

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 7R
Amend No. _____

Date prepared: December 29, 2008

Council Meeting Date: February 3, 2009

TO: Carl Swenson, City Manager

FROM: Susan Daluddung, AICP, Deputy City Manager *SD*

THROUGH: Glen Van Nimwegen, AICP, Community Development Director *GN*

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

PREPARED BY: Adam Pruett, Senior Planner

SUBJECT: GPA05-01, 640-acre Major General Plan Amendment
Proposal to adopt a Resolution amending the Land Use Plan of the Peoria General Plan for a portion of a 640-acre area located south of Dixileta Drive at 135th Avenue, from Residential Estate (0-2 du/ac. Target Density 1.0 du/ac.) to Residential Low (2-5 du/ac. Target Density 3.0 du/ac).

RECOMMENDATION:

The Mayor and Council concur with the Planning and Zoning Commission's recommendation to adopt the attached Resolution amending the Land Use Plan of the Peoria General Plan for a portion of a 640-acre area located south of Dixileta Drive at 135th Avenue, from Residential Estate (0-2 du/ac; Target Density 1.0 du/ac.) to Residential Low (2-5 du/ac. Target Density 3.0 du/ac). This amendment proposes no change to the areas contained within the 640-acre boundary that are currently designated Park / Open Space.

Planning and Zoning Commission Action:

The Planning and Zoning Commission held public hearings regarding this request on September 15, 2005 and October 6, 2005. The Commission voted unanimously on October 6, 2005 to recommend approval to the City Council. Based on the length of time which has elapsed and the water resource and other infrastructure issues which evolved since Commission consideration of this request, an informational update on these issues was provided to the Commission on May 4, 2006.

CITY CLERK USE ONLY:

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

ORD. # _____ RES. # 08-169A
LCON# _____ LIC. # _____
Action Date: _____

Surrounding Land Use, Zoning and General Plan Designations:

1.

GPA 05-01	LAND USE	ZONING	GENERAL PLAN
Subject Property	Vacant	County Rural 43	Residential Estate 0-2 du/ac
North	Vacant	SR-43	Residential Estate 0-2 du/ac
East	Vacant	PAD - Residential	Residential Low 2-5 du/ac
South	Vacant	County Rural 43	Residential Estate 0-2 du/ac
West	Vacant	County Rural 43	Residential Estate 0-2 du/ac & City of Surprise Rural Residential (0-1 du/ac)

Background:

2. The requested amendment pertains to a 640 acre area adjoining the municipal boundary near Dixileta and 135th Avenue (See Attachment A). The 640 acre site is comprised of multiple ownership interests. Although not currently part of the City, the property is located within the planning area boundary for the City. The property owners petitioned the City for annexation under case ANX 05-01. However, due to an extended delay in this process due to outstanding water issues, the time-sensitive annexation materials have expired. A new annexation request has been filed and will be processed over the next several months.
3. Geographically, the property is situated in the foothills near the Vistancia North and Saddleback Heights hillside developments to the north and Vistancia South development to the east. Major washes traverse the property from north to south and an existing sand and gravel mining operation is located on the southwestern part of the property.
4. This application was filed in 2005 as a major amendment to the General Plan. Around this time, there were several properties in this area seeking entitlement, however upon closer examination, it was determined that water service would be problematic and therefore it would not be in City's best interest to approve General Plan Amendments, rezoning requests or preliminary plats until the water issues have been resolved. This determination lead to this particular case being continued indefinitely at the May 16, 2006 City Council meeting. The City Council study session report from the May 16, 2006 meeting has been provided as Attachment E of this report.
5. The applicant has recently reached an agreement with Arizona American Water Company that expands their service area to accommodate this property and other properties in the area. A copy of the letter from Arizona American Water Company to the City of Peoria that confirms this agreement is provided as Attachment D of this

report. With this agreement, staff is supportive of this request.

Conformance with the Peoria General Plan:

6. The applicant requests that the Land Use Plan of the General Plan be amended from Residential Estate (0-2 du/ac Target 1.0 du/ac) to Residential Low (2-5 du/ac Target Density 3.0 du/ac) for 502 acres of the total 640 acre area (See Attachment B). The remaining 138 acres remain unchanged with a Park/Open Space designation which represents the hillside area above the approximate 10% slope line. The requested amendment is consistent with the land use character of this area of Peoria which consists of multiple large scale communities with densities ranging from Residential 2-5 du/ac to 5-8 du/ac.
7. Land contained in this amendment request is bordered on three sides (north, south and west) by State Land and by the Vistancia South development and the Boulders at White Peak development on the east. The Vistancia South and Boulders at White Peak, are designated for a target density of 3.0 du/ac and the requested amendment is consistent with this adjacent development character. Land west of the subject property is within the Surprise planning area and designated for 1.0 du/ac. Recent amendments in this general area of Surprise including Rancho Mercado and planned development on the former Chrysler Proving Grounds show a growing trend toward 3.0 du/ac, consistent with this request.

Department Comments:

8. **Utilities:** As stated earlier in this report, this application was filed and processed during the 2005 Annual Major General Plan amendment process. Due to staff concerns relative to the water resources and water and wastewater service to this area, the case was continued by the Council to allow for those issues to be resolved. A detailed analysis of the water resource and water/wastewater infrastructure issues is provided in the Staff Report for the May 16, 2006 Study Session (Attachment E) discussion of this area. Please refer to this report for further information.
9. **Community Services:** Comments relative to parks, trails and open space will be implemented in conjunction with any rezoning application. These comments outline the need for a neighborhood park, open space dedication, and public trails and trailhead development
10. **Engineering:** Attachment C reflects the planned transportation network for this region. The planned circulation in this area establishes Dynamite Boulevard, a primary regional east- west corridor through the area of planned development and connecting to the regional transportation system to the west. This primary east-west access, Dynamite Boulevard will need to be extended west from its current terminus at Vistancia Boulevard in Vistancia Phase 1 to the east. Shea/Sunbelt will be required to extend this roadway from Vistancia Boulevard to the western boundary

of Vistancia. The extension of Dynamite Boulevard west from Vistancia's western border is currently not programmed in the capital plan and will be the responsibility of development within this area.

Dynamite Boulevard extends through the Vistancia development and currently terminates at the eastern boundary of Vistancia at the Lone Mountain Parkway alignment. Lone Mountain Parkway will be extended east of the Vistancia project to Lake Pleasant Parkway in 2007-2008. The extension of Jomax Road will provide a secondary means of access to the area. A north-south street following the alignment of 135th Avenue will connect Jomax Road and Dynamite Boulevard. Both Jomax Road and 135th Avenue are also not currently in the capital plan and would be the responsibility of development in the area to construct. Satisfactory public access to this area will be required prior to development within this area. Additionally, due to the fact that the 640 acre site and surrounding area is comprised of multiple ownerships, a coordinated transportation and utility master plan will need to be developed by the property owners and evaluated by the City to determine the phasing of infrastructure to support the planned development in this area.

