

<u>Chairman</u>	<u>Vice-</u>	<u>Secretary</u>	<u>Member</u>	<u>Member</u>	<u>Member</u>	<u>Member</u>	<u>Alternate</u>
Shawn	<u>Chairman</u>	Jay Otlewski	Bryan	Linda Grice	Clay Allsop	Joanna	<u>Member</u>
Hutchinson	Jeff Nelson		Patterson			Conde	Vacant

Planning and Zoning Commission Meeting Notice & Agenda

Thursday, October 4, 2018

Development and Community Services, Point of View
9875 North 85th Avenue
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 September 20, 2018.

2 C Fairmont Village Assisted Living Center: Conditional Use Permit (CU18-05)

A request to obtain a Conditional Use Permit to allow an assisted living center /senior care facility within the existing building. The site is located at 10401 N. 79th Avenue and zoned Intermediate Commercial (C-2).

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 **Outdoor Dining: Zoning Ordinance Text Amendment (TA18-04)**

A request to consider a City-initiated amendment to Section 21-503 ("Land Use Matrix") and Section 21-505.B.3 ("Limitations on Uses") within the Non-Residential section of the City of Peoria Zoning Ordinance. The proposed changes would amend current limitations on outdoor dining to only require a Conditional Use Permit if the exterior walls of the patio (outdoor dining area) are within two-hundred (200) feet of a residentially-zoned property.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action:

1. Discussion and possible action on Case TA18-04

4 R **Project Update: 2018 Major General Plan Amendment**

Staff presentation and possible discussion regarding the 2018 Major General Plan Amendment Cycle.

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 October 4, 2018

Date:

Agenda Item: 1C

Case Name: Minutes

General Application Information

ATTACHMENTS:

Description

PZ draft minutes 9-20-18

**PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBERS
SEPTEMBER 20, 2018**

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

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

Members Absent: none

Others Present: Chris Jacques – Planning Director, Adam Pruett – Planning Manager, Lorie Dever – Principal Planner, Chris Lemka – Assistant City Traffic Engineer, Randy Proch – Planner, Jennifer Fostino – Planner, David Benton – Assistant City Attorney and Della Ernest – Executive Assistant

Opening Statement: The Opening Statement was read by Chair Shawn Hutchinson.

Call for speaker request forms.

Audience: 22

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

CONSENT AGENDA

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

1C **Disposition of Absence**

Discussion and possible action to approve/excuse the absences of Chair Hutchinson, and Commissioner Joanna Conde from the Planning and Zoning Commission meeting held on August 16, 2018.

2C **Minutes**

Discussion and possible action to approve the minutes of the Planning and Zoning Commission meeting held on August 16, 2018.

COMMISSION ACTION: Secretary Otlewski moved to approve the Consent Agenda as presented. The motion was seconded by Commissioner Patterson and upon vote, passed 5-0.

REGULAR AGENDA

NEW BUSINESS

3R Terrazza Center: Major PAD Amendment (Z15-0011A.2)

A request for a major amendment to the Terrazza PAD proposing to (a) increase the maximum building height; and (b) amend the applicable sign standards for Lots 7-9. The Terrazza center is generally located south and west of the southwest corner of 67th Avenue and Happy Valley Road. This parcel ("Lots 7-9") is the proposed site for Life Time Athletic Peoria, located immediately south of the primary entry at 67th Avenue.

The staff report was presented by Mr. Randy Proch, Planner.

PUBLIC COMMENTS:

Ms. Wendy Riddell: for the applicant, spoke on the amenities of Life Time Fitness and how it stands apart from other fitness centers.

Ms. Katie Rowe: a resident spoke in favor of the proposed development.

Ms. Elissa Driver: a resident spoke in favor of the proposed development.

Mr. Michael Campbell: a resident representing Terra Vista HOA, spoke in opposition of the proposed development citing concerns with the size of the building and height.

COMMISSION COMMENTS:

Vice-Chair Nelson asked which driveway will be the main access point into the proposed Life Time Fitness property.

Ms. Riddell stated the main access will be the main entrance into the church at 67th Avenue.

Vice-Chair Nelson asked what the purpose was for the height of the building.

Ms. Riddell stated it is their prototype and necessary to achieve the amenities and feel that is sought.

Mr. Aaron Collier stated this model is not the first to be built. The height of three (3) stories at the proposed located is meant to be a regional location and the height is driven by the uses within the building.

Commissioner Allsop asked if the applicant is attempting to modify the transmission line easement or working within the requirements.

Ms. Riddell stated that it is not being modified and that this project would work within existing parameters.

Vice-Chair Nelson asked if a basement level was considered to reduce the overall height.

Ms. Riddell stated that a typical C-2 zoning designation allows for a 48 foot high building and they are requesting the additional height for screening and to provide the upscale feel that is sought.

Chair Hutchinson commented that he would appreciate the developer working within the local community to hire local workforce.

Secretary Otlewski commented that because of the height of the CCV auditorium and the adjacent power lines, the 60 foot height of the proposed Life Time Fitness would not really detract from the area.

Commissioner Allsop commented that he was impressed with the level of public outreach that was done prior to the application which eased any concerns he would've had regarding the height which was demonstrated by how many people were in support of Life Time Fitness.

COMMISSION ACTION: Secretary Otlewski moved to approve Z15-0011A.2 as presented. The motion was seconded by Commissioner Allsop and upon vote, passed 7-0.

4R **Granite Hill: Rezoning (Z17-12)**

A request to rezone approximately 40 acres from Suburban Ranch (SR-43) to Granite Hills Planned Area Development (PAD) in order to develop 120 single-family homes located south of the southeast corner of Dysart Road and Ridgeline Road.

The staff report was presented by Mr. Randy Proch, Planner.

PUBLIC COMMENTS:

Ms. Lindsay Schube: stated she is in agreement with staff's recommendation.

COMMISSION COMMENTS:

Vice-Chair Nelson asked staff to clarify the second access point.

Mr. Proch stated it will be directly adjacent to the northeastern lot and will be a 20 foot tract that will connect Granite Hills to Sonoran Place.

Mr. Chris Lemka stated a 120-lot subdivision generates very little traffic. The one way in, one way out on Dysart is an interim condition. Eventually, Dysart Road will connect to Jomax Road to the south creating a secondary entrance.

Vice-Chair Nelson asked if staff required a second neighborhood meeting since there has been a change of ownership and changes to the proposed development.

Mr. Proch stated the only thing that changed with this development was the homebuilder.

Commissioner Conde asked how many lots are of the larger size.

Ms. Schube stated that of the 120 lots, 35 lots will be 48 feet wide and 39 lots will be 63 feet wide.

Ms. Amy Weidman stated Taylor Morrison is designing a brand new product which is why there is no floorplan available for this smaller lot size. Ms. Weidman also stated they are very successful with the 35 foot wide product. They currently offer it in Scottsdale, Phoenix, Gilbert and Queen Creek.

Commissioner Allsop commented he supports anything that helps get more diversity in that zip code. Younger residents and young families struggle to afford homes and a down payment and the area needs quality homebuilders that can provide a product that can accommodate young families in addition to more mature families.

COMMISSION ACTION: Vice-Chair Nelson moved to approve item 4R as presented. The motion was seconded by Secretary Otlewski and upon vote, passed 7-0.

5R **Springdale Center at Trianna Park: Major PAD Amendment (Z05-07A.5)**

A request for a Major Amendment to the Trianna Park Planned Area Development (PAD) Standards and Guidelines Report. Specifically, the request seeks to amend the allowable uses for Parcel 6 within the PAD. Currently Parcel 6 allows for the attached single-family residential and senior living housing. The amendment would split up Parcel 6 to allow a behavioral health facility, dementia facility, senior living housing, and medical offices on the northern portion (Parcel 6-A) and a behavioral health facility on the southern portion (Parcel 6-B). The site is located south of the southwest corner of Thunderbird Road and 89th Avenue.

The staff report was presented by Ms. Jennifer Fostino, Planner.

PUBLIC COMMENTS:

Mr. Samir Slatewala: stated that Dr. Purewall had been looking for some time for a lot to build this facility and believes this location makes the most sense.

COMMISSION COMMENTS:

Vice-Chair Nelson asked if the proposed development would be a 24-hour patient/overnight facility.

Ms. Fostino confirmed it is an in-patient facility and the length of overnight stay will vary.

Vice-Chair Nelson asked the applicant if the proposed facility will have a 24-hour crisis intake that would receive clients after hours.

Mr. Slatewala stated it will be by appointment only during business hours. However, there will be nurses staffed there overnight for any emergencies.

COMMISSION ACTION: Commissioner Conde moved to approve item 5R as presented. The motion was seconded by Commissioner Allsop and upon vote, passed 7-0.

CALL TO THE PUBLIC ON NON-AGENDA ITEMS: None

UPDATES FROM STAFF:

Mr. Adam Pruett notified the Commission of the next Planning Commission meeting on October 4th. The October 4th location will be the Development and Community Services Building.

Mr. Otlewski congratulated city staff and Mayor Carlat on the recognition of the city being number 29 on the list of best places to live.

Vice-Chair Nelson asked if there will be a revision to the sign ordinance.

