

ORDINANCE G-6264

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-69-16-4) FROM C-2 (INTERMEDIATE COMMERCIAL) AND P-1 (PASSENGER AUTOMOBILE PARKING, LIMITED) 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 6.93 acre property located at the southwest corner of 7th Avenue and Osborn Road in a portion of Section 30, Township 2N, Range 3E, as described more specifically in Attachment "A," is hereby changed from "C-2" (Intermediate Commercial) and "P-1" (Passenger Automobile Parking, Limited) 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. 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 Local 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 December 2, 2016, as modified by the following stipulations:
 - a. Amend the Development Standards G.1., Section 1309 Landscape Standards to add:

The sidewalk on Flower Street shall be detached from the curb by a minimum of five (5) feet and landscaping, and trees to provide shade, shall be planted between the curb and the sidewalk.

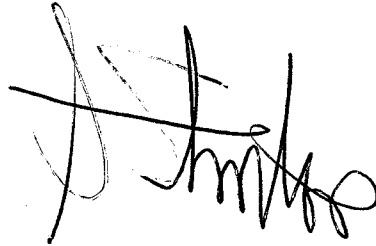
Trees to provide shade planted along the Osborn Road frontage shall be in a minimum five (5) foot landscape area south of the sidewalk.

Trees to provide shade planted along the 7th Avenue frontage shall be in a minimum five (5) foot landscape area west of the sidewalk.
2. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International 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.
3. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
4. The development shall comply with all ADA accessibility standards, as per plans 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 1st day of February,

2017.



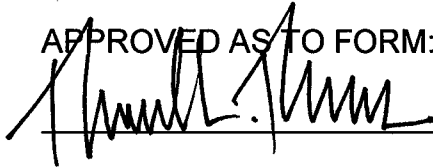
MAYOR

ATTEST:


 City Clerk



APPROVED AS TO FORM:

 Acting City Attorney pm/

REVIEWED BY:

 City Manager

PL:tml:LF17-1591:Item#66:02/01/17:1286850v1

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-69-16-4

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

That portion of the Southeast quarter of Section 30, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the East quarter corner of said Section 30, Township 2 North, Range 3 East;

Thence North 89 degrees 39 minutes 56 seconds West, along the East-West mid-section line thereof, a distance of 225.43 feet to a point on the Northerly prolongation of the existing Westerly right-of-way line of Seventh Avenue;

Thence South 01 degrees 29 minutes 53 seconds East, along said prolonged line, a distance of 38.93 feet to the point of juncture of the existing Southerly right-of-way line of Osborn Road with the existing Westerly right-of-way line of Seventh Avenue and the POINT OF BEGINNING;

Thence South 01 degrees 29 minutes 53 seconds East, along said Westerly right-of-way line, a distance of 553.07 feet to the intersection of the existing Westerly right-of-way line of Seventh Avenue with the existing Northerly right-of-way line of Flower Street;

Thence North 89 degrees 15 minutes 42 seconds West, along said Northerly right-of-way line of Flower Street, a distance of 461.10 feet to the Westerly line of that certain Exception as described in that certain Warranty Deed dated May 27, 1969, and recorded in the Office of the County Recorder of Maricopa County, Arizona, in Docket 7628, page 656;

Thence North 00 degrees 00 minutes 22 seconds East, along said Westerly line, a distance of 578.46 feet to a point on the existing Southerly right-of-way line of Osborn Road;

Thence South 89 degrees 39 minutes 56 seconds East, along said Southerly right off way line, a distance of 200.52 feet to an angle point thereon;

Thence South 86 degrees 05 minutes 15 seconds East, continuing along said Southerly right-of-way line, a distance of 224.12 feet to an angle point thereon;

Thence South 56 degrees 07 minutes 58 seconds East, continuing along said Southerly right-of-way line, a distance of 27.02 feet to the POINT OF BEGINNING;

EXHIBIT A
(Continued)

EXCEPT that portion conveyed to the City of Phoenix in Deed recorded May 31, 1991, in Recording No. 91-245619, records of Maricopa County, described as follows:

The portion of Parcel "A", described herein below, lying within that portion of the Southeast quarter of Section 30 Township 2 North, Range 3 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at a point in the North line of said Southeast quarter which bears North 89 degrees 41 minutes West (assumed), a distance of 218.9 feet from the Northeast corner thereof;

Thence South 01 degree 26 minutes East to the South line of the North 25 feet of said Southeast quarter;

Thence Westerly along said South line to the West right-of-way line of 7th Avenue, as described in Deed recorded in Docket 1788, page 170, records of Maricopa County, Arizona and established by City of Phoenix Ordinance No. S- 883;

Thence South 01 degree 26 minutes East, along said right-of-way line a distance of 15 feet to the most Southerly corner of that parcel described in Deed recorded in Docket 6596, page 80, records of said County;

Thence continue South 01 degree 26 minutes East, along said right-of-way line, a distance of 7.40 feet to the POINT OF BEGINNING of the parcel herein described;

Thence continue South 01 degree 26 minutes East, along said right-of-way line, a distance of 70 feet to an orthogonal line designated herein as Line "A";

Thence continue South 01 degree 26 minutes East, along said right-of-way line, a distance of 42.5 feet to an orthogonal line designated herein as Line "B";

Thence continue South 01 degree 26 minutes East, along said right-of-way line, a distance of 22.5 feet to an orthogonal line designated herein as Line "C";

