

ATTACHMENT A

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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-SP-12-17-8) FROM R-5 SPVTABDO (PENDING C-2 SPVTABDO) (MULTIFAMILY RESIDENCE DISTRICT, SOUTH PHOENIX VILLAGE TARGET AREA B DESIGN OVERLAY, PENDING INTERMEDIATE COMMERCIAL DISTRICT, SOUTH PHOENIX VILLAGE TARGET AREA B DESIGN OVERLAY) AND C-1 SPVTABDO (PENDING C-2 SPVTABDO) (NEIGHBORHOOD RETAIL DISTRICT, SOUTH PHOENIX VILLAGE TARGET AREA B DESIGN OVERLAY, PENDING INTERMEDIATE COMMERCIAL DISTRICT, SOUTH PHOENIX VILLAGE TARGET AREA B DESIGN OVERLAY) TO C-2 SP SPVTABDO (INTERMEDIATE COMMERCIAL DISTRICT, SPECIAL PERMIT, SOUTH PHOENIX VILLAGE TARGET AREA B DESIGN OVERLAY) TO ALLOW A SPECIAL PERMIT FOR AUTOMOBILE RETAIL SALES AND ALL UNDERLYING C-2 USES.

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

SECTION 1. The zoning of an approximately 0.80-acre property located approximately 240 feet south of the southwest corner of 16th Street and Wier Avenue in a portion of Section 28, Township 1 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from 0.07-acres of "R-5 SPVTABDO (Pending C-2

SPVTABDO)” (Multifamily Residence District, South Phoenix Village Target Area B Design Overlay, Pending Intermediate Commercial District, South Phoenix Village Target Area B Design Overlay) and 0.73-acres of “C-1 SPVTABDO (Pending C-2 SPVTABDO)” (Neighborhood Retail District, South Phoenix Village Target Area B Design Overlay, Pending Intermediate Commercial District, South Phoenix Village Target Area B Design Overlay) to 0.80-acres of “C-2 SP SPVTABDO” (Intermediate Commercial District, Special Permit to allow automobile retail sales and all underlying C-2 uses, South Phoenix Village Target Area B Design Overlay).

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. If a gate or gates are utilized for drive aisles between the C-2 SP and A-2 portions of the site, the gate(s) shall be wrought iron, as approved by the Planning and Development Department.
2. The developer shall install all C-2 required landscaping in required landscape setbacks prior to the issuance of any tenant improvement permits for a C-2 use or building permits for any new buildings or additions, as approved by the Planning and Development Department.
3. The developer shall provide a 10-foot sidewalk easement for the west half of 16th Street, as approved by the Planning and Development Department.
4. The developer shall provide a 30-foot P1255-1 driveway on 16th Street, as approved by the Planning and Development Department.
5. The developer shall construct all streets within and adjacent to the development

with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.

6. The applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
7. The applicant shall conduct Phase II archaeological data recovery excavations if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary.
8. 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 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)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-SP-12-17-8

That part of the Southeast Quarter of the Northeast Quarter of Section 28, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows;

Commencing at the point of Intersection of the Centerline of Wier Avenue with the East Line of the Northeast Quarter of Section 28 from which the Northeast Corner of Section 28 bears North (Assumed Bearing) 1207.72 feet and from which the East Quarter of Section 28 bears South 1431.88 feet;

Thence South along said East Line of the Northeast Quarter of Section 28, a distance of 375.25 feet;

Thence South 89 Degrees 16 Minutes West along a line 25 feet North of and Parallel with the North line of that certain Parcel of Land described in Docket 8332 page 763, a distance of 40.0 feet To the Point of Beginning of the Parcel of Land here in described and the Southeast Corner Thereof;

Thence South 89 Degrees 16 Minutes West, 229.00 feet to a Corner of that certain Parcel of Land Heretofore described by Instrument recorded in Docket 10666, page 625, Hereinafter referred to as the American Legion Property;

Thence North along a Line of said American Legion Property 131.21 feet;

Thence North 89 Degrees 16 Minutes East along a Line of said American Legion Property 229.00 Feet;

