

ORDINANCE G-5417

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-78-08-8) FROM DC-W (DOWNTOWN CORE WAREHOUSE OVERLAY), A-1 W (LIGHT INDUSTRIAL WAREHOUSE OVERLAY), AND A-1 W HP (LIGHT INDUSTRIAL WAREHOUSE OVERLAY HISTORIC PRESERVATION) TO PUD (PLANNED UNIT DEVELOPMENT), PUD HP-L (PLANNED UNIT DEVELOPMENT HISTORIC PRESERVATION-LANDMARK OVERLAY), AND PUD HP (PLANNED UNIT DEVELOPMENT HISTORIC PRESERVATION OVERLAY).

WHEREAS, on August 8, 2008, the City of Phoenix Planning Department received, in compliance with the requirements of the City of Phoenix Zoning Ordinance, Section 506, a written request for rezoning from Jackson Street Entertainment District LLC, represented by Lazarus & Associates, having authorization to represent the owner, 117-141 E Jackson St LLC (et. al.) of an approximately 11.23 acre irregular shaped area located at the southwest corner of 4th Street and Jackson Street in a portion of Section 8; 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 June 10, 2009, 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 July 1, 2009, 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 11.23 acre irregular shaped area located at the southwest corner of 4th Street and Jackson Street in a portion of Section 8, Township 1 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from "DC-W" (Downtown Core Warehouse Overlay), "A-1 W" (Light Industrial Warehouse Overlay), and "A-1 W HP" (Light Industrial Warehouse Overlay Historic Preservation) To PUD (Planned Unit Development), PUD HP-L (Planned Unit Development Historic Preservation-Landmark Overlay), and PUD HP (Planned Unit Development Historic Preservation Overlay) and that the Planning 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-78-08-8, 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 the undesignated historic warehouse, Coe Sales Co. at 301-309 East Buchanan Street, shall not receive demolition permit approval unless the site has received site plan approval and building permits from the Development Services Department for new permanent construction/development.
2. That depending on the amount of ground disturbance, the following shall apply:
 - a. That areas within the Original Phoenix Townsite and Pueblo Patricio shall be monitored and/or tested
 - b. That areas within 250 feet of Pueblo Patricio shall be monitored and/or tested
 - c. That if archaeological materials are encountered during construction, all ground-disturbing activities shall cease within 10 meters of the discovery
 - d. That upon discovery of archaeological materials, the City of Phoenix Archaeology Office shall be notified immediately and allowed time to properly assess the materials.
 - e. That upon discovery of archaeological materials, the City of Phoenix Historic Preservation Officer shall be contacted.
3. That a Notice to Purchasers shall be required for all purchasers of residential property within the PUD boundaries alerting them to the concentration of activities in the area and the noise generating nature of the area.
4. That parcels in the PUD that are located within Height Zone B shall adhere to the Airport Height Zoning Ordinance G-4784.

5. That prior to issuance of building permits, the developer shall file an FAA Form 7460-1 and receive a "No Hazard Determination" and provide proof of a "No Hazard Determination".
6. That the property owner shall record documents that disclose the existence, and operational characteristics of the Sky Harbor International Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
7. 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 Development Services Department. All improvements shall comply with all ADA accessibility standards.

STIPULATIONS TO REVISE PUD NARRATIVE

8. That an updated Development Narrative for the Jackson Street Entertainment District 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 March 25, 2009, as modified by the following stipulations.
9. That the PUD shall be modified as follows:
 - a. Page 23.F.1.C.7. Cultural Events – needs to be defined.
 - b. Page 23.F.1.C.20-22, Outdoor Events, Outdoor Markets and Public and Farmer's Market – clarify which development standards apply to these uses.
 - c. Page 26 Density – delete language "within these 3 blocks" and "within these 2 blocks".
 - d. Page 27 Building Height – add to note about height waiver possibility "Outside of the area covered by the Sky Harbor Airport Zoning Ordinance."
 - e. Page 28 Building Setbacks/Build to Lines – Amend text to read "Maximum 5 feet from property line for buildings up to 40 feet in height".

