

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-20-19-6) FROM R-5 (MULTIFAMILY RESIDENCE DISTRICT), P-1 (PARKING DISTRICT) AND C-1 (NEIGHBORHOOD RETAIL DISTRICT) TO C-1 (NEIGHBORHOOD RETAIL DISTRICT).

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

SECTION 1. The zoning of a 0.72-acre site located approximately 160 feet east of the southeast corner of 12th Street and Missouri Avenue in a portion of Section 16, Township 2 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from 0.57-acres of "R-5" (Multifamily Residence District), 0.07-acres of "P-1" (Parking District) and 0.08-acres of "C-1" (Neighborhood Retail District) to "C-1" (Neighborhood Retail 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 provide a minimum 1,500 square foot centralized open space gathering area and shall include amenities such as benches, a ramada, and water feature or other similar amenities, as approved by the Planning and Development Department.
2. There shall be a pedestrian accessway connecting the sidewalk along Missouri Avenue through the site to the parking lot, consisting of decorative material such as pavers or stamped, scored or colored concrete or other similar material, as approved by the Planning and Development Department.
3. Any pedestrian gate along Missouri Avenue shall be ornamental and provide view into the development, as approved by the Planning and Development Department.
4. The sidewalk along Missouri Avenue shall be detached with a minimum 5-foot wide landscape strip located between the sidewalk and back of curb and shall include minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or in equivalent groupings and adjacent to the sidewalk, as approved by the Planning and Development Department.
5. A minimum of 5 inverted-U (10 bicycle parking spaces) shall be provided within the development and placed near building entrances as required per Section 1307.H. of the Phoenix Zoning Ordinance.
6. A 13-foot right-of-way shall be dedicated for the south half of Missouri Avenue consistent with the existing right-of-way easement, as approved by the Planning and Development Department.
7. 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.
8. 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.
9. Recycling services shall be provided on site.

10. 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 (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-20-19-6

LEGAL DESCRIPTION

A parcel of land lying within the Northwest quarter of the Northwest quarter of the Northwest quarter of the Southeast quarter of Section 16, 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 Center corner of said Section 16 (City of Phoenix Brass Cap Flush) from which the Northeast corner of said Northwest quarter of the Southeast quarter of Section 16 (Maricopa County Engineering Brass Cap in Handhole) bears North 89 Degrees 56 Minutes 22 Seconds East a distance of 1328.60 feet; Thence North 89 Degrees 56 Minutes 22 Seconds East along the North line of said Northwest quarter of the Northwest quarter of the Northwest quarter of the Southeast quarter a distance of 156.13 to a point on the West line of the East 176.00 feet of said Northwest quarter of the Northwest quarter of the Northwest quarter of the Southeast quarter, said point also being the **TRUE POINT OF BEGINNING**; Thence continuing North 89 Degrees 56 Minutes 22 Seconds East along said North line a distance of 176.00 feet to the Northeast corner of said Northwest quarter of the Northwest quarter of the Northwest quarter of the Southeast quarter; Thence South 00 Degrees 02 Minutes 21 Seconds East along the East line of said Northwest quarter of the Northwest quarter of the Northwest quarter of the Southeast quarter a distance of 185.49 feet to a point on the South line of the North 185.49 feet of said Northwest quarter of the Northwest quarter of the Northwest quarter of the Southeast quarter; Thence South 89 Degrees 56 Minutes 22 Seconds West along said South line a distance of 154.18 feet to a point on the East line of the West 178.00 feet of said Northwest quarter of the Northwest quarter of the Northwest quarter of the Southeast quarter; Thence North 00 Degrees 01 Minutes 21 Seconds West along last said East line a distance of 20.37 feet to a point on the South line of the North half of said Northwest quarter of the Northwest quarter of the Northwest quarter of the Southeast quarter; Thence South 89 Degrees 56 Minutes 31 Seconds West along last said South line a distance of 21.83 feet to a point on said West line of the East 176.00 feet; Thence North 00 Degrees 02 Minutes 21 Seconds West along last said West line a distance of 165.12 feet to the **POINT OF BEGINNING**.

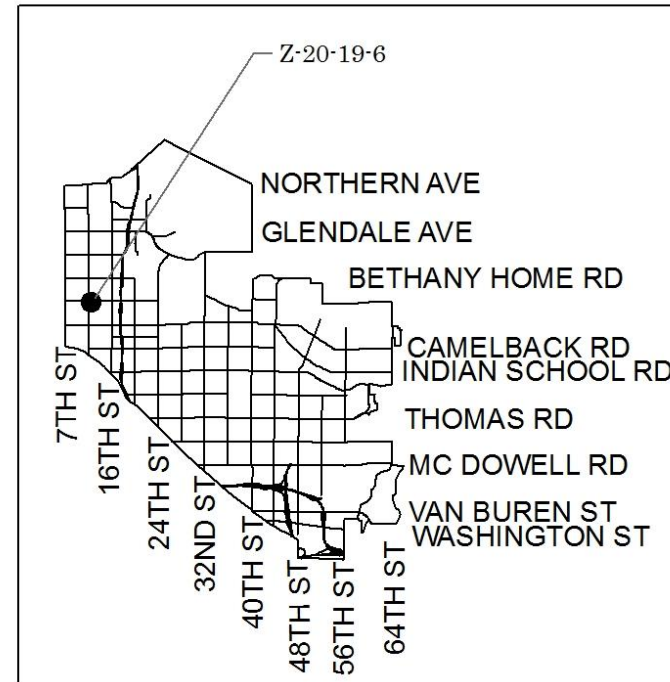
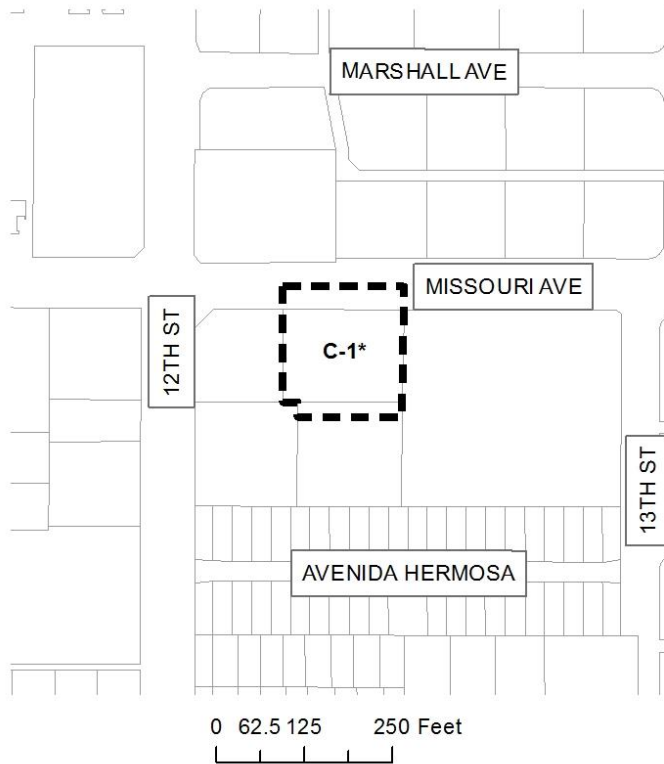
The above described parcel contains 0.739 acres (32,201 sq. ft.) more or less.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-20-19-6
Zoning Overlay: N/A
Planning Village: Camelback East



NOT TO SCALE



Drawn Date: 8/2/2019