

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-90-22-4) FROM R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT TO R-4A (MULTIFAMILY RESIDENCE - GENERAL).

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

SECTION 1. The zoning of a 1.63-acre site located approximately 420 feet north of the northwest corner of 18th Place and Thomas Road in a portion of Section 27, Township 2 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "R1-6" (Single-Family Residence District) to "R-4A" (Multifamily Residence - General).

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 development shall be limited to a maximum height of 30 feet within 50 feet of the north and west property lines.
2. A minimum 15-foot-wide landscape setback with two offset rows of minimum 2-inch caliper shade trees shall be placed 20 feet on center or in equivalent groupings along the north property line exclusive of the areas within 10 feet of a public utility, as approved by the Planning and Development Department.
3. An 8-foot-wide average landscape setback with minimum 2-inch caliper shade trees shall be placed 20 feet on center or in equivalent groupings along the east property line, as approved by the Planning and Development Department. The property owner shall coordinate with the adjacent property to the east to reach a mutually agreeable design solution for the landscape plan and boundary wall on the east property line.
4. The developer shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.
 - a. Bicycle parking shall be provided at a minimum of 0.25 spaces per unit and located either near the primary entrance to the building or within the building. If outside, the bicycle parking shall be in secure facilities or be installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.
 - b. One bicycle repair station shall be provided and maintained by the developer in an area of high visibility to residents.
5. The developer shall dedicate right-of-way to construct a 50-foot right-of-way if reconstructed as depicted on the site plan dated November 09, 2022, as approved by the Planning and Development 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. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.

8. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
9. 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.
10. 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.
11. 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.
12. The property owner shall record documents that disclose the existence, and operational characteristics of helipads at Phoenix Children's Hospital and Abrazo Arizona Heart Hospital to future owners the property. Additionally, lease documents shall explicitly disclose this information to future tenants of the property.
13. The sidewalk shall connect to the adjacent sidewalk on the west side of 18th place, as approved by the Planning and Development Department.
14. The property owner shall work with the Street Transportation Department to include a traffic calming feature or a crosswalk for greater safety in crossing 18th Place.
15. Windows on the east building elevation within 20 feet of the east property line shall have minimum 5-foot base sill height.
16. Outdoor stairs within 20 feet of the east property line shall be enclosed, as approved by the Planning and Development Department.
17. The developer shall comply with HUD standards outlined in 24 CFR 51.4 Subpart B regarding noise abatement and control and will provide all applicable documentation of compliance prior to final site plan approval.

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 May, 2023.

MAYOR

ATTEST:

Denise Archibald, City Clerk

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

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:

- A – Legal Description (4 Pages)
- B – Ordinance Location Map (1 Page)

EXHIBIT A

Legal Description APN 119-34-010

The Land referred to herein below is situated in the County of Maricopa, State of Arizona, and is described as follows:

That part of the Southeast quarter of the Southwest quarter of Section 27, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, described as follows:

BEGINNING at a point North 00 degrees 02 minutes 30 seconds East a distance of 451.50 feet from a point which is 994.10 feet West of the South quarter corner of said Section 27;

Thence West, a distance of 144.07 feet;

Thence North 00 degrees 80 minutes East, a distance of 44.74 feet;

Thence East, a distance of 143.63 feet to a point which is North 00 degrees 02 minutes 30 seconds East a distance of 44.75 feet from the point of beginning;

Thence South 00 degrees 02 minutes 30 seconds West, a distance of 44.75 feet to the TRUE POINT OF BEGINNING.

APN: 119-34-010

Legal Description APNS 119-34-019, -031G, -031H, -035

PARCEL NO. 1:

BEGINNING at a point 994.10 feet West and 541.00 feet North 00 degrees 02 minutes 30 seconds East from the South quarter corner of Section 27, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Thence North 00 degrees 02 minutes 30 seconds East, a distance of 89.50 feet;

Thence West, a distance of 142.70 feet;

Thence South 00 degrees 30 minutes West, a distance of 89.50 feet;

Thence East, a distance of 143.39 feet to the POINT OF BEGINNING.

