



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

September 27, 2022

William F. Allison
Withey Morris PLC
2525 East Arizona Biltmore Circle, Suite A-212
Phoenix, Arizona 85016

Dear Applicant:

RE: Z-3-B-15-1 – Northwest corner of 19th Avenue and Happy Valley Road

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 601 of the Zoning Ordinance, as amended, has on September 7, 2022, approved Zoning Ordinance # G-7021.

Development and use of the site is subject to compliance with all applicable codes and ordinances.

Sincerely,

A handwritten signature in blue ink that reads "Joshua Bednarek".

Joshua Bednarek, LEED AP ND
Planning and Development Deputy Director

Attachment: Signed Ordinance

c: USAA, et al, 9830 Colonnade Blvd., San Antonio, TX 78230

File

Tricia Gomes, PDD–Planning–Special Projects Administrator (Electronically)

Racelle Escolar, PDD–Planning–Principal Planner (Electronically)

Ben Kim, PDD–GIS (Electronically)

ORDINANCE G-7021

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-3-B-15-1) FROM PUD (PLANNED UNIT DEVELOPMENT) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of a 405.40 acre site located at the northwest corner of 19th Avenue and Happy Valley Road in a portion of Section 1, Township 4 North, Range 4 East, as described more specifically in Exhibit "A," is hereby changed from "PUD" (Planned Unit Development) 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 Norterra PUD reflecting the changes approved through this request shall be submitted to the Planning and

Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative date stamped June 2, 2022.

- a. Front Cover, add "City Council adopted: [Insert Adoption date]"
 - b. Page 39, Parking Section, modify the first sentence to read: The minimum number of required parking spaces shall be as set forth in Section 702 of the Phoenix Zoning Ordinance, minus 10%, except in Zones 1, 2 and 3 where a 25% parking reduction from Section 702 requirements shall be allowed and as modified by those standards in the sections below.
2. A Master Pedestrian Circulation Plan shall be completed prior to preliminary site plan approval. The Master Pedestrian Circulation Plan shall be generally consistent with the Conceptual Circulation Plan exhibit (Exhibit 8) within the Development Narrative date stamped June 2, 2022, as updated and amended as necessary.
 3. The developer shall submit an updated Trip Generation Statement addressing the additional residential and commercial allowance in comparison to the existing approved Traffic Impact Study, prior to preliminary site plan approval. Any substantial changes may require an updated Traffic Impact Study to be approved, prior to preliminary site plan approval. The developer shall be responsible for all cost and construction identified in the study, as approved by the Street Transportation Department.
 4. The property owner shall record documents that disclose the existence and operational characteristics of the Phoenix 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.
 5. 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.
 6. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims forms. 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.
 7. 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, within Zone 6 of the Norterra PUD Land Use

Plan, will not exceed 45 decibels.

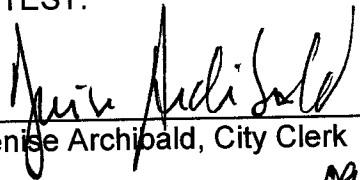
SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 7th day of September, 2022.



MAYOR


ATTEST:


Denise Archibald, City Clerk



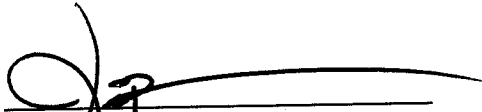
09-19-2022

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By: 
Acting Chief Counsel

Pml

REVIEWED BY:


Jeffrey Barton, City Manager

Exhibits:

- A – Legal Description (3 Pages)
- B – Ordinance Location Map (1 Page)

PL:tml:LF22-1290:9-7-2022:2336866v1

EXHIBIT A

LEGAL DESCRIPTION FOR Z-3-B-15-1

A portion of Section 1 and Section 2, Township 4 North, Range 2 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

BEGINNING at the southeast corner of said Section 1, a 3-inch Maricopa County (M.C.) brass cap in handhole (B.C.H.), from which the south quarter corner of said Section 1, a 3-inch City of Phoenix (C.O.P.) brass cap in handhole, bears North 89°37'02" West (basis of bearing), a distance of 2674.52 feet;

THENCE along the south line of said Section 1, North 89°37'02" West, a distance of 2674.52 feet, to said south quarter corner and the monument line of Norterra Parkway, USAA Amended, recorded in Book 691, page 26, Maricopa County Records (M.C.R.);

THENCE leaving said south line, along said monument line, North 00°29'52" West, a distance of 300.04 feet, to the beginning of a curve;

THENCE northwesterly along said curve to the left, having a radius of 645.00 feet, concave southwesterly, through a central angle of 72°05'42", a distance of 811.60 feet, to curves end;

