

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-4-20-8) FROM R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT) TO CP/GCP (COMMERCE PARK / GENERAL COMMERCE PARK).

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

SECTION 1. The zoning of a 1.57 acre site located approximately 400 feet south of the southwest corner of 32nd Street and Roeser Road in a portion of Section 26, Township 1 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "R1-6" (Single-Family Residence) to "CP/GCP" (Commerce Park / General Commerce Park).

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. Building elevations adjacent and oriented to public streets shall contain multiple colors, exterior accent materials and textural changes that exhibit quality and durability such as brick, stone, colored textured concrete or stucco, to provide a decorative and aesthetic treatment, as approved by the Planning and Development Department.
2. Perimeter walls, including existing walls, adjacent to public streets shall have a finished appearance compatible with primary structures that includes material and textural differences, such as stucco and/or split face block with a decorative element, such as tile or stamped designs, as approved by the Planning and Development Department.
3. The required street side landscape setback shall be planted with single-trunk drought-tolerant shade trees and other vegetation. There shall be a minimum of five 3-inch caliper trees and four 2-inch caliper trees, and five 5-gallon shrubs per tree to achieve 75-percent live coverage. The required landscaping shall be located in front of perimeter walls along 32nd Street where conflicts with the MUTE, multi-use trail and/or utilities do not exist. Trees shall be oriented to provide the maximum shade possible to the multi-use trail and sidewalk along 32nd Street, as approved by the Planning and Development Department.
4. A minimum 5-foot wide landscape setback shall be provided along the north property line and shall be planted 20 feet on center, or in equivalent groupings, with large canopy drought-tolerant trees including 40 percent 1-inch caliper and 60 percent 2-inch caliper sizes, as approved by the Planning and Development Department. These trees shall be arranged in manner that maximizes the screening of uses from adjacent property lines, as approved by the Planning and Development Department.
5. The developer shall install a minimum of three inverted U-bicycle racks or artistic style racks, installed per the requirements of Section 1307.H. of the Zoning Ordinance, as approved by the Planning and Development Department.
6. The development shall be limited to one vehicular driveway along 32nd Street. This driveway shall incorporate sight visibility triangles of 10 feet by 20 feet in dimension located where the driveway intersects the adjacent street, as approved by the Planning and Development Department.
7. The developer shall provide traffic calming measures at the vehicular point of ingress and egress to slow vehicles departing the development and crossing the multi-use trail and public sidewalks, as approved by the Planning and Development Department.

8. The developer shall provide a clearly defined, accessible pathway constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisles surfaces. This pathway shall connect all building entrances and exits to all public sidewalks utilizing the minimum possible distance and providing the most direct route.
9. Pedestrian paths on the subject site shall be shaded to a minimum 75 percent by a combination of tree and architectural shade, as approved by the Planning and Development Department.
10. The developer shall dedicate a 25-foot-wide multi-use trail easement (MUTE) along the west side of 32nd Street that gradually tapers to 20 feet to meet the existing 20-foot-wide MUTE south of the property. The width of the MUTE can be reduced where conflicts exist with existing walls, existing structures or utilities, but shall at no point be less than 18 feet in width. The developer shall construct a minimum 10-foot wide multi-use trail (MUT) within the MUTE in accordance with the MAG supplemental detail indicated in Section 429 or as otherwise approved by the Parks and Recreation Department and/or the Planning and Development Department.
11. The developer shall dedicate 7 feet of right-of-way for a total of 40 feet along 32nd Street, as approved by the Street Transportation Department.
12. Streetscape landscaping between the sidewalk and curb shall be replenished 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.
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. The developer shall record a Notice of 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 of the property. The form and contents of such documents shall be according to the templates and instructions provided which have been viewed and approved by the City Attorney.

15. The developer shall provide documentation to the City prior to construction permit approval that Form 7460-1 has been filed for all development required by the FAA to file this form, and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure, as required by the FAA, a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
16. 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.
17. If Phase I data testing is required, and if, upon review of the results from 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.
18. 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.
19. Prior to the issuance of a permit for change of occupancy for the existing building to a CP/GCP use and/or building permits for any new buildings and/or additions, all of the stipulated improvements listed above shall be completed, as approved by the Planning and Development Department.
20. 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.

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 21st day of October,
2020.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By: _____
Julie Kriegh, Chief Assistant City Attorney *Pml*

REVIEWED BY:

Ed Zuercher, City Manager

Exhibits:
A – Legal Description (1 Page)
B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-4-20-8

Parcel No. 1:

Within a portion of Section 26, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows: The North half of Tract 1, BERMORE ACRES, according to Book 29 of Maps, page 5, records of Maricopa County, Arizona;

Except the North 391.2 feet, and

Except the South 130.40 feet, and

Except the East 7 feet thereof.

