

ORDINANCE G-6081

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PROPERTY DESCRIBED HEREIN (CASE Z-11-15-8) FROM C-3 TOD-1 (GENERAL COMMERCIAL INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) AND C-1 TOD-1 (NEIGHBORHOOD COMMERCIAL INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) TO PUD (PLANNED UNIT DEVELOPMENT).

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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1: The zoning of an approximately 1.17 acre property located at the southwest corner of 12th Street and Washington Street in a portion of Section 9, Township 1 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from "C-1 TOD-1" (Neighborhood Commercial Interim Transit-Oriented Zoning Overlay District One) and "C-2 TOD-1" (Intermediate Commercial Interim Transit-Oriented Zoning Overlay District One) to "PUD" (Planned Unit Development).

SECTION 2: The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Attachment "B".

SECTION 3: Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to compliance with the PUD narrative and the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

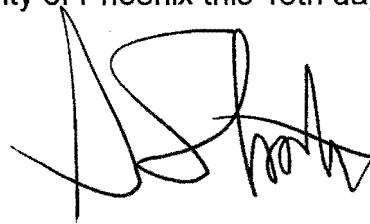
1. An updated Development Narrative for the Washington Enclave PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped July 24, 2015, as modified by the following stipulations:
  - a. Page 13 – Replace the “Justification” under the third bullet as follows: The Washington Enclave will comply with the Phoenix Green Construction Code. While the City does not currently have an in-lieu fee program available, the developers of the Washington Enclave shall meet the intent of this Policy by making a financial contribution of \$150,000 to the City of Phoenix Housing Department. Such funds shall be placed into an escrow account which the City will use to support the provision of affordable housing within the Eastlake-Garfield TOD District. The City shall establish an escrow account with the Housing Department for receipt and holding of funds specifically for the support of providing affordable housing within the Eastlake-Garfield TOD District. The developer shall place the financial contribution into the escrow account upon City Council approval of the PUD zoning.
  - b. Page 16: Amend first paragraph to read:  
The intent of the Washington Enclave PUD is to develop utilizing the development standards of the T5:7 transect district and applicable provisions of the Walkable Urban Code (Chapter 13 of the Zoning Ordinance). Unless specifically modified by the development standards below, all applicable development standards and guidelines in the Walkable Urban Code shall apply on the property.
  - c. Page 16: Fences – Washington Street - 40-inches maximum, constructed utilizing view fencing materials.
  - d. Page 16: State that no parking is required for the residential use.
  - e. Page 17: Change the sidewalk widths to eight (8) feet.
  - f. Page 19, #3 – Remove the reference to “in the sidewalk”.
  - g. Page 19, #4 - Replace with this text: Make a financial contribution of \$150,000 to the City of Phoenix Housing Department. For affordable housing within the Eastlake-Garfield TOD District. The city shall establish an escrow account within the housing department for receipt and holding of the funds. The contribution will specifically provide leverage for the choice neighborhoods

planning grant, should the grant be awarded. If the grant is not awarded, the funding will be otherwise used for the provision of housing within the Eastlake-Garfield TOD District. The developer shall place the financial contribution into the escrow account upon City Council approval of the PUD zoning.

2. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
3. The existing building on the site shall not receive demolition permit approval unless the site has received site plan approval and building permits for new permanent construction/development.
4. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's Office. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

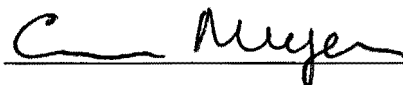
SECTION 4: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 18th day of November, 2015.



MAYOR

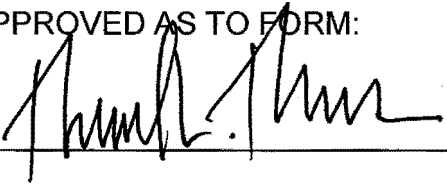
ATTEST:



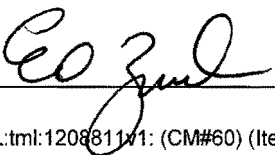
City Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Acting City Attorney pml

REVIEWED BY:

  
\_\_\_\_\_  
City Manager

PL:tml:1208611/1: (CM#60) (Item #118) – 11/18/15

Attachments:

- A - Legal Description (1 Page)
- B – Ordinance Location Map (1 Page)

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-11-15-8

In a portion of Section 9, Township 1 North, Range 3 East,

Lots 11, 12, 13, and 14, BLOCK 3, PORTER AND BAXTER'S SUBDIVISION OF TRACT "B"

MURPHY'S ADDITION, according to the Plat of Record in the office of the County Recorder of

Maricopa County, Arizona, in Book 1 of Maps, Page 29;

EXCEPT That part conveyed to the City of Phoenix, for the Light Rail Transit Recorded in

Recorder's No. 2005-1248633 and 2005-1248634 described as follows:

Commencing at the intersection of 12th street and Washington Street;

Thence North 89° 53' 30" West, along the centerline of Washington Street, a distance of 40.00 feet;

Thence south 00° 10' 03" West, a distance of 50.00 feet to the Point of Beginning;

Thence Continuing South 00° 10' 03" West, a distance of 18.09 feet;

Thence North 44° 51' 42" West, a distance of 19.79 feet;

Thence North 89° 53' 30" West, a distance of 64.47 Feet;

Thence North 00° 06' 30" East, a distance of 4.10 Feet;

Thence South 89° 53' 30" East, a distance of 78.47 Feet to the Point of Beginning.

AND ALSO:

Commencing at the intersection of 12th street and Washington Street;

Thence North 89° 53' 30" West, along the centerline of Washington Street, a distance of 156.75 feet;

Thence South 00° 06' 30" West, a distance of 50.00 Feet to the Point of Beginning;

Thence continuing South 00° 06' 30" West, a distance of 4.10 Feet;

Thence North 89° 53' 30" West, a distance of 83.17 Feet;

Thence North 00° 10' 06" East, a distance of 4.10 Feet;

Thence South 89° 53' 30" East, a distance of 83.19 Feet to the Point of Beginning.

