

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-72-21-7) FROM RE-35 (SINGLE-FAMILY RESIDENCE DISTRICT), R1-8 (SINGLE-FAMILY RESIDENCE DISTRICT), AND C-2 (INTERMEDIATE COMMERCIAL) TO R-2 (MULTIFAMILY RESIDENCE DISTRICT) AND C-2 (INTERMEDIATE COMMERCIAL).

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

follows:

SECTION 1. The zoning of a 69.88 acre site located at the northwest corner of 67th Avenue and Lower Buckeye Road in a portion of Section 13, Township 1 North, Range 1 East, as described more specifically in Exhibit "A," is hereby changed from 69.00 acres of "RE-35" (Single-Family Residence District), 0.42 acres of "R1-8" (Single-Family Residence District), and 0.46 acres of "C-2" (Intermediate Commercial), to 66.91 acres of "R-2" (Multifamily Residence District) and 2.97 acres of "C-2" (Intermediate Commercial).

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 SITE

1. Building elevations shall be developed to the following standards, as approved by the Planning and Development Department:
 - a. All building elevations shall contain a primary material and a minimum of one secondary material to provide tasteful and balanced enhancements to the architecture. The secondary materials and colors shall be composed of brick, masonry, stone, Hardie Plank, lap siding, shudders, or another exterior accent material that exhibits quality, durability, and consistency with the architectural theme.
 - b. All building elevations shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, pop-outs, recesses, variation in window size and location, pitched roofs and/or overhang canopies.
2. 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.
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. All perimeter walls visible from street right-of-way shall include material and/or 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.
5. A system of pedestrian connections shall be provided as follows, and connecting the following via the most direct route, as approved by the Planning and Development Department:

- a. A minimum of two pedestrian connections shall be provided from the residential zoned portion of the site to the public sidewalk along Lower Buckeye Road.
 - b. A minimum of one pedestrian connection shall be provided from the multifamily-zoned portion of the site to the public sidewalks along 67th Avenue and 71st Avenue.
 - c. Illuminated pedestrian scale lighting per Section 1304(H)5 for pedestrian pathways connecting the multifamily and commercial development, and along pedestrian entrances to the multifamily development.
 - d. 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.
6. The bus stop pads along Lower Buckeye Road shall be shaded a minimum of 50% by vegetative shade at maturity, 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.
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% shade at maturity, as approved by Planning and Development Department.
8. The sidewalk along 67th Avenue shall be a minimum of 5 feet in width and detached with a minimum 13-foot-wide landscape strip located between the sidewalk and back of curb. The landscape strip shall be planted with minimum 2-inch caliper, single trunk, drought-tolerant shade trees to provide a minimum of 75% shade at maturity, 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.
9. The sidewalk along 71st Avenue shall be a minimum of 5 feet in width and detached with a minimum 8-foot-wide landscape strip located between the sidewalk and back of curb. The landscape strip shall be planted with minimum 2-inch caliper, single trunk, drought-tolerant shade trees to provide a minimum of 75% shade at maturity, 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.

10. The sidewalk along Lower Buckeye Road shall be a minimum of 5 feet in width and detached with a minimum 13-foot wide landscape strip located between the sidewalk and back of curb. The landscape strip shall be planted with minimum 2-inch caliper, single trunk, drought-tolerant shade trees to provide a minimum of 75% shade at maturity, 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.
11. A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along Lower Buckeye 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 by the Planning and Development Department.
12. The developer shall construct two bus stop pads along westbound Lower Buckeye Road. One west of 67th Avenue and another west of the 69th Avenue alignment. The bus stop pads 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 67th Avenue and the 69th Avenue alignment according to City of Phoenix Standard Detail P1258.
13. The developer shall dedicate minimum 55-feet of right-of-way and construct the north side of Lower Buckeye Road, as required by the C-M Cross Section identified on the Street Classification Map and as approved by the Planning and Development Department.
14. The developer shall dedicate minimum 60-feet of right-of-way and construct the west side of 67th Avenue to include a 14-foot-wide landscaped median, as required by the C-M Cross Section identified on the Street Classification Map and as approved by the Planning and Development Department.
15. The developer shall dedicate minimum 40-feet of right-of-way and construct the east side of 71st Avenue, as required by the E Cross Section identified on the Street Classification Map and as approved by the Planning and Development Department.
16. Access control for the development site shall comply with the City of Phoenix Street Planning and Design Guideline Standards and as approved by the Street Transportation Department.
17. The developer shall submit a Traffic Impact Analysis (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. The study shall include signal warrant analysis at the intersection of 71st Avenue and Lower Buckeye Road. The developer shall be responsible for constructing and/or providing funds in escrow all off-site improvements including modifications to existing traffic signals, as recommended by the approved TIS.

