

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-37-07-2 PREVIOUSLY APPROVED BY
ORDINANCE G-5383.**

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

SECTION 1. The zoning stipulations applicable located approximately
190 feet south of the southwest corner of Scottsdale Road and Sweetwater Avenue
in a portion of Section 15, Township 3 North, Range 4 East, as described more
specifically in Attachment “A”, are hereby modified to read as set forth below.

STIPULATIONS:

Phoenix Zoning Ordinance:	
1.	LOTS 2 AND 3 That development shall be in general conformance to the site plan date stamped OCTOBER 22, 2024 February 9, 2009, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND with specific regard to the existing building footprints, maintenance of the existing west property line wall and the addition of enclosed/covered trash containers as approved by the PLANNING AND Development Services Department.
2.	That A minimum 10-foot-wide landscape setback along the entire west property line of the lots shall be provided with the corresponding phase. Required landscape material planted in this landscape buffer shall include a mix of minimum 2 and 3-inch caliper trees placed 20 feet on center or equivalent groupings as approved by the PLANNING AND Development Services Department.

3.	That A minimum six-foot wide landscape setback shall be provided along the north property line of Lot 1. Required landscape material shall include a mix of minimum 2 and 3-inch caliper trees placed 20 feet on center or equivalent groupings as approved by the PLANNING AND Development Services Department.
4.	That cross access and parking agreements for Lots 3 and 4 shall be created and recorded prior to preliminary site plan approval for the corresponding phase as approved by the Development Services Department.
5.	That right-of-way shall be dedicated to the city along Scottsdale Road south of Sweetwater Avenue and a transit pad installed according to the city of Phoenix Detail P-1261 as approved by the Public Transit Department.
4. 6.	That The property owner of Lot 50 shall file for and pursue abandonment of the alley, south of Lot 5 prior to the issuance of the certificate of occupancy for the residential office use on Lot 5. In the event the abandonment is not granted, a one-foot (1') vehicular non-access easement (VNAE) shall be recorded along the southern property line of Lot 5 as approved by the PLANNING AND Development Services Department.
5. 7.	That Building height shall be limited to one (1) story and 13 feet with the exception of Lot 5 to be limited to one (1) story 14 feet.
6. 8.	That The rear building setbacks (west side) shall be limited to the following existing setbacks: Lot 1 – 77 feet; Lot 2 – 78 feet; Lot 3 – 97 feet; Lot 4 – 103 feet, and Lot 5 – 111 feet as measured from the centerline of the existing 16-foot alley.
7. 9.	That A one-foot (1') vehicular non-access easement (VNAE) along the entire west property line shall be recorded prior to preliminary site plan approval for the corresponding phase as approved by the PLANNING AND Development Services Department.
8. 10.	That The developer shall construct sidewalk, curb ramps, and other incidentals as per plans approved by the PLANNING AND Development Services Department. All improvements shall comply with all ADA accessibility standards.
9. 11.	That 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.	That each individual property owner shall obtain final site plan approval within 24 months of council action.
13.	That an eight-foot wall shall be constructed along the rear property line with the corresponding phase as approved by the Development Services Department.
10. 14.	That The Street Transportation Department shall study cut-through traffic before and after all five businesses have been established to determine if traffic mitigation is warranted. If warranted, the applicant shall pay their rough proportionality of the costs of mitigation, not to exceed 12 percent.
11. 15.	That Notice shall be provided to all property owners within the 85254 zip code who submitted speaker cards at the City Council hearing of changes to the site plan through either the PLANNING AND Development Services Department site plan review process or the Planning Hearing Officer hearing process.
12. 16.	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.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-5383 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-5383 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 22nd day of January, 2025.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

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

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-2-24—Z-37-07-2

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

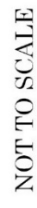
Revised legal- PHO-2-24—Z-37-07-2

Lot 2, of FOOTHILLS RANCHOS, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 133 of Maps, page 27.

Lot 3, of FOOTHILLS RANCHOS, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 133 of Maps, page 27.

EXHIBIT B

Zoning Case Number: PHO-2-24-Z-37-07-2
Zoning Overlay: N/A
Planning Village: Paradise Valley



\\one\pdd\Shared\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\Ord\1-22-2025\1-22-2025.aprx