

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-51-20-2 PREVIOUSLY APPROVED BY
ORDINANCE G-6838.**

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

SECTION 1. The zoning stipulations applicable located approximately
4,000 feet north of the northeast corner of Black Canyon Highway and Jomax Road
in a portion of Section 35, Township 5 North, Range 2 East, as described more
specifically in Attachment “A”, are hereby modified to read as set forth below.

STIPULATIONS:

1. The maximum building height shall be 30 feet.
2. The development shall be limited to a maximum of 285 units.
3. All elevations of the buildings shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or overhang canopies, as approved by the Planning and Development Department.
4. A sidewalk and landscaping strip shall be provided along the Black Canyon Freeway Frontage Road and shall be detached with a minimum five-foot-wide landscape area 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 placed

a minimum of 25 feet on center or equivalent groupings to provide a minimum of 75 percent shade on adjacent sidewalks.

- b. Drought tolerant shrubs and vegetative groundcovers.
5. An enhanced landscaped entry shall be provided at the main entryway into the development off of the frontage road with a minimum 300 square feet of landscaped area on each side of the entrance. The landscaped areas shall be planted and maintained with a variety of at least three different plant materials, as approved by the Planning and Development Department.
6. A 15-FOOT minimum, 20-FOOT AVERAGE landscape setback ~~of 20 feet~~ shall be required along the west property line and along the frontage road, EXCEPT THAT ALONG THE FRONTAGE ROAD, THE LANDSCAPE SETBACK SHALL BE A MINIMUM 25 FEET, AS DEPICTED ON THE PROPOSED STIPULATION MODIFICATION EXHIBIT DATE STAMPED JULY 21, 2021, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. These landscape setbacks shall include minimum 3-inch caliper large canopy shade trees planted a minimum of 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
7. A 15-FOOT minimum, 20-FOOT AVERAGE landscape setback ~~of 20 feet~~ shall be required along the south property line and shall include minimum 2-inch caliper trees planted a minimum of 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
8. There shall be a minimum of two private open space amenity areas. Each area shall provide, at a minimum, two of the following active amenity elements or other similar elements, as approved by the Planning and Development Department:
 - a. Swimming Pool
 - b. Fire Pit
 - c. Pavilion or Ramada
 - d. Barbecue and Picnic Area
9. Perimeter walls adjacent to the frontage road and private drive to the north shall incorporate stone veneer, stonework, integral color CMU block or faux stone, and be compatible with the existing wall on the property line to the north, as approved by the Planning and Development Department.
10. The developer shall submit a cross-access agreement prior to preliminary site plan approval for APN 204-23-001A to support future cross-access of Oberlin Way.

11. All frontage improvements, access control and location of driveways shall be permitted and approved through ADOT.
12. 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 per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
13. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Deer Valley Airport (DVT) to future owners or tenants of the property. 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. The developer must file FAA Form 7460 and provide City FAA's no hazard determination prior to construction permit approval, as per plans approved by the Planning and Development Department.
15. The developer shall grant and record an aviation easement to the City of Phoenix Aviation Department for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
16. 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.
17. 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.
18. 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.
19. 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-6838, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6838 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 25th day of August, 2021.

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)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-21-- Z-51-20-2

A portion of the Northeast quarter of Section 35, Township 5 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona being more particularly described as follows;

COMMENCING at the North quarter of said Section 35; Thence North 89 Degrees 25 Minutes 16 Seconds East along the North line of said Northeast quarter a distance of 1492.67 feet to the **TRUE POINT OF BEGINNING**; Thence North 89 Degrees 25 Minutes 16 Seconds East a distance of 420.06 feet; Thence South 12 Degrees 09 Minutes 55 Seconds East a distance of 1108.05 feet; Thence South 80 Degrees 07 Minutes 08 Seconds West a distance of 693.21 feet; Thence South 89 Degrees 25 Minutes 09 Seconds West a distance of 255.53 feet; Thence North 09 Degrees 52 Minutes 39 Seconds West a distance of 641.80 feet; Thence North 89 Degrees 25 Minutes 16 Seconds East a distance of 370.70 feet; Thence North 00 Degrees 34 Minutes 40 Seconds West a distance of 200.00 feet; Thence North 89 Degrees 25 Minutes 16 Seconds East a distance of 30.00 feet; Thence North 00 Degrees 34 Minutes 40 Seconds West a distance of 364.17 feet to the **POINT OF BEGINNING**.

