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ORDINANCE G-5858

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-15-13-7) FROM C-2 (INTERMEDIATE COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on April 4, 2013, 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 of Beus Gilbert PLLC, having authorization to represent the owner, SWC 67th Avenue LLC of an approximately 22.10 acre property located at the southwest corner of 67th Avenue and McDowell Road in a portion of Section 1, Township 1 North, Range 1 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 October 8, 2013, 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 November 6, 2013, 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 22.10 acre property located at the southwest corner of 67th Avenue and McDowell Road in a portion of Section 1, Township 1 North, Range 1 East, as described more specifically in Attachment "A," is hereby changed from "C-2" (Intermediate Commercial) 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-15-13-7, 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 Gateway Plaza 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 Development Narrative date stamped August 30, 2013, as modified by the following stipulations:

- a. Page 40, Table G, Option A and B: Applicant shall delete "Allowed uses", "Required review", "Street standards" and "On-lot common retention" rows from Option A and B under Section G – Development Standards.
 - b. Page 43 and 44, Parking Area: The landscape planters within the parking areas shall contain a minimum of 2-inch caliper tree or greater per ten parking spaces and a minimum of three 5-gallon shrubs shall be planted per tree, as approved by the Planning and Development Department.
2. Right-of-way totaling 55 feet shall be dedicated for the south half of McDowell Road, as approved by the Planning and Development Department.
 3. The existing 22-foot right-of-way easement along 67th Avenue shall be dedicated as right-of-way, as approved by the Planning and Development Department.
 4. The applicant shall submit a Traffic Impact Study to the Street Transportation Department and the Planning and Development Department prior to preliminary site plan review. The applicant shall be responsible for any dedications and required improvements as recommended by the approved traffic study, as approved by the Planning and Development Department and the Street Transportation Department.
 5. Access along McDowell Road shall be located and designed in accordance to the Street Transportation Policy and Design Guidelines.
 6. The applicant shall update all existing off-site street improvements (sidewalks, curb ramps and driveways) to current ADA guidelines.
 7. The developer shall present site plans and elevations to the Maryvale Village Planning Committee prior to preliminary site plan approval, as approved by the Planning and Development Department.

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 6th day of November, 2013.



[Handwritten Signature]
MAYOR

ATTEST:

[Handwritten Signature] City Clerk

APPROVED AS TO FORM:

[Handwritten Signature] Acting City Attorney

REVIEWED BY:

[Handwritten Signature] Acting City Manager

MLW:tml:1051249v1: (CM#44) (Item#31) 11/6/13

Attachments:

- A - Legal Description (5 Pages)
- B - Ordinance Location Map (1 Page)

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-15-13-7Parcel 1

Lots 1 and 2, (Sometimes known as the North half of the Northeast quarter of Section 1, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona.

Except that portion described as follows:

That portion of said Lot 1 which lies Westerly of the existing Westerly right of way line of 67th Avenue and Easterly and Southerly of the following described line:

Commencing at the Northeast corner of said Section 1;

Thence South 00 degrees 21 minutes 41 seconds West, 56.37 feet to the TRUE POINT OF BEGINNING;

Thence North 89 degrees 38 minutes 19 seconds West, 70.00 feet to the juncture of the existing Southerly right of way line of 67th Avenue;

Thence South 01 degrees 18 minutes 14 seconds West, 607.94 feet;

Thence South 85 degrees 38 minutes 41 seconds West, 1698.74 feet;

Thence South 89 degrees 24 minutes 02 seconds West, 870.41 feet to the POINT OF ENDING on the North-South midsection line of said Section 1, which point bears South 01 degrees 07 minutes 42 seconds West, 767.50 feet from the North quarter corner of said section; and

ALSO Except that portion described as follows:

That portion of Lot 2 of said Section 1, described as follows:

Commencing at the Northeast corner of said Section 1;

Thence South 89 degrees 15 minutes 00 seconds West, along the North line of said Section 1, a distance of 2264.78 feet to a point on the North line of said Lot 2, said point being the TRUE POINT OF BEGINNING;

