

ORDINANCE G-5629

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-4-11-2) FROM C-2 SP NBCOD AND S-1 NBCOD (INTERMEDIATE COMMERCIAL SPECIAL PERMIT, NORTH BLACK CANYON OVERLAY AND RANCH OR FARM RESIDENCE NORTH BLACK CANYON OVERLAY) TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on January 19, 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 Beus Gilbert PLLC, having authorization to represent the owner, Westcor Black Canyon Motorplex LLC of an approximately 84.12 acre property located at the northeast corner of Interstate 17 and Sonoran Boulevard in a portion of Section 11, Township 5 North, Range 2 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 May 11, 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 84.12 acre property located at the northeast corner of Interstate 17 and Sonoran Boulevard in a portion of Section 11, Township 5 North, Range 2 East, as described more specifically in Attachment "A", is hereby changed from 83.92 acres of "C-2 SP NBCOD" (Intermediate Commercial Special Permit, North Black Canyon Overlay) and .20 acres of "S-1 NBCOD" (Ranch or Farm Residence North Black Canyon Overlay) 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 4-11-2, on file with the Planning 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. The updated Development Narrative for the North Black Canyon Crossings that reflects 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 March 22, 2011, as modified by the following stipulations:
 - a. Page 33, Section G.1.b(3), Automobile Retail Sales, New, Used, Leasing and Rental – Add the following language, “This does not apply to the permanent display pedestals.”
 - b. Page 33, Section G.1.b(8), Automobile Retail Sales, New, Used, Leasing and Rental – Revise this item as follows: “Vehicle display racks shall not exceed a height of fifteen (15) feet except that vehicular display racks within one hundred (100) feet of the perimeter lot line adjacent to a street shall be permanent display pedestals and shall not exceed a height of three (3) feet as approved by the Planning and Development Department.”
 - c. Page 50, Section G.2.c., Landscape Setbacks, Remove “Commercial” from Figure 10 regarding the Sonoran Preserve Edge Treatment Guidelines.
 - d. Page 59, Section G.4.c., Vehicular Drive Aisles – The vehicular drive aisle shall be a minimum of 22 feet in width when the drive aisle is not loaded with parking stalls.
 - e. Page 67, Table, Project Identity Signage, Primary Monument Sign – Reduce the height and area of the primary monument sign along Sonoran Boulevard to a maximum of 16 feet in height and 110 square feet in sign area.
 - f. Page 70, Item g. – Add the following language that excludes the number of items of information for hospitals on ground signs as follows: “3. Information on a hospital”.
 - g. Page 75, Item g(2)d., Primary Project Monument Signs - Reduce the height and area of the primary monument sign along Sonoran Boulevard to a maximum of 16 feet in height and 110 square feet in sign area.

- h. Page 102, Appendix D, Definitions – Please remove “a religious institution (church, synagogue or temple)” from the Civic uses definition.
 - i. Page 78, Item 11.a)(1) Infrastructure Standards, Sonoran Boulevard – a 70-foot half street is proposed for the north half of Sonoran Boulevard, which includes a 12-foot half median, three travel lanes, landscape strip, sidewalk, and additional landscape buffer area (see Figure 14, Street Sections for a Cross Section of Sonoran Boulevard).
 - j. Page 80, Figure 14, Street Sections – remove the reserved page and insert the new Figure 14.
 - k. Page 81, (cont. From page 79, item 11.a)(3), Infrastructure Standards, 32nd Avenue and Long Shadow – Long Shadow Trail will include a full street right-of-way of 60 feet and 32nd Avenue will include a full street right-of-way of 70 feet, both with detached sidewalks.
2. The development for all auto related uses shall include the following:
- a. Elevations that provide architectural consistency in building style, wall treatments, lighting, and signage.
 - b. Primary finishing materials for buildings that are muted and blend with rather than contrast strongly with the surrounding desert environment.
 - c. Landscaping, arcades, or overhangs that provide shaded walkways and that are located in the vehicle display areas of each dealerships lot.
 - d. Shaded outdoor patio areas that serve employees and customers and are dispersed throughout the site and located at visible pedestrian areas.
 - e. Natural accent materials such as brick, stone, or tile.
 - f. Architectural detailing such as recesses, pop outs, shade walls, parapets, artistic insets, or pilasters.

