

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-8-22-1 PREVIOUSLY APPROVED BY
ORDINANCE G-7140.

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

SECTION 1. The zoning stipulations applicable located at the Northeast corner of Circle Mountain Road and I-17 frontage Road in a portion of land lying within the West Half of Section 3, Township 6 North, Range 2 East, as described more specifically in Attachment "A", are hereby modified to read as set forth below.

STIPULATIONS:

Overall Site

1. ~~Each phase of~~ The development shall utilize the Planned Residential Development (PRD) option.
2. A minimum building setback of 58 ~~400~~ feet shall be provided along the west property line, ~~except for the norther most 1,007 feet, which shall have a minimum building setback of 55 feet,~~ as approved by the Planning and Development Department.
3. A minimum landscaped setback of 30 feet shall be provided along the west property line, as approved by the Planning and Development Department.
4. All perimeter setbacks adjacent to public streets shall be planted to the following standards, as approved by the Planning and Development Department.

- a. Minimum 50% 2-inch caliper and 50% 3-inch caliper large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings with a staggered row of trees for every 20 feet of setback.
 - b. Drought tolerant shrubs and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.
5. A minimum of 10% of the required shrubs shall be a milkweed or other native nectar species and shall be planted in groups of three or more, as approved by the Planning and Development Department.
6. All pedestrian pathways and trails, including sidewalks, shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide minimum 75% shade, calculated at summer solstice at noon as shown on a shading study, as approved by the Planning and Development Department.
7. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped, or colored concrete, or other pavement treatments, that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
8. The primary entry/exit drives into the residential developments shall incorporate decorative pavers, stamped or colored concrete, or similar alternative material, as approved by the Planning and Development Department.
9. The primary entry/exit drives into the residential developments shall incorporate enhanced landscaping on both sides within minimum 250-square-foot landscape areas and shall incorporate a minimum 5-foot-wide landscape median, planted with a variety of at least three plant materials, as approved by the Planning and Development Department.
10. Traffic calming measures shall be provided at all site entries and exits to slow down vehicular speeds as they approach sidewalks and trails, as approved by the Planning and Development Department.
11. ~~Each phase of~~ The development shall provide bicycle infrastructure as described below, as approved by the Planning and Development Department.
 - a. Secured bicycle parking shall be provided for units without garages at a rate of 0.25 spaces per multifamily residential dwelling unit, up to a maximum of 50 spaces.
 - b. Guest bicycle parking shall be provided at a minimum of 0.05 spaces per multifamily residential and single-family residential dwelling unit, up to a maximum of 50 spaces. Guest bicycle parking for single-family residential shall be located in open space and amenity areas. Bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the community center and/or clubhouse and open space areas and installed

per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs, in Appendix K of the Comprehensive Bicycle Master Plan.

- c. A bicycle repair station (“fix it station”) shall be provided and maintained on the site within an amenity area or near a primary site entrance. The bicycle repair station (“fit it station”) shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include, but not be limited to standard repair tools affixed to the station, a tire gauge and pump affixed to the base of the station or the ground, and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
12. A Water Master Plan, Wastewater Master Plan, and Trails and Pedestrian Circulation Master Plan for the overall development, per the requirements of the Planned Community District (PCD), Section 636 of the Phoenix Zoning Ordinance, shall be provided and updated with each phase of development to include the following elements, as approved by the Planning and Development Department.
 - a. A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along the west side of the site adjacent to the 1-17 frontage road and a minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement, in accordance with the MAG supplemental detail and as approved or modified by the Planning and Development department.
 - b. A north-south pedestrian connection shall be provided THROUGH THE CENTER OF THE DEVELOPMENT TO FACILITATE THE EVENTUAL CONNECTION FROM CIRCLE MOUNTAIN ROAD TO JENNY LIN ROAD, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. ~~to connect all phases of the development, including the area between Project II and Project III.~~
 - c. ~~ONE~~ Four pedestrian connections shall be provided from the site leading to the adjacent trails directly east or west of the site.
 - d. Pedestrian access shall be provided to future development to the east for each phase of development.
 13. PRIOR TO FINAL SITE PLAN APPROVAL, THE DEVELOPER SHALL INCLUDE WITH THE BUILDING PLANS SUBMITTED FOR PHOENIX BUILDING CONSTRUCTION CODE COMPLIANCE REVIEW CERTIFICATION BY AN ACCOUSTICAL CONSULTANT DEMONSTRATING THE AVERAGE ~~The~~ indoor noise levels of residential units shall not exceed a decibel day night-level (DNL) of 45 decibels, as approved by the Planning and Development Department. ~~A sealed and signed analysis by an engineer licensed in Arizona with a proficiency in residential sound mitigation or noise control shall be included with the building plans submitted for Phoenix Building Construction Code compliance review to the Planning and Development Department. The~~

