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Shawn
Hutchinson

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Chairman**
Jeff Nelson

Secretary
Jay Otlewski

Member
Vacant

Member
Bill Louis

Member
Clay Allsop

Member
Bryan
Patterson

**Alternate
Member**
Vacant

Planning and Zoning Commission Meeting Notice & Agenda

Thursday, November 16, 2017
City Council Chamber
8401 West Monroe Street
Peoria, AZ 85345



Regular Meeting 6:30 PM

Convene

Roll Call

Opening Statement

Final Call to Submit Speaker Request Forms

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 Minutes

Discussion and possible action to approve the minutes of the Planning and Zoning Commission meeting held on November 2, 2017.

2 C CU17-14: Fabio On Fire

A request to obtain a Conditional Use Permit (CUP) for an Outdoor Dining and Seating Area for an existing restaurant, Fabio On Fire. The site is located south of the southwest corner of Lake Pleasant Parkway and 83rd Avenue and is zoned Fletcher Heights Planned Area Development (PAD).

3 C **CU17-13: Native Grill & Wings Outdoor Dining Patio**

A request to obtain a Conditional Use Permit (CUP) for an Outdoor Dining and Seating Area in conjunction with a new Native Grill & Wings restaurant, located on a vacant commercial pad at 25279 N. Lake Pleasant Parkway.

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

4 R **Z17-22: Cross of Glory Annexation - Initial Zoning**

A public hearing will be held to consider a request to apply initial zoning to a recently annexed 7.52 acre property from Maricopa County Rural 43 (RU-43) to City of Peoria Suburban Ranch 43 (SR-43). The property is located south of the intersection of 101st Lane and Jomax Road.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action on case Z17-22.

5 R **Z17-23: 71st & Thunderbird Annexation - Initial Zoning**

A public hearing will be held to consider a request to apply initial zoning to three parcels totaling 11.82 acres that were recently annexed from Maricopa County Residential Unit Plan Development (RUPD) to City of Peoria Planned Area Development (PAD). The property is located at the northwest corner of 71st Avenue and Thunderbird Road.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action on case Z17-23.

6 R **Z17-19: Metzger Residence Rezone**

A request to rezone approximately 1 acre from Suburban Ranch 43 (SR-43) to Single Family Residential (R1-35). No development is contemplated as part of this rezoning application. The property is located at 7423 W. Rowel Road.

Staff Report
Open Public Hearing
Public Comment
Close Public Hearing

Commission Action: Discussion and possible action on Z17-19

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.

Updates from Staff:

City Staff will update the Planning and Zoning Commission on the status of relevant events and activities, including, but not limited to, updates on programming, special events, calendars and upcoming meetings. These items are for information only - no action will be taken.

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-community-development/planning-and-zoning-videos>.



PLANNING AND ZONING COMMISSION REPORT

Meeting November 16, 2017

Date:

Agenda Item: 1C

Case Name: Minutes

Case

Number(s):

General Application Information

ATTACHMENTS:

Description

PZ draft minutes_11-2-17

**PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBERS
NOVEMBER 2, 2017**

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

Members Present: Chair Shawn Hutchinson, Vice-Chair Jeff Nelson, Secretary Jay Otlewski, Commissioner Clay Allsop, Commissioner Bill Louis and Commissioner Bryan Patterson

Members Absent: None

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

Opening Statement: The Opening Statement was read by Chair Hutchinson

Call for speaker request forms.

Audience: 6

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

CONSENT AGENDA

All items listed with a “**C**” are considered to be routine by the Planning and Zoning Commission, and were enacted by one motion.

1C **Minutes**

Discussion and possible action to approve the minutes of the Planning and Zoning Commission meeting held on October 19, 2017.

COMMISSION ACTION: Vice-Chair Nelson moved to approve the Consent Agenda. The motion was seconded by Secretary Otlewski and upon vote, passed unanimously.

REGULAR AGENDA

Unfinished Business

2R **Z17-10: Twin Palms Zoning Stipulation Modification**

Applicant has withdrawn the request and no further action was required.

New Business

3R **Z16-0013: Cowtown Rezoning**

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

Staff recommends item 3R be continued to the January 4, 2018 meeting of the Planning and Zoning Commission.

COMMISSION ACTION: Vice-Chair Nelson moved to continue item 3R Z16-0013 Cowtown Rezoning to the January 4, 2018 meeting. The motion was seconded by Commissioner Louis and upon vote, passed unanimously.

CALL TO THE PUBLIC ON NON-AGENDA ITEMS:

None

UPDATES FROM STAFF:

Mr. Adam Pruett notified the Commission of the upcoming Planning and Zoning Commission meetings on November 16th and December 7th.

UPDATES AND REPORTS FROM THE PLANNING AND ZONING COMMISSION:

Vice-Chair Nelson thanked the city for extending the 83rd Avenue bus route.

ADJOURNMENT: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 6:36 p.m.

Shawn Hutchinson, Chair

Submitted by Della Ernest

Date

Date



PLANNING AND ZONING COMMISSION REPORT

Meeting November 16, 2017

Date:

Agenda Item: 2C

Case Name: CU17-14: Fabio On Fire

Case CU17-14
Number(s):

General Application Information

Proposal:

Obtain a Conditional Use Permit for an Outdoor Dining and Seating Area.

Location:

South of the southwest corner of Lake Pleasant Parkway and 83rd Avenue.

Project Acreage:

1,500 square foot restaurant -- 430 SF outdoor dining patio

Applicant:

Fabio Ceschetti

Project Description

A request to obtain a Conditional Use Permit (CUP) for an Outdoor Dining and Seating Area for an existing restaurant, Fabio On Fire. The site is located south of the southwest corner of Lake Pleasant Parkway and 83rd Avenue and is zoned Fletcher Heights Planned Area Development (PAD).

Recommendations:

APPROVE Case CU17-14, subject to Conditions 1-3.

ATTACHMENTS:

Description

Staff Report

Exhibit A - Vicinity Map

Exhibit B - Zoning Map

Exhibit C - Site Plan

Exhibit D - Floor Plan

BACKGROUND

Context (Exhibit A)

Fabio on Fire is requesting a Conditional Use Permit (CUP) to allow the use of an existing 430 square foot outdoor dining patio in conjunction with the existing operating restaurant located at 8275 W. Lake Pleasant Parkway, Suite 101.

Zoning (Exhibit B)

The site is zoned Fletcher Heights Planned Area Development (PAD). For this parcel, the PAD aligns with the City's Planned Community Commercial (PC-2) zoning district in terms of approved uses. Outdoor Dining is conditionally permitted within the PC-2 zoning district, thereby requiring the Conditional Use Permit (CUP).

Adjacent Uses and Zoning

Table 1 summarizes the existing land use, General Plan designation, and zoning district for the surrounding areas.

Table 1 – Existing Land Use, General Plan Designation, and Current Zoning

	EXISTING LAND USE	GENERAL PLAN	ZONING
Subject Property	Fabio on Fire Restaurant	Low Density Residential	Fletcher Heights Planned Area Development (PAD)
North	Wells Fargo Bank	Low Density Residential	Fletcher Heights Planned Area Development (PAD)
South	Retail and restaurant shops	Low Density Residential	Fletcher Heights Planned Area Development (PAD)
East	Lake Pleasant Parkway, then Chase Bank	Low Density Residential	Fletcher Heights Planned Area Development (PAD)
West	Retail and restaurant shops, then single-family homes	Low Density Residential	Fletcher Heights Planned Area Development (PAD)

Other Related Policies and Project History (Exhibit C)

The Site Plan was approved in April 2003. The suite has previously been occupied by several restaurant users. The restaurant has not been occupied for more than six months thus requiring a new Conditional Use Permit to utilize the outdoor dining patio.

APPLICANT'S PROPOSAL

Goal/Purpose of Request

The 1,500 square foot suite is located south of the southwest corner of Lake Pleasant Parkway and 83rd Avenue. (Exhibit D) The applicant is requesting the approval of a Conditional Use Permit (CUP) to allow the use of the adjacent 430 square foot Outdoor Dining and Seating Area. The existing outdoor dining area has not been in use for over six months.

Development Information

- Existing Use: Restaurant
- Proposed Use Restaurant with Outdoor Dining and Seating Area
- Project Size: Restaurant: 1,500 square feet suite; Patio: 430 square feet

DISCUSSION AND ANALYSIS

Applicability

The site is zoned Fletcher Heights Planned Area Development (PAD) which refers back to the Planned Community Commercial (PC-2) list of approved uses. Within the PC-2 zoning district, the issuance of a Conditional Use Permit is required for Outdoor Dining and Seating Areas.

Section 21-321 of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a CUP is to mitigate any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.

Section 21-505.B.3. of the Peoria Zoning Ordinance provides the following limitation on Outdoor Dining and Seating Areas. Staff responses are in *italics*:

Such areas shall be located immediately adjacent to the restaurant or establishment to which it is an accessory use.

The outdoor patio is connected to the south side of the building.

The use shall not interfere with pedestrian access, fire lanes, driveways, or traffic visibility at driveways or street intersections.

The outdoor patio is adjacent to the expansive pedestrian area in front of the building and does not conflict with any internal or external driveways or intersections.

Such areas shall not exceed 25% of the gross floor area (GFA) of the establishment. The Planning and Zoning Commission may waive this requirement if it is found that sufficient mitigating measures are provided to eliminate potential adverse impacts on adjacent properties.

The patio is 430 square feet, or 28% of the GFA. Staff would ask that Planning and Zoning Commission waive the requirement based on outdoor patio space being constructed and operating since original Site Plan approval in 2003.

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 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.

Staff will defer to Planning & Zoning Commission to determine any additional conditions that may be applicable.

Compatibility With Surrounding Land Uses

The surrounding commercial shopping center contains two additional restaurants, a gas station, bank, and several in-line retail spaces. The site is situated along Lake Pleasant Parkway in the central portion of the overall center, away from the adjacent homes to the southwest. The site is adequately parked for a restaurant use and the outdoor dining space has remained unchanged since original approval in 2003. The proposed use of this area will not be detrimental to any surrounding businesses or homes.

If any issues arise regarding the operation of the business, Section 21-321.I of the 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 be revoked, modified, or suspended should any of the following occur:

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

COMMUNITY INVOLVEMENT

Outreach Requirements

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 HOA's within one (1) mile, posting a sign on the site, and placing an ad in the Peoria Times at least 15 days prior to the Public Hearing.

Support / Opposition

At the time of this writing, no responses in support or opposition have been received.

Proposition 207 Waiver

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

STAFF RECOMMENDATION

Based on the following findings:

- The proposed use is conditionally permitted within the Fletcher Heights PAD; and
- The proposed use complies with the Peoria Zoning Ordinance and is compatible with the uses in the surrounding area; and
- The use, subject to the conditions of approval contained within this report, will operate in a manner that will not negatively impact the adjoining uses; and
- The applicant/owner has submitted a signed and notarized a Proposition 207 waiver, which will be recorded with the conditions outlined below.

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

Approve the applicant's request for a Conditional Use Permit under Case CU17-14, subject to the following conditions:

1. The development shall substantially conform to the Floor Plan (Exhibit D), as contained in the staff report to the Planning and Zoning Commission dated November 16, 2017.
2. Any material expansion of the use shall require an amendment to the Conditional Use Permit.
3. Per section 21-321.B.5 of the Peoria Zoning Ordinance, the Conditional Use Permit will expire on May 16, 2019 if the use has not been exercised or a building permit has not been obtained.

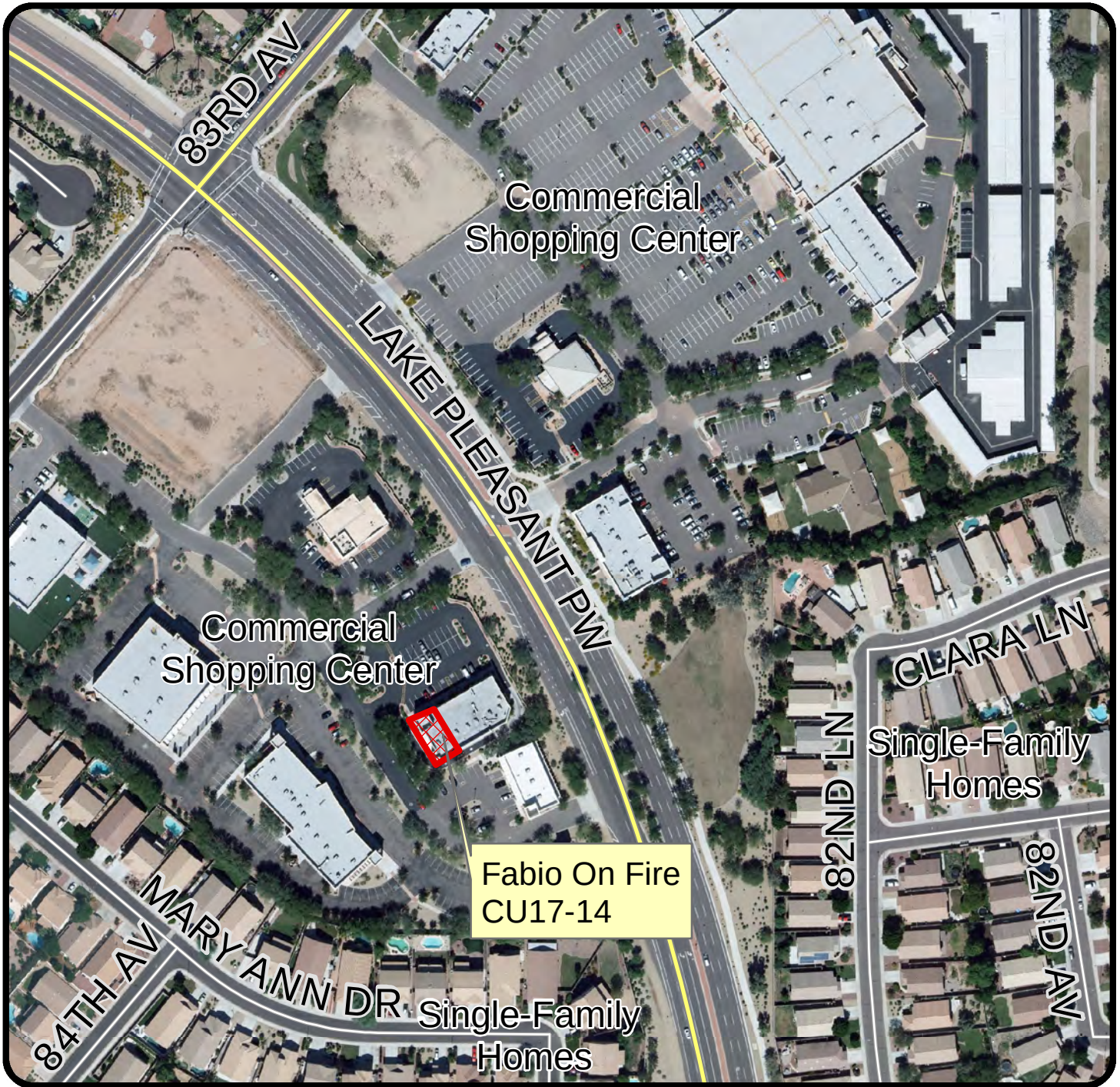
REPORT PREPARED BY

Randy Proch
Planner
623-773-5164
randy.proch@peoriaaz.gov

ATTACHMENTS:

Exhibit A	Vicinity Map
Exhibit B	Zoning Map
Exhibit C	Site Plan
Exhibit D	Floor Plan

CU17-14 Vicinity Map



CU17-14 Fabio On Fire

Applicant: Fabio Ceschetti

Request: The applicant is requesting a Conditional Use Permit for an outdoor dining patio

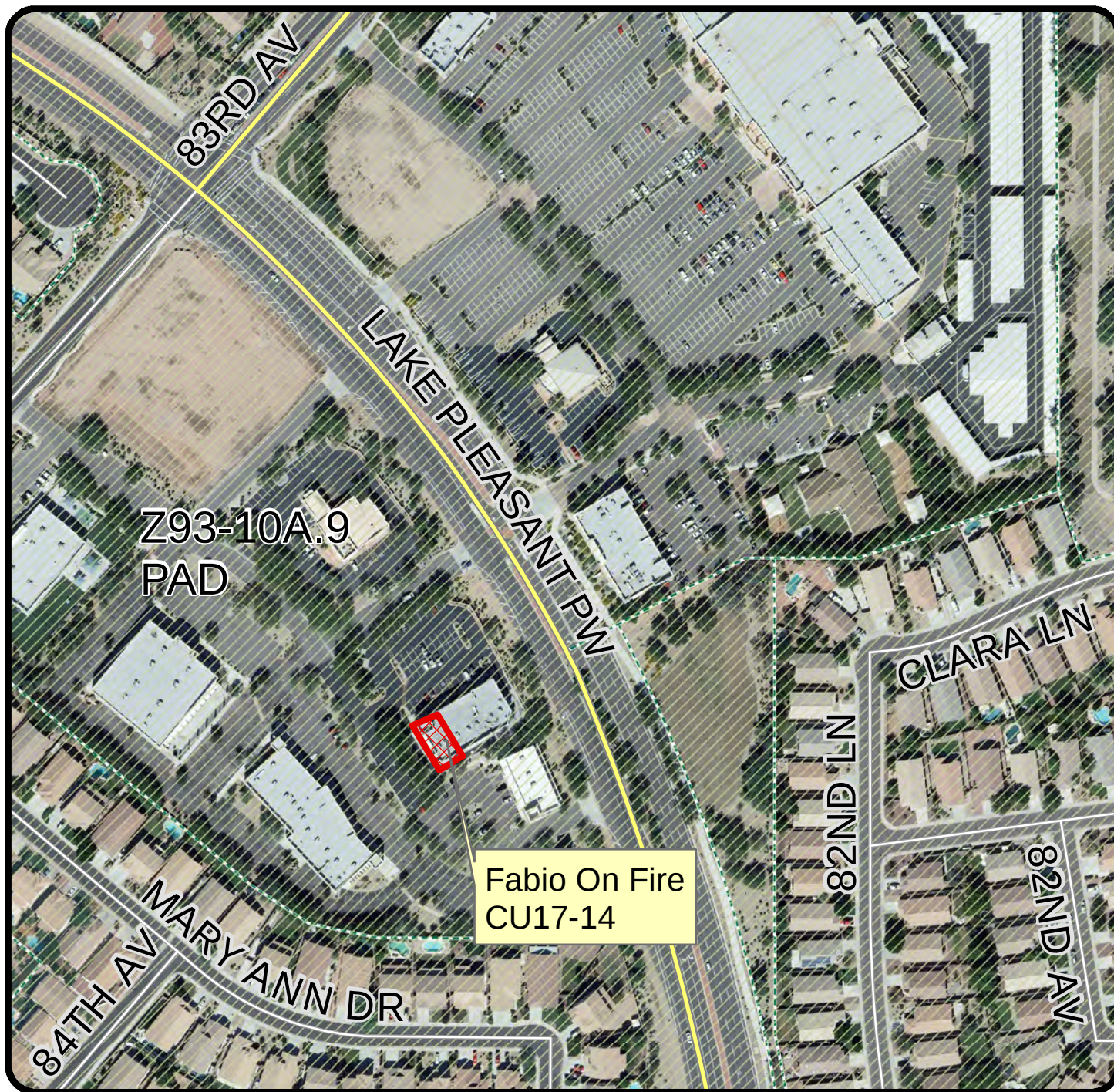
Location: South of the southwest corner of Lake Pleasant Parkway and 83rd Avenue.