PARCEL NO. 2:

That part of the Southeast quarter of the Southwest quarter of Section 27, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at a point 994.10 feet West and 630.50 feet North 00 degrees 02 minutes 30 seconds East from the South quarter corner of said Section 27;

Thence North 00 degrees 02 minutes 30 seconds East, a distance of 89.50 feet;

Thence West, a distance of 142.00 feet;

Thence South 00 degrees 30 minutes West, a distance of 89.50 feet;

Thence East, a distance of 142.70 feet to POINT OF BEGINNING;

EXCEPT therefrom the North 8.00 feet.

PARCEL NO. 3:

That part of 18th Place, abandoned by Resolution recorded in Docket 6925, Page 957, records of Maricopa County, Arizona, being part of the Southwest quarter of Section 27, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying South of the South line of URBANDALE, according to Book 37 of Maps, Page 1, records of Maricopa County, Arizona, and lying North of the line described as follows:

Beginning at a point on the center line of 18th Place which is 607.84 feet North from the intersection of said center line with the South line of the Southwest quarter of said Section 27;

Thence East at right angles to said center line a distance of 12.00 feet to the center of a circular curve concave Southerly having a radius of 37.00 feet;

Thence Northeasterly a distance of 37.00 feet to the intersection of said curve with the East right-of-way line of 18th Place, the point of said intersection being the TRUE POINT OF BEGINNING of the line described herein;

Thence Westerly along the arc of said curve, to a line parallel with 17.31 feet West of the center line of 18th Place;

Thence West at right angles to said line, a distance of 7.69 feet to the West right-of-way line of 18th Place and the TERMINUS of the line described herein;

EXCEPT the North 8.00 feet thereof.

PARCEL NO. 4:

Those portions of the Southeast quarter of the Southwest quarter of Section 27, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as Tracts 1 and 2, as follows:

TRACT 1:

BEGINNING at a point which bears West 796.60 feet and North 00 degrees 25 minutes West 571.50 feet from the South quarter corner of said Section 27;

Thence West, a distance of 143.15 feet;

Thence North 00 degrees 02 minutes 30 seconds East, a distance of 60.00 feet;

Thence East, a distance of 142.69 feet;

Thence South 00 degrees 25 minutes East, a distance of 60.00 feet to the POINT OF BEGINNING; and

TRACT 2:

BEGINNING at a point which bears West 796.60 feet and North 00 degrees 25 minutes West, a distance of 631.50 feet from the South quarter corner of said Section 27;

Thence West, a distance of 142.69 feet;

Thence North 00 degrees 02 minutes 30 seconds East, a distance of 88.50 feet;

Thence East, a distance of 142.00 feet;

Thence South 00 degrees 25 minutes East, a distance of 88.50 feet to the POINT OF BEGINNING;

EXCEPTING from said TRACTS 1 and 2, the following:

BEGINNING at a point on the center line of 18th Place which is 607.84 feet North of the intersection of said center line with the South line of the Southwest quarter of said Section 27, the right-of-way for said 18th Place having been conveyed to Maricopa County for public highway purposes by Warranty Deed recorded in Book 364 of Deeds, Page 353, records of Maricopa County, Arizona;

Thence East at right angles to said center line, a distance of 12.00 feet to the central point of a circular curve concave to the West and having a radius of 37.00 feet;

Thence Northeasterly, a distance of 37.00 feet to the intersection of said curve with the East right-of-way of 18th Place, the point of said intersection being the TRUE POINT OF BEGINNING of the parcel of land described herein;

Thence Southeasterly, Southerly and Southwesterly, along the arc of said curve, through a central angle of 130 degrees 00 minutes 32 seconds, a distance of 83.96 feet to a point of reverse curvature;

Thence to the left, along the arc of a circular curve having a radius of 20.00 feet, the East right-of-way line of said 18th Place;

Thence North along said East right-of-way line to the TRUE POINT OF BEGINNING; and further;

EXCEPTING:

BEGINNING at a point 796.60 feet West and 33.00 feet North from the South quarter corner of said Section 27;

Thence North 00 degrees 22 minutes 00 seconds East, a distance of 687.00 feet;

Thence West, a distance of 9.84 feet;

Thence South 00 degrees 25 minutes 00 seconds East, a distance of 148.50 feet;

Thence East, a distance of 7.81 feet;

Thence Southeasterly, in a straight line to the POINT OF BEGINNING.

