

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-42-22-7) FROM S-1 (RANCH OR FARM RESIDENCE DISTRICT), RE-43 (ONE-FAMILY RESIDENCE DISTRICT), AND C-3 (GENERAL COMMERCIAL DISTRICT) TO R-3A (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 13.51-acre property located at the southeast corner of 107th Avenue and Buckeye Road in a portion of Section 17, Township 1 North, Range 1 East, as described more specifically in Exhibit "A," is hereby changed from 9.70 acres of "S-1" (Ranch or Farm Residence District), 0.46-acres of "RE-43" (One-Family Residence District), and 3.35 acres of "C-3" (General Commercial District), to "R-3A" (Multifamily 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. The development shall be limited to a maximum of 288 dwelling units.
2. The maximum building height shall not exceed 3 stories and 40 feet.
3. A minimum building setback of 100 feet for structures exceeding 2 stories and 30 feet shall be provided along the southern portion of the site.
4. The development shall be in general conformance with the elevations date stamped July 22, 2022 with specific regard to the following, and as approved by or modified by the Planning and Development Department.
 - a. Building elevations adjacent and oriented to public streets shall contain a minimum of 25% brick, masonry, stone, or another exterior accent material that exhibits quality and durability.
 - b. All ground floor units adjacent to 107th Avenue and Buckeye Road shall have individual porches or patios oriented to the street.
5. All required landscape setbacks shall be planted with minimum 25% 2-inch caliper and minimum 75% 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.
6. Evergreen trees shall be planted along the southern portion of the site, as approved by the Planning and Development Department.
7. The development shall conform with the Estrella Village Arterial Street Landscaping Program landscape pallet and landscaping standards along arterial streets in the Estrella Village, except as otherwise noted herein, as approved by the Planning and Development Department.
8. 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.
9. A landscaped gateway entry feature shall be provided on the southeast corner of 107th Avenue and Buckeye Road, as described below and as approved by the Planning and Development Department:

- a. An average 75-foot by 75-foot landscape entryway that adheres to the landscape palette for gateway entry features in the Estrella Village Arterial Street Landscaping Program.
 - b. A minimum 300-square foot landscaped accent area shall be provided. The landscaped accent area shall provide a visually unique character with drought-tolerant plant materials providing seasonal interest and 75% live cover.
 - c. The gateway entry feature shall utilize accents, colors and materials consistent with the theme of the commercial uses on the same site, as approved by the Planning and Development Department.
10. A pedestrian walkway shall be provided from the development to/near the southeast corner of 107th Avenue and Buckeye Road, as approved by the Planning and Development Department.
11. Perimeter fencing or walls within 50 feet of a public street shall be a minimum of 50% open view fencing, as approved by the Planning and Development Department.
12. A minimum of 10% of the gross site area shall be retained as open space, excluding landscape setbacks, as approved by the Planning and Development Department.
13. An open space area of a minimum of 25,175 square feet in size shall be centrally located within the development.
14. A minimum of eight amenities shall be provided, which may include but is not limited to barbecues, ramadas, and pools, and the amenities shall be distributed throughout the site, as approved by the Planning and Development Department.
15. 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 contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.
16. All uncovered surface parking lot area 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.
17. A minimum of 40 bicycle parking spaces shall be provided through Inverted U and/or artistic racks dispersed throughout the site or in a secured room and

installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.

18. The sidewalk along 107th Avenue shall be a minimum of 5 feet in width and detached with a landscape strip located between the sidewalk and back of curb following the most recent Cross Section of the Street Classification Map and planted to the following standards, as approved or modified by the MCDOT and Planning and Development Department.

- a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted to provide a minimum of 75% shade, at maturity.
- b. Drought tolerant vegetation to achieve 50 percent live coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

19. The sidewalk along Buckeye Road shall be a minimum of 5 feet in width and detached with a landscape strip located between the sidewalk and back of curb following the most recent Cross Section of the Street Classification Map and planted to the following standards, as approved or modified by the MCDOT and Planning and Development Department.

