

ORDINANCE G-5461

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-138-C-83-5) FROM R1-6 PCD (SINGLE FAMILY RESIDENCE PLANNED COMMUNITY DISTRICT), R-2 PCD (MULTIPLE FAMILY RESIDENCE PLANNED COMMUNITY DISTRICT), R1-8 PCD (SINGLE FAMILY RESIDENCE PLANNED COMMUNITY DISTRICT), R-3A PCD (MULTIPLE FAMILY RESIDENCE PLANNED COMMUNITY DISTRICT), R-2 PCD (MULTIPLE FAMILY RESIDENCE PLANNED COMMUNITY DISTRICT), AND C-1 PCD (NEIGHBORHOOD RETAIL PLANNED COMMUNITY DISTRICT) TO PUD PCD (PLANNED UNIT DEVELOPMENT PLANNED COMMUNITY DISTRICT) AND R-3A PCD (MULTIPLE FAMILY RESIDENCE PLANNED COMMUNITY DISTRICT).

WHEREAS, on August 28, 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 Stephen Anderson of Gammage and Burnham, having authorization to represent the owner, John F. Long Family Revocable Living Trust of an approximately 149.87 acre property located approximately 368 feet south of the southwest corner of 99th Avenue and Bethany Home Road Alignment in a portion of Section 17, Township 2 North, Range 1 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 December 9, 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 16, 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 149.87 acre property located approximately 368 feet south of the southwest corner of 99th Avenue and Bethany Home Road Alignment in a portion of Section 17, Township 2 North, Range 1 East, as described more specifically in Attachment "A", is hereby changed from "R1-6 PCD" (Single Family Residence Planned Community District), "R-2 PCD" (Multiple Family Residence Planned Community District), "R1-8 PCD" (Single Family Residence Planned Community District), "R-3A PCD" (Multiple Family Residence Planned Community District), "R-2 PCD" (Multiple Family Residence Planned Community District), and "C-1 PCD" (Neighborhood Retail Planned Community District) to 125.30 acres of "PUD PCD" (Planned Unit Development Planned Community District) and 24.57 acres of "R-3A PCD" (Multiple Family Residence Planned Community District)

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-138-C-83-5, 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. That an updated Development Narrative for the Aldea Centre PUD reflecting the changes approved through this request shall be submitted to the Planning Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative date stamped November 16, 2009, as modified by the following stipulations:
2. That the PUD shall be modified as follows:
 - a. Page 3, Development Sub-Areas: Change number of parcels from five to four.
 - b. Page 35, (q) Residential Multifamily: Combine the three types of multifamily residential projects (condominium, loft, apartment), renumber, and add the standards that apply to all three products to state that:
 - i. The aggregate development of residential multifamily uses including residential multifamily condominium, loft, and/or apartment uses shall not exceed the remaining 288 unit maximum, exclusive of resort, established for the DC Ranch Planned Community District.
 - ii. Development of residential multifamily uses shall not exceed a density of 20 dwellings units per gross acre.

iii. Development of multifamily residential uses shall incorporate a minimum improved open space area as follows:

- (1) Residential Multifamily Apartment: 20% of the net site area.
- (2) Residential Multifamily Condominium: 20% of the net site area.
- (3) Residential Multifamily Loft: 10% of the net site area.

c. Signs

i. Page 59. Freeway Project Identification and Electronics; Sign Area shall be modified as follows:

- (1) Sign face shall not exceed 1,200 square feet with the electronic portion of the sign limited to a maximum 672 square feet. Electronic portions of sign faces shall be oriented towards the Loop 101 Freeway. In the event such orientation results in a third face oriented westward, i) said third face shall be limited to the same height as the other two faces; ii) said third face shall only be used by on-site businesses, including project identification; and iii) electronic components shall not be permitted on said third face. There shall be a maximum of three (3) sign faces per structure. Sign face is not the same as sign area, which is detailed below.
- (2) From sunset to 1:00 a.m., 14x48 sized electronic components of signs shall be dimmed to a maximum illumination of 342 nits.
- (3) Signs shall be extinguished from 1:00 a.m. to sunrise.

ii. Page 60. Project Landmark: Sign Area shall be modified as follows:

- (1) From sunset to 1:00 a.m., 14x48 sized electronic components of signs shall be dimmed to a maximum illumination of 300 nits,

and 10x38 sized electronic components of signs shall be dimmed to a maximum illumination of 342 nits.