Parcel No. 5

That part of the Southeast quarter of the Southwest quarter of Section 27, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at a point North 00 degrees 04 minutes 30 seconds East 496.00 feet from a point which is 994.10 feet West of the South quarter corner of said Section 27;

Thence North 00 degrees 02 minutes 30 seconds East, a distance of 44.75 feet;

Thence West, a distance of 143.39 feet;

Thence South 00 degrees 30 minutes West, a distance of 44.75 feet;

Thence East, a distance of 143.63 feet, more or less, to THE POINT OF BEGINNING.

ORDINANCE LOCATION MAP

EXHIBIT B

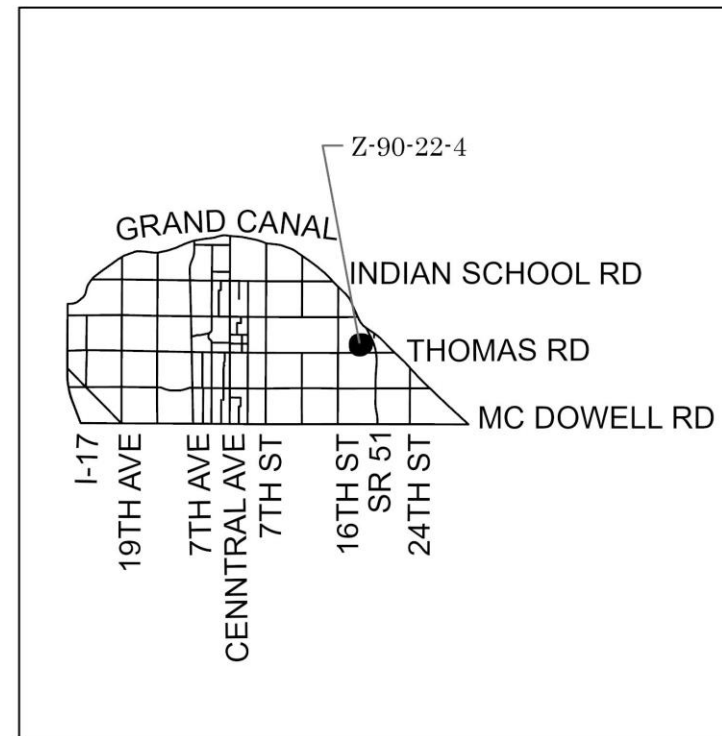
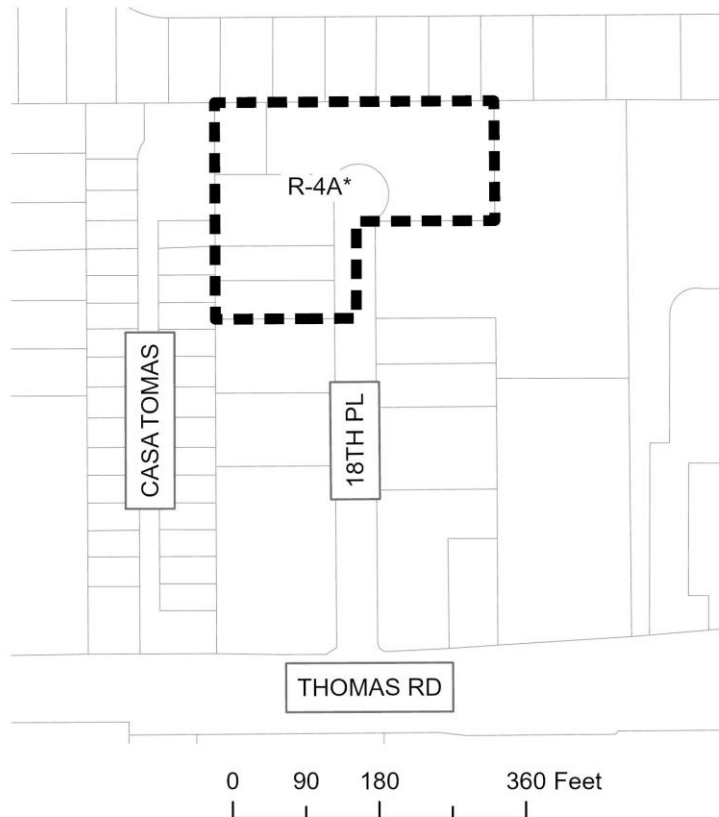
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-90-22-4

Zoning Overlay: N/A

Planning Village: Encanto



NOT TO SCALE



Drawn Date: 4/3/2023