

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-SP-3-21-1) FROM A-1 SP DVAO (LIGHT INDUSTRIAL, SPECIAL PERMIT, DEER VALLEY AIRPORT OVERLAY DISTRICT) AND A-1 DVAO (LIGHT INDUSTRIAL, DEER VALLEY AIRPORT OVERLAY DISTRICT) TO A-1 SP DVAO (LIGHT INDUSTRIAL, SPECIAL PERMIT, DEER VALLEY AIRPORT OVERLAY DISTRICT).

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

SECTION 1. The zoning of a 39.54-acre site located at the southwest corner of Central Avenue and Alameda Road in a portion of Section 8, Township 4 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "A-1 SP DVAO" (Light Industrial, Special Permit, Deer Valley Airport Overlay District) and A-1 DVAO (Light Industrial, Deer Valley Airport Overlay District) to "A-1 SP DVAO" (Light Industrial, Special Permit, Deer Valley Airport Overlay District) for a Special Permit to allow continuation of a sand and gravel mining operation, concrete batch plant, asphalt blending plant, and all underlying A-1 uses.

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. Upon abandonment of the Special Permit or prior to any preliminary site plan approval for any portion of the site for a use not related to the Special Permit, a reuse plan shall be developed in compliance with the provisions in Section 647 of the Zoning Ordinance, as approved by the Planning and Development Department.
2. New buildings or building additions visible from public right-of-way shall contain architectural embellishments and detailing such as material changes, pilasters, offsets, recesses, variation in window size and location, and/or overhang canopies, as approved by the Planning and Development Department.
3. A minimum building setback of 50 feet shall be provided along the east side of the site.
4. A minimum building setback of 50 feet shall be provided along the north side of the site.
5. A minimum 20-foot wide landscape setback shall be provided along the east and north sides of the site, as approved by the Planning and Development Department.
6. The landscape setbacks along the street frontages shall include shade trees placed 20 feet on center or in equivalent groupings. Twenty five percent of the trees shall be minimum 4-inch caliper and 75 percent of the trees shall be minimum 3-inch caliper, as approved by the Planning and Development Department.
7. The developer shall dedicate 40 feet of right-of-way and construct the south half of Alameda Road (Misty Willow Lane) alignment, including a detached sidewalk, for the full limits of the project per Cross Section E standards, as approved by the Street Transportation and Planning and Development Departments.

8. The developer shall dedicate 40 feet of right-of-way and construct the west half of Central Avenue for the full limits of the project, including a detached sidewalk, per Cross Section E standards or as approved by the Street Transportation and Planning and Development Departments.
9. 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.
10. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Deer Valley Airport to future owners or tenants of the property. The form and content of such documents shall be approved by the Planning and Development Department.
11. The developer shall grant and record an aviation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
12. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
13. 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.
14. 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.
15. 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.
16. 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 March, 2022.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-SP-3-21-1

The East half of the North half of the Southwest quarter of Section 8, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;
Except the North 40 feet; and
Except the East 40 feet; and
Except one-sixteenth of all oil, gas, other hydrocarbon substances, helium or other substances of a gaseous nature, coal, metals, minerals, fossils, fertilizer of every name and description, together with all uranium, thorium or any other material which is, or may be determined, by the laws of the United States or of the State of Arizona or decisions of court, to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, as reserved to the State of Arizona in Arizona Revised Statutes and in the Patent to said land recorded May 18, 1981 in Docket 15242, Page 556, records of Maricopa County, Arizona.

Also described in ALTA/ NSPS Survey prepared by MKA dated August 10, 2020, last revised August 13, 2020, as Job No. 6565-20-6895, as follows:

A portion of the Southwest quarter of Section 8, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being the same property described in Special Warranty Deed, recorded in Instrument No. 2018-0879254, records of Maricopa County, Arizona, more particularly described as follows;
BEGINNING at the Northwest corner of said Special Warranty Deed;
Thence along the North line of said Special Warranty Deed, South 89 degrees 06 minutes 00 seconds East 1226.28 feet to the Northeast corner of said Special Warranty Deed;
Thence along the East line of said Special Warranty Deed, South 00 degrees 43 minutes 19 seconds West 1299.95 feet to the Southeast corner of said Special Warranty Deed;
Thence along the South line of said Special Warranty Deed, North 89 degrees 38 minutes 13 seconds West 1254.16 feet to the Southwest corner of said Special Warranty Deed;
Thence along the West line of said Special Warranty Deed, North 01 degrees 56 minutes 20 seconds East 1311.91 feet to the POINT OF BEGINNING.

