

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-14-19-8 PREVIOUSLY APPROVED BY
ORDINANCE G-6608.

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

SECTION 1. The zoning stipulations applicable located approximately
776 feet north of the northeast corner of 59th Avenue and Elliot Road in a portion of
Section 8, Township 1 South, Range 2 East, as described more specifically in
Attachment "A", are hereby modified to read as set forth below.

STIPULATIONS:

1. The conceptual site plan, landscape plan, lighting plan and building elevations for the commercial (C-1) portion of the site shall be reviewed and approved by the Planning Hearing Officer through the public hearing process prior to preliminary site plan approval.
2. The development shall be in general conformance with the site plan and elevations date stamped APRIL 19, 2021 ~~May 3, 2019~~, as approved by the Planning and Development Department, and as modified by the following criteria:
 - a. The front elevations shall consist of a minimum of 10% non-stucco accent material.
 - b. The development shall provide gated access.
 - c. The development shall have a maximum of ~~249~~ 264 units.

3. A SHARED-USE PATH SHALL BE PROVIDED ALONG THE EAST SIDE OF 59TH AVENUE IN ACCORDANCE WITH THE CITY OF PHOENIX STANDARD TRAIL DETAIL AND AS APPROVED, MODIFIED, AND REQUIRED BY THE PARKS AND RECREATION AND PLANNING AND DEVELOPMENT DEPARTMENTS.
4. A 30-foot minimum landscape setback- shall be provided along 59th Avenue
~~3-~~ and along Elliott Road, as approved by the Planning and Development Department.
5. The developer shall provide a minimum of 10% open space, as approved by
4- the Planning and Development Department.
6. The developer shall install a minimum of 20 inverted U-bicycle racks for
~~5-~~ guests, installed per the requirements of Section 1307.H.4 of the Zoning Ordinance, as approved by the Planning and Development Department.
7. A pedestrian connection shall be provided between the R-3 and C-1
~~6-~~ portions of the site, as approved by the Planning and Development Department.
8. In the event archaeological materials are encountered during construction,
~~7-~~ 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.
9. The applicant shall submit a Traffic Impact Study to the City for this
~~8-~~ development. The conclusions of the study will be used to determine the required roadway and traffic improvements to be provided by the developer. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact Mr. Matthew Wilson (602-262-7580) to set up a meeting to discuss the requirements of the study. The Traffic Impact Study shall also be submitted to the Arizona Department of Transportation for review and approval.
10. The developer shall provide for a 55-foot half street right-of-way dedication
~~9-~~ for the east side of 59th Avenue for the entire length of property, extending to Elliot Road. This shall include 37 feet of paving for the east half of 59th Avenue.
11. The developer shall provide for a 55-foot half street right-of-way dedication
~~10-~~ on the north side of Elliot Road from 59th Avenue to the existing residential development to the east. Include 37 feet of paving for the north half of Elliot Road and additional improvements, as approved by the Planning and Development Department.
12. The developer shall provide for a 25-foot by 25-foot right-of-way triangle
~~11-~~ dedication at the northeast corner of the 59th Avenue and Elliot Road

intersection.

13. Open irrigation facilities are to be relocated and piped outside of the right-of-way. Contact Salt River Project to identify existing land rights and establish an appropriate process to relocate facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
- ~~14.~~ 13. The developer shall underground existing overhead electrical utilities within the public right-of-way that are impacted or to be relocated as part of this project, as approved by the Planning and Development Department.
- ~~15.~~ 14. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, 5-foot sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with the current ADA Guidelines.
- ~~16.~~ 15. Any request to change, delete or modify stipulations shall be presented through the Planning Hearing Officer process and notification shall be given to the Laveen Village Planning Committee prior to the Planning Hearing Officer hearing.
- ~~17.~~ 16. 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-6608, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6608 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)

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-21-- Z-14-19-8

A portion of the Southwest Quarter of Section 8, 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 brass cap in handhole at the Southwest Corner of said Section 8, from which a brass cap in handhole at the West Quarter corner of said Section 8 bears North 0 degrees 14 minutes 04 seconds East, 2641.07 feet;

thence North 0 degrees 14 minutes 04 seconds East along the West line of said Southwest Quarter, 780.01 feet to the POINT OF BEGINNING;

thence continuing along said west line, North 0 degrees 14 minutes 04 seconds East, 394.00 feet;

thence South 89 degrees 58 minutes 16 seconds East, 1311.22 feet to a point on the east line of the southwest quarter of the southwest quarter of said Section 8;

thence along said east line, South 0 degrees 18 minutes 53 seconds West, 921.01 feet to a point on a line parallel with and 253 feet north of the south line of the southwest quarter of said Section 8;

thence along said parallel line, North 89 degrees 58 minutes 16 seconds West, 904.93 feet;

thence North 0 degrees 14 minutes 04 seconds East, 527.00 feet;