11. **Public Safety-Fire:** The pending developments within this area will be provided fire and emergency medical service (EMS) from the existing Vistancia Fire Station #6. Fire service to this general region will be enhanced through the addition of future fire station(s) as the area develops. Housing within the development will need to be sprinklered.
12. **Public Safety – Police:** The development impacts to police service are identified in the Staff report for the Study Session discussion of this area.
13. **Proposition 207:** As stated above, this application was originally filed in 2005 before Proposition 207 was enacted. Due to the delays involved in processing this application, the applicant is now required to provide the City with a Proposition 207 waiver. The applicant has provided a copy of the executed waiver.

Opposition/Support:

14. No comments have been received.

Findings:

15. Based on the findings below, staff is supportive of this General Plan Amendment.
 - A. The development pattern contained in the Land Use Plan inadequately provides appropriate optional sites for the use proposed in the amendment.
 - B. That the amendment constitutes an overall improvement to the city's General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.

- C. That the amendment will not adversely impact the community as a whole or a portion of the community.
- D. That the amendment is consistent with the overall intent of the Peoria General Plan.

Attachments:

Attachment A – Context Map

Attachment B – Existing General Plan & Proposed Amendment

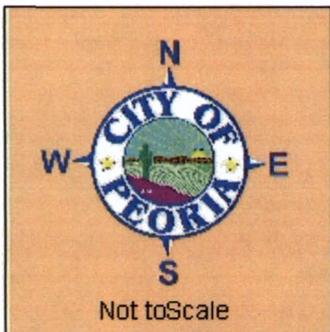
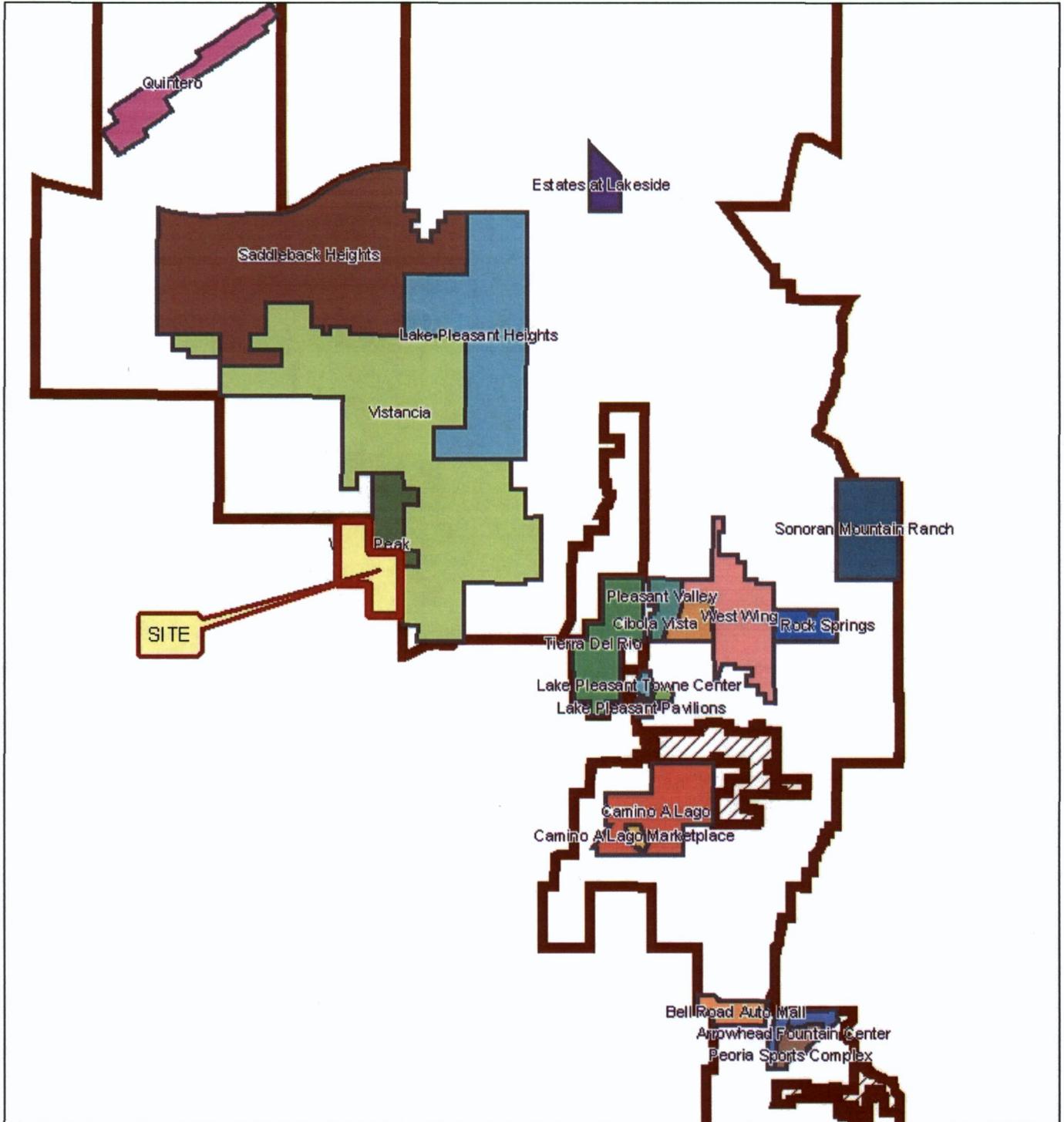
Attachment C – Planned Circulation Element

