

5748G-7-1-1--  
chagollaj

ORDINANCE G-5748

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-28-12-5) FROM S-1 (RANCH OR FARM RESIDENCE) TO PUD (PLANNED UNIT DEVELOPMENT).

---

WHEREAS, on July 23, 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 Mike Withey of Withey Morris, having authorization to represent the owner, Clayton McKnight of an approximately 19.7 acre property located at the northeast corner of 99th Avenue and 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 October 9, 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 November 7, 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 19.7 acre property located at the northeast corner of 99th Avenue and 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" (Ranch or Farm 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-28-12-5, 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, 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 Campbell Commerce Center 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 September 7, 2012, as modified by the following stipulations.

2. The developer shall provide curb, gutter, sidewalk, paving, and incidentals on all interior and peripheral streets, as approved by the Planning and Development Department. The developer shall provide city of Phoenix standard pavement transition tapers to all existing improvements.
3. Any modifications and improvements to the corner of 99th Avenue and Campbell Avenue shall result in submittal of signal plans to the Street Transportation Department for review and approval. All work related to the construction of the traffic signal is the responsibility of the developer.
4. Seventy feet of right-of-way shall be dedicated along the east side of 99th Avenue. Additional easements for utility and drainage improvements may be required based upon final roadway design. The applicant shall coordinate with the Street Transportation Department and the Planning and Development Department.
5. The developer shall dedicate minimum eight-foot wide public utility easements along both sides of all streets, including around any cul-de-sac turnarounds, as approved by the Planning and Development Department.
6. The applicant shall complete a Red Border Letter to notify ADOT of development adjacent to its freeway corridor and submit it to the Street Transportation Department, with a copy to the Planning and Development Department Traffic Engineer and Civil Plans Reviewer.
7. The applicant shall submit a Traffic Impact Study to the Street Transportation Department and the Planning and Development Department prior to final preliminary site plan approval. The applicant shall be responsible for any dedications and required improvements as recommended by the approved traffic study, as approved by the Street Transportation Department and the Planning and Development Department.
8. The applicant shall dedicate right-of-way for a future bus stop (detail #1260) along north bound 99th Avenue on the far side of Campbell Avenue, as approved by the Planning and Development Department.

- 9. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of 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.

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 7th day of November, 2012.



*[Handwritten Signature]*  
 \_\_\_\_\_  
 MAYOR

ATTEST:

*[Handwritten Signature: C Meyer]*  
 \_\_\_\_\_ City Clerk

APPROVED AS TO FORM:

*[Handwritten Signature: Margaret Wilson]*  
 \_\_\_\_\_ Acting City Attorney

REVIEWED BY:

*[Handwritten Signature]*  
 \_\_\_\_\_ City Manager

MLW:amt:1008842v1 (CM 21) (Item 23) 11/7/12

Attachments:

- A - Legal Description (2 Pages)
- B - Ordinance Location Map (1 Page)

## ATTACHMENT A

LEGAL DESCRIPTION FOR Z-28-12-5

THAT PORTION OF THE SOUTH HALF OF THE NORTHWEST 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 NORTHWEST CORNER OF SAID SECTION 21, BEING AN M.C.H.D. BRASS CAPPED MONUMENT IN HANDHOLE;

THENCE SOUTH  $00^{\circ} 21' 10''$  EAST, ALONG THE WEST LINE OF SAID SECTION, 2,646.08 FEET TO THE WEST QUARTER CORNER OF SAID SECTION, BEING A BRASS CAPPED SURFACE MONUMENT;

THENCE NORTH  $88^{\circ} 05' 06''$  EAST, ALONG THE EAST-WEST CENTERLINE OF SAID SECTION, 125.05 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF 99TH AVENUE;

THENCE NORTH  $00^{\circ} 21' 10''$  WEST ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 99.57 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH  $88^{\circ} 05' 06''$  EAST 101.25 FEET;

THENCE SOUTH  $87^{\circ} 20' 28''$  EAST A DISTANCE OF 149.00 FEET;

THENCE NORTH  $00^{\circ} 21' 10''$  WEST A DISTANCE OF 280.00 FEET;

THENCE NORTH  $89^{\circ} 38' 50''$  EAST, A DISTANCE OF 454.91 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS POINT WHICH BEARS NORTH  $82^{\circ} 36' 2''$  WEST, A DISTANCE OF 550.00 FEET;

THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $04^{\circ} 55' 24''$ , AN ARC DISTANCE OF 47.26 FEET;

THENCE SOUTH  $12^{\circ} 19' 22''$  WEST, A DISTANCE OF 216.95 FEET;

THENCE SOUTH  $78^{\circ} 13' 29''$  EAST A DISTANCE OF 30.00 FEET;

THENCE, SOUTH  $12^{\circ} 19' 22''$  WEST A DISTANCE OF 13.33 FEET;

THENCE, SOUTH  $31^{\circ} 48' 23''$  EAST A DISTANCE OF 21.48 FEET TO THE POINT OF NON-TANGENCY OF A CIRCULAR CURVE SOUTHWESTERLY WHICH HAS A

CENTRAL ANGLE  $16^{\circ} 10' 33''$  AND WHOSE RADIUS POINT BEARS SOUTH  $16^{\circ} 44' 41''$  A DISTANCE OF 530.00 FEET;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 136.24 FEET TO A POINT ON THE EAST-WEST CENTERLINE OF SAID SECTION 21;