(2) Signs shall be extinguished from 1:00 a.m. to sunrise.

iii. Page 62. Electronic Message Panels; shall be modified as follows:

(1) Maximum brightness levels for electronic, digital, or video display signs shall not exceed 7,500 nits, when measured from the sign's face at its maximum brightness, during daylight hours.

(2) Maximum brightness levels for electronic, digital, or video display signs from sunset to 1:00 a.m., 14x48 sized electronic components of signs shall be dimmed to a maximum illumination of 300 nits, and 10x38 sized electronic components of signs shall be dimmed to a maximum illumination of 342 nits.

iv. Page 64. All Other Signs; shall be modified as follows:

(1) All signs not addressed or changed in this PUD shall refer back to the Phoenix Zoning Ordinance.

3. That in the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of that discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
4. That the property owner shall record documents that disclose the existence and operational characteristics of Glendale Municipal 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.
5. That prior to issue of building permits for any structures, in excess of 48 feet in height, the developer shall file an FAA Form 7460-1

and receive a “No Hazard Determination” and provide proof of “No Hazard Determination” to the Development Services Department.

6. That a Notice to Purchasers shall be required for all purchasers of residential property within the PUD boundaries alerting them to the concentration of outdoor activities and manufacturing uses in the area and the noise generating nature of the area.
7. That a traffic impact study shall be reviewed and approved by the Street Transportation Department prior to preliminary site plan approval for the first phase of development. The applicant shall be responsible for any dedications and required improvements as recommended by the approved study, as approved by the Development Services Department.
8. That 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 Development Services Department. All improvements shall comply with all ADA accessibility standards.

Stipulations to R-3A PCD

9. That the total number of residential units within the proposed R-3A parcel south of Missouri Avenue shall not exceed 443 units developed at a maximum density of 18 dwelling units per acre.
10. That all site plans and elevations for development within the R-3A parcel shall be administratively approved by the Planning Hearing Officer.

PCD Stipulations

11. That the total number of residential units within the DC Ranch (East) PCD shall not exceed 1,868 units.
12. That the DC Ranch PCD master plans for the PCD shall be updated to reflect approval of this amendment, as approved by the Development Services Department.

Z-16-03-5 (PHO 4/6/05):

13. That the development shall be in general conformance to the site plan and elevations date stamped February 24, 2005, as may be approved and modified by the Development Services Department, subject to height waiver approval to exceed 30 feet. In addition:

- Ramadas shall be provided at the barbeque areas within the open space.
 - A landscape plan shall be submitted to the planning hearing officer for administrative approval prior to preliminary site plan approval by the Development Services Department.
 - Garage doors shall include design elements such as decorative windows.
14. That the applicant shall dedicate an easement for a well site, as approved by the Development Services Department.

Z-50-05-5:

15. That the development shall be in general conformance with the elevations and site plan dated March 14, 2005 with specific regard to the mix of residential and retail uses, as approved or modified by the Development Services Department.
16. That the retail component shall have a minimum tenant leasable area of 24,377 square feet, as approved by the Development Services Department.
17. That the maximum allowable building heights shall be 40 feet, as approved by the Development Services Department.
18. That a landscape plan be administratively approved by the planning hearing officer prior to Development Services Department preliminary site plan approval.
19. That the applicant shall complete and submit the Developer Project Information form for the MAG Transportation Improvement Program to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.

