

Chair
Clay Allsop

Vice-Chair
Tony Feiter

Secretary
Linda Grice

Member
Shawn
Hutchinson

Member
Jeff Nelson

Member
Joysaphine
Waitman

Member
Robyn
Uptegraff

Planning and Zoning Commission Meeting Notice & Agenda

Thursday, October 20, 2022
City Council Chamber
8401 West Monroe Street
Peoria, AZ 85345



Regular Meeting 6:30 PM

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

Consent Agenda

CONSENT AGENDA: All items listed on the Consent Agenda are considered to be routine or have been previously reviewed by the Commission, and will be enacted by one motion. There will be no separate discussion of these items unless a Commission member so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

Consent

1 C Disposition of Absence

Discussion and possible action to approve/excuse the absences of Chair Clay Allsop and Commissioner Joysaphine Waitman from the October 6, 2022 meeting.

2 C Minutes

Discussion and possible action to approve the minutes of the October 6, 2022 meeting.

Regular Agenda

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

New Business

3 R Cielo Vista Medical Commons: Planned Area Development (Case Z22-02)

Discussion and possible action to rezone approximately 6.65 acres from the Suburban Ranch (SR-43) zoning district to the proposed Cielo Vista Medical Commons Planned Area Development (PAD) zoning district. The site is located at the southeast corner of Jomax Road and Lake Pleasant Parkway.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action

4 R Lighthouse Office Parcel: Rezone (Z21-04)

Discussion and possible action to rezone approximately 1.6 acres from the Single-Family Residential (R1-8) Zoning District to the proposed Office Commercial (O-1) Zoning District. The site is located at 8645 W Olive Avenue.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action

5 R Deliveries for Qualifying Marijuana Dispensaries Text Amendment (Case TA 22-02)

Discussion and possible action on Case TA22-02 to consider an applicant-initiated amendment to the Zoning Ordinance seeking to modify Section 21-505.M (Limitations on Uses), to remove the prohibition on delivery services for Qualifying Marijuana Dispensaries, subject to an addendum to the approved Security Plan.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action

6 R Water Saving Landscape Changes: Text Amendment (Case TA22-03)

Discussion and possible action on Case TA22-03 to consider a city-initiated amendment to Section 21-818 (General Landscape Requirements) of the Zoning Ordinance, seeking targeted changes to the landscape requirements to advance sustainable water strategies.

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

7 R Reports

A. Upcoming Commission Meeting Dates

Planning and Zoning Commission Updates and Report of Current Events:

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

Adjournment

NOTE:

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

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

Public Notice

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

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

PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
DEVELOPMENT AND COMMUNITY SERVICES BUILDING
Point-of-View Conference Room
OCTOBER 6, 2022

A Meeting of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 9875 N. 85th Avenue, Peoria, AZ in open and public session at 6:30 p.m.

Members Present: Vice-Chair Tony Feiter, Secretary Linda Grice, Commissioner Shawn Hutchinson and Commissioner Jeff Nelson

Members Absent: Chair Clay Allsop and Commissioner Joysaphine Waitman

Others Present: Chris Jacques – Planning Director, Lorie Dever – Planning Manager, Cody Gleason - Principal Planner, Dan Symer – Principal Planner, Michael Dynes – Assistant City Attorney and Della Ernest – Executive Assistant

Audience: 3

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

CONSENT AGENDA

All items listed on the Consent Agenda are considered to be routine or have been previously reviewed by the Commission, and will be enacted by one motion. There will be no separate discussion of these items unless a Commission member so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

1C **Disposition of Absence**

Discussion and possible action to approve/excuse the absence of Commissioner Waitman from the September 15, 2022 meeting.

2C **Minutes**

Discussion and possible action to approve the minutes of the September 15, 2022 meeting.

COMMISSION ACTION:

Secretary Grice moved to approve the consent agenda as presented. The motion was seconded by Commissioner Nelson and upon vote, passed unanimously 4-0.

REGULAR AGENDA

New Business

3R **Study Session: Deliveries for Qualifying Marijuana Dispensaries Text**

Amendment

Presentation and possible discussion regarding an applicant-initiated amendment to Section 21-505 (Limitations on Uses), subsection (M) Qualifying Marijuana Dispensaries and Marijuana Manufacturing, Cultivation and Testing Facilities of the Zoning Ordinance to allow deliveries.

The staff report was presented by Mr. Jacques and Mr. Symer.

PUBLIC COMMENTS:

Ms. Lindsay Schube, applicant with Gammage & Burnham, PLC provided additional content.

COMMISSION COMMENTS:

For clarification, Commissioner Nelson asked if the amendment were approved it would be stalled until the Arizona Department of Health Services (ADHS) adopts rules and regulations for the delivery of recreational marijuana.

Mr. Jacques clarified that currently State Statute allows for the delivery of medicinal marijuana to qualified patients and caregivers. However, the law stipulates that the delivery of recreational marijuana is prohibited until ADHS is authorized to develop and approve administrative regulations, which can occur no sooner than 2023 and no later than 2025.

Vice-Chair Feiter asked what the tax revenue is for dispensaries and how/who can deliver to dispensaries.

Mr. Jacques stated he does not have the tax rate information.

Ms. Schube stated that agents of dispensaries who deliver must pass a background check and agent identification is issued by the state.

Secretary Grice asked if dispensaries would need additional parking to accommodate deliveries or designated delivery parking.

Mr. Symer stated it will not impact parking to the extent any changes would be required.

Commissioner Hutchinson asked how the deliveries are regulated, that the right person receives the right product.

Ms. Schube stated a strong protocol for designated delivery agents entails exact address of delivery location, showing state issued identification and detailed turn-by-turn travel logs.

4R Study Session: General Landscape Requirements Text Amendment

Presentation and possible discussion regarding a City-initiated amendment to Section 21-818 (General Landscape Requirements) of the Zoning Ordinance.

The staff report was presented by Mr. Cody Gleason.

COMMISSION COMMENTS:

Commissioner Nelson asked how staff compiled the information and if the current landscape regulations apply to golf courses and resorts.

Mr. Gleason stated the information was a coordination between the Planning Department and the Water Services Department. Mr. Gleason noted that golf courses and resorts have different requirements and certain exceptions.

6R **Reports from Staff**

A. **Upcoming Commission Meetings**

October 20, 2022 and November 3, 2022 in City Council Chambers

5R **Traffic Management Practices and Tour**

Staff briefing and possible discussion related to the City's traffic management practices and a tour of the Traffic Management Center (TMC) within the Development and Community Services Building.

Commission convened to the TMC for the tour. Mr. Chris Lemka introduced Mr. Steve McKenzie, ITS Engineer and Ms. Jodi Breyfogle, Traffic Engineer who presented an overview of how the TMC is utilized.

COMMISSION COMMENTS:

Commissioner Nelson if turning movement counts are provided to law enforcement to determine if enforcement is needed.

Mr. Lemka stated that he meets with three (3) Commanders on a monthly basis and the concern is more for red light running and speeding around schools.

Commissioner Nelson asked what the Commission should be paying attention to as proposed developments come before them.

Mr. Lemka stated that the ITS staff works closely with Planning on development cases and questions pertaining to access, safety and phasing of a proposed development are germane.

Commission reconvened the meeting in the Point-of-View Conference Room at 8:11pm.

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

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

Adjournment: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 8:12pm.

Clay Allsop, Chair

Submitted by Della Ernest

Date

Date

DRAFT



PLANNING AND ZONING COMMISSION REPORT

Meeting October 20, 2022

Date:

Agenda Item: 3R

Case Name: Cielo Vista Medical Commons: Planned Area Development
(Case Z22-02)

Case Rezoning (Case Z22-02)
Number(s):

General Application Information

Proposal:

The applicant is seeking to rezone approximately 6.65 acres from the Suburban Ranch (SR-43) zoning district to the proposed Cielo Vista Medical Commons Planned Area Development (PAD) zoning district.

Location:

The site is located at the southeast corner of Jomax Road and Lake Pleasant Parkway.

Project Acreage:

Approximately 6.65 acres

Applicant:

Carolyn Oberholtzer on behalf of JKW Partners, LLC

ATTACHMENTS:

Description

Staff Report

Exhibit 1 - Conditions of Approval

Exhibit 2 Vicinity Map

Exhibit 3 - Context Map

Exhibit 4 - Land Use Map

Exhibit 5 - Zoning Map

Exhibit 6 - Narrative

Exhibit 7 - PAD Standards and Guidelines Report

Exhibit 8 - Site Plan

Exhibit 9 Citizen Participation Report



PLANNING AND ZONING COMMISSION

STAFF REPORT

Date October 20, 2022

To Planning and Zoning Commission

From Dan Symer, AICP
Principal Planner

Subject **Cielo Vista Medical Commons**
Proposed 81,000-square-foot medical and general office complex located at the southeast corner of Lake Pleasant Parkway and Jomax Road

PROPOSAL

The applicant is seeking to rezone the subject property from Suburban Ranch (SR-43) to Planned Area Development (PAD) to accommodate the development of a medical and general office complex, potentially with supporting local commercial services.

APPLICATION INFORMATION

Case Numbers Rezone (Case Z22-02)

Applicant Carolyn Oberholtzer of Bergin, Frakes, Smalley & Oberholtzer on behalf of Cielo Vista Medial, LLC

Request(s) 1. Rezone approximately 6.65 acres from the Suburban Ranch (SR-43) zoning district to the proposed Cielo Vista Medical Commons Planned Area Development (PAD) zoning district.

LOCATION AND CONTEXT

SUBJECT SITE

The site is located at the southeast corner of Lake Pleasant Parkway and Jomax Road, as indicated in **Exhibit 2**.

CONTEXT

The subject site is an undeveloped, irregularly-shaped property containing approximately 6.65 net acres (8.95 gross acres) located at a signalized intersection. Lake Pleasant Parkway is classified as a Parkway, and Jomax Road (east of Lake Pleasant Parkway) is classified as a Collector.

As depicted in **Exhibit 2**, the site is bounded on the:

- North by Jomax Road, and further north is an existing undeveloped lot zoned General Agriculture (AG);

CIELO VISTA MEDICAL COMMONS: REZONE (Z22-02)

- East by the existing place of worship zoned Suburban Ranch (SR-43); and
- South by an existing single-family residential development (La Strada del Lago) zoned Suburban Ranch (SR-43);
- West by Lake Pleasant Parkway, and further west is an undeveloped site zoned Intermediate Commercial (C-2) and Suburban Ranch (SR-43), respectively.

On the immediate southeast corner of Lake Pleasant Parkway and Jomax Road, there is an existing wash corridor between the street improvements and the subject site. The wash is contained within the city's right-of-way, although a drainage easement exists on the subject site that varies in width between 10 and 20 feet. This easement is necessary for the protection and maintenance of the wash corridor.

APPLICANT'S PROPOSAL

The applicant is requesting to rezone the approximately 6.65-acre site from Suburban Ranch (SR-43) to a Planned Area Development (PAD) to facilitate the development of a medical and general office complex, with supporting local commercial uses. The site is proposed to contain two buildings (**Exhibit 8**) consisting of 81,000 square feet. Building A is proposed as a one-story structure with a maximum building height of 22 feet, and Building B is proposed to have a maximum height of 40 feet. The proposed building heights exclude architectural tower features and rooftop appurtenances (elevators and stairwell bulkhead, architectural elements, rooftop mechanical and related screening, etc.). To assist in mitigating the location and appearance of the building height from the adjacent residential development to the south and the place of worship to the east, all buildings are proposed to be setback at least 60 feet from the south property line. In addition, a 30-foot wide landscape setback abutting the south property line and a 15-foot wide landscape buffer abutting the east property line is proposed. Also, the developer is proposing to incorporate a trellis feature mounted to the existing south property line wall. This feature is to assist in mitigating the view of the proposed development.

DEVELOPMENT INFORMATION

<u>Existing Use:</u>	Undeveloped Site
<u>Proposed Use:</u>	81,000 square foot medical and general office complex
<u>Property Size:</u>	±6.65 net acres, ±8.95 gross acres
<u>Building Height:</u>	
Allowed:	30 Feet
Proposed:	22 feet to 40 feet, exclusive of architectural elements and rooftop appurtenances
<u>Open Space**:</u>	
Required:	1.12 acres (16.8%)
Provided:	1.91 acres (13.5%)

*** The percentage of open space provided is based on the site's net lot area.*

STAFF ANALYSIS

ZONING

The site is currently zoned Suburban Ranch (SR-43), as indicated in **Exhibit 5**. The current zoning designation for the site allows for residential (1-acre minimum lot size), soil crops, schools, and public utility uses. The applicant is proposing to rezone the property in alignment with the General Plan to a Planned Area Development (PAD) to accommodate a professional and medical office development. A copy of the applicant's narrative is included as **Exhibit 6**, and the proposed Cielo Vista Medical Commons Planned Area Development (PAD) Standards and Guidelines Report is included as **Exhibit 7**, and the proposed site plan is included as **Exhibit 8**.

ANALYSIS

LAND USE AND ZONING HISTORY

The subject site was annexed into the city in November 1989 (Ordinance No. 89-34). The property was assigned/zoned General Agriculture (AG) as part of the annexation proceeding. In January 1991, the site was rezoned to Suburban Ranch (SR-43). The Suburban Ranch (SR-43) zone is intended to facilitate a semi-rural character through low-density residential uses.

PAD STANDARDS ANALYSIS

The PAD zoning district is an alternative zone to the Zoning Ordinance's conventional zones (e.g. Office Commercial District (O-1), Convenience Commercial District (C-1), etc.). The PAD allows for land uses and property development standards to be tailored for a site to address site conditions, contextual circumstances, and/or otherwise promote a more creative and efficient approach to land development. An applicant may also request a waiver to the required minimum site area size (10 acres) requirement that is necessary to rezone a site to the PAD zone when unusual physical features of the property or the surrounding area are applicable.

The site is designated on the voter-approved Peoria General Plan as Office/Local Commercial. The Office and Local Commercial category supports low-intensity commercial developments consisting of a variety of small to moderate in scale professional offices, medical and legal services, and ancillary retail uses. In addition, land uses associated with the Office and Local Commercial category typically include uses that provide employment and services for the larger community area, as well as goods and services land uses that support the neighborhood context. To assist in achieving the intent of the General Plan's Office/Local Commercial land use designation, the proposed Cielo Vista Medical Commons Planned Area Development (PAD) Standards and Guidelines Report (**Exhibit 7**) is most closely aligned with the corresponding Planned Neighborhood Commercial zoning district (PC-1). The proposed allowed uses identified in the PAD (**Exhibit E of Exhibit 7**) include administrative, financial and medical offices, eating & drinking establishments, entertainment and recreation, general retail, and personal services as allowed uses. The PAD specifies that these uses are limited to the interior of the professional or medical office building, which is intended to address neighborhood comments to prevent these uses in stand-alone buildings. Ancillary outdoor dining and mobile

CIELO VISTA MEDICAL COMMONS: REZONE (Z22-02)

food vendor carts would be allowed outside of the professional or medical office building. Auto-oriented uses such as drive-through restaurants or gas stations are not permitted.

The proposed property development standards (**Exhibit F of Exhibit 7**) of the PAD are identified below:

Cielo Vista Medical Commons PAD Property Development Standards

A. Building Height, Setbacks, and Landscape Buffer shall comply with Table F.1.:

Table F.1. Property Development Standards

Standards	Cielo PAD
Maximum Building Height (FT)	22 – 40¹
Setback from Jomax Road (North Boundary) (FT)	15
Setback from Lake Pleasant Parkway (West Boundary) (FT)	45^{2,3}
Interior Rear/Side Setback (FT)	0
Landscape buffer width from Residential Zones (FT) East Property Line	15
Landscape buffer width from Residential Zones (FT) South Property Line	30
Front Setback (FT) - Front-facing garage	60
Accessory Building Height and Setbacks (FT)	*

1. Building height to be set to 22 feet high for Building A (Single Story) and 40' for Building B. (Two Story). Rooftop equipment, elevator bulkheads and stairwells may protrude above building height. Building height is not to include tower/pilaster and entryway features as seen in Exhibit G: Conceptual Elevations.
2. Where the right of way is over 95 feet, this setback does not apply.
3. Architectural embellishments and appurtenances such as awnings or parapet mounted overhangs may encroach up to 8 feet into the setback, provided such element is not less than 15 feet above the building's 1st finished floor elevation. Architectural embellishments and appurtenances below the 15 feet building finished floor elevation may encroach into the setback by not more than 3 feet. In no case, shall any encroachment be greater than 20% of the affected elevation. Shade awnings and canopies may encroach into the setback not more than 5 feet.
4. * All regulations and development standards applicable to the principal building shall apply, except for covered parking canopies which shall comply with the standards established in Section 21-825 of the Zoning Ordinance.

B. Walls and fences:

1. The maximum wall, fence or combination of a wall and fence height shall not exceed 10 feet along the south property line of the PAD boundary.
2. All other wall and fence shall comply with the Zoning Ordinance, as amended.

C. Other Property Development Standards and Requirements.

The development shall comply with all other Supplemental Regulations and the Desert Lands Conservation Overlay (DLCO) requirements of the Zoning Ordinance, as amended. If there is a conflict between the requirement indicated in Section A and B. of Exhibit F, the property development standards of this Exhibit F [Sections A. and B. above] shall govern.

The proposed standards include limiting the building height to 22 feet (Building A) and 40 feet (Building B), exclusive of tower and rooftop appurtenances. Also, the proposed minimum setbacks adjacent to Lake Pleasant Parkway (LPP) are 45 feet, with no setback adjacent to the existing LLP wash improvements where the right-of-way exceeds 95 feet, 15 feet adjacent to Jomax Road, and 60 feet from the the east and south property lines. These setbacks would allow for the preservation of the LLP scenic corridor, maintain the wash in its existing location, and allow for both buildings to be setback from the existing residentially zoned properties to the east and west. The tallest building (Building B) is proposed to be placed on the north end of the property adjacent to Jomax Road. The maximum height of a wall/fence on the south property line may contain a maximum height of 10 feet, whereas other walls are to comply with the Zoning Ordinance. The remaining property development standards of the PAD (landscape, parking, outdoor lighting, etc.) are required for the development of the property to comply with the applicable provisions of the Zoning Ordinance and City Code. The design of the development is to comply with the Peoria Design Review Manual.

TRAFFIC AND TRANSIT

Vehicular access to the site is proposed to be provided from Lake Pleasant Parkway and Jomax Road, which abut the site. Lake Pleasant Parkway is classified as 4-lane, limited-access parkway with a divided median, and Jomax Road is classified as two-lane Collector roadway with an additional center turn lane. Both streets provide bike lanes in each direction. It should be noted that Jomax Road is classified as an Arterial road west of Lake Pleasant Parkway. Currently, a transit route is not contemplated on the abutting sections of Lake Pleasant Parkway and Jomax Road.

The project is required to complete the applicable street frontage improvements along both roadways. The improvements to Lake Pleasant Parkway will include a north-bound right turn lane into the development, and access to Lake Pleasant Parkway from the development will be limited to a right turns on to the street. The improvements to Jomax Road include an east-bound right turn lane into the development, and full access (left and right turns) on the street will be allowed.

WATER/SEWER

Water and sewer facilities exist adjacent to the site within the Lake Pleasant Parkway and Jomax Road right-of-ways and have available capacity to serve the proposed development.

PUBLIC SAFETY

This application is not anticipated to have inordinate impacts on public safety.

COMMUNITY INVOLVEMENT

Public Noticing

The application was properly noticed in accordance with 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. The site was posted with a sign, and an ad was provided in the Peoria Times at least 15 days before the Public Hearing.

Outreach Requirements

As a requirement of the rezoning application process, the applicant conducted a neighborhood meeting and provided a Citizen Participation Report detailing the results of the meeting (**Exhibit 9**).

The applicant notified all property owners within a 600-foot radius of the site and all registered Homeowners' Associations within one (1) mile for the required neighborhood meeting. The neighborhood meeting was held on March 28, 2022, at 6:00 p.m. at the Copper Hills Church located at 27036 N Black Rock Boulevard.

There were nine (9) persons in attendance at the meeting, in addition to the development team for the project and city staff. The applicant and developer presented the details of the proposed project and answered several of the attendees' questions. The questions regarding the proposed development included clarification of the allowed uses, building height, area water pressure concerns, traffic generation, Lake Pleasant Parkway median improvements, landscape improvements, and construction timing. A summary of the questions and responses provided are included in the Citizen Participation Report (**Exhibit 9**).

Support / Opposition

Staff has received comments from two neighbors that live to the south of the proposed development. These individuals desired to have the height of Building A lowered and a trellis feature added to the existing south property line screen wall. These requests are intended to limit the appearance of Building A when viewed from the residential development that abuts the south property line site. Since staff has received these comments, the applicant has indicated that they separately met with the adjacent neighbors. To address the neighbors' concerns, the developer has lowered the building height of Building A from approximately 30 feet to 22 feet, and is proposing to attach a trellis feature to the existing wall that separates the proposed development from the abutting residential development. Staff has not received any additional comments from the referenced individuals, or other neighbors.

KEY FINDINGS

1. The project vision and development standards proposed PAD Standards and Guidelines Report conforms with the Office/Local Commercial General Plan land use designation;
2. The proposal provides an appropriate transition in land use from a major signalized intersection with potential commercial uses to an established neighborhood; and
3. The proposed landscape buffers and height restrictions will result in a contextually-appropriate development that will be compatible with abutting uses; and,
4. The applicant/owner has submitted a signed and notarized a Proposition 207 waiver, which will be recorded with the conditions outlined below.

PROPOSITION 207

The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions that have the effect of diminishing the value of the 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:

- 1) Recommend approval of Case Z22-02 to the City Council, subject to the attached Conditions of Approval.

STAFF CONTACT

Dan Symer, AICP
Principal Planner
623-773-5164
dan.symer@peoriaaz.gov

Cielo Vista Medical Commons

Southeast corner of Lake Pleasant Parkway & Jomax Road
Case Z22-02



The amendment to the zoning district(s) for the above-mentioned property is subject to the following Conditions of Approval in order to protect the public health, safety, welfare, and the City of Peoria:

1. The development shall substantially conform to the Cielo Vista Case # Z22-02 Planned Area Development Standards and Guidelines Report, Project Narrative and Site Plan contained within the October 20, 2022 Planning and Zoning
2. The Developer shall comply with all City of Peoria engineering design standards, policies, and requirements at the time of development and final engineering submittal.

Z22-02: Cielo Vista Medical Commons

Southeast corner of Lake Pleasant Parkway and Jomax Road



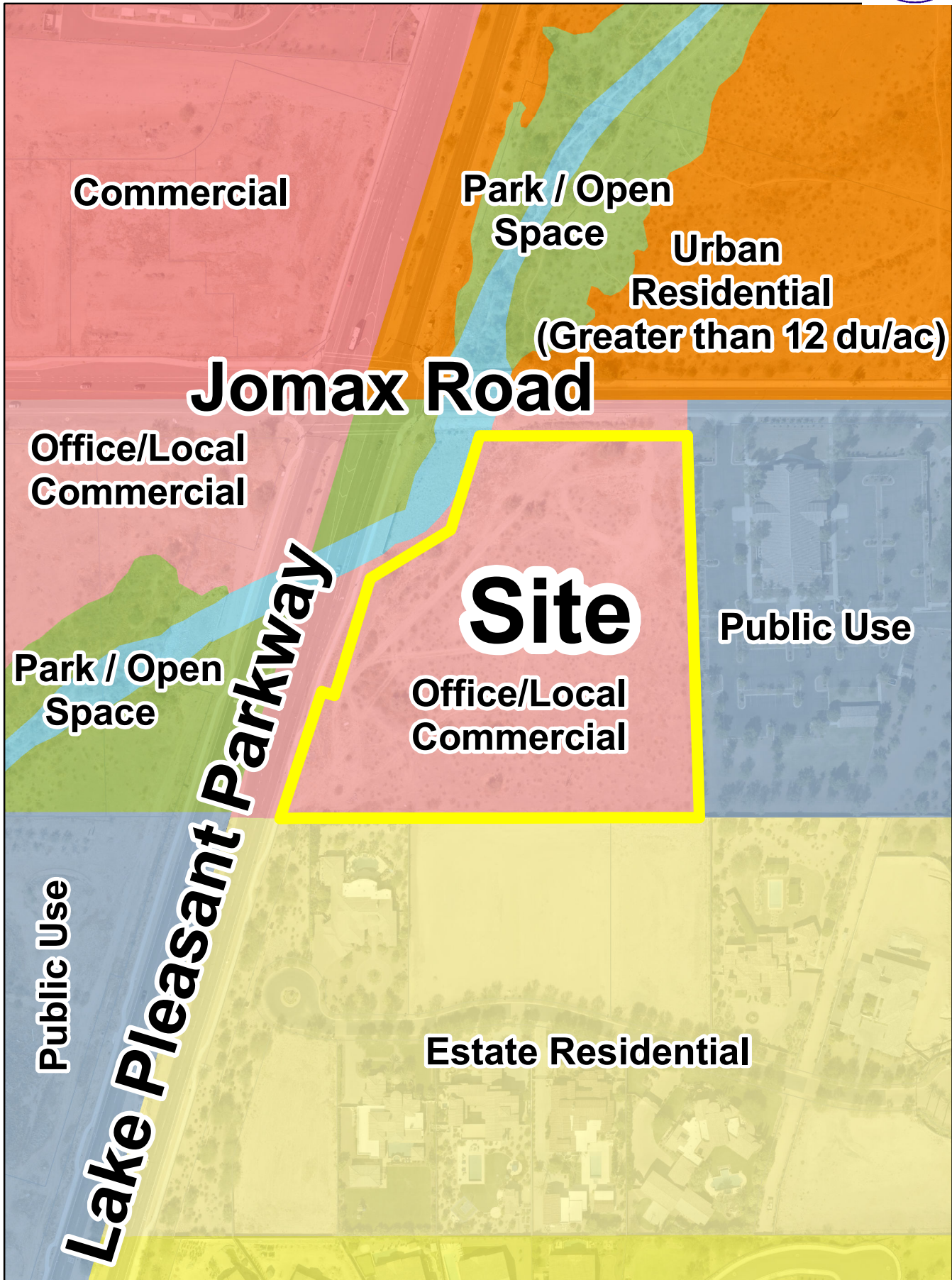
Z22-02: Cielo Vista Medical Commons

Southeast corner of Lake Pleasant Parkway and Jomax Road



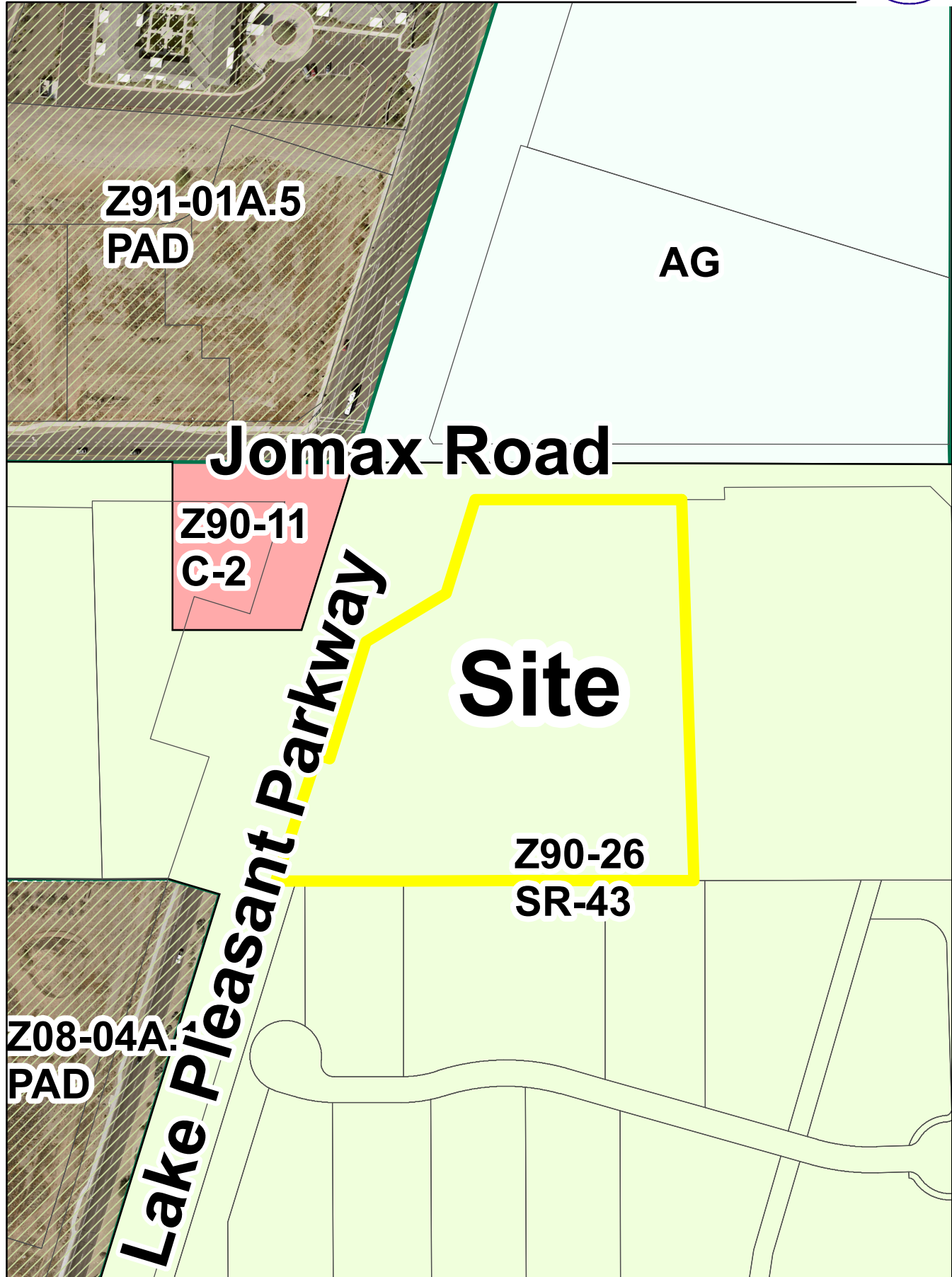
Z22-02: Cielo Vista Medical Commons

Southeast corner of Lake Pleasant Parkway and Jomax Road



Z22-02: Cielo Vista Medical Commons

Southeast corner of Lake Pleasant Parkway and Jomax Road



Cielo Vista Medical Commons

Case # Z22-02

PAD Narrative & Project Justification

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1. Introduction

a. Applicant Overview

Irgens has successfully developed multiple single and multi-tenant medical office buildings in the City of Peoria, including Harbor Vista Medical Commons and, more recently, Desert Harbor Medical Commons. Harbor Vista Medical Commons is a single tenant medical facility and Desert Harbor Medical Commons is a speculative multi-tenant medical office building Irgens is in the process of developing, both projects are located near 91st Avenue and Thunderbird Road.

b. Project Overview

CVMC is a multiple building to be developed, medical and general office complex which may incorporate some local commercial. It will be located on an undeveloped 6.65-acre property (APN 201-30-125) at the southeast corner of Lake Pleasant Parkway and Jomax Road. This application proposes rezoning this site from Suburban Ranch 43 (SR-43) to PAD, to accommodate the Project and align the site with the land use designation of Office and Local Commercial as envisioned in the Peoria General Plan 2040.

The project information for the proposed Cielo Vista Medical Commons PAD is listed in the Project Data table below.

<u>Table A: Project Data</u>	
A.P.N	201-30-125
Current Land Use	Vacant/Undeveloped
Existing General Plan Land Use Designation	Office/Local Commercial
Current Zoning District	Suburban Ranch (SR-43)
Proposed Zoning District	Planned Area Development (PAD)
Property Area	6.65 acres
Council District	Mesquite District

2. Narrative Statement / Project Justification

Within the Peoria General Plan 2040, the development of the intersection of West Jomax Road and North Lake Pleasant Parkway is envisioned as a complete neighborhood with a mix of Office and Local Commercial, Commercial, Public Use and a variety of Residential designations. The desire to bring a medical office development to the Lake Pleasant Parkway will provide medical and professional office uses adjacent to the existing and future residential developments as envisioned in the General Plan.

a. PAD Request

The Planned Area Development District (PAD) is intended to provide an alternative zoning district to the conventional zoning and development approaches and processes in the City of Peoria, Arizona in order to achieve the following:

1. Enhance the City's development growth in order that the public health, safety, and general welfare be enhanced as Peoria increasingly urbanizes;

2. Encourage innovations in residential, commercial, and industrial development so that greater opportunities for better housing, recreation, shopping and employment, may extend to all citizens and residents of Peoria;
3. Reflect changes in the technology of land development;
4. Encourage a more creative approach in the utilization of land in order to accomplish a more efficient, aesthetic, and desirable development which may be characterized by special features of the geography, topography, size or shape of a particular property; and,
5. Provide a compatible and stable developed environment, in harmony with that of the surrounding area.

The PAD may include any development having one or more principal uses or structures on a single parcel of ground or contiguous parcels. The PAD shall consist of a compatible selection of uses and groupings of buildings, parking areas, circulation and open spaces, and shall be designed as an integrated unit, in such manner as to constitute a safe, efficient, and convenient urban area development.

This Standards and Guidelines Report identifies the development standards and guidelines that will be used in the development of the Property and establishes how the goals of the PAD District will be achieved.

b. PAD Regulations

Section 21-602 of the City Code states, "All Planned Area Developments shall be between ten (10) and six-hundred (600) acres in size." However, the regulations also state that the PAD can be less than ten (10) acres provided "the applicant can show that the minimum P.A.D. requirements should be waived because the waiver would be in the public interest and that one or more of the following conditions exist:"

- a. Unusual physical features of the property itself or of the surrounding area are such that development under the standard provisions of this Ordinance would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community.
- b. The property is adjacent to or across the street or alley from property which has been developed under the provisions of this Section and will contribute to the amenities of the area.
- c. The use of the PAD concept will encourage the use of otherwise undevelopable property, particularly in the case of small undeveloped parcels surrounded or partially surrounded by developed property.
- d. The property is located within the Infill Incentive District

c. Waiver Request

Because the gross area of the Property does not meet the minimum area required for a PAD District, a waiver is necessary. We request that the waiver be granted because the use of the PAD will encourage the development of this oddly shaped parcel which is surrounded by development, in a manner that is consistent with the City of Peoria General Plan 2040 (the "General Plan"), the goals of the PAD District, and compatible with surrounding single family residential properties.

When considering the development of the Property, the following condition exist for a waiver.

- Condition “a” is met since the unique (and restrictive) geometry of the Property was created in order to accommodate stormwater, which is a physical feature important to the community for storm water management and public safety.

d. Development Plan & Proposal

[What type of development and uses are proposed by the rezoning request?](#)

Cielo Vista is a proposed multiple building medical and general office complex which may incorporate a local commercial component as a use within a medical or professional office building. The surrounding area includes a mix of existing and future uses including estate, urban and traditional residential, public use (an existing church and future Peoria Regional Hospital), and commercial. This vacant property has several design constraints including its irregular shape, inferior visibility, and its largest constraint: poor access.

