

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-79-17-8) FROM C-1 (NEIGHBORHOOD RETAIL DISTRICT) AND C-2 (INTERMEDIATE COMMERCIAL DISTRICT) TO C-2 HGT/WVR (INTERMEDIATE COMMERCIAL DISTRICT WITH HEIGHT WAIVER).

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

SECTION 1. The zoning of an approximately 1.86-acre property located at the southeast corner of 28th Place and Thomas Road in a portion of Section 35, Township 2 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from 0.80-acres of "C-1" (Neighborhood Retail District) and 1.06-acres of "C-2" (Intermediate Commercial District) to 1.86-acres of "C-2 HGT/WVR" (Intermediate Commercial District with Height Waiver up to three stories and 30 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 limited to 3 stories and 30 feet.
2. All sidewalks shall be detached with a minimum five-foot-wide landscaped strip located between the sidewalk and back of curb, and shall include minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings staggered along both sides of the sidewalk, as approved by the Planning and Development Department.
3. Vehicular access, ingress and egress, shall be limited to the Thomas Road frontage only, as approved by the Planning and Development Department.

STREET

4. A sidewalk easement totaling 10 feet shall be dedicated for the south half of Thomas Road, as approved by the Planning and Development Department.
5. The developer shall update and construct all streets adjacent to the development with paving, curb, gutter, minimum 5-foot sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

ARCHAEOLOGY

6. 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.
7. 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.

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 Pages)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-79-17-8

THE PORTION OF SECTION 35, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE
GILA AND SALT RIVER BASE AND MERIDIAN IN MARICOPA COUNTY, ARIZONA
DESCRIBED AS:

LOT 1, BERNARD HOWARD TRACT, ACCORDING TO BOOK 605 OF MAPS, PAGE
15 OF RECORDS OF MARICOPA COUNTY, ARIZONA

ORDINANCE LOCATION MAP

EXHIBIT B

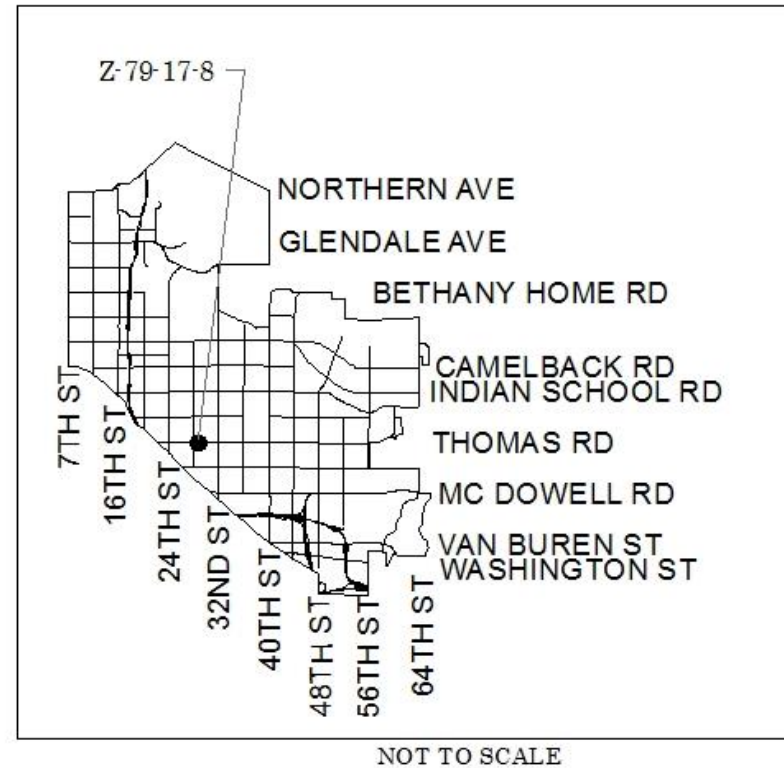
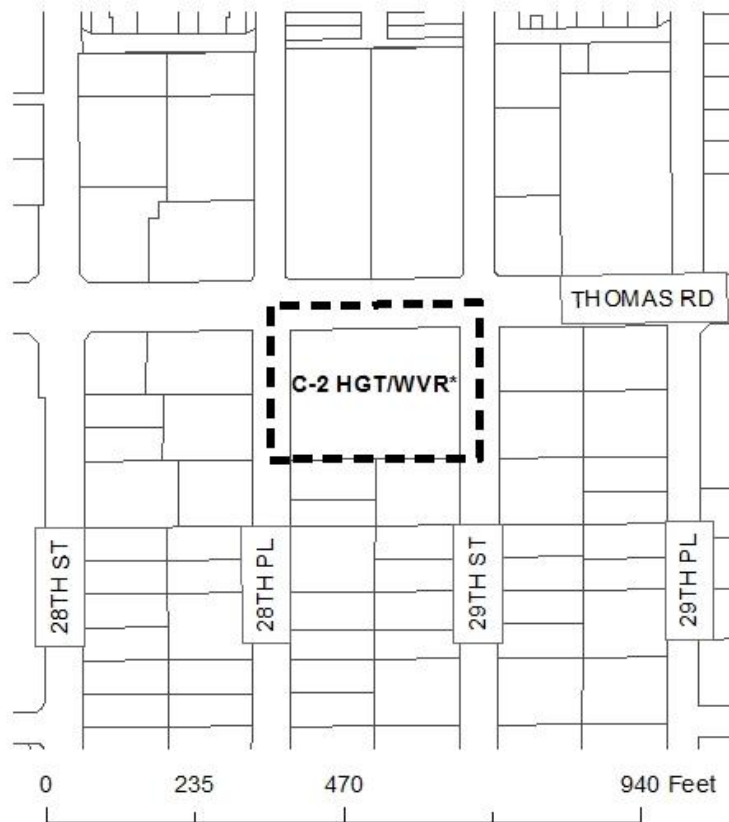
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-79-17-8

Zoning Overlay: N/A

Planning Village: Camelback East



Drawn Date: 2/5/2018