

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-53-24-7) FROM S-1 (RANCH OR FARM RESIDENCE) AND R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT) TO R-4 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 10.75-acre site located at the southwest corner of 69th Avenue and Thomas Road in a portion of Section 36, Township 2 North, Range 1 East, as described more specifically in Exhibit "A," is hereby changed from 2.05 acres of "S-1" (Ranch or Farm Residence) and 8.70 acres of "R1-6" (Single-Family Residence District) to 10.75 acres of "R-4" (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 landscape setbacks along 69th Avenue and Thomas Road 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.
2. Evergreen trees shall be planted within the west landscape setback, adjacent to Building No. 7 and Building No. 9, and the south landscape setback adjacent to Building No. 9, as depicted on the site plan dated October 24, 2024.
3. A minimum 30-foot building setback shall be provided for the first floor, exclusive of carports, with a minimum 40-foot building setback for floors above the first floor, for the west portion of Building No. 7, and west and south portions of Building No. 9, as depicted on the site plan dated October 24, 2024.
4. A minimum of 7% of the gross project area shall be retained as open space, as approved by the Planning and Development Department.
5. 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.
6. All pedestrian walkways, including sidewalks, 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. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
7. A minimum 10-foot-wide right-of-way easement, for a total 65-foot half street, shall be dedicated for the south side of Thomas Road, and identified on the plat that the easement is for future right-of-way purposes, as approved by the Planning and Development Department. Right-of-way construction shall include the extension of the existing median to the 69th Avenue intersection, as approved by the Street Transportation Department.
8. The existing attached sidewalk shall be detached and constructed with a minimum 6-foot-wide sidewalk separated by a minimum 10-foot-wide landscape area on the south side of Thomas Road, adjacent to the development. The landscape area shall be planted with minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant, shade trees planted 20 feet on center, or in equivalent groupings, and shrubs, accents, and vegetative groundcovers with a maximum mature height of two feet to achieve a minimum

of 75% live coverage, as approved by the Planning and Development Department.

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

9. A minimum 25 feet of right-of-way shall be dedicated and constructed for the west side of 69th Avenue.
10. A minimum 5-foot-wide detached sidewalk shall be constructed on the west side of 69th Avenue, adjacent to the development, and separated by a minimum 5-foot-wide landscape area. The landscape area shall be planted with minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant, shade trees planted 20 feet on center, or in equivalent groupings, and shrubs, accents, and vegetative groundcovers with a maximum mature height of two feet, as approved by the Planning and Development Department.

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

11. An enhanced pedestrian connection shall be provided on the northern site boundary, adjacent to Thomas Road, to allow for direct pedestrian access to the adjacent transit bus stop, as approved by the Planning and Development Department.
12. The median islands within Thomas Road, adjacent to the development, shall be replenished with the approved landscaping and trees, as approved by the Planning and Development Department.
13. 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.
14. 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.
15. A bus pad shall be constructed that is 40 feet long and 10 feet wide, conforming with City of Phoenix Standard Detail P1260, on eastbound Thomas Road. The pad should be located at least 50 feet west of 69th Avenue, as approved by the Planning and Development Department.

16. Bicycle parking shall be provided at a minimum rate of 0.25 spaces per unit, up to a maximum of 50 spaces to be provided through Inverted U and/or artistic racks and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance, or through secure parking storage area/s, or a combination thereof, 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.
17. 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.
18. A bicycle repair station ("fix it station") shall be provided on the site. The station shall include but not be limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike, as approved by the Planning and Development Department.
19. Bicycle parking spaces 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.
20. A minimum of 2% of the required parking spaces shall include Electric Vehicle (EV) Installed Infrastructure and a minimum of 3% of the required parking space shall include Electric Vehicle (EV) Ready Infrastructure, as approved by the Planning and Development Department.
21. 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.
22. 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.
23. 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.
24. A leak detection device shall be installed for the irrigation system within any open space area larger than 10,000 square feet, as shown on the site plan dated October 24, 2024.
25. 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.

26. Pressure regulating sprinkler heads and drip lines shall be utilized in any turf areas to reduce water waste.
27. 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.
28. Provide a landscape irrigation plan that includes zones to establish the amount of irrigation to apply based on maturity and type of the landscaping. Irrigation should be applied efficiently based on the maturity and need for the vegetation.
29. 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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 15th day of January, 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-53-24-7

GROSS LEGAL DESCRIPTION
DESERT SKY APARTMENTS

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER SECTION 36, TOWNSHIP 2 NORTH, RANGE 1 EAST PER BOOK 699, PAGE 26, M.C.R.;

THENCE SOUTH 89 DEGREES 35 MINUTES 13 SECONDS WEST ALONG THE CENTERLINE OF THOMAS ROAD A DISTANCE OF 1,317.70 FEET WEST TO A FOUND CITY OF PHOENIX BRASS CAP FLUSH, THE POINT OF BEGINNING OF THE GROSS PROJECT AREA HEREIN DESCRIBED;

THENCE SOUTH 00 DEGREES 23 MINUTES 53 SECONDS WEST A DISTANCE OF 956.10 FEET;

THENCE SOUTH 89 DEGREES 35 MINUTES 13 SECONDS WEST A DISTANCE OF 291.74 FEET;

THENCE NORTH 01 DEGREES 15 MINUTES 13 SECONDS EAST A DISTANCE OF 395.90 FEET;

THENCE SOUTH 89 DEGREES 35 MINUTES 12 SECONDS WEST A DISTANCE OF 350.00 FEET;

THENCE NORTH 01 DEGREES 15 MINUTES 16 SECONDS EAST A DISTANCE OF 560.50 FEET TO A FOUND REBAR WITH CAP MARKED LS 16513;

THENCE NORTH 89 DEGREES 35 MINUTES 13 SECONDS EAST, A DISTANCE OF 627.46 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 468,164.45 SQUARE FEET OR 10.75 ACRES, MORE OR LESS.

EXHIBIT B

Zoning Case Number: Z-53-24-7
Zoning Overlay: N/A
Planning Village: Maryvale



\\one\pdd\Shared\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\SuppMaps_Ord\1-15-2025\1-15-2025.aprx