The two primary entrances into the project will be from Lake Pleasant Parkway and Jomax Road with the primary, enhanced entrance occurring at the Lake Pleasant Parkway entrance. Patients, customers, and employees of the development coming from the south will access the site primarily by means of a proposed drive off Lake Pleasant Parkway. Patients, customers, and employees coming from the north will have the ability to make an east bound turn at Jomax Road and enter the site from the north. Well-designed site access will assist in businesses being successful at this site. Covered parking may be constructed as part of a particular tenant’s requirements. The proposed PAD Uses will provide flexibility and open the door to a greater number of prospective users. The full list of permitted uses is included as an exhibit within the PAD Standards and Guidelines Report for this application.

The City is experiencing tremendous growth in this area that is expected to remain strong for years to come. As such, the need for quality medical care also grows. Irgens desires to transform this long-vacant parcel into a medical and professional office park consisting of a single-story and a two-story building to serve the medical and employment needs of this growing area of the City.

e. General Plan Conformance:

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

The Peoria General Plan 2040 designates this parcel as Office and Local Commercial. The Office and Local Commercial category supports low intensity commercial development consisting of one to two story buildings providing professional offices, medical and legal services, and ancillary retail services. The following is a description indicating how the proposed PAD development is consistent with the Goals, Objectives and Policies of the General Plan.

Economic Prosperity Element – Goal 1:

A Robust and Sustainable Economy: Cultivation of a diverse range of enterprises and ventures that support a robust, stable, and sustainable economy that offer a range of employment, shopping, and cultural opportunities for residents and visitors.

Policy EP-21: Protect the City's primary commercial corridors and mixed-use activity centers from conversion to uses that would limit employment or active uses, such as single-family residential, warehousing, storage, and auto-oriented uses.

The project is designed to attract high-level medical and employment users to this growing area of the City. The project will serve as an employment and wellness center for an area of the City currently underserved in this regard. The development of the Project will help align the commercial corridor on Lake Pleasant Pkwy envisioned in the General Plan by rezoning from single-family housing land-use to an employment and commercial land-use under the PAD application.

Smart Growth Element – Goal: 1

Balanced Land Uses: Promote a balanced mix of land uses that support a broad range of housing and lifestyle choices, business and employment opportunities and cultural and entertainment spaces.

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

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

The site design guidelines have been carefully crafted to maximize compatibility with the adjoining residential properties. The site's location at the corner of two significant roads (Lake Pleasant Parkway is a limited access parkway, and Jomax Road is an arterial road west of Lake Pleasant Parkway and a collected east of Lake Pleasant Parkway) allows for convenient access to both customers and future employees. As a medical and general office development, this application seeks to generate employment opportunities as well as provide essential medical services within Peoria. The building setbacks have been expanded beyond the requirements for C-2 Zoning, allowing for the buildings to be located along the frontage of Lake Pleasant Parkway and Jomax Road, away from the existing residences along the southern boundary of the site to increase compatibility with the existing adjacent land uses.

Policy LUC-6: Locate commercial and employment uses in proximity to adequate transportation and utility infrastructure.

The property is located in an area where existing utilities, roadway infrastructure and community resources are in place. Located at the southeast corner of Jomax Rd and Lake Pleasant Parkway, the site has connectivity to the community through the City's existing roadway infrastructure. The site is adequately serviced with water, power and communications infrastructure connections located in the adjacent right of ways. Thus, utility and roadway extensions are not necessary to serve the proposed development.

Smart Growth Element – Goal: 2

Focused Growth: Strategically focus new growth into areas of Peoria that enable the achievement of City goals for economic growth, fiscal sustainability, and environmental stewardship, and support the development of new, attractive neighborhoods.

Policy GS-2: Direct dwelling unit density, and employment growth toward infill development sites within the city, especially catalyst and opportunity sites identified within Economic Development related strategic plans or programs.

Policy GS-3: Seek the revitalization or redevelopment of strategically sited abandoned, obsolete, or underutilized properties through collaboration and incentive programs or if necessary, enforcement action to accommodate transition.

Policy GS-7: Accommodate land use proposals that target growth in the area of existing or planned infrastructure and services.

The project is designed to attract high-level medical and employment users to this growing area of the City. The project will serve as a medical and general office development that will both provide employment and services to the surrounding area of the City. As such, the Project will bolster the focused growth goals of economic growth and fiscal sustainability. In addition, the development will transform an underutilized vacant lot within the city to bring commercial uses to an area largely composed currently of residential uses. Existing infrastructure connections on-site will assist in the City's goals of focusing growth into areas that need minimal improvements on behalf of the City.

Healthy Neighborhoods Element – Goal 4:

Access to Medical Services: Promote access and maintenance of a full range of health care and medical services for all residents.

Policy CW-6: Promote improved access to comprehensive range of health care facilities and medical services for all residents, including hospitals, acute care facilities, neighborhood health portals/clinics, and mental health facilities.

The General Plan discusses in great extent the importance of medical access within Peoria. Specifically, increasing this access to health is a goal that is laid out in the plan. The General Plan notes that the city must consider that decisions regarding land use and transportation can affect access to medical care (Peoria General Plan, Section 5.2, pg. 103). The Cielo Vista Project is proposed as a primary medical office, which will assist in this policy and goal by increasing medical access to the area as a core aspect of the development.

Smart Growth Element – Goal: 5:

Complete Neighborhoods: Offer a range of neighborhoods that offer distinctive, special places to live that are safe and well served by community amenities and gathering spaces.

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

The Cielo Vista Project will promote complete neighborhoods by adding complimentary uses, high-wage jobs, and essential services to the existing neighborhood. The commercial character of the

Project seeks to bring necessary services to the Lake Pleasant corridor and provide access for existing and future residents in the area.

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

The site design will feature building forms and landscaping that are complementary to the existing neighborhood. The proposed office buildings are limited to two stories in height and is being located and oriented away from the existing residential development in the area. Desert vegetation and decomposed granite are featured in the landscaping plans to protect the existing character of the area.

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

- *Placing the building and outdoor gathering spaces along or near the sidewalk.*
- *Locating parking to the rear of the building or internal to the property.*
- *Designing the building with ground floor retail frontages or storefronts that front the street.*
- *Enhancing the property with landscaping, lighting, seating areas, bike racks, planters, and other amenities that encourage walking and biking.*

The Project will have a pedestrian-scale orientation through the buildings being placed near the perimeter sidewalks. The parking will be located interior to the Project away from the street which will limit walking distance for pedestrian access to the site.

Smart Growth Element – Goal: 8

Placemaking: Foster distinctive destinations and gathering spaces that promote health, happiness, and the well-being of residents, employees and visitors.

Policy PC-1: Protect and enhance the unique qualities of Peoria’s notable public spaces and places such as parks, plazas, and streetscapes; and, where needed, enrich those areas lacking distinctive visual character or where the character has faded.

The Project will enhance the Lake Pleasant Parkway streetscape through the development of the corner lot with the addition of attractive building architecture, landscaping, and sidewalks to the current vacant and undeveloped lot. The landscape plan preserves the distinctive drainage feature on the northwest corner of the property and proposes groundcover and accent plantings on the western curb. Additionally, care has been taken to enhance the architecture of the buildings at the visible corner of Lake Pleasant Parkway and Jomax Road which, combined with landscaping will enrich the streetscape and provide distinctive visual character to the Project.

Smart Growth Element – Goal: 10

Streetscapes for People: Promote the ongoing development of signature streetscapes to foster community identity and walkability, recognizing that they serve as important connectors for retail/commercial businesses and other activities within neighborhood areas.

Policy SC-3: Require development to design their frontage so that it focuses on the pedestrian experience and continues any streetscape theming design in place for the area.

The Project will enhance the street frontage with landscaping and attractive building architecture. Additionally, the Project will support this General Plan policy through the completion of the sidewalk on the north side of the property.

Healthy Neighborhoods Element

Policy NP-1: Protect existing residential areas from incompatible land uses and activities through careful consideration of zoning amendments and enforcement of buffering requirements.

The Project has given careful consideration to enhanced buffering and landscaping to existing residential areas – specifically on the southern boundary. Fast growing tree species have been selected as well as the addition of a two-foot trellis to the existing 8-foot wall at the south boundary of the Property.

f. Compatibility with Surrounding Use

[Discuss your proposal's compatibility with the surrounding land use and zoning patterns. Include a list of surrounding zoning designations, land uses and conditions.](#)

The properties to east and south are developed, and the western and northern boundaries of the site are the improved arterial roadways Lake Pleasant Parkway and Jomax Road. Immediately adjacent to the property along the south is La Strada Del Lago, a single-family residential neighborhood zoned SR-43. Immediately adjacent to the property along the eastern boundary is The Church of Jesus Christ of Latter-day Saints. Table B shown below outlines the surrounding zoning and land uses.

<u>Table B: Land Uses</u>		
Property	Current Zoning	Current Uses
Subject Property	SR-43	Vacant/Undeveloped
North Boundary	Public Road	Jomax Road
North of Jomax	AG	Vacant Land (proposed multifamily residential)
Northwest	PAD	Vacant Land (proposed assisted living facility)
East Boundary	SR-43	Church of Jesus Christ of Latter-Day Saints
South Boundary	SR-43	La Strada Del Lago Single Family Residences, including constructed single-family homes and a vacant lot
West Boundary	Public Road	Lake Pleasant Parkway
West of Lake Pleasant Parkway	SR-43, C-2	Vacant Land zoned SR-43 with the SW Corner of Lake Pleasant Parkway and Jomax is zoned C-2 Commercial

The users intended for the project will bring much needed medical care and employment to this growing area of the City. Additionally, careful consideration of the residential setbacks and height restrictions in proximity to the surrounding residences has taken place to ensure a harmonious development with the immediate surrounding areas. The two planned buildings on the site are situated near the north and west borders of the property, with the intent of distancing the commercial uses as much as possible from the existing residential uses on the southern end of the property. The two-story building will be situated near the northern portion of the property while the southern building is limited to single story and situated adjacent to the west property line. The location of the building is to further provide compatibility with the housing to the immediate south. The Project seeks to address public concerns regarding the views of the commercial buildings from the adjacent residential uses. Compatibility considerations have been implemented through specific fast-growing tree selection on the southern border as well as a 2-foot trellis as an addition to the existing 8-foot wall to provide enhanced screening to the adjoining land uses. Additionally, consideration has been given to restrict the height of the 2-story building to a maximum of 40'.

The unique location of the property being close to residential areas as well as being near a senior living center, emergency services center, and future full-service hospital points to a cohesive design of the surrounding area that reinforces the city's goals of complimentary land uses and healthy neighborhoods. Exhibits A-C show maps of the current and proposed General Plan designation, zoning, and land uses.

g. Rezone Justification

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

The site is currently zoned SR-43. Since that initial zoning, the General Plan has been updated to the new General Plan 2040 and this parcel is no longer envisioned for residential use by the City of Peoria. The General Plan 2040 envisions the site under the land use designation of Office and Local Commercial. The proposed uses contained in the PAD submittal are in alignment with the Typical Uses for Office and Local Commercial as determined by the General Plan 2040.

The proposed PAD provides an opportunity to align the property's zoning with the General Plan designation and provide needed services for the community. The Project will support the healthy neighborhoods, smart growth and economic prosperity goals and policies of the General Plan, in a way that could not be achieved under the current SR-43 zoning through its limited allowed uses. In addition, the PAD's restricted use list will be used to focus the development towards providing community medical and commercial services in a way that the broad uses allowed within conventional commercial zoning cannot.

h. Design Considerations

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

To create compatibility between the project and adjoining uses the building setbacks to Residential Zoning Districts have been increased beyond the Zoning Ordinance requirements of 30 feet to 60 feet. Additionally, the buildings in the proposed plan have been pushed away from the suburban ranch (SR-43) residential uses to the projects south and out to the arterial streets. To address compatibility concerns and mitigate potential impacts from the commercial development to neighboring residences, the building will be located over 60' from the property line of the residential zoning along the property lines. In addition, a 30' landscape setback on the south property line is proposed with enhanced planting considerations to provide additional screening existing adjacent residential uses. The landscape plan included in the PAD also includes proper screening inside the significant landscape setback. Additionally, the landscaping will include fast growing tree species to further screen the Project from the existing residential uses on the southern border of the property.

i. Site Opportunities and Constraints

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

The property line at the southwest of the property sits at 75-feet from the Lake Pleasant Parkway right of way ("ROW"), but the ROW distance increases to 191-feet due to the drainage feature on the northwest corner of the site. This stormwater swale passes along the northwestern edge of the site, creating an irregularly shaped parcel and impacting the overall development opportunities of the site. Not being squared off creates an inefficient lot when it comes to laying out efficient buildings and efficient parking lots. The impact is that coverage is not as great as a squared-up site of the same size could accommodate. Furthermore, along the drainage swale is an easement which further reduces the developable area of the site by 10-feet along this northwest edge and then 20' along the remainder of the western property boundary. While a design constraint, the orientation of the buildings is such as to take advantage of this landscape area and the visibility created at the intersection by this swale.

Second, the site has inferior visibility as compared to corner property at a similar intersection of two main roads. This occurs due to the intersection of Lake Pleasant Parkway and Jomax Road being elevated to clear the box culverts used to convey storm water under Lake Pleasant Parkway and then Jomax. The grade difference between the site and the intersection is five plus feet. This makes the site less visible to people passing the site. The context plan included with the PAD submittal demonstrates the grade difference on site.

The orientation and placement of the two buildings coupled with the desire to push them as far away from the southern residential uses requires a reduction on the eastern landscape setback to 15 feet. Though zones for residential use, this property is developed with a church, and no impactful issues are envisioned from this standard. In addition, while the site is conceptualized as a complete medical and general office park, providing zero-foot setbacks will allow for the option to later subdivide the property.

The site is constrained by the buffer requirements on Lake Pleasant Pkwy (The Lake Pleasant Pkwy Specific buffer of 30 feet), a 20-foot drainage easement from the property line, and the large drainage swale on the northwest corner of the property. These constraints assure that the structures will be recessed from the intersection. As such, the landscape setback on Lake Pleasant Parkway will be set at 45 feet in line with City Requirements. However, where the ROW is beyond 95 feet no required setback is necessary. Additionally, architectural features are to be built on the corners of the buildings to provide visual interest to the intersection of Jomax Rd. and Lake Pleasant Pkwy. These architectural features may encroach into the landscape setback up to 10 feet.

j. Additional approvals

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

Currently, there is a non-vehicular access easement in place along the western boundary of the site at Lake Pleasant Parkway. With this easement the only access into the site is along Jomax Road. The requested main entry into the site is from Lake Pleasant Parkway in the southern portion of the site ("Access A" given the existence of a deceleration lane from Lake Pleasant Parkway onto Jomax Road. Development of the property will require abandonment release of the non-vehicular access easement at this location to allow for this proposed main entry from Lake Pleasant Parkway. In addition, the Project intends to use the existing deceleration lane on Lake Pleasant Parkway for access the site. As such, a deviation from the standard taper and storage distances of the turn lane are required. The Project proposes a maximum of 65 feet of storage with a 120-foot taper on the northbound right turn land approaching the site access on Jomax Rd. A traffic impact study has been submitted with this application and finds that through the projected traffic volumes, the request will provide sufficient storage. An additional request within this application is for a secondary vehicular access on the north of the site ("Access B") intended as a full movement driveway to accommodate the Project. This driveway has been pushed as far east on Jomax Road away from the Lake Pleasant Parkway intersection to avoid conflict with the traffic at the major intersection at the corner of the property. This driveway for ease of access for the medical office patrons and will reduces the

number of U-turns at the signalized commercial driveway intersection approximately 0.75 miles to the south. The traffic study submitted with the PAD application provides further information.

This rezoning request includes a request for a waiver to allow a PAD for a site less than 10 acres in size to be processed concurrently with the rezone application. Following Rezoning and Site Plan processes, the Landscape Plans, Civil Engineering Plans, and associated documents will be submitted for final approval and to obtain construction permits. The development will comply with the code requirements of the City of Peoria, including the proposed standards modified as part of the PAD property development standards. A Site Plan application will accompany this rezone application. Furthermore, any uses requiring conditional use permits shall obtain the conditional use permit separately from this rezoning application. A Site Plan application will be submitted when required by the Peoria City Code, as amended.

Additionally, the Project is requesting an allowance for increased wall height on the existing south boundary wall to allow for the addition of a trellis to further screen the adjacent residential uses. The combination wall and trellis along the south property line shall not exceed 10 feet in height along the south property line of the PAD boundary (See Exhibit E. "South Property Line Wall and Fence Exhibit").

3. Discussion of Project Phasing and Development Schedule

The project is anticipated to be completed in a single stage.

4. Exhibits

- a. Vicinity and Aerial Maps
- b. Current and Proposed Land Use and Zoning Diagram
- c. General Plan Diagram
- d. Site Plan
- e. South Property Line Wall and Fence Exhibit

Exhibit A

Vicinity Aerial Map



Current and Proposed Land Use Diagram

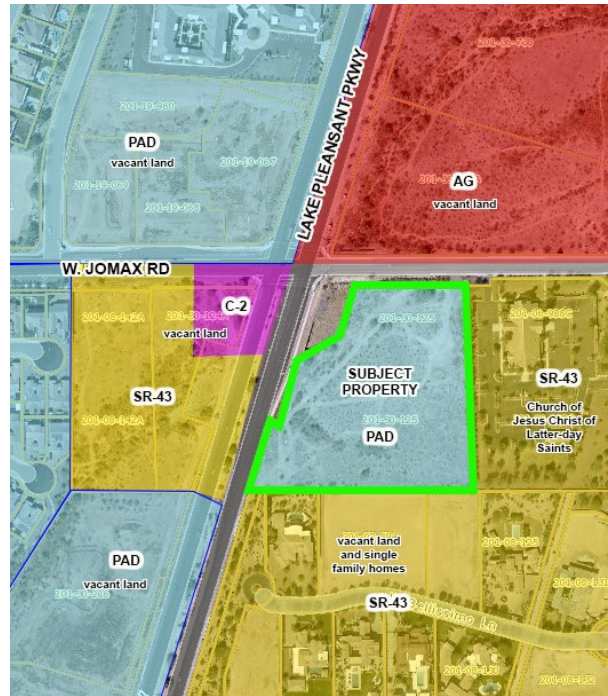
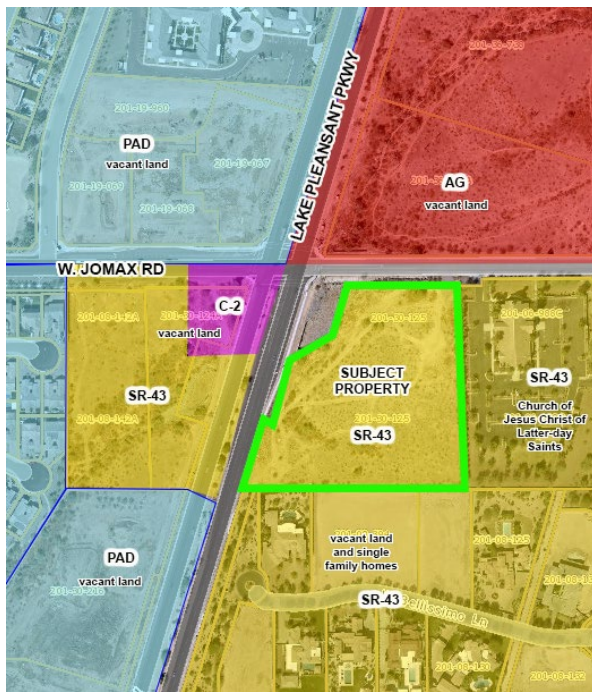
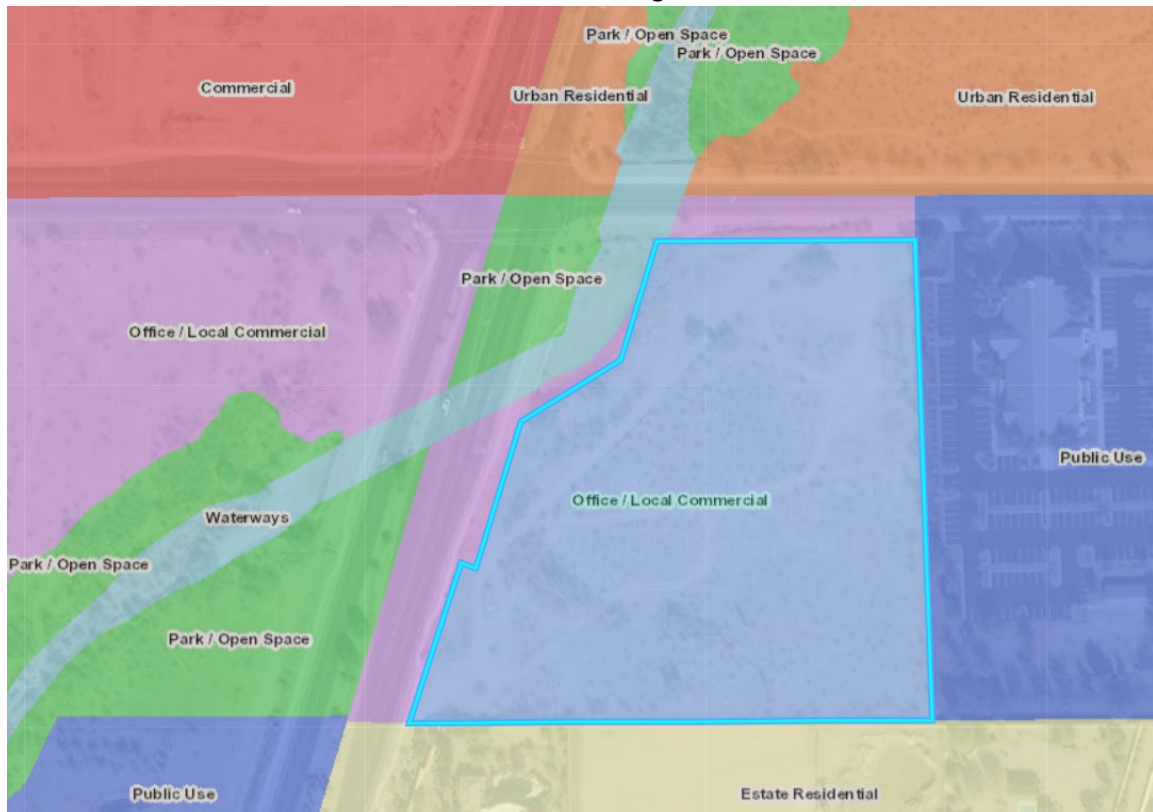
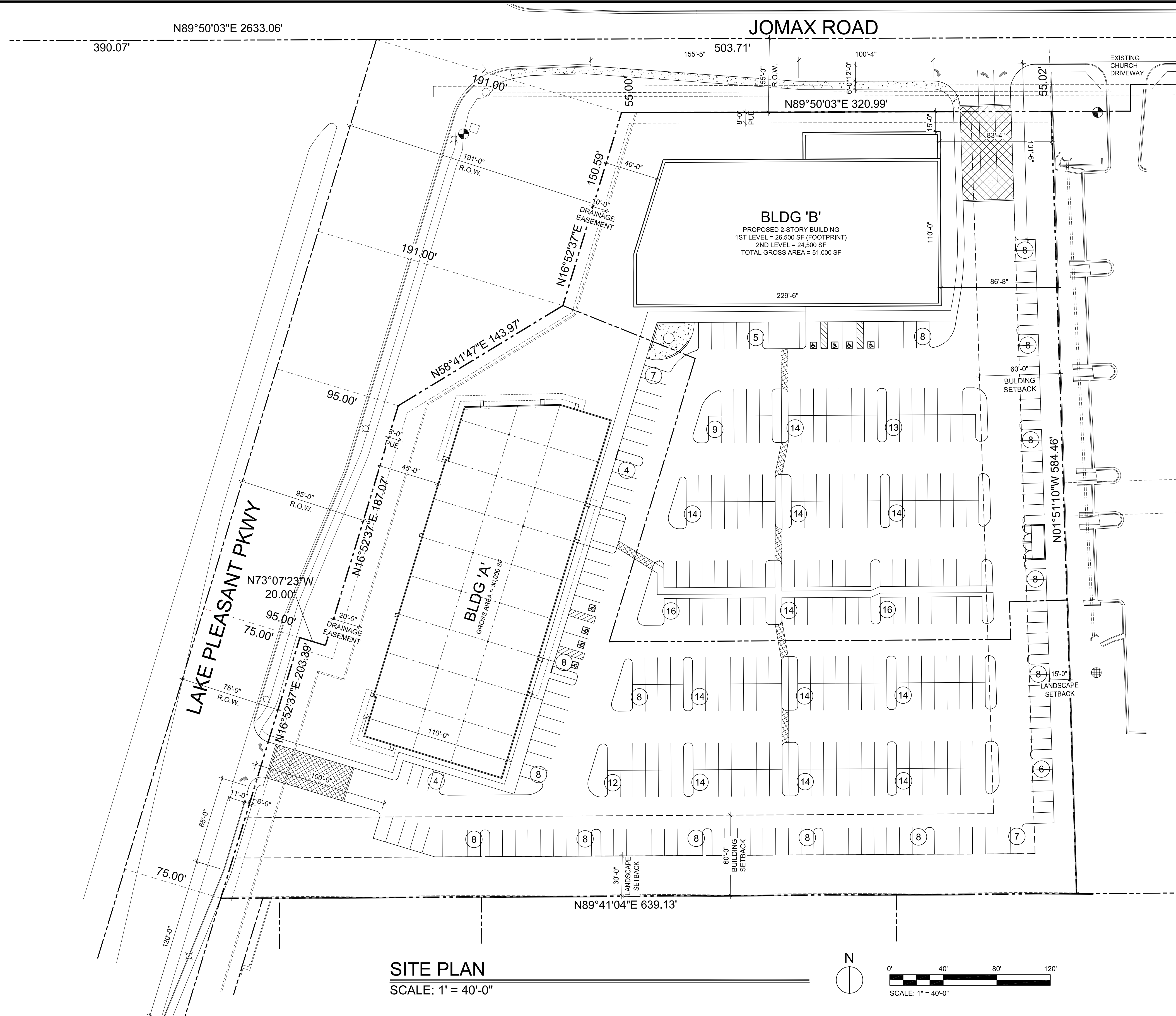
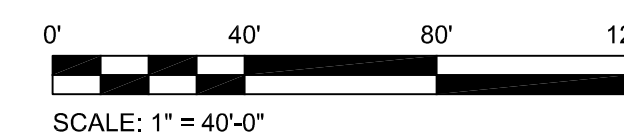


Exhibit C
General Plan Diagram





SITE PLAN
SCALE: 1" = 40'-0"



SITE DATA:

PARCEL NUMBER : 201-30-125
EXISTING ZONING : SR-43
PROPOSED ZONING: PAD

SITE AREA
GROSS SITE AREA: 389,506 S.F. / 8.942 AC
NET SITE AREA : 289,833 S.F. / 6.654 AC
LOT COVERAGE : 19.5%
FAR: 0.28

OPEN SPACE
REQUIRED: 47,774 S.F.
PROVIDED: 83,355 S.F.

BUILDING AREA
BUILDING 'A' 30,000 S.F.
2-STORY BUILDING 'B'
1ST LEVEL 26,500 S.F.
2ND LEVEL 24,500 S.F.
TOTAL BUILDING AREA : 81,000 S.F.

BUILDING 'A' 27,000 S.F. / 200 = 135 SPACES
2-STORY BUILDING 'B' 45,900 S.F. / 200 = 230 SPACES
TOTAL PARKING REQUIRED: (90% G.S.F.) 365 SPACES

BUILDING 'A' 135 SPACES
2-STORY BUILDING 'B' 230 SPACES
TOTAL PARKING PROVIDED: 365 SPACES

PARKING RATIO: 5.0 SPACES / 1,000 N.S.F.



SITE PLAN

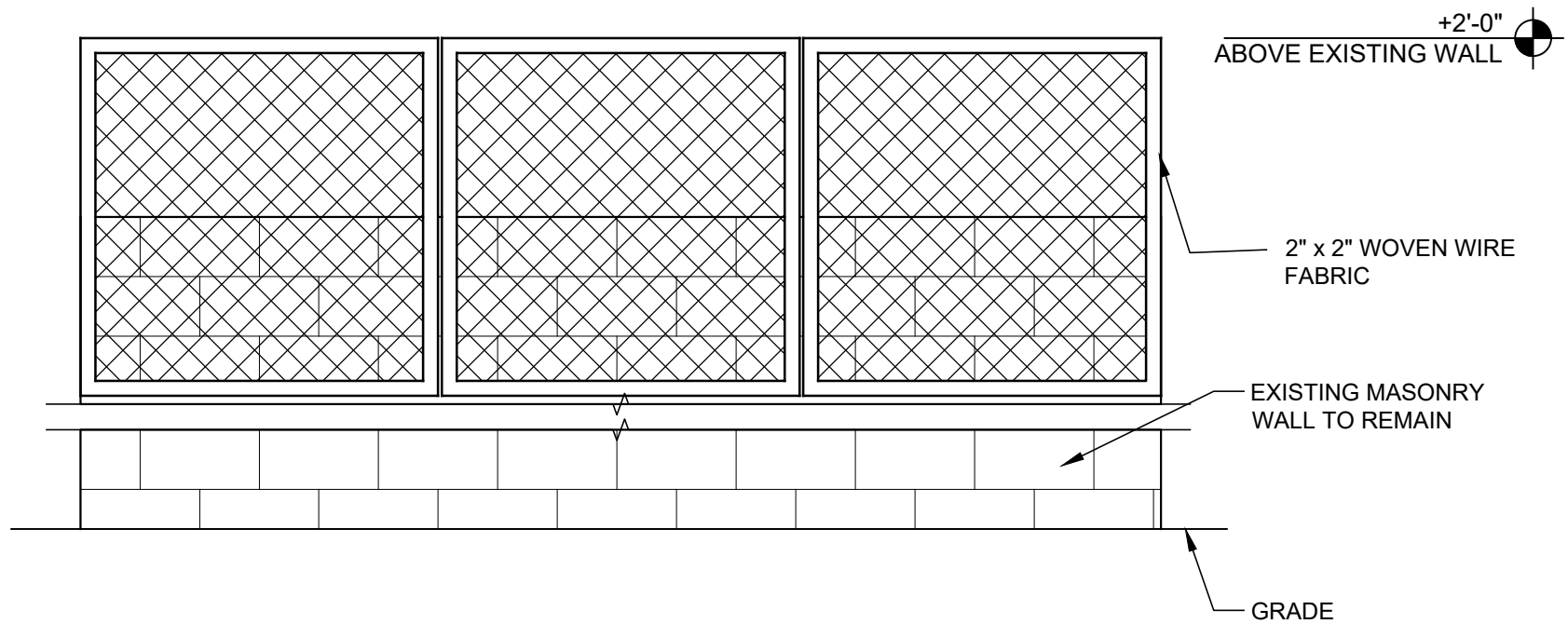
SEC North Lake Pleasant Parkway and West Jomax Road
Peoria, AZ

04.04.22
PROJECT NO.: 21058



UPWARD
ARCHITECTS

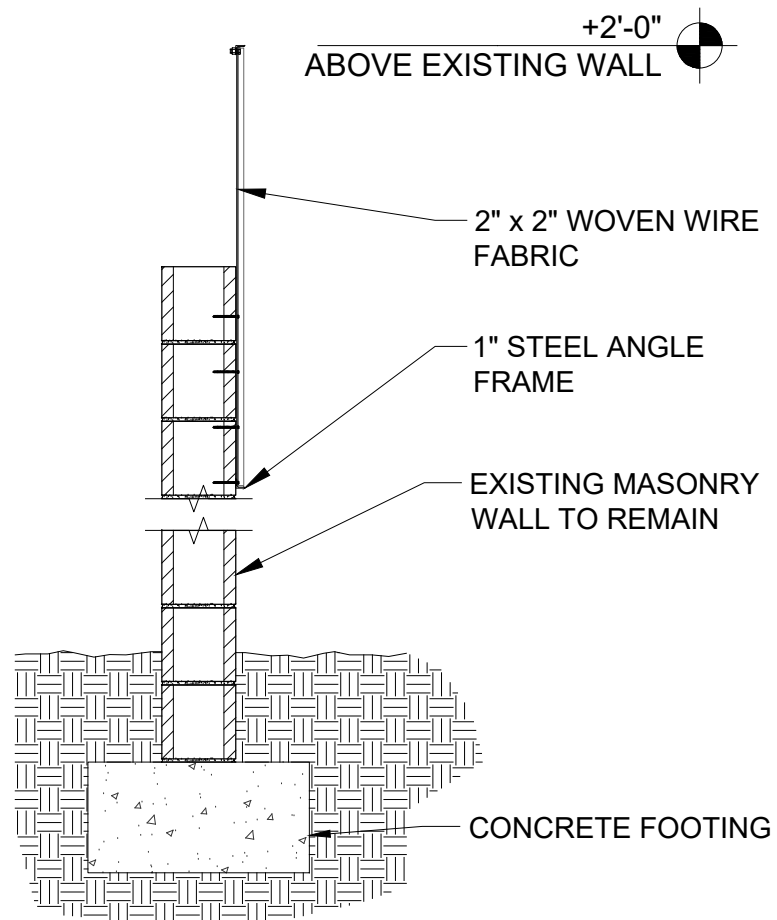
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602.753.5222 www.upwardarchitects.com
08.06.2021 PROJECT NO.: 21058



(A) ELEVATION

2 SCREEN WALL ELEVATION

SCALE: 1"=1'-0"



B SECTION

1 SCREEN WALL SECTION

SCALE: 1"=1'-0"

Cielo Vista Medical Commons

Case # Z22-02

Planned Area Development

Standards and Guidelines Report

A Medical and Professional Office Business Park

Southeast Corner of Lake Pleasant Parkway and Jomax Road

Peoria, Arizona



Submittal #1: January 20, 2022

Submittal #2: July 6, 2022

Submittal #3: September 7, 2022

Submitted to:

City of Peoria

Planning and Community Development

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1. Introduction

This rezoning application will facilitate the development of office park, Cielo Vista Medical Commons (CVMC), on a 6.65-acre property located at the southeast corner of Lake Pleasant Parkway and Jomax Road.

2. General Site Information

CVMC is a multiple-building medical and professional office complex with limited ancillary commercial uses. The site is an undeveloped 6.65 acre property (APN 201-30-125) at the southeast corner of Lake Pleasant Parkway and Jomax Road (See Legal Description Exhibit A and Vicinity and Aerial Maps Exhibit B). The property is generally uniform in shape, but is heavily impacted by an existing improved drainage channel at the northwest corner of the site. This application proposes rezoning this site from Suburban Ranch 43 (SR-43) to Planned Area Development (PAD), to accommodate the Project and align the site with the current General Plan land use designation of Office and Local Commercial (See Current and Proposed Land Use Diagram Exhibit C and General Plan Designation Exhibit D).

The project information for the proposed Cielo Vista Medical Commons PAD is listed in the Project Data table below.

