

ORDINANCE G-6828

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-40-20-7) FROM C-2 (INTERMEDIATE COMMERCIAL DISTRICT) AND RSC (REGIONAL SHOPPING CENTER DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT).

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

follows:

SECTION 1. The zoning of a 27.33 acre site located at the northeast corner of 79th Avenue and Encanto Boulevard in a portion of Section 35, Township 2 North, Range 1 East, as described more specifically in Exhibit "A," is hereby changed from 17.32 acres of "C-2" (Intermediate Commercial District) and 10.01 acres of "RSC" (Regional Shopping Center District) 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:

1. An updated Development Narrative for the 79th Avenue and Encanto Boulevard 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 January 11, 2021, as modified by the following stipulations:
 - a. Front cover: Revise the date information on the cover page to the following:

2nd Submittal: November 17, 2020
Hearing Draft: January 11, 2021
City Council Adopted: [Add Adoption Date]
 - b. Page 22, Lot Standards, Maximum Density: Modify to 26 du/a.
 - c. Page 25, Frontage Standards, Fence Standards: Modify to include "Primary Frontage and Secondary Frontage: 72 inches maximum height exclusive of column caps and a maximum of 36 inches of solid fence unless screening above grade utilities or trash enclosures. Column caps to be no more than two feet wide."
2. The developer shall dedicate a minimum of 50 feet of right-of-way and a minimum 18-foot-wide public sidewalk easement along the east side of 79th Avenue, as approved by the Planning and Development Department.
3. The developer shall dedicate a minimum of 50 feet of right-of-way and a minimum 2-foot-wide public sidewalk easement along the north side of Encanto Boulevard consistent with the Maryvale Village Core Plan, as approved by the Planning and Development Department.
4. The developer shall construct a minimum 2-foot-wide landscape strip from the existing face of curb with an adjacent at-grade, concrete, minimum 6-foot wide active transportation path, and an adjacent minimum 6-foot-wide landscape strip behind the active transportation path, along the north side of Encanto Boulevard, consistent with the Maryvale Village Core Plan, as approved by the Street Transportation Department.
5. The applicant shall submit a Traffic Impact Study to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact the Street Transportation

Department to discuss the requirements of the statement/study. Upon completion of the TIS the developer shall submit the completed TIS to the Planning and Development Department counter with instruction to forward the study to the Street Transportation Department.

6. 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.
7. 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.
8. 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.

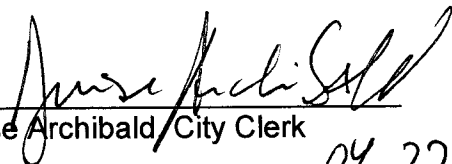
SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 7th day of April, 2021.



MAYOR

ATTEST:


Denise Archibald, City Clerk

04.22.2021

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By: DBenton
David Benton, Chief Counsel

Pml

REVIEWED BY:

EZ
Ed Zuercher, City Manager

Exhibits:

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

PL:tml:LF21-0313:4-7-2021:2245553v1

EXHIBIT A

LEGAL DESCRIPTION FOR Z-40-20-7

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING FOR A TIE AT THE NORTH QUARTER CORNER OF SAID SECTION 35, THE NORTHEAST CORNER BEARS NORTH 89 DEGREES 56 MINUTES 36 SECONDS EAST, A DISTANCE OF 2598.21 FEET;

THENCE SOUTH 01 DEGREES 48 MINUTES 08 SECONDS WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, 1007.93 FEET;

THENCE SOUTH 88 DEGREES 11 MINUTES 52 SECONDS EAST, A DISTANCE OF 35.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 88 DEGREES 11 MINUTES 52 SECONDS EAST, 255.00 FEET;

THENCE SOUTH 01 DEGREES 48 MINUTES 08 SECONDS WEST, A DISTANCE OF 147.99 FEET TO A POINT OF CURVATURE LEFT;

THENCE ALONG SAID CURVE LEFT HAVING A RADIUS OF 274.50 FEET, A CENTRAL ANGLE OF 51 DEGREES 30 MINUTES 56 SECONDS, AN ARC DISTANCE OF 246.81 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 49 DEGREES 42 MINUTES 47 SECONDS EAST, 254.71 FEET;

THENCE SOUTH 35 DEGREES 13 MINUTES 22 SECONDS WEST, 331.94 FEET;

THENCE SOUTH 52 DEGREES 18 MINUTES 46 SECONDS EAST, 588.03 FEET;

THENCE NORTH 40 DEGREES 17 MINUTES 13 SECONDS EAST, 303.97 FEET;

THENCE SOUTH 49 DEGREES 42 MINUTES 47 SECONDS EAST, A DISTANCE OF 157.08 FEET TO A POINT OF CURVATURE LEFT;

THENCE ALONG SAID CURVE LEFT HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 09 DEGREES 26 MINUTES 53 SECONDS, AN ARC DISTANCE OF 49.47 FEET TO A POINT OF REVERSE CURVATURE;

THENCE ALONG SAID CURVE RIGHT HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 59 DEGREES 09 MINUTES 18 SECONDS, AN ARC DISTANCE OF 20.65 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 00 DEGREES 00 MINUTES 22 SECONDS EAST, A DISTANCE OF 482.51 FEET TO A POINT OF CURVATURE RIGHT, SAID POINT BEING ON THE

NORTH RIGHT OF WAY LINE OF ENCANTO BLVD AS RECORDED IN INSTRUMENT NO. 87-023218, M.C.R.;

