

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 (Z-67-20-4) FROM C-O TOD-1 (COMMERCIAL OFFICE, INTERIM TRANSIT ORIENTED ZONING OVERLAY DISTRICT ONE) TO WU CODE T6:15 MT (WALKABLE URBAN CODE, TRANSECT 6:15, TRANSIT MIDTOWN CHARACTER AREA).

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

SECTION 1. The zoning of a 2.10-acre site located at the northwest corner of 2nd Street and Catalina Drive, in a portion of Section 29 Township 2 North and Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "C-O TOD-1" (Commercial Office, Interim Transit Oriented Zoning Overlay District One) to "WU Code T6:15 MT" (Walkable Urban Code, Transect 6:15, Transit Midtown 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 provide traffic calming to slow vehicle traffic exiting the property with specific regard to pedestrian safety on the public sidewalks, as approved by the Planning and Development Department.
2. The developer shall provide and maintain the following bicycle parking as described below and as approved by the Planning and Development Department.
 - a. All required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.
 - b. 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 1306.H. of the Phoenix Zoning Ordinance.
3. 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.
4. 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.
5. The developer shall grant and record an avigation 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.
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. 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. 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 5th day of May, 2021.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

Exhibits:

A – Legal Description (2 Pages)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-67-20-4

3008 N 2ND ST., PHOENIX, AZ 85012

LOTS 1-5, BLOCK 3- LA BELLE PLACE

A SUBDIVISION PLAT RECORDED IN BOOK 4 OF MAPS, PAGE 42, MCR., LOCATED IN A PORTION OF THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 29, T.2N, R.3E OF THE GILA & SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

PARCEL NO. 1:

LOTS 1, 2, 3, 4 AND 5, BLOCK 3, LA BELLE PLACE, A SUBDIVISION RECORDED IN BOOK 4 OF MAPS, PAGE 42, RECORDS OF MARICOPA COUNTY, ARIZONA;

EXCEPT BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT, 6 FEET;

THENCE SOUTHWESTERLY TO A POINT ON THE SOUTH LINE OF SAID LOT WHICH IS 6 FEET WEST OF THE POINT OF BEGINNING;

THENCE TO THE POINT OF BEGINNING.

PARCEL NO. 2:

TRACT 'A', LA BELLE PLACE, A SUBDIVISION RECORDED IN BOOK 4 OF MAPS, PAGE 42, RECORDS OF MARICOPA COUNTY, ARIZONA;

EXCEPT THAT PART OF SAID TRACT 'A' LYING NORTH OF THE WESTERLY PROLONGATION OF THE SOUTH LINE OF LOT 6 OF SAID LA BELLE PLACE AND LYING SOUTH OF THE NORTH RIGHT OF WAY LINE OF CATALINA AVENUE.

PARCEL NO. 3:

THAT PART OF AN ABANDONED ALLEY IN BLOCK 3, LA BELLE PLACE, A SUBDIVISION RECORDED IN BOOK 4 OF MAPS, PAGE 42, RECORDS OF MARICOPA COUNTY, ARIZONA, AS ABANDONED BY INSTRUMENT RECORDED IN RECORDING NO. 85-288601, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 5 IN SAID BLOCK 3;

THENCE WEST ALONG THE EXTENSION OF THE NORTH LINE OF SAID LOT 5, 10 FEET TO THE EAST LINE OF TRACT 'A' OF SAID LA BELLE PLACE;

THENCE SOUTH ALONG SAID EAST LINE, 374.34 TO THE INTERSECTION WITHING THE SOUTH LINE OF LOT 1 OF SAID BLOCK 3, EXTENDED WESTERLY;

THENCE EAST 10 FEET TO THE SOUTHWEST CORNER OF LOT 1;

THENCE NORTH 375.34 FEET ALONG THE WEST LINE OF LOTS 1 THROUGH 5, INCLUSIVE OF SAID BLOCK 3 TO THE POINT OF BEGINNING.

PARCEL NO. 4:

THAT PART OF 2ND STREET AS SHOWN ON THE MAP OF LA BELLE PLACE, A SUBDIVISION RECORDED IN BOOK 4 OF MAPS, PAGE 42, RECORDS OF MARICOPA COUNTY, ARIZONA, ABANDONED BY RESOLUTION OF ABANDONMENT NO. 16599 OF THE CITY OF PHOENIX RECORDED IN RECORDING NO. 85-251148, RECORDS OF MARICOPA COUNTY, ARIZONA;

THE WEST 15 FEET OF THAT PART OF 2ND STREET AS SHOWN ON PLAT OF LA BELLE PLACE, A SUBDIVISION RECORDED IN BOOK 4 OF MAPS, PAGE 42, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING IMMEDIATELY EAST OF AND ADJOINING THE EAST LINE OF LOTS 1 THROUGH 5, INCLUSIVE, BLOCK 3 OF SAID LA BELLA PLACE, AND LYING BETWEEN THE EASTERLY PROLONGATIONS OF THE SOUTH LINE OF SAID LOT 1 AND THE NORTH LINE OF SAID LOT 5;

EXCEPT THAT PART THEREOF LYING SOUTH OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 1 WHICH IS 6 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE NORTHEASTERLY TO A POINT ON THE EAST LINE OF SAID WEST 15 FEET OF 2ND STREET WHICH IS 21 FEET NORTH OF THE INTERSECTION OF SAID EAST LINE WITH THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT 1, THE LAST SAID POINT BEING THE TERMINIUS OF THE LINE DESCRIBED HEREIN.

