

ATTACHMENT A

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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-23-23-7) FROM S-1 (APPROVED C-2 OR CP/GCP) (RANCH OR FARM RESIDENCE, APPROVED INTERMEDIATE COMMERCIAL OR COMMERCE PARK/ GENERAL COMMERCE PARK OPTION) AND S-1 (RANCH OR FARM RESIDENCE) 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 22.37-acre property located approximately 70 feet north of the northwest corner of 59th Avenue and Elliot Road in a portion of Section 7, Township 1 South, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from 22.03 acres of "S-1 (Approved C-2 or CP/GCP)" (Ranch or Farm Residence, Approved Intermediate Commercial or Commerce Park/General Commerce Park option) and 0.34 acres of "S-1" (Ranch or Farm Residence) to "C-2 HGT/WVR DNS/WVR" (Intermediate Commercial, Height Wavier, 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:

Multifamily Development

1. Residential development shall comply with the maximum density requirement of the R-3A PRD development standards.
2. The multifamily development shall be in general conformance with the elevations date stamped April 21, 2023, as approved by the Planning and Development Department with specific regard to the following:
 - Pitched or hipped roofs.
 - All elevations contain at least three of the following architectural embellishments and detailing: textural changes, pilasters, offsets, recesses, variation in window size and location, and roof overhangs.
 - Elevations contain material and textural differences, such as stucco and/or split face block with a decorative element, such as tile, tile insets or stamped designs.
 - Elevations incorporate a minimum of three of the following materials: native stone, burnt adobe, textured brick, wood (when shaded by overhangs or deep recesses), slump block, tile (matte finish) stucco and exposed aggregate concrete.
 - Perimeter-facing building facades within perimeter design corridor (area of site within 100 feet of 59th Avenue frontage) limited to 75% stucco coverage.
 - Primary building colors limit reflectivity.
 - Building trim and accent areas feature different materials and colors.

- Building massing reduced through variation in roofline and form, inclusion of protected and recessed entrances, use of focal points and vertical accents, use of pronounced wall plane offsets and projections, and provision of windows facing street and pedestrian area.
 - Building facades greater than 60 feet in length provide a minimum of two of the following at appropriate intervals: texture and material changes, offsets, reveals, archways or projecting ribs, wall plane projections or recesses, variation in window systems, vertical landscape feature, and public art.
3. Prior to final site plan approval, the developer shall include with the building plans submitted for Phoenix Building Construction Code compliance review certification by a registered Professional Engineer or registered Professional Architect in the State of Arizona demonstrating the average indoor noise levels of the residential units shall not exceed a decibel day night-level (DNL) of 45 decibels, as approved by the Planning and Development Department.
 4. A minimum of six amenities shall be provided, which may include but is not limited to barbeques, ramadas, and pools, and the amenities shall be distributed throughout the site, as approved by the Planning and Development Department.
 5. The entry drives shall incorporate enhanced landscaping on both sides, planted with a variety of at least three plant materials, as approved by the Planning and Development Department.
 6. A minimum of 12% of the gross site area shall be retained as common area, as approved by the Planning and Development Department.
 7. Perimeter fencing or walls within 50 feet of a public street shall be a minimum of 50% open view fencing, as approved by the Planning and Development Department.
 8. Required multifamily landscape setbacks shall be planted with minimum 25% 2-inch caliper and 75% 3-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, with one 5-gallon shrub per tree, as approved by the Planning and Development Department.
 9. The development shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.
 - a. A minimum of 30 bicycle parking spaces shall be provided on the multifamily development through inverted U and/or artistic racks dispersed throughout the site or in a secured room and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance.

- b. A bicycle repair station (“fix it station”) shall be provided on the multifamily development. The station shall include but not limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
- c. A minimum of 10% of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities.

Commercial Development

- 10. Commercial development shall be limited to a maximum building height of 35 feet.
- 11. The building size and layout of the commercial development portion shall be in general conformance with the site plan date stamped June 22, 2023, as modified or approved by the Planning and Development Department.
- 12. Conceptual commercial building elevations shall be reviewed and approved by the Planning Hearing Officer (PHO) through the public hearing process for stipulation modification prior to preliminary site plan approval. This PHO review is a legislative review for the conceptual building elevations only. Specific development standards and requirements may be determined by the Planning Hearing Officer and the Planning and Development Department.
- 13. The sidewalks along Elliot Road shall be detached with a minimum landscaped strip located between the back of curb and sidewalk 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 to provide a minimum 75% shade.
 - b. Drought-tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live coverage at maturity

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

- 14. A minimum of six bicycle parking spaces shall be provided on the commercial development through Inverted U and/or artistic racks located near the building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, and as approved by the Planning and Development Department.

