

ORDINANCE G-5638

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-21-08-3) FROM R1-10 (SINGLE-FAMILY RESIDENCE) AND C-2 (INTERMEDIATE COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on March 5, 2008, 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 the City of Phoenix Planning Commission, having authorization to represent the owner, Bruce and Patty Buckingham of an approximately 7.09 acre property located approximately 600 feet east of the northeast corner of Cave Creek Road and Cortez Street in a portion of Section 22, Township 3 North, Range 3 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 June 8, 2011, 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 July 6, 2011, 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 7.09 acre property located approximately 600 feet east of the northeast corner of Cave Creek Road and Cortez Street in a portion of Section 22, Township 3 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from "R1-10" (Single-Family Residence) and "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-21-08-3, 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. The updated Development Narrative for the Stony Mountain Ranch PUD that reflects 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 May 6, 2011.

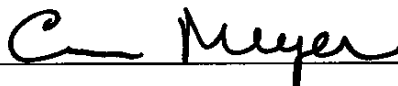
SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 6th day of July, 2011.



ACTING MAYOR

ATTEST:



City Clerk

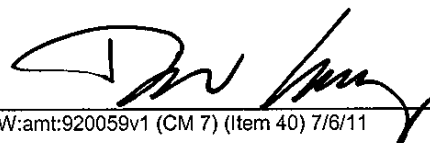


APPROVED AS TO FORM:



Acting City Attorney

REVIEWED BY:



City Manager

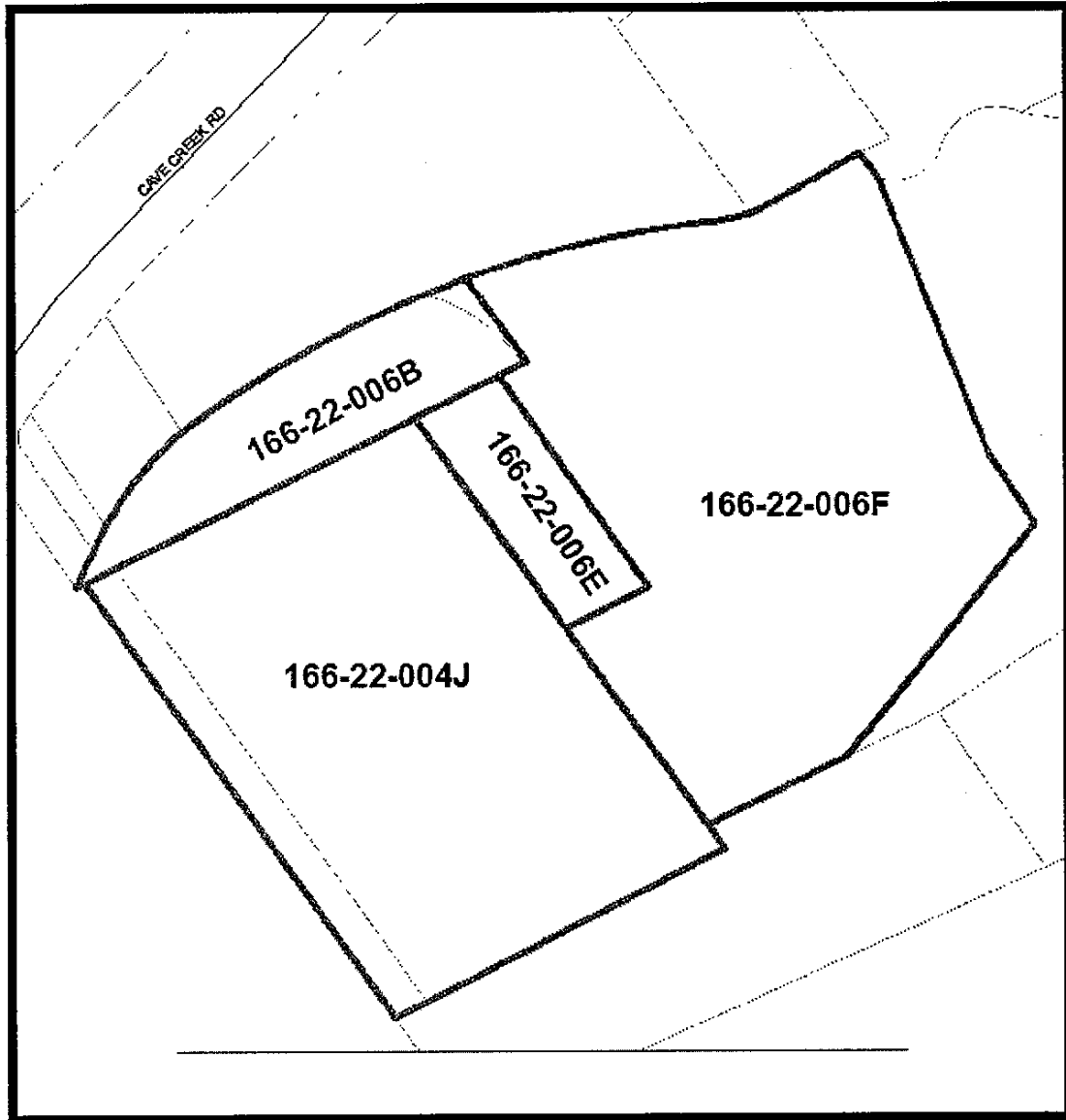
MLW:amt:920059v1 (CM 7) (Item 40) 7/6/11

