

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: _____
Amend No.: _____

Date Prepared: June 4, 2010

Council Meeting Date: July 6, 2010

TO: Carl Swenson, City Manager

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

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

SUBJECT: Initial Zoning Z09-04: Establish initial zoning of SR-43 on approximately 640 acres of privately-owned land located at the southeast corner of the 139th Avenue (Litchfield Road) and Dixileta Drive alignments.

RECOMMENDATION:

The Mayor and Council concur with the Planning and Zoning Commission recommendation to adopt the attached Ordinance to establish initial zoning on a recently annexed 640-acre property generally located at the southeast corner of 139th Avenue (Litchfield Road) & Dixileta Drive, thereby changing the zoning on the property from Maricopa County Rural-43 to City of Peoria SR-43.

SUMMARY:

The City has recently completed annexation activities on an annexation request near 139th Avenue & Dixileta Drive. 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.

Per State Statute, the initial corresponding zoning 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 SR-43 – a suburban ranch zoning classification with a one acre minimum lot size. This request is consistent with the State Statute.

No additional entitlement requests are being proposed or anticipated at this time.

CITY CLERK USE ONLY:

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

ORD. # _____ RES. # _____
LCON# _____ LIC. # _____
Action Date: _____

PLANNING & ZONING COMMISSION ACTION:

On June 3, 2010, at a public hearing, the Commission voted unanimously in favor of recommending approval of the request to establish initial City zoning for subject property that was annexed into the City of Peoria from Maricopa County. The zoning change would be from Maricopa County Rural-43 to Peoria SR-43.

ATTACHMENTS:

June 3, 2010 Planning & Zoning Commission Staff Report
Ordinance

CONTACT: Adam Pruett, AICP, Senior Planner, 623-773-5168



REZONING

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: Z 09-04

DATE: June 3, 2010

AGENDA ITEM: 6R

Applicant: City of Peoria

Request: Establish equivalency zoning for a 640-acre property recently annexed into the City of Peoria from Maricopa County. This request would rezone the property from Maricopa County Rural-43 to City of Peoria SR-43.

Location: The site is generally located at the southeast corner of 139th Avenue & Dixileta Drive alignment(s) and is more accurately described as APN 503-52-034, -036, -037A, -037B, -037C, -038C, -038D, -038E, -038G, -038J, -038K, -038L, -039, -040.

Site Acreage: 640 gross acres.

Support / Opposition: As of the date of this printing, Staff has not received any public comment in support or opposition to this proposal.

Recommendation: **Approve** the initial zoning request.

AREA CONTEXT

Table 1: Existing Land Use, Current Zoning

LAND USE		GENERAL PLAN	ZONING
Subject Property	Vacant	Residential Low Density (2-5 du/ac, target of 3 du/ac)	County Rural-43
North	Vacant (zoned for single-family residential)	Residential Low Density (2-5 du/ac, target of 3 du/ac)	Planned Area Development (PAD)
South	Vacant	Residential Low Density (2-5 du/ac, target of 3 du/ac)	County Rural-43
East	Single-family residential (Vistancia)	Residential Low Density (2-5 du/ac, target of 3 du/ac)	Planned Community District (PCD)
West	Vacant	Residential Low Density (2-5 du/ac, target of 3 du/ac)	County Rural-43

BACKGROUND / ANALYSIS

1. On May 4, 2010 the City Council adopted Ordinance 2010-10 which provided for the annexation of approximately 640 acres near 139th Avenue & Dixileta Drive alignments.
2. Pursuant to A.R.S. §9-471.D and Section 14-4-3 of the Peoria City Code, the City must establish equivalent City zoning to the annexed property within six (6) months following the official adoption of the annexation. The initial corresponding zoning 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 SR-43, a suburban ranch zoning classification with a one-acre minimum lot size. This request is consistent with the State Statute.
3. No additional zoning requests are being proposed or anticipated at this time.

RECOMMENDATION

4. Based on the following findings:
 - The initial zoning request is mandated by the State Laws on annexation of properties into a municipal jurisdiction.
 - The proposed initial zoning of Peoria SR-43 is similar in density and character as permitted by the County under the County's Rural-43 district.
 - The proposed zoning district is in conformance with the goals and objectives set forth in the Peoria General Plan.

