

<u>Chairman</u>	<u>Vice- Chairman</u>	<u>Secretary</u>	<u>Member</u>	<u>Member</u>	<u>Member</u>	<u>Member</u>	<u>Alternate Member</u>
Jeff Nelson	Vacant	Bryan Patterson	Shawn Hutchinson	Linda Grice	Clay Allsop	Tony Feiter	Vacant

Planning and Zoning Commission Meeting Notice & Agenda

Thursday, November 5, 2020
City Council Chamber
8401 West Monroe Street
Peoria, AZ 85345



PUBLIC NOTICE REGARDING PEORIA PLANNING AND ZONING MEETING

As part of the city's phased approach to reopening buildings and facilities amid the COVID-19 pandemic, public meetings will resume in the Peoria Council Chamber with facial coverings, strict sanitation and moderate physical distancing protocols in place. The public is required to wear facial coverings in the building. In Phase Two, capacity will be restricted to 50 people or less. When the capacity level is reached, members of the public will be redirected to a separate viewing room to watch the meeting remotely. These measures are in place to ensure the health and safety of residents while discussions, deliberations and actions of the Planning and Zoning Commission remain transparent.

The Thursday, November 5, 2020, Peoria Planning and Zoning Commission meeting will be held with these measures in place but the public can also access the meeting remotely through technological means, as permitted by Arizona law. A live stream of the meeting will be broadcast through Cox Channel 11, CenturyLink Channel 8509, Facebook (www.facebook.com/CityofPeoriaAz) and YouTube (Digital Peoria).

Members of the public can submit comments and questions regarding items on the meeting agenda by emailing planning@peoriaaz.gov no later than 6 p.m. on the day of the meeting.

For additional questions, please contact the Peoria Planning Department at (623) 773-7200

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 October 15, 2020.

2 C **Grand Express Carwash: Conditional Use Permit (CU20-07)**

A request to obtain a Conditional Use Permit to construct and operate a new automated carwash, located on the northwest corner of Cotton Crossing and Market Street.

3 C **Cactus Taproom Expansion (Patio): Conditional Use Permit (CU20-08)**

A request to obtain a Conditional Use Permit to expand an existing Bar/Tavern use (Series 7) into an approximately 100 square foot outdoor patio at the existing Cactus Taproom beer and wine bar, located at 20429 N. Lake Pleasant Road, Suite 104.

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 **Salad and Go: Conditional Use Permit (CU20-05)**

A request to obtain a Conditional Use Permit to construct and operate a Salad and Go drive-through restaurant within 200 feet of a residential zoning district.

Staff Report
Open Public Hearing
Public Comment
Close Public Hearing
Commission Action

Call To The Public (Non-Agenda Items)

Your comments pertaining to the Planning and Zoning Commission business are welcome. However, if you wish to address the Planning and Zoning Commission, please complete a Speaker Request Form and return it to the clerk before the call to order for this meeting. Boards and Commissions are not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

Reports from Staff

5 R Reports

A. Updates regarding Outdoor Dining, the Peoria General Plan, and Department Work Plan Items

B. Upcoming Commission Meeting Dates

Planning and Zoning Commission Updates and Report of Current Events:

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

Adjournment

NOTE:

Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Board/Commission Meeting, at any time during regular business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

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

Public Notice

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

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

**PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBERS
OCTOBER 15, 2020**

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 Jeff Nelson, Vice-Chair Jay Otlewski, Secretary Bryan Patterson, Commissioner Shawn Hutchinson, Commissioner Linda Grice, Commissioner Tony Feiter, and Commissioner Clay Allsop

Members Absent: none

Others Present: Chris Jacques – Planning Director, Lorie Dever – Planning Manager, David Benton – Chief City Attorney, Chris Lemka – City Traffic Engineer, Cody Gleason – Principal Planner, Amanda Beck – Senior Planner, Jennifer Fostino – Planner and Della Ernest – Executive Assistant.

Opening Statement: The Opening Statement was read by Chair Nelson.

Audience: 9

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

CONSENT AGENDA

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

1C **Minutes**

Discussion and possible action to approve the minutes of the Planning and Zoning Commission meeting held on September 17, 2020 and October 1, 2020.

COMMISSION ACTION: Vice-Chair Otlewski moved to approve the Consent Agenda as presented. The motion was seconded by Commissioner Patterson and upon vote, passed 7-0.

REGULAR AGENDA

NEW BUSINESS

2R **Prescott at Park West: Planned Area Development (Z19-09)**

Discussion and possible action on Case Z19-09 to rezone approximately 5.4 acres of land located at 8128 N 99th Avenue, from Intermediate Commercial (C-2) to Planned Area Development (PAD) to allow a ninety-five (95) unit townhome community.

The staff report for item 2R was presented by Ms. Jennifer Fostino, Planner.

PUBLIC COMMENTS:

Mr. Taylor Earl, with Earl & Curley, PC for the applicant highlighted the work done to create a symbiotic relationship with neighboring Park West. The applicant is in agreement with the stipulations outlined in the staff report.

COMMISSION COMMENTS:

Commissioner Feiter asked if there are any provisions for the units to become for sale in the future.

Mr. Earl stated that it is not designed to be a for-sale product.

COMMISSION ACTION: Commissioner Allsop moved to approve item 2R Case Z19-09. The motion was seconded by Commissioner Hutchinson and upon vote, passed 7-0.

3R **Thunderbird West Estates: Planned Area Development Amendment (Z97-10A.2)**

Discussion and possible action on Case Z97-10A.2 to amend the Thunderbird West Estates Planned Area Development (PAD) pertaining to permitted land uses for "Parcel 3" (approximately 3 acres) located south and west of 75th Avenue and Thunderbird Road..

The staff report for item 3R was presented by Mr. Cody Gleason, Principal Planner.

PUBLIC COMMENTS:

Mr. Jeff Muckerman, representing the applicant, presented to the Commission a draft layout of the proposed project site. Mr. Muckerman stated most of the changes made to the project were a direct result of the neighborhood meetings.

Mr. Philip Cooley, a resident spoke in opposition of the proposed project citing concerns with noise and does not want the zoning to be changed to allow a 24 hour drive-through restaurant. Mr. Cooley appreciates the willingness of the applicant to mitigate citizen concerns.

Mr. Robin Ware, a resident spoke in opposition of the proposed project citing concerns with public safety.

COMMISSION COMMENTS:

Commissioner Allsop asked if the hood system would be standard or be above and beyond.

Mr. Muckerman stated the hood system is an upgrade; it is not standard.

Chair Nelson asked if the proposed restaurant was a 24 hour restaurant.

Mr. Muckerman stated the drive-through is 24 hours; the restaurant is not.

Commissioner Grice asked about the landscaping density.

Mr. Gleason stated the standards for trees must be a 24 inch box size and planted at a ratio of 3 trees and 5 shrubs for every 1,000 square feet.

Commissioner Feiter stated his concern that the additional wall between the residents and the actual restaurant would invite unsavory company.

Mr. Muckerman stated the 8 foot wall was desired and the landscape buffer would include a smattering of cholla and other prickly plants throughout the wall and entry points to dissuade a walking path. Additionally, Mr. Gleason reminded the Commission that items like the additional wall would be reviewed at the time of site plan submittal and staff would request removal of it to avoid the creation of nuisance areas.

COMMISSION ACTION: Chair Nelson moved to deny the request of item 3R Case Z97-10A.2. The motion was seconded by Commissioner Hutchinson and upon vote, passed 6-1 with Commissioner Feiter casting the dissenting vote.

4R **Grand Commons: General Plan Amendment (GPA20-04) and Rezone (Z20-06)**

A request to amend the Old Town Specific Area Plan land use designation on approximately 7.5 acres from Flex Mixed-Use to Old Town Commercial Mixed-Use. The request also includes a proposed rezone for the same site from Central Commercial (C-3) to Planned Area Development (PAD) to allow for the development of a mixed-use project with commercial and retail along Grand Avenue integrated with multi-family along 85th Avenue, on property located at 8455 NW Grand Avenue.

The staff report for item 4R was presented by Ms. Amanda Beck, Senior Planner.

PUBLIC COMMENTS:

Mr. Scott Whyte, with the Real Estate Development Office and applicant, Mr. Whyte presented the Commission with an overview of the site, the proposed conceptual layout and influx of density and mixed use.

Mr. Steve Addison, with SJ Acquisitions, stated the project has been a team effort and a great process to work with the City of Peoria. Mr. Addison spoke on the proposed drive-through restaurant, density and parking.

Mr. Remigio Cordero, a resident stated that walkability is important to the downtown core. Mr. Cordero feels there is a need for wider sidewalks, more shading and for the site plan to go before the Design Review Board to ensure the public has more input.

COMMISSION COMMENTS:

Vice-Chair Otlewski asked if the number of parking spots will be sufficient.

Ms. Beck stated the parking adjustment was based on industry standards and what is workable given the project.

Secretary Patterson asked staff if a drive-through restaurant can be next to an apartment complex as shown on the conceptual layout.

Ms. Beck confirmed that it can and given the size of the site, it shouldn't negatively impact the residents.

Commissioner Feiter stated he is not a fan of bungalow style units and asked if it's possible to do a minimum density on multi-family.

Mr. Jacques doesn't think there is a minimum density prescribed in the PAD but it has two (2) development options that are part of the PAD which signify the intent is for multi-story, multi-family buildings to be built onsite. A bungalow proposal would be deemed inconsistent with the development character depicted and articulated in the PAD

COMMISSION ACTION: Commissioner Allsop moved to approve Case GPA20-04 as presented. The motion was seconded by Commissioner Feiter and upon vote, passed unanimously 7-0.

Chair Otlewski moved to approve Case Z20-06 as presented. The motion was seconded by Secretary Patterson and upon vote, passed unanimously 7-0.

5R **Reports from Staff**

A. **Upcoming Commission Meeting Dates**

Next meeting is November 5th. November 19th is to be decided.

Mr. Jacques thanked Vice-Chair Otlewski for his service to the Commission.

PLANNING AND ZONING COMMISSION UPDATES AND REPORT OF CURRENT EVENTS:

Chair Nelson stated his appreciation of serving with Vice-Chair Otlewski's on the Commission and wishes him all the best.

ADJOURNMENT: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 8:56pm.

Jeff Nelson, Chair

Submitted by Della Ernest

Date

Date



PLANNING AND ZONING COMMISSION REPORT

Meeting November 5, 2020

Date:

Agenda Item: 2C

Case Name: Grand Express Carwash: Conditional Use Permit (CU20-07)

General Application Information

Proposal:

A request to obtain a Conditional Use Permit to construct and operate a New Automated Carwash, located on the northwest corner of Cotton Crossing and Market Street.

Location:

Northwest corner of Cotton Crossing and Market Street.

Project Acreage:

Approximately 1.5-acres

Applicant:

Bergen, Frakes, Smalley & Oberholtzer, PLLC

Recommendations:

Approve the Conditional Use Permit for Case CU20-07, 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 - Grand Express Carwash CUP Narrative with Exhibits



PLANNING AND ZONING COMMISSION

STAFF REPORT

Date November 5, 2020

To Planning and Zoning Commission

From Rick Williams
Senior Planner

Subject Grand Express Carwash Conditional Use Permit

PROPOSAL

The applicant is requesting a Conditional Use Permit (CUP) to allow for the construction and operation of an automated express carwash located on the northwest corner of Market Street and Cotton Crossing.

APPLICATION INFORMATION

Case Number Conditional Use Permit (CU20-07)

Applicant Carolyn Olberholtzer, Bergin, Frakes, Smalley & Oberholtzer, PLLC

Request(s) 1. Approval of a Conditional Use Permit (CUP) to allow for the construction and operation of an automated express carwash.

LOCATION AND CONTEXT

SUBJECT SITE

The subject site is located on a vacant parcel of land at the northwest corner of Market Street and Cotton Crossing as shown in Exhibit 2. The subject site lies within the existing Peoria Center Station Planned Area Development (PAD) under case Z02-32.

CONTEXT

The subject site is located at the northwest corner of Market Street and Cotton Crossing. The 1.5-acre vacant parcel of land is a part of the Peoria Center Station PAD, which is anchored by the Walmart Super Store located directly across Cotton Crossing.

Contextually, the property is located between Cotton Crossing to the east, Market Street to the south, a cul-de-sac at the end of 81st Avenue followed by Aaron's Furniture Store to the north, and vacant industrial land to the west. The Aaron's retail store is the only adjacent use to the

proposed automated express carwash. Across Market Street to the south is a vacant parcel of land that separates the subject site from the Burlington, Northern, and Santa Fe (BNSF) railroad tracts that run adjacent to Grand Avenue.

APPLICANT'S PROPOSAL

The applicant is requesting approval of a Conditional Use Permit (CUP) to construct and operate an automated express carwash on 1.5-acre parcel of land at the northwest corner of Market Street and Cotton Crossing. The development consists of a drive-through carwash tunnel with a contemporary architectural building design. The carwash will be accessed from Cotton Crossing via a shared driveway with the existing Aaron's furniture store. Three queuing lanes lead to the pay stations, which then lead to the tunnel wash building. Upon exiting the tunnel wash, vacuum / cleaning stations are located to the east and north sides of the building for additional services (Exhibit 3).

The proposed facility will operate seven (7) days a week, between the hours of 7:00 a.m. and 8:00 p.m. with three (3) to four (4) employees onsite per shift.

DEVELOPMENT INFORMATION

<u>Existing Use:</u>	Vacant Commercial Parcel
<u>Proposed Use:</u>	Express Carwash
<u>Suite Size:</u>	Approximately 1.5-acres
<u>Required Parking</u>	3 Parking Spaces
<u>Provided Parking</u>	7 Parking Spaces + 18 Vacuum Stations

STAFF ANALYSIS

ZONING

The subject site is an infill pad site located within the Peoria Center Station PAD boundary. The PAD refers to the Intermediate Commercial (C-2) Zoning District for the list of permitted uses, which permits an automated express carwash as a conditionally permitted use.

ANALYSIS

As described above, the applicant is proposing to construct and operate an automated express carwash on what is currently a vacant pad site. Because the Peoria Center Station PAD refers to Intermediate Commercial (C-2) Zoning District for use allowances, this project must obtain a Conditional Use Permit prior to commencing operations.

CONDITIONAL USE PERMIT

The purpose of the Conditional Use Permit review is to ensure compatibility with the surrounding area, 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.

ANALYSIS

As noted above, the applicant is proposing to construct and operate an automated express carwash. Staff's review for compliance with the Zoning Ordinance and overall examination of the project characteristics are outlined below.

Compatibility with Surrounding Uses

The subject site and surrounding parcels are intended for commercial retail, with the exception of the industrial uses west of 81st Avenue and the City of Peoria Fire Station No. 191, which is located at the southwest corner of 81st Avenue and Peoria Avenue. To further address compatibility, several operational aspects have been addressed by the applicant to help mitigate any perceived impacts with its surroundings as noted below.

Hours of Operation

The car wash will be open from 7:00 a.m. to 8:00 p.m. seven (7) days a week, which may fluctuate during the season. Vacuum stations will be shut down at the close of business each day.

