

## 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-66-21-2) 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, MID-RISE, PLANNED COMMUNITY DISTRICT, NORTH BLACK CANYON OVERLAY DISTRICT) TO R-3A NBCOD (MULTIFAMILY RESIDENTIAL, NORTH BLACK CANYON OVERLAY DISTRICT).

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

SECTION 1. The zoning of a 17.63-acre site located approximately 600 feet east of the northeast corner of the Black Canyon Highway 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 or CP M-R PCD NBCOD" (Planned Community District, North Black Canyon Overlay District, approved Intermediate Commercial or Commerce Park, Mid-Rise, Planned Community District, North Black Canyon Overlay District) to "R-3A NBCOD" (Multifamily Residential, 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. The development shall be limited to a maximum of 348 dwelling units.
2. A development shall provide a minimum landscape setback of 10 feet between the shared use path along Skunk Creek Wash and any fencing or buildings on the west side of the site, as approved by the Planning and Development Department.
3. A minimum of 15 percent of the gross site area shall be retained as open space, as approved by the Planning and Development Department.
4. Surface parking shall be located a minimum of 50 feet from the western property line along Skunk Creek Wash, as approved by the Planning and Development Department.
5. All elevations of the building shall contain a minimum of three building materials as well as architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or other overhang canopies, as approved by the Planning and Development Department.
6. All buildings 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, the surrounding desert environment, as approved by the Planning and Development Department.
7. A minimum 10-foot-wide public multi-use trail (MUT) shall be constructed within a 30-foot-wide 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.

8. A minimum 10-foot shared use path (SUP) shall be constructed within a 25-footwide public trail easement (PTE) along the east side of Skunk Creek Wash as indicated in Section 429 of the City of Phoenix MAG Supplement, as approved by the Planning and Development Department.
9. Pedestrian pathways and sidewalks shall be shaded a minimum of 75 percent by a structure and/or landscaping at maturity, or a combination of the two, as approved by the Planning and Development Department.
10. 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.
11. Accessible pedestrian pathways shall be provided to connect building entrances, public sidewalks, community amenities and the bus stop pad along Sonoran Desert Drive, using the most direct route for pedestrians, as approved by the Planning and Development Department.
12. 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 20 feet on center or equivalent groupings, as approved by the Planning and Development Department. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
13. The developer shall provide secured bicycle parking per Section 1307 of the City of Phoenix Zoning Ordinance. In addition, a minimum of 17 inverted U-bicycle racks shall be provided for guests located near the clubhouse 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. The necessary street right-of-way shall be dedicated, and a bus stop pad constructed per City of Phoenix Standard Detail P1260 along westbound Sonoran Desert Drive, as approved by the Planning and Development Department. The bus stop pad shall be spaced from 29th Avenue according to City of Phoenix Standard P1258.
15. The bus stop pad along Sonoran Desert Drive shall be shaded a minimum of 50 percent using shade trees at full maturity, as approved by the Planning and Development Department. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

16. 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.
17. Access control for the development site shall be in compliance with the City of Phoenix Street Planning and Design Guideline Standards, as approved by the Street Transportation Department.
18. The developer shall dedicate and construct the west half of 29th Avenue as required by the Traffic Impact Study and Master Street Plans, as approved by the Street Transportation Department.
19. The developer shall dedicate a minimum 70 feet of right-of-way and construct a City classified "A" section roadway for Sonoran Desert Drive, as approved by the Planning and Development Department.
20. The developer shall provide a minimum of three shaded pedestrian connections from the development to the required shared-use path along the east side of Skunk Creek Wash and a minimum of one shaded pedestrian connection from the development to the required multi-use trail along the north side of Sonoran Desert Drive, as approved by the Planning and Development Department.
21. 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.
22. 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.
23. 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.
24. 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.

25. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of the property the existence and operational characteristics of active mining operations, Lift Station 66, and the North Gateway Solid Waste and Recycling Transfer Facility. 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.
26. Prior to occupancy, signage must be provided within the development's sales/leasing office (or equivalent signage) that is visible to prospective renters or purchases which discloses the existence and operational characteristics of active mining operations, Lift Station 66, and the North Gateway Solid Waste and Recycling Transfer Facility, as approved by the Planning and Development Department.
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 2nd day of February, 2022.

