

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-47-19-7 PREVIOUSLY APPROVED BY
ORDINANCE G-6659.

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

SECTION 1. The zoning stipulations applicable located approximately
800 feet south of the southwest corner of 59th Avenue and Baseline Road in a
portion of Section 6, Township 1 South, Range 2 East, as described more specifically
in Attachment "A", are hereby modified to read as set forth below.

STIPULATIONS:

Overall Site

1. The development shall be in General Conformance to the Conceptual Master Site Plan date stamped October 23, 2019, with specific regard to the site locations, as approved by the Planning and Development Department.
2. All parking areas adjacent to public streets, excluding the freeway, shall be screened by a combination of decorative screen walls and a minimum 3-foot high landscaped mound/berm along the perimeter streets, as approved by the Planning and Development Department.
3. All sidewalks adjacent to public streets shall be detached with a minimum 5-foot wide continuous landscape area located between the sidewalk and back of curb; and shall include minimum 3-inch caliper, large canopy single-trunk shade trees (limbed-up a minimum of 10-feet clear from finish grade), planted 25 feet on center or in equivalent groupings; and minimum 5-gallon shrubs

with a maximum mature height of 2 feet providing 75 percent live cover, as approved by the Planning and Development Department. If there is limited right-of-way along the Baseline Road frontage requiring a modified cross section, an attached sidewalk design may be considered, as approved by the Planning and Development Department.

4. The developer shall provide clearly defined, accessible pathways at vehicular crossings, constructed of decorative pavement that visually contrasts with the adjacent parking and drive aisle surfaces for internal drive aisles and accessways, as approved by the Planning and Development Department.
5. The applicant shall submit a Traffic Impact Study (TIS) to the City for this development for review and approval by the Street Transportation Department (except for the Site A, Harkins) prior to the submittal of preliminary site plans. Additional right-of-way and street improvements may be required following TIS review. Phasing of off-site improvements must be consistent with the TIS recommendations. Phased street improvements will require the installation of pavement transition tapers, as approved by the Street Transportation Department.
6. The developer shall construct all streets within and adjacent to the development required for each phase with paving, curb, gutter, minimum 5-foot wide 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.
7. Open irrigation facilities are to be piped outside of right-of-way and shown on the preliminary site plan, as approved by the Planning and Development Department.
8. All multi-use trails and shared use paths shall be shaded a minimum of 50 percent with 2-inch minimum caliper, large canopy shade trees, located 5 to 8 feet from the edge of the trail, as approved by the Planning and Development Department.
9. The right-of-way shall be dedicated, if required, and a bus pad (detail P1260 or P1262) constructed at the following locations, unless otherwise modified by the Planning and Development Department and Public Transit Department:
 - a. Eastbound Baseline Road east of 63rd Avenue. Pad shall be spaced from the intersection of 63rd Avenue and Baseline Road according to City of Phoenix Standard Detail P1258.
 - b. Three bus stop pads shall be located along Southbound 59th Avenue.
10. 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.

11. 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.
12. 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.
13. 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.

Site A

14. The development shall be in general conformance with the site plan and elevations date stamped October 23, 2019, as modified by the following stipulations and approved by the Planning and Development Department.
15. The maximum building height shall be limited to 56 feet.
16. There shall be a 150-foot stepback provided from 59th Avenue for buildings over 30 feet in height.
17. A minimum of one clearly defined pedestrian connection shall be provided from Site A to connect with the trail along the Laveen Area Conveyance Channel with one pedestrian scale amenity (benches, tables, etc.) provided within close proximity of the trail, as approved by the Planning and Development Department.
18. A minimum of two pedestrian pathways that are a minimum 6 feet wide shall be provided from the west side of Site B through Site A to the proposed buildings. The parking lot shall be designed to have minimal vehicular drive crossings through these pathways. These pathways shall have a minimum 50 percent shade provided by 2-inch minimum caliper trees located in minimum 5-foot wide landscape areas and/or an architectural shading element, as approved by the Planning and Development Department.
19. A minimum of two inverted-U bicycle racks (4 spaces) shall be provided for each building on site, located near building entries, and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.