Pay-station queuing lanes

Subsection 21-825.B.2 identifies that "Car Washes" must provide 100 feet queuing exclusive of drive aisles, which is intended to keep stationary vehicles from blocking other vehicles in the primary drive aisles, and the shared access with Aaron's that will convey traffic through the carwash site.

Building

A new building with vacuum canopies is proposed on site as shown in Exhibit 3. The architectural design of the building will meet or exceed the City's Design Review Manual requirements by combining a contemporary design with a diverse colors and materials pallet.

Circulation

The Traffic Division has reviewed the development proposal in conformance with the City's policies and regulatory requirements. Based on that review, the Traffic Division is requiring the developer modify the median on Cotton Lane and the existing porkchop at the shared driveway location to allow for left turns into the site. Additionally, the developer will need to provide routine and regular tree canopy trimming along Cotton Crossing to ensure all site distances are met for traffic exiting the site.

Pedestrian Circulation

Pedestrian circulation around the perimeter of the site will be provided with the existing improvements to Cotton Crossing and Market Street, which include curb, gutter, sidewalk, and streetlights. Additional improvements to the pedestrian circulation include a new pedestrian

amenity at the northeast corner of the site, which features architecture consistent with the carwash building, a metal shade canopy, and masonry seating walls (Exhibit 3).

Sound Attenuation

The project will be required to comply with the City maximum decibel levels of 70 decibels during daytime hours and 65 decibels during nighttime hours. Those noise limitations would be as measured at 50-feet from the property boundary. The site has been designed to minimize noise transmission by locating noise generating equipment interior to the main building. Large blowers that dry the cars are located within the wash tunnel and the vacuum station mechanical equipment for the site is located within an enclosed utility room.

Refuse

The location of the new trash enclosure is restricted to the position shown on the site plan, which is intended to have the least impact on vehicular traffic visibility and safety.

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

As of writing this report, no communication has been received in opposition or support of the proposal.

KEY FINDINGS

1. The proposal meets the Conditional Use Permit standards of the Zoning Ordinance;
2. The proposed automated express carwash is not anticipated to have an impact on the adjoining businesses or nearby residential uses based on the proposed operational characteristics;
3. The Conditions of Approval are appropriate and will govern future development on the site; and,
4. 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

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 Conditional Use Permit for Case CU20-07, subject to Exhibit 1, Conditions of Approval.

STAFF CONTACT

Rick Williams
Senior Planner
623-773-5164
Rick.williams@peoriaaz.gov

CU20-07 Grand Express Carwash

NWC Market Street and Cotton Crossing



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 the Site Plan (Exhibit 3), as contained in the staff report to the Planning & Zoning Commission dated November 5, 2020; and,
2. The Developer shall modify the median on Cotton Crossing to provide a northbound left turn into the site, with 100' of storage and a 100' taper, as shown in the Traffic Impact Statement, unless otherwise approved by the City Engineer.
3. The developer shall modify the existing porkchop to allow a left turn into the site, as approved by the City Engineer.
4. The developer shall ensure all required site distances are met for traffic exiting or entering the site. This will require routine maintenance, including trimming of the tree canopies along Cotton Crossing as stated in the Traffic Impact Statement. Tree pruning and care shall be completed in conformance with applicable American National Standards Institute (ANSI) and International Society of Arboriculture (ISA) standards.

CU20-07 Grand Express Carwash
NWC Cotton Crossing and Market Street



Exhibit 2 | Vicinity Map

Conditional Use Permit

Application Narrative



Applicant: Bergin, Frakes, Smalley & Oberholtzer, PLLC

Subject Property: A vacant 1.5-acre parcel at the northwest corner of North Cotton Crossing and Market Street (APN 142-13-023)

Proposed Use: Automated Car Wash

Original Submittal Date: August 26, 2020

Re-Submittal Date: October 7, 2020

Submitted To: City of Peoria – Planning and Zoning Department
9875 N. 85th Avenue
Peoria, AZ 85345

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I. Introduction

On behalf of the Grand Wash LLC, Bergin, Frakes, Smalley & Oberholtzer, PLLC, submits this request for a Conditional Use Permit to operate an automated car wash (“Project”) on a vacant approximately 1.5-acre parcel at the northwest corner of North Cotton Crossing and Market Street, known as Maricopa County Assessor’s Number 142-13-023, in the City of Peoria, Arizona (the “Property”). Grand Wash is in escrow to purchase the Property, which is within the approved Peoria Center Station Planned Area Development (“PAD”) (Zoning Case Z02-32). This PAD permits an automated car wash as a conditional use on the Property as allowed in C-2 zoning district. The site’s irregular shape limits overall development potential but is well-suited for this modern automated car wash facility. The Property is buffered from neighborhoods by surrounding commercial and industrial property as well as major roads and the Burlington, Northern, and Santa Fe Railway (“BNSF”) railroad tracks. The Project is thoughtfully designed to utilize its proximity to the existing circulation within the commercial center and to serve nearby residents on both sides of Grand Avenue. See Figure 1 below for an aerial of the Property within the PAD.

Figure 1 – Property Aerial



II. Relationship to Surrounding Area

The Property is part of the Peoria Center Station PAD, which was approved July 1, 2003, to facilitate a community commercial center anchored by a Wal-Mart Supercenter. Development of the Property will nearly complete build out of the PAD.

The Property is located between North Cotton Crossing to the east, Market Street to the south, and a cul-de-sac at the end of 81st Avenue and vacant land to the west. The only immediately adjacent use is an Aaron's retail center store to the north. Across Market Street to the south is an approximately one-third acre open space area that separates the Property from the BNSF railroad tracks that run alongside Grand Avenue. The Property is otherwise generally surrounded by commercial and industrial uses. Surrounding zoning and land uses are more specifically described in Table 1 and [Figure 2](#) below.

Table 1: Surrounding Zoning and Land Uses		
	Current Zoning	Current Uses
Subject Property	PAD	Vacant
West Boundary	I-1	Vacant
North Boundary	PAD	Aaron's retail center Gene Mason Fire Station 191
East Boundary	PAD	Walmart Supercenter
Southern Boundary	PAD	Vacant/Open Space

Figure 2: Surrounding Land Uses



III. Project Description

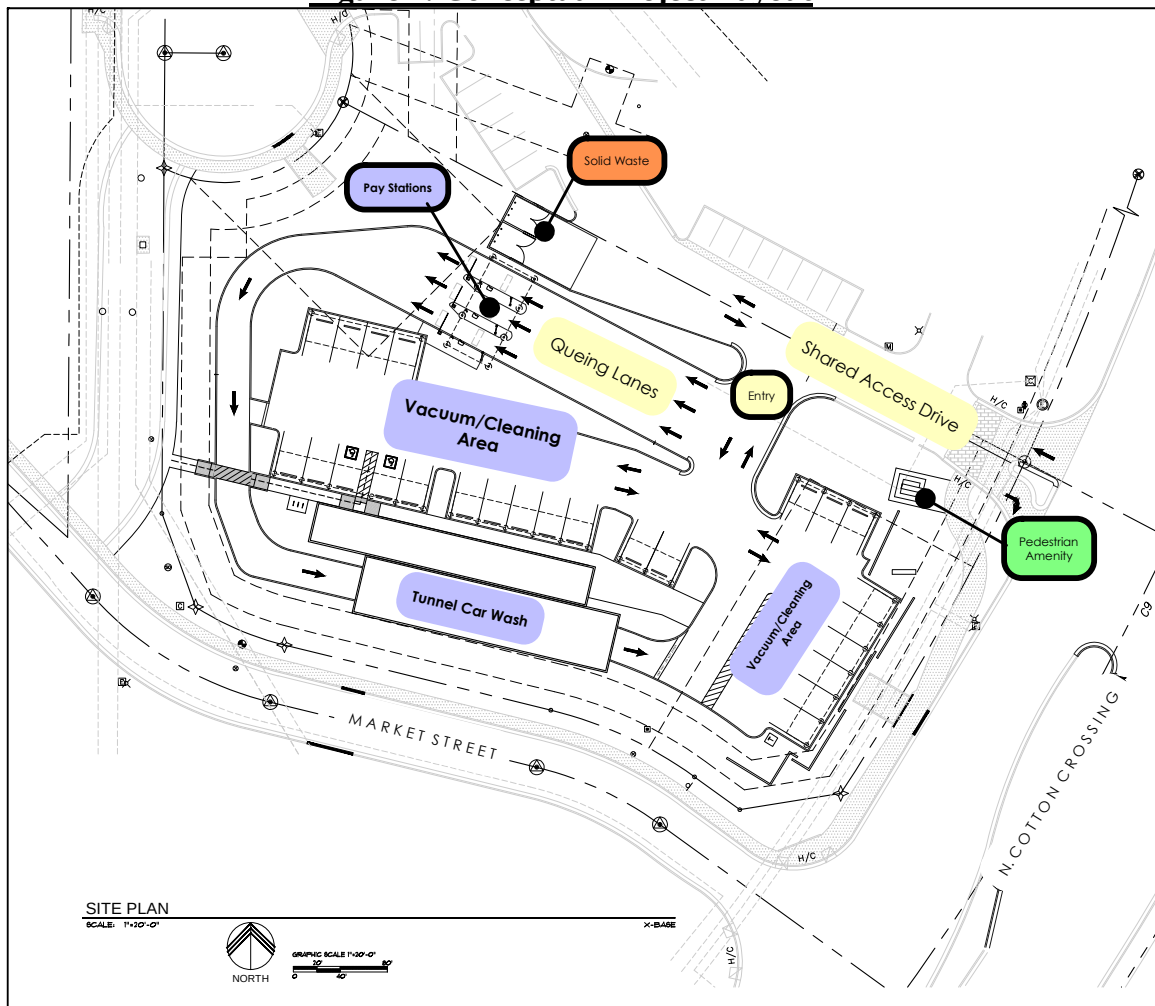
The Project is a modern, drive-thru car wash within an existing commercial center that will serve residents and shoppers in the surrounding area. Conceptual renderings of the Project are provided in [Figure 3](#). A companion site plan application has been submitted for the Project and is being processed as Case No. SP20-31 (“Site Plan Submittal”). Color elevations included in the Site Plan Submittal are attached as [Exhibit 1](#).

Figure 3: Conceptual Renderings



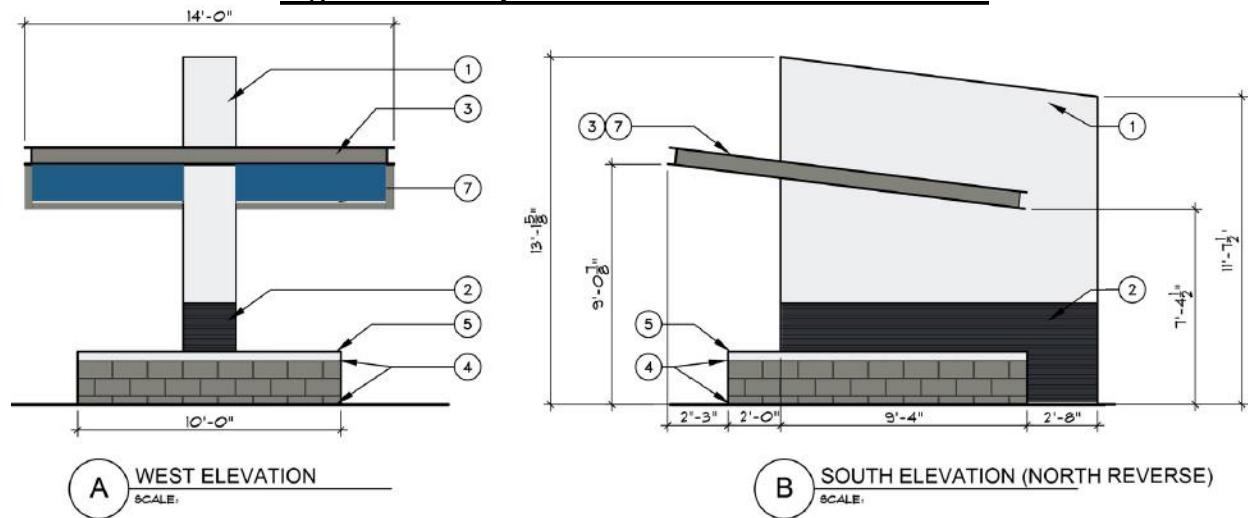
The car wash will be accessed from North Cotton Crossing via a shared driveway that will be improved as part of the Project. North Cotton Crossing runs from Peoria Avenue near the Property across Grand Avenue and the BNSF railroad tracks, providing convenient access from the surrounding area. Upon entering the site, queuing lanes lead to a pay station and then a tunnel car wash where attendants guide the automated car wash process. The queue lanes will exceed the Zoning Ordinance's 100-foot requirement. See § 21-825.B.2. After the pay stations, the queuing lanes merge and provide additional stacking space before entering the tunnel, which is oriented east-west across the south side of the Property. Vacuum and cleaning stations will be maintained and facilitated by the attendants and are located centrally between the pay stations and wash tunnel and also along the eastern Property boundary adjacent to Cotton Crossing. The parking lot circulates within the Property allowing customers to access the vacuum areas without entering the pay station. Solid waste pick-up and maneuvering are provided on-site without physical impediments or blocking of the shared access drive. Figure 4 below provides a conceptual project layout. Excerpts from the Site Plan Submittal with additional detail regarding the site layout are attached as Exhibit 2.

Figure 4: Conceptual Project Layout



The Project will also enhance the streetscape consistent with the PAD by constructing a new pedestrian amenity at the northeast corner of the Property next to the shared access drive, which is included in the companion Site Plan Submittal. The amenity will include a stucco structure with a metal shade canopy over masonry seat walls. See [Figure 5](#). This design will complement the architecture of the car wash as well as another pedestrian feature across Cotton Crossing to bookend the entry to the commercial center.

Figure 5: Conceptual Pedestrian Feature Elevations



The car wash's design and planned operations give careful consideration to noise attenuation, and the Project will comply with Peoria's, 70 dB daytime (6am to 10pm) and 65 dB nighttime (10pm to 6am) noise limitation at 50-feet from the Property boundary. See City Code §13-92. The car wash has been oriented and designed to minimize off-site noise transmission with noise generating sources located largely within the articulated wash tunnel and enclosed equipment room. Blowers are located inside the car wash tunnel and will only be active when a car is at the drying stage of a wash. Vacuum producers will be housed inside the equipment room. The vacuum area for individual vehicles is positioned internally on the Property, between the pay station and tunnel wash, and adjacent to the primary road through the commercial center.

The Property will also be screened along its northern boundary with Aaron's retail center by refuse enclosure walls. All other property boundaries abut public rights-of-way.

Overall, circulation will be typical for a commercial center, and traffic within the public rights-of-way should not be impeded by the operation of the car wash. A traffic impact statement prepared by Southwest Traffic Engineering, dated August 19, 2020, accompanies this application.

IV. The Project Will Not Impact Residential Neighborhoods Within One-Quarter Mile of the Property and Is Compatible with Existing Uses

Section 21-321.D of the Peoria Zoning Ordinance requires identification of impacts to residential neighborhoods within one-quarter mile of the Property and proposals to ensure compatibility with permitted and conditional uses in the area. While several homes are located within the quarter-mile radius, the Property is situated within a commercial center and is insulated from the nearest residences by intervening uses, roads, and railroad tracks.

