

## 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-9-24-7) FROM S-1 (RANCH OR FARM RESIDENCE) TO C-2 (INTERMEDIATE COMMERCIAL) AND C-2 HGT/WVR DNS/WVR (INTERMEDIATE COMMERCIAL, HEIGHT WAIVER, DENSITY WAIVER).

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

SECTION 1. The zoning of an 18.80-acre site located at the northwest corner of 83rd Avenue and Broadway Road in a portion of Section 22, Township 1 North, Range 1 East, as described more specifically in Exhibit "A," is hereby changed from "S-1" (Ranch or Farm Residence) to 6.46 acres of "C-2" (Intermediate Commercial) and 12.34 acres of "C-2 HGT/WVR DNS/WVR" (Intermediate Commercial, Height Waiver, Density Waiver).

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 Development***

1. 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.
2. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized internal to the site, as approved or modified by the Planning and Development Department.
3. A minimum of 25% of the surface parking areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by structures or by minimum 2-inch caliper, drought tolerant, shade trees, or a combination thereof.
4. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
5. Pressure regulating sprinkler heads and drip lines shall be utilized in any turf areas to reduce water waste.
6. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low-Impact Development Details for Alternative Stormwater Management, as approved or modified by the 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. 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 bus stop pad shall be constructed on westbound Broadway Road, locate from 83rd Avenue according to City of Phoenix Standard Detail P1258. The bus pad shall be designed according to City of Phoenix Standard Detail P1260 with a depth of 10 feet.
10. A minimum 55 feet of right-of-way shall be dedicated for the west half of 83rd Avenue, adjacent to the development.
11. A minimum 70-foot flared intersection tapering to a minimum 55-foot right-of-way shall be dedicated for the west half of 83rd Avenue, adjacent to the development.
12. Dedication of right-of-way and construction of all roadway improvements to the west half of 83rd Avenue shall be for the entire extent of the rezoning boundary and completed during the first phase of development. Improvements to the west half of 83rd Avenue shall be consistent with the arterial CM cross section consisting of a 14-foot raised and landscaped center median and a minimum 6-foot-wide detached sidewalk separated by a minimum 10-foot-wide landscape area, adjacent to the development. The landscape strip shall be planted with minimum 2-inch caliper, single trunk, drought-tolerant, shade trees to provide a minimum of 75% shade, 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.
13. The developer shall dedicate and construct all roadway improvements along Broadway Road for the entire extent of the rezoning boundary during the first phase of development and in coordination with review and approval from Maricopa County Department of Transportation. Documentation of the county review and approval shall be provided prior to preliminary site plan approval.
14. A minimum 30-foot wide Multi-Use Trail Easement (MUTE) shall be dedicated adjacent to Broadway Road. Construction of the Multi-Use Trail shall comply with the Estrella Multi-Purpose Trail Plan.
15. Clearly defined pedestrian pathway(s), consisting of decorative material such as brick, pavers or alternative material providing shall be provided connecting the residences throughout the site to the Broadway Multi-Use Trail and the adjacent commercial site, as approved by the Planning and Development Department.
16. An enhanced pedestrian entryway shall be provided on the southern site boundary, adjacent to the trail, to allow for direct pedestrian access to site and the trail system.
17. A Traffic Impact Study (TIS) shall be submitted to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and

approved by the Street Transportation Department. The TIS shall include signal warrant analysis for 83rd Avenue and Broadway Road. If the approved TIS determines that a signal is warranted at this intersection, the developer shall be required to fund 100% of the cost and construct the signal. If the TIS does not warrant the signal, the developer shall be required to contribute 25% of traffic signal cost in an escrow account to the Street Transportation Department.

18. All existing electrical utilities within the public right-of-way shall be undergrounded, adjacent to the development. The developer shall coordinate with the affected utility companies for their review and permitting.
19. All streets within and adjacent to the development shall be constructed 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.
20. 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.
21. Prior to final 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.

***Multifamily development as depicted on the site plan date stamped February 2, 2024***

22. The development shall be in general conformance with the elevations date stamped January 8, 2024, as modified by the following stipulations and approved by the Planning and Development Department.
23. The maximum height shall be 2 stories or 30 feet for the first 100 feet adjacent to the north property line.
24. The R-4 Planned Residential Development Option shall be utilized for the development.
25. The north landscape setback shall be planted with minimum 2-inch caliper large canopy, evergreen trees, planted 25 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
26. All pedestrian walkways, including sidewalks, shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade, 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.

