

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 ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (Z-10-22-4) FROM R-4 HRI TOD-1 (MULTIFAMILY RESIDENCE DISTRICT, HIGH-RISE INCENTIVE DISTRICT, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) AND P-1 TOD-1 (PASSENGER AUTOMOTIVE PARKING – LIMITED, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) TO WU CODE T5:7 MT (WALKABLE URBAN CODE, TRANSECT 5:7 DISTRICT, TRANSIT MIDTOWN CHARACTER AREA) AND P-1 TOD-1 (PASSENGER AUTOMOTIVE PARKING – LIMITED, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE).

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

SECTION 1. The zoning of a 1.16-acre site located approximately 400 feet east of the southeast corner of Central Avenue and Roanoke Avenue, in a portion of Section 32, Township 2 North, and Range 3 East, as described more specifically in Exhibit “A”, is hereby changed from 1.10-acres of “R-4 HRI TOD-1” (Multifamily Residence District, High-Rise Incentive District, Interim Transit-Oriented Zoning Overlay District One) and 0.06-acres of “P-1 TOD-1” (Passenger Automotive Parking – Limited, Interim Transit-Oriented Zoning Overlay District One), to 0.54-acres of “WU Code T5:7 MT” (Walkable Urban Code, Transect 5:7 District, Transit Midtown Character Area) and

0.62-acres of “P-1 TOD-1” (Passenger Automotive Parking – Limited, Interim Transit-Oriented Zoning Overlay District One).

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 sidewalk along Roanoke Avenue shall be shaded and detached in compliance with applicable provisions of the Walkable Urban Code and designed to replicate streetscape improvements east of the subject site with specific regard to sidewalk width, meander, materials, and landscape palette, as approved or modified by the Planning and Development Department.
2. A minimum 30-foot landscape setback shall be provided along Roanoke Avenue, excluding the width of one drive-aisle, and planted with minimum 3-inch caliper shade trees, placed 20 feet on center or in equivalent groupings, and with trees situated to provide shade on the public sidewalk, as approved by the Planning and Development Department.
3. The developer shall provide an east-west pedestrian thoroughfare across the subject site at the location depicted on the Conceptual Site Plan date stamped April 14, 2022 and improved to the following specifications, as approved or modified by the Planning and Development Department.
 - a. With the exception of drive-aisle crossings, the pedestrian thoroughfare shall be shaded to 75 percent by shade trees with a minimum 3-inch caliper.
 - b. The pedestrian thoroughfare shall be separated from vehicular parking and circulation areas by five-foot landscape area(s) planted with shrubs and shade trees.
 - c. The pedestrian thoroughfare shall be illuminated by pedestrian scale light fixtures.
 - d. Where the pedestrian thoroughfare crosses drive-aisles, the crossing shall visually contrast with parking and drive aisle surfaces.

4. The developer shall provide secure bicycle parking for six bicycles and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

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 July, 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 (2 Pages)
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-10-22-4

LEGAL DESCRIPTION for PARCEL 10 (118-44-050 and 118-44-051) TO BE REZONED FROM R-4 TO P-1

A PORTION OF LAND LOCATED IN NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN HANDHOLE AT THE INTERSECTION OF EAST ROANOKE AVENUE AND NORTH THIRD STREET, FROM WHICH A BRASS CAP FLUSH AT THE INTERSECTION OF EAST THOMAS ROAD AND NORTH THIRD STREET BEARS NORTH 00 DEGREES 12 MINUTES 03 SECONDS EAST, A DISTANCE OF 1,319.30 FEET;

THENCE ALONG SAID EAST ROANOKE AVENUE, NORTH 89 DEGREES 32 MINUTES 44 SECONDS WEST, 760.57 FEET;

THENCE LEAVING SAID EAST ROANOKE AVENUE, SOUTH 00 DEGREES 27 MINUTES 16 SECONDS WEST, 30.00 FEET, TO THE POINT OF BEGINNING:

THENCE SOUTH 00 DEGREES 10 MINUTES 58 SECONDS WEST, 221.29 FEET;

THENCE NORTH 89 DEGREES 48 MINUTES 39 SECONDS WEST, 106.97 FEET;

THENCE NORTH 00 DEGREES 10 MINUTES 47 SECONDS EAST, 221.79 FEET;

THENCE SOUTH 89 DEGREES 32 MINUTES 44 SECONDS EAST, 106.98 FEET, TO THE POINT OF BEGINNING.

SAID PORTION OF LAND CONTAINING 23,700 SQUARE FEET, OR 0.5441 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND/OR RIGHTS-OF-WAYS OF RECORD OR OTHERWISE.

THIS DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY, OR ANY OTHER LAND DIVISION RESTRICTIONS.

