

ORDINANCE G-6046

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-3-15-1) FROM S-1 (RANCH OR FARM RESIDENCE), APPROVED CP/GCP M-R PCD (COMMERCE PARK/GENERAL COMMERCE PARK OPTION MID-RISE PLANNED COMMUNITY DISTRICT); C-2 M-R PCD (INTERMEDIATE COMMERCIAL); CP/GCP M-R PCD; S-1; RE-43 (RESIDENTIAL ESTATE), APPROVED CP/GCP PCD; AND RE-43 TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on January 12, 2015, 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 Jason Morris/Adam Baugh, Withey Morris, PLC, having authorization to represent the owner, United Services Automobile Association of an approximately 397.86-acre property located at the northwest corner of 19th Avenue and Happy Valley Road in a portion of Sections 1 and 2, Township 4 North, Range 2 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 397.86-acre property located northwest corner of 19th Avenue and Happy Valley Road in a portion of Sections 1 and 2, Township 4 North, Range 2 East, as described more specifically in Attachment "A", is hereby changed from "S-1" (Ranch or Farm Residence), "Approved CP/GCP M-R PCD" (Commerce Park/General Commerce Park Option, Mid-rise, Planned Community District); "C-2 M-R PCD" (Intermediate Commercial); "CP/GCP M-R PCD"; "S-1"; "RE-43" (Residential Estate), "Approved CP/GCP PCD"; and "RE-43" 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-3-15-1, 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 Norterra 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 May 1, 2015, as modified by the following stipulations:
 - a. Page 21, Surrounding Conditions Table: Applicant shall revise "R1-08" to "R1-8".
 - b. Page 23, Exhibit 7 (General Plan Map): Applicant shall revise the proposed General Plan Map to reflect the Proposed General Plan map that is generated by the city.
 - c. Page 28, a. Permitted Uses, 3: Applicant shall revise the second line as follows "in character, with more than one uses including, but not".
 - d. Page 29, Land Use Table: Applicant shall revise Zone 4-A, Multi-Family Residential to "Not Permitted".
 - e. Page 29, Land Use Table: Applicant shall revise Zone 6, Single-Family Detached Residential to "Not Permitted".
 - f. Page 29, Land Use Table: Applicant shall revise the approximate acreages for each zone to equal the 398 acres.
 - g. Page 30, Garage Setback Illustration: Applicant shall revise as follows:
 - 1) Remove the label and arrow for the "Garage Setback 5 ft. from primary building façade" that is located on the upper right side lot. The arrow is pointing to the side walk.
 - 2) Revise the label that is located on the upper left lot as follows:
"Garage Setback Minimum 5 ft. from primary building façade".

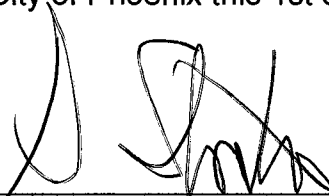
- h. Page 31, Development Standards Table: Applicant shall add minimum open space requirements of 5% in the last row of the table or remove the row.
- i. Page 30-31, Development Standards: Applicant shall add a stepback provision for buildings over 45 feet as follows:
"1. Height Transition Standards:
Properties that have building types that are over 45 feet in height and have a shared property line with a Single-Family Attached and Detached Residential building type shall provide a building stepback of one foot for each additional one foot of building height over the 45-foot height and up to the maximum permitted height."
- j. Page 32, Summary Chart for Planting Guidelines, Parking Lot Area Landscape, Area Requirements: Applicant shall correct the spelling of the word "landscaping".
- k. Page 33, Arterial & Major Collector Road Landscape, Second paragraph: Applicant shall add "page 32" to reference the Summary Chart for Planting Guidelines, as referenced in the other sections.
- l. Page 41, Amenities: Applicant shall revise the minimum number of trash receptacles to two per each park space of a minimum of .40-acres.
- m. Pages 43-45: Applicant shall revise the dimensions of the landscape planters to be consistent with the Street Sections (Exhibits 11-14), and do not include curbs as part of the landscape planter widths.
- n. Page 46-49, Exhibits 11-14 (Street Sections): Applicant shall revise the following:
 - 1) Revise the dimensions of the landscape planters to be consistent with the descriptions in the Thematic Streetscape Section, and do not include curbs as part of the landscape planter widths.
 - 2) Page 49, Minor Neighborhood Street: Upper-case "Street"
- o. Pages 54: Applicant shall remove item 1.d. and add it to 2.g., as follows:

- “g. Encourage shared/reciprocal parking to reduce the overall number of parking spaces required. Use and implementation of shared parking strategies should be considered wherever possible following the requirements provided in Section 702.E.2 Shared parking model.”
- p. Page 58, Exhibit 16 (Comparative Zoning Standards): Applicant shall revise the PUD landscape setbacks to reflect the changes made in the Development Standards Table (page 31) as follows:
Rear Street: 10’
Interior: 0’ – 10’
- q. Page 59-86, Exhibit 17: Applicant shall revise the exhibit number from “4” to “17”.
- r. Page 71, Exhibit 17, Zone 4: Applicant shall revise line 33 of the legal description changing from a non-tangent curve to a tangent curve as follows:
“THENCE North 79°50'09" West, a distance of 214.68 feet, to the beginning of a tangent curve;
2. A minimum 12-acre school site at a location acceptable to the applicant and the Street Transportation Department in consultation with the Deer Valley Unified School District or any other private or charter school, shall be shown on the Master Plans for the Norterra PUD, as approved by the Planning and Development Department. The school site shall be reserved for 18 months from the date of approval of adjacent final plat or a final plat delineating the school site, unless evidence is provided by the applicant that a school site has been established within the Norterra PUD.
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. The property owner shall record a limited Avigation Easement granted to the City of Phoenix for overflight right-of-way, including the rights, effects and impacts to and upon the above 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 1st day of July, 2015.



MAYOR

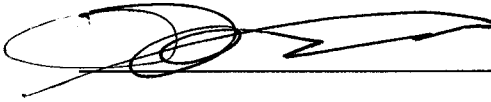
ATTEST:



City Clerk

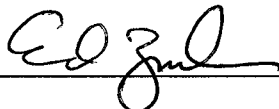


APPROVED AS TO FORM:



Acting City Attorney *pm*

REVIEWED BY:



City Manager

PL:tml:1191823v1 (CM#91) (Item #148) 7/1/15

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-3-15-1

A portion of Lot 1 and all of Lot 2 of USAA Amended Final Plat recorded in Book 691, page 26, Maricopa County Records (M.C.R.), Lot 4 of USAA Unit 1 Final Plat recorded in Book 900, page 40, M.C.R. and portions of Section 1 and Section 2, Township 4 North Range 2 East, all lying within Section 1 and Section 2, Township 4 North, Range 2 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the southeast corner of said Section 1, a 3-inch Maricopa County (M.C.) brass cap in handhole (B.C.H.), from which the south quarter corner of said Section 1, a City of Phoenix (C.O.P.) brass cap in handhole, bears North 89°37'02" West (basis of bearing), a distance of 2674.52 feet, said southeast corner being the POINT OF BEGINNING;

THENCE along the south line of said Section 1, North 89°37'02" West, a distance of 2674.52 feet, to said south quarter corner of Section 1 and the monument line of Norterra Parkway, as shown on said USAA Amended Final Plat;

THENCE leaving said south line, along said monument line, North 00°29'52" West, a distance of 300.04 feet, to the beginning of a curve;

THENCE northwesterly along said curve, having a radius of 645.00 feet, concave southwesterly, through a central angle of 72°05'42", a distance of 811.60 feet, to the curve's end;

THENCE North 72°35'34" West, a distance of 206.86 feet;

THENCE leaving said monument line, North 17°24'26" East, a distance of 77.00 feet, to the southwesterly line of said Lot 1;

