

Exhibit 2
DRAFT ORDINANCE

ORDINANCE NO 2023-06

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REZONING SPECIFIED PROPERTY FROM CENTRAL COMMERCIAL (C-3) TO THE OVERLAND PEORIA COMMONS PLANNED AREA DEVELOPMENT (PAD) ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on April 20, 2023 in zoning case Z22-08 in the manner prescribed by law for the purpose of considering an amendment to the zoning district of a property within the City of Peoria, Arizona, to provide for rezoning of a parcel of land as described below, from Central Commercial (C-3) to the Overland Peoria Commons Planned Area Development (PAD) zoning district, as provided in Section 21-317 of Chapter 21 of the Peoria City Code;

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 March 30, 2023; 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. Parcels of land in Peoria, Maricopa County, Arizona, which are more accurately described in Exhibits A and B, to this Ordinance are hereby rezoned from Central Commercial (C-3) to the Overland Peoria Commons Planned Area Development Zoning District.

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

1. The development shall substantially conform to the Overland Peoria Commons Standards and Guidelines Report, and Project Narrative contained within the April 20, 2023 Planning and Zoning Commission staff report, except as modified herein.

2. The Developer shall obtain a cross access, cross parking, and shared use agreement with the Wagoner Plaza Property to the south (Parcel 142-42-042B) to allow for the construction of improvements on the Wagoner Plaza Property and use in perpetuity of portions of the aforementioned parcel and the subject parcel prior to Site Plan approval of the subject site. The shared use agreement shall include providing trash enclosures per the City of Peoria Standard Details for exclusive use of Wagoner Plaza Property.
3. The Developer shall construct and dedicate a bus shelter adjacent to Peoria Avenue in accordance with City of Peoria standards.
 - a. The Developer shall dedicate through a final plat, area for a bus shelter as right-of-way adjacent to Peoria Avenue. The right-of-way dedication shall be twenty-six (26) feet wide by six (6) feet deep adjacent to Peoria Avenue in order to accommodate the required bus shelter.
 - b. The Developer shall construct a bus shelter in accordance with City standards and dedicate the improvements to the City of Peoria prior to certificate of occupancy for the subject development.
4. The Developer shall submit a Building and Fire Code analysis of the Wagoner Plaza Building (building located on Parcel 142-42-042B) as it relates to the improvements to the rear of the Wagoner Plaza Property and associated access to and from the Wagoner Plaza Building.
 - a. A preliminary Building and Fire Code analysis shall be submitted and reviewed by the City of Peoria Building Official and Fire Marshal or respective designees as a part of the Site Plan review process. The preliminary analysis shall be approved prior to Site Plan approval.
 - b. A final Building and Fire code analysis shall be submitted and reviewed with the construction documents for the subject site and shall be approved prior to the approval of the construction documents for the subject site.
 - c. The aforementioned code analyses shall evaluate the existing Wagoner Plaza Building and the proposed improvements for the subject development to ensure that all improvements associated with the subject development on both properties do not create life safety, or access constraints for the Wagoner Plaza Building as determined by the City of Peoria Building Official and the City of Peoria Fire Marshal.

5. The Developer shall comply with all City of Peoria engineering design standards, policies, and requirements at the time of development and final engineering submittal.
6. The developer shall dedicate a 20-foot public water easement along the southwest boundary adjacent to Wagoner Plaza from 85th Avenue right-of-way to Peoria Avenue right-of-way prior to final plat approval.
7. The developer shall dedicate 8-foot public utility easements along 84th Avenue, 85th Avenue, and Peoria Avenue rights-of-way with the subject development's final plat.
8. The Developer shall obtain any necessary permitting or approvals, and conduct any necessary improvements as required by the Arizona Department of Transportation (ADOT) with respect to any applicable access or improvements requirements related to ADOT facilities. This shall be completed prior to requesting City of Peoria off-site improvement final sign off.
9. The Developer shall complete any necessary dedications for Grand Avenue in accordance with ADOT requirements prior to requesting City of Peoria off-site improvement final sign off.
10. The Developer shall provide a revised Traffic Impact Analysis (TIA) with the Site Plan Submittal, unless otherwise determined by the City Traffic Engineer. A Final TIA shall be submitted for review and approval at the time of the first civil plan submittal for any phase of development

SECTION 3: 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: If any section, subsection, sentence, clause or phase 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 of this Ordinance.

SECTION 5: 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 16th day of May, 2023.

Jason Beck, Mayor

Date signed

ATTEST:

Lori Dyckman, City Clerk

APPROVED AS TO FORM:

Emily Jurmu, City Attorney

Published in: Peoria Times
Publication Date: March 30, 2023

Effective Date: June 16, 2023

Exhibit A
Legal Description

That portion of the East half of the Southeast quarter of Section 22, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian; lying Southwesterly of the Southwesterly right of way line of U.S. Highway 60-70-89 (Grand Avenue) described as follows:

Beginning at the Southwest corner of the East half of the Southeast quarter of said Section 22;

Thence North 0 degrees 10 minutes 17 seconds East (assumed bearing), 510.24 feet along the west line of said East half of the Southeast quarter to the True Point of Beginning for the herein described parcel of land;

Thence continuing North 0 degrees 10 minutes 17 seconds East, 270 feet along the said West line of the East half of the Southeast quarter to a point;

Thence South 89 degrees 49 minutes 43 seconds East, 140 feet to a point; Thence North 0 degrees 10 minutes 17 seconds East, 56.16 feet to a point;

Thence North 45 degrees 42 minutes 42 seconds East, 327.22 feet to a point on the Southwesterly right of way line of U.S. Highway 60-70-89 (Grand Avenue) as recited in Book 90 of Deeds, page 508-512 inclusive;

Thence South 44 degrees 17 minutes 18 seconds East, 555 feet along said Southwesterly right of way line of U.S. Highway 60-70-89 (Grand Avenue) to a point that is the Northwestern end of the Westerly right of way line of 84th Avenue (Peach Street) as dedicated in Docket 7752, page 521;

Thence along a curve, concave right, having a radius of 20.63 feet and central angle of 86 degrees 28 minutes 45 seconds 31.14 feet to the Southerly end of said curve and the beginning a curve, concave left, having a radius 315.32 feet and a central angle of 42 degrees 00 minutes 09 seconds;

Thence 231.16 feet along the arc of said curve and the Westerly right of way line of 84th Ave. (Peach Street) to the end of said curve;

Thence North 41 degrees 15 minutes 45 seconds West, 94.54 feet to a point;

Thence South 45 degrees 42 minutes 42 seconds West, 292.64 feet to a point on the Northerly right of way line of Peoria Avenue as described in Docket 7141, page 363;

Thence South 89 degrees 59 minutes 26 seconds West, 43.91 feet along said Northerly right of way line of Peoria Avenue to the beginning of a curve, concave left, having a central angle of 4 degrees 55 minutes 50 seconds and a radius of 326.33 feet;

Thence 28.08 feet along the arc of said curve and the said Northerly right of way line of Peoria Avenue to a point;

Thence North 44 degrees 17 minutes 18 seconds west, 302.01 feet along a line that is parallel with and 565 feet Southwesterly of the above said Southwesterly right of way line of U.S. Highway 60-70-89 (Grand Ave.) to a point;

Thence North 89 degrees 49 minutes 43 seconds west, 126.91 feet to the True Point of Beginning for the herein described parcel of land.

Assessor's Parcel Number: 142-42-042Q

Exhibit B Parcel Map

