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ORDINANCE G-5792

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-31-12-4) FROM R-3 [MULTIPLE-FAMILY RESIDENCE], R-5 [MULTIPLE-FAMILY RESIDENCE], R-3 TOD-1 (APPROVED P-2 TOD-1) [MULTIPLE-FAMILY RESIDENCE WITH INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE (APPROVED PARKING WITH INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE)], R-5 TOD-1 (APPROVED P-2 TOD-1) [MULTIPLE-FAMILY RESIDENCE WITH INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE (APPROVED PARKING WITH INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE)], AND C-2 TOD-1 (APPROVED C-2 HR TOD-1) [INTERMEDIATE COMMERCIAL WITH INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE (APPROVED INTERMEDIATE COMMERCIAL HIGH-RISE AND HIGH DENSITY WITH INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE)] TO PUD TOD-1 (PLANNED UNIT DEVELOPMENT INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE).

WHEREAS, on August 13, 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 Bruce Hart of Vedura Residential Operating LLC, having authorization to represent the owner, Central Highland, LP of an approximately 4.23 acre property located at the southwest

corner of Central Avenue and Highland Avenue in a portion of Section 20, 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 March 12, 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 April 3, 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 4.23 acre property located at the southwest corner of Central Avenue and Highland Avenue in a portion of Section 20, Township 2 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from .26 acre of "R-3" [Multiple-Family Residence], .29 acre of "R-5" [Multiple-Family Residence], .81 acre of "R-3 TOD-1" (Approved P-2 TOD-1) [Multiple-Family Residence with Interim Transit-Oriented Zoning Overlay District One (Approved Parking with Interim Transit-Oriented Zoning Overlay District One)], .27 acre of "R-5 TOD-1" (Approved P-2 TOD-1) [Multiple-Family Residence with Interim Transit-Oriented

Zoning Overlay District One (Approved Parking with Interim Transit-Oriented Zoning Overlay District One)], and 2.60 acres of "C-2 TOD-1" (Approved C-2 HR TOD-1) [Intermediate Commercial with Interim Transit-Oriented Zoning Overlay District One (Approved Intermediate Commercial High-Rise and High Density with Interim Transit-Oriented Zoning Overlay District One)] to 4.23 acres of "PUD TOD-1" (Planned Unit Development with Interim Transit-Oriented Zoning Overlay District One) 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-31-12-4, 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 Central and 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 date stamped December 19, 2012.
2. The developer shall dedicate a minimum of 20 feet of right-of-way for the south half of Highland Avenue to accommodate a 32-foot pavement section designed with appropriate taper to existing improvements to the west, as approved by the Planning and Development Department.
3. A minimum 8-foot sidewalk easement shall be dedicated along the south side of Highland Avenue, as approved by the Planning and Development Department.
4. A minimum 25 feet of right-of-way shall be dedicated for the north half of Coolidge Street.

5. A 12-foot by 12-foot right-of-way triangle shall be dedicated at the southwest corner of Highland Avenue and Central Avenue, as approved by the Planning and Development Department.
6. A 21-foot by 21-foot right-of-way triangle shall be dedicated at the northwest corner of Coolidge Street and Central Avenue, as approved by the Planning and Development Department.
7. 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.
8. Relocate the existing traffic signal and equipment on the southwest corner of Central Avenue and Highland Avenue. The plan is to be submitted to the Street Transportation Department (Zeke Rios, 602-256-3409 or zeke.rios@phoenix.gov) for review and approval. Submittal will be made as a separate document that shows the entire intersection and the location of existing equipment and conduit runs. The Developer will submit the approved traffic signal plan to the Civil Plans Coordinator as part of the civil engineering plan set. All work related to the construction or reconstruction of the traffic signal is the responsibility of the Developer.
9. Provide a striping and signing diagram per the City of Phoenix Street Transportation Department Standards for Central Avenue and Highland Avenue and a copy of paving plans for Street Transportation review. Striping and signing plan must be drawn on separate sheets from paving plans and included as part of the complete set submitted to the Planning and Development Department at Central Log-in on the 2 Floor of City Hall. Approval of striping and signing plans must be obtained from the Street Transportation Department (Zeke Rios 602-256-3409 and Kerry Wilcoxon at 602-262-4613).
10. Submit a Traffic Impact Analysis for Development per the PUD requirements. The developer shall be responsible for any necessary dedications and improvements to the street network as approved by the Street Transportation Department.
11. Relocate bus stop pad closer to Highland Avenue as approved by the Public Transit Department.
12. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of City of Phoenix Sky

Harbor International Airport to future owners or tenants of the property.

