

ORDINANCE G-6715

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 (CASE Z-15-19-1) FROM C-1 (NEIGHBORHOOD RETAIL DISTRICT) AND R1-8 (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 3.26 acre site located at the northeast corner of 35th Avenue and Thunderbird Road in a portion of Section 11, Township 3 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from 2.50 acres of "C-1" (Neighborhood Retail District) and 0.76 acres of "R1-8" (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 Francis and Sons PUD reflecting the changes approved through this request shall be submitted to the Planning Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative date stamped April 21, 2020 as modified by the following stipulations.
 - a. Front Cover: Add “City Council adopted: [Insert Adoption date]” below “Hearing Draft: April 7, 2020.”
2. The applicant shall be dedicated and a bus stop pad (City of Phoenix Standard Detail P1260) shall be constructed with a minimum depth of 10 feet along northbound 35th Avenue, north of Thunderbird Road. The bus stop pad shall be spaced from the intersection of Thunderbird Road and 35th Avenue according to City of Phoenix Standard Detail P1258. Any items found not to standard shall require reconstruction.
3. The site access driveway on 35th Avenue shall be restricted to right-in/right-out and constructed per the applicable City of Phoenix Standard Details, as approved by the Planning and Development Department.
4. The site access driveway on Thunderbird Road shall be restricted to right-in/right-out movements per the existing median, as approved by the Planning and Development Department. The median shall not be modified through the site development process for purposes of site access.
5. A one-foot Vehicular Non-Access Easement (VNAE) shall be dedicated along the southern property line along its full boundary with the Thunderbird Frontage Road to prohibit ingress / egress to and from the existing frontage road, as approved by the Planning and Development Department.
6. 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. Contact Mr. Matthew Wilson, Traffic Engineer III, (602) 262-7580, to set up a meeting to discuss the requirements of the statement/study. Upon completion of the TIS the developer shall submit the completed TIS to the Planning and Development Department counter with instruction to forward the study to the Street Transportation Department, Design Section.

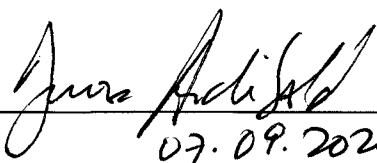
7. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
8. 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.
9. 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 July, 2020.

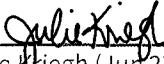

MAYOR


ATTEST:


City Clerk
07.09.2020

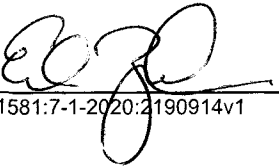


APPROVED AS TO FORM:



Julie Krieger (Jul 27, 2020 07:21 PDT) Acting City Attorney

pml

REVIEWED BY:



PL:tml:LF20-1581:7-1-2020:2190914v1 City Manager

Exhibits:

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

EXHIBIT A

LEGAL DESCRIPTION FOR Z-15-19-1

A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 11; THENCE NORTH 00 DEGREES 24 MINUTES 25 SECONDS EAST, ALONG THE WEST LINE OF SAID SECTION 11, A DISTANCE OF 284.64 FEET;

THENCE SOUTH 89 DEGREES 35 MINUTES 35 SECONDS EAST, A DISTANCE OF 65.00 FEET TO A POINT 65.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, TO THE WEST LINE OF SAID SECTION 11;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 145.11 FEET;

THENCE SOUTH 76 DEGREES 32 MINUTES 58 SECONDS EAST A DISTANCE OF 254.39 FEET;

THENCE EAST, A DISTANCE OF 1.89 FEET TO THE NORTHWEST CORNER OF LOT 1 OF "PATIO HOMES", ACCORDING TO BOOK 162 OF MAPS, PAGE 38, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE CONTINUING EAST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 70.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH 00 DEGREES 25 MINUTES 25 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 160.27 FEET (160.00 FEET-RECORD) TO A POINT 65.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES, TO THE SOUTH LINE OF SAID SECTION 11;

