

ORDINANCE G-5564

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-3-10-5) FROM R1-6 (SINGLE-FAMILY RESIDENCE) AND R-5 (MULTIPLE FAMILY RESIDENCE) TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on February 17, 2010, the City of Phoenix Planning and Development Services Department received, in compliance with the requirements of the City of Phoenix Zoning Ordinance, Section 506, a written request for rezoning from Paul Gilbert, having authorization to represent the owner, Grand Canyon Education Incorporated of an approximately 101.90 acre property located approximately 640 feet east of the northeast corner of Camelback Road and North 35th Avenue in a portion of Section 14, Township 2 North, Range 2 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 October 13, 2010, 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 November 3, 2010, 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 101.90 acre property located approximately 640 feet east of the northeast corner of Camelback Road and North 35th Avenue in a portion of Section 14, Township 2 North, Range 2 East, as described more specifically in Attachment "A", is hereby changed from "R1-6" (Single-Family Residence) and "R-5" (Multiple-Family Residence) to "PUD" (Planned Unit Development) and that the Planning and Development Services 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-3-10-5, 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 Grand Canyon University reflecting the changes approved through this request

shall be submitted to the Planning and Development Services Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative date stamped September 13, 2010, as modified by the following stipulations.

2. That the Development Narrative shall be modified as follows:
 - a. Amend Diagram E.1 to read Camelback Road rather than Camelback Avenue. Add the 31st Avenue alignment to the map.
 - b. Amend Diagram G.2. to reflect landscape setbacks an average of 25 feet.
 - c. P. 30, paragraph 2, line 5 – After the word “height”, provide a reference to Diagram G.11.
 - d. P. 34, paragraph 3, line 2 – “The Little Canyon Canal and Trail run along this perimeter from Camelback Road to Missouri Avenue. Trail improvements vary in depth...”
 - e. P. 38 – Delete reference to On Lot and Common Retention.
 - f. P. 43 – Amend table to show requirements for a total of 100% of the trees.
 - g. P. 45 – Delete remnant page of landscape materials list.
 - h. P. 49, paragraph 2 – Amend line 2 to replace “should” with “will”. Delete the sentence beginning “When replacement....”
 - i. P. 50 – Add a requirement for a maximum of one foot candle at property lines adjacent to residential zoning or uses for all freestanding lights.
 - j. P. 51, paragraph 1, line 7 – Add new sentence: “The Grand Canyon Planned Unit Development shall conform to Section 507 of the Phoenix Zoning Ordinance with additional standards as indicated below.”
 - k. P. 52 – Delete regulatory provisions for signage language so that Section 705 of the Zoning Ordinance applies.
 - l. P. 55 – Delete provision for projected light signs.
 - m. P. 58, Diagram K.1 – Revise title to: Conceptual Vehicular Circulation Plan
 - n. P. 60, paragraph 2 – Revise line 2: “...of the canal is a segment in...” Revise line 4: “...map), and until recently was an underutilized...” Revise line 5: “....recently completed a Public Art Project to improve the canal between...”
 - o. P. 60, paragraph 3 – Remove the word “will” from line 1 and delete “once they are complete” from line 3.
 - p. P. 60, paragraph 4 – remove the four instances of the word “will”.

- q. P. 60, paragraph 5 – move paragraph to p. 59 to correspond with pedestrian circulation discussion and amend Diagram reference to K.2.
- r. P. 64, replace Comparative Zoning Standards Table with the table included in the staff recommendation.
- s. Prior to p. 73, include Context Photos Key Map.
- t. Amend all maps to identify 31st Avenue alignment and Missouri Avenue.
- u. P. 55, after the table, insert the language below – Perimeter ground signs these include major monument signs, arched entry signs, and signs mounted to perimeter site walls or gates.

Major monument signs shall be limited to two signs of 25 feet or less in height, with a maximum digital display area of 225 square feet per sign. Letters shall be 12 inches in height or less, and one university seal or crest of five feet in diameter or less shall be allowed per sign.

Arched entry signs of up to a maximum of 18 feet in height may be allowed over major and minor entrances so long as they are attached and integrated into the perimeter site wall design and not freestanding or monolithic in nature. Arched entry signs shall be predominantly open above a height of 14 feet. The minimum vertical clearance for vehicular traffic shall be 14 feet.

Signage mounted to perimeter walls or gates may consist of logos, crests, or university seals not more than 5 feet in diameter, letters of not more than 36 inches in height, and shall be limited to 18 feet in height.

