

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

CC: 11R  
Amend No. \_\_\_\_\_

Date prepared: February 1, 2010

Council Meeting Date: March 2, 2010

TO: Carl Swenson, City Manager

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

THROUGH: Glen Van Nimwegen, AICP, Planning & Community Development Director 

THROUGH: Chris Jacques, AICP, Planning Manager 

PREPARED BY: Adam Pruett, AICP, Senior Planner

SUBJECT: City of Peoria General Plan 2010 – A request for the City Council to take action that places the General Plan on the August 2010 ballot for voter ratification.

**SUMMARY:**

On December 1, 2009, the City Council approved a Major General Plan Amendment that updated each element of the Plan in anticipation that the Plan would later be brought before the Council for formal acceptance and approval for placement on the August 2010 ballot for voter ratification in accordance with Arizona's Growing Smarter Legislation.

In an effort to minimize confusion for the voters, the City has taken the position that all non-City-initiated Minor and Major General Plan Amendments filed between October 15, 2009 and August 24, 2010 will be accepted and reviewed, but will not be advertised, noticed, or acted upon for a 'blackout' period that occurs between March 2, 2010, presumably when the Council formally approves the General Plan for placement on the August 2010 ballot, and August 24, 2010 when the election is held. This position may be modified only through interpretation by the City's Legal Department in conjunction with the City Clerk's Office.

*Request*

Assuming that earlier on this evening's agenda, the City Council voted to formally accept the City of Peoria General Plan 2010 and acknowledge it as the City's official General Plan, the City Council is now being asked to take action to formally place the General Plan on the August 2010 ballot for voter ratification in accordance with

**CITY CLERK USE ONLY:**

- Consent Agenda
- Carry Over to Date: \_\_\_\_\_
- Approved
- Unfinished Business (Date heard previous: \_\_\_\_\_)
- New Business

ORD. # \_\_\_\_\_ RES. # 2010-20  
LCON# \_\_\_\_\_ LIC. #  
Action Date: \_\_\_\_\_

**Arizona's Growing Smarter Legislation.**

**Recommendation:**

**The Mayor and Council approve and adopt the attached resolution that formally places the General Plan on the August 2010 ballot.**

**Attachments:**

- Resolution
- Proposed General Plan (routed via CD, under separate cover)
  - NOTE: *Hard copies are available upon request.*

RESOLUTION NO. 2010-20

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA FORMALLY PLACING THE GENERAL PLAN ENTITLED "CITY OF PEORIA GENERAL PLAN 2010" DATED JANUARY 2010 BEFORE THE PEORIA ELECTORATE IN THE AUGUST 2010 BALLOT PROCEEDINGS.

WHEREAS, in May 2001, the City of Peoria electorate, in accordance with the Growing Smarter and Growing Smarter "Plus" legislation, passed the City's current General Plan entitled "City of Peoria General Plan dated January 2001"; and

WHEREAS, every year since 2001, the General Plan has been amended by the City's approval of major and minor amendments to effect and incorporate legally required or otherwise necessary or desirable changes to the Plan, with the most recent major amendments having been approved in December 2009, all in accordance with the requirements contained in Title 9, Chapter 4, Article 6 of the Arizona Revised Statutes; and

WHEREAS, pursuant to Section 9-461.06 of the Arizona Revised Statutes, the "City of Peoria General Plan dated January 2001" was effective for up to ten years or through May 2011; and

WHEREAS, the City desires to readopt the "City of Peoria General Plan dated January 2001," as amended, as a new General Plan entitled "City of Peoria General Plan 2010," pursuant to Section 9-461.06 of the Arizona Revised Statutes; and

WHEREAS, the General Plan is a dynamic tool updated to adequately respond to changing shifts in market conditions, community goals and values and evolving transportation and land use conditions; and

WHEREAS, the Plan results from broad public input and reflects community vision. The Plan expresses the community desire to shape a desirable living environment and encompasses the general health, safety, and welfare of the entire City and its planning area, consistent with the requirement under the Arizona State Statutes; and

WHEREAS, the Plan provides a framework of goals, objectives, and policies for development of regulations to implement the Plan. The Plan provides a balance of land uses that will preserve and enhance neighborhoods, promote economic development, encourage redevelopment at appropriate locations, properly control land development

and protect natural resources; and

WHEREAS, the Plan provides sufficient availability and variety of opportunities for safe, decent and affordable housing in strong, cohesive neighborhoods to meet the current and future residents of Peoria; and

WHEREAS, the Plan promotes a multi-modal transportation system that will serve the community and region in a safe and efficient manner while minimizing adverse impacts to neighborhood, businesses and the natural environment; and,

WHEREAS, the Plan provides Capital Facilities to properly serve the community in a manner that enhances the quality of life and economic opportunities and provides for future needs; and

WHEREAS, the Plan provides a balanced, quality system of parks and recreational opportunities, open space and conservation measures and trails with internal and regional connectivity to serve the current and future residents and visitors of Peoria; and

WHEREAS, the provisions of Title 9, Chapter 4, Article 6 of the Arizona Revised Statutes, and amendments thereto, have been fully observed; and.

