

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 (Z-24-19-1) FROM A-1 DVAO (LIGHT INDUSTRIAL DISTRICT, DEER VALLEY AIRPORT OVERLAY DISTRICT) TO R-3A DVAO (MULTIFAMILY RESIDENCE DISTRICT, DEER VALLEY AIRPORT OVERLAY DISTRICT) TO ALLOW FOR MULTIFAMILY RESIDENTIAL.

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

SECTION 1. The zoning of a 20.06-acre property located at the southwest corner of 19th Avenue and Alameda Road, in a portion of Section 12, Township 4 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from A-1 DVAO (Light Industrial District, Deer Valley Airport Overlay) to R-3A DVAO (Multifamily Residence District, Deer Valley Airport Overlay) to allow for multifamily residential.

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 building within 100 feet of the property lines shall be limited to 2 stories and 30 feet in height to ensure a uniformed street frontage. The maximum building height on the remainder of site shall be limited to 35 feet.
2. A landscaped entry shall be provided at both entryways into the development. The landscaped entries shall be planted and maintained with a variety of at least three different plant materials, as approved by the Planning and Development Department.
3. The development shall be limited to 396 units.
4. A minimum of 18 percent of the gross project area shall be retained as open space exclusive of required landscape setbacks, as approved by the Planning and Development Department.
5. A minimum 20-foot building and landscape setback shall be required along Alameda Road and 19th Avenue, as approved by the Planning and Development Department.
6. The developer shall provide common inverted U-bicycle parking at 0.25 spaces for each residential unit with a maximum of 50 spaces installed per section 1307. H., as approved by the Planning and Development Department.
7. All public sidewalks shall be detached with a minimum 5-foot wide landscaped strip located between the sidewalk and back of curb and shall include minimum 3-inch caliper drought tolerant shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk, and provide a pedestrian pathway and gate in the northeast corner of the property, leading directly to the future traffic light, as approved by the Planning and Development Department. The landscape strip shall be installed by the developer and maintained by property owner.
8. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
9. The developer shall dedicate a 25-foot by 25-foot right-of-way triangle at the southwest corner of 19th Avenue and Alameda Road, as approved by the Planning and Development Department.

10. Construct the Alameda Road half street improvements consistent with cross-section 'E' of City of Phoenix Standard Detail 1013.
11. The developer shall contribute 25 percent of the estimated cost for the future signalization of 19th Avenue and Alameda Road. The funds must be received in escrow prior to final site plan approval. Contact Bruce Littleton (602-262-4690) with the Street Transportation Department for a cost estimate.
12. Demonstrate adequate sight visibility in relation to the existing utility poles at the proposed driveway locations for vehicle departure movements, as calculated by AASHTO methodology, for review by the Street Transportation Department. Turning movements with obstructed sight visibility may require restriction of access movements and construction of restricted access driveways, as determined by the Planning and Development Department.
13. The property owner shall record documents that disclose the existence, and operational characteristics of Deer Valley Airport 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.
14. The developer shall dedicate an aviation easement to the City prior to construction permit approval, as per plans approved by the Planning and Development Department.
15. The developer must file an FAA Form 7460 and provide the City the FAA's no hazard determination prior to construction permit approval, as per plans approved by the Planning and Development Department.
16. Prior to issuance of a final certificate of occupancy, the developer must install a sign (approximately 8 inches by 11 inches in size) within the development's sales/leasing office that is visible to prospective renters or purchases which discloses the proximity of the Deer Valley Airport and increased frequency of overflight and related aircraft noise, as approved by the Aviation Department.
17. The indoor noise levels shall not exceed a decibel day night-level (DNL) of 45 decibels and that along with the building plans submitted for Phoenix Building Construction Code compliance review to the Planning and Development Department there shall be a sealed and signed analysis by an engineer licensed in Arizona with a proficiency in residential sound mitigation or noise control. The engineer shall note in the analysis that the building design is capable of achieving the required Noise Level Reduction.
18. The right-of-way shall be dedicated and a transit pad (detail #P1262) constructed on southbound 19th Avenue south of Almeria Road with a minimum depth of 10 feet. The bus stop pad and bay shall be placed from the intersection

of Alameda Road and 19th Avenue according to the City of Phoenix Standard Detail P1258, as approved by the Planning and Development Department.

19. Clearly defined accessible pedestrian pathways shall connect all buildings, be present at all vehicular entry points and provide access to/from the adjoined bus stop, as approved by the Planning and Development Department.
20. 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.

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 2nd day of October, 2019.

