

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-41-18-4) FROM P-1 (PASSENGER AUTOMOBILE PARKING, LIMITED) TO R-5 H-R (MULTIFAMILY RESIDENCE DISTRICT, HIGH-RISE AND HIGH-DENSITY DISTRICT).

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

SECTION 1. The zoning of an approximately 2.94-acre property located at the northeast corner of 7th Street and Thomas Road in a portion of Section 28, Township 2 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "P-1" (Passenger Automobile Parking, Limited) to "R-5 H-R" (Multifamily Residence District, High-Rise and High-Density 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. Access to the site shall be limited to the existing driveways from Thomas Road and 7th Street, as approved by the Planning and Development Department.
2. Ground floor blank walls visible from the public sidewalk shall not exceed 20 linear feet without being interrupted by a window, door, or variation in building treatment or design, per Section 1305.2.a(2) of the Zoning Ordinance, as approved by the Planning and Development Department.
3. All buildings over four stories in height shall be designed with a base that is differentiated from the remainder of the building in order to relate to the street. The base may be between one and four stories in height, and shall be scaled to the immediate context, per Section 1209.A.7.a of the Zoning Ordinance, as approved by the Planning and Development Department.
4. Mirrored and reflective glass is prohibited.
5. The sidewalks along Thomas Road and 7th Street shall be detached with a minimum five-foot wide landscape strip located between the sidewalk and back of curb, as approved by the Planning and Development Department.
6. A double row of trees (a minimum of 50 percent 2-inch caliper and 50 percent 3-inch caliper) spaced 20 feet on center shall be provided along Thomas Road and 7th Street, as approved by the Planning and Development Department. The rows shall be placed parallel on either side of the sidewalk and shall be staggered to provide maximum shading. The trees planted along Thomas Road shall be consistent with the tree species that currently exist along the street, as approved by the Planning and Development Department.
7. A minimum of 75% of the sidewalk along Thomas Road and 7th Street shall be shaded at tree maturity per the requirements of Section 1304.F.1 in the Zoning Ordinance, as approved by the Planning and Development Department.
8. There shall be no fence placed between the streets (7th Street, Thomas Road) and buildings, as approved by the Planning and Development Department.
9. The developer shall provide a minimum of two building entrances, one on 7th Street and one on Thomas Road, that directly connects to the publicly accessible sidewalk adjacent to the street. All pedestrian entrances shall be

defined by pedestrian-oriented scale and the use of distinctive materials and architectural elements per Section 1305.3.a in the Zoning Ordinance, as approved by the Planning and Development Department.

10. The developer shall provide two pedestrian walkways, comprised of decorative paving: one that connects the sidewalk at the transit stop on 7th Street to a building entrance, and one which connects the sidewalk along Thomas Road to a building entrance, as approved by the Planning and Development Department.
11. Loading, service, and refuse areas shall be located to the interior of the site and shall be screened from view with walls, trellises, planting, mounds, or by integration into the design of the building. Decorative elements, variation in materials, and articulation shall be used, as approved by the Planning and Development Department.
12. Any portion of the parking garage visible from the public right-of-way shall incorporate an art feature(s) intended to screen the parking garage, while also providing an interesting and engaging feature at the ground level, as approved by the Planning and Development Department.
13. The developer shall install secured bicycle parking at 0.25 spaces for each residential unit and a minimum of four inverted U-bicycle racks for guests located near entrances to the building, installed per the requirements of Section 1307.H.4 of the Zoning Ordinance, as approved by the Planning and Development Department.
14. The applicant shall submit a Traffic Impact Study to the City of Phoenix Street Transportation Department and the Planning and Development Department prior to preliminary site plan review. The applicant shall be responsible for any dedications and required improvements as recommended by the approved traffic study, as approved by the Planning and Development Department and the Streets Transportation Department.
15. The developer shall dedicate right-of-way and construct a bus bay (City of Phoenix Standard Detail P1256) and bus pad with a minimum depth of 14 feet (City of Phoenix Standard Detail P1261) along northbound 7th Street, north of Thomas Road. The bus stop pad and bay shall be placed from the intersection of 7th Street and Thomas Road according to City of Phoenix Standard Detail P1258, as approved by the Public Transit Department.
16. 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 (PHX) 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 viewed and approved by the City Attorney.

