



# PLANNING & ZONING COMMISSION

## STAFF REPORT

Meeting Date: 9/5/2024

Agenda Item(s): 5R

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**TO:** Planning and Zoning Commission

**THROUGH:** Chris M. Jacques, AICP, Planning Director

**FROM:** Rob H. Kuhfuss, Senior Planner

**SUBJECT:** Prestige Homes (Z21-08)  
NEC of Lake Pleasant Parkway and Jomax Road

### ***PROPOSAL***

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Proposal to rezone approximately 21 acres of land from General Agriculture (AG) to the Prestige Planned Area Development Zoning District.

### ***APPLICATION INFORMATION***

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**Case Number:** Rezoning (Case Z21-08)

**Applicant:** Michael Maerowitz of Snell & Wilmer on behalf of Rapido Lands, et.al.

**Request:** Rezone of approximately 21 acres from General Agriculture (AG) to Prestige Planned Area Development (PAD)

### ***BACKGROUND AND CONTEXT***

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The subject site is located at the northeast corner of Lake Pleasant Parkway and Jomax Road, and consists of approximately 21 acres as outlined on **Exhibit 2**.

#### *Context:*

The subject site is irregularly shaped, consisting of four separate parcels, which will be combined into a single parcel through a future Final Plat should the request be approved. The site is generally flat vacant desert although it is bisected by the Happy Valley Wash.

Lake Pleasant Parkway bounds the subject site on the west. On the west side of Lake Pleasant Parkway is the future Hilton and Marriott hospitality center, an existing assisted living facility, an existing emergency care center, and then the Pleasant Valley Estates single-family residential community.

North of the subject site are three vacant parcels. The southern two (of those three adjacent parcels) are the subject of a proposed and separate rezoning case known as "Evergreen Commercial" (Z24-01), which is currently under review.

East of the subject site is the Cibola Vista development. Within Cibola Vista, directly east of the site, is an existing single-family custom home subdivision. Due north of the subdivision is a vacant parcel which is the subject of a proposed zoning amendment to allow for a multi-story multi-family complex, known as "Resort Residences at Cibola Vista" (Z00-10A.6).

South of the subject site is Jomax Road followed by a religious facility and a vacant site that is proposed as a medical office complex site known as Cielo Vista. A more detailed view showing the subject site in relation to its surroundings is shown in **Exhibit 3**.

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### ***APPLICANT'S PROPOSAL***

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The Applicant proposes a 179-unit multifamily (or single-family for rent) project on the site, known as Prestige Homes. The proposal features one- and two-story structures, which are expected to be architecturally consistent with the character of the surrounding single-family neighborhoods. As noted within the Applicant's Project Narrative, the project will include resort-inspired amenities, such as a fitness center, swimming pool and spa (featuring lounge chairs, ramada with flat screen TV and fireplace), community barbeque, leasing office, and substantial active and passive open space areas. **(Exhibit 7)**

#### **DEVELOPMENT INFORMATION:**

<u>Existing Use:</u>	Vacant/undeveloped
<u>Proposed Use:</u>	179-unit multifamily complex
<u>Property Size:</u>	Approx. 21 acres
<u>Existing General Plan Land Use</u>	Urban Residential (12+ du/ac), Waterway, Park/Open Space
<u>Existing Zoning</u>	General Agriculture (AG)
<u>Proposed Zoning</u>	Planned Area Development (PAD)

### ***STAFF ANALYSIS***

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#### **ZONING HISTORY AND PROPERTY HISTORY:**

The subject site was part of a larger annexation approved by the City Council on November 14, 1989 (*Ordinance #89-34*) and was granted the initial zoning designation of General Agriculture (AG) on July 10, 1990 (*Ordinance #90-23*).

On November 12, 2019, the City Council approved a comprehensive update to the Peoria General Plan (*Resolution #2019-134*). As part of that effort, there were several changes to the Future Land Use Map, including the modification of the subject site from *Residential Low* (2-5 du/ac) to *Urban Residential* (12+ du/ac). Upon approval by City Council, the 2040 General Plan was forwarded to and ratified by the voters in the fall of 2020.

