

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-50-08-5 PREVIOUSLY APPROVED BY
ORDINANCE G-5292.

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

SECTION 1. The zoning stipulations applicable located at the northeast
corner of 23rd Avenue and Royal Palm Road in a portion of Section 36, Township 3
North, Range 2 East, as described more specifically in Attachment "A", are hereby
modified to read as set forth below.

STIPULATIONS:

1. ~~That the elevations for the residential portions of the site shall be approved by the Planning Hearing Officer through the public hearing process prior to Development Services Department preliminary site plan approval with specific regard to the inclusion of the below elements. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Development Services Department.~~

THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE
ELEVATIONS DATE STAMPED JANUARY 4, 2019, WITH SPECIFIC REGARD
TO THE FOLLOWING AND AS APPROVED BY THE PLANNING AND
DEVELOPMENT DEPARTMENT:

- a. Building entries shall be oriented towards common areas, pathways, OR
SIDEWALKS THAT PROVIDE ACCESS TO COMMON OR ACTIVE OPEN
SPACE AREAS.
- b. Where possible, garage servicing driveways shall be configured in an
east/west grid to minimize east/west surface exposure, unless tree
preservation requires an alternative.

2. ~~That~~ The residential portion of the site shall develop in general conformance to the site plan date stamped August 29, 2008, as approved by the PLANNING AND Development ~~Services~~ Department, with specific regard to:
 - a. Provision of a major shaded pedestrian route (8'- 10' wide) that conveniently and directly connects open space areas to Butler Drive, 23rd Avenue and the southeast portion of the site, as shown on Exhibit A, Conceptual Pedestrian Connection Plan. The pedestrian plan shall adhere to the identified cross sections A-A, B-B and C-C.
 - b. The residential buildings shall be designed so that the mature trees identified on ~~Exhibit B~~, THE Tree Preservation Plan DATED AUGUST 29, 2008, will remain in place as an integral part of the site design, AS MODIFIED BY THE PROPOSED TREE RELOCATIONS DEPICTED ON THE TREE PRESERVATION EXHIBIT DATE STAMPED JANUARY 4, 2019, AND AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. ALL TREE RELOCATIONS AND REPLACEMENTS SHALL PROVIDE AT A MINIMUM A TREE OR TREES OF AN EQUAL CALIPER SIZE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
 - c. The number of units shall be a maximum of 11.12 dwellings per acre.
 - d. ~~That~~ The developer shall provide a par exercise course as an amenity within the designated major pedestrian route.
3. ~~That~~ The commercial portion of the site shall develop in general conformance to the elevations date stamped August 1, 2008 and site plan date stamped August 29, 2008 as may be approved by the PLANNING AND Development ~~Services~~ Department, with specific regard to the following for the portion of the site east of 21st Avenue (Definitions in the following stipulations are as noted in Section 662 of the Phoenix Zoning Ordinance.):
 - a. Placement of buildings close to Northern Avenue, providing parking on the interior and between buildings.
 - b. ~~That~~ Buildings along Northern Avenue shall be no greater than 180 feet of frontage without provision of a walkway/passageway to the interior of the commercial site.
 - c. Provision of walkways/passageways between buildings from Northern Avenue to the interior of the commercial site.
 - d. A minimum of 50% of the lot frontage on Northern Avenue shall contain building frontage.
 - e. All structures except where residential uses are on the ground floor, shall utilize clear windows. A clear window is a window that will allow a minimum of 75% of the visible light (as specified by the manufacturer) to be visible on either side of the window. Clear windows shall encompass, at a minimum,

60% of the building façade length fronting onto a street within the area from 3 feet to 6 feet-8 inches above adjacent interior finished floor and adjacent sidewalk grade. Blank walls without doors and windows shall not occupy over 30% of the principal frontage for non-residential buildings and 50% for residential buildings, and a section of blank wall shall not exceed 20 linear feet without being interrupted by a window or entry.

