

## 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 ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-8-20-5) FROM C-O (COMMERCIAL OFFICE) TO R-3A (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 3.24-acre property located approximately 220 feet north of the northeast corner of 23rd Avenue and West Royal Palm Road in a portion of Section 36, Township 3 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "C-O" (Commercial Office) to "R-3A" (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. For any subsequent phases of development beyond the adaptive reuse of the building depicted on the site plan date stamped March 27, 2020, the following stipulations shall apply, as approved or modified by the Planning and Development Department:
  - a. The stipulations contained in Stipulation Nos. 2 through 15 shall also apply to any subsequent phases of development.
  - b. All units adjacent to 23rd Avenue shall have an individual pedestrian entrance oriented to the public street and be connected to the public sidewalk by a direct pedestrian pathway.
  - c. All units adjacent to 23rd Avenue shall have a porch or patio, described as follows and as approved by the Planning and Development Department:
    - i. Porches shall have a minimum dimension of six feet in depth by a width of no less than 50 percent of the total unit; be oriented to the public right-of-way; have a unit entrance; and have a direct pedestrian connection to the public sidewalk.
    - ii. Patios shall have a minimum dimension of eight feet in depth by a width and a minimum size of 64 square feet; be enclosed on each side by a low wall or fence not to exceed 36 inches in height; be oriented to the public right-of-way; have a unit entrance; and have a direct pedestrian connection to the public sidewalk.
  - d. All garage doors shall be screened by buildings from the exterior of the site and have decorative embellishments such as window panels, color and added materials for the pillars surrounding the door.
2. All elevations of the buildings shall contain architectural embellishments and detailing, such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or overhang canopies.
3. The public sidewalk along 23rd Avenue shall be detached with a minimum 5-foot-wide landscape area located between the sidewalk and back of curb and planted to the following standards, 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.

- a. Large canopy, single-trunk shade trees shall be placed 25 feet on center or in equivalent groupings. Twenty-five percent of the required trees shall be a minimum 4-inch caliper and 75 percent shall be a minimum 3-inch caliper.
  - b. At tree maturity, the trees shall shade the sidewalk to a minimum 75 percent
  - c. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75 percent live coverage at maturity.
- 4. The developer shall provide a pedestrian thoroughfare between the public sidewalk, and the required amenities contained in the first phase, as described below and as approved by the Planning and Development Department.
  - i. A bollard light path or lighted art feature to accentuate the entrance of the pedestrian thoroughfare from the intersection with the public sidewalk.
  - ii. The pedestrian thoroughfare shall be shaded to a minimum 75 percent by shade trees, vegetative trellis, and/or architectural shade. Trees shall be a minimum 2-inch caliper.
  - iii. A minimum 5-foot-wide landscape area shall be provided along both sides of the pedestrian thoroughfare. In areas where the pedestrian thoroughfare passes between buildings, the landscape area may be reduced to 3 feet in width (or 6 feet on one side only).
  - iv. A maximum of two drive aisle crossings shall be permitted and where crossings occur, the pathway shall be constructed to visually contrasts with the parking and drive aisle surfaces.
- 5. Surface parking shall be setback a minimum of 30-feet or screened 100 percent by buildings from 23rd Avenue, as approved by the Planning and Development Department.
- 6. Surface parking areas shall include the below, as approved by the Planning and Development Department:
  - a. A minimum 10 percent of the total surface parking and vehicular circulation area shall be vegetated.
  - b. Landscape planters located at the end of each row of parking and approximately every 100 linear feet.