Exhibit A



Not to Scale

CU17-14 Zoning Map



CU17-14 Fabio On Fire

Applicant: Fabio Ceschetti

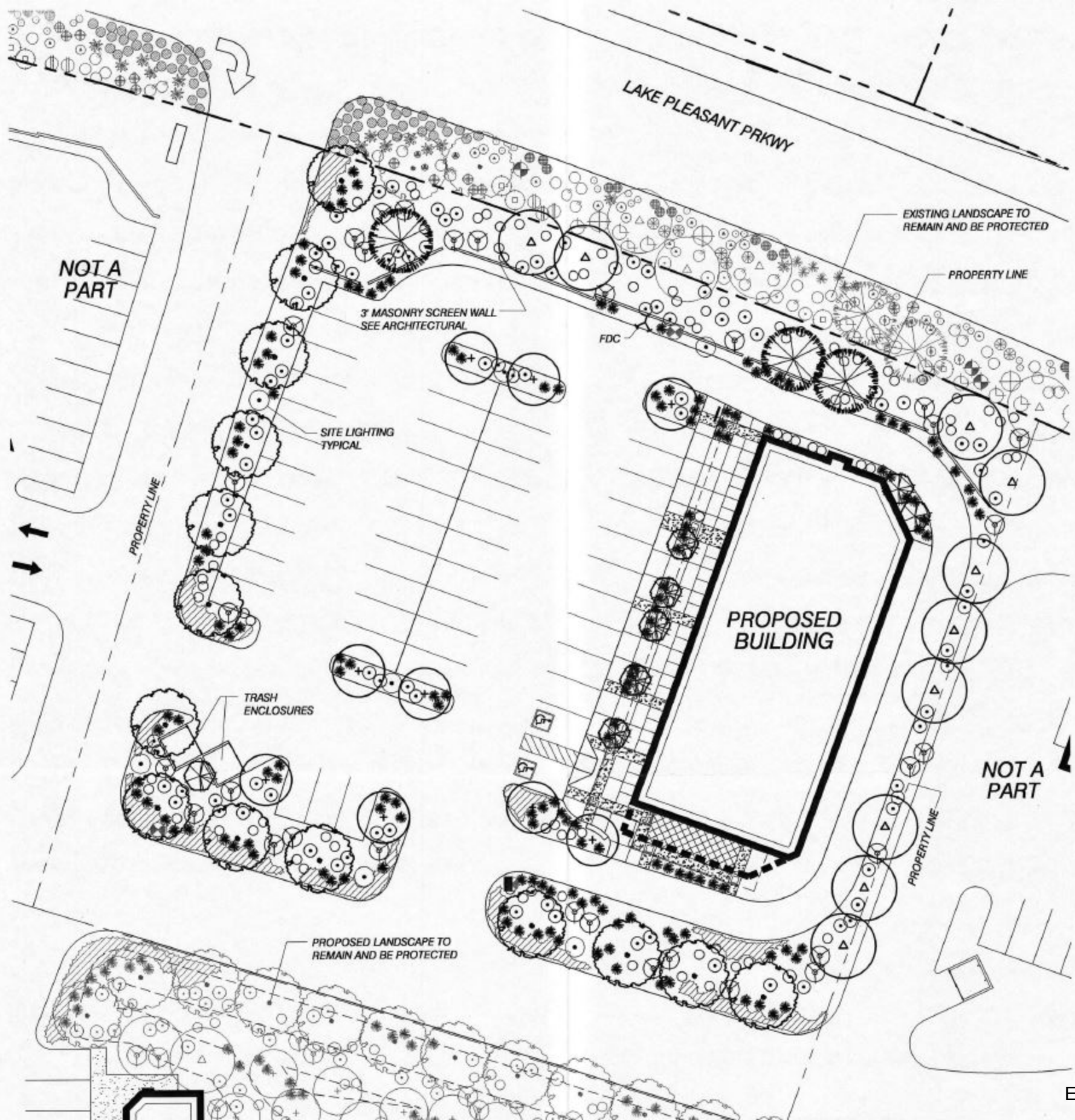
Request: The applicant is requesting a Conditional Use Permit for an outdoor dining patio

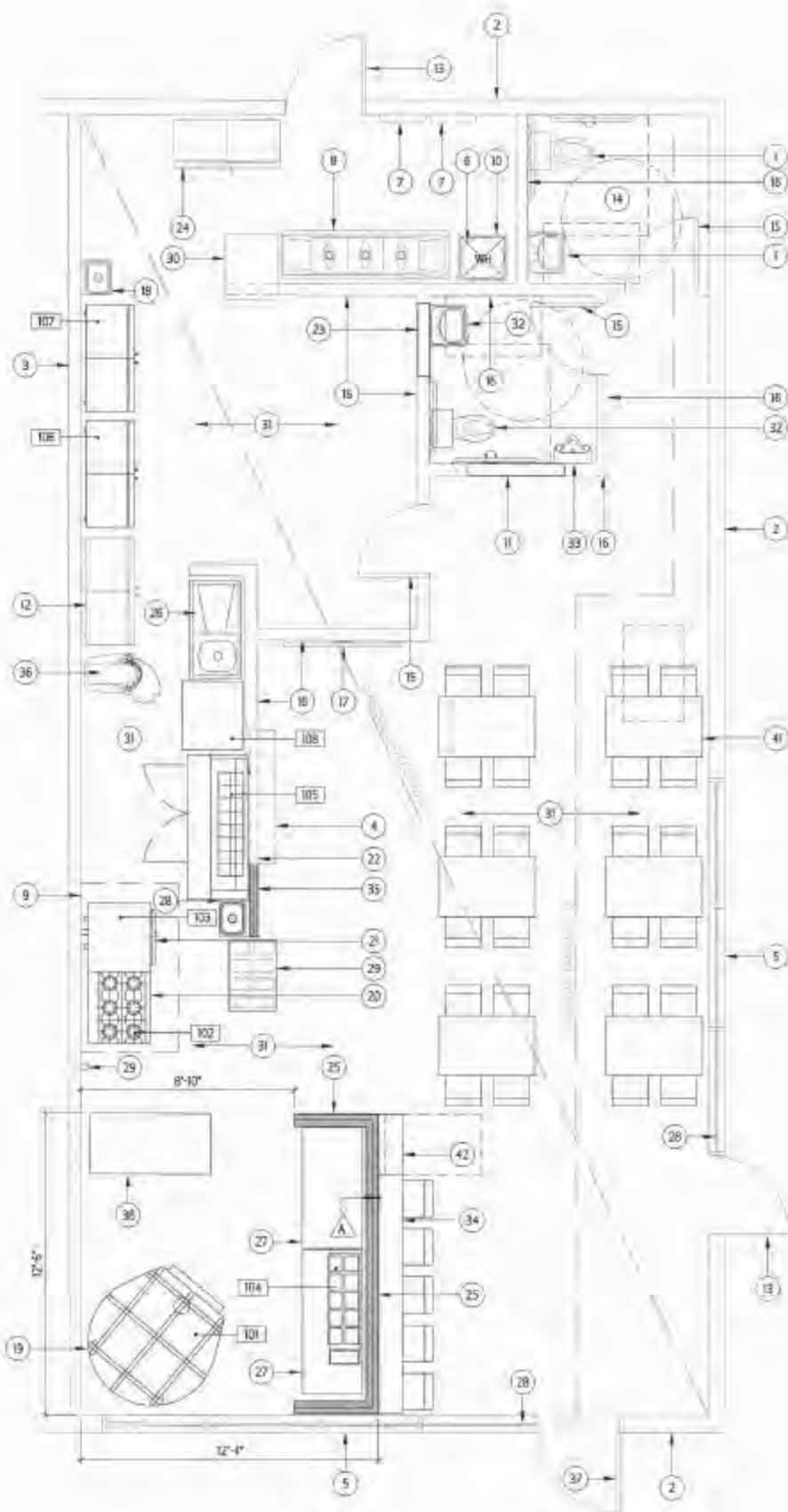
Location: South of the southwest corner of Lake Pleasant Parkway and 83rd Avenue.

Exhibit B



Not to Scale





GENERAL NOTES:

- CONFIRM ALL NEW WALL LOCATIONS, NICHES AND MODIFICATIONS TO EXISTING WALLS IN FIELD WITH ARCHITECT AND OWNER PRIOR TO ROUGH FRAMING.
- PATCH AND REPAIR ALL WALLS AS REQUIRED.
- CONTRACTOR TO COORDINATE ALL BLOCKING FOR BATHROOM ACCESSORIES WITH ARCHITECT AND OWNER.
- CONTRACTOR TO COORDINATE SECURITY SYSTEM AND SOUND SYSTEM WITH OWNER.
- SHOP DRAWINGS REQUIRED FOR ALL CABINETRY, DOORS, AND WINDOWS, COUNTERTOPS.
- VERIFY ALL PLUMBING FIXTURE LOCATIONS AND HEIGHTS IN FIELD WITH ARCHITECT AND OWNERS.
- COORDINATE CONCRETE SLAB HEIGHTS WITH FLOORING MATERIAL THICKNESS FOR FLUSH CONDITION AT FLOOR MATERIAL CHANGES.
- TEXTURE, PAINT AND INSTALL 4" BASE ON ALL WALLS.
- PAINT MECHANICAL EQUIPMENT ON ROOF SAME COLOR AS BUILDING.

FLOOR PLAN NOTES:

- EXISTING PLUMBING FIXTURE TO REMAIN.
- EXISTING EXTERIOR WALL.
- EXISTING 1 HR RATED DEMISING WALL TO REMAIN.
- EXISTING COUNTER TO REMAIN.
- EXISTING GLASS STOREFRONT.
- EXISTING WATER HEATER.
- EXISTING ELECTRICAL PANEL.
- EXISTING 3 COMPARTMENT SINK.
- NEW TYPE II HOOD AND VENT THRU ROOF.
- EXISTING MOP SINK.
- REMOVE EXISTING WINDOW AND FILL IN OPENING TO MATCH WALL.
- EXISTING REFRIGERATOR.
- EXISTING ENTRY/EXIT DOOR.
- EXISTING RESTROOM.
- EXISTING 36" WIDE DOOR.
- EXISTING INTERIOR WALL.
- EXISTING TV TO REMAIN.
- EXISTING HAND SINK TO REMAIN.
- NEW PIZZA OVEN.
- NEW 36" 6 BURNER RANGE.
- NEW DOUBLE CONVECTION OVEN.
- EXISTING PONY WALL TO REMAIN.
- FILL IN EXISTING DOOR OPENING.
- EXISTING REACH IN FREEZER.
- NEW PONY WALL AT 42" A.F.F. WITH SNEEZE GUARD ABOVE TO 60" A.F.F.
- NEW PREP SINK.
- NEW BUILT-IN TABLE @ 40" A.F.F. TO ACCOMMODATE MARBLE TOP.
- NEW HAND SINK.
- NEW REFRIGERATED BELI CASE.
- EXISTING ICE CREAM MACHINE TO REMAIN.
- EXISTING FLOORING TO REMAIN.
- INSTALL PLUMBING FIXTURES & CONNECT TO EXISTING PLUMBING.
- NEW URINAL.
- NEW COUNTER @ 42" A.F.F.
- NEW PONY WALL @ 36" A.F.F. WITH SNEEZE GUARD TO 5'.
- EXISTING MIXER TO REMAIN.
- RELOCATE EXISTING DOOR TO NEW LOCATION.
- 60" LONG MARBLE TOPPED TABLE.
- PROVIDE OCCUPANT LOAD SIGN PER IBC 1004.3.
- PROVIDE 2A10BC FIRE EXTINGUISHER.
- ADA TABLE @ 34" A.F.F. SEE 11/A200.
- 30" WIDE ADA COUNTER @ 34" A.F.F.

LEGEND:

- NEW WALL
- EXISTING TO REMAIN

- 2X12 METAL STUD FRAMING
- 5/8" DRY WALL BOTH SIDES
- R-19 INSULATION

WALL TYPE A

EQUIPMENT SCHEDULE:

NO.	ITEM NAME	QUANTITY	MANUFACTURER	MODEL NUMBER
101	SOLID FUEL PIZZA OVEN	1	MUGHANI	1432PA
102	36" HOT PLATES	1	ROYAL	RHP 36-6
103	GAS CONVECTION DOUBLE OVEN	1	ROYAL	RCO0-2
104	COUNTER TOP PREP UNIT	1	ARCTIC AIR	ACP55
105	PREP TABLE	1	NORLAK	RR92
106	REFRIGERATOR	1	TRUE	T-496
107	REFRIGERATOR	1	BLUE AIR	BSR49T
108	SODA MACHINE	1	BY OTHERS	
109	REF DELICASE	1	TRUE	TC06-35



FLOOR PLAN

SCALE 1/4"=1'-0"

Exhibit D



PLANNING AND ZONING COMMISSION REPORT

Meeting November 16, 2017

Date:

Agenda Item: 3C

Case Name: CU17-13: Native Grill & Wings Outdoor Dining Patio

Case CU17-13

Number(s):

General Application Information

Proposal:

Request to obtain a Conditional Use Permit (CUP) to use an 1,150 sq. foot covered outdoor patio area, for dining and table service, as part of the overall construction of a new Native Grill & Wings restaurant.

Location:

25279 N. Lake Pleasant Parkway (Lake Pleasant Crossing center).

Project Acreage:

Restaurant - 4,626 SF; Outdoor Patio - 1,150 SF.

Applicant:

Ravin Crosby with Ideation Design Group

Project Description

On behalf of CBC Native Happy Valley LLC, Ideation Design Group requests a Conditional Use Permit (CUP) to utilize an 1,150 sq. foot covered outdoor patio addition for dining and table service, as part of the new construction of a 4,626 sq. foot Native Grill & Wings restaurant. The new restaurant construction would encompass a vacant pad within the parcel just south of the Fry's Marketplace fueling station, within the Lake Pleasant Crossing commercial center.

Key Items For Consideration:

Staff recommends an approval of Case CU17-13, based on the following findings:

1. Outdoor Dining & Seating areas are conditionally permitted through the Lake Pleasant Crossing Planned Area Development (PAD) zone.

2. The applicant's Narrative and development proposal are in compliance with the City's Zoning Ordinance, including Section 21-505-B.3a-d regarding Limitations On Uses for *Outdoor Dining and Seating Areas*.
3. The proposal is compatible with the surrounding uses and intent of the Lake Pleasant Crossing commercial center.
4. The use, subject to the conditions of approval contained within this report, will operate in a manner that will not negatively impact pedestrian or vehicular traffic, or adjoining uses.

Recommendations:

APPROVE Case CU17-13, subject to Conditions 1-3.

ATTACHMENTS:

Description

P&Z Staff Report

Exhibit A - Vicinity Map

Exhibit B - Aerial Map

Exhibit C - Zoning Map

Exhibit D - Narrative

Exhibit E - Site & Floor Plan

Exhibit F - Landscape Plan

Exhibit G - Exterior Elevations

BACKGROUND

Context

The subject parcel is located north of the northeast corner of Happy Valley Road and Lake Pleasant Parkway within the existing Lake Pleasant Crossing commercial center, located at 25279 N Lake Pleasant Parkway. The site is immediately south of the new Fry's fueling station (Exhibits A & B).

The property is 1.89 acres in area, comprising a vacant commercial pad approximately 5,000 square feet in size with existing parking, landscaping and access improvements around its perimeter. The applicant is in the site plan and design review phase of development for a new Native Grill and Wings restaurant within the vacant pad. The applicant has filed this request to obtain a Conditional Use Permit (CUP) for an outdoor dining patio area.

