

ORDINANCE G-5965

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-26-14-8) FROM C-1 (NEIGHBORHOOD COMMERCIAL) AND R-3 RI (MULTIFAMILY RESIDENCE DISTRICT AND RESIDENTIAL INFILL DISTRICT MULTIFAMILY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on June 20, 2014, 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 Alan Beaudoin, having authorization to represent the owner, New Pathways for Youth of an approximately 1.15 acre property located at the southeast corner of 10th Street and Pierce 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 November 19, 2014, 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 December 17, 2014, 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 1.15 acre property located at the southeast corner of 10th Street and Pierce Street in a portion of Section 4, Township 1 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from "C-1" (Neighborhood Commercial) and "R-3 RI" (Multifamily Residence District Residential Infill District Multifamily Residential) 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-26-14-8, 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 New Pathways for Youth 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 October 3, 2014, as modified by the following stipulations.
2. The Development Narrative shall be amended to reflect these changes:
 - a. The acreage in the first paragraph of the Executive Summary shall be corrected to read 1.15 ac.
 - b. Insert this paragraph in Section G. Performance and Development Standards after the first paragraph:

Unless specifically modified by the text below, all standards of the referenced Zoning Districts shall apply to this PUD. Where different standards (more or less restrictive) are specified below, these standards shall prevail over the standards in the ordinance.
 - c. Section G.1.d. Special Events shall be amended so that the hours of operation shall not occur between the hours of 9:00 pm and 7:00 am (14 hours per day)
 - d. Section G.5., 2nd paragraph shall be amended to read:

“A minimum of 50% of all pedestrian walkways shall be shaded by a combination of shade trees (at full maturity), building and/or structure. Surface parking lots...”
3. 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.
4. 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 17th day of December, 2014.



MAYOR


ATTEST:



City Clerk **ACTING**




APPROVED AS TO FORM:



Acting City Attorney *pm*

REVIEWED BY:



City Manager

PL:tml11585304 (CM#96) (Item #46) 12/17/14

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-26-14-8

Lots 12 through 16 of Block 8, Mount Pleasant Tract as recorded in Book 2 of Maps, Page 9, Records of Maricopa County and portions of the abutting streets, located in the Southwest quarter of Section 4, Township 1 North, Range 3 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

BEGINNING at the southwest corner of said lot 12;

Thence South $89^{\circ}51'50''$ West, 287.50 feet along the south line of said lots 12 through 16 and the elongation of said south line to the monument line of 10th Street;

Thence North $00^{\circ}00'00''$ East, 167.51 feet along said monument line to the intersection of 10th Street and Pierce Street;

Thence leaving said intersection North $89^{\circ}51'50''$ East, 287.50 feet along the monument line of said Pierce Street;

Thence leaving said monument line South $00^{\circ}00'00''$ West, 137.51 feet along the east line of said lot 12 to the POINT OF BEGINNING.

The above described parcel contains a computed area of 48,159 square feet or 1.11 acres, more or less and is subject to any easements, restrictions, or rights of way of record or otherwise.

ATTACHMENT B

ORDINANCE LOCATION MAP

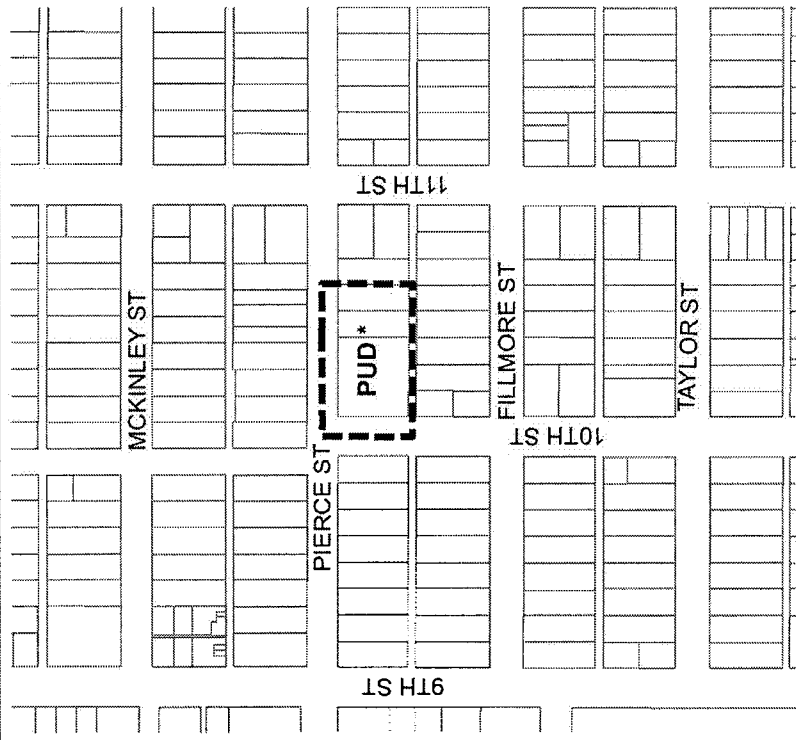
Zoning Case Number: Z-26-14

Zoning Overlay: N/A

Planning Village: Central City Village

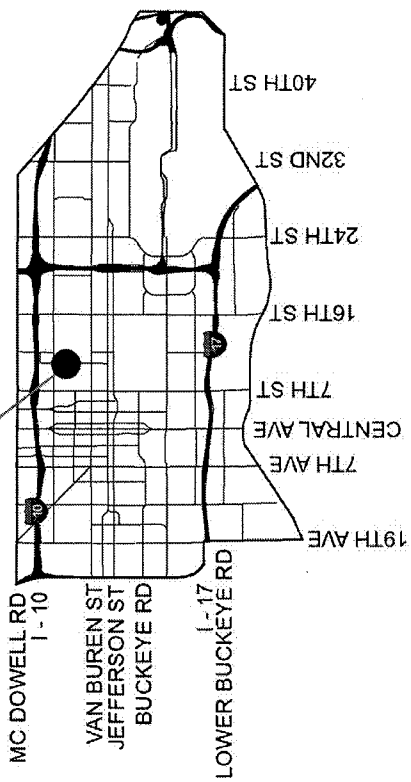
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■



NOT TO SCALE

Z-26-14



Drawn Date: 11/24/2014

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