

**Exhibit 5**  
DRAFT ORDINANCE

ORDINANCE NO 2023-07

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REZONING SPECIFIED PROPERTY FROM ACACIA VILLAGE PLANNED AREA DEVELOPMENT (PAD) TO THE STREAMLINER 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 April 20, 2023 in zoning case Z05-24A.1 in the manner prescribed by law for the purpose of considering an amendment to the zoning district of a property within the City of Peoria, Arizona, to provide for rezoning of a parcel of land as described below, from Acacia Village Planned Area Development (PAD) to the Streamliner Planned Area Development (PAD) zoning district, as provided in Section 21-317 of Chapter 21 of the Peoria City Code;

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 March 30, 2023; 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. Parcels of land in Peoria, Maricopa County, Arizona, which are more accurately described in Exhibits A and B, to this Ordinance are hereby rezoned from Acacia Village Planned Area Development (PAD) to the Streamliner Planned Area Development (PAD) zoning district.

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

1. The Conditions of Approval contain herein, supersede all previous Conditions of Approval incorporated with the approval of Case No. Z05-24.
2. The development shall substantially conform to the Peoria Streamliner Planned Area Development Standards and Guidelines Report, Rezoning Justification Report for Z05-24.A1, and Site Plan contained within the April 20, 2023 Planning and Zoning Commission Report.

3. The maximum density allowed on Development Site 1 as indicated on the Site Plan contained within the April 20, 2023 Planning and Zoning Commission Report shall not exceed 190 dwelling units. The total number of dwelling units shall be proportionally reduced to reflect any reduction of the gross lot area of Development Site 1 is reduced below 6.21 gross acres.
4. The Public Open Space Enhancements as described on the Site Plan are to be constructed with the first phase of development of the property.
5. The street improvements (curb, gutter, sidewalks, pavement, striping, right-of-way landscaping, and pedestrian benches) is to be constructed with the first phase of development of the property.
6. The west driveway on Peoria Avenue shall be gated and limited to emergency-only access.
7. The eastern driveway on Peoria Avenue shall be limited to right-in and right-out only movements. The developer shall construct a raised traffic turn diverter island and provide all right-turn only and related signs required by the City Engineer or designee with the first phase of development of the site.
8. A maximum of one driveway access to 87th Avenue shall be allowed for each Development Site identified on the Site Plan.
9. The property owners of each development site shall be responsible for maintenance, and replacement when required by the Zoning Administrator, of the pedestrian benches in the Peoria Avenue right-of-way that are to be constructed with the first phase of development of the property.
10. All trees planted with the development between the south property line and the adjacent parking shall have a minimum boxed size of 24 inches at the time of planting.
11. The Developer shall comply with all City of Peoria engineering design standards, policies, and requirements at the time of development and final engineering submittal.

SECTION 3: The City of Peoria zoning map is herewith amended to reflect the change in districts referred to in Section 1 above and as defined by the Legal Descriptions as represented in Exhibit A, and the corresponding parcel map as shown as Exhibit B, including the abutting half-street right-of-ways abutting the property.

SECTION 4: If any section, subsection, sentence, clause or phase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5: 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 May 16, 2023.

\_\_\_\_\_  
Jason Beck, Mayor

\_\_\_\_\_  
Date signed

ATTEST:

\_\_\_\_\_  
Lori Dyckman, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Emily Jurmu, City Attorney

Published in: Peoria Times  
Publication Date:

Effective Date: \_\_\_\_\_

**Exhibit A**  
**Legal Description**

A PORTION OF LOTS 40 AND 41, ALTALOMA, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 5 OF MAPS, PAGE 19, BEING LOCATED WITHIN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA & SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 27;

THENCE SOUTH 0 DEGREES 22 MINUTES 10 SECONDS WEST, ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 33.41 FEET;

THENCE NORTH 89 DEGREES 37 MINUTES 50 SECONDS WEST, A DISTANCE OF 30.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF 87<sup>TH</sup> AVENUE AND THE **POINT OF BEGINNING**;

