

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-44-19-8) FROM C-1 (NEIGHBORHOOD RETAIL) AND R-3 SP (MULTIFAMILY RESIDENCE DISTRICT, SPECIAL PERMIT) TO R-3 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 5.58-acre property located at the northwest corner of Central Avenue and South Mountain Avenue, in a portion of Section 5, Township 1 South, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from 4.18 acres of "C-1" (Neighborhood Retail) and 1.63 acres of "R-3 SP" (Multifamily Residence District, Special Permit) to 5.58 acres of "R-3" (Multifamily Residence 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 with the building elevations, site plan, wall exhibit, pedestrian circulation plan, and intersection enhancements date stamped September 30, 2019, as modified by the following stipulations and as approved by the Planning and Development Department.
2. All units adjacent to the Highline Canal, South Mountain Avenue, and Central Avenue except for lots 31 – 34 as depicted on the site plan date stamped September 30, 2019 shall have individual pedestrian entrances oriented to the nearest public street or canal and be connected by a direct sidewalk. These units shall include a porch or patio to accentuate the street-facing unit entrance, as described below and as approved by the Planning and Development Department:
 - a. Patio Frontage:
 1. Minimum depth of eight feet.
 2. Minimum area of 64 square feet.
 3. The area between the property line and main facade of the building which is not improved with permanent hardscape shall be planted with live vegetation ground coverage and shrubs, excluding hardscape for pedestrian amenities.
 - b. Porch Frontage:
 1. Minimum depth of six feet.
 2. Minimum width of 50 percent of the unit façade.
 3. Minimum shade coverage of 75 percent of porch area.
3. The public sidewalk along Central Avenue shall be detached with a minimum five-foot-wide landscape strip located between the sidewalk and back of curb and shall include a minimum 2-inch caliper large canopy shade trees planted a minimum of 25 feet on center or equivalent groupings along both sides of the sidewalk and shaded to a minimum of 75 percent, 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.
4. The area between the curb and public sidewalk along Central Avenue shall be planted with drought tolerant vegetation designed to grow to a maximum mature

height of 24 inches and achieve 75 percent live coverage, as approved by the Planning and Development Department.

5. The public sidewalk along South Mountain Avenue shall be planted with minimum 2-inch caliper large canopy shade trees planted a minimum of 20 feet on center or equivalent groupings and shading the sidewalk to a minimum of 50 percent, 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.
6. A minimum of 25 percent of the surface parking areas shall be shaded by trees at maturity, as approved by the Planning and Development Department.
7. Inverted-U bicycle racks shall be provided at a rate of 0.25 per dwelling unit located near building entries and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
8. Solid walls above 40 inches shall not be permitted along South Mountain Avenue, Central Avenue, or the Highline Canal, as approved by the Planning and Development Department.
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 operational 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.
12. 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.
13. The rooflines of the surface parked units shall vary in height in a similar manner to those of the 1 car garage and 2-car garage units, as shown on the Elevations date stamped September 30, 2019, and as approved by the Planning and Development Department.

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 8th day of January, 2020.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

Exhibits:

- A – Legal Description (4 Pages)
- B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-44-19-8

PARCEL 1

THAT PART OF LOT 7, SECTION 5, TOWNSHIP 1 SOUTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7, BEING ON THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 5 AT NORTH 00 DEGREES 06 MINUTES WEST 639.13 FEET FROM THE SOUTHWEST CORNER THEREOF, IDENTICAL WITH THE SOUTH RIGHT OF WAY LINE OF THE HIGHLINE CANAL;

THENCE NORTH 85 DEGREES 45 MINUTES EAST 80.40 FEET;

THENCE NORTH 79 DEGREES 06 MINUTES EAST 158.74 FEET AND NORTH 69 DEGREES 48 MINUTES EAST 172.33 FEET ALONG THE NORTH LINE OF SAID LOT 7, IDENTICAL WITH THE SOUTH RIGHT OF WAY LINE OF THE HIGHLINE CANAL TO THE WEST LINE OF CENTRAL AVENUE, AS SHOWN BY DEED RECORDED IN BOOK 125 OF DEEDS, AT PAGE 47, THEREOF;

