

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-54-23-6) FROM IND. PK. (INDUSTRIAL PARK), R-3A (MULTIFAMILY RESIDENCE DISTRICT), C-2 (INTERMEDIATE COMMERCIAL), AND P-1 (PASSENGER AUTOMOBILE PARKING, LIMITED) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of a 66.38-acre site located at the southwest corner of 52nd Street and McDowell Road in a portion of Section 5, Township 1 North Direction, Range 4 East, as described more specifically in Exhibit "A," is hereby changed from 54.05 acres of "IND. PK." (Industrial Park), 4.91 acres of "R-3A" (Multifamily Residence District), 4.73 acres of "C-2" (Intermediate Commercial), and 2.69 acres of "P-1" (Passenger Automobile Parking, Limited) 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 52nd Street & McDowell 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 February 16, 2024, as modified by the following stipulations:
 - a. Front cover: Revise the submittal date information to add the following: City Council adopted: [Add adoption date] and to revise the Hearing Draft date to February 16, 2024.
 - b. Page 9, Shade Standards Table, first row: delete the following text: (52nd Street and McDowell Road frontages).
 - c. Page 11, Landscape Standards Table: add footnote to 50th Street (north of commercial alley) and 50th Street (between commercial alley and Brill St) rows as follows: If any portion of 50th Street, north of Brill Street, is abandoned, the landscape setback may start at a line 34 feet east of the 50th Street monument line (the eastern edge of the right-of-way existing at the time of approval of this PUD). If access is maintained on the previously dedicated 50th Street, the condition shall reflect the condition shown on Sections A and B.
 - d. Page 22, Design Standards, Shade, first item, second sentence: delete “fronting 52nd Street and McDowell Road” and revise “10% of parking lot areas” to “25% of parking lot areas.”

2. The developer shall dedicate right-of-way and construct a bus stop pad on southbound 52nd Street. The bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. The bus stop pad shall be spaced from McDowell Road according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide 50% shade coverage to the bus stop pad at full maturity.
3. The developer shall dedicate right-of-way and construct a bus stop pad on eastbound McDowell Road. The bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. The bus stop pad shall be spaced from 50th Street according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide 50% shade coverage to the bus stop pad at full maturity.
4. Right-of-way along the south side of McDowell Road shall be dedicated to construct a flared intersection to accommodate a right-hand turn pocket at 52nd Street, including intersection upgrades and other incidentals, as required by the Street Transportation Department.
5. The existing streetscapes beginning at back of curb, including median islands, shall be replenished with the approved landscaping and trees along McDowell Road and 52nd Street, as approved by the Planning and Development Department.
6. The 50th Street right-of-way, adjacent to the site, shall be constructed to comply with City of Phoenix right-of-way improvement and termination standards. Improvements shall include paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, other incidentals, as per plans approved by the Planning and Development Department. Termination of the 50th Street right-of-way shall be constructed per the City of Phoenix termination standards and may require additional dedications, as required by the Street Transportation Department.
7. All streets within and adjacent to the development shall be constructed 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. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized, as approved or modified by the Planning and Development Department.
9. Natural turf shall only be utilized for required retention areas (bottom of basin) and/or functional turf located in employee recreation areas, as approved by the Planning and Development Department.

10. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
11. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low-Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.
12. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the City of Phoenix Businesses Water Efficiency Program for a minimum of 10 years, or as approved by the Planning and Development Department.
13. 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.
14. 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.
15. 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.
16. 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.
17. Prior to final 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 May, 2024.

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 (4 Pages)
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-54-23-6

A PORTION OF LAND SITUATED WITHIN THE WEST HALF OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 5, MARKED BY CITY OF PHOENIX BRASS CAP IN HANDHOLE, FROM WHICH THE CENTER CORNER OF SAID SECTION 5, MARKED BY CITY OF PHOENIX BRASS CAP IN HANDHOLE BEARS SOUTH 00°19'00" EAST, A DISTANCE OF 2637.62 FEET;

THENCE NORTH 90°00'00" WEST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION, A DISTANCE OF 50.56 FEET;

THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 70.00 FEET, TO A POINT ON A LINE PARALLEL WITH AND 70.00 FEET SOUTH OF THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5, ALSO BEING THE POINT OF BEGINNING;

THENCE SOUTH 45°01'21" EAST, A DISTANCE OF 1.35 FEET, TO A POINT ON A LINE 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5;

THENCE SOUTH 00°19'00" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 73.25 FEET;

THENCE SOUTH 08°41'13" WEST, A DISTANCE OF 12.78 FEET, TO A POINT ON A LINE 52.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5;

THENCE SOUTH 00°19'00" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 586.82 FEET;

THENCE SOUTH 89°55'37" WEST, A DISTANCE OF 20.00 FEET;

