

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 ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-62-23-2) FROM R1-8 (SINGLE-FAMILY RESIDENCE DISTRICT) TO R-2 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 3.88-acre site located at the northeast corner of 14th Street and Wahalla Lane in a portion of Section 28, Township 4 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "R1-8" (Single-Family Residence District) to "R-2" (Multifamily Residence District).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit "B."

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations,

violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. The development shall be in general conformance with the site plan date stamped September 13, 2023, as modified by the following stipulations and approved by the Planning and Development Department.
2. Maximum building height shall be 30 feet.
3. All required landscape setbacks shall be planted with minimum 2-inch caliper large canopy, drought tolerant shade trees, planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
4. Landscape areas and retention areas shall be planted with minimum 2-inch caliper large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
5. The vehicular entrances to the development shall include the following elements, as approved by the Planning and Development Department:
 - a. Pedestrian pathways connecting the interior of the development to the public sidewalks along both sides of the vehicular driveway.
 - b. The entry driveway surface shall be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces, as approved by the Planning and Development Department.
6. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.
7. All pedestrian walkways, including sidewalks, shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide a minimum 75% shade, as approved by the Planning and Development Department.
8. All uncovered surface parking lot area shall be landscaped with minimum 2-inch caliper size large canopy drought tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25% shade at maturity, as approved by Planning and Development Department.
9. The development shall incorporate bicycle infrastructure as described below and approved by the Planning and Development Department.

- a. Bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the amenity area 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.
 - b. Guest bicycle parking shall be provided at a minimum rate of 0.05 spaces per unit, up to a maximum of 50 spaces, located near building entrances and within amenity areas.
 - c. All bicycle infrastructure shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide minimum 75% shade, as approved by the Planning and Development Department.
 - d. A bicycle repair station ("fix it station") shall be provided and maintained on site within an amenity area or near a primary site entrance. The bicycle repair station ("fix it station") shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include, but not be limited to standard repair tools affixed to the station, a tire gauge and pump affixed to the base of the station or the ground, and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
 - e. A minimum of 10% of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
- 10. A minimum of 10% of the required parking spaces shall be EV Ready and a minimum of 20% shall be EV Capable.
 - 11. The property owner shall record documents that disclose to prospective purchasers of property within the developments the existence of noise from the SR 101 Freeway. The form and content of such documents shall be reviewed and approved by the City prior to recordation.
 - 12. Prior to final site plan approval, the developer shall provide a qualified engineer's report certifying the average annual interior noise exposure for any residential unit or enclosed public assembly area will not exceed 45 decibels, as approved by the Planning and Development Department.
 - 13. A noise wall shall be provided along or near the north property line, as approved by the Arizona Department of Transportation and the Planning and Development Department.
 - 14. A Red Border Letter shall be submitted to ADOT for this development prior to preliminary site plan approval.

15. Complete dedications and construct knuckle design along at the terminus of 14th Street, as approved by the Street Transportation Department.
16. 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 Department. All improvements shall comply with all ADA accessibility standards.
17. The property owner shall record documents that disclose the existence, and operational characteristics of Deer Valley 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.
18. 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.
19. 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.
20. 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.
21. 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 4. 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 7th day of February, 2024.

MAYOR

ATTEST:

Denise Archibald, City Clerk

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

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:
A – Legal Description (2 Pages)
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-62-23-2

PARCEL 1

THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THAT PORTION, WHICH LIES NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 28, WHICH POINT BEARS SOUTH 00 DEGREES 00 MINUTES 57 SECONDS EAST 370.00 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 28;

THENCE NORTH 89 DEGREES 00 MINUTES 00 SECONDS WEST 1600.00 FEET TO THE POINT OF ENDING (ADOT PARCEL 7-4108); AND

ALSO EXCEPT THE SOUTH 25 FEET OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA; TOGETHER WITH THE WEST 25 FEET THAT PART OF THE SOUTH 327 FEET OF SAID WEST HALF LYING NORTH OF THE NORTH LINE OF SAID SOUTH 25 FEET; AND TOGETHER WITH THAT PORTION BOUNDED ON THE SOUTH BY SAID NORTH LINE, ON THE WEST BY THE EAST LINE OF SAID WEST 25 FEET AND ON THE NORTHEAST BY THE ARC OF A CIRCULAR CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 12 FEET AND BEING TANGENT TO SAID NORTH LINE AND TO SAID EAST LINE, AS CONVEYED TO THE CITY OF PHOENIX IN DOCUMENT NO.

87-450540; AND

ALSO EXCEPT ALL COAL, OIL, GAS AND OTHER MINERAL DEPOSITS AS RESERVED BY THE UNITED STATES OF AMERICA IN THE PATENT TO SAID LAND.

