

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-38-17-1) FROM PSC (PLANNED SHOPPING CENTER) TO C-2 (INTERMEDIATE COMMERCIAL).

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

SECTION 1. The zoning of an approximately 18.54-acre property located approximately 210 feet south and east of the southeast corner of 35th Avenue and Greenway Road in a portion of Section 11, Township 3 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "PSC" (Planned Shopping Center), to "C-2" (Intermediate Commercial).

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. Prior to the issuance of a permit for tenant improvements, the existing landscape planters along the 35th Avenue and Greenway Road frontages shall be replenished to provide landscaping in accordance with the C-2 zoning district standards for planting type, size and quantity. Trees along the street frontages shall be planted adjacent to the sidewalk to provide shade/thermal comfort for pedestrians, as approved by the Planning and Development Department.
2. Prior to the issuance of a permit for tenant improvements, existing parking lot planters shall be replenished to meet Zoning Ordinance commercial standards per Section 623.E of the Zoning Ordinance with a minimum of 2-inch caliper trees, as approved by the Planning and Development Department.
3. The pedestrian route connecting 35th Avenue frontage through the center of the site parallel to the landscape/retention areas shall have 75% shade at maturity, as measured at Noon on the summer solstice, as approved by the Planning and Development Department.
4. The landscape planters along the southern boundary shall be replenished for the entirety of the site to provide landscaping in accordance with the C-2 zoning district standards for planting type, size and quantity and be implemented at the time of development of the commercial pad adjacent to 35th Avenue and in conjunction with the wall improvement as noted in Stipulation 5, and as approved by the Planning and Development Department.
5. The developer shall remove two sections of the existing walls as depicted in the Wall Exhibit date stamped September 11, 2017, at the southern boundary of the site, and construct new walls along the property line to align with the existing walls. The walls shall be constructed at the time of development of the commercial pad adjacent to 35th Avenue as depicted on the site plan date stamped June 5, 2017, and as approved by the Planning and Development Department.
6. The developer shall screen all existing and new rooftop mechanical equipment on buildings adjacent to residential development, as approved by the Planning and Development Department.
7. The developer shall install a minimum of two bicycle racks for each commercial pad. The racks shall be placed near public tenant entrances and shall be an inverted-U type design to allow parking for a minimum of two bicycles per rack, per Section 1307.H. of the Zoning Ordinance, and 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, driveways, 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. 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 and 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.
10. 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 1st day of November, 2017.

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-38-17-1

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION ELEVEN (11), TOWNSHIP THREE (3) NORTH, RANGE TWO (2) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 11;

THENCE NORTH 89 DEGREES 21 MINUTES 40 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 265.02 FEET TO THE NORTHEAST CORNER OF THE NORTH 265.00 FEET OF THE WEST 265.00 FEET OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER;

THENCE SOUTH 00 DEGREES 07 MINUTES 00 SECONDS WEST ALONG THE EAST LINE OF SAID NORTH 265.00 FEET OF THE WEST 265.00 FEET, 55 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 21 MINUTES 40 SECONDS EAST ALONG A LINE 55.00 FEET SOUTH OF AND PARALLEL TO SAID NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 340.59 FEET;

THENCE NORTH 00 DEGREES 38 MINUTES 20 SECONDS WEST, A DISTANCE OF 3.00 FEET; THENCE NORTH 44 DEGREES 22 MINUTES 59 SECONDS EAST, A DISTANCE OF 14.15 FEET;

THENCE NORTH 89 DEGREES 21 MINUTES 40 SECONDS EAST ALONG A LINE 42.00 FEET SOUTH OF AND PARALLEL TO SAID NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 135.15 FEET;

THENCE SOUTH 00 DEGREES 35 MINUTES 38 SECONDS EAST, 470.00 FEET ALONG THE EAST LINE OF AN EXISTING BUILDING AND ITS NORTHERLY PROLONGATION;

THENCE NORTH 89 DEGREES 24 MINUTES 22 SECONDS EAST, A DISTANCE OF 99.85 FEET; THENCE SOUTH 00 DEGREES 35 MINUTES 38 SECONDS EAST, A DISTANCE OF 57.00 FEET; THENCE NORTH 89 DEGREES 24 MINUTES 22 SECONDS EAST, A DISTANCE OF 386.99 FEET; THENCE NORTH 00 DEGREES 35 MINUTES 38 SECONDS WEST, A DISTANCE OF 290.00 FEET;