THENCE SOUTH 00 DEGREES 25 MINUTES EAST 296.43 FEET ALONG THE WEST LINE OF SAID CENTRAL AVENUE;

THENCE SOUTH 89 DEGREES 17 MINUTES WEST 399.61 FEET PARALLEL TO THE SOUTH LINE OF SAID LOT 7, TO THE WEST LINE THEREOF;

THENCE NORTH 00 DEGREES 06 MINUTES WEST 206.13 FEET ALONG THE WEST LINE OF SAID LOT 7, TO THE PLACE OF BEGINNING;

EXCEPT THAT PART OF LOT 7, OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION OF THE WEST LINE OF CENTRAL AVENUE WITH THE SOUTHERLY RIGHT OF WAY LINE OF THE HIGHLINE CANAL; THENCE FROM SAID POINT OF BEGINNING RUN SOUTH 00 DEGREES 25 MINUTES EAST ALONG THE WEST LINE OF CENTRAL AVENUE 102.43 FEET TO A POINT FROM WHICH THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DEED FROM COWDEN, ET UX, TO ROBERT B. KENYON, RECORDED IN DOCKET 96, PAGE 547, BEARS SOUTH 00 DEGREES 25 MINUTES EAST A DISTANCE OF 194 FEET;

THENCE SOUTH 89 DEGREES 17 MINUTES WEST PARALLEL TO THE SOUTH LINE OF AFORESAID KENYON LAND 227 FEET;

THENCE NORTH 00 DEGREES 25 MINUTES WEST PARALLEL TO THE WEST LINE OF CENTRAL AVENUE, 38.40 FEET TO SOUTHERLY RIGHT OF WAY LINE OF THE HIGHLINE CANAL;

THENCE NORTHEASTERLY ALONG THE SOUTHERLY RIGHT OF WAY LINE OF THE HIGHLINE CANAL TO THE POINT OF BEGINNING; AND

EXCEPT THAT PART OF LOT 7, SECTION 5, TOWNSHIP 1 SOUTH, RANGE 3 EAST OF THE GILA AND SALT FIVER BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE WEST LINE OF CENTRAL AVENUE WITH THE SOUTHERLY RIGHT OF WAY LINE OF THE HIGHLINE CANAL; THENCE FROM SAID POINT RUN SOUTH 00 DEGREES 25 MINUTES EAST ALONG THE WEST LINE OF CENTRAL AVENUE 102.43 FEET TO THE TRUE POINT OF BEGINNING;

THENCE WEST 227 FEET;

THENCE SOUTH 75 FEET;

THENCE EAST 227 FEET;

THENCE NORTH, ALONG THE WEST LINE OF CENTRAL AVENUE, 75 FEET TO THE TRUE POINT OF BEGINNING, AND

EXCEPT THE EAST 9 FEET THEREOF; AND

EXCEPT THE NORTH 15 FEET OF THAT PART OF SAID LOT 7 LYING WESTERLY OF A LINE PARALLEL WITH AND 227 FEET WESTERLY OF THE WESTERLY RIGHT-OF-WAY LINE OF CENTRAL AVENUE AS SAID CENTRAL AVENUE IS DESCRIBED IN INSTRUMENT RECORDED IN BOOK 125 OF DEEDS PAGE 47; AND EXCEPT THAT PART OF PARCEL "A" DESCRIBED HEREIN BELOW, BEING A PORTION OF LOT 7, SECTION 5, TOWNSHIP 1 SOUTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, LYING WITHIN 50 FEET OF THE MONUMENT LINE OF CENTRAL AVENUE;

EXCEPT THE EAST 9 FEET THEREOF; AND EXCEPT THAT PART THEREOF LYING NORTH OF THE LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF CENTRAL AVENUE, AS SET FORTH IN THE INSTRUMENT RECORDED IN BOOK 125 OF DEEDS, PAGE 47, RECORDS OF MARICOPA COUNTY, ARIZONA, AND

THE SOUTHERLY RIGHT OF WAY LINE OF THE HIGHLINE CANAL;

THENCE SOUTH 00 DEGREES 25 MINUTES EAST ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 102.43

FEET;

THENCE WEST A DISTANCE OF 227 FEET;

THENCE SOUTH A DISTANCE OF 75 FEET TO THE POINT OF BEGINNING;

THENCE EAST A DISTANCE OF 227 FEET TO SAID WEST RIGHT OF WAY LINE AND THE TERMINUS OF THE LINE DESCRIBED HEREIN.

