

When recorded mail to:

City of Peoria  
8401 W. Monroe Street  
Peoria, AZ 85345

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**CAPTION HEADING:** Initial Zoning – Ordinance 2018-03

**DO NOT REMOVE**

**This is part of the official document.**

ORDINANCE NO 2018-03

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ESTABLISHING INITIAL ZONING ON PROPERTY FROM MARICOPA COUNTY RESIDENTIAL UNIT PLAN OF DEVELOPMENT (RUPD) ZONING DISTRICT TO CITY OF PEORIA PLANNED AREA DEVELOPMENT (PAD) ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 28, 2017, the City Council adopted Ordinance 2017-45 annexing the subject property into the City of Peoria.

WHEREAS, pursuant to A.R.S. §9-462.04(E) and §9-471(L), the City must assign initial zoning to the newly annexed property within six (6) months of the effective date of annexation.

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on December 7, 2017 for Case Z17-23 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 parcels as described below from Maricopa County Residential Unit Plan of Development (RUPD) zoning district to City of Peoria Planned Area Development (PAD) zoning district as provided in Section 21-318 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 November 17, 2017; 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. Three parcels of land in Peoria, Maricopa County, Arizona, which are more accurately described in Exhibit A to this Ordinance, is hereby initially zoned from Maricopa County RUPD zoning district to City of Peoria PAD zoning district.

SECTION 2. The initial zoning is conditioned and subject to the following stipulations:

1. The Development shall substantially conform to the PAD Standards and Guidelines Report (herein identified as "71st & Thunderbird RUPD (Z2016099)" dated February 14, 2017, and approved by the County Board of Supervisors on May 10, 2017) included in the Staff Report to the Planning & Zoning Commission.

2. Should a conflict occur between the stipulations attached hereto and the PAD development standards, the stipulations shall prevail.
3. All requirements not expressly identified within the entitlement shall comply with the City of Peoria Zoning Ordinance and Design Review Manual. Additionally, no provision in this entitlement shall negate any applicable provision in the City of Peoria Infrastructure Guidelines or adopted Building and Fire Codes.
4. The following Maricopa County Department of Environmental Services Department (MCESD) conditions shall apply:
  - a. A separate Approval to Construct (ATC) for public water and sewer be submitted to MCESD for approval.
  - b. Development and engineering design shall be in conformance with the Maricopa County Stormwater Quality Management and Discharge Control Regulation. The owner/developer shall prepare a Stormwater Site Plan and obtain approval by MCESD prior to construction. (A separate submittal to MCESD is required.)
  - c. Upon completion of construction, the owner shall fulfill MCESD post-construction requirements. This will include appropriate operation and maintenance requirements.
5. The following Engineering conditions shall apply:
  - a. All local and offsite right-of-way and street improvements shall conform to the City of Peoria standards or requirements.
  - b. Maximum retention basin depth shall be 3 feet plus one (1) foot of freeboard. Depths in excess of this requirement shall require implementation of safety measures (i.e. pool barrier type fencing).
  - c. A Traffic Impact Statement must be submitted with the Preliminary Plat.
6. The project shall provide for 7% useable open space and 12% minimum total open space, each measured by the net area of the project. An amenity area shall be provided that is appropriate for the project and reviewed and accepted by the City. This may include items such as a ramada, barbecue, seating area, and/or playground structure.
7. A 30' right-of-way dedication shall be made for the half-street of 71st Avenue and the roadway shall be constructed to match the Redfield Estates subdivision to the north. The right-of-way dedication shall be widened to accommodate the intersection improvements at 71st Avenue and Thunderbird Road.
8. The entrances shall meet the development standards of the City of Peoria for private gated entries. A reduced section at the entrances may be considered if an alternative is presented to and approved by the City.
9. The internal street section shall be a private tract consisting of a 32' roadway (measured from back-of-curb to back-of-curb) and 5' sidewalks on each side. The private roadway tract shall be 42' wide to accommodate the roadway.

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.

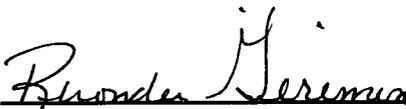
SECTION 4. Effective Date. This Ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Council for the City of Peoria, Arizona  
this 9<sup>th</sup> day of January, 2018.

