

## 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-60-21-6 PREVIOUSLY APPROVED BY  
ORDINANCE G-6960.

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

SECTION 1. The zoning stipulations applicable located approximately  
65 feet west of the southwest corner of 40th Street and Monterosa Street in a portion  
of Section 24, Township 2 North, Range 3 East, as described more specifically in  
Attachment "A", are hereby modified to read as set forth below.

#### STIPULATIONS:

1. The development shall be in general conformance with the elevations date  
stamped AUGUST 12, 2023 ~~September 2, 2021~~, AS MODIFIED BY THE  
FOLLOWING STIPULATIONS ~~with specific regard to the following~~ and as  
approved by the Planning and Development Department.
  - a. There shall be a maximum building height of 2 stories and 30 feet.
  - b. Individual entryways on front (Monterosa) elevation shall be clearly  
identifiable as the primary pedestrian access for residential units.
2. The developer shall construct a minimum 5-foot-wide public sidewalk  
along the south side of Monterosa Street, as approved by the Planning  
and Development Department.
3. The primary entryways into residential units shall face Monterosa Street.  
~~These entryways shall incorporate a patio or seating court area, as~~

~~approved by the Planning and Development Department.~~

4. The required landscape setback along Monterosa Street shall include minimum 3-inch caliper single-trunk large canopy shade trees planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department. Five, five-gallon shrubs per tree, and additional shrubs or live groundcover shall provide minimum 75 percent live cover at maturity, as approved by the Planning and Development Department.
5. THE APPLICANT SHALL WORK TO PRESERVE THE EXISTING TREE ON THE WESTERN PORTION OF THE PROPERTY. IN THE EVENT THE TREE CANNOT BE PRESERVED, A VEGETATIVE HEDGE WILL BE ADDED ON THE WESTERN PERIMETER OF THE SITE. IN ADDITION, VEGETATION THAT WILL MATURE INTO A HEDGE SHALL BE PLANTED ALONG THE SOUTHERN PERIMETER OF THE SITE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
6. A minimum 10-foot landscape setback shall be required along the west and east property lines. ~~THIS~~ These areas shall be planted with minimum 2-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
6. ~~All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by Planning and Development Department. Shade may be provided with a combination of trees and structural shade.~~
7. ~~A minimum of eight bicycle parking spaces shall be provided through Inverted U and/or artistic racks located on the southwest portion of the site, to the north of the pedestrian entry gate depicted on the site plan date stamped September 2, 2021. These parking spaces shall be installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.~~
7. Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances and public sidewalks, using the most direct route for pedestrians, as approved by the Planning and Development Department.
8. ~~Where pedestrian pathways cross drive aisles, they shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.~~
8. IF VEHICULAR ACCESS IS PROVIDED TO THE ALLEY, the developer

40. shall provide 20 feet of paving per the local street requirements for the alley from the western boundary of the property to 40th Street, ~~as approved by the Planning and Development Department.~~
9. 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 Department. All improvements shall comply with the current ADA Guidelines.
10. The developer shall grant and record an avigation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
11. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
12. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor 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 archaeological 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 Archaeologist, and allow time for the Archaeology 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.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6960 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6960 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 15th day of November, 2023.

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MAYOR

ATTEST:

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Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Julie M. Kriegh, City Attorney

By:

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REVIEWED BY:

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Jeffrey Barton, City Manager

