

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-10-20-1) FROM R-5 (MULTIFAMILY RESIDENCE DISTRICT) TO C-2 (INTERMEDIATE COMMERCIAL DISTRICT).

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

SECTION 1. The zoning of a 2.15-acre site located approximately 325 feet north of the northeast corner of 21st Avenue and Bell Road in a portion of Section 36, Township 4 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "R-5" (Multifamily Residence District) to "C-2" (Intermediate Commercial 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 building elevations shall contain three of the following architectural embellishments and detailing: textural changes, pilasters, offsets, recesses, variation in window size and location, or overhang canopies, as approved by the Planning and Development Department.
2. The developer shall provide a minimum 10-foot landscape setback along the northern site boundary where adjacent to residential zoning. The landscape setback shall be planted with two rows of minimum 60 percent 2-inch caliper trees and minimum 40 percent 3-inch caliper trees planted 20-feet on center or in equivalent groupings, as approved by the Planning and Development Department.
3. All sidewalks shall be detached with a minimum 5-foot-wide landscape area located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions with a pedestrian environment.
 - a. Minimum 3-inch caliper large canopy, single-trunk, shade trees placed a minimum of 25 feet on center or equivalent groupings to provide a minimum of 75 percent shade on adjacent sidewalks.
 - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75 percent live coverage at maturity.
4. All uncovered surface parking lot areas for customer parking and employee parking, as noted on the site plan date stamped May 19, 2020 shall be landscaped with minimum 2-inch caliper shade trees. Landscaping shall be dispersed throughout the parking area and achieve 35 percent shade at maturity, as approved by Planning and Development Department.
5. A minimum of two inverted-U bicycle racks for guests or employees shall be provided on site and installed per the requirements of Section 1307.H of the Zoning Ordinance, as approved by the Planning and Development Department.
6. Right-of-way totaling 40 feet shall be dedicated for the east half of 21st Avenue, as approved by the Planning and Development Department.
7. Right-of-way totaling 6 feet shall be dedicated for the south half of the alley along the northern property line, east of 21st Avenue, as approved by the Planning and Development Department.

8. 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.
9. 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.
10. 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 as approved by the Aviation Department.
11. The developer shall provide documentation to the City prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the FAA and a "NO Hazard Determination" obtained prior to the construction start date.
12. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. 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.

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 September 2020.

MAYOR

ATTEST:

_____ City Clerk

APPROVED AS TO FORM:

_____ City Attorney

REVIEWED BY:

_____ City Manager

Exhibits:

A – Legal Description (5 Pages)

B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-10-20-1

PARCEL NO. 4:

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36;

THENCE NORTH 0 DEGREES 11 MINUTES 30 SECONDS WEST A DISTANCE OF 65.01 FEET;

THENCE SOUTH 88 DEGREES 58 MINUTES 52 SECONDS WEST A DISTANCE OF 1697.99 FEET PARALLEL TO AND 65.00 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 36;

THENCE NORTH 1 DEGREE 01 MINUTE 08 SECONDS WEST A DISTANCE OF 300.00 FEET;

THENCE NORTH 88 DEGREES 58 MINUTES 52 SECONDS EAST A DISTANCE OF 146.56 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN DOCKET 8024, PAGE 141, MARICOPA COUNTY RECORDS;

THENCE NORTH 1 DEGREE 01 MINUTE 08 SECONDS WEST A DISTANCE OF 100.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 88 DEGREES 58 MINUTES 52 SECONDS WEST A DISTANCE OF 186.88 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 21ST AVE., AS DESCRIBED IN DOCKET 7732, PAGE 45;

THENCE NORTH 19 DEGREES 05 MINUTES 07 SECONDS EAST (MEASURED) (RECORDED NORTH 19 DEGREES 08 MINUTES 22 SECONDS EAST) A DISTANCE OF 41.90 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST, THE CENTER OF WHICH BEARS NORTH 70 DEGREES 54 MINUTES 53 SECONDS WEST A DISTANCE OF 1081.74 FEET;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 5 DEGREES 25 MINUTES 49 SECONDS A DISTANCE OF 102.52 FEET TO A POINT ON A RADIAL LINE BEARING SOUTH 76 DEGREES 20 MINUTES 42 SECONDS EAST;

THENCE SOUTH 76 DEGREES 20 MINUTES 42 SECONDS EAST A DISTANCE OF 146.63 FEET;

THENCE SOUTH 1 DEGREES 01 MINUTE 08 SECONDS EAST A DISTANCE OF 100.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT ALL GAS, OIL, METALS AND MINERAL RIGHTS AS RESERVED TO THE STATE OF ARIZONA IN PATENT RECORDED IN DOCKET 1381, PAGE 233.