Department.

Overall Development

15. A perimeter wall no less than 6 feet in height shall be provided along the Loop 202 freeway. This wall shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile or stamped design, as approved by the Planning and Development Department.
16. 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 contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.
17. At least one pedestrian pathway shall be provided to connect the proposed multifamily development to the proposed commercial development, as generally depicted on the site plan dated June 20, 2023, as approved by the Planning and Development Department.
18. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
19. All uncovered surface parking lot area shall be landscaped with minimum 2-inch caliper size large canopy drought tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25% shade at maturity, as approved by Planning and Development Department.
20. A minimum 6-foot-wide detached sidewalk and a minimum 10-foot-wide landscape strip between the back of curb and sidewalk shall be provided along the west side of 59th Avenue, 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 to provide a minimum 75% shade.
 - b. Drought-tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live coverage at maturity

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

21. A minimum of 10% of the required parking spaces shall include EV Capable infrastructure.

22. Right-of-way shall be dedicated and two bus stop pads shall be constructed, one westbound on Elliot Road and the other on southbound 59th Avenue. The bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. The bus stop pad on Elliot Road shall be spaced from 59th Avenue according to City of Phoenix Standard Detail P1258, as approved by the Planning and Development Department.
23. A minimum 55-foot right-of-way for the west half of 59th Avenue shall be dedicated, adjacent to the development. The improvements shall be consistent with the arterial CM cross section including the 59th Avenue median and a minimum 6 feet wide detached sidewalk separated by a minimum 10 feet wide landscape strip located between the back of curb and sidewalk.
24. A 20-foot right-of-way radius at the northwest corner of 59th Avenue and Elliot Road shall be dedicated.
25. The developer shall deposit 25% of the cost of the future traffic signal in an escrow account to the Street Transportation Department, prior to final site plan approval.
26. Roadway improvements along Elliot Road shall comply with the Tierra Montana Master Street Plan.
27. Prior to the final site plan approval of the subject site, median openings in the 59th Avenue right-of-way shall align with full access drives located on the east side of 59th Avenue that have received approval, as approved by the Planning and Development Department.
28. Existing SRP facilities along Elliot Road are to be relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish appropriate process to relocate facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval, as approved by the Planning and Development Department.
29. 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.
30. 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.

31. 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 4th day of October, 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 (2 Pages)

B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-23-23-7

A portion of the Southeast Quarter of Section 7, Township 1 South, Range 2 East, Gila and Salt River Meridian, Maricopa County, Arizona. Being Described as Follows:

Commencing at the Southeast corner of said Section 7, from which the East Quarter corner of said Section 7, being monumented by a City of Phoenix brass cap in hand hole, bears North 00°22'19" East, a distance of 2641.02 feet;

Thence North 00°22'19" East, along the East line of the Southeast Quarter of said Section 7, a distance of 72.83 feet;

Thence departing said East line, along the ADOT Right of Way line of SR 202 the following 13 courses;

Thence North 89°55'07" West, a distance of 150.25 feet;

Thence North 84°53'58" West, a distance of 121.04 feet;

Thence North 72°07'11" West, a distance of 42.56 feet;

Thence North 82°34'22" West, a distance of 106.42 feet;

Thence North 21°47'32" West, a distance of 64.55 feet;

Thence North 89°54'29" West, a distance of 69.61 feet;

Thence North 18°19'07" West, a distance of 269.13 feet;

Thence North 26°32'30" West, a distance of 201.21 feet;

Thence North 27°18'32" West, a distance of 409.51 feet;

Thence North 23°04'58" West, a distance of 188.29 feet;

Thence North 15°22'43" West, a distance of 174.13 feet;

Thence North 37°26'01" East, a distance of 22.74 feet;

Thence North 89°45'48" East, a distance of 641.20 feet;

Thence departing said Right of Way line, South 00°22'19" West, a distance of 22.73 feet;

Thence North $89^{\circ}43'54''$ East, a distance of 345.97 feet to said East line;

Thence South $00^{\circ}22'19''$ West, along said East line, a distance of 1,237.94 feet to the Point of Beginning.