Mr. Chris Jacques stated that upon the adoption of the new Sign Code, staff committed to City Council that it would consider any adjustments and refinements after one year. Staff will assess any refinements and bring those back first quarter of next year.

UPDATES AND REPORTS FROM THE PLANNING AND ZONING COMMISSION:

None

ADJOURNMENT: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 8:06 p.m.

Shawn Hutchinson, Chair

Submitted by Della Ernest

Date

Date

DRAFT



PLANNING AND ZONING COMMISSION REPORT

Meeting October 4, 2018

Date:

Agenda Item: 2C

Case Name: Fairmont Village Assisted Living Center: Conditional Use
 Permit (CU18-05)

General Application Information

Proposal:

The applicant has submitted a request for a Conditional Use Permit (CUP) to allow an assisted living use within the existing building. The building was previously utilized as an assisted living facility; however, the former business ceased operations more than one (1) year ago. A CUP is required to re-establish the assisted living use.

Location:

10401 N. 79th Avenue

Project Acreage:

2.97 acres

Applicant:

Pew & Lake, PLC

Recommendations:

APPROVE Case CU18-05, subject to the Conditions of Approval found in Exhibit 1.

ATTACHMENTS:

Description

Staff Report

Exhibit 1 - Conditions of Approval

Exhibit 2 - Vicinity Map

Exhibit 3 - Context Map

Exhibit 4 - CUP Narrative

Exhibit 5 - Site Plan

Exhibit 6 - Zoning Map

Exhibit 7 - Letter of Support



PLANNING AND ZONING COMMISSION

STAFF REPORT

Date **October 4, 2018**

To **Planning and Zoning Commission**

From **Sean Allen**
Senior Planner

Subject **Fairmont Village Conditional Use Permit**
Proposed assisted living center at 10401 N. 79th Avenue

PROPOSAL

The applicant is requesting a Conditional Use Permit (CUP) to operate an assisted living center / senior care facility known as Fairmont Village within an existing building located at 10401 N. 79th.

APPLICATION INFORMATION

Case Numbers Conditional Use Permit (CU18-05)

Applicant Pew & Lake PLC, on behalf of 79th Avenue, LLC

Request(s) 1. Approval of a Conditional Use Permit (CUP) to allow a 24-hour assisted living / senior care operation at 10401 N. 79th Avenue.

LOCATION AND CONTEXT

SUBJECT SITE

There is an existing building on the 2.97-acre property, which is generally located south of the southeast corner of 79th and Peoria Avenues, as shown in Exhibit 2 and Exhibit 3.

CONTEXT

The subject property is bounded on the north by the Academy of Math & Science, which is a charter school. To the east and south are existing single-family lots within the Sunset View subdivision. To the west of the site is 79th Avenue, and beyond it is the Wal-Mart Supercenter.

APPLICANT'S PROPOSAL

The applicant is seeking to utilize an existing 26,136 square foot, single-story building on the property as an assisted living / long-term care center known as *Fairmont Village*. The building was utilized as a 62 bed assisted living facility prior to the previous business ceasing operations,

which is discussed in more detail below. The applicant's Narrative indicates a mix of single and double rooms, with a maximum bed count of 90. (Exhibit 4) The desire is to have Fairmont Village be a 24-hour operation, meaning residents will require 24-hour care due to their physical condition. Additionally, the Narrative indicates that residents will not be able to come and go at their own volition, and thus considered a "closed campus".

The building has two existing inner courtyard amenities that Fairmont Village intends to enhance with additional landscaping, and continue to use for dining and gathering areas for the enjoyment of the future residents. Main access into the facility is from 79th Avenue, to the north of the building. (See Exhibit 5) There are a limited number of parking spaces provided around the north perimeter of the building, while the majority of the parking is located to the east of the building. The operators of Fairmont Village have indicated they will maintain the existing landscape setbacks; however, they will increase the number of plantings in those areas that are not encumbered by a utility easement or fire lane

DEVELOPMENT INFORMATION

<u>Existing Use:</u>	Unoccupied multi-room structure
<u>Proposed Use:</u>	Secure assisted living center
<u>Property Size:</u>	2.97 gross acres
<u>Building Size:</u>	26,136 square feet (Existing)
<u>Previous Number of beds:</u>	62 Beds
<u>Proposed Number of beds:</u>	90 Beds
<u>Hours of Operation:</u>	24 Hours
<u>Visiting Hours:</u>	Everyday 7:00 am to 9:00 pm

STAFF ANALYSIS

ZONING

The property was annexed into the City on May 9, 1984 through *Ordinance 84-49* as a larger area of land. In 1987, the initial zoning for the subject property was changed from Planned Community Commercial (PC-2) to Intermediate Commercial (C-2) through case PZ15-87, and adopted by the City Council through ORD# 87-13. The site has remained C-2 since that time. (Exhibit 6)

CONDITIONAL LAND USES

Every zoning district within the Zoning Ordinance contains certain land uses which are seen as complementary to typical permitted uses in the district, but which by reason of their physical or operational characteristics, may need additional design or performance regulations in place to ensure they are developed and operated in a manner which is compatible with adjoining uses. These types of uses are referred to within the Zoning Ordinance as “conditionally permitted”.

ANALYSIS

The site is located within the Intermediate Commercial (C-2) Zoning District, which is considered a “Non-Residential Zoning District” within the Zoning Ordinance. Within the “Non-Residential” section of the Zoning Ordinance, Table 21-503 Land Use Matrix governs which uses are permitted outright, conditionally permitted, or prohibited for each of the “non-residential zoning districts”, such as C-2 in this case.

For purposes of staff’s analysis, an assisted living / senior care facility is deemed as analogous to what is defined within the Zoning Ordinance as a *nursing or convalescent home*. In reviewing Table 21-503, a *nursing or convalescent home* is permitted on a property zoned C-2, subject to obtaining a Conditional Use Permit (CUP) and complying with the special limitations as outlined in Section 21-505.F.4 of the Zoning Ordinance.

KEY FINDINGS

1. The proposed use is permitted within the Intermediate Commercial (C-2) Zoning District, subject to receiving a Conditional Use Permit.

CONDITIONAL USE PERMIT

The purpose of the Conditional Use Permit requirements for assisted living facility / nursing home is to ensure compatibility with the surrounding area, consistency with the Peoria General Plan, and that the use is not creating a negative impact 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 and Community Development Department shall 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 CUP, 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 Area Plan applicable to the site where the proposed use is located.
4. Whether the use is consistent with the documentation and recommendations provided by City departments reviewing the case.
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 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.

SPECIAL LIMITATIONS

Section 21-505.F.4 of the Peoria Zoning Ordinance sets the following limitations on nursing and convalescent facilities. Note: Staff responses to those special limitations as they apply to the subject site are identified in *italics*.

1. Nursing or Convalescent Home, Long Term Care Facility and Hospices shall have all vehicular access from an abutting arterial or non-residential collector street.

Main vehicular access is via an existing driveway that connects to 79th Avenue in the northwest corner of the site. 79th Avenue is classified on the Peoria Circulation Map as a collector; therefore, the proposal meets this requirement.
2. The site shall contain a net land area of at least one thousand (1,000) square feet per dwelling unit.

A minimum of 90,000 square feet of land is required for 90 units. The site has an existing net land area of 103,237 square feet. Thus, the proposal complies with this regulation.

ANALYSIS

The proposed use is on developed property, which is located adjacent to existing residential homes on two sides (south and east). While a nursing home is typically classified as an *Institutional* use, such facilities are often located near residential districts or within low intensity commercial or office-commercial districts to provide residents with a more residential feel.

The most recent tenant to occupy the structure provided nursing / long-term care, similar to what is being proposed; however, this business ceased operations. Subsequently, the building remained vacant for over a year. Due to this lapse in time, the applicant is required to obtain a CUP and comply with the current C-2 zoning standards and special limitations prior to resuming a nursing / long-term care operation.

Site Layout

As noted previously, the site was built and utilized previously as a 62-unit nursing/long-term care facility. Even with the increase in number of beds, the applicant desires to occupy the building without increasing the building's perimeter footprint. To bring the facility into compliance with current regulations, there are a number of minor site modifications proposed, which include adding fencing, additional parking, and a 912 square foot addition to one of the inner courtyards. The addition will be utilized for an expanded dining and gathering area for the residents. These improvements are limited in nature, and given the hours of location and hours of utilization are anticipated to have a minimal, if any impact on the adjacent residential area.

Building Height

The overall building height is 23-1/2 feet, which is located above the entry way along the northern area of the building. The proposed covered courtyard addition matches the existing surrounding roof, which is single-story in height and consistent with the building height of the adjacent residential homes

Circulation

Main vehicular access is via an existing driveway that connects to 79th Avenue in the northwest corner of the site. No additional improvements to this driveway are required or proposed. There is secondary emergency access located to the southwest of the building. (Exhibit 5) Based on the applicant's narrative, none of the residents will be permitted to drive. Consequently, there is no increase in the number of trips generated because of the increase in number of beds. Accordingly, all vehicular traffic entering and leaving the site will be generated by employees, visitors, and deliveries, which is anticipated to have a negligible impact on 79th Avenue.

