

ORDINANCE G-6072

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 PROPERTY DESCRIBED HEREIN (CASE Z-35-15-6) FROM C-O PCD (RESTRICTED COMMERCIAL PLANNED COMMUNITY DISTRICT), R1-10 (SINGLE FAMILY RESIDENCE DISTRICT) AND R-O (RESTRICTED COMMERCIAL) 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 5.28 acre property located approximately 330 feet west of the southwest corner of Dreamy Draw Drive and Morten Avenue in a portion of Section 3, Township 2 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from "C-O PCD" (Restricted Commercial Planned Community District), "R1-10" (Single Family Residence District) and "R-O" (Restricted Commercial) 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-35-15-6, 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 Pointe 16 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 July 27, 2015 with the modifications as follows:
 - a. Page 9: Development Standards: Building Height: Modify building height to read as follows: Maximum building height shall be 34-Feet to top of roof, except for mechanical equipment and housing for the staircase, which may extend to a maximum of 40-Feet.
 - b. Page 8: List of Uses: Add following sentence at end of paragraph: Rooftop amenities shall not be allowed as an option for lots 47, 60, 61 and 70.
2. The property owner shall install 3-inch caliper evergreen, canopy type trees planted 20-feet on center along the western property line south of Orangewood Avenue as approved by the Planning and Development Department.
3. Lot orientation shall be in specific conformance with Exhibit F of the Development Narrative date stamped July 27, 2015, as approved by the Planning and Development Department.
4. The property owner shall construct and maintain a private pathway in specific Conformance with Exhibit F of the Development Narrative date stamped July 27, 2015, as approved by the Planning and Development Department.

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 28th day of October, 2015.





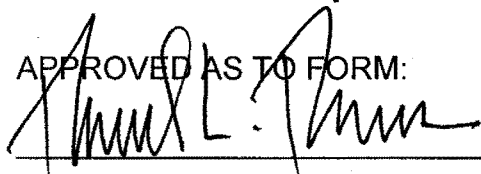
MAYOR

ATTEST:



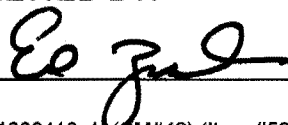
City Clerk

APPROVED AS TO FORM:



Acting City Attorney pm l

REVIEWED BY:



City Manager

PL:tml:1206410v1. (CM#42) (Item #52) - 10/28/15

Attachments:

- A - Legal Description (2 Pages)
- B - Ordinance Location Map (1 Page)

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-35-15-6

A portion of the west half of Section 3, Township 2 North, Range 3 east of the Gila and Salt River Base and Meridian, Meridian, Maricopa County, Arizona, more particularly described as follows;

Commencing at the West quarter corner of said Section 3, being marked by a City of Phoenix Braff cap in hand hold from which a City of Phoenix Braff cap in hand hole marking the East quarter corner of said Section 3, bears South 87 degrees 53 minutes 4 second East a distance of 5267.38 feet (Basis of Bearings);

Thence along the South line of the Northwest quarter of said Section 3, South 87 degrees 53 minutes 45 seconds East a distance of 556.07 feet to the Point of Beginning;

Thence North 00 degrees 08 minutes 49 seconds East a distance of 181.29 feet;

Thence South 87 degrees 50 minutes 24 seconds East a distance of 82.03 feet;

Thence North 41 degrees 30 minutes 42 seconds East a distance of 246.07 feet to a point on the Southerly right of way line of E. Morten Avenue;

Thence North 50 degrees 00 minutes 01 seconds East a distance of 35.00 feet to a point on the center line of E. Morten Avenue;

Thence South 39 degrees 59 minutes 59 seconds East a distance of 41.42 feet to the beginning of a non-tangent curve whose center bears North 49 degrees 58 minutes 55 seconds East a distance of 800.00 feet;

Thence along the arc of said curve through a central angle of 24 degrees 06 minutes 41 seconds and an arc length of 336.66 feet;

Thence South 25 degrees 52 minutes 14 seconds West a distance of 35.00 feet to a point on said Southerly right of way line of E. Morten Avenue;

Thence South 40 degrees 08 minutes 38 seconds West a distance of 173.14 feet to a point on said North line of the Northwest quarter of Section 3;

Thence along the North line, North 87 degrees 53 minutes 45 seconds west a distance of 34.82 feet to the Southwest corner of East half of the Southeast quarter of the Southwest Quarter of the Northwest quart of said Section 3;

Thence along the East line of the West half of the Northeast quarter of the Northwest quarter of the Southwest quarter of said Section 3, South 01 degrees 41 minutes 22 seconds West a distance of 38.52 feet;

Thence South 44 degrees 09 minutes 44 seconds West a distance of 24.63 feet to the beginning of a tangent curve whose center bears South 45 degrees 50 minutes 16 seconds East a distance of 340.92 feet;

Thence along the arc of said curve through a central angle of 19 degrees 57 minutes 47 seconds and an arc length of 118.78 feet;

Thence South 24 degrees 10 minutes 43 seconds West a distance of 136.30 feet to the beginning of a tangent curve whose center bears North 65 degrees 49 minutes 17 seconds West a distance of 152.63 feet;

