

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-33-17-4) FROM C-2 (PENDING C-2 SP) (INTERMEDIATE COMMERCIAL, PENDING SPECIAL PERMIT) TO C-2 SP HGT/WVR (INTERMEDIATE COMMERCIAL, SPECIAL PERMIT, HEIGHT WAIVER)

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

SECTION 1. The zoning of an approximately 2.23-acre property located approximately 90 feet north of the northeast corner of 16th Street and Flower Street in a portion of Section 27, Township 2 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "C-2 (Pending C-2 SP)" (Intermediate Commercial, Pending Special Permit) to "C-2 SP HGT/WVR" (Intermediate Commercial, Special Permit, 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 development shall be in general conformance to the site plan and elevations, dated May 1, 2017, as approved by the Planning and Development Department, with specific regard to:
 - a) The access point to Flower Street shall be for egress only.
 - b) The building materials shall be used in the same general proportion as shown on the elevations.
 - c) The maximum building height shall be 30 feet with a maximum of three stories.
2. Required trees in the 16th Street and Flower Street landscape setbacks shall be placed adjacent to the sidewalk in order to provide shade for pedestrians, as approved by the Planning and Development Department.
3. 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.
4. 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.
5. 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 Sky Harbor International Airport (PHX) 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 viewed 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 September,
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-33-17-4

A PORTION OF 16TH STREET, FLOWER STREET AND LOTS 3, 4, 5, 6 AND 7, AS SHOWN ON THE FINAL PLAT OF HOME ACRES, RECORDED IN BOOK 15, PAGE 40, MARICOPA COUNTY RECORDS, LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 27, 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 WEST QUARTER CORNER OF SAID SECTION 27, A BRASS CAP IN HANDHOLE, FROM WHICH THE NORTHEAST CORNER OF SAID HOME ACRES, A CITY OF PHOENIX BRASS CAP FLUSH, BEARS SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 1185.73 FEET;

THENCE ALONG THE WEST LINE OF SAID SECTION, SOUTH 00 DEGREES 15 MINUTES 40 SECONDS WEST, A DISTANCE OF 220.49 FEET, TO THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID LOT 3 AND THE POINT OF BEGINNING;

THENCE LEAVING SAID WEST LINE, ALONG SAID WESTERLY PROLONGATION AND NORTHERLY LINE OF SAID LOT 3, NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 273.09 FEET, TO THE WESTERLY LINE OF SAID LOT 6;

THENCE LEAVING SAID NORTHERLY LINE, ALONG SAID WESTERLY LINE, NORTH 00 DEGREES 15 MINUTES 58 SECONDS EAST, A DISTANCE OF 0.56 FEET, TO THE NORTH LINE OF THE SOUTH 45 FEET OF SAID LOT 6;

THENCE LEAVING SAID WESTERLY LINE, ALONG SAID NORTH LINE, NORTH 89 DEGREES 59 MINUTES 58 SECONDS EAST, A DISTANCE OF 98.04 FEET, TO THE EASTERLY LINE OF SAID LOT 6;

THENCE LEAVING SAID NORTH LINE, ALONG THE EASTERLY LINES AND SOUTHERLY PROLONGATION OF SAID LOTS 6 AND 7, SOUTH 00 DEGREES 16 MINUTES 02 SECONDS WEST, A DISTANCE OF 306.57 FEET, TO THE CENTERLINE OF FLOWER STREET;

THENCE LEAVING SAID PROLONGATION LINE, ALONG SAID CENTER LINE, SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 188.03 FEET, TO THE SOUTHERLY PROLONGATION OF THE WEST LINE OF THE EAST 90 FEET OF SAID LOT 5;

THENCE LEAVING SAID CENTER LINE, ALONG SAID SOUTHERLY PROLONGATION AND WEST LINE, NORTH 00 DEGREES 15 MINUTES 58 SECONDS EAST, A DISTANCE OF 91.33 FEET, TO THE NORTH LINE OF THE SOUTH 61.33 FEET OF SAID LOT 5;

THENCE LEAVING SAID WEST LINE, ALONG SAID NORTH LINE AND ITS WESTERLY PROLONGATION THEREOF, SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 183.08 FEET, TO THE WEST LINE OF SAID SECTION;

THENCE LEAVING SAID WESTERLY PROLONGATION LINE, ALONG SAID WEST LINE, NORTH 00 DEGREES 15 MINUTES 40 SECONDS EAST, A DISTANCE OF 214.67 FEET, TO THE POINT OF BEGINNING.

