

ORDINANCE G-5988

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-32-14-8) FROM C-3 (GENERAL COMMERCIAL) TOD-1 (INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) TO PUD (PLANNED UNIT DEVELOPMENT).

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WHEREAS, on August 15, 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, having authorization to represent the owner, Michael J Lafferty of an approximately 2.43 acre property located at the southeast corner of 11<sup>th</sup> 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 January 13, 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 February 4, 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 2.43 acre property located at the southeast corner of 11th 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) "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-32-14-8, 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 Presidential 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 December 1, 2014, as modified by the following stipulations:

The Development Narrative shall be amended to reflect these changes:

- a. 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.
  - b. The language below shall be added to Section G. Development Standards Table under the Building and Shade section, 2.c.:
    - i). A double row of trees (a minimum of 50 percent 2-inch caliper and 50 percent 3-inch caliper) spaced 20 feet on center shall be provided. The trees shall be of a single trunk variety. The rows shall be placed parallel on either side of the sidewalk, and staggered to provide maximum shading.
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 4th day of February, 2015.


  
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MAYOR

ATTEST:

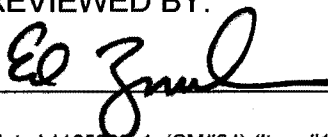
  
\_\_\_\_\_  
City Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Acting City Attorney *pml*

REVIEWED BY:

  
\_\_\_\_\_  
City Manager

PL:tml:1165263v1: (CM#24) (Item #15) - 1165263v1

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-32-14-8

LOTS 1, 2, 3, 4, 5, 25, 26, 27, AND 28, BLOCK 3, PORTER AND BAXTER'S SUBDIVISION OF TRACT B, MURPHY'S ADDITION, ACCORDING TO BOOK 1 OF MAPS, PAGE 28, RECORDS OF MARICOPA COUNTY, ARIZONA.

TOGETHER WITH THAT PORTION OF THE ABANDONED ALLEY AS SET FORTH IN RESOLUTION NO 16066, AND RECORDED IN DOCUMENT NO 83-055801

EXCEPTING THE PROPERTY WHICH WAS DEEDED TO THE CITY OF PHOENIX FOR LIGHT RAIL CONSTRUCTION MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PART OF LOTS 1, 2, 3, 4 AND 5, BLOCK 3 OF PORTER AND BAXTERS SUBDIVISION OF TRACT "B" IN MURPHY'S ADDITION, AS RECORDED IN BOOK 1 MAPS, PAGE 28 AND IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE MERIDIAN, MARICOPA COUNTY, ARIZONA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

