

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 ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-5-23-2) FROM C-2 SP (INTERMEDIATE COMMERCIAL, SPECIAL PERMIT) AND R-3 (APPROVED R-3) (MULTIFAMILY RESIDENCE DISTRICT, APPROVED MULTIFAMILY RESIDENCE DISTRICT) TO C-2 HGT/WVR SP (INTERMEDIATE COMMERCIAL, HEIGHT WAIVER, SPECIAL PERMIT).

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

SECTION 1. The zoning of a 7.42-acre property located on the northwest corner of the 38th Street alignment 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 6.69 acres of "C-2 SP" (Intermediate Commercial, Special Permit) and 0.73-acres of "R-3 (Approved R-3)" (Multifamily Residence District, Approved Multifamily Residence District) to "C-2 HGT/WVR SP" (Intermediate Commercial, Height Waiver, Special Permit) to allow a self-service storage warehouse with underlying C-2 uses and a height 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 be in general conformance with the building elevations date stamped January 25, 2023, with specific regard to the architecturally enhanced corner designs, windows, and masonry provided, as approved by the Planning and Development Department.
2. A screen wall shall be provided along the perimeter of the site to screen outdoor storage areas associated with the self-service storage warehouse from the freeway and adjacent properties, as approved by the Planning and Development Department.
3. A minimum 5-foot-wide pedestrian pathway shall be provided to connect the existing sidewalk from Bell Road to the rental office building entrance, as approved by the Planning and Development Department.
4. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
5. All existing and new landscape areas throughout the site shall be planted and replenished to the following standards, as approved by the Planning and Development Department.
 - a. Parking lot landscape planters: Minimum 2-inch caliper, large canopy, drought-tolerant shade trees to provide a minimum of 25% shade at maturity, measured at summer solstice at noon, as shown on a shade study submitted for review.
 - b. Landscape areas: Minimum 2-inch caliper large canopy drought-tolerant shade trees to provide a minimum of 75% shade at maturity, measured at summer solstice at noon, as shown on a shade study submitted for review.

- c. Drought-tolerant shrubs, accents, and vegetative groundcovers to provide a minimum of 75% vegetative live coverage at maturity.
6. Electric Vehicle (EV) installed spaces shall be provided for a minimum of two of the required parking spaces and one of the required accessible parking spaces located near the rental office, as approved by the Planning and Development Department.
7. A minimum of four bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the entrance to the rental office 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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 14th day of June, 2023.

MAYOR

ATTEST:

Denise Archibald, City Clerk

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

By:

REVIEWED BY:

Jeffrey Barton, City Manager

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

EXHIBIT A

Lot 6, as said lot is show on the plat entitled "SUNTREE LIMITED" recorded June 9, 1995, in Book 398, of Maps, at Page 23 thereof, Official Records of Maricopa County Recorder, together with the adjoining portion of Bell Road right-of-way, situated in the West half of the Southeast quarter of Section 36, Township 4 North, Range 3 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows

BEGINNING at the Southeast corner of said West half of the Southeast quarter of Section 36;

Thence along the South line of said West half, said line being the monument line of said Bell Road;

Thence along said monument line, South 90°00'00" West, a distance of 101.00 feet;

Thence North 00°02'36" East, a distance of 229.90 feet;

Thence North 90°00'00" East, a distance of 15.00 feet;

Thence North 00°02'36" East, a distance of 179.90 feet;

Thence North 90°00'00" West, a distance of 164.00 feet;

Thence North 00°02'36" East, a distance of 440.22 feet to a point on the Easterly right of way line of the SR-51 PIESTEWA FREEWAY;

Thence along said Easterly right of way line of the SR-51 PIESTEWA FREEWAY, North 11°19'16" East, a distance of 1,278.34 feet to a point on said East line of the West half of the Southeast quarter of Section 36;

Thence South 00°02'36" West, a distance of 2,103.49 feet to the POINT OF BEGINNING.

