

Attachment A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL ADOPTED ORDINANCE

ORDINANCE G-

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 91-16-8) FROM R-3 (MULTIFAMILY RESIDENCE DISTRICT), C-2 (INTERMEDIATE COMMERCIAL) AND P-1 (PASSENGER AUTOMOBILE PARKING, LIMITED) TO C-2 (INTERMEDIATE COMMERCIAL).

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

SECTION 1. The zoning of an approximately 3.48 acre property located at the northeast corner of 25th Street and Brill Street in a portion of Section 2, Township 1 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "R-3" (Multifamily Residence District), "C-2" (Intermediate Commercial) and "P-1" (Passenger Automobile Parking, Limited) to "C-2" (Intermediate Commercial).

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:

APPLICABLE TO ALL PARCELS

1. Signage identifying businesses shall not be visible from Brill Street.
2. Required trees in the McDowell Road, Brill Street, 25th Street and 26th Street landscape setbacks shall be placed adjacent to the sidewalks in order to provide shade for pedestrians, as approved by the Planning and Development Department.
3. The placement of any wall and/or window signs shall be coordinated with the placement of shade trees on the site to minimize conflicts between mature shade canopy and sign visibility, as approved by the Planning and Development Department.
4. 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.
5. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
6. The development shall comply with all ADA accessibility standards, as per plans approved by the Planning and Development Department.

Section A

7. In the event that the remaining residential parcel on 25th Street (Section D) is rezoned for commercial use, thus providing the opportunity for the four properties to function in a holistic manner, access to Section A from Brill Street shall cease and a one-foot vehicular non-access easement (VNAE) shall be recorded along the south property line on Brill Street.

Section B

8. Development of the site shall be in general conformance to the site plan dated stamped December 19, 2016, as approved by the Planning and Development Department.
9. Access to Brill Street shall be restricted to emergency access only.
10. A minimum of one inverted-U bicycle rack shall be provided on site, located near an entrance to the business and installed per the requirements of Section 1307.H.4. of the Zoning Ordinance, as approved by the Planning and Development Department.

Section C (including C.1.)

11. The existing driveway on Brill Street shall be removed and access to Brill Street shall be limited to pedestrians.
12. A cross-access agreement shall be recorded across Section C.1. to provide access through the site to 26th Street.
13. A one-foot vehicular non-access easement (VNAE) shall be recorded along the south property lines on Brill Street.
14. The frontage on Brill Street shall be landscaped per the requirements of Section 623.E.4.e. within 180 days of City Council approval of this request.
15. No razor wire is permitted. Existing razor wire must be removed.
16. A minimum of one inverted-U bicycle rack shall be provided on site, located near an entrance to a business and installed per the requirements of Section 1307.H.4. of the Zoning Ordinance, as approved by the Planning and Development Department.

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 5th day of April, 2017.

MAYOR

ATTEST:

_____ City Clerk

APPROVED AS TO FORM:

_____ City Attorney

REVIEWED BY:

_____ City Manager

Exhibits:

A – Legal Description (1 Pages)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-91-16-8

(Parcel 121-78-013 Legal Description)

Per Deed Number 010873469

LOT TWENTY-FIVE (25), DEL REY, AN ADDITION TO THE CITY OF PHOENIX, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 14 OF MAPS, PAGE 5; EXCEPT THE NORTH 5 FEET;

EXCEPT THE SOUTH 2 FEET OF THE NORTH 7 FEET THEREOF AS CONVEYED TO THE CITY OF PHOENIX, A MUNICIPAL CORPORATION BY PINAL ORDER OF CONDEMNATION RECORDED APRIL 20, 1989 AT RECORDERS NO. 89-181091;

EXCEPT THE SOUTH 30 FEET AS CONVEYED TO MARICOPA COUNTY BY DEED RECORDED JANUARY 8, 1948 IN DOCKET 119, PAGE 380.

(Parcel 121-78-018 Legal Description)

Per Deed Number 920215540

THE EAST HALF OF LOT TWENTY-SEVEN (27), DEL REY, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE MARICOPA COUNTY RECORDER IN BOOK 14 OF MAPS, PAGE 5.

EXCEPT THE SOUTH 30 FEET AS CONVEYED TO MARICOPA COUNTY BY DEED RECORDED JANUARY 8, 1948 IN DOCKET 119, PAGE 380.

(Parcel 121-78-017 Legal Description)

Per Deed Number 110715085

THE WEST HALF OF LOT TWENTY-SEVEN (27), DEL REY, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE MARICOPA COUNTY RECORDER IN BOOK 14 OF MAPS, PAGE 5.

EXCEPT THE SOUTH 30 FEET AS CONVEYED TO MARICOPA COUNTY BY DEED RECORDED JANUARY 8, 1948 IN DOCKET 119, PAGE 380.

EXHIBIT A, CONTINUED

LEGAL DESCRIPTION FOR Z-91-16-8

**(Parcel 121-78-023 Legal Description)
Per Deed Number 160110787**

THE NORTH 55.13 FEET OF THE SOUTH 85.13 FEET OF LOT 29, DEL REY, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE MARICOPA COUNTY RECORDER IN BOOK 14 OF MAPS, PAGE 5.

**(Parcel 121-78-007 Legal Description)
Per Deed Number 020014008**

THE WEST HALF OF LOT TWENTY-THREE (23), DEL REY, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE MARICOPA COUNTY RECORDER IN BOOK 14 OF MAPS, PAGE 5.

EXCEPT THE SOUTH 30 FEET, AS CONVEYED TO MARICOPA COUNTY BY DEED RECORDED JANUARY 8, 1948 IN DOCKET 119, PAGE 380, AND EXCEPT THE NORTH 7 FEET THEREOF.

