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ORDINANCE G-5793

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-48-12-6) FROM C-O (COMMERCIAL OFFICE-RESTRICTED COMMERCIAL) AND P-1 (PASSENGER AUTOMOBILE PARKING, LIMITED) TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on November 7, 2012, 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 Michael J. Curley of Earl, Curley & Lagarde, having authorization to represent the owner, Smithfield Properties LLC of an approximately 3.30 acre property located at the southeast corner of 16th Street and Georgia Avenue in a portion of Section 15, Township 2 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 March 12, 2013, 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 April 3, 2013, 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 3.30 acre property located at the southeast corner of 16th Street and Georgia Avenue in a portion of Section 15, Township 2 North, Range 3 East, as described more specifically in Attachment "A," is hereby changed from 2.65 acres of "C-O" (Commercial Office–Restricted Commercial) and .65 acre of "P-1" (Passenger Automobile Parking, Limited) to 3.30 acres of "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-48-12-6, 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 Domus 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 Development Narrative date stamped January 18, 2012, as modified by the following stipulations.

- 2. Any proposed changes to the SR-51 retention basin adjacent to the development shall require review and approval by the Street Transportation Department Stormwater Management Section and the Planning and Development Department.
- 3. A traffic statement shall be submitted to the Street Transportation Department and the Planning and Development Department prior to preliminary site plan review.
- 4. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

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 3rd day of April, 2013.



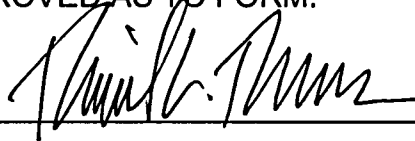
 MAYOR

ATTEST:

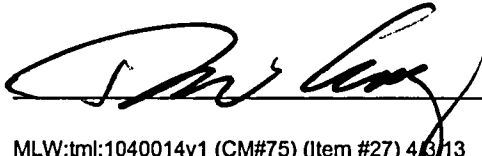

 _____ City Clerk



APPROVED AS TO FORM:


_____ Acting City Attorney *MLW*

REVIEWED BY:


_____ City Manager
MLW:tml:1040014v1 (CM#75) (Item #27) 4/3/13

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-48-12-6PARCEL NO. 1:

The North half of the following described property:

The West 400.00 feet of Lot 5 of the Adams and Graham Sub-division of the Southwest quarter of Section 15, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, according to Book 2 of Maps, Page 1, records of Maricopa County, Arizona;

EXCEPT the East 8.00 feet thereof; and

EXCEPT the North 25.00 feet thereof, as conveyed to the County of Maricopa, a political subdivision of the State of Arizona, by the instrument recorded in Docket 1340, Page 567, records of Maricopa County, Arizona; and

EXCEPT that portion thereof lying within the following described property:

BEGINNING at the intersection of the East line of the West 7.00 feet of said Lot 5 with the South line of the North 25.00 feet thereof;

Thence West along said South line to the West line of said Lot 5;

Thence South along said West line to the Southwest corner thereof;

Thence East along the South line of said Lot 5 to the East line of the West 7.00 feet thereof;

Thence North along said East line to a point which is 10.00 feet South from the Point of Beginning; Thence Northeast to a point on the South line of the North 25.00 feet of said Lot 5 which is 10.00 feet East from the Point of Beginning;

Thence to the POINT OF BEGINNING.

PARCEL NO. 2:

The East 8.00 feet of the West 400.00 feet of Lot 5 of the Adams and Graham Sub-division of the Southwest quarter of Section 15, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, according to Book 2 of Maps, Page 1, records of Maricopa County, Arizona, as abandoned by Resolution of the Council of the City of Phoenix, a Certified Copy of which was recorded in Document No. 96-0526304, records of Maricopa County, Arizona;

EXCEPT the North 30.00 feet thereof; and

EXCEPT that portion thereof lying within the South half of said Lot 5.

