall be filed with the Planning Department. ~~Community Development Director.~~
 - 2. A copy of the appeal and complete file shall be transmitted to the Hearing Officer ~~hearing officer~~. The Hearing Officer ~~hearing officer~~ shall hold a hearing and provide the applicant and Planning Department ~~Community Development~~ staff an opportunity to present their position. Such hearings shall be informal and the rules of evidence and civil procedure shall not apply. Such hearings shall be noticed in accordance with the following provisions.
 - 3. The Hearing Officer ~~hearing officer~~ shall act upon an appeal within ten (10) days after filing and shall submit their ~~his or her~~ decision in writing to the applicant and the Planning Department ~~Community Development Director~~.
- B. Appeals to the City Council.
 - 1. An applicant or the City may appeal the decision of the Hearing Officer ~~hearing officer~~ to the City Council. The appeal shall be in writing and shall specifically set forth the decision of the Hearing Officer ~~hearing officer~~ which is being appealed. The appeal shall be filed with the Planning Department ~~Community Development Director~~.
 - 2. A notice of the appeal shall be mailed at least ten (10) days prior to the council meeting in which the appeal is heard to each property owner situated wholly or partially within three hundred (300) feet of the property to which the plan relates. ~~The applicant shall provide the Planning Community Development staff with the names and addresses and addressed and stamped envelopes for all property owners within three hundred (300) feet of the property.~~ The Planning Department ~~Community Development staff~~ shall be responsible for mailing such notices.
 - 3. A copy of the appeal letter, decision of the Hearing Officer ~~hearing officer~~ and supporting

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material shall be transmitted to the City Council. ~~At a regularly scheduled~~ During the City Council meeting in which the appeal is heard, the applicant and the Hearing Officer ~~hearing officer~~ shall present their positions.

4. The City Council shall act upon the appeal within thirty (30) days after the appeal is filed with the Planning Department ~~Community Development Director~~, or at the next regularly scheduled City Council meeting, whichever date is later.

Sec. 21-~~670~~. Special Use Permit.

The Special Use Permits allow for uses, which would otherwise be prohibited in the conventional zoning districts. These special uses usually do not conform to traditional use groupings, and because of their unique characteristics, and nature of operation, require specific safeguards or design constraint to be in place prior to their development. In addition, a special use shall be permitted only when adequate mitigation measures have been provided to eliminate or reduce any potential negative impacts the use may have on surrounding properties.

Sec. 21-~~671~~~~857~~. Uses Subject to a Special Use Permit.

Sec. 21-672. Process.

Refer to Section 21-157 for the process associated with Special Use Permits.

Sections 21-673 through 24-679 Reserved

Exhibit E - City Code Amendment

Amendment for Adoption to the Peoria City Code, Chapter 21

Section 1. *Amend Chapter 21 - Zoning, Section 21-800 Supplementalonly as follows, leaving all other sections and subsections not specifically referenced unchanged:*

Sec. 21-800. LANDSCAPE. ~~SUPPLEMENTAL REGULATIONS~~

Sec. 21-801 through 814 is removed in its entirety.

Sections 21-801 through 21-814 Reserved

Sec. 21-816. Interpretation and Scope.

- A. The provisions of this Section of the Peoria Zoning Ordinance shall apply to a lot, site, or parcel of land when an application is being made for:
1. Site plan approval pursuant to Section 21-~~156320~~.
 2. Signs pursuant to Section 21-~~700827~~ of this Ordinance where landscaping is required.
 3. Subdivisions pursuant to Chapter 24 of the Peoria City Code.

Sec. 21-820. Plan Submittal Requirements.

- A. *Conceptual Landscape Plan.*
1. *Submittal Requirements.* If these landscape regulations apply to a lot or site that is subject to site plan review as set forth in Section 21-~~156320~~, of this Ordinance, or that is processed as a subdivision plat, then a conceptual landscape plan shall be submitted as part of the Site Plan or Preliminary Plat application.
 2. *Plan Format and Content.*
 - a. Submittals for multi-family and non-residential developments shall conform to the guidelines of the Site Plan and Design Review Process Guide.
 - b. Submittals for single-family residential developments shall conform to the guidelines of the Subdivision Development Process Guide.
 - c. Process guides are available from the ~~Planning~~ ~~Community Development~~ Department.
 3. *Plans Review.* Conceptual Landscape Plans shall be reviewed for compliance and approved in accordance with the requirements of this Section.

Sec. 21-823 through 826 are removed in their entirety and renumber into Chapter 21 - Zoning, Section 21-900 Parking and Loading as noted below.

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Section 2. *Insert and renumber 21-823 through 21-826 into Chapter 21 - Zoning, Section 21-900 Parking and Loading, and amend only those sections and subsections as follows:*

Sec. 21-900. PARKING AND LOADING.

Sec. 21-~~901~~**823**. Intent.

Sec. 21-~~902~~**824**. Plans Required.

Sec. 21-~~902~~**825**. Parking Requirements.

Off-street parking spaces shall be provided according to the following provisions and standards.

A. General Provisions.

1. *Floor Area.* The term "floor area" for the purpose of calculating the number of required parking spaces shall be the "Gross Floor Area" of the structures plus defined exterior use areas minus 10 percent (10%) except as may hereinafter be provided or modified.
2. *Change of Use or Occupancy of Buildings.* Off-street parking and loading spaces as required herein shall be provided at the time of any new uses of land or construction of a new building. Any change of use or occupancy of any building or buildings, including additions thereto, requiring more parking shall not be permitted until such additional parking spaces as required by this Section are provided.
3. *Parking for a Residential Use.* Off-street parking facilities for residential uses shall be utilized solely for the parking of licensed and operable passenger vehicles owned by the occupants of the residence or the parking of passenger automobiles by guests of said occupants. Parking and storage requirement for recreational vehicles, commercial vehicles, utility trailers and boats shall be as required by the City of Peoria Parking Code and Section 21-~~902~~**825**.B. of this Section. Under no circumstances shall required parking facilities for a residential structure be used for storage of commercial vehicles or equipment or for the parking of vehicles belonging to the employees, owners, tenants, or customers of business or manufacturing establishments except as provided in Chapter 14 ~~of the 1992~~ Peoria City Code.
4. *Parking Stall Dimensions.* The following shall be the minimum parking stall size:

Type	Width	Length ♦
Standard	9.5 feet	20 feet
Accessible Handicapped	16 feet	20 feet
Compact	8 feet	16 feet
Parallel	8 feet	24 feet

- ♦ The front of the parking space may overhang two (2) feet into a landscape strip or pedestrian walkway, however, any parking spaces protruding over a pedestrian walkway shall maintain at least a four (4) foot wide clearance for pedestrian access.