- f. Page 28 Note: at the bottom of the page – the language for Notice to Purchasers regarding the concentration of activities in the area is included as a stipulation and can be removed from this section as it is not a development standard.
- g. Page 29 Right-of-Way – delete language “Improvements which fall outside...to be performed by others.”
- h. Page 29 Occupiable Rooftops – Change the Exhibit reference to the correct number.
- i. Page 30 Gathering Areas – add language noting that all amenities proposed for gathering areas in the right-of-way are subject to review and approval by the Street Transportation Department.
- j. Page 33 Planting – Amend first sentence to read: “All occupiable roof areas shall be a minimum of 500 square feet and shall be planted...”
- k. Page 37 Off Street Loading, 2nd sentence “Loading spaces shall be screened from view from Jackson Street” – define what constitutes screening.
- l. Page 39 d) – clarify the 4-foot minimum.
- m. Page 39 e) – Refer to urban form design guidelines for clarification. A mural (artwork) does not count as articulation.
- n. Page 40 Materials: New Construction – change language to: “An eclectic and varied palette of materials shall be employed for new construction.”
- o. Page 42 Building Form Blank Wall Standards – clarify meaning of the percentage in these sentences: “Blank walls shall be limited to a maximum of 40% of total ground floor street frontage.” And “Maximum 40% of total ground floor street frontage shall apply.”
- p. Page 50 Sponsorship Program signs – the applicant shall submit for review and approval a detailed outline of the administration of the sponsorship program to the Development Services Department.

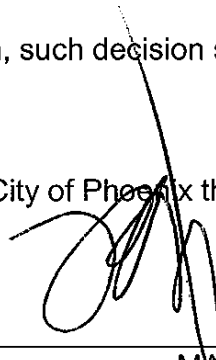
q. Page 23 and 24 – delete 16. Massage Therapy and 28. Tattoo Parlors from the list of uses (F.1.C)

10. 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. The electronic version may be utilized for future amendments. The applicant shall consent to allow future electronic copies so long as the current development team is not held responsible for future amendment language.

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.

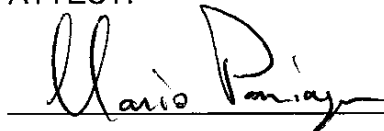
SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 1st day of July, 2009.



MAYOR

ATTEST:



City Clerk



APPROVED AS TO FORM:



AGSING
City Attorney

REVIEWED BY:


City Manager

MLW:tml:810920v1 (CM#128) (Item #6) 07/01/09

Attachments:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-78-08-8

That portion of the East half of Section 8. Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the intersection of Lincoln Street and 4th Street;

Thence Westerly a distance of 380 feet, more or less, to the intersection of Lincoln Street and 3rd Street;

Thence Northerly along the centerline of 3rd Street a distance of 697.4 feet, more or less, to a point on the South line of the "Original Townsite of Phoenix" as recorded in Book 2 of Maps, Page 51, Records of Maricopa County;

Thence Westerly along said South line a distance of 4.7 feet, more or less;

Thence Northerly along the centerline of 3rd Street a distance of 155 feet, more or less:

Thence Westerly along the centerline of a 25-foot alley lying within Block 47 and Block 48 of the aforementioned "Original Townsite of Phoenix", a distance of 641 feet, more or less, to a point lying on the projection of the West line of Tract 'A' as shown on the final plat for "Abromovitz" as recorded in Book 478, Page 14, Records of Maricopa County. Arizona;

Thence Northerly along said projection and the West line of said Tract 'A' a distance of 190 feet, more or less, to the centerline of Jackson Street;

Thence Easterly along said centerline a distance of 1021 feet, more or less to the intersection of Jackson Street and 4th Street;

Thence Southerly along the centerline of 4th Street a distance of 347 feet, more or less, to a point on the South line of the aforementioned "Original Townsite of Phoenix";

Thence Easterly along said South line a distance of 4.5 feet, more or less;

Thence Southerly along the centerline of 4th Street a distance of 698 feet, more or less, to the POINT OF BEGINNING.

