

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-129-24-3) FROM C-2 M-R (APPROVED C-2 M-R PKG/WVR) (INTERMEDIATE COMMERCIAL, MID-RISE DISTRICT, APPROVED INTERMEDIATE COMMERCIAL, MID-RISE DISTRICT, PARKING WAIVER), C-2 M-R (APPROVED C-2 M-R SP AND C-2 M-R PKG/WVR) (INTERMEDIATE COMMERCIAL, MID-RISE DISTRICT, APPROVED INTERMEDIATE COMMERCIAL, MID-RISE DISTRICT, SPECIAL PERMIT AND APPROVED INTERMEDIATE COMMERCIAL, MID-RISE DISTRICT, PARKING WAIVER), AND C-2 M-R DNS/WVR (INTERMEDIATE COMMERCIAL, MID-RISE DISTRICT, DENSITY WAIVER) TO C-2 M-R DNS/WVR (INTERMEDIATE COMMERCIAL, MID-RISE DISTRICT, DENSITY WAIVER).

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

SECTION 1. The zoning of a 12.46-acre site located approximately 500 feet north of the northwest corner of 25th Avenue and Dunlap Avenue in a portion of Section 25, Township 3 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from 11.76 acres of "C-2 M-R (Approved C-2 M-R PKG/WVR)" (Intermediate Commercial, Mid-Rise District, Approved Intermediate Commercial, Mid-Rise District, Parking Waiver), 0.56-acres of "C-2 M-R (Approved C-2 M-R SP and C-2

M-R PKG/WVR)” (Intermediate Commercial, Mid-Rise District, Approved Intermediate Commercial, Mid-Rise District, Special Permit and Approved Intermediate Commercial, Mid-Rise District, Parking Waiver), and 0.14-acres of “C-2 M-R DNS/WVR” (Intermediate Commercial, Mid-Rise District, Density Waiver) to “C-2 M-R DNS/WVR”(Intermediate Commercial, Mid-Rise District, Density Waiver).

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. All new structures along the Arizona Canal and 25th Avenue, not depicted on the site plan dated September 16, 2024, shall provide frontages or alternative frontages per Phoenix Zoning Ordinance Section 1305.B, for a minimum 70% of each new structure’s frontage oriented toward these areas (the Arizona Canal and 25th Avenue), as approved by the Planning and Development Department.
2. The ground level exterior of the North Parking Structure, as depicted on the site plan date stamped September 16, 2024, shall contain architectural embellishments or detailing that will create visual interest for adjoining properties and enhance the public right-of-way, 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. The developer shall provide secure bicycle parking 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. 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:
 - 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. A minimum 6-foot-wide pedestrian pathway shall be provided within the site, connecting to the Arizona Canal at the northwest corner of the site, 25th Avenue, and the “existing asphalt accessway” (at the south), as depicted on the site plan date stamped September 16, 2024, containing the following standards, and as approved or modified by the Planning and Development Department.
- a. The internal pedestrian pathway is permitted to remain private and access-controlled for residents and visitors until such time that the City of Phoenix installs each of the following:
 - i. A bicycle/pedestrian bridge over the Arizona Canal Trail between 25th Avenue and the I-17 Freeway;
 - ii. A public park space over the Arizona Canal Diversion channel between 25th Avenue and the I-17 Freeway;
 - iii. A bicycle/pedestrian bridge over the I-17 Freeway between the Arizona Canal and the Light Rail line.
 - b. Following the installation of the three items referenced in Stipulation 4.a and the City notifying the property owner in writing of such completed installations, the owner shall within 90 days submit to the City for recordation an easement permitting public access over an internal pedestrian pathway between the hours of 7:00 a.m. and 9:00 p.m. daily.