Parking

A minimum of thirty (30) parking spaces would be required for a 90 bed facility. Currently, the site only has twenty-six (26) parking spaces. The applicant is proposing to add at a minimum four (4) parking spaces to comply with the parking requirements of the Zoning Ordinance as noted on the site plan.

Operational Considerations

The Fairmont Village care center proposes to be a 24-hour operation, with traditional office and visiting hours of 7 am to 9 pm, as discussed within the project Narrative (Exhibit 4). To minimize any potential effects on the adjacent residential homes and surrounding properties, the applicant proposes the following measures to mitigate any potential damage or nuisances arising from noise, smoke, odor, dust, vibration, illumination, excessive traffic or any other item that could be anticipated to have a potential impact on neighboring properties:

- Noise from emergency vehicles providing care or transportation for residents:
The applicant has proposed that during the hours of 10:00 p.m. to 7:00 a.m. any emergency vehicle called to the facility should turn its sirens off when accessing the site.
- Hours of operation for delivery trucks bringing supplies to the nursing home:
The orientation of the loading area on the [northern] side of the property directs the most impactful external activity towards neighboring charter school property.
- Site lighting:
All external lighting will be shielded to prevent light spillage onto neighboring properties and shall comply with the City's Dark Sky Ordinance.
- Limitations on patient accessibility through the site:
The building will be a secured facility with residents only having access to the inner courtyards and fenced areas near the building.
- Renovation of the building's exterior:
Height and roof material will not change. The walls of the existing building will be modified with stone and color variations to meet the City's current design standards and provide greater compatibility with its surrounding neighbors.
- Landscape buffering to the adjacent residential neighbors:
The required 30-foot buffer (south and east) already exists. Plantings in these areas are proposed to be increased to bring the site back into conformance with the city's landscaping requirements, except for the areas of the buffer already encumbered by a Fire / Emergency access lane and utility easement. Plant species and location will be reviewed as part of the Site Plan application process.

When operated in accordance with the recommended conditions of approval, the proposed use is not expected to disrupt other nearby uses or generate any concerns related to the health, safety and welfare of the general public.

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, 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.

Support / Opposition

At the time of this writing, City staff received one letter in support to this request. (Exhibit 7)

KEY FINDINGS

1. The proposal meets the Conditional Use Permit standards of the Zoning Ordinance;
2. The existing developed site has vehicular access from an abutting non-residential collector street, as required by Section 21-505.F of the Zoning Ordinance for Limitations on Uses;
3. The site contains a net land area of at least 1,000 square feet per dwelling unit, as required by Section 21-505.F of the Zoning Ordinance for Limitations on Uses; and
4. The proposal does not increase the perimeter footprint of the existing building;
5. When operated in accordance with the recommended conditions of approval, the use is not expected to disrupt other nearby uses;
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.

PROPOSITION 207

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

RECOMMENDATION

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

Approve the applicant's request for a Conditional Use Permit under Case CU18-05, subject to attached conditions of approval.

STAFF CONTACT

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

CU18-05: Fairmont Village

10401 N. 79th Avenue (South of the SEC of 79th and Peoria Avenues)



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

1. The use shall substantially conform to the Project Narrative (Exhibit #4), and Site Plan (Exhibit #5), as contained in the staff report to the Planning & Zoning Commission dated October 4, 2018.
2. Prior to commencement of operations, the developer shall demonstrate the facility has sufficient on-site parking in accordance with Zoning Ordinance regulations. Should there be a desire to increase the number of beds beyond what can be supported by the facility's existing parking capacity, a revised parking layout shall be subject to site plan and civil plan approval. In no case shall there be an increase in the number of beds in operation until sufficient parking is provided on-site.
3. The use shall obtain all necessary operational permits as required by the Fire Department and Building Department.
4. In accordance with Section 21-321.B of the Peoria Zoning Ordinance, the Conditional Use Permit will expire within eighteen (18) months of the date of approval in the event the use has not commenced or if a building permit has not been obtained.

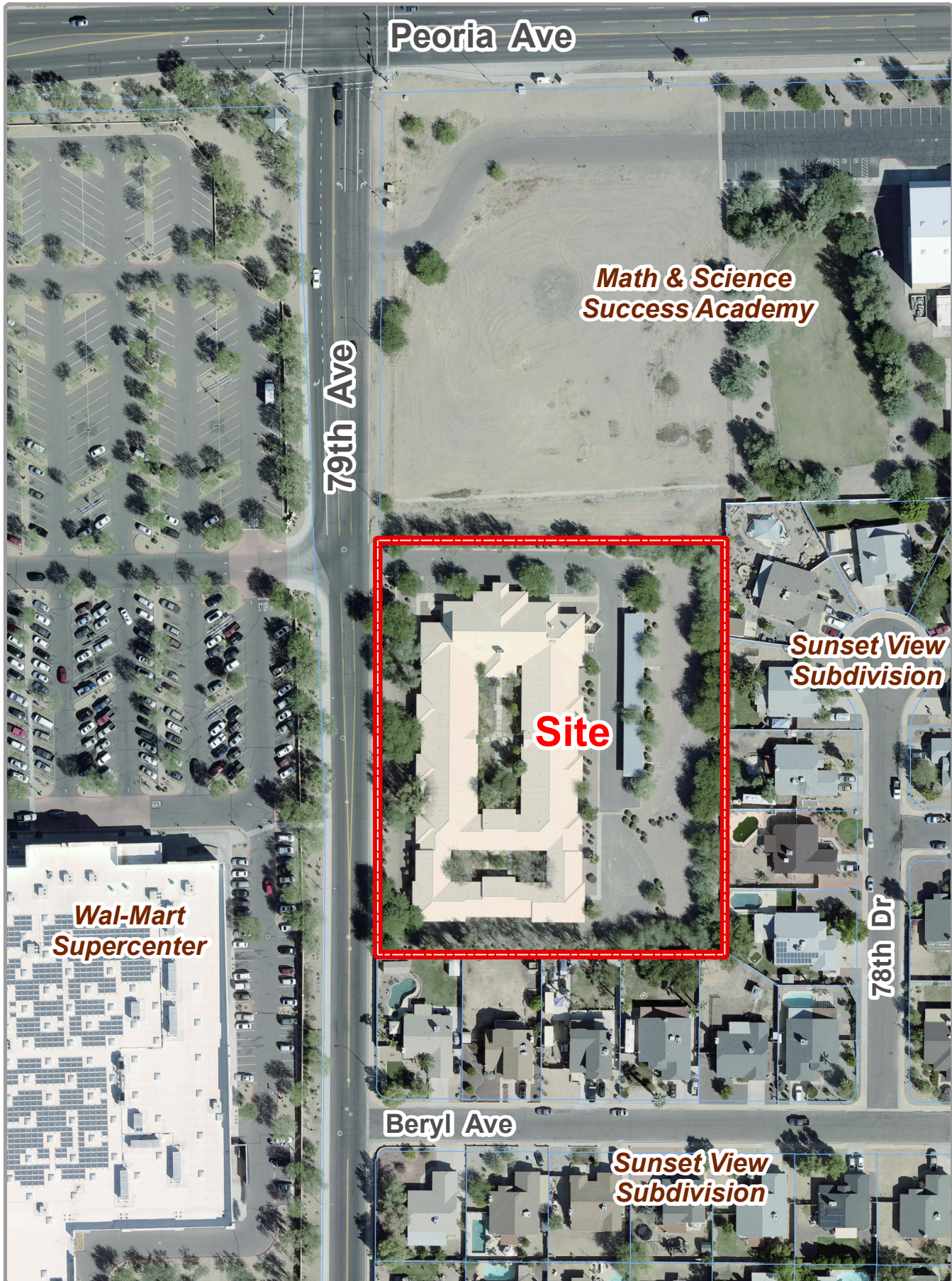
CU18-05: Fairmont Village

10401 N. 79TH AVENUE (South of the SEC of 79th and Peoria Avenues)



CU18-05: Fairmont Village

10401 N. 79TH AVENUE (South of the SEC of 79th and Peoria Avenues)



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Introduction

Pew & Lake, PLC, on behalf of 79th Avenue, LLC, is pleased to submit this narrative statement in support of the development applications being submitted to the City of Peoria for a Conditional Use Permit for the re-establishment of an assisted living facility use on 2.94 acres located at 10401 N 79th Avenue, just south of Peoria Ave (APNs: 142-12-001F and -001H) and Site Plan approval for a small 912 square foot addition. The subject site is shown below:



Figure 1: Vicinity Map

Development Requests

The following development requests are concurrently being made to the City of Peoria for approval:

- ❖ **Conditional Use Permit** for the re-establishment of an assisted living facility/long term care facility use in the C-2 zoning district
- ❖ **Site Plan Approval** of a 912 square foot addition for an expansion of the dining area, located interior of site and near the building's internal courtyard.

Site Background & Context

The subject property is currently a developed 2.94 acre parcel with a 26,136 square foot assisted living facility that was constructed in the late 1990's. Operations of the facility ceased more than a year ago and requires re-establishing the use in the C-2 zoning district, as the City of Peoria Zoning Ordinance was subsequently amended and now requires a Conditional Use Permit for these facilities in this zone.



