

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-73-21-8) FROM C-2 HGT/WVR (INTERMEDIATE COMMERCIAL DISTRICT, HEIGHT WAIVER), C-2 (INTERMEDIATE COMMERCIAL DISTRICT), P-1 (PARKING DISTRICT – PASSENGER AUTOMOBILE PARKING, LIMITED), AND PAD-14 (PLANNED AREA DEVELOPMENT DISTRICT) TO R-3 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 5.87-acre site located approximately 415 feet west of the southwest corner of 36th Street and McDowell Road in a portion of Section 36, Township 2 North, Range 3 East, as described more specifically in Exhibit “A”, is hereby changed from 2.06 acres of “C-2 HGT/WVR” (Intermediate Commercial District, Height Waiver), 0.49 acres of “C-2” (Intermediate Commercial District), 1.69 acres of “P-1” (Parking District – Passenger Automobile Parking, Limited), and 1.63 acres of “PAD-14” (Planned Area Development District) to “R-3” (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 development shall be in general conformance with the building elevations date stamped November 15, 2021, with specific regard to variety of materials, decorative garage doors, and covered entries, as approved by the Planning and Development Department.
2. The public sidewalk along McDowell Road shall be detached with a landscape strip located between the sidewalk and back of curb following the most recent Cross Section of the Street Classification Map and planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper shade trees that provide a minimum 75 percent shade at maturity.
 - b. Drought tolerant vegetation maintained at a maximum mature height of 24 inches and achieve 75 percent live coverage.
3. A minimum of 6 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near amenity areas. Bike racks shall be installed 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. The developer shall dedicate minimum 50-feet of right-of-way and construct the north side of McDowell Road, as approved by the Planning and Development Department.
5. 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.

6. 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.
7. The property owner shall record documents that disclose the existence, and operational characteristics of Sky Harbor International 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.
8. The developer shall submit 7460 Forms to FAA and receive FAA no hazard determination or mitigations approved by FAA for both temporary and permanent development prior to final site plan approval.
9. 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 6th day of April, 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 (2 Pages)

B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-73-21-8

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER SECTION 36, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36, BEING A CITY OF PHOENIX BRASS CAP AT THE INTERSECTION OF EAST MCDOWELL ROAD AND NORTH 34TH STREET, FROM WHENCE THE SOUTH QUARTER CORNER BEARS NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 1324.78 FEET;

THENCE EAST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 485.14 FEET;

THENCE DEPARTING SAID LINE, NORTH, A DISTANCE OF 40.00 FEET TO A POINT ON THE NORTHERN RIGHT OF WAY LINE OF EAST MCDOWELL ROAD ACCORDING TO A QUIT CLAIM DEED ON FILE AT THE OFFICE OF THE MARICOPA COUNTY, ARIZONA RECORDER IN DOCKET 9689, PAGE 872, COINCIDENT WITH THE WEST LINE OF LOT 6 OF "FARVIEW", A SUBDIVISION PLAT, ALSO ON FILE AT THE OFFICE OF MARICOPA COUNTY, ARIZONA IN BOOK 14 OF MAPS, PAGE 3, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ALONG THE WEST LINE OF SAID LOT 6, NORTH 00 DEGREES, 14 MINUTES, 45 SECONDS WEST, A DISTANCE OF 630.91 FEET TO THE NORTHWEST CORNER OF SAID LOT 6;

THENCE ALONG THE NORTH LINE OF SAID LOT 6, 7, 8 AND 9, NORTH 89 DEGREES, 59 MINUTES, 33 SECONDS EAST, A DISTANCE OF 424.58 FEET TO THE NORTHEAST CORNER OF LOT 9 OF SAID FARVIEW SUBDIVISION;

THENCE ALONG THE EAST LINE OF LOT 9, SOUTH 00 DEGREES, 13 MINUTES, 28 SECONDS EAST, A DISTANCE OF 630.97 FEET TO SAID NORTH RIGHT OF WAY LINE OF EAST MCDOWELL ROAD;

THENCE ALONG SAID LINE, WEST, A DISTANCE OF 77.66 FEET;

THENCE DEPARTING SAID LINE NORTH 00 DEGREES, 13 MINUTES, 39 SECONDS WEST, A DISTANCE OF 238.00 FEET;

THENCE WEST, A DISTANCE OF 99.68 FEET;

THENCE SOUTH 00 DEGREES, 13 MINUTES, 49 SECONDS EAST, A DISTANCE OF 238.00 FEET TO SAID RIGHT OF WAY LINE OF EAST MCDOWELL ROAD;

THENCE ALONG SAID LINE, WEST, A DISTANCE OF 247.02 FEET TO THE POINT OF BEGINNING.