Shade Device/Apparent Bas-Relief Signs - Signs formed through the manipulation of shading devices so that the silhouette of letters or graphic images are read in apparent bas-relief from oblique angles shall be allowed. To be considered a shade device/apparent bas-relief sign, the apparent image must be visible only at oblique angles to the wall or façade (i.e., must not be identifiable when the viewer is facing the wall or facade directly at a right angle), and the complete assembly must serve as a shading device that mitigates solar heat transfer to a building or pedestrian path. Such signs shall be limited in area to 4 square feet per linear foot of the building elevation to which they are attached. Area shall be computed as fifty percent (50%) of the sum of

surface area of all faces required to form the apparent letters or graphic images.

Aerial Signs - There shall be no more than one unlit aerial sign on the roof of the event center and it shall not exceed 2000 square feet. Such aerial sign shall not be visible from the perimeter of the development.

Fixed Pole Mounted Signs - These shall include permanent pole mounted way-finding signs in parking lots. The structure on which the signs are placed shall be limited to 27 feet in height. The signs themselves should be four feet with a maximum 16 square feet.

Temporary Banner Signs - These shall include temporary or rotating banners affixed to poles. Pole mounted banners shall be allowed provided they are securely fastened, vented, and have a minimum clearance of eight feet above grade. The light standards shall be engineered to support any banner larger than four square feet.

3. That right-of-way totaling 50 feet shall be dedicated for the north half of Camelback Road, as approved by the Street Transportation Department. Additional right-of-way may be necessary for the new traffic signal at 33rd Avenue and Camelback Road, and shall be dedicated and constructed as required by the Street Transportation Department.
4. That the Traffic Impact Statement shall be reviewed and approved by the Street Transportation Department prior to Preliminary Site Plan approval by the Planning and Development Services Department. The developer shall be responsible for any additional street right-of-way dedications and construction improvements.
5. 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 Planning and Development Services Department. All improvements shall comply with all ADA accessibility standards.
6. 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.

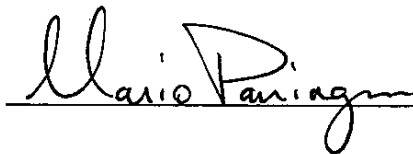
SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 3rd day of November, 2010.



MAYOR

ATTEST:



City Clerk



APPROVED AS TO FORM:

William Boal Acting City Attorney MLW

REVIEWED BY:

D. G. City Manager
MLW:amt:885906v1 (CM 41) (Item 36) 11/3/10

Attachments:

- A - Legal Description (5 Pages)
- B - Ordinance Location Map (1 Page)

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-3-10-5

PARCEL 1:

ALL THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PHOENIX BRASS CAP IN HAND HOLE MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 14, FROM WHICH A CITY OF PHOENIX BRASS CAP IN HAND HOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 14 BEARS NORTH 89°55'51" WEST, 2621.08 FEET; THENCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14 NORTH 00°06'04" EAST, 638.66 FEET TO A ½" REBAR WITH CAP STAMPED "LS 48510" MARKING THE SOUTHEAST CORNER OF THAT PARCEL AS DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED RECORDED UNDER INSTRUMENT NUMBER 2010-0043322, RECORDS OF MARICOPA COUNTY, ARIZONA, AND THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID EAST LINE NORTH 00°06'04" EAST, 688.64 FEET TO A ½" REBAR WITH CAP STAMPED "LS 48510" MARKING THE NORTHWEST CORNER OF LOT 1, BLOCK 3, PLAT OF "HOMELAND" AS RECORDED IN BOOK 15 OF MAPS, PAGE 18, RECORDS OF MARICOPA COUNTY, ARIZONA, AND THE SOUTHEAST CORNER OF THAT PORTION DESCRIBED IN DOCKET 8422, PAGE 181, RECORDS OF MARICOPA COUNTY, ARIZONA, AND CITY OF PHOENIX ORDINANCE NUMBER S-5519, AND ALSO BEING THE BEGINNING OF A NON-TANGENT 25.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTH, SAID CURVE BEING TANGENT TO THE NORTH LINE OF SAID LOT 1, OF WHICH THE RADIUS POINT OF SAID CURVE BEARS SOUTH 00°01'44" WEST, 25.00 FEET;

THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 38°12'17", AN ARC LENGTH OF 16.67 FEET TO A ½" REBAR WITH CAP STAMPED "LS 48510" AND THE POINT OF REVERSE CURVATURE OF A 45.00 FOOT RADIUS CURVE CONCAVE TO THE EAST;

THENCE ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 256°25'35", AN ARC LENGTH OF 201.40 FEET TO A ½" REBAR WITH CAP STAMPED "LS 48510" AND THE POINT OF REVERSE CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE NORTH;

THENCE ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 38°21'29", AN ARC LENGTH OF 16.74 FEET TO THE SOUTHWEST CORNER OF

LOT 1, BLOCK 1, OF SAID PLAT OF "HOMELAND", AND SAID EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14, BEING MARKED BY A ½" REBAR WITH CAP STAMPED "LS 48510";

THENCE ALONG SAID EAST LINE NORTH 00°06'04" EAST, 171.09 FEET TO THE SOUTH LINE OF THAT PORTION DESCRIBED IN DOCKET 8422, PAGE 183, RECORDS 2 OF MARICOPA COUNTY, ARIZONA, AND CITY OF PHOENIX ORDINANCE NUMBER S-5519, BEING MARKED BY A ½" REBAR WITH CAP STAMPED "LS 48510";

THENCE ALONG SAID SOUTH LINE NORTH 89°58'53" WEST, 424.41 FEET TO THE EAST LINE OF THE WEST 890.00 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 14, BEING MARKED BY A ½" REBAR WITH CAP STAMPED "LS 48510";

THENCE ALONG SAID EAST LINE NORTH 00°02'28" WEST, 20.00 FEET TO THE NORTH LINE OF SAID PORTION DESCRIBED IN DOCKET 8422, PAGE 183, AND CITY OF PHOENIX ORDINANCE NUMBER S-5519;

THENCE ALONG SAID NORTH LINE SOUTH 89°58'53" EAST, 424.46 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14; THENCE ALONG SAID EAST LINE NORTH 00°06'04" EAST, 354.06 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL DESCRIBED IN THAT CERTAIN WARRANTY DEED FILED IN DOCKET 9110, PAGE 55, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL NORTH 89°58'50" WEST, 1629.07 FEET;

THENCE CONTINUING ALONG SAID SOUTHERLY LINE ALSO BEING THE SOUTHERLY LINE OF "QUATROS (AMENDED)" AS FILED IN BOOK 148, PAGE 14, RECORDS OF MARICOPA COUNTY, ARIZONA, NORTH 85°00'46" WEST, 685.39 FEET TO THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED RECORDED UNDER INSTRUMENT NUMBER 1998- 0283513, SAID CORNER BEING MARKED BY A ½" REBAR WITH CAP (ILLEGIBLE);

THENCE ALONG THE EASTERLY LINE OF SAID PARCEL SOUTH 00°11'02" EAST, 413.49 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL, SAID CORNER BEING MARKED BY A ½" REBAR;

THENCE ALONG THE SOUTH LINE OF SAID PARCEL NORTH 89°58'53" WEST, 279.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL AND THE NORTHEAST CORNER OF PARCEL NUMBER ONE DESCRIBED IN THAT CERTAIN QUIT CLAIM DEED FILED IN DOCKET 10860, PAGE 502, RECORDS OF MARICOPA

COUNTY, ARIZONA, AND THE EASTERLY RIGHT OF WAY LINE OF 35TH AVENUE, SAID CORNER BEING MARKED BY A 5/8" REBAR;

THENCE ALONG THE EASTERLY LINE OF SAID PARCEL AND ALONG SAID EASTERLY RIGHT OF WAY LINE SOUTH 00°11'02" EAST, 168.30 FEET TO THE NORTHWEST CORNER OF A WELL SITE PARCEL AS DESCRIBED IN THAT CERTAIN WARRANTY DEED RECORDED UNDER INSTRUMENT NUMBER 2000-0968002, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE ALONG THE NORTHERLY LINE OF SAID WELL SITE PARCEL NORTH 89°48'58" EAST, 50.00 FEET TO THE NORTHEAST CORNER OF SAID WELL SITE PARCEL;

THENCE ALONG THE EASTERLY LINE OF SAID WELL SITE PARCEL SOUTH 00°11'02" EAST, 18.00 FEET TO THE NORTHEAST CORNER OF A WELL SITE PARCEL AS DESCRIBED IN THAT CERTAIN QUIT CLAIM DEED FILED IN DOCKET 11093, PAGE 806, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE ALONG THE EASTERLY LINE OF SAID WELL SITE PARCEL SOUTH 00°11'02" EAST, 50.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL, SAID CORNER BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "LS 35832";

THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL SOUTH 89°48'58" WEST, 50.00 FEET TO SAID EASTERLY RIGHT OF WAY LINE OF 35TH AVENUE AND THE EASTERLY LINE OF SAID PARCEL NUMBER ONE DESCRIBED IN THAT CERTAIN QUIT CLAIM DEED FILED IN DOCKET 10860, PAGE 502;

THENCE ALONG A LINE PARALLEL TO AND 40 FEET EASTERLY OF THE WEST LINE OF SAID SOUTHWEST QUARTER AND ALONG SAID EASTERLY RIGHT OF WAY LINE SOUTH 00°11'02" EAST, 20.51 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 14 AND THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN THAT CERTAIN QUIT CLAIM DEED FILED IN DOCKET 2865, PAGE 98, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE CONTINUING ALONG SAID PARALLEL LINE AND ALONG SAID EASTERLY RIGHT OF WAY LINE SOUTH 00°11'02" EAST, 629.26 FEET TO THE NORTH LINE OF THE SOUTH 690 FEET OF THE SOUTHWEST QUARTER OF SAID SECTION 14;

THENCE ALONG SAID NORTH LINE AND THE NORTHERLY LINE OF THAT PARCEL DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED RECORDED UNDER INSTRUMENT NUMBER 2006-1202438, RECORDS OF MARICOPA COUNTY, ARIZONA, SOUTH 89°55'51" EAST, 650.01 FEET TO THE NORTHEAST CORNER OF SAID PARCEL AND THE NORTHEAST CORNER OF THE SOUTH 690

FEET OF THE WEST 690 FEET OF SAID SOUTHWEST QUARTER, SAID CORNER BEING MARKED BY A ½" REBAR;

THENCE ALONG THE EAST LINE OF THE WEST 690 FEET OF SAID SOUTHWEST QUARTER SOUTH 00°11'02" EAST, 650.01 FEET TO A ½" IRON PIPE MARKING A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF CAMELBACK ROAD AND THE NORTHERLY LINE OF THAT PARCEL AS DESCRIBED IN SAID QUIT CLAIM DEED FILED IN DOCKET 2865, PAGE 98;

THENCE ALONG SAID NORTHERLY LINE OF SAID PARCEL AND ALONG SAID NORTHERLY RIGHT OF WAY LINE SOUTH 89°55'51" EAST, 568.63 FEET TO THE NORTHWEST CORNER OF PARCEL NUMBER TWO DESCRIBED IN SAID QUIT CLAIM DEED FILED IN DOCKET 10860, PAGE 502;

THENCE ALONG THE NORTH LINE OF SAID PARCEL NUMBER TWO AND SAID NORTHERLY RIGHT OF WAY LINE NORTH 45°00'49" EAST, 16.95 FEET;

THENCE CONTINUING ALONG SAID NORTH LINE OF SAID PARCEL NUMBER TWO AND SAID NORTHERLY RIGHT OF WAY LINE SOUTH 89°55'51" EAST, 229.00 FEET TO A ½" REBAR WITH CAP STAMPED "LS 35832";

THENCE CONTINUING ALONG SAID NORTH LINE OF SAID PARCEL NUMBER TWO AND SAID NORTHERLY RIGHT OF WAY LINE SOUTH 86°07'03" EAST, 180.42 FEET TO A ½" REBAR WITH CAP STAMPED "LS 35832";

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE SOUTH 89°55'51" EAST, 511.64 FEET TO THE WEST LINE OF THE EAST 430.00 FEET OF THE SOUTHWEST QUARTER OF SAID SECTION 14, BEING MARKED BY A PK NAIL;

THENCE ALONG SAID WEST LINE AND ALONG THE WESTERLY LINE OF THAT PARCEL DESCRIBED IN THAT CERTAIN WARRANTY DEED FILED IN DOCKET 7870, PAGE 557, RECORDS OF MARICOPA COUNTY, ARIZONA, NORTH 00°06'04" EAST, 598.80 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED RECORDED UNDER INSTRUMENT NUMBER 2010-0043322;

THENCE ALONG THE SOUTH LINE OF SAID PARCEL SOUTH 89°54'46" EAST, 430.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 4,110,129 SQUARE FEET OR 94.36 ACRES, MORE OR LESS.