The nearest residences to the Property are approximately 500 feet to the southwest and will be separated from the car wash by an open space tract, vacant industrial property, the BNSF railroad tracks, Grand Avenue, and additional commercial uses on the other side of Grand Avenue. The rail tracks typically have 12 trains passing through each day according to the latest Federal Railroad Administration Crossing Inventory Report of the North Cotton Crossing intersection, dated November 7, 2019.

To the north, the nearest residences are approximately 550 feet away and across Peoria Avenue, which is separated from the Property by Aaron's retail center and Peoria Fire Station No.191. To the southeast, residences are approximately 1,030 feet away on the other side of North Cotton Crossing and a Wal-Mart Supercenter with associated parking, landscaping, and parking screen walls. See Figure 6 below for an illustration of the quarter-mile radius.

Figure 6: Property Buffers and Distance to Nearest Residential Properties



With the Property's location and the Project's carefully considered layout discussed above, residential neighborhoods within a quarter mile of the Property will not be impacted by the car wash use.

V. The Project Meets the Requirements for a Use Permit

As set forth below, the Project meets the use permit requirements of the Peoria Zoning Ordinance for an automated car wash use in the C-2 district. Section 21-321.E provides the following criteria for review of a use permit application:

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

The Peoria Center Station PAD permits conditional uses in the C-2 zoning district on the Property with a conditional use permit. Pursuant to Table 21-503 Land Use Matrix of the Peoria Zoning Ordinance, an automated car wash is permitted in the C-2 district with a conditional use permit.

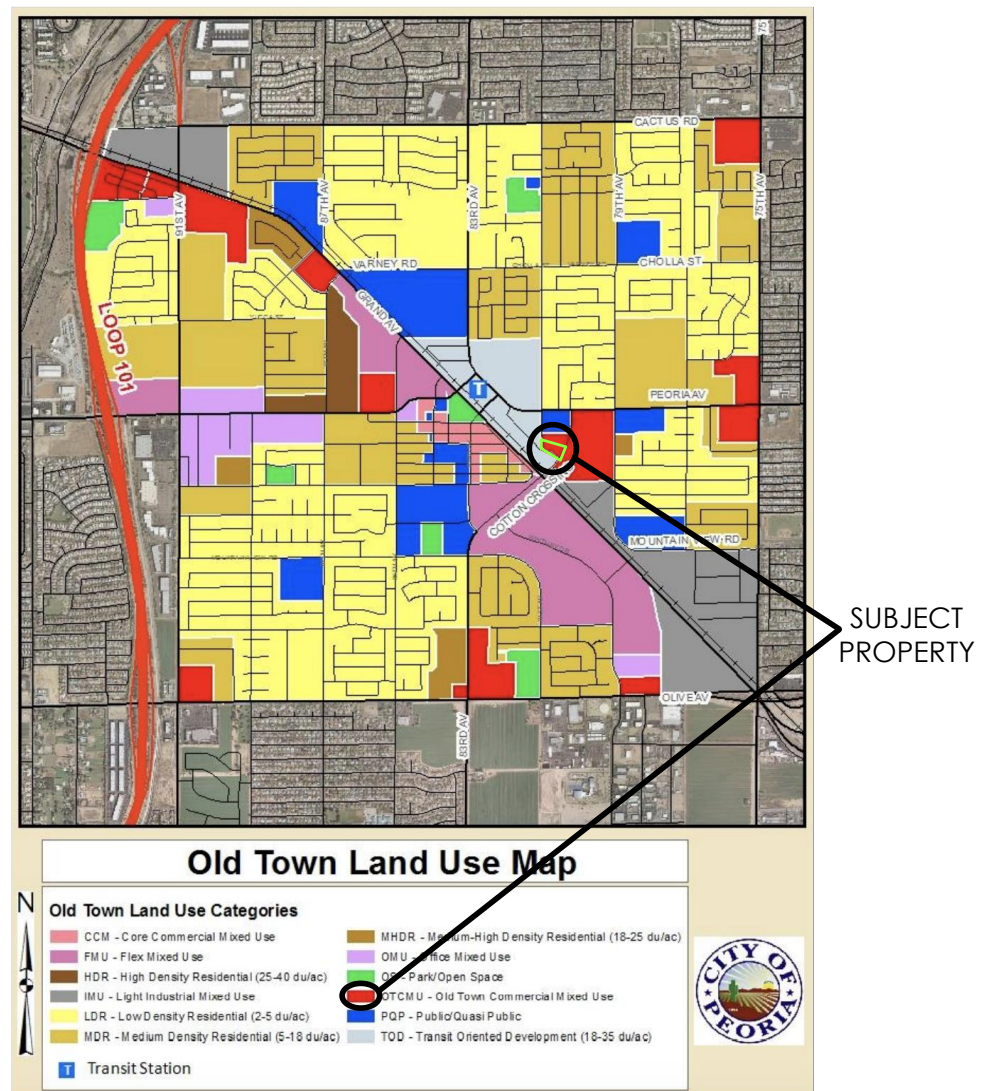
2. *Whether the use meets the locational and development standards provisions, as applicable for the Conditional Use Permit, for the zoning district in which the property is located.*

The Project complies with the development standards of the approved PAD and will be subject to a companion site plan approval. A minimum 20' landscape setback will be maintained along North Cotton Crossing, Market Street, and 81st Avenue with screen walls when adjacent to parking areas. The total landscaped area will meet the PAD's five percent (5%) requirement, and the planting palette will comply with the on-site landscape requirements for the City of Peoria and the PAD. The Project will also improve the streetscape with a new pedestrian feature at the northeast corner of the Property that will complement an existing feature across North Cotton Crossing within the PAD.

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

The City of Peoria General Plan 2010 designates the Property as part of the Old Town Specific Area Plan ("Old Town SAP"), which provides a vision for redevelopment and revitalization with a wide range of uses for a four square mile area centered around the intersection of Grand Avenue and 83rd Avenue. In addition, the 2040 General Plan, which has been approved by City Council but not yet ratified by voters, designates the Property as Master Planned Area with reference to the Old Town SAP. Within the Old Town SAP, the Property is designated as Old Town Commercial Mixed Use (see [Figure 7](#) below), which "allow[s] the development [of] office, business, and retail uses that attract vehicular, public transit, and pedestrian users . . ." and encourages local-serving uses at intersections. See Old Town SAP, pp. 18-19. This automated car wash use is appropriate to serve the local area as part of the existing commercial center, and the Project will enhance the pedestrian experience by adding a shaded amenity with seating.

Figure 7: Old Town Specific Area Plan, Land Use Map



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

The site has been designed responsive to the City's comments received during the pre-application meetings. Most notably, and as further described in the companion Site Plan Submittal, the design incorporates a contiguous walkway with a new shaded pedestrian amenity, parking islands, and a raised landscape median separation from the shared internal driveway.

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

This use complies with applicable City Codes and the approved PAD Standards and Guidelines.

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;*

As discussed above, the Project will be located in a commercial center surrounded by commercial and industrial uses and railroad tracks that run along Grand Avenue. This is a high traffic corridor that is well suited for a car wash and insulated from the nearest residences approximately 500 feet away. In addition, noise attenuation is factored into the design with vacuum producers housed within the enclosed equipment room and blowers within the car wash tunnel, and the Project will meet City requirements limiting noise levels at 50-feet from the Property boundary.

The facility includes exterior lighting with full cut-off shields to prevent light leakage onto adjacent property. Light fixtures do not exceed 25 feet. On-site lighting will be programmed to maximize nighttime security while also considering the needs of adjacent properties.

The car wash operations do not generate dust, and the site will be fully landscaped, paved, and otherwise improved to prevent dust from being generated due to traffic or weather.

Any vibration from car wash operations will be limited to the site. The car wash will not generate smoke.

B. *Impact on surrounding areas resulting from an unusual volume or character of traffic;*

As a result of the site design, traffic within the public rights-of-way should not be impeded by the operation of the car wash. More than the required 100-foot vehicular stacking distance is provided on-site before the pay stations, using three separate queuing lanes. Additional stacking space is provided after the pay stations and before the tunnel. The parking lot circulates within the Property and solid waste pick-up and maneuvering are provided entirely on-site.

C. *Ingress and egress to the property and proposed structures;*

Development will include improving the existing shared access drive along North Cotton Crossing for ingress and egress, and the car wash tunnel will be accessed from queuing lanes within the Property.

D. Pedestrian and vehicular circulation with particular reference to fire protection;

Fire access is provided from the shared access drive. Fire suppression may occur on-site or off-site as Market Street is within 200 feet of the car wash tunnel. Parking areas and access ways are designed as fire lanes with the required cross-sections, widths, turning radii, and distances to the building as required by the City of Peoria Fire and Building Codes. A new fire hydrant is proposed to serve the Project in proximity to the fire control district and within hose reach of the entire building perimeter.

E. Parking and loading

Zoning Ordinance Section 21-825.B.2 requires two parking spaces based on less than 600 s.f. of office floor area and four spaces dedicated to self-service facilities for the cleaning of vehicles. The Project will provide 28 parking spaces, all of which will provide vacuum and cleaning. The site layout separates the pay stations and stacking areas from the vacuum stalls to minimize conflicts with vehicle maneuvering, and to group the static activity of waiting inside a vehicle away from the activities that involve being outside the vehicle. The Project will also include oversized parking spaces to facilitate use of the car wash vacuum facilities.

F. Impact on public services, including schools, utilities, and recreation.

The car wash use will not have a detrimental impact on public services in the area. The facility does not add any students to the local school system, and the Property is not located adjacent to any schools. The facility will not have an impact on recreational resources in the area, nor is it adjacent to any.

Existing utilities in the area are adequately sized to accommodate this new car wash. The facility will be supplied with a 2-inch domestic water line and a 6-inch sanitary waste line. Plumbing will be able to accommodate an on-site reclamation system.

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.*

A Proposition 207 waiver will be provided.

VI. Conclusion

The car wash is appropriately located on a vacant, irregularly shaped parcel within a commercial center and surrounded by commercial and industrial uses, streets, and railroad tracks. This use is ideal for this Property and will complement the existing development within the Peoria Center Station PAD while avoiding any impacts to the residential neighborhoods that are a minimum of approximately 500 feet away. The Project meets the City's use permit test and provides a service to the residents in the surrounding area and patrons of the commercial center.

Exhibit 1
Site Plan Submittal
(Case No. SP20-31)
Color Elevation A 2.0

Exhibit 2
Site Plan Submittal
(Case No. SP20-31)
Pages SP 1.0 and 1.0A



PLANNING AND ZONING COMMISSION REPORT

Meeting November 5, 2020

Date:

Agenda Item: 3C

Case Name: Cactus Taproom Expansion (Patio): Conditional Use Permit (CU20-08)

General Application Information

Proposal:

A request to obtain a Conditional Use Permit (CUP) to expand an existing bar/tavern use (Series 7) into an approximately 100 square foot outdoor patio directly adjacent to the existing Cactus Taproom beer and wine bar. The business is within the Ventanna Lakes Village Center, located at 20429 Lake Pleasant Road, Suite 104.

Location:

20429 Lake Pleasant Road, Suite 104

Project Acreage:

Suite 104 is approximately 1,000 square feet. The patio would add an existing 100 square feet.

Applicant:

Carrie Parker

Recommendations:

Approve the Conditional Use Permit for Case CU20-08, 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 - Zoning Map

Exhibit 5 - Narrative

Exhibit 6 - Conceptual Site Plan



PLANNING AND ZONING COMMISSION

STAFF REPORT

Date November 5, 2020

To Planning and Zoning Commission

From Amanda Beck
Senior Planner

Subject Cactus Taproom Outdoor Patio Conditional Use Permit

PROPOSAL

The applicant is requesting a Conditional Use Permit (CUP) to allow an expansion of the existing bar/tavern use (Series 7 Liquor License) into an outdoor patio of approximately 100 square feet at the existing Cactus Taproom beer and wine bar, located at 20429 Lake Pleasant Road, Suite 104.

APPLICATION INFORMATION

Case Numbers Conditional Use Permit (CU20-08)

Applicant Carrie Parker, Manager of Cactus Taproom

Request(s) 1. Approval of a Conditional Use Permit (CUP) to allow for the expansion of an existing bar/tavern use (Series 7 Liquor License) into an outdoor patio of approximately 100 square feet.

LOCATION AND CONTEXT

SUBJECT SITE

The subject area is adjacent to an existing building that contains the remainder of the subject beer and wine bar known as Cactus Taproom. The building is located at the northeast corner of Lake Pleasant Road and Beardsley Road within the Ventana Lakes Village Shopping Center, more specifically addressed at 20429 Lake Pleasant Road, Suite 104. The site can be seen in greater detail in Exhibit 3.

CONTEXT

The primary building containing Cactus Taproom is a multi-tenant building, which also contains Lucky Smoke and Cigar shop, as well as a Frederico's Mexican Food restaurant, which has a drive-through that wraps the entire building.

Directly north of the subject site is another pad within the Ventana Lakes Village Shopping Center, where Grease Monkey operates a car wash and automobile service facility. Further north is the Desert Winds assisted living community. To the west across Lake Pleasant Road, is the Sun Grove Professional Plaza with several office uses, and another shopping center with several commercial/retail inline suites. South of the subject site is a BBVA Compass bank, and another pad within the shopping center which was approved by Planning & Zoning Commission on February 2019 for the Katz & Dogs veterinary clinic (CU2018-08). East of the site is the Basha's Supermarket, which anchors the Ventana Lakes Village Shopping Center, in addition to several inline suites (Exhibit 2 and 3).

APPLICANT'S PROPOSAL

The applicant is requesting a Conditional Use Permit (CUP) to permit an expansion of the existing bar/tavern use (Series 7 liquor license) into a proposed approximately 100 square foot outdoor patio directly east of the existing building (Exhibit 6). The beer and wine bar will continue to operate Monday through Sunday, between the hours of 11:00 a.m. to 10:00 p.m. The new patio will be bounded on the west by the existing building, and on the east by the drive through for the Frederico's restaurant. The patio will be fenced with a 3'-9" high, stucco wall and will feature moveable seating and tables (Exhibit 5). The building exterior features existing fabric awnings. Accordingly, the applicant does not propose any shade umbrellas for the patio.

No exterior changes to the building are proposed, and the only site improvements associated with the patio extension will be the stucco wall with stacked stone columns that will match the existing building. Cactus Taproom patrons will enter and exit the patio seating area through the inside of the suite via an existing roll up door. Additionally, no outside music or televisions are proposed, and the applicant notes in the Narrative that there is existing exterior building lighting that will provide sufficient lighting for patrons of the business.

DEVELOPMENT INFORMATION

<u>Existing Use:</u>	Tavern, Bar, and Lounge
<u>Proposed Use:</u>	Tavern, Bar, and Lounge with outdoor seating (extension of premise)
<u>Patio Size:</u>	Approximately 100 square feet
<u>Hours of Operation:</u>	Monday through Sunday, 11:00 a.m. to 10:00 p.m.
<u>Required Parking:</u>	13
<u>Available Parking:</u>	29

STAFF ANALYSIS

ZONING

In 1981, the shopping centers at the northeast and northwest corners of Beardsley Road and 99th Avenue were rezoned to Intermediate Commercial (C-2) Zoning District by *Ord. 81-25* (Exhibit 4). The Desert Winds assisted living community bounds the Ventana Lakes Village shopping center to the north and east, and is zoned Multi-family Residential (RM-1).