~~engineer shall note in the analysis that the building design is capable of achieving the required Noise Level Reduction.~~

14. Noise mitigation walls shall be provided along the west perimeter of the site. The wall height shall be A MINIMUM OF 8 FEET OR AS determined through a noise analysis prepared by AN ACOUSTICAL CONSULTANT ~~a registered professional engineer~~. The wall shall be constructed of minimum 8-inch-thick concrete masonry units (CMU) or of cast-in-place concrete and contain no openings unless they are above the minimum height required for adequate noise mitigation or for drainage. Noise walls shall be constructed to wrap around corner lots and areas near intersections. Wrap around walls, upon turning a corner, shall continue for at least 120 feet (approximately two lot widths), as approved by the Planning and Development Department.
15. Perimeter walls, noise walls, and other walls ADJACENT TO PERIMETER STREETS shall vary by a minimum of four feet every 400 lineal feet to visually reflect a meandering or staggered setback, as approved by the Planning and Development Department.
16. Perimeter walls, including the noise wall ALONG THE WEST AND SOUTH PERIMETER, shall incorporate stone veneer, stonework, or integral color CMU block, as approved by the Planning and Development Department.
17. Interior walls and privacy fencing, excluding walls located between lots, shall use materials and colors that blend with the natural desert environment, as approved by the Planning and Development Department.
18. A minimum of 15% of each phase shall be retained as open space, including washes and hillside areas, as approved by the Planning and Development Department.
19. Each phase of the development shall contain a minimum of four shaded active recreation amenities, such as a tot lot, picnic areas, seating features, garden amenities, or similar amenities, as approved by the Planning and Development Department.
20. A combination of view walls/fencing and partial view walls/fencing shall be incorporated along property lines adjacent to dedicated public or private open space areas, natural and/or improved drainageways or recreational areas, as approved by the Planning and Development Department.
21. Drainage 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 Department.
22. A minimum of 2% of the required parking spaces, including garages, shall include Electric Vehicle (EV) Installed infrastructure and 5% of the required parking spaces shall include EV Capable infrastructure, as approved by the Planning and Development Department.

23. Minimum 5-foot-wide detached sidewalk and minimum 5-foot-wide landscape strips located between the back of curb and sidewalk within the development shall be constructed and planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts arise, the developer shall work with the planning and Development Department on an alternative design solution consistent with a pedestrian environment.

24. Minimum 5-foot-wide detached sidewalks, or wider to meet Maricopa County Department of Transportation (MCDOT) minimum standards, and minimum 5-foot-wide landscape strips located between the back of curb and sidewalks, or wider to meet MCDOT minimum standards shall be constructed along ~~the south side of Jenny Lin Road~~, the east side of the I-17 frontage road, and the north side of Circle Mountain Road, planted to the following standards. The developer shall record a landscaping maintenance agreement with the Maricopa County Department of Transportation (MCDOT) requiring the landowner and/or property management to maintain the installed landscaping within MCDOT right-of-way to the following planting standards, as approved by MCDOT and the Planning and Development Department.
 - a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts arise, the developer shall work with the MCDOT and the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

25. All right-of-way dedication and street improvements for Circle Mountain Road AND the I-17 frontage road ~~and Jenny Lin Road~~ shall comply with Maricopa County Department of Transportation (MCDOT) requirements, as approved by MCDOT. Where possible the County Rural Residential Cross Section shall be utilized for Jenny Lin Road.
26. A minimum 65-feet of right-of-way shall be dedicated, and the east half of the I-17 frontage road shall be constructed per the Maricopa County Department of Transportation (MCDOT) Rural Minor Arterial cross section, as required and approved by MCDOT.

