

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-71-19-7) FROM C-3 (GENERAL COMMERCIAL) TO C-3 DNS/WVR (GENERAL COMMERCIAL, DENSITY WAIVER).

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

SECTION 1. The zoning of a 1.74 acre property located approximately 250 feet east of the southeast corner of Grand Avenue and Encanto Boulevard, in a portion of Section 36, Township 2 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "C-3" (General Commercial) to "C-3 DNS/WVR" (General Commercial, Density Waiver).

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 development shall utilize the standards contained in R-3 (Multifamily Residence District) zoning development standards with the following exceptions, as approved or modified by the Planning and Development Department.
 - a. Density shall be limited to the Planned Residential Development Option of the R-3A (Multifamily Residence District, Planned Residential District) zoning standards.
 - b. Perimeter landscape planting standards shall be installed and maintained in accordance with C-3 (General Commercial) zoning standards regarding plant type, size, and quantity. Trees shall be placed in proximity to public sidewalks to provide enhanced thermal comfort.
2. The public sidewalk along Encanto Boulevard shall be detached with a minimum five-foot-wide landscape area located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
 - a. Minimum 3-inch caliper large canopy, single-trunk, shade trees placed a minimum of 25 feet on center or in equivalent groupings to provide a minimum of 75 percent shade on adjacent sidewalks.
 - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75 percent live coverage at maturity.
3. The parking lot area, including parking spaces and vehicular maneuvering areas, shall be shaded to a minimum 25 percent at plant maturity. Any trees located within the perimeter of the parking lot area shall be large canopy shade with a minimum 2-inch caliper. The above standards shall be approved by the Planning and Development Department.
4. The developer shall provide Inverted-U bicycle racks at a rate of 0.25 spaces per dwelling unit up to a maximum of 50 spaces, as approved by the Planning and Development Department.
5. All new dwelling units located within 30 feet of Encanto Boulevard shall incorporate at least one of the following elements, as approved or modified by the Planning and Development Department:

- a. A patio or porch oriented to Encanto Boulevard and designed to maintain consistency with the design characteristics of the existing historical structures on the site. Porches and patios shall have visual or physical access to the public sidewalk along Encanto Boulevard.
 - b. Windows and/or balconies with visual access to the public sidewalk along Encanto Boulevard.
6. No solid perimeter wall greater than 36 inches in height shall be permitted between the plane of the buildings and the Encanto Boulevard right-of-way.
7. The developer shall provide a system of clearly defined, accessible pathways constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisles surfaces which provide direct connections between all building entrances and exits and all public sidewalks, as approved or modified by the 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 Sky Harbor International 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.
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. 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 7th day of October, 2020.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By: _____
Julie Kriegh, Chief Assistant City Attorney *Pml*

REVIEWED BY:

Ed Zuercher, City Manager

Exhibits:
A – Legal Description (3 Pages)
B – Ordinance Location Map (1 Page)

PL:tml:LF20-2396:10-7-2020:2211622v1

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-71-19-7

THAT PORTION OF TRACT NO. 15 OF STATE PLAT NO. 3 IN SECTION 36 TOWNSHIP 2 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, AS PER MAP RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA IN BOOK 8 OF MAPS, PAGE 31 THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID TRACT NO. 15, AND RUN THENCE SOUTH 45 DEGREES 04 MINUTES EAST, A DISTANCE OF 185 FEET;

THENCE NORTH 38 DEGREES 34 MINUTES EAST, A DISTANCE OF 411.68 FEET TO A POINT OF THE NORTH LINE OF SAID TRACT NO. 15;

THENCE NORTH 86 DEGREES 56 MINUTES WEST, A DISTANCE OF 258.80 FEET TO THE CORNER OF SAID TRACT NO. 15:

THENCE SOUTH 31 DEGREES 54 MINUTES WEST, A DISTANCE OF 242.38 FEET TO THE POINT OF BEGINNING;

EXCEPT A STRIP OF LAND BEING 185.00 FEET LONG, 12.00 FEET WIDE, LYING EASTERLY OF, ADJOINING, ADJACENT AND PARALLEL TO THE 33.00 FEET RIGHT OF WAY LINE ON THE EASTERLY SIDE OF THE PHOENIX-GLENDALE HIGHWAY, KNOWN AS GRAND AVENUE HIGHWAY, AS CONVEY TO THE STATE OF ARIZONA, BY THAT CERTAIN DEED RECORDED IN BOOK 286 OF DEEDS, PAGE 314, RECORDS OF MARICOPA COUNTY ARIZONA AND EXCEPT ANY PORTION LYING WITHIN THE FOLLOWING DESCRIBED PARCELS:

THAT PORTION OF TRACT NO. 15 OF STATE PLAT NO.3, IN SECTION 36, TOWNSHIP 2 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, ACCORDING TO THE MAP OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 8 OF MAPS, PAGE 31, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EXISTING SOUTHERLY RIGHT OF WAY LINE OF ENCANTO BOULEVARD WHICH POINT IS COINCIDENT TO THE NORTHWESTERLY CORNER OF SAID TRACT NO. 15;

THENCE SOUTH 86 DEGREES 51 MINUTES 49 SECONDS EAST (SOUTH 86 DEGREES 56 MINUTES 00 SECONDS EAST RECORDED) ALONG THE LINE COMMON TO SAID TRACT NO. 15 AND ENCANTO BLVD., A DISTANCE OF 259.45 FEET (258.80 FEET RECORDED) TO THE NORTHEASTERLY CORNER OF

