

ORDINANCE G-6813

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-64-19-4) FROM P-2 TOD-1 (PARKING, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of a 0.94 acre property located approximately 238 feet west of the southwest corner of 3rd Street and Thomas Road, in a portion of Section 32, Township 2 North, 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 "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 U-Haul Smart Mobility Center Flagship Store PUD reflecting the changes approved through this request shall be submitted to the Planning Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative date stamped December 11, 2020 as modified by the following stipulations.
  - a. Front Cover: Add "City Council adopted: [Insert Adoption date]" below "Hearing Draft: December 10, 2021."
  - b. Page 12: Revise the table entry for Parking Standards to: delete Bullet No. 1 regarding bicycle parking and to modify Bullet No. 2 to specify that the bicycle repair station shall be installed outside the building, in a conspicuous location, and accessible from the public sidewalk.
  - c. Page 12: Revise the table entry for Signage Standards to read as follows: "The PUD will meet the requirements of this section aside from one deviations and requirements found in Section E. Signs on page 14."
  - d. Page 12: Revise the table entry for Landscape Standards to read as follows: "The PUD will meet the requirements of this section, as applicable to the T5:7 transect, with the additional requirement that the Thomas Road frontage be planted with a minimum of seven (7) drought tolerant shade trees with 25 percent four-inch caliper and the remainder being three-inch caliper or greater."
  - e. Page 13: Revise the table entry for Character Areas to read as follows: "The PUD will meet the requirements of this section, as applicable to the T5:7 Transect, for the Transit Midtown Character Area, with three additions and clarifications...:"
    - (1) Delete Bullet No. 1.
    - (2) Modify Bullet No. 2 to read "Trees" as required per the Section 1309 and as modified by the Section 1309 reference in this table, in addition to shrubs to provide 75% groundcover between the sidewalk and the building frontage, excluding vehicular driveways.

f. Page 14 and 15: Delete the table beginning with “Sign Type” in the upper left cell, delete the remaining paragraph, and replace with the below language:

- (1) “To govern signage on the site, the development shall adhere to the following conditions, as approved by the Planning and Development Department:”
  - (a) The wall mural (lifestyle graphic) shall not exceed 112 square feet in area and 46 feet from grade to the top of the sign.
  - (b) Prior to the issuance of any sign permits within the PUD, a Comprehensive Sign Plan will be adopted in accordance with the procedures in Section 705.E.2.
  - (c) Signs over 56 feet from grade to the top of the sign shall be incorporated into the approved or amended Comprehensive Sign Plan.
  - (d) In order to reduce lighting impacts to nearby residential uses, the maximum luminance (brightness) for all wall signs shall be 60 nits measured at the sign face. The maximum color temperature for all wall signs shall be 4,000 Kelvin. Sign permit applicants shall provide certification from a qualified registrant of compliance with these lighting standards prior to the issuance of permits for wall signs.
  - (e) The high-rise wall signs shall have a dimmer control installed and the signs’ luminance shall be dimmed 50% at 10:30 pm.

2. The driveway on Thomas Road shall be restricted to a three-quarter access prohibiting left-turn egress constructed per City of Phoenix modified Standard Detail P1243-1 or other alternatives, as approved or modified by the Street Transportation Department.

3. 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.

4. 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.
5. 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.
6. 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.

  
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MAYOR

ATTEST:

  
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Denise Archibald, City Clerk



03-11-2021

APPROVED AS TO FORM:  
Cris Meyer, City Attorney

By: David Benton  
David Benton, Chief Counsel

*Pml*

REVIEWED BY:

Ed Zuercher  
Ed Zuercher, City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

PL:tml:LF21-0272:3-3-2021:2239016v1

EXHIBIT A

LEGAL DESCRIPTION FOR Z-64-19-4

A PORTION 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. BEING MORE PARTICULARLY DESCRIBED AS;

(APN 118-44-005A)

The West half of Lot 3, of WEST BALTIMORE HEIGHTS, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 4 of Maps, Page 31;  
EXCEPT the North 9 feet thereof.

