

## 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 ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (Z-56-19-2) FROM PCD NBCOD, APPROVED C-2/CP M-R PCD NBCOD (PLANNED COMMUNITY DISTRICT, NORTH BLACK CANYON OVERLAY DISTRICT, APPROVED INTERMEDIATE COMMERCIAL DISTRICT OR COMMERCE PARK DISTRICT, MID-RISE DISTRICT, PLANNED COMMUNITY DISTRICT, NORTH BLACK CANYON OVERLAY DISTRICT) TO C-2 M-R NBCOD (INTERMEDIATE COMMERCIAL DISTRICT, MID-RISE DISTRICT, NORTH BLACK CANYON OVERLAY DISTRICT).

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

SECTION 1. The zoning of a 10.29-acre property located at the southeast corner of the 29th Avenue alignment and Dove Valley Road, in Section 14, Township 5 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "PCD NBCOD, Approved C-2/CP M-R PCD NBCOD" (Planned Community District, North Black Canyon Overlay District, Approved Intermediate Commercial District or Commerce Park District, Mid-Rise District, Planned Community District, North Black Canyon Overlay District) to "C-2 M-R NBCOD" (Intermediate Commercial District,

Mid-Rise District, North Black Canyon Overlay District) for a PCD removal to allow for commercial/retail 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. All site plans and elevations shall be reviewed and approved by the Planning Hearing Officer through the public hearing process prior to preliminary site plan approval for conceptual review of the applicable provisions of the goals and policies of the North Gateway Village Core Plan, which shall include:
  - a. Promoting the overall pedestrian circulation within the North Gateway Core through wide sidewalks, detached sidewalks and overall connectivity.
  - b. Ensure all building facades contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, window fenestration, shadow boxes and overhead/canopies at least every 50 feet.
  - c. Ensure all paint colors and building materials are in compliance with the North Black Canyon Overlay District with specific regard to colors being muted and blend with, rather than contrast strongly, with the surrounding desert environment.
  - d. Ensure parking lots are broken into multiple smaller parking areas.
  - e. Incorporation of natural drainage features.
2. Maximum building height shall be limited to 60 feet. If the following occurs, prior to preliminary site plan approval, the maximum building height permitted shall be a maximum of 120 feet.
  - a. A water report is submitted to and approved by the Water Services Department which demonstrates that sufficient water capacity exists or is being provided by the developer of this parcel;
  - b. A wastewater report is submitted to and approved by the Water Services

Department which demonstrates that sufficient wastewater capacity exists or is being provided by the developer of this parcel;

- c. A traffic study is submitted to and approved by the Street Transportation Department which demonstrates that street improvements (existing and/or proposed) are sufficient to serve the site; and
  - d. A multi-modal (pedestrians, bicyclists, motorists, etc.) circulation plan is submitted and approved by the Street Transportation and Planning and Development departments that illustrates how the project and its corresponding infrastructure improvements will facilitate multi-modal connectivity within the site and to the site's surrounding streets and amenities as envisioned in the North Gateway Village Core Plan.
3. All sidewalks adjacent to streets shall be detached per the adopted Street Classification Map cross-section or with a minimum 8-foot wide continuous landscape area located between the sidewalk and back of curb; and shall include minimum 3-inch caliper, large canopy single-trunk shade trees (limbed-up a minimum of 10 feet clear from finished grade), planted 25 feet on center or in equivalent groupings; and minimum 5-gallon shrubs with a maximum mature height of 2 feet providing 75 percent live cover, as approved by the Planning and Development Department.
4. A minimum of 50 percent of the pedestrian pathways shall be shaded by a structure, landscaping or a combination of the two, as approved by the Planning and Development Department.
5. All pedestrian pathways, including those that intersect vehicular traffic lanes, shall be constructed with decorative pavers, stamped or colored concrete, or another material other than those used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department.
6. If a drive-through restaurant is developed, pick-up windows shall be architecturally integrated in proportion, color, material and texture to the building it serves by providing awnings or architecturally integrated structures for weather protection, as approved by the Planning and Development Department.
7. If a drive-through restaurant is developed, a minimum of 250 square feet of outdoor seating areas shall be provided, as approved by the Planning and Development Department.
8. A minimum of two inverted-U bicycle racks (four spaces) shall be provided for each building on site, located near building entries, and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
9. All surface retention areas shall be natural and organic in shape, as approved by the Planning and Development Department.

