

## 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 (Z-57-19-1) FROM C-2 (INTERMEDIATE COMMERCIAL) AND PSC (PLANNED SHOPPING CENTER) 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 7.32-acre property located approximately 435 feet north of the northwest corner of 29th Avenue and Dunlap Avenue, in a portion of Section 26, Township 3 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from 7.21 acres of "C-2" (Intermediate Commercial) and 0.11-acres of "PSC" (Planned Shopping Center) to 7.32 acres of "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. The development shall utilize the standards contained in R-5 (Multifamily Residence District), as approved by the Planning and Development Department.
2. The development shall utilize the Urban Area / Canalscape Treatments found in Section 507 Tab A.II.E.2., as approved by the Planning and Development Department.
3. The developer shall provide a vehicular and pedestrian accessway extending from 29th Avenue to the Black Canyon Freeway Frontage Road, as approved by the Planning and Development Department. For a minimum distance of 400 feet from 29th Avenue, the accessway shall include a pedestrian pathway which is detached from the vehicular circulation area by a minimum 3-foot, average 6-foot, wide landscape area planted with minimum 2-inch caliper shade trees, spaced 20 feet on center or in equivalent groupings, as approved by the Planning and Development.
4. All elevations of the building shall contain architectural embellishments and detailing such as textural and materials changes, offsets, recesses, variation in window size and location, and/or other overhang canopies, as approved by the Planning and Development Department.
5. The development shall include architectural focal points at the northwest and southwest corners of the building mass which may be achieved through additional building articulation, height, and/or enhanced glazing to emphasize the corners and increase resident activity, as approved or modified by the Planning and Development Department.
6. A 30-foot average landscape setback shall be provided adjacent to 29th Avenue; and shall include large canopy shade trees placed 20 feet on center or in equivalent groupings, as described below and as approved by the Planning and Development Department.
  - a. Twenty-five percent of the trees shall be minimum 4-inch caliper and 75 percent of the trees shall be minimum 3-inch caliper.
  - b. Five 5-gallon shrubs per tree, and additional shrubs or live groundcover, shall provide minimum 75 percent live cover at mature size.
7. The sidewalk along 29th Avenue shall be detached with a minimum 8-foot-wide landscape area located between the sidewalk and back of curb and be planted

to the following standards, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

- a. Minimum 3-inch caliper large canopy, single-trunk, shade trees placed a minimum of 25 feet on center or in equivalent groupings.
  - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75 percent live coverage at maturity.
8. The developer shall provide an internal network of shaded pedestrian thoroughfares as described below and as approved or modified by the Planning and Development Department. The network shall:
  - a. Include a direct pedestrian pathway from the northwest corner of the site to the northwest corner of the building. This pathway shall be developed in conformance with the paseo standards contained in Section 1304.H. (2-6) and shall connect to the shared-use path along the Arizona Canal and the public sidewalk along 29th Avenue.
  - b. Include a direct pedestrian pathway from the southwest corner of the site to a primary building entrance located near the southwest corner of the building. This pathway shall be developed in conformance with the paseo standards contained in Section 1304.H. (2-6) and shall connect to the public sidewalk along 29th Avenue.
  - c. Include a direct pedestrian pathway from the central amenity area to the Arizona Canal at a point near the middle of the north property line. This pathway shall be developed in conformance with the paseo standards contained in Section 1304.H. (2-6) and shall connect to the shared-use path along the Arizona Canal.
  - d. The above referenced (a-c) shall include a clear separation from vehicular maneuvering areas with all vehicular crossings being clearly delineated using decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces and drive aisles.
9. All public and private pedestrian pathways including sidewalks shall be shaded to a minimum 75 percent, as approved by the Planning and Development Department.
10. The development shall not permit solid walls above 40 inches within 60 feet of the 29th Avenue frontage and the Arizona Canal frontage, as approved by the Planning and Development Department.

