

|                 |                 |                  |               |               |               |               |                  |
|-----------------|-----------------|------------------|---------------|---------------|---------------|---------------|------------------|
| <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         | Denette          |
|                 |                 |                  |               |               |               |               | Dunn             |

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# Planning and Zoning Commission Meeting Notice & Agenda

Thursday, December 13, 2018  
City Council Chamber  
8401 West Monroe Street  
Peoria, AZ 85345



## Special 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 Disposition of Absence

Discussion and possible action to approve/excuse the absence of Chair Shawn Hutchinson from the Planning and Zoning Commission meeting held on November 15, 2018.

#### 2 C Minutes

Discussion and possible action to approve the minutes of the Planning and Zoning Commission meeting held on November 15, 2018.

### 3 C **Cactus Taproom Conditional Use Permit (CU 18-07)**

A request to obtain a Conditional Use Permit to allow a Series 7 Liquor License (beer/wine bar with limited food service) for the *Cactus Taproom*. The business would be located within a 1,000 SF suite at 20429 N. Lake Pleasant Road (Suite 104) in the Ventana Lakes Village shopping center.

## **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 **71st Avenue Estates Rezone (Case Z18-06)**

A request to rezone approximately 4.38 acres from Suburban Ranch (SR-43) to Single-Family Residential (R1-8) to facilitate the development of a nine (9) lot subdivision. The site is located north of the northeast corner of 71st Avenue and Happy Valley Road (along Celestine Drive).

**Staff Report**

**Open Public Hearing**

**Public Comment**

**Close Public Hearing**

**Commission Action:**

1. Discussion and possible action on Case Z18-06.

### **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**            December 13, 2018

**Date:**

**Agenda Item:** 1C

**Case Name:**    Disposition of Absence

### **General Application Information**

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## **PLANNING AND ZONING COMMISSION REPORT**

**Meeting** December 13, 2018

**Date:**

**Agenda Item:** 2C

**Case Name:** Minutes

### **General Application Information**

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#### **ATTACHMENTS:**

Description

PZ draft minutes 11-15-18

**PLANNING AND ZONING COMMISSION MINUTES  
CITY OF PEORIA, ARIZONA  
COUNCIL CHAMBERS  
NOVEMBER 15, 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:** Vice-Chair Jeff Nelson, Secretary Jay Otlewski, Commissioner Clay Allsop, Commissioner Linda Grice, Commissioner Joanna Conde and Commissioner Bryan Patterson

**Members Absent:** Chair Shawn Hutchinson

**Others Present:** Chris Jacques – Planning Director, Lorie Dever – Principal Planner, Cody Gleason – Senior Planner, Chris Lemka – Traffic Engineer, David Benton – Assistant City Attorney and Della Ernest – Executive Assistant

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**Opening Statement:** The Opening Statement was read by Vice-Chair Jeff Nelson.

Call for speaker request forms.

**Audience:** 7

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

**CONSENT AGENDA**

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

**1C    Disposition of Absence**

Discussion and possible action to approve/excuse the absence of Vice-Chair Jeff Nelson and Commissioner Clay Allsop from the Planning and Zoning Commission meeting held on November 1, 2018.

**2C    Minutes**

Discussion and possible action to approve the minutes of the Planning and Zoning Commission meeting held on November 1, 2018.

**COMMISSION ACTION:** Secretary Otlewski moved to approve the Consent Agenda as presented. The motion was seconded by Commissioner Conde and upon vote, passed 6-0.

## REGULAR AGENDA

### NEW BUSINESS

3R **2018 Major General Plan Amendments (GPA18-02, GPA18-03 and GPA18-04)**

A city-initiated request for three Major Amendments to the Peoria General Plan consisting of the following:

1. Case GPA18-02: Figure 3.1 Circulation Map Update;
2. Case GPA18-03: Figure 2.1 Land Use Map Update, and
3. Case GPA18-04: Text modifications to Chapter 2: Land Use Element and Chapter 14: Plan Administration.

The staff report was presented by Mr. Cody Gleason, Senior Planner and Ms. Lorie Dever, Principal Planner.

#### **COMMISSION COMMENTS:**

Commissioner Conde asked about the mining operations noted on the map.

Ms. Dever stated that state law requires the city to identify active mining operations in the General Plan.

Commissioner Allsop asked how we are defining waterways.

Ms. Dever stated staff used Federal Emergency Management Agency (FEMA) delineation information and identified known floodways as waterways on the Land Use Map. Floodplain is identified as Park/Open Space on the map as it could be refined based on specific development requirements.

Vice-Chair Nelson asked there were any comments/concerns from other agencies who reviewed the amendments.

Ms. Dever stated the comments were recorded on the errata sheet included in the agenda packet.

Commissioner Patterson commented that staff did a great job on graphics and collecting background data.

**COMMISSION ACTION:** Commissioner Patterson moved to approve GPA18-02 as presented. The motion was seconded by Commissioner Conde and upon vote, passed 6-0.

**COMMISSION ACTION:** Secretary Otlewski moved to approve GPA18-03 as presented. The motion was seconded by Commissioner Allsop and upon vote, passed 6-0.

**COMMISSION ACTION:** Commissioner Conde moved to approve GPA18-04 as presented. The motion was seconded by Secretary Otlewski and upon vote, passed 6-0.

**CALL TO THE PUBLIC ON NON-AGENDA ITEMS:** None

**UPDATES FROM STAFF:**

Mr. Chris Jacques notified the Commission of the next meeting on December 13, 2018.

Mr. Jacques stated Ms. Denette Dunn was recently appointed as Alternate Member and will be seated on the Commission at the next meeting.

**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 7:00 p.m.

\_\_\_\_\_  
Shawn Hutchinson, Chair

\_\_\_\_\_  
Submitted by Della Ernest

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



## **PLANNING AND ZONING COMMISSION REPORT**

**Meeting** December 13, 2018

**Date:**

**Agenda Item:** 3C

**Case Name:** Cactus Taproom Conditional Use Permit (CU 18-07)

### **General Application Information**

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*Proposal:*

The applicant is seeking issuance of a Conditional Use Permit (CUP) to allow a beer/wine bar with limited food service (Series 7 Liquor License) for Cactus Taproom to be located within a 1,000 square foot suite at the Ventana Lakes Village shopping center.

*Location:*

20429 N. Lake Pleasant Road, Suite 104 (NEC Beardsley Road and Lake Pleasant Road)

*Project Acreage:*

1,000 square foot suite

*Applicant:*

Cactus Taproom, LLC

### **Recommendations:**

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Approve Case CU18-07, subject to the Conditions of Approval identified in Exhibit 1 of the staff report.

### **ATTACHMENTS:**

Description

Staff Report

Exhibit 1 - Conditions of Approval

Exhibit 2 - Vicinity Map

Exhibit 3 - Context Map

Exhibit 4 - Zoning Map

Exhibit 5 - Applicant's Narrative

Exhibit 6 - Existing Site with Parking

Exhibit 7 - Distance to residential zone



# PLANNING AND ZONING COMMISSION

## STAFF REPORT

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**Date** December 13, 2018

**To** Planning and Zoning Commission

**From** Sean Allen  
Senior Planner

**Subject** **Cactus Taproom Conditional Use Permit**  
Proposed beer / wine bar establishment within the  
Ventana Lakes Village Center

### PROPOSAL

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The applicant is requesting a Conditional Use Permit (CUP) to operate a Series 7 Liquor License for a beer / wine bar establishment with limited food service. The proposed establishment would be located in Suite 104 at 20429 N. Lake Pleasant Road, within the Ventana Lakes Village Center.

### APPLICATION INFORMATION

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**Case Numbers** Conditional Use Permit (CU18-07)

**Applicant** Cactus Taproom, LLC

**Request(s)** 1. Approval of a Conditional Use Permit (CUP) to allow the *Cactus Taproom* to operate a beer / wine establishment under a Series 7 Liquor License

### LOCATION AND CONTEXT

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#### **SUBJECT SITE**

The subject area is within a fully improved pad building within the Ventana Lakes Village shopping center, which is anchored by the Bashas' grocery store and several businesses, as shown in Exhibits 2 & 3. The proposed establishment would specifically occupy Suite 104 of the existing building addressed at 20429 N. Lake Pleasant Road as shown in Exhibit 3.

#### **CONTEXT**

The subject property is bounded on the north by an auto-repair and service operation known as *Grease Monkey*. To the east and south is a continuation of the Ventana Lakes Village commercial center with several retail and commercial establishments surrounding the Bashas' grocery store. To the west of the site is Lake Pleasant Road, which is an arterial street, and then the *Sun Grove*

*Medical Plaza* further west. The nearest residential area is the *Desert Winds Assisted Living* center which is located approximately 211-feet to the north of the proposed establishment.

### **APPLICANT'S PROPOSAL**

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The applicant is proposing a rotating tap craft beer, cider, and wine bar known as Cactus Taproom. They intend to operate under a Series 7 Liquor License with limited food service. Suite 104 is currently vacant and approximately 1,000 square feet in area. The existing commercial building encompasses three other commercial / restaurant uses. The building is located on a fully improved parcel within the Ventana Lakes Village Center.

The applicant's Project Narrative states no loud or live music will be permitted, and all activities related to the business are to be fully enclosed within the building. (Exhibit 5) Additionally, no exterior building or site modifications are proposed, and patrons and employees will utilize the existing parking surrounding the site. Proposed hours of operation are provided under the *Development Information* section below.

### **DEVELOPMENT INFORMATION**

|                            |                                                                               |
|----------------------------|-------------------------------------------------------------------------------|
| <u>Existing Use:</u>       | Unoccupied commercial space                                                   |
| <u>Proposed Use:</u>       | Tavern, Bar, and Lounge                                                       |
| <u>Property Size:</u>      | 0.77 Gross Acres                                                              |
| <u>Suite Size:</u>         | 1,000 Square Feet                                                             |
| <u>Hours of Operation:</u> | Monday – Friday: 2pm to 10pm<br>Saturday: Noon to 10pm<br>Sunday: Noon to 8pm |

## **STAFF ANALYSIS**

### **ZONING**

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In 1981, the northeast corner of Beardsley Road and 99<sup>th</sup> Avenue was rezoned to Intermediate Commercial (C-2) Zoning District by Ordinance 81-25. (Exhibit 4) In 2001, the site plan was approved for the Ventana Lakes Village Center, and the center was subsequently constructed in phases.

### **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, a beer / wine establishment such as Cactus Taproom is deemed as analogous to what is defined within the Zoning Ordinance as a *Tavern, Bar, or Lounge*. In reviewing Table 21-503, a *Tavern, Bar, or Lounge* 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.B.4 of the Zoning Ordinance. Based upon a records search for this property, a conditional use permit for a *Tavern, Bar, or Lounge* has not been granted to date. Accordingly, the applicant would need to obtain a CUP prior to allow the business to commence.

### KEY FINDINGS

1. The proposed use is permitted within the Intermediate Commercial (C-2) Zoning District, subject to receiving a Conditional Use Permit.
2. No previous Conditional Use Permit approval for a similar use has been found on record for this parcel.
3. The applicant is requesting to obtain Conditional Use Permit approval in order to allow the business to commence operations at the subject site.

### CONDITIONAL USE PERMIT

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The purpose of the Conditional Use Permit requirements for a tavern, bar and lounge 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.B.4 of the Peoria Zoning Ordinance sets the following limitations on *Tavern, Bar, or Lounge* uses as indicated below. Note: Staff responses to those special limitations are identified in *italics*.

1. The exterior building wall shall not be located within one-thousand (1,000) feet of the property lines of a state designated Local Alcohol Reception Center.

*No facility for alcohol rehab is within the 1,000-foot requirement.*

2. The exterior building walls of the use shall be located at least two-hundred (200) feet from a residentially zoned property line.

*The nearest residentially zoned property line is approximately 211-feet away from the north wall of the suite. (Exhibit 7, Distance to residential zone) As stated in the narrative, the applicant is not proposing any modification to the exterior building. Furthermore, because all activities would be located within the existing suite and no loud or live music will occur onsite, the proposed establishment is expected to have negligible, if any impact on the residential area to the north.*

3. Through the Conditional Use Permit process, the conditions considered for imposition by the Planning and Zoning Commission may include, but are not limited to, a restriction on operating hours, additional screening, relocation of any outdoor patio areas, live entertainment standards, noise and visual mitigation, and other measures.

*Based upon proposed operating parameters as discussed in detail below, staff believes no additional mitigation measures are required at this time.*

### ANALYSIS

The applicant proposes the *Cactus Taproom* to be a fully enclosed operation, with the intent for the establishment to be a comfortable gathering place for nearby residents, as discussed within the project Narrative (Exhibit 5). The proposed use will be within a developed commercial pad, which is surrounded to the north, east and south by other existing commercial uses within the Ventana Lakes Village Center. To the west is Lake Pleasant Road with commercial and office zoned properties on the opposite side.

The nearest residential zoned property is located to the north of the building and is zoned as Multi-family Residential (RM-1). The current use is an assisted living operation called *Desert Winds Assisted Living*. City staff anticipates that the proposal will have no negative impact to its surrounding neighbors given the location of the building is relation to the residential area and the intervening commercial uses in-between.

### *Site Layout*

The overall commercial center was approved for construction in 2001, and the subject parcel and building was subsequently approved for development in 2005. The existing building and site has been utilized for various commercial / restaurant tenants since that time. Currently, the suite fronting Lake Pleasant Road is a *Fredrico's*, which is a quick serve restaurant that has a drive through around the building. Also, there is an existing smoke shop in the center suite. The subject suite (104) is located at the furthest most east end of the building. Rows of parking for the building are located facing the Lake Pleasant Road frontage, and along the south side of the parcel. (Exhibit 6, Existing Site)

### *Building*

The applicant has indicated no modifications to the exterior of the building are proposed.