10. The glazing on all building windows shall have a maximum reflectivity of 20 percent, as approved by the Planning and Development Department.
11. All service areas must be screened to conceal trash containers, recycling containers, loading docks, transformers, backflow preventers and other mechanical and or electrical equipment from eye level adjacent to all public streets and private drives, as approved by the planning and development department.
12. 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.
13. The developer shall dedicate a minimum of 40 feet for public right-of-way along the full western limit of the site for 29th Avenue. Additional right-of-way for intersection or auxiliary turn lanes may be required as indicated in the approved Traffic Impact Study or through the North Gateway Core Study being conducted by the Street Transportation Department at the time of this zoning action. The determination of final right-of-way required will be made by the Street Transportation Department.
14. The developer shall construct half-street improvements for 29th Avenue inclusive of a minimum 25 feet of paving, curb, gutter, detached sidewalk and streetlighting for the full frontage of the property, as modified and approved by the Street Transportation Department.
15. The developer shall dedicate the full width right-of-way for the Village Core Northern Collector street along the entirety of the southern zoning boundary. The full width of right-of-way required is 60 feet adjoined on each side by a minimum 10-foot sidewalk easement. Full width right-of-way and alignment may be modified by the Street Transportation Department.
16. The developer shall construct the full width roadway section of the Village Core Northern Collector street along the entirety of the southern zoning boundary. The minimum full width roadway section is 50 feet of paving, curb, gutter, and detached sidewalk for the full frontage of the property. Full width improvements may be modified by the Street Transportation Department.
17. The developer shall be responsible for proportional share of the funding and/or construction of any traffic control improvements for the intersection of Village Core Northern Collector and North Valley Parkway, as per the approved Traffic Impact Study and as approved by the Street Transportation Department.
18. All publicly dedicated roadways shall be designed as dry crossings per City standards for a minimum 100-year storm event. Drainage easement shall be dedicated to accommodate drainage structures and maintenance access ramps, as approved by the Street Transportation Department.

19. The developer shall be responsible for proportional funding contributions towards traffic signals at 29th Avenue and Dove Valley Road and 29th Avenue and Sonoran Desert Drive. The funding contribution will be determined through an assessment of proportional traffic impact, as per the Traffic Impact Study and as approved by the Street Transportation Department.
20. All publicly dedicated roadways shall be designed as dry crossings per City standards for a minimum 100-year storm event as approved by the Street Transportation Department.
21. A Developer Project Information Form for the MAG Transportation Improvement Program shall be completed and submitted to the Street Transportation Department prior to preliminary site plan approval, as approved by the Planning and Development Department.
22. 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.
23. 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 19th day of February, 2020.

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MAYOR

ATTEST:

\_\_\_\_\_ City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_ City Attorney

REVIEWED BY:

\_\_\_\_\_ City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

## EXHIBIT A

### LEGAL DESCRIPTION – Z-56-19-2

A portion of land as described in the Special Warranty Deed recorded in Document No. 1998-0523403 , Maricopa County Records, being situated within the Northeast Quarter of Section 14, 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 3 inch City of Phoenix brass cap in hand hole accepted as the Northeast corner of said Section 14 from which a found 1/2 inch rebar with cap, RLS 48943 accepted as the North Quarter corner thereof bears South 89°25'55" West, 2639 .68 feet;

Thence South 89°25'55" West, 710.93 feet along the north line of the Northeast Quarter of said Section 14 to the POINT OF BEGINNING;

Thence leaving said north line, South 83°01'35" East, 51.43 feet to the east line of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of said Section 14;

Thence South 00°21'48" East, 655.29 feet along the east line of said Northwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 14 to the Southeast corner thereof;

Thence South 89°27'39" West, 659.90 feet along the south line of said Northwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 14 to the Southwest corner thereof;

Thence North 00°21'55" West, 661.70 feet along the west line of said Northwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 14 to the Northwest corner thereof;

Thence North 89°25'55" East, 608.91 feet along said north line to the POINT OF BEGINNING.

