

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-52-20-4) FROM R-3 (MULTIFAMILY RESIDENCE DISTRICT) AND C-2 (INTERMEDIATE COMMERCIAL DISTRICT) TO WU CODE T3:2 MT (WALKABLE URBAN CODE, TRANSECT 3:2 DISTRICT, MIDTOWN CHARACTER AREA) AND WU CODE T5:6 MT (WALKABLE URBAN CODE, TRANSECT 5:6 DISTRICT, MIDTOWN CHARACTER AREA)

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

SECTION 1. The zoning of a 4.77-acre site located at the northwest corner of 7th Street and Oak Street, in a portion of Section 32, Township 2 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from 2.12 acres of "R-3" (Multifamily Residence District) and 2.65 acres of "C-2" (Intermediate Commercial District) to 0.23 acres of "WU Code T3:2 MT" (Walkable Urban Code, Transect 3:2 District, Midtown Character Area) and 4.54 acres of "WU Code T5:6 MT" (Walkable Urban Code, Transect 5:6 District, 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: (AWAITING PC RECOMMENDATION)

1. There shall be a minimum landscape setback of 15 feet measured from the west property line. The landscape setback shall allow for a maximum encroachment of nine feet to accommodate Walkable Urban Code Frontage Type from Table 1305.1. The landscape setback area shall be planted with shade trees placed 25 feet on center or in equivalent groupings with 75 percent being a minimum 3-inch caliper. The conditions of this stipulation shall be approved by the Planning and Development Department.
2. No solid perimeter wall greater than 36 inches in height shall be situated within the boundary of the required landscape setback along the west property line, as described in Stipulation No. 1.
3. All ground level units oriented to the west (Monterey Park) shall utilize a Walkable Urban Code Frontage Type from Table 1305.1. and Frontage Types shall be permitted to encroach into the required landscape area a maximum of nine feet as necessary to accommodate the selected frontage type, as approved or modified by the Planning and Development Department.
4. The developer shall provide and maintain the following bicycle infrastructure as described below and as approved by the Planning and Development Department.
 - a. A bicycle repair station (fix-it station) along the southern edge of the site, visible, and accessible from the public sidewalk. The station shall include but not limited to the following: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand that allows pedals and wheels to spin freely while adjusting the bike.
 - b. All required bicycle parking for multifamily use, per Section 1307.H.6.d. of the Phoenix Zoning Ordinance, shall be secured parking.
 - c. 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.

5. The developer shall provide pedestrian access to and from the site with an emphasis on minimizing walking distances to the existing HAWK at 7th Street and Oak Street, as approved by the Planning and Development Department.
6. The developer shall provide traffic calming to slow vehicle traffic exiting the property with specific regard to pedestrian safety on the public sidewalk, as approved by the Planning and Development Department.
7. The developer shall dedicate a 10-foot sidewalk easement along the west side of 7th Street, as approved by Planning and Development.
8. There shall be a maximum of one driveway on 7th Street.
9. The developer shall submit a Traffic Impact Study to the City of Phoenix for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. The study shall include, at a minimum, a traffic signal warrant analysis for the intersection of 7th Street and Oak Street to evaluate conversion of the HAWK. The developer shall be responsible for mitigation costs, as identified in the traffic study approval letter.
10. 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.
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. 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.
14. 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.

15. The developer shall place informational signage in the “motor court” area to inform exiting traffic how the reversible lane on 7th Street functions including the hours when the center lane is southbound, northbound, and center-turn.
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 3rd day of March, 2021.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

Exhibits:

A – Legal Description (3 Pages)

B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-52-20-4

Within a portion of Section 32, Township 2 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: (APN NO. 118-46-030)

The East half of Lot 5, BALTIMORE HEIGHTS, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 2 of Maps, page 67;

EXCEPT that part described as follows:

BEGINNING at a point 20 feet South of the Northeast corner of said Lot 5;

THENCE South along the East line of said Lot 5, 75 feet;

THENCE West 250 feet;

THENCE North 75 feet;

THENCE East 250 feet to POINT OF BEGINNING; and

EXCEPT that part described as follows:

BEGINNING at a point 95 feet South of the Northeast corner of said Lot 5;

THENCE South along the East line of said Lot 5, 100 feet to a point;

THENCE West 166 feet to a point;

THENCE North 100 feet to a point;

THENCE East 166 feet to the POINT OF BEGINNING;

EXCEPT the North 20 feet thereof; and

EXCEPT the East 7 feet thereof.

PARCEL NO. 2: (APN NO. 118-46-043A)

The East half of Lot 7, BALTIMORE HEIGHTS, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 2 of Maps, page 67;

EXCEPT the East 132 feet of the South 125 feet of the East half of said Lot 7; and

EXCEPT the East 7 feet conveyed to City of Phoenix, a municipal corporation, by document recorded April 24, 1941, in Book 349 of Deeds, page 456, records of Maricopa County, Arizona.

PARCEL NO. 3: (APN NO. 118-46-033A)

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA AND IS DESCRIBED AS FOLLOWS:

THAT PART OF LOT 5 BALTIMORE HEIGHTS, ACCORDING TO BOOK 2 OF MAPS, PAGE 67, RECORDS OF MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 5, 95 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT;

THENCE WEST 166 FEET;

THENCE SOUTH 100 FEET;

THENCE EAST 166 FEET;

THENCE NORTH 100 FEET TO THE POINT OF BEGINNING;

EXCEPT THEREFROM THE EAST 7 FEET THEREOF.