ORDINANCE LOCATION MAP

EXHIBIT B

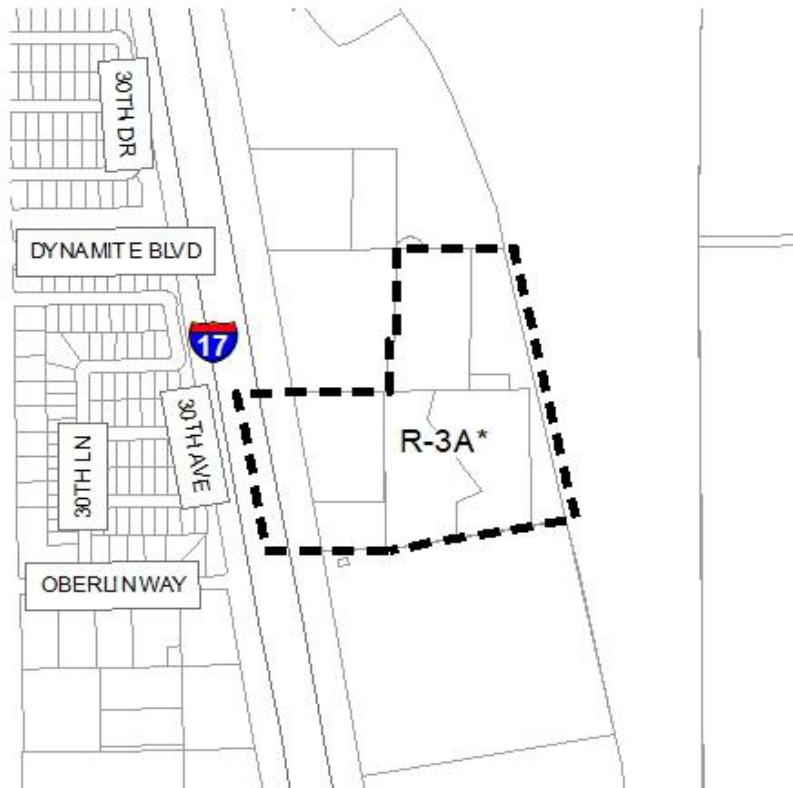
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: - - - - -

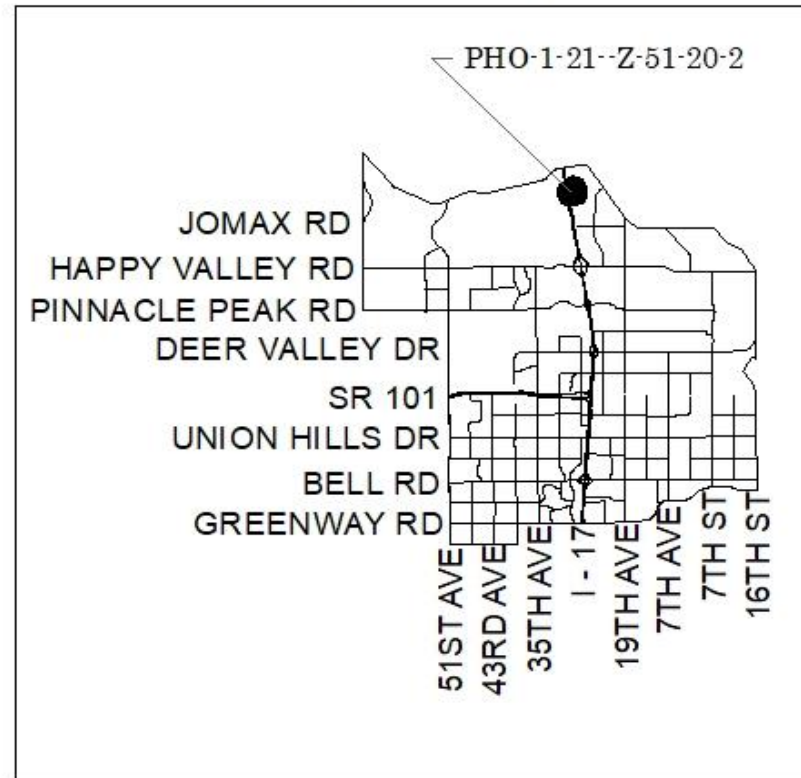
Zoning Case Number: PHO-1-21-Z-51-20-2

Zoning Overlay: N/A

Planning Village: Deer Valley



0 300 600 1,200 Feet



NOT TO SCALE



Drawn Date: 7/26/2021