

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-75-22-8) FROM S-1 (RANCH OR FARM RESIDENCE), S-1 (APPROVED R1-10 PCD) (RANCH OR FARM RESIDENCE, APPROVED SINGLE-FAMILY RESIDENCE DISTRICT, PLANNED COMMUNITY DISTRICT), S-1 (APPROVED C-1 PCD) (RANCH OR FARM RESIDENCE, APPROVED NEIGHBORHOOD RETAIL, PLANNED COMMUNITY DISTRICT) TO C-1 (NEIGHBORHOOD RETAIL).

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

SECTION 1. The zoning of a 12.73 acre site located at the southwest corner of 51st Avenue and Elliot Road in a portion of Section 17, Township 1 South, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from 1.68 acres of "S-1" (Ranch or Farm Residence), 1.07 acres of "S-1 (Approved R1-10 PCD)" (Ranch or Farm Residence, Approved Single-Family Residence District, Planned Community District), and 9.98 acres of "S-1 (Approved C-1 PCD)" (Ranch or Farm Residence, Approved Neighborhood Retail, Planned Community District) to "C-1" (Neighborhood Retail).

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 maximum density for the project shall not exceed 10 dwelling units per gross acre.
2. The development shall be in general conformance with the building elevations date stamped February 3, 2023, as modified by the following stipulations and approved by the Planning and Development Department.
3. All required landscape setbacks shall be planted with minimum 50% 2-inch caliper, and minimum 50% 3-inch caliper large canopy, drought-tolerant trees, planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
4. The primary vehicular entrance to the development shall include the following elements, as approved by the Planning and Development Department:
 - a. Pedestrian pathways connecting the interior of the development to the public sidewalks along both sides of the vehicular driveway.
 - b. The pedestrian pathways shall be detached from the vehicular driveway and lined with landscape areas on both sides of not less than 5 feet wide. The landscape area shall be planted with drought-tolerant plant materials providing seasonal interest and 75% live cover.
 - c. A mix of ornamental trees (no less than 2-inch caliper), shrubs (no less than five, five-gallon shrubs per tree) and flower beds that will provide a variety of texture and color throughout the year and 75% live cover, shall be provided along both sides of the entryway and within a landscaped median of no less than 5 feet.
 - d. The driveway surface shall be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces.
5. Perimeter walls surrounding the development, along 51st Avenue and Elliot Road, shall be a minimum of 50% open, as approved by the Planning and Development Department.

6. 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.
7. All uncovered surface parking lot areas shall be landscaped with a minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25% shade at maturity, as approved by Planning and Development Department.
8. The bus stop pad adjacent to the development shall be shaded a minimum of 50% using drought-tolerant shade trees at maturity and/or a shade structure, as approved by the Planning and Development Department.
9. A minimum of one pedestrian pathway shall be provided within close proximity to the intersection of 51st Avenue and Elliot Road, as approved by the Planning and Development Department.
10. 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.
11. The developer shall provide traffic calming measures at all vehicular points of ingress and egress to slow vehicles departing the development and crossing the public sidewalks, as approved by the Planning and Development Department.
12. A minimum of 30 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located throughout the site including near the centralized open space 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.
13. The developer shall construct a bus stop pad on southbound 51st Avenue in accordance with City of Phoenix Standard Detail P1260 with a depth of 10 feet and located from Elliot Road according to City of Phoenix Standard Detail P1258, as approved by the Planning and Development Department.
14. Public sidewalks adjacent to the development shall be shaded a minimum of 75%, 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.
15. The developer shall construct detached sidewalks along 51st Avenue and Elliot Road, as required by the Tierra Montana Master Street Plan, as approved by the Planning and Development Department.

16. The developer shall dedicate right-of-way and construct improvements along the south side of Elliot Road as required by the Tierra Montana Master Street Plan, as approved by the Planning and Development Department.
17. The developer shall dedicate right-of-way and construct improvements along the west side of 51st Avenue as required by the Tierra Montana Master Street Plan, as approved by the Planning and Development Department.
18. Access control for the site shall follow the approved Tierra Montana Master Street Plan or as approved by the Street Transportation Department.
19. The developer shall construct the median along Elliot Road as required by the Tierra Montana Master Street Plan from 52nd Drive to the western limits of APN 300-02-046R including appropriate tapers, as approved by the Street Transportation Department.
20. The developer shall submit a Traffic Impact Statement including a signal warrant analysis for this development. No preliminary approval of plans shall be granted until the statement has been reviewed and approved by the city. The developer shall be responsible for cost and construction of a traffic signal or if a traffic signal is not warranted upon opening, the developer will be required to provide 25% contribution toward a traffic signal in an escrow account to the Street Transportation Department, as required by the approved Traffic Impact Statement.
21. The developer shall provide conduit and junction boxes at the southwest corner of 51st Avenue and Elliott. The plans shall be submitted and approved by the Street Transportation and Planning and Development Departments.
22. Existing irrigation facilities along 51st Avenue are to be undergrounded and relocated outside of city right-of-way. Contact SRP to identify existing land rights and establish the appropriate process to relocate the facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
23. 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.
24. A qualified historian, architectural historian or cultural resource firm shall document the history of Barney Ranch within one year of rezoning approval in accordance with Part IV of the Arizona Reporting Standards for Cultural Resources, as approved by the Historic Preservation Office.
25. The property owner shall record documents that disclose the existence and operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be

according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

26. 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.
27. 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.
28. A minimum of 10% of the gross project area shall be retained as open space, 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 5th day of April, 2023.