18. The Traffic Impact Study shall include a right-turn deceleration analysis, as required and approved by the Street Transportation Department.
19. Existing irrigation facilities along all public streets 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.
20. 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.
21. 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.
22. 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.
23. 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.

R-2 ZONED AREAS (BOTH SINGLE-FAMILY AND MULTIFAMILY)

24. A site plan and building elevations shall be presented to the Estrella Village Planning Committee for review and comment prior to preliminary site plan approval for the area depicted as a single-family residential subdivision on the Concept Plan date stamped November 30, 2022.
25. The approximate 48-acre multifamily development depicted on the Concept Plan date stamped November 30, 2022, shall be in general conformance with the Concept Plan and elevations date stamped November 30, 2022, as modified by the following stipulations and approved by the Planning and Development Department.
26. 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 in width. The landscape area shall be planted with drought-tolerant plant materials providing seasonal interest and minimum 75% live coverage at maturity.
 - c. A mix of ornamental trees (no less than 2-inch caliper), shrubs (no less than five 5-gallon shrubs per tree) and flower beds that will provide a variety of texture and color throughout the year and minimum 75% live coverage, shall be provided along both sides of the entryway.
 - d. The entry driveway surface shall be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces.
27. A minimum of 10% of the site area shall be provided as open space for each residential development, exclusive of landscape setbacks, as approved by the Planning and Development Department.
28. The development shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.
- a. A minimum of 30 bicycle parking spaces shall be provided through Inverted U and/or artistic racks, or in a secure area and located throughout the site including near the centralized open space and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance.
 - b. One bicycle repair station ("fix it station") shall be provided and maintained in the multifamily development portion of the site within a central amenity area or primary site entrance. 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.

C-2 ZONED AREA

29. The conceptual site plan and elevations for future development of the commercially zoned area 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. Refuse bins shall be screened from view by a 6-foot-tall wall.
 - b. Accessible pedestrian pathways that connect building entrances, public sidewalks, and the bus stop pad along Lower Buckeye Road using the most direct route for pedestrians.
 - c. Pedestrian connections between adjacent commercial developments (if developed across multiple phases).
30. Evergreen trees shall be planted within the north and west landscape setbacks, as approved by the Planning and Development Department.
31. A minimum of 6 bicycle parking spaces shall be provided through Inverted U and/or artistic racks installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, 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 1st day of March, 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 (3 Pages)
- B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

R-2 RESIDENTIAL

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 13, FROM WHICH POINT THE SOUTH QUARTER CORNER OF SAID SECTION 13 BEARS SOUTH $89^{\circ}39'02''$ WEST, A DISTANCE OF 2618.18 FEET;

THENCE SOUTH $89^{\circ}39'02''$ WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 360.99 FEET;

THENCE NORTH $00^{\circ}20'58''$ WEST, A DISTANCE OF 64.00 FEET TO THE NORTH LINE OF THE SOUTH 64 FEET OF SAID SOUTHEAST QUARTER, SAID POINT BEING THE POINT OF BEGINNING;

THENCE SOUTH $89^{\circ}39'02''$ WEST, ALONG SAID NORTH LINE, A DISTANCE OF 2203.72 FEET;

THENCE SOUTH $01^{\circ}21'23''$ EAST, A DISTANCE OF 11.00 FEET TO THE NORTH LINE OF THE SOUTH 53 FEET OF SAID SOUTHEAST QUARTER;

