

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-41-22-8) FROM C-2 (INTERMEDIATE COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of a 3.79-acre property located approximately 270 feet west of the southwest corner of 24th Street and Thomas Road in a portion of Section 34, Township 2 North, Range 3 East, as described more specifically in Exhibit “A,” is hereby changed from “C-2” (Intermediate Commercial), 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 2333 Thomas 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 September 23, 2022, as modified by the following stipulations:
 - a. Front cover: Revise the submittal date information on the bottom to add the following: Hearing draft submittal: September 23, 2022; City Council adopted: [Add adoption date].
 - b. Page 9, Development Standards Table, Maximum Density: update to "200 units."
 - c. Page 10, Landscape Standards Table, Parking Lot Area Landscape standards: revise to "Minimum 14 percent shade coverage at maturity. Planting standards per C-2 standards (Section 623)."
 - d. Page 12, Design Guidelines, Site Layout: Add an item number 5 stating "A minimum 36-inch-high perimeter wall shall be provided along the northern edge of the property, adjacent to the back of the Thomas Road sidewalk easement, except where vehicular entry/exit or pedestrian walkways are proposed. The perimeter wall and the building shall exhibit a cohesive architectural theme and style with regard to color, texture, and materials."
2. The applicant shall submit a Traffic Impact Study/Statement to the City for this development. The developer shall be responsible for cost and construction of all mitigation identified through the analysis. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation Department.
3. 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.

4. 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.
5. The developer shall provide documentation to the City prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a No Hazard Determination from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
6. This parcel is in a Special Flood Hazard Area (SFHA) called Zone A, on panel 2210L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013. The following requirements shall apply, as approved by the Planning and Development Department:
 - a. The Architect/Engineer is required to show the floodplain boundary limits on the Grading and Drainage plan and ensure that impacts to the proposed facilities have been considered, following the National Flood Insurance Program (NFIP) Regulations (44 CFR Paragraph 60.3). This includes, but not limited to provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code.
 - b. A copy of the Grading and Drainage Plan needs to be submitted to the Floodplain Management section of Public Works Department for review and approval of Floodplain requirements.
 - c. The developer shall provide a FEMA approved CLOMR-F or CLOMR prior to issuance of a Grading and Drainage permit.
7. If determined necessary by the Phoenix Archeology 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 Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
8. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.
9. In the event archeological 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.

10. 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 7th day of December, 2022.

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

That portion of the Northeast quarter of Section 34, Township 2 North, Range 3 East, Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at the Northeast corner of said Section 34;

Thence North 90 Degrees 00 Minutes 00 Seconds West along the North line of said Northeast quarter a distance of 300.12 feet to the TRUE POINT OF BEGINNING;

Thence South 00 Degrees 35 Minutes 05 Seconds West a distance of 718.69 feet to the Northeast line of the Grand Canal as shown on Book 1225 of Maps, Page 38, records of said county;

Thence South 47 Degrees 50 Minutes 24 Seconds West a distance of feet 25.01 feet;

Thence North 40 Degrees 52 Minutes 20 Seconds West a distance of feet 20.24 feet;

Thence North 45 Degrees 30 Minutes 49 Seconds West a distance of 299.07 feet;

Thence North 45 Degrees 29 Minutes 04 Seconds West a distance of 128.32 feet;

Thence North 47 Degrees 47 Minutes 23 Seconds West a distance of 92.72 feet;

Thence North 43 Degrees 09 Minutes 54 Seconds East a distance of 25.00 feet to said Northeast line;

Thence North 89 Degrees 58 Minutes 18 Seconds East a distance of 162.17 feet;

Thence North 00 Degrees 35 Minutes 23 Seconds East a distance of 340.00 feet to said North line;