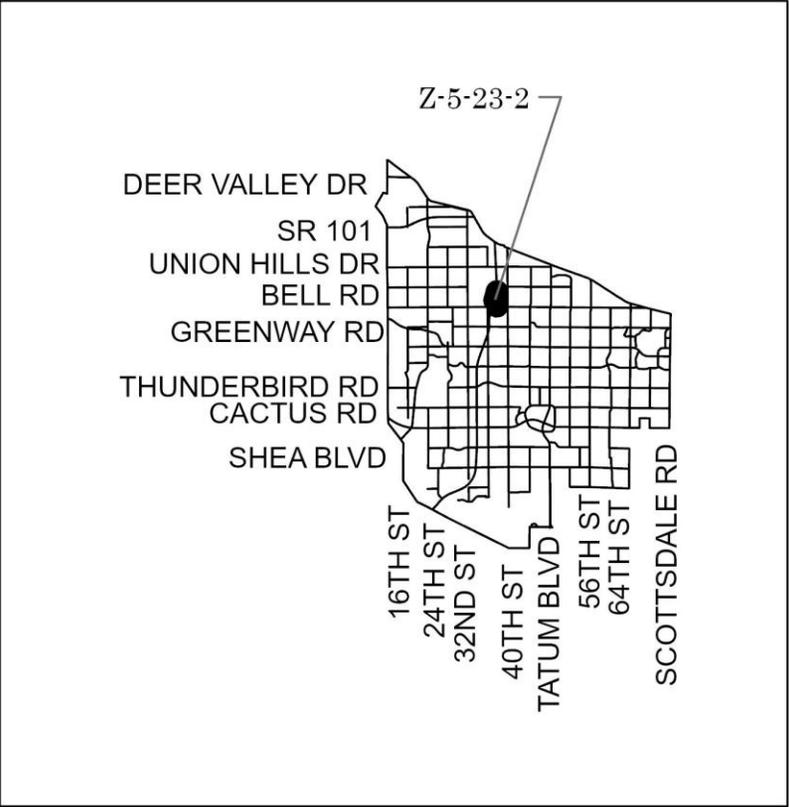
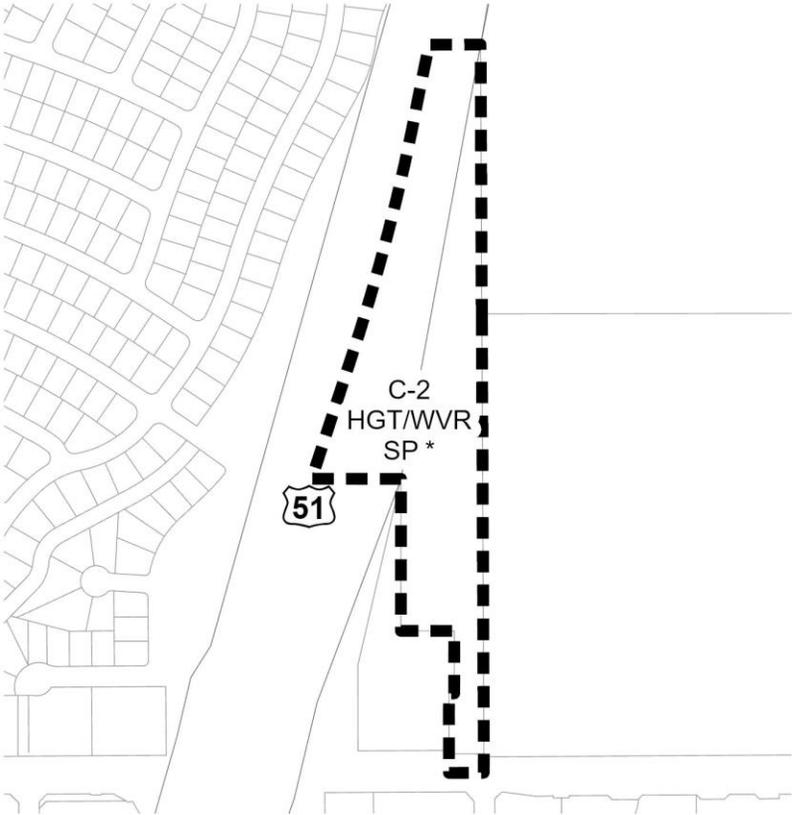
Containing 305,430 square feet, or, 7.012 acres of land, more or less.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-5-23-2
Zoning Overlay: N/A
Planning Village: Paradise Valley



NOT TO SCALE



Drawn Date: 5/8/2023