Figure 2 Existing Site



The subject site is surrounded to the east and south by an existing residential subdivision, Sunset View, and directly to the west of 79th Avenue is a Walmart. The adjacent property to the north, at the intersection of 79th Avenue and Peoria Avenue, is undeveloped. The surrounding area is shown in the aerial map below:



As illustrated below, the subject property lies within an Outlying District of the Old Town Specific Area Plan. The General Plan land use classification is Medium Density Residential (5-18 DU/AC); however, the property is zoned C-2 (Intermediate Commercial). The surrounding property to the east and south have a land use classification of Low Density Residential, to the west is Old Town Mixed Use Commercial and to the north is designated as Public/Quasi Public.

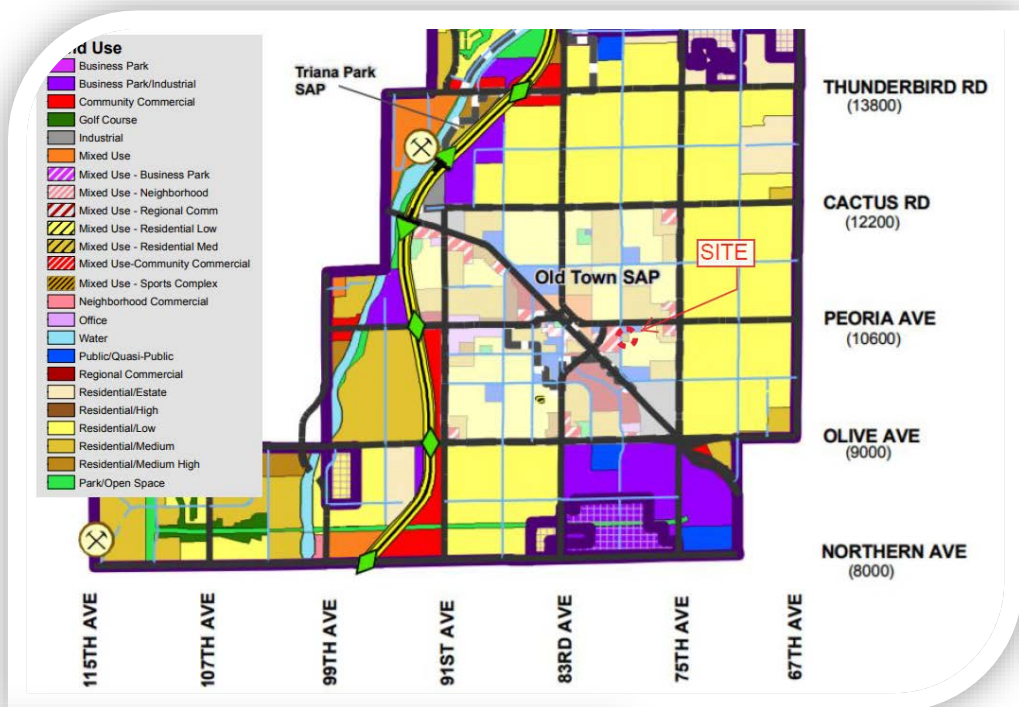
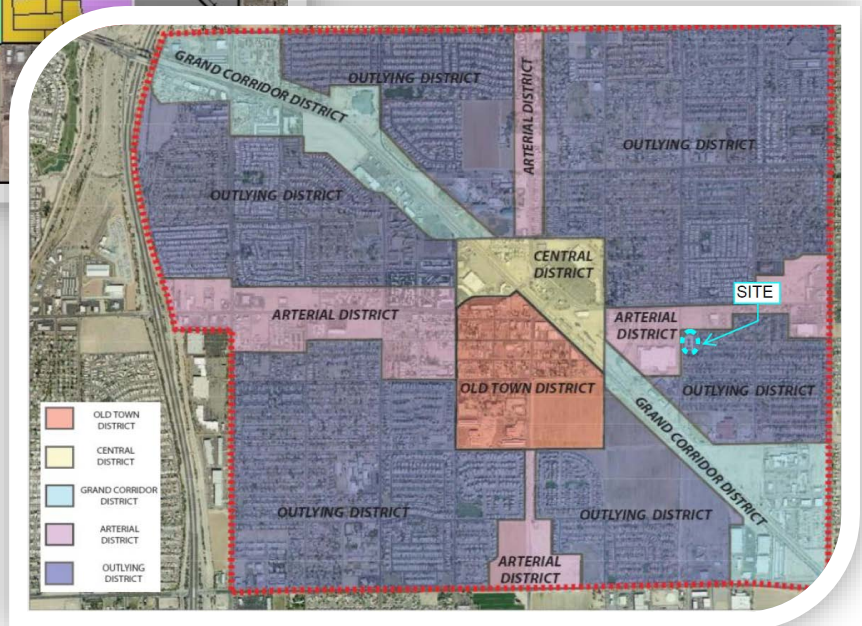
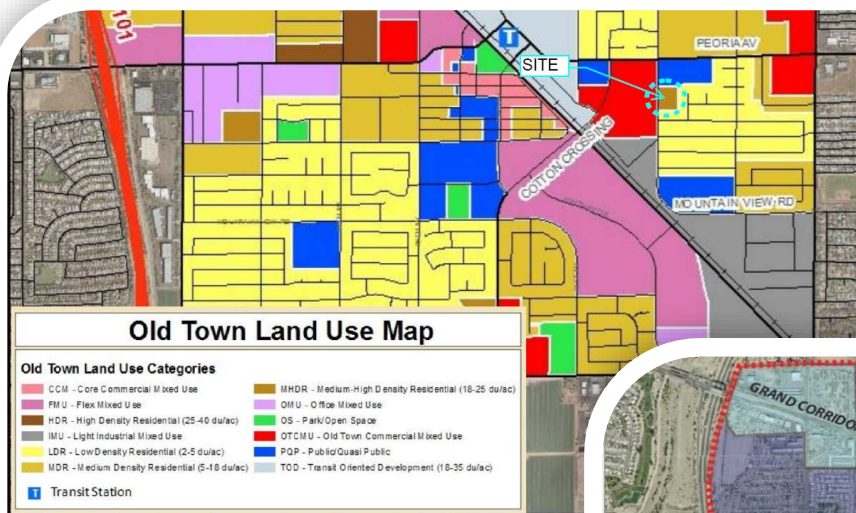


Figure 4: General Plan Land Use



The property to the north and west are also commercially zoned with C-2 and PAD, respectively. To the east and south, the zoning of the property is R1-8, a single family residential zoning district. The subject property and surrounding area's zoning is shown below:

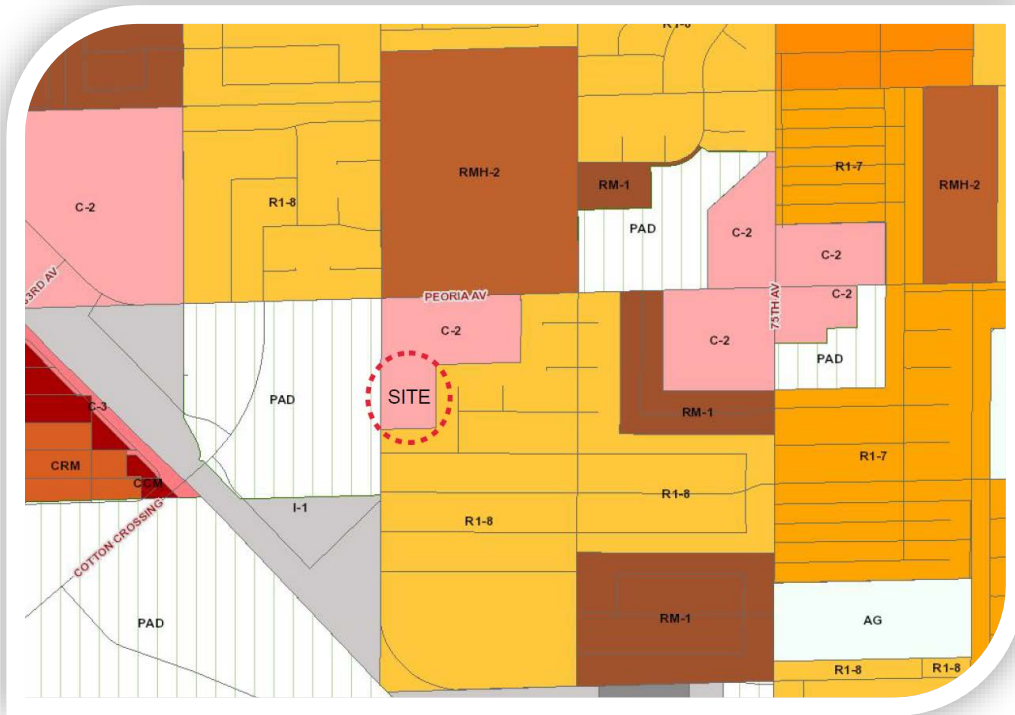


Figure 5: Surrounding Zoning Districts

General Plan Consistency

Fairmont Village, an assisted living facility within the Medium Density Residential designation, is fully consistent with the goals and vision of the City's General and Old Town Specific Area Plan and with Zoning Ordinance.

