

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-14-19-8 PREVIOUSLY APPROVED BY
ORDINANCE G-6883.

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

SECTION 1. The zoning stipulations applicable located approximately
776 feet north of the northeast corner of 59th Avenue and Elliot Road in a portion of
Section 8, Township 1 South, Range 2 East, as described more specifically in
Attachment "A", are hereby modified to read as set forth below.

STIPULATIONS:

1. The conceptual site plan, landscape plan, lighting plan and building elevations for the commercial (C-1) portion of the site shall be reviewed and approved by the Planning Hearing Officer through the public hearing process prior to preliminary site plan approval.
2. The development shall be in general conformance with the site plan and elevation date stamped April 19, 2021, as approved by the Planning and Development Department, and as modified by the following criteria:
 - a. The front elevations shall consist of a minimum of 10% non-stucco accent material.
 - b. The development shall provide gated access.
 - c. The development shall have a maximum of 264 units.

3. A shared-use path shall be provided along the east side of 59th Avenue in accordance with the City of Phoenix standard trail detail and as approved, modified, and required by the Parks and Recreation and Planning and Development Departments.
4. A 30-foot minimum landscape setback shall be provided along 59th Avenue and along Elliott Road, as approved by the Planning and Development Department.
5. The developer shall provide a minimum of 10% open space, as approved by the Planning and Development Department.
6. The developer shall install a minimum of 20 inverted U-bicycle racks for guests, installed per the requirement of Section 1307.H.4 of the Zoning Ordinance, as approved by the Planning and Development Department.
- ~~7. A pedestrian connection shall be provided between the R-3 and C-1 portions of the site, as approved by the Planning and Development Department.~~
7. 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.
- ~~8.~~ 8. The applicant shall submit a Traffic Impact Study to the City for this development. The conclusions of the study will be used to determine the required roadway and traffic improvements to be provided by the developer. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact Mr. Matthew Wilson (602-262-7580) to set up a meeting to discuss the requirements of the study. The Traffic Impact Study shall also be submitted to the Arizona Department of Transportation for review and approval.
- ~~9.~~ 9. The developer shall provide for a 55-foot half street right-of-way dedication for the east side of 59th Avenue for the entire length of property, extending to Elliot Road. This shall include 37 feet of paving for the east half of 59th Avenue.
- ~~10.~~ 10. The developer shall provide for a 55-foot half street right-of-way dedication on the north side of Elliot Road from 59th Avenue to the existing residential development to the east. Include 37 feet of paving for the north half of Elliot Road and additional improvements, as approved by the Planning and Development Department.
- ~~11.~~ 11. The developer shall provide for a 25-foot by 25-foot right-of-way triangle dedication at the northeast of the 59th Avenue and Elliot Road intersection.
- ~~12.~~ 12. Open irrigation facilities are to be relocated and piped outside of the right-of-way. Contact Salt River Project to identify existing land rights and establish an

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.

13. The developer shall underground existing overhead electrical utilities within
14. the public right-of-way that are impacted or to be relocated as part of this project, as approved by the Planning and Development Department.
14. The developer shall construct all streets within and adjacent to the
15. development with paving, curb, gutter, 5-foot sidewalk, curb ramps, streetlights, landscaping, and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with the current ADA Guidelines.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6883 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6883 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 June, 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-2-24--Z-14-19-8

The Land referred to herein below is situated in the County of Maricopa, State of Arizona, and is described as follows:

Located in the Southwest Quarter of Section 8, Township 1 South, Range 2 East, Gila and Salt River Meridian, Maricopa County, Arizona. Described as follows:

Commencing at the Southwest corner of said Section 8;

Thence North 00°14'04" East, along the West line of said Southwest Quarter, a distance of 780.01 feet to the Point of Beginning;

Thence continuing along said West line, North 00°14'04" East along said line, a distance of 394.00 feet;

Thence departing said West line, South 89°58'16" East, a distance of 1,311.22 feet;

Thence South 00°18'53" West, a distance of 921.01 feet;

Thence North 89°58'16" West, a distance of 904.93 feet;

Thence North 00°14'04" East, a distance of 527.00 feet;