RIGHT-OF-WAY IMPROVEMENTS

3. Right-of-way totaling a minimum of 70 feet from the street design centerline shall be dedicated for the north half of Sonoran

Boulevard as approved by the Planning and Development Department.

4. Right-of-way totaling 100 feet, or 70 feet with 15-foot sidewalk easements on each side, shall be dedicated for 32nd Avenue as approved or modified by the Planning and Development Department and Street Transportation Department. Pavement width shall be determined by the approved traffic impact study. Bike lanes shall be required and on-street parking shall not be permitted on 32nd Avenue.
5. Right-of-way totaling 80 feet, or 60 feet with 10-foot sidewalk easements on each side, shall be dedicated for Long Shadow Trail as approved or modified by the Planning and Development Department and Street Transportation Department. Pavement width shall be determined by the approved traffic impact study. On-street parking shall not be permitted on Long Shadow Trail.
6. 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.
7. The applicant shall submit a revised traffic impact study to the Street Transportation Department and the Planning and Development Department prior to preliminary site plan review for the first phase of development. The applicant shall be responsible for any dedications and required improvements as recommended by the approved traffic impact study and as approved by Planning and Development Department and the Street Transportation Department.
8. The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department.
9. The applicant shall submit a Street Alignment Plan to the Street Transportation Department and the Planning and Development Department prior to preliminary site plan review for the first phase of development. The applicant shall be responsible for any dedications and required improvements as recommended by the approved street alignment plan as approved by Planning and Development Department and the Street Transportation Department.

10. The developer shall construct the freeway frontage road and dedicate any additional corresponding right-of-way adjacent to the PUD property frontage as per plans approved by the Arizona Department of Transportation.

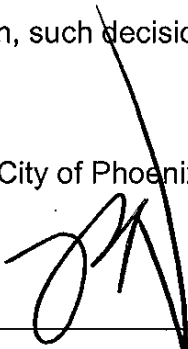
AVIATION

11. In accordance with the City of Phoenix Zoning Ordinance Section (504.1.B.2.a) and prior to the submittal of the Federal Aviation Administration (FAA) Form 7480-1 for approval for a helistop, the applicant shall submit the following for review to the City of Phoenix Aviation Department, Planning and Environmental Division:
 - a. Aerial photograph of a scale no less than one inch equals four hundred feet indicating the approach and departure routes, the location of all residences, schools, churches, hospitals, and areas used for the open assembly of people as well as other noise sensitive areas within a radius of one-half mile of the proposed site.
 - b. Information on the type of use of the helistop or heliport and type and weight of helicopters that will use the facility.
 - c. Plot plan showing location in relation to adjacent land use and the size and general detail of the proposed facility.
 - d. For elevated helistops or heliports, the structural engineer shall verify that the structure will support the helicopter(s) using the facility.
12. Prior to preliminary site plan approval, the applicant shall submit the Federal Aviation Administration (FAA) Form 7480-1, "Notice of Landing Area Proposal" and obtain a letter of no objection from the Federal Aviation Administration for a helistop.
13. That prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's office. The waiver shall be recorded with the Maricopa County Recorder's office and delivered to the city to be included in the rezoning application file for record.

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

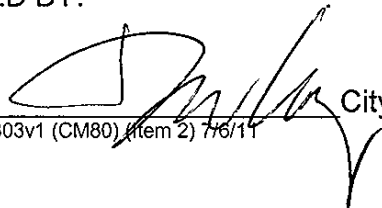


APPROVED AS TO FORM:



Acting City Attorney

REVIEWED BY:



City Manager

MLW:amt:921303v1 (CM80) (Item 2) 7/6/11

Attachments:

- A - Legal Description (3 Pages)
- B - Ordinance Location Map (1 Page)

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-4-11-2

That portion of the Southwest quarter of Section 11, Township 5 North, Range 2 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a found 3" Maricopa County brass cap stamped "RLS #29891 DATE 2001, UP 0.3'" accepted as the South quarter corner of said Section 11 from which a found stone monument marked "2 line on south side, 4 lines on east side 0.6' up" accepted as the Southwest corner of said Section 11 bearing South 89 degrees 26 minutes 29 seconds West a distance of 2645.41 feet;

