

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-78-24-5) FROM C-2 (INTERMEDIATE COMMERCIAL) TO C-2 DNS/WVR (INTERMEDIATE COMMERCIAL, DENSITY WAIVER).

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

SECTION 1. The zoning of a 3.24-acre site located approximately 1,000 feet north of the northwest corner of Black Canyon Highway and Northern Avenue in a portion of Section 36, Township 3 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "C-2" (Intermediate Commercial) to "C-2 DNS/WVR" (Intermediate Commercial, 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. Upon site plan approval and permit issuance for any new building(s) on the site as shown on the site plan dated May 31, 2024 that increases the cumulative footprint by more than 10 percent, the following shall apply:
 - a. A minimum of 10 percent of the required parking shall be EV Ready.
 - b. The required landscape setback areas shall be planted with shade trees placed 20 feet on center or in equivalent groupings with 50 percent of the trees being a minimum 2-inch caliper, as approved or modified by the Planning and Development Department.
 - c. 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.
 - d. A minimum of 25 percent 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.
 - e. A landscape irrigation plan shall be provided 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.
 - f. 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 located on properties for uses such as parks, schools, and residential common areas, as approved by the Planning and Development Department.
 - g. 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.
2. The R-5 Subdivision Option shall be utilized for the development.

3. A minimum of one pedestrian connection shall be provided from the subject site to connect to the property to the south, as approved by the Planning and Development Department.
4. 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 with the parking and drive aisle surfaces, as approved by the Planning and Development Department.
5. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized, except for existing or salvaged mature trees to remain on site, as approved or modified by the Planning and Development Department.
6. Site lighting shall be provided at building entrances/exits, and in public assembly and parking areas, as approved by the Planning and Development Department.
7. The following bicycle infrastructure as described below shall be provided as approved by the Planning and Development Department:
 - a. A bicycle repair station ("fix it station") shall be provided on the site.
 - b. Bicycle parking shall be provided at a minimum rate of 0.25 spaces per unit, up to a maximum of 50 spaces shall be provided through Inverted U racks, artistic racks, and/or secure/indoor facilities. Inverted U racks shall be 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.
8. All improvements to the Black Canyon Highway frontage are outside of City of Phoenix jurisdiction and shall be reviewed and approved by ADOT. Documentation of the review and approval shall be provided prior to Preliminary Site Plan approval.
9. 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.
10. 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. This stipulation shall not be applicable if the property is owned by the City of Phoenix.

11. A maximum of 126 units shall be permitted.
12. An Operation Plan shall be developed with a contracted property manager and support services provider to govern the site and will be outlined in a Good Neighbor Agreement. The Plan shall address, at minimum, the following:
 - a. Regular, on-going communication shall be provided to the surrounding communities on any issues, concerns, follow-up requests, etc.
 - b. A Public Safety Plan will be implemented to include:
 - i. On-site security 24 hours a day, 7 days per week.
 - ii. On-site security monitoring of exterior security cameras to address issues surrounding the facility in a timely fashion.
 - iii. Coordination with the Phoenix Police Department with regular communication protocols.
 - iv. Illegal drugs are to be prohibited for possession and/or use.
 - v. No services will be provided to any individuals that are not residents/lease holders.
 - c. Units will be leased to eligible residents who are at least fifty-five years of age and have a median income that does not exceed 30% of Area Median Income.
 - d. The City of Phoenix will ensure contracted property management company will obtain crime free multi-housing training and certification. The property manager will include the crime free multi-housing addendum to all lease agreements.
13. Final design of site improvements shall incorporate Crime Prevention Through Environmental Design ("CPTED") standards and best practices by:
 - a. Security cameras shall be activated to monitor, at minimum, outdoor areas around the building, as approved by the Planning and Development Department.
 - b. Property manager shall enroll in the Virtual Block Watch Program with the Phoenix Police Department.

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 2nd day of October, 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 (1 Page)
B – Ordinance Location Map (1 Page)

EXHIBIT "A" LEGAL DESCRIPTION

PARCEL NO. 1:

That portion of the Southwest quarter of the Southwest quarter of Section 36, Township 3 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the Southwest corner of said Section 36;

Thence South 89 degrees 57 minutes 09 seconds East, along the South line of said Section 36 a distance of 576.29 feet;

Thence North 00 degrees 16 minutes 34 seconds East, along the East line of a parcel of land described in Docket 865, page 2, records of Maricopa County, Arizona, said line being 576.29 feet East of and parallel to the West line of Section 36, a distance of 725.85 feet to the POINT OF BEGINNING;

Thence continuing North 00 degrees 16 minutes 34 seconds East, 379.58 feet;

Thence North 89 degrees 57 minutes 32 seconds East, 299.67 feet;

Thence South 00 degrees 16 minutes 34 seconds West, 381.24 feet;

Thence North 89 degrees 43 minutes 26 seconds West, 299.67 feet to the POINT OF BEGINNING.

