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ORDINANCE G-5889

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-20-13-7) FROM CP/GCP (COMMERCE PARK/GENERAL COMMERCE PARK) AND R-3 (MULTIPLE FAMILY RESIDENCE) TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on May 6, 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, Estrella Vista Commerce Park, LLC of an approximately 100.90 acre property located at the southeast corner of 67th Avenue and Interstate 10 in a portion of Section 6, Township 1 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 January 14, 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 February 5, 2014, 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 100.90 acre property located at the southeast corner of 67th Avenue and Interstate 10 in a portion of Section 6, Township 1 North, Range 2 East, as described more specifically in Attachment "A", is hereby changed from "CP/GCP" (Commerce Park/General Commerce Park) and "R-3" (Multiple Family Residence) 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-20-13-7, 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 Z-20-13-7 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 December 4, 2013, as modified by the following stipulations:.

- a. Page 32, I. 1st paragraph, last sentence: Applicant shall insert "there will be a total of 3 freeway pylon signs and 3 off-premise advertising signs."
- b. Page 32, I.3: Applicant shall revise the first sentence to read "Off-premise advertising signs and pylon signs shall allow a maximum of 450 square feet of sign area."
- c. Page 32, I.4, last sentence: Applicant shall insert "Off-Premise advertising shall be limited to 3 signs that comply with all standards of the zoning ordinance."
- d. Page 33, Table I.1: Applicant shall re-alphabetize the table per attachment A.
- e. The applicant shall update all exhibits within the Estrella Vista Commerce Park PUD with the updated signage requirements.

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.

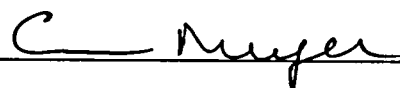
PASSED by the Council of the City of Phoenix this 5th day of February, 2014.





 MAYOR


ATTEST:


 _____ City Clerk

APPROVED AS TO FORM:

 Acting City Attorney

REVIEWED BY:

 Acting City Manager

MLW.tml:1107914v1: (CM#36) (Item #51) 2/5/14

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-20-13-7

Those parts of Lots 183, 184, 185 and 186, of PATIO HOMES WEST TWO, according to Book 167 of Maps, page 30, records of Maricopa County, Arizona; and

That part of Lot 1, of PATIO HOMES WEST TWO REPLAT, according to Book 242 of Maps, page 1, records of Maricopa County, Arizona; and

That part of the North half of Section 6, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the West quarter corner of said Section 6;

THENCE North 89 degrees 35 minutes 21 seconds East, along the East-West mid-section line of said Section 6, a distance of 46.00 feet to the TRUE POINT OF BEGINNING;

THENCE continuing North 89 degrees 35 minutes 21 seconds East, along said East-West mid-section line a distance of 2476.21 feet to a brass cap which is center of section per City of Phoenix;

THENCE North 00 degrees 00 minutes 15 seconds East, along the North-South mid-section line of said Section 6, which is the West line of Fowler School per Special Warranty Deed as recorded in Docket 16083, page 1524, a distance of 593.69 feet;

THENCE North 89 degrees 34 minutes 24 seconds East, parallel to the East-West mid-section line of said Section 6, which is also along the North line of that property described in the aforementioned Special Warranty Deed, a distance of 660.76 feet to a point on the East line of Lot 1, as recorded in Book 242 of Maps, page 1, records of Maricopa County, Arizona;

THENCE North 00 degrees 05 minutes 24 seconds East, along the aforementioned East line of Lot 1 and the Northerly prolongation thereof, a distance of 632.89 feet, more or less, to a point on the South right-of-way line of the Ehrenberg-Phoenix Highway per Docket 16269, page 499, Area #2;

THENCE South 89 degrees 22 minutes 51 seconds West along said right-of-way line, a distance of 661.73 feet to a point on the North-South mid-section line of said Section 6, said point bears North 00 degrees 00 minutes 15 seconds East, a distance of 1224.35 feet from the aforementioned brass cap which is the center of section per City of Phoenix;

THENCE continuing South 89 degrees 22 minutes 51 seconds West, along the aforementioned right-of-way of the Ehrenberg-Phoenix Highway, a distance of 877.63 feet;

THENCE South 86 degrees 25 minutes 09 seconds West, along the aforementioned right-of-way line, a distance of 1570.56 feet;

THENCE South 00 degrees 21 minutes 41 seconds West, along the aforementioned right-of-way and parallel to the West line of said Section 6, a distance of 210.00 feet;

THENCE South 04 degrees 18 minutes 24 seconds West, along the aforementioned right-of-way line, a distance of 348.83 feet;

THENCE South 00 degrees 21 minutes 41 seconds West, along the aforementioned right-of-way line which is parallel to the West line of said Section 6, a distance of 576.70 feet to the TRUE POINT OF BEGINNING;