- a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted to provide a minimum of 75% shade, at maturity.
- b. Drought tolerant vegetation to achieve 50 percent live coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

20. The developer shall underground existing electrical utilities within the public right-of-way as part of this project. The developer shall coordinate with the affected utilities company for their review and permitting, as approved or modified by the MCDOT and Planning and Development Department.

21. Existing irrigation facilities along Buckeye Road are to be undergrounded and relocated outside of MCDOT and/or City of Phoenix 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, as approved or modified by the MCDOT and Planning and Development

Department.

22. The developer shall submit a Traffic Impact Analysis for this development to the City of Phoenix and MCDOT. The developer shall be responsible for all cost of mitigation as required by the approved TIS. No preliminary approval of plans may be granted until the study has been approved.
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 MCDOT and/or Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
24. The developer shall dedicate right-of-way and construct a bus bay with an attached pad along eastbound Buckeye Road. The bus bay shall be compliant with City of Phoenix Standard Detail P1256. The attached bus pad shall be compliant with City of Phoenix Standard Detail P1261 with a minimum depth of 10 feet and spaced from the intersection of 107th Avenue according to City of Phoenix Standard Detail P1258, as approved or modified by the MCDOT and Planning and Development Department.
25. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Goodyear 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. If determined necessary by the Phoenix Archaeology 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 Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
27. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
28. 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.
29. 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 12th day of October, 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 (2 Pages)
B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-42-22-7

THAT PORTION OF THE WEST HALF OF THE WEST HALF OF SECTION 17, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 17, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION BEARS NORTH 89 DEGREES 32 MINUTES 42 SECONDS EAST, 2628.77 FEET;

THENCE ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, NORTH 89 DEGREES 32 MINUTES 42 SECONDS EAST, 763.18 FEET; THENCE SOUTH 0 DEGREES 27 MINUTES 18 SECONDS EAST, 89.16 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BUCKEYE ROAD AS DESCRIBED IN INSTRUMENT 2017-0495237, MARICOPA COUNTY RECORDS, ARIZONA AND THE POINT OF BEGINNING;

THENCE SOUTH 0 DEGREES 37 MINUTES 27 SECONDS EAST, 748.59 FEET TO A POINT ON THE NORTH LINE OF ESTRELLA.SC.Z RECORDED IN BOOK 576, PAGE 10, MARICOPA COUNTY RECORDS;

THENCE ALONG SAID NORTH LINE, SOUTH 89 DEGREES 22 MINUTES 33 SECONDS WEST, 699.21 FEET;

THENCE NORTH 0 DEGREES 11 MINUTES 40 SECONDS WEST, 42.51 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 107TH AVENUE AS DESCRIBED IN INSTRUMENT 2017-0495237, MARICOPA COUNTY RECORDS, ARIZONA;

THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 3 DEGREES 41 MINUTES 24 SECONDS EAST, 227.05 FEET;

THENCE CONTINUE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 3 DEGREES 41 MINUTES 38 SECONDS EAST, 112.32 FEET;

THENCE CONTINUE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 0 DEGREES 11 MINUTES 40 SECONDS WEST, 348.41 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, NORTH 89 DEGREES 48 MINUTES 25 SECONDS EAST, 23.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHERLY, FROM WHICH THE RADIUS POINT BEARS NORTH 0 DEGREES 02 MINUTES 17 SECONDS EAST A DISTANCE OF 12073.00 FEET;

THENCE CONTINUE ALONG SAID SOUTH RIGHT-OF-WAY LINE, EASTERLY 271.84 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 1 DEGREES 17 MINUTES 24 SECONDS;