#### **LAND USE PERSPECTIVE:**

Prior to the General Plan update in 2019, the subject site had a designation of *Residential Low* with an associated density range between two (2) to five (5) dwelling units per acre, which is associated with single-family subdivisions. However, during the update to the General Plan, the designation was modified to *Urban Residential* (12+ dwelling units per acre) in an attempt to account for the site's physical constraints. In particular, these constraints included traffic access concerns, limited pedestrian connectivity, fractured ownership, adjacency to an arterial roadway and parkway intersection, along with a sizeable wash that bisected the property. Of these, the lack of coordinated traffic access between the parcels and the bifurcation by the wash presented the greatest challenges to the developability of this site.

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From an access perspective, the Lake Pleasant Parkway corridor is designated as the City's highest, most intense roadway classification possible, known as a "Limited Access Parkway". The City's General Plan defines parkways as major roadways that provide connectivity between adjacent communities by moving large volumes of traffic though maintained access control measures. From an access management standpoint, greater limitations are placed on properties along designated parkways in order to maintain the street's efficiency in moving traffic safely. These restrictions can take the form of greater spacing between intersections and driveways, along with concerted efforts to minimize conflicting turning movements or quick reductions in speed at driveway locations. Given their higher trip volumes, parkways such as Lake Pleasant, are not ideal for providing direct access to single family residential subdivisions, which is reflected in the City's Access Management Guidelines. Therefore, having the previous *Residential Low* single-family designation along Lake Pleasant was not ideal from a traffic management standpoint.

From a physical constraint's perspective, the Happy Valley Wash bifurcates these parcels and incurs a sizeable amount of water flowing through its banks during a storm event. Given the required buffer and protections needed for the wash, this further constrains the site and overall viability of the parcels unless the properties were to be assembled and developed in a cohesive manner. While access and the wash constraints were prevailing considerations, one positive aspect was that adequate utilities existed within the area.

In light of the access and physical constraints, along with the existing infrastructure in the surrounding area, the category of *Urban Residential* (12+ dwelling units per acre) was proposed during the General Plan update. In part, this category was selected because it had the potential to retain some semblance of the residential disposition and character of the surrounding community while allowing a range of housing products that could better respond to the physical constraints onsite. This land use category was also seen as a better transition and buffer between the more intense arterial/parkway intersection and the lower intensity of the single-family community east of the subject site. As noted above, the General Plan land use change was approved by Council and later ratified by the voters in November 2020.

While the *Urban Residential* land use category was thoughtfully selected, there has since been direction from City Council to refocus efforts on building up the economic footprint within the city, including along Lake Pleasant Parkway where the infrastructure is already in place to support commercial development. These efforts directly correlate with the continued commercial and retail growth seen within the area, and particularly along the Lake Pleasant corridor. For example, the southeast corner of Lake Pleasant Parkway and Jomax Road recently received rezoning approval by Council to accommodate future medical offices. Additionally, two future hotels and retail shops will now be located at the northwest corner of the same intersection. Looking further down the corridor, there is continued retail build out within the 'Four Corners' area at Lake Pleasant Parkway and Happy Valley, approximately 1 mile south of the site. Most recently, the city collaborated with the owners of the former Peoria Regional Medical Center to redesignate their land use category on the General Plan to one that expands commercial and retail opportunity on the parcel, while still maintaining opportunity for medical uses. It is hopeful this collaboration will shorten the timeframe for bringing this property to market faster, thereby further solidifying the economic opportunity along the corridor.

Collectively, these are just some of the more recent examples that demonstrate renewed commercial market interest along Lake Pleasant Parkway. However, this moment best illustrates the overarching

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intent of the City's General Plan, which is to serve as a "living document" that can and should be adjusted to accommodate the future vision of the city based on the factors that go into the contextual evaluation, which can change in a short amount of time as seen here. That is why when staff evaluates the appropriateness of a General Plan land use category, it is not only the physical features of the site, but also the infrastructure around the site, the needs of the community, the development and character of the area, and the City Council priorities which function as a proxy for the will of the citizens.

Given these factors, staff would have likely sought a subsequent land use category change for the site as part of the 2024 Major General Plan cycle. With that said, the Applicant formally submitted this rezoning request in 2021, not long after the 2020 General Plan ratification. Because of the site complexities, it has taken considerable time and effort by the Applicant Team to mitigate concerns where possible, which is further elaborated on below. Given their steadfast pursuit towards overcoming these challenges, it would be inappropriate at this juncture for staff to analyze the request beyond its level of consistency and conformance with the General Plan, and by extension, the existing *Urban Residential* land use classification, which is presented for consideration below.

