

5769G-9-1-1--  
hoyp

ORDINANCE G-5769

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-29-12-7(5)) FROM GCP PCD (APPROVED C-2 HR PCD) [GENERAL COMMERCE PARK PLANNED COMMUNITY DISTRICT (APPROVED INTERMEDIATE COMMERCIAL HIGH RISE AND HIGH DENSITY, PLANNED COMMUNITY DISTRICT)], C-2 PCD (APPROVED C-2 HR PCD) [INTERMEDIATE COMMERCIAL PLANNED COMMUNITY DISTRICT (APPROVED INTERMEDIATE COMMERCIAL HIGH RISE AND HIGH DENSITY, PLANNED COMMUNITY DISTRICT)], S-1 (APPROVED C-2 HR PCD) [RANCH OR FARM RESIDENCE (APPROVED INTERMEDIATE COMMERCIAL HIGH RISE AND HIGH DENSITY, PLANNED COMMUNITY DISTRICT)], AND RE-43 (APPROVED C-2 HR PCD) [RESIDENTIAL ESTATE-ONE FAMILY RESIDENCE (APPROVED INTERMEDIATE COMMERCIAL HIGH RISE AND HIGH, DISTRICT PLANNED COMMUNITY DISTRICT] TO PUD (PLANNED UNIT DEVELOPMENT).

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WHEREAS, on July 27, 2012, 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 Stephen C. Earl of Earl, Curley & Lagarde, having authorization to represent the owner, William Sheely/ET AL , of an approximately 172 91 acre property located at the southeast corner of 99th Avenue and Thomas Road in a portion of Section 33, Township 2 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 December 11, 2012, 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 January 16, 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 172.91 acre property located at the southeast corner of 99th Avenue and Thomas Road in a portion of Section 33, Township 2 North, Range 1 East, as described more specifically in Attachment "A," is hereby changed from 92.11 acres of "GCP PCD (Approved C-2 HR PCD)" [General Commerce Park Planned Community District (Approved Intermediate Commercial High Rise And High Density, Planned Community District)], 54.37 acres of "C-2 PCD (Approved C-2 HR PCD)" [Intermediate Commercial Planned Community District (Approved Intermediate Commercial High Rise And High Density, Planned Community District)], 23.57 acres of "S-1 (Approved C-2 HR PCD)" [Ranch or Farm Residence

(Approved Intermediate Commercial High Rise And High Density, Planned Community District)], and .95 acres of "RE-43 (Approved C-2 HR PCD)" [Residential Estate-One Family Residence (Approved Intermediate Commercial High Rise And High Density, Planned Community District)] 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."

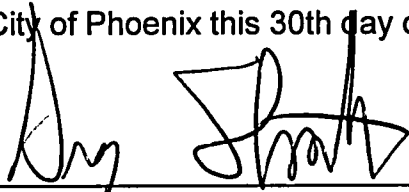
SECTION 2: The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-29-12-7(5), on file with the Planning and Development Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning 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 Sheely Center 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 September 27, 2012, as modified by the following stipulations.
2. The applicant shall submit a revised Traffic Impact Study to the Street Transportation Department and Planning and Development Department prior to preliminary site plan approval. The applicant shall be responsible for any dedications and required improvements adjacent to the boundaries of the subject property as recommended by the traffic study, as approved by the Street Transportation Department and Planning and Development Department.
3. The applicant shall submit a street alignment plan for public streets (design and alignment for all arterial and collector streets), prior to preliminary site plan approval, for review and approval by the Street Transportation Department and Planning and Development Department.

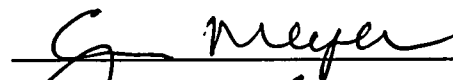
- 4. Access to McDowell Road shall be reviewed by ADOT, Maricopa County, city of Tolleson, and the city of Phoenix. Notification of such review shall be submitted to the Street Transportation Department and the Planning and Development Department prior to preliminary site plan approval.
- 5. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscape and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

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 30th day of January, 2013.

  
 \_\_\_\_\_  
 MAYOR

ATTEST:

  
 \_\_\_\_\_ City Clerk



APPROVED AS TO FORM:

  
 \_\_\_\_\_ Acting City Attorney

REVIEWED BY:

  
 \_\_\_\_\_ City Manager

MLW tml 1019738v1 (CM#24) (Item #20) 01/30/13

Attachments:

- A - Legal Description (4 Pages)
- B - Ordinance Location Map (1 Page)

## ATTACHMENT A

LEGAL DESCRIPTION FOR Z-29-12-7(5)

THAT PART OF PARCELS 1, 2 AND 3 LYING WEST OF THE WESTERLY LINE OF THAT PROPERTY CONVEYED TO THE STATE OF ARIZONA BY DEED RECORDED JULY 31, 1998 IN 98-663064 AND NORTH OF THE NORTH RIGHT-OF-WAY LINE OF THE ROOSEVELT IRRIGATION DISTRICT MAIN CANAL.

