

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-44-20-1) FROM CP/GCP DVAO (APPROVED C-2 OR CP/GCP DVAO) (COMMERCE PARK/GENERAL COMMERCE PARK, DEER VALLEY AIRPORT OVERLAY DISTRICT (APPROVED INTERMEDIATE COMMERCIAL OR COMMERCE PARK/GENERAL COMMERCE PARK, DEER VALLEY AIRPORT OVERLAY DISTRICT)) AND S-1 DVAO (APPROVED C-2 OR CP/GCP DVAO) (RANCH OR FARM RESIDENCE DISTRICT, DEER VALLEY AIRPORT OVERLAY DISTRICT (APPROVED INTERMEDIATE COMMERCIAL OR COMMERCE PARK/GENERAL COMMERCE PARK, DEER VALLEY AIRPORT OVERLAY DISTRICT)) TO C-2 HGT/WVR DNS/WVR DVAO (INTERMEDIATE COMMERCIAL, HEIGHT WAIVER, DENSITY WAIVER, DEER VALLEY AIRPORT OVERLAY DISTRICT)

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

SECTION 1. The zoning of a 9.95-acre site located approximately 350 feet south of the southeast corner of 19th Avenue and Happy Valley Road in a portion of Section 7, Township 4 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "CP/GCP DVAO (Approved C-2 or CP/GCP DVAO"

(Commerce Park/General Commerce Park, Deer Valley Airport Overlay District (Approved Intermediate Commercial or Commerce Park/General Commerce Park, Deer Valley Airport Overlay District)) and “S-1 DVAO (Approved C-2 or CP/GCP DVAO” (Ranch or Farm Residence District, Deer Valley Airport Overlay District (Approved Intermediate Commercial or Commerce Park/General Commerce Park, Deer Valley Airport Overlay District)) to “C-2 HGT/WVR DNS/WVR DVAO” (Intermediate Commercial, Height Waiver, Density Waiver, Deer Valley Airport Overlay District) to allow multifamily residential up to four stories or 48 feet.

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 three stories and 40 feet.
2. The development shall be limited to 292 units.
3. All building elevations shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and overhang canopies, as approved by the Planning and Development Department.
4. A minimum landscape setback of 40 feet shall be required along the west property line, as approved by the Planning and Development Department.
5. A minimum landscape setback of 20 feet shall be required on the south property line, as approved by the Planning and Development Department.
6. All landscaping provided shall be from the plant list provided in the Sonoran Boulevard Development Standards for Happy Valley Road adopted by City Council on December 18, 1996, as approved by the Planning and Development Department.

7. There shall be 25 percent vegetative shade in the parking lot, as approved by the Planning and Development Department.
8. All sidewalks adjacent to 19th Avenue shall be detached with a landscape strip located between the back of curb following the most recent cross section of the street classification map and planted with a minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment. Additionally, minimum 5-gallon shrubs with a maximum mature height of 2 feet providing 75 percent live cover shall be provided, as approved by the Planning and Development Department.
9. Perimeter walls shall incorporate stone veneer, stonework, integral color CMU block or faux stone, as approved by the Planning and Development Department.
10. The developer shall construct a 10-foot wide multi-use trail (MUT) within the existing MUTE as indicated in Section 429 of the City of Phoenix MAG Supplement, and as approved by the Planning and Development Department.
11. Secure/Covered Bicycle Facilities and/or Outdoor/Covered Bicycle Facilities shall be provided for residents at a rate of 0.25 spaces per dwelling unit, up to a maximum of 50 spaces.
12. Artistic style bicycle racks with capacity for a minimum six bicycles for guests shall be located near the leasing office.
13. A bicycle repair station ("fix it station") shall be provided and be maintained in an area of high visibility, convenient pedestrian access, and available from the public sidewalk, as approved by the Planning and development Department.
14. The developer shall provide a minimum of two pedestrian accessways from the site to the multi-use trail along 19th Avenue, as approved by the Planning and Development Department.
15. The existing landscape median island along 19th Avenue shall be extended, and a left-turn pocket shall be constructed to provide access to the development, as approved by the Planning and Development Department.
16. The southernmost driveway along 19th Avenue shall align with driveway on the west side of 19th Avenue, as approved by the Planning and Development Department.
17. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscape 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.

18. The developer shall dedicate right-of-way and construct one bus stop pad along northbound 19th Avenue north of Whispering Wind Road. The bus stop pad shall be compliant with City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. The bus stop pad shall be spaced from the intersection of 19th Avenue and Whispering Wind Road alignment according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide 50 percent shade coverage at the bus stop pad at full maturity. Final location of the bus stop pad shall be approved by Public Transit Department.
19. Where pedestrian pathways cross drive aisles, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave parking surfaces and drive aisles, as approved by the Planning and Development Department.
20. Pedestrian pathways shall be provided to connect building entrances, public sidewalks, bus stops, and community amenities, using the most direct route for pedestrians, as approved by the Planning and Development Department.
21. Traffic calming measures, such as speed humps or speed cushions, shall be provided along the property's driveways to increase the safety of pedestrians on the sidewalks by slowing down vehicles entering and exiting the property, as approved by the Planning and Development Department.
22. 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.
23. 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.
24. The developer must file an FAA Form 7460 and provide the City the FAA's no hazard determination prior to construction permit approval, as per plans approved by the Planning and Development Department.
25. The indoor noise levels shall not exceed a decibel day night-level (DNL) of 45 decibels and that along with the building plans submitted for Phoenix Building Construction Code compliance review to the Planning and Development Department there shall be a sealed and signed analysis by an engineer licensed in Arizona with a proficiency in residential sound mitigation or noise control. The engineer shall note in the analysis that the building design is capable of achieving the required Noise Level Reduction.
26. Prior to issuance of a final certificate of occupancy, the developer must install a sign (approximately 8 inches by 11 inches in size) within the development's sales/leasing office that is visible to prospective renters or purchases which

discloses the proximity of the Deer Valley Airport and increased frequency of overflight and related aircraft noise, as approved by the Aviation Department.

