

ORDINANCE G-5631

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-19-B-00-5) FROM S-1 PCD (APPROVED CP/GCP PCD, C-2 PCD, C-2 H-R PCD) [RANCH OR FARM RESIDENCE PLANNED COMMUNITY DISTRICT (APPROVED COMMERCE PARK/GENERAL COMMERCE PARK PLANNED COMMUNITY DISTRICT, INTERMEDIATE COMMERCIAL PLANNED COMMUNITY DISTRICT, INTERMEDIATE COMMERCIAL HIGH RISE AND HIGH DENSITY PLANNED COMMUNITY DISTRICT)] TO PUD PCD (PLANNED UNIT DEVELOPMENT PLANNED COMMUNITY DISTRICT).

WHEREAS, on December 10, 2010, 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 John F. Long Properties LLC, represented by Stephen Anderson of Gammage & Burnham, PLLC, having authorization to represent the owners, Algodon/John F. Long/Drury Southwest of an approximately 607.52 acre property located in an area generally bounded by 93rd Avenue, 99th Avenue, Thomas Road to Campbell Avenue in a portion

of Section 21, 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 May 11, 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 June 1, 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 607.52 acre property located in an area generally bounded by 93rd Avenue, 99th Avenue, Thomas Road to Campbell Avenue in a portion of Section 21, Township 2 North, Range 1 East, as described more specifically in Attachment "A", is hereby changed from "S-1 PCD (approved CP/GCP PCD, C-2 PCD, C-2 H-R PCD)" [Ranch or Farm Residence Planned Community District (approved Commerce Park/General Commerce Park Planned Community District, Intermediate Commercial Planned Community District, Intermediate Commercial High Rise and High Density Planned Community District)] to "PUD PCD" (Planned Unit Development Planned Community District) 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-19-B-00-5, on file with the Planning 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. That an updated Development Narrative for the Algodon 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 April 25, 2011, as modified by the following stipulations:
2. That the property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of the City of Glendale Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
3. That the applicant shall revise the Algodon PUD Narrative with specific regard to the following:
 - a. Section J, Page 20, Signs and all of Exhibit 14.0 Sign Concept from the April 25, 2011, Algodon Planned Unit Development Narrative shall be deleted in its entirety.
4. That the applicant shall submit a revised Traffic Impact Study to the Street Transportation Department and the Planning and Development Department prior to preliminary site plan review for the first phase of development. The applicant shall be responsible for any dedications and required improvements as recommended by the approved Traffic Impact Study and as approved by Planning

and Development Department and the Street Transportation Department.

5. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
6. That prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's office. The waiver shall be recorded with the Maricopa County Recorder's office and delivered to the city to be included in the rezoning application file for record.

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 1st day of June, 2011.





MAYOR

ATTEST:

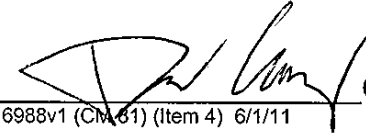


Acting City Clerk

APPROVED AS TO FORM:

 Acting City Attorney

REVIEWED BY:

 City Manager

MLW:amt:916988v1 (CM 61) (Item 4) 6/1/11

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-19-B-00-5

Parcel 1

That portion of the West half of Section 28 and the Southwest quarter of Section 21, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

Beginning at the Southwest corner of said Section 28 marked by a Maricopa County Highway Department brass cap in a handhole;

Thence North 00 degrees 18 minutes 04 seconds East along the West line of the Southwest quarter of said Section 28 a distance of 2,638.00 feet to the West quarter corner of said Section 28 marked by a Maricopa County Highway Department brass cap in a handhole;

Thence North 00 degrees 08 minutes 18 seconds East a distance of 2638.37 feet to the Northwest corner of said Section 28, said point also being the Southwest corner of said Section 21;

Thence North 00 degrees 03 minutes 05 seconds East along the West line of said Southwest quarter 2646.32 feet to the Northwest corner of said Southwest quarter (West quarter corner of Section 21);

Thence North 88 degrees 27 minutes 01 seconds East along the North line of said Southwest quarter (East-West mid-section line) 1461.01 feet to a point on the Westerly right-of-way line of the Agua Fria Freeway (Loop 101) from which the center of Section bears North 88 degrees 27 minutes 01 seconds East, 1197.34 feet;

Thence continuing along said right-of-way as follows;

South 22 degrees 27 minutes 19 seconds East, 95.60 feet;

