

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 Z-23-19-8) FROM C-3 (GENERAL COMMERCIAL) TO WU CODE T5:3 GW (WALKABLE URBAN CODE, TRANSECT 5:3 DISTRICT, TRANSIT GATEWAY CHARACTER AREA).

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

SECTION 1. The zoning of an approximately 3.21 acre property located approximately 165 feet east of the southeast corner of the 35th Street alignment and Van Buren Street in a portion of Section 12, Township 1 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "C-3 (General Commercial) to " WU Code T5:3 GW" (Walkable Urban Code, Transect T5:3 District, Transit Gateway Character Area).

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. The entire site, including the existing buildings, shall be brought into compliance with the development standards, design standards and design guidelines of the Walkable Urban Code (Chapter 13 of the Phoenix Zoning Ordinance) upon site plan approval and permit issuance for any new structure(s) on the site, as approved by the Planning and Development Department.
2. All elevations of the buildings shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or other overhang canopies, as approved by the Planning and Development Department. The entire site, including the existing buildings, shall be brought into compliance with the development standards, design standards and design guidelines of the Walkable Urban Code (Chapter 13 of the Phoenix Zoning Ordinance) upon site plan approval and permit issuance for any new structure(s) on the site, as approved by the Planning and Development Department.
3. The development shall install, as approved by the Planning and Development Department:
 - a. All required bicycle parking spaces for the multifamily use, per Section 1307.H.6.d of the Zoning Ordinance, shall be secured bicycle parking.
 - b. A minimum of five inverted-U style bicycle racks for guests, placed near entrances to the building and installed per the requirements of Section 1307.H.4. of the Zoning Ordinance.
4. Properly illuminated pedestrian paths shall be provided between the parking lot and the buildings at convenient and accessible locations, as approved by the Planning and Development Department.
5. All pedestrian walkways where vehicle conflicts exist shall be delineated with alternative paving materials, as approved by the Planning and Development Department.
6. Traffic calming devices, shall be installed along the driveways of the property so that vehicles exercise caution prior to crossing the sidewalk when exiting the property, as approved by the Planning and Development Department.

7. 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 to future owners or tenants of the property.
8. If the City Archaeologist determines it is necessary, 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.
9. The applicant shall conduct Phase II archaeological data recovery excavations 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.
10. 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.
11. 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, as approved by the Planning and Development Department.
12. The developer shall provide a minimum 10-foot wide sidewalk easement on the south side of Van Buren Street for the entire length of property, 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 8th day of January, 2020.

MAYOR

ATTEST:

_____ City Clerk

APPROVED AS TO FORM:

_____ City Attorney

REVIEWED BY:

_____ City Manager

Exhibits:
A – Legal Description (1 page)
B – Ordinance Location Map (1 page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-23-19-8

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 1 NORTH RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 27 FROM WHENCE THE NORTHWEST CORNER BEARS SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 2683.60 FEET;

THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12, A DISTANCE OF 194.62 FEET;

THENCE SOUTH, A DISTANCE OF 33.00 FEET TO THE SOUTH RIGHT OF WAY OF EAST VAN BUREN STREET AND THE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 30 MINUTES 00 SECONDS EAST, A DISTANCE OF 531.20 FEET TO THE CENTER LINE OF THE ABANDONED MARICOPA CANAL ACCORDING TO DOCKET 4397 PAGE 356, AND BOOK 841 PAGE 432 OF SURVEYS, OFFICIALLY FILED IN THE OFFICE OF THE MARICOPA COUNTY RECORDER, MARICOPA COUNTY, ARIZONA;

THENCE ALONG SAID LINE, NORTH 53 DEGREES 11 MINUTES 35 SECONDS WEST, A DISTANCE OF 392.98 FEET;

THENCE DEPARTING SAID LINE, NORTH, A DISTANCE OF 295.74 FEET TO SAID SOUTH RIGHT OF WAY OF EAST VAN BUREN STREET;

THENCE ALONG SAID RIGHT OF WAY, EAST, A DISTANCE OF 310.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 128,861.26 SQUARE FEET OR 2.9582 ACRES, MORE OR LESS.