  
\_\_\_\_\_  
Cathy Carlaf, Mayor

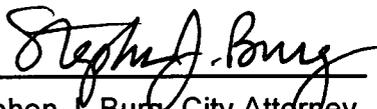
1-16-18  
\_\_\_\_\_  
Date Signed

ATTEST:

  
\_\_\_\_\_  
Rhonda Geriminsky, City Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Stephen J. Burg, City Attorney

Published in: Peoria Times  
Publication Dates: January 19, 2018  
Effective Date: February 16, 2018

**EXHIBIT A**

**LEGAL DESCRIPTION**

Legal Description of Parcels 200-68-003A, 200-68-064, and 200-68-065:

A parcel of land being situated within the Southwest quarter of Section 12, Township 3 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

**BEGINNING** at a found 3 inch City of Peoria brass cap in hand hole accepted as the South quarter corner of said Section 12 from which a found 3 inch City of Peoria brass cap in hand hole accepted as the Southwest corner thereof bears North 89°27'19" West, 2657.83 feet;

Thence North 89°27'19" West, 16.50 feet along the south line of said Southwest quarter;

Thence leaving said south line, North 01°51'29" East, 65.01 feet along a line that is parallel with and 16.50 feet west of the east line of said Southwest quarter, also being the east line of the property as described in the Warranty Deed as recorded in Document No. 1994-0432085, Maricopa County Records, Arizona;

Thence leaving said east line, South 46°12'05" West, 35.76 feet along the northwesterly line of said Warranty Deed;

Thence North 89°27'19" West, 622.97 feet along a line that is parallel with and 40.00 feet north of the south line of said Southwest quarter;

Thence leaving last said parallel line, North 01°50'22" East, 777.77 feet along the west line of the East half of the Southeast quarter of said Southwest quarter;

Thence leaving said west line, South 89°24'21" East, 127.51 feet;

Thence North 48°22'33" East, 6.43 feet;

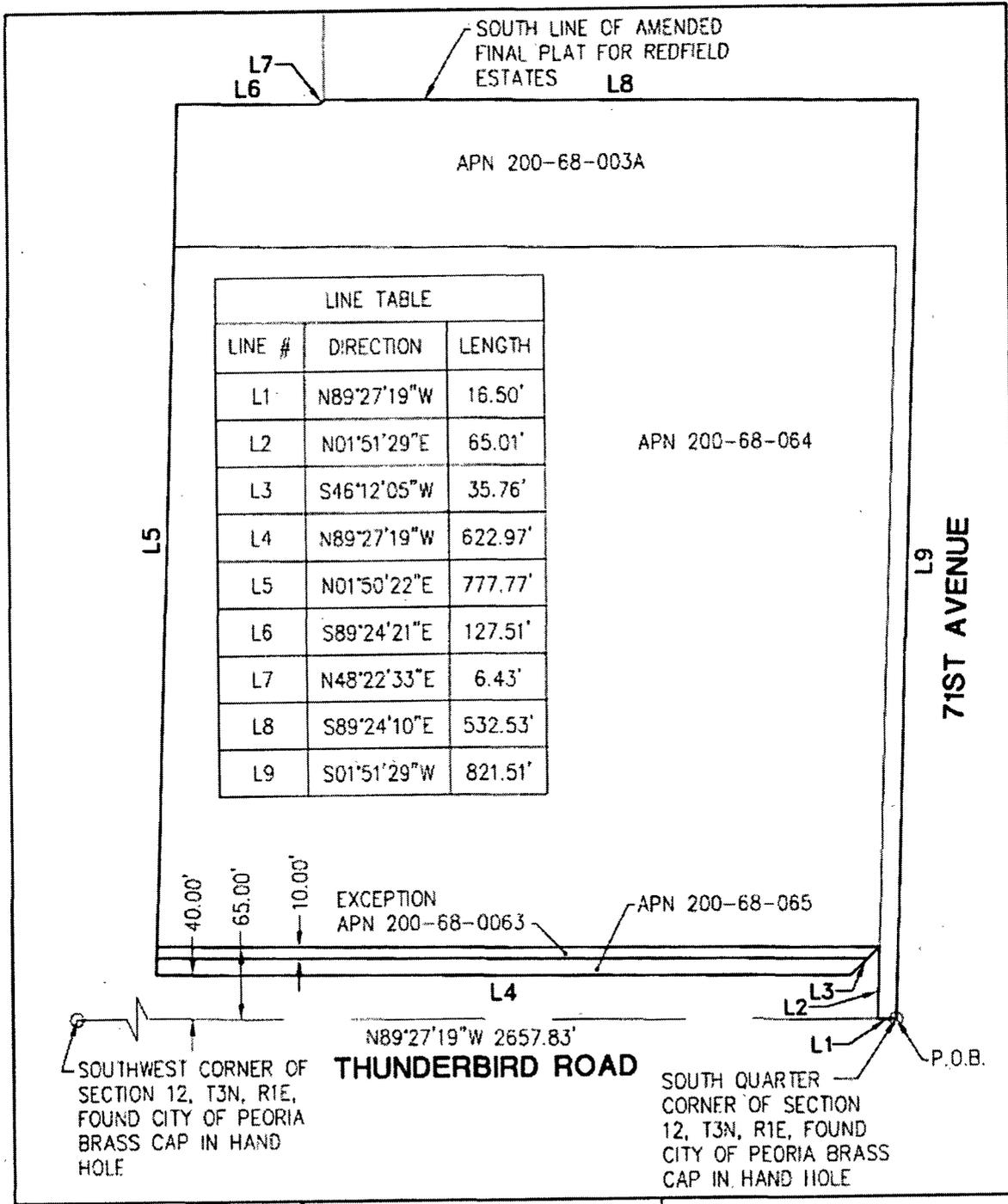
Thence South 89°24'10" East, 532.53 feet along the south line of the Amended Final Plat for Redfield Estates, as recorded in Book 328, Page 40, Maricopa County Records, Arizona;

