

## 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-41-21-7) FROM S-1 (APPROVED C-2 or CP/GCP) (RANCH OR FARM RESIDENCE DISTRICT, APPROVED INTERMEDIATE COMMERCIAL DISTRICT OR COMMERCE PARK DISTRICT, GENERAL COMMERCE PARK OPTION) TO C-2 HGT/WVR DNS/WVR (INTERMEDIATE COMMERCIAL DISTRICT, HEIGHT WAIVER, DENSITY WAIVER).

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

SECTION 1. The zoning of a 14.56-acre site located approximately 615 feet north of the northwest corner of 59th Avenue and Dobbins Road in a portion of Section 6, Township 1 South, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "S-1 (Approved C-2 or CP/GCP)" (Ranch or Farm Residence District, Approved Intermediate Commercial District or Commerce Park District, General Commerce Park Option) to C-2 HGT/WVR DNS/WVR (Intermediate Commercial District, 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 and elevations date stamped August 30, 2021, as modified by the following stipulations and approved by the Planning and Development Department.
2. The buildings along 59th Avenue, as depicted on the site plan date stamped August 31, 2021, shall not exceed a maximum height of 2 stories and 30 feet. Other buildings on the site shall not exceed a maximum height of 3 stories and 40 feet.
3. The developer shall construct a 10-foot-wide public Shared Use Path (SUP) along 59th Avenue, which shall be detached with a landscape strip located between the sidewalk and back of curb following the most recent Cross Section of the Street Classification Map. The landscape area between the sidewalk and back of curb shall be planted to the following standards, as approved by the Planning and Development Department.
  - a. Minimum 2-inch caliper shade trees that provide a minimum 75 percent shade at maturity.
  - b. Drought tolerant vegetation maintained at a maximum height of 24 inches and achieve 75 percent live coverage.

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

4. A minimum landscape setback of 30 feet shall be required along 59th Avenue and shall be planted with minimum 50 percent 3-inch caliper, 50 percent 4-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree, and 75 percent live groundcover, 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.

5. The required landscape setback along the interior property lines shall be planted with minimum 2-inch caliper trees at 20 feet on center or in equivalent groupings, and 75 percent live groundcover at maturity, as approved by the Planning and Development Department.
6. The primary vehicular entrance to the development shall include the following elements, as approved by the Planning and Development Department:
  - a. Pedestrian pathway connecting the interior of the development to the public sidewalk and shall be constructed of bricks, pavers, or similar material.
  - b. The pedestrian pathway 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 mix of ornamental trees (no less than 2-inch caliper), shrubs (no less than five five-gallon shrubs per tree) and flower beds that will maintain a constant bloom throughout the year and 75 percent live cover, shall be provided along both sides of the entryway and within a landscaped median of no less than 5 feet in width.
  - 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.
7. Open view wrought iron fencing or a combination of maximum two feet of solid masonry topped by wrought iron open view fencing shall be utilized along pedestrian and vehicular entryway areas, as approved by the Planning and Development Department.
8. Walls along the perimeter of the site 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.
9. Decorative rail or similar fencing elements shall be provided along 59th Avenue, as approved by the Planning and Development Department.
10. The development shall provide a minimum of 18 percent of open space. A minimum of three district open space areas shall be provided as depicted on the site plan dated August 30, 2021. Additionally, three benches or seating features shall be provided throughout the development within shaded areas. One of the benches or seating features shall be located within close proximity to the primary entryway along 59th Avenue.

