

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-62-21-8) FROM R-4 TOD-2 (MULTIFAMILY RESIDENCE DISTRICT, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT TWO), C-3 (GENERAL COMMERCIAL DISTRICT) AND C-3 TOD-2 (GENERAL COMMERCIAL DISTRICT, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT TWO) TO WU CODE T5:3 GW (WALKABLE URBAN CODE, TRANSECT 5:3 DISTRICT, TRANSIT GATEWAY CHARACTER AREA).

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

SECTION 1. The zoning of a 2.08-acre site located at the southeast and southwest corners of 25th 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 0.35 acres of "R-4 TOD-2" (Multifamily Residence District, Interim Transit-Oriented Zoning Overlay District Two), 1.34 acres of "C-3" (General Commercial District), and 0.39 acres of "C-3 TOD-2" (General Commercial District, Interim Transit-Oriented Zoning Overlay District Two) to "WU Code T5:3 GW" (Walkable Urban Code, Transect 5:3 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. Upon site plan approval and permit issuance for any new building(s) or structure(s) on the site, the new building or structure and adjacent landscaping shall be developed in compliance with the Walkable Urban Code (Chapter 13 of the Phoenix Zoning Ordinance), as approved by the Planning and Development Department.
2. Upon any subsequent phase or phases of development that increase the cumulative floor area by more than 15 percent from that depicted on the site plan date stamped September 7, 2021, a publicly-accessible pedestrian pathway with a minimum width of 10 feet shall connect the sidewalk along Van Buren Street to Monroe Street. The pedestrian access shall be constructed per the requirements of Section 1304.H of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
3. All elevations of the building(s) shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or overhang canopies, as approved by the Planning and Development Department. Ground floor blank walls visible from the public sidewalk along the north and south elevations shall not exceed 20 linear feet without being interrupted by a window, or variation in building treatment or design, as approved by the Planning and Development Department.
4. The main project entry drive along Van Buren Street from the entry apron to the entry gate shall be constructed of decorative pavers, stamped or colored concrete, or similar alternative material, as approved by the Planning and Development Department.
5. Traffic calming devices shall be installed along the driveways so that vehicles exercise caution prior to crossing the public sidewalk and when entering and exiting the site, as approved by the Planning and Development Department.
6. The existing streetscape landscape area between the curb and sidewalk along Van Buren Street shall be replenished with vegetation, as required by Section

1309.B of the Phoenix Zoning Ordinance and as approved by the Planning and Development Department.

7. In addition to the required bicycle parking per Section 1307.H.6 of the Phoenix Zoning Ordinance, the developer shall install a minimum of three inverted-U bicycle racks (six spaces) for guests, placed near entrances to the building and installed per the requirements of Section 1307.H of the Zoning Ordinance, as approved by the Planning and Development Department.
8. Where pedestrian pathways cross drive aisles, they shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.

16. 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 January, 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 (2 Pages)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-62-21-8:

Within a portion of Section 11, 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:

Lot 1, and the East 10 feet of Lot 3, Block 2 of HIALEAH, a subdivision recorded in Book 20 of Maps, Page 46, records of Maricopa County, Arizona;

EXCEPT the North 7 feet of said Lots as condemned for the use and purpose of a State Highway by Decree recorded July 3, 1934 in Book 283 of Deeds, Page 487.

PARCEL NO. 2:

That portion of the North half of the abandoned alley lying between the Southerly prolongation of the West line of the East 10 feet of Lot 3, Block 2, or HIALEAH and the Southerly prolongation of the East line of Lot 1, Block 2, of HIALEAH, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 20 of Maps, Page 46, as set forth in Resolution recorded July 19, 1984 as 84-314882 of Official Records.

PARCEL NO. 3:

Lot 2, Block 2, of HIALEAH, a subdivision recorded in Book 20 of Maps, Page 46, records of Maricopa County, Arizona.

