

## 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-77-18-6) FROM C-2 (PENDING C-2 SP) (INTERMEDIATE COMMERCIAL (PENDING INTERMEDIATE COMMERCIAL, SPECIAL PERMIT)) TO C-2 SP HGT/WVR (INTERMEDIATE COMMERCIAL, SPECIAL PERMIT, HEIGHT WAIVER).

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

SECTION 1. The zoning of a 1.50-acre property located at the northeast corner of 7th Street and Flynn Lane in a portion of Section 9, 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 Intermediate Commercial, 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 maximum building height shall be 3 stories and 30-feet.
2. The development shall be in general conformance with the elevations date stamped January 22, 2019, as approved by the Planning and Development Department.
3. Elevations of Building A and Building B, as depicted on the site plan date stamped October 23, 2018, shall incorporate the same architecture and have a cohesive design throughout, as approved by the Planning and Development Department.
4. A "Do Not Enter" sign shall be placed by Sierra Bonita Grill, facing east to discourage access onto the adjacent lot, as approved by the Planning and Development Department .
5. A minimum of two inverted-U bicycle rack (three spaces minimum) for guests or employees shall be provided on site and installed per the requirements of Section 1307.H of the Zoning Ordinance, as approved by the Planning and Development Department.
6. The sidewalk along Flynn Lane shall be detached with a minimum 5-foot wide landscape strip located between the sidewalk and back of curb and shall include a minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or in equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department.
7. The sidewalk along 7th Street shall be detached with a minimum 5-foot wide landscape strip located between the sidewalk and back of curb and shall include a minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or in equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department .
8. Minimum 3-inch caliper trees, planted 20 feet on center, or in equivalent groupings, shall be planted along the eastern property line adjacent to the multifamily zoning district development, as approved by the Planning and Development Department.
9. All required landscape areas within the uncovered portion of the surface parking lot shall be landscaped with a minimum 2-inch caliper shade trees. Landscaping must

be dispersed throughout the parking area, as approved by the Planning and Development Department.

10. A shaded pedestrian pathway shall be provided in the parking lot, as approved by the Planning and Development Department.
11. A 10-foot sidewalk easement shall be dedicated for the east side of 7th Street, as approved by Planning and Development Department
12. A 15-foot by 15-foot right-of-way triangle shall be dedicated at the northeast corner of 7th Street and Flynn Lane, as approved by Planning and Development Department.
13. 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.
14. 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.
15. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's Office. 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 1st day of May, 2019.

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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)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-77-18-6

THE LAND REFERRED TO HEREIN BELOW IS SITUATED PHOENIX, IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

That part of the North half of the Northwest quarter of the Northwest quarter of the Northwest quarter of Section 9,

Township 2 North, Range 3 East of the Gila and Salt Rive Base and Meridian, described as follows:

COMMENCING at the Northwest corner of said North half of the Northwest quarter of the Northwest quarter of the Northwest quarter;

thence South along the West line thereof, 305.47 feet;

thence South 89 degrees 35 minutes 00 seconds East, 253.00 feet to the TRUE POINT OF BEGINNING, being

the intersection of the East line of a 20 foot alley with the North line of Flynn Lane as conveyed to the County of

Maricopa by Deed recorded in Docket 2776, page 87, Maricopa County Records;

thence North along the East line of aforesaid alley, 80.45 feet to an angle point thereon;

thence North 45 degrees 00 minutes 00 seconds East, continuing along a boundary of aforesaid alley, 21.21 feet

to an angle point thereof;

thence South 89 degrees 35 minutes 00 seconds East along the South line of aforesaid alley, 306.81 feet to a

point which bears North 89 degrees 35 minutes 00 seconds West, a distance of 95.00 feet from the East line of

said North half of the Northwest quarter of the Northwest quarter of the Northwest quarter;

thence South 00 degrees 01 minutes 00 seconds East, parallel to the East line of said North half of the Northwest

quarter of the Northwest quarter of the Northwest quarter, 95.00 feet more or less to the North line of Flynn Lane

aforesaid;

thence North 89 degrees 35 minutes 00 seconds West, along the North line of Flynn Lane, 321.87 feet to the

TRUE POINT OF BEGINNING.

THE LAND REFERRED TO HEREIN BELOW IS SITUATED PHOENIX, IN THE COUNTY OF MARICOPA,

STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

The South 75.00 feet of the North 310.47 feet of the West 233.00 feet of the Northwest Quarter of the Northwest

Quarter of the Northwest Quarter of Section 9, Township 2 North, Range 3 East of the Gila and Salt River Base

