

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-24-22-8) FROM C-2 (INTERMEDIATE COMMERCIAL DISTRICT) AND R-5 (MULTIFAMILY RESIDENCE DISTRICT) TO R-5 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of an 8.12-acre site located approximately 370 feet west of the southwest corner of 48th Street and McDowell Road in a portion of Section 6, Township 1 North, Range 4 East, as described more specifically in Exhibit “A,” is hereby changed from 7.48 acres of “C-2” (Intermediate Commercial District) and 0.64 acres of “R-5” (Multifamily Residence District), to “R-5” (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 landscape setbacks along 48th Street and McDowell Road shall be landscaped with minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees, planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department. When possible, the developer shall use existing trees and landscaping to meet the landscaping requirements.
2. Upon complete redevelopment or development that increases the cumulative floor area by more than 15% from that depicted on the site plan date stamped March 29, 2022, a minimum of 10% open space shall be provided, as approved by the Planning and Development Department.
3. Upon complete redevelopment or development that increases the cumulative floor area by more than 15% from that depicted on the site plan date stamped March 29, 2022, bicycle parking spaces shall be provided 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.
4. Upon complete redevelopment or development that increases the cumulative floor area by more than 15% from that depicted on the site plan date stamped March 29, 2022, a minimum 5-foot wide sidewalk shall be provided along McDowell Road and be detached with a minimum 13-foot wide landscaped strip located between the sidewalk and back of curb, per Cross Section A, as identified on the Street Classification Map, as approved by the Planning and Development Department. Minimum 2-inch caliper trees shall be planted 20 feet on center or in equivalent groupings with five 5-gallon shrubs per tree, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
5. Upon complete redevelopment or development that increases the cumulative floor area by more than 15% from that depicted on the site plan date stamped March 29, 2022, the sidewalk along 48th Street shall be detached with a minimum 5-foot wide landscaped strip located between the sidewalk and back of curb, as approved by the Planning and Development

Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

6. 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.
7. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
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. The developer shall grant and record an aviation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
10. 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.
11. 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.
12. 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.
13. 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 12th day of October, 2022.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:

- A – Legal Description (4 Pages)
- B – Ordinance Location Map (1 Page)

EXHIBIT A

Real property in the City of Phoenix, County of Maricopa, State of Arizona, in a portion of Section 6, Township 1 North, Range 4 East described as follows:

PARCEL NO.1:

THAT PORTION OF LOTS 1 AND 2, OF SPARKS TRACT, ACCORDING TO BOOK 14 OF MAPS, PAGE 44, RECORDS OF MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF THE SAID NORTHEAST QUARTER, SECTION 6, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

THENCE NORTH 89 DEGREES 46 MINUTES 58 SECONDS WEST ALONG THE NORTH LINE OF THE SAID NORTHEAST QUARTER, A DISTANCE OF 294.85 FEET;

THENCE SOUTH 00 DEGREES 13 MINUTES 02 SECONDS WEST 40.00 FEET TO THE SOUTHWEST CORNER OF THE NORTH 7.00 FEET OF THE EAST 262.00 FEET OF THE SAID LOT 2, SPARKS TRACT;

THENCE SOUTH ALONG THE WEST LINE OF THE EAST 262.00 FEET OF THE SAID LOT 2, A DISTANCE OF 119.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH ALONG THE SAID WEST LINE A DISTANCE OF 136.00 FEET TO THE SOUTHWEST CORNER OF THE NORTH 262.00 FEET TO THE EAST 262.00 FEET OF THE SAID LOT 2, SPARKS TRACT;

THENCE SOUTH 89 DEGREES 46 MINUTES 58 SECONDS EAST ALONG THE SOUTH LINE OF THE SAID NORTH 262.00 FEET OF LOT 2, SPARKS TRACT, A DISTANCE OF 255.00 FEET;

THENCE SOUTH PARALLEL TO AND 7.00 FEET WEST FROM THE EAST LINE OF THE SAID LOT 2, SPARKS TRACT, A DISTANCE OF 243.30 FEET;

THENCE NORTH 89 DEGREES 19 MINUTES 29 SECONDS WEST PARALLEL TO THE SOUTH LINE OF THE SAID LOTS 1 AND 2, SPARKS TRACT, A DISTANCE OF 991.20 FEET;

