

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 CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (Z-25-17-3) FROM S-1 (RANCH OR FARM RESIDENCE) TO C-2 (INTERMEDIATE COMMERCIAL) AND C-2 HGT/WVR DNS/WVR (INTERMEDIATE COMMERCIAL WITH A HEIGHT AND DENSITY WAIVER) FOR UP TO 56 FEET IN HEIGHT.

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

SECTION 1. The zoning of an approximately 10.25-acre site located at the northwest corner of 12th Street and Greenway Parkway in a portion of Section 4, Township 3 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "S-1" (Ranch or Farm Residence) to 3.96 acres of "C-2" (Intermediate Commercial) and 6.29 acres of "C-2 HGT/WVR DNS/WVR" (Intermediate Commercial with a height and density waiver) for up to 56 feet in height.

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:

Applicable to the C-2 HGT/WVR DNS/WVR portion of the site:

1. The development shall be in general conformance with the elevations date stamped March 29, 2017, as approved by the Planning and Development Department.
2. The development shall utilize the Zoning Ordinance development standards from Section 622.E.4. (C-1) for mixed use development as specified in Section 618.B.2. (R-5). This does not preclude the ability to apply for or obtain variances.
3. The maximum building height shall be limited to 56 feet.
4. The maximum density shall be limited to 25 dwelling units per acre.
5. A minimum of 20,000 square feet of usable open space shall be provided, and shall include a minimum of the following amenities:
 - Dog park
 - Two garden areas with seating
 - Putting green

Applicable to the C-2 portion of the site:

6. The building elevations shall complement the architecture of the elevations date stamped March 29, 2017, as approved by the Planning and Development Department.

Applicable to the entire site:

7. The developer shall provide a sidewalk easement on the existing curved sidewalk from Greenway Parkway to the underpass, as approved by the Planning and Development Department.
8. The developer shall provide drainage from 12th Street to the existing drainage basin on the southeast corner of the site. A drainage easement shall be dedicated over the drainage basin, as approved by the Planning and Development Department.
9. The developer shall construct half street improvements for all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
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. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Deer Valley Airport 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

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 July, 2017.

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-25-17-3

C-2 ZONING:

A parcel of land located in GLO Lot 3 of Section 4, Township 3 North, Range 3 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the North quarter corner of said Section 4, being monumented by a Brass Cap in Handhole at the intersection of Bell Road and 12th Street from which the Center quarter corner of said Section 4, being monumented by a Brass Cap in Handhole at the intersection of Paradise Lane and 12th Street bears South 00°17'06" East 2645.26 feet;

thence South 00°17'06" East 662.72 feet along the north-south mid-section line of said Section 4 also being the centerline of said 12th street to the intersection of the centerline of Phelps Road;

thence South 89°39'20" West 766.84 feet along the centerline of said Phelps Road to the **POINT OF BEGINNING**;

thence South 00°00'00" East 313.26 feet to a point that lies on the centerline of Greenway Parkway;

thence South 89°36'34" West 551.46 feet along the centerline of said Greenway Parkway to the intersection of the centerline of 9th street;

thence North 00°14'19" West 313.70 feet along the centerline of said 9th street to the intersection of the centerline of said Phelps Road;

thence North 89°39'20" East 552.76 feet along the centerline of said Phelps Road to the **POINT OF BEGINNING**;

Containing 173,075 square feet (3.973 Acres), more or less.

C-2 HGT/WVR DNS/WVR ZONING:

A parcel of land located in GLO Lot 3 of Section 4, Township 3 North, Range 3 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the North quarter corner of said Section 4, being monumented by a Brass Cap in Handhole at the intersection of Bell Road and 12th Street from which the Center quarter corner of said Section 4, being monumented by a Brass Cap in Handhole at the intersection of Paradise Lane and 12th Street bears South 00°17'06" East 2645.26 feet;

thence South $00^{\circ}17'06''$ East 662.72 feet along the north-south mid-section line of said Section 4 also being the centerline of said 12th street to the **POINT OF BEGINNING**;

thence continuing South $00^{\circ}17'06''$ East 464.59 feet along said north-south mid-section line to the intersection of said 12th Street centerline and the centerline of Greenway Parkway to the point of a non-tangent circular curve to the left having a radius of 1435.29 feet;

thence from a local tangent bearing of North $63^{\circ}47'16''$ West along said curve a distance of 666.41 feet along the centerline of said Greenway Parkway through a central angle of $26^{\circ}36'09''$ to the point of tangency;

thence South $89^{\circ}36'34''$ West 125.40 feet along the centerline of said Greenway Parkway;

thence North $00^{\circ}00'00''$ East 313.26 feet to a point that lies on the centerline of Phelps Road;

thence North $89^{\circ}39'20''$ East 766.84 feet along the centerline of said Phelps Road to the **POINT OF BEGINNING**;

Containing 272,078 square feet (6.246 Acres), more or less.