### *Circulation*

Main vehicular access is via an existing driveway that connects to Lake Pleasant Road to the Ventana Lakes Village Center. Additional access is available via two additional driveways along Lake Pleasant; one to the north of this site and one to the south. The commercial center also can be accessed through two additional driveways located along Beardsley Road. No additional improvements to this driveway are required or proposed with this application. (Exhibit 3)

### *Parking*

A minimum of ten (10) parking spaces are required specifically for Cactus Taproom. Based on the current occupancy of the building and the proposed use, a total of approximately 21 parking stalls are required to be provided onsite. In 2005, the overall site approved twenty-six (26) parking spaces for the subject multi-tenant building, which is sufficient to meet the needs of the current tenants and this user.

### *Operational Considerations*

To minimize any potential effects on the adjacent businesses, 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:

- Music:  
*The applicant proposes there will be no loud or live music played on site.*
- Hours of operation:  
*As noted above, the establishment will never be open later than 10pm, and will close at 8pm on Sundays.*
- Site lighting:  
*All external lighting fixtures are in place. No modifications are proposed.*
- Renovation of the building's exterior:  
*The applicant proposes no exterior building or site modifications.*
- Landscaping:  
*The applicant has agreed to restore any dead or missing landscape prior to occupancy.*

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 no communication in support or opposition to the proposal.

### ***KEY FINDINGS***

1. The proposal meets the Conditional Use Permit standards of the Zoning Ordinance;
2. No site or building modifications are required or proposed;
3. The walls of the proposed suite are more than a 200-foot distance from any residentially zoned property;
4. No outdoor patio seating is proposed;
5. When operated in accordance with the recommended conditions of approval, the use is not expected to disrupt other nearby uses;
6. The applicant has submitted a Proposition 207 waiver, signed by the owner and notarized, which will be recorded with the conditions outlined below.

### ***PROPOSITION 207***

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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***

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

**Approve the Conditional Use Permit for Case CU18-07, subject to attached conditions of approval.**

### ***STAFF CONTACT***

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

## CU18-07: Cactus Taproom

20429 N. Lake Pleasant Rd, suite 104 (Ventana Lakes Village Center)



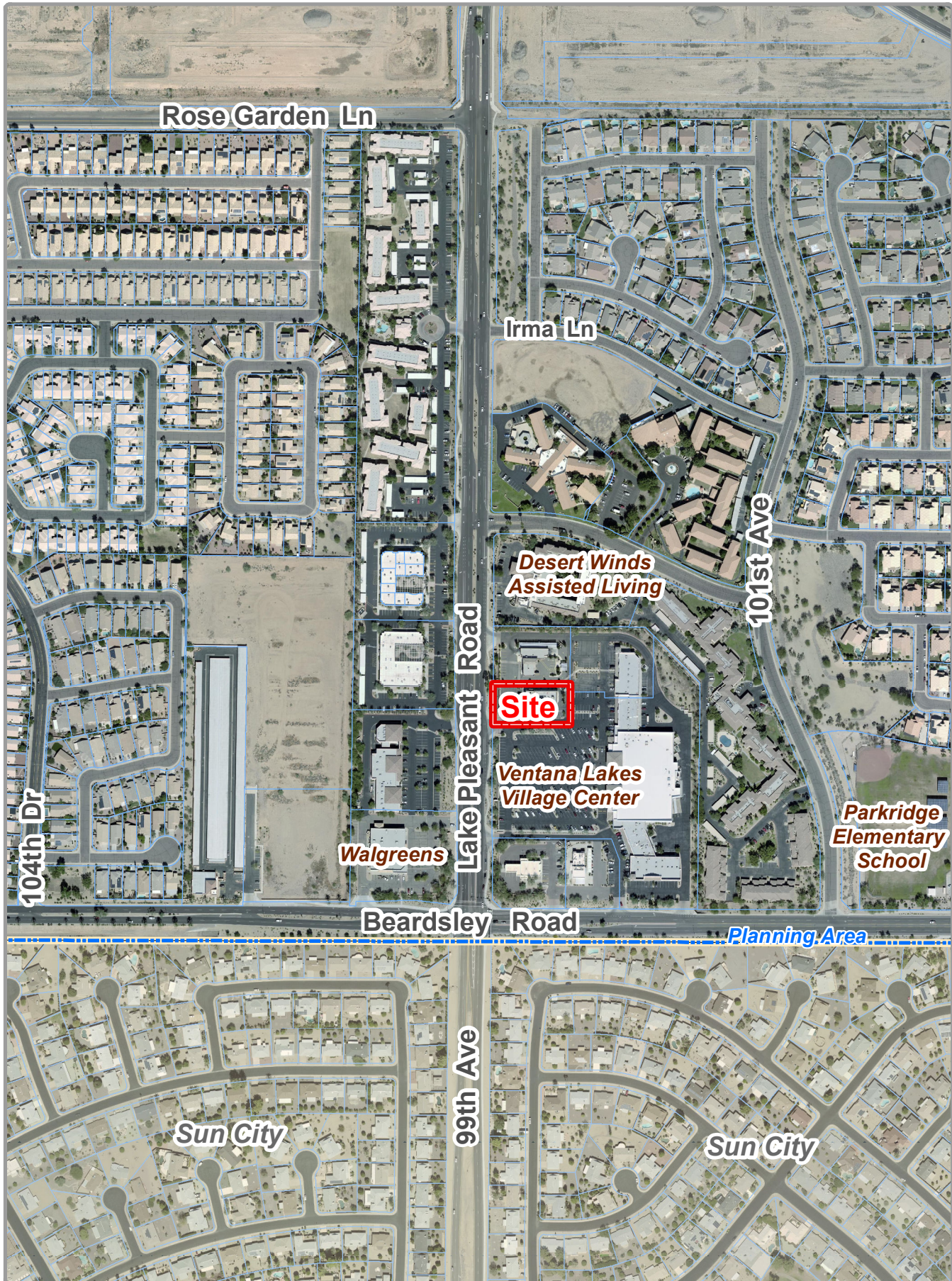
The Conditional Use Permit request for the above mentioned property is subject to the following Conditions of Approval in order to protect the public health, safety, welfare, and the City of Peoria:

1. The use shall substantially conform to the Project Narrative and Site Plan, as contained in the staff report to the Planning & Zoning Commission dated December 13, 2018.
2. All activities related to the business shall remain fully enclosed within the building.
3. Existing drive-through lane for the existing building must remain unobstructed at all times.
4. The use shall obtain all necessary operational permits as required by the Fire Department and Building Department.
5. 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.



# CU18-07: Cactus Taproom

20429 N. Lake Pleasant Rd, Suite 104 (Ventana Lakes Village Center)





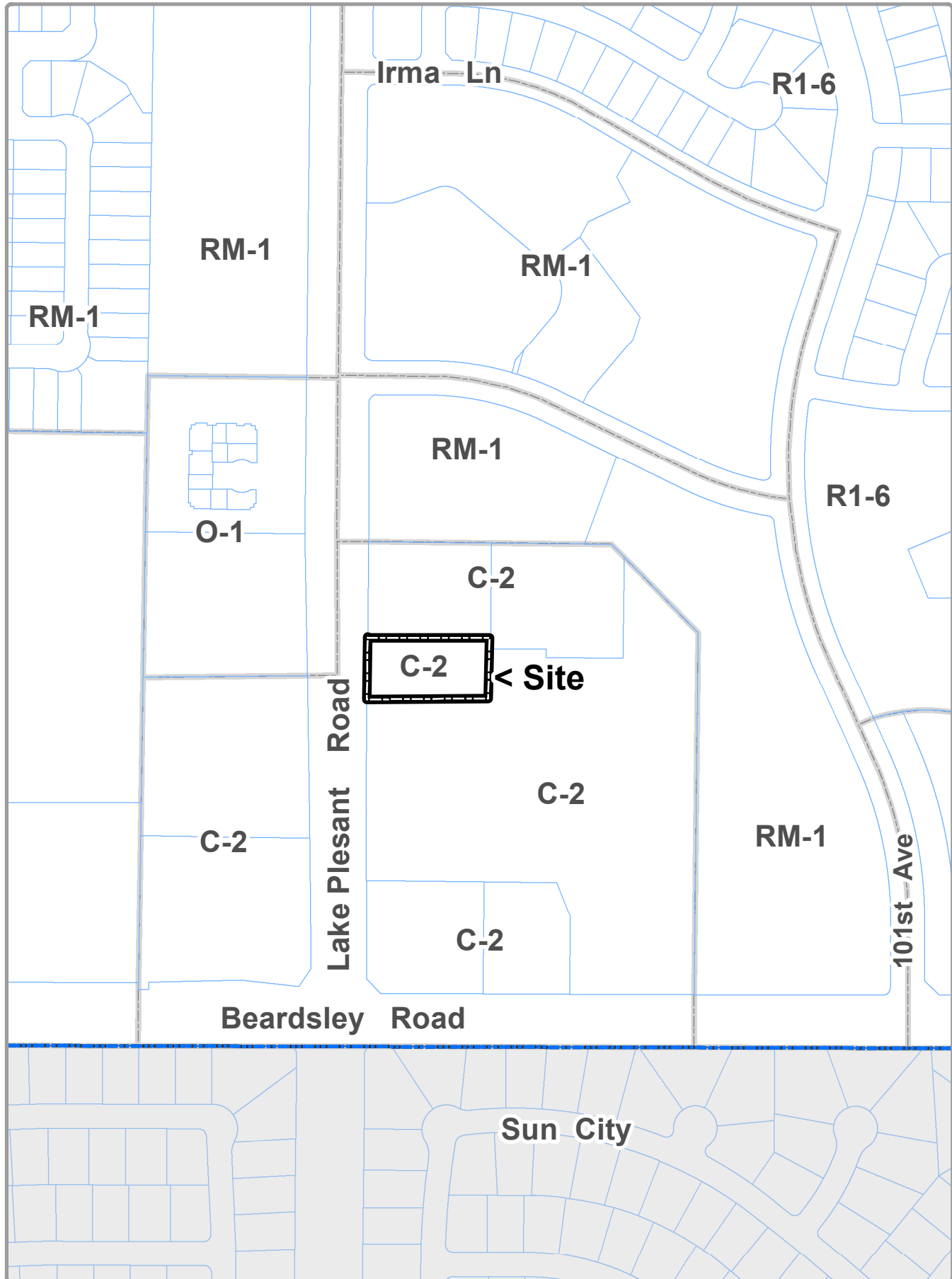
# CU18-07: Cactus Taproom

20429 N. Lake Pleasant Rd, Suite 104 (Ventana Lakes Village Center)



# CU18-07: Cactus Taproom

20429 N. Lake Pleasant Rd, Suite 104 (Ventana Lakes Village Center)





**Project: Cactus Taproom**

**Basic Overview**

Seeking approval for conditional use of retail space located at **20429 N Lake Pleasant Road** for an eating and drinking business.

Center Zoning: C-2, Sprinkled

| <b>Demographics</b> | <b>1 Miles</b> | <b>3 Miles</b> | <b>5 Miles</b> |
|---------------------|----------------|----------------|----------------|
| Population          | 12,133         | 72,823         | 199,464        |
| Avg. Income         | 66,595         | \$70,949       | \$73,391       |
| Businesses          | 168            | 2,213          | 9,160          |

**Cactus Taproom, LLC** would like to open a rotating tap craft beer, cider and wine bar for on premise consumption only. The 1,000 square foot space is located in Ventana Lakes Village Shopping Center and Bashas is the anchor center. Bashas has approved the use in their center.

**Peoria General Plan**

**Community Livability & Healthy Neighborhoods**

Cactus Taproom contributes to the community livability and our residents desire to stay in their community.

Cactus Taproom will provide Peoria residents a premium craft beer and wine experience. It will be a gathering place for residents to enjoy the company of family, friends and neighbors. Cactus Taproom will have an upscale feel creating a warm and inviting atmosphere that will that attract all ages 21 and older to enjoy their favorite beverage and socialize. We are passionate about supporting the local community through shared opportunities of giving time and effort to promote local business and educational events that will contribute to a thriving community.

Cactus Taproom will be a friendly neighbor to the surrounding business partners. There will be no loud or live music on site.

Hours of Operation: Monday – Friday 2 pm to 10 pm, Saturday 12:00 to 10 pm and Sunday 12:00 to 8 pm.

**Economic Competitiveness**

On a larger scale, we will be supporting our Peoria and Arizona Brewers and contributing to the growth of our local economy. This business model focuses on a continual tap rotation featuring a variety of Arizona’s craft beer, cider and wine styles. All beer and wine will be sold for on-premise consumption only. No beer or wine will be sold for off-premise consumption. There will be a menu of snack food and small plates available for consumption as well. Patrons will also be able to order in outside food from neighboring restaurants. Currently, the retail location has been vacant for 12 months or more. Over the past several years at least six other retail sites within the Ventana Lakes Village Shopping Center are still vacant. Allowing Cactus Taproom, an upcoming growth industry business for Arizona will create more visibility for the center and encourage other restaurants and community gathering places to consider locating their businesses there as well.

**Owner Operator**

I am a tenured executive who has spent the past 15 years living in Arizona and working out of state. I am looking forward to creating a positive impact on the community I live in and work in. I have been certified through the Arizona Liquor Control Basic and Manager training. I was certified in 2016 through the accredited Wine & Spirits Education Trust and received my Craft Beer education through the Cicerone Certification Program. I've also completed a comprehensive operations internship at Peninsula Taproom, LLC. In Sequim WA.

