

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 STIPULATIONS APPLICABLE TO
REZONING APPLICATION Z-36-17-7 PREVIOUSLY APPROVED BY
ORDINANCE G-6366.

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

SECTION 1. The zoning stipulations applicable located at the southwest
corner of 103rd Avenue and Buckeye Road in a portion of Section 17, Township 1
North, Range 1 East, as described more specifically in Attachment "A", are hereby
modified to read as set forth below.

STIPULATIONS:

1. THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED OCTOBER 30, 2020 AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
2. THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED DECEMBER 16, 2020, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3. The developer shall provide a minimum 50-foot building setback along the
4. northern and southern boundaries of the site, as approved by the Planning
and Development Department
4. The developer shall provide a minimum 30-foot landscape setback along both
2. 103rd Avenue and Buckeye Road. In addition, the developer shall provide
and maintain 26-feet of landscaping in the Buckeye Road right-of-way. The

streetscape landscaping shall be installed and maintained in accordance with the C-2 zoning district standards for planting type, size, and quantity, as approved by the Planning and Development Department.

- ~~3.~~ 5. The developer shall provide a minimum 20-foot landscape setback along the southern and western boundaries of the site, as approved by the Planning and Development Department.
- ~~4.~~ 6. The developer shall comply with the Estrella Village Arterial Street Landscaping Program, as approved by the Planning and Development Department.
- ~~5.~~ 7. Building elevations shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or other overhang canopies, as approved by the Planning and Development Department.
- ~~6.~~ 8. Building height shall be limited to a maximum of 40 feet within 100 feet of the southern boundary of the site, as approved by the Planning and Development 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.
- ~~7.~~ 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.
- ~~8.~~ 12. 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.
- ~~9.~~ ~~The site plan and elevations shall be reviewed and approved by the Planning Hearing Officer prior to preliminary site plan approval.~~
- ~~10.~~ 13. 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 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6366, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6366 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. 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 20th day of January, 2021.

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 PHO-1-20-- Z-36-17-7

The Land referred to herein below is situated in the County of Maricopa, State of Arizona, and is described as follows:

THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT ANY OF THE PROPERTY CONVEYED TO THE UNITED STATES OF AMERICA IN BOOK 187 OF DEEDS, PAGE 374 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT CERTAIN DITCH AS NOW LOCATED AND CONSTRUCTED WITHIN THE WEST HALF OF SECTION 17 TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, TOGETHER WITH SUFFICIENT LAND ON EACH SIDE OF SAID DITCH TO PERMIT THE ECONOMICAL OPERATION AND MAINTENANCE THEREOF, SAID DITCH EXTENDING FROM THE 16/13 CORNER TO THE 16/12 CORNER OF SECTION 17, ALONG AND IMMEDIATELY NORTH OF THE EAST AND WEST MID-SECTION LINE,

THENCE SOUTH TO 16/0 CORNER, ALONG AND IMMEDIATELY WEST OF THE NORTH AND SOUTH CENTER LINE OF THE WEST HALF OF SAID SECTION 17 AND EXCEPT THAT PORTION LYING SOUTHERLY OF THE NORTH LINE OF CABALLO CROSSING PHASE 1, ACCORDING TO BOOK 1193 OF MAPS, PAGE 23, RECORDS OF MARICOPA COUNTY, ARIZONA; AND

EXCEPT THE EAST 33 FEET OF THE SOUTH 663.47 FEET OF THE NORTH 696.47 FEET OF SAID EAST HALF, AS CONVEYED TO THE CITY OF PHOENIX, AN ARIZONA MUNICIPAL CORPORATION IN WARRANTY DEEDS RECORDED NOVEMBER 26, 2014 IN DOCUMENT NO 2014-784280, DOCUMENT NO 2014-784281 AND DOCUMENT NO 2014-784519, RECORDS OF MARICOPA COUNTY, ARIZONA.

EXCEPT THE PROPERTY CONVEYED TO MARICOPA COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA IN WARRANTY DEED RECORDED JUNE 09, 2017 AS 2017-421503 OF OFFICIAL RECORDS.