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-21-08-3



Z-21-08 Legal Description Exhibit

Parcel 166-22-006B

That part of the AVELINA LODE MINING CLAIM designated as Survey No. 4367, embracing a portion of Section Twenty-two (22), Township Three (3) North, Range Three (3) East of the Gila and Salt River Base and Meridian, in the Winifred Mining District, Maricopa County, Arizona, and abounded and described as follows:

BEGINNING at a point which is South 62 degrees 56 minutes 30 seconds West 1089.60 feet from Corner 2, identical with Corner 1, Devide Mining Claim, Survey No. 4321, the point of beginning being in the center of a wash; thence South 62 degrees 56 minutes 30 seconds, 410.3 feet, more or less, to Corner No. 3 of the Avelina mining claim Mineral Survey No. 4367, and the point where a wash intersects said Corner 3; thence in a Northeasterly direction and in an Easterly direction, following the bottom of said wash, for a distance of approximately 415 feet, more or less to a point where a road intersects said wash; and thence along the South line of said Road, in an Easterly and Southeasterly direction 100 feet, more or less to the point of beginning.

Together with the use as right of way for a road 50 ft. wide from wash to Cave Creek Road as granted to W.W. Adams et ux by instrument recorded Nov. 15, 1955, in Docket 1760, page 166. EXCEPT: That part of said premises conveyed to the City of Phoenix in Docket 10990, page 210.

Parcel 166-22-006E

That part of the Devide Lode Mining Claim designated as Mineral Survey No. 4321, embracing a portion of Section 22, Township 3 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, in the Winifred Mining District, Maricopa County, Arizona, described as follows:

From the North quarter corner of said Section 22, run thence South 25 degrees 17 minutes 45 seconds East 1088.91 feet to corner No. 1 of Devide Lode Mining Claim, identical with corner No. 2 of Avelina Lode Mining Claim, Mineral Survey No. 4367

Thence South 62 degrees 56 minutes 30 seconds West, along the line between corners 1 and 4 of said Devide Lode Mining Claim, 1111.64 to a point North 62 degrees 56 minutes 30 seconds East 375 feet from corner No. 4 of said Devide Lode Mining Claim and the Point of Beginning of this Parcel;

Thence South 36 degrees 04 minutes East 210 feet;

Thence South 62 degrees 56 minutes 30 seconds West parallel to the Northerly line of said Devide Lode Mining Claim 75 feet to the East line of the property conveyed to William D. Pontzious, et ux by Deed recorded in Docket 2385, page 515;

Thence North 36 degrees 04 minutes West, along said East line, 210 feet to a point on the line between corners 1 and 4 of said Devide Lode Mining Claim;

Thence along said line North 62 degrees 56 minutes 30 seconds East, 75 feet to the point of beginning.

Parcel 166-22-004J

A description of lands, currently identified by the Maricopa County Assessors Office as:
APN 166-22-004E, APN 166-22-004F

Consolidating said two parcels described in Docket Number 1992-0380176 and Docket Number 1987-0655780 recorded in the office of the Maricopa County Recorder, into one parcel.

Said parcels are located in the part of the Devide Lode Mining Claim, designated on Mineral Survey No. 4321, embracing a portion of Section 22, Township 3 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, in the Winifred Mining District,

Using the results of survey map recorded in book of maps 1048 page 37 of Maricopa County Records as the basis for this description, the consolidated parcel is more particularly described as follows:

Commencing at the North quarter corner of said Section 22;

Thence South 25 degrees 17 minutes 45 second East, 1088.91 feet (R) South 25 degrees 17 minutes 43 seconds East, 1090.59 feet (M) to Corner No. 1 of said Devide Lode Mining Claim;

Thence South 62 degrees 56 minutes 30 seconds West (R) South 63 degrees 00 minutes 49 seconds West (M), along the line between Corners 1 and 4 of said Devide Lode Mining Claim, 1486.64 feet (R) 1487.04 feet (M) to said Corner No. 4 and being the true point of beginning of a tract of land herein described;

Thence South 36 degrees 04 minutes East (R) South 35 degrees 57 minutes 11 seconds East (M) along the line between Corners 3 and 4 of said Devide Lode Mining Claim, 423.07 feet to intersect 6-7 of the Arizona Placer Claim;

