

ORDINANCE G-6970

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-56-21-2) FROM CP/GCP PCD (COMMERCE PARK/GENERAL COMMERCE PARK, PLANNED COMMUNITY DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT).

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

SECTION 1. The zoning of a 4.21 acre site located on the southwest corner of 71st Street and Marilyn Road in a portion of Section 10, Township 3 North, Range 4 East, as described more specifically in Exhibit "A," is hereby changed from "CP/GCP PCD" (Commerce Park/General Commerce Park, Planned Community District) to "PUD" (Planned Unit Development District).

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:

1. An updated Development Narrative for the Davis Kierland 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 November 16, 2021, as modified by the following stipulations:
 - a. Front Cover: Remove "HEARING DRAFT" and revise submittal date information on bottom of the cover page as follows:
1st Submittal: August 10, 2021
2nd Submittal: October 01, 2021
Hearing Draft: November 16, 2021
City Council adopted: TBD
 - b. Reorder pages 42 and 43.
2. 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.
3. The developer shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study had been reviewed and approved by the City. Additional off-site improvements and right-of-way dedications may be required as identified in the approved traffic study. Development shall be responsible for the cost associated with these improvements and dedications.
4. The property owner shall record documents that disclose the existence, and operational characteristics of Scottsdale Municipal Airport (SDL) to future owners or tenants of the property. The form and content of such documents shall be approved by the Planning and Development Department.

5. The developer shall provide documentation to the City of Phoenix prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
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.


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 2nd day of March, 2022.



MAYOR

ATTEST:


Denise Archibald, City Clerk

03.07.2022



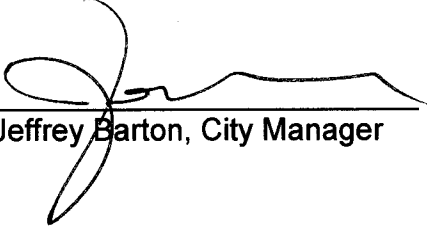
APPROVED AS TO FORM:
Cris Meyer, City Attorney

By: 

Acting Chief Counsel

Pml

REVIEWED BY:


Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (2 Pages)

B – Ordinance Location Map (1 Page)

PL:tml:LF21-3658:3-2-2022:2304681v1

EXHIBIT A

LEGAL DESCRIPTION FOR Z-56-21-2

A PORTION OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 3 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

UNITS 1 THROUGH 6, OF KIERLAND OFFICE PARK CONDOS, ACCORDING TO DECLARATION OF CONDOMINIUM IN RECORDING NO. 20031365538, AND PLAT RECORDED IN BOOK 654 OR MAPS, PAGE 20, RECORDS OF MARICOPA COUNTY, ARIZONA;

TOGETHER WITH AN UNDIVIDED INTEREST IN THE COMMON ELEMENTS AS SET FORTH IN SAID DECLARATION AND PLAT AND ANY ANNEXATIONS THERETO.

THE ABOVE DESCRIBED LEGAL DESCRIPTION TO BE KNOWN AS:

LOT 4, KIERLAND COMMERCE SOUTH, ACCORDING TO BOOK 465 OF MAPS, PAGE 10, RECORDS OF MARICOPA COUNTY, ARIZONA;

EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF KIERLAND BOULEVARD AND MARILYN ROAD SE SET FORTH ON THE PLAT OF SAID KIERLAND COMMERCE SOUTH;

THENCE ALONG THE CENTERLINE OF SAID MARILYN ROAD, NORTH 89 DEGREES 44 MINUTES 08 SECONDS EAST, 485.24 FEET;

THENCE CONTINUING SOUTH 00 DEGREES 15 MINUTES 52 SECONDS EAST, 213.49 FEET;

THENCE SOUTH 44 DEGREES 57 MINUTES 48 SECONDS EAST, 357.90 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 4;

THENCE SOUTH 45 DEGREES 02 MINUTES 12 SECONDS WEST ALONG SAID EASTERLY LINE, 284.09 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 396.14 FEET;

THENCE SOUTHWESTRLY ALONG THE ARC OF SAID CURVE AND SAID EASTERLY LINE, THROUGH A CENTRAL ANGLE OF 21 DEGREES 38 MINUTES 31 SECONDS, A DISTANCE OF 150.36 FEET TO A POINT OF TANGENCY;

THENCE CONTINUING ALONG SAID EASTERLY LINE, SOUTH 23 DEGREES 23 MINUTES 42 SECONDS WEST, 22.00 FEET;

THENCE CONTINUING ALONG SAID EASTERLY LINE, SOUTH 88 DEGREES 23 MINUTES 42 SECONDS WEST, 35.36 FEET TO A POINT ON THE SOUTHERLY LINE FO SAID LOT 4;

