

## 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-38-21-2) FROM PSC (APPROVED C-2) (PLANNED SHOPPING CENTER, APPROVED INTERMEDIATE COMMERCIAL DISTRICT) TO R-3A (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 12.92-acre site located at the northwest corner of 34th Way and Bell Road in a portion of Section 36, Township 4 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "PSC, Approved C-2" (Planned Shopping Center, approved Intermediate Commercial District) to "R-3A" (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. The development shall be in general conformance with the site plan date stamped August 11, 2021, as modified by the following stipulations and approved by the Planning and Development Department.
2. The development shall be in general conformance with the elevations date stamped June 14, 2021, as modified by the following stipulations and approved by the Planning and Development Department.
  - a. All building elevations shall contain three of the following architectural embellishments and detailing: textural changes, pilasters, offsets, recesses, variation in window size or location, overhang canopies, or similar features.
  - b. Decorative garage treatments, including but not limited to, windows, raised or recessed panels, architectural trim, and single garage doors.
3. The development shall be limited to a maximum of 278 dwelling units.
4. Enhanced landscaped entries shall be provided at the entryways into the development off of Bell Road and 34th Way with a minimum 300 square feet of landscaped area on each side of the entrances. The landscaped entries shall be planted and maintained with a variety of at least three different plant materials, as approved by the Planning and Development Department.
5. There shall be a minimum of four private open space amenity areas, three of which shall be centrally located. A minimum of 10 percent of the site area shall be preserved as open space, exclusive of landscape setbacks. Each area shall provide, at a minimum, one of the following active amenity elements or other similar elements, as approved by the Planning and Development Department:
  - a. Swimming Pool
  - b. Pickleball court or another active recreational amenity
  - c. Pavilion or Ramada
  - d. Dog park
6. Where pedestrian pathways cross drive aisles, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave parking surfaces and drive aisles, as approved by the Planning and Development Department.

7. A minimum 5-foot-wide detached sidewalk shall be provided along Bell Road with a minimum 10-foot-wide landscape area 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 equivalent groupings to provide a minimum of 75% shade on the adjacent sidewalk.
  - b. Drought tolerant shrubs and vegetative groundcovers maintained no higher than 24 inches to provide a minimum of 75% live coverage at maturity.
  - c. A minimum 10-foot-wide public sidewalk easement along the northern side of Bell Road shall be dedicated.

Where utility or mature tree conflicts exist, the developer shall work with the Planning and Development Department and the Street Transportation Department on potential alternative design solutions consistent with a pedestrian environment.

8. A minimum 5-foot-wide detached sidewalk shall be provided along 34th Way with a minimum 5-foot-wide landscape area 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 20 feet on center or equivalent groupings to provide a minimum of 75 percent shade on adjacent sidewalks.
  - b. Drought tolerant shrubs and vegetative groundcovers maintained no higher than 24 inches to provide a minimum of 75 percent live coverage at maturity.

Where utility or mature tree conflicts exist, the developer shall work with the Planning and Development Department and the Street Transportation Department on potential alternative design solutions consistent with a pedestrian environment.

9. The developer shall provide a minimum 5-foot-wide detached sidewalk along Danbury Road with a minimum 5-foot wide landscape area located between the back of curb and sidewalk, as approved by the Planning and Development Department.
10. A minimum 25 percent of the surface parking lot areas must be shaded by minimum 2-inch caliper, large canopy single trunk shade trees, located within minimum 5-foot wide landscape areas, as approved by the Planning and Development Department.

11. 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. 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. Artistic style racks or “Outdoor/Covered Facilities” for guests shall be located near building entrances and the amenity areas, 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.
12. The Public Transit Department shall require retention of right-of-way and one bus stop pad along westbound Bell Road west of 34th Way. Should the bus stop require demolition and/or replacement, the bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet and spaced from the intersection as per City of Phoenix Standard Detail P1258, as approved by the Public Transit Department.
13. Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances, bus stop pads, and public sidewalks, using the most direct route for pedestrians, as approved by the Planning and Development Department.
14. 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.
15. 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.
16. 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.

17. 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.
18. 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.
19. A pedestrian connection shall be provided between the site and the commercial property to the west of the site, as approved by the Planning and Development Department

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 October, 2021.