11. All building elevations oriented to the west shall be designed to address the public realm, as described below and as approved or modified by the Planning and Development Department:
  - a. Ground level units shall include a porch or patio:
    1. Patio Frontage:
      - i. Minimum depth of 8 feet.
      - ii. Minimum area of 64 square feet.
      - iii. Patio shall be enclosed on each side by a low wall not to exceed 36 inches in height.
      - iv. The area between the property line and main facade of the building which is not improved with permanent hardscape shall be planted with live vegetation ground coverage and shrubs, excluding hardscape for pedestrian amenities.
    2. Porch Frontage:
      - i. Minimum depth of 6 feet.
      - ii. Minimum width of 50 percent of the unit façade.
      - iii. Minimum shade coverage of 75 percent of porch area.
  - b. For upper story elevations, all units oriented to the west shall have windows, and a minimum of 40 percent of all units shall have balconies with a minimum depth of 6 feet and all balconies shall achieve 50 percent shade.
12. The development shall activate the canal frontage, as described below and as approved or modified by the Planning and Development Department. This stipulation does not replace nor supersede provisions of the Canal Bank guidelines.
  - a. If perimeter walls are proposed, a minimum of three pedestrian gates to the Arizona Canal shall be constructed including one within 50 feet of the northwest corner of the site and all gates being connected to the canal trail by an accessible path.
  - b. There shall be a minimum of 20 total residential units which have windows, balconies, porches, or patios, located within 50 feet of the Arizona Canal Right-of-Way and oriented to it. These units shall be designed to interact with the Canal in the following ways:

- i. Ground level units shall include a porch or patio, as described below and as approved by the Planning and Development Department:
      - a. Patio Frontage:
        - 1. Minimum depth of eight feet.
        - 2. Minimum area of 64 square feet.
        - 3. Patio shall be enclosed on each side by a low wall not to exceed 36 inches in height.
        - 4. The area between the property line and main facade of the building which is not improved with permanent hardscape shall be planted with live vegetation ground coverage and shrubs, excluding hardscape for pedestrian amenities.
      - b. Porch Frontage:
        - 1. Minimum depth of six feet.
        - 2. Minimum width of 50 percent of the unit façade.
        - 3. Minimum shade coverage of 75 percent of porch area.
    - ii. For upper story elevations, all units oriented to the canal shall have windows, and a minimum of 40 percent of all units shall have balconies with a minimum depth of 6 feet and the all balconies shall achieve 50 percent shade.
  - c. The setback area between the north building elevations and the Arizona Canal Right of Way shall be planted with large canopy shade trees placed 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 4-inch caliper and 75 percent of the trees shall be minimum 3-inch caliper.
  - d. There shall be visual design continuity between the central amenity area and the Arizona Canal reinforced through design features such as: bollard lighting; thematic landscaping; patterned hardscape; or artistic features.
- 13. No individual garage unit entrances shall be visible from the north or west property lines.
  - 14. The applicant shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.

- a. A bicycle repair station (“fix it station”) shall be provided on the site or within the main building. The station shall include: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
  - b. Resident bicycle parking shall be provided at a rate of 0.25 spaces per dwelling unit, up to a maximum of 50 spaces. These spaces may be provided through a combination of “Secure/Covered Facilities” and “Outdoor/Covered Facilities” as defined in Appendix K or the Comprehensive Bicycle Master Plan. “Outdoor/Covered Facilities” shall comprise no more than 60 percent of required resident bicycle parking.
  - c. Guest bicycle parking shall be provided through the provision of a minimum of eight inverted U-bicycle racks, artistic style racks or “Outdoor/Covered Facilities” for guests shall be located near building entrances and installed per the requirements of Section 1307.H of the Zoning Ordinance. All racks shall be adherence to the City of Phoenix Preferred Designs in Appendix K or the Comprehensive Bicycle Master Plan.
- 15. The developer shall provide a recorded cross access and common driveway agreements for the parcels to the south, east, and southeast to allow shared ingress/egress. The agreement is to be reviewed and approved by the Planning and Development Department prior to recordation with Maricopa County.
- 16. There shall be a maximum of one driveway along 29th Avenue, as approved by the Street Transportation Department.
- 17. The developer shall coordinate with the Traffic Services Division of the Street Transportation Department to identify an appropriate pedestrian crossing at 29th Avenue and the Arizona Canal as required by Section 507 TAB A.II.E.2.2.4.2 of the Phoenix Zoning Ordinance, as approved by the Street Transportation Department.
- 18. 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.
- 19. 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.

