

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-114-23-7) FROM S-1 (RANCH OR FARM RESIDENCE) TO C-2 (INTERMEDIATE COMMERCIAL).

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

SECTION 1. The zoning of a 9.90-acre property located at the southeast corner of 95th Avenue and Broadway Road in a portion of Section 28, Township 1 North, Range 1 East, as described more specifically in Exhibit "A," is hereby changed from "S-1" (Ranch or Farm Residence) to "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. All building elevations shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or overhang canopies, as approved by the Planning and Development Department.
2. Conceptual site plan and elevations for the future commercial pad as shown on the site plan date stamped March 4, 2024, shall be reviewed and approved by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and requirements may be determined by the Planning Hearing Officer and the Planning and Development Department.
3. The development shall conform with the Estrella Village Arterial Street Landscaping Program landscape palette and landscaping standards along arterial streets in the Estrella Village, as approved by the Planning and Development Department.
4. 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 contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
5. A minimum of 25% of the surface parking areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by structures or by minimum 2-inch caliper, drought tolerant, shade trees, or a combination thereof.
6. A minimum of two bicycle parking spaces per non-storage building shall be provided through Inverted U and/or artistic racks located near the front entrance of the building 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.
7. A minimum of 10% of the required parking spaces shall be EV Ready and a minimum of 5% shall be EV Capable.
8. Only landscape materials listed in the Phoenix Active Management Area Low-Water/Drought-Tolerant Plant List shall be utilized within the development, as approved or modified by the Planning and Development Department.

9. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controllers) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
10. Pressure regulating sprinkler heads and drip lines shall be utilized in any turf areas to reduce water waste.
11. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low-Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.
12. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the City of Phoenix Businesses Water Efficiency Program for a minimum of 10 years, or as approved by the Planning and Development Department.
13. A minimum 55 feet of right-of-way shall be dedicated for the south side of Broadway Road, adjacent to the development.
14. Improvements to the south half of Broadway Road shall be constructed per the Sunset Farms Master Street Plan consisting of a 14-foot raised center median and a minimum 6-foot-wide detached sidewalk separated by a minimum 10-foot-wide landscape area, adjacent to the development.
15. A minimum 30 feet of right-of-way shall be dedicated for the east side of 95th Avenue, per the Sunset Farms Master Street Plan.
16. A minimum 32-foot wide Multi-Use Trail Easement (MUTE) shall be dedicated adjacent to the western property line. Construction of the Multi-Use Trail shall comply with the Estrella Multi-Purpose Trail Plan.
17. Improvements to the east side of the 95th Avenue right-of-way shall be constructed per the Collector cross-section and consist of a minimum 5-foot-wide detached sidewalk separated by a minimum 5-foot-wide landscape area, per the Sunset Farms Master Street Plan.
18. A Self-Service Storage Warehouse use shall deposit 50% of the cost of a HAWK pedestrian crossing at the intersection of 95th Avenue and Broadway Road in an escrow account to the Street Transportation Department, prior to final site plan approval. Should the parcel develop under any other C-2 permitted use, the development shall fully fund and construct the HAWK pedestrian crossing at the intersection of 95th Street and Broadway Road, as approved by the Street Transportation Department. The HAWK placement

within the intersection to be as determined by the Street Transportation Department.

19. An enhanced pedestrian connection shall be provided on the western site boundary, adjacent to the trail, to allow for direct pedestrian access through the site to the trail system.
20. The developer shall submit a Traffic Impact Study for this development. No preliminary approval of plans shall be granted until the study has been reviewed and approved by the City.
21. All existing electrical utility poles within the public right-of-way shall be relocated and undergrounded, per the Sunset Farms Master Street Plan. The developer shall coordinate with the affected utility companies for their review and permitting.
22. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
23. 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.
24. A bus stop pad shall be constructed on eastbound Broadway Road, located from 95th Avenue according to City of Phoenix Standard Detail P1258. The pad shall be designed according to City of Phoenix Standard Detail P1260 with a depth of 10 feet.
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 final 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 1st day of July, 2024.

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 (1 Page)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-114-23-7

That portion of the Northeast quarter of Section 28, Township 1 North, Range 1 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows;

COMMENCING at a found 3" brass cap flush stamped "2019 LS 47373" marking the North quarter corner of said Section 28 from which a calculated point marking the Northeast corner of said Section 28 bears South 89°59'35" East (Basis of Bearings), a distance of 2622.65 feet, said North quarter corner also being the TRUE POINT OF BEGINNING;

Thence South 89°59'35" East, along the North line of the Northeast quarter, a distance of 29.83 feet to a found 3" City of Phoenix brass cap flush;

Thence continuing South 89°59'35" East, along said North line, a distance of 319.20 feet to a found 1/2" rebar with aluminum cap stamped "LS42137";

Thence departing said North line, South 01°41'17" East, a distance of 40.03 feet to the Northeast corner of the property described in Deed 2018-0433669, Official Records of the Maricopa County Recorder;

Thence continuing South 01°41'17" East, along the East line of said property, a distance of 1083.45 feet to a point on the North right of way line of the Arizona Department of Transportation SR303-SR202, recorded under the Special Warranty Deed 2021-1243611, Official Records Maricopa County Recorder;

Thence South 70°57'06" West along said North right of way line, a distance of 382.12 feet to the Northwest corner of said property described in Deed 2018-0433669, Official Records of the Maricopa County Recorder;

Thence North 01°25'13" West, along said North-South mid-section line, a distance of 1208.11 feet;

Thence continuing North 01°25'13" West, a distance of 40.02 feet to the TRUE POINT OF BEGINNING.

Containing 428,865 square feet, or 9.845 acres of land, more or less.

EXHIBIT B

Zoning Case Number: Z-114-23-7

Zoning Overlay: N/A

Planning Village: Estrella



Drawn Date: 6/4/2024