

I-17 Jomax LLC

PLANNED UNIT DEVELOPMENT

ORDINANCE G-5971

ADOPTED DECEMBER 17, 2014

Land Use
and
Development Standards

Case: Z-11-14-2

Planned Unit Development Disclaimer

A Planned Unit Development (PUD) is intended to be a stand-alone document of zoning regulations for a particular project. Provisions not specifically regulated by the PUD are governed by the zoning ordinance. A PUD may include substantial background information to help illustrate the intent of the development. The purpose and intent statements are not requirements that will be enforced by the City. The PUD only modifies zoning ordinance regulations and does not modify other City Codes or requirements. Additional public hearings may be necessary such as, but not limited to, right-of-way abandonments.

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A. Purpose and Intent

Project Overview

This Planned Unit Development rezones approximately 27.38 gross acres (the "Property"), which is located approximately 2,000 feet north of Jomax Road and immediately bounded by I-17 on the west and the Skunk Creek Flood Control Channel on the south and east. The Property is currently zoned Commerce Park, with the General Commerce Park option. The southern portion of the Property has been developed with a number of buildings and site improvements that were utilized for a wedding/banquet venue, a non-conforming use under the current zoning. The northern portion of the Property is generally vacant with some abandoned residential structures. PUD zoning will allow for the wedding/banquet venue to re-open and will allow for additional uses that are currently not allowed within the existing Commerce Park zoning, such as multi-family residential.

The *I-17 Jomax Planned Unit Development ("PUD")* establishes the regulatory framework necessary to facilitate development of this uniquely situated parcel. The PUD is generally consistent with the City General Plan; however, a Minor General Plan Amendment is required and has been filed concurrently with this request. The PUD encourages new development to be compatible with the surrounding area both currently and in the future and will allow for a greater flexibility of uses than the existing Commerce Park Zoning along with appropriate development standards for landscaping, screening, and building setbacks.

Goals

The primary goals of the PUD are to:

1. Bring site and non-conforming use as a wedding/banquet facility into compliance.
2. Expand development options for existing and future uses on the property with a mix of complementary and compatible uses such as multi-family housing.
3. Create flexible and appropriate development standards that promote the City's goals/policies for the General Plan and Deer Valley Village.

The PUD will ensure compatibility with surrounding properties; provide for a variety of residential, service, and employment opportunities; and generate new tax revenues to the City of Phoenix

Regulatory Provisions

The PUD has been prepared pursuant to Section 671 of the Zoning Ordinance of City of Phoenix, Arizona (Planned Unit Development) to establish the regulatory framework for the *I-17 Jomax PUD* by creating development standards specific to the context of the project site.

The PUD is a stand-alone document comprised of project specific zoning regulations, including permitted uses, conditions/limitations, development standards, building heights, landscaping, outdoor storage, driveway locations, and signage. Zoning provisions not specifically regulated by the PUD are governed by the Zoning Ordinance of the City of Phoenix, Arizona. In the event of a conflict between a provision of the PUD and a provision of the Zoning Ordinance of the City of Phoenix, the PUD prevails. The PUD does not modify other City Code provisions or requirements.

The provisions of the PUD apply to all property within the project boundary. (See **Appendix A**, PUD Area Legal Description)

Specific site plan(s) for an individual development project or for the entire PUD property will be processed in the future through the City of Phoenix site plan review process.

Zoning Ordinance Applicability

The intended regulatory applicability of the Zoning Ordinance of the City of Phoenix, Arizona as adopted and periodically amended, is applicable to the *I-17 Jomax PUD* except as modified by the Development Standards contained within this Planned Unit Development. Specifically, the applicability of Zoning Ordinance Provisions is defined as follows:

Chapter 1	Purpose and Applicability: All provisions are applicable to this PUD.
Chapter 2	Rules of Construction and Definitions: The defined terms within Chapter 2 are applicable.
Chapter 3	Decision Making and Administrative Bodies: All provisions are applicable to this PUD.
Chapter 4	Planning Documents: All provisions are applicable to this PUD.
Chapter 5	Development Review Procedures: All provisions are applicable to this PUD.
Chapter 6	Zoning Districts: All provisions are replaced and superseded by this PUD.
Chapter 7	Development Standards of General Applicability: As modified by this PUD.
Chapter 8	Historic Preservations: All provisions are not applicable to this PUD.
Chapter 9	Nonconformities: All provisions are not applicable to this PUD.
Chapter 10	Enforcement: All provisions are applicable to this PUD.
Chapter 11	Severability: All provisions are applicable to this PUD.
Chapter 12	Downtown Core: All provisions are not applicable to this PUD.

Appendix A Zoning Fee Schedule:

All fees are applicable to this PUD.

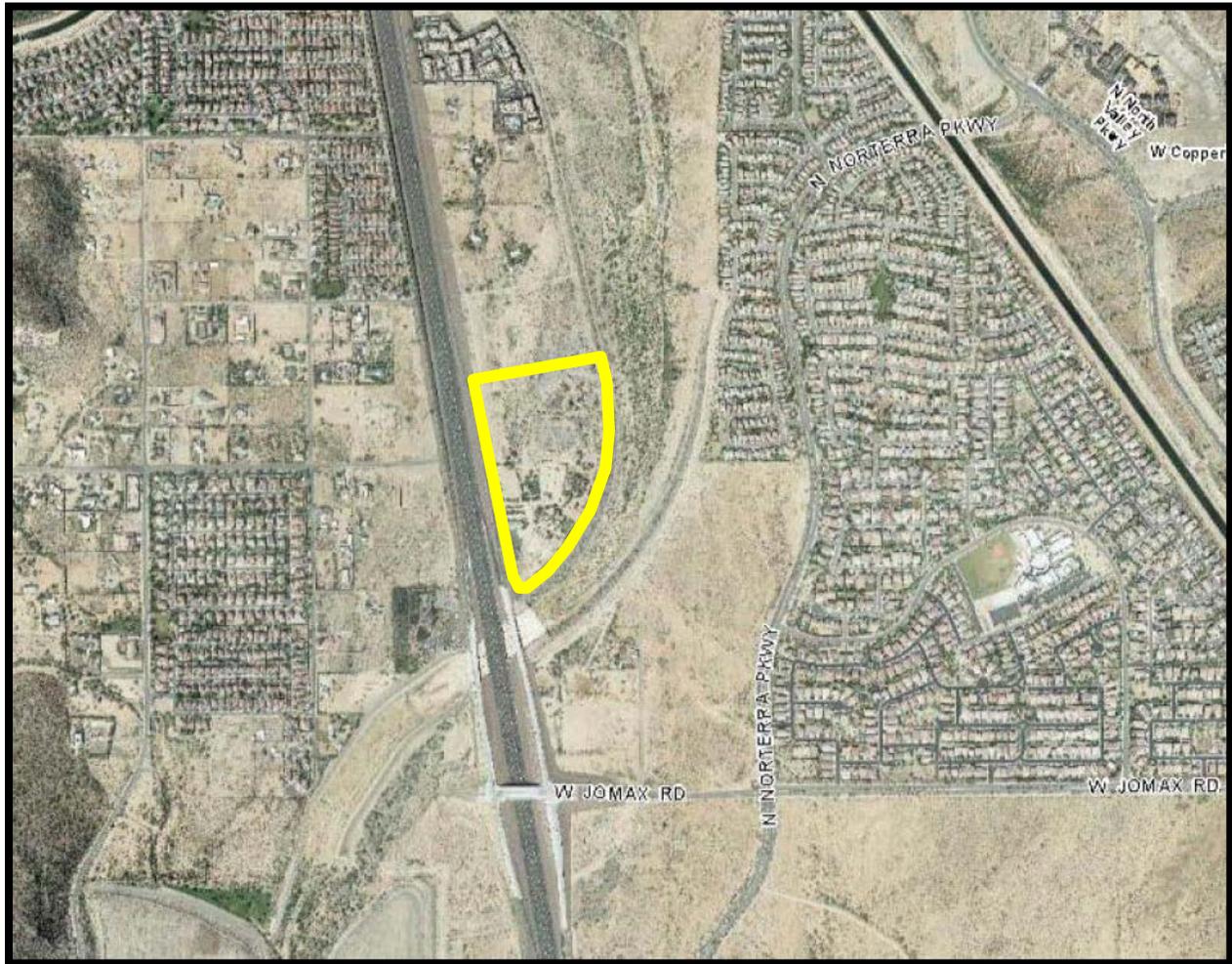
B. Proposed Development Vision/Land Use Plan