THENCE NORTH 89 DEGREES 21 MINUTES 40 SECONDS EAST, A DISTANCE OF 70.00 FEET TO A POINT ON THE WEST BOUNDARY OF A SUBDIVISION ENTITLED "PATIO HOMES NORTH TWO", ACCORDING TO BOOK 127 OF MAPS, PAGE 5, RECORDS OF MARICOPA COUNTY, ARIZONA, AND SITUATED IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA; SAID POINT BEING THE FOLLOWING COURSES AND DISTANCES FROM THE NORTHWEST CORNER OF SAID PATIO HOMES NORTH TWO:

SOUTH 00 DEGREES 38 MINUTES 20 SECONDS EAST ALONG THE WEST BOUNDARY OF SAID PATIO HOMES NORTH TWO, 65.00 FEET;

THENCE NORTH 89 DEGREES 21 MINUTES 40 SECONDS EAST, 17.00 FEET;
THENCE SOUTH 00 DEGREES 03 MINUTES 50 SECONDS WEST, 214.41 FEET;
THENCE CONTINUING SOUTH AND WEST ALONG SAID WEST BOUNDARY AS
FOLLOWS; SOUTH 00 DEGREES 03 MINUTES 50 SECONDS WEST, 363.31 FEET;
THENCE SOUTH 44 DEGREES 44 MINUTES 06 SECONDS WEST; 14.22 FEET;
THENCE SOUTH 89 DEGREES 24 MINUTES 22 SECONDS WEST, 1235.71 FEET;
THENCE NORTH 00 DEGREES 07 MINUTES 00 SECONDS EAST, 17.00 FEET;
THENCE NORTH 89 DEGREES 53 MINUTES 00 SECONDS WEST, A DISTANCE OF
10.00 FEET TO A POINT, SAID POINT BEING ON THE EAST LINE OF 35m AVENUE,
BEING A 55 FOOT RIGHT-OF-WAY WIDTH, AND THE EAST LINE OF PART NO. 2 OF
THE FINAL DECREE OF CONDEMNATION AS RECORDED IN DOCKET 15969, PAGE
469;
THENCE NORTH 00 DEGREES 07 MINUTES 00 SECONDS EAST ALONG SAID EAST
LINE OF 35TH AVENUE A DISTANCE OF 238.21 FEET TO THE BEGINNING OF A 57
FOOT RIGHT-OF-WAY FOR 35TH AVENUE;
THENCE NORTH 89 DEGREES 21 MINUTES 40 SECONDS EAST A DISTANCE OF 2.00
FEET TO THE EAST LINE OF SAID 57 FOOT RIGHT-OF-WAY;
THENCE NORTH 00 DEGREES 07 MINUTES 00 SECONDS EAST, A DISTANCE OF
129.99 FEET TO A POINT SAID POINT BEING ON SOUTH LINE OF THE NORTH 265
FEET OF SAID SECTION 11;
THENCE NORTH 89 DEGREES 21 MINUTES 40 SECONDS EAST ALONG SAID SOUTH
LINE 208.02 FEET TO THE SOUTHEAST CORNER OF SAID NORTH 265.00 FEET OF
THE WEST 265.00 FEET;
THENCE NORTH 00 DEGREES 07 MINUTES 00 SECONDS EAST ALONG THE EAST
LINE OF THE NORTH 265.00 FEET OF THE WEST 265.00 FEET OF THE WEST 265.00
FEET, 210.02 FEET TO THE TRUE POINT OF BEGINNING.

