

ORDINANCE G-7095

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 (Z-2-22-4) FROM R1-6 HP CNSPD (SINGLE-FAMILY RESIDENCE DISTRICT, HISTORIC PRESERVATION, CORONADO NEIGHBORHOOD SPECIAL PLANNING DISTRICT), R-3A CNSPD (MULTIFAMILY RESIDENCE DISTRICT, CORONADO NEIGHBORHOOD SPECIAL PLANNING DISTRICT), P-1 CNSPD (PASSENGER AUTOMOBILE PARKING, LIMITED, CORONADO NEIGHBORHOOD SPECIAL PLANNING DISTRICT), AND C-2 CNSPD (INTERMEDIATE COMMERCIAL DISTRICT, CORONADO NEIGHBORHOOD SPECIAL PLANNING DISTRICT) TO PUD CNSPD (PLANNED UNIT DEVELOPMENT, CORONADO NEIGHBORHOOD SPECIAL PLANNING DISTRICT) AND PUD HP CNSPD (PLANNED UNIT DEVELOPMENT, HISTORIC PRESERVATION, CORONADO NEIGHBORHOOD SPECIAL PLANNING DISTRICT).

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

follows:

SECTION 1. The zoning of a 5.16-acre site located at the northwest corner of 11th Street and McDowell Road, in a portion of Section 33, Township 2 North, and Range 3 East, as described more specifically in Exhibit "A", is hereby changed from 1.49 acres of "R1-6 HP CNSPD" (Single-Family Residence District, Historic Preservation, Coronado Neighborhood Special Planning District), 0.74-acres of "R-3A CNSPD" (Multifamily Residence District, Coronado Neighborhood Special Planning District), 1.40 acres of "P-1 CNSPD" (Parking District – Passenger Automobile Parking,

Limited, Coronado Neighborhood Special Planning District), and 1.53 acres of “C-2 CNSPD” (Intermediate Commercial District, Coronado Neighborhood Special Planning District) to 4.05-acres of “PUD CNSPD” (Planned Unit Development, Coronado Neighborhood Special Planning District) and 1.11 acres of “PUD HP CNSPD” (Planned Unit Development, Historic Preservation, Coronado Neighborhood Special Planning 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 11th Street and McDowell 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 December 23, 2022, as modified by the following stipulations:
 - a. Page 10, Permitted Uses, Mixed-Use Residential / Commercial Land Use Category: Modify the requirement for a minimum square footage of commercial to read as follows:

Shall provide a minimum of 5,000 square feet non-residential uses. Non-residential uses shall not include, lobby, exercise, receptions areas, or other similar uses intended for exclusive use by residents. All non-residential uses shall have their primary access from perimeter rights-of-way.

- b. Page 12, Landscape Standards, Streetscape – Adjacent to Public Right-of-Way: Add a section to the table that contains the following standards:

All streetscapes shall provide a detached sidewalk and a landscape strip. Standards for the detached sidewalks and landscape strips are as follows:

- McDowell Road
 - Minimum sidewalk width: 5 feet, average 6 feet
 - Minimum width of landscape strip between curb and sidewalk: 11 feet
- 11th Street (South of the paseo)
 - Minimum sidewalk width: 5 feet
 - Minimum width of landscape strip between curb and sidewalk: 6 feet
- Dayton Street (South, within 225 feet of McDowell Road)
 - Minimum sidewalk width: 5 feet, average 6 feet
 - Minimum width of landscape strip between curb and sidewalk: 6 feet
- Dayton Street (North, 225 feet north of McDowell Road)
 - Minimum sidewalk width: 5 feet, average 6 feet
 - Minimum width of landscape strip between curb and sidewalk: 6 feet
- Coronado Road
 - Minimum sidewalk width: 5 feet, average 6 feet
 - Minimum width of landscape strip between curb and sidewalk: 6 feet

- c. Page 16, Landscape Standards, Minimum Open Space: Add the following language to this section:

The paseo shall be a minimum of 20 feet in width and provide for a continuous pedestrian connection between 11th Street and Dayton Street. Entry points for the paseo shall be provided at both 11th Street and Dayton Street per the Circulation Plan (Exhibit 12).

