

ORDINANCE G-6188

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-2-16-7) FROM C-3 CMO (GENERAL COMMERCIAL CAPITOL MALL OVERLAY DISTRICT) TO PUD CMO (PLANNED UNIT DEVELOPMENT CAPITOL MALL OVERLAY DISTRICT) WITH ALL UNDERLYING USES.

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

follows:

SECTION 1. The zoning of an approximately 1.85 acre property located at the southeast corner of 10th Avenue and Washington Street in a portion of Section 7, Township 1 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from "C-3 CMO" (General Commercial Capitol Mall Overlay District) 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 Capitol Mall Lofts 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 April 22, 2016, as modified by the following stipulations:
 - a. Page 20 – Correct last line of text to read: "...thirty (30) square-feet per twenty (20) linear feet of blank wall."
 - b. Page 21 – Eastern Secondary Frontage (9th Avenue) section: correct the second to the last line to read "...minimum size of thirty (30) square-feet per twenty (20) linear feet of blank wall."
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. The development shall comply with all ADA accessibility standards, as per plans approved by the Planning and Development Department.
4. 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 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 July, 2016.



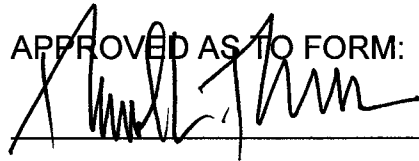
MAYOR

ATTEST:

 City Clerk



APPROVED AS TO FORM:

 Acting City Attorney *pml*

REVIEWED BY:

 City Manager

PL:tml:1238666v1: (CM#63) (Item #104) – 7/1/16

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-2-16-7

A PORTION OF BLOCK 15, NEHR'S ADDITION TO THE CITY OF PHOENIX, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 2 OF MAPS, PAGE 61, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 1 NORTH, RANGE 3 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

