

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-19-21-8) FROM C-2 (INTERMEDIATE COMMERCIAL DISTRICT), C-2 (APPROVED C-2 SP) (INTERMEDIATE COMMERCIAL DISTRICT, APPROVED INTERMEDIATE COMMERCIAL DISTRICT, SPECIAL PERMIT), C-2 SP (INTERMEDIATE COMMERCIAL DISTRICT, SPECIAL PERMIT), R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT), AND R1-6 (APPROVED PAD-13) (SINGLE-FAMILY RESIDENCE DISTRICT, APPROVED PLANNED AREA DEVELOPMENT) TO WU CODE T4:3 GW (WALKABLE URBAN CODE, TRANSECT 4:3 DISTRICT, TRANSIT GATEWAY CHARACTER AREA).

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

SECTION 1. The zoning of an 11.46-acre site located at the southwest corner of 24th Street and the Loop 202 Freeway in a portion of Section 3, Township 1 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from 7.40 acres of "C-2" (Intermediate Commercial District), 2.08 acres of "C-2 (Approved C-2 SP)" (Intermediate Commercial District, Approved Intermediate Commercial District, Special Permit), 0.27 acres of "C-2 SP" (Intermediate Commercial

District, Special Permit), 1.06 acres of “R1-6” (Single-Family Residence District), and 0.65 acres of “R1-6 (Approved PAD-13)” (Single-Family Residence District, Approved Planned Area Development) to WU Code T4:3 GW (Walkable Urban Code, Transect 4:3 District, Transit Gateway 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. In addition to the bicycle parking requirements per Section 1307.H.6 of the Phoenix Zoning Ordinance, the developer shall provide and maintain the following bicycle infrastructure, as described below and as approved by the Planning and Development Department.
 - a. 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.
 - b. 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.
2. The developer shall dedicate a minimum 10-foot-wide sidewalk easement along the west side of 24th Street, as approved by the Planning and Development Department. The required streetscape area shall be encompassed by the sidewalk easement.
3. The developer shall dedicate fee title right-of-way along the west side of 24th Street to accommodate the required right-turn deceleration lane, as approved by the Planning and Development Department.

4. The developer shall construct improvements per the approved Traffic Impact Analysis.
5. 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.
6. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
7. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
8. The developer shall grant and record an aviation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
9. 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.
10. 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.
11. 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.
12. 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.

13. 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 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 7th day of September, 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 (3 Pages)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-19-21-8

The Land referred to herein below is situated in the County of Maricopa, State of Arizona, and is described as follows:

PARCEL NO 1:

THOSE PORTIONS OF LOTS 15 THROUGH 19 AND 22 THROUGH 28 CHILDRESS PLACE ACCORDING TO BOOK 14 OF MAPS, PAGE 25 AND LOTS 1 THROUGH 10, WILIMEK COURT ACCORDING TO BOOK 33 OF MAPS, PAGE 12, RECORDS MARICOPA COUNTY, ARIZONA AND THOSE PORTIONS OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 1 NORTH RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA LYING WITHIN THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 3;

THENCE NORTH 00 DEGREES 13 MINUTES 00 SECONDS WEST ALONG THE EAST LINE OF SAID SECTION, SAID LINE BEING COINCIDENTAL WITH THE EXISTING CENTERLINE OF 24TH STREET, 520.72 FEET;

THENCE SOUTH 89 DEGREES 47 MINUTES 00 SECONDS WEST 43.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 30 MINUTES 01 SECONDS WEST 120.96 FEET;

THENCE NORTH 00 DEGREES 13 MINUTES 00 SECONDS WEST 80.02 FEET;

THENCE NORTH 89 DEGREES 39 MINUTES 15 SECONDS WEST 3.00 FEET;

THENCE NORTH 00 DEGREES 13 MINUTES 00 SECONDS WEST 60.00 FEET TO A POINT IN THE SOUTH LINE OF LOT 28 OF CHILDRESS PLACE;

