

**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-15-21-7) FROM S-1 (APPROVED C-1) (RANCH OR FARM RESIDENCE DISTRICT, APPROVED NEIGHBORHOOD RETAIL DISTRICT) AND S-1 (RANCH OR FARM RESIDENCE DISTRICT) TO C-2 (INTERMEDIATE COMMERCIAL DISTRICT).

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

SECTION 1. The zoning of a 7.63-acre site located at the southeast corner of 67th Avenue and Broadway Road in a portion of Section 30, Township 1 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from 7.26 acres of "S-1 (Approved C-1)" (Ranch or Farm Residence District, Approved Neighborhood Retail District) and 0.37-acres of "S-1" (Ranch or Farm Residence District) to "C-2" (Intermediate Commercial District).

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 date stamped July 26, 2021, except as noted in the stipulations, and approved by the Planning and Development Department. Additionally, if the existing water and sewer easement along 67th Avenue is not approved to be abandoned through a separate process, the western portion of Building C, within the self-storage portion of the site, must be modified to remove the building from the easement.
2. Buildings A through C shall be in general conformance with the building elevations date stamped July 26, 2021. Building elevations for Building Pads A and B as depicted in the conceptual site plan dated July 26, 2021, shall be developed to the following standards, as approved by the Planning and Development Department:
  - a. Building elevations shall contain multiple colors, exterior accent materials and textural changes that exhibit quality and durability such as brick, stone, colored textured concrete or stucco, or other materials to provide a decorative and aesthetic treatment.
  - b. Building elevations adjacent and oriented to public streets, shall contain a minimum of 25 percent brick, masonry, stone or another exterior accent material that exhibits quality and durability.
  - c. 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.
  - d. Pitched roofs, elements or facades shall be incorporated in all buildings.
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, except as otherwise noted herein, as approved by the Planning and Development Department.
4. A minimum 500-square foot landscaped accent area shall be provided at the corner of 67th Avenue and Broadway Road. The landscaped accent area shall provide a visually unique character with drought-tolerant plant materials providing seasonal interest and 75 percent live cover, as approved by the Planning and Development Department.

5. Evergreen trees shall be planted within the landscape setbacks along the south and east perimeter of the site, as approved by the Planning and Development Department.
6. All perimeter walls visible from the streets 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.
7. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper size large canopy drought tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by Planning and Development Department.
8. The following pedestrian shade standards shall be met as described below and as approved or modified by the Planning and Development Department:
  - a. The bus stop along Broadway Road shall be shaded to a minimum of 50 percent;
  - b. Pedestrian walkways connecting the commercial buildings to adjacent public sidewalks shall be shaded to a minimum of 75 percent using large canopy drought tolerant shade trees at maturity and/or architectural shade;
  - c. The multi-use trail (MUT) along 67th Avenue shall be shaded to a minimum 50 percent by vegetative shade at maturity.
9. A system of pedestrian thoroughfares shall be provided, as described below and as approved or modified by the Planning and Development Department:
  - a. Connections between the following via the most direct route:
    - (1) All building entrances.
    - (2) Adjacent public sidewalks.
    - (3) The bus stop along Broadway Road.
  - b. 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. Vehicular crossings shall be kept to a minimum.
10. The development shall incorporate bicycle infrastructure, as described below and as approved by the Planning and Development Department.

- a. A minimum of four bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the main building entrances of Building A, Pad A and Pad B as depicted in the conceptual site plan dated July 26, 2021 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.
  - b. One bicycle repair station (“fix it station”) shall be provided and maintained within close proximity to building Pad A, as depicted in the conceptual site plan date stamped July 26, 2021. 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.
11. The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) along the east side of 67th Avenue and construct a minimum 10-foot wide multi-use trail (MUT) within the easement, in accordance with the MAG supplemental detail indicated in Section 429 and as approved by the Planning and Development Department.
12. The Public Transit Department requests dedication of right-of-way and construction one bus bay with an attached bus stop pad along eastbound Broadway Road east of 67th Avenue. The bus bay shall be constructed according to City of Phoenix Standard Detail P1256. The attached bus stop pad shall be constructed according to City of Phoenix Standard Detail P1261 with a minimum depth of 10 feet. The bus stop pad shall be spaced from the intersection of 67th Avenue and Broadway Road according to City of Phoenix Standard Detail P1258, as approved by the Planning and Development Department.
13. All sidewalks along 67th Avenue and Broadway Road 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 and planted to the following standards, as approved and/or modified by the Planning and Development Department and/or Maricopa County Department of Transportation (MCDOT).
  - a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees to provide a minimum 75 percent shade.
  - b. Drought tolerant vegetation maintained no higher than 24 inches to provide a minimum of 75 percent live coverage at maturity.

