

When recorded return to:

City Clerk
City of Buckeye
530 East Monroe Avenue
Buckeye, AZ 85326

ORDINANCE NO. 07-19

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, AMENDING THE ZONING MAP OF THE CITY OF BUCKEYE ON APPROXIMATELY 22.59 ± ACRES, KNOWN AS APN 401-87-012, WHICH IS LOCATED APPROXIMATELY ONE-HALF MILE EAST OF SR85 AND SOUTH OF MC85, FROM PLANNED COMMUNITY (PC) ZONING DISTRICT TO BUSINESS PARK (BP) ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, by adoption of this Ordinance, the City Council desires to amend the Zoning Map of the City of Buckeye by amending approximately 22.59 acres from Planned Community (PC) Zoning District to Business Park (BP) Zoning District; and

WHEREAS, changing the zoning district of the property will enhance the health, safety, and welfare of the community, and will not depreciate surrounding property values, and at the same time is in harmony with the purposes and intent of the City of Buckeye 2040 Development Code and the City of Buckeye General Plan, as amended by Resolution 49-19 to update the City of Buckeye General Plan Land Use Map for this property to Business Commerce Land Use; and

WHEREAS, the City of Buckeye Planning & Zoning Commission has recommended approval of this zoning change with staff recommended stipulations at a public meeting held on June 11, 2019; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws.

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

Section 1: The Zoning Map of the City of Buckeye is hereby amended by changing the property described in **Exhibit A**, attached hereto, from Planned Community (PC) Zoning District to Business Park (BP) on approximately 22.59 acres.

Section 2: All present and future owners of the property described in **Exhibit A**, attached hereto, shall develop the property in accordance with the requirements of the Business Park (BP) Zoning District and the stipulations shown as **Exhibit B**, attached hereto.

Section 3: The Mayor, City Manager, City Clerk and the City Attorney are hereby authorized to take all steps and to execute all documents necessary to implement the purpose and intent of this ordinance.

Section 4: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section 5: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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 thereof.

Section 6: Any person, firm, or corporation violating any provision of this Ordinance shall be guilty of a Class One Misdemeanor punishable by a fine not exceeding \$2,500, or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment, for each violation, as provided in Section 9.1 of the City of Buckeye City Code. Each day that a violation continues shall be a separate offense punishable as herein described.

PASSED AND ADOPTED by the Mayor and City Council of the City of Buckeye, Arizona, this 2nd day of July, 2019.

Jackie A. Meck, Mayor

ATTEST:

Lucinda J. Aja, City Clerk

The signed and recorded version of Ordinance No. 07-19 is on file in the Office of the City Clerk located at: 530 East Monroe Avenue, Buckeye, AZ 85326

APPROVED AS TO FORM:

City Attorney

Attachments: Exhibit A – Legal Description
Exhibit B – Stipulations

Exhibit A to Ordinance No. 07-19

LEGAL DESCRIPTION

PARCEL 1:

A portion of the Southeast quarter of Section 1, Township 1 South, Range 4 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows;

COMMENCING at the calculated Center of said Section 1 which bears South 89 degrees 29 minutes 12 seconds West 2581.68 feet from the East quarter corner of said Section 1, monumented with a brass cap in hand hole and which bears North 00 degrees 35 minutes 17 seconds East 2641.44 feet from the South quarter corner of said Section 1, monumented with a iron pipe;

Thence along the West line of the Southeast quarter of said Section 1, South 00 degrees 35 minutes 17 seconds West 33.01 feet to a point on a line 33.00 feet South of and parallel with the North line of the Southeast quarter of said Section 1, said point also being the POINT OF BEGINNING;

Thence along said parallel line, North 89 degrees 29 minutes 12 seconds East 833.33 feet;

Thence South 02 degrees 38 minutes 15 seconds East 1138.13 feet to a point on a line 150.00 feet North of and parallel with the South line of the Northwest quarter of the Southeast quarter of said Section 1;

Thence along said parallel line, South 89 degrees 28 minutes 41 seconds West 897.39 feet to a point on the West line of the Southeast quarter of said Section 1;

Thence along said West line, North 00 degrees 35 minutes 17 seconds East 1137.69 feet to the POINT OF BEGINNING.

Exhibit B to Ordinance No. 14-17

CASE NO. PLZ-17-00037

STIPULATIONS

- a. Development of the property shall be in general conformance with the zoning exhibit entitled “Children’s 2011 LLC Project: PLZU-19-00001 Request: Minor General Plan Amendment Neighborhood to Business Commerce” consisting of one (1) page, and stamped received on May 8, 2019.
- b. The property owner/s and their successors waive any and all claims for diminution in value of the property with regard to any action taken by the City of Buckeye as a result of this approval.