ORDINANCE LOCATION MAP

EXHIBIT B

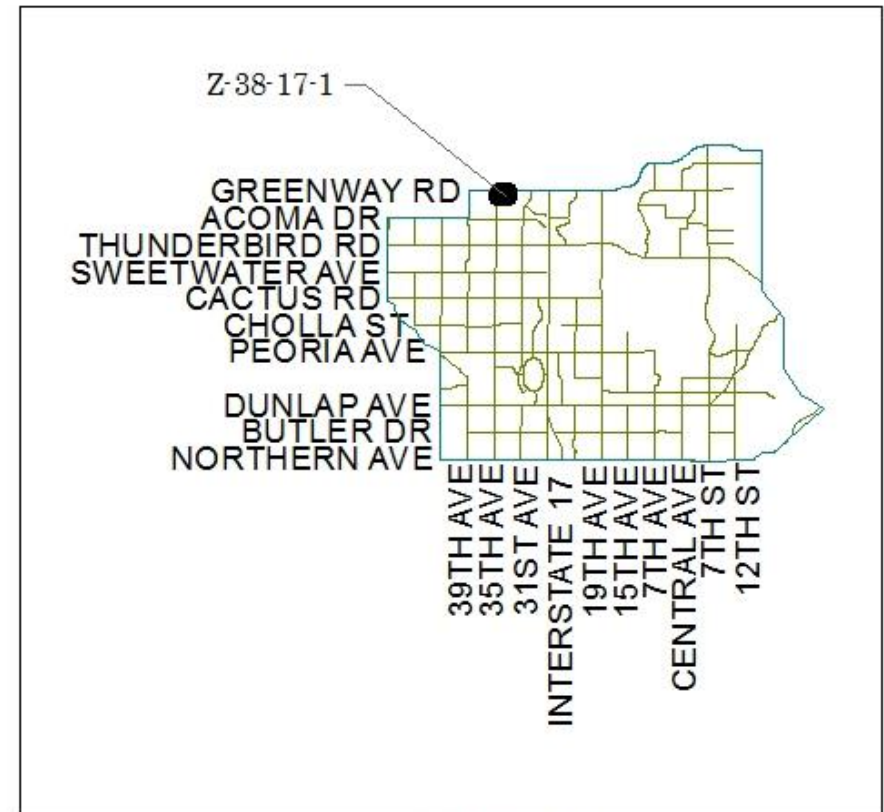
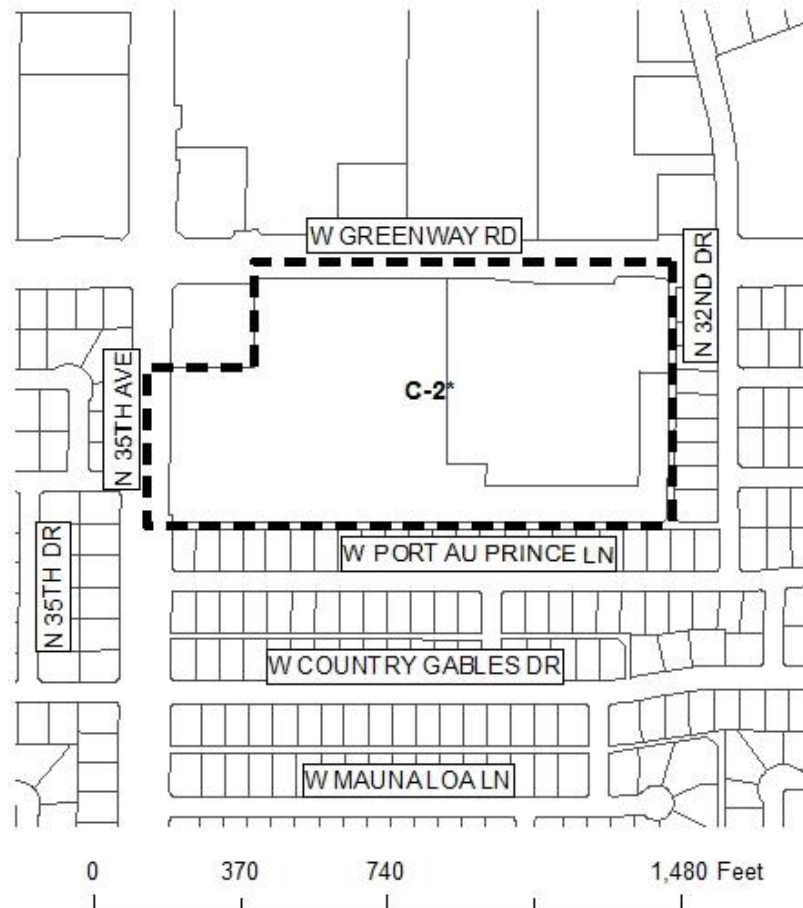
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-38-17-1

Zoning Overlay: N/A

Planning Village: North Mountain



NOT TO SCALE



Drawn Date: 10/6/2017