- d. Page 25, Sustainability, City Enforced Standards: Modify the standard related to electric vehicle charging stations to read as follows:

A minimum of 20 Level 1 electric vehicle charging stations shall be provided within the parking garage.

2. Perpetual conservation easements, in accordance with the requirements of the City's Historic Preservation Office, shall be recorded on the following properties (which constitute a portion of this site): 1622 North 11th Street (APN 117-25-014A); 1626 North 11th Street APN 117-25-015); 1630 North 11th Street (APN 117-25-016; 1634 North 11th Street (APN 117-25-017); 1638 North 11th Street (APN 117-25-018); 1642 North 11th Street (APN 117-25-019); and 1646 North 11th Street (APN 117-25-020), with modified boundaries consistent with the HP zoning overlay boundary adjustment.
3. Prior to preliminary site plan approval, the developer will present updated building elevations for the seven-story portion of the development to the Encanto Village Planning Committee for informational purposes only and to provide review and comment. The intent of this meeting is to inform the committee as to how the developer has enhanced the visual presence of the building via the following architectural features:
 - Use of color
 - Material changes
 - Artistic elements and murals on the ground floor


The elevations shall be consistent with the conceptual elevations (Exhibit 10) in the PUD Narrative date stamped December 23, 2022, as approved by the Planning and Development Department.

4. The developer shall dedicate a minimum 40-foot of right-of-way and minimum 4-foot-wide sidewalk easement along the north side of McDowell Road, as approved by the Planning and Development and Street Transportation departments.
5. All minimum streetscape requirements within the PUD Narrative shall be completely located within right-of-way or appropriate sidewalk easement, as modified and approved by the Planning and Development and Street Transportation departments.
6. The developer shall provide \$115,000 in escrow to fund a traffic control device along McDowell Road prior to preliminary site plan approval and as approved by the Street Transportation Department.
7. 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.

8. 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.
9. The developer shall work with the Street Transportation Department, Traffic Services Division, for the application submission for speed hump/s along Dayton Street between McDowell Road and Coronado Road, prior to preliminary site plan approval. Improvements are subject to public petitioning approval per the Speed Hump Program requirements from all property owners on the west and east side of Dayton Street from McDowell Road to Coronado Road. The developer shall be responsible for providing all funding of such improvements prior to requesting certificate of occupancy.
10. The property owner shall record documents that disclose the existence, and operational characteristics of the Phoenix 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.
11. 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.
12. 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.

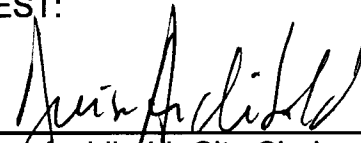
SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 5th day of April, 2023.



MAYOR

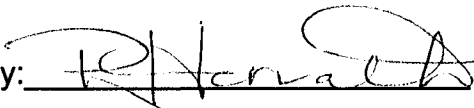
ATTEST:



Denise Archibald, City Clerk
04-11-2023



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

By:  pml

REVIEWED BY:



Jeff Barton, City Manager

PML:am:(LF23-0575):4-5-23:2368862_1.docx

Exhibits:

- A – Legal Description (3 Pages)
- B – Ordinance Location Map (1 Page)

EXHIBIT A

Legal Description for the Mixed-Use Residential/Commercial Land Use Category (PUD CNSPD):

LOCATED WITHIN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

PARCEL 3, LOT 1, OF "MEDICAL CARE INTERNATIONAL PHOENIX SURGICENTER SUBDIVISION AMENDED", ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND RECORDED SEPTEMBER 11, 2003 AS INSTRUMENT NO. 2003-1275151 IN BOOK 651 OF PLATS AT PAGE 35 OF OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA.

