

ORDINANCE G-7378

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-112-24-1) FROM R-4A (APPROVED CP/GCP) (MULTIFAMILY RESIDENCE DISTRICT, APPROVED COMMERCE PARK/GENERAL COMMERCE PARK OPTION) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of a 4.99-acre property located at the northwest corner of 30th Avenue and Deer Valley Drive in a portion of Section 14, Township 4 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "R-4A (Approved CP/GCP)" (Multifamily Residence District, Approved Commerce Park/General Commerce Park Option) to "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 Roers Companies Deer Valley Apartments PUD reflecting the changes approved through this request shall be submitted to the Planning Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative date stamped January 16, 2025, as modified by the following stipulations:
 - a. Front Cover, add "City Council adopted: [Insert Adoption date]"
 - b. Insert a new page after the cover page and add the following text: A Planned Unit Development ("PUD") is intended to be a stand-alone document of zoning regulations for a particular project. Provisions not specifically regulated by the PUD are governed by the Phoenix Zoning Ordinance. A PUD may include substantial background information to help illustrate the intent of the development. The purpose and intent statements are not requirements that will be enforced by the City. The PUD only modifies Phoenix Zoning Ordinance regulations and does not modify other City Codes or requirements.
 - c. Throughout the entire document and exhibits, update any instances of "Deer Valley Road" to "Deer Valley Drive".
 - d. Page 13, C. List of Uses: delete "The proposed PUD does not seek to increase the list of uses allowed within the zoning district." and replace with "The Zoning Administrator may issue interpretations for land uses that are analogous to those listed in C. List of Uses as authorized by Phoenix Zoning Ordinance Section 307.A.3."
 - e. Page 13, D. Development Standards, Table 3 – Development Standards, Row 2, Column 1: Add the word "Minimum" in front of Building Setbacks.

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- f. Page 13, D. Development Standards, Table 3 – Development Standards, Row 2, Column 2: Rewrite as follows:

Deer Valley Drive: 20 feet
30th Avenue: 20 feet
West: 5 feet
North: 140 feet

Note: Carports, parking stalls, pedestrian plaza and associated amenities (structures) are allowed within the building setbacks along the north and east (30th Avenue) property lines.

- g. Page 15, D. Development Standards, Table 4 – Landscape Standards, Row 1, Column 1: Delete Deer Valley Drive, 30th Avenue, Interior West Lot Line, Interior North Lot Line.

- h. Page 15, D. Development Standards, Table 4 – Landscape Standards, Row 1, Column 2: Rewrite as follows:

Deer Valley Drive: 20 feet
30th Avenue: 20 feet¹
West: 5 feet
North: 0 feet²

1. Up to three parking spaces (or portion(s) thereof) and a pedestrian plaza (or portion thereof) may be located in the northernmost 99 feet of the landscape setback adjacent to 30th Avenue.
2. Landscaping in the wash area may be preserved in its natural vegetative condition.

- i. Page 17, D. Development Standards, Table 5 – Parking Standards, Row 2, Column 2: Remove the word “provided”.

- j. Page 25, E. Design Standards and Guidelines, G. Sustainability, Water Consumption Section: Remove “A minimum of 25% of the surface parking areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by structures or by minimum 2-inch caliper, drought tolerant, shade trees, or a combination thereof.” and place the language under the “Site Shading” row, second column, on page 15, Table 4, D. Development Standards, Table 4 – Landscape Standards.

- k. Page 27, I. Comparative Zoning Standards, Row 3, Column 3: Revise maximum density to 29.46 du/ac.
 - l. Page 29, I. Comparative Zoning Standards, Row 2, Columns 1: Update text to "Minimum Landscape Setbacks".
2. A minimum 30-foot wide Multi-Use Trail Easement (MUTE) shall be dedicated adjacent to the Scatter Wash.
 3. A minimum of one enhanced pedestrian connection shall be provided to allow for direct pedestrian access to the Scatter Wash Trail. An 8-foot-wide shaded pedestrian pathway shall be constructed with decorative material such as brick, pavers or an alternative material, as approved by the Planning and Development Department.
 4. All mitigation improvements shall be constructed and/or funded as identified in the accepted Traffic Impact Analysis dated August 6, 2024.
 5. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
 6. All streets within and adjacent to the development shall be constructed 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.
 7. 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.
 8. This parcel is in Special Flood Hazard Areas (SFHA) called Zone AE and Zone AE floodway, on panel 1290M of the Flood Insurance Rate Maps (FIRM) revised September 18, 2020. The following requirements shall apply, as approved by the Planning and Development Department:
 - a. The Architect and Engineer is required to show the floodplain boundary limits on the Site Plan and 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 shall be submitted to the Floodplain Management section of Office of the City Engineer for review and approval of Floodplain requirements.
 - c. The developer shall provide a FEMA approved CLOMR-F or CLOMR prior to issuance of a Grading and Drainage permit.
9. 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.
10. Prior to final 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.