**Site Layout – proposed floor plan**

(1 Square = 1 SF) Loading from back door. See Exhibit 1.  
Site Photos: Exhibits 4 - 8

**Parking Standards**

Cactus Taproom will have access in excess of a minimum 10- parking spaces required for operation. See Exhibit 2.

**Site Plan**

The exterior building walls of the proposed use must be located at least 200 feet from a residential zoning district. Exhibit 2A shows the distance from the location to the residential zoning district to be in excess of 200 feet. Exhibit 2B illustrates the minimum measurement of 200 feet.

The Group Home shadow map illustrates the proposed location's exterior walls are outside of the one-thousand feet of the property line of a State designated local alcohol reception center. See Exhibit C2.

**Site Plan Modifications**

Cactus Taproom has no intentions to modify the site, including the building.

**Parking Lighting**

Existing overhead lamps will be functioning at the time of occupancy.

**Trash Enclosures**

Any intentions of future renovation to the exterior of the main building will include the walls of the detached trash enclosure.

**Architectural Design Review**

**Exterior Alterations**

Cactus Taproom has no intentions to renovate or modify the existing exterior of the building.

**Landscaping**

Any dead or missing landscaping will be replaced prior to occupancy. No landscaping review required at this time.

## Site Plan & Parking Areas

Cactus Taproom will have access in excess of a minimum 10- parking spaces required for operation.

### SITE PLAN – PARKING LOT PAD 3



The exterior building walls of the proposed use must be located at least 200 feet from a residential zoning district.

MEASURING WHEEL: 211 LINEAR FEET

AREAL MEASURE: 215 LINEAR FEET





# **PLANNING AND ZONING COMMISSION REPORT**

**Meeting** December 13, 2018

**Date:**

**Agenda Item:** 4R

**Case Name:** 71st Avenue Estates Rezone (Case Z18-06)

## **General Application Information**

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*Proposal:*

A request to rezone approximately 4.38 acres from Suburban Ranch (SR-43) to Single-Family Residential (R1-8) to facilitate an infill development of nine (9) lots, ranging in size from 9,000 to over 12,000 square feet in area. The site is located north of the northeast corner of 71st Avenue and Happy Valley Road (along Celestine Drive).

*Location:*

North of the northeast corner of 71st Avenue and Happy Valley Road (along Celestine Drive).

*Project Acreage:*

4.38 (gross)

*Applicant:*

IPLAN Consulting, LLC

## **Recommendations:**

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Recommend APPROVAL to the City Council for Case Z18-06, subject to the Conditions of Approval outlined in Exhibit 1.

## **ATTACHMENTS:**

Description

Staff Report

Exhibit 1 - Conditions of Approval

Exhibit 2 - Vicinity Map

Exhibit 3 - Context Map

Exhibit 4 - General Plan Map

Exhibit 5 - Zoning Map

Exhibit 6 - Rezoning Justification/Narrative

Exhibit 7 - Development Concept (Plat)

Exhibit 8 - Landscape Concept

Exhibit 9 - Conceptual Elevations



## Exhibit 10 - Neighborhood Meeting Summary



# PLANNING AND ZONING COMMISSION

## STAFF REPORT

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**Date** December 13, 2018

**To** Planning and Zoning Commission

**From** Sean Allen  
Senior Planner

**Subject** **71st Avenue Estates Rezoning**  
Proposed rezone of a 4.38 acre site from Suburban Ranch (SR-43) to Single-Family Residential (R1-8).

### PROPOSAL

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The applicant is proposing to rezone two parcels ("the site") comprising 4.38 gross acres from Suburban Ranch (SR-43) to Single-Family Residential (R1-8) to facilitate a an infill development of nine (9) lots called 71st Avenue Estates.

### APPLICATION INFORMATION

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**Case Numbers** Z18-06

**Applicant** Iplan Consulting, LLC on behalf of Jarvis capital Investments, LLC

**Request(s)** 1. Rezone approximately 4.38 acres from Suburban Ranch (SR-43) to Single-Family Residential (R1-8) zoning district.

### LOCATION AND CONTEXT

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#### **SUBJECT SITE**

The site consists of two (2) parcels comprising 4.38 gross acres, located north of the northeast corner of 71st Avenue and Happy Valley Road, as shown in Exhibits 2 & 3.

#### **CONTEXT**

The site is within a pocket of undeveloped infill properties located behind Terramar Elementary School solely accessed by 71st Avenue. This pocket is adjoined to the north and west by the subdivisions of *Terra Vista Estates* and *Terramar Parcel 8* (same R1-8 zoning as proposed). The abutting parcels to the east consist of a vacant 2.15 acre parcel and two existing home sites on 1-acre lots. To the east of these abutting parcels is the recently developed 16-lot subdivision called *Terramar Cove*. The zoning for Terramar Cove also requires a minimum lot size of 8,000 square feet. To the east of Terramar Cove is the City of Peoria Terramar Park.

### APPLICANT'S PROPOSAL

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The applicant has proposed to rezone from the subject site from Suburban Ranch (SR-43) to the Single-Family Residential (R1-8) zoning district to facilitate an infill residential development of nine (9) lots called *71st Avenue Estates*. The proposed development will yield a gross density of approximately 2.06 dwelling units per acre (du/ac) and contain lots ranging in size from 9,053 square feet to 12,290 square feet. The conceptual plans of the standard subdivision are shown in Exhibit 7.

The site is accessed from 71st Avenue via Happy Valley Road. The two properties that comprise the site proposed for a rezone are bisected by Celestine Drive, which extends from the east. All streets will remain as public right-of-way.

There are three distinct landscape areas along the project's frontage that are intended for storm drain retention. One of these areas (Tract C) will be activated with amenities to be used as a gathering place for the future residents (Exhibit 8).

The applicant proposes nine (9) semi-custom homes. Conceptual building elevations are depicted in Exhibit 9. Additionally, there will be decorative perimeter fencing for lots 5 – 9. All existing fencing that borders the project will be painted to match the project theme.

### DEVELOPMENT INFORMATION

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|                                                 |                                                                                          |
|-------------------------------------------------|------------------------------------------------------------------------------------------|
| <u>Existing Use:</u>                            | Vacant land bisected by public roadway                                                   |
| <u>Proposed Use:</u>                            | Nine (9) single-family lots with semi-custom homes                                       |
| <u>Property Size:</u>                           | 4.38 gross acres / 3.39 net acres                                                        |
| <u>Existing General Plan Land Use Category:</u> | Low Density Residential / 2.0 - 5.0 dwelling units per acre (du/ac), target of 3.0 du/ac |
| <u>Density Proposed:</u>                        | 2.06 du/ac                                                                               |
| <u>Building Height:</u>                         | 30 feet (maximum height)                                                                 |
| <u>Common Open Space:</u>                       |                                                                                          |
| Required:                                       | None                                                                                     |
| Provided:                                       | 0.37 acres (Tract C)                                                                     |

*Refer to Table 1 within this report for the proposed development standards.*

## STAFF ANALYSIS

### GENERAL PLAN

The subject property and surrounding area is designated *Low Density Residential* as shown on the General Plan Land Use Map (Exhibit 4). The Low Density Residential category denotes an area intended for detached, moderately-sized single-family residences, with a density range between 2.0 – 5.0 dwelling units per acre (du/ac), with a target of 3.0 du/ac.

Moreover, Table 2-2 (“Land Use Designation and Zoning District Correlation”) in the Peoria General Plan identifies correlative zoning districts that generally advance the character and intent of the General Plan land use category. The Low Density Residential land use category correlates with the R1-8, R1-10 and R1-12 zoning districts.

### ANALYSIS

Given this parcel is virtually surrounded by existing development, this site is considered an “infill” area. The General Plan identifies the Low Density Residential land use category as the desired land use for the general area. This area is primarily single-family neighborhoods of the same land use designation. The applicant proposes no change to this land use designation and with a development concept at a density of 2.06 du/ac, the proposal will conform with the General Plan density range for this area.

Staff finds the proposal advances the following General Plan goals, policies and objectives:

- Smart Growth - Objective 1.A.1: Promote planned developments where resources and infrastructure are in place to facilitate orderly and efficient growth.
- Infill Development - Objective 1.H: Encourage the development or redevelopment of vacant or underutilized infill sites within the City.
- Infill Development - Policy 1.H.3: Encourage infill development that takes advantage of existing municipal services, utilities, transportation facilities, schools, and shopping areas.
- Residential Communities - Policy 1.N.3: Locate housing developments in areas that can be adequately served by police, fire, and ambulance services.

### KEY FINDINGS

1. At a proposed density of 2.06 du/ac, the proposal falls within the Low Density Residential land use designation range of 2-5 units per acre; and
2. As noted above, the proposed R1-8 zoning district is a correlative zoning district that will advance the character and intent of the Low Density residential land use designation.
3. The proposal is an infill site with a development concept that will be consistent and compatible with the built environment; and
4. The proposal is in conformance with the Goals, Objectives, and Policies of the City of Peoria General Plan.

### ZONING

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The site is currently zoned Suburban Ranch (SR-43) as shown in Exhibit 5. This district fosters semi-rural and low density residential uses with a minimum lot size of 1 acre (43,560 square feet). While single-family residential lots are permitted in this zone, the applicant proposes to develop the area with an increased density and lot size that is consistent with the existing neighborhoods in the area.

### ANALYSIS

#### LAND USE AND ZONING HISTORY

The site was annexed into the City of Peoria in 1978 (ORD. No. 78-35). In 1992, the site was rezoned to Suburban Ranch (SR-43) through *Ordinance 92-13*, and has retained its zoning since.

#### PROPOSED STANDARD R1-8 ZONING DISTRICT

If approved, the 71st Avenue Estates development proposal will be subject to the development standards of the R1-8 zoning district, which matches the zoning directly north and west. Directly east are three larger parcels with SR-43 zoning with *Terramar Cove Planned Area Development (PAD)* on the opposite side. Terramar Cove is a 16-lot residential PAD with standards closely aligned with the R1-8 zoning district.

A comparison of the R1-8 and SR-43 standards are outlined in the table below):

**Table 1 – Proposed Development Standards**

| Standards                         | SR-43<br>(east adjacent) | R1-8<br>(north & west adjacent) | R1-8<br>(proposal)    |
|-----------------------------------|--------------------------|---------------------------------|-----------------------|
| Maximum Lot Coverage              | 25%                      | 45%                             | 45%                   |
| Maximum Building Height           | 30 Feet                  | 30 Feet                         | 30 Feet               |
| Front Setback / Side Entry Garage | 40 Feet                  | 20 Feet / 10 Feet               | 20 Feet / 10 Feet     |
| Side Setback (location)           | 20 Feet                  | 5 Feet /15 Feet total           | 5 Feet /15 Feet total |
| Rear Setback                      | 20 Feet                  | 15 Feet                         | 15 Feet               |
| Corner Setback                    | 40 Feet                  | 10 Feet                         | 10 Feet               |
| Minimum Lot Area                  | 43,560 Square Feet       | 8,000 Square Feet               | 8,000 Square Feet     |

While the majority of the surrounding area is zoned R1-8 and subject to those development standards, 71st Avenue Estates proposes slightly larger lot sizes overall, ranging from a minimum of 9,000 square feet to over 12,000 square feet. This happens to be consistent with the homes to the north and west. Additionally, the proposal gives consideration to the existing

estate style homes, which are located on the larger parcels to the east of the southern portion of the proposal. In this southern piece, the applicant proposes a transition to larger lot sizes with the largest of the new lots ranging from 11,000 to 12,200 square feet in size.

The parcel located directly east of the northern half was originally included with this application, but the owner opted to withdraw from the request. At the request of City staff, the applicant made one more attempt to include this east parcel; however, the owner has maintained their position to remain separate.

### **CONSTRAINTS**

In addition to being surrounded by existing development, the properties have public right-of-way encumbrances already in place for Celestine Drive and 71st Avenue. Celestine Drive bifurcates the property, dividing the proposed neighborhood into the two separate parcels. Additionally, these roadways somewhat dictate the location and depth of the potential lots.

### **PROPOSED SITE IMPROVEMENTS**

The project is required to complete the improvements along Celestine Drive and 71st Avenue respectively. This would primarily include completing missing sidewalk links and extending utilities. The details of these future improvements will be addressed with the Preliminary and Final Plat reviews.

Lighting throughout the development will meet the residential standards and be no taller than 16-feet and shielded to prevent light spillage onto neighboring properties. The proposal will comply with the City's Dark Sky Ordinance.

### **OPEN SPACE / TRAILS**

Due to the limited number of lots (less than 10) within this proposal, the development is exempt from the Design Review Manual requirement to provide a minimum of 9% of the gross project area as "useable" or improved open space. However, the applicant is utilizing one of the large tracts (Tract C) as an amenity area by including a trail and some bench seating for the future residents as shown on page 3 of Exhibit 8.

### **TRAFFIC**

Primary access into the project will be from 71st Avenue, via Happy Valley Road. A Final Traffic Impact Study / Analysis will be required to be submitted at the time of Preliminary Plat.

### **WATER/SEWER**

The project will need to connect an 8" water line to the south within 71st Avenue and to the east within Celestine Drive to ensure a looped system. A sewer connection is available to the east within Celestine Drive.

### **PUBLIC SAFETY**

There are no anticipated impacts to public safety due to this proposal.



### COMMUNITY INVOLVEMENT

#### *Public Noticing*

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

#### *Outreach Requirements*

As a requirement of the rezoning application processes, the applicant conducted a neighborhood meeting and provided a Citizen Participation Report detailing the results of the meeting. The applicant sent a notice of invitation to all property owners within a 600-foot radius of the site and all registered Homeowners' Associations within one (1) mile.

