

ATTACHMENT A

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ADOPTED ORDINANCE**

ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO
REZONING APPLICATION Z-50-08-5 PREVIOUSLY APPROVED BY
ORDINANCE G-5292.

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

SECTION 1. The zoning stipulations applicable located approximately
780 feet east of 23rd Avenue and Butler Drive 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 elevations for the residential portions of the site shall be approved by the Planning Hearing Officer through the public hearing process prior to Development Services 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 Development Services 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.~~

- 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~~, WITH SPECIFIC REGARD TO THE FOLLOWING AND as approved by the PLANNING AND Development ~~Services~~ 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 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-B and C-C.
- C. ~~The residential buildings~~ ~~THE SITE PLAN~~ shall be designed so that the mature trees identified on ~~Exhibit B~~, 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 PROJECT SHALL NOT EXCEED ~~of 11.42~~ 11.55 dwellings UNITS per acre.
- E. ~~That~~The developer shall provide a par exercise course as an amenity within the designated major pedestrian route.
3. ~~That~~The commercial portion of the site shall develop in general conformance to the elevations date stamped August 1, 2008 and site plan date stamped August 29, 2008 as may be approved by the PLANNING AND Development ~~Services~~ Department, with specific regard to the following for the portion of the site east of 21st Avenue (Definitions in the following stipulations are as noted in Section 662 of the Phoenix Zoning Ordinance.):
- a. Placement of buildings close to Northern Avenue, providing parking on the interior and between buildings.

- b. ~~That b~~ Buildings along Northern Avenue shall be no greater than 180 feet of frontage without provision of a walkway/passageway to the interior of the commercial site.
- c. Provision of walkways/passageways between buildings from Northern Avenue to the interior of the commercial site.
- d. A minimum of 50% of the lot frontage on Northern Avenue shall contain building frontage.
- e. 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% of the visible light (as specified by the manufacturer) to be visible on either side of the window. Clear windows shall encompass, at a minimum, 60% of the building facade length fronting onto a street within the area from 3 feet to 6 feet-8 inches above adjacent interior finished floor and adjacent sidewalk grade. Blank walls without doors and windows shall not occupy over 30% of the principal frontage for non-residential buildings and 50% for residential buildings, and a section of blank wall shall not exceed 20 linear feet without being interrupted by a window or entry.
- f. The frontage shall include shading along its entire right-of- way frontage, excluding driveways, loading and service berths.
- g. The frontage shall include a minimum of one (1) or a combination of the following shading methods. A minimum of 75% of the sidewalk or pedestrian way shall be shaded.
- (1) Arcades, awnings, trellises or covered walkways attached to the primary building shall be a minimum of 12 feet in depth, measured from any point of ground floor facade to the exterior column or vertical plane of the overhang. The maximum head clearance shall not exceed 20 feet, measured from finish grade. Landscaping shall include a row of trees (a minimum of 50% 2-inch caliper and 50% 3-inch caliper) placed 20 feet on center and run parallel with the arcade or awning.
 - (2) Detached shade structures shall be a minimum of 12 feet in depth and 15 feet in height and should incorporate architectural elements and design of the primary structure. Landscaping shall include a row of trees (a minimum of 50% 2-inch caliper and 50% 3- inch caliper) located or spaced 20 feet on center and run parallel with the arcade or awning.

- (3) A double row of trees a minimum of 50% 2-inch caliper and 50% 3-inch caliper spaced 20 feet on center shall be provided. The rows shall be placed parallel on either side of the sidewalk as required in section 662.i.1 of the zoning ordinance. The rows shall be staggered to provide maximum shading.
 - h. Open space shall be a minimum of five percent (5%) of the gross commercial site area. A combination of types of areas is allowed. Areas may include the following:
 - (1) Courtyards (limited access/semi-private and common).
 - (2) Outdoor seating areas (plazas, ramadas, landscaped areas with turf, etc.).
 - i. Bicycle parking shall be provided at 1 space per 2,000 square feet of tenant leasable floor area, with a maximum of 50 spaces.
- 4. ~~That~~ The mature trees identified on Exhibit B, Tree Preservation Plan, shall be continuously maintained (e.g. watering, 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 10 foot sidewalk easement shall be dedicated along the north side of Northern Avenue, as approved by the PLANNING AND Development ~~Services~~ Department.
 - 6. ~~That~~ 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 ~~Services~~ 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 ~~Services~~ Department and the Street Transportation DepartmentS.
 - 8. ~~That~~ 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 ~~Services~~ 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-5292, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-5292 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)

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EXHIBIT A

LEGAL DESCRIPTION FOR PHO-6-20-- 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:

