

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-59-21-2) 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 C-2 NBCOD (INTERMEDIATE COMMERCIAL, NORTH BLACK CANYON OVERLAY DISTRICT).

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

SECTION 1. The zoning of a 31.97-acre site located at the southwest corner of the 29th Avenue and Bronco Butte Trail alignments 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 “C-2 NBCOD” (Intermediate Commercial, 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 354 dwelling units.
2. A minimum 25-foot-wide landscape setback shall be provided along the 29th Avenue frontage, as approved by the Planning and Development Department.
3. The development shall provide a minimum landscape setback of 10 feet between the shared use path along Skunk Creek Wash and any fencing on the west side of the site, as approved by the Planning and Development Department.
4. Open space areas shall be distributed throughout the development, with a minimum of one central amenity area provided within close proximity to the Paseo Del Prado, as approved by the Planning and Development Department.
5. The architectural features and/or materials shown on the front elevation date stamped August 27, 2021 shall be applied to all sides of the building, as approved by the Planning and Development Department.
6. All buildings, 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. The development shall provide a minimum of 3 access points, with minor amenities and shaded to a minimum of 75 percent, connecting to the Skunk Creek Wash shared use path along the western portion of the site, as approved by the Planning and Development Department.

8. The east-west pedestrian connection (Paseo del Prado) shall be provided in accordance with the North Gateway Core Plan, as modified by the following stipulations and approved by the Planning and Development Department:
 - a. The Paseo del Prado shall align with any existing easements and continue through the entirety of the site from east to west.
 - b. A public pedestrian access easement of 20 feet shall be dedicated for the pedestrian connection (Paseo del Prado). Of the 20 feet, 12 feet shall remain completely free of any pedestrian impediments, including benches. The remaining 8 feet may be used for pedestrian friendly uses, such as benches
 - c. A minimum of 75 percent of the 20-foot pedestrian access easement for the Paseo del Prado shall be shaded by a structure, landscaping, or a combination of the two.
 - d. The site shall be designed in such a manner that the building placement creates an alignment and synergy for the Paseo del Prado. This can be achieved by placing uses such as outdoor amenity areas, outdoor seating, and points of architectural interest along the pedestrian path.
9. A minimum 10-foot shared use path (SUP) shall be constructed within a 25-foot-wide public trail easement (PTE) along the east side of Skunk Creek Wash per Section 429 of the City of Phoenix MAG Supplement, as approved by the Planning and Development Department.
10. Pedestrian pathways, including public sidewalks, shall be shaded a minimum of 75 percent by a structural and/or vegetative shade, as approved by the Planning and Development Department.
11. 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.
12. Pedestrian pathways shall connect building entrances, public sidewalks, and community amenities, using the most direct route for pedestrians, as approved by the Planning and Development Department.
13. A minimum 5-foot-wide sidewalk shall be provided along all streets and be detached with a minimum 10-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum 2-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.

14. The developer shall provide secured bicycle parking per Section 1307 of the City of Phoenix Zoning Ordinance. In addition, a minimum of 34 inverted U-bicycle parking stalls 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.
15. 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.
16. The developer shall dedicate and construct right-of-way to connect to two separate existing public street, as approved by the Street Transportation Department.
17. The developer shall dedicate and construct the west half of 29th Avenue, as required by the Traffic Impact Study and as approved by the Street Transportation Department.
18. The developer shall provide traffic signal conduit and junction boxes at the southwest corner of 29th Avenue and Bronco Butte Trail and deposit a 25% escrow contribution for the future traffic signal prior to preliminary site plan approval, as approved by the Street Transportation Department.
19. The developer shall provide site access to the future identified signalized intersection of 29th Avenue and Bronco Butte Trail. A cross access easement shall be provided to APN 204-11-002E for joint use of the signalized intersection. Connection shall be reviewed and approved by the Street Transportation Department prior to preliminary site plan approval.
20. All access control placement and spacing shall be in compliance with the Street Planning and Design Guidelines and shall coordinate to align with access on the east side of 29th Avenue, as approved by the Street Transportation Department.
21. The developer shall provide \$50,000 in escrow to fund a traffic control device for a pedestrian crossing at the intersection of 29th Avenue and the paseo trail path, as depicted on the site plan date stamped September 14, 2021, and to fund a raised median island for pedestrian refuge along 29th Avenue, prior to preliminary site plan approval and as approved by the Street Transportation Department.

