

ORDINANCE G-6114

AN ORDINANCE AMENDING 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-25-15-8) FROM C-3 (GENERAL COMMERCIAL) AND R-5 RI (MULTIFAMILY RESIDENCE DISTRICT RESIDENTIAL INFILL R-I DISTRICT – MULTIFAMILY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1: The zoning of an approximately 3.45 acre property located approximately 135 feet east of the northeast corner of 21st Place and Van Buren Street in a portion of Section 3, Township 1 North, Range 3 East, as described more specifically in Attachment “A”, is hereby changed from “C-3” (General Commercial) and “R-5 RI” (Multifamily Residence District Residential Infill R-I District – Multifamily Residential) 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 Van Buren Classic 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 October 26, 2015, as modified by the following stipulations:
 - a. Page 7 – Change the first sentence to read: “...existing use and allow the eventual transition to a mixed use development.”
 - b. Page 10 – In the third paragraph, amend the sentence to read: “...neighborhood employer – Desert Classic Landscaping – while providing the framework for...”
 - c. Page 11 – In the fifth paragraph, replace “T5:5” with “T5:3”.
 - d. Page 13 – Amend the second sentence to read: “An aerial history review indicates that the R-5 RI portion of the property has never been used for residential uses.”
 - e. Page 16 – Amend number 1 as follows:
 1. Land Use Conditions, Landscape Contractor and All C-3 uses per section 624.
 - f. Page 16 – Change 1.b.(3) to read: Green waste shall not be stored within seventy-five (75) feet of the Polk Street Property line and shall be removed from the site a minimum of one time per week.
 - g. Page 16: Change 1.b.(4) to read: Polk Street Standards
2. The green waste storage area shall be relocated to comply with the provisions of this PUD within 30 days of the City Council approval of this change of zoning in accordance with Section 506.B.1. of the Phoenix Zoning Ordinance.
3. A solid screen wall for the interim landscape contractor use shall be constructed along the Polk Street frontage within six (6) months of the City Council approval of this change of zoning in accordance with Section 506.B.1. of the Phoenix Zoning Ordinance.
4. Required landscaping for the Van Buren Street and Polk Street frontages, as outlined in Section F.1.d. shall be installed within six (6) months of the City Council approval of this change of zoning in accordance with Section 506.B.1. of the Phoenix Zoning Ordinance.

5. The following conditions of this approval shall be required upon redevelopment of the site:
 - a. The developer shall update all existing off-site street improvements (sidewalks, curb ramps and driveways) to current ADA guidelines.
 - b. The developer shall provide a 10 foot sidewalk easement along Van Buren Street.
 - c. The applicant shall submit a Traffic Statement to the City for this development. No preliminary approval of plans shall be granted until the Statement is reviewed and approved by the City. Contact Mr. Mani Kumar, (602) 495-7129, to set up a meeting to discuss the requirements of the Statement.
6. 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.
7. 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.

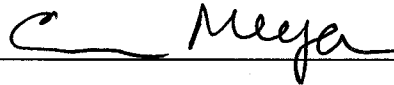
PASSED by the Council of the City of Phoenix this 20th day of January, 2016.



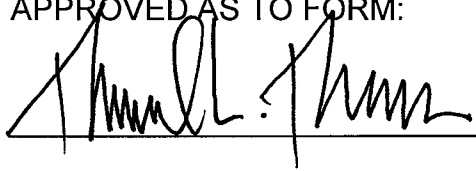


 ACTING MAYOR

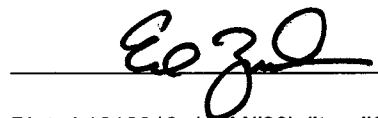
ATTEST:


 _____ City Clerk

APPROVED AS TO FORM:

 Acting City Attorney pm l

REVIEWED BY:

 City Manager

PL:tml:1216319v1(CM#23) (Item#64) – 1/20/16

Attachments:

A - Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-25-15-8

PARCEL NO 1:

THAT PART OF LOT 3, OF THE SUBDIVISION OF THE SOUTHEAST CORNER OF SECTION 3, TOWNSHIP 1 NORTH, RANGE 3 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA AND ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OR MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 1 OF MAPS, PAGE 41, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3;

THENCE WEST 266 FEET ALONG THE SOUTH LINE OF SAID LOT 3;

THENCE NORTH, PARALLEL TO THE EAST LINE OF SAID LOT 3 TO THE NORTH LINE OF SAID LOT 3, BEING THE SOUTH LINE OF POLK STREET;

THENCE EAST 266 FEET ALONG THE SOUTH LINE OF POLK STREET, TO THE NORTHEAST CORNER OF SAID LOT 3;

THENCE SOUTH TO THE POINT OF BEGINNING.