Table A: Project Data	
A.P.N	201-30-125
Legal Description	Exhibit A
Current Land Use	Vacant/Undeveloped
Existing General Plan Land Use Designation	Office/Local Commercial
Current Zoning District	Suburban Ranch (SR-43)
Proposed Zoning District	Planned Area Development (PAD)
Property Area	6.65 acres
Council District	Mesquite District

The properties to east and south are developed, and the western and northern boundaries of the site are the improved arterial roadways Lake Pleasant Parkway and Jomax Road. Immediately adjacent to the property along the south is La Strada Del Lago, a single-family residential neighborhood zoned SR-43. Immediately adjacent to the property along the eastern boundary is The Church of Jesus Christ of Latter-Day Saints. Table B shown below outlines the surrounding zoning and land uses.

Table B: Land Uses		
Property	Current Zoning	Current Uses
Subject Property	SR-43	Vacant/Undeveloped
North Boundary	Public Road	Jomax Road,
North of Jomax	AG	Vacant Land (proposed multifamily residential)
Northwest	PAD	Vacant Land (proposed assisted living facility)
East Boundary	SR-43	Church of Jesus Christ of Latter-Day Saints
South Boundary	SR-43	La Strada Del Lago Single Family Residences, including constructed single family homes and a vacant lot
West Boundary	Public Road	Lake Pleasant Parkway
West of Lake Pleasant Parkway	SR-43, C-2	Vacant Land zoned SR-43 with the SW Corner of Lake Pleasant Parkway and Jomax is zoned C-2 Commercial

3. Development Concept

The two planned buildings on the site are situated near the north and west borders of the property, with the intent of distancing the commercial uses as much as possible from the existing residential uses on the southern end of the property. The two-story building will be situated near the northern portion of the property while the southern building is limited to single story to further provide compatibility with the housing to the immediate south. This configuration addresses some concerns from the public regarding the views of the commercial buildings from the adjacent residential uses. Compatibility considerations have been implemented through specific fast-growing tree selection on the southern border to provide enhanced screening to the adjoining land uses. Additionally, the height of the 2-story building has been limited to a maximum of 40' whereas the comparable C-2 zoning district would allow 48'.

4. PAD Acreage Waiver

This PAD includes a request to waive the 10-acre minimum for PADs. Such requests are common and are generally supported due to the high desirability and effectiveness of the PAD zoning option.

5. Permitted Uses

Permitted uses within the PAD are listed in Exhibit E.

6. Project Development Standards

The property development standards for the Project are set forth in Exhibit F. Unless modified herein as part of the PAD Project Development Standards, development shall comply with the requirements of the Peoria City Code, as amended.

a. Lighting

All exterior lighting shall comply with the requirements as outlined in Article 14-3 (F), Exterior Lighting, Chapter 20 of the Peoria City Code. All lighting shall conform to the City's dark sky ordinance and no lighting level shall exceed one foot candle along property lines.

b. Screening, Fencing and Walls

Screening shall be in accordance with the requirements as outlined in Article 21-719, Chapter 21 of the Peoria City Code. All screen materials used shall be compatible with the architectural style and materials of the buildings. It should be noted there is an existing site wall along the east and south boundaries on the adjacent property which will serve as screening along these property lines.

7. Enhanced Design Review Standards

The proposed development shall comply with the applicable requirements of the City of Peoria Design Review Manual. The buildings will be designed in a contemporary/modern aesthetic while incorporating quality finishes that are consistent with surrounding projects and provides Class 'A' facilities to suit the needs of the development.

Both buildings will share a common architectural design theme yet shall become unique in their site orientation and planning. These buildings will be designed to serve the community and the exterior design and materials shall be in accordance with these planning standards. Conceptual elevations and renders are submitted with this application in accordance with the design.

The development shall conform with the Peoria City Code, City of Peoria Engineering Standards and the City of Peoria Supplement to Maricopa Association of Governments Uniform Standard Details, as amended.

8. Street Utilities, Services and Public Facilities

The development shall conform with the Peoria City Code, City of Peoria Engineering Standards and the City of Peoria Supplement to Maricopa Association of Governments Uniform Standard Details, as amended.

a. Grading / Drainage / Retention

Grading has been designed such that the finished floors of the buildings will remain protected from localized flooding/ponding during the 100-yr storm event. The project will adhere to the City of Peoria and Maricopa County drainage criteria and provides retention for the 100-yr, 2-hr storm event with proposed surface and underground retention. Proposed retention will be discharged within 36-hours via drywells.

b. Water / Wastewater

The project proposes a looped water main through the property that is proposed to tap in Jomax near the northeast corner of the property and Lake Pleasant Parkway near the southwest corner of the property. All domestic, irrigation, and fire services will be pulled off the looped water line. Sewer is proposed to tap into the main in Jomax.

c. Electric Power / Natural Gas / Telephone Service

There is existing electric (APS), natural gas (Southwest Gas) and communications (COX & Century Link) infrastructure located in Lake Pleasant Parkway and Jomax Road which will be extended to provide service to the property.

9. Project Phasing and Development Schedule

The project is anticipated to be completed in a single stage.

10. Exhibits

- a. Legal Description
- b. Vicinity and Aerial Map
- c. Current and Proposed Land Use Diagram
- d. General Plan Diagram
- e. List of Uses
- f. Property Development Standards

Exhibit A

Legal Description of Property and Parcels

THAT PORTION OF LOT 3, SECTION 4, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 4; THENCE SOUTHERLY ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 4, SOUTH 01 DEGREE 51 MINUTES 21 SECONDS EAST, 638.34 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF SAID LOT 3; THENCE WESTERLY ALONG SAID SOUTH LINE, SOUTH 89 DEGREES 41 MINUTES 04 SECONDS WEST, 437.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 41 MINUTES 04 SECONDS WEST, 639.13 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF LAKE PLEASANT ROAD PER DOCUMENT NUMBER 2004-0328084 AND 2004-1151827, RECORDS OF MARICOPA COUNTY; THENCE ALONG SAID RIGHT-OF-WAY; NORTH 16 DEGREES 52 MINUTES 37 SECONDS EAST, 203.39 FEET; SOUTH 73 DEGREES 07 MINUTES 23 SECONDS EAST, 20.00 FEET; NORTH 16 DEGREES 52 MINUTES 37 SECONDS EAST, 187.07 FEET; NORTH 58 DEGREES 41 MINUTES 47 SECONDS EAST, 143.97 FEET; NORTH 16 DEGREES 52 MINUTES 37 SECONDS EAST, 150.59 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 55.00 FEET OF SAID SECTION 4; THENCE ALONG SAID SOUTH LINE, NORTH 89 DEGREES 50 MINUTES 03 SECONDS EAST, 320.99 FEET; THENCE SOUTH 01 DEGREES 51 MINUTES 10 SECONDS EAST, 584.46 FEET TO THE POINT OF BEGINNING;

EXCEPT AN UNDIVIDED 1/2 INTEREST IN AND TO ALL THE OIL, GAS, MINERALS, AND ALL MATERIALS WHICH ARE OR MAY BE DETERMINED TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIALS AS RESERVED IN DEED RECORDED IN DOCKET 1887, PAGE 549, RECORDS OF MARICOPA COUNTY, ARIZONA.

Exhibit B

Vicinity and Aerial Map



Exhibit C

Current and Proposed Land Use Diagram

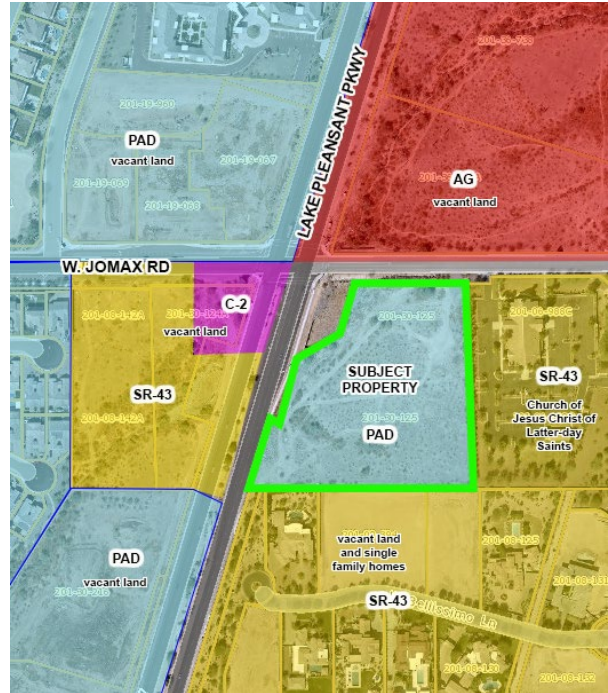
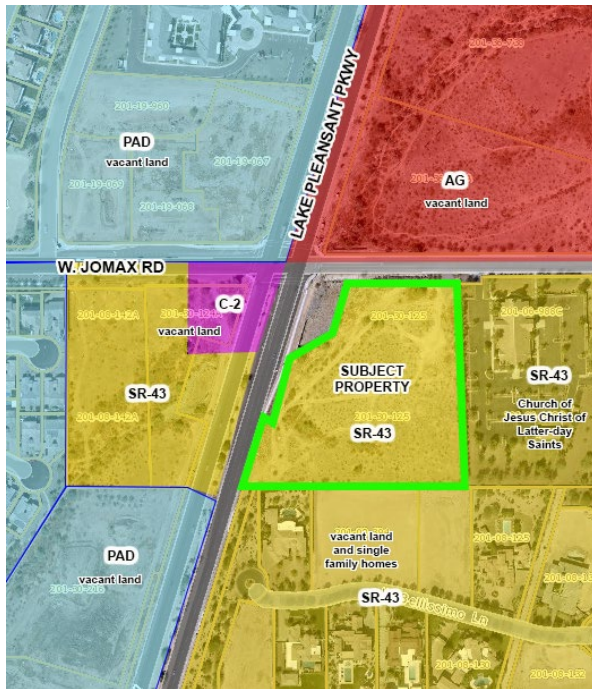


Exhibit D
General Plan Diagram

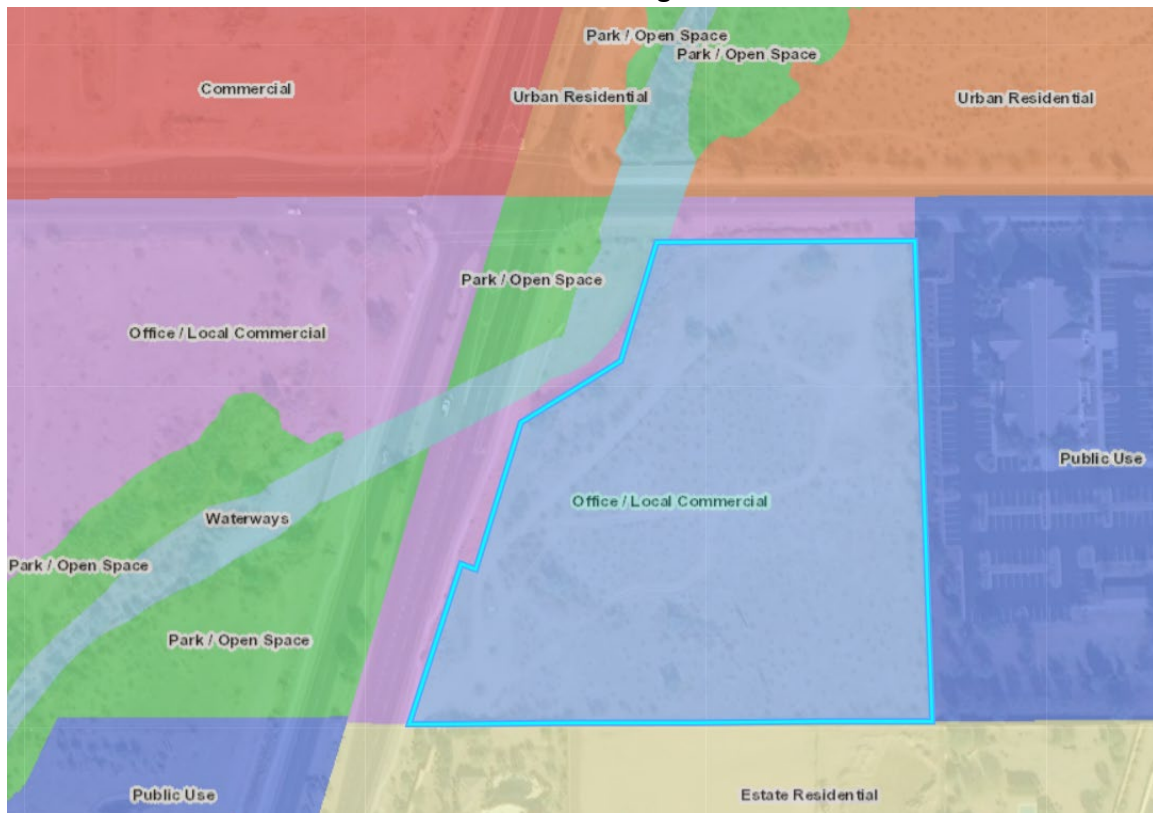


Exhibit E

List of Uses

A. The use of the property shall comply with the uses indicated in Table E.1.

Table E.1. Permitted and Conditional Use	
USE	PAD
ADMINISTRATIVE & FINANCIAL	
Banks and Financial Institution (without drive-thru) within a Professional or Medical Office Building	P
Professional, Administrative or Business Offices	P
EATING & DRINKING ESTABLISHMENTS	
Catering Establishment within a Professional or Medical Office Building	P
Mobile Food Vendor Cart #	P
Outdoor Dining and Seating Areas #	P
Restaurants within a Professional or Medical Office Building	P
ENTERTAINMENT AND RECREATION	
within a Professional or Medical Office Building	
Dance, Theatrical, Art, Music Studio and similar uses	P
Health and Exercise Center #	P
GENERAL RETAIL	
within a Professional or Medical Office Building	
Book, Stationery and Greeting Card Store	P
Candy and Ice Cream Store	P
Copy Center	P
Florist	P
Gift, Novelty and Souvenir Shop	P
MEDICAL	

Pharmacy (Drive Thru Uses Allowed under a Conditional Use Permit)	P
Emergency Medical Care Facility	C
Micro Hospitals (Less than 10 beds)	P
Medical, Dental, Optician or Health, Clinics and Laboratories	P
Veterinary Offices and Clinics, excluding animal boarding #	P
PERSONAL SERVICES within a Professional or Medical Office Building	
Massage Establishment #	P
Messenger Delivery Service	P
Tanning Salon, Nail Salon, Barber Shop, Beauty Parlor and similar uses such as medical spa.	P
Ticket and Travel Agency	P

P = Permitted

C = Allowed with the approval of Conditional Use Permit in accord with Chapter 21 – Zoning of the Peoria City Code, as amended.

A = Accessory Use The PAD Development Standards for permitted accessory buildings shall be in accordance with Chapter 21 – Zoning of the Peoria City Code, as amended

= Subject to the Use Limitations specified in Chapter 21- Zoning of the Peoria City Code, as amended.

Exhibit F

Property Development Standards

A. Building Height, Setbacks, and Landscape Buffer shall comply with Table F.1.:

Table F.1. Property Development Standards	
Standard	PAD
Maximum Building Height (FT)	22 – 40 ¹
Setback from Jomax Road (North Boundary) (FT)	15
Setback from Lake Pleasant Parkway (West Boundary) (FT)	45 ^{2,3}
Interior Rear/Side Setback (FT)	0
Landscape buffer width from Residential Zones (FT) East Property Line	15
Landscape buffer width from Residential Zones (FT) South Property Line	30
Building Setback from Residential Zones (FT)	60
Accessory Building Height and Setbacks (FT)	*

- 1 Building height to be set to 22 feet high for Building A (Single Story) and 40' for Building B (Two Story). Rooftop equipment, elevator bulkheads and stairwells may protrude above building height. Building height is not to include tower/pilaster and entryway features as seen in Exhibit G: Conceptual Elevations.
 - 2 Where the right of way is over 95 feet, this setback does not apply.
 - 3 Architectural **embellishments and appurtenances such as awnings or parapet-mounted overhangs** may encroach **up to 8 feet** into the setback, **provided such element is not less than 15 feet above the building's 1st finished floor elevation.** Architectural embellishments and appurtenances below the 15 feet building finished floor elevation may encroach into the setback by not more than 3 feet. In no case, shall any encroachment be greater than 20% of the affected elevation. Shade awnings and canopies may encroach into the setback not more than 5 feet.
- * All regulations and development standards applicable to the principal building shall apply, except for covered parking canopies which shall comply with the standards established in Section 21-825 of the Zoning Ordinance.

B. Walls and fences:

1. The maximum wall, fence or combination of a wall and fence height shall not exceed 10 feet along the south property line of the PAD boundary.
2. All other wall and fence shall comply with the Zoning Ordinance, as amended.

C. Other Property Development Standards and Requirements.

The development shall comply with all other Supplemental Regulations and the Desert Lands Conservation Overlay (DLCO) requirements of the Zoning Ordinance, as amended. If there is a

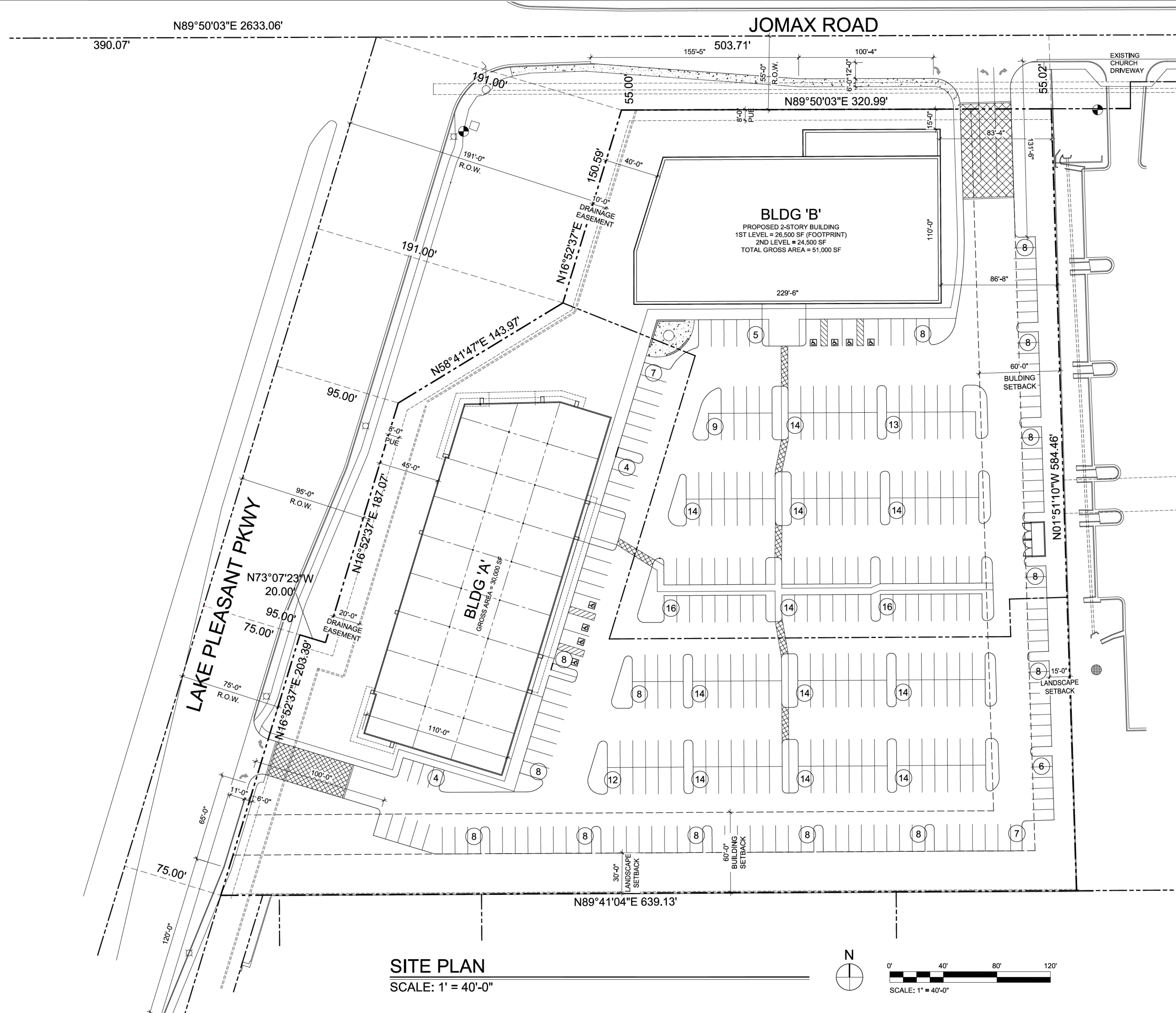
conflict between the requirement indicated in Section A and B. of Exhibit F, the property development standards of this Exhibit F shall govern.

SEC North Lake Pleasant Parkway and West Jomax Road
Peoria, AZ

11

UPWARD
ARCHITECTS

1155 W. Rio Salado Parkway, Suite B-101, Tempe, AZ 85281
602.753.5222 www.upwardarchitects.com
08.06.2021 PROJECT NO.: 21058



SITE DATA:

PARCEL NUMBER : 201-30-125
EXISTING ZONING : SR-43
PROPOSED ZONING: PAD

SITE AREA
GROSS SITE AREA: 389,506 S.F. / 8.942 AC
NET SITE AREA : 289,833 S.F. / 6.654 AC
LOT COVERAGE : 19.5%
FAR: 0.28

OPEN SPACE
REQUIRED: 47,774 S.F.
PROVIDED: 83,355 S.F.

BUILDING AREA
BUILDING 'A' 30,000 S.F.
2-STORY BUILDING 'B'
1ST LEVEL 26,500 S.F.
2ND LEVEL 24,500 S.F.
TOTAL BUILDING AREA : 81,000 S.F.

BUILDING 'A' 27,000 S.F. / 200 = 135 SPACES
2-STORY BUILDING 'B' 45,900 S.F. / 200 = 230 SPACES
TOTAL PARKING REQUIRED: (90% G.S.F.) 365 SPACES

BUILDING 'A' 135 SPACES
2-STORY BUILDING 'B' 230 SPACES
TOTAL PARKING PROVIDED: 365 SPACES

PARKING RATIO: 5.0 SPACES / 1,000 N.S.F.



SITE PLAN

SEC North Lake Pleasant Parkway and West Jomax Road
Peoria, AZ

04.04.22
PROJECT NO.: 21058



UPWARD
ARCHITECTS

1155 W. Rio Salado Parkway, Suite B-101, Tempe, AZ 85281
602.753.5222 www.upwardarchitects.com
08.06.2021 PROJECT NO.: 21058

Citizen Participation Report

Cielo Vista Medical Commons

Lake Pleasant Pkwy & Jomax Rd.

Planned Area Development

Case No. Z22-02

April 29, 2022

PREPARED BY:

Bergin, Frakes, Smalley & Oberholtzer PLLC

Contact: Carolyn Oberholtzer

conberholtzer@bfsolaw.com

(602) 888-7860

Introduction

Under Section 21-317 of the Peoria Zoning Ordinance, the applicant conducted public outreach to provide information on the annexation and rezoning of the parcel. The public outreach seeks to get input from the local stakeholders in the process.

The applicant completed a direct mailing campaign and hosted a neighborhood meeting to provide information, address concerns, and receive input from citizens. In all 46 letters were mailed to residents within 600 ft. of the property, and 7 letters were mailed to HOAs within 1 mile of the property. In addition, the applicant created a website to provide more information for citizens interested in the Project.

Summary of comments received

In addition to the neighborhood meeting, the applicant received an email and website response from a recipient of the notice. This citizen had questions regarding discrepancies between the City of Peoria mailer and the website for the application. After the neighborhood meeting, this citizen requested further information about and expressed concerns over some of the permitted uses as well as the finished floor elevations of the two story building.

The following documents are attached as exhibits:

- Public Notice Letter
- Neighborhood Meeting Report
 - Neighborhood meeting minutes
 - Sign in sheets
- Neighborhood Meeting Presentation
- Mailing List

B | F | S | O

BERGIN, FRAKES, SMALLEY & OBERHOLTZER

March 11, 2022

**Re: A Planned Area Development (PAD) Zoning Request for the Southeast corner of Lake Pleasant Parkway and Jomax Road;
Zoning Case No. Z22-092**

Dear Property Owner or Association Representative:

This letter is to inform you of a neighborhood meeting for a proposed development on approximately 6.65 acres located on the southeast corner of Lake Pleasant Parkway and Jomax Road (the "Property", please see the attached site plan) adjacent to The Church of Jesus Christ of Latter-Day Saints. Bergin, Frakes, Smalley, & Oberholtzer represents the developer of the project, Irgens Partners LLC, and is seeking to rezone the Property from Suburban Ranch 43 (SR-43) to Planned Area Development ("PAD") to facilitate a development of Cielo Vista Medical Commons ("CVMC"), a medical office complex with the opportunity for ancillary retail consistent with the Office and Local Commercial designation in the City of Peoria General Plan.

In-Person Neighborhood Meeting Info:

Date: March 28, 2022

Time: 6:00 p.m.

Location: Copper Hills Church –
Mini Auditorium 27035 N Black
Rock Blvd, Peoria, AZ 85383

The Property is currently a vacant parcel and zoned Suburban Ranch 43 (SR-43), which permits single family residential uses as well as, public utility buildings, parks, schools and churches within the City of Peoria. In addition, SR-43 allows for various commercial agricultural uses including soil crops, commercial poultry, livestock raising, and plant nurseries. The proposed rezoning to PAD will facilitate the development of CVMC, as conceptually shown in on the enclosed site plan, and will establish development standards for the project that will ensure separation and buffering from existing uses to the south and east.

Further information can be found at www.secjomaxlakepleasant.com which will be continually updated with project details as the application progresses through the public hearing process.

Additionally, we have scheduled an in-person open house for you to ask any questions, meet the development team, and learn more about the project:

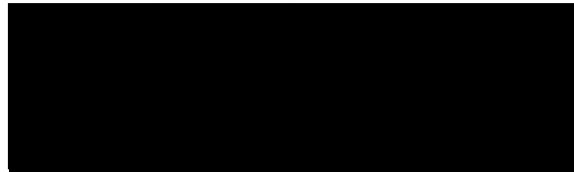
In Person Meeting:

Date: March 28, 2022
Time: 6:00 p.m.
Location: Copper Hills Church – Mini Auditorium 27035 N Black Rock Blvd, Peoria, AZ 85383

If you cannot attend for any reason, we would be happy to talk with your or meet with you or a small group of your neighbors separately at your convenience.

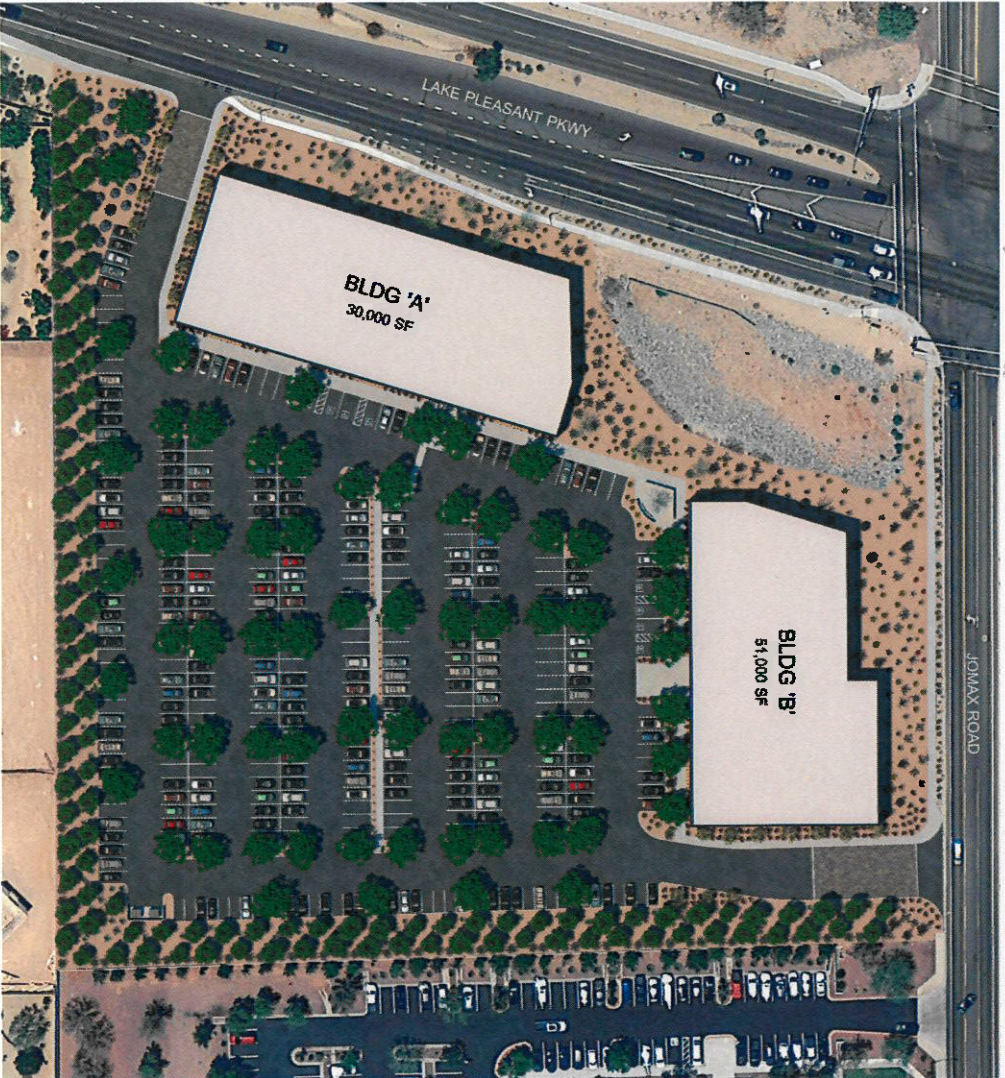
You may reach me at 602-888-7860 or via email at coberholtzer@bfsolaw.com. You may also contact the City planner assigned to the case, Dan Symer, at 623-773-5164 or dan.symer@peoriaaz.gov. Thank you for your courtesy and consideration.

Sincerely,



Carolyn Oberholtzer

cc: Dan Symer, City of Peoria Planning and Development Department
Enclosure(s) – Conceptual Site Plan



SITE PLAN
SCALE: 1" = 40'-0"



SITE PLAN

SEC North Lake Pleasant Parkway and West Jomax Road
Peoria, AZ

12.07.2021
PROJECT NO.: 21068

SITE DATA:

PARCEL NUMBER:	201-30-125
EXISTING ZONING:	SR-4.3
PROPOSED ZONING:	PAD
SITE AREA	
TOTAL SITE AREA:	288,918 S.F. / 6.63 AC
LOT COVERAGE:	19.6%
FAR:	0.28
BUILDING AREA	
BUILDING 'A'	30,000 S.F.
2-STORY BUILDING 'B'	54,000 S.F.
1ST LEVEL	26,500 S.F.
2ND LEVEL	27,500 S.F.
TOTAL BUILDING AREA:	84,000 S.F.
BUILDING 'A'	27,000 S.F. / 200 = 135 SPACES
2-STORY BUILDING 'B'	46,900 S.F. / 200 = 230 SPACES
TOTAL PARKING REQUIRED: (80% G.S.F.)	365 SPACES
BUILDING 'A'	
2-STORY BUILDING 'B'	135 SPACES
TOTAL PARKING PROVIDED:	365 SPACES
PARKING RATIO:	5 SPACES / 1,000 N.S.F.

UPWARD
ARCHITECTS

1455 W. Rio Salado Parkway, Suite B-101, Tempe, AZ 85281
602.753.2222 www.upwardarchitects.com
08.08.2021 PROJECT NO.: 21068

Neighborhood Meeting Summary for

Cielo Vista Medical Commons

March 28, 2022 at 6:00 p.m.

Case No. Z22-02

The neighborhood meeting for the Cielo Vista Medical Commons (“Project”) was held at 6:00 p.m. on March 28, 2022, at Copper Hills Church located at 27035 N Black Rock Blvd, Peoria, AZ 85383. The development team arrived at 5:00 p.m. and the first attendees arrived at 5:45 p.m. A list of 12 attendees is attached as Appendix A.

Members of the development team present included:

Carolyn Oberholtzer – Bergin, Frakes, Smalley & Oberholtzer

Lauren Trobaugh – Bergin, Frakes, Smalley & Oberholtzer

Caleb Weeks – Bergin, Frakes, Smalley & Oberholtzer

Nick Woodruff – Irgens Development Partners

City Officials and Staff:

Penny Parrella – Council Assistant, City of Peoria

Dan Symer – Senior Planner, City of Peoria

Cody Gleason – Principal Planner, City of Peoria

The meeting began at 5:45 when the first attendees arrived. The application was presented on a series of poster boards which displayed the details of the proposed Project. The boards displayed the General Plan land use designation for the property, the general location of the Project, and the change in zoning requested. In addition, a display board presented examples of Irgen’s (the developer) work on similar medical and general office buildings in Peoria and elsewhere in the state. Attendees were led through the boards by Ms. Oberholtzer and questions and answers were exchanged as she presented the application to the citizens. City staff and the development team listened to the questions and concern of the public in attendance. The development team also directed the public to the project website www.secjomaxlakepleasant.com for further information. Below is a summary of the citizens’ questions and the answers from the development team.

Citizen Questions:

A citizen asked how far out the notices were sent out for the Project.

The development team explained that the notices were sent to residences within 600 ft. and Neighborhood Associations, Condominium Associations, Home Owners Associations, and apartment management offices within 1 mile of the Project boundaries.

Hearing that the Project was intended for medical uses, a citizen asked about whether there would be noise from ambulances and helicopters on-site.

Ms. Oberholtzer explained that a hospital use was not envisioned as a by right use and would need to be permitted under a conditional use permit in the PAD.

There were questions regarding access and movement for vehicles along Lake Pleasant Pkwy.

City staff discussed potential new changes to Lake Pleasant parkway including a median brake that would allow left turns for traffic existing neighborhoods to the south of the project.

A group of citizens were concerned about their water pressure decreasing with new development coming in – stating that they were already experiencing issues if they would run their sprinklers and take a shower at the same time.

The development team explained that they had not heard any of these concerns yet and that they would make sure that they were looked into and considered in the utilities studies that would accompany subsequent submittals.

A citizen asked why local commercial uses were being added into the PAD if the desire is to develop the property for medical uses. A citizen asked why we needed a PAD to accommodate the development plans for the site.

Ms. Oberholtzer explained that the PAD was being used to accommodate reduced setbacks along the perimeter roads required to push the 2-story building on the north of the property closer to Jomax, and also to set a defined list of allowable uses that was tailored to the goals of the project. They are also increased to create a large separation between the residences to the south and any proposed buildings. Ms. Oberholtzer further explained that the commercial uses were meant to support the medical and general office uses within the Project. Specifically, she discussed how a café built within the project could be a use that complimented the medical uses on-site.

Some people had questions about if the wash on the corner of Jomax and Lake Pleasant and if that presented drainage issues for the property.

The development team explained that the wash was not part of the Project and was not within the parcel boundary.

There were concerns about traffic generated from the Project.

The development team explained that a traffic study was part of the application and that perimeter improvements would be made to facilitate ingress and egress to the site as well as intersection improvements at the intersection.