Further conformance to the Peoria General Plan is demonstrated in the following ways:

Old Town Specific Area Plan

- ❖ The Outlying District consists of primarily single-family neighborhoods that are suburban in nature. While the plan looks to create a more urban environment in the Core Area, this district will be connected to the core while maintaining a suburban character.

Assisted living facilities are commonly located in suburban settings, and Fairmont Village at this location provides an opportunity for the assisted living residents to still live in close proximity to their families.

- ❖ (MDR) The importance of allowing appropriate transitions in housing types from Single Family Residential areas.

The site's land use category is Medium Density Residential and while not a traditional multi-family development, an assisted living facility is still residential in nature and re-establishing this use at this location still provides the appropriate transition from the single family homes on the south and east to the commercial development to the west. The target density range of the Old Town SAP is between 18-25 DU/AC. The proposed 62-unit assisted living facility is a density of approximately 21.1 DU/AC, well within the established range.

Zoning Consistency

The proposal of re-establishing an assisted living facility at this location is fully consistent with the purposes and intent of the Intermediate Commercial (C-2) zoning district specifically the following:

- ❖ The [C-2] regulations and development standards are designed to preserve adjacent residential amenities and to prohibit encroachment by more intensive commercial uses.

Fairmont Village remains a use that is residential in nature and preserves the residential amenities in the immediate vicinity of 79th Ave and Peoria Ave.

Further conformance to the Peoria Zoning Ordinance is demonstrated in the following ways:

Section 21-505.F.4. Limitations on Uses

Institutional Uses Long Term Care (Assisted Living) Facility shall have all vehicular access from an abutting arterial or non-residential collector street. The site shall contain a net land area of at least one thousand (1,000) square feet per dwelling unit.

Fairmont Village access is from 79th Avenue, which is a non-residential collector street. With a site 128,066 square feet in size and 62 "units" there is actually over 2,000 square feet of land area per unit.

Site Plan Approval

Fairmont Village's existing facility is currently 26,136 square feet in size (See Attachment 1). The facility will have 62 units, with a mix of single and double rooms. At full capacity, the facility is anticipated to house up to 90 assisted living residents. A small 912 square foot addition for a dining area is proposed (See Attachment 2). This addition is located toward the southern end interior of the existing building. The addition is near an internal courtyard and the footprint of the building will have no change from the street.

Improvements to the building's courtyards are proposed, which include improved sidewalk, a decorative trellis and possibly a water or art feature. For the purposes of security to the residents, new site wall and fencing along the interior of the site, as shown on site plan is also proposed.

All the other site development requirements will be wholly met, such as the following:

- ❖ Building setbacks are more than 30 feet from adjacent residentially zoned properties
- ❖ 15-foot front landscaped setback
- ❖ Nearly 60% of the site is open space
- ❖ The building is a maximum of 23 ½-feet high, where 30 is permitted
- ❖ 30 parking stalls provided

In addition to the updating and refreshing of the property with new paint and "life", additional architectural enhancements are proposed along the visible north and west elevations and for portions of the building as they wrap around to the south and east sides (See Attachment 3). New stone (veneer) columns are proposed and shown on the building elevations. The use of the columns break up the monotonous façade of the single building material of stucco.

Landscape

Although the developed site already contains existing plant materials, which will remain, additional landscaping throughout the site, predominately in the courtyards, will also be provided (See Attachment 4). The existing and proposed landscape plans meet City standards.

Grading & Drainage

There are no changes proposed to the site in relation to its grading or drainage; however, a preliminary grading and drainage plan is also provided (See Attachment 5). The grading

and drainage meets City standards. A drainage statement verifying the adequacy of the existing retention volumes of site has also been completed (See Attachment 6).

Conditional Use Permit

Pursuant to Section 21-321.A. Conditional Use Permits shall be issued for all designated conditional uses under the Peoria Zoning Ordinance, and the intent of the CUP is review is to ensure the maximum compatibility with adjoining uses through means of design and development of the property for the use which is conditionally permitted in that zoning district.

The following table provides the review criteria for a CUP to be recommended for approval. All the criteria can be met for Fairmont Village to be re-established as an assisted living facility in the C-2 zoning district.

21-321 CUP Review Criteria	<i>Demonstrated Criteria Met</i>
Whether the use is designated as a permitted Conditional Use within the zoning district in which the property is located.	<i>Assisted living/long term care facilities are designated as a permitted use with an approved CUP.</i>
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	<i>The proposal fully complies with Section 21-505.F.4. and is located off a non-residential collector street and the site contains a net land area of more than 1,000 SF per resident (unit)</i>
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.	<i>Fairmont Village is consistent with the goals and policies of the General Plan and the goals and policies of Old Town SAP, including the intent of the Outlying District, and more importantly the re-investment in fixing up a previously abandoned building in this particular area of the City.</i>
Whether the use is consistent with documentation and recommendations provided by reviewing City Departments.	<i>This CUP is for the purposes of re-establishing a previously assisted living use. This proposal remains consistent with the recommendations from City Staff, including improvements to the building's façades with the inclusion of a second building material and decorative stone veneer columns.</i>
Whether the use complies with all applicable City Codes, standards, and guidelines governing such use.	<i>Fairmont Village complies with all City Codes and development standards.</i>
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,	<i>The re-establishment of an assisted living facility at this location, in an existing building</i>

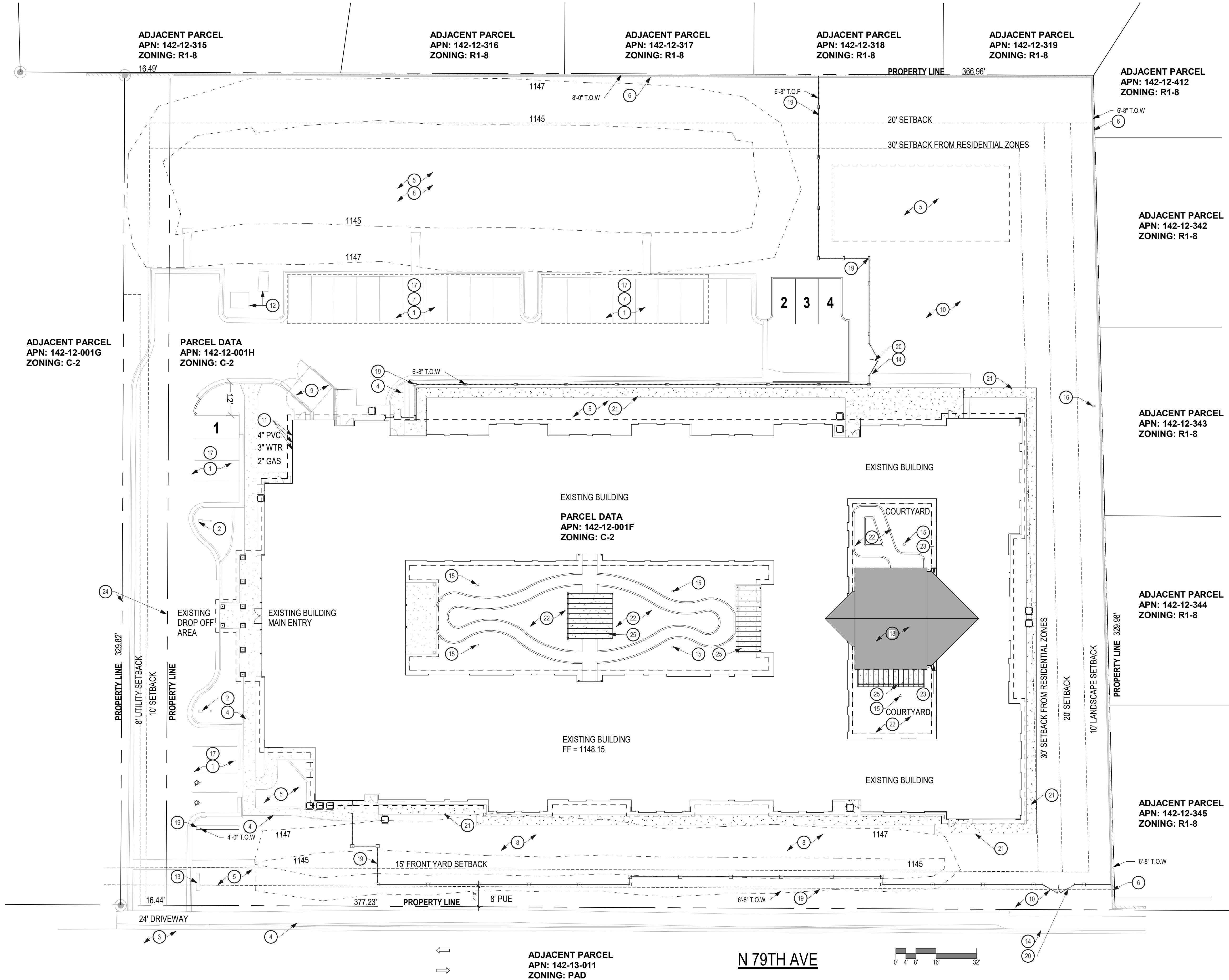
to the neighborhood, or to the public welfare; or if the use will unreasonably interfere with the use and enjoyment of nearby properties. Consideration shall include, but not be limited to the following factors: a. Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination; 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.	<i>with already constructed site improvements, is a huge enhancement to the immediate community, from what is otherwise an abandoned building that would continue to deteriorate if it wasn't remodeled and used again. The proposal re-invests in the community and will be a benefit to surrounding residents.</i> <i>Being an assisted living facility, it does provide 24-hour care and hours of operation are 24-hours a day, with traditional office and visiting hours between the hours 7 am and 9 pm. The facility is 100% secured and a "closed campus" in that residents, due to their condition with dementia, are not coming and going from the facility on their own volition. Residents do not have the ability to drive, nor do any of them have vehicles.</i> <i>When the occasional need arises for emergency services during sleeping hours of 10 pm to 7 am, emergency vehicles that are called will turn off their sirens when approaching the facility.</i> <i>Assisted living facility use does not generate noise, smoke or odors, it does not generate excessive traffic, the site has adequate parking that exceeds minimum code standards and the impact on public services is no greater than what previously existed. Furthermore, all site lighting will be shielded to prevent spillage of light onto any neighboring properties.</i>
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Table of Exhibits

