

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 STIPULATIONS APPLICABLE TO
REZONING APPLICATION Z-12-11-2 PREVIOUSLY APPROVED BY
ORDINANCE G-5664.

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

SECTION 1. The zoning stipulations applicable located approximately
1,320 feet south of the southeast corner of North Valley Parkway and Sonoran
Desert Drive in a portion of Section 24, Township 5 North, Range 2 East, as
described more specifically in Attachment "A", are hereby modified to read as set
forth below.

STIPULATIONS:

SITE PLAN AND ELEVATIONS

1. THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH
THE SITE PLAN AND ELEVATIONS DATE STAMPED JUNE 3, 2021, AS
MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY
THE PLANNING AND DEVELOPMENT DEPARTMENT.

~~Conceptual site plan(s) and 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 as each parcel is to be
developed. This is a legislative review for conceptual purposes only. Specific
development standards and requirements may be determined by the
Planning Hearing Officer and the Planning and Development Department.~~

a. ~~For development of parcel 204-13-003T the following shall be notified:~~

- ~~Sonoran Foothills Homeowners Association
c/o Capital Consultants Management Company
Attn: Board President
8360 East Via De Ventura
Scottsdale, AZ 85258~~
- ~~Property owners within one mile.~~

TRAILS AND OPEN SPACE

2. A 10-foot public multi-use trail shall be constructed within a 30-foot easement in accordance with City of Phoenix MAG Supplemental detail P1130 & P1131 and Section 429 of the Supplemental Specifications along Sonoran Desert Drive as approved by the Parks and Recreation Department and Planning and Development Department.
3. A 10-foot shared use path shall be constructed within a 20-foot public sidewalk easement on the east side of North Valley Parkway as approved by the Parks and Recreation Department and Planning and Development Department.
4. Property owners shall dedicate all rights-of-way and required easements (for streets, utilities, trail systems, and other open space where required). A multi-use trail easement shall be dedicated along the Skunk Creek Wash and Sonoran Wash as approved by the Parks and Recreation Department and the Planning and Development Department to provide connectivity through the site to adjacent open space and trail connections.

STREET TRANSPORTATION

5. The developer shall dedicate right-of-way totaling 70 feet for the south half of Sonoran Desert Drive as approved by the Planning and Development Department.
6. The developer shall dedicate right-of-way totaling 70 feet for the west and east halves of North Valley Parkway as approved by the Planning and Development Department.
7. A 25-foot by 25-foot right-of-way triangle shall be dedicated at all corners of arterial/arterial and arterial/collector intersections as approved by the Planning and Development Department.

8. 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 or modified by the Planning and Development Department. All improvements shall comply with ADA accessibility requirements.
9. The applicant shall submit a Traffic Impact Study to the Street Transportation Department and the Planning and Development Department prior to preliminary site plan review. The applicant shall be responsible for any dedications and required improvements as recommended by the approved Traffic Impact Study and as approved or modified by the Planning and Development Department and the Street Transportation Department.
10. Sufficient right-of-way shall be dedicated to accommodate bus-bays at all arterial/arterial intersections as approved by the Planning and Development Department.
11. The developer shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department at (602) 262-6193. This form is a requirement of the EPA to meet clean air quality requirements.
12. REQUIRED RIGHT-OF-WAY, DRAINAGE EASEMENT, ACCESS CONTROL DEDICATIONS AND FLOOD PLAIN ENCROACHMENTS ALONG NORTH VALLEY PARKWAY SHALL BE IN CONFORMANCE WITH THE CITY OF PHOENIX SONORAN WASH BRIDGE ASSESSMENT REPORT DATED JUNE 30, 2021 AND AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.

SPECIAL PERMIT FOR THE DRIVEWAY ACCESS, MINE MAINTENANCE BUILDING, SCALE HOUSE (NOVAK GRANITE MINE)

13. The scale house and mine maintenance building shall be buffered from view of adjacent parcels, wash locations, proposed Sonoran Preserve and North Valley Parkway through the use of indigenous, drought tolerant trees a minimum of 2-inch caliper size and shrubs. The landscape shall be installed as recommended in the North Black Canyon Corridor Design Guidelines, and as approved by the Planning and Development Department.
14. The approval of the Special Permit shall be removed through the legislative process and the use of the driveway access, scale house and the mine maintenance building shall be demolished and removed once the current non-conforming use (rock quarrying operation/granite mine) is terminated.

