

## 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-20-24-1) FROM R-O (RESIDENTIAL OFFICE – RESTRICTED COMMERCIAL) TO C-1 (NEIGHBORHOOD RETAIL).

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

SECTION 1. The zoning of a 1.19-acre site located approximately 40 feet south of the southwest corner of 39th Avenue and Cactus Road in a portion of Section 22, Township 3 North, Range 2 East, as described more specifically in Exhibit “A,” is hereby changed from “R-O” (Residential Office – Restricted Commercial) to “C-1” (Neighborhood Retail).

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 building elevations shall be in general conformance with the building elevation date stamped June 4, 2025, as approved by the Planning and Development Department.
2. A minimum of 4 bicycle parking spaces shall be provided for each building through Inverted U and/or artistic racks located near the building entrance 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.
3. A bicycle repair station ("fix it station") shall be provided on the site. The station shall include but not be limited to: 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, as approved by the Planning and Development Department.
4. A minimum of 1 of the provided bicycle parking spaces for each building shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
5. A minimum of 5% of the required parking spaces shall be EV Ready.
6. 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 contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.
7. All pedestrian pathways, including internal walkways and public sidewalks adjacent to the site, shall be shaded by a structure or landscaping, or a combination of the two to achieve a minimum of 75% shade, as approved by the Planning and Development Department.
8. A minimum of 50 feet of right-of-way shall be dedicated and constructed for the south side of Cactus Road.
9. A minimum 6-foot-wide detached sidewalk separated by a minimum 10-foot-wide landscape strip located between the back of curb and sidewalk shall be provided along the south side of Cactus Road, planted to the following standards, as approved by the Planning and Development Department.
  - a. Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant

shade trees planted 20 feet on center, or in equivalent groupings.

- b. Shrubs, accents, and vegetative groundcovers maintained to a maximum height of 24 inches to achieve a minimum of 75% live coverage.

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

- 10. A minimum 5-foot-wide detached sidewalk separated by a minimum 5-foot-wide landscape strip located between the back of curb and sidewalk shall be provided along the west side of 39th Avenue, planted to the following standards, as approved by the Planning and Development Department.

- a. Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center, or in equivalent groupings.
- b. Shrubs, accents, and vegetative groundcovers maintained to a maximum height of 24 inches to achieve a minimum of 75% live coverage.

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

- 11. All existing electrical utilities within the public right-of-way shall be undergrounded, adjacent to the development. The developer shall coordinate with the affected utility companies for their review and permitting.
- 12. Unused driveways shall be replaced with sidewalk, curb, and gutter. Any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets shall be replaced. All off-site improvements shall be upgraded to be in compliance with current ADA guidelines.
- 13. 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.
- 14. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized, as approved or modified by the Planning and Development Department.
- 15. Natural turf shall only be utilized for required retention areas (bottom of basin,

and only allowed on slopes if required for slope stabilization) and functional turf areas located on properties for uses such as parks, schools, and residential common areas, as approved by the Planning and Development Department.

16. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
17. A minimum of 25% of the surface parking areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by structures or by minimum 2-inch caliper, drought tolerant, shade trees, or a combination thereof.
18. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low-Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.
19. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the City of Phoenix Businesses Water Efficiency Program for a minimum of 10 years, or as approved by the Planning and Development Department.
20. 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.
21. 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.
22. Site lighting shall be provided at building entrances/exits and in the parking and refuse areas, as approved by the Planning and Development Department. All on-site lighting shall be shielded to prevent direct visibility of the light source from residential properties to the south.
23. Video surveillance shall be maintained to monitor activities in and around the store to discourage vagrancy and unlawful activities.
24. An "authority to arrest" agreement shall be completed and maintained by the property owner. The agreement shall be signed and delivered to the Phoenix Police Department.

25. "No trespassing" signs shall be posted per Phoenix City Code on the exterior of the building in both English and Spanish.
26. The drive through, subject to use permit approval, shall be limited to one lane, with the entrance, exit, and circulation as depicted on the site plan date stamped August 29, 2024.
27. The hours of operation for the drive through, subject to use permit approval, shall be limited to no later than 10:00 p.m.

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 2nd day of July, 2025.

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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:

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Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-20-24-1

That portion of Tract A, FAIRWOOD UNIT FIVE, a Subdivision of part of the Northwest  $\frac{1}{4}$  of Section 22, Township 3 North, Range 2 East of the Gila and Salt River base and Meridian, Maricopa County Arizona, as recorded in Book 175 of Maps, Page 28, records of Maricopa County, Arizona more particularly described as follows;

COMMENCING at the Northwest corner of said Tract A;

Thence North 89 Degrees 59 Minutes 00 Seconds East along the North line of said Tract A a distance of 167.73 feet to the TRUE POINT OF BEGINNING;

Thence continuing North 89 Degrees 59 Minutes 00 Seconds East along said North line a distance of 105.82 feet to the Northwest corner of that certain parcel described in Instrument 2014-0121697, records of said county;