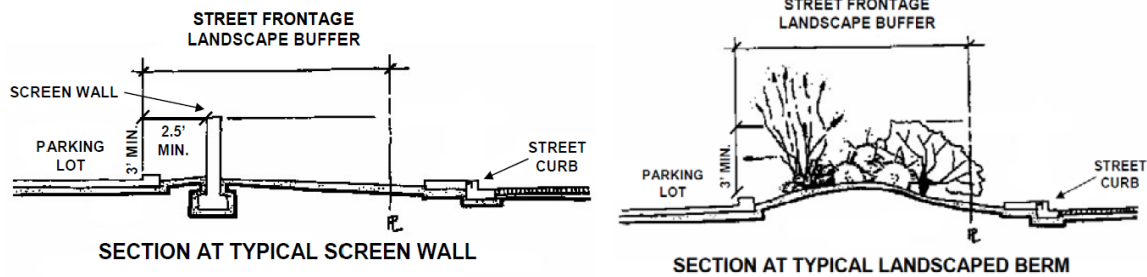
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5. *Parking Aisle Dimensions.* The following shall be the minimum parking aisle width:

Parking Angle	One-Way Aisle	Two-Way Aisle
90 degree	24 feet	24 feet
60 degree	18 feet	22 feet
45 degree	15 feet	20 feet
30 degree	13 feet	20 feet

6. *Compact Parking.* Compact parking spaces shall not exceed 15 percent (15%) of the total required parking spaces. Projects providing parking in excess of the minimum required number of spaces may utilize any combination of compact and standard spaces for excess parking areas.
7. *Parking Lots.* Parking lots shall be designed in groupings no larger than two hundred (200) spaces. Larger lots shall be divided by buildings, plazas, or significant landscaped areas oriented for pedestrian use.
8. *Within Structures.* The off street parking requirements may be furnished by providing spaces designed within the principle building or a parking structure. However, no building permit shall be used to convert said parking structures into a dwelling unit, living area, or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this Section.
9. *Circulation Between Bays.* Parking areas shall be designed so that circulation between parking bays occur within the designated parking lot and does not depend upon a public street or alley. Parking area designs which require backing into a public street are prohibited except one, two or three-family dwellings.
10. *Surfacing.* All areas intended to be utilized for parking space, access aisles, and driveways shall be paved with concrete or asphalt to control dust and drainage. Areas for outdoor storage of material and equipment may be covered with decomposed granite to provide a dust free surface. Such area shall not be considered as part of a required landscape area.
11. *Striping.* Except for one, two and three-family dwellings, all parking stalls shall be marked with painted lines not less than four inches (4") wide.
12. *Lighting.* Parking lots used during hours of darkness shall be illuminated. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light down and/or away from adjoining property, abutting residential uses and public rights-of-way and shall be a maximum of twenty-five (25) feet in height above the surface of the parking lot for non-residential uses and sixteen (16) feet for residential uses.
13. *Protruding Vehicles.* All on-site parking stalls shall be designed and constructed so that parked vehicles shall not protrude over a property line.
14. *Screening and Landscaping.* All off-street parking lots of four (4) or more spaces shall be screened from the street view and adjacent residential districts by a landscaped berm, decorative wall or combination thereof at least three (3) feet high, as measured at finished grade adjacent to the parking area to be screened. All walls shall be installed a minimum of two and one-half (2.5) feet back from the edge of the parking stall. Parking area landscaping shall be provided in accordance with Section 21-815 of this Ordinance.

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15. *Maintenance.* It shall be the joint and separate responsibility of the owner and/or lessee of the principal use, uses or building to maintain in a neat and adequate manner, the parking space, access ways, striping, landscaping, and required fences or screening.
16. *Use of Required Parking Areas for Parking Only.* Required off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, or storage of inoperable vehicles, except when permitted as a Temporary Use.
17. *Signs.* No sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking area. All signs shall conform to the requirements of Section 21-[700827](#).
18. *Parking Canopies, Non-Residential and Multi-Family Residential Land Uses.*
 - a. Covered parking canopies may be located within the required side and rear building setbacks but may not encroach into required landscaped buffers. The height of such structures shall be limited to ten feet (10') from grade and the structures shall drain onto the property on which they are located.
 - b. The height of parking canopies not within the required side or rear building setbacks shall be limited to fifteen feet (15') from grade.
 - c. All parking canopies are subject to the [Community Design Guidelines Review Manual](#).
 - d. Setbacks are measured from property line to nearest edge of canopy.
 - e. All required landscaping, parking or otherwise, shall be provided.
 - f. This portion of the Zoning Ordinance is not intended to supersede approved zoning stipulations or conditions of approval.

Sec. 21-[903826](#). Off-Street Loading Requirements.

Zoning Code Amendment Accessory Dwelling Units And Backyard Fowl TA24-02

Applicable Sections of Chapter 21 Zoning Ordinance:

- 21-200 Definitions and Land Use Classifications
- 21-300 General Provisions and Standards
- 21-400 Residential Districts
- 21-600 Special Uses, Districts and Overlays

Overview of Revisions:

1. Inserting new “Adaptive Reuse” regulations to Section 21-450 to 21-452
2. Realigning code citations associated for animals, including backyard fowl, to be consistent with Chapter 16 of the Peoria City Code and Arizona Revised State Statutes as applicable.

HOW TO READ THIS DOCUMENT

Applicable Sections of the Zoning Ordinance are denoted by **highlighted bold text** for ease of readability during the drafting process.