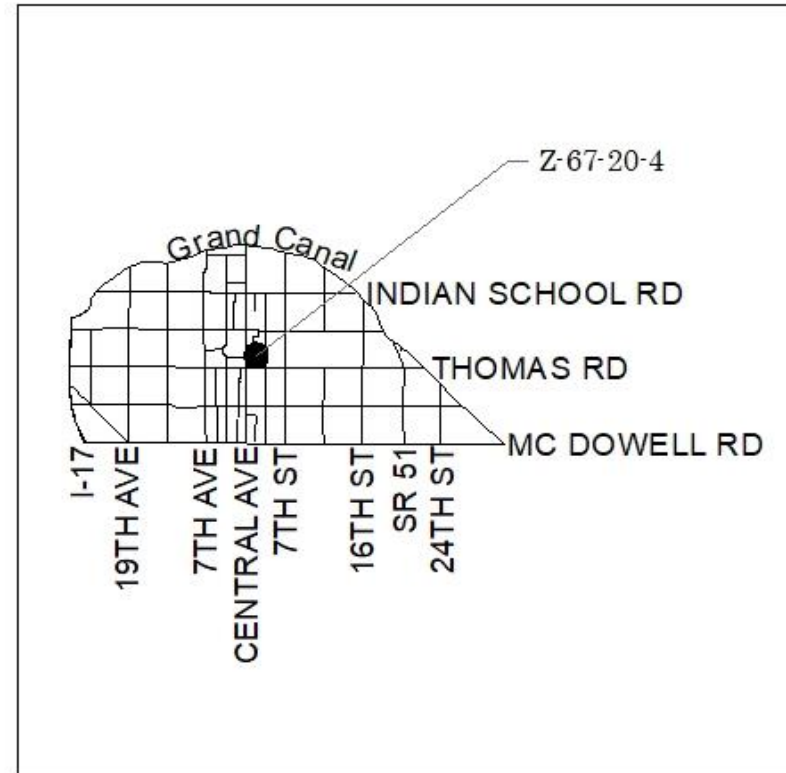
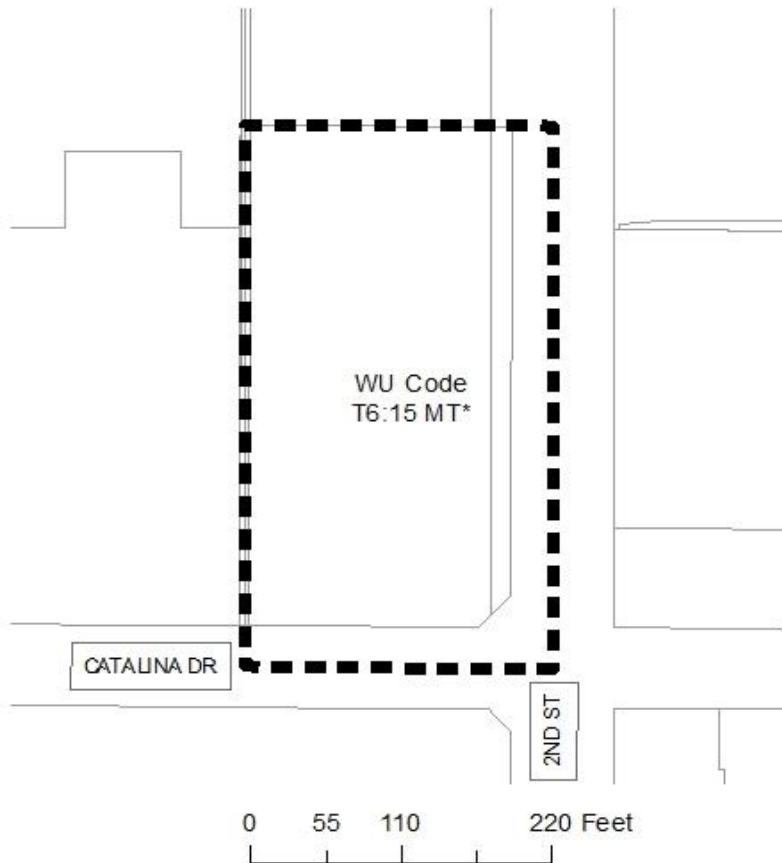
APN: 118-35-083A, 118-35-091H, 118-35-083B, 118-35-091K

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: - - - - -

Zoning Case Number: Z-67-20-4
Zoning Overlay: N/A
Planning Village: Encanto



NOT TO SCALE



Drawn Date: 3/24/2021