

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-51-08-7 PREVIOUSLY APPROVED BY
ORDINANCE G-5246.

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

SECTION 1. The zoning stipulations applicable located approximately
1,500 feet south of the southwest corner of 35th Avenue and Southern Avenue in a
portion of Section 34, Township 1 North, Range 2 East, as described more
specifically in Attachment "A", are hereby modified to read as set forth below.

STIPULATIONS:

1. ~~That~~ The development shall be in general conformance with the ~~residential~~
~~elevations date stamped May 20, 2008 and the site plan date stamped APRIL 7,~~
~~2022 August 11, 2008~~, as modified by the following stipulations and approved
by the PLANNING AND Development ~~Services~~ Department, with specific regard
to the following:

- a. ~~That the commercial building to the north be a maximum of 5300 square~~
~~feet.~~

THE PROJECT SHALL NOT EXCEED 173 DWELLING UNITS.

- b. ~~That the commercial building to the south be a maximum of 6700 square~~
~~feet.~~

A MINIMUM OF 89% OF THE TOTAL NUMBER OF UNITS SHALL BE LIMITED TO ONE STORY AND 18 FEET IN HEIGHT.

2. ~~That the elevations for the commercial pads shall be approved by the Planning Hearing Officer through the public hearing process prior to Development Services Department preliminary site plan approval. 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 RESIDENTIAL ELEVATIONS DATE STAMPED MARCH 4, 2022, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, WITH SPECIFIC REGARD TO THE FOLLOWING:

- A. THE FRONT ELEVATIONS SHALL CONTAIN A MINIMUM OF 25% NON-STUCCO OR ACCENT MATERIALS.
3. ~~That landscaping~~ THE DEVELOPMENT shall be in general conformance with the ~~conceptual Landscaping~~ LANDSCAPE plan date stamped APRIL 7, 2022, ~~July 25, 2008, with the addition of landscape diamonds provided approximately every 6 stalls in the commercial and guest residential parking areas, as approved or modified by the~~ FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND Development Services Department, WITH SPECIFIC REGARD TO THE FOLLOWING:
 - A. UNCOVERED PARKING AREAS WITH MORE THAN SIX STALLS SHALL INCLUDE LANDSCAPE ISLANDS.
 4. ~~That The~~ EAST AND WEST perimeter walls shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile, glass insets, or stamped designs, as approved by the PLANNING AND Development Services Department.
 5. ~~That All~~ pedestrian walkways shall be shaded USING LANDSCAPING AND/OR OTHER SITE FEATURES TO THE EXTENT PRACTICABLE and connect all residential buildings to project amenities, ~~commercial pads to the east and the commercial site to the north, as approved OR MODIFIED by the~~ PLANNING AND Development Services Department.
 6. ~~That The~~ developer shall conduct archaeological monitoring and/or testing by a qualified archaeologist within all areas of the development prior to clearing and grubbing, landscape salvage, and/or grading, as approved or modified by the City Archaeologist. Further data recovery may be necessary based on results of the testing.
 7. ~~That The~~ property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International 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.

8. ~~That~~ Right-of-way totaling 55 feet shall be dedicated for the west half of 35th Avenue, as approved by the PLANNING AND Development Services Department.
9. ~~That~~ Right-of-way totaling 25 feet shall be dedicated for the east half of 37th Avenue, as approved by the PLANNING AND Development Services Department.
10. ~~That~~ 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 Services Department. All improvements shall comply with all ADA accessibility standards.
11. ~~That~~ The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.
12. ~~That the maximum number of residential units shall not exceed 276.~~
13. ~~That the western property area shall be designed in the following manner as approved or modified by the Development Services Department:~~
 - a. ~~That owner shall file for and pursue a variance to allow for a maximum 8-foot ornamental iron view fence on the western property line;~~
 - b. ~~Minimum 8-foot wide landscape setback between the block wall/view fence and the proposed parking structures along the western perimeter (additional landscaping shall occur outside the perimeter fence);~~
 - c. ~~Covered parking spaces adjacent to required view fencing, located on the west end of the property shall be screened from the residential properties to the west of the site. The screening method shall consist of either landscaping or a wall attached to the parking canopy;~~
 - d. ~~A mixture of 75% 4 to 6-inch caliper trees within the landscaped setback shall be planted to act as a visual buffer between the western most apartment buildings and the residential properties to the west.~~
12. ~~That~~ Mature trees shall be salvaged and utilized within all the landscape setbacks with specific regard to placement of the larger specimens within the western landscape setback as approved by the PLANNING AND Development Services Department.
14. ~~That the applicant shall provide a minimum 15-foot landscape setback along the southern perimeter of the property. The setback shall be landscaped with a~~

~~staggered double row of a 75% mixture of 3 to 6 inch caliper trees planted approximately 25 feet on center as approved by the Development Services Department.~~

