

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-45-18-2) FROM CP/GCP (COMMERCE PARK/GENERAL COMMERCE PARK DISTRICT); CP/GCP SP (COMMERCE PARK/GENERAL COMMERCE PARK DISTRICT, SPECIAL PERMIT), AND S-1, APPROVED CP/GCP (RANCH OR FARM RESIDENCE DISTRICT, APPROVED COMMERCE PARK/GENERAL COMMERCE PARK DISTRICT) TO R-3 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of an approximately 19.74-acre property located approximately 3,300 feet north of the northeast corner of Black Canyon Highway and Jomax Road in a portion of Section 35, Township 5 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from 16.61 acres of "CP/GCP" (Commerce Park/General Commerce Park District); 0.68 acres of "CP/GCP SP" (Commerce Park/General Commerce Park District, Special Permit); and 2.45 acres of "S-1, Approved CP/GCP" (Ranch or Farm Residence District, Approved Commerce

Park/General Commerce Park District) to 19.74 acres of “R-3” (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 developer shall provide a minimum 70-foot building setback and landscape setback along the west property line, adjacent to the I-17 Freeway. The landscape setback shall include minimum 2-inch and 3-inch caliper trees 20 feet on center, or equivalent groupings, as approved by the Planning and Development Department.
2. The development shall be in general conformance with the elevations date stamped September 17, 2018, with specific regard to the following and as approved by the Planning and Development Department.
 - a. A minimum of two colors;
 - b. A minimum of two building materials;
 - c. Architectural details such as decorative iron or decorative shutters.
3. The developer shall provide a minimum of two pedestrian access points that connect the units to the community amenities, as approved by the Planning and Development Department.
4. Noise mitigation walls shall be provided along the western boundary of the development. The wall height shall be determined through a noise analysis prepared by a registered professional engineer, with the minimum height of the wall being 8 feet. The walls shall be constructed of 8-inch minimum thick concrete masonry units (CMU), or of cast-in-place concrete and contain no openings unless they are above the minimum height required for adequate noise mitigation or for drainage. Where not adjacent to existing walls, the noise walls shall wrap around to the north and south property lines and shall continue for at least 120 feet, as approved by the Planning and Development Department.

5. Perimeter walls, including the noise wall, shall incorporate stone veneer, stonework, integral color CMU block or faux stone, as approved by the Planning and Development Department.
6. Interior walls and privacy fencing shall be integral in color or painted to blend with the natural desert environment, as approved by the Planning and Development Department
7. 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.
8. 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.
9. 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.
10. 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.

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 7th day of November, 2018.

MAYOR

ATTEST:

_____ City Clerk

APPROVED AS TO FORM:

_____ City Attorney

REVIEWED BY:

_____ City Manager

- Exhibits:
A – Legal Description (4 Pages)
B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-45-18-2

PARCEL NO.1:

A portion 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 being more particularly described as follows:

COMMENCING at the brass cap flush marking the North quarter corner of said Section 35,
from which the brass cap flush marking the Center of said Section 35, bears South 00 degrees 39 minutes 42 seconds East 2647.66 feet, said line being the West line of the Northeast quarter of said Section 35 and the basis of the bearings in this description;

THENCE North 89 degrees 25 minutes 11 seconds East, 999.62 feet along the North line of said Northeast quarter;

THENCE South 09 degrees 52 minutes 47 seconds East, 1213.51 feet;

THENCE continuing South 09 degrees 52 minutes 47 seconds East, 264.76 feet to the POINT OF BEGINNING;

THENCE North 80 degrees 09 minutes 56 seconds East, 954.22 feet to the Westerly boundary of the Adobe Dam Skunk Creek Channel;

THENCE South 12 degrees 08 minutes 44 seconds East, along said Westerly boundary 330.95 feet;

THENCE South 80 degrees 09 minutes 56 seconds West, leaving said boundary 967.26 feet to the Easterly right of way of the Black Canyon Highway (I-17) as recorded in Document No. 2006-1537967;

THENCE North 09 degrees 52 minutes 47 seconds West, along said right of way 330.68 feet to the POINT OF BEGINNING.