PCD Stipulations (Continued)

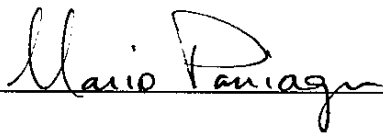
20. That prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims in a form approved by the City Attorney's office. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application 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 16th day of December, 2009.


MAYOR

ATTEST:

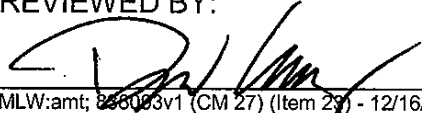

City Clerk



APPROVED AS TO FORM:


Acting City Attorney
MLW

REVIEWED BY:


City Manager
MLW:amt; 888003v1 (CM 27) (Item 27) - 12/16/09

Attachments:

- A - Legal Description (2 Pages)
- B - Ordinance Location Map (1 Page)

CITY CLERK DEPT
2009 DEC 15 PM 1:30

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ATTACHMENT A

LEGAL DESCRIPTION FOR Z-138-C-83-5

That part of the East half of Section 17, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the South quarter corner of said Section 17;

Thence North 00 degrees 34 minutes 51 seconds West, along the North-South mid-section line of said Section 17, a distance of 3297.00 feet to the Point of Beginning;

Thence continuing North 00 degrees 34 minutes 51 seconds West 1109.70 feet to a point on the Easterly line of the property described in Book 218 of Deeds, Page 291, Records of Maricopa County, Arizona;

Thence North 34 degrees 02 minutes 17 seconds East along said Easterly line 158.95 feet;

Thence North 25 degrees 58 minutes 17 seconds East along said Easterly line 626.00 feet to the Northeast corner of said property;

Thence South 87 degrees 38 minutes 08 seconds West along the North line of the above described property 370.31 feet to a point on the North-South mid-section line of said Section 17;

Thence North 00 degrees 34 minutes 51 seconds West along said mid-section line 43.10 feet;

Thence North 87 degrees 23 minutes 07 seconds East a distance of 582.33 feet;

Thence North 86 degrees 06 minutes 07 seconds East a distance of 626.50 feet;

Thence North 86 degrees 15 minutes 07 seconds East a distance of 616.50 feet;

Thence North 85 degrees 47 minutes 07 seconds East a distance of 484.81 feet;

Thence South 00 degrees 00 minutes 24 seconds West a distance of 345.03 feet;

Thence North 88 degrees 34 minutes 07 seconds East a distance of 361.49 feet to a point on the West line of the East 33.00 feet of said Northeast quarter of Section 17;

Thence South 00 degrees 00 minutes 24 seconds West along said West line a distance of 2242.89 feet to a point on the West line of the East 33.00 feet of the Southeast quarter of Section 17;

Thence South 00 degrees 00 minutes 27 seconds East along said West line 914.45 feet;

Thence South 89 degrees 59 minutes 33 seconds West, perpendicular to said West line, 1032.93 feet to a point on the arc of a non-tangent curve whose radius point bears North 85 degrees 21 minutes 12 seconds West a distance of 2000.00 feet, said point also being on the East boundary of "Palisades Park", a subdivision, recorded in Book 400 of Maps, Page 08, records of Maricopa County;

Thence Northerly along the arc of said non-tangent curve and the East boundary of said subdivision, through a central angle of 22 degrees 16 minutes 37 seconds and an arc length of 777.62 feet to a point of tangent;

Thence continuing along the east boundary of "Palisades Park", North 17 degrees 37 minutes 49 seconds West, 273.44 feet to a point on the south boundary of "Pendergast Elementary School Unit 9", a subdivision, recorded in Book 545 of Maps, Page 35, records of Maricopa County, said point also being on the monument line of 101st Avenue;

Thence along said monument line the following three (3) courses and distances

North 17 degrees 37 minutes 49 seconds West 280.68 feet to the beginning of a curve to the right, having a radius of 400.00 feet;

Thence along the arc of said curve to the right through a central angle of 17 degrees 20 minutes 37 seconds and an arc length of 121.08 feet;

