

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-53-17-7) FROM A-1 (LIGHT INDUSTRIAL DISTRICT); A-1 SP (LIGHT INDUSTRIAL DISTRICT, SPECIAL PERMIT); A-1 (LIGHT INDUSTRIAL DISTRICT), APPROVED A-1 SP (APPROVED LIGHT INDUSTRIAL DISTRICT, SPECIAL PERMIT); A-1 LNDF/WVR (LIGHT INDUSTRIAL DISTRICT, LANDFILL WAIVER); A-2 (INDUSTRIAL DISTRICT); A-2 SP (INDUSTRIAL DISTRICT, SPECIAL PERMIT); AND A-2 LNDF/WVR ((INDUSTRIAL DISTRICT, LANDFILL WAIVER) TO A-2 (INDUSTRIAL DISTRICT), A-2 SP (INDUSTRIAL DISTRICT, SPECIAL PERMIT), AND A-2 LNDF/WVR (INDUSTRIAL DISTRICT, LANDFILL WAIVER).

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

SECTION 1. The zoning of an approximately 403.38-acre property located at the southwest corner of 27th Avenue and Lower Buckeye Road in a portion of Section 23, Township 1 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from 235.75 acres of "A-1" (Light Industrial District); 27.15 acres of "A-1 SP" (Light Industrial District, Special Permit); 21.40 acres of "A-1, Approved A-1 SP" (Light Industrial District, Approved Light Industrial District, Special Permit); 34.54 acres of "A-1 LNDF/WVR" (Light Industrial District, Landfill Waiver); 66.61 acres of "A-2"

(Industrial District); 4.99 acres of “A-2 SP” (Industrial District, Special Permit); and 12.94 acres of “A-2 LNDF/WVR” (Industrial District, Landfill Waiver) to 302.36 acres of “A-2” (Industrial District), 53.54 acres of “A-2 SP” (Industrial District, Special Permit), and 47.48 acres of “A-2 LNDF/WVR” (Industrial District, Landfill Waiver).

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. That the development of the site and maintenance of related improvements shall not negatively impact the landfill protective cap, as approved by the Public Works Department.
2. 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 Airport (PHX) to future owners or tenants of the property.
3. The development shall comply with the Estrella Village Arterial Street Landscaping Program, as approved by the Planning and Development Department.
4. The developer shall provide a dedication of right-of-way and construction of a bus stop pad along eastbound Lower Buckeye Road. The bus stop pad should be built according to City of Phoenix Standard Detail P1260 with a depth of at least 10 feet and placed between approximately 1,500 feet west of 27th Avenue, as approved by the Public Transit Department.
5. The developer shall update all streets 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. 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.

7. 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.
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 27th day of June, 2018.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

Exhibits:

A – Legal Description (4 Pages)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-53-17-7

****Parcel number 105-42-001Q***

The North half of the Northeast quarter of Section 23, Township 1 North, Range 2 East, G&SRB&M; EXCEPT the North 450.00 fee thereof; and EXCEPT the East 40 fee thereof.

****Parcel number 105-42-001T***

Those parts of the North half of Section 23, Township 1 North, Range 2 East, G&SRB&M, described as follows:

Part No. 1: The West half of the East half of the Northwest quarter of the Northwest quarter of Section 23, Township 1 North, Range 2 East, G&SRB&M. SUBJECT TO right of way for public road over the North 33 feet of said Northwest quarter of Section 23 as shown on the Road Map recorded in Book 2 of Road Maps at page 14, records of Maricopa County, Arizona.

Part No. 2: The East half of the East half of the Northwest quarter of the Northwest quarter of Section 23, Township 1 North, Range 2 East, G&SRB&M. SUBJECT TO right of way for public road over the North 33 feet of said Northwest quarter of Section 23 as shown on the Road Map recorded in Book 2 of Road Maps at page 14, records of Maricopa County, Arizona.

Part No. 3: The Northeast quarter of the Northwest quarter of Section 23, Township 1 North, Range 2 East, G&SRB&M. SUBJECT TO right of way for public road over the North 33 feet of said Northwest quarter of Section 23 as shown on the Road Map recorded in Book 2 of Road Maps at page 14, records of Maricopa County, Arizona.

