

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-20-17) FROM PCD NBCOD (APPROVED C-2 / CP M-R PCD NBCOD) (PLANNED COMMUNITY DISTRICT, NORTH BLACK CANYON OVERLAY DISTRICT, APPROVED INTERMEDIATE COMMERCIAL DISTRICT OR COMMERCE PARK DISTRICT, MID-RISE DISTRICT, PLANNED COMMUNITY DISTRICT, NORTH BLACK CANYON OVERLAY DISTRICT) TO C-2 M-R NBCOD (INTERMEDIATE COMMERCIAL DISTRICT, MID-RISE DISTRICT, NORTH BLACK CANYON OVERLAY DISTRICT).

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

SECTION 1. The zoning of a 19.22-acre property located approximately 220 feet north of the northwest corner of the 27th Avenue alignment and North Foothills Drive 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 / CP M-R PCD NBCOD) (Planned Community District, North Black Canyon Overlay District, approved Intermediate Commercial District or Commerce Park District, Mid-Rise District, Planned Community District, North Black Canyon Overlay

District) to C-2 M-R NBCOD (Intermediate Commercial District, 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:

1. All sidewalks 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. The landscape strip shall be installed by the developer and maintained by property owner.
2. The maximum building height shall be limited to 150 feet provided that any development will demonstrate sufficient water/sewer and vehicular infrastructure capacity, as approved by the Planning and Development Department.
3. 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.
4. 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.
5. The east and 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 the Bronco Butte Tank and continue through the site to the 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 uses such as restaurant seating, vendor stalls, artist displays, etc.
 - c. A minimum of 50% 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 active uses such as outdoor seating, restaurants and retail along the pedestrian path.
- 6. Right-of-way totaling 40 feet shall be dedicated along the northern property line consistent with the alignment for Bronco Butte Trail or, alternatively, right-of-way totaling 60 feet with adjacent 10-foot wide sidewalk easements for a total of 80 feet shall be dedicated for 27th Avenue from Bronco Butte Trail to the southern property line, as approved by the Planning and Development Department.
- 7. 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.
- 8. The use of artificial turf is prohibited in areas visible from public right-of-way or parking lots, as approved by the Planning and Development Department.
- 9. Turf shall only be used in active retention basins, as approved by the Planning and Development Department.
- 10. All retention areas shall be natural and organic in shape, as approved by the Planning and Development Department.
- 11. The hotel development shall be in general conformance with the elevations date stamped April 18, 2018, with specific regard to the massing, articulation, window placement and building entry, as approved by the Planning and Development Department.
- 12. The color and material palette for the 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.

13. The glazing on all building windows shall have a maximum reflectivity of 20%, as approved by the Planning and Development Department.
14. 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.
15. A minimum landscape setback of 10 feet shall be required along property lines that are not adjacent to public right-of-way and planted in accordance with C-2 planting size and spacing standards, as approved by the Planning and Development Department.
16. The Bronco Butte Water Tank shall be fully preserved, in place, as it naturally occurs and shall be identified on all site plan documents through permitting to ensure preservation.
17. View corridors of Bronco Butte, Pyramid Peak, Union Hills and no name mountain, as shown on Exhibit B in the North Gateway Core Plan, shall be retained through building placement and step backs, as approved by the Planning and Development Department.

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 July, 2018.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

_____ City Attorney

REVIEWED BY:

_____ City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-20-17-2

A PORTION OF LAND BEING SITUATED WITHIN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND MARICOPA COUNTY BRASS CAP DATED 2001 ACCEPTED AS THE EAST QUARTER CORNER OF SAID SECTION 14 FROM WHICH A FOUND REBAR WITH CAP RLS 21081 ACCEPTED AS THE CENTER OF SAID SECTION 14 BEARS SOUTH 89°32'56" WEST, 2639.42 FEET;

THENCE SOUTH 00°22'13" EAST, 1324.91 FEET ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER TO A FOUND REBAR WITH CAP RLS 27239 ACCEPTED AS THE 1/16TH CORNER OF SAID SECTION;

THENCE LEAVING SAID EAST LINE, SOUTH 89°35'43" WEST, 562.27 FEET ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER;

THENCE LEAVING SAID SOUTH LINE, NORTH 20°07'05" WEST, 223.66 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 45.00 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 20°00'00", AN ARC LENGTH OF 15.71 FEET TO A TANGENT LINE;

THENCE NORTH 00°07'05" WEST, 1098.45 FEET;

THENCE NORTH 89°32'56" EAST, 635.65 FEET ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS A COMPUTED AREA OF 837,236 SQ. FT. (19.2203 ACRES) MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY OF RECORD OR OTHERWISE.