Unless otherwise stated, provisions or regulations being deleted are shown in bold red strikethrough text or a line through the graphic, like this: ~~**Provisions that are being deleted are shown with a bold red strikethroughs text.**~~ Graphics containing bold red strikethrough are intended to remove the graphic in its entirety as well as any text that is embedded in the graphic.

Provisions or regulations that are being added are shown in double-underlined bold blue text, like this: **Provisions that are being added are shown in double-underlined bold blue text.** Graphics containing a bold double blue box are intended to add the graphic in its entirety as well as any text that is embedded in the graphic.

Only those changes noted through the above methods for the specific sections and subsections of the code identified shall be made. When regulations, graphics or other text is omitted, or is shown unchanged in adjoining sections or subsections of the code, it shall remain unchanged.

Exhibit A - City Code Amendment

Amendment for Adoption to the Peoria City Code, Chapter 21

Section 1. *Amend Chapter 21 - Zoning, Section 21-200 Definitions, only as follows, leaving all other sections and subsections not specifically referenced unchanged:*

Sec. 21-200. Definitions

21-201. Intent.

This Section is intended to clarify the meaning of any term used within the regulations and development standards for which the common definition may not serve the purpose of the regulations, or which is not a commonly used term outside of the context of this Zoning Ordinance.

Sec. 21-202. Definitions and Land Use Classifications.

- A. The word occupied and the word used shall be considered as meaning the same as the words intended, arranged, or designed to be used or occupied.
- B. The word dwelling includes the word residence; the word lot includes the words plot or parcel.
- C. Terms not herein defined shall have the meanings customarily assigned thereto.
- D. For the purpose of this Zoning Ordinance, certain words are hereby defined as follows:

A

Accessory Building means a detached, secondary building or structure, which the use of is customarily incidental to the principal (or "main") building on the same lot. Accessory buildings or structures include, but not limited to private garages, pool houses, sheds, and recreational support building; however, does not include Accessory Dwelling Units.

Accessory Use means a subordinate use customarily incidental to and conducted on the same lot with the principal use.

B

Buffer means to promote separation and compatibility between land uses of different intensities. The term buffer may also be used to describe the methods used to promote compatibility, such as a landscape buffer.

Building means any structure having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind, including, but not limited to, tents, awnings, carports, ramadas, mobile homes or vehicles situated on private property and used for purposes of a building.

- ~~1. Principal building means a building, or where the context so indicates, a group of buildings, within which is conducted the principal use of the lot on which the building is situated.~~
- ~~2. Accessory building means a subordinate building on the same lot with a principal building or use, the use of which is customarily accessory and incidental to the main use of the principal building or use. When attached to the principal building, such accessory building shall be considered as part of the principal building for purposes of setback and yard regulations.~~

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C

Carport means an accessory structure that is roofed but permanently open on at least 2 sides and maintained for the storage of motor vehicles. ~~accessory building, attached or detached, having one or more open sides used by occupants of the principal building.~~

D

Dwelling Unit (DU) means a building, or portion thereof, that is designed principally for residential purposes and that includes sleeping facilities, kitchen facilities, and sanitary facilities. ~~as a unit for occupancy by one family for cooking, living and sleeping purposes.~~

1. *Dwelling, single-family, attached* means a building containing dwelling units attached by common walls without openings with each unit on a single fee simple lot. The term attached single-family dwelling applies to non-vertically stacked dwelling units.
2. *Dwelling, single-family, detached* means a building containing one dwelling unit on one lot, without attachment to any other dwelling and surrounded by open space or yards.
3. *Dwelling, two-, three-, and four-family* means a detached building containing two-, three-, or four-dwelling unit developments on one lot. These types of dwelling units apply to duplexes, triplexes, and fourplexes regardless of a lease or condominium structure.
4. *Dwelling, multi-family* means a building or buildings attached to each other and containing three or more dwelling units on one lot with vertically stacked units. The term multi-family dwelling applies to such dwelling types as apartments, stacked flats, carriage units, and buildings where dwellings have their primary access to a common hallway, stairwell, or corridor.

E

Effective Date means the date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated. ~~upon which this Section or any amendment hereto becomes effective.~~

F

Family means:

1. *An individual or two or more Family Members and Domestic Assistants living together as a single unit in a dwelling unit.* ~~usual servants living together as a single housekeeping unit in a dwelling unit,~~ or
2. *A group of not more than five ~~ten~~ persons who need not be Family Members, living together as a single ~~housekeeping~~ unit in a dwelling unit.*

Family Member means the spouse, emancipated or unemancipated child, parent, sibling, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the legal owner or leaseholder of private real property a foster parent and child in which the foster parent holds legal guardianship of the foster child, ~~an estate of any of the foregoing family members, a trust of which any of the foregoing family members is a beneficiary or are beneficiaries, or a legal~~

Code Amendment: ADU and Backyard Fowl (TA24-02)

~~entity owned by any one or combination of these family members or the legal owner of private real property.~~

P

Principal Building(s) means a building, or a group of buildings, where the principal use on a lot is conducted.

Principal Use means the primary or predominant use of property.

Section 2. *Amend Chapter 21 - Zoning, Section 21-300 General Provisions and Standards, only as follows, leaving all other sections and subsections not specifically referenced unchanged:*

Sec. 21-300. GENERAL PROVISIONS AND STANDARDS.

Sec. 21-~~315~~**803**. Accessory Buildings and Uses.

A. Applicability.

1. When not part of the principal building, accessory buildings and structures shall be subject to the limitations contained within this Section or as otherwise set forth in the Peoria City Code. Nothing herein is intended to relax the building code or other applicable City standards.
2. Accessory Dwelling Units (or ADUs) shall be permitted pursuant to Section 21-316 below.
3. Standards and/or limitations for specific types of accessory buildings, structures or uses are identified below. Where there is a conflict, the standards and limitations for that specific building, structure, or use shall apply.
4. Within this section, the terms “accessory buildings”, “accessory structures” and “accessory uses” shall be interchangeable.

