

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 3C
Amend No. _____

Date prepared: May 27, 2008

Council Meeting Date: June 17, 2008

TO: Terry Ellis, City Manager

FROM: Glen Van Nimwegen, AICP, Community Development Director *GM*

THROUGH: Chris Jacques, AICP, Interim Planning Manager *CJ*

PREPARED BY: Adam Pruett, Senior Planner

LOCATION: North of the northwest corner of Lake Pleasant Parkway and Pinnacle Peak Road

SITE ACREAGE: Approximately 4.5 acres

SUBJECT: Z 08-06: Establish Initial Zoning for subject property that has recently been annexed into the City of Peoria from Maricopa County zoning district of Rural-43 (Rural, 43,000 square feet in area) to Peoria SR-43 (Suburban Ranch, one acre minimum lot size).

Recommendation:

The Mayor and Council concur with the Planning and Zoning Commission recommendation and adopt the attached Ordinance to establish an initial zoning on the subject property that has recently been annexed into the City of Peoria from Maricopa County zoning district of Rural-43 to Peoria SR-43.

Surrounding Land Use and Zoning:

1.

Z 08-06	LAND USE	ZONING
On-Site	Vacant	County Rural-43
North:	Single-Family Residences (developing)	County Rural-43
East:	Lake Pleasant Parkway / Vacant	County Rural-43 / Peoria SR-43