Attachment D – Water Agreement Statement

Attachment E – May 16, 2006 Study Session Staff Report and Exhibits

Resolution

AREA CONTEXT MAP



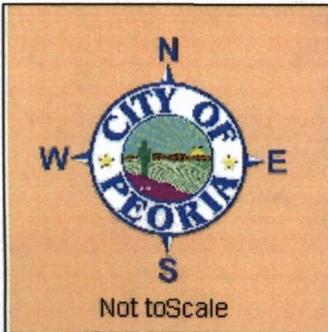
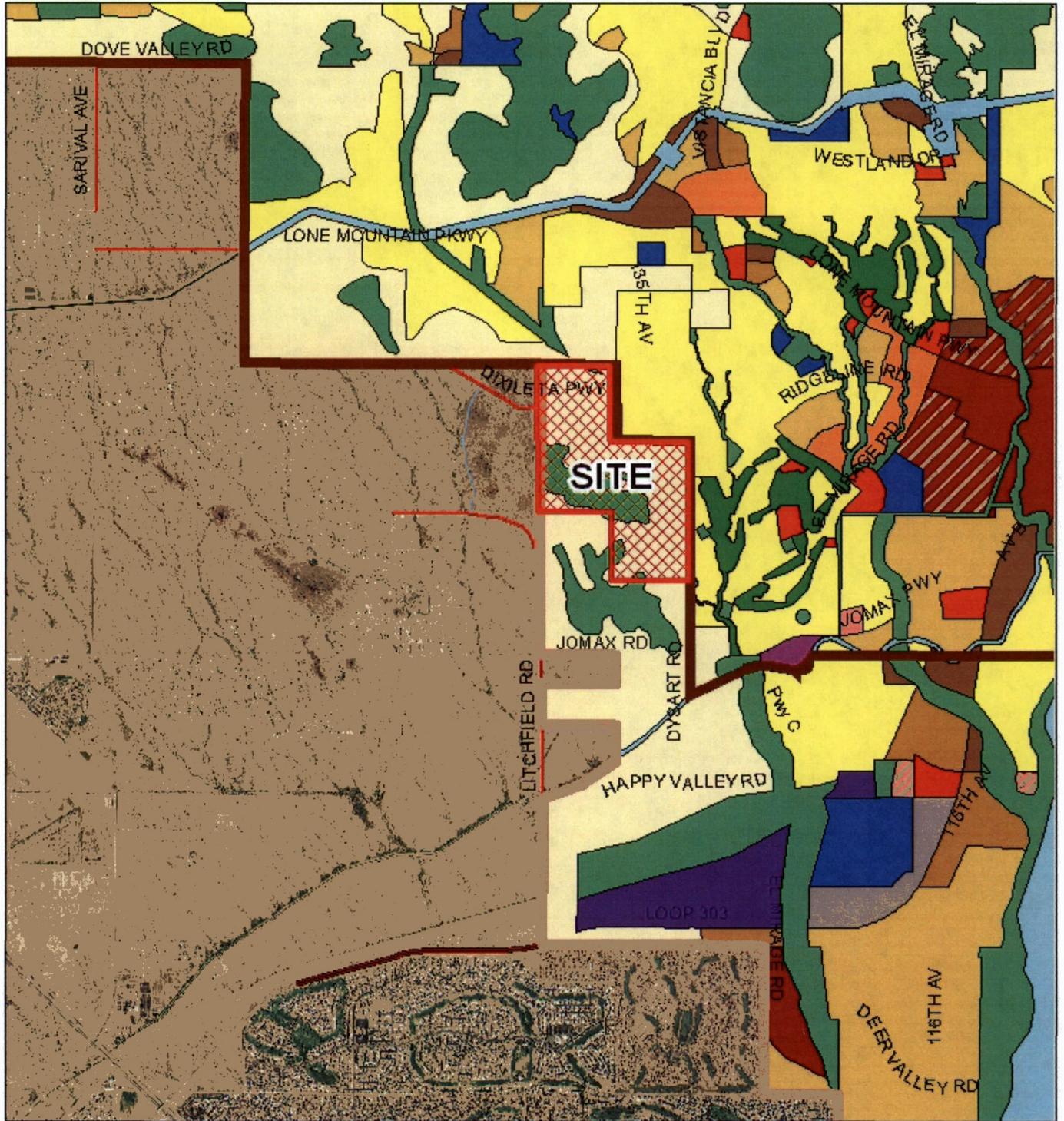
GPA 05-01

Request: Amend General Plan Land Use Map
from Residential Estate (0-2 du/ac, target of 1 du/ac)
to Residential Low (2-5 du/ac, target of 3 du/ac)

Approximately 640 acres

Attachment A

GENERAL PLAN



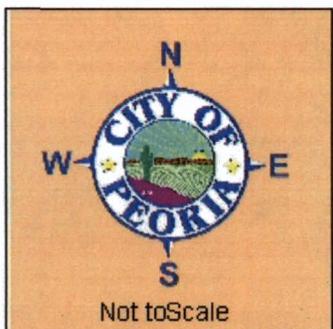
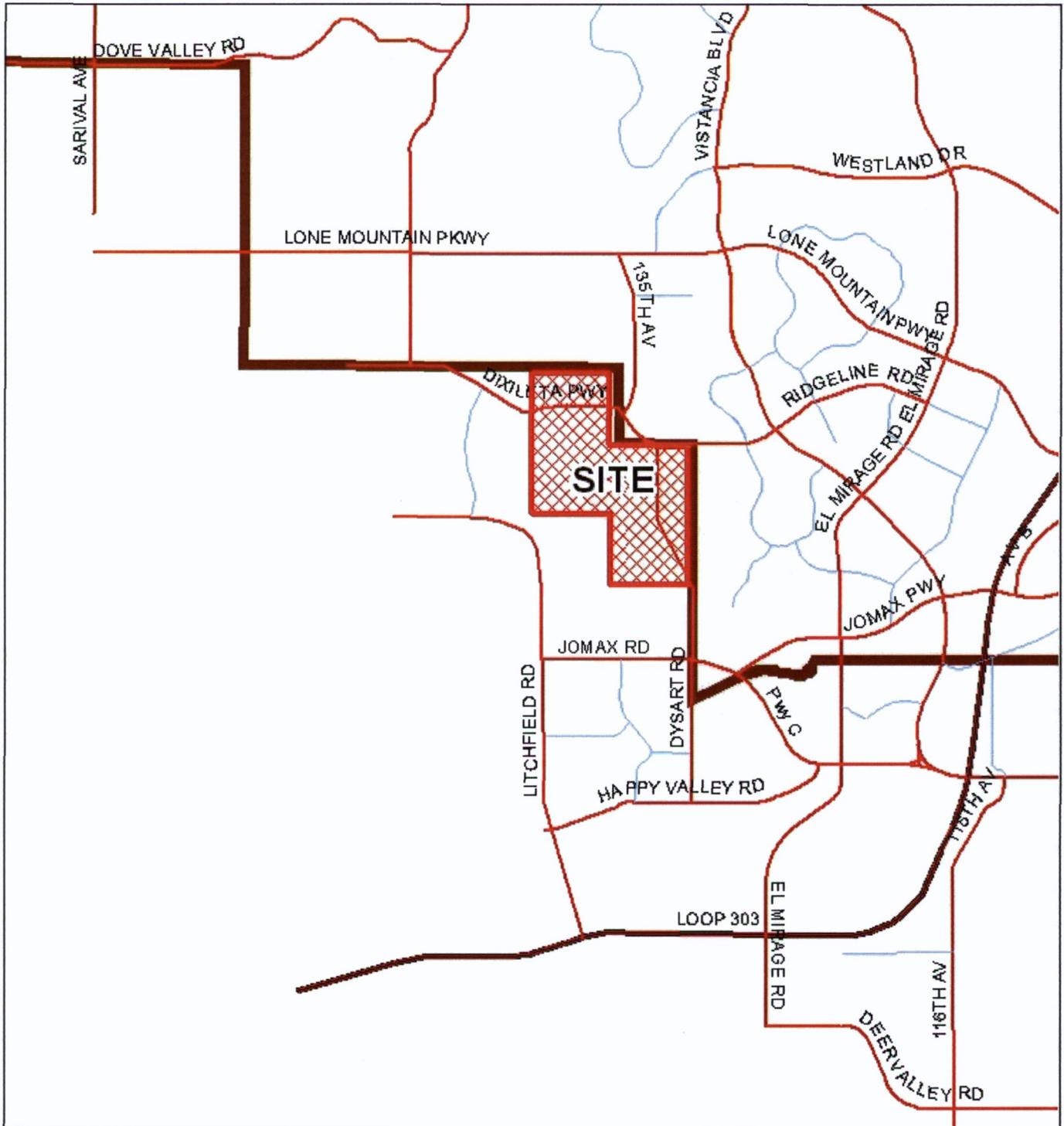
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Attachment B

