

# Staff Report Z-14-24-7 April 10, 2024

| Estrella Village Planning Committee<br>Meeting Date: | April 16, 2024   |
|--|--|
| Planning Commission Hearing Date:                    | May 2, 2024  |
| Request From:  | <u>A-1</u> (Light Industrial District) (6.12 acres)<br>and <u>RE-43</u> (One-Family Residence) (2.36<br>acres) |
| Request To:  | A-1 (Light Industrial District) (8.48 acres)   |
| Proposal:  | Light industrial   |
| Location:  | Approximately 1,400 feet south of the southeast corner of 69th Avenue and Van Buren Street                     |
| Owner:   | Franklin E. Gilbert Properties, LLC c/o<br>George Gilbert, et. al.   |
| Applicant/Representative:                            | Shaine Alleman, Tiffany & Bosco, P.A.  |
| Staff Recommendation:                                | Approval, subject to stipulations  |

| General Plan Conformity                  |             |  |                              |  |
|--|-------------|--|------------------------------|--|
| General Plan Land Use Map<br>Designation |             | Residential 3.5 to 5 dwelling units per acre |                              |  |
|  | 67th Avenue | Arterial                                     | 41-foot west half<br>street  |  |
| Street Map<br>Classification             | 69th Avenue | Local  | 25-foot east half street     |  |
|  | Farmer Road | Local  | 25-foot north half<br>street |  |

#### STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; MANUFACTURING/ INDUSTRIAL DEVELOPMENT; LAND USE PRINCIPLE: Support the expansion of industrial zoning in targeted industrial areas.

The proposal is located within the Southwest Phoenix Employment Center and will allow industrial uses in an area where industrial zoning exists. This will allow job generating uses that strengthen Phoenix's industrial sector and add to a diverse set of employment opportunities.

CONNECT PEOPLE & PLACES CORE VALUE; COMPLETE STREETS; DESIGN PRINCIPLE: In order to balance a more sustainable transportation system, development should be designed to include increased amenities for transit, pedestrian and bicyclists such as shade, water, seating, bus shelters, wider sidewalks, bike racks, pedestrian scale lighting and way-finding.

The proposal, as stipulated, will provide elements for pedestrian and bicyclists in order to promote walking and alternative transportation. These elements include shaded detached sidewalks along 67th Avenue, bicycle parking, and electrical receptacles for electric bicycle charging capabilities.

#### BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

The proposal, as stipulated, will provide shade along adjacent public sidewalks, uncovered employee and customer parking, and employee amenity areas. This will help to mitigate the urban heat island effect by covering hard surfaces, thus cooling the micro-climate around the project vicinity.

# Applicable Plans, Overlays, and Initiatives

Estrella Village Plan: Background Item No. 6.

Estrella Village Arterial Street Landscaping Program: Background Item No. 7.

Southwest Phoenix Employment Center: Background Item No. 8.

Complete Streets Guiding Principles: Background Item No. 9.

Comprehensive Bicycle Master Plan: Background Item No. 10.

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Tree and Shade Master Plan: Background Item No. 11.

Transportation Electrification Action Plan: Background Item No. 12.

Conservation Measures for New Development: Background Item No. 13.

Phoenix Climate Action Plan: Background Item No. 14.

Zero Waste PHX: Background Item No. 15.

| Surrounding Land Uses/Zoning            |  |                 |
|---|--|-----------------|
|   | Land Use   | <u>Zoning</u>   |
| On Site                                 | Outdoor storage/industrial<br>use                            | A-1 and RE-43   |
| North                                   | Single-family residential and outdoor storage/industrial use | RE-43           |
| East (across 67th Avenue)               | Warehousing  | Industrial Park |
| South (including across<br>Farmer Road) | Outdoor storage/industrial<br>use                            | RE-43 and A-1   |
| West (across 69th Avenue)               | Warehousing, outdoor<br>storage                              | A-1             |

