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ORDINANCE G-5754

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-25-12-6) FROM R1-10 (SINGLE-FAMILY RESIDENCE), C-2 HGT/WVR (INTERMEDIATE COMMERCIAL HEIGHT WAIVER), C-1 (NEIGHBORHOOD RETAIL), C-O (COMMERCIAL OFFICE – RESTRICTED COMMERCIAL), AND P-2 (PARKING) TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on June 20, 2012, 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 JLB Partners LP, represented by Nick Wood of Snell and Wilmer LLP, having authorization to represent the owner, 44th & Camelback Property LLC of an approximately 9.23 acre property located 200 feet south of the southwest corner of 44th Street and Camelback Road in a portion of Section 19, Township 2 North, Range 4 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 October 9, 2012, 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 November 7, 2012, 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 9.23 acre property located 200 feet south of the southwest corner of 44th Street and Camelback Road in a portion of Section 19, Township 2 North, Range 4 East, as described more specifically in Attachment "A", is hereby changed from 1.89 acres of "R1-10" (Single-Family Residence), 5.88 acres of "C-2 HGT/WVR" (Intermediate Commercial Height Waiver), .77 acres of "C-1" (Neighborhood Retail), .01 acres of "C-O" (Commercial Office – Restricted Commercial), and .68 acres of "P-2" (Parking) 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-25-12-6, 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 Residences at Camelback 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 Development Narrative date stamped August 30, 2012, as modified by the following stipulations.
2. The Development Narrative shall be modified as follows:
 - a. Development Standards – e.) Building Height, Page 36 - The building height shall only be described in feet not stories, as shown below:
 - 1) Planning Area A1: ~~Two (2) stories and~~ thirty (30) feet maximum height.
 - 2) Planning Area A2: ~~One (1) story and~~ fifteen (15) feet maximum height.
 - 3) Planning Area B: ~~Four (4) stories and~~ forty-eight (48) feet maximum height for multi-family buildings; ~~five levels and~~ forty-eight (48) feet for a parking structure, and fifty-six (56) feet maximum height for an 8,500 square foot fitness center/clubhouse over the parking garage.
 - 4) Planning Area C: ~~One (1) story and~~ twenty (20) feet maximum height.
 - b. The building setbacks along the northern portion of "Area B", abutting the existing C-2 property (Londen Center), shall be a minimum of 10 feet.
 - c. The landscape setbacks along the northern portion of "Area B", abutting the existing C-2 property (Londen Center), shall be a minimum of five feet.

- d. Figure 2, Page 5 – Conceptual Development Plan: Add street name Calle Feliz and show entire area of parcel A2. Show fitness center/clubhouse on top of garage. Remove note at bottom of figure, as it blocks out the map. Remove triangle portion on the northwest portion of the site that is not part of the application.
- e. All Figures – Delineate what cross hatching means near entrances and between property lines.
- f. Update Appendix B to show proper segment lines from metes and bounds.
- g. Describe within the narrative how the multi-family development will interact with the design of the proposed open space.
- h. The applicant is to submit legal descriptions for all specific sub-areas including the portion of the fitness center/clubhouse at 56 feet.
- i. Revise Page 32, G.2.A, Density Standards:
This PUD is limited to a maximum of three hundred thirty-seven (337) dwelling units as may be approved by the City of Phoenix through the development review process under the residential unit allocation defined below. The specific residential density (unit per gross acre) is otherwise not restricted.
 - 1) Planning Area A1 – A maximum of 10 residential dwelling units.
 - 2) Planning Area A2 – A maximum of 7 residential dwelling units.
 - 3) Planning Area B – A maximum of 320 dwelling units.
 - 4) Planning Area C – Residential is not a permitted use.
- j. Revise Page 32, 2.B) Building Setback Standards:
Perimeter property line building setbacks, for each of the respective planning areas, shall be in accordance with figure 10, building setback standards below.

Interior property line building setbacks, affiliated with any future subdivided parcel shall be a minimum of ten (10) feet from a property line established by the subdivision plat or land split processes except in the event of a property line being established to create individual parcels for planning areas b and c. In this event, this interior setback provision shall not apply and a setback is not required from this property line.

Residential setbacks along 44th Street are established at 23 feet (building setback) and 15 feet (privacy wall setback) respectively to promote a consistent appearance along these pedestrian edges. Within these defined yards, privacy walls may encroach into the required building setbacks with an eight (8) foot encroachment permitted within the 44th street building setback. Encroachments into the 44th street building setback shall not exceed 60% of the building frontage. Landscape treatment along these edges will enhance the transition to the development edge.