The neighborhood meeting was held on October 29, 2018 at 7 p.m. at the Terramar School. Approximately 7-persons attended, along with City staff. At the meeting, the development team presented the details of the project and answered resident's questions. There was no opposition voiced during the meeting. After the questions were answered, many of the residents expressed that they were happy with the idea of semi-custom homes coming to the area. A summary of the comments along with the applicant's responses are enclosed within Citizen Participation Plan as provided in Exhibit 10. The general topics discussed were:

- Why are there no lots on the western side and what is proposed to go there?
- Will there be a Homeowner's Association? Are you (developer) willing to join one of the HOA's in the area?
- Could the project be gated?
- What is going on with the residual land to the east?
- Will the homes be limited to one-story?
- Will the road (Celestine Drive) be widened?
- Is there a sidewalk on the south side of the road?
- Who is the homebuilder, and will there be a sales center on site?
- What about grade differences?
- Will there be many trees blocking visibility on the roadway?

Non-lot areas on the west side – *These areas are reserved for storm water retention, and open space areas.*

Will an HOA be provided or combine with an existing – *Yes, the applicant intends to form an HOA; however, there is also interest being adopted into an existing HOA.*

Will the project be gated – *No, these are public roads.*

Residual land to the east – *this property is under separate ownership. The owner was part of the original proposal, but cancelled out of the deal.*

Will the homes be 1-story – *There is no limitation to one-story homes in the R1-8 zoning district.*

Will the road be widened – *No, there is no anticipation of the road being widened.*

Sidewalk on south side of the road – *Yes, the City is requiring sidewalks be installed on the south side as well as the north side of Celestine Drive. Additional details will be addressed by Engineering with the Plat review.*

Who is the homebuilder and will there be a sales center on site – *Mr. Jarvis of Jarvis Capital Investments will be the homebuilder, with the intent to construct semi-custom homes. All sales will be handled off-site.*

Grade Differences – *Grade differences are to be addressed with the Preliminary Plat; however, no significant grade differences are anticipated.*

Trees potentially blocking visibility – *There will be trees along the street frontage, as required by the City; however, they will not be placed within designated visibility triangles, and none will be planted in the narrow strip along the west side of 71<sup>st</sup> Avenue, because that is part of the street right-of-way.*

### *Support / Opposition*

At the time of this writing, City staff has received no communication in support or opposition to the proposal.

### **KEY FINDINGS**

1. At 2.06 du/ac and with a proposed zoning district of R1-8, the City finds that the proposal advances the Low Density Residential land use classification and is in conformance with the Peoria General Plan. The change in zone will facilitate a development that provides compatible lot sizes with the adjacent neighborhoods and accounts for the existing built environment;
2. This rezoning request will result in a residential development that provides a transition in lot sizes between the smaller R1-8 zoned lots to the north and west, and the larger remaining SR-43 zoned parcels to the east;
3. Pursuant to the Peoria Design Review Manual, at nine (9) lots, the proposal is exempt from the minimum useable open space requirement of 9% of the gross project area; and
4. The applicant/owner has submitted a signed and notarized a Proposition 207 waiver, which will be recorded with the conditions outlined in Exhibit 1.

### ***SCHOOL DISTRICT INFORMATION***

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This property is within the Deer Valley Unified School District (DVUSD) boundary. The case was forwarded to DVUSD as part of the review. A representative from DVUSD sent a return email to City staff acknowledging the project, and indicated the District has no objections to the request.

### ***PROPOSITION 207***

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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***

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

- 1) Recommend approval of Case Z18-06 to the City Council, subject to the attached Conditions of Approval (Exhibit 1).

### ***STAFF CONTACT***

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Sean Allen  
Senior Planner  
623-773-7337  
[sean.allen@peoriaaz.gov](mailto:sean.allen@peoriaaz.gov)

## **Z18-06: 71<sup>st</sup> Avenue Estates**

North of the NEC of 71<sup>st</sup> Avenue and Happy Valley Road



The amendment to the zoning district(s) 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:

### Governance

1. The development shall substantially conform to the Preliminary Site Layout (SP1.1) identified as Exhibit 7 and Preliminary Landscape Plan (L0.1) identified as Exhibit 8, in the staff report to the Planning and Zoning Commission for December 13, 2018.
2. The Developer shall provide a Final Traffic Impact Study / Analysis with the Preliminary Plat or as determined by the City Traffic Engineer.
3. The Development shall comply with the City of Peoria Infrastructure Guidelines and any applicable design standards, policies and requirements thereto.
4. The private drive to parcel 021-09-990D located directly south of the proposal is to remain free of obstruction at all times.



# Z18-06: 71st Avenue Estates

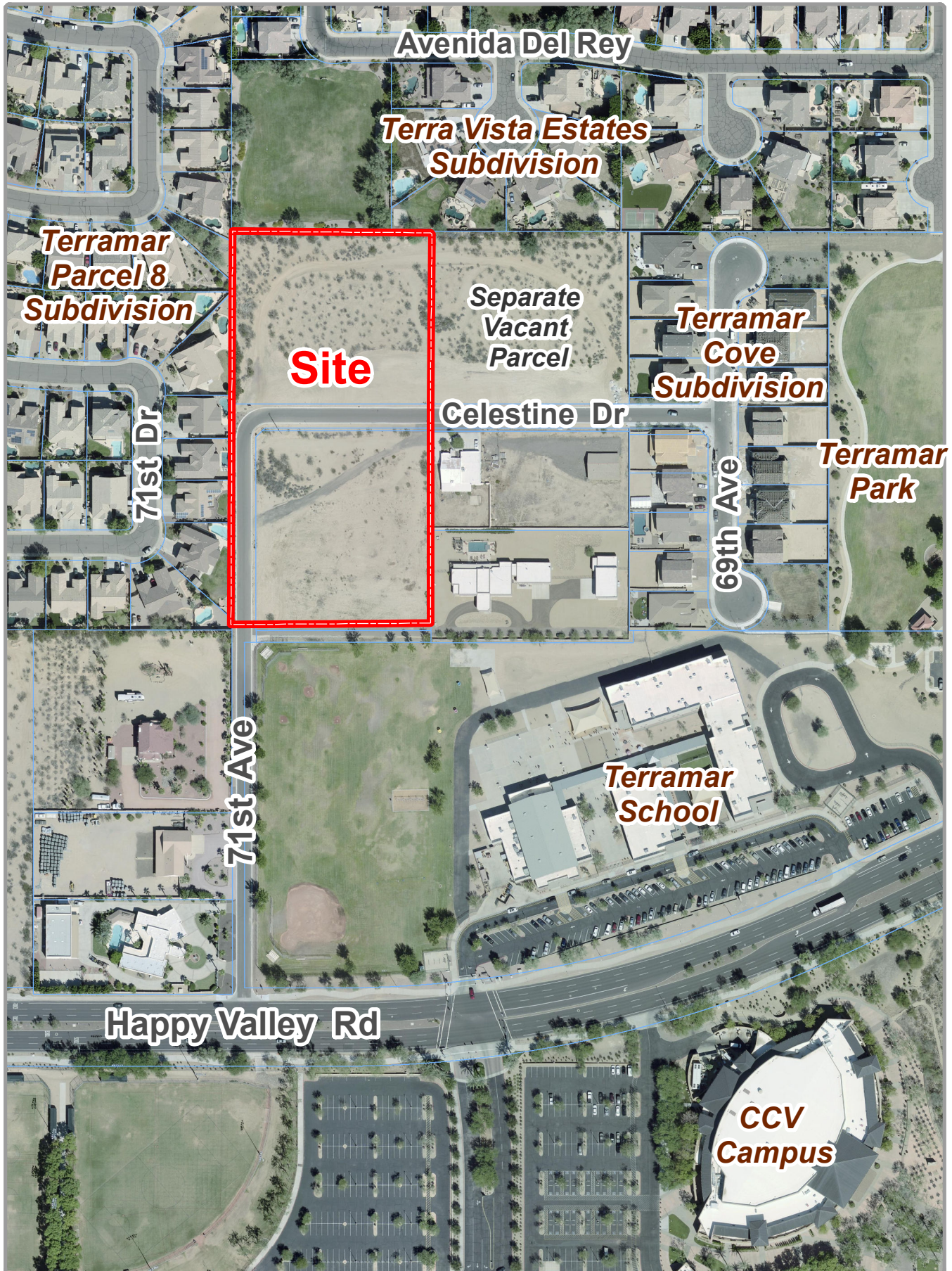
North of the NEC of 71st Ave and Happy Valley Rd (Celestine Dr)





# Z18-06: 71st Avenue Estates

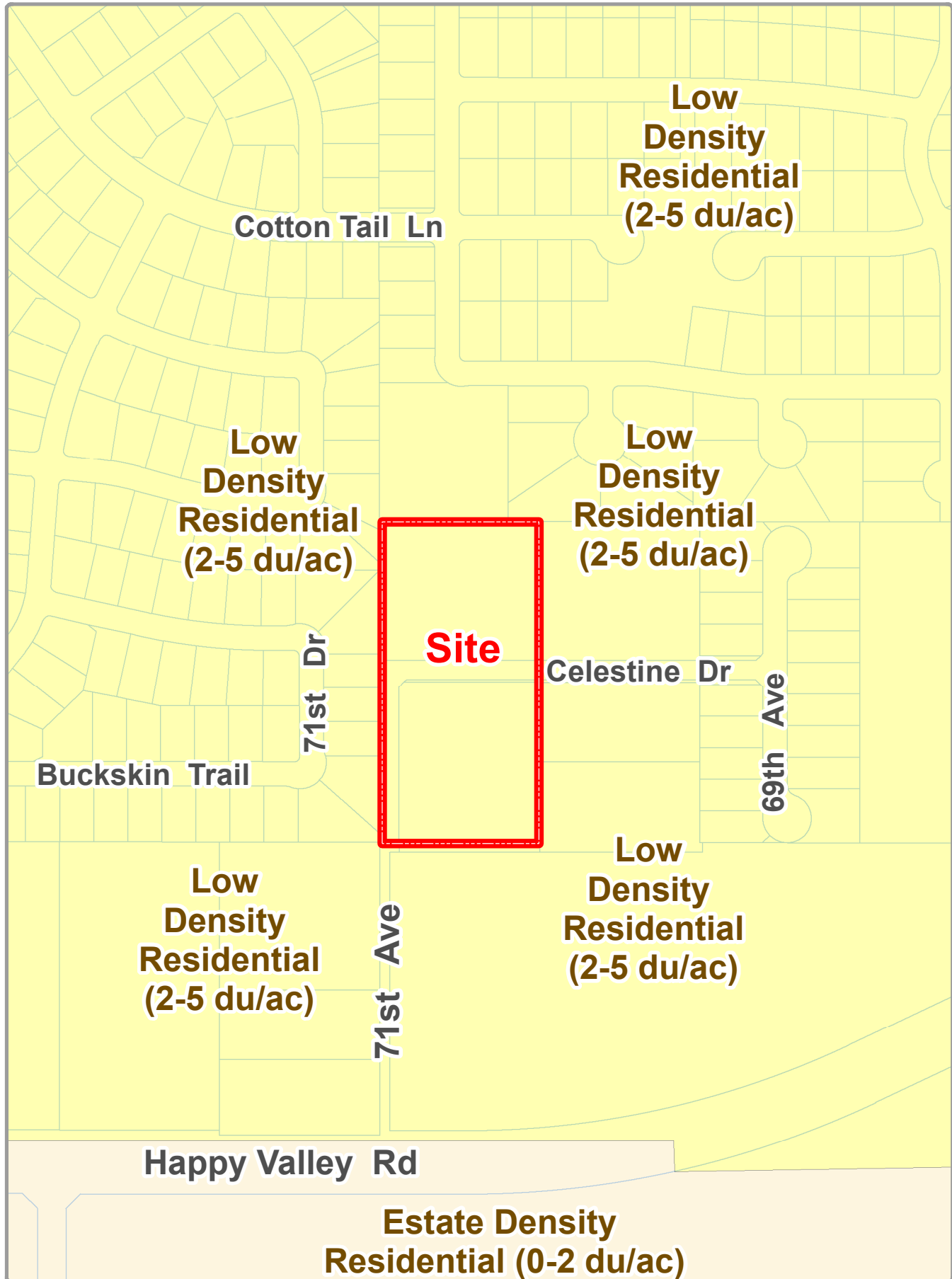
North of the NEC of 71st Ave and Happy Valley Rd (Celestine Dr)