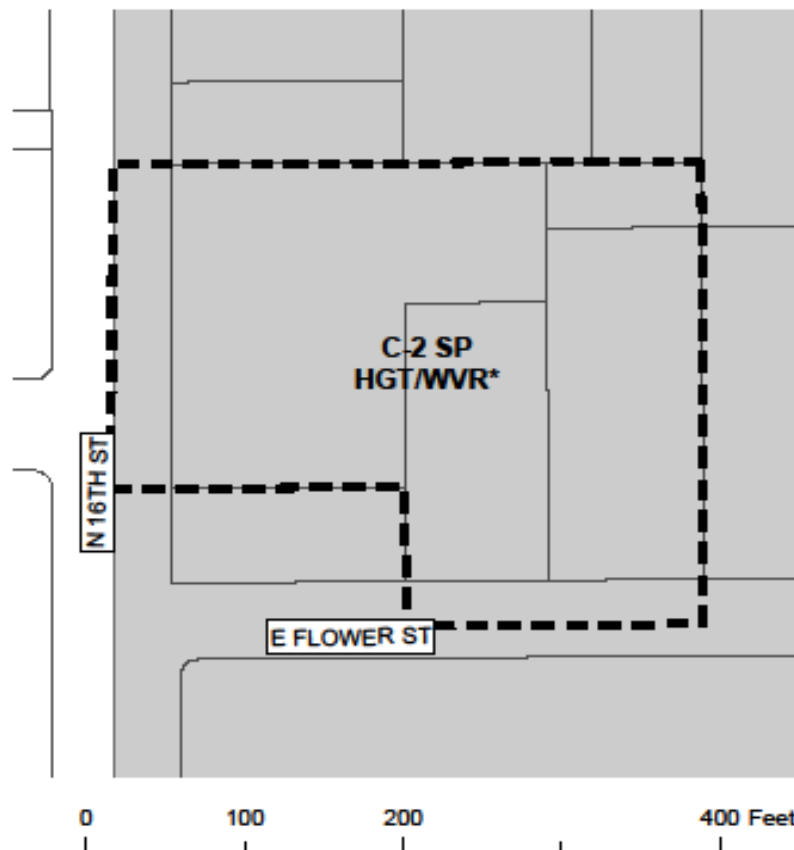
CONTAINING 96,896.0 SQUARE FEET OR 2.224 ACRES MORE OR LESS.
SUBJECT TO EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.

ORDINANCE LOCATION MAP

ATTACHMENT B

ZONING SUBJECT TO STIPULATIONS: *

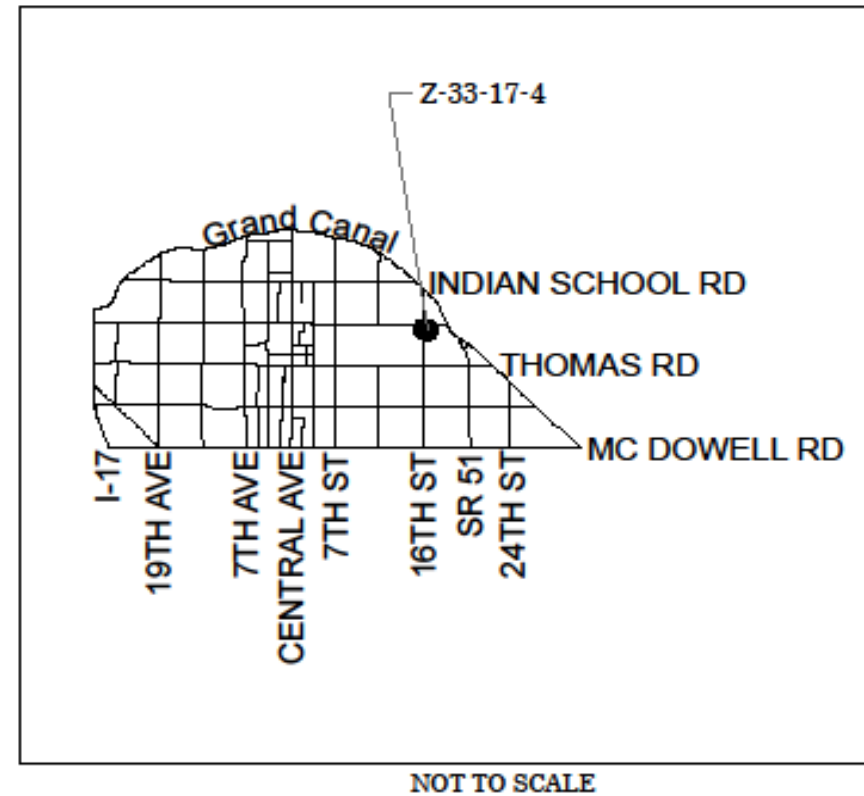
SUBJECT AREA: ■ ■ ■ ■ ■



Zoning Case Number: Z-33-17-4

Zoning Overlay: Squaw Peak Parkway Specific Plan

Planning Village: Encanto



Drawn Date: 7/19/2017