

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-SP-6-22-7) FROM C-2 (INTERMEDIATE COMMERCIAL) TO C-2 SP (INTERMEDIATE COMMERCIAL, SPECIAL PERMIT).

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

SECTION 1. The zoning of a 4.75-acre site located approximately 650 feet east of the southeast corner of 107th Avenue and Lower Buckeye Road in a portion of Section 20, Township 1 North, Range 1 East, as described more specifically in Exhibit "A," is hereby changed from "C-2" (Intermediate Commercial), to "C-2 SP" (Intermediate Commercial, Special Permit) to allow self-service storage warehouse and all underlying C-2 uses.

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 August 15, 2022 as modified by the following stipulations and approved by the Planning and Development Department.
2. The site shall be developed with a similar architectural theme as the commercial development directly to the west. The theme shall assure that the building and canopy colors, elevations, exterior materials, landscaping, lighting, and signage convey a sense of continuity throughout the development.
3. A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along the south side of Lower Buckeye Road and a minimum 10-foot-wide multi-use trail (MUT) shall be constructed 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.
4. The developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 11-foot-wide landscape strip located between the sidewalk and back of curb, along the south side of Lower Buckeye Road, landscape as follows, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper drought-tolerant single trunk 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

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

5. All uncovered surface parking lot areas for employees and customers 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 minimum 25% shade at maturity, as approved by the Planning and Development Department.

6. 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.
7. Landscaping along Lower Buckeye Road shall conform with the Estrella Village Arterial Street Landscape Program landscape palette and landscaping standards, as approved by the Planning and Development Department.
8. A minimum of four bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the building entrances or in a secure location inside the building 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.
9. The developer shall dedicate minimum 55-feet of right-of-way for the south side of Lower Buckeye Road, as approved by the Planning and Development Department.
10. The developer shall construct and landscape a minimum 14-foot-wide median island in Lower Buckeye Road from 107th Avenue connecting to the existing median, east of the development site, as approved by the Street Transportation Department.
11. All access control to 107th Avenue shall be reviewed and approved by Maricopa County, with documentation of approval to be provided to the City prior to preliminary site plan approval.
12. Existing irrigation facilities along Lower Buckeye Road are to 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 and or land transfers require completion prior to obtaining plat and/or civil plan review approval.
13. The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvements Program to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.
14. 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.

- 15. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Goodyear Airport (GYR) 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.
- 16. 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.
- 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 2nd day of November, 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

PAD 4 - LEGAL DESCRIPTION

THAT PORTION OF FARM UNIT "N", ACCORDING TO THE FARM UNIT PLAT, OR THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 20 FROM WHICH THE WEST QUARTER CORNER BEARS S 00°39'22" E (BASIS OF BEARING), A DISTANCE OF 2657.53 FEET;

THENCE NORTH 89 DEGREES 49 MINUTES 14 SECONDS EAST, ON THE NORTH LINE OF THE NORTHWEST QUARTER, A DISTANCE OF 659.03 FEET; TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED.

THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 89 DEGREES 49 MINUTES 14 SECONDS EAST, A DISTANCE OF 226.27 FEET;

THENCE SOUTH 00 DEGREES 39 MINUTES 22 SECONDS EAST, A DISTANCE OF 590.00 FEET; THENCE SOUTH 89 DEGREES 49 MINUTES 14 SECONDS WEST, A DISTANCE OF 536.28 FEET; THENCE NORTH 00 DEGREES 39 MINUTES 22 SECONDS WEST, A DISTANCE OF 237.16 FEET; THENCE NORTH 89 DEGREES 49 MINUTES 14 SECONDS EAST, A DISTANCE OF 310.01 FEET;

THENCE NORTH 00 DEGREES 39 MINUTES 22 SECONDS WEST, A DISTANCE OF 352.83 FEET TO THE POINT OF BEGINNING.

