



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

October 11, 2021

Larry Lazarus  
Lazarus & Silvyn P.C.  
206 East Virginia Avenue  
Phoenix, Arizona 85004

Dear Applicant:

RE: Z-43-20-4 – Northwest corner of 12th Street and McDowell Road

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 601 of the Zoning Ordinance, as amended, has on September 8, 2021, approved Zoning Ordinance # G-6885.

Development and use of the site are subject to compliance with all applicable codes and ordinances.

Sincerely,

A handwritten signature in blue ink that reads "Joshua Bednarek".

Joshua Bednarek, LEED AP ND  
Planning and Development Deputy Director

Attachment: Signed Ordinance

c: 1144 McDowell Land, LLC, 101 E. Northview Ave., Phoenix, AZ 85020

File

Tricia Gomes, PDD–Planning-Special Projects Administrator (Electronically)

Racelle Escolar, PDD–Planning–Planner III (Electronically)

Nick Klimek, PDD–Planning–Village Planner (Electronically)

Ben Kim, PDD–GIS (Electronically)

Craig Mavis, PDD–Development (Electronically)

Sina Matthes, City Council (Electronically)

ORDINANCE G-6885

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 (Z-43-20-4) FROM C-2 CNSPD (INTERMEDIATE COMMERCIAL, CORONADO NEIGHBORHOOD SPECIAL PLANNING DISTRICT) AND P-1 CNSPD (PARKING, CORONADO NEIGHBORHOOD SPECIAL PLANNING DISTRICT) TO PUD CNSPD (PLANNED UNIT DEVELOPMENT, CORONADO NEIGHBORHOOD SPECIAL PLANNING DISTRICT).

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

follows:

SECTION 1. The zoning of a 1.59 acre site located at the northwest corner of 12th 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 1.13 acres of "C-2 CNSPD" (Intermediate Commercial, Coronado Neighborhood Special Planning District) and 0.46-acres of "P-1 CNSPD" (Parking, Coronado Neighborhood Special Planning District) to PUD CNSPD (Planned Unit Development, 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 McDowell Hotel 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 May 18, 2021, as modified by the following stipulations:
  - a. Front cover: Revise the date information on the cover page to add the following:
    - Hearing Draft: May 18, 2021
    - City Council Adopted: TBD [Add Adoption Date]
  - b. Page 4 and Exhibits: Add an Exhibit 8 to include the renderings date stamped August 4, 2021.
  - c. Page 8: Update Figure 2 to match the site plan date stamped August 4, 2021.
  - d. Page 14; Walkable Urban Code: Applications and Modifications Table: Change the column header from "Column B: Standards for hotel use only" to "Column B: Standards for hotel and medical office use only"
  - e. Page 14: Change "1303 General Site Development Standards" to "1304 General Site Development Standards".
  - f. Page 15, 1305 Frontage Standards, Fence standards: Add an additional bullet to include the following provision under the first bullet:
    - Decorative screening or open fencing on top of solid walls shall be limited to 66 inches, with a combined height not to exceed 78 inches.
  - g. Page 15; Walkable Urban Code: Applications and Modifications Table. 1306 Land Use Matrix in Column B: Add "Clinic, medical or dental; laboratory, medical, dental or clinical; medical or dental office; per Section 1306 Land Use Matrix."

- h. Page 20; Site; 1st Paragraph: Add the following language “proposals for non-standard material in the public right-of-way shall require approval from the Street Transportation Department”
2. The site shall be in general conformance with the site plan date stamped August 4, 2021 should a hotel use be developed on the site, as approved by the Planning and Development Department.
  3. The developer shall dedicate 35-feet of right-of-way for the north side of McDowell Road, as approved by the Planning and Development Department.
  4. The developer shall dedicate a 10-foot sidewalk easement for the north half of McDowell Road, as approved by the Planning and Development Department.
  5. The driveway along McDowell Road shall be restricted to three quarter access per City of Phoenix standard detail, as approved by the Street Transportation 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 developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA’s Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
  8. 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.
  9. The developer shall grant and record an avigation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
  10. 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.
  11. 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.

12. 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.
13. 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.

