

ORDINANCE G-7194

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-18-23-8) FROM C-2 (INTERMEDIATE COMMERCIAL), R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT) AND P-1 (PASSENGER AUTOMOBILE PARKING, LIMITED) TO PUD (PLANNED UNIT DEVELOPMENT).

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

follows:

SECTION 1. The zoning of a 6.90-acre site located at the southeast corner of 34th Street and Thomas Road in a portion of Section 36, Township 2 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from 4.60 acres of "C-2" (Intermediate Commercial), 1.70 acres of "R1-6" (Single-Family Residence District), and 0.60-acres of "P-1" (Passenger Automobile Parking, Limited) 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:

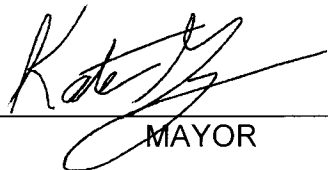
1. An updated Development Narrative for the Thomas + 34th PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped August 25, 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 12, and all related exhibits, Development Standards, Minimum Landscape Standards, c. Landscape Zone 3 (South): Update to include a minimum 5-foot-wide landscape setback immediately adjacent to the property line with allowances to permit fire lane turning radii to encroach within the setback area at corners where applicable.
2. A minimum 10 feet of right-of-way and/or sidewalk easement shall be dedicated, totaling 50 feet for the southern half street of Thomas Road, adjacent to the development, as approved by the Street Transportation Department.
3. A traffic signal shall be installed at Thomas Road and 34th Place. The developer shall fund 100 percent of the cost and install the traffic signal at the intersection as a four-legged intersection with the development's driveway. Signalized driveway access on Thomas Road shall be designed to a typical public street intersection for roadway design and ADA compliance, as approved by the Street Transportation Department.

4. Subject to SRP approval, existing irrigation facilities along Thomas Road are to be relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish the appropriate process to relocate the facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
5. 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.
6. 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.
7. 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.
8. 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.
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.

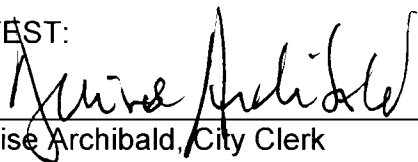
PASSED by the Council of the City of Phoenix this 6th day of December, 2023.



MAYOR
12/9/2023

Date

ATTEST:



Denise Archibald, City Clerk



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

By: Paul Li

Paul Li, Assistant Chief Counsel

REVIEWED BY:



Jeffrey Barton, City Manager

PML:ac:(LF23-2468):12-6-23:2407034_1.doc

Exhibits:
A – Legal Description (4 Pages)
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-18-23-8

PARCEL NO. 1:

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, PREVIOUSLY DESCRIBED IN JOINT TENANCY DEED RECORDED DOCUMENT NO. 2004-653085, MARICOPA COUNTY RECORDS, TOGETHER WITH LOT 3, MCCOMBS HOMES, ACCORDING TO THE PLAT RECORDED IN BOOK 46 OF MAPS, PAGE 27, MARICOPA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NOTE: THE RECORD BEARINGS AND DISTANCES IN THE FOLLOWING DESCRIPTION, DENOTED BY (RECORD), REFER TO THE BEARINGS AND DISTANCES CONTAINED IN THE JOINT TENANCY DEED RECORDED IN DOCUMENT NO. 2004-653085, MARICOPA COUNTY RECORDS;

COMMENCING AT A CITY OF PHOENIX BRASS CAP AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 36;

THENCE NORTH 89 DEGREES 39 MINUTES 32 SECONDS WEST (ASSUMED BASIS OF BEARINGS), ALONG THE NORTH LINE OF THE SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36, A DISTANCE OF 497.60 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 36;

THENCE SOUTH 00 DEGREES 06 MINUTES 43 SECONDS WEST ALONG THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89 DEGREES 39 MINUTES 32 SECONDS EAST, ALONG THE SOUTH LINE OF THE NORTH 40 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36, A DISTANCE OF 460.65 FEET (MEASURED), 460.72 FEET (RECORD) TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 12.00 FEET (MEASURED), 12.05 FEET (RECORD);

THENCE SOUTHEASTERLY 18.80 FEET (MEASURED), 18.88 FEET (RECORD), ALONG THE ARC OF SAID CURVE AND ALONG THE WESTERLY LINE OF THAT CERTAIN PARCEL CONVEYED TO THE CITY OF PHOENIX FOR STREET

PURPOSES BY DOCKET 7805, PAGE 784, MARICOPA COUNTY RECORDS, THROUGH A CENTRAL ANGLE OF 89 DEGREES 46 MINUTES 03 SECONDS (MEASURED), 89 DEGREES 45 MINUTES 23 SECONDS (RECORD) TO A POINT OF TANGENCY;