| A-1 (Light Industrial District)                     |   |   |  |
|---|---|---|--|
| <u>Standards</u>                                    | <b>Requirements</b>   | Provisions on the<br>Proposed site Plan |  |
| Minimum Building Setbacks                           |   |   |  |
| North (adjacent to RE-43)                           | 30 feet for a closed building,<br>150 feet for an open building | 35 feet (Met)                           |  |
| East (adjacent to RE-43)                            | 30 feet for a closed building,<br>150 feet for an open building | 45 feet (Met)                           |  |
| East (adjacent to 67th<br>Avenue) (Section 710.D.3) | 25 feet   | 86 feet (Met)                           |  |
| South (adjacent to RE-43)                           | 30 feet for a closed building,<br>150 feet for an open building | 45 feet (Met)                           |  |
| South (adjacent to Farmer Road)                     | 12 to 25 feet   | 68 feet (Met)                           |  |
| West (adjacent to 69th<br>Avenue) (Section 701.D.3) | 25 feet   | 77 feet (Met)                           |  |

| A-1 (Light Industrial District)    |  |                            |  |  |
|------------------------------------|--|----------------------------|--|--|
| Minimum Landscape Setbacks         |  |                            |  |  |
| North (adjacent to RE-43)          | None   | 3 feet (Met)               |  |  |
| East (adjacent to RE-43)           | None   | 5 feet (Met)               |  |  |
| East (adjacent to 67th<br>Avenue)  | Minimum 5 feet and no less<br>than 8 times the lot frontage,<br>measured in square feet  | 25 feet (Met)              |  |  |
| South (adjacent to RE-43)          | None   | 5 feet (Met)               |  |  |
| South (adjacent to Farmer<br>Road) | Minimum 5 feet and no less<br>than 8 times the lot frontage,<br>measured in square feet  | 9 feet 4 ¾ inches<br>(Met) |  |  |
| West (adjacent to 69th<br>Avenue)  | Minimum 5 feet and no less<br>than 8 times the lot frontage,<br>measured in square feet  | 10 feet (Met)              |  |  |
| Maximum Building Height            | 56 feet, up to 80 feet with use permit   | 46 feet (Met)              |  |  |
| Minimum Parking                    | Unspecified industrial use: 1<br>space per 1,000 square feet<br>Bldg. A: 58,016 sq ft = 59<br>spaces<br>Bldg. B: 73,954 sq ft = 74<br>spaces<br>Total: 133 | 154 (Met)                  |  |  |

\*Variance or Site Plan modification needed

# Background/Issues/Analysis

#### SUBJECT SITE

 This request is to rezone 8.48 acres located approximately 1,400 feet south of the southeast corner of 69th Avenue and Van Buren Street from 2.36 acres of RE-43 (One-Family Residence) and 6.12 acres of A-1 (Light Industrial District) to A-1 (Light Industrial District) to allow light industrial uses. The A-1 portion of the site was rezoned in 2022 (Z-40-21). This request is to incorporate the parcel to the south of the development. Staff Report: Z-14-24-7 April 10, 2024 Page 5 of 15

#### SURROUNDING LAND USES AND ZONING

 North of the subject site, along 69th Avenue, is a single-family residence zoned RE-43. North of the site, along 67th Avenue, is outdoor storage/industrial use also zoned RE-43. East of the site, across 67th Avenue, is a warehouse development zoned Ind. Pk. (Industrial Park). Furthermore, south of the subject site are numerous open storage and industrial uses zoned RE-43 and A-1. Warehouses and open storage are located west of the subject site, across 69th Avenue, zoned A-1.



Existing Zoning Aerial Map Source: Planning and Development Department

# GENERAL PLAN LAND USE MAP DESIGNATION

3. The subject site, as well as the surrounding area to the north, south, and west are designated as Residential 3.5 to 5 dwelling units per acre on the General Plan Land Use Map. The property to the east, across 67th Avenue, is designated as Commerce/Business Park. Additionally, further west of the subject site is designated as Industrial. The proposed A-1 zoning is not consistent with the General Plan Land Use Map designation; however, the gross site acreage does not exceed 10 acres. As a result, a General Plan Amendment is not required.