The *I-17 Jomax PUD* is created to facilitate quality development based on the Property's location adjacent to a regional transportation corridor, as well as expand and build upon recent development in the immediate area. The PUD also expands uses from the City of Phoenix Zoning Ordinance and promotes flexibility in site design while ensuring compatibility.

Location and Access

The *I-17 Jomax PUD* property consists of 27.38 gross acres, and is located between I-17 on the west and the Skunk Creek Wash on the east. **(See Figure 1 Context Aerial Map)** Access to the Property is afforded by the freeway frontage road, connecting with Jomax Road to the south and Dixileta Drive to the North.

Figure 1: Context Aerial Map



Uses

A comprehensive list of uses has been developed that includes permitted uses and permitted uses subject to certain conditions/limitations adapted from the City of Phoenix's Zoning Ordinance. These uses, which are more broad yet more compatible with the area than those of the existing Commerce Park zoning, have been chosen to create a sustainable mix of land uses that that will benefit the Deer Valley Village and the specific area in general.

The *I-17 Jomax PUD* provides flexibility for any of the permitted uses to locate anywhere within the PUD and will afford the existing wedding/banquet facility, which had previously operated on the property, to operate in conformance with the City's rules and regulations.

Conceptual Land Use Plan

A Conceptual Land Use Plan has been prepared and is included as Appendix C to this PUD Narrative. This plan is conceptual in nature and serves to illustrate one possible development option for the property that includes the existing wedding/banquet facility as well as a mix of residential in the form of apartments to the north and commercial in the form of mixed retail and offices to the south.

Standards

The PUD bulk regulations and development standards provides for strategic changes, where appropriate, to facilitate reasonable development based on the current/future context of the area.

C. Site Location and Conditions

Site Location and Conditions

The *I-17 Jomax PUD* property is located at the southern tip of a unique grouping of parcels within the Deer Valley Village. These parcels, consisting of approximately 100 acres, are isolated in that they are sandwiched between the I-17 freeway on the west and Skunk Creek Wash channel on the east. The parcels are zoned with a mix of Commerce Park, such as the Property, along with S-1 and PCD. The area also combines a mix of General Plan Land Use Designations ranging from Commerce/Business Park to Residential 15+ du/ac.

The Property is located at the southern tip of this area and the northern tip has recently been developed with high density apartments. The mix of zoning and land use designations combined with the site location makes development of this area challenging. This PUD provides an opportunity to allow for plan a development plan that allows for more appropriate development options than that which is afforded by the existing CP zoning.

Topography and Physical Features

The *I-17 Jomax PUD* property is relatively flat. (See **Appendix B, Contextual Photos.**)

D. General Plan Conformance

Statement of Conformity

A significant goal of the General Plan is to encourage integration of compatible uses so as to provide a cohesive environment that is in harmony with the existing character of the general area. The subject property is located within the Deer Valley Village as defined by the City of Phoenix General Plan. (See **Figure 2, Current General Plan Land Use Map.**)

The current General Plan Land Use designation for the subject property is Commerce/Business Park land use which allows for a wide range of commercial and employment. Within the Deer Valley Village, there exists large amounts of Industrial and Commerce Park zoned property, more appropriately situated to the south and east of the subject property near the Deer Valley Airport and the Deer Valley Village Core. Removal of a relatively small area of isolated property designated for Commerce Park and allowing it to be developed with a mix of residential and commercial would appear to be a better option for the Property and the Deer Valley Village.

While a Minor General Plan Amendment is required for this PUD request, the rezoning is to allow for uses that are offer greater compatibility with the surrounding development, which is supported by the City of Phoenix General Plan.

E. Zoning and Land Use Compatibility

The proposed rezoning is also compatible with the adjacent zoning pattern and the surrounding uses.

Surrounding Zoning and Land Use

The existing zoning on the Property is Commerce Park (CP) with the General Commerce Park option. (See **Table 1, Surrounding General Plan Designations, Zoning Districts and Land Uses.**)

This PUD request clearly represents the highest and best use for the property as it provides opportunities for a greater intensity of uses as well as a variety of land uses beyond the existing zoning. The common elements proposed in this PUD will provide for a comprehensive plan that will encourage interaction between various uses within the overall PUD property and beyond.

Figure 2: Current General Plan Land Use Map.