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

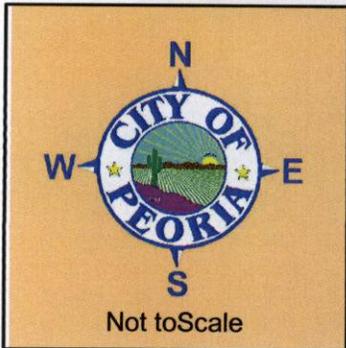
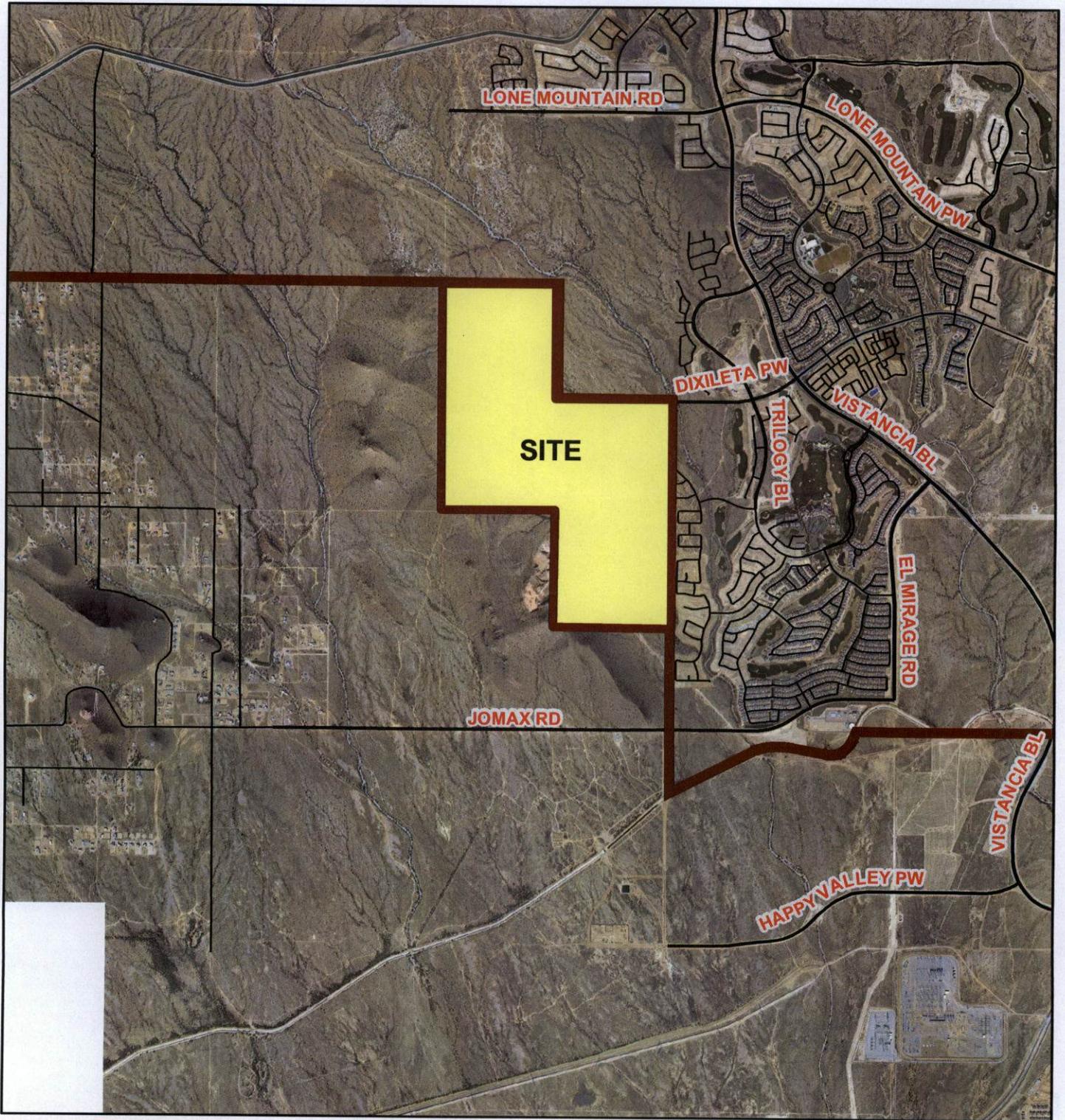
Recommend to the City Council approval of Z 09-04, establishing the initial zoning of property as City of Peoria SR-43.

