

## 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 (Z-5-24-1) FROM C-O (COMMERCIAL OFFICE) TO C-2 (INTERMEDIATE COMMERCIAL)

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

SECTION 1. The zoning of a 1.69-acre site located at the northeast corner of 43rd Avenue and Thunderbird Road in a portion of Section 10, Township 3 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "C-O" (Commercial Office) to "C-2" (Intermediate Commercial).

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. A minimum 65-foot building setback shall be provided along the north perimeter of the site.
2. A minimum 50-foot building setback shall be provided along the east perimeter of the site.
3. The developer shall provide evidence of undertaking reasonable efforts to work with the adjacent Homeowners Association to the north and east, to provide direct pedestrian access between the two developments, 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 pedestrian walkways shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade, as approved by the Planning and Development Department.
6. 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% shade, as approved by Planning and Development Department.
7. A minimum of 10 percent of the required parking spaces shall include EV ready infrastructure.
8. A minimum of one of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
9. A minimum of four bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances 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.
10. Bicycle parking spaces shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade, as approved by the Planning and Development Department.
11. 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.

12. Commercial landscaping and common areas shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (Smart Controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
13. Provide a landscape irrigation plan that includes zones to establish the amount of irrigation to apply based on maturity and type of the landscaping. Irrigation should be applied efficiently based on the maturity and need for the vegetation.
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. The sidewalk along 43rd Avenue shall be a minimum of six feet in width and detached with a minimum ten-foot-wide landscape strip located between the sidewalk and back of curb and 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, that provide shade to a minimum 50 percent.
  - b. Drought tolerant vegetation to achieve a minimum of 75 percent live coverage.
16. The sidewalk along Thunderbird Road shall be a minimum of six feet in width and detached with a minimum ten-foot-wide landscape strip located between the sidewalk and back of curb and 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, that provide shade to a minimum 50 percent.
  - b. Drought tolerant vegetation to achieve a minimum of 75 percent live coverage.
17. The existing driveway on 43rd Avenue shall be restricted to right-in/right-out only, or shall be restricted by the construction of a raised median in 43rd Avenue, from Thunderbird Road to the northern limits of the subject property.
18. The existing driveway on Thunderbird Road shall be reconstructed to comply with ADA standards.
19. A minimum 65 feet of right-of-way shall be dedicated for the north half of

Thunderbird Road.

20. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
21. 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.
22. 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.
23. 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.

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 1st day of May, 2024.

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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)

## EXHIBIT A

### LEGAL DESCRIPTION

For APN/Parcel ID(s): 207-12-001A and 207-12-776

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

Parcel No. 1:

That part of the Southwest quarter of the Southwest quarter of Section 10, Township 3 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at a point of the Southwest corner of Section 10;  
Thence North along the West line of Section 10, 0° 24' 5" East, 240 feet to a point;  
Thence North 89° 43' 35" East, 240 feet;  
Thence South 0° 24' 05" West, 240 feet to a point, said point being 240 feet East of the Southwest corner of Section 10;  
Thence South 89° 43' 35" West, 240 feet to the point of beginning;  
EXCEPT any portion thereof lying within Subdivision of THE COLONY THUNDERBIRD, according to Book 165 of Maps, page 49, records of Maricopa County, Arizona; AND  
EXCEPT any portion thereof conveyed recorded in Docket 14454, page 381;  
EXCEPT any portion thereof conveyed recorded in Recording No. 1988-341991.

Parcel No. 2:

