

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

CC: 3C
Amend No. _____

Date prepared: January 22, 2009

Council Meeting Date: February 17, 2009

TO: Carl Swenson, City Manager
FROM: Susan Daluddung, AICP, Deputy City Manager 
THROUGH: Glen Van Nimwegen, AICP, Community Development Director 
THROUGH: Chris Jacques, AICP, Planning Manager 
PREPARED BY: Ed Boik, Planner 

SUBJECT: Z 06-17A.2, RSD Development, Plaza del Lago Phase II -
Scrivener's Error; Corrected Ordinance.
Proposal to adopt a corrected Ordinance reflecting action taken by the City Council on December 16, 2008 to approve the rezoning of approximately 4.78 acres from Suburban Ranch (SR-43) to Planned Area Development (PAD). The property is generally located north of the northwest corner of Yearling Road and Lake Pleasant Parkway and encompasses Assessor Parcel Number (APN) 201-30-121-C.

RECOMMENDATION:
The Mayor and Council adopt the attached corrected Ordinance rezoning a site encompassing approximately 4.78 gross acres from Suburban Ranch (SR-43) to Planned Area Development (PAD). The property is generally located north of the northwest corner of Yearling Road and Lake Pleasant Parkway.

SUMMARY:
Subsequent to the adoption of the Ordinance, ORD 08-39, it was determined that the Ordinance title did not accurately reflect the content of the Ordinance due to a scrivener's error. The attached Ordinance contains the correct title and is provided for your adoption and approval.

- ATTACHMENT:**
- December 16, 2008 City Council Communication
 - Ordinance showing changes (Exhibit A)
 - Corrected Ordinance

CITY CLERK USE ONLY:

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

ORD. # 08-39A RES. # _____
LCON# _____ LIC. # _____
Action Date: _____

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

CC: _____
Amend No. _____

Date prepared: November 20, 2008

Council Meeting Date: December 16, 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: Z 06-17A.2, RSD Development, Plaza del Lago Phase II
Proposal to adopt an Ordinance approving the rezoning of approximately 4.78 acres from Suburban Ranch (SR-43) to Planned Area Development (PAD). The property is generally located north of the northwest corner of Yearling Road and Lake Pleasant Parkway and encompasses Assessor Parcel Number (APN) 201-30-121-C.

RECOMMENDATION:

The Mayor and Council concur with the Planning and Zoning Commission's recommendation (4-1) and adopt the attached Ordinance rezoning a site encompassing approximately 4.78 gross acres from Suburban Ranch (SR-43) to Planned Area Development (PAD). The property is generally located north of the northwest corner of Yearling Road and Lake Pleasant Parkway.

SUMMARY:

Planning & Zoning Commission Action:

On November 20, 2008, the Planning and Zoning Commission voted 4-1 to recommend approval of the requested rezoning subject to conditions 1-4 as contained in the staff report and ordinance attached herein.

The dissenting commissioner believed that the cross-access should be prohibited because the Peoria Regional Medical Center, as a "medical campus", is not a

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LCON# _____ LIC. # _____
Action Date: _____

compatible or complimentary use to an office complex. Furthermore, the Peoria Regional Medical Center has not agreed to the cross-access and provided a letter objecting to the cross-access.

The conceptual site plan illustrates a potential cross-access to the property to the north, Peoria Regional Medical Center. Through the Site Plan process, staff will continue to work with both parties on this issue. Typically, cross-access is encouraged between like uses to reduce congestion on public roadways and improve connectivity and convenience between complimentary and compatible uses (such as between office complexes and hospital/medical campuses).

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.

Exhibit A
Showing deleted and inserted text

ORDINANCE NO. 09-

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REZONING PROPERTY FROM AGRICULTURAL (~~AG~~) SUBURBAN RANCH (SR-43) TO ~~INTERMEDIATE COMMERCIAL (C-2)~~ PLANNED AREA DEVELOPMENT (PAD) 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 November 20, 2008 for zoning case Z 06-17A.2 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 rezoning of a parcel of property as described below from Suburban Ranch (SR-43) to Planned Area Development (PAD) zoning district as provided in Article 14-39 of Chapter 14 of the Peoria City Code (1977 edition);

WHEREAS, due and proper notice of such Public Hearings was given in the time, form, substance and manner provided by law including publication of such notice in the Peoria Times on October 31, 2008; 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 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 is more accurately described in Exhibit A to this Ordinance, is hereby conditionally rezoned from Suburban Ranch (SR-43) to Planned Area Development (PAD) zoning district.

