

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-50-21-6) FROM C-2 (INTERMEDIATE COMMERCIAL) TO C-2 DNS/WVR HGT/WVR (INTERMEDIATE COMMERCIAL, DENSITY WAIVER, HEIGHT WAIVER).

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

SECTION 1. The zoning of a 3.26-acre site located approximately 275 feet east of the northeast corner of 51st Street and Elliot Road in a portion of Section 8, Township 1 South, Range 4 East, as described more specifically in Exhibit "A", is hereby changed from "C-2" (Intermediate Commercial) to "C-2 DNS/WVR HGT/WVR" (Intermediate Commercial, Density Waiver, Height 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. The development shall be limited to a maximum of 110 dwelling units and utilize the R-5 zoning district development standards.
2. Additions to existing buildings or new buildings constructed on the site shall be developed to the following standards, as approved by the Planning and Development Department:
 - a. Building elevations shall contain multiple colors, exterior accent materials and textural changes that exhibit quality and durability such as brick, stone, colored textured concrete or stucco, to provide a decorative and aesthetic treatment, as approved by the Planning and Development Department.
 - b. All building elevations shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, pitched roofs and/or overhang canopies, as approved by the Planning and Development Department.
3. The required landscape setbacks shall be planted with minimum 2-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree. Existing trees may be used to meet this requirement, as approved by the Planning and Development Department.
4. The development shall include the following amenities and elements at a minimum, distributed between the open space area(s) throughout the site, as approved by the Planning and Development Department:
 - a. Swimming pool.
 - b. Clubhouse, community room or gym.
 - c. One picnic area that includes one barbecue grill, shade ramada and a picnic table.
 - d. Two benches or seating features.
5. A shade exhibit shall be submitted with the preliminary site plan submittal, with shade calculations based on the summer solstice at 12:00pm (noon), as approved by the Planning and Development Department.
6. Pedestrian walkways, including the sidewalk along La Puente Avenue and 50th Place, shall be shaded to a minimum of 75 percent using large canopy

drought-tolerant shade trees at maturity and/or architectural shade, as approved or modified by the Planning and Development Department.

7. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by Planning and Development Department.
8. Where pedestrian pathways cross drive aisles, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave parking surfaces and drive aisles, as approved by the Planning and Development Department.
9. Traffic calming measures shall be provided at all vehicular points of ingress and/or egress to slow vehicles departing the development and crossing the public sidewalks, as approved by the Planning and Development Department.
10. The development shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.
 - a. "Secure/Covered Facilities" bicycle parking shall be provided at a rate of 0.25 spaces per dwelling unit, up to a maximum of 20 spaces, as defined in Appendix K of the Comprehensive Bicycle Master Plan.
 - b. A minimum of four bicycle parking spaces shall be provided through Inverted U and/or artistic bicycle racks located near the building entrance of each residential building and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, 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.
 - c. One bicycle repair station ("fix it station") shall be provided and maintained on the site within a central amenity area or along a centralized pedestrian pathway. 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: standard repair tools affixed to the station; a tire gauge and pump affixed to the base of the station or the ground; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
11. A sidewalk shall be constructed along La Puente Avenue and 50th Place property lines, as approved by the Planning and Development Department.
12. 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.

13. 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.

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 1st day of December, 2021.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeffrey J. Barton, City Manager

Exhibits:

A – Legal Description (2 Pages)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-50-21-6

5121 E. La Puente Ave Phoenix
APN#'s 301-41-338D & 301-41-338H
6.64 Acres
T1S R4E S8

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE ARIZONA AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF TRACT B, KOLL/ELLIOT, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY, RECORDER OF MARICOPA COUNTY, ARIZONA RECORDED AS BOOK 244 OF MAPS, PAGE 9, MORE PARTICULARLY DISCRIBES AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE MONUMENT LINE OF ELLIOT ROAD AND 51 ST STREET, THENCE NORTH 00 DEGREES 20 MINUTES 18 SECONDS WEST, ALONG THE MONUMENT LINE OF 51ST STREET, 425.00 FEET(RECORD), 424.71 FEET(MEASURED) TO THE BEGINNING OF A CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 06 DEGREES 20 MINUTES 45 SECONDS AND HAVING A RADIUS OF 500.00 FEET, THENCE ALONG SAID CURVE TO THE RIGHT, 55.38 FEET TO THE END OF SAID CURVE;