11. A central amenity and open space area shall be provided within close proximity to the primary vehicular entrance into the development, and include the following amenities at a minimum, as approved by the Planning and Development Department:
  - a. Swimming pool;
  - b. Clubhouse.
12. No more than 50 percent of the landscape areas within common areas or 10 percent of the net lot area, whichever is less, should be planted in turf or high-water use plants. Turf areas should be located only in the common open space areas, including retention basins, as approved by the Planning and Development Department.
13. A system of pedestrian thoroughfares shall be provided at a minimum, as described below and as approved or modified by the Planning and Development Department:
  - a. Pathways shall be illuminated by pedestrian scale lighting per Section 1304(H)5.
  - b. Where pedestrian pathways 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. Vehicular crossings shall be kept to a minimum.
14. Active open space areas, with the exception of the pool, shall be shaded a minimum of 75 percent using architectural shade and/or shade trees at full maturity, as approved by the Planning and Development Department.
15. Pedestrian paths internal within the site and connecting the public sidewalk shall be shaded to a minimum of 75 percent using architectural shade and/or shade trees at full maturity, as approved by the Planning and Development Department.
16. All uncovered surface parking lot areas shall be landscaped with a minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking areas and achieve 25 percent shade at maturity, as approved by Planning and Development Department.
17. The development shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.
  - a. Minimum of four bicycle parking spaces via inverted U-bicycle racks, artistic style bicycle racks or "Outdoor/Covered Facilities" shall be located near the vehicular entryway into the development or nearby amenity areas. All bicycle racks shall adhere to Appendix K of the Comprehensive Bicycle Master Plan.

- b. Secure bicycle parking for residents shall be provided at a minimum rate of 0.25 spaces per residential unit, with a maximum of 50 spaces, and shall adhere to the standards in Section 1307.H of the Zoning Ordinance.
  - c. One bicycle repair station ("fix it station") shall be provided and maintained within close proximity to the primary vehicular entryway to the development. The bicycle repair station ("fix it station") shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. 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 and egress to slow vehicles departing the development and crossing the public sidewalks, as approved by the Planning and Development Department.
  - 19. The developer shall dedicate minimum 55 feet of right-of-way for the west half of 59th Avenue, as approved by the Planning and Development Department.
  - 20. The developer shall construct and landscape a 14-foot-wide median island along 59th Avenue from Siesta Way to the northern edge of the development. A median opening shall be provided at 59th Avenue and Siesta Way for full access while the northern access shall be restricted to right-in/right-out only by the median island, as depicted on the site plan dated August 30, 2021 and as approved by the Street Transportation Department.
  - 21. The developer shall construct a detached sidewalk and minimum 13-foot-wide landscape area located between the back of curb and sidewalk as required by the CM Cross Section along the west side of 59th Avenue, as approved by the Planning and Development Department.
  - 22. The developer shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. The TIS shall include signal warrant analysis for the intersections of 59th Avenue and Dobbins Road and 59th Avenue and South Mountain Boulevard. The developer shall be responsible for any additional dedications and construction and/or contribute funds in escrow for the traffic signals, as required by the approved TIS.
  - 23. Existing irrigation facilities along any existing and or proposed right-of-way shall be either removed from city right-of-way or undergrounded and relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish the appropriate process to remove or relocate the facility. Relocations that require additional dedications or land transfer, require completion prior to obtaining plat and or civil plan review approval.

24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. A minimum of one pedestrian connection shall be provided within the west 600 feet of the property, along the south side, to allow access between the site and any future development to the south, as approved by the Planning and Development Department.

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 3rd day of November, 2021.

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MAYOR

ATTEST:

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Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Cris Meyer, City Attorney

By:

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REVIEWED BY:

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Jeff Barton, City Manager

Exhibits:  
A – Legal Description (1 Page)  
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-41-21-8

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 2 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE EAST 33.00 FEET THEREOF; AND

THE SOUTH 663.17 FEET THEREOF; AND

EXCEPT THE NORTH 1304.13 FEET THEREOF; AND

EXCEPT THAT PORTION OF THE LAND CONVEYED TO THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, MORE PARTICULARLY DESCRIBED IN SPECIAL WARRANTY DEED, RECORDED JANUARY 9, 2019 AS 2019-0016336, OF OFFICIAL RECORDS AND RE-RECORDED JUNE 07, 2019 AS 2019-0426519, RECORDS OF MARICOPA COUNTY, ARIZONA.