General Plan Land Use Map Source: Planning and Development Department

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#### PROPOSAL

#### 4. Site Plan

The conceptual site plan, attached as an exhibit, depicts two warehouses. One building is located vertically facing 69th Avenue and the other is located horizontally facing 67th Avenue. The building adjacent to 67th Avenue depicts two truck docks along the south side of the building, away from the street. The proposed site plan depicts numerous accessways including along 67th Avenue, 69th Avenue, and Farmer Road. Employee and customer parking is located along 69th Avenue, 67th Avenue and along the north portion of the subject site. A detached sidewalk with enhanced landscaping is located along 67th Avenue, a Village Parkway in the Estrella Village Arterial Street Landscaping Program. The proposed site plan does not depict open storage. The proposal meets the development standards for A-1 development, as a result, staff recommends general conformance to the site plan. This is addressed in Stipulation No. 1. Additionally, staff recommends an employee resting area with pedestrian seating and shading using two-inch caliper trees. The recommended resting area would provide employees with a place to rest outdoors during their workday. This is addressed in Stipulation No. 4.

The applicant has indicated the possibility of interim outdoor storage on the site before development occurs. Any interim outdoor storage use would require a use permit through the Zoning Adjustment process. The applicant would be required may apply for the use permit after the adoption of A-1 zoning.

#### 5. Elevations

The conceptual building elevations, attached as an exhibit, depict 46-foot-tall buildings. The elevations depict architectural features that include variation in colors, accent colors on street frontages, building articulation, and numerous window sizes. Elevation materials are not provided on the building elevations. Staff does not recommend general conformance to these building elevations due to the missing information regarding material and color. Staff recommends prohibiting roll-up garage doors along 67th Avenue, a Village Parkway, and along the northwest perimeter where adjacent to single-family residential uses to ensure that service areas are located away from general public view. This is addressed in Stipulation No. 2. The subject site is adjacent to RE-43 zoning that allows for single-family residential development. As a result, staff recommends stipulating a maximum height of 46 feet as depicted in the elevations. This is addressed in Stipulation No. 3.

#### PLANS, OVERLAYS, AND INITIATIVES

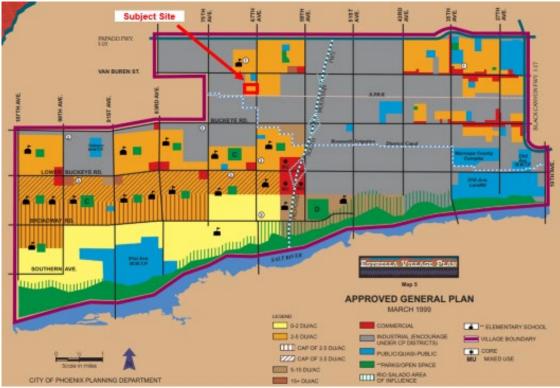
#### 6. Estrella Village Plan

The Estrella Village Plan adopted in 1999, outlines a vision for developing the Estrella Village through five main goals that include:

1. Orderly growth;

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- 2. Identifiable village core;
- 3. Strong residential neighborhoods;
- 4. Variety of homes and jobs; and
- 5. Consistent streetscapes and trail linkages.



*Estrella Land Use Map* Source: Planning and Development Department

Goal 3 of the Estrella Village Plan, "Protection of Residential Neighborhoods", Objective D, "Residential Area in Transition" recommends lessening the impacts to residential areas when properties transition to non-residential uses. Staff recommends Stipulation No. 3 to ensure that privacy is maintained on adjacent properties and to prevent the proposed building from increasing beyond the proposed height.

