

## 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 ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-21-18-8) FROM S-1 (RANCH OR FARM RESIDENCE DISTRICT) TO R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of an approximately 5.02-acre property located approximately 320 feet east of the northeast corner of 41st Street and Southern Avenue in a portion of Section 30, Township 1 North, Range 4 East, as described more specifically in Exhibit "A", is hereby changed from "S-1" (Ranch or Farm Residence District) to "R1-6" (Single-Family 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. Lots #22-24 adjacent to the north property line, as depicted on the site plan date stamped March 22, 2018, shall be limited to a maximum of 20 feet in height (single-story), as approved by the Planning and Development Department.
2. The sidewalk along the Southern Avenue frontage shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and required trees be planted on both sides of the sidewalk, as approved by the Planning and Development Department.
3. The developer shall provide a pedestrian pathway that connects to the subdivision to the west, as approved by the Planning and Development Department.
4. A minimum 25 percent of the required open space shall be shaded using trees or structures, as approved by the Planning and Development Department.
5. Right-of-way totaling 50 feet shall be dedicated for 41st Place, as approved by the Planning and Development Department.
6. Right-of-way totaling 50 feet shall be dedicated for Huntington Drive and Sunland Avenue between the existing street to 41st Place, as approved by the Planning and Development Department.
7. A 10-foot sidewalk easement shall be dedicated on the north side of Southern Avenue.
8. A 20-foot right-of-way radius shall be dedicated at the northeast and northwest corners of 41st Place and Southern Avenue.
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 property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport (PHX) 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 viewed and approved by the City Attorney.

11. 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.
12. The developer shall notify the following individuals at a minimum 10 calendar days prior to any Planning Hearing Officer request to modify or delete stipulations or rezoning action. The notice shall include the date, time and location of the hearing.
  - a. John Akram  
2210 W. Ian Dr.  
Phoenix, AZ 85041
  - b. Michael P. Berry  
4655 W. Maldonado Rd.  
Phoenix, AZ 85339
  - c. Tony and Chris Chavez  
5640 S. 41st St.  
Phoenix, AZ 85040
  - d. Tressia Contreras  
4105 E. Huntington Dr.  
Phoenix, AZ 85040
  - e. Larry Cuzzocrea  
3502 E. Vineyard Rd.  
Phoenix, AZ 85042
  - f. Howard Davidson  
5645 S. 41st St.  
Phoenix, AZ 85040
  - g. Donell & Diana Jones  
5651 S. 41st Pl.  
Phoenix, AZ 85040
  - h. Thomas Melkonich  
4033 E. Pecan Rd.  
Phoenix, AZ 85040
  - i. Glen Noble

4002 E. Sunland Ave.  
Phoenix, AZ 85040

- j. Ann Smith  
5615 S. 41st St.  
Phoenix, AZ 85040
  - k. Darlene Walters & Randal Hagen  
rmhagen2@cox.net
  - l. Morgan & Jimmy Winburn  
5634 S. 40th Pl.  
Phoenix, AZ 85040
13. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's Office. 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 5th day of September, 2018.

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MAYOR

ATTEST:

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City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_ City Attorney

REVIEWED BY:

\_\_\_\_\_ City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-21-18-8

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN HAND HOLE ACCEPTED AS THE SOUTH WEST QUARTER CORNER OF SAID SECTION 30;

THENCE NORTH 89 DEGREES 31 MINUTES 07 SECONDS EAST, ALONG THE SOUTH LINE OF SAID SECTION 30, A DISTANCE OF 974.37 FEET;

THENCE NORTH 00 DEGREES 28 MINUTES 53 SECONDS WEST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 27 MINUTES 12 SECONDS EAST, A DISTANCE OF 1306.10 FEET;

THENCE NORTH 89 DEGREES 37 MINUTES 18 SECONDS EAST, A DISTANCE OF 161.59 FEET;

THENCE SOUTH 00 DEGREES 25 MINUTES 45 SECONDS WEST, A DISTANCE OF 1305.80 FEET;

THENCE SOUTH 89 DEGREES 31 MINUTES 07 SECONDS WEST, A DISTANCE OF 162.14 FEET TO THE POINT OF BEGINNING.

# ORDINANCE LOCATION MAP

EXHIBIT B

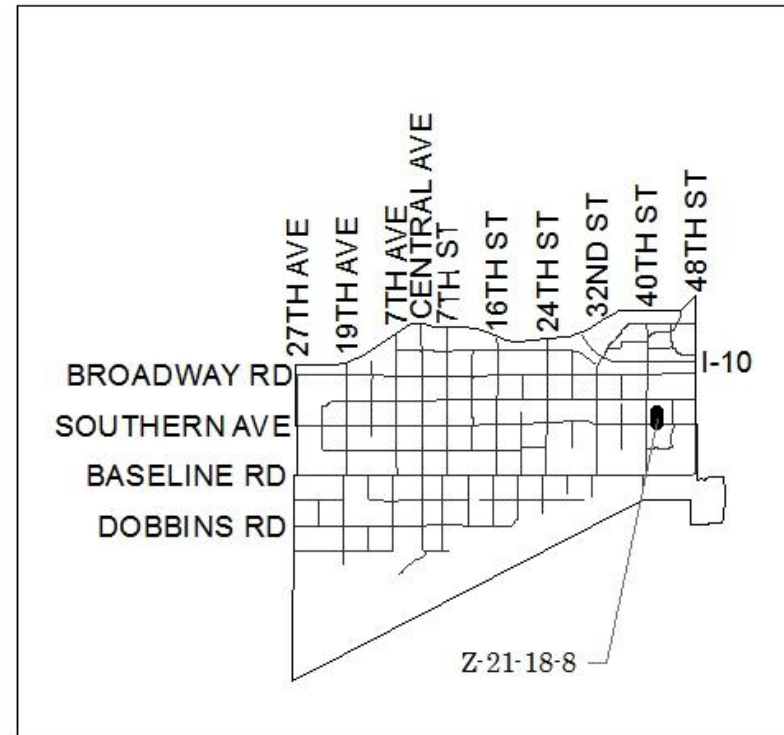
ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-21-18-8

Zoning Overlay: N/A

Planning Village: South Mountain



NOT TO SCALE



Drawn Date: 8/3/2018