

## 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-25-23-8) FROM R-3 (MULTIFAMILY RESIDENCE DISTRICT) AND R-5 (MULTIFAMILY RESIDENCE DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of a 6.70-acre site located at the northwest corner of 46th Street and Bellevue Street in a portion of Section 6, Township 1 North, Range 4 East, as described more specifically in Exhibit "A," is hereby changed from 3.56 acres of "R-3" (Multifamily Residence District), and 3.14 acres of "R-5" (Multifamily Residence District) to "PUD" (Planned Unit Development).

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. An updated Development Narrative for the Endres Belleview PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped December 20, 2023, as modified by the following stipulations:
  - a. Front cover: Revise the date information on the cover page to the following: City Council Adopted: [Add Adoption Date]
  - b. Page 9, C. List of Uses, C1: Permitted Uses, Live Work Units, First Sub-Bullet Point: Update "Retail" to "Retail, as permitted in the C-2 District".
  - c. Page 9, C. List of Uses, C1: Permitted Uses, Live Work Units, Second Sub-Bullet Point: Update "Professional Office" to "Office for Professional Uses" and add another bullet point for "Office for Administrative, Clerical, or Sales Services".
  - d. Page 9, C. List of Uses, C1: Permitted Uses, Live Work Units, Third Sub-Bullet Point: Delete "Other uses of similar scope and intensity as approved by the Zoning Administrator".
  - e. Page 9, C. List of Uses, C1: Permitted Uses, Commercial C-2 Uses Bullet Point: Update "C-2 Uses subject to Performance Standards of Section 623, as listed below".
  - f. Page 9, C. List of Uses, C1: Permitted Uses, Commercial C-2 Uses, First Sub-Bullet Point: Delete Coffee Shop.
  - g. Page 9, C. List of Uses, C1: Permitted Uses, Commercial (C-2) Uses, Fifth Sub-Bullet Point: Update "Retail" to "Retail, as permitted in the C-2 District".
  - h. Page 9, C. List of Uses, C1: Permitted Uses, Commercial (C-2) Uses, Sixth Sub-Bullet Point: Delete "Other uses of similar scope and intensity as approved by the Zoning Administrator".
  - i. Page 10, D. Development Standards, D.1 Density Maximum: Update Dwelling Units per Gross Acre to 90.2.
  - j. Page 10, D. Development Standards, D.2: Landscape Standards Table, b. Landscape Requirements Adjacent to Willetta Street (North Property

Line): Delete the following:

In the event angled or parallel on street parking is provided (as approved by the City of Phoenix Transportation Department), minimum 5' wide attached sidewalk shall be provided adjacent to parking stalls. Adjacent to Willetta Street, there shall be no planting requirements for any landscape strips located between back of curb and sidewalk.

- k. Page 10, D. Development Standards, D.2:Landscape Standards Table, b. Landscape Requirements Adjacent to Willetta Street (North Property Line): Update Landscape as follows:

Landscape Strip: A minimum of (75%) 3-inch and (25%) 2-inch caliper trees as needed to achieve shading as standard set forth in Section D5. Minimum of five (5) 5-gallon drought-resistant shrubs per tree to be planted at grade. Minimum 50% living groundcover coverage.

- l. Page 10, D. Development Standards, D.2:Landscape Standards Table, b. Landscape Requirements Adjacent to Willetta Street (North Property Line): Add a section for landscape setbacks as follows:

Landscape Setback: A minimum of (75%) 3-inch and (25%) 2-inch caliper trees to be planted 20 feet on center or in equivalent groupings within the minimum landscape setback. Minimum of five (5) 5-gallon drought-resistant shrubs per tree to be planted at grade. Minimum 50% living groundcover coverage.

In areas where 20 feet on center cannot be met, trees shall be planted to achieve shading standard set forth in Section D5. Minimum of five (5) 5-gallon drought-resistant shrubs per tree to be planted at grade. Minimum 75% living groundcover coverage.

- m. Page 11, D. Development Standards, D.2:Landscape Standards Table, c. Landscape Requirements Adjacent to 46th Street (East Property Line): Delete the following:

In the event angled or parallel on street parking is provided (as approved by the City of Phoenix Transportation Department), minimum 5' wide attached sidewalk shall be provided adjacent to parking stalls and the 5' wide landscape strip is not required.

- n. Page 11, D. Development Standards, D.2:Landscape Standards Table, c. Landscape Requirements Adjacent to 46th Street (East Property Line), Landscape: Update the heading to "Landscape Setback".

- o. Page 11, D. Development Standards, D.2:Landscape Standards Table, d.

Landscape Requirements Adjacent to Bellevue Street (South Property Line): Delete the following:

In the event angled or parallel on street parking is provided (as approved by the City of Phoenix Transportation Department), minimum 5' wide attached sidewalk shall be provided adjacent to parking stalls and the 5' wide landscape strip is not required.