~~27.~~ A minimum of 30 feet of right-of-way shall be dedicated and constructed for the north side of the minor collector street along the southern boundary of Project III. The improvements shall be consistent with Minor Collector Cross Section F and include a minimum 5-foot wide detached sidewalk separated by a minimum 8-foot wide landscape strip located between the back of curb and sidewalk, planted to the following standards, as approved by the Planning and Development Department.

a. ~~Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.~~

b. ~~Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.~~

~~Where utility conflicts arise, the developer shall work with the MCDOT and the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.~~

~~28.~~ A minimum of 60 feet of right-of-way shall be dedicated and constructed for the full width of the minor collector street along the northern boundary of Project II. The improvements shall be consistent with Minor Collector Cross Section f and include minimum 5-foot wide detached sidewalks separated by minimum 5-foot wide landscape strips located between the back of curb and sidewalk, planted to the following standards, as approved by the Planning and Development Department.

a. ~~Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20 feet on center on in equivalent groupings.~~

b. ~~Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.~~

~~Where utility conflicts arise, the developer shall work with the MCDOT and the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.~~

~~27~~ Enhanced pedestrian connections shall be designed and constructed at all public street crossing locations to interconnect the pedestrian trails throughout the entirety of the site, as approved by the Street Transportation Department and the Planning and Development Department.

~~28.~~ 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 and MCDOT (where applicable). All improvements shall comply with all ADA accessibility standards.

~~29.~~ A Red Border Letter shall be submitted to the Arizona Department of Transportation (ADOT) for this development.

30. The developer shall record documents that disclose to prospective purchasers and renters of property within the development the existence of noise from the I-17 Freeway. The form and content of such documents shall be reviewed and approved by the City prior to recordation.
31. If determined necessary by the Phoenix Archeology 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 Archeologist prior to clearing and grubbing, landscape salvage, and /or grading approval.
32. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.
33. In the event archeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within 33-foot radius of the discovery, notify the City Archeologist, and allow time for the Archeology Office to properly assess the materials.
34. 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.
37. ~~Prior to the construction of any residences, all existing wells within the development shall be capped and abandoned, as required by the Arizona Department of Water Resources (ADWR).~~
35. ALL STREET, SITE, AND BUILDING LIGHTING SHALL BE DARK SKY COMPLIANT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT AND THE STREET TRANSPORTATION DEPARTMENT. ~~The development shall petition the Street Transportation Department to eliminate the requirement for street light infrastructure for the development where possible in an effort to protect dark skies.~~
39. ~~Primary construction access shall be from Circle Mountain Road, or the frontage road, and ancillary construction activity and access may occur on Jenny Lin Road during parts of Project III, as approved by the City of Phoenix Planning and Development Department.~~
36. The developer shall promptly repair any roadway damage that may occur on CIRCLE MOUNTAIN ROAD ~~Jenny Lin Road~~ during construction.
41. ~~The developer shall include disclosure language in future leases requiring all residents of Project III to acknowledge that a portion of Jenny Lin Road is private property, and no trespass is permitted.~~

Phase 1 (R-3 Zoned Area)

37. The development shall be in general conformance with the site plan date
42. stamped OCTOBER 11, 2024 ~~May 4, 2023~~, as modified by these stipulations and as approved by the Planning and Development Department.
38. The development shall be in general conformance with the elevations date
43. stamped AUGUST 30, 2024 ~~August 29, 2022~~, with specific regard to the following elements, as modified by these stipulations and as approved by the Planning and Development Department.
- a. Spanish Colonial architectural style
 - b. Windows and glass doors with muntins and mullions
 - c. Decorative lighting fixtures at building entrances/exits and by garage doors
 - d. Covered front porches
 - e. Window and door treatment
 - f. Decorative doors
 - g. Architectural embellishments including, but not limited to, corbels and terracotta gable vent tubes
39. ~~Phase 1 of~~ The development shall be limited to a maximum of 151 ~~288~~ dwelling
44. units.