END OF DESCRIPTION.

ORDINANCE LOCATION MAP

EXHIBIT B

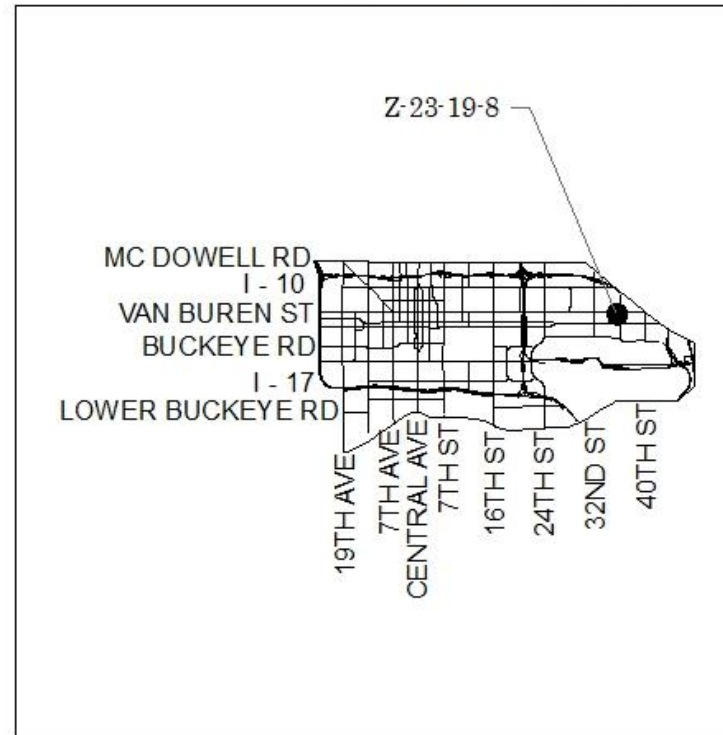
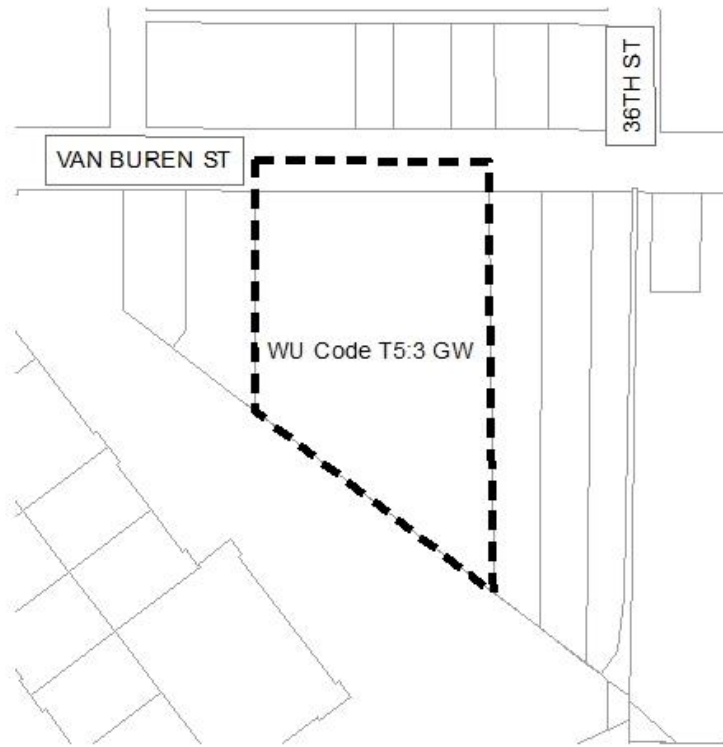
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: - - - - -

Zoning Case Number: Z-23-19-8

Zoning Overlay: N/A

Planning Village: Central City



NOT TO SCALE



Drawn Date: 12/9/2019