PARCEL NO. 5:

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36;

THENCE NORTH 0 DEGREES 11 MINUTES 30 SECONDS WEST A DISTANCE OF 65.01 FEET;

THENCE SOUTH 88 DEGREES 58 MINUTES 52 SECONDS WEST A DISTANCE OF 1697.99 FEET PARALLEL TO AND 65.00 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 36;

THENCE NORTH 1 DEGREE 01 MINUTE 08 SECONDS WEST A DISTANCE OF 300.00 FEET;

THENCE NORTH 88 DEGREES 58 MINUTES 52 SECONDS EAST A DISTANCE OF 146.56 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN DOCKET 8024, PAGE 141, MARICOPA COUNTY RECORDS;

THENCE NORTH 1 DEGREE 01 MINUTE 08 SECONDS WEST A DISTANCE OF 200.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 76 DEGREES 20 MINUTES 42 SECONDS WEST RADially A DISTANCE OF 146.63 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHWEST, THE CENTER OF WHICH BEARS NORTH 76 DEGREES 20 MINUTES 42 SECONDS WEST A DISTANCE OF 1081.74 FEET, AND A POINT ON THE EAST RIGHT OF WAY LINE OF 21ST AVENUE, AS DESCRIBED IN DOCKET 7732, PAGE 45, MARICOPA COUNTY RECORDS;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 6 DEGREES 51 MINUTES 20 SECONDS A DISTANCE OF 129.43 FEET TO A POINT ON A RADIAL LINE BEARING SOUTH 83 DEGREES 12 MINUTES 02 SECONDS EAST;

THENCE SOUTH 83 DEGREES 12 MINUTES 02 SECONDS EAST A DISTANCE OF 117.71 FEET;

THENCE SOUTH 1 DEGREE 01 MINUTE 08 SECONDS EAST A DISTANCE OF 148.00 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT ALL GAS, OIL, METAL AND MINERAL RIGHTS AS RESERVED IN THE PATENT.

PARCEL NO. 6:

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36;

THENCE NORTH 0 DEGREES 11 MINUTES 30 SECONDS WEST A DISTANCE OF 65.01 FEET;

THENCE SOUTH 88 DEGREES 58 MINUTES 52 SECONDS WEST A DISTANCE OF 1697.99 FEET PARALLEL TO AND 65 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 36;

THENCE NORTH 1 DEGREE 1 MINUTE 8 SECONDS WEST A DISTANCE OF 300 FEET; THENCE NORTH 88 DEGREES 58 MINUTES 52 SECONDS EAST A DISTANCE OF 146.56 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN DOCKET 8024, PAGE 141, MARICOPA COUNTY RECORDS;

THENCE NORTH 1 DEGREE 1 MINUTE 8 SECONDS WEST A DISTANCE OF 348.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 83 DEGREES 12 MINUTES 2 SECONDS WEST RADially A DISTANCE OF 117.71 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHWEST THE CENTER OF WHICH BEARS NORTH 83 DEGREES 12 MINUTES 2 SECONDS WEST A DISTANCE OF 1081.74 FEET AND TO A POINT ON THE EAST RIGHT OF WAY LINE OF 21ST AVE. AS DESCRIBED IN DOCKET 7732, PAGE 45, MARICOPA COUNTY RECORDS;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 7 DEGREES 13 MINUTES 34 SECONDS A DISTANCE OF 136.43 FEET TO A POINT ON THE SOUTH LINE OF VILLAGE MEADOWS NO. 6, A SUBDIVISION IN BOOK 92 OF MAPS, PAGE 34, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 88 DEGREES 58 MINUTES 52 SECONDS EAST ALONG THE SOUTH LINE OF SAID VILLAGE MEADOWS NO. 6, A DISTANCE OF 106.62 FEET;

THENCE SOUTH 1 DEGREE 1 MINUTE 8 SECONDS EAST A DISTANCE OF 152 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT ALL GAS, OIL, METAL AND MINERAL RIGHTS AS RESERVED IN PATENT.