PARCEL NO. 2:

THE WEST 1.00 FOOT OF LOT 4, OF THE SUBDIVISION OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 1 NORTH, RANGE 3 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA AND ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN THE BOOK 1 OF MAPS, PAGE 41;

EXCERPT: BEGINNING AT A POINT WHICH IS 33.05 FEET, NORTH 00 DEGREES 08 MINUTES EAST, FROM THE SOUTH SECTION LINE, SAID POINT BEING NORTH 89 DEGREES 24 MINUTES WEST, A DISTANCE OF 1024.05 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 3;

THENCE NORTH 00 DEGREES 08 MINUTES EAST; 10.15 FEET;

THENCE NORTH 89 DEGREES 24 MINUTES WEST; 314.00 FEET;

THENCE SOUTH 00 DEGREES 08 MINUTES WEST; 11.29 FEET TO THE SOUTH PROPERTY LINE OF SAID LOT 4;

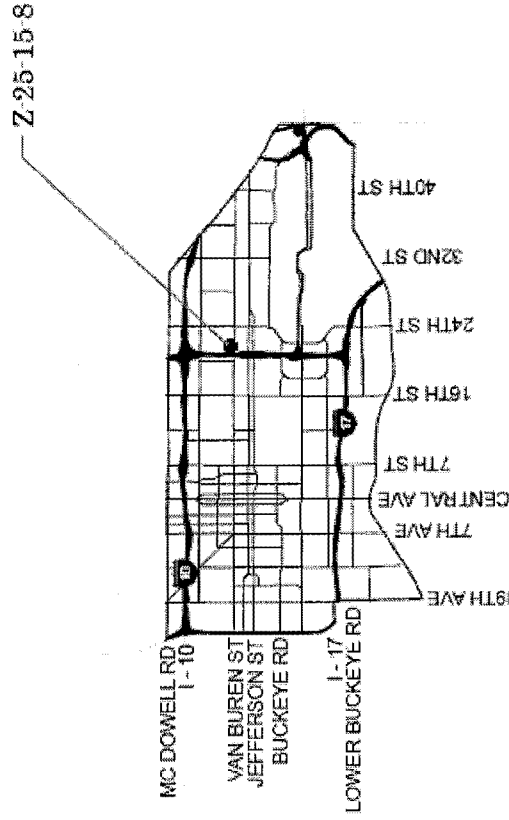
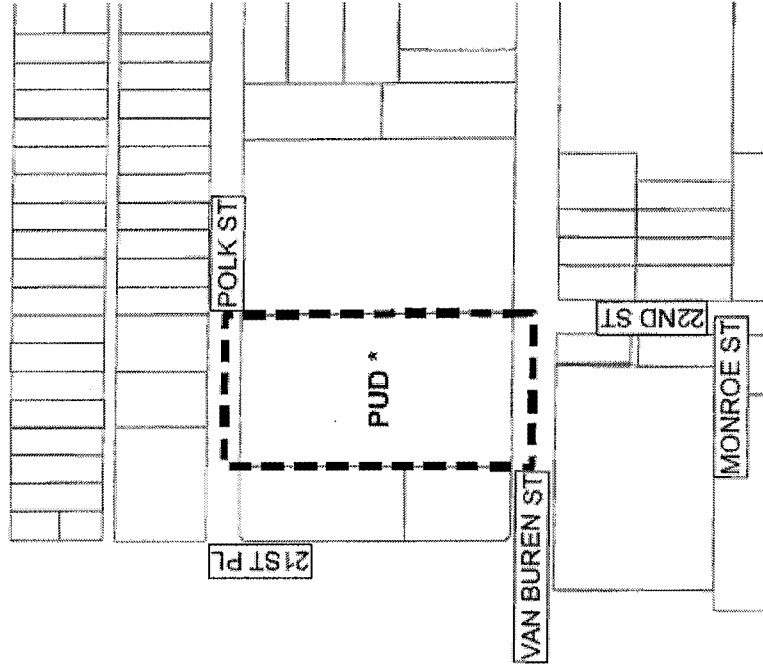
THENCE SOUTH 89 DEGREES 52 MINUTES EAST; 314.00 FEET TO THE POINT OF BEGINNING.

ORDINANCE LOCATION MAP

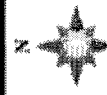
ATTACHMENT B

Zoning Case Number: Z-25-15-8
Zoning Overlay: N/A
Planning Village: Central City

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



NOT TO SCALE



Drawn Date: 12/22/2015

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