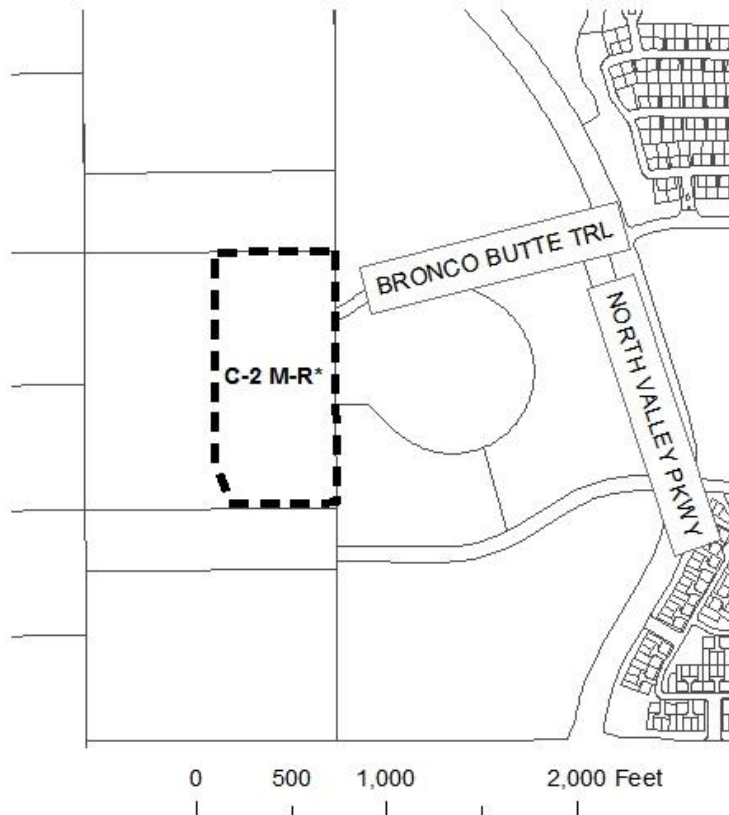
THE DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE ANY SUBDIVISION REGULATION OF THE STATE, COUNTY AND/OR MUNICIPALITY OR ANY LAND DIVISION RESTRICTIONS.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

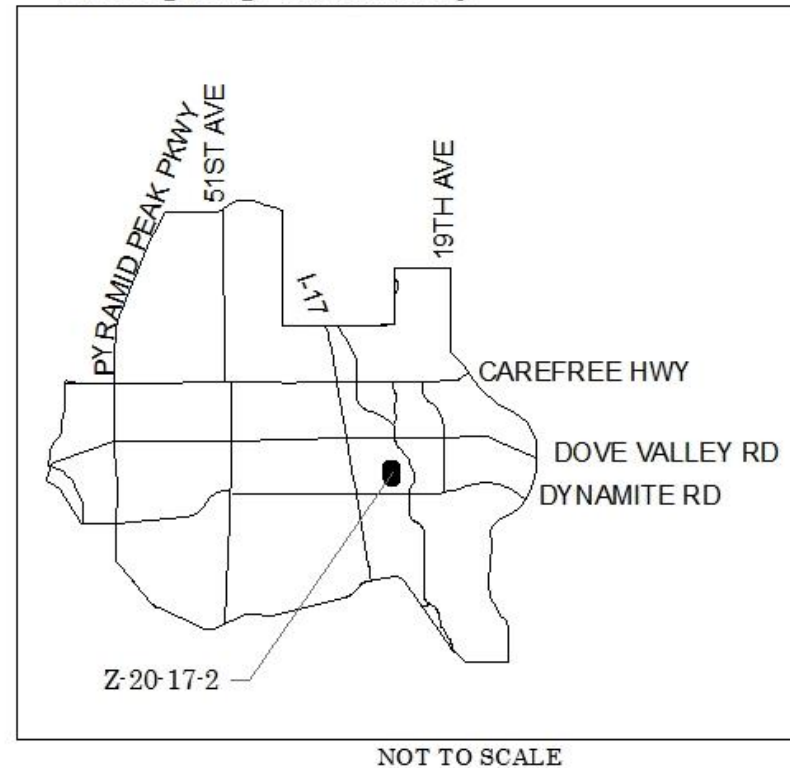
SUBJECT AREA: ■ ■ ■ ■ ■



Zoning Case Number: Z-20-17-2

Zoning Overlay: North Black Canyon Corridor and Overlay District

Planning Village: North Gateway



Drawn Date: 6/7/2018