

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-14-22-1) FROM C-2 DVAO (INTERMEDIATE COMMERCIAL DISTRICT, DEER VALLEY AIRPORT OVERLAY DISTRICT) AND A-1 DVAO (LIGHT INDUSTRIAL DISTRICT, DEER VALLEY AIRPORT OVERLAY DISTRICT) TO A-1 DVAO (LIGHT INDUSTRIAL DISTRICT, DEER VALLEY AIRPORT OVERLAY).

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

SECTION 1. The zoning of a 9.35-acre site located on the northeast corner of Black Canyon Highway and Adobe Drive in a portion of Section 13, Township 4 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from 4.50 acres of "C-2 DVAO" (Intermediate Commercial District, Deer Valley Airport Overlay District) and 4.85 acres of "A-1 DVAO" (Light Industrial District, Deer Valley Airport Overlay District), to "A-1 DVAO" (Light Industrial 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. An average 30-foot-wide landscape setback shall be provided along the I-17 frontage road, as approved by the Planning and Development Department.
2. A minimum 20-foot-wide landscape setback shall be provided along Adobe Drive, as approved by the Planning and Development Department.
3. All landscape improvements shall be installed with the first phase of development.
4. The required landscape setbacks shall be planted with minimum 50% 2-inch caliper and 50% 3-inch caliper size trees and with five 5-gallon shrubs per tree, as approved by Planning and Development Department.
5. All uncovered employee and customer surface parking lot areas shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees and five 5-gallon shrubs per tree. Landscaping shall be dispersed throughout the parking areas and achieve 25 percent shade at maturity, as approved by Planning and Development Department.
6. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
7. Two outdoor employee resting areas of no less than 400 square feet shall be provided on site. One area shall be located along the north portion of the site and one on the south portion of the site. The employee resting areas shall not be located within loading and truck maneuvering areas. Each required resting area shall include a minimum of two pedestrian seating benches, constructed of quality and durable materials, and shaded to a minimum of 75% using minimum 2-inch caliper size, large canopy drought-tolerant shade trees and/or architectural shade, as approved by the Planning and Development

Department.

8. The following bicycle infrastructure shall be provided and maintained, as described below and as approved by the Planning and Development Department.
 - a. A minimum of 10 bicycle parking spaces shall be provided through Inverted U, artistic racks, and/or within a secure bicycle storage area. The racks shall be located near a primary building entrance or in the central amenity area and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K or the Comprehensive Bicycle Master Plan, as approved by the Planning and Development Department.
 - b. A bicycle repair station (fix-it station) shall be provided as an employee amenity on site. The station shall include but is not limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
9. The west building elevation, visible from the I-17 frontage road that exceeds 100-feet in length shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, window fenestration, shadow boxes and overhead/canopies, as approved by the Planning and Development Department.
10. The sidewalk along the I-17 frontage road shall be a minimum of 5 feet in width and detached with a minimum 10-foot-wide landscape strip located between the sidewalk and the back of curb, planted to the following standards, as approved or modified by the Planning and Development Department and the Arizona Department of Transportation.
 - a. Minimum 2-inch caliper drought-tolerant shade trees that provide sidewalk shade to a minimum of 75% at maturity.
 - b. Drought tolerant vegetation to achieve 75% live coverage at maturity.

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

11. The sidewalk along Adobe Drive shall be a minimum of 5 feet in width and detached with a minimum 5-foot-wide landscape strip located between the sidewalk and back of curb and planted to the following standards, as approved or modified by the Planning and Development Department.

- a. Minimum 2-inch caliper drought-tolerant shade trees that provide sidewalk shade to a minimum of 75% at maturity.
- b. Drought tolerant vegetation to achieve 75% live coverage at maturity.

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

- 12. 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.
- 13. The developer shall underground existing electrical utilities within the public right-of-way that are impacted or require relocation as part of the project. The developer shall coordinate with affected utility companies for review and permitting.
- 14. This parcel is in a Special Flood Hazard Area (SFHA) called Zone AH, on panel 1280M of the Flood Insurance Rate Maps (FIRM) dated September 18, 2020. The following requirements shall apply, as approved by the Planning and Development Department:
 - a. The Architect/Engineer is required to show the floodplain boundary limits on the Grading and Drainage plan and ensure that impacts to the proposed facilities have been considered, following the National Flood Insurance Program (NFIP) Regulations (44 CFR Paragraph 60.3). This includes, but not limited to provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code.
 - b. A copy of the Grading and Drainage Plan shall to be submitted to the Floodplain Management section of Public Works Department for review and approval of Floodplain requirements.
 - c. Elevation Certificate (FEMA Form 086-0-33) based on construction plans must be received and approved by Floodplain Management prior to issuance of Grading & Drainage permit. In Zone A, a base flood elevation determination letter (sample letter is provided by Floodplain Management upon request) and exhibit will also be required prior to issuance of Grading & Drainage permit.
 - d. The developer shall provide a FEMA approved CLOMR-F or CLOMR prior to issuance of a Grading and Drainage permit. CLOMR-F and

CLOMR also requires the following compliance with Section 7 & 9 of the Endangered Species Act (ESA).

