

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-87-17-7) FROM A-1 (LIGHT INDUSTRIAL DISTRICT) AND CP/GCP (COMMERCE PARK/GENERAL COMMERCE PARK DISTRICT) TO A-1 (LIGHT INDUSTRIAL DISTRICT).

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

SECTION 1. The zoning of an approximately 39.44-acre property located at the northeast corner of 59th Avenue and Elwood Street alignment in a portion of Section 20, Township 1 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "A-1" (Light Industrial District) and "CP/GCP" (Commerce Park/General Commerce Park District), to "A-1" (Light Industrial District).

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. A minimum 65-foot landscape setback, inclusive of the Durango Master Drainage Plan, shall be provided along 59th Avenue. All landscape setbacks shall be planted with a minimum 50% two-inch caliper trees and a minimum 50% three-inch caliper or multi-trunk trees planted 20 feet on center or equivalent groupings with a minimum of five 5-gallon shrubs per tree, unless otherwise prohibited by easements, as approved by the Planning and Development Department.
2. A combination of a 10-foot high wall and hedging plant material shall be provided along the north side of the electrical easement. The hedging shall be planted along the footing line on the southern side of the wall, as approved by the Planning and Development Department.
3. The development shall comply with the Estrella Village Arterial Street Landscaping Program, as approved by the Planning and Development Department.
4. 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 two-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department. The landscape strip shall be installed by the developer and maintained by adjacent property owners.
5. A 10-foot wide public multi-use trail shall be constructed within a 30-foot wide multi-use trail easement in accordance with the MAG supplemental detail, along north side of the Elwood Street alignment, unless otherwise prohibited by easements, as approved by the Parks and Recreation Department.
6. Right-of-way totaling 55 feet shall be dedicated for the east half of 59th Avenue, as approved by the Planning and Development Department.
7. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, driveways, streetlights, median islands, landscaping and other incidentals as per plans approved, and as approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
8. The applicant shall submit a Traffic Impact Study to the Street Transportation Department and the Planning and Development Department prior to preliminary site plan review. The applicant shall be responsible for any dedications and required improvements as recommended by the approved traffic study, as approved by Planning and Development Department and the Street Transportation Department.

9. If determined necessary by the Phoenix Archaeology Office, 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.
10. If Phase I data testing is required, and 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, the applicant shall conduct Phase II archaeological data recovery excavations.
11. 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.
12. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's Office. 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 4th day of April, 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-87-17-7

A portion of the Southwest quarter of the Northwest quarter of Section 20, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

