

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-16-23-6) FROM RE-35 (SINGLE-FAMILY RESIDENCE DISTRICT) AND CP/GCP (COMMERCE PARK DISTRICT/GENERAL COMMERCE PARK OPTION) TO R-3A (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 4.60 acre site located approximately 790 feet north of the northeast corner of 48th Street and Frye Road in a portion of Section 32, Township 1 South, Range 4 East, as described more specifically in Exhibit "A," is hereby changed from 0.17 acres of "RE-35" (Single-Family Residence District) and 4.43 acres of "CP/GCP" (Commerce Park District/General Commerce Park Option) to "R-3A" (Multifamily 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 March 6, 2023, in specific regard to the porte cochere element and the use of varying materials and colors, as approved by the Planning and Development Department.
2. A minimum 40-foot-wide building setback shall be provided along the south property line, as approved by the Planning and Development Department.
3. A minimum 95-foot-wide building setback shall be provided along the north property line, as approved by the Planning and Development Department.
4. A minimum of 25% of the gross site area shall be open space, as approved by the Planning and Development Department.
5. A minimum of 8 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the building entrance and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
6. A minimum of 2% of the required parking spaces shall be EV Installed.
7. The required trees within landscape areas shall be a minimum of 2-inch caliper, drought tolerant shade trees as approved by the Planning and Development Department.
8. Landscape areas shall have a minimum 75% live coverage as approved by the Planning and Development Department.
9. 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.
10. The existing streetscape within the right-of-way shall be replenished along 48th Street adjacent to the subject parcel (Assessor Parcel No. 301-85-243A) for the entire 993-foot street frontage, as approved by Planning and Development Department.

11. 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.
12. If Phase I data testing is required, and if, upon review of the results from 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.
13. 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.
14. 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 6th day of September, 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 (1 Page)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION – LOT 1

ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND, SITUATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AND BEING MORE COMPLETELY DESCRIBED AS FOLLOWS: BEGINNING AT A FOUND BRASS CAP IN HANDHOLE; MARKING THE NORTHWEST CORNER OF SECTION 32 TOWNSHIP 1 SOUTH, RANGE 4 EAST; THENCE SOUTH 00°04'16" EAST, 1322.72 FEET TO A FOUND BRASS CAP FLUSH MARKING THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32. THENCE NORTH 89°32'44" EAST, 55.09 FEET TO A FOUND REBAR MARKING THE NORTHWEST CORNER OF LOT 1 AS RECORDED IN BOOK 702 OF MAPS, PAGE 38 M.C.R.; THENCE SOUTH 00°07'14" EAST, 442.88 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°32'44" EAST, 38.50 FEET; THENCE SOUTH 60°45'40" EAST, 109.85 FEET; THENCE SOUTH 89°32'44" WEST, 134.24 FEET; THENCE NORTH 0°07'14" WEST, 54.41 FEET TO THE POINT OF BEGINNING; CONTAINING 4,699.54 SQUARE FEET, (0.1078 AC) MORE OR LESS.

LEGAL DESCRIPTION – LOT 2

ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND, SITUATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AND BEING MORE COMPLETELY DESCRIBED AS FOLLOWS: BEGINNING AT A FOUND BRASS CAP IN HANDHOLE; MARKING THE NORTHWEST CORNER OF SECTION 32 TOWNSHIP 1 SOUTH, RANGE 4 EAST; THENCE SOUTH 00°04'16" EAST, 1322.72 FEET TO A FOUND BRASS CAP FLUSH MARKING THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32. THENCE NORTH 89°32'44" EAST, 55.09 FEET TO A FOUND REBAR MARKING THE NORTHWEST CORNER OF LOT 1 AS RECORDED IN BOOK 702 OF MAPS, PAGE 38 M.C.R.; THENCE SOUTH 00°07'14" EAST, 497.29 FEET; THENCE NORTH 89°32'44" EAST, 63.58 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°32'44" EAST, 773.44 FEET; THENCE SOUTH 0°14'46" EAST, 496.45 FEET; THENCE SOUTH 89°35'03" WEST, 357.00 FEET; THENCE NORTH 0°14'46" WEST, 449.47 FEET; THENCE SOUTH 89°32'35" WEST, 334.30 FEET; THENCE NORTH 60°45'40" WEST, 94.37 FEET TO THE POINT OF BEGINNING; CONTAINING 194,732.11 SQUARE FEET, (4.4704 AC) MORE OR LESS.

ORDINANCE LOCATION MAP

EXHIBIT B

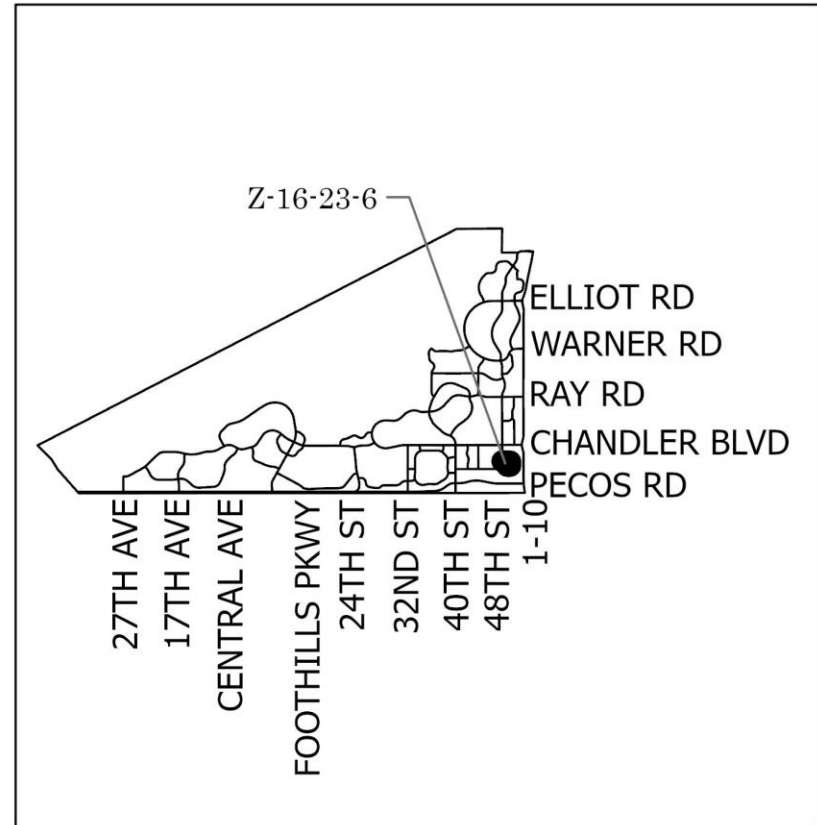
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■■■■■

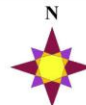
Zoning Case Number: Z-16-23-6

Zoning Overlay: N/A

Planning Village: Ahwatukee Foothills



NOT TO SCALE



Drawn Date: 7/31/2023