

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-37-20-1) FROM S-1 (RANCH OR FARM RESIDENCE) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of a 3,721.60 acre site located at the northwest corner of the Interstate 17 and Loop 303 Freeways in Sections 9 and 15 and portions of Sections 7, 8, 10, 11, 14, 15, 16, 17, 18, 21, 22 and 23 of Township 5 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "S-1" (Ranch or Farm Residence District) to "PUD" (Planned Unit Development).

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 North Phoenix 3,500 PUD reflecting the changes approved through this request shall be submitted to the Planning Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative dated September 1, 2020, as modified by the following stipulations:
 - a. Page 3, List of Figures: Add Figure 17 – Residential Buffer Exhibit.
 - b. Pages 12 -13, MU-C Permitted Uses: Add the language below as a new bullet point for conditions for each of the following uses: automobile retail sales, camper sales, travel trailer, camper, and / or mobile home sales: The above use shall be located within the area bounded by SR-74 to the north, I-17 to the east, Dove Valley Road to the south, and 41st Avenue to the west.
 - c. Page 16, Development Standards by Land Use District, Table 3: Add the following language in the Max. Building Height portion of the table:
Phase I area building height: within the phase I, area generally defined by the area bounded by the Loop 303 to the south, 47th Avenue to the west, Dove Valley road to the north, and 43rd Avenue to the east, a maximum of 100 acres of the area may have a maximum building height of up to 150 feet. (3)
 - d. Page 16, Development Standards by Land Use District Table 3: Remove the following language from the table and make it a footnote (No 3.) at the bottom of the table of page 17: In addition to the building height exceptions outlined in the zoning ordinance (Section 701.b), non-habitable mechanical equipment and structures that may include, but are not limited to, elements such air separators, exhaust pipes, and gas processing equipment are permitted up to 225 feet in height for a maximum of 25% of the roof area.
 - e. Page 17, Footnote No. 2: Add reference to Figure 17 – Residential Buffer Exhibit.

2. Developer shall dedicate and construct all right-of-way and roadways per the approved master street plans, as modified and approved by the Street Transportation Department and the Planning and Development Department. All public roadways within the PUD shall be identified by future agreements to determine applicable funding responsibilities associated with infrastructure improvements.
3. The applicant shall submit a Traffic Impact Study (TIS) to the City for each Development Unit, or as modified by the Street Transportation Department. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City of Phoenix Street Transportation Department. 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 Development Coordination Section.
4. The developer shall submit Master Street Design and Phasing Plans for each Development Unit as required by the Planned Community District (PCD), Section 636 of the Phoenix Zoning Ordinance, or as modified by the Street Transportation Department and Planning and Development Department.
5. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscape median islands, landscaping and other incidentals, as per the Master Street Plans and as modified and approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
6. The Arizona State Land Department and City of Phoenix will provide yearly updates to the North Gateway Village Planning Committee on the status of auctions and development within the PUD until the final property is auctioned.
7. No encroachment is allowed in the floodway without hydrologic and hydraulic analysis showing no rise in water surface elevation and increase in the special flood hazard area boundaries, as modified and approved by the Public Works Department and the Planning and Development Department.
8. The Developer is required to show the special flood hazard area boundary limits on plans and ensure that impacts to the proposed facilities and surrounding properties have been considered, following the National Flood Insurance Program (NFIP) Regulations (44 CFR Paragraph 60.3). This includes, but not limited to provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code. A copy of the Grading and Drainage Plan needs to be submitted to the Floodplain Management section of Public Works Department for review and approval of Floodplain requirements prior to issuance of a grading permit.

9. The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) along the south side of Carefree Highway and construct a 10-foot wide multi-use trail (MUT) within the easement as indicated in section 429 of the City of Phoenix MAG Supplement, as approved by the Planning and Development Department.
10. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development(s) the existence and operational characteristics of the Ben Avery Shooting Facility. 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.
11. 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.
12. 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.
13. 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.
14. The development shall construct a new 52MGD Pressure Reducing Valve (PRV) Station at NWC of 51st Avenue and Carefree Highway, connecting to the existing 78-inch water main near Carefree Highway and 51st Avenue, as modified and approved by the Water Services Department and Planning and Development Department.
15. The development shall construct the following looped water system serving pressure zone 5ED: a new 54-inch water main along 51st Avenue connecting from the new PRV station to SR-303, then connecting to a new 36-inch water main along north of SR-303 from 51st Avenue, crossing I-17, to the existing 54-inch water main at North Valley Parkway, as modified and approved by the Water Services Department and the Planning and Development Department.

