

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 ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-21-23-1) FROM C-1 DVAO (NEIGHBORHOOD RETAIL, DEER VALLEY AIRPORT OVERLAY DISTRICT) AND C-2 HGT/WVR DVAO (INTERMEDIATE COMMERCIAL, HEIGHT WAIVER, DEER VALLEY AIRPORT OVERLAY DISTRICT) TO A-1 DVAO (LIGHT INDUSTRIAL 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 5.63-acre site located approximately 325 feet north of the northwest corner of Black Canyon Highway and Deer Valley Road in a portion of Section 13, Township 4 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from 1.86 acres of "C-1 DVAO" (Neighborhood Retail, Deer Valley Airport Overlay District) and 3.77 acres of "C-2 HGT/WVR DVAO" (Intermediate Commercial, Height Waiver, Deer Valley Airport Overlay District), to "A-1 DVAO" (Light Industrial 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. An average 9-foot (minimum 5-foot) wide landscape setback shall be provided along the north perimeter of the site (Louise Drive), as approved by the Planning and Development Department.
2. An average 9-foot (minimum 5-foot) wide landscape setback shall be provided along the west perimeter of the site (26th Avenue), as approved by the Planning and Development Department.
3. A minimum of 4 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the building entrance 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.
4. A minimum of 10% of the required parking spaces shall be EV Ready.
5. 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.
6. Right-of-way totaling 30 feet shall be dedicated for the east half of 26th Avenue, as approved by the Planning and Development Department.
7. Right-of-way totaling 30 feet for the south half of Louise Drive with a half 50-foot radius cul-de-sac shall be dedicated at its termination, as approved by the Planning and Development Department.
8. An 18-foot x 18-foot right-of-way triangle shall be dedicated at the southeast corner of 26th Avenue and Louise Drive, as approved by the Planning and

Development Department.

9. A sidewalk easement shall be dedicated on the east side of 26th Avenue and south side of Louise Drive, as approved by the Planning and Development Department.
10. A minimum 5-foot-wide detached sidewalk separated by a minimum 5-foot-wide landscape strip located between the back of curb with minimum 2-inch caliper single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings and sidewalk shall be constructed along 26th Avenue and Louise Drive, as approved by the Planning and Development Department.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

11. 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 6th day of September, 2023.

MAYOR

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)

DRAFT

EXHIBIT A

WITHIN A PORTION OF SECTION 13, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

APN: 209-04-048C

LOT 46, TOWNSITE OF ADOBE, STATE PLAT NO. 11, ACCORDING TO BOOK 68 OF MAPS, PAGE 45, RECORDS OF MARICOPA COUNTY, ARIZONA; EXCEPT THE WEST 40 FEET THEREOF; AND EXCEPT THAT PART OF SAID LOT 46 LYING SOUTHEASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, WHICH IS EASTERLY 998.06 FEET FROM THE SOUTHWEST CORNER THEREOF;

THENCE NORTH 33 DEGREES 16 MINUTES 19 SECONDS EAST, A DISTANCE OF 397 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID NORTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER AND THE TERMINUS POINT OF THIS DESCRIPTION; AND ALSO EXCEPT 1/16TH OF ALL GAS, OIL, METAL AND MINERAL RIGHTS AS RESERVED UNTO THE STATE OF ARIZONA IN PATENT TO SAID LAND.

APN: 209-04-051A

PARCEL NO. 1:

ALL OF LOT 49 AND THE WEST 40 FEET OF LOT 46, TOWNSITE OF ADOBE, STATE PLAT NO. 11, ACCORDING TO BOOK 68 OF MAPS, PAGE 45, RECORDS OF MARICOPA COUNTY, ARIZONA.

EXCEPT 1/16 OF ALL GAS, OIL, METAL AND MINERAL RIGHTS AS RESERVED UNTO THE STATE OF ARIZONA IN PATENT TO SAID LAND.

PARCEL NO. 2:

A STRIP OF LAND 20 FEET IN WIDTH, ADJOINING THE EAST LINE OF LOT 49, STATE PLAT NO. 11 TOWNSITE OF ADOBE, ACCORDING TO BOOK 68 OF MAPS, PAGE 45, RECORDS OF MARICOPA COUNTY, ARIZONA, AND LYING BETWEEN THE EASTERLY PROLONGATIONS OF THE NORTH AND SOUTH LINES OF SAID LOT 49, AS SET FORTH IN RESOLUTION 20455 RECORDED IN DOCUMENT NO. 20070072644.

