

ORDINANCE G-5441

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-150-07-3) FROM R1-14 (ONE-FAMILY RESIDENCE) AND R-5 (MULTIPLE-FAMILY RESIDENCE) TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on December 3, 2007, 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 Dennis Newcombe of Beus Gilbert, PLLC, having authorization to represent the owner, Phoenix Elks Lodge #335 of an approximately 20.45 acre property located at the northwest corner of 32nd Street and Hearn Road in a portion of Section 11, Township 3 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 20.45 acre property located at the northwest corner of 32nd Street and Hearn Road in a portion of Section 11, Township 3 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from 5.13 acres of "R1-14" (One-Family Residence) and 15.32 acres of "R-5" (Multiple-Family Residence) to 20.45 acres of "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-150-07-3, 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 Phoenix Elks Lodge #335 PUD reflecting the changes approved through this request shall be submitted to the Planning Department within 15

days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped July 16, 2009, as modified by the following stipulations.

2. That the PUD narrative/document shall be modified as follows:
 - a. Page 6, last sentence shall modify the page reference to page 54.
 - b. Pages 16 and 17, column "Residential III" row "Perimeter Minimum Building Setbacks: Rear" shall delete "(see Exhibits 8.a – 8.e, pages 55-59)".
 - c. Page 17, column "Residential III" row "Common Landscaped Setback Adjacent To Perimeter Streets" shall delete "(see Exhibits 8.a – 8.d, pages 55-59)".
 - d. Page 16, "Residential III" header shall add a new line to state "Parcel B (see Exhibits 8.a – 8.e, pages 55-59) & Parcel C (see Exhibit 8.c, page 57)".
 - e. Page 22, H.1 Design Guidelines, fifth bullet point shall add "maximum" prior to "six-foot high view fence".
 - f. Page 22, H.1 Design Guidelines, sixth bullet point shall add "maximum" prior to "six-foot high view fence".
 - g. Page 22, H.1 Design Guidelines, shall add a new bullet point to state "tiled roof elements".
 - h. Page 22, H.1 Design Guidelines, shall add a new bullet point to state "All HVAC equipment shall be ground mounted and screened".
 - i. Page 28, column "Residential I" row "Perimeter Lot Minimum Building Setbacks: Side" shall modify 20' to 10'.
 - j. Page 28, column "Residential I" row "Interior Lot Minimum Building Setbacks: Side" shall delete "if street side".
 - k. Page 36, column "Indoor Self Storage" row "Building Setbacks: North" shall modify 25' to 10'.

- I. Page 38, a revised legal description and corresponding exhibit that correlates with the zoning sketch map shall be included.
3. That right-of-way extending 25 feet from the property line shall be dedicated for the north half of Hearn Road as approved by the Development Services Department.
4. That right-of-way extending 25 feet from the property line shall be dedicated for the east half of 31st Street as approved by the Development Services Department.
5. That a 20-foot right-of-way radius shall be dedicated at the northeast corner of 31st Street and Hearn Road as approved by the Development Services Department.
6. That a 20-foot by 20-foot right-of-way triangle shall be dedicated at the northwest corner of 32nd Street and Hearn Road as approved by the Development Services Department.
7. That a 10-foot wide sidewalk easement shall be dedicated along 32nd Street 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, landscaping and other incidentals as per plans approved by the Development Services Department. All improvements shall comply with all ADA accessibility standards.
9. That the applicant shall submit an updated Traffic Impact Study to the Street Transportation Department and the Development Services Department prior to preliminary site plan review. The applicant shall be responsible for any dedications and required improvements as recommended by the approved traffic study, as approved by the Development Services Department and the Street Transportation Department.
10. 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 the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
11. That the developer shall notify the following individuals by mail 15 days prior to any future Development Services Department


preliminary site plan meetings or Planning Hearing Officer hearings. The notice shall include the date, time and location of the meeting/hearing.

