

ORDINANCE G-6928

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-25-20-4) FROM R-3 RI (MULTIFAMILY RESIDENCE DISTRICT, RESIDENTIAL INFILL DISTRICT), R-5 RI (MULTIFAMILY RESIDENCE DISTRICT, RESIDENTIAL INFILL DISTRICT), C-O (COMMERCIAL OFFICE – RESTRICTED COMMERCIAL DISTRICT), C-O/G-O (COMMERCIAL OFFICE – RESTRICTED COMMERCIAL DISTRICT / GENERAL OFFICE), C-2 SP (INTERMEDIATE COMMERCIAL DISTRICT, SPECIAL PERMIT), C-2 H-R (INTERMEDIATE COMMERCIAL DISTRICT, HIGH-RISE DISTRICT), C-2 H-R (APPROVED C-2 H-R SP) (INTERMEDIATE COMMERCIAL DISTRICT, HIGH-RISE DISTRICT, APPROVED INTERMEDIATE COMMERCIAL DISTRICT, HIGH-RISE DISTRICT, SPECIAL PERMIT), C-2 H-R SP (INTERMEDIATE COMMERCIAL DISTRICT, HIGH-RISE DISTRICT, SPECIAL PERMIT), C-2 HGT/WVR (INTERMEDIATE COMMERCIAL DISTRICT, HEIGHT WAIVER), AND P-1 (PASSENGER AUTOMOBILE PARKING, LIMITED DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT).

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

follows:

SECTION 1. The zoning of a 42.65 acre site located at the southwest corner of the SR-51 Freeway and Thomas Road, in a portion of Section 34, Township 2 North, and Range 3 East, as described more specifically in Exhibit "A," is hereby changed from 3.46-acres of "R-3 RI" (Multifamily Residence District, Residential Infill District), 1.25-acres of "R-5 RI" (Multifamily Residence District, Residential Infill District),

1.20-acres of “C-O” (Commercial Office - Restricted Commercial District), 1.30-acres of “C-O/G-O” (Commercial Office - Restricted Commercial District / General Office), 2.85-acres of “C-2 SP” (Intermediate Commercial District, Special Permit), 7.70-acres of “C-2 HGT/WVR” (Intermediate Commercial District, Height Waiver), 21.71-acres of “C-2 H-R” (Intermediate Commercial, High-Rise H-R District—High-Rise and High Density District), 0.31-acres of “C-2 H-R SP” (Intermediate Commercial District, High-Rise H-R District—High-Rise and High Density District, Special Permit), 1.00 acre of “C-2 H-R (Approved C-2 H-R SP)” (Intermediate Commercial District, High-Rise H-R District—High-Rise and High Density District, Approved Intermediate Commercial District, High-Rise H-R District—High-Rise and High Density District, Special Permit), and 1.87-acres “P-1” (Parking District) to 42.65-acres of “PUD” (Planned Unit Development 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 Phoenix Children’s Hospital 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 13, 2021, as modified by the following stipulations:

- a. Page 5: Table of Contents: Change the font color to black.
 - b. Page 15: Table 2.2: Landscape Standards Table, b. Perimeter Landscape Setbacks: Add the following text "In the case of inconsistencies, the larger setback provision shall apply."
 - c. Page 15: Table 2.2: Landscape Standards Table, b. Perimeter Landscape Setbacks, Exhibit 6 Landscape 6 Inset: Modify the legend in the replace "Landscape Setbacks Perimeter (Not adjacent to a street)" with "Landscape Setbacks not adjacent to a public street".
 - d. Page 15: Table 2.2: Landscape Standards Table, d. Parking Lot Areas and Structured Parking: Add a row titled "Surface Parking Shade" with the following standard "All new surface parking areas after the adoption of the PUD will be shaded to 25% by vegetative shade."
 - e. Page 41: Design Guidelines, h. Fences and Walls: Delete No. 1 "Shall comply with the City of Phoenix Zoning Ordinance, Section 703" and renumber the subsequent guidelines.
 - f. Page 54: Exhibit 6: Modify the legend in the replace "Landscape Setbacks Perimeter (Not adjacent to a street)" with "Landscape Setbacks not adjacent to a public street".
2. The developer shall retain the bus stop pad along eastbound Thomas Road east of the 18th Street Alignment. If relocation is necessary, the bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. The bus stop pad shall be spaced from the intersection of Thomas Road and the 18th Street alignment according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide 50 percent shade coverage to the bus stop pad at full maturity.
 3. The developer shall retain the bus stop pad along eastbound Thomas Road east of Children's Way. If relocation is necessary, the bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 12 feet. Trees shall be placed to provide 50 percent shade coverage to the bus stop pad at full maturity.
 4. The applicant shall submit a Traffic Impact Study/Statement to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City.

