

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-68-18-8) FROM R-4 (MULTIFAMILY RESIDENCE DISTRICT) AND R-5 (MULTIFAMILY RESIDENCE DISTRICT) TO WU CODE T4:3 EG (WALKABLE URBAN CODE TRANSECT 4:3 DISTRICT, TRANSIT EASTLAKE-GARFIELD CHARACTER AREA) AND WU CODE T5:5 EG (WALKABLE URBAN CODE TRANSECT 5:5 DISTRICT, TRANSIT EASTLAKE-GARFIELD CHARACTER AREA).

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

follows:

SECTION 1. The zoning of a 4.96-acre property located at the southwest corner of 19th Street and Roosevelt Street in a portion of Section 3, Township 1 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from 2.31 acres of "R-4" (Multifamily Residence District) and 2.65 acres of "R-5" (Multifamily Residence District) to 2.31 acres of "WU Code T4:3 EG" (Walkable Urban Code Transect 4:3 District, Transit Eastlake-Garfield Character Area) and 2.65 acres of "WU Code T5:5 EG" (Walkable Urban Code Transect 5:5 District, Transit Eastlake-Garfield 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. The developer shall provide shade trees to meet the shade requirement along the Roosevelt and Garfield Street frontages, as approved by the Planning and Development Department.
2. Shade trees within the landscape setbacks shall meet the following standards, as approved by the Planning and Development Department:
 - a. Minimum 30 percent of all trees shall have a minimum caliper of three inches and all remaining trees shall have minimum caliper of two inches; and,
 - b. Trees shall be placed 25 feet on center or equivalent grouping.
3. Fifty percent living vegetation ground coverage shall be provided within landscaped areas, as approved by the Planning and Development Department.
4. Trees shall be planted a minimum of 10 feet from any public utilities but no more than 15 feet, as approved by the Planning and Development Department.
5. The developer shall dedicate a 12-foot right-of-way radius at the northeast corner of 18th Street and Garfield Street and the northwest corner of 19th Street and Garfield Street, 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. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport (PHX) 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.
8. 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.
9. 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.
10. 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.
11. 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 9th day of January, 2019.

MAYOR

ATTEST:

_____ City Clerk

APPROVED AS TO FORM:

_____ City Attorney

REVIEWED BY:

_____ City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-68-18-8

Parts of Tract "F" and Tract "G" of the AMENDED MAP OF MONTEZUMA PLACE, a subdivision of a portion of the Southwest quarter of Section 3, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at City Monument No. 25-61 on the center lines of Eighteenth Street and Roosevelt Street, identical with the Northwest corner of the East half of the Southwest quarter of said Section 3;

Thence South 0 degrees 0 minutes 35 seconds West 30 feet along the center line of Eighteenth Street, identical with the West line of said East half of the Southwest quarter to a point identical with the Northwest corner of Tract "F"; Thence South 89 degrees 44 minutes 15 seconds East 30 feet along the North line of Tract "F" to the Southeast property line corner of Eighteenth and Roosevelt Streets, identical with the Northwest corner of Parcel No. 1, and the TRUE PLACE OF BEGINNING;

Thence South 89 degrees 44 minutes 15 seconds East 468.71 feet along the North line of

Tract "F" parallel to and 30 feet South of the center line of Roosevelt Street, to the Northeast corner of Tract "F" identical with the Northwest corner of Tract "G";

Thence continuing South 89 degrees 44 minutes 15 seconds East 126.88 feet along the North line of Tract "G" parallel to and 30 feet South of the center line of Roosevelt Street, to the Southwest property line corner of Nineteenth and Roosevelt Street, identical with the Northeast corner of Parcel No. 1;

Thence South 271.00 feet along the West property line of Nineteenth Street, parallel to and 30 feet West of the center line of Nineteenth Street to the Northwest property line corner of Nineteenth and Garfield Streets identical with the Southeast corner of Parcel No. 1; Thence North 89 degrees 44 minutes 25 seconds West 126.36 feet along the North property line of Garfield Street, parallel to and 30 feet North of the center line of Garfield Street, to the West line of Tract "G" identical with the East line of Tract "F";

Thence continuing North 89 degrees 44 minutes 25 seconds West 469.28 feet along the North property line of Garfield Street, parallel to and 30 feet North of the center line of Garfield Street to the Northeast property line corner of Eighteenth and Garfield Streets, identical with the Southwest corner of Parcel No. 1;

Thence North 0 degrees 0 minutes 35 seconds East 271.04 feet along the East property line of Eighteenth Street parallel to and 30 feet East of the center line of Eighteenth Street, said street center line being identical with the West line of the East half of the Southwest quarter of Section 3, and the West line of Tract "F" to the Northwest corner of Parcel No. 1, and THE PLACE OF BEGINNING;

EXCEPT all uranium, thorium, and all other materials determined pursuant to Section 5 (b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material, contained in whatever concentration in deposits in the land.