- Allen & Maria Bleicher, 2836 East Winchcomb Drive Phoenix, AZ 85032;
- David & Kathy Taylor, 3027 East Gelding Drive Phoenix, AZ 85032;
- Jeffrey S. Cooper, 3020 East Winchcomb Drive Phoenix, AZ 85032;
- Janna & Sandy D'anna, 14206 North 30th Place Phoenix, AZ 85032;
- Joseph & Mary Eul, 14216 North 31st Street Phoenix, AZ 85032;
- Richard & Susan Fickes, 3017 East Gelding Drive Phoenix, AZ 85032;
- Charles & Margaret Garcia, 3048 East Redfield Phoenix, AZ 85032;
- Robert & Lani Greene, 2917 East Winchcomb Drive Phoenix, AZ 85032;
- Joe & Ginny Gubbins, 2815 East Winchcomb Drive Phoenix, AZ 85032;
- Michael B. Hickey, 3001 East Redfield Road Phoenix, AZ 85032;
- Richard & Pam Warrington, 2920 East Crocus Drive Phoenix, AZ 85032;
- Thomas M. McIntyre, 2724 East Friess Drive Phoenix, AZ 85032;
- Kenneth & Ursula Nelson, 2909 East Crocus Drive Phoenix, AZ 85032;
- Richard A. Parizek, 3103 East Claire Drive Phoenix, AZ 85032;
- Karen Pulley, 13807 North 30th Street Phoenix, AZ 85032;
- Ray & Maria Speth, 3105 East Claire Drive Phoenix, AZ 85032;
- Any neighborhood associations or neighborhood organizations within the boundaries of the PUD registered with the Neighborhood Notification Office of the Neighborhood Services Department.

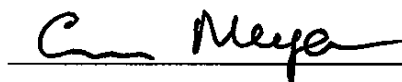
SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

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

2009.


ACTING MAYOR

ATTEST:



ACTING
City Clerk



APPROVED AS TO FORM:


Acting City Attorney
MLW

REVIEWED BY:


ACTING
City Manager
MLW:cz:822910v1:(CM#18) (Item# 3) 10/7/09

Attachments:

- A – Legal Description (1 Page)
- B – Exhibit B Legal Description Graphic (1 Page)
- C – Ordinance Location Map (1 Page)

CITY CLERK DEPT.
9/26/09 10:06 AM
BA

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-150-07-3

A part of G.L.O. Lots 1, 2, 3, and 8, Section 11, Township 3 North, Range 3 East, of Gila & Salt River Base & Meridian, Maricopa County, Arizona, described as follows:

Commencing at the Southeast corner of said G.L.O. Lot 8, monumented with a City of Phoenix brass cap flush, from which the Northeast corner of G.L.O. Lot 1, monumented with a City of Phoenix brass cap in handhole lies N 00°11'59" W (Basis of Bearings) 1345.04 feet;