THAT CERTAIN PROPERTY CONVEYED TO ELLA MCCARTY, A WIDOW AND FAY VARBEL, A WIDOW BY WARRANTY DEED DATED JULY 11, 1951 AND RECORDED IN DOCKET 784, PAGE 194, RECORDS OF SAID COUNTY;

THENCE SOUTH 38 DEGREES 36 MINUTES 03 SECONDS WEST (SOUTH 38 DEGREES 34 MINUTES 00 SECONDS WEST RECORDED) ALONG THE SOUTHEASTERLY LINE OF SAID MCCARTY AND VARBEL PROPERTY, A DISTANCE OF 50.01 FEET;

THENCE FROM A LOCAL TANGENT BEARING OF NORTH 84 DEGREES 35 MINUTES 13 SECONDS WEST, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 707.07 FEET, A DISTANCE OF 111.82 FEET

THENCE NORTH 75 DEGREES 31 MINUTES 33 SECONDS WEST, A DISTANCE OF 1.16 FEET;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 641.07 FEET A DISTANCE 127.37 FEET TO THE WESTERLY LINE OF SAID TRACT NO. 15;

THENCE NORTH 32 DEGREES 03 MINUTES 53 SECONDS EAST (NORTH 31 DEGREES 54 MINUTES 00 SECONDS EAST RECORDED) ALONG SAID WESTERLY LINE, A DISTANCE OF 18.12 FEET TO THE POINT OF BEGINNING;

AND EXCEPT A PARCEL OF LAND SITUATED IN TRACT 15 OF STATE PLAT NO. 3 IN SECTION 36 TOWNSHIP 2 NORTH RANCH 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, PER MAP RECORDED IN THE OFFICE OF THE MARICOPA COUNTY RECORDER IN BOOK 8 OF MAPS PAGE 31, LYING WITHIN THE RIGHT-OF-WAY OF PHOENIX-GLOBE STATE HIGHWAY AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF EXISTING GRAND AVENUE (U.S. HIGHWAY 60-70-89) WITH THE NORTHWESTERLY LINE OF SAID TRACT 15;

THENCE SOUTH 44 DEGREES 34 MINUTES 30 SECONDS EAST (SOUTH 44 DEGREES 44 MINUTES 00 SECONDS EAST RECORDED) A DISTANCE OF 185.36 FEET;

THENCE NORTH 38 DEGREES 36 MINUTES 03 SECONDS EAST (NORTH 38 DEGREES 34 MINUTES 00 SECONDS EAST RECORDED) A DISTANCE OF 28.26 FEET:

THENCE NORTH 44 DEGREES 34 MINUTES 30 SECONDS WEST, A DISTANCE OF 188.61 FEET TO THE NORTHWESTERLY LINE OF SAID TRACT NO. 15:

THENCE SOUTH 32 DEGREES 10 MINUTES 35 SECONDS WEST (SOUTH 31 DEGREES 54 MINUTES 00 SECONDS WEST RECORDED) ALONG SAID NORTHWESTERLY LINE A DISTANCE OF 28.83 FEET TO THE POINT OF BEGINNING;

AND EXCEPT ANY PORTION LYING WITHIN THE EXISTING RIGHT OF WAY OF GRAND AVENUE;

AND ALSO EXCEPT THAT PORTION AS SHOWN IN THE FINAL ORDER OF CONDEMNATION RECORDED IN DOCUMENT NO. 2012-1057300, RECORDS OF MARICOPA COUNTY ARIZONA

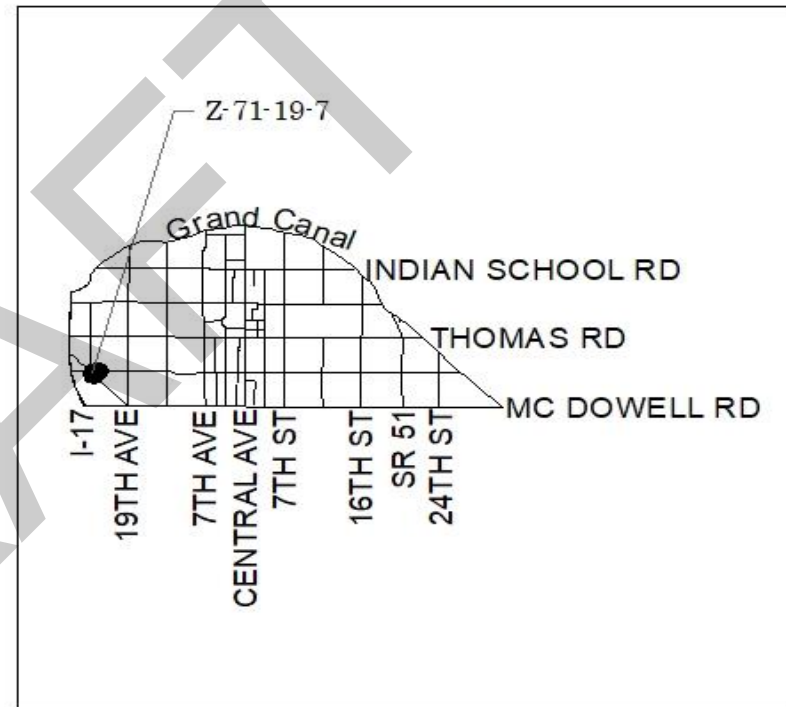
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ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-71-19-7
Zoning Overlay: N/A
Planning Village: Encanto



NOT TO SCALE



Drawn Date: 9/4/2020

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