

ORDINANCE G-5400

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-24-09-6) FROM R1-10 (SINGLE-FAMILY RESIDENCE) TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on February 27, 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 Ed Bull of Burch & Cracchiolo, P.A., having authorization to represent the owner, MSC Partners LLC c/o Michael Cabano of an approximately 1.60 acre property located approximately 170 feet south of Elm Street on the west side of 40th Street in a portion of Section 24, 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 June 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 July 1, 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 1.60 acre property located approximately 170 feet south of Elm Street on the west side of 40th Street in a portion of Section 24, Township 2 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from "R1-10" (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-24-09-6, 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 Anterra 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 May 12, 2009, as modified by the following stipulations.

2. That the Anterra PUD narrative shall be modified as follows:
 - a. Page 6, Delete List of Uses: “*Detached accessory structures may be constructed on the property line or within a side or rear yard where lot line is adjacent to a fully dedicated alley. Structures shall not exceed a height of one-story or fifteen (15) feet except as approved by a use permit in accordance with the City of Phoenix Zoning Ordinance”.

Page 6, Add to the Accessory Use List: “Detached Accessory Structures”.

 - b. Page 6, Modify List of Uses as follows: “Detached accessory structures for open parking carports shall be setback five (5) feet and be limited to a maximum height of ten (10) feet, as approved by the Development Services Department.
 - c. Page 7, Perimeter Standards: “Twenty (20) feet adjacent to a public street; this area is to be in common ownership; Fifteen (15) feet measured from the center line of a fully dedicated alley. If a fully dedicated alley does not exist, the setback shall be measured from the property line.
 - d. Page 7, Add to Development Standards: “Projections: An open projection may project to the property line on the northern side of the property for a maximum length of forty (40) feet and a maximum height of fifteen (15) feet.”
 - e. Page 7, Add to Development Standards: “Walls: A water wall shall be permitted on the northern lot line for a maximum length of forty (40) feet and a maximum height of ten (10) feet.”
3. That 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 Development Services Department. All improvements shall comply with all ADA accessibility standards.
4. That the below language shall be added as a preamble statement on a blank page prior to the Table of Contents within the Development Narrative. This additional language and any modifications to the narrative made through the public hearing

process shall be completed and a final written PUD Development Narrative and electronic PUD Development Narrative shall be submitted within 30 days of final City Council approval.

- a. A Planned Unit Development (PUD) is intended to be a stand-alone document of zoning regulations for a particular project. Provisions not specifically regulated by the PUD are governed by the zoning ordinance. A PUD may include substantial background information to help illustrate the intent of the development. The purpose and intent statements are not requirements that will be enforced by the City. The PUD only modifies zoning ordinance regulations and does not modify other City Codes or requirements. Additional public hearings may be necessary such as but not limited to right-of-way abandonments.


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, 2009.




MAYOR

ATTEST:



City Clerk




CITY CLERK DEPT.
2009 JUN 29 PM 12: 25

APPROVED AS TO FORM:

William Brock ACTING
City Attorney MLW

REVIEWED BY:
Frank ... City Manager

MLW:gw: 808068v1 (CM #115) (Item #71) 7/1/09

Attachments:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-24-09-6

Parcel 1

That part of the South half of the South half of the Northeast quarter of the Northeast quarter of Section 24, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at the Northeast corner of the South half of the South half of the Northeast quarter of the Northeast quarter of said Section 24;

Thence West 308.34 feet;

Thence South 91 feet;

Thence East 308.64 feet to the East line of said Section 24;

Thence North 91 feet to the point of beginning;

EXCEPT the East 33 feet thereof.