Thence South 24 degrees 15 minutes 37 seconds East, 1000.05 feet;

Thence South 20 degrees 15 minutes 34 seconds East, 501.60 feet;

Thence South 18 degrees 30 minutes 04 seconds East a distance of 476.28 feet;

Thence South 11 degrees 18 minutes 42 seconds East a distance of 580.30 feet;

Thence South 81 degrees 01 minutes 13 seconds West a distance of 614.97 feet;

Thence leaving said Westerly right of way line South 01 degrees 41 minutes 34 seconds East a distance of 47.00 feet to a point on the South line of said Southwest quarter of Section 21;

Thence along said South line South 88 degrees 18 minutes 26 seconds West a distance of 119.99 feet;

Thence leaving said South line South 01 degrees 41 minutes 34 seconds East a distance of 35.00 feet to a point on the Westerly right of way line of the Agua Fria Freeway (State Route Loop 101)

Thence along said Westerly right of way line as follows:

South 85 degrees 16 minutes 27 seconds East a distance of 402.52 feet;
Thence South 76 degrees 26 minutes 16 seconds East a distance of 114.02 feet;
Thence South 88 degrees 40 minutes 48 seconds East a distance of 190.26 feet;
Thence South 23 degrees 17 minutes 15 seconds East a distance of 117.28 feet;
Thence South 05 degrees 20 minutes 43 seconds East a distance of 484.94 feet;
Thence South 04 degrees 19 minutes 58 seconds East a distance of 1003.19 feet;
Thence South 00 degrees 14 minutes 28 seconds West a distance of 1000.00 feet;
Thence South 02 degrees 02 minutes 58 seconds East a distance of 500.40 feet;
Thence South 01 degrees 23 minutes 13 seconds West a distance of 500.10 feet;

Thence South 08 degrees 22 minutes 16 seconds West a distance of 707.11 feet;
Thence South 00 degrees 45 minutes 26 seconds West a distance of 725.40 feet;
Thence South 46 degrees 45 minutes 27 seconds West a distance of 99.71 feet;
Thence South 88 degrees 30 minutes 13 seconds West a distance of 200.00 feet;
Thence South 01 degrees 29 minutes 47 seconds East a distance of 80.00 feet to
to a point on the South line of said Southwest quarter of Section 28 from which the
South quarter corner of said Section 28 bears North 88 degrees 30 minutes
13 seconds East a distance of 516.49 feet;

Thence South 88 degrees 30 minutes 13 seconds West a distance of 2133.03 feet to
the Point of Beginning.

Note: The above described parcel contains 18,079,883 square feet or 415.0570 acres
more or less.

Parcel 2

A portion of "Algodon Medical Office Park" as recorded in Book 978 of Maps, Page 34,
records of Maricopa County and "Map of Dedication for 93rd Avenue Alignment", as
recorded in Book 983 of Maps, Page 31, records of Maricopa County and a portion of
the East half of Section 28, Township 2 North, Range 1 East of the Gila and Salt River
Base and Meridian, Maricopa County, Arizona described as follows:

Commencing at the Southeast corner of said Section 28 marked by a City of Phoenix
brass cap in a handhole;

Thence South 88 degrees 30 minutes 33 seconds West along the South line of said East half of Section 28 a distance of 1,325.00 feet;

Thence North 01 degrees 29 minutes 27 seconds West a distance of 39.07 feet to a Point on the Easterly right of way line of the Agua Fria Freeway (State Route Loop 101) and the Point of Beginning;

Thence along said Easterly right of way line as follows:

North 89 degrees 02 minutes 12 seconds West a distance of 722.40 feet;
Thence North 85 degrees 22 minutes 31 seconds West a distance of 140.80 feet;
Thence South 88 degrees 30 minutes 33 seconds West a distance of 60.00 feet;
Thence North 52 Degrees 22 Minutes 47 Seconds West a distance of 82.85 feet;
Thence North 04 Degrees 23 Minutes 29 Seconds West a distance of 1421.54 feet;

Thence North 02 Degrees 02 Minutes 58 Seconds West a distance of 500.40 feet;
Thence North 01 Degrees 23 Minutes 13 Seconds East a distance of 1500.30 feet;
Thence North 08 degrees 12 minutes 39 seconds East a distance of 504.88 feet;
Thence North 00 Degrees 53 Minutes 32 Seconds East a distance of 1020.28 feet;
Thence North 29 Degrees 22 Minutes 34 Seconds East a distance of 130.03 feet;
Thence North 80 Degrees 17 Minutes 59 Seconds East a distance of 323.16 feet;