Phase 2 (R-2 Zoned Area)

45. ~~The development shall be in general conformance with the site plan date stamped April 13, 2023, as modified by these stipulations and as approved by the Planning and Development Department.~~
46. ~~The development shall be in general conformance with the elevations date stamped August 29, 2022, with specific regard to the following elements, as modified by these stipulations and as approved by the Planning and Development Department.~~
- a. ~~Variety of architectural styles~~
 - b. ~~Windows and glass doors with muntins and mullions~~
 - c. ~~Decorative lighting fixtures at buildings entrances/exits and by garage doors~~
 - d. ~~Covered front porches and covered rear patios~~

- e. ~~Garage, window and door treatment~~
- f. ~~Decorative doors~~
- g. ~~Architectural embellishments including, but not limited to, corbels, terracotta gable vent tubes, and window shutters~~
- h. ~~Gable end treatment with varied materials and colors~~
- i. ~~Breaking of massing and with varied materials and colors~~

47. ~~Phase 2 of the development shall be limited to a maximum of 172 lots.~~

Phase 3 (R-3A Zoned Area)

48. ~~Conceptual site plans and elevations for Phase 3 shall be reviewed and approved by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval with specific regard to the inclusion of the below elements. This is a legislative review for conceptual purposes only. Specific development standards and requirements will be determined by the Planning Hearing Officer and the Planning and Development Department.~~

- a. ~~All building facades shall contain architectural embellishments and detailing such as, but not limited to, textural changes, pilasters, offsets, recesses, window fenestration, shadowboxes, and canopies.~~
- b. ~~Building and wall colors shall be muted and blend with, rather than contrast, with the surrounding desert environment. Accent colors may be appropriate but used judiciously and with restraint.~~
- c. ~~An architectural theme shall convey a sense of continuity through all phases.~~

49. ~~A minimum of 10% of surface parking lot areas, exclusive of perimeter landscape setbacks, shall be landscaped. The surface parking lot areas shall be landscaped with minimum 2-inch-caliper large canopy drought-tolerant shade trees and shall be dispersed throughout the parking area to achieve a minimum 25% shade at maturity, as approved by the Planning and Development Department.~~

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-7140 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-7140 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 13th day of November, 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 (3 Pages)
B - Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-2-24--Z-8-22-1

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

A portion of land lying within the West Half of Section 3, Township 6 North, Range 2 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING, at the Center of said Section 3, marked by a 1/2" rebar with a tag stamped "RLS 38862", from which the North Quarter of said Section 3, marked by a 1" iron pipe, bears North 00°00'26" East, 2647.85 feet;

THENCE, on the east boundary of the west half of said Section 3, South 00°00'35" East, 1964.14 feet to the **POINT OF BEGINNING**;

THENCE, continuing on said east boundary, South 00°00'35" East, 640.75 feet;

THENCE, parallel with and offset 40.00 feet north of the south boundary of said Section 3, North 89°53'06" West. 1027.67 feet;

THENCE, on a curve concave northeasterly, having a radius of 25.00 feet, through a central angle of 89°23'56", an arc distance of 39.01 feet;

THENCE, on a curve concave easterly, parallel with and offset 42.00 feet easterly of the 1-17 frontage road right of way per ADOT Right of Way Plans C-7-R-666B, having a radius of 22672.31 feet, through a central angle of 01°34'09", an arc distance of 620.95 feet;

THENCE, South 89°37'00" East, 1049.30 feet to the **POINT OF BEGINNING**.

Containing 711,678 square feet or 16.338 acres more or less.

Subject to any easements, restrictions, rights-of-way of recorded or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

