

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-20-21-4) FROM UR TOD-1 (URBAN RESIDENTIAL, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of a 4.34-acre site located approximately 1,300 feet north of the northeast corner of Central Avenue and Indian School Road, in a portion of Section 20, Township 2 North and Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "UR TOD-1" (Urban Residential, Interim Transit-Oriented Zoning Overlay District One) to "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 Uptown Residential Community 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 July 12, 2021, as modified by the following stipulations:
 - a. Page 12, PUD Development Standards Table (Single-Family Attached), Add a row titled "Pedestrian connections to Central Avenue" with the following development standard: "Two pedestrian connections to the Central Avenue sidewalk from a system of interior pedestrian pathways. All units with a required stoop frontage type shall be connected to Central Avenue by a direct pedestrian pathway. The pedestrian connections to the public sidewalk shall be a minimum 5 feet wide."
 - b. Page 12, PUD Development Standards Table (Single-Family Attached), Add a row titled "Pedestrian system standards" with the following:
 - "Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances, public sidewalks, and amenity areas, using the most direct route for pedestrians."
 - c. Page 14, 4. Shade. Replace with the following language and formatting:
 - 75 percent minimum shade shall be provided on public sidewalk along Central Avenue.
 - 75 percent minimum shade shall be provided on private walkways through a combination of vegetative and architectural shade but architectural shade shall not comprise more than 30 percent of the total shade.
 - All interior pedestrian pathways shall be shaded to a minimum of 75 percent
 - d. Page 12, PUD Development Standards Table (Single-Family Attached), Add a row titled "Pedestrian system standards" with the following: "Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances, public sidewalks, and amenity areas, using the most direct route for pedestrians."
 - e. Page 15, 6. Walls and Fences, Replace the first sentence with the following "Walls will be in accordance with the wall exhibits herein"
 - f. Page 15, PUD Wall & Fence Design Standards Table, Replace the development standards for all perimeters adjacent to private parcels located near the northwest and northeast corners of the PUD from "6' minimum; 8' maximum" to "maximum height of 6 feet."

- g. Page 12, PUD Development Standards Table (Single-Family Attached), Replace the development standards language for “WU Frontage Types” with the following: “All units adjacent to Central Avenue shall comply with the requirements of Section 1305, Table 1305.1. For stoop. Units 1 through 14, and 38 to 43, as depicted on the illustrative landscape plan date stamped February 1, 2022 shall comply with the requirements of Section 1305, Table 1305.1. For stoop with the frontage oriented to the south. Minimum width: 60% of building façade”
 - h. Page 11, PUD Development Standards Table (Single-Family Attached), Update “Maximum Projection by Porches, Patios, Balconies or port-cocheres into required Perimeter setbacks” to add “Stoops.”
 - i. Page 15, 7. Central Avenue Frontage, Replace “Porch” With “Stoop.”
 - j. Page 8. B. Land Use Plan. Replace all descriptions of “Porch” Frontage Types with “Stoop.”
 - k. Pages 9-10, 17, 22, 24, 25, and 30 - 34. Update the figures and exhibits contained in the narrative to be consistent with the illustrative landscape plan date stamped February 1, 2022 and add the architectural rendering figures date stamped February 1, 2022, to reflect the change from “porch” to “stoop” frontages and the added pedestrian pathway along the south property line.
 - l. Page 26, Section E.2. Architectural Design. Add the following to the beginning of the list and renumber the remaining entries: “The development shall be in general conformance with the architectural renderings with specific regard to parapet design, four-sided architecture, and multiple colors and materials on each building face, as approved by the Planning and Development Department.”
 - m. Page 3, Table of Contents. Update the table of contents to include the architectural renderings and renumber pages accordingly.
- 2. The developer shall dedicate a 12-foot Image Enhancement Easement along the east side of Central Avenue, as approved by the Planning and Development Department.
 - 3. The developer shall provide improvements on Central Avenue in compliance with the Central Avenue Image Enhancement guidelines, as approved by the Planning and Development Department.
 - 4. The developer shall dedicate a public access easement along the northern site boundary to provide legal access to APN 155-25-001L, as approved by the Planning and Development Department.

5. 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.
6. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport 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.
7. The developer shall grant and record an aviation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
8. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans 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. A maximum one point of ingress/egress shall be allowed onto Central Avenue, not including the shared easement located along the north boundary of the subject site. The width of the vehicular ingress/egress shall be no greater than 30 feet, as approved or modified by the Planning and Development Department.
13. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. 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 2nd day of March, 2022.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-20-21-4

THAT PORTION OF THE SOUTHEAST OF SECTION 20, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 20 FROM WHICH THE CENTER QUARTER CORNER BEARS NORTH 0°15'41" EAST, A DISTANCE OF 2636.90 FEET;

THENCE ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER NORTH 0°15'41" EAST A DISTANCE OF 1352.76 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WEST LINE, NORTH 0°15'41" EAST A DISTANCE OF 250.00 FEET;

THENCE DEPARTING SAID WEST LINE, SOUTH 89°44'19" EAST A DISTANCE OF 250.00 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DOCUMENT NUMBER 2009-0913462, MARICOPA COUNTY RECORDS;

