

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATIONS**

cc: 2C  
Amend No. \_\_\_\_\_

Date prepared: March 26, 2009

Council Meeting Date: April 21, 2009

**TO:** Carl Swenson, City Manager

**FROM:** Susan J. Daluddung, AICP, Deputy City Manager 

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

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

**PREPARED BY:** Monique Spivey, Associate Planner

**SUBJECT:** (Z09-03): Establish Initial Zoning for subject property that has recently been annexed into the City of Peoria from Maricopa County zoning district of Rural-43 (Rural, 1-acre minimum lot size) to Peoria Suburban Ranch SR-43 (1-acre minimum lot size).

**Recommendation:**

The Mayor and City Council concur with the Planning and Zoning Commission's recommendation (4-0) and adopt the attached Ordinance establishing initial zoning for property that has been recently annexed into the City of Peoria from Maricopa County zoning district Rural-43 to Suburban Ranch SR-43. The subject property is approximately 2.1 acres located west of the northwest corner of Lake Pleasant Parkway and Happy Valley Parkway.

**Planning & Zoning Commission Recommendation:**

On March 19, 2009, the Planning and Zoning Commission voted unanimously to recommend approval of the initial zoning request as contained in the staff report and referenced in the attached Ordinance.

On November 18, 2008, the City Council adopted Ordinance No. 08-34, thereby annexing the subject 2.1 acre parcel into the City. Per State Statute A.R.S. §9-471.D, the City must assign equivalent City zoning to the annexed property within six (6 months) following the official adoption of the annexation. Staff notes, the property owner has filed a Major (PAD) Amendment (Z03-04A.4) to incorporate this property into the Lake Pleasant Towne Center development.

**CITY CLERK USE ONLY:**

- Consent Agenda
- Carry Over to Date: \_\_\_\_\_
- Approved
- Unfinished Business (Date heard previous: \_\_\_\_\_)
- New Business
- Public Hearing: No Action Taken

ORD. # 09-11 RES. # \_\_\_\_\_  
 LCON# \_\_\_\_\_ LIC. # \_\_\_\_\_  
 Action Date: \_\_\_\_\_

# REPORT TO THE PLANNING AND ZONING COMMISSION INITIAL ZONING

**CASE NO.:** Z09-03

**DATE:** March 19, 2009

**AGENDA ITEM NO.:** 6R

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**Applicant:** City of Peoria, Community Development Department

**Request:** Establish Initial Zoning for subject property that has recently been annexed into the City of Peoria from Maricopa County zoning district of Rural-43 to Peoria Suburban Ranch SR-43.

**Location:** The subject property is located west of the northwest corner of Happy Valley Parkway and Lake Pleasant Parkway.

**Site Acreage:** Approximately 2.1 acres

**Support /Opposition:** To date, the Department has not received any public comments.

**Recommendation:** **Recommend Approval**

Existing and Surrounding Land Use and Zoning: (Exhibit B)

1.

	LAND USE	ZONING
<b>Subject Property</b>	<b>Undeveloped</b>	<b>County Rural-43</b>
North	Single-Family Residential (Developing)	Planned Area Development (PAD)
West	Single-Family Residential (Developing)	Planned Area Development (PAD)
South	Happy Valley Parkway	Excess Right-Of-Way
East	Denaro Corporate Center	Planned Area Development (PAD)

## Background:

2. On November 18, 2008 the City Council approved Annexation (ANX08-01) for the subject property, which became effective on December 28, 2008 (Ordinance 08-34).
3. Pursuant to A.R.S. §9-471.D and Section 14-4-3 of the Peoria City Code, the City must begin the process of assigning City zoning to the annexed property within six (6) months following the official adoption of the annexation.

4. Per State Statute, the initial zoning corresponding shall not permit densities and uses more intense than those permitted by the County prior to the annexation. The closest City of Peoria zoning category to the County Rural-43 zoning is Suburban Ranch SR-43 zoning classification with a one acre minimum lot size. This request is consistent with the State Statute.
5. Although no additional zoning requests are being proposed at this time, it is the owner's intent to file a petition to rezone the property to Planned Area Development (PAD) in the future. The future rezone request will involve amending the current PAD (Z03-04) for the Lake Pleasant Town Center to include the annexation area.

*Public Notice*

6. Public notice was provided in the manner prescribed under Section 14-39-7. Additionally, the site was posted by the Planning Division on March 3, 2009. The posting was completed within the prescribed 15-days prior to the Public Hearing.

