

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 (CASE Z-28-21-2) FROM PCD NBCOD, APPROVED C-2 OR CP M-R PCD NBCOD (PLANNED COMMUNITY DISTRICT, NORTH BLACK CANYON OVERLAY DISTRICT, APPROVED INTERMEDIATE COMMERCIAL OR COMMERCE PARK DISTRICT, MID-RISE, PLANNED COMMUNITY DISTRICT, NORTH BLACK CANYON OVERLAY DISTRICT) TO R-3 NBCOD (MULTIFAMILY RESIDENTIAL DISTRICT, NORTH BLACK CANYON OVERLAY DISTRICT), R-4 NBCOD (MULTIFAMILY RESIDENTIAL DISTRICT, NORTH BLACK CANYON OVERLAY DISTRICT), AND C-2 NBCOD (INTERMEDIATE COMMERCIAL DISTRICT, NORTH BLACK CANYON OVERLAY DISTRICT).

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

SECTION 1. The zoning of a 40.04-acre site located at the northeast corner of the 29th Avenue alignment and Sonoran Desert Drive in a portion of Section 14, Township 5 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "PCD NBCOD (Approved C-2 of CP M-R PCD NBCOD)" (Planned Community District, North Black Canyon Overlay District, approved Intermediate Commercial or Commerce Park District, Mid-Rise, Planned Community District, North

Black Canyon Overlay District) to 17.84 acres of “R-3 NBCOD” (Multifamily Residential District, North Black Canyon Overlay District), 16.21 acres of “R-4 NBCOD” (Multifamily Residential District, North Black Canyon Overlay District), and 5.99 acres of “C-2 NBCOD” (Intermediate Commercial District, North Black Canyon Overlay District).

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. A minimum of 7 percent of the gross site area of the R-3 NBCOD zoned portion shall be retained as open space, as approved by the Planning and Development Department.
2. A minimum of 20 percent of the gross site area of the R-4 NBCOD zoned portion shall be retained as open space, as approved by the Planning and Development Department.
3. The R-3 NBCOD zoned portion of the site shall be limited to a maximum height of three stories and 36 feet.
4. The R-4 NBCOD zoned portion of the site shall be limited to a maximum height of three stories and 40 feet.
5. The C-2 NBCOD zoned portion of the site shall be limited to a maximum height of one story and 25 feet.
6. All building façades shall contain architectural embellishments and detailing such as, but not limited to, textural changes, pilasters, offsets, recesses, window fenestration, shadowboxes, and canopies, as approved by the Planning and Development Department.
7. All building and wall colors and materials shall be in compliance with the North Black Canyon Overlay District with specific regard to colors being muted and

blending with, rather than contrasting strongly, with the surrounding desert environment, as approved by the Planning and Development Department.

8. Parking areas in the C-2 zoned portion of the site shall be at least 30 feet from property lines adjacent to Sonoran Desert Drive and 29th Avenue or behind a commercial building, as approved by the Planning and Development Department.
9. If drive-through restaurants are 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.
10. All service areas in the C-2 zoned portion shall 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 public streets and private drives, as approved by the Planning and Development Department.
11. Pedestrian connectivity shall be provided between multifamily and commercial developments, as approved by the Planning and Development Department.
12. Secured bicycle parking shall be provided for multifamily development per Section 1307 of the City of Phoenix Zoning Ordinance. In addition, a minimum of 18 bicycle parking spaces for the R-4 NBCOD zoned portion of the site and a minimum of 13 bicycle parking spaces for the R-3 NBCOD zoned portion of the site shall be provided for guests located near the offices or distributed throughout the site and installed per the requirements of Section 1307.H of the Zoning Ordinance, as approved by the Planning and Development Department.
13. A minimum of six bicycle parking spaces for the C-2 NBCOD zoned portion of the site shall be provided near entrances of buildings or distributed throughout the site and installed per the requirements of Section 1307.H of the Zoning Ordinance, as approved by the Planning and Development Department.
14. A minimum 10-foot-wide public multi-use trail (MUT) shall be constructed within the existing multi-use recreational trail easement (MURTE) along the north side of Sonoran Desert Drive in accordance with Section 429 of the City of Phoenix MAG Supplemental detail, as approved by the Planning and Development Department.
15. All sidewalks along public streets shall be detached with a minimum 10-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted a minimum of 20 feet on

center or in equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department.

16. A minimum of 75% of pedestrian pathways and sidewalks shall be shaded by a structure, landscaping, or a combination of the two, as approved by the Planning and Development Department.
17. Where pedestrian pathways cross drive aisles, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave parking surfaces and drive aisles, as approved by the Planning and Development Department.
18. Pedestrian pathways shall be provided to connect building entrances, public sidewalks, and community amenities, using the most direct route for pedestrians, as approved by the Planning and Development Department.
19. The applicant shall submit a Traffic Impact Study to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. The developer shall be responsible for traffic signal funding and/or escrow contribution as determined by the approved Traffic Impact Study.
20. The developer shall dedicate and construct the east half of 29th Avenue, as required by the Traffic Impact Study and as approved by the Street Transportation Department.
21. The developer shall dedicate a minimum 80 feet of right-of-way and construct a City classified "E" section roadway for North Foothills Drive connecting to 29th Avenue, or as otherwise determined through the approved Traffic Impact Study. If constructed, a Shared-Use Path shall be provided along North Foothills Drive in accordance with the City of Phoenix standard trail detail, as approved by the Planning and Development Department.
22. The developer shall provide a minimum of two shaded pedestrian connections from the development site to the wash and any designated trails, as approved by the Planning and Development Department.
23. 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.
24. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeology 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.

