

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-90-17-4) FROM C-2 TOD-1 (INTERMEDIATE COMMERCIAL DISTRICT, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) TO WU CODE T5:5 SL (WALKABLE URBAN CODE, TRANSECT 5:5 DISTRICT, TRANSIT SOLANO CHARACTER AREA).

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

SECTION 1. The zoning of an approximately 4.97-acre property located at the southeast corner of 19th Avenue and Colter Street in a portion of Section 18, Township 2 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "C-2 TOD-1" (Intermediate Commercial District, Interim Transit-Oriented Zoning Overlay District One), to "WU Code T5:5 SL" (Walkable Urban Code, Transect 5:5 District, Transit Solano 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. Conceptual site plan and elevations, for all future phases of development after the proposed 72-unit Multifamily development, shall be reviewed and approved by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval with specific regard to the inclusion of the below elements. This is a legislative review for conceptual purposes only. Specific development standards and requirements will be determined by the Planning Hearing Officer and the Planning and Development Department.
 - A. A minimum landscape setback of 12 feet shall be required along the west property line to allow trees to be placed between the buildings and sidewalk along the 19th Avenue frontage, as approved by the Planning and Development Department.
2. The developer shall work with the Planning and Development Department to determine a frontage type appropriate for the 19th Avenue street frontage which will also provide the shade required by the Walkable Urban Code.
3. The developer shall (re)construct sidewalk and landscape improvements to comply with Section 1312.E. of the Zoning Ordinance, as approved by the Planning and Development Department.
4. The required minimum bicycle parking spaces shall be secured and provided on site, as approved by the Planning and Development Department.
5. A minimum of four inverted-U bicycle racks for guests shall be provided on site, located near an entrance to the ground floor lobby, and installed per the requirements of Section 1307.H.4. of the Zoning Ordinance, as approved by the Planning and Development Department.
6. 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.

7. 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.

PASSED by the Council of the City of Phoenix this 7th day of March, 2018.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

Exhibits:

- A – Legal Description (5 Pages)
- B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-90-17-4

APN 156-37-001A

The North quarter of Lots 1 and 2, Block 3, of NILE TRACT, according to Book 14 of Maps, page 9, records of Maricopa County, Arizona;
EXCEPT the West 7 feet of Lot 1 conveyed to Maricopa County in Quit-Claim Deed recorded in Docket 2009, page 427; and
EXCEPT that portion of Lot 1 conveyed to the City of Phoenix in Special Warranty Deed in Recording No. 20060409049 and in Re-Recording No. 2006-1283238.

APN 156-37-008

The North quarter of Lots 1 and 2, Block 3, of NILE TRACT, according to Book 14 of Maps, page 9, records of Maricopa County, Arizona;
EXCEPT the West 7 feet of Lot 1 conveyed to Maricopa County in Quit-Claim Deed recorded in Docket 2009, page 427; and
EXCEPT that portion of Lot 1 conveyed to the City of Phoenix in Special Warranty Deed in Recording No. 20060409049 and in Re-Recording No. 2006-1283238.

APN 156-37-003D

South half (1/2) of the North half (1/2) and the North 16 feet of the North half (1/2) of the South half (1/2) of Lots One (1) and Two (2), Block Three (3), NILE TRACT, according to the plat of record in the office of the Maricopa County Recorder in Book 14 of Maps, page 9.
EXCEPT the West 7 feet of the South half of the North half of Lot 1, Block 3, NILE TRACT, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 14 of Maps, page 9, and the West 7 feet of the North 16 feet of the North half of the South half of Lot 1.

APN 156-37-007B

South half (1/2) of the North half (1/2) and the North 16 feet of the North half (1/2) of the South half (1/2) of Lots One (1) and Two (2), Block Three (3), NILE TRACT, according to the plat of record in the office of the Maricopa County Recorder in Book 14 of Maps, page 9.
EXCEPT the West 7 feet of the South half of the North half of Lot 1, Block 3, NILE TRACT, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 14 of Maps, page 9, and the West 7 feet of the North 16 feet of the North half of the South half of the Lot 1.