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MAYOR

ATTEST:

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Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Cris Meyer, City Attorney

By:

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REVIEWED BY:

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Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (2 Pages)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-66-21-2:

A portion of land being situated within the Southwest quarter of 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" brass cap flush accepted as the south quarter corner of said Section 14 from which a found ½" rebar with cap RLS 21081 accepted as the Center of said Section 14 bears North 00°21'59" West, 2645.55 feet;

Thence North 89°38'30" East, 1009.71 feet along the south line of the Southeast quarter of said Section 14 to the POINT OF BEGINNING;

Thence leaving said south line, North 02°49'52" West, 107.92 feet; Thence North 17°58'44" West, 106.34 feet;

Thence North 16°04'14" West, 135.75 feet;

Thence North 24°53'59" West, 66.65 feet;

Thence North 27°12'27" West, 151.95 feet;

Thence North 26°41'39" West, 229.20 feet;

Thence North 42°42'39" West, 234.22 feet;

Thence North 29°09'05" West, 213.01 feet;

Thence North 25°19'17" West, 175.08 feet;

Thence North 27°20'59" West, 70.84 feet to the north line of the Southwest quarter of the Southeast quarter of said Section 14;

Thence along said north line, North 89°35'43" East, 947.89 feet to the northeast corner of the Southwest quarter of said Southeast quarter;

Thence South 00°22'06" East, 1323.84 feet along the east line of the Southwest quarter of said Southeast quarter to the south line of said Section 14;

Thence South 89°38'30" West, 310.10 feet along said south line to the POINT OF BEGINNING.

The above described parcel contains a computed area of 769,058 sq. ft. (17.655 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.

DRAFT



# ORDINANCE LOCATION MAP

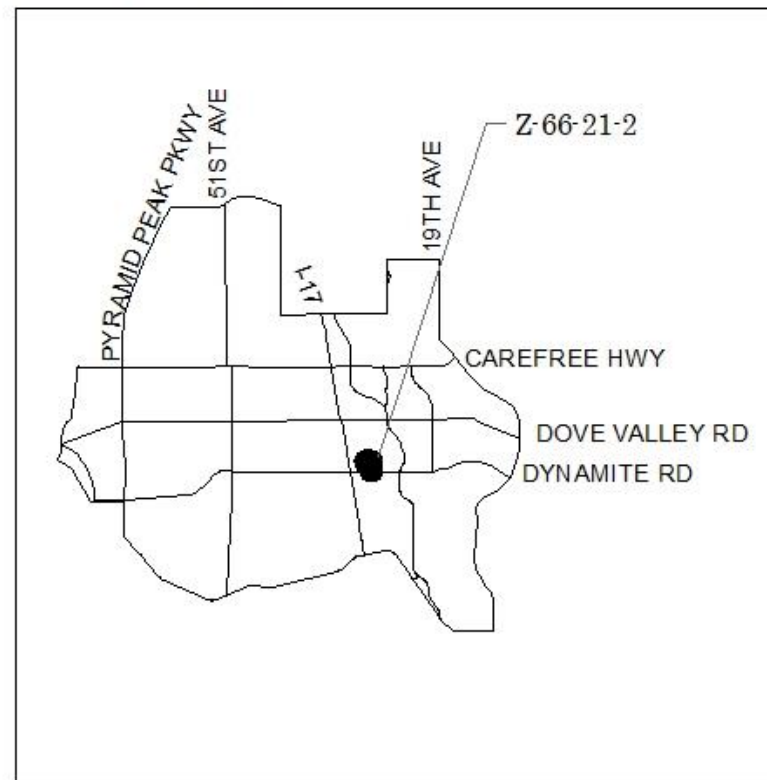
EXHIBIT B

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

Zoning Case Number: Z-66-21-2

Zoning Overlay: North Black Canyon Corridor Plan and Overlay District

Planning Village: North Gateway



NOT TO SCALE



Drawn Date: 12/28/2021