20. The developer shall construct the west half street of 59th Avenue, as
~~19.~~ consistent with the Street Classification Map, including the landscaped median between the Laveen Area Conveyance Channel and the southern boundary of Site A, as approved by the Planning and Development Department. Asphalt pavement transition tapers are required between ultimate and interim street conditions, as approved by the Street Transportation Department.
21. The developer shall construct a 10-foot-wide Shared Use Path (SUP) along
~~20.~~ the west side of 59th Avenue in lieu of the required sidewalk, consistent with the improvements on 59th Avenue north of the Laveen Area Conveyance Channel, as approved by the Planning and Development Department.
22. The developer shall construct a 10-foot-wide Multi-Use Trail (MUT) along the
~~21.~~ south side of the Laveen Area Conveyance Channel, as approved by the Planning and Development Department.

Site B (Retail/Restaurant)

23. The maximum building height shall be limited to 30 feet within 150 feet of 59th
~~22.~~ Avenue and 45 feet for the remainder of Site B.
24. There shall be a 150-foot stepback provided from 59th Avenue for building
~~23.~~ over 30 feet in height.
25. ~~The site plan, landscape plan showing pedestrian circulation and elevations,~~
~~24.~~ ~~shall be reviewed and approved by the Planning Hearing Officer through the public hearing process prior to preliminary site plan approval for conceptual review of the applicable provisions of the goals and policies of the Southwest Growth Study which shall include the following:~~

THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN AND LANDSCAPE PLAN DATE STAMPED DECEMBER 3, 2021, AS MODIFIED BY THE FOLLOWING STIPULATIONS, WITH SPECIFIC REGARD TO THE FOLLOWING, AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

- a. ~~Promoting the overall pedestrian circulation within the commercial corner through wide sidewalks, detached sidewalks and overall connectivity including:~~
 - A. A minimum of two pedestrian pathways that are a minimum of 6
(i) feet wide shall be provided from 59th Avenue through the site to connect to buildings and the pedestrian pathways at Site A. The parking lot shall be designed to have minimal vehicular drive crossings through these pathways. These pathways shall have a minimum 50 percent shade provided by 2-inch minimum caliper trees located in minimum 5-foot wide landscape areas and/or an architectural shading element.

- B. A minimum of two clearly defined pedestrian connections shall be provided to connect with the trail along the Laveen Area Conveyance Channel with two pedestrian scale amenities (open space, benches, tables, etc.) provided within close proximity of the trail.
 - (ii)
26. THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED DECEMBER 3, 2021, AS MODIFIED BY THE FOLLOWING STIPULATIONS, WITH SPECIFIC REGARD TO THE FOLLOWING, AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- A. Arcades and overhangs shall be incorporated into the buildings to promote shade.
 - B. All building facades shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, window fenestration, shadow boxes and overhead/canopies at least every 50 linear feet.
 - C. Accent building materials such as: native stone, burnt adobe, textured brick, wood (when shaded by overhangs or deep recesses), slump block, ceramic tile (matte finish), stucco and/or exposed aggregate concrete shall be used on buildings or otherwise demonstrate that the architectural style is consistent with prior phases of the project and development in the area.
27. Drive-through restaurant pick-up windows shall be architecturally integrated in proportion, color, material and texture to the building it serves by providing awnings or architecturally integrated structures for weather protection, as approved by the Planning and Development Department.
28. Drive-through restaurant facilities shall provide a minimum of 250 square feet of outdoor seating areas, as approved by the Planning and Development Department.
29. A minimum of 25 percent of the surface parking areas shall be shaded by 2-inch minimum caliper, large canopy single-trunk shade trees, located within minimum 5-foot wide landscape areas, as approved by the Planning and Development Department.
30. A minimum of two inverted-U bicycle racks (4 spaces) shall be provided for each building on site, located near building entries, and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
31. A minimum of 30 percent of the linear frontage of the buildings, that has main public entries oriented towards parking areas, shall be provided with planting. Planting areas shall be sized to provide adequate area for planting materials to

thrive. Trees and shrubs shall be sized to provide 30 percent shading of area at maturity, as approved by the Planning and Development Department.

- 32. The developer shall construct the west half street of 59th Avenue, as
~~30.~~ consistent with the Street Classification Map, including landscaped median between the Laveen Area Conveyance Channel and the southern boundary of Site B, as approved by the Planning and Development Department. Asphalt pavement transition tapers are required between ultimate and interim street conditions, as approved by the Street Transportation Department.
- 33. The developer shall construct a 10-foot Shared Use Path (SUP) on 59th
~~34.~~ Avenue in lieu of the required sidewalk, consistent with the improvements on 59th Avenue north of the Laveen Area Conveyance Channel.
- 34. The developer shall construct a 10-foot-wide Multi-Use Trail (MUT) along the
~~32.~~ south side of the Laveen Area Conveyance Channel, as approved by the Planning and Development Department.