PARCEL 2:

THE NORTH 506.50 FEET OF THE EAST 430 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THAT PORTION CONVEYED TO THE CITY OF PHOENIX BY QUIT CLAIM DEED RECORDED AUGUST 8, 1960 IN DOCKET 3376, PAGE 212; AND ALSO EXCEPT THAT PORTION CONVEYED TO THE CITY OF PHOENIX BY QUIT CLAIM DEED RECORDED JULY 2, 2002 IN INSTRUMENT NO. 2002-0677117.

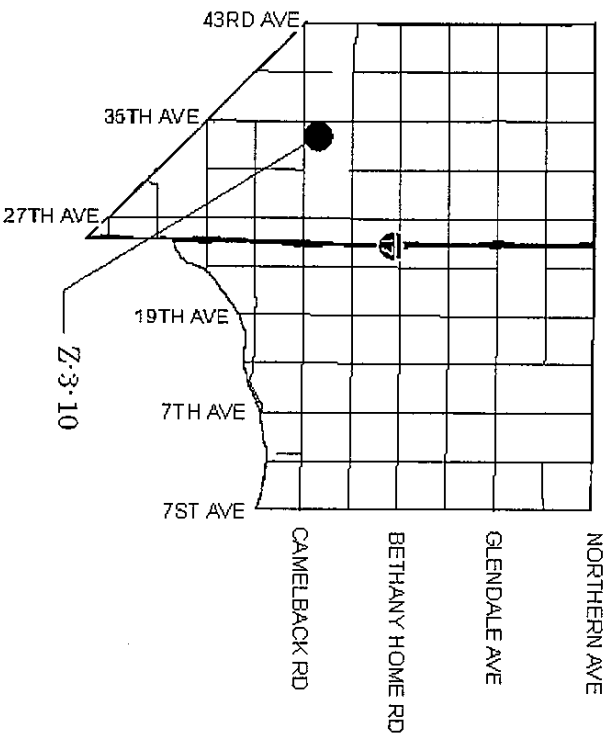
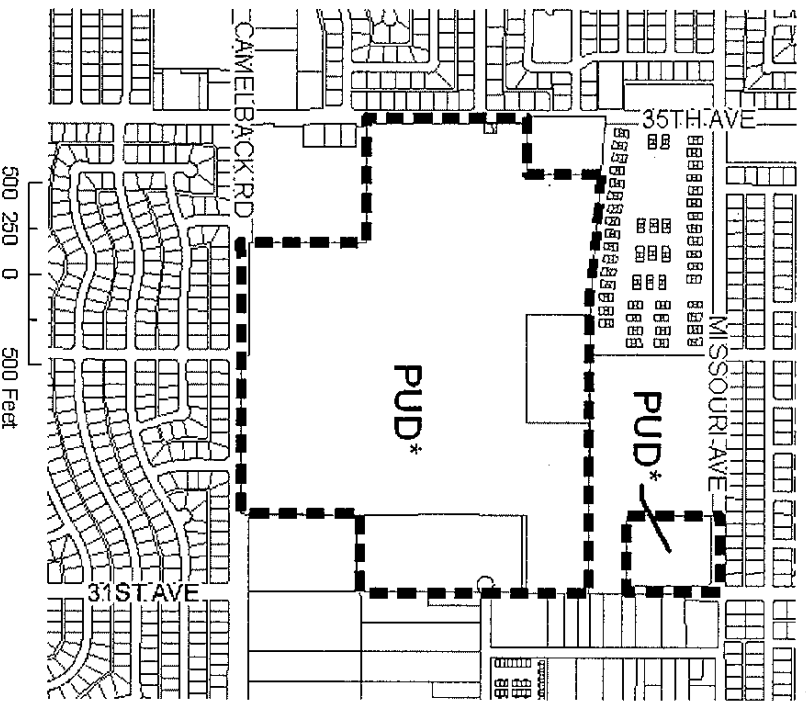
CONTAINS 181,823 SQUARE FEET OR 4.17 ACRES, MORE OR LESS.

ORDINANCE LOCATION MAP

ATTACHMENT B

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

Zoning Case Number: Z-3-10-5
Zoning Overlay: N/A
Planning Village: Alhambra



NOT TO SCALE



City of Phoenix
PLANNING DEPARTMENT



Drawn Date: 10/7/10

Map Document: N:\P\DF_Maps\Ordinance_Map\2010