

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-24-21-7) FROM S-1 (RANCH OR FARM RESIDENCE DISTRICT) TO R-2 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 15.43-acre site located at the northeast corner of 51st Avenue and Southern Avenue in a portion of Section 28, Township 1 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "S-1" (Ranch or Farm Residence District) to "R-2" (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 July 26, 2021, with specific regard to the following elements, as approved by the Planning and Development Department:
 - a. A minimum 25-foot wide landscape setback shall be provided along 51st Avenue and Southern Avenue.
 - b. A minimum building setback of 20 feet shall be provided along the eastern property line.
2. The development shall be in general conformance with the building elevations date stamped April 30, 2021, as modified by the following stipulations and approved by the Planning and Development Department.
 - a. Front elevations shall contain minimum 25 percent non-stucco accent material such as stone or textured brick.
3. The required landscape setbacks shall be planted with minimum 50-percent 2-inch caliper and 50-percent 3-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree, as approved by the Planning and Development Department.
4. The required landscape setback along the eastern property line shall be planted with evergreen trees, as approved by the Planning and Development Department.
5. The primary vehicular entrance to the development 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 driveway.
 - b. The pedestrian pathways shall be detached from the vehicular driveway and lined with landscape areas on both sides of not less than 5 feet each. The landscape area shall be planted with drought-tolerant plant materials providing seasonal interest and 75 percent live cover.
 - c. A mix of ornamental trees (no less than 2-inch caliper), shrubs (no less than five five-gallon shrubs per tree) and flower beds that will maintain a constant bloom throughout the year and 75 percent live cover, shall be provided along both sides of the entryway and within a landscaped median of no less than 5 feet in width.
 - d. The entry 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.

6. Open view fencing or a combination of maximum two feet of solid masonry topped by open view fencing shall be utilized along perimeter pedestrian and vehicular entryway areas, as approved by the Planning and Development Department.
7. Perimeter walls along public streets 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.
8. Decorative rail or similar fencing elements shall be provided along 51st Avenue and Southern Avenue, as approved by the Planning and Development Department.
9. A central amenity and open space area shall be provided within close proximity to the primary vehicular entrance into the development and include the following amenities at a minimum, except as noted herein, 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. Three benches or seating features that may be distributed throughout the development within shaded areas. One of the benches or seating features shall be located within close proximity to the primary entryway along 51st Avenue.
10. No more than 50 percent of the landscape areas within common areas or 10 percent of the net development area whichever is less, should be planted in turf or high-water use plants. Turf areas should be located only in the common open space areas, including retention basins, as approved by the Planning and Development Department. This requirement does not apply to landscaping located within private yards in individual units.
11. A system of pedestrian thoroughfares shall be provided at a minimum, as described below and as approved or modified by the Planning and Development Department:
 - a. A minimum of two pedestrian paths connecting to the sidewalk along 51st Avenue. One of the pathways shall provide a connection to the intersection of 51st Avenue and Southern Avenue via the most direct route.

- b. A minimum of one pedestrian path connecting the sidewalk along Southern Avenue.
 - c. Pathway illuminated by pedestrian scale lighting per Section 1304(H)5 connecting the southwest portion of the site through the central amenity area to the residential buildings along the northeast portion of the site.
 - d. 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. Vehicular crossings shall be kept to a minimum.
 - e. Connections to/between:
 - (1) All buildings on site.
 - (2) All active open space areas.
 - (3) Adjacent public sidewalks.
 - (4) Intersection of 51st Avenue and Southern Avenue.
 - (5) Bus pad along 51st Avenue.
12. Active open space areas shall be shaded a minimum of 50 percent using architectural shade and/or shade trees at full maturity, as approved by the Planning and Development Department.
13. Pedestrian paths within the site and connecting to the public sidewalk shall be shaded to a minimum of 50 percent using architectural shade and/or shade trees at full maturity, as approved by the Planning and Development Department.
14. The bus stop pad shall be shaded to a minimum of 50 percent using shade trees at full maturity, as approved by the Planning and Development Department.
15. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by Planning and Development Department.
16. The multi-use trail along 51st Avenue shall be shaded to a minimum of 50 percent using shade trees at full maturity, as approved by the Planning and Development Department.
17. The public sidewalks along 51st Avenue and Southern Avenue shall be detached following the most recent Street Classification Map Cross Section

and planted to the following standards, as approved by the Planning and Development Department:

- a. Minimum 2-inch caliper large canopy drought-tolerant shade trees placed a minimum of 25 feet on center or in equivalent groupings.
- b. Drought tolerant vegetation designed to grow to a maximum mature height of 24 inches and achieve 75 percent live coverage.
- c. The public sidewalks shall be shaded to a minimum 75 percent by vegetative shade 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.