ORDINANCE LOCATION MAP

EXHIBIT B

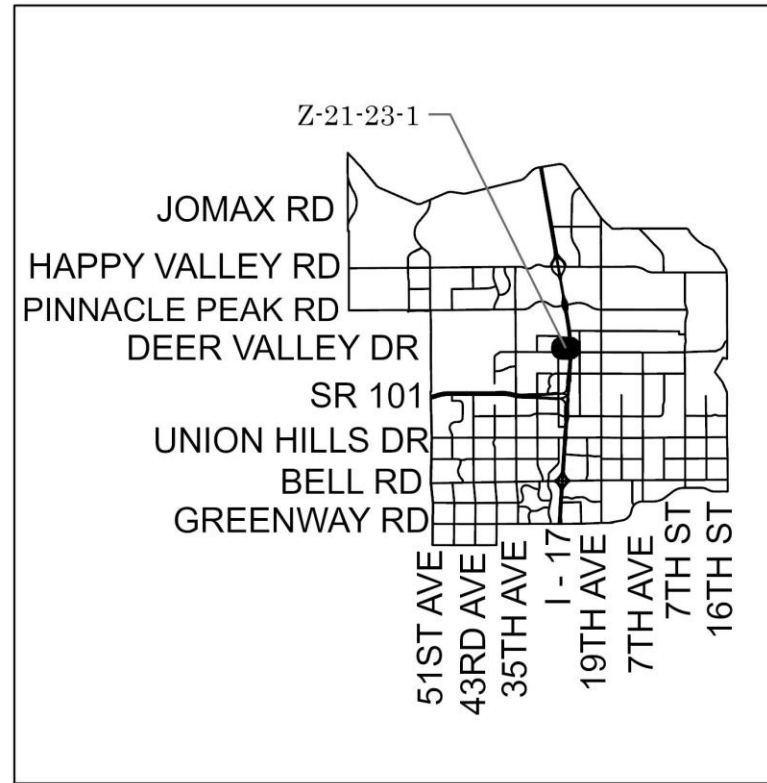
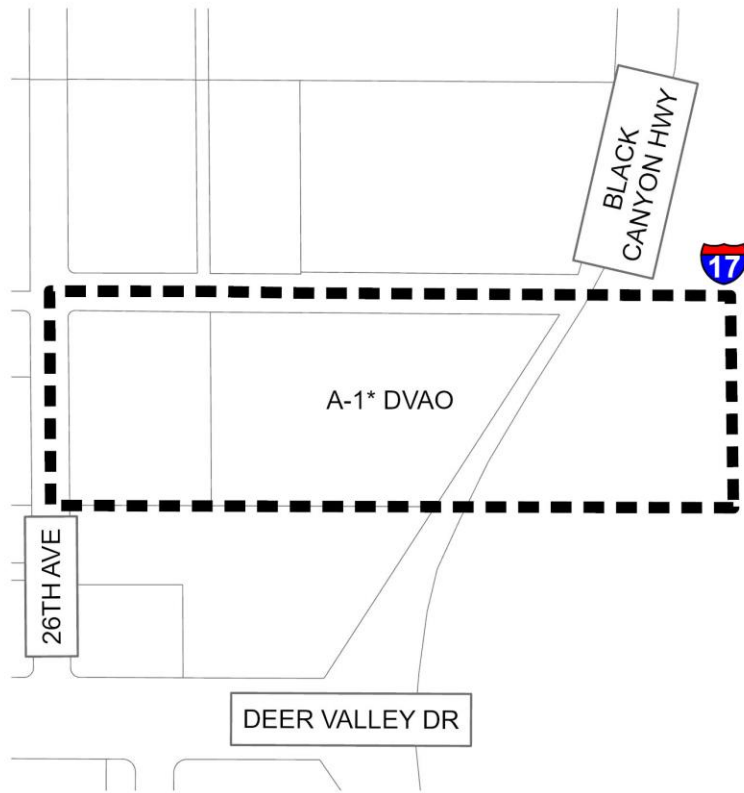
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-21-23-1

Zoning Overlay: Deer Valley Airport Overlay District

Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 7/31/2023