

## 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-165-06-7(8) PREVIOUSLY APPROVED BY  
ORDINANCE G-5020.

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

SECTION 1. The zoning stipulations applicable located at the northwest  
corner of 35th Avenue and Carver Road in a portion of Section 10, Township 1 South,  
Range 2 East, as described more specifically in Attachment "A", are hereby modified to  
read as set forth below.

#### STIPULATIONS:

##### General

1. ~~That development shall be in general conformance with the site plan date stamped October 8, 2007, and elevations date stamped February 20, 2007, as modified by the following stipulations, and as approved by the Development Services Department.~~
1. THE R1-8 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED ~~NOVEMBER 21, 2019~~ MAY 26, 2020, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, AND WITH SPECIFIC REGARD TO THE FOLLOWING:
  - A. THE DEVELOPER SHALL PROVIDE A PRIMARY ROADWAY FROM 35TH AVENUE EXTENDED TO THE WESTERN PROPERTY BOUNDARY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

- B. THE PRIMARY ROADWAY CONNECTING 35TH AVENUE TO THE WESTERN EDGE OF THE PROPERTY LINE SHALL TERMINATE AS A STUB STREET TO THE ADJACENT UNDEVELOPED LAND TO THE WEST TO PROVIDE FOR A FUTURE VEHICULAR CONNECTION.
2. CONCEPTUAL ELEVATIONS FOR THE R1-8 DEVELOPMENT SHALL BE REVIEWED AND APPROVED BY THE PLANNING HEARING OFFICER THROUGH THE PUBLIC HEARING PROCESS FOR STIPULATION MODIFICATION PRIOR TO PRELIMINARY SITE PLAN APPROVAL. THIS IS A LEGISLATIVE REVIEW FOR CONCEPTUAL PURPOSES ONLY. SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS MAY BE DETERMINED BY THE PLANNING HEARING OFFICER AND THE PLANNING AND DEVELOPMENT DEPARTMENT.
  3. THE R1-18 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED OCTOBER 8, 2007, AND ELEVATIONS DATE STAMPED FEBRUARY 20, 2007, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
  4. ~~That d~~Development of the R1-18 portion of the site shall not exceed 22 lots.
  5. ~~That d~~Development of the R1-8 portion of the site shall not exceed a density of ~~99~~ 63 lots.
  6. THE R1-8 DEVELOPMENT SHALL PROVIDE A MINIMUM OF 26% OPEN SPACE, OF WHICH A MINIMUM OF ~~12%~~ 8% SHALL BE USABLE OPEN SPACE, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

#### Site Design

7. ~~That u~~Unobstructed pedestrian access (for the purpose of private pedestrian connectivity internal to the site) between the R1-18 and R1-8 portions of the site shall be provided, as approved by the PLANNING AND Development ~~Services~~ Department.
8. ~~That n~~No solid wall in excess of three feet in height as measured from the finished grade, shall be located on the site (either in private lots or common tracts) except that solid walls greater than three feet in height shall be allowed for the following purposes, as approved by the PLANNING AND Development ~~Services~~ Department.
  - a. Walls utilized to screen utilities, trash enclosures, or other facilities generally considered to be visually obtrusive.
  - b. Retaining wall.

9. ~~That n~~No more than 60,000 square feet of natural turf area shall be located  
6. within the common areas of the R1-8 portion of the site (this requirement does  
not apply to synthetic turf); if provided, common area natural turf should be  
centrally located and grouped so as to create one contiguous natural turf  
recreation area, as approved by the PLANNING AND Development ~~Services~~  
Department.
10. ~~That a 235-foot (average), 200-foot (minimum)~~ THE DEVELOPMENT SHALL  
7. PROVIDE A MINIMUM 100 FOOT landscaped setback ALONG THE EAST  
PROPERTY LINE ~~adjacent to 35th Avenue shall be provided~~, as approved by  
the PLANNING AND Development ~~Services~~ Department.
11. ~~That a~~ A 50-foot (minimum) landscaped setback adjacent to Carver Road (final  
8. alignment) shall be provided, as approved by the PLANNING AND Development  
~~Services~~ Department.
12. ~~That t~~Those portions of spider and jeep trails which are not part of the approved  
9. grading envelopes, access drives, or other necessary site disturbance related to  
the proposed development of the R1-8 portion of the site shall be re-vegetated in  
a manner consistent with adjacent undisturbed vegetation, as approved by the  
PLANNING AND Development ~~Services~~ Department.