PARCEL "A"

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7, BEING A POINT IN THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5 WHICH BEARS NORTH 00 DEGREES 06 MINUTES WEST A DISTANCE OF 639.13 FEET FROM THE SOUTHWEST CORNER THEREOF, BEING ALSO A POINT IN THE SOUTH RIGHT OF WAY LINE OF THE HIGHLINE CANAL;

THENCE NORTH 85 DEGREES 45 MINUTES EAST A DISTANCE OF 80.40 FEET;

THENCE NORTH 79 DEGREES 06 MINUTES EAST A DISTANCE OF 158.74 FEET;

THENCE NORTH 69 DEGREES 48 MINUTES EAST ALONG THE NORTH LINE OF SAID LOT 7 AND ALONG SAID SOUTH RIGHT OF WAY LINE OF THE HIGHLINE CANAL A DISTANCE OF 172.33 FEET TO SAID WEST RIGHT OF WAY LINE OF CENTRAL AVENUE;

THENCE SOUTH 00 DEGREES 25 MINUTES EAST ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 296.43 FEET;

THENCE SOUTH 89 DEGREES 17 MINUTES WEST PARALLEL WITH THE SOUTH LINE OF SAID LOT 7 A DISTANCE OF 399.61 FEET TO THE WEST LINE THEREOF;

THENCE NORTH 00 DEGREES 06 MINUTES WEST ALONG SAID WEST LINE A DISTANCE OF 206.13 FEET TO THE POINT OF BEGINNING.

PARCEL 2

THAT PART OF SAID LOT 7, SECTION 5, TOWNSHIP 1 SOUTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, LYING WEST OF THE WEST RIGHT OF WAY LINE, AND THE SOUTHERLY PROLONGATION THEREOF, OF CENTRAL AVENUE, AS SET FORTH IN THE INSTRUMENT RECORDED IN BOOK 125, PAGE 47 OF DEEDS, RECORDS OF MARICOPA COUNTY, ARIZONA;

AND

EXCEPT THAT PORTION DEEDED TO THE CITY OF PHOENIX IN DOCKET 5029, PAGE 130; AND

EXCEPT THAT PORTION REFERRED TO IN FINAL ORDER OF CONDEMNATION RECORDED IN DOCUMENT NO. 1995-297029;

EXCEPT THAT PART THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7, BEING A POINT IN THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5 WHICH BEARS NORTH 0 DEGREES 06 MINUTES WEST A DISTANCE OF 639.13 FEET FROM THE SOUTHWEST CORNER THEREOF, BEING ALSO A POINT IN THE SOUTH RIGHT OF WAY LINE OF THE HIGHLINE CANAL;

THENCE NORTH 85 DEGREES 45 MINUTES EAST A DISTANCE OF 80.40 FEET;

THENCE NORTH 79 DEGREES 06 MINUTES EAST A DISTANCE OF 158.74 FEET;

THENCE NORTH 69 DEGREES 48 MINUTES EAST ALONG THE NORTH LINE OF SAID LOT 7 AND ALONG SAID SOUTH RIGHT OF WAY LINE OF THE HIGHLINE CANAL A DISTANCE OF 172.33 FEET TO SAID WEST RIGHT OF WAY LINE OF CENTRAL AVENUE;

THENCE SOUTH 0 DEGREES 25 MINUTES EAST ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 296.43 FEET;

THENCE SOUTH 89 DEGREES 17 MINUTES WEST PARALLEL WITH THE SOUTH LINE OF SAID LOT 7 A DISTANCE OF 399.61 FEET TO THE WEST LINE THEREOF;