16. The development shall construct the following looped water system serving pressure zone 6B: a new 16-inch water main along Carefree Highway connecting from the existing 16-inch stub east of 51st Avenue, crossing I-17, to the existing 12-inch water main at North Valley Parkway, as modified and approved by the Water Services Department and the Planning and Development Department.
17. The development shall be responsible of constructing any water mains that are smaller than 16-inch to connect from the regional major water infrastructure to the point of need or to comply with frontage requirement, as modified and approved by the Water Services Department and the Planning and Development Department.
18. The development shall construct a new 15-inch gravity sewer main along 51st Avenue from Dove Valley Road to the new lift station at the northeast corner of 51st Avenue and SR-303, as modified and approved by the Water Services Department and Planning and Development Department.
19. The development shall construct a new 15-inch gravity sewer main along north of SR-303 from I-17 to 43rd Avenue, then connecting to a new 18-inch gravity sewer main along north of SR-303 from 43rd Avenue to the new lift station at the northeast corner of 51st Avenue and SR-303, as modified and approved by the Water Services Department and Planning
20. The development shall construct a new lift station at the northeast corner of Deadman Wash and SR-303. The new lift station shall be sized to be able to handle the wastewater flow from all future developments west of 51st Avenue from Carefree Highway to SR-303. The development shall construct new dual 12-inch force mains with the option to add the third force main along north of SR-303 from this lift station to the new large lift station at the northeast corner of 51st Avenue and SR-303, as modified and approved by the Water Services Department and the Planning and Development Department.
21. The development shall construct a new lift station at the northeast corner of 51st Avenue and SR-303. The new lift station shall be sized to handle the wastewater flow from the lift station at Deadman Wash and SR-303 and the flows from developments between 51st Avenue and I-17 and SR-303 to Carefree Highway. The development shall construct new dual 16-inch force mains with the option to add the third force main along north of SR-303 from this lift station, crossing I-17 to the City's existing Lift Station 66 (LS66) near Dixileta Drive and North Valley Parkway, as modified and approved by the Water Services Department.
22. The Arizona State Land Department will allow for a rezoning of the property back to S-1 without compensation if the City does not obtain within a year of this rezoning as least 3,900 acre-foot of CAP water needed to serve the site.

23. 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 21st day of October 2020.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By: _____
Julie Kriegh, Chief Assistant City Attorney *Pml*

REVIEWED BY:

Ed Zuercher, City Manager

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

PL:tml:LF20-2527:10-21-2020:2215285v1

EXHIBIT A

LEGAL DESCRIPTION FOR Z-37-20-1

A PORTION OF SECTIONS 7, 8, 10, 11, 14, 16, 17, 18, 21, 22 AND 23, AND ALL OF SECTIONS 9 AND 15, ALL OF TOWNSHIP 5 NORTH, RANGE 2 EAST, ALL OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 10;

THENCE WESTERLY ALONG THE NORTH LINE OF SAID SECTION 10, TO THE CENTERLINE OF INTERSTATE 17 BLACK CANYON HIGHWAY, AND THE POINT OF BEGINNING;

THENCE LEAVING SAID NORTH LINE, SOUTHERLY ALONG SAID CENTERLINE, TO THE CENTERLINE OF STATE ROUTE 303 BOB STUMP MEMORIAL HIGHWAY;

THENCE LEAVING SAID CENTERLINE OF INTERSTATE 17, WESTERLY ALONG SAID CENTERLINE OF STATE ROUTE 303, TO THE CENTERLINE OF DEADMAN WASH;

THENCE LEAVING SAID CENTERLINE OF STATE ROUTE 303, NORTHEASTERLY ALONG SAID CENTERLINE OF DEADMAN WASH THROUGH SAID SECTIONS 18, 7, AND 8, TO THE NORTH LINE OF SAID SECTION 8; THENCE LEAVING SAID CENTERLINE, EASTERLY ALONG THE NORTH LINE OF SAID SECTIONS 8, 9, AND 10, TO THE POINT OF BEGINNING.

