

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-55-17-6) FROM C-1 (NEIGHBORHOOD RETAIL DISTRICT) TO C-2 (INTERMEDIATE COMMERCIAL DISTRICT).

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

SECTION 1. The zoning of an approximately 14.81-acre property located approximately 200 feet east of the southeast corner of 48th Street and Warner Road in a portion of Sections 19 and 20, Township 1 South, Range 4 East, as described more specifically in Exhibit "A", is hereby changed from "C-1" (Neighborhood Retail District) to "C-2" (Intermediate Commercial District).

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 developer shall replenish all existing landscape planters with trees and shrubs per the C-2 zoning district minimum planting standards, 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.
2. The developer shall update all streets 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.
3. 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.
4. 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 10th day of January, 2018.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

____ City Attorney

REVIEWED BY:

____ City Manager

Exhibits:

A – Legal Description (3 Pages)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-55-17-6

That parcel of land located in the Northeast quarter of Section 19, and in the Northwest quarter of Section 20, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Commencing at the Northwest corner of said Section 20;

Thence South 00 degrees 32 minutes 37 seconds West, along the West line of said Section 20, 1267.75 feet to a point of a non-tangent curve, said curve being the center line of Warner Road, said curve also being concave to the Northwest, having a radius of 900.00 feet, a central angle of 56 degrees 56 minutes 36 seconds, a chord bearing of North 49 degrees 13 minutes 17 seconds East;

Thence Northeasterly along the arc of said curve a distance of 894.46 feet to a point of tangency;

Thence South 69 degrees 15 minutes 01 seconds East, 55.00 feet to a point on a non-tangent curve concave to the Northwest having a radius of 955.00 feet, a central angle of 00 degrees 29 minutes 16 seconds, a chord bearing of South 20 degrees 59 minutes 37 seconds West;

Thence Southwesterly along said curve an arc distance of 8.13 feet to the Point of Beginning;

Thence South 69 degrees 17 minutes 01 seconds East 145.21 feet;

Thence South 45 degrees 31 minutes 58 seconds East, 99.04 feet to the beginning of a curve concave to the Southwest having a radius of 33.00 feet, a central angle of 28 degrees 18 minutes 20 seconds;

Thence along said curve an arc distance of 16.30 feet to a point of tangency;

Thence South 17 degrees 13 minutes 38 seconds East, 46.13 feet;

Thence North 72 degrees 46 minutes 22 seconds East 89.37 feet to a point on the Southerly right of way of Wakial Loop;

Thence South 07 degrees 45 minutes 35 seconds East, along said Southerly right of way, 56.97 feet to the West line of Ahwatukee FTV-2 a subdivision according to Book 278 of Maps, page 24, records of Maricopa County, Arizona;

Thence South 75 degrees 43 minutes 20 seconds West, along said Ahwatukee FTV-2, 108.37 feet to the beginning of a curve concave to the Southeast having a radius of 271.50 feet, a central angle of 83 degrees 29 minutes 40 seconds;

Thence along said curve an arc distance of 395.64 feet to a point of tangency;

Thence South 07 degrees 46 minutes 20 seconds East, 495.00 feet to the beginning of a curve concave to the Northwest having a radius of 127.00 feet, a central angle of 44 degrees 35 minutes 35 seconds;

Thence along said curve an arc distance of 98.84 feet to a point of tangency;

Thence South 36 degrees 49 minutes 15 seconds West, 235.40 feet to a point of intersection of the West line of said Ahwatukee FTV-2 and the North line of an easement for drainage according to Document No. 85-312249, records of Maricopa County, Arizona, said point lying on a non-tangent curve concave to the South having a radius of 1549.80 feet, a central angle of 22 degrees 21 minutes 16 seconds, a chord bearing of North 78 degrees 16 minutes 44 seconds West;

Thence Northwesterly along said curve an arc distance of 604.67 feet to a point of tangency;