THENCE NORTH 89 DEGREES 30 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF CHILDRESS PLACE A DISTANCE OF 1168.13 FEET TO THE SOUTHWEST CORNER OF LOT 15 OF SAID CHILDRESS PLACE;

THENCE NORTH 00 DEGREES 18 MINUTES 47 SECONDS EAST ALONG THE WEST LINE OF LOT 15 A DISTANCE OF 129.00 FEET;

THENCE NORTH 65 DEGREES 05 MINUTES 37 SECONDS EAST 421.11 FEET;

THENCE SOUTH 89 DEGREES 31 MINUTES 17 SECONDS EAST 898.08 FEET;

THENCE SOUTH 02 DEGREES 30 MINUTES 22 SECONDS EAST 370.17 FEET;

THENCE NORTH 89 DEGREES 39 MINUTES 15 SECONDS EAST 1.62 FEET;

THENCE SOUTH 00 DEGREES 13 MINUTES 00 SECONDS EAST 77.00 FEET;
THENCE SOUTH 41 DEGREES 56 MINUTES 55 SECONDS WEST 4.47 FEET TO
THE POINT OF BEGINNING.

PARCEL NO. 2:

THE SOUTH 62.00 FEET OF THE NORTH 124 FEET OF THE EAST HALF OF THE
SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST
QUARTER OF SECTION 3 TOWNSHIP 1 NORTH RANGE 3 EAST OF THE GILA AND
SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE WEST 162.50 FEET; AND

EXCEPT THE EAST 30.00 FEET.

PARCEL NO. 3:

THE NORTH 62.00 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF
THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3
TOWNSHIP 1 NORTH RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND
MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE WEST 137.5 FEET; AND

EXCEPT THE EAST 30.00 FEET.

PARCEL NO. 4:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER
OF SECTION 3, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE GILA AND SALT
RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS
FOLLOWS:

COMMENCING AT A 2 1/2 INCH BRASS CAP MARKING THE EAST QUARTER
CORNER OF SAID SECTION 3, WHICH BEARS SOUTH 00 DEGREES 15 MINUTES
25 SECONDS EAST 1320.37 FEET FROM A 3 INCH CITY OF PHOENIX (COP)
BRASS CAP MARKING THE NORTHEAST CORNER OF THE SOUTHEAST
QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 3;

THENCE ALONG THE EAST LINE OF SAID SECTION 3, NORTH 00 DEGREES 15
MINUTES 25 SECONDS WEST 970.89 FEET;

THENCE SOUTH 89 DEGREES 44 MINUTES 35 SECONDS WEST 53.17 FEET TO
THE ACCESS CONTROL FENCE ALONG THE 1995 RIGHT OF WAY LINE OF THE
EAST PAPAGO (STATE ROUTE 217) (STATE ROUTE 202L RED MOUNTAIN
FREEWAY);

THENCE ALONG SAID ACCESS CONTROL FENCE ALONG THE 1995 RIGHT OF WAY LINE, NORTH 89 DEGREES 31 MINUTES 17 SECONDS WEST 898.08 FEET;

THENCE CONTINUING ALONG SAID ACCESS CONTROL FENCE ALONG THE 1995 RIGHT OF WAY LINE, SOUTH 65 DEGREES 05 MINUTES 37 SECONDS WEST 421.11 FEET TO THE POINT OF BEGINNING ON THE EAST RIGHT OF WAY LINE OF 22ND STREET;

THENCE ALONG SAID EAST RIGHT OF WAY LINE, SOUTH 00 DEGREES 18 MINUTES 47 SECONDS WEST 129.00 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3;

THENCE ALONG SAID NORTH LINE, NORTH 89 DEGREES 26 MINUTES 48 SECONDS WEST 198.89 FEET;

THENCE SOUTH 00 DEGREES 03 MINUTES 17 SECONDS EAST 61.96 FEET;

THENCE NORTH 89 DEGREES 31 MINUTES 21 SECONDS WEST 162.23 FEET TO SAID ACCESS CONTROL FENCE ALONG THE 1995 RIGHT OF WAY LINE;

