

ORDINANCE G-6048

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-126-14-3) FROM C-O (COMMERCIAL OFFICE), APPROVED C-2 (INTERMEDIATE COMMERCIAL); C-1 (COMMERCIAL – NEIGHBORHOOD RETAIL); C-1, APPROVED C-2; AND C-O TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on December 19, 2014, the City of Phoenix Planning and Development Department received, in compliance with the requirements of the City of Phoenix Zoning Ordinance, Section 506, a written request for rezoning from Ed Bull, Burch & Cracchiolo, P.A., having authorization to represent the owner, M. Diane Hamel Trust c/o Michael Martindale of an approximately 4.06-acre property located approximately 600 feet north of the northeast corner of 32nd Street and Shea Boulevard in a portion of Section 24, Township 3 North, Range 3 East, as described more specifically in Attachment "A", attached hereto and incorporated herein by this reference; and,

WHEREAS, pursuant to A.R.S. § 9-462.04, the Planning Commission, held a public hearing on June 9, 2015, and at this hearing recommended that the City

Council approve this rezoning request with the recommended staff conditions, as modified; and,

WHEREAS, the City Council, at their regularly scheduled meeting held on July 1, 2015, has determined that, in accordance with A.R.S. § 9-462.01.F, this rezoning request, with the appropriate site specific requirements provided in Section 2, is consistent with and conforms to the General Plan, will conserve and promote the public health, safety and general welfare, and should be approved, subject to the conditions herein.

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

SECTION 1: The zoning of an approximately 4.06-acre property located approximately 600 feet north of the northeast corner of 32nd Street and Shea Boulevard in a portion of Section 24, Township 3 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from "C-O" (Commercial Office), "Approved C-2" (Intermediate Commercial); "C-1" (Commercial – Neighborhood Retail); "C-1", "Approved C-2"; and "C-O" to "PUD" (Planned Unit Development) and that 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 2: The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-126-14-3, on file with the Planning and Development Department. 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 View 32 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 April 22, 2015, as modified by the following stipulations:
 - a. Page 1, Section A. Purpose and Intent: Applicant shall revise the number of dwelling units from 147 to 135 maximum.
 - b. Page 3, Section C. North 32ND Policy Plan & ULI's AZTAP, Executive Summary: Applicant shall delete the reference to "\$30 million".
 - c. Page 3, Section C. North 32ND Policy Plan & ULI's AZTAP, Introduction Section, Page VII: Applicant shall revise the maximum number of dwelling units from 147 to 135 maximum.
 - d. Page 4, Section C. North 32ND Policy Plan & ULI's AZTAP, Page 13 – Strategies for action: Applicant shall delete the reference to a particular/numerical mix of residential units and replace "plazas" with "ground floor shaded patio/plaza."
 - e. Page 6, Section C. North 32ND Policy Plan & ULI's AZTAP, Page 22 – Strategy – Housing: Applicant shall revise the maximum number of dwelling units from 147 to "a maximum of 135".
 - f. Page 7, Section E. Development Plan:
 - 1) Applicant shall revise the maximum number of dwelling units from 147 to "a maximum of 135".
 - 2) Applicant shall delete the reference to the mix of residential units.
 - 3) Applicant shall update the density calculation to 33.25 dwelling units per acre.
 - 4) Applicant shall delete the references to a "podium structure" and "elevated plaza areas."
 - 5) Applicant shall delete the references to an increase in building height from 4 to 5 stories on the eastern portion of the site.

- g. Page 8, Section F. List of uses: Applicant shall add the following as a second paragraph: "The use of the ground floor patio/plaza common area on the north side of the building will be restricted as follows:
- Sunday – Thursday, No later than 10:00 p.m.
Friday – Saturday, No later than midnight
- h. Page 8, Section G. Development Standards, Table 1: Applicant shall revise the maximum number of dwelling units from 147 to 135.
- i. Page 8, Section G. Development Standards, Table 1: Applicant shall revise the front building and landscape setbacks from "25 feet (25 feet includes easement area)" to "55 feet (25 feet includes easement area)" and the rear building and landscape setback from "10 feet" to "5 feet".
- j. Page 9, Section G. Development Standards, Table 1: Applicant shall revise the building height to be Maximum 4 stories or 48 feet.
- k. Page 9, Section H. Design guidelines. 1. Architectural Character: Applicant shall delete the reference to podium parking.
- l. Page 10, Section H. Design Guidelines. 3. Building Elevations: Applicant shall revise as follows:
- The multifamily residential development shall be in general conformance with the Conceptual Building Elevations included as Exhibit 8, with specific regard to the architectural detail, varied massing, pop-outs, recesses, overhangs and the variety of colors and materials.
- m. Page 10, Section H. Design Guidelines: Applicant shall add the following after item 5:
6. Amenities. The multifamily residential development shall provide a minimum of the following amenities:
- Pool courtyard in general conformance to the conceptual site plan included as Exhibit 7.
 - An at grade patio/plaza with trees and shade on the north side of the building in general conformance to the conceptual site plan included as Exhibit 7.

- Dog park in general conformance to the conceptual site plan included as Exhibit 7.
 - Pedestrian gate access on the south portion of the site to provide an opportunity to connect to the shopping center south of the site.
 - Fitness center
 - Indoor gathering area/club room
 - Conference room
- n. Page 10, Section I. Signs: Applicant shall delete reference to podium.
- o. Page 10, Section J. Sustainability: Applicant shall delete item 3 regarding the green roof and revise item 10 as follows:
10. Freeway noise mitigation through sound attenuated double-pane windows; solid-core or insulated exterior doors; added insulation in the walls and roof; and self-closing damper on exhaust ducts on units near the freeway shall be provided if/as necessary per noise standards for residential occupancy.
- p. Exhibit 6, Architectural Character Studies: Applicant shall replace with Architectural Character Studies Plan date stamped June 29, 2015, except modify as follows:
- 1) Increase the building and landscape setback along 32nd Street an additional 20 feet, for a total of 55 feet (including the 25-foot easement area).
 - 2) Remove/decrease the landscape planter along the east side of the building.
 - 3) Decrease the rear landscape setback from 10 feet to 5 feet.
- q. Exhibit 7, Conceptual Site Plan: Applicant shall replace with Conceptual Site Plan date stamped June 29, 2015, except modify as follows:
- 1) Increase the building and landscape setback along 32nd Street an additional 20 feet, for a total of 55 feet (including the 25-foot easement area).
 - 2) Remove/decrease the landscape planter along the east side of the building.

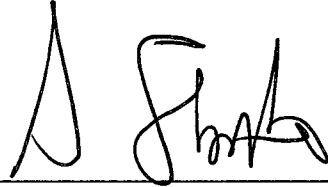
- 3) Decrease the rear landscape setback from 10 feet to 5 feet.
- r. Exhibit 8, Conceptual Building Elevations: Applicant shall replace with Conceptual Building Elevations consistent with the conceptual site plan and Architectural Character Studies date stamped June 29, 2015.
- s. Exhibit 9, Conceptual Floor Plans: Applicant shall replace with Conceptual Floor Plans consistent with the conceptual site plan and Architectural Character Studies date stamped June 29, 2015, except modify as follows:
- 1) Increase the building and landscape setback along 32nd Street an additional 20 feet, for a total of 55 feet (including the 25-foot easement area).
 - 2) Remove/decrease the landscape planter along the east side of the building.
 - 3) Decrease the rear landscape setback from 10 feet to 5 feet.
- t. Exhibit 10, View 32 Column:
- 1) Applicant shall revise the front building and landscape setbacks from "25 feet (25 feet includes easement area)" to "55 feet (25 feet includes easement area)"
 - 2) Applicant shall revise the building height to be Maximum 4 stories or 48 feet.
 - 3) Applicant shall revise the maximum number of dwelling units from 147 to 135.
 - 4) Applicant shall revise the maximum density from 36.19 dwelling units per gross acre to 33.25 dwelling units per gross acre.
- u. Exhibit 11, Landscape Plan: Applicant shall revise the Conceptual Landscape Plan to add a double row of trees on the north perimeter of the site as shown on the Conceptual Landscape Plan date stamped May 29, 2015 and to be consistent with the conceptual site plan and Architectural

Character Studies date stamped June 29, 2015, except modify as follows:

- 1) Increase the building and landscape setback along 32nd Street an additional 20 feet, for a total of 55 feet (including the 25-foot easement area).
 - 2) Remove/decrease the landscape planter along the east side of the building.
 - 3) Decrease the rear landscape setback from 10 feet to 5 feet.
- v. Appendix A, Page 2, Goals and Policies of the General Plan – Land Use Element Goal 3, Policy 5: Applicant shall delete the reference to the mix of residential units.
- w. Appendix A, Page 2, Goals and Policies of the General Plan – Land Use Element Goal 5, Policy 2: Applicant shall revise the maximum number of dwelling units from 147 to a maximum of 135.
- x. Appendix A, Page 3, Goals and Policies of the General Plan – Conservation, Rehabilitation & Redevelopment Element Goal 4, Policy 5: Applicant shall delete the reference to the mix of residential units.

SECTION 3: 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 1st day of July, 2015.




MAYOR

ATTEST:

 City Clerk



APPROVED AS TO FORM:

 Acting City Attorney *pml*

REVIEWED BY:

 ^{Asst.} City Manager
ACTING

PL:tml:1190740v1 – 7/1/15

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-126-14-3

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 24;

THENCE NORTH 0°51'00" EAST ALONG THE WEST LINE OF SAID SECTION 24, A DISTANCE OF 660.84 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 24 AND THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE CONTINUING NORTH 0°51'00" EAST ALONG SAID WEST LINE, A DISTANCE OF 250.84 FEET;

THENCE NORTH 89°54'14" EAST, A DISTANCE OF 605.00 FEET TO A POINT OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 325.00 FEET;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 31°15'40", AN ARC LENGTH OF 177.32 FEET TO A POINT OF NON-TANGENCY;

THENCE SOUTH 0°05'31" EAST, A DISTANCE OF 60.91 FEET TO A POINT ON A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 275.00 FEET AND WHOSE CENTER BEARS SOUTH 37°50'19" WEST FROM THE LAST DESCRIBED POINT;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 20°38'25", AN ARC LENGTH OF 99.07 FEET TO A POINT OF NON-TANGENCY;

THENCE SOUTH 0°48'50" WEST, A DISTANCE OF 188.41 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SOUTHWEST QUARTER;

THENCE SOUTH 89°54'14" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 687.49 FEET TO THE TRUE POINT OF BEGINNING.

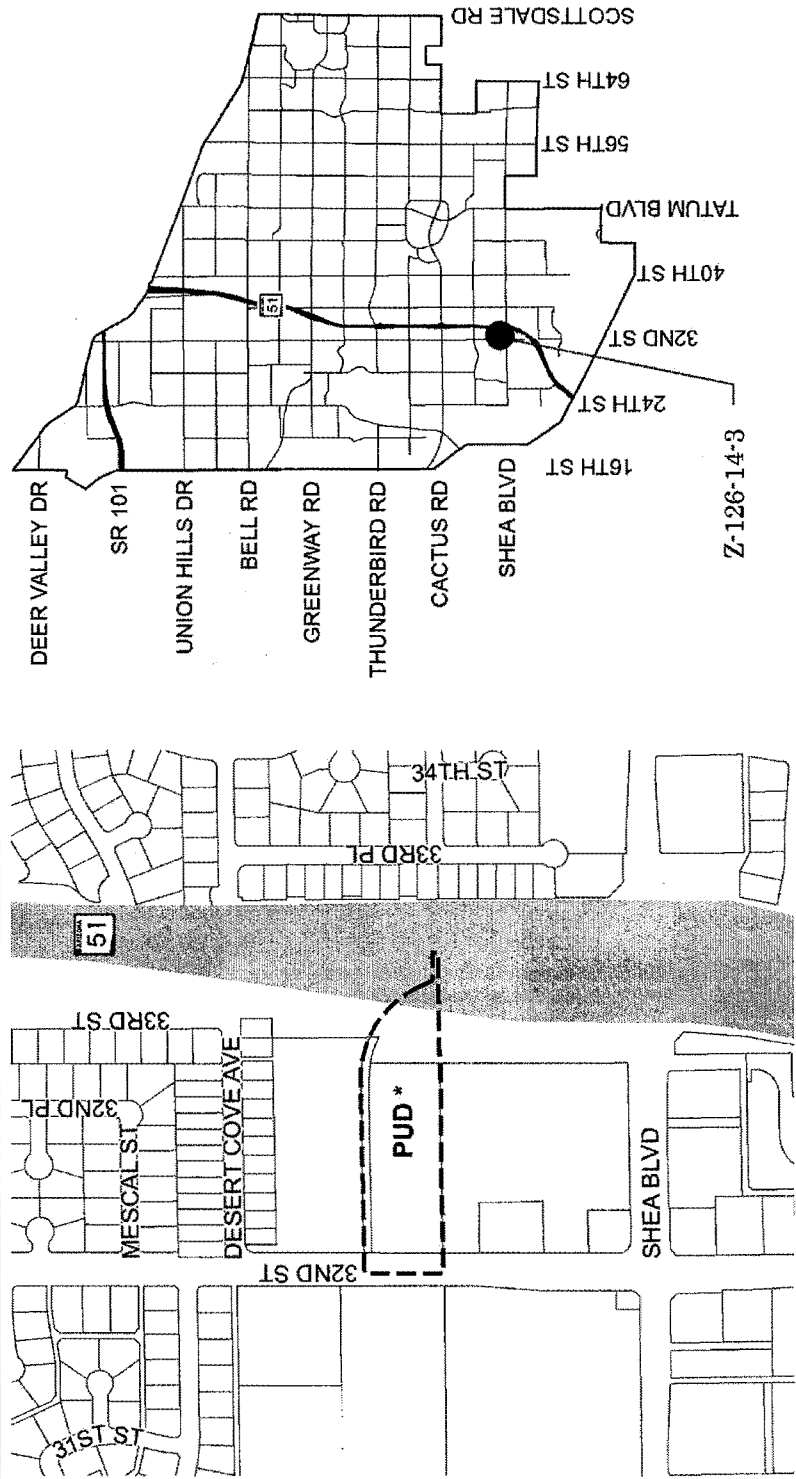
SAID PARCEL CONTAINS 176,957 SQUARE FEET OR 4.062 ACRES, MORE OR LESS.

ATTACHMENT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-126-14-3
 Zoning Overlay: N/A
 Planning Village: Paradise Valley

ZONING SUBJECT TO STIPULATIONS: *
 SUBJECT AREA: ■■■■■



NOT TO SCALE

Drawn Date: 6/8/2015

S:\Department Share\IS Share\PL GIS\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2015 Ord\Format_July_1_2015\Z-126-14-3.mxd