

ORDINANCE G-5723

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 PREVIOUSLY APPROVED BY ORDINANCE G-5564 FOR THE PARCEL DESCRIBED HEREIN (CASE Z-3-A-10-5) FROM PUD (PLANNED UNIT DEVELOPMENT), C-O (COMMERCIAL OFFICE-RESTRICTED), R-3 (MULTIPLE-FAMILY RESIDENCE), AND R1-6 SINGLE-FAMILY RESIDENCE) TO PUD (PLANNED UNIT DEVELOPMENT).

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WHEREAS, on April 4, 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 Paul E. Gilbert of Beus Gilbert PLLC, having authorization to represent the owner, Grand Canyon Education Inc. of an approximately 110.85 acre property located approximately 700 feet east of the northeast corner of 35th Avenue and Camelback Road in a portion of Section 14, Township 2 North, Range 2 East, as described more specifically in Attachment "A", attached hereto and incorporated herein by this reference, and previously approved in Ordinance G-5564; and,

WHEREAS, pursuant to A.R.S. § 9-462.04, the Planning Commission, held a public hearing on June 12, 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 July 3, 2012, 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 110.85 acre property located approximately 700 feet east of the northeast corner of 35th Avenue and Camelback Road in a portion of Section 14, Township 2 North, Range 2 East, as described more specifically in Attachment "A", is hereby changed from 101.93 acres of "PUD" (Planned Unit Development), 3.2 acres of "C-O" (Commercial Office-Restricted), 3.24 acres of "R-3" (Multiple-Family Residence), and 2.49 acres of "R1-6" (Single-Family Residence) to 110.85 acres of "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-3-A-10-5, 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 and pursuant to Ordinance G-5564, 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. That an updated Traffic Impact Statement shall be reviewed and approved by the Street Transportation Department prior to Preliminary Site Plan approval by the Planning and Development Department. The developer shall be responsible for any additional street right-of-way dedications and construction improvements.
2. That the developer shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
3. A one-foot non-vehicular access easement shall be dedicated for the cul-de-sac portion of West Colter Street as approved by the Planning and Development Department.
4. During construction within 50 feet of the Little Canyon Trail, temporary fencing shall be installed between the construction activity and the Little Canyon Trail as approved by the Planning and Development Department.
5. Future pedestrian access points to the Little Canyon Trail shall be reviewed by the Parks & Recreation and Street Transportation Departments, as well as the Office of Arts and Culture and approved by the Planning and Development Department.
6. The development narrative shall be modified as follows:
  - a. Diagram G.1 on page 25 shall be amended with the revised diagram date stamped June 25, 2012, that illustrates the presence of the Little Canyon Trail and the subsequent building setbacks as approved by the Planning and Development Department.
  - b. Page 50, the following language shall be inserted:

Aerial signs: There shall be no more than one (1) unlit aerial sign on the roof of the event center and it shall not exceed 2,000 square feet. Such aerial shall not be visible from the perimeter of the development.

Fixed pole mounted signs: These shall include permanent pole mounted way finding signs in parking lots. The structures on which the signs are placed shall be limited to 27 feet in height. The sign themselves should be four feet with a maximum of 16 square feet.

Temporary banner signs: These shall include temporary or rotating banners affixed to poles. Pole mounted banners shall be allowed provided they are securely fastened, vented, and have a minimum clearance of eight feet above grade. The light standards shall be engineered to support any banner larger than four feet.

- c. Maps and graphics shall be amended to re-label 30th Avenue to 30th Drive on the following pages: 25, 26, 53, 54, 57, 104-107.
7. The developer shall design and construct a minimum eight-foot wide detached sidewalk, constructed of decorative pavers or stamped or colored concrete along the south side of Missouri Avenue. The sidewalk shall provide pedestrian connectivity between the Little Canyon Trail and Little Canyon Park and an enhanced pedestrian path across any new or existing drive aisles 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 3rd day of July, 2012.