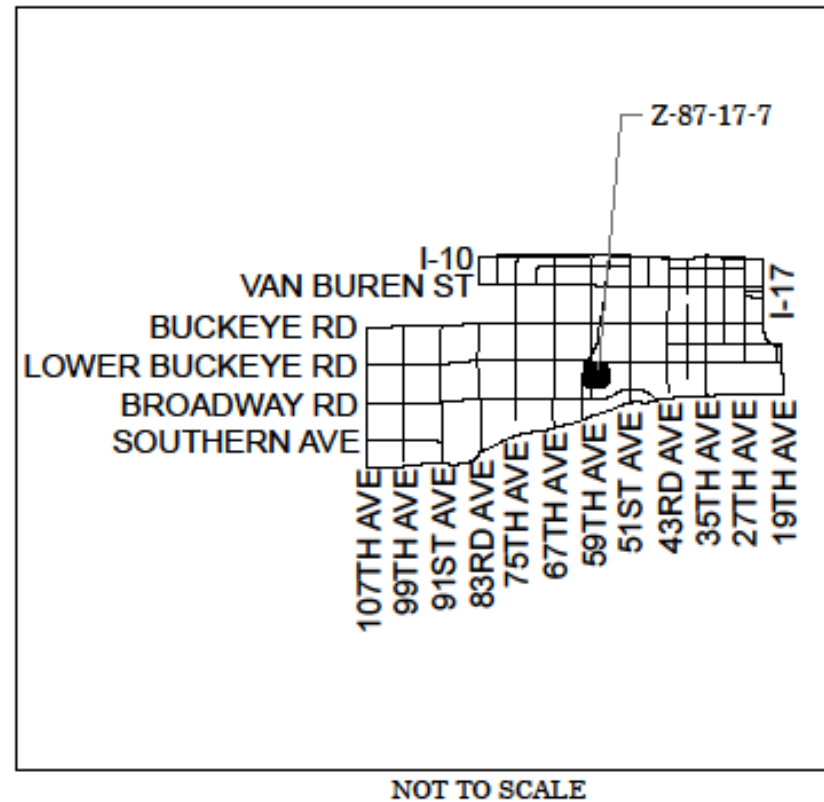
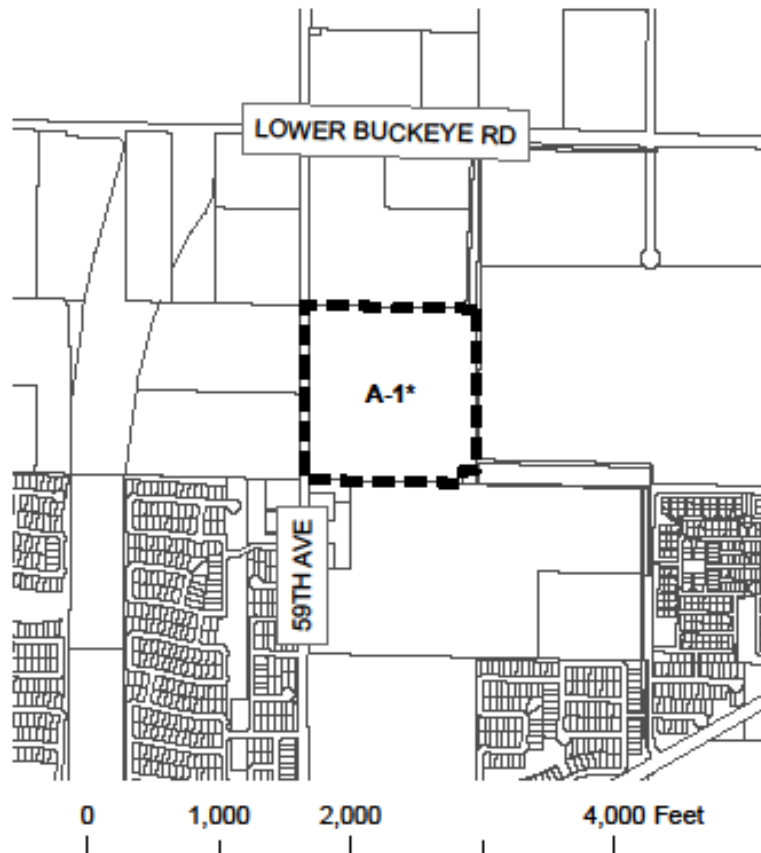
BEGINNING at a 3 inch Maricopa County Engineering Department brass cap in handhole marking the West quarter corner of said Section 20, from which a 3 inch Maricopa County brass cap in handhole marking the Northwest corner of said Section 20 bears North 01 degree 15 minutes 10 seconds West 2,640.82 feet;
THENCE North 01 degree 15 minutes 10 seconds West 1,320.41 feet along the West line of said Southwest quarter to a 3 inch City of Phoenix brass cap flush marking the Northwest corner of said Southwest quarter;
THENCE North 89 degrees 53 minutes 48 seconds East 1,310.46 feet along the North line of said Southwest quarter to a 1/2 inch rebar with cap stamped RLS AZ 35694 marking the Northeast corner of said Southwest quarter;
THENCE South 01 degree 15 minutes 37 seconds East 1,220.34 feet along the East line of said Southwest quarter to a 1/2 inch rebar with cap stamped 42137 on the North line of the South 100.00 feet of said Southwest quarter;
THENCE South 89 degrees 53 minutes 40 seconds West 100.02 feet along said North line to a 1/2 inch rebar with cap stamped 42137 on the West line of the East 100.00 feet of said Southwest quarter;
THENCE South 01 degree 15 minutes 37 seconds East 100.02 feet along said West line to a 1/2 inch rebar with cap stamped 42137 on the South line of said Southwest quarter;
THENCE South 89 degrees 53 minutes 40 seconds West 1,210.60 feet along said South line to the POINT OF BEGINNING.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ■■■■■

Zoning Case Number: Z-87-17-7
Zoning Overlay: N/A
Planning Village: Estrella



Drawn Date: 3/8/2018