

ORDINANCE G-7052

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 (CASE Z-27-22-6) FROM C-2 (INTERMEDIATE COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT).

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

follows:

SECTION 1. The zoning of a 2.55-acre site located at the northeast corner of 7th Street and Colter Street in a portion of Section 16, Township 2 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "C-2" (Intermediate Commercial) to "PUD" (Planned Unit Development).

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. An updated Development Narrative for the Zola North Central PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped Aug. 26, 2022, as modified by the following stipulations:
 - a. Front cover: Revise the date information on the cover page to the following:

City Council Adopted: [Add Adoption Date]
 - b. Page 11, D3: Parking, Section A. Vehicular standards: Update Item 1. Resident and Visitor Parking (Minimum) to Efficiency Units: 1.3 spaces per dwelling unit, 1-Bedroom Units: 1.5 spaces per dwelling unit, 2-Bedroom Units: 1.5 spaces per dwelling unit.
 - c. Page 11, D3: Parking, Section A. Vehicular standards: Add a sentence that reads "A minimum of 10% of the required parking spaces shall be utilized for visitor parking purposes."
 - d. Page 10, D2: Landscape Standards Table, Section A. Landscape Standards, 2. Streetscape – (Adjacent to 7th Street), Public Sidewalk: Update sentence to read "Remove existing attached sidewalk and replace with minimum 7' wide detached sidewalk."
2. 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.
3. The developer shall dedicate a minimum 10-foot-wide sidewalk easement and construct the east side of 7th Street, as approved by the Planning and Development Department.
4. The developer shall fully fund a traffic control device at the intersection of 7th Street and Colter Street, as determined and approved by the Street Transportation Department.
5. The applicant shall submit a Traffic Impact Study to the City for this development. The developer shall be responsible for cost and construction of all mitigation identified through the analysis. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation 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 developer shall construct a bus stop pad along northbound 7th Street. The Bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet and shall be located from the intersection of Colter Street according to City of Phoenix Standard Detail P1258.
8. 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.
9. 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.
10. Pedestrian access gates shall be provided in patio walls at the ground floor units fronting a public sidewalk and pedestrian pathways shall be provided to connect the ground floor units to the sidewalk, as approved by the Planning and Development Department.
11. Prior to issuance of building permits, the developer shall deposit \$460,000 with the City of Phoenix to fund a portion of a traffic control device at the 7th Street and Colter Street intersection or other traffic mitigation devices on adjacent streets as approved by the Street Transportation Department. The type of intersection design will be as determined and approved by the Street Transportation Department. Any traffic control device approved for installation shall be programmed by the City within twenty four (24) months of final recommendation of the City sponsored Colter Street Pedestrian and Bicycle Improvements Project. Any funds remaining after twenty four (24) months of final recommendation or if a recommendation is not made or construction of the traffic control device has not started within six years of deposit, shall be refunded to the developer.

12. Vehicular movement within the 7th Street and Colter Street intersection will be evaluated as part of the pending final design recommended by the Colter Street Pedestrian and Bicycle Improvements Plan, which at a minimum will provide for traffic control restrictions for west bound traffic on Colter Street into the Windsor Square Neighborhood, as approved by the Street Transportation Department.
13. The developer acknowledges that:
 - a. They will participate in the public process for the development of the Colter Street Pedestrian and Bicycle Improvements Plan ("Plan") and
 - b. That the plan may result in vehicular movement restrictions at the 7th Street and Colter Street Intersection.

Implementation of this stipulation shall not delay or condition any City approvals for the development of the project. Any plan related recommended changes to Colter Street and/or 7th Street shall be implemented by the City of Phoenix.


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 16th day of November, 2022.



MAYOR

ATTEST:


Denise Archibald, City Clerk
12.14.2022



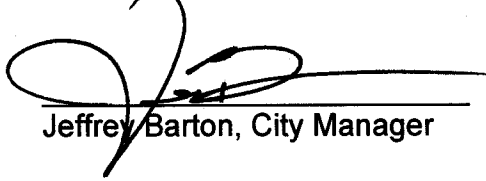
APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By: 

Deryck R. Lavelle, Chief Counsel

pml

REVIEWED BY:



Jeffrey Barton, City Manager

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Exhibits:

- A – Legal Description (2 Pages)
- B – Ordinance Location Map (1 Page)

EXHIBIT A

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

PARCEL NO. 1:

THE WEST 337 FEET OF THE SOUTH ONE-HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE SOUTH 105 FEET OF THE WEST 221 FEET; AND

EXCEPT THE SOUTH 30 FEET THEREOF; AND

EXCEPT THE WEST 40 FEET THEREOF; AND

EXCEPT ALL COAL, ASPHALTUM, OIL, GASES, FERTLIZERS, FOSSILS AND OTHER LIKE SUBSTANCES IN OR UNDER SAID LAND AS RESERVED UNTO THE STATE OF ARIZONA IN THE PATENT TO SAID LAND.

PARCEL NO: 2:

THE SOUTH 105 FEET OF THE WEST 221 FEET OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE SOUTH 30 FEET THEREOF; AND

EXCEPT THE WEST 40 FEET THEREOF; AND

EXCEPT ANY PORTION LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY:

THAT PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALR RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, DISTANT 33 FEET EAST OF THE SOUTHWEST CORNER THEREOF;

THENCE NORTH, PARALLEL TO AND 33 FEET EAST OF THE WEST LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TO A POINT ON THE NORTH LINE THEREOF;

THENCE EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, A DISTANCE OF 7 FEET;

THENCE SOUTH, PARALLEL TO AND 40 FEET EAST OF THE WEST LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TO A POINT WHICH IS 45 FEET NORTH OF THE SOUTH LINE THEREOF;

THENCE SOUTHEASTERLY TO A POINT WHICH IS 30 FEET NORTH AND 55 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16;

THENCE EAST, PARALLEL TO AND 30 FEET NORTH OF THE SOUTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TO A POINT WHICH IS 30 FEET NORTH AND 25 FEET WEST OF THE SOUTHEAST QUARTER THEREOF;

THENCE NORTH, PARALLEL TO AND 25 FEET WEST OF THE EAST LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16 TO A POINT ON THE NORTH LINE THEREOF;

THENCE EAST, ALONG THE EAST LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16 TO THE SOUTHEAST CORNER THEREOF;

THENCE WEST, ALONG THE SOUTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TO THE POINT OF BEGINNING;

EXCEPT ALL COAL, ASPHALTUM, OIL, GASES, FERTILIZERS, FOSSILS AND OTHER LIKE SUBSTANCES IN OR UNDER SAID LAND AS RESERVED UNTO THE STATE OF ARIZONA IN THE PATENT TO SAID LAND.