PARCEL NO. 2:

A portion 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 being more particularly described as follows:

COMMENCING at the brass cap flush marking the North quarter corner of said Section 35,
from which the brass cap flush marking the Center of said Section 35, bears South 00 degrees 39 minutes 42 seconds East 2647.66 feet, said line being the West line of the Northeast quarter of said Section 35 and the basis of the bearings in this description;

THENCE North 89 degrees 25 minutes 11 seconds East, 999.62 feet along the North line of said Northeast quarter;

THENCE South 09 degrees 52 minutes 47 seconds East, 1213.51 feet;

THENCE continuing South 09 degrees 52 minutes 47 seconds East, 595.44 feet to the POINT OF BEGINNING;

THENCE North 80 degrees 09 minutes 56 seconds East, 967.26 feet to the Westerly boundary of the Adobe Dam Skunk Creek Channel;

THENCE South 12 degrees 08 minutes 44 seconds East, along said Westerly boundary 313.49 feet to the Northerly boundary of that parcel of land recorded in Document No. 2007-1200941;

THENCE South 80 degrees 09 minutes 56 seconds West, leaving said boundary and along said Northerly boundary 979.66 feet to the Easterly right of way of the Black Canyon Highway (I-17) as recorded in Document No. 2006-1537967

THENCE North 09 degrees 52 minutes 47 seconds West, along said right of way 313.23 feet to the POINT OF BEGINNING.

PARCEL NO. 3

A portion 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, being more particularly described as follows:

COMMENCING at the brass cap flush marking the North quarter corner of said Section 35,
from which the brass cap flush marking the Center of said Section 35, bears South 00 degrees 39 minutes 42 seconds East 2647.66 feet, said line being the West line of the Northeast quarter of said Section 35 and the basis of th bearings of this description;

THENCE North 89 degrees 25 minutes 11 seconds East 999.62 feet along the North line of said Northeast quarter;

THENCE South 09 degrees 52 minutes 57 seconds East 1213.51 feet to the POINT OF BEGINNING;

THENCE North 89 degrees 25 minutes 11 seconds East 255.53 feet;

THENCE North 80 degrees 07 minutes 05 seconds East 693.13 feet to the Westerly boundary of the Adobe Dam Skunk Creek Channel;

THENCE South 12 degrees 08 minutes 44 seconds East, along said Westerly boundary 224.42 feet;

THENCE South 80 degrees 09 minutes 56 seconds West, leaving said boundary 954.22 feet to the Easterly right of way of the Black Canyon Highway (I-17) as recorded in Docket No. 2006-1537967;

THENCE North 09 degrees 52 minutes 47 seconds West, along said right of way 264.76 feet to the POINT OF BEGINNING;
EXCEPTING THEREFROM that portion described as follows:

A portion 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 being more particularly described as follows:

COMMENCING at the North quarter corner of said Section;

THENCE North 89 degrees 25 minutes 11 seconds East, along the North line of said Section,
999.62 feet

THENCE South 09 degrees 52 minutes 47 seconds East, departing the North line of said Section
and along the East right of way line of Interstate 17, 1213.51 feet to the Northwest corner of that
certain parcel as recorded in Document No. 2006-1562841;

THENCE continuing South 09 degrees 52 minutes 47 seconds East, along said right of way 88.10
feet;

THENCE North 80 degrees 03 minutes 22 seconds East, 85.01 feet

THENCE North 09 degrees 52 minutes 25 seconds West 18.88 feet to the Point of Beginning;

THENCE South 80 degrees 07 minutes 35 seconds West, 30.50 feet;

THENCE North 09 degrees 52 minutes 25 seconds West 22.33 feet;

THENCE North 80 degrees 07 minutes 35 seconds East 41.50 feet;

THENCE South 09 degrees 52 minutes 25 seconds East, 22.33 feet;

THENCE South 80 degrees 07 minutes 35 seconds West, 11.00 feet to the Point of Beginning.

