

**ORDINANCE 736-20**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, DECLARING AS PUBLIC RECORD THAT CERTAIN DOCUMENT TITLED "KATSIRIS REZONE", LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A", AND ADOPTING EXHIBIT "A", IN ADDITION TO THE DOCUMENT TITLED "CONDITIONS OF APPROVAL" AND ATTACHED HERETO AS EXHIBIT "B", AND ADOPTING EXHIBIT B", THEREBY AMENDING THE OFFICIAL ZONING DISTRICT MAP FOR THE TOWN OF QUEEN CREEK, ARIZONA, PURSUANT TO ARTICLE 3, SECTION 3.4 OF THE ZONING ORDINANCE FOR THE TOWN OF QUEEN CREEK BY CHANGING THE ZONING OF THE KATSIRIS PROPERTIES FROM R1-54 TO C-2 ON APPROXIMATELY 6.63 ACRES. THIS PROPERTY IS GENERALLY LOCATED SOUTH OF THE SOUTHWEST CORNER OF EMPIRE BLVD. AND ELLSWORTH ROAD/HUNT HIGHWAY. THE ASSOCIATED ZONING CASE FOR THE PROPERTY IS P20-0092.**

**WHEREAS, Arizona Revised Statutes § 9-802 provides a procedure whereby a municipality may enact the provisions of a code or public record by reference, without setting forth such provisions, providing that the adopting ordinance is published in full; and**

**WHEREAS, Article 3, ZONING PROCEDURES, Section 3.4 ZONING AMENDMENT, establishes the authority and procedures for amending the Zoning Ordinance; and**

**WHEREAS, Article 4, ZONING, Section 4.2 Zoning District Maps, establishes the Zoning District Maps and states that the Zoning District Maps, along with all the notations, references, and other information shown thereon, are a part of this Ordinance and have the same force and effect as if said maps and all the notations, references, and other information shown thereon were all fully set forth or described in the zoning ordinance text; and,**

**WHEREAS, a Public Hearing on this ordinance was heard before the Planning and Zoning Commission on August 12, 2020; and**

**WHEREAS, the Planning and Zoning Commission voted 7-0 in favor of this zone change; and**

**WHEREAS, a Public Hearing on this ordinance was heard before the Town of Queen Creek Town Council on September 2, 2020;**

**NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AS FOLLOWS:**

Section 1. The documents attached hereto as Exhibits "A and B," titled Legal Description and Conditions of Approval are hereby declared to be public records;

Section 2. One (1) paper copy and one (1) electronic copy of Exhibit "A" are ordered to remain on file with the Town Clerk;

Section 3. If any section, subsection, clause, phrase or portion of this ordinance or any part of these amendments to the Queen Creek Zoning Map is for any reason held invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**PASSED AND ADOPTED BY** the Mayor and Town Council of the Town of Queen Creek, Maricopa County, this 2<sup>nd</sup> day of September, 2020.

FOR THE TOWN OF QUEEN CREEK:

ATTESTED TO:


  
\_\_\_\_\_  
Gail Barney, Mayor

  
\_\_\_\_\_  
Maria Gonzalez, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
John Kross, Town Manager

  
Scott A. Holcomb (Sep 7, 2020 10:00 PDT)  
\_\_\_\_\_  
Dickinson Wright, PLLC  
Attorneys for the Town

**EXHIBIT A  
LEGAL DESCRIPTION**

THAT PORTION OF LOTS 22 AND 23 OF SANTAN RANCHES UNIT 3, ACCORDING TO CABINET 15, SLIDE 9, PINAL COUNTY RECORDS, LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 3 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 2 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, BEING MARKED BY A BRASS CAP IN HAND HOLE, FROM WHICH POINT THE SOUTH QUARTER CORNER OF SAID SECTION 34, BEING MARKED BY A BRASS CAP FLUSH, BEARS NORTH 89°20'28" EAST (BASIS OF BEARINGS), A DISTANCE OF 2640.66 FEET;

THENCE SOUTH 89°19'33" WEST, ALONG THE SOUTH LINE OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, A DISTANCE OF 600.00 FEET TO A POINT ON THE NORTHERLY PROLONGATION OF THE WEST LINE OF LOT 1 OF SAID SANTAN RANCHES UNIT 3;

THENCE SOUTH 00°12'37" EAST, ALONG SAID WEST LINE AND ITS NORTHERLY PROLONGATION, A DISTANCE OF 310.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 22, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE NORTH 89°19'33" EAST, ALONG THE NORTH LINE OF SAID LOT 22, A DISTANCE OF 533.57 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF ELLSWORTH ROAD, ACCORDING TO INSTRUMENT NO. 2010-060633, PINAL COUNTY RECORDS, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, CONCAVE EASTERLY AND HAVING A RADIUS POINT WHICH BEARS NORTH 83°11'37" EAST, A RADIAL DISTANCE OF 1275.00 FEET;

THENCE SOUTHERLY ALONG SAID RIGHT-OF-WAY AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°50'01", AN ARC DISTANCE OF 152.07 FEET TO A POINT;

THENCE SOUTH 00°12'37" EAST, ALONG THE EAST LINE OF SAID LOTS 22 AND 23, A DISTANCE OF 370.12 FEET TO THE SOUTHEAST CORNER OF SAID LOT 23;

THENCE SOUTH 89°19'33" WEST, ALONG THE SOUTH LINE OF SAID LOT 23, A DISTANCE OF 560.00 FEET TO THE SOUTHWEST CORNER THEREOF;

THENCE NORTH 00°12'37" WEST, ALONG THE WEST LINE OF SAID LOTS 22 AND 23, A DISTANCE OF 520.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 288,981 SQ.FT. OR 6.6341 ACRES, MORE OR LESS.

**EXHIBIT B  
CONDITIONS OF APPROVAL**

1. A Site Plan Application is required to be submitted for approval prior to the issuance of a building permit. The Site Plan will demonstrate compliance with the C-2 General Commercial zoning regulations and all applicable provisions of the Town's Zoning Ordinance and Design Standards.
2. Given the limited frontage on Ellsworth Rd./Hunt Highway, this property will be limited to a single right in and right out access driveway.
3. For offsite public improvements the Town requires cash, irrevocable letter of credit (IRLOC), or a bond to cover the costs for construction assurance. The IRLOC and bond are required to be approved by the Town Attorney. The assurance amount shall be determined by an engineer's estimate during the Construction Document review phase. Construction assurance shall be deposited with the Town prior any permits being issued.
4. The Town requires all poles less than 69kV to be relocated underground. SRP may require easements outside of Public Right-of-Way. The applicant shall contact SRP for specific requirements that they may have in addition to the Town requirements.
5. 70' of half street of Right-of-Way for Ellsworth Road shall be dedicated by a Map of Dedication prior to any permits being issued.
6. The remaining ½ street improvements within the Ellsworth Road Right-of-Way shall be designed and constructed with this project. Improvements shall include but are not limited to sidewalks, landscaping, drainage facilities, decel lanes, entry improvements, and wet & dry utility work.






# 736-20

Final Audit Report

2020-09-07

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