Thence leaving said easterly right of way line, North 01 Degrees 41 Minutes 44 Seconds West a distance of 55.00 feet to a point on the North line of said East half of Section 28 from which the North quarter corner bears South 88 degrees 18 minutes 16 seconds West a distance of 691.80 feet;

Thence North 88 degrees 18 minutes 16 seconds East along said North line a distance 634.13 feet to a point from which the Northeast corner of said Section 28 bears North 88 degrees 18 minutes 16 seconds East a distance of 1325.93 feet said point also being a point on the centerline of that particular water and sewer easement as described in Book 983 of Maps, Page 31, records of Maricopa County, Arizona;

Thence along said centerline as follows;

South 01 degrees 41 minutes 39 seconds East a distance of 496.48 feet to the beginning of a tangent curve whose center bears South 88 degrees 18 minutes 21 seconds West a distance of 500.00 feet;

Thence along the arc of said curve through a central angle of 14 degrees 49 minutes 21 seconds and an arc length of 129.35 feet;

Thence South 13 degrees 07 minutes 42 seconds West a distance of 188.55 feet to the beginning of a tangent curve whose center bears South 76 degrees 52 minutes 18 seconds East a distance of 500.00 feet;

Thence along the arc of said curve through a central angle of 12 degrees 52 minutes 31 seconds and an arc length of 112.36 feet;

Thence South 00 degrees 15 minutes 11 seconds West a distance of 776.99 feet to the beginning of a tangent curve whose center bears South 89 degrees 44 minutes 49 seconds East a distance of 500.00 feet;

Thence along the arc of said curve through a central angle of 14 degrees 23 minutes 30 seconds and an arc length of 125.59 feet;

Thence South 14 degrees 08 minutes 19 seconds East a distance of 200.61 feet to the beginning of a tangent curve whose center bears South 75 degrees 51 minutes 41 seconds West a distance of 500.00 feet;

Thence along the arc of said curve through a central angle of 26 degrees 05 minutes 36 seconds and an arc length of 227.71 feet;

Thence South 11 degrees 57 minutes 17 seconds West a distance of 150.00 feet to the beginning of a tangent curve whose center bears South 78 degrees 02 minutes 43 seconds East a distance of 1000.00 feet;

Thence along the arc of said curve through a central angle of 11 degrees 42 minutes 25 seconds and an arc length of 204.33 feet to a point on the centerline of 93rd Avenue as described in said Book 978 of Maps, Page 34, records of Maricopa County, Arizona;

Thence along said centerline as follows;

South 00 degrees 14 minutes 52 seconds West a distance of 815.18 feet to the beginning of a tangent curve whose center bears North 89 degrees 45 minutes 08 seconds West a distance of 500.00 feet;

Thence along the arc of said curve through a central angle of 43 degrees 16 minutes 58 seconds and an arc length of 377.71 feet;

Thence South 43 degrees 31 minutes 50 seconds West a distance of 230.37 feet to the beginning of a tangent curve whose center bears South 46 degrees 28 minutes 10 seconds East a distance of 400.00 feet;

Thence along the arc of said curve through a central angle of 45 degrees 01 minutes 17 seconds and an arc length of 314.31 feet;

Thence South 01 degrees 29 minutes 27 seconds East a distance of 100.00 feet to the beginning of a tangent curve whose center bears North 88 degrees 30 minutes 33 seconds East a distance of 400.00 feet;

Thence along the arc of said curve through a central angle of 90 degrees 00 minutes 00 seconds and an arc length of 628.32 feet;

Thence South 01 degrees 29 minutes 27 seconds East a distance of 560.93 feet to the Point of Beginning.

Note: The above described parcel contains 5,097,524 square feet or 117.0231 acres more or less.

Parcel 3

That portion of the Southeast quarter of Section 21, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

Commencing at the Southeast corner of said Section 21 marked by a brass cap in a handhole;

Thence South 88 degrees 18 minutes 16 seconds West along the South line of the Southeast quarter of said Section 21 a distance of 1,325.93 feet;

Thence North 00 degrees 34 minutes 45 seconds East a distance of 40.03 feet to the Point of Beginning;

Thence North 87 degrees 41 minutes 05 seconds West a distance of 847.80 feet;

Thence North 01 degrees 41 minutes 44 seconds West a distance of 260.70 feet;

Thence North 88 degrees 42 minutes 19 seconds East a distance of 858.22 feet;

Thence South 00 degrees 34 minutes 45 seconds West a distance of 314.24 feet to the Point of Beginning.

