

ORDINANCE G-5456

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-40-09-1) FROM RE-35 (SINGLE FAMILY RESIDENCE) TO PUD (PLANNED UNIT DEVELOPMENT).

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WHEREAS, on April 29, 2009, the City of Phoenix Planning Department received, in compliance with the requirements of the City of Phoenix Zoning Ordinance, Section 506, a written request for rezoning from Paul Gilbert with Beus Gilbert PLC having authorization to represent the owner, Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints of an approximately 10.42 acre property located at the northwest corner of 51st Avenue and Pinnacle Peak Road in a portion of Section 8, Township 4 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 November 10, 2009, 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 December 2, 2009, 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.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1: The zoning of an approximately 10.42 acre property located northwest corner of 51st Avenue and Pinnacle Peak Road in a portion of Section 8, Township 4 North, Range 2 East, as described more specifically in Attachment "A", is hereby changed from "RE-35" (Single Family Residence) to PUD (Planned Unit Development) and that the Planning 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-40-09-1, 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 the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. That an updated Development Narrative for the LDS Phoenix Temple reflecting the changes approved through this request shall be submitted to the Planning Department within 14 days of City Council approval of this request. The updated Development

Narrative shall be consistent with the Development Narrative date stamped October 1, 2009, as modified by the following stipulations.

2. That the PUD should be modified as follows:
  - a. References to building height shall be modified to reflect the 40-foot building height, including pages 13, Table Tab A and two locations on Tab I.
  - b. Tab L shall be replaced with attachments to Addendum A dated November 2, 2009.
  - c. The last sentence under Project Overview within the Purpose and Intent section Page 6 shall be modified to say, The Phoenix Temple will be different in design, but identical in current (defined as 12/2/09) use to the Mesa Temple, except that a visitor's center along with Christmas and Easter festivities shall not be held at this temple.
  - d. That lighting for the temple steeple and the lighting on the north side of the temple building shall be turned off no later than 10:00 pm.
  - e. That the trees depicted on the landscape plan date stamped November 30, 2009, shall be a minimum of 40 feet in height at maturity along the north and northeast boundary of the temple parking lot located north of the temple and along the parking lot/sidewalk located east of the temple, as approved by the Development Services Department.
  - f. That there shall be no electronic bells or chimes.
  - g. That there shall be no charity dining halls.
  - h. That the temple shall be closed on Sundays and Mondays.
3. That the applicant shall be responsible for any dedications and required improvements as recommended by the approved traffic study, as approved by Development Services Department and the Street Transportation Department.
4. That the developer shall dedicate 32 feet of right-of-way for half-street roadway improvements along the north side of Pinnacle Peak for the entire frontage of the proposed development, as approved by the Development Services Department.

5. That the developer shall provide a Multi Use Recreational Trail Easement adjacent to the right-of-way. The easement shall be 25 feet with a 10-foot wide decomposed granite trail to be maintained by the parcel owner, as approved by the Parks and Recreation Department.
6. That the developer shall provide one streetlight, located approximately 200 feet west of the existing street light in front of the LDS property to the east, as approved by the Street Transportation Department.
7. That the developer shall provide curb, gutter, sidewalk, paving and incidentals for half-street roadway improvements on Pinnacle Peak Road, as approved by the Development Services Department.
8. That the developer shall provide landscaping and irrigation in accordance with plans approved by the Development Services Department.
9. That the temple open house period shall be limited to a maximum of 30 consecutive days and that a reservation system shall be required for all visitors to the temple open house.
10. That a traffic management plan to address traffic and parking during the open house shall be submitted to and approved by the Street Transportation and Development Services Departments prior to preliminary site plan approval.
11. That the exterior of the temple shall be architectural precast concrete, best described as "Sandy Quartz Patina Concrete." The exterior color of the temple shall be consistent with the attached photograph date stamped November 30, 2009, as approved by the Development Services Department.
12. That development shall be in general conformance with the site plan in the development narrative dated October 1, 2009, as approved by the Development Services Department, with specific regard to the building setbacks and the 30,000 square footage limitation of the temple.
13. That the developer shall submit a drainage report to the Development Services Department concurrent with preliminary site plan submittal. The report shall include an analysis of the historic and existing off-site storm water flows within the vicinity of the subject site to ascertain if additional infrastructure improvements are necessary at the time of development. The scope of the

additional infrastructure improvements shall be limited to the proportional impact of the subject site as approved by the Development Services Department.

