

Beehive BESS Rezone: Z23-04

North of Old Carefree Highway, approx. 1.9 miles west of Lake Pleasant Parkway



ORDINANCE NO 2024-04

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REZONING SPECIFIED PROPERTY FROM GENERAL AGRICULTURE (AG) ZONING DISTRICT TO 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 March 21, 2024 for Case Z23-04 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 General Agriculture (AG) Zoning District to Planned Area Development (PAD) Zoning District, as provided in Section 21-317 of the Peoria City Code; and

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 February 29, 2024; 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 initial 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 General Agriculture (AG) Zoning district to Planned Area Development (PAD) Zoning District.

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

1. Development and use of the site shall substantially conform to the Project Narrative (Exhibit 5) and the Standards and Guidelines Report (Exhibit 6) as contained in the staff report to the Planning and Zoning Commission dated March 21, 2024.
2. Prior to Site Plan approval, the Developer shall enter into a well impact agreement with the City of Peoria.

3. The project may be served by groundwater wells until such time as City water services are available to the site, unless otherwise approved by the Water Services Director. At such time, the development shall be required to connect to City services and all temporary infrastructure shall be abandoned or remediated in accordance with City of Peoria standards, unless otherwise approved by the Water Services Director.
4. The Developer shall incorporate all State Historic Preservation Office (SHPO) and Arizona State Museum (ASM) recommendations into an updated Desert Lands Conservation Report (DLCR) and applicable plans/reports at the time of Site Plan application. The Site Plan shall demonstrate compliance with all applicable City of Peoria, SHPO, and ASM requirements and the recommendations from SHPO and ASM identified in the report.
5. The facility shall be designed and built in compliance with the latest edition of the National Fire Prevention Association (NFPA) 855: Standard for the Installation of Stationary Energy Storage Systems safety code thresholds or as otherwise determined by the Peoria Fire-Medical Department.
6. In coordination with the Peoria Fire-Medical Department, a Hazard Mitigation Analysis and Plume Study shall be provided and approved with the Site Plan application. The Hazard Mitigation Plan shall include an Emergency Operations Plan, which shall be updated and provided annually to the Fire-Medical Department and a Decommissioning Plan that shall be updated and provided to the Fire-Medical Department if there are any changes to the equipment on site.
7. In addition to continuous (24/7) monitoring of the fire detection/suppression systems, the monitoring capability of the facility shall be equipped with cameras to provide augmented security and detection.
8. The onsite water storage tank for the required water flow shall have a minimum capacity of 32,000 gallons, or as otherwise determined by the Peoria Fire-Medical Department.

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 April, 2024.

Jason Beck, Mayor

Date signed

ATTEST:

Agnes Goodwine, City Clerk

APPROVED AS TO FORM:

Emily Jurmu, City Attorney

Published in: Peoria Times

Publication Date: _____

Effective Date: _____

Exhibit A Legal Description

A PARCEL OF LAND BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, COUNTY OF MARICOPA, STATE OF ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER OF SAID SECTION 5, BEING MONUMENTED BY A 9" X 10" X 10" STONE, FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 5, BEING MONUMENTED BY 3" MARICOPA COUNTY BRASS DISK STAMPED "T5NR1E COR OF S5 S4 S8 S9 29891", BEARS SOUTH 00°13'24" EAST, A DISTANCE OF 2,674.42 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE SOUTH 00°13'24" EAST, A DISTANCE OF 1,399.33 FEET TO A POINT ON THE NORTHWESTERLY BOUNDARY LINE OF THAT CERTAIN PROPERTY DESCRIBED IN DOCUMENT NUMBER 2006-0714814, SAID LINE ALSO BEING THE SOUTHEASTERLY BOUNDARY LINE OF THAT CERTAIN PROPERTY DESCRIBED IN DOCUMENT NUMBER 2004-0010291 OF OFFICIAL RECORDS OF THE MARICOPA COUNTY CLERK AND RECORDER;

THENCE SOUTH 34°59'01" WEST, ALONG SAID NORTHWESTERLY BOUNDARY LINE, A DISTANCE OF 172.96 FEET TO THE SOUTHERLY CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT NUMBER 2004-0010291, SAID POINT ALSO BEING THE **POINT OF BEGINNING**;

THENCE THE FOLLOWING EIGHT (8) COURSES:

1. CONTINUING ALONG SAID NORTHWESTERLY LINE SOUTH 34°59'01" WEST, A DISTANCE OF 1,319.10 FEET;
2. LEAVING SAID NORTHWESTERLY LINE, SOUTH 89°50'27" WEST, ALONG THE NORTH RIGHT OF WAY LINE OF OLD CAREFREE HIGHWAY DESCRIBED IN DOCUMENT 2001-0851964, A DISTANCE OF 341.18 FEET;
3. LEAVING SAID NORTH RIGHT OF WAY LINE, NORTH 08°01'13" WEST, A DISTANCE OF 520.32 FEET;
4. NORTH 09°44'28" EAST, A DISTANCE OF 143.34 FEET;
5. NORTH 34°59'01" EAST, A DISTANCE OF 473.32 FEET;
6. NORTH 55°00'59" WEST, A DISTANCE OF 74.50 FEET;
7. NORTH 34°59'01" EAST, PARALLEL WITH SAID NORTHWESTERLY LINE, A DISTANCE OF 532.00 FEET, TO AN EXTENSION OF THE SOUTHWESTERLY BOUNDARY OF SAID PROPERTY DESCRIBED IN DOCUMENT 2004-0010291;
8. SOUTH 55°00'59" EAST, ALONG SAID EXTENSION AND SAID SOUTHWESTERLY BOUNDARY LINE, A DISTANCE OF 769.50 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINING A CALCULATED AREA OF 970,763 SQUARE FEET OR 22.286 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EXISTING EASEMENTS AND/OR RIGHTS OF WAY.

AS SHOWN ON SHEET 2 OF 2, ATTACHED HERETO AND MADE A PART OF, ALL DISTANCES, AREAS, AND BEARINGS ARE GRID BASED ON NSRS 2011 ARIZONA STATE PLANE, CENTRAL ZONE, INTERNATIONAL FOOT. TO ACHIEVE GROUND VALUES, THE COMBINED SCALE FACTOR IS 1.00014876.

I, BENJAMIN J. BLIXT, A LICENSED SURVEYOR IN THE STATE OF ARIZONA, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

BENJAMIN J. BLIXT, LS 48460
FOR AND ON BEHALF OF
WESTWOOD PROFESSIONAL SERVICES, INC.

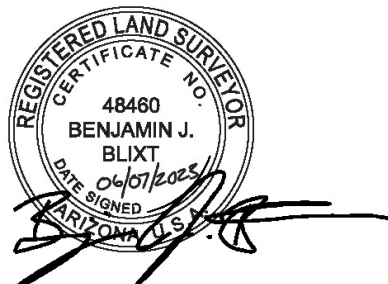
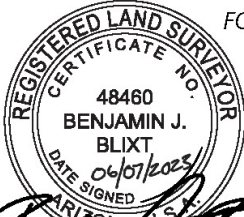


Exhibit B

Parcel Map



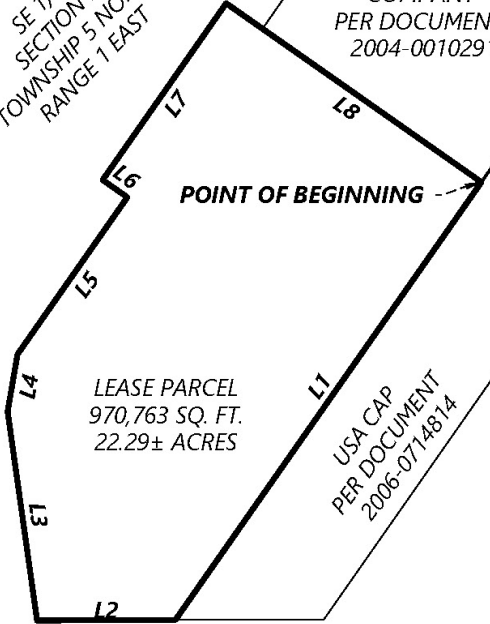
[Handwritten Signature]

POINT OF COMMENCEMENT
 1/4 CORNER FOR SEC. 4 & 5,
 FOUND 9" X 10" X 10" STONE W/
 CHISELED "X" AND 1/4"

SE 1/4
 SECTION 5
 TOWNSHIP 5 NORTH
 RANGE 1 EAST

ARIZONA
 PUBLIC SERVICE
 COMPANY
 PER DOCUMENT
 2004-0010291

USA CAP
 PER DOCUMENT
 2006-0714874



LEASE PARCEL
 970,763 SQ. FT.
 22.29± ACRES

USA CAP
 PER DOCUMENT
 2006-0714874

1399.33 (TIE)
 500°13'24"E 2674.42
 (BASIS OF BEARINGS)

N34°59'01"E
 172.96
 (TIE)

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S34°59'01"W	1319.10
L2	S89°50'27"W	341.18
L3	N08°01'13"W	520.32
L4	N09°44'28"E	143.34
L5	N34°59'01"E	473.32
L6	N55°00'59"W	74.50
L7	N34°59'01"E	532.00
L8	S55°00'59"E	769.50

OLD CAREFREE HWY
 (55' PUBLIC RIGHT-OF-WAY)
 PER DOCUMENT 2001-0851964

CORNER FOR SEC. 4, 5, 8 & 9,
 FOUND 3" 2001 MARICOPA
 COUNTY BRASS DISK
 STAMPED "T5NR1E COR OF
 S5 S4 S8 S9 29891"

LEGEND

- SECTION LINE
- TIE LINE
- PARCEL LINE

- RIGHT OF WAY LINE
- PROPOSED LEASE LINE
- FOUND MONUMENT (SEE NOTE)



SCALE: 1" = 400'