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 Page)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

A portion of land being situated within the Northeast Quarter of Section 17, Township 1 South, Range 2 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a found Maricopa County Highway Department brass cap in hand hole accepted as the Northeast corner of said Section 17, from which a found Maricopa County Highway Department brass cap in hand hole accepted as the East Quarter corner thereof bears South $00^{\circ}01'50''$ West, 2630.60 feet;

Thence South $00^{\circ}01'50''$ West, 787.54 feet along the east line of said Northeast Quarter to the northern boundary line of the Final Plat of Tierra Montana-Phase 1- Parcel 11, as recorded in Book 952, Page 12, records of Maricopa County, Arizona;

Thence North $89^{\circ}58'21''$ West, 467.31 feet along said northern boundary line to an angle point therein;

Thence North $44^{\circ}23'20''$ West, 416.73 feet to the easterly boundary line of said Final Plat;

Thence North $00^{\circ}02'17''$ East, 490.64 feet along said easterly boundary line to the north line of said Northeast Quarter;

Thence South $89^{\circ}54'56''$ East, 758.92 feet along said north line to the POINT OF BEGINNING.

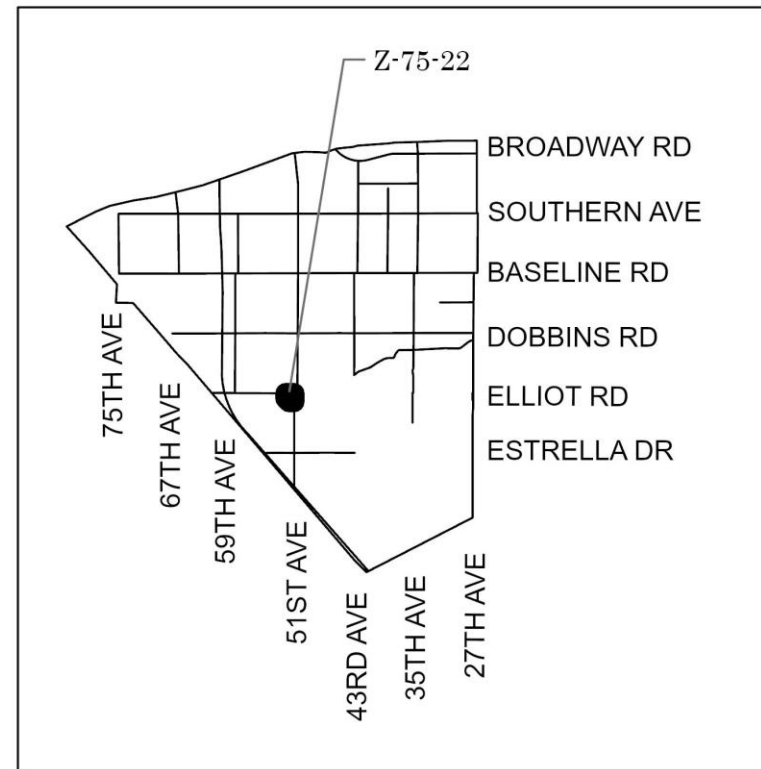
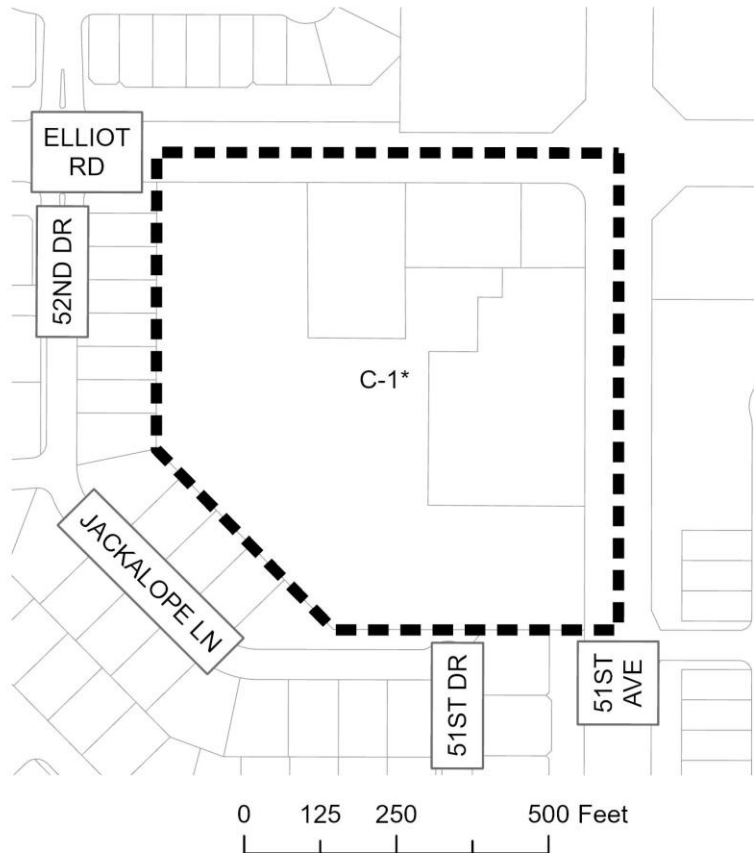
The above described parcel contains a computed area of 554,593 sq. ft. (12.7317 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-75-22
Zoning Overlay: N/A
Planning Village: Laveen



NOT TO SCALE



Drawn Date: 3/7/2023