

ATTACHMENT A

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ADOPTED ORDINANCE**

ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO
REZONING APPLICATION Z-26-15-4 PREVIOUSLY APPROVED BY
ORDINANCE G-6089.

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

SECTION 1. The zoning stipulations applicable located approximately at
the northwest corner of Central Avenue and Pierson Street 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. An updated Development Narrative for the Omninet - West PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped October 14, 2015.
2. The property owner shall provide a deposit in the amount of \$50,000 into a Street Transportation Department escrow account at the City of Phoenix to be utilized for traffic calming measures in the Pierson Place Historic District. These funds may be contributed toward the purchase and installation of such devices as roundabouts, speed humps/cushions, or raised crosswalks (speed tables), limited turning, traffic diverters, gates or other such traffic calming or management tools for the area bounded by Central Avenue, Camelback Road,

7th Avenue, and the Grand Canal. Distribution of funds shall be at the mutual agreement of the five member neighborhood traffic team, the residents on affected streets, and the City of Phoenix Streets TRANSPORTATION Department Safety and Neighborhood Traffic section. Owner may apply for reimbursement of escrow funds from the Street Transportation Department if no special petition has been submitted within 5 years from the issuance of a certificate of occupancy.

3. Developer shall install a monument proximate to the northwest corner of the site identifying the Pierson Place Historic District and facing toward the Light Rail station, as approved by the Planning and Development Department. The monument shall be similar to the existing Pierson Place Historic District Monument located proximate to the southwest corner of 3rd Avenue and Camelback Road, or as otherwise agreed upon by the developer and the Board of Directors of the Pierson Place Historic District.
4. The developer shall construct a directional retail driveway to direct retail traffic away from the neighborhood as approved by the Planning and Development Department.
5. 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.
6. 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.
7. 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.
8. The approval shall be conditioned upon development commencing within EIGHT (8) ~~seven (7)~~ years of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Phoenix Zoning Ordinance. (For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site).

9. PRIOR TO OCCUPANCY, THE DEVELOPER MUST PROVIDE A QUALIFIED ENGINEER'S REPORT CERTIFYING THE AVERAGE ANNUAL INTERIOR NOISE EXPOSURE FOR ANY RESIDENTIAL UNIT OR ENCLOSED PUBLIC ASSEMBLY AREA WILL NOT EXCEED 45 DECIBELS.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6089 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6089 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 2nd day of November, 2022.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:

A - Legal Description (2 Pages)

B - Ordinance Location Map (1 Page)

EXHIBIT A

THAT PORTION OF LOTS 46 TROUGH 56, STANLEY PLACE, RECORDED AS BOOK 18 OF MAPS, PAGE 21 LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 20, SAID POINT BEING MARKED BY A STONE IN A HANDHOLE LYING SOUTH 89 42'53" EAST A DISTANCE OF 2664.89 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 20, SAID POINT BEING MARKED BY A BRASS CAP IN HANDHOLE;

THENCE SOUTH 00 00'00" EAST (BASIS OF BEARINGS) A DISTANCE OF 659.91 FEET TO THE CENTER POINT IN THE INTERSECTION OF CENTRAL AVENUE AND WEST PIERSON STREET, SAID POINT BEING MARKED BY 2 BRASS CAP REFERENCE MONUMENTS LYING NORTH 53 31'35" WEST A DISTANCE OF 59.09 FEET, AND SOUTH 55 54'14" WEST A DISTANCE OF 57.79 FEET;

THENCE NORTH 89 43'49" WEST 50.00 FEET;

THENCE NORTH 00 00'00" EAST PARALLEL WITH AND 50.00 FEET WEST OF THE NORTH- SOUTH MIDSECTION LINE OF SAID SECTION 20, 30.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 53, BEING MARKED BY A FOUND "X" IN CONCRETE AND THE POINT OF BEGINNING;

THENCE NORTH 89 43'49" WEST PARALLEL WITH AND 30.00 FEET NORTH OF THE CENTERLINE OF WEST PIERSON STREET, 379.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 56, BEING MARKED BY A 1/2" REBAR WITH CAP L#134711;