THENCE SOUTH $89^{\circ}39'02''$ WEST, ALONG SAID NORTH LINE, A DISTANCE OF 33.27 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, CONCAVE NORTHERLY AND HAVING A RADIUS POINT WHICH BEARS NORTH $36^{\circ}04'45''$ EAST, A RADIAL DISTANCE OF 27.00 FEET;

THENCE WESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $40^{\circ}26'21''$, AN ARC DISTANCE OF 19.06 FEET TO A POINT ON THE EAST LINE OF THE WEST 10 FEET OF SAID SOUTHEAST QUARTER;

THENCE NORTH $00^{\circ}14'10''$ WEST, ALONG SAID EAST LINE, A DISTANCE OF 10.42 FEET;

THENCE SOUTH $89^{\circ}04'10''$ WEST, A DISTANCE OF 10.00 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER;

THENCE NORTH $00^{\circ}14'10''$ WEST, ALONG SAID WEST LINE, A DISTANCE OF 1055.81 FEET;

THENCE NORTH $89^{\circ}54'38''$ EAST, A DISTANCE OF 856.72 FEET;

THENCE NORTH $00^{\circ}14'10''$ WEST, A DISTANCE OF 93.94 FEET;

THENCE NORTH 90°00'00" EAST, A DISTANCE OF 1733.49 FEET TO THE WEST LINE OF THE EAST 33 FEET OF SAID SOUTHEAST QUARTER;

THENCE SOUTH 00°00'03" WEST, ALONG SAID WEST LINE, A DISTANCE OF 830.48 FEET;

THENCE SOUTH 89°39'02" WEST, A DISTANCE OF 329.33 FEET;

THENCE SOUTH 00°10'12" EAST, A DISTANCE OF 319.74 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,811,031 SQ.FT. OR 64.5324 ACRES, MORE OR LESS.

C-2 COMMERCIAL

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 13, FROM WHICH POINT THE SOUTH QUARTER CORNER OF SAID SECTION 13 BEARS SOUTH 89°39'02" WEST, A DISTANCE OF 2618.18 FEET;

THENCE SOUTH 89°39'02" WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 360.99 FEET;

THENCE NORTH 00°20'58" WEST, A DISTANCE OF 64.00 FEET TO THE NORTH LINE OF THE SOUTH 64 FEET OF SAID SOUTHEAST QUARTER, SAID POINT BEING THE POINT OF BEGINNING;

THENCE NORTH 00°10'12" WEST, A DISTANCE OF 319.74 FEET;

THENCE NORTH 89°39'02" EAST, A DISTANCE OF 329.33 FEET TO THE WEST LINE OF THE EAST 33 FEET OF SAID SOUTHEAST QUARTER;

THENCE SOUTH 00°00'03" WEST, ALONG SAID WEST LINE, A DISTANCE OF 43.94 FEET;

THENCE NORTH 89°59'57" WEST, A DISTANCE OF 15.00 FEET TO THE WEST LINE OF THE EAST 48 FEET OF SAID SOUTHEAST QUARTER;

THENCE SOUTH 00°00'03" WEST, ALONG SAID WEST LINE, A DISTANCE OF 81.42 FEET;

THENCE NORTH 89°59'57" WEST, A DISTANCE OF 5.00 FEET TO THE WEST LINE OF THE EAST 53 FEET OF SAID SOUTHEAST QUARTER;

THENCE SOUTH 00°00'03" WEST, ALONG SAID WEST LINE, A DISTANCE OF 140.71 FEET;

THENCE NORTH 89°59'57" WEST, A DISTANCE OF 10.00 FEET TO THE WEST LINE OF THE EAST 63 FEET OF SAID SOUTHEAST QUARTER;

THENCE SOUTH 00°00'03" WEST, ALONG SAID WEST LINE, A DISTANCE OF 53.86 FEET TO THE NORTH LINE OF THE SOUTH 64 FEET OF SAID SOUTHEAST QUARTER;

THENCE SOUTH 89°39'02" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 298.38 FEET TO THE POINT OF BEGINNING.

