

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-48-22-7) FROM S-1 (RANCH OR FARM RESIDENCE DISTRICT) TO R-2 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 5.40-acre property located approximately 300 feet north of the northwest corner of 35th Avenue and Minton Street in a portion of Section 34, Township 1 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "S-1" (Ranch or Farm Residence District) to "R-2" (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 development shall be in general conformance with the site plan date stamped October 31, 2023, as modified by the following stipulations and approved by the Planning and Development Department.
2. The development shall be in general conformance with the elevations date stamped July 14, 2023, as modified by the following stipulations and approved by the Planning and Development Department.
3. Traffic calming measures shall be provided at all site entries and exits to slow down vehicular speeds as they approach sidewalks, as approved by the Planning and Development Department.
4. The required landscape setbacks and throughout the site shall be landscaped with 25% 3-inch caliper trees and 75% 2-inch caliper single-trunk large canopy drought-tolerant shade trees, planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
5. The east 350 feet of the south perimeter landscape setback shall be planted with minimum 3-inch caliper, single trunk, large canopy, drought-tolerant, shade trees, planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
6. The primary vehicular entrance to the development shall include the following elements, as approved by the Planning and Development Department:
 - a. Pedestrian pathways connecting the interior of the development to the public sidewalks along both sides of the vehicular driveway.
 - b. The pedestrian pathways shall be detached from the vehicular driveway and lined with landscape areas on both sides of not less than 5 feet each. The landscape area shall be planted with drought-tolerant plant materials providing seasonal interest.
 - c. A minimum 5-foot-wide landscape median, planted with a variety of at least three plant materials, and minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - d. The entry driveway surface shall be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces, as approved by the Planning and Development Department.
7. If fencing is proposed, open view fencing or a combination of maximum two

feet of solid masonry topped by open view fencing shall be utilized along the north and east perimeter, as approved by the Planning and Development Department.

8. A perimeter wall no less than 6 feet in height shall be provided along the southern and western portion of the site, as approved by the Planning and Development Department.
9. A minimum of 15% of the gross site area shall be retained as open space.
10. All uncovered surface parking lot area shall be landscaped with minimum 2-inch caliper size large canopy drought tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25% shade at maturity, as approved by Planning and Development Department.
11. 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 parking and drive aisle surfaces, as approved by the Planning and Development Department.
12. All pedestrian walkways, including sidewalks, shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide minimum 75% shade, as approved by the Planning and Development Department.
13. A minimum of three pedestrian connections shall be provided from the development to the sidewalk along Carter Road, as approved by the Planning and Development Department.
14. The development shall incorporate bicycle infrastructure as described below and approved by the Planning and Development Department.
 - a. Bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the community center and/or clubhouse and open space areas and 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.
 - b. Guest bicycle parking shall be provided at a minimum rate of 0.05 spaces per unit, up to a maximum of 50 spaces, located near building entrances and within amenity areas.
 - c. All bicycle infrastructure shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide minimum 75% shade, as approved by the Planning and Development Department.
 - 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 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.

- e. 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.
- 15. A minimum of 10% of the required parking spaces shall be EV Ready.
 - 16. The developer shall dedicate 25-feet of right-of-way and construct the south side of Carter Road, as approved by the Planning and Development Department.
 - 17. A minimum 5-foot-wide detached sidewalk separated by a minimum 5-foot-wide landscape strip shall be constructed along the south side of Carter Road, adjacent to the development, planted to the following standards and maintained with a watering system, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - b. Drought-tolerant shrubs, accents, and vegetative groundcovers with a maximum mature height of two feet to achieve a minimum of 75% live coverage at maturity.
- Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
- 18. The developer shall close the existing median opening adjacent to the site and construct a new median opening at 35th Avenue and Carter Road, as approved by the Planning and Development and Street Transportation Departments.
 - 19. 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.
 - 20. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to

future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

21. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development(s) the existence and operational characteristics of nearby existing ranchettes and animal privilege private properties that may cause adverse noise, odors, dust, and other externalities. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney. The disclosures shall be noted in the CC&Rs in a section titled "nuisances".
22. 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.
23. 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.
24. 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.
25. 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 7th day of February, 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 (3 Pages)
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-48-22-7

Parcel No. 1:

The South half of the Northeast quarter of the Southeast quarter of Section 34, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Except the East 33 feet; and

Except the North 330 feet, thereof.

