

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATIONS**

CC: 3C  
Amend No. \_\_\_\_\_

Date prepared: July 2, 2009

Council Meeting Date: August 25, 2009

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TO: Carl Swenson, City Manager  
FROM: Susan J. Daluddung, AICP, Deputy City Manager *SJD*  
THROUGH: Glen Van Nimwegen, AICP, Community Development Director *GVN*  
THROUGH: Chris Jacques, AICP, Planning Manager *CJ*  
PREPARED BY: Ed Boik, Planner  
SUBJECT: (Z09-05): 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 5.5 acres located at the southeast corner of 83<sup>rd</sup> Avenue and Butler Drive.

**Planning & Zoning Commission Recommendation:**

On June 18, 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 June 2, 2009, the City Council adopted Ordinance No. 09-16, thereby annexing the subject 5.5 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 PAD application (Z08-11) to zone the property to facilitate future light industrial, service and office uses.

**Attachments:**

- Planning and Zoning Commission Staff Report (6/02/09)
- Ordinance

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**CITY CLERK USE ONLY:**

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

ORD. # 09-22 RES. # \_\_\_\_\_  
LCON# \_\_\_\_\_ LIC. # \_\_\_\_\_  
Action Date: \_\_\_\_\_

# REPORT TO THE PLANNING AND ZONING COMMISSION INITIAL ZONING

**CASE NO.:** Z 09-05

**DATE:** June 18, 2009

**AGENDA ITEM NO.:** 4R

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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 at the southeast corner of Butler Road and 83<sup>rd</sup> Avenue.

**Site Acreage:** Approximately 5.5 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>Existing Industrial, Outdoor vehicle storage.</b>	<b>County Rural-43</b>
North	Vacant, Agricultural	I-1, Light Industrial
West	Single-Family Residential	R1-8, Single-Family Residential
South	Industrial Storage – Maricopa County	County Rural-43
East	Vacant – Maricopa County	County Rural-43

Background:

2. On June 2, 2009 the City Council approved Annexation (ANX07-05) for the subject property and -- pending no appeals of the City Council's action -- will become effective on July 2, 2009 (Ordinance 09-19).
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 PAD will allow multiple light industrial and office uses on the site and offer appropriate protections and buffers to prevent negative impacts on the nearby residential properties and the future community park.

*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 June 3, 2009. The posting was completed within the prescribed 15-days prior to the Public Hearing.

**Findings / 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 to Maricopa County's Rural-43 District.

It is recommended that the Planning and Zoning Commission take the following action:

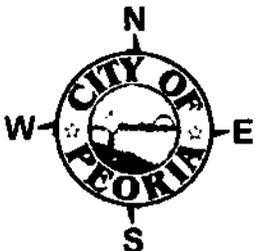
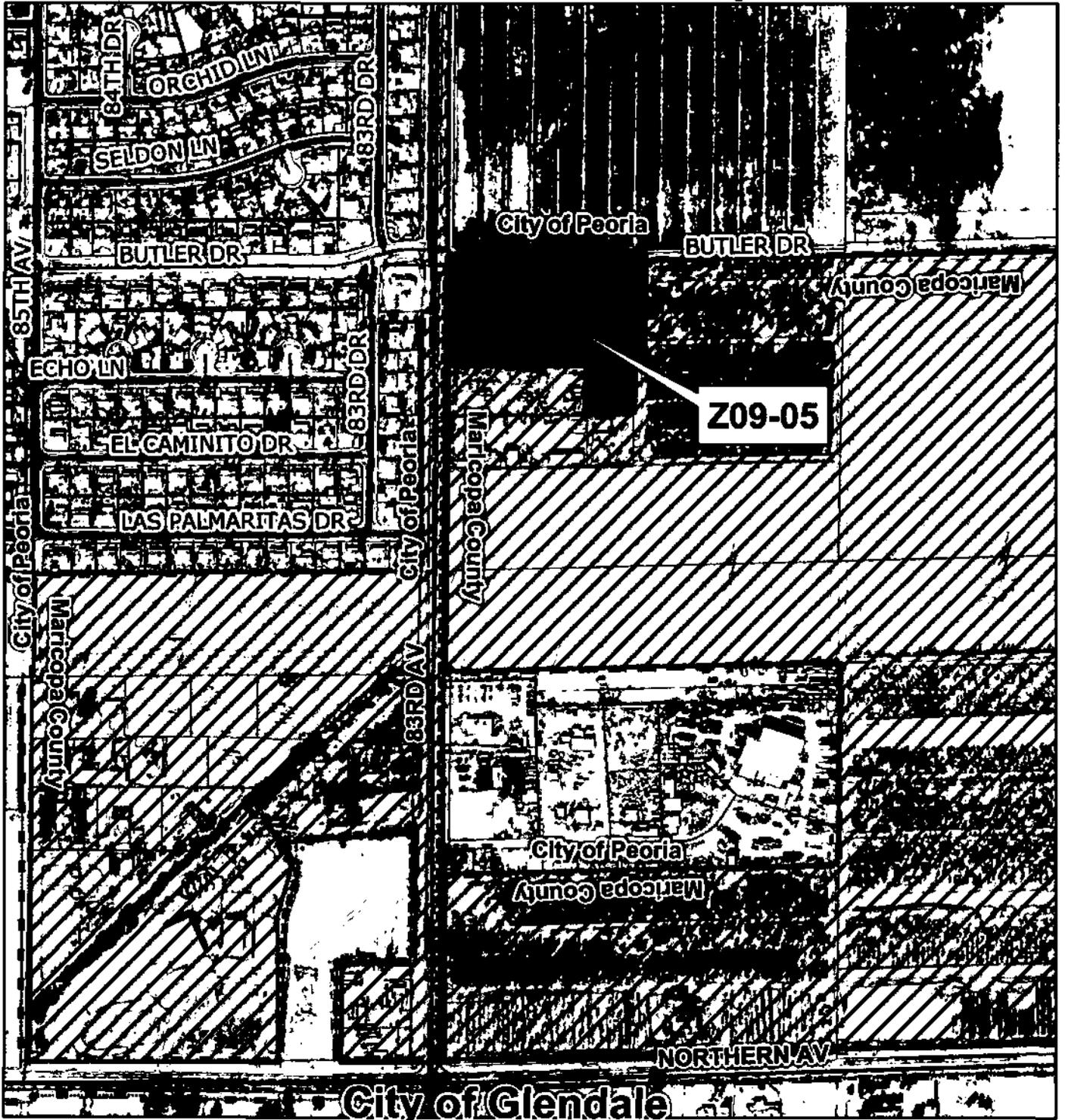
**Recommend approval to the City Council of Case Z 09-05.**