THENCE ALONG SAID NORTH RIGHT OF WAY LINE, ON SAID CURVE RIGHT, HAVING A RADIUS OF 34.42 FEET, A CENTRAL ANGLE OF 54 DEGREES 26 MINUTES 15 SECONDS, AN ARC DISTANCE OF 32.70 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 38 SECONDS WEST ALONG SAID NORTH RIGHT OF WAY LINE, 577.30 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIAL BEARING OF NORTH 42 DEGREES 30 MINUTES 32 SECONDS EAST, LYING ON THE NORTH RIGHT OF WAY LINE AS RECORDED IN INSTRUMENT NO, 87 023218 M.C.R.;

THENCE ALONG SAID NORTH RIGHT OF WAY ON SAID CURVE RIGHT HAVING A RADIUS OF 24.42 FEET, A CENTRAL ANGLE OF 47 DEGREES 29 MINUTES 06 SECONDS, AN ARC DISTANCE OF 20.24 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 38 SECONDS WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 41.16 FEET TO A POINT ON A CURVE RIGHT HAVING A RADIAL BEARING OF SOUTH 89 DEGREES 59 MINUTES 38 SECONDS WEST;

THENCE ALONG SAID NORTH RIGHT OF WAY LINE ON SAID CURVE RIGHT HAVING A RADIUS OF 24.42 FEET, A CENTRAL ANGLE OF 47 DEGREES 29 MINUTES 06 SECONDS AN ARC DISTANCE OF 20.24 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 89 DEGREES 59 MINUTES 38 SECONDS WEST ALONG SAID NORTH RIGHT OF WAY LINE, 562.16 FEET;

THENCE NORTH 44 DEGREES 06 MINUTES 07 SECONDS WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 29.23 FEET TO A POINT ON THE EAST LINE OF THE WEST 35.00 FEET OF SAID NORTHEAST QUARTER OF SECTION 35;

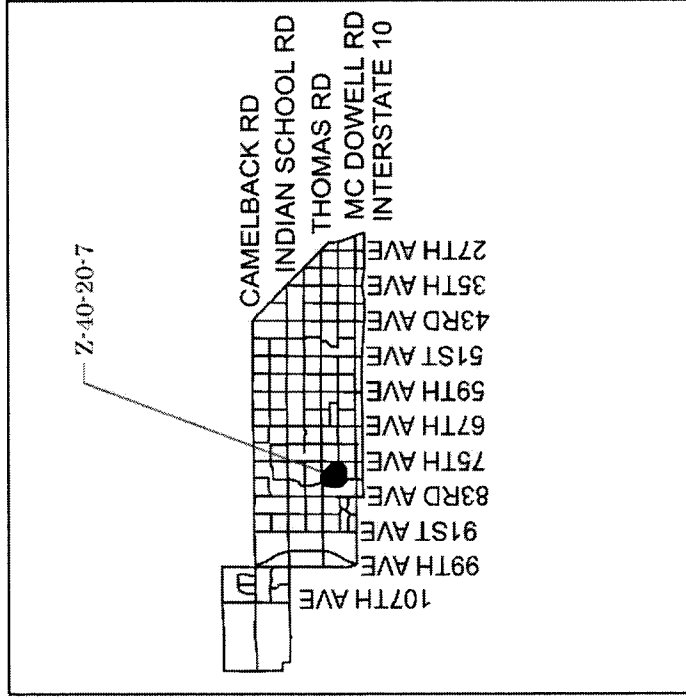
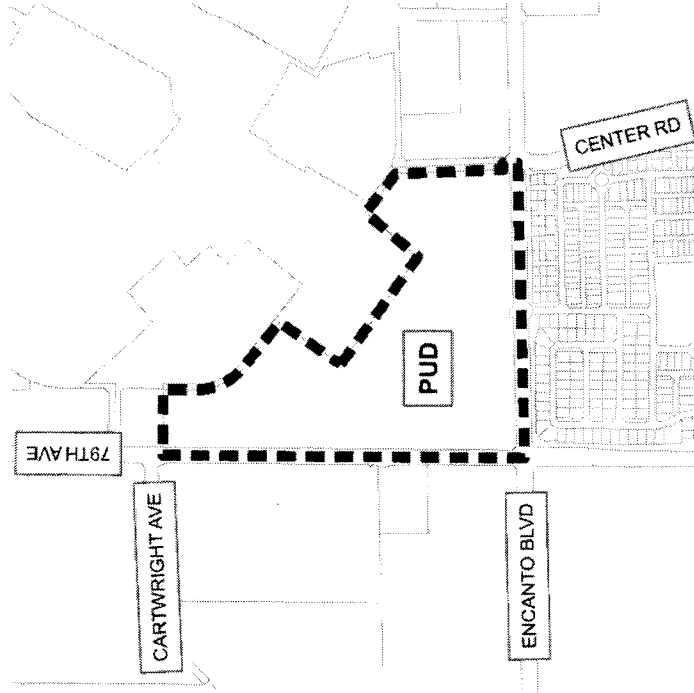
THENCE NORTH 01 DEGREES 48 MINUTES 08 SECONDS EAST ALONG SAID EAST LINE, 1,575.35 FEET TO THE TRUE POINT OF BEGINNING.

ORDINANCE LOCATION MAP

EXHIBIT B

Zoning Case Number: Z-40-20-7
 Zoning Overlay: N/A
 Planning Village: Maryvale

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



NOT TO SCALE



Drawn Date: 3/11/2021

I:\one\pcc\Shared\Department Share\Information Systems\PL GIS\GIS_Team\GIS_Functions\Zoning\SuppMaps_CrdMaps2021 Ord\4-7-21\Z-40-20-7.mxd