

ORDINANCE G-7093

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-56-22-4) FROM R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT), R1-6 (APPROVED R-2) (SINGLE-FAMILY RESIDENCE DISTRICT, APPROVED MULTIFAMILY RESIDENCE DISTRICT), R-3 (MULTIFAMILY RESIDENCE DISTRICT) AND C-3 (GENERAL COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT).

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

follows:

SECTION 1. The zoning of a 5.66-acre site located at the southwest corner of 22nd Street and Indian School Road in a portion of Section 27, Township 2 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from 0.62-acres of "R1-6" (Single-Family Residence District), 0.24-acres of "R1-6 Approved R-2" (Single-Family Residence District, Approved Multifamily Residence District), 1.00 acre of "R-3" (Multifamily Residence District), and 3.80 acres of C-3 (General 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:

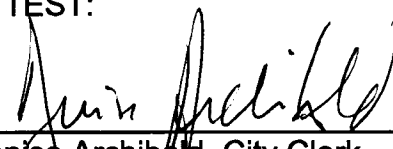
1. An updated Development Narrative for the 22nd & Indian School PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped January 27, 2023, as modified by the following stipulations:
  - a. Front cover: Revise the date information on the cover page to the following:  
  
City Council Adopted: [Add Adoption Date]
  - b. Page 7, Lot Development Standards, Maximum Density: update to 56.5 du/gross ac
  - c. Page 8, Landscape Standards, Landscape Planting, North (Indian School Road), Landscape Strip: Update first sentence to read "Minimum 11-foot-wide Landscape Strip between back of curb and sidewalk."
2. The developer shall dedicate a 10-foot-wide sidewalk easement along the south side of Indian School Road, as approved by the Planning and Development Department.
3. The applicant shall submit a Traffic Impact Study 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.

4. 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.
5. 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
6. 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.
7. 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.
8. 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.
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 5th day of April, 2023.

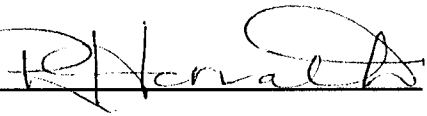
  
\_\_\_\_\_  
MAYOR


ATTEST:  
  
\_\_\_\_\_  
Denise Archibald, City Clerk

*04.11.2023*



APPROVED AS TO FORM:  
Julie M. Kriegh, City Attorney

By:   
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*P ml*

REVIEWED BY:  
  
\_\_\_\_\_  
Jeffrey Barton, City Manager

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Exhibits:  
A – Legal Description (2 Pages)  
B – Ordinance Location Map (1 Page)

## EXHIBIT A

A portion of land being situated within Lot 1 of the Final Plat of "Sams Club" per Book 458, Page 08, Records of Maricopa County, Arizona, a portion of land being situated within Lot 1 & 2 of the Final Plat of "Tres Agua Villas" per Book 944, Page 38, Records of Maricopa County, Arizona, and a portion of the Northeast quarter of Section 27, all being within the Northeast quarter of Section 27, Township 2 North, Range 3 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found 3 inch City of Phoenix Brass cap flush, RLS 33374, dated 2011, accepted as the centerline intersection of 22<sup>nd</sup> Street and Fairmount Avenue from which a found 3 inch City of Phoenix Brass cap flush accepted as the centerline intersection of 20<sup>th</sup> Street and Fairmount Avenue thereof bears  
South 89°34'03" West, 1327.67 feet;

Thence North 00°00'38" West, 282.66 feet along the centerline of 22<sup>nd</sup> street to the POINT OF BEGINNING;

Thence leaving said centerline, South 89°59'54" West, 311.82 feet to the south line of Parcel no. 1 and Parcel no. 2 per Special Warranty Deed as recorded in Document no. 2015-0757528, Records of Maricopa County, Arizona;

Thence along said south line, South 89°34'03" West, 154.00 feet to the west line of said Parcel no. 2;

Thence leaving said south line and along said west line, North 00°00'02" East, 7.00 feet to the south line of Parcel 2 per Special Warranty Deed as recorded in Document no. 2015-0755506, Records of Maricopa County, Arizona;

Thence along said south line, South 89°34'03" West, 198.01 feet to the east line of said Final Plat of "Sam's Club";

Thence along said east line and the northerly prolongation thereof, North 00°00'02" East, 368.38 feet to the centerline of Indian School Road;

Thence along said centerline, North 89°31'58" East, 663.77 feet to said centerline of 22<sup>nd</sup> Street;

Thence along said centerline, South 00°00'38" East, 304.53 feet to the easterly prolongation of the north line of the Warranty Deed as recorded in Document no. 2009-0673314, Records of Maricopa County, Arizona;

Thence leaving said centerline and along said north line, South 89°34'03" West, 65.33 feet to the west line of said Warranty Deed;

Thence leaving said north line and along said west line, South 00°00'38" East, 39.25 feet to the south line of said Warranty Deed;

Thence leaving said west line and along said south line and the easterly prolongation thereof, North 89°34'03" East, 65.33 feet to said centerline of 22<sup>nd</sup> Street;

Thence along said centerline, South 00°00'38" East, 34.34 feet to the POINT OF BEGINNING.

