

ORDINANCE G-6549

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-51-17-6) FROM R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT) 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 an approximately 1.98 acre property located at approximately 125 feet north of the northwest corner 52nd Street and Virginia Avenue in a portion of Section 32, Township 2 North, Range 4 East, as described more specifically in Exhibit "A", is hereby changed from "R1-6" (Single-Family Residence District) 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 52nd Street Condominiums 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 October 22, 2018, as modified by the following stipulations.
  - a. Update all references to the property owner to reflect current ownership.
  - b. Update **all** references to west building setback to minimum 25 feet.
  - c. Revise the PUD narrative to remove the unit at the northeast corner of the site and adjust proposed maximum density, northern building setback and other relevant PUD provisions accordingly.
  - d. Revise the PUD narrative to restrict refuse container locations to a 150 foot minimum setback from the west property line and 50 feet minimum setback from the east property line.
2. Right-of-way totaling 40 feet shall be dedicated for the west half of 52nd Street, as approved by the Planning and Development Department.
3. 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.
4. 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.
5. 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 9th day of January, 2019.

Thelda Williams  
MAYOR

ATTEST:

Ann Acosta City Clerk



APPROVED AS TO FORM:

[Signature] Acting City Attorney DM

REVIEWED BY:

[Signature] City Manager

PL:tml:LF18-3686:01/09/19:2086696v1

Exhibits:

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

EXHIBIT A

LEGAL DESCRIPTION FOR Z-51-17-6

A portion of the Northwest quarter of Section 32, Township 2 North, Range 4 East of MCR DAF:

PARCEL 1:

The South 120 feet of the North 385 feet of the East half of Lot 28, ORANGEDALE TRACT, according to Book 1 of Maps, page 35, records of Maricopa County Arizona.

Except the East 3 feet of the South 120 feet of the North 505 feet of the East half of Lot 28, ORANGEDALE TRACT, according to Book 1 of Maps, page 35, as shown in order recorded in Recording No. 08-661840, of Official Records.

PARCEL 2:

The South 120 feet of the North 505 feet of the East half of Lot 28, ORANGEDALE TRACT, according to Book 1 of Maps, page 35, records of Maricopa County Arizona.

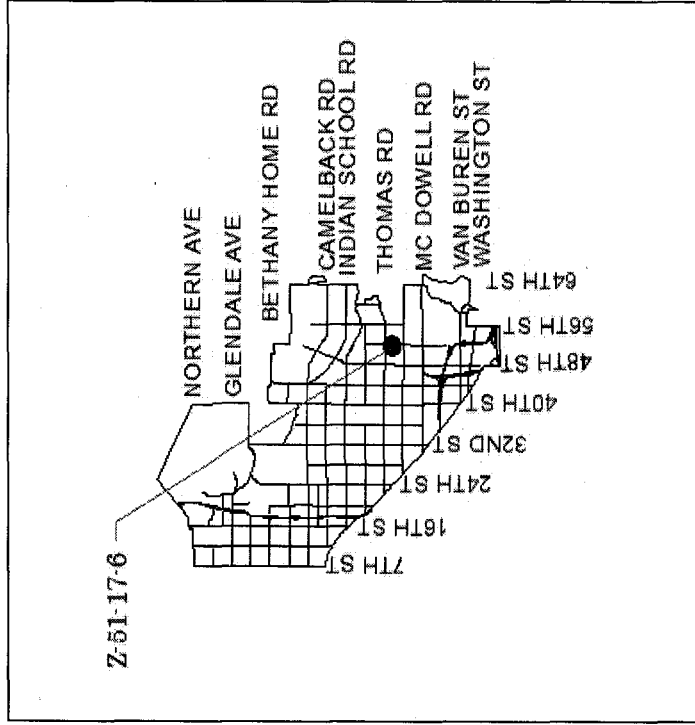
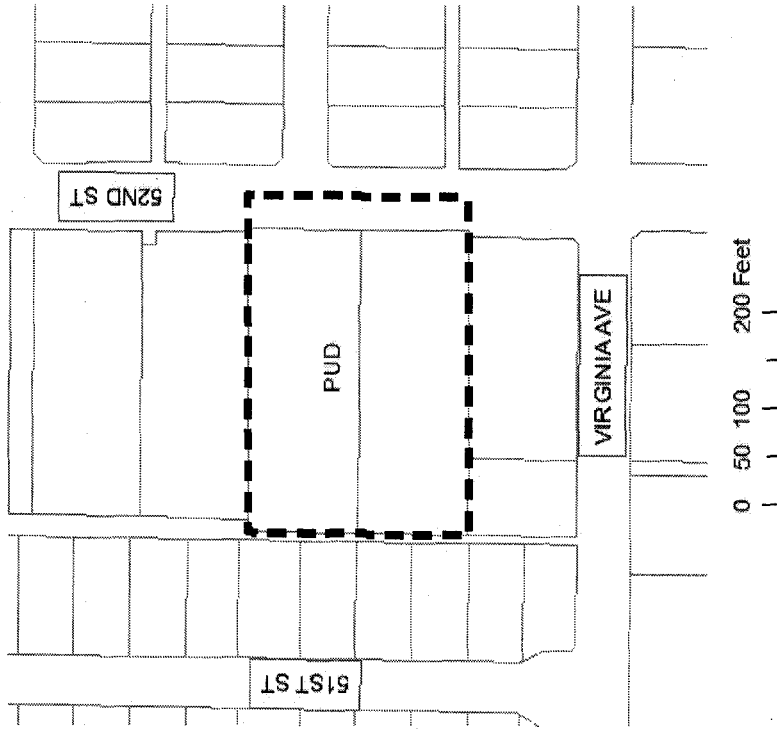
Except the East 3 feet of the South 120 feet of the North 505 feet of the East half of Lot 28, ORANGEDALE TRACT, according to Book 1 of Maps, page 35, as shown in order recorded in Recording No. 08-661840, of Official Records.

**EXHIBIT B**

**ORDINANCE LOCATION MAP**

Zoning Case Number: Z-51-17-6  
Zoning Overlay: N/A  
Planning Village: Camelback East

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



NOT TO SCALE



Drawn Date: 12/14/2018

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