

## 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 CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-27-17-6) FROM R-4 AND R-5 (MULTIFAMILY RESIDENCE DISTRICTS) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1: The zoning of an approximately 3.93-acre property located approximately 180 feet east of the northeast corner of 7th Street and Marlette Avenue in a portion of Section 9, Township 2 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from 2.78 acres of "R-4" (Multifamily Residence District) and 1.15 acres of "R-5" (Multifamily Residence District) to 3.93 acres of "PUD" (Planned Unit Development).

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. An updated Development Narrative for the ALTA Marlette PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped August 18, 2017, as modified by the following stipulations:
  - a. Page 22, Table 4.3: Temporary Signs, Fabric Marketing Banners: Revise as follows: "North and West Elevations Only".
2. 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.
3. 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.
4. 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 1st day of November, 2017.

\_\_\_\_\_  
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-27-17-6

#### **Legal Description – Part 1**

A portion of Barbara Ann Place, as recorded in Book 49 of Maps, Page 19, records of Maricopa County, Arizona and situated in a portion of the Northwest quarter of the Southwest quarter of Section 9, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows;

Commencing at the West quarter corner of said Section 9, being marked by a City of Phoenix brass cap in hand hole from which a City of Phoenix brass cap in hand hole marking the Southwest corner of said Section 9, bears South 00 degrees 06 minutes 07 seconds East a distance of 2642.78 feet (Basis of Bearings);

Thence along the West line of said Southwest quarter of Section 9, South 00 degrees 06 minutes 07 seconds East a distance of 670.89 feet to the monument line of Marlette Avenue;

Thence along the monument line of said Marlette Avenue, South 89 degrees 51 minutes 45 seconds East a distance of 219.90 feet to the Point of Beginning;

Thence North 00 degrees 06 minutes 21 seconds West a distance of 310.75 feet to a point on the monument line of Stella Lane;

Thence along said monument line, North 89 degrees 49 minutes 41 seconds West a distance of 12.00 feet;

Thence North 00 degrees 06 minutes 21 seconds West a distance of 160.00 feet to the Northwest corner of Lot 2 of said Barbara Ann Place;

Thence South 89 degrees 49 minutes 41 seconds East a distance of 260.00 feet to the Northeast corner of Lot 5 of said Barbara Ann Place;

Thence South 00 degrees 06 minutes 21 seconds East a distance of 470.61 feet to a point on the monument line of said Marlette Avenue;

Thence along said monument line, North 89 degrees 51 minutes 45 seconds West a distance of 248.00 feet to the Point of Beginning.

Note: The above described parcel contains:

Gross area: 118,649 square feet or 2.7238 acres, more or less.

Net area: 98,396 square feet or 2.2589 acres, more or less.

## Legal Description – Part 2

A portion of Lot 36 of Orange Heights, as recorded in Book 5 of Maps, Page 2 and situated in a portion of the Northwest quarter of the Southwest quarter of Section 9, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows;

Commencing at the West quarter corner of said Section 9, being marked by a City of Phoenix brass cap in hand hole from which a City of Phoenix brass cap in hand hole marking the Southwest corner of said Section 9, bears South 00 degrees 06 minutes 07 seconds East a distance of 2642.78 feet (Basis of Bearings);

Thence along the West line of said Southwest quarter of Section 9, South 00 degrees 06 minutes 07 seconds East a distance of 670.89 feet to the monument line of Marlette Avenue

Thence South 89 degrees 51 minutes 45 seconds East a distance of 467.90 feet to a point on the West line of the east 198.00 feet of said Lot 36 and the Point of Beginning;

Thence along said West line, North 00 degrees 06 minutes 21 seconds West a distance of 254.77 feet to a point on the South line of the North 365.83 feet of said Southwest quarter of Section 9;

Thence along said South line, South 89 degrees 49 minutes 41 seconds East a distance of 198.00 feet to a point on the East line of said Lot

Thence along said East line, South 00 degrees 06 minutes 21 seconds East a distance of 254.65 feet to a point on the monument line of said Marlette Avenue;

Thence along said monument line, North 89 degrees 51 minutes 45 seconds West a distance of 198.00 feet to the Point of Beginning.

Note: The above described parcel contains:

Gross area: 50,433 square feet or 1.1578 acres, more or less.