ORDINANCE LOCATION MAP

EXHIBIT B

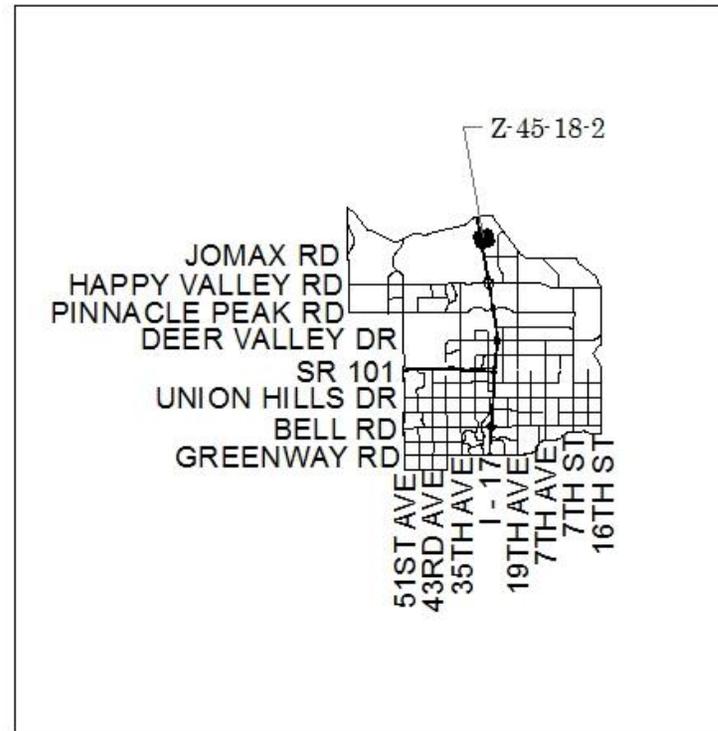
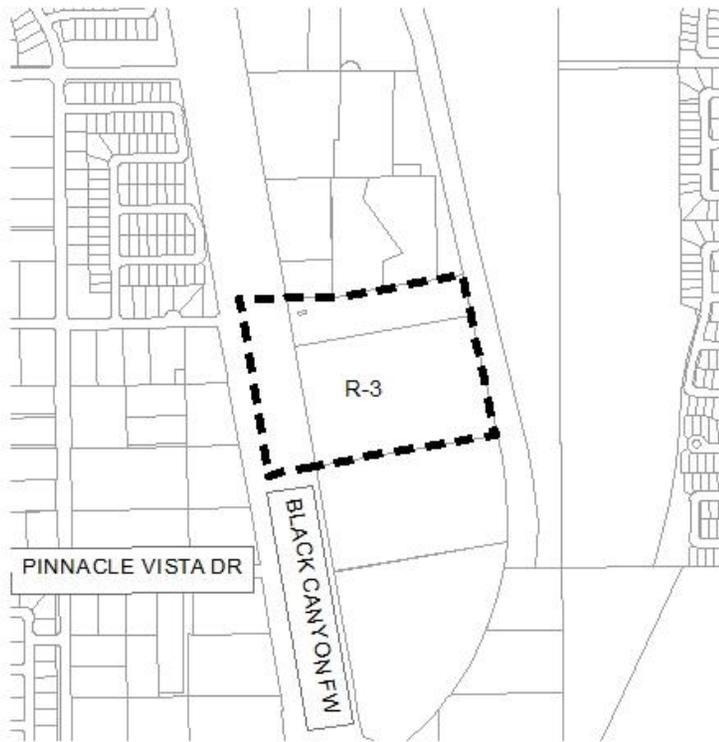
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■■■■■

Zoning Case Number: Z-45-18-2

Zoning Overlay: N/A

Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 10/11/2018