

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-54-17-4) FROM C-1 (NEIGHBORHOOD RETAIL DISTRICT), C-O (COMMERCIAL OFFICE DISTRICT), P-1 (PARKING DISTRICT), AND R-5 (MULTIFAMILY DISTRICT) TO C-2 HGT/WVR (INTERMEDIATE COMMERCIAL DISTRICT WITH A HEIGHT WAIVER).

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

SECTION 1. The zoning of an approximately 2.95-acre property located at southwest corner of Black Canyon Highway and Mariposa Street in a portion of Section 24, Township 2 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "C-1" (Neighborhood Retail District), "C-O" (Commercial Office District), "P-1" (Parking District), and "R-5" (Multifamily District), to "C-2 HGT/WVR" (Intermediate Commercial District with a Height Waiver for up to four stories and 50 feet).

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 50 feet.
2. The developer shall replenish all existing landscape planters with trees and shrubs per the C-2 zoning district landscape standards for planting type, size, and quantity, prior to the issuance of any tenant improvement permits for a C-2 use or building permits for any new buildings or additions, as approved by the Planning and Development Department.
3. The applicant shall work with Arizona Department of Transportation to construct sidewalks along the east property lines adjacent to North Black Canyon Highway frontage road. Sidewalks shall be detached with a minimum five-foot-wide landscaped strip located between the sidewalk and back of curb, and shall include minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings staggered along both sides of the sidewalk, as approved by the Planning and Development Department. In the event that the applicant is unable to construct the sidewalks as described herein, sidewalk design and landscape design may be modified subject to approval by the Arizona Department of Transportation and the Planning and Development Department.
4. The applicant shall file for and actively pursue the abandonment of the entire alley between Mariposa Street and Pierson Street, as approved by Planning and Development Department.
5. The developer shall update and construct all streets adjacent to the development with paving, curb, gutter, minimum 5-foot sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
6. 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.

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 10th day of January, 2018.

MAYOR

ATTEST:

_____ City Clerk

APPROVED AS TO FORM:

_____ City Attorney

REVIEWED BY:

_____ City Manager

- Exhibits:
- A – Legal Description (1 Pages)
 - B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-54-17-4

A portion of the Northwest quarter of Section 24, Township 2 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona being more particularly described as follows;

BEGINNING at the Northwest corner of Lot 23 of MARIPOSA HOMES, recorded in Book 38 of Maps, page 20, records of Maricopa County, Arizona, which bears South 89 degrees 18 minutes 28 seconds West 180.09 feet from the Northeast corner of Lot 24 of said MARIPOSA HOMES, as shown on the RECORD OF SURVEY recorded in Book 1330 of Maps, Page 13, records of Maricopa County, Arizona;

Thence North 00 degrees 41 minutes 32 seconds West 30.00 feet to the center line of Mariposa Street;

Thence along said centerline, North 89 degrees 18 minutes 28 seconds East 227.88 feet;

Thence South 00 degrees 09 minutes 15 seconds East 496.07 feet to a point on a line 8.00 feet South of and parallel with the South line of Lot 42 of said MARIPOSA HOMES; Thence along said parallel line, South 89 degrees 18 minutes 31 seconds West 329.98 feet;

Thence North 00 degrees 41 minutes 29 seconds West 8.00 feet;

Thence North 00 degrees 01 minutes 13 seconds East 14.00 feet;

Thence South 89 degrees 18 minutes 31 seconds West 19.00 feet to a point on the West line of Lot 38 of said MARIPOSA HOMES;

Thence North 00 degrees 01 minutes 13 seconds East 113.44 feet to the Northwest corner of said Lot 38;

Thence North 00 degrees 40 minutes 35 seconds West 30.00 feet to the centerline of Pierson Street;

Thence along said centerline, North 89 degrees 19 minutes 25 seconds East 120.71 feet;

Thence North 00 degrees 40 minutes 35 seconds West 30.00 feet to the Southwest corner of Lot 27 of said MARIPOSA HOMES;

Thence North 00 degrees 02 minutes 16 seconds East 270.67 feet to the POINT OF BEGINNING.