Thence South 00 degrees 45 minutes 00 seconds East, a distance of 768.12 feet to a point on the North line of the property described as Area #1 in the Amended Final Order of Condemnation recorded in Docket 16317, Page 441, records of Maricopa County, Arizona;

Thence South 89 degrees 24 minutes 02 seconds West, along the North line of said Area #1, a distance of 393.87 feet to a point, said point being the intersection of the North line of said Area and the West line of said Lot 2;

Thence North 01 degrees 07 minutes 42 seconds East, along the West line of said Lot 2, a distance of 767.50 feet more or less to a point on the North line of said Lot 2;

Thence North 89 degrees 15 minutes 00 seconds East, along said North line of Lot 2, a distance of 368.71 feet to the POINT OF BEGINNING; and

ALSO Except that portion described as follows:

That portion of Lot 1 of said Section 1, described as follows:

Commencing the Northeast corner of said Section 1;

Thence South 00 degrees 21 minutes 41 seconds West along the East line of said Section 1, a distance of 164.23 feet;

Thence North 89 degrees 38 minutes 19 seconds West, 71.77 feet to the TRUE POINT OF BEGINNING on the existing Westerly right of way line of 67th Avenue;

Thence South 01 degrees 18 minutes 14 seconds West along said existing Westerly right of way line of 67th Avenue, a distance of 190.03 feet;

Thence North 88 degrees 41 minutes 46 seconds West, 10.00 feet;

Thence North 01 degrees 18 minutes 14 seconds East, 190.03 feet;

Thence South 88 degrees 41 minutes 46 seconds East, 10.00 feet to the POINT OF BEGINNING; and

ALSO Except that portion described as follows:

That portion of Lot 1 of said Section 1, described as follows:

Commencing at the Northeast corner of said Section 1;

Thence South 00 degrees 21 minutes 41 seconds West along the East line of said Section 1, a distance of 56.37 feet;

Thence North 89 degrees 38 minutes 19 seconds West, a distance of 70.00 feet to the juncture of the existing Southerly right of way line of McDowell Road with the existing Westerly right of way line of 67th Avenue and the TRUE POINT OF BEGINNING;

Thence South 01 degrees 18 minutes 14 seconds West along said Westerly right of way line, a distance of 15.00 feet;

Thence Northwesterly to a point in said Southerly right of way that lies 15.00 feet Westerly of the true point of beginning;

Thence to the POINT OF BEGINNING; and

ALSO Except that portion described as follows:

That portion of Lot 1 of said Section 1, described as follows:

Commencing at the Northeast corner of said Section 1;

Thence South 00 degrees 21 minutes 41 seconds West, a distance of 56.37 feet;

Thence North 89 degrees 38 minutes 19 seconds West, a distance of 70.00 feet to a point on the right-of-way intersection of 67th Avenue and McDowell Road;

Thence South 01 degrees 18 minutes 14 seconds West, a distance of 607.94 feet;

Thence South 85 degrees 38 minutes 41 seconds West, a distance of 394.90 feet to the TRUE POINT OF BEGINNING;

Thence South 85 degrees 38 minutes 41 seconds West, a distance of 385.25 feet;

Thence North 00 degrees 45 minutes 00 seconds West, a distance of 320.00 feet;

Thence North 89 degrees 15 minutes 00 seconds East, a distance of 384.49 feet;

Thence South 00 degrees 45 minutes 00 seconds East, a distance of 295.77 feet to the POINT OF BEGINNING; and

ALSO Except that portion of said Section 1, described as follows:

That portion of the Northeast quarter of said Section 1, described as follows:

Commencing at the North quarter corner of said Section 1, from which the Northeast corner of said Section 1 bears North 89 degrees 15 minutes 00 seconds East, a distance of 2633.68 feet;

Thence North 89 degrees 15 minutes 00 seconds East, along the North line of the Northeast quarter of said Section 1, a distance of 663.96 feet;