Part No. 4: (REVISED): The West half of the North 450 feet of the North half of the Northeast quarter of Section 23, Township 1 North, Range 2 East, G&SRB&M; EXCEPT the North 40 feet thereof; and EXCEPT that part thereof lying Northwesterly of the line described as follows: BEGINNING at the Northeast corner of said Section 23; thence North 89 degrees 36 minutes 04.1 seconds West (bearing based on an assumed bearing of North 0 degrees 05 minutes 00.9 seconds East for the East line of the Southeast quarter of the adjacent Section 14, Township 1 North, Range 2 East), a distance of 2331.12 feet to an A. H. D. Brass Cap (1962) in concrete, the said Brass Cap being an Engineer's Station 7511+10.53 in the route survey line of the proposed Ehrenberg - Phoenix Highway (formerly Interstate 10), Buckeye - Phoenix Section, as shown on the location Map on file in the Arizona State Highway Department under File No. 6321 M2; thence South 89 degrees 36 minutes 04.1 seconds East a distance of 294.41 feet to the TRUE POINT OF BEGINNING; thence South 59 degrees 46 minutes 06.9 seconds West to the West line of the Northeast quarter of said Section 23 and the terminus of the line described herein.

****Parcel number 105-42-001U***

The East half of the North 450 feet of the North half of the Northeast quarter of Section 23, Township 1 North, Range 2 East, G&SRB&M; EXCEPT the East 40 feet thereof; and EXCEPT the North 40 feet thereof; EXCEPT that part described as follows: BEGINNING at the point of intersections of the South line of the North 40 feet of said North half with the West line of the East 40 feet thereof; thence Southerly along said West line a distance of 16 feet; thence Northwesterly to a point on said South line which

is 16 feet Westerly of the point of beginning; thence Easterly along said South line to the point of beginning.

***Parcel number 105-42-002B**

South one-half of the Northeast quarter, Section 23, T. 1 N., R. 2 E., GSRB&M, Maricopa County, Arizona and a portion of the N 1/2 of the SE 1/4, Section 23, T. 1 N., R. 2 E., GSRB&M, Maricopa County, Arizona, per Exhibit A attached hereto and by this reference made a part hereof.

That part of the South half of the Northeast quarter and that part of the North half of the Southeast quarter, Section 23, Township 1 North, Range 2 East, G&SRB&M, described as follows: BEGINNING at the Northeast corner of said Section 23, marked with a brass cap in a hand hole: thence South (assumed bearing), along the East line of the Northeast quarter of said Section 23, a distance of 1422.95 feet to the Northeast corner of said South half of the Northeast quarter, marked with a cross in concrete on top of an earthen dike, the TRUE POINT OF BEGINNING of the parcel described herein and the Northeast corner thereof; thence North 85 degrees 53 minutes 46 seconds West along the North line of said South half a distance of 2649.10 feet to the Northwest corner of said South half, marked with a pipe; thence South 0 degrees 01 minute 51 seconds West along the West line of said South half a distance of 1372.92 feet to the center of said Section 23, marked with a pipe; thence South 0 degrees 01 minute 51 seconds West along the West line of said North half of the Southeast quarter a distance of 151.09 feet to an intersection with a fence extending generally East and West, the point of intersection being the Southwest corner of the parcel of land described herein; from this point a pipe is located North 0 degrees 01 minute 51 seconds East a distance of 6.00 feet; thence Easterly to the East quarter corner of said Section 23, marked with an iron pipe below surface from which a capped pipe on top of an earthen dike bears South 8 1/4 degrees 49 minutes 11 seconds East a distance of 33.04 feet and North a distance of 1.33 feet; thence North along the East line of Section 23 a distance of 1422.95 feet to the TRUE POINT OF BEGINNING.

***Parcel number 105-43-002**

Those parts of the North half of Section 23, Township 1 North, Range 2 East, G&SRB&M, described as follows:

Part No. 1: The West half of the East half of the Northwest quarter of the Northwest quarter of Section 23, Township 1 North, Range 2 East, G&SRB&M. SUBJECT TO right of way for public road over the North 33 feet of said Northwest quarter of Section 23 as shown on the Road Map recorded in Book 2 of Road Maps at page 14, records of Maricopa County, Arizona.

