

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-8-21-8) FROM R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT) TO R-3 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of an 18.41-acre site located approximately 100 feet north of the northwest corner of 36th Street and Wayland Drive in a portion of Section 25, Township 1 North, Range 3 East, as described more specifically in Exhibit “A”, is hereby changed from “R1-6” (Single-Family Residence District) to “R-3” (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. Building elevations 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. Building elevations adjacent and oriented to public streets and the public park, shall contain a minimum of 25 percent brick, masonry, stone or another exterior accent material that exhibits quality and durability.
 - c. 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.
2. Building height shall be limited to two stories and 30 feet.
3. There shall be no balconies on the upper floors of residential dwellings adjacent or oriented toward single-family residential homes not part of this development.
4. The required landscape setbacks shall be planted to the following standards, as described below and as approved or modified by the Planning and Development Department:
 - a. Large canopy evergreen trees 20 feet on center, or in equivalent groupings, shall be planted where residential units are adjacent or oriented towards single-family residential homes not a part of this development.
 - b. Large canopy drought-tolerant trees 20 feet on center, or in equivalent groupings, shall be utilized unless otherwise stated.
 - c. 50 percent 2-inch caliper, 40 percent 3-inch caliper and 10 percent 4-inch caliper trees shall be utilized.
 - d. Five 5-gallon shrubs per tree, and additional shrubs or live groundcover, shall provide minimum 75 percent live cover at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

5. The development shall be limited to a maximum density of 192 dwelling units.
6. The development shall provide a primary and secondary vehicular access to the site along 36th Street. The secondary access point may serve as vehicular ingress and egress, or limited to vehicular egress and emergency access only, as approved or modified by the Planning and Development Department.
7. Individual dwelling units adjacent to 36th Street and Esteban Park shall provide an entryway that is either elevated, depressed or includes a feature such as a low wall not exceeding 40 inches in height to accentuate the primary entrance, plus oriented towards the public street or public park, as approved by the Planning and Development Department.
8. The primary entrance to the development from 36th Street 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 entryway into the development.
 - b. The pedestrian pathways shall be detached from the primary vehicular entryway with a minimum 5-foot wide landscaped accent area provided on both sides of the entryway into the development. The landscaped accent areas shall provide a visually unique character with drought-tolerant plant materials providing seasonal interest and 75 percent live cover.
 - c. A median island of no less than 5 feet in width shall be located centrally within the vehicular entryway into the development and accented by a minimum of three drought-tolerant trees, and drought-tolerant, ornamental, flowering shrubs to provide a minimum 75 percent live cover. Twenty five percent of the required live cover may be ground cover plants.
 - d. The 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.
9. Perimeter walls adjacent to the public park shall be limited to open view fencing or a combination of maximum three feet of solid masonry topped by open view fencing, as approved by the Planning and Development Department.

10. All perimeter walls visible from a public street 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.
11. 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.
 - c. Two picnic areas, each with one barbecue grill, shade ramada and a picnic table.
 - d. Five benches distributed throughout the development, including one bench located within close proximity to 36th Street.
 - e. Turf area(s) of no less than a combined 1,000 square feet.
 - f. Community garden area(s) of no less than a combined 1,000 square feet that will each include a garden tool library, irrigation, and one bench or seating feature.
12. Open space areas shall have a minimum 50 percent shade, including amenity and seating areas, and a minimum of 50 percent live vegetative cover (shrubs, grasses, or groundcover plants), as approved by the Planning and Development Department.
13. Pedestrian paths shall be shaded to a minimum of 75 percent using architectural shade and/or shade trees at full maturity, as approved by the Planning and Development Department.
14. The developer shall provide a system of pedestrian thoroughfares, as described below and as approved or modified by the Planning and Development Department:
 - a. Direct connection to the sidewalk along 36th Street for individual dwelling units adjacent to this street.
 - b. The developer shall provide a minimum of two pedestrian paths connecting to the sidewalk along 36th Street, exclusive of pedestrian connections along vehicular entryways.
 - c. Illuminated by pedestrian scale lighting per Section 1304(H)5 for a pathway connecting 36th Street along the primary entrance, passing through a central amenity area, and terminating at the west property line.

