

## 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-50-08-5 PREVIOUSLY APPROVED BY  
ORDINANCE G-6132.

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

SECTION 1. The zoning stipulations applicable located approximately  
1,100 feet north and 790 feet west of the northwest corner of 19th Avenue and  
Northern Avenue in a portion of Section 36, Township 3 North, Range 2 East, as  
described more specifically in Attachment "A", are hereby modified to read as set forth  
below.

#### STIPULATIONS:

1. ~~That the elevation for the residential portions of the site shall be approved by the Planning Hearing Officer through the public hearing process prior to Planning and Development Department preliminary site plan approval with specific regard to the inclusion of the below elements. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Planning and Development Department.~~

THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH  
THE ELEVATIONS DATE STAMPED AUGUST 24, 2020, WITH SPECIFIC  
REGARD TO THE FOLLOWING AND AS APPROVED BY THE PLANNING  
AND DEVELOPMENT DEPARTMENT:

- a. ~~Building entries shall be oriented towards common areas/~~

~~Pathways, except for any single family residences which shall provide for the orientation of such structures being toward the road or vehicular accessway.~~

- ~~A.~~ Where possible, garage servicing driveways shall be configured in an east/west grid to minimize east/west surface exposure, unless tree preservation requires an alternative.
- 2. ~~That~~ The residential portion of the site shall develop in general conformance to the site plan date stamped AUGUST 24, 2020 ~~29, 2008, and for the 5.0 acre site which is a portion of Parcel 158-06-021C to be in general conformance with the site plan date stamped January 31, 2013 and for the 9.547-acre site which is a portion of Parcel 158-05-021e to be in substantial conformance with the site plan date stamped January 20, 2016, WITH SPECIFIC REGARD TO THE FOLLOWING AND as approved by the Planning and Development Department, with specific regard to:~~
  - A. BUILDING ENTRIES SHALL BE ORIENTED TOWARDS COMMON AREAS, PATHWAYS, OR SIDEWALKS THAT PROVIDE ACCESS TO COMMON OR ACTIVE OPEN SPACE AREAS.
  - B. Provision of a major shaded pedestrian route (8'-10' wide) that~~a.~~ conveniently and directly connects open space areas to Butler Drive, 23rd Avenue and the southeast portion of the site, as shown on Exhibit A, Conceptual Pedestrian Connection Plan. The pedestrian plan shall adhere to the identified cross sections A-A, B-8 and C-C.
  - C. ~~That residential building~~ THE SITE PLAN shall be designed so that the~~b.~~ mature trees identified in ~~Exhibit B~~, ON THE Tree Preservation Plan DATED AUGUST 29, 2008 will remain in place as an integral part of the site design, AS MODIFIED BY THE PROPOSED TREE RELOCATIONS DEPICTED ON THE TREE PRESERVATION EXHIBIT DATE STAMPED AUGUST 25, 2020, AND AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. ALL TREE RELOCATIONS AND REPLACEMENTS SHALL PROVIDE AT A MINIMUM A TREE OR TREES OF AN EQUAL CALIPER SIZE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
  - D. ~~The number of units shall be a~~ maximum DENSITY FOR THE~~e.~~ PROJECT SHALL NOT EXCEED of ~~11.12~~ 16.84 dwelling units per acre ~~except for that portion of Parcel Number 158-06-021C being developed under the site plan date stamped January 31, 2013, which shall provide for a residential density of 19 dwelling units per acre.~~
  - E. ~~That~~ The developer shall provide a par exercise course as an amenity~~d.~~ within the designated major pedestrian route.

3. ~~That~~ The commercial portion of the site shall be developed in general conformance to the site plan date stamped July 24, 2009, as may be approved by the Planning and Development Department:
- a. ~~That a~~ A minimum of 25-foot landscape setback shall be provided along Northern Avenue, as approved by the Planning and Development Department.
  - b. ~~That a~~ A master architectural theme which unifies the landscaping and building materials for the commercial portion be approved concurrent with the approval of the preliminary site plan for the first phase of the development, as approved by the Planning and Development Department.
  - c. Provisions of walkways/passageways between buildings from Northern Avenue to the interior of the commercial site.
  - d. All structures, except where residential uses are on the ground floor, shall utilize clear windows. A clear window is a window that will allow a minimum of 75 percent (75%) of the visible light (as specified by the manufacturer) to be visible on either side of the window.
  - e. The frontage shall include shading along its entire right-of-way frontage, excluding driveways, loading and service berths.
  - f. Landscaping along Northern Avenue shall include a row of trees placed 20-foot on center, with a minimum of 50 percent (50%) of the trees being 3-inch caliper trees and 50 percent (50%) of the trees being 2-inch caliper. Such trees shall be placed in close proximity to the sidewalk to provide a shaded walking path for pedestrians
  - g. Each parcel within the commercial portion of the property located east of 21st Avenue shall include not less than 5 percent (5%) of the gross parcel area as open space. Open space may be provided through a combination of amenities, including but not limited to, landscaping, turf areas, common pedestrian areas (shall not include sidewalks) or other amenities as approved by the Planning and Development Department.
  - h. Bicycle parking shall be provided at 1 space per 2,000 square feet of tenant leasable floor area, with a maximum of 50 spaces.
  - i. ~~That a~~ All trees along identified pedestrian routes through the parking areas shall be a minimum of 3-inch caliper.
4. ~~That~~ The mature trees identified on Exhibit B, Tree Preservation Plan, shall be continuously maintained (e.g. water, trimming) by the owner prior to development of the property and that maintenance shall be a requirement of

