

## 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-83-18-2) FROM PCD NBCOD (APPROVED C-2/CP M-R PCD NBCOD) (PLANNED COMMUNITY DISTRICT, NORTH BLACK CANYON OVERLAY DISTRICT) (APPROVED INTERMEDIATE COMMERCIAL/COMMERCE PARK, MID-RISE DISTRICT, PLANNED COMMUNITY DISTRICT, NORTH BLACK CANYON OVERLAY DISTRICT)) TO C-2 M-R NBCOD (INTERMEDIATE COMMERCIAL, MID-RISE DISTRICT, NORTH BLACK CANYON OVERLAY DISTRICT).

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

SECTION 1. The zoning of a 34.66-acre property located approximately 1,260 feet west of the southwest corner of North Valley Parkway and Dove Valley Road 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 / CP M-R PCD NBCOD)" (Planned Community District, North Black Canyon Overlay District) (Approved Intermediate Commercial/Commerce Park, Mid-Rise District, Planned Community District, North Black Canyon Overlay District)) to "C-2 M-R NBCOD" (Intermediate Commercial, Mid-Rise 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:

**Northern 16.50 acres:**

1. The development shall provide a courtyard amenity area adjacent to Skunk Creek Wash and ties into the trail along the wash that provides pedestrian amenities such as: benches, tables, water features, etc., as approved by the Planning and Development Department.
2. Maximum building height shall be limited to 60 feet. If the following occurs, prior to preliminary site plan approval, the maximum building height permitted shall be a maximum of 120 feet:
  - a. A water report is submitted to and approved by the Water Services Department which demonstrates that sufficient water capacity exists or is being provided by the developer of this parcel;
  - b. A wastewater report is submitted to and approved by the Water Services Department which demonstrates that sufficient wastewater capacity exists or is being provided by the developer of this parcel;
  - c. A traffic study is submitted to and approved by the Street Transportation Department which demonstrates that street improvements (existing and/or proposed) are sufficient to serve the site.
  - d. A multi-modal (pedestrians, bicyclists, motorists, etc.) circulation plan is submitted and approved by the Street Transportation and Planning and Development departments that illustrates how the project and its corresponding infrastructure improvements will facilitate multi-modal connectivity within the site and to the site's surrounding streets and amenities as envisioned in the North Gateway Village Core Plan.
3. All sidewalks along streets shall be detached with a minimum five-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 equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department.

4. Courtyard amenity areas and buildings adjacent to Skunk Creek Wash shall be oriented to promote pedestrian activity by providing outdoor amenity areas, outdoor seating and architectural interest, as approved by the Planning and Development Department.
5. All building facades shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, window fenestration, shadow boxes and overhead/canopies at least every 50 linear feet, as approved by the Planning and Development Department.
6. A minimum of 30% of the ground floor of the building facades oriented towards Skunk Creek Wash shall be glass windows or glass doors, as approved by the Planning and Development Department.
7. Drive-through restaurant 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.
8. Drive-through restaurant facilities shall provide a minimum of 250 square feet of outdoor seating areas, as approved by the Planning and Development Department.
9. A minimum of 50% of the pedestrian pathways shall be shaded by a structure, landscaping or a combination of the two, as approved by the Planning and Development Department.
10. A minimum of two inverted-U bicycle racks (4 spaces) shall be provided for each building on site, located near building entries, and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
11. A minimum of 50% of the edge of the development adjacent to Skunk Creek Wash shall have an open edge treatment. The remainder of the edge may have full view fencing. If full view fencing is utilized, it shall be staggered a minimum of 5 feet every 100 linear feet, as approved by the Planning and Development Department.
12. All pedestrian pathways, including those that intersect vehicular traffic lanes, shall be constructed with decorative pavers, stamped or colored concrete, or another material other than those used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department.
13. All surface retention areas shall be natural and organic in shape, as approved by the Planning and Development Department.
14. The color and material palette for buildings shall be determined at site plan review and shall comply with the North Black Canyon Overlay District, with specific regard to colors being muted and blend with, rather than contrast strongly, with the

surrounding desert environment, as approved by the Planning and Development Department.