COMMENCING the Center of said Section 36 from which the East quarter corner of said Section 36 bears, North 89 degrees 51 minutes 17 seconds East, a distance of 2628.93 feet; Thence North 89 degrees 51 minutes 17 seconds East, along the North line of the Southeast quarter of said Section 36, a distance of 774.55 feet to the **POINT OF BEGINNING**; Thence continuing North 89 Degrees 51 Minutes 17 Seconds East along said North line a distance of 342.80 feet; Thence South 00 Degrees 06 Minutes 26 Seconds East a distance of 30.00 feet; Thence South 09 Degrees 59 Minutes 51 Seconds East a distance of 19.54 feet; Thence South 08 Degrees 29 Minutes 56 Seconds West a distance of 65.50 feet; Thence along an arc 124.90 feet to the left, having a radius of 200.00 feet, the chord of which is South 09 Degrees 23 Minutes 28 Seconds East for a distance of 122.88 feet; Thence South 27 Degrees 22 Minutes 18 Seconds East a distance of 86.72 feet; Thence along an arc 95.96 feet to the right, having a radius of 200.00 feet, the chord of which is South 13 Degrees 48 Minutes 24 Seconds East for a distance of 95.04 feet; Thence South 01 Degrees 37 Minutes 14 Seconds West a distance of 10.65 feet; Thence along an arc 98.72 feet to the left, having a radius of 200.00 feet, the chord of which is South 13 Degrees 58 Minutes 36 Seconds East for a distance of 97.72 feet; Thence South 28 Degrees 11 Minutes 18 Seconds East a distance of 86.11 feet; Thence along an arc 116.24 feet to the left, having a radius of 75.00 feet, the chord of which is South 72 Degrees 34 Minutes 23 Seconds East for a distance of 104.95 feet; Thence North 63 Degrees 00 Minutes 17 Seconds East a distance of 145.95 feet; Thence along an arc 48.80 feet to the right, having a radius of 50.00 feet, the chord of which is South 88 Degrees 54 Minutes 08 Seconds East for a distance of 46.89 feet; Thence South 60 Degrees 56 Minutes 16 Seconds East a distance of 42.23 feet; Thence along an arc 25.58 feet to the left, having a radius of 50.00 feet, the chord of which is South 75 Degrees 36 Minutes 24 Seconds East for a distance of 25.30 feet; Thence North 89 Degrees 51 Minutes 56 Seconds East a distance of 111.63 feet; Thence along an arc 31.50 feet to the right, having a radius of 20.00 feet, the chord of which is South 45 Degrees 01 Minutes 18 Seconds East for a distance of 28.34 feet; Thence South 00 Degrees 05 Minutes 35 Seconds West a distance of 184.84 feet; Thence South 00 Degrees 20 Minutes 00 Seconds East a distance of 44.26 feet; Thence South 27 Degrees 33 Minutes 14 Seconds West a distance of 42.06 feet; Thence South 88 Degrees 39 Minutes 15 Seconds West a distance of 371.10 feet; Thence South 61 Degrees 42 Minutes 19 Seconds West a distance of 248.53 feet; Thence North 58 Degrees 28 Minutes 05 Seconds West a distance of 35.41 feet; Thence along an arc 85.43 feet to the right, having a radius of 100.00 feet, the chord of which is North 34 Degrees 05 Minutes 00 Seconds West for a distance of 82.85 feet; Thence North 09 Degrees 35 Minutes 28 Seconds West a distance of 254.42 feet; Thence North 04 Degrees 31 Minutes 46 Seconds West a distance of 403.70 feet; Thence along an arc 69.83 feet to the left, having a radius of 50.00 feet, the chord of which is North 44 Degrees 30 Minutes 25

Seconds West for a distance of 64.29 feet; Thence North 84 Degrees 22 Minutes 39
Seconds West a distance of 148.42 feet; Thence North 00 Degrees 05 Minutes 39
Seconds West a distance of 189.79 feet to the **POINT OF BEGINNING**.

The above described parcel contains 8.320 acres (362420 sq. ft.)

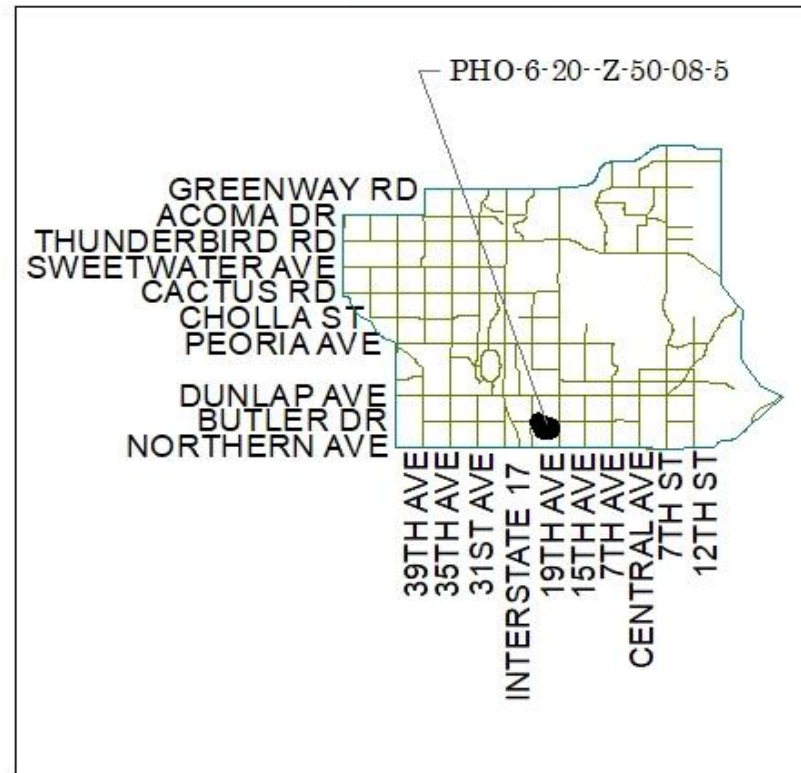
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ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: PHO-6-20-Z-50-08-5
Zoning Overlay: N/A
Planning Village: North Mountain



NOT TO SCALE



Drawn Date: 10/22/2020