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ORDINANCE G-5783

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-44-12-6) FROM C-O/M-O (COMMERCIAL OFFICE/MAJOR OFFICE OPTION) TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on October 16, 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 The Frank Development Group, Inc., represented by Withey Morris, PLC, having authorization to represent the owner, SPV Investments of an approximately 6 14 acre property located approximately 250 feet east of the southeast corner of 16th Street and Morten Avenue in a portion of Section 3, 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 February 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 March 20, 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 6.14 acre property located approximately 250 feet east of the southeast corner of 16th Street and Morten Avenue in a portion of Section 3, Township 2 North, Range 3 East, as described more specifically in Attachment "A," is hereby changed from "C-O/M-O" (Commercial Office/Major Office Option) 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-44-12-6, 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 H2O Urban Apartments 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 January 14, 2013, as modified by the following stipulations.

2. The Development Narrative shall be modified as follows:
 - a. Table 1 – Page 17 – All uses permitted in the Commercial Office (C-O) Zoning District/Major Office Option of the Zoning Ordinance shall be included.
 - b. Development Standards Table - Page 18 – If property develops as a Commercial Office (C-0) Zoning District/Major Office use, development standards shall adhere to Section 621.c.3 except to allow vehicular access onto collector streets.
3. The applicant shall complete a Red Border Letter to notify ADOT of development adjacent to its freeway corridor and submit it to Alan Hilty in the Street Transportation Department 602-262-6193, with a copy to the Traffic Engineer and Civil Plans Reviewer.
4. 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.

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.

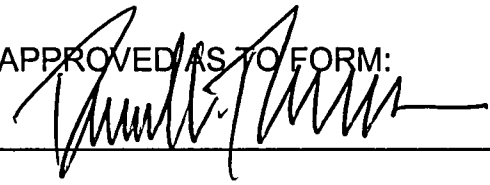
PASSED by the Council of the City of Phoenix this 20th day of March, 2013.


 ACTING MAYOR

ATTEST:


 City Clerk



APPROVED AS TO FORM:


Acting City Attorney *MLW*

REVIEWED BY:


City Manager

MLW tml 1032509v1: (CM#56) (Item #19) 03/20/13

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-44-12-6

LOT 1, OF MONTEREY POINTE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 897 OF MAPS, PAGE 37.

