

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-47-21-4) FROM C-3 (GENERAL COMMERCIAL DISTRICT) TO C-3 DNS/WVR (GENERAL COMMERCIAL DISTRICT, DENSITY WAIVER).

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

SECTION 1. The zoning of a 4.88-acre site located approximately 400 feet northwest of the northwest corner of 33rd Avenue and Grand Avenue, in a portion of Section 26, Township 2 North and Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "C-3" (General Commercial District) to "C-3 DNS/WVR" (General Commercial District with a density waiver).

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 development shall utilize the standards contained in the R-5 (Multifamily Residence District) zoning district development standard, except as modified by the below stipulations and as approved by the Planning and Development Department.
2. A minimum of 6 percent of the gross project area shall be retained as open space and be shaded to a minimum 50 percent by minimum 2-inch caliper large canopy shade trees and architectural shade such as ramadas that shall account for no more than 25 percent of the required shade area, as approved by the Planning and Development Department.
3. The developer shall replenish the existing landscape planters adjacent to Grand Avenue per the C-3 streetscape landscape standards for planting type, size and quantity contained in Chapter 624.E.4.e of the Phoenix Zoning Ordinance, unless underground utilities and/or drainage are found to conflict, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with the creation of a comfortable pedestrian environment.
4. The developer shall incorporate and maintain bicycle infrastructure as described below and as approved by the Planning and Development Department.
 - a. Secure bicycle parking for residents at a rate of 0.25 spaces per dwelling unit, up to a maximum of 50 spaces.
 - b. Inverted-U style bicycle racks with capacity for a minimum of 10 bicycles for guests shall be distributed throughout the site near the primary pedestrian entrance(s) or amenity area.
 - c. A bicycle repair station ("fix it station") shall be provided in an area of high visibility such as near a central amenity area. The repair station shall include: standard repair tools affixed to the station, a tire gauge and pump affixed to the base of the station or the ground, and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
5. The developer shall provide a system of internal, clearly defined pedestrian pathways including the following elements, as approved by the Planning and Development Department:
 - a. Connect all building entrances, exits, and amenity areas, to all public sidewalks, by a direct route.

- b. Where pedestrian pathways cross drive-aisles, the crossing shall visually contrast with parking and drive aisle surfaces.
- 6. 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.
- 7. All right-of-way improvements and access control shall be reviewed, permitted and approved by ADOT.
- 8. 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.
- 9. 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.
- 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. 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.
- 12. The developer shall provide a "tot lot" as an amenity in a centrally located open space, as approved by the Planning and Development Department.
- 13. 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 2nd day of February, 2022.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeff Barton, City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-47-21-4

That portion of the Northwest quarter of the Northwest quarter of Section 26, Township 2 North, Range 2 East of the Gila and Salt River Base and Meridian described as follows;

Commencing at the Northeast Corner of the Northwest quarter of the Northwest quarter of Section 26.

Thence west along the north line thereof 175 feet;

Thence South 0 degrees 20 minutes West, parallel with the East line of the Northwest Quarter of the Northwest quarter of Section 26. a distance of 183.00 feet to the True Point of Beginning;

Thence West parallel with the North Line thereof a distance of 152.00 feet to the southwest corner of the North 183 feet of the East 327 of the Northwest Quarter of the Northwest quarter of Section 26.

Thence South 45 degrees 18 minutes West a distance of 86.60 feet; Thence South 0 degrees 20 Minutes West a distance of 198.69 feet;

Thence South 45 degrees 18 Minutes West 309.77 feet to a point on the Northeasterly right of way line of Grand Avenue (said right of way line being 40 feet Northeasterly of the centerline of Grand Avenue as measures at right angles)

Thence South 44 degrees 42 Minutes East along the Northeasterly right of way of Grand Avenue, a distance of 400.26 feet;

Thence North 45 degrees 18 Minutes East 186.70 feet to a point on the South line of the North 825.00 feet of the Northwest quarter of the Northwest quarter of Section 26.

Thence East along said South line 145.81 feet to a point on the West Line of the East 33.00 feet of the Northwest quarter of the Northwest quarter of section 26. Thence North 0 degrees 30 Minutes East along said west line 32.00 feet;

Thence West parallel to the North line of the Northwest quarter of the Northwest of Section 26, a distance of 142.00 feet to the Southwest corner of the North 793.00 feet of the East 175.00 feet of the Northwest quarter of the Northwest quarter of Section 26;

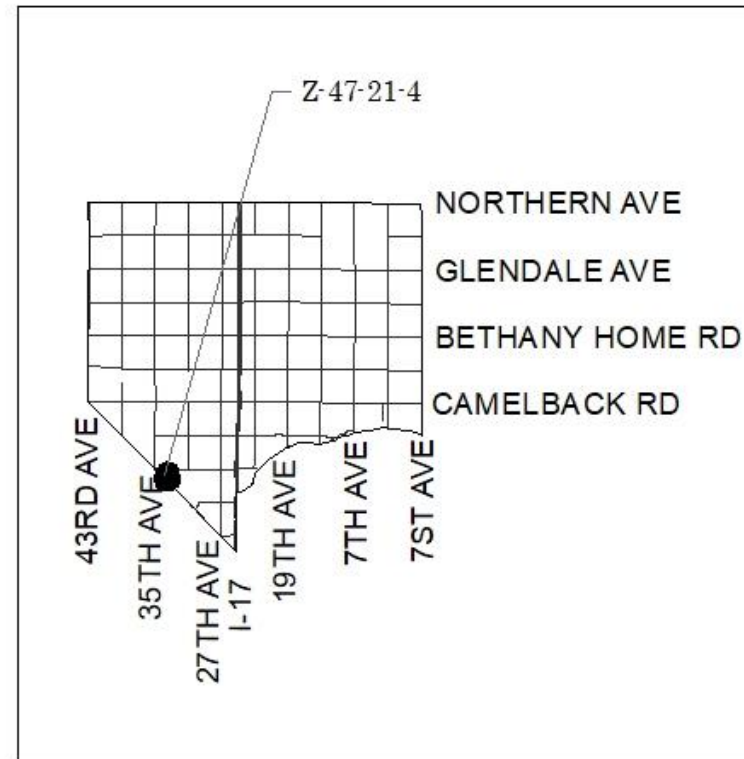
Thence North 0 degrees 20 minutes East parallel to the East line of the Northwest quarter of the Northwest quarter of Section 26, a distance of 610.01 feet to the True Point of Beginning;

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-47-21-4
Zoning Overlay: N/A
Planning Village: Alhambra



NOT TO SCALE



Drawn Date: 9/30/2021