THENCE SOUTH 83 DEGREES 58 MINUTES 13 SECONDS EAST(RECORED) SOUTH 83 DEGREES 59 MINUTES 47 SECONDS EAST(MEASURED), 284.60 FEET TO A POINT ON THE CENTERLINE OF A PREVIOUSLY DEDICATED ACCESS ROAD AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE SOUTH 00 DEGREES 20 MINUTES 18 SECONDS EAST(RECORED) SOUTH 00 DEGREES 23 MINUTES 50 SECONDS EAST(MEASURED), A DISTANCEOF 198.00 FEET, THENCE NORTH 88 DEGREES 16 MINUTES 33 SECONDS EAST, A DISTANCE OF 144.64 FEET, THENCE NORTH 82 DEGREES 44 MINUTES 09 SECONDS EAST, A DISTANCE OF 288.64 FEET, THENCE NORTH 22 DEGREES 39 MINUTES 18 SECONDS EAST, A DISTANCE OF 281.08 FEET, THENCE NORTH 72 DEGREES 5 7 MINUTES 59 SECONDS WEST(RECORD) NORTH 72 DEGREES 58 MINUTES 19 SECONDS WEST(MEASURED), A DISTANCE OF 401.91 FEET, TO A POINT ON THE CENTERLINE OF A PREVIOUSLY DESCRIBED ACCESS ROAD EASEMENT;

THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 30 DEGREES 47 MINUTES 57 SECONDS AND A RADIUS OF 236.10 FEET, AND A CHORD OF 125.39 FEET BEARING SOUTH 01 DEGREES 54 MINUTES 16 SECONDS WEST, 126.91 FEET TO THE END OF SAID CURVE;

THENCE SOUTH 17 DEGREES 20 MINUTES 27 SECONDS WEST, (RECORD)
SOUTH 17 DEGREES 20 MINUTES 29 SECONDS WEST(MEASURED) 30.19
FEET(RECORD) 30.21 FEET(MEASURED) TO THE BEGINNING OF A CURVE TO
THE RIGHT, HAVING A CENTRAL ANGLE OF 78 DEGREES 41 MINUTES 12
SECONDS AND A RADIUS OF 100.00 FEET,

THENCE ALONG SAID CURVE TO THE RIGHT, 137.33 FEET TO THE END OF SAID
CURVE; THENCE NORTH 83 DEGREES 58 MINUTES 13 SECONDS WEST
(RECORD) NORTH 83 DEGREES 59 MINUTES 47 SECONDS WEST(MEASURED), A
DISTANCE OF 37.23 FEET(RECORD) 37.36 FEET(MEASURED) TO THE TRUE
POINT OF BEGINNING.

ORDINANCE LOCATION MAP

EXHIBIT B

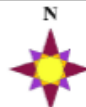
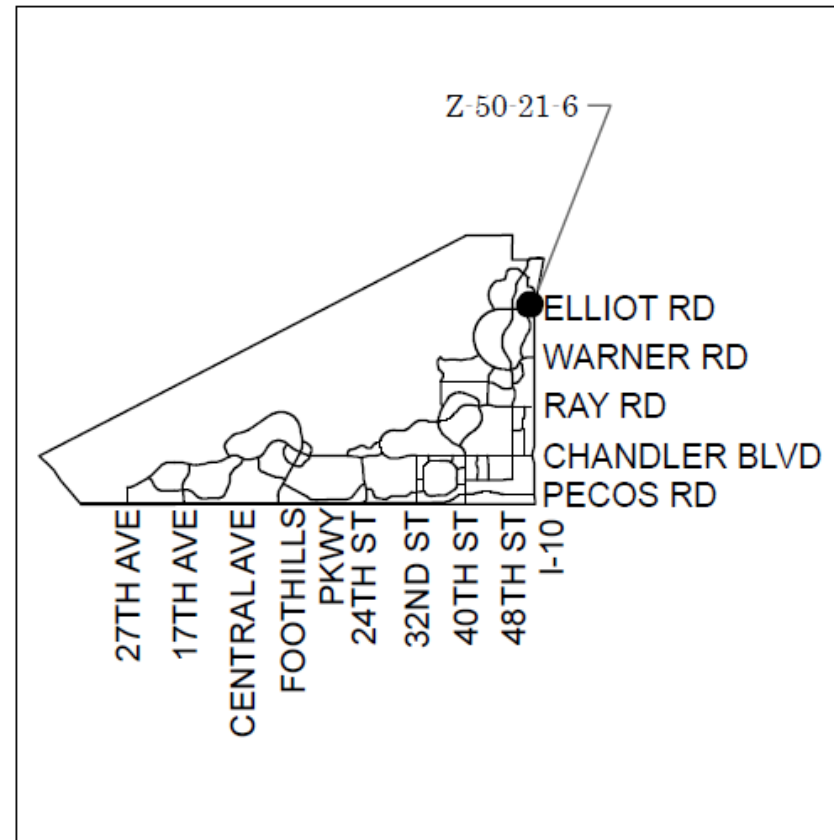
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-50-21-6

Zoning Overlay: N/A

Planning Village: Ahwatukee Foothills



Drawn Date: 10/29/2021