18. The development shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.
 - a. Minimum of four bicycle parking spaces via inverted U-bicycle racks, artistic style bicycle racks or "Outdoor/Covered Facilities" shall be located near each of the vehicular entryways into the development or amenity areas. All bicycle racks shall adhere to Appendix K of the Comprehensive Bicycle Master Plan.
 - b. One bicycle repair station ("fix it station") shall be provided and maintained within close proximity to the primary vehicular entryway to the development or amenity areas. The bicycle repair station ("fix it station") shall be provided 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.
19. The developer shall dedicate a 25-foot-wide multi-use trail easement (MUTE) along the east side of 51st Avenue, and shall construct a 10-foot-wide multi-use trail (MUT) within the easement as indicated in Section 429 of the City of Phoenix MAG Supplement, as approved or modified by the Planning and Development Department.
20. The developer shall provide traffic calming measures at all vehicular points of ingress and egress to slow vehicles departing the development and crossing the public sidewalks, as approved by the Planning and Development Department.
21. The right-of-way and bus bay shall be retained for the bus stop pad along northbound 51st Avenue north of Southern Avenue. The bus bay shall be

compliant with City of Phoenix Standard Detail P1256, while the bus stop pad shall be compliant with City of Phoenix Standard Detail P1261 with a minimum depth of 10 feet, as approved by the Planning and Development Department.

22. The developer shall construct the north half of Southern Avenue to City of Phoenix CM Cross Section standards with a 14-foot-wide landscaped median island, as approved by the Planning and Development Department.
23. The developer shall modify the existing 14-foot-wide landscape median along 51st Avenue to add a left turn pocket, as approved by the Street Transportation Department.
24. The developer at their expense, shall be responsible for all required modifications to the existing traffic signal at 51st Avenue and Southern Avenue, as approved by the Street Transportation Department.
25. The developer shall underground all existing electrical utilities within the public right-of-way that are impacted or need to be relocated as part of this project, as approved by the Planning and Development Department. The developer shall coordinate with the affected utility company for their review and permitting.
26. 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.
27. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development the existence and operational characteristics of industrial (non-residential) uses along the eastern property line of the site. The form and content of such documents shall be reviewed and approved by the City Attorney.
28. Prior to issuance of a final certificate of occupancy, the developer must install a sign (approximately 8 inches by 11 inches in size) within the development's sales/leasing office that is visible to prospective renters or purchasers which discloses the existence and operational characteristics of industrial (non-residential) uses along the eastern property line of the site, and which discloses the proximity of the Phoenix Sky Harbor International Airport and increased frequency of overflight and related aircraft noise, as approved by the Planning and Development Department.
29. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

30. The developer shall grant and record an avigation 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.
31. 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.
32. Streetscape landscaping along 51st Avenue and Southern Avenue shall be installed prior to the issuance of building permits for any residential building.
33. The development shall have deceleration lanes at the 51st Avenue and Southern Avenue vehicular entry drives, as approved by the Street Transportation Department.
34. 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 6th day of October, 2021.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Ed Zuercher City Manager

Exhibits:

- A – Legal Description (3 Pages)
- B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-24-21-7

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

A PORTION OF LOT 54, MARICOPA GARDEN FARMS, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 11 OF MAPS, PAGE 38, IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN HANDHOLE AT THE INTERSECTION OF 51ST AVENUE AND SOUTHERN AVENUE MARKING THE SOUTHWEST CORNER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 2 EAST OF THE GILA AND SLAT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA FROM WHICH A BRASS CAP IN POT HOLE AT THE INTERSECTION OF 51ST AVENUE AND ROESER ROAD MARKING THE WEST QUARTER CORNER OF SAID SECTION 28 BEARS NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 2648.10 FEET, SAID LINE BEING THE WEST LINE OF SAID SOUTHWEST QUARTER AND THE BASIS FOR THE BEARINGS IN THIS DESCRIPTION:

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 179.08 FEET ALONG SAID WEST LINE:

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 40.00 FEET TO THE EAST LINE OF THE WEST 40.00 FEET OF THE SOUTHWEST QUARTER OF SAID SECTION 28 AND THE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 839. 78 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 620.07 FEET TO THE EAST LINE OF SAID LOT 54;

THENCE SOUTH 00 DEGREES 01 MINUTE 33 SECONDS WEST, 943.13 FEET ALONG SAID EAST LINE TO THE NORTH LINE OF THE SOUTH 75.00 FEET OF THE SOUTHWEST QUARTER OF SAID SECTION 28;

THENCE SOUTH 89 DEGREES 56 MINUTES 12 SECONDS WEST, 320.00 FEET ALONG SAID NORTH LINE;

THENCE NORTH 00 DEGREES 03 MINUTES 48 SECONDS WEST 10.00 FEET TO THE NORTH LINE OF THE SOUTH 85.00 FEET OF SAID SOUTHWEST QUARTER; THENCE SOUTH 89 DEGREES 56 MINUTES 12 SECONDS WEST, 224.63 FEET ALONG SAID NORTH LINE;

THENCE NORTH 45 DEGREES 01 MINUTE 54 SECONDS WEST, 77.74 FEET TO THE EAST LINE OF THE WEST 60.00 FEET OF SAID SOUTHWEST QUARTER;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 39.01 FEET
ALONG SAID EAST LINE;

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 20.00 FEET TO
THE POINT OF BEGINNING;

EXCEPT THAT PORTION DEEDED TO THE CITY OF PHOENIX, A MUNICIPAL
CORPORATION OF THE STATE OF ARIZONA, IN WARRANTY DEED RECORDED
IN DOCUMENT NO. 20071125448, AND RE-RECORDED IN DOCUMENT NO.
20080463893, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF LOT 54, MARICOPA COUNTY FARMS, ACCORDING TO THE PLAT
OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA
COUNTY, ARIZONA IN BOOK 11 OF MAPS, PAGE 38, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SECTION 28, TOWNSHIP 1
NORTH, RANGE 2 EAST, GILA AND SALT RIVER BASE AND MERIDIAN,
MARICOPA COUNTY, ARIZONA;

THENCE NORTH 00 DEGREES 00 MINUTES 10 SECONDS WEST ALONG THE
WEST LINE OF SAID SECTION, A DISTANCE OF 179.08 FEET;

THENCE NORTH 89 DEGREES 59 MINUTES 50 SECONDS EAST, A DISTANCE OF
40 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 00 MINUTES 10 SECONDS WEST, A DISTANCE OF
720.71 FEET;

THENCE SOUTH 02 DEGREES 44 MINUTES 23 SECONDS EAST, A DISTANCE OF
198.24 FEET;

THENCE SOUTH 01 DEGREE 35 MINUTES 38 SECONDS EAST, A DISTANCE OF
364.34 FEET;

THENCE SOUTH 00 DEGREES 00 MINUTES 10 SECONDS EAST, A DISTANCE OF
75.28 FEET;

THENCE SOUTH 18 DEGREES 00 MINUTES 25 SECONDS EAST, A DISTANCE OF
40.17 FEET;

THENCE SOUTH 00 DEGREES 00 MINUTES 10 SECONDS EAST, A DISTANCE OF
29.29 FEET;

THENCE SOUTH 10 DEGREES 31 MINUTES 05 SECONDS WEST, A DISTANCE OF
57.27 FEET;

THENCE NORTH 45 DEGREES 02 MINUTES 03 SECONDS WEST, A DISTANCE OF
2.18 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 10 SECONDS WEST, A DISTANCE OF 39.06 FEET;

