

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-82-18-1) FROM A-1 DVAO (LIGHT INDUSTRIAL DISTRICT, DEER VALLEY AIRPORT OVERLAY DISTRICT) TO R-3A DVAO (MULTIFAMILY RESIDENCE DISTRICT, DEER VALLEY AIRPORT OVERLAY DISTRICT).

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

SECTION 1. The zoning of a 16.78-acre property located approximately 477 feet south of the southeast corner of 23rd Avenue and Alameda Road in a portion of Section 12, Township 4 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from A-1 DVAO (Light Industrial, Deer Valley Airport Overlay District) TO R-3A DVAO (Multifamily Residence, Deer Valley Airport Overlay 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 development shall be in general conformance to the site plan date stamped March 6, 2019, as approved by the Planning and Development Department.
2. An 8-foot high noise mitigation wall shall be constructed along the south property line adjacent to the APSM system property.
3. The maximum building height shall be a maximum of 35 feet.
4. The development shall be limited to 298 units.
5. A minimum of 15 percent of the gross project area shall be retained as open
6. A minimum 15-foot landscape setback shall be provided along the southern property line, as approved by the Planning and Development Department.
7. The developer shall install secured bicycle parking at 0.25 spaces for each residential unit and a minimum of four inverted U-bicycle racks for guests located near entrances to the buildings and installed per section 1307.H., as approved by the Planning and Development Department.
8. Right-of-way totaling 55 feet shall be dedicated for the east half of 23rd Ave, as approved by the Planning and Development Department.
9. All sidewalks along 23rd Avenue and Alameda Road shall be detached with a minimum 5-foot wide landscaped strip located between the sidewalk and back of curb, and shall include minimum 3-inch caliper drought tolerant shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department.
10. 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.
11. The subject site is within DVAO "Area 1", development must provide Avigation Notice consistent with DVAO part 658.D.

12. Development must provide an avigation easement to the City prior to construction permit approval.
13. Development must file FAA Form 7460 and provide City FAA's no hazard determination prior to construction permit approval.
14. Prior to occupancy, development must erect signage within the development's sales/leasing office (or equivalent signage) that is visible to prospective renters or purchases and which discloses the proximity of Deer Valley Airport and increased frequency of overflight and related aircraft noise, as approved by the Aviation Department.
15. Prior to occupancy, development must provide City a qualified engineer's or architect's report certifying the average annual interior noise exposure for any residential unit or enclosed public assembly area will not exceed 45 decibels.
16. 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.
17. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's Office. 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 3rd day of April, 2019.

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-82-18-1

A PARCEL BEING A PORTION OF LOT 1, "FLORA VISTA" AS RECORDED IN BOOK 435 OF MAPS, PAGE 44, RECORDS OF MARICOPA COUNTY, ARIZONA, AND THE ADJACENT RIGHTS OF WAY OF 23RD AVENUE AND ALAMEDA ROAD LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 2 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN HANDHOLE AT THE EAST QUARTER CORNER OF SAID SECTION 12, FROM WHICH A BRASS CAP IN HANDHOLE AT THE SOUTHEAST CORNER OF SAID SECTION 27, BEARS SOUTH 00 DEGREES 10 MINUTES 31 SECONDS EAST, A DISTANCE OF 2642.30 FEET;

THENCE NORTH 89 DEGREES 45 MINUTES 32 SECONDS WEST, ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12, A DISTANCE OF 1,416.92 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE SOUTH 00 DEGREES 10 MINUTES 31 SECONDS EAST, A DISTANCE OF 621.20 FEET TO THE SOUTHERLY LINE OF SAID LOT 1;

THENCE CONTINUING SOUTH 00 DEGREES 10 MINUTES 31 SECONDS EAST, ON THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 198.10 FEET;

THENCE SOUTH 89 DEGREES 54 MINUTES 13 SECONDS WEST, ON THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 1,262.12 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12;

THENCE NORTH 00 DEGREES 05 MINUTES 47 SECONDS WEST, ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12, A DISTANCE OF 346.98 FEET;

THENCE NORTH 89 DEGREES 59 MINUTES 24 SECONDS EAST, A DISTANCE OF 631.51 FEET;

THENCE NORTH 00 DEGREES 06 MINUTES 28 SECONDS EAST, A DISTANCE OF 476.97 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12;

THENCE SOUTH 89 DEGREES 45 MINUTES 32 SECONDS EAST, ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 1, A DISTANCE OF 629.59 FEET TO THE POINT OF BEGINNING.

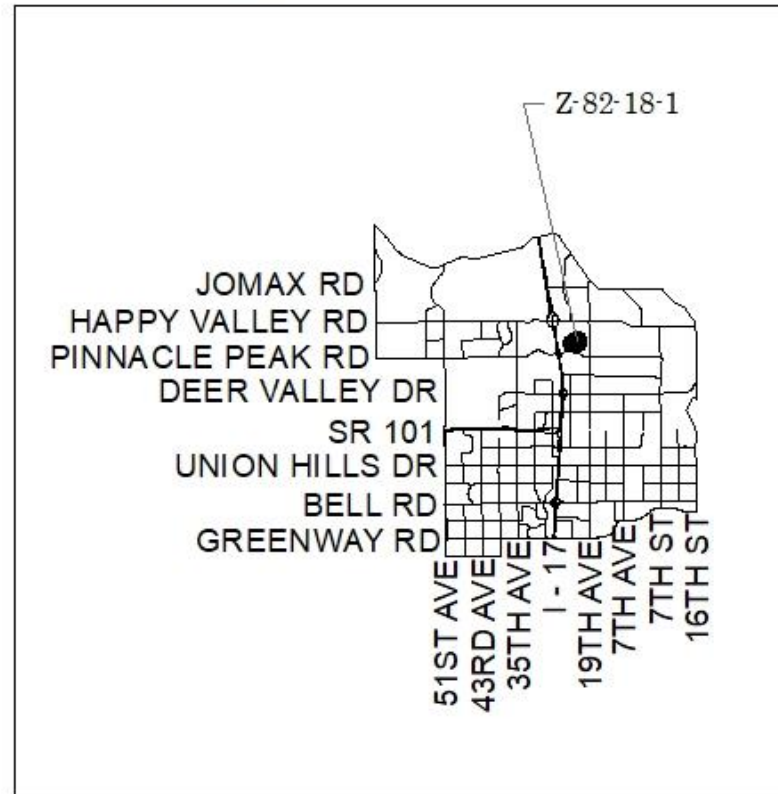
SAID PARCEL CONTAINS 736,210 SQUARE FEET OR 16.901 ACRES, MORE OR LESS.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z 82-18-1
Zoning Overlay: Deer Valley Airport Overlay District
Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 2/6/2019