Exhibits:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-23--Z-60-21-6

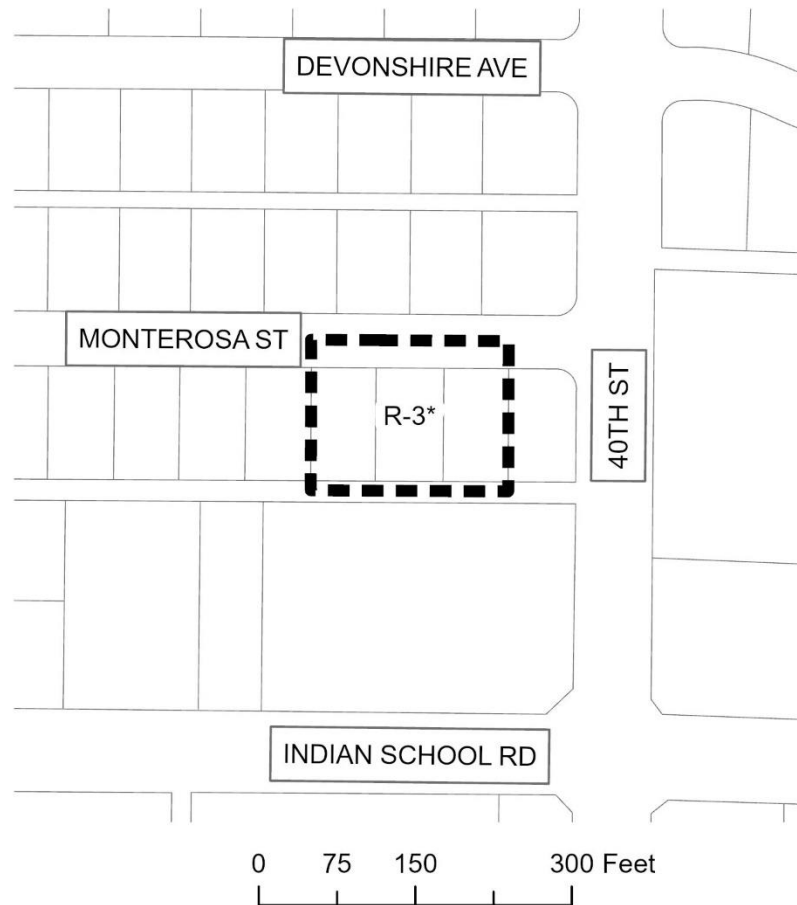
The Land referred to herein below is situated in the County of Maricopa, State of Arizona, and is described as follows:

LOTS 2, 3, AND 4, BLOCK 10, RANCHO DEL MONTE UNIT TWO, ACCORDING TO BOOK 50 OF MAPS, PAGE 9, SECTION 24, TOWNSHIP 2 NORTH, RANGE 3 EAST, RECORDS OF MARICOPA COUNTY, ARIZONA.

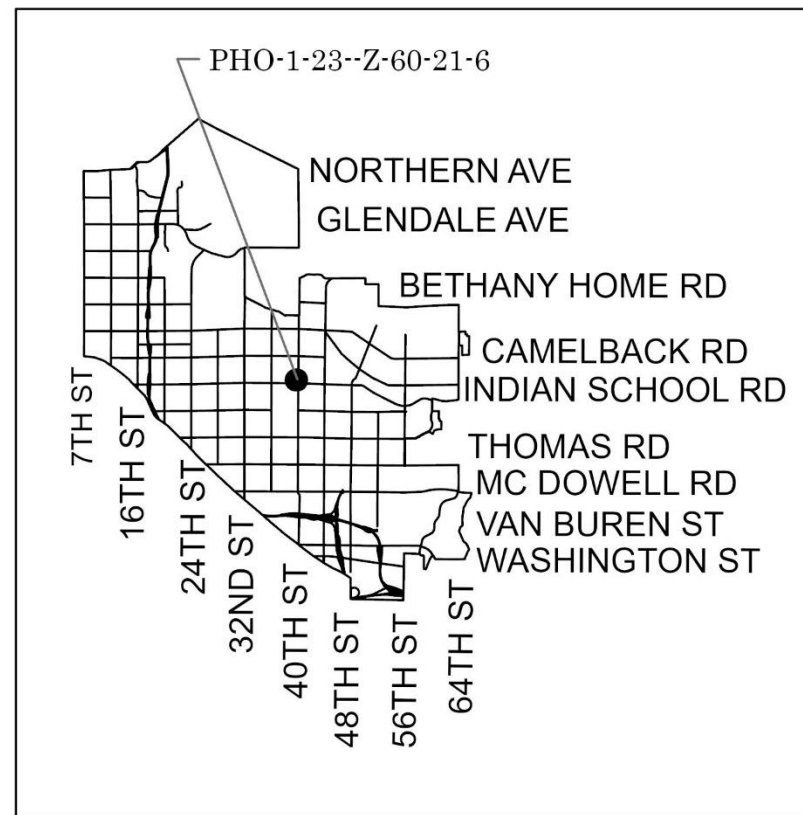
# ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: \*  
SUBJECT AREA: ■ ■ ■ ■ ■



Zoning Case Number: PHO-1-23--Z-60-21-6  
Zoning Overlay: N/A  
Planning Village: Camelback East



NOT TO SCALE



Drawn Date: 10/19/2023