

## 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-39-24-2) FROM C-2 (INTERMEDIATE COMMERCIAL) TO C-2 HGT/WVR (INTERMEDIATE COMMERCIAL, HEIGHT WAIVER).

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

SECTION 1. The zoning of a 2.48-acre property located at the northwest corner of 34th Street and Phelps Road in a portion of Section 1, 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" (Intermediate Commercial, Height 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 development shall be in general conformance with the site plan date stamped August 2, 2024, as modified by the following stipulations, as approved by the Planning and Development Department.
2. The development shall be in general conformance with the elevations date stamped August 2, 2024, as approved by the Planning and Development Department.
3. The maximum building height shall be three stories and 38 feet.
4. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25% shade, as approved by 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. All bicycle parking spaces and pedestrian pathways on site 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.
7. A minimum of four bicycle parking spaces shall be provided. Bicycle parking shall be provided through Inverted U and/or artistic racks located near the entrance of the office, or in a secured location inside the building, and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
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 15% of the required parking spaces shall include Electric Vehicle (EV) Capable Infrastructure, as approved by the Planning and Development Department.
10. 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.

11. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized, except for existing or salvaged mature trees to remain on site, as approved or modified by the Planning and Development Department.
12. 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 onsite and offsite landscape irrigation.
13. Natural turf shall only be utilized in required retention areas (bottom of basin, and only allowed on slopes if required for slope stabilization) and functional turf areas, as approved by the Planning and Development Department.
14. Pressure regulating sprinkler heads and drip lines shall be utilized in any turf areas to reduce water waste.
15. 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.
16. Unused driveways shall be replaced with sidewalk, curb and gutter. Also, any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets shall be replaced and all off-site improvements shall be upgraded to be in compliance with current ADA guidelines.
17. 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.
18. 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.
19. 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.
20. Windows for the south building elevation shall be limited to faux windows.

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 October, 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 Z-39-24-2

LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 3 NORTH, RANGE 3 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN HANDHOLE AT BELL ROAD AND 32ND STREET, MARKING THE NORTHWEST CORNER OF SAID SECTION 1;

THENCE ALONG THE CENTERLINE OF BELL ROAD, BEING THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1, NORTH 89°57'49" EAST, A DISTANCE OF 1,320.74 FEET TO A BRASS CAP FLUSH AT BELL ROAD AND 34TH STREET;

THENCE ALONG THE CENTERLINE OF 34TH STREET, SOUTH 00°04'02" WEST, A DISTANCE OF 297.90 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°04'02" WEST, A DISTANCE OF 352.79 FEET TO A BRASS CAP FLUSH AT 34TH STREET AND PHELPS ROAD;

THENCE ALONG THE CENTERLINE OF PHELPS ROAD, NORTH 89°49'25" WEST, A DISTANCE OF 310.00 FEET;

THENCE DEPARTING SAID PHELPS ROAD, ALONG THE WEST LINE OF 'PARCEL NO. 2' AS DESCRIBED IN THAT SPECIAL WARRANTY DEED RECORDED AS 2023-389592, NORTH 00°04'02" EAST, A DISTANCE OF 257.00 FEET;

THENCE NORTH 88°55'52" EAST, A DISTANCE OF 10.00 FEET;

THENCE NORTH 00°04'02" EAST, A DISTANCE OF 95.00 FEET;

THENCE SOUTH 89°55'58" EAST, A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING.

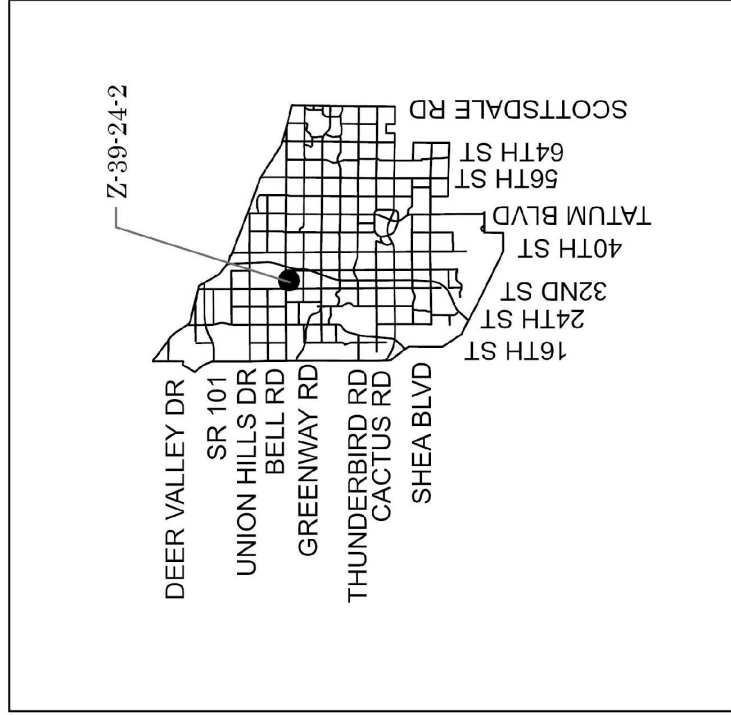
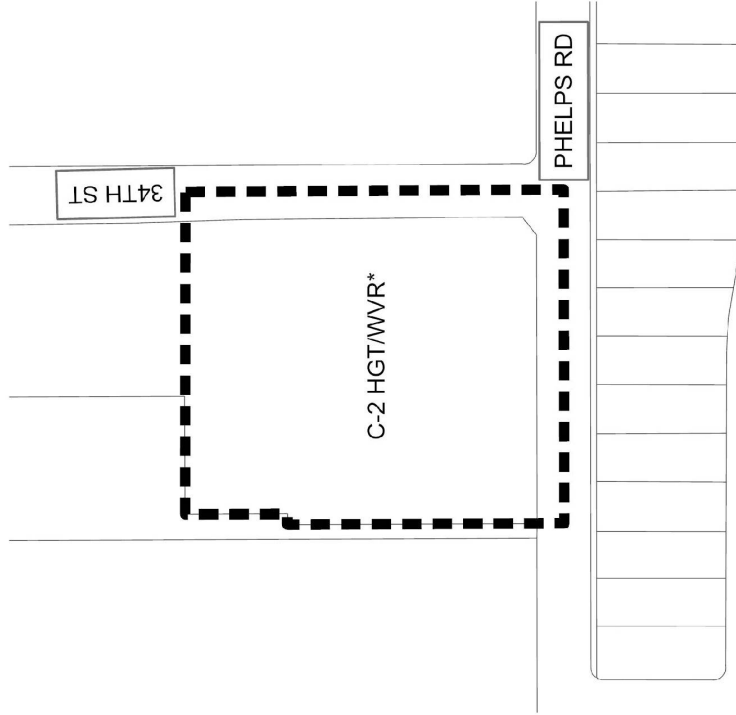
CONTAINS 108,322 SQUARE FEET OR 2.487 ACRES, MORE OR LESS.

# ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-39-24-2  
Zoning Overlay: N/A  
Planning Village: Paradise Valley



NOT TO SCALE



Drawn Date: 9/3/2024