

## 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-8-21-8 PREVIOUSLY APPROVED BY  
ORDINANCE G-6872.

\_\_\_\_\_

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

SECTION 1. The zoning stipulations applicable located approximately  
910 feet north of the northwest corner of 36th Street and Southern Avenue in a  
portion of Section 25, Township 1 North, Range 3 East, as described more  
specifically in Attachment "A", are hereby modified to read as set forth below.

#### STIPULATIONS:

1. Building elevations shall be developed to the following standards, as approved  
by the Planning and Development Department:
  - a. Building elevations shall contain multiple colors, exterior accent materials  
and textural changes that exhibit quality and durability such as brick,  
stone, colored textured concrete, or stucco, to provide a decorative and  
aesthetic treatment, as approved by the Planning and Development  
Department.
  - b. Building elevations adjacent and oriented to public streets and the public  
park, shall contain a minimum of 25 percent brick, masonry, stone, or  
another exterior accent material that exhibits quality and durability.
  - c. All building elevations shall contain architectural embellishments and  
detailing such as textural changes, pilasters, offsets, recesses, variation in  
window size and location, pitched roofs and/or overhang canopies, as

approved by the Planning and Development Department.

2. Building height shall be limited to two stories and 30 feet.
3. There shall be no balconies on the upper floors of residential dwellings adjacent or oriented toward single-family residential homes not part of this development.
4. The required landscape setbacks shall be planted to the following standards, as described below and as approved or modified by the Planning and Development Department:
  - a. Large canopy evergreen trees 20 feet on center, or in equivalent groupings, shall be planted where residential units are adjacent or oriented towards single-family residential homes not a part of this development.
  - b. Large canopy drought-tolerant trees 20 feet on center, or in equivalent groupings, shall be utilized unless otherwise stated.
  - c. 50 percent 2-inch caliper, 40 percent 3-inch caliper and 10 percent 4-inch caliper trees shall be utilized.
  - d. Five 5-gallon shrubs per tree, and additional shrubs or live groundcover, shall provide minimum 75 percent live cover 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.

5. The development shall be limited to a maximum density of 192 dwelling units.
6. The development shall provide a primary and secondary vehicular access to the site along 36th Street. The secondary access point may serve as vehicular ingress and egress, or limited to vehicular egress and emergency access only, as approved or modified by the Planning and Development Department.
- ~~7. Individual dwelling units adjacent to 36th Street and Esteban Park shall provide an entryway that is either elevated, depressed or includes a feature such as a low wall not exceeding 40 inches in height to accentuate the primary entrance, plus oriented towards the public street or public park, as approved by the Planning and Development Department.~~
7. The primary entrance to the development from 36th Street shall include the following elements, as approved by the Planning and Development Department.
8.
  - a. Pedestrian pathways connecting the interior of the development to the public sidewalks along both sides of the vehicular entryway into the

development.

- b. The pedestrian pathways shall be detached from the primary vehicular entryway with a minimum 5-foot-wide landscaped accent area provided on both sides of the entryway in the development. The landscape accent areas shall provide a visually unique character with drought-tolerant plant materials providing seasonal interest and 75 percent live cover.
  - c. A median island of no less than 5 feet in which shall be located centrally within the vehicular entryway into the development and accented by a minimum of three drought-tolerant trees, and drought-tolerant ornamental, flowering shrubs to provide a minimum 75 percent live cover. Twenty five percent of the required live cover may be ground cover plants.
  - d. The driveway surface shall be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces, as approved by the Planning and Development Department.
8. Perimeter walls adjacent to the public park shall be limited to open view  
~~9.~~ fencing or a combination of maximum three feet of solid masonry topped by open view fencing, as approved by the Planning and Development Department.
9. All perimeter walls visible from a public street shall include material and  
~~10.~~ textural differences, such as stucco and/or split face block with a decorative element, such as COLUMNS, COLOR ACCENTS, tile or stamped designs, as approved by the Planning and Development Department.
10. The development shall include the following amenities and elements at a  
~~11.~~ minimum, distributed between the open space area(s) throughout the site, as approved by the Planning and Development Department:
- a. Swimming pool.
  - ~~b.~~ Clubhouse.
  - b. Two picnic areas, each with one barbecue grill, shade ramada and a  
~~c.~~ picnic table.
  - c. Five benches distributed throughout the development, including one  
~~d.~~ bench located within close proximity to 36th Street.
  - d. Turf area(s) of no less than a combined 1,000 square feet.  
~~e.~~
  - e. Community garden area(s) of no less than a combined 1,000 square feet  
~~f.~~ that will each include a garden tool library, irrigation, and one bench or seating feature.