*D. Stanton*

MAYOR

*C. Meyer*

City Clerk

APPROVED AS TO FORM:

*[Signature]*

Acting City Attorney

*MLW*

REVIEWED BY:

*E. [Signature]*

**ACTING**

City Manager

MLW:amt:984980\_1.doc (CM 77) (Item 42) 7/3/12

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-3-A-10-5

ALL THAT PORTION OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PHOENIX BRASS CAP IN HAND HOLD MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 14, FROM WHICH A CITY OF PHOENIX BRASS CAP IN HAND HOLD MARKING THE SOUTHWEST CORNER OF SAID SECTION 14 BEARS NORTH 89°55'51" WEST, 2621.08 FEET; THENCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14 NORTH 00°06'04" EAST, 638.66 FEET TO A ½" REBAR WITH CAP STAMPED "LS 48510" MARKING THE SOUTHEAST CORNER OF THAT PARCEL AS DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED RECORDED UNDER DOCUMENT NUMBER 2010-0043322, RECORDS OF MARICOPA COUNTY, ARIZONA, AND THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID EAST LINE NORTH 00°06'04" EAST, 688.55 FEET TO A ½" REBAR WITH CAP STAMPED "LS 48510" MARKING THE NORTHWEST CORNER OF LOT 1, BLOCK 3, PLAT OF "HOMELAND" AS RECORDED IN BOOK 15 OF MAPS, PAGE 18, RECORDS OF MARICOPA COUNTY, ARIZONA, AND THE SOUTHEAST CORNER OF THAT PORTION DESCRIBED IN DOCKET 8422, PAGE 181, RECORDS OF MARICOPA COUNTY, ARIZONA, AND ALSO BEING THE BEGINNING OF A NON-TANGENT 25.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTH, SAID CURVE BEING TANGENT TO THE NORTH LINE OF SAID LOT 1, OF WHICH THE RADIUS POINT OF SAID CURVE BEARS SOUTH 00°01'44" WEST, 25.00 FEET;

THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 38°12'17", AN ARC LENGTH OF 16.67 FEET TO A ½" REBAR WITH CAP STAMPED "LS 48510" AND THE POINT OF REVERSE CURVATURE OF A 45.00 FOOT RADIUS CURVE CONCAVE TO THE EAST;

THENCE ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 256°25'35", AN ARC LENGTH OF 201.40 FEET TO A ½" REBAR WITH CAP STAMPED "LS 48510" AND THE POINT OF REVERSE CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE NORTH;

THENCE ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 38°21'29", AN ARC LENGTH OF 16.74 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, OF SAID PLAT OF "HOMELAND", AND SAID EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14, BEING MARKED BY A ½" REBAR WITH CAP STAMPED "LS 48510";

THENCE SOUTH 89°59'35" EAST, 297.51 FEET ALONG THE SOUTH LINE OF LOT 2, PLAT OF "HOMESITE TRACTS" AS RECORDED IN BOOK 18 OF MAPS, PAGE 48, RECORDS OF MARICOPA COUNTY, ARIZONA, TO THE SOUTHEAST CORNER OF SAID LOT 2;

THENCE NORTH 00°10'43" EAST, 478.00 FEET ALONG THE EAST LINE OF LOT 2 AND LOT 4 OF SAID PLAT OF "HOMESITE TRACTS" TO THE NORTHEAST CORNER OF PARCEL 1 DESCRIBED IN THAT CERTAIN WARRANTY DEED RECORDED UNDER DOCUMENT NUMBER 2011-0552142, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 89°59'24" WEST, 298.16 FEET ALONG THE NORTH LINE OF SAID PARCEL 1 TO THE NORTHWEST CORNER OF SAID PARCEL 1, SAID CORNER LYING ON SAID EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14;

THENCE ALONG SAID EAST LINE NORTH 00°06'04" EAST, 271.41 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED RECORDED UNDER DOCUMENT NUMBER 2011-0634704, RECORDS OF MARICOPA COUNTY, ARIZONA, FROM WHICH A ½ INCH REBAR WITNESS CORNER WITH CAP STAMPED "LS 48510" AND TAGS STAMPED "20FT WC" BEARDS SOUTH 89°58'09" WEST, 20.00 FEET;

