

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-84-22-7) FROM C-2 HGT/WVR (INTERMEDIATE COMMERCIAL, HEIGHT WAIVER) TO C-2 HGT/WVR DNS/WVR (INTERMEDIATE COMMERCIAL, HEIGHT WAIVER, DENSITY WAIVER).

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

SECTION 1. The zoning of a 10.48-acre property located approximately 315 feet south of the southeast corner of 83rd Avenue and McDowell Road in a portion of Section 2, Township 1 North, Range 1 East, as described more specifically in Exhibit "A," is hereby changed from "C-2 HGT/WVR" (Intermediate Commercial, Height Waiver), to "C-2 HGT/WVR DNS/WVR" (Intermediate Commercial, Height Waiver, 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 complete redevelopment or development that increases the cumulative floor area by more than 15% from that depicted on the site plan date stamped October 27, 2022, 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 aesthetic treatment, as approved by the Planning and Development Department.
2. The landscape setback along McDowell Road and 83rd Avenue shall be planted with a minimum 50% 2-inch caliper trees, minimum 25% 3-inch caliper trees, and minimum 25% 4-inch caliper trees, as approved by the Planning and Development Department. Where possible, the developer shall use existing trees and landscaping to meet the landscaping requirements.
3. Where landscape areas will be replenished, a minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
4. 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 10 percent shade at maturity, as approved by Planning and Development Department.
5. Where pedestrian walkways cross drive aisles, the pathway shall be constructed with decorative pavers, stamped or colored concrete, or another treatment material, other than those used to pave parking surfaces and drive aisles, as approved by the Planning and Development Department.
6. The following amenities shall be provided and dispersed throughout the development, as approved by the Planning and Development Department:
 - a. Ramadas
 - b. BBQ
 - c. Tot lot
 - d. Dog park

7. Bicycle infrastructure shall be provided as described below and as approved by the Planning and Development Department.
 - a. A minimum of 10 bicycle parking spaces shall be provided through Inverted U and/or artistic racks, or in a secure room and located throughout the site including near the centralized open space and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
 - b. One 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: 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.
8. Upon complete redevelopment or development that increases the cumulative floor area by more than 15% from the depicted on the site plan date stamped October 27, 2022, a minimum 6-foot-wide sidewalk shall be provided along the south side of McDowell Road and be detached with a minimum 10-foot-wide landscaped strip located between the back of the sidewalk and back of curb, as approved by the Planning and Development Department. The landscape strip will be planted with minimum 2-inch caliper trees planted 20 feet on center or in equivalent groupings with five 5-gallon shrubs per tree. Where utility conflict exists, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
9. 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.
10. 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.
11. 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.

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 5th day of April, 2023.

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)

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EXHIBIT A

THAT PORTION OF THE SECTION 2, TOWNSHIP 1 NORTH, RANGE 1 EAST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1, LEGACY SUITES APARTMENTS, ACCORDING TO BOOK 651 OF MAPS, PAGE 36, RECORDS OF MARICOPA COUNTY, ARIZONA.

EXCEPT THE SOUTH 10.00 FEET OF THE NORTH 65.00 FEET OF THE EAST 343.65 FEET AS CONVEYED TO THE CITY OF PHOENIX ON APRIL 30, 2009 IN DOCUMENT NO. 2009-0382824 OF OFFICIAL RECORDS.

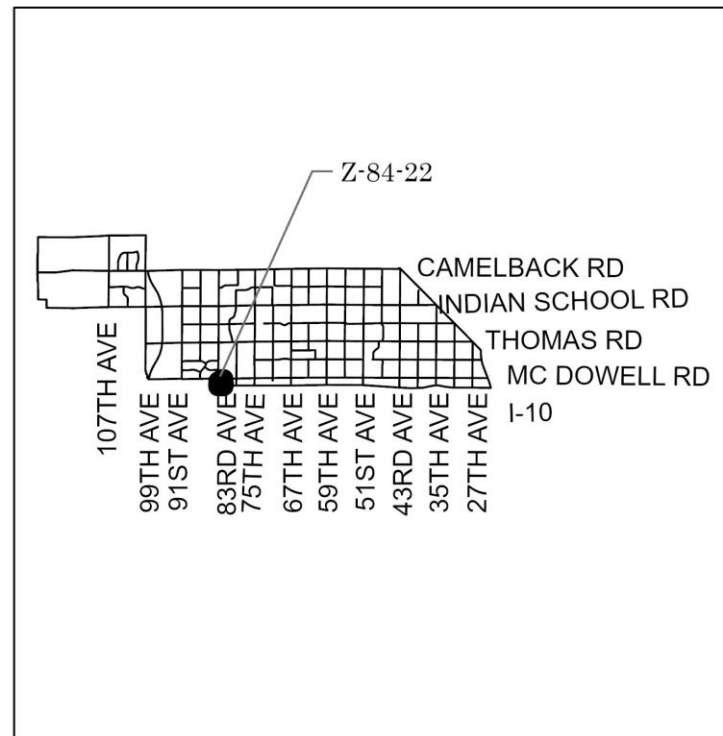
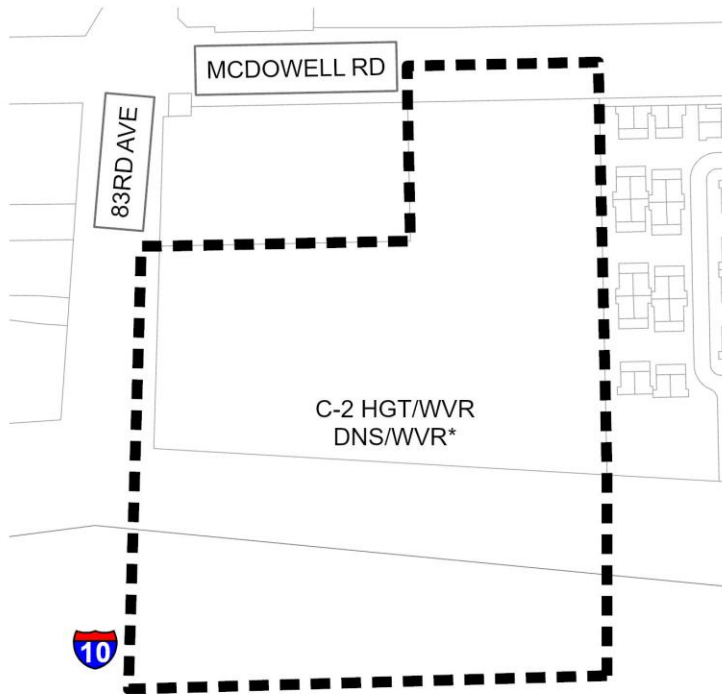
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ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-84-22
Zoning Overlay: N/A
Planning Village: Maryvale



NOT TO SCALE



Drawn Date: 3/7/2023