

ATTACHMENT A

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ADOPTED ORDINANCE**

ORDINANCE G-

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 (Z-58-22-8) FROM C-2 MR (INTERMEDIATE COMMERCIAL, MID-RISE DISTRICT), P-2 (PARKING), AND R-3 (APPROVED C-2 HR) (MULTIFAMILY RESIDENCE DISTRICT, APPROVED INTERMEDIATE COMMERCIAL, HIGH-RISE AND HIGH-DENSITY DISTRICT) TO WU CODE T5:6 GW (WALKABLE URBAN CODE, TRANSECT 5:6, TRANSIT GATEWAY CHARACTER AREA).

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

SECTION 1. The zoning of a 6.14-acre site located at the southeast corner of 44th Street and McKinley Street, in a portion of Section 6, Township 1 North, and Range 4 East, as described more specifically in Exhibit "A", is hereby changed from 1.30 acres of "C-2 M-R" (Intermediate Commercial, Mid-Rise District), 1.82 acres of "P-2" (Parking), and 3.02 acres of "R-3 (Approved C-2 HR)" (Multifamily Residence District, Approved Intermediate Commercial, High-Rise and High Density District) to "WU Code T5:6 GW" (Walkable Urban Code, Transect 5:6 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 developer shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.
 - a. All required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.
 - b. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 required spaces near entrances of buildings and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.
 - c. One bicycle repair station shall be provided and maintained by the developer near the secure bicycle parking area.
2. The developer shall dedicate a minimum 6-foot-wide sidewalk easement for the east side of 44th Street along the subject site’s frontage, as approved by the Planning and Development Department.
3. The developer shall construct a minimum 6-foot-wide detached sidewalk and minimum 10-foot-wide landscape strip located between the back of curb and sidewalk along the east side of 44th Street, as approved by the Planning and Development Department.
4. The developer shall dedicate a 10-foot sidewalk easement at the McKinley Street cul-de-sac to ensure that all public facilities are in public right of way or public easement, as approved by the Planning and Development Department.
5. The applicant shall submit a Traffic Impact Analysis to the City for this development. No preliminary approval of plans shall be granted until the analysis is reviewed and approved by the City.
6. 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.

7. 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.
8. 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.
9. 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.
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. 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 7th day of December, 2022.

MAYOR

ATTEST:

Denise Archibald, City Clerk

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

By:

REVIEWED BY:

Jeffrey Barton, City Manager

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

EXHIBIT A

A portion of land situated within Lot 2 of Phoenix Gateway East III, Restated and Amended Final Plat, as recorded in Book 350, Page 47, together with and Lots 9, 10 and 11 of the Final Plat of Lessans Acres, as recorded in Book 29, Page 16, Records of Maricopa County, Arizona, and a portion of the Southeast Quarter of Section 6, Township 1 North, Range 4 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at found 3 inch Arizona Highway Department brass cap, accepted as the intersection of 44th Street and McKinley Street, from which a found 3 inch City of Phoenix brass cap in hand hole accepted as the South Quarter Corner of said Section 6, bears South $00^{\circ}15'58''$ East, 1651.21 feet;

Thence South $89^{\circ}58'31''$ East, 928.01 feet, along the centerline of said McKinley Street;

Thence South $00^{\circ}24'38''$ East, 330.18 feet, along the east line of said Lot 11 and the extension thereof, to the southeast corner of said Lot 11;

Thence North $89^{\circ}59'03''$ West, 398.25 feet, along the south line of said Lots 9, 10 and 11 to the southwest corner of said Lot 9;

Thence South $00^{\circ}20'51''$ East, 8.21 feet, along the east line of said Lot 2 to the southeast corner of said Lot 2;

Thence North $89^{\circ}58'41''$ West, 217.75 feet, along the south line of said Lot 2 to the southeast corner of that property as conveyed in Document No. 2022-0122793, in the records of Maricopa County, Arizona;

Thence North $00^{\circ}15'58''$ West, 157.94 feet, along the east line to the northeast corner thereof;

Thence North $89^{\circ}58'31''$ West, 312.85 feet, along the north line and the extension thereof to the centerline of said 44th Street;

Thence North $00^{\circ}15'58''$ West, 180.52 feet, along the centerline of said 44th Street to the POINT OF BEGINNING.

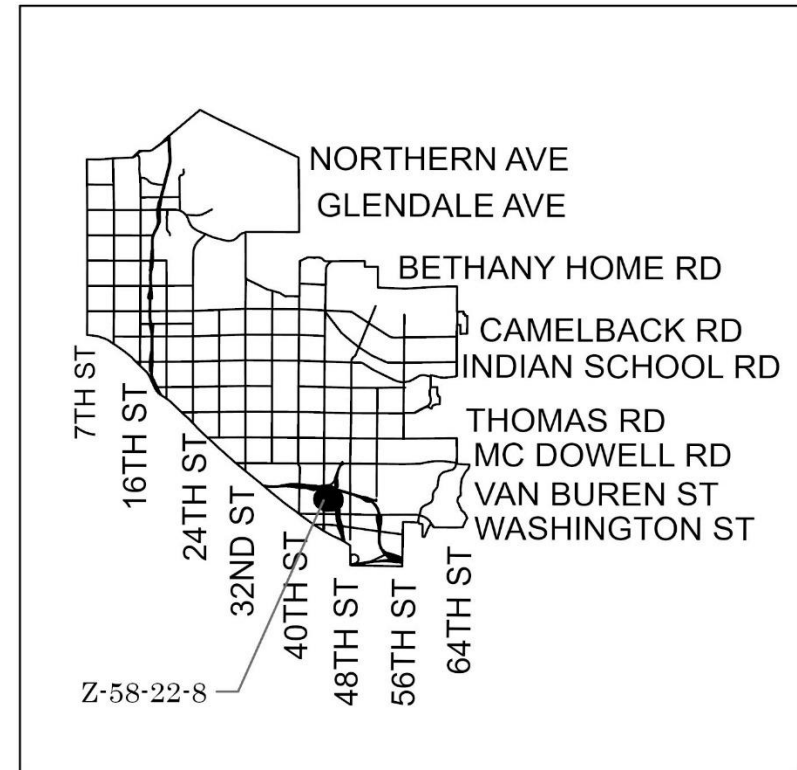
The above described parcel contains a computed area of 261,534 sq. ft. (6.0040 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-58-22-8
Zoning Overlay: N/A
Planning Village: Camelback East



NOT TO SCALE



Drawn Date: 11/8/2022