

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-17-23-5) FROM PSC (PLANNED SHOPPING CENTER) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of a 4.02-acre site located at the northwest corner of 81st Avenue and McDowell Road in a portion of Section 35, Township 2 North, Range 1 East, as described more specifically in Exhibit "A," is hereby changed from "PSC" (Planned Shopping Center) 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 Zen @ McDowell PUD reflecting the changes approved through this request shall be submitted to the Planning Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative date stamped April 19, 2024, as modified by the following stipulations:
 - a. Update the cover page with the City Council adoption date.
 - b. Page 11, Development Standards table, Maximum Building Setbacks, Secondary Frontage (81st Avenue): Revise both bullet points to change each instance of "should" to "shall".
 - c. Page 12 - 13, Streetscape Standards table, 81st Avenue: Revise first sentence of the 81st Avenue standard to state "Landscape strip located between back of curb and sidewalk will include a 3-foot landscape strip along 81st Avenue" and revise the second sentence to state "Landscape strip planting standards:"
2. The developer shall modify the median on McDowell Road to accommodate the eastbound to northbound left turn on 81st Avenue, as approved by the Street Transportation Department.
3. The existing streetscape beginning at the back of curb shall be replenished with general landscaping and trees along McDowell Road, as approved by the Planning and Development Department.
4. 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.
5. An enhanced pedestrian connection shall be provided on the western site boundary to allow for direct pedestrian access to the adjacent future commercial development.
6. An enhanced pedestrian connection shall be provided on the southern site boundary to allow for direct pedestrian access to the adjacent transit stop.
7. The development shall be limited to no more than two ingress and two egress vehicular access points to 81st Avenue.

8. The developer shall dedicate right-of-way and construct a bus stop pad on westbound McDowell Road. The bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. The bus stop pad shall be spaced from 81st Avenue according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide 50 percent shade coverage to the bus stop pad.
9. The property owner shall record documents that disclose the existence and operational characteristics of Glendale Municipal 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.
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 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.
14. Signage for pedestrian crossings shall be provided at the ingress and egress points along 81st Avenue.

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 1st day of July, 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 (1 Page)
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-17-23-5

THE EAST 264.00 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 3-INCH BRASS CAP IN HANDHOLE (0.70' DOWN) MARKING THE SOUTHWEST CORNER OF SAID SECTION 35 FROM WHICH A 3-INCH BRASS CAP IN HANDHOLE (0.70' DOWN) MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 35 BEARS NORTH 88 DEGREES 50 MINUTES 11 SECONDS EAST 2641.17 FEET, SAID LINE BEING THE BASIS OF BEARINGS FOR THIS DESCRIPTION;

THENCE NORTH 88 DEGREES 50 MINUTES 11 SECONDS EAST 1056.46 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO THE WEST LINE OF THE EAST 264.00 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SAID SOUTHWEST QUARTER AND THE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 35 MINUTES 59 SECONDS EAST 660.32 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF SAID SOUTH HALF;
THENCE NORTH 88 DEGREES 48 MINUTES 43 SECONDS EAST 264.13 FEET ALONG SAID SOUTH LINE TO THE EAST LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SOUTHWEST QUARTER;

THENCE SOUTH 00 DEGREES 35 MINUTES 59 SECONDS WEST 660.43 FEET ALONG SAID EAST LINE TO THE TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

