

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-13-19-4) FROM C-2 H-R TOD-1 (INTERMEDIATE COMMERCIAL, HIGH-RISE DISTRICT, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) TO WU CODE T6:HWR MT (WALKABLE URBAN CODE, TRANSECT 6:HEIGHT WAIVER DISTRICT, TRANSIT MIDTOWN CHARACTER AREA).

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

SECTION 1. The zoning of a 40.51-acre property located at the northwest corner of Central Avenue and Catalina Drive in a portion of Section 29, Township 2 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "C-2 H-R TOD-1" (Intermediate Commercial, High-Rise District, Interim Transit-Oriented Zoning Overlay District One) to "WU Code T6:HWR MT" (Walkable Urban Code, Transect 6:Height Waiver District, Transit Midtown Character Area).

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. Building height shall be limited to the maximum heights identified on the Park Central Conceptual Land Use Exhibit date stamped March 28, 2019. The remainder of the site shall be limited to a maximum height of 250 feet.
2. The Earll Drive alignment between 1st Avenue and 3rd Avenue shall be treated as a secondary frontage and comply with the secondary frontage standards of the T6 District of the City of Phoenix Walkable Urban Code.
3. The development shall provide uninterrupted pedestrian pathways (driveways, loading and service berths excluded) at the following locations:
 - a. Central Avenue and 3rd Avenue via the Earll Drive alignment and Catalina Drive.
 - b. Catalina Drive and Monterey Way via the 1st Avenue alignment.
 - c. Osborn Road and Earl Drive via 2nd Avenue.
4. The development shall provide a minimum ten (10) percent public open space on the overall 41 acre project site, which may include paseos, pedestrian pathways, plazas and gathering areas, as approved by the Planning and Development Department. The open space shall be shown and updated on the master site plan for the property as the property develops.
5. Open space areas shall conform to Section 1310 of the Phoenix Zoning Ordinance. The open space areas shall provide at a minimum decorative paving, landscaping, shade elements, trash receptacles, art and artistic elements and seating areas and shall be located at the following locations:
 - a. Central Avenue and the Earll Drive alignment.
 - b. 2nd Place and the Earll Drive alignment.

- c. 3rd Avenue and the Earll Drive alignment.
6. Building elevations shall have a cohesive design theme throughout the development, as approved by the Planning and Development Department.
7. Bicycle parking shall be provided as follows:
 - a. All required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.
 - b. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 spaces near entrances of buildings and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.
 - c. A minimum of 10% of the required bicycle parking for nonresidential uses shall be secured.
8. The Central Avenue frontage shall comply with the Central Avenue Development Standards.
9. 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.
10. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operation characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
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.

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.

SECTION 5. Delayed effective Date. This ordinance shall become effective December 2, 2019.

PASSED by the Council of the City of Phoenix this 5th day of June, 2019.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

Exhibits:

A – Legal Description (3 Pages)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-13-19-4

Lot 1, Lot 4, and Lot 5, Park Central Mall, recorded in Book 467, page 14, Maricopa County Records (M.C.R.), and that certain tract of land described as Parcel No. 1 in the Special Warranty Deed, recorded in Document No. 2018-0759926, M.C.R., and portions of Central Avenue, Catalina Drive, 3rd Avenue, and Osborn Road, lying within Section 29, 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, a calculated position as shown in Document No. 2009-0003295 M.C. R., from which the center of said section, a calculated position, as shown in Document No. 2009-0003295 M.C. R., bears North 00°00'00" East (basis of bearing), a distance of 2647.91 feet;

THENCE along the north-south mid-section line of said section and along the centerline of said Central Avenue, North 00°00'00" East, a distance of 721.53 feet, to the intersection of said Central Avenue and Catalina Drive and the **POINT OF BEGINNING**;

THENCE leaving said mid-section line and said centerline, along the centerline of said Catalina Drive, North 89°21'43" West, a distance of 380.02 feet;

THENCE South 00°10'49" East, a distance of 30.00 feet;

THENCE North 89°21'38" West, a distance of 591.71 feet, to the southerly prolongation of the westerly line of said Lot 1;

THENCE leaving said centerline, along said southerly prolongation and along said westerly line, North 00°38'17" East, a distance of 234.49 feet;

THENCE continuing along said westerly line, North 89°21'43" West, a distance of 152.78 feet;

