

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 (Z-80-22-5) FROM PSC TOD-1 (PLANNED SHOPPING CENTER, INTERIM-TRANSIT ORIENTED ZONING OVERLAY DISTRICT ONE) TO WU CODE T5:5 SL (WALKABLE URBAN CODE, TRANSECT 5:5 DISTRICT, TRANSIT SOLANO CHARACTER AREA).

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

SECTION 1. The zoning of a 12.15-acre site located at the northwest corner of 15th Avenue and Montebello Avenue in a portion of Section 18, Township 2 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "PSC TOD-1" (Planned Shopping Center, Interim-Transit Oriented Zoning Overlay District One) to "WU Code T5:5 SL" (Walkable Urban Code, Transect 5:5 District, Transit Solano 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. A building setback regime shall be implemented along 15th Avenue as follows:
 - a. No structure taller than 24 feet or two stories shall be permitted within 60 feet of the 15th Avenue right-of-way line.
 - b. No structure taller than 36 feet or three stories shall be permitted within 150 feet of the 15th Avenue right-of-way line.
 - c. No structure taller than 48 feet or four stories shall be permitted within 210 feet of the 15th Avenue right-of-way line.
 - d. Maximum building height permitted under Walkable Urban Code T5:5 shall be permitted beyond 210 feet of the 15th Avenue right-of-way line.
2. A minimum 10,000 square foot public open space area shall be provided nearby the Montebello Avenue streetscape and/or the 15th Avenue streetscape, as approved by the Planning and Development Department.
3. A minimum of two north to south oriented paseos per Section 1304.H of the Zoning Ordinance shall be provided, one of which shall be generally aligned with the movie theater and the back entrance of the indoor mall, as approved by the Planning and Development Department.
4. The developer shall construct a minimum 6-foot-wide sidewalk and minimum 7-foot-wide landscape strip located between the back of curb and sidewalk along the north side of Montebello Avenue and the west side of 15th Avenue, as approved by the Planning and Development Department.
5. On-site pedestrian pathways shall be shaded to 50% by vegetative methods, as approved by the Planning and Development Department.
6. The developer shall deposit \$200,000.00 in an escrow account to the Street Transportation Department to fund a pedestrian crossing of Montebello Avenue between 15th and 17th Avenue, prior to final site plan approval during the second phase of development. Improvements may consist of additional curb, traffic control devices, signing and striping or as otherwise approved by the Street Transportation Department. If the funds are not used after 5 years of certificate of occupancy for the second phase, the developer may request that the funds be returned from the Street Transportation Department.

7. The developer shall construct a minimum 6-foot-wide concrete raised bike lane, separated from the pedestrian sidewalk by a landscape strip, along the north side of Montebello Avenue to delineate vehicular and bicycle traffic extending from 15th Avenue to 17th Avenue during phase two of development, as approved by the Street Transportation Department.
8. The developer shall dedicate a minimum 8-foot-wide sidewalk easement along the north side of Montebello Avenue, as approved by the Planning and Development Department.
9. The developer shall replenish the existing streetscape along 15th Avenue with shade trees, as approved by the Planning and Development Department.
10. The applicant shall submit a Traffic Impact Study to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City.
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.
12. 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 spaces near entrances of buildings and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance.
 - c. A bicycle repair station ("fix it station") shall be provided and maintained by the developer near a secure bicycle parking area.
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. A minimum of one milkweed shrub, or other native nectar species, shall be planted for every required tree in addition to the required shrubs, and shall be planted in groups of three or more, as approved by the Planning and Development Department.

15. 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 3rd day of May, 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 (2 Pages)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

A PORTION OF THAT PARCEL DESCRIBED IN THE SPECIAL WARRANTY DEED RECORDED AS DOCUMENT NUMBER 2015-0847552, RECORDS OF MARICOPA COUNTY, ARIZONA, RESIDING IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 2 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 18, FROM WHICH THE NORTHWEST QUARTER BEARS NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 2,606.33 FEET, MORE OR LESS;

THENCE SOUTH 00 DEGREES 45 MINUTES 24 SECONDS EAST, ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 18, BEING THE MONUMENT LINE OF 15TH AVENUE, A DISTANCE OF 1,001.40 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00 DEGREES 45 MINUTES 24 SECONDS EAST, A DISTANCE OF 334.30 FEET TO THE CENTERLINE OF MONTEBELLO AVENUE;

THENCE ALONG SAID MONTEBELLO AVENUE CENTERLINE, SOUTH 89 DEGREES 59 MINUTES 00 SECONDS WEST, A DISTANCE OF 193.31 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 305.00 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 48 DEGREES 52 MINUTES 40 SECONDS, A DISTANCE OF 260.19 FEET;

THENCE SOUTH 41 DEGREES 06 MINUTES 20 SECONDS WEST, A DISTANCE OF 99.98 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 305.00 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 48 DEGREES 52 MINUTES 28 SECONDS, A DISTANCE OF 260.17 FEET;

THENCE SOUTH 89 DEGREES 58 MINUTES 48 SECONDS WEST, A DISTANCE OF 611.21 FEET;

THENCE DEPARTING THE CENTERLINE OF MONTEBELLOW AVENUE, NORTH 00 DEGREES 01 MINUTE 12 SECONDS WEST, A DISTANCE OF 349.26 FEET;

