

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-49-21-7) FROM RE-35 (SINGLE-FAMILY 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 11.83-acre site located approximately 100 feet west of the northwest corner of 59th Avenue and Lower Buckeye Road in a portion of Section 18, Township 1 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "RE-35" (Single-Family 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. Building elevations shall be developed with a common architectural theme 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 to provide a decorative and aesthetic treatment.
 - b. 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.
 - c. A minimum of two building materials listed in the Estrella Village Core Plan shall be utilized in all building elevations.
2. 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 noted herein, as approved by the Planning and Development Department.
3. Project entry drives along Lower Buckeye Road shall incorporate enhanced landscaping on both sides planted with a variety of at least three plant materials. Each landscaped area shall be a minimum of 125-square feet, as approved by the Planning and Development Department.
4. Project entry drives along Lower Buckeye Road shall be constructed of decorative pavers, stamped or colored concrete, or similar alternative material, as approved by the Planning and Development Department.
5. Where perimeter walls are adjacent to the Loop 202 freeway drainage channel, these shall be limited to open view wrought iron fencing or similar material, or a combination of 4-foot solid masonry topped by wrought iron open view fencing or similar material, unless required otherwise by the Zoning Ordinance, as approved by the Planning and Development Department.
6. 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.
7. The following pedestrian shade standards shall be met as described below and as approved or modified by the Planning and Development Department:

- a. 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.
 - b. The bus stop along Lower Buckeye Road shall be shaded to a minimum of 50 percent.
8. A system of pedestrian thoroughfares shall be provided as described below and as approved or modified by the Planning and Development Department:
 - a. Connections to/between via the most direct route:
 - (1) All building entrances.
 - (2) Adjacent public sidewalks.
 - (3) The bus stop along Lower Buckeye 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 with parking and drive aisle surfaces. Vehicular crossings shall be kept to a minimum.
9. 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 building entrance of each enclosed commercial 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.
 - b. One bicycle repair station (“fix it station”) shall be provided and maintained within close proximity to Lower Buckeye Road or the C Store building as depicted in the site plan date stamped July 12, 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.
10. The developer shall dedicate a 30-foot-wide multi-use trail easement (MUTE) along the north side of Lower Buckeye Road 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. Where conflicts or restrictions exist, the developer shall work with the Site Planning section on an alternate design through the technical appeal process.

11. The developer shall dedicate right-of-way and construct one bus stop pad along westbound Lower Buckeye Road west of 59th Avenue. The bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. The bus stop pad shall be spaced from the intersection according to City of Phoenix Standard Detail P1258.
12. All sidewalks along Lower Buckeye 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 by the Arizona Department of Transportation (ADOT) and/or the Planning and Development Department.
 - 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 at a maximum height of 24 inches and achieve 75 percent live coverage.
 - 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.

13. All sidewalks along 59th Avenue shall be a minimum of 5 feet in width and detached with a minimum 10-foot-wide landscape area located between the sidewalk and back of curb and planted to the following standards, as approved by the Arizona Department of Transportation (ADOT) and/or the Planning and Development Department.
 - 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 at a maximum height of 24 inches and achieve 75 percent live coverage.
 - 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. All proposed driveways along Lower Buckeye Road shall require the approval of the Arizona Department of Transportation (ADOT) and the Planning and Development Department.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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 5th day of January,
2022.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:
A – Legal Description (2 Pages)
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-49-21-7

That portion of the East half of the Southeast quarter of Section 18, Township 1 North, Range 2 East, Gila and Salt River Meridian, Maricopa County, Arizona, lying between the existing westerly right of way line of 59th Avenue and the following described LINE:

COMMENCING at a 2003 3 inch Maricopa County brass cap in handhole "LS 3610" marking the Southeast corner of said Section 18, being South 00'04'18" East 2637.50 feet from a 2 inch 2005 Maricopa County aluminum cap in handhole "LS 3610" marking the East quarter corner of said Section 18, thence along the East line of said Section 18, North 00'04'18" West 33.81 feet to the POINT OF BEGINNING;

thence South 89'55'42" West 33.00 feet to the juncture of the existing northerly right of way line of Lower Buckeye Road with the existing westerly right of way line of 59th Avenue. Thence along said existing northerly right of way line of Lower Buckeye Road North 88'40'28" West 100.03 feet;

thence continuing along said existing northerly right of way line North 00'04'18" West 33.51 feet; thence continuing along said existing northerly right of way line North 88'40'28" West 103.90 feet; thence continuing along said existing northerly right of way line North 76'00'25" West 118.56 feet;

thence continuing along said existing northerly right of way line North 88'40'28" West 169.49 feet to the existing easterly right of way line of State Route 202L (SOUTH MOUNTAIN FREEWAY);

thence along said existing easterly right of way line of State Route 202L North 16'00'43" East 399.68 feet; thence continuing along said existing easterly right of way line North 17'01'23" East 500.10 feet; thence continuing along said existing easterly right of way line North 17'16'47" East 399.69 feet; thence continuing along said existing easterly right of way line North 17'44'31" East 292.19 feet to the existing westerly right of way line of said 59th Avenue; thence North 89'55'42" East 55.00 feet to the POINT OF ENDING on said East line of Section 18, being South 00'04'18" East 1010.54 feet from said East quarter corner of Section 18.