OTHER

15. The developer shall show the planned 69kV underground power lines on the site, landscape, and grading and drainage plans. All utilities and other

construction shall be coordinated with the City and APS so as to not conflict with the planned power lines.

16. The applicant shall 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. Further archaeological monitoring and/or testing (trenching) may be necessary based on the results of the survey.
17. 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.
18. 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.
19. 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.
20. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of the property within the development the existence and operational characteristics of the mining operation near the development, that it is an active mine, has the potential to be active seven days a week, 24 hours a day, and is anticipated to continue until the rock resources are exhausted, which could be for 20 or more years. The form and content of such documents shall be reviewed and approved by the Law Department.
21. Access for the Novak mine operation shall be directed west through the City of Phoenix Transfer Station site to the Interstate 17 frontage road per a development agreement between all affected parties.
- ~~18. Conceptual site plan(s) and elevations shall be reviewed by the North Gateway Village Planning Committee for recommendation prior to review and approval by the Planning Hearing Officer.~~

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-5664, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-5664 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. 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 25th day of August, 2021.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

Exhibits:

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

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-2-21-- Z-12-11-2

A portion of land being situated within the Southeast quarter of the Northwest Quarter of Section 24, Township 5 North, Range 2 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found Iron pipe with cap stamped RLS 17288 accepted as the Northeast corner of the Southeast quarter of the Northwest quarter of said Section 24 from which a found 3" City of Phoenix brass cap flush accepted as the North quarter corner of said Section 24 bears North 00°26'51" West, 1327.13 feet;

Thence South 89°49'59" West, 110.45 feet along the north line of said Southeast quarter to the **POINT OF BEGINNING**;

Thence leaving said north line, South 15°55'34" West, 45.04 feet;

Thence South 15°58'20" West, 22.73 feet;

Thence South 18°55'37" West, 100.64 feet;

Thence South 17°26'37" West, 54.45 feet;

Thence South 17°30'51" West, 16.18 feet to a non-tangent curve, concave southeasterly, having a radius of 1568.80 feet, the center of which bears South 50°53'18" East;

Thence southwesterly along said curve, through a central angle of 12°36'33", an arc length of 345.25 feet to a non-tangent line;

Thence South 23°51'24" West, 28.69 feet;

Thence North 90°00'00" West, 66.70 feet;

Thence South 23°51'24" West, 55.03 feet;

Thence South 12°12'44" West, 100.72 feet;

Thence South 10°12'08" West, 81.54 feet;

Thence South 14°05'59" West, 85.15 feet;

Thence South 13°34'35" West, 81.25 feet;

Thence South 18°47'12" West, 60.19 feet;

Thence South 19°31'12" West, 47.69 feet;

Thence South $18^{\circ}28'44''$ West, 89.39 feet;

Thence South $21^{\circ}58'44''$ West, 80.53 feet;

Thence South $28^{\circ}18'49''$ West, 54.75 feet;

Thence South $24^{\circ}30'42''$ West, 70.00 feet to the centerline of North Valley Parkway per Book 580, Page 16, Maricopa County records;

Thence along said centerline the following 3 courses:

Thence North $65^{\circ}29'18''$ West, 75.43 feet to the beginning of a tangent curve concave northeasterly having a radius of 955.00 feet;

Thence northwesterly along said curve, through a central angle of $65^{\circ}01'09''$, an arc length of 1083.73 feet to a tangent line;

Thence North $00^{\circ}28'09''$ West, 411.15 feet along the west line of the Southeast quarter of said Northwest quarter to the Northwest corner of Southeast quarter of the Northwest Quarter of Section 24;

