

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 STIPULATIONS APPLICABLE TO
REZONING APPLICATION Z-25-17-3 PREVIOUSLY APPROVED BY
ORDINANCE G-6341.

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

SECTION 1. The zoning stipulations applicable located approximately 190 feet north of the northwest corner of 12th Street and Greenway Parkway in a portion of Section 4, Township 3 North, Range 3 East, as described more specifically in Attachment "A", are hereby modified to read as set forth below.

STIPULATIONS:

1. The development shall be in general conformance with the elevations date stamped JANUARY 31, 2020 ~~March 29, 2017~~, as approved by the Planning and Development Department.
2. The development shall utilize the Zoning Ordinance development standards from Section 622.E.4 (C-1) for mixed use development as specified in Section 618.B.2 (R-5). This does not preclude the ability to apply for or obtain variances.
3. The maximum building height shall be limited to 56 feet.
4. The maximum density shall be limited to 25 dwelling units per acre.
5. A minimum of 20,000 square feet of usable open space shall be provided, and shall include a minimum of the following amenities:
 - A. Dog park

B. Two garden areas with seating

C. Putting green

Applicable to the C-2 portion of the site:

6. The building elevations shall complement the architecture of the elevations date stamped March 29, 2017, as approved by the Planning and Development Department.

Applicable to the entire site:

7. The developer shall provide a sidewalk easement on the existing curved sidewalk from Greenway Parkway to the underpass, as approved by the Planning and Development Department.
8. The developer shall provide drainage from 12th Street to the existing drainage basin on the southeast corner of the site. A drainage easement shall be dedicated over the drainage basin, as approved by the Planning and Development Department.
9. The developer shall construct half street improvements for all streets 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.
10. 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.
11. 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 Deer Valley Airport 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 reviewed and approved by the City Attorney.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6341, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6341 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of

Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. 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 15th day of April, 2020.

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 PHO-1-20-- Z-25-17-3

Located in GLO Lot 3, Section 4, Township 3 North, Range 3 East, Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows;

Commencing at the North Quarter Corner of said Section 4;

Thence South 00°16'59" East, along the North – South Mid-Section line of said Section 4, a distance of 662.73 feet to the Centerline of Phelps Rd.;

Thence departing said Mid-Section line, South 89°39'15" West, along said Center line, a distance of 766.84 feet;

Thence departing said Centerline, South 00°00'43" East, a distance of 25.00 feet to the South Right of Way line of Phelps Rd. and the **Point of Beginning**;

Thence North 89°39'15" East, along said South Right of Way line, a distance of 724.95 feet, to the beginning of a 12.00 foot radius curve, concave Southwest;

Thence Southeasterly along the arc of said curve, through a central angle of 90°03'46", an arc distance of 18.86 feet to the West Right of Way line of 12th Street;

Thence departing said South Right of Way line, South 00°16'59" East, along said West Right of way line, a distance of 232.34 feet;

Thence departing said West Right of Way line, North 86°18'31" West, a distance of 47.33 feet;

Thence South 67°37'58" West, a distance of 61.24 feet;

Thence South 76°38'07" West, a distance of 108.47 feet, to the North Right of Way line of Greenway Parkway and the beginning of a 1,490.29 foot radius, non-tangent curve, whose center bears South 15°18'52" West;

Thence Westerly along said North Right of Way line and the arc of said curve, through a central angle of 15°42'11", an arc distance of distance of 408.44 feet;

Thence continuing along said North Right of Way line, South 89°36'41" West, a distance of 124.99 feet;

Thence departing said North Right of Way line, North 00°00'43" West, a distance of 233.20 feet to the **Point of Beginning**.

