



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

April 20, 2023

Chris Colyer, Esq.
Snell & Wilmer, LLP
1 E Washington Street, Suite 2700
Phoenix, Arizona 85004

Dear Applicant:

RE: Z-34-20-3 – Northeast corner of Cave Creek Road and the Shangri La Road alignment

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 601 of the Zoning Ordinance, as amended, has on April 5, 2023, approved Zoning Ordinance # G-7094.

Development and use of the site is subject to compliance with all applicable codes and ordinances.

Sincerely,

Joshua Bednarek
Planning and Development Director

Attachment: Signed Ordinance

c: Pierce Enterprises, Inc., 4202 West Sandra Terrace, Phoenix, AZ 85053
Pioneer Landscape Centers, 630 Plaza Drive, Highlands Ranch, CO 80126
Tricia Gomes, PDD–Planning–Deputy Director (Electronically)
Racelle Escolar, PDD–Planning–Principal Planner (Electronically)
Adrian Zambrano, PDD–Planning–Village Planner (Electronically)
Ben Kim, PDD–GIS (Electronically)

ORDINANCE G-7094

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 (Z-34-20-3) FROM C-3 (GENERAL COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of a 2.32-acre site located at the northeast corner of Cave Creek Road and the Shangri La Road alignment, in a portion of Sections 21 and 22, Township 3 North, and Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "C-3" (General Commercial) 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:

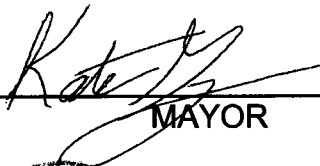
1. An updated Development Narrative for the Pioneer Landscape Center PUD reflecting the changes approved through this request shall be submitted to the Planning Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative date stamped November 30, 2022 as modified by the following stipulations.
 - a. Front Cover: Add "City Council adopted: [Insert Adoption date]."
 - b. Page 9: Change the heading title from "Proposed PUD" to "PUD Requirements."
 - c. Page 10, Section D4: Shade: Replace the shade standard as follows:

a. Public and private sidewalks	Minimum 75%
b. Employee and customer parking areas	Minimum 25%
 - d. Page 10: Add a section regarding required vehicular parking standards, including the following: "Vehicular parking standards shall follow Section 702 requirements of the Zoning Ordinance."
2. For any development that modifies the cumulative floor area of any building by more than 2,000 square feet, including demolition, from that depicted on the conceptual site plan date stamped November 30, 2022, the conceptual site plans, conceptual landscape plans, and elevations shall be administratively approved by the Planning Hearing Officer prior to preliminary site plan approval with specific regard to the inclusion of the below elements. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Planning and Development Department.
 - a. There shall be no more than one point of ingress/egress from Cave Creek Road.

- b. The public sidewalk along Cave Creek Road shall be constructed to a width of 5 feet and detached from the back of curb by a minimum 11-foot-wide landscape area planted to the following standards, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with the creation of a comfortable pedestrian environment.
 - i. Minimum 3-inch caliper, large canopy, single-trunk, shade trees shall be placed 25 feet on center or in equivalent groupings.
 - ii. Drought tolerant shrubs and vegetative groundcovers shall be maintained at maximum height of 24 inches to provide a minimum of 75 percent live coverage at maturity.
 - c. A minimum of 4 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
 - d. The developer shall dedicate a total 50-feet of right-of-way where the last 10-feet may be dedicated as sidewalk easement for the east side of Cave Creek Road, 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. 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.

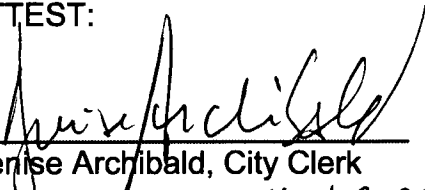
SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 5th day of April, 2023.