THENCE SOUTH 00 DEGREES 01 MINUTES 44 SECONDS WEST, A DISTANCE OF 65.00 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 11;

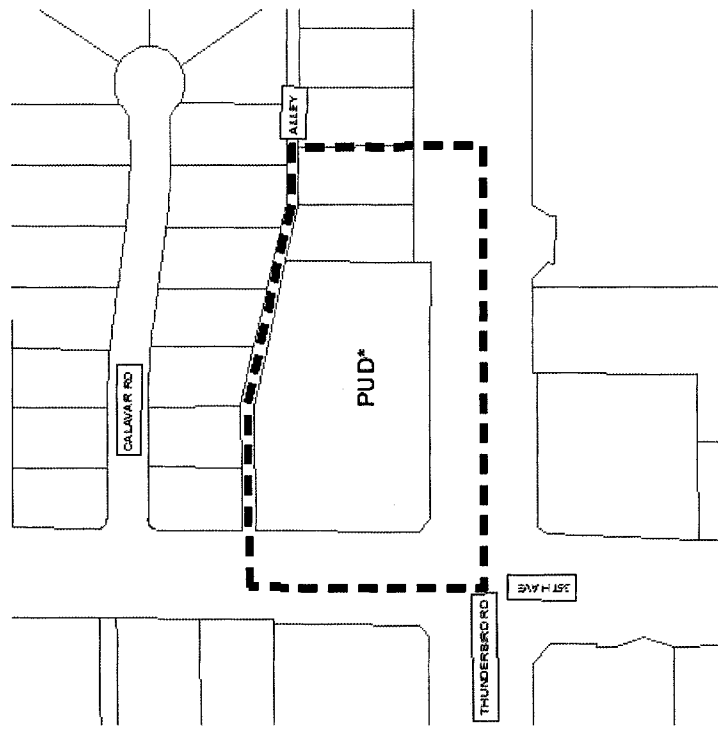
THENCE NORTH 89 DEGREES 58 MIUTES 16 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 530.21 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

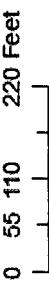
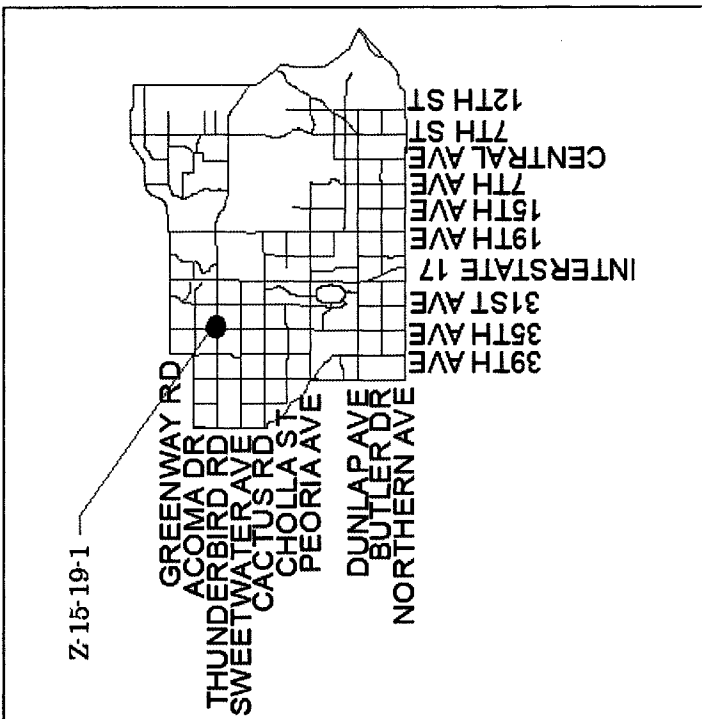
ORDINANCE LOCATION MAP

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: - - - - -



Zoning Case Number: Z-15-19-1
 Zoning Overlay: N/A
 Planning Village: North Mountain



NOT TO SCALE



Drawn Date: 5/29/2020

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