

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-3-21-1) FROM RE-43 DVAO (ONE-FAMILY RESIDENCE DISTRICT, DEER VALLEY AIRPORT OVERLAY) TO R-3 DVAO (MULTIFAMILY RESIDENCE DISTRICT, DEER VALLEY AIRPORT OVERLAY).

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

SECTION 1. The zoning of a 20.72-acre site located approximately 825 feet south of the southwest corner of 23rd Avenue and Pinnacle Peak Road in a portion of Section 13, Township 4 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "RE-43 DVAO" (One-Family Residence District, Deer Valley Airport Overlay) to "R-3 DVAO" (Multifamily Residence District, Deer Valley Airport Overlay).

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 maximum building height shall be 30 feet.
2. The development shall be limited to 297 units.
3. The development shall be in general conformance with the elevations date stamped March 24, 2021, as modified by the following stipulations and approved by the Planning and Development Department.
4. An enhanced landscaped entry shall be provided at the main entryway into the development off of 23rd Avenue with a minimum 300 square feet of landscaped area on each side of the entrance. 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.
5. A minimum landscape setback of 25 feet shall be required along the west property line along the Interstate 17 (I-17) frontage road and shall include minimum 3-inch caliper large canopy shade trees planted a minimum of 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
6. There shall be a minimum of four private open space amenity areas, three of which shall be centrally located. A minimum of 6 percent of the area shall be preserved as open space exclusive of landscape setbacks. Each area shall provide, at a minimum, one of the following amenity elements or other similar elements, as approved by the Planning and Development Department:
 - Swimming Pool
 - Fire Pit
 - Pavilion or Ramada
 - Dog park
7. The perimeter pedestrian pathway shall be provided as depicted on the site plan date stamped March 24, 2021 and shall reflect a common landscaping theme and include a minimum of three-inch caliper shade trees placed 20 feet on center exclusive of driveway/roadway crossings, as approved by the Planning and Development Department.

8. 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.
9. Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances, public sidewalks, and bus stops, using the most direct route for pedestrians, as approved by the Planning and Development Department.
10. Perimeter walls shall incorporate stone veneer, stonework, integral color CMU block, split face block or faux stone, as approved by the Planning and Development Department.
11. A minimum 5-foot-wide detached sidewalk shall be provided along 23rd Avenue with a minimum 13-foot-wide landscape area located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 3-inch caliper large canopy, single-trunk, shade trees placed a minimum of 25 feet on center or in equivalent groupings to provide a minimum of 75 percent shade on the adjacent sidewalk.
 - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.
12. Structural or vegetative shade shall be provided for every 8 parking spaces, as approved by the Planning and Development Department.
13. The developer shall provide secured bicycle parking provide parking per Section 1307 of the City of Phoenix Zoning Ordinance. In addition, a minimum of eight inverted U-bicycle racks shall be provided for guests located near the club house/leasing office and installed per the requirements of Section 1307.H. of the Zoning Ordinance, as approved by the Planning and Development Department.
14. The developer shall dedicate minimum 50 feet of right-of-way and construct the west half of 23rd Avenue for the full limits of the project, per Cross Section D standards identified on the City of Phoenix Street Classification Map, as approved by the Planning and Development Department.
15. In compliance with the Complete Streets Ordinance, the developer shall submit a signing and striping plan to include an extension of the bike lane for the full limits of the project frontage.
16. A Red Border Letter shall be processed for this development, as approved by the Street Transportation Department.

17. 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.
18. The developer must file FAA Form 7460 and provide City FAA's no hazard determination prior to construction permit approval, as per plans approved by the Planning and Development Department.
19. The developer shall grant and record an avigation easement to the City of Phoenix Aviation Department for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
20. 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.
21. 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.
22. 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.
23. Noise mitigation walls shall be provided along the western boundary of the development. The wall height shall be determined through a noise analysis prepared and sealed by a registered professional engineer. The walls shall contain no openings unless they are above the minimum height required for adequate noise mitigation or for drainage. The walls shall wrap around to the north and south property lines and shall continue for at least 90 feet, as approved by the Planning and Development Department. A wall detail sealed by a registered professional engineer, demonstrating that the walls will reduce noise to 65 Decibels or lower shall be submitted prior to preliminary site plan approval.
24. 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.

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, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
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.
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 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 June, 2021.