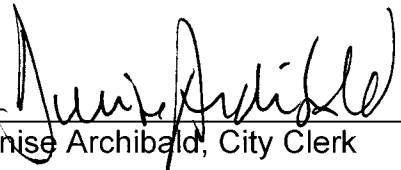
PASSED by the City Council of the City of Phoenix this 9th day of April 2025.



MAYOR
4/11/2025

Date

ATTEST:



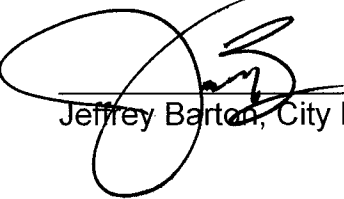
Denise Archibald, City Clerk



APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

BY: Alisa A. Blandford
Alisa A. Blandford, Assistant Chief Counsel *DL*

REVIEWED BY:


Jeffrey Barton, City Manager

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

EXHIBIT A

LEGAL DESCRIPTION FOR Z-112-24-1

LEGAL DESCRIPTION

APN: 206-04-015A

LOT TWENTY SIX (26), SECTION 14, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPTING AND RESERVING TO THE UNITED STATES OF AMERICA, ALL COAL, OIL, GAS AND OTHER MINERAL DEPOSITS, AS SET FORTH IN THE PATENT RECORDED OCTOBER 16, 1954, IN DOCKET 1448, PAGE 352;

FURTHER EXCEPTING THE FOLLOWING DESCRIBED PROPERTY:

THE EAST 25 FEET AND THE SOUTH 55 FEET OF LOT 26, SECTION 14, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

TOGETHER WITH THAT PART OF SAID LOT 26, BEING BOUNDED ON THE EAST BY THE WEST LINE OF SAID EAST 25 FEET, ON THE SOUTH BY THE NORTH LINE OF SAID SOUTH 55 FEET AND ON THE NORTHWEST BY THE ARC OF A CIRCULAR CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS LENGTH OF 12 FEET AND BEING TANGENT TO SAID WEST LINE AND SAID NORTH LINE;

FURTHER EXCEPTING THE FOLLOWING DESCRIBED PROPERTY:

THAT PART OF LOT 26, IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF THE EAST 25 FEET OF SAID LOT 26 AND THE NORTH LINE OF THE SOUTH 55 FEET THEREOF;

THENCE WESTERLY ALONG SAID NORTH LINE A DISTANCE OF 15 FEET;

THENCE NORTHEASTERLY TO A POINT SAID WEST LINE WHICH IS 15 FEET NORTH OF THE POINT OF BEGINNING;

THENCE TO THE POINT OF BEGINNING;

EXCEPT THAT PART THEREOF LYING SOUTHEASTERLY OF THE ARC OF A CIRCULAR CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 12 FEET AND BEING TANGENT TO SAID NORTH LINE AND TO SAID WEST LINE. CONSISTING OF A TOTAL 5.0 GROSS ACRES.

