

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 ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-39-23-2) FROM S-1 DRSP (APPROVED R1-6 DRSP) (RANCH OR FARM RESIDENCE, DESERT RIDGE SPECIFIC PLAN) (APPROVED SINGLE-FAMILY RESIDENCE DISTRICT, DESERT RIDGE SPECIFIC PLAN) AND S-1 DRSP (APPROVED R-2 DRSP) (RANCH OR FARM RESIDENCE, DESERT RIDGE SPECIFIC PLAN) (APPROVED MULTIFAMILY RESIDENCE DISTRICT, DESERT RIDGE SPECIFIC PLAN) TO C-2 DRSP (INTERMEDIATE COMMERCIAL, DESERT RIDGE SPECIFIC PLAN).

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

SECTION 1. The zoning of a 20.52-acre property located at the southwest corner of Black Mountain Boulevard and Deer Valley Drive in a portion of Section 24, Township 4 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from 1.71 acres of "S-1 DRSP (Approved R1-6 DRSP)" (Ranch or Farm Residence, Desert Ridge Specific Plan) (Approved Single-Family Residence District, Desert Ridge Specific Plan) and 18.81 acres of "S-1 DRSP (Approved R-2 DRSP)" (Ranch or Farm Residence, Desert Ridge Specific Plan) (Approved Multifamily

Residence District, Desert Ridge Specific Plan) to “C-2 DRSP” (Intermediate Commercial, Desert Ridge Specific Plan).

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 on site lighting shall comply with the following:
 - a. Maximum of 20 feet in height including lamp, pole, and base.
 - b. All outdoor lighting fixtures must be designed, installed, and maintained to prevent light trespass, glare, and skyglow.
 - c. All outdoor fixtures must be full cutoff, ensuring zero light output emitted above the horizontal (90-degree plane).
 - d. Utilize LED lights with a correlated color temperature (CCT) of 3000K or lower.
2. A minimum 5,000-square-foot pedestrian plaza shall be provided and maintained by the developer as a gathering place for the public, adhering to the following standards, and as approved by the Planning and Development Department.
 - a. The plaza shall be designed to allow pedestrian access and shall not be restricted during the time the shopping center is open.
 - b. The plaza shall include seating for public use and a minimum of two additional amenities, such as a water feature, outdoor game area, splash pad, shaded seating, enhanced landscaping, performance stage, fire pit, or other similar amenities.
3. A minimum 6-foot-wide pedestrian pathway, providing cross-block access and connecting with the public plaza, shall be provided consistent with the following standards, and as approved by the Planning and Development Department.

- a. The pathway shall adhere to the requirements of Section 1304.H of the Phoenix Zoning Ordinance.
 - b. The pathway shall connect with the HAWK crossing provided at Mayo Boulevard.
 - c. The pathway shall be lined on both sides with either of the following elements, or a combination of the two, except where a pedestrian pathway is a minimum of 16 feet wide:
 - (1) A minimum 5-foot-wide landscape strip, except where drive aisles cross the pathway where necessary. Structural shade elements may be used, and footers may be placed within the landscape strip along the pathway.
 - (2) Building frontages meeting the glazing requirements of a minimum of 75 percent of the ground floor frontages facing the pedestrian pathway, measured as the area between 3 and 8 feet above grade for the entire width of the facade, consisting of clear windows that will allow a minimum of 75 percent of the visible light (as specified by the manufacturer) to be visible on either side of the window.
4. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.
 5. All pedestrian pathways, including sidewalks and shared-use paths, shall be shaded by a structure or landscaping at maturity, or a combination of the two to achieve a minimum of 75 percent shade, as approved by the Planning and Development Department.
 6. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by Planning and Development Department.
 7. Bicycle parking shall be provided, consistent with Section 1307.H of the Phoenix Zoning Ordinance, except that Section 1307.H.6.c shall not apply, as approved by the Planning and Development Department.
 8. A minimum of 2 percent of the required parking shall be EV installed.
 9. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by

the Planning and Development Department.

