

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 ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-87-18-4) FROM C-2 TOD-1 (INTERMEDIATE COMMERCIAL, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) AND C-3 TOD-1 (GENERAL COMMERCIAL, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) TO WU CODE T5:6 MT (WALKABLE URBAN CODE, TRANSECT 5:6 DISTRICT, TRANSIT MIDTOWN CHARACTER AREA).

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

SECTION 1. The zoning of a 3.70-acre property located at the southeast corner of Central Avenue and Indianola Avenue in a portion of Section 29, Township 2 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "C-2 TOD-1" (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One) and "C-3 TOD-1" (General Commercial, Interim Transit-Oriented Zoning Overlay District One) to "WU Code T5:6 MT" (Walkable Urban Code, Transect 5:6 District, Transit Midtown Character Area).

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 developer shall (re)construct sidewalk and landscape improvements to comply with Section 1312.C.1.c. of the Zoning Ordinance, as approved by the Planning and Development Department.
2. The development shall comply with the Central Avenue Development Standards, as approved by the Planning and Development Department.
3. The development shall provide a minimum 75% shaded pedestrian connection minimum 5-feet in width across the site to connect from Central Avenue to Clarendon Avenue, as approved by the Planning and Development Department. Shade calculations shall be based on the summer solstice at 12:00 p.m.
4. The development shall install, as approved by the Planning and Development Department:
 - a. All required bicycle parking spaces for the multifamily use, per Section 1307.H.6.d. of the Zoning Ordinance, as secured bicycle parking.
 - b. A minimum of 5 inverted-U style bicycle racks for guests, placed near entrances to the building and installed per the requirements of Section 1307.H.4. of the Zoning Ordinance.
5. A 15-foot by 15-foot right-of-way triangle shall be dedicated at the southeast corner of Central Avenue and Indianola Avenue, 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. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
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. The development shall be in general conformance to the site plan date stamped December 4, 2018, as approved by the Planning and Development Department.

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 April, 2019.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

Exhibits:

A – Legal Description (2 Pages)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-87-18-4

EXHIBIT "A"
AURA MIDTOWN GROSS ACREAGE

A PORTION OF LOT 6 AND THE ADJACENT RIGHT-OF-WAY OF CENTRAL AVENUE AS SHOWN ON THE FINAL PLAT FOR "T.M. EARNHART'S SUBDIVISION" RECORDED IN BOOK 3 OF MAPS, PAGE 43, MARICOPA COUNTY RECORDS (M.C.R.); LOTS 7-10 AND THE ADJACENT HALF STREET RIGHT-OF-WAY OF INDIANOLA STREET AND CENTRAL AVENUE, AS SHOWN ON THE FINAL PLAT FOR "INDIANOLA PLACE" RECORDED IN BOOK 3, PAGE 69, M.C.R.; LOT 1 AND THE ADJACENT RIGHT-OF-WAY OF INDIANOLA AVENUE AND CLARENDON AVENUE AS SHOWN ON THE FINAL PLAT FOR "MAC PHOENIX" RECORDED IN BOOK 456, PAGE 19 AND LOCATED IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 29, ESTABLISHED FROM REFERENCE MONUMENTS PER DOCUMENT NUMBER 2009-0003295, M.C.R. FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 29, BEING MARKED BY A BRASS CAP IN HANDHOLE, BEARS SOUTH 89 DEGREES 20 MINUTES 31 SECONDS EAST, 2673.53 FEET;

THENCE SOUTH 00 DEGREES 00 MINUTES 50 SECONDS EAST, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER AND ALSO THE CENTERLINE OF CENTRAL AVENUE, 882.19 FEET TO THE CENTERLINE OF INDIANOLA AVENUE AND THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID WEST LINE, SOUTH 89 DEGREES 21 MINUTES 07 SECONDS EAST, ALONG SAID CENTERLINE, 464.77 FEET TO AN INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE WEST LINE OF LOT 1 AS SHOWN ON SAID "MAC PHOENIX" FINAL PLAT;