PARCEL NO. 1:

THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA:

EXCEPT THE NORTH 33 FEET AND THE WEST 70 FEET; AND

EXCEPT A TRIANGULAR SHAPED PARCEL OF LAND DESCRIBED AS BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF THE NORTH 200.00 FEET AND THE EAST LINE OF THE WEST 70 FEET OF SAID NORTHWEST QUARTER OF SAID SECTION 33;

THENCE EASTERLY 5 FEET ALONG SAID SOUTHERLY LINE OF THE NORTH 200.00 FEET TO A POINT;

THENCE IN A SOUTH-SOUTHWESTERLY DIRECTION TO A POINT ON THE EAST LINE OF THE WEST 70 FEET THAT IS 600 00 FEET SOUTHERLY FROM SAID POINT OF INTERSECTION;

THENCE NORTHERLY TO SAID POINT OF INTERSECTION; AND EXCEPT A PARCEL DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF THE NORTH 33 FEET AND THE EAST LINE OF THE WEST 75 FEET OF SAID NORTHWEST QUARTER OF SAID SECTION 33;

THENCE EASTERLY 35 FEET ALONG SAID SOUTH LINE OF THE NORTH 33 FEET TO A POINT;

THENCE IN A SOUTHWESTERLY DIRECTION TO A POINT ON SAID EAST LINE OF THE WEST 75 FEET THAT IS 35 FEET SOUTHERLY FROM SAID POINT OF INTERSECTION;

THENCE NORTHERLY TO SAID POINT OF INTERSECTION, AND

EXCEPT THE EAST 5 FEET OF THE WEST 75 FEET OF THE SOUTH 167.00 FEET OF THE NORTH 200.00 FEET OF SAID SECTION 33.

PARCEL NO 2:

THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE SOUTH 100 FEET OF THE WEST 298.72 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, AS CONVEYED TO THE ROOSEVELT IRRIGATION DISTRICT, BY THAT CERTAIN DEED RECORDED IN BOOK 218 OF DEEDS, PAGE 366, RECORDS OF MARICOPA COUNTY, ARIZONA; AND INSTRUMENT 84-3648, AND

EXCEPT RIGHT OF WAY FOR DITCH EXTENDING FROM NORTH TO SOUTH BOUNDARIES OF THE SOUTHWEST QUARTER OF SAID SECTION 33; ALONG AND IMMEDIATELY WEST OF THE EAST LINE THEREOF AS CONVEYED TO UNITED STATES OF AMERICA BY THAT CERTAIN DEED RECORDED IN BOOK 175 OF DEEDS, PAGE 429, RECORDS OF MARICOPA COUNTY, ARIZONA, AND

EXCEPT THE WEST 65 FEET.

PARCEL NO 3:

PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 33 BEARS SOUTH 88 DEGREES 48 MINUTES 30 SECONDS WEST 120 FEET;

THENCE SOUTH 0 DEGREES 11 MINUTES WEST 367 70 FEET;

THENCE SOUTH 44 DEGREEES 36 MINUTES EAST 189.60 FEET;

THENCE SOUTH 27 DEGREES 23 MINUTES EAST 88 90 FEET;

THENCE SOUTH 0 DEGREES 01 MINUTES EAST 416.71 FEET;

THENCE SOUTH 44 DEGREES 18 MINUTES EAST 246.60 FEET;

THENCE SOUTH 56 DEGREES 58 MINUTES EAST 54.85 FEET;

THENCE NORTH 89 DEGREES 00 MINUTES EAST 2070.23 FEET,

THENCE NORTH 0 DEGREES 12 MINUTES EAST 50 FEET;

THENCE NORTH 89 DEGREES 00 MINUTES EAST 60 FEET (FROM WHICH POINT THE SOUTH QUARTER CORNER OF SAID SECTION 33 BEARS SOUTH 0 DEGREES 12 MINUTES WEST 160 FEET);

THENCE NORTH 0 DEGREES 12 MINUTES EAST ALONG THE MIDSECTION LINE OF SAID SECTION 33, A DISTANCE OF 1170 FEET TO NORTHEAST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 33;

THENCE SOUTH 88 DEGREES 48 MINUTES 30 SECONDS WEST ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 33 A DISTANCE OF 2525.89 FEET TO THE PLACE OF BEGINNING,

EXCEPT RIGHT OF WAY FOR DITCH LYING IMMEDIATELY WEST OF THE EAST LINE CONVEYED TO UNITED STATES OF AMERICA BY DEED RECORDED IN BOOK 175 OF DEEDS, PAGE 429, RECORDS OF MARICOPA COUNTY, ARIZONA; AND

EXCEPT THE EAST 90 FEET OF THE WEST 298.72 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 33, LYING NORTH OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE ROOSEVELT IRRIGATION DISTRICT MAIN CANAL;

ALSO BEGINNING AT THE POINT OF INTERSECTION OF THE EAST LINE OF THE WEST 208.72 FEET AND THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 33;

THENCE WEST 75 FEET ALONG SAID NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER; 75 FEET TO A POINT;

THENCE WEST 75 FEET ALONG SAID NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, 75 FEET TO A POINT;

THENCE IN A SOUTHEASTERLY DIRECTION TO A POINT ON SAID EAST LINE OF THE WEST 208.72 FEET THAT IS 75 FEET SOUTHERLY FROM SAID POINT OF INTERSECTION;

THENCE NORTHERLY TO THE POINT OF INTERSECTION.

