

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-70-18-4) FROM R-3 (MULTIFAMILY RESIDENCE DISTRICT) TO R-4 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 0.94-acre property located approximately 170 feet south of the southwest corner of 17th Street and Glenrosa Avenue in a portion of Section 22, Township 2 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "R-3" (Multifamily Residence District) to "R-4" (Multifamily Residence 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 architecture, design, color, and building materials shall be compatible for all of the buildings within the development, as approved by the Planning and Development Department.
2. Each new unit shall provide a covered entryway, as approved by the Planning and Development Department.
3. Pedestrian connections shall be provided to the street and from the existing building to the new buildings. All pedestrian walkways shall consist of a contrasting material such as decorative pavers, stamped or colored concrete, or another contrasting material, other than those used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department.
4. There shall be a minimum 5-foot-wide detached sidewalk along 17th Street with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and shall include a minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department.
5. Minimum 3-inch caliper trees, planted 20 feet on center, or in equivalent groupings, shall be planted along the side yards adjacent to residential zoning to provide screening for adjacent residences, as approved by the Planning and Development Department.
6. 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. of the Zoning Ordinance, as approved by the Planning and Development Department.
7. The surface parking lot area shall be landscaped with a minimum 2-inch caliper shade trees. Landscaping must be dispersed throughout the parking area, as approved by Planning and Development Department.
8. 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.

9. The property owner shall record documents that 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 reviewed and approved by the City Attorney.
10. 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.
11. 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.
12. 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.
13. The development shall be limited to two stories and 30 feet.
14. 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 6th day of March,
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)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-70-18-4

Parcel 1: APN# 163-28-047B

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE WEST QUARTER CORNER OF SAID SECTION 22;

THENCE SOUTH $00^{\circ}16'56''$ WEST A DISTANCE OF 1320.96 FEET A LONG THE MONUMENT LINE OF 16TH STREET AND THE WEST LINE OF SAID SECTION 22 TO A POINT ON THE MONUMENT LINE OF GLENROSA AVENUE;

THENCE NORTH $89^{\circ}29'26''$ EAST ALONG THE MONUMENT LINE OF SAID GLENROSA AVENUE A DISTANCE OF 659.06 FEET TO A POINT ON THE MONUMENT LINE OF 17TH STREET;

THENCE SOUTH $00^{\circ}15'34''$ WEST ALONG THE MONUMENT LINE OF SAID 16TH STREET A DISTANCE OF 171.60 FEET;

THENCE SOUTH $89^{\circ}29'47''$ WEST A DISTANCE OF 25.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID 16TH STREET, AND THE NORTHEAST CORNER OF LOT 22, MORNING ACRES, ACCORDING TO BOOK 14 OF MAPS, PAGE 17;

THENCE SOUTH $89^{\circ}29'47''$ WEST A DISTANCE OF 130.07 FEET ALONG THE NORTH LINE OF SAID LOT 22 TO THE SOUTHEAST CORNER OF THE WEST 168.00 FEET OF SOUTH 78.00 FEET OF LOT 2, MORNINGSIDE ACRES, ACCORDING TO BOOK 14 OF MAPS, PAGE 17, RECORDS OF MARICOPA COUNTY, ARIZONA AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH $89^{\circ}29'47''$ WEST ALONG THE SOUTH LINE OF SAID WEST 168.00 FEET OF THE SOUTH 78.00 FEET OF LOT 22 AND THE NORTH LINE OF SAID LOT 23 A DISTANCE OF 168.00 FEET TO THE SOUTHWEST CORNER;

THENCE NORTH $00^{\circ}16'32''$ EAST ALONG THE WEST LINE OF SAID WEST 168.00 FEET OF THE SOUTH 78.00 FEET OF LOT 22 A DISTANCE OF 78.00 FEET TO THE NORTHWEST CORNER;

THENCE NORTH $89^{\circ}29'47''$ EAST ALONG THE NORTH LINE OF SAID WEST 168.00 FEET OF THE SOUTH 78.00 FEET A DISTANCE 168.00 FEET TO THE NORTHEAST CORNER;

THENCE SOUTH 00°16'32" ALONG THE EAST LINE OF SAID WEST 168 FEET OF THE SOUTH 78.00 FEET A DISTANCE OF 78 FEET TO THE TRUE POINT OF BEGINNING.