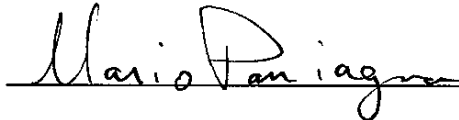
14. That a parking management plan shall be submitted to and approved by the Development Services Department prior to preliminary site plan approval. The plan shall address parking for both the temple and meeting house.
15. That the applicant shall provide their proportionate share (25% in an escrow account prior to preliminary site plan approval) toward the costs of a traffic light at 51st Avenue and Pinnacle Peak Road, as approved by the Street Transportation Department.
16. That a construction management plan to address traffic during construction shall be submitted to and approved by Right-Of-Way Management in the Street Transportation Department.
17. That the applicant shall pay their proportionate share of the costs of any traffic mitigation that is approved by Street Transportation Traffic Safety. An amount not to exceed \$5,000 shall be placed in an escrow account prior to preliminary site plan approval for the temple. The area of study shall include Electra Lane and other impacted neighborhood streets within a half mile of the subject site.
18. That the applicant shall invite the following individuals to all Development Services Department site plan review meetings:
  - a. Scott Anderson, 5029 W. Whispering Wind Drive, Glendale, AZ 85310
  - b. Larry Smith (or alternate), 5236 W. Saguaro Park Lane, Glendale, AZ 85310

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 2nd day of December,  
2009.

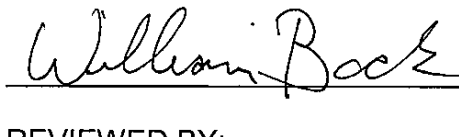
  
\_\_\_\_\_  
MAYOR

ATTEST:

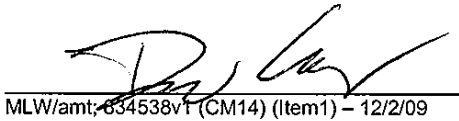
  
\_\_\_\_\_  
City Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Acting City Attorney  
MLW

REVIEWED BY:

  
\_\_\_\_\_  
City Manager  
MLW/amt: 634538v1 (CM14) (Item1) - 12/2/09

Attachments:

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

2009 DEC - 3 AM 11:04  
CITY CLERK DEPT

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-40-09-1

A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 8, MARKED BY A CITY OF PHOENIX BRASS CAP AND LYING NORTH 89°43'26" EAST FROM THE SOUTH QUARTER CORNER FOR SAID SECTION 8, MARKED BY A CITY OF PHOENIX, BRASS CAP IN A HANDHOLE;

THENCE SOUTH 89°43'26" WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 8, A DISTANCE OF 40.00 FEET;

THENCE NORTH 00°10'08" WEST, PARALLEL TO THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 8, A DISTANCE OF 40.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 89°43'26" WEST, PARALLEL TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 8, A DISTANCE OF 605.73 FEET;

THENCE NORTH 00°10'08" WEST, PARALLEL TO THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 8, A DISTANCE OF 25.00 FEET;

THENCE SOUTH 89°43'26" WEST, PARALLEL TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 8, A DISTANCE OF 302.87 FEET;

THENCE NORTH 00°10'08" WEST, PARALLEL TO THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 8, A DISTANCE OF 563.06 FEET;

THENCE NORTH 89°43'26" EAST, PARALLEL TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 8, A DISTANCE OF 301.20 FEET;

THENCE SOUTH 00°10'08" EAST, PARALLEL TO THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 8, A DISTANCE OF 226.41 FEET;