PARCEL NO. 4:

That portion of the South half of the abandoned alley lying between the Northerly prolongation of the East and West lines of Lot 2, Block 2 of HIALEAH, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 20 of Maps, Page 46, as set forth in Resolution recorded July 19, 1984 as 84-314882 of Official Records.

Legal Description per Deed 2019-0971287

That part of the Northwest quarter of the Northwest quarter of Section 11, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at a point on the East line of Lot 2, Block 2, Hialeah, according to Book 20 of Maps Page 46, records of Maricopa County, Arizona, which point is 7 feet South of the Northeast corner of said Lot 1, Block 2;

Thence Easterly, along the Southerly line of Van Buren Street, as widened, which Southerly line of Van Buren Street is 7 feet South of, and parallel to, the Easterly prolongation of North line of said Lot 1, Block 2, Hialeah, 60 feet to the True Point of Beginning;

Thence Southerly, along a line which is parallel to and 60 feet East of, the East line of Lots 1 and 2, Block 2 of Hialeah, 303 feet to a point on the Easterly prolongation of the South line of said Lot 2, Block 2, Hialeah, which is 60 feet East of the Southeast corner of said Lot 2, Block 2, Hialeah;

Thence Easterly along the Easterly prolongation of the South line of said Lot 2, Block 2, Hialeah, 125 feet;

Thence North, along a line which is parallel to and 185 feet East of the East line of said Lots 1 and 2, Hialeah, 303 feet to a point on the Southerly line of Van Buren Street, as widened;

Thence Westerly, along the Southerly line of Van Buren Street as widened, 125 feet to the True Point of Beginning.

Legal Description per Case No. ABND 200541

That portion of the abandoned 25th Street per City of Phoenix Case No. ABND 200541.

ORDINANCE LOCATION MAP

EXHIBIT B

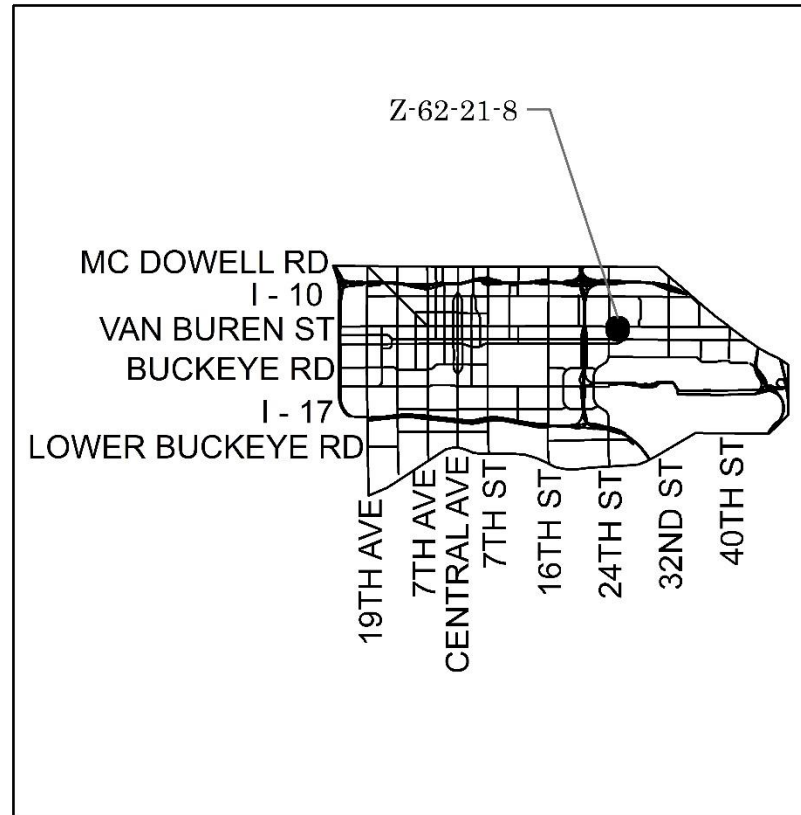
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-62-21-8

Zoning Overlay: N/A

Planning Village: Central City



NOT TO SCALE



Drawn Date: 12/14/2021