Thence along the arc of said curve through a central angle of 29 degrees 22 minutes 14 seconds and an arc length of 78.24 feet;

Thence South 53 degrees 33 minutes 05 seconds West a distance of 28.78 feet to the beginning of a tangent curve whose center bears South 36 degrees 26 minutes 55 seconds East a distance of 353.89 feet;

Thence along the arc of said curve through a central angle of 12 degrees 53 minutes 52 seconds and an arc length of 79.66 feet;

Thence South 40 degrees 39 minutes 13 seconds West a distance of 97.44 feet to a point on the West line of the West half of the Northeast quarter of the Northwest quarter of the Southwest quarter of said Section 3;

Thence along said West line, North 01 degrees 56 minutes 35 seconds East a distance of 48.30 feet to a point on said North line of the Northwest quarter of Section 3;

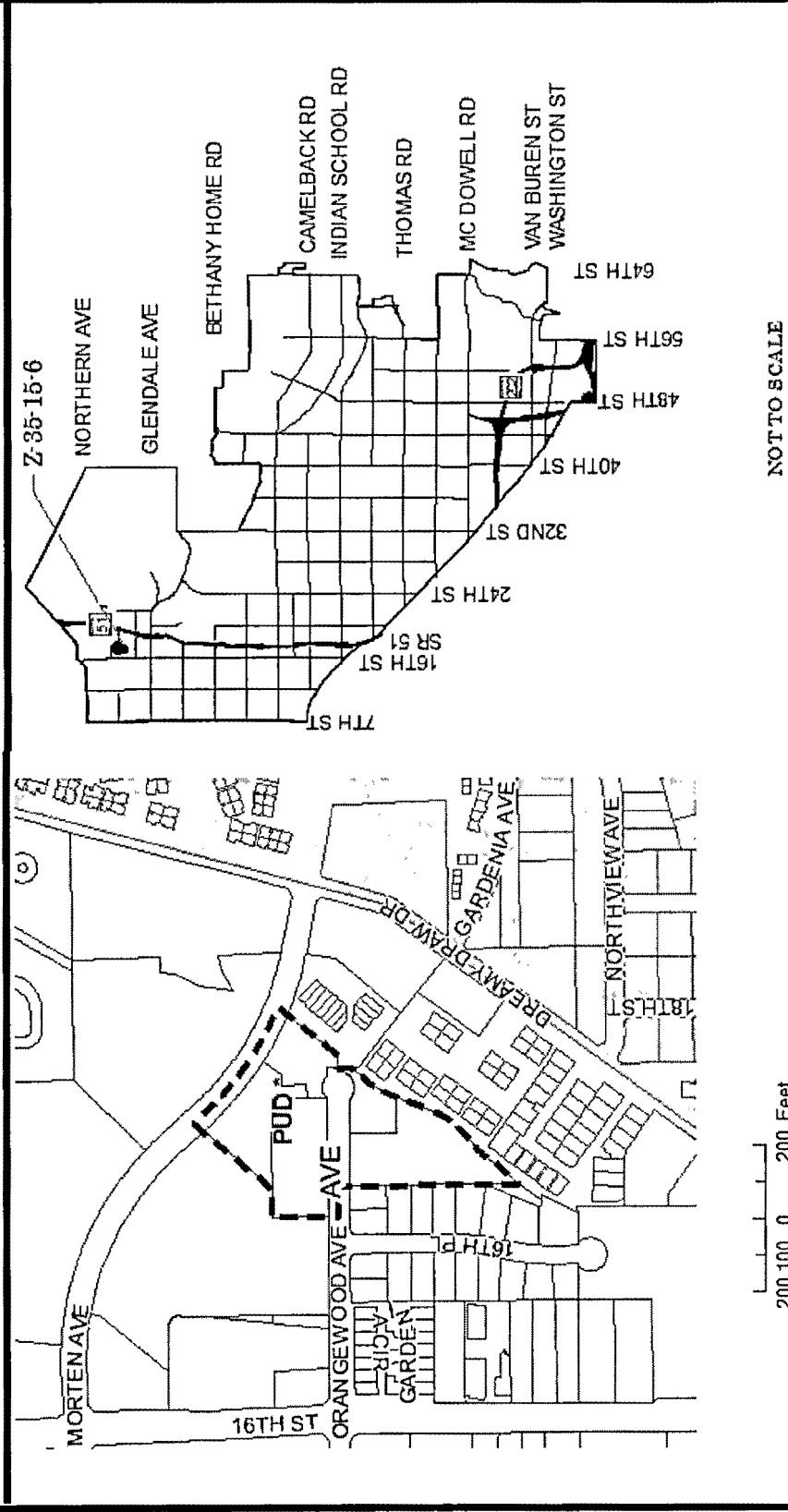
Thence along said North line, North 87 degrees 53 minutes 45 seconds West a distance of 82.83 feet to the Point of Beginning.

ATTACHMENT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-35-15-6
Zoning Overlay: N/A
Planning Village: Camelback East

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



NOT TO SCALE

Drawn Date: 10/7/2015

N:\IS_Team\Crcr_Functions\Zoning\SuppMaps_Ord\Maps\2015 Ord\Ord_28_15\Z-35-15-6.mxd