### **CONFORMANCE WITH THE PEORIA 2040 GENERAL PLAN:**

The majority of the subject property is currently designated as *Urban Residential*, which calls for a residential density of 12 or more dwellings per acre. As described in the City of Peoria 2040 General Plan, the *Urban Residential* land use category is intended to serve as a buffer between high-intensity commercial (or non-residential) uses and single-family uses. The proposed rezoning effort seeks to accomplish the intent of the land use designation with a slightly lower density, compared to what is contemplated by the existing General Plan, at approximately 10.5 dwelling units per acre. The subject proposal also provides for a transition from the intensity of Lake Pleasant Parkway to the single-family residential existing to the east of the subject site.

As noted above, the current land use designation was placed on the property prior to recent commercial development efforts along the Lake Pleasant Parkway corridor; however, the Prestige project seeks to recognize and adapt to the limited access controls to Lake Pleasant Parkway in a manner that is similar to what a commercial development could achieve. This includes the contemplation of a shared access point with the proposed Evergreen Commercial rezoning application (Z24-01) immediately to the north, which is discussed in more detail below.

While the majority of the site is designated as *Urban Residential*, the Happy Valley Wash that bisects the site from the southwest to the northeast contains designations of both *Waterway* and *Park Open Space*. These land use designations anticipate the wash feature remaining largely intact to provide for passive recreation and wildlife movement through the area. To enhance that amenity, the Applicant proposes a public access trail along the eastern edge of the wash corridor, that will allow for continued pedestrian access through the site along the wash corridor.

When analyzing the goals and policies of the General Plan, staff notes that the proposal advances the following policies and principles:

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- Housing Stock, Policy HS-1 - Distribute a variety of housing types throughout the City to expand the choices available to meet the financial and lifestyle needs of Peoria's diverse population.
- Balanced Land Uses, Policy LUC-4 – Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, cycling, and transit opportunities.
- Balanced Land Uses, Policy LUC-3 – Integrate a variety of compatible land uses into new and established neighborhoods to provide residents with convenient access to goods, services, and other community amenities.
- Healthy Neighborhoods, Policy OS-7 – Create, preserve, and manage biologically rich, connected opens space; wildlife and plant habitat; and wildlife corridors, including natural washes and pockets of native vegetation, while working to eradicate invasive species.
- Smart Growth Principles: Human Scale / Compatibility – A fundamental component of smart growth communities is design focus on human-scale and the resulting compatibility between land uses. Thoughtful and effective transitions in land use address visual and other impacts associated with land uses of a different intensity or character.

As referenced by the above policies and principles, the proposed rezoning request seeks to align with the General Plan Land Use designation of *Urban Residential*, and the proposed rezoning implementation provides an opportunity to address the aforementioned policies by providing a compatible transition land use that would accommodate a housing option that largely does not exist in the area. As such, staff finds the proposal to be in conformance with the General Plan.

### **ZONING AND DEVELOPMENT STANDARDS:**

The proposed rezoning request seeks to rezone the property from the current General Agricultural (AG) Zoning District to a Planned Area Development (PAD) zoning district. A PAD is an alternative to the city's traditional zoning districts (e.g. Multi-Family Residential (RM-1)) wherein development standards can be tailored to respond to site or topographical conditions, contextual circumstances in the area. PADs can otherwise promote a creative and efficient approach to land development. More specifically, an applicant may propose a tailored list of permitted uses or development standards based on site and land use needs.

The existing AG zoning on the site does not accommodate the proposed multi-family use. The standard zoning district that would otherwise accommodate the proposed multi-family use is RM-1; however, the development standards within RM-1 are not conducive to the development as it is currently proposed given the irregular shape of the site and the wash that bifurcates the site. As a result, the applicant proposes deviations from what would otherwise be the typical Multi-Family Residential RM-1 development standards to address the specific development format of this project. The proposed development standards for Prestige are detailed in **Exhibit 7**, and are summarized in Table 1 below, with departures from the RM-1 zoning district development standards in **bold**:

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<b>Table 1 – Proposed Development Standards</b>		
<b>Standards</b>	<b>RM-1</b>	<b>Prestige PAD (proposed)</b>
Maximum Density (du/acre)	18-25	<b>10.5</b>
Maximum Building Height	48 Feet*	<b>30 Feet / 2-stories **</b>
Southern Boundary Setback	10 Feet	<b>45 Feet</b>
Northern Boundary Setback	10 Feet	<b>18 Feet</b>
Western Boundary Setback	10 Feet	<b>38 Feet ***</b>
Eastern Boundary Setback	5 Feet	<b>20 Feet</b>
Landscape Buffer - West	45 Feet	<b>25 Feet minimum along not more than 20% of street frontage, 85 Feet average</b>
Landscape Buffer - East	15 Feet	<b>5 Feet</b>
<b>Notes:</b>		
*	Maximum thirty (30) feet height within thirty (30) feet of any Single-Family Residential District. Height may be increased by one (1) foot for every three (3) feet of additional setback, up to a maximum of 48-feet.	
**	Maximum of 20 feet and one story within 60 feet of east property line.	
***	Minimum 5-foot stagger required along Lake Pleasant Parkway	