- f. The frontage shall include shading along its entire right-of-way frontage, excluding driveways, loading and service berths.
 - g. The frontage shall include a minimum of one (1) or a combination of the following shading methods. A minimum of 75% of the sidewalk or pedestrian way shall be shaded.
 - (1) Arcades, awnings, trellises or covered walkways attached to the primary building shall be a minimum of 12 feet in depth, measured from any point of ground floor façade to the exterior column or vertical plane of the overhang. The maximum head clearance shall not exceed 20 feet, measured from finish grade. Landscaping shall include a row of trees (a minimum of 50% 2-inch caliper and 50% 3-inch caliper) placed 20 feet on center and run parallel with the arcade or awning.
 - (2) Detached shade structures shall be a minimum of 12 feet in depth and 15 feet in height and should incorporate architectural elements and design of the primary structure. Landscaping shall include a row of trees (a minimum of 50% 2-inch caliper and 50% 3-inch caliper) located or spaced 20 feet on center and run parallel with the arcade or awning.
 - (3) A double row of trees a minimum of 50% 2-inch caliper and 50% 3-inch caliper spaced 20 feet on center shall be provided. The rows shall be placed parallel on either side of the sidewalk as required in section 662.i.1 of the Zoning Ordinance. The rows shall be staggered to provide maximum shading.
 - h. Open space shall be a minimum of five percent (5%) of the gross commercial site area. A combination of types of areas is allowed. Areas may include the following:
 - (1) Courtyards (limited access/semi-private and common)
 - (2) Outdoor seating areas (plazas, ramadas, landscaped areas with turf, etc.)
 - i. Bicycle parking shall be provided at 1 space per 2,000 square feet of tenant leasable floor area, with a maximum of 50 spaces.
4. That the mature trees identified on Exhibit B, Tree Preservation Plan, shall be continuously maintained (e.g. watering, trimming) by the owner prior to development of the property and that maintenance shall be a requirement of the future residential development.

5. ~~That a~~ A 10 foot sidewalk easement shall be dedicated along the north side of Northern Avenue, as approved by the PLANNING AND Development ~~Services~~ Department.
6. ~~That t~~ 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 PLANNING AND Development ~~Services~~ Department. All improvements shall comply with all ADA accessibility standards.
7. The applicant shall submit a Traffic Impact Study to the City for this development. No preliminary approval of site plans shall be granted until the study is reviewed and approved by the City. Contact Ms. Sara Elco, (602) 495-0575, to set up a meeting to discuss the requirements of the study. The applicant shall be responsible for any dedications and required improvements as recommended by the approved traffic study, as approved by THE PLANNING AND Development ~~Services~~ Department and the Street Transportation Department.
8. ~~That t~~ The applicant shall construct a view fence along the shared eastern border of the Greens Apartment complex no closer than 15 feet to the Greens Apartment complex buildings as approved by the PLANNING AND Development ~~Services~~ Department.
9. 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-5292, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-5292 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 3rd day of June, 2020.

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 PHO-5-19-- Z-50-08-5

THAT PORTION OF LOT 8 OF THE FINAL PLAT OF LA MANCHA AS RECORDED IN BOOK 193, PAGE 19, OF OFFICIAL RECORDS, MARICOPA COUNTY, ARIZONA BEING LOCATED IN A PORTION OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 3 NORTH, RANGE 2 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST WESTERLY CORNER OF LOT 1 OF THE FINAL PLAT FOR EL CARO SENIOR RESIDENCES AS RECORDED IN BOOK 1344 OF MAPS, PAGE 21, OF OFFICIAL RECORDS, MARICOPA COUNTY, ARIZONA, SAID POINT BEING THE BEGINNING OF A NON- TANGENT CURVE, CONCAVE SOUTHWESTERLY, WHOSE CENTER BEARS SOUTH 23 DEGREES 26 MINUTES 15 SECONDS WEST, FOR A RADIAL DISTANCE OF 120.00 FEET;

THENCE SOUTHWESTERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 46 DEGREES 36 MINUTES 34 SECONDS, AN ARC LENGTH OF 97.62 FEET, TO A TANGENT POINT, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE SOUTH 68 DEGREES 07 MINUTES 13 SECONDS WEST, A DISTANCE OF 510.83 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, WHOSE CENTER BEARS SOUTH 21 DEGREES 54 MINUTES 20 SECONDS EAST, FOR A RADIAL DISTANCE OF 50.00 FEET;

