

ORDINANCE G-5982

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-27-14-8) FROM C-3 (GENERAL COMMERCIAL), P-1 (PASSENGER AUTOMOBILE PARKING, LIMITED), R-5 RI (MULTIFAMILY RESIDENCE DISTRICT AND RESIDENTIAL INFILL R-I DISTRICT – MULTIFAMILY RESIDENTIAL), TOD-1 (INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on June 25, 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 Connie Jiang/Archicon, having authorization to represent the owner, Michael J. Lafferty Revocable Trust of an approximately 1.11 acre property located at the northeast 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", 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 December 9, 2014, 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 January 21, 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 1.11 acre property located at the northeast 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-3" (General Commercial), "P-1" (Passenger Automobile Parking, Limited), "R-5 RI" (Multifamily Residence District and Residential Infill R-1 District – Multifamily Residential), "TOD-1" (Interim Transit-Oriented Zoning Overlay District One) 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-27-14-8, 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 Liberty 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 Development Narrative date stamped October 31, 2014, as modified by the following stipulations:

The Development Narrative shall be amended to reflect these changes:

- a. Amend Section F. List of Uses under the heading Industrial, Manufacturing, and Assembly Uses to delete: Building Materials, Contractor's Yards, and Outdoor Storage.
- b. Amend Section F. List of Uses under the heading Storage and Wholesaling Uses to delete: Self Service Storage Facility and Storage/Warehousing (indoor).
- c. Insert this paragraph below the section title Section G. Development Standards Table – Buildings & Structures:

Unless specifically modified by the text below, all standards of applicable areas of the City of Phoenix Zoning Ordinance shall apply to this PUD. Where different standards (more or less restrictive) are specified below, these standards shall prevail over the standards in the Ordinance.

- d. The below language shall be added as a preamble statement on a blank page prior to the Table of Contents within the Development Narrative. This additional language and any modifications to the narrative made through the public hearing process shall be completed and a final written PUD Development Narrative and electronic PUD Development Narrative shall be submitted within 30 days of final City Council approval.
 - i). A Planned Unit Development (PUD) is intended to be a stand-alone document of zoning regulations for a particular project. Provisions not specifically regulated by the PUD are governed by the zoning ordinance. A PUD may include substantial background information to help illustrate the intent of the development. The purpose and intent statements are not requirements that will be enforced by the City. The PUD only modifies zoning ordinance regulations and does not modify other City Codes or requirements. Additional public hearings may be necessary such as but not limited to right-of-way abandonments.
- e. Section J, Wall Mural Sign, replace "square feet" with "linear feet".

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 a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property.

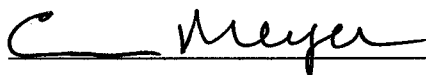
SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 21st day of January, 2015.





ACTING MAYOR

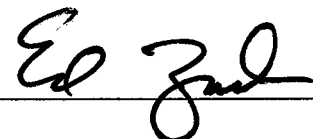
ATTEST:


City Clerk

APPROVED AS TO FORM:


Acting City Attorney *pml*

REVIEWED BY:


City Manager

PL:tml:1164141v1 (CM #62) (Item 31) 1/21/15

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-27-14-8

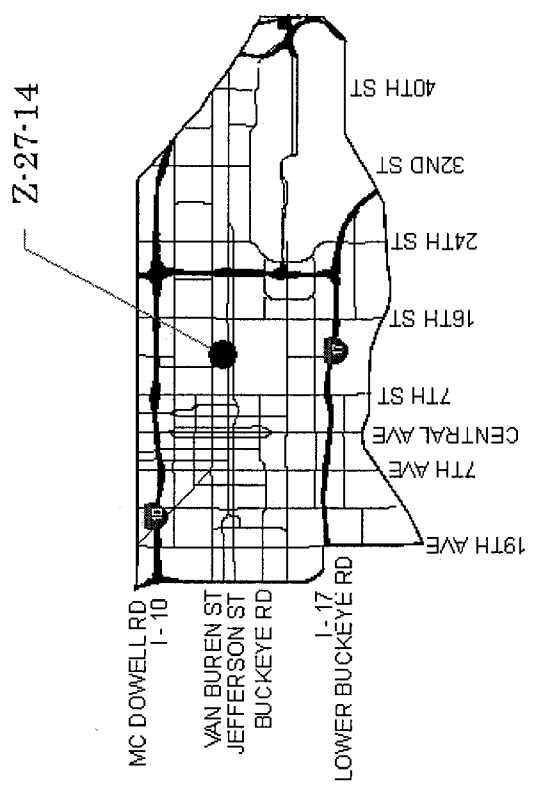
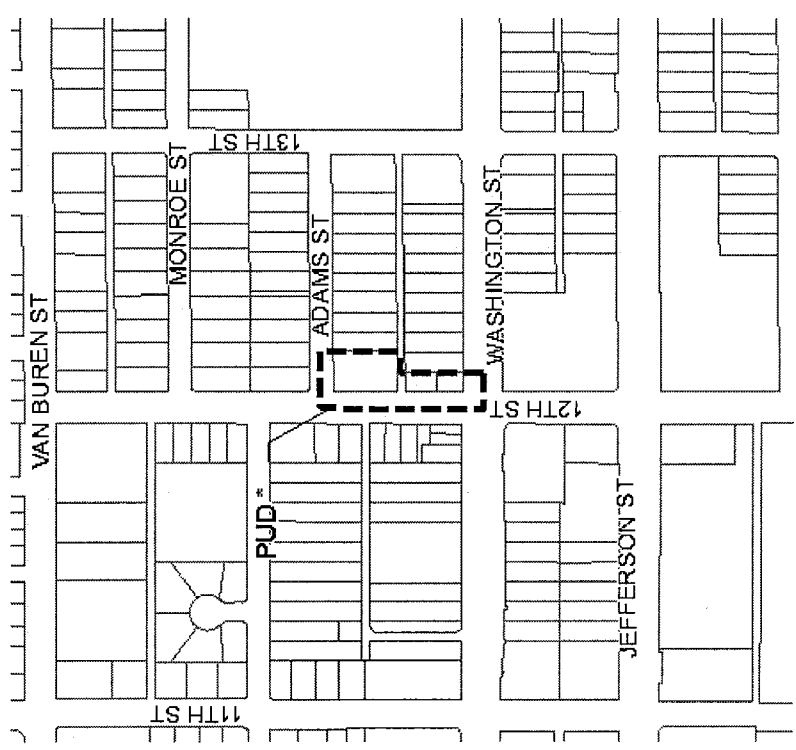
LOTS 11, 12, AND 13, BLOCK 12, OF COLLINS ADDITION, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 1 OF MAPS, PAGE 11.

LOCATED IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

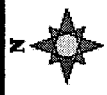
ORDINANCE LOCATION MAP

Zoning Case Number: Z-27-14
 Zoning Overlay: Transit Overlay District (TOD-1)
 Planning Village: Central City Village

ZONING SUBJECT TO STIPULATIONS: *
 SUBJECT AREA: - - - - -



NOT TO SCALE



Drawn Date: 1/9/2015

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