

ORDINANCE G-6036

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-127-14-4) FROM R-3 (MULTIPLE-FAMILY RESIDENCE DISTRICT) & C-2 (INTERMEDIATE COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on December 23, 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 Mike Withey, Withey Morris PLC, having authorization to represent the owner, 7575 Development Inc., of an approximately 5.06 acre property located at the southwest corner of 16th Street and Highland Avenue in a portion of Section 21, 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 May 12, 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 June 3, 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 5.06 acre property located at the southwest corner of 16th Street and Highland Avenue in a portion of Section 21, Township 2 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from "R-3" (Multiple-Family Residence District) and "C-2" (Intermediate Commercial) 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-127-14-4, 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 Crescent Highland 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 dated April 20, 2015, as modified by the following stipulations:

- a. Page 17, G.3. First paragraph: The second sentence shall read: "This provision shall not limit the ability of the applicant or end user to apply for a zoning adjustment application to further modify a city of Phoenix Zoning Ordinance provision."
2. Building height shall be limited to a maximum of 47 feet within 40 feet of the west property line as approved by the Planning and Development Department.
3. Building height shall be limited to a maximum of 57 feet between 41 feet and 300 feet of the west property line as approved by the Planning and Development Department.
4. The applicant shall dedicate an easement and construct a transit pad/bus shelter in accordance with standard detail P1262 along the west side of 16th Street, south of Highland Avenue, as approved by the Planning and Development Department.
5. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International 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.
6. The property owner shall provide sidewalk crossings along the street frontage, constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department.
7. The property owner shall provide a minimum 8 foot wide sidewalk along the eastern 300 feet of the Highland Avenue frontage, as approved by the Planning and Development Department.
8. The property owner shall provide a minimum 8 foot wide sidewalk along 16th Street, as approved by the Planning and Development Department.
9. The property owner shall provide a minimum 6 foot wide sidewalk along the western 295 feet of the Highland Avenue frontage, as approved by the Planning and Development Department.

10. The property owner shall provided a minimum 5 foot sidewalk along 15th Street, as approved by the Planning and Development Department.

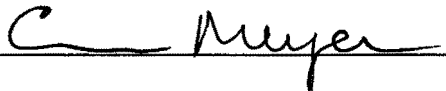
SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 3rd day of June, 2015.



MAYOR

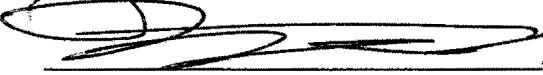
ATTEST:



City Clerk

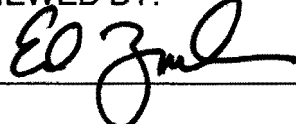


APPROVED AS TO FORM:



Acting City Attorney *RAH*

REVIEWED BY:



City Manager

PL:tml:1184359v1(CM #18) (Item #48) – 6/3/15

Attachments:

- A - Legal Description (3 Pages)
- B – Ordinance Location Map (1 Page)

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-127-14-4

PARCEL 1:

LOT 1 HIGHLAND PLAZA, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER IN BOOK 953 OF MAPS, PAGE 37, AND CERTIFICATE OF CORRECTION RECORDED IN DOCUMENT NO. 2007-1303275, RECORDS OF MARICOPA COUNTY, ARIZONA, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 NORTH, RANGE 3 EAST

PARCEL 2:

PARCEL ONE: (2/1 AS SHOWN ON THE TITLE SURVEY BY NORTHSIGHT LAND SURVEYING CONSULTING)

LOT 2, WELLS PLACE, ACCORDING TO BOOK 40 OF MAPS, PAGE 47, RECORDS OF MARICOPA COUNTY, ARIZONA, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 NORTH, RANGE 3 EAST

PARCEL TWO: (2/2 AS SHOWN ON THE TITLE SURVEY BY NORTHSIGHT LAND SURVEYING CONSULTING)

THAT PORTION OF ABANDONED ALLEY AS SET FORTH IN RESOLUTION 20560 RECORDED OCTOBER 16, 2007 IN DOCUMENT NO. 2007-1125453, RECORDS OF MARICOPA COUNTY, ARIZONA. THE WEST EIGHT FEET OF ABANDONED ALLEY EAST OF AND ADJACENT TO LOT 2, WELLS PLACE AS PER MAP RECORDED IN BOOK 40 OF MAPS, PAGE 47, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING BETWEEN THE NORTHERN AND SOUTHERN PROLONGATION LINES OF SAID LOT 2, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 NORTH, RANGE 3 EAST

PARCEL 3:

LOT 1, WELLS PLACE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 40 OF MAPS, PAGE 47, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 NORTH, RANGE 3 EAST

PARCEL 4:

PARCEL NO. 1: (4/1 AS SHOWN ON THE TITLE SURVEY BY NORTHSIGHT LAND SURVEYING CONSULTING)

LOT 3, WELLS PLACE, ACCORDING TO BOOK 40 OF MAPS, PAGE 47, RECORDS OF MARICOPA COUNTY, ARIZONA, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 NORTH, RANGE 3 EAST

PARCEL NO. 2: (4/2 AS SHOWN ON THE TITLE SURVEY BY NORTHSIGHT LAND SURVEYING CONSULTING)

THAT PORTION OF ABANDONED ALLEY AS SET FORTH IN RESOLUTION 20560 RECORDED OCTOBER 16, 2007 IN DOCUMENT NO. 2007-1125453, RECORDS OF MARICOPA COUNTY, ARIZONA. THE WEST EIGHT FEET OF ABANDONED ALLEY EAST OF AND ADJACENT TO LOT 3, WELLS PLACE AS PER MAP RECORDED IN BOOK 40 OF MAPS, PAGE 47, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING BETWEEN THE NORTHERN AND SOUTHERN PROLONGATION LINES OF SAID LOT 3, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 NORTH, RANGE 3 EAST

