

ORDINANCE G-6217

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-76-15-6) FROM R-3 (MULTIFAMILY RESIDENCE DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of an approximately 2.12 acre property located approximately 766 feet north of the northwest corner of 52nd Street and McDowell Road in a portion of Section 32, Township 2 North, Range 4 East, as described more specifically in Attachment "A," is hereby changed from "R-3" (Multifamily Residence District) to "PUD" (Planned Unit Development).

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 Arcadia Color Garden Nursery 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 July 12, 2016 as modified by the following stipulations.
 - a. Page 9, Development Standards, Building Standards: Applicant shall update west property line building setbacks to read, "West property line – Minimum 30' building setback from property line at 51st Street and minimum 10' building setback from interior property line."
2. Right-of-way totaling 40 feet shall be dedicated for the west half of 52nd Street for the length of the project, as approved by the Planning and Development Department.
3. The property owner shall dedicate a 10-foot sidewalk easement along the west side of 52nd Street for the length of the project, as approved by the Planning and Development Department.
4. The property owner shall provide half-street improvements for the east side of 51st Street. Improvements shall match improvements to the north and include paving, curb, gutter, sidewalk, streetlights and other necessary incidentals, as approved by the Planning and Development Department.
5. The property owner shall update all existing off-site street improvements, including sidewalks, curb ramps and driveways, adjacent to the project to current ADA guidelines, as approved by the Planning and Development Department.
6. A traffic impact statement for the development shall be reviewed and approved by the Street Transportation Department prior to preliminary site plan approval.
7. 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 (PHX) to future owners or tenants of the property.

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 5th day of October, 2016.



Kurt G
ACTING MAYOR

ATTEST:

C Meyer City Clerk

APPROVED AS TO FORM:

Frank P. ... Acting City Attorney pml

REVIEWED BY:

Wilton Doherty Jr **ACTING** City Manager
PML:cz:1262630_1: (CM #42) (Item #76) - 10/5/16

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-76-15-6

APN: 126-20-156A

Section-Township-Range: 32 2N 4E

Orangedale Estates LOTS 28 & 37, According To Book 30 of Maps, PG 3, Records of Maricopa County AZ;

EXCEPTING W 10 FT TH/OF & TOG W/ LOT 26 AND UNNUMBERED LOT LY E OF LOT 26 AND BND ON E BY W BOUNDARY LN OF 52ND ST AND BORDERED ON N & S BY EXT OF N & S SIDES OF LOT 26, ALL ORANGEDALE ESTATES, EXCEPT W 317FT TH/OF; TOG W/ E HALF OF LOT 27 & UNNUMBERED LOT E OF LOT 27 & BND ON E SIDE OF W BOUNDARY OF 52ND ST AND BORDERED N & S BY EXT OF N & S SIDES OF LOT 27, ALL ORANGEDALE ESTATES; EXCEPTING ANY PORTION TH/OF LYING WI FOL DESC PROP: BEGIN AT SW CRNR OF LOT 27; E ALONG S BND LN OF LOT 27, 10 FT TO TRUE POINT OF BEGINNING; CONT E ALONG S BND LN OF LOT 27, 312.46FT TO A PNT; THENCE N ALONG LN W/ ANGLE OF 91 DEGREES 54 MIN 02 SEC TO LAST MENTIONED COURSE 66.05 FT TO PNT OF N BND LN OF LOT 27; THENCE W ALONG N BND LN OF LOT 27, A DIST OF 314.65FT TO A PT 10 FT E OF W LN OF LOT 27; THENCE IN S DIRECTION 66 FT TO THE POINT OF BEGINNING; EXCPT THE E 3FT OF LOT 37, ORANGEDALE ESTATES: UNNUMBERED LOTS E OF LOTS 26 & 27, BND ON E BY W BOUNDARY OF 52ND ST, BND ON N BY EASTERLY PROLONGATION OF THE N LN OF LOT 27 & BND ON S BY EASTERLY PROLONGATION OF S LN OF LOT 26, ALL ORANGEDALE ESTATES, NO. 12-376563, EXCPT UNDIV ½ INTEREST IN ALL MINERAL AND OIL DERIVED FROM SAID PREMISES, AS RSRVD UNTO ELVIN E WHITE, HIS HEIRS, ASSIGNS, ETC BY DEED RECORDED FEB 12, 1931 IN BOOK 237 OF DEEDS, PAGE 611, RCRDS OF MARICOPA COUNTY, AZ.