17. 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.
18. The maximum building height shall be 140 feet.
19. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's Office. 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 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 November, 2018.

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)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-41-18-4

A PORTION OF LOTS 51 AND 52, COUNTRY CLUB PLACE, RECORDED IN BOOK 9, PAGE 24, MARICOPA COUNTY RECORDS (M.C.R.), AND A PORTION OF SECTION 28, ALL LYING WITHIN SECTION 28, TOWNSHIP 2 NORTH, RANGE 3 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 28, A 3-INCH CITY OF PHOENIX BRASS CAP IN HANDHOLE, FROM WHICH THE SOUTH QUARTER CORNER OF SAID SECTION, A 3-INCH CITY OF PHOENIX BRASS CAP IN HANDHOLE, BEARS SOUTH 89°57'07" EAST (BASIS OF BEARING), A DISTANCE OF 2658.38 FEET;

THENCE ALONG THE SOUTH LINE OF SAID SECTION, SOUTH 89°57'07" EAST, A DISTANCE OF 75.12 FEET;

THENCE LEAVING SAID SOUTH LINE, NORTH 00°02'53" EAST, A DISTANCE OF 42.00 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF EAST THOMAS ROAD;

THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, NORTH 44°52'08" WEST, A DISTANCE OF 35.30 FEET, TO THE EAST RIGHT-OF-WAY LINE OF NORTH 7TH STREET;

THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE, ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 00°12'50" EAST, A DISTANCE OF 44.70 FEET;

THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, SOUTH 89°57'07" EAST, A DISTANCE OF 3.00 FEET;

THENCE NORTH 00°12'50" EAST, A DISTANCE OF 22.50 FEET;

THENCE NORTH 17°48'22" WEST, A DISTANCE OF 42.02 FEET;

THENCE NORTH 00°12'50" EAST, A DISTANCE OF 55.54 FEET;

THENCE NORTH 38°53'00" EAST, A DISTANCE OF 31.23 FEET;

THENCE NORTH 77°33'40" EAST, A DISTANCE OF 5.62 FEET;

THENCE NORTH 00°12'50" EAST, A DISTANCE OF 51.78 FEET;

THENCE SOUTH 77°33'50" WEST, A DISTANCE OF 4.73 FEET;

THENCE NORTH 53°39'38" WEST, A DISTANCE OF 25.24 FEET;

THENCE NORTH 00°12'50" EAST, A DISTANCE OF 65.99 FEET, TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 00°12'50" EAST, A DISTANCE OF 242.33 FEET;

THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE, NORTH 89°09'13" EAST, A DISTANCE OF 77.22 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE;

THENCE SOUTHEASTERLY ALONG SAID NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 139.00 FEET, CONCAVE SOUTHWESTERLY, WHOSE RADIUS BEARS SOUTH 00°29'04" EAST, THROUGH A CENTRAL ANGLE OF 46°18'26", A DISTANCE OF 112.34 FEET, TO A POINT OF COMPOUND CURVATURE;

THENCE SOUTHEASTERLY ALONG SAID COMPOUND CURVE TO THE RIGHT, HAVING A RADIUS OF 227.50 FEET, CONCAVE SOUTHWESTERLY, WHOSE RADIUS BEARS SOUTH 45°49'22" WEST, THROUGH A CENTRAL ANGLE OF 25°44'20", A DISTANCE OF 102.20 FEET, TO THE CURVES END;
THENCE SOUTH 18°26'19" EAST, A DISTANCE OF 120.96 FEET;
THENCE NORTH 90°00'00" WEST, A DISTANCE OF 269.90 FEET, TO THE POINT OF BEGINNING.

CONTAINING 53,024 SQUARE FEET OR 1.217 ACRES, MORE OR LESS.

SUBJECT TO EXISTING RIGHT-OF-WAY AND EASEMENTS.

THIS PARCEL DESCRIPTION IS BASED ON CLIENT PROVIDED INFORMATION AND IS LOCATED WITHIN AN AREA SURVEYED BY WOOD, PATEL & ASSOCIATES, INC. DURING THE MONTH OF APRIL, 2018. ANY MONUMENTATION NOTED IN THIS PARCEL DESCRIPTION IS WITHIN ACCEPTABLE TOLERANCE (AS DEFINED IN ARIZONA BOUNDARY SURVEY MINIMUM STANDARDS DATED 02/14/2002) OF SAID POSITIONS BASED ON SAID SURVEY.