10. The developer shall dedicate right-of-way and construct a bus stop pad on southbound Black Mountain Boulevard. Bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. Bus stop pad shall be spaced from Deer Valley Drive according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide 50 percent shade coverage to bus stop pad at full maturity.
11. A minimum number of pedestrian connections shall be provided from the development to the adjacent sidewalk, as follows: 2 connections to Deer Valley Drive, 3 connections to Mayo Boulevard, and 3 connections to Black Mountain Boulevard, as approved by the Planning and Development Department. Pedestrian connections shall be sufficiently spaced to allow convenient pedestrian access to the sidewalk from any portion of the proposed development.
12. The landscape planters along all streets, separating the curb from the sidewalk, shall be planted to the following standards, as approved or modified by the Planning and Development Department.
 - a. Minimum 2-inch caliper shade trees planted 20 feet on center or in equivalent groupings to provide a minimum of 75 percent shade at tree maturity.
 - b. Drought-tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75 percent live coverage at maturity.

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. A 20-foot-wide shared-use path easement (SUPE) shall be dedicated along Black Mountain Boulevard and a minimum 10-foot-wide shared-use path (SUP) shall be constructed within the easement in accordance with the MAG supplemental detail and as approved or modified by the Planning and Development Department.
14. A minimum 5-foot-wide detached sidewalk separated by a minimum 5-foot-wide landscape strip located between the back of curb and sidewalk, shall be provided along 34th Street, as approved or modified by the Planning and Development Department.
15. A minimum 70 feet of right-of-way shall be dedicated for the west half of Black Mountain Boulevard, adjacent to the development.
16. A minimum 55 feet of right-of-way shall be dedicated for the north half of Mayo

Boulevard, adjacent to the development.

17. Mayo Boulevard shall be consistent with the Desert Ridge Specific Plan and the approved cross sections in the forthcoming Super Block 12 Master Street Plan.
18. The existing median in Black Mountain Boulevard shall be modified to extend northward to the Deer Valley Drive intersection.
19. The existing traffic signal at the intersection of Mayo Boulevard and Black Mountain Boulevard shall be fully funded and reconstructed to meet City of Phoenix standards.
20. A Traffic Impact Analysis (TIA) and Master Street Plan shall be submitted to the City for this development and Super Block 12 of the Desert Ridge Specific Plan. The Traffic Impact Analysis (TIA) shall also be expanded to address the proposed development's impact and funding responsibility on the Sonoran Desert Drive Corridor. No preliminary approval of plans shall be granted until the study and master street plan are reviewed and approved by the Street Transportation Department.
21. A HAWK traffic control device shall be fully funded and constructed on Mayo Boulevard between 34th Street and Black Mountain Boulevard, as approved by the Street Transportation Department.
22. Decorative metal view fencing shall be constructed in the landscape median along Mayo Boulevard, as approved by the Street Transportation Department.
23. Acquire, dedicate sufficient right-of-way, and construct a southbound right turn lane, including incidental intersection improvements, on the northwest corner of the Deer Valley Drive and Black Mountain Boulevard intersection.
24. Acquire, dedicate sufficient right-of-way, and construct a westbound right turn lane, including incidental intersection improvements, on the northeast corner of the Deer Valley Drive and Black Mountain Boulevard intersection.
25. Acquire, dedicate sufficient right-of-way, and construct an eastbound right turn lane, including incidental intersection improvements, on the southwest corner of the Deer Valley Drive and 40th Street intersection.
26. Acquire, dedicate sufficient right-of-way, and construct a westbound right turn lane, including incidental intersection improvements, on the northeast corner of the Deer Valley Drive and 40th Street intersection.
27. All streets within and adjacent to the development shall be constructed 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.