~~B.A.~~ **General Provisions.**

1. When attached to a principal building or connected to the principal building by a covered passage-way, an accessory building shall be considered an integral part of the principal building for the purpose of determining building heights and setbacks.
2. No accessory building or use shall be constructed or established on a lot prior to the principal building or use being present.

C. Development Standards.

1. **Maximum Height.** The height of an accessory building shall not exceed the maximum height allowed for the principal building within the applicable zoning district.
2. **Location.**
 - a. No detached accessory building shall be located in any front yard, which is determined to be the area forward of the front plane of the principal structure for that portion of the yard.

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- b. A detached accessory building that is eight (8) feet or less in height may be located within the required side or rear yard of the property, so long as the stormwater runoff from said building does not impact the adjoining property.
- c. A detached accessory building with a building height greater than eight (8) feet shall be set back a minimum of five (5) feet from the side and rear property line.

D. Performance Standards.

- 1. **Non-Permitted Buildings and Structures.** Owners of existing non-permitted accessory buildings that were constructed or otherwise in existence prior to January 1, 2024, may apply for a building permit to legalize the structure, subject to conformance with the regulations in this Section, the current building code in effect at the time of the application, and such rules and regulations as may be adopted by the City Council.
- 2. **Sale.** Accessory buildings shall not be sold or otherwise conveyed separately from the primary dwelling on the property.
- 3. **Exterior Design.** The exterior design for accessory buildings and structures shall conform to the Peoria Community Design Guidelines unless otherwise identified within Arizona Revised State Statutes and/or this Ordinance as applicable.

E. Performance Standards For Specific Accessory Buildings and Uses.

~~1.B.~~ Swimming Pools.

- ~~a.1.~~ Barriers and/or enclosures shall be provided for all swimming pools in accordance with Chapter 18 of the City Code, and with any other applicable regulations.
- ~~b.2.~~ Outdoor swimming pools, whether private, public, or commercial, shall not be located in any required front yard, and the water edge shall be a minimum of four (4) feet from the lot line.

~~2.C.~~ Sport Courts. All Sport Courts, including but not limited to the following, tennis courts, pickle ball, tetherball, volleyball, basketball and other similar active recreational facilities, including the enclosure and lighting, may be built on a single family lot as follows:

- ~~a.1.~~ Sport courts shall not be permitted in a required front yard.
- ~~b.2.~~ Sport courts without lighting shall be set back five (5) feet from all side and rear lot lines, measured from the edge of the playing surface.
- ~~c.3.~~ Sport courts with lighting shall be set back twenty (20) feet from all side and rear lot lines, measured from the edge of the playing surface and the base of the lighting standard.
- ~~d.4.~~ Outdoor lights shall not be operated between 10:00 PM and sunrise and shall be shielded in accordance with Section 21-~~302~~**802**.F., of this Ordinance.
- ~~e.5.~~ Sport courts shall be fenced with a vinyl netting or coated/painted chain link - type fence, with a maximum height of sixteen (16) feet, to prevent tennis balls from landing on adjacent properties.
- ~~f.6.~~ As part of the construction plans submittal for the ~~Plans for the construction of a sport court, shall be submitted~~ the plans shall be routed to the Planning ~~Community Development~~ Department for a determination of zoning compliance. Sport court plans shall include:
 - a) Setback dimensions from all property lines; and

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- b) The location and height of any walls, fences, or lighting related to the sport court; and
- c) Lighting cutsheet and photometric plan.

Sec. 21-316. Accessory Dwelling Unit.

A. Purpose and Applicability.

The purpose of Section 21-316 (otherwise referred herein as the ADU Section) is to establish regulations that comply with state law regarding the development of new accessory dwelling units on any lot or parcel where the zoning allows a single-family dwelling. These regulations are in addition to applicable regulations within the Peoria Engineering Standards Manual, Building and Fire Codes. To the extent any provision in this Section conflicts with A.R.S. 9-461.18, the state law shall control.

B. Definitions. For the purpose of this Section, the following definitions apply:

Accessory Dwelling Unit means a self-contained living unit that is on the same lot or parcel as a single-family dwelling of greater square footage than the accessory dwelling unit, that includes its own sleeping and sanitation facilities and that may include its own kitchen facilities.

Gross Floor Area means the interior habitable area of a single-family dwelling or an accessory dwelling unit.

Long-term Rental means rental use in which the tenant holds a lease of ninety days or longer or on a month-by-month basis.

Permitted Use means the ability for a development to be approved without requiring a public hearing, variance, conditional use permit, special permit or special exception, other than a discretionary zoning action to determination that a site plan conforms with applicable zoning regulations.

Restricted-Affordable Dwelling Unit means a dwelling unit that, either through a deed restriction or a development agreement with the municipality, shall be rented to households earning up to eighty percent of area median income.

C. Eligibility as a Permitted Use.

1. **Permitted Use.** Subject to this Section and the City of Peoria's building codes, fire codes, and public health and safety regulations, the following is a permitted use with adequate public utility services:
 - a. No more than one (1) attached accessory dwelling unit and one (1) detached accessory dwelling unit on a single-family dwelling lot; or
 - b. No more than one (1) attached accessory dwelling unit and two (2) detached accessory dwelling units on a single-family dwelling lot that is one (1) acre or more in size, but only if at least one (1) of the detached accessory dwelling units is a "restricted-affordable dwelling unit".

2. Eligibility.

For the purpose of this Section, an accessory dwelling unit shall only be constructed on a single-family lot or parcel, and shall not exceed seventy-five (75) percent of the gross floor area of the

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existing single-family dwelling on the same lot or parcel, or one thousand (1,000) square feet, whichever is less.

3. **Appeals.** If an application for a proposed accessory dwelling unit is denied or deemed to not be a permitted use, the applicant can appeal the Zoning Administrator's decision to the Board of Adjustment as defined in Section 21-162.