Site C (Multifamily)

- 35. The site plan, landscape plan showing pedestrian circulation, and elevations
~~33.~~ shall be reviewed and approved by the Planning Hearing Officer through the public hearing process prior to preliminary site plan approval for conceptual review of the applicable provisions of the goals and policies of the Southwest Growth Study which shall include the following:
 - a. Promoting pedestrian connections with the adjacent commercial development through sidewalks, detached sidewalks and overall connectivity including:
 - b. A minimum of three evenly dispersed pedestrian connection points to the commercial development to the north. This pedestrian connection shall be clearly defined and minimize vehicular conflicts.
 - c. Arcades and overhangs shall be incorporated into the buildings to promote shade.
 - d. All building facades shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, window fenestration, shadow boxes and overhead/canopies at least every 50 linear feet, as approved by the Planning and Development Department.
 - e. Ensuring architectural style is consistent with prior phases of the project and development in the area.
- 36. There shall be a minimum of 10 percent common area open space provided
~~34.~~ onsite, as approved by the Planning and Development Department.

37. A minimum of 25 percent of the surface parking areas shall be shaded by a
35. minimum 2-inch caliper, large canopy single-trunk shade trees, located within minimum 5-foot wide landscape areas, as approved by the Planning and Development Department.
38. The developer shall construct the west half street of 59th Avenue, as
36. consistent with the Street Classification Map, including the landscaped median for the full extent of Site C, as approved by the Planning and Development Department. Asphalt pavement transition tapers are required between ultimate and interim street conditions, as approved by the Street Transportation Department.
39. The developer shall construct a 10-foot wide Shared Use Path (SUP) on 59th
37. Avenue in lieu of the required sidewalk, consistent with the improvements on 59th Avenue north of the Laveen Area Conveyance Channel.
40. The developer shall provide conduit plan and junction boxes at 59th Avenue
38. and South Mountain Avenue on project site for future traffic signal equipment and all work related to the construction or reconstruction of the conduit runs and junction box installation shall be the responsibility of the Developer, as approved by the Planning and Development Department.

Site D (Commerce Park/General Commerce Park North of the LACC)

41. The site plan, landscape plan showing pedestrian circulation and elevations
39. shall be reviewed and approved by the Planning Hearing Officer through the public hearing process prior to preliminary site plan approval for conceptual review of the applicable provisions of the goals and policies of the Southwest Growth Study which shall include the following:
- a. Promoting the overall pedestrian circulation within the development through wide sidewalks, detached sidewalks and overall connectivity including:
 - (i) A minimum of two pedestrian connections to the Laveen Area Conveyance Channel.
 - (ii) There shall be an employee open space area provided adjacent to the Laveen Area Conveyance Channel. The open space areas shall provide a minimum of one amenity (tables, benches, yard games, etc.) each.
 - b. Arcades and overhangs shall be incorporated into the buildings to promote shade.
 - c. All building facades shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, window

fenestration, shadow boxes and overhead/canopies at least every 50 linear feet.

- d. Ensuring architectural style is consistent with prior phases of the project and development in the area.
- 42. There shall be a minimum of one exterior employee balcony provided on each
~~40.~~ four-story building that is a minimum of 12 feet in depth and a minimum of 200 square feet in size, as approved by the Planning and Development Department.
- 43. The glazing on all building windows shall have a maximum reflectivity of 20
~~41.~~ percent, as approved by the Planning and Development Department.
- 44. A minimum of 25 percent of the surface parking areas shall be shaded by
~~42.~~ minimum 2-inch caliper, large canopy single-trunk shade trees, located within minimum 5-foot wide landscape areas, as approved by the Planning and Development Department.
- 45. A minimum of six inverted-U bicycle racks (12 spaces) shall be provided for
~~43.~~ each building on site, located near building entries, and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
- 46. A minimum of 30 percent of building linear frontage, that has main public
~~44.~~ entries oriented towards parking areas, shall be provided with planting. Planting areas shall be sized to provide adequate area for planting materials to thrive. Trees and shrubs shall be sized to provide 30 percent shading of area at maturity, as approved by the Planning and Development Department.
- 47. The developer shall protect in place the shared-use path and 20-foot wide
~~45.~~ public trail/sidewalk easement along the north side of the Laveen Area Conveyance Channel, as approved by the Planning and Development Department.
- 48. The developer shall dedicate a 30-foot-wide public trail/sidewalk easement
~~46.~~ along the west side of the 202 Loop or adjacent to 63rd Avenue, whichever provides greater connectivity, at the time of preliminary site plan approval. Developer shall construct a 10-foot-wide shared-use path (SUP) within the easement as indicated in section 429 of the City of Phoenix MAG Supplement, as approved by the Planning and Development Department.
- 49. A minimum 10-foot public multi-use trail shall be constructed within a 30-foot
~~47.~~ easement in accordance with MAG supplemental detail 429 along the south side of Baseline Road to connect to the trails to the east and west, as approved by the Parks and Recreation Department.