Thence leaving said south line, South 01°51'29" West, 821.51 feet along the east line of said Southwest quarter to the **POINT OF BEGINNING**;

**EXCEPT** therefrom the north 10.00 feet of the south 65.00 feet of the Southwest quarter of said section 12.

Said portion of land containing 512,806 sq.ft., or 11.7724 acres, more or less being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.



Z2016099 - Courtland Communities  
71<sup>st</sup> Avenue & Thunderbird Road

**APPROVED COPY**  
Z2016099 Per Condition  
'B'  
By: BOS Date: 5-10-17

Rezoning Submittal  
December 13, 2016  
Re-submittal  
February 14, 2017



Applicant Name: William E. Lally, Tiffany & Bosco



2525 E. Camelback Road  
Seventh Floor  
Phoenix, AZ 85016  
602.452.2712  
wel@tblaw.com

Z2016099

RECEIVED FEB 14 2017



Zone Change Narrative  
Courtland Communities – 71<sup>st</sup> Avenue & Thunderbird Road

Executive Summary

The purpose of this request is to rezone parcels of approximately 12.53 acres generally located at the northwest corner of 71<sup>st</sup> Avenue and Thunderbird Road Avenue in Maricopa County (APNs: 200-68-064 and 200-68-003A) (the “Property”). Please see Tab 1 for a regional context aerial map and a context aerial map of the immediate vicinity.

The Property is currently zoned as Rural-43 in the Maricopa County Zoning Ordinance. See Tab2 to illustrate the current zoning. The Property is not located within any of the County Area Plans; as such, the Property is currently designated for rural development. See Tab 3 Maricopa County 2030 Comprehensive Plan Map. The requested zoning is for a Single Family Residential (R1-10) Residential Unit Plan of Development (RUPD) zoning district on the Property for single-family detached homes with a variety of lot widths.

The Property is bounded by Thunderbird Road to the South, 71<sup>st</sup> Avenue to the east, single-family residential to the north and vacant parcels to the west. The Property is located within a County island and is within the future Municipal Planning Area of the City of Peoria (Please see Tab 4). County land borders the northern and western edges of the Property; the land to the east is designated R-35 by the City of Peoria and to the south is a residential development designated R-18 by the City of Peoria.

This proposal will provide for a vibrant residential community that is compatible with the surrounding area.

While the Maricopa County 2030 Comprehensive Plan and the City of Peoria General Plan designate the Property “Rural” and “Rural/Estate” respectively, the Peoria General Plan designates the land directly on the southern border and much of the surrounding area “Residential/Low.” The proposed use is consistent with these surrounding uses and will be compatible with the area.

