

ORDINANCE G-7222

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-61-23-2) FROM R1-10 (SINGLE-FAMILY RESIDENCE DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of a 4.35-acre site located at the northwest corner of 53rd Street and Dynamite Boulevard in a portion of Section 29, Township 5 North, Range 4 East, as described more specifically in Exhibit "A," is hereby changed from "R1-10" (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 Villas of Cave Creek Senior Living 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 November 17, 2023, as modified by the following stipulations:
 - a. Front cover: Revise the submittal date information to add the following: City Council adopted: [Add adoption date].
2. A total of 70 feet of right-of-way shall be dedicated for the north half of Dynamite Boulevard or as approved by Maricopa County.
3. All street improvements to Dynamite Boulevard and 53rd Street are outside of Phoenix City Limits and shall be reviewed and approved by Maricopa County. Documentation of the county review and approval shall be provided prior to Preliminary Site Plan approval.
4. A total of 40 feet of right-of-way shall be dedicated for the east half of 52nd Street.
5. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, 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 site is located within a Special Flood Hazard Area (SFHA) called a Zone AE and Zone AE floodway on panel 1301M of the Flood Insurance Rate Maps (FIRM) revised July 20, 2021. The following requirements shall apply, as approved by the Planning and Development Department:
 - a. The Architect/Engineer is required to show the floodplain boundary limits on the Grading and Drainage plan and ensure that impacts to the proposed facilities have been considered, following the National Flood Insurance Program (NFIP) Regulations (44 CFR Paragraph 60.3). This includes, but is not limited to, provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code.
 - b. A copy of the Grading and Drainage Plan needs to be submitted to the Floodplain Management section of the Office of the City Engineer for review and approval of Floodplain requirements.

- c. FEMA approved CLOMR-F or CLOMR is required prior to issuance of a Grading and Drainage permit.
7. 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.
8. 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 March, 2024.

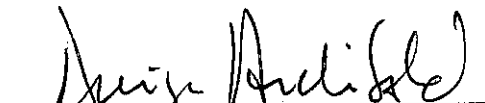


MAYOR

3/12/2024

Date

ATTEST:


Denise Archibald, City Clerk

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

By: Jennifer Vega
Jennifer Vega

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REVIEWED BY:

Jeffrey Barton
Jeffrey Barton, City Manager

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Exhibits:

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

EXHIBIT A

LEGAL DESCRIPTION FOR Z-61-23-2

Lots 1 thru 15 and Tracts A thru D, Final Plat for 53rd St. & Dynamite, according to the plat of record in Book 1488 of Maps, page 31, recorded in the office of the County Recorder of Maricopa County, Arizona.

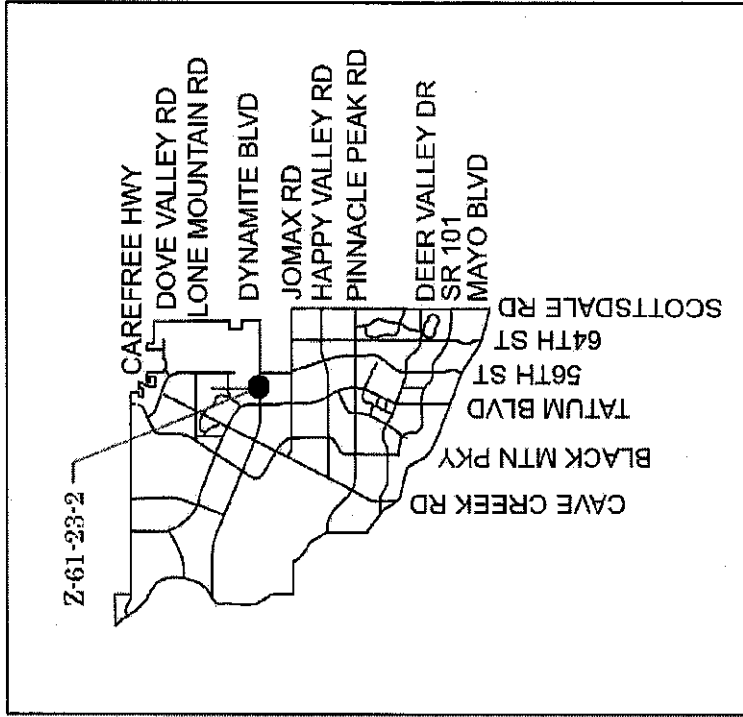
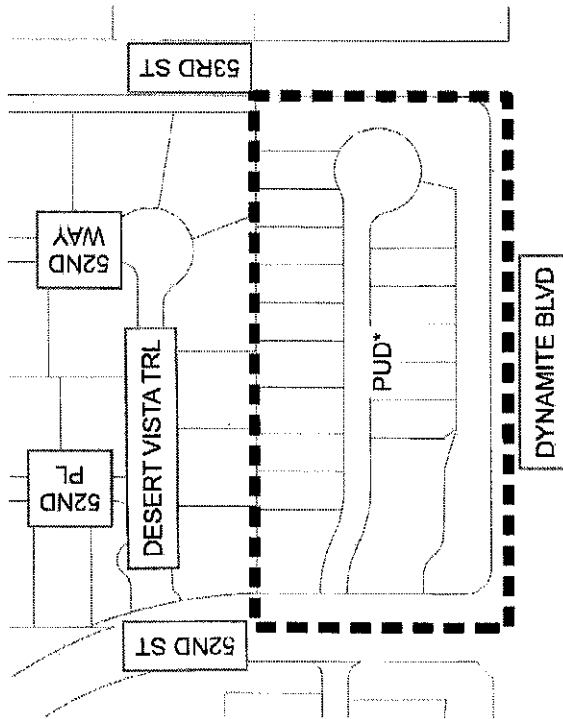
A portion of the SE Corner of Section 29, Township 5 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

ORDINANCE LOCATION MAP

EXHIBIT B

Zoning Case Number: Z-61-23-2
 Zoning Overlay: N/A
 Planning Village: Desert View

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



NOT TO SCALE

Drawn Date: 1/5/2024