

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-33-23-8) FROM C-3 (GENERAL COMMERCIAL) TO WU CODE T5:7 EG (WALKABLE URBAN CODE, TRANSECT 5:7 DISTRICT, TRANSIT EASTLAKE-GARFIELD CHARACTER AREA).

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

SECTION 1. The zoning of a 2.21-acre site located at the southwest corner of 11th Street and Van Buren Street in a portion of Section 9, Township 1 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "C-3" (General Commercial) to "WU Code T5:7 EG" (Walkable Urban Code, Transect 5:7 District, Transit Eastlake-Garfield 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 minimum 25-foot building setback shall be provided along the south property line.
2. The development shall be limited to 30 feet in height within 50 feet of the south property line.
3. If multifamily residential use is provided, a minimum of one common entry shall be provided for each street frontage, except for buildings where every unit has private entry directly to the street, as approved by the Planning and Development Department.
4. If multifamily residential use is provided, the ground floor area of the development shall include a minimum of 5,000 square feet of non-residential uses and shall have frontage on the Van Buren Street right-of-way. Non-residential uses shall not include lobby, exercise, reception areas, or other similar uses intended for exclusive use by residents.
5. If multifamily residential use is provided, the following additional standards for bicycle parking shall apply, as approved by the Planning and Development Department.
 - a. All required bicycle parking, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.
 - b. Guest bicycle parking 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 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.
6. A minimum of 5 percent of the provided bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.

7. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.
8. A minimum of 5 percent of the required on-site parking shall be EV Capable.
9. A minimum of 50 feet of right-of-way shall be dedicated for the south side of Van Buren Street, adjacent to the development. The improvements shall be consistent with the Van Buren Street Enhancement Capital Improvement Project, as approved by Street Transportation Department.
10. There shall be a minimum 6-foot-wide detached sidewalk and a minimum 10-foot-wide landscape area between the back of curb and sidewalk along Van Buren Street with landscaping consistent with the landscape standards of Section 1309 of the Zoning Ordinance, as approved by the Planning and Development Department.

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

11. Vehicular access on Van Buren Street shall be restricted to right-in/right-out only.
12. Prior to final site plan approval, funds totaling \$100,000 shall be deposited into an escrow account to the Street Transportation Department to modify the existing traffic control device at 11th Street and Van Buren Street and other right-of-way improvements as part of the Van Buren Street Improvement Project.
13. All streets within and adjacent to the development shall be constructed 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.
14. 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.

15. 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
16. 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.
17. 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.
18. 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.
19. 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 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 (2 Pages)
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-33-23-8

WITHIN A PORTION OF SECTION 9, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO 1:

THE EAST 43.75 FEET OF THE NORTH 117.65 FEET OF LOT 4, BLOCK 2, MURPHY'S ADDITION, ACCODING TO BOOK 1 OF MAPS, PAGE 16, RECORDS OF MARICOPA COUNTY, ARIZONA;

EXCEPT THE NORTH 6 FEET THEREOF;

AND EXCEPT ANY PORTION THEREOF LYING WITHIN THE WEST 131 FEET, 5 INCHES OF SAID LOT 4

PARCEL NO 2:

THE WEST 23.37 FEET OF THE NORTH 117.65 FEET OF LOT 5, BLOCK 2, MURPHY'S ADDITION, ACCORDING TO BOOK 1 OF MAPS, PAGE 16, RECODS OF MARICOPA COUNTY, ARIZONA;

EXCEPT THE NORTH 6 FEET;

PARCEL NO 3:

ALL THAT PORTION OF LOT 4, BLOCK 2, MURPHY'S ADDITION, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 2 OF MAPS, PAGE 73, RECORDS OF MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 43 FEET, 9 INCHES EAST OF THE NORTHWEST CORNER OF SAID LOT 4

THENCE EAST 87 FEET, 8 INCHES;

THENCE SOUTH 245 FEET;

THENCE WEST 87 FEET, 8 INCHES;

THENCE NORTH 245 FEET TO THE POINT OF BEGINNING;

EXCEPT THE NORTH 6 FEET.

THE EAST 43.75 FEET OF LOT 4, BLOCK 2, EXCEPT THE NORTH 117.65 FEET THEREOF, AND LOT 5, BLOCK 2, EXCEPT THE NORTH 117.65 FEET OF THE WEST 23.37 FEET THEREOF; ALL IN MURPHY'S ADDITION, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE MARICOPA COUNTY RECORDER IN BOOK 1 OF MAPS, PAGE 16;