THENCE NORTH 32 DEGREES 21 MINUTES 37 SECONDS EAST 164.00 FEET;

THENCE NORTH 40 DEGREES 50 MINUTES 45 SECONDS EAST 215.00 FEET;

THENCE NORTH 47 DEGREES 45 MINUTES 49 SECONDS EAST 206.72 FEET;

THENCE NORTH 51 DEGREES 54 MINUTES 02 SECONDS EAST 78.71 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 7.00 FEET OF THE SAID LOTS 1 AND 2, SPARKS TRACT;

THENCE SOUTH 89 DEGREES 46 MINUTES 58 SECONDS EAST ALONG THE SAID SOUTH LINE A DISTANCE OF 183.74 FEET;

THENCE SOUTH 119.41 FEET;

THENCE EAST 109.00 FEET TO THE POINT OF BEGINNING;

EXCEPT THEREFROM THAT PORTION THEREOF LYING WEST OF THE NORTH PROLONGATION OF LINE "A" DESCRIBED BELOW AND NORTH OF THE LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 6;

THENCE NORTH 89 DEGREES 46 MINUTES 58 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 6 A DISTANCE OF 294.85 FEET;

THENCE SOUTH 00 DEGREES 13 MINUTES 02 SECONDS WEST A DISTANCE OF 40.00 FEET TO THE SOUTHWEST CORNER OF THE NORTH 7.00 FEET OF THE EAST 262.00 FEET OF SAID LOT 2;

THENCE SOUTH ALONG THE WEST LINE OF SAID EAST 262.00 FEET A

DISTANCE OF 119.00 FEET; THENCE WEST A DISTANCE OF 109.00 FEET;

THENCE NORTH ALONG A LINE DESIGNATED HEREIN AS LINE "A", TO THE SOUTH LINE OF THE NORTH 12.00 FEET OF SAID LOT 2 AND THE POINT OF BEGINNING;

THENCE WEST ALONG SAID SOUTH LINE TO THE WEST LINE OF THE EAST 449.33 FEET OF THE SAID SECTION 6, BEING THE POINT CURVATURE OF A

CIRCULAR CURVE CONCAVE SOUTH, HAVING A RADIUS OF 8641.99 FEET;

THENCE WEST ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00 DEGREES 57 MINUTES 07 SECONDS A DISTANCE OF 143.58 FEET TO THE WEST LINE OF SAID LOT 1 AND THE TERMINUS OF THE LINE DESCRIBED HEREIN;

EXCEPT THE NORTH 7.00 FEET THEREOF.

PARCEL NO. 2:

AN EASEMENT FOR INGRESS AND EGRESS AND PUBLIC UTILITIES, OVER THE WEST 24.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

FROM THE NORTHEAST CORNER OF THE SAID NORTHEAST QUARTER, SECTION 6, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

THENCE NORTH 89 DEGREES 46 MINUTES 58 SECONDS WEST ALONG THE NORTH LINE OF THE SAID NORTHEAST QUARTER, SECTION 6 A DISTANCE OF 294.85 FEET;

THENCE SOUTH 00 DEGREES 13 MINUTES 02 SECONDS WEST, 40.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE SOUTHWEST CORNER OF THE NORTH 7.00 FEET OF THE EAST 262.00 FEET OF THE SAID LOT 2, SPARKS TRACT;

THENCE SOUTH ALONG THE WEST LINE OF THE EAST 262.00 FEET OF LOT 2, SPARKS TRACT, A DISTANCE OF 119.00 FEET;

THENCE WEST 109.00 FEET;

THENCE NORTH 119.41 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 7.00 FEET OF THE SAID LOT 2, SPARKS TRACT;

THENCE SOUTH 89 DEGREES 46 MINUTES 58 SECONDS EAST ALONG THE SAID SOUTH LINE A DISTANCE OF 109.00 FEET TO THE POINT OF BEGINNING, AS CREATED IN DOCUMENT RECORDED AS DOCKET 16272 PAGE 110 AND AMENDED IN DOCUMENT RECORDED AS 83-081470 OF OFFICIAL RECORDS.

