

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-23-24-8) FROM WU CODE T4:3 GW (WALKABLE URBAN CODE, TRANSECT 4:3 DISTRICT, TRANSIT GATEWAY CHARACTER AREA) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of a 11.46-acre site located at the northwest corner of 24th Street and Portland Street in a portion of Section 3, Township 1 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "WU Code T4:3 GW" (Walkable Urban Code, Transect 4:3 District, Transit Gateway Character Area) 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 Phoenix Airpark Gateway 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 July 31, 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 submittal date to July 31, 2024.
 - b. Page 7, C. List of Uses: Add a new bullet point as follows: "Single-family residential use west of the 22nd Street alignment."
 - c. Page 8, D. Development Standards: Add the following statement at the end of the first paragraph: "Single-family residential shall be subject to the R1-6 zoning district standards and shall not be subject to the modifications contained in this section."
 - d. Page 14, E. Design Guidelines: Add the following statement to the end of the second paragraph: "Single-family residential shall be subject to the design standards of Section 507 Tab A of the Zoning Ordinance and shall be exempt from all design standards contained in this section of the PUD."
2. A minimum 40-feet of right-of-way shall be dedicated for the west side of 24th Street, adjacent to City of Phoenix right-of-way.
3. Additional right of way dedications and improvements shall be constructed along the west side of 24th Street, as required by the approved Traffic Impact Analysis.
4. A minimum 10-foot sidewalk easement shall be dedicated for the west side of 24th Street, adjacent to the development for the full length of the street frontage. The required streetscape area shall be encompassed by sidewalk easement.

5. Vehicular access, including for emergency purposes, shall be prohibited onto Portland Street and 22nd Street from the subject site. Upon request for an emergency access point from the Fire Department, the applicant shall submit an updated Traffic Impact Analysis to be reviewed and approved by the Street Transportation Department.
6. A minimum 20-foot-wide right-of-way shall be dedicated, including alley triangle, for the extension of the existing alleyway per City of Phoenix standards. Alternatively, an application to consider the abandonment of the existing alley dedication may be submitted and subject to the outcome established in the public hearing process.
7. Right-of-way shall be dedicated for the extension or termination of 22nd Street and constructed to City of Phoenix standards. Alternatively, an application to consider the abandonment of the existing 22nd Street right-of-way may be submitted and subject to the outcome established in the public hearing process.
8. All existing electrical utilities within the public right-of-way shall be undergrounded, adjacent to the development, or as otherwise approved by the Street Transportation Department. The developer shall coordinate with the affected utility companies for their review and permitting.
9. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
10. 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.
11. 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.
12. 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.

13. 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.
14. 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.
15. 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 2nd day of October, 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 (3 Pages)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-23-24-8

PARCEL NO 1:

THOSE PORTIONS OF LOTS 15 THROUGH 19, INCLUSIVE, AND 22 THROUGH 28, INCLUSIVE, CHILDRESS PLACE, ACCORDING TO BOOK 14 OF MAPS, PAGE 25 AND LOTS 1 THROUGH 10, INCLUSIVE, WILIMEK COURT, ACCORDING TO BOOK 33 OF MAPS, PAGE 12, RECORDS MARICOPA COUNTY, ARIZONA AND THOSE PORTIONS OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 1 NORTH RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA LYING WITHIN THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 3;

THENCE NORTH 00 DEGREES 13 MINUTES 00 SECONDS WEST ALONG THE EAST LINE OF SAID SECTION, SAID LINE BEING COINCIDENTAL WITH THE EXISTING CENTERLINE OF 24TH STREET, 520.72 FEET;

THENCE SOUTH 89 DEGREES 47 MINUTES 00 SECONDS WEST 43.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 30 MINUTES 01 SECONDS WEST 120.96 FEET;

THENCE NORTH 00 DEGREES 13 MINUTES 00 SECONDS WEST 80.02 FEET;

THENCE NORTH 89 DEGREES 39 MINUTES 15 SECONDS WEST 3.00 FEET;

THENCE NORTH 00 DEGREES 13 MINUTES 00 SECONDS WEST 60.00 FEET TO A POINT IN THE SOUTH LINE OF LOT 28 OF CHILDRESS PLACE;

THENCE NORTH 89 DEGREES 30 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF CHILDRESS PLACE A DISTANCE OF 1168.13 FEET TO THE SOUTHWEST CORNER OF LOT 15 OF SAID CHILDRESS PLACE;

