

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 ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-71-22-4) FROM A-2 (INDUSTRIAL DISTRICT) TO A-2 HGT/WVR (INDUSTRIAL DISTRICT, HEIGHT WAIVER).

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

SECTION 1. The zoning of a 6.26-acre property located at the southeast corner of 35th Avenue and Grand Avenue in a portion of Section 26, Township 2 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "A-2" (Industrial District), to "A-2 HGT/WVR" (Industrial District, Height Waiver).

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 110 feet.
2. Where pedestrian pathways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.
3. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
4. 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.
5. 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 1st day of February, 2023.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:
A – Legal Description (2 Pages)
B – Ordinance Location Map (1 Page)

EXHIBIT A

PARCEL NO. 1:

A parcel of land in the County of Maricopa, State of Arizona, lying in the Northwest quarter of Section 26, Township 2 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being a portion of that certain parcel of land described in Deed dated May 1, 1894, from JOSIAH and MARTHA J. HARBERT, recorded June 28, 1894 in Book 36 of Deeds, Page 328, of the records of said County, also being a portion of that certain 2 1/2 acre parcel of land described in Deed dated March 10, 1926, from SUSAN G. AND R. E. MILLER, recorded March 10, 1926 in Book 200 of Deeds, Page 366, of the records of said County, and also being a portion of that certain 2.33 acre parcel of land described in Deed dated March 11, 1926, from SMITH AND MATTIE BECK, recorded in Book 200 of Deeds, Page 454, of the records of said County, described as follows:

COMMENCING at the Northwest corner of said Section 26;

THENCE South 0 degrees 00 minutes 00 seconds East (bearing assumed for the purposes of this description) along the Westerly line of said Section 26, a distance of 78.22 feet to the common line between Grand Avenue and the property of THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, said common line being the Northeasterly line of that certain 4.06 acre parcel of land described in Deed dated January 23, 1935, from STATE OF ARIZONA, recorded March 15, 1935 in Book 289 of Deeds, Page 297, of the records of said County and the TRUE POINT OF BEGINNING;

THENCE South 45 degrees 01 minutes 30 seconds East (bearing assumed for the purpose of this description) along said Northeasterly boundary, 1481.74 feet;

THENCE South 44 degrees 58 minutes 30 seconds West, a distance of 88.93 feet to a line parallel with and distant Northeasterly 10.00 feet from the center line of that certain railroad track designated in the records of THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY as Alhambra Station Tract Number 2;

THENCE North 45 degrees 14 minutes 08 seconds West along said parallel line, 1387.80 feet to said Westerly line of Section 26;

THENCE North 0 degrees 00 minutes 00 seconds East along said Westerly line, 132.92 feet to the POINT OF BEGINNING.

EXCEPTING therefrom all minerals contained in the above described land, as reserved by THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, a Delaware corporation, in instrument recorded December 7, 1993 in Recording No. 93-0855245. of Official Records.

PARCEL NO. 2:

A parcel of land situated in the Northwest Quarter of Section 26, Township 2 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the Northwest corner of said Section 26;

THENCE South 00°00'00" East (assumed bearing) along the West line of said Section 26 a distance of 78.22 feet to the common line between Grand Avenue and property of The Burlington Northern and Santa Fe Railway Company (formerly The Atchison, Topeka and Santa Fe Railway Company), said common line being the Northeasterly boundary of that certain 4.06 acre parcel of land described in Deed dated January 23, 1935 from State of Arizona, recorded March 15, 1935 in Book 289 of Deeds, Page 297 of the records of said County;

THENCE South 45°01'30" East along said Northeasterly boundary a distance of 1,481.74 feet to the TRUE POINT OF BEGINNING;

THENCE South 44°58'30" West a distance of 88.93 feet to a line parallel with and distant Northeasterly 10.00 feet from the centerline of said Railway Company's Track No. 2;

THENCE South 45°14'08" East along said parallel line a distance of 120.00 feet;

THENCE South 53°01'13" East, 494.16 feet;

THENCE North 44°58'30" East, 19.75 feet to the Southwesterly right-of-way of Grand Avenue;

THENCE North 45°01'30" West along said Southwesterly right-of-way, a distance of 609.35 feet to the TRUE POINT OF BEGINNING.

EXCEPTING AND RESERVING, unto Grantor, its successors and assigns, all of the coal, oil, gas, casing-head gas and all ores and minerals of every kind and nature, including sand and gravel underlying the surface of the Property herein conveyed, together with the full right, privilege and license at any and all times to explore, or drill for and to protect, conserve, mine, take, remove and market any and all such products in any manner which will not damage structures on the surface of the Property herein conveyed, however, that Grantor expressly waives any right to use the surface of the Property to explore for the minerals herein reserved.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

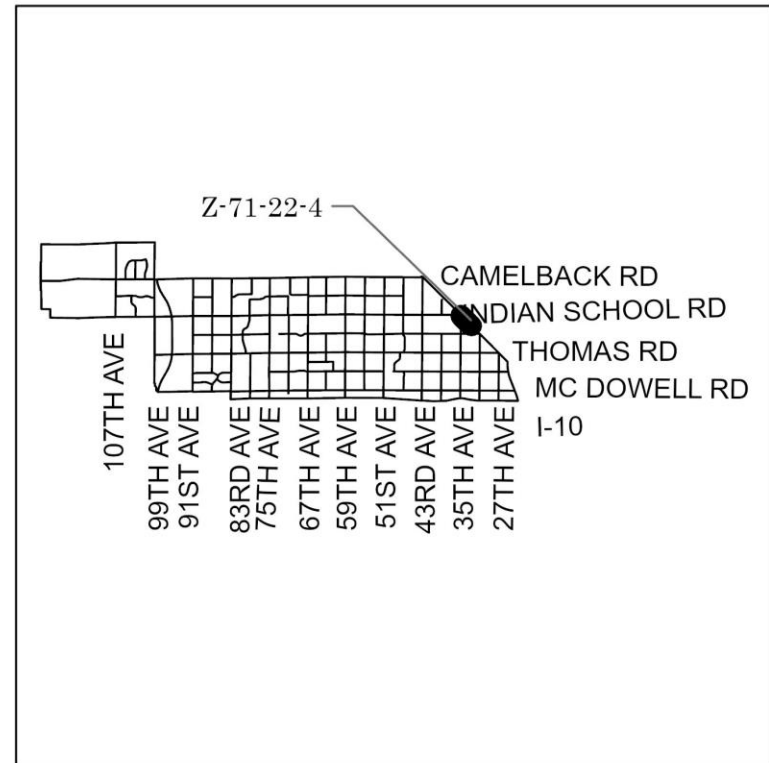
Zoning Case Number: Z-71-22-4

Zoning Overlay: N/A

Planning Village: Maryvale



0 240 480 960 Feet



NOT TO SCALE



Drawn Date: 1/6/2023