CIRCULATION PLAN



GPA 05-01

Request: Amend General Plan Land Use Map
from Residential Estate (0-2 du/ac, target of 1 du/ac)
to Residential Low (2-5 du/ac, target of 3 du/ac)

Approximately 640 acres

Attachment C



City of Peoria

Utilities Department

8401 West Monroe Street, Peoria, Arizona 85345

Ph: 623-773-7286 Fax: 623-773-7291

November 18, 2008

Troy Day
Vice-President of Operations
Arizona American Water
19820 N. 7th Street, Suite 201
Phoenix, AZ 85024

Re: Arizona American Water's Request for a Service Area Expansion

Dear Troy,

This letter is in response to your letter dated October 20, 2008, regarding Arizona American Water service area expansion in Peoria's planning area. The City of Peoria (City) does not object to Arizona American Water's request for a water service area expansion in the proposed lands that are currently outside the City limits. Lands currently inside the City limits will be provided water service by the City.

Specifically the area that the City does not object to Arizona American Water providing water service is defined as within Township 5 North and Range 1 East:

- Northwest $\frac{1}{4}$, Section 27
- Southeast $\frac{1}{4}$, Section 27
- Southwest $\frac{1}{4}$, Section 27
- Northeast $\frac{1}{4}$, Section 34

A map showing the approved area is attached. The City retains the right to provide sewer service to all areas discussed above.

If you have any questions regarding this letter or the City's planned service areas, please contact me at (623) 773-7181.

Sincerely,

A handwritten signature in blue ink that reads "Brian K. Biesemeyer".

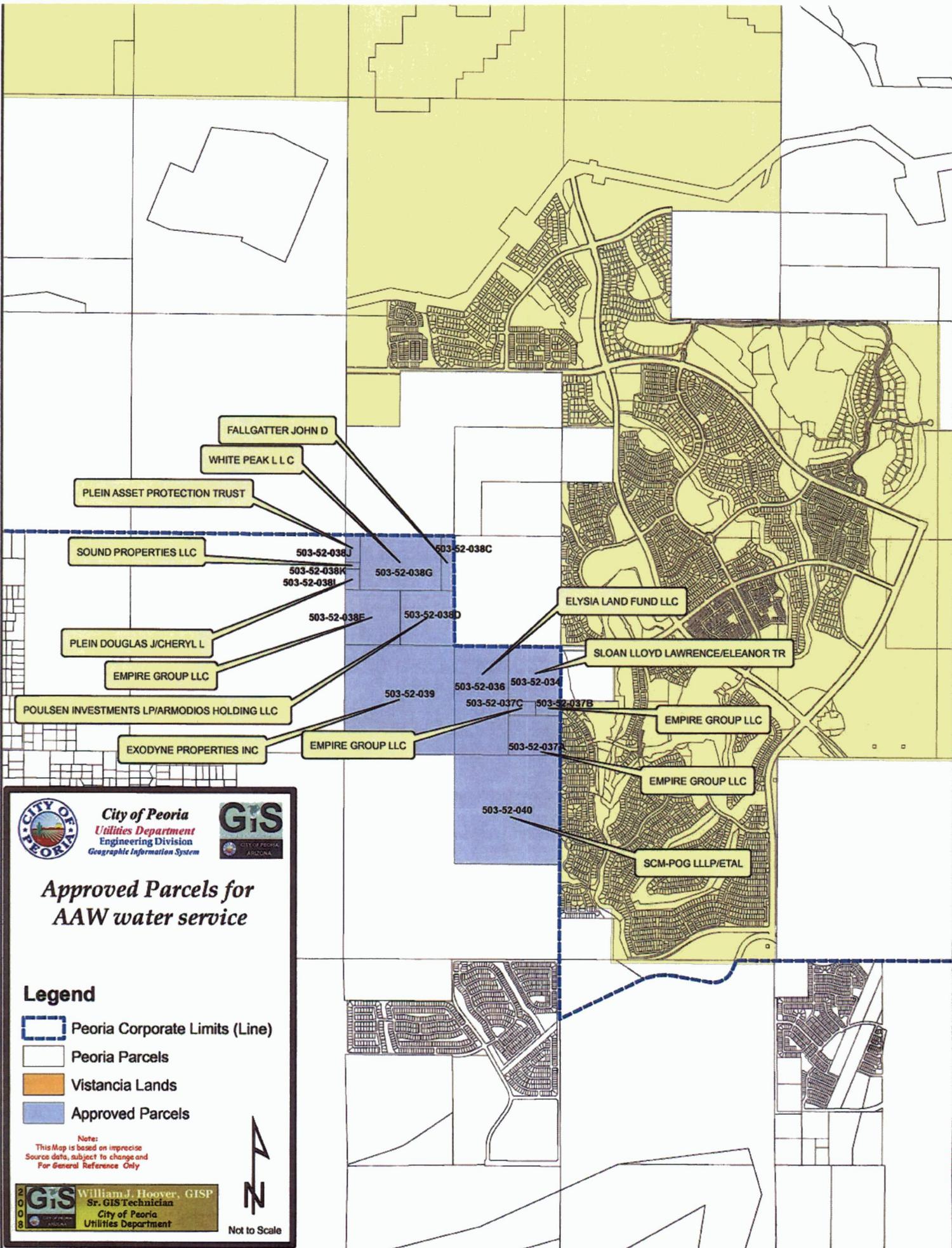
Brian K. Biesemeyer, P.E.
Deputy Utilities Director

Attachment

cc: John Wenderski, Deputy City Manager
Stephen L. Bontrager, Utilities Director
Steve Burg, Assistant City Attorney

www.peoriaaz.gov/utilities

ATTACHMENT D



**CITY OF PEORIA, ARIZONA
STAFF REPORT**

RPT #: _____

Date Prepared: May 5, 2006

Council Meeting Date: May 16, 2006

TO: Terry Ellis, City Manager

FROM: Glen Van Nimwegen AICP, Community Development Director

SUBJECT: Presentation and Discussion regarding water resources, water and wastewater infrastructure and other development issues associated with pending Annexation and General Plan Amendment under cases ANX 05-01 and GPA 05-01 pertaining to 640 acres of land south of Dixileta Drive and 135th Avenue. This discussion will also include pending rezonings and preliminary plats for land within the corporate boundary of Peoria in the vicinity of 131st Avenue, between Lone Mountain Road and Jomax Road alignments.

