

## 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 STIPULATIONS APPLICABLE TO  
REZONING APPLICATION Z-43-13-7 PREVIOUSLY APPROVED BY  
ORDINANCE G-5879.

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

SECTION 1. The zoning stipulations applicable located at the northwest  
corner of 67th Avenue and Broadway Road in a portion of Section 24, Township 1  
North, Range 1 East, as described more specifically in Attachment "A", are hereby  
modified to read as set forth below.

#### STIPULATIONS:

1. The development shall be in general conformance with the site plan  
date stamped NOVEMBER 30, 2020 ~~August 21, 2013~~, as modified by the  
following stipulations and approved by the Planning and Development  
Department.
2. PEDESTRIAN PATHWAYS SHALL BE PROVIDED TO CONNECT  
BUILDING ENTRANCES, PUBLIC SIDEWALKS, BUS STOPS, AND  
COMMUNITY AMENITIES, USING THE MOST DIRECT ROUTE FOR  
PEDESTRIANS, AS APPROVED BY THE PLANNING AND  
DEVELOPMENT DEPARTMENT.
3. WHERE PEDESTRIAN PATHWAYS CROSS DRIVE AISLES,  
PATHWAYS SHALL BE CONSTRUCTED OF DECORATIVE PAVERS,  
STAMPED OR COLORED CONCRETE, OR ANOTHER MATERIAL,  
OTHER THAN THOSE USED TO PAVE PARKING SURFACES AND  
DRIVE AISLES, AS APPROVED BY THE PLANNING AND  
DEVELOPMENT DEPARTMENT.

4. THE DEVELOPER SHALL DEDICATE A 30-FOOT WIDE MULTI-USE TRAIL EASEMENT (MUTE) ALONG THE NORTH SIDE OF BROADWAY ROAD AND CONSTRUCT A MINIMUM 10-FOOT WIDE MULTI-USE TRAIL (MUT) WITHIN THE EASEMENT IN ACCORDANCE WITH THE MAG SUPPLEMENTAL DETAIL AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. WHERE CONFLICTS OR RESTRICTIONS EXIST, THE DEVELOPER SHALL WORK WITH THE SITE PLANNING SECTION ON AN ALTERNATE DESIGN THROUGH THE TECHNICAL APPEAL PROCESS.
5. THE DEVELOPMENT SHALL CONFORM TO THE ESTRELLA VILLAGE ARTERIAL STREET LANDSCAPING PROGRAM, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
6. A minimum of 15% open space shall be provided for the residential subdivision, as approved by the Planning and Development Department.
7. The maximum number of residential lots shall not exceed 142, as approved by the Planning and Development Department.
8. All sidewalks for the residential development shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and shall include a minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department. The landscape strip shall be installed by the developer and maintained by the HOA
9. The perimeter walls adjacent to Broadway Road and 67th Avenue shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile, glass insets, or stamped designs, as approved by the Planning and Development Department.
10. Drive-through facilities shall be located a minimum 100 feet from any residential district, as approved by the Planning and Development Department.
11. Pueblo Avenue shall be constructed to connect the subject parcel and the existing adjacent single family neighborhood located to the west, as approved by the Planning and Development Department.
12. Right-of-way shall be dedicated and a bus bay detail # P1258 constructed southbound on 67th Avenue, south of the proposed residential entrance to the site, as approved by the Planning and Development Services Department.
13. Right-of-way shall be dedicated and a bus bay detail # P1256-1 constructed west bound on the northwest corner of Broadway Road and

67th Avenue, as approved by the Planning and Development Services Department.

- ~~14.~~ Right-of-way totaling 55 feet shall be dedicated for the north half of  
~~40.~~ Broadway Road, as approved by the Planning and Development Department.
- ~~15.~~ Right-of-way totaling 55 feet shall be dedicated for the west half of 67th  
~~41.~~ Avenue, as approved by the Planning and Development Department.
- ~~16.~~ A 25-foot by 25-foot right-of-way triangle shall be dedicated at the  
~~42.~~ northwest corner of 67th Avenue and Broadway Road, as approved by the Planning and Development Department.
- ~~17.~~ The applicant shall relocate all Salt River Project (SRP) irrigation out of  
~~43.~~ right-of-way and into the appropriate easement.
- ~~18.~~ The proposed entrance to the subdivision on Broadway Road shall be  
~~44.~~ relocated to the east to be approximately 660 feet east of 69th Lane; this will also miss the 320KV power pole.
- ~~19.~~ The applicant shall complete and submit the Developer Project  
~~45.~~ Information Form for the MAG Transportation Improvement Program to Mr. Alan Hilty, (602) 262-6193, with the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.
- ~~20.~~ The developer shall construct all streets within and adjacent to the  
~~46.~~ development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
- ~~21.~~ 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.
- ~~22.~~ 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.
- ~~23.~~ 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.

24. PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. 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 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-5879, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-5879 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. 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 17th day of February, 2021.