West:	Vacant	County Rural-43
South:	Vacant	C-2

CITY CLERK USE ONLY:

Consent Agenda

Carry Over to Date: _____

Approved

Unfinished Business (Date heard previous: _____)

New Business

ORD. # 08-14 RES. # _____

LCON# _____ LIC. # _____

Action Date: _____

Background

2. The City has recently completed annexation activities on an annexation request near Lake Pleasant Parkway and Pinnacle Peak Road. Pursuant to A.R.S. §9-471.D and Section 14-4-3 of the Peoria City Code, the City must begin the process of assigning City zoning to the annexed property within six (6) months following the official adoption of the annexation.
3. Per State Statute, the initial corresponding zoning shall not permit densities and uses more intense than those permitted by the County prior to the annexation. The closest City of Peoria zoning category to the County Rural-43 zoning is SR-43 – a suburban ranch zoning classification with a one acre minimum lot size. This request is consistent with the State Statute.
4. No additional zoning requests are being proposed or anticipated at this time.

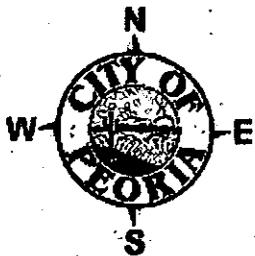
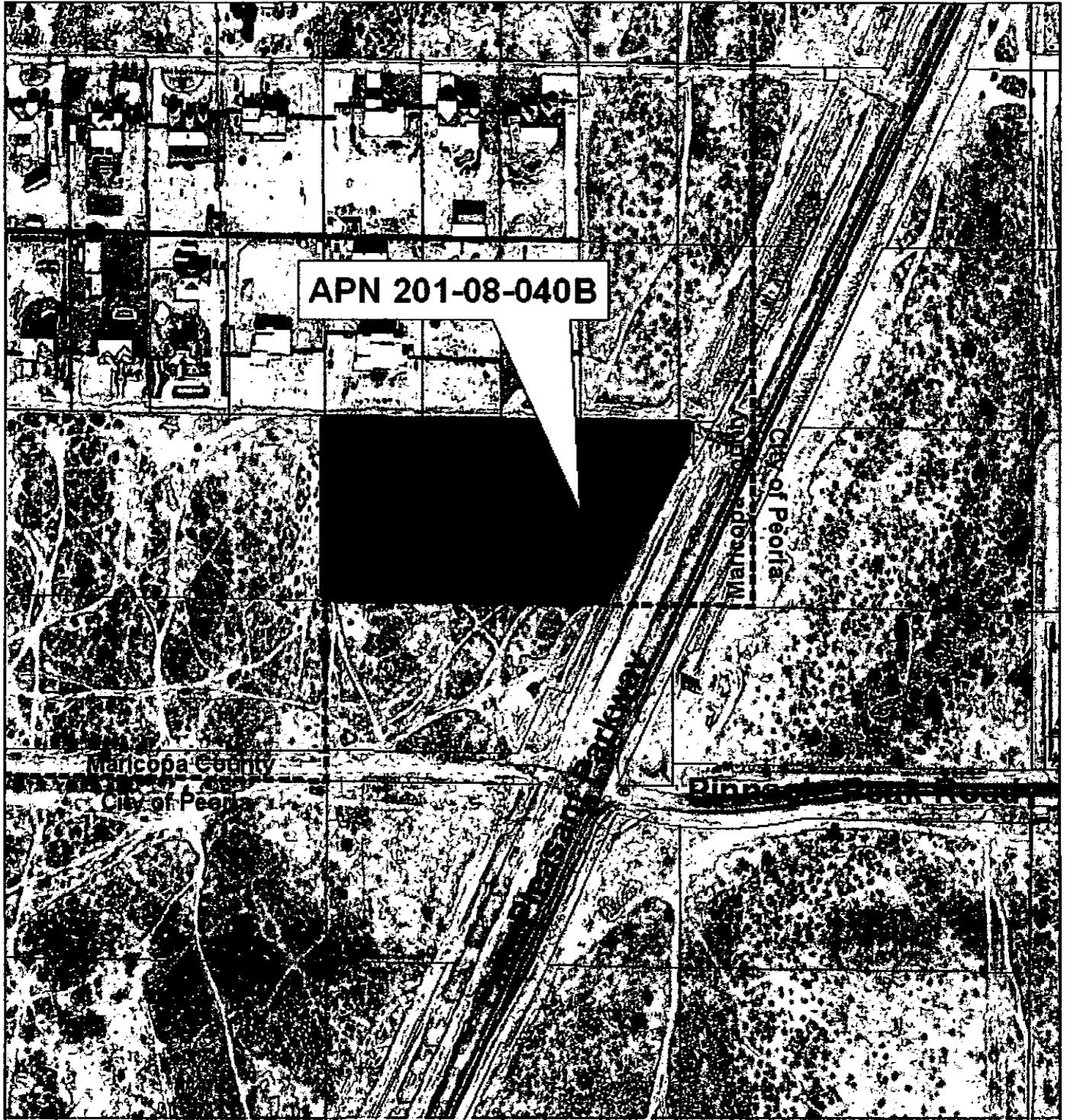
Planning & Zoning Commission Action:

5. On May 15, 2008, at a public hearing, the Commission voted unanimously in favor of recommending approval of the request to establish initial City zoning for subject property that was annexed into the City of Peoria from Maricopa County. The zoning change would be from Maricopa County Rural-43 to Peoria SR-43.

Attachments:

Attachment A	Location Map
Attachment B	Zoning Map
Attachment C	Legal Description

Z08-06 Location Map



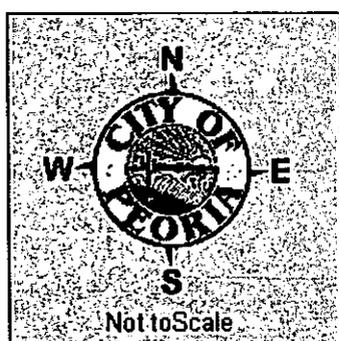
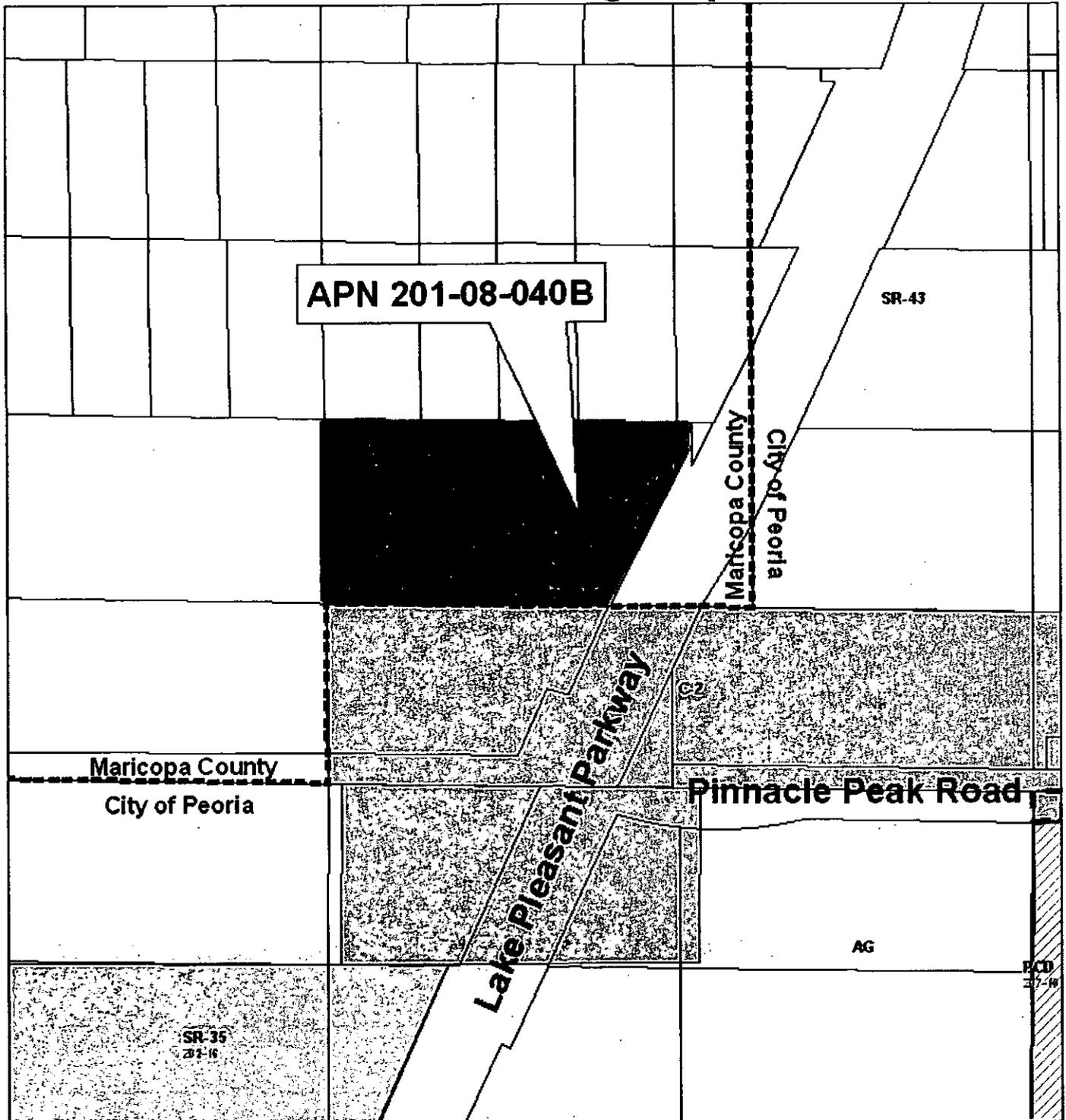
Not to Scale

Z08-06

North of the northwest corner of Lake Pleasant Parkway
& Pinnacle Peak Road

Exhibit A

Z08-06 Zoning Map



Z08-06

North of the northwest corner of Lake Pleasant Parkway
& Pinnacle Peak Road

Exhibit B

**Z08-06
LEGAL DESCRIPTION**

(APN 201-08-040B)

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, LYING WEST OF THE WEST RIGHT OF WAY OF LAKE PLEASANT ROAD AS SET FORTH IN DOCKET 10067 PAGE 126;

EXCEPT THAT PORTION DEEDED TO THE CITY OF PEORIA IN RECORDING NO. 2005-0434995; AND EXCEPT ALL OIL, GAS AND OTHER MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

EXCEPT ALL OIL, GAS AND OTHER MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

Exhibit C

ORDINANCE NO 08-14

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ESTABLISHING INITIAL ZONING ON PROPERTY FROM MARICOPA COUNTY RURAL-43 ZONING DISTRICT TO CITY OF PEORIA SR-43 ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on May 15, 2008 in zoning case Z 08-06 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 initial city zoning of the subject parcel as described below from Maricopa County Rural-43 zoning district to City of Peoria SR-43 zoning district as provided in Section 14-19A 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 Peoria Times Newspaper on April 11, 2008; 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 initial 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 below as aforesaid.

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

SECTION 1. A number of parcels of land in Peoria, Maricopa County, Arizona, which are more accurately described in Exhibit B to this Ordinance, are hereby initially zoned from Maricopa County Rural-43 zoning district to City of Peoria SR-43 zoning district.

SECTION 2. 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 and as better defined in the corresponding City zoning map as shown as Exhibit A and the Legal Description as shown on Exhibit B.

SECTION 3: 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 17th day of June, 2008.

