

ORDINANCE G-7117

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-59-22-1) FROM S-1 (RANCH OR FARM RESIDENCE) AND C-2 (INTERMEDIATE COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of an 8.00 acre property located approximately 320 feet north of the northwest corner of 17th Avenue and Happy Valley Road in a portion of Section 6, Township 4 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from 5.28 acres of "S-1" (Ranch or Farm Residence) and 2.72 acres of "C-2" (Intermediate Commercial) to "PUD" (Planned Unit Development).

SECTION 2. 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 Exhibit "B".

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

Phoenix Zoning Ordinance:

1. An updated Development Narrative for the Home at Happy Valley 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 April 4, 2023, as modified by the following stipulations:
 - a. Front cover: Revise the date information on the cover page to the following:

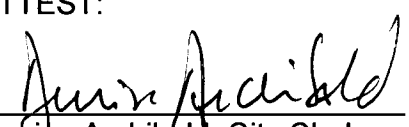
City Council Adopted: [Add Adoption Date]
2. A minimum of 30 feet of right-of-way shall be dedicated for the west side of 17th Avenue, as approved by the Planning and Development Department.
3. The applicant shall submit a Traffic Impact Study to the City for this development. The developer shall be responsible for cost and construction of all mitigation identified through the analysis. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation Department.
4. 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.
5. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Deer Valley Airport (DVT) 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.
6. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
7. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. 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.
8. The driveway on 17th Avenue will be limited to right turn only egress and full ingress.

SECTION 4. 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 31st day of May, 2023.



MAYOR

ATTEST:


Denise Archibald, City Clerk
 05.26.2023

Date

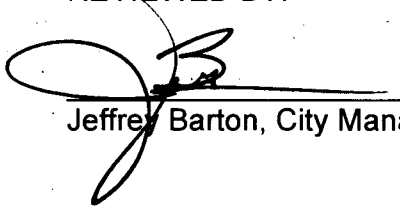


APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By: Paul Li

Paul Li, Assistant Chief Counsel

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REVIEWED BY:


Jeffrey Barton, City Manager

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Exhibits:
A – Legal Description (2 Pages)
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-59-22-1

LEGAL DESCRIPTION - NCS-1099164

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:
LOT 41, SECTION 6, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTRY, ARIZONA.
EXCEPT ALL COAL, OIL GAS AND OTHER MINERAL DEPOSITS AS RESERVED IN THE PATENT.

LEGAL DESCRIPTION - NCS-1108661

THE LAND REFERRED TO HERIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

A PORTION OF LOT 42, SECTION 6, TOWNSHIP 4 NORTH, RANGE 3 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION BRASS CAP FLUSH MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 6 FROM WHICH A CITY OF PHOENIX BRASS CAP IN HANDHOLE MARKING THE SOUTHWEST CORNER OF SAID SCTION 6 BEARS SOUTH 89 DEGREES 17 MINUTES 55 SECONDS WEST 2647.15 FEET, SAID DESCRIBED LINE BEING THE BASIS OF BEARINGS OF THIS DESCRIPTION;

THENCE SOUTH 89 DEGREES 17 MINUTES 55 SECONDS WEST 1396.91 FEET ALONG THE SOUTH LINE OF SOUTHWEST QUARTER OF SAID SECTION 6 TO THE INTERSECTION OF 17TH AVE & HAPPY VALLEY ROAD;

THENCE NORTH 00 DEGREES 51 MINUTES 55 SECONDS WEST 330.32 FEET ALONG THE MONUMENT LINE OF SAID 17TH AVENUE TO THE SOUTHEAST CORNER OF SAID LOT 42;

THENCE SOUTH 89 DEGREES 18 MINUTES 45 SECONDS WEST 27.00 FEET ALONG THE SOUTH LINE OF SAID LOT 42 TO THE WETERLY RIGHT OF WAY AS DESCRIBED IN DOCUMENT NO. 2013-0925285, RECORDS OF MARICOPA COUNTY, ARIZONA AND THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89 DEGREES 18 MINUTES 45 SECONDS WEST 184.41 FEET ALONG SAID SOUTH LINE;

THENCE NORTH 00 DEGREES 38 MINUTES 27 SECONDS WEST 330.35 FEET TO THE NORTH LINE OF SAID LOT 42;

THENCE NORTH 89 DEGREES 19 MINUTES 29 SECONDS EAST 180.11 FEET ALONG SAID NORTH LINE TO SAID WESTERLY RIGHT OF WAY;

THENCE SOUTH 00 DEGREES 51 MINUTES 55 SECONDS EAST 165.15 FEET TO THE NORTH LINE OF SAID WESTERLY RIGHT OF WAY;

THENCE NORTH 89 DEGREES 19 MINUTES 07 SECONDS EAST 3.00 FEET ALONG SAID NORTH LINE TO THE SAID WESTERLY RIGHR OF WAY;

THENCE SOUTH 00 DEGREES 51 MINUTES 55 SECONDS EAST 165.15 FEET ALONG SAID WESTERLY LINE TO THE POINT OF BEGINNING.

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EXCEPT ALL COAL, OIL GAS AND OTHER MINERAL DEPOSITS AS RESERVED
IN THE PATENT FROM UNITED STATES OF AMERICA IN DOCKET 1624, PAGE
2.

PARCEL NO. 2; ** SURVEYOR'S DESCRIPTION**

A PORTION OF G.L.O. LOT 42 LOCATED IN THE SOUTHWEST QUARTER OF
SECTION 6, TOWNSHIP 4 NORTH, RANGE 3 EAST, OF THE GILA AND
SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA BEING
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 42;
THENCE SOUTH 89 DEGREES 18 MINUTES 45 SECONDS WEST 211.41 FEET
ALONG THE SOUTH LINE OF SAID LOT 42,
THENCE NORTH 00 DEGREES 38 MINUTES 27 SECONDS WEST 43.21 FEET
TO THE POINT OF BEGINNING;
THENCE SOUTH 89 DEGREES 18 MINUTES 45 SECONDS WEST 181.24 FEET;
THENCE NORTH 00 DEGREES 24 MINUTES 59 SECONDS WEST 287.18 FEET
TO THE NORTH LINE OF SAID LOT 42;
THENCE NORTH 89 DEGREES 19 MINUTES 29 SECONDS EAST 180.11 FEET
ALONG SAID NORTH LINE;
THENCE SOUTH 00 DEGREES 36 MINUTES 04 SECONDS EAST 287.13 FEET
TO THE POINT OF BEGINNING.

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