20. 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 20th day of May, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

\_\_\_\_\_  
City Manager

Exhibits:

A – Legal Description (3 Pages)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-57-19-1

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTHEAST CORNER OF SAID SECTION 26;

THENCE NORTH 89 DEGREES 56 MINUTES 4 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 26, A DISTANCE OF 1,202.55 FEET;

THENCE DEPARTING SAID SOUTH LINE, NORTH 0 DEGREES 3 MINUTES 56 SECONDS EAST, A DISTANCE OF 506.58 FEET TO A POINT ON THE CENTER LINE OF 29<sup>TH</sup> AVENUE, AS SHOWN ON THE FINAL PLAT FOR METRO MARKETPLACE III, RECORDED IN BOOK 1361, PAGE 38, MARICOPA COUNTY RECORDS, ARIZONA, AND TO THE POINT OF BEGINNING;

THENCE NORTH 3 DEGREES 51 MINUTES 18 SECONDS EAST, ALONG SAID CENTER LINE, A DISTANCE OF 428.29 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHERLY CONTINUING ALONG SAID CENTER LINE AND ALONG SAID CURVE, HAVING A RADIUS OF 480.00 FEET, THROUGH A CENTRAL ANGLE OF 6 DEGREES 28 MINUTES 22 SECONDS, A DISTANCE OF 54.23 FEET TO THE NORTHWEST CORNER OF SAID FINAL PLAT;

THENCE DEPARTING SAID FINAL PLAT, NORTH 11 DEGREES 43 MINUTES 40 SECONDS WEST, A DISTANCE OF 92.33 FEET TO THE CENTER LINE OF THE ARIZONA CANAL AS SHOWN ON THE RIGHT OF WAY MAP FOR THE ARIZONA CANAL, RECORDED IN BOOK 132, PAGE 37, MARICOPA COUNTY RECORDS, ARIZONA;

THENCE NORTH 78 DEGREES 16 MINUTES 20 SECONDS EAST, ALONG SAID CENTER LINE, A DISTANCE OF 526.48 FEET;

THENCE DEPARTING SAID CENTER LINE, SOUTH 11 DEGREES 43 MINUTES 40 SECONDS EAST, A DISTANCE OF 92.40 FEET TO THE NORTHEAST CORNER OF LOT 1 AS SHOWN ON THE FINAL PLAT FOR METRO MARKETPLACE III, RECORDED IN BOOK 1361, PAGE 38, MARICOPA COUNTY RECORDS, ARIZONA;

THENCE SOUTH 3 DEGREES 11 MINUTES 47 SECONDS WEST, ALONG THE COMMON LINE OF LOT 1 AND LOT 2 OF SAID FINAL PLAT, A DISTANCE OF 173.03 FEET;



THENCE CONTINUING ALONG SAID COMMON LINE THE FOLLOWING 6 COURSES:

THENCE SOUTH 86 DEGREES 6 MINUTES 2 SECONDS EAST, A DISTANCE OF 54.86 FEET;

THENCE SOUTH 3 DEGREES 53 MINUTES 58 SECONDS WEST, A DISTANCE OF 45.97 FEET;

THENCE SOUTH 86 DEGREES 6 MINUTES 2 SECONDS EAST, A DISTANCE OF 63.06 FEET;

