

## 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-80-17-4) FROM C-2 (INTERMEDIATE COMMERCIAL DISTRICT) TO C-2 HGT/WVR (INTERMEDIATE COMMERCIAL DISTRICT WITH A HEIGHT WAIVER UP TO 40 FEET).

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

SECTION 1. The zoning of an approximately 2.57-acre property located at the northwest corner of 43rd Avenue and I-10 freeway in a portion of Section 4, Township 1 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "C-2" (Intermediate Commercial District), to "C-2 HGT/WVR" (Intermediate Commercial District with a Height Waiver up to 40 feet).

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 maximum building height shall be two stories and 40 feet.
2. The developer shall work with the Planning and Development Department to determine a type of tree appropriate for the 43rd Avenue street frontage which will provide shade and thermal comfort to pedestrians.
3. A minimum of two inverted-U bicycle racks for employees or visitors shall be provided on site, located near a publicly accessible entrance to the building, and installed per the requirements of Section 1307.H.4 of the Zoning Ordinance, as approved by the Planning and Development Department.
4. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport (PHX) 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.
5. 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.
6. 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.

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 7th day of March,  
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-80-17-4

A portion of the northeast quarter of Section 4, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows.

Lot 7, Rusty Spur Ranch, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 628 of Maps, Page 18, together with the following described ADOT Right of Way.

Commencing at the southeast corner of said Lot 7, Rusty Spur Ranch, said point being the Point of Beginning;

Thence S01°38'15"W a distance of 25.00 feet;

Thence N88°21'45"W a distance of 189.48 feet;

Thence N01°38'15"E a distance of 25.00 feet;

Thence S88°21'45"E a distance of 189.48 feet to the Point of Beginning.

Said parcel contains 71,595.06 square feet, or 1.64 acres more or less.

# ORDINANCE LOCATION MAP

EXHIBIT B

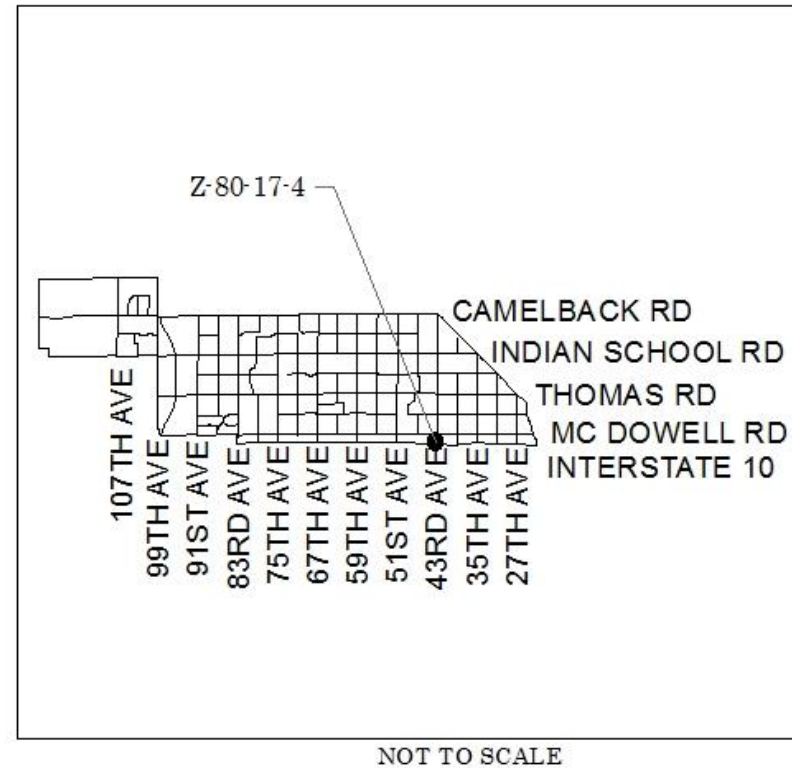
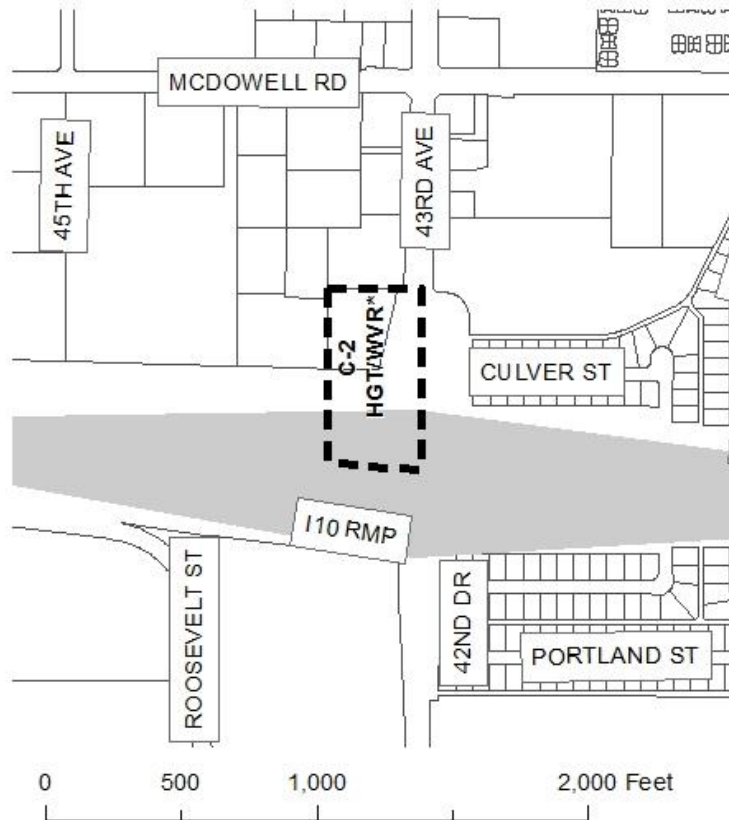
ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-80-17-4

Zoning Overlay: N/A

Planning Village: Maryvale



Drawn Date: 2/5/2018