THENCE NORTH  $88^{\circ} 05' 39''$  EAST ALONG SAID EAST-WEST CENTERLINE, A DISTANCE OF 525.33 FEET TO THE WESTERLY RIGHT-OF-WAY OF AGUA FRIA FREEWAY;

THENCE NORTH  $22^{\circ} 48' 49''$  WEST, ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 506.54 FEET;

THENCE NORTH  $19^{\circ} 52' 35''$  WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 240.59 FEET;

THENCE NORTH  $25^{\circ} 28' 51''$  WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 290.80 FEET;

THENCE, DEPARTING SAID WESTERLY RIGHT-OF-WAY, SOUTH  $59^{\circ} 51' 46''$  WEST, A DISTANCE OF 473.63 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 565.00 FEET;

THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $29^{\circ} 37' 42''$ , AN ARC DISTANCE OF 292.17 FEET;

THENCE SOUTH  $89^{\circ} 30' 01''$  WEST A DISTANCE OF 247.94 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF SAID 99TH AVENUE;

THENCE SOUTH  $00^{\circ} 21' 10''$  EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 584.42 FEET TO THE TRUE POINT OF BEGINNING;

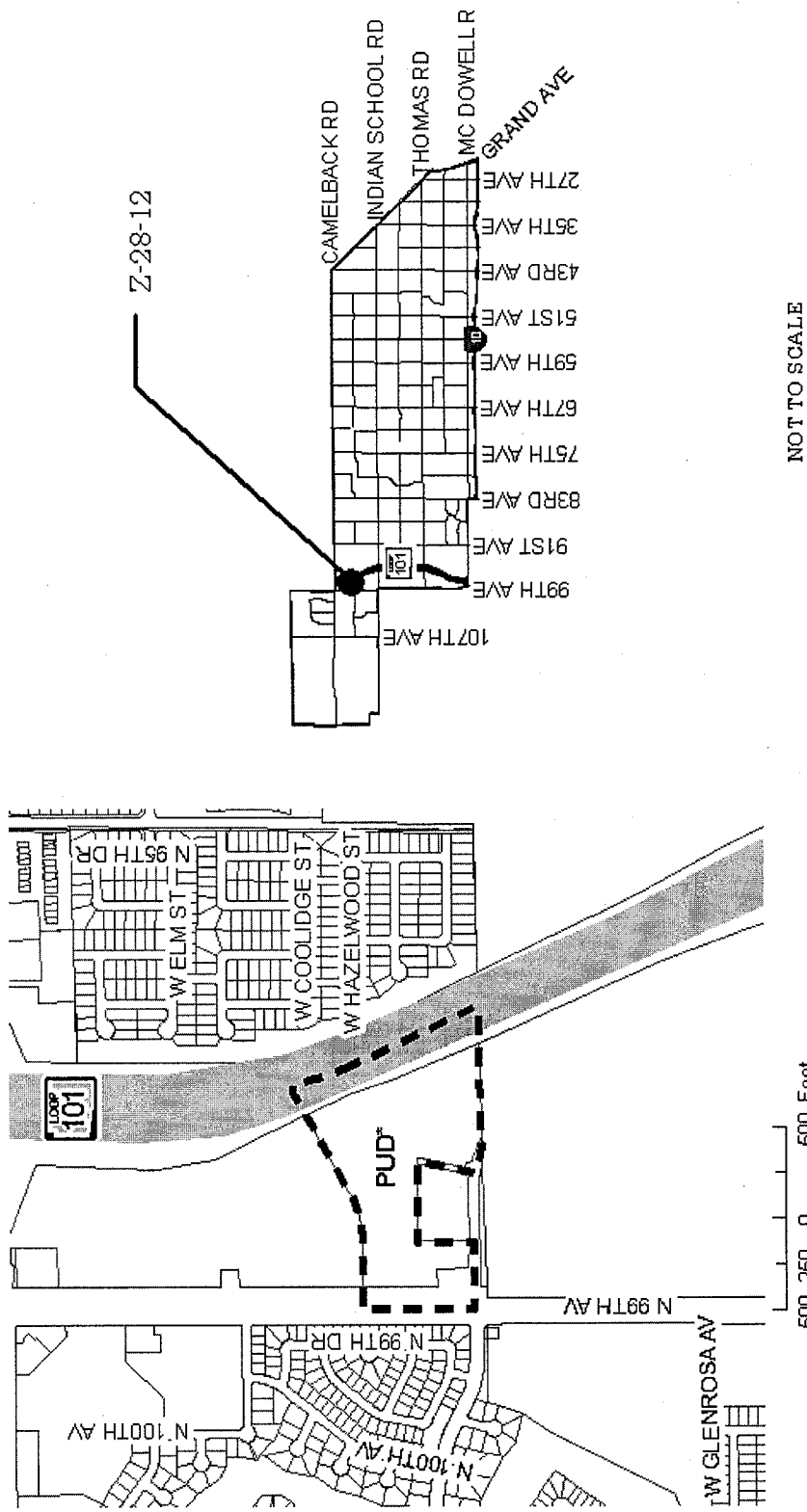
CONTAINING 728,856 SF OR 16.73 ACRES MORE OR LESS

ATTACHMENT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-28-12-5  
Zoning Overlay: N/A  
Planning Village: Maryvale

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



NOT TO SCALE

Drawn Date: 10/08/12

Map Document: \P\DF\_Maps\Ordinance\_Map\2012