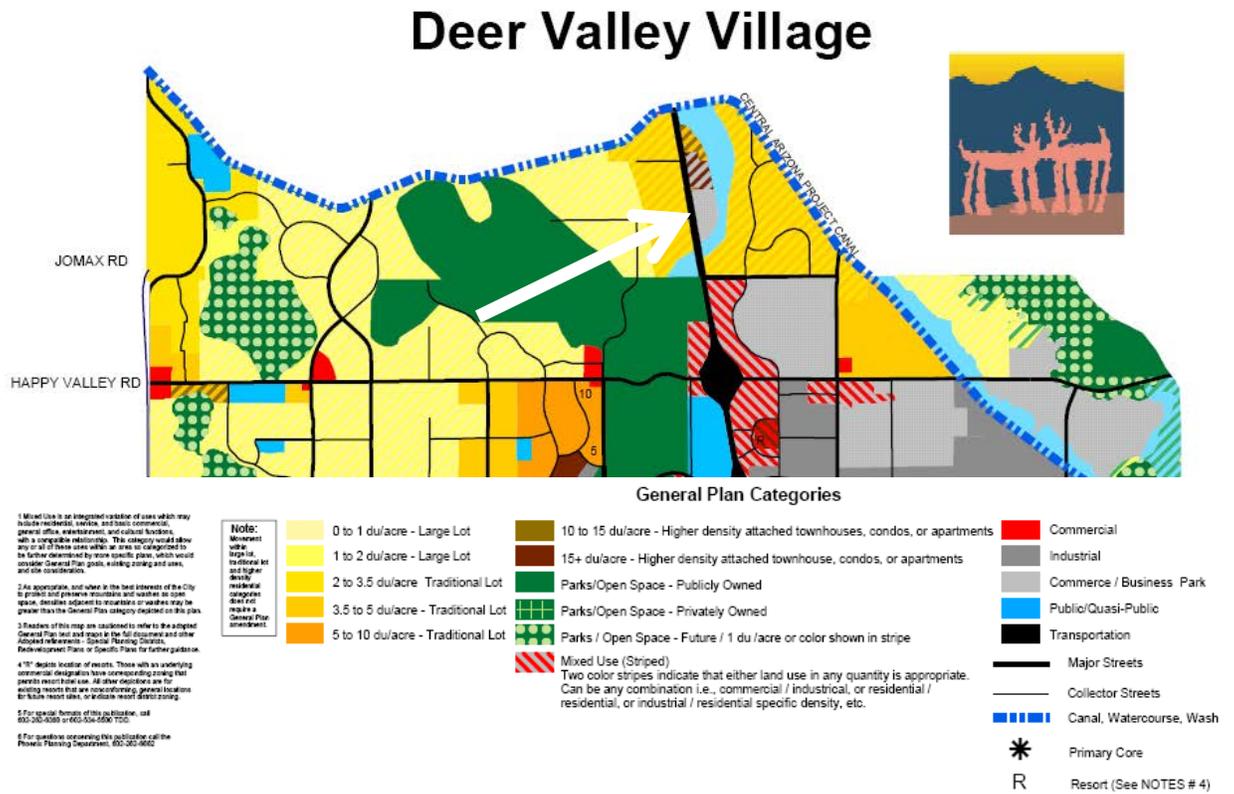


Table 1: Surrounding General Plan Designations, Zoning Districts and Land Uses

Location	General Plan	Zoning	Land Use
Jomax I-17 PUD	Commerce/Business Park	CP/GCP (Commerce Park with the General Commerce Park option)	No Current Use (<i>former wedding/banquet venue</i>)
North	Commerce/Business Park and Mixed Use (Commerce/Business Park and/or Residential 15+)	CP/GCP (Commerce Park with the General Commerce Park option) and S-1 (Suburban)	Various vacant, large lot residential and commercial parcels.
South	Floodplain with Mixed Use (Residential 3-5 and/or 5-10 du/acre) beyond	S-1 (Ranch or Farm Residence)	Skunk Creek Wash
East	Floodplain with Mixed Use (Residential 3-5 and/or 5-10 du/acre) beyond	S-1 (Ranch or Farm Residence)	Skunk Creek Wash
West	Mixed Use (Residential 3-5 and/or 5-10 du/acre)	Freeway, S-1 (Suburban) and C-2 (Intermediate Commercial)	Interstate 17 and various vacant, large lot residential and commercial parcels.

F. Land Uses

The following list of uses (See **Table 2: Permitted Use List**) defines permitted uses and permitted uses subject to certain conditions/limitations from the City of Phoenix’s Zoning Ordinance. The proposed uses along with the necessary development standards provides for a zoning district that will allow for a wide mix of complimentary land uses. The PUD provides for an optimal level of uses and development standards that are compatible with the surrounding area and vision. Moreover, the allowance for managed and mitigated development both in the interim and future provides for an appropriate and sustainable level of development long-term.

The *I-17 Jomax PUD* provides flexibility for any of the permitted uses to locate anywhere on the site.

The master developer or any property owner within the defined limits of the PUD may request an interpretation of analogous use to the defined list below from the City of Phoenix Zoning Administrator. The Zoning Administrator may administratively approve a use analogous to those listed below. Brief descriptions of the two (2) types of permitted uses are defined.

The proposed development standards are consistent with the surrounding area.

1. Permitted Principal Uses
 - a) Uses specifically permitted as set forth in **Table 2** or analogous to those specifically permitted as determined by the City of Phoenix Zoning Administrator.
2. Permitted Uses Subject to Conditions/Limitations Standards
 - a) Uses specifically permitted subject to conditions/limitations as set forth in **Table 2**. Performance Standards are specific for each individual use as defined. Some uses subject to conditions/limitations may also require a Use Permit which is processed in accordance with the provisions of the City of Phoenix Zoning Ordinance.
3. Temporary uses shall be permitted pursuant to the City of Phoenix Zoning Ordinance’s regulations and standards for temporary uses.
4. Promotional events shall be permitted pursuant to the City of Phoenix Administrative Temporary Use Permit regulations and standards for promotional events.

Table 2: Permitted Use List

Land Use	Permitted Subject to Performance Standards
Art Gallery and Museum	
Auditoriums and Assembly, Banquet, and Reception Halls or similar Venues and Event Centers, subject to the following conditions:	(1) Any single building of more than 25,000 square feet in gross floor area shall be permitted only upon securing a use permit. (2) Accessory uses, including outdoor activity, shall be permitted and regulated by the appropriate Performance Standards listed below under "Restaurant Accessory Uses."
Auctioneers' Office and/or Auditorium, other than livestock	

Land Use	Permitted Subject to Performance Standards
Barber and Beauty Salons	Massage Therapy, performed by a licensed massage therapist, is permitted as an accessory use
Beverages, Bottling, and Storage	
Billboards/Off Premise Signs	Subject to standards contained within Section 705.2 of the Phoenix Zoning Ordinance. Property shall be brought into compliance by removing any violations prior to any advertising structures being permitted.
Carpet, Rug and Furniture Cleaners	All activity except loading and unloading restricted to a closed building.
Caterers and Commercial Kitchens	
Churches or similar places of worship	
Day care and Nursery Schools	
Employment Agencies, not Including Day Labor Hiring and Transportation Centers	
Engravers	
Family Game Center	
Financial institutions. Banks, building and loan associations, brokerage houses, savings and loan associations, finance companies, title insurance and trust companies	
Firewood, Storage and Sales	
Food processing, packaging and freezing, including milk and ice cream plants, but excluding canneries, slaughtering, processing and packaging of meat	
Food Products, Warehousing, Storage and Distribution	
Gymnasiums, Private or Commercial	
Hotel or Motel	
Iron, Custom Decorative Wrought Iron Shops	
Laboratories, Clinical and Dental	
Laboratories, Testing and Research (which may include prototype product development)	
Laundries and Dry Cleaning	
Libraries	
Limited Outdoor Uses including inert landscape materials processing and sales; building and landscape contractors, including yards; building materials, wholesale and storage; and recreational vehicle/boat storage	Subject to securing a use permit. As a part of submittal for the use permit application, a site plan is required for the use which shall identify specific areas for the orderly arrangement of all operations, products, materials, equipment, and storage on the site
Locksmiths' Repair Shops	
Manufacturing/Assembly of finished products or subassemblies, so long as the primary use of the property is not the basic processing and compounding of raw materials, or food products	
Movers, Warehouses	
Nonchartered Financial Institutions or Auto Title Loan Establishment, subject to the following limitations:	Shall not be located within 1,320 feet of another establishment. This distance shall be measured from the exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted.
Pharmaceutical Products, Compounding, Packaging, Storage	

