

## 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-31-22-7) FROM S-1 (RANCH OR FARM RESIDENCE) TO C-2 (INTERMEDIATE COMMERCIAL).

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

SECTION 1. The zoning of an 85.90-acre property located at the northeast corner of 67th Avenue and the Roeser Road alignment in a portion of Section 30, Township 1 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "S-1" (Ranch or Farm Residence), to "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:

1. Conceptual site plan and building elevations shall be reviewed and approved by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval with specific regard to the inclusion of the below elements. 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.
  - a. Maximize the visibility of the sidewalk and multi-use trail along 67th Avenue, and pathways along Rio Salado by locating and orienting buildings towards/near these areas.
  - b. Minimize the visibility of vehicular parking areas along 67th Avenue and Rio Salado.
  - c. Provide access point(s) to the planned multi-use trail along 67th Avenue.
  - d. Where the site has frontage along the Rio Salado, public pedestrian access through the site via a public access easement shall be provided to connect the sidewalk along 67th Avenue to the shared use pathway (SUP) along the Rio Salado, as modified and approved by the Planning and Development Department.
  - e. Building elevations shall incorporate multiple architectural elements, including but not limited to balconies, patios, and windows, to promote visibility and activation along the 67th Avenue and Rio Salado frontages.
2. Landscaping along 67th Avenue shall conform with the Estrella Village Arterial Street Landscaping Program landscape palette and landscaping standards, as approved by the Planning and Development Department.
3. A minimum of one milkweed shrub, or other native nectar species, shall be planted for every required tree in addition to the required shrubs, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
4. A minimum of 10 percent of the gross site area shall be retained as open space and be centrally located and/or dispersed within close proximity to Rio Salado, as approved by the Planning and Development Department.
5. A minimum of three amenities, including but not limited to benches, bicycle repair station, ramadas, shall be provided on the site, as approved by the Planning and Development Department.

6. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper 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. Bicycle parking spaces shall be provided through Inverted U and/or artistic racks 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.
8. The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) along the east side of 67th Avenue and construct a minimum 10-foot wide multi-use trail (MUT) within the easement in accordance with the MAG supplemental detail and as approved by the Planning and Development Department. Where conflicts or restrictions exist, the developer shall work with the Site Planning section on an alternate design through the technical appeal process.
9. The sidewalk along 67th Avenue shall be a minimum of 5 feet in width and detached with a minimum 11-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 planted to 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 arterial streets.

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 developer shall dedicate minimum 50 feet of right-of-way and construct the east side of 67th Avenue, as approved by the Planning and Development Department. Any right-of-way within Maricopa County Department of Transportation (MCDOT) jurisdiction shall require approval and permitting through MCDOT.
11. 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.

12. This parcel is in a Special Flood Hazard Area (SFHA) called Zone AE, on panel 2190 M of the Flood Insurance Rate Maps (FIRM) dated September 21, 2020. The following requirements shall apply, as approved by the Planning and Development Department:
  - a. The Architect/Engineer is required to show the floodplain boundary limits on the Grading and Drainage plan and ensure that impacts to the proposed facilities have been considered, following the National Flood Insurance Program (NFIP) Regulations (44 CFR Paragraph 60.3). This includes, but not limited to provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code.
  - b. A copy of the Grading and Drainage Plan shall be submitted to the Floodplain Management section of Public Works Department for review and approval of Floodplain requirements.
  - c. The developer shall provide a FEMA approved CLOMR-F or CLOMR prior to issuance of a Grading and Drainage permit.
13. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development the preferred alignment and operational characteristics of the State Route 30 (SR-30 freeway). The form and content of such documents shall be reviewed by the City prior to recordation.
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 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.

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 7th day of September, 2022.

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MAYOR

ATTEST:

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Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Cris Meyer, City Attorney

By:

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REVIEWED BY:

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Jeffrey Barton, City Manager

Exhibits:  
A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-31-22-7

That portion of the South half of the Northwest quarter ( $S\frac{1}{2}$  NW  $\frac{1}{4}$ ) of Section 30, Township 1 North, Range 2 East, Gila and Salt River Meridian, Maricopa County, Arizona.

