

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-85-22-7) FROM R-3 (MULTIFAMILY RESIDENCE DISTRICT) AND R-5 (MULTIFAMILY RESIDENCE DISTRICT) TO A-1 (LIGHT INDUSTRIAL DISTRICT).

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

SECTION 1. The zoning of a 7.21-acre site located approximately 630 feet south of the southeast and southwest corners of 28th Avenue and Lincoln Street in a portion of Section 11, Township 1 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from 4.79 acres of "R-3" (Multifamily Residence District) and 2.42 acres of "R-5" (Multifamily Residence District) to "A-1" (Light Industrial 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. Upon site plan approval and permit issuance of any new building(s) or structure(s) on the site not currently shown on the site plan date stamped January 16, 2024, that results in a net increase of more than: 1) 4,500 square feet within Zone A, 2) 500 square feet in Zone B, 3) 500 square feet within Zone C, or 4) 500 square feet within Zone D, as shown on the Development Zone exhibit, dated April 30, 2024, the following shall apply:
 - a. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plan List shall be utilized, as approved or modified by the Planning and Development Department.
 - b. 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.
 - c. Pressure regulating sprinkler heads and drip lines shall be utilized in any turf areas to reduce water waste.
 - d. 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 at maturity, or a combination thereof.
 - e. 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.
 - f. Bicycle parking shall be provided, consistent with Section 1307.H of the Phoenix Zoning Ordinance.
 - g. A minimum of 5 percent of the required parking shall be EV Capable.
2. A minimum 20-foot landscape setback shall be provided along 28th Avenue and 29th Avenue, except where in conflict with existing structures.

3. A minimum 10-foot landscape setback shall be provided where adjacent to a residential zoning district.
4. All required street landscape setbacks shall be planted with minimum 2-inch caliper, single trunk, drought-tolerant shade trees, as approved by the Planning and Development Department. Where utility conflict exists, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
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. The developer shall dedicate minimum 5 feet of right-of-way totaling 30 feet and construct the east side of 29th Avenue, as approved by the Planning and Development Department.
7. The developer shall dedicate minimum 10 feet of right-of-way totaling 30 feet and construct the west side of 28th Avenue, as approved by the Planning and Development Department.
8. The developer shall dedicate minimum 10 feet of right-of-way, totaling 30 feet and construct the east side of 28th Avenue, as approved by the Planning and Development Department.
9. 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.
10. 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.
11. 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.
12. Each individual Development Zone, per the Development Zones exhibit date stamped April 30, 2024, shall be treated separately for purposes of satisfying applicable stipulations of approval.

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 July, 2024.

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 (2 Pages)
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-85-22-7

THAT PROPERTY AS DESCRIBED IN DOCUMENT #2018-0029068, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA AND ALL OF LOTS 15, 16, & 18, THE NORTH HALF OF LOT 31 AND A PORTION OF LOT 17 AND LOT 32 OF WEST ACRES AS RECORDED IN BOOK 10, PAGE 21, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 1 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER MERIDIAN.

PART A:

COMMENCING AT A BRASS CAP FLUSH MARKING THE INTERSECTION OF LINCOLN STREET AND 28TH AVENUE, FROM WHICH A BRASS CAP FLUSH MARKING THE INTERSECTION OF LINCOLN STREET AND 27TH AVENUE BEARS SOUTH 88°56'42" EAST, A DISTANCE OF 649.93 FEET AND ALSO FROM WHICH A BRASS CAP FLUSH MARKING THE INTERSECTION OF LINCOLN STREET AND 29TH AVENUE BEARS NORTH 88°56'42" WEST, A DISTANCE OF 650.88 FEET; THENCE SOUTH 01°05'58" EAST, ALONG THE MONUMENT LINE OF 28TH AVENUE, A DISTANCE OF 645.20 FEET TO A BRASS CAP FLUSH MARKING THE NORTH LINE OF SAID WEST ACRES; SAID POINT BEING REFERENCE POINT "A" THENCE SOUTH 89°01'00" EAST, ALONG SAID NORTH LINE, A DISTANCE 20.01 FEET TO THE SOUTHWEST CORNER OF THAT PROPERTY AS DESCRIBED IN SAID DOCUMENT #2018-0029068, AND THE POINT OF BEGINNING; THENCE NORTH 01°05'58" WEST, A DISTANCE OF 74.05 FEET TO THE NORTHWEST CORNER OF SAID DOCUMENT; THENCE SOUTH 89°01'00" EAST, ALONG THE NORTH LINE OF SAID DOCUMENT, A DISTANCE OF 306.25 FEET; THENCE SOUTH 01°13'52" EAST, A DISTANCE OF 74.06 FEET TO THE NORTHEAST CORNER OF LOT 16 OF SAID WEST ACRES; THENCE SOUTH 01°13'03" EAST, ALONG THE EAST LINE OF SAID LOT 16, A DISTANCE OF 161.39 FEET TO THE NORTHEAST CORNER OF LOT 15 OF SAID WEST ACRES; THENCE CONTINUING SOUTH 01°13'03" EAST, ALONG THE EAST LINE OF SAID LOT 15, A DISTANCE OF 161.40 FEET TO THE SOUTHEAST CORNER OF SAID LOT 15; THENCE NORTH 89°02'14" WEST, ALONG THE SOUTH LINE OF SAID LOT 15, A DISTANCE OF 297.24 FEET TO THE SOUTHEAST CORNER OF A 10.00 FEET EXCEPTION AS DESCRIBED IN DOCUMENT # 2012-1182697; THENCE NORTH 01°04'12" WEST, ALONG THE EAST LINE OF SAID DOCUMENT, A DISTANCE OF 80.71 FEET; THENCE NORTH 89°01'55" WEST, ALONG THE NORTH LINE OF SAID EXCEPTION, A DISTANCE OF 10.01 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF SAID LOT 15;