ORDINANCE LOCATION MAP

EXHIBIT B

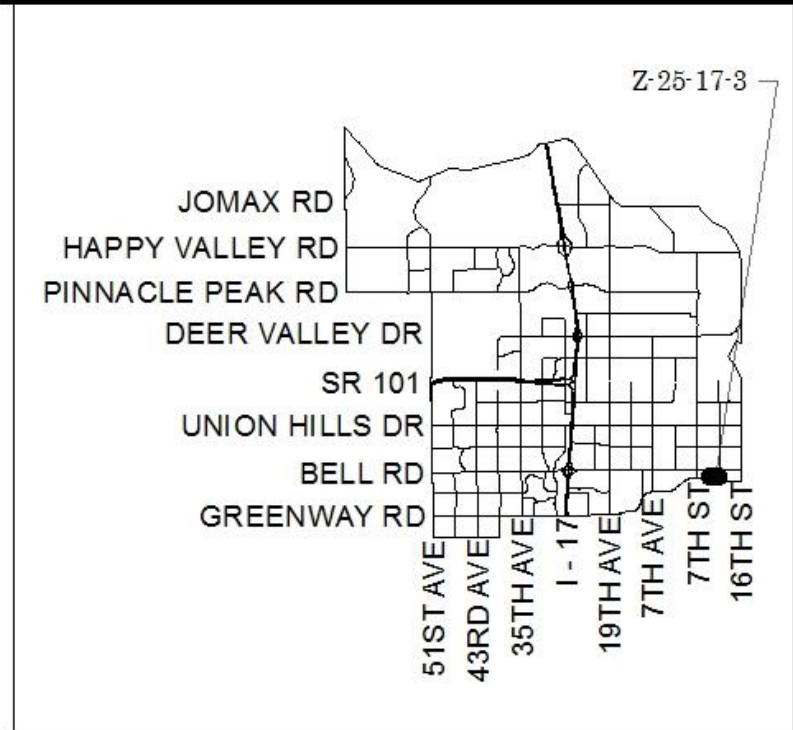
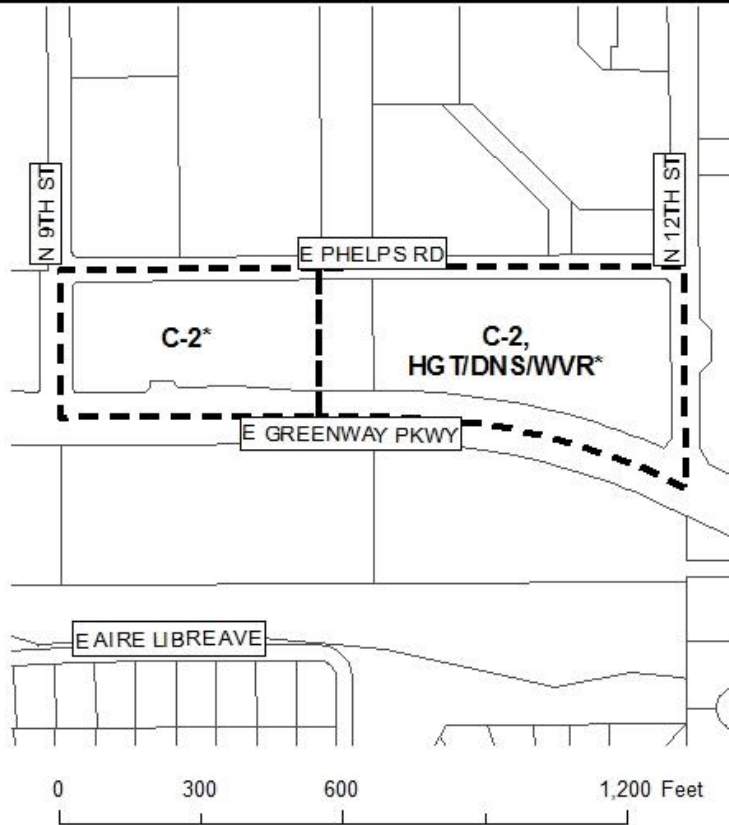
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: - - - - -

Zoning Case Number: Z-25-17-3

Zoning Overlay: N/A

Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 6/7/2017