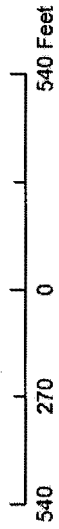
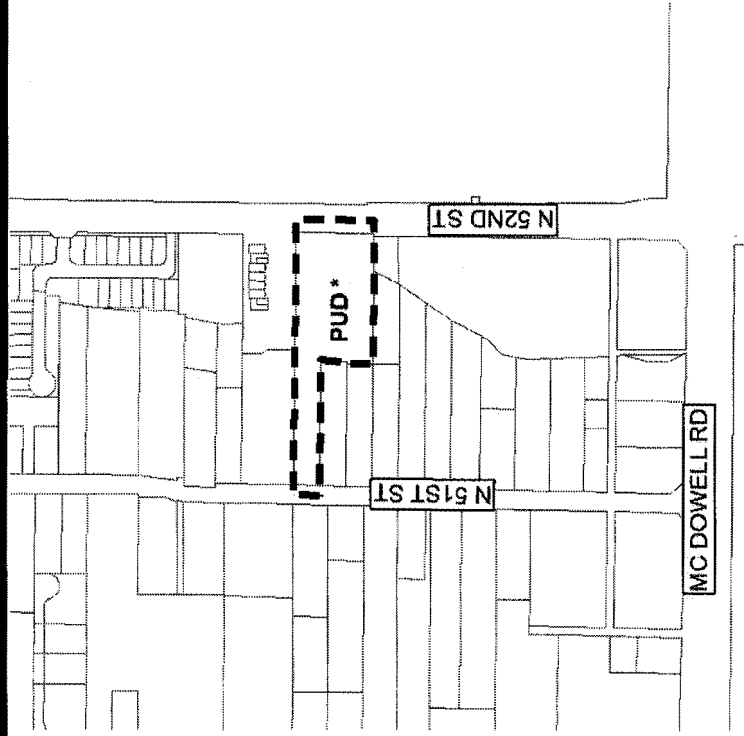
ATTACHMENT B

ORDINANCE LOCATION MAP

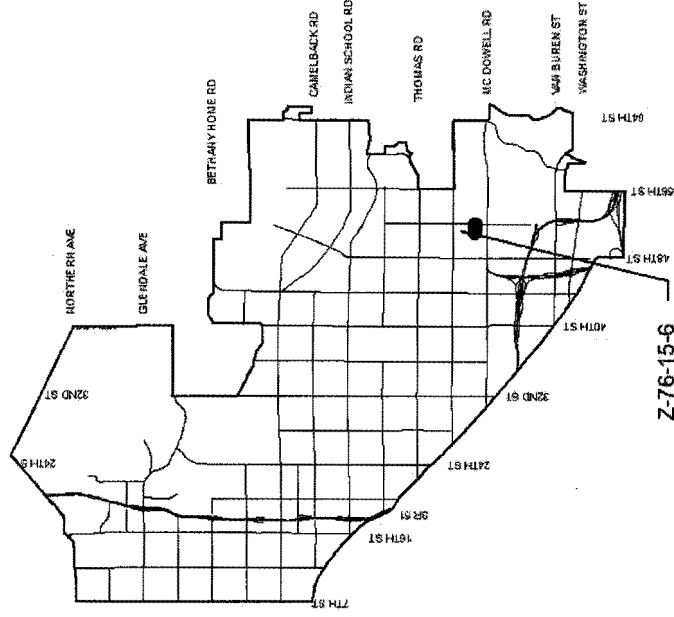
Zoning Case Number: Z-76-15-6
Zoning Overlay: N/A
Planning Village: Camelback East

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■■■■ ■



NOT TO SCALE



Drawn Date: 9/8/2016

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