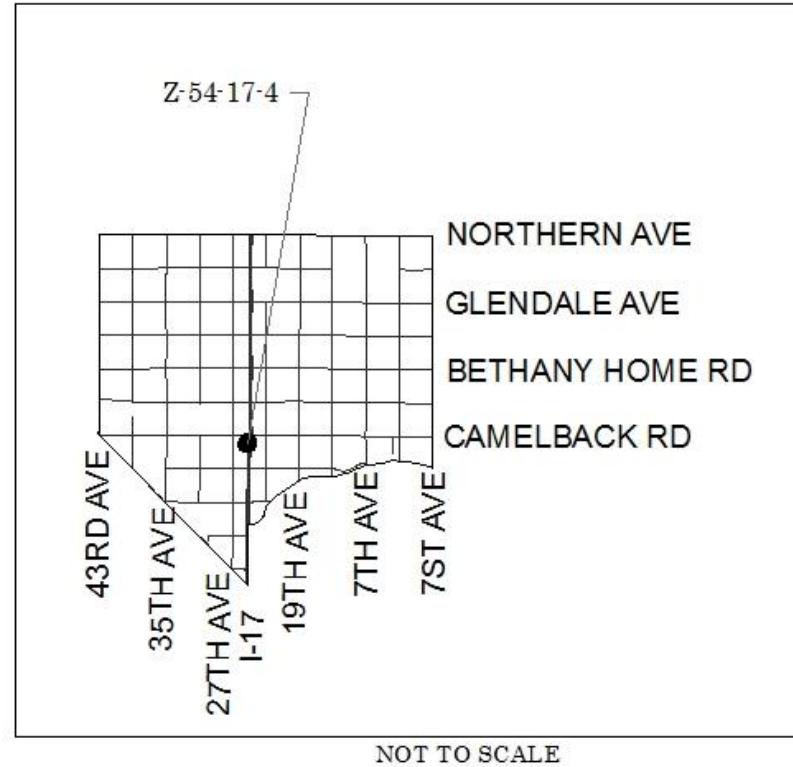
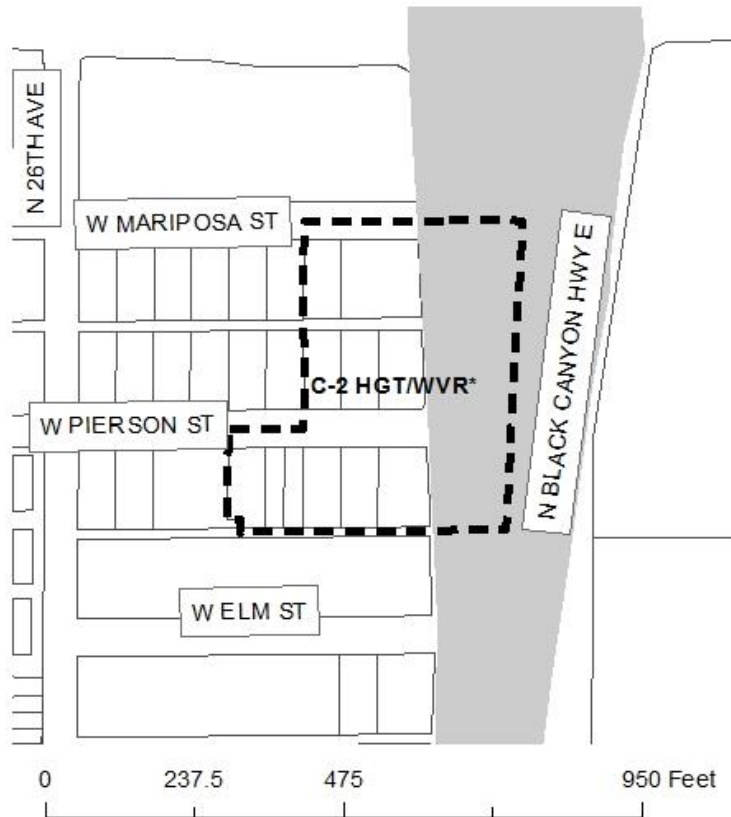
Comprising 3.046 acres or 132,689 square feet, subject to all easements of record.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-54-17-4
Zoning Overlay: Black Canyon/Maricopa Freeway Specific Plan
Planning Village: Alhambra



Drawn Date: 11/2/2017