

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-59-20-6) FROM PSC (PLANNED SHOPPING CENTER) TO C-2 (INTERMEDIATE COMMERCIAL DISTRICT).

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

SECTION 1. The zoning of a 8.80-acre site located approximately 130 feet west of the southwest corner of 16th Street and Bethany Home Road in a portion of Section 16, Township 2 North, Range 3 East, as described more specifically in Exhibit “A”, is hereby changed from “PSC” (Planned Shopping Center) to “C-2” (Intermediate Commercial 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. Prior to the issuance of permits for tenant improvements, the existing landscape planters along the 16th Street and Bethany Home Road frontages shall be replenished to provide landscaping in accordance with the C-2 zoning district standards for planting type, size and quantity. Trees along the street frontages shall be planted adjacent to the sidewalk to provide shade/thermal comfort for pedestrians, as approved by the Planning and Development Department.
2. Prior to the issuance of permits for tenant improvements, existing parking lot planters shall be replenished to meet Zoning Ordinance commercial standards per Section 623.E of the Zoning Ordinance, as approved by the Planning and Development Department.
3. Bicycle parking at a rate of one bicycle space per 25 vehicle parking spaces, with a maximum of 25 spaces shall be provided on site. These may be inverted U-bicycle racks, artistic style racks (in adherence to the City of Phoenix Preferred Designs in Appendix K or the Comprehensive Bicycle Master Plan) or "Outdoor/Covered Facilities" for guests and employees. These facilities shall be located near building entrances, installed per the requirements of Section 1307.H of the Zoning Ordinance, and approved by the Planning and Development Department.
4. The bus stop pad, shelter, furniture, and refuse container along southbound 16th Street, south of Bethany Home Road, shall be retained in its current condition. Trees shall be placed near the bus stop pad to provide 50 percent shade coverage at maturity. Any relocation of the bus stop pad or associated structures shall be as approved by the Public Transit Department.
5. Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances, public sidewalks, and bus stops, using the most direct route for pedestrians, as approved by the Planning and Development Department.
6. Where pedestrian pathways cross drive aisles, they shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.
7. All pedestrian pathways shall be shaded by trees or shade structures to provide a minimum of 75 percent shade at maturity.
8. The developer shall dedicate a 10-foot-wide sidewalk easement for the south side of Bethany Home Road, prior to any future major site plan amendment on the site.

9. The developer shall dedicate a 10-foot-wide sidewalk easement for the west side of 16th Street, prior to any future major site plan amendment on the site.
10. 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.
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. Any residential development shall require public notice and hearings through the Planning Hearing Officer process, per Section 506.B.3. of the Phoenix Zoning Ordinance, including a recommendation from the Camelback East Village Planning Committee.
13. 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 3rd day of March 2021.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

_____ City Attorney

REVIEWED BY:

_____ City Manager

Exhibits:

A – Legal Description (3 Pages)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-59-20-6

A PARCEL OF LAND SITUATE IN A PORTION OF THE NORTHEAST 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 NORTHEAST CORNER OF SAID SECTION 16, MONUMENTED BY A CITY OF PHOENIX BRASS CAP IN A HAND HOLE FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 16, MONUMENTED BY A CITY OF PHOENIX BRASS CAP IN A HAND HOLE BEARS SOUTH 89 DEGREES 59 MINUTES 30 SECONDS WEST, A DISTANCE OF 2667.67 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 30 SECONDS WEST, ALONG THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16, A DISTANCE OF 168.20 FEET;

THENCE SOUTH 00 DEGREES 00 MINUTES 30 SECONDS EAST, A DISTANCE OF 40.00 FEET TO THE TRUE POINT OF BEGINNING OF PROPOSED LOT 2 AND TO A POINT ON THE WESTERLY BOUNDARY OF THE PROPERTY DESCRIBED IN THE DOCUMENT RECORDED IN RECORDING NO. 2008-0511498, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 00 DEGREES 16 MINUTES 18 SECONDS WEST, A DISTANCE OF 155.00 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 30 SECONDS WEST, A DISTANCE OF 128.00 FEET;

THENCE NORTH 00 DEGREES 16 MINUTES 18 SECONDS EAST, A DISTANCE OF 155.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF BETHANY HOME ROAD AS DESCRIBED IN THE DOCUMENTS RECORDED IN DOCKET 3715, PAGES 541, 542, 543 AND 544, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 89 DEGREES 59 MINUTES 30 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 128.00 FEET TO THE TRUE POINT OF BEGINNING OF PROPOSED LOT 2.

Parcel 2:

A PARCEL OF LAND SITUATE IN A PORTION OF THE NORTHEAST 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 NORTHEAST CORNER OF SAID SECTION 16, MONUMENTED BY A CITY OF PHOENIX BRASS CAP IN A HAND HOLE FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 16, MONUMENTED BY A CITY OF PHOENIX BRASS CAP IN A HAND HOLE BEARS SOUTH 89 DEGREES 59 MINUTES 30 SECONDS WEST, A DISTANCE OF 2667.67 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 30 SECONDS WEST, ALONG THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16, A DISTANCE OF 296.20 FEET;

THENCE SOUTH 00 DEGREES 00 MINUTES 30 SECONDS EAST, A DISTANCE OF 40.00 FEET TO THE TRUE POINT OF BEGINNING OF PROPOSED LOT 3;