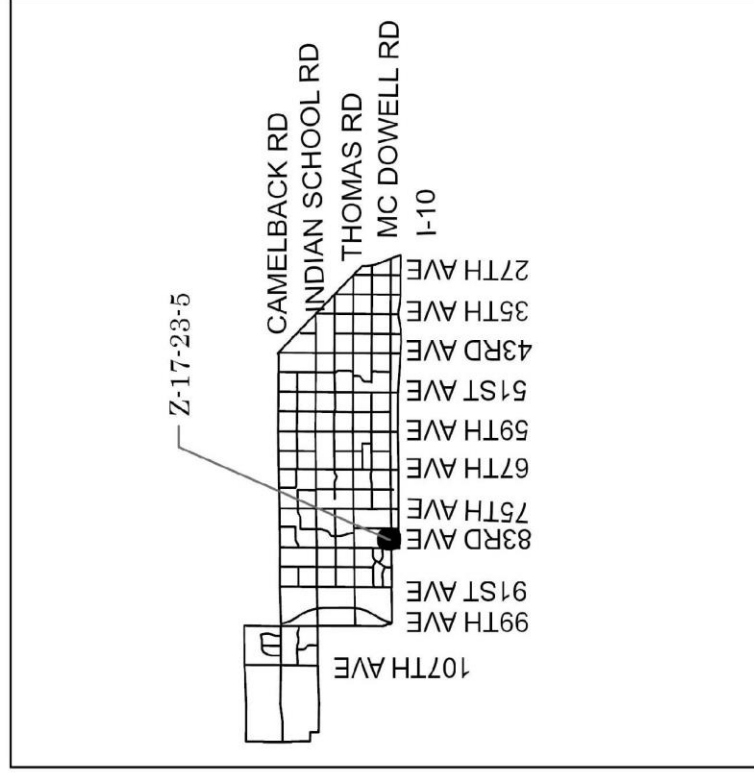
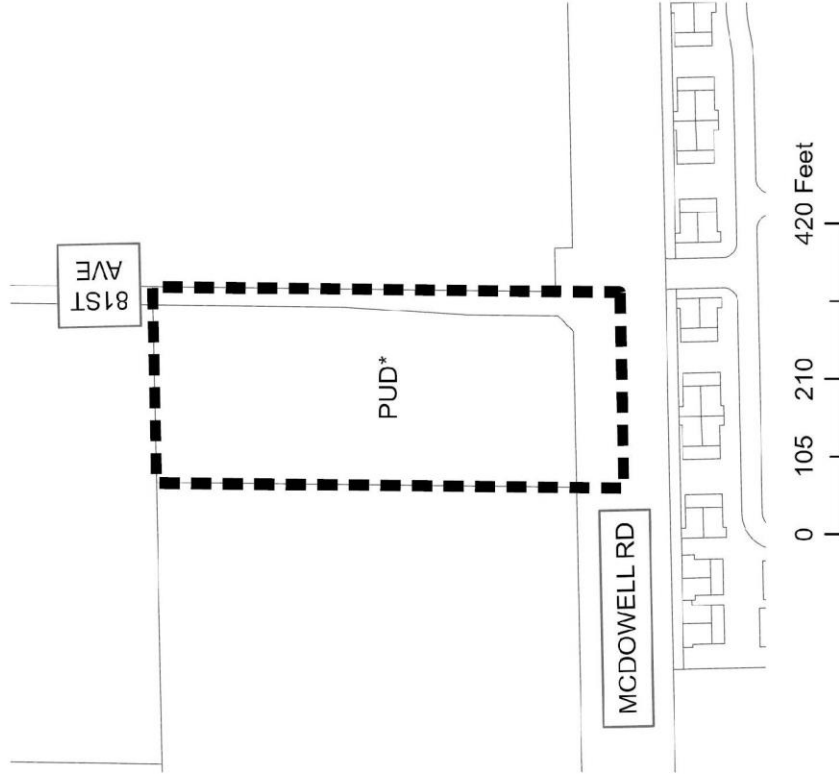
THENCE SOUTH 88 DEGREES 50 MINUTES 11 SECONDS WEST 264.13 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

COMPRISING 174,338 SQUARE FEET, MORE OR LESS.

ORDINANCE LOCATION MAP

Zoning Case Number: Z-17-23-5
Zoning Overlay: N/A
Planning Village: Maryvale

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: - - - - -



NOT TO SCALE



Drawn Date: 6/4/2024