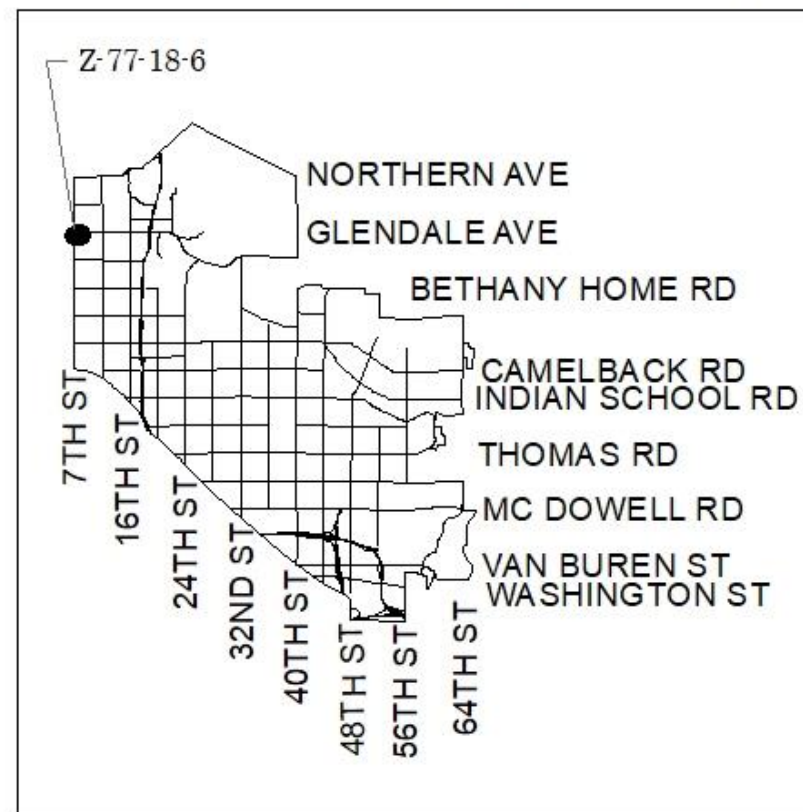
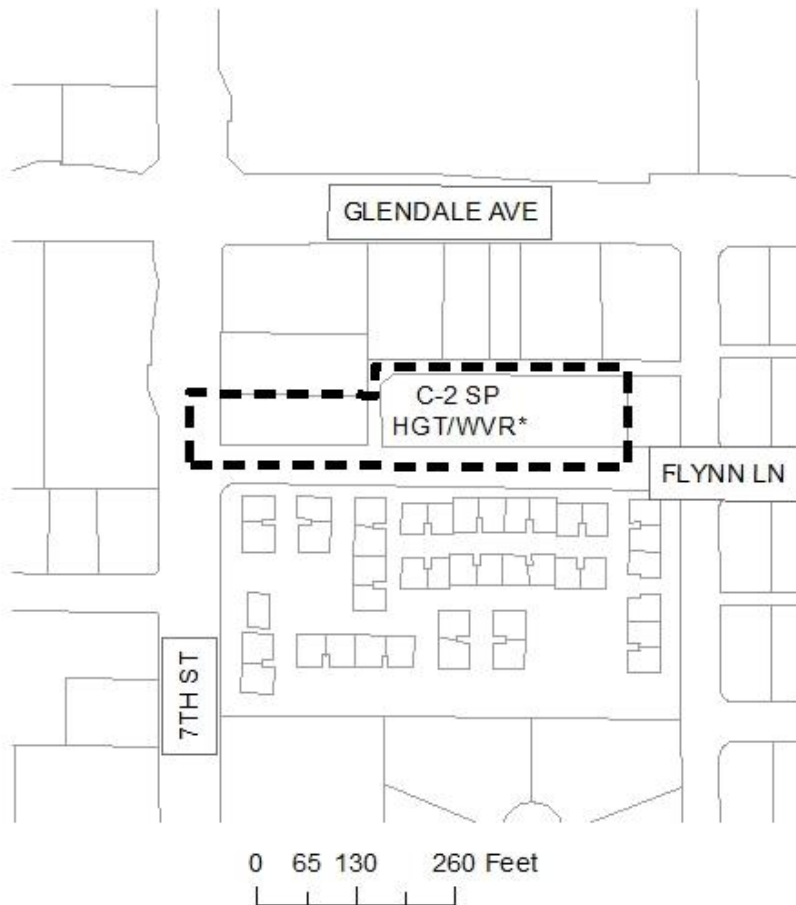
and Meridian, Maricopa County, Arizona;  
EXCEPT the West 40.00 feet thereof; and  
EXCEPT any portion lying within the South 20.00 feet of the North half of the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of said Section 9; and  
EXCEPT that portion lying within the following described property:  
BEGINNING at the point of intersection of the East line of the West 40.00 feet of the Northwest quarter of said Section 9 with the South line of the North 310.47 feet thereof;  
thence Easterly, along the South line of the North 310.47 feet of the Northwest Quarter of Section 9, a distance of 5.00 feet;  
thence Northwesterly to a point on the East line of the West 40.00 feet of the Northwest Quarter of Section 9 which is 5.00 feet North of the point of beginning;  
thence Southerly, along the East line of the West 40 feet of the Northwest Quarter of Section 9, a distance of 5.00 feet to the POINT OF BEGINNING;  
EXCEPT that portion conveyed to the Maricopa County in Docket 2776, page 89

# ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: \*  
SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z 77 18 6  
Zoning Overlay: N/A  
Planning Village: Camelback East



NOT TO SCALE



Drawn Date: 4/5/2019