

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
480 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:

1. ~~LOTS 4 AND 5 That development~~ shall be in general conformance to the site
plan date stamped FEBRUARY 23, 2024, ~~February 9, 2009, with specific regard~~
~~to the existing building footprints, maintenance of the existing west property line~~
~~walls and the addition of enclosed/covered trash containers as approved AS~~
MODIFIED BY THE FOLLOWING STIPULATIONS AND 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 all lots shall be provided with the corresponding phase. Required
landscape materials 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 materials 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 City of Phoenix Detail P1261 as approved by the Public Transit Department.~~
6. ~~That~~ The property owner of Lot 5 shall file for and pursue abandonment of the alley, south of Lot 5 prior to the issuance of a 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. ~~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 and 14 feet.~~
4. ~~5.~~ THE MAXIMUM BUILDING HEIGHT OF LOT 4 SHALL BE 13 FEET. THE MAXIMUM BUILDING HEIGHT OF LOT 5 SHALL BE 15 FEET.
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.
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.
9. A MINIMUM 6-FOOT-WIDE DETACHED SIDEWALK SEPARATED BY A MINIMUM 10-FOOT-WIDE LANDSCAPE AREA SHALL BE CONSTRUCTED ON THE WEST SIDE OF SCOTTSDALE ROAD, ADJACENT TO THE DEVELOPMENT.
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.
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~~
12. ~~corresponding phase as approved by the PLANNING AND Development~~
~~Services Department.~~
14. ~~That The Street Transportation Department shall study cut-through traffic before~~
13. ~~and after all five businesses have been established to determine if traffic~~
11. ~~mitigation is warranted. If warranted, the applicant shall pay their rough~~
~~proportionality of the costs of mitigation, not to exceed 12 percent.~~
15. ~~That Notice shall be provided to all property owners within the 85254 zip code~~
14. ~~who submitted speaker cards at the City Council hearing of changes to the site~~
12. ~~plan through either the PLANNING AND Development Services Department site~~
~~plan review process or the Planning Hearing Officer hearing process.~~

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 4th day of September, 2024.

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

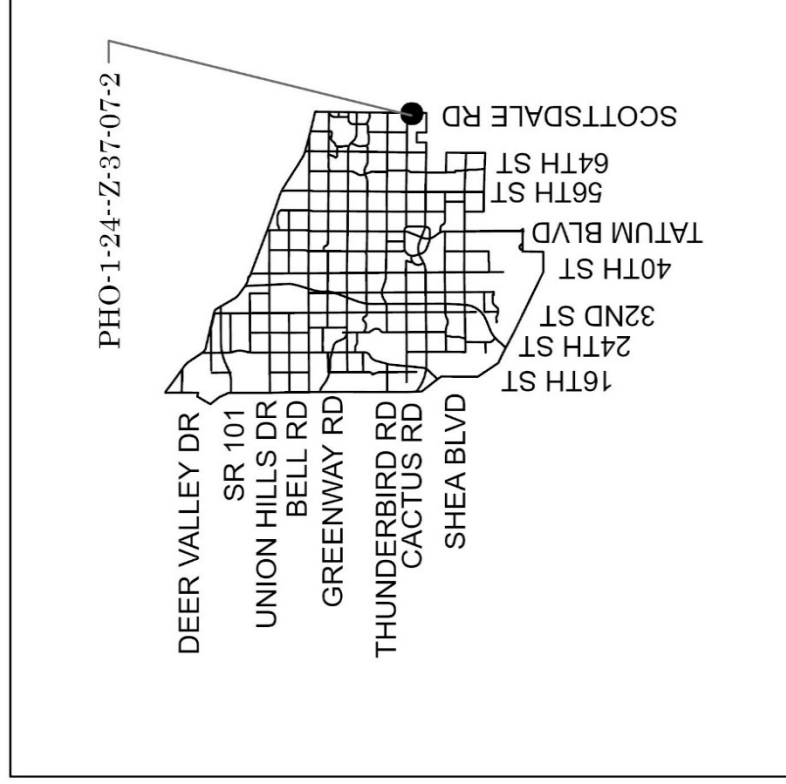
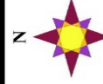
LEGAL DESCRIPTION FOR PHO-1-24—Z-37-07-2

Within a portion of Section 15, Township 3 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Lots 4 and 5, of Foothills Ranchos, according the plat of record in the office of the County Recorder, Maricopa County Arizona, recorded in Book 133 of Maps, page 27.

ORDINANCE LOCATION MAP

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



NOT TO SCALE

Drawn Date: 7/26/2024