THENCE SOUTHWESTERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 94 DEGREES 18 MINUTES 46 SECONDS, AN ARC LENGTH OF 82.30 FEET, TO A POINT OF CUSP AND THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY, WHOSE CENTER BEARS NORTH 19 DEGREES 52 MINUTES 25 SECONDS WEST, FOR A RADIAL DISTANCE OF 927.48 FEET;

THENCE SOUTHWESTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 20 DEGREES 10 MINUTES 58 SECONDS, AN ARC LENGTH OF 326.71 FEET TO A NON-TANGENT POINT;

THENCE SOUTH 00 DEGREES 15 MINUTES 45 SECONDS WEST, A DISTANCE OF 0.26 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY, WHOSE CENTER BEARS NORTH 01 DEGREES 15 MINUTES 45 SECONDS EAST, FOR A RADIAL DISTANCE OF 974.97 FEET;

THENCE NORTHWESTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 16 DEGREES 38 MINUTES 07 SECONDS, AN ARC LENGTH OF 283.07 FEET, TO A TANGENT POINT;

THENCE NORTH 73 DEGREES 06 MINUTES 08 SECONDS WEST, A DISTANCE OF 8.13 FEET, TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 12.00 FEET;

THENCE SOUTHWESTERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 88 DEGREES 43 MINUTES 54 SECONDS, AN ARC LENGTH OF 18.58 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 23RD AVENUE AS SHOWN ON SAID FINAL PLAT OF LA MANCHA, SAID POINT BEING ON A NON-TANGENT CURVE, CONCAVE

NORTHWESTERLY, AND WHOSE CENTER BEARS NORTH 71 DEGREES 50 MINUTES 04 SECONDS WEST, FOR A RADIAL DISTANCE OF 530.00 FEET

THENCE NORTHWESTERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 27 DEGREES 56 MINUTES 17 SECONDS, AN ARC LENGTH OF 258.43 FEET TO A NON-TANGENT POINT;

THENCE SOUTH 85 DEGREES 20 MINUTES 13 SECONDS EAST, A DISTANCE OF 220.02 FEET;

THENCE NORTH 22 DEGREES 07 MINUTES 25 SECONDS EAST, A DISTANCE OF 76.57 FEET;

THENCE NORTH 08 DEGREES 27 MINUTES 27 SECONDS WEST, A DISTANCE OF 111.35 FEET;

THENCE NORTH 09 DEGREES 38 MINUTES 26 SECONDS WEST, A DISTANCE OF 171.82 FEET;

THENCE NORTH 25 DEGREES 24 MINUTES 59 SECONDS WEST, A DISTANCE OF 100.00 FEET;

THENCE NORTH 89 DEGREES 44 MINUTES 15 SECONDS WEST, A DISTANCE OF 23.81 FEET;

THENCE NORTH 12 DEGREES 47 MINUTES 28 SECONDS EAST, A DISTANCE OF 334.39 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 75.00 FEET;

THENCE NORTHWESTERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 83 DEGREES 24 MINUTES 05 SECONDS, AN ARC LENGTH OF 109.17 FEET;

THENCE NORTH 70 DEGREES 36 MINUTES 37 SECONDS WEST, A DISTANCE OF 365.89 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 23RD AVENUE AS SHOWN ON SAID FINAL PLAT OF LA MANCHA,

THENCE NORTH 28 DEGREES 36 MINUTES 06 SECONDS EAST, ALONG SAID EAST RIGHT- OF-WAY LINE, A DISTANCE OF 96.77 FEET, TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 530.00 FEET;

THENCE NORTHERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 19 DEGREES 14 MINUTES 59 SECONDS, AN ARC LENGTH OF 178.06 FEET TO A NON-TANGENT POINT;

THENCE SOUTH 81 DEGREES 42 MINUTES 58 SECONDS EAST, A DISTANCE OF 360.40 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY, AND WHOSE CENTER BEARS NORTH 08 DEGREES 17 MINUTES 02 SECONDS EAST, FOR A RADIAL DISTANCE OF 65.00 FEET;