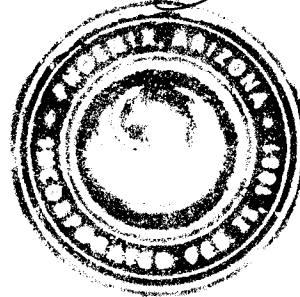


MAYOR

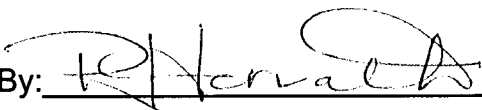
ATTEST:



Denise Archibald, City Clerk
04.11.2023

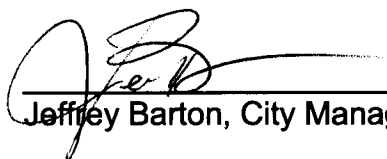


APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By: 

P ml

REVIEWED BY:



Jeffrey Barton, City Manager

PML:am:(LF23-0705):4-5-23:2368464_1.docx

Exhibits:

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

EXHIBIT A

Parcel No. 1: That part of the Northeast quarter of the Southeast quarter of Section 21, Township 3 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being further described as follows:

BEGINNING at the Intersection of the Easterly line of Cave Creek Road, and the East line of said Section 21, said point lying also South 00' 09' 30" West along the east line of Said Section 21, a distance of 344.02 feet from the east quart of Section 21;

THENCE Southerly along the Easterly line of Said Cave Creek Road, then following South 20' 40' 00" West 280.72 feet;

THENCE along the arc of a curve to the right, said curve having a radius of 750.32 feet through a central angle of 11' 15' 00", a distance of 147.32 feet;

THENCE South 31' 55' 00" West 142.82 feet;

THENCE along the arc of a curve to the left, said curve having a radius of 583.91 feet through a central angle of 4' 41' 01", a distance of 49.54 feet;

THENCE South 88' 45' 20" East, 234.68 feet to the East line of Section 21;

THENCE North 00' 09' 30" East along said East line, 489.11 feet to the point of beginning.

Parcel No. 2: A Tract of land located in the Southwest quarter of Section 22, Township 3 North, Range 3 East of the Gila River and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the West quarter corner of said Section 22;

THENCE South 00' 08' 48" East along the West line of said Section 22 a distance of 578.39 feet, said point being the true point of beginning;

THENCE South 58' 41' 12" East a distance of 259.79 feet;

THENCE South 39' 08' 13" West a distance of 350.00 feet to a point on the West line of said Section 22;

THENCE North 00' 08' 48" West along said West line a distance of 406.49 feet to the true point of beginning.

Containing 45,040 square feet or 1.03400 acres.

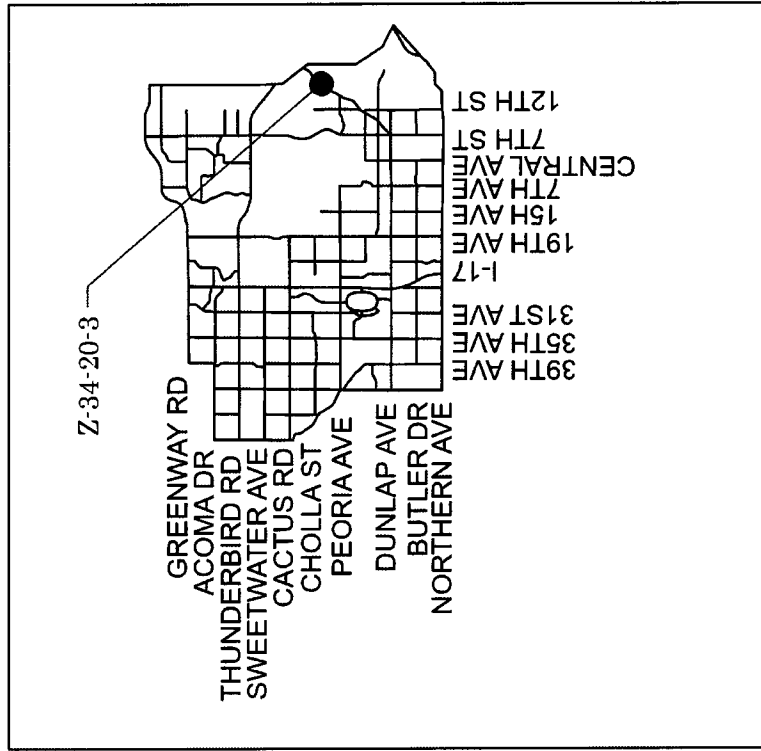
G7094

ORDINANCE LOCATION MAP

EXHIBIT B

Zoning Case Number: Z-34-20-3
 Zoning Overlay: N/A
 Planning Village: North Mountain

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



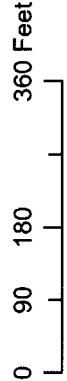
YUCCA ST

SHANGRI
LARD

CAVE CREEK RD

MESCAL ST

PUD*



NOT TO SCALE



Drawn Date: 3/7/2023

46029