

ORDINANCE G-5421

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-83-08-2) FROM R1-14 (ONE FAMILY RESIDENCE) TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on September 2, 2008, the City of Phoenix Planning Department received, in compliance with the requirements of the City of Phoenix Zoning Ordinance, Section 506, a written request for rezoning from Edmir Dzudza, having authorization to represent the owner, Jarial LLC of an approximately .78 acre property located at the northwest corner of 37th Street and Greenway Road in a portion of Section 1, Township 3 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 August 12, 2009, 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 September 16, 2009, 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.

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

SECTION 1: The zoning of an approximately .78 acre property located at the northwest corner of 37th Street and Greenway Road in a portion of Section 1, Township 3 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from "R1-14" (One Family Residence) to "PUD" (Planned Unit Development) and that the Planning 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-83-08-2, on file with the Planning 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. That an updated Development Narrative for the Greenway Plaza PUD reflecting the changes approved through this request shall be submitted to the Planning Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative date stamped March 19, 2009, as modified by the following stipulations.

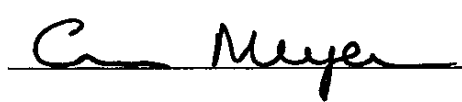
2. That a 15-foot by 15-foot right-of-way triangle shall be dedicated at the northwest corner of 37th Street and Greenway Road as approved by the Development Services Department.
3. That the developer shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the Development Services Department. All improvements shall comply with all ADA accessibility standards.
4. That the property owner shall record documents that disclose the existence and operational characteristics of the city of Scottsdale Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
5. That the below language shall be added as a preamble statement on a blank page prior to the Table of Contents within the Development Narrative. This additional language and any modifications to the narrative made through the public hearing process shall be completed and a final written PUD Development Narrative and electronic PUD Development Narrative shall be submitted within 30 days of final City Council approval.
 - a. A Planned Unit Development (PUD) is intended to be a stand-alone document of zoning regulations for a particular project. Provisions not specifically regulated by the PUD are governed by the zoning ordinance. A PUD may include substantial background information to help illustrate the intent of the development. The purpose and intent statements are not requirements that will be enforced by the City. The PUD only modifies zoning ordinance regulations and does not modify other City Codes or requirements. Additional public hearings may be necessary such as but not limited to right-of-way abandonments.

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 16th day of September, 2009.

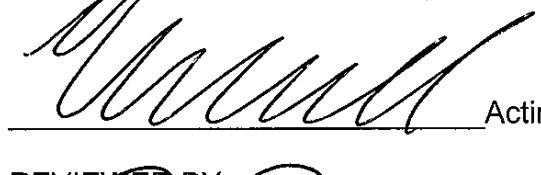

ACTING MAYOR

ATTEST:



ACTING City Clerk



APPROVED AS TO FORM:


Acting City Attorney
MLW

REVIEWED BY:


City Manager
MLW/cz/819775v1; (CM10)(Item11) 9/16/09

CITY CLERK DEPT.
2009 SEP 14 AM 11:06
ML

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-83-08-2

(PER OLD REPUBLIC TITLE AGENCY)

THE EAST HALF OF THE SOUTH HALF OF LOT 63, ROBIN HOOD ACRES,
ACCORDING TO BOOK 56 OF MAPS, PAGE 30, RECORDS OF MARICOPA
COUNTY, ARIZONA;