APN 156-37-005D

The North half of the South half of Lots 1 and 2, Block 3, NILE TRACT, according to the plat recorded in Book 14 of Maps, page 9, records of Maricopa County, Arizona;
EXCEPT the West 7 feet thereof conveyed to the City of Phoenix in the Warranty Deed recorded in Docket 11081, page 313, records of Maricopa County, Arizona; and

EXCEPT The North 16 feet of the North half of the South half thereof described as follows:

BEGINNING at the Southwest corner of the South half of the North half of Lot 1;
THENCE Easterly along the South line of the South half of the North half of Lots 1 and 2 to the Southeast corner of the South half of the North half of Lot 2;
THENCE Southerly along the East line of Lot 2, a distance of 16 feet;
THENCE Westerly along and parallel with the south line of the South half of the North half of Lots 1 and 2 to a point in the West line of Lot 1;
THENCE North along the West line of Lot 1, 16 feet to the POINT OF BEGINNING;
AND EXCEPT:

That part of Lot 1, Block 3, NILE TRACT, according to the plat recorded in Book 14 of Maps, page 9, records of Maricopa County, Arizona, described as follows:

COMMENCING at the intersection of 19th Avenue and Colter Street;
THENCE South 00 degrees 42 minutes 47 seconds West, along the centerline of said 19th Avenue, a distance of 345.81 feet;
THENCE South 88 degrees 50 minutes 49 seconds East, a distance of 40.00 feet to the POINT OF BEGINNING;
THENCE continuing South 88 degrees 50 minutes 49 seconds East, a distance of 15.18 feet;
THENCE South 01 degrees 56 minutes 19 seconds West, a distance of 112.15 feet;
THENCE South 88 degrees 03 minutes 41 seconds East, a distance of 1.00 feet;
THENCE South 01 degrees 56 minutes 19 seconds West, a distance of 45.00 feet;
THENCE North 88 degrees 50 minutes 46 seconds West, a distance of 12.82 feet;
THENCE North 00 degrees 42 minutes 47 seconds East, a distance of 157.16 feet to the POINT OF BEGINNING.

Parcel No.2:

That part of Lots 1 and 2, Block 3, NILE TRACT, according to the plat recorded in Book 14 of Maps, page 9, records of Maricopa County, Arizona, described as follows:

BEGINNING at the intersection of the centerlines of Colter Street and 19th Avenue;
THENCE South 89 degree 33 minutes 28 seconds East, along said centerline of Colter Street, a distance of 40 feet;
THENCE South, along the Easterly right of way line of said 19th Avenue, a distance of 345.82 feet to the POINT OF BEGINNING;
THENCE South 89 degrees 33 minutes 44 seconds East, a distance of 237.31 feet;
THENCE South 00 degrees 42 minutes 08 seconds West, a distance of 15.50 feet;
THENCE North 89 degrees 33 minutes 44 seconds East, a distance of 237.31 feet to a point on said Easterly right of way line of 19th Avenue;
THENCE North, along said Easterly right of way line of 19th Avenue, a distance of 15.50 feet to the POINT OF BEGINNING;

EXCEPT the West 7 feet thereof conveyed to the City of Phoenix in the Warranty Deed recorded in Docket 11082, page 968, records of Maricopa County, Arizona; and

EXCEPT that part thereof described as follows:

That part of Lot 1, Block 3, NILE TRACT, according to the plat recorded in Book 14 of Maps, page 9, records of Maricopa County, Arizona, described as follows:

COMMENCING at the intersection of 19th Avenue and Colter Street;

THENCE South 00 degrees 42 minutes 47 seconds West, along the centerline of said 19th Avenue, a distance of 345.81 feet;
THENCE South 88 degrees 50 minutes 49 seconds East, a distance of 40.00 feet to the POINT OF BEGINNING;
THENCE continuing South 88 degrees 50 minutes 49 seconds East, a distance of 15.18 feet;
THENCE South 01 degrees 56 minutes 19 seconds West, a distance of 112.15 feet;
THENCE South 88 degrees 03 minutes 41 seconds East, a distance of 1.00 feet;
THENCE South 01 degrees 56 minutes 19 seconds West, a distance of 45.00 feet;
THENCE North 88 degrees 50 minutes 46 seconds West, a distance of 12.82 feet;
THENCE North 00 degrees 42 minutes 47 seconds East, a distance of 157.16 feet to the POINT OF BEGINNING.

