

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-49-19-8) FROM PSC (PLANNED SHOPPING CENTER) 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 14.16-acre property located approximately 175 feet north of the northwest corner of 19th Avenue and Southern Avenue in a portion of Section 25, Township 1 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "PSC" (Planned Shopping Center) 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 development shall be in general conformance with the site plan date stamped June 5, 2020 and elevations date stamped April 22, 2020, except as described below and approved by the Planning and Development Department.
2. Building height shall be limited to three stories and 39 feet, except for the western third of Building 6 which shall have a maximum building height of 2 stories and 30 feet as depicted on the site plan date stamped June 5, 2020.
3. Building elevations adjacent and oriented to public streets shall contain a minimum of 25 percent masonry, as approved by the Planning and Development Department.
4. The development shall be limited to a maximum of 308 dwelling units.
5. The development shall maintain a minimum building setback, exclusive of carports and perimeter walls, of 118 feet from the western site boundary where adjacent to R1-6 zoning.
6. All ground floor units adjacent to 19th Avenue or Southern Avenue shall have individual porches or patios oriented to the nearest public street.
7. The primary vehicular entrance to the development from Southern Avenue 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 median island of no less than 5 feet in width shall be accented by a minimum of three date palms a minimum of 16 feet in height measured from finished grade to the bottom of the crown, excluding fronds; and drought-tolerant, ornamental, flowering shrubs to provide a minimum 75 percent live cover. Twenty five percent of the required live cover may be ground cover plants.

- d. The 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.
8. Perimeter walls located within 50 feet of the adjacent street right-of-way (non-alley), except for the portion of the site adjacent to the future convenience store, shall be a minimum of 50 percent view fence.
9. All perimeter walls 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.
10. A minimum of 10 percent of the gross site area shall be provided as open space.
11. The open space areas shall be developed in general conformance to the layout and amenities shown in the site plan dated June 5, 2020 and to include the following amenities at a minimum, as approved by the Planning and Development Department:
 - a. Swimming pool and spa.
 - b. Two game areas of no less than 800 square feet in area and containing outdoor games and turf.
 - c. One picnic area with two barbecue grills, a shade ramada and a picnic table.
 - d. Two tot lots of no less than 800 square feet in an area with a combined total of five game amenities.
 - e. Turf field of no less than 4,000 square feet in area with a minimum of two benches located in shaded areas.
 - f. Play area containing turf and a minimum of one game amenity or art feature in addition to a minimum of two benches located in shaded areas.
 - g. Two benches in close proximity to the “parent waiting/receiving plaza” area along the northeast portion of the property near the school site pedestrian connection.
 - h. One active open space area located to the west of Building 5 of no less than 1,500 square feet in an area that includes either a fenced

dog turf amenity, fenced garden area, including a community garden, community gathering space or another active open space amenity. The active open space area may be fenced, but will be accessible to pedestrians along Southern Avenue via a pedestrian walkway.

12. The developer shall provide a system of pedestrian thoroughfares as described below and as approved or modified by the Planning and Development Department:
 - a. The developer shall provide two separate pedestrian paths shaded to a minimum of 75 percent, connecting the sidewalk along 19th Avenue at two distinct points with the closest common entrance in Buildings 5 and 7 per the site plan date stamped June 5, 2020. The pedestrian paths shall be routed within close proximity to the central amenity area and should avoid overlap as much as possible with other shaded pedestrian paths.
 - b. The developer shall provide two separate pedestrian paths shaded to a minimum of 75 percent, connecting the sidewalk along Southern Avenue at two distinct points with the closest common entrance in Buildings 9 and 12 per the site plan date stamped June 5, 2020. The pedestrian paths shall be routed within close proximity to the central amenity area and should avoid overlap as much as possible with other shaded pedestrian paths.
 - c. The pedestrian paths shall be illuminated by pedestrian scale lighting per Section 1304(H)5.
 - d. Vehicular crossings shall be kept to a minimum. Where crossings exist, the pedestrian pathway shall be constructed of decorative pavement that visually contrasts with parking and drive aisle surfaces.
 - e. Connections shall be between:
 - (1) All residential buildings.
 - (2) All amenity buildings and facilities.
 - (3) The bus stop on Southern Avenue by the most direct route possible.
 - (4) The sidewalk along 19th Avenue and the northwest corner of the site.
 - (5) The sidewalk along Southern Avenue at the southwest corner of the site.