### *Amenities:*

The City of Peoria’s Community Design Guidelines prescribes the minimum number of amenities required for a multi-family development based on the number of units within the proposed development. For developments with 100 – 199 units (as proposed with the subject site), the development must contain a minimum of two (2) primary amenities, and two (2) secondary amenities. These amenity designations are intended to speak to the scope and scale of an amenity rather than state the specific amenity that must be provided. Primary amenities consist of elements such as pools, and fitness centers while secondary amenities consist of elements such as community gardens or lawn game spaces. The proposed development specifically prescribes a minimum of four (4) amenities within the development. The proposal exceeds the minimum number of amenities required for a development of this size. As noted within the applicant’s project narrative, there are several amenities proposed throughout the development that provide both passive and active recreation options for future residents. The proposed amenities include a pool and ramada, spa, fitness center, trail, and both active and passive open space areas.

### *Paths and Trails:*

As noted above, the Applicant proposes a public access trail along the eastern edge of the Happy Valley Wash corridor that will allow for continued pedestrian access through the site along the wash corridor. This segment will further expand the City’s secondary trail system that connects to the Agua Fria Wash. Additionally, a decomposed granite soft shoulder will be added along Lake Pleasant Parkway to enhance the regional trail. Sidewalk on Jomax and within the project will further extend connectivity within and through the proposed project.

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### *Common and Private Open Space:*

Beyond amenities, the City's Community Design Guidelines establish minimums for the amount of activated open space, and private open space within a multi-family development. The Community Design Guidelines requires one hundred fifty (150) square feet of common open space per bedroom. The proposed development seeks to elevate the minimum common open space standard to provide at least one hundred eighty five (185) square feet per bedroom.

In addition to the requirement for common activated open space the Community Design Guidelines call for a minimum of one hundred (100) square feet of private open space per ground floor unit and sixty (60) square feet for upper floor units. The proposed development calls for a minimum of one hundred ninety (190) square feet of private open space per unit.

Aside from the modifications to the aforementioned typical open space requirements, the proposed standards call for a minimum of 315,000 square feet of 'passive open space'. The areas that comprise these 315,000 square feet of 'passive open space' would not typically count towards open space requirements as they include elements such as parking lot landscape islands and primary access points to the units, and remnant space between units.

In total, when accounting for all open space categories that would address the requirements of the Community Design Guidelines, the project will provide approximately 29.5% or 5.3 cumulative acres of total open space. The open space is broken into the respective required components as depicted in the following table:

<b>Table 2 - Proposed Open Space</b>	
Undisturbed Open Space	2.41 ac. / 11.9%
Common Usable / Active Open Space	1.46 ac. / 8.1%
Private Open Space	1.7 ac. / 9.5%
<b>Total Open Space / Landscape Area</b>	<b>5.3 acres / 29.5%</b>

### *Lake Pleasant Parkway Standards:*

The Peoria Zoning Ordinance establishes Lake Pleasant Parkway as a scenic corridor and divides the corridor into three sectors. The subject site is located along what is known as the Suburban Sector. This sector calls for a minimum of forty five (45) feet of landscaping along Lake Pleasant Parkway.

As proposed, a significant portion of the subject site's Lake Pleasant Parkway frontage will consist of a mixture of landscape areas and open space that will far exceed the 45 foot street frontage landscape minimum along the Parkway. The northern end of the site however, is somewhat constrained due to the narrowing width of the property as it continues north. As an alternative to providing forty five (45) feet of landscape along the site's entire Lake Pleasant Parkway frontage, the applicant proposes a minimum of twenty five (25) feet along not more than 20% of the frontage with the remainder of the frontage to

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average eighty (80) feet. To increase the visual interest along the Lake Pleasant Parkway frontage, the proposed PAD requires a five (5) foot stagger for the buildings that are adjacent to Lake Pleasant Parkway.