THENCE leaving said southwesterly line, North 17°30'02" East, a distance of 9.67 feet, to the beginning of a curve;

THENCE northeasterly along said curve, having a radius of 400.00 feet, concave southeasterly, through a central angle of 46°06'04", a distance of 321.85 feet, to the curve's end;

THENCE North 63°36'06" East, a distance of 195.44 feet;

THENCE North 27°39'03" West, a distance of 284.62 feet;

THENCE North 62°20'57" East, a distance of 39.69 feet, to the beginning of a curve;

THENCE northeasterly along said curve, having a radius of 740.00 feet, concave northwesterly, through a central angle of 39°16'33", a distance of 507.26 feet, to a point of compound curvature;

THENCE northerly along said curve, having a radius of 990.69 feet, concave westerly, through a central angle of 13°56'20", a distance of 241.01 feet, to the easterly line of said Lot 1 and a point of intersection with a non-tangent line;

THENCE along said easterly line, North 00°00'00" East, a distance of 448.03 feet;

THENCE leaving said easterly line, North 30°00'00" West, a distance of 534.21 feet;

THENCE North 31°32'49" East, a distance of 151.10 feet, to the northerly line of said Lot 1;

THENCE along said northerly line, North 90°00'00" West, a distance of 1240.17 feet;

THENCE North 45°29'52" West, a distance of 476.39 feet, to the most northerly corner

of said Lot 1;

THENCE leaving said northerly line, North 52°37'13" West, a distance of 77.00 feet, to said monument line of said Norterra Parkway;

THENCE along said monument line, South 37°22'47" West, a distance of 162.94 feet, to the beginning of a curve;

THENCE southwesterly along said curve, having a radius of 1100.00 feet, concave southeasterly, through a central angle of 27°16'35", a distance of 523.67 feet, to a point of intersection with a non-tangent line;

THENCE leaving said monument line, North 79°53'48" West, a distance of 55.00 feet, to the southeast corner of said Lot 4;

THENCE along the southerly line of said Lot 4, North 90°00'00" West, a distance of 865.48 feet, to the southwest corner of said Lot 4;

THENCE leaving said southerly line, South 80°00'27" West, a distance of 180.14 feet, to the median centerline of Interstate 17, as shown on the Right of Way Plans of the Phoenix – Cordes Jct. Highway SR 101 – Carefree Hwy 017 MA 215 H5162 01R I 017-A-702 plans with a seal date of 4-17-08;

THENCE along said median centerline, North 09°59'33" West, a distance of 1630.37 feet, to the north line of said Section 2;

THENCE leaving said median centerline, along said north line, North 89°16'54" East, a distance of 989.41 feet, to the southwest corner of Section 36, Township 5 North, Range 2 East;

THENCE along the south line of said Section 36, also being the north line of said Section 1, North 89°26'46" East, a distance of 2653.24 feet, to the south quarter corner of said Section 36;

THENCE continuing along the south line of said Section 36 and said north line of said Section 1, North 89°25'44" East, a distance of 2470.22 feet, to the northeast corner of said Section 1;

THENCE leaving said south line of Section 36 and said north line of Section 1, along the east line of said Section 1, South 00°14'41" East, a distance of 2081.96 feet, to the east quarter corner of said Section 1; THENCE continuing along said east line, South 00°13'09" East, a distance of 2644.80 feet, to the POINT OF BEGINNING.

Containing 407.3761 acres, or 17,745,304 square feet of land, more or less.

Subject to existing rights-of-way and easements.