ATTACHMENT B

ORDINANCE LOCATION MAP

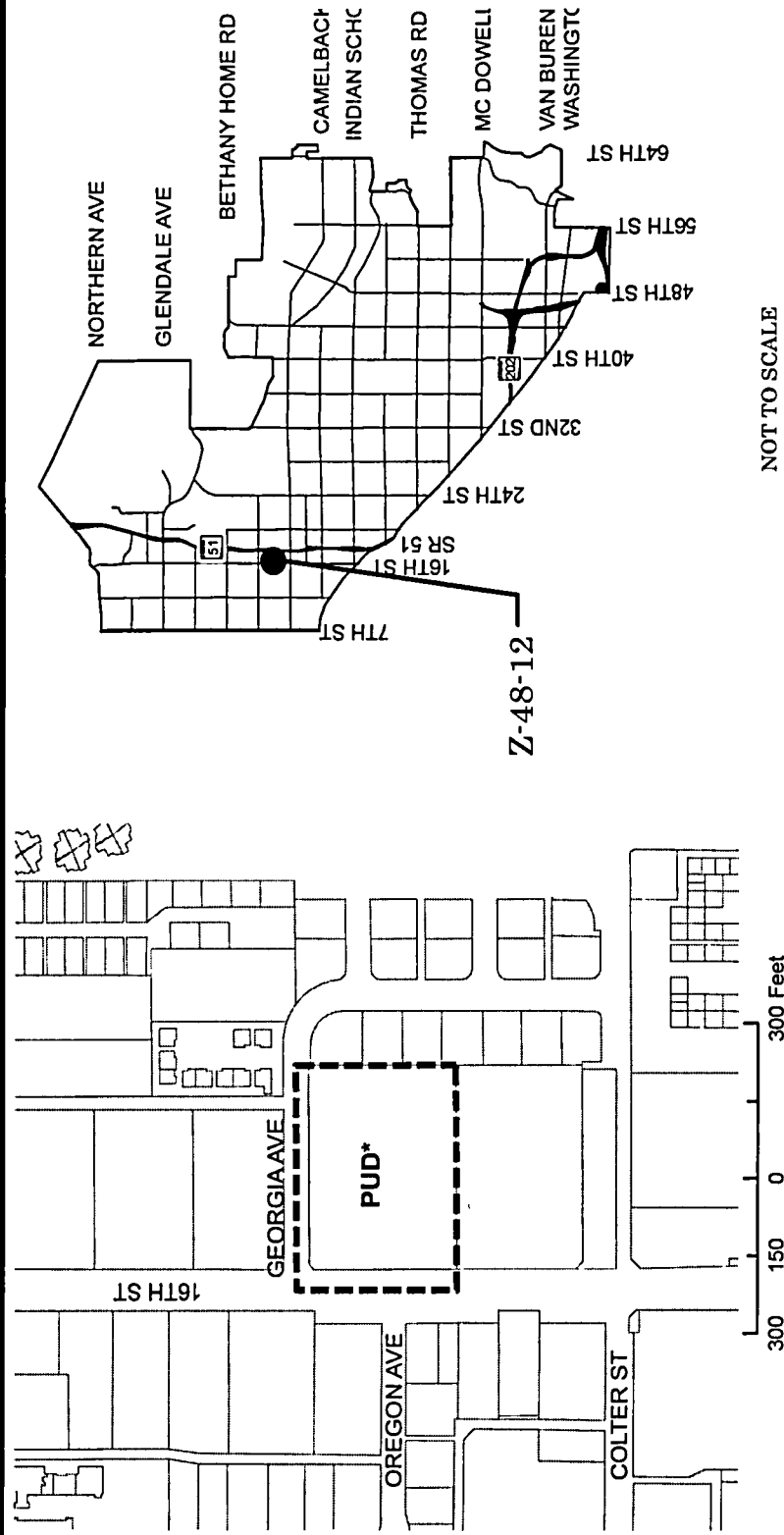
Zoning Case Number: Z-48-12-6

Zoning Overlay: N/A

Planning Village: Camelback East

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: - - - - -



NOT TO SCALE

Drawn Date: 3/6/13

Map Document N:\PDF_Maps\Ordinance_Map\2012