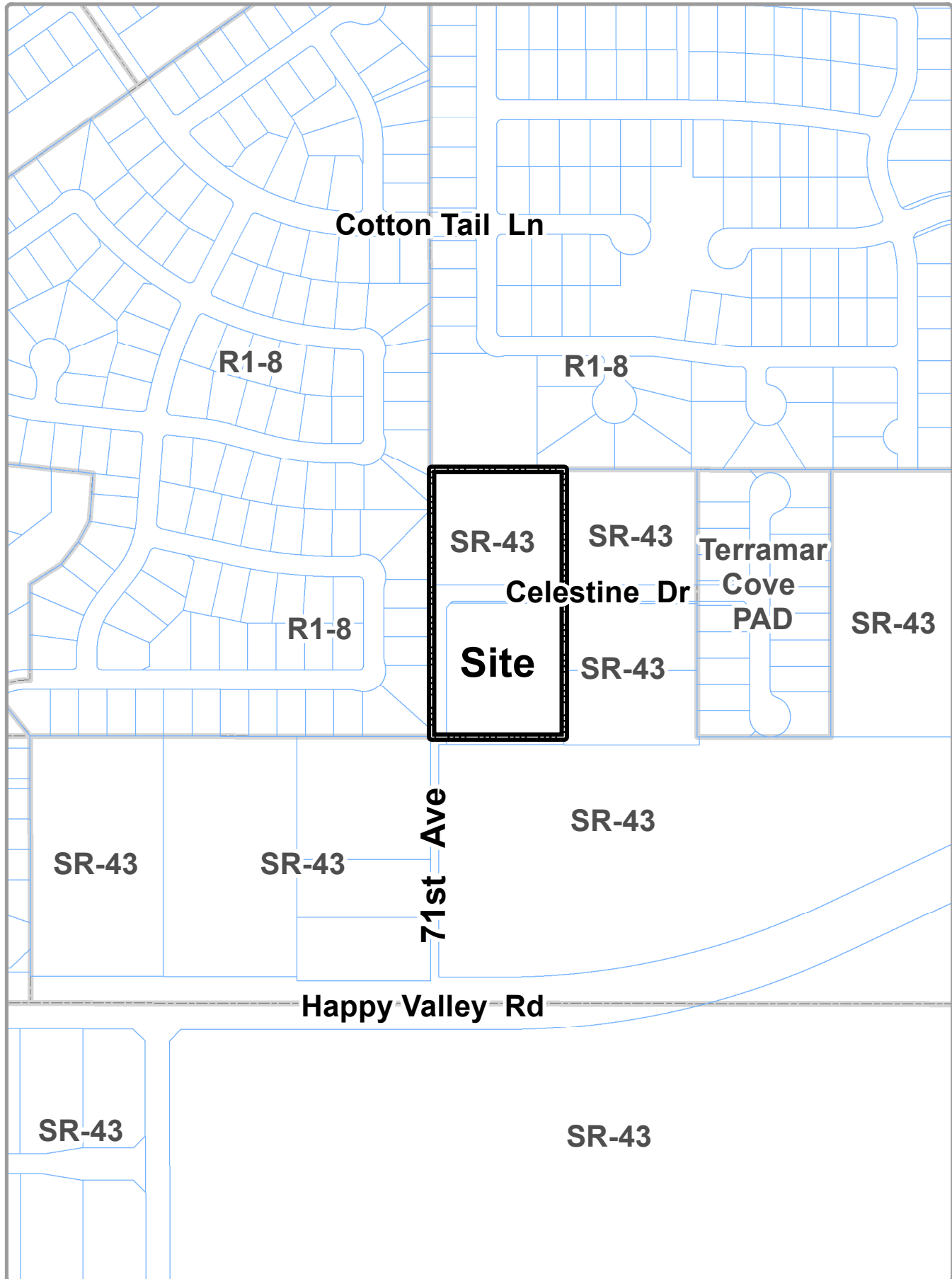
# Z18-06: 71st Avenue Estates

North of the NEC of 71st Ave and Happy Valley Rd (Celestine Dr)



# Z18-06: 71st Avenue Estates

North of the NEC of 71st Ave and Happy Valley Rd (Celestine Dr)



# 71<sup>st</sup> Avenue Estates

## Rezoning Narrative / Justification Statement

Submitted To:



City of Peoria Planning Department  
Peoria, AZ

On Behalf of :



Prepared By:  
**Greg Davis**  
Iplan Consulting



September 2018

Exhibit 6



## NARRATIVE STATEMENT/PROJECT JUSTIFICATION

On behalf of Jarvis Capital Investments LLC, Iplan Consulting is proud to present a proposal for a new high quality, single family residential enclave neighborhood in the City of Peoria Arizona. Our proposal, 71<sup>st</sup> Avenue Estates, includes a rezoning request to facilitate development of a 9-lot single family home neighborhood on a 4.6 acre infill parcel located just north of Happy Valley Road and 71<sup>st</sup> Avenue. The property is currently zoned SR-43 and is proposed to be rezoned to R1-8 with lots ranging from 9,000sf to over 12,000sf. The lot size range is intended to provide a successful transition from the smaller 8,000sf lot neighborhoods to the north and west, to the few SR-43 parcels to our east. We believe the proposed development will be compatible with the existing homes in the area and will be a welcome addition to the City's housing stock.



### 1. What type of development and uses are proposed by the rezoning request?

The development is proposing a residential rezoning request from Suburban Ranch ("SR-43") to standard Residential R1-8 (no PAD) for the development of nine (9) new single-family homes that are all over 9,000 square feet in area.



2. State how your proposal is consistent with the Land Use Plan and other goals, policies and objectives (list each goal, policy and objective and how they are met) of the Peoria General Plan.

Currently, the land use designation for the subject property is *Low Density Residential* (“LDR”) which permits densities from 2.0 to 5.0 dwelling units per acre (DU/ac), with a target of 3.0 DU/ac. The proposed housing development is planned for 2.06 DU/acre which is consistent with the City’s General Plan for the area.

| Land Use Designation            | Density Range   | Target Density |
|---------------------------------|-----------------|----------------|
| Estate Density Residential      | 0.0 - 2.0 du/ac | 1 du/ac        |
| Low Density Residential         | 2.0 - 5.0 du/ac | 3 du/ac        |
| Medium Density Residential      | 5.0 - 8.0 du/ac | 6 du/ac        |
| Medium-High Density Residential | 8.0-15.0 du/ac  | 12 du/ac       |
| High Density Residential        | 15+ du/ac       | 18 du/ac       |
| Transit Oriented Development    | 18 - 35 du/ac   | 30 du/ac       |

Furthermore, the project is consistent with, and promotes many of the City’s General Plan’s goals and policies. Below is a non-exhaustive list of the Land Use Element specific policies we believe the proposal reinforces:

**Policy 1.A.1.** – Development of this property will tie into existing City infrastructure thus avoid costly extensions of utilities while increasing the efficiency of the current utility systems.

**Policy 1.H.3.** – This is an infill project which will take advantage of the existing City infrastructure and better utilize property that has little value for any other use than residential.

**Policy 1.M.1.** – Although the project proposes only nine lots, these lots will add to the mix of housing opportunities in the area as they are larger than the majority of lots in the area which will most likely result in larger homes thus diversifying the housing area, even if it is to a small degree.

**Policy 1.N.1.** – The property’s infill condition has created a challenge of transitioning from the vast number of ~8,000sf lots surrounding the site and the few large lots adjacent to the project. We believe by increasing the lot sizes and limiting the number of lots adjacent to the larger lots, we are successfully buffering them and providing a compatible neighborhood.

**Policy 1.N.3.** – This project is located in an area that already is adequately served by emergency services.

3. Discuss your proposal's compatibility with the surrounding land use and zoning patterns. Include a list of surrounding zoning designations, land uses and conditions.

The project is in an infill location with contemporary suburban R1-8 projects to the north and west, and larger SR-43 former county lots splits to the east. We are using the R1-8 zoning district which is compatible with the zoning in the area, but to address this dichotomy of existing lot sizes, the project is designed to transition from 9,000 square foot minimum lots along the north and northwest boundary to 11,000 square foot and larger lots to the south and east. Furthermore, we are positioning the lots so that only one lot is adjacent to each of the existing large lot properties, minimizing any negative impact to those parcels. At 2.06 DU/acre, our project makes a successful transition from the 3.0 DU/acre projects to the north and west to the 1.0 DU/acre parcels to our east.





4. Indicate why the current zoning is not appropriate given the surrounding land use, zoning, and factors which have changed since the current zoning was established.

The site is currently zoned Suburban Ranch (“SR-43”). The SR-43 district only permits for single family homes on lot sizes of 43,000 SF which is not consistent with surrounding land development in the area. It is true that there are a few pockets of SR-43 zoning, but the vast majority of development in the area is more suburban in character with densities closer to 3.0 DU/acre. Additionally, the site’s size, context, and SR-43 base do not make it viable for the meeting the density ranges required within the General Plan’s land use designation (*LDR*). The proposed development of nine lots that range from 9,000sf to over 12,000sf results in a more compatible neighborhood that the existing SR-43 would if left unchanged.

5. Describe any proposed unique design considerations, beyond Zoning Ordinance requirements, which create compatibility between the proposed use and adjoining developments.

Although the proposed rezone will permit lots that are more similar to the R1-8 subdivisions in the area, we are increasing the size of the lots adjacent to the existing SR-43 parcels to provide an adequate transition. The Development Standards will follow the City’s Zoning Code R1-8 standards with no deviations proposed. The Table below illustrates and compares the proposed zoning development standards with those of the adjacent properties.

| <b>Standards</b>          | <b>Proposal<br/>R1-8 zoning</b> | <b>Terramar<br/>R1-8 PAD<br/>(West)</b> | <b>Terra Vista<br/>R1-8 PAD<br/>(North)</b> | <b>Existing Parcels<br/>SR-43<br/>(East)</b> |
|---------------------------|---------------------------------|-----------------------------------------|---------------------------------------------|----------------------------------------------|
| Minimum Lot Area:         | 9,000 SF                        | 8,050 SF                                | 8,050 SF                                    | 43,000 SF                                    |
| Minimum Lot Width:        | 80’                             | 70’                                     | 70’                                         | 145’                                         |
| Minimum Lot Depth         | 105’                            | 115’                                    | 115’                                        | -                                            |
| Maximum Lot Coverage      | 45%                             | 45%                                     | 45%                                         | 25%                                          |
| Maximum Height:           | 30’                             | 30’                                     | 30’                                         | 30’                                          |
| Minimum Front Yard:       | 10’/20’                         | 10’/20’                                 | 10’/20’                                     | 33’ (40’ Code)                               |
| Minimum Side Yards:       | 5’/15’                          | 5’/15’                                  | 5’/15’                                      | 20’                                          |
| Minimum Street Side Yard: | 10’                             | 10’                                     | 10’                                         | 20’                                          |
| Minimum Rear Yards:       | 15’                             | 15’                                     | 15’                                         | 20’                                          |



6. Provide general site information and describe unusual physical features or characteristics of the site which present opportunities or constraints for development.

Since the parcel is an infill property, the site is constrained by the existing street network which includes 71<sup>st</sup> Avenue and Celestine Drive. This existing condition bifurcates the property and dictates the location and ultimate depth of the potential lots. We are able to adjust the width of the lots to some degree, but the property is bound by existing development and 71<sup>st</sup> Avenue to the west and the parcel line and the two existing homes/lots to the east. For those reasons, the project results in a two-part neighborhood with five lots in the northern portion and 4 lots in the southern portion of the property.

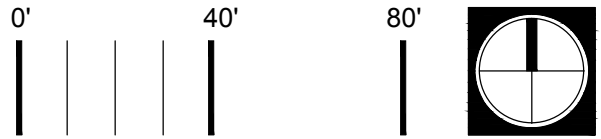
7. Other than the requested rezoning approval, what other approval processes are required to accomplish the development proposal, i.e., variances, site plans, subdivision plats, conditional use permits, comprehensive master plan amendments, State or County licensing or permits, etc.?

A preliminary plat application will be submitted following a successful rezoning action.



AERIAL MAP WITH PRELIMINARY SITE LAYOUT

scale: 1" = 40'-0"



VICINITY MAP

N.T.S.



DEVELOPMENT TEAM

APPLICANT / OWNER:

JARVIS CAPITAL INVESTMENTS

CIVIL ENGINEER:

ENTELLUS

ENTITLEMENT / PLANNING CONSULTANT:

IPLAN CONSULTING

LANDSCAPE ARCHITECT:

YOUNG DESIGN GROUP

SITE DATA SUMMARY

|                                                                |                                    |
|----------------------------------------------------------------|------------------------------------|
| GENERAL PLAN DESIGNATION                                       | RESIDENTIAL / LOW<br>(2-5 Du / Ac) |
| EXISTING ZONING                                                | SR-43                              |
| PROPOSED ZONING                                                | R1-8                               |
| TOTAL LOT YIELD                                                | 9 LOTS                             |
| MINIMUM LOT SIZE (PER R1-8)                                    | 70' X 100'                         |
| MINIMUM LOT SIZE (PROPOSED)                                    | *SEE PLAN                          |
| GROSS AC.                                                      | (+/-) 4.377 AC                     |
| NET AC.                                                        | (+/-) 3.383 AC                     |
| GROSS DENSITY                                                  | 2.06 DU / AC                       |
| OPEN SPACE PROVIDED                                            | 1.186 AC / 27% OF GROSS AC         |
| TOTAL LINEAR STREET FRONTAGE<br>(FOR AREAS ADJACENT TO TRACTS) | 1,794 L.F.                         |