CASE HISTORY

The master site plan for the Ventana Lakes Village Shopping Center was approved July 6, 2001 via case PR01-07. The pad site for the building that this use occupies was approved on November 23, 2005 through case PR05-65 for a four (4) suite commercial building featuring a restaurant with a drive through component within one of the suites. On December 13, 2018, the Planning and Zoning Commission approved a Conditional Use Permit for Cactus Taproom to operate a Series 7 Liquor License for a Beer / Wine Bar with limited food service within suite #104 which is immediately adjacent to the proposed expansion area that is the subject of this request.

ANALYSIS

Section 21-505.B.4 of the Zoning Ordinance requires that Taverns, Bars, or Lounges (those uses operating under a Series 6 or Series 7 Liquor License) obtain a conditional use permit. The walls of the use must be located at least two hundred (200) feet from the nearest residentially zoned property. The proposed patio is approximately 211 feet from the Desert Winds community. While the existing suite and proposed patio meets the 200 foot separation requirement outlined in the Zoning Ordinance, a new Conditional Use Permit must be obtained to cover the expansion of the Series 7 Liquor License that was previously approved under Conditional Use Permit CU18-07.

CONDITIONAL USE PERMIT

The purpose of the Conditional Use Permit requirement for a bar/tavern use is to ensure compatibility with the surrounding area, consistency with the Peoria General Plan, and that the use is not injurious to the health, safety, and general welfare of the community.

REVIEW CRITERIA

Section 21-321 of the Peoria Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. The Planning 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 Conditional Use Permit, for the zoning district in which the property is located.
3. Whether the use is consistent with the goals, policies, and intent of the General Plan and any adopted Specific Plan applicable to the site where the proposed use is located.
4. Whether the use is consistent with documentation and recommendations provided by reviewing City Departments.
5. Whether the use complies with all applicable City Codes, standards, and guidelines governing such use.
6. Whether the use will be materially detrimental to the health, safety, or general welfare of persons residing or working in the vicinity of the property, to the neighborhood, or to the public welfare; or if the use will unreasonably interfere with the use and enjoyment of nearby properties. Consideration shall include, but not be limited to the following factors:
 - a. Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination;
 - b. Impact on surrounding areas resulting from an unusual volume or character of traffic;
 - c. Ingress and egress to the property and proposed structures;
 - d. Pedestrian and vehicular circulation with particular reference to fire protection;
 - e. Parking and loading; and
 - f. Impact on public services, including schools, utilities, and recreation.
7. The Planning Manager 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.

APPLICABILITY

The purpose of obtaining the Conditional Use Permit is to ensure that the expanded premises for the beer and wine bar use, operate in a manner that is compatible with the surrounding area. The proposed use will be located adjacent to the existing building, and will require minimal site improvements. The nearest residentially zoned property is over two-hundred eleven (211) feet from the proposed patio, similarly the exterior wall of the bar use is over 200 feet from any residentially zoned property. Based on the applicant's project narrative and the conceptual site plan, no impact is anticipated on the nearby residential community, nor should there be any negative effects to the encompassing shopping center.

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

any of the following occur:

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

ANALYSIS

SPECIAL LIMITATIONS

Section 21-505.B.4 of the Zoning Ordinance identifies special limitations for a Tavern, Bar and Lounge (Series 6 or 7 Liquor License) to obtain a conditional use permit.

Staff responses to the special limitations as they apply to the subject site 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 existing suite. Expansion of the existing use is not expected to have an 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 the operating hours of the existing bar use and the limited nature of the expansion into an adjacent outdoor patio, staff does not find that additional mitigation measures are required at this time.

SITE LAYOUT

The layout of the site was established when the pad was built under case PR05-65. The existing building, and its applicable suites, have been utilized for various commercial or 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. Suite 104 is located at the 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).

PARKING

The Zoning Ordinance requires one (1) space per one hundred (100) square feet of outdoor dining area, which would require a single additional parking spaces for the outdoor dining area. The existing beer and wine bar use requires twelve (12) parking spaces. In 2005, the overall site was approved with twenty-nine (29) parking spaces for the subject multi-tenant building, which is sufficient to meet the needs of the current tenants and the subject expansion of the existing Beer and Wine Bar use.

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.

Support / Opposition

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

KEY FINDINGS

1. The proposal meets the above referenced special limitations for Taverns, Bars, and Lounges as limited by Section 21-503.B.4;
2. No site or building modifications are required or proposed;
3. The Narrative outlines that the proposed patio is accessory to the existing beer and wine bar use, following the same limited hours of operation;
4. When operated in accordance with the recommended conditions of approval, the use is not expected to disrupt other nearby uses; and
5. The applicant/owner has submitted a signed and notarized Proposition 207 waiver, which will be recorded with the conditions outlined in Exhibit 1.

PROPOSITION 207

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

RECOMMENDATION

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

Approve the Conditional Use Permit for Case CU20-08, subject to the conditions of approval outlined in Exhibit 1.

STAFF CONTACT

Amanda Beck
Senior Planner
623-773-7128
amanda.beck@peoriaaz.gov

CU20-08: Cactus Taproom Outdoor Patio

20429 Lake Pleasant Road, Suite 104



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 Conceptual Site Plan, as contained in the staff report to the Planning and Zoning Commission dated November 5, 2020.
2. The hours of operation for the patio shall be limited to those for the adjoining Cactus Taproom beer and wine bar use.
3. 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.

CU20-08: Cactus Taproom Outdoor Patio

20429 Lake Pleasant Road, Suite 104



Exhibit 2 | Vicinity Map

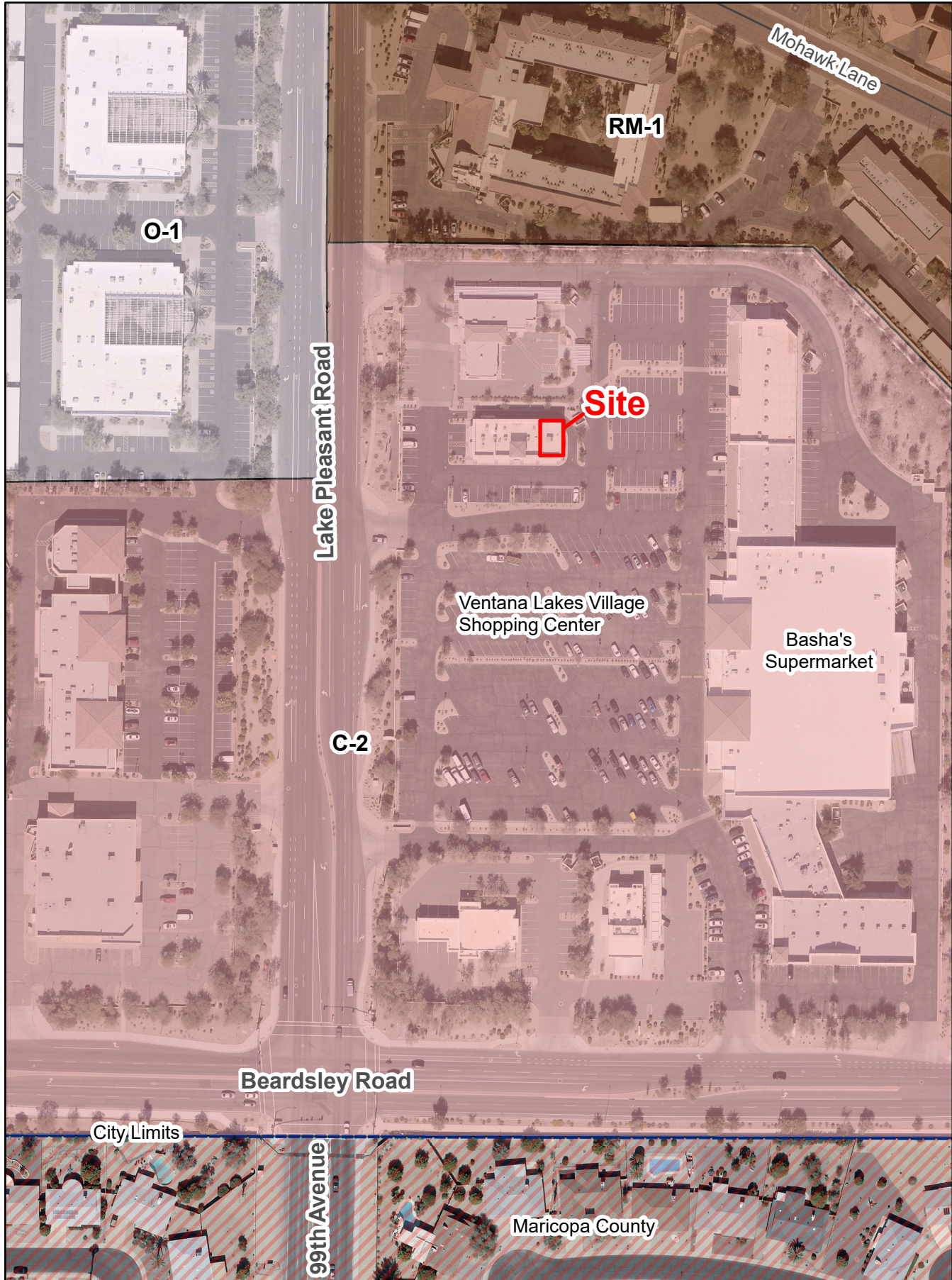
CU20-08: Cactus Taproom Outdoor Patio

20429 Lake Pleasant Road, Suite 104



CU20-08: Cactus Taproom Outdoor Patio

20429 Lake Pleasant Road, Suite 104



Project:

Cactus Taproom

Hours of Operation: Daily 11 am to 10 pm.

Request:

Seeking approval for outdoor dining for the existing Cactus Taproom, located at 20429 N Lake Pleasant Road.

Background:

Cactus Taproom, LLC is a restaurant, craft beer, cider and wine bar for on and off premise sales. The 1,000 square foot space is located in Ventana Lakes Village Shopping Center and Bashas is the anchor center.

Cactus Taproom provides Peoria's west-side residents a premium craft beer and wine experience along with a delicious meal. Our space has an upscale feel creating a warm and inviting atmosphere that will attract all ages 21 and older. 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 is a friendly neighbor to the surrounding business partners. There is no loud or live music on site.

We are supporting our Peoria and Arizona brewers along with 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. I have successfully operated the Cactus Taproom for the past 16 months. Our business is in good standing and in full regulatory compliance. 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.

We want to add outdoor dining to increase our ability to meet the needs and desires of our diners who enjoy an outdoor experience along with improving our ability to increase social distancing within our space. Adding outdoor dining space enables us to further our commitment to mitigate COVID-19 and slow the spread.

Proposed Improvements

The proposed outdoor dining area will be on the east side of the building, see site photos in Exhibits 1 and 2.

The outdoor dining space, including the width of the wall, will be 13' wide x 7' 7" to the inside curb. The stucco wall will be 3'9" high. The approximate dining area will be 81 square feet.

1. The east side of the building where the patio is enclosed is not an exit.
2. In Exhibit 2, the red circle on the exterior wall shows that the fire access to building keys is not restricted.

3. The area will be enclosed with a stucco wall with exterior stacked stone to match existing wall and height.
4. Existing overhead lamps are functioning and will provide the light needed for outside dining.
5. No other modifications are proposed to the building exterior or site landscaping.
6. Cactus Taproom is part of the larger Ventana Lakes Village Center, with multiple parking fields.
 - a. The existing beer and wine bar requiring 12 parking spaces.
 - b. The patio would require one (1) additional space.
 - c. There are 29 parking spaces directly around the building, and 67 additional parking spaces are within walking distance. See the Parking Exhibit.



The proposed outdoor dining area will be on the east side of the building.

The area will be enclosed with a stucco wall with exterior stacked stone to match existing wall and height.

The outdoor dining space including the width of the wall will be 13' wide x 7' 7" to the inside curb. The stucco wall will be 3'9" high. The approximate dining area will be 81 square feet.

1. The east side of the building is not an exit.
2. The red circle on the exterior wall shows that the fire access to building keys is not restricted.
3. The red line and arrow show that the back-door delivery entrance is not restricted or changed for any of the businesses.



Shared Parking Lot Agreement

Yorgo's Group, LLC
27323 N Covered Wagon RD
Phoenix, WA 85085

Cactus Taproom, LLC may use the parking spaces located to the east side of the business located at 20429 N. Lake Pleasant Road #104. See CU20-08 Cactus Taproom PARKING EXHIBIT also noted here.

CU20-08

Cactus Taproom PARKING EXHIBIT



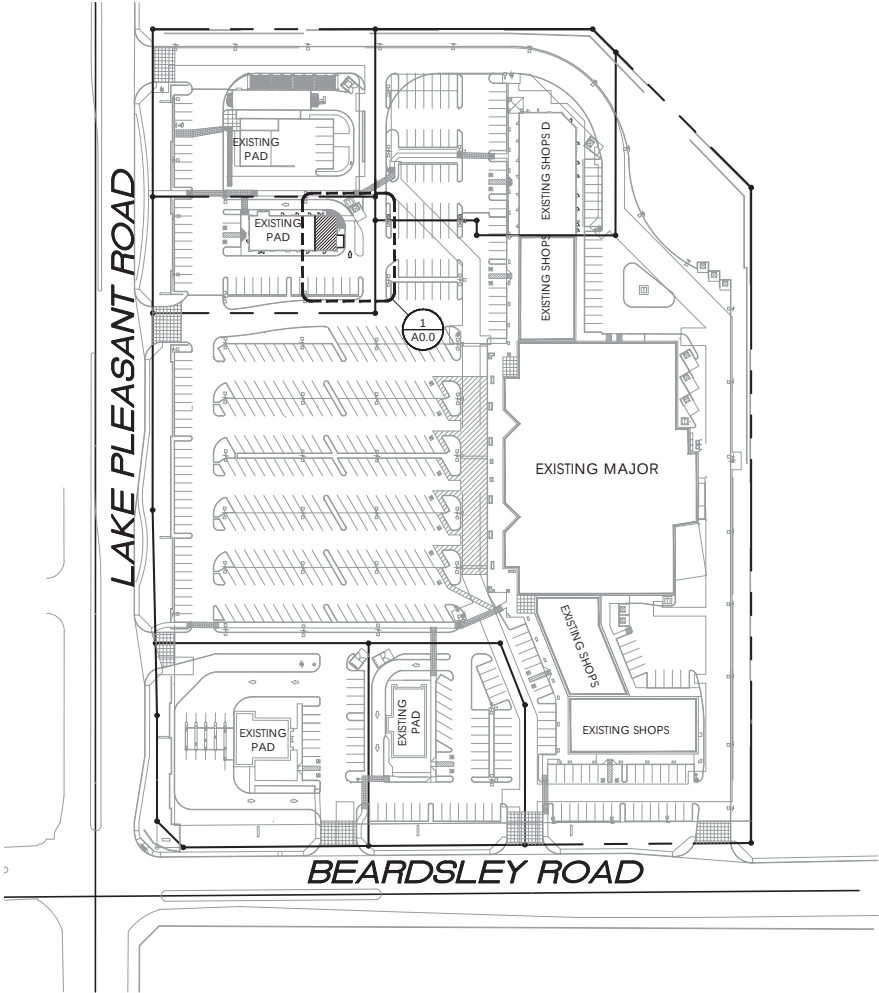
Signature: _____
Jacinta B. Bar
Yorgo's Group, LLC