Land Use	Permitted Subject to Performance Standards
Pool and Billiard Halls	
Private clubs and lodges	
Publicly operated buildings or properties	
<i>Residential Uses</i>	
Dependent care facility for 13 or more dependents and schools for the mentally or physically handicapped	Subject to securing a use permit
Group Foster Care Home	
Group Home	
Group home for the handicapped	
Multi-Family/Single-Family Attached	Subject to the density standards contained within Section 617 (R-4) of the Phoenix Zoning Ordinance
Nursing Home	
Personal Care Home	
Restaurants	
<i>Restaurant Accessory Uses</i>	
Drive-Thru	
Music or Live Entertainment (indoor or outdoor)	(1) The stage or performance area shall be a maximum of 200 square feet unless a use permit is obtained. (2) The noise level, measured at any point on the received property, shall not exceed 60 dBa unless a use permit is obtained. An occurrence where the sound level increases up to 65 dBa for five continuous seconds or less shall not be deemed a violation of this section as long as there are no more than five occurrences within an hour long interval. (3) Nothing in this section shall be construed to include an adult use. (4) Patron dancing shall be permitted
Outdoor Cooking, Dining, and/or Recreation	Use permit shall be required if parcel is less than one acre or use is located less than 50' from a property line.
Consumption of Alcoholic Beverages	Only upon securing a liquor license for the restaurant or vendor.
<i>Indoor Retail sale and/or Wholesale including but not limited to:</i>	
Antiques and Second Hand Sales	
Appliances/HVAC including Service and Repair	
Automobile and other Vehicle Parts and Supplies	
Baked Goods, Beverages, Butchers, Confectioners, Dry Goods, Food Products, Groceries	
Bicycles (new and used) including repair	
Booksellers, Gift Shops, Music, Stationary and Videos/Movies (except adult oriented uses)	
Building Materials, Contractors Equipment and Supplies, Hardware, Lumber, Paint and Painter's Supplies, Plant Nursery, Plumbing and Electrical Fixtures and Supplies, and Tools	
Clothing, Leather Goods, Linens, Shoes	
Department Stores and General Merchandise	

Land Use	Permitted Subject to Performance Standards
Electronics including household and business machines, Photographic Equipment	
Feed and Tack	
Firearms and Accessories (including repair and small arms ammunition loading)	Small arms ammunition loading subject to the following: (1) A use permit shall be obtained (2) A permit to load ammunition shall be obtained from the Fire Department, and the quantities, arrangement, and distance requirements for the storage of propellant powder, primers, and percussion caps shall be in accordance with the Fire Code.
Furniture/Office and Home Furnishings including Repair and Refinishing, Floor Coverings	
Imported Goods	
Jewelry and Watches (including repair)	
Liquor, Package	Package liquor sales as a primary use or as an accessory use to a convenience market shall require a use permit if the lot or parcel on which the use is conducted is less than three hundred (300) feet from a residential use. The use permit shall specifically address noise from the use, including parking lot noise, screening of lighting from vehicle headlights and light standards on site, parking access, and access to adjacent neighborhoods.
Medical and Dental Supplies, Physical Therapy Equipment	
Pawn Shop	A use permit shall be obtained.
Paper and Plastic Products	
Pharmacy, Janitorial and Cleaning Supplies,	
Pottery and Ceramics, Retail and Wholesale	
Surplus Stores	
Tobacco Oriented Retailers, subject to the following limitations	(1) Shall not be located within 500 feet of the same type use. This distance shall be measured from the property line of the parcel in which the use is conducted to the nearest property line of the parcel of the same type of use. (2) Shall not be located within 500 feet of a public, private, or charter school providing primary or secondary education, a park or playground, or a licensed daycare facility. This distance shall be measured from the property line of the parcel in which the use is conducted to the nearest property line of the protected use.
Toy, Crafts, and Hobbies	
Schools: Including but not limited to Barber, Beauty, Business, Commercial, Correspondence, Data Processing, Dancing, Gymnastics, Health, Insurance, Martial Arts, Modeling, Private, Real Estate, Stenographic, Trade or similar	
Self-Service Storage Warehouses	All storage shall be within a closed building except that boats, trailers and motor vehicles may be placed in outdoor storage areas subject to securing a use permit.
Tanning Salon	Massage therapy, performed by a licensed massage therapist, is permitted as an accessory use.
Tattoo Shops	Subject to securing a use permit
<i>Transportation/Vehicle Uses:</i>	
Automobile Sales (New and Used), Rental and Leasing (includes but not limited to motorcycles, trucks, recreational vehicles, trailers, golf	

Land Use	Permitted Subject to Performance Standards
carts, farm equipment, boats and mobile homes)	
Automobile Service and Repair, Paint and Body Shops, Radiator Engine and Machine Shops, Small Engine Repair or similar	All uses shall be within an enclosed building unless by use permit
Car Wash	
Service Stations (including gas sales and electric vehicle charging)	
Tire Repairing and Recapping	All uses shall be within an enclosed building unless by use permit
Veterinary Hospitals, Pet Shops, Pet Care Facility, Pet Boarding	They shall be no closer than one hundred (100) feet to any residential district or to any residence, hotel, motel or restaurant in any district and shall have adequate controls to prevent offensive noise and odor.
Warehousing and Storage	
Wireless Communication Facilities	Subject to the standards contained within Section 715.B of the Phoenix Zoning Ordinance

G. PUD Bulk Requirements and Development Standards

Development standards for residential development within the PUD shall be those contained within Section 617 of the Phoenix Zoning Ordinance (R-4 District) unless modified herein.

Minimum Lot Dimensions	None
Perimeter Standards	20' adjacent to a public street 10' adjacent to a side property line 15' adjacent to a rear property line
Building Setbacks	None, provided perimeter standards are adhered to as well as compliance with applicable building codes.
Maximum Height	48' high, 4 story maximum
Lot Coverage	50%
Common Areas	Minimum 5% of gross area

Development standards for non-residential development within the PUD shall be those contained within Section 624.E.4 (C-3 District) of the Phoenix Zoning Ordinance unless modified herein.

Minimum Lot Dimensions	None
Perimeter Standards	20' adjacent to a public street 10' adjacent to a side or rear property line
Building Setbacks	None, provided perimeter standards are adhered to as well as compliance with applicable building codes.
Maximum Height	48' high, 4 story maximum
Lot Coverage	50%

H. Off-Street Parking and Loading

Parking and Loading for the uses within the PUD shall be pursuant to the regulations of the City of Phoenix Zoning Ordinance Section 702.

I. Landscaping, Fences and Walls

Landscaping, fences, and walls for the uses within the PUD shall be pursuant to the regulations of the City of Phoenix Zoning Ordinance Section 703. For the purpose of application of this Section, residential uses within the PUD shall be considered “residence districts” and all vacant property within the PUD shall be assumed to be for non-residential uses.

J. Signage

Signage for uses within the PUD shall be pursuant to the regulations of the City of Phoenix Zoning Ordinance Section 705 and 705.2.