APN 156-37-002A

The South one-quarter of Lots 1 and 2, and the North one-quarter of Lots 9 and 10, Block 3, Nile Tract, according to Book 14 of Maps, page 9, records of Maricopa County, Arizona;

Except the South 145 feet of the North one-quarter of Lots 9 and 10; also

Except the West 7 feet; also

Except any portion lying within the following description:

That portion of Lot 9, Block 3 Nile Tract, according to Book 14 of Maps, page 9, records of Maricopa County, Arizona, located in the Southwest quarter of Section 18, 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 intersection of 19th Avenue and Colter Street;

Thence South 00 degrees 42 minutes 47 seconds West, along the centerline of said 19th Avenue, a distance of 502.97 feet;

Thence South 88 degrees 50 minutes 46 seconds East, a distance of 12.82 feet;

Thence South 01 degrees 56 minutes 19 seconds West, a distance of 1.00 feet;

Thence North 88 degrees 03 minutes 41 seconds West, a distance of 1.00 feet;

Thence South 01 degrees 56 minutes 19 seconds West, a distance of 7.24 feet to a point on a non-tangent curve whose 5158.00 foot radius bears North 88 degrees 23 minutes 47 seconds East and distance Northeasterly;

Thence Southeasterly, along said curve, through a central angle of 00 degrees 51 minutes 20 seconds, a distance of 77.02 feet;

Thence South 02 degrees 27 minutes 57 seconds East, a distance of 32.22 feet;

Thence North 87 degrees 32 minutes 03 seconds East, a distance of 1.00 feet;

Thence South 02 degrees 27 minutes 57 seconds East, a distance of 46.00 feet;

Thence South 87 degrees 32 minutes 03 seconds West, a distance of 1.00 feet;

Thence South 02 degrees 27 minutes 57 seconds East, a distance of 6.38 feet;

Thence North 88 degrees 0 minutes 37 seconds West, a distance of 20.02 feet;

Thence North 00 degrees 42 minutes 47 seconds East, a distance of 169.56 feet to the Point of Beginning.

APN 156-37-006

The South one-quarter of Lots 1 and 2, and the North one-quarter of Lots 9 and 10, Block 3, Nile Tract, according to Book 14 of Maps, page 9, records of Maricopa County, Arizona;

Except the South 145 feet of the North one-quarter of Lots 9 and 10; also

Except the West 7 feet; also

Except any portion lying within the following description:

That portion of Lot 9, Block 3, Nile Tract, according to Book 14 of Maps, page 9, records of Maricopa County, Arizona, located in the Southwest quarter of Section 18, 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 intersection of 19th Avenue and Colter Street;

Thence South 00 degrees 42 minutes 47 seconds West, along the centerline of said 19th Avenue, a distance of 502.97 feet;

Thence South 88 degrees 50 minutes 46 seconds East, a distance of 40.00 feet to the Point of Beginning;

Thence continuing South 88 degrees 50 minutes 46 seconds East, a distance of 12.82 feet;

Thence South 01 degrees 56 minutes 19 seconds West, a distance of 1.00 feet;

Thence North 88 degrees 03 41 seconds West, a distance of 1.00 feet;

Thence South 01 degrees 56 19 seconds West, a distance of 7.24 feet to a point on a non-tangent curve whose 5158.00 foot radius bears North 88 degrees 23 minutes 47 seconds East and distance Northeasterly;

Thence Southeasterly, along said curve, through a central angle of 00 degrees 51 minutes 20 seconds, a distance of 77.02 feet;

Thence South 02 degrees 27 minutes 57 seconds East, a distance of 32.22 feet;

Thence North 87 degrees 32 minutes 03 seconds East, a distance of 1.00 feet;

Thence South 02 degrees 27 minutes 57 seconds East, a distance of 46.00 feet;

Thence South 87 degrees 32 minutes 03 seconds West, a distance of 1.00 feet;

Thence South 02 degrees 27 minutes 57 seconds East, a distance of 6.38 feet;

Thence North 88 degree 50 minutes 38 seconds West, a distance of 20.02 feet;

Thence North 00 degrees 42 minutes 47 seconds East, a distance of 169.56 feet to the Point of Beginning.