50. The developer shall dedicate 60 feet of right-of-way for the full parcel limits for the south half of Baseline Road, as approved by the Planning and Development Department.
51. The developer shall dedicate a minimum of 40 feet of right-of-way for the full parcel limits for the east half of 63rd Avenue. Additional right-of-way dedications and improvements as required by the TIS, as approved by the Street Transportation Department.
52. The developer shall dedicate 40 feet of right-of-way for the full parcel limits for the east half of 63rd Avenue and improvements as required by the TIS, as approved by the Planning and Development. Asphalt pavement transition tapers are required between ultimate and interim street conditions, as approved by the Street Transportation Department.
53. The developer shall dedicate a 25-foot by 25-foot right-of-way triangle at the southeast corner of Baseline Road and 63rd Avenue, as approved the Planning and Development Department.

Site E (Commerce Park/General Commerce Park South of the LACC)

54. The site plan, landscape plan showing pedestrian circulation and elevations shall be reviewed and approved by the Planning Hearing Officer through the public hearing process prior to preliminary site plan approval for conceptual review of the applicable provisions of the goals and policies of the Southwest Growth Study which shall include the following:
- a. Promoting the overall pedestrian circulation within the development through wide sidewalks, detached sidewalks and overall connectivity including:
 - (i) A minimum of two pedestrian connections to the Laveen Area Conveyance Channel.
 - (ii) There shall be an employee open space area provided adjacent to the Laveen Area Conveyance Channel. The open space areas shall provide a minimum of one amenity (tables, benches, yard games, etc.) each.
 - b. Arcades and overhangs shall be incorporated into the buildings to promote shade.
 - c. All building facades shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, window fenestration, shadow boxes and overhead/canopies at least every 50 linear feet.

- d. Ensuring architectural style is consistent with prior phases of the project and development in the area.
55. There shall be a minimum of one exterior employee balcony provided on each
~~53.~~ four-story building that is a minimum of 12 feet in depth and a minimum of 200 square feet in size, as approved by the Planning and Development Department.
56. The glazing on all building windows shall have a maximum reflectivity of 20
~~54.~~ percent, as approved by the Planning and Development Department.
57. A minimum of 25 percent of the surface parking areas shall be shaded by
~~55.~~ minimum 2-inch caliper, large canopy single-trunk shade trees, located within minimum 5-foot wide landscape areas, as approved by the Planning and Development Department.
58. A minimum of six inverted-U bicycle racks (12 spaces) shall be provided for
~~56.~~ each building on site, located near building entries, and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
59. A minimum of 30 percent of building linear frontage, that has main public
~~57.~~ entries oriented towards parking areas, shall be provided with planting. Planting areas shall be sized to provide adequate area for planting materials to thrive. Trees and shrubs shall be sized to provide 30 percent shading of area at maturity, as approved by the Planning and Development Department.
60. The developer shall dedicate a 30-foot-wide public trail/sidewalk easement
~~58.~~ along the west side of the 202 Loop Freeway or adjacent to 63rd Avenue, whichever provides greater connectivity, at the time of preliminary site plan approval. Developer shall construct a 10-foot wide shared-use path (SUP) within the easement per Section 429 of the City of Phoenix MAG Supplement, as approved by the Planning and Development Department.
61. The developer shall construct a 10-foot-wide Multi-Use Trail (MUT) along the
~~59.~~ south side of the Laveen Area Conveyance Channel, as approved by the Planning and Development Department.
62. The developer shall dedicate a minimum of 40 feet of right-of-way for the full
~~60.~~ parcel limits for the east half of 63rd Avenue. Additional right-of-way dedications and improvements as required by the TIS, and as approved by the Street Transportation Department. Asphalt pavement transition tapers are required between ultimate and interim street conditions, excepting the frontage of APN 300-020-017C, as approved by the Street Transportation Department.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6659 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6659 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 16th day of February, 2022.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-4-21--Z-47-19-7