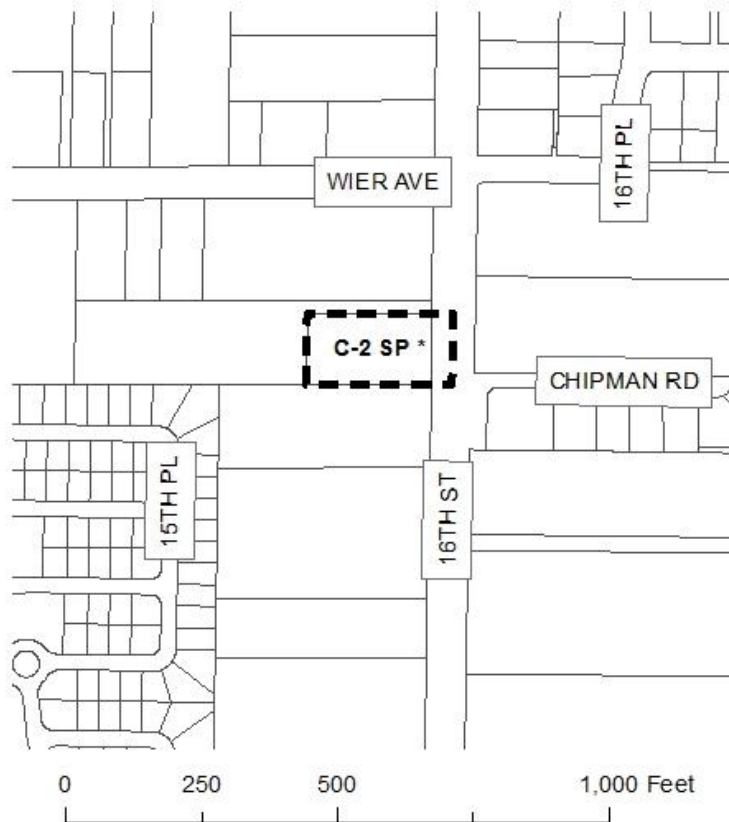
Thence South along the West line of the East 40.00 feet of the Northeast Quarter of Section 28 a distance of 131.21 feet To the Point of Beginning.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

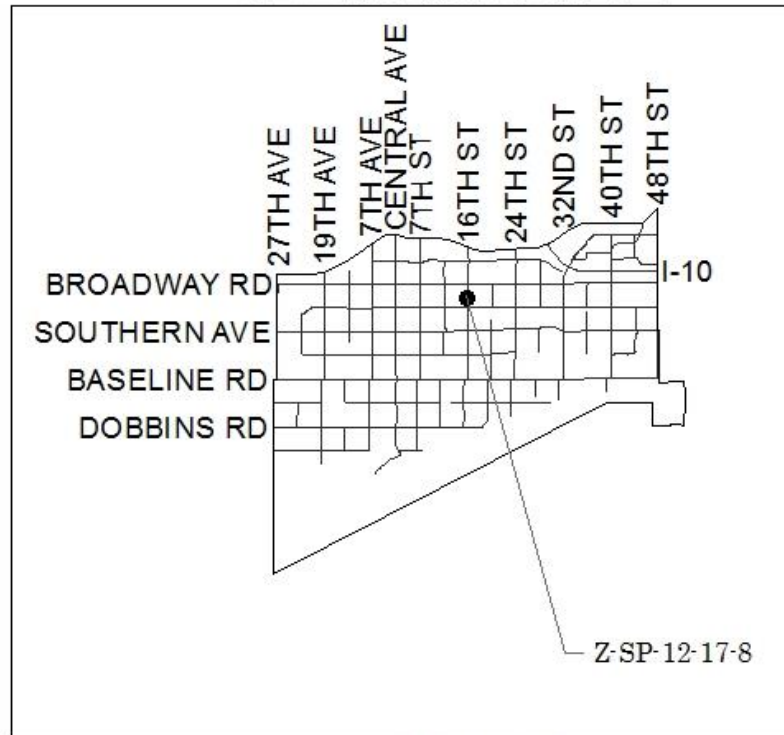
SUBJECT AREA: ■ ■ ■ ■ ■



Zoning Case Number: Z-SP-12-17-8

Zoning Overlay: South Phoenix Village and
Target Area B Design Overlay Distr

Planning Village: South Mountain



NOT TO SCALE



Drawn Date: 2/13/2018