Zoning

The site is zoned Lake Pleasant Crossing Planned Area Development (PAD), which is derived from the City's Intermediate Commercial (C-2) zoning district. *Outdoor Dining* is conditionally permitted within the C-2 zoning district (and by extension, the Lake Pleasant Crossing PAD), thereby requiring a Conditional Use Permit (CUP).

Adjacent Uses and Zoning

Table 1 summarizes the existing land use, General Plan designation and Zoning for the surrounding areas.

Table 1 – Existing Land Use, General Plan Designation, and Current Zoning

	EXISTING LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant building pad with commercial parking	Community Commercial	Lake Pleasant Crossing Planned Area Development (PAD)
North	Fry's gas station	Community Commercial	Lake Pleasant Crossing Planned Area Development (PAD)
South	Commercial retail and food service	Community Commercial	Lake Pleasant Crossing Planned Area Development (PAD)
East	Vacant pad with commercial parking	Community Commercial	Lake Pleasant Crossing Planned Area Development (PAD)
West	Major arterial street (Lake Pleasant Parkway)	Community Commercial	Lake Pleasant Towne Center Planned Area Development (PAD)

Other Related Policies and Project History

Lake Pleasant Crossing (PAD) zoning and master development plan was approved by the City Council in 2003. Several of the vacant commercial pads remained undeveloped; however, development activity within the center has increased in recent years.

APPLICANT'S PROPOSAL

Goal/Purpose of Request

The applicant is requesting a Conditional Use Permit (CUP) for an outdoor dining patio area to be included with the construction of a new Native Grill and Wings restaurant.

Development Information

- Existing Use: Vacant pad with commercial parking
- Proposed Use: Restaurant with Outdoor Dining Area
- Size of Proposed Building: 4,626 gross square feet
- Size of Proposed Outdoor Patio: 1,150 gross square feet

DISCUSSION AND ANALYSIS

Applicability

Under Chapter 21, Section 505 *Limitations on Uses*, Item B.3a-d outlines the limitations on outdoor dining and seating areas:

3. Outdoor Dining and Seating Areas:
 - a. Such areas shall be located immediately adjacent to the restaurant or establishment to which it is an accessory use.
-The outdoor patio area is adjacent to the northeast corner of the restaurant.
 - b. The use shall not interfere with pedestrian access, fire lanes, driveways or traffic visibility at driveways or street intersections.
-The location & use of the outdoor patio does not interfere with the above site elements.
 - c. Such areas shall not exceed 25% of the gross floor area (GFA) of the establishment. The Planning and Zoning Commission may waive this requirement if it is found that sufficient mitigating measures are provided to eliminate potential adverse impacts on adjacent properties.
-Proposed at 1,150 square feet, the outdoor patio area is at the maximum allowed 25% of the establishment.

- 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 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.

-To be satisfied upon completion of the CUP hearing.

Chapter 21 *Administrative Procedures* of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a Conditional Use Permit is to mitigate any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.

Compatibility With Surrounding Land Uses

The proposal is compatible with the surrounding land uses. The subject parcel and all surrounding parcels within the district are intended for commercial retail and restaurant/food service uses.

If any issues arise regarding the operation of the business, Section 21-321 of the 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 be revoked, modified, or suspended should any of the following occur:

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

COMMUNITY INVOLVEMENT

Outreach Requirements

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 a sign on the site, and placing an ad in the Peoria Times at least 15-days prior to the Public Hearing.

Support / Opposition

At the time of this writing, no response had been received from the public.

Proposition 207 Waiver

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

STAFF RECOMMENDATION

Based on the following findings:

- The request is permitted conditionally within the Lake Pleasant Crossing Planned Area Development (PAD);
- The Applicant's Narrative and development proposal are in compliance with the City's Zoning Ordinance, including Section 21-505-B.3a-d *Limitations on Uses for Outdoor Dining and Seating Areas*.
- The proposal is compatible with the surrounding uses and intent of the *Lake Pleasant Crossing* commercial center;
- The use, subject to the conditions of approval contained within this report, will operate in a manner that will not negatively impact the adjoining uses, pedestrian, vehicular or emergency traffic; and,
- The applicant/owner has submitted a signed and notarized a Proposition 207 waiver, which will be recorded with the conditions outlined below.

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

Approve the request for a Conditional Use Permit under Case CU17-13, subject to the following conditions:

1. The development shall substantially conform to the Site Plan, Floor Plan, Landscape Plan, and Elevations, as contained in the staff report to the Planning and Zoning Commission dated November 16, 2017.

2. Any material expansion of the use shall require a formal review and possible amendment to the Conditional Use Permit.
3. Per section 21-321 of the Peoria Zoning Ordinance (1977 Edition), the Conditional Use Permit will expire on May 16, 2019 if the use has not been exercised or a building permit has not been obtained.

REPORT PREPARED BY

Sean Allen
Senior Planner
623-773-7337
sean.allen@peoriaaz.gov

ATTACHMENTS:

Exhibit A	Vicinity Map
Exhibit B	Aerial Map
Exhibit C	Zoning Map
Exhibit D	Project Narrative
Exhibit E	Site & Floor Plan
Exhibit F	Landscape Plan
Exhibit G	Exterior Elevations

Vicinity Map



CU17-13: Native Grill Outdoor Dining

Exhibit A

Applicant: Ravin Crosby of Ideation Design Group

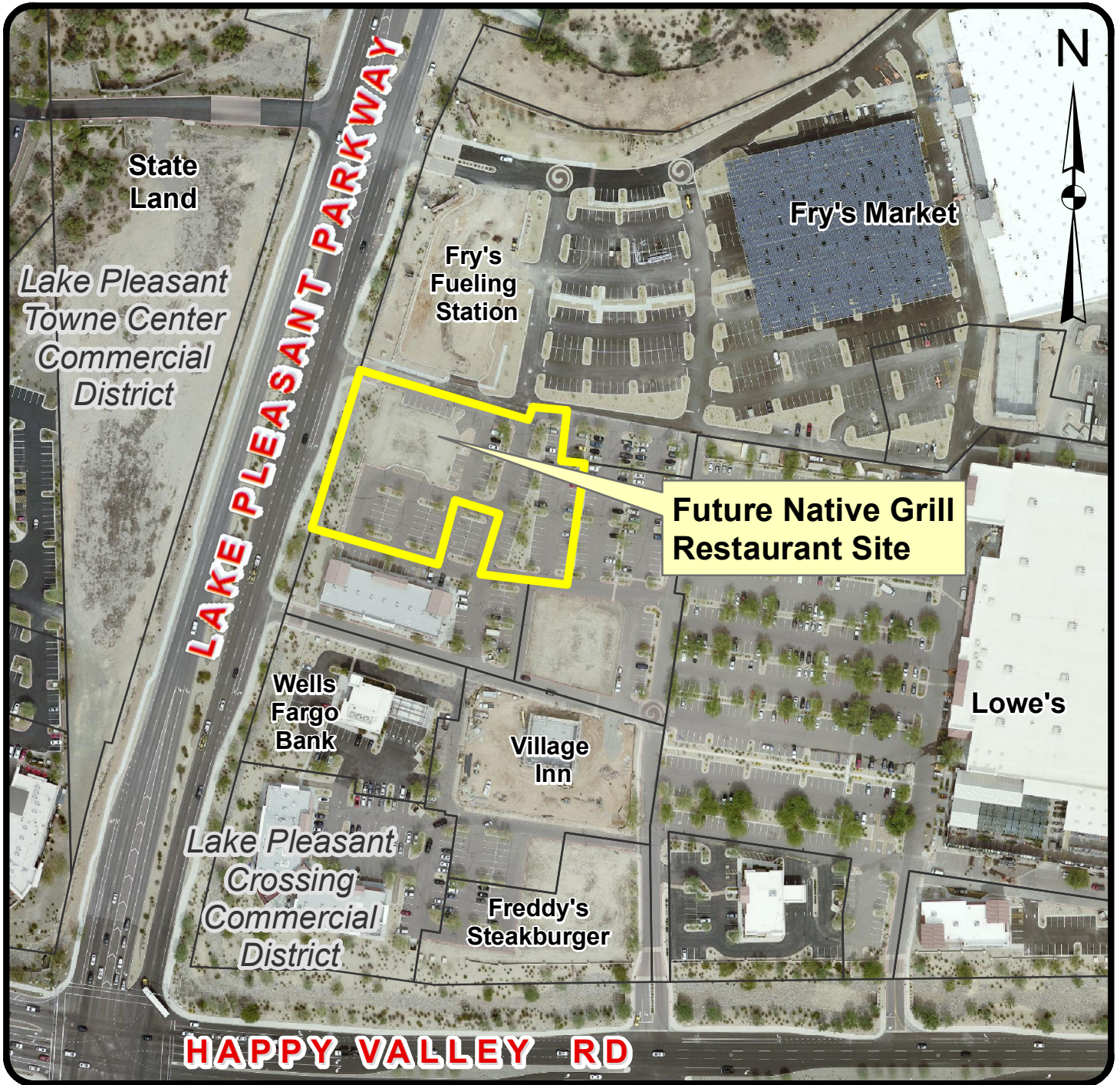
Request: To obtain a Conditional Use Permit (CUP) for an outdoor dining patio to be included with the construction of a new Native Grill & Wings restaurant.

Location: 25279 N. Lake Pleasant Parkway, on a vacant parcel just south of the new Fry's fueling station.



Not to Scale

Vicinity Map



CU17-13: Native Grill Outdoor Dining

Exhibit B

Applicant: Ravin Crosby of Ideation Design Group

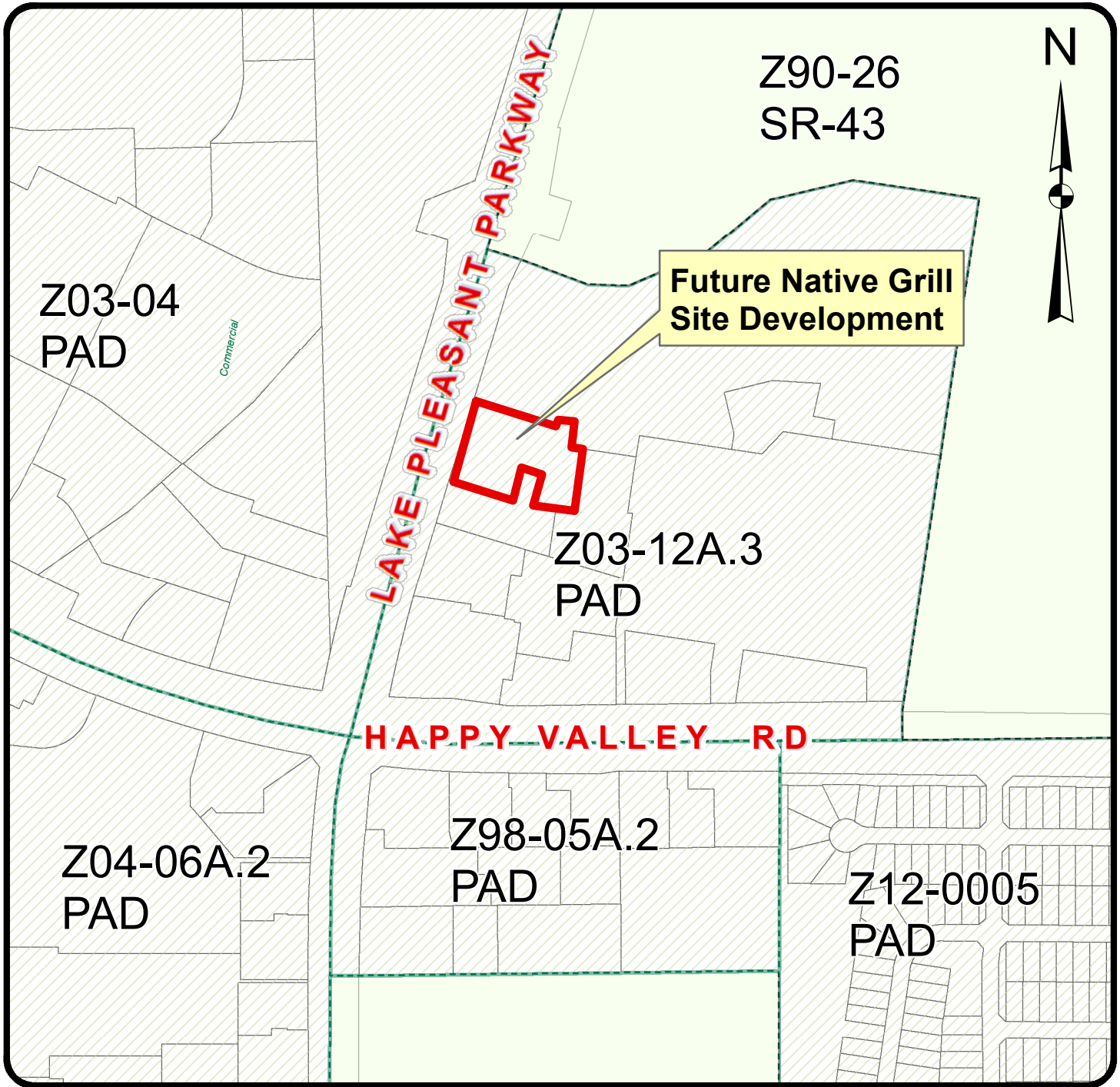
Request: To obtain a Conditional Use Permit (CUP) for an outdoor dining patio to be included with the construction of a new Native Grill & Wings restaurant.

Location: 25279 N. Lake Pleasant Parkway, on a vacant parcel just south of the new Fry's fueling station.



Not to Scale

Zoning Map



CU17-13: Native Grill Outdoor Dining

Exhibit C

Applicant: Ravin Crosby of Ideation Design Group

Request: To obtain a Conditional Use Permit (CUP) for an outdoor dining patio to be included with the construction of a new Native Grill & Wings restaurant.

Location: 25279 N. Lake Pleasant Parkway, on a vacant parcel just south of the new Fry's fueling station.



Not to Scale

October 19, 2017

PROJECT NARRATIVE

Native 79
Lake Pleasant Crossing
Peoria, AZ

The proposed project is a freestanding full-service restaurant on a vacant pre-developed and re-approved building pad site at Lake Pleasant Crossing, within Lake Pleasant Parkway.

Parking will be as-built with 90 spaces on the site with a cross parking agreement with current Lake Pleasant Crossing ownership for the balance of the required parking.

The area of the proposed building is 4,626 square feet with a 1,150 square foot North & East Facing exterior patio.

The site is pre-developed with required utility easements and water, sewer, gas and electric on site.

This site was developed and approved as a restaurant pad by the City of Peoria, and will be a compatible use with the entire surrounding Lake Pleasant Crossing shopping area.

The site circulation will not change from the previously approved site plan by the City of Peoria. Parking will remain the same as-built. Trash storage and pick-up will from a new double wide trash enclosure on the West side of the property. Drainage from the current imperious areas drain to existing drainage basins with the balance of the pad site being designed with on-site retention per City of Peoria requirements.

The architecture of the building will be Type V Fully Sprinklered construction. The building will have a series of articulated surfaces of multi-colored EFIS with an entry tower element of 32' feet tall clad in reclaimed wood with a Spanish tile roof. All exterior lighting will be indirect light sources in compliance with the City of Peoria's dark sky design requirement.

Signage will be internally illuminated on all four sides of the building.

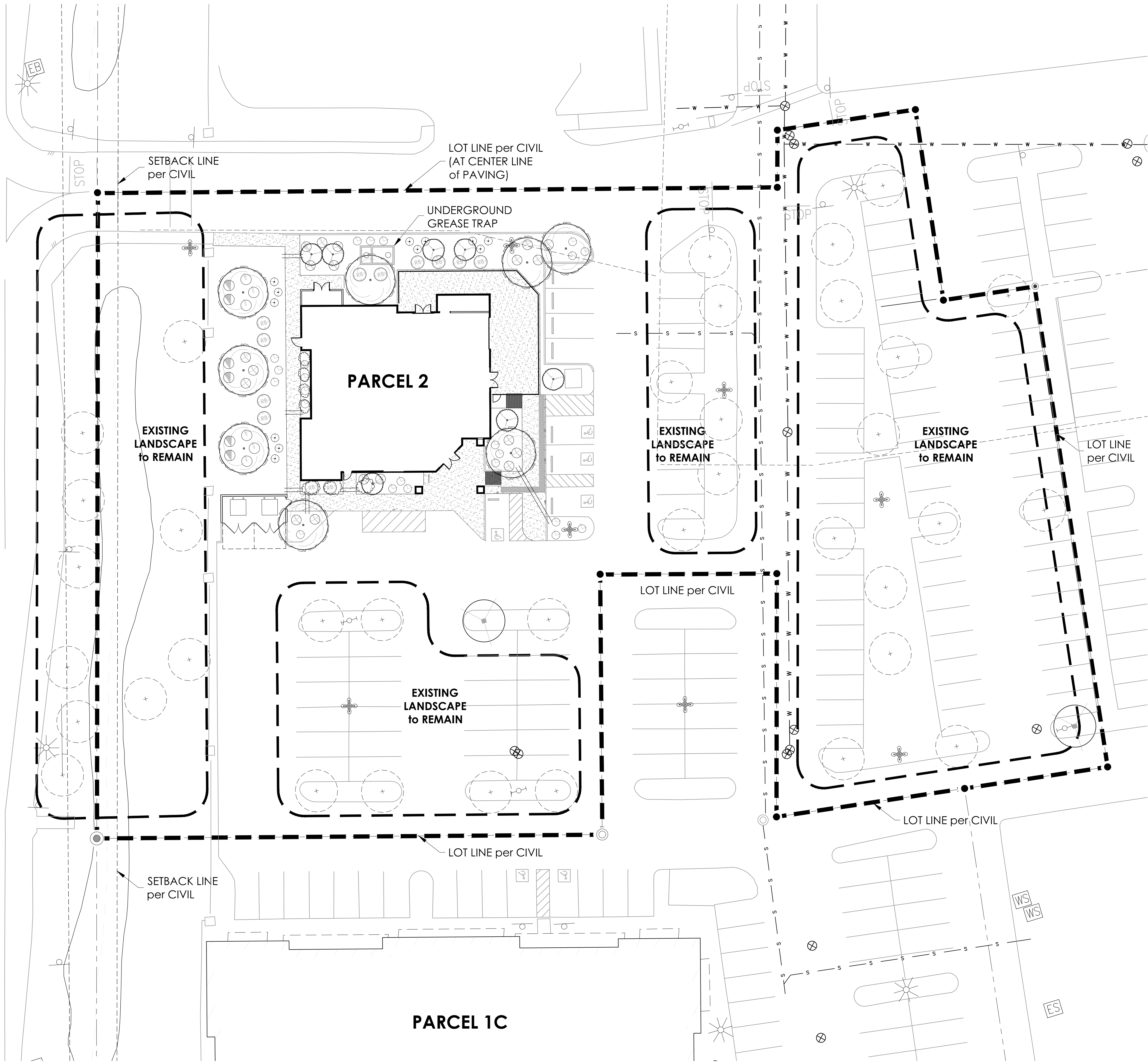
END OF PROJECT NARRATIVE

Exhibit D



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THIS DOCUMENT IS THE SOLE PROPERTY OF NEILL+YOUNG ASSOCIATES. NO ALTERATIONS TO THESE PLANS ARE ALLOWED OTHER THAN AUTHORIZED NEILL+YOUNG EMPLOYEES.