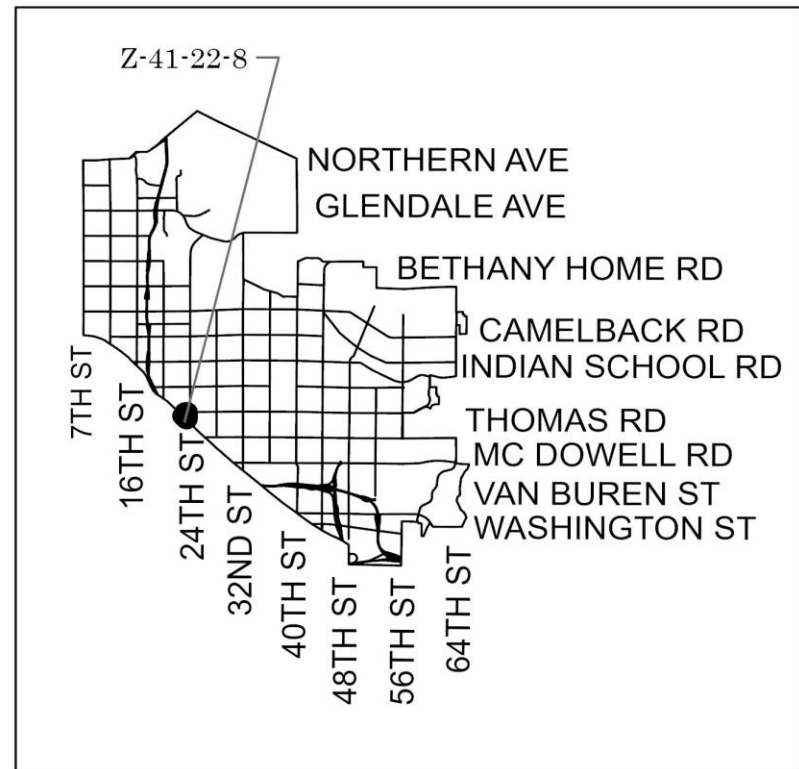
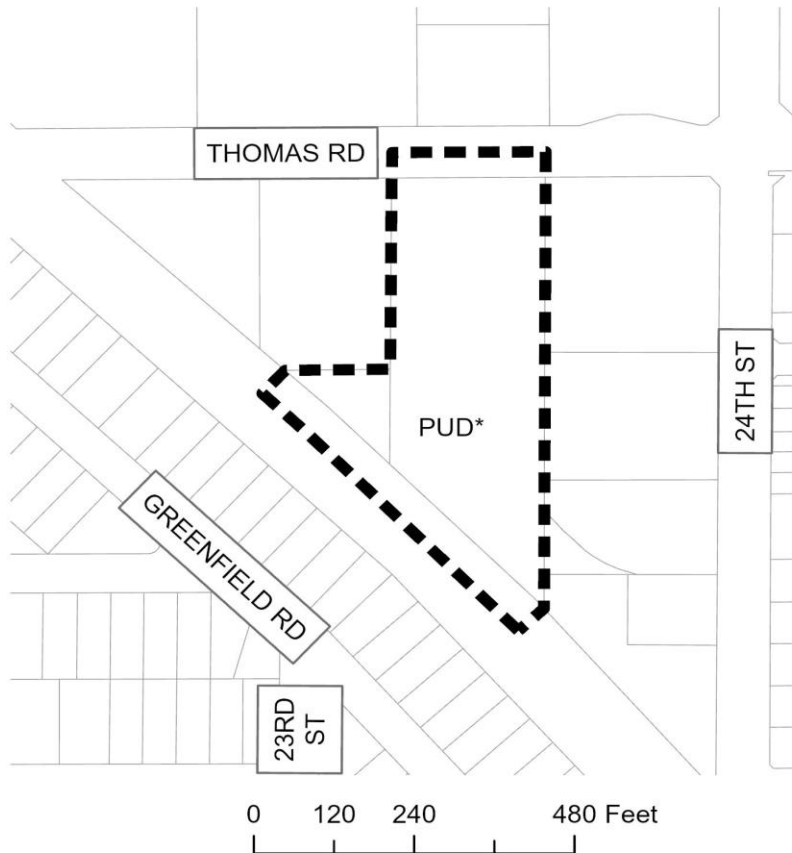
Thence South 90 Degrees 00 Minutes 00 Seconds East along said North line a distance of 229.88 feet to the POINT OF BEGINNING.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-41-22-8
Zoning Overlay: N/A
Planning Village: Camelback East



NOT TO SCALE



Drawn Date: 11/8/2022