28. The property owner shall record documents that disclose the existence, and operational characteristics of the Phoenix Deer Valley Airport to future owners or tenants of the property. 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.
29. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological 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.
30. 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, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
31. 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.
32. 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 4th day of December, 2024.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:
A – Legal Description (2 Pages)
B – Ordinance Location Map (1 Page)

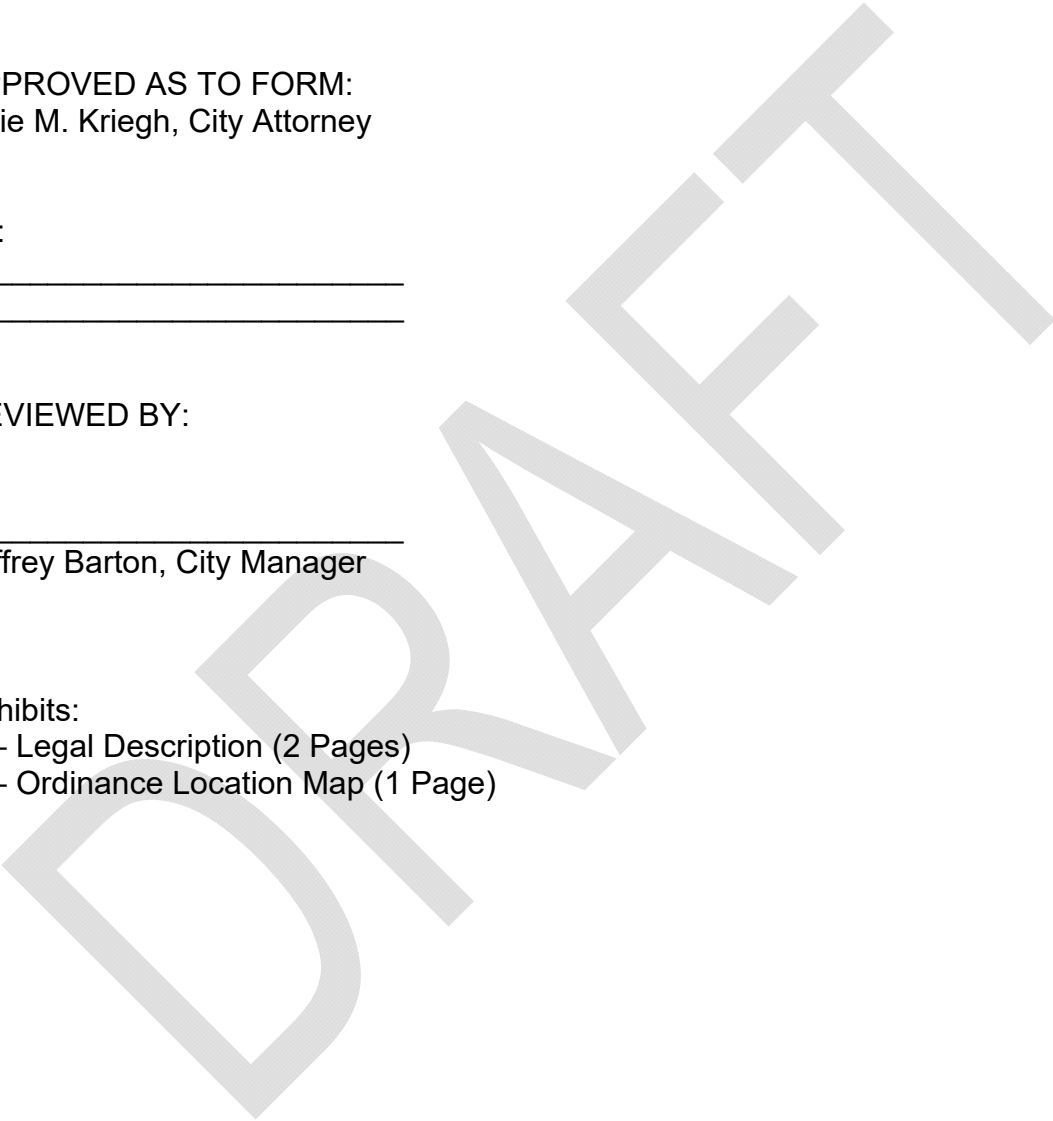


EXHIBIT A

LEGAL DESCRIPTION FOR Z-39-23-2

A PORTION OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 4 NORTH, RANGE 3 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER OF SAID SECTION 24, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 24 BEARS SOUTH 89 DEGREES 46 MINUTES 38 SECONDS WEST, A DISTANCE OF 2,628.51 FEET;

