

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 STIPULATIONS APPLICABLE TO
REZONING APPLICATION Z-9-19-4 PREVIOUSLY APPROVED BY
ORDINANCE G-6610.

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

SECTION 1. The zoning stipulations applicable located at the Northeast corner of Central Avenue and Indian School Road in a portion of Section 20, Township 2 North, Range 3 East, as described more specifically in Attachment "A", are hereby modified to read as set forth below.

STIPULATIONS:

1. The maximum building height shall be limited to 400 feet.
2. A minimum 0.75 + gross acre public pedestrian plaza/public open space area shall be provided at the intersection of Central Avenue and Indian School Road.
3. A PEDSTRIAN linear view corridor that is A an average of 85 feet in width, minimum 40 60 feet in width, measured at the ground level and between buildings shall be provided from the southwest corner of the site to A CENTRALIZED OPEN SPACE PLAZA the northeast corner of the site and begin with the pedestrian plaza. THE DEVELOPER SHALL WORK WITH THE PLANNING AND DEVELOPMENT DEPARTMENT AND PARKS AND RECREATION DEPARTMENT TO ESTABLISH THREE (3) PEDESTRIAN ACCESS POINTS BETWEEN THE INTERIOR OF THE SUBJECT SITE AND STEELE INDIAN SCHOOL PARK (THE "PARK"), SUBJECT TO LEGAL ACCESS TO THE PARK BEING PROVIDED BY THE CITY OF PHOENIX AT

ITS SOLE DISCRETION. ONE (1) ACCESS POINT IS DESIRED OUTSIDE OF THE PARK GATES AT FARRINGTON DRIVE AND TWO (2) ARE DESIRED ALONG THE NORTHEAST AND EAST SHARED PROPERTY LINES.

~~The view corridor shall focus on the historic cafeteria tower and on the mountain views (Piestewa Peak) and be in general conformance with the Uptown TOD conceptual Master Plan, as approved by the Planning and Development Department~~

4. ~~A minimum 26-foot-wide primary and a minimum 10-foot-wide secondary public pedestrian accessway shall be located within the view corridor and shall be constructed of a decorative material, as approved by the Planning and Development Department. The public accessway shall be provided at the southwest corner of the site and extend to the northeast end of the site.~~

4. THE DEVELOPMENT SHALL PROVIDE AN EAST/WEST-ORIENTED PEDESTRIAN AND VEHICULAR THROUGHFARE ACCESSED FROM CENTRAL AVENUE AND ALLOWING PEDESTRIAN CONNECTIVITY FROM THE CENTRAL AVENUE LIGHT RAIL STATION, THROUGH THE DEVELOPMENT, TO THE BOUNDARY OF STEELE INDIAN SCHOOL PARK. THE THOROUGHFARE SHALL INCLUDE THE FOLLOWING ELEMENTS:
5. ~~A minimum 26-foot-wide public pedestrian accessway shall be provided from the public primary pedestrian accessway within the view corridor and connecting to the light rail pedestrian crossing along the western property line, and shall be constructed with decorative material, as approved by the Planning and Development Department.~~

- A. DETACHED SIDEWALK WITH LANDSCAPE STRIP ADJACENT TO BUILDINGS "D" AND "F" AS INDICATED ON SITE PLAN.
- B. ONE MINIMUM 5-FOOT-WIDE BIKE LANE.
- C. PEDESTRIAN SAFETY INFRASTRUCTURE AT ROADWAY AND DRIVEWAY CROSSINGS, WHICH MAY INCLUDE (BUT NOT LIMITED TO) TRUNCATED DOMES, LIGHTED CROSSWALKS, RAISED CROSSWALKS, OR OTHER FEATURES AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- D. SEATING AREAS AND SHADE TREES AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

5. The development shall provide a minimum 20 ~~30~~ percent public open space on
6. the site, excluding perimeter setbacks, as approved by the Planning and Development Department.

6. The development shall include a minimum of three distinct public open space
7. areas, a minimum of 20,000 square feet in size ~~and shall be oriented to capture the view of the historic cafeteria tower and the mountain views (Piestewa Peak)~~. Each open space area shall follow the guidelines established in Section

1310 of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. All open space areas shall provide seating and be open to the public.