THENCE NORTHERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 116 DEGREES 43 MINUTES 03 SECONDS, AN ARC LENGTH OF 132.41 FEET TO A TANGENT POINT;

THENCE NORTH 18 DEGREES 26 MINUTES 01 SECONDS WEST, A DISTANCE OF 266.95 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 100.00 FEET;

THENCE NORTHERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 18 DEGREES 41 MINUTES 46 SECONDS, AN ARC LENGTH OF 32.63 FEET TO A TANGENT POINT;

THENCE NORTH 00 DEGREES 15 MINUTES 45 SECONDS EAST, A DISTANCE OF 173.64 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BUTLER DRIVE AS SHOWN ON SAID FINAL PLAT OF LA MANCHA;

THENCE NORTH 89°51'17" EAST, ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 409.52 FEET, TO A POINT ON THE PROLONGATION OF THE CENTERLINE OF 22ND AVENUE AS SHOWN ON THE FINAL PLAT OF METRO PHOENIX COMMERCE CENTER, AS RECORDED IN BOOK 244 OF MAPS, PAGE 39, OF OFFICIAL RECORDS, MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 00 DEGREES 08 MINUTES 43 SECONDS EAST, ALONG SAID PROLONGATED LINE, A DISTANCE OF 159.79 FEET TO A POINT ON THE NORTH LINE OF LOT 6 OF THE FINAL PLAT OF LA MANCHA AS RECORDED IN BOOK 193, PAGE 19, OF OFFICIAL RECORDS, MARICOPA COUNTY, ARIZONA;

THENCE NORTH 84 DEGREES 08 MINUTES 12 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 6, A DISTANCE OF 101.74 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 50.00 FEET;

THENCE SOUTHEASTERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 92 DEGREES 57 MINUTES 46 SECONDS, AN ARC LENGTH OF 81.13 FEET TO A TANGENT POINT, BEING ON THE WEST LINE OF SAID LOT 6;

THE FOLLOWING FIVE COURSES ARE ALONG THE WEST LINE OF SAID LOT 6:

THENCE SOUTH 02 DEGREES 54 MINUTES 02 SECONDS WEST, A DISTANCE OF 642.33 FEET;

THENCE SOUTH 07 DEGREES 41 MINUTES 38 SECONDS WEST, A DISTANCE OF 392.80 FEET;

THENCE SOUTH 09 DEGREES 34 MINUTES 07 SECONDS EAST, A DISTANCE OF 297.02 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE, NORTHEASTERLY, HAVING A RADIUS OF 50.00 FEET;

THENCE SOUTHEASTERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 49 DEGREES 00 MINUTES 15 SECONDS, AN ARC LENGTH OF 42.76 FEET TO A TANGENT POINT;

THENCE SOUTH 58 DEGREES 34 MINUTES 22 SECONDS EAST, A DISTANCE OF 67.21 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 100.00 FEET;

THENCE SOUTHEASTERLY, ALONG THE SOUTH LINE OF SAID LOT 6 AND SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 57 DEGREES 37 MINUTES 37 SECONDS, AN ARC LENGTH OF 100.58 FEET TO A TANGENT POINT;

THENCE NORTH 63 DEGREES 48 MINUTES 01 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 290.35 FEET;

THENCE SOUTH 36 DEGREES 32 MINUTES 02 SECONDS EAST, DEPARTING THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 191.70 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 198.50 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 28 DEGREES 01 MINUTES 08 SECONDS, AN ARC LENGTH OF 97.07 FEET TO THE **POINT OF BEGINNING**.

