

ORDINANCE G-5640

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-10-11-3) FROM C-2 (INTERMEDIATE COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on March 25, 2011, 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 of Withey Morris, PLC, having authorization to represent the owner, Specialty Development of an approximately 1.51 acre property located at the northwest corner of Cave Creek Road and Greenway Parkway in a portion of Section 3, Township 3 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 June 8, 2011, 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 6, 2011, 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 1.51 acre property located at the northwest corner of Cave Creek Road and Greenway Parkway in a portion of Section 3, Township 3 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from "C-2" (Intermediate Commercial) 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-10-11-3, 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:

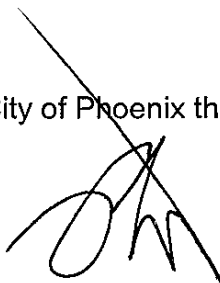
1. An updated Development Narrative for the Cave Creek and Greenway Village PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request.

The updated Development Narrative shall be consistent with the Development Narrative date stamped May 25, 2011, as modified by the following stipulation:

- a. Page 15, new section M shall be added that states "The applicant shall file for and pursue a one-year review of the PUD from the date of final City Council action thru the Planning Hearing Officer public hearing process".
2. The development shall be in general conformance to the elevations included in the Development Narrative date stamped May 25, 2011.

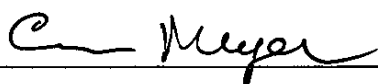
SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 6th day of July, 2011.



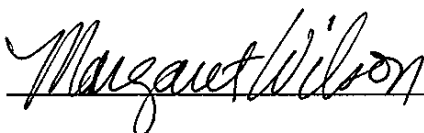
MAYOR

ATTEST:

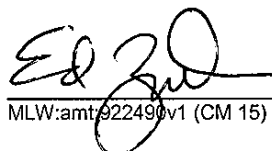
 City Clerk



APPROVED AS TO FORM:

 Acting City Attorney

REVIEWED BY:

 **ACTING**
City Manager

MLW:amt922490v1 (CM 15) (Item 3) 7/6/11

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-10-11-3

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 3 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 3, FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 3 BEARS SOUTH 00 DEGREES 54 MINUTES 15 SECONDS EAST A DISTANCE OF 2586.19 FEET;

THENCE SOUTH 00 DEGREES 54 MINUTES 15 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3, A DISTANCE OF 279.82 FEET;

THENCE SOUTH 89 DEGREES 05 MINUTES 45 SECONDS WEST, LEAVING SAID EAST LINE, A DISTANCE OF 55.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF CAVE CREEK ROAD AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE SOUTH 00 DEGREES 54 MINUTES 15 SECONDS EAST, ALONG SAID WESTERLY RIGHT OF WAY, A DISTANCE OF 170.35 FEET;

THENCE SOUTH 51 DEGREES 37 MINUTES 18 SECONDS WEST, LEAVING SAID WESTERLY RIGHT OF WAY, A DISTANCE OF 36.50 FEET TO A POINT ON A LINE LYING 190' NORTHERLY OF AND PARALLEL TO THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF TRACT "D" OF MOUNTAIN VISTA UNIT ONE ACCORDING TO BOOK 179 OF MAPS, PAGE 12 RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 75 DEGREES 51 MINUTES 08 SECONDS WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 156.40 FEET TO A POINT ON THE EAST LINE OF MOUNTAIN VISTA UNIT TWO ACCORDING TO BOOK 196 OF MAPS, PAGE 40 RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 00 DEGREES 54 MINUTES 15 SECONDS WEST, LEAVING SAID PARALLEL LINE AND ALONG SAID EAST LINE OF MOUNTAIN VISTA UNIT TWO, A DISTANCE OF 150.08 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 250 FEET OF THE PARCEL OF LAND DESCRIBED IN DOC. NO. 1988-116080 RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 88 DEGREES 30 MINUTES 09 SECONDS EAST, LEAVING SAID EAST LINE OF MOUNTAIN VISTA UNIT TWO AND ALONG SAID SOUTH LINE OF THE NORTH 250 FEET OF THE PARCEL OF LAND DESCRIBED IN DOC. NO. 1988-116080 A DISTANCE OF 180.01 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

SAID PARCEL CONTAINS 31,105 SQUARE FEET OR 0.714 ACRES NET OR 42,965 SQUARE FEET OR 0.986 ACRES GROSS, MORE OR LESS.