THENCE SOUTH 00 DEGREES 06 MINUTES 31 SECONDS WEST (MEASURED AND RECORD), ALONG THE WEST LINE OF THE EAST 5 FEET OF LOTS 1, 2 AND 3 OF SAID MCCOMBS HOMES, A DISTANCE OF 282.02 FEET (MEASURED), 281.85 FEET (RECORD) TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 10 FEET OF SAID LOT 3, MCCOMBS HOMES;

THENCE SOUTH 89 DEGREES 39 MINUTES 30 SECONDS EAST ALONG SAID SOUTH LINE A DISTANCE OF 5.00 FEET TO THE EAST LINE OF SAID LOT 3;

THENCE SOUTH 00 DEGREES 06 MINUTES 31 SECONDS WEST ALONG SAID EAST LINE 67.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3;

THENCE NORTH 89 DEGREES 39 MINUTES 30 SECONDS WEST 137.87 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3;

THENCE NORTH 00 DEGREES 06 MINUTES 35 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 67.00 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 10 FEET OF SAID LOT 3 AND THE SOUTHEAST CORNER OF THAT 8 FOOT WIDE ALLEY ABANDONED BY DOCKET 7635, PAGE 43, MARICOPA COUNTY RECORDS;

THENCE NORTH 89 DEGREES 39 MINUTES 30 SECONDS WEST, ALONG THE WESTERLY PROLONGATION OF THE SOUTH LINE OF THE NORTH 10 FEET OF SAID LOT 3, A DISTANCE OF 8.00 FEET TO THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 36 AND TO A CORNER OF SAID PARCEL DESCRIBED IN JOINT TENANCY DEED RECORDED IN DOCUMENT NO. 2004-653085, MARICOPA COUNTY RECORDS;

THENCE SOUTH 00 DEGREES 06 MINUTES 35 SECONDS WEST 187.00 FEET (MEASURED), SOUTH 00 DEGREES 05 MINUTES 37 SECONDS WEST 187.01 FEET (RECORD), ALONG SAID WEST LINE TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 80 FEET OF THE SOUTH 230 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 36;

THENCE NORTH 89 DEGREES 39 MINUTES 30 SECONDS WEST 331.75 FEET (MEASURED), NORTH 89 DEGREES 41 MINUTES 12 SECONDS WEST 331.75 FEET (RECORD) ALONG SAID SOUTH LINE TO THE INTERSECTION WITH THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 36;

THENCE NORTH 00 DEGREES 06 MINUTES 43 SECONDS EAST 80.00 FEET (MEASURED), NORTH 00 DEGREES 05 MINUTES 15 SECONDS EAST 80.00 FEET (RECORD), ALONG SAID WEST LINE, TO THE INTERSECTION WITH THE NORTH LINE OF THE SOUTH 230 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 36;

THENCE SOUTH 89 DEGREES 39 MINUTES 30 SECONDS EAST 6.00 FEET (MEASURED), SOUTH 89 DEGREES 41 MINUTES 12 SECONDS EAST 8.01 FEET (RECORD), ALONG SAID NORTH LINE, TO THE EAST LINE OF THE WEST 8 FEET OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 36, AND TO THE SOUTHEAST CORNER OF THAT CERTAIN 6 FOOT WIDE ALLEY CONVEYED TO THE CITY OF PHOENIX BY DOCKET 3739, PAGE 148, MARICOPA COUNTY RECORDS;

THENCE NORTH 00 DEGREES 06 MINUTES 43 SECONDS EAST 217.00 FEET (MEASURED), NORTH 00 DEGREES 05 MINUTES 06 SECONDS EAST 217.11 FEET (RECORD), ALONG SAID EAST LINE, TO THE INTERSECTION WITH THE NORTH LINE OF THE SOUTH 447 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 36;

THENCE NORTH 89 DEGREES 39 MINUTES 30 SECONDS WEST 8.00 FEET (MEASURED), NORTH 89 DEGREES 31 MINUTES 54 SECONDS 8.02 FEET (RECORD), ALONG SAID NORTH LINE, TO THE INTERSECTION WITH THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 36;

THENCE CONTINUING ALONG SAID NORTH LINE NORTH 89 DEGREES 39 MINUTES 30 SECONDS WEST 164.09 FEET (MEASURED), NORTH 89 DEGREES 39 MINUTES 03 SECONDS WEST 164.05 FEET (RECORD) TO THE BEGINNING OF A NON-TANGENT CURVE, THE CENTER OF SAID CURVE BEARING NORTH 81 DEGREES 32 MINUTES 50 SECONDS EAST A DISTANCE OF 159.90 FEET;

