

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 ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-42-21-8) FROM S-1 (RANCH OR FARM RESIDENCE DISTRICT) TO C-2 (INTERMEDIATE COMMERCIAL DISTRICT).

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

SECTION 1. The zoning of a 2.05-acre site located at the southwest corner of 59th Avenue and South Mountain Avenue in a portion of Section 5, Township 1 South, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "S-1" (Ranch or Farm Residence District) to "C-2" (Intermediate Commercial 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 of the area is subject to the submittal of required master plans and compliance with the following stipulations:

Each developer shall submit Master Development Plans for review and approval by appropriate city departments prior to preliminary site plan submittal of such developer's development unit. The plans to be submitted are as follows:

- (a) General Development Plan that shall include:
 - (1) Boundaries and approximate acreage of the developer's development unit.
 - (2) Proposed zoning and land use of the developer's development unit.
 - (3) The approximate location of arterial and collector streets which are adjacent to or a part of the developer's development unit.
 - (4) The approximate location, if provided, of any applicable public uses proposed, such as schools, parks, trails, drainage ways, or other recreational facilities. Also shown shall be proposed private open space reservations or trails adjacent to and/or within the developer's development unit.
 - (5) Development Phasing Schedule for the developer's development unit that includes the anticipated initiation of development for each phase and the anticipated completion of development.
 - (6) Project data for the developer's development unit for specific types of uses to include: a schedule of intensity of uses for each phase indicating the proposed land uses, the maximum number of dwelling units, the approximate gross leasable area, the proposed height and floor area ratio (FAR) limits, and the projected school enrollment.
- (b) Master Infrastructure Plans: Each developer shall submit for review by the Water Services Director, master infrastructure plans for potable water, wastewater, and reclaimed water facilities (if applicable) for the developer's development unit. Such plans shall meet the terms and conditions set forth in the Water Services Department's master water, wastewater, and reclaimed water master plans for the area.

- (c) Master Street Circulation Plan: Each developer shall dedicate all necessary rights-of-way and required easements for the developer's development unit (for streets, utilities, trails systems, and other open space where required). Each applicable developer shall dedicate a multi-use trail easement along the South Mountain Avenue alignment as approved by the Parks and Recreation Department to provide connectivity through the site to adjacent open space and trail connections. Other multi-use trail easements shall be dedicated by the applicable developer in the vicinity of the Olney Avenue alignment, and to generally criss-cross through the core area to connect with planned or existing trails in the Laveen Trails Plan.
- (d) Master Grading and Drainage Plan: Each developer shall submit a Master Grading and Drainage Plan for the developer's development units to be approved by the City Engineer. The drainage plan shall include (but not be limited to) the following:
 - (1) Proposed man-made drainage channels.
 - (2) Any proposed flood control facilities, such as storm water detention dams.
 - (3) Discuss any drainage concerns with the project and proposed methods of addressing these concerns, to include planning by the Flood Control District.
- (e) Master Pedestrian / Bike / Trails Circulation Plan: Each developer shall submit a Master Pedestrian / Bike / Trails Circulation Plan for the developer's development unit to the Planning and Development Department for review by the Parks and Recreation, Planning and Development, and Street Transportation Departments and is to address the following:
 - (1) Show all pedestrian walkways, equestrian trails, water features and watercourses, and bikeways within and/or abutting the site.
 - (2) Coordinate the locations of trails to provide a trail network throughout the development.
 - (3) Anticipated traffic impacts will be considered in reducing conflicts between vehicle and pedestrian/biking/etc. Alternative consideration for equestrian traffic may be considered.
- (f) The Master Landscape and Conservation Plan: Each developer shall submit a Master Landscape and Conservation Plan for the developer's development unit to the Planning and Development Department for review by the Parks and Recreation, Planning and Development, and Street Transportation Departments and is to address the following:

- (1) List of plants not allowed in the development due to their incompatibility.
 - (2) Define areas to be reserved as open space.
 - (g) The Master Site and Architectural/Urban Design Plan: Each developer shall submit a Master Site and Architectural/Urban Design Plan for the developer's development unit to the Planning and Development Department for review by the Parks and Recreation, Planning and Development, and Street Transportation Departments and is to develop a character framework for linkage systems of streets, trails, and other corridor through both residential and commercial parcels with landscape, signage and construction materials.
 - (h) The Master Open Space Plan: Each developer shall submit a Master Open Space Plan for the developer's development unit to the Planning and Development Department for review by the Parks and Recreation, Planning and Development, and Street Transportation Departments and shall address the relationship of the development to all open space.
2. There shall be a maximum of one vehicular access driveway on 59th Avenue within the boundaries of the rezoning request.
 3. The required landscape setback along 59th Avenue shall include large canopy shade trees 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department. Twenty-five percent of the trees shall be minimum four-inch caliper and 75 percent of the trees shall be minimum three-inch caliper. Five, five-gallon shrubs per tree, and additional shrubs or live groundcover, shall provide minimum 75 percent live cover at maturity, as approved by the Planning and Development Department.
 4. Perimeter walls along public streets shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile or stamped designs, as approved by the Planning and Development Department.
 5. Bicycle parking shall be provided either as two secure spaces in lockers within the surface parking area, or four bicycle parking spaces via inverted U-bicycle racks, artistic style bicycle racks or "Outdoor/Covered Facilities" located near the vehicular entryway into the development, as approved by the Planning and Development Department. All bicycle racks shall adhere to Appendix K of the Comprehensive Bicycle Master Plan.

