

ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,
ADOPTED ORDINANCE**

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-76-22-8) FROM R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT) AND R-3 (MULTIFAMILY RESIDENCE DISTRICT) TO R-3 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 5.82 acre site located at the southwest corner of 48th Street and Loop 202 Freeway in a portion of Section 6, Township 1 North, Range 4 East, as described more specifically in Exhibit "A," is hereby changed from 5.46 acres of "R1-6" (Single-Family Residence District) and 0.36-acres of "R-3" (Multifamily Residence District) to "R-3" (Multifamily Residence District).

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. The development shall be in general conformance with the elevations date stamped October 6, 2022, as modified by the following stipulations and approved by the Planning and Development Department.
2. A minimum 10-foot-wide landscape area shall be provided adjacent to the residences along the north, west and south property lines. This landscape area shall be planted with large evergreen trees planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department. Sixty percent of the trees shall be minimum 2-inch caliper, 40 percent of the trees shall be minimum 3-inch caliper with five 5-gallon shrubs per tree, as approved by the Planning and Development Department.
3. A perimeter wall no less than 6 feet in height shall be provided along the north and west property lines.
4. The indoor noise levels of residential units shall not exceed a decibel day night-level (DNL) of 45 decibels, as approved by the Planning and Development Department. A sealed and signed analysis by an engineer licensed in Arizona with a proficiency in residential sound mitigation or noise control shall be included with the building plans submitted for Phoenix Building Construction Code compliance review to the Planning and Development Department. The engineer shall note in the analysis that the building design is capable of achieving the required Noise Level Reduction.
5. The developer shall construct a minimum 5-foot-wide sidewalk along the west side of 48th Street along the entire rezoning frontage area connection to the sidewalk to the north, as approved by the Planning and Development Department.
6. The developer shall provide bicycle parking and/or storage as required by Chapter 13, Section 1307.H, as approved by the Planning and Development Department.
7. The developer shall construct all private accessways and public 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.
8. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor 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.

9. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
10. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
11. 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.
12. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims 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 1st day of March, 2023.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

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

EXHIBIT A

APN: 125-30-083A

A portion of the Southeast quarter of Section 6, Township 1 North, Range 4 East, of the Gila and Salt River Base and Meridian, County of Maricopa, State of Arizona, being more particularly described as follows:

Commencing at the Southeast corner of said Section 6;

thence North 00°03'48" West, 1980.26 feet along the East line of said Southeast quarter of Section 6;

thence departing said East line South 89°56'12" West, 40.00 feet to the westerly right of way line of 48th Street;

thence departing said westerly right of way line North 89°20'57" West, 19.44 feet to the point of beginning;

thence continuing North 89°20'57" West, 80.50 feet;

thence North 00°03'18" West, 8.00 feet to the South line of Lot 76, LINDON PARK TWO, according to Book 64 of Maps, page 43, records of Maricopa County, Arizona;

thence North 89°20'57" West, 115.94 feet along said South line of Lot 76 and the South line of Lot 77 of said LINDON PARK TWO to the Southwest corner of said Lot 77;

thence departing said South line North 00°03'17" West, 21.62 feet along the West line of said Lot 77;

thence departing said West line South 89°56'43" West, 50.00 feet to the East line of Lot 78 of said LINDON PARK TWO;

thence South 00°03'17" East, 25.00 feet along said East line to the Southeast corner of Lot 78 of said LINDON PARK TWO;

thence departing said East line North 89°20'57" West, 747.16 feet along the South line of said Lot 78 and Lots 79 through 89 of said LINDON PARK TWO;

thence departing said South line of said Lot 89 South 00°05' 04" East, 40.00 feet;

thence South 23°06'36" East, 43.46 feet;

thence South 00°05'04" East, 36.23 feet to the South line of Lot 27, DELANO ESTABLES, according to Book 62 of Maps, page 26, records of Maricopa County, Arizona;

thence North 89°20'57" West, 83.59 feet along said South line of Lot 27 and the South line of Lot 28 of said DELANO EST A 1ES to the Relocated Crosscut Canal easterly right of way line;

thence departing said South line of Lot 28 North 01 °47'00" West, 99.71 feet along said Relocated Crosscut Canal easterly right of way line;

thence departing said Relocated Crosscut Canal easterly right of way line North 25°16'33" East, 54.95 feet;

thence North 01 °47'00" West, 9.35 feet;

thence South 88°13'00" West, 10.00 feet to said Relocated Crosscut Canal easterly right of way line;

thence North 01 °47'00" West, 137.04 feet;

thence North 00°20'41" West, 150.18 feet;

thence departing said Relocated Crosscut Canal easterly right of way line South 73 °29'00" East, 792.90 feet;

thence South 67°49'45" East, 318.41 feet to the point of beginning.

