

ORDINANCE G-6129

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 PARCEL DESCRIBED HEREIN (CASE Z-50-15-2) FROM R1-14 (ONE FAMILY RESIDENCE DISTRICT) 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 2.79-acre property located at the northeast corner of 41st Street and Greenway Road in a portion of Section 6, Township 3 North, Range 4 East, as described more specifically in Attachment "A", is hereby changed from "R1-14" (One Family Residence District) 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-50-15-2, 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 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 Emerald Bay Senior Living 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 November 9, 2015, as modified by the following stipulations:
 - a. Page 6, A. Purpose and Intent, Section A.1, First paragraph: Revise the gross acreage to 2.79 acres.
 - b. Page 7, A. Purpose and Intent, Section A.2, First paragraph: Revise the gross acreage to 2.79 acres.
 - c. Page 8, A. Purpose and Intent, Section A.3c, Site Data Table: Revise the gross acreage to 2.79 acres.
 - d. Page 10, C. Site Conditions and Location, Section C.1, First paragraph: Revise the gross acreage to 2.79 acres.
 - e. Page 11, Conceptual Site Plan: Revise the

Site Plan as follows:

- (1) Gross acreage to 2.79 acres,
- (2) Add a label to the west side of the site, along 41st Street that states that no vehicular access via a driveway or an emergency crash gate shall be allowed along 41st Street or the alley,
- (3) Add a required one foot non-vehicular access easement along the north and west property lines,
- (4) Add four (4) additional parking spaces, to total 42 parking spaces,
- (5) Add a loading space near the southwest corner of the building, and

- (6) Update the height and parking standards in the lot development standards table to reduce the building height to 25 feet and add the additional four (4) parking spaces.
- f. Page 20, G. Development Standards, Section G.1, Development Standards Table: Revise the density to 21.51. and the maximum height to 2 stories and 25 feet.
- g. Page 29, J. Sustainability Guidelines: Move items I and K, related to recycling and bicycle parking, from the list of Practices/Techniques That May Be Incorporated to the list of Measurable and Enforceable Items That Will Be Incorporated.
- h. Page 41, Appendix 5, Comparative Zoning Standards Table, PUD column: Revise the maximum density to 21.51 and the maximum height to 2 stories and 25 feet.
- i. Modify the landscape median in Greenway Road to allow full access on the east driveway. This will require the following revisions:
 - (1) Page 9, Fifth paragraph: Delete the following sentence:
The design is such that the primary entrance and exit are oriented for only right turns and thus will require no additional street adjustments.
 - (2) Page 11: Modify the site plan to show the modified landscape median in Greenway Road and full right and left turn access on the east driveway.
 - (3) Page 30, Section K.1 Circulation Systems: Revise the first sentence as follows:

"Vehicular access shall be limited to Greenway Road only. The west driveway on Greenway Road shall be limited to right turns in and right turns out only and the east driveway shall be permitted to have both left and right turns in and out of the site."
- j. Page 19, Section F.1 Permitted Uses: After the paragraph related to accessory uses, add a section for conditions to include the following:
"Conditions:
The hours for deliveries and trash collection shall be limited from 8:00 a.m. to 6:00 p.m."
- K. Page 20, G. Development Standards: after the first paragraph add the following statement in a separate paragraph:
"The site shall be in general conformance to the conceptual site plan provided within the PUD narrative with specific regard to the locations of the refuse enclosure and loading area."

Page 22, G.2 Landscape Standards, Table: Revise as follows:

- L. (1) Revise the plant sizes row in the table to only apply to the south and east landscape setbacks,
- (2) Add a new row in the table for plant sizes and material on the north and west landscape setbacks. The new row in the table shall include “minimum three (3)-inch caliper evergreen (non-deciduous) trees, 20 feet on center. The landscaping shall grow together to form a large, continuous hedge.”, and
- (3) Add the following note under the existing table: “the property owner shall be responsible for maintaining all trees in a healthy, living condition and replacing any trees that are not maintained in a healthy, living condition.”

M. Page 24, G.3 Parking Standards: Revise the required parking to be a minimum of 42 parking spaces, including 4 ADA spaces.

N. Page 24, G.3 Parking Standards: Add the following sentence in a separate paragraph at the end of the section:

“No vehicular access via a driveway or an emergency crash gate shall be allowed along 41st Street or the Alley. A one foot non-vehicular access easement shall be dedicated along the north and west property lines.”

O. Page 25, G. Development Standards: revise as follows:

- (1) Update the walls and fences standards to replace the six-foot high wall along Greenway Road with a maximum four-foot high wall.
- (2) Add “Section G.8 Building Standards” After the walls/fences standards and add the following requirement in the new section:
“North and west elevations:
Only clerestory or opaque windows shall be permitted on the second floor of the building, facing north and west, to prevent views into the neighborhood as shown in blue on appendix 6, second floor window exhibit date stamped February 3, 2016.”

