

## 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-68-20-1) FROM A-1 DVAO (LIGHT INDUSTRIAL DISTRICT, DEER VALLEY AIRPORT OVERLAY) TO PUD DVAO (PLANNED UNIT DEVELOPMENT, DEER VALLEY AIRPORT OVERLAY DISTRICT).

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

SECTION 1. The zoning of a 59.24 acre site located on the southeast corner of 7th Avenue and Pinnacle Peak Road in a portion of Section 17, Township 4 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from 59.24 acres of "A-1 DVAO" (Light Industrial District, Deer Valley Airport Overlay) to 59.24 acres of "PUD" (Planned Unit Development).

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 updated Development Narrative for the ASLD Supplier Site C PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative dated February 1, 2021 as modified by the following stipulations.
  - a. Front Cover: Remove "HEARING DRAFT" and revise submittal date information on bottom of the cover page as follows:  
1st Submittal: December 11, 2020  
Hearing Draft: February 1, 2021  
City Council adopted: TBD
  - b. Add standards to the narrative that indicate that the property adjacent to the City of Phoenix strip that bifurcate the PUD area shall be treated as non-collector/non-arterial street for purposes of landscape and setback requirements.
  - c. Update all exhibits and acreage to reflect the updated property boundary exclusive of the City of Phoenix Deer Valley Airport parcel.
2. The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) along Pinnacle Peak Road and construct a minimum 10-foot wide multi-use trail (MUT) within the easement in accordance with the MAG supplemental detail and as modified and approved by the Planning and Development Department. Where conflicts or restrictions exist, the developer shall work with the Site Planning section on an alternate design through the technical appeal process.
3. The developer shall dedicate 55-feet of right-of-way and construct the south half of Pinnacle Peak Road for the full limits of the project, west of Central Avenue, per Cross Section C standards identified on the City of Phoenix Street Classification Map, as approved by the Planning and Development Department.
4. The developer shall dedicate 50-feet of right-of-way and construct the south half of Pinnacle Peak Road for the full limits of the project, east of Central Avenue, per Cross Section D standards identified on the City of Phoenix Street

Classification Map, as approved by the Planning and Development Department.

5. The developer shall dedicate 40-feet of right-of-way and construct the east side of 7th Avenue for the full limits of the project per the City of Phoenix collector street standards, as approved by the Planning and Development Department.
6. The developer shall dedicate and construct the remainder of the existing cul-de-sac at the southern end of 7th Avenue, as approved by Planning and Development Department.
7. The developer shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact Street Transportation Department to set up a meeting to discuss requirements of the study. The TIS shall include a signal warrant analysis for the intersections of 7th Avenue and Pinnacle Peak Road, 7th Street and Pinnacle Peak Road and Central Avenue and Pinnacle Peak Road. The developer shall be responsible for and additional dedications and cost of improvements as required by the approved Traffic Impact Study.
8. All designated public roadways shall meet the City of Phoenix, Storm Water Design Manual for wash crossings.
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 developer shall submit 7460 Forms to FAA and receive FAA no hazard determination or mitigations approved by FAA for both temporary (eg, construction cranes) and permanent (eg, structures) development, prior to final site plan approval as modified and approved by the Aviation and Planning and Development departments.
11. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport, as required by the State, prior to final site plan approval as modified and approved by the Aviation and Planning and Development Departments.
12. 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.
13. **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 17th day of March 2021.

\_\_\_\_\_  
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-68-20-1

A parcel of land lying within the northwest quarter of Section 17, Township 4 North, Range 3 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

**BEGINNING** at the northwest corner of said Section 17, a 3-inch Maricopa County (MC) brass cap 0.4' down stamped T4N R3E S7 S8 S18 S17 LS 33307 2004, from which the north quarter corner of said section, a 2-inch Maricopa County aluminum cap 0.9' down stamped T4N R3E S8 1/4 S17 LS 33307 2004, bears North 89°53'01" East (basis of bearing), a distance of 2645.71 feet;

**THENCE** along the north line of said section, North 89°53'01" East, a distance of 1289.85 feet, to a point on the northerly line of that certain parcel of land described in Document 1985-0391036 Maricopa County Records (MCR) and a point hereby designated as Point A for future reference in this description;

**THENCE** leaving said north line, along said northerly line, South 00°06'59" East, a distance of 832.06 feet;

**THENCE** South 89°53'01" West, a distance of 1285.66 feet, to the northwest corner of said certain parcel and the west line of said section;

**THENCE** leaving said northerly line, along said west line, North 00°24'17" West, a distance of 832.07 feet, to the **POINT OF BEGINNING**.

#### **TOGETHER WITH**

**COMMENCING** at said Point A;

**THENCE** along said north line and said northerly line, North 89°53'01" East, a distance of 66.00 feet, to a point on the northerly line of said certain parcel and the **POINT OF BEGINNING**;

**THENCE** leaving said northerly line, continuing along said north line, North 89°53'01" East, a distance of 500.36 feet, to the northwest corner of that certain parcel of land described in Document 2008-0563957, MCR;

**THENCE** leaving said north line, along the west line of said certain parcel, South 00°06'59" East, a distance of 50.00 feet, to the southwest corner of said certain parcel and a point of intersection with a non-tangent curve;

**THENCE** leaving said west line, along the southerly line of said certain parcel, easterly along said non-tangent curve to the right, having a radius of 700.00 feet, concave southerly, whose radius bears South 00°06'59" East, through a central angle of 11°52'57", a distance of 145.17 feet, to the south line of the north 65-feet of said section and a point of intersection with a non-tangent line;