LAKE PLEASANT PARKWAY



CITY OF PEORIA REQUIRED TREES and SHRUBS
1 TREE and 5 SHRUBS per 400 sq.ft.
TOTAL 24" BOX TREES (50% of TOTAL REQ. TREES)

5850 sq.ft. = 15 TREES and 73 SHRUBS

PROVIDED = 15 TREES and 78 SHRUBS

PLANT MATERIALS LEGEND
SYM. PLANT NAME SIZE QTY REMARKS

TREES				
(+)	Existing Tree to Remain			
(•)	Chitalpa tashkentensis Chitalpa	24" BOX	7	-
(*)	Prosopis juliflora Native Mesquite	24" BOX	2	Species to Match Existing
(⊙)	Sophora secundiflora Texas Mountain Laurel	15 GAL	8	-
SHRUBS				
(•)	Calliandra x 'Sierra Star' Sierra Star Fairy Duster	5 GAL.	6	-
(•)	Callistemon 'Little John' Dwarf Bottlebrush	5 GAL.	12	-
(•)	Leucophyllum laevigatum Chihuahuan Sage	5 GAL.	6	-
(RB)	Leucophyllum langmaniae Rio Bravo Sage	5 GAL.	12	-
(⊙)	Ruellia brittoniana Ruellia	5 GAL.	19	-
GROUNDCOVER				
(⊙)	Lantana hybrid New Gold Lantana	1 GAL.	23	-

INERTS	
SYM.	DESCRIPTION
(□)	3/4" SCREENED DECOMPOSED GRANITE to MATCH EXISTING GRANITE to a DEPTH of at LEAST 2 INCHES.
A PRE-EMERGENT HERBICIDE SHALL be APPLIED to the GROUND PRIOR to and AFTER PLACEMENT of NATURAL SURFACE MATERIALS in any LANDSCAPED AREAS.	

LAKE PLEASANT CROSSING
NATIVE 79 WINGS & BREW
N.E.C. N. LAKE PLEASANT PWY & W. HAPPY VALLEY RD.
PEORIA, ARIZONA

DATE:	10-19-17
JOB NO:	
DRAWN BY:	ATF
DESIGNED BY:	JTN
SCALE:	
REVISIONS:	DATE:
△	
△	
△	
△	
SUBMITTED FOR:	

SHEET NO.
L01
OF

Lake Pleasant Crossing Project - Preliminary Landscape Plan

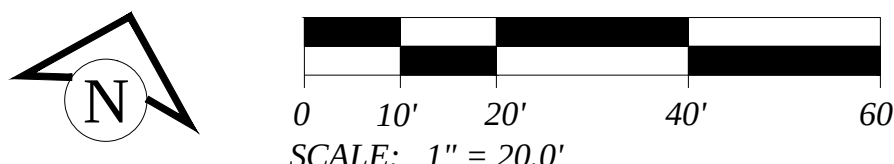


Exhibit F

Drawing name: M:\Projects\2017\Projects\17-223 Native - Peoria\K_CDS\2017-10-20 Site Plan Review Set\17-223 A3-A3.1 colored.dwg Printed on: Oct 24, 2017 - 10:41am



1 SOUTH ELEVATION

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



2 EAST ELEVATION

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

SCALE:	1/4"=1'-0"	
DRAWN BY:	DL	
DATE:	10.20.17	
BASE FILE:	-	
PROJECT NUMBER:	17-223	
#	DATE:	DESCRIPTION:

PROJECT:

NATIVE GRILL AND WINGS
NEC HAPPY VALLEY ROAD AND LAKE PLEASANT PARKWAY
PEORIA, ARIZONA 85383

SHEET TITLE:

EXTERIOR ELEVATIONS

ideation
DESIGN GROUP

SITE PLAN REVIEW SET 10/20/17

NOT FOR CONSTRUCTION

SHEET NO:

A3.0

Exhibit G

Drawing name: M:\Projects\2017 Projects\17-223 Native 79 - Lake Pleasant - Point/C_CD\2017-10-20 Site Plan Review Set\17-223 A3.1.dwg Printed on: Oct 24, 2017 - 10:42am



3 NORTH ELEVATION

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



4 WEST ELEVATION

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

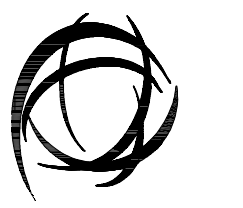
SCALE:	1/4"=1'-0"	
DRAWN BY:	DL	
DATE:	10.20.17	
BASE FILE:	-	
PROJECT NUMBER:	17-223	
#	DATE:	DESCRIPTION:

PROJECT:

NATIVE GRILL AND WINGS
NEC HAPPY VALLEY ROAD AND LAKE PLEASANT PARKWAY
PEORIA, ARIZONA 85383

SHEET TITLE:

EXTERIOR ELEVATIONS



SITE PLAN REVIEW SET 10/20/17

NOT FOR CONSTRUCTION

SHEET NO:

A3.1

Exhibit G



PLANNING AND ZONING COMMISSION REPORT

Meeting November 16, 2017

Date:

Agenda Item: 4R

Case Name: Z17-22: Cross of Glory Annexation - Initial Zoning

Case Z17-22

Number(s):

General Application Information

Proposal:

Establish initial zoning for a recently annexed 7.52 acre property.

Location:

South of the intersection of 101st Lane and Jomax Road.

Project Acreage:

7.52 acres.

Applicant:

City of Peoria

Project Description

Establish initial zoning on a recently annexed 7.52 site *from* Maricopa County Rural 43 (RU-43) *to* City of Peoria Suburban Ranch 43 (SR-43).

Recommendations:

Recommend **APPROVAL** of Case Z17-22 to the City Council.

ATTACHMENTS:

Description

Staff Report

Exhibit A - Vicinity Map

Exhibit B - Zoning Map

Exhibit C - General Plan Land Use Map

BACKGROUND

Context

The subject property is 7.52 acres in area and is generally located south of the intersection of 101st Lane and Jomax Road (Exhibit A). The site contains the Cross of Glory Lutheran Church and was recently annexed into the City through the adoption of Ordinance No. 2017-43. The action approving the annexation occurred on October 17, 2017. Under State Statute, the municipality has six (6) months to assign City zoning that is most analogous to the County zoning; and which does not permit densities or uses more intense than those permitted by the County prior to the annexation.

General Plan

The subject property has a land use designation on the General Plan as Low Density Residential (LDR), which as a density range of 2-5 dwelling units per acre (du/ac) with a target of 3 du/ac. The LDR land use designation denotes areas where detached, moderately sized lot, single-family residential neighborhoods are desirable. These areas support a suburban lifestyle with areas of increased density while maintaining a detached single-family residential character (Exhibit C).

Zoning

The site is zoned Maricopa County Rural 43 (RU-43). The Maricopa County Rural 43 (RU-43) district's principal purpose is to conserve and protect farms and other open land uses, foster orderly growth in rural and agricultural areas, prevent urban and agricultural land use conflicts, and encourage sustainable development (Exhibit B). The '43' signifies the 1-acre minimum lot size for the district (43,560 SF).

Adjacent Uses and Zoning

Tables 1 and 2 summarize the existing land use, general plan and zoning designations for the surrounding areas.

Table 1 – Existing Land Use, General Plan Designation, Zoning

	EXISTING LAND USE	GENERAL PLAN	ZONING
Subject Property	Place of Worship	Low Density Residential (2-5 du/acre, Target = 3)	Maricopa County Rural 43 (RU-43)
North	Tierra Del Rio Subdivision	Low Density Residential	Planned Area Development (PAD)
South	Single-Family Residential	Low Density Residential	Maricopa County RU-43
East	Vacant Property / Single-Family Home	Low Density Residential	Maricopa County RU-43
West	Vacant Property	Low Density Residential	Maricopa County RU-43

Other Related Policies and Project History

On October 17, 2017 the Mayor and City Council adopted Ordinance No. 2017-43 thereby annexing assessor's parcel number 201-17-013A that is the subject of this initial zoning request.

APPLICANT'S PROPOSAL

Goal/Purpose of Request

Pursuant to A.R.S. §9-462.04E and §9-471.L Section 21-318 of the Peoria City Code, the City must begin the process of assigning City zoning to the annexed property within six (6) months following the official adoption of the annexation.

Per State Statute, the initial corresponding zoning shall not permit densities and uses more intense than those permitted by the County prior to the annexation. The closest City of Peoria zoning category to the Maricopa County Rural-43 Zoning District is City of Peoria Suburban Ranch 43 (SR-43) Zoning District. This request is consistent with the State Statute.

Development Information

- | | |
|------------------|---------------------------|
| • Existing Use: | Place of Worship |
| • Proposed Use | Expansion of Existing Use |
| • Property Size: | ≈7.52 acres |

DISCUSSION AND ANALYSIS

Land Use

The subject initial zoning request merely provides statutorily required transitional zoning from the current Maricopa County RU-43 zoning district to the equivalent City of Peoria SR-43.

The initial zoning request meets statutory requirements for the recently annexed area. Staff supports the necessary initial zoning.

Zoning Findings

The initial zoning request is mandated by the state laws on annexation of properties into a municipal jurisdiction.

The proposed initial zoning of Peoria's Suburban Ranch 43 (SR-43) District is similar in density and uses as permitted by Maricopa County's Rural 43 (RU-43) District.

The proposed zoning district is in conformance with the goals and objectives set forth in the Peoria General Plan.

COMMUNITY INVOLVEMENT

Public Noticing

Public notice was provided in the manner prescribed under Section 14-39-6 of the City of Peoria General Plan. Posting of the site was completed within the prescribed number of days prior to the Public Hearing.

Support / Opposition

At the time of this writing, Staff has not received any support or opposition to the initial zoning proposal.

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission make the following recommendations to City Council:

Approval of Case Z17-22 to the City Council, establishing the initial zoning of the property as City of Peoria Suburban Ranch 43 (SR-43).

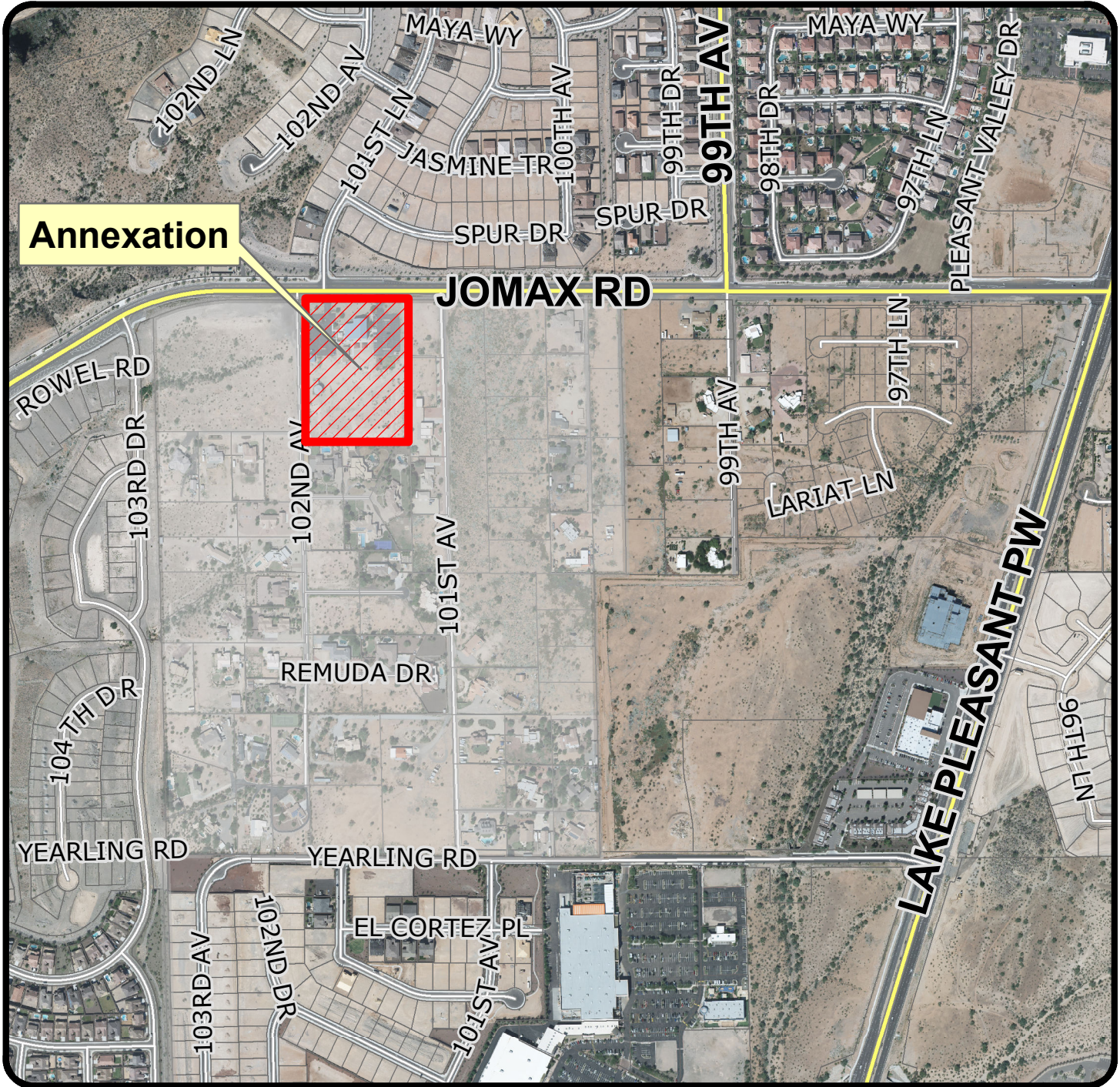
REPORT PREPARED BY

Jennifer Fostino
Planner
623-773-7565
jennifer.fostino@peoriaaz.gov

ATTACHMENTS:

Exhibit A: Vicinity Map
Exhibit B: Zoning Map
Exhibit C: General Plan Land Use Map

Vicinity Map



Z17-22 Cross of Glory Church Initial Zoning

Applicant: Applicant

Request: Initial Zoning of approximately 7.52 acres from Maricopa County RU-43 to City of Peoria SR-43.