15. The glazing on all building windows shall have a maximum reflectivity of 20%, as approved by the Planning and Development Department.
16. All service areas must 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 all public streets and private drives, as approved by the Planning and Development Department.
17. A minimum landscape setback of 30 feet shall be provided along Dove Valley Road, as approved by the Planning and Development Department.
18. All buildings adjacent to Skunk Creek Wash shall be constructed within 30 to 100 feet from the FH zoning district boundary on the west, notwithstanding some building corners may encroach closer in areas where the wash bends through the site, as approved by the Planning and Development Department. Shared use paths, public amenities and outdoor seating (including attached covered patios and incidental fencing) may encroach closer to the FH zoning district.
19. Surface parking along Skunk Creek Wash shall be located no closer than a building façade, or alternatively surface parking may be located a minimum of 30 feet from the FH zoning boundary to the west but for no more than 25% of the Skunk Creek Wash frontage, as approved by the Planning and Development Department.
20. A minimum 10-foot public multi-use trail (MUT) shall be constructed within a 30-foot easement (MUTE) along the south side of Dove Valley Road as indicated in Section 429 of the City of Phoenix MAG Supplement, as approved by the Parks and Recreation Department.
21. A minimum 10-foot shared use path (SUP) shall be constructed within a 20-foot wide public trail/sidewalk easement (SUPE) along the east side of Skunk Creek Wash as indicated in Section 429 of the City of Phoenix MAG Supplement, as approved by the Parks and Recreation Department.
22. A Traffic Impact Study shall be submitted to the City for this development, as approved by the Planning and Development Department. The conclusions of the study will be used to determine the required right-of-way dedications and roadway improvements to be provided by the developer. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City.
23. The developer shall be responsible for the construction of all applicable drainage and roadway infrastructure for Dove Valley Road in relation to Skunk Creek Wash as approved by the Street Transportation, Planning and Development and Public Works Departments.

24. Right-of-way totaling 70 feet shall be dedicated for the south half of Dove Valley Road and all associated public easements as outlined with the approved Traffic Impact Study and as approved by the Planning and Development Department.
25. The developer shall construct the southern half of Dove Valley Road and western half 29th Avenue with applicable pavement tapers and ADA accessibility standards, as per the City approved street classification map.
26. There shall be a 25-foot by 25-foot right-of-way triangle dedicated at the southwest corner of 29th Avenue and Dove Valley Road, as approved by the Planning and Development Department.
27. The developer will be responsible for the funding and/or construction of the traffic signal improvements for the intersection of 29th Avenue and Dove Valley Road, as per the approved Traffic Impact Study and as approved by the Planning and Development Department.
28. Right-of-way totaling 40-foot right-of-way shall be dedicated with a minimum 26-foot pavement section for the west half of 29th Avenue along the entirety of the parcel, as approved by the Planning and Development Department.
29. A Developer Project Information Form for the MAG Transportation Improvement Program shall be completed and submitted to the Street Transportation Department prior to preliminary site plan approval.
30. The developer shall construct all streets within and half of the rights-of-way (29th Avenue and Dove Valley Road) 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.
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.

**Southern 28.61 acres:**

1. Conceptual site plan and elevations shall be reviewed and approved by the Planning Hearing Officer through the public hearing process prior to preliminary site plan approval for conceptual review of the applicable provisions of the goals and policies of the North Gateway Village Core Plan, which shall include:
  - a. Promoting the overall pedestrian circulation within the North Gateway Village Core through wide sidewalks, detached sidewalks and overall connectivity.
  - b. Ensure amenity areas are provided adjacent to Skunk Creek Wash.

- c. Ensure all building facades contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, window fenestration, shadow boxes and overhead/canopies at least every 50 feet.
  - d. Ensure all paint colors and building materials are in compliance with the North Black Canyon Overlay District with specific regard to colors being muted and blend with, rather than contrast strongly, with the surrounding desert environment.
  - e. Ensure buildings adjacent to Skunk Creek Wash are oriented to promote pedestrian activity through outdoor amenity areas, outdoor seating.
2. Maximum building height shall be limited to 60 feet. If the following occurs, prior to preliminary site plan approval, the maximum building height permitted shall be a maximum of 120 feet:
  - a. A water report is submitted to and approved by the Water Services Department which demonstrates that sufficient water capacity exists or is being provided by the developer of this parcel.
  - b. A wastewater report is submitted to and approved by the Water Services Department which demonstrates that sufficient wastewater capacity exists or is being provided by the developer of this parcel.
  - c. A traffic study is submitted to and approved by the Street Transportation Department which demonstrates that street improvements (existing and/or proposed) are sufficient to serve the site.
  - d. A multi-modal (pedestrians, bicyclists, motorists, etc.) circulation plan is submitted and approved by the Street Transportation and Planning and Development departments that illustrates how the project and its corresponding infrastructure improvements will facilitate multi-modal connectivity within the site and to the site's surrounding streets and amenities as envisioned in the North Gateway Village Core Plan.
3. All sidewalks along streets shall be detached with a minimum five-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 equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department.
4. All building facades shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, window fenestration, shadow boxes and overhead/canopies at least every 50 linear feet, as approved by the Planning and Development Department.
5. A minimum of 50% of the pedestrian pathways shall be shaded by a structure, landscaping or a combination of the two, as approved by the Planning and Development Department.