THENCE North 27°35'42" West, a distance of 60.79 feet;

THENCE North 00°00'00" East, a distance of 91.14 feet;

THENCE North 15°50'22" West, a distance of 164.05 feet

THENCE North 00°00'00" East, a distance of 93.07 feet;

THENCE North 89°57'59" West, a distance of 337.12 feet, to the easterly right-of-way line of said 3rd Avenue;

THENCE leaving said westerly line, North 70°38'46" West, a distance of 40.00 feet, to the centerline of said 3rd Avenue and a point of intersection with a non-tangent curve;

THENCE along said centerline, northerly along said non-tangent curve to the right, having a radius of 266.00 feet, concave easterly, whose radius bears South 70°48'07" East, through a central angle of 37°29'37", a distance of 174.07 feet, to a point of reverse curvature;

THENCE northerly along said curve to the left, having a radius of 256.00 feet, concave westerly, through a central angle of 21°00'13", a distance of 93.85 feet, to a point of intersection with a non-tangent curve;

THENCE northerly along said non-tangent curve to the left, having a radius of 240.00 feet, concave westerly, whose radius bears North 51°32'05" West through a central angle of 38°17'45", a distance of 160.41 feet, to the curves end;

THENCE North 00°10'10" East, a distance of 966.30 feet, to the centerline of said Osborn

Road;

THENCE leaving said centerline, along the centerline of said Osborn Road, South 89°23'23" East, a distance of 244.38 feet, to the northerly prolongation of the northerly line of said Lot 1;

THENCE leaving said centerline, along said northerly prolongation and along said northerly line, South 00°03'00" West, a distance of 491.59 feet;

THENCE South 89°56'57" East, a distance of 239.33 feet;

THENCE continuing along said northerly line and along the northerly prolongation of said northerly line, North 00°03'00" East, a distance of 489.25 feet, to the centerline of said Osborn Road;

THENCE leaving said northerly prolongation, along said centerline, South 89°23'23" East, a distance of 205.43 feet, to the northerly prolongation of the east line of said Lot 5;

THENCE leaving said centerline, along said northerly prolongation, along said east line, and along the east line of said Lot 1, South 00°03'00" West, a distance of 661.64 feet;

THENCE North 89°21'04" West, a distance of 3.37 feet;

THENCE South 00°00'00" East, a distance of 165.04 feet;

THENCE leaving said east line, along the north line of said Lot 1, South 89°18'36" East, a distance of 657.00 feet, to said north-south mid-section line;

THENCE leaving said north line, along said mid-section line, South 00°00'00" West, a distance of 1098.78 feet, to the **POINT OF BEGINNING**;

EXCEPT:

Lot 2, Park Central Mall, recorded in Book 467, page 14, Maricopa County Records (M.C.R.), lying within Section 29, Township 2 North, Range 3 East, of the Gila and Salt River Meridian, Maricopa County, Arizona.

ALSO EXCEPT the following property recorded in Document No. 2006-191453, M.C.R., and secondarily described as:

A portion of Lot 4 of Park Central Mall Subdivision, as recorded in Book 467, page 14, M.C.R., and located in the Southwest Quarter of Section 29, Township 2 North, Range 3 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the intersection of Central Avenue and Catalina Drive;

THENCE North 00°00'00" East, along the centerline of said Central Avenue, a distance of 67.48 feet;

THENCE leaving said centerline, South 90°00'00" West, a distance of 418.24 feet, to the **POINT OF BEGINNING**;

THENCE South 13°02'15" East, a distance of 25.85 feet, to a point of intersection with a non-tangent curve;

THENCE southwesterly along said curve to the left, having a radius of 265.00 feet, concave southeasterly, whose radius bears South 12°56'08" East, through a central angle of 6°20'20", a distance of 29.32 feet, to a point of reverse curvature;

THENCE southwesterly, along said reverse curve to the right, having a radius of 235.00 feet, concave northwesterly, through a central angle of 10°16'27", a distance of 42.14

feet, to a point of intersection with a non-tangent line;
THENCE North 13°01'50" West, a distance of 32.94 feet;
THENCE North 76°58'15" East, a distance of 8.75 feet;
THENCE North 76°58'08" East, a distance of 53.56 feet;
THENCE South 75°27'53" East, a distance of 10.18 feet, to the **POINT OF BEGINNING**.

