

ORDINANCE G-6037

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-9-15-4) FROM C-O TOD-1 (COMMERCIAL OFFICE, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE), P-1 TOD-1 (PASSENGER AUTOMOBILE PARKING, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE), R-O TOD-1 (RESIDENTIAL OFFICE, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE), R1-6 TOD-1 (SINGLE-FAMILY RESIDENCE, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE), R-5 TOD-1 (MULTIFAMILY RESIDENCE, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on February 17, 2015, 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 Michael Curley of Earl, Curley and Lagarde, having authorization to represent the owner, Todd Taylor of Wood Partners, of an approximately 5.85 acre property located at the northwest corner of 3rd Street and Thomas Road in a portion of Section 29, 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 May 12, 2015, 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 June 3, 2015, 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 5.85 acre property located at the northwest corner of 3rd Street and Thomas Road in a portion of Section 29, Township 2 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from "C-O TOD-1" (Commercial Office, Interim Transit-Oriented Zoning Overlay District One), "P-1 TOD-1" (Passenger Automobile Parking, Interim Transit-Oriented Zoning Overlay District One), "R-O TOD-1" (Residential Office, Interim Transit-Oriented Zoning Overlay District One), "R1-6 TOD-1" (Single-Family Residence, Interim Transit-Oriented Zoning Overlay District One) and "R-5 TOD-1" (Multifamily Residence, Interim Transit-Oriented Zoning Overlay District One) 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-9-15-4, 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 Alta Thomas 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 March 25, 2015, as modified by the following stipulations:
 - a. Page 8 Amend the Catalina Drive main building setback to 18-foot maximum.
 - b. Page 8 Amend the Building Frontage section to read: "75% minimum shall be provided except that a maximum of 18-foot building setback shall be provided along Catalina Drive."
 - c. Page 8 Add "Carriage Unit" to Frontage Types Allowed.
 - d. Page 9 Amend Surface Parking Setbacks section to read: "...guest spaces are located at the main entry point on 2nd Street where a perimeter wall with 40-inches maximum height shall screen views of parking and the spaces at the..."

- e. Page 10 Amend Fences to read:

Fences (when located between the building and the right-of-way)

Thomas Road, 2nd and 3rd Street

48-inches maximum height solid fence provided that there shall be a minimum of 80% transparency provided above 40-inches as measured from finished floor or maximum one-foot above sidewalk grade.

Catalina Drive

40-inches maximum height solid fence. Above 40-inches to 72-inches allowed only as an 80% open view fence, unless screening above grade utilities or trash enclosures.

- f. Page 11 Amend Planting Guidelines to change the percentage of minimum 2-inch caliper trees when providing a double row of trees in the street setback or right-of-way to 90%.

- g. Page 12 Add "Carriage Unit" to the allowed Frontage Types.

- h. Page 15 Add "Carriage Unit" standards between Common Entry and Storefront as follows:

CARRIAGE UNIT

Pedestrian Entry Grade

Up to 60-inch maximum from sidewalk grade

Requirements

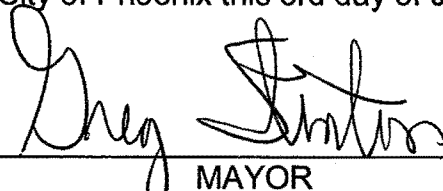
- a. Residential building may be located a maximum of 18-feet from the property line along Catalina Drive.
 - b. Primary vehicular entry should be accessed directly from Catalina Drive.
- 2. The applicant shall submit a photometric plan to the City concurrent with the preliminary site plan review demonstrating that on-site lighting levels will not exceed a one-foot candle at the property line, as approved by the Planning and Development Department.
 - 3. The development shall be in general conformance to the site plan contained in the March 25, 2015 document, with specific regard to:
 - a. Sidewalks on all street frontages are to be detached from the curb.
 - b. Directional ramps which comply with current MAG and City of Phoenix standards, and incorporate detectable warning pavers at the base of the ramps, are to be installed at the 3rd Street and Thomas Road intersection.

- c. The number of parking spaces adjacent to the 2nd Street frontage shall be no greater than six.
 - d. The driveway design for ingress/egress on 2nd Street shall be a wing-type driveway, per detail P1255-2.
 - e. The area between the back of curb and the sidewalk on 3rd Street shall be a minimum of eight feet.
 - f. The area between the back of curb and the sidewalk on 2nd Street shall be a minimum of eight feet.
4. 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.
5. 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.


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 June, 2015.

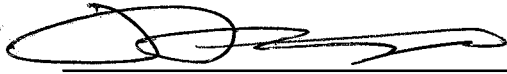



MAYOR

ATTEST:

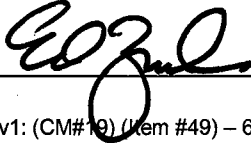

City Clerk

APPROVED AS TO FORM:



Acting City Attorney *BAH*

REVIEWED BY:



City Manager

PL:tml:1184366v1: (CM#19) (Item #49) – 6/3/15

Attachments:

A - Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-9-15-4

BEING A PORTION OF BLOCK 1, LA BELLE PLACE, AS RECORDED IN BOOK 4 OF MAPS, PAGE 42, OFFICIAL RECORDS OF MARICOPA COUNTY RECORDER, BEING LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 16, BLOCK 1, LA BELLE PLACE, THENCE NORTH 00°00'06" WEST, ALONG THE WEST LINE OF SAID BLOCK 1, FOR A DISTANCE OF 510.68 FEET;

