

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-81-24-7) FROM R1-8 (SINGLE-FAMILY RESIDENCE DISTRICT) TO C-2 (INTERMEDIATE COMMERCIAL) AND 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 19.46-acre site located at the northeast corner of 91st Avenue and Broadway Road in a portion of Section 22, Township 1 North, Range 1 East, as described more specifically in Exhibit "A," is hereby changed from "R1-8" (Single-Family Residence District) to 5.64 acres of "C-2" (Intermediate Commercial) and 13.82 acres of "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:

Overall Development

1. 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.
2. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, striped, or other pavement treatments that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
3. A minimum of three pedestrian connections shall be provided between the multifamily and commercial development, as approved by the Planning and Development Department.
4. 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.
5. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized on site, as approved or modified by the Planning and Development Department.
6. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
7. Pressure regulating sprinkler heads and/or drip lines shall be utilized in any turf areas to reduce water waste.
8. 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.
9. A minimum of two green stormwater infrastructure (GSI) elements for stormwater management shall be implemented, as approved or modified by the Planning and Development and/or Street Transportation departments. This includes but is not limited to stormwater harvesting basins, bioswales, permeable pavement, etc., per the Greater Phoenix Metro Green Infrastructure

and Low Impact Development Details for Alternative Stormwater Management.

10. A minimum 55-foot right-of-way shall be dedicated for a modified flared intersection at the east side of 91st Avenue at the Broadway Road intersection. Additional dedications to accommodate the intersection flare may be required, as approved by the Street Transportation Department. The improvements shall be consistent with the Arterial CM cross section including a minimum 6-foot-wide detached sidewalk separated by a minimum 10-foot-wide landscape strip located between the back of curb and sidewalk.
11. A 20-foot-wide multi-use trail easement (MUTE) shall be dedicated along Broadway Road and a minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement in accordance with the MAG supplemental detail and as approved or modified by the Planning and Development Department.
12. A total of 55-feet of right-of-way shall be dedicated to Maricopa County for the north half of Broadway Road, or as otherwise approved by the Maricopa County Department of Transportation.
13. All street improvements to Broadway Road are outside of Phoenix City Limits and shall be reviewed and approved by Maricopa County. Documentation of the county review and approval shall be provided prior to preliminary site plan approval.
14. A traffic signal shall be installed at the 91st Avenue and Broadway Road intersection during the first phase of development. The developer shall fund 100% of the cost and construct the traffic signal to an interim design, as approved by the Street Transportation Department. If the signal is installed by others, the development shall be responsible for 100% of the cost for signal relocation and/or modifications.
15. All existing or relocated electrical utilities, 12 kv or smaller, within the 91st Avenue right-of-way shall be undergrounded, adjacent to the development, or as otherwise approved by the Street Transportation Department. The developer shall coordinate with the affected utility companies for their review and permitting.
16. Existing SRP facilities within the 91st Avenue and Broadway Road right-of-way are to be relocated outside of City right-of-way, unless otherwise approved by the Street Transportation Department. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
17. 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.

18. The developer shall construct a bus pad that conforms with City of Phoenix Standard Detail P1260 on northbound 91st Avenue, north of Broadway Road. The pad shall be located from the intersection following the standards established in P1258.
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 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.

Multifamily Development as depicted on the site plan date stamped July 30, 2024

21. The maximum building height shall not exceed 30 feet. If 100 percent of the housing units are provided as affordable housing, the maximum height shall be 40 feet.
 - a. The applicant shall submit a copy of the draft Declaration of Affirmative Land Use and Restrictive Covenants agreement (LURA), for review and verification by the Phoenix Housing Department, prior to or in conjunction with Preliminary Site Plan Approval.
 - b. The applicant shall submit a copy of the Determination of Qualification of Tax Credits issued by the Arizona Department of Housing, or other documentation of low-income housing tax credit allocation, prior to or in conjunction with Final Site Plan Approval.
 - c. The applicant shall submit a copy of the recorded Declaration of Affirmative Land Use and Restrictive Covenants agreement (LURA), as approved by the Arizona Department of Housing, to the Planning and Development Department.
22. The maximum building height shall be 2 stories or 30 feet for Building Type 4 (2 stories, 24 units) and units fronting the north property line of Building Type 2 (22 units), as depicted on the site plan date stamped July 30, 2024.
23. The R-4 Planned Residential Development Option shall be utilized for the development.
24. The entry drives shall incorporate landscaping on both sides, planted with a variety of at least three plant materials, as approved by the Planning and Development Department.
25. The north landscape setback shall be planted with evergreen trees, as approved by the Planning and Development Department.