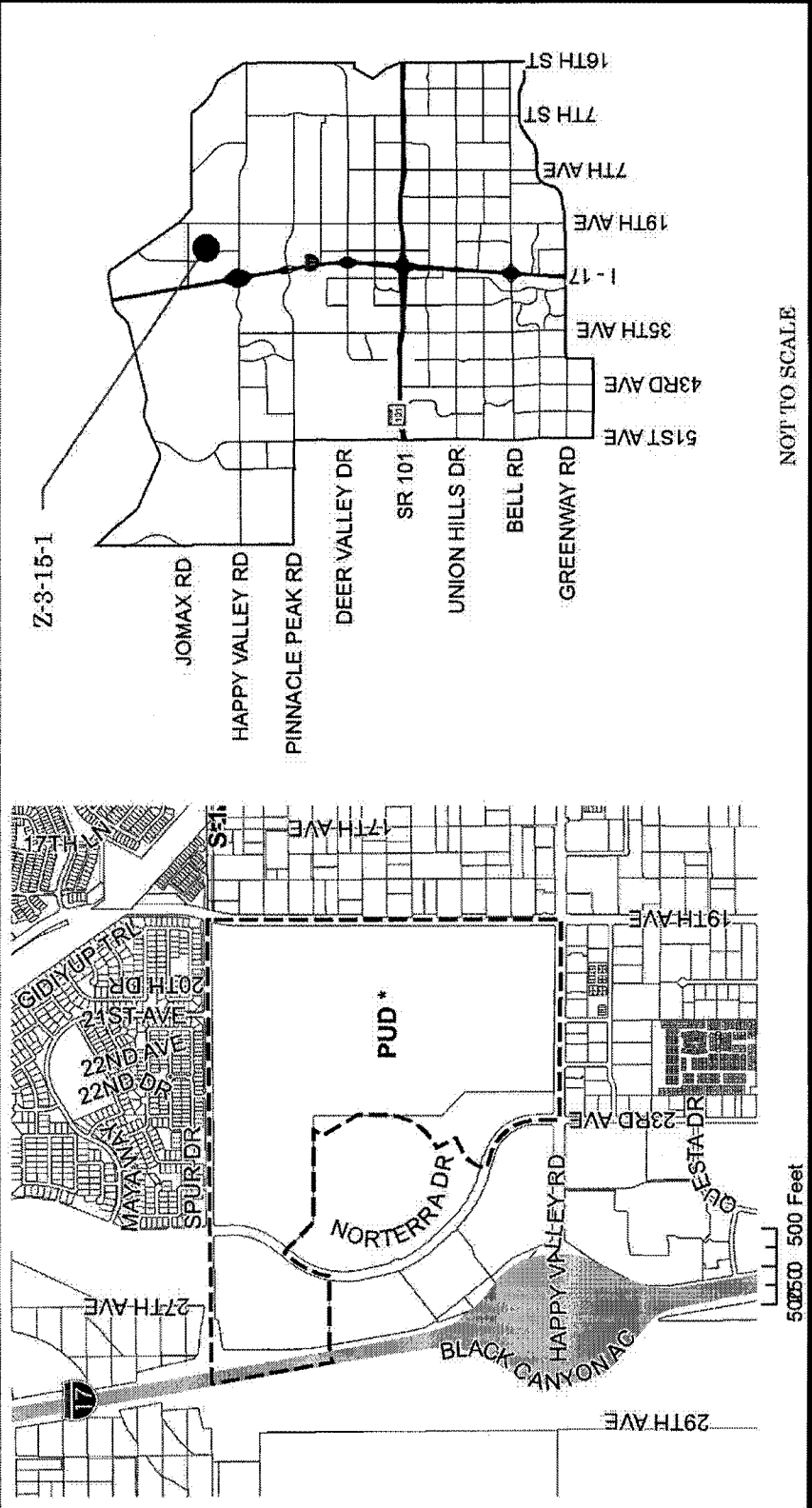
This parcel description is based on said USAA Amended Final Plat, recorded in Book 691, page 26, M.C.R. and other client provided information. This parcel description is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of January, 2012. Any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey.

ATTACHMENT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-3-15-1
 Zoning Overlay: N/A
 Planning Village: Deer Valley

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



Drawn Date: 6/8/2015

NOT TO SCALE

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