

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 ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (Z-2-23-1) FROM C-1 (APPROVED C-1) (PENDING C-2 SP) (NEIGHBORHOOD RETAIL, APPROVED NEIGHBORHOOD RETAIL) (PENDING INTERMEDIATE COMMERCIAL, SPECIAL PERMIT) AND R1-6 (APPROVED P-1) (PENDING C-2 SP) (SINGLE-FAMILY RESIDENCE DISTRICT, APPROVED PASSENGER AUTOMOBILE PARKING, LIMITED) (PENDING INTERMEDIATE COMMERCIAL SPECIAL PERMIT) TO C-2 HGT/WVR SP (INTERMEDIATE COMMERCIAL, HEIGHT WAIVER, SPECIAL PERMIT).

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

SECTION 1. The zoning of a 3.75-acre property located approximately 80 feet west of the southwest corner of 49th Drive and Cactus Road in a portion of Section 21, Township 3 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from 3.29 acres of "C-1 (Approved C-1) (Pending C-2 SP)" (Neighborhood Retail, Approved Neighborhood Retail) (Pending Intermediate Commercial, Special Permit) and 0.46-acres of "R1-6 (Approved P-1) (Pending C-2 SP)" (Single-Family Residence District, Approved Passenger Automobile Parking,

Limited) (Pending Intermediate Commercial, Special Permit) to “C-2 HGT/WVR SP” (Intermediate Commercial, Height Waiver, Special Permit) to allow self-service storage warehouse with a height waiver.

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 maximum building height shall be 36 feet.
2. The development shall be in general conformance with the conceptual building elevations and conceptual site plans date stamped January 13, 2023, as modified by the following stipulations and approved by the Planning and Development Department.
3. A minimum 5-foot-wide sidewalk shall be provided that is detached from the back of curb by a minimum 10-foot-wide landscape area along the south side of Cactus Road and planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees shall be provided between the back of curb and sidewalk to provide a minimum 75 percent shade.
 - b. The area between the back of curb and sidewalk shall be planted with drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75 percent live coverage at maturity, as approved by the Planning and Development Department.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

4. A minimum 10-foot-wide sidewalk easement shall be dedicated along the south side of Cactus Road, as approved by the Planning and Development Department.
5. A minimum 5-foot-wide sidewalk shall be provided that is detached from the back of curb by a minimum 5-foot-wide landscape area along the west side of 49th Drive and planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees shall be provided between the back of curb and sidewalk to provide a minimum 75 percent shade.
 - b. The area between the back of curb and sidewalk shall be planted with drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75 percent live coverage at maturity, as approved by the Planning and Development Department.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

6. The landscape setback along the south property line shall be planted with a minimum 50 percent 2-inch caliper drought tolerant shade trees and 50 percent 3-inch caliper drought tolerant shade trees, as approved by the Planning and Development Department.
7. The required landscape setback along 49th Drive shall be planted with a double-row of drought tolerant, 2-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
8. A 1-foot Vehicular Non-Access Easement (VNAE) shall be dedicated along the east property line where adjacent to public right-of-way.
9. A minimum of four bicycle parking spaces shall be provided, near the entrance to the rental office or indoors, and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
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. 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 14th day of June, 2023.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (2 Pages)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

That portion of the Northwest quarter of Section 21, Township 3 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, as shown on RECORD OF SURVEY, recorded in Book 423 of Maps, Page 48, Official Records of Maricopa County, Arizona, said portion lying Northeast of the Arizona Canal, described as follows:

Commencing at found brass cap in hand hole at the Northwest corner of said Section 21, from which bears a found 3" City of Phoenix brass cap in hand hole at the North quarter corner of said Section 21, South $89^{\circ}55'05''$ East, a distance of 2637.07 feet;

Thence along the North line of said Northwest quarter South $89^{\circ}55'05''$ East, a distance of 1007.51 to the TRUE POINT OF BEGINNING;

Thence along the West and South lines of the City of Phoenix Lift Station #50 as described in the Quit Claim deed recorded in Docket 9589, Page 332, Official Records of Maricopa County, for the following two courses;

Thence along said West line, South $00^{\circ}05'27''$ West, a distance of 114.92 feet;

Thence along said South line, South $89^{\circ}49'12''$ East, a distance of 73.28 feet to the monument line of 49th Drive and the beginning of a non-tangent curve to the right having a radius of 940.00 feet;

Thence Southwesterly along the arc of said curve, through a central angle of $06^{\circ}58'26''$, a chord bearing of South $07^{\circ}22'32''$ West, a chord distance of 114.34 feet, and an arc distance of 114.41 feet;

Thence South $10^{\circ}55'24''$ West, a distance of 78.06 feet;

Thence North $89^{\circ}47'43''$ West, a distance of 219.23 feet;

Thence South $46^{\circ}08'11''$ West, a distance of 105.44 feet;

Thence North $38^{\circ}24'21''$ West, a distance of 51.66 feet to the beginning of a non-tangent curve to the left having a radius of 736.73 feet;

Thence Northwesterly along the arc of said curve through a central angle of $28^{\circ}51'01''$ a chord bearing of North $52^{\circ}58'24''$ West, a chord distance of 367.06 feet, and an arc distance of 370.97 feet;

Thence North $01^{\circ}51'49''$ West, a distance of 116.84 feet to a point on the monument of Cactus Road, said monument being the North line of said Northwest quarter of Section 21;

Thence along said South $89^{\circ}55'05''$ East, a distance of 580.55 feet to the TRUE POINT OF BEGINNING.