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 April, 2013.



MAYOR

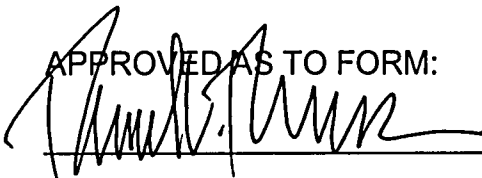
ATTEST:



City Clerk

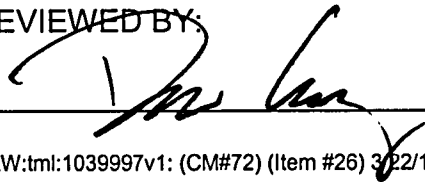


APPROVED AS TO FORM:



Acting City Attorney *MLW*

REVIEWED BY:



City Manager

MLW:tml:1039997v1: (CM#72) (Item #26) 3/22/13

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-31-12-4

A PORTION OF LOTS 3, 4, 5, 6 AND 8 OF SUBURBAN ACRES, ACCORDING TO BOOK 13 OF MAPS, PAGE 22, LOCATED IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT A STONE IN A HANDHOLE AT THE NORTH QUARTER CORNER OF SAID SECTION 20;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE NORTH/SOUTH MIDSECTION LINE OF SAID SECTION 20, A DISTANCE OF 1,320.15 FEET;

THENCE NORTH 89 DEGREES 41 MINUTES 59 SECONDS WEST, LEAVING SAID MID-SECTION LINE, ALONG THE MONUMENT LINE OF HIGHLAND AVENUE, A DISTANCE OF 67.08 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF CENTRAL AVENUE AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 9.22 FEET;

THENCE SOUTH 49 DEGREES 24 MINUTES 19 SECONDS EAST, A DISTANCE OF 17.23 FEET;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 84.64 FEET;

THENCE SOUTH 89 DEGREES 41 MINUTES 59 SECONDS EAST, A DISTANCE OF 4.00 FEET;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 210.00 FEET TO A POINT OF INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF COOLIDGE STREET AND SAID WEST RIGHT OF WAY LINE OF CENTRAL AVENUE;

THENCE NORTH 89 DEGREES 41 MINUTES 59 SECONDS WEST, LEAVING SAID POINT OF INTERSECTION, ALONG THE NORTH RIGHT OF WAY LINE OF SAID COOLIDGE STREET, A DISTANCE OF 4.00 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 16.65 FEET;

THENCE NORTH 89 DEGREES 17 MINUTES 57 SECONDS WEST, A DISTANCE OF 7.39 FEET;

THENCE SOUTH 00 DEGREES 34 MINUTES 33 SECONDS WEST, A DISTANCE OF 5.08 FEET;

THENCE SOUTH 46 DEGREES 17 MINUTES 39 SECONDS WEST, A DISTANCE OF 14.66 FEET;

THENCE NORTH 89 DEGREES 39 MINUTES 52 SECONDS WEST, A DISTANCE OF 2.97 FEET;

THENCE SOUTH 00 DEGREES 35 MINUTES 05 SECONDS WEST, A DISTANCE OF 1.44 FEET;

THENCE NORTH 89 DEGREES 41 MINUTES 59 SECONDS WEST, A DISTANCE OF 260.14 FEET;

THENCE NORTH 00 DEGREES 02 MINUTES 15 SECONDS EAST, A DISTANCE OF 2.50 FEET;

THENCE NORTH 89 DEGREES 41 MINUTES 59 SECONDS WEST, A DISTANCE OF 70.03 FEET;

THENCE SOUTH 00 DEGREES 18 MINUTES 01 SECONDS WEST, A DISTANCE OF 2.50 FEET;

THENCE NORTH 89 DEGREES 41 MINUTES 59 SECONDS WEST, A DISTANCE OF 70.04 FEET;

THENCE NORTH 00 DEGREES 01 MINUTES 55 SECONDS EAST, A DISTANCE OF 2.50 FEET;

THENCE NORTH 89 DEGREES 41 MINUTES 59 SECONDS WEST, A DISTANCE OF 70.05 FEET;

THENCE NORTH 00 DEGREES 01 MINUTES 45 SECONDS EAST, LEAVING SAID NORTH RIGHT OF WAY LINE OF COOLIDGE STREET, A DISTANCE OF 292.50 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID HIGHLAND AVENUE;