PARCEL NO. 4: (APN NO. 118-46-043B)

The East 132 feet of the South 125 feet of the East half of Lot 7, Baltimore Heights, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 2 of Maps, page 67;

EXCEPT therefrom the East 7 feet conveyed to the City of Phoenix, by instrument recorded April 24, 1941 in Book 349 of Deeds page 456, records of Maricopa County, Arizona;

ALSO EXCEPT therefrom that part of said Lot 7 described as follows:

BEGINNING at a point on the South line of Lot 7, distant 7 feet West of the Southeast corner thereof;

Thence West 9 feet along the South line of said Lot 7 to a point;

Thence Northeasterly to a point which is 7 feet West and 9 feet North of the Southeast corner of said Lot 7;

Thence South 9 feet to the POINT OF BEGINNING, as condemned by the City of Phoenix, in Order of Condemnation recorded in Docket 2621 page 154, records of Maricopa County, Arizona;

AND ALSO EXCEPT all oil, gas and other minerals as reserved in instrument recorded in Docket 10313 page 379, records of Maricopa County, Arizona.

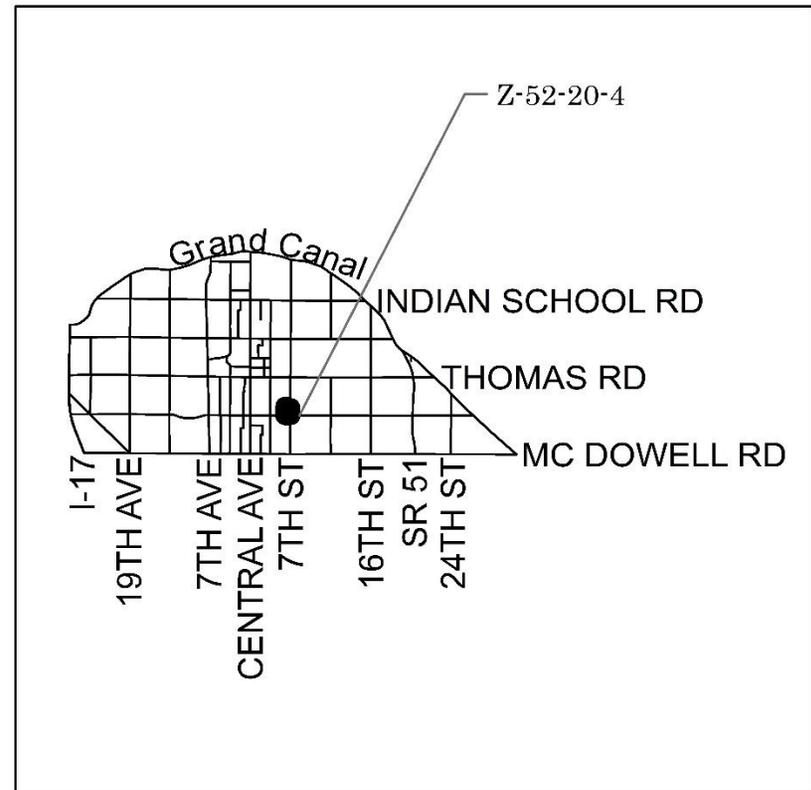
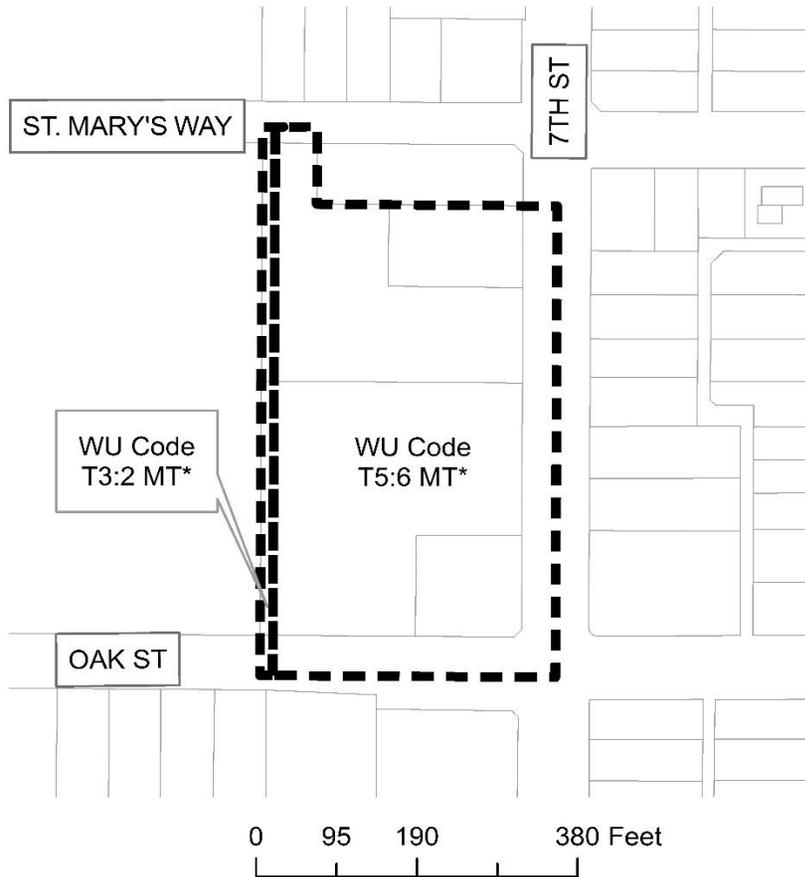
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ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-52-20-4
Zoning Overlay: N/A
Planning Encanto



NOT TO SCALE



Drawn Date: 2/4/2021