

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-29-22-4) FROM P-1 (PASSENGER AUTOMOBILE PARKING, LIMITED DISTRICT), C-2 (INTERMEDIATE COMMERCIAL DISTRICT), AND R-5 (MULTIFAMILY RESIDENCE DISTRICT) TO WU CODE T5:6 MT (WALKABLE URBAN CODE, TRANSECT 5:6, TRANSIT MIDTOWN CHARACTER AREA).

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

SECTION 1. The zoning of a 4.06-acre site located at the northwest corner of 4th Avenue and Osborn Road, in a portion of Section 29, Township 2 North, and Range 3 East, as described more specifically in Exhibit "A", is hereby changed from 0.92-acres of "P-1" (Passenger Automobile Parking, Limited District), 1.37 acres of "C-2" (Intermediate Commercial District), and 1.77 acres of "R-5" (Multifamily Residence District) to 4.06 acres of "WU Code T5:6 MT" (Walkable Urban Code, Transect 5:6, 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. There shall be a minimum landscape area of 10 feet in width measured from the west property line (adjacent to alleyway) and beginning 215 feet north of the north right-of-way line of Osborn Road and extending to the northern edge of the subject site. The area shall be planted with minimum 3-inch caliper shade trees placed 20 feet on center or in equivalent groupings, except where utility conflicts and conflicts with building egress such as ramps exist. The conditions of this stipulation shall be approved by the Planning and Development Department.
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. One bicycle repair station shall be provided and maintained by the developer in areas of high visibility and near secure bicycle parking areas.
3. The developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 10-foot-wide landscape strip located between the back of curb and sidewalk along the north side of Osborn Road, as approved by the Planning and Development Department.
4. The developer shall construct the west side of 4th Avenue for the length of the project, in general conformance with the 4th Avenue TOD Retrofit exhibit date stamped June 21, 2022, as approved or modified by the Street Transportation Department. The developer shall dedicate necessary sidewalk easement to accommodate the on-street parking and detached sidewalk design. The development project shall be responsible for all landscape and irrigation maintenance located in the right-of-way and sidewalk easement area.
5. The developer shall pave the 20-foot-wide alley per the City of Phoenix "local street" standards, as approved by the Planning and Development Department.

6. The developer shall underground all existing electrical utilities within the public right-of-way that are impacted or require relocations as part of the project. Coordinate with the affected utility company for their review and approval prior to Final Site Plan approval.
7. 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.
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. Developer to record a Notice to Prospective Purchasers of Proximity to Airport, as required by the State, prior to final site plan approval.
10. 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.
11. The developer shall grant and record an avigation 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.
12. 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.
13. The developer shall incorporate solar panels with a kW range of not less than 100 kW.

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 12th day of October,
2022.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:
A – Legal Description (1 Page)
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-29-22-4

PORTION OF THE NORTHWEST 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:

PARCEL NO. 1

UNITS 101 THROUGH 118, INCLUSIVE, 219 THROUGH 240, INCLUSIVE, AND ALL COMMON ELEMENTS OF 3500 N 4TH AVENUE CONDOMINIUM, A CONDOMINIUM AS CREATED BY THAT CERTAIN DECLARATION RECORDED OCTOBER 02, 2006 AS 2006-1298595 OF OFFICIAL RECORDS; AS SHOWN ON THE PLAT OF SAID CONDOMINIUM RECORDED AS BOOK 869 OF MAPS, PAGE 37 AND AFFIDAVIT OF CORRECTION RECORDED AS 2006-1614719 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORD OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 2

LOT 9, OF LINGERLONGER PLACE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 8 OF MAPS, PAGE 35;

EXCEPT THE EAST 10 FEET THEREOF DEEDED TO THE CITY OF PHOENIX, IN INSTRUMENT RECORDED IN DOCKET 15670, PAGE 532.

PARCEL NO. 3

LOT 10, OF LINGERLONGER PLACE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 8 OF MAPS, PAGE 35;

EXCEPT THEREFROM THE SOUTH 10 FEET, THE EAST 10 FEET, AND THAT PART OF SAID LOT 10, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 10;

THENCE NORTH ALONG THE EAST LINE THEREOF A DISTANCE OF 31 FEET;

THENCE SOUTHWEST TO A POINT IN THE SOUTH LINE OF SAID LOT 10 WHICH IS 31 FEET WEST OF THE POINT OF BEGINNING;

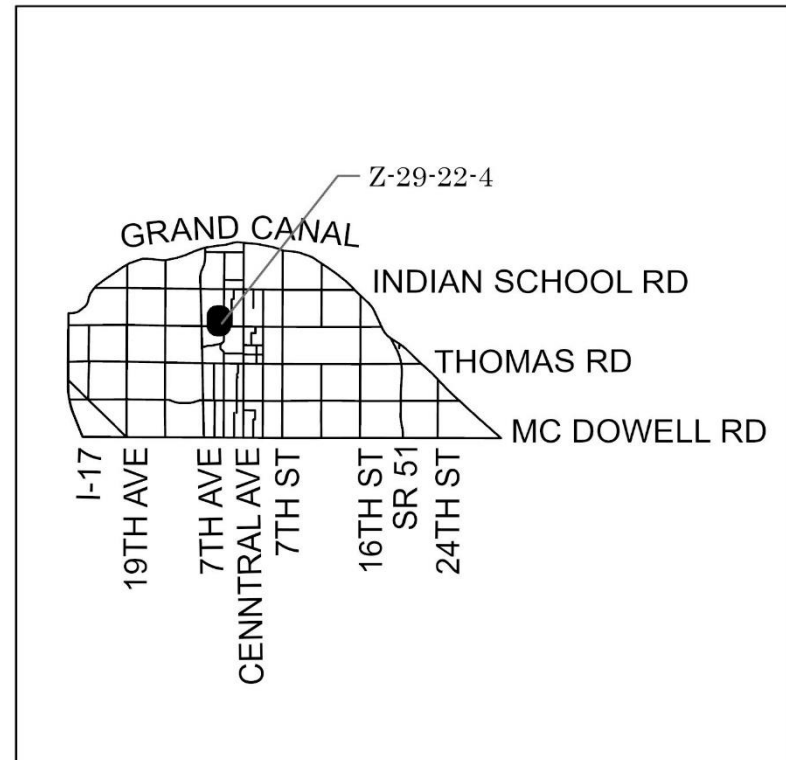
THENCE TO THE POINT OF BEGINNING, AS QUITCLAIMED TO THE CITY OF PHOENIX, BUT INSTRUMENT RECORDED MAY 30, 1974 IN DOCKET 10675, PAGE 632.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-29-22-4
Zoning Overlay: N/A
Planning Village: Encanto



NOT TO SCALE



Drawn Date: 9/12/2022