

## 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-67-22-3) FROM C-2 (INTERMEDIATE COMMERCIAL) 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 3.73-acre property located approximately 230 feet south of the southwest corner of 17th Avenue and Bell Road in a portion of Section 6, Township 3 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "C-2" (Intermediate Commercial) to "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 maximum density for the project shall not exceed 40.2 dwelling units per gross acre, as approved by the Planning and Development Department.
2. A minimum of 10% of the gross project area shall be retained as improved open space with amenities, as approved by the Planning and Development Department.
3. A minimum 10% of new surface parking lot area, as depicted on the site plan date stamped April 4, 2023, exclusive of perimeter landscape setbacks, shall be landscaped and planted with minimum 2-inch caliper, large canopy, drought-tolerant shade trees, dispersed throughout the parking area, as approved by the Planning and Development Department.
4. The existing parking lot landscape planters and existing landscape areas throughout the site shall be replenished with minimum 2-inch caliper large canopy drought-tolerant shade trees and minimum 75% vegetative live coverage at maturity, as generally depicted on the landscape plan date stamped April 4, 2023, as approved by the Planning and Development Department.
5. 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.
6. Project entry/exit drives shall incorporate decorative pavers, stamped or colored concrete, or a similar alternative material, as approved by the Planning and Development Department.
7. A minimum 5-foot-wide detached sidewalk shall be provided along the west side of the existing driveway (17th Avenue alignment) to connect to the sidewalk to the north, as depicted on the site plan date stamped April 4, 2023, as approved by the Planning and Development Department.
8. Bicycle infrastructure shall be installed as described below and as approved by the Planning and Development Department.
  - a. Secured bicycle parking shall be provided at a rate of 0.25 spaces per dwelling unit, including Community Residence Center units, up to a maximum of 50 spaces, as approved by the Planning and Development Department.

- b. Guest bicycle parking shall be provided at a minimum of 0.05 spaces per dwelling unit, including Community Residence Center units, up to a maximum of 50 required spaces near entrances of buildings and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.
  - c. A bicycle repair station ("fix it station") shall be provided and maintained on site within an amenity area or near a primary site entrance. 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, but not be limited to:
    - i. Standard repair tools affixed to the station.
    - ii. A tire gauge and pump affixed to the base of the station or the ground.
    - iii. A bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
  - d. A minimum of 10% of the required bicycle parking spaces shall include 120-volt receptacles for electric bicycle charging capabilities.
9. A minimum of 10% of the required parking spaces shall include Electric Vehicle (EV) Installed infrastructure, as approved by the Planning and Development Department.
10. The property owner shall record documents that disclose the existence, and operational characteristics of the City of Phoenix Deer Valley Airport (DVT) 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.
11. A Good Neighbor Agreement shall be completed by the property owner in collaboration with the Bell Road Business Alliance and other neighborhood organizations. The completed agreement shall be signed and dated by the affected parties and submitted to the Planning and Development Department prior to final site plan approval.
12. 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.
13. 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

Within a portion of Section 6, Township 3 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Parcel No. 1:

COMFORT INN NORTH, a subdivision recorded in Book 511 of Maps page 2, records of Maricopa County, Arizona

Parcel No. 2:

A non-exclusive easement for roadway purposes, as created by Docket 15909, page 1137, records of Maricopa County, Arizona, being 25 feet in width, the Easterly line thereof being parallel with and 25 feet Easterly of the following described line:  
Commencing at the Northwest corner of Section 6, Township 3 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, from which the North quarter of said Section 6 bears East, 2512.32 feet:  
Thence East along the North line of said Section 6, 1201.00 feet;  
Thence South 00 degrees 13 minutes 00 seconds West, 55.00 feet to the Point of Beginning;  
Thence South 00 degrees 23 minutes 00 seconds West, 570.26 feet to the point of the ending of this easement.