6. The developer shall dedicate right-of-way and construct a bus stop pad along southbound 59th Avenue south of the roadway that is labeled on the site plan as "secondary entry/exit." The bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet and shall be spaced from the intersection according to City of Phoenix Standard Detail P1258, as approved by the Planning and Development Department.
7. Trees shall be placed to provide 50% shade coverage to the bus stop pad at full maturity, as approved by the Planning and Development Department.
8. Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances, bus stop pad, and public sidewalks, using the most direct route for pedestrians, as approved by the Planning and Development Department.
9. Where pedestrian pathways cross drive aisles, they shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.
10. Trees shall be placed to provide 75% shade coverage on all pedestrian paths and sidewalks at full maturity, as approved by the Planning and Development Department. Shade structures may be used to meet the shade requirement in places where trees are unable to be located.
11. The developer shall dedicate minimum 55 feet of right-of-way and construct the west half of 59th Avenue to City of Phoenix CM Cross Section standards with a 14-foot-wide landscaped median island, as approved by the Planning and Development Department.
12. The developer shall provide \$48,000 in escrow for a future traffic signal for the intersection of 59th Avenue and South Mountain Avenue.
13. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with the current ADA Guidelines.
14. 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.
15. 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.

16. 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.
17. 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 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 (1 Page)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-42-21-8

EMPIRE CARVER MOUNTAIN
EAST PARCEL DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MARICOPA COUNTY ALUMINUM CAP MARKING THE WEST QUARTER CORNER OF SAID SECTION 5, FROM WHICH THE CITY OF PHOENIX BRASS CAP IN HAND HOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 5 BEARS SOUTH 00°18'32" WEST, A DISTANCE OF 2,640.48 FEET;

THENCE NORTH 89°48'00" EAST, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5, A DISTANCE OF 299.36 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 59TH AVENUE AS DEDICATED IN MAP OF DEDICATION P.U.H.S.D. #210 – COMPREHENSIVE HIGH SCHOOL AS RECORDED IN BOOK 846 OF MAPS, PAGE 5, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 42°53'50" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 112.42 FEET TO THE BEGINNING OF A TANGENT CURVE OF 1,055.00 FOOT RADIUS, CONCAVE SOUTHEASTERLY;

THENCE SOUTHWESTERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 24°00'25", A DISTANCE OF 442.05 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5;

THENCE NORTH 00°18'32" EAST, ALONG SAID WEST LINE, A DISTANCE OF 457.88 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 56,640 SQUARE FEET OR 1.300 ACRES, MORE OR LESS.

ORDINANCE LOCATION MAP

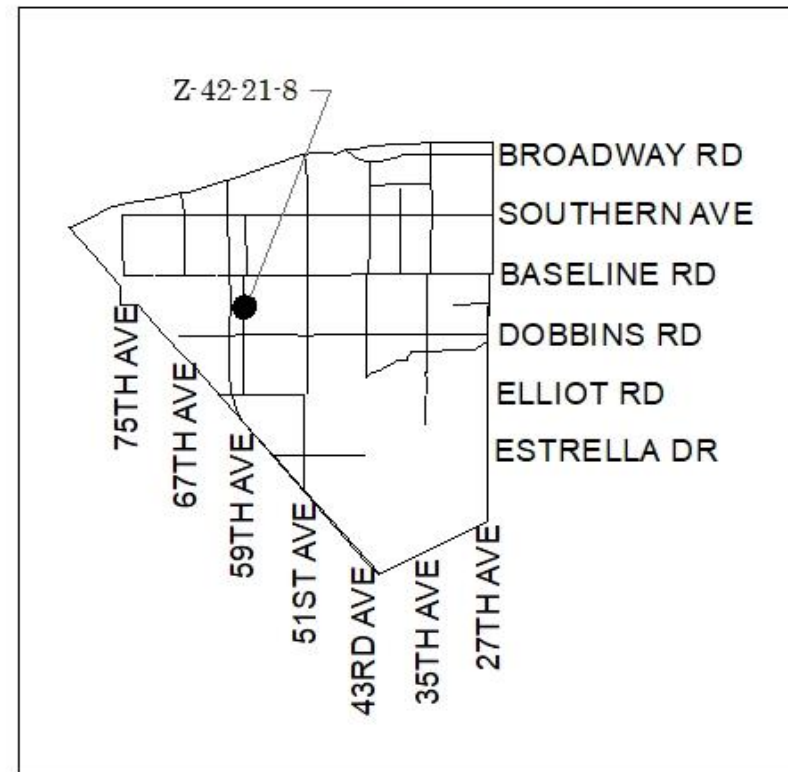
EXHIBIT B

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

Zoning Case Number: Z-42-21-8
Zoning Overlay: N/A
Planning Village: Laveen



0 195 390 780 Feet



NOT TO SCALE



Drawn Date: 10/29/2021