### *Resident and Guest Parking:*

The parking standards for the Prestige PAD refer to the RM-1 Zoning District, which requires one (1) space per studio unit, 1.5 spaces per one-bedroom unit, and two (2) spaces per two-bedroom unit, as well as one (1) space per 10 dwelling units for guest parking. The leasing office area requires one (1) space per 200 square feet of floor area dedicated to leasing activities. In total, 353 parking spaces are required based on the conceptual site plan included in **Exhibit 7**. The proposed conceptual site plan referenced meets these standards.

### *Traffic:*

Within the land use discussion above, staff noted the irregular shape of the site, along with the previously fractured ownership and numerous parcels prevailing along the eastern side of Lake Pleasant Parkway, between Jomax and Pinnacle Vista (to the north). Given this disjointed parcelization and awkward shape of these parcels, having more strategic and shared approach to providing access to this area was paramount. Furthermore, while the site itself is adjacent to right-of-way on three sides, providing efficient and effective access via those roadways was challenging given the conditions noted below.

The subject site is separated from the Cibola Vista PAD to the east by a 20-wide strip of unimproved City right-of-way. This 20-foot strip is located adjacent to the subject site along the eastern boundary, and corresponds with the 95<sup>th</sup> Avenue alignment, which was envisioned as providing access to the subject parcels as well as portions of Cibola Vista to the east. The existing twenty (20) feet of right-of-way would not provide a sufficient half street width and as such precludes the capability to provide a viable roadway from Jomax Rd. north towards Pinnacle Vista Dr. along the eastern boundary of the subject site. Accommodating the necessary remaining width on the subject site for 95<sup>th</sup> Avenue would unduly burden the subject property, while exacerbating neighborhood concerns over access at this location.

As an alternative to access along 95<sup>th</sup> Avenue, the proposal would take primary access from Lake Pleasant Parkway. Though the applicant intends to coordinate with the property to the north for a shared access easement, if shared access cannot be ultimately accommodated, the access would be located wholly on the subject property. More specifically, that shared access easement would extend from Lake Pleasant Parkway to the vacant Cibola Vista parcel to the east that is the subject of the proposed multi-family rezoning proposal referenced above (Case Z00-10A.6). The shared access easement from Lake Pleasant Parkway would then provide access to the subject site, as well as the adjacent referenced Evergreen (Case Z24-01) and Cibola Vista developments. This proposed shared access easement to Lake Pleasant Parkway would accommodate a left-in left-out (LILO) within the Lake Pleasant Parkway median, which would provide full turning movements to the three (3) referenced sites. The LILO in particular, reduces the concern and likelihood of residents from this community and the adjoining area going up to Pinnacle Peak Road and Refer to **Exhibit 1**, Conditions of Approval which outlines the necessary improvements for shared access between the various projects.

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While primary access to the site will occur through the aforementioned easement off of Lake Pleasant Parkway, circulation within the interior of the site will provide access to the various dwelling units and amenity areas, ultimately leading to the site's secondary access on Jomax Road. Both entrances will be gated. No right-of-way dedications are required for Jomax Road or Lake Pleasant Parkway.

### *Water/Sewer:*

Water and sewer facilities exist adjacent to the site and are sized appropriately with available capacity to serve the property as a multi-family use.

## ***COMMUNITY INVOLVEMENT***

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### *Pre-Submittal Outreach:*

Prior to submitting the formal application, the Applicant hosted a preliminary neighborhood meeting on June 15, 2021 at the WestWing Elementary School located at 26716 North High Desert Drive, and included a virtual component. Approximately twenty-four (24) members of the public attended and signed-in at the in-person meeting, and nineteen (19) members of the public attended the virtual neighborhood meeting. The sign-in sheets from the in-person meeting and the registration report from the virtual meeting are attached as part of the Citizen Participation Report. **(Exhibit 8)**

Following the preliminary neighborhood meeting, the Applicant had follow-up correspondence, with a multitude of interested parties and stakeholders including Cibola Vista, Pleasant Valley, La Strada del Lago, DVUSD, PUSD and the developer of the formerly proposed Pinnacle Vista multifamily community to the north. The Applicant and its representatives also held a virtual Zoom meeting with some of the residents of the nine (9) lots located east of the Project within the Cibola Vista Parcel 1A subdivision on July 1, 2021.