SUMMARY:

This study session discussion pertains primarily to a general plan amendment and annexation case for 640 acres located abutting the municipal boundary at Dixileta Drive and 135th Avenue (Attachment A). The general plan amendment requests a redesignation of a portion of the 640 acre property from Residential Estate (0-2 du/ac. Target 1 du/ac) to Residential Low (2-5 du/ac. Target 3 du/ac.) The annexation and general plan amendment requests were considered by the Mayor and City Council in 2005 and subsequently continued based on concerns regarding the water and wastewater service issues outlined below. Staff has been in pursuit of a possible resolution of these issues; however, the applicants have requested the applications be scheduled for Council action. Please refer to Regular Agenda items for GPA 05-01 and ANX 05-01 for the further detail and analysis of these pending cases related to the 640 acre development area.

Although the primary focus of the discussion is the 640 acres, a number of other developments in this general area are likewise challenged by infrastructure issues. A Context Map depicting all pending development applications in the area is provided as Attachment B. A number of these planned developments are located within the municipal boundary and are currently at various stages in the development plan approval process as noted. Based on the complexity of water resources, water infrastructure, and other development issues related to this general area, a detailed presentation and discussion of the challenges and possible solutions to these issues will be presented for Council consideration.

The balance of this report will provide an overview of the presentation topics to be discussed during the Study Session.

Water Resources / Water and Wastewater Infrastructure / Utility Service Areas

As stated above, the property owners' request to have the 640 acre property annexed into the City and the general plan amendment was first on the Council's agenda in 2005. Both actions were delayed to address questions that were raised regarding the ability and or willingness of the City to provide water and waste water services for this area at the higher than planned amounts. The table below quantifies the difference in water demand created by the proposed general plan amendment:

Current General Plan:			
Land Use	Acres	Dwelling Units (du's)	Water Demand (1 du =.52 acre feet)
Residential Estate (1 du/ac)	502	502	261.0 acre feet
Residential Low (3 du/ac)	0	0	0
Park / Open Space (1 du/ac)	138	138	71.8 acre feet
Total	640 acres	640 du's	332.8 acre feet

Proposed GPA 05-01:			
Land Use	Acres	Dwelling Units (du's)	Water Demand (1 du=.52 acre feet)
Residential Estate (1 du/ac)	0	0	0
Residential Low (3 du/ac)	502	1506	783.1 acre feet
Park / Open Space (1 du/ac)	138	138	71.8 acre feet
Total	640 acres	1644 du's	854.9 acre feet

Increase in Water Demand

522.1 acre feet

The City's water resources plan estimates, based on the current general plan designations for the 640 acres, that the area would require 332.8 acre feet of water per year. The City is prepared to provide that level of water service to the area once the appropriate infrastructure is in place including, most notably, the Twin Buttes Water Facility programmed to be completed in the year 2011. Other infrastructure that will be required will be transmission lines, booster facilities, reservoirs for the water delivery, waste water transmission lines, and the completion of an expansion to the Jomax Reclamation Facility. The general plan amendment would increase the need for water to 854.9 acre feet (if developed at the target density of 3 du/ac) with commensurate upward adjustments in facilities to deliver and dispose of the water.

Council's direction to staff has been that water requirements beyond the City's planned allocation for such developments must be met by the developer. The City has been working with the developers of this area along with those developers nearby, but inside the City, to reach a solution to this shortfall of resources.

One alternative, which is recommended by staff and supported by the developers, is to

enter into an agreement with Arizona-American Water Company, to provide water service to this area. The plan would allow Arizona-American to provide service to the entire 640 acres with the anticipation their service area would grow to include an additional 480 acres to the south down to the Jomax Road alignment if and when this area is brought into the City. Arizona-American would be responsible for providing the entire required water infrastructure to this area working through the developers including wells, transmission lines, and any needed reservoirs and boosters. The City would retain the service area in terms of waste water, providing the City the advantage of being able to reclaim the water. It is estimated that 50% of the water delivered to this area could be reclaimed adding an estimated 330 to 840 acre feet of water resources to the City's portfolio. This solution is similar to the actions taken by the City to facilitate the development of the area known as Tierra del Rio.

Along with this agreement to expand Arizona-American's service area, the City has two other issues that must be addressed. First, the City must secure the right to place recovery wells within Arizona-American's existing service area to facilitate our use of the nearby Agua Fria Recharge Facility. Second, Arizona-American would like to be a long term participant in the Twin Buttes Water Facility helping to provide necessary redundancy to their water system.

While these plans are not in place today, preliminary discussions with the private water company have been productive and a general framework of how this all may be accomplished has been agreed to. However, the desire of the developers of the 640 acres to move forward now with the General Plan amendment and annexation is in conflict with the City's water policy.

Staff is recommending specific findings be made as a part of the general plan amendment (GPA05-01) resolution to resolve this inherent conflict (Attachment C). The findings state that no zoning action to implement the amendment shall be submitted to the Council for action until the developer has submitted the additional acre feet of surface and/or renewable water resources to mitigate the increased demand. With these findings included in the resolution, staff believes the general plan amendment and annexation can be recommended for approval.

Transportation

Attachment D depicts the planned arterial street network for this area. The planned circulation in this area establishes Dynamite Boulevard, a primary regional east- west corridor through the area of planned development and connecting to the regional transportation system to the west. This primary east-west access, Dynamite Boulevard will need to be extended west from its current terminus at Vistancia Blvd. in Vistancia

Phase 1 to the east. Shea/Sunbelt will be required to extend this roadway from Vistancia Blvd. to the western boundary of Vistancia. The extension of Dynamite Boulevard west from Vistancia's western border is currently not programmed in the capital plan and will be the responsibility of development within this area.

Dynamite Boulevard exists through the Vistancia development and currently terminates at the eastern boundary of Vistancia at Lone Mountain Parkway alignment. Lone Mountain Parkway will be extended east of the Vistancia project to Lake Pleasant Parkway in 2007-

2008. The extension of Jomax Road will provide a secondary means of access to the area. A north-south street following the alignment of 135th Avenue will connect the Jomax Road and Dynamite Boulevard. Both Jomax Road and 135th Avenue are also not currently in the capital plan and would be the responsibility of development in the area to construct. Satisfactory public access to this area will be required prior to development within this area. Additionally, due to the fact that the 640 acre site and surrounding area is comprised of multiple ownerships, a coordinated transportation and utility master plan will need to be developed by the property owners and evaluated by the City to determine the phasing of infrastructure to support the planned development in this area.

Public Safety – Police

An incremental increase in demand for services is expected as the project is built out. Ultimately, the development may require approximately 8 new employees and an addition of over \$850,000 in annual operations costs. Increases in service requirements would occur gradually as the project is developed and built out; however, the numbers are accurate as to requirements for staffing and costs based on FY06 budget expenditure levels.