Containing 163,495 square feet, or 3.753 acres of land, more or less.

APN #148-02-003K

DRAFT

ORDINANCE LOCATION MAP

EXHIBIT B

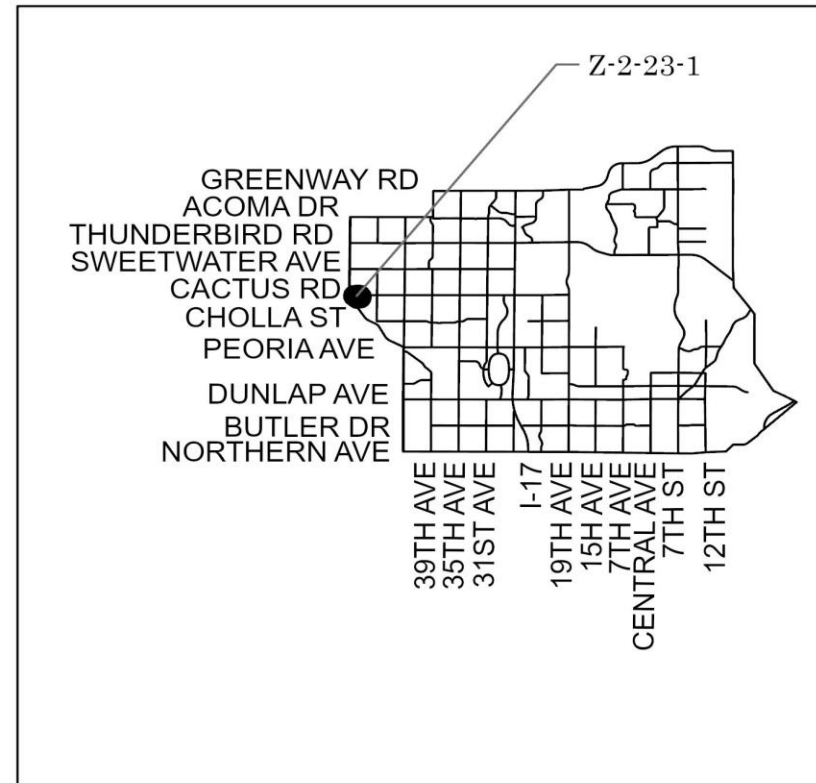
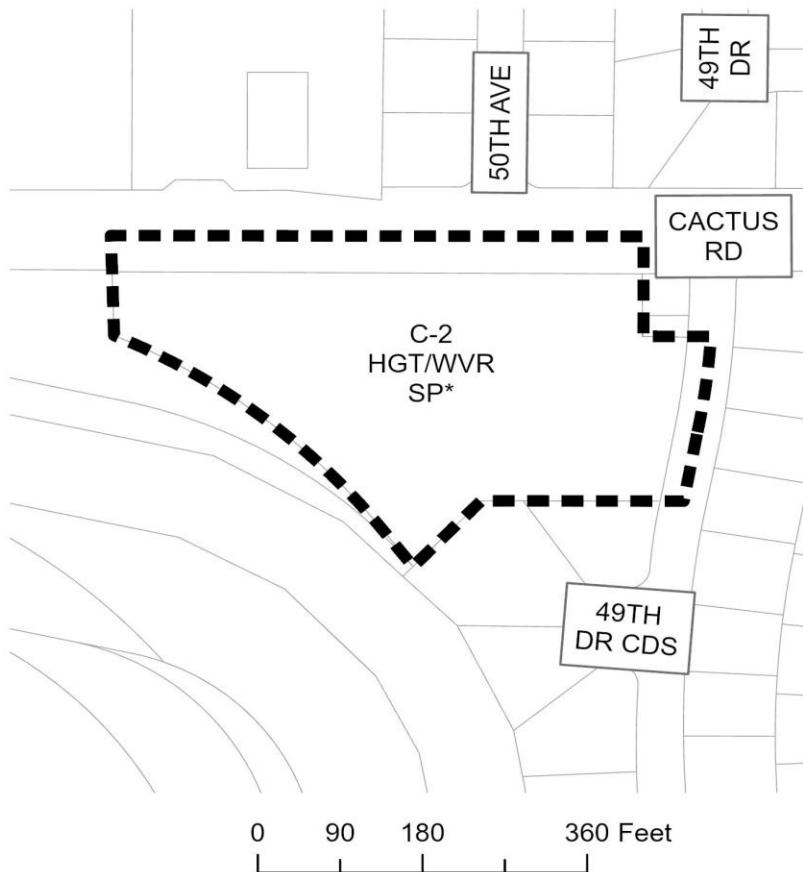
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-2-23-1

Zoning Overlay: N/A

Planning Village: North Mountain



NOT TO SCALE



Drawn Date: 5/8/2023