

ORDINANCE G-5971

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-11-14-2) FROM CP/GCP (COMMERCE PARK GENERAL COMMERCE PARK) TO PUD (PLANNED UNIT DEVELOPMENT).

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WHEREAS, on March 28, 2014, the City of Phoenix Planning and Development Department received, in compliance with the requirements of the City of Phoenix Zoning Ordinance, Section 506, a written request for rezoning from Paul Gilbert, with Beus Gilbert PLLC, having authorization to represent the owner, I-17 Jomax, LLC of an approximately 28.15 acre property located approximately 1,600 feet north of the northeast corner of Jomax Road and Interstate 17 in a portion of Section 35, Township 5 North, Range 2 East, as described more specifically in Attachment "A", attached hereto and incorporated herein by this reference; and,

WHEREAS, pursuant to A.R.S. § 9-462.04, the Planning Commission, held a public hearing on November 18, 2014, and at this hearing recommended that the City Council approve this rezoning request with the recommended staff conditions, as modified; and,

WHEREAS, the City Council, at their regularly scheduled meeting held on December 17, has determined that, in accordance with A.R.S. § 9-462.01.F, this rezoning request, with the appropriate site specific requirements provided in Section 2, is consistent with and conforms to the General Plan, will conserve and promote the public health, safety and general welfare, and should be approved, subject to the conditions herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1: The zoning of an approximately 28.15 acre property located approximately 1,600 feet north of the northeast corner of Jomax Road and Interstate 17 in a portion of Section 35, Township 5 North, Range 2 East, as described more specifically in Attachment "A", is hereby changed from "CP/GCP." (Commerce Park / General Commerce Park) to "PUD" (Planned Unit Development) and that the Planning and Development Director is instructed to modify The Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Attachment "B".

SECTION 2: The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-11-14-2, on file with the Planning and Development Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to compliance with the PUD narrative and the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. An updated Development Narrative for the I-17 Jomax PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped August 19, 2014.

2. ~~There shall be a minimum of 50,000 square feet of development prior to an off-premise advertising structure being permitted, as approved by the Planning and Development Department.~~
3. The property shall be brought into compliance by removing any violations at the site prior to any off-premise advertising structures being permitted.
4. Retail firearms sales and accessory uses shall be included as permitted uses.

SECTION 3: If any section, subsection, sentence, clause, phrase or portion 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 hereof.

PASSED by the Council of the City of Phoenix this 17th day of December, 2014.



MAYOR

ATTEST:

City Clerk **ACTING**

APPROVED AS TO FORM:

Acting City Attorney *pml*

REVIEWED BY:

City Manager

PL:tml:1158557v1; (CM#99) (Item #131) 12/17/14

Attachments:

- A - Legal Description (1 Page)
- B - Ordinance Location Map (1 Page)

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-11-14-2

Appendix A – Legal Description

South Parcel

*A portion of the East half of Section 35, Township 5 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:*

*COMMENCING at the brass cap flush marking the North quarter corner of said Section 35, from which the brass cap flush marking the center of said Section 35, bears South 00 degrees 39 minutes 42 seconds East 2647.66 feet, said line being the West line of the Northeast quarter of said Section 35 and the basis of the bearings in this description;*

*THENCE North 89 degrees 25 minutes 11 seconds East 999.62 feet along the North line of said Northeast quarter;*

*THENCE South 09 degrees 52 minutes 47 seconds East 2685.36 feet to the POINT OF BEGINNING;*

*THENCE North 80 degrees 10 minutes 09 seconds East 930.24 feet to the Westerly boundary of the Adobe Dam Skunk Creek Channel;*

*THENCE along said Westerly boundary the following nine courses and distances:*

*THENCE South 03 degrees 23 minutes 30 seconds West 92.02 feet;*

*THENCE South 11 degrees 56 minutes 35 seconds West 192.21 feet;*

*THENCE South 19 degrees 25 minutes 02 seconds West 191.66 feet;*

*THENCE South 23 degrees 57 minutes 40 seconds West 191.31 feet;*

*THENCE South 32 degrees 56 minutes 38 seconds West 190.83 feet;*

*THENCE South 39 degrees 38 minutes 52 seconds West 110.95 feet;*

*THENCE South 36 degrees 55 minutes 15 seconds West 79.75 feet;*

*THENCE South 45 degrees 26 minutes 08 seconds West 192.76 feet;*

*THENCE South 55 degrees 46 minutes 47 seconds West 107.54 feet to the South line of the North half of the Southwest quarter of the Northeast quarter of the Southeast quarter of said Section 35;*

*THENCE South 89 degrees 20 minutes 35 seconds West 57.34 feet;*

*THENCE North 09 degrees 52 minutes 47 seconds West 85.81 feet;*

*THENCE North 63 degrees 56 minutes 56 seconds West 55.49 feet;*

*THENCE North 14 degrees 09 minutes 39 seconds West 94.64 feet;*

*THENCE North 09 degrees 52 minutes 47 seconds West 793.50 feet to the POINT OF BEGINNING;*

*EXCEPT any portion lying within the right of way for Phoenix-Cordes Junction Highway (Interstate 17) as set forth in Final Order of Condemnation recorded November 24, 2006 in Instrument No. 2006-1537967, records of Maricopa County, Arizona; and*

## Appendix A – Legal Description (continued)

### North Parcel

A portion of the Northeast quarter of Section 35, Township 5 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at the brass cap flush marking the North quarter corner of said Section 35, from which the brass cap flush marking the center of said Section 35, bears South 00 degrees 39 minutes 42 seconds East 2647.66 feet, said line being the West line of the Northeast quarter of said Section 35 and the basis of the bearings in this description;