PARCEL NO. 3:

AN EASEMENT FOR PARKING OVER ALL PARKING AREAS CONSTRUCTED ON

THE OFFICE PARCEL WHICH SAID OFFICE PARCEL IS DESIGNATED ON
EXHIBIT "B" OF DOCUMENT RECORDED AS DOCKET 16272, PAGE 110, AS
CREATED BY DOCUMENT RECORDED AS DOCKET 16272, PAGE 110

DRAFT

ORDINANCE LOCATION MAP

EXHIBIT B

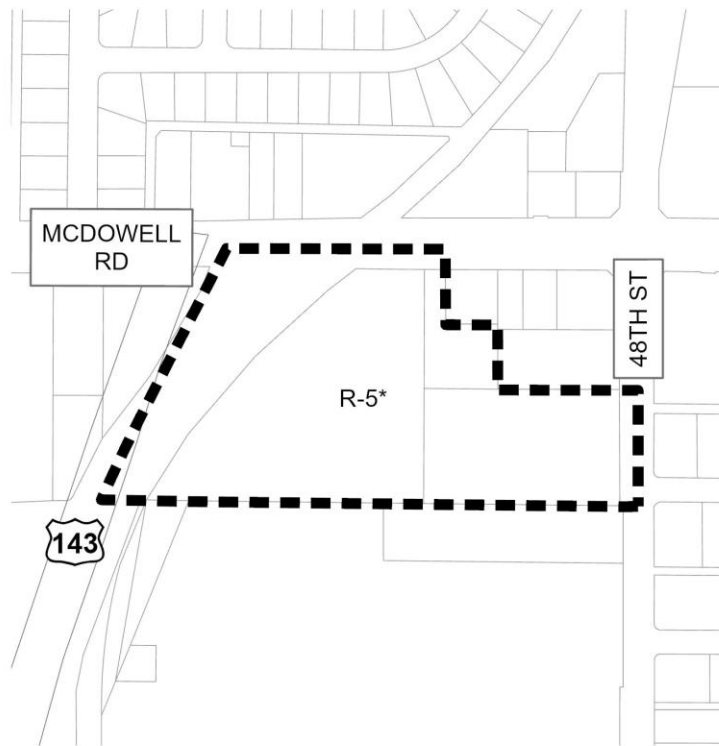
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

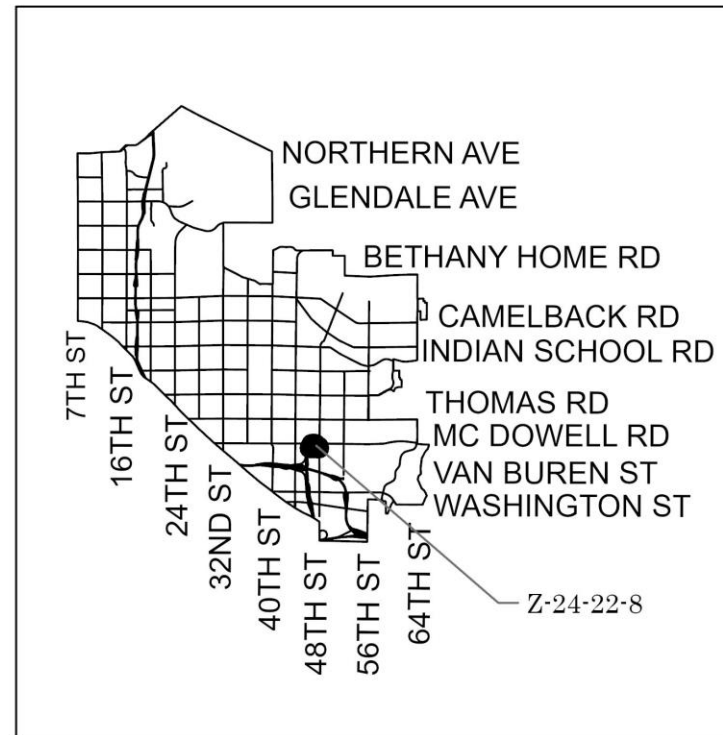
Zoning Case Number: Z-24-22-8

Zoning Overlay: N/A

Planning Village: Camelback East



0 155 310 620 Feet



NOT TO SCALE



Drawn Date: 9/19/2022