**THENCE** leaving said southerly line, along said south line, North 89°53'01" East, a distance of 161.27 feet, to the centerline of Pinnacle Peak Road, recorded in Book 1037, page 21, MCR and a point of intersection with a non-tangent curve;

**THENCE** leaving said south line, along said centerline, southeasterly along said non-tangent curve to the right, having a radius of 750.00 feet, concave southwesterly, whose radius bears South 23°54'49" West, through a central angle of 18°30'28", a distance of 242.27 feet, to the curves end;

**THENCE** continuing along said centerline and along the centerline of Pinnacle Peak Road, recorded in Book 1016, page 23, MCR, South 47°34'43" East, a distance of 386.60 feet, to the

north-south mid-section line of said section;

**THENCE** leaving said centerline, along said mid-section line, South  $00^{\circ}25'04''$  East, a distance of 829.34 feet, to said northerly line;

**THENCE** leaving said mid-section line, along said northerly line, South  $89^{\circ}51'47''$  West, a distance of 1029.54 feet, to the beginning of a curve;

**THENCE** northwesterly along said curve to the right, having a radius of 267.00 feet, concave northeasterly, through a central angle of  $90^{\circ}01'14''$ , a distance of 419.50 feet, to the curves end;

**THENCE** North  $00^{\circ}06'59''$  West, a distance of 1021.44 feet, to the **POINT OF BEGINNING**.

Containing 2,586,089 square feet or 59.3684 acres, more or less.

Subject to existing right-of-ways and easements.

This Legal description was prepared without the benefit of survey fieldwork and is based on the Record of Survey of PLSS Subdivision Maricopa County Geodetic Densification and Cadastral Survey recorded in Book 704, page 32, Maricopa County Records and other client provided information. Any monumentation noted in this parcel description is based on said Record of Survey.

# ORDINANCE LOCATION MAP

EXHIBIT B

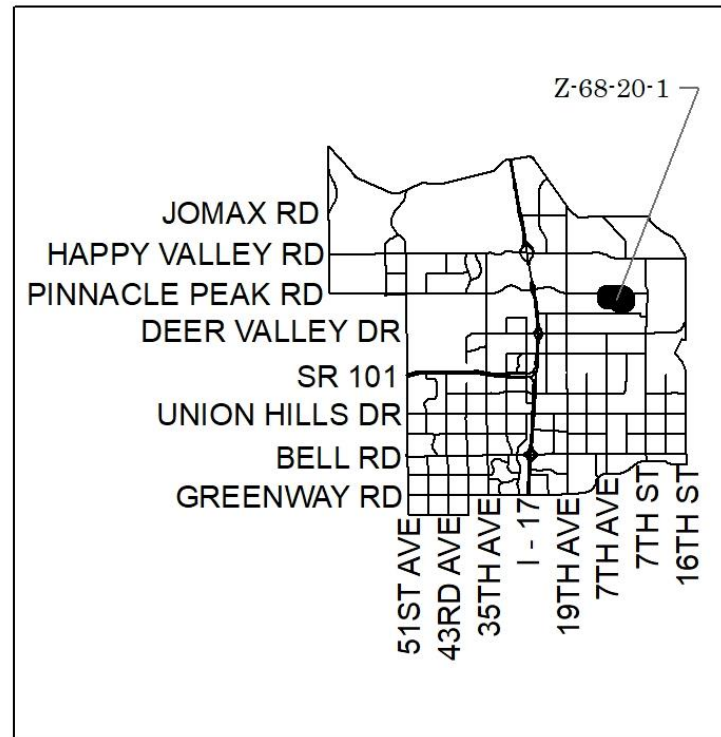
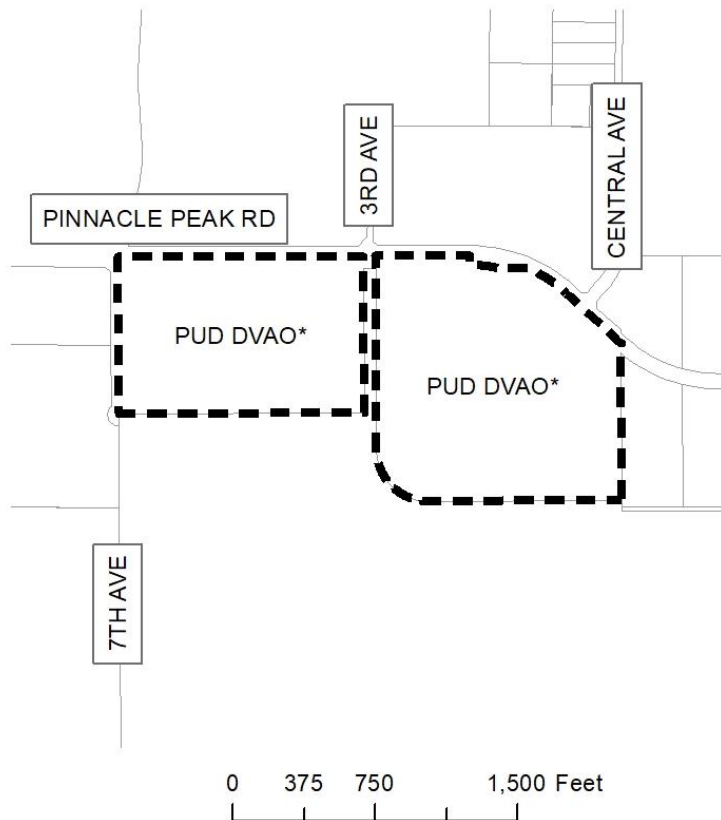
ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-68-20-1

Zoning Overlay: Deer Valley Airport Overlay District

Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 2/17/2021