25. 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, determine such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
26. 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.
27. 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 1st day of December, 2021.

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 (4 Pages)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-28-21-2:

**29TH AVE & SONORAN DESERT DRIVE
PARCEL 16A
LEGAL DESCRIPTION**

A portion of land being situated within the Southeast 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" Maricopa County brass cap, stamped T5N, R2E, 1/4 S14, 1/4 S13, RLS 29891, dated 2001 accepted as the East quarter corner of said Section 14, from which a found 1/2 inch rebar with cap, RLS 21081 accepted as the Center of said Section bears South 89°32'56" West, 2639.42 feet;

Thence South 00°22'13" East, 1324.91 feet along the east line of said Southeast quarter to a found 1/2 inch rebar with cap, RLS 27239 accepted as the 1/16th corner (Northeast corner of the Southeast quarter of the Southeast quarter of said Section 14), being the **POINT OF BEGINNING**;

Thence continuing along said east line, South 00°22'13" East, 1324.91 feet to the Southeast corner of said Section 14;

Thence South 89°38'30" West, 659.90 feet along the south line of said Southeast quarter to the southwest corner of the East half of the Southeast quarter of said Southeast quarter;

Thence North 00°22'10" West, 70.00 feet along the west line of said East half to the intersection of said west line and the north line of the south 70.00 feet of said Southeast quarter;

Thence leaving said west line, North 00°07'02" West, 325.13 feet;

Thence North 60°01'38" East, 283.65 feet;

Thence North 33°37'52" West, 242.86 feet;

Thence North 15°19'46" West, 200.69 feet;

Thence North 06°58'06" West, 394.79 feet to the north line of the Southeast quarter of the Southeast quarter of said Section 14;

Thence along said north line, North 89°35'43" East, 642.20 feet to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 786,484 sq. ft. (18.0552 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.

**29TH AVE AND SONORAN DESERT DRIVE
PARCEL 16B
LEGAL DESCRIPTION**

A portion of land being situated within the Southeast 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" Maricopa County brass cap, stamped T5N, R2E, 1/4 S14, 1/4 S13, RLS 29891, dated 2001 accepted as the East quarter corner of said Section 14, from which a found 1/2 inch rebar with cap, RLS 21081 accepted as the Center of said Section bears South 89°32'56" West, 2639.42 feet;

Thence South 00°22'13" East, 2649.82 feet along the east line of said Southeast quarter to the Southeast corner of said Section 14;

Thence South 89°38'30" West, 659.90 feet along the south line of said Southeast quarter to the southeast corner of the West half of the Southeast quarter of said Southeast quarter, being the **POINT OF BEGINNING**;

Thence continuing along said south line, South 89°38'30" West, 659.90 feet to the southwest corner of the West half of the Southeast quarter of said Southeast quarter;

Thence along said west line, North 00°22'06" West, 394.42 feet;

Thence leaving said west line, North 89°34'48" East, 661.33 feet;

Thence South 00°07'02" East, 325.13 feet to the intersection of the north line of the south 70.00 feet of said Southeast quarter and the east line of the West half of the Southeast quarter of said Southeast quarter;

Thence along said east line, South 00°22'10" East, 70.00 feet to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 260,744 sq. ft. (5.9859 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.

**29TH AVE AND SONORAN DESERT DRIVE
PARCEL 16C
LEGAL DESCRIPTION**

A portion of land being situated within the Southeast 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" Maricopa County brass cap, stamped T5N, R2E, 1/4 S14, 1/4 S13, RLS 29891, dated 2001 accepted as the East quarter corner of said Section 14, from which a found 1/2 inch rebar with cap, RLS 21081 accepted as the Center of said Section bears South 89°32'56" West, 2639.42 feet;

Thence South 00°22'13" East, 1324.91 feet along the east line of the Southeast quarter of said Section to a found 1/2 inch rebar with cap, RLS 27239 accepted as the 1/16th corner (Northeast corner of the Southeast quarter of the Southeast quarter) of said Section;

Thence South 89°35'43" West, 642.20 feet along the north line of the Southeast quarter of the Southeast quarter of said Section to the **POINT OF BEGINNING**;

Thence leaving said north line, South 06°58'06" East, 394.79 feet;

Thence South 15°19'46" East, 200.69 feet;

Thence South 33°37'52" East, 242.86 feet;

Thence South 60°01'38" West, 283.65 feet;

Thence South 89°34'48" West, 661.33 feet to the west line of the Southeast quarter of the Southeast quarter of said Section;

Thence North 00°22'06" West, 929.42 feet along said west line to a found 1/2 inch rebar with cap, RLS 21081 accepted as the 1/16th corner (Northwest corner of the Southeast quarter of the Southeast quarter) of said Section;

Thence North 89°35'43" East, 677.56 feet along said north line of the Southeast quarter of the Southeast quarter to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 700,655 sq. ft. (16.0848 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.