Date: 9/30/20

CACTUS TAPROOM

20429 NORTH LAKE PLEASANT PARKWAY, SUITE 104

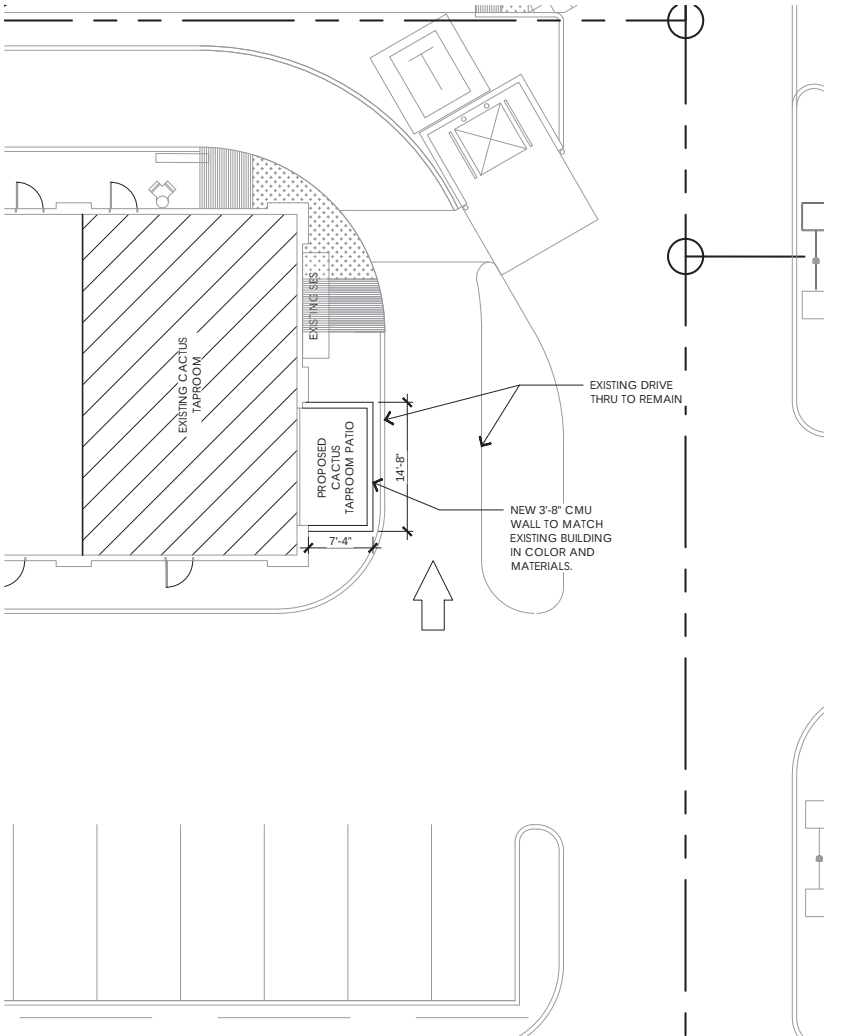
PEORIA, ARIZONA



OVERALL SITE PLAN

SCALE: 1" = 100'-0"

THIS SITE PLAN HAS BEEN PREPARED WITHOUT THE AID OF A SURVEY. ALL PROPERTY BOUNDARIES ARE ROUGH APPROXIMATIONS. THIS DRAWING IS TO BE USED FOR CONCEPTUAL PURPOSES ONLY AND IT IS NOT TO BE THE BASIS FOR ANY LEGALLY BINDING DOCUMENTATION.



1 ENLARGED SITE PLAN

SCALE: 1" = 10'-0"

NEW COMMERCIAL DEVELOPMENT
NEC LAKE PLEASANT ROAD AND BEARDSLEY ROAD
PEORIA, AZ
DATE:08-28-2020 (PRELIMINARY)

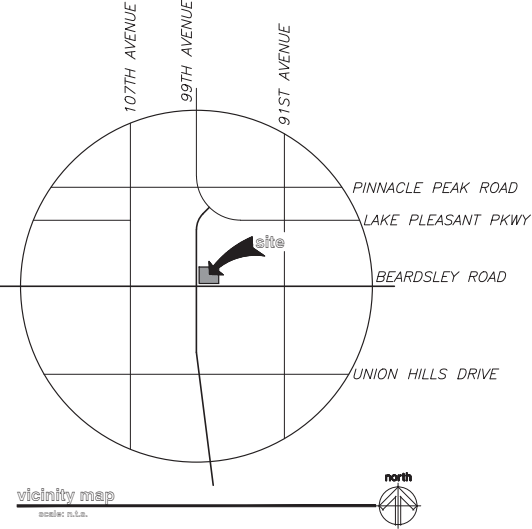
PROJECT DIRECTORY

TENANT:
CACTUS TAPROOM
CONTACT: CARRIE PARKER
PHONE: (623) 217-9803
EMAIL: info@cactustaproom.com

ARCHITECT:
MESQUITE ARCHITECTURE, LLC
EDGAR FELIX
5156 W. OLIVE AVENUE, PMB 247
GLENDALE, ARIZONA 85302
PHONE: (602) 373-4284
EMAIL: edgar@mesquitearchitecture.com

SITE DATA

EXISTING ZONING:	C-2
PROPOSED USE:	TAPROOM(LOUNGE/BAR) USE PERMIT(CU18-07)
BUILDING AREA:	4,000 S.F.
TOTAL PARKING REQUIRED:	46 SPACES
PAD 3 (4,000 S.F.) SUITE 101 (2,070 SF) 1,243 SF @ 1/50 = 25 SPACES 827 SF @ 1/200 = 5 SPACES SUITE 103 (930 SF) GENERAL RETAIL @ 1/300 = 4 SPACES SUITE 104 (1,000 SF) 405 SF @ 1/50 = 9 SPACES 595 SF @ 1/200 = 3 SPACES	
TOTAL PARKING PROVIDED:	26 SPACES * PARKING MET WITH OVERALL SHOPPING CENTER
ACCESSIBLE SPACES REQUIRED:	2 SPACES
ACCESSIBLE SPACES PROVIDED:	2 SPACES



SP-1 Mesquite Architecture LLC

#2003.00



PLANNING AND ZONING COMMISSION REPORT

Meeting November 5, 2020

Date:

Agenda Item: 4R

Case Name: Salad and Go: Conditional Use Permit (CU20-05)

General Application Information

Proposal:

A request to obtain a Conditional Use Permit to construct and operate a Salad and Go drive-through restaurant within 200 feet of a residential zoning district.

Location:

8268 W. Deer Valley Road (NEC 83rd Avenue and Deer Valley Road)

Project Acreage:

Approximately 2 acres

Applicant:

Stewart & Reindersma Architecture, PLLC

Recommendations:

Approve the Conditional Use Permit for Case CU20-05, 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 - Applicant Narrative

Exhibit 4 - Letter of Support



PLANNING AND ZONING COMMISSION

STAFF REPORT

Date November 5, 2020

To Planning and Zoning Commission

From Rick Williams
Senior Planner

Subject Salad and Go Conditional Use Permit

PROPOSAL

The applicant is requesting a Conditional Use Permit (CUP) to allow for the construction and operation of a Salad and Go drive-through restaurant within 200 feet of a residential zoning district. The site is located at 8628 W. Deer Valley Road (NEC 83rd Avenue and Deer Valley Road).

APPLICATION INFORMATION

Case Number Conditional Use Permit (CU20-05)

Applicant Sake Reindersma, Stewart & Reindersma Architecture, PLLC

Request(s) 1. Approval of a Conditional Use Permit (CUP) allowing for the construction and operation of a Salad and Go Drive-Through Restaurant within 200 feet of a residential zoning district.

LOCATION AND CONTEXT

SUBJECT SITE

The subject site is located at the northeast corner of Deer Valley Road and 83rd Avenue, which is located within the Fletcher Heights master planned community as shown in Exhibit 2. More specifically, the site is considered a “pad” (or individual parcel) within the large commercial center known as *Deer Valley Marketplace Shopping Center* (Exhibit 3).

CONTEXT

The subject site is located at the arterial intersections of 83rd Avenue and Deer Valley Road. It is located within the *Deer Valley Marketplace Shopping Center*, which is anchored by the Albertson’s grocery store. Previously the subject site was utilized as a Valero convenience store with associated fueling stations; however, the business ceased operations in 2018.

Contextually, three of the four corners of this arterial intersection contain large commercial centers. Such centers typically have a medium to large-scale anchor, such as a grocery store, and contain one or more individual pad sites for restaurants or stand-alone retail shops, which is the case for the *Deer Valley Marketplace Shopping Center*. Similarly, the southwest corner of the intersection is a commercial shopping center anchored by a Fry's grocery anchor and an associated Fry's fueling station, as well as a Sonic Drive-In restaurant, and a McDonald's drive-through restaurant attached to a Circle K Convenience Store and Gas Station.

The northwest corner of 83rd Avenue and Deer Valley Road is an existing commercial shopping center containing a Walgreens retail store with a drive-through pharmacy, a Culver's drive-through restaurant, an urgent care facility, and the Top-Shelf Mexican food restaurant. While the individual parcels have developed over time, the overall commercial center has a similar character and intensity as the subject site and the Fry's Plaza which is located at the southwest corner of the same intersection.

The southeast corner of the intersection contains single-family residential homes that are also part of the Fletcher Heights Planned Area Development (PAD), known as Fletcher Heights Phase 1A. Lots within the subdivision range between approximately 6,000 to 13,000 square feet. There are two entrances into the community, with one being from 81st Avenue from Deer Valley Road, and the other via Lone Cactus Drive from 83rd Avenue.

APPLICANT'S PROPOSAL

The applicant is requesting approval of a Conditional Use Permit (CUP) to construct and operate a Salad and Go drive-through restaurant on the pad that was formerly occupied by the Valero convenience store and gas station site. The proposed development would demolish the existing vacant gas station fuel stations and convenience store and construct a new seven hundred (700) square foot main building with drive-through lanes on both sides of the building. The north drive-through serves as a traditional drive-through with dual lanes, a menu order board, and pickup window. The drive-through located on the south side of the building serves as an express lane for internet pickups only, is much shorter in length, and has no order menu board. Additionally, there is a walkup window for carry-out/pickup service. There is no seating or on-site dining available (Exhibit 3). Additionally, the proposed facility will operate Monday through Sunday, between the hours of 6:30 a.m. and 9:00 p.m. with three (3) to four (4) employees on site per shift.

DEVELOPMENT INFORMATION

<u>Existing Use:</u>	Vacant Commercial Building
<u>Proposed Use:</u>	Drive-through Restaurant
<u>Suite Size:</u>	Approximately 1.23-acres
<u>Required Parking</u>	8 Spaces
<u>Provided Parking</u>	8 Spaces

STAFF ANALYSIS

ZONING

The subject site is an infill pad within the existing Deer Valley Market Place commercial center, which is a part of the Fletcher Heights Planned Area Development. More specifically, the Fletcher Heights PAD identifies the Planned Community Commercial (PC-2) Zoning District standards are applicable to the subject parcel, which requires a Conditional Use Permit for restaurants with a drive-through component within 200-feet of a residential district, subject to limitations identified within Subsection 21-505.B.2.

CONDITIONAL USE PERMIT

The purpose of the Conditional Use Permit review is to ensure compatibility with the surrounding area, 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.

ANALYSIS

As noted above, the applicant is proposing to construct and operate a Salad and Go drive-through restaurant. Staff's review for compliance with the Zoning Ordinance and overall examination of the project characteristics are outlined below.

LIMITATIONS ON USES

The subject property is zoned Fletcher Heights Planned Area Development, which identifies PC-2 Zoning District use allowances. Within the PC-2 Zoning District, it requires a restaurant containing a drive-through use within 200-feet of a residential zoning district to obtain the a Conditional Use Permit, subject to limitations as identified in Section 21-505.B.2 of the City of Peoria Zoning Ordinance.

Section 21-505.B.2 of the Zoning Ordinance provides the following limitations on Drive-through uses as indicated below. Staff responses are in *italics*.

- a. All drive-through lanes, menu boards, speaker box, and other related elements shall be located at least 50-feet from any residentially zoned property of use. Speakers at a drive-through shall not be audible from residentially zoned property. Sound shall be mitigated through the use of sounds attenuation walls, landscaping, or other measures.

Based on the associated site plan contained in the Salad and Go narrative (Exhibit 3), the drive-through lane and the speaker box are over 250-feet from any residential zoned district and use. Speakers at the drive-through will not be audible from any residentially zoned property. In an effort to maximize service, a secondary express drive-through lane is located on the south side of the main building. This drive-through is for express pickup service only and contains no menu board or speaker box. Additionally, perimeter screen walls and landscaping, currently constructed, will add additional mitigating measures with respect to sound attenuation on the site.

- b. The main drive-through lane shall be separate from parking areas and driving lanes by a minimum 5-foot wide landscaping island or other alternative as approved by the Planning Manager.

The proposed Site Plan provides a minimum 5-foot wide landscape island between the drive-through lanes and the existing parking and drive aisles of the commercial center for both the main drive-through and the express drive-through.

- c. Drive-through canopies and other appurtenances shall be architecturally compatible with the principal building.

The proposed canopies are compatible with the principal building, as shown in the elevations contained in the Salad and Go Narrative, Exhibit 3.

- d. Through the Conditional Use Permit (CUP) process, the conditions considered for imposition by the Planning and Zoning Commission may include, but are not limited to, a restriction on operating hours, additional screening, relocation of the drive-through, modification of the minimum drive-through stacking requirements, noise and visual mitigation, and other measures appropriate to the relevant circumstances.

The proposed site design meets or exceeds all limitations for a drive-through use as noted above. The orientation of both the main drive-through and the express drive-through is internal to the existing commercial center, which maximizes the distance from the residential zoned district to the south. The express drive-through contains no speaker box or menu boards and is express pickup only. Screen walls and landscaping associated with the development of the Deer Valley Market Place are currently in place. No additional considerations are proposed at this time.

Site Layout

The proposed use will be within a fully improved commercial center. As addressed under *Special Limitations* above, the distance from the drive-through speaker box and order board to the nearest residential zoning district is over 250-feet away. Furthermore, the closest residential homes back up to Deer Valley Road, which is a major arterial roadway carrying a significant number of vehicles per day. Any sound generated from the Salad and Go restaurant would be significantly less than existing sounds levels being generated from the adjacent roadway. Therefore, it is anticipated that the proposed drive-through restaurant will have no negative impact to its surrounding residential neighbors.