- c. The landscape palette and planting standards, unless otherwise provided herein, shall conform with the Estrella Village Arterial Street Landscaping Program requirements for arterial streets.

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

14. The developer shall dedicate 55 feet of right-of-way for the south side of Broadway Road, as approved by the Planning and Development Department and/or Maricopa County Department of Transportation (MCDOT).
15. The developer shall dedicate 55 feet of right-of-way for the east half of 67th Avenue, as approved by the Planning and Development Department and/or Maricopa County Department of Transportation (MCDOT).
16. The developer shall construct a 14-foot-wide landscaped median island along 67th Avenue, as approved by the Street Transportation Department and/or Maricopa County Department of Transportation (MCDOT).
17. The developer shall submit a Traffic Impact Study, including a Traffic Signal Warrant Analysis, to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact the Street Transportation Department, to set up a meeting to discuss the requirements of the study. Upon completion of the TIS the developer shall submit the completed TIS to the Planning and Development Department counter with instruction to forward the study to the Street Transportation Department, Office of the City Engineer.
18. If the approved Traffic Impact Study with signal warrant analysis recommends deferring signal installation to a future volume condition, provide conduit and junction boxes at the southeast corner of 67th Avenue and Broadway Road. The developer shall provide 25 percent of the cost of the future traffic signal in an escrow account with the Street Transportation Department. Contact the Street Transportation Department to set up an account. If the TIS recommends the installation of the signal with this development, the developer shall install the signal, at their expense.
19. All street improvements outside of the Phoenix City Limits shall be reviewed and approved by Maricopa County. Provide documentation of county approval prior to preliminary site plan submittal, as approved by the Planning and Development Department.
20. A Red Border letter shall be processed for this development, as determined by the Planning and Development Department.
21. 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.

22. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development(s) the existence and operational characteristics of a dairy farm (west) and roping/rodeo arena (north). The form and content of such documents shall be reviewed and approved by the City Attorney.
23. If determined necessary by the Phoenix Archeology 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 Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
24. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.
25. In the event archeological 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.
26. 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 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:

\_\_\_\_\_  
Jeff Barton, City Manager

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

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-15-21-7

The Northwest Quarter of the Northwest Quarter of Section 30, Township 1 North, Range 2 East of the G&SRB&M, except the South 30 feet of the East 100 feet and except the East 30 feet of the North 270 feet of the South 300 feet for ditch purposes, and except the North 40 feet and the West 33 feet for roads; and

The Northeast Quarter of the Northwest Quarter of Section 30, Township 1 North, Range 2 East of the G&SRB&M, except the North 40 feet for roads;

EXCEPT any portion of Parcels 1 and 2 conveyed by Grantor to D. R. Horton, Inc. - Dietz-Crane pursuant to Special Warranty Deed recorded as Instrument No. 2004-1498119, Records of Maricopa County, Arizona.