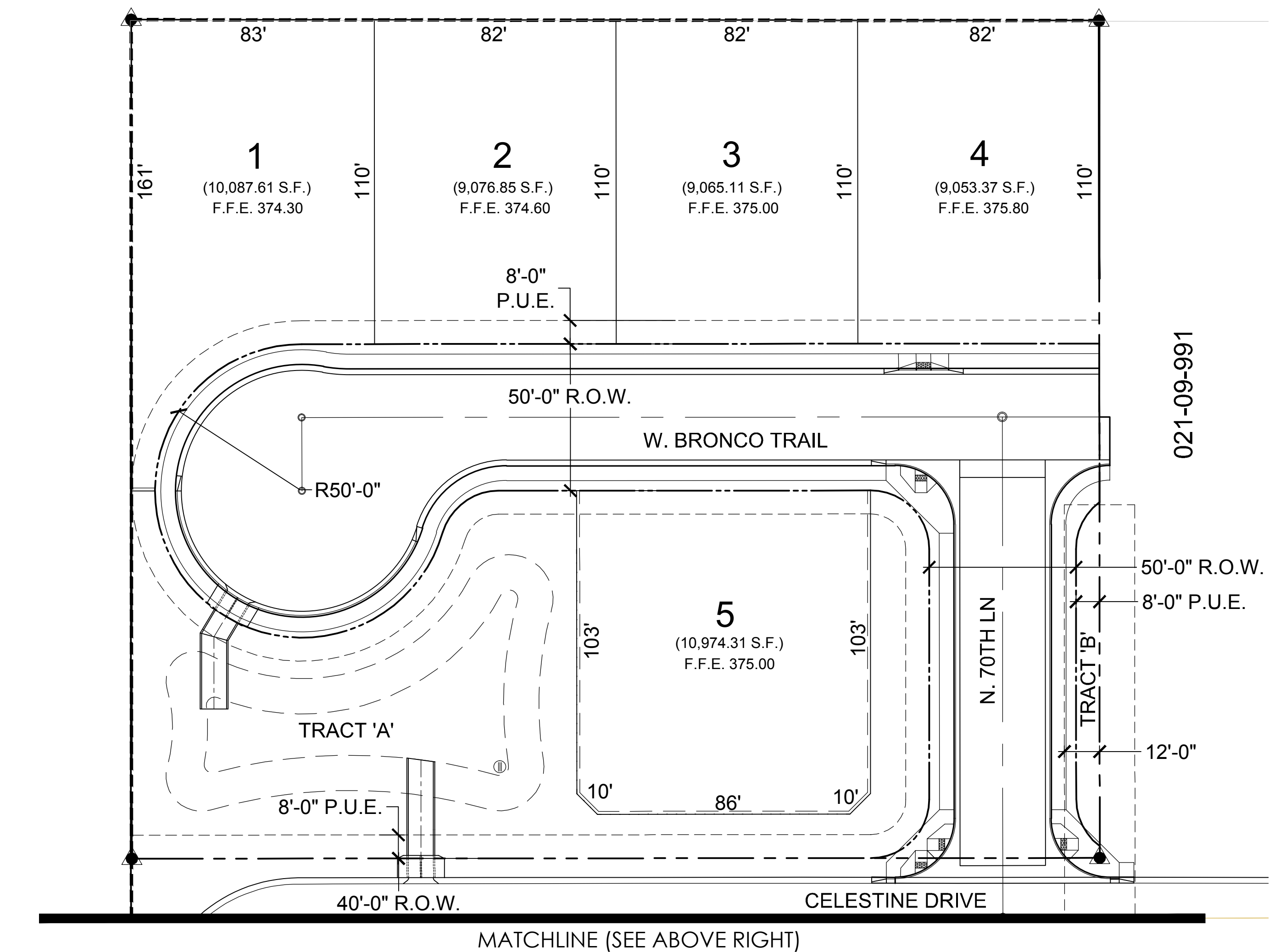
\*LOT SIZES PROPOSED ARE LARGER THAN R1-8 ZONING REQUIRES IN ORDER TO BE COMPATIBLE WITH EXISTING LOTS ADJACENT TO PROPOSED DEVELOPMENT AREA

Exhibit 7

Not for construction unless approved by local government

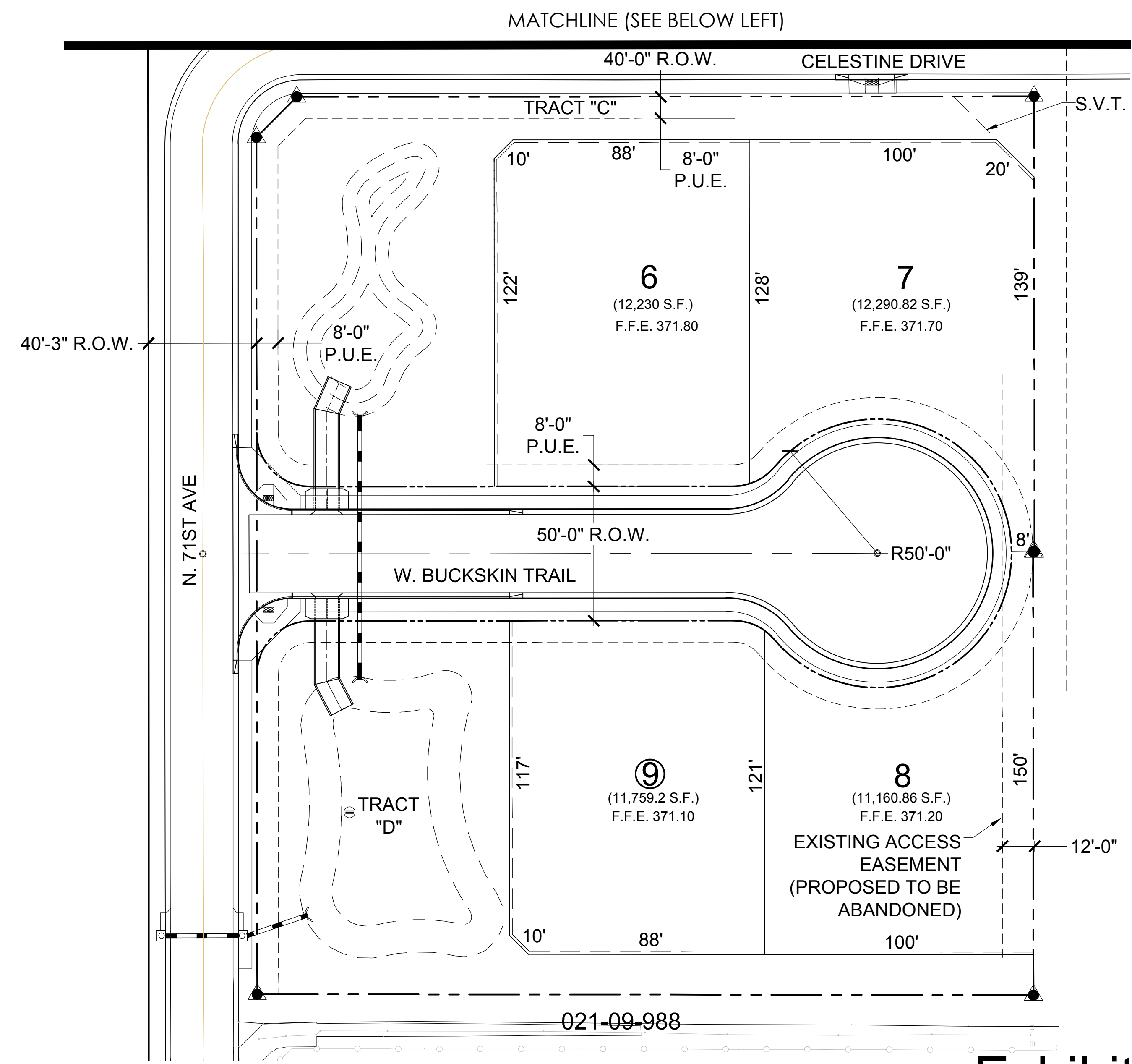
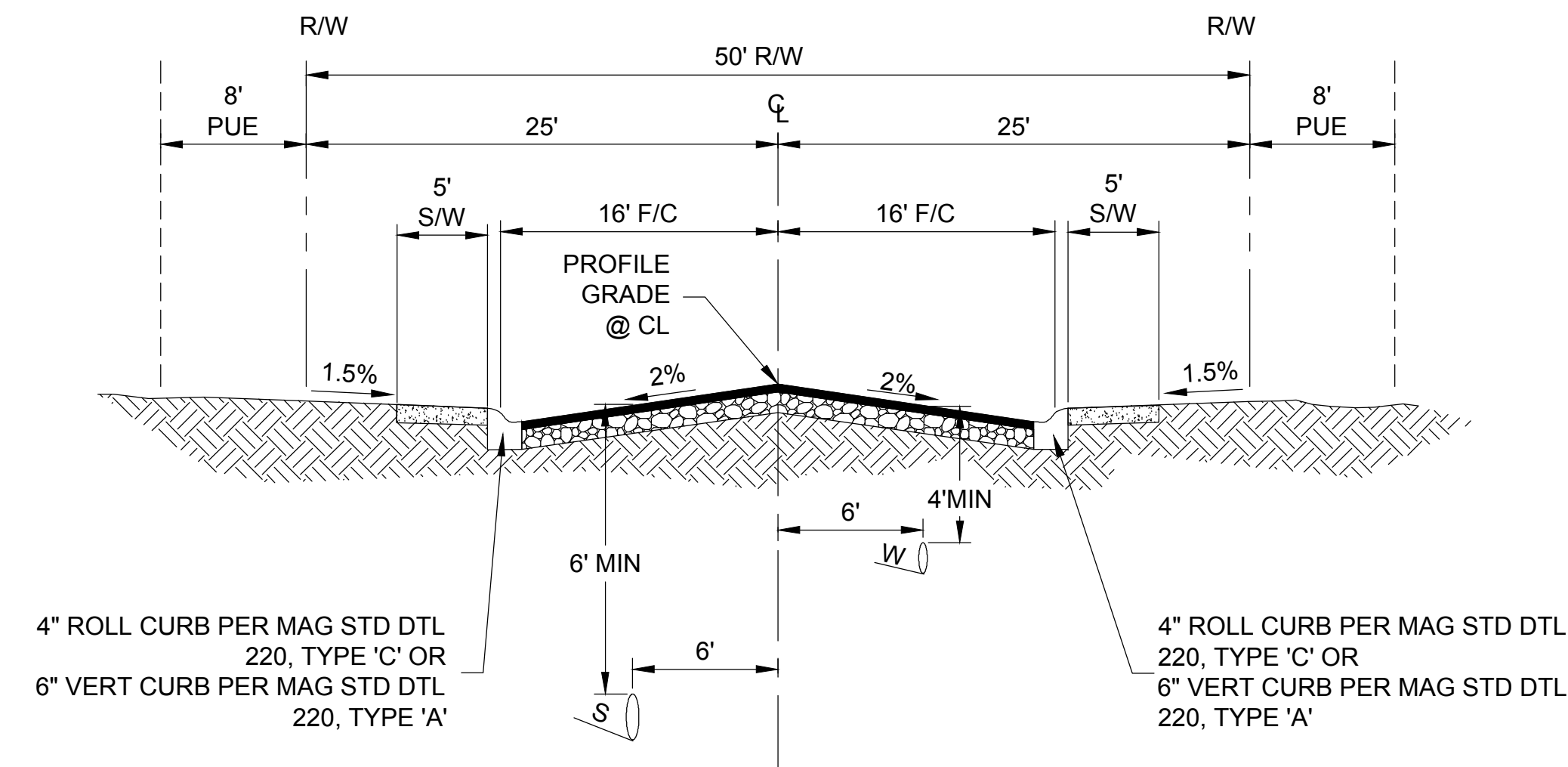


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PRELIMINARY SITE PLAN

scale: 1" = 30'-0"



young | design | group

Landscape Architecture  
+ Land Planning

YDLG

71st Avenue Estates

71ST AVENUE + HAPPY VALLEY ROAD | PEORIA, AZ

DATE: 07/09/18

JOB NO: 1722

DRAWN BY: YDG

CHECKED BY: JMY

REVISIONS: DATE:

CITY 09/13/18

CITY 10/24/18

SUBMITTED FOR:

PRELIMINARY  
SITE PLAN

SHEET NO.

SP1.2

TRACKING NUMBERS:



# 71st Avenue Estates

## PRELIMINARY LANDSCAPE PLAN

PEORIA | ARIZONA

### NATIVE PLANT INFORMATION

- THE EXISTING SITE HAS NO SIGNIFICANT VEGETATION AND HAS NO QUALIFYING SALVAGEABLE PLANT MATERIAL.
- SEE STATEMENT LETTER FROM NATIVE RESOURCES REGARDING SITE INSPECTION FINDINGS.

### PLANTING DATA INFORMATION

#### SINGLE-FAMILY PRELIMINARY PLAT PLANTING DATA SHEET (To be completed and included on Landscape Plan)

##### LANDSCAPE AREAS

|                                               | Required            | Provided            |
|-----------------------------------------------|---------------------|---------------------|
| <b>A. Street Frontage Areas [14-35-4.A.1]</b> |                     |                     |
| 1. Adjacent to Arterial Streets (10 feet)     | N/A_sq. ft.         | N/A_sq. ft.         |
| 2. Adjacent to Collector Streets (8 feet)**   | N/A_sq. ft.         | N/A_sq. ft.         |
| 3. Adjacent to Local Streets (8 feet)**       | (+/-)28,615 sq. ft. | (+/-)28,615 sq. ft. |

\*\* Requirement applied along lot side and rear frontage areas

##### B. Required Drainage Retention / Detention Areas [14-35-4.A.6]

(+/-)29,327 sq. ft. (+/-)29,327 sq. ft.

##### C. Useable Open Space Areas [Design Review Manual 20-70-12.C: ≥ 20 lots]

|                                                                    |             |             |
|--------------------------------------------------------------------|-------------|-------------|
| 1. Lots less than 10,000 square feet (9% of gross project area)    | N/A_sq. ft. | N/A_sq. ft. |
| 2. Lots 10,000 – 18,000 square feet (7% of gross project area)     | N/A_sq. ft. | N/A_sq. ft. |
| 3. Lots greater than 18,000 square feet (5% of gross project area) | N/A_sq. ft. | N/A_sq. ft. |

Note: If the development includes a mixture of lot sizes beyond the ranges described above, the percentage of Useable Open Space required shall be based on the percentage of lots in each category.