THENCE ALONG SAID SOUTHERLY LINE, NORTH 66 DEGREES 38 MINUTES 18 SECONDS WEST, 104 FEET TO A POINT ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 485.00 FEET;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY LINE AND THE WESTERLY LINE OF SAID LOT 4 THROUGH A CENTRAL ANGLE OF 66 DEGREES 20 MINUTES 25 SECONDS, A DISTANCE OF 538.41 FEET TO A POINT OF TANGENCY;

THENCE CONTINUING ALONG SAID WESTERLY LINE, NORTH 00 DEGREES 15 MINUTES 52 SECONDS WEST, 192.20 FEET;

THENCE CONTINUING ALONG SAID WESTERLY LINE, NORTH 01 DEGREES 46 MINUTES 52 SECONDS EAST, 138.22 FEET;

THENCE CONTINUING ALONG SAID WESTERLY LINE, NORTH 45 DEGREES 45 MINUTES 30 SECONDS EAST, 37.42 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 4;

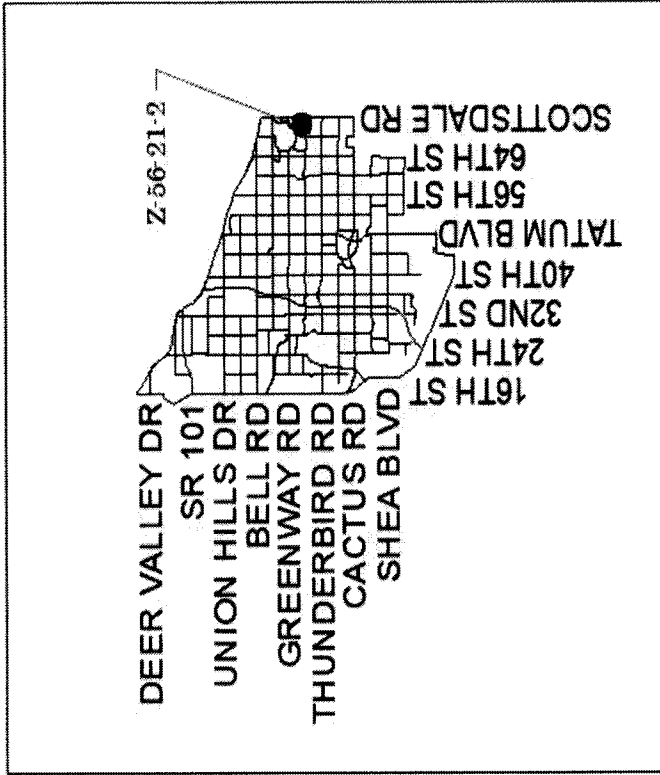
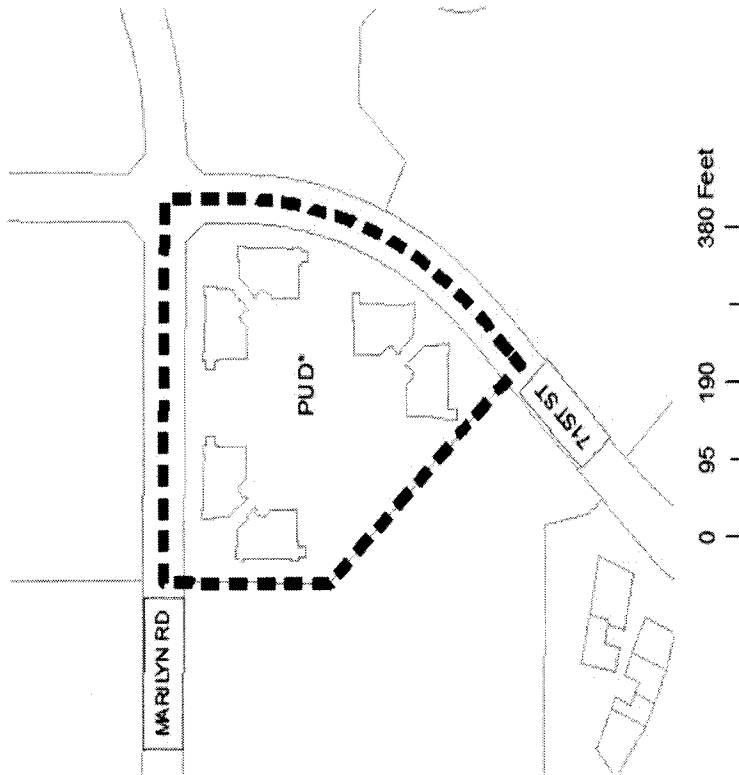
THENCE ALONG SAID NORTH LINE, NORTH 89 DEGREES 44 MINUTES 11 SECONDS EAST (NORTH 89 DEGREES 44 MINUTES 08 SECONDS EAST, RECORD) 418.38 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-56-21-2
Zoning Overlay: N/A
Planning Village: Paradise Valley

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



NOT TO SCALE

Drawn Date: 2/1/2022

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