ORDINANCE LOCATION MAP

EXHIBIT B

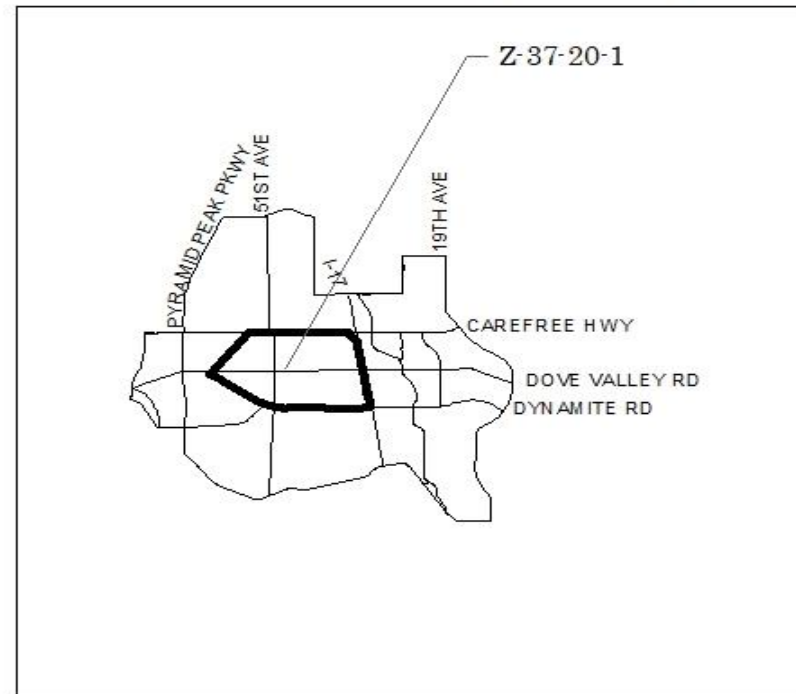
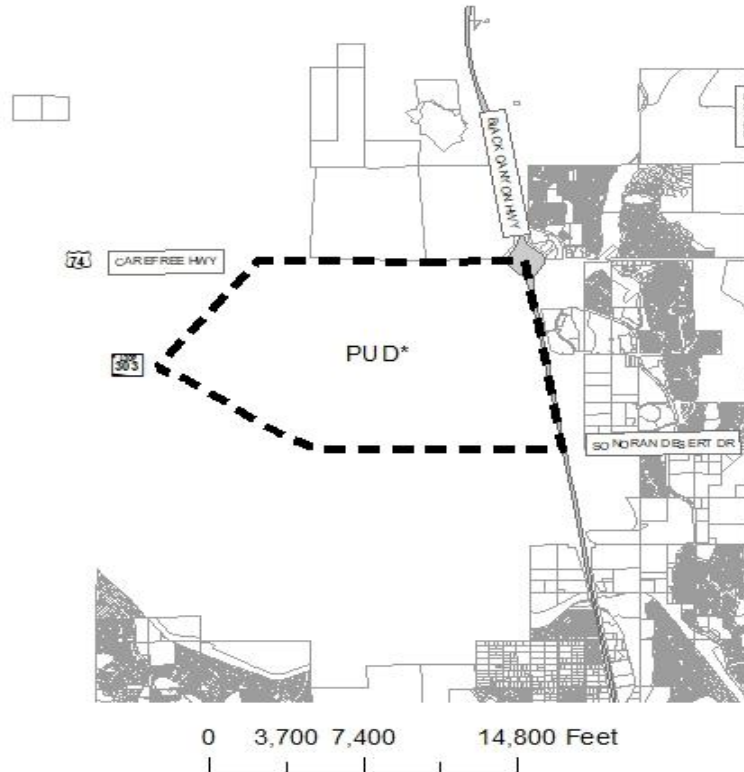
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-37-20-1

Zoning Overlay: N/A

Planning Village: North Gateway



NOT TO SCALE



Drawn Date: 9/18/2020

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