

ORDINANCE G-6604

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-89-18-2) FROM C-1 SP (NEIGHBORHOOD RETAIL, SPECIAL PERMIT) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of a 7.18 acre property located approximately 275 feet south and 240 feet west of the southwest corner of Scottsdale Road and Joan de Arc Avenue in a portion of Section 15, Township 3 North, Range 4 East, as described more specifically in Exhibit "A," is hereby changed from C-1 SP (Neighborhood Retail, Special Permit) 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 Exhibit "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 Manor Scottsdale 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 April 15, 2019.
2. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, 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 developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Scottsdale Municipal Airport to future owners or tenants of the property.
4. The developer shall provide documentation to the City prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure, a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
5. The developer shall grant and record an avigation easement to the City of Phoenix Aviation Department for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
6. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
7. The applicant shall record a condominium plat for the Manor Scottsdale PUD development prior to final certificate of occupancy.
8. All units shall be certified and constructed with noise attenuation measures, such as outlined in building codes for noise level reduction/sound insulation required to reduce exterior to interior noise levels by at least 25db, as approved by the Planning and Development Department.
9. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver form. 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 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 3rd day of July, 2019.



MAYOR

ATTEST:



City Clerk



APPROVED AS TO FORM:



Acting City Attorney pm

REVIEWED BY:



City Manager

PL:tml:LF19-1601.07/03/19:2119903v1

Exhibits:

- A – Legal Description (2 Pages)
- B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-89-18-2

PARCEL NO. 1:

Lot 1, of Q-THE SPORTS CLUB II, according to Book 374 of Maps, Page 23, records of Maricopa, County, Arizona;

EXCEPT a portion of the Northeast quarter of the Southeast quarter of the Northeast quarter of Section 15, Township 3 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the Northeast corner of said Northeast quarter of the Southeast quarter of the Northeast quarter;

Thence South 00 degrees 50 minutes 50 seconds East along the East line of said Northeast quarter of the Southeast quarter of the Northeast quarter of distance of 53.08 feet;

Thence South 89 degrees 09 minutes 10 seconds West, a distance of 65.00 feet to a point on a line being parallel with and 65.00 feet Westerly, as measured at right angles from said East line;

Thence South 00 degrees 50 minutes 50 seconds East along said parallel line a distance of 244.94 feet (measured) 244.98 feet (record) to a corner of Lot 1, Q-THE SPORTS CLUB II, a subdivision recorded in Book 374 of Maps, Page 23, records of Maricopa County, last said corner also being the Southeast corner of that certain deed recorded in Recording No. 91-039067, records of Maricopa County;

Thence South 89 degrees 06 minutes 02 seconds West along the North line of said Lot 1, a distance of 210.00 feet to the TRUE POINT OF BEGINNING, said point also being a corner of said Lot 1 and the Southwest corner of said deed;

Thence continuing South 89 degrees 06 minutes 02 seconds West a distance of 12.50 feet;

Thence North 00 degrees 50 minutes 50 seconds West parallel with and 12.50 feet West of the East line of said Lot 1, a distance of 265.04 feet (measured) 265.00 feet (record) to the North line of said lot, last said point also being parallel with and 33.00 feet Southerly, as measured at rights angles from the North line of said Northeast quarter of the Southeast quarter of the Northeast quarter;

Thence North 89 degrees 07 minutes 01 seconds East (measured) North 89 degrees 06 minutes 02 seconds East (record) along said North line of Lot 1, a distance of 12.50 feet to the Northeast corner of said Lot 1, last said corner also being the Northwest corner of said deed;

Thence South 00 degrees 50 minutes 50 seconds East along said East line of Lot 1, a distance of 265.00 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 2:

An Easement for Ingress and Egress and Parking as set forth in Declaration of Easements, Covenants, Conditions and Restrictions recorded August 27, 1996 as 96-0603615, of Official Records, amended as 00-0057123, of Official Records and 2003-0586021, of Official Records.