27. The development shall incorporate bicycle infrastructure as described below and approved by the Planning and Development Department
  - a. The developer shall provide secure bicycle parking per Section 1307 of the Zoning Ordinance.
  - b. Guest bicycle parking shall be provided at a minimum rate of 0.05 spaces per unit, up to a maximum of 50 spaces. Parking spaces shall be provided through Inverted U and/or artistic racks located near the community center and/or clubhouse and open space areas, and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
  - c. A bicycle repair station (“fix it station”) shall be provided and maintained on site within an amenity area or near a primary site entrance, and separated from vehicular maneuvering areas, where applicable. The repair station shall include, but not be limited to 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.
  - d. Bicycle parking spaces shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade, as approved by the Planning and Development Department.
  - e. A minimum of 10% of the required bicycle parking spaces shall be include standard electrical receptacles for electric bicycle charging capabilities.
28. A minimum of 2% of the required parking spaces shall include EV Installed infrastructure. A minimum of 5% of the required parking spaces shall include EV Capable spaces.
29. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the Water Efficiency Checkup for a minimum of 10 years, or as approved by the Planning and Development Department.
30. Landscape areas shall be planted with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees planted 25 feet on center or in equivalent groupings, as approved by the Planning and Development Department.

***Commercial Portion as depicted on the site plan date stamped February 2, 2024***

31. The conceptual site plan and elevations for the future commercial development as depicted on the site plan date stamped February 2, 2024, 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. Accessible pedestrian pathways that connect building entrances and public sidewalks using the most direct route for pedestrians.
  - b. Pedestrian connections between adjacent commercial developments (if developed across multiple phases).
  - c. At least two pedestrian pathway shall be provided to connect the proposed multifamily development to the proposed commercial development.
32. A minimum 5-foot wide landscape setback shall be provided along the commercial perimeter adjacent to multifamily, planted with evergreen trees, as approved by the Planning and Development Department.
33. The development shall incorporate bicycle infrastructure as described below and approved by the Planning and Development Department
  - a. Bicycle parking spaces shall be provided per the requirements of Section 1307.H of the Phoenix Zoning Ordinance through inverted U and/or artistic racks located near the office and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
  - b. A minimum of 5% of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities.
34. A minimum of 5% of the required parking spaces shall include EV Ready infrastructure.
35. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the City of Phoenix Business Water Efficiency Program for a minimum of 10 years, or 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 12th day of June, 2024.

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MAYOR

ATTEST:

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Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Julie M. Kriegh, City Attorney

By:

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REVIEWED BY:

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Jeffrey Barton, City Manager

Exhibits:

- A – Legal Description (2 Pages)
- B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-9-24-7

C-2:

That part of the South Half of the Southeast Quarter of the Southeast Quarter Section 22, Township 1 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Brass Cap flush marking Southeast Corner of said Section 22, from which the Brass Cap flush marking the South Quarter Corner of said Section 22 bears South 82°34'33" West, a distance of 2631.83 feet;

Thence South 82°34'33" West, along the South line of said Southeast Quarter, a distance of 695.00 feet;

Thence North 02°11'37" West, departing said South line, a distance of 33.14 feet to the Point of Beginning

Thence continuing North 02°11'37" West, departing said South line, a distance of 310.29 feet to a point on a line parallel with and 342.00 feet North from said South line;

Thence North 82°34'33" East, along said parallel line, a distance of 411.84 feet to a point on a line parallel with and 283.00 feet West from the East line of said South Half;

Thence North 02°00'36" West, along said parallel line, a distance of 241.85 feet;

Thence North 82°36'36" East, departing said parallel line, a distance of 284.25 feet to a point on the East line of said South Half;

Thence South 02°00'36" East, along said East line, a distance of 545.03 feet to a point on a line parallel with and 40.00 North from said South line;

Thence South 82°34'33" West, departing said East line and along said parallel line, a distance of 33.15 feet to a point on a line parallel with and 33.00 feet West from said East line;

Thence South 02°00'36" East, and along said parallel line, a distance of 7.03 feet to a point on a line parallel with and 33.00 feet North of said South line;

Thence South 82°34'33" West, along said parallel line, a distance of 661.96 feet to the Point of Beginning.

Containing 283,128 Square Feet or 6.500 Acres, more or less.



C-2 HGT/WVR DNS/WVR:

That part of the South Half of the Southeast Quarter of the Southeast Quarter Section 22, Township 1 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Brass Cap flush marking Southeast Corner of said Section 22, from which the Brass Cap flush marking the South Quarter Corner of said Section 22 bears South 82°34'33" West, a distance of 2631.83 feet;

Thence South 82°34'33" West, along the South line of said Southeast Quarter, a distance of 1301.85 feet;

Thence North 01°56'00" West, departing said South line, a distance of 33.15 feet to a point on a line which is parallel with and 14.00 feet Easterly from the West line of said South Half, being the Point of Beginning,

Thence continuing North 01°56'00" West, along said parallel line, a distance of 132.41 feet;

Thence South 82°35'06" West, departing said parallel line, a distance of 14.06 feet to a point on said West line;

Thence North 01°56'00" West, along said West line, a distance of 496.69 feet to the Northwest corner of said South Half;

Thence North 82°36'45" East, departing said West line and along the North line of said South Half, a distance of 1314.95 feet to a point on the Northeast corner said South Half;

Thence South 02°00'36" East, along the East line of said South Half, a distance of 76.12 feet;

Thence South 82°36'36" West, departing said East line, a distance of 284.25 feet to a point on a line parallel with and 283.00 feet West from said East line;

Thence South 02°00'36" East, along said parallel line, a distance of 241.85 feet;

Thence South 82°34'33" West, departing said parallel line, a distance of 411.84 feet;

Thence South 02°11'37" East, a distance of 310.29 feet to a point on a line which is parallel with and 33.00 feet North from the South line of said Southeast Quarter;

Thence South 82°34'33" West, along said parallel line, a distance of 606.70 feet to the Point of Beginning.