THENCE SOUTH 89 DEGREES 56 MINUTES 02 SECONDS WEST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

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ORDINANCE LOCATION MAP

EXHIBIT B

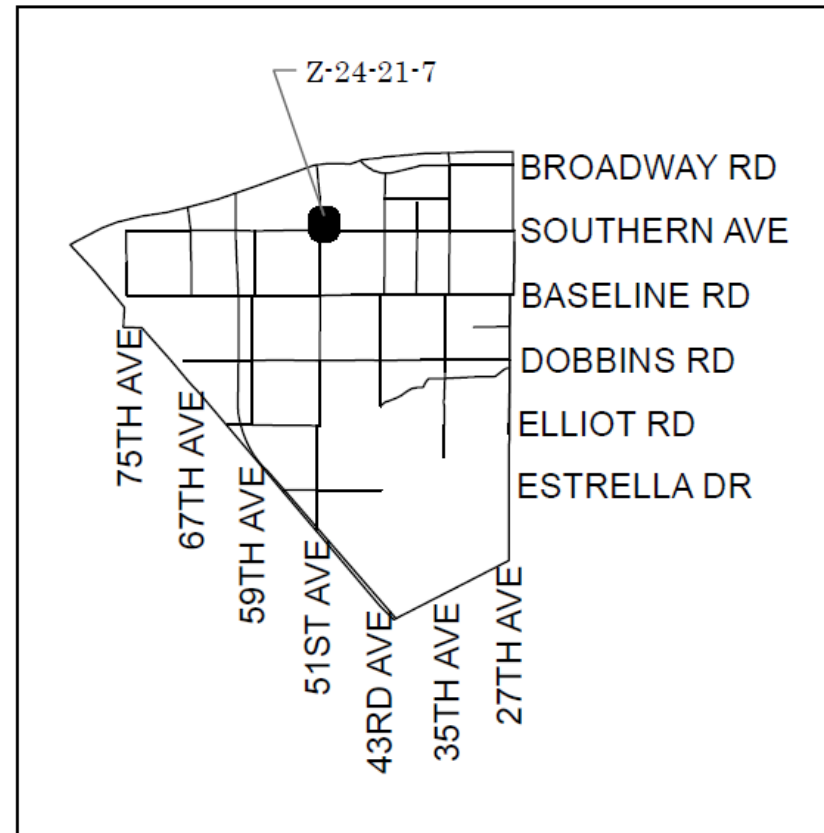
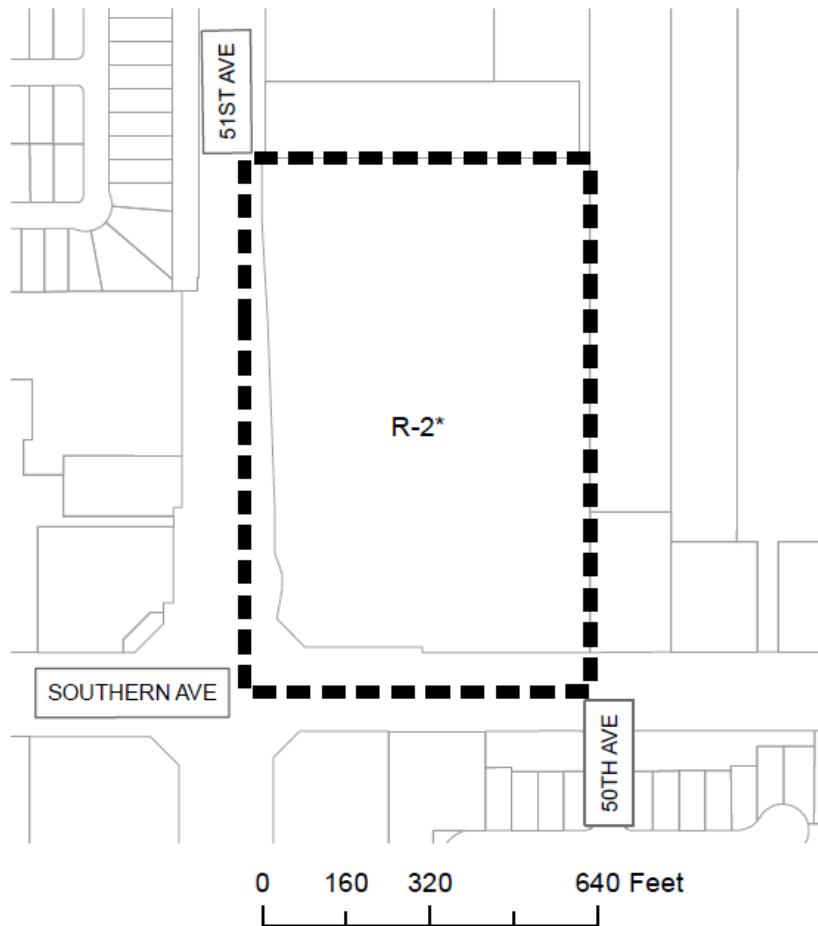
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-24-21-7

Zoning Overlay: N/A

Planning Village: Laveen



NOT TO SCALE



Drawn Date: 9/3/2021