THENCE SOUTH 3 DEGREES 54 MINUTES 6 SECONDS WEST, A DISTANCE OF 288.73 FEET;

THENCE NORTH 90 DEGREES 0 MINUTES 0 SECONDS EAST, A DISTANCE OF 62.09 FEET;

THENCE SOUTH 86 DEGREES 8 MINUTES 42 SECONDS EAST, A DISTANCE OF 210.45 FEET TO THE MOST SOUTHERLY, NORTHEAST CORNER OF SAID LOT 1;

THENCE DEPARTING SAID COMMON LINE, SOUTH 87 DEGREES 47 MINUTES 55 SECONDS EAST, A DISTANCE OF 165.70 FEET TO A POINT OF THE MEDIAN LINE OF INTERSTATE 17, AS SHOWN ON THE RIGHT OF WAY MAP, PROJECT NUMBER C-7-T-605 AND THE POINT OF A NON-TANGENT CURVE CONCAVE TO THE EAST, WITH A CHORD BEARING OF SOUTH 2 DEGREES 8 MINUTES 21 SECONDS WEST, A CHORD DISTANCE OF 12.43 FEET;

THENCE SOUTHERLY, ALONG SAID MEDIAN AND SAID NON-TANGENT CURVE, HAVING A RADIUS OF 5,729.58 FEET, THROUGH A CENTRAL ANGLE OF 0 DEGREES 7 MINUTES 28 SECONDS, A DISTANCE OF 12.43 FEET;

THENCE DEPARTING SAID MEDIAN, NORTH 87 DEGREES 55 MINUTES 23 SECONDS WEST, A DISTANCE OF 166.77 FEET TO THE MOST SOUTHERLY, SOUTHEAST CORNER OF LOT 1, AS SHOWN ON THE FINAL PLAT FOR METRO MARKETPLACE III, RECORDED IN BOOK 1361, PAGE 38, MARICOPA COUNTY RECORDS, ARIZONA;

THENCE NORTH 89 DEGREES 36 MINUTES 44 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 529.78 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE CONTINUING ALONG SAID SOUTH LINE THE FOLLOWING FOUR COURSES:

THENCE WESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 137.00 FEET, THROUGH A CENTRAL ANGLE OF 19 DEGREES 21 MINUTES 55 SECONDS, A DISTANCE OF 46.30 FEET;

THENCE SOUTH 71 DEGREES 01 MINUTE 21 SECONDS WEST, A DISTANCE OF 127.92 FEET TO THE POINT OF A NON-TANGENT CURVE CONCAVE TO THE NORTH, WITH A CHORD BEARING OF SOUTH 80 DEGREES 40 MINUTES 40 SECONDS WEST, A CHORD DISTANCE OF 54.98 FEET;

THENCE WESTERLY ALONG SAID NON-TANGENT CURVE, HAVING A RADIUS OF 163.00 FEET, THROUGH A CENTRAL ANGLE OF 19 DEGREES 25 MINUTES 13 SECONDS, A DISTANCE OF 55.25 FEET;

THENCE NORTH 89 DEGREES 36 MINUTES 44 SECONDS WEST, A DISTANCE OF 93.97 FEET;

THENCE DEPARTING SAID SOUTH LINE, NORTH 83 DEGREES 01 MINUTE 44 SECONDS WEST, A DISTANCE OF 56.60 FEET TO THE POINT OF BEGINNING.