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 FOR Z-3-21-1

THAT PORTION OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER ($N\frac{1}{2} N\frac{1}{2} NW \frac{1}{4}$) LYING EAST OF THE MEDIAN CENTERLINE OF BLACK CANYON HIGHWAY, INTERSTATE 17. SAID CENTERLINE BEING DESCRIBED AS FOLLOWS: FROM A POINT ON THE NORTH LINE OF SAID SECTION, 1715.05 FEET WESTERLY OF THE NORTH QUARTER CORNER THEREOF, PROCEED SOUTH $9^{\circ} 57' 34''$ EAST TO A POINT OF TERMINATION ON THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER ($N\frac{1}{2} N\frac{1}{2} NW \frac{1}{4}$) OF SECTION 13, TOWNSHIP 4 NORTH, RANGE 2 EAST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

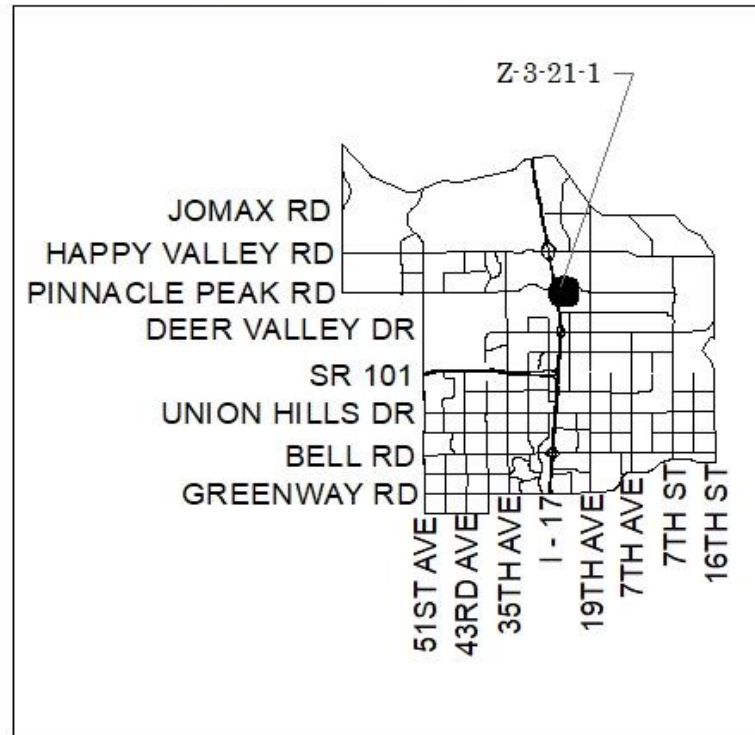
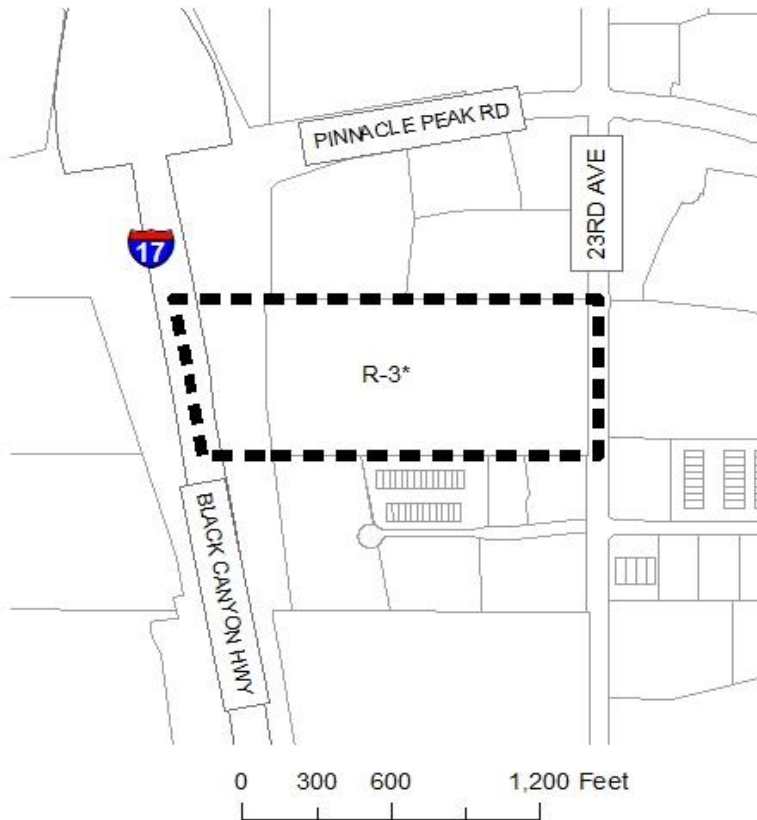
DRAFT

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-3-21-1
Zoning Overlay: Deer Valley Airport Overlay District
Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 5/11/2021