TOGETHER WITH AND INCLUDING A PORTION OF LOTS 4 THROUGH 10, FRANCES HEIGHTS, AMENDED, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND RECORDED IN BOOK 7 OF PLATS AT PAGE 35 OF OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 4, FRANCES HEIGHTS, AMENDED:

THENCE SOUTH 00°00'39" EAST, A DISTANCE OF 236.09 FEET (RECORD) 263.43 FEET (MEASURED) ALONG THE WESTERLY RIGHT OF WAY LINE FOR 11TH STREET;

THENCE SOUTH 44°36'33" WEST, A DISTANCE OF 9.96 FEET TO THE NORTHERLY RIGHT OF WAY LINE FOR MCDOWELL ROAD;

THENCE CONTINUING ALONG THE NORTHERLY RIGHT OF WAY LINE OF MCDOWELL ROAD THE FOLLOWING COURSES AND DISTANCES. NORTH 89°13'46" WEST, A DISTANCE OF 140.34 FEET:

THENCE SOUTH 00°00'23" EAST, A DISTANCE OF 4.50 FEET;

THENCE NORTH 89°13'46" WEST, A DISTANCE OF 135.35 FEET (RECORD) 135.42 FEET (MEASURED);

THENCE LEAVING THE NORTHERLY RIGHT OF WAY FOR MCDOWELL ROAD NORTH 45°23'07" WEST, A DISTANCE OF 9.83' TO THE EASTERLY RIGHT OF WAY LINE FOR DAYTON STREET;

THENCE CONTINUING ALONG THE EASTERLY RIGHT OF WAY FOR DAYTON STREET NORTH 00°00'00" WEST, A DISTANCE OF 579.62' (RECORD) 579.97' (MEASURED);

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THENCE 18.67 FEET ALONG A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 12.00 FEET, AND A DELTA ANGLE OF 89°08'34" TO THE SOUTHERLY RIGHT OF WAY LINE FOR CORONADO ROAD;

CONTINUING ALONG THE SOUTHERLY RIGHT OF WAY LINE FOR CORONADO ROAD SOUTH 89°09'54" EAST (RECORD) SOUTH 89°10'41" EAST (MEASURED) A DISTANCE OF 176.15 FEET;

THENCE LEAVING SAID RIGHT OF WAY LINE, BEARING SOUTH 00°00'13" EAST, A DISTANCE 351.06 FEET TO THE SOUTHERLY LINE OF LOT 4, FRANCES HEIGHTS, AMENDED;

THENCE ALONG THE SOUTH LINE OF LOT 4, NORTH 89°13'14" EAST, A DISTANCE OF 101.65' TO THE POINT OF BEGINNING.

Legal Description for the Historic Homes Land Use Category (PUD CNSPD HP):

LOCATED WITHIN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

LOT 4, FRANCES HEIGHTS, AMENDED, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND RECORDED IN BOOK 7 OF PLATS AT PAGE 35 OF OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA.

LESS AND EXCEPT FROM SAID LOT 4: ALL THAT PORTION INCLUDED WITHIN THE FINAL PLAT OF "MEDICAL CARE INTERNATIONAL PHOENIX SURGICENTER SUBDIVISION", ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND RECORDED IN BOOK 350 OF PLATS AT PAGE 40, AND THE FINAL PLAT OF "MEDICAL CARE INTERNATIONAL PHOENIX SURGICENTER SUBDIVISION AMENDED" ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND RECORDED SEPTEMBER 11, 2003 AS INSTRUMENT NO. 2003-1275151 IN BOOK 651 OF PLATS AT PAGE 35 OF OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA.

LESS AND EXCEPT FROM THAT PORTION OF LOT 4, FRANCES HEIGHTS, AMENDED ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND RECORDED IN BOOK 7 OF PLATS AT PAGE 35 OF THE OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH EAST CORNER OF LOT 4, FRANCES HEIGHTS, AMENDED ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND RECORDED IN BOOK 7 OF PLATS AT PAGE 35 OF THE OFFICIAL RECORDS OF MARICOPA COUNTY ARIZONA.

THENCE SOUTH 89°13'14" WEST, A DISTANCE OF 101.65 FEET TO THE POINT OF BEGINNING.

THENCE CONTINUING SOUTH 89°13'14" WEST, A DISTANCE OF 23.17 FEET;

THENCE NORTH 45°23'20" WEST, A DISTANCE OF 21.07 FEET;

THENCE NORTH 00°00'23" WEST (RECORD) NORTH 00°00'13" WEST
(MEASURED), A DISTANCE OF 35.07 FEET;

THENCE SOUTH 89°18'22" EAST, A DISTANCE OF 38.16 FEET;

THENCE SOUTH 00°00'13" EAST, A DISTANCE OF 50.00 FEET TO THE POINT OF
BEGINNING.

