

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-42-20-2) FROM S-1 (RANCH OR FARM RESIDENCE) TO R-3A (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 11.01-acre site located at the northeast and southeast corners of Black Canyon Highway and the Dynamite Boulevard alignment in portions of Section 26 and 35, Township 5 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "S-1" (Ranch or Farm Residence) to "R-3A" (Multifamily Residence 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 maximum building height shall be 38 feet.
2. The development shall be limited to a maximum of 260 units.
3. All elevations of the buildings shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or other overhang canopies, as approved by the Planning and Development Department.
4. A sidewalk shall be provided along Black Canyon Freeway frontage road, if requested by ADOT and shall be installed per ADOT standards.
5. An enhanced landscaped entry shall be provided at the main entryway into the development off of the frontage road with a minimum 300 square feet of landscaped area on each side of the entrance. The landscaped areas shall be planted and maintained with a variety of at least three different plant materials, as approved by the Planning and Development Department.
6. A minimum landscape setback of 20 feet shall be required along the west property line, along the 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.
7. A minimum landscape setback of 20 feet shall be required along the south property line and shall include minimum 2-inch caliper trees planted a minimum of 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
8. There shall be a minimum of two private open space amenity areas. Each area shall provide, at a minimum, two of the following active amenity elements or other similar elements, as approved by the Planning and Development Department:
 - a. Swimming Pool
 - b. Fire Pit
 - c. Pavilion or Ramada
 - d. Barbecue and Picnic Area

9. Perimeter walls adjacent to the frontage road and private drive to the south shall incorporate stone veneer, stonework, integral color CMU block or faux stone, and be compatible with the existing wall on the property line to the north, as approved by the Planning and Development Department.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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 December 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-42-20-2

PARCEL NO. 1:

That certain portion of the North half of the Northeast quarter of Section 35, Township 5 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING on the North line of the Northwest quarter of the Northeast quarter of said Section 35, Township 5 North, Range 2 East, Maricopa County, Arizona, at the junction of said line and the East right-of-way line of the Phoenix-Rock Springs Highway, commonly known as the Black Canyon Highway, where said East right-of-way line intersects the North line of said Northwest quarter;

Thence East along the North line of said Section 35 to a point 167 .13 feet East of the Northeast corner of said Northwest quarter of the Northeast quarter of said Section 35, this being the POINT OF BEGINNING;

Thence South parallel to the East line of said Northwest quarter of said Northeast quarter 364.17 feet;

Thence West parallel to the North line of said Section 35, a distance of 30 feet;

Thence South parallel to the East line of said Northwest quarter of said Northeast quarter, 200 feet;

Thence West parallel to the North line of said Section 35, to the East right-of-way line of said Phoenix-Rock Springs Highway, commonly known as the Black Canyon Highway;

Thence in a North-Northwesterly direction along said East right-of-way line to a point where said right-of-way line intersects with the North line of the Northwest quarter of the Northeast quarter of said Section 35,

Thence East along the North line of said Section 35 to the POINT OF BEGINNING;

EXCEPT that portion lying West of the New Right-of-Way Line description as set forth in the Final Order of Condemnation by the State of Arizona in Recording No. 20080572035 records of Maricopa County, Arizona, described as follows:

Commencing at a Maricopa County Highway Department (MCHD) brass cap marking the Northeast corner of said Section 35, being North 89 degrees 25 minutes 09 seconds East 2651.23 feet from a City of Phoenix (COP) brass cap marking the North quarter corner of said Section 35;

Thence along the North line of said Section 35, South 89 degrees 25 minutes 09 seconds West 1651.64 feet to the POINT OF BEGINNING;

Thence South 9 degrees 52 minutes 47 seconds East 2680.19 feet to the POINT OF ENDING on the East-West mid-section line of said Section 35, being South 9 degrees 18 minutes 35 seconds West 1214.69 feet from a MCHD aluminum cap marking the East quarter corner of said Section 35.

PARCEL NO. 2:

The West 167.13 feet of the South 400.00 feet of the Southeast quarter of the Southeast quarter of Section 26, Township 5 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

PARCEL 3 per Deed 2019-1002480:

That certain portion of the South half of the southeast quarter of Section 26, Township 5 North, Range 2 East, Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the Southeast corner of the southwest quarter of the Southeast quarter of said Section 26:

Thence North on the East line of the Southwest quarter of the southeast quarter of said Section 26, a distance of 400 feet;

Thence West parallel to the South line of said Section 26 to the East right-of-way line of the Phoenix-Rock Springs Highway commonly known as the Black Canyon Highway;

Thence South-Southeasterly along said East right-of-way line of the Intersection of said right-of-way line and the south line to said Section 26;

Thence East along the South line of said Section 26 to the POINT OF BEGINNING.