Request

The proposed rezoning request is to facilitate the development of a single family detached residential community with a density of 2.4 dwelling units per acres. See Site Plan Map Enclosed at Tab 5. The rezoning will increase the density and maximum number of units on the Property.

Proposed Rezoning

The request to rezone the Property to the R1-10 RUPD zoning district will enable the developer to redevelop and market the Property to homebuyers who desire a premium product but wish to



avoid the expense and maintenance associated with ownership of an acre lot. The existing density (a maximum of one unit to the acre) does not provide adequate housing options for the area and does not reflect the change in the housing market over the past few years.

The requested R1-10 RUPD will allow for an appropriate density in an area where

Furthermore, in its current condition, the Property is an eyesore. The landscaping has not been maintained and the buildings on the Property are outdated. The developer is proposing a high-end product with homes that will be well maintained. These improvements will benefit the surrounding homeowners and raise property values in the area.

**Proposed Amended Development Standards**

The requested zoning district development standards are as follows:

R1-10 RUPD Zoning District Standards		
Regulation	Base Zoning District Regulations (R1-10)	Proposed Zoning District Regulations (R1-10 RUPD)
Height	30'	30'
Front yard	20'	20' (10' setback for side entry garage or forward living product)*
Side yard	7'	5'/10' (15' Min. Total Separation)
Street-side yard	10'	10'
Rear yard	25'	15'
Lot area	10,000 sq. ft.	10,000 sq. ft.
Lot width	80'	80'
Lot area per dwelling unit	10,000	10,000
Lot coverage	40%	55%
Parking spaces	2	2

*\*Front yard setback may be reduced by up to 5-feet at knuckles, cul-de-sacs, and roadway tapers such that an 18-foot driveway (measured from back of sidewalk) is provided and that all other Zoning District Standards are met.*





### Changes in Bold

The proposed modifications within the R1-10 RUPD create the ability to plat the single-family lots on the Property with a product consistent to the surrounding neighborhood. Given the shape of the property, some of the lots require less street frontage than the minimum lot width proposed by the R1-10 zoning ordinance; however, each lot meets the minimum lot width requirement when measured from the back of the lot. The modifications to the side and rear yard setbacks are consistent to the City of Peoria's development standards for the equivalent zoning.

Other changes requested through the RUPD are:

1. To allow a 10-foot wall height containing a combination of 7-foot maximum of Dooley wall and 4-foot maximum of retaining wall. *Wall will be structurally designed by an Arizona licensed structural engineer.*
2. The Project will provide for a minimum of 11% total open space based upon the net area of the site. 7% of the net area of the site will be used as usable open space.

Other Modifications to County Codes

1. Side yard tracts will be 10-foot minimum, inclusive of the PUE. Shrubs and other plantings will be included as allowed within the PUE.

### Relationship to Surrounding Properties

The Property is located in an area that is suitable for the residential development proposed by this application. It is surrounded by primarily residential uses with some agricultural uses and commercial nodes at intersections nearby. See City of Peoria Zoning Map Enclosed at Tab 6.

As indicated above, the Peoria General Plan identifies the Property as a Residential/Estate use within its future planning area. While the proposed residential development is at a slightly higher density than the designated uses under the County Comprehensive Plan or the Peoria General Plan, it is a similar density to the majority of the properties in the area. For example, the proposed development is nearly the same density as the Tierra Norte Subdivision directly south of the Property.

Directly to the west of the Property, are large, dirt lots, improved with single family homes and a few accessory structures. To the east of the Property are single family detached homes. The homeowners in the surrounding area would be positively impacted by the improvements the Applicant plans to make to the subject Property. The vast majority of residential subdivisions in



this area have similar densities to what is proposed through this application. See Regional Aerial Map enclosed at **Tab 1**.

Finally, a number of higher density projects have been proposed in the Property's general vicinity in the past year. For example, the Bungalows on Thunderbird, which proposes 8-15 dwelling units per acre, was approved by the Peoria City Council in May 2016. In July 2016, an application proposing 13 dwelling units per acre was proposed at 67<sup>th</sup> Avenue and Thunderbird. Both of these developments were largely opposed by the surrounding community because of their density. The Applicant has proposed a much lower density project relative to trends in the surrounding area and a density that is much more suitable for the larger lots to the north and east.

