

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-12-17-4) FROM R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT) AND R-5 (MULTIFAMILY RESIDENCE DISTRICT) TO WU T5:6 MT (WALKABLE URBAN CODE MIDTOWN TRANSIT ORIENTED DEVELOPMENT POLICY DISTRICT)

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

SECTION 1. The zoning of an approximately 5.05-acre property located at the northeast corner of 3rd Street and Earll Drive in a portion of Section 29, Township 2 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "R1-6" (Single-Family Residence District) and "R-5" (Multifamily Residence District), to "WU T5:6 MT" (Walkable Urban Code Midtown Transit Oriented Development Policy District).

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 construct 3rd Street Corridor improvements which align with policies and objectives of the Complete Streets Ordinance (S-41094), the Downtown Phoenix Comprehensive Transportation Plan, the Comprehensive Bicycle Master Plan, 3rd Street Promenade and 3rd Street Pedestrian and Bicycle Improvements Pre-Design studies, as approved by the Street Transportation Department.
2. The developer shall construct the following 3rd Street Corridor improvements, consistent with the 3rd Street Pedestrian and Bicycle Improvements Pre-Design studies, as approved by the Planning and Development Department.
 - a. Remove inset on-street parking on 3rd Street and re-align curb to match north and south curb lines.
 - b. Install detached sidewalks along 3rd Street.
 - c. Install trees and plants between the curb and the sidewalk.
 - d. Record a 1-foot vehicle non-access easement along 3rd Street.
3. The development shall install a minimum of 10 bicycle racks for guests placed near entrances to the building. The racks shall be an inverted-U type design to allow parking of two bicycles per rack, as approved by the Planning and Development Department.
4. The developer shall design and construct a traffic diverter with raised curbs or other similar traffic calming or management tools for Cheery Lynn Road between 5th Street and 7th Street, following the standard Street Transportation Department petitioning guidelines for traffic calming/mitigation to initiate and complete a formal petition. Upon receipt of a building permit, the developer shall coordinate with property owners on Cheery Lynn Road between 3rd and 7th Streets for submittal of the petition to the Street Transportation Department. The developer shall design and construct the traffic calming/mitigation device prior to issuance of a Certificate of Occupancy if the Street Transportation Department has approved the traffic calming/mitigation, such diverter shall continue to allow north/south access to 5th Street from Cheery Lynn Road west of 5th Street.

5. The property owner 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 to future owners or tenants of the property.
6. 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.
7. The development shall comply with all ADA accessibility standards, as per plans 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 7th day of June, 2017.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-12-17-4

BLOCK 2 TOGETHER WITH THE EAST HALF OF ASH AVENUE (HENCEFORTH 3RD STREET), THE SOUTH HALF OF ROSE LANE (HENCEFORTH CHEERY LYNN ROAD), THE WEST HALF OF 5TH STREET AND THE NORTH HALF OF PALM AVENUE (HENCEFORTH EARLL DRIVE), OF THE REPLAT OF "PARKER L. WOODMAN TRACT", AS RECORDED IN BOOK 6 OF MAPS, PAGE 34, RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED IN THE SOUTHEAST 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:

BEGINNING AT THE STREET INTERSECTION OF 3RD STREET AND EARLL DRIVE;

THENCE NORTH 00 DEGREES 02 MINUTES 27 SECONDS EAST ALONG THE MONUMENT LINE OF 3RD STREET, A DISTANCE OF 330.98 FEET;

THENCE SOUTH 89 DEGREES 30 MINUTES 41 SECONDS EAST, ALONG THE MONUMENT LINE OF CHEERY LYNN ROAD, A DISTANCE OF 665.09 FEET;

THENCE SOUTH 00 DEGREES 04 MINUTES 23 SECONDS WEST, ALONG THE MONUMENT LINE OF 5TH STREET, A DISTANCE OF 330.61 FEET;

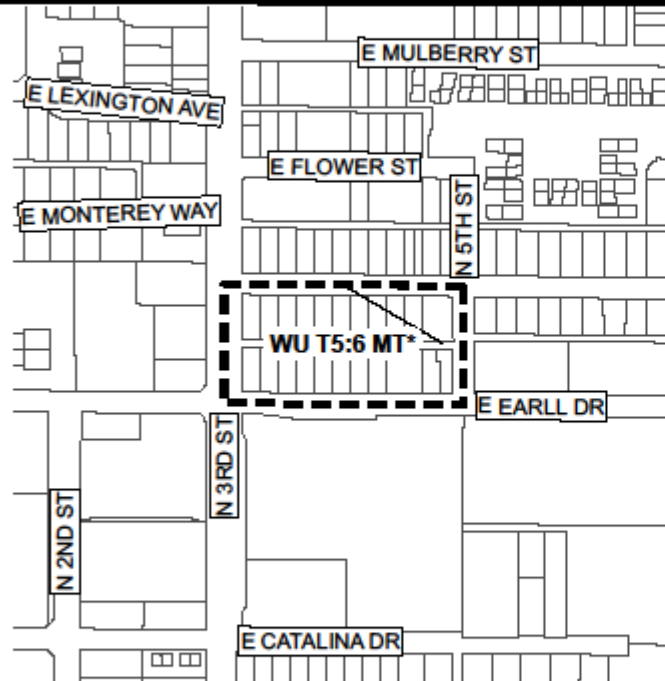
THENCE NORTH 89 DEGREES 32 MINUTES 35 SECONDS WEST, ALONG THE MONUMENT LINE OF EARLL DRIVE, A DISTANCE OF 664.90 FEET TO THE POINT OF BEGINNING.

ORDINANCE LOCATION MAP

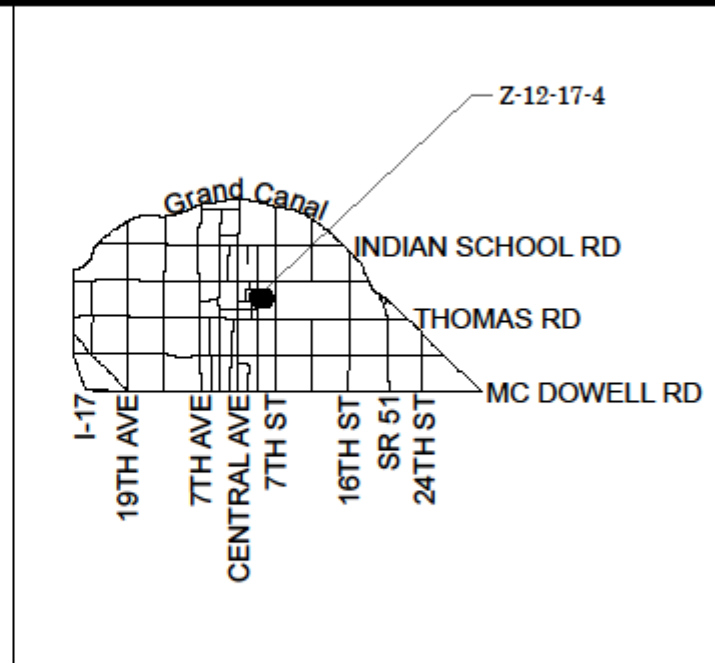
EXHIBIT B

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

Zoning Case Number: Z-12-17-4
Zoning Overlay: N/A
Planning Village: Encanto Village



300 150 0 300 Feet



NOT TO SCALE



Drawn Date: 5/11/2017

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