Location: SEC 102nd Ave and Jomax Rd

Jurisdiction

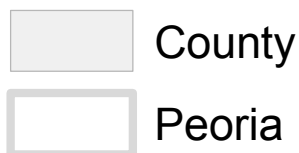
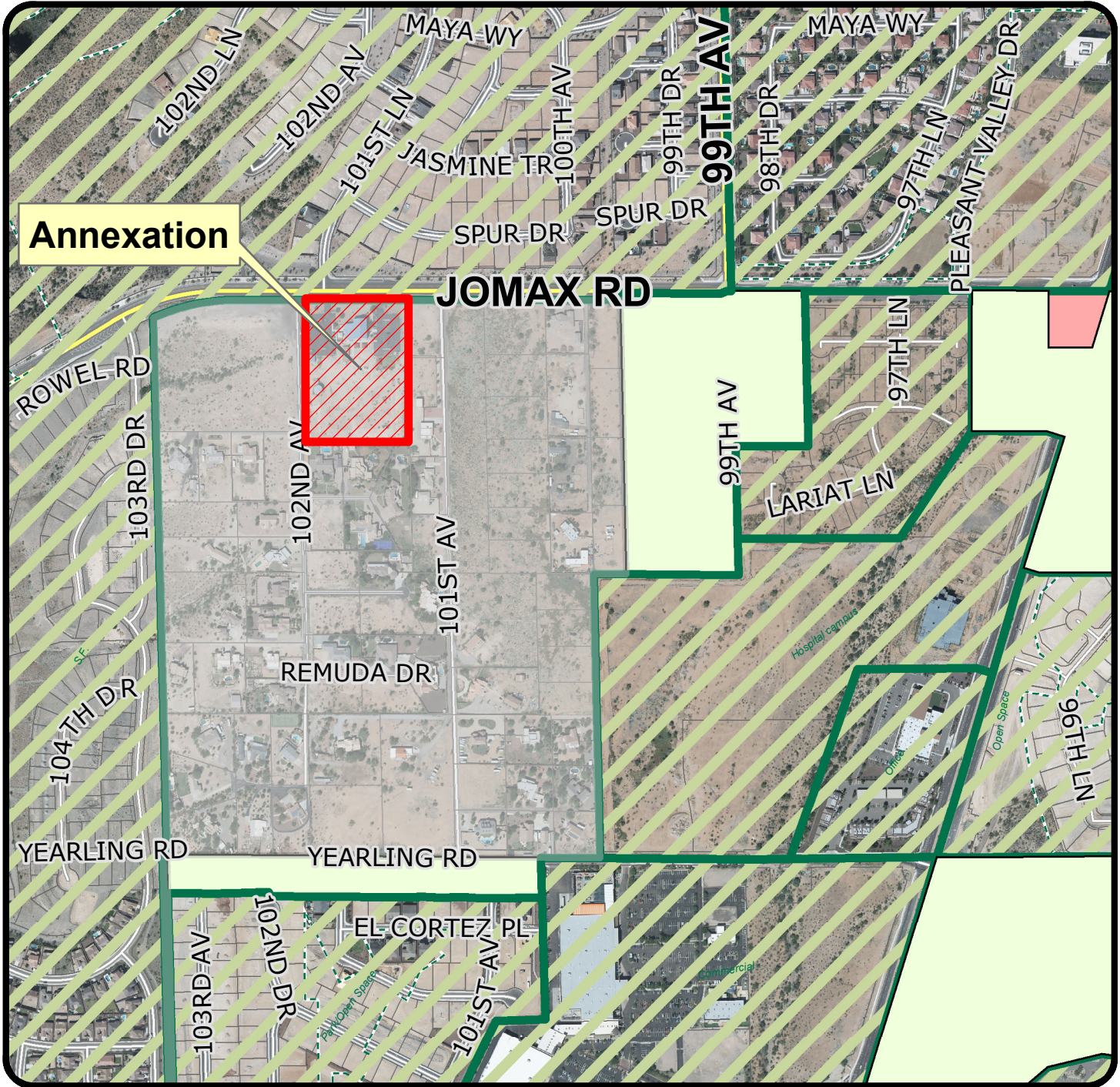


Exhibit A



Not to Scale

Zoning Map



Z17-22 Cross of Glory Church Initial Zoning

Applicant: Applicant

Request: Initial Zoning of approximately 7.52 acres from Maricopa County RU-43 to City of Peoria SR-43.

Location: SEC 102nd Ave and Jomax Rd

Jurisdiction

 County

Zoning District

 PAD

 C-2

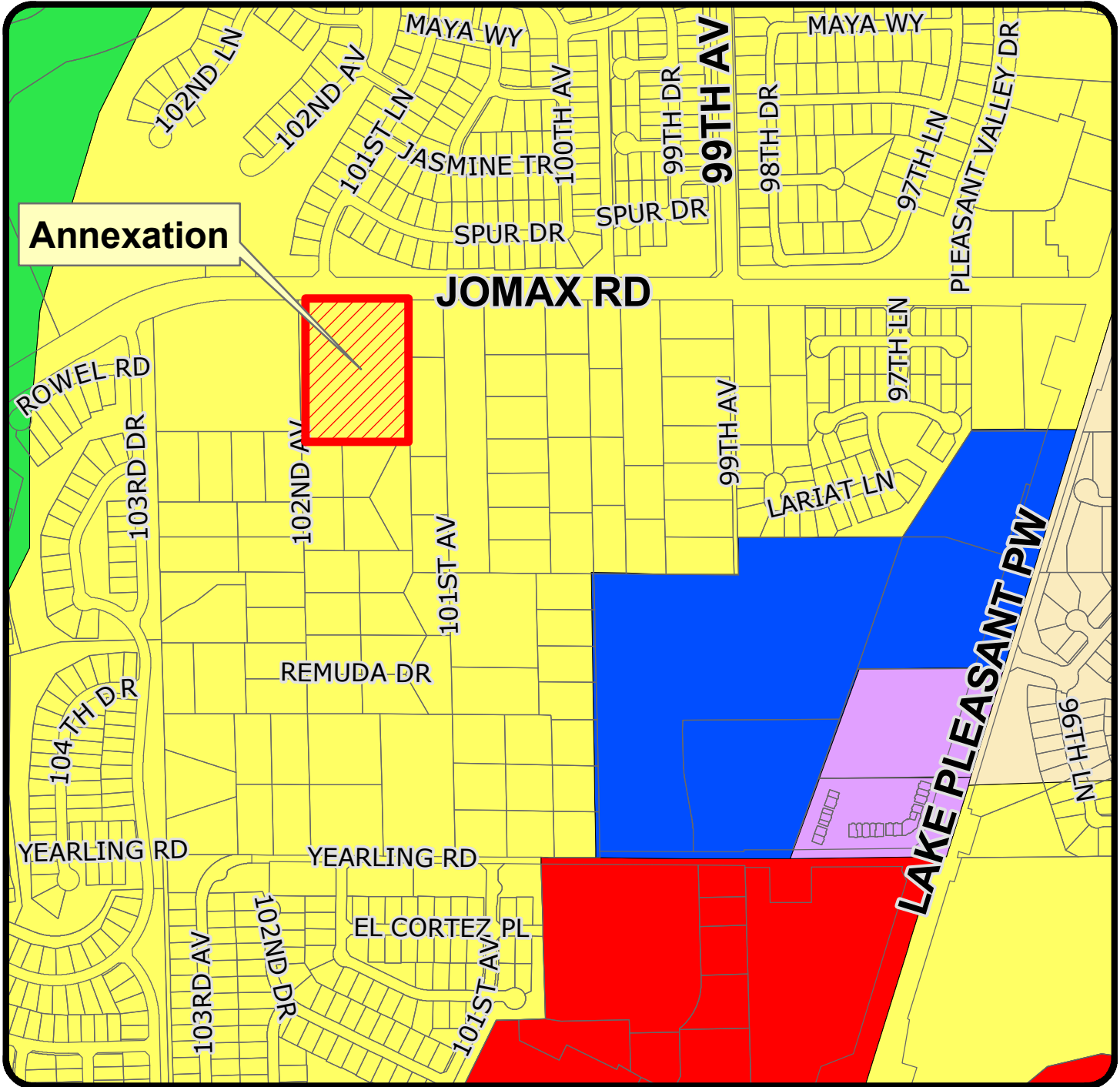
 SR-43

Exhibit B



Not to Scale

General Plan Land Use Map



Z17-22 Cross of Glory Church Initial Zoning

Applicant: Applicant

Request: Initial Zoning of approximately 7.52 acres from Maricopa County RU-43 to City of Peoria SR-43.

Location: SEC 102nd Ave and Jomax Rd

Land Use

	Residential/Low
	Public/Quasi-Public
	Office
	Park/Open Space
	Community Commercial

Exhibit C



Not to Scale



PLANNING AND ZONING COMMISSION REPORT

Meeting November 16, 2017

Date:

Agenda Item: 5R

Case Name: Z17-23: 71st & Thunderbird Annexation - Initial Zoning

Case Z17-23

Number(s):

General Application Information

Proposal:

Establish initial zoning for three parcels totaling 11.82 acres that were recently annexed.

Location:

Northwest corner of 71st Avenue and Thunderbird Road.

Project Acreage:

11.82 acres.

Applicant:

City of Peoria

Project Description

Establish initial zoning on three parcels totaling 11.82 acres that were recently annexed from Maricopa County Residential Unit Plan of Development (RUPD) to City of Peoria Planned Area Development (PAD).

Recommendations:

Recommend **APPROVAL** of Case Z17-23 to the City Council.

ATTACHMENTS:

Description

Memo - Request Continuance

Exhibit A - Vicinity Map

Exhibit B - Zoning Map

Exhibit C - General Plan Land Use Map

Exhibit D - Approved County Stipulations



City of Peoria

PLANNING DEPARTMENT

9875 North 85th Avenue
Peoria, Arizona 85345
T 623-773-7200
planning@peoriaaz.gov

Memorandum

Meeting Date: November 16, 2017

To: Planning & Zoning Commission

From: Jennifer Fostino, Planner

Re: ITEM 5R 71st & Thunderbird Initial Zoning
Z17-23
Northwest Corner of 71st Avenue and Thunderbird Road

Staff formally requests a continuance of the above referenced item to the next regularly scheduled Planning and Zoning Commission meeting on December 7, 2017. Additional review of the stipulations approved by Maricopa County on May 10, 2017, for Residential Unit Plan of Development (RUPD) zoning is needed to ensure conformance with the policies and procedures set forth by the City of Peoria.

Vicinity Map



Z17-23 71st & Thunderbird Initial Zoning

Applicant: City of Peoria

Request: The applicant is requesting to annex approximately 11.82 acres.

Location: Northwest corner of 71st Avenue and Thunderbird Road.

Jurisdiction

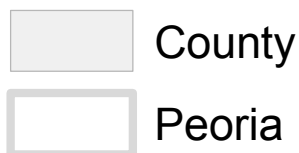
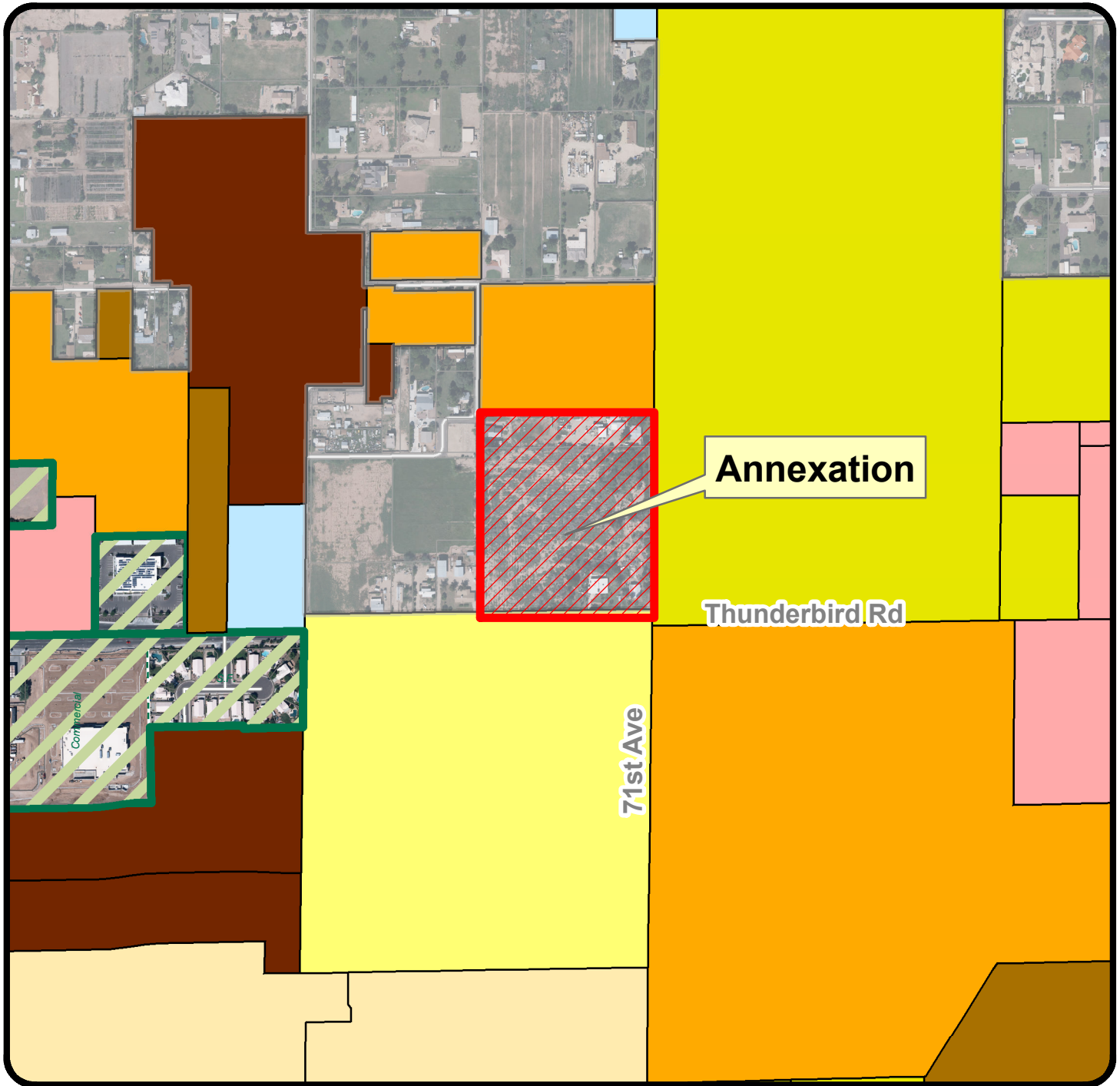


Exhibit A



Not to Scale

Zoning Map



Z17-23 71st & Thunderbird Initial Zoning

Applicant: City of Peoria

Request: The applicant is requesting to annex approximately 11.82 acres.

Location: Northwest corner of 71st Avenue and Thunderbird Road.

Jurisdiction

County

Zoning District

PAD	R1-18
C-2	R1-10
RM-1	R1-8
SR-43	AG
R1-35	

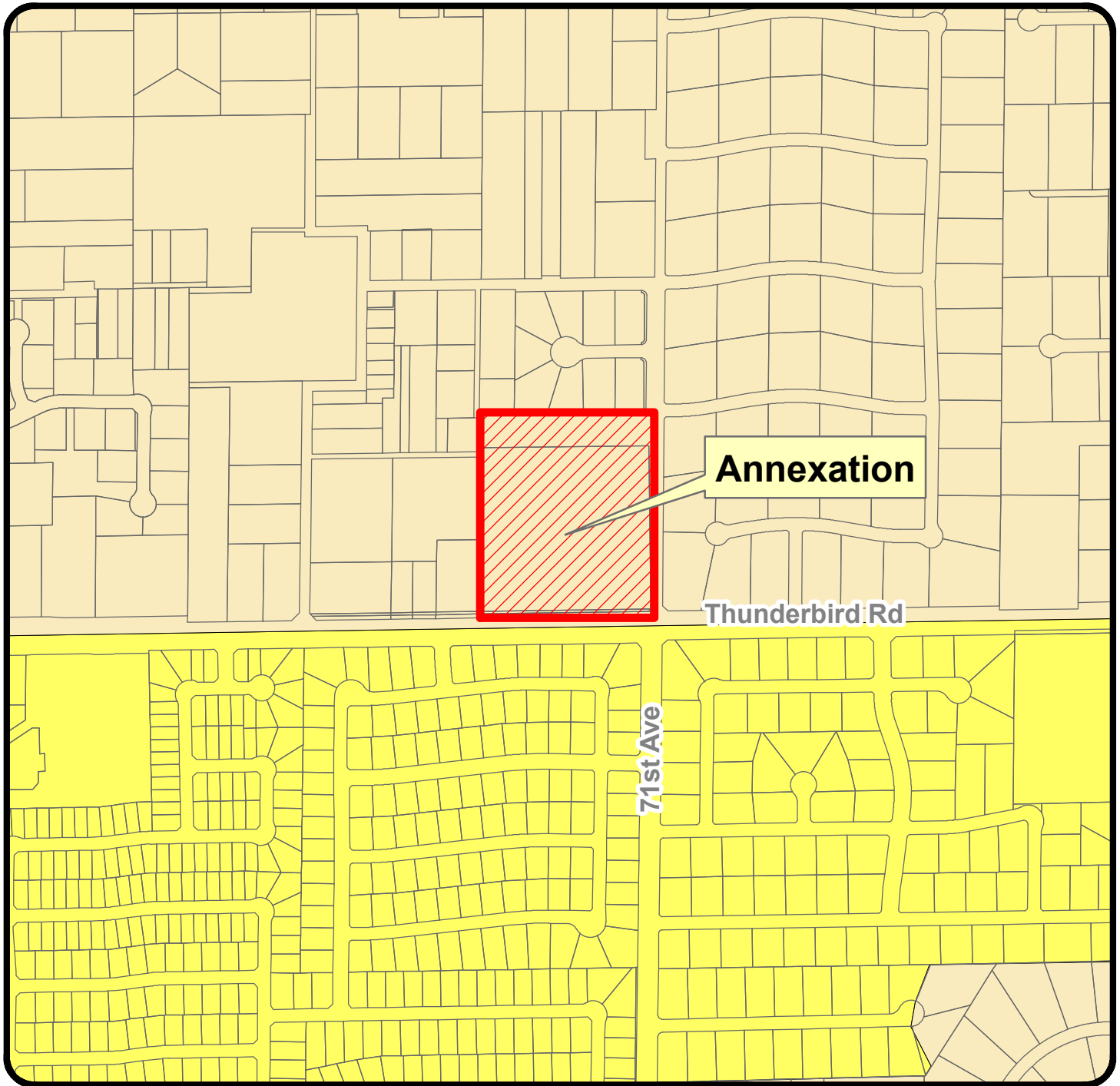
Exhibit B



Not to Scale



General Plan Land Use



Z17-23 71st & Thunderbird Initial Zoning

Applicant: City of Peoria

Request: The applicant is requesting to annex approximately 11.82 acres.

Location: Northwest corner of 71st Avenue and Thunderbird Road.