Said parcel contains 190,721 square feet or 4.3784 acres more or less.
The Grantee's land shall have no right or easement of access to the limited access highway.

APN: 125-30-001

A portion of the Southeast quarter of Section 6, Township 1 North, Range 4 East, of the Gila and Salt River Base and Meridian, County of Maricopa, State of Arizona, being more particularly described as follows:

Lot 1, Delano Estates, according to the plat of record in the Office of the County Recorder of Maricopa County, Arizona, recorded in Book 62 of Maps, Page 26.

6,739 square feet or 0.15 acres more or less

ORDINANCE LOCATION MAP

EXHIBIT B

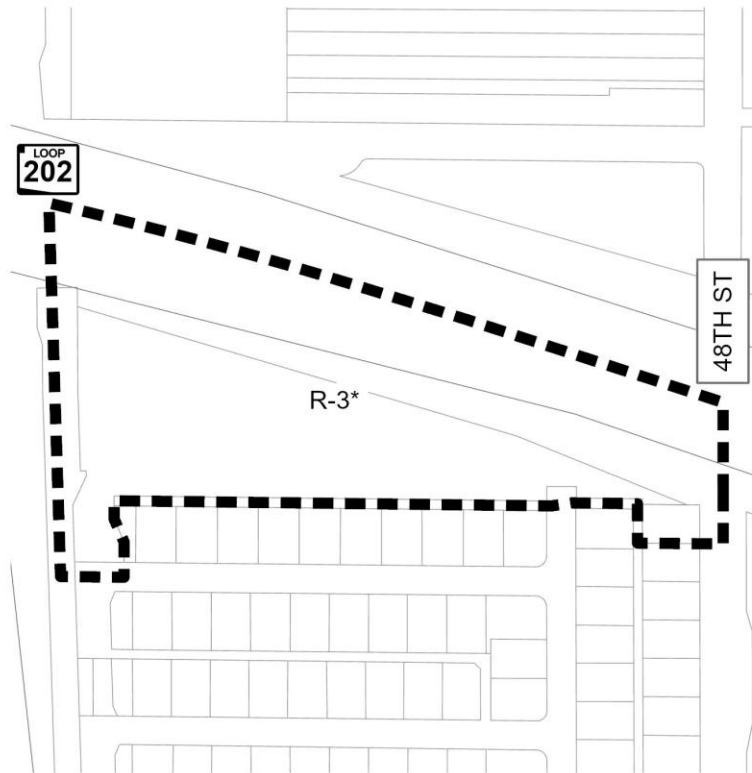
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

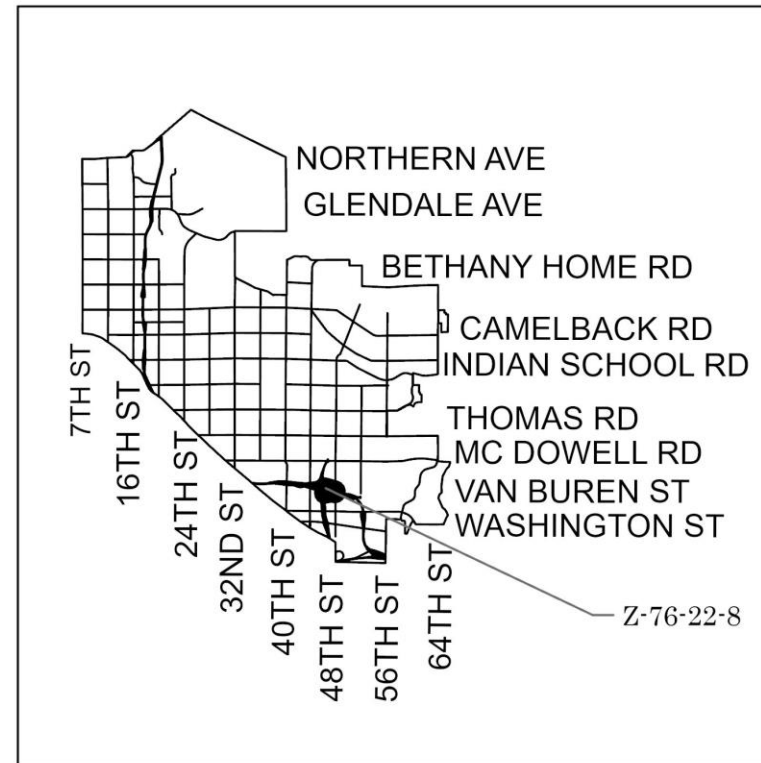
Zoning Case Number: Z-76-22-8

Zoning Overlay: N/A

Planning Village: Camelback East



0 130 260 520 Feet



NOT TO SCALE



Drawn Date: 1/30/2023