EXCEPTING THEREFROM the South 83.00 feet of the East 83.00 feet of the Southeast quarter (SE1/4) of said Section 18;

ALSO EXCEPTING THEREFROM the South 83.00 feet of the East 83.00 feet of the Southeast quarter (SE1/4) of said Section 18 described as follows:

COMMENCING at a 2005 3 inch Maricopa County brass cap in handhold stamped "LS 31610" marking the Southeast corner of said Section 18, from which a 3 inch City of Phoenix brass cap in handhold marking the South quarter corner of said Section 18 bears North 88'40'28" West 2693.67 feet;

thence along the South line of the Southeast quarter of said Section 18, North 88'40'28" West 83.02 feet; thence North 00'04'18" West 33.01 feet to the POINT OF BEGINNING on the North line of the South 33 feet of the Southeast quarter of said Section 18;

thence along said North line of the South 33 feet North 88'40'28" West 50.01 feet;

thence North 00°04'18" West 150.04 feet; thence South 88°40'28" East 100.03 feet; thence South 00°04'18" East 100.03 feet to the North line of the South 83 feet of Southeast quarter; thence along said North line of the South 83 feet, North 88°40'28" West 50.01 feet to the West line of the East 83 feet of said Southeast quarter; thence along said West line, South 00°04'18" East 50.01 feet to the POINT OF BEGINNING. AND EXCEPT all minerals, coal, carbons, hydrocarbons, oil, gas, chemical elements and compounds, whether in solid, liquid or gaseous form, and all steam and other forms of thermal energy on, in or under said land as reserved in deed recorded in 2001-1105056, Official Records.

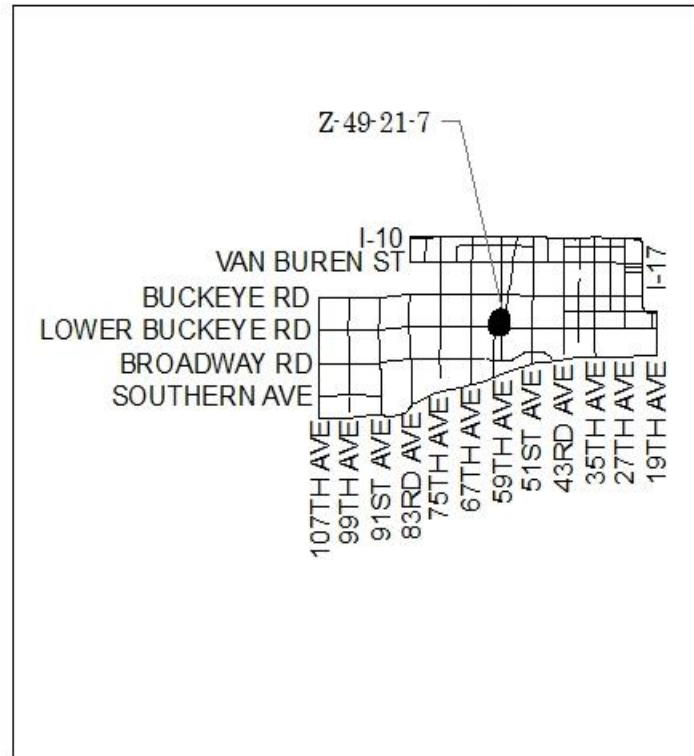
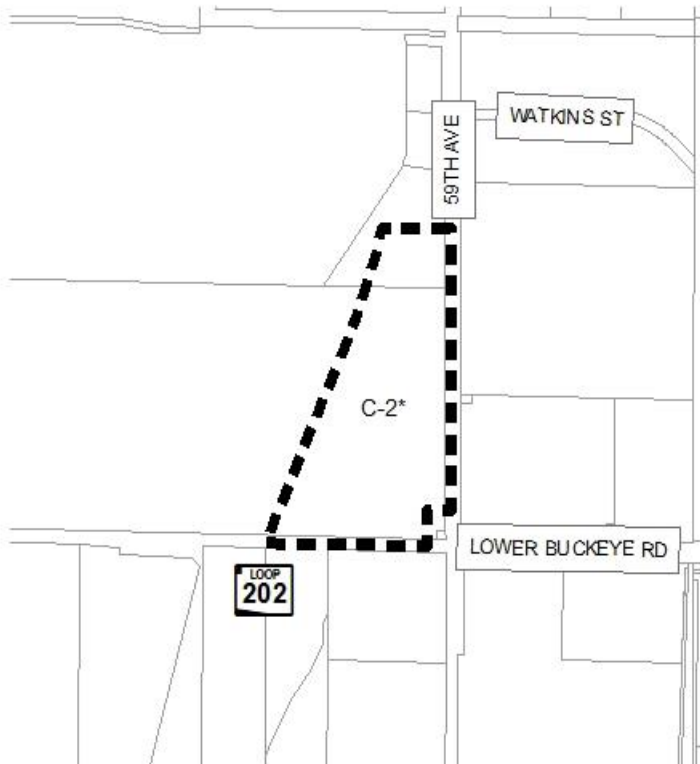
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ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-49-21-7
Zoning Overlay: N/A
Planning Village: Estrella



NOT TO SCALE



Drawn Date: 12/7/2021