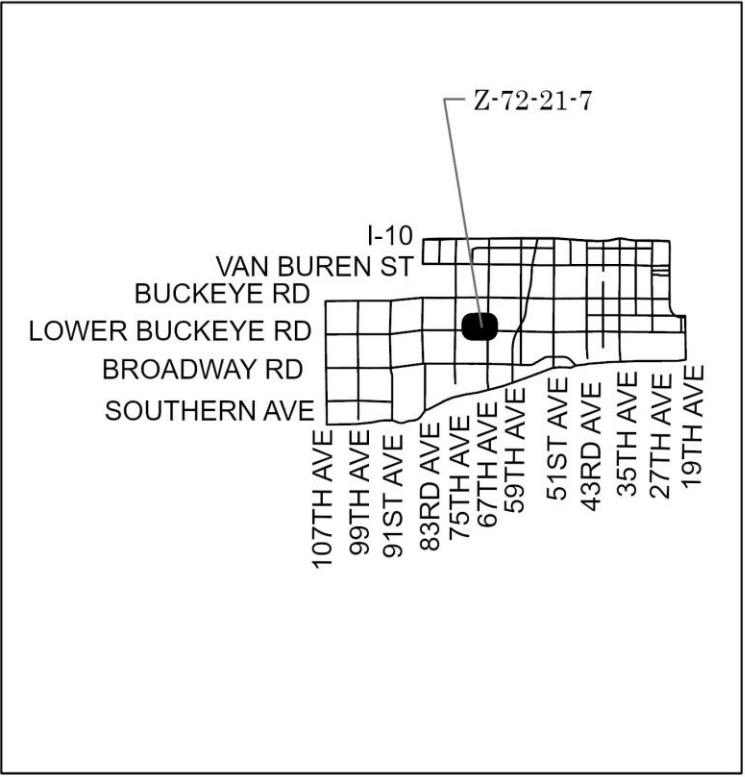
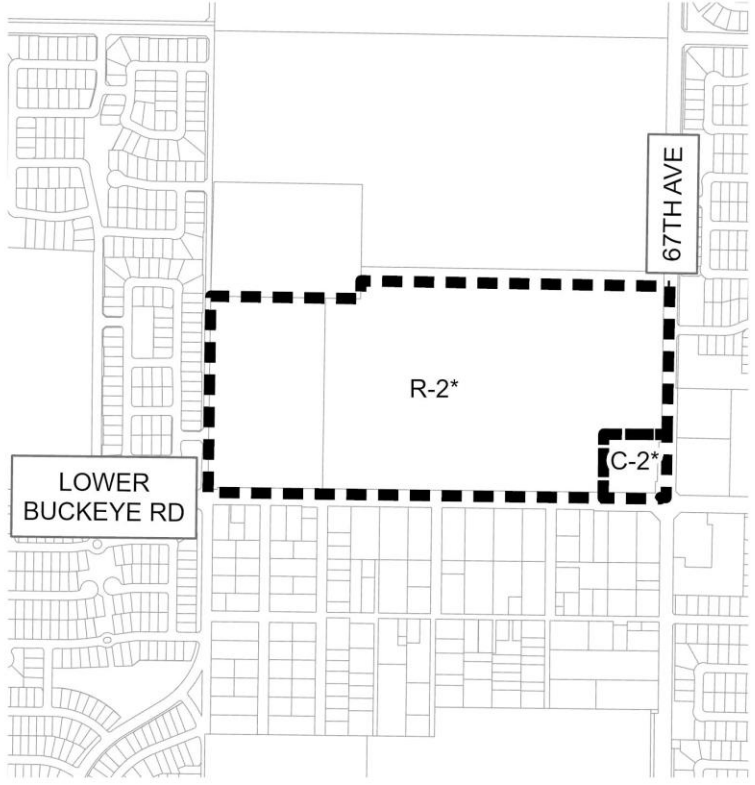
CONTAINING 99,497 SQ.FT. OR 2.2841 ACRES, MORE OR LESS.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-72-21-7
Zoning Overlay: N/A
Planning Village: Estrella



NOT TO SCALE



Drawn Date: 1/30/2023