

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: LC
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 *GM*

THROUGH: Chad Daines, AICP, Planning Manager *CD*

PREPARED BY: Robert Gubser, AICP, Senior Planner *RG*

SUBJECT: An ordinance with a legislative correction to the legal description for Ordinance No. 07-04 (zoning case Z06-19).

Recommendation:

The Mayor and City Council adopt an ordinance with a legislative correction to the legal description as provided for in Exhibit A of Ordinance No. 07-04.

Background:

The legal description contained in the adopted ordinance, Ordinance No.07-04 adopted by the Mayor and City Council on January 16, 2007, incorrectly identifies the overall parcel boundaries for the Trillium Residential Development located at the northwest corner of 75th Avenue and Tierra Buena Lane. The site plan and parcel maps included as part of the Planned Area Development Standards and Guidelines Report and staff report correctly identify the area that was to be rezoned. The additional parcel included in the legal description was never intended to be part of the rezoning action.

An updated legal description has been provided by the property owner to correct the parcel boundary error and is attached as Exhibit A to the amended Ordinance.

Attachment:

- Ordinance

CITY CLERK USE ONLY:

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

ORD. # 07-04 RES. # _____
LCON# _____ LIC. # _____
Action Date: _____

ORDINANCE NO. 07-04A

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA WITH A LEGISLATIVE CORRECTION TO ORDINANCE NO. 07-04, AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REZONING PROPERTY FROM C-2 (INTERMEDIATE COMMERCIAL) ZONING DISTRICT TO PAD (PLANNED AREA DEVELOPMENT) ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a legislative correction is required to amend the legal description for Ordinance No. 07-04 and that such amendment does not alter the substantive meaning of the ordinance or impact any person's ability to determine the areas described; and

WHEREAS, as a result of the legislative correction, Ordinance No. 07-04 should be amended to read as follows; and

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on December 14, 2006 in Zoning Case Z 06-19 in the manner prescribed by law for the purpose of considering an amendment to the district boundaries of property within the City of Peoria, Arizona to provide for rezoning of a parcel of property as described on Exhibit A from General Agriculture (AG) Zoning District to Planned Area Development (P.A.D.) Zoning District as provided in Section 14-33 of Chapter 14 of the Peoria City Code (1977 edition);

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance and manner provided by law including publication of such notice in the Arizona Business Gazette on November 23, 2006; and

WHEREAS, the City of Peoria Planning and Zoning Commission has recommended to the Mayor and the Council of the City of Peoria, Arizona, the zoning of property as aforesaid and the Mayor and the Council of the City of Peoria, Arizona desires to accept such recommendation and rezone the property as described on Exhibit A as aforesaid.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona that:

SECTION 1. A parcel of land in Peoria, Maricopa County, Arizona is more accurately described in Exhibit A to this Ordinance, is hereby conditionally rezoned from General Commercial (C-4) zoning district to Planned Area Development (P.A.D.) zoning district.

SECTION 2. That the rezoning herein provided for be conditioned and subject to the following:

1. The development shall conform to the "Trillium Residential" Planned Area Development Standards and Guidelines Report dated November 2, 2006, with the following modifications:
 - a. The PAD shall include a 15' landscape buffer to be developed in accordance with Article 14-35-4A.3 of the Zoning Ordinance.
 - b. The PAD shall include south, west, and north property line setback standards. The south property line (Tierra Buena Lane) setback shall be 30', and north property line setback shall be 10' for garage buildings to reflect building placement on conceptual drawings.
2. The proposed conceptual and elevation plans are conceptual in nature and shall be modified as necessary to conform to the Design Review and other City's requirements, including any requirements arising from the reports and plans required below.
3. A Preliminary Drainage Report must be submitted with the site plan. This project shall provide retention for the 100-year, 2-hour storm event.
4. An updated traffic impact analysis must be submitted with the site plan. The Developer shall design and construct the deceleration lane on 75th Avenue per the approved Traffic Impact Analysis.
5. Streetlights are required to be installed by the Developer on Tierra Buena.
6. The Developer shall dedicate an 8' PUE outside of the existing ROW on 75th Avenue and Tierra Buena. No walls or retention shall be allowed within the PUE.
7. The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at the intersection of 75th Avenue and Tierra Buena.

SECTION 3. Amendment of Zoning Map. The City of Peoria zoning map is herewith amended to reflect the change in districts referred to in Section 1 above.

SECTION 4. Effective Date. This Ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Council for the City of Peoria, Arizona this 5th day of February, 2008.

Bob Barrett, Mayor

Date Signed

ATTEST:

Mary Jo Kief, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in: Peoria Times

Publication Dates: February 8 and February 15, 2008

Effective Date:

Ordinance No. 07-04A

EXHIBIT A:

LEGAL DESCRIPTION

Lots 3B, 3C, 3D of Sterling Auto, a subdivision, recorded in Book 651 of Maps, Page 13, of Official Records, Maricopa County, Arizona.