the future residential development.

5. ~~That a~~ A 10-foot sidewalk easement shall be dedicated along the north side of Northern Avenue, as approved by the Planning and Development Department.
6. ~~That t~~ The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
7. The applicant shall submit a Traffic Impact Study to the City for this development. No preliminary approval of site plans shall be granted until the study is reviewed and approved by the City. Contact Ms. Sara Elco, (602) 495-0575, to set up a meeting to discuss the requirements of the study. The applicant shall be responsible for any dedications and required improvements as recommended by the approved traffic study, as approved by the Planning and Development and Street Transportation Departments.
8. ~~That t~~ The applicant shall construct a view fence along the shared eastern border of the Greens Apartment complex no closer than 15 feet to the Greens Apartment complex buildings, as approved by the Planning and Development Department.
9. PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. 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-6132, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6132 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 18th day of November, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

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

APPROVED AS TO FORM:

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

REVIEWED BY:

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

Exhibits:

A - Legal Description (2 Pages)

B - Ordinance Location Map (1 Page)

## EXHIBIT A

### LEGAL DESCRIPTION FOR PHO-7-20-- Z-50-08-5

That portion of Lot 8 of the final plat of La Mancha as recorded in Book 193, Page 19, of official records, Maricopa County, Arizona being located in a portion of the South half of Section 36, Township 3 North, Range 2 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

**BEGINNING** at the Northeast corner of Lot 1 of the final plat for El Caro Senior Residences, as recorded in Book 1344 of maps, Page 21, of official records, records of said county; Thence South 89 Degrees 31 Minutes 21 Seconds West a distance of 349.54 feet; Thence South 06 Degrees 32 Minutes 13 Seconds West a distance of 200.05 feet; Thence along an arc 97.61 feet to the left, having a radius of 120.00 feet, the chord of which is North 89 Degrees 58 Minutes 19 Seconds West for a distance of 94.94 feet; Thence along an arc 97.38 feet to the right, having a radius of 198.50 feet, the chord of which is North 50 Degrees 36 Minutes 25 Seconds West for a distance of 96.40 feet; Thence North 36 Degrees 33 Minutes 13 Seconds West a distance of 191.70 feet; Thence North 63 Degrees 33 Minutes 19 Seconds East a distance of 3.17 feet; Thence along an arc 59.52 feet to the left, having a radius of 74.87 feet, the chord of which is North 41 Degrees 06 Minutes 30 Seconds East for a distance of 57.96 feet; Thence North 18 Degrees 17 Minutes 49 Seconds East a distance of 368.64 feet; Thence along an arc 109.73 feet to the left, having a radius of 81.88 feet, the chord of which is North 20 Degrees 03 Minutes 03 Seconds West for a distance of 101.70 feet; Thence North 58 Degrees 28 Minutes 05 Seconds West a distance of 27.71 feet; Thence North 61 Degrees 42 Minutes 19 Seconds East a distance of 248.53 feet; Thence North 88 Degrees 39 Minutes 15 Seconds East a distance of 371.10 feet; Thence North 27 Degrees 33 Minutes 14 Seconds East a distance of 42.06 feet; Thence North 00 Degrees 20 Minutes 00 Seconds West a distance of 44.26 feet; Thence along an arc 31.35 feet to the left, having a radius of 20.00 feet, the chord of which is South 45 Degrees 06 Minutes 07 Seconds East for a distance of 28.23 feet; Thence North 89 Degrees 55 Minutes 23 Seconds East a distance of 178.06 feet; Thence along an arc 61.46 feet to the right, having a radius of 30.00 feet, the chord of which is South 31 Degrees 19 Minutes 28 Seconds East for a distance of 51.26 feet; Thence South 27 Degrees 42 Minutes 51 Seconds West a distance of 531.82 feet; Thence along an arc 85.77 feet to the left, having a radius of 200.00 feet, the chord of which is South 15 Degrees 23 Minutes 35 Seconds West for a distance of 85.11 feet; Thence South 03 Degrees 10 Minutes 01 Seconds West a distance of 110.56 feet to the POINT OF BEGINNING.