Building

A new building and drive-through canopies are proposed as shown in Exhibit 3. The Peoria Design Review Manual requires the proposed architecture be compatible with the existing commercial center.

Circulation

The Traffic Division has reviewed the development proposal in conformance with the City's policies and regulatory requirements. Based on that review, the Traffic Division has recommended restricting the Deer Valley driveway to right-in, right-out movements and is

requiring an extension of the left turn storage at the intersection of 83rd Avenue and Deer Valley Road.

Refuse

The location of the new trash enclosure is restricted to the position shown on the site plan, which is intended to have the least impact on vehicular traffic visibility and safety.

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

As of writing this report, one (1) letter in support has been received (Exhibit 4). The City has not received any correspondence in opposition.

KEY FINDINGS

1. The proposal meets the Conditional Use Permit standards of the Zoning Ordinance.
2. The proposed Salad and Go Restaurant is not anticipated to have an impact on the adjoining businesses or nearby residential uses based on the proposed operational characteristics.
3. The proposed use complies with the limitations on uses identified within Subsection 21-505.B.2 of the City of Peoria Zoning ordinance regarding Restaurants with a Drive-through component.
4. 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

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 Conditional Use Permit for Case CU20-05, subject to Exhibit 1, Conditions of Approval.

STAFF CONTACT

Rick Williams
Senior Planner
623-773-5164
Rick.williams@peoriaaz.gov

CU20-05 Salad and Go

8628 W. Deer Valley Road



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 the Site Plan (Exhibit 3), as contained in the staff report to the Planning & Zoning Commission dated November 5, 2020; and,
2. The Developer shall restrict the Deer Valley driveway to right-in, right-out movements, as approved by the City Engineer. This shall be accomplished with the addition of signage, a striped pork chop island in the driveway, and an extension of the left turn storage at the intersection of 83rd Ave and Deer Valley.
3. No speakerbox or menu board shall be provided on the southern drive-through (express pick-up) lane.

CU20-05 Salad and Go
8268 W. Deer Valley Road

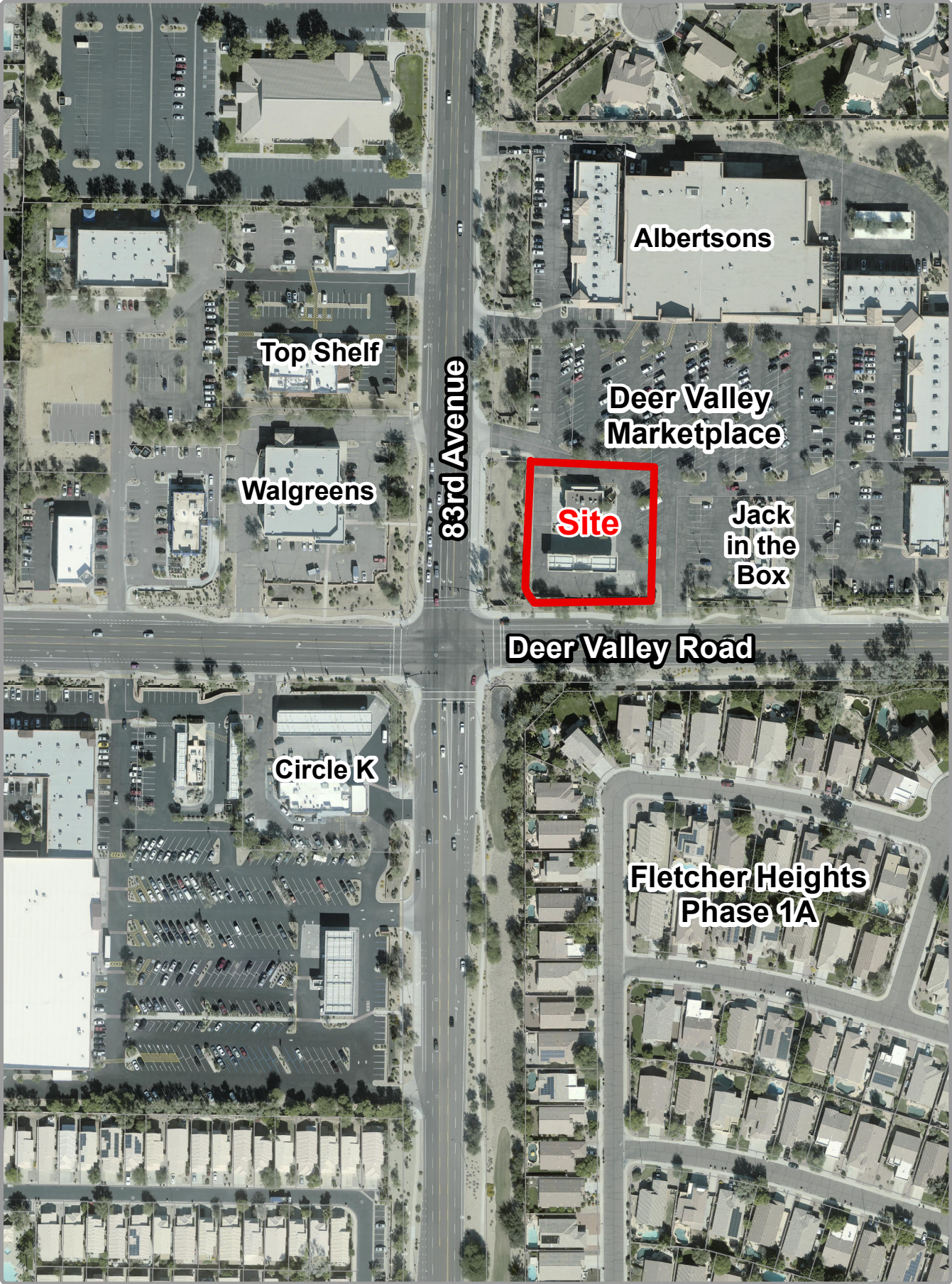


Exhibit 2 | Vicinity Map

Salad and Go Drive-through Restaurant
Conditional Use Permit
CU20-05

Salad and Go
Conditional Use Permit Narrative with Exhibits

Planning and Zoning Commission Meeting
November 5, 2020



STEWART + REINDERSMA ARCHITECTURE, PLLC.

Oct. 08, 2020

City of Peoria
Planning and Community Development Department
9875 North 85th Avenue
Peoria, AZ 85345

**RE: Conditional Use Permit Narrative
Salad and Go
8268 West Deer Valley Road
(NEC 83rd Ave. & Deer Valley Rd.)
Peoria, AZ 85382**

Dear Review Committee:

Stewart + Reindersma Architecture, PLLC, in association with Salad & Go, is pleased to present this application for Conditional Use Permit for Salad and Go located at 8268 W. Deer Valley Rd. The Maricopa County Assessor's parcel number is 200-07-762. The proposed project will be built on an existing 1.23-acre site within the existing Fletcher Heights PAD Zoning District. The site is currently a vacant convenience store and fueling facility.

Salad and Go is an approximately 700 Square foot single-story restaurant with drive-through and walk-up service kiosk/windows for carry-out/pick-up service. No seating or on-site dining is provided. Most customers will use the drive-through to order, pay for, and pick-up food. A walk-up order kiosk and pick-up window are provided for pedestrian customers and those using bicycles. A secondary drive-through window for express pick-up only is also provided for exclusive use of call-in and on-line/mobile order users. (The "app" provides a specific time when the order is ready for pick-up.) The restaurant will operate daily from 6:30 AM to 9:00 PM with 3-4 employees per shift.

Landscaping will be provided to match the existing center with shrub vegetation, trees and ground cover to provide shade, greenery, and color to the community. Existing street frontage landscaping will remain and be maintained per Zoning Ordinance requirements. Existing masonry screen walls along the south and west property lines will effectively screen the drive-through entrances and lanes from streets.

Specific factors of consideration per Section 21-321(E):

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

Per the approved Fletcher Heights PAD document, permitted uses at this location are defined as “All other Permitted Principal Uses allowed in the Intermediate Commercial (C-2) Zoning District.” The proposed use is analogous to Restaurants, Drive-through or Drive-up classification within the Zoning Ordinance, which is permitted within the Fletcher Heights PAD Zoning District, subject to special limitations (Section 21-505B.2). Yes – the requested use is a permitted Conditional Use in this zoning district.

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

Building design will evoke a modern design. Exterior finishes for the Salad and Go will express clean lines through a contemporary material palette. Specifically, the front or customer service area of the building will be metal panels with smooth stucco finish for the remainder of the building. Metal canopies over the drive-through lanes and the customer service area correspond with the contemporary design. The building will include a parapet for screening of rooftop mechanical equipment. Ingress and egress from the building will be walk-up from the sidewalk or hardscaped area. Wall mounted exterior sconces or recessed down lights will illuminate the entry door. **Please see Colored Elevations included with this submittal, Exhibits 2 and 3.**

Additionally, the drive-through lane is more than 50 feet from the residential use. The drive-through speakers will not be audible from the residential use due to them being located on the opposite side of the building from the residences and the mere fact of separation afforded by Deer Valley Road. The drive thru lane is separated from parking by a 5’ minimum wide landscape strip. **Please see Site Plan included with this submittal, Exhibit 1.**

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

The current land use for this property is Commercial, which is defined as being auto-oriented and accessible from arterial streets. The commercial center and proposed use of this pad site are appropriate for the General Plan intent in this area.

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

All comments contained in Site Plan Pre-Application letter dated June 24, 2020 are incorporated into our project.

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

The proposed use complies with all applicable City Codes, standards and guidelines.

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;*

None of the nuisances listed above are inherent with our proposed project. Salad and Go will enhance the East Deer Valley Road corridor by use of modern design, landscaping, and urban synergy. Existing site lighting poles and fixtures will be utilized, relocated as necessary to suit the new lay-out. The existing drainage easement located to the west of the site will remain unaffected by our project.

- b. *Impact of surrounding areas resulting from an unusual volume or character of traffic;*

A Traffic Impact Statement is prepared and submitted with the Site Plan that details trip generation and site-specific details. The proposed project is expected to have minimal impacts on the adjacent roadway network.

- c. *Ingress and egress to the property and proposed structures;*

The site is being greatly improved by proposed continuation of the main drive aisle from 83rd Avenue through an existing parking aisle on the north end of the site. This re-design of the main access will mitigate the problem of the striped parking spaces being ignored as the main drive isle continues on either side of the parking row. **Please see Site Plan included with this submittal, Exhibit 1.**

Additionally, the south drive entrance at Deer Valley Road has been made a “right-in/right-out” only drive by addition of traffic control markings and signage as recommended by City Staff to mitigate potential traffic conflicts and safety concerns. **Please see Site Plan included with this submittal, Exhibit 1.**

- d. *Pedestrian and vehicular circulation with particular reference to fire protection;*

The proposed restaurant will be accessed by two existing 40-foot wide driveways and 28-foot and 24-foot drive aisles for maneuvering that will also serve as fire lanes. Fire lanes will be provided with signage and marking as required by Section D103.6.1 & D103.6.2. Fire apparatus movement per AASHTO WB-50 turning template is provided and shown on the Site Plan. Salad and Go will improve the pedestrian pathway from the street frontage by use of a colored, textured concrete crosswalk that will minimize pedestrian impact from vehicles and provide a walk-able vibe to the building within the development, given constraints afforded by the site. **Please see Site Plan included with this submittal, Exhibit 1.**

- e. *Parking and loading;*

Due to constraints of the existing site, parking and circulation have been well considered and will not be an issue in the proposed configuration. Both guest and employee parking are accommodated on site per section 21-825. Stall dimension and universal ADA space are provided with dimensions according to Zoning Ordinate requirements. **Please see Site Plan included with this submittal, Exhibit 1.**

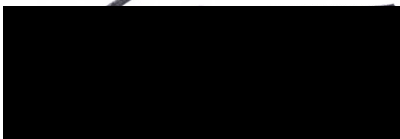
f. Impact on public services, including schools, utilities and recreation.

Salad & Go will be uniquely positioned between existing retail properties along East Deer Valley Road. The modern aesthetic of Salad & Go is deliberate and will correspond with the neighboring developments as related projects while being uniquely their own through configuration, density, and color palette. Our project is being developed in conformance with all of the City of Peoria development standards and, as such, will be in conformance with the General Plan.

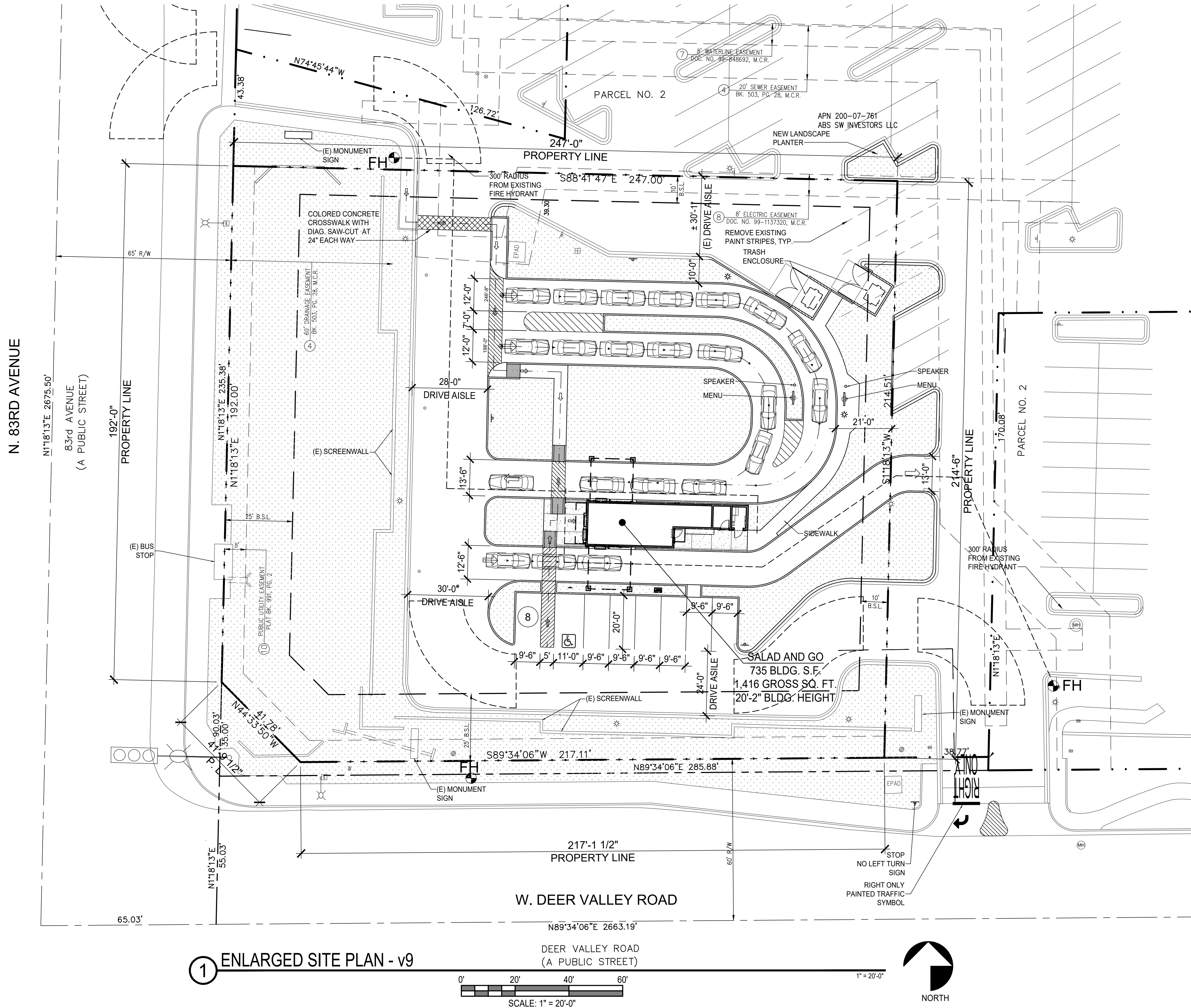
Salad and Go is a vibrant, growing business and it will have a positive effect on the surrounding neighborhood and other businesses by generating interest and commerce on what is currently an abandoned site. We are very proud to be involved in creating such a quality project to serve the needs of the surrounding neighborhood and community.

