

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-190-G-84-7(5)) FROM PCD (APPROVED C-2 PCD) (PLANNED COMMUNITY DISTRICT; APPROVED INTERMEDIATE COMMERCIAL DISTRICT, PLANNED COMMUNITY DISTRICT) TO C-2 HGT/WVR PCD (INTERMEDIATE COMMERCIAL DISTRICT WITH A HEIGHT WAIVER, PLANNED COMMUNITY DISTRICT).

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

SECTION 1. The zoning of an approximately 2.29-acre property located approximately 300 feet east of the northeast corner of 91st Avenue and McDowell Road in a portion of Section 34, Township 2 North, Range 1 East, as described more specifically in Exhibit "A", is hereby changed from "PCD (Approved C-2 PCD)" (Planned Community District; Approved Intermediate Commercial District, Planned Community District), to "C-2 HGT/WVR PCD" (Intermediate Commercial District with Height Waiver, Planned Community 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 development shall be in general conformance with the site plan date stamped March 8, 2018 and elevations date stamped January 8, 2018, as modified by the following stipulations and approved by the Planning and Development Department.
2. The maximum building height shall be four stories and 50 feet.
3. A minimum eight-foot-wide landscape setback, with minimum 2-inch caliper trees, shall be placed 20 feet on center or in equivalent groupings along the east property line as approved by the Planning and Development Department.
4. A minimum of two inverted-U bicycle racks for employees or visitors shall be provided on site, located near a publicly accessible entrance to the building, and installed per the requirements of Section 1307.H.4 of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
5. 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.
6. An eight-foot-high solid block wall shall be constructed along the east property line where adjacent to the Austin Centers for Exceptional Students (the ACES) school playground and may taper to a six-foot-high solid block wall along the remainder of the east property line.

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 2nd day of May, 2018.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

- Exhibits:
- A – Legal Description (2 Pages)
 - B – Ordinance Location Map (1 Page)