Goal 5 of the Estrella Village Plan, "Urban Design," Objective A "Village Parkways" recommends that development along 67th Avenue follow parkway landscape standards to set a positive image for the corridor. To meet this objective, staff is recommending a detached sidewalk and parkway standards for the landscape area along 67th Avenue. This is addressed in Stipulation No. 18. Staff Report: Z-14-24-7 April 10, 2024 Page 8 of 15

#### 7. Estrella Village Arterial Street Landscaping Program

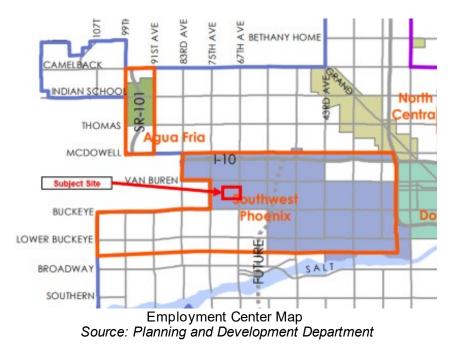
The Estrella Village Arterial Street Landscaping Program adopted in 1999, provides a landscape palette for arterial streets within the Estrella Village to help establish the community's character. In addition to providing planning guidelines, the plan also indicates the locations to establish entry gateways that welcome individuals entering the village with an entry sign and an enhanced landscape area of 75 feet by 75 feet in size.

The subject site is adjacent to 67th Avenue, an arterial street and a Village Parkway in the Estrella Village Arterial Street Landscaping Program. Thus, staff recommends Stipulation No. 11 to require adherence with the Estrella Village Arterial Street Landscaping Program requirements along the street frontage to promote the community's character.

#### 8. Southwest Phoenix Employment Center

The subject site falls within the boundaries of the Maricopa Association of Governments and City of Phoenix designated Southwest Phoenix Employment Center, as shown on the map below.

A mix of industrial uses are encouraged in employment centers to support the existing character of the area. The Southwest Phoenix employment center profile identifies the area as a major contributor of industrial, warehousing and distribution space with inventory of nearly 65.5 million square feet that enables businesses in the area. The proposed development would create additional employment opportunities that will be compatible with the established businesses and help sustain the Southwest Phoenix employment center.



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#### 9. Complete Streets Guiding Principles

In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. To provide a safe pedestrian environment staff is recommending enhanced pavement treatment for the on-site pedestrian walkways that cross vehicular drive aisles. This is addressed in Stipulation No. 7. Stipulation No. 18 will help pedestrianize the immediate street frontage by providing a detached sidewalk along 67th Avenue. In addition, any street improvements must comply with City of Phoenix and ADA standards. This is addressed in Stipulation No. 23.

#### 10. Comprehensive Bicycle Master Pan

The City of Phoenix adopted the Comprehensive Bicycle Master Plan in 2014 to guide the development of its Bikeway System and supportive infrastructure. The Comprehensive Bicycle Master Plan supports options for both short- and long-term bicycle parking as a means of promoting bicyclist traffic to a variety of destinations. As stipulated, the proposal will provide bicycle parking per the City's Walkable Urban Code. Furthermore, the development will contain parking spaces for electric bicycle charging capabilities. This is addressed in Stipulation Nos. 5 and 6.

#### 11. Tree and Shade Master Plan

The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City's planning and development process. Sidewalks on the street frontages should be detached from the curbs to allow trees to be planted on both sides of the sidewalk to provide thermal comfort for pedestrians and to reduce the urban heat island effect. Staff is recommending stipulations designed to provide trees and enhanced shade within the development as follows:

- Two-inch caliper trees and/or architectural shade will be provided at an employee resting area with a minimum 75 percent shade to promote employee recreation outdoors during the workday (Stipulation No. 4);
- Landscape areas and setbacks shall be planted with minimum two-inch caliper, drought tolerant, shade trees (Stipulation No. 9);
- Uncovered surface parking lot areas shall be landscaped with minimum two-inch caliper, drought tolerant, shade trees or shade structures to achieve a minimum of 25 percent shade (Stipulation No. 10);
- Detached sidewalk along 67th Avenue shall be planted with two-inch caliper trees (Stipulation No. 18);

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#### 12. Transportation Electrification Action Plan