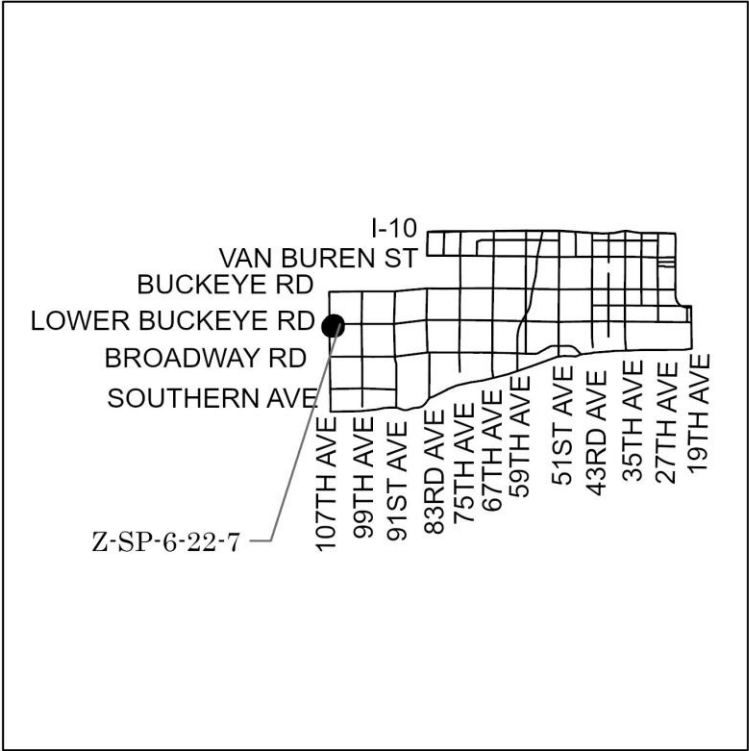
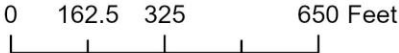
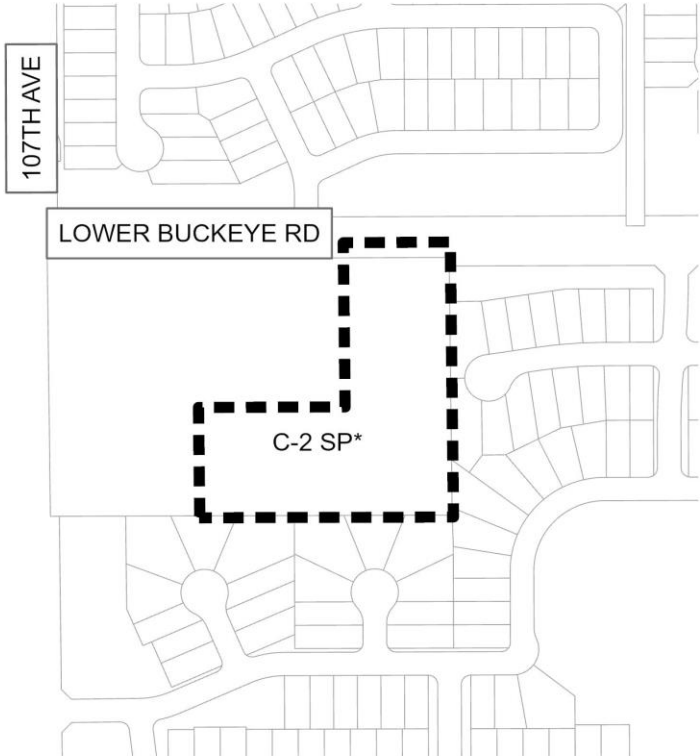
SAID PARCEL CONTAINS 207,013 SQUARE FEET OR 4.752 ACRES, MORE OR LESS.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ■■■■■

Zoning Case Number: Z-SP-6-22-7
Zoning Overlay: N/A
Planning Village: Estrella



NOT TO SCALE



Drawn Date: 10/5/2022