

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 (Z-7-19-8) FROM S-1 (RANCH OR FARM RESIDENCE DISTRICT) AND S-1, APPROVED R-2 (RANCH OR FARM RESIDENCE DISTRICT, APPROVED MULTIFAMILY RESIDENCE DISTRICT) TO R-3 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 13.96-acre property located at the southeast corner of 59th Avenue and South Mountain Avenue in a portion of Section 5, Township 1 South, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from 13.24 acres of "S-1" (Ranch or Farm Residence District) and 0.72-acres of "S-1, Approved R-2" (Ranch or Farm Residence District, Approved Multifamily Residence District) to "R-3" (Multifamily Residence District) to allow multifamily residential.

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 provide a minimum of 10% common area open space.
2. Building elevations shall meet the following design criteria, as approved by the Planning and Development Department:
 - a. All roof materials shall be flat clay or concrete tile or other similar materials. No asphalt shingles, shakes or metal shingles are allowed.
 - b. All exterior walls of the dwelling units shall utilize stucco, stone and/or masonry. No wood or aluminum sidings are allowed.
3. The sidewalks along 59th Avenue and South Mountain Avenue shall be detached 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.
4. 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.
5. The developer shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department prior to preliminary site plan approval.
6. The right-of-way shall be dedicated and a bus bay (P1262) shall be constructed along northbound 59th Avenue, north of the main project entry, as approved by the Planning and Development Department.
7. The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) along South Mountain Avenue and construct a minimum 10-foot wide multi-use trail (MUT) within the easement, in accordance with the MAG supplemental detail and as approved by the Parks and Recreation and Planning and Development Departments.
8. The developer shall provide a minimum of 5 inverted-u bicycle racks installed near the common area open space, as approved by the Planning and

Development Department.

9. 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.
10. 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.
11. 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.
12. The development shall be in general conformance with the site plan and elevations date stamped January 24, 2019, as approved by the Planning and Development Department.
13. The development shall be limited to a maximum of 147 dwelling units, as approved by the Planning and Development Department.
14. The development shall provide gated access, as approved by the Planning and Development Department.
15. The Laveen Village Planning Committee shall be sent notification regarding the preliminary site plan review meeting.
16. The developer shall provide 3 to 4-inch caliper trees planted every 20 feet on center, or equivalent groupings, along the southern property line, as approved by the Planning and Development Department.
17. 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 3rd day of July, 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)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-7-19-8

PARCEL 1:

THE NORTH 507.7 FEET OF FARM UNIT B, OR THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

PARCEL 2:

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST COMER OF SAID SECTION 5;

THENCE NORTH 89 DEGREES 42 MINUTES 58 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 302.81 FEET TO AN ANGLE POINT THEREIN;

THENCE NORTH 89 DEGREES 46 MINUTES 38 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 1424.26 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89 DEGREES 46 MINUTES 38 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 20.00 FEET TO A POINT ON THE EAST LINE OF THE WEST TWO-THIRDS OF SAID NORTHWEST QUARTER;

THENCE SOUTH 00 DEGREES 07 MINUTES 54 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 2650.20 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER;

THENCE SOUTH 89 DEGREES 43 MINUTES 27 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1377.15 FEET;

THENCE NORTH 42 DEGREES 49 MINUTES 17 SECONDS EAST A DISTANCE OF 200.09 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 955.00 FEET;

THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 51 DEGREES 09 MINUTES 35 SECONDS AN ARC LENGTH OF 852.72 FEET;

THENCE NORTH 08 DEGREES 20 MINUTES 18 SECONDS WEST A DISTANCE OF 423.74 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 955.00 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 16 DEGREES 58 MINUTES 48 SECONDS AN ARC LENGTH OF 283.02 FEET;

THENCE NORTH 25 DEGREES 19 MINUTES 06 SECONDS WEST A DISTANCE OF 180.93 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 2600.00 FEET, THE CENTER OF WHICH BEARS NORTH 23 DEGREES 43 MINUTES 06 SECONDS WEST;

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01 DEGREES 35 MINUTES 25 SECONDS AN ARC LENGTH OF 72.16 FEET TO A POINT OF TANGENCY;

THENCE NORTH 64 DEGREES 41 MINUTES 29 SECONDS EAST A DISTANCE OF 341.01 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 325.00;

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 25 DEGREES 11 MINUTES 18 SECONDS AN ARC LENGTH OF 142.88 FEET;

THENCE NORTH 89 DEGREES 52 MINUTES 47 SECONDS EAST A DISTANCE OF 199.19 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 500.00 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 75 DEGREES 26 MINUTES 06 SECONDS AN ARC LENGTH OF 658.29 FEET;

THENCE NORTH 14 DEGREES 26 MINUTES 41 SECONDS EAST A DISTANCE OF 32.65 FEET;

THENCE NORTH 00 DEGREES 07 MINUTES 54 SECONDS EAST A DISTANCE OF 255.42 FEET TO THE TRUE POINT OF BEGINNING.