P. Page 27, I. Signs: Add the following sentence in a separate paragraph at of the section:
“No building identification signage shall be allowed on 41st Street”

Q. Page 30, K.1 Circulation Systems: Add the following sentence in a separate paragraph at the end of the section:

“No vehicular access via a driveway or an emergency crash gate shall be allowed along 41st Street or the alley. A one foot non-vehicular access easement shall be dedicated along the north and west property lines.”

R. Page 39-40, Appendix 4, Conceptual Elevation Exhibit: revise the exhibit as follows:

- (1) Add the maximum 25-foot building height, as measured per the zoning ordinance standards.
- (2) Revise the west side elevations to include either clerestory or opaque windows on the second floor of the building, to be consistent with the blue area on the second floor window exhibit date stamped February 3, 2016.
- (3) Revise the streetscape images to replace the six-foot high wall along greenway road with a three to four-foot high wall.

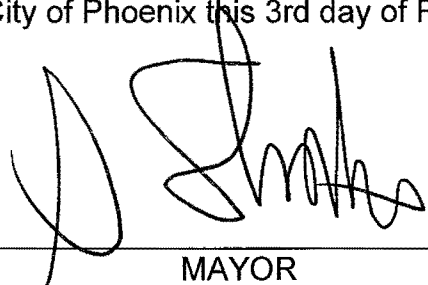
S. Pages 3, 4 and 42: Add the second floor window exhibit date stamped February 1, 2016 as Appendix 6.

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. The improvements on 41st Street shall be reduced to the minimum width possible to comply with traffic safety standards, as approved by the planning and development department. All improvements shall comply with all ADA accessibility standards.
3. The property owner shall record documents that disclose the existence and operational characteristics of the City of Scottsdale Municipal 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 developer shall dedicate a one foot non-vehicular access easement along the north and west property lines.
5. The developer shall pay for and install a local traffic only sign on 41st Street or some other traffic sign to indicate local traffic only, as approved by the street transportation department.
6. The developer shall work with the property owners on 41st Street between Greenway Road and Waltann Lane, and pursue the Street Transportation Department petition process to establish no parking or resident only parking program that meets all the city requirements. Signage shall be paid for by the developer per the city standards.

7. A separate landscape inventory and salvage plan shall be submitted for review and approval prior to preliminary site plan approval for the site. the salvage plan shall demonstrate the following:
- all existing trees which are not within the building footprint or driveways shall remain in place, and
 - all salvageable trees, as approved by the planning and development department, shall be salvaged and reused on site.


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 3rd day of February, 2016.



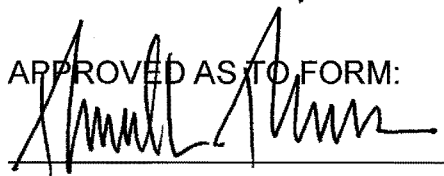
MAYOR

ATTEST:

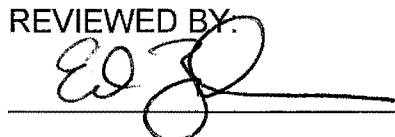


City Clerk



APPROVED AS TO FORM:


Acting City Attorney *pml*

REVIEWED BY:


City Manager

PL:tml:1217785v1: (CM#65) (Item #68) – 2/3/16

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-50-15-2

LOT 30

A PORTION OF LOT 30, WALTANN ESTATES PLAT 1, ACCORDING TO THE PLAT OF RECORD IN BOOK 58 OF MAPS, PAGE 44, RECORDS OF MARICOPA COUNTY, ARIZONA BEING SITUATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 3 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 30;

THENCE SOUTH 89°13'50" EAST ALONG THE NORTH LINE OF SAID LOT 30, A DISTANCE OF 157.50 FEET;

THENCE SOUTH 0°28'10" EAST ALONG THE EAST LINE OF SAID LOT 30, A DISTANCE OF 285.00 FEET;

THENCE NORTH 89°13'50" WEST PARALLEL WITH AND 15.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT 30, A DISTANCE OF 157.50 FEET;

THENCE NORTH 0°28'10" WEST ALONG THE WEST LINE OF SAID LOT 30, A DISTANCE OF 285.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 44,877 SQUARE FEET OR 1.030 ACRES, MORE OR LESS.