- (6) The planned convenience store via an access controlled pedestrian gate.
 - f. Direct connection to the sidewalk along Southern Avenue between Buildings 4 and 5, a direct connection to the sidewalk along Southern Avenue from the open space area west of Building 5, in addition to a direct connection to the sidewalk along 19th Avenue between Buildings 13 and 14 per the site plan date stamped June 5, 2020.
13. The required landscape setback areas along 19th Avenue, Southern Avenue, and the alley along the west property line shall be planted 20 feet on center, or in equivalent groupings, with shade trees including 40 percent 2-inch caliper, 40 percent 3-inch caliper, and 20 percent 4-inch caliper sizes, as approved by the Planning and Development Department.
 14. A minimum of one bench in each perimeter landscape setback along 19th Avenue and Southern Avenue, accessible by pedestrians along the street side detached sidewalks shall be provided. The bench along Southern Avenue shall be located within proximity to the bus stop pad, as approved by the Planning and Development Department. The bench located along 19th Avenue shall be located within close proximity to the pedestrian walkway that connects the development to the school site to the north, as approved by the Planning and Development Department. The developer shall locate trees in close proximity to each of the benches to shade each bench to a minimum of 75 percent, as approved the Planning and Development Department.
 15. The developer shall locate trees in close proximity to the bus stop along Southern Avenue to shade the bus stop area to a minimum of 75 percent, as approved by the Planning and Development Department.
 16. All sidewalks along 19th Avenue and Southern Avenue shall be detached with a minimum five-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. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
 - a. Minimum 3-inch caliper large canopy, single-trunk, shade trees placed a minimum of 25 feet on center or equivalent groupings to provide shade to a minimum 75 percent.
 - b. Drought tolerant vegetation designed to grow to a maximum mature height of 24 inches and achieve 75 percent live coverage.

17. The developer shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.
 - a. Resident bicycle parking shall be provided at a rate of 0.25 spaces per dwelling unit, up to a maximum of 50 spaces. These spaces may be provided through a combination of "Secure/Covered Facilities" and "Outdoor/Covered Facilities" as defined in Appendix K of the Comprehensive Bicycle Master Plan. "Outdoor/Covered Facilities" shall comprise no more than 60 percent of required resident bicycle parking.
 - b. Guest bicycle parking shall be provided through the provision of a minimum of four inverted U-bicycle racks, artistic style racks or "Outdoor/Covered Facilities" for guests located near building entrance of each residential building. All racks shall adhere to Appendix K of the Comprehensive Bicycle Master Plan.
 - c. A bicycle repair station ("fix it station") shall be provided within close proximity to each of the two vehicular entryways into the multifamily development. Each bicycle repair station ("fix it station") shall be provided in an area of high visibility and separated from vehicular maneuvering areas. 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.
18. The developer shall provide traffic calming measures at all vehicular points of ingress / egress to slow vehicles departing the development and crossing the public sidewalks, as approved by the Planning and Development Department.
19. 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.
20. The developer shall record a Notice of Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
21. The developer shall provide documentation to the City prior to construction permit approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If

temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.

22. The developer shall retain the bus stop right-of-way and bus pad along westbound Southern Avenue west of 19th Avenue. The bus stop pad shall be compliant with City of Phoenix Standard Detail P1262 with a minimum depth of 10 feet. Bus stop pad shall be spaced from the intersection of 20th Avenue and Southern Avenue as per City of Phoenix Standard Detail P1258. The preceding shall be as approved by the Planning and Development Department.
23. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
24. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archaeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
25. 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.
26. 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 2nd day of September, 2020.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-49-19-8

LOT 5 OF BASIS PHOENIX SOUTH, A SUBDIVISION WITHIN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE MERIDIAN, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 1343 OF MAPS, PAGE 19.