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# ORDINANCE LOCATION MAP

EXHIBIT B

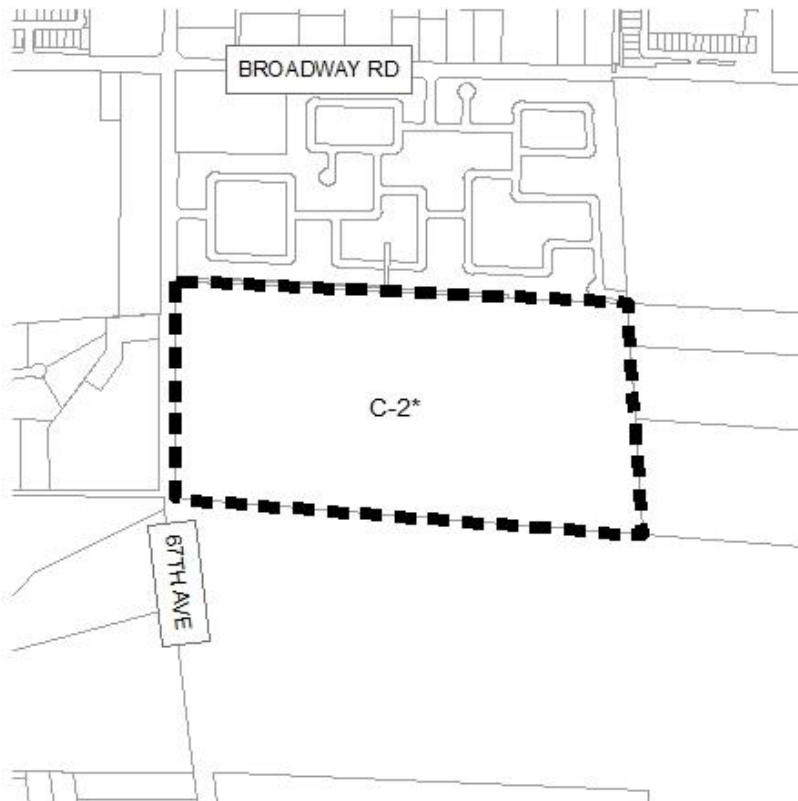
ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: ■ ■ ■ ■ ■

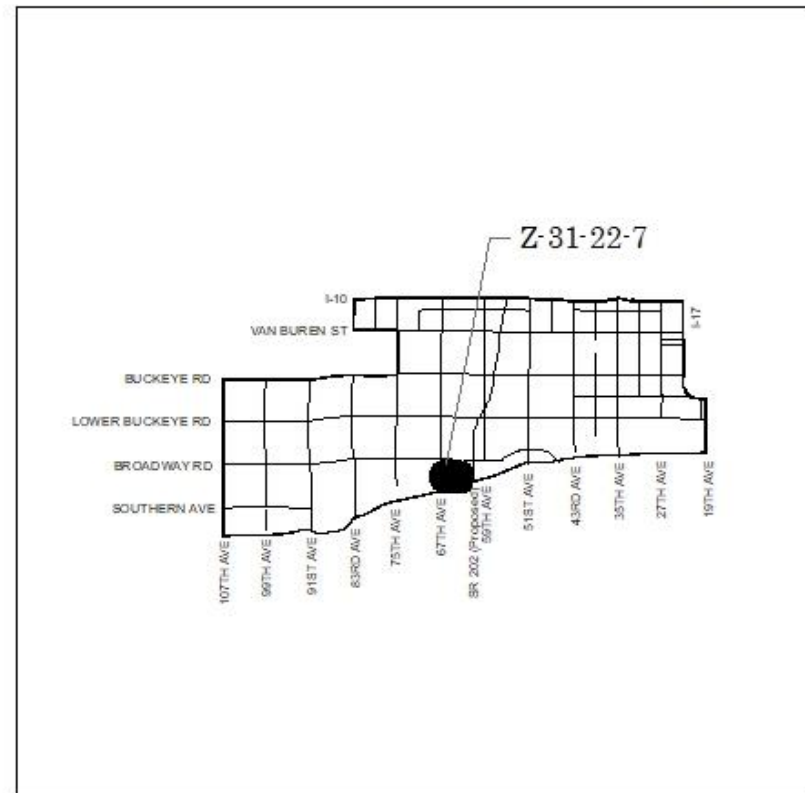
Zoning Case Number: Z-31-22-7

Zoning Overlay: N/A

Planning Village: Estrella



0 475 950 1,900 Feet



NOT TO SCALE



Drawn Date: 8/11/2022