**Attachments:**

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

Prepared by: Ed Boik  
Planner

# Z09-05 Location Map



Not to Scale

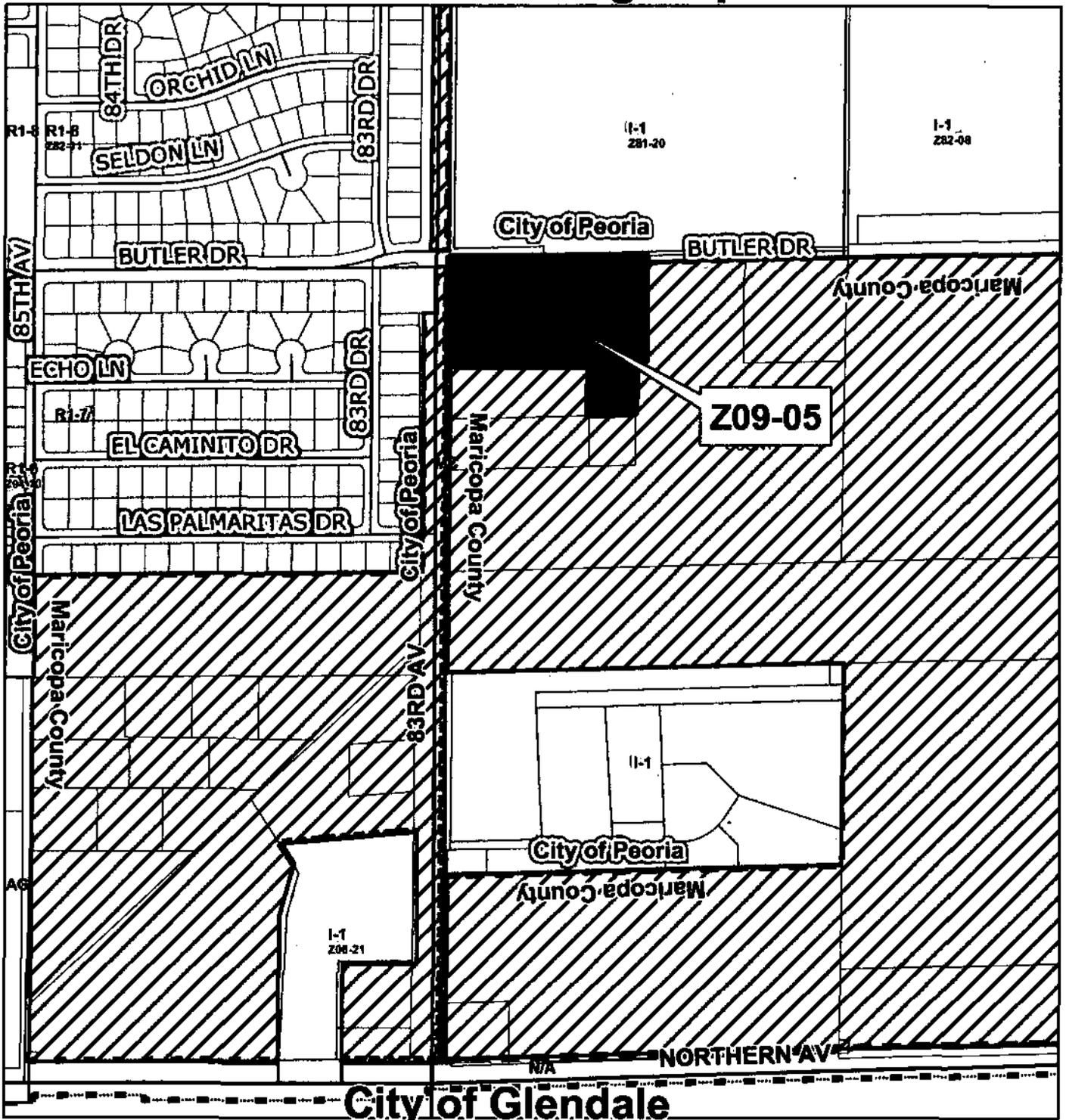
## Z09-05

SEC of 83rd Avenue and Butler Drive

Rezone from County Rural-43 to Suburban Ranch (SR-43)

**Exhibit A**

# Z09-05 Zoning Map



Not to Scale

## Z09-05

SEC of 83rd Avenue and Butler Drive  
Rezone from County Rural-43 to Suburban Ranch (SR-43)

**Exhibit B**

ORDINANCE NO 09-22

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 June 18, 2009 in zoning case Z 09-05 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 June 3, 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 25<sup>th</sup> day of August, 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: August 28 and September 4, 2009

Effective Date:

EXHIBIT B

**Z09-05 Zoning Map**

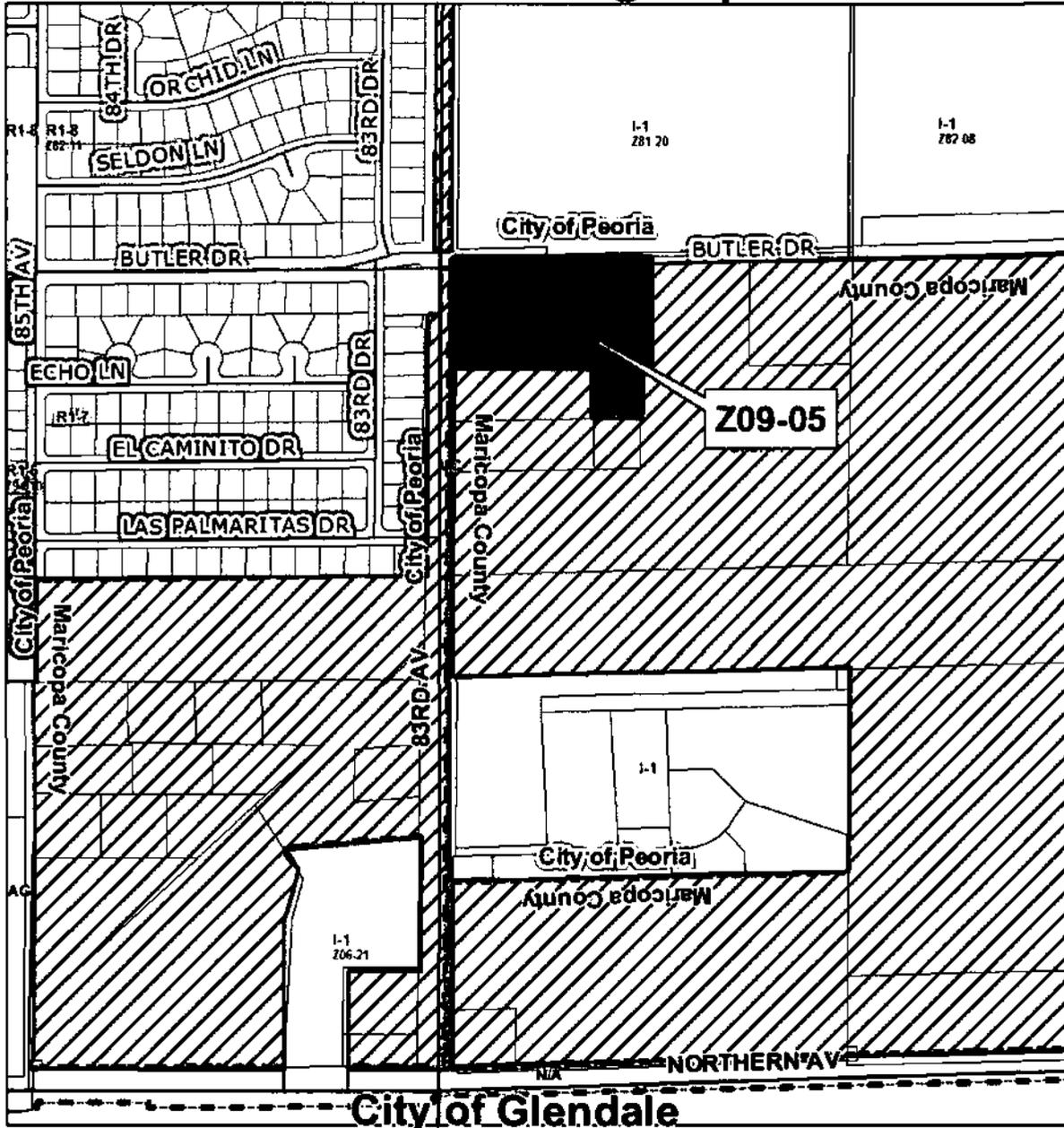


EXHIBIT C  
Initial Zoning (Z09-05)  
LEGAL DESCRIPTION

PARCEL NO. 1: (APN: 142-22-007J), PARCEL NO. 2: (APN: 142-22-007H) and PARCEL NO. 4: (APN: 142-22-007K)

THAT PORTION OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 3 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 35, FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION BEARS S00° 22'23"W, A DISTANCE OF 2635.87 FEET;

THENCE N88°22'51"E, ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION 35, A DISTANCE OF 55.03 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 83<sup>RD</sup> AVENUE PER DOCUMENT NO. 2001-0009179, RECORDS OF MARICOPA COUNTY, ARIZONA, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE, CONTINUING N88°22'51"E ALONG SAID MID-SECTION LINE, A DISTANCE OF 638.39 FEET;

THENCE S00°22'23"W, BEING PARALLEL WITH AND 693.00 FEET EAST OF THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 35, A DISTANCE OF 329.46 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35;

THENCE S88°22'45"W, ALONG SAID NORTH LINE, A DISTANCE OF 638.39 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE;

THENCE N00°22'23"E, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, BEING PARALLEL WITH AND 55.00 FEET EAST OF SAID WEST LINE, A DISTANCE OF 329.48 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 210,204 SQUARE FEET OR 4.826 ACRES, MORE OR LESS.

PARCEL NO. 3: (APN: 142-22-007D)

The East 150.09 feet of the North half of the South Half of the Northwest quarter of the Northwest quarter of the Southwest Quarter of Section 35, Township 3 North, Range 1, East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona  
Containing 24,707 Square feet, or 0.567 Acres, more or less.