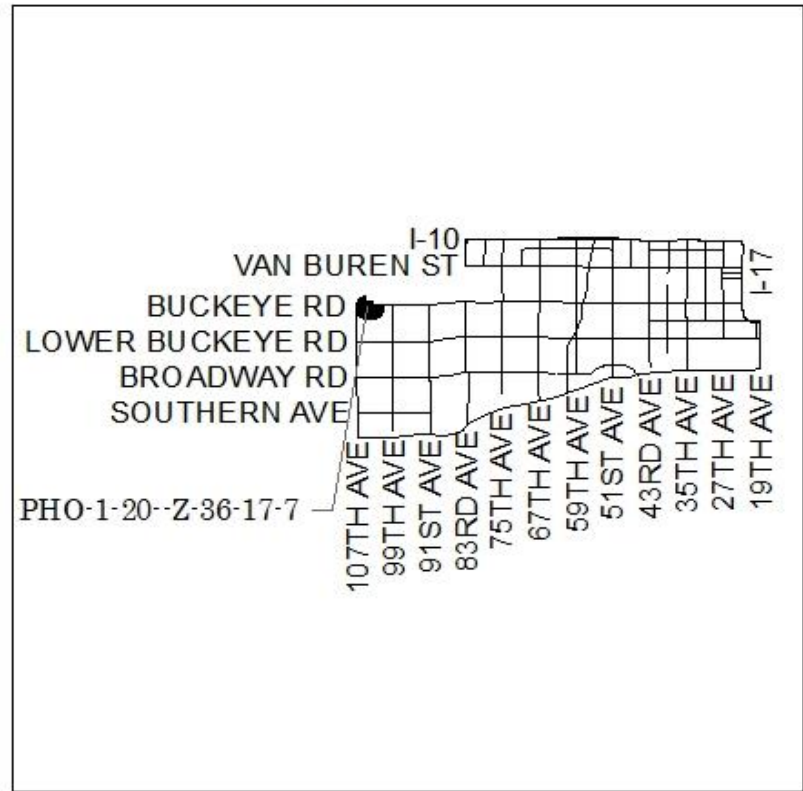
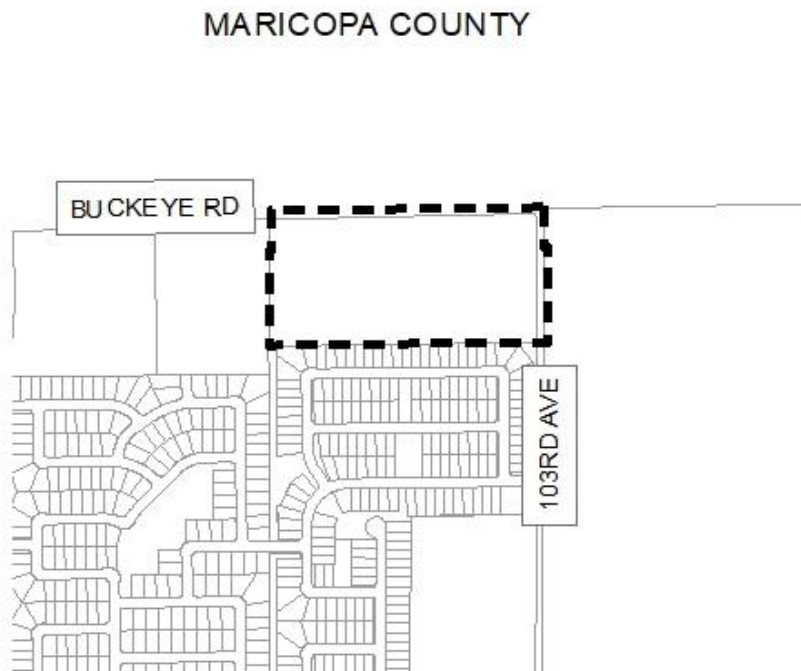
EXCEPT THE PROPERTY CONVEYED TO MARICOPA COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA IN QUIT CLAIM DEED RECORDED SEPTEMBER 23, 2019 AS 2019-745471 OF OFFICIAL RECORDS.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: PHO-1-20-Z-36-17-7
Zoning Overlay: N/A
Planning Village: Estrella



NOT TO SCALE



Drawn Date: 12/22/2020