

## 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 ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-66-22-8) FROM C-1 (NEIGHBORHOOD RETAIL DISTRICT) TO C-1 DNS/WVR (NEIGHBORHOOD RETAIL DISTRICT, DENSITY WAIVER).

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

SECTION 1. The zoning of a 1.43-acre property located at the northwest corner of 37th Street and McDowell Road in a portion of Section 36, Township 2 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "C-1" (Neighborhood Retail District) to "C-1 DNS/WVR" (Neighborhood Retail District, 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 be in general conformance with the elevations date stamped September 15, 2022, as approved by the Planning and Development Department.
2. A minimum building setback of 50 feet from the north property line shall be provided, as approved by the Planning and Development Department.
3. Upon complete redevelopment or development that increases the cumulative floor area by more than 15% from that depicted on the site plan date stamped September 15, 2022, the developer shall dedicate a 10-foot-wide sidewalk easement for the north side of McDowell Road, as approved by the Planning and Development Department.
4. Upon complete redevelopment or development that increases the cumulative floor area by more than 15% from that depicted on the site plan date stamped September 15, 2022, the developer shall construct a minimum 6-foot-wide detached sidewalk and minimum 10-foot-wide landscape strip located between the back of curb and sidewalk along the north side of McDowell Road, as approved by the Planning and Development Department.
5. Upon complete redevelopment or development that increases the cumulative floor area by more than 15% from that depicted on the site plan date stamped September 15, 2022, the developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 5-foot-wide landscape strip located between the back of curb and sidewalk along the west side of 37th Street, as approved by the Planning and Development Department.
6. The developer shall provide resident secured bicycle parking as required by Chapter 13, Section 1307.H of the Zoning Ordinance, as approved by the Planning and Development Department.
7. Upon complete redevelopment or development that increases the cumulative floor area by more than 15% from that depicted on the site plan date stamped September 15, 2022, 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. The property owner shall record documents that disclose the existence, and operational characteristics of the Phoenix Sky Harbor 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.

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 1st day of February, 2023.

\_\_\_\_\_  
MAYOR

ATTEST:

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Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Julie M. Kriegh, City Attorney

By:  
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REVIEWED BY:

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Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

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## EXHIBIT A

Tract A, BONNIE JEAN PLACE, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 64 of Maps, Page 47;

EXCEPT any and all minerals, ores and metals of every kind and character, and all coal, asphaltum, oil, gases, fertilizers, fossils and other like substances in or under said land as reserved in the Patent from the State of Arizona in Book 124 of Deeds, page 157, records of Maricopa County, Arizona.

# ORDINANCE LOCATION MAP

EXHIBIT B

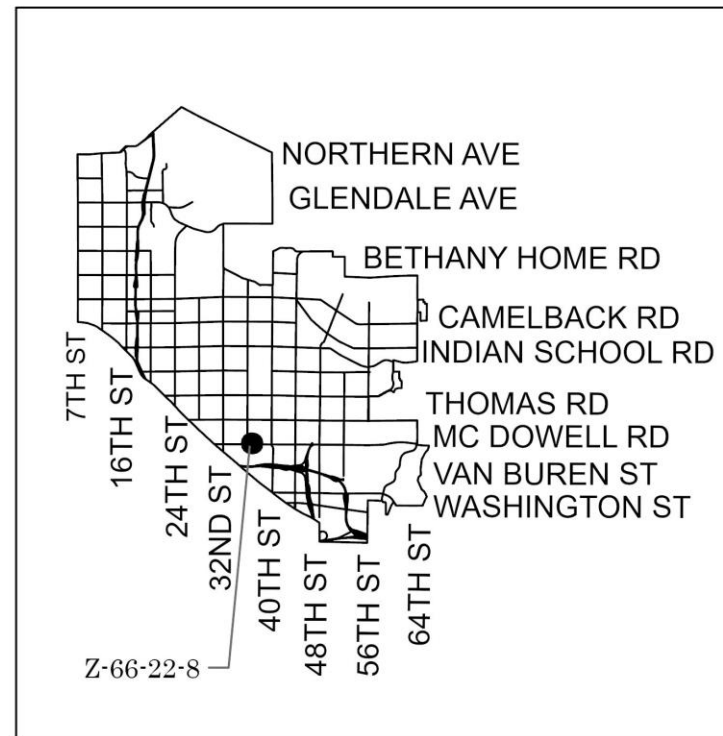
ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-66-22-8

Zoning Overlay: N/A

Planning Village: Camelback East



NOT TO SCALE



Drawn Date: 1/6/2023