

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-42-23-7) FROM CP/GCP (COMMERCE PARK/GENERAL COMMERCE PARK OPTION) TO C-2 HGT/WVR DNS/WVR (INTERMEDIATE COMMERCIAL, HEIGHT WAIVER, DENSITY WAIVER) AND C-2 (INTERMEDIATE COMMERCIAL).

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

SECTION 1. The zoning of a 36.85-acre property located approximately 1,700 feet south of the southeast corner of 63rd Avenue and Baseline Road in a portion of Section 6, Township 1 South, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "CP/GCP" (Commerce Park/General Commerce Park Option) to 21.75 acres of "C-2 HGT/WVR DNS/WVR" (Intermediate Commercial, Height Waiver, Density Waiver) and 15.10 acres of "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. The multifamily development shall be in general conformance with the elevations date stamped July 10, 2023, as modified by the following stipulations and approved by the Planning and Development Department.
2. A minimum of 20% of the building elevations shall have accent materials that include brick veneer, vertical siding, metal railing, and window shutters.
3. The multifamily development shall be in general conformance with the site plan date stamped November 1, 2023, as modified by the following stipulations and approved by the Planning and Development Department.
4. Residential development shall comply with R-4 PRD development standards.
5. A minimum 60-foot building setback shall be provided along the west perimeter of the site.
6. All required landscape setbacks shall be planted with 2-inch caliper large canopy, drought tolerant trees, planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
7. A minimum of 18% of the gross (residential) site area shall be retained as open space.
8. 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.
9. 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.
10. All multifamily pedestrian walkways, including sidewalks, shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide a minimum 75% shade, as approved by the Planning and Development Department.
11. All uncovered surface parking lot areas shall be landscaped with minimum 2-

inch caliper size, single trunk, 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.

12. The multifamily development shall incorporate bicycle infrastructure as described below and 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 secure room and installed per requirements of Section 1307.H. of the Phoenix Zoning Ordinance.
 - b. All bicycle infrastructure shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide minimum 75% shade, as approved by the Planning and Development Department.
 - c. A bicycle repair station ("fix it station") shall be provided on the multifamily development in close proximity to the Laveen Area Conveyance Channel. 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.
 - d. A minimum of 10% of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities.
13. 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.
14. A noise mitigating wall no less than six 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.
15. A minimum of 20% of the required parking spaces for the multifamily development shall include EV Capable infrastructure and a minimum five EV installed spaces should be installed prior to certificate of occupancy of any multifamily building.
16. A Traffic Impact Analysis shall be submitted to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City.

17. At the time of construction of the school, the developer shall fully design and construct a traffic control device along 63rd Avenue, per design plans submitted and approved by the Traffic Services Division.
18. A minimum 67-feet of right-of-way shall be dedicated for the east side of 63rd Avenue, adjacent to the development and including the frontage of APN 300-020-017C. Additional right-of-way dedications and improvements shall be provided as required by the TIS, and as approved by the Street Transportation Department.
19. A minimum 5-foot-wide detached sidewalk and minimum 10-foot-wide landscape area located between the back of curb and sidewalk shall be constructed along the east side of 63rd Avenue.
20. The east half of 63rd Avenue shall be constructed and expanded over the Laveen Area Conveyance Channel for a total curb-to-curb width of 74 feet.
21. A minimum 5-foot-wide attached sidewalk shall be constructed along the east side of 63rd Avenue over the Laveen Area Conveyance Channel to accommodate a "C" cross section designated roadway, as approved by the Planning and Development Department.
22. A 10-foot-wide Multi-Use Trail (MUT) shall be constructed along the southside of the Laveen Area Conveyance Channel, adjacent to the property. Improvements within the Laveen Area Conveyance Channel right-of-way shall include a Multi-Use Trail, landscaping, and other incidentals as required in 507 Tab A (II)(E)(2).
23. All pedestrian gates to the Laveen Area Conveyance Channel shall be lighted, as approved by the Planning and Development Department.
24. Three enhanced pedestrian connections shall be provided on the northern site boundary to allow for direct pedestrian access to the adjacent Laveen Area Conveyance Channel Multi-Use Trail. A minimum 8-foot-wide shaded pedestrian pathway consisting of decorative material such as brick, pavers or alternative material shall be constructed, as approved by the Planning and Development Department.
25. 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.
26. 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.

27. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
28. 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.
29. 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 6th day of December, 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)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-42-23-7

C-2 HGT/WVR DNS/WVR Parcel

That portion of Parcel No. 1 of the Special Warranty Deed recorded in Document 201 10766241 records of Maricopa County Recorder lying within the North half of Section 6, Township 1 South, Range 2 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the East Quarter corner of said Section 6 from which the Center of said Section 6 bears South $89^{\circ}48' 1 6''$ West, 2636.89 feet;

Thence South $89^{\circ}48' 16''$ West, 2638.16 feet along the East-West mid-section line of said Section 6;

Thence North $00^{\circ}27' 1 4''$ East, 379.20 feet along the property line as decreed in Docket 14621, Page 356-366, records of said County;

Thence leaving said property line, North $89^{\circ}48' 1 6''$ East, 295.76 feet along the Southerly line of that certain parcel described in the Warranty Deed as recorded in Document No. 19970356797, records of said county, to the Southeast corner thereof;

Thence North $00^{\circ}24'33''$ East, 121.22 feet, along the easterly line of said certain parcel to the TRUE POINT OF BEGINNING;

Thence continuing North $00^{\circ}24'33''$ East, 186.03 feet, along said easterly line to the northeast corner thereof;

Thence South $89^{\circ}48' 1 6''$ West, 295.52 feet along the Northerly line of said certain parcel;

Thence leaving said northerly line, North $00^{\circ}27'14''$ East, 230.08 feet along the said property line as decreed in Docket 14621, Page 356-366, records of said county, to a non-tangent curve, concave Northwesterly, having a radius of 1600.00 feet, the center of which bears North $02^{\circ}22'31''$ West, said curve being the Southerly Right-of-Way line of the Laveen Channel, as conveyed to the Flood Control District of Maricopa County in Warranty Deed as recorded in Document No. 2003-0869416, records of said county:

Thence leaving said property line and along said Southerly Right-of-Way line and Northeasterly along said curve, through a central angle of $39^{\circ}56'02''$, an arc length of 1 1 15.16 feet to a tangent line;

Thence continuing along said Southerly Right-of-Way line, North $47^{\circ}41'27''$ East, 77.77 feet to the beginning of a tangent curve, concave Southeasterly, having a radius of 850.00 feet;

Thence continuing along said Southerly Right-of-Way line and Northeasterly along said curve, through a central angle of 230° 56' 44" an arc length of 355.24 feet to a non-tangent line, said line being the West Right-of-Way line of Arizona Loop 202 per Arizona Department of Transportation project no. 202L MA 000 H5439, drawing no. D-7-T-1 017;

Thence along said West Right-of-Way line the following 3 courses:

Thence South 12° 59' 15" East, 19.86 feet;

Thence South 06° 55' 48" East, 788.63 feet;

Thence South 11° 56' 17" West, 262.17 feet;

Thence South 89° 53' 12" west, 1125.61 feet to the POINT OF BEGINNING.

C-2 Parcel

That portion of Parcel No. 1 of the Special Warranty Deed recorded in Document 20110766241 records of Maricopa County Recorder lying within the North half of Section 6, Township 1 South, Range 2 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the East Quarter corner of said Section 6 from which the Center of said Section 6 bears South 89° 48' 16" West, 2636.89 feet;

Thence South 89° 48' 16" West, 1318.45 feet along the East-West mid-section line of said Section 6 to the West Right-of-Way line of Arizona Loop 202 per Arizona Department of Transportation project no. 2021 MA 000 1-15439, drawing no. D-7-T-1017 and the TRUE POINT OF BEGINNING;

Thence continuing along said South line, South 89° 48' 16" West, 1319.71 feet;

Thence North 00° 27' 14" East, 379.20 feet along the property line as decreed in Docket 14621, Page 356-366, records of said County;

Thence leaving said property line, North 89° 48' 16" East, 295.76 feet along the Southerly line of that certain parcel described in the Warranty Deed as recorded in Document No. 19970356797, records of said county, to the Southeast corner thereof;

Thence North 00° 24' 33" East, 121.22 feet, along the easterly line of said certain parcel;

Thence North 89° 53' 12" East, 1125.61 feet to said West Right-of-Way line;

Thence South 11° 56' 17" West, 510.17 feet along said West Right-of-Way line to the POINT OF BEGINNING.