WHEREAS, the City's General Plan shall consist of map(s) and statement of community goals and development policies with descriptive text covering the objectives, principals and standards used to develop the essential elements of the plan; and

WHEREAS, the General Plan proposed for adoption includes:

1. A Land use element containing each item set forth in A.R.S. §9-461.05.C.1.(a),(b),(c),(d) and (e)
2. A Circulation element containing each item set forth in A.R.S. §9-461.05.C.2.
3. An Open Space Element containing each item set forth in A.R.S. §9-461.05.D.1. (a),(b) and (c).
4. A Growth area element containing each item set forth in A.R.S. §9-461.05.D.2. (a),(b) and (c).
5. An Environmental Planning Element containing each item set forth in A.R.S. §9-461.05.D.3.
6. A Cost of Development Element containing each item set forth in A.R.S. §9-461.05.D.4. (a) and (b)
7. A Water Resources Element containing each item set forth in A.R.S. §9-461.05.D.5.(a) and (b).
8. A Conservation Element containing each item set forth in A.R.S. §9-

461.05.E.1. (a),(b),(c),(d),(e) and (f).

9. A Recreation Element containing each item set forth in A.R.S. §9-461.05.E.2. (a),(b),(c),(d),(e),(f),(g) and (h).

10. A Public Services and Facilities Element containing each item set forth in A.R.S. §9-461.05.E.4.

11. A Public Buildings Element containing each item set forth in A.R.S. §9-461.05.E.5.

12. A Housing Element containing each item set forth in A.R.S. §9-461.05.E.6.

13. A Conservation, Rehabilitation and Redevelopment Element containing each of the elements contained in A.R.S. §9-461.05.E.7. (a),(b),(c) and (d)

14. A Safety Element containing each of the elements contained in A.R.S. §9-461.05.E.8.

15. A Bicycling Element containing each of the elements contained in A.R.S. §9-461.05.E.9

16. An Energy Element containing each of the elements contained in A.R.S. §9-461.05.E.10

17. A Neighborhood Preservation and Revitalization Element containing each of the elements contained in A.R.S. §9-461.05.E.11.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Peoria, Arizona find and determine that Notice has been given in the manner required by A.R.S. §9-461.05 of the proposal of the City to adopt a new general plan and that each of the required publications have been made in the Peoria Times, a newspaper of general circulation in the City; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the document consisting of the text, maps, and supporting materials encompassing the "City of Peoria General Plan 2010" is hereby adopted by the City Council of the City of Peoria for placement on the August 24, 2010 ballot; and

BE IT FURTHER RESOLVED, that the goals, objectives and policies contained in the "City of Peoria General Plan 2010" be implemented as policy, subject to an affirmative vote of the Peoria electorate; and

BE IT FURTHER RESOLVED, that the "City of Peoria General Plan 2010," as approved by an affirmative vote of the Peoria electorate, may need to be periodically amended to reflect changing community needs and conditions; and

BE IT FURTHER RESOLVED, that the "City of Peoria General Plan 2010," as approved by an affirmative vote of the Peoria electorate, shall be comprehensively updated on a ten-year cycle, or as deemed necessary by the City Council; and

BE IT FURTHER RESOLVED, that all matters affecting the rezoning or physical development of lands, shall be in general conformance to the "City of Peoria General Plan 2010," as approved by an affirmative vote of the Peoria electorate; and

BE IT FURTHER RESOLVED, that the proposed "City of Peoria General Plan 2010" as adopted by this Council shall be submitted to the qualified electors of the City of Peoria, as a referred item at the City Election to be held on August 24, 2010; and

BE IT FURTHER RESOLVED, that arguments in favor or in opposition to the proposed "City of Peoria General Plan 2010" may be submitted to the City Clerk of the City of Peoria, Arizona in the manner provided under Chapter 8 of the Peoria City Code (1992); and

BE IT FURTHER RESOLVED, that the City Clerk on behalf of the City shall include a general description of the proposed "City of Peoria General Plan 2010" and each of its elements in the publicity pamphlet that will be published for the election to be held on August 24, 2010 and such information as with other election information shall be translated into Spanish in accordance with the Voting Rights Act of 1965 as amended; and

BE IT FURTHER RESOLVED, that the City Clerk shall cause to be placed for public inspection copies of the proposed "City of Peoria General Plan 2010" in each of the following locations and shall post notice of such placement in the same manner as agenda's for meetings of public bodies in the City:

1. Planning & Community Development Department 9875 N. 85<sup>th</sup> Avenue, Peoria, Arizona 85345
2. Office of the City Clerk, 8401 West Monroe Street, Peoria, Arizona 85345
3. Peoria Public Library, 8463 West Monroe Street, Peoria, Arizona 85345
4. Sunrise Mountain Branch Library, 21200 North 83<sup>rd</sup> Avenue, Peoria, Arizona 85382; and

BE IT FURTHER RESOLVED, that the Mayor and Council shall canvass the election in the manner provided by law. Upon determination by the Mayor and Council of the City of Peoria, Arizona that a majority of the votes cast on the issue of the ratification of the proposed "City of Peoria General Plan 2010" were cast in favor and upon proclamation of the results by the Mayor, the proposed "City of Peoria General Plan 2010" shall be deemed approved and ratified by the qualified electors of the City of Peoria, Arizona; and

BE IT FURTHER RESOLVED, that In the event any part, portion or paragraph of this Resolution is found to be invalid by any court of competent jurisdiction, the invalidity

of such part, portion, or paragraph shall not affect any other valid part, portion, or paragraph of this Resolution and effectiveness thereof; and

BE IT FURTHER RESOLVED, that this Resolution shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 2<sup>nd</sup> day of March, 2010.

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

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

ATTEST:

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Mary Jo Waddell, City Clerk

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney