

ATTACHMENT A

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ADOPTED ORDINANCE**

ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO
REZONING APPLICATION Z-69-08-8 PREVIOUSLY APPROVED BY
ORDINANCE G-5266.

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

SECTION 1. The zoning stipulations applicable located at the northwest corner of 36th Street and Southern Avenue in a portion of Section 25, Township 1 North, Range 3 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 ~~to~~ WITH the site plan ~~and elevations date stamped July 3, 2008~~ OCTOBER 18, 2021, AS MODIFIED BY THE FOLLOWING STIPULATIONS ~~with specific regard to the amount and location of the common open space, however, the development shall follow the Mixed Use Agriculture (MUA) zoning district standards pertaining to quantity and type of landscape materials, and the parking lot landscaping standards, as~~ AND approved by the PLANNING AND Development ~~Services~~ Department.
2. THE DEVELOPMENT SHALL COMPLY WITH MIXED-USE AGRICULTURAL (MUA) ZONING DISTRICT STANDARDS PERTAINING TO QUANTITY AND TYPE OF LANDSCAPE MATERIALS AND PARKING LOT LANDSCAPING STANDARDS, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

3. BUILDING ELEVATIONS SHALL BE DEVELOPED TO THE FOLLOWING STANDARDS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
 - A. BUILDING ELEVATIONS SHALL CONTAIN MULTIPLE COLORS, EXTERIOR ACCENT MATERIALS AND TEXTURAL CHANGES THAT EXHIBIT QUALITY AND DURABILITY SUCH AS BRICK, STONE, COLORED TEXTURED CONCRETE OR STUCCO, TO PROVIDE A DECORATIVE AND AESTHETIC TREATMENT.
 - B. ALL BUILDING ELEVATIONS SHALL CONTAIN ARCHITECTURAL EMBELLISHMENTS AND DETAILING SUCH AS TEXTURAL CHANGES, PILASTERS, OFFSETS, RECESSES, VARIATION IN WINDOW SIZE AND LOCATION, AND/OR OVERHANG CANOPIES.
4. THE DEVELOPER SHALL PROVIDE SECURED BICYCLE PARKING FOR RESIDENTS AT A MINIMUM RATE REQUIRED BY CHAPTER 13, SECTION 1307.H FOR MULTI-FAMILY DEVELOPMENT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
5. IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY 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 ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.
6. IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.
7. ~~That~~ If any archaeological materials are encountered during construction, the contractor shall cease all ground disturbing activities within 33 feet of the discovery and notify the City of Phoenix Archaeology Office immediately to allow time to properly assess the materials.
8. ~~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 that have been reviewed and approved by the City Attorney.
9. ~~That~~ The following street transportation improvements shall be provided and approved by the PLANNING AND Development ~~Services~~-Department:
 - 4.

- a. Right-of-way totaling 60 feet shall be dedicated for the north half of Southern Avenue.
 - b. Right-of-way totaling 30 feet shall be dedicated for the west half of 36th Street.
 - c. A 25 foot by 25 foot right-of-way triangle shall be dedicated at the northwest corner of 36th Street and Southern Avenue
10. 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.
11. 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-5266, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-5266 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 17th day of November, 2021.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeffrey J. Barton, City Manager

Exhibits:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-21--Z-69-08-8

PARCEL NO. 1:

TRACT B, A SUBDIVISION OF LOTS 48-60-61, BARTLETT-HEARD LANDS, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, RECORDED IN BOOK 14 OF MAPS, PAGE 34;

EXCEPT THE WEST 132 FEET THEREOF; AND

EXCEPT THAT PORTION THEREOF LYING WITHIN THE SOUTH 47 FEET OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA; AND

EXCEPT THAT PORTION OF SAID LOT B LYING WITHIN THE WEST 31 FEET OF THE EAST 150 FEET OF THE NORTH 5 FEET OF THE SOUTH 52 OF SAID SOUTHWEST QUARTER; AND

EXCEPT BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SAID SOUTHWEST QUARTER AND THE NORTH LINE OF SAID SOUTH 47 FEET;

THENCE WESTERLY ALONG SAID NORTH LINE TO ITS INTERSECTION WITH THE WEST LINE OF THE EAST 25 FEET OF SAID SOUTHWEST QUARTER;

THENCE CONTINUING WESTERLY ALONG SAID NORTH A DISTANCE OF 20 FEET;

THENCE NORTHWESTERLY TO A POINT ON SAID WEST LINE THAT IS 30 FEET NORTHERLY OF LAST SAID INTERSECTION;

THENCE EASTERLY PARALLEL WITH SAID NORTHLINE TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTHERLY ALONG SAID EAST LINE TO THE POINT OF BEGINNING, AS CONVEYED BY INSTRUMENT RECORDED IN DOCUMENT NO. 91-013235, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 2:

THE WEST 132 FEET OF TRACT B, A SUBDIVISION OF LOTS 48-60-61, BARTLETT-HEARD LANDS, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, RECORDED IN BOOK 14 OF MAPS, PAGE 34;

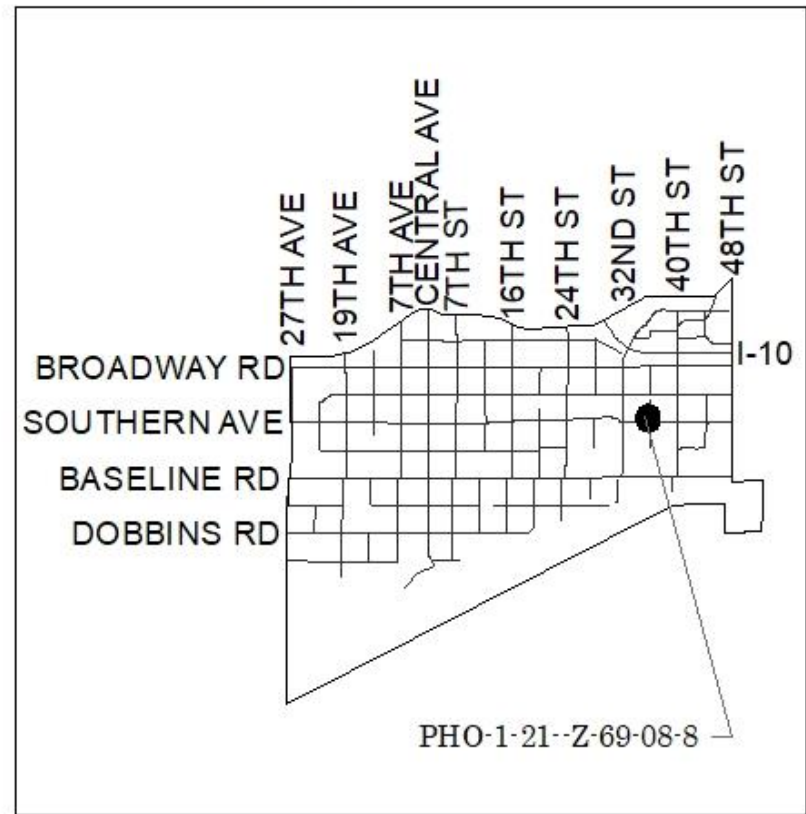
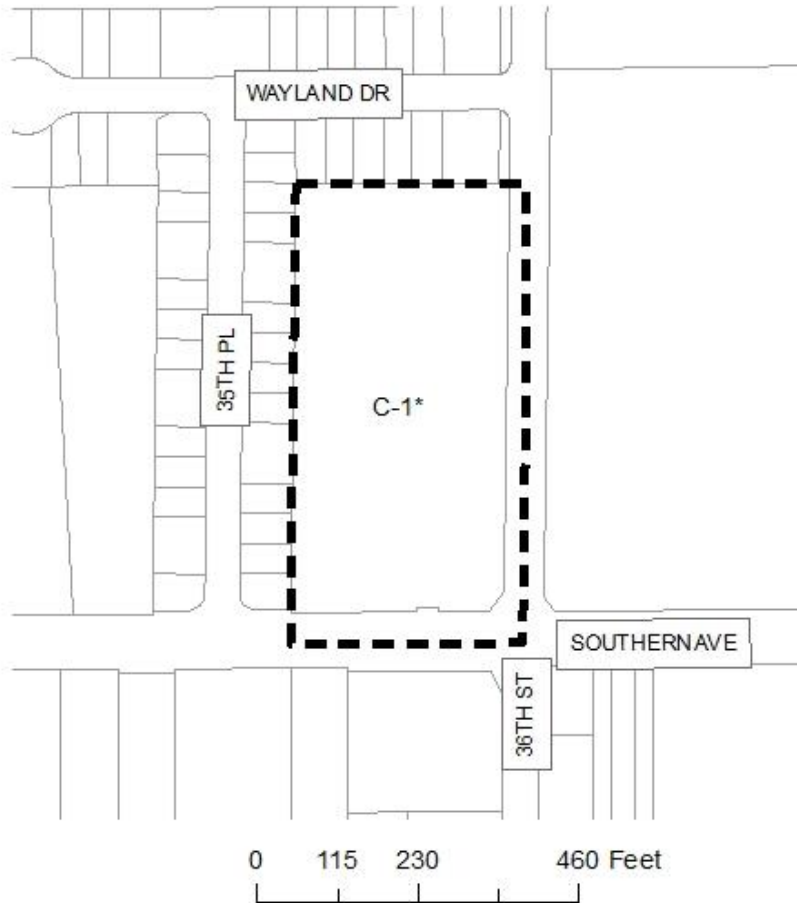
EXCEPT THE SOUTH 7 FEET THEREOF, AS CONVEYED BY INSTRUMENT RECORDED IN DOCKET 8546, PAGE 709, RECORDS OF MARICOPA COUNTY, ARIZONA.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: PHO-1-21-Z-69-08-8
Zoning Overlay: N/A
Planning Village: South Mountain



NOT TO SCALE



Drawn Date: 10/25/2021