

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-66-19-2) FROM C-O/G-O HGT/WVR DVAO (COMMERCIAL OFFICE DISTRICT, GENERAL OFFICE OPTION, HEIGHT WAIVER, DEER VALLEY AIRPORT OVERLAY DISTRICT) AND R1-6 DVAO (SINGLE-FAMILY RESIDENCE DISTRICT, DEER VALLEY AIRPORT OVERLAY DISTRICT) TO R1-6 DVAO (SINGLE-FAMILY RESIDENCE DISTRICT, DEER VALLEY AIRPORT OVERLAY DISTRICT).

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

SECTION 1. The zoning of a 39.43-acre site located at the southwest corner of Cave Creek Dam Road and the Desert Peak Parkway alignment in a portion of Section 10, Township 4 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from 6.61 acres of "C-O/G-O HGT/WVR DVAO" (Commercial Office District, General Office Option, Height Waiver, Deer Valley Airport Overlay District) and 32.82 acres of "R1-6 DVAO" (Single-Family Residence District,

Deer Valley Airport Overlay District) to “R1-6 DVAO” (Single-Family Residence District, Deer Valley Airport 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. The development shall not exceed 33 lots.
2. A minimum of 70 percent of the gross project area shall be retained as open space, including washes and hillside areas as approved by the Planning and Development Department.
3. All elevations shall contain three of the following architectural embellishments and detailing, such as: textural changes, pilasters, offsets, recesses, variation in window size or location, overhang canopies, stone veneer wainscoting, decorative gabel pipe details, decorative wooden shutters, or similar features, as approved by the Planning and Development Department.
4. Building and wall colors shall be muted and blend with rather than contrast strongly with the surrounding desert environment. as approved by the Planning and Development Department.
5. All elevations shall have decorative garage treatments, including but not limited to, windows, raised or recessed panels, architectural trim, and/or single garage doors, as approved by the Planning and Development Department.
6. A minimum landscape setback of 25 feet shall be required along Cave Creek Dam Road.
7. The sidewalks along Cave Creek Dam Road shall be detached with a minimum 5-foot-wide landscaped area located between the sidewalk and back of curb. Minimum 2-inch caliper shade trees shall be planted on both sides of the sidewalk (minimum of 20 feet on center or equivalent groupings), as approved by the Planning and Development Department.

8. On interior streets, shade trees shall be planted adjacent to sidewalks at a rate of a minimum of two, 2-inch caliper or greater shade tree provided at a spacing of 20 to 30 feet on center, depending on species, within the front yard of each residential lot and where sidewalks are adjacent to common area tracts, as approved by the Planning and Development Department.
9. All landscape material shall be drought tolerant plant types, as approved by the Planning and Development Department.
10. All retention areas shall be natural and organic in shape to blend with the natural desert area, as approved by the Planning and Development Department.
11. Perimeter walls shall incorporate stone veneer, stonework, faux stone, or integral color CMU block, as approved by the Planning and Development Department.

STREET TRANSPORTATION

12. The developer shall be responsible for the installation of all associated drainage improvements to the adjacent roadways in accordance with the City of Phoenix, Storm Water Design Manual.
13. 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.

FLOODPLAIN MANAGEMENT

14. This parcel is located in Special Flood Hazard Areas called a Zone AE Floodplain & Floodway on panel 1285 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013.
 - a. 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.
 - b. The Architect/Engineer 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.

- c. A copy of the Grading and Drainage Plan shall 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.
- d. The developer shall provide a FEMA approved CLOMR-F or CLOMR prior to issuance of a Grading and Drainage permit.

AVIATION

15. The developer shall grant and record an avigation notice to the City of Phoenix Aviation and Planning and Development Departments for the site, per Zoning Ordinance Section 658D and per the content and form provided prior to final site plan approval.
16. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Deer Valley Airport (DVT) 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.