THENCE NORTHERLY 23.91 FEET (MEASURED), 20.48 FEET (RECORD) ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08 DEGREES 33 MINUTES 57 SECONDS (MEASURED), 07 DEGREES 20 MINUTES 17 SECONDS (RECORD) TO A POINT OF TANGENCY;

THENCE NORTH 00 DEGREES 06 MINUTES 47 SECONDS EAST 153.15 FEET (MEASURED), 156.50 FEET (RECORD) ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 36 TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 47 FEET OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36;

THENCE NORTH 45 DEGREES 13 MINUTES 37 SECONDS EAST 9.88 FEET (MEASURED AND RECORD) TO THE SOUTH LINE OF THE NORTH 40 FEET OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36;

THENCE SOUTH 89 DEGREES 39 MINUTES 32 SECONDS EAST 158.87 FEET (MEASURED), 158.76 FEET (RECORD), ALONG SAID SOUTH LINE TO THE INTERSECTION WITH THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 36 AND THE POINT OF BEGINNING.

PARCEL NO. 2:

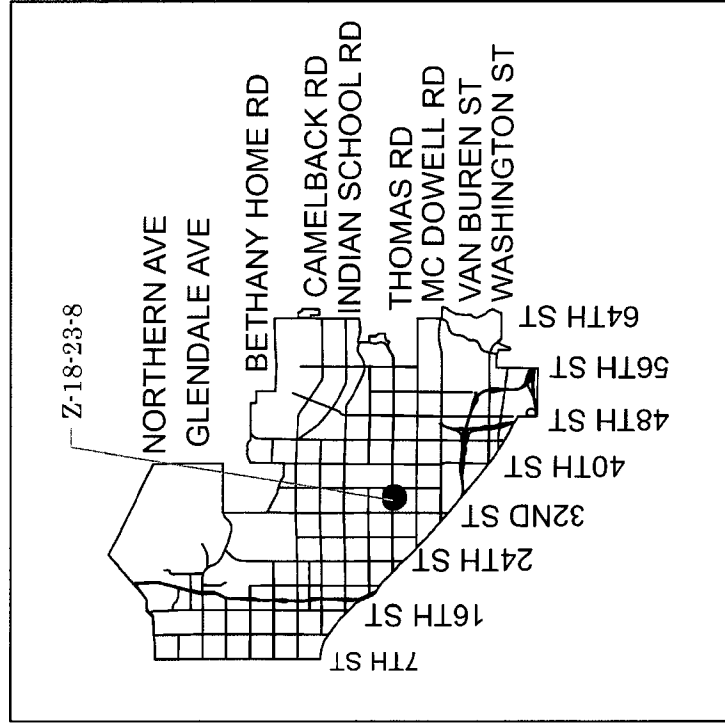
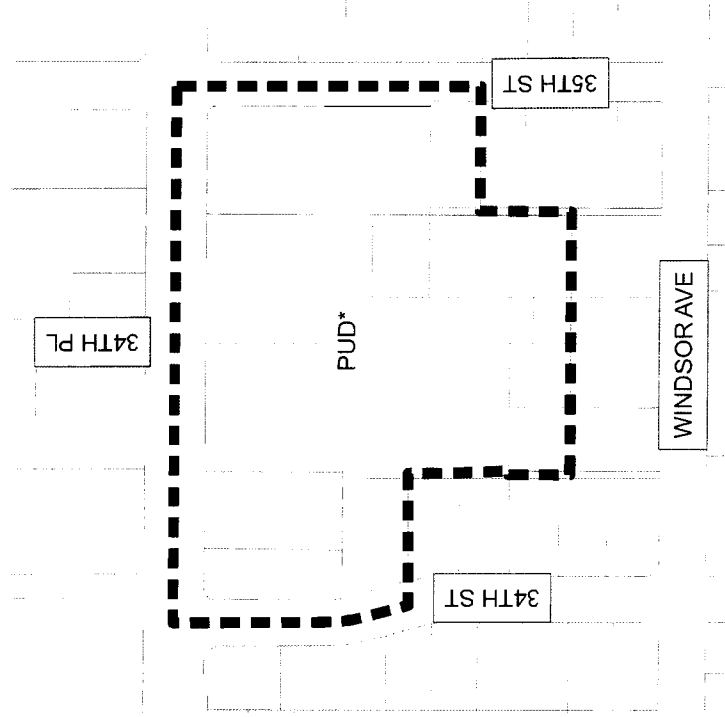
LOT 1, KAYE HOMES, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA RECORDED IN BOOK 62 OF MAPS, PAGE 18.

EXHIBIT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-18-23-8
Zoning Overlay: N/A
Planning Village: Camelback

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



NOT TO SCALE



Drawn Date: 9/25/2023