##### PLANT QUANTITIES

|                                                                               | Required   | Provided   |
|-------------------------------------------------------------------------------|------------|------------|
| <b>Street Frontage Landscape Areas [14-35-4.A.2]</b>                          |            |            |
| *D. Trees: 1 per 25 linear feet of street frontage (8' or 10' buffer + ROW)   | 57_trees   | 58_trees   |
| **E. Shrubs: 5 per 25 linear feet of street frontage (8' or 10' buffer + ROW) | 359_shrubs | 378_shrubs |

|                                                                                |            |            |
|--------------------------------------------------------------------------------|------------|------------|
| <b>Drainage Retention / Detention + Useable Open Space Areas [14-35-4.A.1]</b> |            |            |
| F. Trees: 1 per 1,000 square feet                                              | 29_trees   | 36_trees   |
| G. Shrubs: 5 per 1,000 square feet                                             | 147_shrubs | 375_shrubs |

Note: Useable Open Space areas may occupy the same areas as drainage (i.e. improved retention basins)

|                                                         |     |     |
|---------------------------------------------------------|-----|-----|
| <b>Special Planting Requirements (PAD, Zoning, etc)</b> | N/A | N/A |
|---------------------------------------------------------|-----|-----|

| TOTALS                                            | Required            | Provided            |
|---------------------------------------------------|---------------------|---------------------|
| Total Landscape Areas (A + (B + C))               | (+/-)57,942 sq. ft. | (+/-)57,942 sq. ft. |
| Total Useable Open Space Percent                  | N/A_%               | N/A_%               |
| Total Trees (D + F)                               | 86_trees            | 94_trees            |
| Total 24" Box Trees (50% of total required trees) | 43_trees            | 64_trees            |
| Total Shrubs (E + G)                              | 506_shrubs          | 753_shrubs          |

##### GENERAL NOTES

- Turf (lawn) is limited to a maximum of 20% of the site area.
- A development may substitute a 36" box or larger tree in place of a 15 gallon tree at a substitution rate of 1.5 trees for every required (15) gallon tree.
- All landscaped areas shall be supported by an automatic irrigation system which may be spray, flood or drip system.
- Plant materials utilized in landscaped areas in the ROW must be included on the most recent edition of the Phoenix Active Management Area Low Water Use / Drought Tolerant Plant List.
- The Developer shall be responsible to install/maintain all landscaping within the Right-of-Way.
- A 3 foot clear space is required around all fire suppression equipment. No plants may be installed that will encroach when mature.

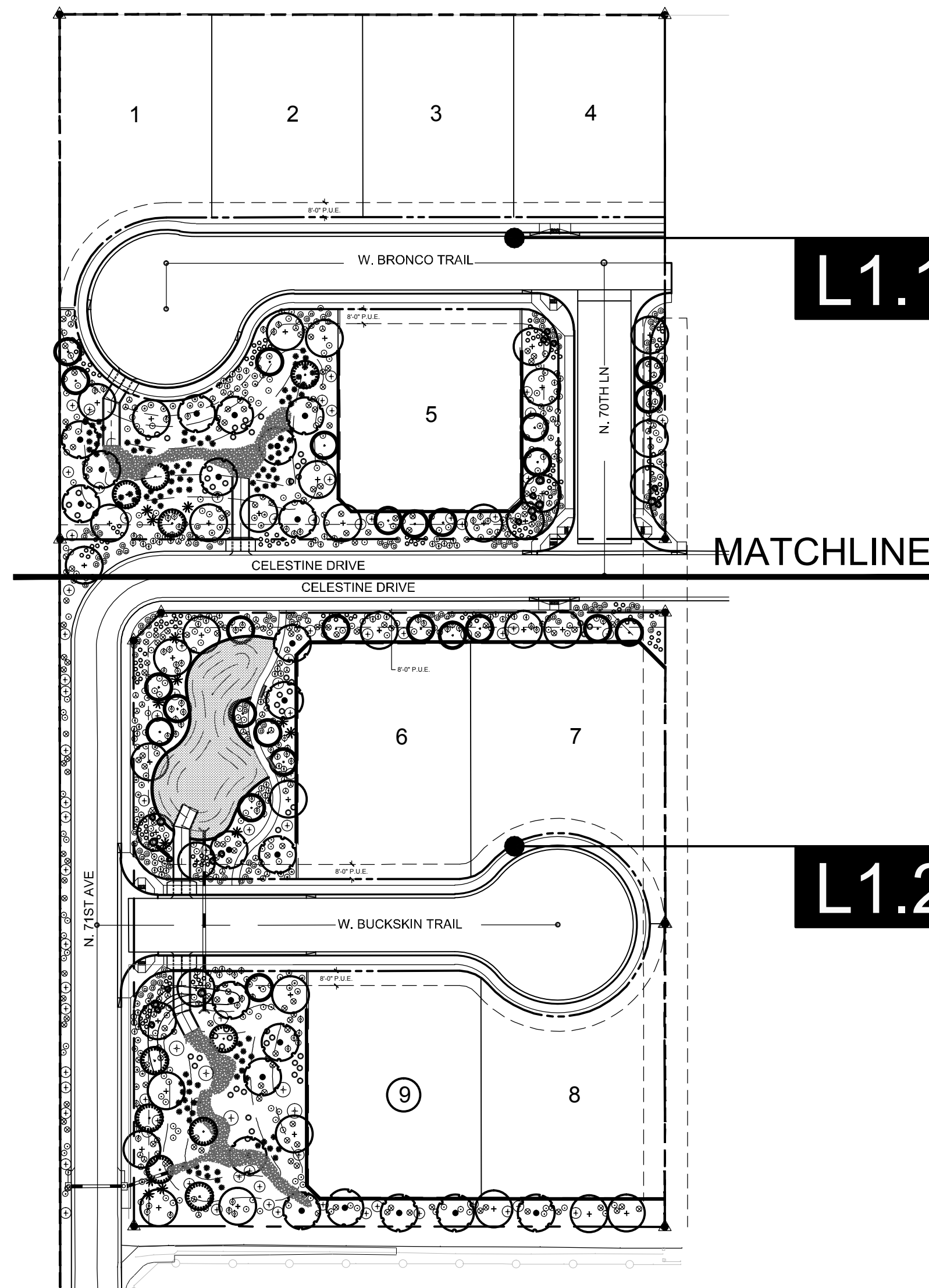
##### Preliminary Plat Process Guide

December 2012

\* DOES NOT INCLUDE STREET SEGMENT ON WEST SIDE OF 71ST AVENUE WHERE P.U.E. LOCATION OR LANDSCAPE AREA WIDTH PROHIBITS TREE PLANTING PER CITY OF PEORIA REQUIREMENTS

\*\* INCLUDES STREET SEGMENT ON WEST SIDE OF 71ST AVENUE WHERE SHRUB AND GROUNDCOVER PLANTINGS ARE PERMITTED TO BE PLANTED IN P.U.E AREAS

### OVERALL SITE PLAN



### VICINITY MAP

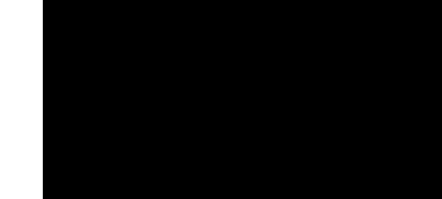
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### DEVELOPMENT TEAM

#### APPLICANT / OWNER:

JARVIS CAPITAL INVESTMENTS



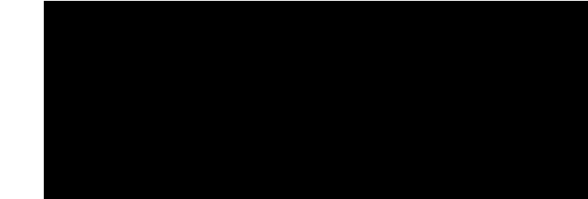
#### ENTITLEMENT / PLANNING CONSULTANT:

IPLAN CONSULTING



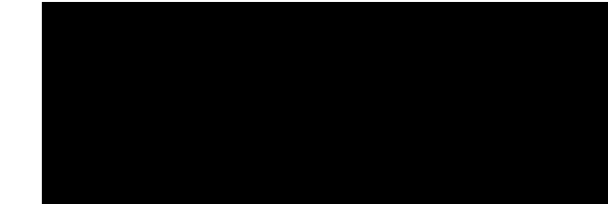
#### CIVIL ENGINEER:

ENTELLUS



#### LANDSCAPE ARCHITECT:

YOUNG DESIGN GROUP



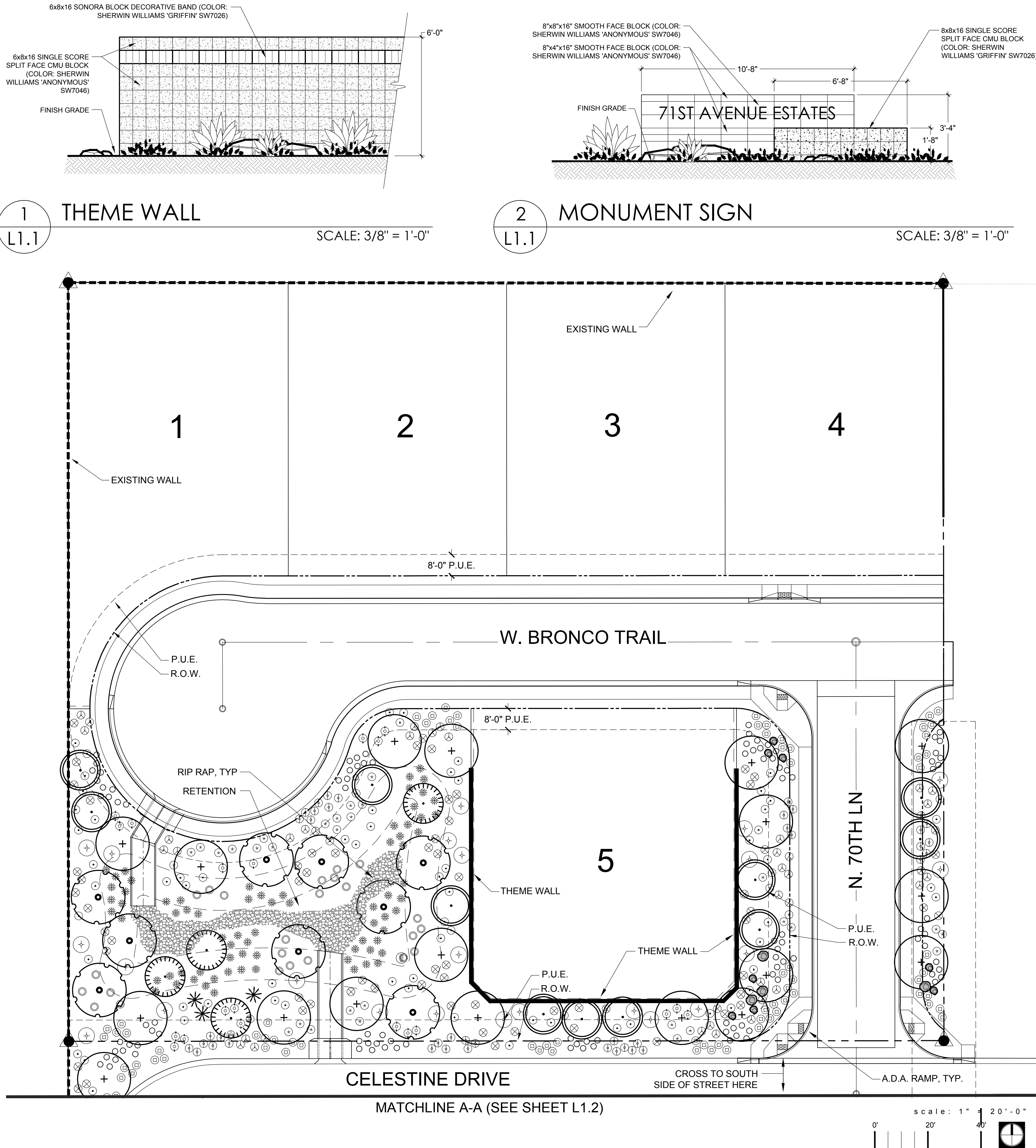
### APPROVAL:

## Exhibit 8

Not for construction unless approved by local government



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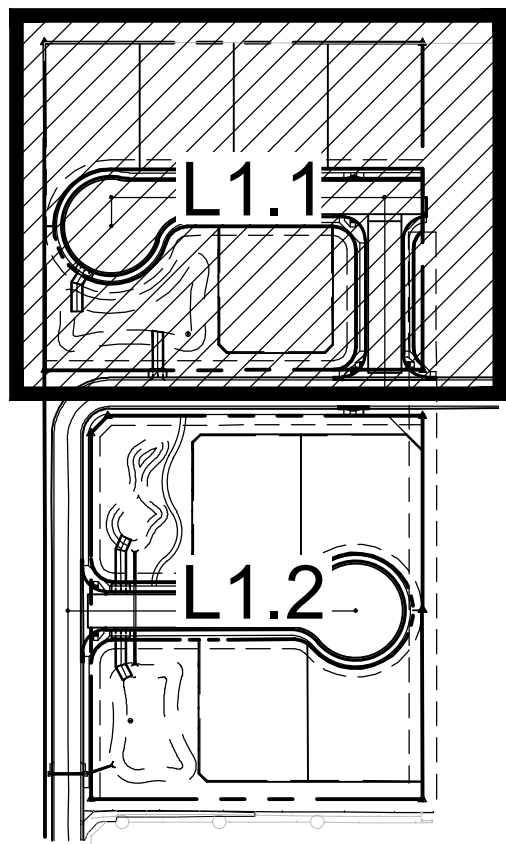


