

## 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-86-18-2) FROM S-1 (RANCH OR FARM RESIDENCE) TO CP/GCP (COMMERCE PARK/GENERAL COMMERCE PARK DISTRICT).

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

SECTION 1. The zoning of an 18.13-acre site located at the northeast and southeast corners of Black Canyon Highway and the Dynamite Boulevard alignment in a portion of Sections 26 and 35, Township 5 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "S-1" (Ranch or Farm Residence) to "CP/GCP" (Commerce Park/General Commerce Park 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 be in general conformance with the Master Site Plan and the zoning exhibits with setbacks plan date stamped September 9, 2019, as modified by the following stipulations and as approved by the Planning and Development Department.
2. Drought tolerant, 3-inch caliper evergreen trees 20 feet on center or in equivalent groupings shall be provided in the landscape setback areas, as approved by the Planning and Development Department.
3. All perimeter walls shall incorporate stone veneer, stonework, integral color CMU block or faux stone, and be compatible with the existing wall on the northern most property lines, as approved by the Planning and Development Department.
4. A minimum landscape setback of 30 feet shall be required along the west property lines, as approved by the Planning and Development Department.
5. The developer shall coordinate access and frontage requirements with the Arizona Department of Transportation.
6. The developer 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 (DVT) to future owners or tenants of the property.
7. 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.
8. 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.
9. 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.
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.

11. No mechanical or body repair/maintenance facilities shall be permitted on the premises, as approved by the Planning and Development Department.
12. Lighting shall be shielded with cut-off fixtures and deflectors to reflect light downward and limit on-site lighting levels to a maximum of one-half foot candle at the north and east property lines.
13. Storage access to the south portion of the site (APNs 205-01-001E, 205-01-011H and 205-01-011X as shown on the zoning exhibits with setbacks plan date stamped September 9, 2019), for Phase I of the development, shall have limited hours from 5:00 a.m. to 10:00 p.m.
14. The minimum wall height along the south property lines and the east property lines adjacent to multifamily residential zoning shall be no less than 8 feet.
15. For the future General Commerce Park option development area (APNs 204-23-001A and 204-23-009D as shown on the zoning exhibits with setbacks plan date stamped September 9, 2019), a conceptual site plan and building elevations shall be reviewed and approved by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and requirements may be determined by the Planning and Development Department.

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.

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MAYOR

ATTEST:

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City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_ City Attorney

REVIEWED BY:

\_\_\_\_\_ City Manager

Exhibits:

A – Legal Description (2 Pages)

B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-86-18-2

A PARCEL OF LAND BEING A PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 35 AND A PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF PHOENIX, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 35 WHICH BEARS NORTH 89 DEGREES 25 MINUTES 09 SECONDS EAST A DISTANCE OF 2651.22 FEET FROM THE NORTH QUARTER CORNER THEREOF;

THENCE SOUTH 89 DEGREES 25 MINUTES 09 SECONDS WEST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 736.66 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 12 DEGREES 16 MINUTES 47 SECONDS EAST A DISTANCE OF 1102.56 FEET;

THENCE SOUTH 79 DEGREES 59 MINUTES 08 SECONDS WEST A DISTANCE OF 135.80 FEET;

THENCE NORTH 00 DEGREES 53 MINUTES 43 SECONDS WEST A DISTANCE OF 537.75 FEET;

THENCE SOUTH 89 DEGREES 25 MINUTES 09 SECONDS WEST A DISTANCE OF 78.46 FEET;

THENCE NORTH 00 DEGREES 36 MINUTES 01 SECONDS WEST A DISTANCE OF 60.13 FEET;

THENCE SOUTH 89 DEGREES 25 MINUTES 09 SECONDS WEST A DISTANCE OF 145.00 FEET;

THENCE SOUTH 00 DEGREES 35 MINUTES 34 SECONDS EAST A DISTANCE OF 60.13 FEET;

THENCE SOUTH 89 DEGREES 25 MINUTES 09 SECONDS WEST A DISTANCE OF 685.76 FEET;

THENCE SOUTH 80 DEGREES 07 MINUTES 06 SECONDS WEST A DISTANCE OF 25.00 FEET;

THENCE NORTH 9 DEGREES 52 MINUTES 54 SECONDS WEST A DISTANCE OF 571.69 FEET;

THENCE NORTH 9 DEGREES 52 MINUTES 07 SECONDS WEST A DISTANCE OF 405.32 FEET;

THENCE NORTH 80 DEGREES 07 MINUTES 53 SECONDS EAST A DISTANCE OF 25.00 FEET;

THENCE NORTH 89 DEGREES 25 MINUTES 09 SECONDS EAST A DISTANCE OF 564.64 FEET;

THENCE SOUTH 00 DEGREES 18 MINUTES 16 SECONDS WEST A DISTANCE OF 400.05 FEET;

THENCE NORTH 89 DEGREES 25 MINUTES 09 SECONDS EAST A DISTANCE OF 421.93 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 17.16 ACRES, MORE OR LESS, INCLUDING ANY EASEMENTS OF RECORD.