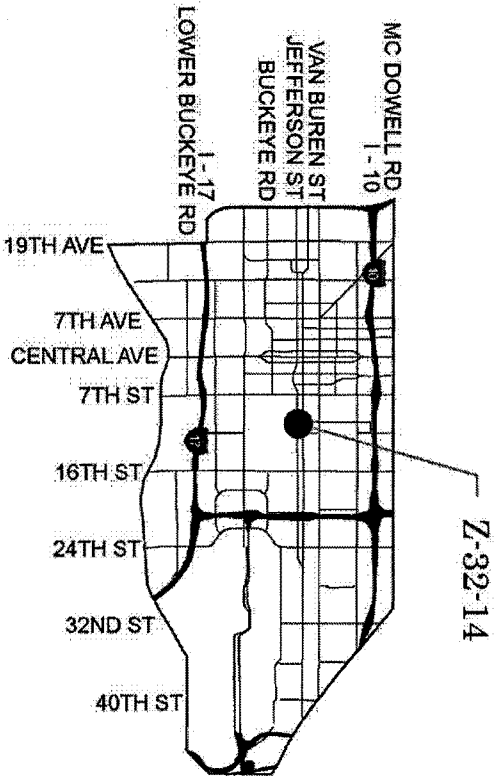
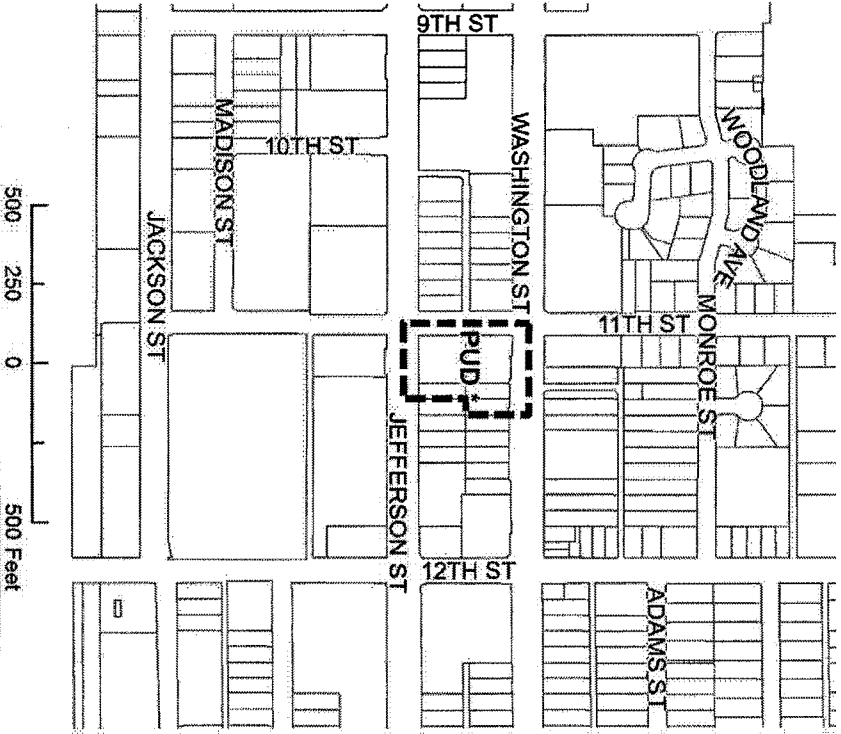
COMMENCING AT THE INTERSECTION OF 12TH STREET AND WASHINGTON STREET; THENCE, NORTH 89°53'30" WEST, ALONG THE CENTERLINE OF WASHINGTON STREET, A DISTANCE OF 489.69 FEET; THENCE SOUTH 00°10'10" WEST, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°10'10" WEST, A DISTANCE OF 9.20 FEET; THENCE NORTH 89°53'30" WEST, A DISTANCE OF 12.54 FEET; THENCE SOUTH 01°38'33" WEST, A DISTANCE OF 4.22 FEET; THENCE NORTH 88°21'27" WEST, A DISTANCE OF 8.50 FEET; THENCE NORTH 01°38'33" EAST, A DISTANCE OF 4.50 FEET; THENCE NORTH 88°21'27" WEST, A DISTANCE OF 74.02 FEET; THENCE SOUTH 02°15'00" WEST, A DISTANCE OF 4.40 FEET; THENCE NORTH 87°45'00" WEST, A DISTANCE OF 12.76 FEET; THENCE NORTH 02°15'00" EAST, A DISTANCE OF 4.50 FEET; THENCE NORTH 87°45'00" WEST, A DISTANCE OF 72.08 FEET; THENCE SOUTH 02°15'00" WEST, A DISTANCE OF 4.50 FEET; THENCE NORTH 87°45'00" WEST, A DISTANCE OF 3.50 FEET; THENCE NORTH 02°15'00" EAST, A DISTANCE OF 6.50 FEET; THENCE NORTH 87°45'00" WEST, A DISTANCE OF 35.00 FEET; THENCE SOUTH 89°53'30" EAST, A DISTANCE OF 218.21 FEET TO THE POINT OF BEGINNING.

# ORDINANCE LOCATION MAP

ATTACHMENT B

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

Zoning Case Number: Z-32-14  
Zoning Overlay: N/A  
Planning Village: Central City Village



NOT TO SCALE

Drawn Date: 1/13/2015

S:\Department Share\PL GIS\GIS\_Team\Care\_Functional\Zoning\SuppMaps\_Ord\Maps2015 Ord\Formal\_Feb\_4\_2015\Z-32-14.mxd