Parcel 2

That part of the South half of the South half of the Northeast quarter of the Northeast quarter of Section 24, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

EXCEPT the beginning at the Northeast corner of the South half of the South half of the Northeast quarter of the Northeast quarter of said Section 24;

Thence West 308.64 feet;

Thence South 91 feet;

Thence East 308.64 feet to the East line of said Section 24;

Thence North 91 feet to the Point of Beginning; and

EXCEPT the West 1039.15 feet; and

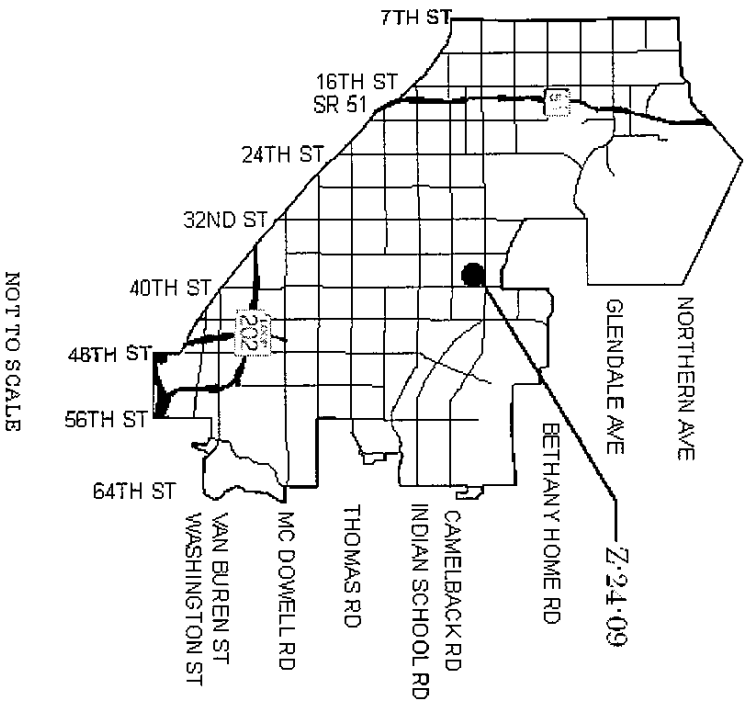
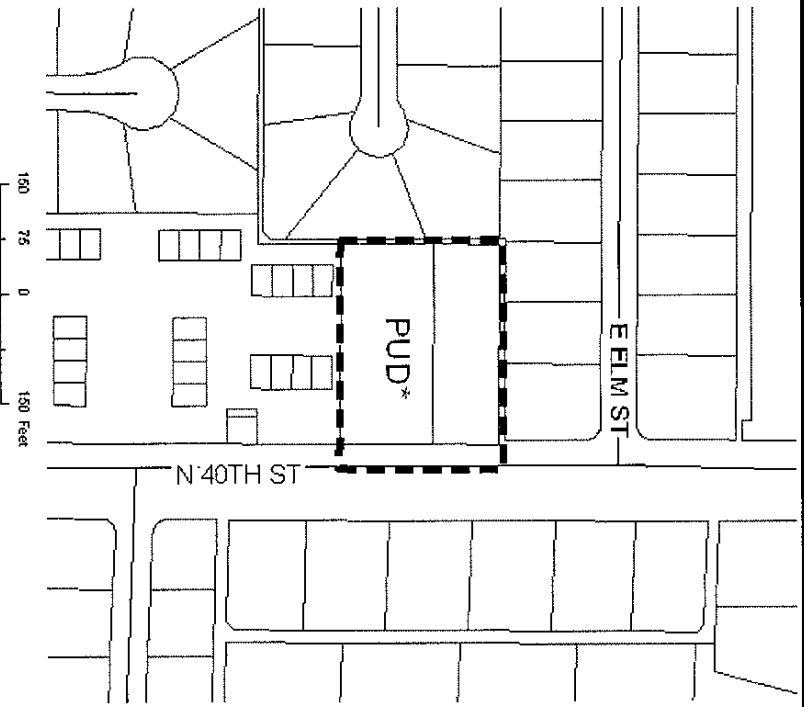
EXCEPT the South 115 feet.

ORDINANCE LOCATION MAP

ATTACHMENT B

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

Zoning Case Number: Z-24-09-6
Zoning Overlay: N/A
Planning Village: Camelback East



NOT TO SCALE



City of Phoenix
PLANNING DEPARTMENT



Drawn Date: 06/11/09

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