

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-15-20-8) FROM R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT) AND C-2 (INTERMEDIATE COMMERCIAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of a 2.86-acre site located approximately 370 feet west of the southwest corner of 18th Street and McDowell Road in a portion of Section 3, Township 1 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from 1.44 acres of "R1-6" (Single-Family Residence District) and 1.42 acres of "C-2" (Intermediate Commercial District) to "PUD" (Planned Unit Development).

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. An updated Development Narrative for The Governor 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 November 30, 2020, as modified by the following stipulations:
 - a. Front cover: Revise the date information on the cover page to add the following:
1st Submittal: March 18, 2020
2nd Submittal: July 14, 2020
Hearing Draft: November 30, 2020
City Council Adopted: TBD [Add Adoption Date]
 - b. Page 7, Lot Development Standards: Add the following under the Maximum Height "Maximum Density: 200 units"
 - c. Page 10, Streetscape Standards, Landscaping Provided Between Sidewalk and Curb, Secondary (Brill Street): Modify to "Minimum of 10 feet (to be provided within the right-of-way)."
 - d. Page 10, Streetscape Standards, Landscaping Provided Between Sidewalk and Building, Secondary (Brill Street): Replace with "Minimum of 0 feet (to be provided within the right-of-way)."
2. The applicant will deposit \$50,000 into an escrow account prior to issuance of any building permits to be used for rehabilitation grants for properties contributing to the eligible Miracle Mile Historic District. The Historic Preservation Officer will be given the authority to release the funds to any grant recipient upon the recipient's completion of rehabilitation work in accordance with the Secretary of Interior Standards for rehabilitation.
3. The developer shall provide funds in escrow not to exceed \$75,000.00 to fund a traffic control device such as a HAWK or traffic signal at the intersection of 18th Street and McDowell Road prior to preliminary site plan approval and as approved by the Street Transportation Department.
4. The developer shall dedicate right-of-way for a total of 50 feet for the entire property frontage along McDowell Road except where a minimum 40-foot

dedication may be provided for a maximum of 110 feet linear on the easterly end of the property, if the historic building facade is preserved. A sidewalk easement may be provided in lieu of right of way to provide an enhanced and safe pedestrian environment, as approved by the Planning and Development and Street Transportation Department.

5. The developer shall construct a minimum 25-foot-wide driveway on Brill Street, limited to emergency access and vehicular egress only, as approved by the Street Transportation Department.
6. The developer shall underground all overhead utilities along the property frontages.
7. No structural component of the building, ramps, stairs, retaining walls, permeant raised planters, may be located within the public right-of-way or sidewalk easement. Door swings into right-of-way shall comply with International Building Code.
8. The applicant shall submit a Traffic Impact Study/Statement to the City for this development. No preliminary approval of plans shall be granted until the study/statement is reviewed and approved by the City. Contact Mr. Matthew Wilson, Traffic Engineer III, (602) 262-7580, to set up a meeting to discuss the requirements of the statement/study. Upon completion of the TIS the developer shall submit the completed TIS to the Planning and Development Department counter with instruction to forward the study to the Street Transportation Department, Design Section.
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 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.
11. 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.
12. 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.

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.

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 3rd day of February, 2021.

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)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-15-20-8

THAT PART OF A PORTION OF SECTION 3, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST QUARTER CORNER OF SAID SECTION 3;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 595.20 FEET AND THE MONUMENT LINE OF MCDOWELL ROAD SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 09 MINUTES 44 SECONDS EAST A DISTANCE OF 42.28 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID MCDOWELL ROAD;

THENCE SOUTH 00 DEGREES 09 MINUTES 44 SECONDS EAST A DISTANCE OF 298.91 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE ON BRILL STREET;

THENCE SOUTH 00 DEGREES 09 MINUTES 44 SECONDS EAST A DISTANCE OF 35.00 FEET TO THE CENTERLINE OF SAID BRILL STREET;

THENCE NORTH 89 DEGREES 59 MINUTES 27 SECONDS EAST A DISTANCE OF 333.41 FEET ALONG SAID CENTERLINE OF BRILL STREET;

THENCE NORTH 00 DEGREES 11 MINUTES 33 SECONDS WEST A DISTANCE OF 35.00 FEET TO NORTH RIGHT OF WAY LINE OF BRILL STREET;

THENCE LEAVING SAID RIGHT OF WAY NORTH 00 DEGREES 11 MINUTES 33 SECONDS WEST A DISTANCE OF 301.14 FEET TO SOUTH RIGHT OF WAY LINE OF MCDOWELL ROAD;