Parcel No. 2:

Within a portion of Section 26, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows: The South 130.40 feet of the North half of the Tract 1, BERMORE ACRES, according to Book 29 minutes, page 5, records of Maricopa County, Arizona;

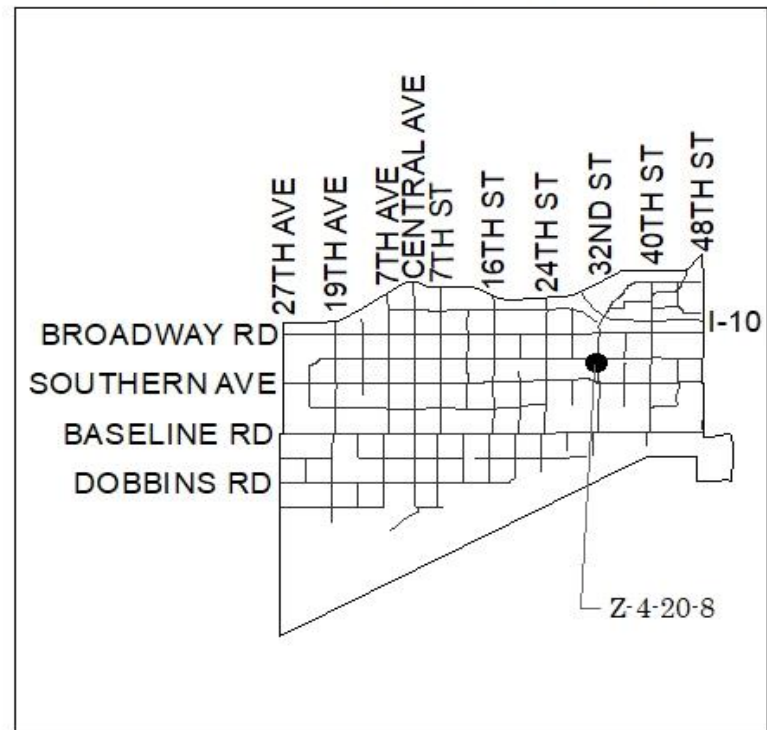
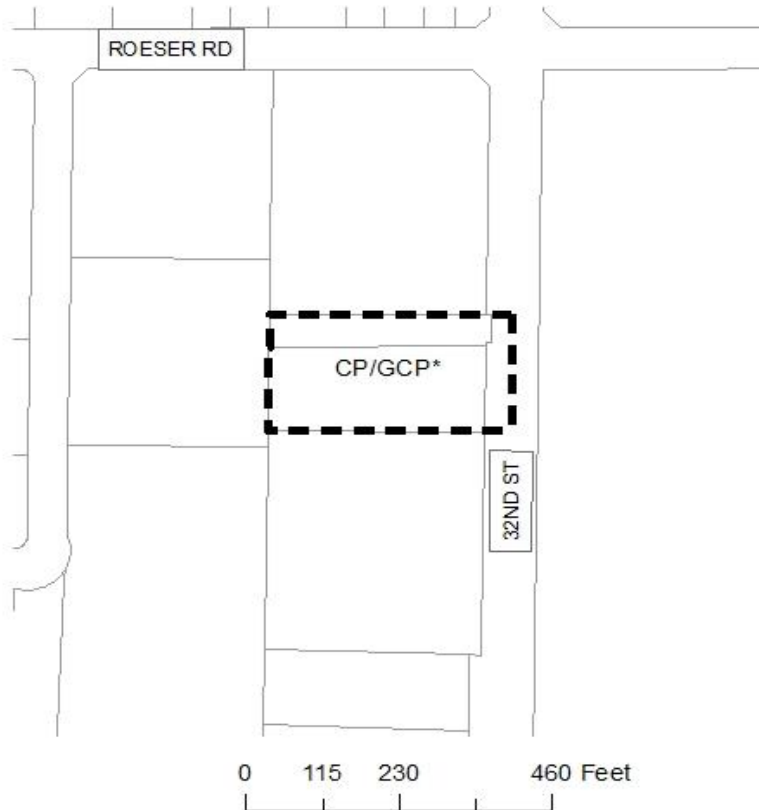
Except the East 7 feet thereof.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-4-20-8
Zoning Overlay: N/A
Planning Village: South Mountain



NOT TO SCALE



Drawn Date: 9/18/2020

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