- ~~16. That the final landscape plan, lighting plan, and sign package for the commercial and residential project shall be submitted to the Laveen Village Planning Committee for review and comment prior to preliminary site plan approval by the Development Services Department. That all signs shall not exceed 6 feet in height as approved by the Development Services Department.~~
- ~~17. That the parking lot screen wall and landscape pallet within the 35th Avenue landscaped setback shall compliment the adjacent existing development to the north and be compatible in color, texture, form and materials as approved by the Development Services Department.~~
13. That The applicant shall notify the following individuals 15 days prior to any of
- ~~18. the following events, Preliminary site plan review meeting, Zoning Adjustment hearing or Planning Hearing Officer hearing.~~
 - a. Steven Klein - 6820 S. 66th Ave., Laveen, AZ 85339
 - b. Phil Hertel - 2300 W. Broadway Rd., Phoenix, AZ 85041
 - c. Jon Kimoto - 3216 W. Ansell Rd., Laveen, AZ 85339
 - d. Mark Williams - 7150 E. Camelback Rd. #285, Scottsdale, AZ 85251
 - e. Randy Raskin – 5110 N. 40th Street, Suite 100, Phoenix, AZ 85018
- ~~19. That the two commercial monument signs on 35th Avenue, and the lighted signs on the commercial building shall be limited to a maximum of one user each, as approved by the Development Services Department.~~
14. THE DEVELOPER SHALL REPLENISH THE EXISTING LANDSCAPE AREA ALONG 35TH AVENUE, LOCATED BETWEEN BACK OF CURB AND SIDEWALK, TO ACHIEVE 50 PERCENT SHADE AT MATURITY. PLANTING TYPE, FREQUENCY, AND SIZE TO BE AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
15. THE DEVELOPER SHALL PROVIDE A MINIMUM OF 20 SECURED BICYCLE PARKING SPACES, DESIGNED PER THE STANDARDS OF SECTION 1307.H FOR MULTI-FAMILY DEVELOPMENT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
16. THE DEVELOPER SHALL PROVIDE AN ENHANCED AND SHADED PEDESTRIAN ACCESSWAY FROM THE SITE TO THE EXISTING BUS STOP ALONG 35TH AVENUE, 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-5246 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-5246 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 May, 2022.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:

A - Legal Description (2 Pages)

B - Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-22--Z-51-08-7

PARCEL 1 **APN 105-89-003J**

That portion of the Southeast quarter of the Northeast quarter of Section 34, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

BEGINNING at the Northeast corner of said Southeast quarter of the Northeast quarter of the Section 34, from whence the Northeast corner of Section 34 bears North 00 degrees 54 minutes 04 seconds East, a distance of 1314.05 feet;

Thence South 00 degrees 54 minutes 04 seconds West along the East line of said Southeast quarter, a distance of 236.03 feet to the South line of the North 236.00 feet of the Southeast quarter of the Northeast quarter of Section 34;

Thence North 89 degrees 59 minutes 25 seconds West along the said South line, a distance of 336.08 feet;

Thence South 00 degrees 54 minutes 04 seconds West parallel with the East line of the Southeast quarter of the Northeast quarter of Section 34, a distance of 259.03 feet to the South line of the North 495.00 feet of said Southeast quarter;

Thence North 89 degrees 59 minutes 25 seconds West along said South line, a distance of 983.63 feet to the West line of the Southeast quarter of the Northeast quarter of Section 34;

Thence North 00 degrees 52 minutes 06 seconds East along said West line, a distance of 495.08 feet to the Northwest corner thereof;

Thence South 89 degrees 59 minutes 25 seconds East, along the North line of the Southeast quarter of the Northeast quarter of Section 34, a distance of 1319.99 feet to the POINT OF BEGINNING.

Approximately 13.0 acres (gross)

PARCEL 2 **APN 105-89-003L**

The South 259.00 feet of the North 495.00 feet of the Southeast quarter of the Northeast quarter of Section 34, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian;

EXCEPT the following described property:

That portion of the Southeast quarter of the Northeast quarter of Section 34, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

BEGINNING at the Northeast corner of said Southeast quarter of the Northeast quarter of the Section 34, from whence the Northeast corner of Section 34 bears North 00 degrees 54 minutes 04 seconds East, a distance of 1314.05 feet;

Thence South 00 degrees 54 minutes 04 seconds West along the East line of said Southeast quarter, a distance of 236.03 feet to the South line of the North 236.00 feet of the Southeast quarter of the Northeast quarter of Section 34;

Thence North 89 degrees 59 minutes 25 seconds West along the said South line, a distance of 336.08 feet;

Thence South 00 degrees 54 minutes 04 seconds West parallel with the East line of the Southeast quarter of the Northeast quarter of Section 34, a distance of 259.03 feet to the South line of the North 495.00 feet of said Southeast quarter;

Thence North 89 degrees 59 minutes 25 seconds West along said South line, a distance of 983.63 feet to the West line of the Southeast quarter of the Northeast quarter of Section 34;

Thence North 00 degrees 52 minutes 06 seconds East along said West line, a distance of 495.08 feet to the Northwest corner thereof;

Thence South 89 degrees 59 minutes 25 seconds East, along the North line of the Southeast quarter of the Northeast quarter of Section 34, a distance of 1319.99 feet to the POINT OF BEGINNING.