6. A minimum of 50% of the edge of the development adjacent to Skunk Creek wash shall have an open edge treatment. The remainder of the edge may have full view fencing, as approved by the Planning and Development Department. If full view fencing is utilized, it shall be staggered a minimum of 5 feet every 100 linear feet.
7. Surface parking along Skunk Creek Wash shall be located no closer than a building façade, or alternatively surface parking may be located a minimum of 30 feet from the FH zoning boundary to the west but for no more than 25% of the Skunk Creek Wash frontage, as approved by the Planning and Development Department.
8. All buildings adjacent to Skunk Creek Wash shall be constructed within 30 to 100 feet of the FH zoning district boundary on the west, notwithstanding some building corners may encroach closer in areas where the wash bends through the site, as approved by the Planning and Development Department. Shared use paths, public amenities and outdoor seating (including attached covered patios and incidental fencing) may encroach closer to the FH zoning district.
9. All pedestrian pathways, including those that intersect vehicular traffic lanes, shall be constructed with decorative pavers, stamped or colored concrete, or another material other than those used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department.
10. All surface retention areas shall be natural and organic in shape, as approved by the Planning and Development Department.
11. The glazing on all building windows shall have a maximum reflectivity of 20%, as approved by the Planning and Development Department.
12. All service areas must 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 all public streets and private drives, as approved by the Planning and Development Department.
13. A minimum 10-foot shared use path (SUP) shall be constructed within a 20-foot wide public trail/sidewalk easement (SUPE) along the east side of Skunk Creek Wash as indicated in Section 429 of the City of Phoenix MAG Supplement, as approved by the Parks and Recreation Department.
14. A Traffic Impact Study shall be submitted to the City for this development, as approved by the Planning and Development Department. The conclusions of the study will be used to determine the required right-of-way dedications and roadway improvements to be provided by the developer. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City.
15. Right-of-way totaling 40 feet shall be dedicated with a minimum 26-foot pavement section for the west half of 29th Avenue along the entire east side of the parcel, as approved by the Planning and Development Department.

16. The developer shall provide for public street access to an existing public street, as approved by the Planning and Development Department; Proposed residential or multifamily uses shall provide for public street access to two separate public streets.
17. The development shall be designed to incorporate the established future collector street alignments of 29th Avenue and Bronco Butte Trail as approved by the Street Transportation Department and the Planning and Development Department.
18. A Developer Project Information Form for the MAG Transportation Improvement Program shall be completed and submitted to the Street Transportation Department prior to preliminary site plan approval, as approved by the Planning and Development Department.
19. 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.
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.

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 5th day of June, 2019.

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MAYOR

ATTEST:

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City Clerk

APPROVED AS TO FORM:



\_\_\_\_\_  
City Attorney

REVIEWED BY:

\_\_\_\_\_  
City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-83-18-2

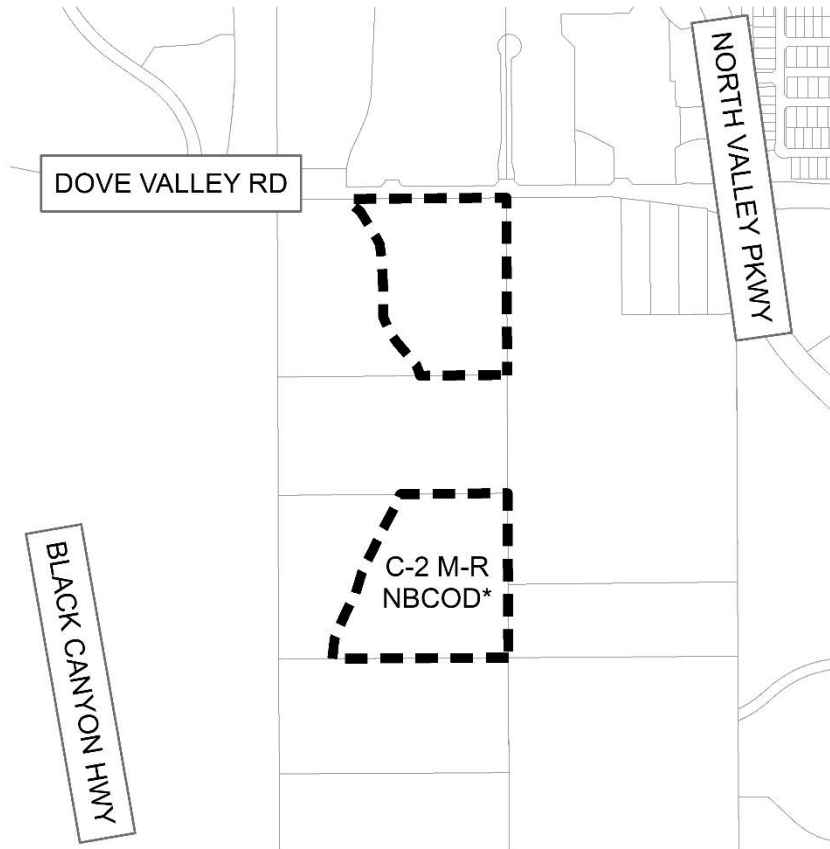
The Northwest 1/4 of the Northeast 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 14, Township 5 North, Range 2 East of the Gila and Salt River Base and Meridian; except the South 1/2 of the South 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 14, Township 5, Range 2 East of the Gila and Salt River Base and Meridian.

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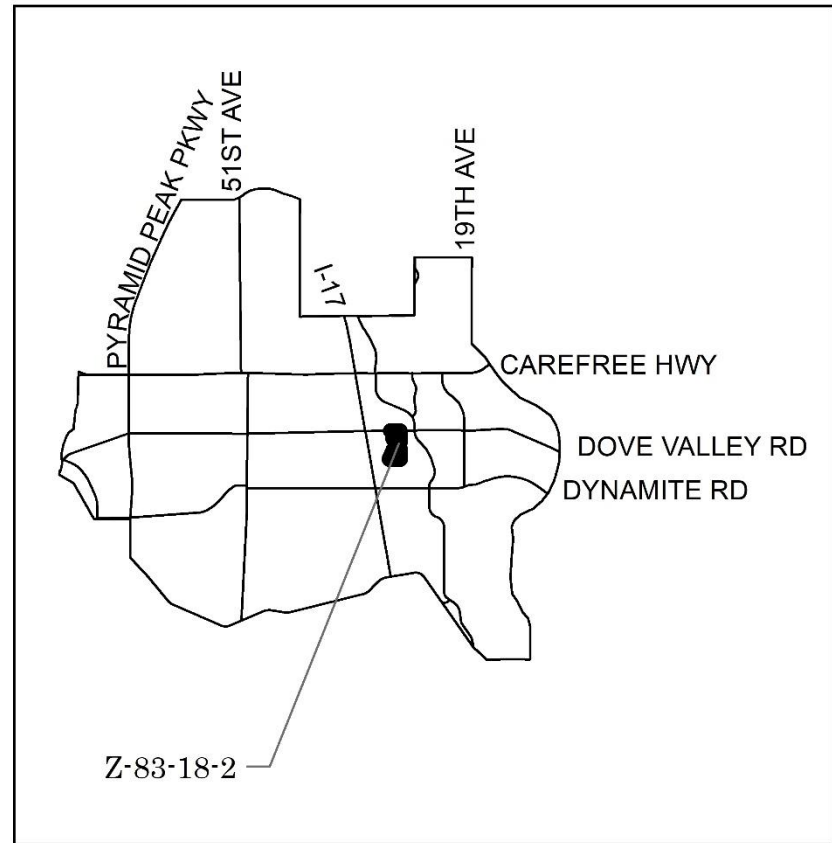
# ORDINANCE LOCATION MAP

EXHIBIT B

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



Zoning Case Number: Z-83-18-2  
Zoning Overlay: North Black Canyon Corridor Plan  
and Overlay District  
Planning Village: North Gateway



NOT TO SCALE



Drawn Date: 5/9/2019