## PLANT SCHEDULE

| TREES                                                     | SIZE / COMMENTS                 | QTY      |
|-----------------------------------------------------------|---------------------------------|----------|
| ACACIA SALICINA<br>WEeping ACACIA                         | 15 GAL, STANDARD TRUNK, MATCHED | TBD      |
| CERCIDIUM FLORIDUM<br>BLUE PALO VERDE                     | 24" BOX, MULTI-TRUNK, MATCHED   | TBD      |
| CHILOPSIS LIN. 'MSWN LOPUR'<br>DESERT WILLOW              | 15 GAL, STANDARD TRUNK, MATCHED | TBD      |
| PROSOPIS SEEDLESS HYB.<br>'AZT' SEEDLESS HYB. MESQUITE    | 24" BOX, MULTI-TRUNK, MATCHED   | TBD      |
| ACCENTS                                                   |                                 |          |
| FOUQUIERIA SPLENDENS<br>OCOTILLO                          | 5 GAL                           | TBD      |
| HESPERALOE PARVIFLORA<br>RED YUCCA                        | 5 GAL                           | TBD      |
| MUHLENBERGIA RIGENS<br>DEER GRASS                         | 5 GAL                           | TBD      |
| NASELLA TENUISSIMA<br>MEXICAN FEATHER GRASS               | 1 GAL                           | TBD      |
| SHRUBS                                                    |                                 |          |
| CALLIANDRA CALIFORNICA<br>FAIRY DUSTER                    | 5 GAL                           | TBD      |
| EREMOPHILA HYGROPHANA<br>BLUE BELLS                       | 5 GAL                           | TBD      |
| LARREA TRIDENTATA<br>CREOSOTE                             | 5 GAL                           | TBD      |
| LEUC. CANDIDUM<br>THUNDER CLOUD SAGE                      | 5 GAL                           | TBD      |
| LEUCOPHYLLUM X. 'HEAVENLY CLOUD'<br>'HEAVENLY CLOUD' SAGE | 5 GAL                           | TBD      |
| JUSTICIA CALIFORNICA<br>CHUPAROSA                         | 5 GAL                           | TBD      |
| GROUND COVER                                              |                                 |          |
| CYNODON DACTYLON<br>HYBRID BERMUDA SOD                    | ROLLED SOD OR STOLONS           | PER PLAN |
| LANTANA 'NEW GOLD'<br>'NEW GOLD' LANTANA                  | 1 GAL                           | TBD      |
| LANTANA MONTEVIDENSIS 'PURPLE'<br>'PURPLE' LANTANA        | 1 GAL                           | TBD      |
| INERT MATERIALS                                           |                                 |          |
| D.G. DECOMPOSED GRANITE<br>'EXPRESS BROWN'                | 1/2" SCREENED 2" DEPTH MINIMUM  | PER PLAN |
| GRANITE BOULDERS<br>COLOR 'SURFACE SELECT'                | 3' / 4' DIA.                    | TBD      |
| FRACTURED GRANITE RIP RAP<br>'SANTA FE GOLD'              | 3"-6" DIA                       | PER PLAN |

### GENERAL LANDSCAPE NOTES:

- ALL PLANTING AREAS ARE TO HAVE DECOMPOSED GRANITE TOP DRESSING. ALL GRANITE IS TO BE 2" DEPTH, COLOR AS SPECIFIED, TYP.
- NO PLANT SUBSTITUTIONS ALLOWED UNLESS APPROVED IN WRITING BY LANDSCAPE ARCHITECT AND CONFORMING TO LOCAL AGENCY'S APPROVED PLANT LIST.
- ANY PLANT MATERIAL NOT SHOWN TO REMAIN ON PLAN IS TO BE REMOVED.
- ALL AREAS DISTURBED DURING CONSTRUCTION ARE TO BE FINE GRADED AND TREATED TO BLEND EVENLY WITH ALL NEWLY CONSTRUCTED AREAS.
- ALL NEWLY PLANTER CONTAINER GROWN PLANTER MATERIAL IS TO BE WATERED WITH AN AUTOMATIC IRRIGATION SYSTEM.
- TYPICAL MINIMUM SETBACKS FROM EDGE OF WALKS, DRIVES AND BUILDINGS: TREES: 6 FT.; SHRUBS: 3 FT.; GROUND COVER: 2 FT.
- AREAS IN SIGHT TRIANGLES SHALL HAVE NO OBSTRUCTION GREATER THAN 2 FT. HT. AND TREES SHALL HAVE CANOPY HIGHER THAN 7 FT. AT TIME OF PLANTING.
- TREES TO MEET LOCAL JURISDICTIONS ZONING SIZE REQUIREMENTS AT THE TIME OF PLANTING. TREES THAT DO NOT MEET MIN. REQUIREMENTS SHALL BE REPLACED IN KIND WITH TREE THAT MEETS REQUIREMENTS.



SHEET KEY N.T.S.

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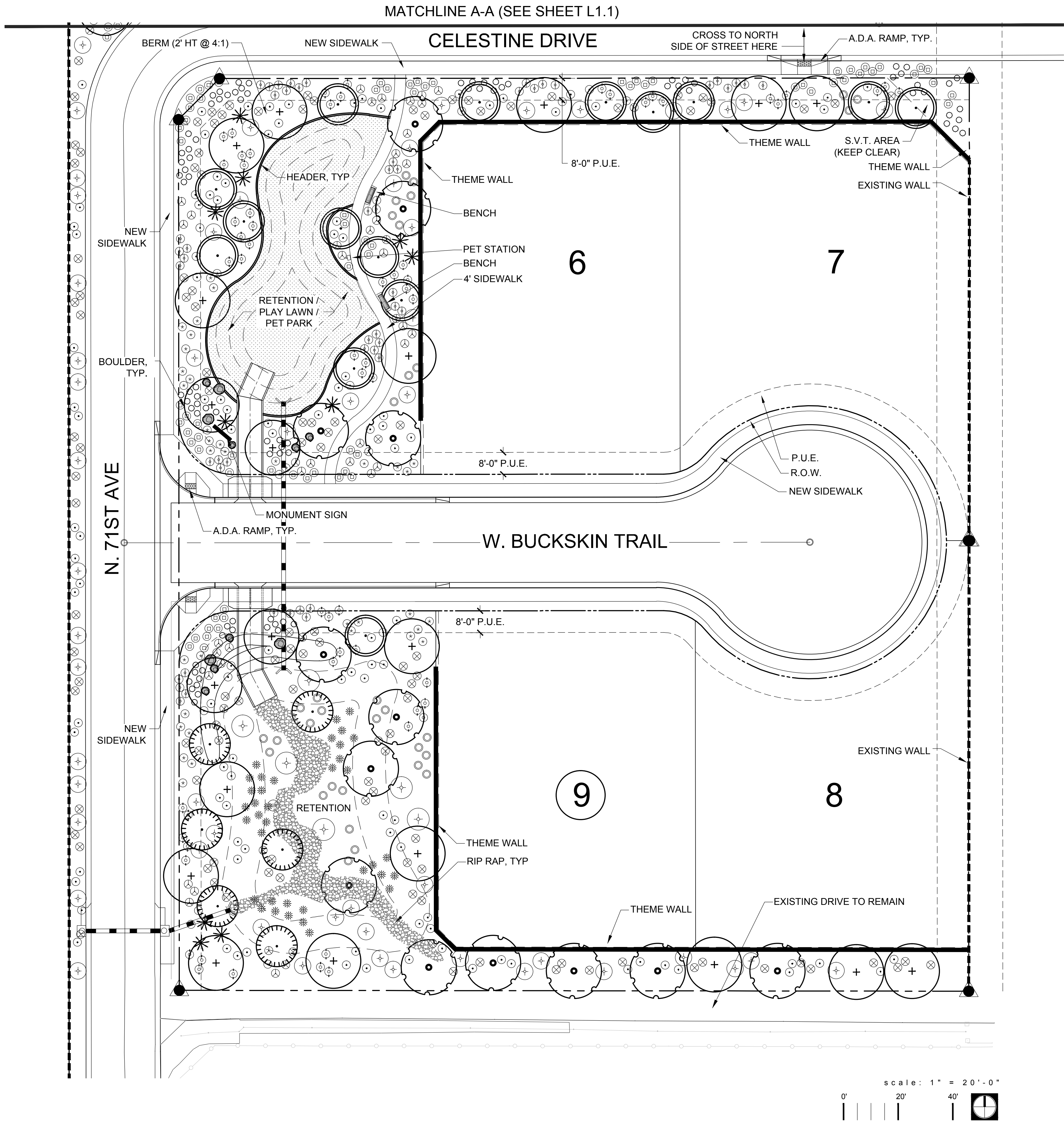
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SHEET NO.  
L1.1

2 OF 3

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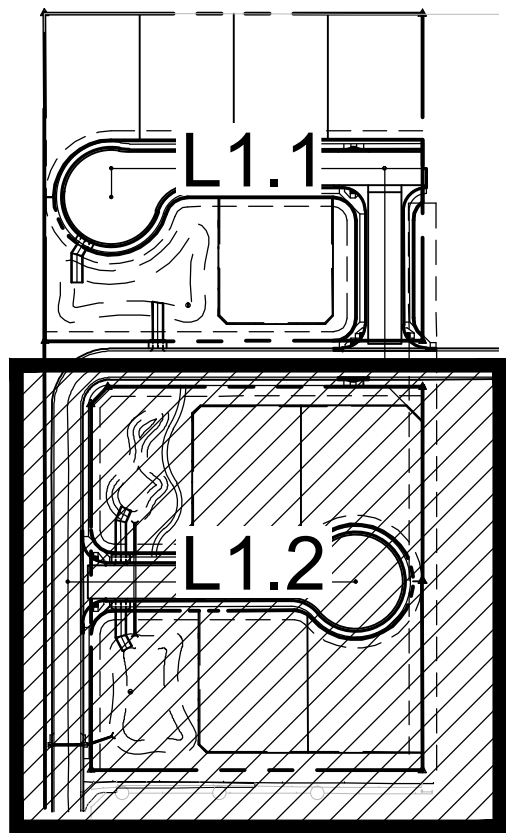


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# Product Examples



**Plan 1: 1,800 square feet**



**Plan 2: 2,400 square feet**



**Plan 3: 3,300 square feet**



## **71<sup>st</sup> Avenue Estates Neighborhood Meeting Summary:**

Terramar Elementary School – October 29, 2018

### **Attendees:**

**Moderator:** Greg Davis – Iplan Consulting

**Developer:** Troy Jarvis – Land Owner

**City:** Sean Allen – Senior Planner

**Neighbors:** See Sign-in Sheet

### **Meeting started at approximately 7:00PM.**

Mr. Davis welcomed everyone to the meeting, explained the purpose of the meeting and introduced the developer team present at the meeting. Mr. Davis then explained the Rezoning, Preliminary Plat, and Permitting processes and the expected timeframes associated with each.

Mr. Davis then walked everyone through the specifics of the proposed Site Plan for this site. Mr. Davis then opened the meeting for questions and/or comments:

### **Q: Question**

### **R: Response**

**A few neighbors asked questions upon arriving early and those are listed first.**

**Q:** Why no lots along the west side of the project?

**R:** Mr. Davis identified that area as retention.

**Q:** Will there be an HOA? Are you interested in joining with our HOA?

**R:** Mr. Davis directed them to Mr. Jarvis who indicated it made sense to do so.

**Q:** Could the project be gated?

**R:** Mr. Davis mentioned it is possible but would take 100% of property owners to agree and then directed the question to Mr. Jarvis.

**Q:** What is going on with the land to the east?

**R:** Mr. Davis explained that Mr. Jarvis tried to incorporate those into the project but the property owner canceled the deal. Mr. Davis suggested that the area in question would likely develop in a similar manner to this proposal.

**Q:** Will the homes be limited to single story?

**R:** Mr. Davis indicated that the R1-8 zoning district does not have a single story restriction, so no.





**Q:** Will the road be widened? It is tight at the turn.

**R:** Mr. Davis explained that they do not believe the City will ask for the road to be widened. Mr. Allen agreed stating the City has not identified any widening needed.

**Q:** What is proposed in the open space area?

**R:** Mr. Davis stated that the those areas are primary used for site drainage and retention. There may be pockets of turf in those areas but we are not sure yet.

**Q:** Is that a sidewalk on the south side of the road?

**R:** Mr. Davis stated that yes, a side walk is planned for the south side of the road in that area.

**Q:** Who is the home builder?

**R:** Mr. Davis identified that Mr. Jarvis will be the home builder and that he builds semi-custom homes in other parts of the valley.

**Q:** Will there be a sales center on site?

**R:** Mr. Davis explained that all sales are handled off-site and unlike traditional production home builders, there will be no sales office on site which will limit the impact to the neighbors.

**Q:** What about the grade difference in the middle of the property?

**R:** Mr. Davis mentioned that the Preliminary Plat includes very detailed Engineering documents which will address any grading needed, but typically the grades will be re-worked to be within 2-3 feet of adjacent properties.

**Q:** Will there be a lot of trees (visibility issue at corner)?

**R:** Mr. Davis explained that the City does require trees along the street and in open space areas but those will be placed outside sight visibility corridors and none will be used on the west side of 71<sup>st</sup> avenue as there is an existing easement there.

Seeing no other questions or comments, Mr. Davis reminded the neighbors about the potential upcoming public hearings and welcomed them to attend. Mr. Davis also suggested they reach out to himself and/or City Staff if they have any additional questions about the project. The meeting was then adjourned at approximately 7:40pm. After the meeting adjourned, there was additional discussion about the possibility and process to gate the neighborhood.

**Meeting adjourned at approximately 7:40PM.**

**Project: 71<sup>st</sup> Avenue Estates**

**Time Started: 7:00pm**

**Meeting Date: 10/29/18**

**Time Ended:**

**Location:** Terramar Elem.

## ATTENDANCE SIGN-IN

[illegible]