EXCEPT the South 30 feet and the East 30 feet of the East half of the East half of the East half of the Northwest quarter and the West 30 feet of the Northeast quarter, all in Section 6, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian; and

EXCEPT that part of said Northwest quarter described as follows:

BEGINNING at the intersection of the North line of the South 30 feet of said Northwest quarter with the West line of the East 30 feet thereof;

THENCE North along said West line, a distance of 14 feet;

THENCE Southwesterly to a point in said North line which is 14 feet West of the POINT OF BEGINNING;

THENCE to the POINT OF BEGINNING; and

EXCEPT those parts thereof lying North of the South right-of-way line of the Ehrenberg-Phoenix Highway (1-10); and

EXCEPT the South 593.69 feet of said West 30 feet, as measured along the West line of said Northeast quarter; and

EXCEPT the South 30 feet of the West half of the Northwest quarter of Section 6, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian; and

EXCEPT that part of said West half described as follows;

BEGINNING at the intersection of the East line of the West 46 feet of said West half with the North line of the South 30 feet thereof;

THENCE North along said East line, a distance of 18 feet;

THENCE Southeasterly to a point in said North line which is 18 feet East of the POINT OF BEGINNING;

THENCE to the POINT OF BEGINNING:

EXCEPT the West 46 feet of said South 30 feet; and

EXCEPT the South 30 feet of the West half of the East half of the East half of the Northwest quarter; and the South 30 feet of the West half of the East half of the Northwest quarter, all in Section 6, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian; and

EXCEPT that portion conveyed to the City of Phoenix in Document No. 94-0404091, more particularly described as follows:

That part of Lot 5, of Section 6, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, more particularly described as follows:

COMMENCING at the West quarter corner of said Section 6;

THENCE North 89 degrees 35 minutes 43 seconds East, along the East-West mid-section line of said Section 6, a distance of 46.00 feet;

THENCE North 00 degrees 21 minutes 59 seconds East, parallel with the West line of said Section 6, a distance of 576.70 feet;

THENCE North 04 degrees 18 minutes 42 seconds East, a distance of 348.83 feet;

THENCE North 00 degrees 21 minutes 59 seconds East, parallel with said West line and along a line herein designated as Line "A", a distance of 160.00 feet to an orthogonal line herein, designated as Line "B" and the POINT OF BEGINNING:

THENCE continuing North 00 degrees 21 minutes 59 seconds East, along said Line "A", a distance of 50.00 feet to the terminus of said Line "A";

THENCE North 86 degrees 25 minutes 27 seconds East, to a line that is 50.00 feet Easterly of an parallel with said Line "A";

THENCE South 00 degrees 21 minutes 59 seconds West, along last said parallel line to said Line "B";

THENCE North 89 degrees 38 minutes 01 seconds West, along said Line "B" to the POINT OF BEGINNING; and

EXCEPT that portion conveyed to the City of Phoenix in Document No. 99-0438741, more particularly described as follows:

That part of Lot 5, of Section 6, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, more particularly described as follows:

COMMENCING at the intersection of the East line of the West 46 feet of said Northwest quarter and the North line of the South 30 feet thereof;

THENCE Northerly along said East line, a distance of 18 feet to the POINT OF BEGINNING;

THENCE Southeasterly to a point on said North line, which is 18 feet Easterly of the POINT OF COMMENCEMENT;

THENCE Easterly along said North line to the East line of the West 100 feet of said Northwest quarter;

THENCE Northerly along last said East line to the North line of the South 38 feet of said Northwest quarter;

THENCE Westerly along last said North line to a point which is 20 feet Easterly of the intersection of last said North line and said East line of the West 46 feet;

THENCE Northwesterly to a point in last said East line which is 20 feet Northerly of last said intersection;

THENCE Southerly along last said East line to the POINT OF BEGINNING:

TOGETHER WITH that part of Lot 5, described as follows:

COMMENCING at the Southeast corner of the West 46 feet of the Northwest quarter;

THENCE Northerly along the East line of said West 46 feet, a distance of 73.80 feet to the POINT OF BEGINNING:

THENCE continuing Northerly along said East line, a distance of 30 feet to an orthogonal line, designated herein as Line "A";

THENCE continuing Northerly along said East line, a distance of 62 feet to an orthogonal line, designated herein as Line "B";

THENCE continuing Northerly along said East line, a distance of 30 feet;

THENCE Southeasterly to the intersection of said Line "B" and the East line of the West 52 feet of said Northwest at;

THENCE Southerly along last said East line, a distance of 62 feet to said Line "A";

THENCE Southwesterly to the POINT OF BEGINNING; and

TOGETHER WITH that part of said Lot 5, described as follows:

COMMENCING at the West quarter corner of said Section 6;

THENCE North 89 degrees 35 minutes 43 seconds East, along the East-West mid-section line of said Section 6, a distance of 46 feet to said East line of the West 46 feet;

THENCE North 00 degrees 21 minutes 59 seconds East, along last said East line, a distance of 228.80 feet to a point, designated herein as Point "A";