Thence North 00 degrees 17 minutes 12 seconds West 132.82 feet to a point on the North boundary of "Pendergast Elementary School Unit 9", a subdivision, recorded in Book 545 of Maps, Page 35, Records of Maricopa County;

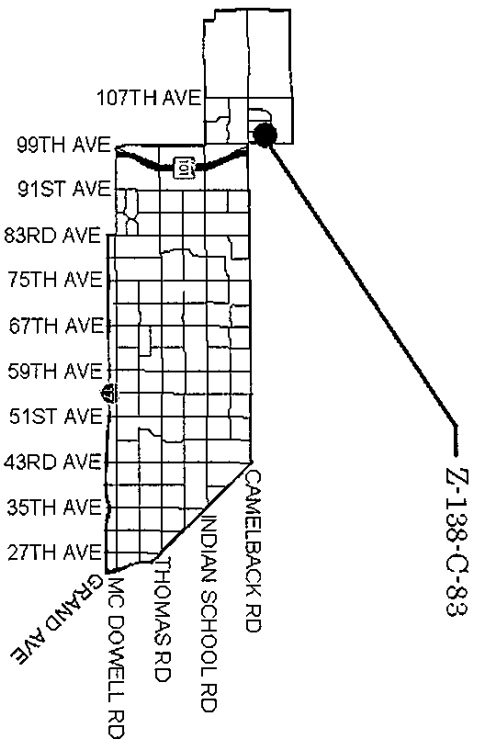
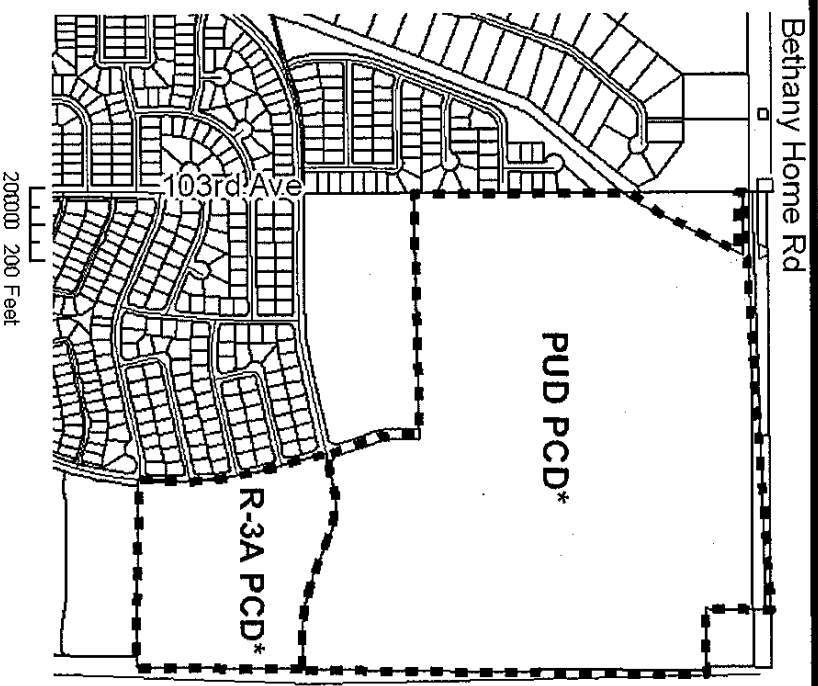
Thence along said North boundary South 88 degrees 39 minutes 29 seconds West 1340.88 feet to the Point of Beginning.

Note: The above described parcel contains 6,528,476 sq. ft. or 149.8732 acres, more or less.

ORDINANCE LOCATION MAP

ATTACHMENT B

Zoning Case Number: Z-138-C-83
Zoning Overlay: N/A
Planning Village: Maryvale



NOT TO SCALE



City of Phoenix
PLANNING DEPARTMENT



Drawn Date: 11/24/09

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