

Exhibit 3
DRAFT ORDINANCE

ORDINANCE NO 2017-02

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ZONING PROPERTY FROM CONVENIENCE COMMERCIAL (C-1) AND GENERAL AGRICULTURAL (AG) TO PLANNED AREA DEVELOPMENT (PAD) DISTRICT FOR A DEVELOPMENT KNOWN AS 8600 W. NORTHERN AVE.; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on January 19, 2017 in zoning case Z16-0009 in the manner prescribed by law for the purpose of considering an amendment to the zoning district boundaries of property within the City of Peoria, Arizona to provide for rezoning of a parcel of land as described below from Convenience Commercial (C-1) and General Agricultural (AG) to a Planned Area Development (PAD) zoning district as provided in Section 14-33 of Chapter 14 of the Peoria City Code (1977 edition);

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance and manner provided by law including publication of such notice in the Peoria Times Newspaper on December 30, 2016; and

WHEREAS, the City of Peoria Planning and Zoning Commission has recommended to the Mayor and the Council of the City of Peoria, Arizona, the zoning of property as aforesaid and the Mayor and the Council of the City of Peoria, Arizona desires to accept such recommendation and rezone the property as described below as aforesaid.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona that:

SECTION 1. A parcel of land in Peoria, Maricopa County, Arizona, which is more accurately described in Exhibits A, and B to this Ordinance, is hereby conditionally rezoned from Convenience Commercial (C-1) and General Agricultural (AG) to 8600 W. Northern Ave. Planned Area Development (PAD) zoning district.

SECTION 2. The amendment to the zoning herein provided be conditioned and subject to the following stipulations:

1. The development shall conform in all material respects to the 8600 W. Northern Ave Planned Area Development Standards and Guidelines Report, (case Z16-0009) dated 12/13/16.

2. Any modification to the use listing shall constitute a major amendment to the Planned Area Development.
3. The Developer shall dedicate sixty-five (65) feet of right-of-way along the frontage of the development on Northern Avenue, and twenty-five (25) feet of right-of-way along the frontage of the development on 85th Avenue.
4. The Developer shall dedicate an eight (8) foot public utility easement outside of the required right-of-way. No walls, trees, monument signs, or retention shall be allowed within the public utility easement.
5. The Developer shall construct a one hundred (100) foot deceleration lane with a one hundred (100) foot taper along Northern Avenue, and an eight (8) foot sidewalk adjacent to the deceleration lane and taper.
6. The Developer shall be responsible for obtaining the right-of-way necessary for the deceleration lane.
7. The Developer shall be responsible for the SRP structure relocation that is necessary due to the deceleration lane.
8. The Developer is responsible to construct the eight (8) inch sewer in 85th Avenue from the project entrance to Northern Avenue. This shall be done at the time of the residential development.
9. The Developer is responsible to construct the half-street along the 85th Avenue frontage (adjacent Parcel B which is the residential portion of the project). This shall either be constructed or an in lieu of payment shall be collected. This determination shall be made at the time of the preliminary plat for the residential portion of the project.

SECTION 3. Amendment of Zoning Map. The City of Peoria zoning map is herewith amended to reflect the change in districts referred to in Section 1 above and as defined by the Legal Description as represented in Exhibit A and the corresponding parcel map as shown as Exhibit B.

SECTION 4: Effective Date. This Ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Council for the City of Peoria,
Arizona this 21st day of February, 2017.

Cathy Carlat, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen Burg, City Attorney

Published in: Peoria Times Pub. Dates: March 3, 2017

Effective Date: _____

EXHIBIT A
Legal Description

Parcel A (APN 142-33-238A)

That part of the southwest quarter of the southeast quarter of section 34, township 3 north, range 1 east of the Gila and salt river base and meridian, Maricopa county, Arizona, described as follows:

Beginning at the southwest corner of the southwest quarter of the southeast quarter of said section 34;

Thence north along the west line of the southeast quarter, a distance of 40.00 feet;

Thence easterly 40.00 feet northerly of the south line of said section 34, a distance of 322.29 feet to the true point of beginning;

Thence north 00 degrees 37 minutes 32 seconds east, 1270.817 feet to a point on the north line of the southwest quarter of the southeast quarter and 322.81 feet east of the northwest corner of the southwest quarter of the southeast quarter of said section;

Thence easterly along said north line, a distance of 157.34 feet;

Thence south 00 degrees 39 minutes 06 seconds west, 1271.307 feet to a point 40.00 feet north of the south line of section 34;

Thence westerly along a line 40.00 feet north and parallel to the south line of said section 34, a distance of 156.82 feet, more or less, to the true point of beginning.

Site area 197,393.21 square feet or 4.53 acres

More or less.

Parcel B (142-33-237C)

A portion of the southeast quarter of section 34, township 3 north, range 1 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 section 34, from which the south quarter corner bears south 89°37'14" west, a distance of 2591.89 feet (book 1181, page 37) Maricopa county recorder's office, Maricopa county; thence from said southeast corner and along the east line of the southeast quarter of said section 34, north 00°32'58" east to the northeast corner of the southeast quarter of the southeast quarter (se4se4) of said section 34, a distance of 1317.94 feet; thence leaving said east line and along the north line of said se4sb4, south 89°26'43"

west to the northwest corner of said se4se4, a distance of 1301.71 feet; thence from said northwest corner and along the north line of the southwest quarter of the southeast quarter (sw4se4) of said section 34, south 89°28'02" west a distance of 821.93 feet to the point of beginning; thence south 00°04'51" east to a point on the south line of the north 426.00 feet of said sw4se4, a distance of 426.01 feet, said point also being the northwest corner of that certain property described in document 2003-0686953 of said recorder's office; thence from said point and along the south line of the north 426.00 feet of said sw4se4, north 89°28'02" east to the west line of the east 33.00 feet of said sw4se4, a distance of 786.09 feet; thence along said west line, north 00°18'04" east to a point on the north line of said sw4se4, a distance of 426.05 feet; thence along said north line, south 89°28'02" west, a distance of 788.93 feet to the point of beginning.

Site area 335,754.73 sq ft square feet or 7.71 acres

More or less.

EXHIBIT B