THENCE LEAVING SAID RIGHT OF WAY NORTH 00 DEGREES 11 MINUTES 33 SECONDS WEST A DISTANCE OF 40.00 FEET TO NORTH LINE OF SECTION 3 ALSO BEING THE MONUMENT LINE OF MCDOWELL ROAD;

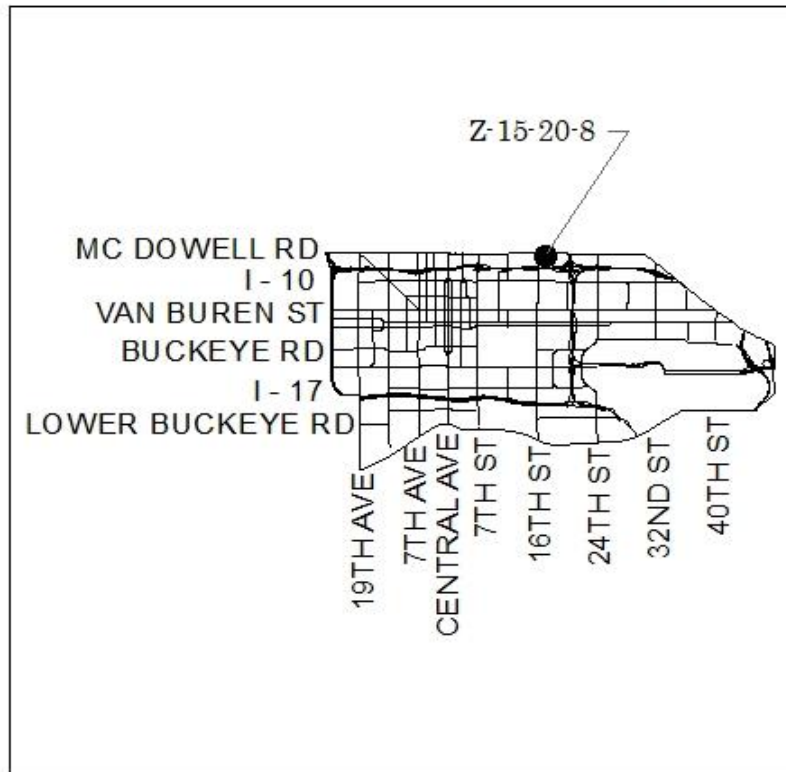
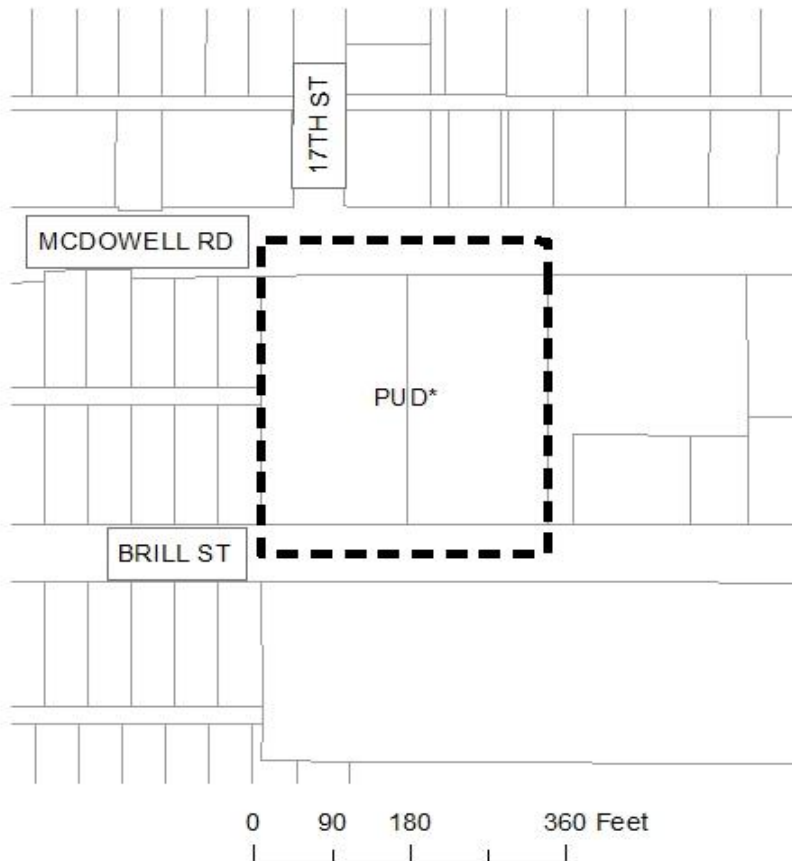
THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 333.21 FEET AND THE MONUMENT LINE OF MCDOWELL ROAD SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-15-20-8
Zoning Overlay: N/A
Planning Village: Central City



NOT TO SCALE



Drawn Date: 1/4/2021