K. Design Guidelines and Standards

The design guidelines and standards contained Section 507 Tab A (and regulations that follow) of the City of Phoenix Zoning Ordinance shall be used when reviewing plans for development within the PUD.

L. Infrastructure Standards

a) Circulation System (Traffic and Parking).

The *I-17 Jomax PUD* has direct access from the I-17 frontage road as well as the interstate itself by way of interchanges to the north and south.

A Traffic Impact Analysis has been prepared, and submitted to the City as a separate document in support of this PUD, to illustrate trip generation and traffic impacts associated with potential development on the Property.

As development occurs under this PUD document the Street Transportation Department and Planning and Development Department could request updated Traffic Impact Statement(s) and/or Parking Statement(s) to confirm the traffic/parking situations for specific uses and plans

Street Transportation Department Note:

The Developer understands that limited access exists to the proposed site and acknowledges that the City of Phoenix, Street Classification Map and current Capital Improvement Program identify no long range planning efforts or construction funding to facilitate transportation infrastructure to service this development.

b) Grading and Drainage.

Retention for future development may be provided on individual parcels and/or within common retention areas servicing large portions of the development or the overall *I-17 Jomax PUD*. Necessary agreements with multiple property owners will be required if utilizing common retention areas. Retention areas may be either by surface basins or underground storage.

c) Water and Sewer Service.

Infrastructure capacity requirements will be provided during the site plan review process and will comply with City of Phoenix Water and Sewer Design Standards, Codes and Policies.

Appendix A – Legal Description

South Parcel

A portion of the East half of Section 35, Township 5 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the brass cap flush marking the North quarter corner of said Section 35, from which the brass cap flush marking the center of said Section 35, bears South 00 degrees 39 minutes 42 seconds East 2647.66 feet, said line being the West line of the Northeast quarter of said Section 35 and the basis of the bearings in this description;

THENCE North 89 degrees 25 minutes 11 seconds East 999.62 feet along the North line of said Northeast quarter;

THENCE South 09 degrees 52 minutes 47 seconds East 2685.36 feet to the POINT OF BEGINNING;

THENCE North 80 degrees 10 minutes 09 seconds East 930.24 feet to the Westerly boundary of the Adobe Dam Skunk Creek Channel;

THENCE along said Westerly boundary the following nine courses and distances:

THENCE South 03 degrees 23 minutes 30 seconds West 92.02 feet;

THENCE South 11 degrees 56 minutes 35 seconds West 192.21 feet;

THENCE South 19 degrees 25 minutes 02 seconds West 191.68 feet;

THENCE South 23 degrees 57 minutes 40 seconds West 191.31 feet;

THENCE South 32 degrees 56 minutes 38 seconds West 190.83 feet;

THENCE South 39 degrees 38 minutes 52 seconds West 110.95 feet;

THENCE South 36 degrees 55 minutes 15 seconds West 79.75 feet;

THENCE South 45 degrees 26 minutes 08 seconds West 192.76 feet;

THENCE South 55 degrees 46 minutes 47 seconds West 107.54 feet to the South line of the North half of the Southwest quarter of the Northeast quarter of the Southeast quarter of said Section 35;

THENCE South 89 degrees 20 minutes 35 seconds West 57.34 feet;

THENCE North 09 degrees 52 minutes 47 seconds West 85.81 feet;

THENCE North 63 degrees 56 minutes 56 seconds West 55.49 feet;

THENCE North 14 degrees 09 minutes 39 seconds West 94.64 feet;

THENCE North 09 degrees 52 minutes 47 seconds West 793.50 feet to the POINT OF BEGINNING;

EXCEPT any portion lying within the right of way for Phoenix-Cordes Junction Highway (Interstate 17) as set forth in Final Order of Condemnation recorded November 24, 2006 in Instrument No. 2006-1537967, records of Maricopa County, Arizona; and

Appendix A – Legal Description (continued)

North Parcel

A portion of the Northeast quarter of Section 35, Township 5 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at the brass cap flush marking the North quarter corner of said Section 35, from which the brass cap flush marking the center of said Section 35, bears South 00 degrees 39 minutes 42 seconds East 2647.66 feet, said line being the West line of the Northeast quarter of said Section 35 and the basis of the bearings in this description;

Thence North 89 degrees 25 minutes 11 seconds East 999.62 feet along the North line of said Northeast quarter;

Thence South 09 degrees 52 minutes 47 seconds East 2122.18 feet to the Point of Beginning;

Thence North 80 degrees 09 minutes 56 seconds East 979.66 feet to the Westerly boundary of the Adobe Dam Skunk Creek Channel;

*Thence along said Westerly line the following four courses and distances:
Thence South 12 degrees 08 minutes 44 seconds East 128.16 feet;*

Thence South 05 degrees 50 minutes 25 seconds East 146.45 feet;

Thence South 03 degrees 35 minutes 10 seconds East 192.40 feet;

Thence South 03 degrees 23 minutes 30 seconds West 100.51 feet;

Thence South 80 degrees 10 minutes 09 seconds West 930.24 feet;

Thence North 09 degrees 52 minutes 47 seconds West 563.18 feet to the Point of Beginning;

Except any portion lying within the right of way for Phoenix-Cordes Junction Highway (Interstate 17) as set forth in Final Order of Condemnation recorded November 24, 2006 in Instrument No. 2006-1537967, records of Maricopa County, Arizona; and