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Part No. 4: (REVISED): The West half of the North 450 feet of the North half of the Northeast quarter of Section 23, Township 1 North, Range 2 East, G&SRB&M;

EXCEPT the North 40 feet thereof; and EXCEPT that part thereof lying Northwesterly of the line described as follows: BEGINNING at the Northeast corner of said Section 23; thence North 89 degrees 36 minutes 04.1 seconds West (bearing based on an assumed bearing of North 0 degrees 05 minutes 00.9 seconds East for the East line of the Southeast quarter of the adjacent Section 14, Township 1 North, Range 2 East), a distance of 2331.12 feet to an A. H. D. Brass Cap (1962) in concrete, the said Brass Cap being an Engineer's Station 7511+10.53 in the route survey line of the proposed Ehrenberg - Phoenix Highway (formerly Interstate 10), Buckeye - Phoenix Section, as shown on the location Map on file in the Arizona State Highway Department under File No. 6321 M2; thence South 89 degrees 36 minutes 04.1 seconds East a distance of 294.41 feet to the TRUE POINT OF BEGINNING; thence South 59 degrees 46 minutes 06.9 seconds West to the West line of the Northeast quarter of said Section 23 and the terminus of the line described herein

****Parcel number 105-43-004***

Those parts of the North half of Section 23, Township 1 North, Range 2 East, G&SRB&M, described as follows:

Part No. 1: The West half of the East half of the Northwest quarter of the Northwest quarter of Section 23, Township 1 North, Range 2 East, G&SRB&M. SUBJECT TO right of way for public road over the North 33 feet of said Northwest quarter of Section 23 as shown on the Road Map recorded in Book 2 of Road Maps at page 14, records of Maricopa County, Arizona.

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Part No. 4: (REVISED): The West half of the North 450 feet of the North half of the Northeast quarter of Section 23, Township 1 North, Range 2 East, G&SRB&M; EXCEPT the North 40 feet thereof; and EXCEPT that part thereof lying Northwesterly of the line described as follows: BEGINNING at the Northeast corner of said Section 23; thence North 89 degrees 36 minutes 04.1 seconds West (bearing based on an assumed bearing of North 0 degrees 05 minutes 00.9 seconds East for the East line of the Southeast quarter of the adjacent Section 14, Township 1 North, Range 2 East), a distance of 2331.12 feet to an A. H. D. Brass Cap (1962) in concrete, the said Brass Cap being an Engineer's Station 7511+10.53 in the route survey line of the proposed Ehrenberg - Phoenix Highway (formerly Interstate 10), Buckeye - Phoenix Section, as shown on the location Map on file in the Arizona State Highway Department under File No. 6321 M2; thence South 89 degrees 36 minutes 04.1 seconds East a distance of 294.41 feet to the TRUE POINT OF BEGINNING; thence South 59 degrees 46 minutes 06.9 seconds West to the West line of the Northeast quarter of said Section 23 and the terminus of the line described herein.

***Parcel number 105-43-005**

Those parts of the North half of Section 23, Township 1 North, Range 2 East, G&SRB&M, described as follows:

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Part No. 4: (REVISED): The West half of the North 450 feet of the North half of the Northeast quarter of Section 23, Township 1 North, Range 2 East, G&SRB&M; EXCEPT the North 40 feet thereof; and EXCEPT that part thereof lying Northwesterly of the line described as follows: BEGINNING at the Northeast corner of said Section 23; thence North 89 degrees 36 minutes 04.1 seconds West (bearing based on an assumed bearing of North 0 degrees 05 minutes 00.9 seconds East for the East line of the Southeast quarter of the adjacent Section 14, Township 1 North, Range 2 East), a distance of 2331.12 feet to an A. H. D. Brass Cap (1962) in concrete, the said Brass Cap being an Engineer's Station 7511+10.53 in the route survey line of the proposed Ehrenberg - Phoenix Highway (formerly Interstate 10), Buckeye - Phoenix Section, as shown on the location Map on file in the Arizona State Highway Department under File No. 6321 M2; thence South 89 degrees 36 minutes 04.1 seconds East a distance of 294.41 feet to the TRUE POINT OF BEGINNING; thence South 59 degrees 46 minutes 06.9 seconds West to the West line of the Northeast quarter of said Section 23 and the terminus of the line described herein.

***Parcel number 105-49-010C**

S2 OF NW4 & N2 SW4 EX ANY PT LY W/IN MARICOPA GARDEN FARMS & ALSO EX ANY PT W/IN 84-002522 & EX BEG SW COR SW4 TH N 1400F TO ORTH LN A TH N 600F TO ORTH LN B TH N 200F TO ORTH LN C TH N 200F TO POB TH E 33F TH SELY TO INTERSEC SD LN C WI E LN OF W 75F SW4 TH SELY TO INTERSEC SD LN B WI E LN OF W 325F SW4 TH SLY ALG LN WH EXT TO INTERSEC SD LN A WI E LN W 365F SD SW4 TO S LN SD N2 TH WLY TO SW COR N2 TH N TO POB EX W 33F & EX A POR OF NW4 SEC 23 DAF COM NW COR SD SEC TH S 1319.29F TH S 87D 58M E 33.02F POB TH S 87D 58M E 641.77F TH S 94.28F TH W 642.32F TH N 109.33 TO POB P/F 06-1493563.