# ORDINANCE LOCATION MAP

EXHIBIT B

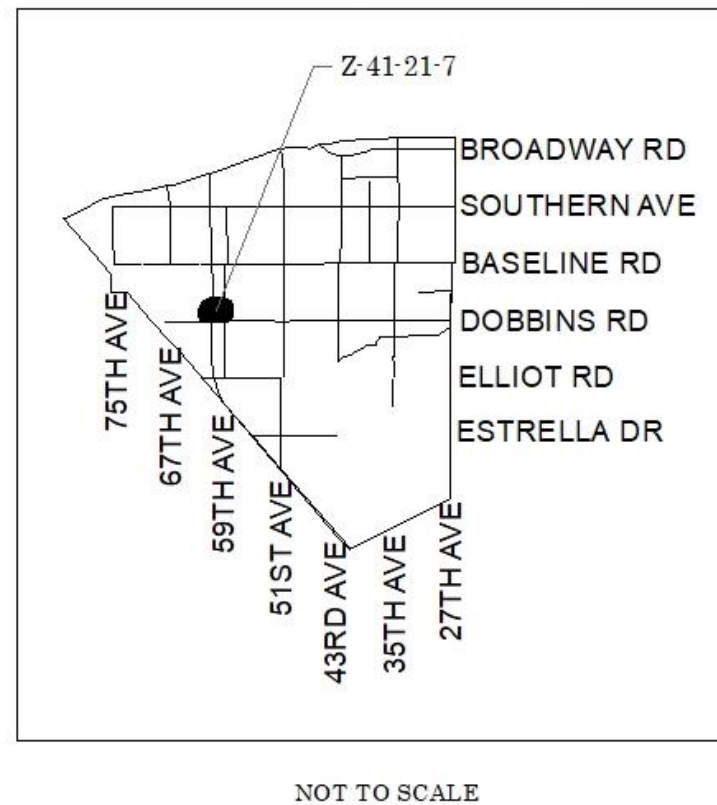
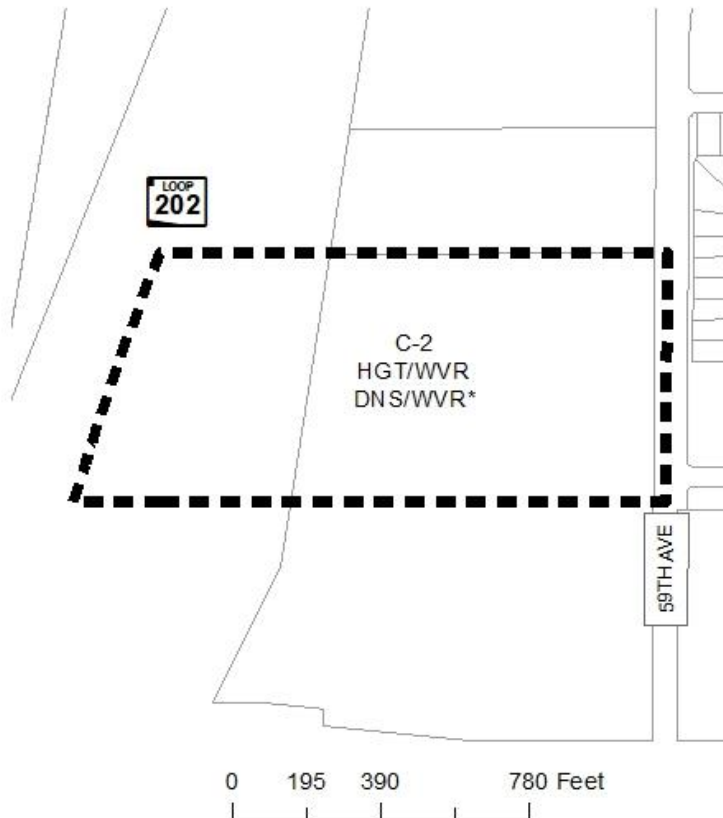
ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-41-21-7

Zoning Overlay: N/A

Planning Village: Laveen



Drawn Date: 9/30/2021