

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

CC: IR
Amend No. _____

Date prepared: July 15, 2008

Council Meeting Date: August 26, 2008

TO: Carl Swenson, City Manager

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

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

PREPARED BY: Adam Pruett, Senior Planner *AP*

LOCATION: Southwest corner of 83rd Avenue & Pinnacle Peak Road

SITE ACREAGE: Approximately 10 acres

SUBJECT: 83rd & Pinnacle Peak Professional Offices, GPA07-05:
Proposal to amend the General Plan Land Use Map for a site encompassing approximately 10 acres from Residential/Estate (0-2 du/ac, target 1.0 du/ac) to Office Commercial.

Recommendation:

The Mayor and Council concur with the Planning and Zoning Commission's recommendation (5-1) to adopt the attached resolution to amend the General Plan Land Use Map for a site encompassing approximately 10 gross acres from Residential/Estate (0-2 du/ac, target 1.0 du/ac) to Office Commercial. The site is located on the southwest corner of 83rd Avenue & Pinnacle Peak Road.

Voting Requirements:

A valid "Legal Protest" requiring a ¾ vote per ARS 9-462.04.H was filed for the accompanying rezone case (Case Z 07-09). However, no such statute is in place for Minor General Plan Amendments. ***Accordingly, a simple majority is required for passage of this amendment.***

Planning & Zoning Commission Action:

- On May 15, 2008, at a public hearing, the Commission voted 5-1 in favor of recommending approval of the request to amend the General Plan Land Use Map

CITY CLERK USE ONLY:

Consent Agenda

Carry Over to Date: _____

Approved

Unfinished Business (Date heard previous: _____)

New Business

ORD. # _____ RES. # 08-130

LCON# _____ LIC. # _____

Action Date: _____

from Residential / Estate to Office Commercial for the subject property.

2. There were approximately 30 attendees at the May 15, 2008 Planning & Zoning Commission hearing. Of these attendees, five spoke on this case – three spoke in opposition and two spoke in favor. In large part, those in opposition to the project are concerned about this project's compatibility with the surrounding low density residential community. Other issues regarding restaurant uses, lighting, parking and trash container locations were discussed. Additional stipulations were added to the rezoning case by the Commission to help mitigate these issues.

Surrounding Land Use and Zoning:

3.

GPA07-05	LAND USE	DESIGNATION
On-Site	Vacant	Residential / Estate
North	Pinnacle Peak Road / Developing Large-Lot Residential	Residential / Estate
West	Large-Lot Residential	Residential / Estate
East	83 rd Avenue / Large-Lot Residential	Residential / Estate
South	Planada Lane / Large-Lot Residential	Residential / Estate

Background:

4. The applicant is requesting a minor amendment to the General Plan Land Use Map for approximately 10 acres located at the southwest corner of 83rd Avenue & Pinnacle Peak Road. The amendment would change the current Residential Estate designation to Office Commercial to allow for a multiple-building, single-story office development. The subject property is somewhat isolated in that it is bounded by a County Island on three sides and 83rd Avenue on the fourth.
5. This request is accompanied by a rezoning application for a Planned Area Development (Case Z 07-09) that tailors the development standards and permitted uses to ensure a reasonable fit within the existing neighborhood.

Discussion / Analysis:

Existing General Plan Land Use Designation

6. The underlying land use designation for the subject property is Residential Estate (0-2 units per acre) with an underlying target density of 1.0 unit per acre. This designation is intended to provide areas for large-lot, detached single-family residential units with suitability determined on the basis of location, access, availability of existing or proposed public facilities and utilities, existing land use patterns and natural or man-made constraints, as stated in the goals, objectives, and policies of the General Plan text.

General Plan Office Commercial Guidelines

7. Office developments are intended to provide services directly to residential neighborhoods in residentially scaled buildings that generally don't exceed one story and are architecturally compatible with surrounding residential development. Office buildings have a more proximate relationship to the street, presenting a pedestrian environment adjacent to the street right-of-way.

Minor General Plan Amendment Evaluative Criteria

8. Chapter 14 of the Peoria General Plan ("Plan Administration") directs the City to make an affirmative finding that the proposal substantially demonstrates or exhibits the following evaluative criteria:
 - i. The development pattern contained in the Land Use Plan inadequately provides appropriate optional sites for the use or change proposed in the amendment.
 - ii. The amendment constitutes an overall improvement to the General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.
 - iii. The amendment will not adversely impact the community as a whole or a portion of the community by:
 - Significantly altering acceptable existing land use patterns,
 - Requiring larger and more expensive improvements to roads, sewer or water delivery systems than are needed to support the prevailing land uses and which, therefore, may impact developments in other areas,
 - Adversely impacting existing uses because of increased traffic on existing systems, or
 - Affecting the livability of the area or the health and safety of the residents.
 - iv. That the amendment is consistent with the overall intent of the General Plan and other adopted plans, codes and ordinances.
9. In the evaluation of the request and assessment of the weight towards advancement of the above mentioned criteria, staff considered multiple factors. The factors are discussed below:
10. The applicant is seeking an Office Commercial designation, which is the City's least intense commercial land use category. Staff believes that through use and design limitations, this is an ideal development type for this corner. While some may contend that commercial development in general is undesirable in this location, it is important to note that typical development patterns throughout the City often result in commercial uses at arterial corners such as this one. That said, this proposal is consistent with the development trends found throughout the City, but the Office designation is by far the most compatible with the surrounding residential neighborhood, and further compatibility assurances are being made in the PAD zoning.
11. Staff views this application as an opportunity to establish a low-impact office

designation that encourages neighborhood compatibility and an opportunity to encourage economic health within the City.

12. The proposal will generate tax revenue, employment opportunities for City and County residents and will advance numerous goals in the General Plan by reducing the overall job and housing imbalance and providing local employment opportunities.
13. This site has significant history in that previous requests to develop with general commercial retail uses were highly opposed and were considered by the neighbors to be highly intrusive. To the contrary, the Office Commercial designation is often viewed as a deterrent to general retail development where traffic counts and visibility are heavily relied upon to sustain business. Although some retail operations may be present, they are usually ancillary to the professional office users that occupy the bulk of the site..
14. Staff's analysis of this proposal has determined that this is an appropriate use for this site.

Proposition 207 Discussion:

15. The voters of Arizona recently 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 for recordation pending the outcome of the City Council action.

Attachments:

Exhibit A.1	General Plan Land Use Map
Exhibit A.2	Aerial Map
Exhibit B	Applicant Amendment Justification
Exhibit C	Citizen Participation Summary Report
Exhibit D	May 15, 2008 Planning & Zoning Commission Meeting Minutes

Resolution

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