

ATTACHMENT A

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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-30-21-2) 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 HGT/WVR DNS/WVR NBCOD (INTERMEDIATE COMMERCIAL, HEIGHT WAIVER, DENSITY WAIVER, NORTH BLACK CANYON OVERLAY DISTRICT).

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

SECTION 1. The zoning of a 20.96-acre site located at the southeast corner of the 29th Avenue alignment and the Bronco Butte Trail alignment 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, Mid-Rise, Planned Community District, North Black Canyon Overlay District) to "C-2 HGT/WVR DNS/WVR NBCOD"

(Intermediate Commercial, Height Waiver, Density Waiver, 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 in general conformance with the site plan and elevations date stamped May 21, 2021, as modified by the following stipulations and approved by the Planning and Development Department.
2. The development shall utilize the R-4 Planned Residential Development option.
3. An east-west pedestrian connection (Paseo del Prado) shall be provided in accordance with the North Gateway Village 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 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 amenities or features, such as benches, tables, courtyards, etc.
 - c. A minimum of 75% 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.

4. The developer shall provide secured bicycle parking per Section 1307 of the City of Phoenix Zoning Ordinance. In addition, a minimum of sixteen bicycle parking spaces shall be provided for guests located near the club house 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.
5. All sidewalks along 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.
6. A minimum of 75% of pedestrian pathways and sidewalks shall be shaded by a structure, landscaping, or combination of the two, as approved by the Planning and Development Department.
7. 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.
8. 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.
9. The applicant shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact the Street Transportation Department to set up a meeting to discuss the requirements of the study. Upon completion of the TIS, the developer shall submit the completed TIS to the Planning and Development Department counter with instruction to forward the study to the Street Transportation Department.
10. 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.
11. The developer shall dedicate and construct the south half of Bronco Butte Trail connecting to the existing Bronco Butte Trail to the east, as required by the Traffic Impact Study and as approved by the Street Transportation Department.
12. The developer shall accommodate right-of-way for flared intersections at 29th Avenue and Bronco Butte Trail, as required by the Traffic Impact Study and as approved by the Street Transportation Department.

13. The developer shall provide conduit and junction boxes at the southeast corner of 29th Avenue and Bronco Butte Trail and a 25% escrow contribution for the future traffic signal prior to preliminary site plan approval, as approved by the Street Transportation Department.
14. 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 del Prado trail path, as depicted on the site plan date stamped May 21, 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.
15. 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 May 21, 2021, and as approved by the Planning and Development Department.
16. The developer shall dedicate and construct right-of-way to connect to two existing public streets, as approved by the Street Transportation Department.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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 6th day of October, 2021.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Ed Zuercher, City Manager

Exhibits:

A – Legal Description (1 Page)
B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-30-21-2:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 2 EAST OF GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THEREFROM ANY PORTION LYING WITHIN THE FINAL PLAT OF "LEGACY SPORTS HOTEL," AS RECORDED IN BOOK 1482 OF MAPS, PAGE 02, RECORDS OF MARICOPA COUNTY, ARIZONA.

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ORDINANCE LOCATION MAP

EXHIBIT B

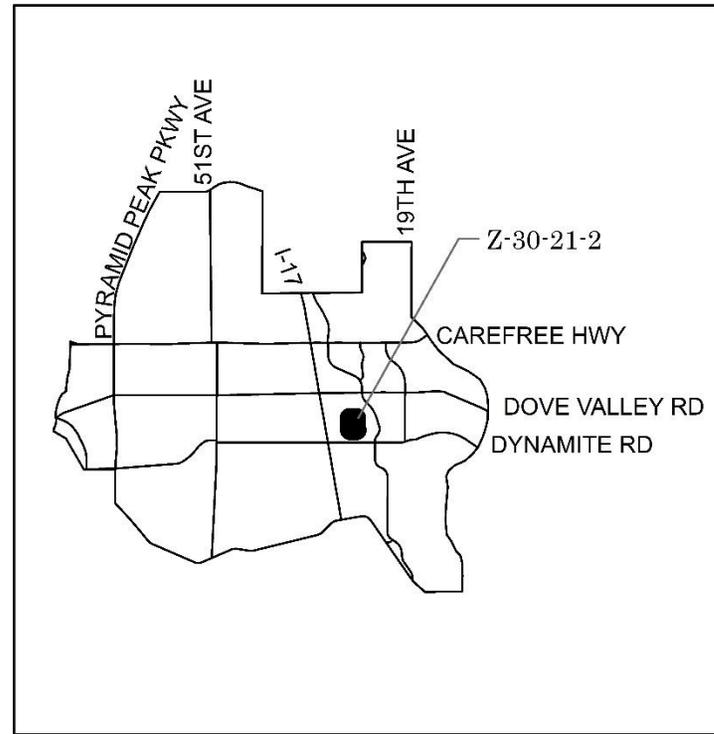
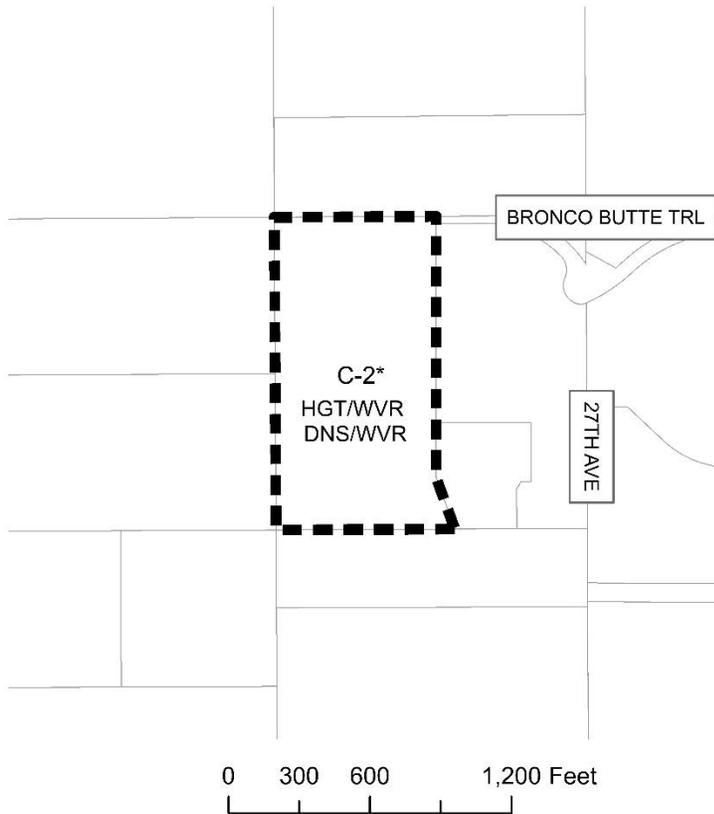
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-30-21-2

Zoning Overlay: North Black Canyon Corridor Plan and Overlay District

Planning Village: North Gateway



Drawn Date: 9/14/2021