

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 21R
Amend No. _____

Date prepared: January 22, 2008

Council Meeting Date: February 5, 2008

TO: Terry Ellis, City Manager
FROM: Glen Van Nimwegen, AICP, Community Development Director *GN*
THROUGH: Chad Daines, AICP, Planning Manager *CD*
PREPARED BY: Robert Gubser, AICP, Senior Planner *R*
SUBJECT: Z 07-01, Pinnacle Peak Subdivision

Proposal to adopt an ordinance approving the rezoning of approximately 5.05 gross acres from General Agriculture (AG) to Suburban Ranch (SR-35) to allow for the development of up to a 5-lot single-family residential subdivision. The subject site is located at the southeast corner of 104th Avenue and Pinnacle Peak Road, and is more accurately described as Assessor Parcel Number (APN) 200-10-031.

Recommendation:

The Mayor and City Council concur with the Planning and Zoning Commission's recommendation to adopt an Ordinance to rezone approximately 5.05 gross acres from the current zoning district of General Agriculture (AG) to Suburban Ranch (SR-35), subject to the conditions contained within the staff report.

Planning & Zoning Commission Recommendation:

On January 17, 2008, the Planning and Zoning Commission voted unanimously to recommend approval of the requested action, subject to Conditions 1-19, as contained in the staff report and referenced in the attached Ordinance. There was one speaker present at the hearing. The speaker did not object to the requested action but did express concerns with the extension of 104th Avenue to Pinnacle Peak Road, the requested right-of-way width for Pinnacle Peak Road and the proposed trail connection to the Ironwood subdivision directly south of the site. The following three paragraphs are a summary of the stated response to the concerns of the resident.

CITY CLERK USE ONLY:

Consent Agenda
 Carry Over to Date: _____
 Approved
 Unfinished Business (Date heard previous: _____)
 New Business

ORD. # 07-03 RES. # _____
LCON# _____ LIC. # _____
Action Date: _____

Condition of Approval #3 is requiring a half-width right-of-way dedication of 55' on Pinnacle Peak Road. The distance is required to allow the City the ability to secure the maximum allowable right-of-way to ensure space for both the roadway and a possible drainage channel. The total required distance will not alter the collector road classification.

Currently, 104th Avenue dead-ends approximately 330' south of Pinnacle Peak Road. The roadway was always planned to extend to Pinnacle Peak Road. Until Pinnacle Peak Road is fully improved to provide primary access to the site, 104th Avenue will serve as the primary access to the site. Should the issue of cut-through traffic arise, the Neighborhood Traffic Management Program (NTMP) may call for a study to provide appropriate mitigation opportunities.

The trail located in the Ironwood subdivision is currently posted as private property. The trail was never intended to be private. As established through the approved Planned Area Development (PAD) zoning and the Final Plat, the trail is public with maintenance performed by the Ironwood Subdivision HOA. The condition requiring the applicant to construct an 8' trail will create a logical extension of the existing trail and provide access from Pinnacle Peak Road to the City of Peoria Alta Vista Park on the southeast corner of 107th Avenue and Williams Road.

Proposition 207:

The voters of Arizona recently approved Proposition 207 which amongst 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. The applicant has submitted a signed and notarized waiver which will be recorded following the City Council's decision on the request.

Attachments:

- Planning and Zoning Commission Staff Report (1/17/08)
- Ordinance
- Proposition 207 Waiver (original to City Clerk)

**SUPPORTING DOCUMENTATION
PERTAINING TO THIS
AGENDA ITEM IS ON FILE IN THE
OFFICE OF THE CITY CLERK**