Containing 1,762,780 square feet or 40.4679 acres, more or less.

Subject to existing rights-of-way and easements.

This parcel description was prepared without the benefit of survey fieldwork and is based a client provided unrecorded ALTA Survey prepared by Republic National, dated April 3, 2018 and the Final Plat of Park Central Mall, recorded in Book 467, page 14, M.C.R . Any monumentation noted in this parcel description is based on said client provided information.

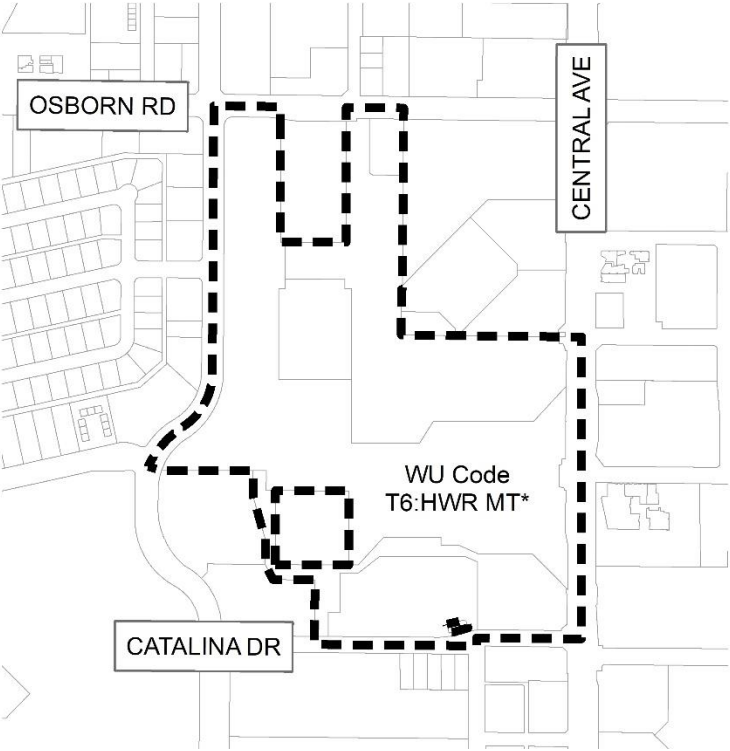
DRAFT

ORDINANCE LOCATION MAP

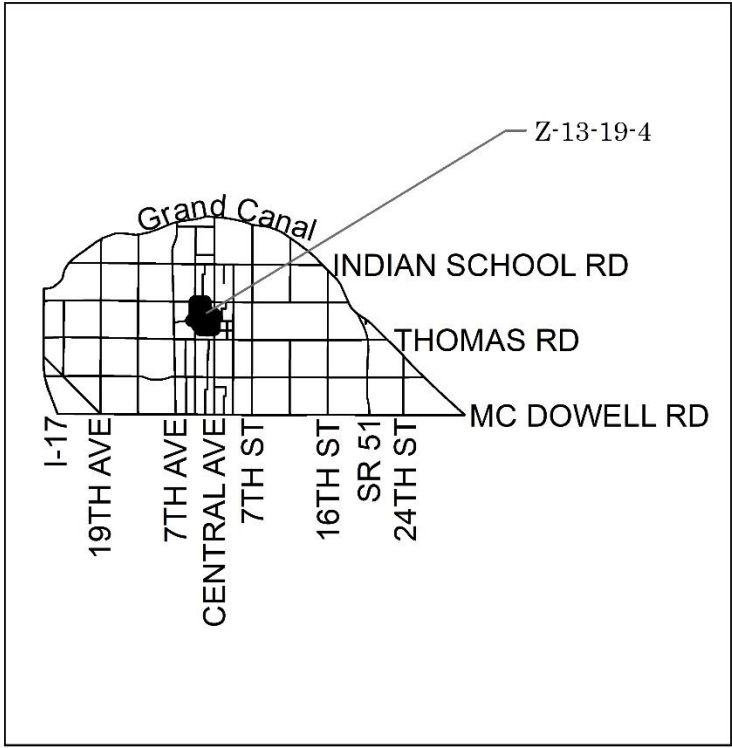
EXHIBIT B

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

Zoning Case Number: Z-13-19-4
Zoning Overlay: N/A
Planning Village: Encanto



0 175 350 700 Feet



NOT TO SCALE



Drawn Date: 5/13/2019