

5701G-6-1-1--
sarabiam

ORDINANCE G-5701

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-27-11-8) FROM R-5 HP RI ACOD (MULTIPLE-FAMILY RESIDENCE, HISTORIC PRESERVATION OVERLAY, RESIDENTIAL INFILL, ARTS CULTURE AND SMALL BUSINESS OVERLAY) AND R-3 RI (MULTIPLE-FAMILY RESIDENCE, RESIDENTIAL INFILL) TO PUD HP (PLANNED UNIT DEVELOPMENT HISTORIC PRESERVATION OVERLAY) AND PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on October 28, 2011, 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 Stephen Anderson of Gammage & Burnham, PLLC, having authorization to represent the owner, Alwun House Foundation of an approximately 1.01 acre property located at the northeast corner of 12th Street and Roosevelt Street in a portion of Section 4, Township 1 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 April 11, 2012, 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 May 2, 2012, 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 1.01 acre property located Northeast corner of 12th Street and Roosevelt Street in a portion of Section 4, Township 1 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from 0.54 acres of "R-5 HP RI ACOD" (Multiple-Family Residence, Historic Preservation Overlay, Residential Infill, Arts Culture And Small Business Overlay) and 0.47 acres of "R-3 RI" (Multiple-Family Residence, Residential Infill) to 0.54 acres of "PUD HP" (Planned Unit Development Historic Preservation Overlay) and 0.47 acres of "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".

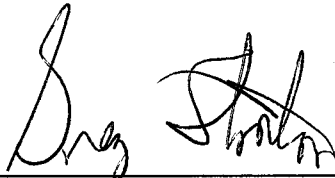
SECTION 2. The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-27-11-8, on file with the Planning and Development Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning 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 Alwun House PUD that reflects 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 February 29, 2012, as modified by the following stipulations.
2. 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.
3. 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.

- 4. That 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.

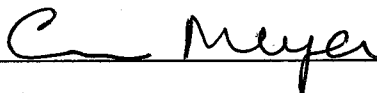
SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 2nd day of May, 2012.

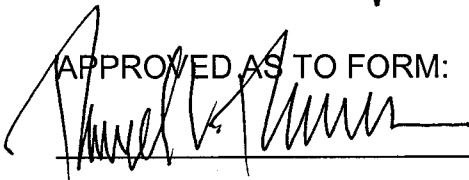


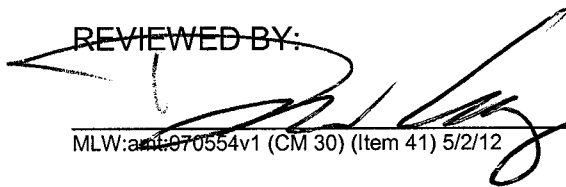
 MAYOR

ATTEST:


 _____ City Clerk



APPROVED AS TO FORM:

 _____ Acting City Attorney
 MLW

REVIEWED BY:

 _____ City Manager
 MLW:art070554v1 (CM 30) (Item 41) 5/2/12

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-27-11-8

Parcel 1 (The House): *R-5 RI HP ACOD to PUD HP*

Lots 13 and 14, and west 4 feet of lot 15, SEDLER'S ADDITION, according to Book 7 of Maps, page 27, records of Maricopa County, Arizona

Parcel 2 (North Parcel): *R-5 RI HP to PUD HP*

The south 84 feet of Lots 11 and 12 in SEDLER'S ADDITION, according to the plat of record in the Office of the County Recorder of Maricopa County, Arizona, recorded in Book 7 of Maps, Page 27.

Parcel 3(NE Parcel): *R-5 RI HP to PUD HP*

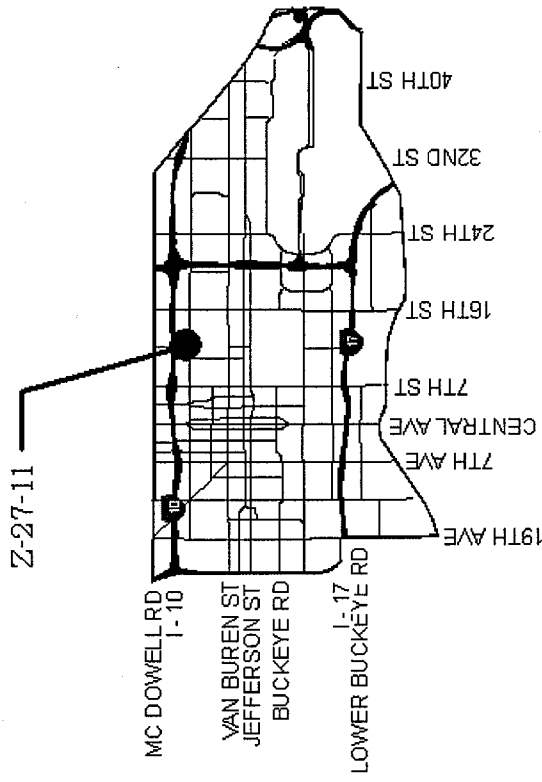
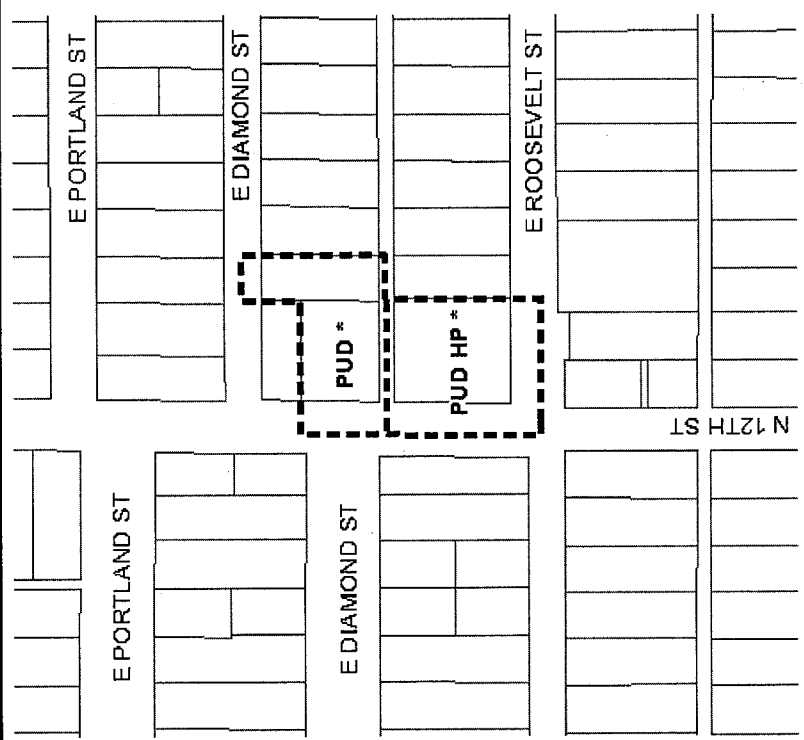
Lot 10, SEDLER'S ADDITION, according to the plat of record in the Office of the County Recorder of Maricopa County, Arizona, recorded in Book 7 of Maps, Page 27.

ATTACHMENT B

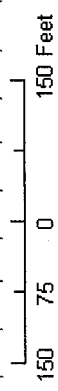
ORDINANCE LOCATION MAP

Zoning Case Number: Z-27-11-8
Zoning Overlay: Arts and Culture
Planning Village: Central City

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



NOT TO SCALE



Drawn Date: 4/11/12

Map Document: \N:\PDF_Maps\Ordinance_Map\2012