

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-26-18-3) FROM C-O (COMMERCIAL OFFICE DISTRICT) TO C-1 (NEIGHBORHOOD COMMERCIAL).

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

SECTION 1. The zoning of an approximately 4.90-acre property located approximately 450 feet west of the northwest corner of Tatum Boulevard and Shea Boulevard in a portion of Section 19, Township 3 North, Range 4 East, as described more specifically in Exhibit "A", is hereby changed from "C-O" (Commercial Office District), to C-1 (Neighborhood Commercial).

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 elevation date stamped April 9, 2018, as approved by the Planning and Development Department.
2. Minimum 2-inch caliper trees, placed 20-feet on center, or in equivalent groupings, shall be planted in a minimum 14-foot setback along the northern property line to provide screening for adjacent residences, as approved by the Planning and Development Department. When possible, the developer should use existing trees to meet this landscaping requirement.
3. All required trees in the Shea Boulevard landscape setback shall be planted adjacent to the sidewalk to provide shade/thermal comfort for pedestrians, as approved by the Planning and Development Department.
4. A minimum of 75% of the sidewalk along Shea Boulevard shall be shaded at maturity, as approved by the Planning and Development Department.
5. The sidewalk along Shea Boulevard shall remain detached. The existing landscaped strip located between the sidewalk and back of curb shall be planted to provide a minimum of 50% live ground cover, as approved by the Planning and Development Department.
6. A minimum of 50% shade shall be provided, through a combination of landscaping and/or overhangs and canopies that integrate into the building design, along pedestrian thoroughfares, as approved by the Planning and Development Department.
7. A minimum of one inverted-U bicycle rack shall be provided and located near the entrance to each building and installed per the requirements of Section 1307.H.4. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
8. No drive-through facility shall locate its drive-through window facing a residential use or Shea Boulevard, as approved by the Planning and Development Department.
9. Drive-throughs shall be screened from view of residential uses and Shea Boulevard with a landscaped berm, or a combination of a wall and landscaped berm at least 3 feet in height, as approved by the Planning and Development Department.
10. The developer shall provide a recorded cross access and common driveway agreement for parcels 167-73-027, 167-73-028, 167-73-029A, 167-73-030A and 167-73-034A, to allow the proposed uses to function as a commercial center. The agreement is to be reviewed and approved by the Planning and Development Department prior to recordation with Maricopa County.
11. The proposed traffic signal shall only be installed when warrants and conditions are met, as approved by the Street Transportation Department and at no cost to the City.

12. 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.
13. In the event archeological 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.
14. 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 5th day of September, 2018.

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)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-26-18-3

LOTS 10, 11, 12 AND 13, BLOCK 4, AND TRACT A, OF THE SUBDIVISION OF MORNINGSIDE, BOOK 58 OF MAPS, PAGE 49, RECORDS OF MARICOPA COUNTY, ARIZONA AND PORTIONS OF THE ABANDONED ALLEY BY INSTRUMENT RECORDED IN DOCKET 15060, PAGE 502, RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 3 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE 3-INCH CITY OF PHOENIX BRASS CAP IN HANDHOLE MARKING THE SOUTHEAST CORNER OF SAID SECTION 19 FROM WHICH A 3-INCH CITY OF PHOENIX BRASS CAP IN HANDHOLE MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 19 BEARS NORTH 89 DEGREES 48 MINUTES 00 SECONDS WEST 2636.00 FEET, SAID DESCRIBED LINE BEING THE BASIS OF BEARINGS FOR THIS DESCRIPTION;

THENCE NORTH 89 DEGREES 48 MINUTES 00 SECONDS WEST 494.89 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER TO THE SOUTHERLY PROLONGATION OF THE EAST LINE OF SAID ALLEY ABANDONMENT AND THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89 DEGREES 48 MINUTES 00 SECONDS WEST 629.83 FEET ALONG SAID SOUTH LINE TO THE SOUTHERLY PROLONGATION OF THE WEST LINE OF SAID LOT 10;

THENCE NORTH 00 DEGREES 00 MINUTES 20 SECONDS EAST 340.01 FEET ALONG SAID WEST LINE TO A HALF INCH CAPPED REBAR STAMPED 42137 MARKING THE NORTH LINE OF SAID ALLEY ABANDONMENT;