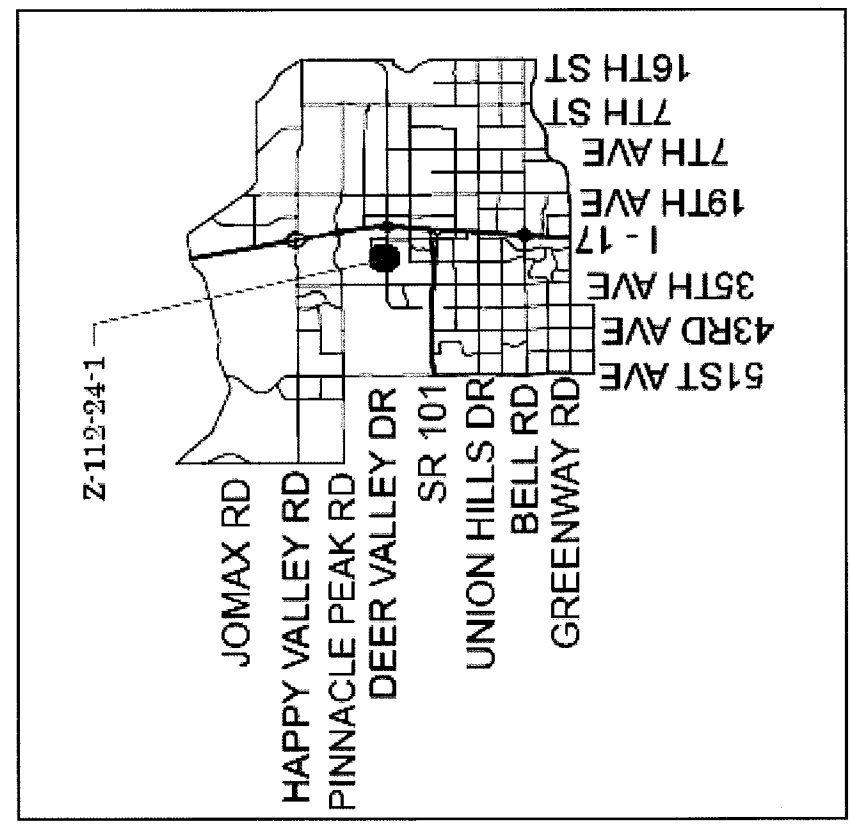
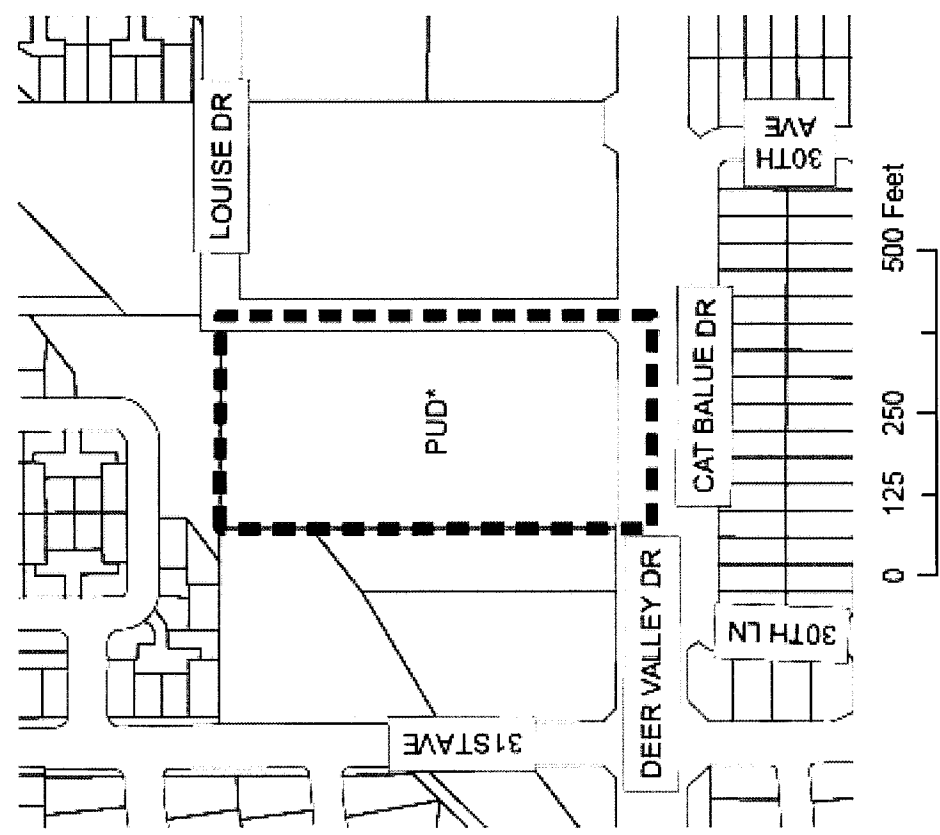
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EXHIBIT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-112-24-1
Zoning Overlay: N/A
Planning Village: Deer Valley

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



NOT TO SCALE



Drawn Date: 3/7/2025