Several residents had questions about how to assure that the development would be for medical uses and if the zoning process would allow for a “switcheroo” to change uses after the community had bought in to the Project. Someone asked if there could be apartments built on the property with the application.

Ms. Oberholtzer explained that the PAD would set the uses and standards for the Project and any subsequent revision to the uses would need to follow the process for amendment to the PAD. The PAD stipulations will also require general conformance to the package. She further explained that the current PAD is in conformance with the general plan of the city of Peoria and some of the uses, such as apartments, may require amendment to the General Plan.

There were questions about the elevations of the buildings. There were requests about the grading of the property, and there were concerns that the 2-story building could be placed on elevated ground to increase the height compared to surrounding properties.

The development team discussed that while the finished floor elevations weren't complete at this time, they would share this information with the community when the plans were further along.

There were concerns about the landscape choices for the south buffer – namely that certain trees may negatively affect the direct neighbors if foliage ends up in their yards after a storm.

Ms. Oberholtzer explained that this would be a consideration as the landscape plans were developed for the subsequent submittals.

There were questions about what the zoning and construction timeline would be for the project.

Ms. Oberholtzer explained that the team was expecting to finish the entitlements this year with construction beginning in 2023. Mr. Woodruff explained that the project would proceed in a phased approach with an expectation of 12 months to construct the single-story building on Lake Pleasant Pkwy. He explained the two-story building on Jomax would have a similar construction timeline but would be started some time after the completion of the first building.

There was a question of lighting in the parking lot and how that would affect direct neighbors.

The development team explained that the lighting standards would be in line with Peoria's development standards.

A citizen asked if a marijuana use would be allowed in the Project.

Ms. Oberholtzer explained that this would not be a permitted use within the PAD.

The meeting ended at 7:00 p.m. as scheduled with the closing time of the venue.

Neighborhood Meeting Sign-In Sheet

Irgens – Peoria
 Cielo Vista Medical Commons
 Case No. Z22-02
 Neighborhood Meeting – Monday March 28, 2022
 Copper Hills Church
 27035 N. Black Rock Blvd. Peoria, AZ 85383

Name	Address	City & Zip Code	Phone/E-Mail
Melanie Squires	[REDACTED]	Peoria 85383	[REDACTED]
Lisa Perry	✓	✓	✓
RAT KIEF	[REDACTED]	PEORIA 85383	[REDACTED]
Justin DAVIS	[REDACTED]	Peoria 85383	[REDACTED]
Cody Gorman	[REDACTED]	Peoria AZ 85345	[REDACTED]

Neighborhood Meeting Sign-In Sheet

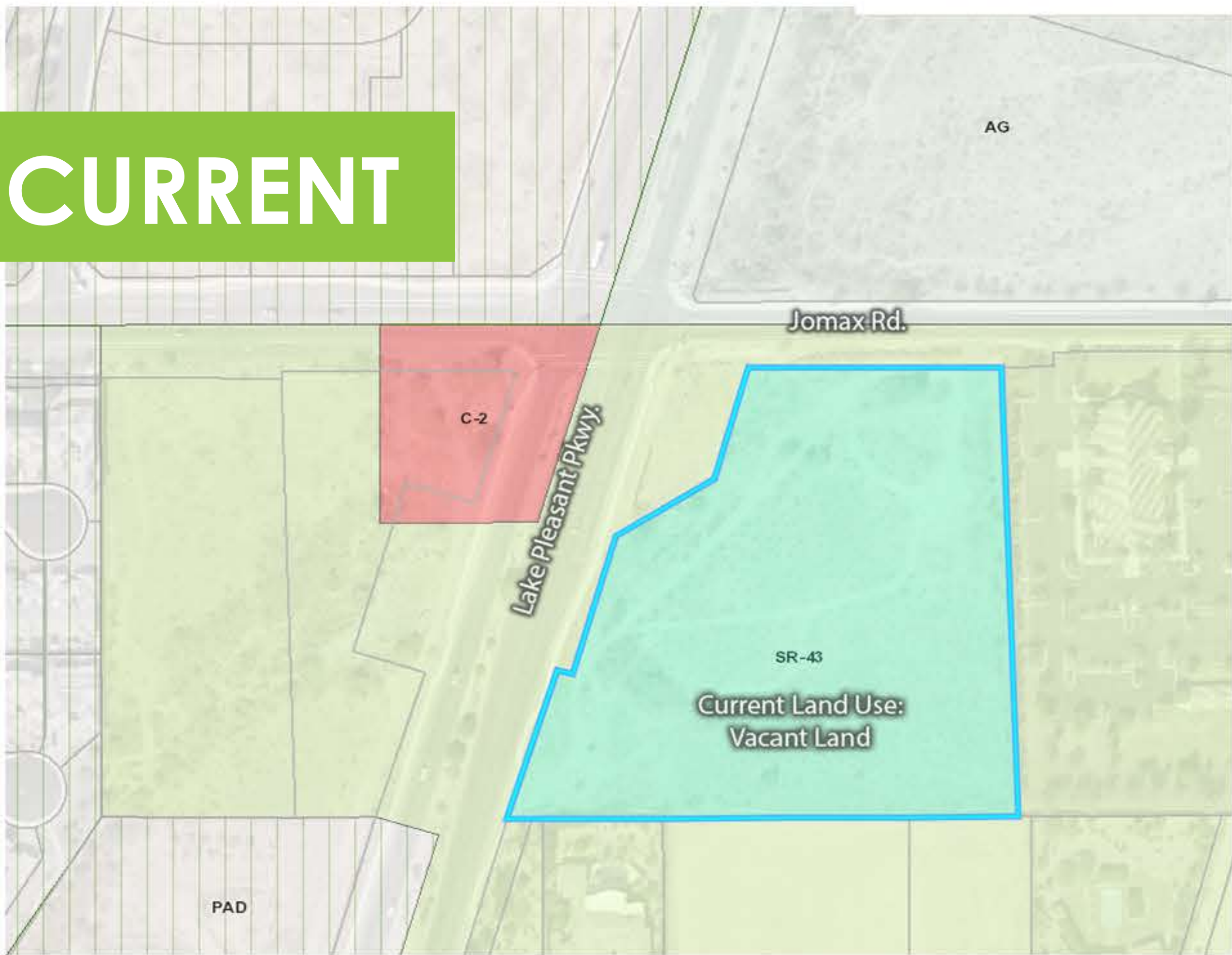
Irgens – Peoria
 Cielo Vista Medical Commons
 Case No. Z22-02

Neighborhood Meeting – Monday March 28, 2022
 Copper Hills Church
 27035 N. Black Rock Blvd. Peoria, AZ 85383

Name	Address	City & Zip Code	Phone/E-Mail
Dale & Ruby Schan	[REDACTED]		
Denny Darnell	[REDACTED]		
Brian Gallimore	[REDACTED]	Peoria 85303	[REDACTED] +
Nate Cottrell	[REDACTED]	85303	[REDACTED]
Ray Spivey	[REDACTED]		[REDACTED] god
Janice Clark			
Mark			

CURRENT VS. PROPOSED LAND USE AND ZONING

CURRENT



SR-43
21-408

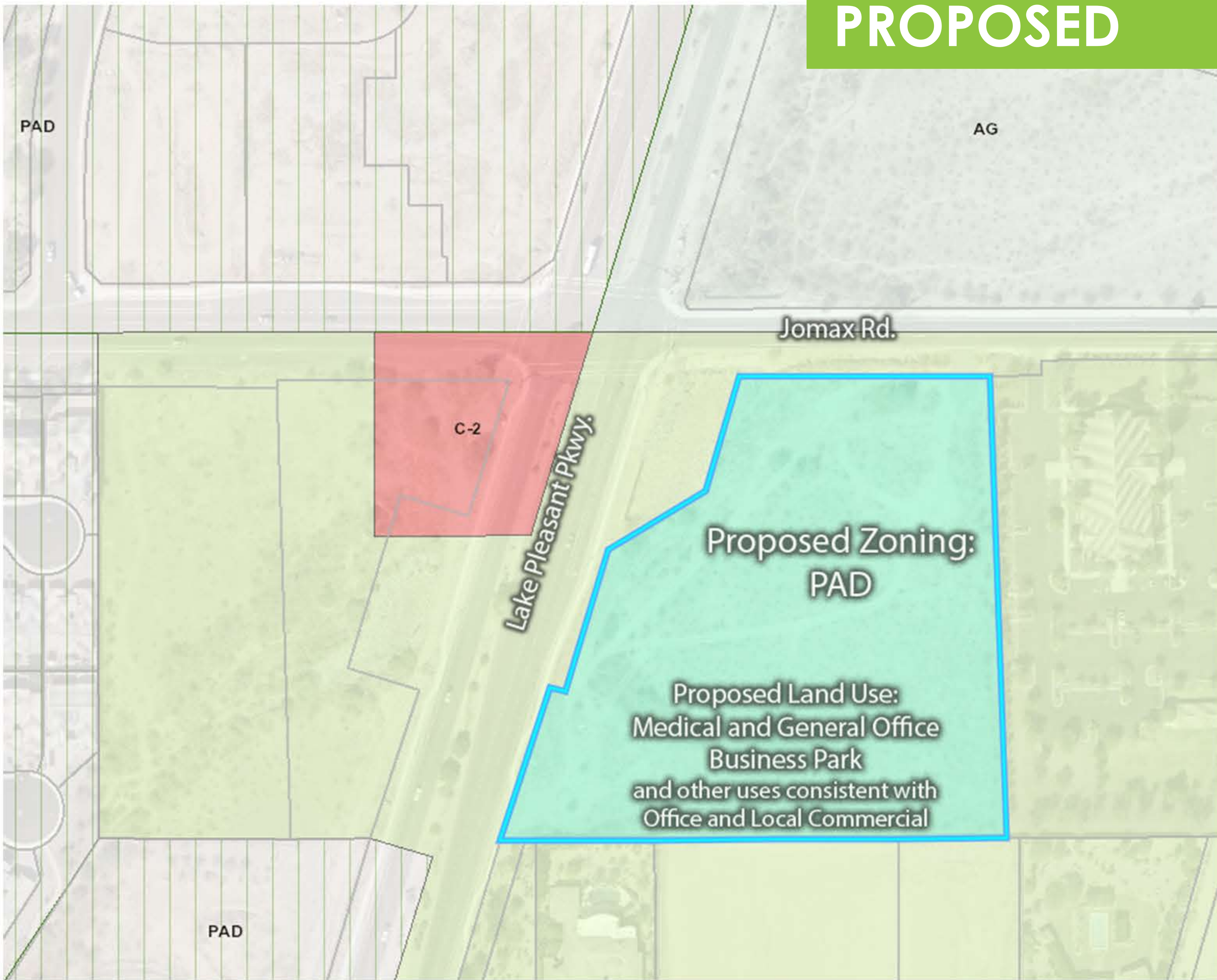
The purpose of the Suburban Ranch Districts (SR-43 and SR-35) is to provide for and conserve existing rural and low-density residential uses in their present or desired character fostering orderly growth in rural areas.

21-409 Permitted Principal Uses

- A. Single-Family Dwelling.
- B. Publicly owned and operated parks, recreation areas, and centers.
- C. Soil Crops.
- D. Group Homes, in accordance with Section 21-812.C.
- E. Public/Charter Schools and Private Schools, provided that the facility shall have direct vehicular access to an arterial or collector street. Facilities for the repair or storage of vehicles and equipment shall be prohibited.
- F. Churches, Synagogues, Temples, Chapels, or similar places of worship, and related facilities.
- G. Public utility buildings, uses, structures, equipment and storm water retention areas; provided that repair or storage facilities in connection therewith are expressly prohibited.

Peoria Zoning Ordinance

PROPOSED



CONCEPTUAL SITE PLAN

SITE DATA:

PARCEL NUMBER : 201-30-125
EXISTING ZONING : SR-43
PROPOSED ZONING: PAD

SITE AREA
TOTAL SITE AREA : 288,919 S.F. / 6.63 AC
LOT COVERAGE : 19.6%
FAR: 0.28
BUILDING AREA
BUILDING 'A' 30,000 S.F.
2-STORY BUILDING 'B'
1ST LEVEL 26,500 S.F.
2ND LEVEL 24,500 S.F.
TOTAL BUILDING AREA : 81,000 S.F.

BUILDING 'A' 27,000 S.F. / 200 = 135 SPACES
2-STORY BUILDING 'B' 45,900 S.F. / 200 = 230 SPACES
TOTAL PARKING REQUIRED: (90% G.S.F.) 365 SPACES

BUILDING 'A' 135 SPACES
2-STORY BUILDING 'B' 230 SPACES
TOTAL PARKING PROVIDED: 365 SPACES

PARKING RATIO: 5 SPACES / 1,000 N.S.F.



Renderings

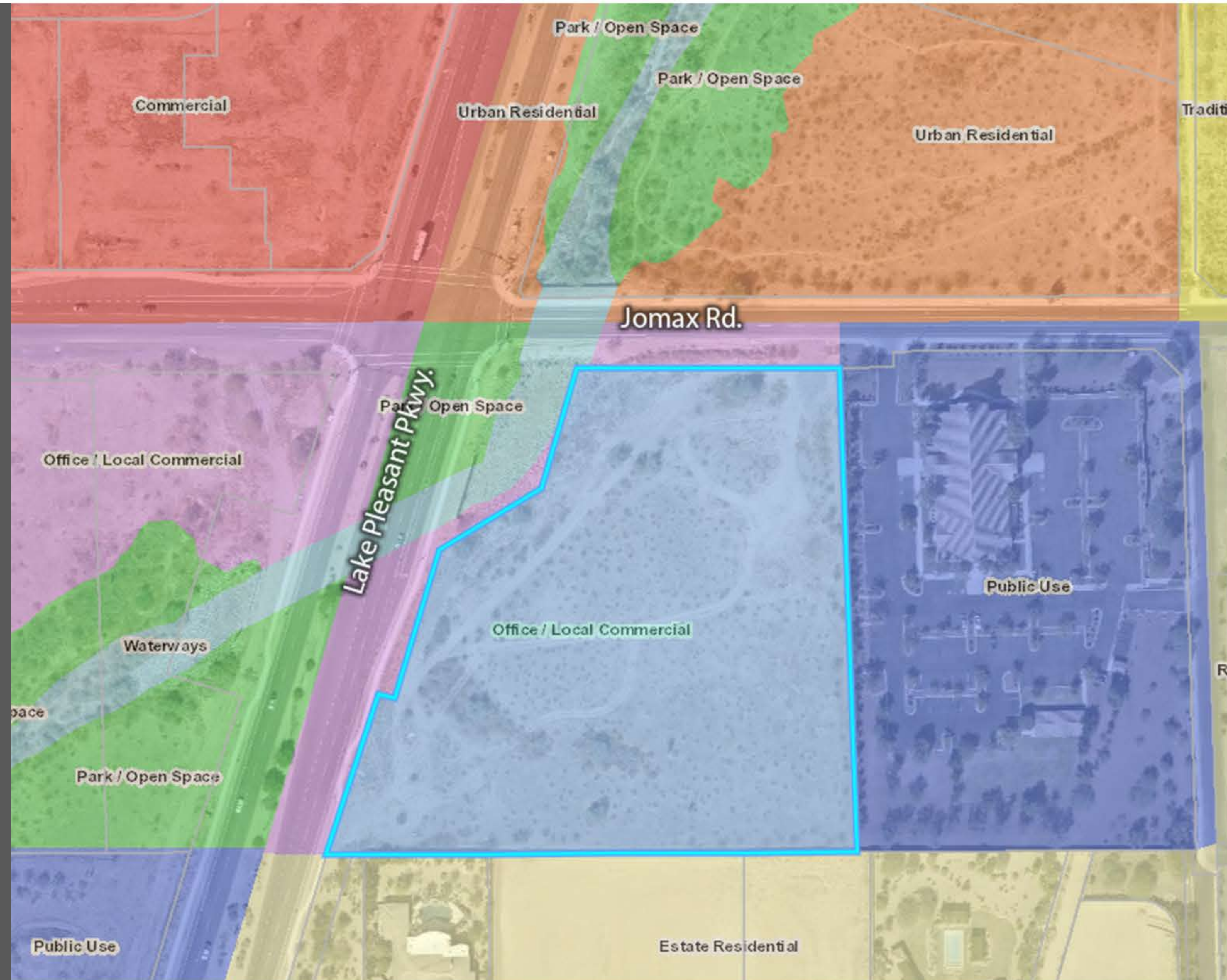


GENERAL PLAN VISION

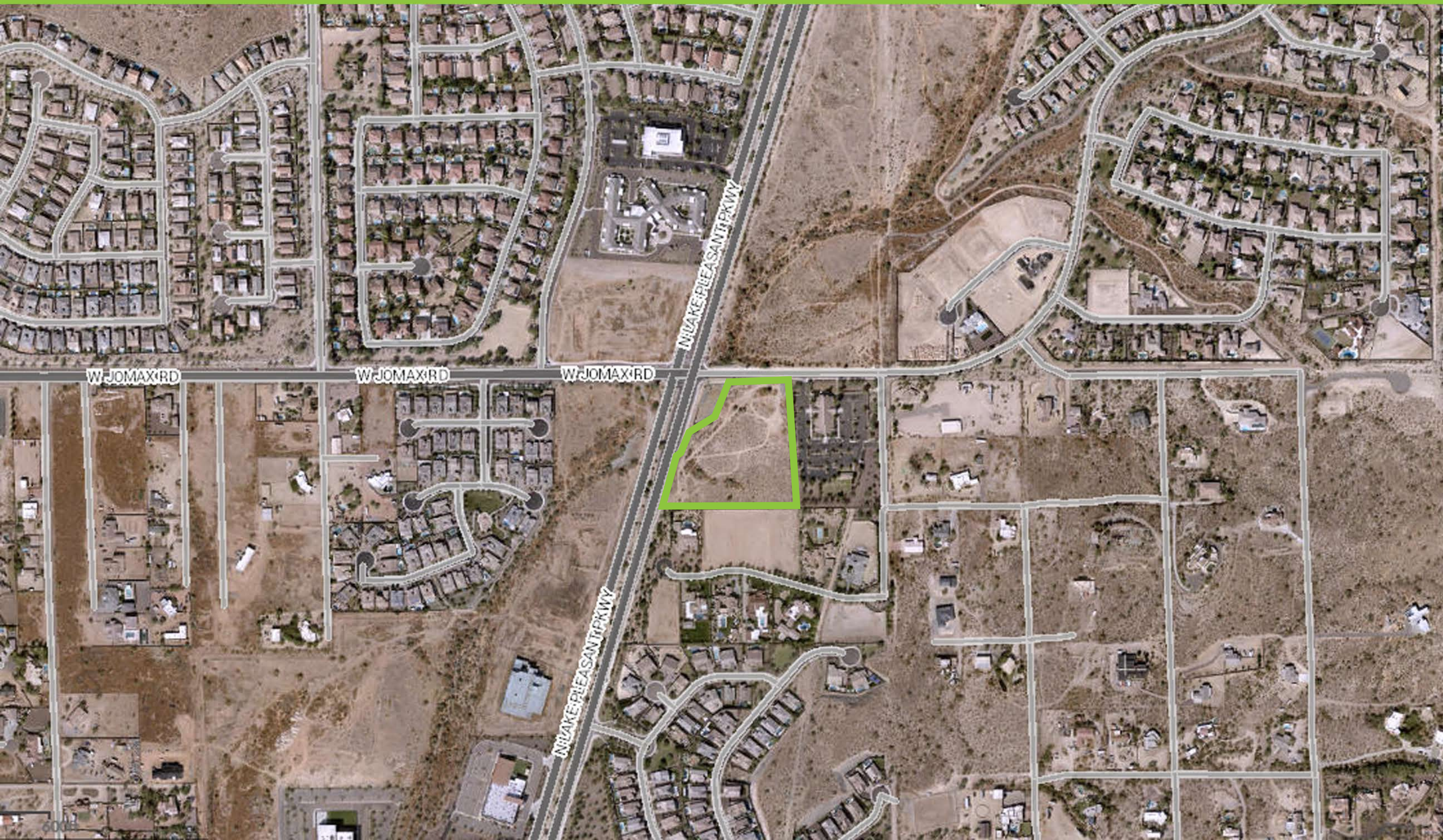
Office and Local Commercial

The Office and Local Commercial category supports low-intensity commercial development consisting of a variety of small to moderate in scale professional offices, medical and legal services, and ancillary retail uses. Office buildings and complexes are characteristic of this category, providing services and employment to the larger community area. Office and Local Commercial areas provide convenient access to goods and services such as office and locally-oriented neighborhood uses. For example, medical offices, financial institutions, convenience stores, pharmacies, personal services such as dry cleaners, and restaurants.

- City of Peoria General Plan 2040



CONTEXT MAP



IRGENS ARIZONA HEALTHCARE PROPERTIES



Spectrum Medical Commons *Gilbert, AZ*



Mercy Medical Commons *Gilbert, AZ*



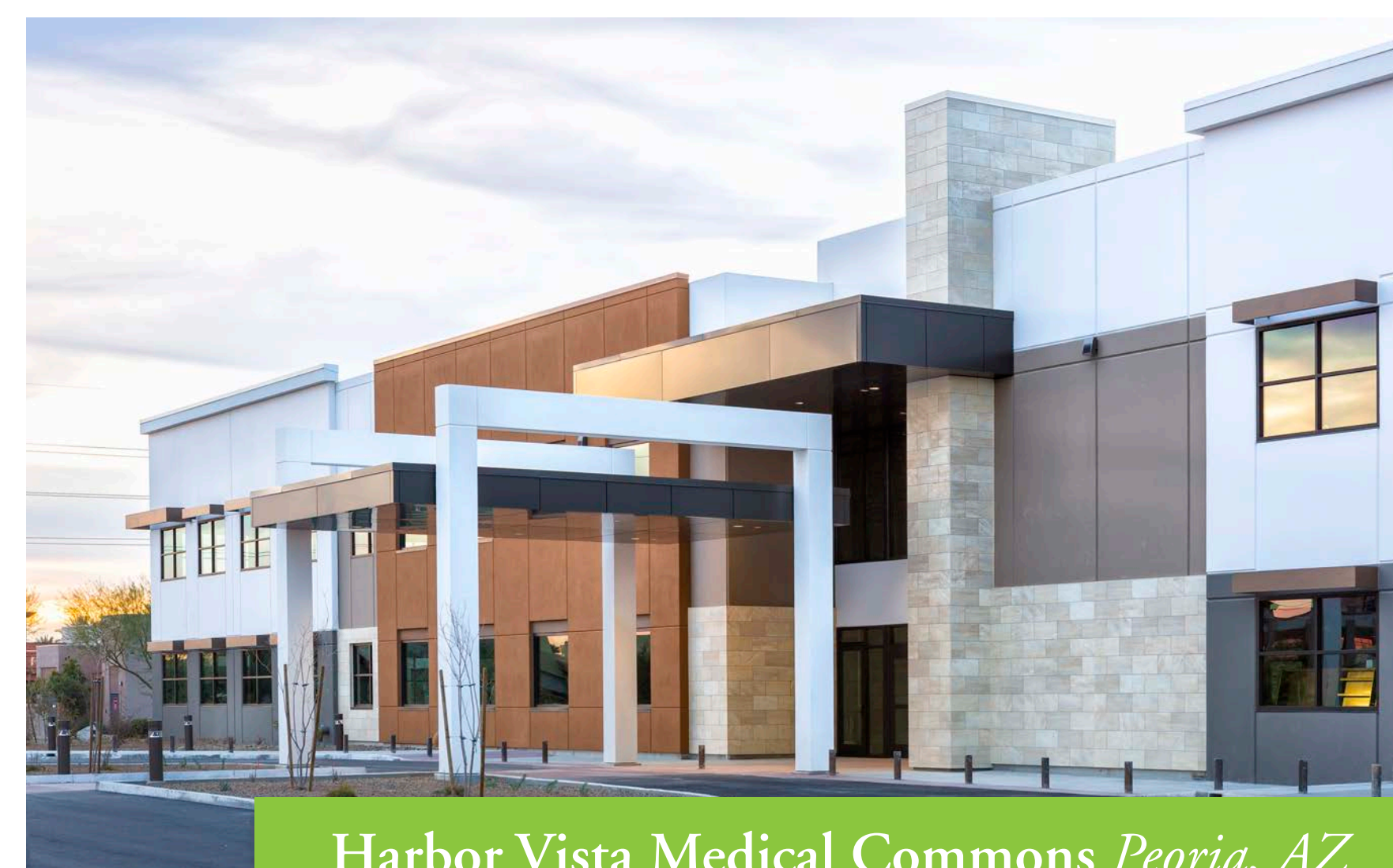
Desert Harbor Medical Commons *Peoria, AZ*



17300 North Perimeter Drive *Scottsdale, AZ*



Shea Medical Plaza *Scottsdale, AZ*



Harbor Vista Medical Commons *Peoria, AZ*



Mountain Ranch Medical Commons *Goodyear, AZ*

NOTABLE TENANTS

- Banner Health
- Dignity Health
- Integrated Orthopedics
- Arizona Urology Specialists
- Advanced Surgical Associates
- The Pain Center of Arizona
- Cigna
- NextCare
- AdmireMD Plastic Surgery and Skin Clinic
- Southwest Medical Imaging
- Arizona Center for Cancer Care
- AZPerio



FIELD FAMILY TRUST

[REDACTED]

DALE R SCHANTZ & RUBY K SCHANTZ

[REDACTED]

SOMMERS MICHAEL C/POWELL CHRISTINE
A

[REDACTED]

LEGER MARTHA M

[REDACTED]

L W F METAL WORKS INC

[REDACTED]

CHURCH OF JESUS CHRIST

[REDACTED]

GALLIMORE BRIAN A TR

[REDACTED]

SQUIRES MELANIE

[REDACTED]

PHILIP CHARLES DENARO SR AND SUSAN

[REDACTED]

ZBURLEA LUCIAN/LIDIA

[REDACTED]

JOHNSON JAMIE R/TRACY L

[REDACTED]

ROBEY KIRK/JEAN

[REDACTED]

HALMRAST PAUL W

[REDACTED]

DAVIS JUSTIN R/HINDERKS-DAVIS BETTY A

[REDACTED]

SHERWOOD REVOCABLE TRUST

[REDACTED]

WESTRICH JUSTIN A

[REDACTED]

LA STRADA DEL LAGO HOMEOWNERS
ASSOCIATION INC

[REDACTED]

LA STRADA DEL LAGO HOMEOWNERS
ASSOCIATION INC

[REDACTED]

LA STRADA DEL LAGO HOMEOWNERS
ASSOCIATION INC

[REDACTED]

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[REDACTED]

LA STRADA DEL LAGO HOMEOWNERS
ASSOCIATION INC

[REDACTED]

LA STRADA DEL LAGO HOMEOWNERS
ASSOCIATION INC

[REDACTED]

MAVERICK HOLDING COMPANY LLC

[REDACTED]

MACRIDES ANDREAS G/MARIA A

[REDACTED]

DELVECCHIO VICTORIA/DAVID

[REDACTED]

STRATE FAMILY TRUST

[REDACTED]

RASSAS MELISSA ANNE

[REDACTED]

STONEBRIDGE RANCH HOMEOWNERS
ASSOCIATION

[REDACTED]

STONEBRIDGE RANCH HOMEOWNERS
ASSOCIATION

[REDACTED]

KRUPP JON ROGER/SYLVIA MARJEAN

[REDACTED]

BRIAN A GALLIMORE LIVING TRUST

[REDACTED]

JOLAKE LLC

[REDACTED]

17

NEAD LLC

[REDACTED]

JOLAKE LLC

[REDACTED]

IP AVANTI PEORIA LLC

[REDACTED]

JOLAKE LLC

[REDACTED]

MAVERICK HOLDING COMPANY LLC

[REDACTED]

JKW PARTNERS LLC

[REDACTED]

FIRST SERVICE MEDICAL LLC

[REDACTED]

INDIGO-MARICOPA REALTY LLC

[REDACTED]

AAA IP-19 LLC/RAEES INVESTMENTS LLC

[REDACTED]

AAA IP-19 LLC/RAEES INVESTMENTS LLC

[REDACTED]

WALES MICHAEL/TIERNEY

[REDACTED]

SLATER TRAVIS/REBECCA

23732 N 118TH LN

[REDACTED]

CIBOLA VISTA COMMUNITY ASSOC

[REDACTED]

La Strada Del Lago Homeowners Association



Pleasant Valley HOA



Querencia



Stonebridge Ranch Homeowners Association



Tierra del Rio North



Tierra Del Rio South



Westwing Mountain HOA





PLANNING AND ZONING COMMISSION REPORT

Meeting October 20, 2022

Date:

Agenda Item: 4R

Case Name: Lighthouse Office Parcel: Rezone (Z21-04)

General Application Information

Proposal:

The applicant is seeking to rezone approximately 1.6 acres of land from Single-Family Residential (R1-8) to Office Commercial (O-1).

Location:

8645 W Olive Avenue

Project Acreage:

Approximately 1.6 acres

Applicant:

Miguel Hernandez on behalf of Lighthouse Apostolic Ministries

ATTACHMENTS:

Description

Z21-04 Staff Report

Exhibit 1 - Conditions of Approval

Exhibit 2 - Vicinity Map

Exhibit 3 - Context Map

Exhibit 4 - Land Use Map

Exhibit 5 - Zoning Map

Exhibit 6 - Rezone Narrative and Justification

Exhibit 7 - Citizen Participation Report



PLANNING AND ZONING COMMISSION STAFF REPORT

Date October 20, 2022

To Planning and Zoning Commission

From Chris Jasper
Planner

Subject Lighthouse Office Parcel
8645 W Olive Avenue

PROPOSAL

The applicant is seeking to rezone an approximately 1.6 acre site to facilitate the development of commercial and office uses.

APPLICATION INFORMATION

Case Numbers Rezoning Application (Z21-04)

Applicant Miguel Hernandez on behalf of Lighthouse Apostolic Ministries

Request(s) Rezone: Rezone approximately 1.6 acres from Single-Family Residential (R1-8) to Office Commercial (O-1).

LOCATION AND CONTEXT

SUBJECT SITE

The site is located west of the southwest corner of Olive Avenue and 85th Avenue at 8645 W Olive Avenue, as shown in **Exhibits 2 and 3**.

CONTEXT

The site is approximately 1.6 acres in area and consists of one vacant parcel located west of the southwest corner of the signalized intersection of 85th Avenue and Olive Avenue.

The site is bounded to the north by Olive Avenue, an arterial road, and further to the north by single-family residential homes located in the Fairmont subdivision (**Exhibit 2 and 3**). North and east of the property, across Olive Avenue and 85th Avenue, is the Cedarbrook subdivision, which is made up of single-family residential homes. The parcel abuts the Apostolic Lighthouse Ministries church to the east. Further to the east is 85th Avenue and the AMF Lanes bowling alley, and beyond that the Village at Pioneer Park to-rent bungalow homes. To the south and the west, the parcel is directly bounded by the Westgreen Estates single-family residential subdivision. Approximately three-quarters of a mile to the West is the Loop 101.

APPLICANT'S PROPOSAL

The applicant is requesting to rezone the subject property to allow for the development of commercial and office uses on a currently vacant property. Although the applicant has not identified a specific land use or business to be accommodated by the rezoning, they have stated a desire to allow for the development of professional offices, medical and legal services, and ancillary retail uses on the site, as detailed in the rezoning narrative contained in **Exhibit 6**. Primary vehicular access will be located from Olive Avenue, as demonstrated in the conceptual site plan contained in **Exhibit 6**.

DEVELOPMENT INFORMATION

<u>Existing Use:</u>	Vacant/undeveloped
<u>Proposed Use</u>	Uses permitted by the O-1 Zoning District.
<u>Property Size:</u>	1.6 gross acres
<u>Building Height</u>	Allowed: 30 feet

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

STAFF ANALYSIS

GENERAL PLAN

Reflecting the site's previous commercial and non-residential uses, which are described in greater detail later in this report, the subject property is designated on the General Plan land use map as Office/Local Commercial, as shown on **Exhibit 4**. The Office/Local Commercial land use designation is characterized by low-intensity commercial development consisting of a variety of small to moderate in scale professional offices, medical and legal services, and ancillary retail uses. Such areas are intended to provide convenient access to goods and services such as office and locally-oriented neighborhood uses. Other appropriate uses for this land use category include medical offices, financial institutions, convenience stores, pharmacies, personal services such as dry cleaners, and restaurants.

ANALYSIS

The subject parcel's relatively small size, shallow depth, and adjacency to a major arterial roadway functionally pre-empt its ability to meaningfully develop as a residential property. Additionally, the subject property is an infill site that is virtually surrounded by both residential and non-residential uses, which restricts the ultimate yield of any potential residential application. It is also critical that infill opportunities reflect and complement the character of adjoining properties and uses.

The applicant has proposed no change to the General Plan land use designation. Although the applicant has not identified a specific end user for the property, the proposed rezoning would

permit uses that are compatible with the surrounding residential context and align with the site's existing General Plan land use category.

In addition, staff believes the proposal meets or exceeds the following General Plan goals, policies, and objectives:

- Smart Growth Goal: Balanced Land Uses – Promote a balanced mix of land uses that support a broad range of housing and lifestyle choices, business and employment opportunities and cultural and entertainment spaces.
- Balanced Land Uses, Policy LUC-3 – Integrate a variety of compatible land uses into new and established neighborhoods to provide residents with convenient access to goods, services, and other community amenities.
- Balanced Land Uses, Policy LUC-4 – Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- Complete Neighborhoods, Policy CN-1 – Promote efforts to make complete neighborhoods by encouraging the development of a mix of complementary uses and amenities that meet the daily needs of residents.

KEY FINDINGS

1. The proposed rezone aligns with the character and intent of the Office/Commercial land use category; and
2. The land uses permitted by the proposed zoning district will be compatible with the surrounding single-family residential uses; and
3. The development closely locates commercial and other non-residential uses to major transportation corridors; and
4. The proposal represents an infill development opportunity that is consistent and compatible with the existing built environment and uses.

ZONING

The site is currently zoned Single-Family Residential (R1-8). The R1-8 Zoning District is intended to accommodate the development of single-family residential subdivisions as well as non-residential uses that complement or are otherwise consistent with residential uses. The R1-8 zoning district does not permit the commercial uses desired by the applicant, so a modification to the site's zoning designation is required.

ANALYSIS

LAND USE AND ZONING HISTORY

On September 9, 1980, the Mayor and City Council adopted Ordinance No. 80-51 to annex approximately 40 acres, including the subject property, into the City of Peoria. The 40-acre site, including the subject property prior to its subdivision, was rezoned to Agricultural (AG) through case PZ01-81. At the time of annexation, the subject site was zoned commercial within Maricopa County, and it was utilized to operate an antique store. The parcels to the west and

south, which today make up the Westgreen subdivision, were rezoned to single-family residential (R1-8) in 1982. Responding to a request to verify the subject property's zoning and continued commercial use by the antique store operator, the Planning and Zoning Commission confirmed the site's continued agricultural designation and instructed staff to issue a Conditional Use Permit in November of 1983 to allow the antique store to continue its commercial operations on the property.