Net area: 45,483 square feet or 1.0441 acres, more or less.

# ORDINANCE LOCATION MAP

EXHIBIT B

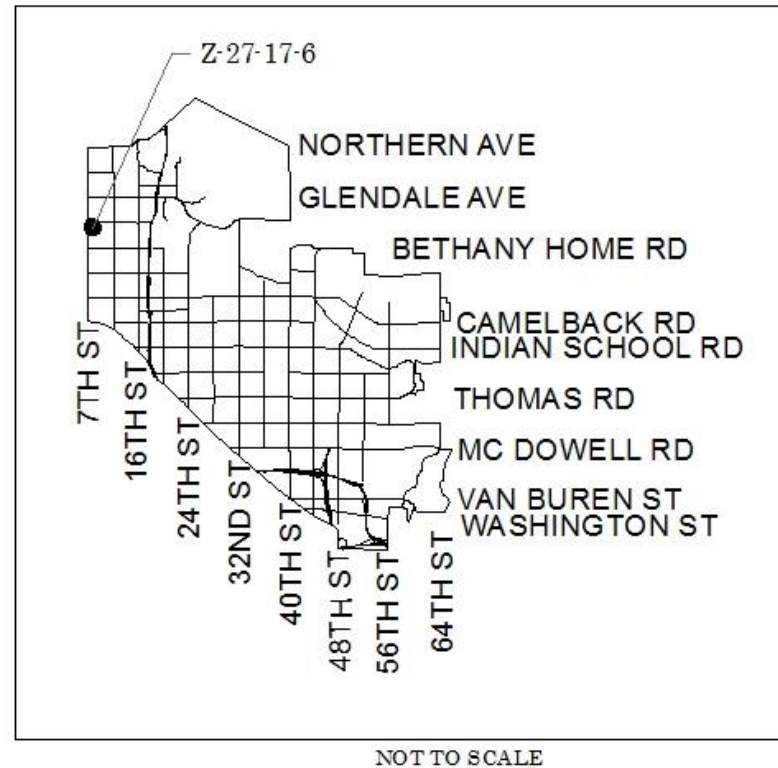
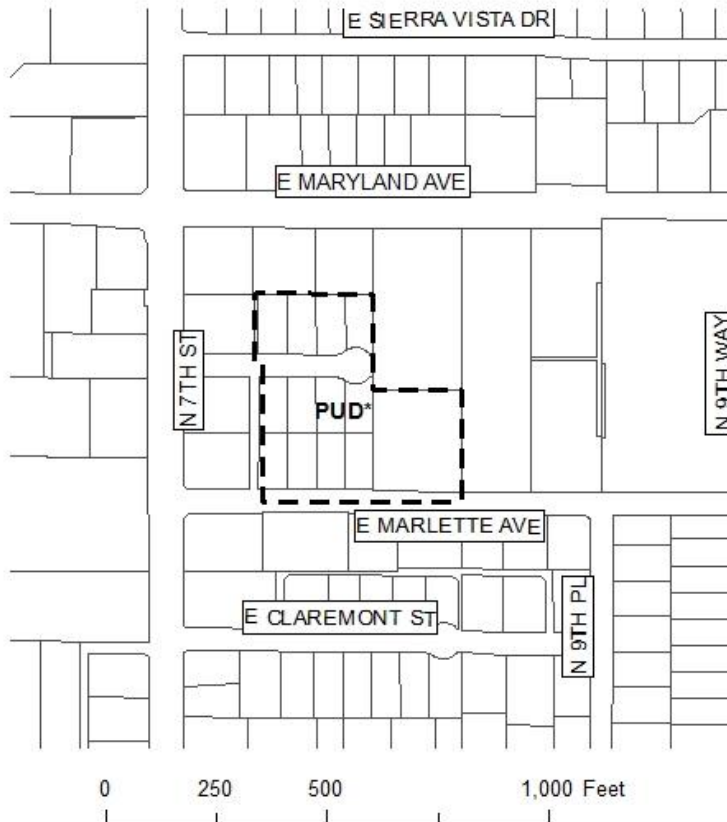
ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-27-17-6

Zoning Overlay: N/A

Planning Village: Camelback East



Drawn Date: 10/6/2017

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