Containing 914,153.35 square feet or 20.99 acres, more or less.

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ORDINANCE LOCATION MAP

EXHIBIT B

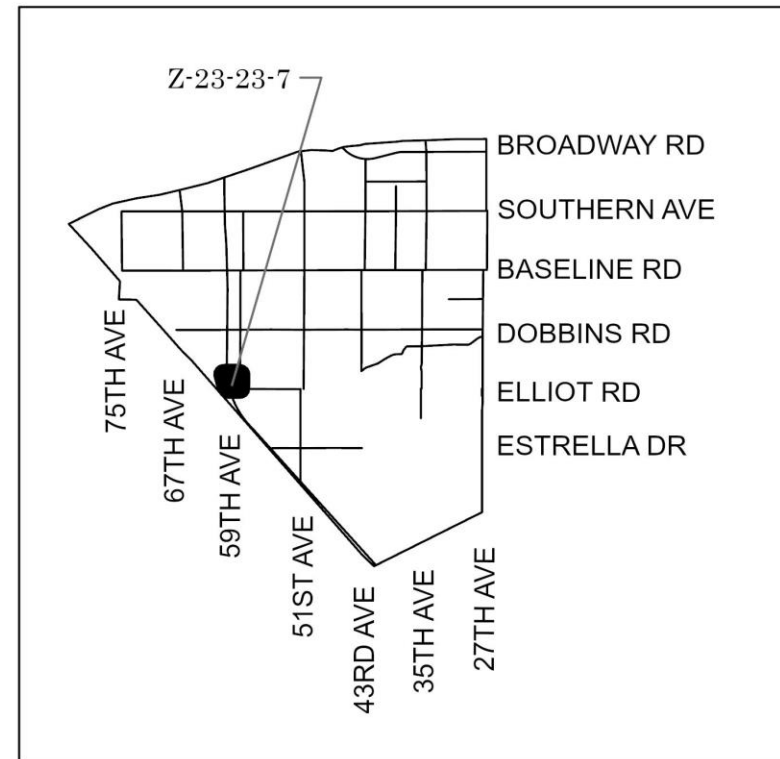
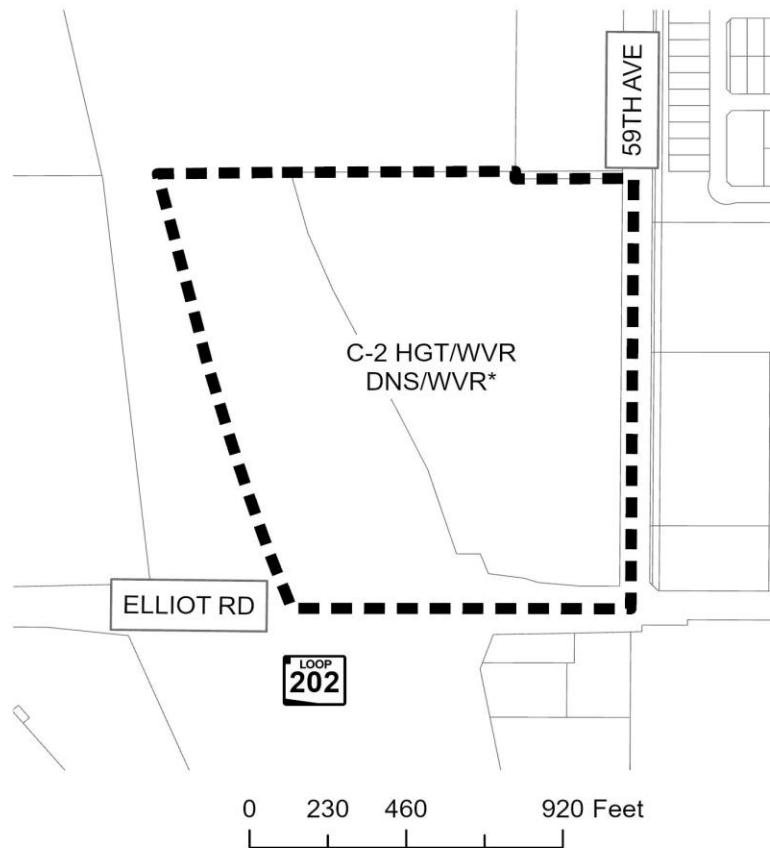
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-23-23-7

Zoning Overlay: N/A

Planning Village: Laveen



NOT TO SCALE



Drawn Date: 9/11/2023