In October 1987, the Mayor and City Council approved a request to rezone the subject property to C-1 through Ordinance No. 87-50, though no new commercial use was contemplated at the time. Rather, the rezone was granted both to reflect the continued commercial character of the site and the viability of commercial uses in the area demonstrated by the development of a bowling alley, now AMF Peoria Lanes, at the southeast corner of 85th Avenue and Olive Avenue.

The subject property was later acquired by the Lighthouse Apostolic Ministries, which requested a rezone from C-1 to Single-Family Residential (R1-8) to construct a church with less restrictive development standards. In May 2002, the Mayor and City Council approved this request through Ordinance No. 02-31.

Lighthouse Apostolic Ministries submitted a Site Plan application through case number PR02-13, which was approved on December 1, 2003, to construct a new church and associated site improvements. Although grading activities occurred and other improvements were installed, the development was not completed, and the site plan approval has since expired due to inactivity.

PROPOSED OFFICE COMMERCIAL ZONING DISTRICT STANDARDS

If approved, the parcel will be subject to the development standards associated with the Office Commercial (O-1) zoning district. The O-1 zoning district development standards mirror those of the existing Convenience Commercial (C-1) district directly to the east, though there are some differences relative to the Intermediate Commercial (C-2) zoning district further to the east, which apply to the Lighthouse Apostolic Ministries and AMF Peoria Lanes, respectively. The C-2 zoning district requires a comparatively larger corner setback and landscape buffer from residential uses. A comparison of the development standards is detailed below in **Table 1**.

The proposed O-1 zoning district primarily differs from its neighboring commercial zoning counterparts with respect to the uses allowed within it. The O-1 district is the city's most restrictive commercial district, and its permitted uses are intended to ensure compatibility with nearby residential districts. One such difference between the O-1 zoning district and the C-1 zoning district, for example, is that the O-1 zoning district does not permit drive-through restaurants.

Table 1: Proposed Development Standards

Standards	C-2 (AMF Peoria Lanes)	C-1 (Directly East)	O-1 (Proposal)
Maximum Building Height	48 Feet*	30 Feet	30 Feet
Minimum Lot Width	N/A	N/A	50 feet
Minimum Lot Depth	N/A	120 feet	N/A
Front Setback	15 Feet	15 feet	15 feet
Rear Setback	20 Feet	20 feet	20 Feet
Corner Setback	15 Feet	10 Feet	10 Feet
Setback from Residential Zone	30 Feet	30 Feet	30 Feet
Landscape Buffer from Residential	30 Feet	20 Feet	20 Feet

* Maximum thirty 30 feet high within thirty 30 feet of any residential district. The height may be increased by one 1 foot per each three 3 feet of additional setback to a maximum of forty-eight 48 feet.

CONCEPTUAL SITE PLAN

Because the applicant has submitted its request to rezone the subject property without a specific development in mind, city staff requested that the applicant provide a conceptual site plan that generally demonstrates that how the site could function with a non-residential use. The conceptual site plan is included in **Exhibit 6** and identifies the setbacks, landscape buffers, required parking, and other traffic-related improvements associated with future development. Additional improvements and requirements, as well as the ultimate layout of the development, will be evaluated with a future Site Plan application.

TRAFFIC

Vehicular access to the site will be available from Olive Avenue to the north, and will be restricted to right-in/right-out turning movements. “No left turn” signs will be installed on the site, and the turning movement restriction will be enforced by a raised “pork chop” island. The developer will also be required to construct an eastbound right-turn lane at the Olive Avenue point of access.

WATER/SEWER

Water and sewer facilities exist adjacent to the site and have available capacity to serve the property.

PUBLIC SAFETY

There are no anticipated impacts to public safety as a result of this proposal.

COMMUNITY INVOLVEMENT

Public Noticing

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

Outreach Requirements

As a requirement of the Rezoning application processes, the applicant conducted a neighborhood meeting and provided a Citizen Participation Report detailing the results of the meeting (**Exhibit 7**). The applicant notified all property owners within a 600-foot radius of the site and all registered Homeowners' Associations within one (1) mile for the required neighborhood meeting.

The meeting was held on August 29, 2022, at 6:00 p.m. at the City of Peoria Community Center at 8335 W. Jefferson St. There were five (5) neighbors in attendance at the meeting in addition to representatives of the development team and city staff. The applicant presented the details of the project to the attendees and then answered questions from those in attendance, which are summarized within the enclosed Citizen Participation Report (**Exhibit 7**). Questions related to the intent of the rezoning effort and the allowable uses within the proposed zoning district. Residents stated opposition to the development of a gas station, which would not be permitted within the O-1 zoning district.

Support / Opposition

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

KEY FINDINGS

1. The proposal advances Smart Growth goals in Peoria General Plan to provide opportunities to live near services/employment and enable the appropriate development of an infill parcel; and
2. The rezoning request is consistent with the Office/Local Commercial General Plan land use designation; and
3. The O-1 zoning district permits specific uses and development standards that ensure compatibility with surrounding uses and nearby residential districts; and
4. The applicant/owner has submitted a signed and notarized a Proposition 207 waiver, which will be recorded with the conditions included in Exhibit 1.

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:

- 1) Recommend approval of Case Z21-04 to the City Council, subject to the attached conditions of approval.

STAFF CONTACT

Chris Jasper
Planner
623-773-7603
Chris.Jasper@peoriaaz.gov

Lighthouse Office Parcel

8645 W Olive Avenue

Case Z21-04

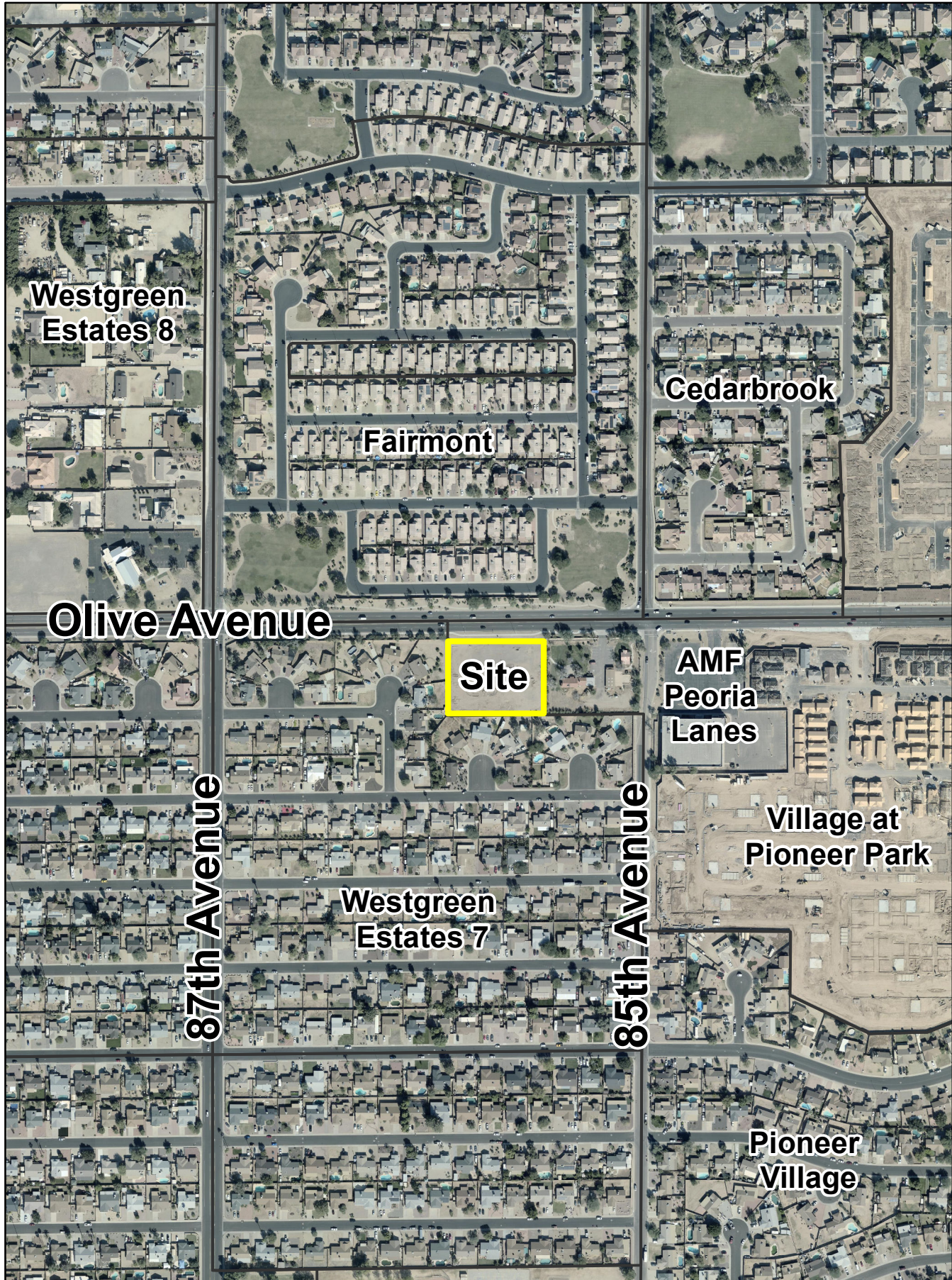


The amendment to the zoning district(s) for the above mentioned property is subject to the following Conditions of Approval in order to protect the public health, safety, welfare, and the City of Peoria:

1. The site shall be permitted one “right-in/right-out” access to Olive Avenue. The developer shall construct an eastbound right turn lane at the Olive Avenue access and a raised “pork chop” to enforce the “right-in/right-out” turn restriction.
2. The Developer shall comply with all City of Peoria engineering design standards, policies, codes and requirements at time of development and final engineering submittal.
3. The Developer shall submit an updated Traffic Impact Analysis or Traffic Impact Statement, as determined by the City Engineer or designee, at the time of the conceptual Site Plan submittal.

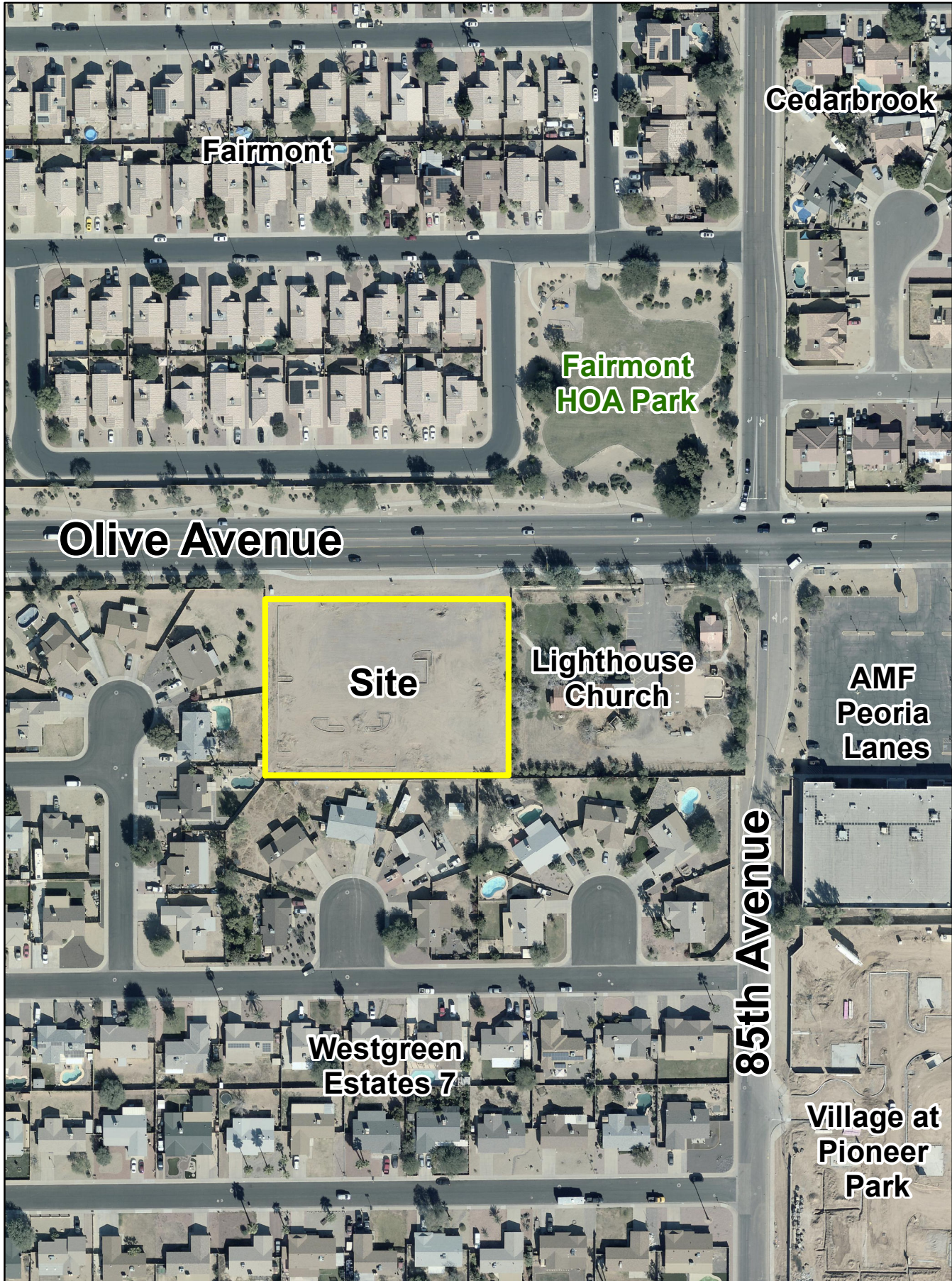
Z21-04: Lighthouse Office Parcel

8645 W Olive Avenue



Z21-04: Lighthouse Office Parcel

8645 W Olive Avenue



Z21-04: Lighthouse Office Parcel

8645 W Olive Avenue



Z21-04: Lighthouse Office Parcel

8645 W Olive Avenue

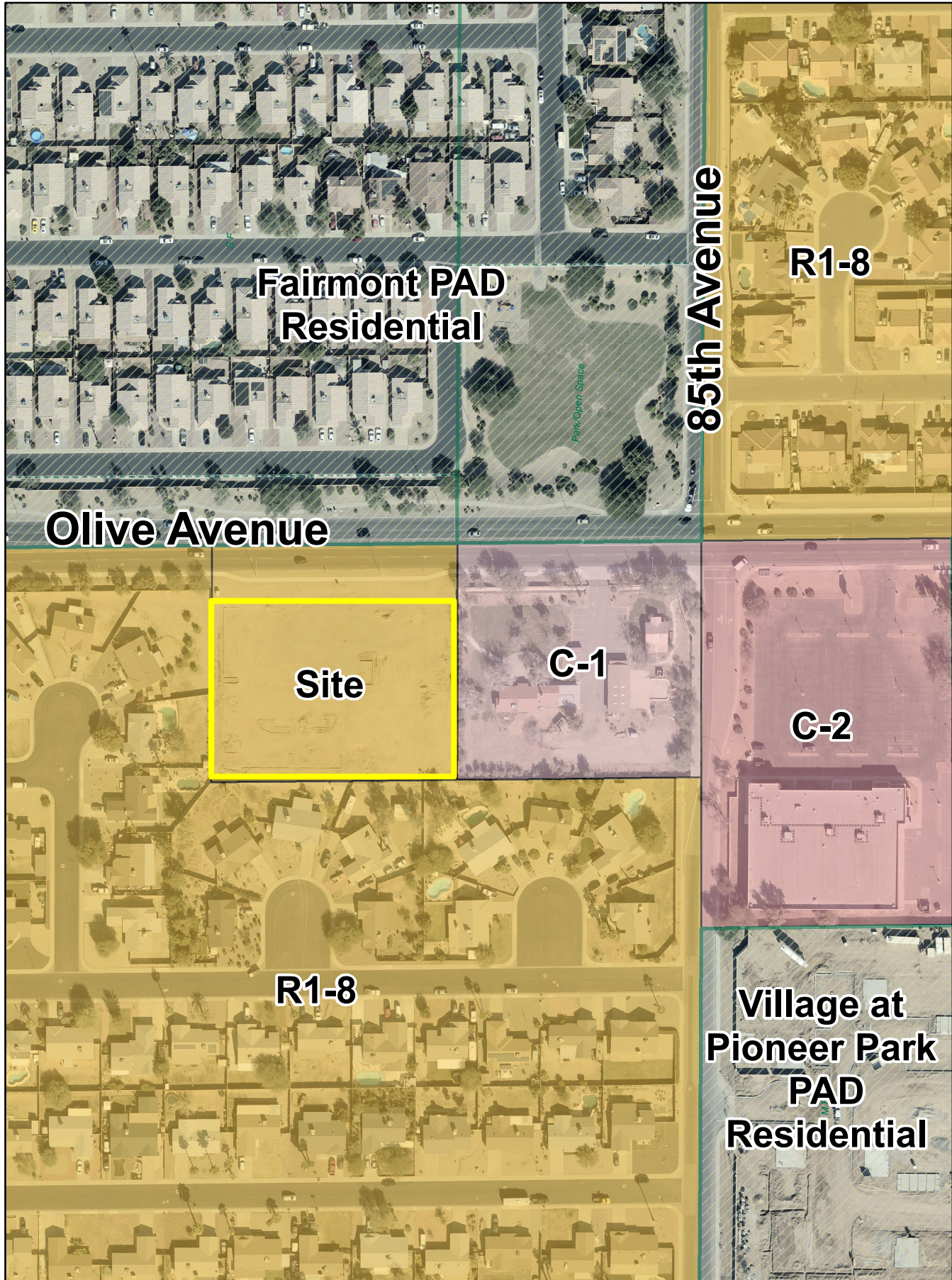


Exhibit 6 - Narrative and Justification

Exhibit 6

NARRATIVE STATEMENT/PROJECT JUSTIFICATION

Attach a narrative statement which addresses the following questions. Additional information pertaining to the request may also include, as appropriate. This information is requested to provide the staff, Commission and council with the information necessary to fully evaluate the rezoning and development proposal.

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

Lighthouse Apostolic Ministries is proposing a rezoning of our property on 8645 W. Olive Ave., description (W 300F of E 600F of N 290.4F of W2 NE4 EX N), Parcel No. 142-34-002K, from a R1-8 Single Family Residential District zone to an O-1 Office Commercial zoning district zone. Potential land uses would include office and storage spaces for copy centers, florists, hobby shops, day care centers, religious institutions, medical or dental clinics, etc.

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

The proposed zoning change is consistent with the General Plan 2040, for Office Commercial zoning districts, and would provide professional offices, medical and legal services, and ancillary uses for the community.

- **Principle Mixture of Use:** The proposed rezoning change from R1-8 Single Family Residential Zoning District to O-1 Office Commercial Zoning District meets the Mixture of Use principle by locating residential, commercial, employment and open space uses in proximity to one another, providing alternative transportation uses such as walking and bicycling. The rezoning would also create higher concentrations of people, increase economic development and supporting public transit, enhancing a sense of community by making streets, public spaces and walkable shopping districts places where people could meet for community interaction.
- **Principle Walkable Neighborhoods:** The proposed rezone meets the Walkable Neighborhoods principle by providing services to the added housing developments in the northwest, northeast and southwest corners of the Olive Avenue and 83rd Avenue. Goods, services and employment would be located within a walkable distance from Parcel No. 142-34-002K. The proposed rezone would also offer alternatives to driving a car, resulting in reductions to traffic congestion and air pollution in the area.
- **Principle Infill Development:** The proposed rezone meets the Infill Development principle by providing a more compact delivery of municipal services to the community. New development to the undeveloped Parcel No. 142-34-002K, would preserve and enhances the vitality of the existing areas through additional goods, services and jobs to support existing developed neighborhoods.
- **Balanced Land Uses Goal #1:** The proposed land use change meets the goal by promoting a balanced mix of land uses near the housing developments in the northwest, northeast and southwest corners of the Olive Avenue and 83rd Avenue. It will support a broad range of housing and lifestyle choices, with business and employment opportunities and cultural and entertainment spaces.

Exhibit 6

- **Complete Neighborhoods Goal #5:** The proposed land use change meets the goal by offering safe and well served amenities and gathering spaces to the community.
 - **Preserving Housing Stock Goal #7:** The proposed land use change meets the goal by maintaining and improving the quality and value of existing housing and residential neighborhoods.
 - **Placemaking Goal #8:** The proposed land use change meets the goal by fostering distinctive destinations and gathering spaces that promote health, happiness, and the well being of residents, employees and visitors in the community.
 - **“Community” by Design Goal #9:** The proposed land use change meets the goal by advancing design and development of Parcel No. 142-34-002K to improve aesthetic quality, form, and functionality of the built environment, enhancing the quality of life for current and future generations.
 - **Streetscapes for People Goal #10:** The proposed land use change meets the goal by promoting the ongoing development of streetscapes that foster community identity and walkability, that will serve as important connectors for the retail and commercial businesses developed in Parcel No. 142-34-002K.
 - **Policy LUC-3/LUC-4/LUC-6:** The proposed rezone meets the listed policies because it integrates a compatible land use into new and established neighborhoods to provide residents with convenient access to goods, services, and other community amenities. It encourages infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities. And locates commercial and employment uses in proximity to adequate transportation and utility infrastructure.
 - **Policy CN-1/CN-2/CN-5:** The proposed rezone meets the listed policies because it encourages the development of a mix of complementary uses and amenities that meet the daily needs of residents. It provides neighborhood amenities and complimentary uses in convenient, central locations of the neighborhood whenever feasible. And will provide pedestrian scale and orientation by enhancing the property with landscaping, lighting, seating areas, bike racks, planters, and other amenities that encourage walking and biking.
 - **Policy GS-3/PC-4/SC-4:** The proposed rezone meets the listed policies because it will revitalize and develop a strategically underutilized property. It will also activate passive space through the development of commercial and office space that can facilitate social interaction. And it will provide landscape opportunities for shade and appropriate pedestrian refuge while minimizing the potential for nuisance activity.
3. Discuss your proposal’s compatibility with the surrounding land use and zoning patterns. Include a list of the surrounding zoning designations, land uses and conditions.

The proposed re-zoning is compatible with all surrounding land uses, and surrounding zoning designations, which include Residential Zoning Districts (R1-8, R1-18 & PAD), and Commercial Zoning Districts (C-1 & C-2), please refer to “*Adjacent Zoning Districts Map*” included with the narrative. The proposed re-zoning would be compatible with the surrounding Residential Zoning Districts and land use zoning patterns, because it

Exhibit 6

would provide a placid transition between the more intensive commercial developments to the less intensive residential neighborhoods that surround our site.

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

The previous zoning for our vacant Parcel No. 142-34-002K was C-1 Convenience Commercial Zoning District. It was changed to R1-8 Single Family Residential Zoning District in 2002 because at the time it did not allow for Principal and/or Conditional Uses for the construction of a church building under Article 14-10, Section 14-10-2 Permitted Principal Uses, Section 14-10-3 Permitted Conditional Uses, and Section 14-10-4 Permitted Accessory Uses of the City of Peoria. Thus, Lighthouse Apostolic Ministries applied for the rezoning in order to build a church building.

Today, Lighthouse Apostolic Ministries is not financially able to develop the conceptual plan for a church building associated with the R1-8 Single Family Residential Zoning District. And in order to develop our vacant Parcel No. 142-34-002K for commercial purposes the current R1-8 Single Family Residential Zoning District needs to be changed to an O-1 Office Commercial zoning district zone in order to allow the development of professional offices, medical and legal services, and ancillary retail uses on the site. The zoning change would also allow the establishment of local office and commercial areas that can provide services to the neighborhood, employment to local residents, and personal use such as convenience stores, pharmacies and dry cleaners, etc.

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

The unique design considerations for the O-1 Office Commercial Zoning District would include buildings that are one to two stories high due to the proximity with residential neighborhoods, pedestrian oriented low level lighting, residential areas buffered with landscaped areas and building architecture and scale compatible with adjacent residential areas.

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

There are no unusual physical features or characteristics of the site which will present opportunities or constraints to development.

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

There is a conceptual Site Plan and a Traffic Impact Statement (TIS) required for the rezoning from R1-8 Residential Zoning District to the O-1 Office Commercial Zoning District. Both documents are included with the narrative.

Exhibit 6

LIGHTHOUSE APOSTOLIC MINISTRIES

EXISTING AND PROPOSED LAND USES

I. CONSISTENCY WITH GENERAL PLAN

The purpose for the proposed zoning change from R1-8 Single Family Residential Zoning District to O-1 Office Commercial Zoning District, is to permit the sale of this vacant property to a variety of small to moderate scale developers of professional offices, medical and legal services, and any ancillary retail uses. This would ensure compatibility with surrounding uses and nearby residential districts by providing a transition between intensive commercial development and the less intensive residential neighborhoods for land use. The proposed re-zoning would also allow additional commercial, personal services, building and landscape improvements that enhance the pedestrian environment. The proposed re-zoning will have no adverse impact on the existing transportation network, and is consistent with the General Plan 2040, Office and Local Commercial land use category.

II. EXISTING LAND USES

The approximate 1.55 acre vacant parcel is within the City of Peoria planning area. There are R1-8 Single Family Residential Zoning District homes in the Westgreen Estates subdivision adjacent to the property along the western and southern boundaries. Fairmont Estates which is zoned Planned Area Development (PAD) is north of Olive Avenue. To the northeast, across Olive Avenue and 85th Avenue, is the Cedarbrook subdivision, which is zoned R-18. The Lighthouse Apostolic Ministries church is adjacent to the property along the eastern boundary, which is presently zoned C-1.

Primary transportation corridors in the area include Olive Avenue running east-west, and 85th Avenue running north-south. Regional transportation is provided by the Agua Fria Freeway (Loop 101) which runs north-south, and Grand Avenue running northwest-southeast, through the cities of Surprise, El Mirage, Glendale and Phoenix. Access to the site will be provided by one right-in/right-out driveway along Olive Avenue, approximately 300 feet west of 85th Avenue (see TIS submitted with narrative).

III. PROPOSED LAND USES

The current R1-8 Single Family Residential Zoning District on parcel No. 142-34-002K, would not accommodate the 2040 FLU Office/Local Commercial development that is desired by prospective buyers. The re-zoning to O1 Office Commercial Zoning District would permit development of the site, by small to moderate scale developers, of professional offices, medical and legal services, and any ancillary retail uses. There are no additional processes required to accomplish any development in the vacant parcel, as Lighthouse Apostolic Ministries church is only seeking a re-zoning from R1-8 to O-1 in order to sell the vacant lot parcel No. 142-34-002K to commercial developers. A future developer must obtain all appropriate approvals from the City of Peoria, including, but not limited to, Site Plan, civil improvement, and construction document approval.

Exhibit 6

SITE PLAN FOR - LIGHTHOUSE APOSTOLIC MINISTRIES (CASE No. Z21-04)

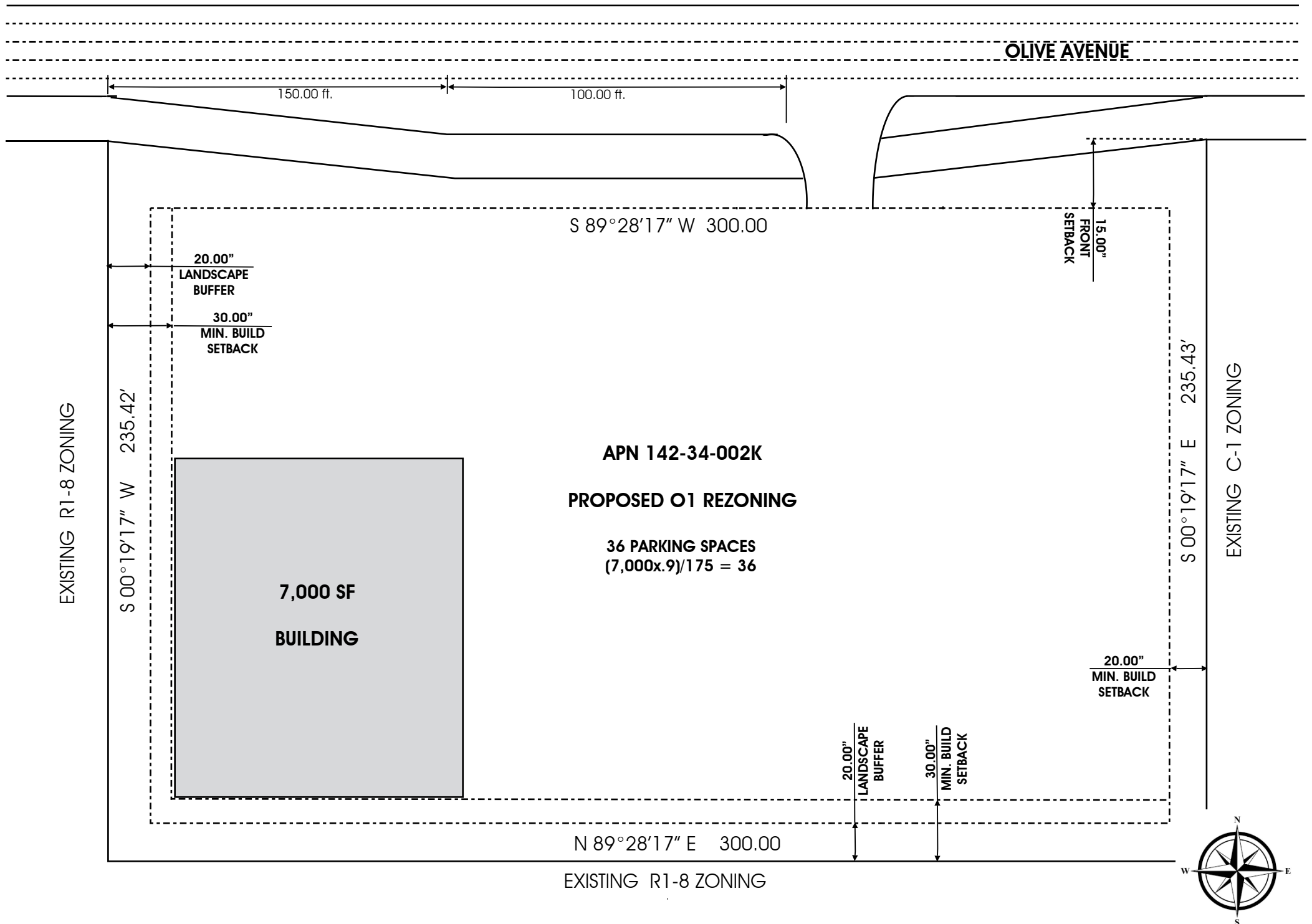
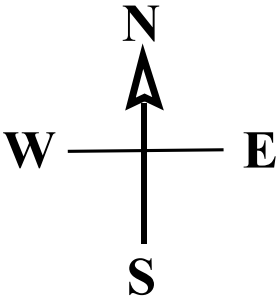
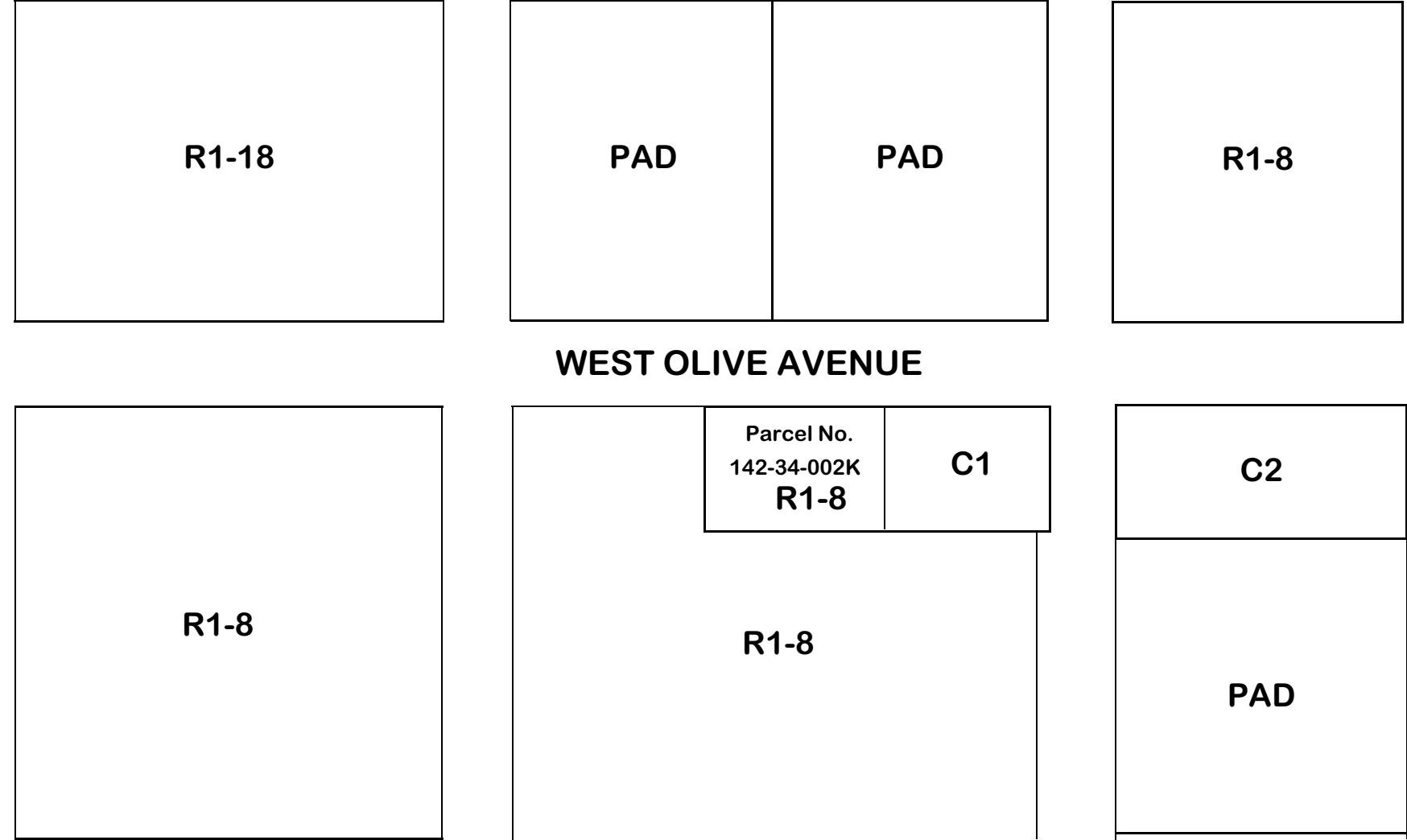


Exhibit 6



SITE PLAN
SCALE: N/A

ADJACENT ZONING DISTRICTS
LIGHTHOUSE APOSTOLIC MINISTRIES
8645 W. Olive Ave., Peoria, Az.

Exhibit 7 - Citizen Participation Report

LIGHTHOUSE APOSTOLIC MINISTRIES

Miguel A. Hernandez Jr,
Senior Pastor

Norma Hernandez
Copastor

Chris Reyes
Executive Pastor

CITIZEN PARTICIPATION REPORT For Re zoning Neighborhood Meeting

City of Peoria Case No. Z21 04

Prepared by:
Miguel A. Hernandez
Senior Pastor
Lighthouse Apostolic Ministries
8625 W. Olive Avenue
Peoria, AZ 85345
(623) 5126833
4Lam@sprynet.com

Submitted: September 2, 2022

Exhibit 7

PROJECT OVERVIEW

Lighthouse Apostolic Ministries is applying with the City of Peoria for a re zoning of the vacant property located at 8645 W. Olive Avenue, Peoria, Az., from an existing R1 8 Single Family Residential Zoning District to an O 1 Office Commercial Zoning District. The property is also known as Maricopa County Assessor's parcel number 142 34 002K as shown in the aerial photograph below.



