

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 11B
Amend No.

Date prepared: October 24, 2008

Council Meeting Date: November 18, 2008

TO: Carl Swenson, City Manager

FROM: Susan Daluddung, AICP, Deputy City Manager 

THROUGH: Glen Van Nimwegen, AICP, Community Development Director 

THROUGH: Chris Jacques, AICP, Interim Planning Manager 

PREPARED BY: Ed Boik, Planner 

SUBJECT: GPA 07-16, Design Professionals, LLC: Proposal to adopt a resolution amending the General Plan Land Use Map.

Recommendation:

The Mayor and Council concur with the Planning and Zoning Commission's recommendation to adopt the attached resolution to amend the General Plan Land Use Map for a site encompassing approximately 13.33 gross acres from Residential/Low (2-5 du/ac, target 3.0 du/ac) to Neighborhood Commercial. The site is located at the northwest corner of 99th Avenue and Northern Avenue and is more specifically described as APNs #142-61-034, 142-61-959, 142-61-960, 142-61-961, 142-61-962, 142-61-030, 142-61-031, 142-61-032, 142-61-033, and 142-61-009Y.

Planning & Zoning Commission Recommendation

On October 16, 2008, the Planning and Zoning Commission voted unanimously (5-0) to recommend approval of the requested action. There were three speakers in addition to the applicant.

One speaker, representing the property owners of the Johnson Addition subdivision, objected to the commercial rezoning of the subject parcels. The speaker claimed the General Plan Amendment would be in conflict with the deed restrictions which prohibit commercial zoning and uses on the subject parcels.

Additionally, two (2) attendees spoke against the proposal and expressed their concern that 99th Avenue is not properly designed to handle additional commercial traffic and is

CITY CLERK USE ONLY:

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

ORD. # _____ RES. # 08-146
LCON# _____ LIC. # _____
Action Date: _____

unsafe. They cited recent accidents and a lack of sidewalks.

The City Attorney indicated that the City is not subject to nor has to consider any private deed restrictions when making a zoning finding and recommendation. Deed restrictions are a private legal instrument and must be handled by the two private parties independent of City action.

Staff noted that improvements to 99th Avenue are dictated by the Traffic Impact Analysis and would be assessed through the site plan review.

Proposition 207:

The voters of Arizona recently approved Proposition 207 which amongst 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:

- Draft Minutes from the October 16, 2008 Planning & Zoning Commission
- Planning and Zoning Commission Staff Report (10/16/08)
- Resolution

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