

**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-30-22-1) FROM RE-43 DVAO (ONE FAMILY RESIDENCE, DEER VALLEY AIRPORT OVERLAY DISTRICT), C-1 DVAO (NEIGHBORHOOD RETAIL, DEER VALLEY AIRPORT OVERLAY DISTRICT), CP/BP DVAO (COMMERCE PARK DISTRICT, BUSINESS PARK OPTION, DEER VALLEY AIRPORT OVERLAY DISTRICT), CP/GCP SP DVAO (COMMERCE PARK DISTRICT, GENERAL COMMERCE PARK OPTION, SPECIAL PERMIT, 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 24.88-acre site located approximately 330 feet south of the southwest corner of the I-17 Freeway and Pinnacle Peak Road in a portion of Section 13, Township 4 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from 6.24 acres of "RE-43 DVAO" (One Family Residence, Deer Valley Airport Overlay District), 11.10 acres of "C-1 DVAO" (Neighborhood Retail, Deer Valley Airport Overlay District), 5.07 acres of "CP/BP

DVAO” (Commerce Park District, Business Park Option, Deer Valley Airport Overlay District), and 2.47 acres of “CP/GCP SP DVAO” (Commerce Park District, General Commerce Park Option, Deer Valley Airport Overlay District) to “R-3A DVAO” (Multifamily Residence District, 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. No development shall occur above the 10 percent slope line as determined by a slope analysis approved by the Planning and Development Department.
2. The building height shall not exceed a maximum of 40 feet.
3. A minimum 20-foot-wide landscape setback shall be provided along the I-17 frontage.
4. The required landscape setback along the Interstate 17 freeway frontage shall be landscaped with minimum 50 percent 2-inch caliper and 50 percent 3-inch caliper single-trunk large canopy drought-tolerant shade trees, planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
5. A perimeter wall no less than 6 feet in height shall be provided along the Interstate 17 freeway, except where carriage houses are provided as shown on the site plan date stamped April 6, 2022. This wall shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile or stamped designs, as approved by the Planning and Development Department.
6. A minimum of 10 percent open space shall be provided, as approved by the Planning and Development Department.

7. A minimum of six amenities shall be provided, which may include but not be limited to barbeques, ramadas or pools, and distributed throughout the site, as approved by the Planning and Development Department.
8. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper large canopy drought tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by Planning and Development Department.
9. The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) as shown on the site plan date stamped April 6, 2022 and construct a minimum 10-foot wide multi-use trail (MUT) within the easement in accordance with the MAG supplemental detail, as approved by the Planning and Development Department and/or Parks and Recreation Department. The developer shall work with the Site Planning section on an alternate design for this requirement through the technical appeal process.
10. The developer shall construct right-of-way improvements along the Interstate 17 frontage road for the limits of the subject site including sidewalks, as determined and approved by the Arizona Department of Transportation.
11. The developer shall obtain appropriate ingress/egress easements from the State of Arizona to gain access from Pinnacle Peak Road.
12. The developer shall provide documentation of ADOT review and approval of a traffic study prior to preliminary site plan approval.
13. Bicycle parking spaces shall be provided per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
14. 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.
15. This parcel is in a Special Flood Hazard Area (SFHA) called Zone A, on panel 1280 M 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 needs to be submitted to the Floodplain Management section of Public Works Department for review and approval of Floodplain requirements.
  - c. FEMA approved CLOMR-F or CLOMR is required prior to issuance of a Grading and Drainage permit.
16. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Deer Valley Airport (DVT) to future owners or tenants of the property.
  17. 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. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
  18. The developer shall provide Avigation Notice consistent with Section 658.D, Deer Valley Airport Overlay District, of the Phoenix Zoning Ordinance, prior to final site plan approval.
  19. 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 purchasers which discloses the proximity of the Phoenix Deer Valley Airport (DVT) and increased frequency of overflight and related aircraft noise, as approved by the Aviation Department.
  20. Prior to occupancy, the developer must provide a qualified engineer's report certifying the average annual interior noise exposure for any residential unit or enclosed public assembly area will not exceed 45 decibels.
  21. 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.
  22. 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.