THENCE SOUTH 00 DEGREES 16 MINUTES 18 SECONDS WEST, A DISTANCE OF 155.00 FEET;

THENCE NORTH 89 DEGREES 59 MINUTES 30 SECONDS EAST, A DISTANCE OF 128.00 FEET;

THENCE NORTH 00 DEGREES 16 MINUTES 18 SECONDS EAST, A DISTANCE OF 27.00 FEET TO A POINT OF THE SOUTHERLY BOUNDARY OF THE PROPERTY DESCRIBED IN THE DOCUMENT RECORDED IN RECORDING NO. 2008-0511498, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 89 DEGREES 59 MINUTES 30 SECONDS EAST, ALONG SAID SOUTHERLY BOUNDARY LINE, A DISTANCE OF 128.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF 16TH STREET AS DESCRIBED IN THE DOCUMENTS RECORDED IN DOCKET 3715, PAGES 542, 543 AND 544, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 00 DEGREES 16 MINUTES 18 SECONDS WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 491.45 FEET TO A POINT ON THE SOUTHERLY LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 16;

THENCE SOUTH 89 DEGREES 59 MINUTES 13 SECONDS WEST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 626.27 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 16;

THENCE NORTH 00 DEGREES 12 MINUTES 54 SECONDS EAST, ALONG THE WESTERLY LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 16, A DISTANCE OF 110.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS NORTH 00 DEGREES 12 MINUTES 54 SECONDS EAST, A DISTANCE OF 40.00 FEET AND TO A POINT ON THE

EASTERLY RIGHT OF WAY LINE OF 15TH STREET AS DESCRIBED IN THE DOCUMENTS RECORDED IN DOCKET 3715, PAGES 542, 543 AND 544, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID RIGHT OF WAY LINE:

THENCE NORTHEASTERLY AND NORTHERLY ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 130 DEGREES 08 MINUTES 33 SECONDS, AN ARC DISTANCE OF 90.86 FEET TO THE BEGINNING OF A TANGENT REVERSE CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS NORTH 50 DEGREES 04 MINUTES 21 SECONDS EAST, A DISTANCE OF 23.53 FEET;

THENCE NORTHERLY ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 40 DEGREES 08 MINUTES 33 SECONDS, AN ARC DISTANCE OF 16.49 FEET TO A POINT OF TANGENCY;

THENCE NORTH 00 DEGREES 12 MINUTES 54 SECONDS EAST, A DISTANCE OF 418.50 FEET;

THENCE NORTH 44 DEGREES 45 MINUTES 47 SECONDS EAST, A DISTANCE OF 14.28 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF BETHANY HOME ROAD AS DESCRIBED IN THE DOCUMENTS RECORDED IN DOCKET 3715, PAGES 541,542, 543 AND 544, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 89 DEGREES 59 MINUTES 30 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 49.83 FEET;

THENCE SOUTH 00 DEGREES 00 MINUTES 30 SECONDS EAST, A DISTANCE OF 130.00 FEET;

THENCE NORTH 89 DEGREES 59 MINUTES 30 SECONDS EAST, A DISTANCE OF 176.00 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 30 SECONDS WEST, A DISTANCE OF 130.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF BETHANY HOME ROAD AS DESCRIBED IN THE DOCUMENTS RECORDED IN DOCKET 3715, PAGES 542, 543 AND 544, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 89 DEGREES 59 MINUTES 30 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 110.00 FEET TO THE TRUE POINT OF BEGINNING OF PROPOSED LOT 3.

ORDINANCE LOCATION MAP

EXHIBIT B

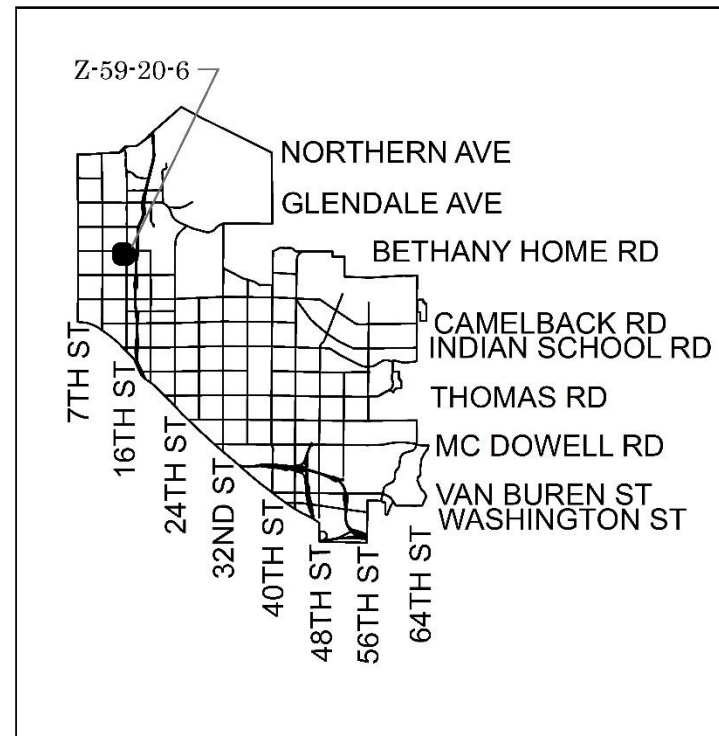
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-59-20-6

Zoning Overlay: N/A

Planning Camelback East



NOT TO SCALE



Drawn Date: 2/10/2021