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ORDINANCE G-5845

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-17-13-4) FROM R-4 (MULTIPLE-FAMILY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on April 10, 2013, 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 Michael Curley of Earl, Curley, & Lagarde, having authorization to represent the owner, The ViaWest Group c/o Steven Schwartz of an approximately 15.17 acre property located approximately 750 feet east of the southeast corner of 59th Avenue and McDowell Road in a portion of Section 5, Township 1 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 September 10, 2013, 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 2, 2013, 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 15.17 acre property located approximately 750 feet east of the southeast corner of 59th Avenue and McDowell Road in a portion of Section 5, Township 1 North, Range 2 East, as described more specifically in Attachment "A", is hereby changed from "R-4" (Multiple-Family Residential) 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-17-13-4, 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 ViaWest 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 date stamped July 30, 2013.
2. A minimum 10-foot sidewalk easement shall be dedicated along the south side of McDowell Road, as approved by the Planning and Development Department.
3. The applicant shall complete a Red Border Letter to notify the Arizona Department of Transportation (ADOT) of development adjacent to its freeway corridor and submit it to the Street Transportation Department, with a copy to the Planning and Development Department Traffic Engineer and Civil Plans Reviewer.
4. 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 Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

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 October, 2013.



MAYOR

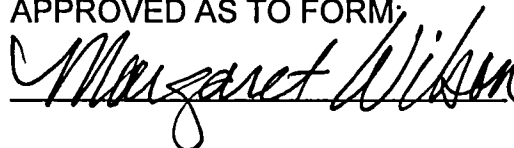
ATTEST:



City Clerk



APPROVED AS TO FORM:



Acting City Attorney

REVIEWED BY:



City Manager

MLW:tml:1083999v1: (CM#48) (Item #61) 10/2/13

Attachments:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-17-13-4

That part of the Northwest quarter of Section 5, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the intersection of the South line of the North 40 feet of said Northwest quarter with the East line of Lot 4 of said Section 5;

thence West (assumed bearing) along said South line, 644.14 feet to a point on an orthogonal line that intersects that North line of said Northwest quarter at a distance of 675.87 feet East of the Northwest corner of said Northwest quarter;

thence South along said orthogonal line 646.14 feet to a point on the Northerly right of way line of the Ehrenberg-Phoenix Highway as described in instrument recorded in Docket 15280, Page 1214, records of Maricopa County, Arizona;

thence South 83 degrees 54 minutes 31 seconds East along said Northerly right of way line, 188.78 feet;

thence continuing along said Northerly right of way, South 86 degrees 26 minutes 06 seconds East, 453.60 feet to a point on the East line of said Lot 4;

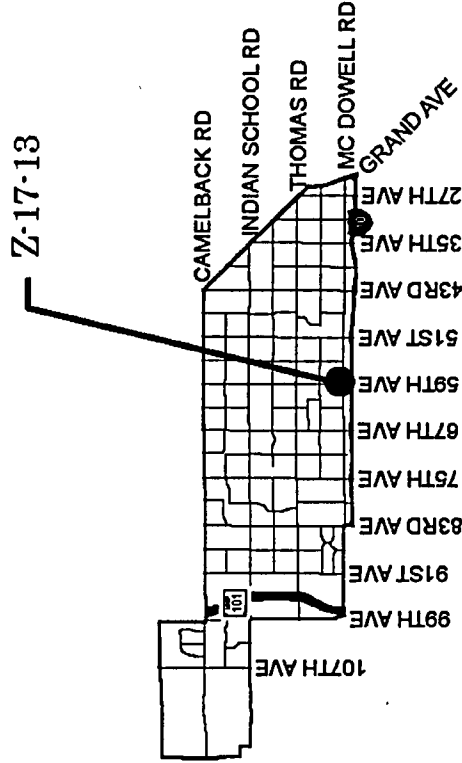
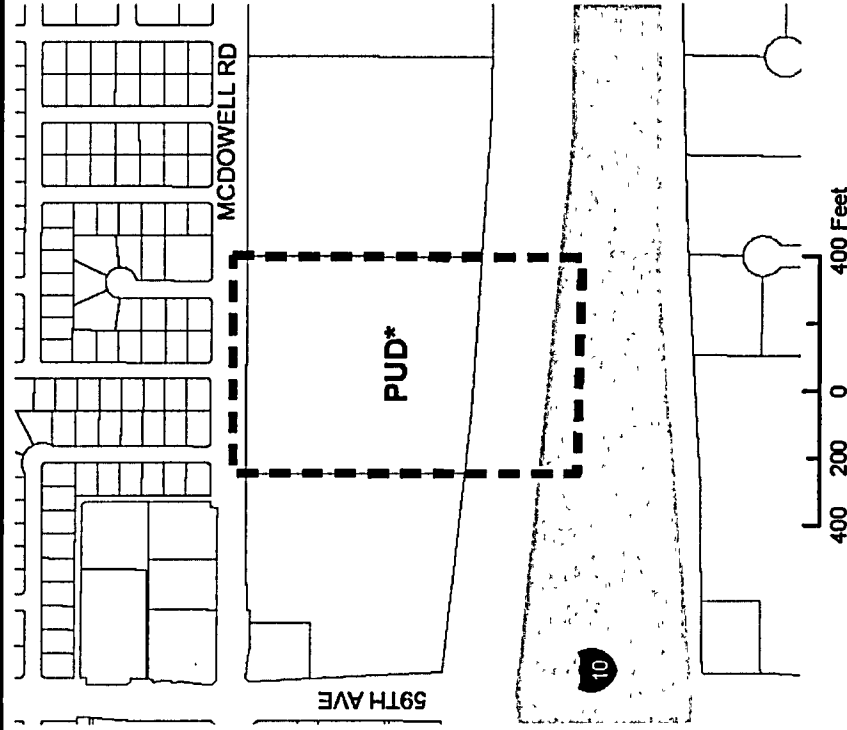
thence North 0 degrees 18 minutes 27 seconds East along said East line 694.80 feet to the POINT OF BEGINNING.

ATTACHMENT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-17-13-4
Zoning Overlay: N/A
Planning Village: Maryvale

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



NOT TO SCALE

Drawn Date: 9/05/13

Map Document N:\PDF_Maps\Ordinance_Map\2013