Bob Barrett, Mayor

Date Signed

ATTEST:

Mary Jo Kief, City Clerk

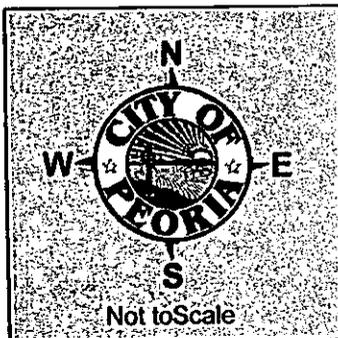
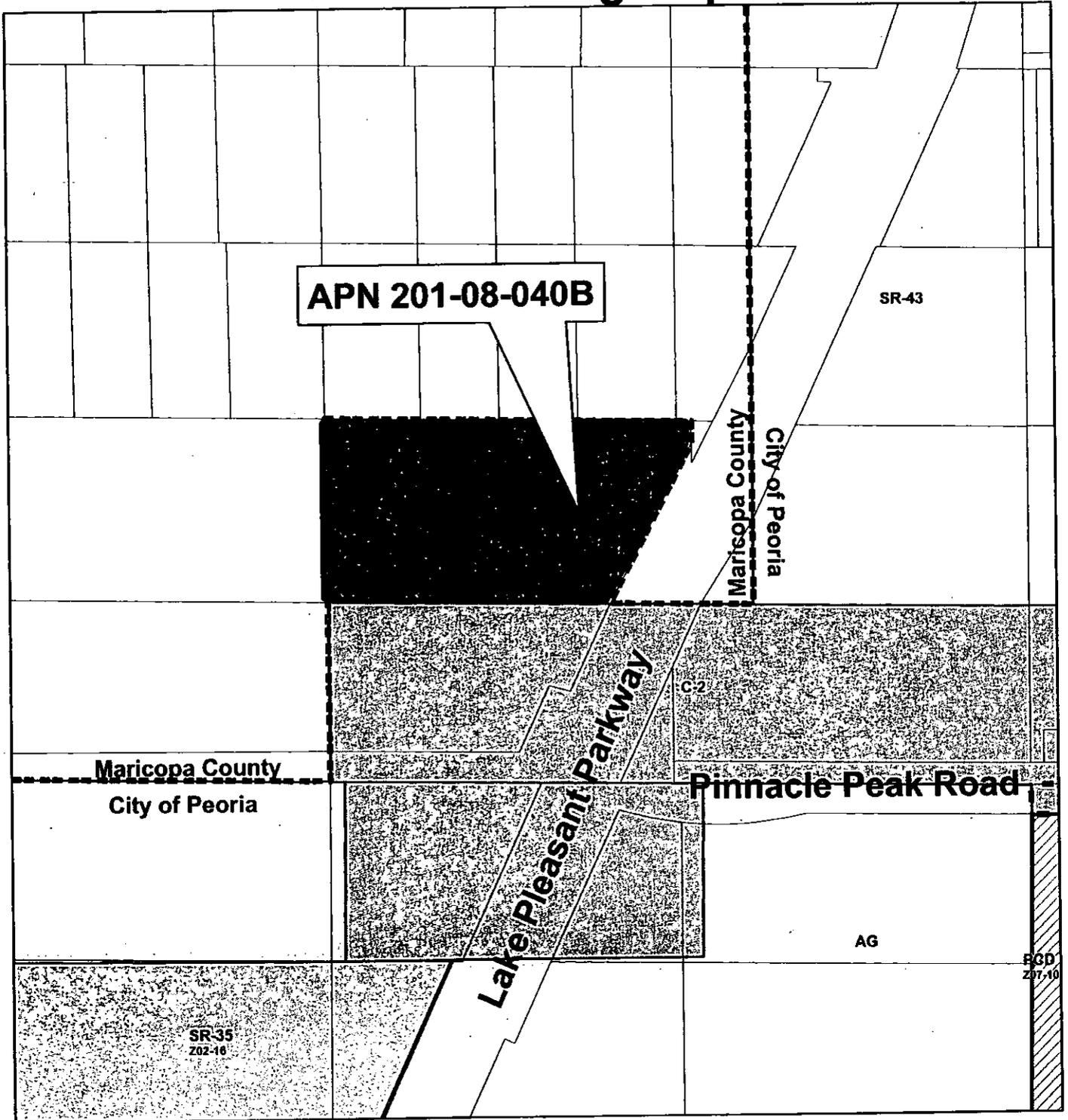
APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in: Peoria Times Pub. Dates: June 19 and June 26, 2008

Effective Date:

Z08-06 Zoning Map



Z08-06

North of the northwest corner of Lake Pleasant Parkway
& Pinnacle Peak Road

Exhibit A

Ord. No. 08-14

Z08-06
LEGAL DESCRIPTION

(APN 201-08-040B)

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Exhibit B