In June 2022, the Phoenix City Council approved the Transportation Electrification Action Plan. The current market desire for the electrification of transportation is both a national and global phenomenon, fueled by a desire for better air quality, a reduction in carbon emissions, and a reduction in vehicle operating and maintenance costs. Businesses, governments and the public are signaling strong future demand for electric vehicles (EVs), and many automobile manufacturers have declared plans for a transition to fully electric offerings within the coming decade. This Plan contains policy initiatives to prepare the City for a future filled with more EVs, charging infrastructure and e-mobility equity, and outlines a roadmap for a five-step plan to prepare for the EV infrastructure needs of 280,000 EVs in Phoenix by 2030. One goal of the Plan to accelerate public adoption of electric vehicles through workplace, business, and multifamily charging infrastructure recommends a standard stipulation for rezoning cases to provide EV charging infrastructure. This is addressed in Stipulation Nos. 6 and 16.

#### 13. Conservation Measures for New Development

In June 2023, the Phoenix City Council adopted the Conservation Measures for New Development policy as part of a resolution addressing the future water consumption of new development (Resolution 22129). This resolution addresses the future water consumption of new development to support one of the City's Five Core Values in the General Plan which calls for Phoenix to - *Build the Sustainable Desert City*. The Conservation Measures for New Development policy includes direction to develop standards for consideration as stipulations for all rezoning cases that will address best practices related to water usage in nine specific categories. This is addressed in Stipulation Nos. 8, 12 through 15.

#### 14. Phoenix Climate Action Plan

In October 2021, the Phoenix City Council approved the Climate Action Plan. The Climate Action Plan will serve as a long-term plan to achieve greenhouse gas emissions reductions and resiliency goals from local operations and community activities as well as prepare for the impacts of climate change. This plan contains policy and initiatives regarding stationary energy, transportation, waste management, air quality, local food systems, heat, and water. Goal W2 (Water), Action W2.4, pertains to the implementation of the <u>Greater Phoenix Green Infrastructure (GI) and Low Impact Development Details</u> for Alternative Stormwater Management to benefit the environment, promote water conservation, reduce urban heat, improve the public health, and create additional green spaces. This goal is addressed in Stipulation No. 14, which requires a minimum of two GI techniques for stormwater management to be implemented in this development. Staff Report: Z-14-24-7 April 10, 2024 Page 11 of 15

#### 15. Zero Waste PHX:

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and expand its recycling and other waste diversion programs. Section 716 of the Phoenix Zoning Ordinance establishes standards to encourage the provision of recycling containers for multifamily, commercial, and mixed-use developments meeting certain criteria. The development narrative does not address recycling.

#### COMMUNITY INPUT SUMMARY

16. As of the writing of this report no letters of support or opposition have been received for the request

#### INTERDEPARTMENTAL COMMENTS

17. The Street Transportation Department has requested a 55-foot right-of-way dedication including a raised center median on the west half of 67th Avenue. Additionally, a detached sidewalk shall be provided along 67th Avenue and attached sidewalks on 69th Avenue and Farmer Road. Furthermore, existing SRP facilities along 67th Avenue shall be relocated outside of the City right-of-way. The Street Transportation Department also required the developer to replace and construct all improvements in the right-of-way with all required elements to City and ADA standards. These are addressed in Stipulation Nos. 17 through 23.

# OTHER

- 18. The site is located in a larger area identified as being archaeologically sensitive. If further review by the City of Phoenix Archaeology Office determines the site and immediate area to be archaeologically sensitive, and if no previous archaeological projects have been conducted within this project area, it is recommended that archaeological Phase I data testing of this area be conducted. Phase II archaeological data recovery excavations may be necessary based upon the results of the testing. A qualified archaeologist must make this determination in consultation with the City of Phoenix Archaeologist. In the event archaeological materials are encountered during construction, all ground disturbing activities must cease within a 33-foot radius of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulations Nos. 24 through 26.
- 19. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to final site plan approval.

This is addressed in Stipulation No. 27.

20. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

#### **Findings**

- 1. The requested A-1 zoning district would allow uses such as warehousing, manufacturing, and processing, which are consistent with the surrounding land uses.
- 2. The subject site is appropriate for industrial use with frontage on an arterial street and in close proximity to a freeway, serving as major transportation routes.
- 3. The development, as stipulated, will improve connectivity in the immediate vicinity of the subject site and incorporate design and landscaping features that enhance the location, consistent with the Estrella Village Plan and Estrella Village Arterial Street Landscaping Program.