LEGAL DESCRIPTION: PARCEL NUMBER: 118-44-090D TO BE REZONED FROM R-4 TO WU CODE T5:7

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

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 32 FROM WHICH THE CENTER OF SECTION BEARS AS THE BASIS OF BEARINGS SOUTH 00°10'07" WEST, A DISTANCE OF 2638.37 FEET;

THENCE SOUTH 00°10'07" WEST, ALONG THE NORTH-SOUTH MID-SECTION LINE, A DISTANCE OF 765.30 FEET; THENCE SOUTH 89°49'09" EAST, A DISTANCE OF 459.72 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89°49'09" EAST, A DISTANCE OF 190.28 FEET;

THENCE SOUTH 00°10'07" WEST, A DISTANCE OF 122.87 FEET;

THENCE NORTH 89°36'21" WEST, A DISTANCE OF 190.28 FEET;

THENCE NORTH 00°10'07" EAST, A DISTANCE OF 122.16 FEET TO THE POINT OF BEGINNING.

ORDINANCE LOCATION MAP

EXHIBIT B

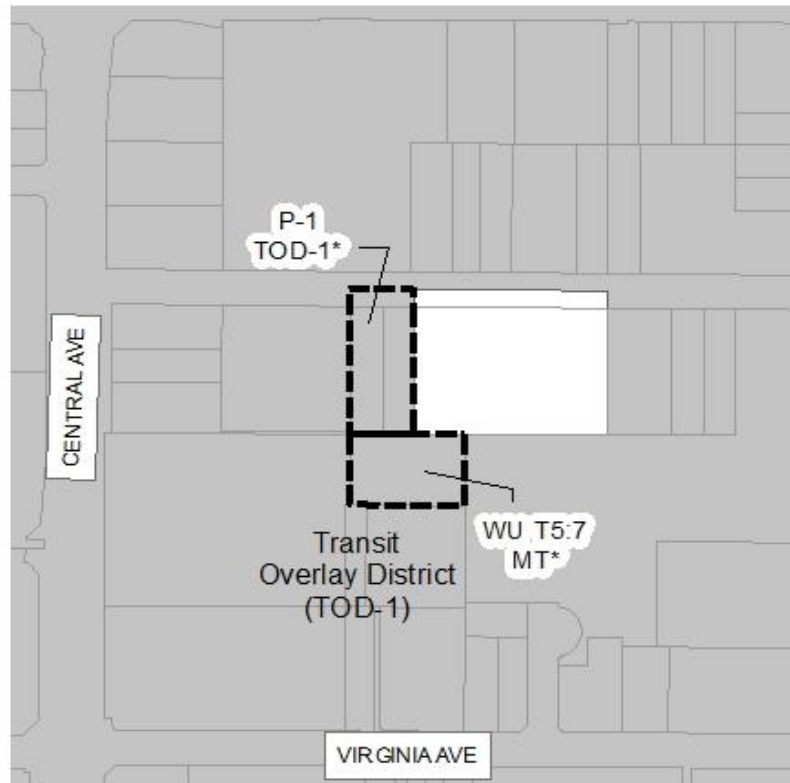
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

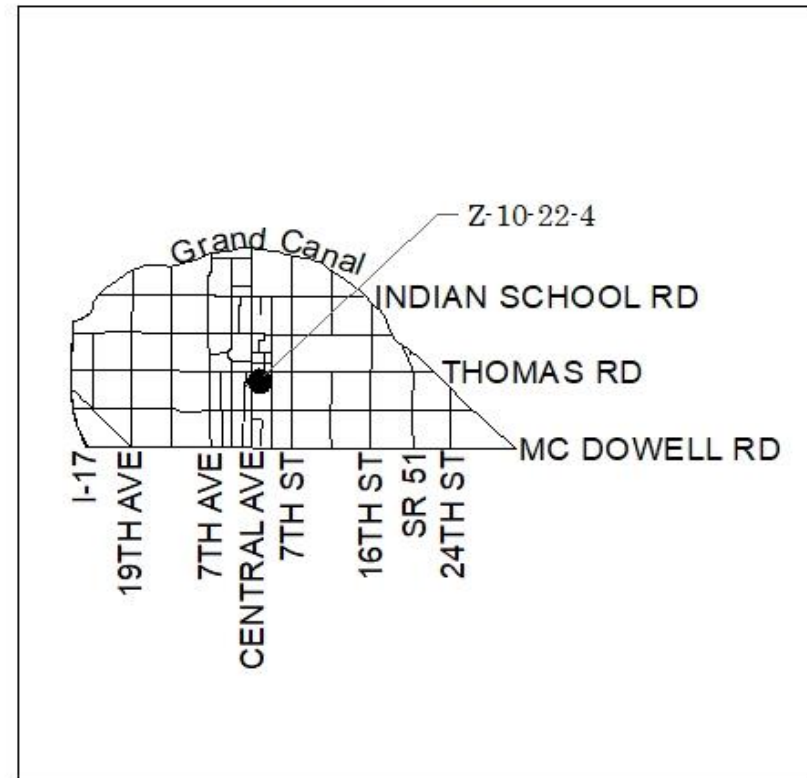
Zoning Case Number: Z-10-22-4

Zoning Overlay: Transit Overlay District (TOD-1)

Planning Village: Encanto



0 135 270 540 Feet



NOT TO SCALE



Drawn Date: 5/31/2022