APN 156-37-048A

The South one-quarter of Lots 1 and 2, and the North one-quarter of Lots 9 and 10, Block 3, Nile Tract, according to Book 14 of Maps, page 9, records of Maricopa County, Arizona;

Except the South 145 feet of the North one-quarter of Lots 9 and 10; also

Except the West 7 feet; also

Except any portion lying within the following description:

That portion of Lot 9, Block 3, Nile Tract, according to Book 14 of Maps, page 9, records of Maricopa County, Arizona, located in the Southwest quarter of Section 18, 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 intersection of 19th Avenue and Colter Street;

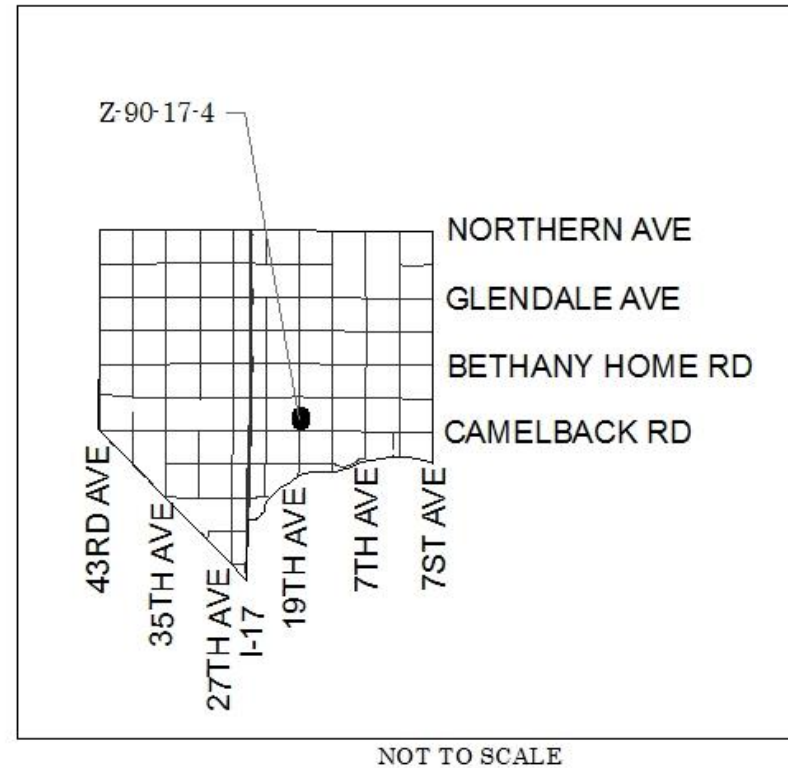
Thence South 00 degrees 42 minutes 47 seconds West, along the centerline of said 19th Avenue, a distance of 502.97 feet;
Thence South 88 degrees 50 minutes 46 seconds East, a distance of 40.00 feet to the Point of Beginning;
Thence continuing South 88 degrees 50 minutes 47 seconds East, a distance of 12.82 feet;
Thence South 01 degrees 56 minutes 19 seconds West, a distance of 1.00 feet;
Thence North 88 degrees 03 minutes 41 seconds West, a distance of 1.00 feet;
Thence South 01 degrees 56 minutes 19 seconds West, a distance of 7.24 feet to a point on a non-tangent curve whose 5158.00 foot radius bears North 88 degrees 23 minutes 47 seconds East and distance Northeasterly;
Thence Southeasterly, along said curve, through a central angle of 00 degrees 51 minutes 20 seconds, a distance of 77.02 feet;
Thence South 02 degrees 27 minutes 57 seconds East, a distance of 32.22 feet;
Thence North 87 degrees 32 03 seconds East, a distance of 1.00 feet;
Thence South 02 degrees 27 minutes 57 seconds East, a distance of 46.00 feet;
Thence South 87 degrees 32 minutes 03 seconds West, a distance of 1.00 feet;
Thence South 02 degrees 27 minutes 57 seconds East, a distance of 6.38 feet;
Thence North 88 degrees 50 minutes 38 seconds West, a distance of 20.02 feet;
Thence North 00 degrees 42 minutes 47 seconds East, a distance of 169.56 feet to the Point of Beginning.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-90-17-4
Zoning Overlay: TOD District - Solano
Planning Village: Alhambra



Drawn Date: 2/5/2018