

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 (Z-40-19-7) FROM C-2 SPVTABDO (INTERMEDIATE COMMERCIAL, SOUTH PHOENIX VILLAGE AND TARGET AREA B DESIGN OVERLAY) TO R-4 (MULTIFAMILY RESIDENCE DISTRICT, SOUTH PHOENIX VILLAGE AND TARGET AREA B DESIGN OVERLAY) TO ALLOW FOR MULTIFAMILY RESIDENTIAL.

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

SECTION 1. The zoning of a 1.00-acre property located approximately 360 feet east of the northeast corner of 2nd Street and Roeser Road, in a portion of Section 29, Township 1 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "C-2 SPVTABDO" (Intermediate Commercial, South Phoenix Village and Target Area B Design Overlay) to "R-4 SPVTABDO" (Multifamily Residence District, South Phoenix Village and Target Area B Design Overlay) to allow for multifamily residential.

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. All building facades shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, window fenestration, shadow boxes and/or overhead canopies at least every 50 linear feet, as approved by the Planning and Development Department.
2. All ground level units on the south half of the building shall have their individual main entrances oriented to Roeser Road, including a direct pedestrian pathway to the public sidewalk and a porch or patio to accentuate the unit entrance, as described below and as approved by the Planning and Development Department:
 - a. Patio Frontage:
 - 1) Minimum depth of 8 feet.
 - 2) Minimum area of 64 square feet.
 - 3) Patio shall be enclosed on each side by a low wall not to exceed 40 inches in height.
 - 4) 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. Patio Frontage:
 - 1) Minimum depth of 6 feet.
 - 2) Minimum width of 50 percent of the facade.
 - 3) Minimum shade coverage of 75 percent of porch area.
3. All public sidewalks shall be detached with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum 3-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk. The sidewalk may be attached in the area of the mature shade tree located approximately 100 feet west of the southeast corner of the subject property, as approved by the Planning and Development Department.

4. The developer shall provide pedestrian pathways on the east and west side of the subject site extending from Roeser Road to the north property line to provide pedestrian access to neighboring multifamily developments. Pedestrian pathways shall include the following, as approved by the Planning and Development Department:
 - a. Pedestrian pathways shall be detached from the vehicular areas by a minimum 5-foot-wide landscaped area and shall include minimum 3-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk.
 - b. Where pedestrian pathways cross driveways, the crossing shall be delineated by stamped and/or colored crosswalks, as approved by the Planning and Development Department.
5. All individual units above the ground floor shall have a shaded balcony of no less than 50 square feet in total size with a minimum depth of 5 feet, as approved by the Planning and Development Department.
6. 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.
7. Fifteen percent of the surface parking lot area must be landscaped exclusive of perimeter landscaping. 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. 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.
9. 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.
10. 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.
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. The developer shall present site plans, building elevations, and the plan to address health impacts for review and comment prior to site plan approval.

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 6th day of November, 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-40-19-7

APN 113-35-970B

Parcel No. 1:

That part of the South half of the Northeast quarter of Section 29, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, described as follows:

COMMENCING at a point on the center line of Roeser Road, which point is North 89 degrees 19 minutes 35 seconds East 1057.65 feet from the center line of Central Avenue;

Thence North 160 feet;

Thence North 89 degrees 19 minutes 35 seconds East 210.02 feet to a point on the West line of property conveyed to Colorado Land and Development Company in Docket 4084, page 578; Thence South 0 degrees 0 minutes 35 seconds West along said West line and its extension thereof, 160 feet to the center line of Roeser Road;

Thence South 89 degrees 19 minutes 35 seconds West 210 feet to the place of beginning.

Parcel No. 2:

That part of the South half of the Northeast quarter of Section 29, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, described as follows:

Beginning at a point on the center line of Roeser Road which point bears North 33 feet and South 89 degrees 58 minutes West 8.94 feet from the Southeast corner of the Southwest quarter of the Northeast quarter of Section 29;

Thence North 0 degrees 58 minutes East 160 feet;

Thence South 89 degrees 58 minutes West 60 feet;

Thence South 0 degrees 38 minutes West 160 feet to the center line of Roeser Road;

Thence North 89 degrees 58 minutes East 60 feet along the center line of said Roeser Road to the point of beginning;

EXCEPT therefrom the South 85 feet of the West 30 feet; and

EXCEPT therefrom the South 40 feet.

Parcel No. 3:

The South 85' of the West 30 feet as excepted in Warranty Deed from American Telephone and Telegraph Company of Wyoming, a Wyoming Corporation to Colorado Land and Development Company, an Arizona, dated February 23, 1962 in Docket 1653, page 224, records of Maricopa County, Arizona; being more particularly described within:

That part of the South half of the Northeast quarter of Section 29, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, described as follows:
Beginning at a point on the center line of Roeser Road which point bears North 33 feet and South 89 degrees 58 minutes West 8.94 feet from the Southeast corner of the Southwest quarter of the Northeast quarter of Section 29;
Thence North 0 degrees 58 minutes East 160 feet;
Thence South 89 degrees 58 minutes West 60 feet;
Thence South 0 degrees 38 minutes West 160 feet to the center line of Roeser Road;
Thence North 89 degrees 58 minutes East 60 feet along the center line of said Roeser Road to the point of beginning.

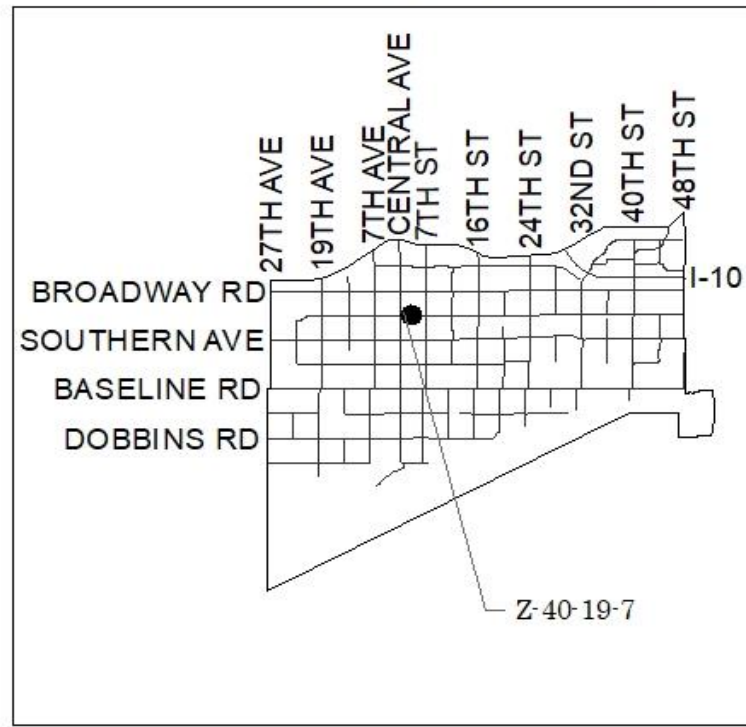
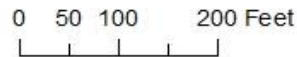
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ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-40-19-7
Zoning Overlay: South Phoenix Village and
Target Area B Design Overlay District
Planning Village: South Mountain



NOT TO SCALE



Drawn Date: 10/2/2019