Thence continue South 01 degree 26 minutes East, along said right-of-way line, a distance of 40 feet;

Thence Northwesterly to the intersection of said Line "C" with a line that is parallel with and 13 feet Westerly of said right-of-way line;

Thence Northerly along said parallel line to said Line "B";

EXHIBIT A
(Continued)

Thence Easterly along said Line "B" to a line that is parallel with and 10 feet Westerly of said right-of-way line; Thence Northerly along last said parallel line to said Line "A";
Thence Northeasterly to the POINT OF BEGINNING;

TOGETHER WITH that part of said Parcel "A" described as follows:

BEGINNING at the intersection of the North line of the South 25 feet of said Parcel "A" with the West line of the East 7 feet thereof;

Thence Northerly along said West line, a distance of 7 feet;

Thence Southwesterly to a point in said North line that is 7 feet Westerly of the POINT OF BEGINNING;

Thence to the POINT OF BEGINNING.

Parcel "A":

That portion of the Southeast quarter of Section 30, Township 2 North, Range 3 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the East quarter corner of said Section 30;

Thence North 89 degrees 41 minutes West (assumed), along the North line of said Southeast quarter a distance of 218.9 feet to the intersection of the West line of 7th Avenue and the South line of Osborn Road, as it existed on July 24, 1953 and described in Parcel 16 of the Deed recorded in Docket 1218, page 384, records of said County and the POINT OF BEGINNING of the parcel herein described;

Thence continue North 89 degrees 41 minutes West, along said North line, also being the South line of Osborn Road aforesaid, a distance of 400 feet;

Thence South a distance of 613.10 feet; thence South 89 degrees 17 minutes East, a distance of 416.20 feet to said West line of 7th Avenue;

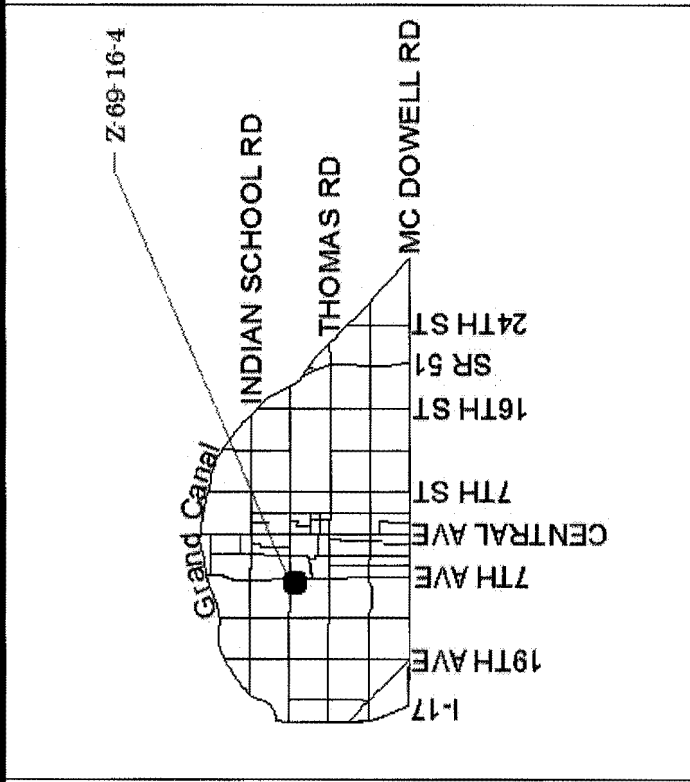
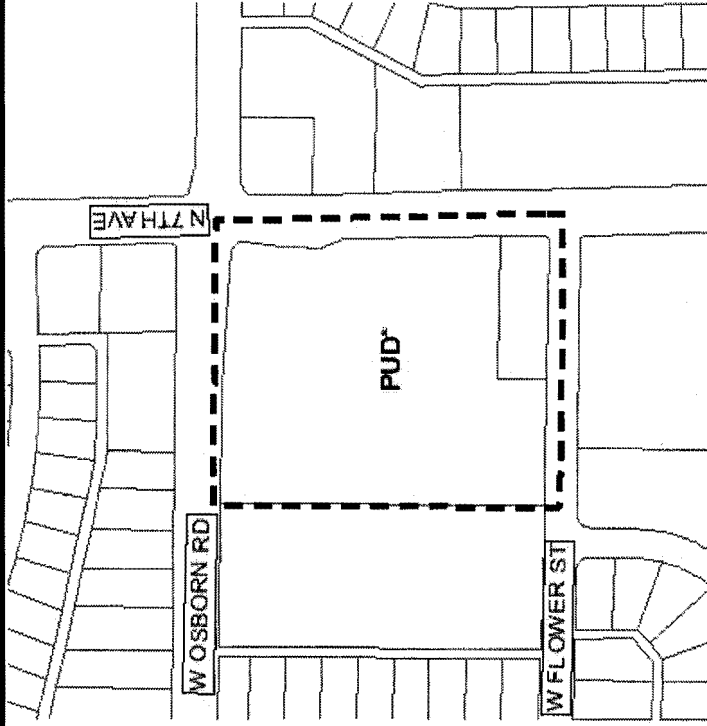
Thence North 01 degree 26 minutes West, along said West line to the POINT OF BEGINNING.

ORDINANCE LOCATION MAP

EXHIBIT B

Zoning Case Number: Z-69-16-4
Zoning Overlay: N/A
Planning Village: Encanto

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



NOT TO SCALE



Drawn Date: 1/6/2017

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