

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 ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-39-20-7) FROM S-1 (RANCH OR FARM RESIDENCE DISTRICT), APPROVED C-2 SP (INTERMEDIATE COMMERCIAL, SPECIAL PERMIT DISTRICT) TO CP/GCP (COMMERCE PARK/GENERAL COMMERCE PARK DISTRICT).

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

SECTION 1. The zoning of a 4.23-acre property located approximately 280 feet south of the southwest corner of 91st Avenue and the Durango Street alignment in a portion of Section 16, Township 1 North, Range 1 East, as described more specifically in Exhibit "A", is hereby changed from "S-1" (Ranch or Farm Residence District), "Approved C-2 SP" (Intermediate Commercial, Special Permit District) to "CP/GCP" (Commerce Park/General Commerce Park 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. A minimum 50-foot building setback shall be provided along the east property line.
2. A minimum 50-foot landscape setback shall be provided along the east property line.
3. The landscape setback along 91st Avenue shall be planted with minimum 2-inch caliper size trees, 5 gallon shrubs per tree, and conform with the Estrella Village Arterial Street Landscaping Program landscape palette and landscaping standards for arterial streets in the Estrella Village, as approved by the Planning and Development Department.
4. One employee resting area of no less than 300 square feet in area or two employee resting areas of 150 square feet in area each shall be provided on site if this site remains a standalone parcel. If the subject site is combined with the adjacent parcel to the north, then the employee resting area(s) may be located on the adjacent parcel, as approved by the Planning and Development Department. This area shall include a minimum of two pedestrian seating benches, constructed of quality and durable materials, and shaded to a minimum of 75 percent, as approved by the Planning and Development Department.
5. All perimeter walls visible from street right-of-way 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.
6. 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 percent shade at maturity, as approved by Planning and Development Department.
7. Pedestrian walkways shall be shaded to a minimum of 75 percent using large canopy drought tolerant shade trees of minimum 2-inch caliper size at maturity and/or architectural shade, as approved by the Planning and Development Department.

8. All sidewalks along 91st Avenue shall be 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 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.
 - a. Minimum 2-inch caliper trees placed a minimum of 20 feet on center or in equivalent groupings to provide shade to a minimum 75 percent.
 - b. Drought tolerant vegetation designed to grow to a maximum mature height of 24 inches and achieve 75 percent live coverage.
 - c. The landscape palette and planting standards, unless otherwise provided herein, shall conform with the Estrella Village Arterial Street Landscaping Program requirements for arterial streets.
9. Pedestrian pathways shall be provided to connect building entrances, public sidewalks, and the employee resting area (s), using the most direct route for pedestrians, as approved by the Planning and Development Department.
10. Where pedestrian pathways cross drive aisles, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave parking surfaces and drive aisles, as approved by the Planning and Development Department.
11. "Outdoor/Open Facilities", inverted U-racks or artistic style bicycle racks shall be provided at a rate of one bicycle space per 25 vehicular parking spaces, located near the main building entrance used by customers or employees. All bicycle racks shall adhere to Appendix K of the Comprehensive Bicycle Master Plan, and as approved by the Planning and Development Department.
12. The developer shall dedicate 55 feet of right-of-way for the west side on 91st Avenue for the full property frontage. Additional right-of-way shall be dedicated such that all constructed roadway and sidewalk is included within the dedication. A sidewalk easement may be accepted in lieu of right-of-way for sidewalks, as approved by the Planning and Development Department. All constructed sidewalk must be included within a sidewalk easement.
13. The developer shall construct a landscaped median island along 91st Avenue for the full property frontage, or as modified for access locations approved by the Street Transportation Department.

14. The developer shall construct the west half of 91st Avenue to the ultimate width of 74 feet of paving along with curb, gutter, and sidewalk for the full property frontage, including pavement transition tapers between ultimate improvements and the existing roadway, as approved by the Planning and Development Department.
15. The development shall obtain approval from the Street Transportation Department for any full access driveway. All driveway locations are assumed to be restricted to right-in/right-out access by either median or driveway design, or as approved by the Street Transportation Department.
16. Existing irrigation facilities along 91st Avenue shall 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.
17. 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.
18. 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.
19. 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 6th day of January

