

## 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-19-20-5) FROM C-2 (INTERMEDIATE COMMERCIAL) TO C-2 DNS/WVR (INTERMEDIATE COMMERCIAL, DENSITY WAIVER).

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

SECTION 1. The zoning of a 5.59-acre property located at the northwest corner of Black Canyon Highway and the Griswold Road alignment in a portion of Section 36, Township 3 North, Range 2 East, as described more specifically in Exhibit “A”, is hereby changed from “C-2” (Intermediate Commercial) to “C-2 DNS/WVR” (Intermediate Commercial, Density 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 utilize the standards contained in the R-5 (Multifamily Residence District) zoning district development standard with the exception of a having a maximum density of 33 dwelling units per acre, as approved by the Planning and Development Department.
2. The developer shall install a modified COP DTL P-1130 6-foot vehicular rated concrete shared use path between the frontage road and 27th Avenue. Path abutting the subject parcel shall be privately maintained with landscape consisting of shrubs and groundcover, lit with low level lighting cast from the subject parcel for the limits of the parcel boundary only. Location of the shared use path is subject to the approval of ADOT, and as approved by the Streets Transportation Department and the Planning and Development Department.
3. The developer shall provide a system of on-site pedestrian thoroughfares, described below and as approved by the Planning and Development Department:
  - a. Pedestrian thoroughfares shall connect the following site elements: all primary building entrances; all required amenity areas; the Interstate 17 Frontage Road at two places, and the pedestrian connection to 27th Avenue.
  - b. The pedestrian thoroughfares shall be shaded to a minimum 50 percent throughout the on-site system.
  - c. The pedestrian thoroughfare shall be illuminated to a minimum one-foot candle with uniform fixture spacing to avoid areas of high glare or darkness.
  - d. Where pedestrian thoroughfares cross drive-aisles, the crossing shall visually contrast with parking and drive aisle surfaces.
4. The required landscape setback areas shall be planted with shade trees placed 20 feet on center or in equivalent groupings with 50 percent of the trees being a minimum 3-inch caliper, as approved by the Planning and Development Department.
5. A minimum of 10 percent of the gross project shall be retained as open space, exclusive of landscape setbacks, and be shaded to a minimum 50 percent by minimum 2-inch caliper large canopy shade trees, as approved by the Planning and Development Department.
6. The developer shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.

- a. A bicycle repair station ("fix-it station") shall be provided and maintained near in the central amenity area.
  - b. A minimum of 25 bicycle parking spaces shall be provided through Inverted-U and/or artistic racks provided near building entrances. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
7. 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.
8. Any changes to the existing driveways require the review and approval of ADOT. Provide documentation of ADOT's approval of all modifications prior to Preliminary Site Plan approval.
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 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 2nd day of September 2020.

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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)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-19-20-5

THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 3 NORTH, RANGE 2 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36;

THENCE NORTH 00 DEGREES 16 MINUTES 00 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 20.00 FEET;

THENCE NORTH 89 DEGREES 56 MINUTES 48 SECONDS EAST (NORTH 89 DEGREES 58 MINUTES 11 SECONDS EAST MEASURED) PARALLEL TO AND 20.00 FEET NORTH OF THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 676.16 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING THE SOUTHWEST CORNER OF THAT PARCEL DESCRIBED IN DEED RECORDED IN 87-302990, OF OFFICIAL RECORDS, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 00 DEGREES 03 MINUTES 12 SECONDS WEST, A DISTANCE OF 640.36 FEET;

THENCE NORTH 89 DEGREES 53 MINUTES 30 SECONDS EAST, A DISTANCE OF 235.28 FEET (235.57 FEET MEASURED) TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF BLACK CANYON HIGHWAY, AS RECORDED IN DOCKET 833, PAGE 453, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 3819.72 FEET, AN ARC LENGTH OF 670.39 FEET (670.57 FEET MEASURED) ALONG SAID WESTERLY RIGHT OF WAY LINE TO A POINT INTERSECTING WITH THE NORTH LINE OF THE SOUTH 20.00 FEET OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36;

THENCE SOUTH 89 DEGREES 56 MINUTES 48 SECONDS WEST, A DISTANCE OF 430.00 FEET (SOUTH 89 DEGREES 58 MINUTES 11 SECONDS WEST MEASURED) TO THE TRUE POINT OF BEGINNING.

# ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: - - - - -

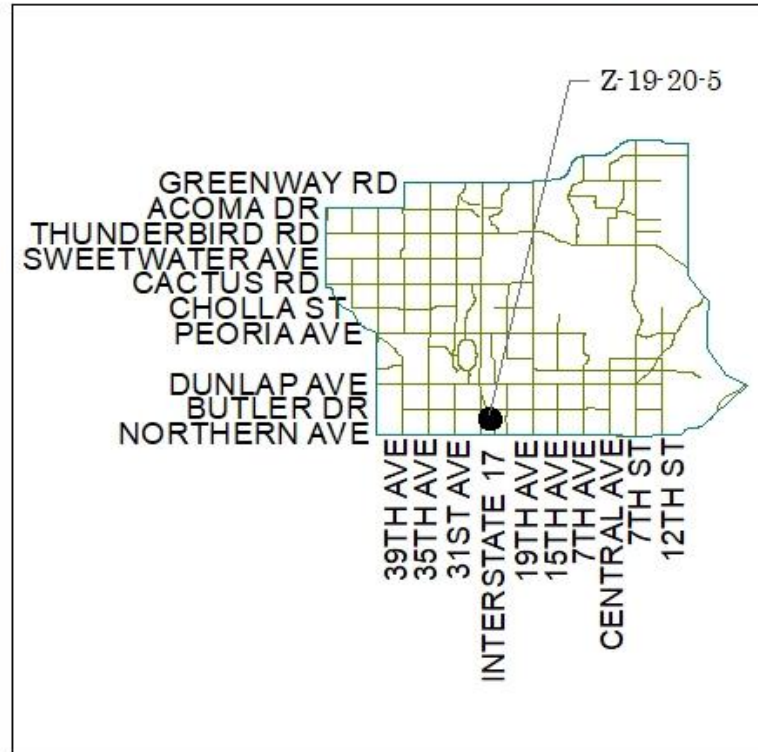
Zoning Case Number: Z-19-20-5

Zoning Overlay: N/A

Planning Village: North Mountain



0 180 360 720 Feet



NOT TO SCALE



Drawn Date: 7/24/2020