

ATTACHMENT A

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ADOPTED ORDINANCE**

ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS
APPLICABLE TO REZONING APPLICATION Z-28-21-2
PREVIOUSLY APPROVED BY ORDINANCE G-6925.

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

SECTION 1. The zoning stipulations applicable to the site located at the
northeast corner of Sonoran Desert Drive and 29th Avenue in a portion of Section 14,
Township 5 North, Range 2 East, as described more specifically in Exhibit A and
depicted in Exhibit B, are hereby modified to read as set forth below.

STIPULATIONS:

1.	A minimum of 7 percent of the gross site area of the R-3 NBCOD zoned portion shall be retained as open space, as approved by the Planning and Development Department.
2.	A minimum of 20 percent of the gross site area of the R-4 NBCOD zoned portion shall be retained as open space, as approved by the Planning and Development Department.
3.	The R-3 NBCOD zoned portion of the site shall be limited to a maximum height of three stories and 36 feet.
4.	The R-4 NBCOD zoned portion of the site shall be limited to a maximum height of three stories and 40 feet.
5.	The C-2 NBCOD zoned portion of the site shall be limited to a maximum height of one story and 25 feet.

5. 6.	All building facades shall contain architectural embellishments and detailing such as, but not limited to, textural changes, pilasters, offsets, recesses, window fenestration, shadowboxes, and canopies, as approved by the Planning and Development Department.
6. 7.	All building and wall colors and materials shall be in compliance with the North Black Canyon Overlay District with specific regard to colors being muted and blending with, rather than contrasting strongly, with the surrounding desert environment, as approved by the Planning and Development Department.
7. 8.	Parking areas in the C-2 zoned portion of the site shall be at least 30 feet from property lines adjacent to Sonoran Desert Drive and 29th Avenue or behind a commercial building, as approved by the Planning and Development Department.
8. 9.	If drive-through restaurants are developed, 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.
9. 10.	All service areas in the C-2 zoned portion shall 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 public streets and private drives, as approved by the Planning and Development Department.
10. 11.	Pedestrian connectivity shall be provided between multifamily and commercial developments, as approved by the Planning and Development Department.
11. 12.	Secured bicycle parking shall be provided for multifamily development per Section 1307 of the City of Phoenix Zoning Ordinance. In addition, a minimum of 18 bicycle parking spaces for the R-4 NBCOD zoned portion of the site and a minimum of 13 bicycle parking spaces for the R-3 NBCOD zoned portion of the site shall be provided for guests located near the offices or distributed throughout the site and installed per the requirements of Section 1307.H of the Zoning Ordinance, as approved by the Planning and Development Department.
12. 13.	A minimum of six bicycle parking spaces for the C-2 NBCOD zoned portion of the site shall be provided near entrances of buildings or distributed throughout the site and installed per the requirements of Section 1307.H of the Zoning Ordinance, as approved by the Planning and Development Department.

13. 44.	A minimum 10-foot-wide public multi-use trail (MUT) shall be constructed within the existing multi-use recreational trail easement (MURTE) along the north side of Sonoran Desert Drive in accordance with Section 429 of the City of Phoenix MAG Supplemental detail, as approved by the Planning and Development Department.
14. 45.	All sidewalks along public streets shall be detached with a minimum 10-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 in equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department.
15. 46.	A minimum of 75% of pedestrian pathways and sidewalks shall be shaded by a structure, landscaping, or a combination of the two, as approved by the Planning and Development Department.
16. 47.	Where pedestrian pathways cross drive aisles, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave parking surfaces and drive aisles, as approved by the Planning and Development Department.
17. 48.	Pedestrian pathways shall be provided to connect building entrances, public sidewalks, and community amenities, using the most direct route for pedestrians, as approved by the Planning and Development Department.
18. 49.	The applicant shall submit a Traffic Impact Study to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. The developer shall be responsible for traffic signal funding and/or escrow contribution as determined by the approved Traffic Impact Study.
19. 20.	The developer shall dedicate and construct the east half of 29th Avenue, as required by the Traffic Impact Study and as approved by the Street Transportation Department.
20. 21.	The developer shall dedicate a minimum 80 feet of right-of-way and construct a City classified "E" section roadway for North Foothills Drive connecting to 29th Avenue, or as otherwise determined through the approved Traffic Impact Study. If constructed, a Shared-Use Path shall be provided along North Foothills Drive in accordance with the City of Phoenix standard trail detail, as approved by the Planning and Development Department.
21. 22.	The developer shall provide a minimum of two shaded pedestrian connections from the development site to the wash and any designated

	trails, as approved by the Planning and Development Department.
22. 23.	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.
23. 24.	If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeology 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.
24. 25.	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, determine such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
25. 26.	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.
26. 27.	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 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6925, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6925 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. 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 on this 25th day of March 2026.

MAYOR

Date

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 (1 Page)
B - Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-25--Z-28-21-2

The Land referred to herein below is situated in the County of Maricopa, State of Arizona, and is described as follows:

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA AND IS DESCRIBED AS FOLLOWS:

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:

COMMENCING AT A FOUND 3 INCH MARICOPA COUNTY BRASS CAP, STAMPED T5N, R2E, ¼ S14, ¼ S13, RLS 29891, DATED 2001 ACCEPTED AS THE EAST QUARTER CORNER OF SAID SECTION 14, FROM WHICH A FOUND 1/2 INCH REBAR WITH CAP, RLS 21081 ACCEPTED AS THE CENTER OF SAID SECTION BEARS SOUTH 89 DEGREES 32 MINUTES 56 SECONDS WEST, A DISTANCE OF 2639.42 FEET. THENCE SOUTH 00 DEGREES 22 MINUTES 13 SECONDS EAST, A DISTANCE OF 2579.82 FEET ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION TO THE NORTH LINE OF THE SOUTH 70.00 FEET OF SAID SOUTHEAST QUARTER:

THENCE SOUTH 89 DEGREES 38 MINUTES 30 SECONDS WEST, A DISTANCE OF 659.90 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING: THENCE CONTINUING ALONG SAID NORTH LINE. SOUTH 89 DEGREES 38 MINUTES 30 SECONDS WEST. A DISTANCE OF 304.90 FEET; THENCE DEPARTING SAID NORTH LINE. NORTH 00 DEGREES 22 MINUTES 05 SECONDS WEST, A DISTANCE OF 324.80 FEET: THENCE NORTH 89 DEGREES 34 MINUTES 49 SECONDS EAST, A DISTANCE OF 306.33 FEET: THENCE SOUTH 00 DEGREES 07 MINUTES 02 SECONDS EAST, A DISTANCE OF 325.14 FEET TO THE POINT OF BEGINNING.

