

## 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-6-12-2 PREVIOUSLY APPROVED BY  
ORDINANCE G-5719.

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

SECTION 1. The zoning stipulations applicable located approximately  
at the southwest 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 – RESIDENTIAL PORTION

1. The development shall be in general conformance with the site plan and elevations date stamped February 1, 2021, as modified by the following stipulations and approved by the Planning and Development Department.

##### SITE PLAN AND ELEVATIONS – COMMERCIAL PORTION

2. THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN AND ELEVATIONS DATE STAMPED MAY 31, 2024, 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 Planning and Development Department.~~

## STREET TRANSPORTATION

3. 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.
4. Coordinate driveway locations, design, and construction with the City's Street Transportation Department Capital Improvement Program project (ST85110090) and contact the project manager, Chris Kowalsky, at 602-495-3697.
5. The sidewalk on North Valley Parkway and Sonoran Desert Drive shall be setback a minimum of eight feet from the back of curb as approved by the Planning and Development Department.
6. The developer shall dedicate right-of-way totaling 70 feet for the west half of North Valley Parkway for the entire frontage as approved by the Planning and Development Department.
7. The developer shall construct roadway improvements at a width of 52 feet to the face of curb for the west half street improvements to North Valley Parkway for the entire frontage of the site as approved by the Street Transportation and Planning and Development Departments.
8. The developer shall dedicate sufficient right-of-way to accommodate a bus bay, including a transit accessory pad, on North Valley Parkway south of Sonoran Desert Drive in accordance with Standard Detail P1256-2.
9. The developer shall provide a bus bay, including a transit accessory pad, on North Valley Parkway south of Sonoran Desert Drive in accordance with Standard Detail P1256-2.
10. The developer shall provide conduit and junction boxes at Sonoran Desert Drive and North Valley Parkway for future traffic signal equipment on the southwest corner of the intersection. The plan is to be submitted to the Street Transportation Department for review and approval. Submittal will be made as a separate document that shows the entire intersection with existing conduit runs and junction boxes. The Developer will submit the approved plan to the Civil Plans Coordinator as part of the civil engineering plan set. All work related to the construction or reconstruction of the conduit runs and junction box installation is the responsibility of the Developer.
11. A letter shall be submitted to the Street Transportation Department Traffic Signals Engineer that indicates the applicant's commitment to pay 25% for the cost of traffic signals at North Valley Parkway and Sonoran Desert Drive when

the Street Transportation Department warrants the installation of the signal infrastructure.

12. The developer shall dedicate right-of-way totaling a minimum of 70 feet for the south half of Sonoran Desert Drive for the entire frontage as approved by the Street Transportation and Planning and Development Departments. Additionally, the developer shall dedicate sufficient right-of-way to accommodate an intersection flare for eastbound traffic at the southwest corner of North Valley Parkway and Sonoran Desert Drive.
13. The developer shall work with the Street Transportation and Planning and Development Departments to provide for, as necessary, drainage and slope easements along Sonoran Desert Drive as defined in the Sonoran Desert Drive: Interstate 17 to North Valley Parkway Design Report, or as modified by the Street Transportation and Planning and Development Departments.
14. The developer shall provide required pavement transitions, as necessary, on Sonoran Desert Drive to the west and on North Valley Parkway to the south, as approved by the Planning and Development Department.
15. A 25-foot right-of-way triangle shall be dedicated at the southwest corner of the intersection of Sonoran Desert Drive and North Valley Parkway as approved by the Planning and Development Department.
16. All driveway access points along Sonoran Desert Drive and North Valley Parkway shall be restricted to right-in / right-out turning movements only within 660 feet of the intersection of Sonoran Desert Drive and North Valley Parkway as approved by the Planning and Development Department.
17. A completed MAG Transportation Improvement Program Form shall be provided and submitted to the Street Transportation Department with a copy to the Planning and Development Department.
18. Complete the Red Border Letter process to notify the Arizona Department of Transportation of development adjacent to the I-17 freeway corridor and submit a copy to the Street Transportation Department and to the Planning and Development Department.

#### OTHER

19. 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.
20. 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.

21. 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.
22. That prior to final site plan approval, the property shall record documents that disclose to purchasers of the property within the development the proximity to building heights up to 190 feet on the north, south and west and up to 56 feet on the east of the subject site. 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.
23. That prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's Office. 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.
24. That the property owner shall record documents that discloses the existence, and operational characteristics of the Deer Valley Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instruction provided which have been reviewed and approved by the City Attorney.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-5719 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-5719 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 4th day of September,  
2024.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
Denise Archibald, City Clerk

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

By:  
\_\_\_\_\_  
\_\_\_\_\_

REVIEWED BY:

\_\_\_\_\_  
Jeffrey Barton, City Manager

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

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-3-24--Z-6-12-2

A PORTION OF LOT 1 OF THE FINAL PLAT FOR "SONORAN COMMONS COMMERCIAL" RECORDED IN BOOK 1307 OF MAPS, PAGE 37, RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 5 NORTH, RANGE 2 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 24;

THENCE ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SOUTH 00°26'57" EAST, A DISTANCE OF 329.60 FEET;

THENCE LEAVING SAID EAST LINE, SOUTH 89°33'03" WEST, A DISTANCE OF 70.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF NORTH VALLEY PARKWAY AND THE POINT OF BEGINNING;

THENCE LEAVING SAID RIGHT OF WAY LINE, NORTH 89°59'55" WEST, A DISTANCE OF 292.83 FEET;

THENCE NORTH 00°27'16" WEST, A DISTANCE OF 182.02 FEET;

THENCE NORTH 89°50'12" EAST, A DISTANCE OF 39.22 FEET;

THENCE NORTH 00°27'16" WEST, A DISTANCE OF 66.03 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SONORAN DESERT DRIVE;

THENCE ALONG SAID RIGHT-OF-WAY LINE, NORTH 89°49'34" EAST, A DISTANCE OF 159.46 FEET;

THENCE SOUTH 72°40'33" EAST, A DISTANCE OF 95.75 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF NORTH VALLEY PARKWAY;

THENCE ALONG SAID RIGHT-OF-WAY LINE, SOUTH 00°26'57" EAST, A DISTANCE OF 111.98 FEET;

THENCE SOUTH 89°32'53" WEST, A DISTANCE OF 5.00 FEET;

THENCE SOUTH 00°26'57" EAST, A DISTANCE OF 44.88 FEET;

THENCE SOUTH 11°45'43" EAST, A DISTANCE OF 40.78 FEET;

THENCE SOUTH 00°26'57" EAST, A DISTANCE OF 23.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 67,924 SQ. FT. OR 1.559 ACRES MORE OR LESS.

## EXHIBIT B

Zoning Case Number: PHO-3-24--Z-6-12-2  
Zoning Overlay: North Black Canyon Corridor Plan and  
Overlay District  
Planning Village: North Gateway