ORDINANCE LOCATION MAP

EXHIBIT B

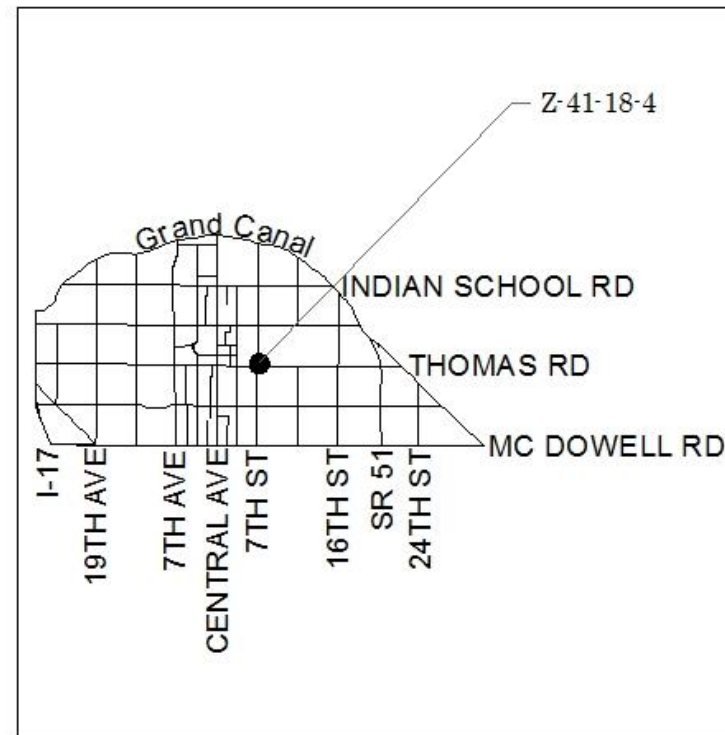
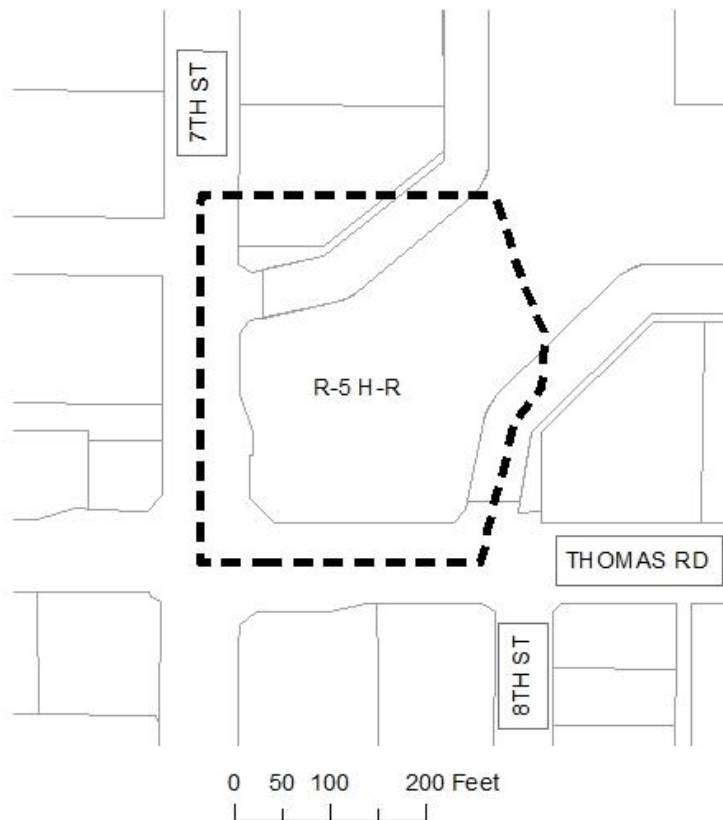
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: - - - - -

Zoning Case Number: Z-41-18-4

Zoning Overlay: N/A

Planning Village: Encanto



NOT TO SCALE



Drawn Date: 10/3/2018