

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-55-21-8) FROM C-1 TOD-1 (NEIGHBORHOOD RETAIL DISTRICT, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) TO WU CODE T5:5 EG (WALKABLE URBAN CODE, TRANSECT 5:5 DISTRICT, TRANSIT EASTLAKE-GARFIELD CHARACTER AREA).

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

SECTION 1. The zoning of a 0.93-acre site located approximately 200 feet east of the northeast corner of 11th Street and Washington Street in a portion of Section 9, Township 1 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "C-1 TOD-1" (Neighborhood Retail District, Interim Transit-Oriented Zoning Overlay District One) to "WU Code T5:5 EG" (Walkable Urban Code, Transect 5:5 District, Transit Eastlake-Garfield 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. Upon site plan approval and permit issuance for any new building(s) or structure(s) on the site, the new building or structure and adjacent landscaping shall be developed in compliance with the Walkable Urban Code (Chapter 13 of the Phoenix Zoning Ordinance), as approved by the Planning and Development Department.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
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. The developer shall install a minimum of one inverted-u bicycle rack (two spaces) for guests, placed near building entrances to existing Building B as depicted on the site plan dated August 1, 2021 and installed per the requirements of Section 1307.H 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 1st day of December, 2021.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeffrey J. Barton, City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-55-21-8:

LOTS 23, 24, and 25, BLOCK 2, PORTER AND BAXTER'S SUBDIVISION OF TRACT "B" IN MURPHY'S ADDITION, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 1 OF MAPS, PAGE 28.

EXCEPT THAT PART OF SAID LOT 25 DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 25;

THENCE EAST ALONG THE NORTH LINE THEREOF TO THE NORTHEAST CORNER OF THE WEST 35 FEET OF SAID LOT 25;

THENCE SOUTHWESTERLY TO THE SOUTHEAST CORNER OF THE NORTH 15 FEET OF THE WEST 20 FEET OF SAID LOT 25;

THENCE SOUTH ALONG THE EAST LINE OF SAID WEST 20 FEET TO THE NORTH LINE OF THE SOUTH 15 FEET OF SAID LOT 25;

THENCE SOUTHEASTERLY TO THE SOUTHEAST CORNER OF THE WEST 25 FEET OF SAID LOT 25; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 25 TO THE SOUTHWEST CORNER OF SAID LOT 25;
THENCE NORTH ALONG THE WEST LINE OF SAID LOT 25 TO THE POINT OF BEGINNING; AND

EXCEPT THE EAST 0.25 FEET OF LOT 23.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

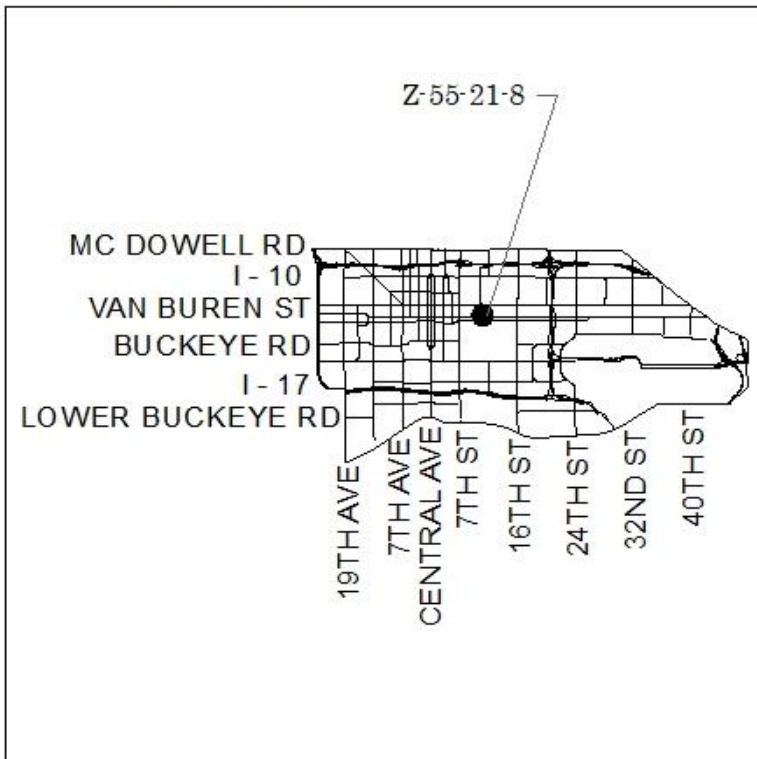
SUBJECT AREA: ■ ■ ■ ■ ■



Zoning Case Number: Z-55-21-8

Zoning Overlay: Transit Overlay District (TOD1)

Planning Village: Central City



NOT TO SCALE



Drawn Date: 10/29/2021