THENCE CONTINUE ALONG SAID SOUTH RIGHT-OF-WAY LINE, ON A NON-TANGENT LINE NORTH 1 DEGREES 15 MINUTES 07 SECONDS WEST, 10.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHERLY, FROM WHICH THE RADIUS POINT BEARS NORTH 1 DEGREES 15 MINUTES 07 SECONDS WEST A DISTANCE OF 12063.00 FEET;
THENCE CONTINUE ALONG SAID SOUTH RIGHT-OF-WAY LINE, EASTERLY 270.58 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 1 DEGREES 17 MINUTES 07 SECONDS;
THENCE CONTINUE ALONG SAID SOUTH RIGHT-OF-WAY LINE, NORTH 87 DEGREES 27 MINUTES 46 SECONDS EAST, 105.57 FEET TO THE POINT OF BEGINNING.

ORDINANCE LOCATION MAP

EXHIBIT B

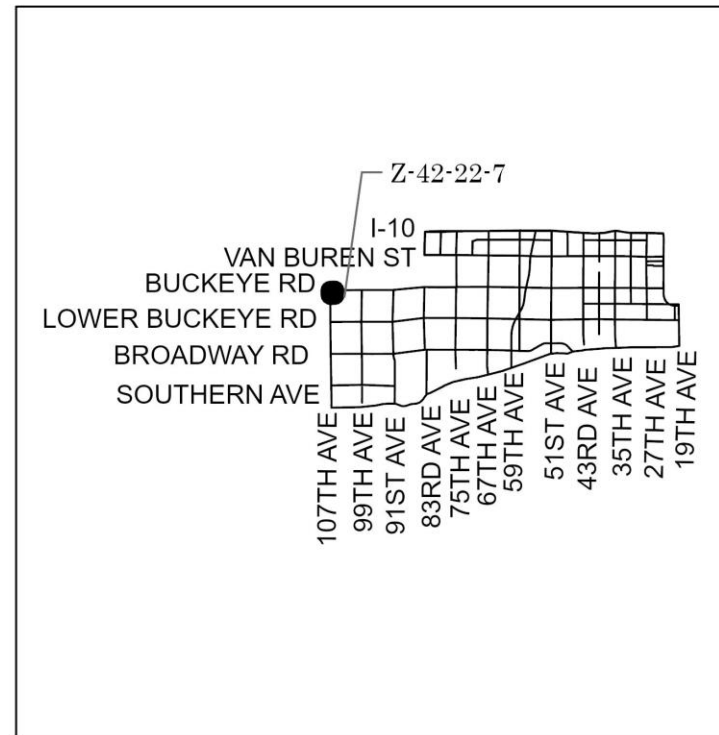
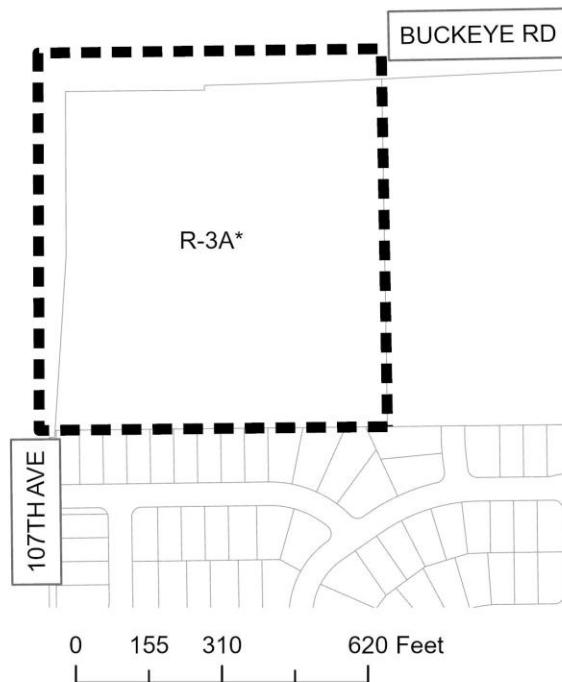
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-42-22-7

Zoning Overlay: N/A

Planning Village: Estrella



NOT TO SCALE



Drawn Date: 9/13/2022