CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

CC: 1 TR
Amend No. _____

Date prepared: March 21, 2008 **Council Meeting Date: April 3, 2008**

TO: Terry Ellis, City Manager

FROM: Glen Van Nimwegen, AICP, Community Development Director FOR

PREPARED BY: Chris M. Jacques, AICP, Acting Planning Manager

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. (XREF: GPA 07-03)

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. **This item was carried over from the March 18, 2008 City Council Meeting to allow the applicant additional time to meet with the neighborhood and potentially craft additional stipulations and adjustments to the Concept Plan (reflecting said changes). Any new stipulations presumably would be in addition to the stipulations contained in this report. As of the date of this printing, staff has not received any new stipulations or a revised concept plan. Any new material received will be evaluated and provided in an oral report to the City Council at the April 3. 2008 meeting.**

Planning & Zoning Commission Recommendation:

On March 6, 2008, the Planning and Zoning Commission departed from the Planning Division recommendation of denial and voted 4-1 to recommend approval of the requested

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CITY CLERK USE ONLY:
Γ Consent Agenda
Γ Carry Over to Date:_____
Γ Approved
Γ Unfinished Business (Date heard previous:_____)
Γ New Business

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

REV. 10/99

action, subject to Conditions 1-15, as contained in the report and referenced in the attached Ordinance.

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). 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. The applicant requested an additional two week continuance to March 6, 2008 to allow more time to work with neighbors. Concerns from neighborhood residents are further clarified and described in the attached minutes and addressed through the stipulations included in the Ordinance.

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)
- PAD Standards and Guidelines Report revised 1/25/08 (attached separately)

Ordinance

SUPPORTING DOCUMENTATION

PERTAINING TO THIS

AGENDA ITEM IS ON FILE IN THE

OFFICE OF THE CITY CLERK