Land Use

-  Residential/Estate
-  Residential/Low

Exhibit C



Not to Scale



Planning & Development
Department

May 10, 2017

Mr. Jacob E. Zonn
Senior Planner
2525 E. Camelback Rd., 7th Floor
Phoenix, AZ 85016

Re: Approval of Zone Change request from RU-43 to R1-10 RUPD
Z2016099 (71st & Thunderbird)

Dear Mr. Zonn,

On May 10, 2017, the Maricopa County Board of Supervisors **approved** the Zone Change request for "71st and Thunderbird", located at the northwest corner of Thunderbird Road and 71st Avenue in the Peoria area. Approval is subject to conditions 'a' through 'm':

- a. Development of the site shall comply with the conceptual site plan entitled "71st Avenue and Thunderbird", consisting of 1 full-size sheet, dated January 2017 and stamped received February 14, 2017 except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Courtland Communities 71st Avenue and Thunderbird Road", consisting of 8 pages, dated February 14, 2017, and stamped received February 14, 2017 except as modified by the following conditions.
- c. The following R1-10 RUPD standards shall apply:
 1. Front yard: 10' (setback for side entry garage or forward living product; Front yard setback may be reduced by up to 5-feet at knuckles, cul-de-sacs, and roadway tapers such that an 18-foot driveway (measured from back of sidewalk) is provided and that all other Zoning District Standards are met.)
 2. Side Yard: 5'/10' (15' min. total separation)
 3. Rear yard: 15'
 4. Lot coverage: 55%

All other standards if the R1-10 zoning district shall remain unchanged.

- d. The applicant/property owner shall submit a 'will serve' letter from the Peoria Fire Department for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.



Planning & Development Department

- e. The following Maricopa County Department of Environmental Services Department (MCESD) conditions shall apply, unless such time the property is annexed by the City of Peoria:
 - 1. A separate Approval to Construct (ATC) for public water and sewer be submitted to MCESD for approval.
 - 2. Development and engineering design shall be in conformance with the Maricopa County Stormwater Quality Management and Discharge Control Regulation. The owner/developer shall prepare a Stormwater Site Plan and obtain approval by MCESD prior to construction. (A separate submittal to MCESD is required.)
 - 3. Upon completion of construction, the owner shall fulfill MCESD post-construction requirements. This will include appropriate operation and maintenance requirements.
- f. The following Engineering conditions shall apply:
 - 1. It is understood that the subject premises will be annexed into the City of Peoria in order to obtain water and sewer service. All local and offsite right-of-way and street improvements shall conform to the City of Peoria standards or requirements.
 - 2. Unless such time the property is annexed by the City of Peoria, maximum retention basin depth shall be 3 feet plus one (1) foot of freeboard. Depths in excess of this requirement shall require implementation of safety measures (i.e. pool barrier type fencing).
 - 3. A Traffic Impact Study to address traffic impacts and roadway improvements required to support the proposed development must be submitted with the Preliminary Plat application(s).
- g. The R1-10 RUPD zoning approval is conditional per Maricopa County Zoning Ordinance Article 304.6 for a period of five (5) years. Within five (5) years of Board of Supervisors' approval there shall be Final Plat approval for the residential site or the zoning may be considered for reversion to Rural-43 at public hearing of the Board of Supervisors after recommendation by the Planning and Zoning Commission, unless within such time the property is annexed by the City of Peoria.
- h. Noncompliance with any Maricopa County Regulation or condition of approval shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.



Planning & Development Department

- i. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, a hearing shall be scheduled with the Board of Supervisors for consideration to revert the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.
- j. The project shall provide for 7% useable open space and 12% minimum total open space, each measured by the net area of the project. An amenity area shall be provided that is appropriate for the project and reviewed and accepted by the City. This may include items such as a ramada, barbecue, seating area, and/or playground structure.
- k. A 30' right-of-way dedication shall be made to the City of Peoria for the half-street of 71st Avenue and the roadway shall be constructed to match the Redfield Estates subdivision to the north. The right-of-way dedication shall be widened to accommodate the intersection improvements at 71st Avenue and Thunderbird Road.
- l. The southern entrance shall be revised to meet the development standards of the City of Peoria for private gated entries. The northern entrance is acceptable as reflected on the site plan dated January 2017. A reduced section at the southern entrance may be accepted by the City if an alternative is presented to and approved by the City.
- m. Upon annexation into the City of Peoria, the internal street section shall be a private tract consisting of a 32' roadway (measured from back-of-curb to back-of-curb) and 5' sidewalks on each side. The private roadway tract shall be 42' wide to accommodate the roadway.



Planning & Development Department

Sincerely,

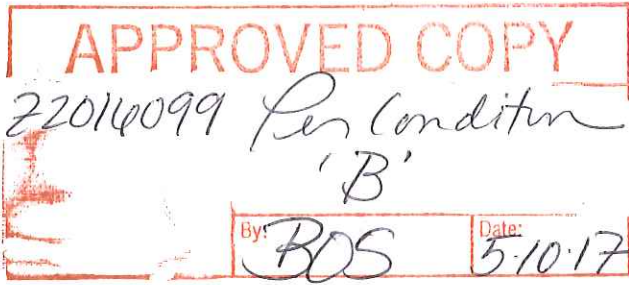
A large, stylized handwritten signature in black ink, appearing to read "Rachel Applegate".

Rachel Applegate
Senior Planner

Cc:

File (Z2016099)
Shiloh Johnson – OET-GIS
William Lally, Tiffany & Bosco

Z2016099 - Courtland Communities
71st Avenue & Thunderbird Road



Rezoning Submittal
December 13, 2016
Re-submittal
February 14, 2017



Applicant Name: William E. Lally, Tiffany & Bosco



2525 E. Camelback Road
Seventh Floor
Phoenix, AZ 85016
602.452.2712
wel@tblaw.com

Z2016099

RECEIVED FEB 14 2017



Zone Change Narrative
Courtland Communities – 71st Avenue & Thunderbird Road

Executive Summary

The purpose of this request is to rezone parcels of approximately 12.53 acres generally located at the northwest corner of 71st Avenue and Thunderbird Road Avenue in Maricopa County (APNs: 200-68-064 and 200-68-003A) (the “Property”). Please see **Tab 1** for a regional context aerial map and a context aerial map of the immediate vicinity.

The Property is currently zoned as Rural-43 in the Maricopa County Zoning Ordinance. See **Tab 2** to illustrate the current zoning. The Property is not located within any of the County Area Plans; as such, the Property is currently designated for rural development. See **Tab 3** Maricopa County 2030 Comprehensive Plan Map. The requested zoning is for a Single Family Residential (R1-10) Residential Unit Plan of Development (RUPD) zoning district on the Property for single-family detached homes with a variety of lot widths.

The Property is bounded by Thunderbird Road to the South, 71st Avenue to the east, single-family residential to the north and vacant parcels to the west. The Property is located within a County island and is within the future Municipal Planning Area of the City of Peoria (Please see **Tab 4**). County land borders the northern and western edges of the Property; the land to the east is designated R-35 by the City of Peoria and to the south is a residential development designated R-18 by the City of Peoria.

This proposal will provide for a vibrant residential community that is compatible with the surrounding area.

While the Maricopa County 2030 Comprehensive Plan and the City of Peoria General Plan designate the Property “Rural” and “Rural/Estate” respectively, the Peoria General Plan designates the land directly on the southern border and much of the surrounding area “Residential/Low.” The proposed use is consistent with these surrounding uses and will be compatible with the area.

Request

The proposed rezoning request is to facilitate the development of a single family detached residential community with a density of 2.4 dwelling units per acres. See Site Plan Map Enclosed at **Tab 5**. The rezoning will increase the density and maximum number of units on the Property.

Proposed Rezoning

The request to rezone the Property to the R1-10 RUPD zoning district will enable the developer to redevelop and market the Property to homebuyers who desire a premium product but wish to



avoid the expense and maintenance associated with ownership of an acre lot. The existing density (a maximum of one unit to the acre) does not provide adequate housing options for the area and does not reflect the change in the housing market over the past few years.

The requested R1-10 RUPD will allow for an appropriate density in an area where

Furthermore, in its current condition, the Property is an eyesore. The landscaping has not been maintained and the buildings on the Property are outdated. The developer is proposing a high-end product with homes that will be well maintained. These improvements will benefit the surrounding homeowners and raise property values in the area.

Proposed Amended Development Standards

The requested zoning district development standards are as follows:

R1-10 RUPD Zoning District Standards		
Regulation	Base Zoning District Regulations (R1-10)	Proposed Zoning District Regulations (R1-10 RUPD)
Height	30'	30'
Front yard	20'	20' (10' setback for side entry garage or forward living product)*
Side yard	7'	5'/10' (15' Min. Total Separation)
Street-side yard	10'	10'
Rear yard	25'	15'
Lot area	10,000 sq. ft.	10,000 sq. ft.
Lot width	80'	80'
Lot area per dwelling unit	10,000	10,000
Lot coverage	40%	55%
Parking spaces	2	2

**Front yard setback may be reduced by up to 5-feet at knuckles, cul-de-sacs, and roadway tapers such that an 18-foot driveway (measured from back of sidewalk) is provided and that all other Zoning District Standards are met.*



Changes in Bold

The proposed modifications within the R1-10 RUPD create the ability to plat the single-family lots on the Property with a product consistent to the surrounding neighborhood. Given the shape of the property, some of the lots require less street frontage than the minimum lot width proposed by the R1-10 zoning ordinance; however, each lot meets the minimum lot width requirement when measured from the back of the lot. The modifications to the side and rear yard setbacks are consistent to the City of Peoria's development standards for the equivalent zoning.

Other changes requested through the RUPD are:

1. To allow a 10-foot wall height containing a combination of 7-foot maximum of Dooley wall and 4-foot maximum of retaining wall. *Wall will be structurally designed by an Arizona licensed structural engineer.*
2. The Project will provide for a minimum of 11% total open space based upon the net area of the site. 7% of the net area of the site will be used as usable open space.

Other Modifications to County Codes

1. Side yard tracts will be 10-foot minimum, inclusive of the PUE. Shrubs and other plantings will be included as allowed within the PUE.

Relationship to Surrounding Properties

The Property is located in an area that is suitable for the residential development proposed by this application. It is surrounded by primarily residential uses with some agricultural uses and commercial nodes at intersections nearby. See City of Peoria Zoning Map Enclosed at Tab 6.

As indicated above, the Peoria General Plan identifies the Property as a Residential/Estate use within its future planning area. While the proposed residential development is at a slightly higher density than the designated uses under the County Comprehensive Plan or the Peoria General Plan, it is a similar density to the majority of the properties in the area. For example, the proposed development is nearly the same density as the Tierra Norte Subdivision directly south of the Property.

Directly to the west of the Property, are large, dirt lots, improved with single family homes and a few accessory structures. To the east of the Property are single family detached homes. The homeowners in the surrounding area would be positively impacted by the improvements the Applicant plans to make to the subject Property. The vast majority of residential subdivisions in



this area have similar densities to what is proposed through this application. See Regional Aerial Map enclosed at Tab 1.

Finally, a number of higher density projects have been proposed in the Property's general vicinity in the past year. For example, the Bungalows on Thunderbird, which proposes 8-15 dwelling units per acre, was approved by the Peoria City Council in May 2016. In July 2016, an application proposing 13 dwelling units per acre was proposed at 67th Avenue and Thunderbird. Both of these developments were largely opposed by the surrounding community because of their density. The Applicant has proposed a much lower density project relative to trends in the surrounding area and a density that is much more suitable for the larger lots to the north and east.

Location and Accessibility

The Property is approximately 1.5 miles east of the US 60, which provides prime regional access to the Property. Thunderbird Road is a major thoroughfare running along the southern edge of the Property, and providing ease of access to the proposed subdivision.

Circulation System

The Property is currently accessed from Thunderbird Road and 71st Avenue. Once developed, the proposed single-family development will only have access off of 71st Avenue. There will be no access off of Thunderbird Road.

Maricopa County Comprehensive Plan Consistency

The Maricopa County 2030 Comprehensive Plan (the "Plan") is aimed at maintaining a high quality of life as Maricopa County continues to undergo substantial growth. To that end, the Plan prioritizes "supporting safe communities and neighborhoods...by supporting compatible land uses; environmental quality; and safe, efficient and practical development patterns." This application presents an opportunity for the County to establish a use that encourages growth by planning for a residential community that provides for higher density than what is currently permitted in this area, yet proposes a low enough density to maintain compatibility with adjacent properties. This proposal will also enhance the quality of life in the region and will encourage responsible growth and development. This type of cohesive land use mix will ensure this area of the west valley continues to thrive consistent with the intent and goals of the County's Comprehensive Plan.



The proposed rezone is consistent with the following specific goals and policies contained within the Comprehensive Plan:

Land Use Goal #1: Promote efficient land development that is compatible with adjacent land uses, is well integrated with the transportation system, and is sensitive to the natural environment.

The proposed rezoning provides for a density that mirrors the single family home development on the south side of Thunderbird and provides a transition to the higher-density projects to the west.

Furthermore, this application provides for appropriate residential land use designation near a designated commercial corner within the City of Peoria. These non-residential land use designations will continue to provide options for commercial and employment uses along the within the area with convenient access to the regional freeway network. The Property's location is connected via arterials and Hwy 60 providing an appropriate integration with the transportation system.

Land Use Policy #18:

Growth Area Objective #3: Continue to solicit input from municipalities regarding future growth in unincorporated Maricopa County.

The Property is located within the planning area of the City of Peoria. The applicant will work with the City throughout the rezone process to ensure our plan provides benefits to surrounding communities with minimal impacts.

Public Utilities and Services

The following table outlines the various public utilities and services for the Property.

UTILITY COMMENT TABLE	
<u>Cable Television</u>	
Cox Communications	(623) 594-7298
<u>Electricity</u>	
APS	(602) 371-7171
<u>Refuse</u>	



City of Peoria	(623) 773-7431
<u>Telephone</u>	
Cox Communications	(623) 594-7298
Century Link	(877) 348-9001
<u>Water and Sewer</u>	
City of Peoria	(623) 773-7286
<u>Police</u>	
City of Peoria	(623) 773-8311
<u>Fire Protection</u>	
City of Peoria	(623) 773-7279

Domestic Water and Sewer System

City of Peoria water and sewer lines run adjacent to the property. Sewer slopes may follow Manning's equation as specified in ADEQ Engineering Bulletin No. 11 maintaining a minimum velocity of 2.0 fps.

Drainage

A Preliminary Drainage Report is not required with this application. Retention will be provided based on net acres of the site only. Retention basins may be at a depth of 4-feet, however will require that side slopes be no steeper than a 6:1 side slope.

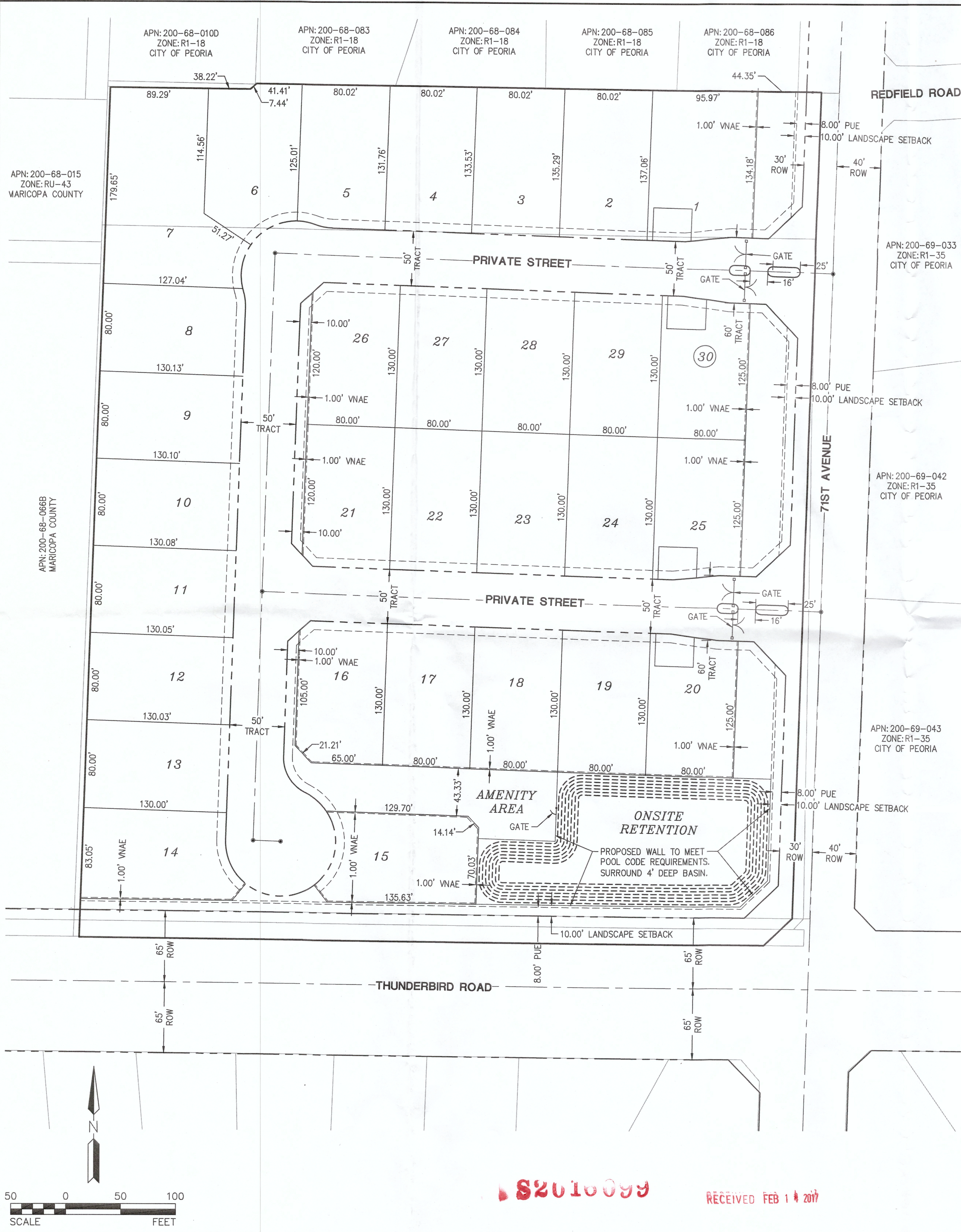
Public Outreach and Response to Citizen Input

We will conduct a thorough public outreach effort for the requested rezone. These efforts will include letters to property owners within 300' of the Property. The process is specifically addressed in detail within the separate Citizen Participation Plan document.



