

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-14-23-4) FROM R-5 SNSPD (MULTIFAMILY RESIDENCE DISTRICT, STORY NEIGHBORHOOD SPECIAL PLANNING DISTRICT) AND C-1 SNSPD (NEIGHBORHOOD RETAIL, STORY NEIGHBORHOOD SPECIAL PLANNING DISTRICT) TO C-1 SNSPD (NEIGHBORHOOD RETAIL, STORY NEIGHBORHOOD SPECIAL PLANNING DISTRICT).

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

SECTION 1. The zoning of a 1.58 acre site located at the southwest corner of 15th Avenue and McDowell Road in a portion of Section 6, Township 1 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from 0.49 acres of "R-5 SNSPD" (Multifamily Residence District, Story Neighborhood Special Planning District) and 1.09 acres of "C-1 SNSPD" (Neighborhood Retail, Story Neighborhood Special Planning District) to "C-1 SNSPD" (Neighborhood Retail, Story Neighborhood Special Planning District).

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 maximum building height shall be 23 feet.
2. A minimum of 4 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the building entrance and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
3. A bicycle repair station (“fix it station”) shall be provided on the site. The station shall include but not limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike, as approved by the Planning and Development Department.
4. A minimum of 5% of the required parking spaces shall be EV Installed.
5. Site lighting shall be provided at building entrances/exits and in the parking and refuse areas, as approved by the Planning and Development Department. All on-site lighting shall be shielded to prevent direct visibility of the light source from residential properties to the south.
6. Video surveillance shall be maintained to monitor activities in and around the store to discourage alcohol violations and unlawful activities.
7. An “authority to arrest” agreement shall be completed and maintained by the property owner. The agreement shall be signed and delivered to the Phoenix Police Department.
8. “No Trespassing” signs shall be posted per Phoenix City Code on the exterior of the building in both English and Spanish.

9. A 10-foot sidewalk easement shall be dedicated for the south side of McDowell Road, as approved by the Planning and Development Department.
10. The developer shall dedicate a minimum 40 feet of right-of-way for the west side of 15th Avenue, adjacent to the development, as approved by the Planning and Development Department
11. A minimum 6-foot-wide detached sidewalk separated by a minimum 10-foot-wide landscape strip located between the back of curb and sidewalk shall be provided along the south side of McDowell Road, planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - b. Shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

12. A minimum 5-foot-wide detached sidewalk separated by a minimum 8-foot-wide landscape strip located between the back of curb and sidewalk shall be provided along the west side of 15th Avenue, planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - b. Shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

13. The developer shall provide a singular, 40-foot-wide P-1255-2 access point on McDowell Road at the westernmost property line. All other existing access points on McDowell Road shall be removed.
14. The developer shall provide a limited access P-1243-2 right in/right out driveway on 15th Avenue.
15. 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.

16. The developer shall dedicate right-of-way and construct a new bus stop pad on southbound 15th Avenue. The bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. The bus stop pad shall be spaced from McDowell Road according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide a minimum 50% shade coverage to the bus stop pad at full maturity.
17. 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.
18. If Phase I data testing is required, and if, upon review of the results from 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.
19. 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.
20. 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.
21. Trash cans shall be provided on the east side of the building.

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 6th day of December, 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)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-14-23-4

Within a portion of Section 6, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

LOTS 1 THROUGH 6, BLOCK 43, OF F. Q. STORY ADDITION PLAT "E",
ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY
RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 16 OF
MAPS, PAGE 48;