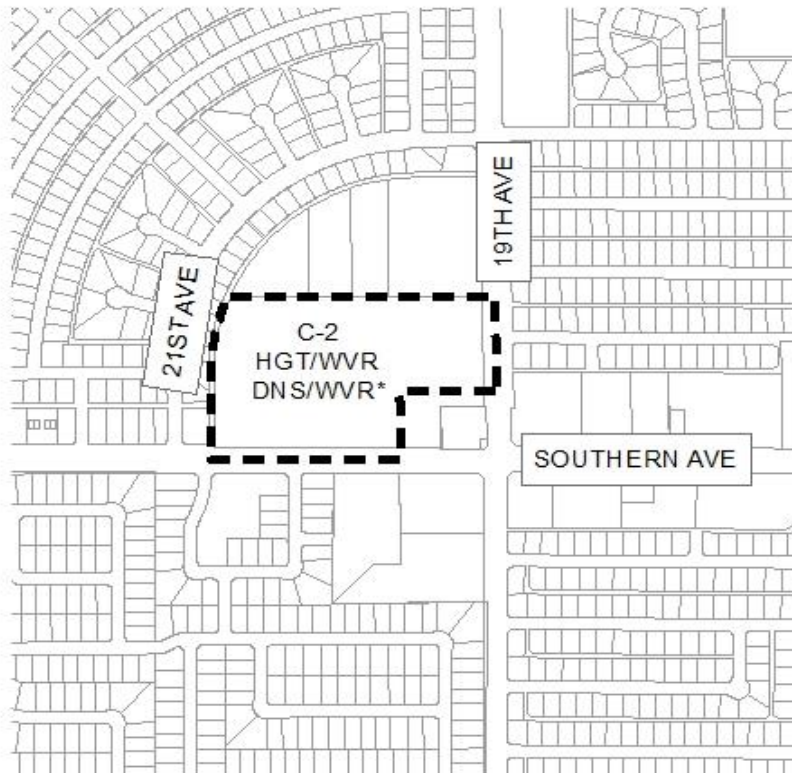
LESS AND EXCEPT THAT PORTION OF THE PROPERTY CONVEYED BY DEED RECORDED OCTOBER 26, 2017 AS 2017-0795599 OF OFFICIAL RECORDS.

ORDINANCE LOCATION MAP

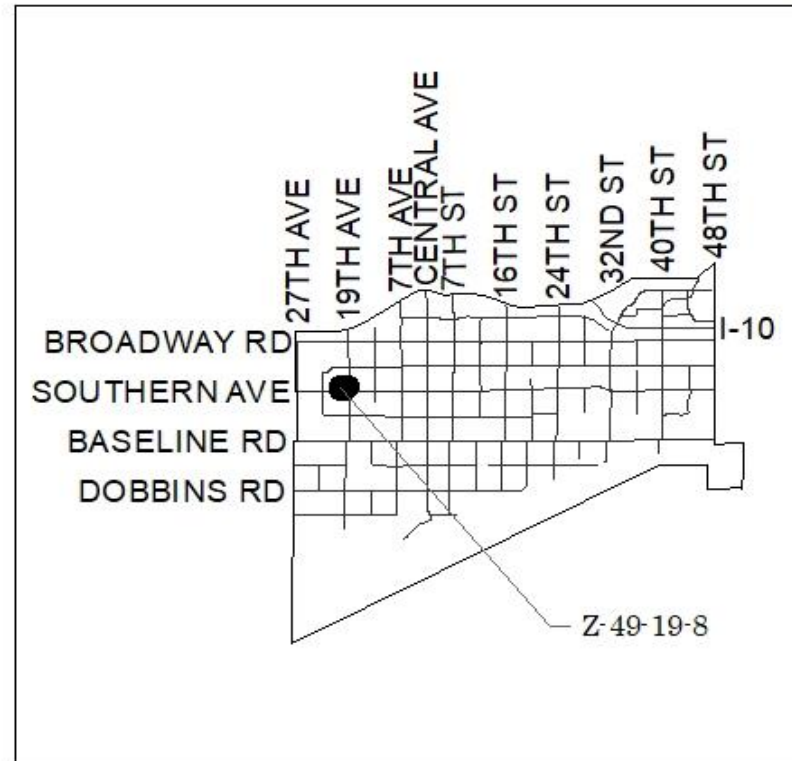
EXHIBIT B

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

Zoning Case Number: Z-49-19-8
Zoning Overlay: N/A
Planning Village: South Mountain



0 200 400 800 Feet



NOT TO SCALE



Drawn Date: 7/24/2020