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. 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.
8. 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.
9. 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.
10. 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.
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

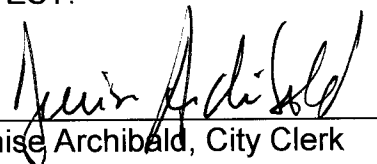
decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 1st day of December, 2021.



MAYOR

ATTEST:


Denise Archibald, City Clerk

12-09-2021



APPROVED AS TO FORM:
Cris Meyer, City Attorney

By: 

Acting Chief Counsel

Pml

REVIEWED BY:


Jeffrey Barton, City Manager

Exhibits:

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

PL:tml:LF21-2873:12-1-2021:2290197v1

EXHIBIT A

LEGAL DESCRIPTION FOR Z-25-20-4

LEGAL DESCRIPTION FOR LOTS A, B, C, D, E, F AND G

A PARCEL OF LAND SITUATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 34, FROM WHICH THE CENTER OF SAID SECTION 34 BEARS SOUTH 00 DEGREES 23 MINUTES 45 SECONDS WEST, A DISTANCE OF 2636.25 FEET;

THENCE UPON AND WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34, SOUTH 00 DEGREES 23 MINUTES 45 SECONDS WEST, A DISTANCE OF 143.95 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00 DEGREES 23 MINUTES 45 SECONDS WEST, A DISTANCE OF 540.05 FEET;

THENCE DEPARTING THE AFORESAID EAST LINE, SOUTH 89 DEGREES 41 MINUTES 15 SECONDS WEST, A DISTANCE OF 42.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVED SOUTHWESTERLY, WHOSE RADIUS BEARS SOUTH 00 DEGREES 23 MINUTES 45 SECONDS WEST, A DISTANCE OF 12.00 FEET;

THENCE CONTINUING ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS, AN ARC LENGTH OF 18.85 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF 20TH STREET;

THENCE SOUTH 00 DEGREES 23 MINUTES 45 SECONDS WEST, A DISTANCE OF 255.79 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 12.00 FEET;

THENCE CONTINUING ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89 DEGREES 22 MINUTES 08 SECONDS, AN ARC LENGTH OF 18.72 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF CAMBRIDGE AVENUE;
THENCE DEPARTING THE AFORESAID WEST RIGHT OF WAY LINE, UPON AND WITH SAID NORTH RIGHT OF WAY LINE, SOUTH 89 DEGREES 45 MINUTES 53 SECONDS WEST, A DISTANCE OF 727.79 FEET;

THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, NORTH 00 DEGREES 12 MINUTES 49 SECONDS EAST, A DISTANCE OF 179.87 FEET;

THENCE SOUTH 89 DEGREES 56 MINUTES 59 SECONDS WEST, A DISTANCE OF 184.74 FEET;

THENCE SOUTH 00 DEGREES 18 MINUTES 49 SECONDS WEST, A DISTANCE OF 180.47 FEET TO THE AFORESAID NORTH RIGHT OF WAY LINE OF CAMBRIDGE AVENUE;

LEGAL DESCRIPTION FOR LOTS A, B, C, D, E, F AND G

A PARCEL OF LAND SITUATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 34, FROM WHICH THE CENTER OF SAID SECTION 34 BEARS SOUTH 00 DEGREES 23 MINUTES 45 SECONDS WEST, A DISTANCE OF 2636.25 FEET;

THENCE UPON AND WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34, SOUTH 00 DEGREES 23 MINUTES 45 SECONDS WEST, A DISTANCE OF 143.95 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00 DEGREES 23 MINUTES 45 SECONDS WEST, A DISTANCE OF 540.05 FEET;

THENCE DEPARTING THE AFORESAID EAST LINE, SOUTH 89 DEGREES 41 MINUTES 15 SECONDS WEST, A DISTANCE OF 42.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVED SOUTHWESTERLY, WHOSE RADIUS BEARS SOUTH 00 DEGREES 23 MINUTES 45 SECONDS WEST, A DISTANCE OF 12.00 FEET;

THENCE CONTINUING ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS, AN ARC LENGTH OF 18.85 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF 20TH STREET;

THENCE SOUTH 00 DEGREES 23 MINUTES 45 SECONDS WEST, A DISTANCE OF 255.79 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 12.00 FEET;

THENCE CONTINUING ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89 DEGREES 22 MINUTES 08 SECONDS, AN ARC LENGTH OF 18.72 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF CAMBRIDGE AVENUE;

THENCE DEPARTING THE AFORESAID WEST RIGHT OF WAY LINE, UPON AND WITH SAID NORTH RIGHT OF WAY LINE, SOUTH 89 DEGREES 45 MINUTES 53 SECONDS WEST, A DISTANCE OF 727.79 FEET;

THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, NORTH 00 DEGREES 12 MINUTES 49 SECONDS EAST, A DISTANCE OF 179.87 FEET;

THENCE SOUTH 89 DEGREES 56 MINUTES 59 SECONDS WEST, A DISTANCE OF 184.74 FEET;