NEIGHBORHOOD MEETING

Lighthouse Apostolic Ministries held a neighborhood meeting on Monday, August 29, 2022, at the Peoria Community Center, located at 8335 W. Jefferson St., in Peoria, Arizona, 85345.

Mailing Notification

On August 16, 2022, the mailing notification for the neighborhood meeting was completed. Notification letters were sent via first class mail to property owners within 600 ft of the affected property, as provided by the Maricopa County Assessors website, and homeowner's associations within one mile of the affected property, as provided by the City of Peoria. The Notice of Neighborhood Meeting letter set forth the purpose of the meeting, date, time, and location of the meeting, and instructions for attending the neighborhood meeting. The letter included acreage of the property, aerial map, and contact information for Lighthouse Apostolic Ministries and the City Planner assigned to the Application.

Meeting Summary

The neighborhood meeting took place on August 29, 2022 at 6:00 p.m. 4 members of the public attended the meeting, with 2 members from the City of Peoria, Planning Division, 1 representative from the City Council of Peoria, and 3 members of the applicant team from Lighthouse Apostolic Ministries.

Exhibit 7

The participants list from the neighborhood meeting is attached. The meeting was opened by Miguel Hernandez, Senior Pastor for Lighthouse Apostolic Ministries, by explaining that the church had submitted an application for a re zoning of the vacant property located at 8645 W. Olive Avenue, Peoria, Az., from an existing R1 8 Single Family Residential Zoning District to an O 1 Office Commercial Zoning District. He explained that originally, when the empty property was purchased in 1999, it had a C 1 Commercial Zoning District, and was re zoned in 2002 to the current R1 8 Single Family Residential Zoning District to allow more flexibility for the construction of a church building. Grading and fire hydrants were completed the same year. Further development of the empty lot was halted due to the recession that started in 2007.

In March, 2020, the applicant held a preliminary application meeting with City staff, for a re zoning of the existing R1 8 Single Family Residential Zoning District to an O 1 Office Commercial Zoning District was initiated. However, due to the COVID 19 pandemic the process was halted until the year 2021. A formal re zoning application was submitted in April 2021. All required materials were submitted in October 2021, when the application was administratively accepted.

The reason given for the re zoning request was that due to the pandemic Lighthouse Apostolic Ministries suffered a significant decline in membership, and was no longer financially able to develop the vacant property. And in order to be able to sell the property, a re zoning from the existing R1 8 Single Family Residential Zoning District to an O 1 Office Commercial Zoning District was necessary, because all potential buyers were commercial developers.

A conceptual site plan of the vacant property was presented in order to demonstrate the 30 ft setbacks from the home owners wall, and the 20 ft landscaping buffer requirements stipulated by the city as part of the re zoning of the empty property. A question/answer and comment session immediately followed. The following questions were asked and recorded.

Question Dave Brant, *"So you are planning on selling the property?"*

Answer Miguel Hernandez, *"Yes, Lighthouse church is no longer able to financially develop the lot, so we will try to sell it."*

Question Eva Osuna, *"Do you have any idea of they type of business that can go in the property?"*

Answer Miguel Hernandez, *"The re zoning to an O 1 Office Commercial Zoning District, according to the city covers professional offices, banks, medical and legal services."*

Answer Chris Jasper, *"The O 1 zoning is the least intense commercial zoning district. Medical, dental, and small scale retail are permitted."*

Comment Miguel Hernandez, *"I believe the City of Peoria has a list of acceptable commercial sites for an O 1 Office Commercial Zoning District."*

Comment You can find the city's codes and ordinances, with a list of allowed businesses under O 1 Office Commercial Zoning District in the City of Peoria website www.peoriaaz.gov/planning.

Question Dave Brant, *"As the seller, can you negotiate what business can go in the property?"*

Answer Miguel Hernandez, *"No, the buyer would have to know what is allowed before they purchase the property."*

Exhibit 7

Comment Miguel Hernandez, *"Dave emailed me prior to the meeting and asked if a businesses like a Circle K would be placed on the empty lot. I responded to his email that I thought a Circle K was not permitted under O 1 Commercial Zoning District, but he would have to confirm that with the City of Peoria."*

Comment Dave Brant felt that a Circle K would be a very bad idea. Pastor also mentioned that one investor contacted us with an interest in building a wedding venue in the empty property.

Question Eva Osuna, *"Wasn't your church a wedding venue?"*

Answer Miguel Hernandez, *"Yes, the property where the church is presently located was owned by Windstar Gardens which was a wedding venue. The company did not fare well during the recession, and almost went bankrupt before we bought them out."*

Question Dave Brant, *"What about the height of the wall between us and the property? You are able to see in my back yard from the empty lot."*

Answer Miguel Hernandez, *"Oh that's a good question. I don't know if the city would require the developer to raise the height of the wall as they develop the site."*

Question Eva Osuna, *"Does the grey box in your site plan represent your church?"*

Answer Miguel Hernandez, *"No, this is just a conceptual site plan required by the city as part of the re zoning application."*

Question Eva Osuna, *"I know legally you have to send out notices to the community. I'm asking because I didn't get one. My neighbor told me about the meeting."*

Answer Chris Jasper, *"Once we receive an application, we send out notification cards so the surrounding area so homeowner are aware. We also make sure the zoning requirements are met first. Then the city requires that a notice of application be mailed to homeowners within 600 feet of the property. And the applicant is required to send notice of the meeting 10 days prior to the meeting. It is also placed on the city calendar and on the planning and zoning page."*

Answer Miguel Hernandez, *"We obtained a list of all addresses, within 600 ft of the property from the Maricopa County Assessors website. The City of Peoria provide me with a list of all HOAs within one mile of the property, and notices of the neighborhood meeting were sent as well."*

At this time, Pastor Miguel Hernandez acknowledged that Daniel Murillo, Council Assistant to Council Member Vicky Hunt from the Acacia District was present in the meeting as well. Pastor Hernandez also acknowledge that the city's planners have been very helpful.

Question Dave Brant, *"How long does the O 1 Zoning process take?"*

Answer Chris Jasper, *"From time of application to finalize it's usually about a year."*

Answer Miguel Hernandez, *"Right now we are in the final process of our application. We've done 2 reviews, and will submit the final paperwork once I complete the Citizen Participation Report from this meeting."*

Closing Remarks

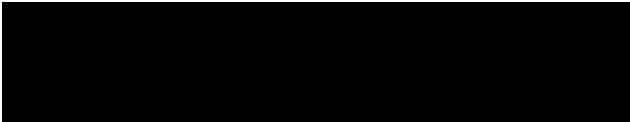
City planners mentioned that if anyone wanted to be updated of the application process, they could send Chris Jasper an email asking to be included in future notices.

Exhibit 7

Pastor Miguel Hernandez asked if there were any other questions or comments. The answer was no. The meeting concluded at 7:20 pm.

City of Peoria Case No:	Z21 04
Project Name:	Re zoning
Location:	8645 W. Olive Avenue, Peoria AZ 85345
Parcel Number:	142 34 002K
Applicant Name:	Lighthouse Apostolic Ministries
Applicant Representative:	Miguel A. Hernandez
Title/Position:	Senior Pastor

Applicant's/Representative's signature: _____



[illegible]



PLANNING AND ZONING COMMISSION REPORT

Meeting October 20, 2022

Date:

Agenda Item: 5R

Case Name: Deliveries for Qualifying Marijuana Dispensaries Text
 Amendment (Case TA 22-02)

General Application Information

Proposal:

Applicant-initiated amendment to the Zoning Ordinance seeking to modify Section 21-505.M (Limitations on Uses), to remove the prohibition on delivery services for Qualifying Marijuana Dispensaries, subject to an addendum to the approved Security Plan.

Location:

General Applicability

Project Acreage:

Not applicable

Applicant:

Lindsay Schube of Gammage & Burnham, PLC on the behalf of Pitchfork Partners, Inc.

ATTACHMENTS:

Description

Staff Report

Exhibit 1 - Existing Regulations

Exhibit 2 - Narrative

Exhibit 3 - Proposed Zoning Ordinance Text Amendment



PLANNING AND ZONING COMMISSION STAFF REPORT

Date October 20, 2022

To Planning and Zoning Commission

From Dan Symer, AICP
Principal Planner

Subject Deliveries for Qualifying Marijuana Dispensaries
Text Amendment (Case TA 22-02)
Proposed Zoning Code Text Amendment to modify Section 21-505 "Limitations on Uses", subsection (M) "Qualifying Marijuana Dispensaries and Marijuana Manufacturing, Cultivation and Testing Facilities".

PROPOSAL

This request is for an applicant-initiated Zoning Ordinance Text Amendment to modify Section 21-505 "Limitations on Uses", subsection (M) "Qualifying Marijuana Dispensaries and Marijuana Manufacturing, Cultivation and Testing Facilities," to remove the prohibition of deliveries and to add security plan provisions for establishments that provide delivery services.

APPLICATION INFORMATION

Case Numbers Zoning Ordinance Text Amendment (Case TA22-02)

Applicant Lindsay Schube of Gammage & Burnham, PLC on the behalf of Pitchfork Partners, Inc.

Request(s) Amend Section 21-505 "Limitations on Uses", subsection (M) "Qualifying Marijuana Dispensaries and Marijuana Manufacturing, Cultivation and Testing Facilities" of the Peoria Zoning Ordinance.

BACKGROUND

In November 2010, Arizona voters approved Proposition 203 ("Arizona Medical Marijuana Act"). The Act allowed for the:

- Authorized use, sale, and cultivation of marijuana for medicinal use.
- Arizona Department of Health Services (AZDHS) was identified as the responsible agency for licensing and administration of medical marijuana.
- Authorized cities to enact "reasonable zoning regulations" to regulate land use for non-profit MMJ Dispensaries and Cultivation facilities.

In response, the City Council adopted land uses and related regulations in 2011 for the sale/distribution, growth/cultivation, and manufacturing of medical marijuana and medical marijuana products. The approved zoning ordinance regulations establish in which zones medical marijuana establishments would be allowed, separation requirements, security plan and

related security requirements. In addition, restrictions on operating hours, signage, and waste disposal, and the prohibition of outdoor seating, drive-throughs, and delivery services were incorporated.

In November 2020, the Arizona voters approved Proposition 207 (“Smart and Safe Arizona Act”). The Act allowed for the:

- Legal sale, possession, and use of non-medicinal recreational marijuana to adults over the age of 21;
- Authorizes adults (21+) to possess and/or grow limited amounts of marijuana for non-medicinal recreational use;
- Arizona Department of Health Services (AZDHS) to establish regulations for non-medicinal recreational marijuana establishments and establishment agents; and
- Prohibition on the use of marijuana in a public place or open space.

The Act maintained that it is illegal to operate a vehicle while impaired, and reasserted an employer's right to maintain a drug and alcohol-free workplace. The Act also allowed cities to incorporate zoning regulations similar to the medical marijuana establishments, limit the number of marijuana establishments (dispensaries, manufacturing and cultivation, and testing facilities) in a city, and prohibit non-medicinal recreational marijuana dispensaries. The Act precluded cities from prohibiting dual license dispensaries (medical and non-medical) that operate in a shared location and enacting regulations that unduly burden the operation of marijuana testing establishments or creating regulations for non-medical marijuana dispensaries that are more restrictive than medical marijuana dispensaries. In addition, the Act prohibited the city from enacting local traffic laws that prohibit the transportation of marijuana and marijuana products on public roads.

On March 8, 2021, the City Council adopted *Ordinance 2021-06* which provided for updates to the Zoning Ordinance to respond to the changes in law pertaining to marijuana **(Exhibit 1)**.

In short, the existing zoning structure established in 2011 with medical marijuana – including the zoning, operational limitations and prohibition on delivery services – largely remained intact. There were changes to definitions, new land use allowances for marijuana testing facilities, and permitted recreational marijuana licenses (“Establishment License”) only when in operation as a dual facility. Currently, there are four (4) operating dispensaries in the City. All are dual-licensed on the medical and recreational side.

Since the approval of the both Acts, the AZDHS has adopted regulations specific to medical and non-medical marijuana establishments. The adopted regulations assist in maintaining a high level of scrutiny and operations characteristics that are intended to ensure the safe and legal use of marijuana and marijuana products (hereafter “Marijuana Products”). These regulations include:

- Application process and licensing requirements,

- Operational requirements of medical and non-medical marijuana establishments,
- Qualifications/requirements for agents, caregivers, and patients,
- Security requirements, and
- Transportation and delivery of marijuana and marijuana products.

The delivery of marijuana and marijuana products is currently limited to medical patients and between marijuana establishments. The 2020 Smart and Safe Arizona Act requires the AZDHS to establish regulations for the delivery of *non-medicinal* marijuana and marijuana products after January 1, 2023, and before January 1, 2025. At this time, AZDHS has not provided an approximate timeframe for the proposed regulations.

Planning and Zoning Commission Study Session

On October 6, 2022, the City staff reviewed the proposed amendment with the Planning and Zoning Commission. The Commission was supportive of the amendment and had general questions regarding the existing regulations, parking provisions, and when the delivery of recreational marijuana and marijuana products would be allowed.

APPLICANT'S PROPOSAL

The proposed amendment seeks to remove the prohibition on delivery services for Qualifying Marijuana Dispensaries to transport and deliver marijuana and marijuana products to customers. The applicant's narrative is included as **Exhibit 2**, and the proposed amendment text is included as **Exhibit 3**.

As indicated in **Exhibit 3**, the proposed amendment is to:

- Add requirements to the Security Management Plan criteria pertaining to the secure transport and delivery of marijuana and marijuana products, including payments received, and compliance with the applicable state laws and regulations if a Qualifying Marijuana Dispensary provides delivery services to provide delivery services; and
- Delete subparagraph "j," which prohibits the delivery of marijuana and marijuana products.

STAFF ANALYSIS

DISCUSSION AND ANALYSIS

Currently, the Peoria Zoning Ordinance prohibits Peoria-based marijuana dispensaries from delivering Marijuana Products to qualifying medical marijuana patients located in and outside of the city. This prohibition was established in February 2011 as part of the regulations adopted to implement the 2010 Arizona Medical Marijuana Act, and was maintained when the Zoning Ordinance was updated to implement the 2020 changes pertaining to recreational marijuana.

At the time when the Zoning Ordinance was updated to implement the 2010 Arizona Medical Marijuana Act, no city, county or state regulations regarding the operation, security, delivery, etc. had been established for marijuana establishments, and a significant amount of unknown

information was not present. Since the adoption of the both Acts, the AZDHS and local communities, including Peoria, have established rules and regulations that provide a high level of oversight of the state's marijuana industry. Among these regulations, AZDHS has established administrative regulations pertaining to the transportation and delivery of Marijuana Products to/from: cultivation sites, other dispensaries, registered laboratories, and qualifying medical marijuana patients. The AZDHS regulations for the delivery of non-medicinal Marijuana Products are required to be established between January 1, 2023 and January 1, 2025.

Upon review of other Phoenix metropolitan cities' regulations, staff confirmed that several cities currently allow deliveries of Marijuana Products. These cities include Chandler, Gilbert, Glendale, Mesa, Phoenix, Scottsdale and El Mirage. However, it should be noted that Peoria-based marijuana dispensaries are at a disadvantage compared to dispensaries in other cities that allows delivery since cities are prohibited from regulating the transport and delivery of Marijuana Products on public streets. Therefore, a dispensary outside the city is allowed to deliver to a qualified Peoria resident, whereas a Peoria-based dispensary cannot.

Consistent with the General Plan policies LUC-11 and CW-11 to regularly evaluate the development regulations and improve medical service and access to Peoria residents, the proposed amendment would elevate the above-referenced competitive disadvantage for Peoria-based dispensaries, and allow a service that qualifying Peoria residents could utilize to obtain medicinal marijuana. Furthermore, the proposed requirement for a dispensary that provides a delivery service to have a security plan approved by the Peoria Police Department (PPD) that is consistent with the security considerations and procedures established by the AZDHS and the PPD, will assist in implementing the General Plan policy PD-1 by utilizing problem-solving techniques to proactively address potential public safety issues that will assist in minimizing security concerns. It should be noted that under the proposed amendment, Peoria dispensaries would be allowed to deliver non-medicinal Marijuana Products when AZDHS establishes the related regulation, provided the dispensaries comply with the above-referenced security plan provisions.

PUBLIC SAFETY

The Police Department staff has been consulted in the review of this request. Accordingly, in their response, the Police Department noted that although dispensaries are cash-based businesses, current marijuana dispensaries in the City have experienced few issues due to the requirement for approved Security Plans to help mitigate risk for employees and patrons. The Department has recommended that language be included requiring those dispensaries offering delivery services to update their approved Security Plan before initiating services. This recommendation has been incorporated into the proposed amendment.

COMMUNITY INVOLVEMENT

Public Noticing

DELIVERIES FOR QUALIFYING MARIJUANA DISPENSARIES: TEXT AMENDMENT (TA22-02)

The application was properly noticed pursuant to Section 21-315 of the Peoria Zoning Ordinance, which includes placing an ad in the Peoria Times at least 15 days prior to the Public Hearing.

Outreach Process

Opportunities for public comment were provided at the October 6, 2022, Planning and Zoning Commission meeting. At this time, no public comments have been received. Additional public comment opportunities will be provided at the October 20, 2022, Planning and Zoning Commission meeting and the November 15, 2022 City Council meeting.

Support / Opposition

At the time of this writing, the staff has not received public comments supporting or opposing the proposed Zoning Ordinance Text Amendment.

KEY FINDINGS

1. The proposed amendment would enable Peoria dispensaries to offer delivery services of Marijuana Products to qualifying medical marijuana patients and caregivers. Dispensaries in surrounding communities such as Phoenix, Glendale, El Mirage and Maricopa County already offer delivery services to Peoria residents.
2. The Peoria marijuana dispensaries that provide delivery services would require a new, or revised Security Plan approved by the Peoria Police Department that specifically addresses the secure transport and delivery of Marijuana Products, including payments received and compliance with the applicable state laws and regulations.
3. The proposed Security Plan provisions would supplement existing security and documentation requirements in place through AZDHS administrative rules.
4. The Delivery of *non-medicinal* Marijuana Products would be allowed once the AZDHS establishes delivery regulations. The law requires that AZDHS adopt rules to permit and regulate *non-medicinal* delivery no sooner than January 1, 2023 and no later than January 1, 2025.

RECOMMENDATION

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

- 1) Recommend approval of Case TA22-02 to the City Council.**

STAFF CONTACT

Dan Symer, AICP
Principal Planner
623-773-5164
dan.symer@peoriaaz.gov

Exhibit 1
Existing Regulations for
Qualifying Marijuana Establishments

Chapter 21 - Zoning, Definitions

Section 21-202 – Definitions

Cultivate and Cultivation of Marijuana means to propagate, breed, grow, prepare, and package marijuana.

Dual Licensee means an entity that holds both a non-profit medical marijuana dispensary registration and a marijuana establishment license.

Marijuana Manufacturing means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.

Marijuana Manufacturing, or Cultivation Facility is a Marijuana Establishment, as defined in A.R.S. §36-2850, licensed by the State of Arizona that is located in a building, structure, or premises where Marijuana is cultivated or stored and which is physically separate from a Qualifying Marijuana Dispensary. Such Marijuana Manufacturing or Cultivation Facility may only provide Marijuana or Marijuana Products to Qualifying Marijuana Dispensaries. Requirements for mixed-use occupancy will be based upon the adopted building codes.*35

Marijuana Testing Facility is an entity licensed by the State of Arizona to analyze the potency of marijuana and test marijuana for harmful contaminants.

Medical Marijuana Cardholder is a natural person who is a Qualifying Patient, Designated Caregiver or Nonprofit Medical Marijuana Dispensary Agent or an independent third-party laboratory agent who has been issued and possesses a valid Registry Identification Card pursuant to A.R.S. § 36-2801, et seq.

Personal Cultivation or Processing means cultivating or processing of not more than six marijuana plants for personal use at an individual's primary residence, or not more than twelve plants where two or more individuals reside at one time. In this instance, individual shall mean a person of at least twenty-one years of age.

Qualifying Marijuana Dispensary means:

- 1) A non-profit Marijuana Dispensary defined in A.R.S. §36-2801(12) that sells, distributes, transmits, gives, dispenses, or otherwise provides Marijuana for medical use and related supplies to Qualifying Patients. Included in the manufacture and creation of products for individual sale where Marijuana is incorporated into the product for consumption by an individual who is a valid Medical Marijuana Cardholder and the sale of not more than twelve living Marijuana plants to an individual Medical Marijuana Cardholder authorized pursuant to A.R.S. §36-2801, et. seq.; or
- 2) A dispensary operated pursuant to A.R.S. §36-2858 by a Dual License as defined by A.R.S. §36-2850 and Section 11-75 of the City Code which sells, distributes, transmits, gives, dispenses, or otherwise provides Marijuana and Marijuana Products and related supplies for (1) medical use to Qualifying Patients; and (2) for general non-medicinal use to individuals who are at least twenty-one years of age as permitted by A.R.S. §36-2852.

Chapter 21 - Zoning, Non-Residential Districts

Section 21-503 Land Use Matrix

Table 21-503 Land Use Matrix

P = Permitted Use C = Permitted Conditional Use. Conditional Use Permit required. See Section 21-322. A = Accessory use ◆ = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit # = Subject to special limitations (see the following Section 21-505) - = Not Permitted												
Land Use	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
General Industrial & Manufacturing												
Marijuana Manufacturing or Cultivation Facility #	-	-	-	-	-	-	-	-	C	C	C	C
Marijuana Testing Facility	-	-	-	-	-	-	-	-	C	C	C	C
Intense Retail												
Qualifying Marijuana Dispensary#	-	-	-	-	C	-	C	C	-	-	-	-

Chapter 21 – Zoning, Non-Residential Districts

Section 21-505. – Limitations on Uses

- M.** Qualifying Marijuana Dispensaries and Marijuana Manufacturing or Cultivation, and Testing Facilities.
1. General Requirements.
 - a. For the purposes of measuring separation distances, the measurements will be taken in a straight line from the exterior wall of the building, suite, or premises housing the use without regard to intervening buildings or political boundaries.
 - b. Medical Marijuana remnants or by-products shall be disposed of according to an approved plan and not placed within the facility's exterior refuse containers.
 - c. There shall be no inordinate emission of dust, fumes, vapors or odors into the environment from the premises.
 - d. Signage for Qualifying Marijuana Dispensaries and/or Marijuana Manufacturing, Cultivation, and Testing facilities shall be limited to the name of the business only, and no advertising of the goods and/or services shall be permitted.
 - e. Qualifying Marijuana Dispensaries and/or Manufacturing, Cultivation, and Testing Facilities shall be located in a permanent building on an established foundation adhering to Peoria building codes and shall not include any temporary, portable, or self-powered mobile facilities.

- f. An active Security Management Plan shall be approved by the Police Department. The Plan shall include, but is not limited to, the following:
 - 1) Security cameras shall be installed and maintained in good condition, and used in an on-going manner. Recordings shall be retained for a minimum of 60 days and comply with any additional standards defined by the Security Management Plan.
 - 2) The business space shall be alarmed with an alarm system that is operated and maintained by a recognized security company.
 - 3) A security guard shall be provided at the main entrance during all hours of operation. For the purposes of this Section, "security guard" shall mean licensed and duly bonded security personnel registered pursuant to A.R.S. § 32-601.
 - g. For the purposes of this section, qualifying zoning districts for Qualifying Marijuana Dispensaries, Manufacturing, Cultivation, and Testing Facilities does not include Planned Area Development (PAD) or Planned Community District (PCD) that points to or references such standard zoning districts identified herein.
 - h. The operation of a licensed Marijuana Establishment for retail sales is prohibited in the City except as a Dual Licensee, pursuant to Section 11-75 of the City Code (1992).
2. Qualifying Marijuana Dispensaries.
- a. Operations for the dispensing of Medical Marijuana, and related supplies, to qualified patients and the sale of non-medicinal Marijuana and Marijuana Products shall be conducted cooperatively in a shared location.
 - b. Vehicular access into the center or site containing the dispensary shall be from an arterial roadway as identified on the Peoria General Plan.
 - c. The use shall not be located within 2,640-feet of another Qualifying Marijuana Dispensary or Marijuana Manufacturing, Cultivation, and Testing Facility.
 - d. The use shall not be located within 1,000-feet of the property line of Day-Care Facilities, Pre-Schools, Public/Charter or Private Schools.
 - e. The use shall not be located within 1,000-feet of a Retail Liquor Store; Tavern, Bar or Lounge; Adult Use; Substance Abuse Treatment Centers; or State Local Alcohol Reception Center.
 - f. The use shall not be located within 500-feet of the property line of a residentially-zoned property.
 - g. The product offered for retail sales shall be inaccessible to the public entering the Qualifying Marijuana Dispensary. All product provided for retail sales shall be located behind a counter staffed by a Marijuana Dispensary or Facility Agent registered by the State of Arizona.
 - h. The Dispensary shall have operating hours not earlier than 7:00 a.m. and not later than 10:00 p.m.
 - i. The manufacturing, cultivation, and testing of Marijuana is prohibited.
 - j. Delivery services are prohibited.
 - k. Drive-through services and sales are prohibited.

- l. Alcoholic beverages shall not be sold, stored, distributed or consumed on the premises.
 - m. The Dispensary shall not have outdoor seating areas, but shall have adequate indoor seating to prevent outside loitering.
 - n. The business entrance and all window areas shall be illuminated during evening hours and shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding etc.
 - o. The windows and/or entrances shall not be obstructed and must maintain a clear view into the premises during business hours.
 - p. No consumption of Marijuana or any product containing Marijuana shall occur on the premises of a Qualifying Marijuana Dispensary.
 - q. The Tenant improvement Plan shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes.
3. Marijuana Manufacturing, Cultivation, or Testing Facility.
- a. Other than for delivery to an authorized Qualifying Marijuana Dispensary, distributing, transmitting, dispensing, giving, selling, or providing Marijuana is prohibited.
 - b. All cultivation, manufacturing, testing and storage of Marijuana and Marijuana plants shall occur within secured, enclosed buildings and structures.
 - c. The use shall not be located within 2,640-feet of another Marijuana Manufacturing, Cultivation, or Testing Facility.
 - d. The use shall not be located within 1,000-feet of the property line of Day-Care Facilities, Pre-Schools, Public/Charter or Private Schools.
 - e. The use shall not be located within 500-feet of the property line of a residentially-zoned property.
 - f. There shall be no signage advertising the location of Qualifying Marijuana Dispensaries or retail sales of Marijuana on the premises.
 - g. The Zoning Administrator may require additional ventilation and air filtration necessary to ensure compatibility with adjacent uses.

Exhibit 2

Applicant's Narrative

PROPOSED TEXT AMENDMENT

Narrative Statement of Justification

Prepared by:

**GAMMAGE
&
BURNHAM**

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Contact:

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1st Submittal Date: May 9, 2022

2nd Submittal Date: September 23, 2022

This application has been prepared in support of a text amendment (“Text Amendment”) to Chapter 21 of the Peoria (“City”) City Code. The purpose of the proposed Text Amendment is to allow marijuana dispensaries to perform delivery services. The precise language of the proposed Text Amendment is provided in **Exhibit A**.

Background Information

To provide context and support for this Text Amendment, this Section provides an overview of the licenses that have been issued by the Arizona Department of Health Services (“AZDHS”) under the medical and recreational marijuana programs.

Medical/Dual Licenses

The Arizona Department of Health Services (“AZDHS”) administers the medical and recreational marijuana programs in the State of Arizona. Since the adoption of the Arizona Medical Marijuana Act in 2010, AZDHS has issued 130 medical marijuana licenses. The entity holding a medical marijuana license is permitted to operate one (1) medical marijuana dispensary. AZDHS is no longer issuing medical marijuana licenses. The number of medical marijuana licenses issued by AZDHS has been capped at 130 licenses.

On November 3, 2020, Arizona voters approved the “Smart and Safe Arizona Act” legalizing recreational marijuana for adults. Following the adoption of the Smart and Safe Arizona Act, AZDHS converted all 130 medical marijuana licenses to dual licenses. The holder of a dual license is permitted to operate one (1) dispensary, which may sell medical marijuana to cardholders and recreational marijuana to persons 21 and older.

Establishment Licenses

As of the May, 2022, AZDHS had issued a total of 39 establishment licenses. Shortly after the adoption of the Smart and Safe Arizona Act, AZDHS first issued 13 establishment licenses in counties that had less than 2 existing dispensaries within their jurisdictional boundaries. These 13 establishment licenses are required to remain in the county in which they were awarded. As such, they are commonly referred to as “county licenses.” No county licenses were awarded in Maricopa County.

In April of 2022, AZDHS awarded 26 establishment licenses through its Social Equity Ownership Program. The license holder of any establishment license—whether a county license or an establishment license awarded through the Social Equity Ownership Program—is permitted to operate one (1) dispensary that may sell recreational marijuana to persons 21 and older. Sales of medical marijuana to cardholders are not permitted from a dispensary with an establishment license.

Requested Text Amendments

In addition to prohibiting dispensaries that operate under an establishment license, Peoria's Zoning Ordinance currently prohibits delivery services for all Qualifying Marijuana Dispensaries (Section 21-505.M.2.j).

As shown in **Exhibit A**, this proposed Text Amendment will:

1. Amend Section 21-505.M.2 to delete the current prohibition on delivery services; and
2. Add language in Section 21-505.M.1, to require that a security plan be provided to the Peoria Police Department prior to the initiation of delivery services by a Qualifying Marijuana Dispensary.

The proposed Text Amendment does not change the zoning requirements or any other operational requirements that currently apply to Qualifying Marijuana Dispensaries. If the Text Amendment is approved, *with the exception of delivery services*, all other regulations and requirements in the City Code that currently apply to existing and future dispensaries in the City of Peoria will remain in place.

Justification

As described in more detail below, the Text Amendment to allow delivery service will help meet the tremendous and sustained increase in demand for marijuana products, increase local sales tax revenue, and will allow for dispensaries in Peoria to better compete with dispensaries in nearby jurisdictions.

Increase in Demand

According to Arizona Department of Health Services ("DHS") records, in 2011—the first year of the Arizona Medical Marijuana Program—just over 16,000 medical marijuana registration cards were issued to qualifying patients throughout the State. Since 2011, there has been a significant increase in the issuance of medical marijuana registration cards, patients, and demand for medical marijuana. In fact, today there are over 312,000 medical marijuana cardholders — **an increase of over 1,900%**. Furthermore, on November 3, 2020, Arizona voters approved the "Smart and Safe Arizona Act" legalizing recreational marijuana use for adults, which has further increased demand for marijuana products.

The proposed Text Amendment is needed to help meet this tremendous, sustained increase in demand. Peoria's prohibition on delivery services has ceded sales to neighboring jurisdictions that allow delivery services by qualified dispensaries.

Sales Tax

Allowing dispensaries to offer delivery options in the City will generate additional sales tax revenue for the City. The City of Peoria has a local sales tax of approximately 2.8%.

The revenue from this local tax is not shared with the State of Arizona. This Text Amendment will allow for additional sales of marijuana products in the City and, consequently, additional sales tax revenue for the City.

Balance of Competition

There are several jurisdictions in the Valley that allow dispensaries to perform delivery services including Phoenix, Glendale, El Mirage, Scottsdale and Chandler. Some of these jurisdictions (Phoenix, Glendale and El Mirage) neighbor the City of Peoria. As such, the dispensaries in these jurisdictions have maintained a competitive advantage over nearby dispensaries in Peoria. Allowing for delivery is necessary for dispensaries in Peoria to remain competitive with nearby dispensaries in abutting jurisdictions.

As previously noted, in addition to allowing delivery services, an additional Text Amendment will add an operational requirement for Qualifying Marijuana Dispensaries in Peoria. If the Text Amendment is approved, qualifying dispensaries will be required to work with the Peoria Police Department to implement a Security Plan prior to initiating any delivery service. All other regulations and zoning requirements that currently apply to dispensaries will remain in place, including:

- Qualifying Marijuana Dispensaries are only permitted in C-2, C-4 and C-5 zoning districts, subject to approval of a Conditional Use Permit;
- Qualifying Marijuana Dispensaries must be separated at least: 2,640 feet from other marijuana facilities; 1,000 feet from day care facilities; 1,000 feet from pre-schools, public/charter or private schools; 1,000 feet from retail liquor stores, taverns, bars or lounges; 1,000 feet from adults uses; 1,000 feet from substance abuse treatment centers; 1,000 feet from State local alcohol reception centers; and 500 feet from residential zoning districts;
- Qualifying Marijuana Dispensaries shall have operating hours not earlier than 7:00 a.m. and not later than 10:00 p.m.;
- Qualifying Marijuana Dispensaries shall not have outdoor seating areas and shall have adequate indoor seating to prevent outside loitering; and
- The Tenant Improvement Plan shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes.

Conclusion

The proposed Text Amendment will: help Qualifying Marijuana Dispensaries in Peoria meet the tremendous and sustained increase in demand for marijuana products; will increase local sales tax revenue in the City of Peoria; and will allow for existing and future dispensaries to better compete with dispensaries in nearby jurisdictions. It will also add a layer of protection to ensure that the delivery services are implemented in a secure and safe manner and with cooperation between each dispensary and the Peoria Police Department.

Exhibit 3
Proposed Zoning Ordinance
Text Amendment

1 **Deliveries for Qualifying Marijuana Dispensaries: Text Amendment (TA 22-02)**

2
3 Amendment for Adoption to the Peoria City Code, Chapter 21 - Zoning

4
5 **HOW TO READ THIS DOCUMENT**

6 Unless otherwise stated, provisions that are being deleted are shown in bold red strikethrough text, like
7 this: ~~Provisions that are being deleted are shown with a bold red strikethroughs text.~~

8
9 Provisions that are being added are shown in double-underlined bold blue text, like this: Provisions that
10 are being added are shown in double-underlined bold blue text.

11
12 Section 1. Amend Chapter 21 - Zoning, Non-Residential Districts, Section 21-505. – Limitations on
13 Uses, subsection M. Qualifying Marijuana Dispensaries and Marijuana Manufacturing or
14 Cultivation, and Testing Facilities, as follows:

15
16 M. *Qualifying Marijuana Dispensaries and Marijuana Manufacturing or Cultivation, and Testing*
17 *Facilities.*

18 1. *General Requirements.*

- 19 a. For the purposes of measuring separation distances, the measurements will be taken in
20 a straight line from the exterior wall of the building, suite, or premises housing the use
21 without regard to intervening buildings or political boundaries.
- 22 b. Medical Marijuana remnants or by-products shall be disposed of according to an
23 approved plan and not placed within the facility's exterior refuse containers.
- 24 c. There shall be no inordinate emission of dust, fumes, vapors or odors into the
25 environment from the premises.
- 26 d. Signage for Qualifying Marijuana Dispensaries and/or Marijuana Manufacturing,
27 Cultivation, and Testing facilities shall be limited to the name of the business only, and
28 no advertising of the goods and/or services shall be permitted.
- 29 e. Qualifying Marijuana Dispensaries and/or Manufacturing, Cultivation, and Testing
30 Facilities shall be located in a permanent building on an established foundation adhering
31 to Peoria building codes and shall not include any temporary, portable, or self-powered
32 mobile facilities.
- 33 f. An active Security Management Plan shall be approved by the Police Department. The
34 Plan shall include, but is not limited to, the following:
- 35 1) Security cameras shall be installed and maintained in good condition, and used in an
36 on-going manner. Recordings shall be retained for a minimum of 60 days and
37 comply with any additional standards defined by the Security Management Plan.
- 38 2) The business space shall be alarmed with an alarm system that is operated and
39 maintained by a recognized security company.

