

ORDINANCE G-6269

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-63-16-7) FROM C-1 DNS/WVR CMOD (NEIGHBORHOOD COMMERCIAL DENSITY WAIVER CAPITOL MALL OVERLAY DISTRICT) AND C-3 DNS/WVR CMOD (GENERAL COMMERCIAL DENSITY WAIVER CAPITOL MALL OVERLAY DISTRICT) TO PUD CMOD (PLANNED UNIT DEVELOPMENT, CAPITOL MALL OVERLAY DISTRICT).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as

follows:

SECTION 1: The zoning of an approximately 2.34 acre property located at the northeast corner of 10th Avenue and Van Buren Street in a portion of Section 6, Township 1N, Range 3E, as described more specifically in Attachment "A," is hereby changed from "C-1 DNS/WVR CMOD" (Neighborhood Commercial Density Waiver Capitol Mall Overlay District) and "C-3 DNS/WVR CMOD" (General Commercial Density Waiver Capitol Mall Overlay District) to "PUD CMOD" (Planned Unit Development, Capital Mall Overlay District).

SECTION 2. 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 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to 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 10th Avenue Hotel 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 9, 2016.
2. 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.
3. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property.
4. The applicant shall submit a Traffic Impact Statement to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact Mr. Mani Kumar, (602) 495-7129, to set up a meeting to discuss the requirements of the study.
5. The development shall comply with all ADA accessibility standards, as per plans approved by the Planning and Development Department.
6. Prior to preliminary 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.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the

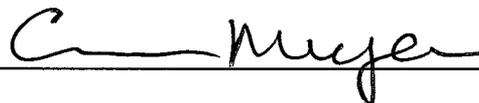
decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 1st day of February, 2017.



MAYOR

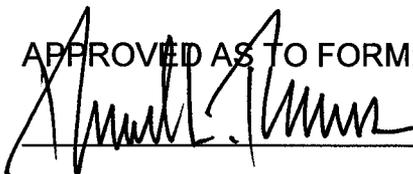
ATTEST:



City Clerk

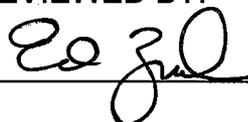


APPROVED AS TO FORM:



Acting City Attorney *pm*

REVIEWED BY:



City Manager

PL:tml:LF-17-1598:Item#71:02/01/17:1286858v1

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-63-16-7

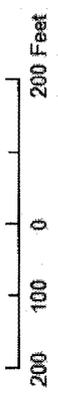
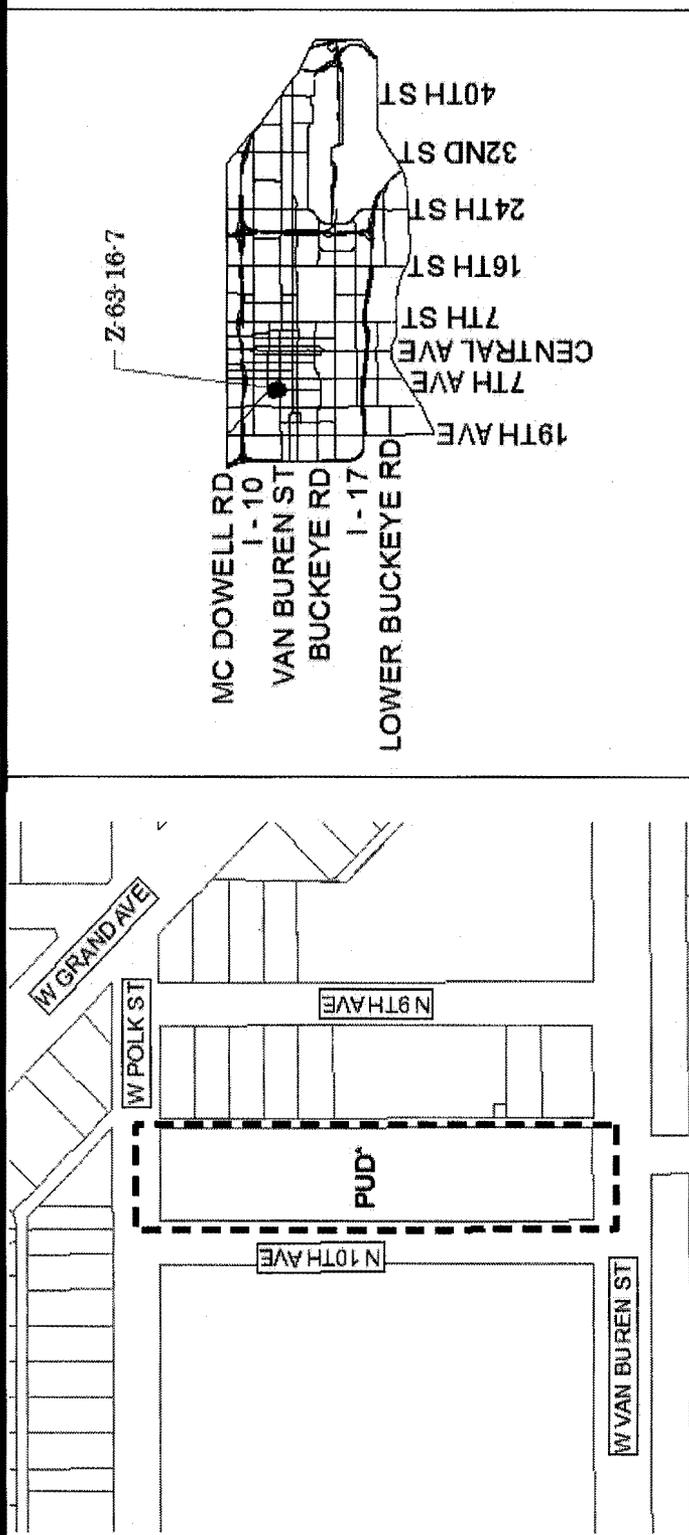
Lots Two (2), Four (4), Six (6), Eight (8), Ten (10), Twelve (12), Fourteen (14), Sixteen (16), Eighteen (18), Twenty (20), Twenty-Two (22), and Twenty-Four (24), Block Two (2), HERMOSA ADDITION, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 2 of Maps, Page 20.

ORDINANCE LOCATION MAP

EXHIBIT B

Zoning Case Number: Z-63-16-7
 Zoning Overlay: CMOD
 Planning Village: Central City

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



NOT TO SCALE



Drawn Date: 1/6/2017

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