

**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 CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-56-15-7) FROM C-2 PCD, CP/GCP HGT/WVR PCD, C-2 SP PCD, CP/GCP PCD, R-2 PCD, R-3 PCD, R-3A PCD, AND RE-43 TO PUD.

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

SECTION 1: The zoning of an approximately 226.39-acre property located at the southeast corner of 83rd Avenue and the I-10 Freeway in a portion of Section 2, Township 1 North, Range 1 East, as described more specifically in Exhibit "A", is hereby changed from "C-2 PCD" (Intermediate Commercial, Planned Community District), "CP/GCP HGT/WVR PCD" (Commerce Park/General Commerce Park, Height Waiver, Planned Community District), "C-2 SP PCD" (Intermediate Commercial, Special Permit, Planned Community District), "CP/GCP PCD" (Commerce Park/General Commerce Park, Planned Community District), "R-2 PCD" (Multifamily Residence District, Planned Community District), "R-3 PCD" (Multifamily Residence District, Planned Community

District), “R-3A” (Multifamily Residence District, Planned Community District), and “RE-43” (One Family Residence) to “PUD” (Planned Unit Development).

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. An updated Development Narrative for the Ten PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped April 25, 2017, as modified by the following stipulations:
  - a. Page 27, Paragraph 2 (Following Bullet 4): Revise as follows: “THE TEN PUD WILL COMPLY WITH THE ESTRELLA VILLAGE ARTERIAL STREET LANDSCAPING PROGRAM. ADDITIONALLY, ¶the following standard...”
  - b. Page 36, Section J, Sustainability Principles, 2nd Bullet: Delete the fourth sentence.
  - c. Page 38, Section K.1, 1st Paragraph: Delete the first paragraph and replace with the following: “The TEN PUD has great access from major arterial streets as well as a major freeway. Moreover, the Property is well served by an internal drive aisle, providing efficient internal circulation and limiting offsite movements.”
  - d. Figure 2, Figure 4, Exhibit 2, Exhibit 3, Exhibit 6, and Exhibit 12: Add the following note on each graphic: “This plan is conceptual.”
  - e. Page 18, List of Uses, Section F.2.b: Add the following entry to the list of prohibited uses as follows: Semi-trailer truck service station providing maintenance, fueling, or washing of semi-trailer trucks.

- f. Page 23, Development Standards, Landscape Screen Walls: Revise development standards as follows and update the Comparative Development Standards table accordingly.
- Revise Table heading as follows: “~~Landscape Screen Walls~~”
  - Revise Row 1, Column 1 as follows: “Masonry Screen Walls – Car Parking Areas”
  - Revise Row 4, Column 1 as follows: “Masonry Screen Walls Fencing – At Industrial/Retail Shared Property Lines”
  - Revise Row 4, Column 2 as follows: “6-foot maximum height ~~Masonry Walls~~”
- g. Page 20, Development Standards, Building Height: Replace the proposed building height development standards with the following table and update the Comparative Development Standards table accordingly.

WITHIN 300-FEET OF 83RD AVENUE	30-FEET MAXIMUM 56-FEET MAXIMUM - FOR HOTEL USES
WITHIN 300-FEET OF VAN BUREN STREET <ul style="list-style-type: none"> <li>• FOR PERMITTED PRINCIPAL USES IN THE C-1 (SECTION 622), C-2 (SECTION 623), and C-3 (SECTION 624) ZONING DISTRICTS ONLY</li> </ul>	30-FEET MAXIMUM 56-FEET MAXIMUM - FOR HOTEL USES
WITHIN 300-FEET OF VAN BUREN STREET <ul style="list-style-type: none"> <li>• PERMITTED PRINCIPAL USES IN THE COMMERCE PARK (SECTION 626) AND A-1 LIGHT INDUSTRIAL (SECTION 627) ZONING DISTRICTS</li> </ul>	56-FEET MAXIMUM
ALL OTHER AREAS	56-FEET MAXIMUM 80-FEET MAXIMUM WITH USE PERMIT

2. 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.

**STREET TRANSPORTATION**

3. The developer shall dedicate and construct 79th Avenue between Van Buren Street and the I-10 Freeway per plans reviewed and approved by the Street Transportation Department.
4. The developer shall dedicate 55 feet of right-of-way for the east-half of 83rd Avenue.
5. The developer shall dedicate 50 feet of right-of-way for the north half of Van Buren Street.
6. 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.
7. The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.

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 6th day of July, 2017.

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MAYOR

ATTEST:

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City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_ City Attorney

REVIEWED BY:

\_\_\_\_\_ City Manager

Exhibits:

A - Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-56-15-7

THAT PORTION OF THE WEST HALF OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE SOUTHWEST QUARTER OF SAID SECTION 2, BEING MARKED BY A BRASS CAP IN HAND HOLE;

**THENCE** NORTH 01°36'41" EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 2, A DISTANCE OF 2641.52 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 2;

**THENCE** NORTH 01°39'29" EAST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 2, A DISTANCE OF 869.22 FEET TO A POINT;

**THENCE** DEPARTING SAID WEST LINE, SOUTH 88°20'31" EAST, A DISTANCE OF 33.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 10, AS ESTABLISHED FROM EXISTING ARIZONA DEPARTMENT OF TRANSPORTATION ALUMINUM CAP RIGHT-OF-WAY MONUMENTS;

**THENCE** ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, NORTH 83°46'49" EAST, A DISTANCE OF 1191.63 FEET;

**THENCE** CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, NORTH 88°33'29" EAST, A DISTANCE OF 1099.97 FEET;

**THENCE** CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, NORTH 88°33'49" EAST, A DISTANCE OF 321.65 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 2;

**THENCE** SOUTH 01°53'07" WEST, ALONG SAID EAST LINE, A DISTANCE OF 1102.92 TO THE CENTER OF SAID SECTION 2, BEING MARKED BY A CITY OF PHOENIX BRASS CAP IN HAND HOLE;

**THENCE** SOUTH 01°52'15" WEST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 2, A DISTANCE OF 2594.09 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 2, BEING MARKED BY AN ALUMINUM CAP IN HAND HOLE STAMPED S2 S11 T1N R1E;

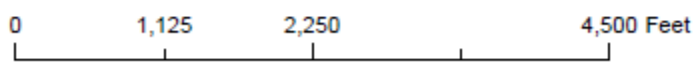
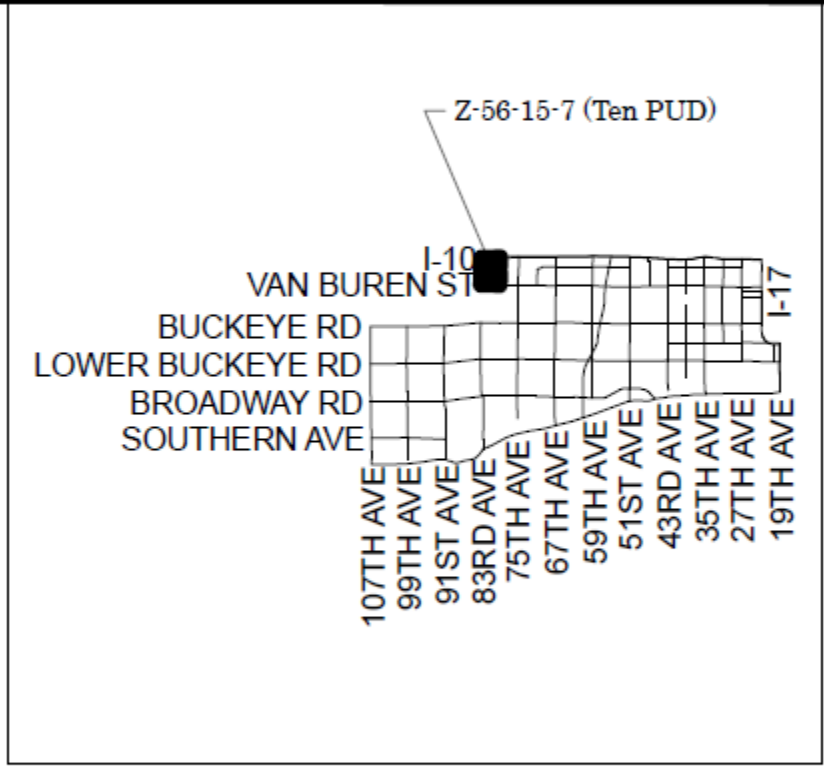
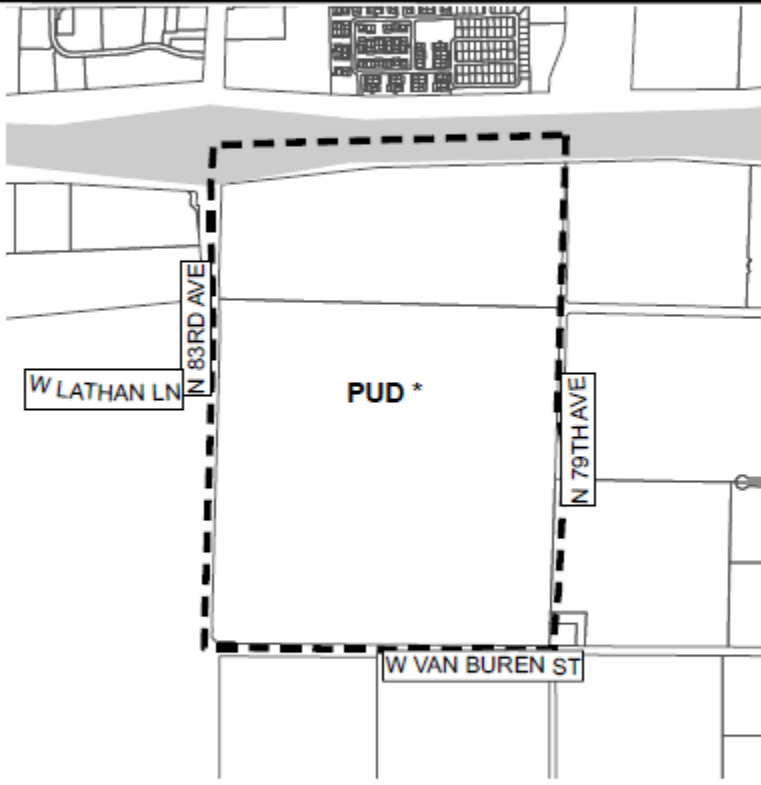
**THENCE** NORTH 89°31'22" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 2, A DISTANCE OF 2617.33 FEET TO THE **POINT OF BEGINNING**.

# ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-56-15-7 (Ten PUD)  
Zoning Overlay: N/A  
Planning Village: Estrella



NOT TO SCALE



Drawn Date: 6/7/2017

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