ORDINANCE LOCATION MAP

EXHIBIT B

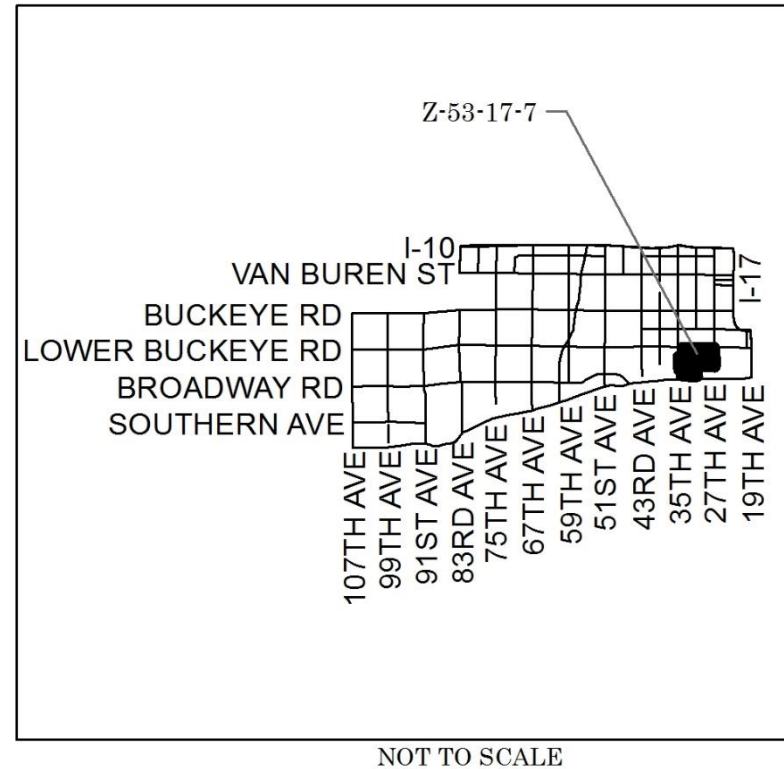
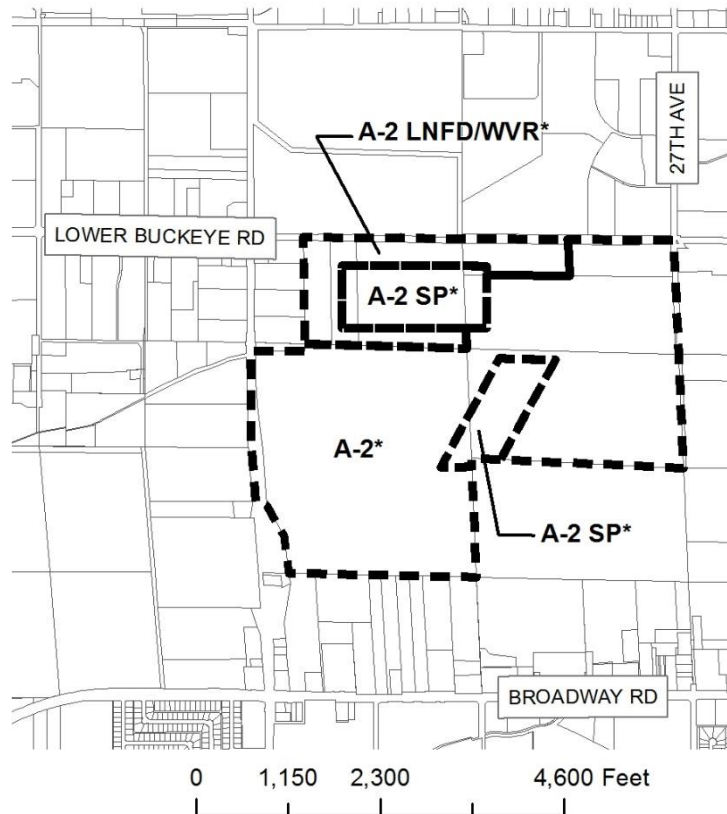
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-53-17-7

Zoning Overlay: N/A

Planning Village: Estrella



Drawn Date: 6/7/2018