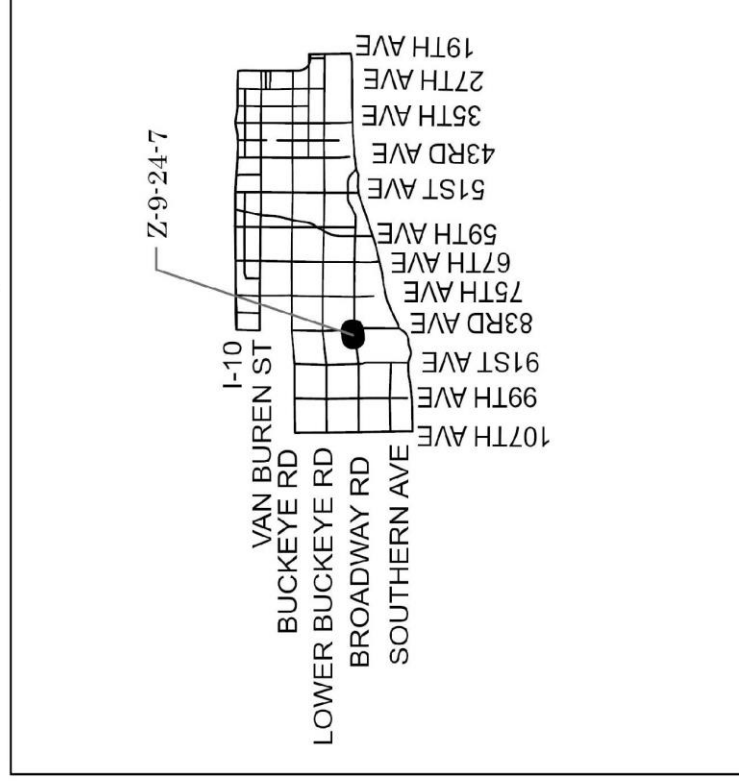
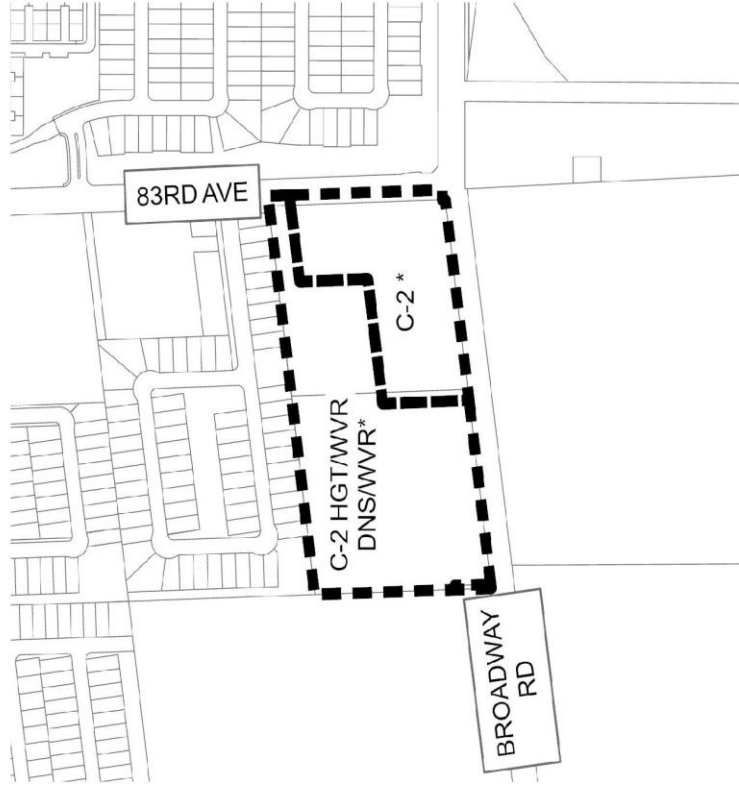
Containing 537,991 Square Feet or 12.351 Acres, more or less.

# ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: \*  
SUBJECT AREA: - - - - -

Zoning Case Number: Z-9-24-7  
Zoning Overlay: N/A  
Planning Village: Estrella



NOT TO SCALE

Drawn Date: 3/29/2024