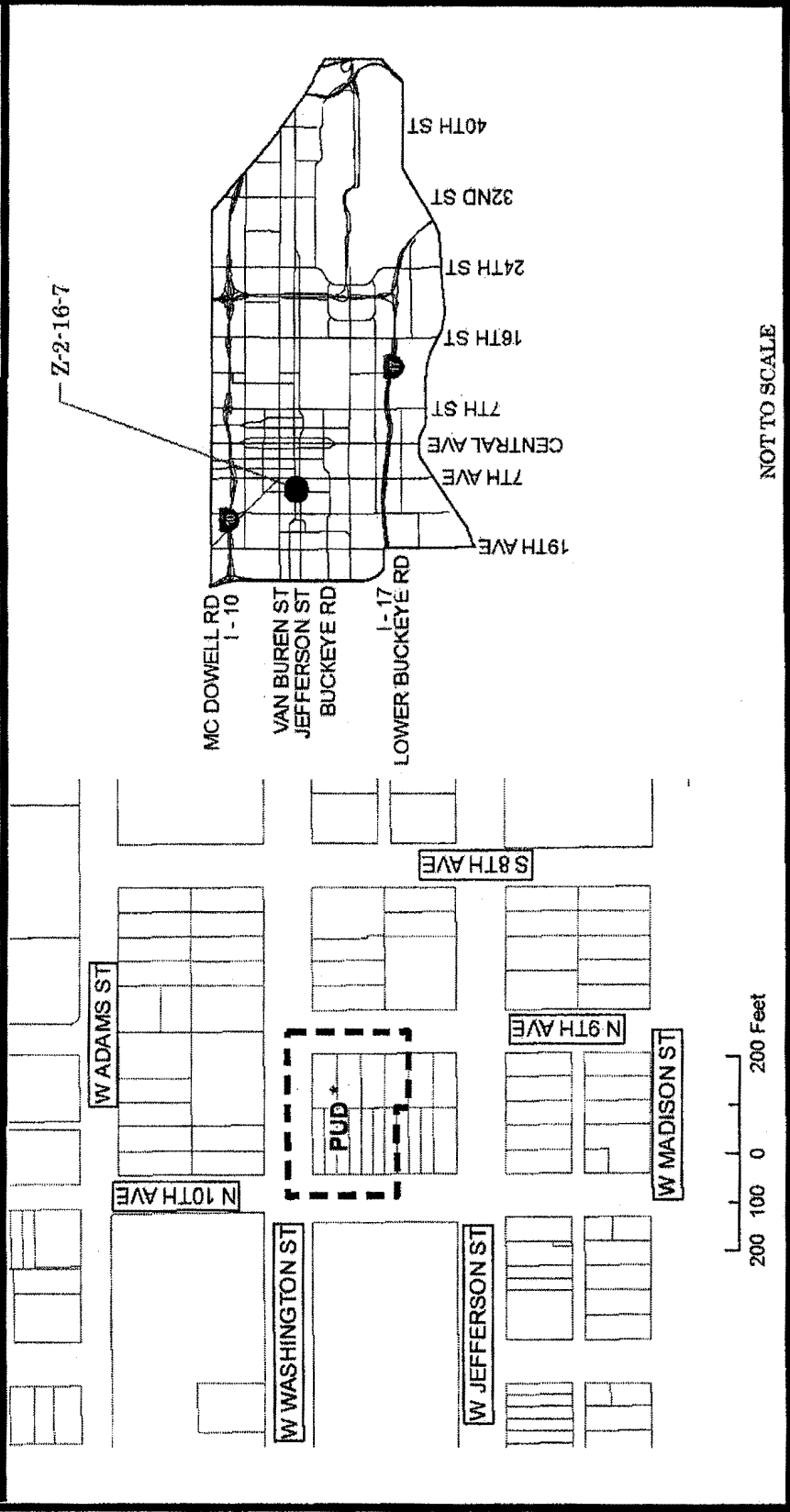
COMMENCING AT A CITY OF PHOENIX BRASS CAP IN HANDHOLE AT THE INTERSECTION OF WASHINGTON STREET AND 9TH AVENUE, FROM WHICH A CITY OF PHOENIX BRASS CAP IN HANDHOLE AT THE INTERSECTION OF WASHINGTON STREET AND 10TH AVENUE, BEARS SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 340.07 FEET;
THENCE SOUTH 00 DEGREES 03 MINUTES 51 SECONDS WEST 249.94 FEET ALONG THE CENTERLINE OF SAID 9TH AVENUE TO THE EASTERLY PROLONGATION OF THE SOUTH LINE OF LOT 4, BLOCK 15, NEHR'S ADDITION TO THE CITY OF PHOENIX;
THENCE NORTH 89 DEGREES 59 MINUTES 31 SECONDS WEST 45.00 FEET ALONG SAID SOUTH LINE TO THE SOUTHEAST CORNER OF SAID LOT 4 AND THE POINT OF BEGINNING;
THENCE CONTINUING NORTH 89 DEGREES 59 MINUTES 31 SECONDS WEST 112.49 FEET ALONG SAID SOUTH LINE TO THE CENTERLINE OF THE ABANDONED ALLEY AS DESCRIBED IN RESOLUTION 21123 OF THE CITY OF PHOENIX, RECORDED AT RECORDER'S NO. 2013-309567;
THENCE NORTH 00 DEGREES 03 MINUTES 20 SECONDS EAST 25.00 FEET ALONG SAID CENTERLINE TO THE EASTERLY PROLONGATION OF THE SOUTH LINE OF LOT 12, BLOCK 15, NEHR'S ADDITION TO THE CITY OF PHOENIX;
THENCE NORTH 89 DEGREES 59 MINUTES 35 SECONDS WEST 137.49 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID LOT 12;
THENCE NORTH 00 DEGREES 02 MINUTES 41 SECONDS EAST 174.91 FEET ALONG THE WEST LINE OF LOTS 12-18, BLOCK 15, NEHR'S ADDITION TO THE CITY OF PHOENIX, TO THE NORTHWEST CORNER OF SAID LOT 18;
THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 250.05 FEET ALONG THE NORTH LINE OF LOTS 18 AND 1, BLOCK 15, NEHR'S ADDITION TO THE CITY OF PHOENIX, TO THE NORTHEAST CORNER OF SAID LOT 1;
THENCE SOUTH 00 DEGREES 03 MINUTES 51 SECONDS WEST 199.93 FEET ALONG THE EAST LINE OF LOTS 1-4, BLOCK 15, NEHR'S ADDITION TO THE CITY OF PHOENIX, TO THE POINT OF BEGINNING.

ATTACHMENT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-2-16-7
Zoning Overlay: CMOD
Planning Village: Central City

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ■■■■



NOT TO SCALE

Drawn Date: 6/2/2016

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