EXCEPT any portion thereof lying within the Phoenix-Rock Springs Highway; and

EXCEPT that portion condemned in Final Order of Condemnation recorded June 04, 2008 in Recording No. 2008-0493306, of Maricopa County records, Arizona.

ORDINANCE LOCATION MAP

EXHIBIT B

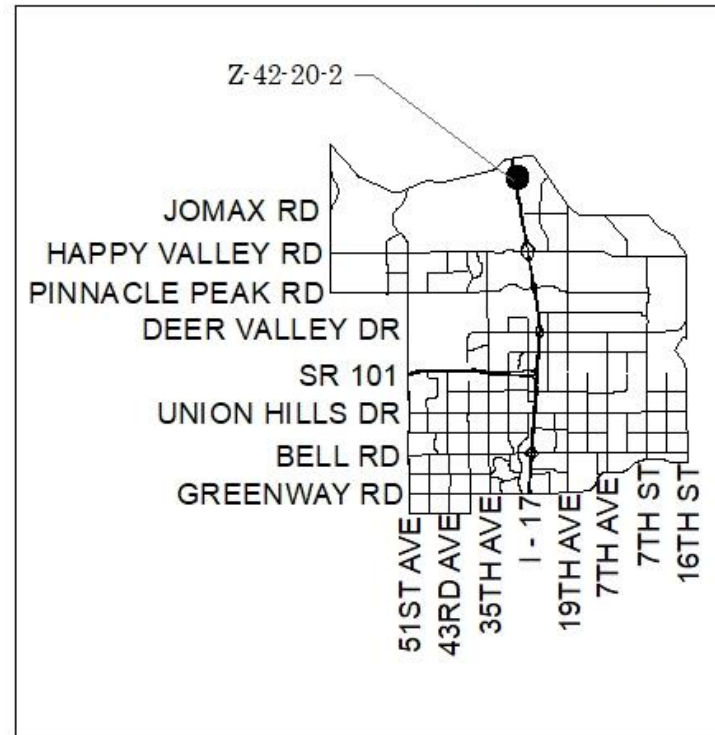
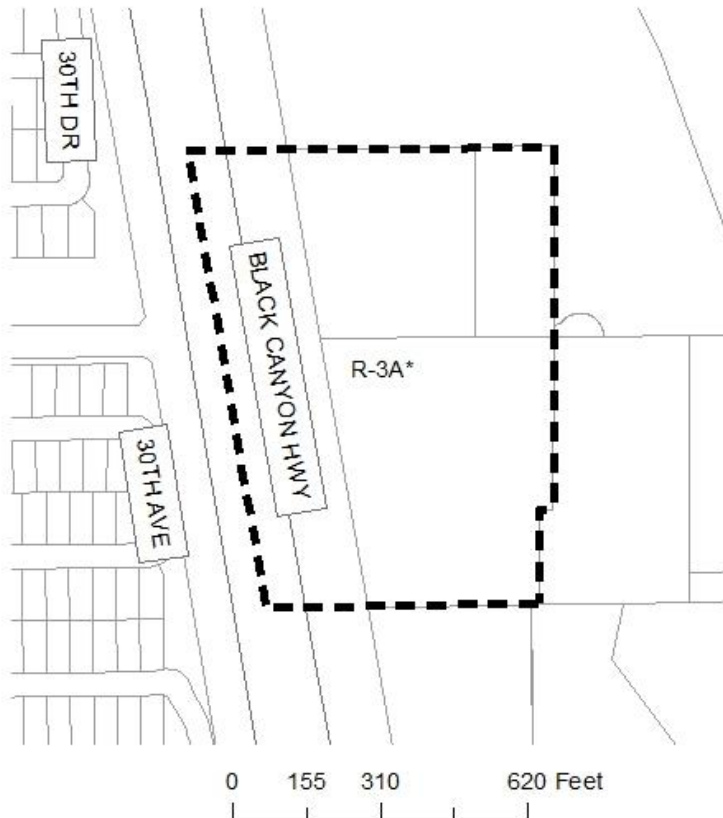
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-42-20-2

Zoning Overlay: N/A

Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 10/30/2020