

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-63-17-2) FROM PCD NBCOD (APPROVED C-O PCD NBCOD) (PLANNED COMMUNITY DISTRICT, NORTH BLACK CANYON OVERLAY DISTRICT (APPROVED COMMERCIAL OFFICE, PLANNED COMMUNITY DISTRICT, NORTH BLACK CANYON OVERLAY DISTRICT)), TO C-O NBCOD (COMMERCIAL OFFICE, NORTH BLACK CANYON OVERLAY DISTRICT)

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

SECTION 1. The zoning of an approximate 5.00-acre site located approximately 300 feet north of the northwest corner of North Valley Parkway and the Casino Avenue alignment in a portion of Section 25, Township 5 North, Range 2 East as described more specifically in Exhibit "A", is hereby changed from 5.00 acres of "PCD NBCOD (Approved C-O PCD NBCOD)" (Planned Community District, North Black Canyon Overlay District (Approved Commercial Office, Planned Community District, North Black Canyon Overlay District)), to "C-O NBCOD" (Commercial Office, North Black Canyon Overlay District) to allow PCD removal.

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 median island adjacent to the property in North Valley Parkway shall be landscaped prior to the issuance of the certificate of occupancy for the proposed building. There shall be two trees (minimum 2- inch caliper) and ten shrubs per 15 linear feet. The landscape material shall be compatible with the existing landscape palette, while complying with the landscape requirements in the North Black Canyon Overlay District, as approved by the Planning and Development Department.
2. Any proposed modifications to the existing median island, shall require the review and approval from the Street Transportation Department.
3. A development agreement shall be provided (prior to Preliminary Site Plan approval) and shall include that the development and/or association will be responsible for the landscape and maintenance of the right-of-way and median islands adjacent to the property. The agreement shall run with the entitled property and the City of Phoenix shall be listed as an additional signatory to the agreement, as approved by the Planning and Development Department prior to recordation with the County Recorder.
4. There shall be a minimum 10-foot landscape setback and a minimum 50-foot primary building setback along the north and south property lines.
5. All sidewalks shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb, and shall include minimum two-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department. The landscape strip shall be installed by the developer and maintained by property owner.
6. The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program and return to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.

7. The developer shall construct 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.
8. 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 24th day of January, 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)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-63-17-2

A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION TWENTY-FIVE (25), TOWNSHIP FIVE NORTH, RANGE TWO (2) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 25;

THENCE SOUTH 0 DEGREES 35 MINUTES 31 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER FOR A DISTANCE OF 332.05 FEET;

THENCE NORTH 89 DEGREES 41 MINUTES 56 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER FOR A DISTANCE OF 656.44 FEET;

THENCE NORTH 0 DEGREES 44 MINUTES 37 SECONDS EAST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER FOR A DISTANCE OF 332.06 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER;

THENCE SOUTH 89 DEGREES 41 MINUTES 56 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER FOR A DISTANCE OF 655.56 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 25;

THENCE NORTH 00 DEGREES 08 MINUTES 43 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 25 A DISTANCE OF 1639.76 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 89 DEGREES 32 MINUTES 37 SECONDS WEST A DISTANCE OF 30.00 FEET;

THENCE NORTH 00 DEGREES 08 MINUTES 43 SECONDS WEST, PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 25, A DISTANCE OF 327.96 FEET;

THENCE NORTH 89 DEGREES 33 MINUTES 35 SECONDS EAST A DISTANCE OF 30.00 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 25;

THENCE SOUTH 00 DEGREES 08 MINUTES 43 SECONDS EAST ALONG SAID EAST LINE A DISTANCE OF 327.95 FEET TO THE TRUE POINT OF BEGINNING.

NOTE: THE EXCEPTION PARCEL IS ON A DIFFERENT BASIS OF BEARING AND THE BEARINGS SHOWN WILL DIFFER SLIGHTLY.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

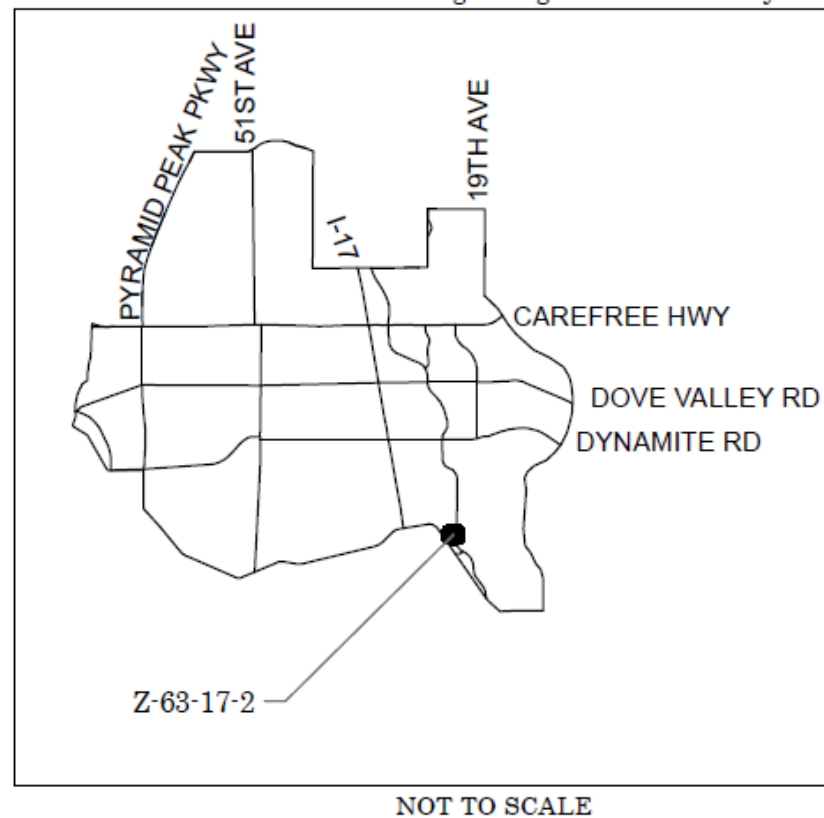
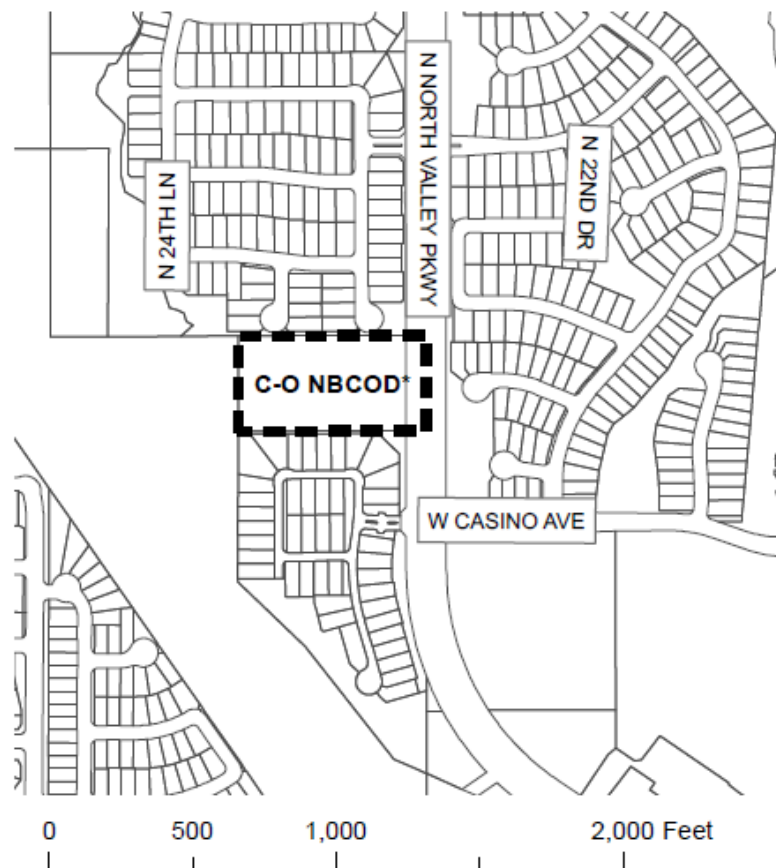
SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-63-17-2

Zoning Overlay: North Black Canyon

Corridor Plan and Overlay District

Planning Village: North Gateway



Drawn Date: 12/29/2017