TOGETHER WITH AND IN ADDITION TO:

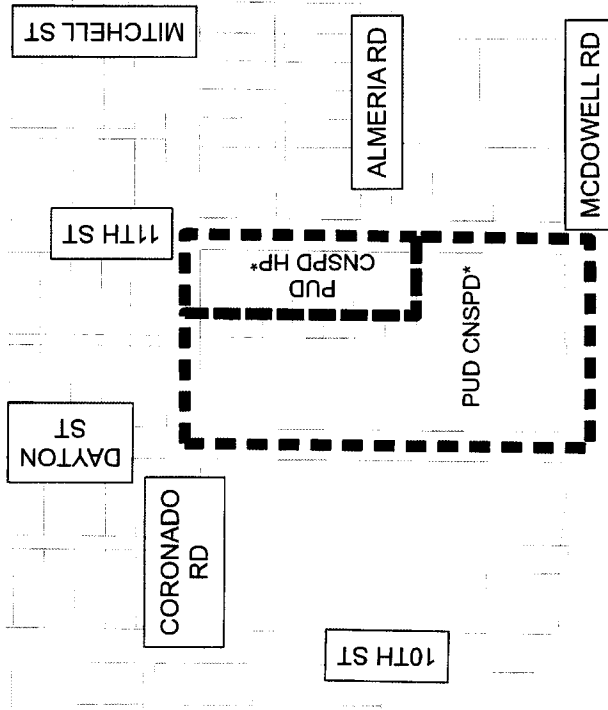
LOTS 5 THROUGH 10, FRANCES HEIGHTS, AMENDED, ACCORDING TO THE
OFFICIAL PLAT THEREOF ON FILE AND RECORDED IN BOOK 7 OF PLATS AT
PAGE 35 OF OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA.

LESS AND EXCEPT FROM THE WEST 38.16 FEET OF LOTS 5 THROUGH 10 OF
FRANCES HEIGHTS, AMENDED ACCORDING TO THE OFFICIAL PLAT THEREOF
ON FILE AND RECORDED IN BOOK 7 OF PLATS AT PAGE 35 OF THE OFFICIAL
RECORDS OF MARICOPA COUNTY ARIZONA.

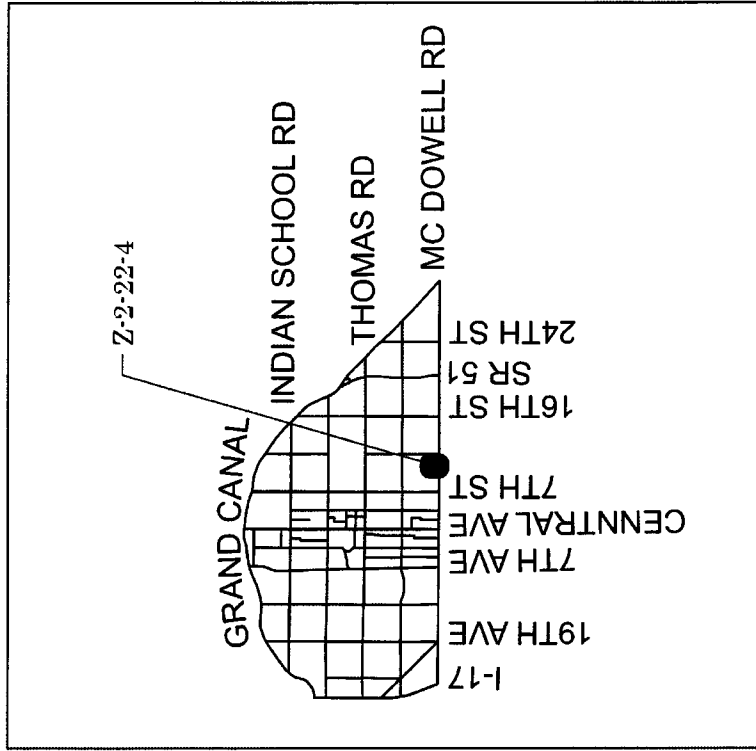
ORDINANCE LOCATION MAP

EXHIBIT B

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



Zoning Case Number: Z-2-22-4
 Zoning Overlay: Coronado Neighborhood SPD
 Planning Village: Encanto



NOT TO SCALE

Drawn Date: 3/17/2023