- k. Figure 10, Page 34
Update Figure 10 to reflect setback changes.
- l. Add to Page 33, D) Building Projections
 - 1) Balconies may project into any required front, side or rear yard not more than six (6) feet.
 - 2) Open fire balconies and fire escape stairs may project not more than three (3) feet into any required front, side or rear yard provided they come no closer than eight (8) feet from a property line.
 - 3) Cornices, roof overhangs, and eaves may project more than eight (8) feet into any required front, side or rear yard.
 - 4) Sills, leaders, belt courses, and similar ornamental features may project no more than one (1) foot into a required yard.
- m. Revise Page 47, 8. Walls and fences
Along the south PUD boundary bordering the existing Arcadia Villa Neighborhood and within the required setback along Calle Tuberia_view fencing or privacy walls shall be

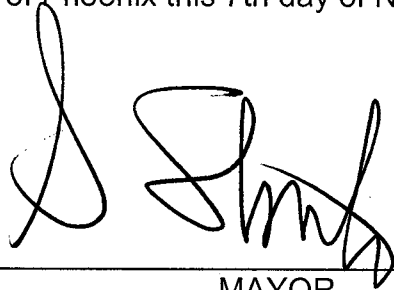
allowed. Walls and fences may vary in height with the maximum height not to exceed eight (8) feet in height. In addition, the provision for retaining wall heights, as defined by the Zoning Ordinance shall apply.

- n. The final PUD documents shall be modified so that the landscape plans dated October 1, 2012 shall be a required component of the PUD. (See Attached Exhibits).
 - o. The final PUD document shall be modified so that the lane drop concept plan dated October 1, 2012 shall be a required component of the PUD. (See Attached Exhibit).
3. Applicant is to submit an alley turnaround/access configuration for the modified alignment of the alley access off of 44th Street to the Planning and Development Department and Street Transportation Department at the time of abandonment.
 4. A minimum of one driveway cut shall be allowed on parcel "Area A1" once redevelopment occurs, as approved by the Planning and Development Department.
 5. The applicant shall be responsible for any dedications and required improvements as recommended by the approved Traffic Impact Study and as approved by Planning and Development Department and the Street Transportation Department.
 6. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
 7. That prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims in a form approved by the City Attorney's office. The waiver shall be recorded with the Maricopa County Recorder's office and delivered to the city to be included in the rezoning application file for record.
 8. The property located at 4336 East Calle Feliz bearing Maricopa County Assessor's parcel number 171-35-010 (Lot 10 Regents Park Subdivision) shall only be subject to the R1-10 zoning provisions of Section 611 of the Phoenix City Ordinance, and all references to the C-1 standards or any other non R1-10 standards affecting 4336 East Calle Feliz under the PUD are deleted. This parcel will be referenced in the PUD as Zoning Parcel D1.

9. The wall between 4827 North 43rd Street (Lot 60 Arcadia Villa Plat 3 Subdivision) and 4250 North 43rd Street (Lot 61 Arcadia Villa Plat 3 Subdivision) may be eight feet in height.
10. That a portion of Lot 61 and a portion Lot 65 of the Arcadia Villa Plat 3 shall only be subject to the R1-10 zoning provisions of Section 611 of the Phoenix Zoning Ordinance, and that all references to standards to Area C shall be deleted. These parcels will be referenced in the PUD as Zoning Parcels D2 and D3. Adjacent to Parcels D2 and D3, the landscape setback standards and building setback standards shall be ten feet (10').
11. That a traffic diversion island be designed and constructed within the driveway on 44th Street to limit traffic egress to right turn movements only. The diversion island would need to maintain all ingress movements and would need to promote the turning radius of emergency response vehicles in accordance with standards defined within the Phoenix Fire Code and as approved by the Planning and Development Department.
12. That PUD Figure 11 be modified to move the perimeter landscape and building setback standards requirements to a location along the west property line of 4730 North 44th Street bearing Maricopa County Assessor's parcel number 171-35-009 (Lot 9 Regents Park Subdivision). Lot 10 within the Regent Park Subdivision will conform with the standards applicable to R1-10 zoning.

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 November,
2012.

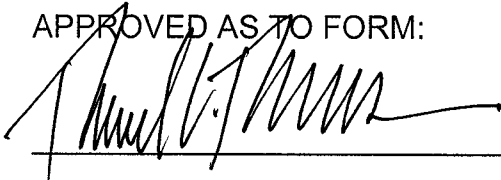

MAYOR

ATTEST:

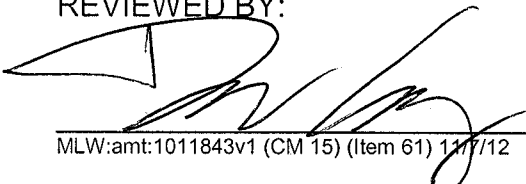

City Clerk



APPROVED AS TO FORM:


Acting City Attorney
MLW

REVIEWED BY:


City Manager
MLW:amt:1011843v1 (CM 15) (Item 61) 11/7/12

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-25-12-6

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 2 NORTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING THE NORTH QUARTER CORNER OF SAID SECTION 19, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 19 BEARS NORTH 87 DEGREES 16 MINUTES 00 SECONDS WEST A DISTANCE OF 2616.50 FEET;

THENCE NORTH 87 DEGREES 16 MINUTES 00 SECONDS WEST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 19, A DISTANCE OF 439.82 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE SOUTH 02 DEGREES 48 MINUTES 52 SECONDS WEST, DEPARTING SAID NORTH LINE, A DISTANCE OF 114.77 FEET;

THENCE SOUTH 53 DEGREES 20 MINUTES 06 SECONDS WEST, A DISTANCE OF 346.38 FEET;

THENCE NORTH 02 DEGREES 38 MINUTES 14 SECONDS EAST, A DISTANCE OF 334.62 FEET TO A POINT ON SAID NORTH LINE;

THENCE SOUTH 87 DEGREES 16 MINUTES 00 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 268.39 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

SAID PARCEL CONTAINS 60,247 SQUARE FEET OR 1.383 ACRES, MORE OR LESS.