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 – Z-24-19-1

BEING A PORTION OF LOT 1, "FLORA VISTA" AS RECORDED IN BOOK 435 OF MAPS, PAGE 44, RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED WITHIN A PORTION OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 2 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

BEGINNING AT A 60D NAIL MARKING THE SOUTHEAST CORNER OF SAID LOT 1;

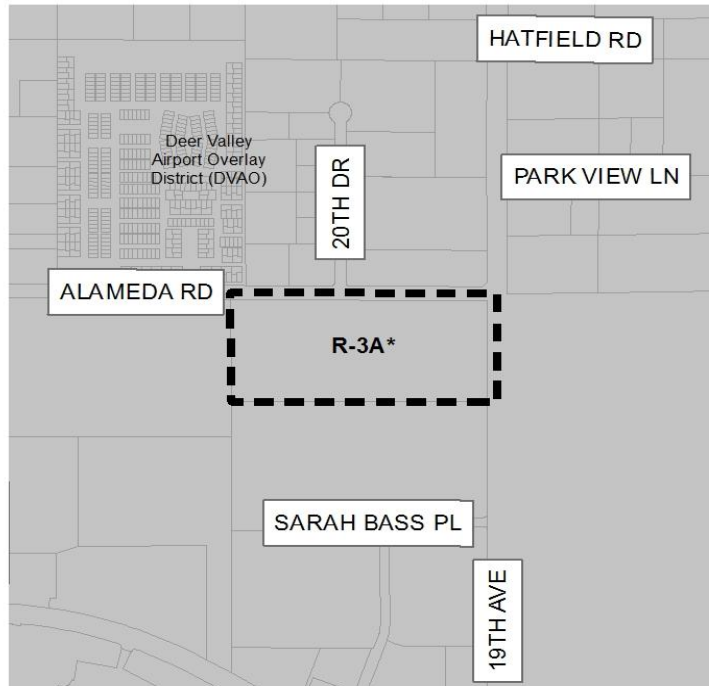
THENCE SOUTH $8^{\circ}9'54''13'''$ WEST, ALONG THE SOUTH LINE OF SAID LOT 1, FOR A DISTANCE OF 1361.88 FEET TO A 1/2 REBAR WITH NO IDENTIFICATION; THENCE NORTH $00^{\circ}10'31'''$ WEST, FOR A DISTANCE OF 581.18 FEET, TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE SOUTH $89^{\circ}45'32''$ EAST, ALONG SAID NORTH LINE, FOR A DISTANCE OF 1361.92 FEET, TO A POINT ON THE EAST LINE OF SAID LOT 1; THENCE SOUTH $00^{\circ}10'31'''$ EAST, ALONG SAID EAST LINE, FOR A DISTANCE OF 573.16 FEET, TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 18.045 ACRES (786,037 S.F.) MORE OR LESS.

ORDINANCE LOCATION MAP

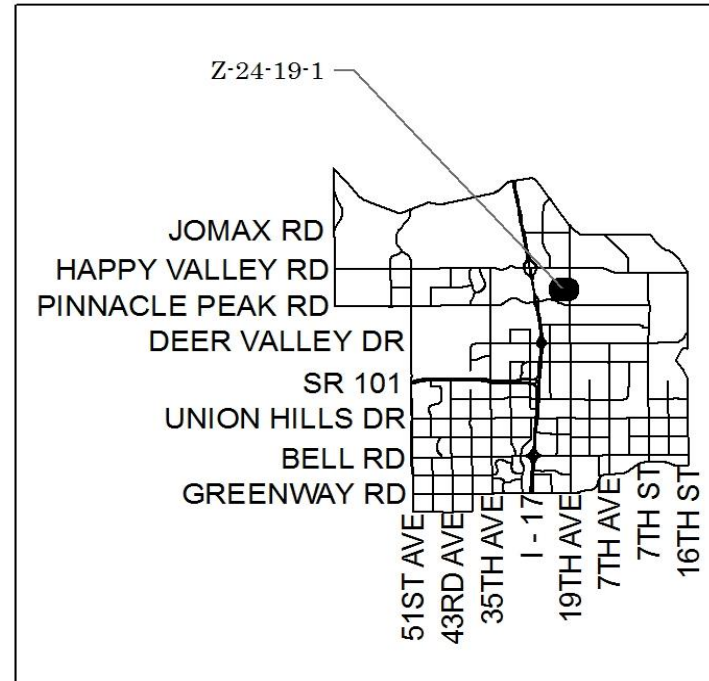
EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ■ ■ ■ ■ ■



0 250 500 1,000 Feet

Zoning Case Number: Z-24-19-1
Zoning Overlay: Deer Valley Airport Overlay District
Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 8/30/2019