D. Development Standards.

Except as provided in state law, this Section, or the Peoria's building codes, fire codes, and public health and safety regulations, an accessory dwelling unit that is proposed on the same lot or parcel as a single-family dwelling that includes its own sleeping and sanitation facilities is eligible for the following deviations from the zoning regulations:

1. Location.

- i. An accessory dwelling unit may be constructed where the zoning allows for a single-family dwelling on the lot or parcel.
- ii. An accessory dwelling unit is not permitted on the same lot or parcel as a duplex or other multiple-family development.
- iii. No accessory dwelling unit shall be constructed prior to construction of the single-family dwelling unit to which it is accessory.

2. **Setbacks.** An accessory dwelling unit is subject to the same setback requirements that apply to a single-family dwelling on the same lot or parcel except that:

- i. The minimum rear and side building setback shall be five (5) feet from the property line.
- ii. The minimum front building setback shall be in accordance with the principal front building setback for the applicable zoning district.

3. **Lot coverage.** An accessory dwelling unit is subject to the same lot coverage regulations that apply to a single-family dwelling on the same lot or parcel for the applicable zoning district.

4. **Height.** An accessory dwelling unit is subject to the same height restrictions that apply to a single-family dwelling on the same lot or parcel for the applicable zoning district.

5. **Exterior Design.** The exterior design of an accessory dwelling unit, including but not limited to architectural style, roof pitch and finishing materials, should complement to the greatest extent possible, but is not required to match the exterior design of the single-family dwelling on the same lot.

6. **Parking and Access.** No additional parking space(s) or in lieu parking fee shall be required to accommodate a new accessory dwelling unit.

7. **Utility conflicts.** An accessory dwelling unit shall not encroach upon an existing or planned public utility easement unless the property owner obtains written consent from each easement holder and each affected utility.

E. Performance Standards.

1. **Non-Permitted Units.** Owners of existing nonpermitted accessory dwelling units that were constructed or otherwise in existence prior to September 15, 2024, may apply for a building permit to legalize the unit subject to conformance with the regulations in this Section, the

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current building standards code in effect at the time of the application, and such rules and regulations as may be adopted by resolution of the City Council.

2. **Restricted Affordable Unit.** Prior to receiving a permit to establish a second detached accessory dwelling unit on a property, the owner shall provide documentation, either through a deed restriction or a signed development agreement with the municipality, that the second detached ADU shall only be rented to households earning up to eighty percent of area median income.
3. **Sale.** Accessory dwelling units are prohibited from being sold or otherwise conveyed separately from the primary dwelling on the property.
4. **Movable Habitable Space.** A mobile home, recreational vehicle, or other movable habitable space shall not be used as an accessory dwelling unit.
5. **Subdivisions or Lot Splits.**
 - i. A lot or parcel containing an accessory dwelling unit shall not be subdivided or split into two or more lots or parcels unless each lot or parcel complies with Peoria Zoning Ordinance and Subdivision Ordinance.
 - ii. The entire accessory dwelling unit shall remain on one lot only. For an existing accessory dwelling unit to remain on the new lot or parcel created by subdivision, the property owner must modify the primary dwelling unit and the accessory dwelling unit of the subdivided lots to comply with the City Code, including providing separate utility services connected to each unit and obtaining a new Certification of Occupancy for each unit (when required by the Building Official) prior to City staff recording the subdivision or lot split of the property.
 - iii. The accessory dwelling unit that remains on the new lot or parcel shall be considered a primary dwelling unit, unless a new primary dwelling unit is constructed on the new lot or parcel.

Sec. 21-317 through 319. Reserved

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Section 3. *Amend Chapter 21 - Zoning, Section 21-400 Residential Districts only as follows, leaving all other sections and subsections not specifically referenced unchanged:*

Sec. 21-400. RESIDENTIAL DISTRICTS.

Sec. 21-408. Suburban Ranch (SR43 and SR-35). ~~Intent.~~

Sec. 21-411. Permitted Accessory Uses.

- A. Any accessory dwelling unit, use, structure, or building customarily incidental to a permitted principal use.
- B. Accessory day care and pre-school uses operated in conjunction with a non-residential permitted principal use provided that:
 - 1. Day care/pre-school uses in conjunction with a religious institution shall only operate during service/worship times; or
 - 2. Day care/pre-school uses in conjunction with other non-residential uses shall only operate during regular business hours.
- C. Animals per Chapter 16 of the Peoria City Code, except for keeping of fowl, which shall be permitted pursuant to ARS § 9-462.10. (1992) provided however that Section 16-9(b) of the Peoria City Code shall not be applicable.
- D. Non-commercial aviaries and apiaries, provided that buildings, pens, or hives are not closer than one hundred (100) feet to any neighboring residence and hives are limited to two (2) in number.
- ~~E. Non-commercial breeding, raising, training and feeding principally by grazing of horses, cattle, sheep and goats; provided that pens, corrals, and yards, including open pastures are set back a minimum of six (6) feet from any side or rear property line. However, the six (6) foot side and rear yard setback for corrals and yards including open pastures may be waived when adjoining property owners agree to establish joint use corrals, yards and open pastures for animals provided for herein.~~
- ~~F. Non-commercial poultry, bird and egg farms, provided that pens, buildings and enclosures are not closer than twenty (20) feet to any side or rear property line.~~
- ~~E. G.~~ Day care for four (4) or less children in conjunction with a residential use.
- ~~H. Greenhouse, tool shed, ramada, outdoor swimming pool and similar home recreational facilities; provided that such facilities are used solely by occupants of the premises and their guests.~~
- ~~I. Guest house.~~
- ~~F. J.~~ Home occupations in accordance with Section 21-320808.
- ~~G. K.~~ Private or jointly owned community center recreational facilities, pools, tennis courts, and spas.
- ~~H. L.~~ Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code (1992).

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Sec. 21-414. Property Development Standards for Permitted Accessory Buildings.

- A. Permitted Accessory Buildings shall conform to the property development standards for Accessory Buildings as specified in Section 21-~~315.415~~ ~~except as otherwise provided by this Ordinance, and except~~ Accessory buildings which house mammals and fowl for “commercial” or “non-commercial use” pursuant to Sections 21-410 and 21-411, shall conform to the principal building setback or the setbacks as specified in Sections 21-410 and 21-411, whichever is greater.
- B. Accessory Dwelling Units shall be permitted pursuant to Section 21-316.