Thence North 89 degrees 27 minutes 22 seconds West, 0.56 feet to a point on the East right of way of 48th Street, said point lying on a non-tangent curve concave to the Southwest having a radius of 1055.00 feet, a central angle of 1 degree 57 minutes 27 seconds, a chord bearing of North 02 degrees 18 minutes 02 seconds West;

Thence Northwesterly along said curve an arc distance of 36.04 feet;

Thence leaving said East right of way on a non-tangent curve concave to the South having a radius of 1585.80 feet, a central angle of 6 degrees 06 minutes 26 seconds, a chord bearing of South 86 degrees 24 minutes 14 seconds East;

Thence Southeasterly along said curve an arc distance of 169.03 feet to a point on the arc;

Thence leaving said curve North 07 degrees 48 minutes 20 seconds West, 126.22 feet;

Thence South 89 degrees 24 minutes 02 seconds West, 48.70 feet;

Thence South 82 degrees 11 minutes 40 seconds West, 83.57 feet;

Thence South 70 degrees 52 minutes 53 seconds West, 31.14 feet to a point on the East right of way of 48th Street, said point lying on a non-tangent curve concave to the Southwest having a radius of 1055.00 feet, a central angle of 7 degrees 53 minutes 37 seconds, a chord bearing of North 12 degrees 17 minutes 05 seconds West;

Thence Northwesterly along said right of way and curve an arc distance of 145.35 feet to a point of tangency;

Thence North 16 degrees 13 minutes 53 seconds West, 95.40 feet;

Thence leaving said East right of way South 87 degrees 32 minutes 55 seconds East, 32.12 feet;

Thence North 82 degrees 11 minutes 40 seconds East 110.83 feet to the beginning of a curve concave to the Northwest having a radius of 10.00 feet and a central angle of 90 degrees 00 minutes 00 seconds;

Thence along said curve an arc distance of 15.71 feet to a point of tangency;

Thence North 07 degrees 48 minutes 20 seconds West, 224.36 feet;

Thence North 19 degrees 19 minutes 33 seconds West, 5.26 feet to a point on the Southerly right of way of Warner Road, said point lying on a non-tangent curve concave to the Northwest having a radius of 955.00 feet, a central angle of 00 degrees 54 minutes 50 seconds, a chord bearing of North 73 degrees 17 minutes 17 seconds East;

Thence Northeasterly along said curve an arc distance of 15.23 feet to a point on the arc;

Thence leaving said Southerly right of way South 07 degrees 48 minutes 02 seconds East, 133.66 feet;

Thence North 82 degrees 11 minutes 40 seconds East, 246.00 feet;

Thence North 07 degrees 48 minutes 20 seconds West, 198.76 feet to a point on the Southerly right of way of 48th Street, said point lying on a non-tangent curve to the Northwest having a radius of 964.64 feet, a central angle of 4 degrees 28 minutes 47 seconds, a chord bearing of North 55 degrees 22 minutes 01 seconds East;

Thence Northeasterly along said curve an arc distance of 75.42 feet to a point on the arc;

Thence South 82 degrees 26 minutes 01 seconds East, 17.03 feet to a point on a non-tangent curve concave to the Northwest having a radius of 976.64 feet, a central angle of 3 degrees 03 minutes 02 seconds, a chord bearing of North 50 degrees 53 minutes 18 seconds East;

Thence along said curve an arc distance of 52.00 feet to a point on the arc; Thence North 40 degrees 38 minutes 10 seconds West, 9.64 feet;

Thence North 04 degrees 12 minutes 37 seconds East, 17.03 feet to a point on a non-tangent curve concave to the Northwest having a radius of 955.00 feet, a central angle of 27 degrees 24 minutes 17 seconds, a chord bearing of North 34 degrees 56 minutes 23 seconds East;

Thence Northeasterly along said curve an arc distance of 456.78 feet to the Point of Beginning.