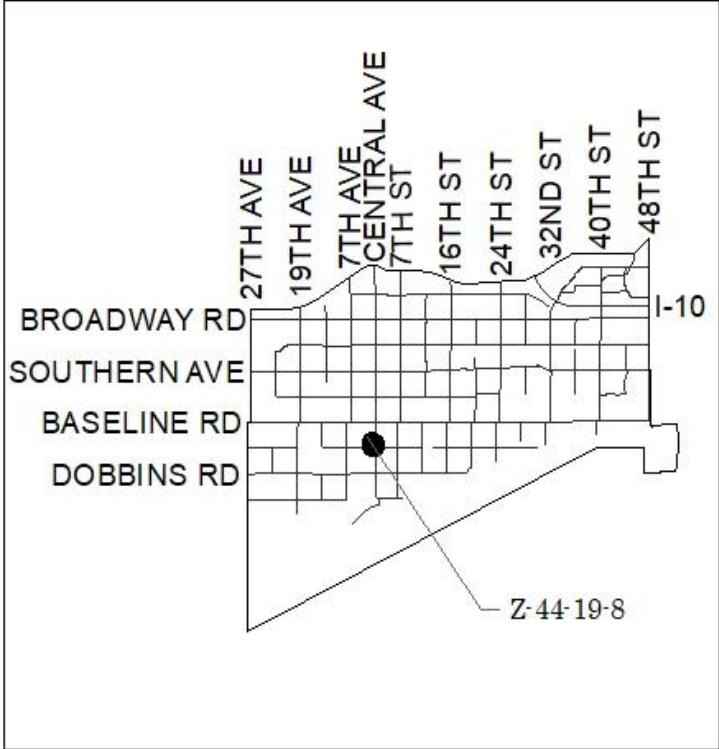
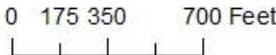
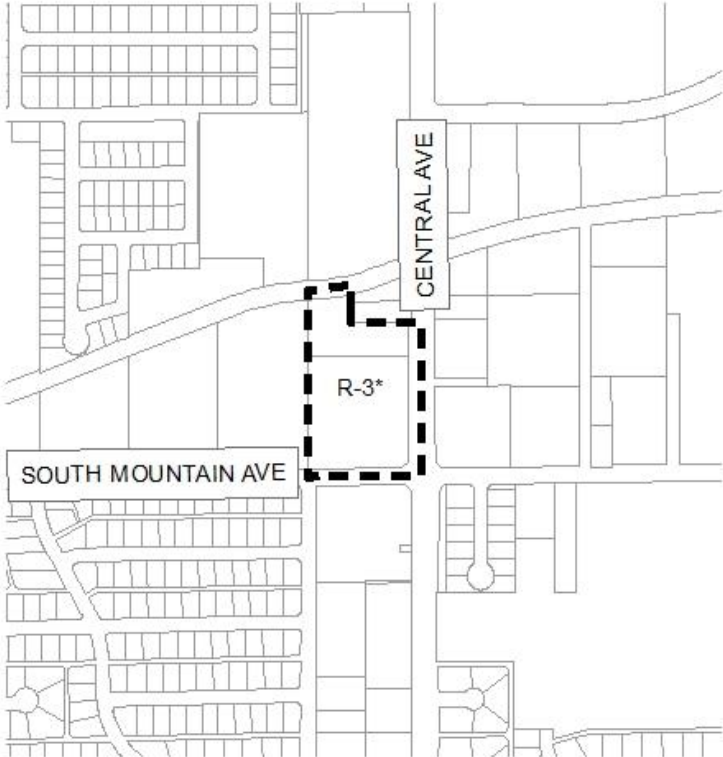
THENCE NORTH 0 DEGREES 06 MINUTES WEST ALONG SAID WEST LINE A DISTANCE OF 206.13 FEET TO THE POINT OF BEGINNING.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-44-19-8
Zoning Overlay: N/A
Planning Village: South Mountain



NOT TO SCALE



Drawn Date: 11/1/2019