Sincerely,

Stewart Reindersma Architecture, pllc.



Sake Reindersma, AIA
Sr. Partner



SITE PLAN GENERAL NOTES:

- DEVELOPMENT AND USE OF THIS SITE WILL CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES.
- ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.
- STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURED BACK 10 FEET FROM THE PROPERTY LINE TO 20 FEET ALONG THE PROPERTY LINE ON EACH SIDE OF THE DRIVEWAYS ENTRANCES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3 FEET.
- STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURING 33' x 33' ALONG THE PROPERTY LINES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3'.
- ANY LIGHTING WILL BE PLACED SO AS TO DIRECT LIGHT AWAY FROM ADJACENT RESIDENTIAL DISTRICTS AND WILL NOT EXCEED ONE FOOT CANDLE AT THE PROPERTY LINE. NO NOISE, ODOR, OR VIBRATION WILL BE EMITTED AT ANY LEVEL EXCEEDING THE GENERAL LEVEL OF NOISE, ODOR, OR VIBRATION EMITTED BY USES IN THE AREA OUTSIDE OF THE SITE.
- OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHTS-OF-WAY WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING LOCATED WITHIN THE RIGHTS-OF-WAY, IN ACCORDANCE WITH APPROVED PLANS.
- ALL ROOFTOP EQUIPMENT AND SATELLITE DISHES SHALL BE SCREENED TO THE HEIGHT OF THE TALLEST EQUIPMENT.
- ALL SERVICE AREAS SHALL BE SCREENED TO CONCEAL TRASH CONTAINERS, LOADING DOCKS, TRANSFORMERS, BACKFLOW PREVENTERS AND OTHER OR ELECTRICAL EQUIPMENT FROM EYE LEVEL ADJACENT TO ALL PUBLIC STREETS.
- BARBED, RAZOR, OR CONCERTINA WIRE (OR SIMILAR) SHALL NOT BE USED ON THIS SITE WHERE VISIBLE FROM PUBLIC STREETS.
- ALL SIGNAGE REQUIRES SEPARATE REVIEWS, APPROVALS, AND PERMITS. NO SIGNS ARE APPROVED PER THIS PLAN.
- ALL NEW PARKING AREA LIGHT FIXTURES, SHALL NOT EXCEED 25'-0" IN HEIGHT

SITE DATA:

BUILDING ADDRESS: 8268 W. DEER VALLEY RD., PEORIA, AZ 85382
LOT - PARCEL NUMBER: 200-07-762
CURRENT ZONING: PAD
LOT AREA: 2.00 ACRES (87,209 S.F.) GROSS
1.23 ACRES (53,458 S.F.) NET
MAX. BUILDING HEIGHT: CURRENT PAD ZONING - 30' MAX.
BUILDING HEIGHT: 20'-2" T.O. PARAPET + T.O. CURB = 20'-8"
OCCUPANCY GROUP: B (RESTAURANT)
CONSTRUCTION TYPE: V-B (A.F.E.S.)
SETBACK ZONING: EXISTING PAD
FRONT: 25'
SIDE: 10'
REAR: 10'

BUILDING AREA: TOTAL (SEE CALCS):
SALAD AND GO RESTAURANT: (1,416 GROSS S.F.) 735 TOTAL BLDG. S.F.
RESTAURANT (NO INDOOR SEATING) 735 S.F.
PRODUCTION / SERVING AREA 463 S.F.
WALK-IN COOLER 129 S.F.
RESTROOM 53 S.F.
CANOPIES 681 S.F.

PARKING REQUIRED: TOTAL (SEE CALCS):
SALAD AND GO RESTAURANT: SPACES REQ. = 8
RESTAURANT NO INDOOR SEATING (150 S.F. - SERVING AREA + 1/ 200 S.F. (EXCLUDING COOLER & KITCHEN) NO INDOOR DINING AREA AVAILABLE ON THIS FACILITY) 4

EIGHTY (80) LINEAR FEET OF STACKING SPACE FROM THE ENTRANCE OF THE DRIVE-THROUGH TO THE MENU BOARD EXCLUSIVE OF DRIVE AISLE AND PARKING SPACES + EIGHTY (80) LINEAR FEET OF STACKING SPACE FROM THE MENU BOARD TO PICKUP WINDOW 4

PARKING PROVIDED: 8 SPACES (INCLUDES 1 ACCESSIBLE SPACES)

MAIN REFERENCE CODES: 2018 INTERNATIONAL BUILDING CODE (AMENDED)

SUPPLEMENTAL CODES:
2018 INTERNATIONAL FUEL GAS CODE (AMENDED)
2018 INTERNATIONAL PLUMBING CODE (AMENDED)
2018 INTERNATIONAL MECHANICAL CODE (AMENDED)
2018 INTERNATIONAL FIRE CODE (AMENDED)
2019 INTERNATIONAL ENERGY CONSERVATION CODE (AMENDED)
2017 NATIONAL ELECTRICAL CODE (AMENDED)
2010 AMERICANS WITH DISABILITIES ACT ACCESSIBLE GUIDELINES (ADAAG)

LANDSCAPING:
EXISTING LANDSCAPE AREAS: 17,435 S.F.
NEW LANDSCAPE AREAS: 7,835 S.F.
TOTAL PROPOSED: 25,270 S.F.

TOTAL LOT SIZE: 53,548 S.F.
LANDSCAPE COVERAGE: 25,270 S.F. / 53,458 S.F. = 0.472 X 100 = 47.2%

PARKING LOT AREA: 24,036 S.F.

PARKING LOT LANDSCAPE REQUIRED: 10% OF PARKING LOT = 2,403 S.F.
PARKING LOT LANDSCAPE PROVIDED: 7,835 S.F.

LANDSCAPE IN R.O.W. (OFF SITE): 4,009 S.F. (EXISTING)
LANDSCAPE (OFFSITE): 2,857 S.F.

HARDSCAPE PROVIDED: 1,680 S.F.

SCOPE OF WORK

PROPOSED PROJECT IS ± 735 SQ. FT. GROUND-UP BUILDING PROJECT COMPRISED ON A RETAIL PAD.

THE PROPOSED PROJECT INCLUDES A NEW RESTAURANT AND DRIVE-THRU FACILITY. BUSINESS OF THIS FACILITY IS CARRY-OUT AND PICK UP SERVICES. THERE WILL BE NO INTERIOR & EXTERIOR EATING/DRINKING FACILITY AVAILABLE IN THIS RESTAURANT. THE BUILDING SHALL BE A ONE STORY RESTAURANT OF APPROXIMATE 735 S.F. INTERIOR SPACE AND OUTDOOR CANOPY AREA SHALL HAVE APPROXIMATELY 1,416 S.F. IT WILL HAVE SERVICE WINDOW AND COVERED PATIO AT DRIVE-THRU PICK-UP LOCATION. THIS FACILITY SHALL HAVE AUTOMATIC SPRINKLER SYSTEM. ADDITIONALLY, THIS FACILITY SHALL COMPLY WITH ALL CITY'S ZONING AS WELL AS LIFE SAFETY REGULATIONS.

THE SITE IS LOCATED AT 8268 W. DEER VALLEY ROAD, PEORIA, ARIZONA 85382. THE USE OF THE BUILDING IS FOR A RESTAURANT. THE PROJECT WILL REUSE THE EXISTING PAD. PRIOR TO OBTAINING A BUILDING PERMIT AND ANY DEMOLITION WORK, THE G.C. IS TO HAVE AN ASSESSMENT OF THE WORK AREA.

CASE NUMBER: (Z93-10A.9)
STIPULATIONS: 180 DAYS TO APPLY AND PAY FOR BUILDING PERMITS.

CROSS ACCESS AGREEMENT NUMBER:

LEGAL DESCRIPTION

PARCEL NO. 1:
LOTS 2-B OF RE-PLAT OF LOT 2 OF THE DEER VALLEY MARKETPLACE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED AS BOOK 991 OF MAPS, PAGE 2.

PARCEL NO. 2:
NON-EXCLUSIVE EASEMENTS FOR THE BENEFIT OF PARCEL NO. 1 FOR INGRESS, EGRESS, PARKING, UTILITIES AND SIGNS AS CREATED IN INSTRUMENT ENTITLED DECLARATION OF RESTRICTIONS AND EASEMENTS RECORDED MAY 12, 1988 AS 98-395606 OF OFFICIAL RECORDS AND FIRST AMENDMENT RECORDED AUGUST 06, 1998 AS 98-744059 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA.

EXHIBIT 1

STEWART + REINDERSMA
ARCHITECTURE, PLLC

8145 E. Indian Bend Rd.
Scottsdale, Arizona 85250
480.515.5123
sra.com

architect

consultant:

contact:

AND GO CONCEPTS, LLC
625 S 27TH AVENUE, SUITE 140
PHOENIX, AZ 85009
CONTACT: MATTHEW COPEHNAVER
T: (410) 371-1663

project:

DEER VALLEY MARKETPLACE
8268 W. DEER VALLEY ROAD
PEORIA, ARIZONA 85382

date: 10/12/20

issued for: DESIGN REVIEW

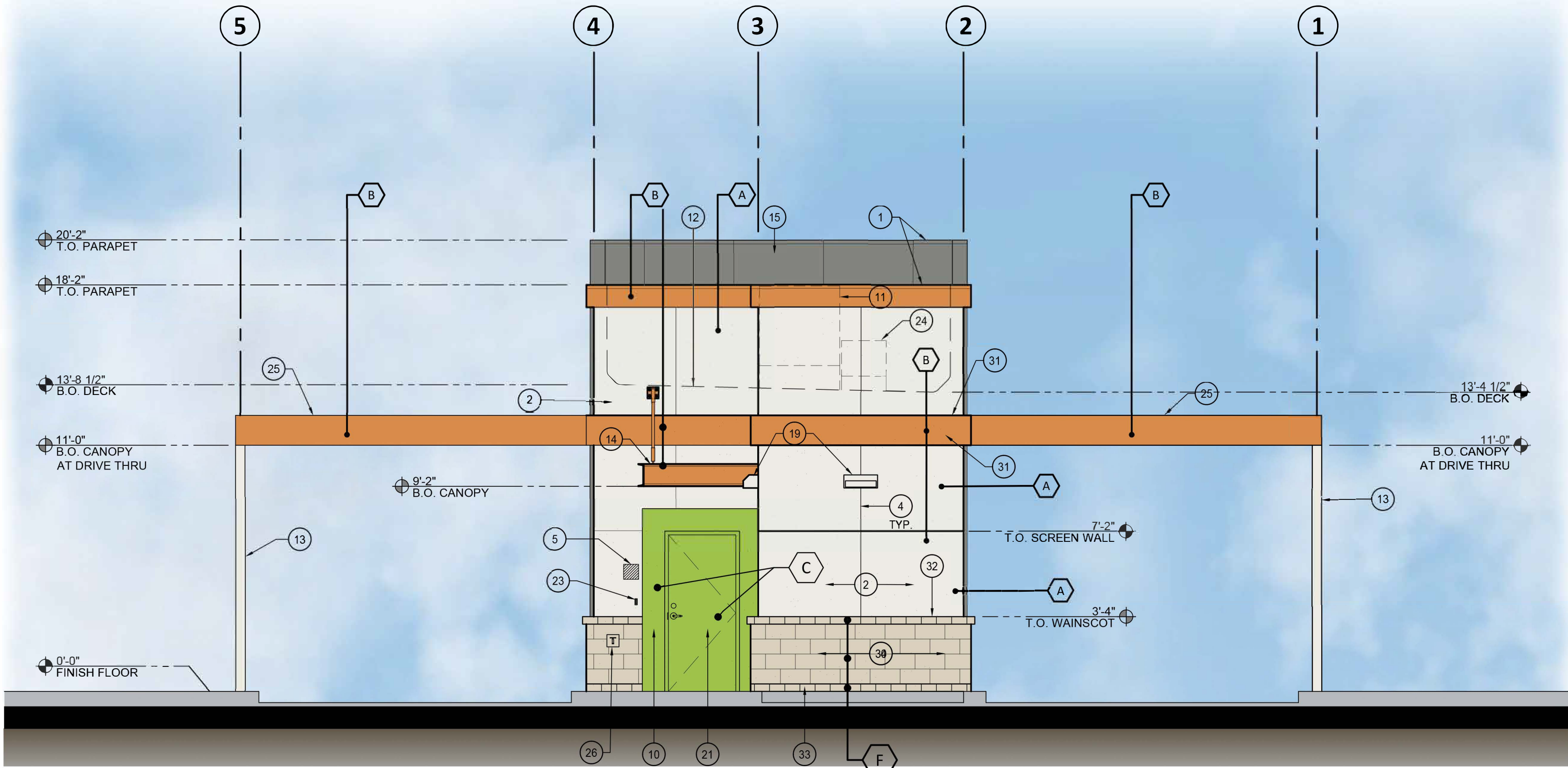
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job no.: 20-053