Thence along the south line of Southwest quarter of said section 11, South 89 degrees 26 minutes 29 seconds West a distance of 330.95 feet;

Thence North 00 degrees 33 minutes 31 seconds West a distance of 75.00 feet to the POINT OF BEGINNING;

Thence South 89 degrees 26 minutes 29 seconds West a distance of 912.91 feet to the easterly right-of-way line of Black Canyon Highway (I-17);

Thence along said easterly line, North 00 degrees 33 minutes 31 seconds West a distance of 65.52 feet;

Thence continuing along said easterly line, North 78 degrees 55 minutes 32 seconds West a distance of 312.88 feet;

Thence continuing along said easterly line, North 18 degrees 27 minutes 27 seconds West a distance of 233.04 feet;

Thence continuing along said easterly line, North 13 degrees 52 minutes 31 seconds West a distance of 1294.69 feet;

Thence continuing along said easterly line, North 09 degrees 59 minutes 58 seconds West a distance of 936.24 feet;

Thence North 89 degrees 21 minutes 19 seconds East a distance of 1511.79 feet;

Thence South 00 degrees 00 minutes 08 seconds East a distance of 29.90 feet;

Thence South 06 degrees 56 minutes 50 seconds East a distance of 92.05 feet;

Thence South 04 degrees 24 minutes 36 seconds East a distance of 48.14 feet;

Thence South 02 degrees 51 minutes 53 seconds West a distance of 73.97 feet;
Thence South 05 degrees 28 minutes 53 seconds West a distance of 77.86 feet;
Thence South 04 degrees 03 minutes 55 seconds West a distance of 51.88 feet;
Thence South 06 degrees 00 minutes 18 seconds West a distance of 70.52 feet;
Thence South 03 degrees 10 minutes 42 seconds East a distance of 66.60 feet;
Thence South 08 degrees 05 minutes 46 seconds East a distance of 78.34 feet;
Thence South 17 degrees 09 minutes 37 seconds East a distance of 50.24 feet;
Thence South 18 degrees 26 minutes 49 seconds East a distance of 93.43 feet;
Thence South 26 degrees 35 minutes 26 seconds East a distance of 66.04 feet;
Thence South 31 degrees 16 minutes 22 seconds East a distance of 121.02 feet;
Thence South 21 degrees 49 minutes 30 seconds East a distance of 79.52 feet;
Thence South 25 degrees 30 minutes 21 seconds East a distance of 85.93 feet;
Thence South 26 degrees 34 minutes 12 seconds East a distance of 90.84 feet;
Thence South 26 degrees 35 minutes 38 seconds East a distance of 115.61 feet;
Thence South 13 degrees 13 minutes 04 seconds East a distance of 64.52 feet;
Thence South 07 degrees 55 minutes 29 seconds East a distance of 134.22 feet;
Thence South 00 degrees 00 minutes 23 seconds East a distance of 140.32 feet;
Thence South 02 degrees 29 minutes 11 seconds East a distance of 170.04 feet;
Thence South 00 degrees 02 minutes 28 seconds East a distance of 117.69 feet;
Thence South 01 degrees 28 minutes 08 seconds West a distance of 144.11 feet;
Thence South 03 degrees 34 minutes 04 seconds West a distance of 118.36 feet;
Thence South 10 degrees 20 minutes 06 seconds West a distance of 82.59 feet;
Thence South 06 degrees 50 minutes 53 seconds West a distance of 185.96 feet;

Thence South 17 degrees 32 minutes 30 seconds West a distance of 73.61 feet;

Thence South 12 degrees 43 minutes 02 seconds West a distance of 50.23 feet;

Thence South 09 degrees 27 minutes 14 seconds West a distance of 41.66 feet to the POINT OF BEGINNING;

