

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-40-21-7) FROM RE-43 (ONE-FAMILY RESIDENCE DISTRICT) TO A-1 (LIGHT INDUSTRIAL DISTRICT).

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

SECTION 1. The zoning of a 6.19-acre site located approximately 1,400 feet south of the southeast corner of 69th Avenue and Van Buren Street in a portion of Section 12, Township 1 North, Range 1 East, as described more specifically in Exhibit "A," is hereby changed from "RE-43" (One-Family Residence District) to "A-1" (Light Industrial 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. The development shall be in general conformance with the site plan date stamped April 6, 2022, as modified by the following stipulations, and as approved by the Planning and Development Department, with specific regard to the following:
 - a. Minimum 25-foot-wide landscape setback along 67th Avenue.
 - b. Minimum 10-foot-wide landscape setback along 69th Avenue and Farmer Road.
 - c. Minimum landscape setbacks of varying width, as depicted, along interior property lines.
2. The north and west elevations of the western building, as depicted on the site plan date stamped April 6, 2022, and any elevation facing a public street shall not contain roll-up garage doors.
3. The north elevation of the western building, as depicted on the site plan date stamped April 6, 2022, shall not contain windows above 15 feet, where there is occupiable space at the window level.
4. The maximum building height shall not exceed 46 feet.
5. The required and stipulated landscape setbacks shall be planted with minimum 50 percent 2-inch caliper and 50 percent 3-inch caliper size trees and five 5-gallon shrubs per tree. Landscaping along 67th Avenue shall conform with the Estrella Village Arterial Street Landscaping Program landscape palette and landscaping standards for the village parkway of 67th Avenue 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. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees and five 5-gallon shrubs per tree. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by Planning and Development Department.
7. 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, as approved by the Planning and Development Department.
8. One outdoor employee resting area of no less than 400 square feet or two 200-square-foot areas shall be provided on site. Each required pedestrian area shall include a minimum of two pedestrian seating benches, constructed of quality and durable materials, and shaded to a minimum of 75 percent using large canopy drought-tolerant shade trees of minimum 2-inch caliper size

and/or architectural shade, as approved by the Planning and Development Department.

9. A minimum of 10 bicycle parking spaces shall be provided through Inverted U and/or artistic racks dispersed throughout the site and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
10. The sidewalk along 67th Avenue shall be a minimum of 5 feet in width and detached with a minimum 10-foot-wide landscape strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper drought-tolerant shade trees that provide a minimum of 75 percent shade at maturity.
 - b. Drought-tolerant vegetation to achieve 75 percent live coverage at maturity.
 - c. The landscape palette and planting standards, unless otherwise provided herein, shall conform with the Estrella Village Arterial Street Landscaping Program requirements for the village parkway of 67th Avenue.

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 55 feet of right-of-way along the west side of 67th Avenue, as approved by the Planning and Development Department.
12. The developer shall dedicate a 33-foot by 33-foot visibility triangle at the intersection of 69th Avenue and Farmer Road, as approved by the Planning and Development Department.
13. 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.
14. 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.
15. 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.

16. 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.
17. 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 1st day of June, 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 (1 Page)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-40-21-7

Section 12, Township 1N, Range 1E, The South 100 feet of Tract 9, WESTERN ACRES, according to Book 29 of Maps, page 23, records of Maricopa County, Arizona.

Section 12, Township 1N, Range 1E, Tract 9, WESTERN ACRES, according to Book 29 of Maps, page 23, records of Maricopa County, Arizona; EXCEPT the South 100 feet thereof; and EXCEPT the North 135 feet thereof.

Section 12, Township 1N, Range 1E, The South half of Tract 12, WESTERN ACRES, according to Book 29 of Maps, page 23, records of Maricopa County, Arizona.

Section 12, Township 1N, Range 1E, Tract PARCEL 10, #1: WESTERN ACRES, according to Book 29 of Maps, page 23, records of Maricopa County, Arizona, EXCEPT the North 110 feet.