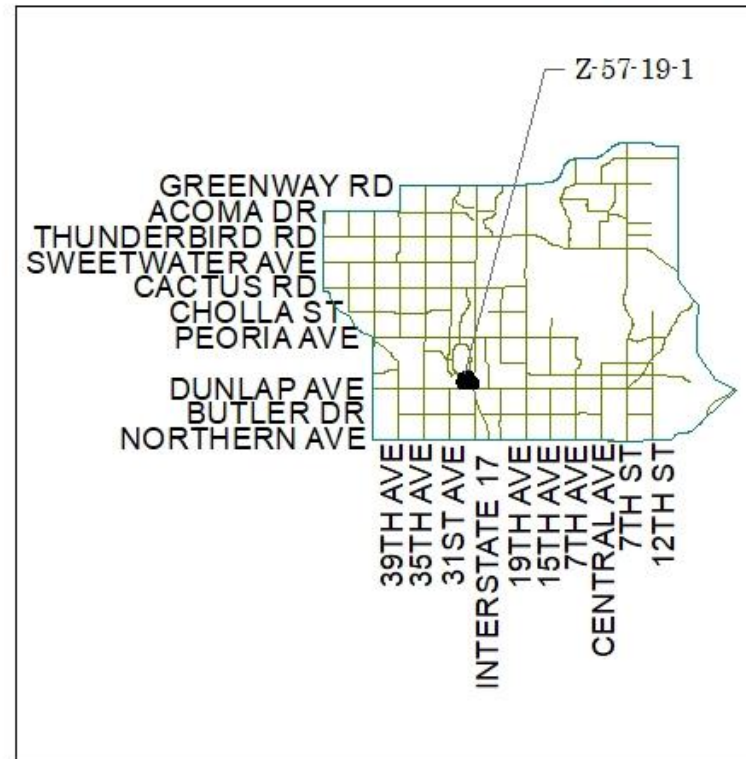
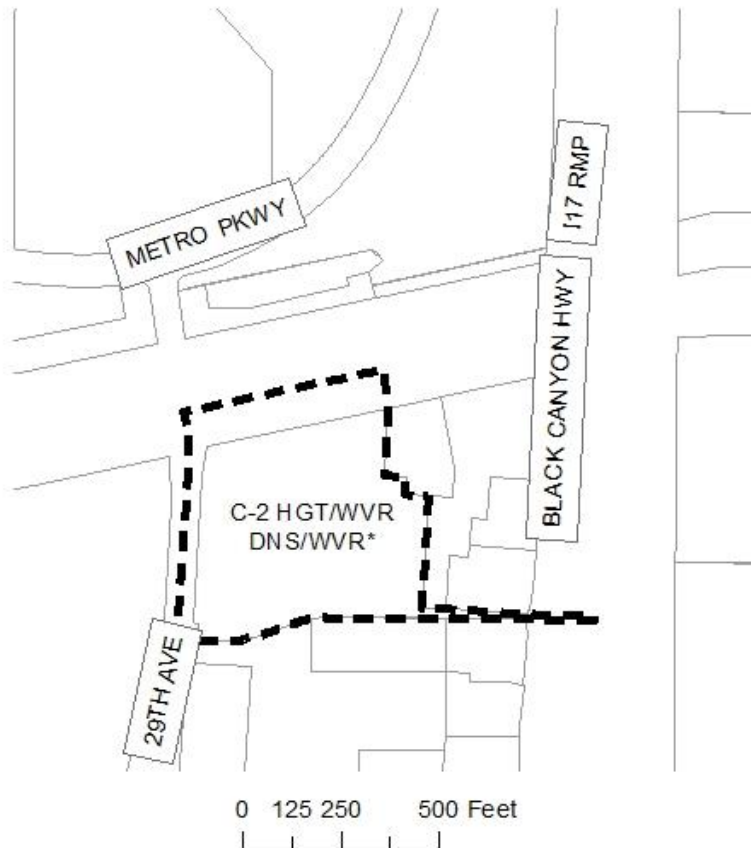
SAID PARCEL CONTAINS 357,087 SQUARE FEET OR 8.198 ACRES, MORE OR LESS.

# ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-57-19-1  
Zoning Overlay: N/A  
Planning Village: North Mountain



NOT TO SCALE



Drawn Date: 4/24/2020