11. Open space areas shall have a minimum 50 percent shade USING
- ~~12.~~ ARCHITECTURAL SHADE AND/OR SHADE TREES AT FULL MATURITY, including amenity and seating areas, and a minimum of 50 percent live vegetative cover (shrubs, grasses, or groundcover plants), as approved by the Planning and Development Department.
12. Pedestrian paths shall be shaded to a minimum of 75 percent using
- ~~13.~~ architectural shade and/or shade trees at full maturity, as approved by the Planning and Development Department.
13. The developer shall provide a system of pedestrian thoroughfares, as
- ~~14.~~ described below and as approved or modified by the Planning and Development Department:
  - ~~a.~~ Direct connection to the sidewalk along 36th Street for individual dwelling units adjacent to this street.
  - a. The developer shall provide a minimum of two pedestrian paths
  - ~~b.~~ connecting to the sidewalk along 36th Street, exclusive of pedestrian connections along vehicular entryways.
  - b. Illuminated by pedestrian scale lighting per Section 1304(H)5 for a
  - ~~c.~~ pathway connecting 36th Street along the primary entrance, passing through a central amenity area, and terminating at the west property line.
  - c. Where pedestrian paths and vehicular crossings exist, the pathway shall
  - ~~d.~~ be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces. Vehicular crossings shall be kept to a minimum.
  - d. Connections to/between:
  - ~~e.~~
    - (1) All residential dwellings.
    - (2) All amenity facilities and active open space areas.
    - (3) The sidewalk along 36th Street.
15. ~~The development shall provide a minimum 1,000 square foot publicly accessible pedestrian seating node and amenity area along the most northern portion of the development adjacent to the western edge of 36th Street (future cul-de-sac portion) to include the following elements at a minimum, as approved by the Planning and Development Department:~~
  - ~~a.~~ Two benches or seating features.
  - ~~b.~~ Bicycle repair station ("fix it station") provided and maintained in an area

~~of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include standard repair tools affixed to the station; a tire gauge and pump affixed to the base of the station or the ground; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.~~

~~e. Amenity area that includes either/or combination of a community garden, art feature, nature walk, natural features such as boulders or fountains, or other uniquely identifying features.~~

~~d. A landscape accent area, exclusive of perimeter landscaping and right-of-way, planted and maintained with at least three plant materials including a series of annuals that will each maintain a constant bloom throughout the year.~~

14. The public sidewalk along 36th Street shall be detached with a minimum five-foot wide landscaped 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 3-inch caliper large canopy, single-trunk, shade trees planted a minimum of 25 feet on center or in equivalent groupings to provide shade to a minimum 75 percent of the sidewalk.

b. Drought tolerant vegetation designed to grow to a maximum mature height of 24 inches and achieve 75 percent live coverage.

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

15. A minimum of four bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near THE AMENTIES AREA ~~each vehicular point of ingress or egress~~ and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K or the Comprehensive Bicycle Master Plan.

16. The developer shall provide traffic calming measures at all vehicular points of ingress/egress to slow vehicles departing the development and crossing the public sidewalks, as approved by the Planning and Development Department.

17. The developer shall dedicate a minimum of 5 feet of right-of-way for a total 30-foot half-street right-of-way, and construct the west half of 36th Street, as approved by the Planning and Development Department.

18. The developer shall DEDICATE A 50-FOOT RADIUS RIGHT-OF-WAY AND CONSTRUCT A ~~complete the 50-foot~~ 45-FOOT radius cul-de-sac ~~termination~~ at THE NORTHERN TERMINATION OF 36th Street, as approved by the

Planning and Development Department.

19. Existing irrigation facilities along 36th Street are to be undergrounded and/or  
~~24.~~ relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish appropriate process to relocate facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
20. The developer shall construct all streets within and adjacent to the  
~~22.~~ 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.
21. The developer shall record a Notice of Prospective Purchasers of Proximity to  
~~23.~~ Airport in order to disclose the existence and operational characteristics of the property.
22. The developer shall grant and record an avigation easement to the City of  
~~24.~~ Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
23. In the event archeological materials are encountered during construction, the  
~~25.~~ developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discover, notify the City Archeologist, and allow time for the Archeology Office to properly assess the materials.
24. A MINIMUM OF ONE DIRECT PEDESTRIAN ACCESSWAY TO ESTEBAN PARK SHALL BE PROVIDED ALONG THE NORTHWEST PERIMETER OF THE SITE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
25. BUILDING ELEVATIONS SHALL BE PRESENTED FOR REVIEW AND COMMENT TO THE SOUTH MOUNTAIN VILLAGE PLANNING COMMITTEE PRIOR TO FINAL SITE PLAN APPROVAL.
26. 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-6872 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6872 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.

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MAYOR

ATTEST:

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Denise Archibald, City Clerk

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

By:

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REVIEWED BY:

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Jeffrey Barton, City Manager

Exhibits:

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

DRAFT



EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-24--Z-8-21-8

PARCEL 1:

TRACT "G", A SUBDIVISION OF LOTS 48-60-61 BARTLETT-HEARD LANDS, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 14 OF MAPS, PAGE 34;

EXCEPTING THE EAST 25 FEET THEREOF AS SHOWN IN THE NOTE ON THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 14 OF MAPS, PAGE 34.

PARCEL 2:

THE NORTH 4.11 ACRES OF THE SOUTH 9.11 ACRES OF TRACT "E" OF A SUBDIVISION OF LOTS 48-60-61 BARTLETT-HEARD LANDS, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 14 OF MAPS, PAGE 34.

