

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-23-20-8) FROM S-1 (RANCH OR FARM RESIDENCE) 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 9.81-acre site located approximately 600 feet north of the northwest corner of 38th Street and Southern Avenue in a portion of Section 25, Township 1 North, Range 3 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).

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. A minimum building setback of 120 feet shall be required along the west side of the site, exclusive of carports and shade structures other than those used for outdoor storage, as approved by the Planning and Development Department.
2. The primary building entrance, on the southeast portion of the site, shall be in general conformance with the building rendering date stamped June 30, 2020, with specific regard to the glass façade and architectural metal feature, as approved by the Planning and Development Department.
3. A minimum 10-foot wide landscape setback shall be required along the south and west property lines, except where adjacent to non-residential zoning districts, as approved by the Planning and Development Department.
4. Large canopy drought tolerant trees of minimum 2-inch caliper size shall be planted 20 feet on center or in equivalent groupings in the ordinance required and stipulated landscape setback areas, as approved by the Planning and Development Department.
5. One outdoor employee resting area of no less than 400 square feet or two 200 square feet areas shall be provided on site. Each required pedestrian area shall include a minimum of two pedestrian seating benches, constructed of quality and durable materials, and shaded to a minimum of 75 percent using large canopy drought-tolerant shade trees of minimum 2-inch caliper size and/or architectural shade, as approved by the Planning and Development Department.
6. All uncovered surface parking lot areas for customer parking and employee parking shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by Planning and Development Department.
7. Pedestrian walkways, including the sidewalk along 38th Street, shall be shaded to a minimum of 75 percent using large canopy drought-tolerant shade trees of minimum 2-inch caliper size at maturity and/or architectural shade, as approved by the Planning and Development Department.
8. Clearly defined, accessible pedestrian pathways constructed of decorative pavers, stamped or colored concrete or another material, other than those used to pave the parking surfaces and drive aisles shall be provided connecting all building entrances and exits, and all public sidewalks utilizing

the minimum possible distance and providing the most direct route, as approved by the Planning and Development Department.

9. "Secured/Covered Bicycle Facilities" shall be provided at a rate of one bicycle space per 50 vehicular parking spaces, up to a maximum of 20 bicycle parking spaces. These spaces shall be provided as defined in Appendix K of the Comprehensive Bicycle Master Plan, and as approved by the Planning and Development Department.
10. The developer shall dedicate 5 feet of right-of-way for the west half of 38th Street and shall improve the roadway per the requirements of the City of Phoenix local street standards, as approved by the Planning and Development Department.
11. The developer shall improve the west side of the adjacent 38th Street cul-de-sac with curb, gutter and sidewalk and add a scupper with associated handrail along the existing drainage easement, as approved by the Planning and Development Department.
12. The developer shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
13. Prior to issuance of building permits, the developer shall work with the adjacent property owner to dedicate 30 feet of right-of-way for the west half of 38th Street adjacent to 5900 South 38th Street, Phoenix, AZ 85040, APN 122-76-001B. The developer shall install the corresponding paving with thickened edge to a total of 20 feet for the west half street for the length of the parcel. The Street Transportation Department, as its sole discretion, may waive or modify these requirements upon adequate demonstration of "good faith" efforts to obtain the right-of-way dedication from the adjacent property owner.
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.
15. The developer shall provide documentation to the City prior to construction permit approval that Form 7460-1 has been filed for the development 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 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 archeologist, 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 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 16th day of September, 2020.

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)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-23-20-8

A portion of the Southeast Quarter of Section 25, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona as follows:
The north half of the North Lot 57, Bartlett-Heard Lands, according to Book 13 of Maps, Page 35, records of Maricopa County, Arizona; together with

The south half of the north half of Lot 57, Bartlett-Hear Lands, according to Book 13 of Maps, Page 35, records of Maricopa County, Arizona; except the east 25 feet thereof.

