

ORDINANCE G-6128

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 PARCEL DESCRIBED HEREIN (CASE Z-21-15-2) FROM R-3 (MULTIFAMILY RESIDENCE DISTRICT) 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 1.91-acre property located approximately 382 feet west of the southwest corner of 32nd Street and St. John Road in a portion of Section 35, Township 4 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from "R-3" (Multifamily Residence District) 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. The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-21-15-2, 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 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 Animals Benefit Club of AZ, Inc. 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 November 9, 2015, as modified by the following stipulations:
  - a. Page 11, Table 3, Minimum Building Setbacks: Remove the following from the minimum rear building setback: "(measured from the mid-point of the alley)."
  - b. Page 11, Table 3, Minimum Landscaping Setbacks: Replace "property line" with "public utility easement line" from the minimum rear landscaping setback.
  - c. Page 11, Table 4, Minimum Building Setbacks: Remove the following from the minimum rear building setback: "(measured from the mid-point of the alley)."
  - d. Page 11, Table 4, Minimum Landscaping Setbacks: Replace "property line" with "public utility easement line" from the minimum rear landscaping setback.
  - e. Page 18, Appendix C – Conceptual Site Plan: Revise the site plan as follows:
    - Adjust the rear property line to the real property line location,
    - Remove the alley, and
    - Add the public utility easement.
  - f. Page 20, Appendix D – Conceptual Landscape Plan: Revise the landscape plan as follows:
    - Adjust the rear property line to the real property line location,
    - Remove the alley, and
    - Add the public utility easement.

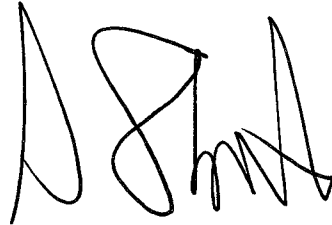
- g. Page 10, Table 2: Permitted Use List: Revise the table to add the following condition:  
"9. The number of dogs shall be limited to no more than 80."
  - h. Page 10, Table 2: Permitted Use List: Revise the table to add the following condition:  
"10. The number of cats shall be limited to no more than 40."
  - i. Page 10, Table 2: Permitted Use List: Revise condition No. 3 as follows:  
"A minimum 8-foot high solid noise mitigation wall shall be constructed along the rear and side property lines. the wall must be a minimum of 8 inches thick and fully mortared block construction."
  - j. Page 14, Section L. Phasing: revise as follows:  
Specific Site/Improvement Plan(s) for all or portion (as needed) of the ABC of AZ PUD redevelopment/building upgrades will be processed/determined during the City of Phoenix site plan review process, except that all wall and landscape improvements shall be completed in the first phase of development concurrent with the construction of the Kennel Building.
2. The developer shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
  3. The property owner shall record documents that disclose the existence and operational characteristics of the Phoenix Deer Valley 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.
  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.
  5. The new building construction shall include insulation to limit the sound of the animals. Animals Benefit Club of AZ, Inc. must retain a certified noise expert to verify that the construction and insulation materials will ensure a maximum 55 db sound level at the property line if dogs are barking inside the structure, as approved by the Planning and Development Department.
  6. The phone number for Animals Benefit Club of AZ, Inc. must be provided to

property owners within 100 feet of the subject site and the neighborhood block watch coordinator. The manager shall be available from 7:00 a.m. to 9:00 p.m. to address noise concerns. In the event they wish to report a possible occurrence of noise levels beyond the accepted levels after 9:00 p.m. and before 7:00 a.m. All such complaints shall be recorded on the Animals Benefit Club of AZ, Inc. phone message system in order to document the time and date of the complaint so it may be cross checked against recorded data to determine if the complaint concerns a time period when the noise levels were in excess of the approved noise levels. All individuals must provide an email address or physical home address so that accurate and timely responses can be documented to ensure that the complaint is addressed in an appropriate and timely manner. Messages shall be responded to within 48 hours in writing indicating whether the Animals Benefit Club of AZ, Inc. Monitoring system has confirmed noise levels above the accepted levels during the subject time period. Any noise complaints shall be included in the monthly report to the Planning and Development Department and the Black Mountain Police Precinct Community action officer as referenced in stipulation No. 7.

7. Animals Benefit Club of AZ, Inc. will monitor the exterior of the property by video and noise level monitoring equipment and keep a daily record for two (2) years from City Council approval or one (1) year from issuance of the Certificate of Occupancy, whichever is greater. The data collected by Animals Benefit Club of AZ, Inc. must be available if requested by city staff. Exterior noise levels shall not exceed 55 db on an intermittent basis to be averaged over any whole hour time period (e.g. from 9:00 a.m. to 10:00 a.m., from 10:00 a.m. to 11:00 a.m., and so on) and shall not exceed 65 db at any time. The Planning and Development Department and the Black Mountain Police Precinct community action officer shall be provided a summary of the noise levels for each calendar month within 10 business days after the last day of the immediately preceding calendar month. If more than three (3) verified noise complaints are responded to by the police department within any calendar month, then Animals Benefit Club of AZ, Inc. management shall meet with the precinct commander to provide a plan to reduce the noise to the acceptable levels. If the police subsequently respond to more than three (3) verified complaints within 60 days after the initial meeting is held with the precinct commander, the Animals Benefit Club of AZ, Inc. must submit an application for Planning Hearing Officer (PHO) administrative review to address the noise concerns. A "complaint" shall not be deemed verified and shall not be subject to the requirements of this stipulation unless it concerns a time period when the noise level exceeded either (a) 65 db or (b) 55 db on average during any whole hour period, both as determined by the Animals Benefit Club of AZ, Inc. monitoring system. the applicant shall notify in writing all property owners within 100 feet of the subject site and invite them to submit their own comments for consideration by the PHO. Additional noise mitigation measures may be required as part of the PHO administrative review.

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 17th day of February, 2016.



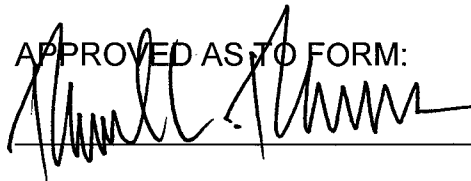
MAYOR

ATTEST:


 City Clerk



APPROVED AS TO FORM:

 Acting City Attorney pm

REVIEWED BY:

 City Manager

PL:tml: #1217732v1:(CM#31) (Item #81) – 2/3/16

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-21-15-2

LOT 120, OF CAMPO BELLO, ACCORDING TO BOOK 54 OF MAPS, PAGE 31, RECORDS OF MARICOPA COUNTY, ARIZONA BEING SITUATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

TOGETHER WITH,

LOT 121, OF CAMPO BELLO, ACCORDING TO BOOK 54 OF MAPS, PAGE 31, RECORDS OF MARICOPA COUNTY, ARIZONA BEING SITUATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