15. If determined necessary by the Phoenix Archeology 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 Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
16. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.
17. In the event archeological 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.
18. 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.
19. The developer shall grant and record an avigation 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.
20. 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.
21. 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 1st day of July, 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 (3 Pages)
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-14-22-1

APN: 209-04-036A, 209-04-038A

LOT 35, AND THE SOUTH HALF OF LOT 36, TOWNSITE OF ADOBE, STATE PLAT 11, ACCORDING TO BOOK 68 OF MAPS, PAGE 45, RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 4 NORTH, RANGE 2 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT 1/16 OF ALL GAS, OIL, METALS AND MINERAL RIGHTS AS RESERVED TO STATE OF ARIZONA IN PATENT OF SAID LAND; AND

EXCEPT THAT PORTION CONVEYED TO THE STATE OF ARIZONA, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, BY WARRANTY DEED RECORDED APRIL 25, 2007, AS INSTRUMENT NO. 20070480060.

APN: 209-04-074D

A PORTION OF LOT 1, HAUGEN INDUSTRIAL A - A ONE LOT SUBDIVISION, RECORDED IN BOOK 681 OF MAPS, PAGE 37, RECORDS OF MARICOPA COUNTY, ARIZONA LOCATED IN THE SOUTHWEST QUARTER 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:

COMMENCING AT THE ALUMINUM CAP FLUSH MARKING THE WEST QUARTER CORNER OF SECTION 13, FROM WHICH A CITY OF PHOENIX, BRASS CAP FLUSH MARKING THE CENTER OF SAID SECTION 13, BEARS SOUTH 89 DEGREES 56 MINUTES 42 SECONDS EAST, 2,657.04 FEET, SAID DESCRIBED LINE BEING THE BASIS FOR THE BEARINGS OF THIS DESCRIPTION;

THENCE SOUTH 89 DEGREES 56 MINUTES 42 SECONDS EAST 1,500.22 FEET ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 13, TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT THE CENTER OF WHICH BEARS SOUTH 83 DEGREES 37 MINUTES 18 SECONDS WEST 23,104.32 FEET;

THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01 DEGREES 14 MINUTES 28 SECONDS, AN ARC DISTANCE OF 500.48 FEET TO THE NORTHWEST CORNER OF SAID LOT 1;

THENCE SOUTH 89 DEGREES 57 MINUTES 24 SECONDS EAST, 100.86 FEET ALONG THE NORTH LINE OF SAID LOT 1, TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89 DEGREES 57 MINUTES 24 SECONDS EAST 363.15 FEET ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH 00 DEGREES 24 MINUTES 35 SECONDS EAST 165.79 FEET ALONG THE EAST LINE OF SAID LOT 1;

THENCE NORTH 89 DEGREES 57 MINUTES 24 SECONDS WEST 404.41 FEET TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 17, AS RECORDED IN DOCUMENT NO. 2007-839371;

THENCE NORTH 06 DEGREES 51 MINUTES 11 SECONDS WEST 121.67 FEET ALONG SAID RIGHT OF WAY LINE;

THENCE SOUTH 89 DEGREES 57 MINUTES 24 SECONDS EAST 54.91 FEET;

THENCE NORTH 00 DEGREES 24 MINUTES 21 SECONDS WEST 45.00 FEET TO THE POINT OF BEGINNING.

APN: 209-04-074E

A PORTION OF LOT 1, HAUGEN INDUSTRIAL A - A ONE LOT SUBDIVISION, RECORDED IN BOOK 681 OF MAPS, PAGE 37, RECORDS OF MARICOPA COUNTY, ARIZONA LOCATED IN THE SOUTHWEST QUARTER 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:

COMMENCING AT THE ALUMINUM CAP FLUSH MARKING THE WEST QUARTER CORNER OF SECTION 13, FROM WHICH A CITY OF PHOENIX, BRASS CAP FLUSH MARKING THE CENTER OF SAID SECTION 13, BEARS SOUTH 89 DEGREES 56 MINUTES 42 SECONDS EAST, 2,657.04 FEET, SAID DESCRIBED LINE BEING THE BASIS FOR THE BEARINGS OF THIS DESCRIPTION;

THENCE SOUTH 89 DEGREES 56 MINUTES 42 SECONDS EAST 1,500.22 FEET ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 13, TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT THE CENTER OF WHICH BEARS SOUTH 83 DEGREES 37 MINUTES 18 SECONDS WEST 23,104.32 FEET;

THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01 DEGREES 14 MINUTES 28 SECONDS, AN ARC DISTANCE OF 500.48 FEET TO THE NORTHWEST CORNER OF SAID LOT 1;

THENCE SOUTH 89 DEGREES 57 MINUTES 24 SECONDS EAST 40.86 FEET ALONG THE NORTH LINE OF SAID LOT 1;

THENCE SOUTH 06 DEGREES 51 MINUTES 11 SECONDS EAST 167.00 FEET
ALONG THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 17 AS RECORDED
IN DOCUMENT NO. 2007-839371 TO THE POINT OF BEGINNING;

THENCE SOUTH 89 DEGREES 57 MINUTES 24 SECONDS EAST 404.41 FEET TO
THE EAST LINE OF SAID LOT 1;

THENCE SOUTH 00 DEGREES 24 MINUTES 35 SECONDS EAST 165.79 FEET
ALONG THE EAST LINE OF SAID LOT 1 TO THE SOUTHEAST CORNER OF SAID
LOT 1; THENCE NORTH 89 DEGREES 57 MINUTES 24 SECONDS WEST 386.73
FEET ALONG THE SOUTH LINE OF SAID LOT 1 TO THE EASTERLY RIGHT OF
WAY LINE OF SAID INTERSTATE 17 AND THE BEGINNING OF A NON-TANGENT
CURVE TO THE LEFT THE CENTER OF WHICH BEARS SOUTH 84 DEGREES 56
MINUTES 21 SECONDS WEST 23,151.05 FEET;

THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY AND THE ARC OF
SAID CURVE THROUGH A CENTRAL ANGLE OF 00 DEGREES 05 MINUTES 09
SECONDS, AN ARC DISTANCE OF 34.74 FEET;

THENCE NORTH 06 DEGREES 51 MINUTES 11 SECONDS WEST 132.15 FEET
CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE POINT OF
BEGINNING.

APN: 209-04-040A

THOSE PORTIONS OF LOT 1, HAUGAN INDUSTRIAL A – A ONE SIBDIVISION,
RECORDED IN BOOK 681 OF MAPS, PAGE 37, RECORDS OF MARICOPA
COUNTY, ARIZONA LOCATED IN THE SOUTHWEST QUARTER OF SECTION 13,
TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND
MERIDIAN, MARICOPA COUNTY, ARIZONA.

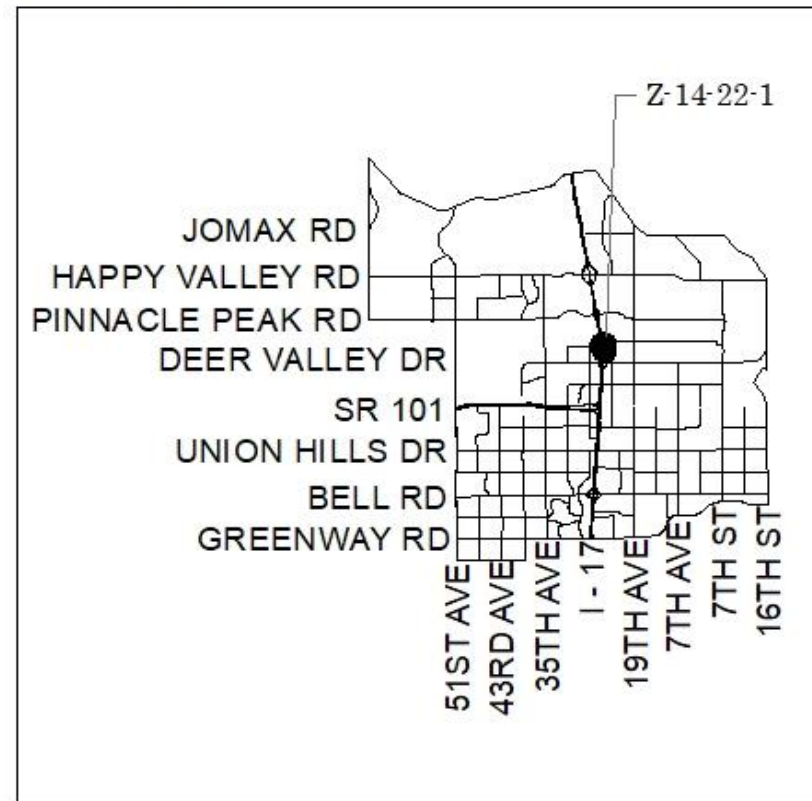
LOT 38 STATE PLAT 11, TOWNSITE OF ADOBE, ACCORDING TO THE PLAT OF
RECORD IN THE OFFICE OF THE MARICOPA COUNTY, ARIZONA, RECORDED IN
BOOK 68 OF MAPS, PAGE 45.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-14-22-1
Zoning Overlay: Deer Valley Airport Overlay District (DVAO)
Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 5/31/2022