PARCEL NO. 4:

THOSE PORTIONS OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER (S½ OF SW ¼) OF SECTION THIRTY-THREE (33), TOWNSHIP TWO (2) NORTH, RANGE ONE (1) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

PARCEL A:

THAT PART OF THE WEST 208 72 FEET OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE QUARTER (S½ OF SW¼) OF SAID SECTION 33, LYING WITHIN A STRIP OF LAND NINETY (90) FEET WIDE ON A CENTER LINE DESCRIBED AS FOLLOWS:

USING AS A BASE THE SOUTH ONE-HALF (S½) OF THE WEST LINE OF SECTION THIRTY-THREE (33), TOWNSHIP TWO (2) NORTH, RANGE ONE (1) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, WITH AN ASSUMED BEARING OF NORTH 0'04' EAST;

BEGINNING AT A POINT 256.9 FEET EAST OF AND 308.7 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SECTION 33, AND RUNNING THENCE NORTH 0'06' WEST 453 7 FEET TO A POINT;

THENCE NORTH 45'06' WEST 247.6 FEET TO A POINT;

THENCE PARALLEL TO AND 78.0 FEET EAST OF THE WEST LINE OF SAID SECTION 33, NORTH 0'04 EAST 476.0 FEET;

EXCEPT THE WEST SIXTY-FIVE (65) FEET OF SAID SECTION 33.

PARCEL B:

THAT PART OF THE WEST 208.72 FEET OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER (S½ OF SW¼) OF SAID SECTION 33, LYING NORTH OF THE NORTH LINE OF THE SOUTH 717.44 FEET OF SAID SECTION 33 AND WEST OF PARCEL A AS DESCRIBED ABOVE:

EXCEPT THE WEST SIXTY-FIVE (65) FEET OF SAID SECTION 33

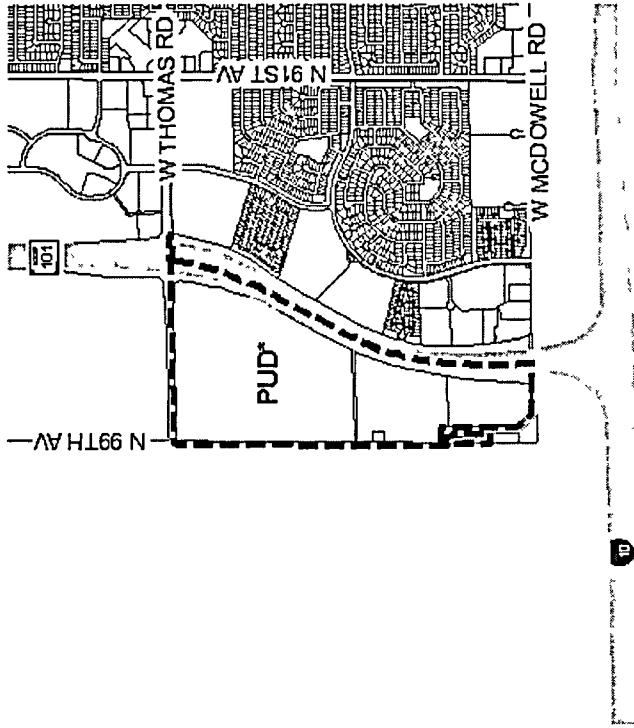


ATTACHMENT B

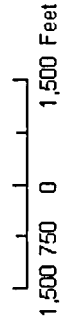
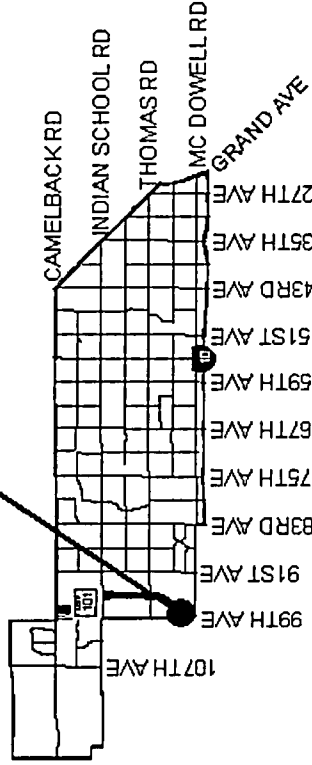
ORDINANCE LOCATION MAP

Zoning Case Number: Z-29-12-7 (5)  
Zoning Overlay: N/A  
Planning Village: Maryvale

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



Z-29-12



NOT TO SCALE



Drawn Date: 10/31/12

Map Document N:\PDF\_Maps\Ordinance\_Map\2012