THENCE DEPARTING SAID CENTERLINE, SOUTH 00 DEGREES 01 MINUTES 47 SECONDS WEST, ALONG SAID PROLONGATION AND ALSO THE EAST LINE OF SAID LOT 1, 220.15 FEET;

THENCE CONTINUING ALONG SAID EAST LINE, NORTH 89 DEGREES 21 MINUTES 23 SECONDS WEST, 2.20 FEET;

THENCE CONTINUING ALONG SAID EAST LINE AND THE SOUTHERLY PROLONGATION THEREOF, SOUTH 00 DEGREES 03 MINUTES 44 SECONDS WEST, 219.98 FEET TO THE CENTERLINE OF CLARENDON AVENUE AS SHOWN ON SAID FINAL PLAT;

THENCE DEPARTING SAID SOUTHERLY PROLONGATION, NORTH 89 DEGREES 23 MINUTES 03 SECONDS WEST, ALONG SAID CENTERLINE, 140.96 FEET;

THENCE DEPARTING SAID CENTERLINE, NORTH 00 DEGREES 03 MINUTES 39 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 1 AND ITS SOUTHERLY PROLONGATION, 142.55 FEET;

THENCE DEPARTING SAID WEST LINE, SOUTH 88 DEGREES 25 MINUTES 29 SECONDS WEST, 321.13 FEET TO SAID WEST LINE AND SAID CENTERLINE OF SAID CENTRAL AVENUE;

THENCE NORTH 00 DEGREES 00 MINUTES 50 SECONDS WEST, ALONG SAID WEST LINE AND SAID CENTERLINE, 310.13 FEET TO THE **POINT OF BEGINNING.**

SAID PARCEL CONTAINS 160,242 SQUARE FEET, OR 3.6787 ACRES, MORE OR LESS.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

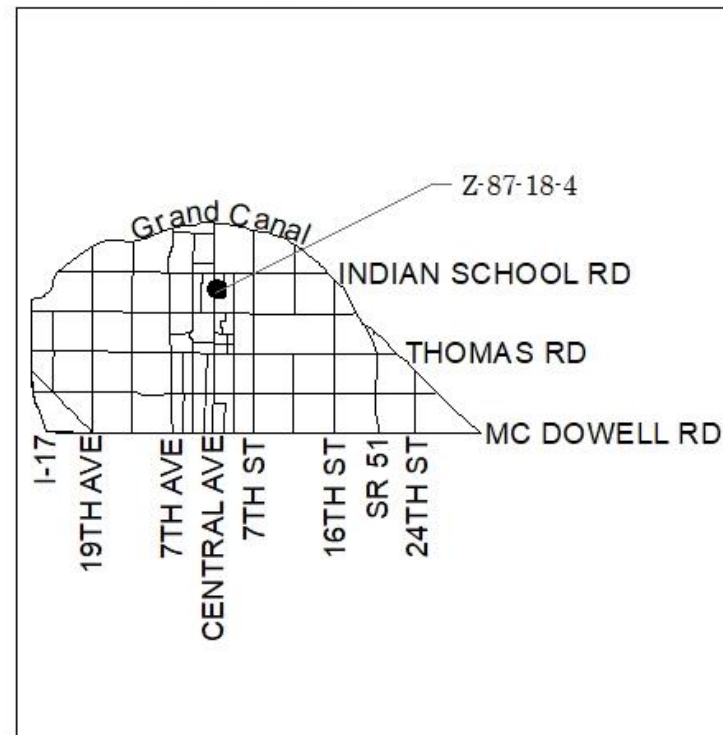
SUBJECT AREA: ■ ■ ■ ■ ■



Zoning Case Number: Z 87 18 4

Zoning Overlay: Transit Overlay District (TOD-1)

Planning Village: Encanto



NOT TO SCALE



Drawn Date: 3/5/2019