

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-86-18-2) FROM S-1 (RANCH OR FARM RESIDENCE DISTRICT) TO CP/GCP (COMMERCE PARK/GENERAL COMMERCE PARK DISTRICT).

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

SECTION 1. The zoning of an 11.01-acre property located at the northeast and southeast corners of Black Canyon Highway and the Dynamite Boulevard alignment in a portion of Sections 26 and 35, Township 5 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "S-1" (Ranch or Farm Residence District) to "CP/GCP" (Commerce Park/General Commerce Park 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, 2019, as modified by the following stipulations and as approved by the Planning and Development Department.
2. Drought tolerant, 3-inch caliper evergreen trees 20 feet on center or in equivalent groupings shall be provided in the landscape setback areas, as approved by the Planning and Development Department.
3. All perimeter walls shall incorporate stone veneer, stonework, integral color CMU block or faux stone, and be compatible with the existing wall on the northern most property lines, as approved by the Planning and Development Department.
4. A minimum landscape setback of 30 feet shall be required along the west property lines, as approved by the Planning and Development Department.
5. A minimum landscape setback of 20 feet shall be required along the north and south property lines, as approved by the Planning and Development Department.
6. Minimum landscape setbacks shall be provided as follows along the eastern property line as depicted in the setback exhibit dated January 29, 2019 and as approved by the Planning and Development Department.
 - a. A minimum setback of 20 feet for the northern 420 feet.
 - b. A minimum setback of 15 feet for the middle 343 feet.
 - c. A minimum setback of 10 feet for the southern 160 feet, terminating at the 20-foot landscape setback along the southern property line.
7. The developer shall coordinate access and frontage requirements with the Arizona Department of Transportation.
8. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Deer Valley Airport (DVT) to future owners or tenants of the property.
9. 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.
10. 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.

11. 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.
12. 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.
13. No maintenance facilities shall be permitted on the premises.
14. Lighting shall be shielded with cut-off fixtures and deflectors to reflect light downward and limit on-site lighting levels to a maximum of one-half foot candle at the north and east property lines.
15. Storage access to the north portion of the site, for Phase II of the development, shall have limited hours from 7:00 a.m. to 9:00 p.m.
16. The minimum wall height along the south and east property lines shall be no less than 8 feet.

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 3rd day of July, 2019.

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)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-86-18-2

A PARCEL OF LAND BEING A PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 35 AND A PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF PHOENIX, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 35 WHICH BEARS NORTH 89 DEGREES 25 MINUTES 09 SECONDS EAST A DISTANCE OF 2651.22 FEET FROM THE NORTH QUARTER CORNER THEREOF;

THENCE SOUTH 89 DEGREES 25 MINUTES 09 SECONDS WEST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1158.59 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 35 MINUTES 54 SECONDS EAST A DISTANCE OF 364.17 FEET;

THENCE SOUTH 89 DEGREES 25 MINUTES 09 SECONDS WEST A DISTANCE OF 30.00 FEET;

THENCE SOUTH 00 DEGREES 34 MINUTES 53 SECONDS EAST A DISTANCE OF 200.00 FEET;

THENCE SOUTH 89 DEGREES 25 MINUTES 09 SECONDS WEST A DISTANCE OF 370.76 FEET;

THENCE SOUTH 80 DEGREES 07 MINUTES 06 SECONDS WEST A DISTANCE OF 25.00 FEET;

THENCE NORTH 09 DEGREES 52 MINUTES 54 SECONDS WEST A DISTANCE OF 571.69 FEET;

THENCE NORTH 09 DEGREES 52 MINUTES 07 SECONDS WEST A DISTANCE OF 405.32 FEET;

THENCE NORTH 80 DEGREES 07 MINUTES 53 SECONDS EAST A DISTANCE OF 25.00 FEET;

THENCE NORTH 89 DEGREES 25 MINUTES 09 SECONDS EAST A DISTANCE OF 564.64 FEET;

THENCE SOUTH 00 DEGREES 18 MINUTES 16 SECONDS WEST A DISTANCE OF 400.05 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 11.07 ACRES, MORE OR LESS,
INCLUDING ANY EASEMENTS OF RECORD.

THE BASIS OF BEARING FOR THE ABOVE DESCRIPTION IS NORTH 89 DEGREES
25 MINUTES 09 SECONDS EAST FOR THE NORTH LINE OF THE NORTHEAST
QUARTER OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 2 EAST OF THE GILA
AND SALT RIVER BASE AND MERIDIAN, CITY OF PHOENIX, MARICOPA COUNTY,
ARIZONA, AS CALCULATED FROM A RECORD OF SURVEY RECORDED IN BOOK
1385, PAGE 33, MARICOPA COUNTY RECORDS.

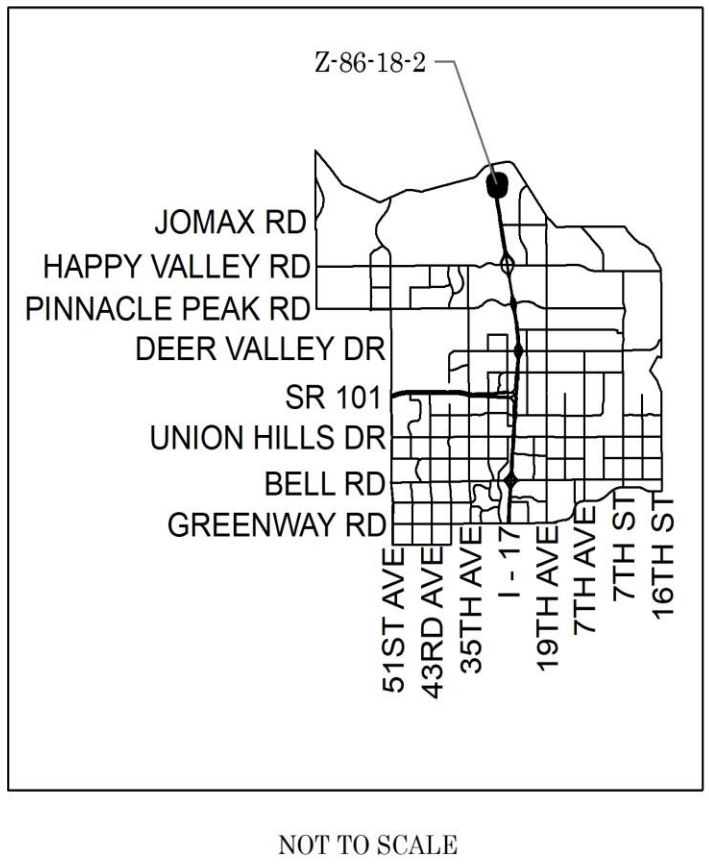
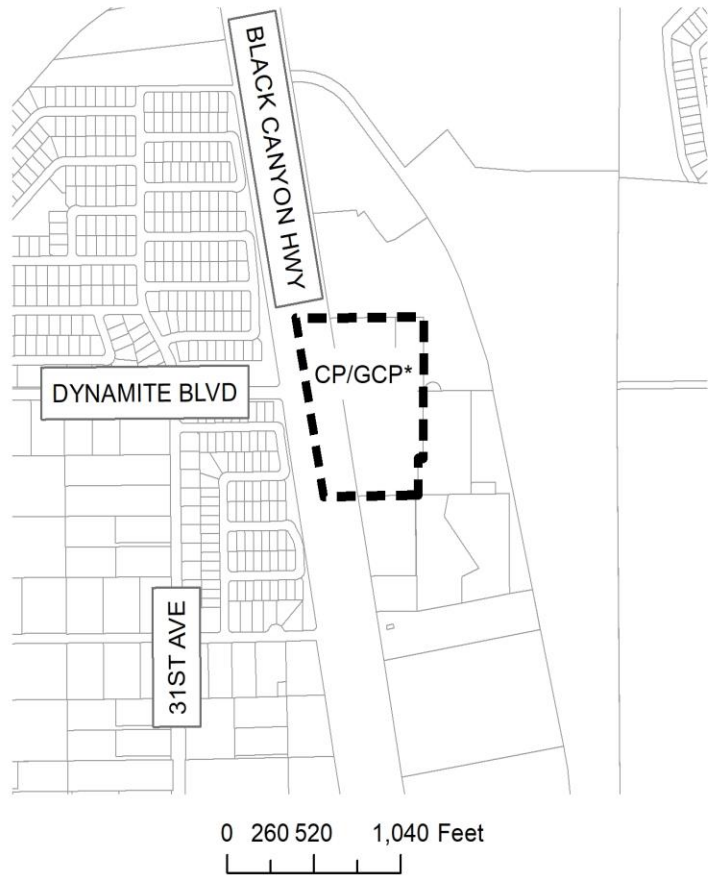
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ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-86-18-2
Zoning Overlay: N/A
Planning Village: Deer Valley



Drawn Date: 6/17/2019