

ORDINANCE G-7082

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-68-22-6) FROM CP/GCP (COMMERCE PARK DISTRICT, GENERAL COMMERCE PARK OPTION) 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 14.33 acre property located approximately 1,500 feet south of the southeast corner of 50th Street and Ray Road in a portion of Section 29, Township 1 South, Range 4 East, as described more specifically in Exhibit "A," is hereby changed from "CP/GCP" (Commerce Park District, General Commerce Park Option), 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 elevations date stamped September 21, 2022, as modified by the following and as approved by the Planning and Development Department.**
 - a. Building elevations adjacent and oriented to public streets shall contain a minimum of 25% brick, masonry, stone, or another exterior accent material that exhibits quality and durability.**
 - b. All ground floor units adjacent to 50th Street shall have individual porches or patios oriented to the street.**
- 2. The development shall be limited to a maximum of 417 dwelling units.**
- 3. A minimum of six amenities shall be provided and distributed throughout the site which may include but are not limited to pools, dog parks, barbeques, ramadas, and tot lots with shade equipment as approved by the Planning and Development Department.**
- 4. A minimum of 8% of the gross project area shall be retained as common open space, as approved by the Planning and Development Department.**
- 5. A minimum 34,000-square foot open space area shall be centrally located within the development.**
- 6. 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.**
- 7. A perimeter wall no less than 6 feet in height shall be provided along the I-10 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.**

8. All required landscape setbacks shall be planted with minimum 25% 2-inch caliper and minimum 75% 3-inch caliper, drought tolerant trees, planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
9. 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.
10. All uncovered surface parking spaces shall be landscaped with minimum 2-inch caliper large canopy drought tolerant shade trees. Landscaping shall be dispersed throughout the uncovered surface parking spaces, to achieve a minimum 25% shade at maturity, as approved by Planning and Development Department.
11. Pedestrian pathways shall be provided to connect building entrances, public sidewalks, and community amenities, using the most direct route for pedestrians, as approved by the Planning and Development Department.
12. 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 contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.
13. A minimum of 20 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near open space areas and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
14. The developer shall maintain the existing detached sidewalk landscape area located between the back of curb and sidewalk along 50th Street and replenish it to the following standards, as approved by the Planning and Development Department.
 - a. Drought tolerant shrubs and vegetative groundcovers maintained to a maximum height of 24 inches to provide 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.

15. The developer shall submit a Traffic Impact Analysis for this development. The TIA shall include a pedestrian crossing demand and circulation analysis along 50th Street. The developer shall be required to fund and construct pedestrian crossing if required by the approved TIA. No preliminary approval of plans shall be granted until the study has been reviewed and approved by the city.
16. The developer shall provide secured bicycle parking for residents as required by Chapter 13, Section 1307 H of the Zoning Ordinance, as approved by the Planning and Development Department.
17. 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.
18. This parcel is in a Special Flood Hazard Area (SFHA) called Zone A, on panel 2705M of the Flood Insurance Rate Maps (FIRM) dated June 26, 2020. The following requirements shall apply, as approved by the Planning and Development Department:
 - a. The Architect/Engineer is required to show the floodplain boundary limits on the Grading and Drainage plan and ensure that impacts to the proposed facilities have been considered, following the National Flood Insurance Program (NFIP) Regulations (44 CFR Paragraph 60.3). This includes, but not limited to provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code.
 - b. A copy of the Grading and Drainage Plan needs to be submitted to the Floodplain Management section of Street Transportation Department for review and approval of Floodplain requirements.
 - c. Elevation Certification (FEMA Form 086-0-33) based on construction plans must be received and approved by Floodplain Management prior to issuance of Grading & Drainage permit. In Zone A, a base flood elevation determination letter (sample letter is provided by Floodplain Management upon request) and exhibit will also be required prior to issuance of Grading & Drainage permit.
 - d. The developers shall provide a FEMA approved CLOMC or LOMC prior to issuance of a Grading and Drainage permit. CLOMC or LOMC also requires the following compliance with Section 7 & 9 of the Endangered Species Act (ESA).

19. 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.
20. 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 3rd day of May, 2023.



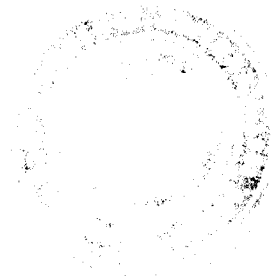
MAYOR

ATTEST:



Denise Archibald, City Clerk

05.05.2023
Date



APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By: 

Deryck R. Lavelle, Chief Counsel

P ml

REVIEWED BY:



Jeffrey Barton, City Manager

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Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

Lot 2 and Tract B of the Final Plat for FOOTHILLS OFFICE PARK, recorded in Book 450 of Maps, Page 24, records of Maricopa County, Arizona, within a portion of the northwest quarter of Section 29, Township 1 South, Range 4 East, being more particularly described as follows;

BEGINNING at the Northeast corner of said Lot 2;

Thence for a basis of bearing along the East line of said Lot 2, South 00 degrees 13 minutes 04 seconds East 369.59 feet to the Northeast corner of Tract C of said FOOTHILLS OFFICE PARK;