2021.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

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

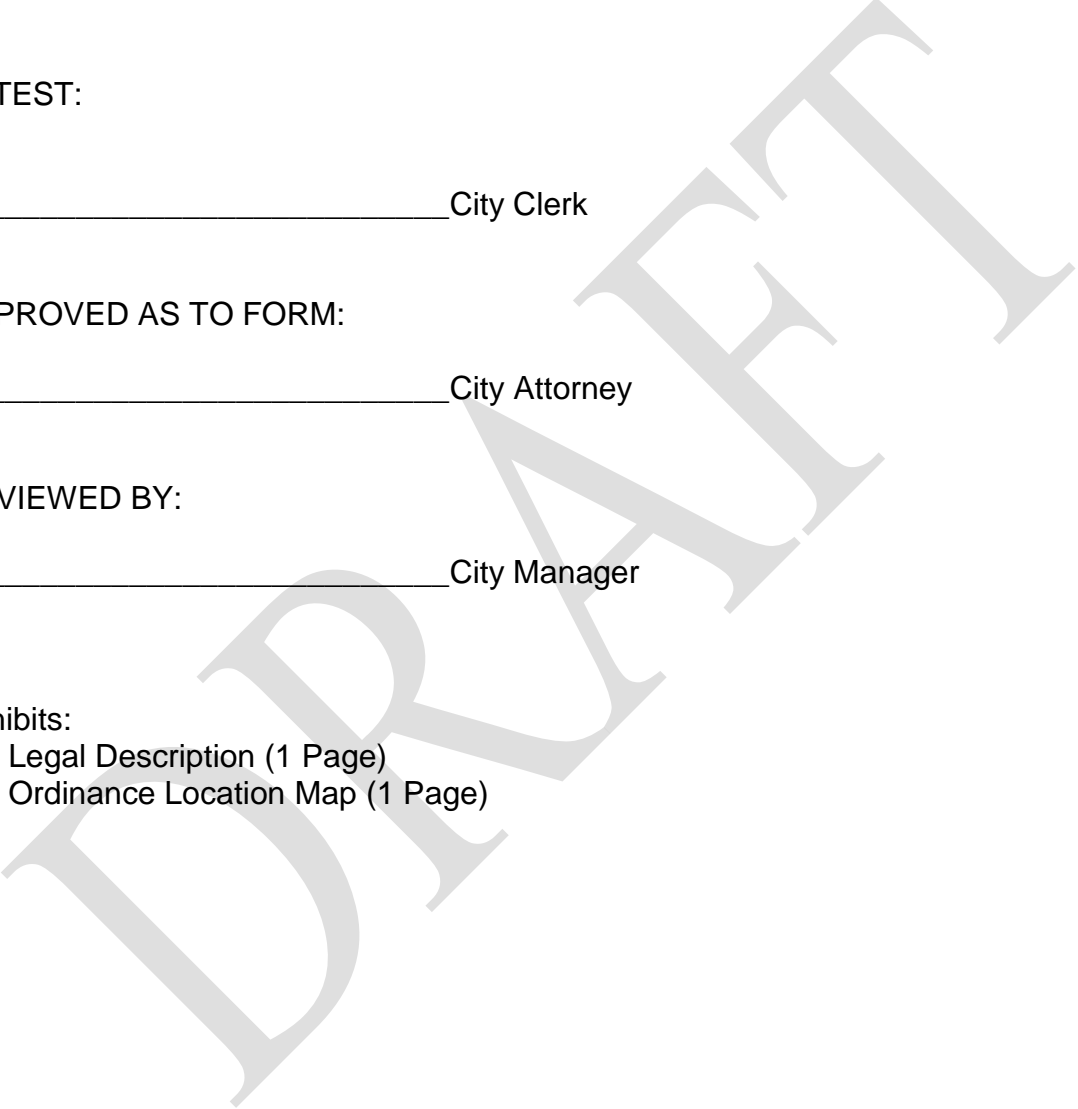


EXHIBIT A

LEGAL DESCRIPTION FOR Z-39-20-7

That portion of the Southeast quarter of Section 16, Township 1 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the monumented East quarter corner of said Section 16;

Thence South 01 degrees 48 minutes 03 seconds West, along the East line of the said Southeast quarter of Section 16, a distance of 275.42 feet;

Thence South 89 degrees 57 minutes 02 seconds West. A distance of 33.02 feet to a point on the Westerly right of way line of 91st Avenue, said point being the POINT OF BEGINNING;

Thence South 01 degrees 48 minutes 03 seconds West, along said Westerly right of way line, a distance of 300.16 feet;

Thence South 89 degrees 57 minutes 02 seconds West, a distance of 580.11 feet;

Thence North 01 degrees 33 minutes 40 seconds East, a distance of 300.12 feet;

Thence North 89 degrees 57 minutes 02 seconds East, a distance of 581.37 feet to the POINT OF BEGINNING;

EXCEPT all minerals, oil and gas and hydrocarbon substances as reserved in the Patent and reserved in Deed recorded in Docket 1952, page 192.