Conclusion

The requested rezoning includes a proposed R-10 RUPD to provide single-family detached products for the future residents of the community. The proposed rezoning creates the appropriate mix of development standards to develop a successful community that can cater to established homeowners. The RUPD overlay provides for additional flexibility as this project develops over time. The proposed rezoning request will provide the necessary flexibility to adapt to current and future single family residential markets. This request is consistent with the City of Peoria General Plan and Maricopa County Comprehensive Plan. The overall goal is to reach a sustainable density threshold that allows for the development of a first class residential community.



SITE DATA

MINIMUM LOT SIZE: 80' X 130'
MINIMUM LOT AREA: 10,400 SF (10,000 SF REQUIRED)
GROSS AREA: 12.53 AC
NET AREA: 11.00 AC
NUMBER OF LOTS: 30
GROSS DENSITY: 2.39 DU/AC
PRIVATE STREETS: 50' TRACT
OPEN SPACE PROVIDED: 1.52 AC (13.08% OF NET AREA)
CURRENT ZONING: RU-43
PROPOSED ZONING: R1-10 RUPD

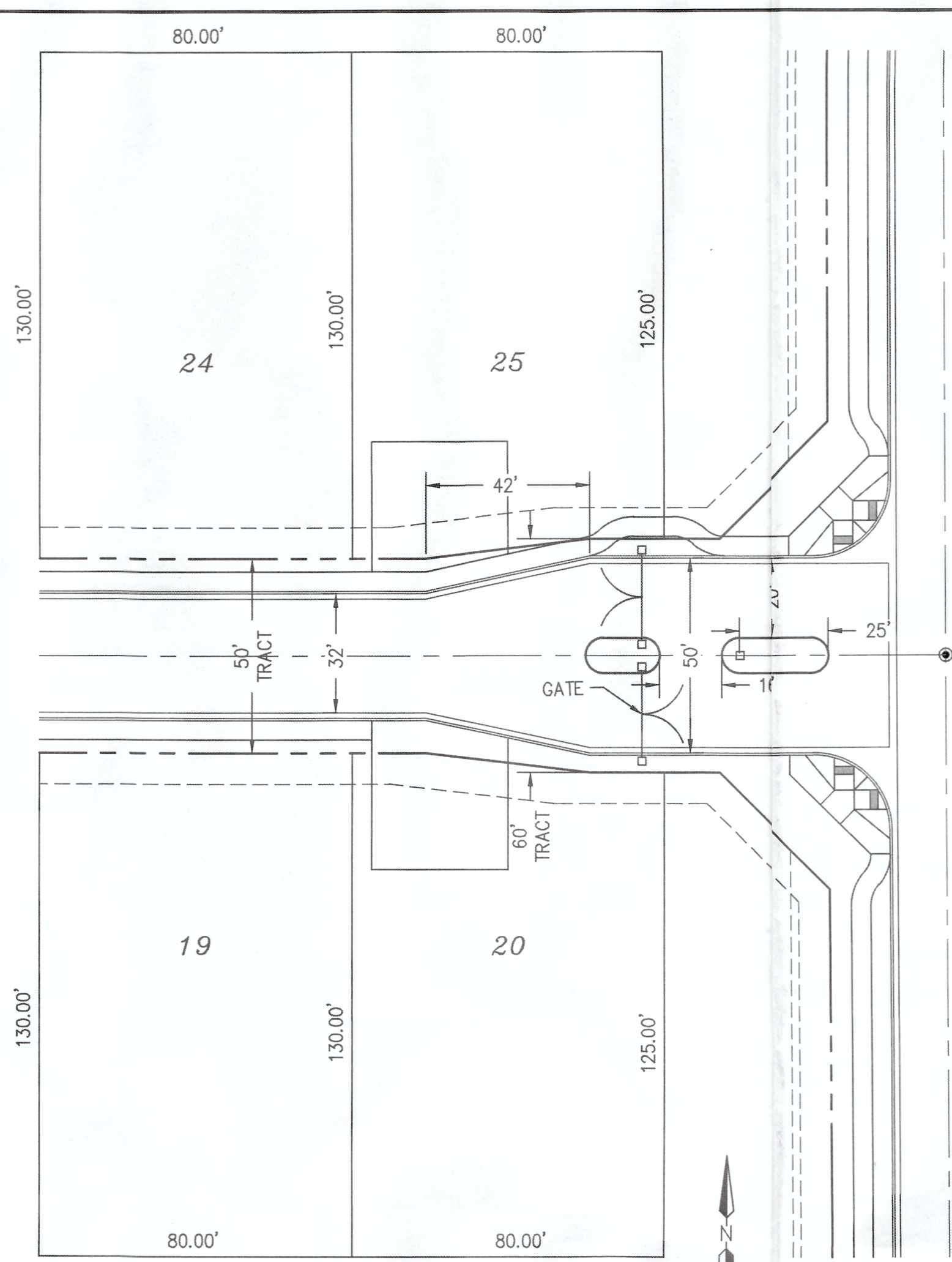
MARICOPA COUNTY R1-10 ZONING STANDARDS

	BASE R1-10	R1-10 RUPD
MINIMUM LOT WIDTH	80 FT	80 FT
MINIMUM LOT AREA	10,000 SF	10,000 SF
MAXIMUM HEIGHT FT/STORIES	30 FT/2 STORIES	30 FT/2 STORIES
MINIMUM BUILDING SETBACK		
FRONT	20 FT	20 FT ⁽¹⁾⁽²⁾
REAR	25 FT	15 FT
SIDE	7 FT	5FT/10FT (15FT MIN. TOTAL SEPARATION)
MAXIMUM LOT COVERAGE (%)		
ONE STORY	40	55
TWO STORY	40	55

- 10-FOOT FOR SIDE ENTRY GARAGE OR LIVABLE FORWARD PRODUCT.
- FRONT YARD SETBACK MAY BE REDUCED BY UP TO 5-FT AT KNUCKLES, CUL-DE-SACS, AND ROADWAY TAPERS SUCH THAT AN 18-FOOT DRIVEWAY (MEASURED FROM BACK OF SIDEWALK) IS PROVIDED AND THAT ALL OTHER ZONING DISTRICT STANDARDS ARE MET.

UTILITY PROVIDERS

THIS PROPERTY IS SERVED BY THE FOLLOWING UTILITY PROVIDERS:	
UTILITY COMPANY	
CENTURYLINK	COMMUNICATIONS
COX CABLE	CABLE
SOUTHWEST GAS CORPORATION	GAS
SALT RIVER PROJECT	POWER
SALT RIVER PROJECT	IRRIGATION
CITY OF PEORIA	WATER & WASTEWATER
CITY OF PEORIA	FIRE & POLICE
CITY OF PEORIA	TRASH COLLECTION



ENTRANCE DETAIL

SCALE: 1" = 30'

PROPERTY LEGAL DESCRIPTION

A PARCEL OF LAND BEING SITUATED WITHIN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 3 INCH CITY OF PEORIA BRASS CAP IN HAND HOLE ACCEPTED AS THE SOUTH QUARTER CORNER OF SAID SECTION 12 FROM WHICH A FOUND 3 INCH CITY OF PEORIA BRASS CAP IN HAND HOLE ACCEPTED AS THE SOUTHWEST CORNER THEREOF BEARS NORTH 89°27'19" WEST, 2657.83 FEET;

THENCE NORTH 89°27'19" WEST, 16.50 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

THENCE LEAVING SAID SOUTH LINE, NORTH 01°51'25" EAST, 65.01 FEET ALONG A LINE THAT IS PARALLEL WITH AND 16.50 FEET WEST OF THE EAST LINE OF SAID SOUTHWEST QUARTER, ALSO BEING THE EAST LINE OF THE PROPERTY AS DESCRIBED IN THE WARRANTY DEED AS RECORDED IN DOCUMENT NO. 1994-0432085, MARICOPA COUNTY RECORDS, ARIZONA;

THENCE LEAVING SAID EAST LINE, SOUTH 46°12'05" WEST, 35.76 FEET ALONG THE NORTHWESTERLY LINE OF SAID WARRANTY DEED;

THENCE NORTH 89°27'19" WEST, 622.97 FEET ALONG A LINE THAT IS PARALLEL WITH AND 40.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

THENCE LEAVING LAST SAID PARALLEL LINE, NORTH 01°50'22" EAST, 777.77 FEET ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER;

THENCE LEAVING SAID WEST LINE, SOUTH 89°24'21" EAST, 127.51 FEET;

THENCE NORTH 48°22'33" EAST, 6.43 FEET;

THENCE SOUTH 89°24'10" EAST, 532.53 FEET ALONG THE SOUTH LINE OF THE AMENDED FINAL PLAT FOR REDFIELD ESTATES, AS RECORDED IN BOOK 328, PAGE 40, MARICOPA COUNTY RECORDS, ARIZONA;

THENCE LEAVING SAID SOUTH LINE, SOUTH 01°51'25" WEST, 821.51 FEET ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER TO THE POINT OF BEGINNING.

SAID PORTION OF LAND CONTAINING 519,236 SQ.FT. OR 11.9200 ACRES, MORE OR LESS BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY OF RECORD OR OTHERWISE.

THE DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE ANY SUBDIVISION REGULATION OF THE STATE, COUNTY AND/OR MUNICIPALITY OR ANY LAND DIVISION RESTRICTIONS.

REV:

HILGARTWILSON
ENGINEER | PLAN | SURVEY | MANAGE
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, AZ 85016
P: 602.490.0535 / F: 602.368.2436
www.hilgartwilson.com

71ST & THUNDERBIRD
71ST AVENUE & THUNDERBIRD ROAD
MARICOPA COUNTY, ARIZONA

PRELIMINARY SITE PLAN

HILGARTWILSON
PROJ NO.: 1726.0101
DATE: DEC 2016
REV DATE: JAN 2017
DRAWN: TRB
DESIGNED: TRB
APPROVED: ZH

DWG. NO.
PSP.1
SHT. 1 OF 1



PLANNING AND ZONING COMMISSION REPORT

Meeting November 16, 2017

Date:

Agenda Item: 6R

Case Name: Z17-19: Metzger Residence Rezone

Case Z17-19

Number(s):

General Application Information

Proposal:

A request to rezone approximately 1 acre from Suburban Ranch 43 (SR-43) to Single Family Residential (R1-35).

Location:

7423 W. Rowel Road

Project Acreage:

1 acre

Applicant:

Jeremiah Metzger

Project Description

A request to rezone approximately 1 acre from Suburban Ranch 43 (SR-43) to Single Family Residential (R1-35). No development is contemplated as part of this rezoning application. The property is located at 7423 W. Rowel Road.

Key Items For Consideration:

- The property is currently zoned Suburban Ranch (SR-43) which promotes a semi-rural character and has heightened development standards to encourage "openness."
- The applicant desires to Rezone the site from SR-43 to Single-Family Residential (R1-35). This district requires a minimum lot size of 35,000 SF or (0.80 acres). The applicant desires standards that are more in alignment with surrounding properties that are traditional suburban single-family in character.
- The R1-35 zoning district conforms to the underlying General Plan designation of Park/Open Space which has a maximum density of 1 unit/acre. No further development is proposed by the applicant.

Recommendations:

Recommend **APPROVAL** of Case Z17-19 to the City Council.

ATTACHMENTS:

Description

Staff Report

Exhibit A - Vicinity Map

Exhibit B - General Plan Map

Exhibit C - Current Zoning Map

Exhibit D - Proposed Zoning Map

Exhibit E - Project Narrative

Exhibit F - Neighborhood Meeting Packet

BACKGROUND

Context (Exhibit A)

Jeremiah Metzger is requesting to rezone his one (1) acre lot at 7423 W. Rowel Road, located south and east of the southeast corner of 75th Avenue and Jomax Road from Suburban Ranch 43 (SR-43) to Single-Family Residential (R1-35). No new development is proposed with this application. The site is surrounded to the west, east, and south, by traditional suburban single-family residential development. The parcel to the north remains undeveloped. The purpose of the Rezone application is to enable the property to be better utilized through development standards consistent with the surrounding area.

General Plan (Exhibit B)

The subject property is designated Park / Open Space (0-1 du/ac) on the General Plan Land Use Map. The designation encompasses the western half of the Terramar subdivision that surrounds the property and generally aligns with the adjacent New River wash corridor. While the site is designated Park/Open Space, this designation is intended to demarcate the river wash corridors and their adjacent buffers.

Zoning (Exhibit C & D)

The site is currently zoned Suburban Ranch 43 (SR-43) which requires a minimum lot size of 43,560 square feet or one acre (Exhibit C). Jeremiah Metzger is proposing to rezone the site to Single-Family Residential (R1-35) (Exhibit D). The proposed change will align the development standards closer in line with the surrounding subdivisions.

Adjacent Uses and Zoning

Table 1 summarizes the existing land use, General Plan designation, and Zoning District designation for the surrounding areas.

Table 1 – Existing Land Use, General Plan Designation, and Current Zoning

	EXISTING LAND USE	GENERAL PLAN	ZONING
Subject Property	Single Family Home	Park / Open Space	Suburban Ranch 43 (SR-43)
North	Undeveloped land	Park / Open Space and Low Density Residential	Suburban Ranch 43 (SR-43), then Jomax Road, then Aloravita Planned Community District (PCD)
South	Single-Family Homes	Low Density Residential	Single Family Residential (R1-8)
East	Single-Family Homes	Low Density Residential	Single Family Residential (R1-12), then Single Family Residential (R1-8)
West	Single-Family Homes, then undeveloped land	Low Density Residential	Single Family Residential (R1-8), then Aloravita Planned Community District (PCD)

Other Related Policies and Project History

The Terramar subdivision surrounding the subject site to the west, south, and southeast was developed in the early 2000s. This site and the adjacent parcels to the north and east of the subject site were not included in Terramar and remained vacant for many years. In December 2008, a similar rezoning application, Z08-01 was approved for a small four-lot subdivision directly east of the proposal to rezone from SR-43 to R1-12. As such, the subject site has been an exception to the surrounding, entitled developments.

APPLICANT'S PROPOSAL

Goal/Purpose of Request (Exhibit E)

The purpose of the rezoning request is to better align the site with the surrounding zoning district designations, R1-12 to the east, and R1-8 to the south and west of the site. The site is heavily restricted from the benefit and use of the property due to the current SR-43 development standards, which is intended to support a semi-rural character and as a result has heightened setback requirements. The surrounding Terramar subdivision and four-lot subdivision each contain greater allowances than the proposed rezoning is requesting.

DISCUSSION AND ANALYSIS

Conformance to the Surrounding Area

By statute, the General Plan designation of Park / Open Space allows for a residential density of up to one (1) du/ac, which equates to several possible underlying zoning district designations, including the proposed R1-35. A maximum of one (1) dwelling unit per acre is allowed. This one-acre property is currently developed with a single-family residence; therefore, this application does not require a corresponding General Plan Land Use Map amendment.

COMMUNITY INVOLVEMENT

Outreach Requirements

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 a sign on the site, and placing an ad in the Peoria Times at least 15 days prior to the Public Hearing.

Support / Opposition (Exhibit F)

A neighborhood meeting was held at the Sunrise Mountain Library on Tuesday, October 3, 2017. The meeting was attended by the applicant and City staff. No members of public attended within the posted hour period from 6:00 p.m. to 7:00 p.m.

Proposition 207 Waiver

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

STAFF RECOMMENDATION

Based on the following findings:

1. The proposed zoning district is in conformance with the goals and objectives set forth in the Peoria General Plan;
2. This rezoning request will result in development standards that are compatible with the existing adjacent neighborhood(s); and,
3. The applicant/owner has submitted a signed and notarized a Proposition 207 waiver, which will be recorded with the conditions outlined below.

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

Recommend approval to the City Council for the applicant's request for Rezoning under Case Z17-19.

REPORT PREPARED BY

Randy Proch
Planner
623-773-5164
randy.proch@peoriaaz.gov

ATTACHMENTS:

Exhibit A	Vicinity Map
Exhibit B	General Plan Map
Exhibit C	Current Zoning Map
Exhibit D	Proposed Zoning Map
Exhibit E	Project Narrative
Exhibit F	Neighborhood Meeting Packet

Z17-19 Vicinity Map



Z17-19 Metzger Residence

Applicant: Jeremiah Metzger

Request: The applicant is requesting to rezone approximately 1 acre from SR-43 to R1-35.