Parcel No. 2:

That part of the North half of the Southeast quarter of the Southeast quarter of Section 34, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at a point which is 33 feet West of the Northeast quarter of the North half of the Southeast quarter of the Southeast quarter of said Section 34;

Thence West, 1284.40 feet to the Northwest quarter of the North half of the Southeast quarter of the Southeast quarter of said Section 34;

Thence South 38.5 feet;

Thence Easterly, 1284.40 feet to a point which is 24.5 feet South of the Point of Beginning;

Thence North 24.5 feet to the Point of Beginning;

Except from Parcels 1 and 2, described above, the property described in Agreement recorded in Docket 11047, page 417, Maricopa County Records, described as follows:

The West half of Parcels A and B, described as follows:

Parcel A:

The South half of the Northeast quarter of the Southeast quarter of Section 34, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Except the East 33 feet; and

Except the North 330 feet, thereof.

Parcel B:

That part of the North half of the Southeast quarter of the Southeast quarter of Section 34, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at a point which is 33 feet West of the Northeast quarter of the North half of the Southeast quarter of the Southeast quarter of said Section 34;

Thence West, 1284.40 feet to the Northwest quarter of the North half of the

Southeast quarter of the Southeast quarter of said Section 34; Thence South 38.5 feet;

Thence Easterly, 1284.40 feet to a point which is 24.5 feet South of the point of beginning;

Thence North 24.5 feet to the point of beginning; and

Except from Parcels 1 and 2, described above, any portion, if any, lying within the property described in Agreement recorded in Docket 13673, page 1172, Maricopa County Records, described as follows:

Beginning at the Northwest corner of the Southeast quarter of the Southeast quarter of said Section 34;

Thence North, along the West line of the Northeast quarter of the Southeast quarter of said Section 34, 168.62 feet;

Thence East, along a line which is parallel to the North line of said Northeast quarter of the Southeast quarter of Section 34, 642.2 feet;

Thence South, along a line which is parallel to the West line of said Northeast quarter of the Southeast quarter of Section 34, 199.99 feet to a point which lies 31.27 feet South of the South line of said Northeast quarter of the Southeast quarter of Section 34;

Thence Westerly, on a direct line, to a point on the West line of the Southeast quarter of the Southeast Quarter of said Section 34;

Thence North, along the West line of the Southeast quarter of the Southeast quarter of said Section 34, 38.5 feet to the Point of Beginning;

EXCEPT the portion Deed to Maricopa County, a political subdivision of the State of Arizona, by Final Order of Condemnation recorded February 12, 2013 as 2013-0139226 of Official records described as follows:

A parcel of land lying within Section 34, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the East quarter corner of said Section 34, a Maricopa County Department of Transportation brass cap in handhold, from which the Southeast corner of said Section, a City of Phoenix brass cap in handhole, bears South 00°46'33" West (basis of bearing), a distance of 2630.80 feet;

Thence along the East line of said Section, South 00°46'33" West, a distance of 988.23 feet;

Thence leaving said East line, North 89°13'27" West, a distance of 33.00 feet to the Northeast corner of that certain parcel of land described in Document No. 2006-0396656, Maricopa County Records (M.C.R.) the West line of the East 33 feet to the

Point of Beginning;

Thence along the West line and the Easterly line of the certain parcel, South $00^{\circ}46'33''$ West, a distance of 352.16 feet, to the Southeast corner of said certain parcel;

Thence leaving said West, a distance of 22.01 feet to the West line of the East 55 feet of said Section 34;

Thence leaving said Southerly line, along said West line North $00^{\circ}46'33''$ East, a distance of 352.40 feet, to the Northerly line of said certain parcel;

Thence leaving said West line, along said Northerly line, North $89^{\circ}55'04''$ East, a distance of 22.00 feet to the Point of Beginning.

EXHIBIT B

SUBJECT AREA: ■ ■ ■ ■ ■

Planning Village: Laveen