ORDINANCE LOCATION MAP

EXHIBIT B

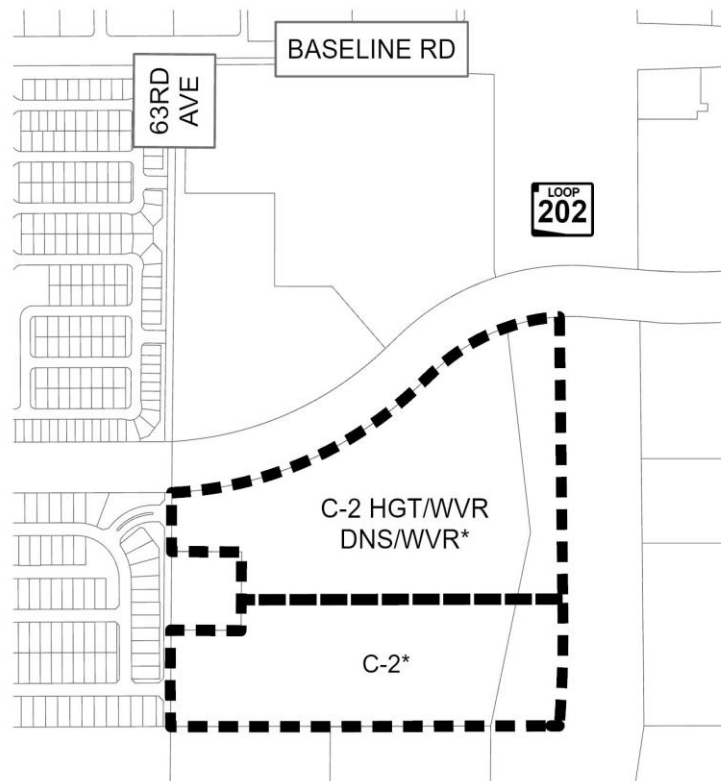
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

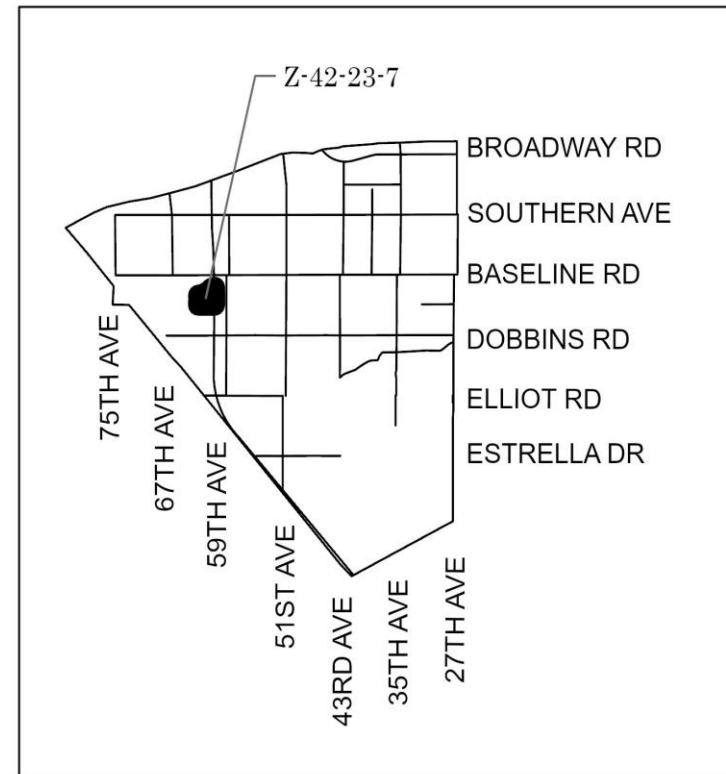
Zoning Case Number: Z-42-23-7

Zoning Overlay: N/A

Planning Village: Laveen



0 290 580 1,160 Feet



NOT TO SCALE



Drawn Date: 11/6/2023