7. All pedestrian crossings, including but not limited to the stipulated public pedestrian accessways, constructed across driveways, shall be raised and shall consist of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department.
8. One of the following streetscape treatments shall be provided along Indian School Road:
 - a. A minimum 15-foot-wide uninterrupted public pedestrian accessway located behind the back of a minimum 10-foot wide detached landscape strip. The landscape strip may taper to allow for an appropriate transition into the one-gross acre open space area at the intersection of Central Avenue and Indian School Road. The accessway shall connect to the 1 gross acre open space area and shall provide the following amenities or similar features, as approved by the Planning and Development Department:
 - 1) Minimum four gathering areas with seating.
 - 2) Minimum four landscape planters.
 - 3) Decorative pavement.
 - 4) Art elements.
 - 5) Decorative bollard lighting along the entire frontage.
 - b. A minimum 6-foot-wide detached sidewalk and a landscape strip along Indian School Road for the length of the project site. The landscape strip, to be located between the sidewalk and the back of curb, shall begin at a minimum of ,30 feet in width at the eastern property line and may taper to a minimum of 15 feet in width, as approved by the Planning and Development Department. The landscape strip shall include a minimum of 2-inch caliper shade trees planted a minimum of 20 feet on center or in equivalent groupings between the existing palm trees, as approved by the Planning and Development Department.
9. Bicycle parking shall be provided as follows:
 - 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 minimum of 10% of the required bicycle parking for nonresidential uses shall be secured.
- 10. The developer shall submit a Traffic Impact Study/Statement to the City for this development. No preliminary approval of plans shall be granted until the study has been reviewed and approved by the City upon satisfactory resolutions of review comments by the City staff, as approved by the Street Transportation Department and the Planning and Development Department.
- 11. The development shall provide an internal vehicular and pedestrian circulation plan to address ingress and egress to and from the site, vehicle loading, pick up and drop off locations, pedestrian connections to existing light rail station and proposed mitigation to potential vehicle / pedestrian conflict points internal and external to the site. No preliminary approval of plans shall be granted until the internal vehicular and pedestrian circulation plan has been reviewed and approved by the Street Transportation and Planning and Development departments.
- 12. The development shall underground the existing overhead utility lines adjacent to Indian School Road for the entirety of its frontage, as approved by the Planning and Development Department.
- 13. Proposed site ingress and egress points to align with existing street network locations, as approved by the Planning and Development Department.
- 14. DEDICATE SUFFICIENT RIGHT-OF-WAY AND CONSTRUCT THE SOUTH SIDE OF FARRINGTON DRIVE TO ACCOMMODATE REALIGNMENT WITH THE WEST LEG OF GLENROSA AVENUE AND CORRESPONDING SIGNAL MODIFICATIONS, AS REQUIRED BY THE STREET TRANSPORTATION DEPARTMENT. THE DEVELOPER SHALL BE RESPONSIBLE FOR ALL COST AND CONSTRUCTION OF IMPROVEMENTS.
- 15. The Central Avenue frontage shall comply with the Central Avenue Development Standards.
- 16. 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.
- 17. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property.

18. The developer shall provide documentation to the City of Phoenix prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure, a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
19. Prior to preliminary site plan approval, a report prepared by a qualified professional archaeologist determining the history of past uses of the property shall be submitted to the City Archaeology Office for review and comment. The report shall include compliance with ARS 41-865 (Arizona Burial Law). Results of the plan shall include a recommendation for further archaeologist testing or additional monitoring if recommended.
20. 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.
22. 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.
23. 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.
24. PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. 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 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6610 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6610 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of

Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. 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 January, 2024.

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

LEGAL DESCRIPTION FOR PHO-1-23--Z-9-19-4

A portion of the Southeast quarter of Section 20, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows;

COMMENCING at the Southeast corner of said Section 20, monumented with a brass cap in handhole which bears South 00 degrees 08 minutes 34 seconds West 2641.49 feet from the East quarter corner of said Section 20, monumented with a brass cap in handhole;

Thence along the South line of the Southeast quarter of said Section 20 North 89 degrees 18 minutes 57 seconds West 1972.28 feet to the POINT OF BEGINNING;

Thence continuing along said South line, North 89 degrees 18 minutes 57 seconds West 700.69 feet to the calculated South quarter corner of said Section 20;

Thence along the West line of the Southeast quarter of said Section 20, North 00 degrees 15 minutes 37 seconds East 1152.74 feet;

Thence South 89 degrees 44 minutes 23 seconds East 443.94 feet;

Thence South 44 degrees 44 minutes 23 seconds East 363.78 feet;

Thence South 00 degrees 15 minutes 37 seconds West 833.70 feet to a point on a line 67.00 feet North of and parallel with the South line of the Southeast quarter of said, Section 20;

Thence South 00 degrees 41 minutes 03 seconds West 67.00 feet to the POINT OF **BEGINNING.**

Comprising 17.837 acres or 776,980 square feet, subject to all easements of record.