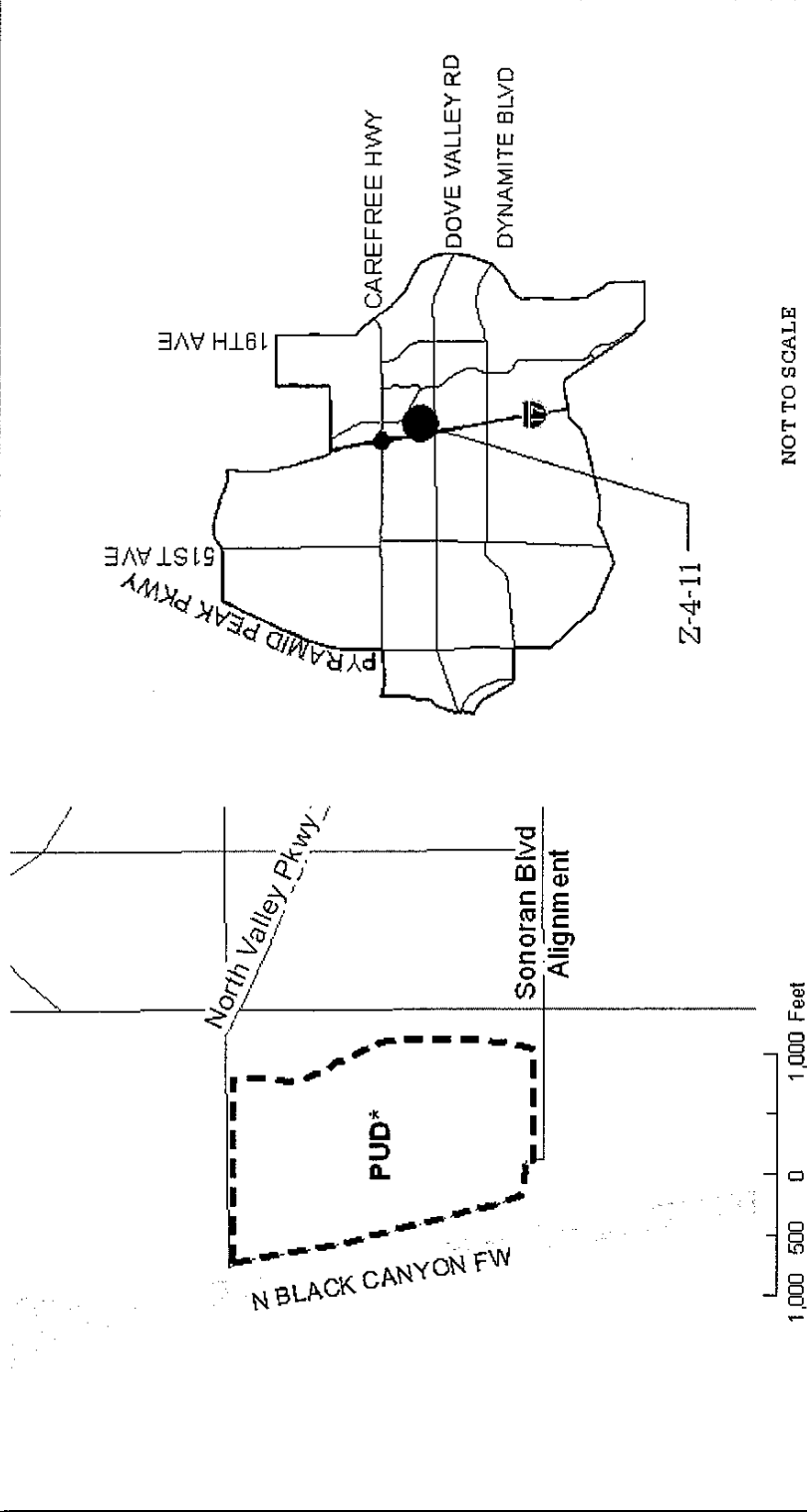
The above described property contains a computed area of 3,664,036 Sq. Ft. (84.1147 acres) more or less.

ORDINANCE LOCATION MAP

ATTACHMENT B

Zoning Case Number: Z-4-11-2
 Zoning Overlay: North Black Canyon
 and Overlay District
 Planning Village: North Gateway

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



Drawn Date: 5/4/11

Map Document: NP_DF_Maps\Ordinance_Map\2011