THENCE SOUTH 47°58'59" EAST, A DISTANCE OF 29.76 FEET, TO A POINT ON A LINE 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5;

THENCE SOUTH 00°19'00" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 124.61 FEET;

THENCE SOUTH $04^{\circ}14'34''$ WEST, A DISTANCE OF 25.16 FEET, TO A POINT ON A LINE 52.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5;

THENCE SOUTH $00^{\circ}19'00''$ EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 322.26 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 36.93 FEET, WHOSE CHORD BEARS SOUTH $66^{\circ}42'06''$ WEST, A DISTANCE OF 29.18 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE RIGHT THROUGH CENTRAL ANGLE OF $46^{\circ}32'08''$, AN ARC LENGTH OF 30.00 FEET TO A NON-TANGENT POINT;

THENCE SOUTH $89^{\circ}58'17''$ WEST, A DISTANCE OF 211.70 FEET;

THENCE SOUTH $85^{\circ}38'56''$ WEST, A DISTANCE OF 70.70 FEET;

THENCE SOUTH $89^{\circ}56'17''$ WEST, A DISTANCE OF 208.08 FEET;

THENCE SOUTH $00^{\circ}01'57''$ EAST, A DISTANCE OF 65.11 FEET;

THENCE SOUTH $00^{\circ}01'21''$ EAST, A DISTANCE OF 202.96 FEET;

THENCE NORTH $89^{\circ}41'36''$ WEST, A DISTANCE OF 370.07 FEET;

THENCE SOUTH $00^{\circ}01'10''$ WEST, A DISTANCE OF 115.50 FEET;

THENCE SOUTH $89^{\circ}42'38''$ WEST, A DISTANCE OF 357.19 FEET;

THENCE SOUTH $00^{\circ}25'30''$ EAST, A DISTANCE OF 360.02 FEET;

THENCE NORTH $89^{\circ}44'02''$ EAST, A DISTANCE OF 330.06 FEET;

THENCE NORTH $00^{\circ}25'05''$ WEST, A DISTANCE OF 275.98 FEET;

THENCE SOUTH $89^{\circ}40'54''$ EAST, A DISTANCE OF 396.66 FEET;

THENCE SOUTH $00^{\circ}01'57''$ EAST, A DISTANCE OF 228.68 FEET;

THENCE NORTH $89^{\circ}46'00''$ EAST, A DISTANCE OF 520.69 FEET, TO A POINT ON A LINE 52.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5;

THENCE SOUTH $00^{\circ}19'00''$ EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 42.94 FEET;

THENCE NORTH $88^{\circ}58'50''$ WEST, A DISTANCE OF 8.91 FEET;
THENCE SOUTH $42^{\circ}37'12''$ EAST, A DISTANCE OF 8.35 FEET;
THENCE SOUTH $89^{\circ}48'14''$ WEST, A DISTANCE OF 257.79 FEET;
THENCE SOUTH $00^{\circ}19'17''$ EAST, A DISTANCE OF 369.11 FEET;
THENCE SOUTH $54^{\circ}36'54''$ WEST, A DISTANCE OF 54.59 FEET;
THENCE SOUTH $89^{\circ}36'10''$ WEST, A DISTANCE OF 24.96 FEET;
THENCE SOUTH $44^{\circ}42'01''$ WEST, A DISTANCE OF 28.38 FEET;
THENCE SOUTH $00^{\circ}20'08''$ EAST, A DISTANCE OF 229.56 FEET;
THENCE NORTH $90^{\circ}00'00''$ WEST, A DISTANCE OF 390.84 FEET;
THENCE NORTH $00^{\circ}28'11''$ WEST, A DISTANCE OF 196.65 FEET;
THENCE SOUTH $89^{\circ}34'42''$ WEST, A DISTANCE OF 583.68 FEET;
THENCE NORTH $00^{\circ}42'05''$ WEST, A DISTANCE OF 451.18 FEET;
THENCE SOUTH $89^{\circ}45'46''$ WEST, A DISTANCE OF 361.20 FEET, TO A POINT ON
THE EAST RIGHT OF WAY LINE OF 49TH PLACE;
THENCE NORTH $00^{\circ}30'58''$ WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A
DISTANCE OF 612.79 FEET, TO THE BEGINNING OF A TANGENT CURVE,
CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 11.93 FEET, WHOSE CHORD
BEARS NORTH $44^{\circ}36'59''$ EAST, A DISTANCE OF 16.91 FEET;
THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT THROUGH
CENTRAL ANGLE OF $90^{\circ}15'54''$, AN ARC LENGTH OF 18.79 FEET TO A TANGENT
POINT, ON THE SOUTH RIGHT-OF-WAY LINE OF CULVERT STREET;
THENCE NORTH $89^{\circ}44'56''$ EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A
DISTANCE OF 280.99 FEET;
THENCE NORTH $00^{\circ}28'22''$ WEST, A DISTANCE OF 30.00 FEET;
THENCE NORTH $89^{\circ}44'56''$ EAST, A DISTANCE OF 130.57 FEET;
THENCE NORTH $00^{\circ}25'06''$ WEST, A DISTANCE OF 815.43 FEET;