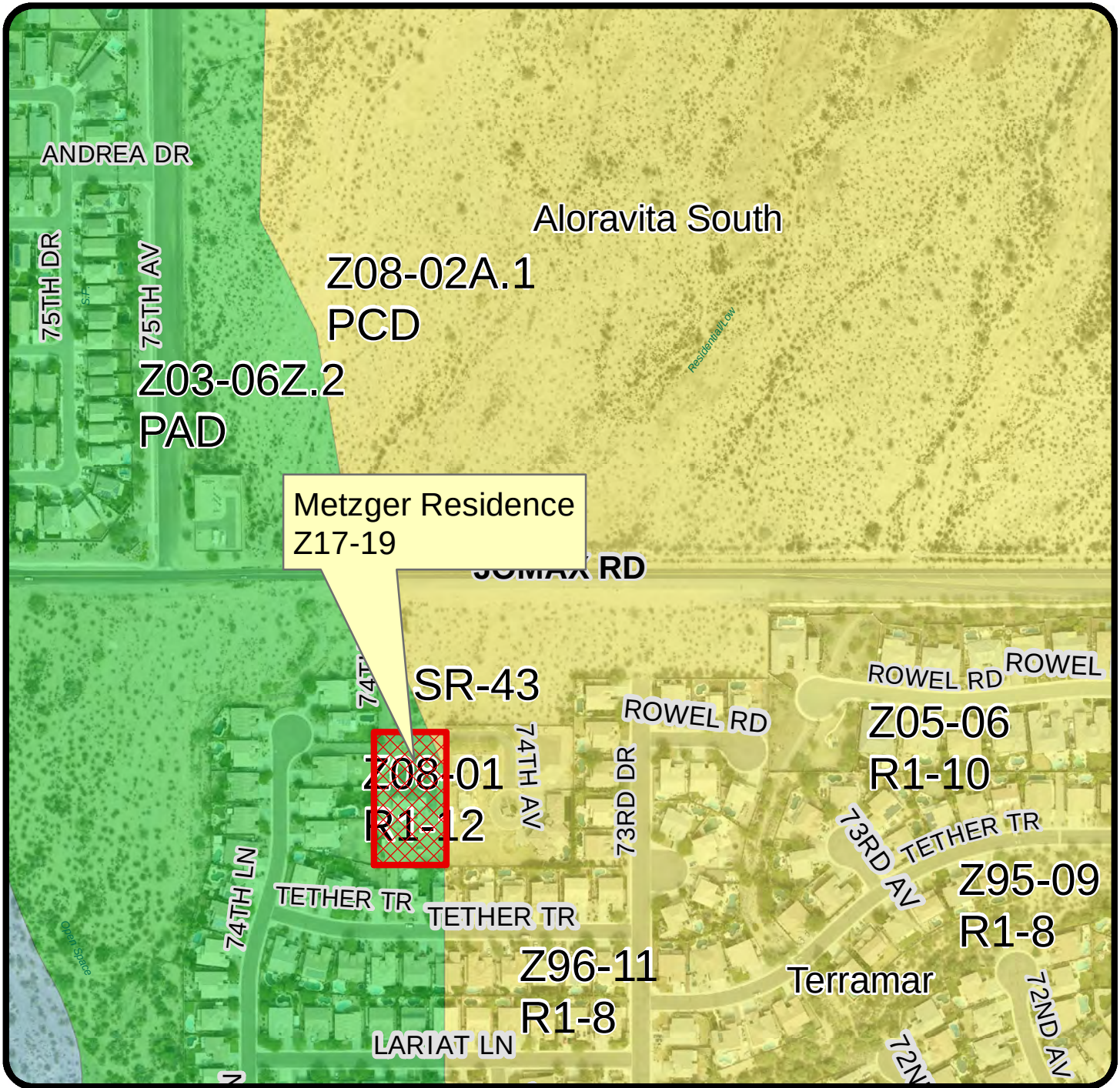
Location: 7423 W. Rowel Road

Exhibit A



Not to Scale

Z17-19 General Plan Map



Z17-19 Metzger Residence

Applicant: Jeremiah Metzger

Request: The applicant is requesting to rezone approximately 1 acre from SR-43 to R1-35.

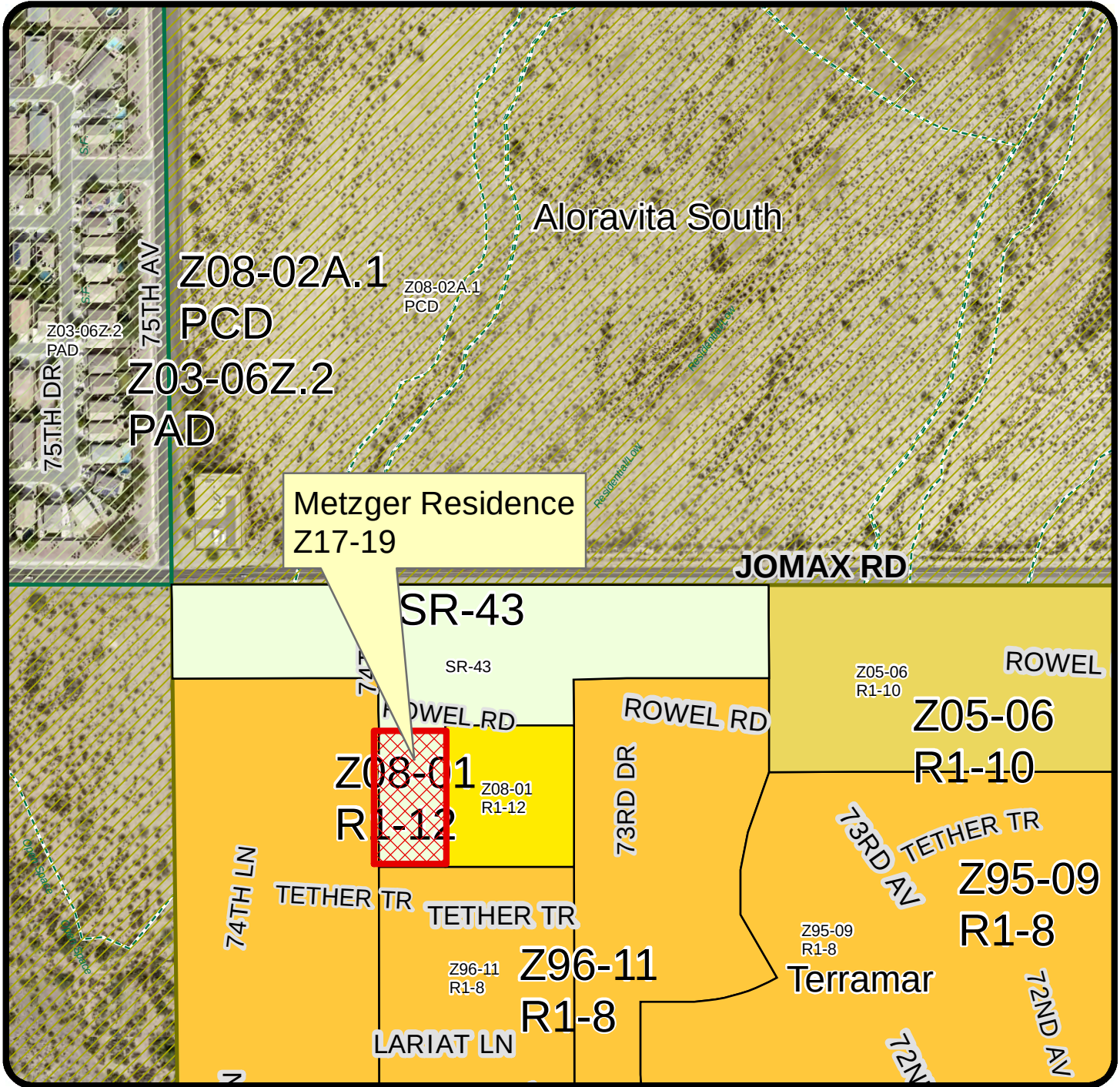
Location: 7423 W. Rowel Road

Exhibit B



Not to Scale

Z17-19 Current Zoning Map



Z17-19 Metzger Residence

Applicant: Jeremiah Metzger

Request: The applicant is requesting to rezone approximately 1 acre from SR-43 to R1-35.

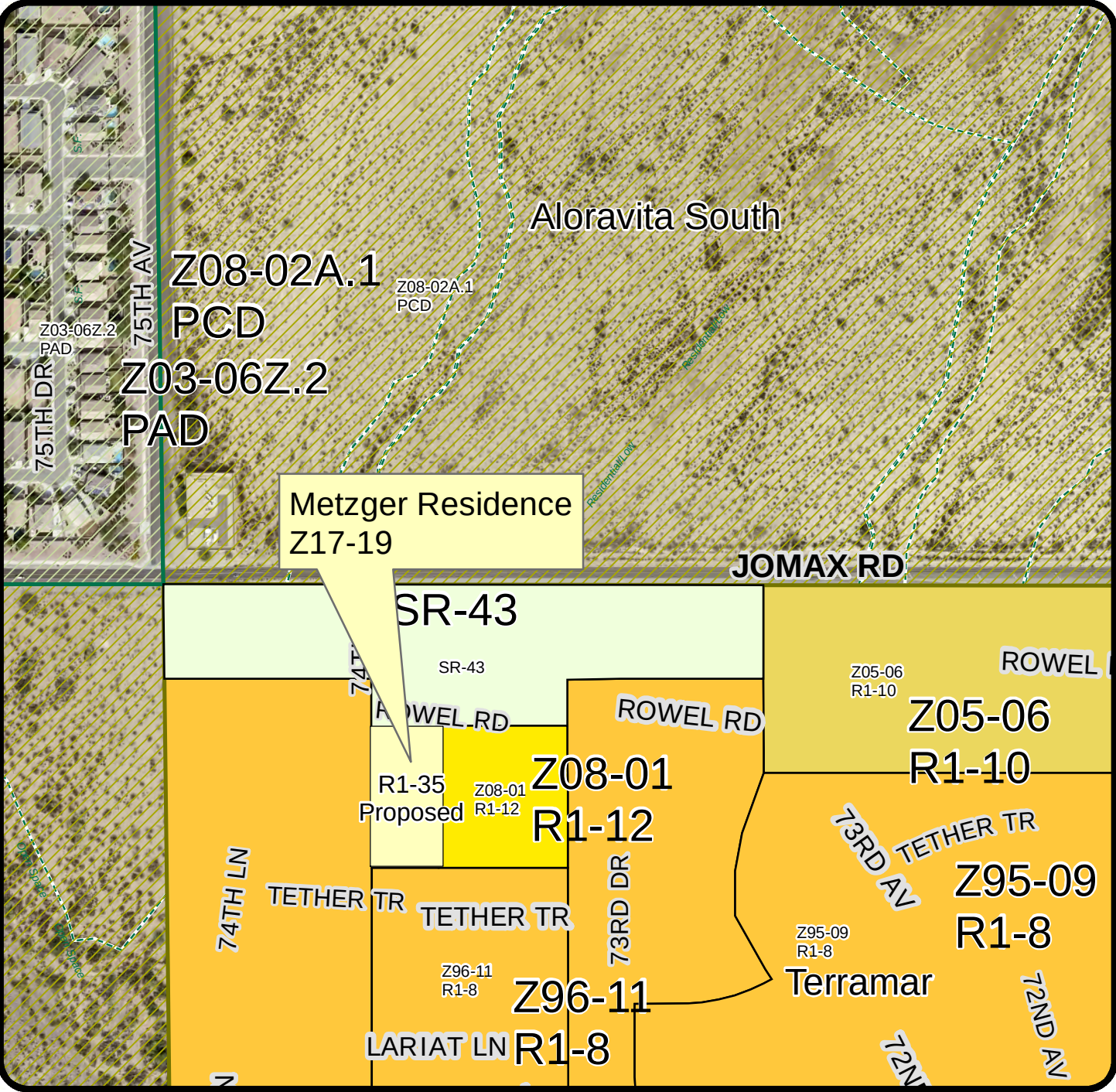
Location: 7423 W. Rowel Road

Exhibit C



Not to Scale

Z17-19 Proposed Zoning Map



Z17-19 Metzger Residence

Applicant: Jeremiah Metzger

Request: The applicant is requesting to rezone approximately 1 acre from SR-43 to R1-35.

Location: 7423 W. Rowel Road

Exhibit D



Not to Scale

Narrative Statement/Project Justification

Metzger Residence

Parcel #: 201-09-986

7423 W. Rowel Rd

Peoria, AZ 85383

To Whom It May Concern,

We would like to request our property to be rezoned to R1-35. We feel that this would be a natural progression of our property transitioning it to fit in better with our surrounding neighbors. Directly to our east there are 4 custom home lots that have been rezoned to R1-12, and to our south and west the zoning is R1-8. Doing this will create a more logical zoning pattern and will allow functionality of our lot to match our surroundings. With our home complete, we will not be subdividing or changing the use of our property. Our property will remain a single-family residence.

Thank you for your consideration,

Jeremiah and Heather Metzger

Metzger Rezoning Case #Z17-19

For: 7423 W. Rowel Road, Peoria, AZ 85383

Neighborhood Meeting was held Tuesday, October 3, 2017 from 6:00 to 7:00 pm at the Sunrise Mountain Library.

Attendees were:

Randy Proch, City of Peoria

Jeremiah Metzger, owner

The applicant and City representative were available from 6:00 p.m. to 7:00 p.m. in the Community Room. No members of public attended during the hour. The meeting was ended at 7:00 p.m.

Metzger Rezoning Z17-19

Neighborhood Meeting

Tuesday, October 3, 2017

Name

Randy Proch

Jeremiah Metzger

Phone Number

623-773-5164

[REDACTED]

E-mail

Randy.proch@peoriaaz.gov

[REDACTED]

Metzger Rezoning Z17-19 Neighborhood Meeting



S.F. PAD

75th Avenue

Residential/Low

Open Space

Residential/Low

PCD

Jomax Road

SR-43

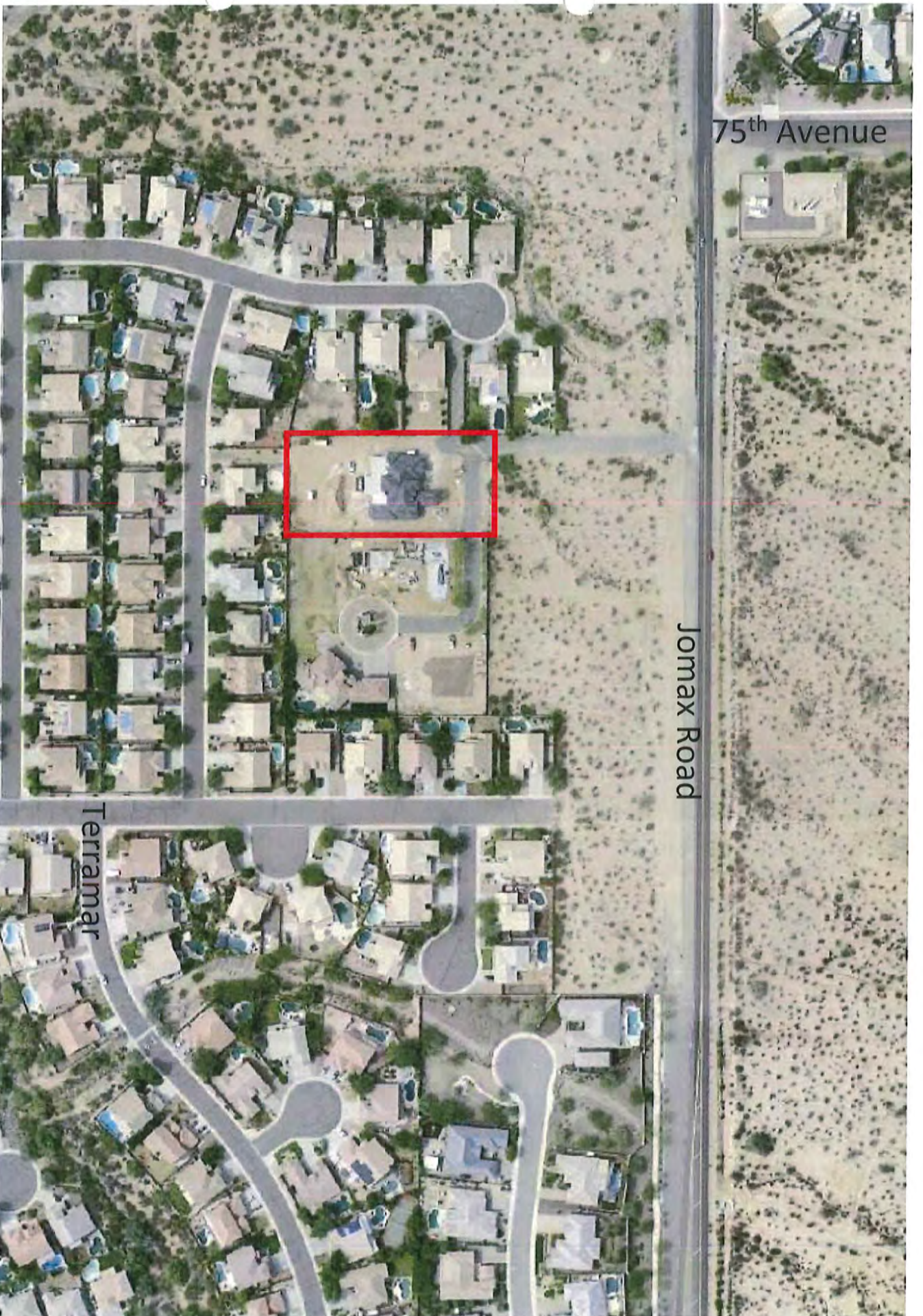
R1-12

R1-10

Residential/Low

Terramar

7423 W. Rowel Road



75th Avenue

Jomax Road

Terramar

7423 W. Rowel Road