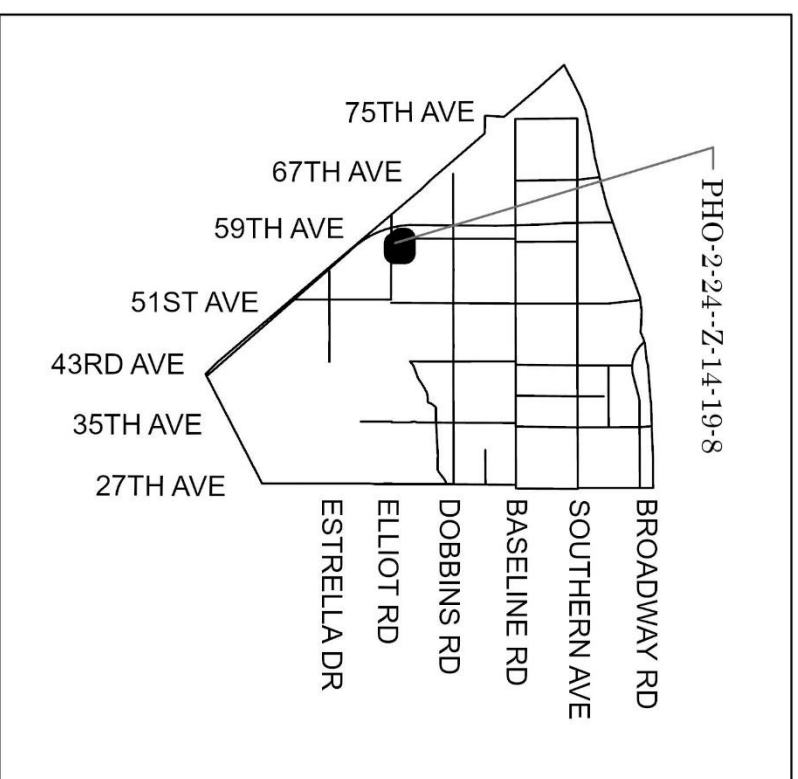
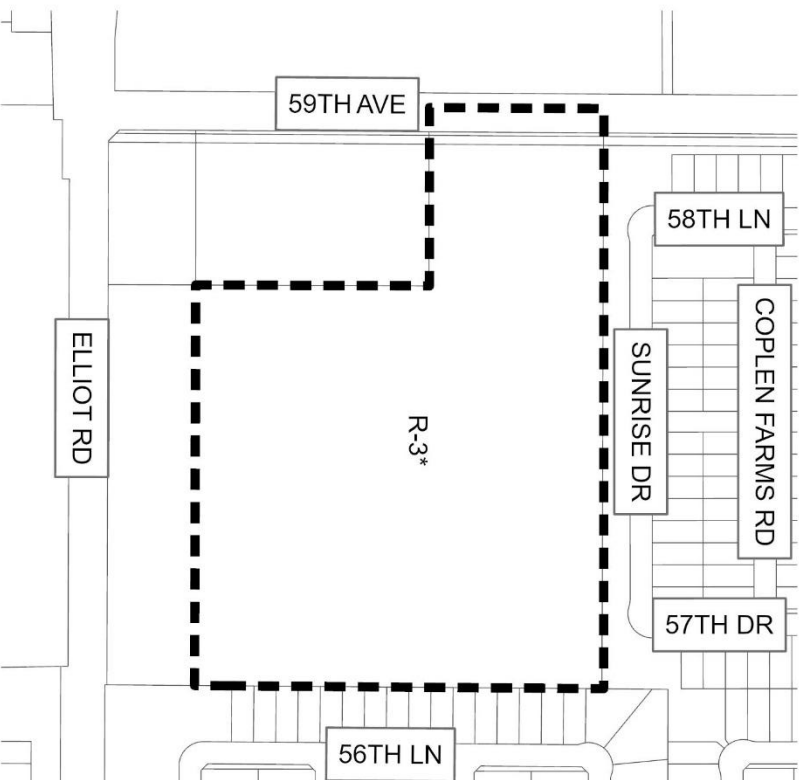
Thence North 89°58'16" West, a distance of 405.00 feet to the Point of Beginning.

Containing 993,604.24 square feet or 22.81 acres, more or less.

ORDINANCE LOCATION MAP

EXHIBIT B

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



Zoning Case Number: PHO-2-24--Z-14-19-8
Zoning Overlay: N/A
Planning Village: Laveen

NOT TO SCALE



Drawn Date: 4/18/2024