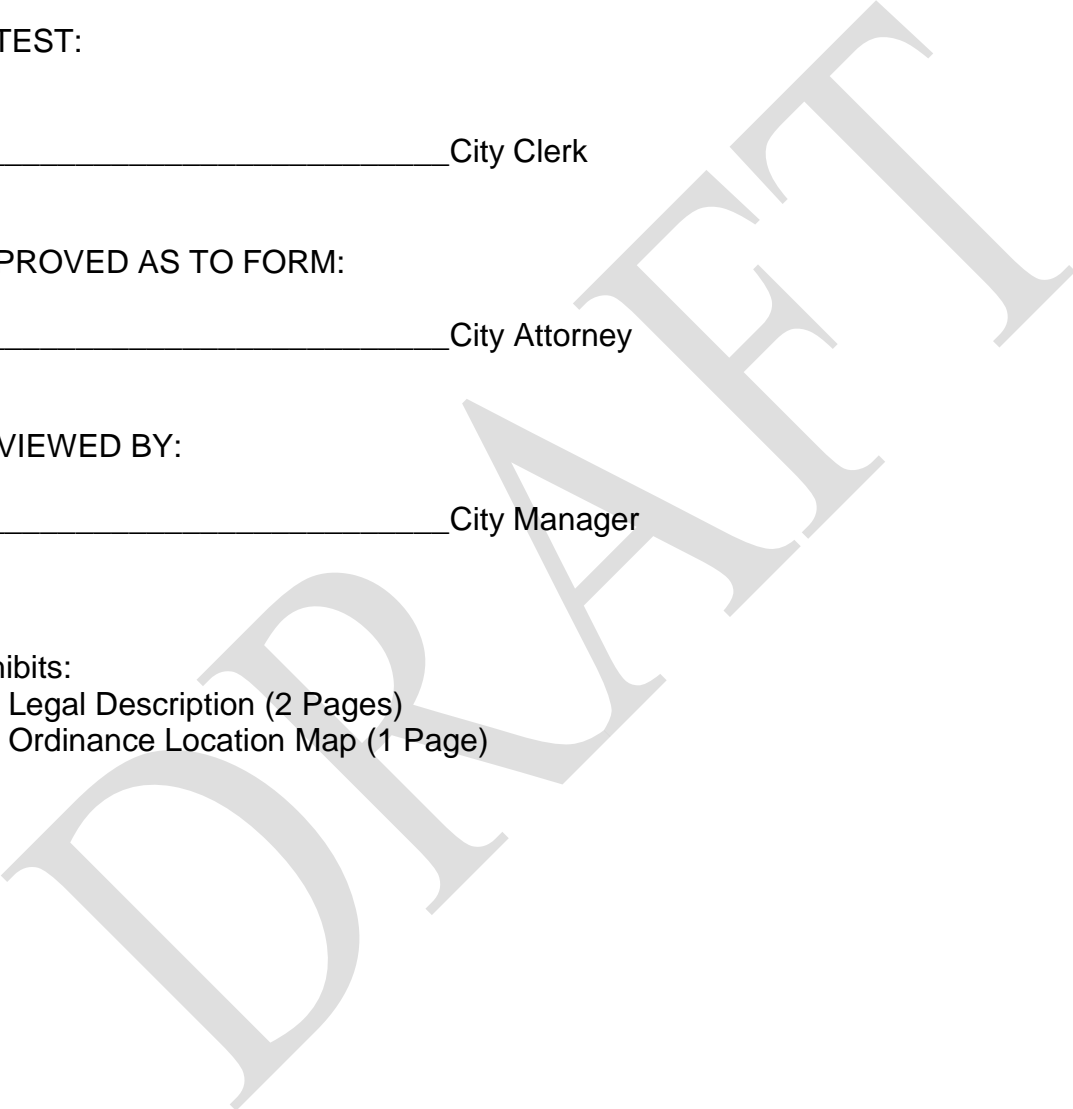


EXHIBIT A

LEGAL DESCRIPTION FOR Z-190-G-84-7(5)

PARCEL NO. 1

A PORTION OF PARCEL NO. 2 AS DESCRIBED IN SPECIAL WARRANTY DEED, RECORDED IN DOCUMENT NO. 2012-0841325, MARICOPA COUNTY RECORDS (M.C.R.), LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 2 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF PHOENIX, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 34, A BRASS CAP IN HANDHOLE, FROM WHICH THE SOUTH QUARTER CORNER OF SAID SECTION, A BRASS CAP FLUSH, BEARS NORTH 88 DEGREES 50 MINUTES 00 SECONDS EAST, A DISTANCE OF 2641.31 FEET;

THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION, NORTH 88 DEGREES 50 MINUTES 00 SECONDS EAST, A DISTANCE OF 323.75 FEET;

THENCE LEAVING SAID SOUTH LINE, NORTH 00 DEGREES 03 MINUTES 38 SECONDS EAST, A DISTANCE OF 55.01 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF MCDOWELL ROAD, AND THE POINT OF BEGINNING;

THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, ALONG A WESTERLY LINE OF SAID PARCEL NO. 2, NORTH 00 DEGREES 03 MINUTES 38 SECONDS EAST, A DISTANCE OF 54.44 FEET,

THENCE CONTINUING NORTH 89 DEGREES 56 MINUTES 22 SECONDS WEST, A DISTANCE OF 21.13 FEET;

THENCE CONTINUING ALONG SAID WESTERLY LINE AND THE NORTHERLY PROLONGATION THEREOF, NORTH 00 DEGREES 03 MINUTES 38 SECONDS EAST, A DISTANCE OF 201.50 FEET TO THE NORTHERLY LINE OF SAID PARCEL NO. 2;

THENCE LEAVING SAID NORTHERLY PROLONGATION LINE, ALONG SAID NORTHERLY LINE, SOUTH 89 DEGREES 56 MINUTES 22 SECONDS EAST, A DISTANCE OF 390.49 FEET, TO THE EASTERLY LINE OF SAID PARCEL NO. 2;

THENCE LEAVING SAID NORTHERLY LINE, ALONG SAID EASTERLY LINE, SOUTH 01 DEGREES 10 MINUTES 00 SECONDS EAST, A DISTANCE OF 247.97 FEET, TO SAID NORTHERLY RIGHT-OF-WAY LINE;

THENCE LEAVING SAID EASTERLY LINE, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, SOUTH 88 DEGREES 50 MINUTES 00 SECONDS WEST, A DISTANCE OF 374.76 FEET, TO THE POINT OF BEGINNING.