PARCEL 5:

PARCEL ONE: (5/1 AS SHOWN ON THE TITLE SURVEY BY NORTHSIGHT LAND SURVEYING CONSULTING)

LOT 4, WELLS PLACE, ACCORDING TO BOOK 40 OF MAPS, PAGE 47, RECORDS OF MARICOPA COUNTY, ARIZONA, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 NORTH, RANGE 3 EAST

PARCEL TWO: (5/2 AS SHOWN ON THE TITLE SURVEY BY NORTHSIGHT LAND SURVEYING CONSULTING)

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PARCEL 6:

PARCEL ONE: (6/1 AS SHOWN ON THE TITLE SURVEY BY NORTHSIGHT LAND SURVEYING CONSULTING)

LOT 5, WELLS PLACE, ACCORDING TO BOOK 40 OF MAPS, PAGE 47, RECORDS OF MARICOPA COUNTY, ARIZONA, , BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 NORTH, RANGE 3 EAST

PARCEL TWO: (6/2 AS SHOWN ON THE TITLE SURVEY BY NORTHSIGHT LAND SURVEYING CONSULTING)

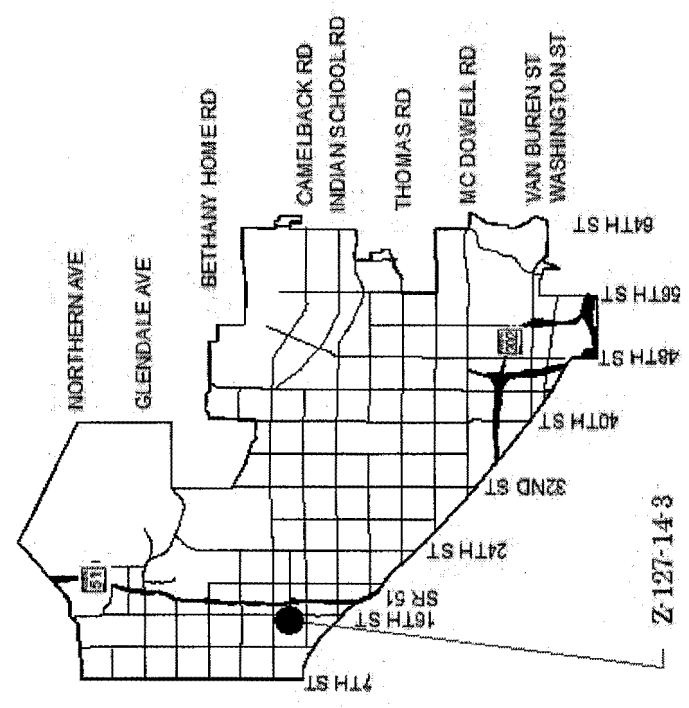
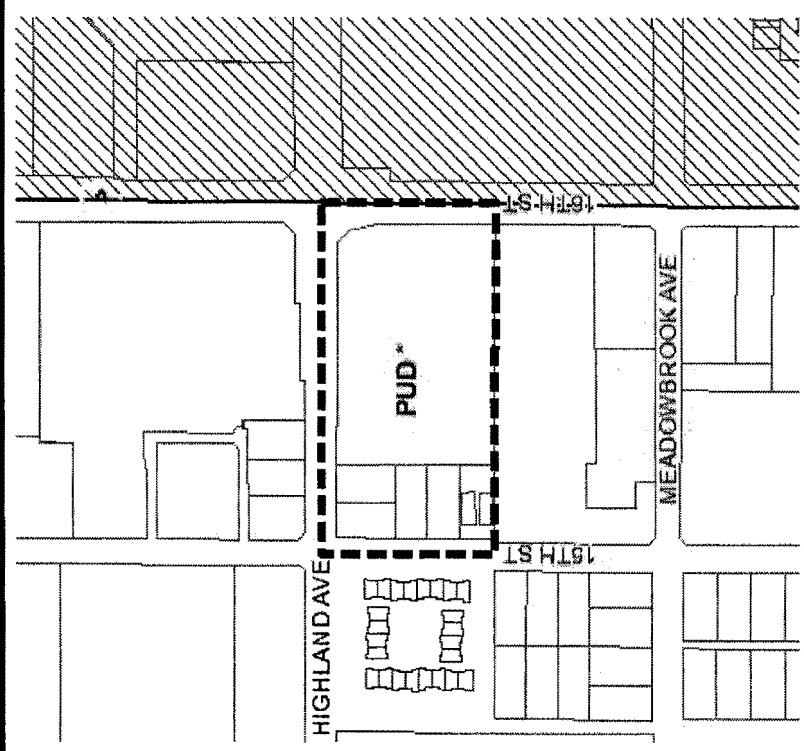
THAT PORTION OF ABANDONED ALLEY AS SET FORTH IN RESOLUTION 20560 RECORDED OCTOBER 16, 2007 IN DOCUMENT NO. 2007-1125453, RECORDS OF MARICOPA COUNTY, ARIZONA. THE WEST EIGHT FEET OF ABANDONED ALLEY EAST OF AND ADJACENT TO LOT 5, WELLS PLACE AS PER MAP RECORDED IN BOOK 40 OF MAPS, PAGE 47, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING BETWEEN THE NORTHERN AND SOUTHERN PROLONGATION LINES OF SAID LOT 5, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 NORTH, RANGE 3 EAST

ATTACHMENT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-127-14-3
Zoning Overlay: N/A
Planning Village: Camelback East

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: - - - - -



NOT TO SCALE



Drawn Date: 5/15/2015

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