ORDINANCE LOCATION MAP

EXHIBIT B

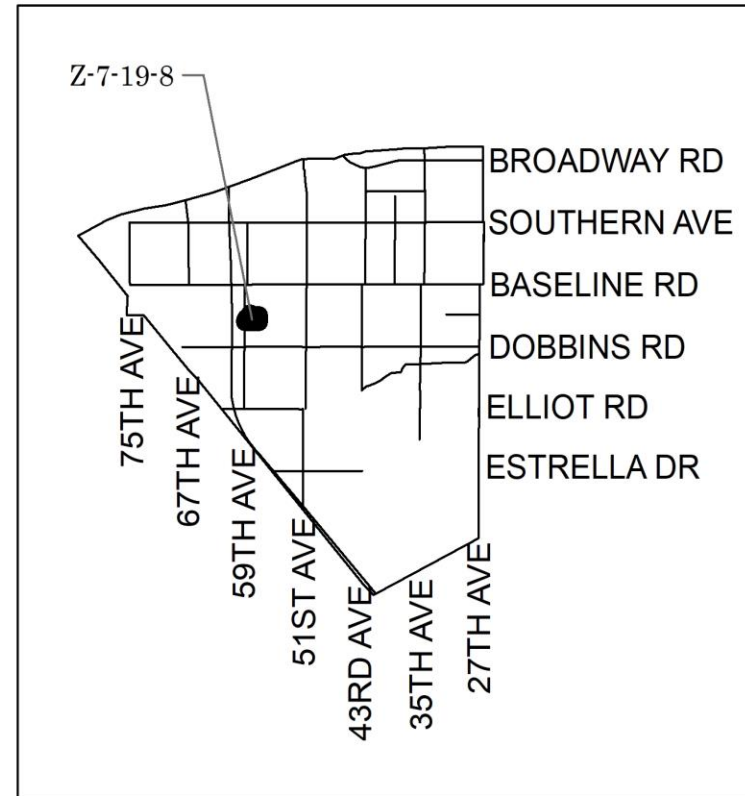
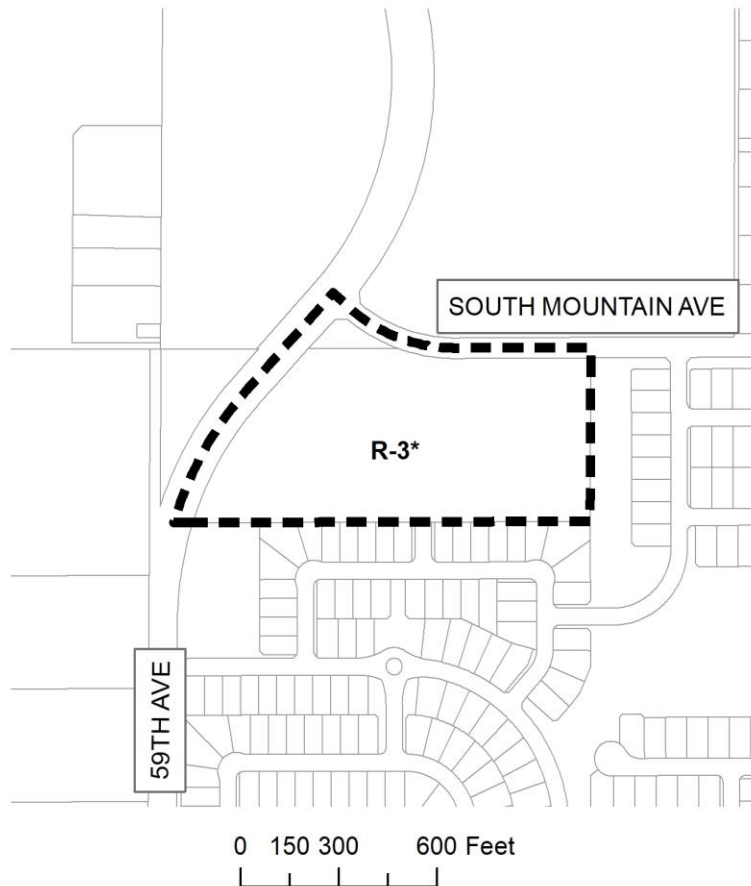
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-7-19-8

Zoning Overlay: N/A

Planning Village: Laveen



NOT TO SCALE



Drawn Date: 6/4/2019