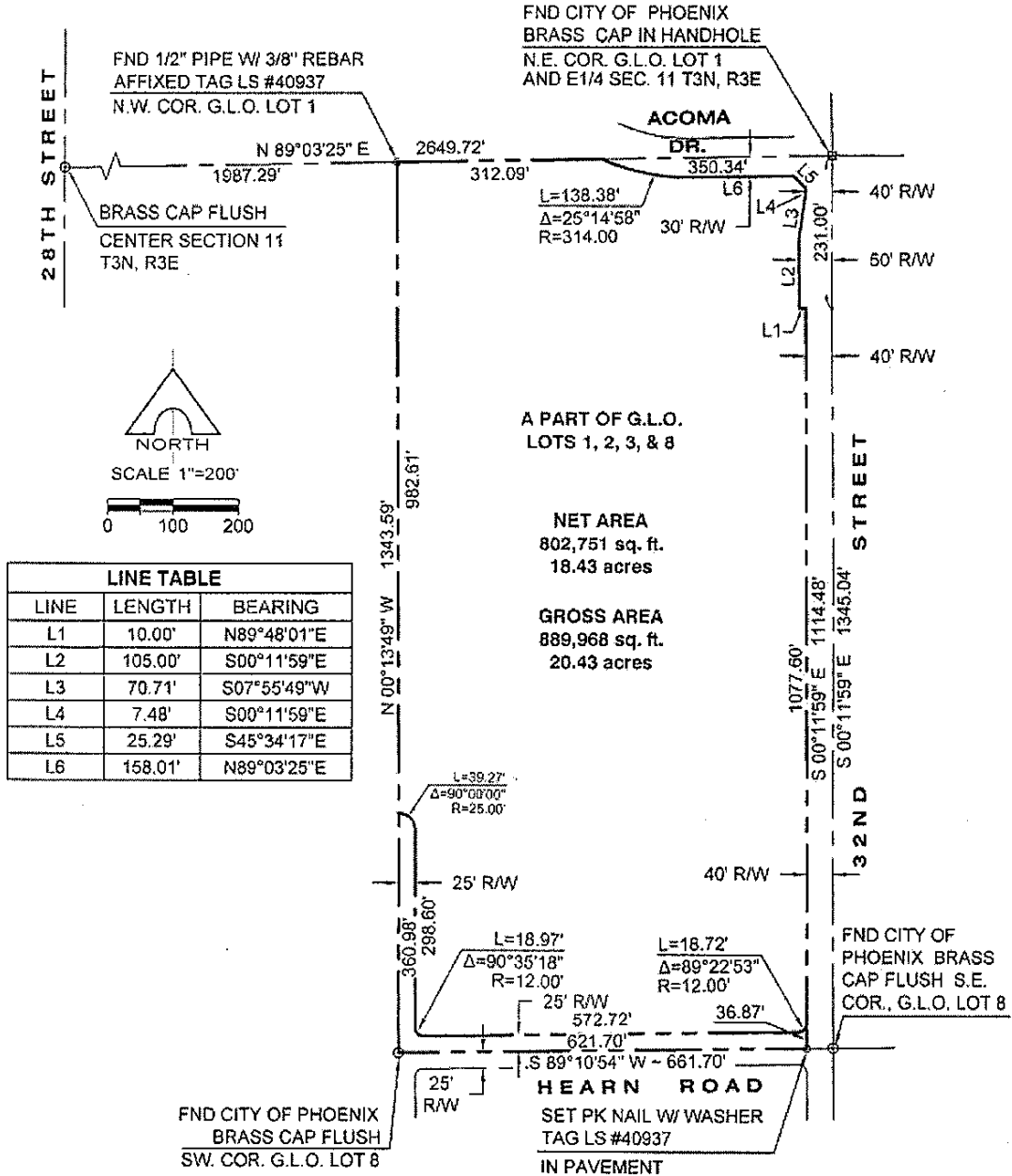
Thence S 89°10'54" W a distance of 40.00 feet;
Thence N 00°11'59" W 36.87 feet to the True Point of Beginning;

Thence along an arc curving to the right with a central angle of 89°22'53", radius of 12.00 feet, and an arc length of 18.72 feet;
Thence S 89°10'54" W a distance of 572.72 feet;
Thence along an arc curving to the right with a central angle of 90°35'18", radius of 12.00 feet, and an arc length of 18.97 feet;
Thence N 00°13'49" W a distance of 298.60 feet;
Thence along an arc curving to the left with a central angle of 90°00'00", radius of 25.00 feet, and an arc length of 39.27 feet;
Thence N 00°13'49" W a distance of 982.61 feet to the Northwest corner of said G.L.O. Lot 1;
Thence along said North line of G.L.O. Lot 1, N 89°03'25" E a distance of 312.09 feet;
Thence along an arc curving to the left with a central angle of 25°14'58", radius of 314.00 feet, and an arc length of 138.38 feet;
Thence N 89°03'25" E a distance of 158.01 feet;
Thence S 45°34'17" E a distance of 25.29 feet;
Thence S 00°11'59" E a distance of 7.48 feet;
Thence S 07°55'49" W a distance of 70.71 feet;
Thence S 00°11'59" E a distance of 105.00 feet;
Thence N 89°48'01" E a distance of 10.00 feet;
Thence S 00°11'59" E a distance of 1077.60 feet to the True Point of Beginning.

Except all coal, oil, gas and other mineral deposits as reserved in the Patent to said land.