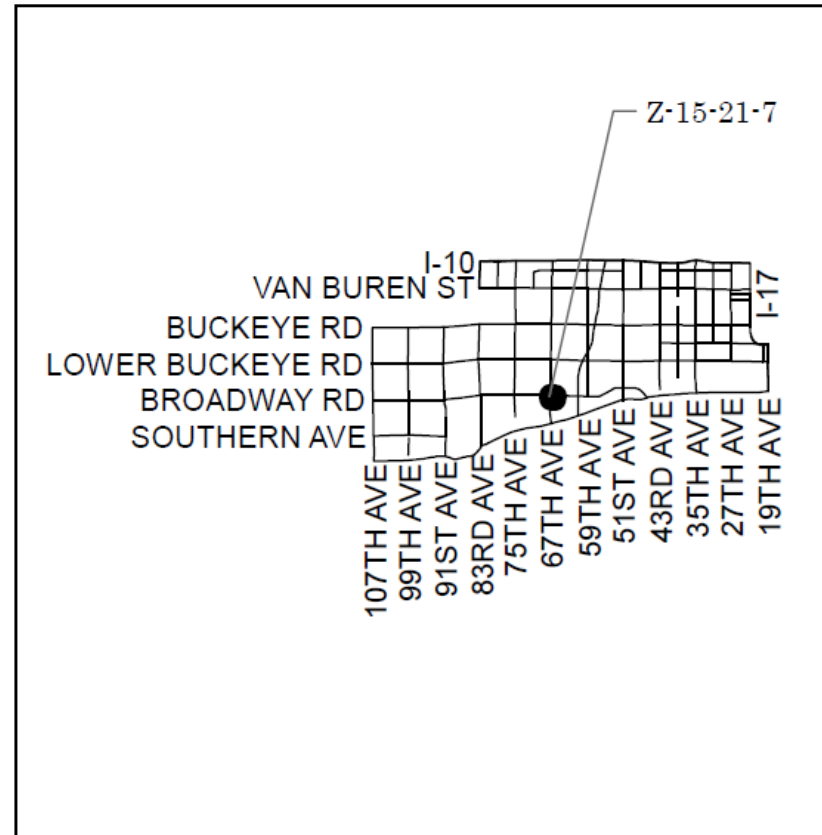
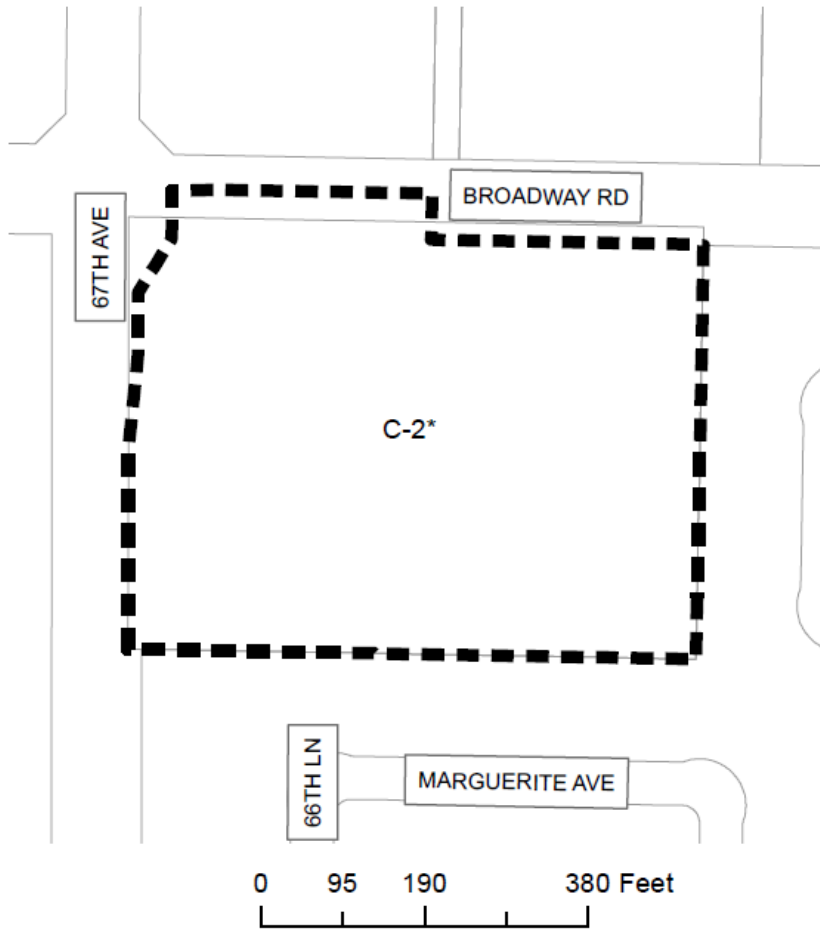


# ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-15-21-7  
Zoning Overlay: N/A  
Planning Village: Estrella



NOT TO SCALE



Drawn Date: 9/30/2021