- 40 3) A security guard shall be provided at the main entrance during all hours of
41 operation. For the purposes of this Section, "security guard" shall mean licensed and
42 duly bonded security personnel registered pursuant to A.R.S. § 32-601.
- 43 4) [Provisions for the secure transport and delivery of marijuana and marijuana](#)
44 [products, including payments received, and compliance with the applicable state](#)
45 [laws and regulations if a Qualifying Marijuana Dispensary provides delivery services.](#)
- 46 g. For the purposes of this section, qualifying zoning districts for Qualifying Marijuana
47 Dispensaries, Manufacturing, Cultivation, and Testing Facilities does not include Planned
48 Area Development (PAD) or Planned Community District (PCD) that points to or
49 references such standard zoning districts identified herein.
- 50 h. The operation of a licensed Marijuana Establishment for retail sales is prohibited in the
51 City except as a Dual Licensee, pursuant to Section 11-75 of the City Code (1992).
- 52 2. *Qualifying Marijuana Dispensaries.*
- 53 a. Operations for the dispensing of Medical Marijuana, and related supplies, to qualified
54 patients and the sale of non-medicinal Marijuana and Marijuana Products shall be
55 conducted cooperatively in a shared location.
- 56 b. Vehicular access into the center or site containing the dispensary shall be from an
57 arterial roadway as identified on the Peoria General Plan.
- 58 c. The use shall not be located within 2,640-feet of another Qualifying Marijuana
59 Dispensary or Marijuana Manufacturing, Cultivation, and Testing Facility.
- 60 d. The use shall not be located within 1,000-feet of the property line of Day-Care Facilities,
61 Pre-Schools, Public/Charter or Private Schools.
- 62 e. The use shall not be located within 1,000-feet of a Retail Liquor Store; Tavern, Bar or
63 Lounge; Adult Use; Substance Abuse Treatment Centers; or State Local Alcohol
64 Reception Center.
- 65 f. The use shall not be located within 500-feet of the property line of a residentially-zoned
66 property.
- 67 g. The product offered for retail sales shall be inaccessible to the public entering the
68 Qualifying Marijuana Dispensary. All product provided for retail sales shall be located
69 behind a counter staffed by a Marijuana Dispensary or Facility Agent registered by the
70 State of Arizona.
- 71 h. The Dispensary shall have operating hours not earlier than 7:00 a.m. and not later than
72 10:00 p.m.
- 73 i. The manufacturing, cultivation, and testing of Marijuana is prohibited.
- 74 ~~j. Delivery services are prohibited.~~
- 75 ~~k.~~ [j.](#) Drive-through services and sales are prohibited.
- 76 ~~k.~~ [k.](#) Alcoholic beverages shall not be sold, stored, distributed or consumed on the premises.
- 77 ~~m.~~ [l.](#) The Dispensary shall not have outdoor seating areas, but shall have adequate indoor
78 seating to prevent outside loitering.

~~m.~~ m. The business entrance and all window areas shall be illuminated during evening hours and shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding etc.

~~n.~~ n. The windows and/or entrances shall not be obstructed and must maintain a clear view into the premises during business hours.

~~o.~~ o. No consumption of Marijuana or any product containing Marijuana shall occur on the premises of a Qualifying Marijuana Dispensary.

~~p.~~ p. The Tenant improvement Plan shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes.

3. *Marijuana Manufacturing, Cultivation, or Testing Facility.*

a. Other than for delivery to an authorized Qualifying Marijuana Dispensary, distributing, transmitting, dispensing, giving, selling, or providing Marijuana is prohibited.

b. All cultivation, manufacturing, testing and storage of Marijuana and Marijuana plants shall occur within secured, enclosed buildings and structures.

c. The use shall not be located within 2,640-feet of another Marijuana Manufacturing, Cultivation, or Testing Facility.

d. The use shall not be located within 1,000-feet of the property line of Day-Care Facilities, Pre-Schools, Public/Charter or Private Schools.

e. The use shall not be located within 500-feet of the property line of a residentially-zoned property.

f. There shall be no signage advertising the location of Qualifying Marijuana Dispensaries or retail sales of Marijuana on the premises.

g. The Zoning Administrator may require additional ventilation and air filtration necessary to ensure compatibility with adjacent uses.



PLANNING AND ZONING COMMISSION REPORT

Meeting October 20, 2022

Date:

Agenda Item: 6R

Case Name: Water Saving Landscape Changes: Text Amendment (Case TA22-03)

Case Zoning Ordinance Text Amendment (Case TA22-03)
Number(s):

General Application Information

Proposal:

City-initiated amendment to Section 21-818 (General Landscape Requirements) of the Zoning Ordinance, seeking targeted changes to the landscape requirements to advance sustainable water strategies.

Location:

General applicability

Applicant:

City of Peoria

ATTACHMENTS:

Description

Staff Report

Exhibit 1 - Section 21-818 Proposed Changes

Exhibit 2 - Study Session Presentation (10/6/22)



PLANNING AND ZONING COMMISSION

STAFF REPORT

Date **October 10, 2022**

To **Planning and Zoning Commission**

From **Cody Gleason, AICP**
Principal Planner

Subject **Water Saving Landscape Changes**
Proposed Zoning Ordinance Amendment to update Section 21-818
"General Landscape Requirements".

PROPOSAL

The purpose of this city-initiated text amendment is to modify Section 21-818 "General Landscape Requirements" within the City of Peoria Zoning Ordinance. The proposed text amendment will modify various landscape standards for new development or redevelopment projects within the City of Peoria, with the exception of individual single-family home lots.

APPLICATION INFORMATION

Case Numbers Zoning Ordinance Text Amendment (TA22-03)

Applicant City of Peoria

Request(s) Amend Section 21-818 "General Landscape Requirements" of the
Peoria Zoning Ordinance.

BACKGROUND

The landscape requirements (otherwise referred to as the "Landscape Code") within the Peoria Zoning Ordinance was initially established in 1993. While there have been several amendments over the years to make minor modifications to this section, it has for the most part remained unchanged since about 2002.

The City of Peoria has a long history of thoughtful water management and has been preparing for drought conditions for decades by adhering to the Principles of Sound Water Management and focusing on sustainability and smart growth. To ensure the City remains a diligent steward of our water resources, staff is proposing strategic, yet meaningful changes to the Landscape Code that reduce demand for water for each new development or redevelopment project while maintaining an inviting and environmentally beneficial aesthetic throughout the City. These proposed refinements are in keeping with the goals and policies of the recently updated Peoria General Plan and Sustainability Plan which seeks continued efforts to thoughtfully plan and manage the City's water supplies and expand conservation wherever practical.

LANDSCAPE REQUIREMENTS (PEORIA ZONING ORDINANCE)

The regulations found within Section 21-818 “General Landscape Requirements” form the basis of landscape requirements within the City of Peoria for both new development and redevelopment sites. Within this section, the regulations are then divided into different categories including “On-Site Landscape Areas”, “Street Frontage” and “Right-of-Way Landscape Areas”, “Landscape Buffers”, and “Design Standards” which are described as follows:

- **On-Site Landscape Area** requirements refer to those areas interior to the site, which are not occupied by elements such as buildings or parking areas. This subsection seeks to prescribe necessary planting ratios for such areas.
- **Street Frontage Landscape Area** requirements regulate those areas immediately abutting the roadways adjacent to the site, and prescribe necessary planting ratios for these areas.
- **The Landscape Buffer Areas** are areas that abut what would otherwise be an incompatible use on an adjacent site (e.g. single-family residential abutting non-residential).
- **The Design Standards** subsection identifies planting size standards and other limitations for the above referenced area requirements.

The various requirements based on the area of the site are an attempt to ensure appropriate distribution of plant material across the site dependent on the context of the area. For example, street frontage landscaping is intended to provide a desirable aesthetic presentation to those approaching or passing by the site, while landscape buffer areas are intended to screen and mitigate uses on sites adjacent to residential development. Though the current standards provide a picturesque visual for development within the City, it is not as water conscious as it could be.

The existing provisions of this Ordinance, including proposed changes, are identified in **Exhibit 1**. A summary of the proposed changes and the justification behind the change is contained below within the analysis section of this report.

POLICY DIRECTION FROM CITY COUNCIL

The City of Peoria adopted the Drought Management Plan in June of 2017. The Drought Management Plan identifies the City’s water supply portfolio, regional challenges that impact the water supply, drought preparedness measures, and the drought alert stages. The City has entered Stage 1 of the Drought Management Plan, which is ‘Water Watch’. The intent of this stage is to raise awareness and seek voluntary compliance with water use reductions. The City of Peoria always seeks to lead by example, and as such has sought to reduce water demand by 5% across all City of Peoria facilities. At this time, this reduction is only sought in association with City facilities, although voluntary reductions on private property are encouraged as well.

During the September 15, 2022 Planning and Zoning Commission, the City’s Sustainability Coordinator noted the largest area for water use within Peoria is associated with outside landscaping. As such, making small adjustments to become more water wise with outdoor landscaping could collectively have a notable impact on lowering the City’s overall water demand. Therefore, the proposed code changes seek to encourage a reduction in water consumption on private property associated with outside landscaping.

APPLICANT'S PROPOSAL

This is a city-initiated proposal to consider amending provisions within the Peoria Zoning Ordinance pertaining to landscaping requirements. The intent of the changes are to modify the existing standards in a manner that still preserves the vibrant and inviting aesthetic created by the City's current landscaping standards while conserving our vital water resources. More specifically, the amendment modifies various planting ratio requirements and other design standards within the "General Landscape Requirements" section of the Zoning Ordinance as noted in more detail below.

STAFF ANALYSIS

DISCUSSION AND ANALYSIS

The proposed amendment does not modify any of the existing foundational elements of Section 21-818 "General Landscape Requirements" of the Ordinance, but rather seeks to make minor modifications that will have a measureable impact from a water savings perspective. Contained below is a brief list of the key changes. Staff's analysis of the related impact resulting from the proposed change is identified in *italics*.

- **On-Site Landscape Areas:**

- Planting ratios for Multi-Family & Non-Residential as well as Industrial sites as follows:
 - **Current:** 1 tree and 5 shrubs per 400 square feet
 - **Proposed:** 1 tree and 3 shrubs per 500 square feet

From a visual standpoint, the change in area is relatively imperceptible to an individual on any given site when looking at the site in aggregate. When evaluating plant health, reducing from 5 shrubs to 3 within the required area enhances the viability of the plant by accommodating additional space for a healthy root system. The reduction in plant material from a visual standpoint is negligible; however, the impact on water savings and plant health is significant. From a cost/benefit analysis perspective, when evaluating elements such as water use, carbon sequestration, and shade, the proposed changes prioritize these elements which are better served through trees for each unit of water used compared to shrubs or ground cover.

- **Street Frontage Landscape Areas:**

- Tree & Shrub planting ratios as follows:
 - **Current:** 1 tree and 5 shrubs per 25 linear feet.
 - **Proposed:** 1 tree and 3 shrubs per 25 linear feet.

Similar to On-Site Landscape Area requirements the change for Street Frontage Landscape Area requirements reduces the number of shrubs from 5 shrubs to 3 within the required area. This enhances the viability of the plant by accommodating additional space for a healthy root system. The reduction in plant material from a visual standpoint is negligible; however, the impact on water savings and plant health is again significant.

- Groundcover planting ratio as follows:
 - **Current:** 60% of street frontage landscape area at maturity.
 - **Proposed:** 30% of street frontage landscape area at maturity.

The current standard identifies that shrubs and groundcover must make up at least 60% of the street frontage area. That includes area already occupied by tree canopies. This creates situations that within a given canopy for a tree (which is the same area as the root system), would then also have the competing root systems for ground cover and shrub plantings. Reducing this requirement provides for a more practical planting ratio and provides additional opportunity for diversity in the streetscape rather than simply requiring shrub and ground cover screen walls.

- Minimum planter area width as follows:

- **Current:** 5 feet wide
- **Proposed:** 7 feet wide

Shrubs can often grow to a 6-foot wide diameter. Trees typically need a minimum 7-foot wide area for successful and long lasting root growth. As a result, the current minimum of 5 feet does not accommodate the needs of most healthy planting situations in accordance with the required ratios.

- **Landscape Buffer Areas:**

- Tree, Shrub, and Ground Cover planting ratios as follows:

- **Current:** 3 trees, 5 shrubs per 1,000 square feet, and 20% ground cover
- **Proposed:** 3 trees, 3 shrubs per 1,000 square feet, and no ground cover minimum

The reduction in shrubs within the required planting ratio follows the same logic as that of the on-site and street frontage landscape area reductions. The removal of the requirement for ground cover within this area is simply based on a practical application of the landscape buffer requirements. As these areas are contemplated between dissimilar uses in order to mitigate the impacts of such adjoining uses, a minimum 6-foot screen wall is already required along the boundary. As such, any ground cover plantings would not be viewable from the adjacent parcel and thereby serve no screening or mitigation efforts.

- **Design Standards**

- Minimum Tree and Shrub Sizes

- **Current:** Allows substitution of 1 36-inch box tree to replace 1.5 15-gallon trees
- **Proposed:** Substitution removed

The allowance for substitutions of such tree requirements were created in an effort to display mature landscaping from the start of a new development. Unfortunately, in evaluating sites which salvage existing on site 36-inch box trees for use later on site or those sites that obtain them from a nursery, the 36-inch box trees often stagnate from a growth perspective. This is especially evident in comparison to 15-gallon trees, which tend to grow to match or exceed the 36-inch box trees within approximately 3 to 5 years from the time of planting. Additionally the watering for a 15-gallon tree is substantially less than that of a 36-inch box tree.

- Turf Limitations

- **Current:** Maximum of 20%
- **Proposed:** Maximum of 10%, and limited to slopes equal to or less than 6:1, and prohibited within the right-of-way.

The proposed modifications to the limitations on turf seek to provide a maximum that is in relative alignment with the required minimum open space for single-family residential subdivisions. While this modification accommodates the open space areas as turf it cuts the maximum allowance in half and prescribes maximum slopes for the turf to ensure that the turf is used in programmatically appropriate areas that don't waste water on hillsides.

- Canopy Separation
 - **Current:** No standard
 - **Proposed:** Maximum canopy separation between trees, shrubs, and ground cover shall not exceed 10 feet at maturity.

The intent of the landscaping ratio requirements is to generally have landscaping in patterns that mimic that overall planting ratio. There are however, instances where the ratio is appropriately utilized, but the landscaping elements are clustered and overcrowded into one particular area. This canopy separation maximum serves the dual purpose of appropriately distributing landscaping throughout the site in alignment with the current intent, and aids in the reduction of the heat island effect by dispersing the resulting shade from the landscaping across the site.

- Substitution of Ground Cover
 - **Current:** Allows for the replacement of 1 shrub with a minimum of 20 square feet of ground cover plantings.
 - **Proposed:** Removes the current substitution allowance.

This modification continues the methodology of limiting ground cover in an effort to encourage those planting materials that are more water conscious on a per unit bases especially in relation to their other benefits such as carbon sequestration as well as shade benefits and heat island reduction.

- Irrigation Standards
 - **Current:** No detailed policy information.
 - **Proposed:** Creates a reference to a policy guide for detailed information regarding best practices for implementation of the standards.

By referencing this guide, City staff will be able to provide further direction and information for developers in alignment with the requirements identified within this ordinance, and make minor adjustments to finite details without the need for additional amendments within the ordinance so long as the guide carries out the intent of the language of the ordinance.

- Acceptable Landscape Materials
 - **Current:** Requires Phoenix Active Management Area Low Water Use plantings to be used in the right-of-way.
 - **Proposed:** All plantings on site shall be on the Phoenix Active Management Area Low Water Use Plant List.

Currently the only requirement for low water use plants is when those plants are located within the right-of-way. This modification would require that all plantings be on the Low Water Use Plant List. This provides a common sense requirement for water savings in a desert environment while accommodating all of the above requirements and plant types.

CONCLUSIONS

This amendment appropriately updates the Zoning Ordinance in response to the desired goal to reduce water consumption throughout the City. While the minimum requirements have been modified to encourage low water use plantings and prevent an overabundance of required plantings, it does not provide maximum numbers of tree and shrub plantings for any given development. Additionally this amendment is just the first amendment in a 2-step process. This initial step seeks to address readily identifiable water savings opportunities within the minimum landscaping requirements, and step two will be a future amendment to holistically address in detail the landscape code in its entirety.

COMMUNITY INVOLVEMENT

Public Noticing

The application was properly noticed pursuant to Section 21-315 of the Peoria Zoning Ordinance, which includes 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 the proposal.

KEY FINDINGS

1. The proposed amendment is consistent with the goals, and policies contained within the adopted Peoria General Plan and Peoria Sustainability Plan.
2. The subject modifications align with the intent of the City of Peoria's adopted Drought Management Plan; and
3. The proposed amendment provides opportunities for reduced water demand on all new and redevelopment sites within the City,

RECOMMENDATION

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

Recommend approval of Case TA22-03 to the City Council as proposed in Exhibit 1.

STAFF CONTACT

Cody Gleason, AICP
Principal Planner
(623)773-7645
Cody.Gleason@peoriaaz.gov

Exhibit 1 - Water Saving Landscape Changes: Text Amendment (TA22-03)

Amendment for Adoption to the Peoria City Code, Chapter 21 - Zoning

HOW TO READ THIS DOCUMENT

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Unless otherwise specifically addressing changes to a particular section or subsection of the code through the above referenced methods changes are only intended for those specific sections and subsections of the code that are addressed herein.

Section 1. Amend Chapter 21 - Zoning, General Provisions, Section 21-818 General Landscape Requirements, as follows:

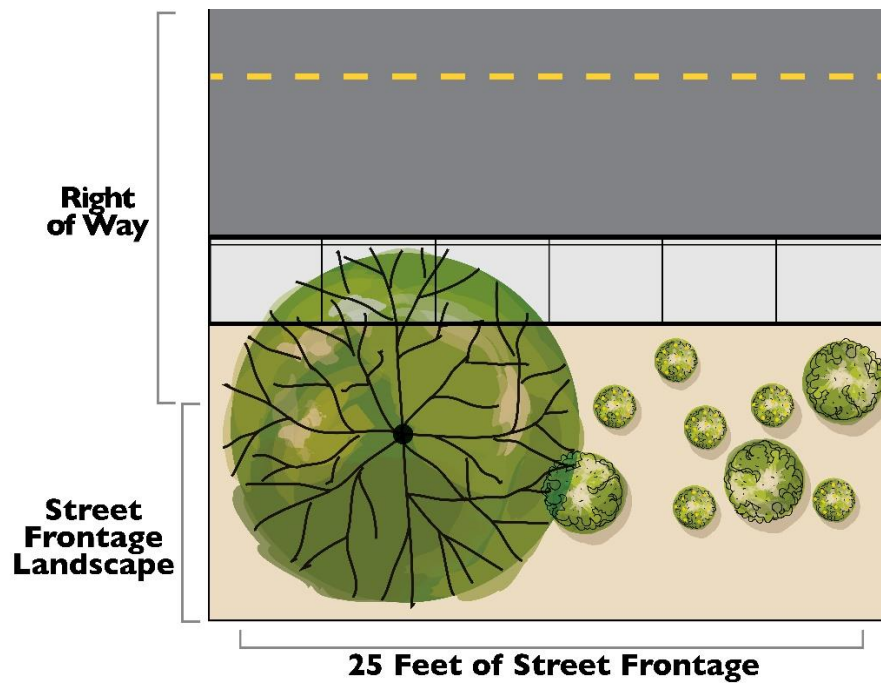
Sec. 21-818. General Landscape Requirements.

- A. *Required Landscape Areas.* No part of any landscape area shall be used for any other use, including but not limited to, such as parking or display, except for required on-site retention areas and useable open space when such use is shown on the approved landscape plan ~~except as otherwise provided in Chapter 14.~~
1. *On-Site Landscaped Areas.* All development projects requiring an approved landscape plan shall provide on-site landscaped areas located in accordance with the following schedule standards and requirements:

On-Site Landscaped Areas	Multi-Family & Non-Residential	Industrial	Single Family Residential	Schools
Required Area^a				
Percentage of Net Site Area	20	10 ^b	•	20
1 tree/ 5 3 shrubs per	<u>5</u> 400 SQ FT	<u>5</u> 400 SQ FT	1000 SQ FT	800 SQ FT
Street Frontage Area^c				
Arterial Streets FT	15	10	10 ^d	15
Collector and Local Streets FT	15	10	8 ^d	10

^a Water storage facilities, wireless communication facilities and similar land uses shall be exempt from the on-site landscape area requirements with the exception that street frontage landscaping shall be required.

- ^b Mini-storage facilities and similar uses shall be considered industrial developments for the purposes of landscape requirements regardless of zoning designation.
- ^c A landscaped area along all street frontages shall be established and maintained between the street right-of-way and any building, on-site parking area, residential property line or perimeter screen wall. The area of this landscape strip may be used to satisfy, to the extent provided, the on-site landscaped area set forth in this Section. Public utility facilities providing an essential service may be exempt from this standard as determined by the Planning Manager, provided that the development includes the required plantings as set forth in this Section. Single-family residential subdivisions may provide an average of the frontage requirement along arterial roadways to accommodate wall undulation.
- ^d All such landscaped areas shall be held within a tract unless determined otherwise by the Planning Manager. Front lot lines are exempt from the street frontage landscaping requirement.
- For all single-family subdivisions, on-site landscaped areas shall consist of street frontage landscaping, required retention and useable open space areas. The required amount of useable open space shall be determined per the Design Review Manual.
 - a. All portions of the development site not occupied by buildings, structures, vehicle access and parking areas, loading and unloading areas, and approved storage areas shall be landscaped in accordance with the provisions of this Section. Future building pads within a phased development shall be ~~improved with temporary landscaping, and~~ maintained weed and dust free ~~in such a manner as may be approved by the Community Development Director or designee.~~
 - b. All required useable open space areas as defined by the Design Review Manual may be included within the on-site landscaped areas.
 - c. For the purposes of calculating required landscape area, net site area shall exclude rights-of-way, school playfields, and any required landscape buffer.
- 2. *Street Frontages and Rights-of-Way.* All street rights-of-way classified as collector or higher contiguous with the proposed development or located within the interior of a development not used for street pavement, curbs, gutters, sidewalks, or driveways shall be landscaped in addition to the required on-site landscaped areas listed above. Right-of-way landscaping shall be designed to minimize water usage and maintenance ~~issues~~obligations.
 - a. The installation of street trees, shrubs, and vegetative ground cover shall be required for projects in an amount equal to or greater than one (1) tree and ~~five three (35)~~ five seven (57) shrubs for every twenty-five (25) feet of street frontage, and vegetative ground cover. The shrubs and ground cover shall occupy a minimum of ~~sixty thirty~~ sixty three (36) percent (~~36~~60%) of the total street frontage landscaped area at maturity. Residential subdivisions shall be exempt from this provision where lots front onto a street.
 - b. The required plantings shall be located in the street right-of-way landscaped area within a minimum ~~five seven (57)~~ five seven (57) foot wide planter area, or within the ~~front fifteen (15) feet of the required right-of-way, and street frontage on-site landscape areas, and shall be designed and located to enhance the proposed development project and the streetscape.~~
 - c. Such planting requirements shall be in addition to the landscape requirements in Section 21-818.A.1. All additional plantings in excess of the requirement may be used to satisfy the on-site landscaping requirements.
 - d. Future phases of contiguous development shall include street frontage and right-of-way landscaping with the first phase of development. The area and plantings provided for subsequent phases shall count only towards the landscape requirements for the future development. This requirement may be modified for large-scaled projects as approved by the ~~Community Development Director or designee~~ Zoning Administrator.



3. *Landscape Buffers.* A landscape buffer shall be provided in the manner, context and density specified below:

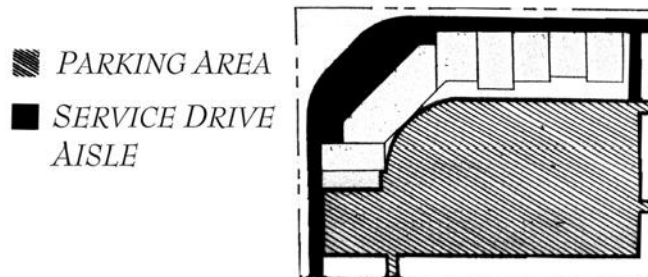
Landscape Buffer	Single Family Residential District	Multi-Family & other Residential Districts
Non-Residential Districts (O-1, C-1)	20'	20'
Non-Residential Districts (all other)	30'	30'
Multi-Family District (RM-1)	20'	n/r

Landscape Material	Density	Minimum Size at Planting
Trees	3 per 1,000 sq. ft.	24 inch box
Shrubs	35 per 1,000 sq. ft.	5 gallon
Vegetative Groundcover	20% of area	1 gallon
Inert Groundcover	100% of area	¾" (if DG)

For the purposes of this Section, the buffer utilized when adjacent to a PAD or PCD development unit or site will be determined on the basis of the land use scheduled or utilized for said area or as otherwise determined by the ~~Planning Manager~~Zoning Administrator.

4. *Parking Area Landscaping.*

- a. Surface Parking. For all developments exceeding fifteen thousand (15,000) square feet of gross floor area, ten percent (10%) of all parking lot areas, exclusive of service drive aisles, shall be landscaped. The requirement for general industrial and manufacturing developments as delineated in Table 21-503 or for developments containing fifteen thousand (15,000) square feet or less shall be five percent (5%) of the parking lot area. The parking landscape area shall be located entirely within the exterior curbs of the surface parking area. All surface parking areas shall incorporate the following elements:



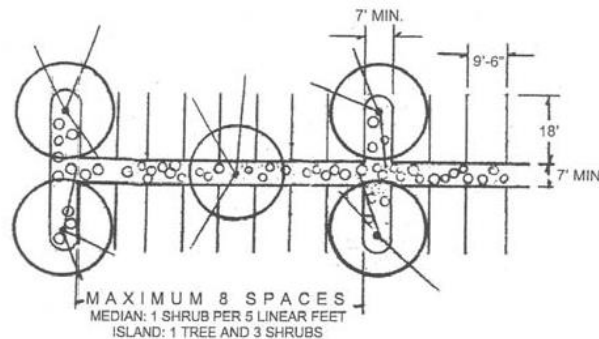
- 1) One (1) parking lot island with raised concrete or decorative curbing shall be provided for every eight (8) parking spaces. In addition, landscape islands shall be provided at the end of each parking row.
 - 2) Each landscape island shall be a minimum width of seven (7) feet, measured from back of curb to back of curb and equal the length of the parking stall(s).
 - 3) Landscaped medians shall be provided for all double rows of parking which exceed thirty (30) total spaces. Each median shall be a minimum width of seven (7) feet of which a two (2) foot parking overhang on both sides may be included. Curb breaks may be provided to accommodate drainage flows. A deviation or alternative to this requirement may be considered by the Planning Manager or designee provided the intent of the landscape median is satisfied.
- b. Multi-level Parking Structures.
- ~~1) c.~~ For projects that utilize multiple level parking structures, a minimum ten (10) foot landscape area shall be located around the perimeter of the structure.
 - ~~2) d.~~ For projects that utilize both surface and multi-level parking structures, the required parking area landscape shall be the combined requirements of the above.

5. *Parking Landscape Improvements.*

a. *Surface Parking.*

- 1) Surface parking areas shall contain one (1) tree and three (3) shrubs for every parking island (one stall in length).
- 2) Landscaped parking medians shall contain one (1) shrub for every five (5) linear feet of landscaping. A minimum of one (1) tree shall be provided between landscape islands. Adequate planter area shall be provided to accommodate full tree maturity.
- 3) All plantings within surface parking areas may be used to satisfy the landscape requirements in Section 21-818.A.1. The parking area tree palette shall only include species that provide adequate shading and minimal litter.

- 4) Shrubs within a landscape island or median shall be maintained to a maximum height of three (3) feet, and all trees at maturity within such planters shall maintain a minimum clearance of six (6) feet from the lowest branch to the adjacent grade elevation.



- b. *Multi-level Parking Structures.* The landscape area provided at the perimeter of multiple level parking structures shall contain one (1) tree and three (3) shrubs for every twenty (20) feet of structure perimeter.
6. *Drainage Facilities (Public and Private).* Drainage facilities shall be ~~completely~~ landscaped with ~~desert-adapted~~ plantings and ground surface materials. ~~Such landscaping shall provide~~ providing for erosion protection ~~while allowing for the and the~~ efficient utilization of the structure.
7. *Building Foundation.* Non-residential and multi-family residential buildings shall include a landscape foundation planter with a minimum width of five (5) feet between the building and parking lot. This foundation planter area shall comprise a minimum of fifty percent (50%) of the façade(s) length and may count towards the on-site landscape area requirements. A deviation or alternative to this requirement may be considered by the ~~Planning Manager or designee~~ Zoning Administrator.

Building foundation planter areas shall include one (1) shrub for every five (5) linear feet. All plantings within building foundation planter areas may be used to satisfy the landscape requirements in Section 21-818.A.1. A deviation or alternative to this requirement, including but not limited to, raised planters with seatwalls, decorative planter boxes, potted trees/shrubs, may be considered by the ~~Planning Manager~~ Zoning Administrator or designee provided the intent of the building foundation planter is satisfied.

B. *Design Standards.*

1. *Minimum Size of Trees and Shrubs.* Unless otherwise specified herein, all required trees shall be a minimum of fifteen (15) gallon in size and at least fifty percent (50%) of those trees must be twenty-four (24) inch box or larger in size. ~~A development may substitute thirty-six (36) inch box trees in place of fifteen (15) gallon trees at a substitution rate of 1.5 trees for every 1 required fifteen (15) gallon tree.~~ All shrubs shall be a minimum of five (5) gallon in size to satisfy the landscape requirements in Section 21-818A.2.

All trees shall be of a size at the time of installation to conform with the standards established in the Arizona Nursery Association Grower's Committee Recommended Tree Specifications.

2. *Limitation On Use of Turf.* ~~Development projects shall limit t~~ The use of turf (lawn) ~~shall be limited~~ to a maximum of ~~tentwenty~~ percent (~~120~~%) of the ~~lot area site~~. This provision may be waived ~~by the Zoning Administrator~~ for those projects ~~as determined by the Site Plan Review process~~ that require a greater amount of turf due to the nature of their use (i.e. schools, parks, ~~golf courses~~ etc.) ~~or those projects that irrigate their landscaping with a reclaimed or private water source.~~ Turf areas that are not accessible via a sidewalk, pathway, or trail, or those that occupy slopes in excess of 6:1 shall be prohibited. Turf areas within the right-of-way or any space less than 8 feet in length or width shall be prohibited.

3. *Canopy Separation.* The maximum separation between the canopy coverage of trees, shrubs, or ground cover shall not exceed ten (10) feet in any direction as measured at maturity. Greater separations may be approved through site plan approval in the Desert Lands Conservation Overlay areas as identified in Section 21-726 to be consistent with the natural undisturbed desert plant densities in the immediate vicinity of the development. ~~*Substitution of Ground Covers.* Upon approval of the Community Development Director or designee, the installation of twenty (20) square feet of vegetative ground cover in any landscaped area shall substitute for one (1) required shrub, up to a maximum of twenty percent (20%) of the required shrubs in any particular landscaped area. No substitution shall be made for the required shrubs along any street frontage.~~
4. *Ground Surface Treatment.* All landscaped areas shall be finished with a natural topping material which may include, but not limited to, the following: turf (subject to Section 21-818.B.2, ground cover, planting, ¾" screened decomposed granite (or as approved by plan review) at a 2" minimum depth, river rock, expanded shale, or bark. A pre-emergent herbicide shall be applied to the ground prior to and after the placement of natural surface materials (decomposed granite, river run rock, etc.) in any landscaped area to prevent weed growth.
5. *Irrigation Standards.* All landscaped areas shall be supported by an automatic irrigation system which may be a spray, flood, or drip type system. A backflow prevention device as approved by the City shall be required with the installation of all irrigation systems. All irrigation systems and landscaped areas shall be designed, constructed, and maintained to promote water conservation and prevent water overflow or seepage onto the street, sidewalk, or parking areas. Such irrigation systems shall also comply with the Landscaping and Irrigation Policy Guide.

A separate water meter shall be installed for landscaping that is installed within the right-of-way and maintained by the City. For developments in which the property owner is to maintain the right-of-way landscaping, the right-of-way irrigation system shall be separated or isolated from the on-site irrigation system.
6. *Obstructions to Visibility.* All landscaping and landscaped materials established in close proximity to a driveway or street intersection shall be installed and maintained in compliance with the City's visibility triangle requirements. All ground covers within surface parking areas shall be designed to minimize interference with surveillance capabilities or vehicular and pedestrian circulation.
7. *Protection of Landscaped Areas from Vehicular Damage.* Permanent containment barriers (concrete curbs or bumper guards) shall be installed and properly secured within or adjacent to all proposed parking areas and along all driveways and vehicular access ways to prevent the destruction of landscape materials by vehicles. All trees and shrubs shall be installed a minimum of two and one-half (2.5) feet from back of curb.
8. *Obstructions of Fire Hydrants.* All plant materials shall be planted so that at maturity the edge of the plant will be no closer than three (3) feet to any fire hydrant or fire suppression device.
9. *Landscape Screening.* All mechanical equipment, electrical meters and similar utility devices shall be screened from public view with appropriate plantings.
10. *Trails.* All trails required by the Rivers and Trails Mater Plans shall include landscaping and hardscape materials as determined by the Community Services ~~Department~~ Master Plan unless otherwise addressed within the Zoning Ordinance.
11. *Acceptable Landscape Materials.*
 - a. Plant materials utilized in landscaped areas ~~in the right-of-way must~~ shall be included on the most recent edition of the Phoenix Active Management Area Low Water ~~Using Use~~ Plant List, unless otherwise approved by the Zoning Administrator.
 - b. No artificial plant materials may be used to satisfy the requirements of this Section.

- c. Palm trees shall not be installed within the right-of-way unless the maintenance for the palm trees is provided by the owner.
- d. Pollen producing vegetation such as the Mulberry tree (*Morus Alba*) or Olive tree (*Olea Europea*) shall be prohibited.

