

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 ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-50-22-4) FROM C-2 TOD-1 (INTERMEDIATE COMMERCIAL, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) TO WU CODE T5:5 UT (WALKABLE URBAN CODE, TRANSECT 5:5, TRANSIT UPTOWN CHARACTER AREA).

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

SECTION 1. The zoning of a 4.79-acre site located approximately 180 feet north of the northeast corner of 7th Avenue and Camelback Road in a portion of Section 17, Township 2 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "C-2 TOD-1" (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One) to "WU Code T5:5 UT" (Walkable Urban Code, Transect 5:5, Transit Uptown 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 provide a minimum 10,000 square feet of publicly accessible open space in a forecourt configuration, as described below and as approved or modified by the Planning and Development Department. The publicly accessible open space shall be:
 - a. Adjacent and accessible to the public sidewalk on 7th Avenue
 - b. Provided in areas of not less than 500 square feet and 20 feet in width;
 - c. Shaded to a minimum of 50 percent by vegetative shade;
 - d. Maintained in perpetuity without fences or barriers;
 - e. Eligible to qualify as a forecourt frontage type;
 - f. Improved to contain, at minimum, a drinking fountain for people and pets, art, and seating.
2. All ground floor dwelling units adjacent to 7th Avenue shall utilize the stoop and doorwell, forecourt, or porch frontage types, as approved or modified by the Planning and Development Department.
3. Between the public sidewalk and the building fronts, there shall be a 6-foot-wide landscape area planted with minimum 3-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved or modified by the Planning and Development Department to comply with frontage requirements.
4. The development shall incorporate masonry elements into the primary exterior building materials and shall be reflective of the architectural style in the area, as approved by the Planning and Development Department.
5. The developer shall install traffic calming devices along the driveways of the property so that vehicle drivers exercise caution prior to crossing the sidewalk when exiting the property, as approved or modified by the Planning and Development Department.
6. 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 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 in an area of high visibility near the secure bicycle parking areas.
7. A minimum 35 percent of the uncovered parking lot area shall be shaded by minimum 3-inch caliper shade trees, as approved by the Planning and Development Department.
8. The applicant shall submit a Traffic Impact Study (TIS) to the City for this development. The TIS shall include evaluation of 7th Avenue peak hour restrictions and resulting site traffic routing on the surrounding street network and proposed mitigation to Colter Street. The developer shall be responsible for all costs for mitigation measure determined by the Study and contribute funds for the Colter Street Project. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City.
9. The southern driveway onto 7th Avenue, as depicted on the site plan dated October 31, 2022, shall be restricted to right-in/right-out only and access shall be coordinated with the Public Transit Department, as approved by Planning and Development.
10. The developer shall construct a minimum 6-foot-wide sidewalk separated from the curb by a minimum 10-foot-wide landscape area along the east side of 7th Avenue and planted with minimum three-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
11. The developer shall dedicate a sidewalk easement to accommodate a minimum 6-foot-wide sidewalk and minimum 10-foot-wide landscape area located between the back of curb and sidewalk, as approved by the Planning and Development Department.
12. 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.

13. 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.
14. 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.
15. The developer shall work with the Street Transportation and Planning and Development departments regarding the proposed parking along the north side of the site so that it does not interfere with traffic flow along the shared driveway and to potentially stripe the driveway to include a left-turn lane.

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 February, 2023.

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)

DRAFT

EXHIBIT A

A PARCEL OF LAND BEING SITUATED WITHIN THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CALCULATED POINT ACCEPTED AS THE SOUTHWEST CORNER OF SAID SECTION 17, FROM WHICH A CALCULATED POINT BEARS NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 1324.02 FEET;

THENCE ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF SAID SECTION 17, NORTH 00 DEGREES 11 MINUTES 13 SECONDS WEST, A DISTANCE OF 170.41 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00 DEGREES 11 MINUTES 13 SECONDS WEST, A DISTANCE OF 476.66 FEET;

NORTH 89 DEGREES 48 MINUTES 47 SECONDS EAST, A DISTANCE OF 40.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF 7TH AVENUE;

THENCE NORTH 89 DEGREES 59 MINUTES 54 SECONDS EAST, A DISTANCE OF 396.15 FEET;

THENCE SOUTH 00 DEGREES 11 MINUTES 13 SECONDS EAST, A DISTANCE OF 472.00 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 54 SECONDS WEST, A DISTANCE OF 189.15 FEET;

THENCE SOUTH 00 DEGREES 11 MINUTES 13 SECONDS EAST, A DISTANCE OF 12.16 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 54 SECONDS WEST, A DISTANCE OF 114.00 FEET;

THENCE NORTH 00 DEGREES 11 MINUTES 13 SECONDS WEST, A DISTANCE OF 7.50 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 54 SECONDS WEST, A DISTANCE OF 93.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF 7TH AVENUE;

THENCE SOUTH 89 DEGREES 48 MINUTES 47 SECONDS WEST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING;
SAID PARCEL CONTAINS 207,870 SQ FT OR 4.772 ACRES.