Parcel 2: APN# 163-28-045

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 2 NORTH RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE WEST QUARTER CORNER OF SAID SECTION 22;

THENCE SOUTH 00°16'56" WEST A DISTANCE OF 1320.96 FEET A LONG THE MONUMENT LINE OF 16TH STREET AND THE WEST LINE OF SAID SECTION 22 TO A POINT ON THE MONUMENT LINE OF GLENROSA AVENUE;

THENCE NORTH 89°29'26" EAST ALONG THE MONUMENT LINE OF SAID GLENROSA AVENUE A DISTANCE OF 659.06 FEET TO A POINT ON THE MONUMENT LINE OF 17TH STREET;

THENCE SOUTH 00°15'34" WEST ALONG THE MONUMENT LINE OF SAID 16TH STREET A DISTANCE OF 171.60 FEET;

THENCE SOUTH 89°29'47" WEST A DISTANCE OF 25.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID 16TH STREET, THE NORTHEAST CORNER OF THE NORTH ONE-HALF OF LOT 22, MORNING ACRES, ACCORDING TO BOOK 14 OF MAPS, PAGE 17, AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 00°15'34" WEST ALONG THE WEST RIGHT OF WAY LINE OF SAID 16TH STREET AND THE EAST LINE OF SAID LOT 22 A DISTANCE OF 85.79 FEET TO THE SOUTHEAST CORNER OF THE SAID NORTH ONE HALF OF LOT 22;

THENCE NORTH 89°29'56" WEST ALONG THE SOUTH LINE OF SAID NORTH-HALF OF LOT 22 A DISTANCE OF 289.10 FEET TO THE SOUTHWEST CORNER ;

THENCE NORTH 00°16'32" WEST ALONG THE WEST LINE OF SAID LOT 22 A DISTANCE OF 85.78 TO THE NORTHWEST CORNER OF SAID LOT 22;

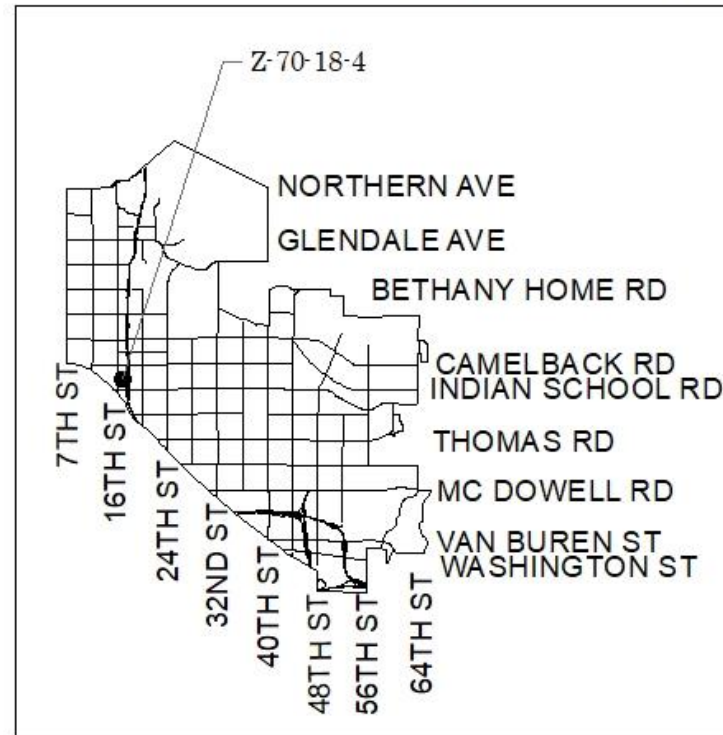
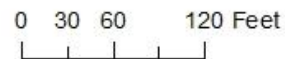
THENCE NORTH 89°29'47" EAST ALONG THE NORTH LINE OF SAID LOT 22 A DISTANCE OF 298.07 FEET TO THE TRUE POINT OF BEGINNING.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z 70 18 4
Zoning Overlay: N/A
Planning Village: Camelback East



NOT TO SCALE



Drawn Date: 2/6/2019