Sec. 21-415. SINGLE FAMILY RESIDENTIAL R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, AND R1-6.~~Intent.~~

Sec. 21-418. Permitted Accessory Uses.

- A. Any accessory dwelling unit, building, structure and use customarily incidental to a permitted use.~~customarily incidental to a permitted principal use.~~
- B. Off-street parking serving a permitted principal use, in accordance with Section 21-~~900~~823.
- C. Private garage or carport for storage or parking of vehicles.
- D. Animals per Chapter 16 of the Peoria City Code, except for keeping of fowl, which shall be permitted pursuant to ARS § 9-462.10. ~~Garden house, tool house, ramada, outdoor swimming pool and similar home recreational facilities; provided that such facilities are used solely by occupants of the premises and their guests.~~
- E. Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code (1992).
- ~~F. Guest house or servant's quarters; subject to Section 21-423.B.~~
- F.G Home occupation, in accordance with Section 21-~~320~~808, of this Ordinance.
- ~~H. Where the keeping of horses and other livestock is otherwise lawful, structures customarily accessory to such use. The provisions contained within Section 16-9 of the City Code shall apply to the keeping of horses and livestock.~~
- G.I. Day care for four (4) or less children.

Sec. 21-422. Property Development Standards for Permitted Accessory Buildings.

- A. Accessory Buildings and Structures shall be permitted pursuant to Section 21-315.
- B. Accessory Dwelling Units shall be permitted pursuant to Section 21-316.

~~When not part of the principal building, accessory buildings shall be subject to the limitations contained in this Section and as otherwise set forth in the Peoria City Code. Accessory buildings attached to the principal building shall be subject to all applicable provisions of the Peoria City Code which would be applicable to the Principal building. Nothing herein is intended to relax the building code or other applicable City standards.~~

~~A. Maximum Height. The height of an accessory building shall not exceed twenty (20) feet in height except in the R1-18 and R1-35 zoning districts OR other zoning districts with minimum lot sizes 18,000~~

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~~square feet or greater. Where a property is located in a zoning district with a minimum lot size of 18,000 square feet or greater, all accessory buildings shall have a maximum height of twenty five (25) feet.~~

~~B. No accessory building shall be located in any front yard.~~

~~C. A detached accessory building, less than eight (8) feet in height and with a total floor area or projected roof area which does not exceed two hundred (200) square feet, may be located in the required side or rear yard adjacent to the property line provided the structure is not served by utilities and is screened from public view.~~

~~D. A detached accessory building between eight (8) and nine (9) feet in height or greater than two hundred (200) square feet in area, may be located a minimum of three (3) feet from the side or rear property line provided the structure is screened from public view.~~

~~E. Accessory buildings exceeding nine (9) feet in height and/or three hundred (300) square feet in area shall meet the required setbacks of the respective zoning district. Accessory buildings exceeding nine (9) feet in height and located along property lines abutting golf courses, water tanks, well sites, utility substations, water treatment plants and similar land uses as determined by the Planning Manager shall be allowed a three (3) foot side or rear setback provided that the height of the structure shall not exceed the height of the principal building.~~

~~F. Accessory buildings nine (9) feet in height or greater OR three hundred (300) square feet or greater shall conform to the City of Peoria Design Review Manual.~~

~~G. All structures shall be located in accordance with any applicable City building and/or fire code.~~

~~Sec. 21-423. Exceptions.~~

~~A. Side yards, interior lots of record. On each lot or record, having a width of fifty (50) feet or less, the least side yard shall have a width not less than three (3) feet, and the other side yard shall have a width not less than seven (7) feet, and the aggregate width of both side yards shall be not less than ten (10) feet upon adoption of this Ordinance.~~

~~B. Detached guesthouses or servant's quarters. Detached guesthouses and servant's quarters are permitted in any R1-35 and R1-18 districts; provided, however, that they shall conform to all yard requirements applicable to the accessory building.~~

~~Sec. 21-424. Multi-family Residential (RM-1). Intent.~~

Sec. 21-427. Permitted Accessory Uses.

- A. Any accessory building, structure and use customarily incidental to a permitted use.
- B. Day care for four (4) or less children.
- C. Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code ~~(1992).~~

D. Animals per Chapter 16 of the Peoria City Code, except for keeping of fowl, which shall be permitted pursuant to ARS § 9-462.10.

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Section 4. *Amend Chapter 21 - Zoning, Section 21-600 Special Districts, Uses and Overlays only as follows, leaving all other sections and subsections not specifically referenced unchanged:*

Sec. 21-~~680~~~~401~~. General Agriculture. ~~Intent.~~

Sec. 21-~~681~~~~402~~. Permitted Principal Uses.

Sec. 21-~~682~~~~403~~. Permitted Conditional Uses.

Sec. 21-~~683~~~~404~~. Permitted Accessory Uses.

A. Accessory dwelling units, buildings, structures and uses customarily incidental to permitted uses.

B. Animals per Chapter 16 of the Peoria City Code, except for keeping of fowl, which shall be permitted pursuant to ARS § 9-462.10. ~~Employee housing, servant's quarters, guest houses, farm labor camps.~~

C. Storage of petroleum products required for use on the premises, provided that such storage shall be above ground, not exceed one thousand gallons and shall be subject to all applicable health and safety laws.

D. Home occupations in accordance with Section 21-320, of this Ordinance.

E. Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code ~~(1992).~~

Sec. 21-~~684~~~~405~~. Property Development Standards for Permitted Principal Uses and Conditional Uses.

Sec. 21-~~685~~~~406~~. Property Development Standards for Accessory Buildings.