Attachments

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

Prepared by:
Adam Pruett, AICP, Senior Planner

Z09-04 CONTEXT MAP



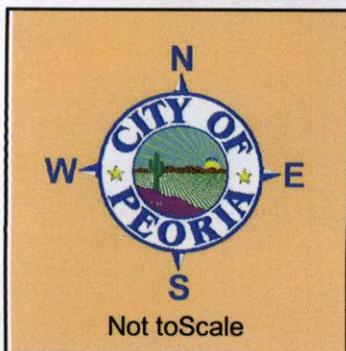
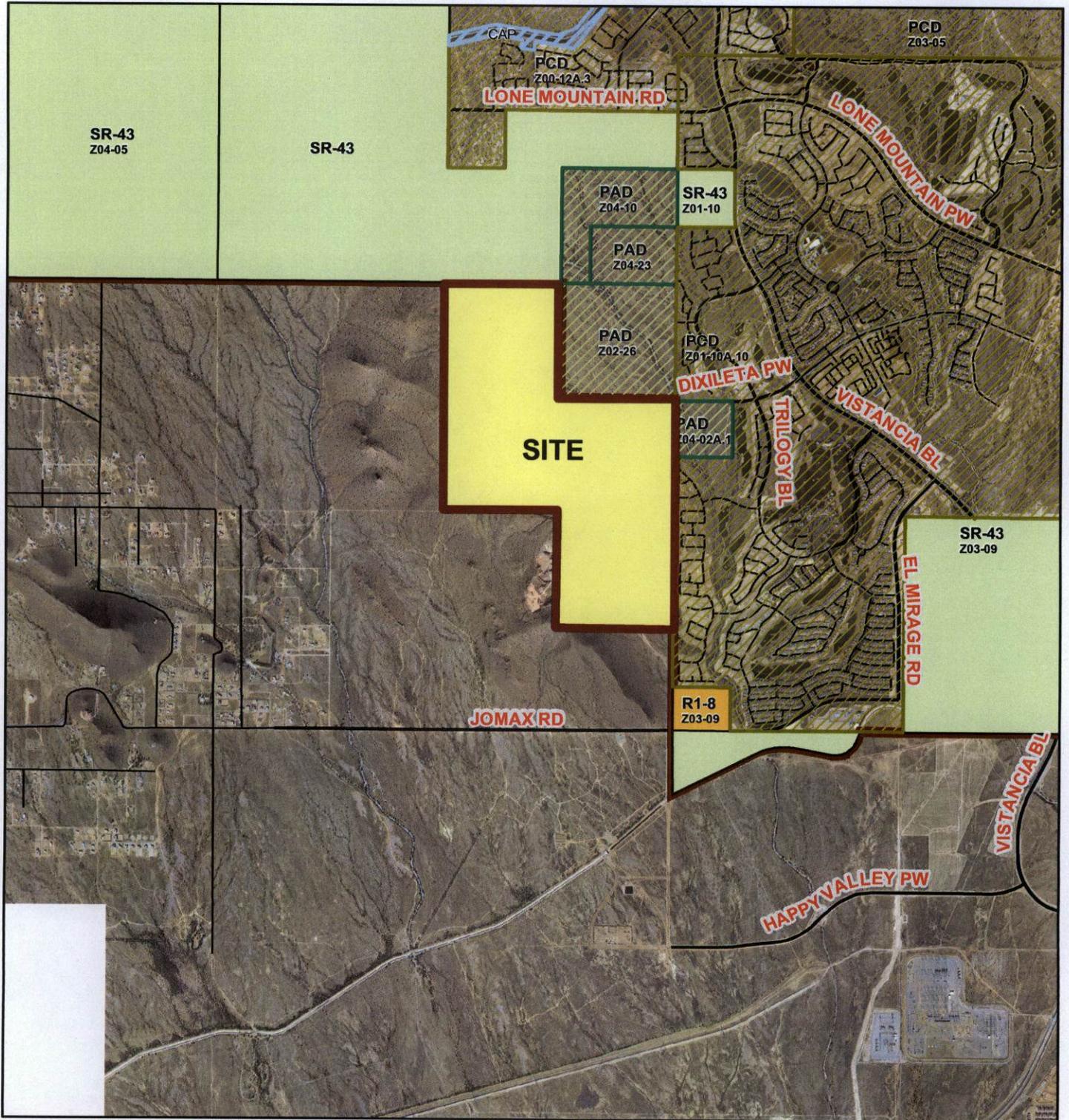
Z09-04

Request: SEC of 139th Avenue & Dixileta Parkway alignments
Rezone from County Rural-43 to City of Peoria SR-43

Approximately 640 acres

Exhibit A

Z09-04 ZONING MAP



Z09-04

Request: SEC of 139th Avenue & Dixileta Parkway alignments
Rezone from County Rural-43 to City of Peoria SR-43

Approximately 640 acres

Exhibit B

LEGAL DESCRIPTION

ANNEXATION OF A PORTION OF SECTION 27 AND 34, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHWEST, SOUTHWEST AND SOUTHEAST QUARTERS OF SAID SECTION 27;

TOGETHER WITH THE NORTHEAST QUARTER OF SAID SECTION 34;

EXCEPT ANY PORTION THAT HAS HERETOFORE BEEN ANNEXED BY THE CITY OF PEORIA.

Page 1 of 2

Title: Annexation 08-02

Preparing Firm: City of Peoria

Address: 8401 W. Monroe St.

Phone: 623-773-7210

Fax: 623-773-7211



Exhibit C

ORDINANCE NO. 2010-14

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 3, 2010 in zoning case Z 09-04 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 May 14, 2010; 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 number of parcels of land in Peoria, Maricopa County, Arizona, which are more accurately described in Exhibit A to this Ordinance, are 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 A.