PARCEL NO. 7:

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE NORTH 0 DEGREES 11 MINUTES 30 SECONDS WEST A DISTANCE OF 65.01 FEET;

THENCE SOUTH 88 DEGREES 58 MINUTES 52 SECONDS WEST A DISTANCE OF 1697.99 FEET PARALLEL TO AND 65.00 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 36;

THENCE NORTH 1 DEGREE 01 MINUTES 08 SECONDS WEST A DISTANCE OF 300.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 88 DEGREES 58 MINUTES 52 SECONDS WEST A DISTANCE OF 74.19 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 21ST AVENUE AS DESCRIBED IN DOCKET 7732, PAGE 45, RECORDS OF MARICOPA COUNTY, ARIZONA, AND A POINT ON A CURVE CONCAVE SOUTHEASTERLY THE CENTER OF WHICH BEARS SOUTH 75 DEGREES 00 MINUTES 25 SECONDS EAST A DISTANCE OF 1001.74 FEET;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 4 DEGREES 05 MINUTES 32 SECONDS A DISTANCE OF 74.40 FEET TO A POINT OF TANGENCY ON A LINE BEARING NORTH 19 DEGREES 05 MINUTES 07 SECONDS EAST (MEASURED) RECORDED NORTH 19 DEGREES 08 MINUTES 22 SECONDS EAST;

THENCE NORTH 19 DEGREES 05 MINUTES 07 SECONDS EAST A DISTANCE OF 34.06 FEET;

THENCE NORTH 88 DEGREES 58 MINUTES 52 SECONDS EAST A DISTANCE OF 186.88 FEET;

THENCE SOUTH 1 DEGREE 01 MINUTE 08 SECONDS EAST A DISTANCE OF 100.00 FEET TO THE SOUTHEAST CORNER OF THE PARCEL OF LAND DESCRIBED IN DOCKET 8024, PAGE 141, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 88 DEGREES 58 MINUTES 52 SECONDS WEST 146.56 FEET TO

THE TRUE POINT OF BEGINNING.

EXCEPT ALL GAS, OIL, METAL AND MINERAL RIGHTS AS RESERVED IN PATENT.

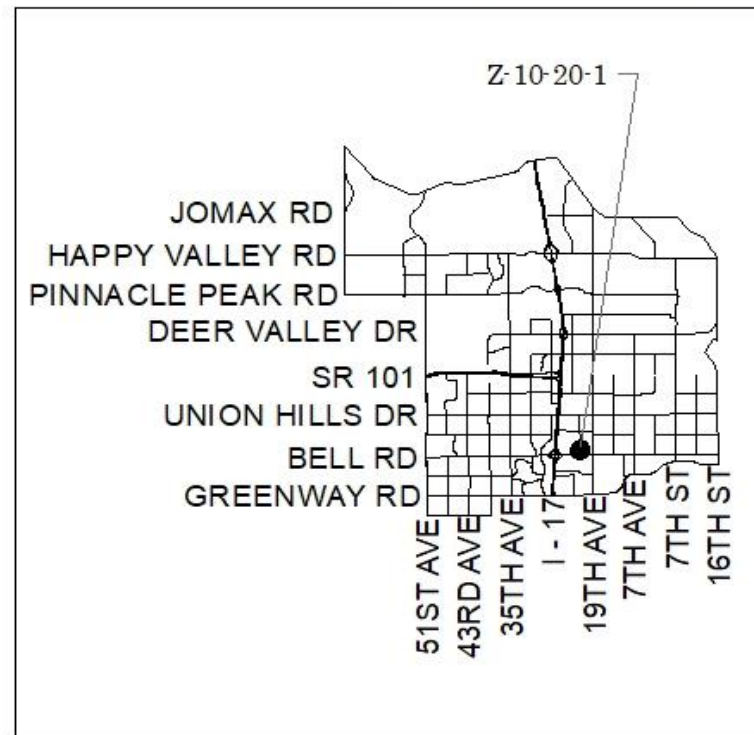
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ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-10-20-1
Zoning Overlay: N/A
Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 7/24/2020