- c. Landscape planters shall be a minimum width of eight feet and a minimum 120 square feet for a single row of parking, and a minimum 240 square feet for a double row of parking.
  - d. Landscape planters shall be planted with minimum five-gallon drought tolerant shrubs to achieve 75 percent ground cover. If trees are to be included, they shall be minimum 2-inch caliper shade trees
- 7. No solid perimeter wall greater than 36 inches in height, situated between the plane of the buildings and the 23rd Avenue right of way, shall be permitted.
- 8. There shall be an average landscape setback of 25 feet measured from the east property line with the minimum setback being 5 feet. The landscape setback shall be planted with shade trees placed 20 feet on center or in equivalent groupings with 25 percent of the trees being a minimum 4-inch caliper and 75 percent being a minimum 3-inch caliper, as approved by the Planning and Development Department.
- 9. The developer shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.
  - a. A bicycle repair station ("fix it station") shall be provided and be maintained near the southern-most vehicular access in an area of high visibility, convenient pedestrian access, and available from the public sidewalk.
  - b. "Secure/Covered Facilities" and/or "Outdoor/Covered Facilities" shall be provided for residents at a rate of 0.25 spaces per dwelling unit, up to a maximum of 50 spaces. Appropriate facilities are defined in Appendix K or the Comprehensive Bicycle Master Plan.
  - c. Artistic style bicycle racks with capacity for a minimum of six bicycles for guests shall be located near the primary entrance to the building depicted on the site plan date stamped March 27, 2020. The artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K or the Comprehensive Bicycle Master Plan, as approved by the Planning and Development Department.
- 10. A minimum of 10 percent of the gross project shall be retained as open space, exclusive of required landscape setbacks, which shall be shaded to a minimum 50 percent by minimum 2-inch caliper large canopy shade trees, as approved by the Planning and Development Department.

11. The developer shall construct all streets within and adjacent to the development 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.
12. 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.
13. Prior to preliminary 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 2nd day of September 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

\_\_\_\_\_ City Manager

Exhibits:

A – Legal Description (2 Pages)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-8-20-5

That certain real property situated in the State of Arizona, County of Maricopa, described as follows:

Parcel No. 1

That part of Parcel 8, of LA MANCHA, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 193 of Maps, Page 19, situated within the following described parcel:

A parcel of land situated in the South half of Section 36, Township 3 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the South quarter corner of said Section 36;

proceeding thence North 00° 15' 45" East, 40.01 feet;

thence North 00° 16' 01" East, 344.12 feet to a point of curvature of a circular curve concave Southeasterly having a radius of 500.00 feet and a central angle of 19° 29' 45";

thence along said curve, 170.13 feet to a point of tangency;

thence North 19° 45' 46" East 101.06 feet to a point of curvature of a circular curve concave Westerly, said curve having a radius of 500.00 feet and a central angle of 45° 10' 45";

thence along said curve 257.72 feet to the TRUE POINT OF BEGINNING;

thence continuing along said curve 136.53 feet to a point of tangency;

thence North 25° 24' 59" West, 317.69 feet;

thence North 64° 35' 01" East, 30.00 feet to the Southwest corner of Parcel 4, of LA. MANCHA, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 193 of Maps, Page 19;

thence South 89° 44' 15" East, 316.19 feet on the South line of Parcel 4 to the Southeast corner of said Parcel 4;

thence continuing South 89° 44' 15" East, 23.81 feet record (23.84 feet measured);

thence South 25° 24' 50" East, 100.00 feet;

thence South 09° 38' 26" East, 171.82 feet;

thence South 08° 27' 27" East, 111.35 feet;

thence South 22° 07' 25" West, 76.57 feet;

thence North 85° 20' 13" West 220.00 feet;

thence South 80° 13' 43" West 30.00 feet to the TRUE POINT OF BEGINNING.

Parcel No. 2:

A drainage easement as created in 83-396800, of Official Records, situated in the South half of Section 36, Township 3 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the South quarter corner of said Section 36;

thence North 00° 15' 43" East, 40.01 feet, along the center line of 23rd A venue as depicted on the plat of LA MANCHA, as recorded in Book 193 of Maps, Page 19, records of Maricopa County, Arizona;

thence North 00° 16' 01" East, 344.12 feet to a point of curvature of a circular curve concave Southeasterly, said curve having a radius of 500.00 feet and a central angle of 19° 29' 45";

thence along said curve 170.13 feet to a point of tangency;

thence North 19° 45' 46" East, along said tangent, 101.06 feet to a point of curvature of a circular curve concave Westerly, said curve having a radius of 500.00 feet and a central angle of 45° 10' 45";

thence along said curve 257.72 feet;

thence North 80° 13' 43" East, 30.00 feet, along a radial line;

thence along the South line of the parcel recorded in 83-353389, of Official Records, records of Maricopa County, Arizona, South 85° 20' 13" East, 220.00 feet to the TRUE POINT OF BEGINNING;

thence South 04° 39' 47" West, 3.50 feet;

thence South 85° 20' 13" East, 131.89 feet;

thence North 04° 39' 47" East, 12.00 feet;

thence North 85° 20' 13" West, 128.11 feet;

thence South 22° 07' 25" East, 8.91 feet to the TRUE POINT OF BEGINNING.