THENCE ALONG THE EAST LINE OF SAID PARCEL, NORTH 0°15'41" EAST A DISTANCE OF 250.00 FEET TO THE NORTHEAST CORNER THEREOF AND TO A POINT ON THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DOCUMENT NUMBER NOD-15422 MARICOPA COUNTY RECORDS;

THENCE ALONG SAID SOUTH LINE SOUTH 89°44'19" EAST A DISTANCE OF 200.00 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DOCUMENT NUMBER 2009-0913462, MARICOPA COUNTY RECORDS;

THENCE ALONG THE WEST LINE OF SAID PARCEL SOUTH 0°15'41" WEST A DISTANCE OF 250.00 FEET TO THE SOUTHWEST CORNER THEREOF;

THENCE ALONG THE SOUTH LINE OF SAID PARCEL SOUTH 89°44'19" EAST A DISTANCE OF 100.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL AND TO A POINT ON THE WEST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DOCUMENT NUMBER 1996-0877263 MARICOPA COUNTY RECORDS;

THENCE ALONG THE WEST LINE OF SAID PARCEL SOUTH 0°15'41" WEST A DISTANCE OF 250.00 FEET;

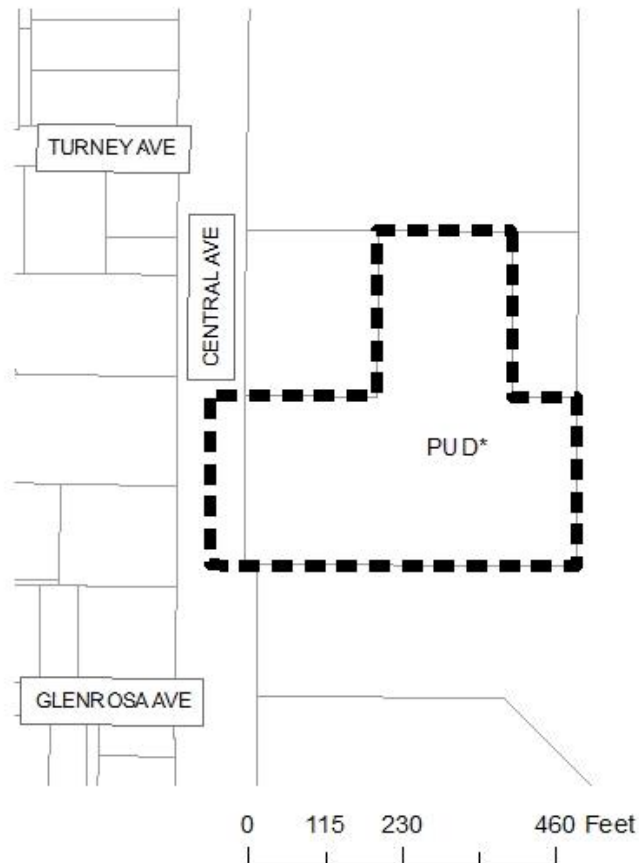
THENCE DEPARTING SAID WEST LINE NORTH 89°44'19" WEST A DISTANCE OF 550.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 187500 SQUARE FEET OR 4.3044 ACRES OF LAND, MORE OR LESS.

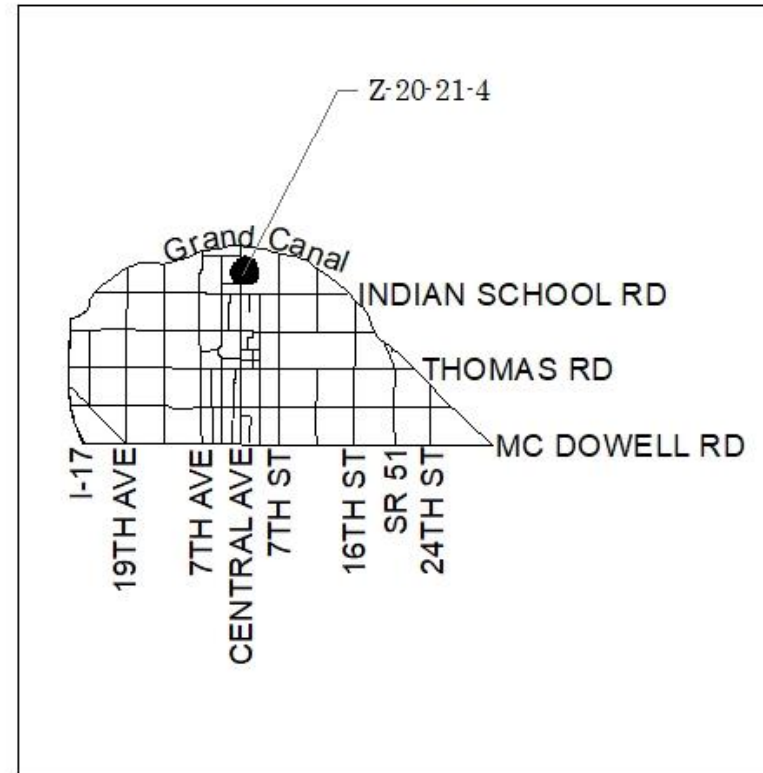
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: - - - - -



Zoning Case Number: Z-20-21-4
Zoning Overlay: Transit Overlay District (TOD-1)
Planning Village: Encanto



NOT TO SCALE



Drawn Date: 9/30/2021