Thence South 00 Degrees 37 Minutes 48 Seconds West along the West line of said certain parcel a distance of 40.00 feet to the Southwest corner of said certain parcel;

Thence North 89 Degrees 59 Minutes 00 Seconds East along the South line of said certain parcel a distance of 60.00 feet to the Southeast corner of said certain parcel;

Thence South 00 Degrees 37 Minutes 48 Seconds West along the East line of said Tract A a distance of 220.02 feet to the Southeast corner of said Tract A;

Thence South 89 Degrees 59 Minutes 00 Seconds West along the South line of said Tract A a distance of 162.88 feet;

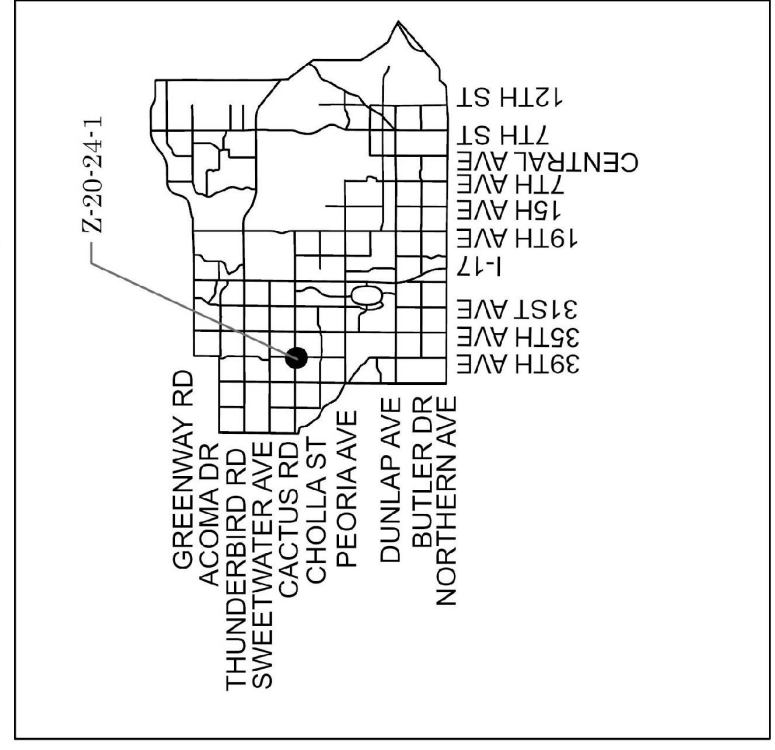
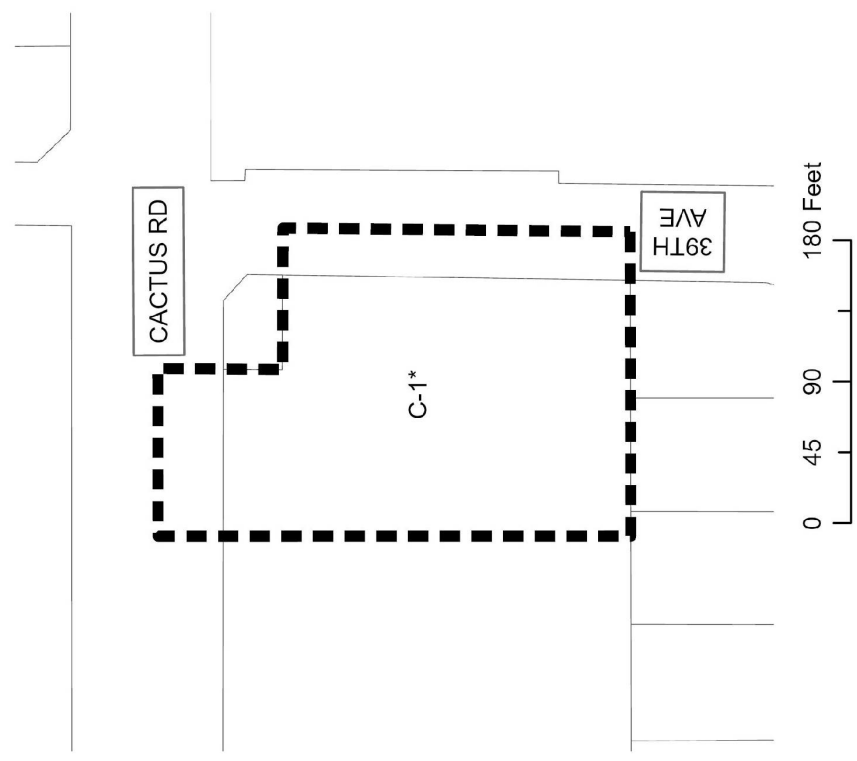
Thence North 00 Degrees 01 Minutes 00 Seconds West a distance of 260.00 feet to the POINT OF BEGINNING.

The above described parcel contains 0.93 acres (40,332 sq. ft.)

# ORDINANCE LOCATION MAP

Zoning Case Number: Z-20-24-1  
Zoning Overlay: N/A  
Planning Village: North Mountain

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



NOT TO SCALE

