

ATTACHMENT A

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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-6-18-8) FROM R-5 (MULTIFAMILY RESIDENCE DISTRICT), C-2 (INTERMEDIATE COMMERCIAL DISTRICT), AND C-3 (GENERAL COMMERCIAL DISTRICT) TO WU CODE T5:7 GWY (WALKABLE URBAN CODE, TRANSECT 5:7, TRANSIT GATEWAY CHARACTER AREA).

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

SECTION 1. The zoning of an approximately 16.96 acre property located at the northwest corner of 32nd Street and Van Buren Street in a portion of Section 2, Township 1 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "R-5" (Multifamily Residence District), "C-2" (Intermediate Commercial District), and "C-3" (General Commercial District), to "WU Code T5:7 GWY" (Walkable Urban Code, Transect 5:7, 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:

STIPULATIONS

1. The development shall be in general conformance to the site plan dated received January 29, 2018, with specific regard to:
 - a. Proximity of building to Van Buren Street and 32nd Street frontages.
 - b. Provision and size of the publicly accessible (not fenced) open space area at the southeastern portion of the site.
 - c. Provision of a direct pedestrian connection from the Van Buren Street and 32nd Street intersection to the building entrance without crossing a vehicular drive aisle.
 - d. Provision of view fencing on the perimeter of the site.
2. Sidewalks on the street frontages shall be detached, shall not meander, and trees shall be planted on both sides.
3. The required cross block access between 32nd Street and 30th Place shall be located to accommodate the security needs of the Veterans Affairs Medical Clinic while still providing a clear, visible and publicly accessible route between the two streets.
4. The development shall install, as approved by the Planning and Development Department:
 - a. A minimum of 10 inverted-U style bicycle racks for guests, placed near entrances to the building and installed per the requirements of Section 1307.H.4. of the Zoning Ordinance.
 - b. A minimum of 30 secured bicycle parking spaces.
5. The developer shall:
 - a. Dedicate a 10-foot sidewalk easement along the Van Buren Street and 32nd Street frontages.
 - b. Dedicate a 25-foot by 25-foot right-of-way triangle at the northwest corner of Van Buren Street and 32nd Street.

- c. Construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals, per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
 - d. Submit a Traffic Impact Study for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact the Street Transportation Department at 602-495-3697 to set up a meeting to discuss the requirements of the study.
- 6. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property.
 - 7. If the City Archaeologist determines it is necessary, 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.
 - 8. The applicant shall conduct Phase II archaeological data recovery excavations 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.
 - 9. 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.
 - 10. The applicant shall dedicate right-of-way and construct a bus stop pad along westbound Van Buren Street west of 32nd Street. The bus stop pad should be built according to City of Phoenix Standard Detail P1260 with a depth of at least 10 feet and placed between 95 and 145 feet from the intersection.

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 18th day of April, 2018.

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)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-6-18-8

A portion of Section 2, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more specifically described as:

Parcel 1:

The South 80 feet of Lot 7, UNEEDA ACRES AMENDED, according to Book 11 of Maps, Page 21, records of Maricopa County, Arizona
EXCEPT the East 7 feet.

Parcel 2:

Lots 8 to 20 inclusive; Lots 29 to 33 inclusive; Lots 39 to 43 inclusive; and Lots 21, 28 and 44, Except the North 9.0 feet thereof; and the North 9.0 feet of the West 70.0 feet of Lot 44, and the South 10.0 feet of the West 70.0 feet of Lot 45, and the East 34 feet of Lots 34 and 35, UNEEDA Tract, according to Book 34 of Maps, Page 14, records of Maricopa County, Arizona;

EXCEPT the East 7 feet of Lots 8, 9, and 10; and

EXCEPT that part of Lot 11 in UNEEDA Tract described as follows:

Beginning at the Southeast corner of Lot 11;

Thence West 22 feet, along the South line of Lot 11, to a point;

Thence Northeasterly to a point which is 15 feet North and 7 feet West of the Southeast corner of Lot 11;

Thence North 158 feet parallel to the East line of Lot 11 to a point on the North line of Lot 11;

Thence East 7 feet to the Northeast corner of Lot 11;

Thence South 173 feet to the Northeast corner of Lot 11;

Thence South 173 feet to the Point of Beginning.

Parcel 3:

Thirty-first Street between the North line of Van Buren Street and the East-West prolongation of the North line of Lots 21 and 28, Except the North 9 feet thereof, in UNEEDA TRACT, according to Book 34 of Maps, page 14, records of Maricopa County;

That part of the North-South alley lying East of Lots 16, 17, and 18, in UNEEDA TRACT between the Easterly prolongation of the Southerly line of said Lot 16, and East-West line which is parallel to and 20 feet South of the Easterly prolongation of the Northerly line of said Lot 18; and

That part of the East-West alley between Lots 9, 10, 15 and 16 in said UNEEDA TRACT lying within the prolongation of the Westerly line of said Lots 15 and 16 and a North-South line which is parallel to and 7 feet West of the prolongation of the Easterly line of said Lots 9 and 10; and

All that certain North-South alley between Lots 28 to 33 inclusive and Lots 39 to 44 inclusive, Except the North 9.0 feet thereof; in said UNEEDA TRACT, lying between the prolongation of the Southerly line of said Lots 33 and 39, and the prolongation of the Southerly line of said Lots 27 and 45; and

All of that certain East-West alley between Lots 33, 34, 38 and 39 in said UNEEDA TRACT and between the prolongation of the Westerly line of said Lots 38 and 39 and the prolongation of the Easterly line of said Lots 33 and 34;
EXCEPT the part of the East-West alley North of Lot 38 in said UNEEDA TRACT, lying between the Northerly prolongation of the East and West line of said Lot 38.