~~A. Maximum Height. Twenty five (25) feet.~~

~~B. Minimum Space Between a Building Used for Sleeping or Living Purposes and any other Detached Building. Twenty (20) feet.~~

~~C. Minimum Side and Rear Setbacks of Buildings Not Used for Keeping Poultry or Animals. Twenty (20) feet.~~

~~D. Accessory Buildings. Whether attached or detached, shall not be erected in any required front or side yard, except as otherwise provided in this Section.~~

A. Accessory Buildings and Structures shall be permitted pursuant to Section 21-315.

B. Accessory Dwelling Units shall be permitted pursuant to Section 21-316.

Sec. 21-~~686~~~~407~~. General Regulations.

Sec. 21-687 through 699. Reserved

Zoning Code Amendment

Adaptive Reuse

TA24-03

Applicable Sections of Chapter 21 Zoning Ordinance:

- 21-400 Residential Districts
- 21-500 Non-Residential Districts

Overview of Revisions:

1. Inserting new “Adaptive Reuse” regulations to Section 21-450 to 21-452
2. Add “Multi-Family Residential Reuse” regulations to the Table 21-503 Land Use Maxtrix within Section 21-500 Non-Residential Districts

HOW TO READ THIS DOCUMENT

Applicable Sections of the Zoning Ordinance are denoted by **highlighted bold text** for ease of readability during the drafting process.

Unless otherwise stated, provisions or regulations being deleted are shown in bold red strikethrough text or a line through the graphic, like this: ~~**Provisions that are being deleted are shown with a bold red strikethroughs text.**~~ Graphics containing bold red strikethrough are intended to remove the graphic in its entirety as well as any text that is embedded in the graphic.

Provisions or regulations that are being added are shown in double-underlined bold blue text, like this: **Provisions that are being added are shown in double-underlined bold blue text.** Graphics containing a bold double blue box are intended to add the graphic in its entirety as well as any text that is embedded in the graphic.

Only those changes noted through the above methods for the specific sections and subsections of the code identified shall be made. When regulations, graphics or other text is omitted, or is shown unchanged in adjoining sections or subsections of the code, it shall remain unchanged.

Exhibit A - City Code Amendment

Amendment for Adoption to the Peoria City Code, Chapter 21

Section 1. *Amend Chapter 21 - Zoning, Section 21-400 Residential Districts, only as follows, leaving all other sections and subsections not specifically referenced unchanged:*

Sec. 21-447 – 21-449 Reserved

Sec. 21-450. Optional Redevelopment of Qualified Obsolete Commercial Buildings

A. Purpose and Applicability.

Sections 21-450 through 21-452, referred herein as “Adaptive Reuse Section”, describes application requirements, review procedures, and approval criteria utilized by the Zoning Administrator when reviewing an application for a “Multi-Family Residential Development Adaptive Reuse” of qualified obsolete commercial buildings pursuant to A.R.S. § 9-462.10. The regulations in this Section are in addition to other codes and requirements of the City of Peoria.

B. Definitions. Terms used in this Section shall have the following definitions:

“Adaptive reuse” has the definition found in A.R.S. § 9-462.10 (H)(1), as it may be amended.

“Building code” has the definition found in A.R.S. § 9-462.10 (H)(2), as it may be amended.

“Economically or functionally obsolete” has the definition found in A.R.S. § 9-462.10 (H)(3), as it may be amended.

“Low-income housing” has the definition found in A.R.S. § 9-462.10 (H)(4), as it may be amended.

“Moderate-income housing” has the definition found in A.R.S. § 9-462.10 (H)(5), as it may be amended.

“Multi-Family Residential Development” has the definition found in A.R.S. § 9-462.10 (H)(6), as it may be amended.

“Nonconforming” has the definition found in A.R.S. § 9-462.10 (H)(7), as it may be amended.

A “Qualified Obsolete Commercial Building” is a building which is:

- Located on a parcel or parcels that are zoned for and/or that allows the building to be used for commercial, office, or mixed use; and
- Economically or functionally obsolete; and
- Located on a parcel or parcels at least one (1) acre but not more than twenty (20) acres; and
- Not located in any of the following areas:
 - The area excluded pursuant to Section 21-452.C below;
 - An area designated as a district of historical significance pursuant to A.R.S. §9- 462.01 (a)(10);
 - A site or building with Historic Preservation Overlay Zoning pursuant to Section 21-625;

- A site or building listed on the National Register of Historic Places;
- Land in the territory in the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461; or
- Land in the territory in the vicinity of a federal aviation administration commercially licensed airport or a general aviation or public airport as defined in A.R.S. § 28-8486.

“Rooftop appurtenances” has the definition found in A.R.S. § 9-462.10 (H)(8), as it may be amended.

Sec. 21-451. Obsolete Commercial Building Redevelopment

A. Application. An owner seeking “multi-family residential development adaptive reuse” of a qualified obsolete commercial building shall submit an application that includes all of the following:

1. A site plan application in conformance with Section 21-156 (“Site Plan”).
2. Evidence of Site Plan Review and approval by any utility provider impacted by the proposed development.
3. Evidence of adequate existing public sewer and water service for the entire proposed development.
4. Compliance with all applicable building and fire codes.
5. Evidence demonstrating that the existing building that is the subject of the application is economically or functionally obsolete; and
6. Evidence that the existing building that is the subject of the application is located on a parcel or parcels of at least one acre but not more than twenty acres.
7. Documentation satisfactory to the City of Peoria that the redevelopment will include a set aside of at least 10% of the total dwelling units for either “moderate-income housing” or “low-income housing” or any combination of the two, for at least twenty years after the initial occupation of the proposed development.

B. Development Standards and Requirements. “Multi-Family Residential Development Adaptive Reuse” of a qualified obsolete commercial building shall comply with the following standards and requirements:

1. Parking.

- a. The development shall comply with parking space requirements applicable to multi-family residential units pursuant to Section 21-825 (“Parking Requirements”).
- b. Mixed-Use Development. If the development is a mixed-use development, parking consisting of the sum of the required parking for each individual use or through a qualified Parking Study shall be provided, in accordance with Section 21-825 (“Parking Requirements”).