THENCE North 72°35'34" West, a distance of 206.86 feet;

THENCE leaving said monument line, North 17°24'26" East, a distance of 77.00 feet, to the easterly right-of-way line of said Norterra Parkway;

THENCE leaving said easterly right-of-way line, North 17°30'02" East, a distance of 9.67 feet, to the beginning of a curve;

THENCE northeasterly along said curve to the right, having a radius of 400.00 feet, concave southeasterly, through a central angle of 46°06'04", a distance of 321.85 feet, to the curves end;

THENCE North 63°36'06" East, a distance of 195.44 feet;

THENCE North 27°39'03" West, a distance of 284.62 feet;

THENCE North 62°20'57" East, a distance of 39.69 feet, to the beginning of a curve;

THENCE northeasterly along said curve to the left, having a radius of 740.00 feet, concave northwesterly, through a central angle of 39°16'33", a distance of 507.26 feet, to the beginning of a compound curve;

THENCE northerly along said compound curve to the left, having a radius of 990.69 feet, concave westerly, through a central angle of 13°56'20", a distance of 241.01 feet, to the easterly line of Lot 1, said USAA Amended, and a point of intersection with a non-tangent line;

THENCE along said easterly line, North 00°00'00" East, a distance of 327.93 feet, to the westerly line, USAA Norterra Master Plan Parcel 1, described in Document 2017-0324971, M.C.R., and the beginning of a non-tangent curve;

THENCE leaving said easterly line, northerly, along said westerly line, and along said non-tangent curve to the left, having a radius of 1010.83 feet, concave westerly, whose radius bears South 80°29'16" West, through a central angle of 0°03'05", a distance of 0.90 feet, to the intersection of a non-tangent curve;

THENCE northerly along said non-tangent curve to the left, having a radius of 1227.50 feet, concave westerly, whose radius bears South 77°46'50" West, through a central

angle of 04°29'32", a distance of 96.24 feet, to a point of intersection with a non-tangent line;
THENCE leaving said westerly line, North 20°35'40" West, a distance of 38.54 feet, to the beginning of a curve;
THENCE northwesterly along said curve to the left, having a radius of 701.70 feet, concave southwesterly, through a central angle of 14°34'09", a distance of 178.43 feet, to said westerly line;
THENCE along said westerly line, northwesterly along said curve to the left, having a radius of 701.70 feet, concave southerly, through a central angle of 23°27'03", a distance of 287.20 feet, to a point of intersection with a non-tangent line;
THENCE leaving said westerly line, North 61°21'58" West, a distance of 58.09 feet;
THENCE North 65°05'57" West, a distance of 32.22 feet;
THENCE North 66°54'56" West, a distance of 63.80 feet;
THENCE North 73°59'30" West, a distance of 283.47 feet;
THENCE North 89°59'46" West, a distance of 1362.15 feet, to said monument line of Norterra Parkway, and a point of intersection with a non-tangent curve;
THENCE along said monument line, southerly along said non-tangent curve to the left, having a radius of 1100.00 feet, whose radius bears South 72°25'36" East, through a central angle of 07°28'12", a distance of 143.41 feet, to a point of intersection with a non-tangent line;
THENCE leaving said monument line, North 79°53'48" West, a distance of 55.00 feet, to the southeast corner of Lot 4, USAA Unit 1, recorded in Book 900, page 40, M.C.R.;
THENCE along the southerly line of said Lot 4, North 90°00'00" West, a distance of 865.48 feet, to the southwest corner of said Lot 4;
THENCE leaving said southerly line, South 80°00'27" West, a distance of 25.00 feet, to a line parallel with and 25 feet westerly of the west line of said Lot 4;
THENCE along said parallel line, North 09°59'33" West, a distance of 239.89 feet;
THENCE North 03°20'16" West, a distance of 360.07 feet;
THENCE North 00°00'22" East, a distance of 813.73 feet;
THENCE North 41°11'36" East, a distance of 60.13 feet;
THENCE North 82°12'31" East, a distance of 366.73 feet;
THENCE North 00°43'06" West, a distance of 84.05 feet, to the north line of said Section 1;
THENCE leaving said parallel line, along said north line, North 89°16'54" East, a distance of 214.28 feet, to the southwest corner of Section 36, Township 5 North, Range 2 East;
THENCE along the south line of said Section 36, also being the north line of said Section 1, North 89°26'46" East, a distance of 2653.24 feet, to the south quarter corner of said Section 36;
THENCE continuing along the south line of said Section 36 and said north line of said Section 1, North 89°25'44" East, a distance of 2470.22 feet, to the northeast corner of said Section 1;
THENCE leaving said south line of Section 36 and said north line of Section 1, along the east line of said Section 1, South 00°14'41" East, a distance of 2081.96 feet, to the east quarter corner of said Section 1;
THENCE continuing along said east line, South 00°13'09" East, a distance of 2644.80

feet, to the POINT OF BEGINNING.

