

## 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 STIPULATIONS APPLICABLE TO  
REZONING APPLICATION Z-26-22-4 PREVIOUSLY APPROVED BY  
ORDINANCE G-7031.

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

SECTION 1. The zoning stipulations applicable located approximately  
430 feet east of the northeast corner of Central Avenue and Osborn Road in a portion  
of Section 29, Township 2 North, Range 3 East, as described more specifically in  
Attachment "A", are hereby modified to read as set forth below.

#### STIPULATIONS:

1. The developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 5 40-foot-wide landscape area located between the back of curb and sidewalk along the north side of Osborn Road planted to the following standards. IN ADDITION, THE DEVELOPER SHALL PROVIDE AN ADDITIONAL 3' 6" LANDSCAPE AREA LOCATED BEHIND THE BACK OF SIDEWALK ALONG 50% OF THE OSBORN ROAD FRONTAGE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with the creation of a comfortable pedestrian environment.
  - a. All trees shall be of a large canopy, shade, and single-trunk variety with a minimum 3-inch caliper.

- b. At tree maturity, the trees shall shade the sidewalks to a minimum 75 percent.
  - c. Drought tolerant shrubs and vegetative groundcovers maintained to a maximum height of 24 inches to provide a minimum of 75 percent live coverage at maturity.
- 2. The developer shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.
  - a. All required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.
  - b. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 required spaces near entrances of buildings and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.
  - c. A bicycle repair station ("fix it station") shall be provided and maintained by the developer near secure bicycle parking area.
- 3. The developer shall dedicate a sidewalk easement for any streetscape area that falls outside of dedicated right-of-way, as approved by the Planning and Development Department.
- 4. 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.
- 5. Developer to record a Notice to Prospective Purchasers of Proximity to Airport, as required by the State, prior to final site plan approval.
- 6. The developer shall provide documentation to the City prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the FAA and a "NO Hazard Determination" obtained prior to the construction start date.
- 7. The developer shall grant and record an aviation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
- 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.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-7031 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-7031 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. 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 25th day of January, 2023.

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MAYOR

ATTEST:

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Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Julie Kriegh, City Attorney

By:

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REVIEWED BY:

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Jeffrey Barton, City Manager

Exhibits:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-22—Z-26-22-4

LOCATED IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 3 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER, FROM WHICH THE EAST QUARTER CORNER BEARS SOUTH 89 DEGREES 23 MINUTES 59 SECONDS EAST, A DISTANCE OF 2663.82 FEET;

THENCE SOUTH 89 DEGREES 23 MINUTES 59 SECONDS EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 484.31 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 39 MINUTES 44 SECONDS EAST, A DISTANCE OF 434.20 FEET TO THE MONUMENT LINE OF EAST MITCHELL DRIVE;

THENCE SOUTH 89 DEGREES 24 MINUTES 33 SECONDS EAST, ALONG SAID MONUMENT LINE, A DISTANCE OF 411.36 FEET;

THENCE SOUTH 00 DEGREES 33 MINUTES 10 SECONDS WEST, ALONG THE PROLONGATION OF THE WEST LINE OF LOT 1, AS RECORDED IN BOOK 726, PAGE 48, A DISTANCE OF 434.27 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER;

THENCE NORTH 89 DEGREES 23 MINUTES 59 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 412.18 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 178,804 SQUARE FEET OR 4.105 ACRES, MORE OR LESS.