Appendix B – Contextual Photos

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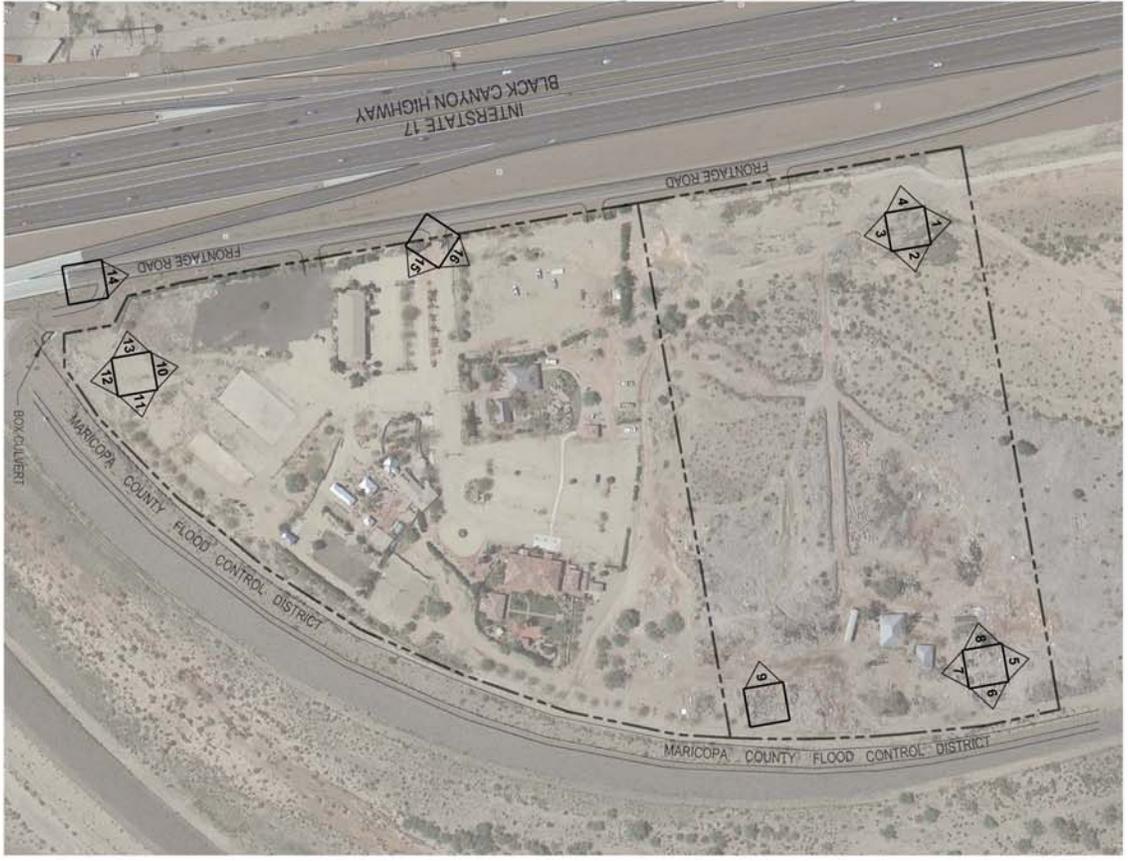
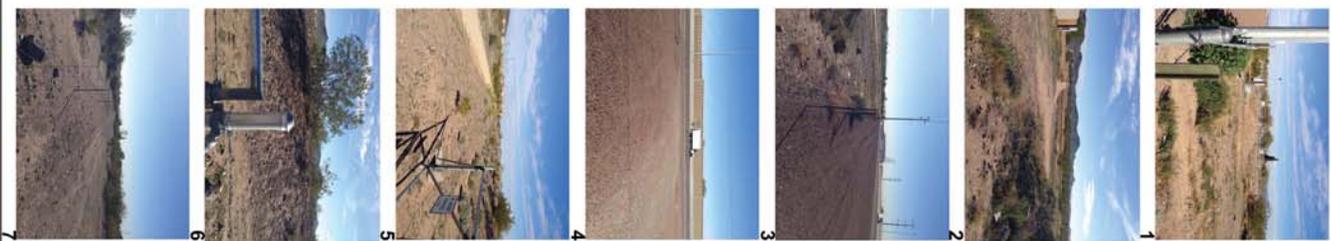
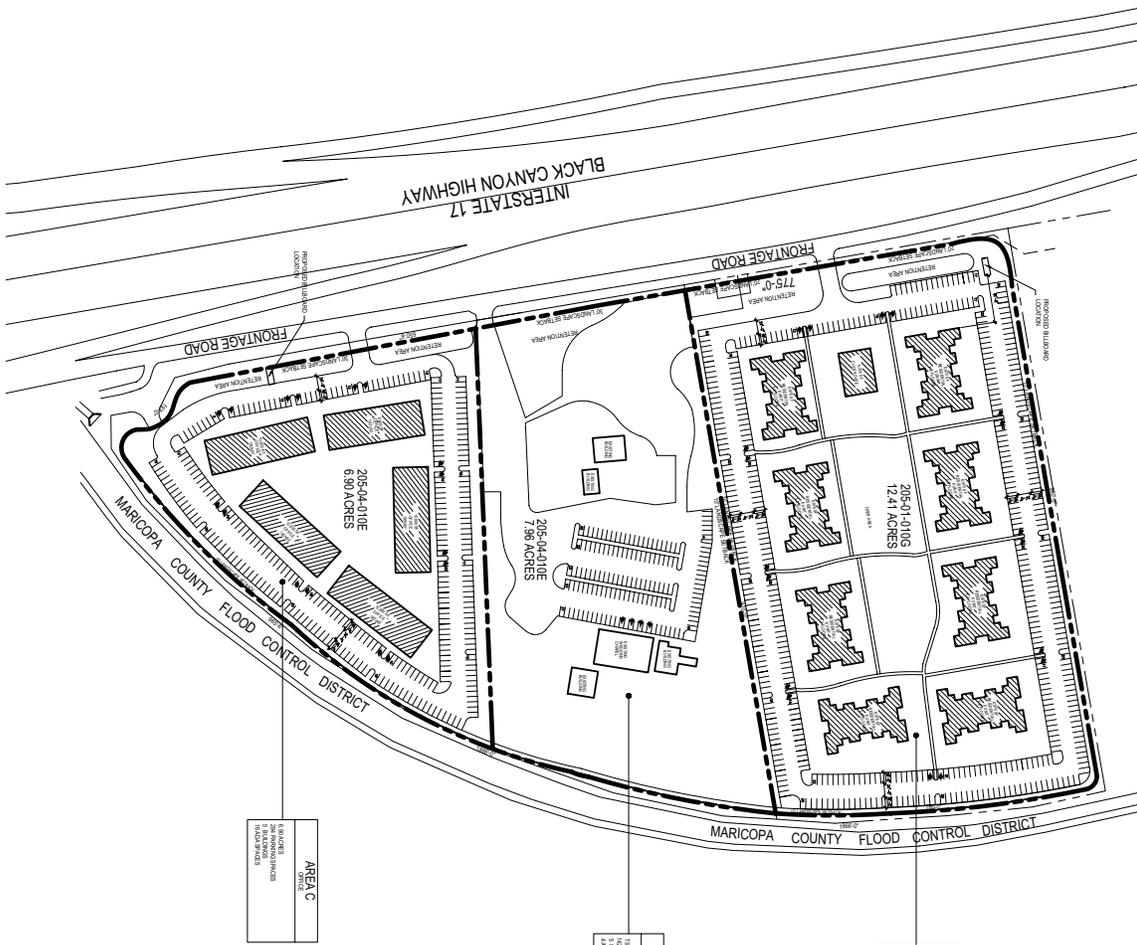


PHOTO CONTEXT PLAN
#1-16/27

SHEET SD3.0	DATE	NO.	REVISION	TEAM	PROJECT
	10/12/13		ADMINISTRATIVE DESIGN REVIEW	PROJECT NO. 1050 13-027 DRAWN BY DESIGNED BY REVIEWED BY	
PHOTO CONTEXT PLAN			<p>THIS DRAWING IS AN INSTRUMENT OF SERVICE AND IS THE SOLE PROPERTY OF MERCHANT DESIGN GROUP AND MAY NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT.</p> <p>17 AND JOMAX SITE PHOENIX, AZ</p>		
			<p>merchant design group Architecture Project Management 588 N. Jackson St. Gilbert, AZ 85233 480.453.6385</p>		

Appendix C – Conceptual Land Use Plan

Beginning on Following Page



CONCEPT SITE PLAN
1"=100'-0"

PROJECT DATA

ADDRESS: 27201 N. BLACK CANYON HWY.
PHOENIX, AZ 85027
APN: 206-04-0106
GROSS SITE AREA: 206-04-0106 1,241 AC. = 539 UNITS
1,488 ACRES (APN 206-04-0106) 1,488 ACRES (APN 206-04-0106)
EXISTING ZONE: PUD
PROPOSED ZONE: MULTI-FAMILY RESIDENTIAL, COMMERCIAL
PROPOSED USE: MULTI-FAMILY RESIDENTIAL, COMMERCIAL