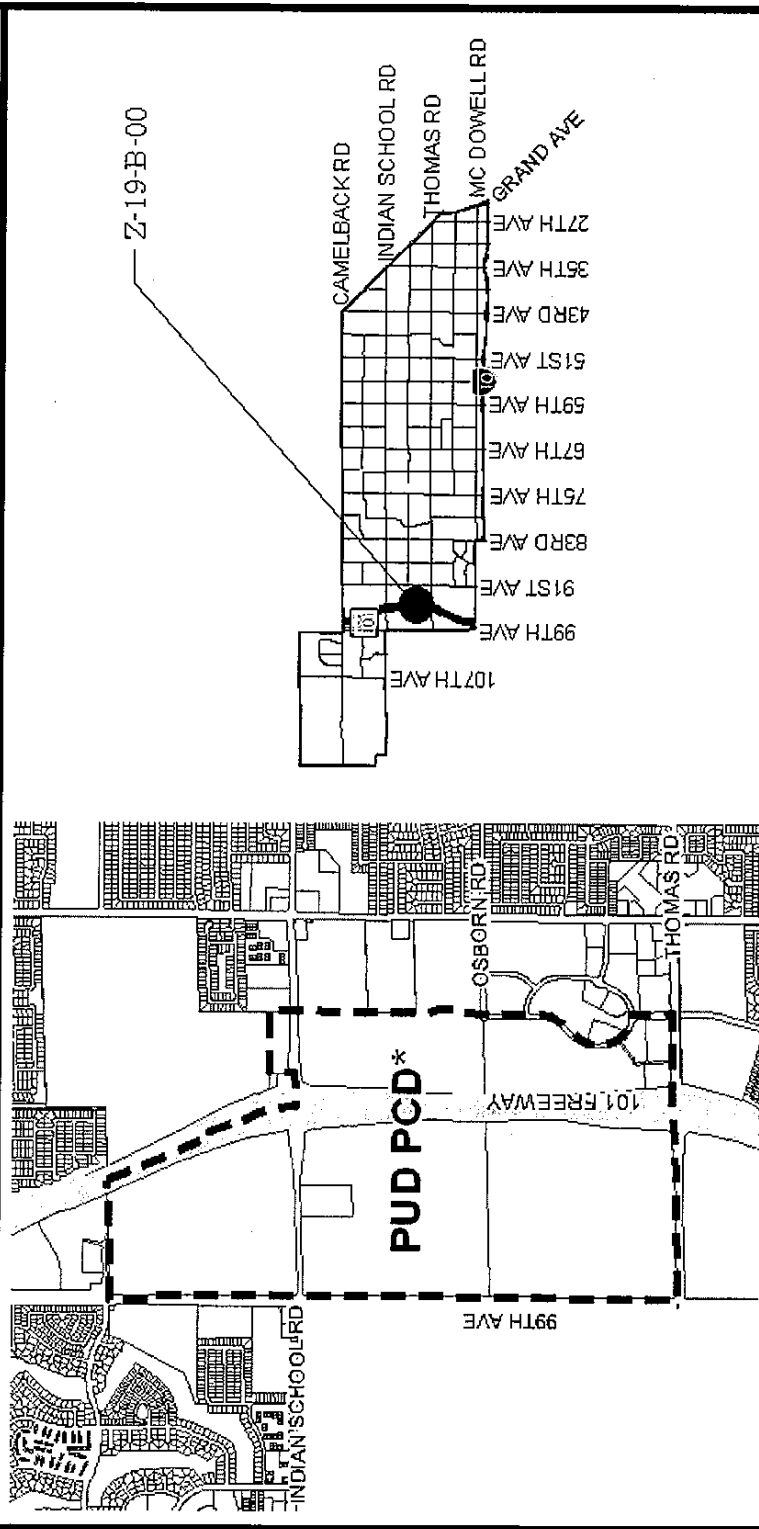
Note: The above described parcel contains 245,014 square feet or 5.6247 acres more or less.

ORDINANCE LOCATION MAP

ATTACHMENT B

Zoning Case Number: Z-19-B-00-6
Zoning Overlay: N/A
Planning Village: Maryvale

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: - - - - -



NOT TO SCALE

Drawn Date: 5/4/11

Map Document: N:\PDF_Maps\Ordinance_Map\2011