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ORDINANCE LOCATION MAP

EXHIBIT B

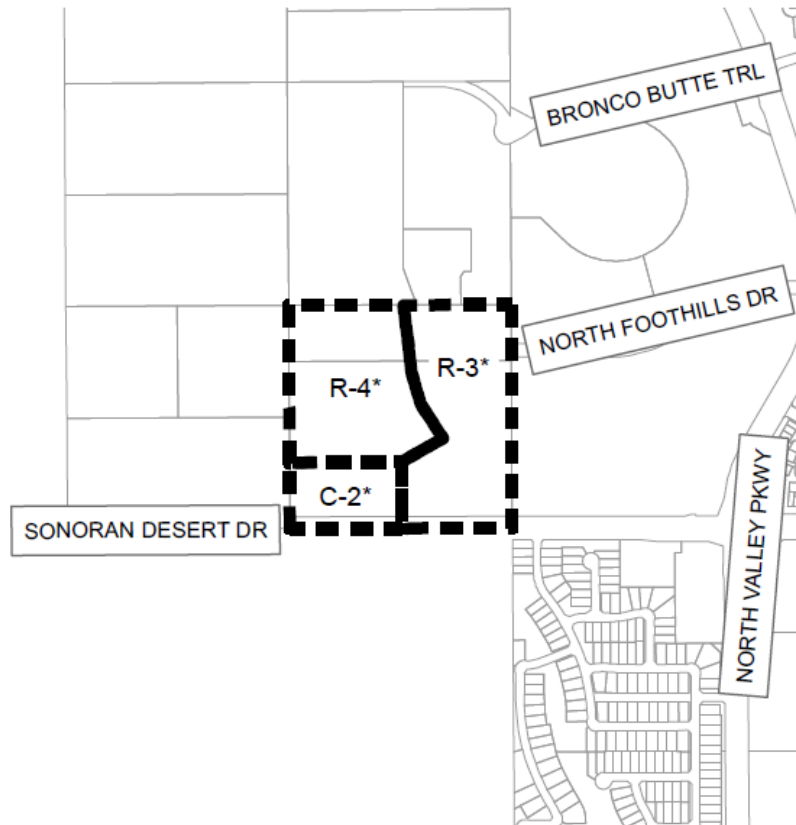
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

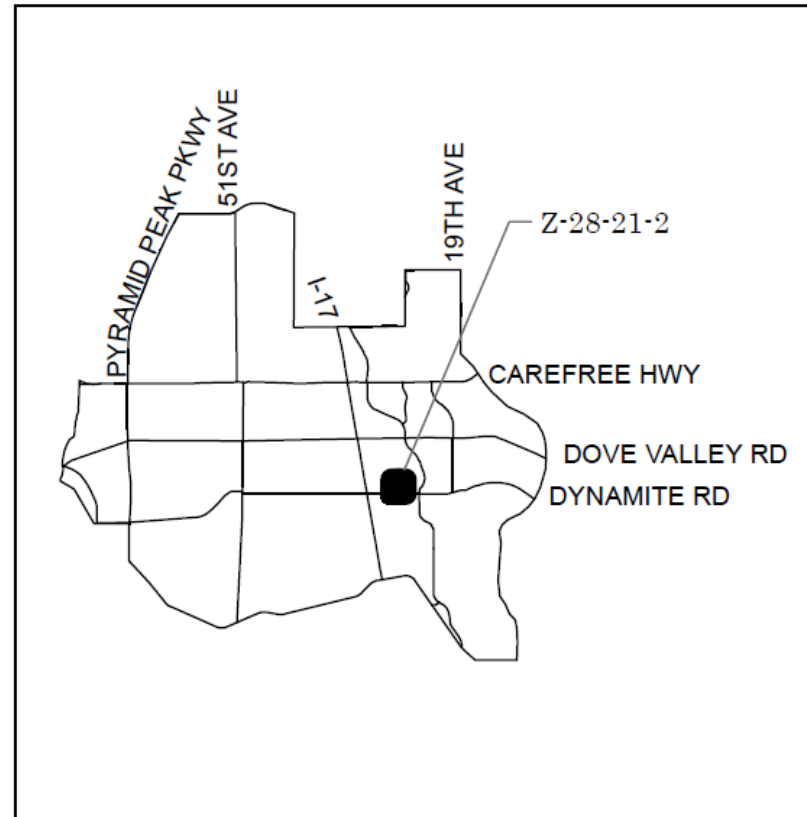
Zoning Case Number: Z-28-21-2

Zoning Overlay: North Black Canyon Corridor Plan & Overlay District

Planning Village: North Gateway



0 475 950 1,900 Feet



NOT TO SCALE



Drawn Date: 11/1/2021