

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-76-17-8) FROM C-2 (PENDING C-2) (INTERMEDIATE COMMERCIAL DISTRICT, PENDING INTERMEDIATE COMMERCIAL DISTRICT) TO C-2 HGT/WVR (INTERMEDIATE COMMERCIAL DISTRICT, HEIGHT WAIVER).

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

SECTION 1. The zoning of an approximately 3.29 acre property located at the southwest corner of 10th Street and McDowell Road in a portion of Section 4, Township 1 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "C-2 (Pending C-2)" (Intermediate Commercial District, Pending Intermediate Commercial District) to "C-2 HGT/WVR" (Intermediate Commercial District, 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 sidewalk on McDowell Road shall be a minimum of 8 feet, and required trees in the landscape setback shall be placed adjacent to the sidewalk in order to provide shade for pedestrians, as approved by the Planning and Development Department.
2. The existing mature trees along Brill Street shall be maintained and any dead trees shall be replaced, as approved by Planning and Development Department.
3. The development shall provide a minimum of 4 landscape islands along the 9th Street alignment, within the parking area. These landscape islands shall be planted with minimum 3-inch caliper shade trees that are placed adjacent to the sidewalk in order to provide shade for pedestrians, as approved by the Planning and Development Department.
4. A minimum landscape setback of 12 feet shall be required along 10th Street and shall be planted to C-2 streetscape landscape planting size and quantity standards, as approved by Planning and Development Department.
5. The development shall provide a pedestrian access way from McDowell Road to the entrance of the building, as approved by the Planning and Development Department.
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.
7. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport (PHX) 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 viewed and approved by the City Attorney.

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 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-76-17-8

A PARCEL OF LAND SITUATED IN A PORTION OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 3 EAST OF GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AND BEING A PORTION OF LOT 1, BANNER UNIVERSITY MEDICAL CENTER AS RECORDED IN BOOK 1271 OF MAPS ON PAGE 15, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 4 FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 15 BEARS SOUTH 89 DEGREES 53 MINUTES 02 SECONDS WEST, 2661.00 FEET;

THENCE SOUTH 89 DEGREES 53 MINUTES 02 SECONDS WEST, ALONG AND WITH THE NORTH LINE OF SAID SECTION 4, 1339.83 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID NORTH LINE, SOUTH 00 DEGREES 22 MINUTES 44 SECONDS WEST, 384.29 FEET;

THENCE NORTH 89 DEGREES 46 MINUTES 06 SECONDS WEST, 372.16 FEET;

THENCE NORTH 00 DEGREES 22 MINUTES 43 SECONDS EAST, 382.03 FEET TO THE AFORESAID NORTH LINE OF SECTION 4;

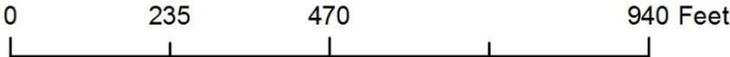
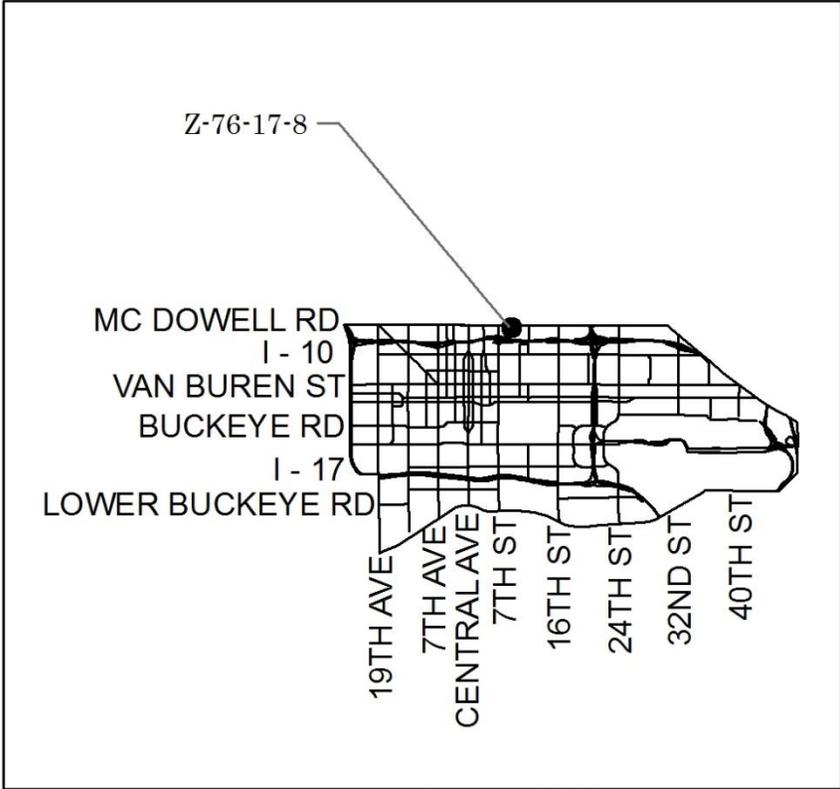
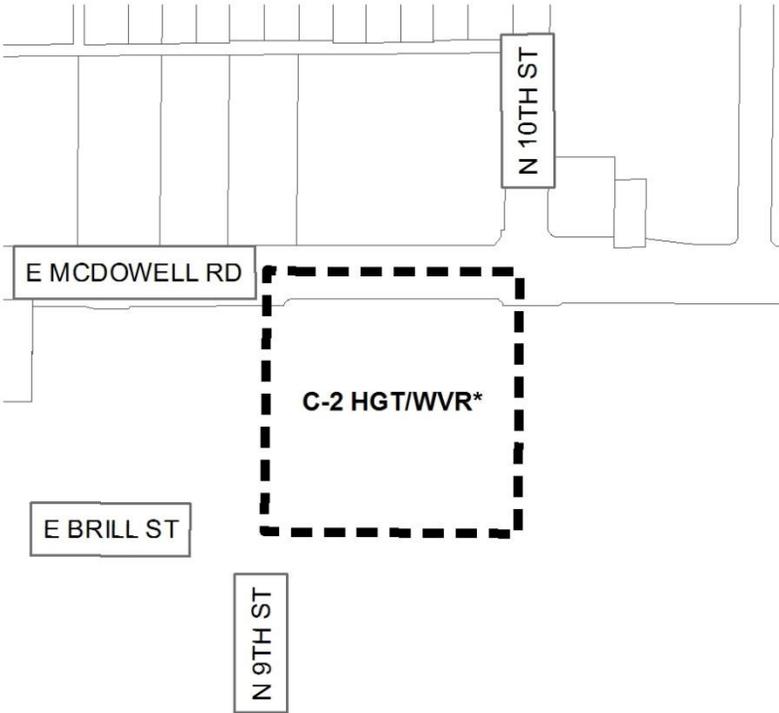
THENCE SOUTH 89 DEGREES 53 MINUTES 02 SECONDS WEST, ALONG AND WITH THE NORTH LINE OF SAID SECTION 4, 372.18 FEET TO THE POINT OF BEGINNING AND CONTAINING A COMPUTED AREA OF 142,598 SQUARE FEET OR 3.274 ACRES MORE OR LESS.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-76-17-8
Zoning Overlay: N/A
Planning Village: Central City



NOT TO SCALE



Drawn Date: 12/7/2017