#### Disclosures

13. ~~That p~~Prior to final site plan approval, the property owner shall record documents  
10. that disclose to tenants of the site or purchasers of property within the site, the  
existence, proximity, and operational characteristics of active agricultural uses  
and non-domesticated animal keeping. 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.
14. THAT PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER  
SHALL RECORD DOCUMENTS THAT DISCLOSE TO TENANTS OF THE SITE  
OR PURCHASERS OF PROPERTY WITHIN THE SITE, THE EXISTENCE,  
PROXIMITY, AND OPERATIONAL CHARACTERISTICS OF ACTIVE AVIATION  
USES IN THE HANGAR HACIENDAS UNITS ONE, TWO, AND THREE  
SUBDIVISIONS LOCATED APPROXIMATELY 2,300 FEET TO THE EAST OF  
THE SUBJECT PROPERTY IN MARICOPA COUNTY. 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.

#### Parks and Recreation

15. ~~That t~~The developer shall dedicate a multi-use trail easement and construct a  
14. multi-use trail, per adopted standards, along the north side of Carver Road, as  
approved by the Parks and Recreation Department.

#### Archaeology

16. ~~That~~ The applicant shall complete an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, or grading.
17. IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA 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.
18. 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.
19. 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.

#### Street Transportation

20. ~~That~~ Right-of-way totaling 55 feet shall be dedicated for the west half of 35th Avenue, as approved by the Street Transportation Department. 35th Avenue shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.
21. ~~That~~ Right-of-way totaling 55 feet shall be dedicated for the west half of Carver Road, as approved by the Street Transportation Department. Carver Road shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.
22. THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR 35TH AVENUE AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
23. THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR CARVER ROAD AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
24. ~~That a~~ A traffic impact study shall be submitted to, and approved by, the Street Transportation Department prior to PLANNING AND Development Services

Department preliminary site plan approval. That all right-of-way dedications and associated infrastructure improvements as recommended by the traffic impact study shall be installed by the developer, as approved by the PLANNING AND Development Services Department.

25. ~~That~~ The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals, as modified by these stipulations, and as approved by the Street Transportation Department. All improvements shall comply with all AmericanS with Disabilities Act accessibility standards.
46. ~~That~~ The applicant shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation Improvement Program. This form is a requirement of the Environmental Protection Agency to meet clean air quality requirements.
26. ~~That~~ Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims utilizing the provided template. The waiver shall be recorded with the Maricopa County Recorder's Office and a copy shall be provided to the PLANNING AND Development Services Department for the case files.
48. ~~That approval shall be conditional upon the development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of the building walls on site.~~

#### Neighborhood

28. ~~That~~ Building pad cuts shall be terraced if more than 6 feet in height and treated with a stain, gunnite, or equivalent finish, as approved by the PLANNING AND Development Services Department.
20. ~~That~~ All two story homes, within the R1-18 portion of the site, shall be designed in a manner such that the square footage of the second story floor area does not exceed 66 percent of the first story floor area, as approved by the PLANNING AND Development Services Department.
29. ~~That~~ Concrete channels shall be designed to look natural in the desert setting through color, texture, landscaping, or other means, as approved by the PLANNING AND Development Services Department.
30. ~~That~~ The use of riprap and engineered culverts shall be minimized and, where utilized, shall be integrated with the desert setting through color, texture, soil plating, landscaping, or other means, as approved by the PLANNING AND Development Services Department. To the extent possible, culverts shall be undersized to allow minor flows (10 cfs or smaller) to cross roadways in their natural condition.
22. ~~That~~
23. ~~That~~

32. ~~That w~~Washes with a one-hundred-year peak flow of 200 cfs or greater shall be  
24. preserved and enhanced with native vegetation as described in Appendix A,  
Approved Plant Species List for Sonoran Preserve Edge Treatment Guidelines,  
as approved by the PLANNING AND Development ~~Services~~ Department.
33. ~~That H~~Lots with 2 or more sides abutting undisturbed open space shall be  
25. designed with obtuse angles, rather than right angles or acute angles, as  
approved by the PLANNING AND Development ~~Services~~ Department.
34. ~~That e~~On non-hillside lots within the R1-18 portion of the development, all  
26. improvements, including driveways, landscaping, and underground utilities shall  
be located within a building envelope occupying no more than 50 percent of the  
lot up to a maximum of 20,000 square feet, whichever is less, as approved by  
the PLANNING AND Development ~~Services~~ Department.
35. ~~That a~~ A minimum of three terraced berms with 2:1 fill slopes shall be installed  
27. along the full length of the quarry cut slope base. The terraces shall BE LIMITED  
TO A MAXIMUM HEIGHT OF ~~be~~ 8 feet tall, ~~minimum,~~ and shall be PLANTED  
~~plated~~ with a staggered combination of 2-inch and 4-inch caliper, drought  
resistant, deciduous trees at 25 feet ON center OR IN EQUIVALENT  
GROUPINGS ~~to center,~~ as approved OR MODIFIED by the PLANNING AND  
Development ~~Services~~ Department.

