

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-164-24-3) FROM C-2 (INTERMEDIATE COMMERCIAL) TO R-5 (MULTIFAMILY RESIDENCE DISTRICT – RESTRICTED COMMERCIAL).

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

SECTION 1. The zoning of a 2.18-acre site located at the southwest corner of Cave Creek Road and Peoria Avenue in a portion of Section 28, Township 3 North, Range 3 East, as described more specifically in Exhibit “A,” is hereby changed from “C-2” (Intermediate Commercial) to “R-5” (Multifamily Residence District – Restricted Commercial).

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 building elevations shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or overhang canopies, as approved by the Planning and Development Department.
2. All landscape setbacks shall be planted with minimum 2-inch caliper, large canopy, shade trees planted 20 feet on center, or equivalent groupings, as approved by the Planning and Development Department.
3. Where pedestrian pathways 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.
4. A minimum 30 feet of right-of-way shall be dedicated and constructed for the south half of Peoria Avenue, as approved by the Planning and Development Department.
5. A minimum 6-foot-wide detached sidewalk separated by a minimum 5-foot-wide landscape area shall be constructed on the south side of Peoria Avenue and planted to the following standards, as approved or modified 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. 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.

6. A minimum of 50 feet of right-of-way shall be dedicated and constructed for the west half of Cave Creek Road, as approved by the Planning and Development Department.
7. A minimum 6-foot-wide detached sidewalk separated by a minimum 10-foot-wide landscape area shall be constructed on the west side of Cave Creek Road and planted to the following standards, as approved or modified 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. 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.

8. All mitigation improvements shall be constructed and/or funded as identified in the accepted Traffic Impact Analysis dated January 29, 2025.
9. 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.
10. 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.
11. A bus bay and pad along Cave Creek Road shall be constructed per the requirements of City of Phoenix Standard Details P1256, P1258, and P1262, as approved by the Planning and Development Department. The entirety of the facility shall be placed within the public right-of-way or an easement. Additional right-of-way dedication may be necessary as required by the Planning and Development Department.
12. A minimum of 2% of the required parking spaces shall include Electric Vehicle (EV) Installed infrastructure. A minimum of 8% of the required parking spaces shall include EV Capable infrastructure.
13. 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 space per dwelling unit, up to a maximum of 50 spaces.
 - c. A minimum of 10 percent of the provided bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities.

- 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:
 - 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.
- 14. All bicycle infrastructure, pedestrian pathways (including sidewalks), and transit stops 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.
- 15. 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.
- 16. Pressure regulating sprinkler heads and/or drip lines shall be utilized in any turf areas to reduce water waste.
- 17. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the Water Efficiency Program for a minimum of ten years, or as approved by the Planning and Development Department.
- 18. 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.
- 19. 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.
- 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 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 9th day of April, 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)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-164-24-3

A PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION BEARS SOUTH 89°52'09" EAST, A DISTANCE OF 1202.10 FEET;

THENCE ALONG THE NORTH LINE OF SECTION 28, SOUTH 89°52'09" EAST, A DISTANCE OF 118.70 FEET, TO A BRASS CAP IN HANDHOLE MARKING THE INTERSECTION OF PEORIA AVENUE AND CAVE CREEK ROAD;

THENCE LEAVING SECTION LINE, ALONG THE MONUMENT LINE OF CAVE CREEK ROAD, SOUTH 32°30'54" WEST, A DISTANCE OF 348.62 FEET;

THENCE CONTINUING ALONG SAID MONUMENT LINE, BEING A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1300.00 FEET, A CENTRAL ANGLE OF 02°12'30", A TANGENT LENGTH OF 25.06 FEET, THE CHORD OF WHICH BEARS SOUTH 31°40'20" WEST, A CHORD DISTANCE OF 50.10 FEET, FOR AN ARC LENGTH OF 50.10 FEET;

THENCE LEAVING SAID MONUMENT LINE, NORTH 89°45'30" WEST, A DISTANCE OF 281.18 FEET;

THENCE NORTH 30°42'38" EAST, A DISTANCE OF 203.15 FEET;

THENCE NORTH 32°42'53" EAST, A DISTANCE OF 191.86 FEET, TO A POINT THE NORTH LINE OF SECTION 28;

THENCE SOUTH 89°52'09" EAST, A DISTANCE OF 168.73 FEET, TO THE POINT OF BEGINNING;
CONTAINING 96,366 SQ.FT., 2.212 ACRES (MORE OR LESS)

EXHIBIT B

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