

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 ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-72-22-8) FROM S-1 (APPROVED R1-6 PCD) (RANCH OR FARM RESIDENCE, APPROVED SINGLE-FAMILY RESIDENCE DISTRICT, PLANNED COMMUNITY DISTRICT) AND S-1 (APPROVED R-2 PCD) (RANCH OR FARM RESIDENCE, APPROVED MULTIFAMILY RESIDENCE DISTRICT, PLANNED COMMUNITY DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of a 65.85 acre site located at the southeast corner of 59th Avenue and Elliot Road in a portion of Section 17, Township 1 South, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from 38.45 acres of "S-1 (Approved R1-6 PCD)" (Ranch or Farm Residence, Approved Single-Family Residence District, Planned Community District) and 27.40 acres of "S-1 (Approved R-2 PCD)" (Ranch or Farm Residence, Approved Multifamily Residence District, Planned Community District), to "PUD" (Planned Unit District) for the Elliot 202 PUD.

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit “B.”

SECTION 3. Due to the site’s specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. An updated Development Narrative for the Elliot 202 PUD reflecting the changes approved through this request shall be submitted to the Planning Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative date stamped March 9, 2023, as modified by the following stipulations.
 - a. Front Cover, add “City Council adopted: [Insert Adoption date]”
 - b. Page 7, Section C. List of Uses, Development Unit 1, Prohibited Uses: Remove “Publicly operated buildings or properties” from this list.
 - c. Page 7, Section C. List of Uses, Development Unit 1, Prohibited Uses: Add “Multifamily residential.”
 - d. Page 7, Section C. List of Uses, Development Unit 1, Performance Criteria for Distribution Uses, modify this section as follows:

No distribution and large-scale wholesale facilities are permitted as a primary use for a time period of 4 years from the date of rezoning approval.

* For the purposes of this PUD, “large-scale wholesale” is defined as wholesale as a primary use for an individual user occupying more than 50% of any individual building.
 - e. Page 9, Development Standards – Development Unit 1, Parking Standards, add an Electric Vehicle Parking standards section with the following: Minimum Percentage of installed Level 2 EV Charging Stations. 2% of Required Parking. A minimum of 20 electric vehicle charging spaces shall be required for the overall development (DUs 1, 2, and 3).

- f. Page 9, Development Standards – Development Unit 1, Sidewalk and Trails, modify the SUP standards as follows:

A 10-foot wide detached concrete Shared Use Path (SUP) shall be provided along the west property line within a 20-foot wide Shared Use Path Easement (SUPE) or sidewalk easement to be dedicated to the city.

- g. Page 13, Development Standards – Development Unit 2, Maximum Density, Add the following:

Maximum 700 units for the overall PUD area

- h. Page 13, Development and Landscape Standards for Development Unit 2: Add the header “Development Standards – Development Unit 2” before development standards table.

- i. Page 13, Development Standards – Development Unit 2, Sidewalk and Trails, modify the SUP standards as follows:

A 10-foot wide detached concrete Shared Use Path (SUP) shall be provided along the west property line within a 20-foot wide Shared Use Path Easement (SUPE) or sidewalk easement to be dedicated to the city.

- j. Page 14, Development Standards – Development Unit 2, Parking Standards, add an Electric Vehicle Parking standards section with the following: Minimum Percentage of installed Level 2 EV Charging Stations: 2% of Required Parking. Minimum Percentage of EV Capable spaces: 5%. A minimum of 20 electric vehicle charging spaces shall be required for the overall development (DUs 1, 2, and 3).

- k. Page 16, Development Standards – Development Unit 3, Maximum Density, Add the following:

Maximum 700 units for the overall PUD area.

- l. Page 16, Development and Landscape Standards for Development Unit 3: Add the header “Development Standards – Development Unit 3” before the development standards table.

- m. Page 17, Development Standards – Development Unit 3, Sidewalk and Trails, modify the SUP standards as follows:

A 10-foot wide detached concrete Shared Use Path (SUP) shall be provided along the west property line within a 20-foot wide Shared Use

Path Easement (SUPE) or sidewalk easement to be dedicated to the city.