ZONING DATA

AREA A - MULTI-FAMILY
PROPOSED SITE AREA: 1241 ACRES (504,280 SF)
ALLOWABLE DENSITY: 28 UNITS/AC. 1,241 AC. = 349 UNITS
PROPOSED DENSITY: 82 UNITS / AC. 24 UNITS = 192 UNITS
ALLOWABLE LOT COVERAGE: 50%
PROPOSED COMMON AREA: 5%
REQUIRE COMMON AREA: 7%
PROPOSED BLDG. HEIGHT: 3 STORIES
CONSTRUCTION TYPE: 1B8 SPRINKLERED
LANDSCAPING: 20' AT STREET, 20' AT REAR, 10' AT SIDES
PARKING REQUIRED:
162 UNITS X 2 STALLS = 324 STALLS
TOTAL REQUIRED PARKING = 324 STALLS
TOTAL PROVIDED PARKING = 400 STALLS

AREA B - BUSINESS
PROPOSED SITE AREA: 7.96 ACRES (346,736 SF)
BUILDING AREA: 13,400 SF
ALLOWABLE LOT COVERAGE: 40%
PROPOSED LOT COVERAGE: 4%
PROPOSED BLDG. HEIGHT: 18' WINDING CHAIR
CONSTRUCTION TYPE: 1B8 SPRINKLERED
LANDSCAPING: 20' AT STREET, 20' AT REAR, 20' AT SIDES
PARKING REQUIRED:
3.5 STALLS / 1,000 SF X 13 = 46 STALLS
TOTAL REQUIRED PARKING = 46 STALLS
TOTAL PROVIDED PARKING = 142 STALLS

AREA C - OFFICE
PROPOSED SITE AREA: 6.90 ACRES (300,964 SF)
BUILDING AREA: 10,800 SF X 4 BLDGS. = 43,200 SF
ALLOWABLE LOT COVERAGE: 40%
PROPOSED LOT COVERAGE: 18%
PROPOSED BLDG. HEIGHT: 18' OFFICE
CONSTRUCTION TYPE: 20' AT STREET, 20' AT REAR, 20' AT SIDES
LANDSCAPING:
PARKING REQUIRED:
3.5 STALLS / 1,000 SF X 9 = 32 STALLS
TOTAL REQUIRED PARKING = 32 STALLS
TOTAL PROVIDED PARKING = 294 STALLS

SITE PLAN GENERAL NOTES

- A. REFER TO ALL APPLICABLE ORDINANCES AND REGULATIONS WITH ALL APPLICABLE CODES AND ORDINANCES.
- B. THIS PROJECT IS LOCATED IN THE CITY OF PHOENIX WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING AN ASSIGNED WATER SERVICE AREA.
- C. ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNOCCUPIED.
- D. ALL STORAGE RECEPTS, SEPARATE APPROVALS AND PERMITS.
- E. ANY LIGHTING WILL BE PLACED SO AS TO DIRECT LIGHT AWAY FROM THE ADJACENT RESIDENTIAL DISTRICTS AND WILL NOT EXCEED ONE FOOT CANDLE AT THE PROPERTY LINE. NON-GLARE LIGHTING SHALL BE USED.
- F. OWNERS OF PROPERTY ADJACENT TO THE PUBLIC RIGHT-OF-WAY WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING WITHIN THE RIGHT-OF-WAY IN ACCORDANCE WITH APPROVED PLANS.
- G. ALL ROOFTOP EQUIPMENT AND SATELLITE DISHES SHALL BE SCREENED TO THE HEIGHT OF THE TALLEST EQUIPMENT.
- H. ALL SERVICE AREAS SHALL BE SCREENED TO CONCEAL TRASH CONTAINERS, LOADING DOCKS, TRANSCHEMERS, BACKHOES, AND OTHER EQUIPMENT FROM THE PUBLIC RIGHT-OF-WAY.

SHEET SD1.4	DATE 03/25/14	NO.	REVISION	TEAM	PROJECT
	05/30/14		PUD REZONE SITE PLAN PUD REZONE RESUBMITTAL OWNER REVISIONS	PROJECT NO. 0810 DRAWN BY: [redacted] DESIGNED BY: [redacted] REVIEWED BY: [redacted]	<p>I-17 AND JOMAX SITE PUD REZONE APPLICATION</p> <p>27201 N. BLACK CANYON HWY. PHOENIX, AZ</p>
<p>Architectural Project Management 588 N. Jackson St. Gilbert, AZ 85233 480.459.6395</p>					

Appendix D – Ordinance G-5971

Beginning on Following Page

ORDINANCE G-5971

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-11-14-2) FROM CP/GCP (COMMERCE PARK GENERAL COMMERCE PARK) TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on March 28, 2014, 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, with Beus Gilbert PLLC, having authorization to represent the owner, I-17 Jomax, LLC of an approximately 28.15 acre property located approximately 1,600 feet north of the northeast corner of Jomax Road and Interstate 17 in a portion of Section 35, Township 5 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 November 18, 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 December 17, 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 28.15 acre property located approximately 1,600 feet north of the northeast corner of Jomax Road and Interstate 17 in a portion of Section 35, Township 5 North, Range 2 East, as described more specifically in Attachment "A", is hereby changed from "CP/GCP." (Commerce Park / General Commerce Park) 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-11-14-2, 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 I-17 Jomax 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 August 19, 2014.

2. ~~There shall be a minimum of 50,000 square feet of development prior to an off-premise advertising structure being permitted, as approved by the Planning and Development Department.~~
3. The property shall be brought into compliance by removing any violations at the site prior to any off-premise advertising structures being permitted.
4. Retail firearms sales and accessory uses shall be included as permitted uses.

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 17th day of December, 2014.



MAYOR

ATTEST:

City Clerk **ACTING**

APPROVED AS TO FORM:

Acting City Attorney *pml*

REVIEWED BY:

City Manager

PL:tml:1158557v1: (CM#99) (Item #131) 12/17/14

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-11-14-2

Appendix A – Legal Description

South Parcel

A portion of the East half of Section 35, Township 5 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the brass cap flush marking the North quarter corner of said Section 35, from which the brass cap flush marking the center of said Section 35, bears South 00 degrees 39 minutes 42 seconds East 2647.66 feet, said line being the West line of the Northeast quarter of said Section 35 and the basis of the bearings in this description;

THENCE North 89 degrees 25 minutes 11 seconds East 999.62 feet along the North line of said Northeast quarter;

THENCE South 09 degrees 52 minutes 47 seconds East 2685.36 feet to the POINT OF BEGINNING;

THENCE North 80 degrees 10 minutes 09 seconds East 930.24 feet to the Westerly boundary of the Adobe Dam Skunk Creek Channel;

THENCE along said Westerly boundary the following nine courses and distances:

THENCE South 03 degrees 23 minutes 30 seconds West 92.02 feet;

THENCE South 11 degrees 56 minutes 35 seconds West 192.21 feet;