- d. Where pedestrian paths and vehicular crossings exist, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces. Vehicular crossings shall be kept to a minimum.
 - e. Connections to/between:
 - (1) All residential dwellings.
 - (2) All amenity facilities and active open space areas.
 - (3) The sidewalk along 36th Street.
15. The development shall provide a minimum 1,000 square foot publicly accessible pedestrian seating node and amenity area along the most northern portion of the development adjacent to the western edge of 36th Street (future cul-de-sac portion) to include the following elements at a minimum, as approved by the Planning and Development Department:
- a. Two benches or seating features.
 - b. Bicycle repair station (“fix it station”) provided and maintained 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.
 - c. Amenity area that includes either/or combination of a community garden, art feature, nature walk, natural features such as boulders or fountains, or other uniquely identifying features.
 - d. A landscaped accent area, exclusive of perimeter landscaping and right-of-way, planted and maintained with at least three plant materials including a series of annuals that will each maintain a constant bloom throughout the year.
16. The public sidewalk along 36th Street shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department:
- a. Minimum 3-inch caliper large canopy, single-trunk, shade trees placed a minimum of 25 feet on center or in equivalent groupings to provide shade to a minimum 75 percent of the sidewalk.

- b. Drought tolerant vegetation designed to grow to a maximum mature height of 24 inches and achieve 75 percent live coverage.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

17. A minimum of four bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near each vehicular point of ingress or egress 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.
18. The developer shall provide traffic calming measures at all vehicular points of ingress / egress to slow vehicles departing the development and crossing the public sidewalks, as approved by the Planning and Development Department.
19. The developer shall dedicate a minimum of 5 feet of right-of-way for a total 30-foot half-street right-of-way, and construct the west half of 36th Street, as approved by the Planning and Development Department.
20. The developer shall complete the 50-foot radius cul-de-sac termination at 36th Street, as approved by the Planning and Development Department.
21. Existing irrigation facilities along 36th Street are to be undergrounded and/or relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish appropriate process to relocate facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
22. 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.
23. The developer shall record a Notice of Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
24. The developer shall grant and record an aviation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
25. In the event archeological 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.

26. 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 July, 2021.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-8-21-8

A portion of Parcels E and G as shown on A SUBDIVISION OF LOTS 48-60-61 BARTLETT-HEARD LANDS, recorded in Book 14 of Plats, Page 34, records of Maricopa County, Arizona, located in the Southwest quarter of Section 25, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, being more particularly described as follows;

BEGINNING at Northwest corner of FINAL PLAT FOR CARDENAS VILLAS @ YANCHE SUBDIVISION, recorded in Book 864 of Maps, Page 05, records of said county; Thence North 07 Degrees 16 Minutes 44 Seconds West along the West line of said Parcels E and G a distance of 499.84 feet to an angle point on the West line of said Parcel G; Thence North 50 Degrees 03 Minutes 07 Seconds East along the Northwesterly line of said Parcel G a distance of 1213.65 feet to the centerline of South 36th Street; Thence South 00 Degrees 03 Minutes 56 Seconds East along said centerline a distance of 1257.01 feet; Thence South 88 Degrees 48 Minutes 27 Seconds West along the North line of said FINAL PLAT FOR CARDENAS VILLAS @ YANCHE SUBDIVISION a distance of 868.72 feet to the POINT OF BEGINNING.