Thence South 00 degrees 45 minutes 00 seconds East, a distance of 40.00 feet to the TRUE POINT OF BEGINNING;

Thence North 89 degrees 15 minutes 00 seconds East along a line parallel with and 40.00 feet Southerly of the Northerly line of the Northeast quarter of said Section 1, a distance of 1098.25 feet;

Thence South 00 degrees 45 minutes 00 seconds East along the Westerly line of the property described in instrument recorded in Document No. 87-277648, Maricopa County Recorders Office and its Northerly extension, a distance of 671.61 feet;

Thence South 85 degrees 38 minutes 41 seconds West along the Northerly line of the property described in Docket 16317, Page 441, Maricopa County Recorders Office, a distance of 918.56 feet;

Thence South 89 degrees 24 minutes 02 seconds West continuing along the Northerly line of the property described in Docket 16317, Page 441, Maricopa County Recorders Office, a distance of 131.50 feet;

Thence North 07 degrees 21 minutes 34 seconds East along the Easterly line of the property described in Document No. 99-1086922, Maricopa County Recorders Office, a distance of 500.00 feet;

Thence North 29 degrees 34 minutes 26 seconds West continuing along the Easterly line of the property described in Document No. 99-1086922, Maricopa County Recorders Office, a distance of 250.00 feet;

Thence North 00 degrees 45 minutes 00 seconds West, a distance of 15.00 feet to the POINT OF BEGINNING; and

ALSO Except that portion, described as follows:

That portion of Lot 2 of said Section 1, described as follows:

Commencing at the Northeast corner of said Section 1;

Thence South 89 degrees 15 minutes 00 seconds West along the North line of said Section 1, a distance of 2264.72 feet;

Thence South 00 degrees 45 minutes 00 seconds East, a distance of 55.00 feet to the South right of way line of McDowell Road, also being the Northeast corner of Sunpointe 1, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 284 of Maps, Page 40, and the POINT OF BEGINNING;

Thence North 89 degrees 15 minutes 00 seconds East along said right of way line, a distance of 295.00 feet;

Thence South 28 degrees 34 minutes 26 seconds East, a distance of 250.00 feet;

Thence South 07 degrees 21 minutes 34 seconds West, a distance of 500.00 feet to a point on the North line of the property described as Area #1 in the amended Final Order of Condemnation recorded in Docket 16317, Page 441, records of Maricopa County, Arizona;

Thence South 89 degrees 24 minutes 02 seconds West along the said North line of said Area #1 property, a distance of 345.00 feet to the Southeast corner of said Sunpointe 1;

Thence North 00 degrees 45 minutes 00 seconds West along the East line of said Sunpointe 1, a distance of 713.12 feet to the POINT OF BEGINNING.

Parcel 2

That portion of the Northeast quarter of Section 1, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona.

Commencing at the Northeast corner of said Section 1;

Thence South 00 degrees 21 minutes 41 seconds West, a distance of 56.37 feet;

Thence North 89 degrees 38 minutes 19 seconds West, a distance of 70.00 feet to a point on the right-of-way intersection of 67th Avenue and McDowell Road;

Thence South 01 degrees 18 minutes 14 seconds West, a distance of 607.94 feet;

Thence South 85 degrees 38 minutes 41 seconds West, a distance of 394.90 feet to the TRUE POINT OF BEGINNING;

Thence South 85 degrees 38 minutes 41 seconds West, a distance of 385.25 feet;

Thence North 00 degrees 45 minutes 00 seconds West, a distance of 320.00 feet;

Thence North 89 degrees 15 minutes 00 seconds East, a distance of 384.49 feet;