(Ord. No. 00-20, 5-16-00; Ord. No. 02-95, 12-11-02; Ord. No. 03-182, 12-16-03; Ord. No. 04-186, 8-24-04; Ord. No. 06-07, 3-21-06; Ord. No. 2014-21, 6-17-14; Ord. No. 2017-33 , § 181, 6-13-17)

Study Session:

Water Saving Landscape Changes

(Case TA22-03)

Planning & Zoning Commission
October 06, 2022



Introduction

Applicant:

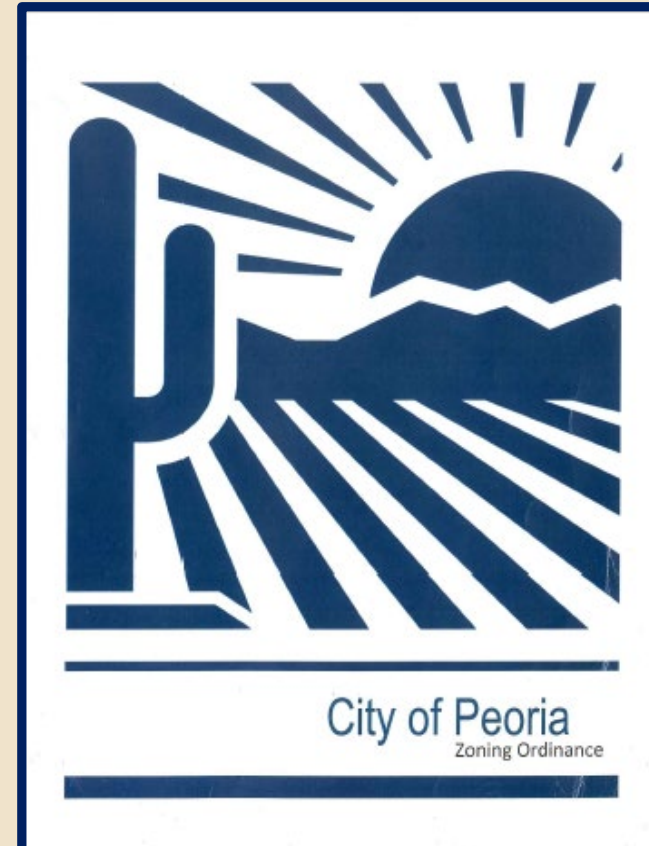
City of Peoria

Request:

Amendment to Peoria Zoning Ordinance
Section 21-818 “General Landscape Requirements”

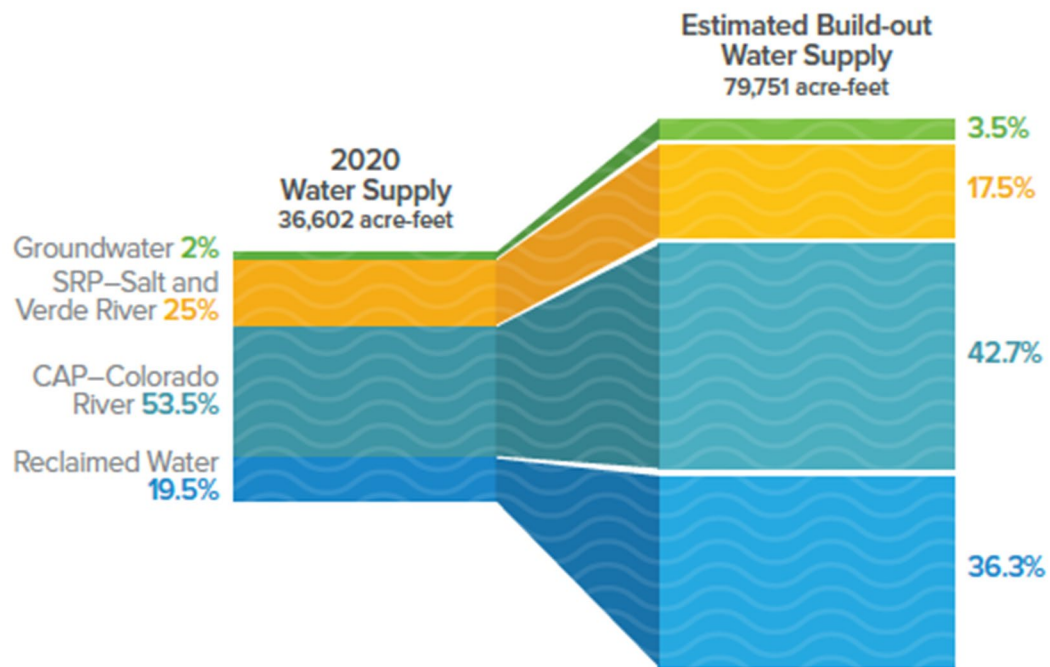
Purpose:

Provide practical application of landscaping standards that accommodate sensible water savings while allowing for an aesthetically inviting development pattern.

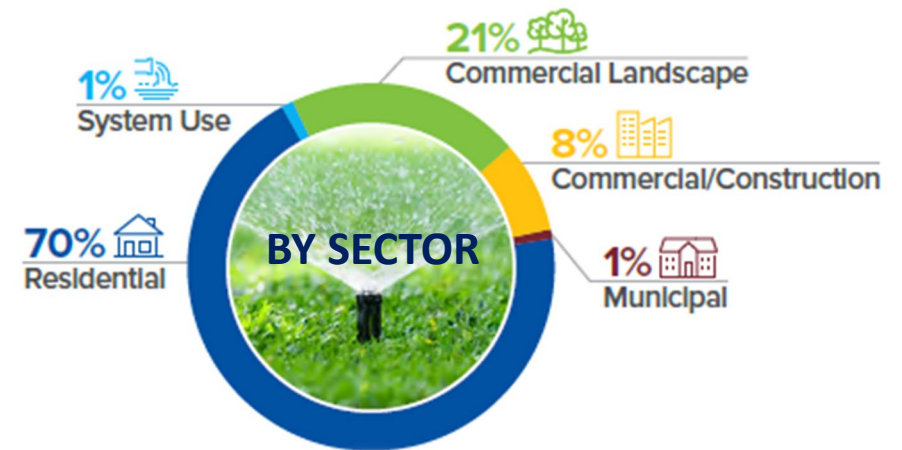


Background

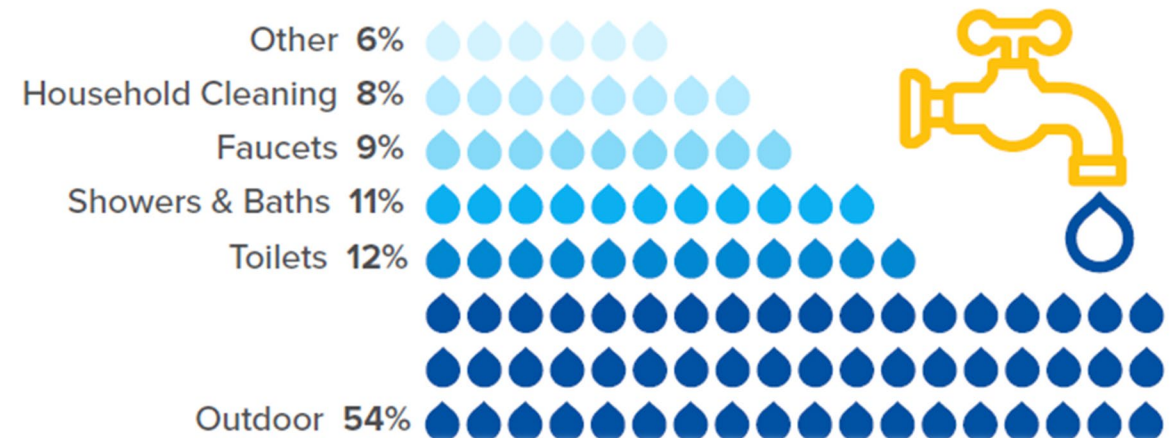
Water Supply Sources



Water Use



MONTHLY WATER USE PER HOUSEHOLD: 12,000 GALLONS



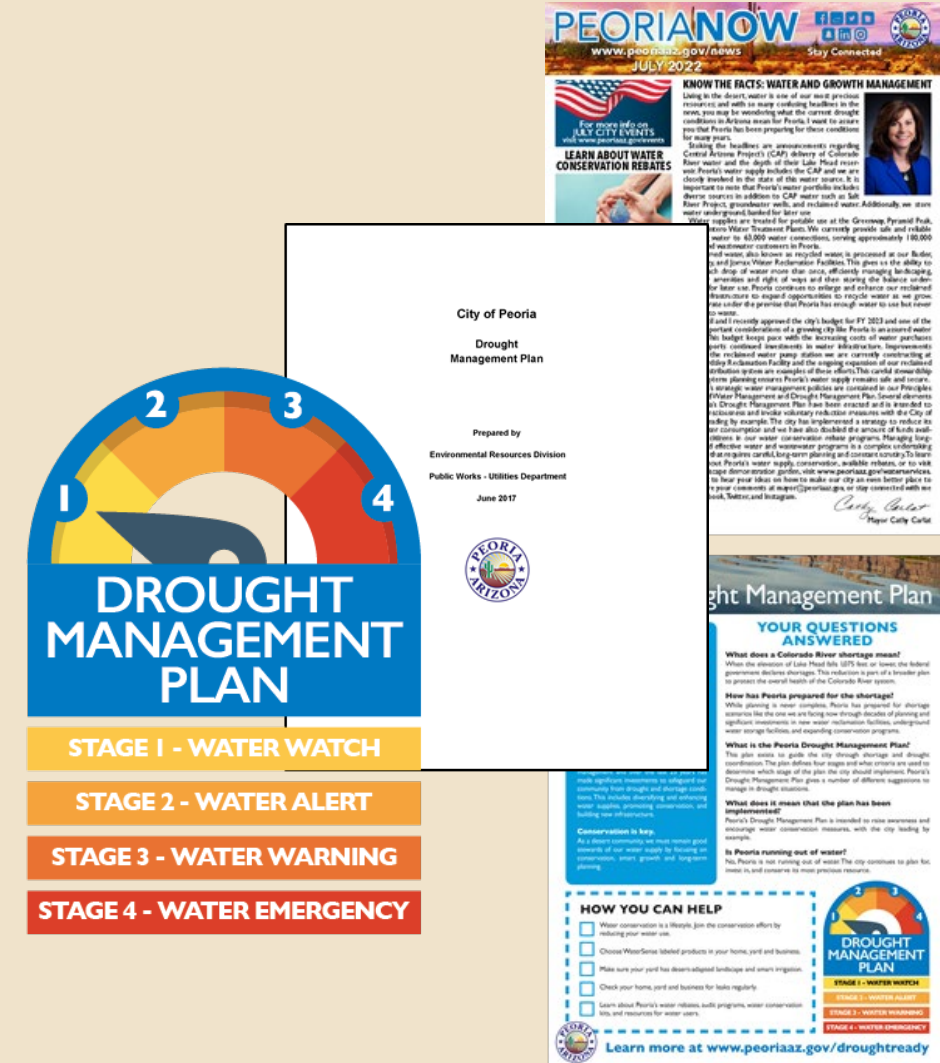
Recap of Drought Conditions

State Level Conditions:

- Colorado River / Lake Mead
 - Stage 2A Drought Declaration
 - Stage 3 Possible by 2024

City of Peoria:

- Peoria's Drought Management Plan
- Stage 1: Water Watch
 - Lead by Example
 - Calls for 5% reduction by City Departments



Landscape Code Introduction

Section 21-818 General Landscape Requirements:

- On-Site Landscape Area Planting Ratios
- Street Frontage Landscaping Planting Ratios
- Landscape Buffer Planting Ratios
- Design Standards Plant Sizes, Types, & Limitations



Change Justification



Water:

- Lowers Demand
- Trees are more efficient use of water



Plant Health:

Sufficient Spacing

- Allows Root Growth
- Does not need to be over-maintained



Shade:

- Trees vs Shrubs
- Lower Heat Island Effect



Developer Cost:

- Lower Upfront Cost
- Lower On-Going Maintenance Costs
- Lower Water Use to Establish and On-Going

Change Justification



Annual Water:

- 1,534 Gallons per Tree
- 442 Gallons per Shrub
- 91 Gallons per Ground Cover



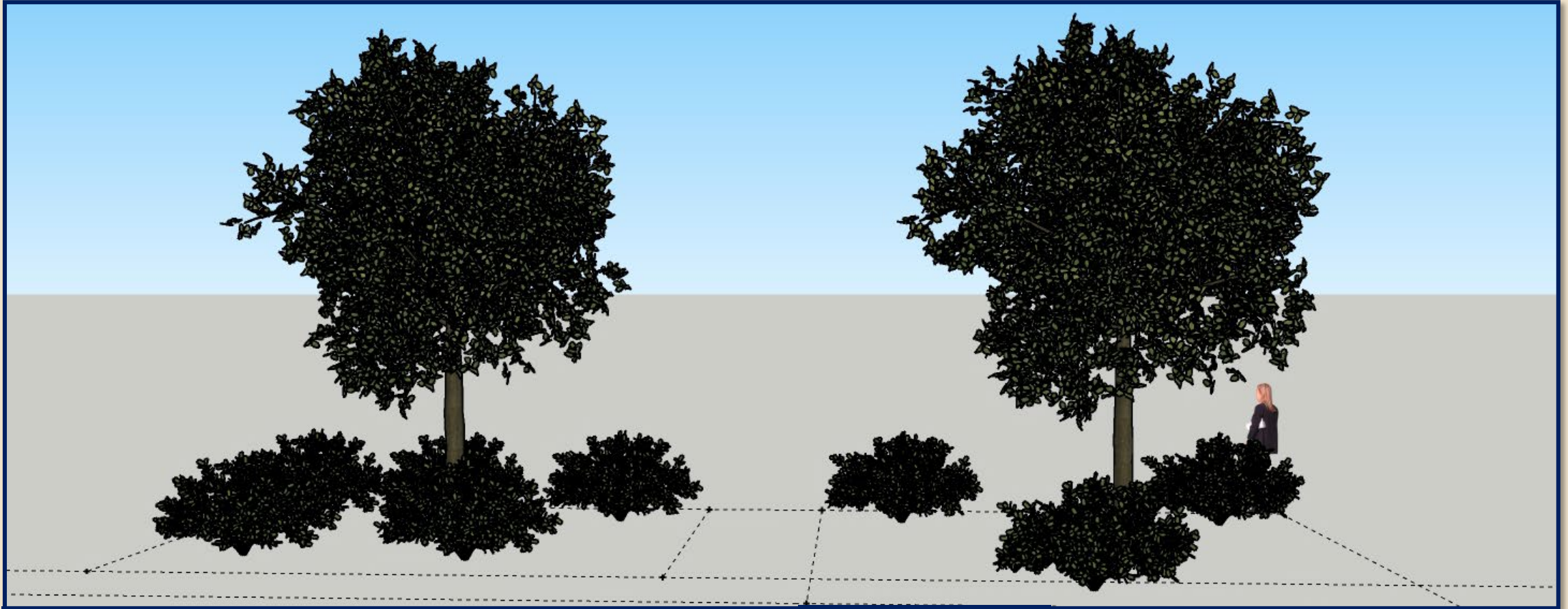
Developer Cost:

- \$306.44 per Tree
- \$77.29 per Shrub
- \$29.99 per Ground Cover

Existing vs Proposed



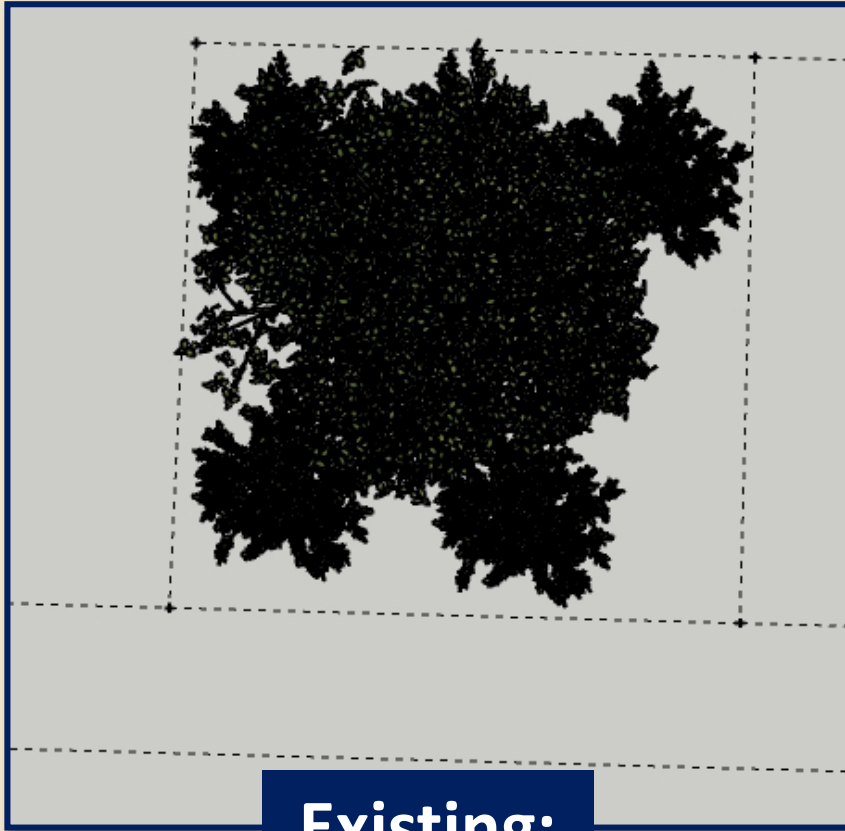
On-Site Landscape



Existing: 1 Tree and 5 Shrubs
Per 400 SF

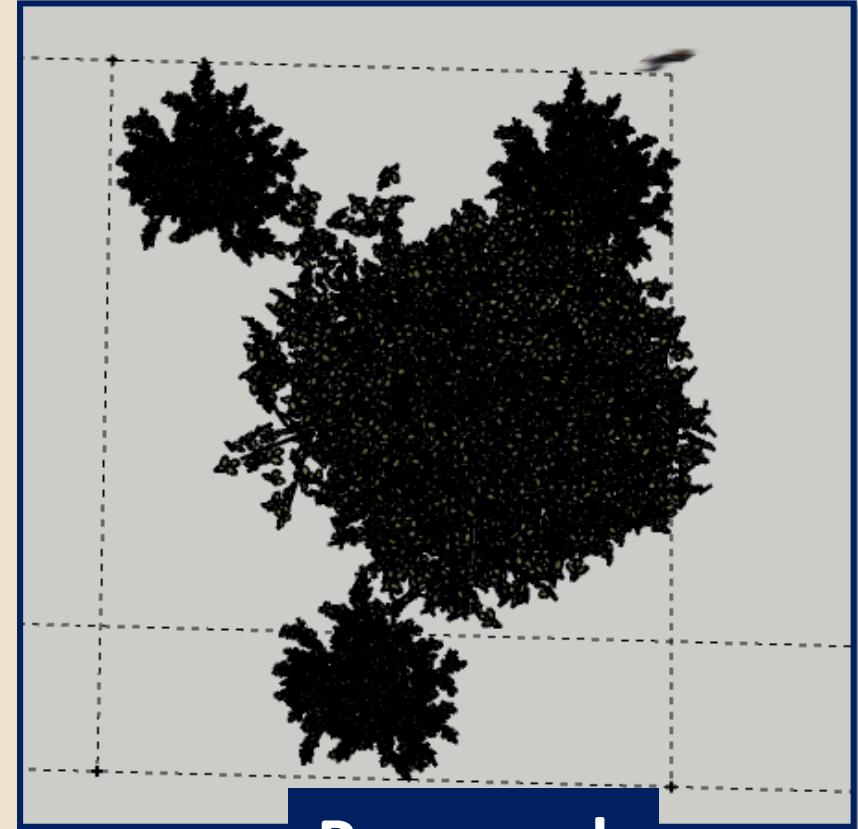
Proposed: 1 Tree and 3 Shrubs
Per 500 SF

On-Site Landscape



Existing:

**1 Tree and 5 Shrubs
Per 400 SF**

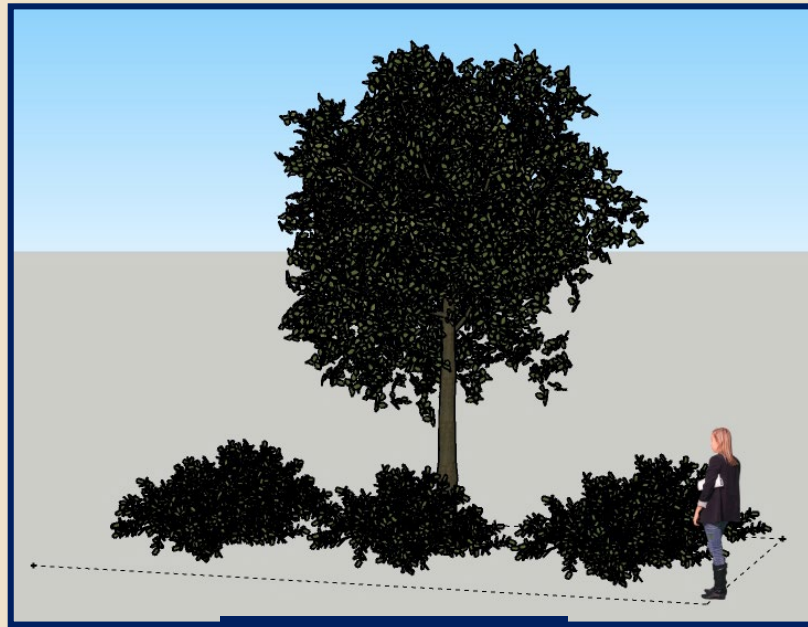


Proposed:

**1 Tree and 3 Shrubs
Per 500 SF**

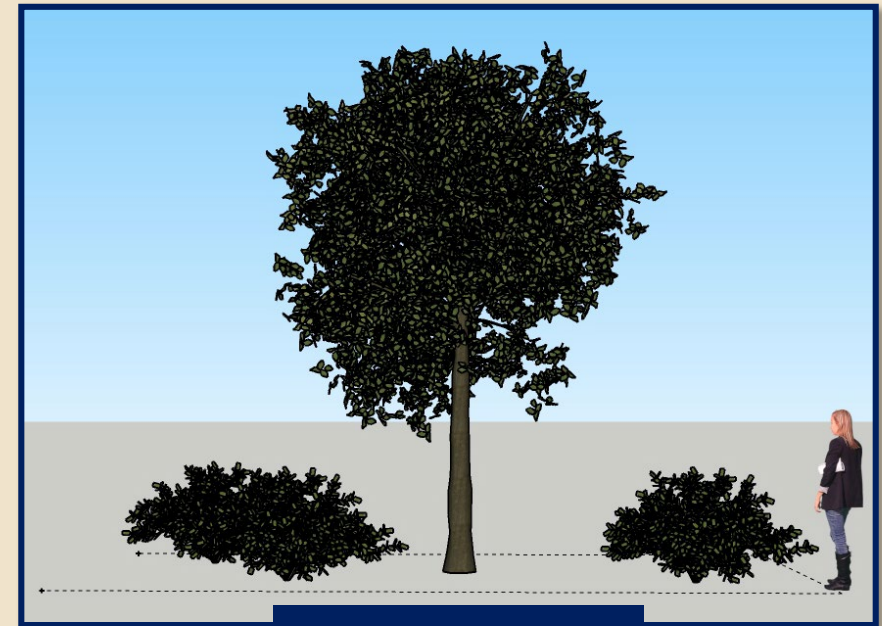
Street Frontage

Ground Cover
Quantity:
From 60%
To 30%



Existing:

1 Tree and 5 Shrubs
Per 25 LF

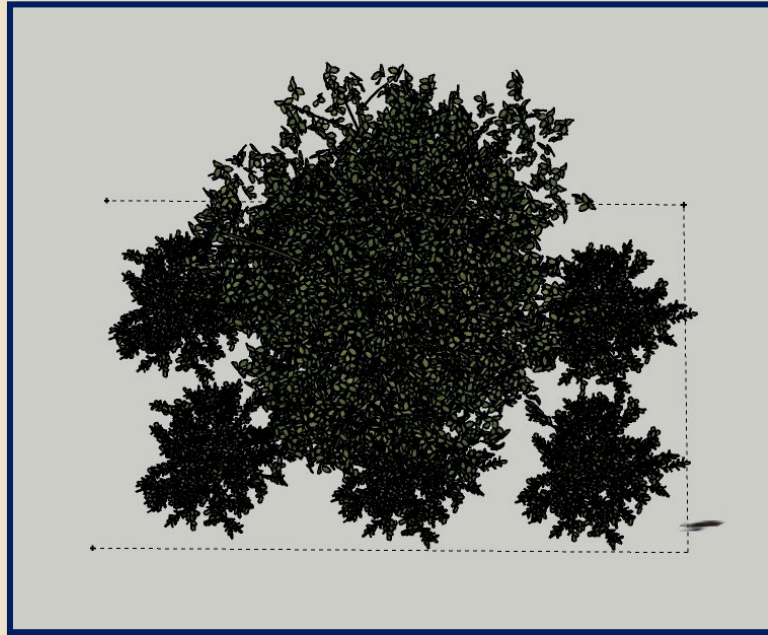


Proposed:

1 Tree and 3 Shrubs
Per 25 LF

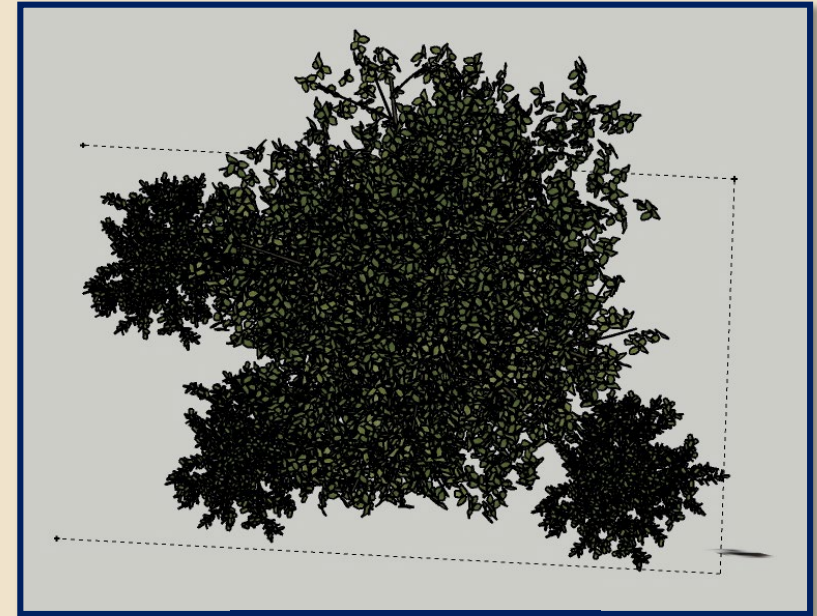
Street Frontage

Ground Cover
Quantity:
From 60%
To 30%



Existing:

1 Tree and 5 Shrubs
Per 25 LF

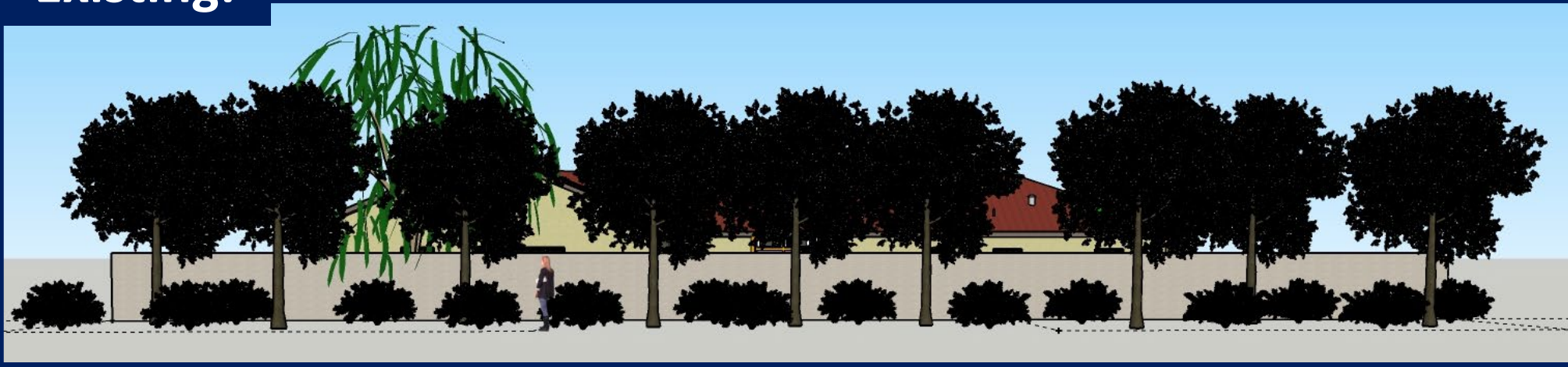


Proposed:

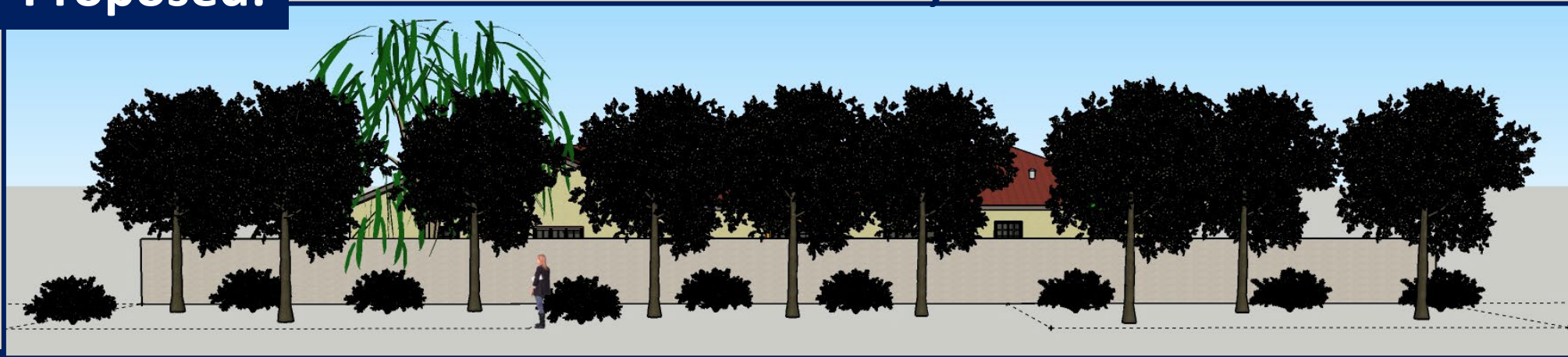
1 Tree and 3 Shrubs
Per 25 LF

Landscape Buffer

Existing: 3 Tree and 5 Shrubs Per 1,000 LF

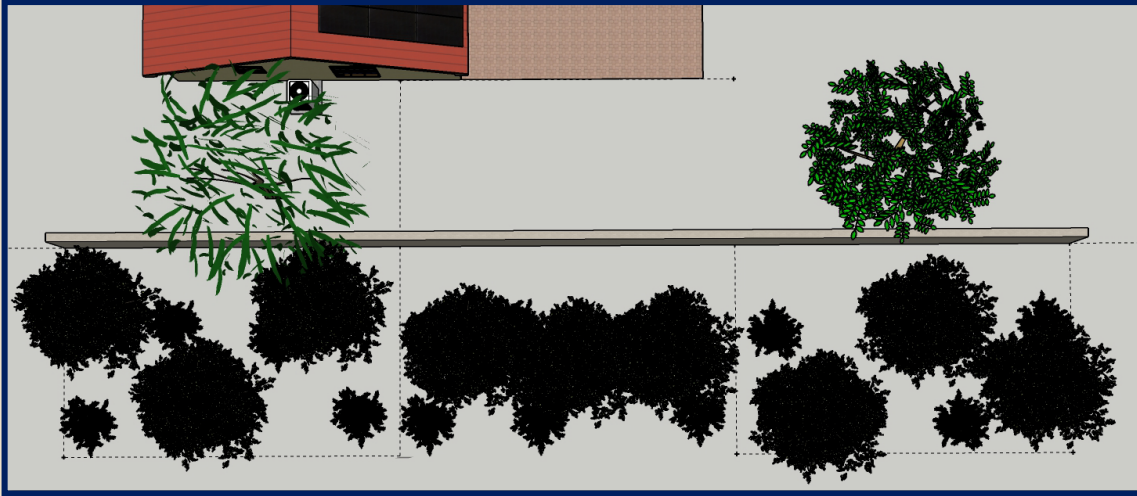


Proposed: 3 Tree and 3 Shrubs Per 1,000 LF



Landscape Buffer

Existing: 3 Tree and 5 Shrubs
Per 1,000 LF



Proposed: 3 Tree and 3 Shrubs
Per 1,000 LF



Design Standards

- Maximum Turf Allowance Reduction From 20% **to 10%**
- Add Maximum Canopy Separation of 10 Feet *(Currently No Max)*
- Remove Ground Cover Substitution for Shrubs
- Creates Direct Reference to Policy Guide
- Requires **All Plants** to Comply with
Phoenix Active Management Area Low Water Use Plant List*
(Currently Only In Right-of-Way)

Real World Example – Retail Center

Plant Quantity

- 58 Tree Reduction
- 1,013 Shrub Reduction
- 879 Ground Cover Reduction

Water Savings

- ***616,707 Gallons Saved Per Year***
 - Trees = 88,972 Gallons
 - Shrubs = 447,746 Gallons
 - Ground Cover = 79,989 Gallons

Developer Savings

- Initial Capital Savings = **\$122,429.50**
 - Trees = \$17,773.52
 - Shrubs = \$78,294.77
 - Ground Cover = \$26,361.21
- Ongoing Annual Landscape Maintenance
 - Savings = **\$19,000**

Real World Example – Industrial

Plant Quantity

- 24 Tree Reduction
- 379 Shrub Reduction
- 998 Ground Cover Reduction

Water Savings

- ***295,152 Gallons Saved Per Year***
 - Trees = 36,816 Gallons
 - Shrubs = 167,518 Gallons
 - Ground Cover = 90,818 Gallons

Developer Savings

- Initial Capital Savings = ***\$66,577.49***
 - Trees = \$7,354.56
 - Shrubs = \$29,292.91
 - Ground Cover = \$29,930.02

Real World Example – Retail Center

Plant Quantity

- 30 Tree Reduction
- 504 Shrub Reduction
- 455 Ground Cover Reduction

Water Savings

- ***310,193 Gallons Saved per Year***
 - Trees = 46,020 Gallons
 - Shrubs = 222,768 Gallons
 - Ground Cover = 41,405 Gallons

Developer Savings

- Initial Capital Savings = ***\$61,792.81***
 - Trees = \$9,193.20
 - Shrubs = \$38,954.16
 - Ground Cover = \$13,645.45

Summary of Changes

- Reduce Required Shrubs per Ratio
- Reduce Ground Cover Ratios
- Limit Turf to 10%
- Limit Turf to Slopes of 6:1 or Less
- Canopy Separation 10 Foot Max
- Landscape Policy Guide
- All Plants to the Phoenix Active Management Area
Low Water Use Plant List

Next Steps

10/6

Commission Study Session

- Information
- Questions
- Changes

10/20

Commission Action

- Recommendation
to City Council

11/15

City Council

- Final Action