THENCE SOUTH 89°58'09" WEST, 40.00 FEET ALONG THE NORTH LINE OF SAID PARCEL TO A PK NAIL WITH WASHER STAMPED "LS 48510" MARKING THE SOUTHEAST CORNER OF PARCEL NO. 2 AS DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED RECORDED UNDER DOCUMENT NUMBER 2009-0378465, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 00°06'04" EAST, 451.50 FEET ALONG THE EAST LINE OF SAID PARCEL 2 TO A ½" REBAR WITH CAP STAMPED "LS 48510" MARKING AN ANGLE POINT;

THENCE NORTH 44°58'01" WEST, 21.19 FEET TO A ½" REBAR WITH CAP STAMPED "LS 48510" MARKING AN ANGLE POINT;

THENCE SOUTH 89°58'09" WEST, 375.00 FEET ALONG THE NORTH LINE OF SAID PARCEL 2 TO A CHISELED 'X' IN CONCRETE MARKING THE NORTHWEST CORNER OF SAID PARCEL 2;

THENCE SOUTH 00°06'04" WEST, 670.21 FEET ALONG THE WEST LINE OF SAID PARCEL 2 AND THE WEST LINE OF SAID PARCEL DESCRIBED IN DOCUMENT NUMBER 2011-0634704 TO A 1/2 " REBAR WITH CAP STAMPED "LS 48510" MARKING THE SOUTHWEST CORNER OF SAID PARCEL:

THENCE NORTH 89°58'50" WEST, 1199.07 FEET ALONG THE SOUTHERLY LINE OF A PARCEL DESCRIBED IN THAT CERTAIN WARRANTY DEED FILED IN DOCKET 9110, PAGE 55, RECORDS OF MARICOPA COUNTY, ARIZONA, TO A ½" REBAR WITH CAP STAMPED "LS 48510" MARKING AN ANGLE POINT;

THENCE NORTH 85°00'46" WEST, 965.53 FEET ALONG SAID SOUTHERLY LINE ALSO BEING THE SOUTHERLY LINE OF "QUATROS (AMENDED)" AS FILED IN BOOK 148, PAGE 14, RECORDS OF MARICOPA COUNTY, ARIZONA, TO A ½" REBAR WITH TAG STAMPED "RLS 48510" MARKING THE NORTHWEST CORNER OF A PARCEL DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED RECORDED UNDER DOCUMENT NUMBER 2011-0715273, RECORDS OF MARICOPA COUNTY, ARIZONA, AND THE EASTERLY RIGHT OF WAY LINE OF 35TH AVENUE;

THENCE SOUTH 00°11'02" EAST, 606.05 FEET ALONG THE EAST LINE OF THE WEST 40.00 FEET OF SAID SOUTHWEST QUARTER AND SAID RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF A WELL SITE PARCEL AS DESCRIBED IN THAT CERTAIN WARRANTY DEED RECORDED UNDER DOCUMENT NUMBER 2000-0968002, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE ALONG THE NORTHERLY LINE OF SAID WELL SITE PARCEL NORTH 89°48'58" EAST, 50.00 FEET TO THE NORTHEAST CORNER OF SAID WELL SITE PARCEL;

THENCE ALONG THE EASTERLY LINE OF SAID WELL SITE PARCEL SOUTH 00°11'02" EAST, 18.00 FEET TO THE NORTHEAST CORNER OF A WELL SITE PARCEL AS DESCRIBED IN THAT CERTAIN QUIT CLAIM DEED FILED IN DOCKET 11093, PAGE 806, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE ALONG THE EASTERLY LINE OF SAID WELL SITE PARCEL SOUTH 00°11'02" EAST, 50.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL, SAID CORNER BEING MARKED BY A ½" REBAR WITH CAP STAMPED "LS 35832";

THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL SOUTH 89°48'58" WEST, 50.00 FEET TO SAID EASTERLY RIGHT OF WAY LINE OF 35TH AVENUE AND THE EASTERLY LINE OF SAID PARCEL NUMBER ONE DESCRIBED IN THAT CERTAIN QUIT CLAIM DEED FILED IN DOCKET 10860, PAGE 502;

