

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-33-21-4) FROM P-2 TOD-1 (PARKING, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) TO WU CODE T4:2 MT (WALKABLE URBAN CODE, TRANSECT 4:2 DISTRICT, TRANSIT MIDTOWN CHARACTER AREA).

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

SECTION 1. The zoning of a 0.71 acre site located at the northeast corner of 1st Avenue and Holly Street, in a portion of Section 32, Township 2 North and Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "P-2 TOD-1" (Parking, Interim Transit-Oriented Zoning Overlay District One) to "WU Code T4:2 MT" (Walkable Urban Code, Transect 4:2 District, 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 maximum building height shall be 30 feet
2. The project shall not exceed 6 lots and/or 6 dwelling units.
3. The existing streetscape landscape area between the curb and sidewalk shall be replenished, as required by Chapter 13, Section 1309.B of the Phoenix Zoning Ordinance and as approved by the Planning and Development Department.
4. The required landscape setback along the western property boundary shall be planted with shade trees placed 20 feet on center or in equivalent groupings, excluding driveway entrances, and all required trees shall be a minimum 3-inch caliper. Existing trees may be utilized toward the requirement. The above conditions shall be approved by the Planning and Development Department.
5. The developer shall provide permeable and/or cool pavement in the alley of no greater width than existing today from the subject site to Cypress Avenue, as approved by the Planning and Development Department.
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. 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.
8. The developer shall grant and record an aviation 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.
9. 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.
10. 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.

11. 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 1st day of December, 2021.

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)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-33-21-4

36 + 42 W. HOLLY STREET, PHOENIX, ARIZONA 85003

APN: 118-51-046, 118-51-047

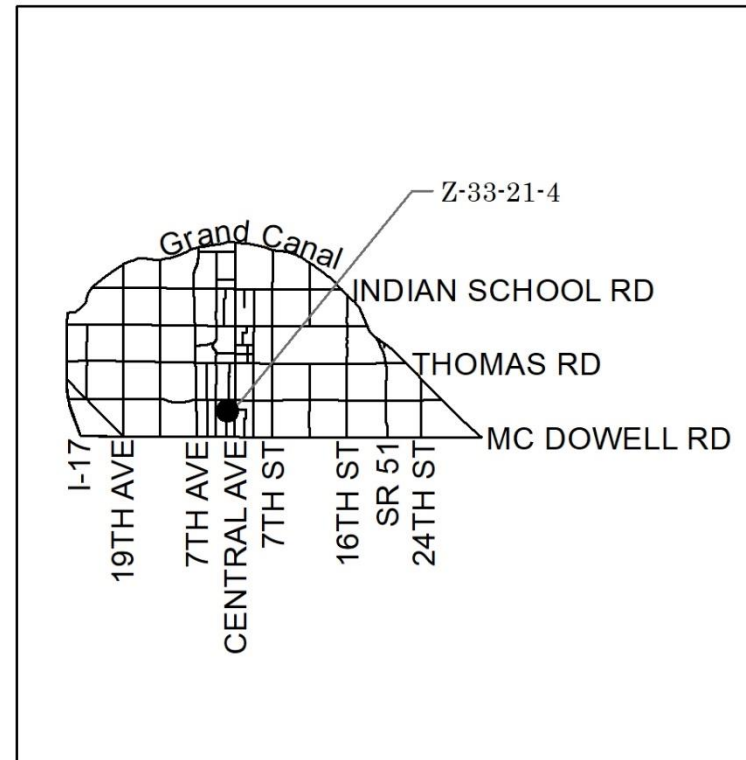
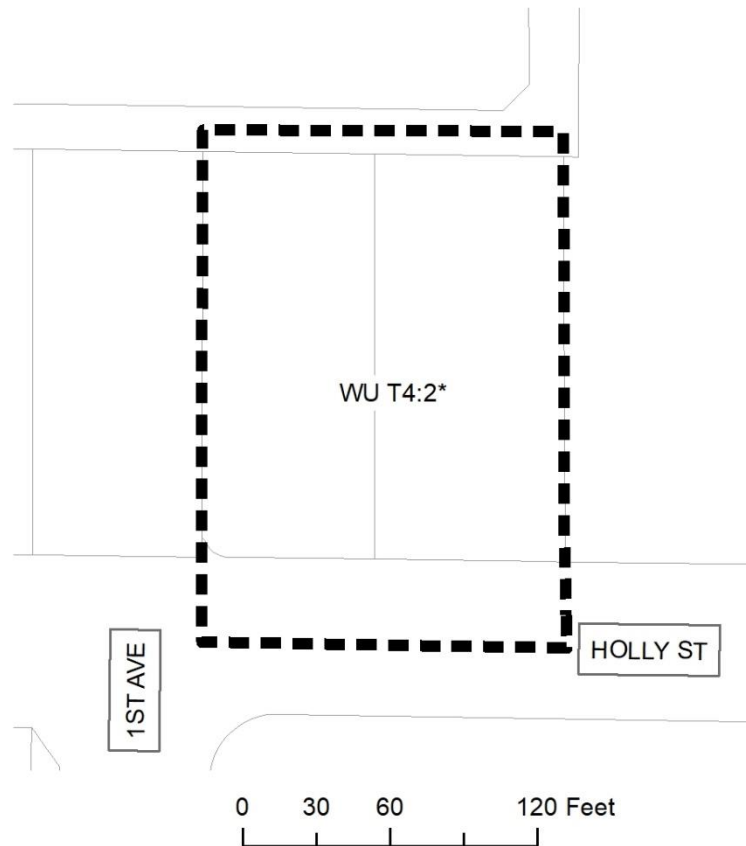
Lots 6 and 7, block 2, las palmas, a subdivision recorded in book 4 of maps, page 15, records of maricopa county, arizona. Except that part of lot 7, block 2, las palmas, according to the plat of record in the office of the county recorder of maricopa county, arizona, in book 4 of maps, at page 15 lying southwesterly of the arc of a circular curve, concave northeasterly, having a radius of 12 feet, and being tangent to the west and south lines of said lot.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-33-21-4
Zoning Overlay: N/A
Planning Village: Encanto



NOT TO SCALE



Drawn Date: 11/15/2021