

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 ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-45-23-1) FROM C-2 M-R PCD (INTERMEDIATE COMMERCIAL, MID-RISE DISTRICT, PLANNED COMMUNITY DISTRICT) TO PUD PCD (PLANNED UNIT DEVELOPMENT, PLANNED COMMUNITY DISTRICT).

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

SECTION 1. The zoning of a 46.45-acre site located at the northwest corner of Norterra Parkway and Happy Valley Road in a portion of Section 1, Township 4 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "C-2 M-R PCD" (Intermediate Commercial, Mid-Rise District, Planned Community District) to "PUD PCD" (Planned Unit Development, Planned Community 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. An updated Development Narrative for The Shops at Norterra PUD reflecting the changes approved through the request shall be submitted to the Planning and Development Department within 30 days of City Council approval of the request. The updated narrative shall be consistent with the Development Narrative date stamped January 3, 2024, as modified by the following stipulations:
 - a. Update the front cover page with the submittal date of the Hearing Draft.
 - b. Page 9: F. Signs, second bullet: Delete the word "digital".
2. **Airport Disclosure:** The property owner shall record documents that disclose the existence, and operational characteristics of 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.
3. **Archeologically Sensitive:** 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.
4. **Archeologically Sensitive:** 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.
5. **Archeologically Sensitive:** 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.
6. **Prop 207:** Prior to final site plan approval or the issuance of a permit, 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.

Planned Community District Stipulations

Overall Site Plan

7. That, as a portion of a larger Planned Community District, the following stipulations shall apply per Z-74-02-1 and Z-153-99-1.
8. The development shall be in general conformance with the site plan date stamped May 11, 2007, with regards to the pedestrian spine, phasing, and general development intensities.
9. A maximum of 5 building pads less than 10,000 square feet in size shall be allowed throughout the 140.2 acre site.

Amenities

10. The pedestrian spine extending from Jomax to Happy Valley Road as illustrated on the conceptual plan date stamped May 11, 2007 shall be visually identified with a combination of similar hardscape improvements and a consistent landscape theme, with the inclusion of a pedestrian gate so the employees can access the retail parcel to the south.

Visual Impacts

11. The below minimum building setbacks shall apply along the following street frontages, as approved by the Planning and Development Department. The landscape setback along the street frontages shall include a mix of a minimum of 3- and 4-inch caliper trees planted approximately 20 feet on center to screen the buildings.
 - a. Happy Valley Road (west of Norterra Parkway) shall be a minimum of 60 feet (with a 75-foot average).
12. The applicant shall provide a minimum 30-foot, undulating landscape setback, with a maximum average landscape setback not to exceed 35 feet, as measured from the right-of-way prior to any trail dedication, planted with drought tolerant vegetation in the Sonoran Boulevard Standards, and meandering sidewalk (where required) adjacent to perimeter street, except along Happy Valley Road; where the landscape setback and sidewalk shall be per the Sonoran Boulevard Standards, as measured from the right-of way prior to any trail dedication.
13. Any loading, maneuvering and other service areas shall be located interior within the campus and screened so they are not visible from the perimeter rights-of-way.
14. The development along Happy Valley Road shall comply with the Sonoran Boulevard Standards.

Parking

15. Individual parking structures shall not be arranged such that they create a linear walled effect at the perimeter of the property.
16. Parking structures shall be designed, to the greatest extent possible; to minimize the mass of parking structures with adjacent residential properties. In addition, the parking structures shall be so designed as to prevent vehicular headlights and the interior lights of the parking structures from shining directly onto residential properties.

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 March, 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-45-23-1

A PORTION OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 2 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 1, A BRASS CAP IN HANDHOLE, FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION, A CHISELED "X" ON CONCRETE OVERPASS, BEARS NORTH 89°37'06" WEST (BASIS OF BEARING), A DISTANCE OF 2674.68 FEET;

THENCE ALONG THE SOUTH LINE OF SAID SECTION, NORTH 89°37'06" WEST, A DISTANCE OF 2641.62 FEET, TO THE CENTERLINE OF INTERSTATE 17;

THENCE LEAVING SAID SOUTH LINE, ALONG SAID CENTERLINE, NORTH 09°59'31" WEST, A DISTANCE OF 402.32 FEET, TO THE SOUTHWESTERLY PROLONGATION OF THE NORTHERLY LINE OF LOT 1, USAA UNIT 1, RECORDED IN BOOK 900, PAGE 40, MARICOPA COUNTY RECORDS (MCR);

THENCE LEAVING SAID CENTERLINE, ALONG SAID PROLONGATION AND SAID NORTHERLY LINE, NORTH 51°38'06" EAST, A DISTANCE OF 1141.65 FEET;

THENCE NORTH 72°39'09" EAST, A DISTANCE OF 117.11 FEET;

THENCE NORTH 51°38'06" EAST, A DISTANCE OF 290.80 FEET;

THENCE NORTH 63°03'04" EAST, A DISTANCE OF 21.63 FEET;

THENCE NORTH 51°38'06" EAST, A DISTANCE OF 84.00 FEET, TO THE CENTERLINE OF NORTERRA PARKWAY;

THENCE LEAVING SAID NORTHERLY LINE, ALONG SAID CENTERLINE, SOUTH 43°55'11" EAST, A DISTANCE OF 6.82 FEET, TO THE BEGINNING OF A CURVE;

THENCE SOUTHEASTERLY ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1500.00 FEET, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 28°40'23", A DISTANCE OF 750.66 FEET, TO THE CURVES END;

THENCE SOUTH 72°35'34" EAST, A DISTANCE OF 314.62 FEET, TO THE BEGINNING OF A CURVE;

THENCE SOUTHEASTERLY ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 645.00 FEET, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF $72^{\circ}05'42''$, A DISTANCE OF 811.60 FEET, TO THE CURVES END;

THENCE SOUTH $00^{\circ}29'52''$ EAST, A DISTANCE OF 300.04 FEET, TO THE POINT OF BEGINNING. CONTAINING 2,543,537 SQUARE FEET OR 58.3916 ACRES, MORE OR LESS.

SUBJECT TO EXISTING RIGHT-OF-WAYS AND EASEMENTS.

DRAFT

EXHIBIT B

SUBJECT AREA: ■ ■ ■ ■ ■

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Z-45-23-1

S. H.

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