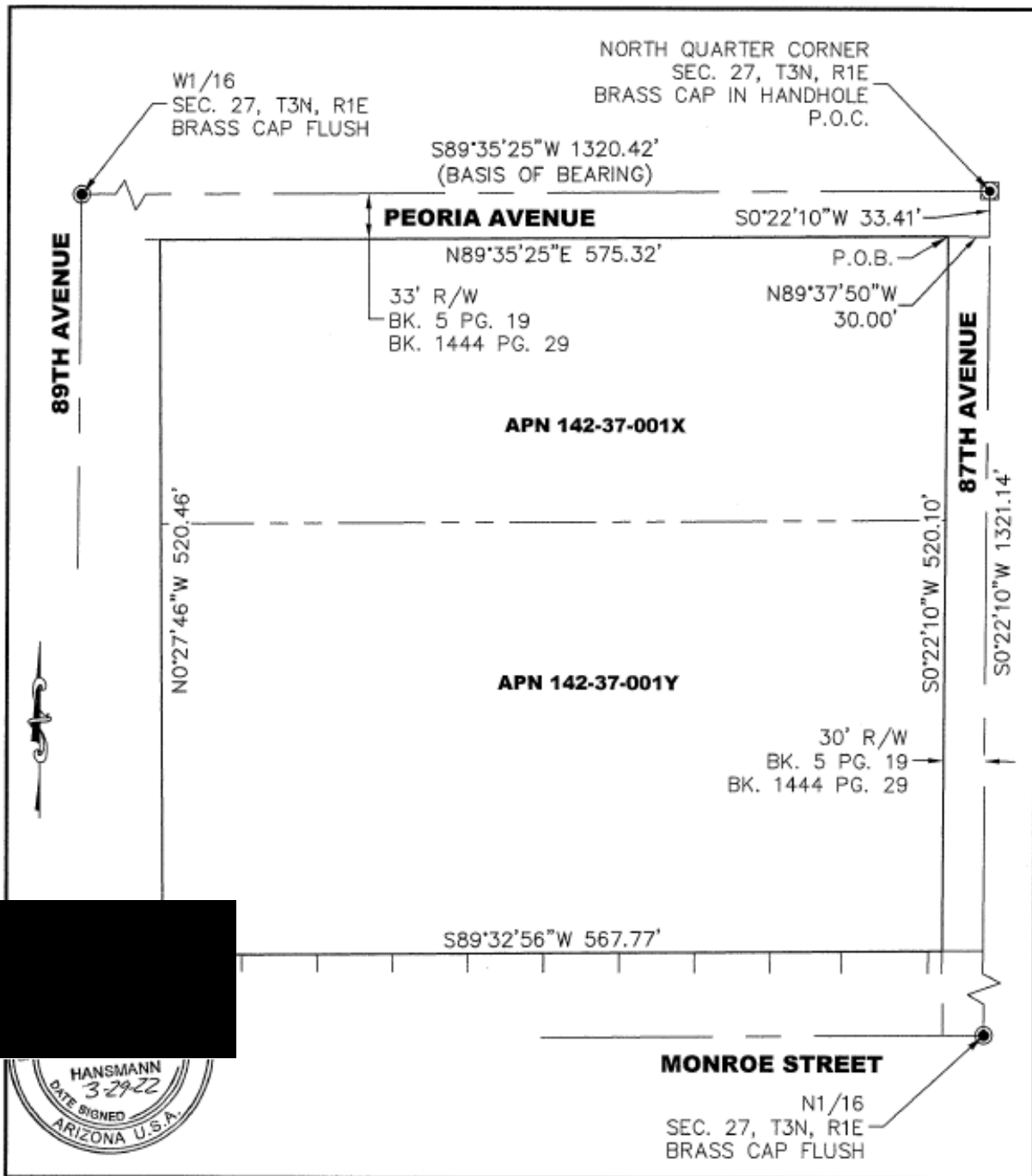
THENCE SOUTH 00 DEGREES 22 MINUTES 10 SECONDS WEST, ON THE WESTERLY RIGHT OF WAY OF 87<sup>TH</sup> AVENUE, A DISTANCE OF 520.10 FEET;

THENCE SOUTH 89 DEGREES 32 MINUTES 56 SECONDS WEST, A DISTANCE OF 567.77 FEET;

THENCE NORTH 0 DEGREES 27 MINUTES 46 SECONDS WEST, A DISTANCE OF 520.46 FEET TO THE SOUTHERLY RIGHT OF WAY OF PEORIA AVENUE;

THENCE NORTH 89 DEGREES 35 MINUTES 25 SECONDS EAST, ON THE SOUTHERLY RIGHT OF WAY OF PEORIA AVENUE, A DISTANCE OF 575.32 FEET TO THE **POINT OF BEGINNING**.

**Exhibit B  
 Parcel Map**



**SIG** SURVEY INNOVATION GROUP, INC.  
 Land Survey Services  
 22425 N 16TH STREET SUITE #1  
 PHOENIX, AZ 85024

A RICK ENGINEERING COMPANY

LEGAL DESCRIPTION			
87TH AVE. & PEORIA AVE.			
CITY, ARIZONA			
DRAWING:	6190_LEGAL.DWG		
JOB#	P6190	SCALE: 1"=100'	SHT: 1 OF 1
DRAFTER:	JPH	CHK: JAS	DATE: 3/28/22