ATTACHMENT B

ORDINANCE LOCATION MAP

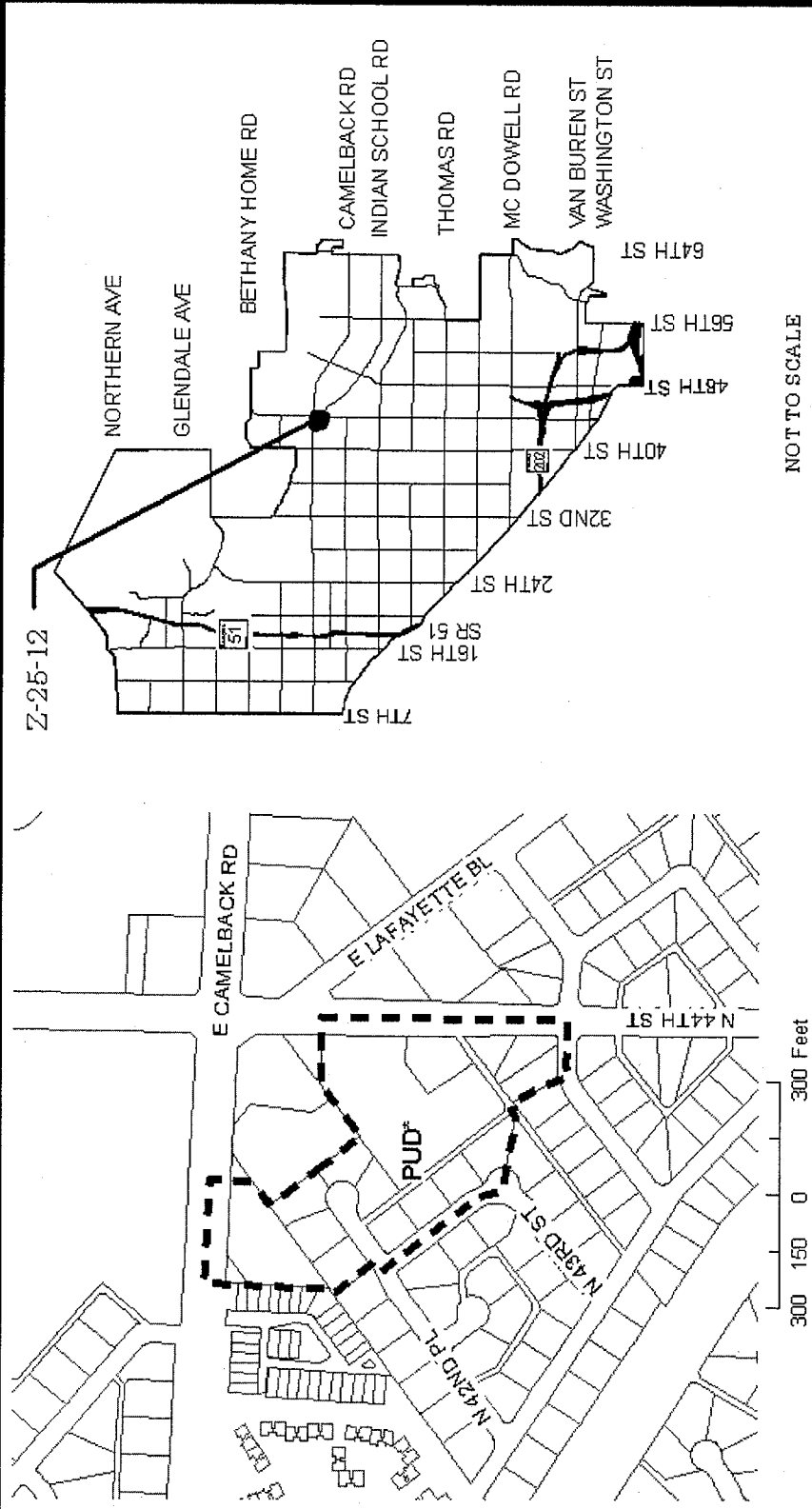
Zoning Case Number: Z-25-12-6

Zoning Overlay: N/A

Planning Village: Camelback East

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: - - - - -



Drawn Date: 10/08/12

Map Document: \N:\PDF_Maps\Ordinance_Map\2012