THENCE ALONG A LINE PARALLEL WITH AND 40 FEET EASTERLY OF THE WEST LINE OF SAID SOUTHWEST QUARTER AND ALONG SAID EASTERLY RIGHT OF WAY LINE SOUTH 00°11'02" EAST, 20.51 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 14 AND THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN THAT CERTAIN QUIT CLAIM DEED FILED IN DOCKET 2865, PAGE 98, RECORDS OF MARICOPA COUNTY, ARIZONA;



THENCE CONTINUING ALONG SAID PARALLEL LINE AND ALONG SAID EASTERLY RIGHT OF WAY LINE SOUTH 00°11'02" EAST, 629.26 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 690 FEET OF THE SOUTHWEST QUARTER OF SAID SECTION 14, FROM WHICH SAID POINT A ½ INCH REBAR WITNESS CORNER WITH CAP STAMPED "LS 48510 W.C." BEARS SOUTH 89°55'51" EAST, 2.00 FEET;

THENCE ALONG SAID NORTH LINE AND THE NORTHERLY LINE OF THAT PARCEL DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED RECORDED UNDER DOCUMENT NUMBER 2006-1202438, RECORDS OF MARICOPA COUNTY, ARIZONA, SOUTH 89°55'51" EAST, 650.01 FEET TO A 1/2" REBAR MARKING THE NORTHEAST CORNER OF SAID PARCEL AND THE NORTHEAST CORNER OF THE SOUTH 690 FEET OF THE WEST 690 FEET OF SAID SOUTHWEST QUARTER;

THENCE ALONG THE EAST LINE OF THE WEST 690 FEET OF SAID SOUTHWEST QUARTER SOUTH 00°11'02" EAST, 650.01 FEET TO A ½" IRON PIPE MARKING A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF CAMELBACK ROAD AND THE NORTHERLY LINE OF THAT PARCEL AS DESCRIBED IN SAID QUIT CLAIM DEED FILED IN DOCKET 2865, PAGE 98;

THENCE ALONG SAID NORTHERLY LINE OF SAID PARCEL AND ALONG SAID NORTHERLY RIGHT OF WAY LINE SOUTH 89°55'51" EAST, 568.63 FEET TO THE SOUTHWEST CORNER OF PARCEL NUMBER TWO DESCRIBED IN SAID QUIT CLAIM DEED FILED IN DOCKET 10860, PAGE 502;

THENCE ALONG THE NORTH LINE OF SAID PARCEL NUMBER TWO AND SAID NORTHERLY RIGHT OF WAY LINE NORTH 45°00'49" EAST, 16.95 FEET;

THENCE CONTINUING ALONG SAID NORTH LINE OF SAID PARCEL NUMBER TWO AND SAID NORTHERLY RIGHT OF WAY LINE SOUTH 89°55'51" EAST, 229.00 FEET TO A ½" REBAR WITH CAP STAMPED "LS 35832";

THENCE CONTINUING ALONG SAID NORTH LINE OF SAID PARCEL NUMBER TWO AND SAID NORTHERLY RIGHT OF WAY LINE SOUTH 86°07'03 EAST, 180.42 FEET TO A 1/2" REBAR WHICH CAP STAMPED "LS 35832";

THENCE CONTINUING ALONG SAID NORTH LINE OF SAID PARCEL NUMBER TWO AND SAID NORTHERLY RIGHT OF WAY LINE SOUTH 89°55'51" EAST, 511.64 FEET TO THE WEST LINE OF THE EAST 430.00 FEET OF THE SOUTHWEST QUARTER OF SAID SECTION 14, BEING MARKED BY A PK NAIL WITH TAG STAMPED "LS 48510"

THENCE ALONG SAID WEST LINE AND ALONG THE WESTERLY LINE OF THAT PARCEL DESCRIBED IN THAT CERTAIN WARRANTY DEED FILED IN DOCKET 7870, PAGE 557, RECORDS OF MARICOPA COUNTY, ARIZONA, NORTH 00°06'04" EAST,

598.80 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED RECORDED UNDER DOCUMENT NUMBER 2010-0043322;

THENCE ALONG THE SOUTH LINE OF SAID PARCEL SOUTH 89°54'46" EAST, 430.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 4,649,213 SQUARE FEET OR 106.731 ACRES, MORE OR LESS.