AND

(APN 118-44-007A and 118-44-008A)

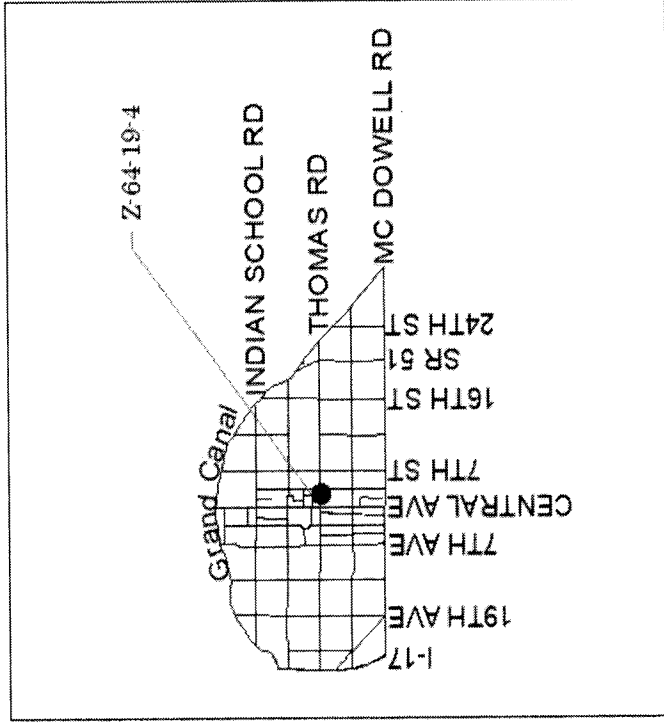
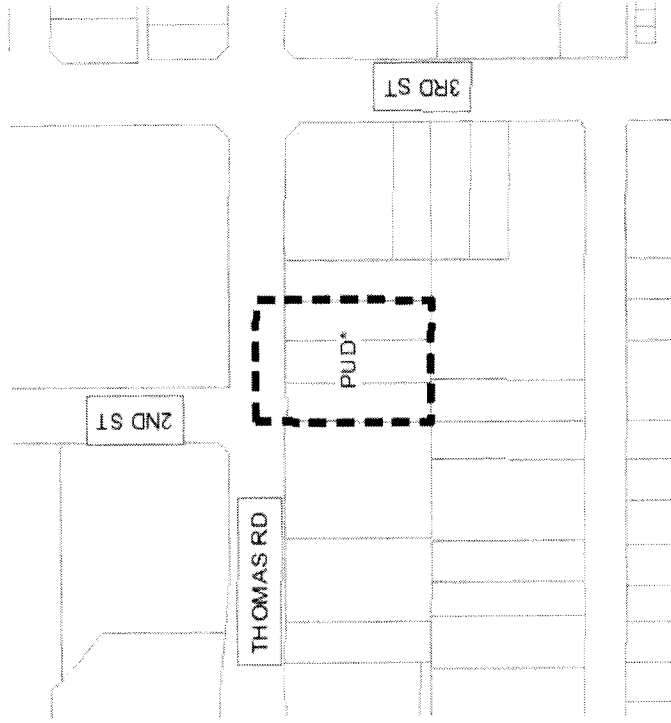
Lot 4, of WEST BALTIMORE HEIGHTS, according to the plat of record in the Office of the County Recorder of Maricopa County, Arizona in Book 4 of Maps, Page 31;  
EXCEPT the West 31 feet of the South 3 feet of the North 12 feet;  
and EXCEPT the North 9 feet.

**EXHIBIT B**

**ORDINANCE LOCATION MAP**

Zoning Case Number: Z-64-19-4  
Zoning Overlay: N/A  
Planning Village: Encanto

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



NOT TO SCALE



Drawn Date: 2/8/2021

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