THENCE South 19 degrees 25 minutes 02 seconds West 191.66 feet;

THENCE South 23 degrees 57 minutes 40 seconds West 191.31 feet;

THENCE South 32 degrees 56 minutes 38 seconds West 190.83 feet;

THENCE South 39 degrees 38 minutes 52 seconds West 110.95 feet;

THENCE South 36 degrees 55 minutes 15 seconds West 79.75 feet;

THENCE South 45 degrees 26 minutes 08 seconds West 192.76 feet;

THENCE South 55 degrees 46 minutes 47 seconds West 107.54 feet to the South line of the North half of the Southwest quarter of the Northeast quarter of the Southeast quarter of said Section 35;

THENCE South 89 degrees 20 minutes 35 seconds West 57.34 feet;

THENCE North 09 degrees 52 minutes 47 seconds West 85.81 feet;

THENCE North 63 degrees 56 minutes 56 seconds West 55.49 feet;

THENCE North 14 degrees 09 minutes 39 seconds West 94.64 feet;

THENCE North 09 degrees 52 minutes 47 seconds West 793.50 feet to the POINT OF BEGINNING;

EXCEPT any portion lying within the right of way for Phoenix-Cordes Junction Highway (Interstate 17) as set forth in Final Order of Condemnation recorded November 24, 2006 in Instrument No. 2006-1537967, records of Maricopa County, Arizona; and

Appendix A – Legal Description (continued)

North Parcel

A portion of the Northeast quarter of Section 35, Township 5 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at the brass cap flush marking the North quarter corner of said Section 35, from which the brass cap flush marking the center of said Section 35, bears South 00 degrees 39 minutes 42 seconds East 2647.66 feet, said line being the West line of the Northeast quarter of said Section 35 and the basis of the bearings in this description;

Thence North 89 degrees 25 minutes 11 seconds East 999.62 feet along the North line of said Northeast quarter;

Thence South 09 degrees 52 minutes 47 seconds East 2122.18 feet to the Point of Beginning;

Thence North 80 degrees 09 minutes 56 seconds East 979.66 feet to the Westerly boundary of the Adobe Dam Skunk Creek Channel;

Thence along said Westerly line the following four courses and distances:
Thence South 12 degrees 08 minutes 44 seconds East 128.16 feet;

Thence South 05 degrees 50 minutes 25 seconds East 146.45 feet;

Thence South 03 degrees 35 minutes 10 seconds East 192.40 feet;

Thence South 03 degrees 23 minutes 30 seconds West 100.51 feet;

Thence South 80 degrees 10 minutes 09 seconds West 930.24 feet;

Thence North 09 degrees 52 minutes 47 seconds West 563.18 feet to the Point of Beginning;

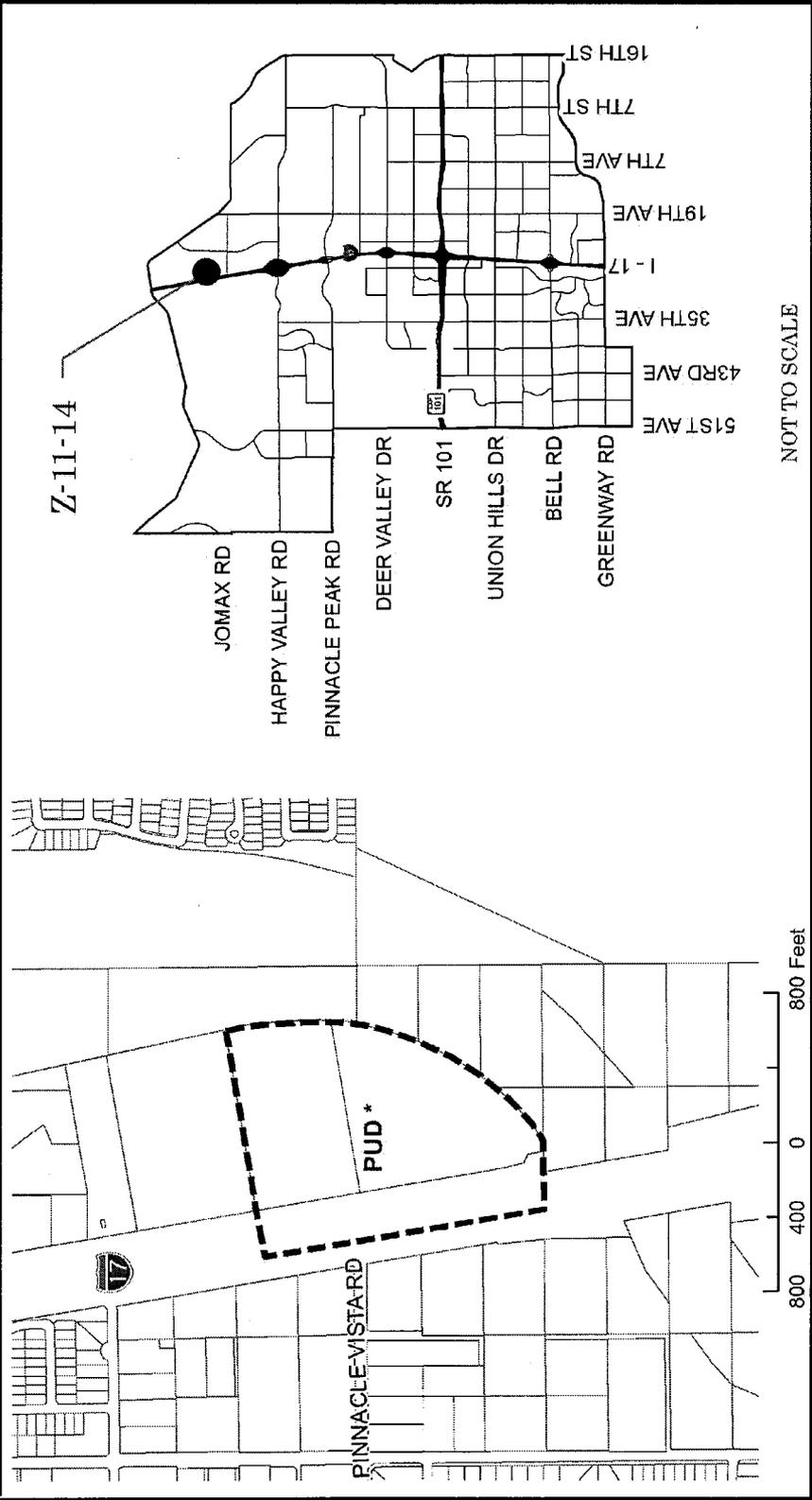
Except any portion lying within the right of way for Phoenix–Cordes Junction Highway (Interstate 17) as set forth in Final Order of Condemnation recorded November 24, 2006 in Instrument No. 2006–1537967, records of Maricopa County, Arizona; and

ATTACHMENT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-11-14
Zoning Overlay: N/A
Planning Village: Deer Valley Village

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



NOT TO SCALE

Drawn Date: 11/24/2014

S:\Department Share\PL GIS\IS_Team\GIS\IS_Core_Functions\Zoning\SuppMaps_Ord\Maps\2014 Ord\Z-11-14.mxd