- n. Page 17, Development Standards – Development Unit 3, Parking Standards, add an Electric Vehicle Parking standards section with the following: Minimum Percentage of installed Level 2 EV Charging Stations: 2% of Required Parking. Minimum Percentage of EV Capable spaces: 5%. A minimum of 20 electric vehicle charging spaces shall be required for the overall development (DUs 1, 2, and 3).
- o. Page 16, Development Standards – Development Unit 3, Building Setbacks, modify the South (Adjacent to Unit 2) to 15 feet.
- p. Page 24, Development Unit 2 and Development Unit 3 Design Guidelines, a. Architectural Design, Design Guidelines for Apartment and Carriage Unit Elevations, modify the public street elevations as follows:

Public street facing:

25% Min. Glazing and metal railing

10% Min. Brick veneer

15% Min. Hardie plank

50% Max. Stucco

- q. Page 24, Development Unit 2 and Development Unit 3 Design Guidelines, a. Architectural Design, Design Guidelines for Apartment and Carriage Unit Elevations, modify as follows:
 - Apartment elevations shall feature large balconies and deep overhangs to visually create layered volumes and break up the mass of each building type.
 - Balconies are encouraged to orient toward the streets, where possible.
 - A minimum of three (3) apartment building types are provided.
- r. Page 25, F. Signs, add the following language after the first paragraph:
 - There shall be a maximum of two digital billboards each at a maximum height of 48 feet.
 - Any off-premise sign shall include branded screening on the backside.
- s. Page 26, Section G. Sustainability, 1. City Enforced Standards, move

the third bullet point related to recycling to the Developer Goal section.

2. Page 27, Circulation Systems: Remove “future development to dedicate and construct all typical half street right-of way and roadways necessary to serve the development”.
3. The developer shall dedicate right-of-way and construct the south side of Elliot Road from 55th Avenue to the 202 Freeway, as required by the Tierra Montana Master Street Plan and as approved by the Planning and Development Department.
4. The developer shall dedicate right-of-way and fully construct 59th Avenue, as required by the Tierra Montana Master Street Plan and as approved by the Planning and Development Department.
5. The developer shall dedicate right-of-way and fully construct Carver Road, as required by the Tierra Montana Master Street Plan and as approved by the Planning and Development Department.
6. The developer shall submit a Traffic Impact Study including a signal warrant analysis for this development at the intersection of 59th Avenue and Elliot Road. No preliminary approval of plans shall be granted until the study has been reviewed and approved by the city. The developer shall be responsible for cost and construction of traffic signal or If traffic signal is not warranted upon opening, the developer will be required to provide 50% contribution toward the traffic signal in an escrow account to the Street Transportation Department, as required by the approved traffic impact study.
7. The developer shall submit a sight distance analysis for all driveways located along 59th Avenue. Sight distance must comply with the Street AASHTO requirements and Transportation Departments Planning and Design Manual and as approved by the Street Transportation Department.
8. Existing irrigation facilities along public streets are to be undergrounded and relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish the appropriate process to relocate the facility.
9. 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.
10. A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along Carver 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 by the Planning and Development Department.

11. A 20-foot-wide shared-use path easement (SUPE) shall be dedicated along the east side of 59th Avenue and a minimum 10-foot-wide shared use path (SUP) shall be constructed within the easement in accordance with the MAG supplement detail and as approved by the Planning and Development Department.
12. The property owner shall record documents that disclose the existence, and operational characteristics of Goodyear Airport 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.
13. In the event archeological 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 Archeologist, and allow time for the Archeology Office to properly assess the materials
14. 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.
15. Prior to obtaining a permit for an off-premise sign (billboard), the applicant must execute an agreement with the City of Phoenix, outlining the utilization of 50% of the net profits from the proposed billboards with specific regard to the following:
 - Subsidization of rent for Laveen residents via IDM Cares;
 - Laveen Elementary School District;
 - City of Phoenix parks operations for Olney park near the intersection of 59th and Olney avenues, as modified and approved by the Parks and Recreation Department.

The 50% donation shall be broken down into minimum 25% of revenue to rental assistance and minimum 15% to Olney park as part of the total 50%.

The agreement shall remain in force as long as the billboards are operational or until a contribution amount of two million dollars has been donated.

16. Prior to occupancy, the developer must provide a qualified engineer's report certifying the average annual interior noise exposure for any residential unit or enclosed public assembly area will not exceed 45 decibels.

SECTION 4. 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 3rd day of May, 2023.