PARCEL NO. 2

AN EASEMENT FOR ACCESS BY OR PURSUANT TO THAT CERTAIN DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS FOR PALM VILLAGE PLAZA RECORDED IN MAY 01, 2003, IN DOCUMENT NO. 2003-0556115, RECORDS OF MARICOPA COUNTY, ARIZONA.

CONTAINING 2.2495 ACRES [97,989 SQUARE FEET] MORE OR LESS.

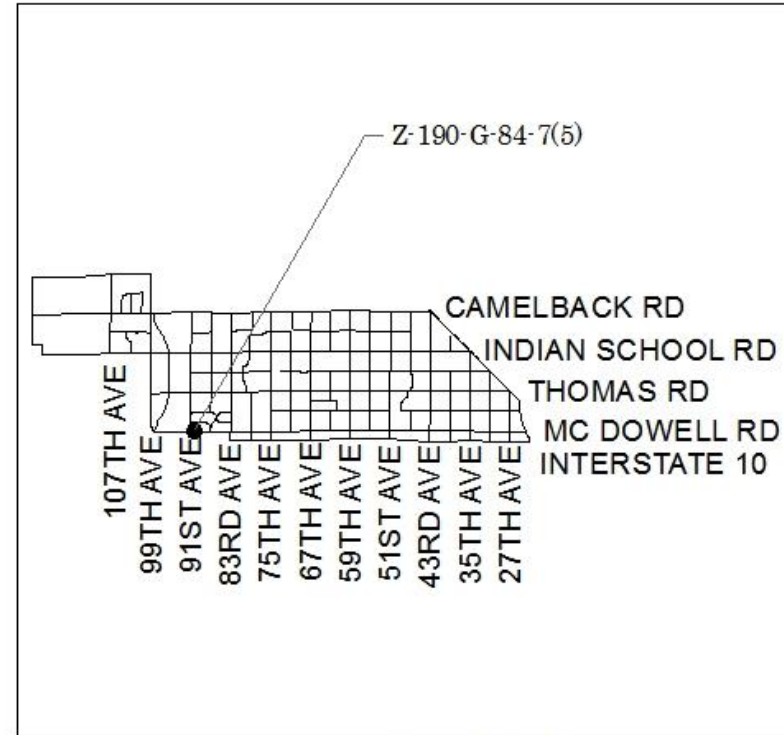
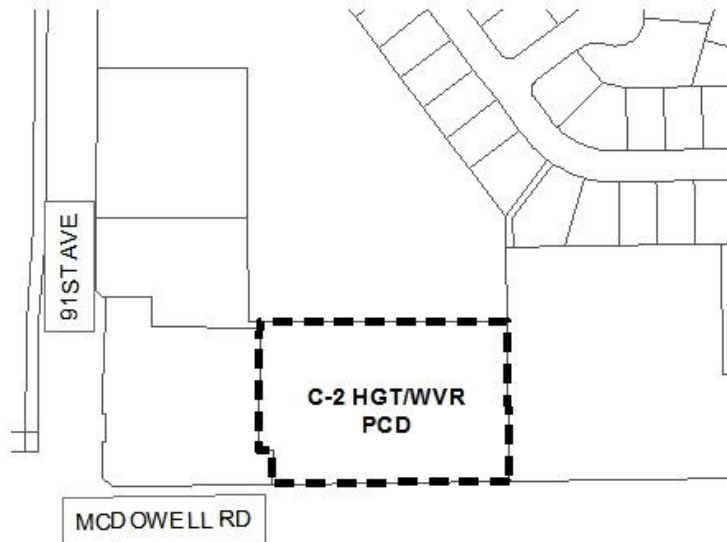
DRAFT

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-190-G-84-7(5)
Zoning Overlay: N/A
Planning Village: Maryvale



NOT TO SCALE



Drawn Date: 4/4/2018