THENCE NORTH $89^{\circ}33'51''$ EAST, A DISTANCE OF 26.00 FEET, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 50TH STREET;

THENCE NORTH $00^{\circ}25'06''$ WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 446.17 FEET;

THENCE NORTH $44^{\circ}47'27''$ EAST, A DISTANCE OF 24.66 FEET, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF MCDOWELL ROAD;

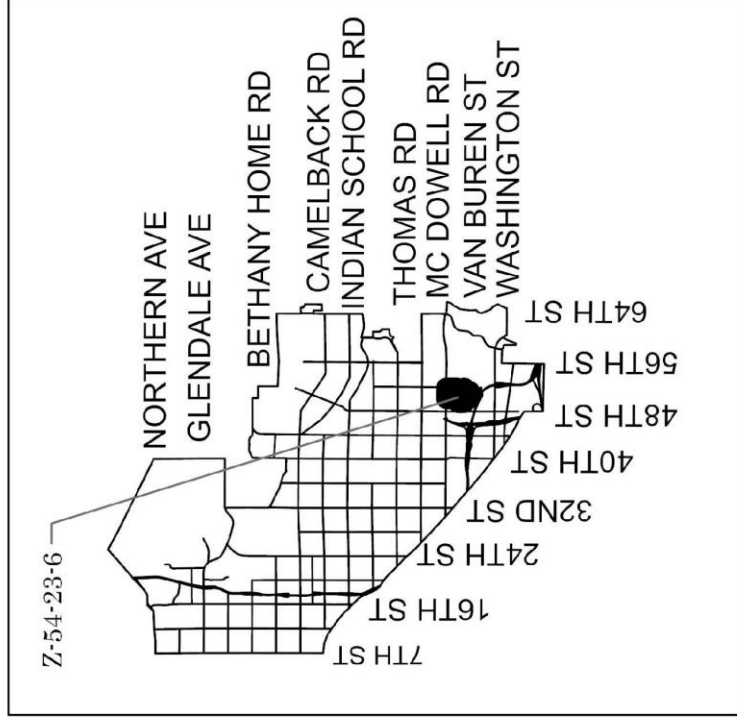
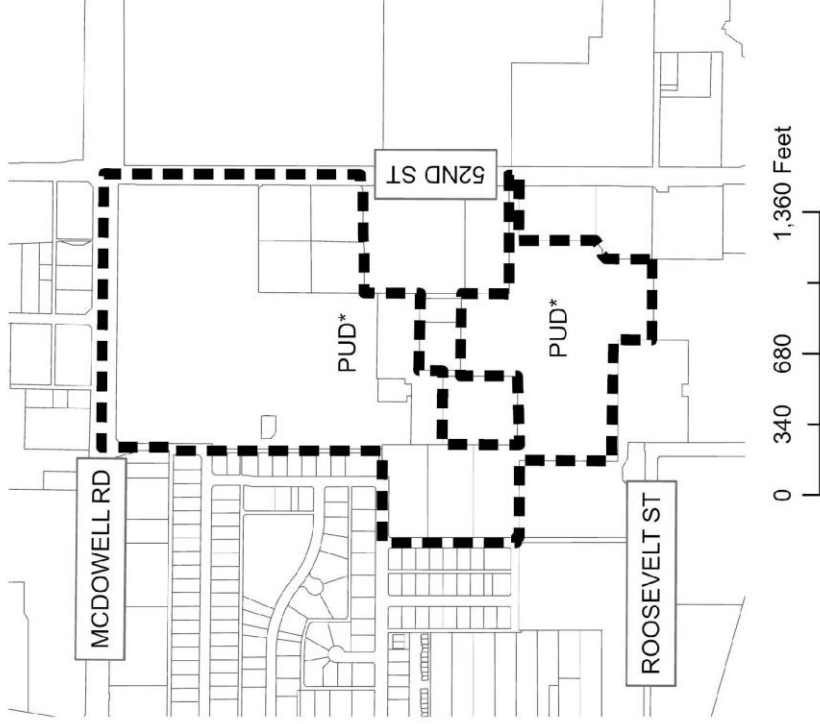
THENCE NORTH $90^{\circ}00'00''$ EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1228.50 FEET, THE POINT OF BEGINNING.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: - - - - -

Zoning Case Number: Z-54-23-6
Zoning Overlay: N/A
Planning Village: Camelback East



NOT TO SCALE



Drawn Date: 3/29/2024