THENCE SOUTH 89 DEGREES 48 MINUTES 12 SECONDS EAST 629.82 FEET ALONG SAID NORTH LINE TO A NAIL IN WASHER STAMPED 42137 MARKING THE EAST LINE OF SAID ALLEY ABANDONMENT;

THENCE SOUTH 00 DEGREES 00 MINUTES 13 SECONDS WEST 340.05 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

COMPRISING OF 214,159 SQ. FEET AND/OR 4.916 ACRES±

ORDINANCE LOCATION MAP

EXHIBIT B

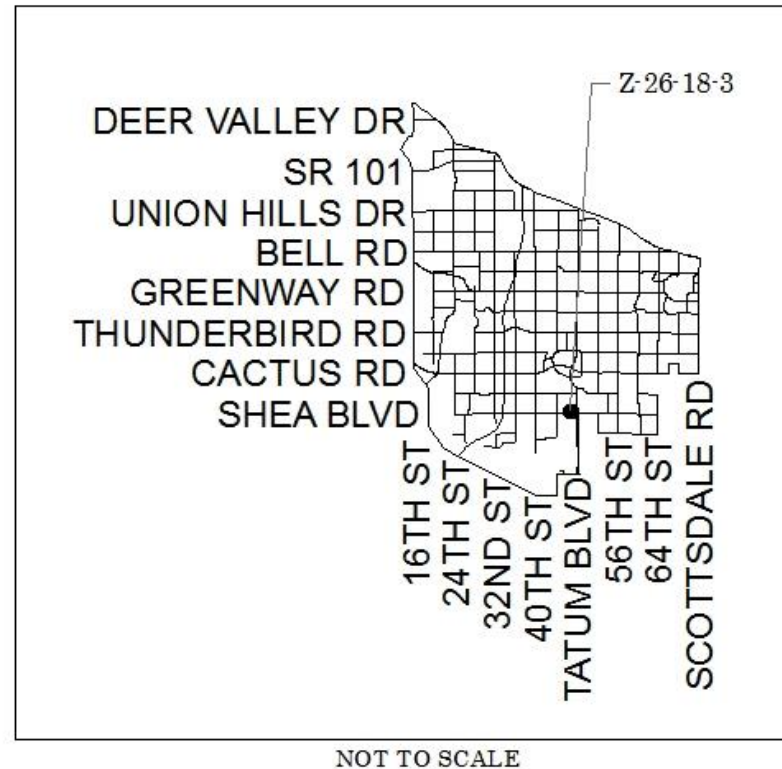
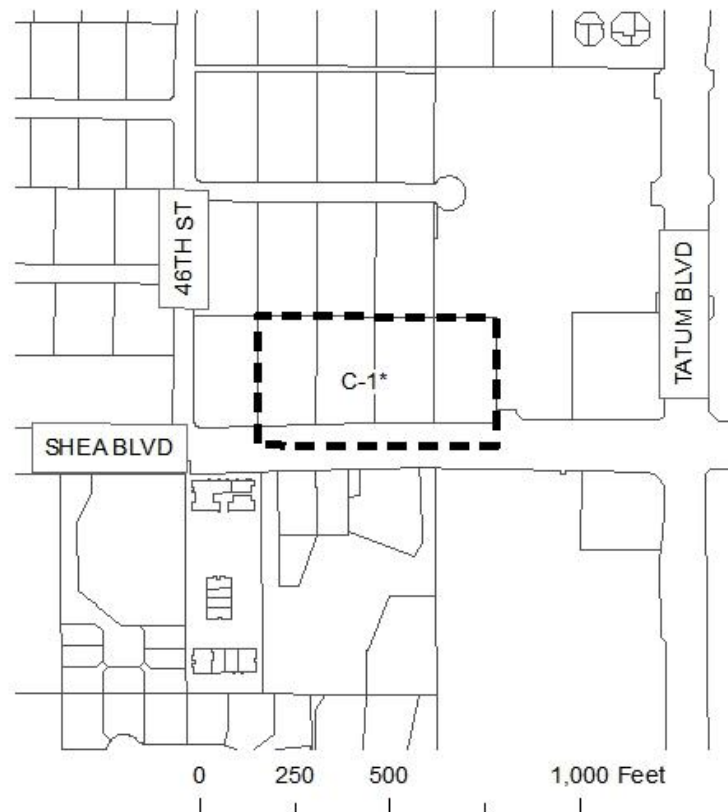
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-26-18-3

Zoning Overlay: N/A

Planning Village: Paradise Valley



Drawn Date: 8/13/2018