Recommendation:

7. Based on the following findings:
  - The initial zoning request is mandated by the Arizona revised Statutes regarding the annexation of properties into a municipal jurisdiction.
  - The proposed initial zoning of Peoria SR-43 is the closest associated zoning district that is permitted by the County's Rural-43 District.

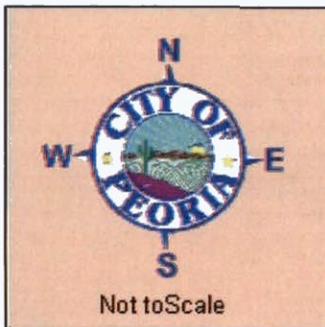
It is recommended that the Planning and Zoning Commission take the following action: **Recommend to the City Council approval of Z 09-03, establishing the initial zoning of property as Peoria Suburban Ranch SR-43.**

Attachments:

Attachment A	Location Map
Attachment B	Zoning Map
Attachment C	Legal Description

Prepared by: Monique Spivey  
Associate Planner

# Z09-03 Location Map

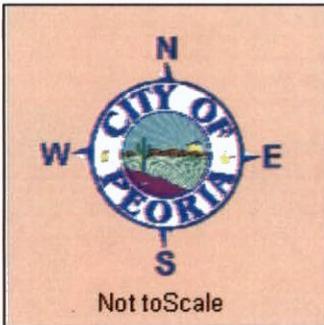
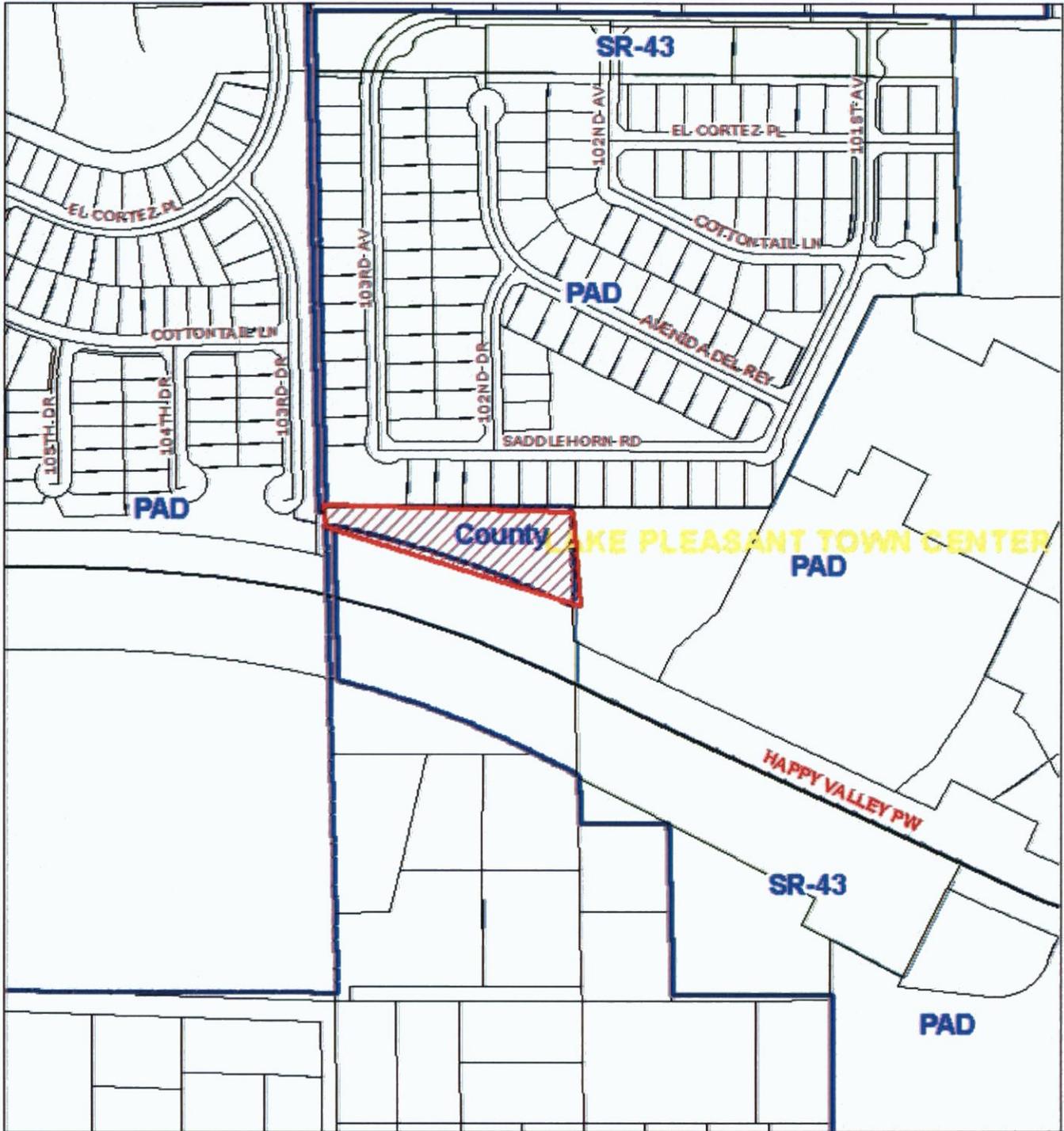


