

ORDINANCE G-5588

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-50-09-3) FROM RE-35 (SINGLE-FAMILY RESIDENCE) TO PUD (PLANNED UNIT DEVELOPMENT).

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WHEREAS, on July 16, 2009, the City of Phoenix Planning and Development Services Department received, in compliance with the requirements of the City of Phoenix Zoning Ordinance, Section 506, a written request for rezoning from Dennis M. Newcombe of Beus Gilbert PLLC, having authorization to represent the owner, Joseph Fortuna of an approximately 7.64 acre property located approximately 650 feet east of the northeast corner of 22nd Avenue and Greenway Road in a portion of Section 1, Township 3 North, Range 2 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 January 12, 2011, 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 February 2, 2011, 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 7.64 acre property located approximately 650 feet east of the northeast corner of 22nd Avenue and Greenway Road in a portion of Section 1, Township 3 North, Range 2 East, as described more specifically in Attachment "A", is hereby changed from "RE-35" (Single-Family Residence) to "PUD" (Planned Unit Development) and that the Planning and Development Services 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-50-09-3, 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 Sierra Prieta Greenway Road PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Services Department within 30 days of City Council approval of this

request. The updated Development Narrative shall be consistent with the Development Narrative date stamped October 8, 2010, as modified by the following stipulations.

2. That the Development Narrative shall be modified as follows:
  - a. Page 14, Section I.A.4 shall read as follows: Lot Coverage: Lot coverage shall not exceed 25 percent (25%) of the net lot area exclusive of the first three (3) feet of roof overhang and carports. Open carports shall not exceed ten percent (10%) of the net lot area.
  - b. Page 16, Section I.A.12.a.(2) shall read as follows: Minimum 2 inch caliper drought resistant tree placed 20 feet on-center or in equivalent groupings, and;
  - c. Page 13, Section G.B.20 shall delete the following: Retail Sales (all permitted uses are allowed to have retail sales).
  - d. Page 16, Section I.A.12.b shall be relocated to be a subset of Section I.A.11
  - e. Page 16, Section I.A.12.b.(1) shall read as follows: Minimum 2-inch caliper drought resistant tree spaced 20 feet on-center or in equivalent groupings.
  - f. Page 13, Section G.B.21 add the underlined words: Tack and feed, with accessory retail sales (auxiliary outdoor storage for tack and feed permitted. Storage shall not exceed 20% lot coverage and 8 feet in height.
  - g. Page 13, Section G.B.22 add the underlined words: Tile Design Firm with accessory retail sales.
  - h. The following exhibits date stamped December 17, 2010 shall be added: Exhibit G (Conceptual Site and Landscape Plan), Exhibit H (example of Shared Driveway), Exhibit I (Conceptual Architectural Vernacular), Exhibit J (Conceptual Signage Detail), and Exhibit K (Plant Species List).
  - i. Page 16, Section I.A.14 shall read as follows: Signs shall be subject to Section 705 except as follows:
    - a). No more than three (3) monument signs shall be allowed as shown in the conceptual sign details –
      - (1) One (1) monument sign shall be allowed on the 2-acre property (2002 West Greenway Road).
      - (2) One (1) monument sign shall be placed adjacent to each of the shared driveways identified on the "Conceptual Site and Landscape Plan" so that each monument sign

is shared by the two (2) parcels that share a driveway.

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 2nd day of February, 2011.

*Thelda Williams*  
ACTING MAYOR

ATTEST:

*C Meyer* ACTING  
City Clerk



APPROVED AS TO FORM:

*William Beal* Acting City Attorney  
MLW

REVIEWED BY:

*[Signature]* ACTING  
City Manager  
MLW:amt:897625v1 (CM 23) (Item 2) 2/2/11

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-50-09-3

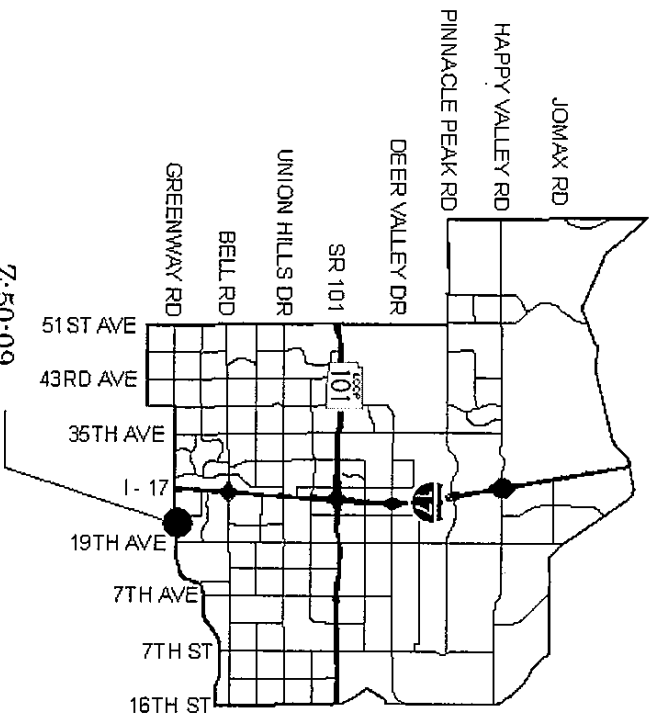
THE WEST HALF OF LOT 8, SIERRA PRIETA ESTATES, ACCORDING TO BOOK  
112 OF MAPS, PAGE 24, RECORDS OF MARICOPA COUNTY, ARIZONA.

# ORDINANCE LOCATION MAP

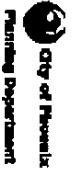
ATTACHMENT B

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

Zoning Case Number: Z:50-09  
Zoning Overlay: N/A  
Planning Village: Camelback East



NOT TO SCALE



Drawn Date: 12/3/10

Map Document: N:\P\DF\_Maps\Ordinance\_Map\2010