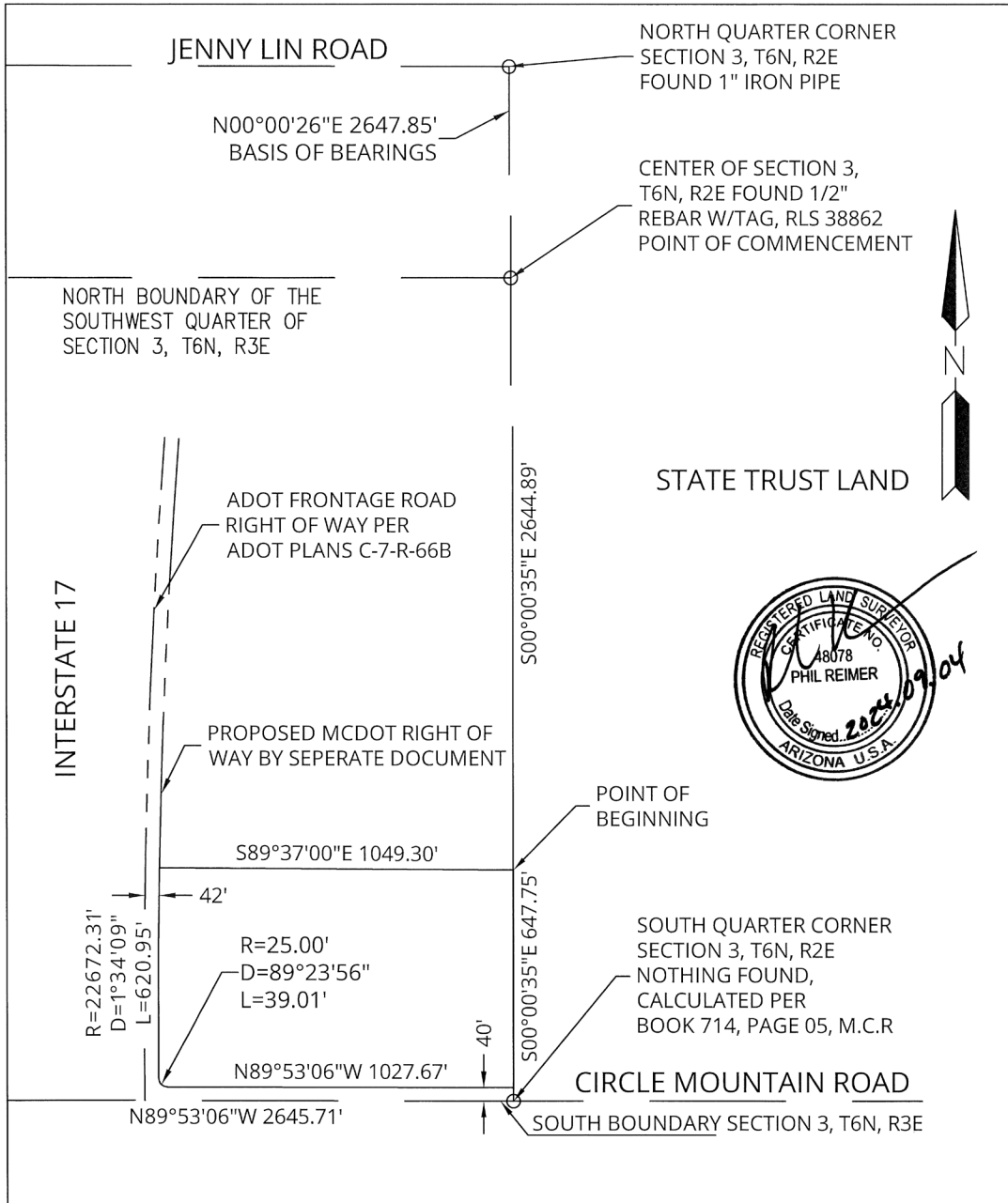
Prepared by: HILGARTWILSON, LLC
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
Project No. 2558
Date September 3, 2024