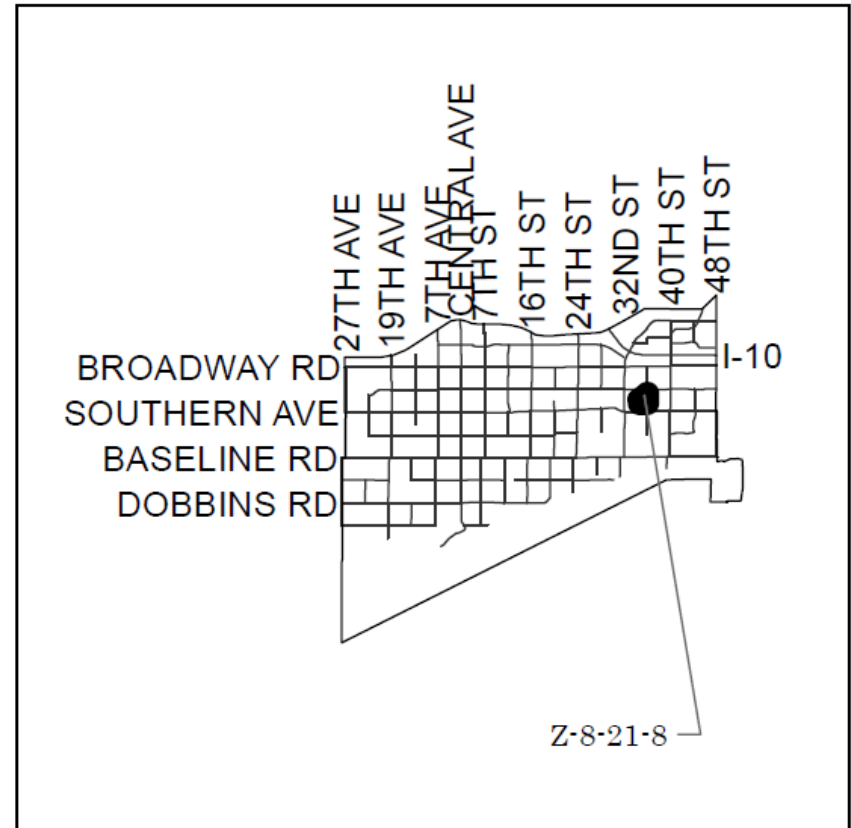
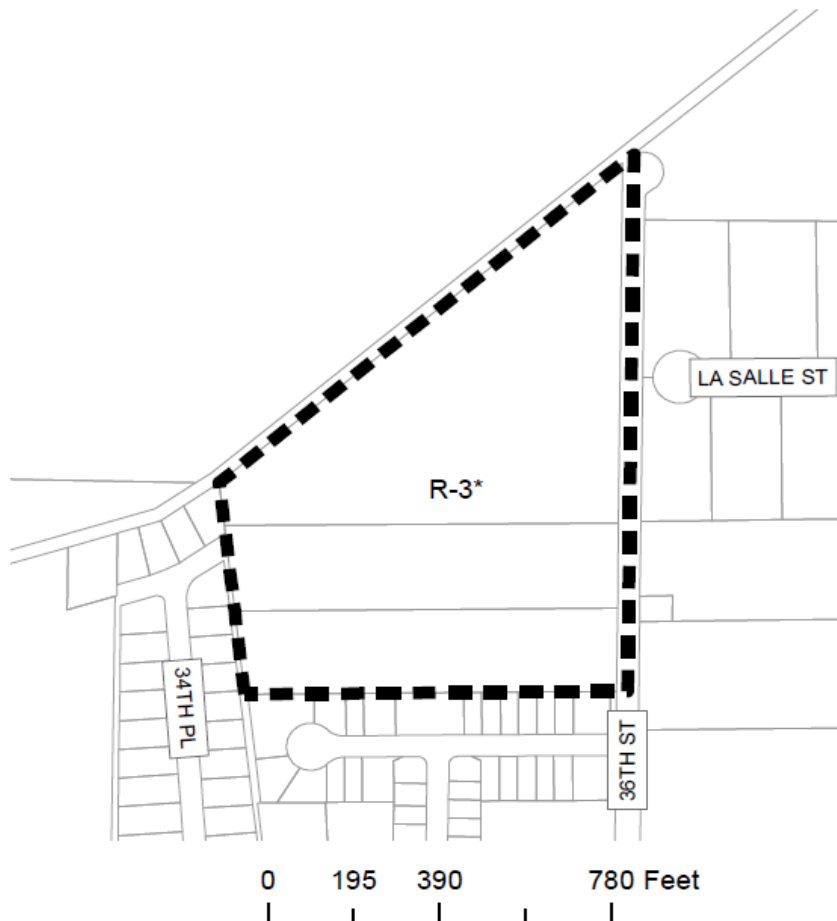
The above described parcel contains 18.393 acres.

ORDINANCE LOCATION MAP

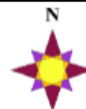
EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-8-21-8
Zoning Overlay: N/A
Planning Village: South Mountain



NOT TO SCALE



Drawn Date: 5/28/2021