THENCE NORTH 00 00'00" EAST 135.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 56, BEING MARKED BY A 1/2" REBAR WITH CAP L#41076;

THENCE NORTH 89 43'26" WEST 73.00 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 46, BEING MARKED BY A 1/2" REBAR WITH CAP L#41076;

THENCE NORTH 00 00'00" EAST 135.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 46, BEING MARKED BY A 1/2" REBAR WITH CAP LS#41076;

THENCE SOUTH 89 43'03" EAST 245.02 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#38175;

THENCE SOUTH 62 41'29" EAST 79.57 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#38175;

THENCE SOUTH 62 43'59" EAST 78.54 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#39131;

THENCE SOUTH 60 22'32" EAST 25.98 FEET BEING MARKED BY A PK NAIL WITH TAG LS#38175;

THENCE SOUTH 57 07'28" EAST 26.07 FEET BEING MARKED A 1/2" REBAR WITH CAP LS#38168;

THENCE NORTH 89 59'52" EAST 7.65 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#38175;

THENCE SOUTH 00 15'26" EAST 29.09 FEET BEING MARKED BY A WITNESS CORNER LYING 1.80 FEET EAST, SAID POINT BEING A "X" IN CONCRETE;

THENCE NORTH 89 59'51" EAST 14.22 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CENTRAL AVENUE, BEING MARKED BY A "X" IN CONCRETE; THENCE SOUTH 00 00'00" EAST PARALLEL WITH AND 50.00 FEET WEST OF THE NORTH- SOUTH MIDSECTION LINE, 142.42 FEET TO THE POINT OF BEGINNING.

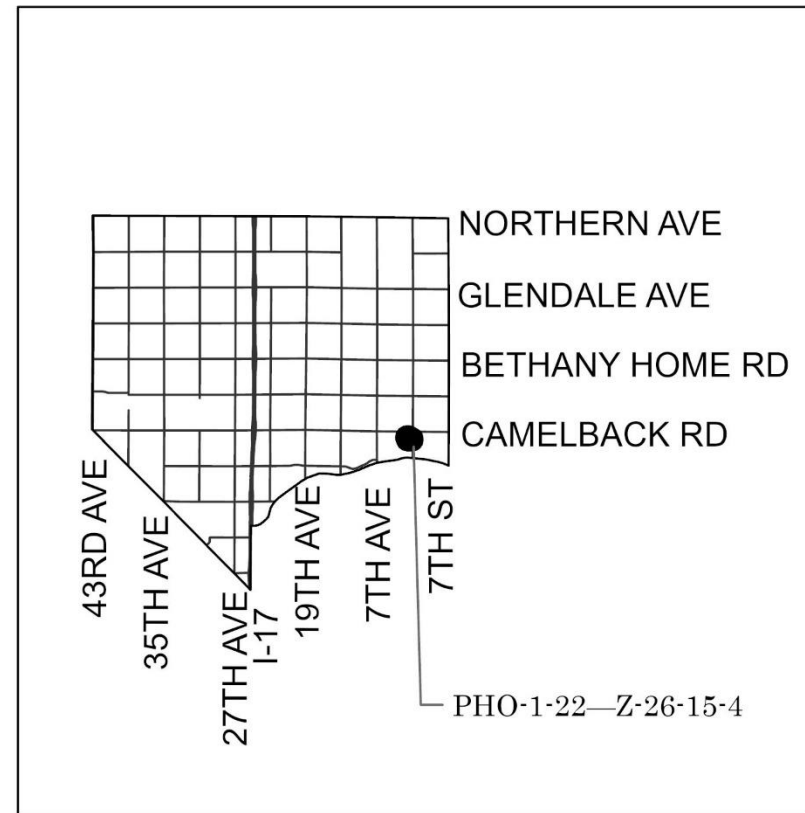
NET AREA OF PARCEL IS 100,792 S.F. OR 2.3139 ACRES MORE OR LESS

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: PHO-1-22—Z-26-15-4
Zoning Overlay: N/A
Planning Village: Alhambra



NOT TO SCALE



Drawn Date: 10/5/2022