EXCEPT, THOSE PORTIONS OF LOTS 1 THROUGH 4 CONVEYED TO THE CITY
OF PHOENIX, AS RECORDED IN DOCKET 2474, PAGE 190, AND

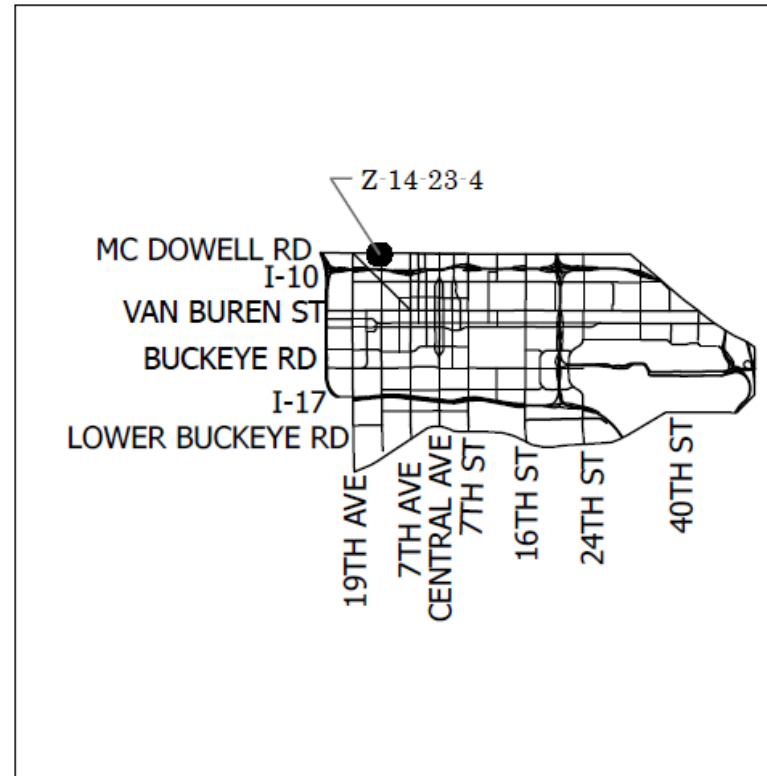
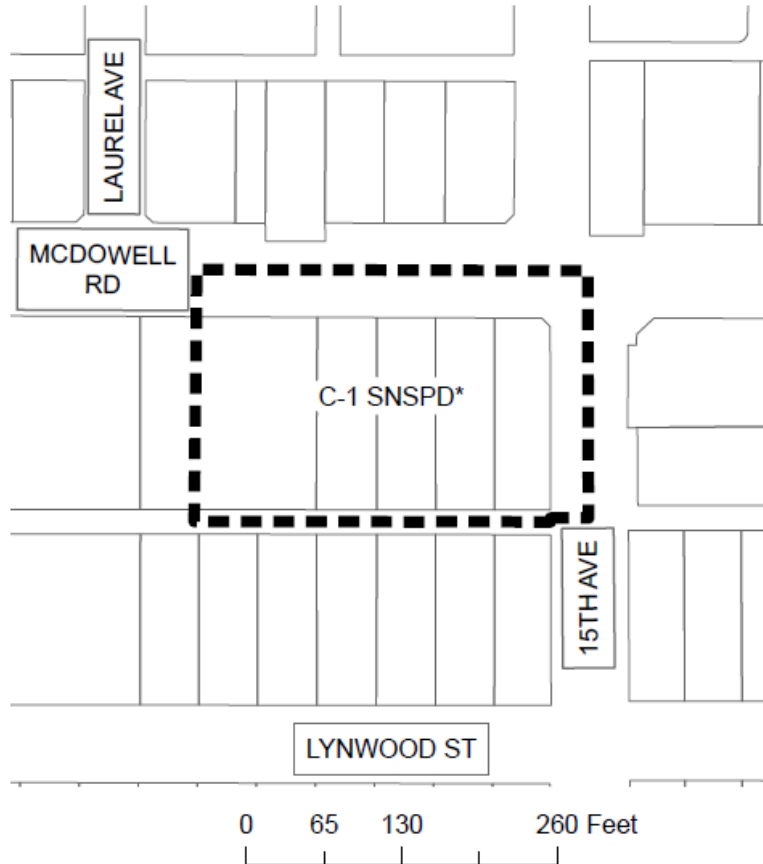
EXCEPT THOSE PORTIONS OF LOTS 5 AND 6 CONVEYED TO THE CITY OF
PHOENIX, AS RECORDED IN DOCKET 2463, PAGE 44.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-14-23-4
Zoning Overlay: Story Neighborhood SPD
Planning Village: Central City



NOT TO SCALE



Drawn Date: 9/5/2023