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 Z-72-22-8

Development Unit 1

A portion of (GLO) Lot 1 lying within the Northwest Quarter of Section 17, Township 1 South, Range 2 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found 3 inch City of Phoenix brass cap in hand hole accepted as the North quarter corner of said Section 17 from which a found 3 inch brass cap in hand hole, stamped T1S, R2E, S7, S8, S17, S18, RLS 54404, dated 2020 accepted as the Northwest corner thereof bears North 89°54'45" West, 2619.11 feet;

Thence North 89°54'45" West, 1882.59 feet along the north line of said Northwest Quarter to the POINT OF BEGINNING;

Thence leaving said north line, South 00°00'00" East, 1166.32 feet;

Thence North 90°00'00" West, 740.14 feet to the west line of said Northwest Quarter;

Thence along said west line, North 00°10'42" East, 1167.45 feet to the Northwest corner of said Section 17;

Thence South 89°54'45" East, 736.51 feet to the POINT OF BEGINNING.

The above described parcel contains a computed area of 861,540 sq. ft. (19.7782 acres) more or less and being subject to any easements, restrictions, rights-of-way of record 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.

Development Unit 2:

A portion of (GLO) Lot 1 lying within the Northwest Quarter of Section 17, Township 1 South, Range 2 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found 3 inch City of Phoenix brass cap in hand hole accepted as the North quarter corner of said Section 17 from which a found 3 inch brass cap in hand hole, stamped T1S, R2E, S7, S8, S17, S18, RLS 54404, dated 2020 accepted as the Northwest corner thereof bears North 89°54'45" West, 2619.11 feet;

Thence North $89^{\circ}54'45''$ West, 1351.43 feet along the north line of said Northwest Quarter;

Thence leaving said north line, South $01^{\circ}05'33''$ East, 1304.07 feet along the west line of "Ellison Trails" per Book 1478, Page 50, Maricopa County Records, Arizona to the southwest corner thereof also being the POINT OF BEGINNING;

Thence along the south line of said "Ellison Trails" being in common line with the north line of said (GLO) Lot 1, South $89^{\circ}44'51''$ East, 12.41 feet to the northwest corner of "Tierra Montana Phase 1 - Parcel 6" per Book 1019, Page 16, Maricopa County Records, Arizona;

Thence along the west line of said final plat being in common line with the east line of said (GLO) Lot 1, South $00^{\circ}12'04''$ West, 1304.04 feet to the East-West Mid-Section line of said Section 17;

Thence along said Mid-Section line being in common line with the south line of said (GLO) Lot 1, North $89^{\circ}34'59''$ West, 637.21 feet to the centerline of Loop 202;

Thence along said centerline, North $41^{\circ}17'26''$ West, 404.46 feet to the beginning of a tangent curve, concave northeasterly, having a radius of 7678.00 feet;

Thence continuing along said centerline and northwesterly along said curve, through a central angle of $04^{\circ}46'38''$ West, an arc length of 640.16 feet to the west line of said Northwest Quarter;

Thence along said west line being in common line with the west line of said (GLO) Lot 1, North $00^{\circ}10'42''$ East, 503.23 feet;

Thence leaving said west line, South $89^{\circ}44'51''$ East, 1296.60 feet along the north line of said (GLO) Lot 1 to the POINT OF BEGINNING.

The above described parcel contains a computed area of 1,444,919 sq. ft. (33.1708 acres) more or less and being subject to any easements, restrictions, rights-of-way of record 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.

Development Unit 3:

A portion of (GLO) Lot 1 lying within the Northwest Quarter of Section 17, Township 1 South, Range 2 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found 3 inch City of Phoenix brass cap in hand hole accepted as the North quarter corner of said Section 17 from which a found 3 inch brass cap in hand hole, stamped T1S, R2E, S7, S8, S17, S18, RLS 54404, dated 2020 accepted as the Northwest corner thereof bears North 89°54' 45" West, 2619.11 feet;

Thence North 89°54'45" West, 1351.43 feet along the north line of said Northwest Quarter to the POINT OF BEGINNING;

Thence leaving said north line, South 01°05'33" East, 1304.07 feet along the west line of "Ellison Trails" per Book 1478, Page 50, Maricopa County Records, Arizona to the southwest corner thereof;

Thence leaving said west line, North 89°44'51" West, 1296.60 feet along the North line of said (GLO) Lot 1;

Thence leaving said north line, North 00°10'42" East, 132.61 feet along the west line of said Northwest Quarter;

Thence leaving said west line, North 90°00'00" East, 740.14 feet;

Thence North 00°00'00" East, 1166.32 feet to the north line of said Northwest Quarter;

Thence along said north line, South 89°54'45" East, 531.17 feet to the POINT OF BEGINNING.

