

ORDINANCE G-6115

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-27-15-4) FROM R3 TOD-1 (MULTIPLE FAMILY RESIDENCE, INTERIM TRANSIT ORIENTED DISTRICT ONE), C-2 TOD-1 (INTERMEDIATE COMMERCIAL, 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 an approximately 2.10-acre property located at the northeast corner of Central Avenue and Pierson Street in a portion of Section 20, Township 2 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from R3 TOD-1 (Multiple Family Residence, Interim Transit Oriented Zoning Overlay District One), C-2 TOD-1 (Intermediate Commercial, 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 Attachment "B".

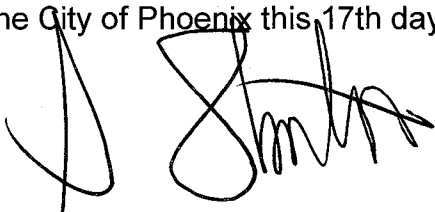
SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to compliance with the PUD narrative and the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. An updated Development Narrative for the Omninet – East 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 October 14, 2015.
2. The property owner shall provide a deposit in the amount of \$25,000 into a Street Transportation Department escrow account at the City of Phoenix to be utilized for traffic calming measures along 1<sup>st</sup> Street in the St. Francis neighborhood within (6) months of City Council approval. These funds shall be utilized to improve existing traffic mitigation infrastructure along 1<sup>st</sup> Street, as approved by the Street Transportation Department. Any remaining funds will be deposited in the separate account established to comply with stipulation number 3.
3. The property owner will deposit an additional \$25,000 (for a total of \$50,000) into a Street Transportation Department escrow account at the City of Phoenix to be utilized for traffic calming or management tools for the area bounded by Central Avenue, Camelback Road, 7th Street, and Pierson Street at the time of construction. These funds may be contributed toward the purchase and installation of such devices as roundabouts, speed humps/cushions, or raised crosswalks (speed tables), limited turning, traffic diverters or other such traffic calming or management tools. Distribution of funds shall be at the mutual agreement of the five member Neighborhood Traffic Team, the residents on affected streets and the City of Phoenix Streets Department Safety and Neighborhood Traffic Section. Owner may apply for reimbursement of escrow funds from the Street Transportation Department if no formal petition has been submitted within 5 years from the issuance of a Certificate of Occupancy.
4. The property owner shall construct a temporary 6-foot wide path constructed of  $\frac{3}{4}$  inch decomposed granite 2-inches thick along their frontage adjacent to 1<sup>st</sup> Street until the project is under construction, as approved by the Planning and Development Department.
5. The approval shall be conditioned upon development commencing within seven (7) years of the City Council approval of this change of

zoning in accordance with Section 506.b.1 of the Phoenix Zoning Ordinance (for purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site).

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 17th day of February, 2016.

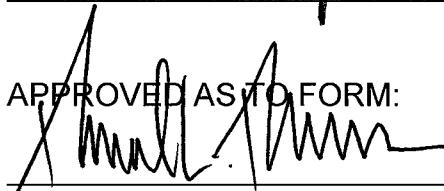
  
\_\_\_\_\_  
MAYOR

ATTEST:


  
\_\_\_\_\_  
City Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Acting City Attorney pm

REVIEWED BY:

  
\_\_\_\_\_  
City Manager

PL:tml:1216263v1(CM#17) (Item #80) 2/17/16

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-27-15-4

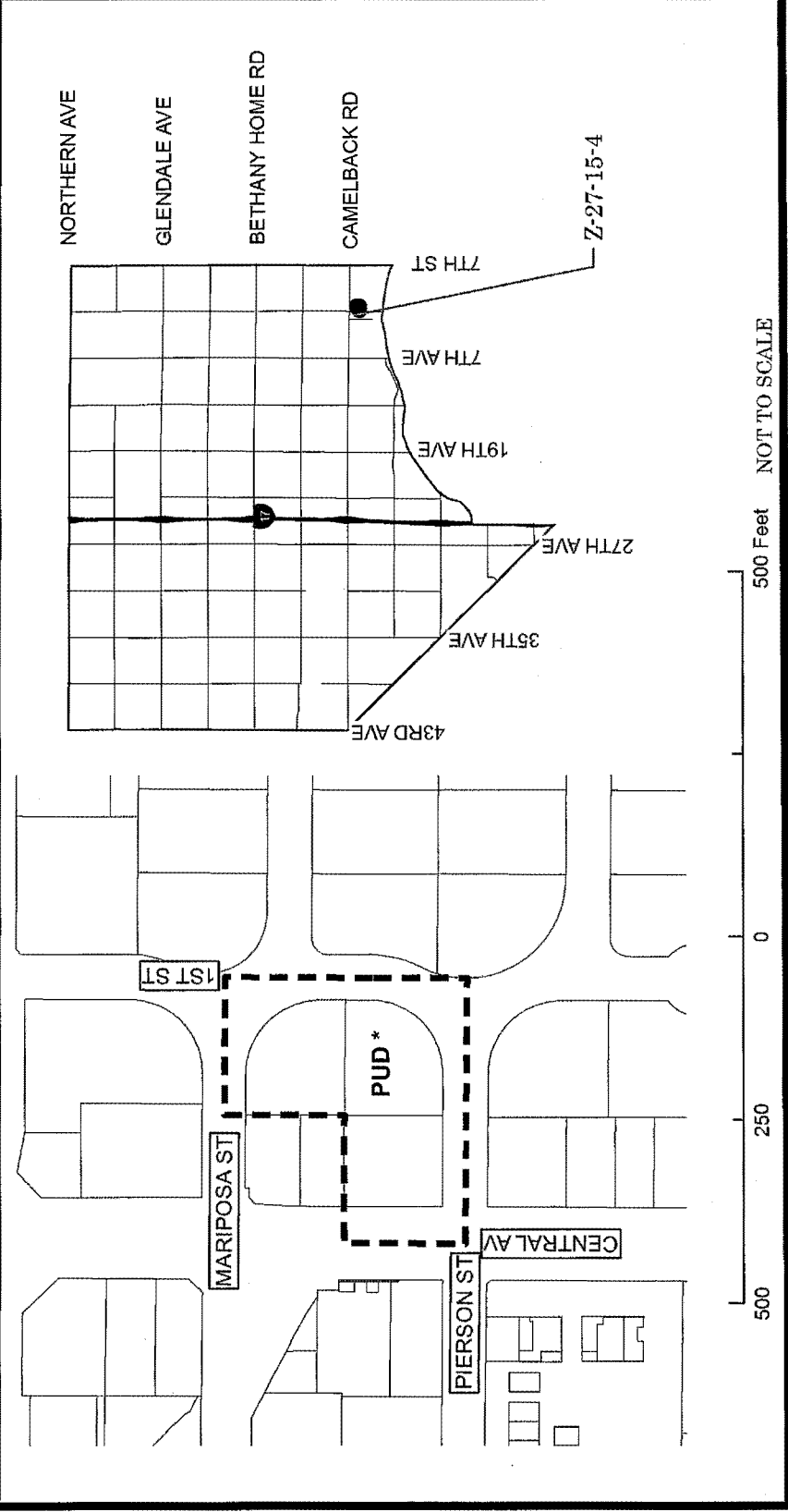
LOTS 25, 27 AND 28, SAINT FRANCIS PLACE, SECTION 20, TOWNSHIP 2 NORTH,  
RANGE 3 EAST, ACCORDING TO THE MAP IN THE OFFICE OF THE COUNTY  
RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 24 OF MAPS, PAGE 47.

ATTACHMENT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-27-15-4  
Zoning Overlay: Transit Overlay District (TOD-1)  
Planning Village: Alhambra

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



Drawn Date: 12/18/2015

S:\Department Share\PL GIS\IS\_team\Core\_Functions\Zoning\SuppMaps\_OrdMaps\2015 Ord\Formal\_Jan\_20\_2016\Z-27-15-4.mxd