

ATTACHMENT A

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ADOPTED ORDINANCE**

ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO
REZONING APPLICATION Z-104-23-8 PREVIOUSLY APPROVED BY
ORDINANCE G-7243.

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

SECTION 1. The zoning stipulations applicable located in the northeast corner of 36th Street and Beverly Road in a portion of the North half of Section 1, Township 2 South, Range 3 East, as described more specifically in Attachment "A", are hereby modified to read as set forth below.

STIPULATIONS:

Phoenix Zoning Ordinance:

1. Tracts "C", "H", "I", and "G", as generally depicted on the site plan date stamped January 17, 2024, shall be reserved for open space, as modified by the following stipulations, and approved by the Planning and Development Department.
2. The undisturbed hillside area (above 10% per the approved Slope Analysis) shall remain undisturbed and be dedicated with a preservation easement except for Lot 27 and development of private accessways as generally depicted on the site plan date stamped January 17, 2024, as approved by the Planning and Development Department.
3. The existing home on Lot 27 shall remain and any improvements to this lot shall be reviewed and approved through a Hillside/Grading and Drainage Plan by the Planning and Development Department.

4. A physical feature (such as retaining wall, rock wall, etc.) shall be provided along the west and south portions of Tract "J", as generally depicted on the site plan date stamped January 17, 2024, to protect the undisturbed hillside area, as approved by the Planning and Development Department.
5. A minimum of three distinct exterior accent materials for each required standard plan within the subdivision shall be provided, as approved by the Planning and Development Department.
6. If fencing is proposed along the perimeter of the site, the fencing shall be a minimum of 75% view fencing, except on Lots 1, 50, 51, 52 and 53 as depicted on the site plan date stamped January 17, 2024, as approved by the Planning and Development Department. Any perimeter fencing requirement adjacent to the Highline Canal is subject to review and approval of SRP.
7. All landscape setbacks shall be planted with minimum 2-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, with five 5-gallon shrubs per tree, as approved by the Planning and Development Department.
8. A minimum of 10% of the required shrubs, shall be milkweed or other native nectar species, and shall be planted in groups of three or more and maintained, as approved by the Planning and Development Department.
9. The sidewalk along 36th Street shall be a minimum of five feet in width and detached with a minimum five-foot wide landscape strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - b. Drought tolerant vegetation to achieve a minimum of 75 percent live coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment for installing the required plants.

10. Prior to preliminary plat approval, documentation shall be provided that demonstrates participation in the Environmental Protection Agency's WaterSense certification program, or an equivalent program, as approved by the Planning and Development and Water Services departments.
11. A WaterSense inspection report from a third-party verifier shall be submitted that demonstrates successful participation in the Environmental Protection Agency's WaterSense certification program, or an equivalent program, prior to certificate of occupancy, as approved by the Planning Development

Department.

12. In addition to the landscape materials listed in the Baseline Area Master Plan Plant List *Cercidium Hybrid* (Desert Museum Palo Verde), *Quercus Virginiana* (Live Oak), And *Pistacia X 'Red-Push* (Red Push Pistache), may be permitted as approved by Planning and Development Department and shall be utilized throughout the subdivision including the front, side, and rear yards of individual residential lots. This restriction shall be included in the Covenants, Conditions, and Restrictions for the subdivision.
13. Landscaping in common areas shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (Smart Controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
14. Pressure regulating sprinkler heads and drip lines shall be utilized in any turf areas to reduce water waste.
15. Natural turf shall only be utilized on individual single-family lots (behind the front yard); required retention areas (bottom of basin), and functional turf areas within common areas, as approved by the Planning and Development Department.
16. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low-Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.
17. Swimming pools on individual single-family lots shall be limited to 600 square feet in size.
18. A public connection to the existing 36th Way stub street shall be provided or the existing 36th Way right-of-way shall be terminated per the City of Phoenix termination standards, as required by the Street Transportation Department.
19. An enhanced connection shall be provided on the southern site boundary to allow for direct pedestrian access to the adjacent Highline Canal. The developer shall construct an 8-foot-wide shaded pedestrian pathway consisting of decorative material such as brick, pavers or alternative material providing at the entryway, as approved by the Planning and Development Department.
20. A sidewalk easement shall be dedicated over a clearly defined pedestrian pathway(s) providing a public connection through the site from the existing 36th Way access point on the northern site boundary to the Highline Canal and the adjacent wash/trail system, as approved by the Planning and Development Department.

21. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
22. All streets within and adjacent to the development shall be constructed 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.
23. The property owner shall record documents that discloses the existence, and operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
24. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I date 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.
25. 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.
26. 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.
27. Prior to final 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.
28. Bench seating shall be provided near the western pedestrian connections, located between Lots 39 and 50, as depicted on the site plan dated January 17, 2024, and as approved by the Planning and Development Department.
29. At least 50% of the residential homes abutting the canal (Lots 28 through 39, as depicted on the site plan dated January 17, 2024) shall be a maximum of one story or 15 feet in height, as approved by the Planning and Development Department.
30. The developer shall provide evidence of undertaking reasonable efforts to work with the adjacent homeowners association to the north, to close off the

former access drive east of “Groves at Baseline” subdivision by installing a solid 4-foot tall block wall with a 2-foot view fence atop, at the northeast corner of the site and at the driveway entrance along Baseline Road, with a locked access gate on the south end for maintenance as needed.

31. A Traffic Impact Analysis (TIA) shall be submitted to the City for this development. No preliminary approval of plans shall be granted until the analysis is reviewed and approved by the Street Transportation Department. The TIA shall include a signal warrant analysis for 36th Street and Baseline Road. If the approved TIA determines that a signal is warranted and is approved by the Street Transportation Department for installation, the developer shall be responsible for its proportionate share of the funding and construction of all recommendations of the analysis.
32. The subdivision shall have no more than 61 lots.
33. On-site lighting within open space areas shall be accomplished with low level, uniform light fixtures dispersed throughout the site with a lumen rating of 3,000 or less.
34. THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE RESIDENTIAL ELEVATIONS DATE STAMPED MAY 31, 2024, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. ~~The conceptual elevations for future development (new homes) shall be reviewed and approved, with specific regard to the Single Family Design Review Guidelines, by the Planning Hearing Officer through the public hearing process, including review by the South Mountain Village Planning Committee, for stipulation modification prior to preliminary site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and requirements will be determined by the Planning Hearing Officer, and the Planning and Development Department.~~
35. Any invasive plants shall not be allowed.
36. Native materials, or similar materials, shall be used for all exterior perimeter wall columns, as approved by the Planning and Development Department.

SECTION 2. Due to the site’s specific physical conditions and the use district granted pursuant to Ordinance G-7243 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-7243 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 26th day of August, 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 (2 Pages)

B - Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-24--Z-104-23-8

A portion of the North half of Section 1, Township 2 South, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the North quarter corner of said Section 1;

Thence along the West line of the Northeast quarter of said Section 1, South 00 degrees 31 minutes 29 seconds West a distance of 835.13 feet to the beginning of a non-tangent curve whose center bears North 89 degrees 28 minutes 44 seconds West a distance of 500.00 feet;

Thence along the arc of said non-tangent curve through a central angle of 16 degrees 47 minutes 26 seconds and an arc length of 146.52 feet to the Point of Beginning;

Thence South 72 degrees 41 minutes 18 seconds East a distance of 30.00 feet to a point on the Easterly right of way line of 36th Street;

Thence North 89 degrees 40 minutes 26 seconds East a distance of 527.92 feet;

Thence North 00 degrees 34 minutes 55 seconds East a distance of 332.04 feet;

Thence North 89 degrees 51 minutes 09 seconds East a distance of 464.64 feet to a point on the West property line of Blossom Hills, a subdivision, as recorded in Book 899 of Maps, Page 7, records of Maricopa County, Arizona;

Thence along said West line, South 00 degrees 31 minutes 34 seconds West a distance of 666.62 feet;

Thence North 89 degrees 58 minutes 24 seconds East a distance of 129.98 feet to a point on the arc of a non-tangent curve whose center bears South 62 degrees 11 minutes 27 seconds East a distance of 323.00 feet, also being a point on the Northerly right of way line of the Highline Canal, as recorded in Book 122 of Deeds, Pages 1 through 9, records of Maricopa County, Arizona;

This along said right of way line the following 6 courses:

Thence along the arc of said non-tangent curve through a central angle of 8 degrees 44 minutes 48 seconds and an arc length of 49.31 feet;

Thence South 20 degrees 21 minutes 00 seconds West a distance of 106.66 feet to the beginning of a tangent curve whose center bears North 69 degrees 39 minutes 00 seconds West a distance of 196.00 feet;

Thence along the arc of said tangent curve through a central angle of 58 degrees 41 minutes 25 seconds and an arc length of 200.77 feet;

Thence South 79 degrees 02 minutes 25 seconds West a distance of 360.91 feet to the beginning of a tangent curve whose center bears North 10 degrees 57 minutes 35 seconds West a distance of 158.18 feet;

Thence along the arc of said tangent curve through a central angle of 56 degrees 34 minutes 42 seconds and an arc length of 156.20 feet;

Thence North 44 degrees 22 minutes 53 seconds West a distance of 175.81 feet to the beginning of a tangent curve whose center bears South 45 degrees 37 minutes 07 seconds West a distance of 226.18 feet;

Thence along the arc of said tangent curve through a central angle of 44 degrees 41 minutes 46 seconds and an arc length of 176.42 feet;

Thence North 00 degrees 21 minutes 29 seconds East a distance of 275.90 feet;
Thence South 89 degrees 38 minutes 07 seconds West a distance of 225.88 feet;
Thence North 52 degrees 23 minutes 55 seconds West a distance of 30.00 feet to a point on the arc of a non-tangent curve whose center bears North 52 degrees 23 minutes 55 seconds West a distance of 500.00 feet;

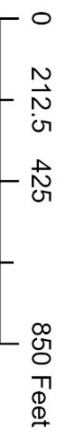
Thence along the arc of said non-tangent curve through a central angle of 20 degrees 17 minutes 22 seconds and an arc length of 177.06 feet to the Point of Beginning.

Note: The above described parcel contains 716,390 square feet or 16.4461 acres, more or less.

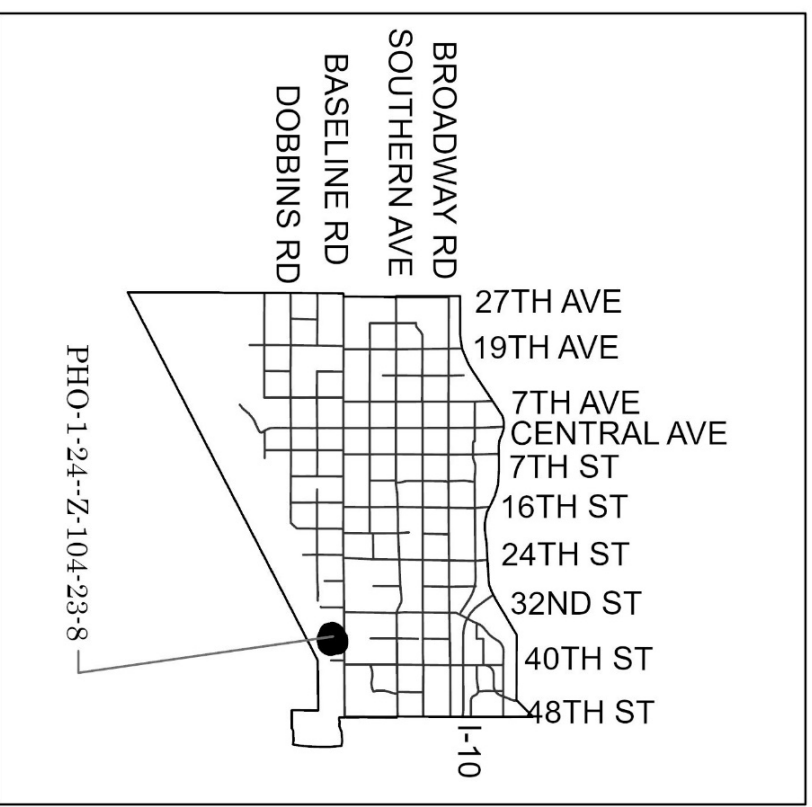
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: - - - - -



Zoning Case Number: PHO-1-24--Z-104-23-8
Zoning Overlay: Baseline Area Plan and Overlay District
Planning Village: South Mountain



NOT TO SCALE



Drawn Date: 7/23/2024