END OF DESCRIPTION.

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ORDINANCE LOCATION MAP

EXHIBIT B

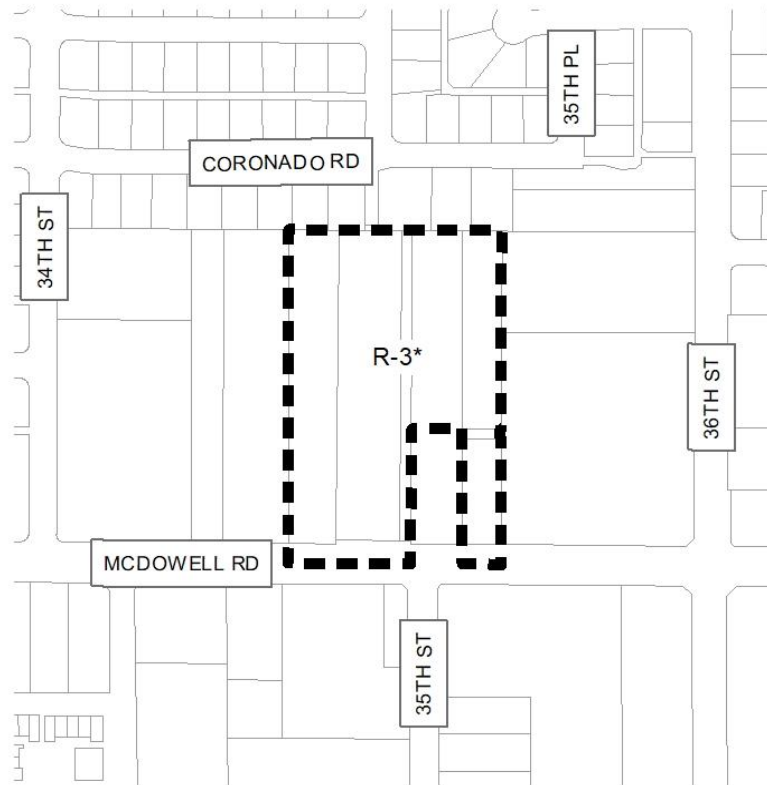
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

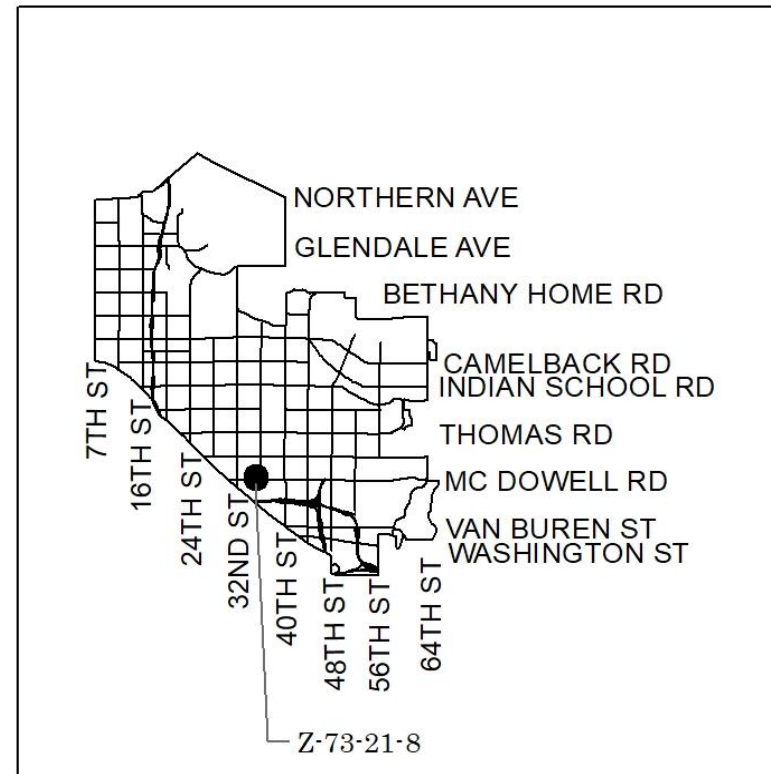
Zoning Case Number: Z-73-21-8

Zoning Overlay: N/A

Planning Village: Camelback East



0 155 310 620 Feet



NOT TO SCALE



Drawn Date: 3/2/2022