Thence North 62 degrees 56 minutes 30 seconds East (R) North 63 degrees 00 minutes 49 seconds East (M) a distance 300.00 feet;

Thence North 36 degrees 04 minutes West (R) North 35 degrees 57 minutes 11 seconds West (M) a distance of 423.07 feet to a point on the line between Corners 1 and 4 of said Devide Lode Mining Claim;

Thence South 62 degrees 56 minutes 30 seconds West (R) South 63 degrees 00 minutes 49 seconds West (M) along said line, 300.00 feet to the true point of beginning;

Except all that portion within the boundaries of the Arizona Placer Claim, and all veins, lodes and ledges, throughout their entire depth, the tops or apexes of which may be inside of said excluded portion, as set forth in the patent.

Parcel 166-22-006F

Parcel No. 1:

That part of AVELINA LODE MINING CLAIM in Winifred Mining District, being shown on Mineral Survey No. 4367 on file in the Bureau of Land Management as granted by Patent recorded in Docket 1730, Page 60, records of Maricopa County, Arizona and that part of DEVIDE LODE MINING CLAIM in Winifred Mining District, being shown on Mineral Survey No. 4321, on file in the Bureau of Land Management as granted by Patent recorded in Docket 871, Page 199, records of Maricopa County, Arizona, described as follows:

COMMENCING at a point which is South 62 degrees 56 minutes 30 seconds West, 643.10 feet from Corner No. 2 of said AVELINA LODE MINING CLAIM, identical with Corner No. 1 of said DEVIDE LODE MINING CLAIM, said corner being monumented by a standard one inch G.L.O. pipe set 12 inches in the ground and surrounded by a mound of rock and marked in addition to the G.L.O. markings D-1-4321; A-2-5467, said point being the bottom of a wash; thence Southwesterly along the bottom of said wash to the Southeast corner of the parcel of land described in the instrument recorded in Docket 9932, Page 444, records of Maricopa County, Arizona, said point being the TRUE POINT OF BEGINNING; thence Southeasterly to a point which lies North 33 degrees 26 minutes 18 seconds West, a distance of 155 feet from a point which is North 56 degrees 33 minutes 42 seconds East, a distance of 150 feet from the most Westerly corner of that certain parcel of land described in Docket 5499, Page 58, records of Maricopa County, Arizona; thence South 33 degrees 26 minutes 18 seconds East, a distance of 70 feet; thence Southwesterly to a point in the Northwesterly line of the parcel of land described in the instrument recorded in Docket 2159, Page 109, records of Maricopa County, Arizona, a distance of 75.83 feet from the most Northerly Corner thereof; thence Southwesterly along last said Northwesterly line to the Northwest corner of land described in instrument recorded in said Docket 2159, Page 109, records of Maricopa County, Arizona, also being a point on the Easterly line of land described in instrument recorded in Docket 2385, Page 515, records of Maricopa County, Arizona; thence Northwesterly along said Easterly line to a point being the Southwesterly corner of land described in instrument recorded in Docket 7008, Page 389, records of Maricopa County, Arizona; thence North 62 degrees 56 minutes 30 seconds East, 75 feet to the Southeasterly corner of said land; thence North 36 degrees 04 minutes West, 210 feet to the Northeasterly corner of said land; a thence Northeasterly to a point being South 62 degrees 56 minutes 30 seconds West 1089.60 feet from Corner No. 1 of said DEVIDE LODE MINING CLAIM; thence Northwesterly 100.00 feet to a point being the most Northerly corner of land described in instrument recorded in Docket 15440, Page 25, records of Maricopa County, Arizona, also being a point in the center of the wash which extends across the Northeast corner of said DEVIDE LODE MINING CLAIM, said wash being further identified as the South line of the crosshatched portion of Mineral Survey No. 4321 attached to and made a part of the instrument recorded in Docket 871, Page 211, records of Maricopa County, Arizona; thence Northeasterly along the center of said wash to the POINT OF BEGINNING.

Parcel No. 2

An Easement for ingress and egress as created by instrument recorded in Document No. 85-090720, records of Maricopa County, Arizona, over the following described property:

THAT part of the AVELINA LODGE MINING CLAIM designated as Survey No. 4367, embracing a portion of Section 22, Township 3 North, Range 3 East of the Gila and Salt River Base and Meridian, in the Winifred Mining District, Maricopa County, Arizona, and abounded and described as follows:

BEGINNING at a point which is South 62 degrees 56 minutes 30 seconds West 1089.60 feet from Corner 2, identical with Corner 1, Devide Mining Claim, Survey No. 4321, the point of beginning being in the center of a wash; thence South 62 degrees 56 minutes 30 seconds West, 410.3 feet, more or less, to Corner No. 3 of the Avelina Mining Claim Mineral Survey No. 4367, and the point where a wash intersects said Corner 3; thence in a Northeasterly direction and in an Easterly direction, following the bottom of said wash, for a distance of approximately 415 feet, more or less to a point where a road intersects said wash; thence along the South line of said Road, in an Easterly and Southeasterly direction 100 feet, more or less to the POINT OF BEGINNING;

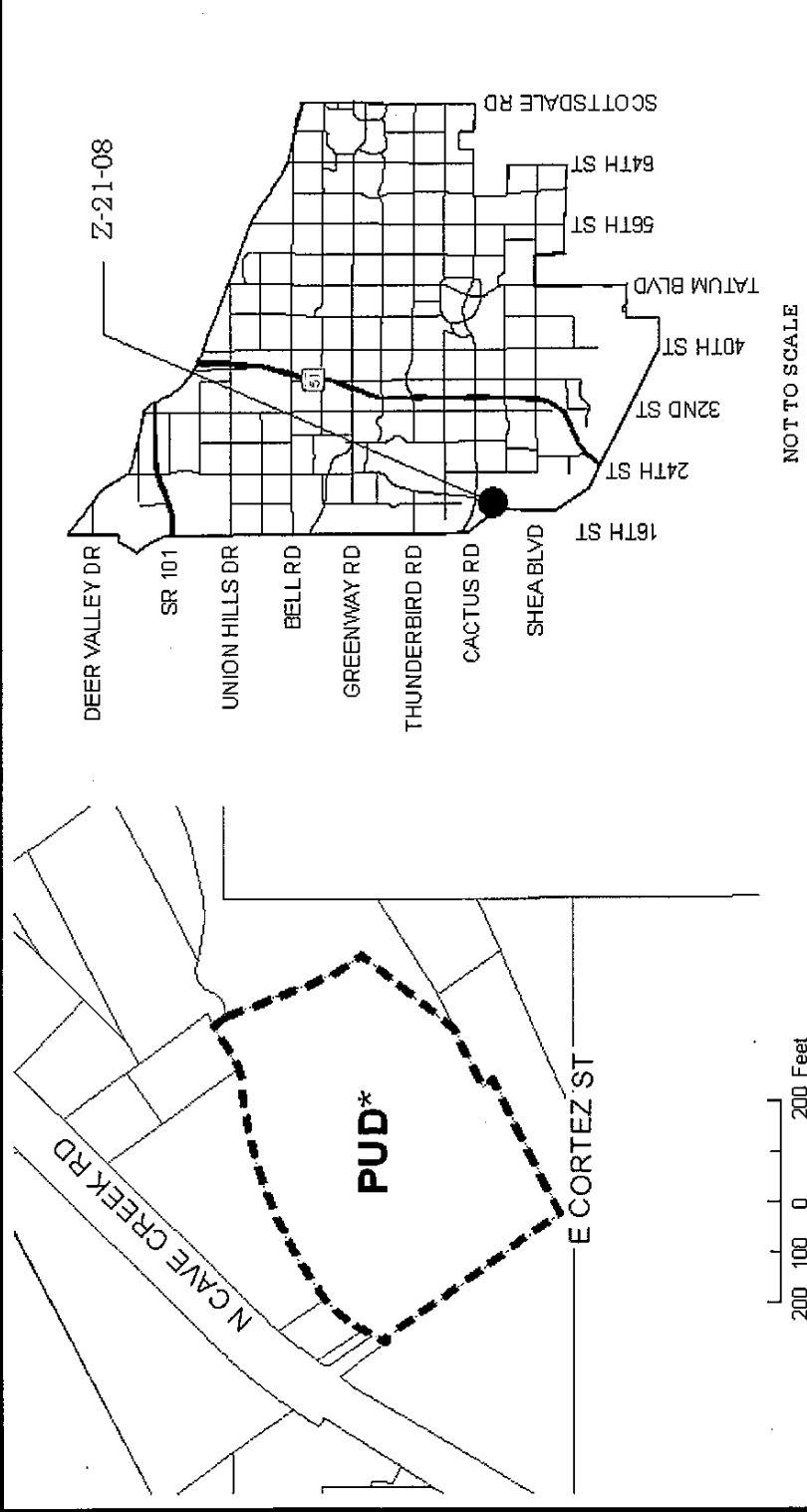
EXCEPT that part of said premises conveyed to the City of Phoenix in Docket 10990, Page 210, records of Maricopa County, Arizona.

ORDINANCE LOCATION MAP

ATTACHMENT B

Zoning Case Number: Z-21-8-3
 Zoning Overlay: N/A
 Planning Village: Paradise Valley

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



Drawn Date: 6/7/11

Map Document: \PDF_Maps\Ordinance_Map\2011