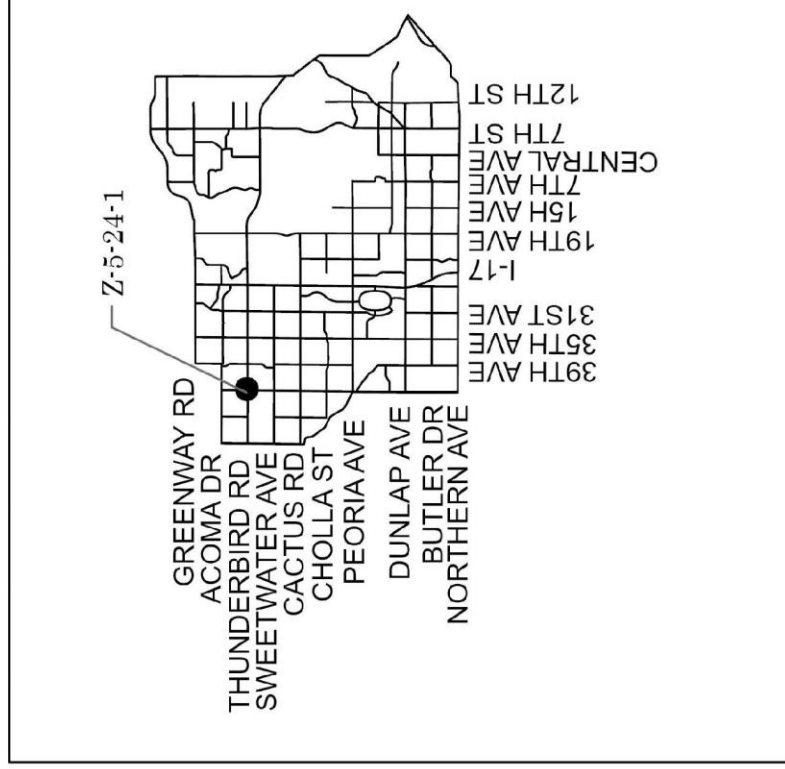
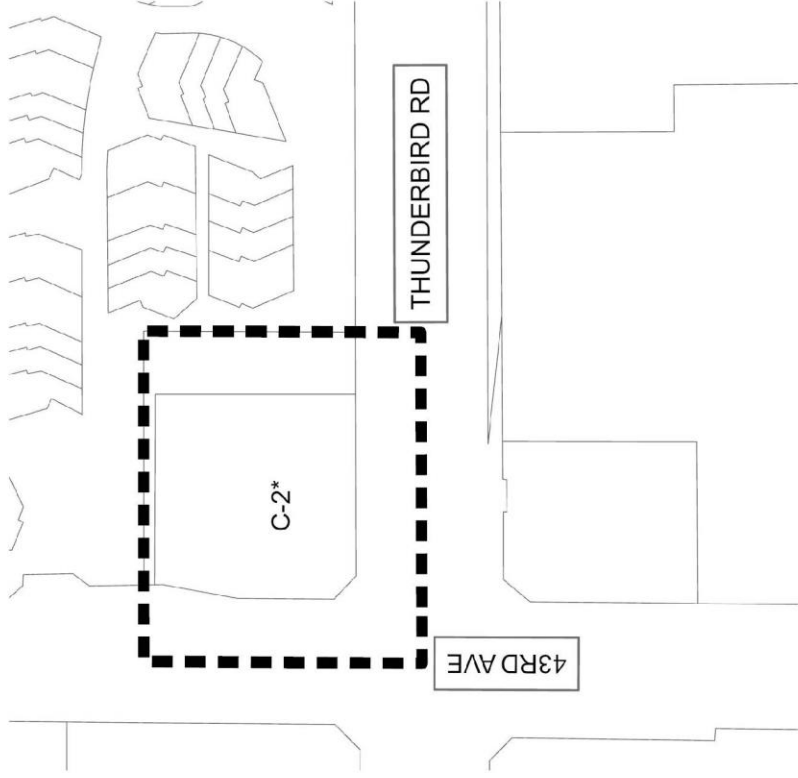
The South 250 feet of the West 295 feet (as measured along the West and South Section lines) of the Southwest quarter of Section 10, Township 3 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, The East line being common to the most Westerly South line of April Sound, according to Book 226 of Maps, page 18, records of Maricopa County, Arizona;  
EXCEPT The South 240 feet of the West 240 feet; and  
EXCEPT The South 60 feet; and  
EXCEPT The West 55 feet; and  
EXCEPT any portion thereof conveyed recorded in Recording No. 1988-341991.

# ORDINANCE LOCATION MAP

## EXHIBIT B

Zoning Case Number: Z-5-24-1  
Zoning Overlay: N/A  
Planning Village: North Mountain

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



NOT TO SCALE

Drawn Date: 3/29/2024