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MAYOR

ATTEST:

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Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Cris Meyer, City Attorney

By:  
\_\_\_\_\_  
\_\_\_\_\_

REVIEWED BY:

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Ed Zuercher City Manager

Exhibits:

A – Legal Description (2 Pages)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-38-21-2

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT A BRASS CAP IN HANDHOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 36, FROM WHICH A BRASS CAP IN HANDHOLE MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 36 BEARS NORTH 89 DEGREES 40 MINUTES 04 SECONDS EAST, A DISTANCE OF 2638.17 FEET;

THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, NORTH 89 DEGREES 40 MINUTES 04 SECONDS EAST, A DISTANCE OF 967.92 FEET;

THENCE DEPARTING SAID SOUTH LINE, NORTH 00 DEGREES 19 MINUTES 56 SECONDS WEST, A DISTANCE OF 55.00 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 36 DEGREES 30 MINUTES 37 SECONDS WEST, A DISTANCE OF 21.84 FEET;

THENCE NORTH 00 DEGREES 18 MINUTES 23 SECONDS WEST, A DISTANCE OF 442.98 FEET;

THENCE NORTH 89 DEGREES 29 MINUTES 45 SECONDS EAST, A DISTANCE OF 70.07 FEET;

THENCE NORTH 45 DEGREES 19 MINUTES 25 SECONDS EAST, A DISTANCE OF 42.48 FEET;

THENCE NORTH 00 DEGREES 23 MINUTES 42 SECONDS WEST, A DISTANCE OF 54.91 FEET;

THENCE NORTH 02 DEGREES 48 MINUTES 24 SECONDS WEST, A DISTANCE OF 16.23 FEET TO A POINT ON THE SOUTHERN BOUNDARY OF "PARQUE VISTA ESTATES UNIT – 5" AS RECORDED IN BOOK 206 OF MAPS, PAGE 32, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE ALONG SAID SOUTHERN BOUNDARY, NORTH 89 DEGREES 41 MINUTES 07 SECONDS EAST, A DISTANCE OF 166.49 FEET TO THE POINT OF A CURVE TO THE LEFT;

THENCE EASTERLY ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 388.45 FEET, THROUGH A CENTRAL ANGLE OF 13 DEGREES 18 MINUTES 40 SECONDS, A DISTANCE OF 90.25 FEET TO A POINT OF TANGENCY;

THENCE NORTH 76 DEGREES 22 MINUTES 27 SECONDS EAST, A DISTANCE OF 205.05 THENCE NORTH 76 DEGREES 43 MINUTES 00 SECONDS EAST, A DISTANCE OF 28.75 FEET TO THE POINT OF A NON-TANGENT CURVE CONCAVE TO THE WEST, WITH A CHORD BEARING OF SOUTH 12 DEGREES 33 MINUTES 05 SECONDS EAST, A CHORD DISTANCE OF 26.76 FEET;

THENCE SOUTHERLY ALONG SAID NON-TANGENT CURVE, HAVING A RADIUS OF 1,047.46 FEET, THROUGH A CENTRAL ANGLE OF 01 DEGREE 27 MINUTES 49 SECONDS, A DISTANCE OF 26.76 FEET;

THENCE NORTH 76 DEGREES 22 MINUTES 27 SECONDS EAST, A DISTANCE OF 265.11 FEET TO THE POINT OF A NON-TANGENT CURVE CONCAVE TO THE WEST, WITH A CHORD BEARING OF SOUTH 06 DEGREES 15 MINUTES 27 SECONDS EAST, A CHORD DISTANCE OF 272.15 FEET;

THENCE SOUTHERLY ALONG SAID NON-TANGENT CURVE, HAVING A RADIUS OF 1,312.46 FEET, THROUGH A CENTRAL ANGLE OF 11 DEGREES 54 MINUTES 07 SECONDS, A DISTANCE OF 272.64 FEET;

THENCE SOUTH 00 DEGREES 18 MINUTES 23 SECONDS EAST, A DISTANCE OF 444.70 FEET;

THENCE SOUTH 89 DEGREES 40 MINUTES 04 SECONDS WEST, A DISTANCE OF 862.08 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 555,984 SQUARE FEET OR 12.764 ACRES, MORE OR LESS.