EXCEPT THE NORTH 6 FEET OF LOT 5, AS CONDEMNED FOR THE WIDENING OF VAN BUREN STREET; AND

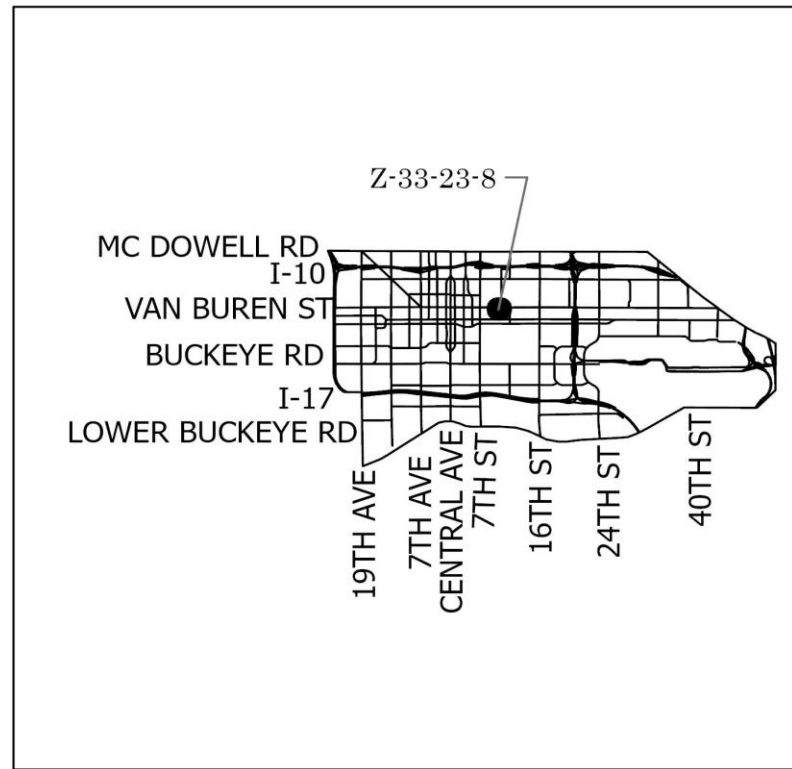
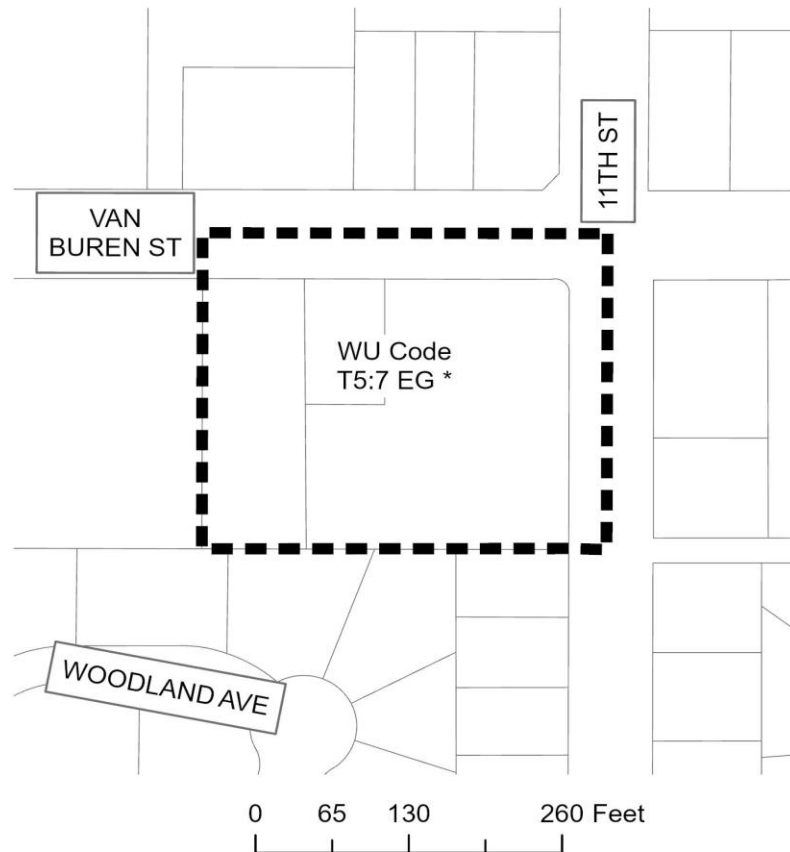
EXCEPT THE PART OF LOT 5, BLOCK 2 OF MURPHY'S ADDITION, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE MARICOPA COUNTY RECORDER IN BOOK 1 OF MAPS, PAGE 16, BOUND ON THE NORTH BY THE SOUTH LINE OF THE NORTH 6 FEET OF SAID LOT 5, ON THE EAST BY THE EAST LINE OF SAID LOT 5, AND ON THE SOUTHWEST BY THE ARC OF A CIRCULAR CURVE CONCAVE SOUTHWESTELY, HAVING A RADIUS OF 12 FEET, BEING TANGENT TO SAID SOUTH LINE AND TANGENT TO A LINE WHICH IS 4.5 FEET EAST OF AND PARALLEL WITH SAID EAST LINE.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-33-23-8
Zoning Overlay: N/A
Planning Village: Central City



NOT TO SCALE



Drawn Date: 11/6/2023