

ORDINANCE G-6297

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-57-16-8) FROM C-O (COMMERCIAL OFFICE DISTRICT, RESTRICTED COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of an approximately 3.18 acre property located approximately 639 feet south of the southwest corner of 44th Street and Thomas Road in a portion of Section 31, Township 2 (north), Range 4 (east), as described more specifically in Exhibit "A", is hereby changed from "C-O" (Commercial Office District, Restricted Commercial) 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,

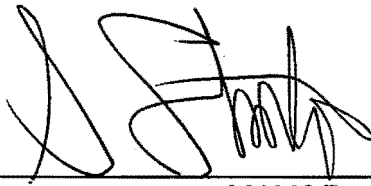
violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. An updated Development Narrative for the Pinnacle 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 Development Narrative date stamped January 27, 2017 as modified by the following stipulations:
  - a. Revise commercial parking on page 17 to read as follows:
    - Off street parking:
      - o 1 space per 300 square feet commercial
      - o 1 space per 50 square feet restaurant (including outside dining/sales) exclusive of kitchen, rest rooms, storage, etc.
2. The sidewalk along 44th Street shall be detached with a minimum five-foot-wide landscaped strip located between the sidewalk and back of curb and shall include a minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings along either side of the sidewalk, as approved by the Planning and Development Department.
3. If any archaeological materials are encountered during construction, all ground-disturbing activities must cease within 10 meters of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials.
4. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
5. 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 Federal Aviation Administration (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.

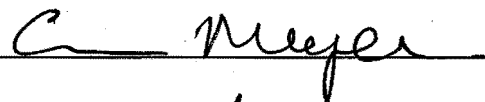
6. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

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 5th day of April, 2017.

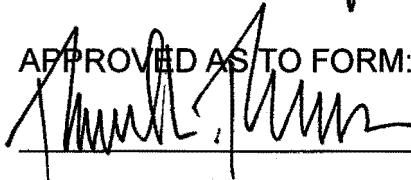
  
\_\_\_\_\_  
MAYOR

ATTEST:

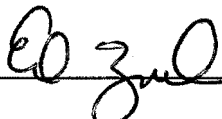
  
\_\_\_\_\_  
City Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Acting City Attorney pm

REVIEWED BY:

  
\_\_\_\_\_  
City Manager

PL:tml:LF17-2334:Item#88:04/05/17:1296263v1

Exhibits:

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

EXHIBIT A

LEGAL DESCRIPTION FOR Z-57-16-8

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 31;

THENCE SOUTH, 262.65 FEET ALONG THE EAST LINE OF SAID NORTHWEST QUARTER;

THENCE NORTH 88 DEGREES 58 MINUTES 26 SECONDS WEST, 50.01 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 44TH STREET AND THE POINT OF BEGINNING;

THENCE SOUTH 471.55 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF 44TH STREET TO AN ANGLE POINT;

THENCE SOUTH 00 DEGREES 20 MINUTES 53 SECONDS WEST, 177.80 FEET ALONG THE WEST RIGHT- OF-WAY LINE OF 44TH STREET;

THENCE NORTH 89 DEGREES 00 MINUTES 35 SECONDS WEST, 621.03 FEET ALONG A LINE 413 1/3 FEET NORTHERLY FROM AND PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER;

THENCE NORTH 00 DEGREES 00 MINUTES 13 SECONDS EAST, 252.24 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER;

THENCE SOUTH 88 DEGREES 45 MINUTES 32 SECONDS EAST, 19.00 FEET ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER;