# ORDINANCE LOCATION MAP

EXHIBIT B

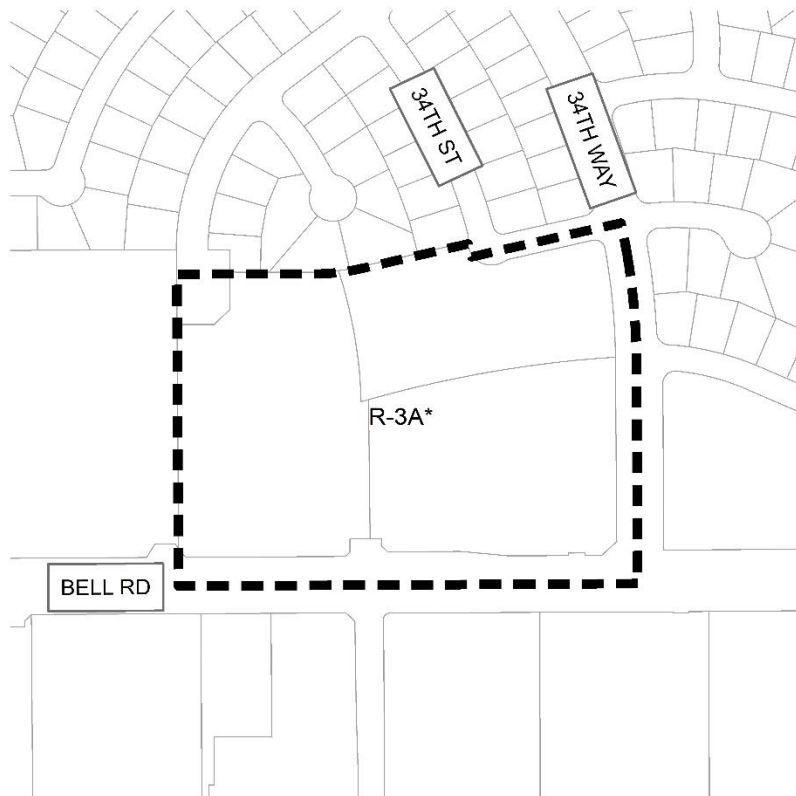
ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: ■ ■ ■ ■ ■

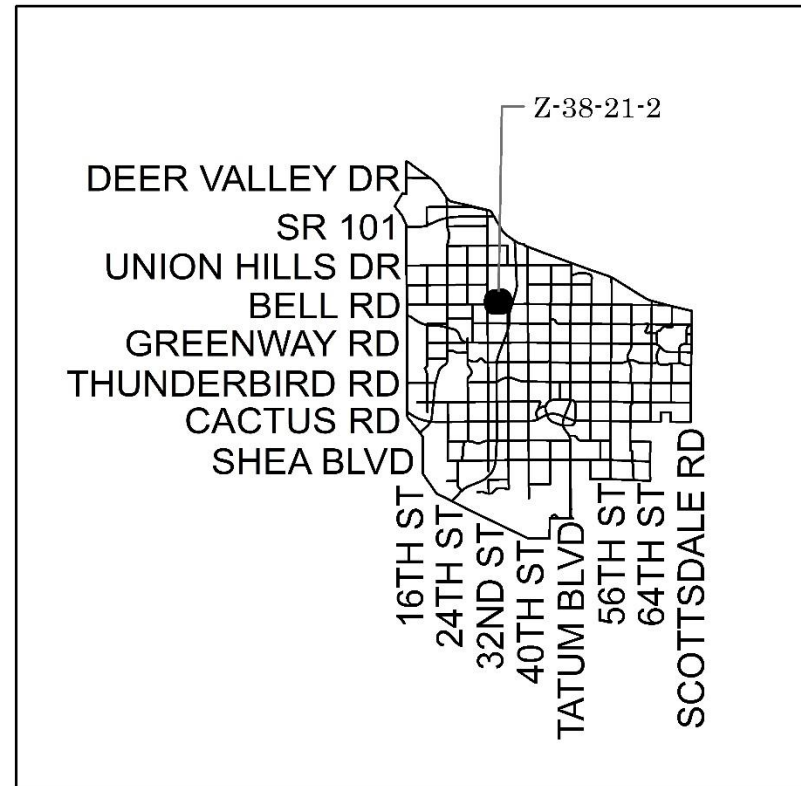
Zoning Case Number: Z-38-21-2

Zoning Overlay: N/A

Planning Village: Paradise Valley



0 155 310 620 Feet



NOT TO SCALE



Drawn Date: 9/3/2021