THENCE NORTH 00 DEGREES 18 MINUTES 47 SECONDS EAST ALONG THE WEST LINE OF LOT 15 A DISTANCE OF 129.00 FEET;

THENCE NORTH 65 DEGREES 05 MINUTES 37 SECONDS EAST 421.11 FEET;

THENCE SOUTH 89 DEGREES 31 MINUTES 17 SECONDS EAST 898.08 FEET;

THENCE SOUTH 02 DEGREES 30 MINUTES 22 SECONDS EAST 370.17 FEET;

THENCE NORTH 89 DEGREES 39 MINUTES 15 SECONDS EAST 1.62 FEET;

THENCE SOUTH 00 DEGREES 13 MINUTES 00 SECONDS EAST 77.00 FEET;

THENCE SOUTH 41 DEGREES 56 MINUTES 55 SECONDS WEST 4.47 FEET TO
THE POINT OF BEGINNING.

PARCEL NO. 2:

THE SOUTH 62.00 FEET OF THE NORTH 124 FEET OF THE EAST HALF OF THE
SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST
QUARTER OF SECTION 3 TOWNSHIP 1 NORTH RANGE 3 EAST OF THE GILA AND
SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE WEST 162.50 FEET; AND

EXCEPT THE EAST 30.00 FEET.

PARCEL NO. 3:

THE NORTH 62.00 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF
THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3
TOWNSHIP 1 NORTH RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND
MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE WEST 137.5 FEET; AND

EXCEPT THE EAST 30.00 FEET.

PARCEL NO. 4:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER
OF SECTION 3, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE GILA AND SALT
RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS
FOLLOWS:

COMMENCING AT A 2 1/2 INCH BRASS CAP MARKING THE EAST QUARTER
CORNER OF SAID SECTION 3, WHICH BEARS SOUTH 00 DEGREES 15 MINUTES
25 SECONDS EAST 1320.37 FEET FROM A 3 INCH CITY OF PHOENIX (COP)
BRASS CAP MARKING THE NORTHEAST CORNER OF THE SOUTHEAST
QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 3;

THENCE ALONG THE EAST LINE OF SAID SECTION 3, NORTH 00 DEGREES 15
MINUTES 25 SECONDS WEST 970.89 FEET;

THENCE SOUTH 89 DEGREES 44 MINUTES 35 SECONDS WEST 53.17 FEET TO THE ACCESS CONTROL FENCE ALONG THE 1995 RIGHT OF WAY LINE OF THE EAST PAPAGO (STATE ROUTE 217) (STATE ROUTE 202L RED MOUNTAIN FREEWAY);

THENCE ALONG SAID ACCESS CONTROL FENCE ALONG THE 1995 RIGHT OF WAY LINE, NORTH 89 DEGREES 31 MINUTES 17 SECONDS WEST 898.08 FEET;

THENCE CONTINUING ALONG SAID ACCESS CONTROL FENCE ALONG THE 1995 RIGHT OF WAY LINE, SOUTH 65 DEGREES 05 MINUTES 37 SECONDS WEST 421.11 FEET TO THE POINT OF BEGINNING ON THE EAST RIGHT OF WAY LINE OF 22ND STREET;

THENCE ALONG SAID EAST RIGHT OF WAY LINE, SOUTH 00 DEGREES 18 MINUTES 47 SECONDS WEST 129.00 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3;

THENCE ALONG SAID NORTH LINE, NORTH 89 DEGREES 26 MINUTES 48 SECONDS WEST 198.89 FEET;

THENCE SOUTH 00 DEGREES 03 MINUTES 17 SECONDS EAST 61.96 FEET;

THENCE NORTH 89 DEGREES 31 MINUTES 21 SECONDS WEST 162.23 FEET TO SAID ACCESS CONTROL FENCE ALONG THE 1995 RIGHT OF WAY LINE;

THENCE ALONG SAID ACCESS CONTROL FENCE ALONG THE 1995 RIGHT OF WAY LINE, NORTH 00 DEGREES 05 MINUTES 38 SECONDS WEST 19.70 FEET;

THENCE CONTINUING ALONG ACCESS CONTROL FENCE ALONG THE 1995 RIGHT OF WAY LINE, NORTH 65 DEGREES 05 MINUTES 37 SECONDS EAST 398.88 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

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