ORDINANCE LOCATION MAP

EXHIBIT B

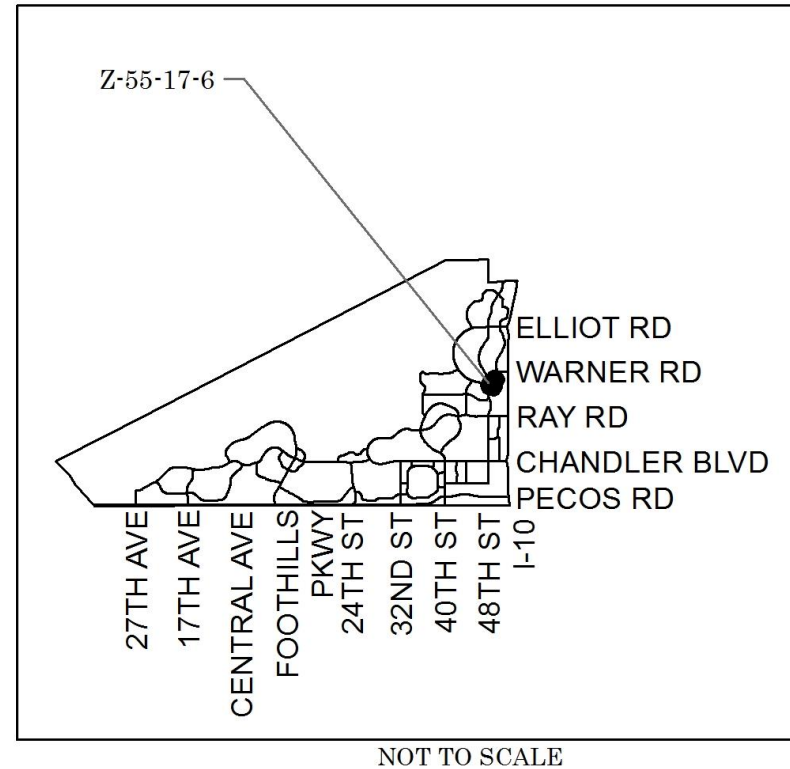
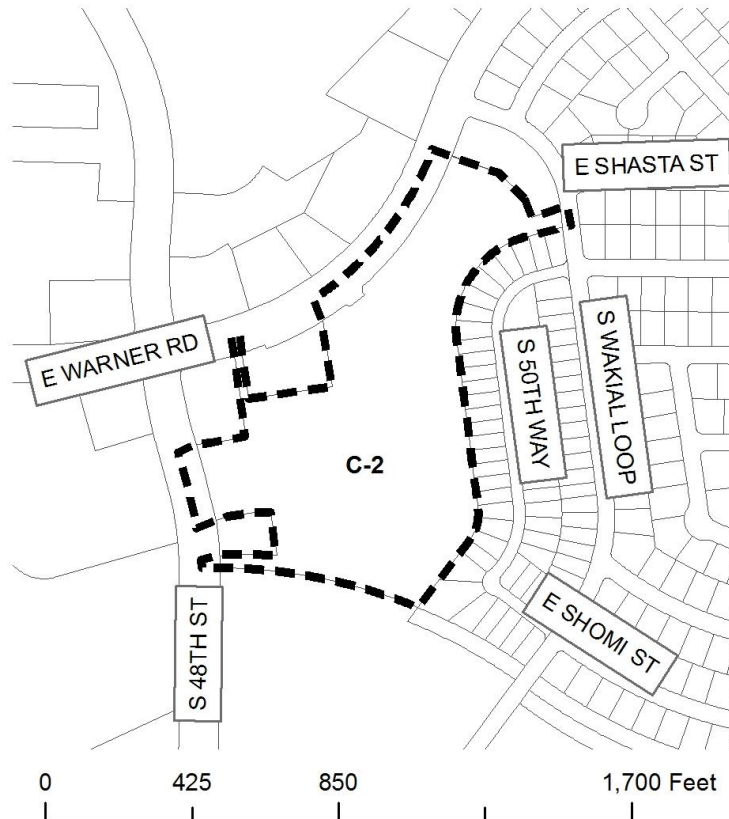
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-55-17-6

Zoning Overlay: N/A

Planning Village: Ahwatukee Foothills



Drawn Date: 12/12/2017