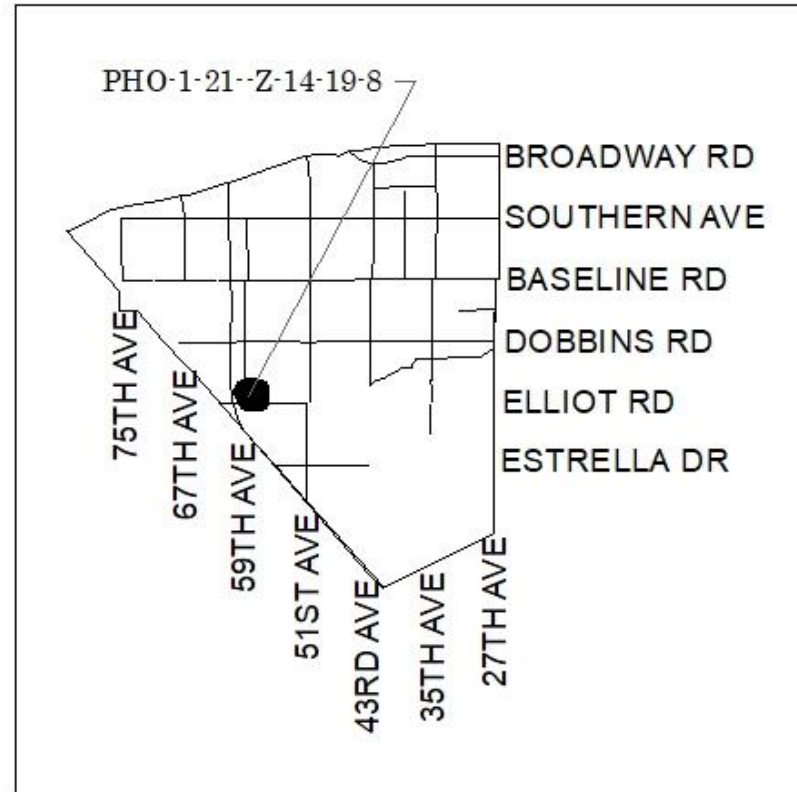
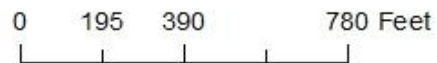
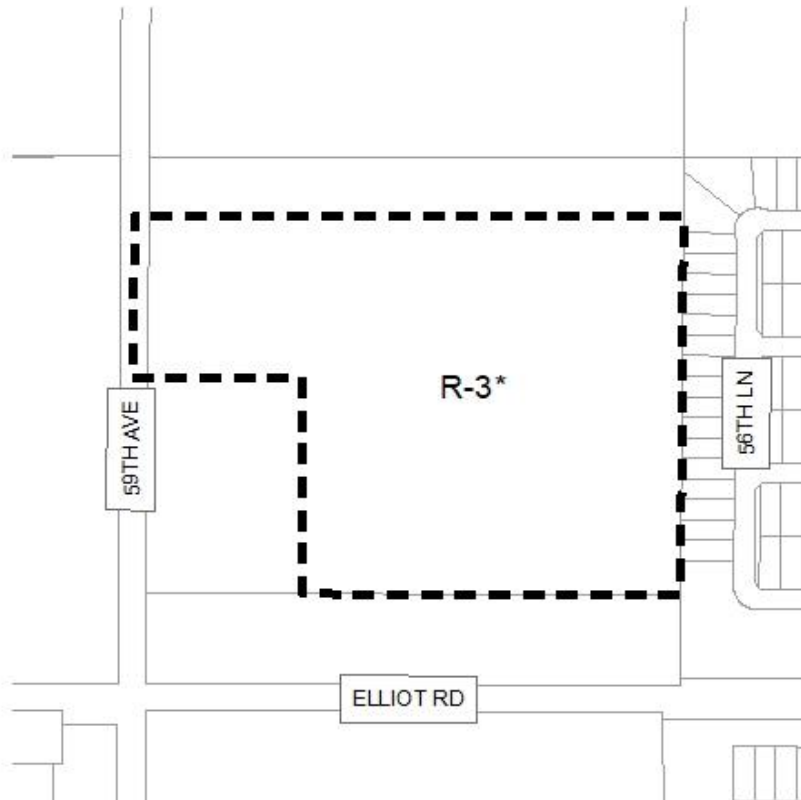
thence North 89 degrees 58 minutes 16 seconds West, 405.00 feet to the POINT OF BEGINNING.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: PHO-1-21-Z-14-19-8
Zoning Overlay: N/A
Planning Village: Laveen



NOT TO SCALE



Drawn Date: 7/26/2021