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 6th day of July, 2010.

Bob Barrett, Mayor

Date Signed

ATTEST:

Mary Jo Waddell, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in: Peoria Times Pub. Dates: July 9 and July 16, 2010

Effective Date:

EXHIBIT A

LEGAL DESCRIPTION

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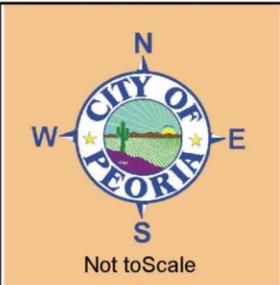
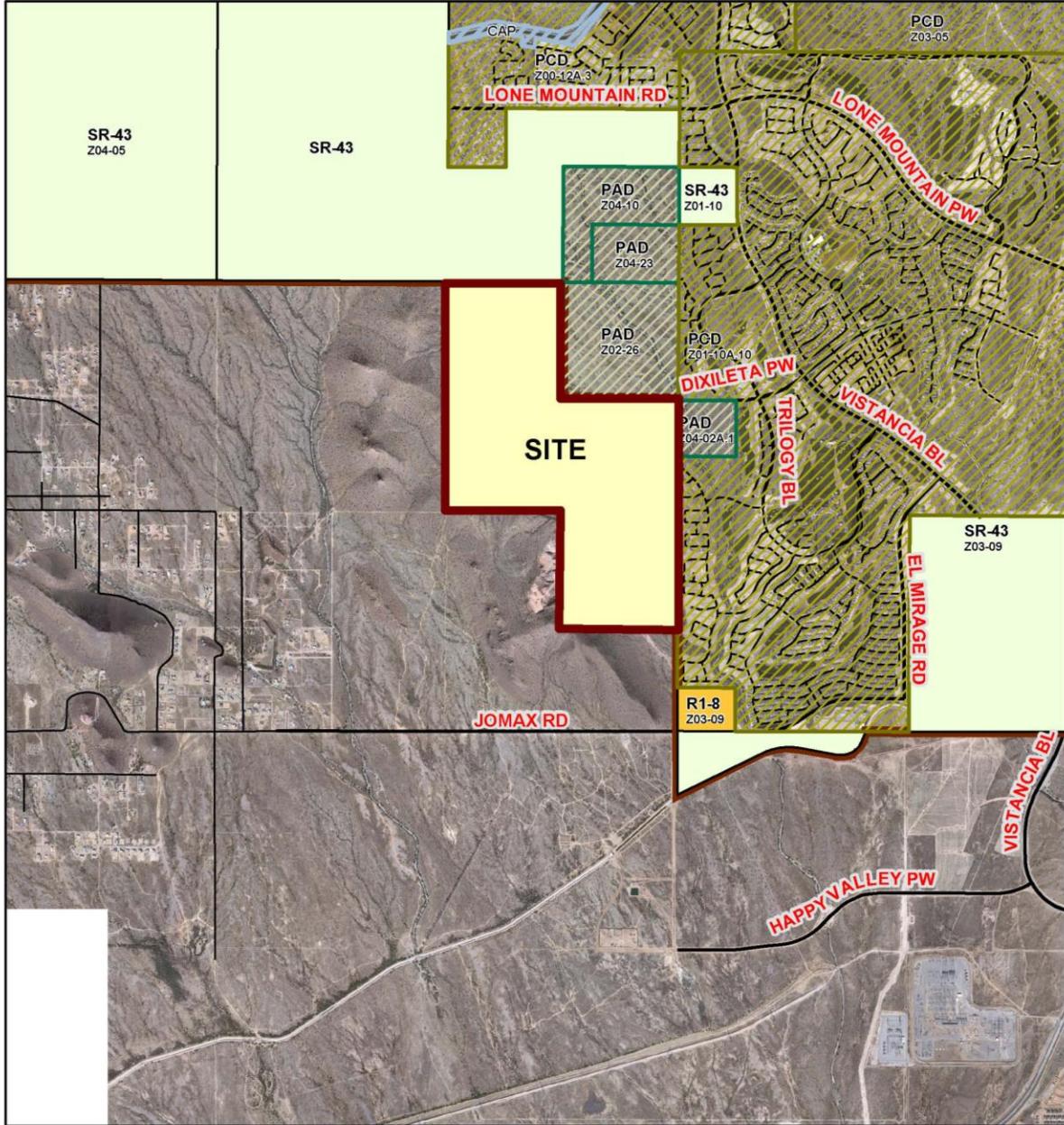
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Z09-04 ZONING MAP



Z09-04

Request: SEC of 139th Avenue & Dixileta Parkway alignments
Rezone from County Rural-43 to City of Peoria SR-43

Approximately 640 acres

Exhibit B