

Exhibit 3
DRAFT ORDINANCE

ORDINANCE NO 2024-02

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REZONING SPECIFIED PROPERTY FROM CARIOCA LAKE PLEASANT PARKWAY PLANNED AREA DEVELOPMENT ZONING DISTRICT TO CARIOCA LAKE PLEASANT PARKWAY PLANNED AREA DEVELOPMENT 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 January 18, 2024 for zoning Case Z19-05A.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 Carioca Lake Pleasant Parkway Planned Area Development District to the Carioca Lake Pleasant Parkway Planned Area Development 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 December 28, 2023; and

WHEREAS, in accordance with Arizona Revised Statute 9-462.01.E, the City of Peoria finds that the subject ordinance would not have a direct impact on the cost to construct housing for sale or rent within the City of Peoria.

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 Carioca Lake Pleasant Parkway Planned Area Development District to the Carioca Lake Pleasant Parkway Planned Area Development Zoning District.

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

1. The development shall substantially conform to the Carioca Co. Planned Area Development (PAD) Standards & Guidelines Report, and Project Narrative contained within the January 18, 2024 Planning and Zoning Commission staff report, except as modified herein.
2. The development shall be limited to one (1) drive-thru/drive-up business within two-hundred (200) feet of the Lake Pleasant Parkway ROW and no more than two (2) such businesses within the overall project. Additionally drive-thru/drive-up buildings and their associated appurtenances shall not be located along or within one-hundred fifty (150) feet of the Primary Themed Entry.
3. The development shall comply with all City of Peoria Engineering, Building and Fire standards, policies, codes and requirements at the time of building and civil improvement plan submittal, unless otherwise approved herein.
4. The initial phase of development ("Planning Unit I" as identified in the PAD Standards and Guidelines Report) may be served by groundwater wells and sewer septic systems until such a time as City water and sewer services are available to the site. At such time, Planning Unit I development shall be required to connect to City services and all temporary infrastructure shall be abandoned or remediated in accordance with City of Peoria standards, unless otherwise approved by the Water Services Director.
5. "Planning Unit II" as identified within the PAD Standards and Guidelines Report may be served by groundwater wells and sewer septic systems if the land use is restricted to RV/Boat Storage. No additional land uses or development shall occur within Planning Unit II until such time as it is connected to City water and sewer in accordance with Condition of Approval 4 of this Exhibit, unless otherwise approved by the Water Services Director.
6. Development within "Planning Unit III" as identified within the PAD Standards and Guidelines Report shall be required to connect to existing City of Peoria water and sewer infrastructure, unless otherwise approved by the Water Services Director.
7. The area identified as "Planning Unit III" shall be not less than 5.0 acres in size after the dedication of adjacent rights-of-way.
8. Landscaping and themed screen wall along Lake Pleasant Parkway for Parcel 1 shall be limited to the street frontage adjacent to the Gas Station. Subsequent landscaping and themed screen wall along Lake Pleasant

Parkway frontage shall be installed with the phase adjacent to that frontage or as otherwise approved by the Planning Director.

9. The Developer shall construct a minimum five (5) foot decomposed granite pathway along Lake Pleasant Parkway from the Gas Station to the Old Carefree Highway as part of Phase 1 improvements. The pathway may be replaced or supplemented with sidewalk during subsequent phases of development in conjunction with installation of landscape improvements along Lake Pleasant Parkway, unless otherwise approved by the City Engineer.
10. The Developer shall provide right-of-way (R/W) dedication for the following roadway(s):

150-ft R/W for Lake Pleasant Parkway (Full Street)
130-ft R/W for Old Carefree Highway (Full Street)
11. The Developer shall provide a Master Traffic Impact Study/Analysis with the Site Plan application for Phase 1. An updated Traffic Impact Study/Analysis may be required with each subsequent phase of development as approved by the City Engineer.
12. A raised median shall be constructed on Lake Pleasant Parkway adjacent to, and in front of any driveway location on the Carioca site that is not designated as full-access as determined by the approved Traffic Impact Analyses/Study. The median shall be designed and constructed in a manner to sufficiently deter unwanted access as approved by the City Engineer.
13. The Developer shall provide cross access to the State Land parcel to the north, as approved by the City Engineer.
14. The Developer is responsible for twenty five percent (25%) of the design and construction cost of a traffic signal at Lake Pleasant Parkway and Old Carefree Highway. This shall be due prior to the issuance of any permits for any phase adjacent to, or accessing, Old Carefree Highway. The cost shall be determined based on a sealed engineer's estimate prepared at the time of development accessing or fronting Old Carefree Highway.

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.

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 _____ day of _____, 2024.

Jason Beck, Mayor

Date signed

ATTEST:

Agnes Goodwine, City Clerk

APPROVED AS TO FORM:

Emily, Jurmu, City Attorney

Published in: Peoria Times

Publication Date: _____

Effective Date: _____

Exhibit A
Legal Description

Lots 1 and 2 of the Final Plat of "Lake Pleasant Convenience Store" according Book 1667, Page 32, Records of Maricopa County, together with Maricopa County Assessor Parcel Number 201-01-003L, all located in the southeast quarter of Section 3, Township 5 North, Range 1 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona

**Exhibit B
Parcel Map**