TOGETHER WITH;

LOT 31

A PORTION OF LOT 31, WALTANN ESTATES PLAT 1, ACCORDING TO THE PLAT OF RECORD IN BOOK 58 OF MAPS, PAGE 44, RECORDS OF MARICOPA COUNTY, ARIZONA BEING SITUATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 3 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 31;

THENCE SOUTH 89°13'50" EAST ALONG THE NORTH LINE OF SAID LOT 31, A DISTANCE OF 157.50 FEET;

THENCE SOUTH 0°28'10" EAST ALONG THE EAST LINE OF SAID LOT 31, A DISTANCE OF 285.00 FEET;

THENCE NORTH 89°13'50" WEST PARALLEL WITH AND 15.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT 31, A DISTANCE OF 152.50 FEET TO A POINT OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 5.11 FEET;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 88°45'40", AN ARC LENGTH OF 7.92 FEET TO A POINT OF TANGENCY;

THENCE NORTH 0°28'10" WEST ALONG THE WEST LINE OF SAID LOT 31, A DISTANCE OF 280.00 FEET TO THE POINT OF BEGINNING.

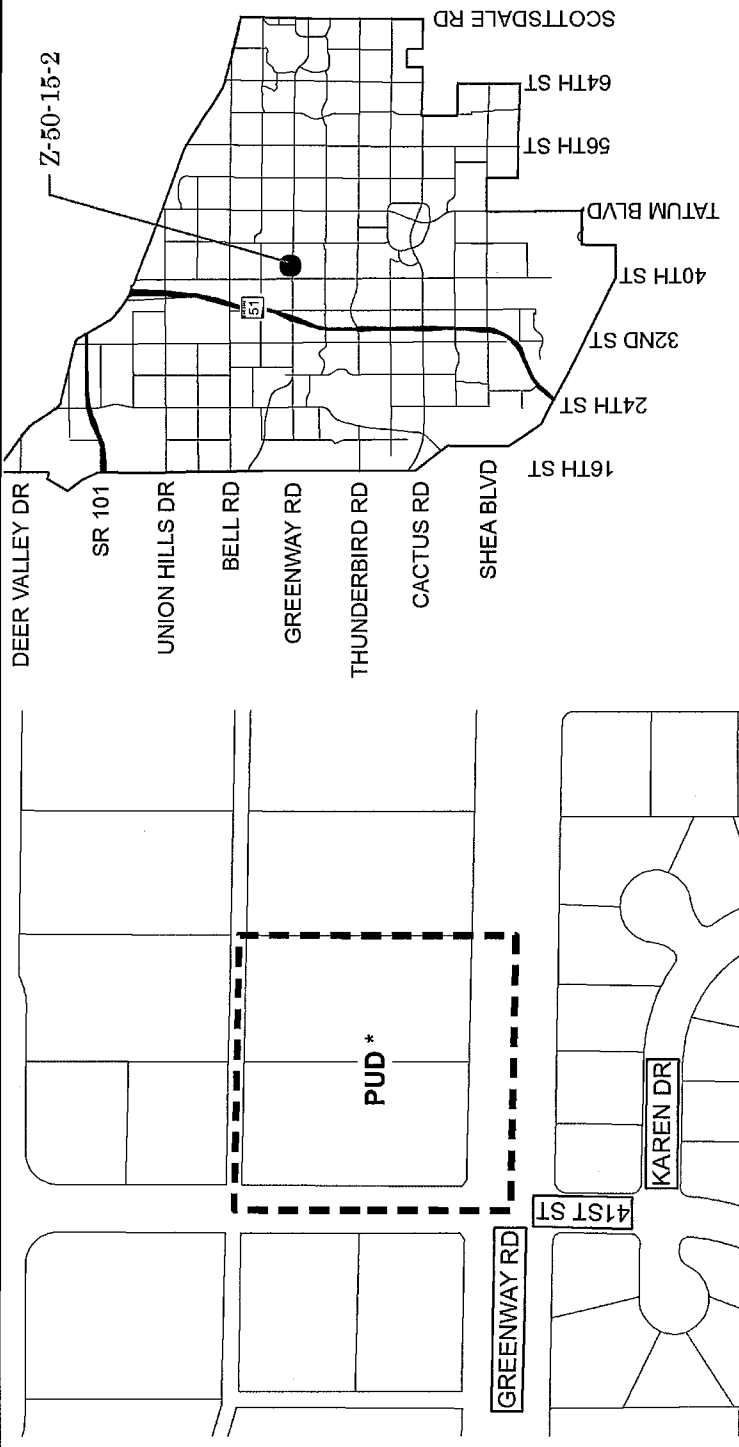
SAID PARCEL CONTAINS 44,872 SQUARE FEET OR 1.030 ACRES, MORE OR LESS.

ATTACHMENT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-50-15-2
Zoning Overlay: N/A
Planning Village: Paradise Valley

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



NOT TO SCALE

Drawn Date: 1/8/2016

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