ARCHAEOLOGY

17. 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.
18. 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.
19. 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.
20. 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 20th day of May, 2020.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

Exhibits:

A – Legal Description (2 Pages)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-66-19-2

A portion of land being situated within the Northwest quarter of Section 10, Township 4 North, Range 3 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found stone marked "CS" accepted as the Center of said Section 10 from which a found stone with chiseled "X" on top and "Z" on side accepted as the North quarter corner thereof bears North $00^{\circ}03'38''$ East, 2639.20 feet;

Thence South $89^{\circ}57'21''$ West, 1500.93 feet along the south line of said Northwest quarter to the southwest corner of Parcel Two as described in the Warranty Deed as recorded in Document No. 2002-0716543, Maricopa County Records, Arizona, being the POINT OF BEGINNING;

Thence continuing along said south line, South $89^{\circ}57'21''$ West, 1108.13 feet to the West quarter corner of said Section 10;

Thence North $00^{\circ}05'15''$ West, 495.23 feet along the west line of said Northwest quarter to the southwest corner of the property as described in the Quit Claim Deed as recorded in Document No. 2016-0557245, Maricopa County Records, Arizona;

Thence North $89^{\circ}57'51''$ East, 33.00 feet along the south line of said Quit Claim Deed to the southeast corner thereof;

Thence North $00^{\circ}05'15''$ West, 825.38 feet along the east line of said Quit Claim Deed to the northeast corner thereof, said corner being on the north line of the Southwest quarter of said Northwest quarter;

Thence North $89^{\circ}58'41''$ East, 1273.24 feet along said north line to the northeast corner of said Southwest quarter of the Northwest quarter;

Thence South $00^{\circ}00'49''$ East, 42.96 feet along the east line of said Southwest quarter of the Northwest quarter, also being the centerline of Cave Creek Dam Road as shown on the Final Plat for "Hillstone-South Parcel 1", as recorded in Book 1404, Page 31, Maricopa County Records, Arizona, to the beginning of a tangent curve, concave northeasterly, having a radius of 500.00 feet;

Thence leaving said east line, along said centerline and along said curve, through a central angle of $45^{\circ}17'59''$, an arc length of 395.32 feet to a tangent line;

Thence continuing along said centerline, South 45°18'48" East, 329.43 feet to the intersection of said centerline and the northerly line of aforementioned Warranty Deed; Thence leaving said centerline and along said northerly line, South 64°37'41" West, 813.36 feet;

Thence South 24°33'55" East, 375.76 feet along the westerly line of said Warranty Deed to the POINT OF BEGINNING.

The above described parcel contains a computed area of 1,685,622 sq. ft. (38.6966 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.

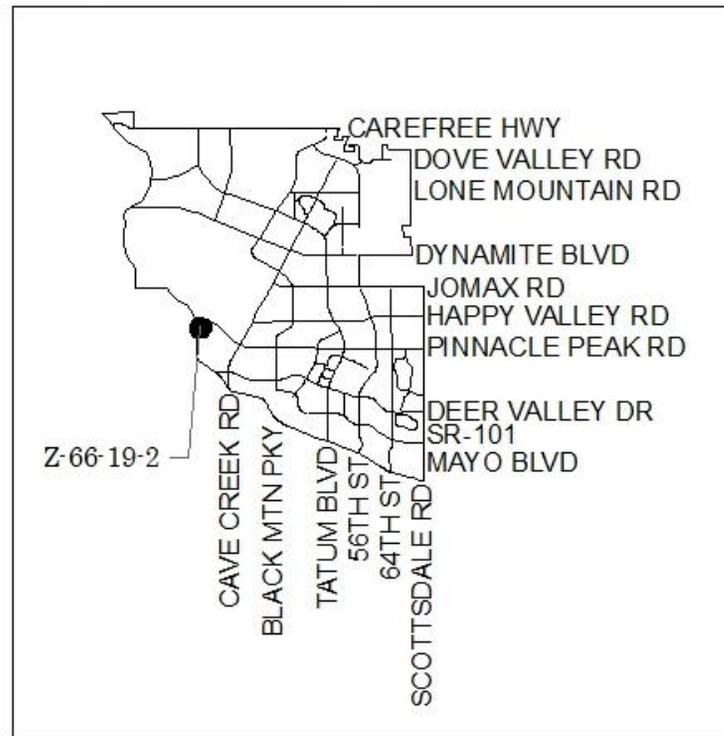
Prepared by: HILGARTWILSON, LLC

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-66-19-2
Zoning Overlay: Deer Valley Airport Overlay District
Planning Village: Desert View



0 295 590 1,180 Feet

NOT TO SCALE



Drawn Date: 4/3/2020