

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-27-15-4 PREVIOUSLY APPROVED BY
ORDINANCE G-6115.

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 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 – East 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 \$3125,000 into a Street Transportation Department escrow account at the City of Phoenix to be utilized for traffic calming measures along 1st Street in the St. Francis neighborhood within six (6) months of City Council approval. These funds shall be utilized to improve existing traffic mitigation infrastructure along 1st Street, as approved by the Street Transportation Department. Any remaining funds will be deposited in the separate account established to comply with stipulation number 3.

3. The property owner will deposit an additional \$25,000 (for a total of \$50,000) into a Street Transportation Department escrow account at the City of Phoenix to be utilized for traffic calming or management tools for the area bounded by Central Avenue, Camelback Road, 7th Street, and Pierson Street at the time of construction. These funds may be contributed toward the purchase and installation of such devices as roundabouts, speed humps/cushions, or raised crosswalks (speed tables), limiting turning, traffic diverters or other such traffic calming or management tools. 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 Department Safety and Neighborhood Traffic Section. Owner may apply for reimbursement of escrow funds from the Street Transportation Department if no formal petition has been submitted within 5 years from the issuance of a Certificate of Occupancy.
4. ~~The property owner shall construct a temporary 6-foot wide path constructed of 3/4 inch decomposed granite 2-inches thick along their frontage adjacent to 1st Street until the project is under construction, as approved by the Planning and Development Department.~~
5. The approval shall be conditioned upon development commencing within 10 ~~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).
4. ~~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).
5. THE GROUND FLOOR AREA OF THE DEVELOPMENT SHALL INCLUDE A MINIMUM 4,700 SQUARE FEET OF NON-RESIDENTIAL USES. NON-RESIDENTIAL USES SHALL NOT INCLUDE LOBBY, EXERCISE, RECEPTION AREAS, OR OTHER SIMILAR USES INTENDED FOR EXCLUSIVE USE BY RESIDENTS. ALL NON-RESIDENTIAL USES SHALL FRONT PERIMETER RIGHTS-OF-WAY.
6. 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-6115 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6115 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 1st day of November, 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 (1 Page)

B - Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-23--Z-27-15-4

LOTS 25, 27 AND 28, SAINT FRANCIS PLACE, SECTION 20, TOWNSHIP 2
NORTH, RANGE 3 EAST, ACCORDING TO THE MAP IN THE OFFICE OF THE
COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 24 OF MAPS,
PAGE 47

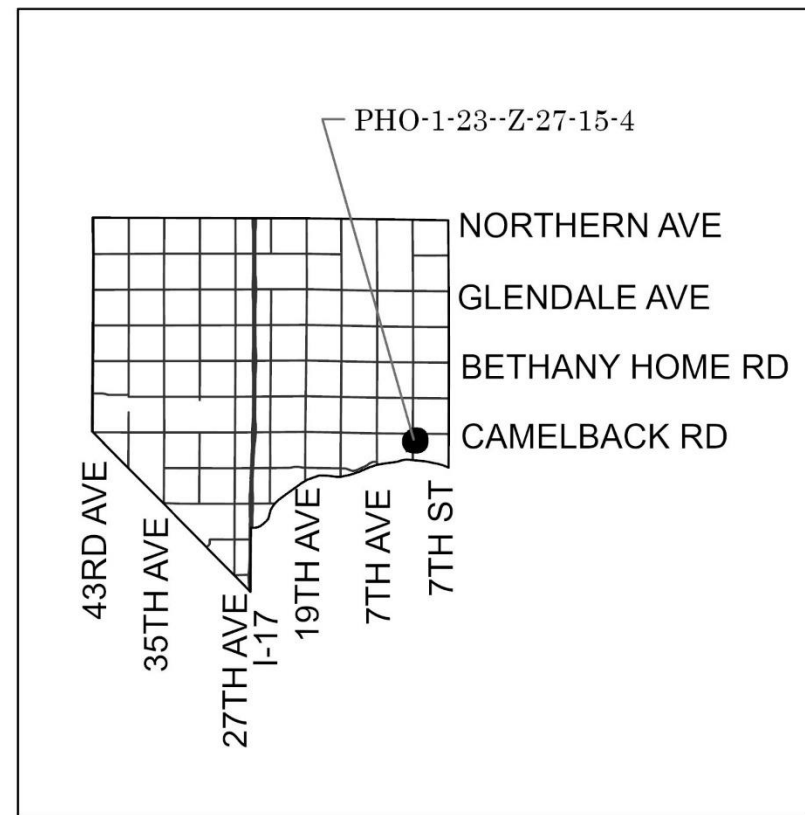
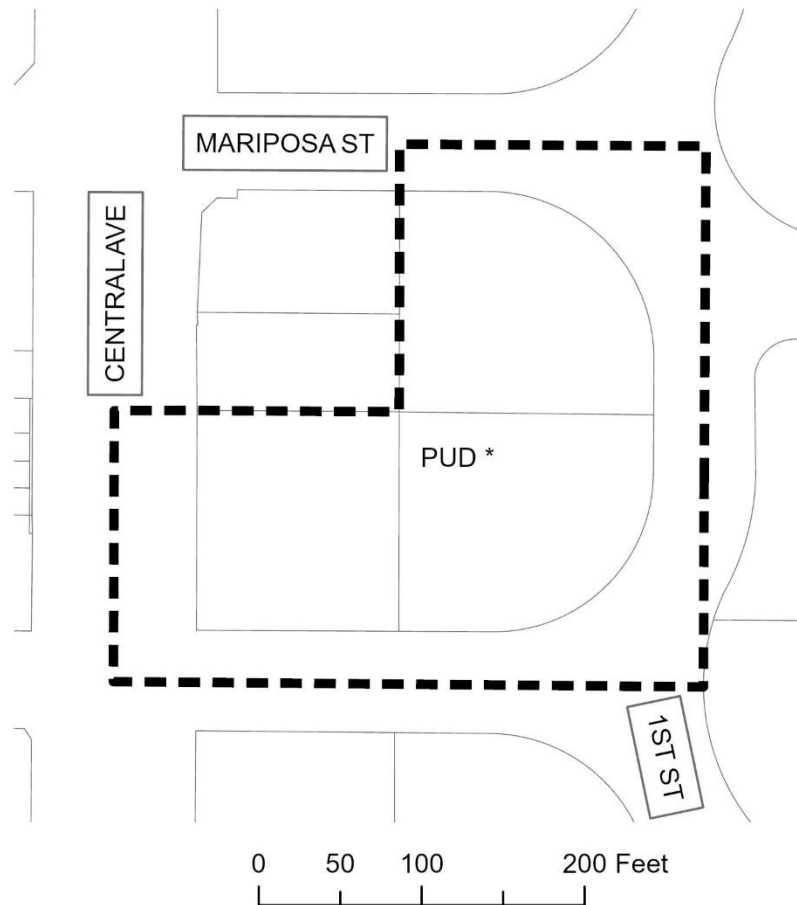
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ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: PHO-1-23--Z-27-15-4
Zoning Overlay: Transit Overlay District (TOD-1)
Planning Village: Alhambra



NOT TO SCALE



Drawn Date: 9/25/2023