The above described parcel contains 10.713 acres (466676 sq. ft.)

# ORDINANCE LOCATION MAP

EXHIBIT B

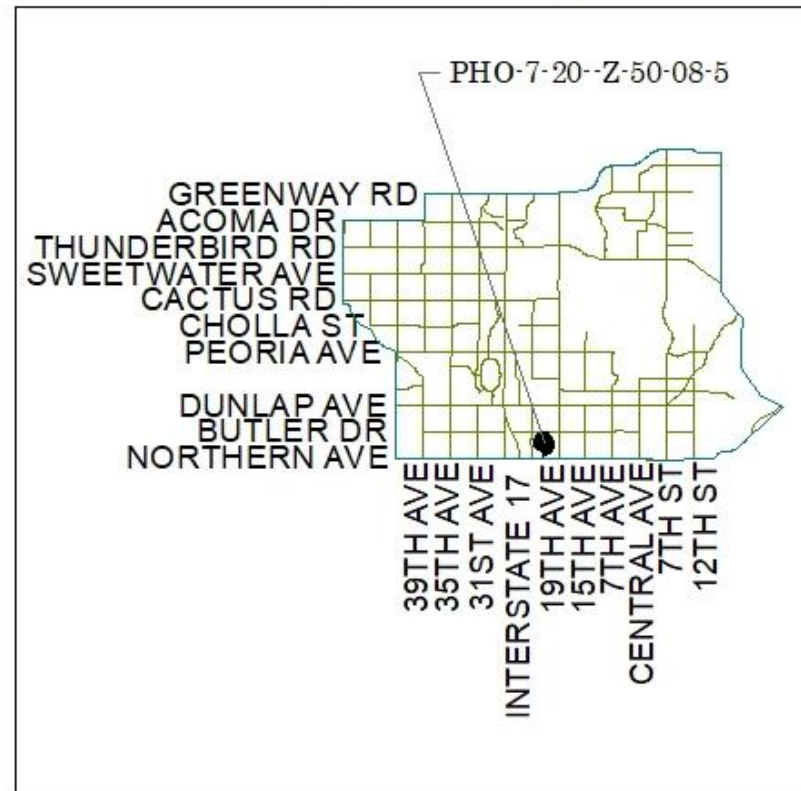
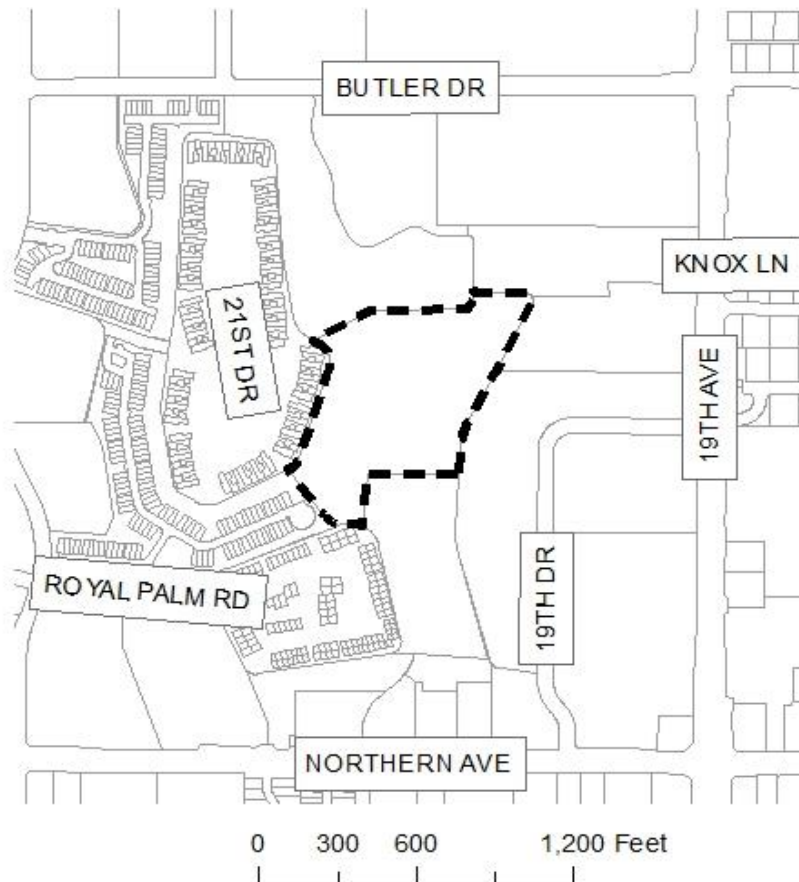
ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: - - - - -

Zoning Case Number: PHO-7-20-Z-50-08-5

Zoning Overlay: N/A

Planning Village: North Mountain



NOT TO SCALE



Drawn Date: 10/22/2020