September 3, 2024

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LEGAL.docx

DRAFT



PROJ.NO.:	2558
DATE:	SEPT. 2024
SCALE:	1" = 400'
DRAWN BY:	BMG
CHECKED BY:	PR

CIRCLE MOUNTAIN PARCEL NO.1 PHO
I-17 & CIRCLE MOUNTAIN PHOENIX, AZ
EXHIBIT

HILGARTWILSON

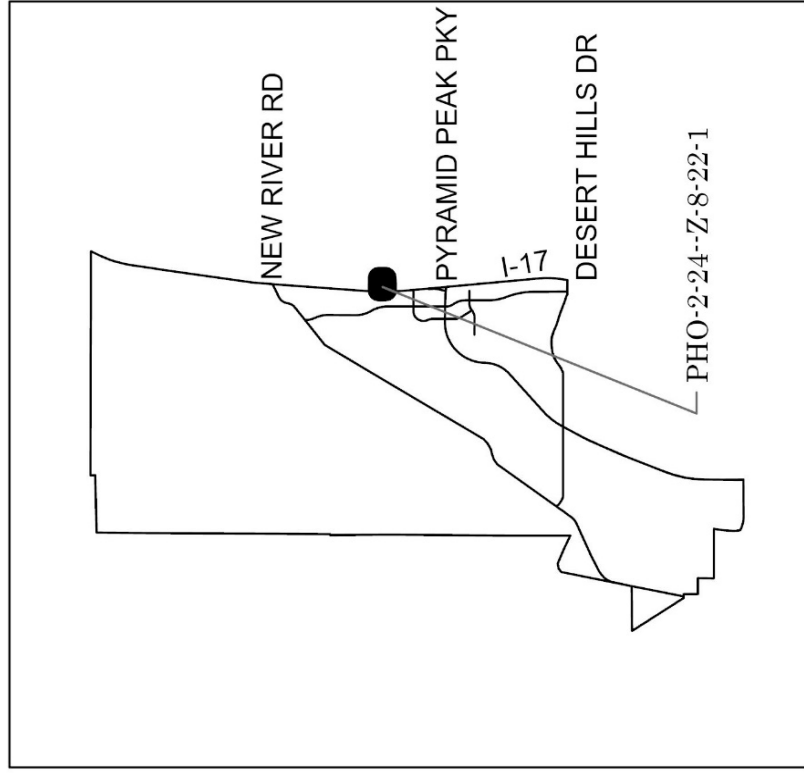
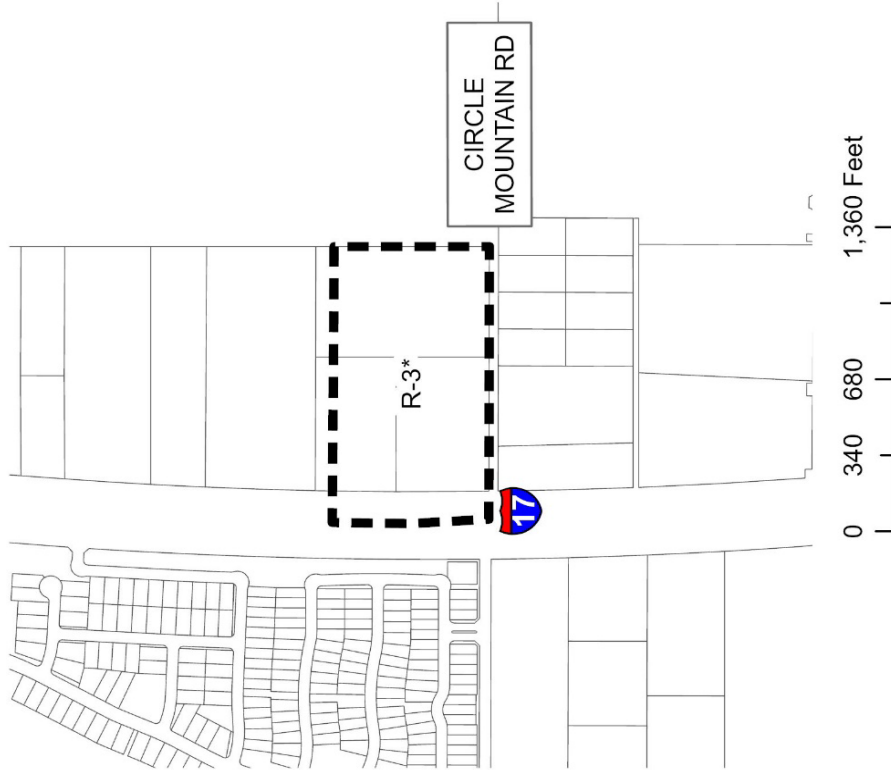
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, AZ 85016
P: 602.490.0535 / F: 602.368.2436

EXHIBIT B

ORDINANCE LOCATION MAP

Zoning Case Number: PHO-2-24--Z-8-22-1
Zoning Overlay: N/A
Planning Village: Rio Vista

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



NOT TO SCALE



Drawn Date: 10/16/2024