THENCE SOUTH 00 DEGREES 19 MINUTES 26 SECONDS EAST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 1,206.07 FEET TO THE CENTER LINE OF MAYO BOULEVARD AS SHOWN IN BOOK 487 OF MAPS, PAGE 46, MARICOPA COUNTY RECORDS;

THENCE ALONG SAID CENTER LINE, NORTH 64 DEGREES 10 MINUTES 09 SECONDS WEST, A DISTANCE OF 1,207.00 FEET TO THE CENTER LINE OF THAT CERTAIN ACCESS ROAD RIGHT-OF-WAY SHOWN IN ASLD DOCUMENT NO. 16-116983 AND DOCUMENT NO. 2017-136250, MARICOPA COUNTY RECORDS;

THENCE ALONG SAID CENTER LINE OF ACCESS ROAD THE FOLLOWING FIVE (5) COURSES:

THENCE NORTH 25 DEGREES 05 MINUTES 44 SECONDS EAST, A DISTANCE OF 263.99 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 505.00 FEET;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 16 DEGREES 19 MINUTES 54 SECONDS, A DISTANCE OF 143.95 FEET;

THENCE NORTH 41 DEGREES 25 MINUTES 38 SECONDS EAST, A DISTANCE OF 125.83 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 245.00 FEET;

THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 41 DEGREES 39 MINUTES 00 SECONDS, A DISTANCE OF 178.10 FEET;

THENCE NORTH 00 DEGREES 13 MINUTES 22 SECONDS WEST, A DISTANCE OF 60.82 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24;

THENCE ALONG SAID NORTH LINE, NORTH 89 DEGREES 46 MINUTES 38 SECONDS EAST, A DISTANCE OF 744.62 FEET TO THE **POINT OF BEGINNING.**

SAID PARCEL CONTAINS 893,555 SQUARE FEET OR 20.513 ACRES, MORE OR LESS.

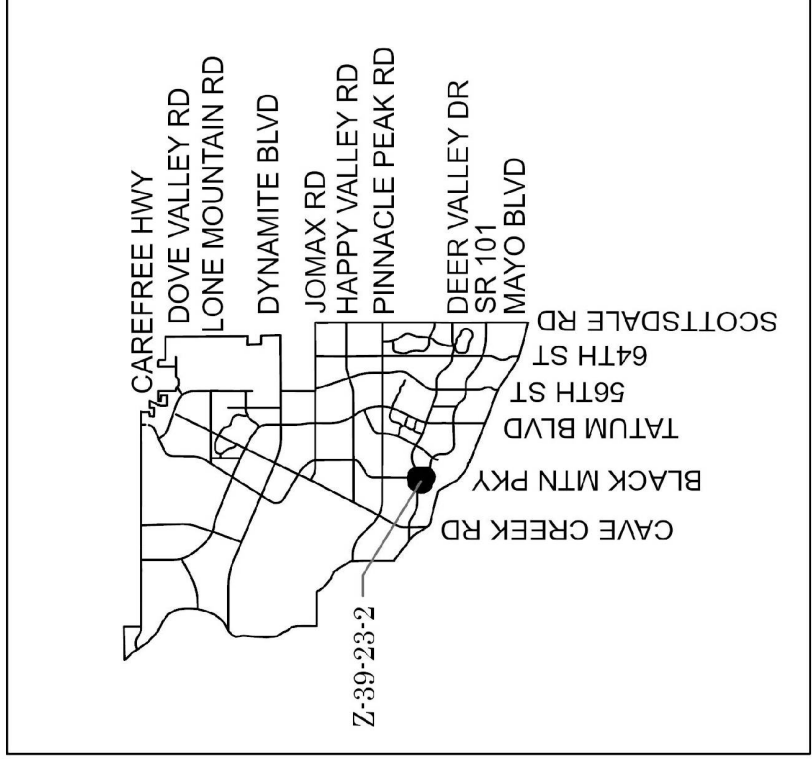
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EXHIBIT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-39-23-2
Zoning Overlay: Desert Ridge Specific Plan
Planning Village: Desert View

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



NOT TO SCALE



Drawn Date: 11/5/2024