Thence along the North line of said Tract C, South 89 degrees 36 minutes 45 seconds West 148.62 feet to the Northeast corner of said Tract B;

Thence along the East line of said Tract B, South 00 degrees 23 minutes 15 seconds East 200.00 feet to the Southeast corner of said Tract B;

Thence along the South lines of said Tract B and said Lot 2, South 89 degrees 36 minutes 45 seconds West 603.22 feet to a corner of said Lot 2, said point being on the East line of Tract A of said FOOTHILLS OFFICE PARK;

Thence along said East line, North 00 degrees 00 minutes 00 seconds West 200.00 feet to the Northeast corner of said Tract A;

Thence along the North line of said Tract A, South 89 degrees 36 minutes 45 seconds West 435.35 feet to the Northwest corner of said Tract A;

Thence along the West line of said Lot 2, North 00 degrees 28 minutes 38 seconds West 439.74 feet to the beginning of a tangent curve to the right, having a radius of 467.00 feet;

Thence continuing along the West line of said Lot 2, being said tangent curve through a central angle of 15 degrees 46 minutes 14 seconds, an arc length of 128.54 feet to the Northwest corner of said Lot 2;

Thence along the North line of said Lot 2, South 67 degrees 30 minutes 00 seconds East 506.79 feet to a corner of said Lot 2;

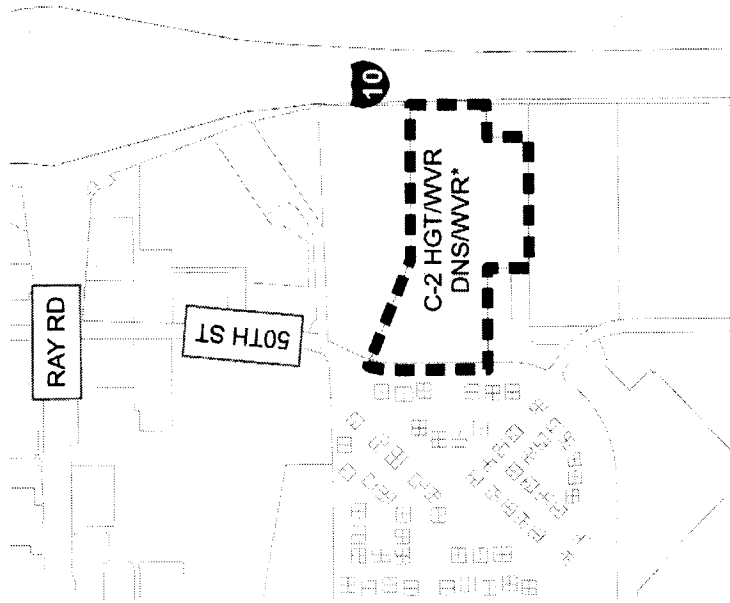
Thence continuing along said North line, North 89 degrees 36 minutes 45 seconds East 703.35 feet to the POINT OF BEGINNING.

Comprising 13.953 acres or 607,794 square feet, subject to all easements of record.

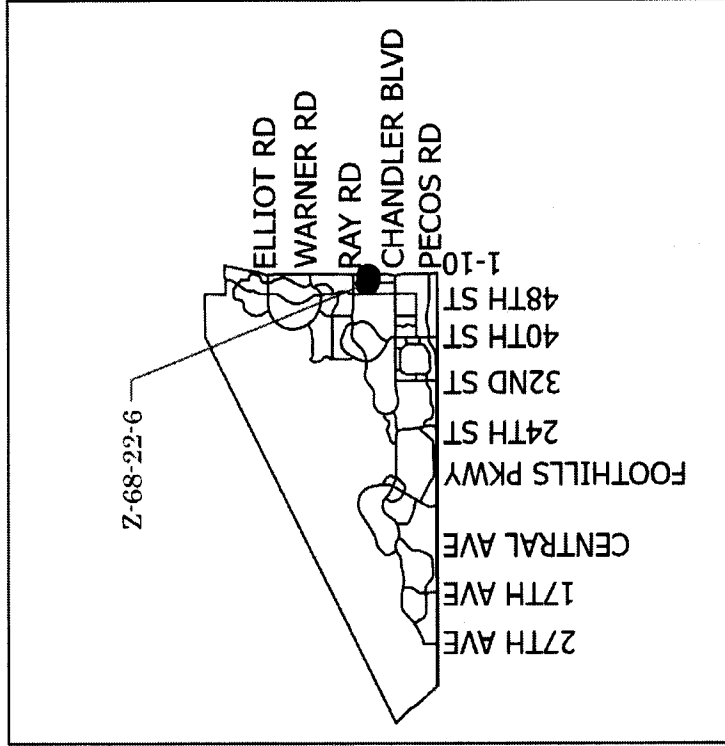
ORDINANCE LOCATION MAP

EXHIBIT B

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



Zoning Case Number: Z-68-22-6
 Zoning Overlay: N/A
 Planning Village: Ahwatukee Foothills



NOT TO SCALE

Drawn Date: 1/30/2023