Section 12, Township 1N, Range 1E, North 110 feet, Tract Ten, Western Acres, according to the plat of record in the office of the Maricopa County Recorder in Book 29, page 15, of Maps, Maricopa County, Arizona.

ORDINANCE LOCATION MAP

EXHIBIT B

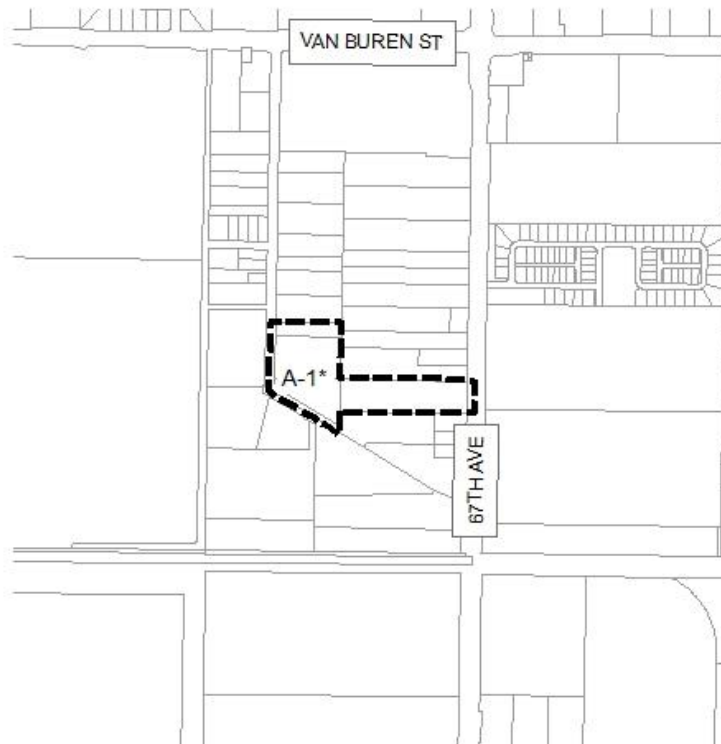
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

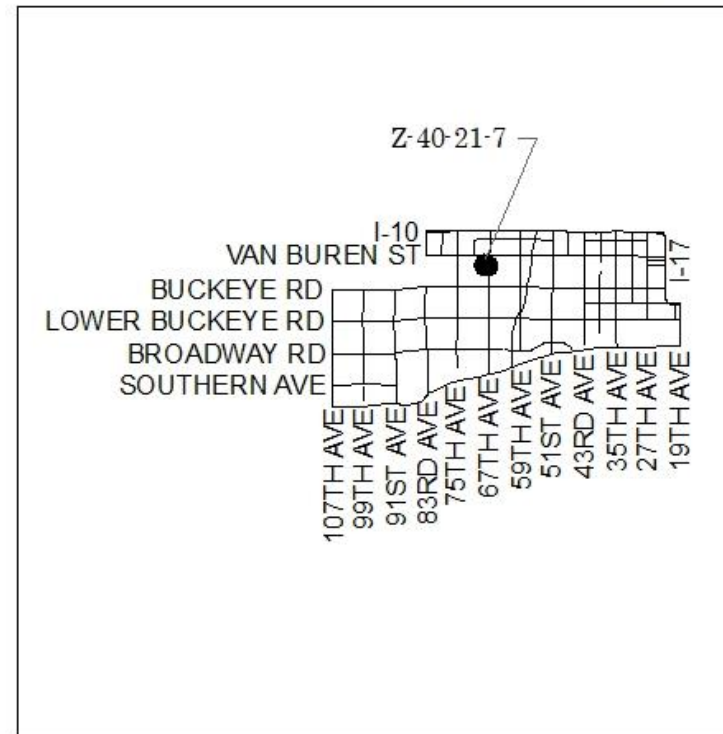
Zoning Case Number: Z-40-21-7

Zoning Overlay: N/A

Planning Village: Estrella



0 360 720 1,440 Feet



NOT TO SCALE



Drawn Date: 5/3/2022