EXHIBIT "B"

A PART OF G.L.O. LOTS 1, 2, 3 AND 8
 LOCATED WITHIN THE S.E. 1/4 OF SEC. 11, T. 3 N., R. 3 E.,
 G. & S. R. B. & M., MARICOPA COUNTY, ARIZONA

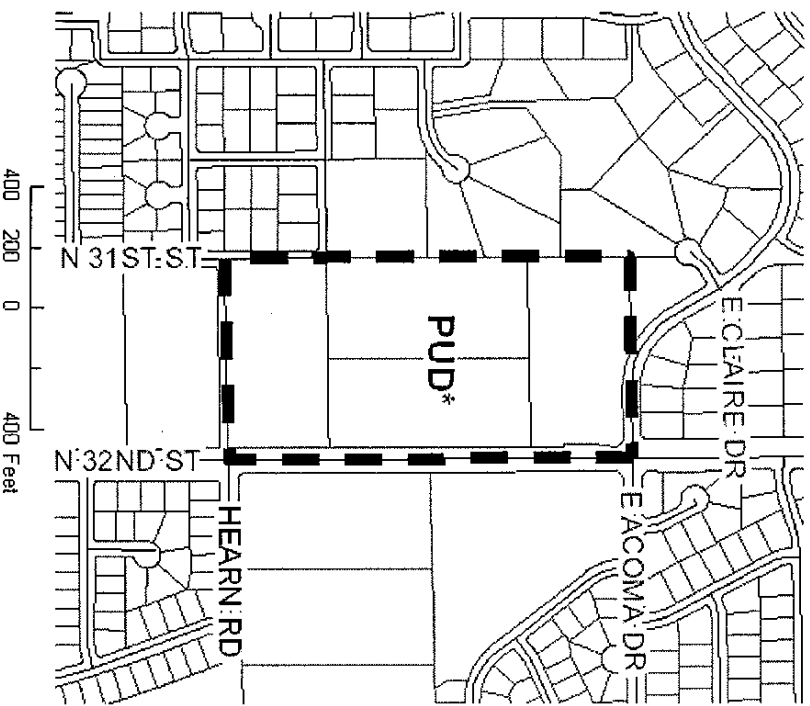


ORDINANCE LOCATION MAP

ATTACHMENT C

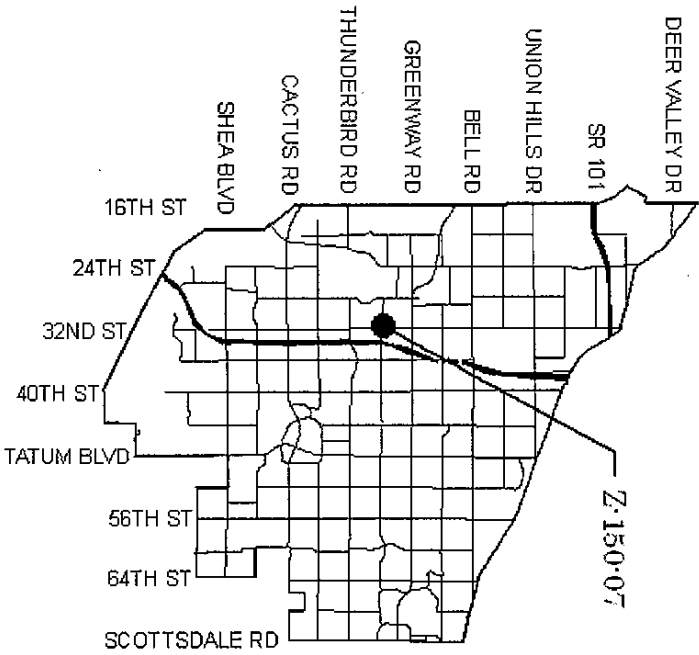
ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: - - - - -

Zoning Case Number: Z-150-07-3
Zoning Overlay: N/A
Planning Village: Paradise Valley



400 200 0 400 Feet

NOT TO SCALE



City of Phoenix
PLANNING DEPARTMENT



Drawn Date: 09/09/09

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