ORDINANCE LOCATION MAP

EXHIBIT B

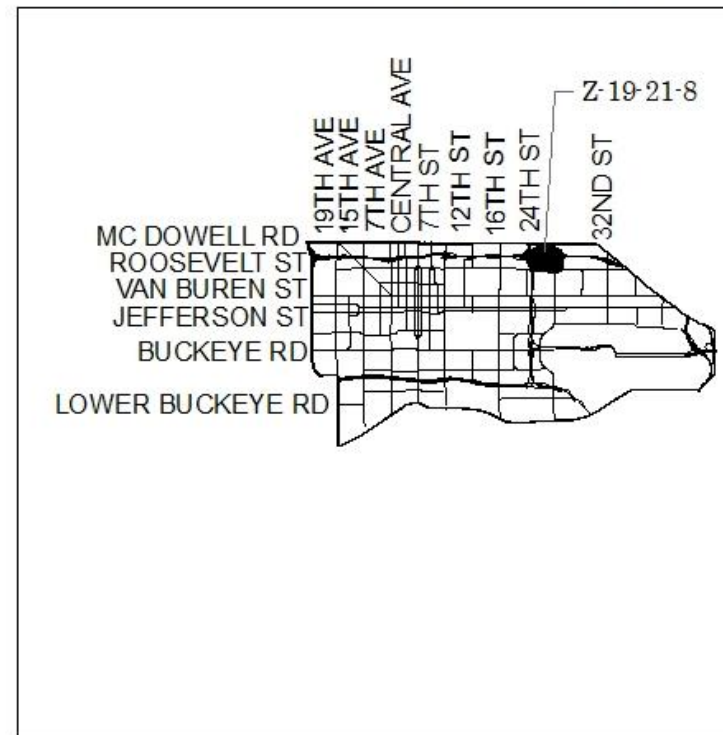
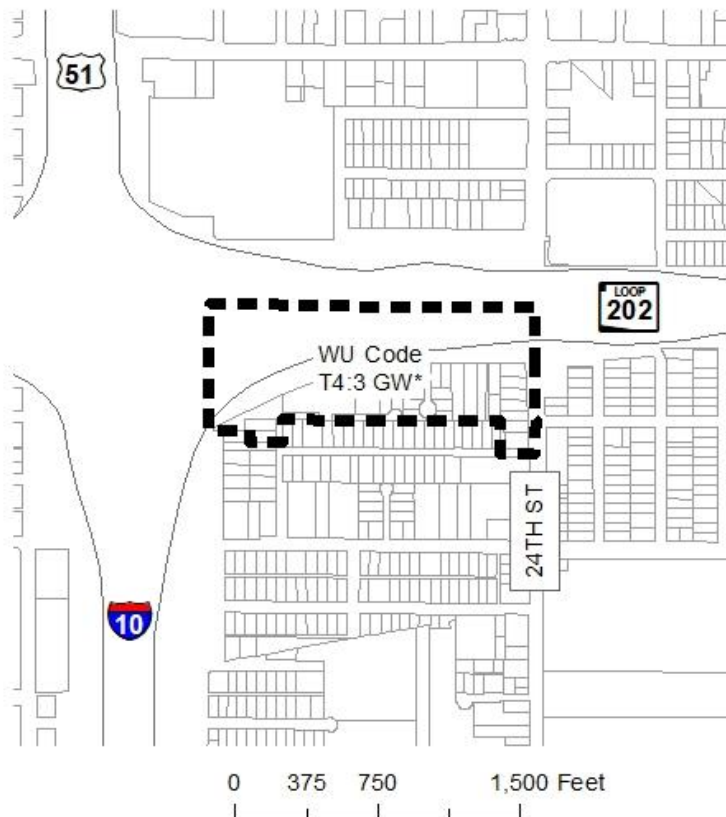
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-19-21-8

Zoning Overlay: N/A

Planning Village: Central City



NOT TO SCALE

Drawn Date: 8/18/2022