PARCEL 2

THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE EAST 164.05 FEET; AND

ALSO EXCEPT THE SOUTH 25 FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE

NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS CONVEYED TO THE CITY OF PHOENIX IN DOCUMENT NO. 87-450541; AND

ALSO EXCEPT THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, WHICH LIES NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 28, WHICH POINT BEARS SOUTH 00 DEGREES 00 MINUTES 57 SECONDS EAST 370.00 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 28;

THENCE NORTH 89 DEGREES 00 MINUTES 00 SECONDS WEST 1200.00 FEET TO THE POINT OF ENDING; AND

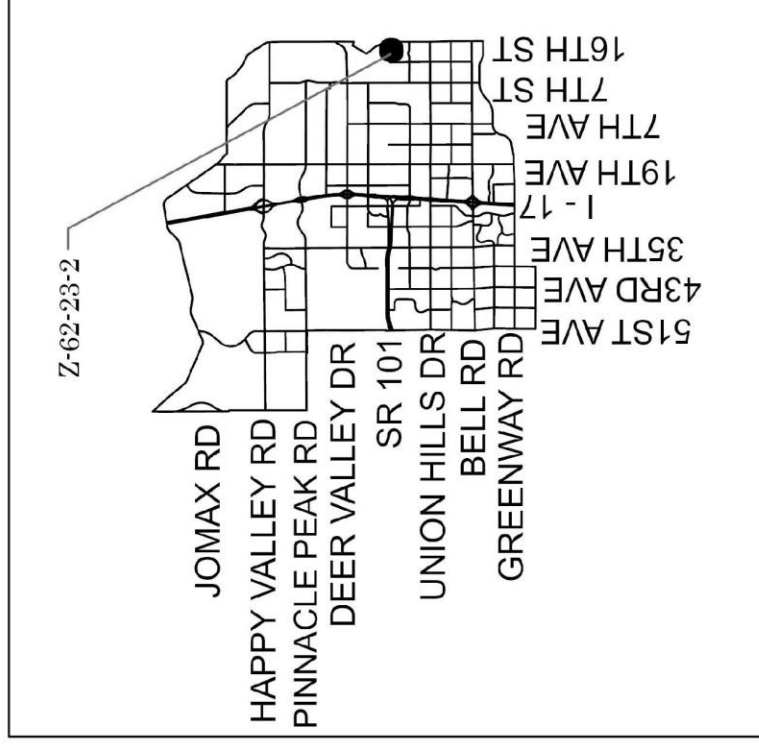
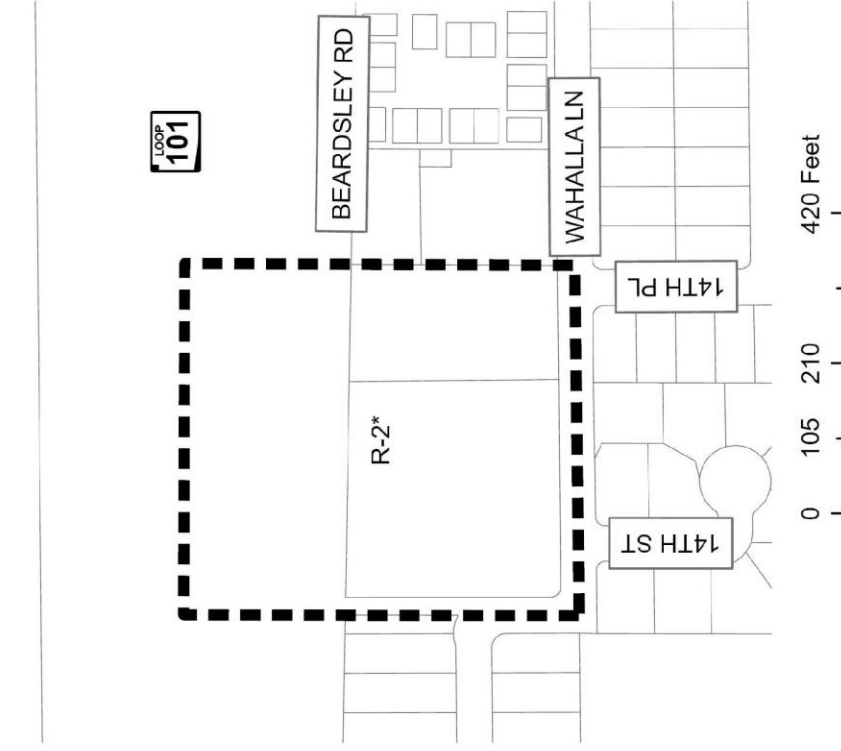
ALSO EXCEPT ALL COAL, OIL, GAS AND OTHER MINERAL DEPOSITS AS RESERVED BY THE UNITED STATES OF AMERICA IN THE PATENT TO SAID LAND

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-62-23-2
Zoning Overlay: N/A
Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 1/5/2024