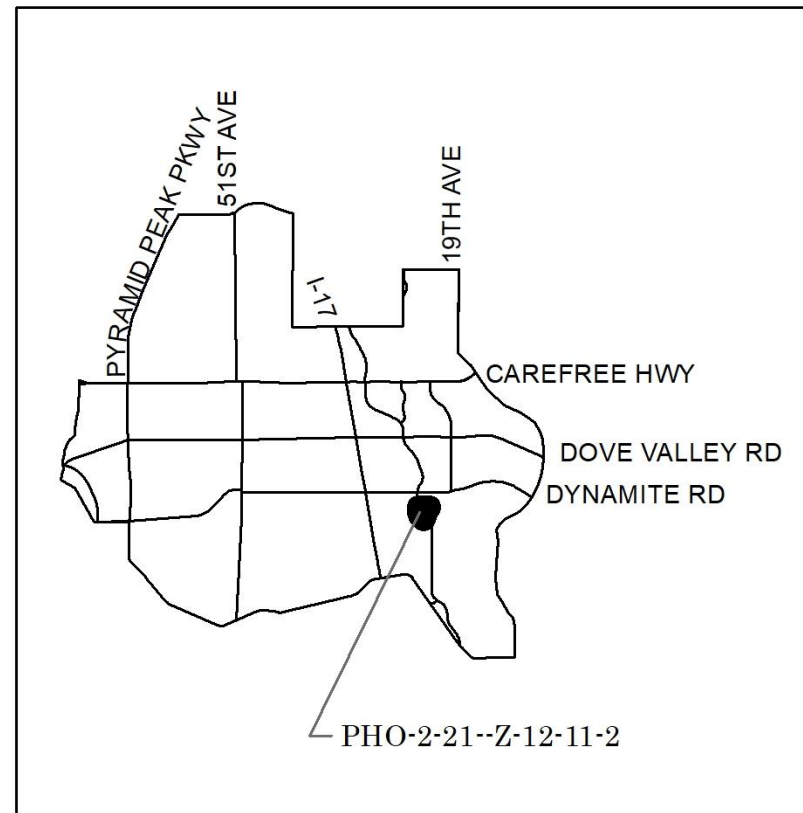
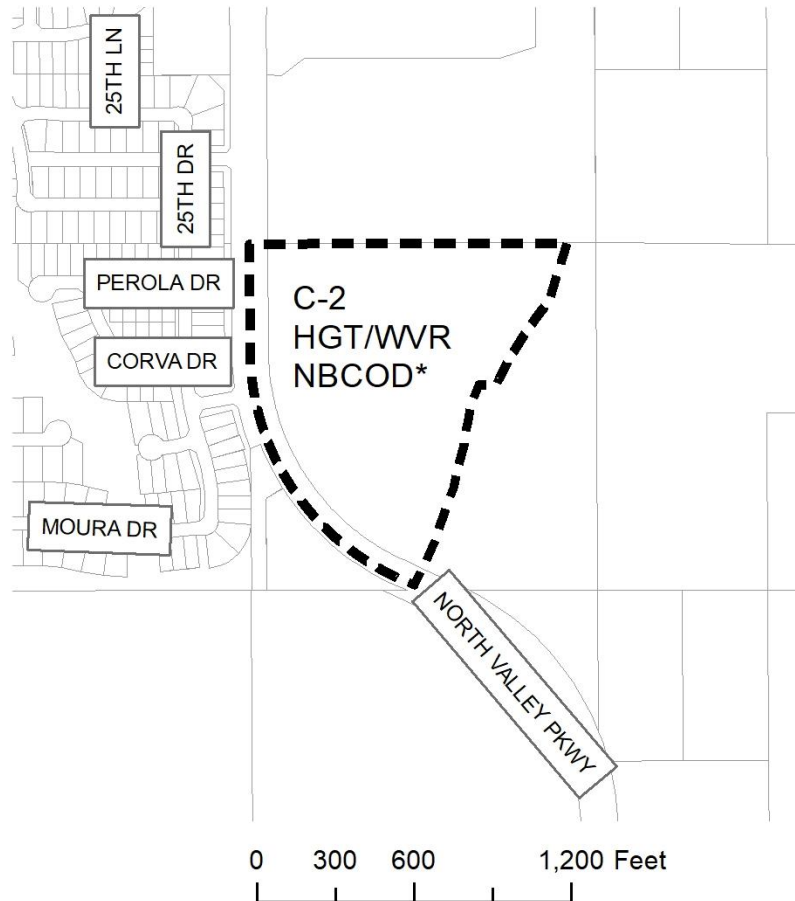
Thence leaving aid centerline and along the north line of the Southeast quarter of the said Northwest quarter, North $89^{\circ}49'59''$ East, 1214.82 feet to the **POINT OF BEGINNING**.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: PHO-2-21--Z-12-11-2
Zoning Overlay: North Black Canyon Corridor Plan
and Overlay District
Planning Village: North Gateway



NOT TO SCALE



Drawn Date: 7/30/2021