PARCEL NO. 2:

That portion of the Southwest quarter of the Southwest quarter of Section 36, Township 3 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING for a tie at the Southwest corner of Section 36;

Thence South 89 degrees 57 minutes 09 seconds East, along the South line of said Section 36, a distance of 576.29 feet;

Thence North 00 degrees 16 minutes 34 seconds East, along the East line of a parcel of land described in Docket 865, page 2, records of Maricopa County, Arizona, said line being 576.29 feet East of and parallel to the West line of said Section 36, a distance of 725.85 feet;

Thence South 89 degrees 43 minutes 26 seconds East, 299.67 feet;

Thence North 00 degrees 16 minutes 34 seconds East, a distance of 281.24 feet to the POINT OF BEGINNING;

Thence continuing North 00 degrees 16 minutes 34 seconds East, 100 feet;

Thence North 89 degrees 57 minutes 32 seconds East, 241.92 feet to the point on a curve, said curve being the West right of way line of a 30 foot wide road right of way, described in Docket 1629, page 351, records of Maricopa County, Arizona;

Thence Southerly along said right of way curve to the right, having a radius of 3789.73 feet, a central angle of 01 degrees 31 minutes 32 seconds, a tangent bearing of South 08 degrees 30 minutes 40 seconds East, an arc distance of 100.91 feet;

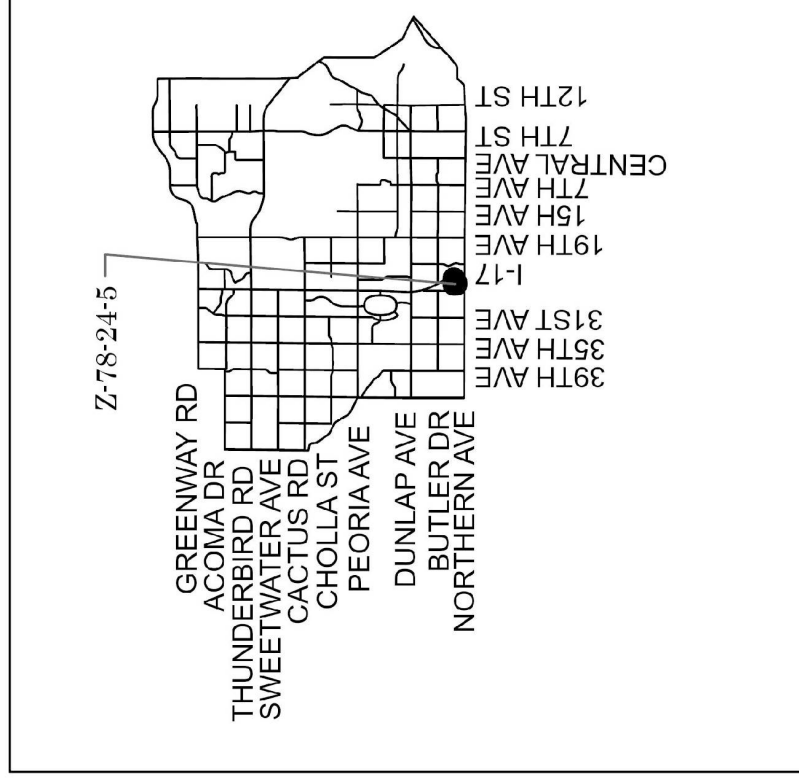
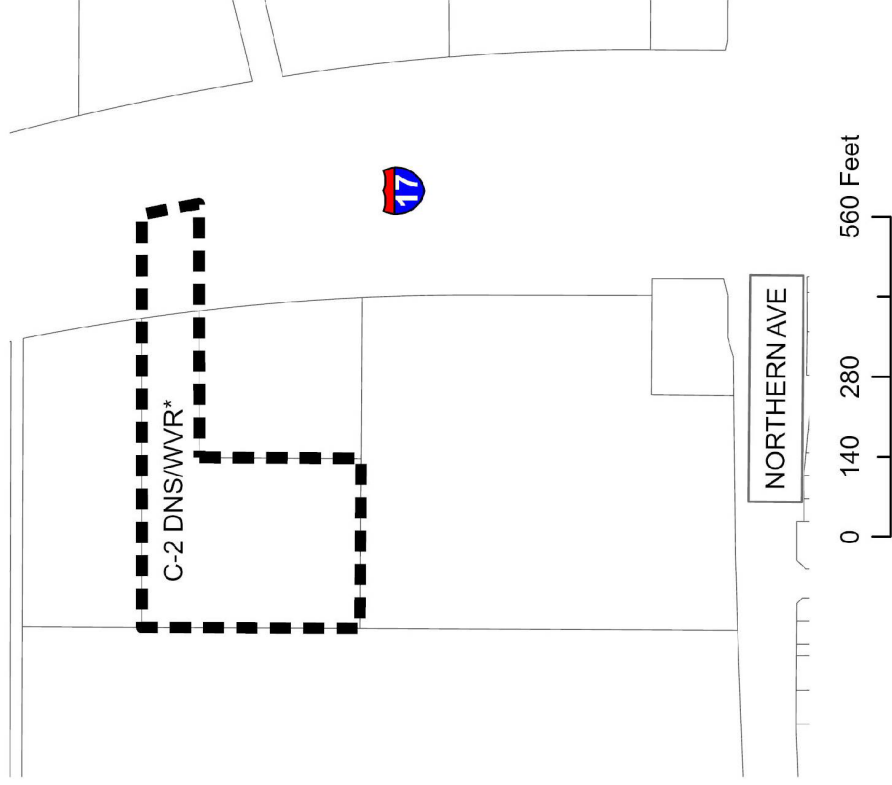
Thence South 89 degrees 57 minutes 32 seconds West, a distance of 256.00 feet to the POINT OF BEGINNING.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: - - - - -



NOT TO SCALE



Drawn Date: 9/3/2024