The above described parcel contains a computed area of 807,688 sq. ft. (18.5420 acres) more or less and being subject to any easements, restrictions, rights-of-way of record 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.

ORDINANCE LOCATION MAP

EXHIBIT B

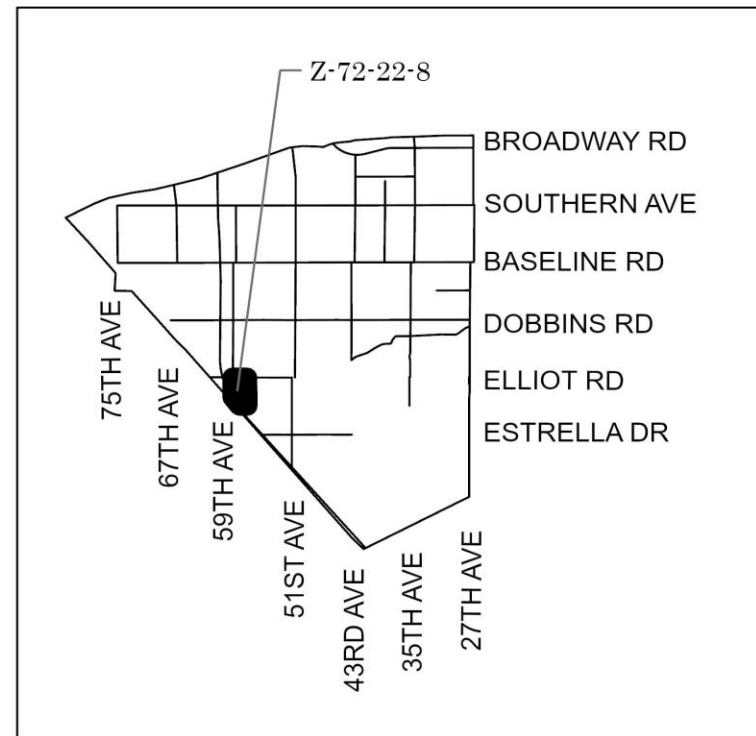
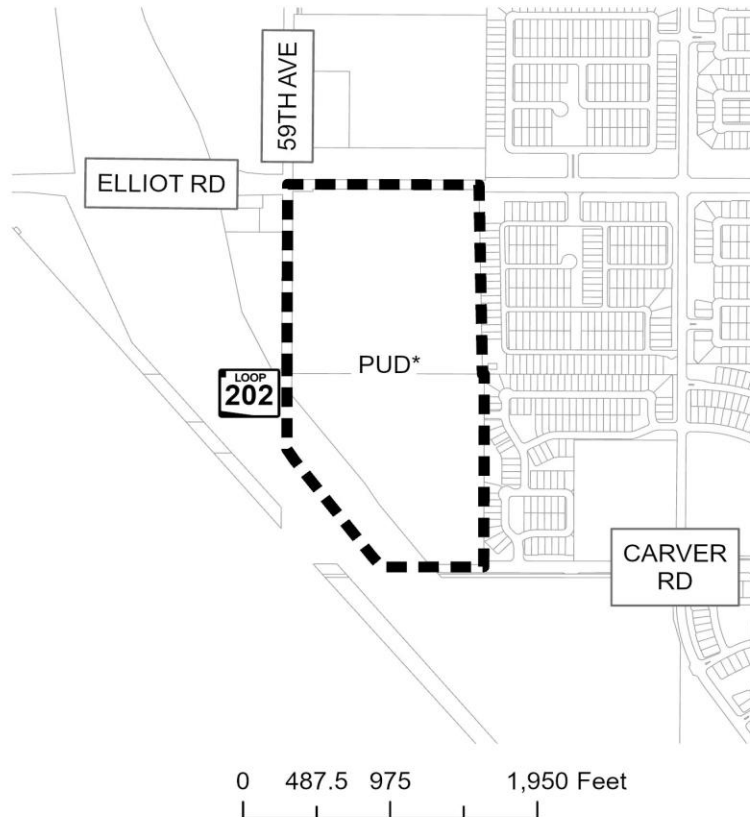
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■■■■■

Zoning Case Number: Z-72-22-8

Zoning Overlay: N/A

Planning Village: Laveen



NOT TO SCALE



Drawn Date: 4/3/2023