23. 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.
24. 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 7th day of September, 2022.

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MAYOR

ATTEST:

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Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Cris Meyer, City Attorney

By:  
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REVIEWED BY:

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Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-30-22-1

A PORTION OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 13 FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 13 BEARS SOUTH 89°50'16" EAST, A DISTANCE OF 2640.10 FEET;

THENCE ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 13, SOUTH 89°50'16" EAST, A DISTANCE OF 596.11 FEET TO THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 17;

THENCE LEAVING SAID NORTH LINE, ALONG SAID WESTERLY RIGHT OF WAY LINE, SOUTH 17°32'43" EAST, A DISTANCE OF 1146.20 FEET;

THENCE SOUTH 09°52'20" EAST, A DISTANCE OF 163.12 FEET;

THENCE SOUTH 80°07'35" WEST, A DISTANCE OF 37.99 FEET;

THENCE SOUTH 09°52'20" EAST, A DISTANCE OF 57.51 FEET;

THENCE LEAVING SAID RIGHT OF WAY LINE, NORTH 89°45'40" WEST, A DISTANCE OF 946.81 FEET TO SAID WEST LINE OF THE NORTHWEST QUARTER OF SECTION 13;

THENCE ALONG SAID WEST LINE, NORTH 00°12'28" EAST, A DISTANCE OF 1314.50 FEET TO THE POINT OF BEGINNING.

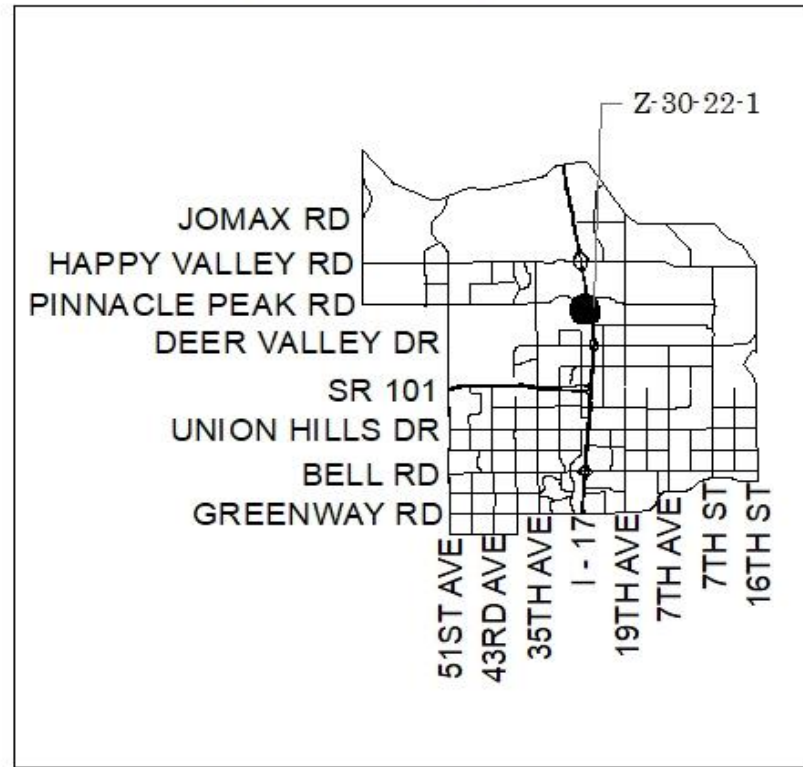
SAID PARCEL CONTAINS 1,054,931 SQUARE FEET OR 24.218 ACRES, MORE OR LESS.

# ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-30-22-1  
Zoning Overlay: Deer Valley Airport Overlay (DVAO)  
Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 8/11/2022