

ORDINANCE NO 2017-23

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ZONING PROPERTY FROM INTERMEDIATE COMMERCIAL (C-2) TO THE FOUR SEASONS AT VENTANA LAKES PLANNED AREA DEVELOPMENT (PAD) ZONING DISTRICT FOR A TWO PARCEL DEVELOPMENT KNOWN AS FOUR SEASONS AT VENTANA LAKES; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on June 1, 2017 in zoning case Z17-01 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 Intermediate Commercial (C-2) to the Four Seasons at Ventana Lakes 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 May 12, 2017; 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 rezoned from Intermediate Commercial (C-2) to the Four Seasons at Ventana Lakes Planned Area Development (PAD) zoning district.

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

1. The Proposed development shall conform to the *Four Seasons at Ventana Lakes PAD Standards & Guidelines Report* as approved or modified during the June 1, 2017 Planning & Zoning Commission hearing and the subsequent City Council hearing.
2. The overall development proposal shall be limited to a maximum of sixty-nine (69) residential lots, and shall not exceed a gross density of 3.99 du/acre.
3. The homes within the development shall be restricted to one-story.

4. The PAD contemplates an age-restricted community. In the event this age restriction is removed, then the development shall be required to amend the PAD and must also work with the Peoria Unified School District (PUSD) to address any impacts of this change, which may include the establishment of a new Developer Assistance Agreement (DAA).
5. All perimeter theme walls adjacent to Beardsley Road or 107th Avenue shall comply with Section 3.5.B.9 ("Noise Attenuation Walls Required") of the Zoning Ordinance. Additionally, language shall be inserted on the face of the Preliminary/Final Plats recognizing Beardsley Road as a designated truck route.
6. In the event the City is unable to complete the Beardsley Road CIP project, within the Four Seasons at Ventana Lakes proposal, the developer of Four Seasons shall be required to submit civil improvement plans and install such improvements, prior to obtaining occupancy permits, as directed by the City Engineer, excluding all improvements related to the existing drainage channel.
7. The Developer shall resolve all visibility concerns with the required safety mitigation in accordance with Section 20-78-3.II.A.1, in Chapter 3 of the Design Standards Manual, prior to Preliminary Plat approval.
8. The project must comply with all engineering requirements in the City's Infrastructure Design Guide.
9. The Final Plat(s) and construction plan(s) must match.
10. The Developer shall dedicate ROW to accommodate a minimum of 65 feet in ROW width for both sides of Beardsley Road.
11. The Developer shall dedicate a sidewalk easement over the portion of the existing sidewalk on the north side of Beardsley Road that falls outside of the new 65' ROW.
12. The Developer shall dedicate an 8' PUE outside of all required ROWs. No walls, trees, or retention shall be allowed within the PUE.
13. The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at all intersections with collectors or arterials. The Developer shall dedicate a 20-foot by 20-foot ROW chamfer at all local/local roadway intersections.
14. The Developer shall dedicate the existing City of Peoria well site to the City, at no cost to the City. This shall be shown on the Final Plat.

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 Descriptions 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 27th day of June, 2017

Cathy Carlat, Mayor

Date signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen J. Burg, City Attorney

Published in: Peoria Times
Publication Date: July 7, 2017
Effective Date: _____

EXHIBIT A – (north parcel)
Legal Description: Four Seasons at Ventana Lakes
Northwest & Southwest Corners of 107th Avenue & Beardsley Road

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 19;

THENCE SOUTH 89 DEGREES 37 MINUTES 55 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION, 782.50 FEET;

THENCE NORTH 00 DEGREES 22 MINUTES 05 SECONDS WEST, 55 FEET;
THENCE NORTH 16 DEGREES 46 MINUTES 13 SECONDS EAST, 484.51 FEET;
THENCE NORTH 89 DEGREES 37 MINUTES 55 SECONDS EAST, 613.00 FEET;

THENCE SOUTH 88 DEGREES 53 MINUTES 54 SECONDS EAST, 40.00 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 19;