**(Parcel 121-78-008 Legal Description)
Per Deed Number 960357431**

THE EAST HALF OF LOT TWENTY-THREE (23), DEL REY, TO THE PLAT OF RECORD IN THE OFFICE OF THE MARICOPA COUNTY RECORDER IN BOOK 14 OF MAPS, PAGE 5.

EXCEPT THE SOUTH 30 FEET, AS CONVEYED TO MARICOPA COUNTY BY DEED RECORDED JANUARY 8, 1948 IN DOCKET 119, PAGE 380, AND EXCEPT THE NORTH 7 FEET THEREOF.; AND ALSO EXCEPT THE NORTH 5 FEET, AND ALSO EXCEPT THE SOUTH 2 FEET OF THE NORTH 7 FEET.

EXHIBIT A, CONTINUED

LEGAL DESCRIPTION FOR Z-91-16-8

**(Parcel 121-78-002A Legal Description)
Per Deed Number 960357431**

THE SOUTH HALF OF THE WEST HALF OF LOT TWENTY-ONE (21), DEL REY,
ACCORDING TO BOOK 14 OF MAPS, PAGE 5, RECORDS OF MARICOPA
COUNTY, ARIZONA;

EXCEPT THE SOUTH 30 FEET, AS CONVEYED TO MARICOPA COUNTY BY DEED
RECORDED JANUARY 8, 1948 IN DOCKET 119, PAGE 380, AND EXCEPT THE
NORTH 7 FEET THEREOF.

**(Parcel 121-78-001 Legal Description)
Per Deed Number 960357431**

THE SOUTH HALF OF THE EAST HALF OF LOT TWENTY-ONE (21), DEL REY,
ACCORDING TO BOOK 14 OF MAPS, PAGE 5, RECORDS OF MARICOPA
COUNTY, ARIZONA;

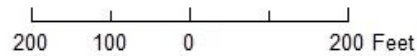
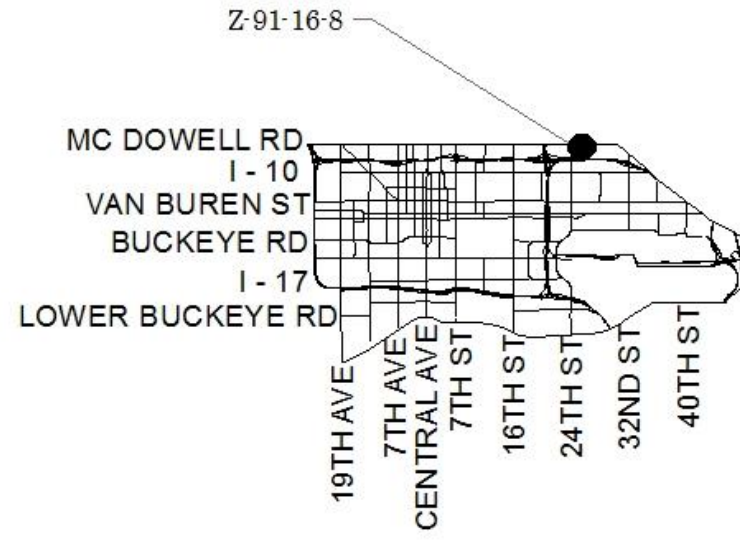
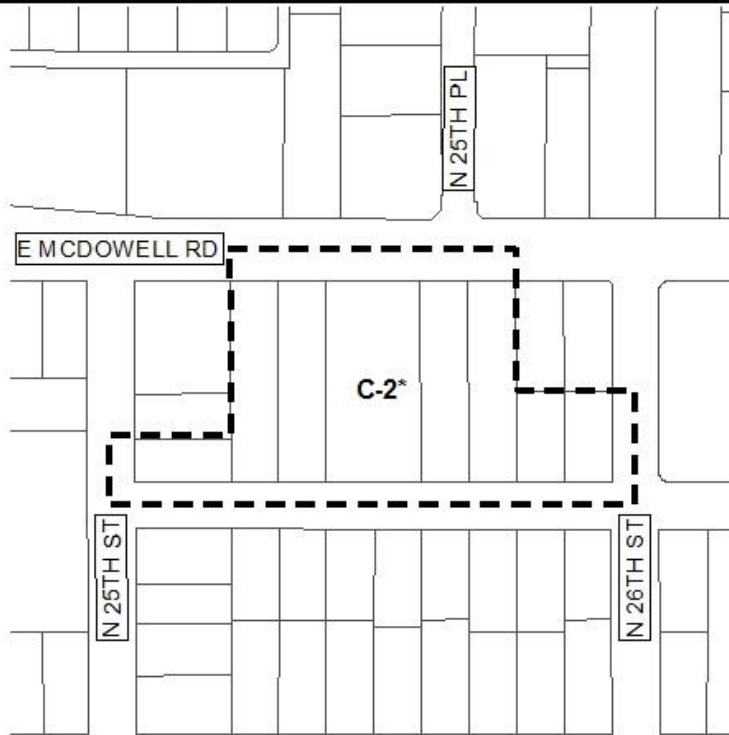
EXCEPT THE SOUTH 30 FEET, AS CONVEYED TO MARICOPA COUNTY BY DEED
RECORDED JANUARY 8, 1948 IN DOCKET 119, PAGE 380, AND EXCEPT THE
NORTH 7 FEET THEREOF.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-91-16-8
Zoning Overlay: N/A
Planning Village: Central City



NOT TO SCALE



Drawn Date: 2/23/2017