ORDINANCE LOCATION MAP

EXHIBIT B

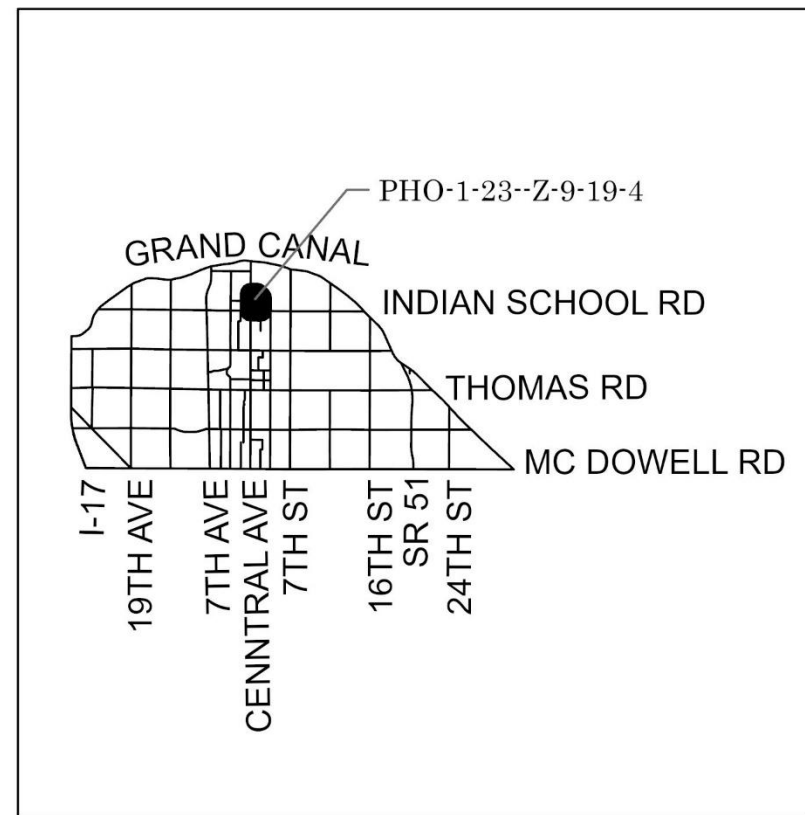
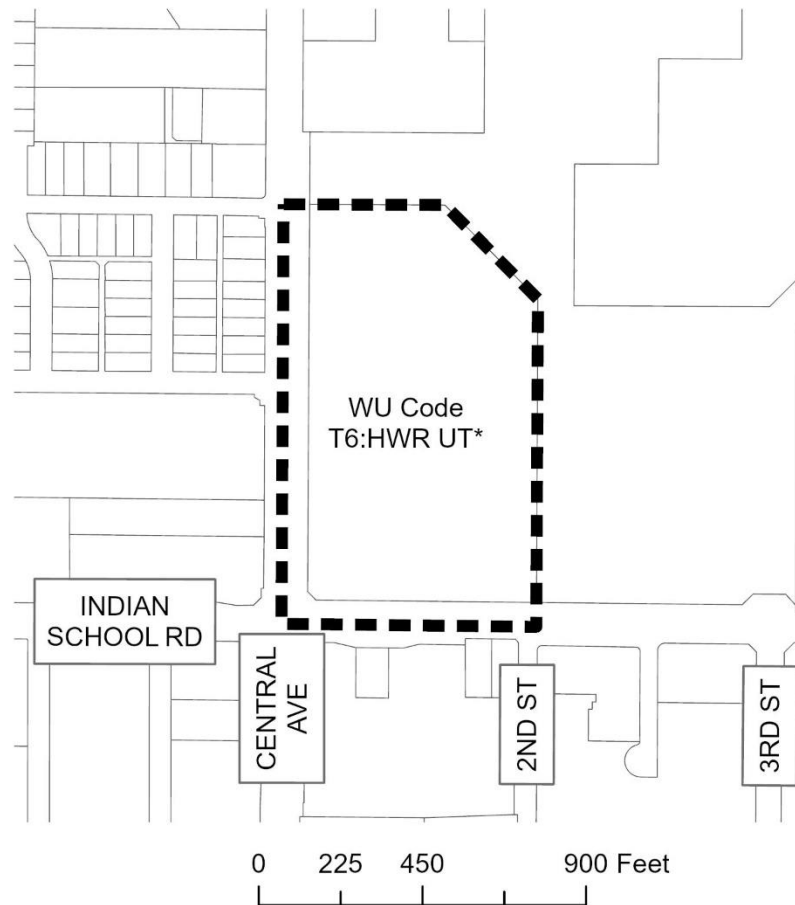
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: PHO-1-23--Z-9-19-4

Zoning Overlay: N/A

Planning Village: Encanto



NOT TO SCALE



Drawn Date: 10/19/2023