THENCE continuing North 00 degrees 21 minutes 59 seconds East, along said East line, a distance of 347.90 feet to a point, designated herein as Point "B";

THENCE continuing North 00 degrees 21 minutes 59 seconds East, along last said East line, a distance of 141.10 feet to an orthogonal line;

THENCE South 89 degrees 38 minutes 01 seconds East, along last said orthogonal line to a point which bears North 04 degrees 18 minutes 42 seconds East, from said Point "B" and the POINT OF BEGINNING;

THENCE South 04 degrees 18 minutes 42 seconds West, to said Point "B";

THENCE South 00 degrees 21 minutes 59 seconds West, along last said East line, a distance of 347.90 feet to said Point "A";

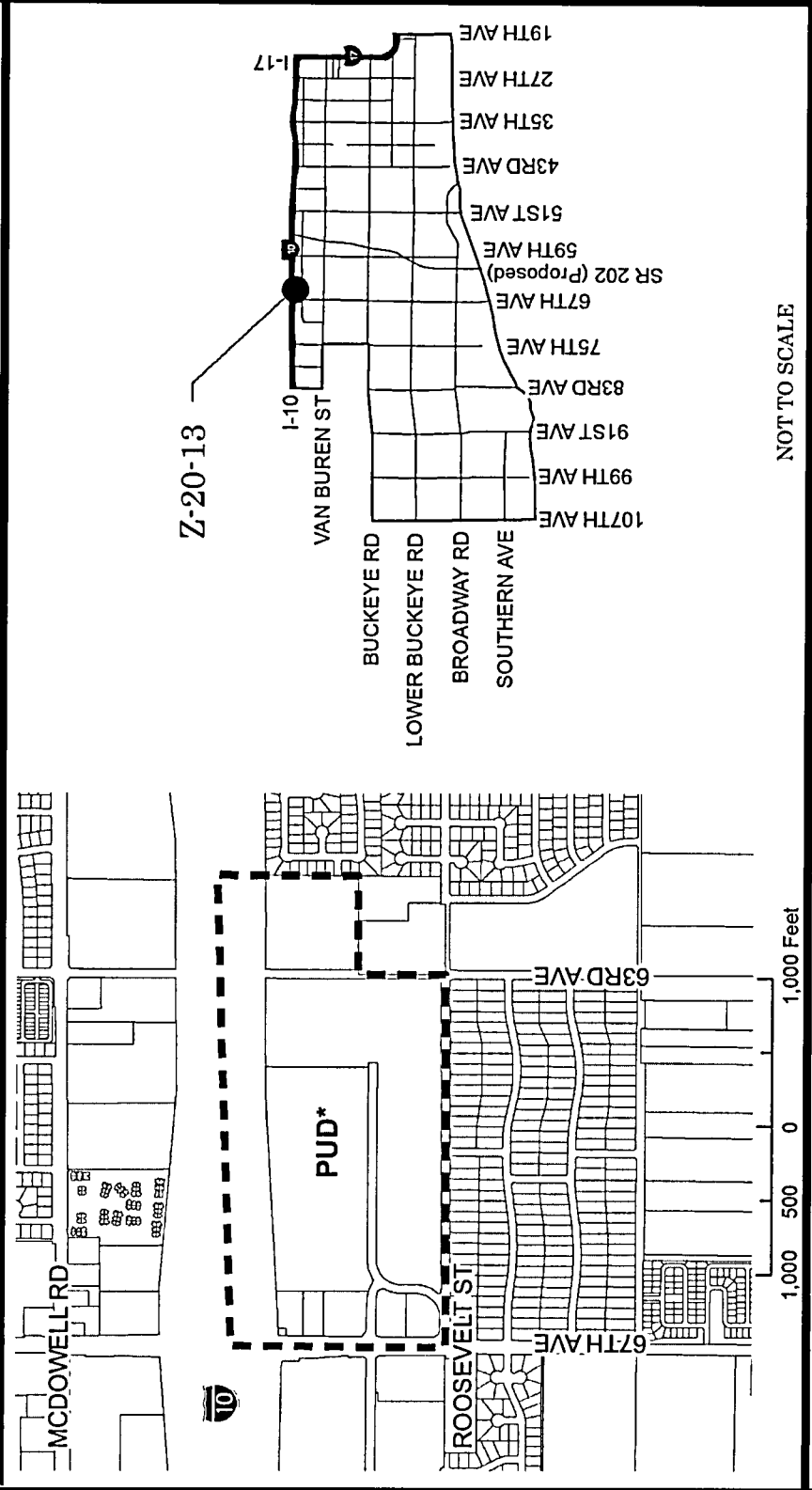
THENCE Northeasterly to the POINT OF BEGINNING.

ATTACHMENT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-20-13-7
 Zoning Overlay: N/A
 Planning Village: Estrella

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



Drawn Date: 1/13/14

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