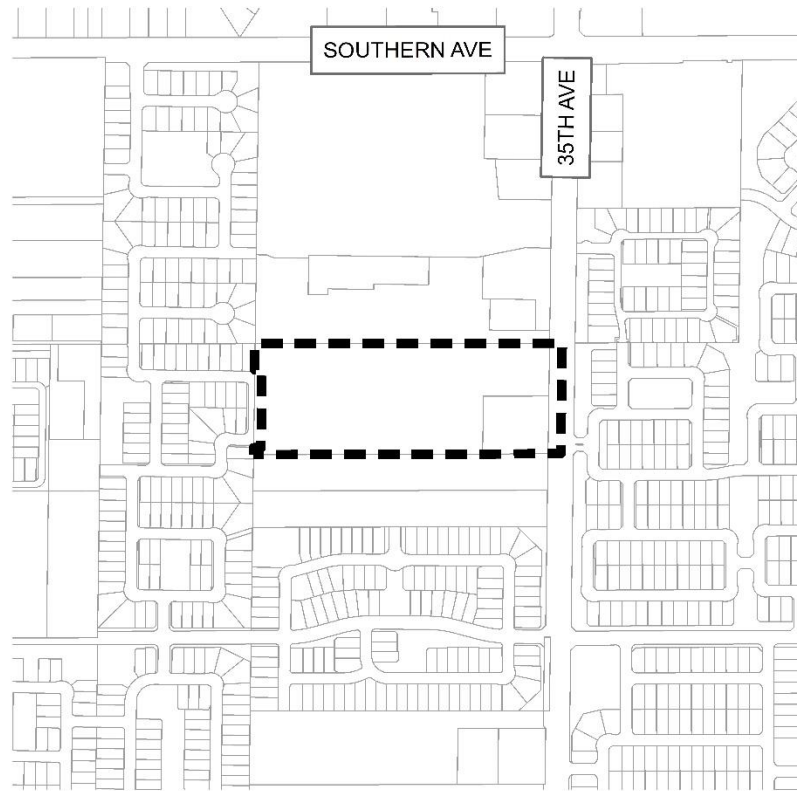
Approximately 1.998 acres (gross).

ORDINANCE LOCATION MAP

EXHIBIT B

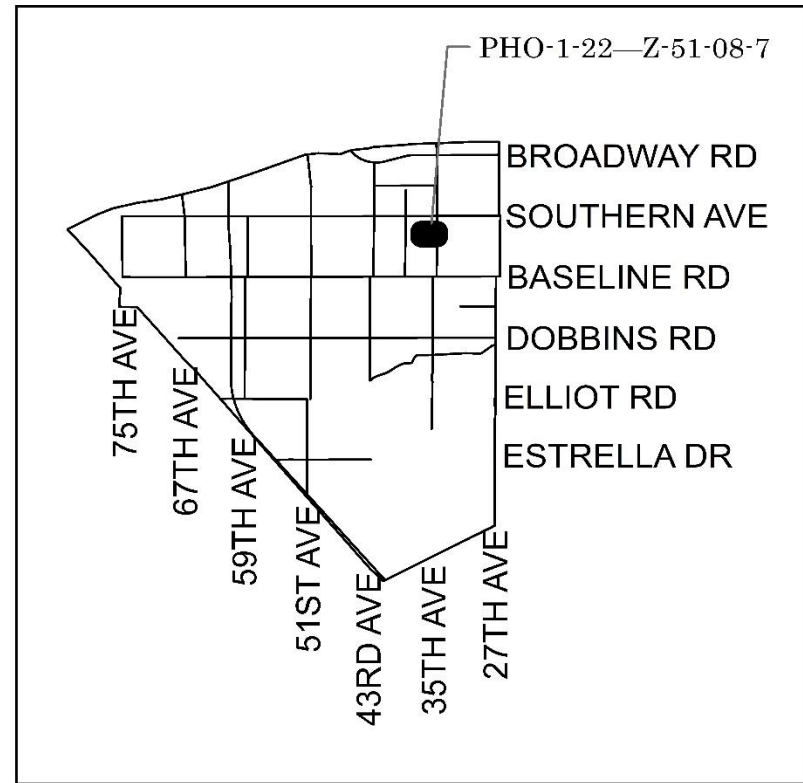
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■



0 340 680 1,360 Feet

Zoning Case Number: PHO-1-22—Z-51-08-7
Zoning Overlay: N/A
Planning Village: Laveen



NOT TO SCALE



Drawn Date: 4/25/2022