<i>Tab</i>	<i>Description</i>
In text	Vicinity Map
In text	Existing Site
In text	Aerial of Site & Surrounding Properties
In text	Surrounding General Plan Land Use
In text	Surrounding Zoning Exhibit
In text	General Plan Growth Area Exhibit
1)	Site Plan
2)	Building Elevations & Building Materials Sheet
3)	Addition Building Elevation
4)	Landscape Plan
5)	Preliminary Grading & Drainage
6)	Drainage Statement

C:\Bent\Local17\0484_Fairmont\Contal_091818_symb\cont

9/27/2018 8:48:23 AM



SITE SUMMARY:

OWNER: 79TH AVENUE LLC / SEAN MOCKBEE
2608 EAST GREENWAY PARKWAY
PHOENIX, ARIZONA, 85032
SEANMOCKBEE@GMAIL.COM
PHONE: 602.765.7400

ARCHITECT: CUNNINGHAM GROUP / NABIL ABOU-HAIDAR / VARNELL SMITH / ELLEN RATH
5001 E. WASHINGTON ST.
PHOENIX, ARIZONA, 85034
NABOUHAIDAR@CUNNINGHAM.COM / VSMITH@CUNNINGHAM.COM /
ERATH@CUNNINGHAM.COM
PHONE: 602.744.3660 EXT 3518

ADDRESS: 10401 N. 79TH AVE, PEORIA
ARIZONA, 85345

APN: 142-12-001F and 142-12-001H (LOT COMBINATION IN PROCESS)

AUTHORIZED JURISDICTION:
CITY OF PEORIA

ZONING: C-2

LOT COVERAGE:
TOTAL LOT AREA: 128,169 sf (2.94 ACRES)
EXISTING TOTAL BUILDING AREA: 26,136 sf (21%)
TOTAL NEW ADDITION: 912 sf
EXISTING PARKING: 24,000 sf (19%)
OPEN SPACE: 77,121 sf (60%)

SETBACKS - 21-506 PROPERTY DEVELOPMENT STANDARDS

FRONT - 15 ft
SIDE - 10 ft / (20 ft TOTAL)
CORNER - 15 ft
REAR - 20 ft

PARKING SPACE SUMMARY:

TOTAL REQUIRED: 24
TOTAL PROVIDED: 28
HANDICAPPED: 2

*PARKING STALLS: 9' - 0" x 20' - 0"

BLDG HEIGHT - 21-506 PROPERTY DEVELOPMENT STANDARDS

- 23' - 6" EXISTING
- 16' - 6" NEW ADDITION
- MAXIMUM BUILDING HEIGHT: 48' (30' HIGH WITHIN 30 FEET OF ANY RESIDENTIAL DISTRICT.
*THE HEIGHT MAY BE INCREASED BY ONE FOOT PER EACH THREE FEET OF ADDITIONAL SETBACK TO
A MAXIMUM OF 48' IN HEIGHT

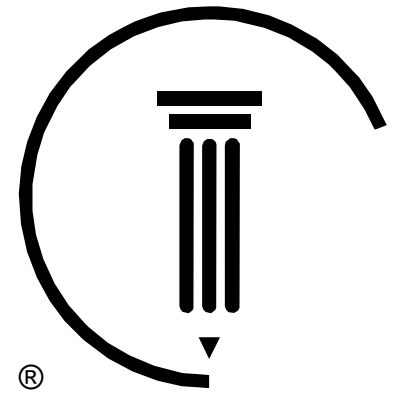
UTILITY SUMMARY:

WATER: CITY OF PEORIA
SEWER: CITY OF PEORIA
ELECTRICITY: ARIZONA PUBLIC SERVICE
TELEPHONE: U.S. WEST
NATURAL GAS: SOUTHWEST GAS

Note Block - A001B	
Mark	Remark
1	EXISTING PARKING TO REMAIN
2	EXISTING SITE LIGHTING
3	EXISTING DRIVEWAY TO REMAIN
4	EXISTING SIDEWALK TO REMAIN
5	EXISTING LANDSCAPING TO REMAIN
6	EXISTING SITE WALL TO REMAIN
7	EXISTING COVERED PARKING TO REMAIN
8	EXISTING RETENTION - SEE CIVIL
9	EXISTING REFUSE ENCLOSURE PER CITY OF PEORIA STANDARDS
10	EXISTING SERVICE AREA TO REMAIN
11	EXISTING UTILITY ENTRY (ELECTRICAL, WATER, GAS)
12	EXISTING TRANSFORMERS
13	EXISTING POWER UTILITIES
14	EXISTING ROLL CURB FOR EMERGENCY ACCESS
15	EXISTING STAND PIPE TO REMAIN
16	EXISTING FIRE HYDRANT TO REMAIN
17	EXISTING PARKING TO BE RE-STRIPPED
18	NEW ADDITION
19	NEW SITE WALL / FENCE - SEE SITE PLAN DETAILS
20	NEW SITE GATE FOR EMERGENCY SERVICES
21	NEW CONCRETE SIDEWALK
22	NEW LANDSCAPING / HARDSCAPE
23	NEW LOCATION OF STAND PIPE
24	NEW PARCEL - LOT COMBINATION
25	NEW ALUMAWOOD PATIO COVER - COLOR - MOJAVE TAN - BY OTHERS
26	50'-0" AWAY FROM BUILDING REFUGE AREA



Vicinity Map CUP Copy 1
1:1



**CUNNINGHAM
G R O U P**

Cunningham Group
Architecture, Inc.

5000 East Washington Street
Phoenix, AZ 85034

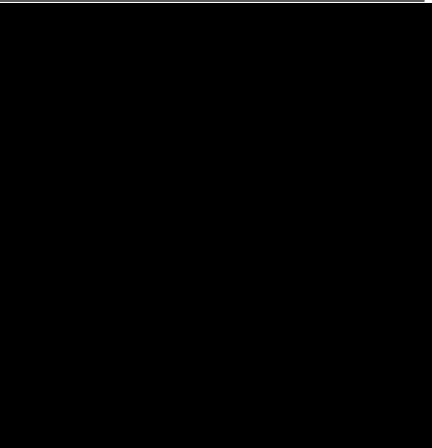
Tel: 602 744 3660
Fax: 602 744 3679

www.cunningham.com

Consultant

Revisions

No.	Date	Description
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Name:

License No.:

Document Phase: Construction
Date: 09/22/2018

PIC / AIC: Nabil-Abou Haidar

Drawn By: Author

Checked By: Checker

Comm. No.: 17-0484

Project Title

Fairmont Village

Sheet Title

Architectural Site Plan

Sheet Number

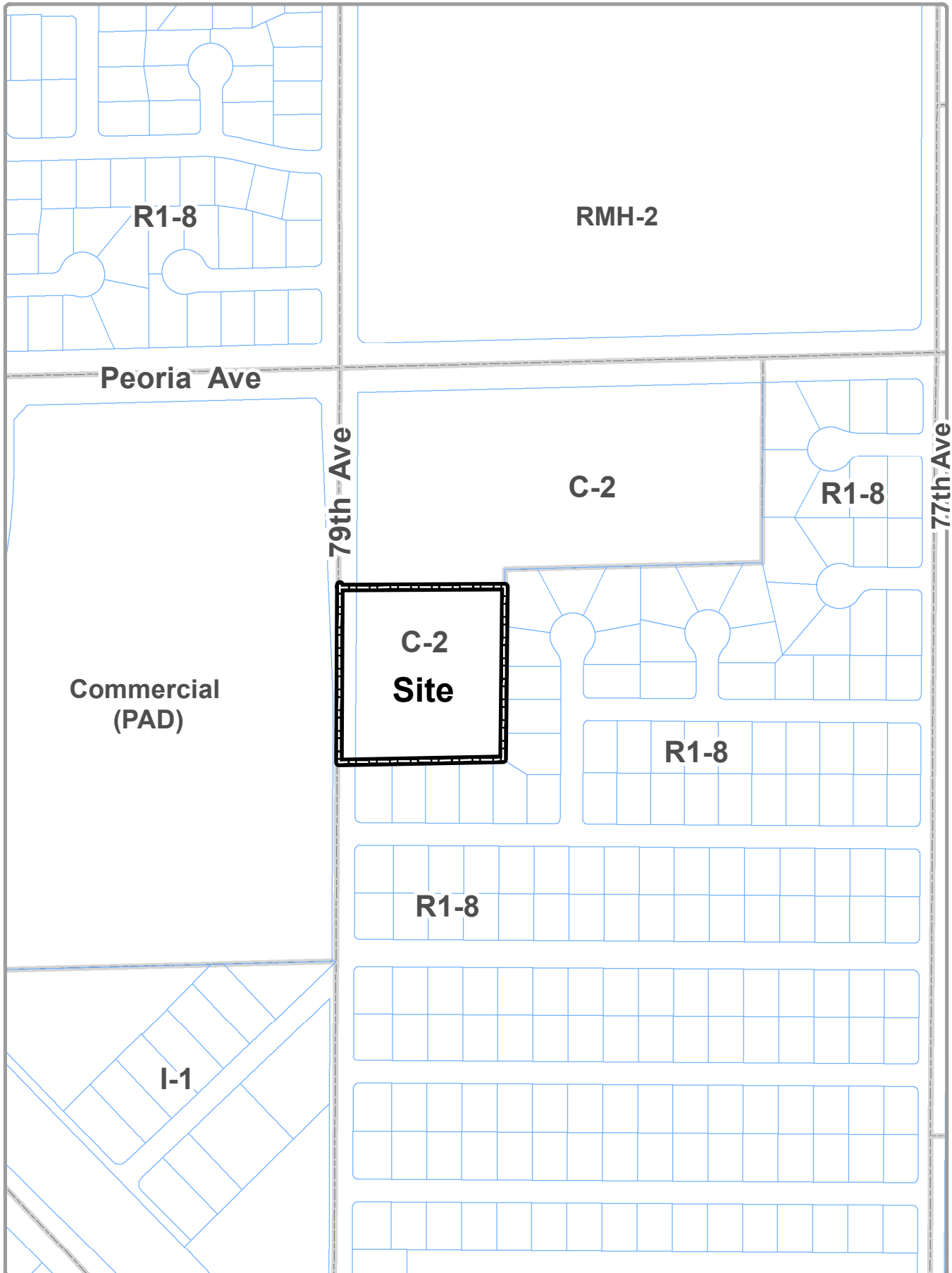
A001B

Exhibit 5

1 Site Plan CUP/SITE PLAN
A001B
1" = 20'-0"

CU18-05: Fairmont Village

10401 N. 79TH AVENUE (South of the SEC of 79th and Peoria Avenues)



Sean Allen

From: Steve Pavich [REDACTED]
Sent: Wednesday, September 19, 2018 5:48 AM
To: Sean Allen
Cc: [REDACTED]
Subject: Fairmont Village Assisted Living Center

Sean,

We received the postcard regarding the Fairmont Village Assisted Living Center, and want to let you know that we have no objections. It will be good to have the building occupied again. We have been living in the neighborhood for 13 years.

Sincerely,

Steve Pavich and Angie Diaz-Pavich

[REDACTED]



PLANNING AND ZONING COMMISSION REPORT

Meeting October 4, 2018

Date:

Agenda Item: 3R

Case Name: Outdoor Dining: Zoning Ordinance Text Amendment (TA18-04)

Case TA18-04
Number(s):

General Application Information

Proposal:

A request to consider a City-Initiated amendment to Section 21-503 ("Land Use Matrix") and Section 21-505.B.3 ("Limitations on Uses") within the Non-Residential Section of the City of Peoria Zoning Ordinance. The proposed changes would amend current limitations on outdoor dining to only require a Conditional Use Permit if the exterior walls of the patio (outdoor dining area) are within two-hundred (200) feet of a residentially-zoned property.

Location:

City-wide

Applicant:

City of Peoria

Recommendations:

Recommend APPROVAL of Case TA18-04 to City Council.

ATTACHMENTS:

Description

Staff Report

Exhibit 1 - Proposed Text

Exhibit 2 - Strikethrough Text



PLANNING AND ZONING COMMISSION

STAFF REPORT

Date **October 4, 2018**

To **Planning and Zoning Commission**

From **Jason Cleghorn**
Community Development Coordinator

Subject **Outdoor Dining Distance Requirements**
Proposed amendment of regulations associated with outdoor dining areas within the Zoning Ordinance.

PROPOSAL

The purpose of this amendment is to update outdoor dining regulations in a manner that advances the City's aesthetic, economic and community goals while assuring a safe and inviting pedestrian environment that does not unreasonably interfere with the peace and enjoyment of neighboring properties.

APPLICATION INFORMATION

Case Number Zoning Ordinance Text Amendment (TA18-04)

Applicant City of Peoria

Request 1. Amend Section 21-503 ("Land Use Matrix") and Section 21-505.B.3 ("Limitations on Uses") within the Non-Residential section of the City of Peoria Zoning Ordinance.

BACKGROUND

The City of Peoria has outdoor dining regulations that are in place to promote the health, safety and welfare of our residents, businesses and visitors. These facilities are subject to the City of Peoria Zoning Ordinance, all applicable Building Codes and Fire Codes, the Americans with Disabilities Act (ADA), and the Arizona Department of Liquor License and Control regulations.

In 2006, the City Council adopted *Ordinance No. 06-07*, thereby requiring the issuance of a Conditional Use Permit (CUP) for all outdoor dining and seating patios throughout the City. The amendment (Case TA06-01) was initiated by the City at the direction of the City Council to mitigate noise and other concerns emanating from outdoor dining patios. At the time, the City was fielding a number of noise and other complaints pertaining to a particular outdoor dining patio in close proximity to neighboring residential homes. In requiring the applicant to go through the CUP process, it was construed that the Planning and Zoning Commission would be able consider the

relevant circumstances of a specific location and impose mitigative conditions including, but not limited to, a limitation on hours of operation, landscape buffering, screening, siting adjustments and other appropriate treatments.

The impact of the new outdoor dining and seating provisions was immediate and far-reaching within the community. Any business that proposed an outdoor area that could be construed as potentially being used for dining or seating was required to obtain a Conditional Use Permit, regardless of their location within a commercial/retail center or without consideration of the specific nature of the business. For example, gas-station convenience stores, grocery store, fast-casual restaurants, coffee shops, and similar businesses that proposed any sort of outdoor benches or resting area for patrons or employees was subjected to obtaining a CUP. Additionally, the length of the city's development process was extended by several months because the business owner was required to obtain the CUP prior to receiving site plan/design approval or being allowed to submit building or civil plans. For potential businesses owners looking to expand or move to Peoria, the delay in the development process was often cited as a significant barrier.

The City of Peoria recognizes that outdoor dining has a measurable impact on the vitality and success of our commercial and retail centers. Accordingly, the City desires to promote the activation of outdoor areas as a means to encourage a pedestrian-oriented environment, help create a visually attractive streetscape, and to promote overall commerce. Accordingly, staff has evaluated the equanimity and effectiveness of the outdoor dining standards and is recommending modifications in order to create standards that advance the City's aesthetic, economic and community goals, while maintaining safeguards to mitigate impacts on adjacent residential areas.

APPLICANT'S PROPOSAL

This is a city-initiated proposal to consider amending Section 21-503 ("Land Use Matrix") and Section 21-505.B.3 ("Limitations on Uses") within the Non-Residential section of the City of Peoria Zoning Ordinance. The proposed changes shown in Exhibit 1 would amend the current limitations on "outdoor dining and seating areas" to require a Conditional Use Permit only when the exterior walls of the patio (or "outdoor dining area") are within two hundred (200) feet of a residentially zoned property. Exhibit 2 illustrates the proposed changes in relation to the existing provisions within the Zoning Ordinance.

STAFF ANALYSIS

As proposed, the amendment would make outdoor dining and seating areas allowed within all office and commercial districts unless the outdoor dining area or seating area is within 200 feet of a residentially zoned property. Within industrial zoning districts, the Land Use Matrix currently lists outdoor dining as an accessory use; however, eating establishments are often encouraged within or near business parks and industrial centers to reduce traffic and impact on the surrounding area. A CUP would still be required if they have an outdoor patio within 200 feet of a residentially zoned property.

ANALYSIS

Outdoor dining and seating areas are typically considered accessory and incidental to eating or drinking establishments. Since the 2006 provisions went into effect, the City has approved forty-eight (48) CUP's for outdoor dining patios. None of the approved CUP's were appealed to City Council and only two (2) generated any public interest. The two that generated public interest were in close proximity to neighboring single-family homes. This amendment, if approved, would still have required a CUP for those two circumstances that generated public interest.