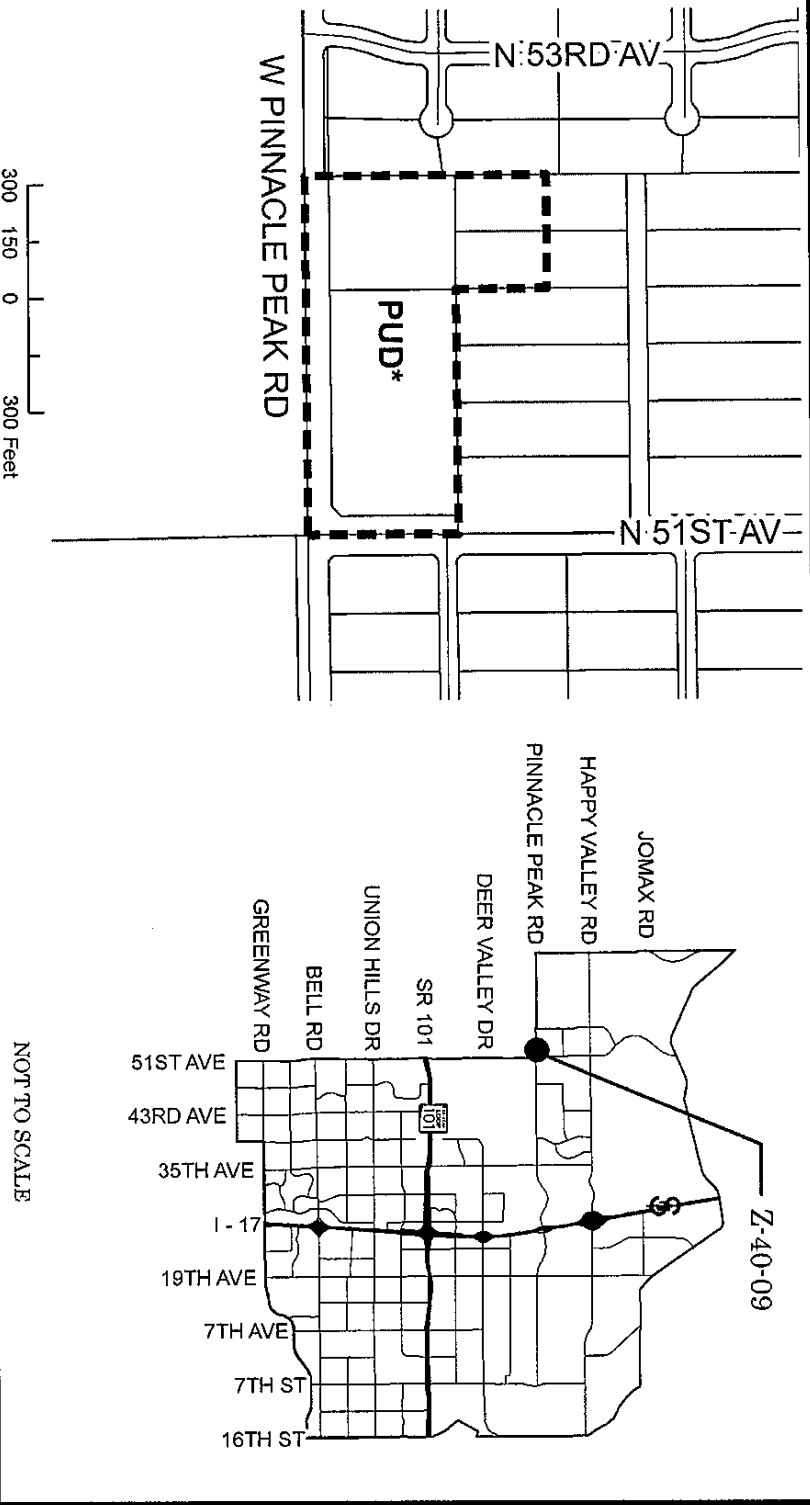
THENCE NORTH 89°41'24" EAST A DISTANCE OF 607.40 FEET, TO A LINE LYING 40.00 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 8;

THENCE SOUTH 00°10'08" EAST, PARALLEL TO THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 8, A DISTANCE OF 362.11 FEET TO THE TRUE POINT OF BEGINNING.

# ORDINANCE LOCATION MAP

ATTACHMENT B

Zoning Case Number: Z-40-09-1  
Zoning Overlay: N/A  
Planning Village: Deer Valley



**City of Phoenix**  
PLANNING DEPARTMENT



Drawn Date: 11/16/09

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