## City of Peoria Zoning (Z09-03)

Rezone approximately 2.1 acres of property from County Rural to Suburban Ranch (SR-43). The site is generally located west of the northwest corner of Happy Valley Parkway and Lake Pleasant Parkway.

**Exhibit A**

# Z09-03 Zoning Map



## City of Peoria Zoning (Z09-03)

Rezone approximately 2.1 acres of property from County Rural to Suburban Ranch (SR-43). The site is generally located west of the northwest corner of Happy Valley Parkway and Lake Pleasant Parkway.

**Exhibit B**

ORDINANCE NO 09-11

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ESTABLISHING INITIAL ZONING ON PROPERTY FROM MARICOPA COUNTY RURAL-43 ZONING DISTRICT TO CITY OF PEORIA SR-43 ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on March 19, 2009 in zoning case Z 09-03 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 parcel as described below from Maricopa County Rural-43 zoning district to City of Peoria SR-43 zoning district as provided in Section 14-19A of Chapter 14 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 February 27, 2009; 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. A parcel of land in Peoria, Maricopa County, Arizona, which is more accurately described in Exhibit B to this Ordinance, is hereby initially zoned from Maricopa County Rural-43 zoning district to City of Peoria SR-43 zoning district.

SECTION 2. 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 and as better defined in the corresponding City zoning map as shown as Exhibit B and the Legal Description as shown on Exhibit C.

SECTION 3: 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 21<sup>st</sup> day of April, 2009.

\_\_\_\_\_  
Bob Barrett, Mayor

\_\_\_\_\_  
Date Signed

ATTEST:

\_\_\_\_\_  
Mary Jo Kief, City Clerk

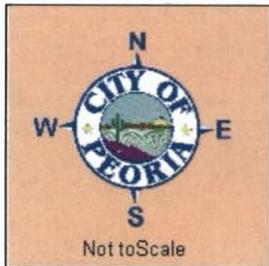
APPROVED AS TO FORM:

\_\_\_\_\_  
Stephen M. Kemp, City Attorney

Published in: Peoria Times Pub. Dates: April 24 and May 1, 2009

Effective Date:

## Z09-03 Zoning Map



### City of Peoria Zoning (Z09-03)

Rezoning approximately 2.1 acres of property from County Rural to Suburban Ranch (SR-43). The site is generally located west of the northwest corner of Happy Valley Parkway and Lake Pleasant Parkway.

Exhibit B

**EXHIBIT C**  
**Initial Zoning (Z09-03)**  
**LEGAL DESCRIPTION**

That portion of the Northwest quarter of the Southwest quarter of the Southeast quarter of Section 5, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said portion is Parcel No. 3 of that certain Warranty Deed recorded in 00-456984, Maricopa County Recorder, described as follows:

**COMMENCING** at the South quarter corner of said Section 5;

Thence North 01 degrees 27 minutes 49 seconds West along the North-South mid-Section line of said Section 5, a distance of 1,268.67 feet to the Northerly right-of-way line of the Estrella Roadway (Happy Valley Parkway), said roadway description per MCDOT Project No. 68840, said point also being the **POINT OF BEGINNING**;

Thence continuing along the North-South mid-Section line of said Section 5, North 01 degrees 27 minutes 49 seconds West, a distance of 47.30 feet;

Thence South 89 degrees 49 minutes 51 seconds East a distance of 658.97 feet;

Thence South 01 degrees 28 minutes 50 seconds East a distance of 265.47 feet to the point of a not-tangent curve to the left having a central angle of 13 degrees 03 minutes 06 seconds, and whose radius bears South 24 degrees 50 minutes 41 seconds West a distance of 3,080.00 feet, said point also being on the Northerly right-of-way line of the Estrella Roadway;

Thence Westerly along said Northerly right-of-way line an arc distance of 701.60 feet to the point of **BEGINNING**.