EXCEPT THE SOUTH 15 FEET THEREOF; AND

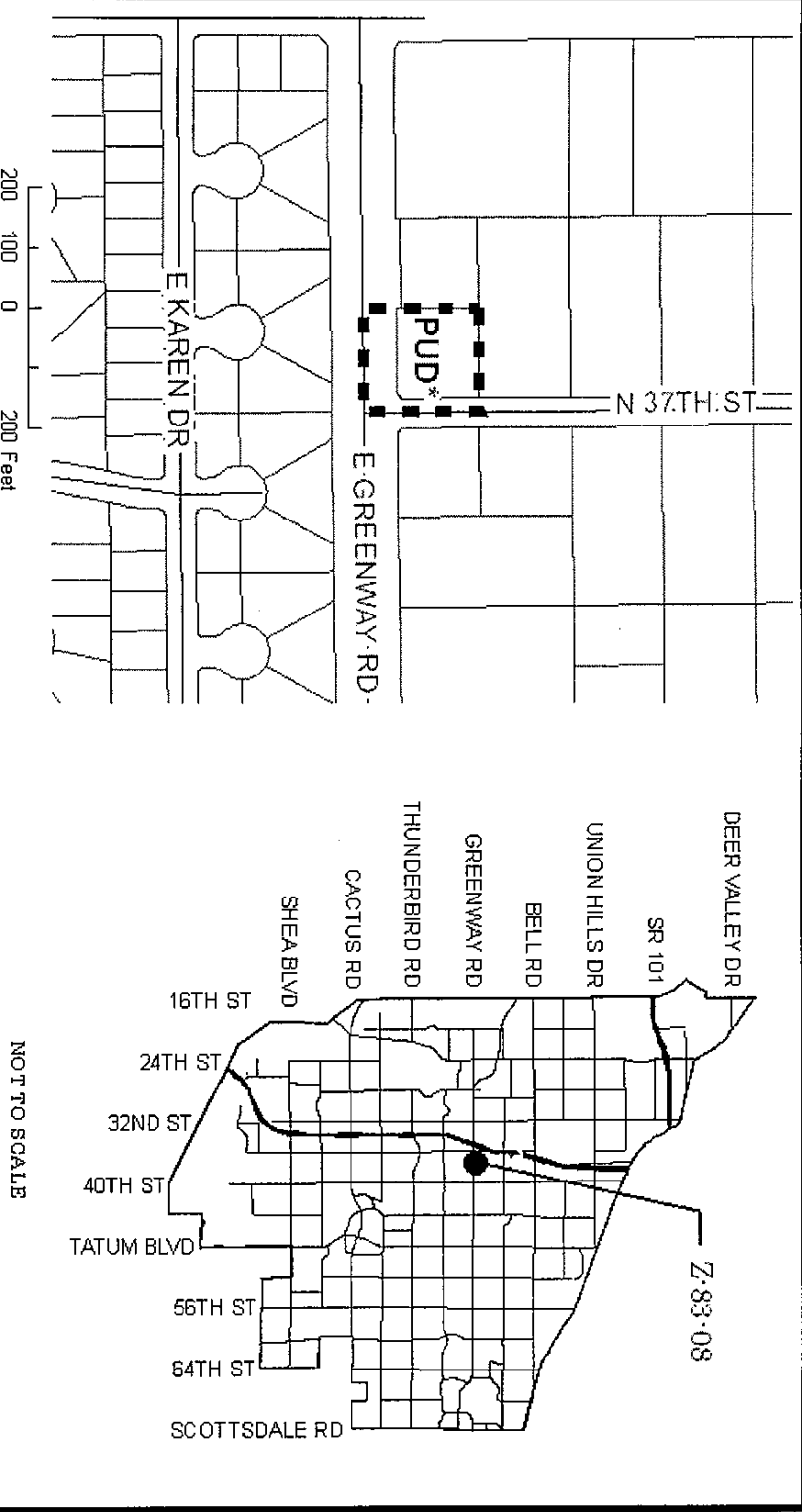
EXCEPT THAT PORTION OF LOT 63 BOUNDED ON THE SOUTH BY THE
NORTH LINE OF THE SOUTH 15 FEET OF SAID LOT 63, ON THE EAST BY THE
EAST LINE OF SAID LOT AND ON THE NORTHWEST BY THE ARC OF A
CIRCULAR CURVE HAVING A RADIUS OF 12 FEET, SAID CURVE BEING
CONCAVE TO THE NORTHWEST AND TANGENT TO SAID NORTH LINE AND TO
SAID EAST LINE.

CONTAINING 20,655 S.F (0.474 ACRES) MORE OR LESS.

ORDINANCE LOCATION MAP

ATTACHMENT B

Zoning Case Number: Z-83-08-2
Zoning Overlay: N/A
Planning Village: Paradise Valley



Drawn Date: 08/04/09

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