THENCE SOUTH 01 DEGREES 06 MINUTES 06 SECONDS WEST ALONG SAID EAST LINE, 517.14 FEET TO SAID SOUTHEAST CORNER OF SECTION 19, AND THE POINT OF BEGINNING;

EXCEPT THEREFROM THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 19;

THENCE SOUTH 89 DEGREES 37 MINUTES 55 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 782.50 FEET;

THENCE DEPARTING SAID LINE, NORTH 00 DEGREES 22 MINUTES 05 SECONDS WEST, 55.00 FEET;

THENCE NORTH 16 DEGREES 46 MINUTES 13 SECONDS EAST, 5.23 FEET;

THENCE NORTH 89 DEGREES 37 MINUTES 55 SECONDS EAST, 718.12 FEET TO A POINT MARKING THE BEGINNING OF A TANGENT CURVE HAVING A RADIUS OF 25.00 FEET TO THE LEFT;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 88 DEGREES 31 MINUTES 49 SECONDS, HAVING AN ARC DISTANCE OF 38.63 FEET;

THENCE NORTH 01 DEGREES 06 MINUTES 06 SECONDS EAST, 433.79 FEET;

THENCE SOUTH 88 DEGREES 53 MINUTES 54 SECONDS EAST, 40.00 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER;

THENCE SOUTH 01 DEGREES 06 MINUTES 06 SECONDS WEST ALONG SAID LINE, 517.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 7.124 ACRES, MORE OR LESS

EXHIBIT A – (south parcel)
Legal Description: Four Seasons at Ventana Lakes
Northwest & Southwest Corners of 107th Avenue & Beardsley Road

A PORTION OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 30;

THENCE DUE SOUTH 658.71 FEET;

THENCE DUE WEST 476.86 FEET;

THENCE DUE NORTH 95.00 FEET;

THENCE DUE WEST 233.73 FEET;

THENCE NORTH 08 DEGREES 05 MINUTES 03 SECONDS WEST, 508.74 FEET;

THENCE NORTH 00 DEGREES 22 MINUTES 05 SECONDS WEST, 55.00 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 30;

THENCE NORTH 89 DEGREES 37 MINUTES 55 SECONDS EAST, ALONG SAID NORTH LINE, 782.50 FEET TO SAID NORTHEAST CORNER OF SECTION 30 AND THE POINT OF BEGINNING;

EXCEPT ANY PORTION THEREOF LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY:
WELL SITE #2 AT VENTANA LAKES BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 30;

THENCE SOUTH 89 DEGREES 37 MINUTES 55 SECONDS WEST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER 778.23 FEET;

THENCE DEPARTING SAID NORTH LINE SOUTH 00 DEGREES 22 MINUTES 05 SECONDS EAST, 86.53 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 08 DEGREES 05 MINUTES 03 SECONDS EAST, 10.14 FEET;

THENCE NORTH 88 DEGREES 34 MINUTES 05 SECONDS WEST, 8.68 FEET;

THENCE NORTH 01 DEGREES 25 MINUTES 55 SECONDS EAST, 10.00 FEET;

THENCE SOUTH 88 DEGREES 34 MINUTES 05 SECONDS EAST, 7.00 FEET TO THE POINT OF BEGINNING; AND

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 30;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, 658.71 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF PARCEL 6;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG SAID LINE, 33.00 FEET;

THENCE DEPARTING SAID LINE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 631.03 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET;

THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90 DEGREES 22 MINUTES 05 SECONDS, FOR AN ARC DISTANCE OF 39.43 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHEAST QUARTER;

THENCE NORTH 89 DEGREES 37 MINUTES 55 SECONDS EAST, ALONG SAID LINE, 58.16 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM, AN UNDIVIDED ½ INTEREST IN ALL THE GAS, OIL AND MINERAL RIGHTS AS RESERVED IN INSTRUMENT RECORDED OCTOBER 24, 1960 IN DOCKET 3463, PAGE 160, RECORDS OF MARICOPA COUNTY, ARIZONA.

SITE CONTAINS 443,359 SQ.FT. OR 10.178 ACRES, GROSS, MORE OR LESS

EXHIBIT B
Map