ORDINANCE LOCATION MAP

EXHIBIT B

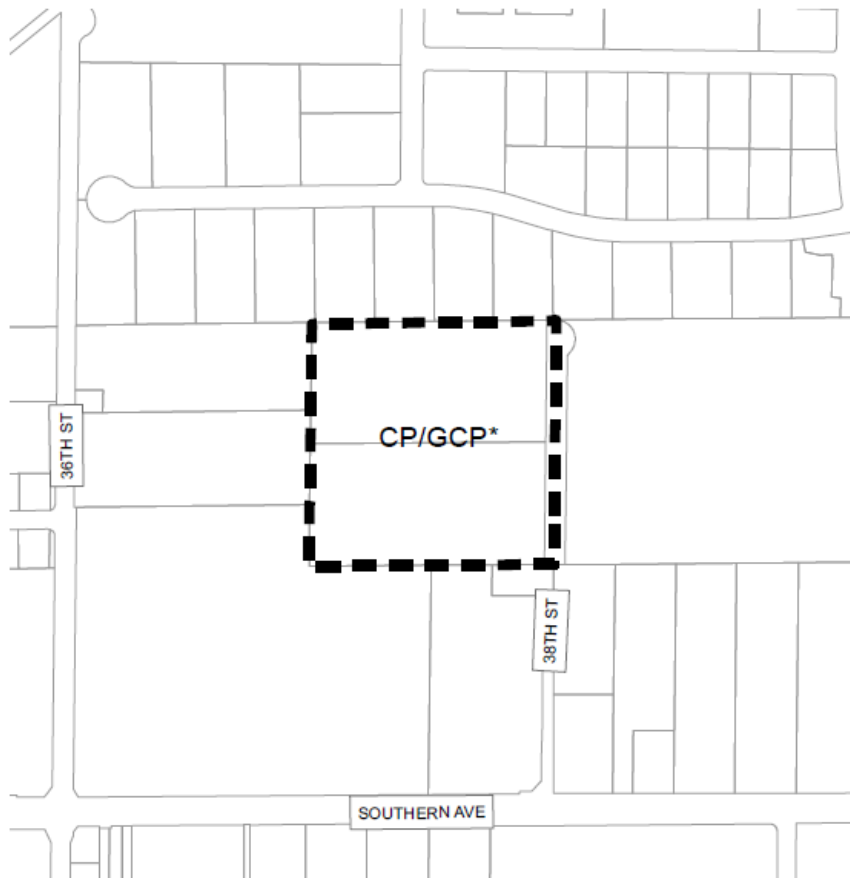
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

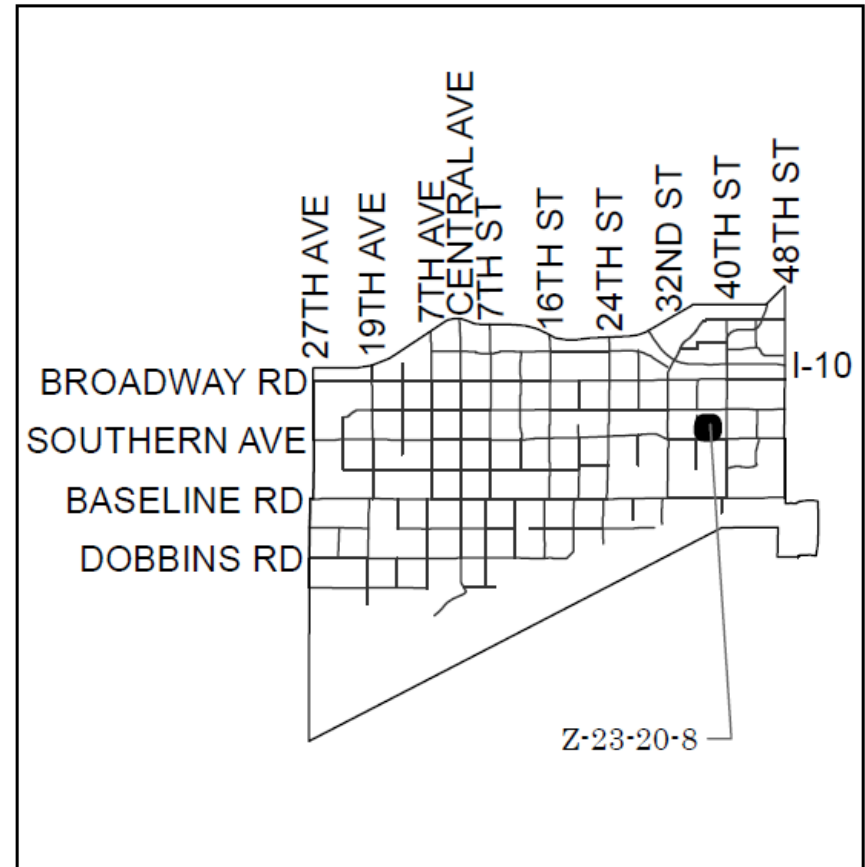
Zoning Case Number: Z-23-20-8

Zoning Overlay: N/A

Planning Village: South Mountain



0 150 300 600 Feet



NOT TO SCALE



Drawn Date: 8/14/2020