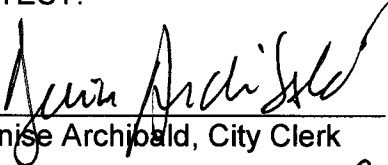
SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 8th day of September 2021.



MAYOR

ATTEST:

  
Denise Archibald, City Clerk

09-10-2021



APPROVED AS TO FORM:  
Cris Meyer, City Attorney

By: DBenton  
David Benton, Chief Counsel

*Pml*

REVIEWED BY:

EZ  
Ed Zuercher City Manager

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

PL:tml:LF21-1789:9-8-2021:2275266v1

EXHIBIT A

LEGAL DESCRIPTION FOR Z-43-20-4

That part of Lot 16, Homewood Tract, according to Book 3 of Maps, page 26, records of Maricopa County, Arizona described as follows:

Commencing at the South quarter corner of Section 33, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Thence North 00 degrees 21 minutes 00 seconds East, along the North-South mid-section line thereof, 33.00 feet to the Southeast corner of Lot 16;  
Thence continuing North 00 degrees 21 minutes 00 seconds East, along the aforesaid East line, 2.50 feet;

Thence West, along a line 2.50 feet North of and parallel to the South line of Lot 16, 16.03 feet to the Point of Beginning;

Thence continuing West, along the North line of the South 2.50 feet of Lot 16, 164.27 feet (recorded) 164.28 feet (measured) to a point on the East line of the West 151.50 feet of Lot 16;

Thence North 00 degrees 56 minutes 00 seconds East, along the aforesaid East line 166.25 feet to the Southeast corner of the parcel described in Docket 890, page 260, records of Maricopa County, Arizona;

Thence South 89 degrees 52 minutes 00 seconds West, along the South line of said parcel, 56.50 feet to the Southwest corner thereof, also being the East line of the West 95.00 feet of Lot 16;

Thence North 00 degrees 56 minutes 00 seconds East, along the West line of said parcel and the East line of the West 95.00 feet of Lot 16, 121.40 feet (recorded) 121.45 feet (Measured) to a point on the South line of the North 337.00 feet of Lot 16;

Thence North 89 degrees 52 minutes 00 seconds East, along said South line, 214.00 feet to the Northeast corner of parcel no. 1, as described in Recording No. 1983-0123794, records of Maricopa County, Arizona;

Thence South 00 degrees 25 minutes 09 seconds East, along the East line of said parcel and its Southerly prolongation, being the West right-of-way line of North 12th Street, 287.98 feet to the Point of Beginning.

Except that part thereof described as follows:

Beginning at the intersection of the North line of the South 2.50 feet with a line designated herein as line "A", which extends from a point on the South line of Lot 16, distant 16.00 feet West from the Southeast corner thereof to a point on the North line of the South half, distant 20.24 feet West from the Northeast corner of the South half;

Thence Northerly along said line "A", 16.00 feet;  
Thence Southwesterly to a point on the North line of the South 2.50 feet which is 16.00 feet West of the Point of Beginning, And

Except that part of Lot 16 bounded on the East by said Line "A", on the North by the South right-of-way Line of Almeria Road, as shown on the plat of the Subdivision of the North 337 feet of lots 15 and 16, Homewood Tract according to Book 19 of Maps, page 34, records of Maricopa County, Arizona, and on the Southwest by the arc of a circular curve concave Southwesterly, having a tangent of 12 feet and being tangent to said line "A" and to the South right-of-way line; and

Except the portion described as follows:

Commencing at the intersection of the North line of the South 2.50 feet of Lot 16 with a line, designated herein as Line "A" which extends from a point in the South line of lot 16 which is 16.00 feet West of the Southeast corner thereof to a point in the North line of the South half of Lot 16 which is 20.24 West of the Northeast corner of said South half;

Thence Northerly along said Line "A", 16.00 feet to the Point of Beginning;

Thence continuing Northerly, along said Line "A", 1.00 feet;

Thence Southwesterly to a point in the North line of said south 2.50 feet which is 17.00 feet West of the Point of Commencement;

Thence East, along the last said North line, 1.00 feet;

Thence Northeasterly to the Point of Beginning.