Containing 17,658,218 square feet or 405.3769 acres, more or less.

Subject to existing right-of-ways and easements.

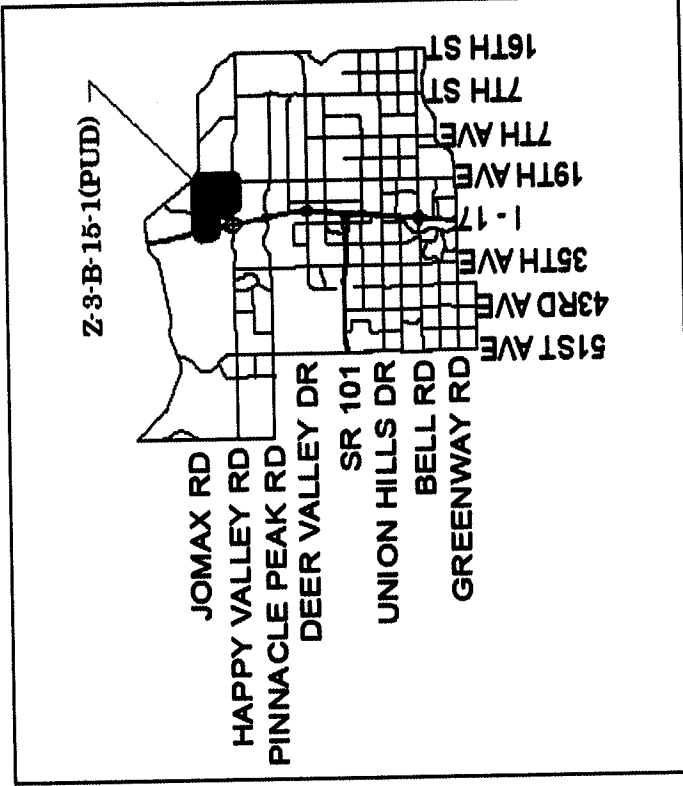
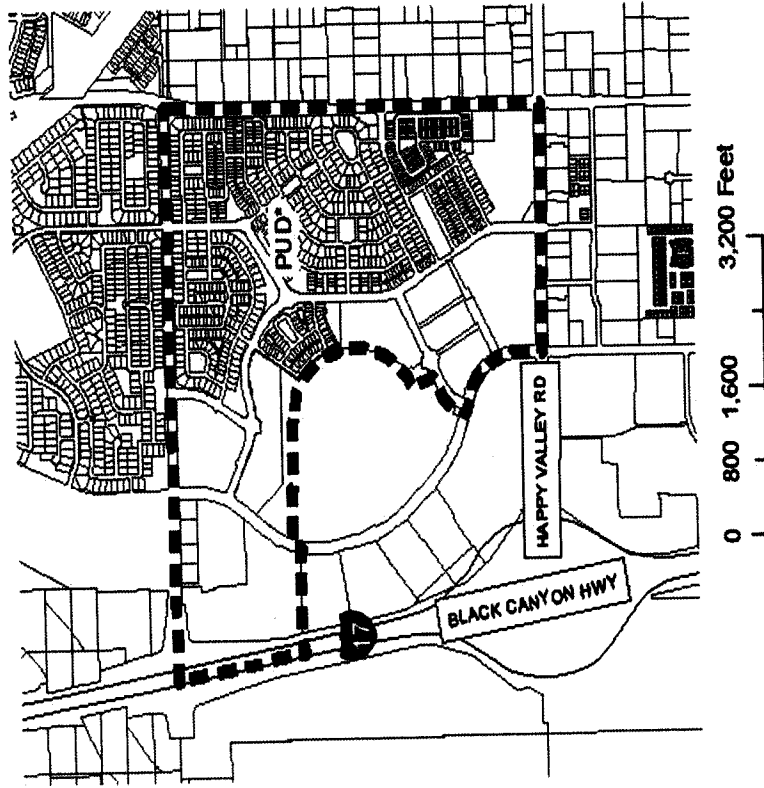
This parcel description is based on said USAA Amended Final Plat, recorded in Book 691, page 26, M.C.R. and other client provided information. This parcel description is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of January, 2012. Any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey.

ORDINANCE LOCATION MAP

EXHIBIT B

Zoning Case Number: Z-3-B-15-1(PUD)
Zoning Overlay: N/A
Planning Village: Deer Valley

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



NOT TO SCALE

Drawn Date: 8/9/2022

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Ordinance G-7021