#### **Stipulations**

- 1. The development shall be in general conformance with the site plan date stamped March 12, 2024, as modified by the following stipulations, and as approved by the Planning and Development Department.
- 2. Roll-up garage doors shall be prohibited along the 67th Avenue frontage and the northwest perimeter, adjacent to single-family residential zoning.
- 3. The maximum building height shall be 46 feet.
- 4. One outdoor employee resting area of no less than 400 square feet or two 200square foot areas shall be provided on site. Each required pedestrian area shall include a minimum of two pedestrian seating benches, constructed of quality and durable materials, and shaded to a minimum of 75% using minimum 2-inch caliper, large canopy, drought-tolerant, shade trees, and/or architectural shade, as approved by the Planning and Development Department.
- 5. Bicycle parking spaces shall be provided per the requirements of Section 1307.H of the Phoenix Zoning Ordinance through inverted U and/or artistic racks located near the office and installed per the requirements of Section 1307.H of the

Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

- 6. A minimum of 10% of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities.
- 7. Where pedestrian walkways cross a vehicular path, the pathway shall incorporate decorative pavers, stamped or colored concrete, striping or other pavement treatments that visually contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.
- 8. Only landscape materials listed in the Phoenix Active Management Area LowWater-Use/Drought-Tolerant Plant List shall be utilized internal to the site, as approved or modified by the Planning and Development Department.
- 9. Landscape areas shall be planted with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees planted 25 feet on center or in equivalent groupings, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
- 10. A minimum of 25% of uncovered employee and customer surface parking lot areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by structures or by minimum 2-inch caliper, drought tolerant, shade trees, or a combination thereof.
- 11. The development shall conform with the Estrella Village Arterial Street Landscaping Program landscape palette and landscaping standards along arterial streets in the Estrella Village, except as otherwise noted herein, as approved by the Planning and Development Department.
- 12. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
- 13. Pressure regulating sprinkler heads and drip lines shall be utilized in any turf areas to reduce water waste.
- 14. A minimum of one green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low-Impact Development Details for Alternative Stormwater

Management, as approved or modified by the Planning and Development Department.

- 15. Any wet-cooling systems shall be designed and installed per the standards in the latest version of the International Green Construction Code (IGCC).
- 16. A minimum of 5% of the required parking shall be EV Capable.
- 17. A minimum 55-feet of right-of-way shall be dedicated and constructed, including a raised center median, for the west half of 67th Avenue.
- 18. The sidewalk along 67th Avenue shall be a minimum of 6 feet in width and detached with a minimum 10-foot-wide landscape strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department.
  - a. Minimum 2-inch caliper, drought-tolerant, single trunk, shade trees that provide a minimum of 75 percent shade at maturity.
  - b. Drought-tolerant vegetation to achieve 75 percent live coverage at maturity.
  - c. The landscape palette and planting standards, unless otherwise provided herein, shall conform with the Estrella Village Arterial Street Landscaping Program requirements for the village parkway of 67th Avenue.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

- 19. A minimum 5-foot-wide sidewalk shall be constructed on the north side of Farmer Road, adjacent to the development.
- 20. A minimum 5-foot-wide sidewalk shall be constructed on the east side of 69th Avenue, adjacent to the development.
- 21. Existing SRP facilities along 67th Avenue are to be relocated outside of City right-of-way, unless otherwise approved by the Street Transportation Department. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
- 22. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets and

upgrade all off-site improvements to be in compliance with current ADA guidelines.

- 23. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
- 24. 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.
- 25. 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.
- 26. 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.
- 27. Prior to final 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.

# <u>Writer</u>

Nayeli Sanchez Luna April 10, 2024

# Team Leader

Racelle Escolar

# **Exhibits**

Sketch map Aerial map Conceptual site plan date stamped March 12, 2024 (3 pages) Conceptual elevations date stamped March 12, 2024 (2 pages)

