

ATTACHMENT A

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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-16-19-4) FROM C-2 (INTERMEDIATE COMMERCIAL DISTRICT), R-3 RI (MULTIFAMILY RESIDENCE DISTRICT, RESIDENTIAL INFILL DISTRICT) AND R-4 RI (MULTIFAMILY RESIDENCE DISTRICT, RESIDENTIAL INFILL DISTRICT) TO C-2 (INTERMEDIATE COMMERCIAL DISTRICT).

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

SECTION 1. The zoning of a 3.22-acre site located at the northeast corner of 16th Street and Palm Lane in a portion of Section 34, Township 2 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from 1.82 acres of "C-2" (Intermediate Commercial District), 0.64-acres of "R-3 RI" (Multifamily Residence District, Residential Infill District), and 0.76-acres of "R-4 RI" (Multifamily Residence District, Residential Infill District) to 3.22 acres of "C-2" (Intermediate Commercial District).

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 be in general conformance to the elevations date stamped June 21, 2019, as approved by the Planning and Development Department.
2. The elevations shall include wall art/decorative elements with specific regard to the areas depicted on the elevations date stamped June 21, 2019.
3. The building setback along the east property line, adjacent to multifamily zoning shall be a minimum of 50 feet.
4. Minimum 3-inch caliper shade trees, planted 20 feet on center or in equivalent groupings shall be planted along the north and east property lines adjacent to multifamily zoning to provide screening for adjacent residences, as approved by Planning and Development Department.
5. The sidewalk along Palm Lane and 16th Street shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and planted with minimum 2-inch caliper shade trees, as approved by the Planning and Development Department.
6. Trees located within the required landscape setback along 16th Street and Palm Lane shall be planted adjacent to the sidewalk and provide 50% shade as measured on summer solstice at 12:00 p.m., as approved by Planning and Development Department.
7. Minimum 15% of the surface parking lot area must be landscaped exclusive of required perimeter landscaping and all required setbacks. Minimum 2-inch caliper shade trees shall be required in the surface parking lot landscape planters, as approved by the Planning and Development Department.
8. A minimum of two inverted-U bicycle racks for guests or employees shall be provided on site and installed per the requirements of Section 1307.H. of the Zoning Ordinance, as approved by the Planning and Development Department.

9. Access to 17th Street shall be limited to emergency access only.
10. Right-of-way totaling 40 feet shall be dedicated for the east half of 16th Street, as approved by the Planning and Development Department.
11. Dedicate a 10-foot sidewalk easement for the full extent of the property frontages along 16th Street.
12. No driveway shall be allowed between the existing school crosswalk and the stop bar location for the existing HAWK signal to the south of the crosswalk.
13. 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.
14. Dedication of right-of-way along 16th Street shall be provided for construction of a northbound bus stop pad. The bus stop pad shall be constructed in accordance with City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. The Bus stop pad shall be spaced from the intersection of 16th Street and Palm Lane per the City of Phoenix Standard Detail P1285.
15. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
16. 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.
17. Minimum 2,500 square feet shall be dedicated for a community room and community tool shed.
18. 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 4th day of September 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-16-19-4

NEC 16th Street & Palm Lane

LEGAL DESCRIPTION
FOR
GROSS AREA

THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, A FOUND CITY OF PHOENIX BRASS CAP IN HANDHOLE, FROM WHICH A FOUND BRASS CAP IN HANDHOLE AT THE NORTHWEST CORNER OF THE SOUTH HALF OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34 BEARS NORTH 00 DEGREES 11 MINUTES 19 SECONDS EAST, DISTANCE OF 656.65 FEET;

THENCE NORTH 00 DEGREES 11 MINUTES 19 SECONDS EAST ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, A DISTANCE OF 388.32 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 60.00 FEET OF LOT 9 OF ROSELAWN HEIGHTS, ACCORDING TO BOOK 7 OF MAPS, PAGE 10, RECORDS OF MARICOPA COUNTY;

THENCE NORTH 89 DEGREES 59 MINUTES 18 SECONDS EAST ALONG SAID NORTH LINE, A DISTANCE OF 662.17 FEET TO A POINT ON THE EAST LINE OF SAID LOT 9 AND THE CENTERLINE OF 17TH STREET;

THENCE SOUTH 00 DEGREES 13 MINUTES 05 SECONDS WEST ALONG SAID EAST LINE OF LOT 9, A DISTANCE OF 60.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 9 AND THE NORTHEAST CORNER OF LOT 10 OF SAID ROSELAWN HEIGHTS;

THENCE SOUTH 89 DEGREES 59 MINUTES 18 SECONDS WEST ALONG SOUTH LINE OF SAID LOT 9 AND THE NORTH LINE OF SAID LOT 10, A DISTANCE OF 359.14 FEET TO A POINT ON A LINE THAT IS 270.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID LOT 10,

THENCE SOUTH 00 DEGREES 11 MINUTES 19 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 328.34 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34 AND THE CENTERLINE OF PALM LANE;

THENCE SOUTH 89 DEGREES 59 MINUTES 31 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, A DISTANCE OF 303.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 139,215 SQUARE FEET OR 3.2 ACRES MORE OR LESS.

DRAFT

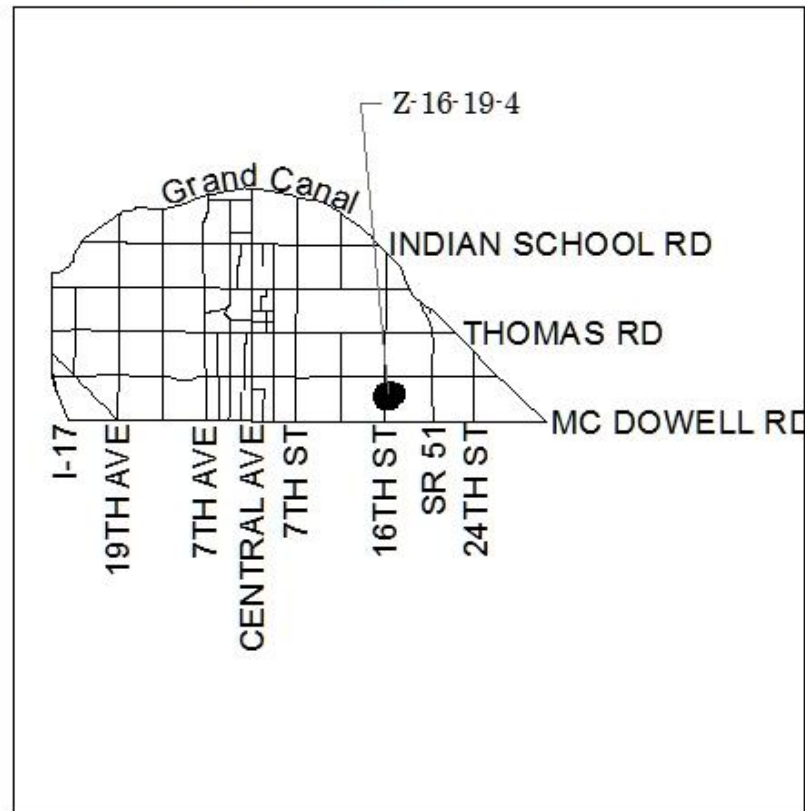
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ■ ■ ■ ■ ■



Zoning Case Number: Z-16-19-4
Zoning Overlay: N/A
Planning Village: Encanto



NOT TO SCALE



Drawn Date: 8/2/2019