THENCE SOUTH 89 DEGREES 41 MINUTES 59 SECONDS EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 275.18 FEET;

THENCE NORTH 00 DEGREES 02 MINUTES 15 SECONDS EAST, LEAVING SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 20.00 FEET TO A POINT ON THE MONUMENT LINE OF SAID HIGHLAND AVENUE;

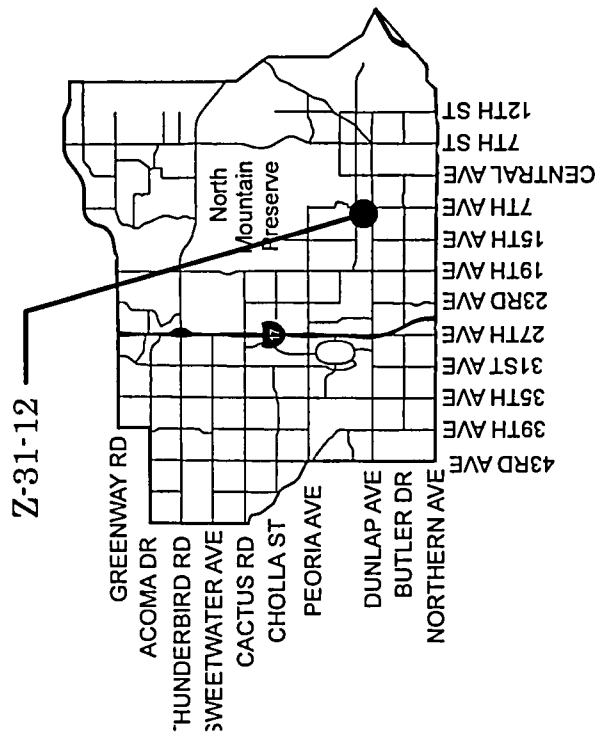
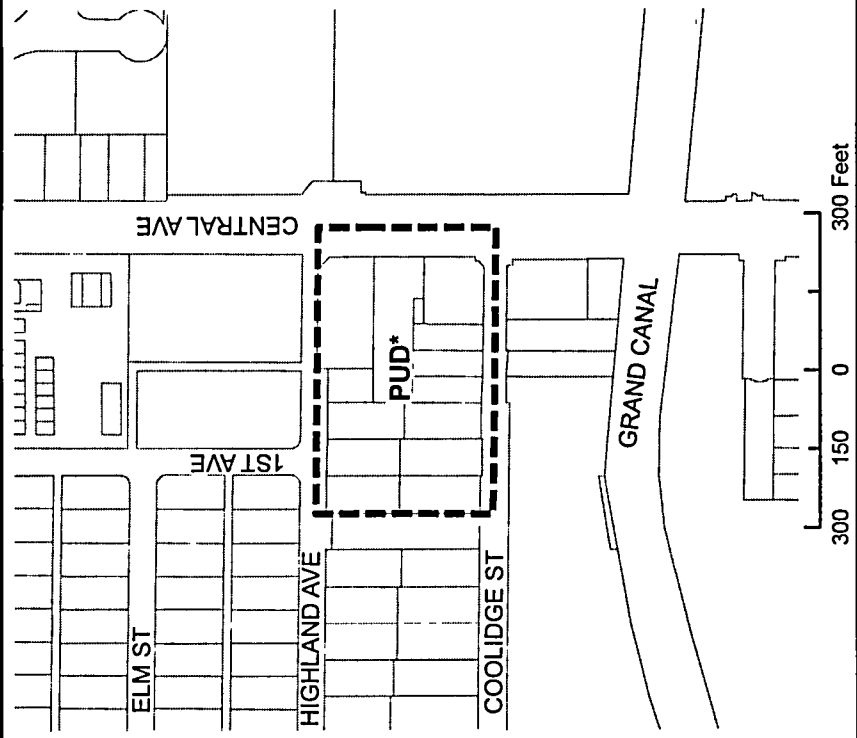
THENCE SOUTH 89 DEGREES 41 MINUTES 59 SECONDS EAST, ALONG SAID MONUMENT LINE, A DISTANCE OF 202.87 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

ATTACHMENT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-31-12-4
 Zoning Overlay: TOD-1
 Planning Village: Alhambra

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



NOT TO SCALE

Drawn Date: 3/6/13

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