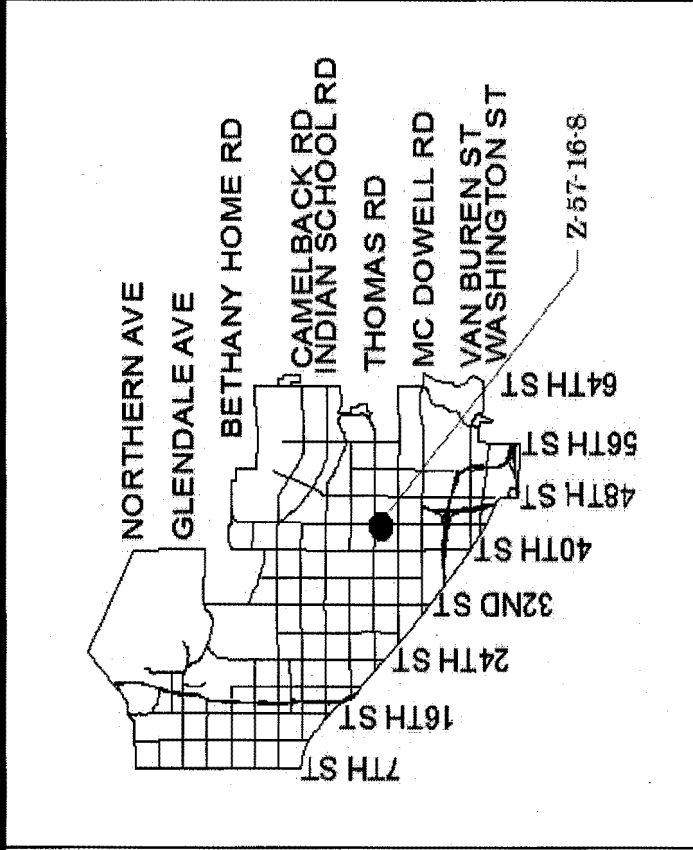
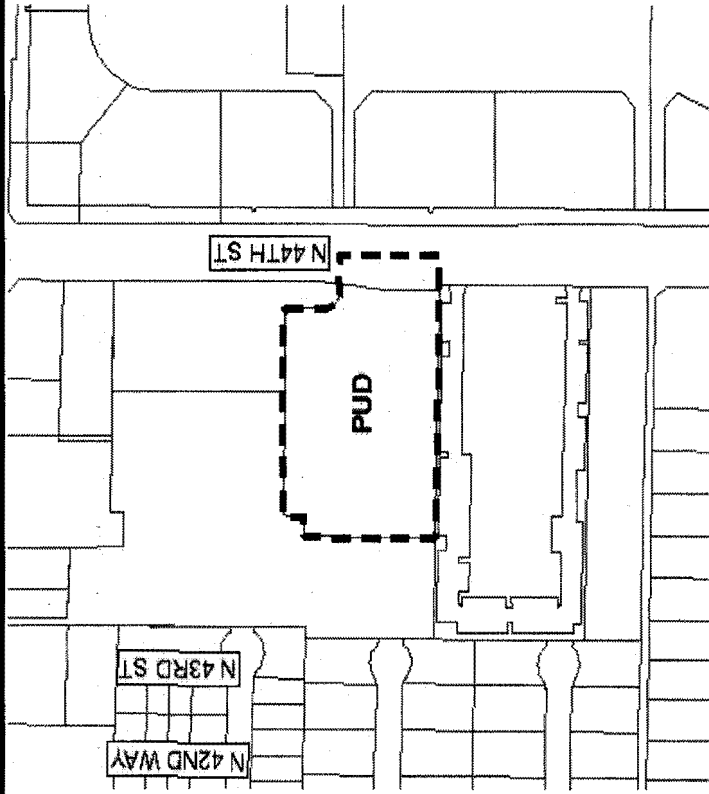
THENCE NORTH 00 DEGREES 00 MINUTES 13 SECONDS EAST, 625.25 FEET ALONG A LINE, 19.00 FEET.

# ORDINANCE LOCATION MAP

EXHIBIT B

Zoning Case Number: Z-57-16-8  
Zoning Overlay: N/A  
Planning Village: Camelback East

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



NOT TO SCALE



Drawn Date: 2/23/2017

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