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MAYOR

ATTEST:

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City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_ City Attorney

REVIEWED BY:

\_\_\_\_\_ City Manager

Exhibits:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-20-- Z-43-13-7

PARCEL NO. 1:

THE SOUTH 350 FEET OF THE EAST 479 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA; EXCEPT THE SOUTH 40 FEET AND THE EAST 40 FEET FOR ROADWAY PURPOSES.

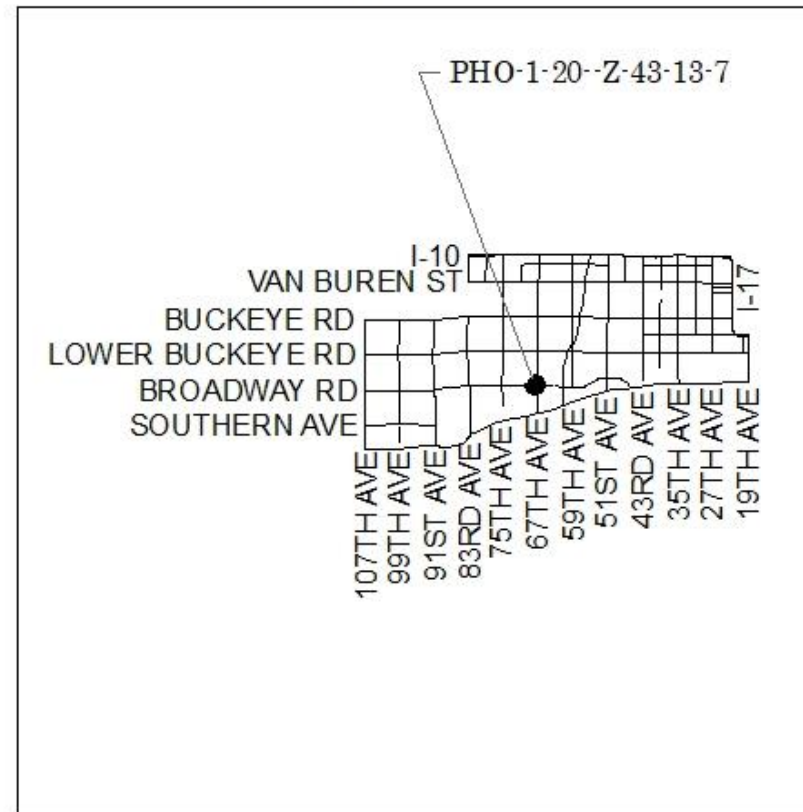
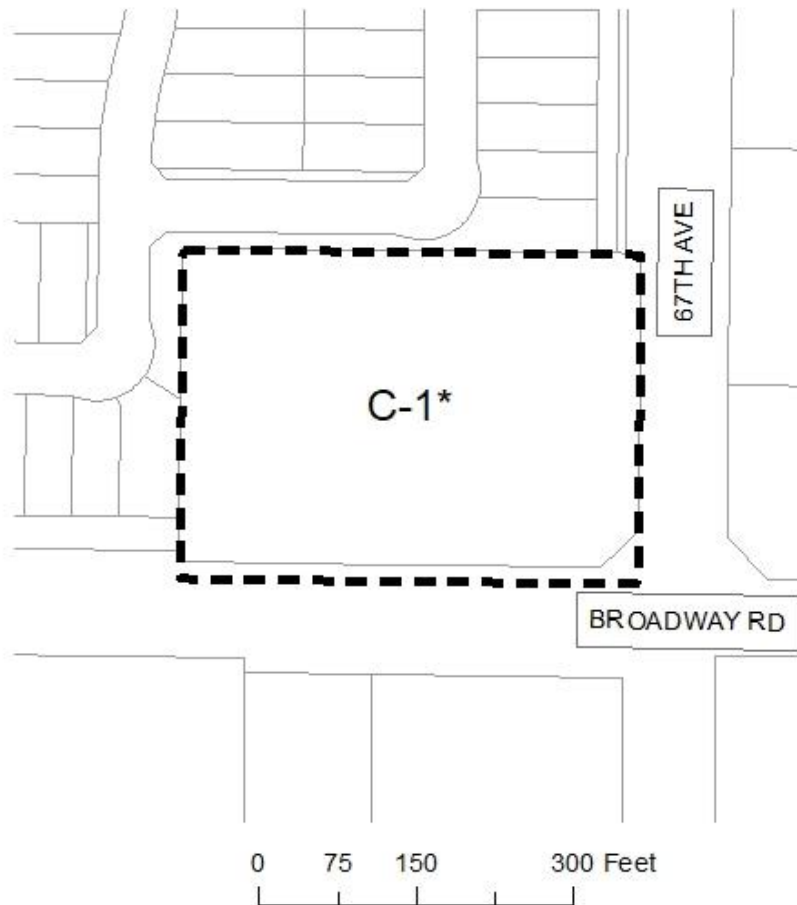
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# ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: PHO-1-20-Z-43-13-7  
Zoning Overlay: N/A  
Planning Village: Estrella



NOT TO SCALE



Drawn Date: 1/21/2021