A PORTION OF LOT 2 ACCORDING TO THE LOT COMBINATION MAP RECORDED IN BOOK 1309 OF MAPS, PAGE 41, OFFICIAL RECORDS OF MARICOPA COUNTY, LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 5 AND THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA & SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2;

THENCE NORTH 67 DEGREES 50 MINUTES 59 SECONDS EAST, A DISTANCE OF 60.00 FEET TO A POINT ON THE MONUMENT LINE OF 59TH AVENUE;

THENCE SOUTH 22 DEGREES 09 MINUTES 01 SECOND EAST, ALONG SAID MONUMENT LINE OF 59TH AVENUE, A DISTANCE OF 620.15 FEET;

THENCE SOUTH 67 DEGREES 50 MINUTES 59 SECONDS WEST, DEPARTING SAID MONUMENT LINE, A DISTANCE OF 216.53 FEET TO A POINT OF CURVATURE TO THE RIGHT, HAVING A RADIUS OF 540.00 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 22 DEGREES 09 MINUTES 01 SECONDS, A DISTANCE OF 208.76 FEET;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 279.08 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 561.04 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 2 AND TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT, WHOSE RADIUS BEARS NORTH 11 DEGREES 23 MINUTES 11 SECONDS WEST, A DISTANCE OF 2,600.00 FEET;

THENCE EASTERLY ALONG SAID NON-TANGENT CURVE AND SAID NORTH LINE, THROUGH A CENTRAL ANGLE OF 09 DEGREES 02 MINUTES 01 SECONDS, A DISTANCE OF 409.93 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 355,607 SQUARE FEET OR 8.164 ACRES, MORE OR LESS.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: - - - - -

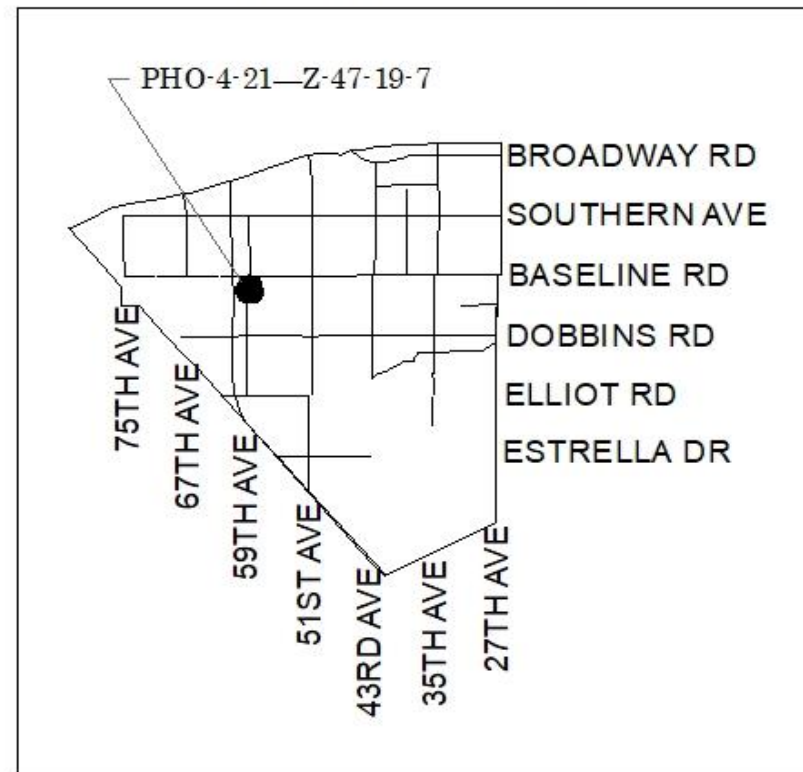
Zoning Case Number: PHO-4-21-Z-47-19-7

Zoning Overlay: N/A

Planning Village: Laveen



0 275 550 1,100 Feet



NOT TO SCALE



Drawn Date: 1/20/2022