THENCE NORTH 89 DEGREES 58 MINUTES 48 SECONDS EAST, A DISTANCE OF 470.04 FEET;

THENCE NORTH 00 DEGREES 01 MINUTES 12 SECONDS WEST, A DISTANCE OF 155.00 FEET;

THENCE NORTH 89 DEGREES 58 MINUTES 48 SECONDS EAST, A DISTANCE OF

3.00 FEET;

THENCE NORTH 00 DEGREES 01 MINUTES 12 SECONDS WEST, A DISTANCE OF 36.10 FEET;

THENCE NORTH 32 DEGREES 57 MINUTES 06 SECONDS EAST, A DISTANCE OF 31.32 FEET;

THENCE NORTH 89 DEGREES 59 MINUTES 01 SECONDS EAST, A DISTANCE OF 379.28 FEET;

THENCE NORTH 87 DEGREES 05 MINUTES 25 SECONDS EAST, A DISTANCE OF 108.55 FEET;

THENCE NORTH 87 DEGREES 14 MINUTES 16 SECONDS EAST, A DISTANCE OF 247.29 FEET;

THENCE NORTH 00 DEGREES 43 MINUTES 32 SECONDS WEST, A DISTANCE OF 33.13 FEET;

THENCE NORTH 89 DEGREES 13 MINUTES 29 SECONDS EAST, A DISTANCE OF 101.13 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 529,129 SQUARE FEET OR 12.147 ACRES, MORE OR LESS.

ORDINANCE LOCATION MAP

EXHIBIT B

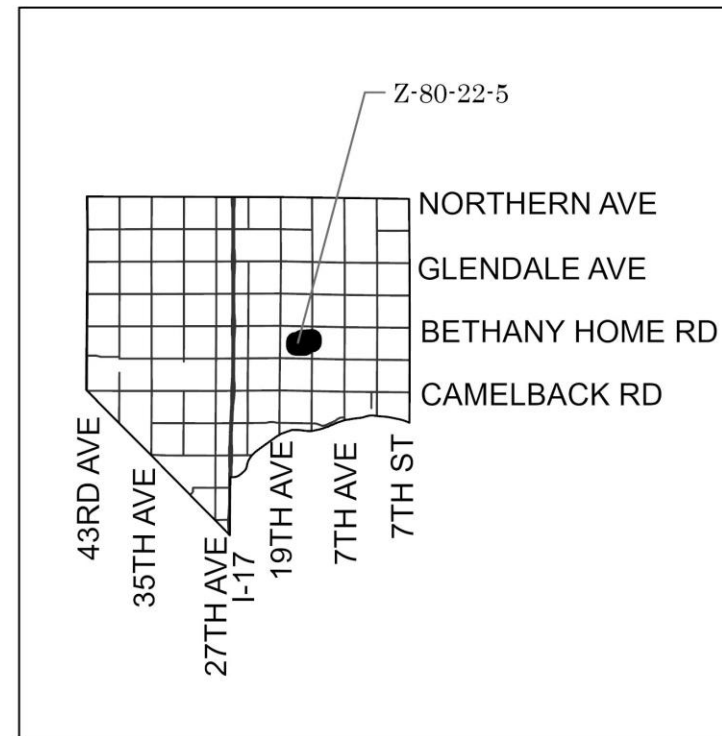
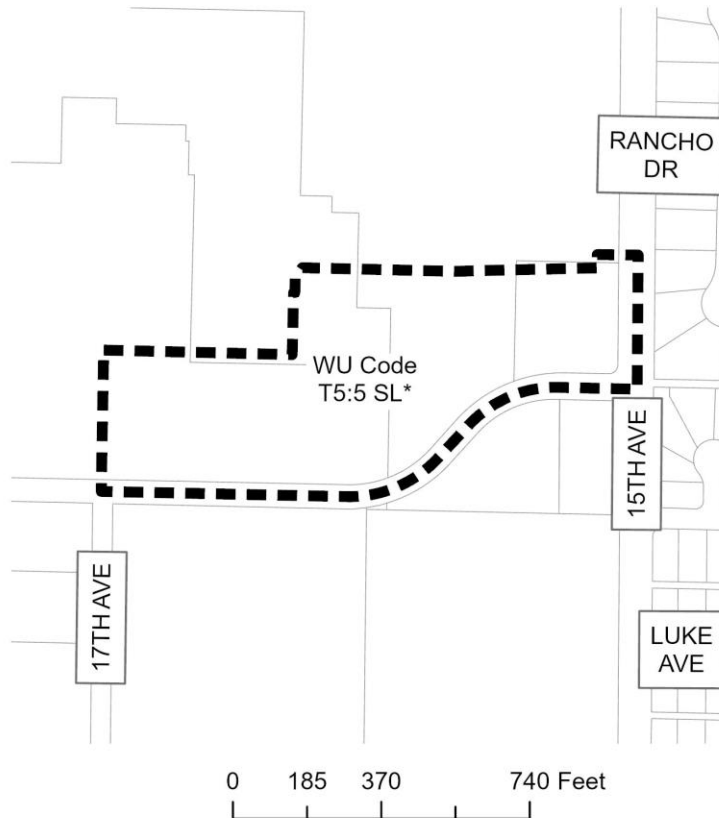
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-80-22-5

Zoning Overlay: N/A

Planning Village: Alhambra



NOT TO SCALE



Drawn Date: 4/17/2023