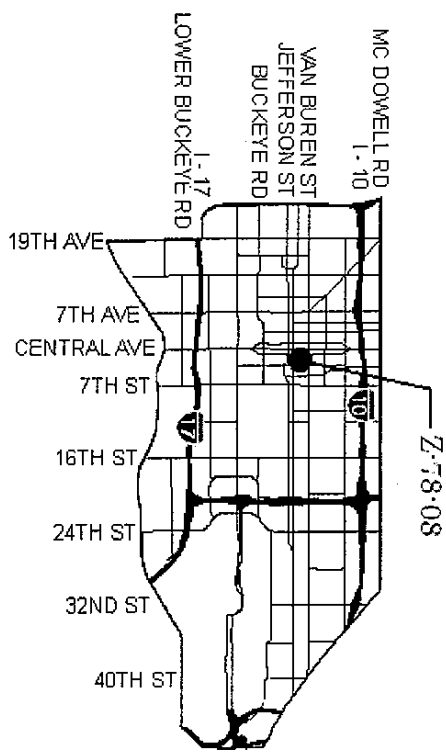
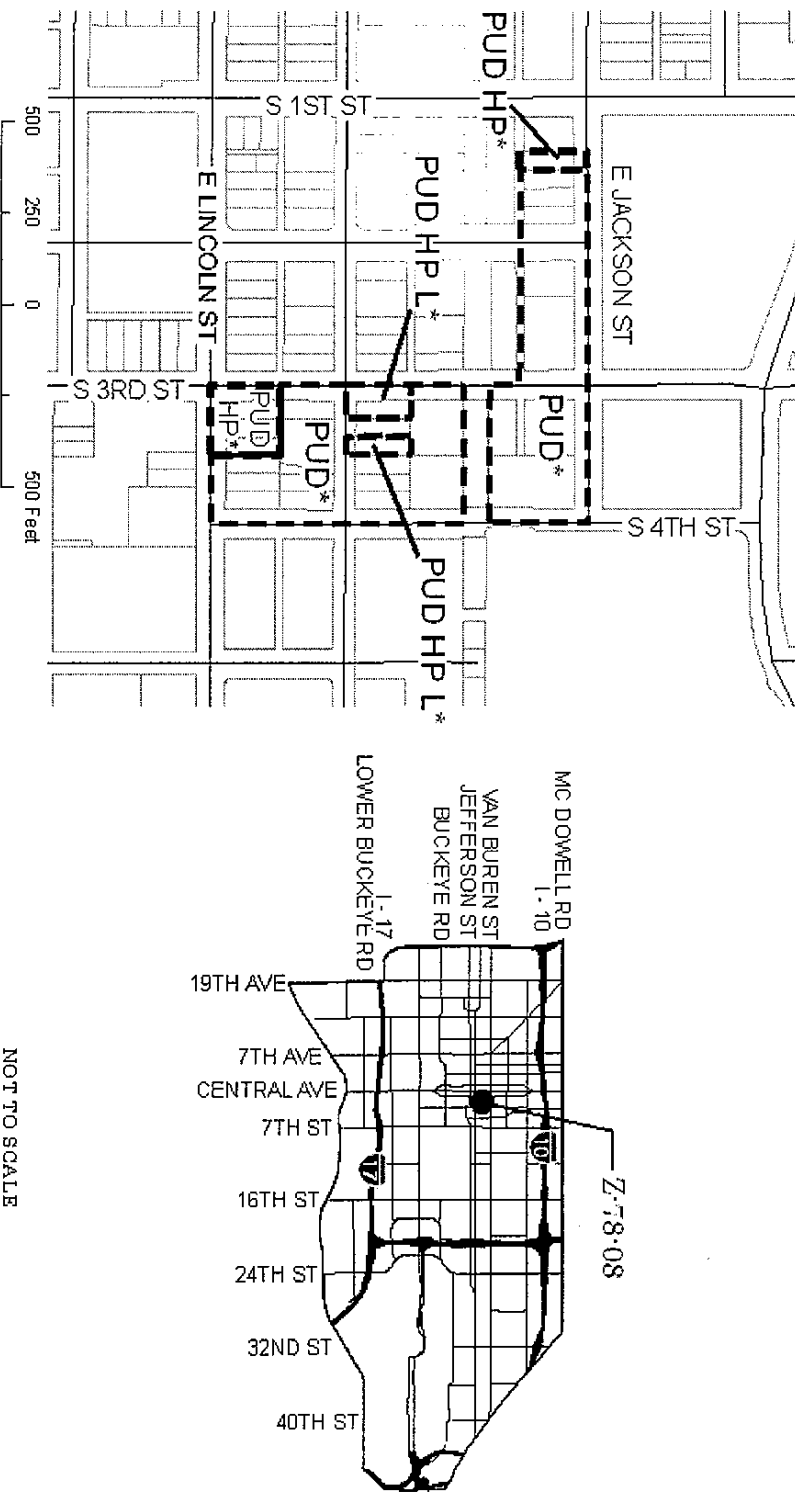
Area contains 517,750 square feet (11.9 Acres), more or less, and is subject to all easements and restrictions of record.

ORDINANCE LOCATION MAP

ATTACHMENT B

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

Zoning Case Number: Z-78-08-8
 Zoning Overlay: N/A
 Planning Village: Central City



City of Phoenix
 PLANNING DEPARTMENT



Drawn Date: 06/11/09

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