

## 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 ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-88-17-8) FROM C-3 (GENERAL COMMERCIAL DISTRICT) AND R-5 (MULTIFAMILY RESIDENCE DISTRICT) TO WU T5:3 GWY (WALKABLE URBAN CODE, TRANSECT 5:3, GATEWAY CHARACTER AREA)

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

SECTION 1. The zoning of an approximately 2.21-acre property located at the southwest corner of 29th Street and Van Buren Street in a portion of Section 11, Township 1 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "C-3" (General Commercial District) and "R-5" (Multifamily Residence District), to "WU Code T5:3 GWY" (Walkable Urban Code, Transect 5:3, 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. The developer shall utilize root barriers to facilitate planting of trees in the 29th Street landscape area.
2. The developer shall work with the Planning and Development Department to determine a frontage type appropriate for all street frontages which will also provide the shade required by the Walkable Urban Code.
3. Sidewalks on street frontages shall be detached from the curb by a minimum of five feet, as approved by the Planning and Development Department.
4. The required minimum bicycle parking spaces shall be secured and provided on site, as approved by the Planning and Development Department.
5. A minimum of four inverted-U bicycle racks for guests shall be provided on site, located near an entrance to the ground floor lobby, and installed per the requirements of Section 1307.H.4. of the Zoning Ordinance, as approved by the Planning and Development Department.
6. The developer shall construct Van Buren Street Corridor improvements which align with policies and objectives of the Complete Streets Ordinance (S-41094), the Comprehensive Bicycle Master Plan, and consistent with the Van Buren Corridor (24th Street to 40th Street) Bicycle and Pedestrian Improvements Design, as approved by the Street Transportation and Planning and Development Departments.
7. Any on-street parking which may be provided, shall be designated adjacent to existing curb lines on Van Buren Street, 29th Street and Monroe Street, as approved by the Street Transportation and Planning and Development Departments.
8. 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.

9. The property owner 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.
10. If determined necessary, 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.
11. If determined necessary, the applicant shall conduct Phase II archaeological data recovery excavations 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.
12. 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.
13. 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 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 21st day of March, 2018.

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MAYOR

ATTEST:

\_\_\_\_ City Clerk

APPROVED AS TO FORM:

\_\_\_\_ City Attorney

REVIEWED BY:

\_\_\_\_ City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

## EXHIBIT A

### LEGAL DESCRIPTION FOR Z-88-17-8

A portion of the northwest quarter of the northeast quarter of Section 11, Township 1 North, Range 3 East, Gila and Salt River Base and Meridian, Maricopa County Arizona, lying north of Washington Street as further described as Tract A Block 2 EL MOLINO PLACE, according to Book 20, page 4 records of Maricopa County, Arizona.

Including the east 10 feet and the west 10 of the North 10 feet that portion of any abandoned alley which lies along the West side of Tract A, Block 2, EL MOLINO PLACE, according to Book 20 of Maps, page 4 records of Maricopa County, Arizona.

# ORDINANCE LOCATION MAP

EXHIBIT B

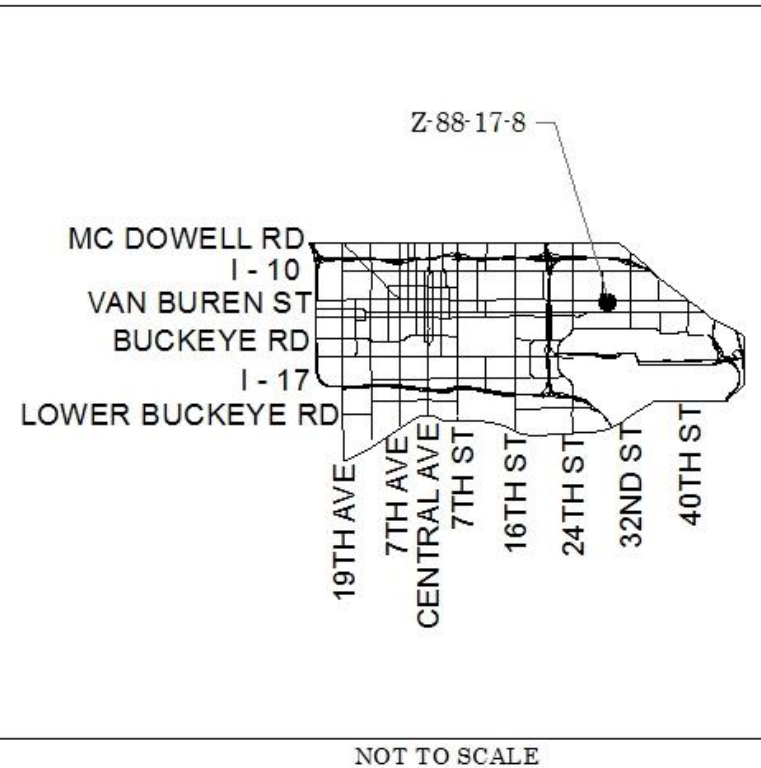
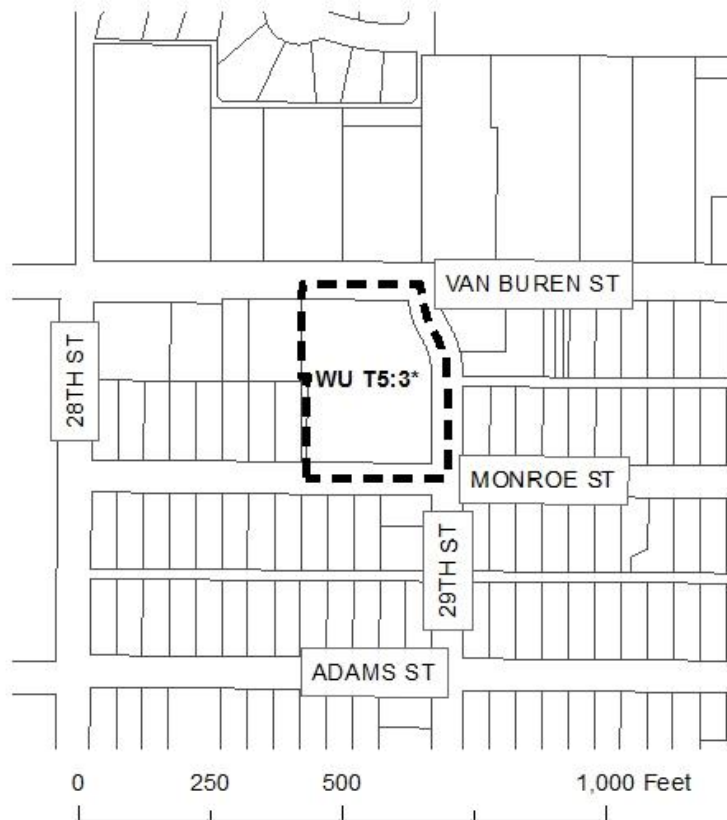
ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: - - - - -

Zoning Case Number: Z-88-17-8

Zoning Overlay: N/A

Planning Village: Central City



Drawn Date: 2/23/2018