

## 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-77-21-7) FROM PUD (PLANNED UNIT DEVELOPMENT) TO R1-10 (SINGLE-FAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 39.69-acre site located at the southeast corner of 75th Avenue and Broadway Road in a portion of Section 25, Township 1 North, Range 1 East, as described more specifically in Exhibit "A," is hereby changed from "PUD" (Planned Unit Development), to "R1-10" (Single-Family Residence 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. Lots with a rear lot line along the eastern perimeter of the site shall be a minimum of 140 feet in depth.
2. A minimum 15-foot-wide landscape setback shall be provided along the eastern perimeter property line(s), as approved by the Planning and Development Department.
3. A minimum 30-foot-wide landscape setback shall be provided along the western perimeter property line(s) along the 75th Avenue alignment, as approved by the Planning and Development Department.
4. A minimum 10-foot-wide, average 15-foot, landscape setback shall be provided along the south perimeter property line(s) abutting the State Route (SR) 30 freeway, planted with large evergreen trees to provide a minimum 30-foot vertical screen at maturity, as approved by the Planning and Development Department.
5. The required landscape setbacks shall be planted with minimum 75 percent 2-inch caliper and 25 percent 3-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree, as approved by the Planning and Development Department. Except that landscaping along arterial streets shall conform with the Estrella Village Arterial Street Landscaping Program landscape palette and landscaping standards in the Estrella Village, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
6. Residential lots shall be a minimum 150 feet from the south perimeter property line abutting the State Route (SR) 30 freeway alignment, as approved by the Planning and Development Department.
7. A perimeter wall no less than 6 feet in height shall be provided along the south perimeter of the site adjacent to the State Route (SR) 30 freeway alignment. This wall 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.
8. An open space area shall be provided directly across the vehicular entrance from Broadway Road into the development, as approved by the Planning and Development Department.

9. All sidewalks within the development shall be detached with a minimum five-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum 2-inch caliper single trunk shade trees planted at a rate of one tree per lot or a minimum of 20 feet on center or equivalent groupings where adjacent to open space areas, as modified and approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
10. The sidewalk along Broadway Road shall be a minimum of five feet in width and detached from the curb, consistent with the City of Phoenix Street Classification Map and planted to the following standards, as approved by the Planning and Development Department.
  - a. Drought tolerant vegetation to achieve 75 percent live coverage at maturity.
  - b. 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.

11. The developer shall dedicate a multi-use trail easement (MUTE) along the east side of the 75th Avenue alignment in accordance with the MAG supplemental detail, as approved by the Planning and Development Department. The developer shall work with the Site Planning section on an alternate design for this requirement through the technical appeal process.
12. The developer shall construct one bus stop pad on this site on eastbound Broadway Road. The bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet and shall be spaced from the intersection of 75th Avenue according to City of Phoenix Standard Detail P1258.
13. The developer shall dedicate minimum 55 feet of right-of-way and construct the south side of Broadway Road, as approved by the Planning and Development Department.
14. The developer shall construct a minimum 14-foot-wide landscaped median along Broadway Road, as approved by the Street Transportation Department.
15. Access control to Broadway Road shall meet current Street Transportation

## Planning and Design Guidelines.

16. The developer shall dedicate a tract for the east side of 75th Avenue of sufficient width necessary to accommodate a City "D" Section Arterial Roadway for the purposes of conditional right-of-way for the future 75th Avenue alignment, as approved by the Planning and Development Department.
17. Access to existing MCDOT roadways shall require approval from Maricopa County.
18. The developer shall submit a Traffic Impact Statement (TIS) to the City and MCDOT for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City and MCDOT. The TIS shall include signal warrant analysis for the intersection of 75th Avenue and Broadway. Prior to final site plan approval, the applicant will contribute 25-percent to the traffic signal at 75th Avenue and Broadway Road to the appropriate jurisdiction.
19. The developer shall underground all existing electrical utilities within the City public right-of-way that are impacted or must be relocated as part of the project.
20. Existing irrigation facilities along Broadway Road are to be undergrounded and relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish appropriate process to relocate facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
21. The developer shall construct all City 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. Adjacent street improvements shall apply to Broadway Road only. 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 the existence and operational characteristics of existing mining operations in the area. The form and content of such documents shall be reviewed by the City prior to recordation.
23. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development the existence and operational characteristics of agricultural uses. These documents must advise purchasers that, under Section 3-112(E), Arizona Revised Statutes, the City of Phoenix may not declare an agricultural operation conducted on farmland to be a nuisance if the agricultural use is lawful, customary, reasonable, safe and

necessary to the agriculture industry. The form and content of such documents shall be reviewed and approved by the City prior to recordation.

24. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development the preferred alignment and operational characteristics of the State Route 30 or SR-30 freeway. The form and content of such documents shall be reviewed by the City prior to recordation.
25. 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.
26. 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.
27. 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.
28. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims forms. 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 June, 2022.

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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:

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Jeffrey Barton, City Manager

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

EXHIBIT A

LEGAL DESCRIPTION FOR Z-77-21-7

PORTION OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SAID SECTION 25, BEING MARKED BY A BRASS CAP IN A HANDHOLE, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 25, BEING MARKED BY HALF INCH REBAR BEARS SOUTH 02 DEGREES 09 MINUTES 44 SECONDS EAST, 3022.99 FEET;

THENCE NORTH 89 DEGREES 58 MINUTES 41 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, 52.05 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 89 DEGREES 58 MINUTES 41 SECONDS EAST, ALONG SAID NORTH LINE, 1270.39 FEET;

THENCE DEPARTING SAID NORTH LINE, SOUTH 00 DEGREES 08 MINUTES 17 SECONDS WEST, 1710.19 FEET TO THE NORTH LINE OF THE "NEW STATE CANAL", AS SHOWN IN BK. 124, PG. 22, MARICOPA COUNTY RECORDS, (M.C.R.);