ORDINANCE LOCATION MAP

ATTACHMENT B

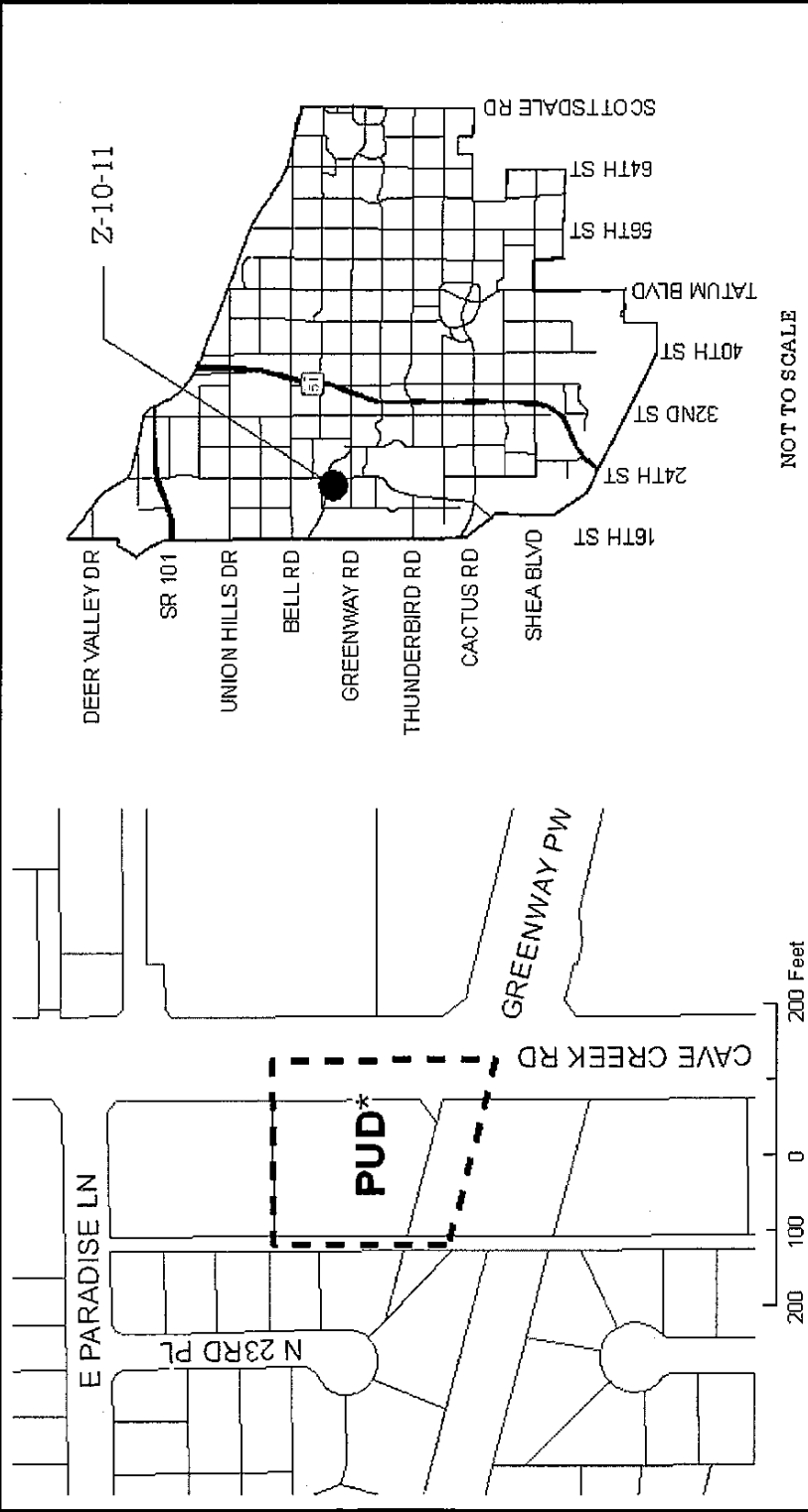
Zoning Case Number: Z-10-11-8

Zoning Overlay: N/A

Planning Village: Paradise Valley

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: - - - - -



Drawn Date: 6/7/11

Map Document: N:\P\DF_Maps\Ordinance_Map2011