Public Safety – Fire/EMS:

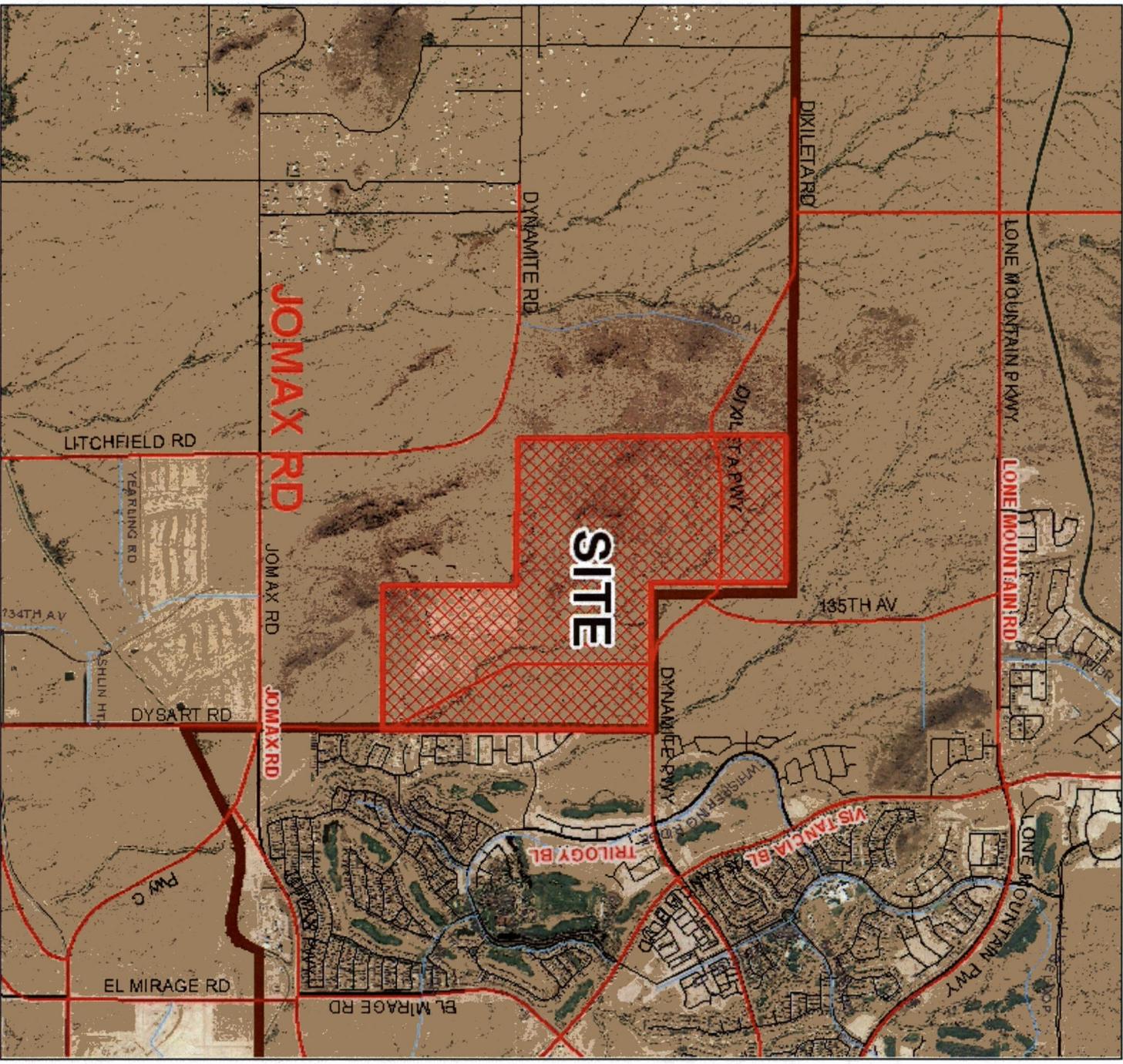
The pending developments within this area will be provided fire and emergency medical service (EMS) from the existing Vistancia Fire Station #6. Fire service to this general region will be enhanced through the addition of future fire station(s) as the area develops further. Timing of future fire station(s) construction will be dependent on the rate of development in this area and the collection of fire impact fees to finance the project(s). Developments in this area would be assessed the City's normal fire impact fees and would thus contribute to the development of a future station(s). There would not be any additional capital costs associated with the service provided by the existing Vistancia Fire Station #6.

There would be no additional operational costs attributable to the planned developments since the Vistancia fire station already exists and is fully funded. However, the proportionate share of the existing operating costs for the Vistancia Fire Station, based on full build out of the 640-acre project and a per-capita cost for fire service, would amount to approximately \$300,000 annually. Future support of fire and EMS operations in this area will occur through the normal collection of property taxes and other revenue generation from the additional population.

ATTACHMENTS:

1. Attachment A – GPA 05-01 / ANX 05-01 Boundary Map
2. Attachment B – Area Context Map
3. Attachment C – GPA 05-01 Water Findings
4. Attachment D – Circulation Plan