ORDINANCE LOCATION MAP

EXHIBIT B

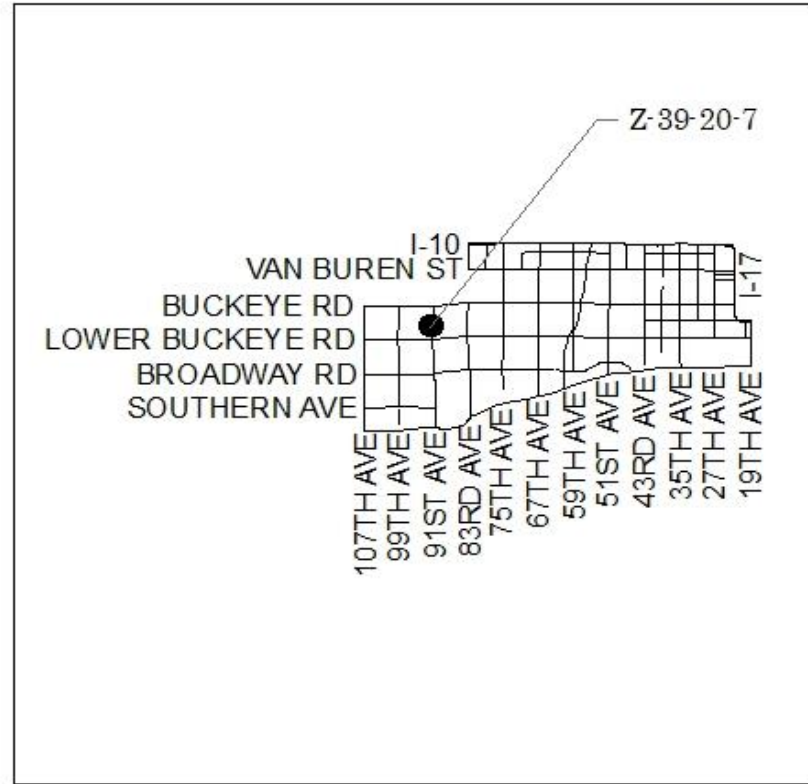
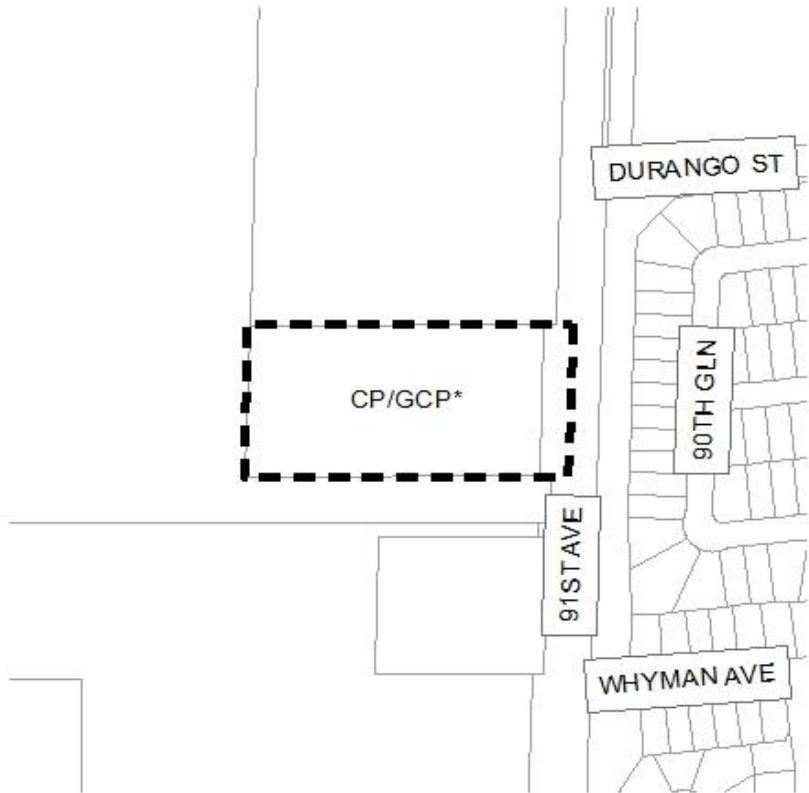
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■■■■■

Zoning Case Number: Z-39-20-7

Zoning Overlay: N/A

Planning Village: Estrella



NOT TO SCALE



Drawn Date: 12/2/2020