- p. Page 11, D. Development Standards, D.2:Landscape Standards Table, d. Landscape Requirements Adjacent to Bellevue Street (South Property Line), Landscape: Update the heading to "Landscape Setback".
  - q. Page 12, D. Development Standards, D.2:Landscape Standards Table, e. Landscape Requirements Adjacent to Interior Property Line (West Property Line), Landscape: Replace "Landscape: 100%" with "Landscape Setback: Minimum"
  - r. Page 12, D. Development Standards, D.2:Landscape Standards Table, e. Landscape Requirements Adjacent to Interior Property Line (West Property Line), Landscape, second paragraph: Replace reference to 20 feet on center to 25 feet on center.
  - s. Page 12, D. Development Standards, D.3:Parking, Bicycle Parking: Replace standards as follows:
    - Secured bicycle parking shall be provided at a rate of 0.25 spaces per dwelling unit, up to a maximum of 50 spaces.
    - Guest bicycle parking shall be provided at a minimum of 0.05 spaces per dwelling unit. Bicycle parking spaces shall be provided through inverted U and/or artistic racks. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan, as approved by the Planning and Development Department.
2. A minimum 25 feet of right-of-way shall be dedicated for the south half of Willetta Street, adjacent to the development.
  3. A minimum 25 feet of right-of-way shall be dedicated for the north half of Bellevue Street, adjacent to the development.
  4. No parking spaces shall be located within the sight visibility triangles.
  5. All streets within and adjacent to the development shall be constructed 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.

6. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport 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.
7. 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.
8. 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.
9. 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.
10. Prior to final 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 6th day of March,  
2024.

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MAYOR

ATTEST:

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Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Julie M. Kriegh, City Attorney

By:

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REVIEWED BY:

\_\_\_\_\_  
Jeffrey Barton, City Manager

Exhibits:  
A – Legal Description (2 Pages)  
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-25-23-8

THAT PART OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN A HAND HOLE AT THE INTERSECTION OF BELLEVIEW STREET AND 44TH STREET, FROM WHICH THE NORTH QUARTER CORNER, A BRASS CAP IN A HAND HOLE, BEARS NORTH 00 DEGREES 18 MINUTES 42 SECONDS EAST (MEASURED)(BASIS OF BEARINGS) A MEASURED DISTANCE OF 1328.96 FEET;

THENCE SOUTH 89 DEGREES 14 MINUTES 12 SECONDS EAST (MEASURED), SOUTH 89 DEGREES 26 MINUTES 00 SECONDS EAST (RECORDED), A DISTANCE OF 713.00 FEET TO A FOUND IRON PIPE IN BELLEVIEW STREET, FROM WHICH THE SOUTHEAST CORNER OF G.L.O. LOT 2 BEARS SOUTH 89 DEGREES 14 MINUTES 12 SECONDS EAST (CALCULATED), SOUTH 89 DEGREES 26 MINUTES 00 SECONDS EAST (RECORDED), A DISTANCE OF 605.82 FEET (CALCULATED), 606.00 FEET (RECORDED);

THENCE NORTH 03 DEGREES 23 MINUTES 24 SECONDS EAST (MEASURED), NORTH 03 DEGREES 17 MINUTES 30 SECONDS EAST (RECORDED), A MEASURED DISTANCE OF 25.17 FEET TO A FOUND IRON PIN LS19824, THE SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF BELLEVIEW STREET AND THE POINT OF BEGINNING;

THENCE NORTH 03 DEGREES 30 MINUTES 06 SECONDS EAST (CALCULATED), NORTH 03 DEGREES 17 MINUTES 30 SECONDS EAST (RECORDED), ALONG THE EASTERLY BOUNDARY OF THE PARCEL DESCRIBED AS EASTWOOD TOWNHOMES DESCRIBED IN DOCUMENT RECORDED AS BOOK 109 OF MAPS, PAGE 19 RECORDS OF MARICOPA COUNTY, A DISTANCE OF 635.53 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF WILLETTA STREET MARKED BY A FOUND PIPE AND A SET IRON PIN INSIDE SAID PIPE LS 39954;

THENCE SOUTH 89 DEGREES 15 MINUTES 50 SECONDS EAST (CALCULATED), SOUTH 89 DEGREES 26 MINUTES 00 SECONDS EAST (RECORDED), ALONG AND COINCIDENT WITH THE SOUTHERLY RIGHT OF WAY LINE OF WILLETTA STREET, A DISTANCE OF 446.97 FEET TO A FOUND IRON PIN LS 19824;

THENCE SOUTH 38 DEGREES 12 MINUTES 10 SECONDS EAST (MEASURED), SOUTH 38 DEGREES 08 MINUTES 55 SECONDS EAST (RECORDED) A DISTANCE OF 10.36 FEET (MEASURED) TO AN IRON PIN LS 19357;  
THENCE SOUTH 13 DEGREES 12 MINUTES 01 SECONDS WEST (MEASURED), SOUTH 13 DEGREES 13 MINUTES 05 SECONDS WEST (RECORDED), A

DISTANCE OF 630.23 FEET (MEASURED), 630.22 FEET (RECORDED) TO A FOUND IRON PIN LS 19824;

