

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 15R
Amend No. _____

Date prepared: March 7, 2008

Council Meeting Date: March 18, 2008

TO: Terry Ellis, City Manager
FROM: Glen Van Nimwegen, AICP, Community Development Director *GVN*
THROUGH: Chad Daines, AICP, Planning Manager
PREPARED BY: Caroline L. Ruiz, Planner
SUBJECT: Z 07-06, Colonial 83rd & Olive

Proposal to adopt an Ordinance approving the rezoning of approximately 17.2 acres from Office Commercial (O-1) and Intermediate Commercial (C-2) to Planned Area Development (PAD). The property is generally located north and west of the northwest corner of 83rd Avenue and Olive Avenue and encompasses Assessor Parcel Numbers (APN) 142-37-041G and 142-37-041H.

Recommendation:

The Mayor and Council concur with the Planning and Zoning Commission's recommendation and adopt the attached Ordinance to approve the rezoning of approximately 17.2 gross acres from Office Commercial (O-1) and Intermediate Commercial (C-2) to Planned Area Development (PAD) to allow for a multi-family residential development of up to 364 units, subject to the conditions contained within the Staff Report.

Planning & Zoning Commission Recommendation:

This case was originally presented to the Commission on February 7, 2008. On this date, staff recommended denial of case Z07-06 and the concurrent General Plan Amendment request (GPA 07-03) due to the findings contained in the staff report of 2/7/08 (attached). However, the Commission voted 4-1 to recommend approval of case GPA 07-03, and unanimously recommended a two week continuance of case Z07-06 (to the 2/21/08 hearing) in order to draft stipulations.

CITY CLERK USE ONLY:

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

ORD. # 08-07 RES. # _____
LCON# _____ LIC. # _____
Action Date: _____

At the meeting of February 21, 2008, the applicant requested an additional two week continuance (to March 6, 2008) in order to continue working with the neighbors and present them with an updated site plan concept for the proposed development.

On March 6, 2008, the Planning and Zoning Commission voted 4-1 to recommend approval of the requested action, subject to Conditions 1-15, as contained in the report and referenced in the attached Ordinance. Concerns from neighborhood residents are further clarified/described in the attached minutes from the 2/7/08 hearing and are addressed through the stipulations included in the Ordinance. Late in the day on March 6, 2008 staff received a list of proposed changes/additions to the stipulations from neighboring residents (attached). At the Commission hearing, the applicant indicated that they would continue to work with affected neighbors to draft additional stipulations to address these concerns where possible. Any updates to stipulations will be forwarded to Council immediately upon receipt.

Proposition 207 Discussion:

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. The applicant has submitted a signed and notarized waiver which will be recorded following the City Council's decision on the request.

Attachments:

- Planning and Zoning Commission Staff Report (3/6/08)
- Neighboring Residents Comment Letter/Petition
- Planning and Zoning Commission Staff Report (2/7/08)
- Minutes from 2/7/08 Planning & Zoning Commission
- Ordinance
- PAD Standards and Guidelines Report revised 1/25/08 (attached separately)

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