

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-78-B-88-1) FROM C-2 PCD (INTERMEDIATE COMMERCIAL DISTRICT, PLANNED COMMUNITY DISTRICT) AND C-2 SP PCD (INTERMEDIATE COMMERCIAL DISTRICT, SPECIAL PERMIT, PLANNED COMMUNITY DISTRICT) TO C-2 SP PCD (INTERMEDIATE COMMERCIAL DISTRICT, SPECIAL PERMIT, PLANNED COMMUNITY DISTRICT).

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

SECTION 1. The zoning of an approximately 22.25-acre property located at the northeast corner of 39th Avenue and Happy Valley Road in a portion of Section 3, Township 4 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed "C-2 PCD" (Intermediate Commercial District, Planned Community District) and "C-2 SP PCD" (Intermediate Commercial District, Special Permit, Planned Community District) TO "C-2 SP PCD" (Intermediate Commercial District, Special Permit, 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. All stipulations from Rezoning Case Nos. Z-131-05 and Z-78-88 shall apply unless otherwise modified below, as approved by the Planning and Development Department.
2. No more than 5,000 square feet shall be used for massage establishments, as approved by the Planning and Development Department.
3. The property owner shall record documents that disclose the existence, and operational characteristics of Deer Valley 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.
4. 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.
5. If determined necessary by the Phoenix Archaeology office, the applicant shall conduct phase I data testing and submit an Archaeological Survey Report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
6. If phase I data testing is required, and if, upon review of the results from the phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct phase II archaeological data recovery excavations.
7. 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.

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)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-78-B-88-1

Stetson Village – Entire Commercial Center:

Tract 4, of STATE PLAT NO. 20 A REPLAT OF TRACTS 1, 2, 3 AND 4 OF STETSON HILLS AS RECORDED IN BOOK 335, PAGE 5, M.C.R. as recorded in Book 561 of Maps, page 36, records of Maricopa County, Arizona and lying within the Southeast quarter of Section 3, Township 4 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Containing 912,373.41 sq. ft. or 20.9452 acres

ORDINANCE LOCATION MAP

EXHIBIT B

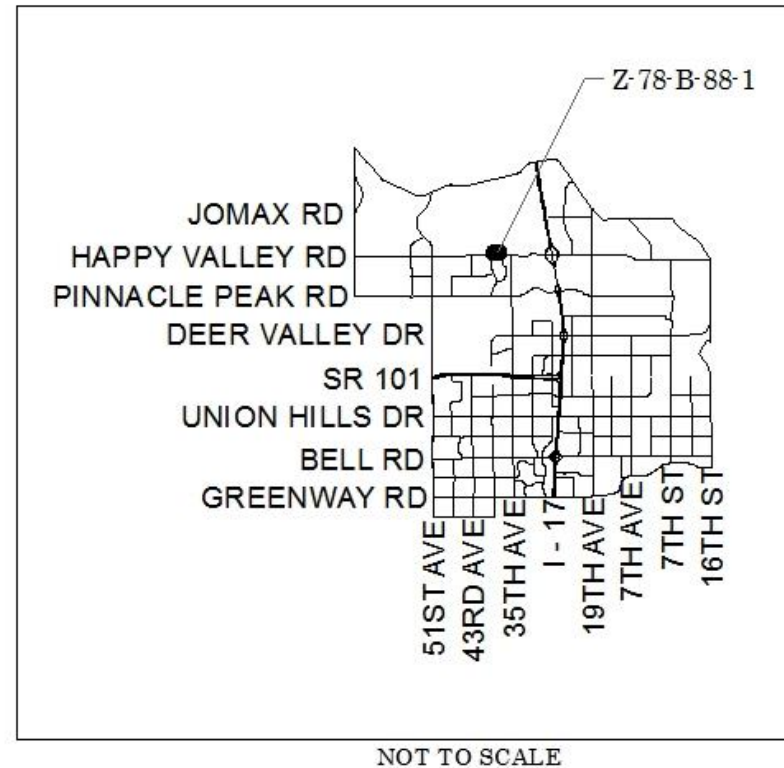
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-78-B-88-1

Zoning Overlay: N/A

Planning Village: Deer Valley



Drawn Date: 8/15/2018