THENCE SOUTH 51 DEGREES 36 MINUTES 17 SECONDS WEST (MEASURED), SOUTH 51 DEGREES 59 MINUTES 50 SECONDS WEST (RECORDED), A DISTANCE OF 18.44 FEET (MEASURED), 18.79 FEET (RECORDED), TO A FOUND IRON PIN LS 19824 ON THE NORTHERLY RIGHT OF WAY LINE OF BELLEVIEW STREET;

THENCE NORTH 89 DEGREES 11 MINUTES 48 SECONDS WEST (MEASURED), NORTH 89 DEGREES 26 MINUTES 00 SECONDS WEST (RECORDED), ALONG AND COINCIDENT WITH THE NORTHERLY RIGHT OF WAY LINE OF BELLEVIEW STREET, A DISTANCE OF 333.68 FEET (MEASURED), TO THE POINT OF BEGINNING.



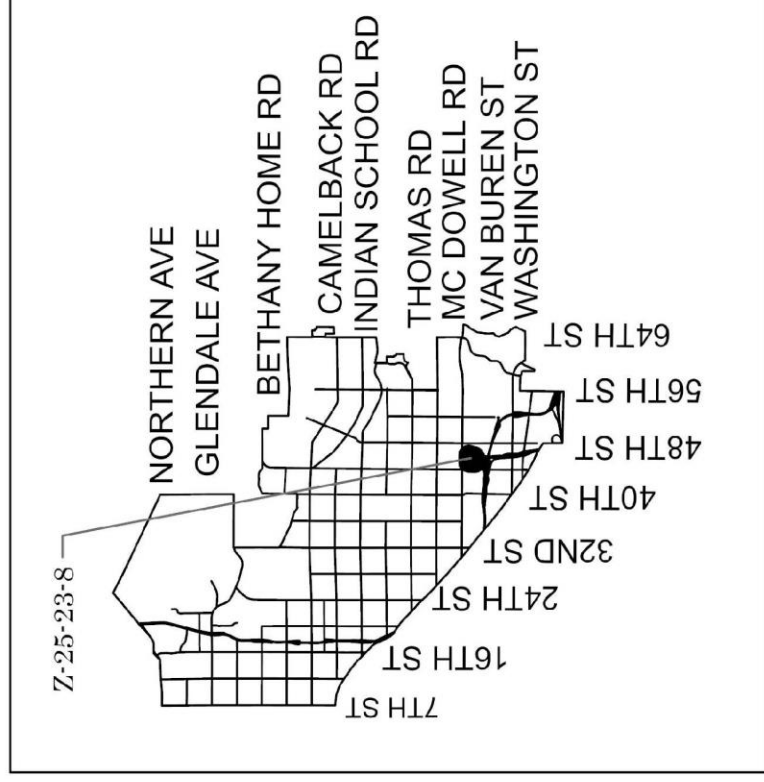
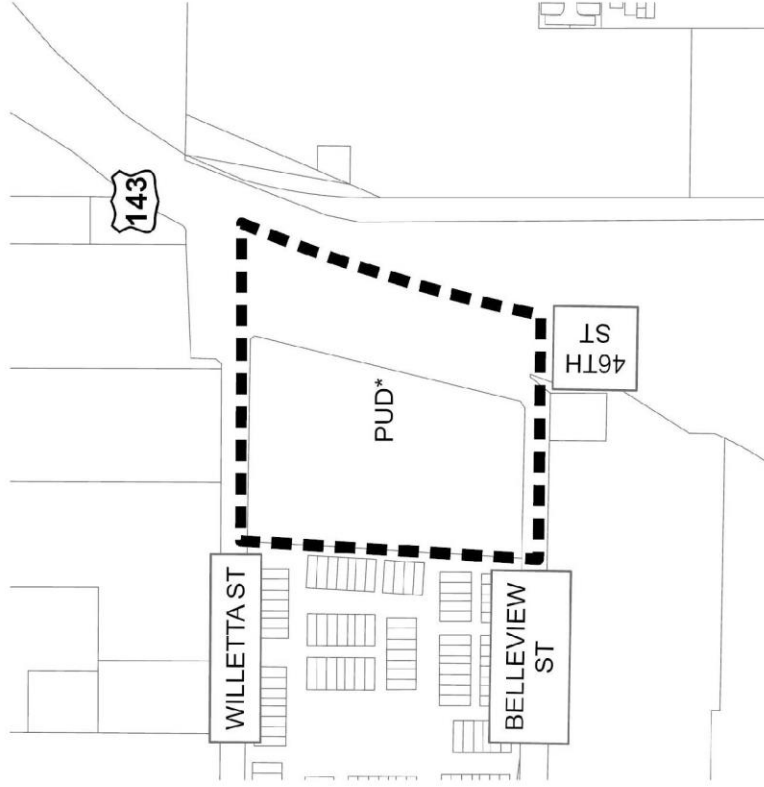
EXHIBIT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-25-23-8  
Zoning Overlay: N/A  
Planning Village: Camelback East

ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: - - - - -



NOT TO SCALE

Drawn Date: 2/5/2024