22. The developer shall provide a shaded amenity area for pedestrians at the intersection of 29th Avenue and the paseo trail path, as depicted on the site plan date stamped September 14, 2021, and 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 2nd day of February, 2022.

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 (2 Pages)
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-59-21-2:

A portion of land situated within the Southeast Quarter of Section 14, Township 5 North, Range 2 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a found ½ inch rebar with cap RLS 21081 accepted as the center of said Section 14 from which a 3-inch City of Phoenix brass cap flush accepted as the South quarter corner thereof bears South 00°21'59" East, 2645.55 feet;

Thence North 89°32'56" East, 298.82 feet along the north line of the Southeast quarter of said Section 14 to the POINT OF BEGINNING;

Thence continuing along said north line, North 89°32'56" East, 1020.89 feet;

Thence leaving said north line, South 00°22'06" East, 1323.84 feet along the east line of the Northwest quarter of the Southeast quarter of Section 14;

Thence leaving said east line, South 89°35'43" West, 955.65 feet along the south line of the Northwest quarter of the Southeast quarter of section 14;

Thence leaving said south line, North 27°14'19" West, 112.72 feet;

Thence North 23°38'35" West, 162.73 feet;

Thence North 12°33'41" West, 85.94 feet;

Thence North 10°17'39" West, 260.38 feet;

Thence North 00°00'00" West, 74.56 feet;

Thence North 26°10'19" East, 138.87 feet;

Thence North 22°17'03" East, 110.76 feet;

Thence North 01°31'03" West, 177.09 feet;

Thence North 02°41'57" West, 104.14 feet;

Thence North 02°41'55" West, 10.10 feet;

Thence North 06°07'50" East, 131.19 feet;

Thence North 06°32'08" East, 9.98 feet to the POINT OF BEGINNING.

The above described parcel contains a computed area of 1,403,867 sq. ft. (32.2284 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: ■ ■ ■ ■ ■

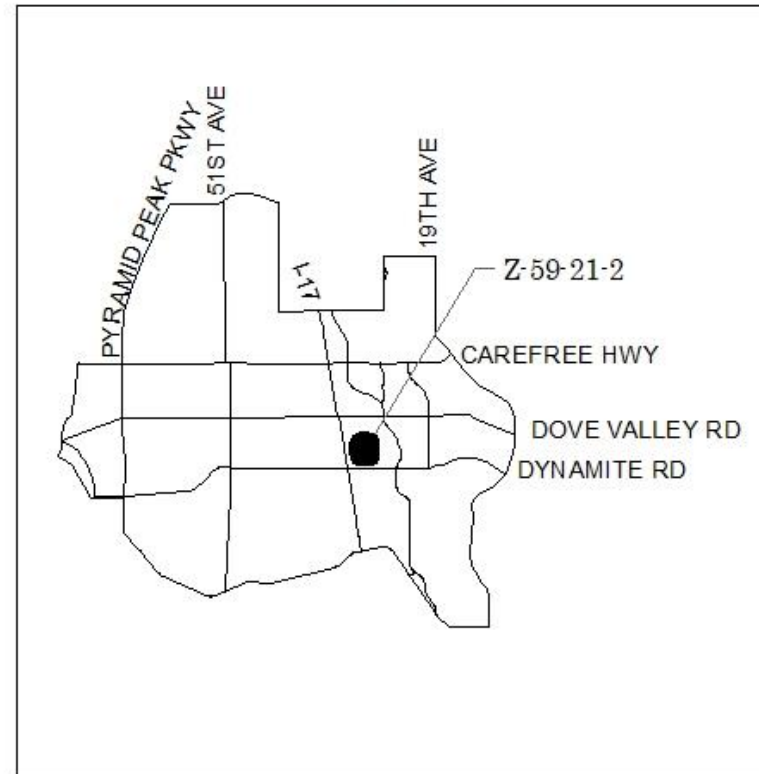
Zoning Case Number: Z-59-21-2

Zoning Overlay: North Black Canyon Corridor Plan
& Overlay District

Planning Village: North Gateway



0 470 940 1,880 Feet



NOT TO SCALE



Drawn Date: 12/7/2021