The above described parcel contains a computed area of 436 ,599 sq. ft. (10.0229 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

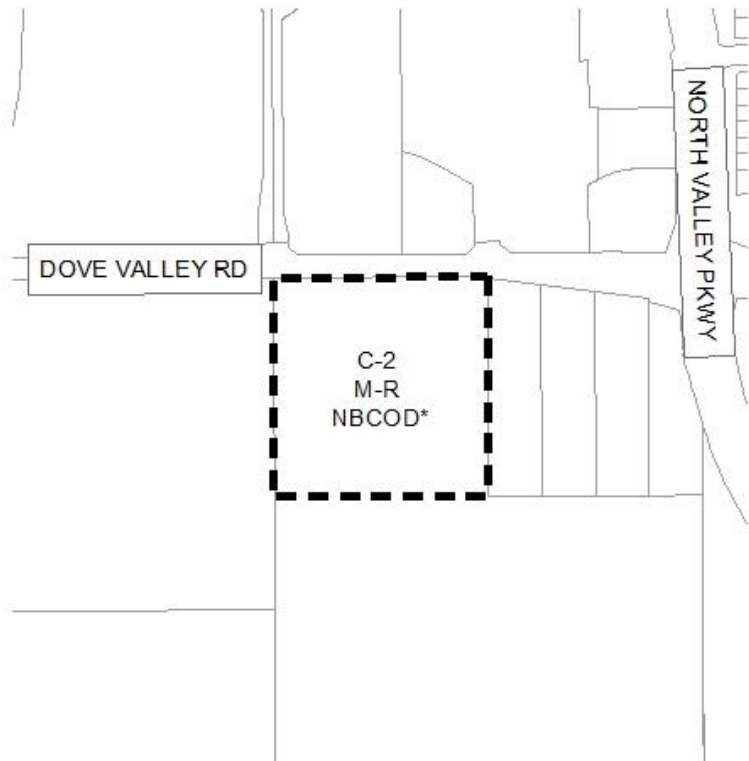
The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

# ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: ■ ■ ■ ■ ■

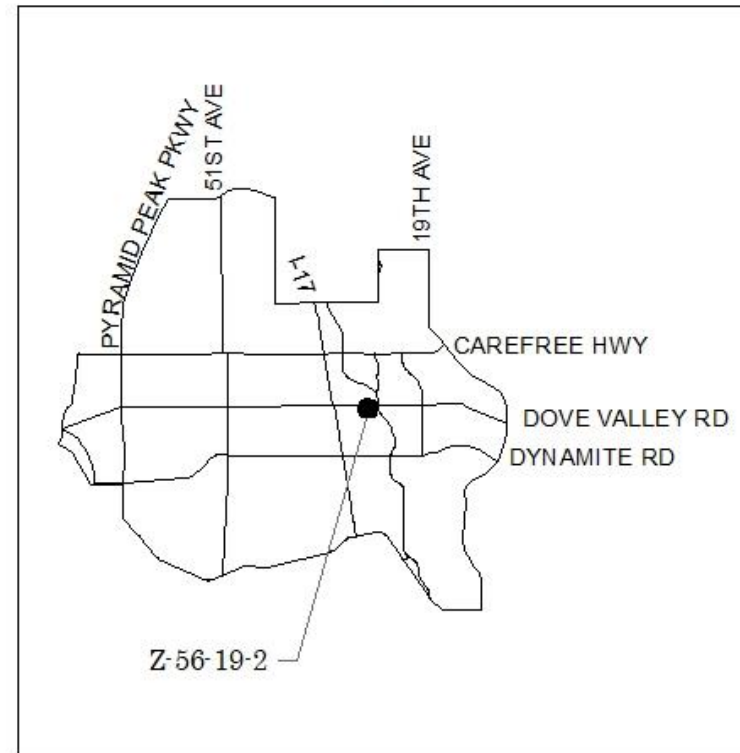


0 150 300 600 Feet

Zoning Case Number: Z-56-19-2

Zoning Overlay: North Black Canyon Corridor Plan

Planning Village: North Gateway



NOT TO SCALE



Drawn Date: 1/17/2020