ORDINANCE LOCATION MAP

EXHIBIT B

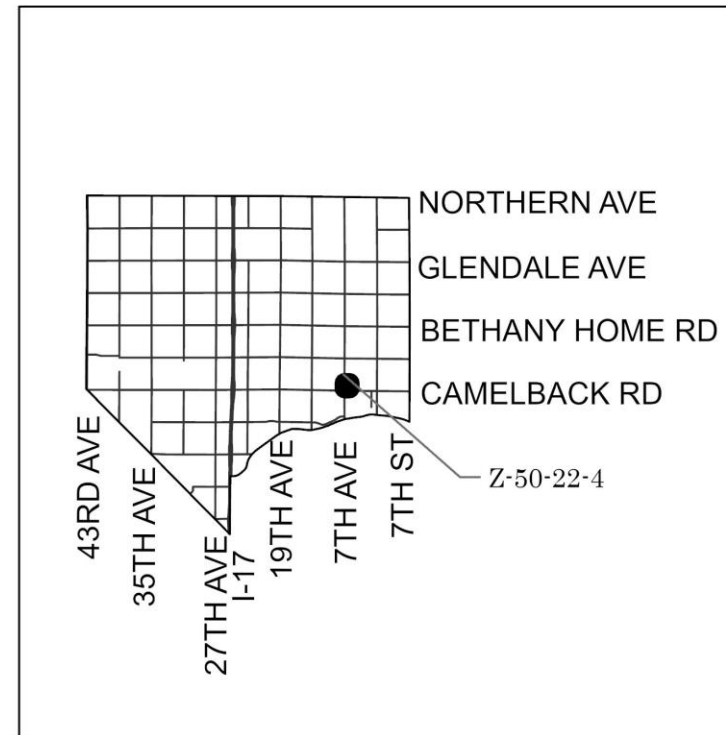
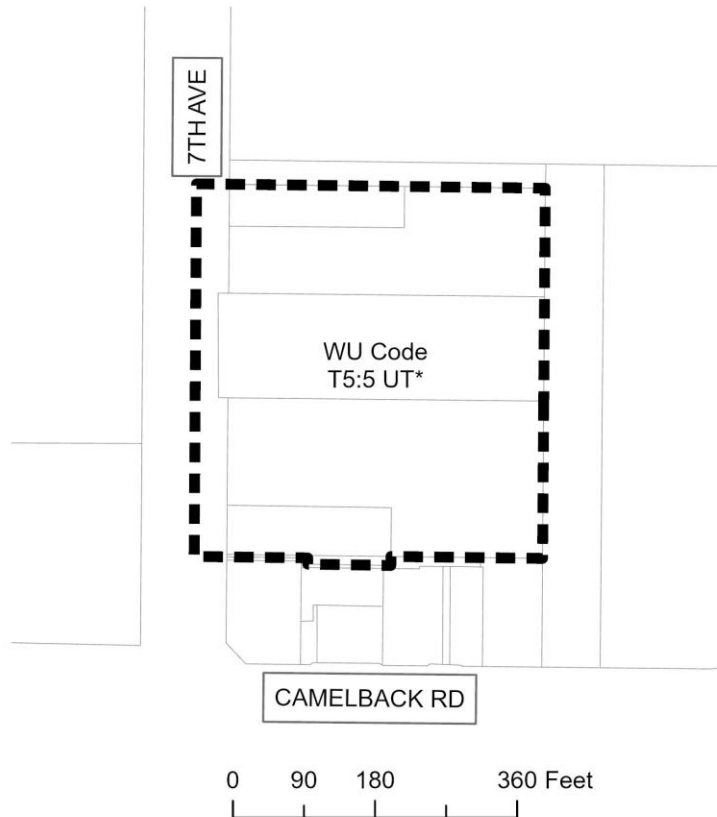
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-50-22-4

Zoning Overlay: N/A

Planning Village: Alhambra



NOT TO SCALE



Drawn Date: 1/6/2023