THE BASIS OF BEARING FOR THE ABOVE DESCRIPTION IS NORTH 89 DEGREES 25 MINUTES 09 SECONDS EAST FOR THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF PHOENIX, MARICOPA COUNTY, ARIZONA, AS CALCULATED FROM A RECORD OF SURVEY RECORDED IN BOOK 1385, PAGE 33, MARICOPA COUNTY RECORDS.

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# ORDINANCE LOCATION MAP

EXHIBIT B

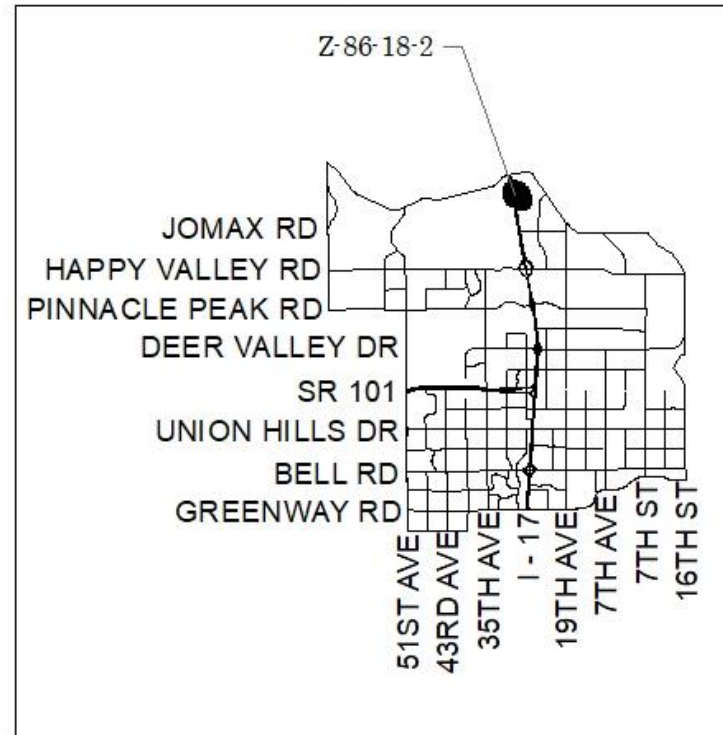
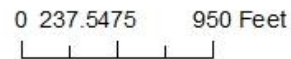
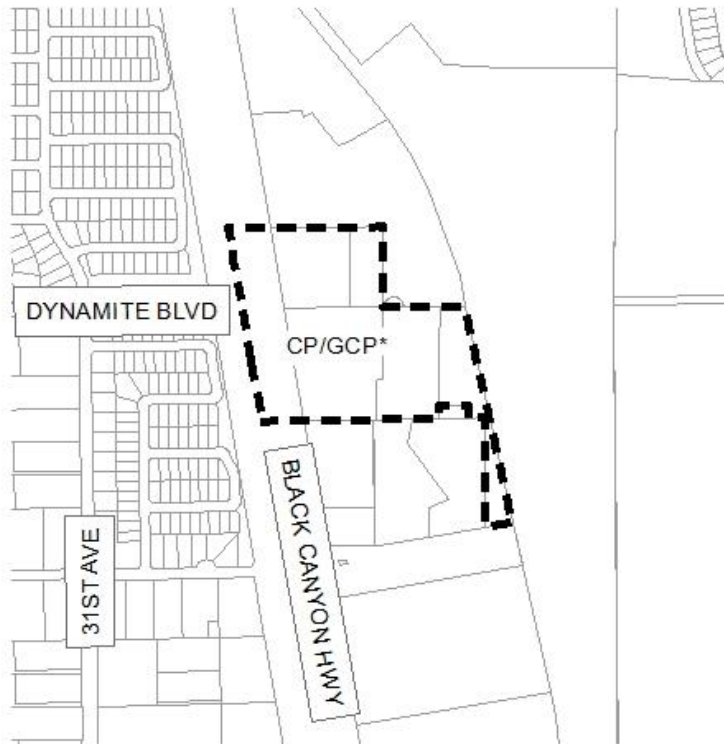
ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: - - - - -

Zoning Case Number: Z-86-18-2

Zoning Overlay: N/A

Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 10/2/2019