THENCE NORTH 48 DEGREES 55 MINUTES 30 SECONDS WEST, ALONG SAID NORTH LINE, 79.21 FEET;

THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 58 DEGREES 23 MINUTES 30 SECONDS WEST, 554.08 FEET;

THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 61 DEGREES 58 MINUTES 30 SECONDS WEST, 145.06 FEET;

THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 69 DEGREES 12 MINUTES 30 SECONDS WEST, 196.95 FEET;

THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 78 DEGREES 20 MINUTES 30 SECONDS WEST, 205.96 FEET;

THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 87 DEGREES 30 MINUTES 30 SECONDS WEST, 213.66 FEET TO THE EAST RIGHT-OF-WAY LINE OF 75TH AVENUE, AS SHOWN IN DOCUMENT 2005-0246047, M.C.R.;

THENCE DEPARTING SAID NORTH LINE, NORTH 01 DEGREES 30 MINUTES 02 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, 957.67 FEET;

THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 09 DEGREES 44 MINUTES 58 SECONDS EAST, 71.59 FEET;

THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 02 DEGREES 09 MINUTES 43 SECONDS WEST, 117.04 FEET;

THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 89 DEGREES 58 MINUTES 55 SECONDS EAST, 12.00 FEET;

THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 02 DEGREES 09 MINUTES 43 SECONDS WEST, 12.01 FEET;

THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE, NORTH 02 DEGREES 09 MINUTES 43 SECONDS WEST, 40.03 FEET TO SAID **POINT OF BEGINNING**;

SAID PARCEL CONTAINS 1,735,219 SQUARE FEET OR 39.8351 ACRES, MORE OR LESS.

# ORDINANCE LOCATION MAP

EXHIBIT B

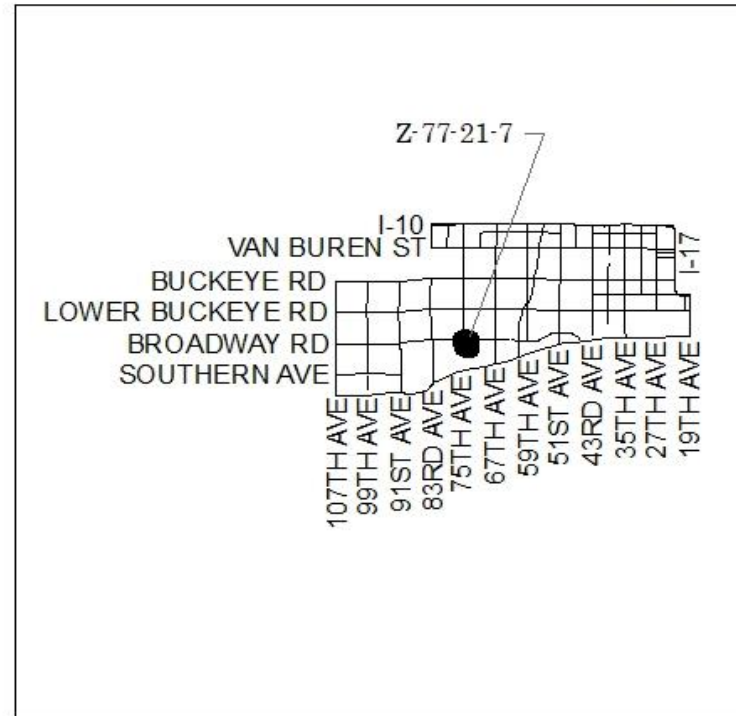
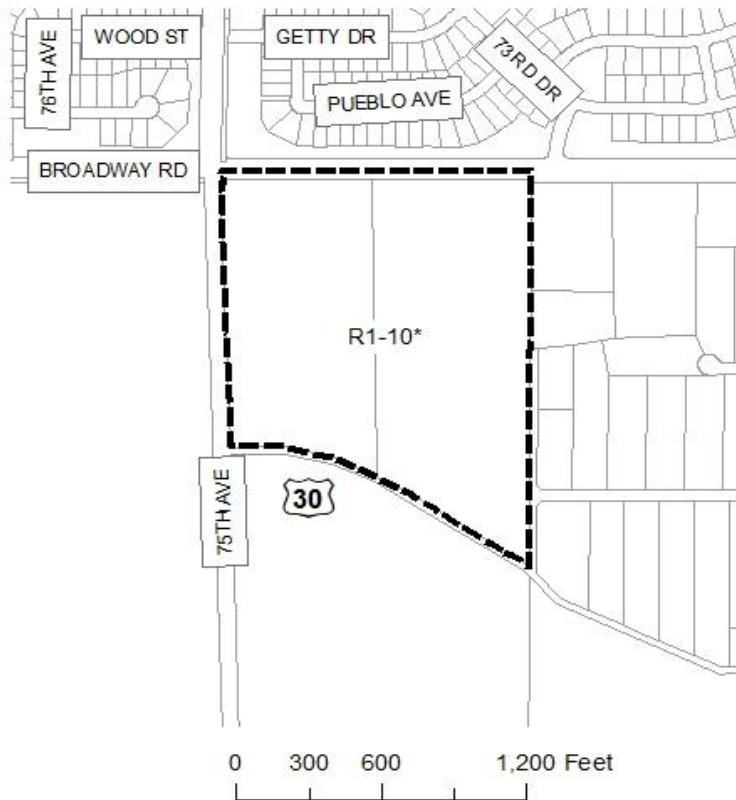
ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: ■■■■■

Zoning Case Number: Z-77-21-7

Zoning Overlay: N/A

Planning Village: Estrella



NOT TO SCALE



Drawn Date: 5/3/2022