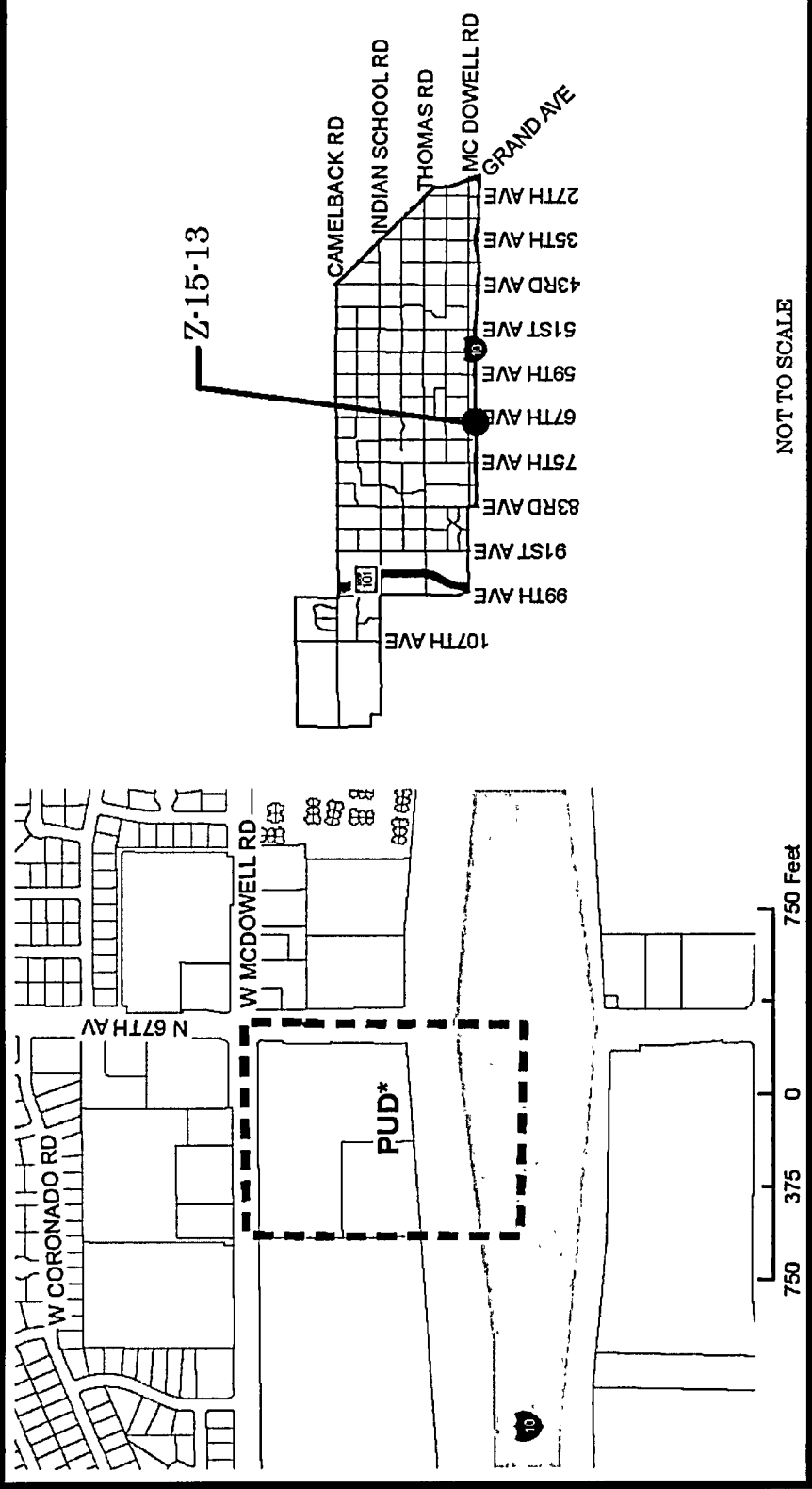
Thence South 00 degrees 45 minutes 00 seconds East, a distance of 295.77 feet to the POINT OF BEGINNING.

ATTACHMENT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-15-13-7
Zoning Overlay: N/A
Planning Village: Maryvale

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ■■■■■



Drawn Date: 10/8/13

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