THE DEVELOPER MAY ALSO IMPLEMENT ALTERNATIVE SOLUTIONS FOR  
THE NATURALIZING AND BLENDING OF THE QUARRY CUT SLOPE WITH  
THE ADJACENT UNDISTURBED HILLSIDE AREA, AS APPROVED OR  
MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

36. ~~That s~~Solid block walls, except for retaining walls or privacy fencing on individual  
28. lots, shall not be constructed outside of the building envelopes for the R1-18  
portion of the site, as approved by the PLANNING AND Development ~~Services~~  
Department. Fencing constructed outside of the building envelope shall be  
combination solid/view fencing. In addition, all fencing above the 15 percent  
slope line shall be 100 percent view fencing.
37. ~~That t~~The entire 60-acre site shall have no perimeter fencing, as approved by the  
29. PLANNING AND Development ~~Services~~ Department.
38. ~~That p~~Private roadways within the R1-18 portion of the site shall be provided with  
30. ribbon curbs and colored asphalt, as approved by the PLANNING AND  
Development ~~Services~~ Department.
39. ~~That private roadways within the R1-8 portion of the site shall be provided with a~~  
31. ~~raised, vertical curb, as approved by the Development Services Department.~~
40. ~~That a~~All HVAC units shall be ground mounted.  
32.

41. ~~That a~~ All street lighting and wall mounted security fixtures shall be full cut off lighting. Fixture height shall be a maximum of 12 feet. Street lighting fixtures shall be decorative and have a consistent architectural theme, as approved by the PLANNING AND Development ~~Services~~ Department.
42. ~~That b~~ Bollards shall be used for accent lighting at the primary access, entry monument, driveways, and trail crossings, as approved by the PLANNING AND Development ~~Services~~ Department. Photovoltaic energy sources for bollard lighting shall be provided.
43. ~~That a~~ Any request to delete or modify these stipulations SHALL be preceded by A presentation to the Laveen Village Planning Committee (VPC) for review and recommendation, and notification to the following persons two weeks prior to presentation at the VPC:
- a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
  - b. Cyd Manning, P.O. Box 41234, Mesa, 85274
  - c. Judy Brown, P.O. Box 41234, Mesa, 85274
  - d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
  - e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
  - f. Phil Hertel, ~~2300~~ 2845 West Broadway Road, Phoenix, 85041
  - g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339
44. ~~That t~~ The following individuals shall be notified of any and all PLANNING AND Development ~~Services~~ Department (~~DSD~~) meetings which are open to the public. The applicant shall be responsible for notification to the following via a first-class letter to be mailed at least two weeks prior to the ~~DSD~~ meeting(s):
- a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
  - b. Cyd Manning, P.O. Box 41234, Mesa, 85274
  - c. Judy Brown, P.O. Box 41234, Mesa, 85274
  - d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
  - e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
  - f. Phil Hertel, ~~2300~~ 2845 West Broadway Road, Phoenix, 85041
  - g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339
45. ~~That a~~ All sidewalks, within the R1-8 portion of the site, WHICH ARE DEVELOPED ALONG STREETS DEVELOPED AS PUBLIC STREETS OR

PRIVATE ACCESSWAYS shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted ~~a minimum rate of 20 feet~~ on center or IN equivalent groupings along both sides of the sidewalk, as approved OR MODIFIED by the PLANNING AND Development Services Department. The landscape strip shall be installed by the developer and maintained by the homeowners' association.

~~46.~~ ~~38.~~ That ~~a~~A mix of two and three-inch caliper trees shall be provided within all required common open space tracts. With the exception of the open space area adjacent to 35th Avenue, the species of trees provided shall shade 50 percent of the area of the open space at tree maturity, as approved by the PLANNING AND Development Services Department.

~~47.~~ ~~39.~~ That ~~only one-story homes shall be located along 35th Avenue.~~

LOTS ~~52-61 AND 82-83~~ 1-7, LOCATED ALONG 35TH AVENUE AND AS DEPICTED ON THE SITE PLAN DATE STAMPED ~~NOVEMBER 21, 2019~~ MAY 26, 2020, ARE LIMITED TO A MAXIMUM BUILDING HEIGHT OF 20 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

~~48.~~ ~~40.~~ That ~~a~~A detailed site plan, landscaping plan, elevations, perimeter fence or wall plan, lighting plan, and entry monument signage shall be reviewed by the Laveen Village Planning Committee prior to preliminary site plan approval by the PLANNING AND Development Services Department.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-5020, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-5020 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 24th day of June, 2020.