#### **Location and Accessibility**

The Property is approximately 1.5 miles east of the US 60, which provides prime regional access to the Property. Thunderbird Road is a major thoroughfare running along the southern edge of the Property, and providing ease of access to the proposed subdivision.

#### **Circulation System**

The Property is currently accessed from Thunderbird Road and 71<sup>st</sup> Avenue. Once developed, the proposed single-family development will only have access off of 71<sup>st</sup> Avenue. There will be no access off of Thunderbird Road.

#### **Maricopa County Comprehensive Plan Consistency**

The Maricopa County 2030 Comprehensive Plan (the "Plan") is aimed at maintaining a high quality of life as Maricopa County continues to undergo substantial growth. To that end, the Plan prioritizes "supporting safe communities and neighborhoods...by supporting compatible land uses; environmental quality; and safe, efficient and practical development patterns." This application presents an opportunity for the County to establish a use that encourages growth by planning for a residential community that provides for higher density than what is currently permitted in this area, yet proposes a low enough density to maintain compatibility with adjacent properties. This proposal will also enhance the quality of life in the region and will encourage responsible growth and development. This type of cohesive land use mix will ensure this area of the west valley continues to thrive consistent with the intent and goals of the County's Comprehensive Plan.



The proposed rezone is consistent with the following specific goals and policies contained within the Comprehensive Plan:

*Land Use Goal #1: Promote efficient land development that is compatible with adjacent land uses, is well integrated with the transportation system, and is sensitive to the natural environment.*

The proposed rezoning provides for a density that mirrors the single family home development on the south side of Thunderbird and provides a transition to the higher-density projects to the west.

Furthermore, this application provides for appropriate residential land use designation near a designated commercial corner within the City of Peoria. These non-residential land use designations will continue to provide options for commercial and employment uses along the within the area with convenient access to the regional freeway network. The Property’s location is connected via arterials and Hwy 60 providing an appropriate integration with the transportation system.

*Land Use Policy #18:*

*Growth Area Objective #3: Continue to solicit input from municipalities regarding future growth in unincorporated Maricopa County.*

The Property is located within the planning area of the City of Peoria. The applicant will work with the City throughout the rezone process to ensure our plan provides benefits to surrounding communities with minimal impacts.

**Public Utilities and Services**

The following table outlines the various public utilities and services for the Property.

UTILITY COMMENT TABLE	
<u>Cable Television</u>	
Cox Communications	(623) 594-7298
<u>Electricity</u>	
APS	(602) 371-7171
<u>Refuse</u>	





City of Peoria	(623) 773-7431
<u>Telephone</u>	
Cox Communications	(623) 594-7298
Century Link	(877) 348-9001
<u>Water and Sewer</u>	
City of Peoria	(623) 773-7286
<u>Police</u>	
City of Peoria	(623) 773-8311
<u>Fire Protection</u>	
City of Peoria	(623) 773-7279

**Domestic Water and Sewer System**

City of Peoria water and sewer lines run adjacent to the property. Sewer slopes may follow Manning’s equation as specified in ADEQ Engineering Bulletin No. 11 maintaining a minimum velocity of 2.0 fps.

**Drainage**

A Preliminary Drainage Report is not required with this application. Retention will be provided based on net acres of the site only. Retention basins may be at a depth of 4-feet, however will require that side slopes be no steeper than a 6:1 side slope.

**Public Outreach and Response to Citizen Input**

We will conduct a thorough public outreach effort for the requested rezone. These efforts will include letters to property owners within 300’ of the Property. The process is specifically addressed in detail within the separate Citizen Participation Plan document.

## Conclusion

The requested rezoning includes a proposed R-10 RUPD to provide single-family detached products for the future residents of the community. The proposed rezoning creates the appropriate mix of development standards to develop a successful community that can cater to established homeowners. The RUPD overlay provides for additional flexibility as this project develops over time. The proposed rezoning request will provide the necessary flexibility to adapt to current and future single family residential markets. This request is consistent with the City of Peoria General Plan and Maricopa County Comprehensive Plan. The overall goal is to reach a sustainable density threshold that allows for the development of a first class residential community.