SECTION 2. The amendment to the zoning herein provided be conditioned and subject to the following stipulations:

1. A Preliminary Drainage Report shall be submitted with the Site Plan. On-site retention must be provided for the 100-year, 2-hour storm.
2. The Developer shall construct all improvements per the approved Traffic Impact Analysis.

3. The Developer shall dedicate an 8' PUE outside of the existing ROW on Lake Pleasant Parkway. No walls or retention shall be allowed within the PUE.
4. The Developer shall construct sidewalks and landscaping along the frontage of the project on Lake Pleasant Parkway as required per an approved site plan

SECTION 3. 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.

SECTION 4: 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 day of , 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: December 19 and 26, 2008

Effective Date:

EXHIBIT A
Legal Description

A Portion of land located in the south half of the Northwest quarter of Section 4, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the West quarter corner of said Section 4, from whence the center of Section bears South 89 degrees 40 minutes 34 seconds East (basis of bearing), a distance of 2,677.24 feet;

thence continuing along the mid-Section line on a bearing of South 89 degrees 40 minutes 34 seconds East, a distance of 209.26 feet to a point on the South line of the Northwest quarter of said Section 4, said point being the POINT OF BEGINNING;

thence North 20 degrees 34 minutes 31 seconds East, a distance of 921.09 feet;

thence South 89 degrees 30 minutes 24 seconds East, a distance of 582.25 feet to a point on the Westerly right-of-way line of Lake Pleasant Road;

thence continuing along the Westerly right-of-way line of Lake Pleasant Road on a bearing of South 17 degrees 52 minutes 55 seconds West, a distance of 904.57 feet to a point of intersection of the South line of the Northwest quarter of said Section 4 and the Westerly right-of-way line of Lake Pleasant Road;

thence continuing along the South line of the Northwest quarter of said Section 4 on a bearing of North 89 degrees 40 minutes 34 seconds West, a distance of 628.19 feet to the POINT OF BEGINNING.

EXCEPT an undivided one-half interest in and to all the oil, gas, minerals and all materials which are or may be determined to be peculiarly essential to the production of fissionable materials, as reserved in the Deed recorded as Docket 1887, Page 549.

ORDINANCE NO. 08-39A

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REZONING PROPERTY FROM SUBURBAN RANCH (SR-43) TO PLANNED AREA DEVELOPMENT (PAD) 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 November 20, 2008 for zoning case Z 06-17A.2 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 rezoning of a parcel of property as described below from Suburban Ranch (SR-43) to Planned Area Development (PAD) zoning district as provided in Article 14-39 of Chapter 14 of the Peoria City Code (1977 edition);

WHEREAS, due and proper notice of such Public Hearings was given in the time, form, substance and manner provided by law including publication of such notice in the Peoria Times on October 31, 2008; 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 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 is more accurately described in Exhibit A to this Ordinance, is hereby conditionally rezoned from Suburban Ranch (SR-43) to Planned Area Development (PAD) zoning district.

SECTION 2. The amendment to the zoning herein provided be conditioned and subject to the following stipulations:

1. A Preliminary Drainage Report shall be submitted with the Site Plan. On-site retention must be provided for the 100-year, 2-hour storm.
2. The Developer shall construct all improvements per the approved Traffic Impact Analysis.
3. The Developer shall dedicate an 8' PUE outside of the existing ROW on Lake Pleasant Parkway. No walls or retention shall be allowed within the PUE.

4. The Developer shall construct sidewalks and landscaping along the frontage of the project on Lake Pleasant Parkway as required per an approved site plan

SECTION 3. 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.

SECTION 4: 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 17th day of February, 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: February 20 and 27, 2009

Effective Date: _____

EXHIBIT A
Legal Description

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COMMENCING at the West quarter corner of said Section 4, from whence the center of Section bears South 89 degrees 40 minutes 34 seconds East (basis of bearing), a distance of 2,677.24 feet;

thence continuing along the mid-Section line on a bearing of South 89 degrees 40 minutes 34 seconds East, a distance of 209.26 feet to a point on the South line of the Northwest quarter of said Section 4, said point being the POINT OF BEGINNING;

thence North 20 degrees 34 minutes 31 seconds East, a distance of 921.09 feet;

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thence continuing along the Westerly right-of-way line of Lake Pleasant Road on a bearing of South 17 degrees 52 minutes 55 seconds West, a distance of 904.57 feet to a point of intersection of the South line of the Northwest quarter of said Section 4 and the Westerly right-of-way line of Lake Pleasant Road;

thence continuing along the South line of the Northwest quarter of said Section 4 on a bearing of North 89 degrees 40 minutes 34 seconds West, a distance of 628.19 feet to the POINT OF BEGINNING.

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