2. Demolition Permit. A permit shall be obtained for the demolition of any existing building or portion of a building.

3. **Setbacks.** Setback requirements for the redevelopment shall be the lesser of the existing setbacks for multifamily residential buildings pursuant to Section 21-429 ("RM-1 Development Standards") or the existing zoning district in place at the time of redevelopment.
4. **Height and Density.** Multi-Family Residential Development Adaptive Reuse shall not exceed:
 - a. Two (2) stories or thirty (30) feet in height, on a site within one hundred (100) feet of a single-family residential zoning district.
 - b. In areas not within one hundred (100) feet of a single-family residential district, the lesser of:
 - i. Five stories or sixty (60) feet in height; or
 - ii. The highest allowable height and density for a multi-family residential zoning district in the City of Peoria located within one mile of the building to be redeveloped; or
 - iii. If there is no multi-family residential zoning district in the City of Peoria within one mile of the building to be redeveloped, the City shall apply the maximum height and density of the multi-family residential zoning district located in the City of Peoria that is located closest to the building to be redeveloped.
 - c. For the purpose of this section, applicable single-family residential districts or multi-family residential districts, shall be those districts specified in Section 21-156.A ("Residential Districts") or designated for single-family residential or multi-family residential through an existing Planned Area Development (PAD) or Planned Community District (PCD).
5. **Height Exemption.** If the maximum allowable height applicable to the existing commercial, office, or mixed-use building exceeds the maximum allowable height for the proposed multi-family residential development adaptive reuse, the existing height shall prevail and be considered nonconforming for height purposes, and the existing building may be expanded to the maximum allowable density for the proposed use. Any rooftop appurtenances shall be included within the height exemption.

Sec. 21-452 Multi-Family Residential Development Adaptive Reuse Cap and Tracking.

- A. **Cap.** Not more than 10% of the total estimated number of eligible existing commercial, office, or mixed-use buildings are redeveloped for multifamily residential adaptive reuse under this section.
- B. **Tracking.** The City shall keep track of the number of buildings redeveloped under this Section, and shall stop accepting applications when the total number of the following equals the cap established in paragraph A above:
 1. The number of buildings redeveloped for multi-family residential development adaptive reuse under this Section; plus
 2. The number of buildings with approved building permits for redevelopment under this Section but not yet completed; plus
 3. The number of buildings with pending applications for redevelopment under this Section but not yet permitted.

Section 2. *Amend Chapter 21 - Zoning, Section 21-500 Non-Residential Districts, only as follows, leaving all other sections and subsections not specifically referenced unchanged:*

Sec. 21-500 NON-RESIDENTIAL DISTRICTS

21-503 Land Use Matrix

~~The following Land Use Matrix (Table 21-503) indicates uses which are permitted outright, conditionally permitted, or prohibited in specific non-residential zoning districts in the City of Peoria. The Land Use Matrix is intended to serve as a guide for the convenience of the user of this Zoning Ordinance. Where the text of this Zoning Ordinance differs from the Land Use Matrix, the text shall prevail. In the event of a specific use not being identified on the matrix, the Community Development Director or designee(s) shall determine the closest associated use based on the provisions of this ordinance. The City will permit any accessory use customarily incidental to a permitted principal use in the same zoning district.~~

Table 21-503 indicates land uses allowed within the base commercial and employment zoning districts. Specific uses are further defined in Section 21-200 ("Definitions").

A. Explanation of Table Abbreviations.

1. Permitted Uses.

- a. "P" in a cell indicates that the use is allowed by right. Permitted uses are subject to all other applicable regulations of this Zoning Ordinance, including the use-specific standards in Section 21-505, along with compliance with the Peoria Community Design Guidelines.
- b. "PA" in a cell indicates that the use is allowed by right, unless it is located within two hundred (200) feet of a residential use, than it shall be deemed as a "Conditional Use" which shall be permitted upon receiving a Conditional Use Permit (CUP) as defined below.

2. Conditional Uses.

- a. "C" in a cell indicates that in the respective zoning district the use is allowed only if reviewed and approved in accordance with the procedures of Section 21-155, Conditional Use Permits. Conditional uses are subject to all other applicable regulations of this Zoning Ordinance, including the use-specific standards in Section 21-505, along with compliance with the Peoria Community Design Guidelines.
- b. The "C" designation in Table 21-503 does not constitute an authorization or an assurance that such use will be permitted. Rather, each conditional use permit application shall be evaluated as to its probable effect on adjacent properties and surrounding areas, among other factors, and may be approved or denied pursuant to the procedures in Section 21-155, Conditional Use Permits.

3. Prohibited Uses. "-" in a cell indicates that the use is prohibited in the respective zoning district.

4. Use-Specific Standards. Regardless of whether a use is allowed by right or as a conditional use, there may be additional standards that are applicable to the use. Use-specific standards are noted through a cross-reference in the last column of the table. Cross-references refer to Section 21-505 Use-Specific Standards and apply to all districts unless otherwise specified.

B. Table Organization.

In Table 21-503, land uses and activities are classified into general "use categories" and specific "use types" based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories. Certain uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

C. Use for Other Purposes Prohibited.

Approval of a use listed in Table 21-503, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in Table 21-503 is prohibited.

D. Classification of New and Unlisted Uses. When application is made for a use category or use type that is not specifically listed in Table 21-503, the following procedure shall be followed:

1. The Zoning Administrator shall provide an interpretation of the Ordinance in accordance with Section 21-112 as to the use category and/or use type into which such use should be placed. In making such interpretation, the Zoning Administrator shall consider its potential impacts, including but not limited to: the nature of the use; sales; processing; type of product, storage and amount, and nature thereof; enclosed or open storage; anticipated employment; transportation requirements; the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and the general requirements for public utilities such as water and sanitary sewer.
2. Appeal of the Zoning Administrator's decision may be made to the Board of Adjustment following procedures under Section 21-162 of this Zoning Ordinance.

Table 21-503 Land Use Matrix

Land Use	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
Lodging <u>and Adaptive Reuse</u>												
Bed and Breakfast Inn #	-	-	-	-	-	C	-	-	-	-	-	-
Hotel or Motel #	-	-	-	P	P	P	P	P	P	-	-	-
<u>Multi-Family Residential Development Adaptive Reuse</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	=	=	=	=