# ORDINANCE LOCATION MAP

EXHIBIT B

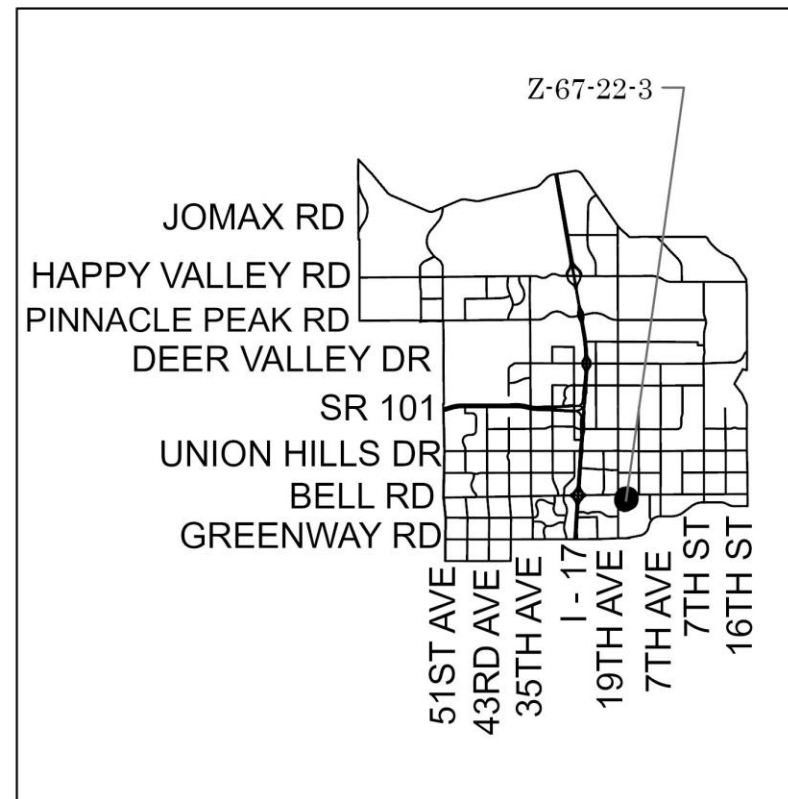
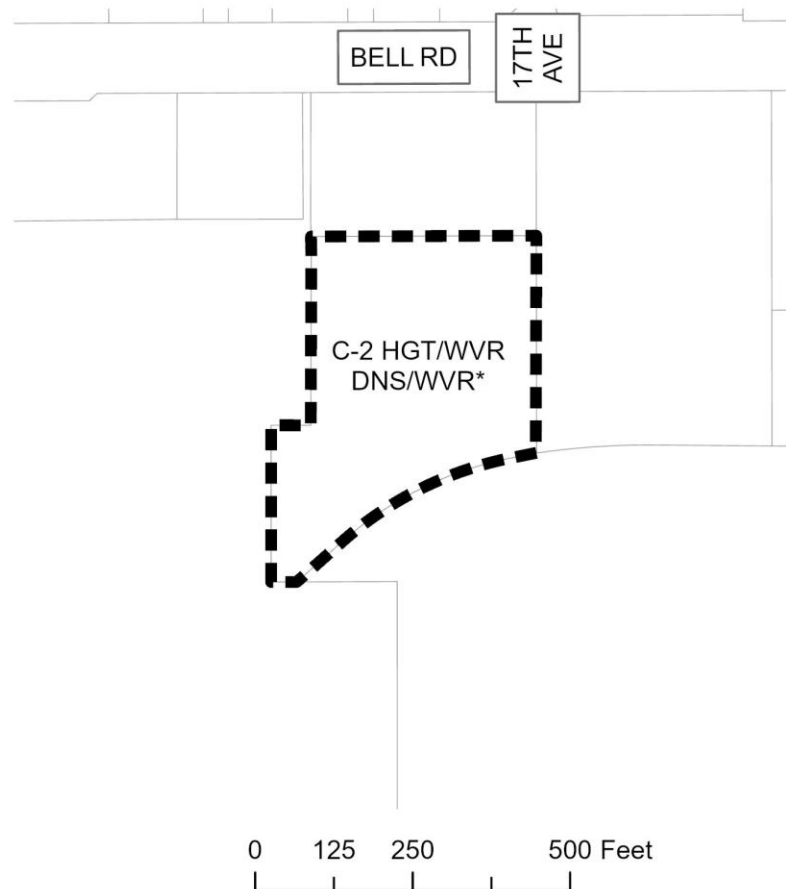
ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-67-22-3

Zoning Overlay: N/A

Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 5/8/2023