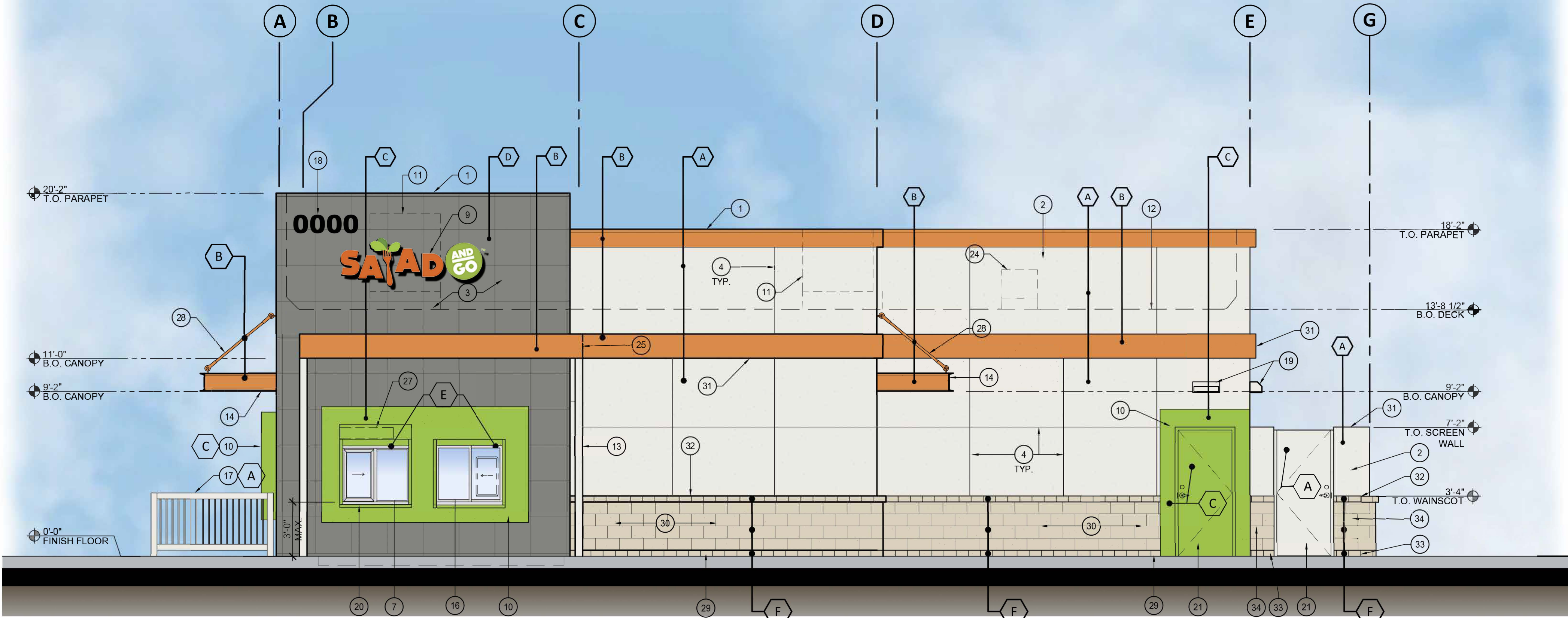
sheet title: ENLARGED SITE PLAN - V9

sheet no.: AS.2



2 EAST ELEVATION

1/4" = 1'-0"



1 SOUTH ELEVATION

1/4" = 1'-0"

KEYED NOTES:

- METAL PARAPET CAP. MATCH ADJACENT BUILDING COLOR. AT METAL SIDING LOCATION, MATCH THE PARAPET CAP WITH METAL SIDING.
- STUCCO SYSTEM.
- METAL SIDING.
- STUCCO CONTROL JOINTS.
- KNOX BOX - RECESSED.
- ELECTRICAL PANEL.
- SLIDER WINDOW WITH DOUBLE INSULATED GLASS. SEE WINDOW SCHEDULE A7.1.
- FIXED WINDOW WITH DOUBLE INSULATED GLASS. SEE WINDOW SCHEDULE A7.1.
- BUILDING SIGNAGE UNDER SEPARATE PERMIT. PROVIDE BLOCKING WITHIN WALL CAVITY FOR ANCHORAGE.
- FOAM POP-OUT WITH STUCCO SYSTEM FINISH.
- ROOF MOUNTED MECHANICAL UNIT BEHIND PARAPET WALL.
- OUTLINE OF ROOF LINE.
- PAINTED STEEL COLUMN.
- PAINTED STEEL CANOPY.
- METAL SIDING AT ROOF SIDE.
- DISPLAY KIOSK WITH SLIDING GLASS WINDOW.
- PAINTED METAL GUARDRAIL - 3'-6" HIGH
- BUILDING NUMBER.
- WALL PACK LIGHT FIXTURE.
- ACCESSIBLE SERVICE COUNTER ONE FOR EACH TYPE PER IBC SECTION 1109.12.3 REFER TO BUILDING SECTIONS.
- H.M. DOOR AND FRAME.
- ROOF DRAIN AND OVERFLOW OUTLETS.
- DOOR BELL.
- CONDENSER.
- PAINTED BOX BEAM CANOPY.
- HOSE BIBB.
- AIR CURTAIN.
- METAL ROD, BRACKET AND CLEVIS.
- 4" X 4" X 16" SMOOTH FACE CENTER SCORE CMU.
- 4" X 8" X 16" SPLIT FACE CMU.
- ACCENT BAND.
- 6" X 4" X 16" CMU WAINSCOT CAP.
- 12" X 4" X 16" SMOOTH FACE CENTER SCORE CMU.
- 12" X 8" X 16" SPLIT FACE CMU.

MATERIAL LEGEND:

- | | |
|---|--|
| A | SHERWIN WILLIAMS SW 7004 256-C2 "SNOWBOUND" |
| B | SHERWIN WILLIAMS SW 6887 116-C5 "NAVEL"
PARAPET ACCENT AND METAL CANOPIES |
| C | SHERWIN WILLIAMS SW 6921 146-C3 "ELECTRIC LIME" |
| D | MBCI CF ARCHITECTURAL PANEL "SLATE GRAY"
METAL SIDING |
| E | ALUMINUM STOREFRONT "CLEAR ANODIZED" |
| F | SHERWIN WILLIAMS SW 7569 "STUCCO" |

EXHIBIT 2



STEWART + REINDERSMA
ARCHITECTURE, PLLC

8145 E. Indian Bend Rd.
Scottsdale, Arizona 85250
480.515.5123
www.sra360.com



consultant:

contact:
SALAD AND GO CONCEPTS, LLC
825 S 27TH AVENUE, SUITE 140
PHOENIX, AZ 85009
CONTACT: MATTHEW COPENHAVER
T: (410) 371-1665

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project:

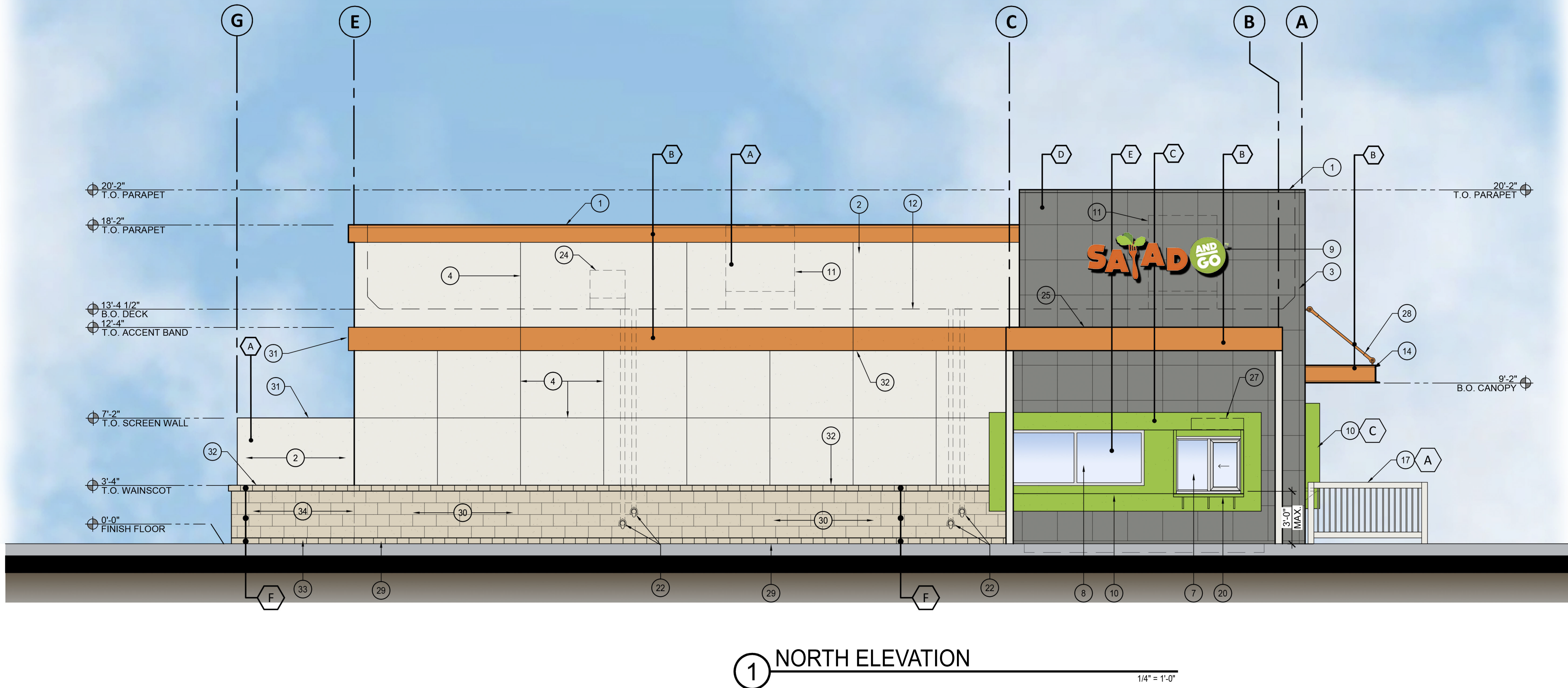
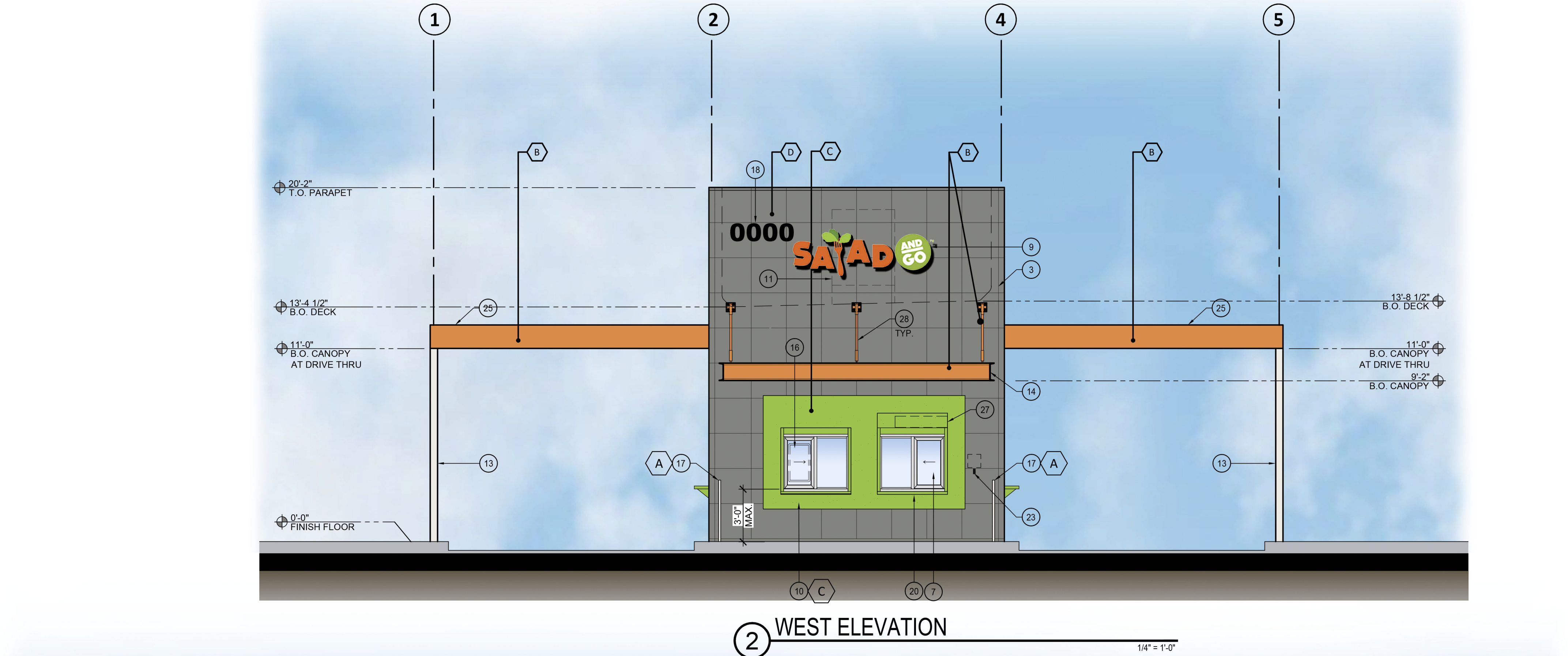
date:	10/12/20
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job no.:	20-053

sheet title:
EXTERIOR ELEVATIONS

sheet no.:

A5.1

S:\2020\20053 - Salad&Go - 83rd & Deer Valley\Arch\DD\015 - 20-053 - A5.1_A5.2 Elevations.dwg Oct 7, 2020-8:00am BDara



KEYED NOTES:

- 1 METAL PARAPET CAP. MATCH ADJACENT BUILDING COLOR. AT METAL SIDING LOCATION, MATCH THE PARAPET CAP WITH METAL SIDING.
- 2 STUCCO SYSTEM.
- 3 METAL SIDING.
- 4 STUCCO CONTROL JOINTS.
- 5 KNOX BOX - RECESSED.
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- 13 PAINTED STEEL COLUMN.
- 14 PAINTED STEEL CANOPY.
- 15 METAL SIDING AT ROOF SIDE.
- 16 DISPLAY KIOSK WITH SLIDING GLASS WINDOW.
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- 19 WALL PACK LIGHT FIXTURE.
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- 21 H.M. DOOR AND FRAME.
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- 23 DOOR BELL.
- 24 CONDENSER.
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MATERIAL LEGEND:

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- B SHERWIN WILLIAMS SW 6887 116-C5 "NAVEL" PARAPET ACCENT AND METAL CANOPIES
- C SHERWIN WILLIAMS SW 6921 146-C3 "ELECTRIC LIME"
- D MBCI CF ARCHITECTURAL PANEL "SLATE GRAY" METAL SIDING
- E ALUMINUM STOREFRONT "CLEAR ANODIZED"
- F SHERWIN WILLIAMS SW 7569 "STUCCO"

EXHIBIT 3



STEWART + REINDERSMA
ARCHITECTURE, PLLC
8145 E. Indian Bend Rd.
Scottsdale, Arizona 85250
480.515.5123
www.sra360.com



consultant:

contact:
SALAD AND GO CONCEPTS, LLC
625 S 27TH AVENUE, SUITE 140
PHOENIX, AZ 85009
CONTACT: MATTHEW COPEHNAVER
T: (410) 371-1863
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project:
SAJAD AND GO
DEER VALLEY MARKETPLACE
8268 W. DEER VALLEY ROAD
PEORIA, ARIZONA 85382

date:	10/12/20
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1	
2	
3	
4	
job no.:	20-053

sheet title:
EXTERIOR ELEVATIONS

sheet no.:

A5.2

Salad and Go Drive-through Restaurant
Conditional Use Permit
CU20-05

Salad and Go
Public Correspondence

Planning and Zoning Commission Meeting
November 5, 2020

Exhibit 4

From: [vanessa wall](#)
To: [Rick Williams](#)
Subject: Salad and go
Date: Saturday, October 24, 2020 9:15:37 AM

We live 83rd and deer valley and think a salad and go would be a wonderful addition to the plaza. It's been out of business for several years and kind of an eye sore vacant.

Thanks for your consideration!