Staff believes maintaining the requirement to obtain a CUP for any such patio area within 200 feet of residentially zoned property continues to allow appropriate review and ability to impose mitigative measures were appropriate. In these situations, the Planning and Zoning Commission would continue to be able to consider the relevant circumstances of a specific location and impose conditions such as, but not limited to, a limitation on hours of operation, landscape buffering, screening, siting adjustments, and other appropriate treatments. Alternatively, removing the CUP requirement (except near residential areas) encourages these types of businesses to be located closer to the front of these centers, thus providing additional opportunities to activate the streetscape and creating potential synergy between businesses. Additionally, the elimination of CUP requirement shortens the development process, which has been seen as a barrier to entry for those businesses looking to expand or start-up. Although the majority of Conditional Use Permits currently processed for eating and drinking establishments would no longer be required, these type of establishments would still be required to meet all applicable Peoria Design Review, Building Codes, Fire Codes, ADA provisions, and the state liquor license regulations. Accordingly, staff believes that the proposed standards better advance the City's aesthetic, economic and community goals, while maintaining safeguards to mitigate impacts on adjacent residential areas.

KEY FINDINGS

- The proposed amendment streamlines the outdoor dining process for the Peoria business community yet retains a mechanism for higher review through a CUP when circumstances warrant (outdoor dining within 200 feet of a residentially zoned property).
- The text amendment as proposed would continue to provide for staff review of outdoor dining through the site plan process to address potential impacts on surrounding uses.

RECOMMENDATION

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

Recommend Approval of Case TA18-04 regarding outdoor dining regulations to the City Council, as identified in Exhibit 1.

STAFF CONTACT

Jason Cleghorn
Community Development Coordinator
623-773-7514
Jason.Cleghorn@peoriaaz.gov

Exhibit A

(Case TA 18-04)

SECTION 21-500 (“Non-Residential Districts”)

SECTION 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
EATING & DRINKING ESTABLISHMENTS												
Catering Establishment ^{*11}	P	P	P	P	P	P	P	P	P	P	P	P
Mobile Food Vendor Cart #	A	A	A	A	A	A	A	A	A	A	A	A
Outdoor Dining and Seating Areas # ^{*18}	P♦	P♦	P♦	P♦	P♦	P♦	P♦	P♦	A♦	A♦	A♦	A♦
Restaurants, Drive Through or Drive-Up # ^{*22}	-	P♦	P♦	P♦	P♦	-	P♦	P♦	-	-	-	-
Restaurants ^{*18}	P	P	P	P	P	P	P	P	A	A	A	A
Tavern, Bar, Lounge # ^{*22}	-	-	C	C	C	C	C	C	-	-	-	-

P = Permitted Use

C = Permitted Conditional Use. Conditional Use Permit required. See Section 21-322.

A = Accessory use

♦ = Any uses located within 200 feet of the boundary of a residential district shall be subject to a Conditional Use Permit ^{*17}

= Subject to special limitations (see the following Section 21-505)

- = Not Permitted

SECTION 21-505.B.3 - Limitations on Uses

B. Eating & Drinking Establishments

3. Outdoor Dining and Seating Areas: ^{*18, *22}

- a. Such areas shall be located adjacent to the restaurant or establishment to which it is an accessory use.
- b. The use shall not interfere with pedestrian access, fire lanes, driveways, or traffic visibility at driveways or street intersections.
- 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, re-location of the outdoor dining and seating area, noise and visual mitigation and other measures appropriate to the relevant circumstances.

Exhibit A

(Case TA 18-04)

SECTION 21-500 (“Non-Residential Districts”)

SECTION 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
EATING & DRINKING ESTABLISHMENTS												
Catering Establishment ^{*11}	P	P	P	P	P	P	P	P	P	P	P	P
Mobile Food Vendor Cart #	A	A	A	A	A	A	A	A	A	A	A	A
Outdoor Dining and Seating Areas # ^{*18}	C-P♦	C-P♦	C-P♦	C-P♦	C-P♦	C-P♦	C-P♦	C-P♦	C-A♦	C-A♦	C-A♦	C-A♦
Restaurants, Drive Through or Drive-Up # ^{*22}	-	P♦	P♦	P♦	P♦	-	P♦	P♦	-	-	-	-
Restaurants ^{*18}	P	P	P	P	P	P	P	P	A	A	A	A
Tavern, Bar, Lounge # ^{*22}	-	-	C	C	C	C	C	C	-	-	-	-

P = Permitted Use

C = Permitted Conditional Use. Conditional Use Permit required. See Section 21-322.

A = Accessory use

♦ = Any uses located within 200 feet of the boundary of a residential district shall be subject to a Conditional Use Permit ^{*17}

= Subject to special limitations (see the following Section 21-505)

- = Not Permitted

SECTION 21-505.B.3 - Limitations on Uses

B. Eating & Drinking Establishments

3. Outdoor Dining and Seating Areas: ^{*18, *22}

- a. Such areas shall be located immediately adjacent to the restaurant or establishment to which it is an accessory use.
- b. The use shall not interfere with pedestrian access, fire lanes, driveways, or traffic visibility at driveways or street intersections.
- 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.~~
- d. 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, re-location of the outdoor dining and seating area, noise and visual mitigation and other measures appropriate to the relevant circumstances.



PLANNING AND ZONING COMMISSION REPORT

Meeting October 4, 2018

Date:

Agenda Item: 4R

Case Name: Project Update: 2018 Major General Plan Amendment

General Application Information

Proposal:

Staff presentation and possible discussion regarding the 2018 Major General Plan Amendment Cycle. No action will be taken at this time.

Location:

City-wide

Project Acreage:

N/A

Applicant:

City of Peoria

Recommendations:

This item is intended for presentation and discussion only. No action will be taken at this time.

ATTACHMENTS:

Description

Staff Report



City of Peoria

PLANNING DEPARTMENT

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

Memorandum

Meeting Date: October 4, 2018

To: Planning & Zoning Commission

From: Lorie Dever, Principal Planner

Re: Item 4R: Project Update – Major General Plan Amendment Cycle

The City is currently updating its General Plan, which sets the community's vision for next 10 to 20 years and beyond. This comprehensive document guides all aspects of the city such as growth, redevelopment, economic development, city services, parks and open space, health and safety, public facilities, the natural environment, and more. The update to the General Plan is a multi-year process known as *PlanPeoriaAZ*.

In order to develop a plan that is responsive to our community's needs, staff has spent the last year listening to our residents and business leaders. Outreach efforts included hosting community workshops, staffing pop-up booths at special events throughout our city, and seeking feedback on social media and online surveys. Based on the significant level of public comment received, the city's renewed focus on placemaking and healthy community design, and the substantial level of update needed to the maps within the document, the project was separated into multiple years.

As part of the 2018 Major General Plan Amendment Cycle, staff is proposing three amendments to better position the Plan for the longer task of restructuring the document to be more user-friendly, which is scheduled to be completed as part of the 2019 Major General Plan Amendment cycle.

Proposed 2018 Major General Plan Amendments

Below is a brief description of each amendment:

1. GPA18-0002 Circulation Map Update - A City-initiated amendment.

This request is an amendment to Chapter 3: Circulation Element within the General Plan, which includes the Circulation Plan Map. Proposed changes include road classifications changes (e.g. from collector to arterial roadway), road additions and deletions, and alignment adjustments to better reflect the existing conditions and future needs of the city, and to maintain a document that is current with local and regional planning efforts.

2. *GPA18-0003 Land Use Map Update - A City-initiated amendment.*

This request is an amendment to Chapter 2: Land Use Element within the General Plan, which includes the Land Use Map. For this amendment, the City is proposing city-wide land use map amendments. There are a number of instances where the Land Use Map does not accurately reflect the existing land uses occurring on the property. The proposed changes to the Land Use Map will better reflect existing conditions and appropriate future designations. Additionally, there are two property owner requests to change associated land use categories on their respective properties, which are generally in the vicinity of the Vistancia master planned community and near 83rd Avenue and Butler Drive.

3. *GPA18-0004 Land Use Element and Plan Administration Text Updates - A City-initiated amendment.* This request consists of text amendments to Chapter 2: Land Use Element and Chapter 14: Plan Administration within the General Plan.

- a. Modifications to the Land Use Element include refinement of certain land use category descriptions to better position the General Plan for the larger comprehensive update occurring in 2019. For example, this amendment proposes to formally recognize waterways as a separate land use category, which allows better recognition and preservation of these areas.
- b. Modifications to the Plan Administration Element are intended to further define and clarify the major/minor amendment criteria within *Section 14.G. Classifying General Plan Amendments*.

2018 Major General Plan Amendment Cycle

Arizona State Law requires all major general plan amendments to go through an enhanced public outreach effort. Specifically staff sends out a copy of the proposed amendment material to all applicable federal, state and local agencies which begins their comment period known as the “60-Day Review”. As part of this year’s outreach efforts, the packet of material was made available for download by the public on the PlanPeoriaAZ project website, the Planning Department’s website page, and hard copies made available for viewing at the City of Peoria Public Libraries and the Planning Counter. During the last week of August, staff and their consultant hosted two open house meetings to allow the public to view the material and ask questions.

At the October 4, 2018 meeting, City staff will provide the Commission an overview of comments received to date and outline the upcoming public hearing schedule for the amendments.

Next Steps

This is an informational item only and no action will be taken by the Planning and Zoning Commission at this time.