THENCE SOUTH 00 DEGREES 18 MINUTES 49 SECONDS WEST, A DISTANCE OF 180.47 FEET TO THE AFORESAID NORTH RIGHT OF WAY LINE OF CAMBRIDGE AVENUE;

LEGAL DESCRIPTION FOR COMBINED LOTS K, L, M, N, O, P AND Q

A PARCEL OF LAND SITUATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 34, FROM WHICH THE CENTER OF SAID SECTION 34 BEARS SOUTH 00 DEGREES 23 MINUTES 45 SECONDS WEST, A DISTANCE OF 2636.25 FEET;

THENCE UPON AND WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34, SOUTH 00 DEGREES 23 MINUTES 45 SECONDS WEST, A DISTANCE OF 988.85 FEET TO THE INTERSECTION OF CAMBRIDGE AVENUE AND 20TH STREET;

THENCE CONTINUING SOUTH 00 DEGREES 23 MINUTES 45 SECONDS WEST, A DISTANCE OF 37.46 FEET;

THENCE DEPARTING SAID WEST LINE, NORTH 89 DEGREES 36 MINUTES 15 SECONDS WEST, A DISTANCE OF 30.00 FEET TO THE WEST RIGHT OF WAY LINE OF THE AFORESAID 20TH STREET AND BEING THE POINT OF BEGINNING;

THENCE UPON AND WITH SAID RIGHT OF WAY LINE, SOUTH 00 DEGREES 23 MINUTES 45 SECONDS WEST, A DISTANCE OF 255.66 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 12.00 FEET;

THENCE CONTINUING ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89 DEGREES 23 MINUTES 25 SECONDS, AN ARC LENGTH OF 18.72 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF VIRGINIA AVENUE;

THENCE DEPARTING SAID WEST RIGHT OF WAY LINE, UPON AND WITH SAID NORTH RIGHT OF WAY LINE, SOUTH 89 DEGREES 47 MINUTES 09 SECONDS WEST, A DISTANCE OF 396.65 FEET;

THENCE NORTH 00 DEGREES 15 MINUTES 22 SECONDS EAST, A DISTANCE OF 5.00 FEET;

THENCE SOUTH 89 DEGREES 47 MINUTES 09 SECONDS WEST, A DISTANCE OF 155.68 FEET;

THENCE SOUTH 01 DEGREES 25 MINUTES 52 SECONDS WEST, A DISTANCE OF 5.00 FEET;

THENCE SOUTH 89 DEGREES 47 MINUTES 09 SECONDS WEST, A DISTANCE OF 485.35 FEET;

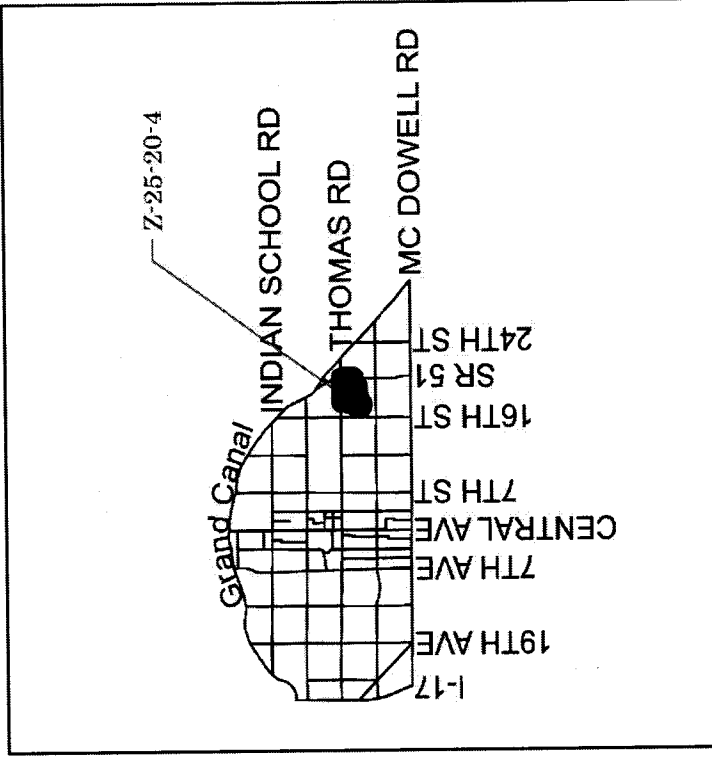
THENCE DEPARTING THE AFORESAID RIGHT OF WAY LINE, NORTH 00 DEGREES 18 MINUTES 27 SECONDS EAST, A DISTANCE OF 279.25 FEET TO THE SOUTH RIGHT OF WAY LINE OF CAMBRIDGE AVENUE;

EXHIBIT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-25-20-4
 Zoning Overlay: N/A
 Planning Village: Encanto

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



NOT TO SCALE



Drawn Date: 10/29/2021

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