THENCE NORTH 01°04'12" WEST, ALONG THE EAST RIGHT-OF-WAY OF 28TH AVENUE, A DISTANCE OF 80.72 FEET;
THENCE SOUTH 89°01'37" EAST, A DISTANCE OF 10.01 FEET TO THE SOUTHEAST CORNER OF RIGHT-OF-WAY PER DOCKET 3664, PAGE 422, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA;
THENCE NORTH 01°04'12" WEST, ALONG THE EAST LINE OF SAID DOCKET, A DISTANCE OF 161.43 FEET;
THENCE NORTH 89°01'00" WEST, A DISTANCE OF 10.01 FEET TO THE POINT OF BEGINNING.
SAID DESCRIPTION CONTAINING 2.737 ACRES± OR 119,236 SQUARE FEET±

PART B:

TOGETHER WITH:

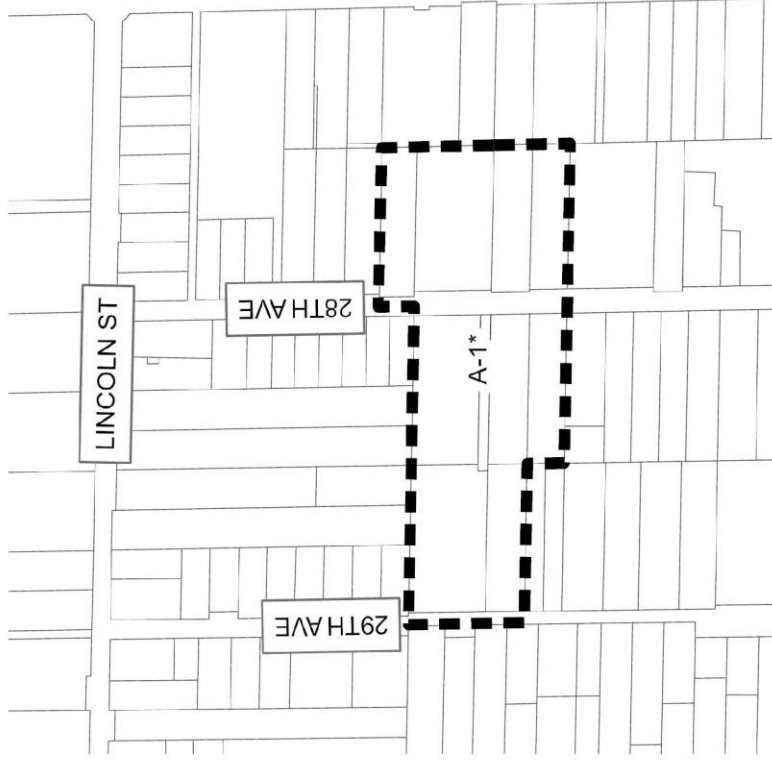
COMMENCING AT REFERENCE POINT "A", THENCE NORTH 89°01'00" WEST, A DISTANCE OF 20.01 FEET TO THE NORTHEAST CORNER OF LOT 17 OF SAID WEST ACRES AND THE POINT OF BEGINNING;
THENCE SOUTH 01°04'12" EAST, ALONG THE EAST LINE OF SAID LOT 17, A DISTANCE OF 161.44 FEET TO THE NORTHEAST CORNER OF LOT 18 OF SAID WEST ACRES;
THENCE SOUTH 01°04'12" EAST, ALONG THE EAST LINE OF SAID LOT 18, A DISTANCE OF 161.44 FEET TO THE SOUTHEAST CORNER OF SAID LOT 18;
THENCE NORTH 89°02'23" WEST, ALONG THE SOUTH LINE OF SAID LOT 18, A DISTANCE OF 307.76 FEET TO THE SOUTHWEST CORNER OF SAID LOT 18;
THENCE NORTH 00°56'30" WEST, A DISTANCE OF 80.75 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF LOT 31 OF SAID WEST ACRES;
THENCE NORTH 89°02'03" WEST, A DISTANCE OF 302.58 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF SAID LOT 31;
THENCE NORTH 00°48'46" WEST, ALONG THE EAST RIGHT-OF-WAY OF 29TH AVENUE, A DISTANCE OF 242.31 FEET TO THE NORTHWEST CORNER OF LOT 32 OF SAID WEST ACRES;
THENCE SOUTH 89°01'00" EAST, ALONG THE NORTH LINE OF SAID WEST ACRES, A DISTANCE OF 609.08 FEET TO THE POINT OF BEGINNING.
SAID DESCRIPTION CONTAINING 3.95 ACRES± OR 172,426 SQUARE FEET±

EXHIBIT B

ORDINANCE LOCATION MAP

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: - - - - -



0 162.5 325 650 Feet

NOT TO SCALE



Drawn Date: 6/4/2024

Zoning Case Number: Z-85-22-7
Zoning Overlay: N/A
Planning Village: Estrella