- c. The pedestrian pathway shall incorporate lighting as described below.
 - i. Fifteen-foot maximum height of lighting fixtures.
 - ii. A minimum of one foot candle illumination should be maintained throughout the pathway.
 - iii. Uniform lighting should be placed along entire pathway to avoid bright high glare areas and low visibility dark areas.
 - d. The pathway shall be a minimum of 6 feet in width and shall include a minimum 5-foot-wide landscape strip along one side, with additional enhancements chosen from the following options:
 - i. A minimum 5-foot-wide landscape strip on both sides of the pathway, planted with a minimum of 2-inch caliper, single-trunk, large canopy, shade trees placed 20 feet on center or in equivalent groupings, as approved or modified by the Planning and Development Department; or
 - ii. A structure, landscaping, or a combination of the two to provide a minimum of 75% shade coverage along one side of the pathway, as approved or modified by the Planning and Development Department; or
 - iii. An activated frontage on one side of the pathway that includes pedestrian-oriented design elements such as seating areas, art, water features, Walkable Urban Code Frontage Types (per Phoenix Zoning Ordinance, Table 1305.1 Frontage Types), and community gathering spaces to enhance pedestrian engagement and activity, as approved or modified by the Planning and Development Department.
5. A minimum 10,500-square foot area shall be provided as publicly accessible open space, located in the northwest corner of the subject site as depicted on the site plan date stamped September 16, 2024, as approved or modified by the Planning and Development Department. This area shall be open for public access daily between the hours of 7:00 a.m. to 9:00 p.m. but need not be open for public access beyond those hours.
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 contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.

7. All pedestrian pathways (including sidewalks) shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade, except as otherwise approved per Stipulation No. 4.d., 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, drought tolerant, shade trees, or a combination thereof.
9. A minimum of 5% of the required parking spaces shall include EV Capable infrastructure.
10. The landscape setback along 25th Avenue shall be planted to include native cacti or similar plants, as approved by the Planning and Development Department.
11. Site lighting shall be provided at building entrances/exits and in public assembly and parking areas, as approved by the Planning and Development Department.
12. 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.
13. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized, except for existing plants retained on-site, as approved or modified by the Planning and Development Department.
14. All new 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.
15. 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.
16. Pressure regulating sprinkler heads and/or drip lines shall be utilized in any turf areas to reduce water waste.
17. 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.

18. Upon modification of the buildings adjacent to 25th Avenue that modifies the cumulative footprint of both buildings, including demolition, by more than 15% from that which is depicted on the site plan date stamped September 16, 2024, a 6-foot detached sidewalk shall be required to be installed along 25th Avenue, with a minimum 8-foot-wide landscape strip located between the sidewalk and back of curb that is planted to the following standards, as approved or modified by the Planning and Development Department:
 - a. Minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant, shade trees planted 20 feet on center, or in equivalent groupings.
 - b. Drought tolerant vegetation 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.

19. 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.
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. 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.
22. 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 (3 Pages)
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-129-24-3

PARCEL NO. 2:

A PORTION OF LOT 2, OF CANYON CORPORATE PLAZA, RECORDED IN BOOK 461, PAGE 20, MARICOPA COUNTY RECORDS (M.C.R.), LYING WITHIN SECTION 25, TOWNSHIP 3 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE ALONG THE EAST BOUNDARY OF LOT 2, SOUTH 00 DEGREES 24 MINUTES 36 SECONDS WEST, A DISTANCE OF 475.64 FEET; THENCE DEPARTING SAID EAST BOUNDARY, NORTH 89 DEGREES 40 MINUTES 34 SECONDS WEST, A DISTANCE OF 431.00 FEET; THENCE NORTH 1 DEGREES 28 MINUTES 49 SECONDS EAST, A DISTANCE OF 68.53 FEET; THENCE NORTH 89 DEGREES 54 MINUTES 51 SECONDS WEST, A DISTANCE OF 83.64 FEET; THENCE NORTH 00 DEGREES 30 MINUTES 07 SECONDS EAST, A DISTANCE OF 410.87 FEET TO A POINT ON THE NORTH BOUNDARY OF SAID LOT 2; THENCE ALONG SAID NORTH BOUNDARY, SOUTH 89 DEGREES 18 MINUTES 24 SECONDS EAST, 443.06 FEET; THENCE ALONG SAID NORTH BOUNDARY SOUTH 89 DEGREES 13 MINUTES 53 SECONDS EAST, A DISTANCE OF 69.63 FEET TO THE POINT OF BEGINNING. EXCEPT 1 / 2 OF ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES AS RESERVED IN DEED RECORDED IN BOOK 337 OF DEEDS, PAGE 9, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 3:

A PORTION OF LOT 2, OF CANYON CORPORATE PLAZA, RECORDED IN BOOK 461, PAGE 20, MARICOPA COUNTY RECORDS (M.C.R.), LYING WITHIN SECTION 25, TOWNSHIP 3 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE ALONG THE EAST BOUNDARY OF LOT 2, SOUTH 00 DEGREES 24 MINUTES 36 SECONDS WEST, A DISTANCE OF 475.64 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST BOUNDARY, SOUTH 00 DEGREES 24 MINUTES 36 SECONDS WEST, A DISTANCE OF 280.73 FEET; THENCE NORTH 89 DEGREES 35 MINUTES 42 SECONDS WEST, A DISTANCE OF 285.08 FEET; THENCE SOUTH 45 DEGREES 07 MINUTES 55 SECONDS WEST, A DISTANCE OF 168.55 FEET TO THE

BEGINNING OF A CURVE CONCAVE NORTHWEST HAVING A RADIUS OF 54.50 FEET;
THENCE SOUTHWESTERLY 40.67 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 42 DEGREES 45 MINUTES 05 SECONDS TO A POINT OF REVERSE CURVATURE OF A CURVE HAVING A RADIUS OF 29.50 FEET;
THENCE SOUTHWESTERLY 45.18 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 87 DEGREES 45 MINUTES 05 SECONDS;
THENCE NORTH 00 DEGREES 07 MINUTES 55 SECONDS EAST, A DISTANCE OF 54.69 FEET;
THENCE NORTH 89 DEGREES 54 MINUTES 17 SECONDS WEST, A DISTANCE OF 151.30 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEAST HAVING A RADIUS OF 41.50 FEET;
THENCE NORTHWESTERLY 32.54 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 44 DEGREES 55 MINUTES 19 SECONDS;
THENCE NORTH 44 DEGREES 58 MINUTES 58 SECONDS WEST, A DISTANCE OF 259.56 FEET;
THENCE NORTH 45 DEGREES 09 MINUTES 16 SECONDS EAST, A DISTANCE OF 182.98 FEET;
THENCE NORTH 46 DEGREES 34 MINUTES 30 SECONDS WEST, A DISTANCE OF 40.61 FEET;
THENCE NORTH 44 DEGREES 08 MINUTES 59 SECONDS EAST, A DISTANCE OF 75.62 FEET;
THENCE SOUTH 45 DEGREES 34 MINUTES 14 SECONDS EAST, A DISTANCE OF 94.15 FEET;
THENCE NORTH 43 DEGREES 52 MINUTES 02 SECONDS EAST, A DISTANCE OF 28.13 FEET;
THENCE NORTH 1 DEGREES 28 MINUTES 49 SECONDS EAST, A DISTANCE OF 73.37 FEET;
THENCE NORTH 44 DEGREES 42 MINUTES 27 SECONDS EAST, A DISTANCE OF 76.85 FEET;
THENCE SOUTH 89 DEGREES 54 MINUTES 51 SECONDS EAST, A DISTANCE OF 27.14 FEET;
THENCE SOUTH 00 DEGREES 30 MINUTES 07 SECONDS WEST, A DISTANCE OF 30.27 FEET;
THENCE SOUTH 89 DEGREES 54 MINUTES 51 SECONDS EAST, A DISTANCE OF 83.64 FEET;
THENCE SOUTH 1 DEGREES 28 MINUTES 49 SECONDS WEST, A DISTANCE OF 68.53 FEET;
THENCE SOUTH 89 DEGREES 40 MINUTES 34 SECONDS EAST, A DISTANCE OF 431.00 FEET TO THE POINT OF BEGINNING.
EXCEPT 1 / 2 OF ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES AS RESERVED IN DEED RECORDED IN BOOK 337 OF DEEDS, PAGE 9, RECORDS OF MARICOPA COUNTY, ARIZONA.

LEGAL DESCRIPTION PER CHICAGO TITLE AGENCY, INC., COMMITMENT FOR
TITLE INSURANCE WITH FILE NO. CT347240041, HAVING AN EFFECTIVE DATE
OF MARCH 4, 2024.

DRAFT