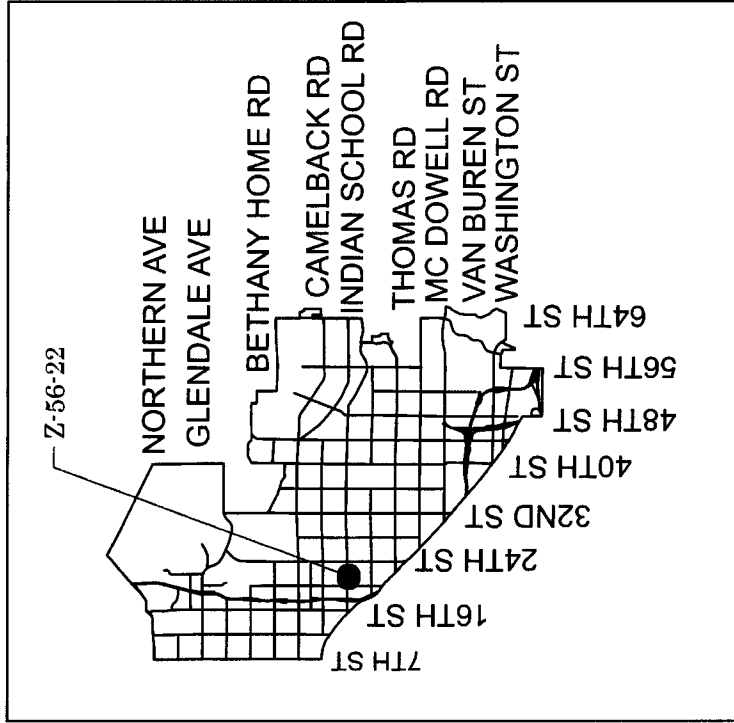
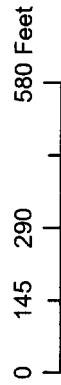
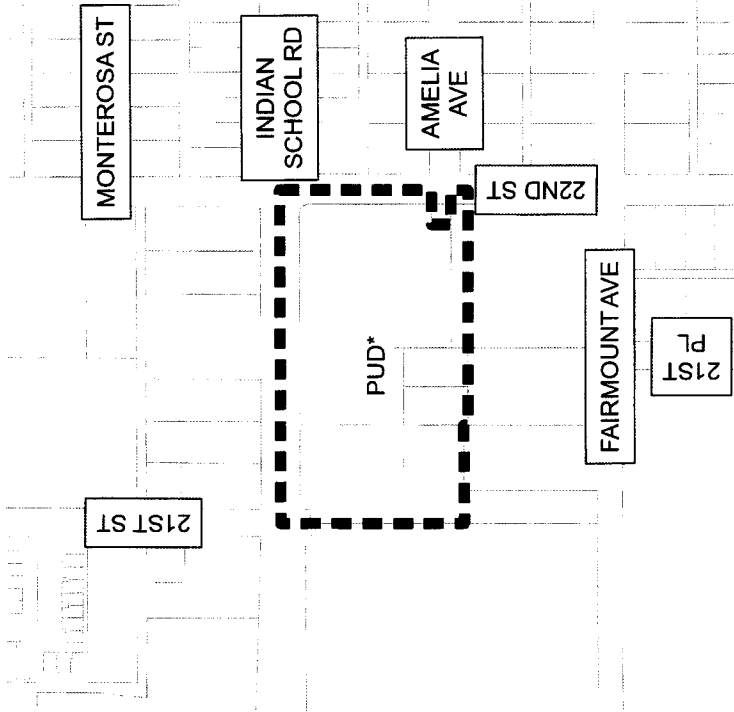
The above described parcel contains a computed area of 245,720 sq. ft. (5.6410 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

# ORDINANCE LOCATION MAP

Zoning Case Number: Z-56-22  
Zoning Overlay: N/a  
Planning Village: Camelback East

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



NOT TO SCALE

Drawn Date: 3/7/2023