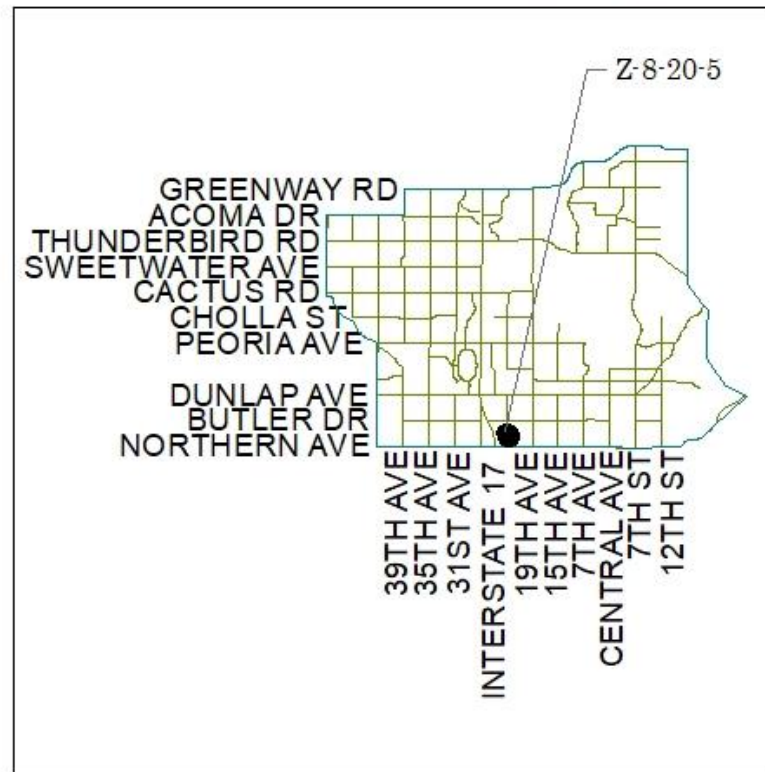
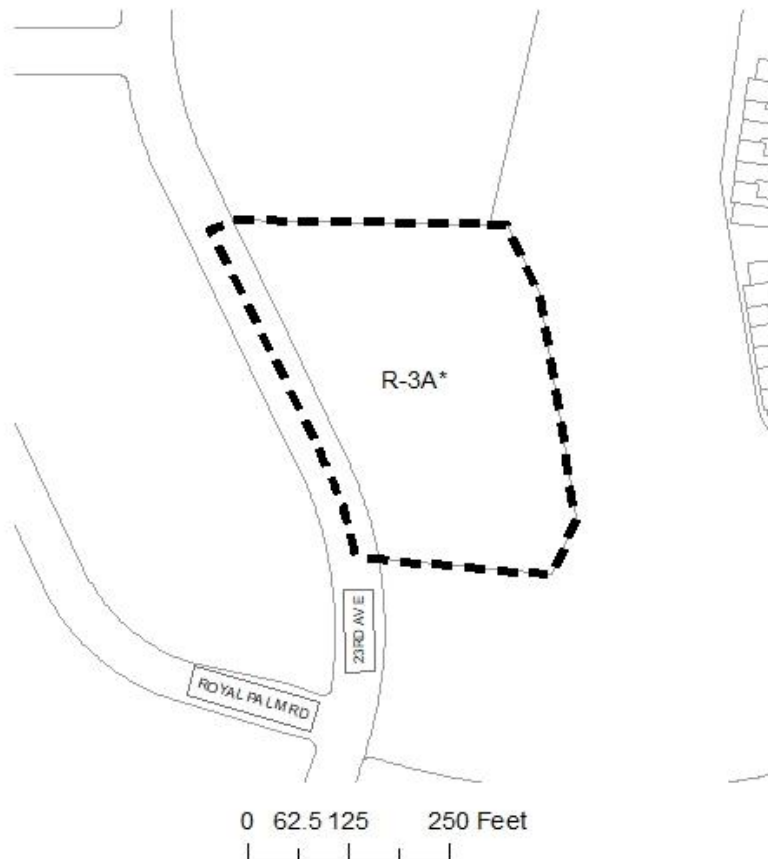


# ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: \*  
SUBJECT AREA: - - - - -

Zoning Case Number: Z-8-20-5  
Zoning Overlay: N/A  
Planning Village: North Mountain



NOT TO SCALE



Drawn Date: 7/24/2020