ATTACHMENT B

ORDINANCE LOCATION MAP

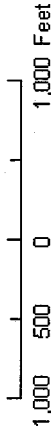
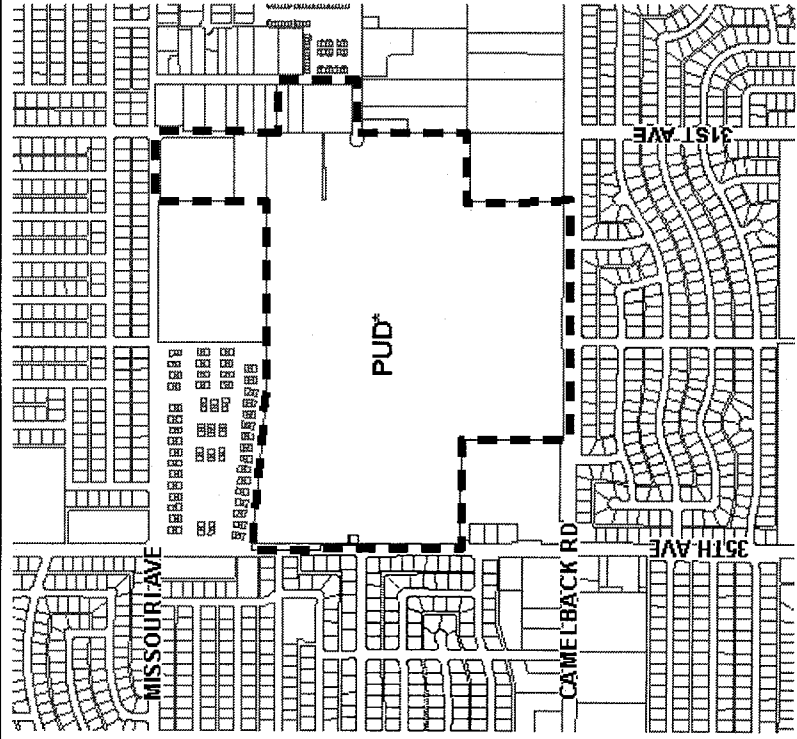
Zoning Case Number: Z-S-A-10-5

Zoning Overlay: N/A

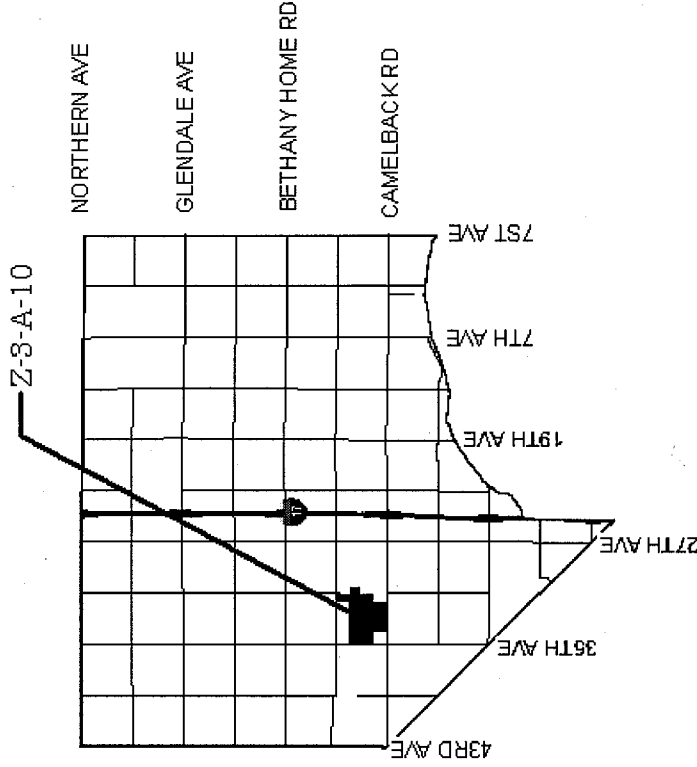
Planning Village: Alhambra

ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: - - - - -



NOT TO SCALE



Drawn Date: 6/5/12

Map Document: PDF\_Maps\Ordinance\_Map2012