THENCE NORTH 89°59'54" EAST, FOR A DISTANCE OF 86.48 FEET;

THENCE NORTH 00°00'00" EAST, FOR A DISTANCE OF 79.71 FEET;

THENCE SOUTH 89°40'33" EAST, FOR A DISTANCE OF 90.55 FEET;

THENCE SOUTH 00°00'00" WEST, FOR A DISTANCE OF 79.99 FEET;

THENCE SOUTH 89°47'58" EAST, FOR A DISTANCE OF 170.03 FEET, TO A POINT ON THE EAST LINE OF SAID BLOCK 1;

THENCE SOUTH 00°00'00" EAST, ALONG SAID EAST LINE, FOR A DISTANCE OF 495.32 FEET;

THENCE SOUTH 45°10'05" WEST, FOR A DISTANCE OF 22.56 FEET, TO A POINT ON THE SOUTH LINE OF SAID BLOCK 1;

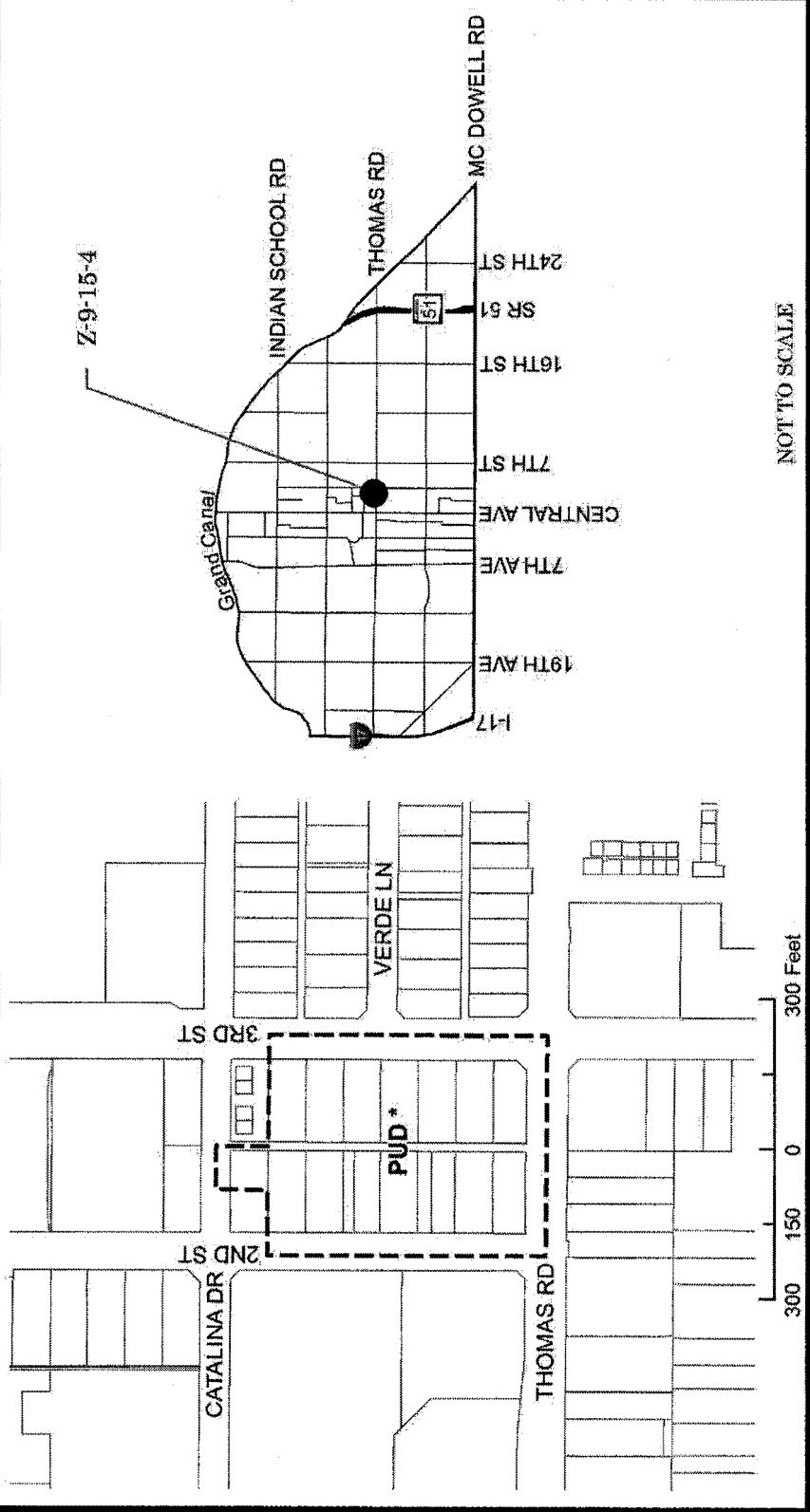
THENCE NORTH 89°39'50" WEST, ALONG SAID SOUTH LINE, FOR A DISTANCE OF 331.05 FEET, TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 4.234 ACRES (184,465 S.F.) MORE OR LESS.

ORDINANCE LOCATION MAP

Zoning Case Number: Z-9-15-4
Zoning Overlay: Transit Overlay District (TOD-1)
Planning Village: Encanto

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



Drawn Date: 5/14/2015

S:\Department Share\IS Share\PL GIS\IS_Team\Core_Functions\Zoning\SuppMaps_Ord\Maps\2015 Ord\May_20_2015\Z-9-15-4.mxd