ORDINANCE LOCATION MAP

EXHIBIT B

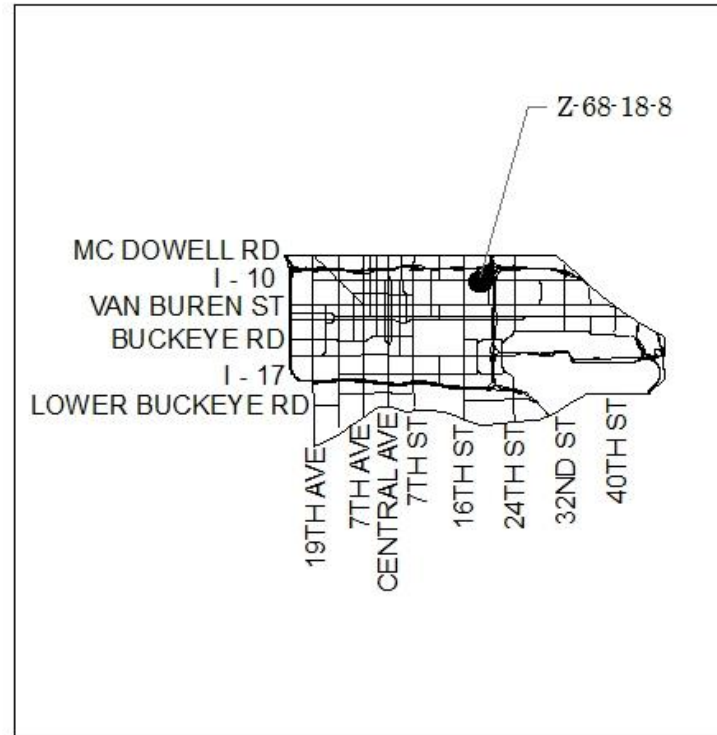
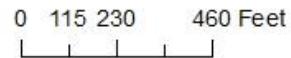
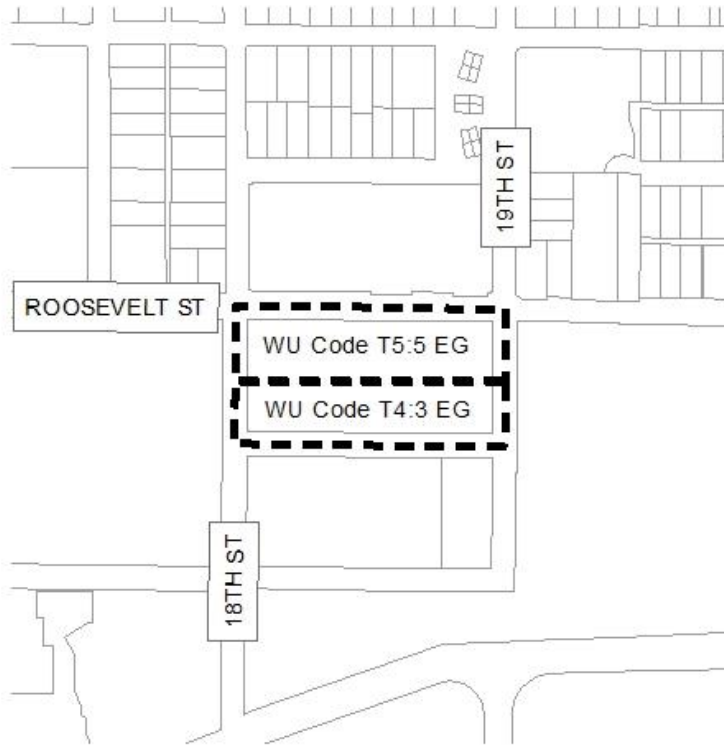
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■■■■■

Zoning Case Number: Z-68-18-8

Zoning Overlay: N/A

Planning Village: Central City



NOT TO SCALE



Drawn Date: 12/14/2018