BOUNDARY MAP



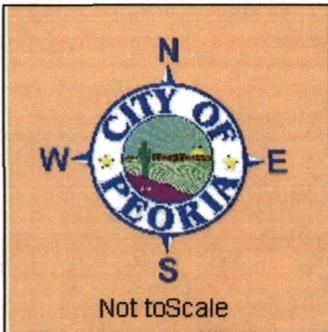
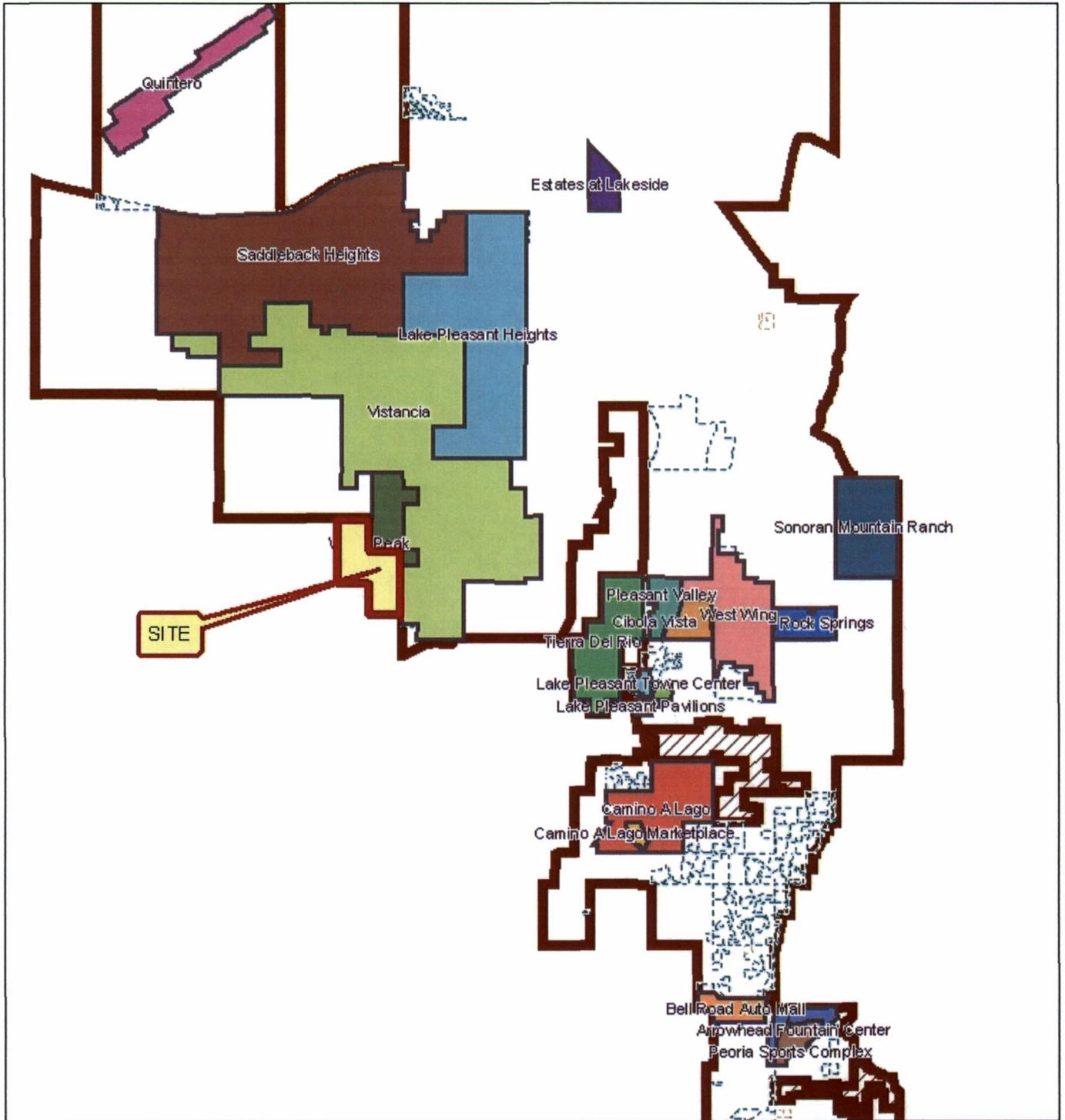
GPA 05-01

Request: Amend General Plan Land Use Map from Residential Estate (0-2 du/ac, target of 1 du/ac) to Residential Low (2-5 du/ac, target of 3 du/ac)

Approximately 640 acres

(5/16/06 Report) Attachment A

AREA CONTEXT MAP



GPA 05-01

Request: Amend General Plan Land Use Map
 from Residential Estate (0-2 du/ac, target of 1 du/ac)
 to Residential Low (2-5 du/ac, target of 3 du/ac)

Approximately 640 acres

(5/16/06 Report) Attachment B

ATTACHMENT C – GPA 05-01 Water Findings

1. Arizona Revised Statutes Section 9-461.05.D.5 requires that the City must adopt as an element of its general plan a water resources element that addresses:
 - a. The known legally and physically available surface water, groundwater and effluent supplies.
 - b. The demand for water that will result from future growth projected in the general plan, added to existing uses
 - c. An analysis of how the demand for water that will result from future growth projected in the general plan will be served by the water supplies identified in subdivision (a) of this paragraph or a plan to obtain additional water supplies.

2. That in conformance with Section 9-461.05.D.5, the City of Peoria has adopted a Water Resources Element of its general plan as Element 11, which is incorporated by reference in its entirety. The Water Resources Element of the City of Peoria General Plan provides that the City will satisfy current and future water demands through sustainable and renewable water resources for the next 100 years.

3. That in furtherance of the City of Peoria General Plan, the City of Peoria has adopted a Water Resources Master Plan governing the use of and acquisition of additional supplies of surface water.

4. That the subject property of this general plan amendment currently has a water demand of 332.8 acre feet per year, based on the following:

Total Acreage of Subject Property	640
Current Target Density (Residential Estates)	1 du per acre
Total number of Dwelling Units	640

Average water use per dwelling unit 0.52 acre feet

$640 \times .052 = 332.8$ acre feet.

5. That none of the projected additional supplies of surface and renewable water currently planned for addition or development by the City were anticipated to serve additional density on this parcel.

6. That the property owner is now seeking a change in density designation for a portion of the site under the City of Peoria General Plan from Residential Estate to Residential Low Density, with a target density of 3 dwelling units per acre. This proposed change would

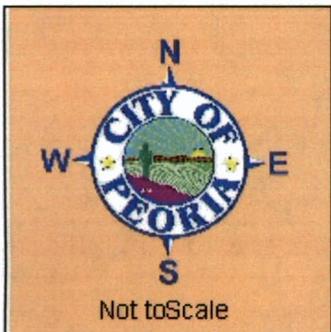
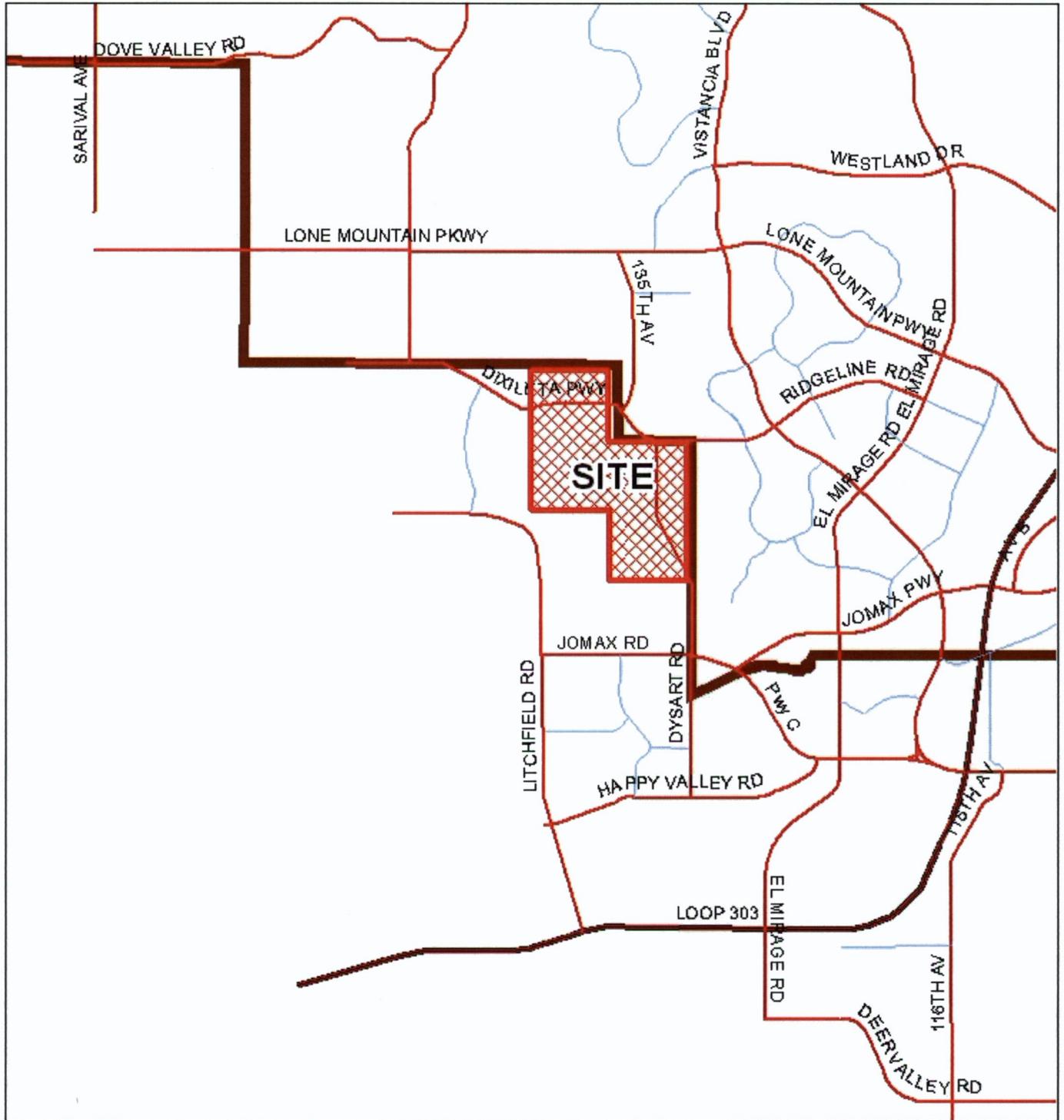
increase water demand from 332.8 acre feet to 854.9 acre feet for the subject property, resulting in an additional 522.1 acre feet of water demand to the City.

