

ORDINANCE G-5443

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-107-08-8) FROM S-2 (RANCH OR FARM COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on December 5, 2008, 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 Larry Lazarus of Lazarus & Associates, PC, having authorization to represent the owner, Georgio Brothers Partnership (c/o Gothic) of an approximately 2.75 acre property located at the southeast corner of 26th Street and Southern Avenue in a portion of Section 35, Township 1 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 September 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 October 7, 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 2.75 acre property located at the southeast corner of 26th Street and Southern Avenue in a portion of Section 35, Township 1 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from "S-2" (Ranch or Farm Commercial) 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-107-08-8, 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 development shall be in general conformance with the following exhibits as found in the City Council adopted PUD development narrative:

- a. Site Plan (exhibit #9)
 - b. Building Elevations; Sign Plan; Wall Elevations with specific regard to a maximum wall height along Southern Avenue of 6 feet (exhibit #10)
 - c. Landscape Plan with specific regard to a minimum 28-30 foot landscaped setback along 26th Street to accommodate the trellis pop-outs (exhibit #11).
2. That the approval shall be conditioned upon development commencing within 24 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Phoenix Zoning Ordinance. (For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site).
 3. That a ten-foot wide easement for a sidewalk shall be dedicated for the south half of Southern Avenue, as modified or approved by the Development Services Department.
 4. That right-of-way totaling 25 feet shall be dedicated for the north half of Lynne Lane as approved by the Development Services Department.
 5. That a 15-foot right-of-way triangle shall be dedicated at the northeast corner of 26th Street and Lynne Lane, as approved by the Development Services Department.
 6. That the developer shall construct all streets within and 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.
 7. That no parking signs shall be placed along the east side of 26th Street from Southern Avenue to Lynne Lane as approved by the Street Transportation Department.

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.

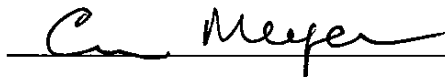
PASSED by the Council of the City of Phoenix this 7th day of October,

2009.



MAYOR

ATTEST:



ACTING
City Clerk



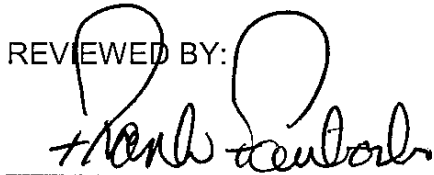
APPROVED AS TO FORM:



Acting City Attorney

MLW

REVIEWED BY:



City Manager

MLW:cz:822933v1: (CM# 20)(Item#6) 10/7/09

CITY CLERK DEPT.
2009 OCT 13 PM 1:23

Attachments:

A - Legal Description (2 Pages)

B - Ordinance Location Map (1 Page)

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-107-08-8

The West half of Lot 15, BARTLETT-HEARD LANDS, according to the plat of record in the Office of the County Recorder of Maricopa County, Arizona, in Book 13 of Maps, Page 35;

EXCEPT the East 150 feet thereof; and

EXCEPT the North 33 feet; and

EXCEPT the West 25 feet for roadway purposes; and

EXCEPT the following described property:

That part of the West half of Lot 15, BARTLETT-HEARD LANDS, according to the Plat of record in the Office of the County Recorder of Maricopa County, Arizona, in Book 13 of Maps, Page 35, lying within a strip of land 7 feet in width, lying Southeasterly of and adjoining a line which is parallel with and 33 feet Southeasterly of the Monument Line of Southern Avenue, as shown on said Plat:

Together with that part of said West half described as follows:

BEGINNING at the intersection of the Monument Line of a North-South road (Now known as 26th Street), as shown on said plat and a line, designated herein as Line "A", which is parallel with and 40 feet Southeasterly of said Monument Line of Southern Avenue;

THENCE Northeasterly along said Line "A" to its intersection with a line, designated herein as Line "B", which is parallel with and 25 feet Easterly of said Monument Line of 26th Street;

THENCE Northeasterly along said Line "A" a distance of 5 feet;

THENCE Southwesterly to a point on said Line "B" which is 5 feet Southerly of last said intersection;

THENCE Westerly, at right angles to said Line "B", a distance of 25 feet to said Monument Line of 26th Street;

THENCE Northerly along last said Monument Line to the POINT OF BEGINNING; and together with that part of said West half described as follow:

COMMENCING at the intersection of said Monument Line of 26th Street said Line "A";

THENCE Northeasterly along said Line "A", a distance of 104.60 feet to an orthogonal line and the POINT OF BEGINNING;

THENCE continuing Northeasterly along said Line "A", a distance of 31 feet to an orthogonal line;

THENCE Southeasterly along last said orthogonal line a distance of 5 feet;

THENCE Southwesterly parallel with and 5 feet Southeasterly of said Line "A", a distance of 31 feet to first said orthogonal line;

THENCE Northwesterly along first said orthogonal line a distance of 5 feet to the POINT OF BEGINNING;

EXCEPT the East 150 feet of said 7 foot strip of land.

Subject to right of way for public road within 25 feet of said Monument Line of 26th Street, as shown on said plat.