27. 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 6th day of January 2021.

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)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-44-20-1

S OF SEC 19TH AVENUE AND HAPPY VALLEY ROAD – GREENLIGHT
COMMUNITIES

A PORTION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, AIRZONA, LOTS 3, 4, 5 AND 6, OF TIERRA COMMERCE PARK REPLAT, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED AS BOOK 1434 OF MAPS, PAGE 31;

EXCEPT ALL MINERALS AND ALL URANIUM, THORIUM OR OTHER MATERIAL WHICH IS OR MAY BE DETERMINED TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE, PURSUANT TO THE PROVISIONS OF THE ACT OF AUGUST 1, 1946 (60 STAT. 755) AS SET FORTH IN THE PATENT ON SAID LAND.

391,238 SF OR 8.981 ACRES (NET) / 435,048 SF OR 9.987 ACRES GROSS

ORDINANCE LOCATION MAP

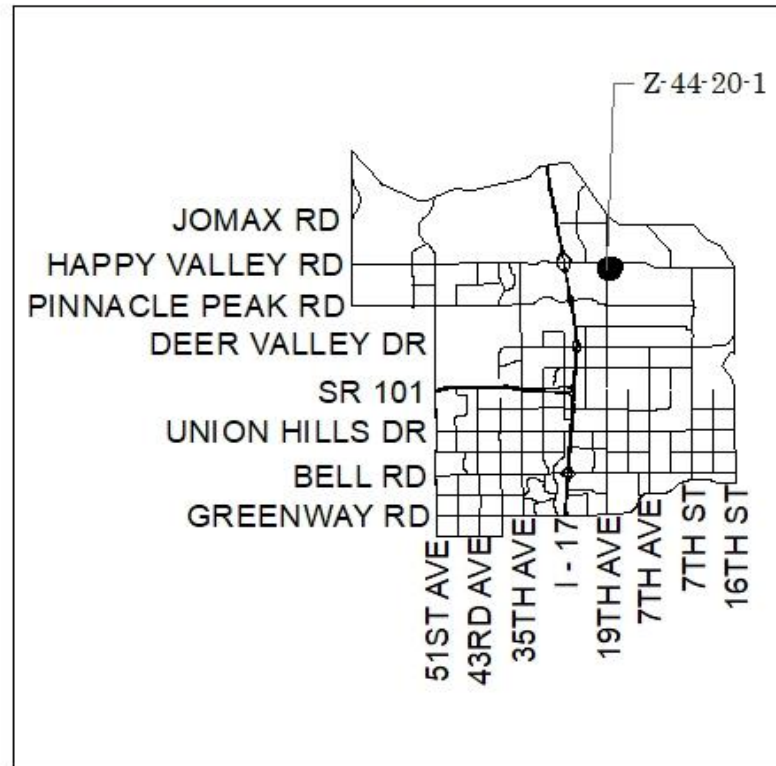
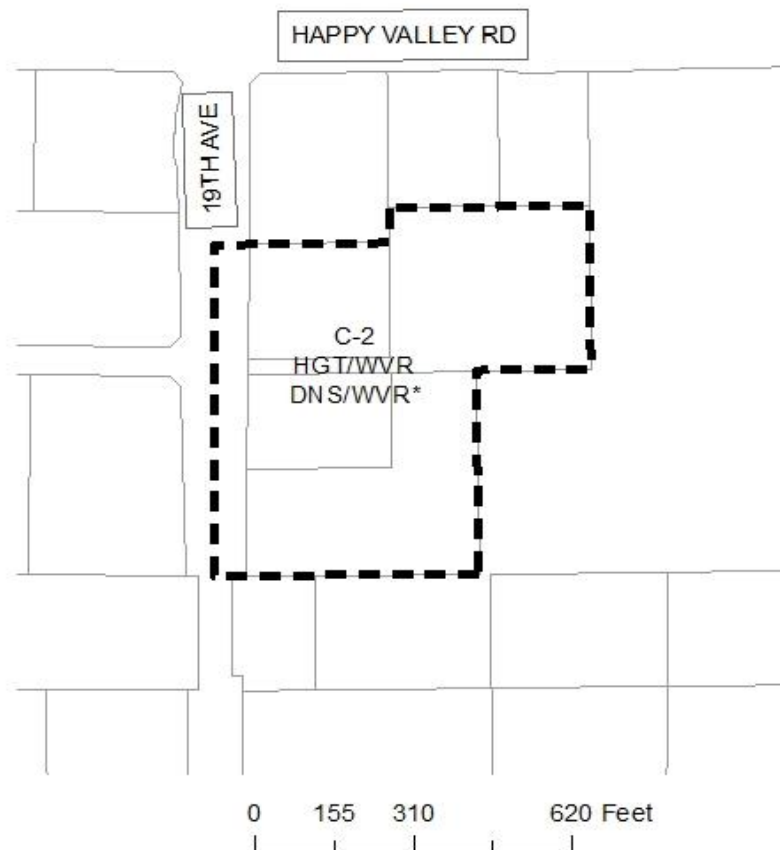
EXHIBIT B

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

Zoning Case Number: Z-44-20-1

Zoning Overlay: Deer Valley Airport Overlay District

Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 12/2/2020