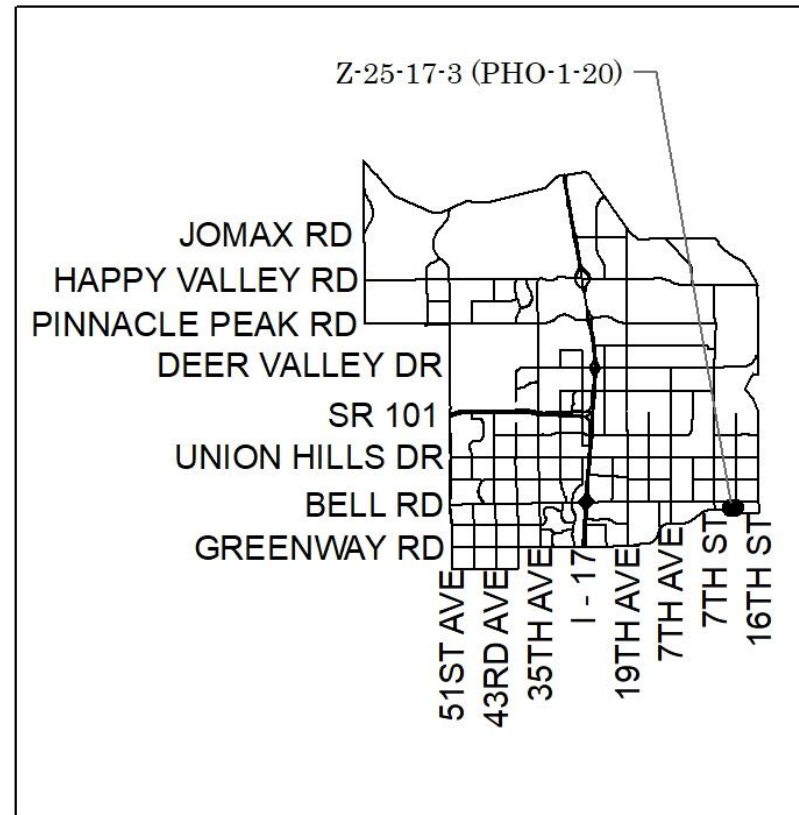
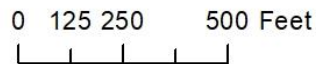
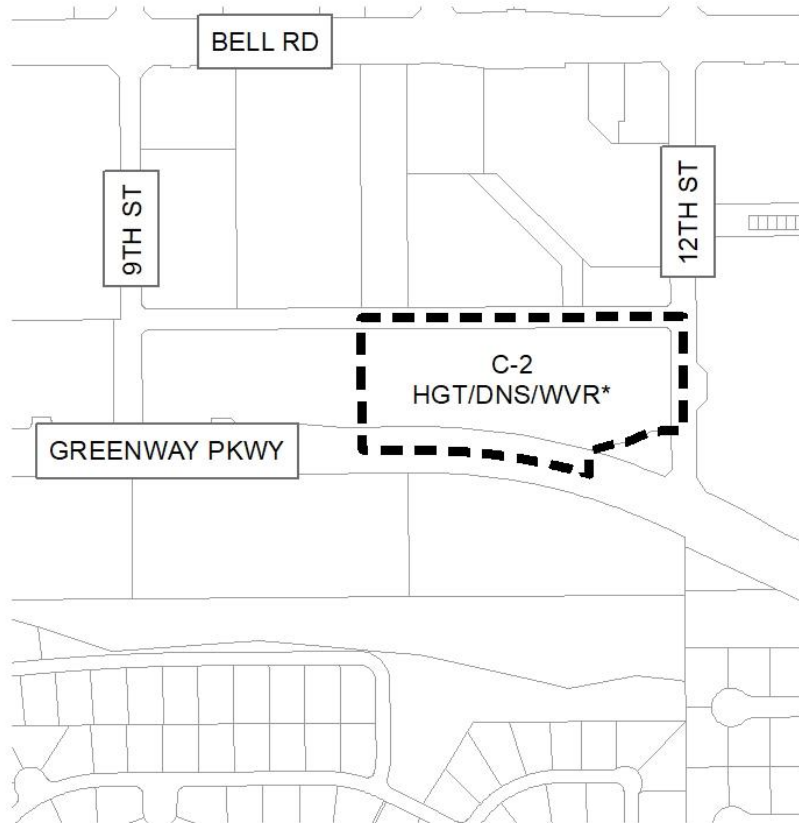
Containing 185,358.58 square feet or 4.26 acres, more or less.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: - - - - -

Zoning Case Number: Z-25-17-3 (PHO-1-20)
Zoning Overlay: N/A
Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 3/23/2020