26. A minimum of 10% of the gross site area shall be retained as open space.
27. All pedestrian walkways, including sidewalks, shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade, as approved by the Planning and Development Department.
28. The development shall incorporate bicycle infrastructure as described below and approved by the Planning and Development Department.
 - a. The developer shall provide secure bicycle parking per Section 1307 of the Zoning Ordinance.
 - b. Guest bicycle parking shall be provided at a minimum rate of 0.05 spaces per unit, up to a maximum of 50 spaces. Parking spaces shall be provided through Inverted U and/or artistic racks located near the community center and/or clubhouse and open space areas, and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
 - c. A bicycle repair station ("fix it station") shall be provided and maintained on site within an amenity area or near a primary site entrance, and separated from vehicular maneuvering areas, where applicable. The repair station shall include, but not be limited to 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.
 - d. Bicycle parking spaces shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade, as approved by the Planning and Development Department.
 - e. A minimum of 10% of the required bicycle parking spaces shall be include standard electrical receptacles for electric bicycle charging capabilities.
29. A minimum of 5% of the required vehicle parking spaces shall include EV Installed infrastructure. A minimum of 10% of the required vehicle parking spaces shall include EV Capable spaces.
30. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the Water Efficiency Checkup for a minimum of 10 years, or as approved by the Planning and Development Department.
31. Landscape areas shall be planted with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees planted 25 feet on center, or in equivalent groupings, as approved by the Planning and Development Department.

32. Prior to certificate of occupancy, signage shall be posted within the development's sales/leasing office (or equivalent signage) that is visible to prospective renters or purchases, and which discloses the proximity and existence of nearby existing dairy farms and animal privilege private properties that may cause adverse noise, odors, dust, and other externalities, as approved by Planning and Development Department.

Commercial Development as depicted on the site plan date stamped July 30, 2024.

33. The conceptual site plan and elevations for the future commercial development as depicted on the site plan date stamped July 30, 2024, shall be reviewed and approved by the Planning Hearing Officer through the public hearing process for stipulation modifications prior to preliminary site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and requirements will be determined by the Planning Hearing Officer and the Planning and Development Department. The site plan shall incorporate the following elements:
- a. Accessible pedestrian pathways that connect building entrances and the public bus pad using the most direct route for pedestrians.
 - b. Pedestrian connections between adjacent commercial developments (if developed across multiple phases).
34. The development shall incorporate bicycle infrastructure as described below and approved by the Planning and Development Department
- a. Bicycle parking spaces shall be provided per the requirements of Section 1307.H of the Phoenix Zoning Ordinance through inverted U and/or artistic racks located near the building entrances and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
 - b. A minimum of 5% of the required bicycle parking spaces shall include standard electrical receptables for electric bicycle charging capabilities.
35. A minimum of 10% of the required vehicle parking spaces shall include EV Ready infrastructure and a minimum of 5% shall include EV Capable infrastructure.
36. 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.

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 2nd day of October, 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 Pages)
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-81-24-7

Commercial Portion (C-2)

Located in the Southwest Quarter of Section 22, Township 1 North, Range 1 East, Gila and Salt River Meridian, Maricopa County, Arizona.

Beginning at the Southwest corner of said Section 22;

Thence North 01°34'12" West, along the West line of said Southwest Quarter, a distance of 874.09 feet;

Thence departing said West line, North 88°25'48" East, a distance of 295.00 feet;

Thence South 01°34'12" East, a distance of 844.14 feet to the South line of said Southwest Quarter;

Thence South 82°38'04" West, along said South line, a distance of 296.52 feet to the Point of Beginning.

Containing 253,438.75 square feet or 5.82 acres, more or less.

Multifamily Portion (C-2 HGT/WVR DNS/WVR)

Located in the Southwest Quarter of Section 22, Township 1 North, Range 1 East, Gila and Salt River Meridian, Maricopa County, Arizona.

Commencing at the Southwest corner of said Section 22;

Thence North 82°38'04" East, along the South line of said Southwest Quarter, a distance of 296.52 feet to the Point of Beginning;

Thence departing said South line, North 01°34'12" West, a distance of 844.14 feet;

Thence South 88°25'48" West, a distance of 295.00 feet to the West line of said

Southwest Quarter; Thence North 01°34'12" West, along said West line, a distance of 443.21 feet;

Thence departing said West line, North 83°00'43" East, a distance of 656.92 feet;

Thence South 01°37'15" East, a distance of 1,312.83 feet to the South line of said Southwest Quarter;

Thence South 82°38'04" West, along said line, a distance of 362.00 feet to the Point of Beginning. Containing 607,389.91 square feet or 13.94 acres, more or less.

EXHIBIT B

Zoning Case Number: Z-81-24-7
Zoning Overlay: N/A
Planning Village: Estrella