Being the same tract of land described in a Commitment for Title Insurance prepared by Chicago Title Insurance Company, Order No. 20001335-040-DO, dated August 14, 2020, Amendment dated August 19, 2020, and the easements, covenants and restrictions referenced in said Title Commitment or apparent from a physical inspection of the subject property or otherwise known to me have been plotted hereon or otherwise noted as to their effect on the subject property.

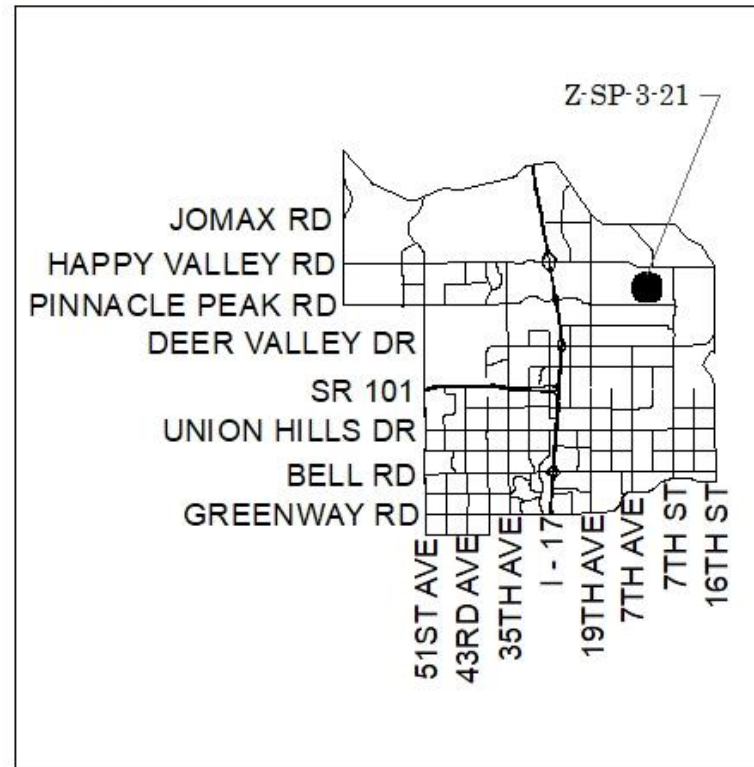
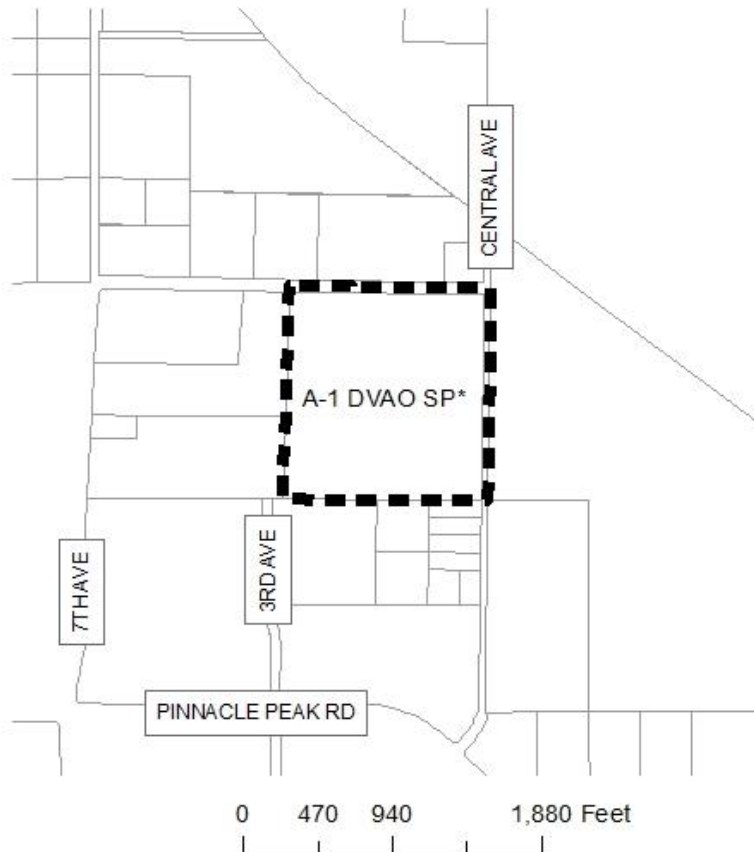
The legal description describes the same property as insured in such title insurance commitment and all property specific exceptions have been noted herein.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-SP-3-21
Zoning Overlay: Deer Valley Airport Overlay District (DVAO)
Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 2/1/2022