7. The City's Water Resource Plan intends that the property owner/developer is responsible for the provision of the additional surface and renewable water resources to meet this demand.
8. That an increase in residential density to 3 dwelling units per acre and the grant of zoning to implement such density is not consistent and does not conform to the general plan of the City unless the developer has provided for additional surface and renewable water resources to meet the demand or has undertaken such steps to mitigate this increase in water demand upon the City.
9. That the increase in the target density provided for in the residential low density designation is only appropriate if the developer has provided additional surface and renewable water resources or has undertaken such steps to mitigate the increase in water demand upon the City, prior to submission of any zoning or land use application to the Peoria City Council and that if the developer fails to do so, the Target Density for the subject property shall be deemed to be 1 dwelling Unit Per Acre.
10. That zoning or other land use approval is deemed not to be consistent with or conforming to the general plan of the City of Peoria unless the developer has provided additional surface and renewable water resources to serve the additional 522.1 acre feet of additional demand or has provided evidence satisfactory to the Director of Utilities and the City Attorney that he has successfully undertaken binding legal steps to mitigate any increase in water demand upon the City.
11. That the change in target density from 1.0 to 3.0 du per acre for the portion of the subject property currently designated as Residential Estate is expressly conditioned upon the developer providing an additional 522.1 acre feet of additional surface and/or renewable water resources to the City or provides evidence that the Developer has successfully undertaken binding legal steps to mitigate any increase in water demand upon the City.
12. That any increase in density in the general plan or zoning process to implement the general plan above the target of 3.0 dwelling units per acre is not consistent with or conforms to the general plan unless additional surface and/or renewable water resources above and beyond the 522.1 acre feet are provided to the City or additional

binding steps taken to mitigate any additional increase above and beyond the 522.1 acre feet are completed.

13. That no zoning case to implement this amendment to the general plan shall be submitted to the City Council of the City of Peoria, Arizona for action until the developer has provided an additional 522.1 acre feet of additional surface and /or renewable water resources to the City or has successfully completed binding legal steps to mitigate any increase in water demand upon the City.

CIRCULATION PLAN



GPA 05-01

Request: Amend General Plan Land Use Map
from Residential Estate (0-2 du/ac, target of 1 du/ac)
to Residential Low (2-5 du/ac, target of 3 du/ac)

Approximately 640 acres

(5/16/06 Report) Attachment D

RESOLUTION NO. 08-169A

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING THE LAND USE PLAN OF THE LAND USE ELEMENT OF THE GENERAL PLAN FOR THE CITY OF PEORIA, ARIZONA; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Peoria General Plan heretofore adopted by the City of Peoria, Arizona provides for periodic review and amendment; and

WHEREAS, the City of Peoria is required to follow the procedures of A.R.S. 9-461.06 in adopting any amendments to the Peoria General Plan; and

WHEREAS, the Peoria Planning and Zoning Commission, after due and proper notice as required by law, held a public hearing regarding amendment number GPA 05-01 on September 15, 2005 and October 6, 2005; and

WHEREAS, after such public hearings and consideration of GPA 05-01, the Peoria Planning and Zoning Commission recommended adoption of GPA 05-01 on October 6, 2005, a copy of which recommendation is on file with the City Clerk of the City of Peoria, Arizona, and which said case number GPA 05-01 was transmitted to the Mayor and Council of the City of Peoria prior to the meeting of February 3, 2008; and

WHEREAS, after notice in the manner and form provided by law, a public hearing regarding case number GPA 05-01 was held by the City Council on December 16, 2008 as required by A.R.S. 9-461.06; and

WHEREAS, after due and proper consideration of such GPA 05-01, the Mayor and Council of the City of Peoria, Arizona have found that GPA 05-01 will properly aid in the orderly growth and development of the City of Peoria, Arizona.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AS FOLLOWS:

Section 1. Amendments to the General Plan

The City Council of the City of Peoria, Arizona does hereby accept and adopt amendment number GPA 05-01, changing the land use for a portion of an approximately 640 acre property located south of Dixileta Drive at 135th Avenue as shown on Exhibit A from Residential Estate (0-2 du/ac) to Residential Low (3-5 du/ac). This amendment specifically excludes areas designated Park / Open Space within this boundary as found on the General Plan Land Use Map.

SECTION 2. Separability.

In the event any part, portion or paragraph of this Resolution is found to be invalid by any court of competent jurisdiction, the invalidity of such part, portion, or paragraph shall not affect any other valid part, portion, or paragraph of this Resolution and effectiveness thereof.

SECTION 3. This Resolution shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 3rd day of February, 2009.

Bob Barrett, Mayor

Date Signed

ATTEST:

Mary Jo Kief, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT A

Portions of Sections 27 and 34 of Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and more particularly described as follows:

The northwest quarter, southwest quarter and the southeast quarter of Section 27, Township 5 North, Range 1 West, and the northeast quarter of Section 34, Township 5 North, Range 1 West, containing 640 acres, more or less.