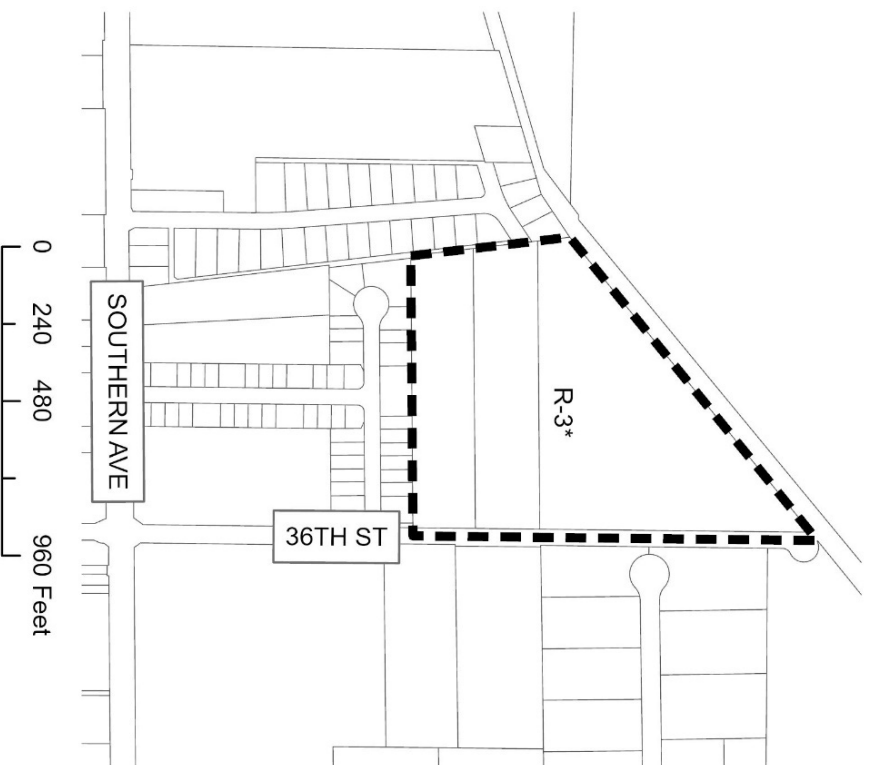
PARCEL 3:

THE NORTH 4.11 ACRES OF TRACT "E" OF THE SUBDIVISION OF LOTS 48-60-61 BARTLETT-HEARD LANDS, ACCORDING TO THE PLAT OF RECORD RECORDED IN BOOK 14 OF MAPS, PAGE 34, RECORDS OF MARICOPA COUNTY, ARIZONA; EXCEPT ANY PORTION LYING WITHIN THE SOUTH 9.11 ACRES OF SAID TRACT "E".

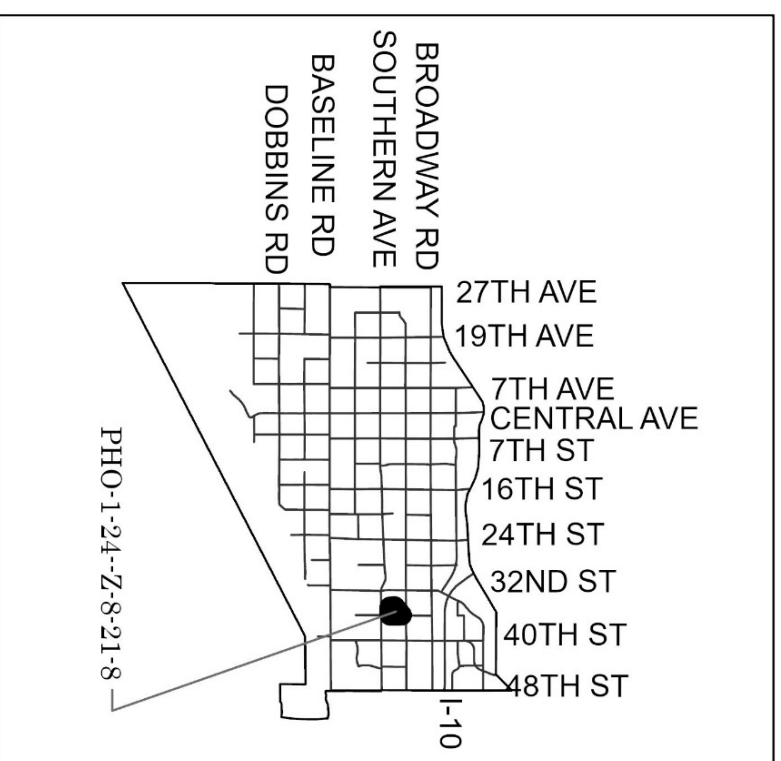
# ORDINANCE LOCATION MAP

EXHIBIT B

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



Zoning Case Number: PHO-1-24--Z-8-21-8  
Zoning Overlay: N/A  
Planning Village: South Mountain



NOT TO SCALE



Drawn Date: 7/26/2024