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MAYOR

ATTEST:

\_\_\_\_\_ City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_ City Attorney

REVIEWED BY:

\_\_\_\_\_ City Manager

Exhibits:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-19-- Z-165-06-7(8)

The West half of the South half of the Southeast quarter together with the South half of the Southeast quarter of the Southeast quarter of Section 10, Township 1 South, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

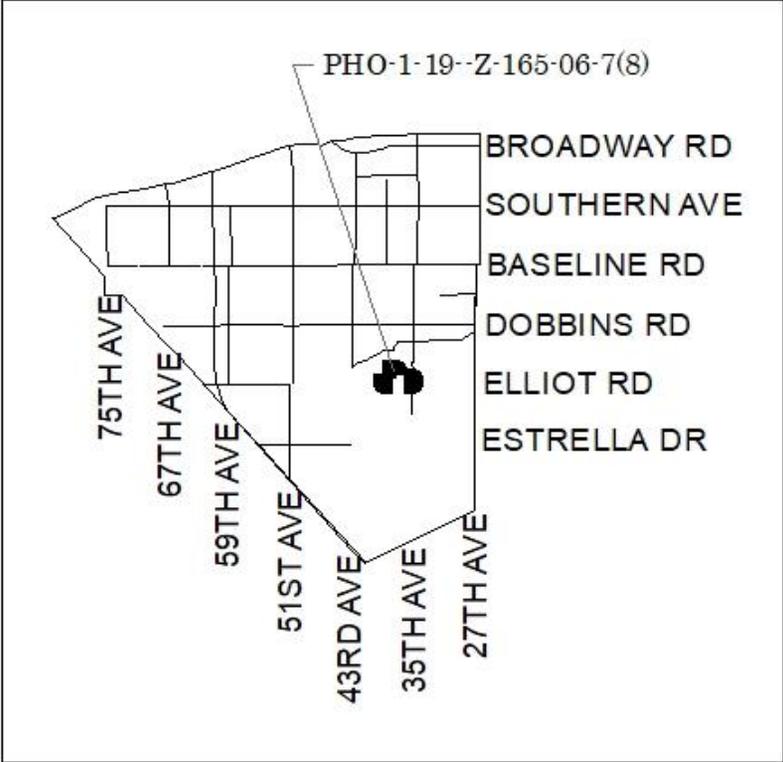
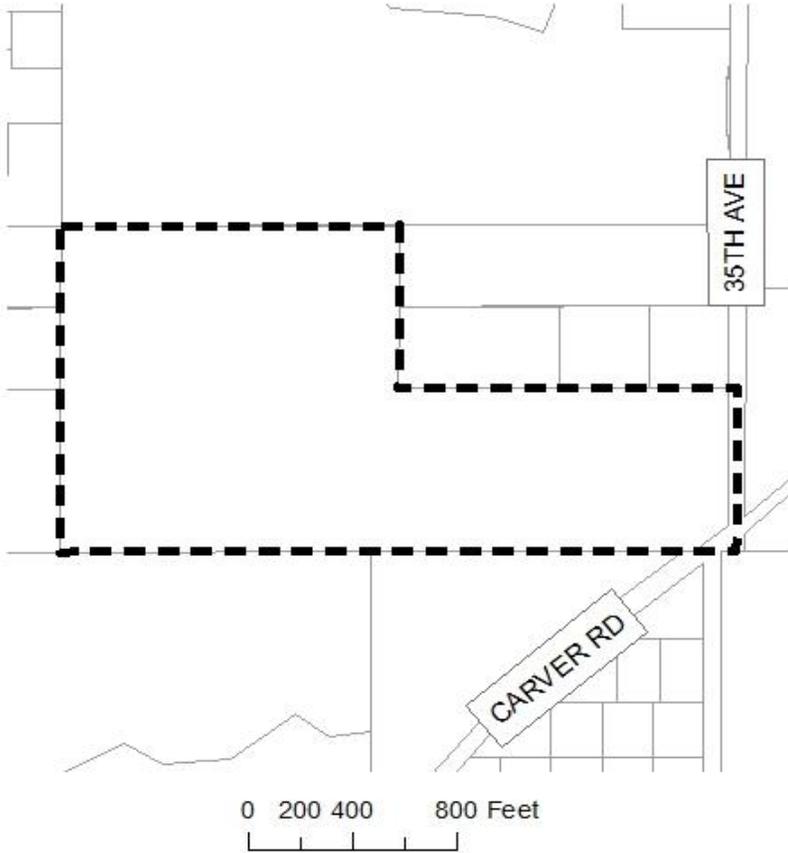
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# ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: PHO-1-19-Z-165-06-7(8)  
Zoning Overlay: N/A  
Planning Village: Laveen



NOT TO SCALE



Drawn Date: 4/3/2020