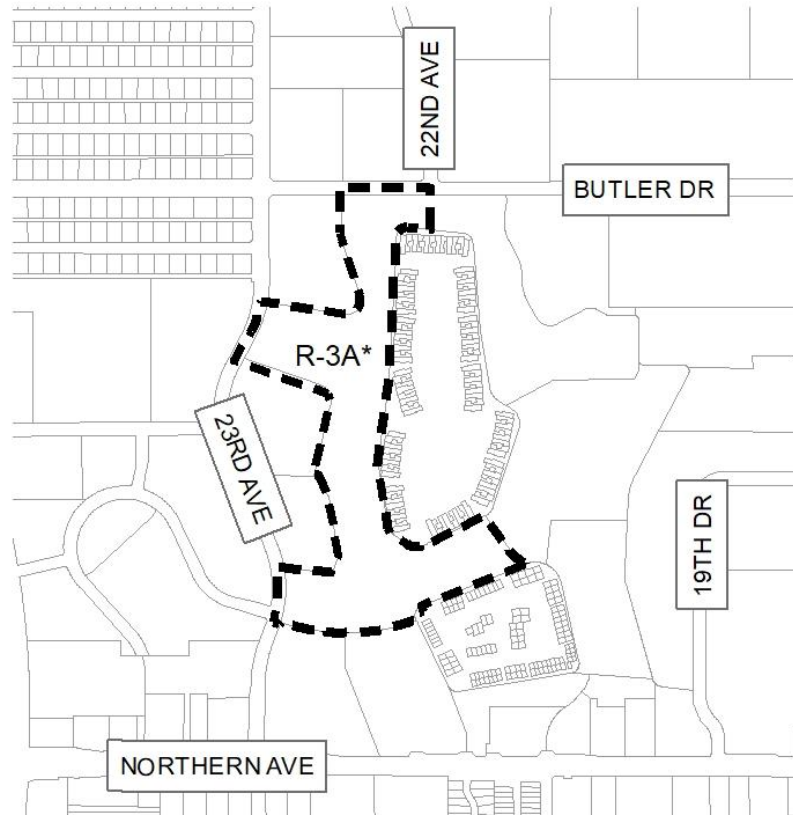
SAID PARCEL CONTAINS 842,886 SQUARE FEET, OR 19.350 ACRES, MORE OR LESS.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

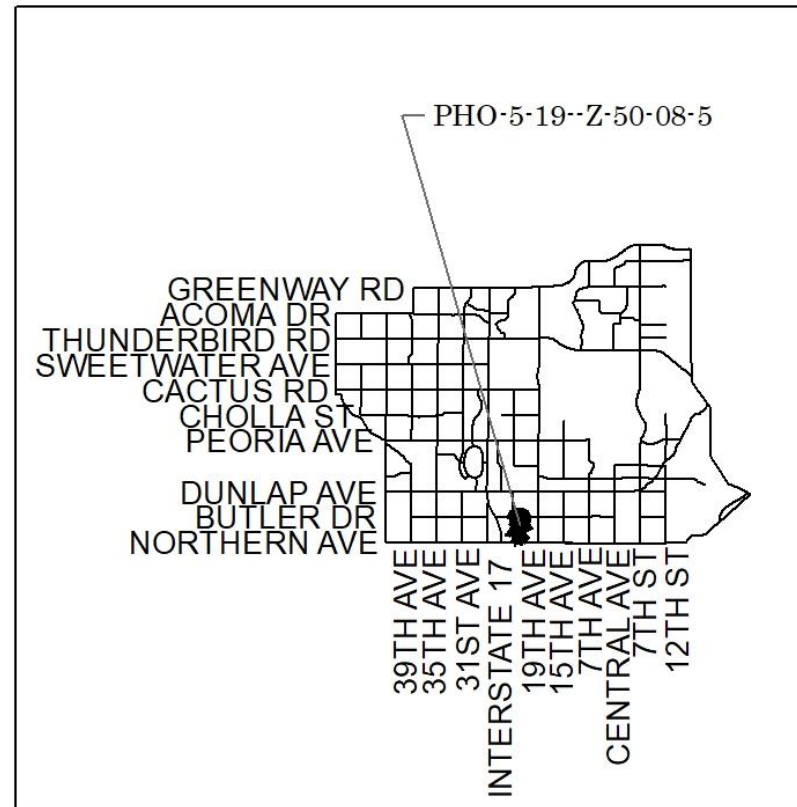


0 237.5475 950 Feet

Zoning Case Number: PHO-5-19-Z-50-08-5

Zoning Overlay: N/A

Planning Village: North Mountain



NOT TO SCALE



Drawn Date: 5/11/2020