Thence North 89 degrees 25 minutes 11 seconds East 999.62 feet along the North line of said Northeast quarter;

Thence South 09 degrees 52 minutes 47 seconds East 2122.18 feet to the Point of Beginning;

Thence North 80 degrees 09 minutes 56 seconds East 979.66 feet to the Westerly boundary of the Adobe Dam Skunk Creek Channel;

Thence along said Westerly line the following four courses and distances:  
Thence South 12 degrees 08 minutes 44 seconds East 128.16 feet;

Thence South 05 degrees 50 minutes 25 seconds East 146.45 feet;

Thence South 03 degrees 35 minutes 10 seconds East 192.40 feet;

Thence South 03 degrees 23 minutes 30 seconds West 100.51 feet;

Thence South 80 degrees 10 minutes 09 seconds West 930.24 feet;

Thence North 09 degrees 52 minutes 47 seconds West 563.18 feet to the Point of Beginning;

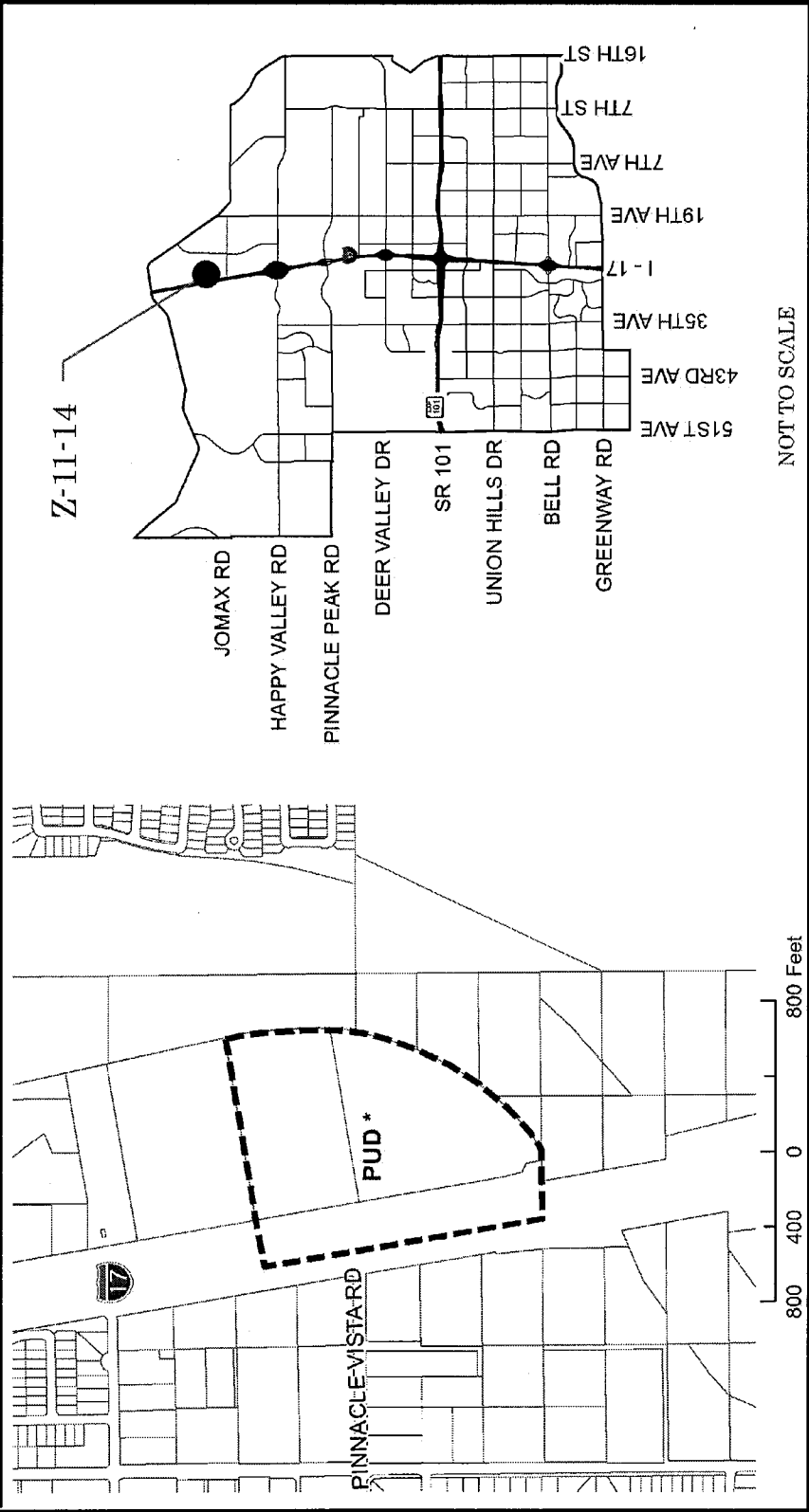
Except any portion lying within the right of way for Phoenix–Cordes Junction Highway (Interstate 17) as set forth in Final Order of Condemnation recorded November 24, 2006 in Instrument No. 2006–1537967, records of Maricopa County, Arizona; and

**ATTACHMENT B**

**ORDINANCE LOCATION MAP**

Zoning Case Number: Z-11-14  
Zoning Overlay: N/A  
Planning Village: Deer Valley Village

ZONING SUBJECT TO STIPULATIONS: \*  
SUBJECT AREA: - - - - -



NOT TO SCALE

Drawn Date: 11/24/2014

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