

ORDINANCE G-6044

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-28-14-2) FROM S-1 (RANCH OR FARM RESIDENCE) TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on July 1, 2014, 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 Green Thumb Nursery, LLC, having authorization to represent the owner, Green Thumb Nursery, LLC of an approximately 5.00 acre property located at the northeast corner of 43rd Street and Lone Mountain Road in a portion of Section 18, Township 5 North, Range 4 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 9, 2015, 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 1, 2015, 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 5.00 acre property located northeast corner of 43rd Street and Lone Mountain Road in a portion of Section 18, Township 5 North, Range 4 East, as described more specifically in Attachment "A", is hereby changed from "S-1" (Ranch or Farm Residence) 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-28-14-2, 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 Lone Mountain Senior Living 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 8, 2015, as modified by the following:

- a. Page 11, Section B Land Use Plan, The fourth paragraph shall read: "This includes a 25-foot heavily landscaped streetscape tract along Lone Mountain Road, which includes indigenous plant material. Likewise, 43rd Street has a 25-foot right of way and a 28-foot building setback. This building setback includes a 25-foot heavily landscaped streetscape, which includes a generous amount of indigenous plant material.
 - b. Page 19, Existing Land Summary Table row 4 column 2 General Plan Land Use Classification, in line with South Direction and Desert Willow Elementary School Existing Use shall read: Public/Quasi-Public.
 - c. Page 19, Existing Land Summary Table row 4 column 3 Existing Zoning, in line with South Direction and Desert Willow Elementary School Existing Use shall read: R1-6 PCD".
2. A 10-foot sidewalk easement shall be dedicated along the north side of Lone Mountain Road, as approved by the Planning and Development Department.
 3. 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.

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 1st day of July, 2015.



MAYOR


ATTEST:



City Clerk

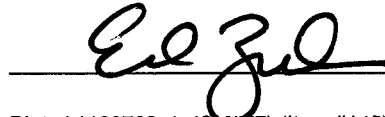


APPROVED AS TO FORM:



Acting City Attorney *pml*

REVIEWED BY:



City Manager

PL:tml:1188762v1: (Civ#77) (Item #145) 7-1-15

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-28-14-2

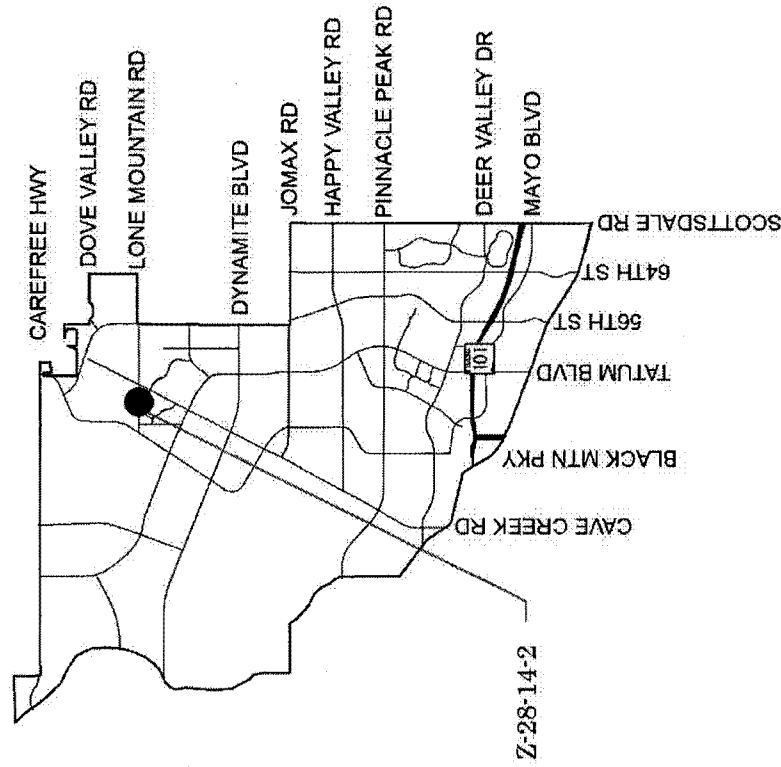
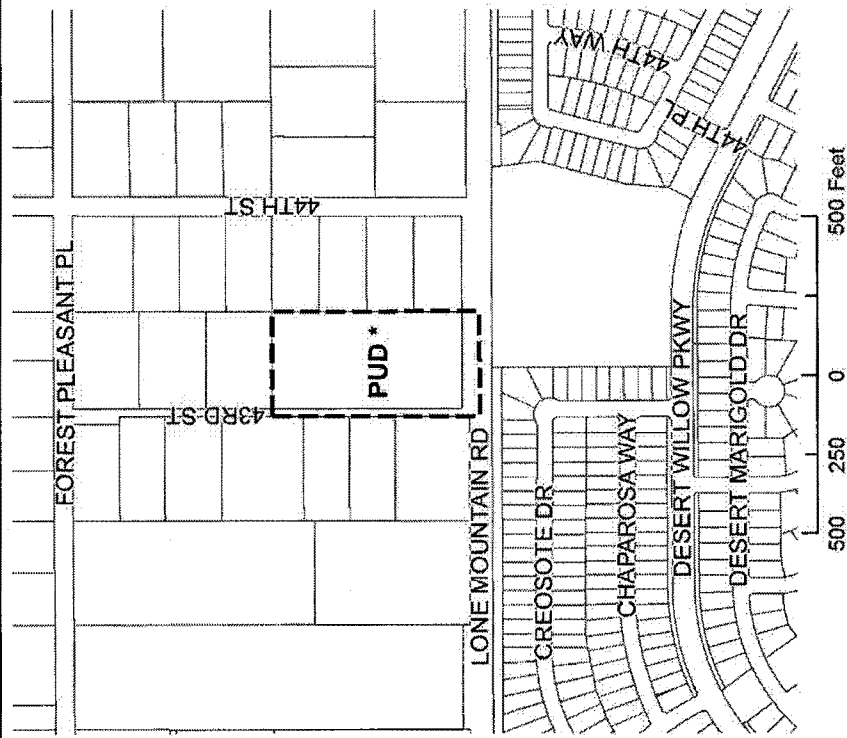
THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 5 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA; EXCEPT THE SOUTH 33 FEET; AND EXCEPT THAT PORTION DESCRIBED IN DOCUMENT NO 96-0583899, MARICOPA COUNTY RECORDER.

ATTACHMENT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-28-14-2
 Zoning Overlay: N/A
 Planning Village: Desert View

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



NOT TO SCALE



Drawn Date: 6/8/2015

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