

ORDINANCE G-7035

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-3-22-3) FROM C-2 (INTERMEDIATE COMMERCIAL) AND C-2 HGT/WVR DNS/WVR (INTERMEDIATE COMMERCIAL, HEIGHT AND DENSITY WAIVER) TO PUD (PLANNED UNIT DEVELOPMENT).

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

follows:

SECTION 1. The zoning of a 9.50 acre property located approximately 175 feet north of the northwest corner of 12th Street and Greenway Parkway in a portion of Section 4, Township 3 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from 3.96 acres of "C-2" (Intermediate Commercial) and 5.54 acres of "C-2 HGT/WVR DNS/WVR" (Intermediate Commercial, Height and Density Waiver) to PUD (Planned Unit Development).

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. An updated Development Narrative for the 12th and Greenway PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped July 21, 2022, as modified by the following stipulations:
 - a. Front Cover: Remove "Submittal" dates and revise to add the following: City Council adopted: [Add adoption date].
 - b. Page 10, Development Standards, D1:Development Standards Table, Section D1.e Maximum Building Height: Update the header to, "Starting from the West Property Line".
2. The developer shall replenish the existing median island along Greenway Parkway with trees, as approved by the Street Transportation Department. The developer will be responsible for submitting median island landscape drawings separately to the Street Transportation Department for review and approval. Coordinate submission with Erik Wilson, Horticulturist, at 602-534-9898 or erik.wilson@phoenix.gov.
3. The developer shall dedicate a sidewalk easement for any streetscape area that falls outside of dedicated right-of-way, as approved by the Planning and Development Department.
4. The applicant shall submit a Traffic Impact Study to the City for this development. The TIS shall include signal warrant analysis for the intersection of 12th Street and Greenway Parkway. The developer shall be responsible for cost and construction of all mitigation identified through the analysis. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation Department.
5. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, 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.

6. The property owner shall record documents that disclose the existence, and operational characteristics of Deer Valley Airport 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.
7. The developer shall provide documentation to the City prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
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.
9. 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.
10. Prior to final site plan approval, the developer shall complete an agreement/contract with the Street Transportation Department to facilitate clean-up of the wash corridor located in the area south of Greenway Parkway, from the 9th Street to the 12th Street alignments, at the developer's expense for a minimum of five years, as modified and approved by the Street Transportation Department.
11. Prior to final site plan approval, the developer shall complete an agreement/contract with the Street Transportation Department to install physical features to deter unauthorized access to the existing culvert crossing(s) under 7th Street at Greenway Parkway up to a maximum of \$50,000, as modified and approved by the Street Transportation Department.

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 12th day of October,

2022.



MAYOR


ATTEST:



Denise Archibald, City Clerk
10-24-2022

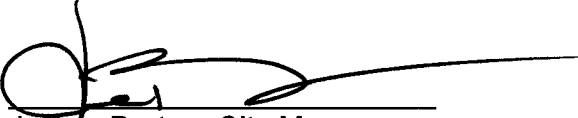


APPROVED AS TO FORM:
Cris Meyer, City Attorney

By: 

Deryck R. Lavelle, Assistant Chief Counsel
Pml

REVIEWED BY:



Jeffrey Barton, City Manager

Exhibits:

- A – Legal Description (3 Pages)
- B – Ordinance Location Map (1 Page)

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EXHIBIT A

PARCEL NO. 1:

LOCATED IN GLO LOT 3, SECTION 4, TOWNSHIP 3 NORTH, RANGE 3 EAST, GILA AND SALT RIVER MEDERIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 4;

THENCE SOUTH 00'16'59" EAST, ALONG THE NORTH – SOUTH MID-SECTION LINE OF SAID SECTION 4, A DISTANCE OF 662.73 FEET TO THE CENTER LINE OF PHELPS RD.;

THENCE DEPARTING SAID MID-SECTION LINE, SOUTH 89'39'15" WEST, ALONG SAID CENTER LINE, A DISTANCE OF 466.84 FEET;

THENCE DEPARTING SAID CENTERLINE, SOUTH 00'00'43" EAST, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00'00'43" EAST, A DISTANCE OF 233.20 FEET TO THE NORTH RIGHT OF WAY LINE OF GREEN WAY PARKWAY;

THENCE WESTERLY ALONG SAID NORTH RIGHT OF WAY LINE, THE FOLLOWING 8 COURSES;

THENCE SOUTH 89'36'41" WEST, A DISTANCE OF 43.73 FEET;

THENCE NORTH 85'29'22" WEST, A DISTANCE OF 140.51 FEET;

THENCE SOUTH 89'36'41" WEST, A DISTANCE OF 120.00 FEET;

THENCE NORTH 45'23'19" WEST, A DISTANCE OF 16.97 FEET;

THENCE SOUTH 89'36'41" WEST, A DISTANCE OF 46.00 FEET;

THENCE SOUTH 00'23'19" EAST, A DISTANCE OF 12.00 FEET;

THENCE SOUTH 44'36'41 WEST, A DISTANCE OF 16.97 FEET;

THENCE SOUTH 89'36'41" WEST, A DISTANCE OF 140.93 FEET, TO THE BEGINNING OF A 12.00 FEET RADIUS CURVE, CONCAVE NORTHEAST;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90'08'50", AN ARC DISTANCE OF 18.88 FEET TO THE EAST RIGHT OF WAY LINE OF 9TH STREET;

THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, NORTH 00°14'29" WEST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 209.58 FEET, TO THE BEGINNING OF A 12.00 FEET RADIUS CURVE, CONCAVE SOUTHEAST;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 89°53'44", AN ARC DISTANCE OF 18.83 FEET TO THE SOUTH RIGHT OF WAY LINE OF PHELPS RD.;

THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, NORTH 89°39'15" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 515.63 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 2:

LOCATED IN GLO LOT 3, SECTION 4, TOWNSHIP 3 NORTH, RANGE 3 EAST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 4;

THENCE SOUTH 00°16'59" EAST, ALONG THE NORTH – SOUTH MID-SECTION LINE OF SAID SECTION 4, A DISTANCE OF 662.73 FEET TO THE CENTER LINE OF PHELPS RD.;

THENCE DEPARTING SAID MID-SECTION LINE, SOUTH 00°00'43" EAST, A DISTANCE OF 25.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF PHELPS RD. AND THE POINT OF BEGINNING;

THENCE NORTH 89°39'15" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 724.95 FEET, TO THE BEGINNING OF A 12.00 FEET RADIUS CURVE, CONCAVE SOUTHWEST;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°03'46", AN ARC DISTANCE OF 18.86 FEET TO THE WEST RIGHT OF WAY LINE OF 12TH STREET;

THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE, SOUTH 00°16'59" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 232.34 FEET;

THENCE DEPARTING SAID WEST RIGHT OF WAY LINE, NORTH 86°18'31" WEST, A DISTANCE OF 47.33 FEET;

THENCE SOUTH 67°37'58" WEST, A DISTANCE OF 61.24 FEET;

THENCE SOUTH 76°38'07" WEST, A DISTANCE OF 108.47 FEET, TO THE NORTH RIGHT OF WAY LINE OF GREENWAY PARKWAY AND THE BEGINNING OF A 1,490.29 FOOT RADIUS, NON-TANGENT CURVE, WHOSE CENTER BEARS SOUTH 15°38'52" WEST;

THENCE WESTERLY ALONG SAID NORTH RIGHT OF WAY LINE AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°42'11", AN ARC DISTANCE OF 408.44 FEET;

THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE, SOUTH 89°36'41" WEST, A DISTANCE OF 124.99 FEET;

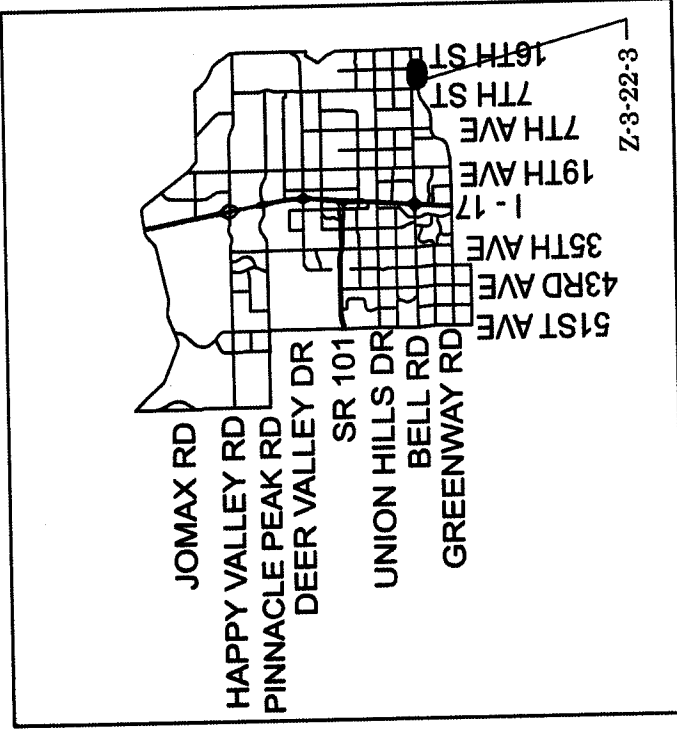
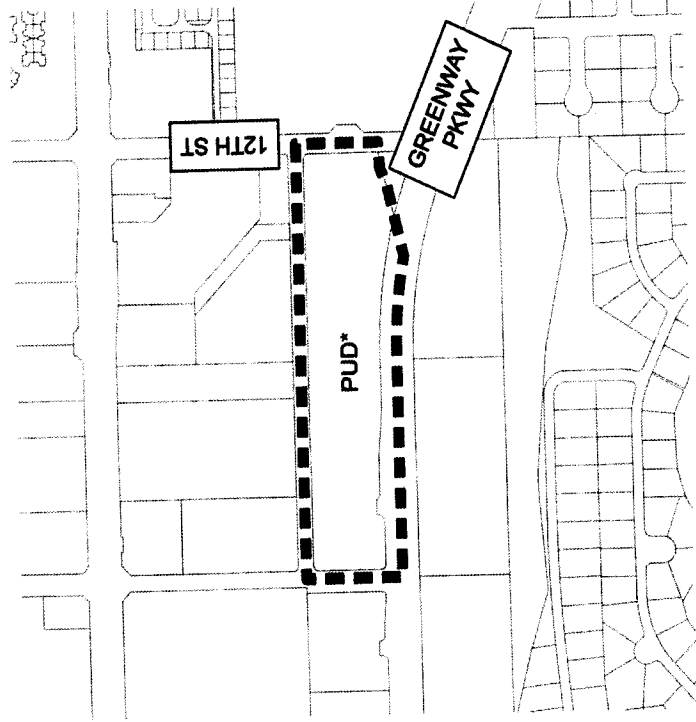
THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, NORTH 00°00'43" WEST, A DISTANCE OF 233.20 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-3-22-3
Zoning Overlay: N/A
Planning Village: Deer Valley

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: - - - - -



NOT TO SCALE

Drawn Date: 9/12/2022

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