### *Public Noticing:*

The application was properly noticed pursuant to Section 21-315 of the Peoria Zoning Ordinance, which includes notification to all property owners within 600 feet of the site and registered HOAs within one (1) mile, posting of a sign on the site, and placing an ad in the Peoria Times at least 15 days prior to the Public Hearing.

### *Outreach Requirements:*

As a requirement of the rezoning application process, the applicant conducted a neighborhood meeting and provided a Citizen Participation Report detailing the results of the meeting **(Exhibit 8)**. In preparation of said meeting, the applicant notified all property owners within a 600-foot radius of the site and all registered Homeowners' Associations within one (1) mile for the required neighborhood meeting. The neighborhood meeting was held on January 19, 2022 at the WestWing Elementary School located at 26716 North High Desert Drive, and included a virtual component.

In addition to the required outreach meeting, the applicant hosted an informal outreach meeting prior to the submittal of the formal application. The informal meeting was held on June 16, 2021 at 6:00 p.m. also at the WestWing Elementary School. This meeting also included a virtual component.

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Both meetings were attended by members of the public, in addition to the development team for the project and city staff. The formal neighborhood meeting was attended by approximately 23 members of the public. The applicant answered questions, largely pertaining to traffic, home values, rents, and schools. A summary of the outreach process and its results are included in the Citizen Participation Report. **(Exhibit 8)** The overall tenor of the meeting suggested widespread opposition to the project.

### *Support / Opposition:*

The initial routing and outreach efforts regarding this case resulted in the receipt several items of opposition, which are included in **Exhibit 9**. Concerns expressed include the following topics: safety, school capacity to serve the development, compatibility with surrounding areas, traffic, infrastructure capabilities to serve the proposed development, and a feeling that the site's General Plan land use designation is not appropriate. In total, City staff has received written opposition from forty-six (46) individuals, along with two (2) letters of inquiry.

Following the official neighborhood meeting, the Applicant and its representatives identified that they have engaged in continued direct outreach efforts with nearby property owners and stakeholders. Specifically, door-to-door outreach within the surrounding residential communities, which began in 2023 and is ongoing. Additionally, the Applicant modified the proposal to ensure traffic from the project or its adjoining neighbors did not impact the adjacent Cibola Vista single-family subdivision. They further modified the proposal to restrict buildings along the eastern boundary of the project to be one-story in height (20 feet), while the balance of the site was limited to two-story buildings.

The Applicant indicates in the Citizen Participation Report that they have obtained 125 letters of support as a result of the door-to-door outreach efforts. Subsequent to the receipt of the Citizen Participation Report, the Applicant provided a total of 150 letters of support, of which fifty-nine (59) appear to be affiliated with local businesses. **(Exhibit 9)**

### ***SCHOOL DISTRICT INFORMATION***

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This property is within the Deer Valley Unified School District (DVUSD) boundary. Students residing in this development would attend the West Wing Elementary School and Mountain Ridge High School, respectively. DVUSD has participated in the review of this project and has provided no comment.

### ***KEY FINDINGS***

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1. The immediate area has seen considerable transition in the last several years, which may reflect a different context than when the subject site received the current General Plan designation of Urban Residential (12+ du/ac);
2. Considerable time and effort has been expended on mitigating the underlying traffic management and driveway access concerns through shared access with adjoining properties. This solution is also expected to reduce the impact on adjacent single-family neighborhoods;
3. The proposal advances Smart Growth goals and policies in the Peoria General Plan to diversify the City's housing stock, provide opportunities to live near services and employment, and otherwise enables the development of an infill parcel;

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4. The proposal advances Healthy Neighborhood policies in the Peoria General Plan with respect to the preservation of natural open space corridors;
5. This rezoning request is consistent with the intent of the *Urban Residential (12+ du/ac)*, *Park/Open Space*, and *Waterways* General Plan land use designations as it correlates to the proposed development of the site; and,
6. The applicant/owner has submitted a signed and notarized a Proposition 207 waiver, which will be recorded with the conditions included in **Exhibit 1**.

### ***PROPOSITION 207***

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The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver.

### ***POSSIBLE RECOMMENDATION ACTIONS / OPTIONS***

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- A: Approve as recommended by staff; or
- B: Approve with modifications; or
- C: Deny; or
- D: Continue action to a date certain or indefinitely.

### ***RECOMMENDATION***

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Staff recommends that the Planning and Zoning Commission take the following action:

**Recommend APPROVAL of Rezoning Case Z21-08 to City Council, subject to the Conditions of Approval in Exhibit 1.**

### ***STAFF CONTACT***

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