Parcel 4:

Lot 4 and the North half of Lot 5, UNEEDA ACRES AMENDED, according to Book 11 of Maps, page 21, records of Maricopa County, Arizona;
EXCEPT the East 7 feet thereof.

Parcel 5:

The East half of that certain alley abandoned by Resolution recorded in documents no. 84-118813, records of Maricopa County, Arizona, lying between the Westerly prolongation of the North line of Lot 4 and the South line of the North half of Lot 5, UNEEDA ACRES AMENDED, according to Book 11 of Maps page 21, records of Maricopa County, Arizona.

Parcel 6:

The South half of Lot 5 and all of Lot 6, UNEEDA ACRES AMENDED, according to Book 11 of Maps, page 31, records of Maricopa County, Arizona;
EXCEPT the East 7 feet thereof.

Parcel 7:

The East half of that certain alley abandoned by Resolution recorded in documents no. 84-118813, records of Maricopa County, Arizona, lying between the Westerly prolongation of the North line of the South half of Lot 5 and the Westerly prolongation of the South line of Lot 6, UNEEDA ACRES AMENDED, according to Book 11 of Maps page 21, records of Maricopa County, Arizona.

Parcel 8:

The North 20 feet of Lot 7, UNEEDA ACRES AMENDED, according to Book 11 of Maps, Page 21, records of Maricopa County, Arizona.

Parcel 9:

All of that certain abandoned alley, abandoned by Resolution recorded in documents no. 84-118813, records of Maricopa County, Arizona, lying between the Westerly prolongation of the North and South lines of the North 20 feet of Lot 7 UNEEDA ACRES AMENDED, according to Book 11 of Maps page 21, records of Maricopa County, Arizona.

Parcel 10:

The West half of that certain abandoned alley, abandoned by Resolution recorded in documents no. 84-118813, records of Maricopa County, Arizona, lying between the Westerly prolongation of a line 9 feet South of the North line of Lot 4 and the Westerly prolongation of the South line of Lot 6, UNEEDA ACRES AMENDED, according to Book 11 of Maps page 21, records of Maricopa County, Arizona.

Maricopa County Parcels:

The above Legal Description includes the following Parcels:

121-67-003A

121-67-004B

121-67-004C

121-67-006C

121-67-010G

121-67-006D

DRAFT

ORDINANCE LOCATION MAP

EXHIBIT B

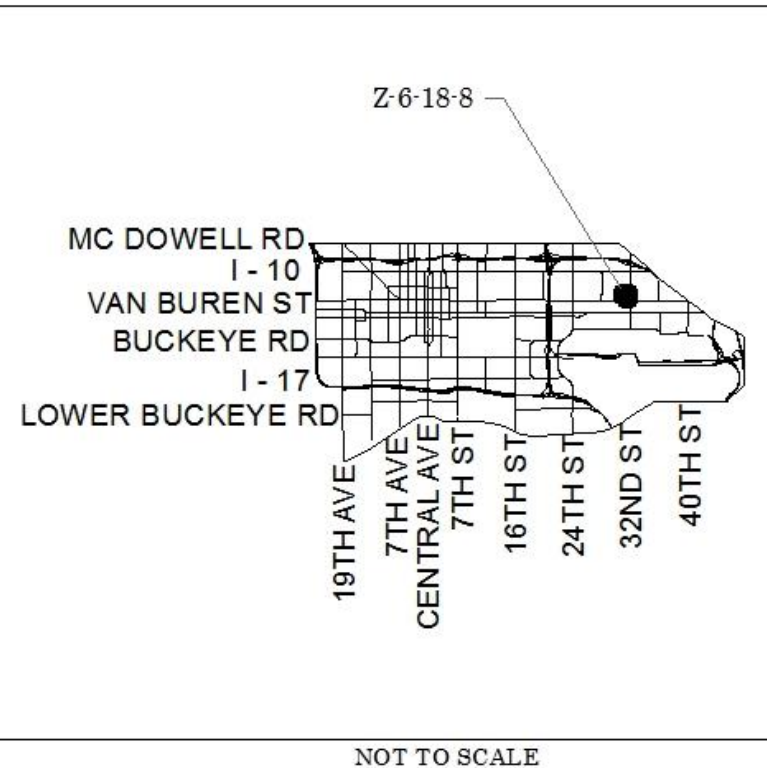
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: - - - - -

Zoning Case Number: Z-6-18-8

Zoning Overlay: N/A

Planning Village: Central City



Drawn Date: 3/22/2018