# ORDINANCE LOCATION MAP

EXHIBIT B

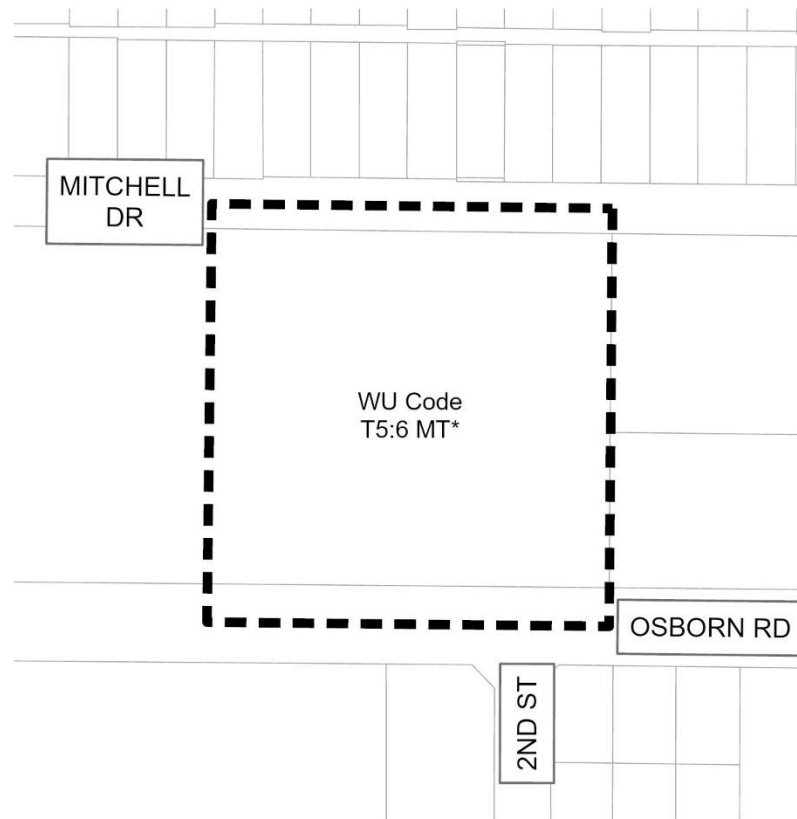
ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: ■ ■ ■ ■ ■

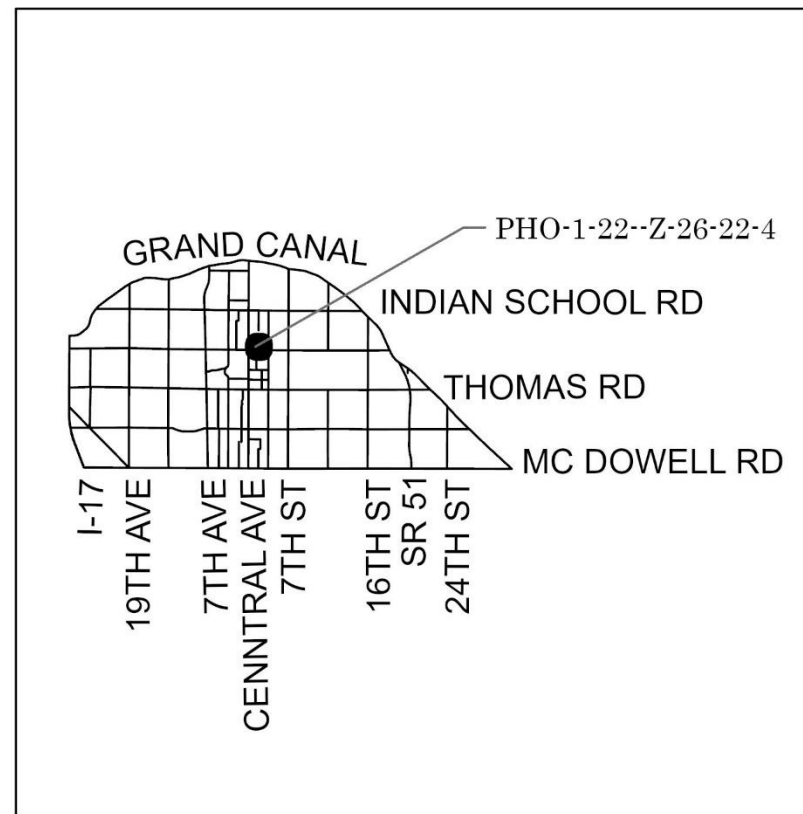
Zoning Case Number: PHO-1-22--Z-26-22-4

Zoning Overlay: N/A

Planning Village: Encanto



0 80 160 320 Feet



NOT TO SCALE



Drawn Date: 1/3/2023