

ORDINANCE G-6609

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-19-18-8) FROM R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT), C-2 (INTERMEDIATE COMMERCIAL DISTRICT) AND C-2 SP (INTERMEDIATE COMMERCIAL DISTRICT, SPECIAL PERMIT) TO PUD (PLANNED UNIT DEVELOPMENT).

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

follows:

SECTION 1. The zoning of a 1.93 acre property located at the northwest corner of 41st Place and McDowell Road in a portion of Section 31, Township 2 North, Range 4 East, as described more specifically in Exhibit "A," is hereby changed from 0.08-acres of "R1-6" (Single-Family Residence District), 1.76 acres of C-2 (Intermediate Commercial District) and 0.09-acres of C-2 SP (Intermediate Commercial District, Special Permit) to "PUD" (Planned Unit Development 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. An updated Development Narrative for the 40 East 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 April 22, 2019, as modified by the following stipulations:
 - a. Front Cover: Revise the submittal date information on the bottom to add the following: City Council adopted: [Add adoption date]
 - b. Page 18, G. Development Standards, Landscape Standards: Revise the Landscape Setback Standards Exhibit to depict a minimum landscape setback of 5 feet along the north property line adjacent to the pool amenity area.
 - c. All references to commercial parking requirements shall be revised to be in compliance with Section 702 of the Phoenix Zoning Ordinance.
2. The developer shall submit a Traffic Impact Statement to the City prior to preliminary approval of plans, as approved by the Planning and Development Department.
3. The development shall be in general conformance to the site plan in the PUD Development Narrative, as approved by the Planning and Development Department.
4. Any requests to modify or delete stipulations shall be presented before the Camelback East Village Planning Committee prior to the Planning Hearing Officer hearing.
5. A minimum of 20 bicycle parking spaces shall be provided and more if the owner can accommodate, as approved by the Planning and Development Department.
6. 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.
7. The applicant will construct a bus pad on westbound McDowell Road west of 41st Place that will meet the City of Phoenix Standard Detail P1260, keep the bus shelter, and not exceed the depth and width of the current bus pad.

8. The developer shall record a Notice to Perspective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property.
9. 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.
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 3rd day of July, 2019.



MAYOR

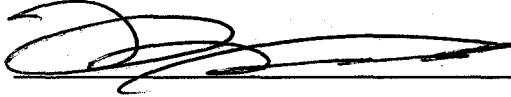
ATTEST:



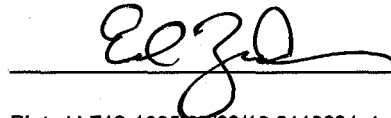
City Clerk



APPROVED AS TO FORM:


Acting City Attorney pm/

REVIEWED BY:


City Manager

PL:tml:LF19-1835:07/03/19:2119894v1

Exhibits:

- A – Legal Description (1 Page)
- B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-19-18-8

NORTHEAST PARCEL:

THE EAST 117.35 FEET OF THE NORTH 53 FEET OF TRACT "B", OF TOWN AND COUNTRY MANOR, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 66 OF MAPS, PAGE 47, SECTION 31, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

CONTAINING 6219.5 SQUARE FEET OR 0.2532 ACRES

SOUTH PARCEL:

TRACT "B", OF TOWN AND COUNTRY MANOR, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 66 OF MAPS, PAGE 47, SECTION 31, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE EAST 117.53 FEET OF THE NORTH 53 FEET THEREOF.

CONTAINING 53,021 SQUARE FEET OR 1.2172 ACRES

ALLEY

ALL OF THE ALLEY NORTH OF TRACT "B", OF TOWN AND COUNTRY MANOR, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 66 OF MAPS, PAGE 47, SECTION 31, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

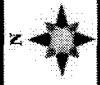
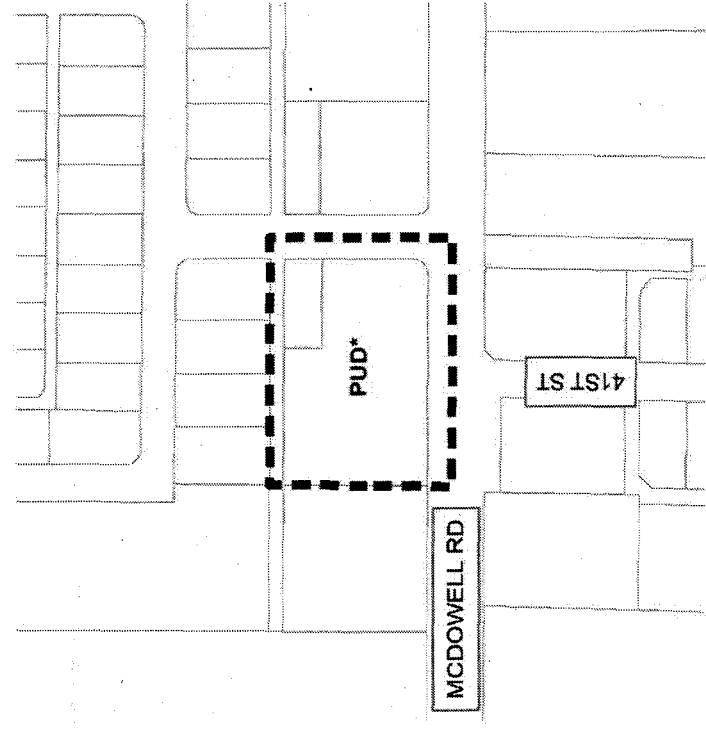
CONTAINING 5,928 SQUARE FEET OR 0.1360 ACRES.

ORDINANCE LOCATION MAP

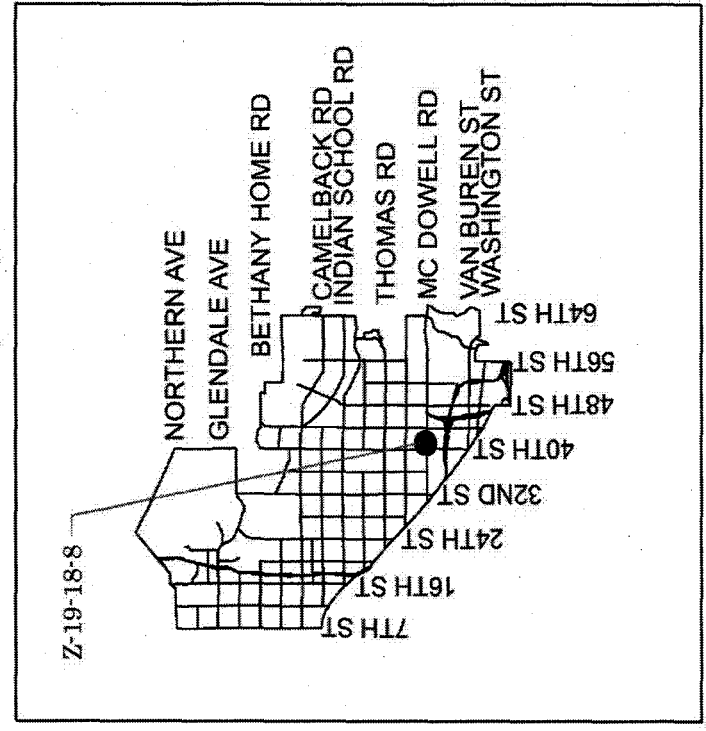
EXHIBIT B

Zoning Case Number: Z-19-18-8
 Zoning Overlay: N/A
 Planning Village: Camelback East

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



NOT TO SCALE



Drawn Date: 6/4/2019

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