

ATTACHMENT A

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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-151-24-5) FROM R-3 (MULTIFAMILY RESIDENCE DISTRICT) AND R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT) TO R-4A (MULTIFAMILY RESIDENCE – GENERAL).

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

SECTION 1. The zoning of a 6.89-acre site located at northeast corner of 39th Avenue and Grand Avenue in a portion of Section 22, Township 2 North, Range 2 East, as described more specifically in Exhibit “A,” is hereby changed from 1.62 acres of “R-3” (Multifamily Residence District) and 5.27 acres of “R1-6” (Single-Family Residence District) to “R-4A” (Multifamily Residence – General).

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. 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 contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
2. A minimum of one pedestrian access point connecting directly to Grand Avenue shall be provided at the southwestern corner of the site, as approved by the Planning and Development Department.
3. The development shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.
 - a. Secure bicycle parking shall be provided per Section 1307 of the Zoning Ordinance.
 - b. Guest bicycle parking shall be provided at a minimum rate of 0.05 spaces per dwelling unit, up to a maximum of 50 spaces required.
 - c. A minimum of 10 percent of the provided bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities.
 - d. Bicycle parking spaces shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade.
 - e. A bicycle repair station ("fix it station") shall be provided and maintained on site within an amenity area or near a primary site entrance, and separated from vehicular maneuvering areas, where applicable. The repair station shall include, but not be limited to:
 - i. Standard repair tools affixed to the station;
 - ii. A tire gauge and pump affixed to the base of the station or the ground;
 - iii. A bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
4. All landscape setbacks shall be planted with minimum 2-inch caliper, large canopy, shade trees, planted 20 feet on center, or in equivalent groupings, with a minimum five 5-gallon shrubs per tree, 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 for installing the required plants.

5. A minimum of 3% of the required vehicle parking spaces shall include EV Capable infrastructure.
6. All internal pedestrian pathways shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade, as approved by the Planning and Development Department.
7. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
8. A minimum of 25% of the surface parking areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by structures or by minimum 2-inch caliper, shade trees, or a combination thereof.
9. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized, as approved or modified by the Planning and Development Department.
10. Natural turf shall only be utilized for required retention areas (bottom of basin, and only allowed on slopes if required for slope stabilization) and functional turf areas, as approved by the Planning and Development Department.
11. 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.
12. A minimum of two green stormwater infrastructure (GSI) elements for stormwater management shall be implemented, as approved or modified by the Planning and Development and/or Street Transportation departments. This includes but is not limited to stormwater harvesting basins, bioswales, permeable pavement, etc., per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management.
13. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the Water Efficiency Checkup program for a minimum of 10 years, or as approved by the Planning and Development Department.
14. The sidewalk along Grand Avenue, exclusive of the sidewalk adjacent to the westbound right-turn deceleration lane, shall be a minimum of 5 feet in width and detached with a minimum 4-foot-wide landscape strip located between the

sidewalk and back of curb and planted to the following standards, or as approved by the Arizona Department of Transportation.

- a. Shrubs, accents and vegetative groundcovers with a maximum mature height of two feet evenly distributed throughout the landscape area to achieve a minimum of 75% live coverage.

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

15. The sidewalk along 39th Avenue shall be a minimum of 6 feet in width and detached with a minimum 8-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, single-trunk, large canopy, shade trees planted 20 feet on center, or in equivalent groupings.
 - b. Shrubs, accents and vegetative groundcovers with a maximum mature height of two feet evenly distributed throughout the landscape area to achieve a minimum of 75% live coverage.

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

16. A minimum 30 feet of right-of-way shall be dedicated and constructed for the east side of 39th Avenue.
17. Existing SRP facilities along 39th 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.
18. The Traffic Impact Analysis (TIA) must be submitted to both the City of Phoenix and the Arizona Department of Transportation. Development shall adhere to the recommendations of the TIA for the improvements to the 39th Avenue and Grand Avenue intersection, before preliminary site plan approval is granted, as accepted by the City of Phoenix and the Arizona Department of Transportation.
19. All access control for the site shall be determined through the accepted recommendations of the TIA by the City of Phoenix and the Arizona Department of Transportation.
20. 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.

21. 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.
22. 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.
23. 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.

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 5th day of February, 2025.

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 (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-151-24-5

DESCRIPTION OF 3832 GRAND A VENUE
AND PORTION OF 4510 N. 37TH A VENUE
PHOENIX, AZ 85019

THAT PORTION OF THE EAST HALF OF SECTION 22, TOWNSHIP 2 NORTH,
RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN,
MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED
AS FOLLOWS:

COMMENCING AT A 3-INCH CITY OF PHOENIX BRASS CAP IN HANDHOLE
(DOWN 0.7 FEET) MARKING THE SOUTH QUARTER CORNER OF SAID
SECTION 22, FROM WHICH A 3-INCH CITY OF PHOENIX BRASS CAP IN
HANDHOLE (DOWN 0.5 FEET) MARKING THE NORTH QUARTER CORNER OF
SAID SECTION 22 BEARS NORTH 00 DEGREES 22 MINUTES 43 SECONDS
EAST 5,260.86 FEET, SAID DESCRIBED LINE BEING THE BASIS OF BEARINGS
FOR THIS DESCRIPTION;

THENCE NORTH 00 DEGREES 22 MINUTES 43 SECONDS EAST 2,622.33
FEET ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION
22 TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00 DEGREES 22 MINUTES 43 SECONDS EAST
238.21 FEET ALONG SAID WEST LINE;

THENCE SOUTH 89 DEGREES 57 MINUTES 30 SECONDS EAST 284.97 FEET;

THENCE SOUTH 00 DEGREES 22 MINUTES 42 SECONDS WEST 125.00 FEET;

THENCE SOUTH 89 DEGREES 57 MINUTES 30 SECONDS EAST 95.00 FEET;

THENCE SOUTH 00 DEGREES 22 MINUTES 42 SECONDS WEST 109.81 FEET
TO THE NORTH LINE OF SAID SOUTHEAST QUARTER;

THENCE SOUTH 89 DEGREES 59 MINUTES 09 SECONDS EAST 292.65 FEET
ALONG SAID NORTH LINE;

THENCE SOUTH 00 DEGREES 22 MINUTES 09 SECONDS WEST 185.33 FEET;

THENCE NORTH 89 DEGREES 37 MINUTES 51 SECONDS WEST 10.02 FEET;

THENCE SOUTH 00 DEGREES 22 MINUTES 01 SECOND WEST 407.49 FEET
TO A NAIL WITH NO IDENTIFICATION ON THE NORTHEAST RIGHT OF WAY
LINE OF GRAND A VENUE (U.S. 60);

THENCE SOUTH 45 DEGREES 12 MINUTES 10 SECONDS WEST 52.00 FEET
TO THE CENTERLINE OF GRAND A VENUE (U.S. 60);

THENCE NORTH 44 DEGREES 47 MINUTES 50 SECONDS WEST 882.66 FEET
ALONG SAID CENTERLINE TO THE POINT OF BEGINNING.

COMPRISING 6.879 ACRES OR 299,630 FEET MORE OR LESS.

