



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

March 2, 2022

Nick Wood, Esq.  
Snell & Wilmer, LLP  
400 East Van Buren Street, Suite 1900  
Phoenix, Arizona 85004

Dear Applicant:

RE: GPA-DV-2-21-1 and Z-48-21-1 – Approximately 270 feet north of the northeast 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 February 2, 2022, approved Resolution 21989 and Zoning Ordinance # G-6958.

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

Sincerely,

Joshua Bednarek, LEED AP ND  
Planning and Development Deputy Director

Attachment: Resolution & Signed Ordinance

c: Happy Valley 19, LLC, 6042 E. Dale Ln., Cave Creek, AZ 85331  
Toll Brothers, 8767 E. Via De Ventura, # 390, Scottsdale, AZ 85258  
Tricia Gomes, PDD–Planning–Special Projects Administrator (Electronically)  
Racelle Escolar, PDD–Planning–Principal Planner (Electronically)  
David Simmons, PDD–Planning–Village Planner (Electronically)  
Ben Kim, PDD–GIS (Electronically)

RESOLUTION 21989

A RESOLUTION ADOPTING AN AMENDMENT TO THE 2015  
GENERAL PLAN FOR PHOENIX, APPLICATION GPA-DV-2-21-1,  
CHANGING THE LAND USE CLASSIFICATION FOR THE  
PARCEL DESCRIBED HEREIN.

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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHOENIX, as



follows:

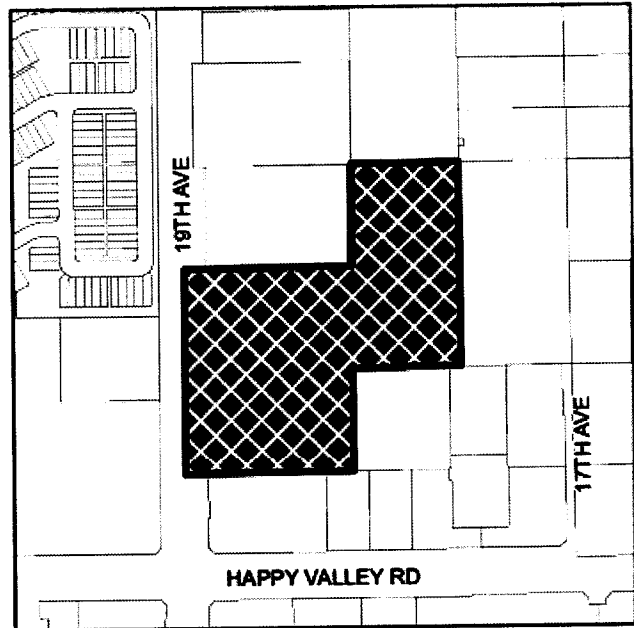
SECTION 1. The 2015 Phoenix General Plan, which was adopted by Resolution 21307, is hereby amended by adopting GPA-DV-2-21-1. The 13.48 acres of property located approximately 270 feet north of the northeast corner of 19th Avenue and Happy Valley Road is designated as Residential 15+ dwelling units per acre.

SECTION 2. The Planning and Development Director is instructed to modify the 2015 Phoenix General Plan to reflect this land use classification change as shown below:

**PROPOSED CHANGE:**

**Residential 15+ du/ac ( 13.48 +/- Acres)**

-  Proposed Change Area
-  Residential 15+ du/acre



PASSED by the Council of the City of Phoenix this 2nd day of February,

2022.



MAYOR


ATTEST:

  
Denise Archibald, City Clerk

02-18-2022

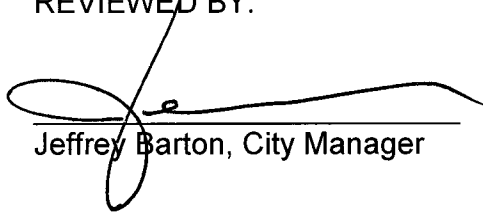


APPROVED AS TO FORM:  
Cris Meyer, City Attorney

By:   
\_\_\_\_\_  
Acting Chief Counsel

*Pml*

REVIEWED BY:

  
\_\_\_\_\_  
Jeffrey Barton, City Manager

PL:tml:LF21-3352:2-2-2022:2299120v1

ORDINANCE G-6958

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-48-21-1) FROM C-O/M-O (COMMERCIAL OFFICE/MAJOR OFFICE OPTION) AND MARICOPA COUNTY RU-43 (PENDING S-1) (MARICOPA COUNTY RU-43, PENDING RANCH OR FARM RESIDENCE DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT).

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

SECTION 1. The zoning of a 13.48 acre site located approximately 270 feet north of the northeast corner of 19th Avenue and Happy Valley Road in a portion of Section 6, Township 4 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "C-O/M-O" (Commercial Office/Major Office option) and "Maricopa County RU-43 (Pending S-1)" (Maricopa County RU-43, Pending Ranch or Farm Residence District) to "PUD" (Planned Unit Development 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. An updated Development Narrative for the Lumara 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 the Development Narrative date stamped November 22, 2021, as modified by the following stipulations:
  - a. Front Cover: Remove "HEARING DRAFT" and revise submittal date information on bottom of the cover page as follows:
    - 1st Submittal: July 7, 2021
    - 2nd Submittal: September 10, 2021
    - 3rd Submittal: October 07, 2021
    - Hearing Draft: November 22, 2021
    - City Council adopted: TBD
  - b. Page 9; The streetscape adjacent to 19th Avenue requires the A Street Section. An A section requires detached sidewalks where a minimum 5-foot-wide sidewalk is required, and a minimum 13-foot-wide landscape area is required
  - c. Page 8; add Minimum, 15 percent open space to development standards table.
2. 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.
3. The developer shall construct and landscape a 24-foot-wide median in 19th Avenue. The median shall be designed to provide full movement (north/south/east/west) at 19th Avenue and Desert Hollow Drive, as approved by the Planning and Development and Street Transportation Departments.

4. Full access-control to the site shall only be permitted at 19th Avenue and the Desert Hollow Drive alignment, as approved by the Planning and Development Department.
5. The applicant shall submit a Traffic Impact Study to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City.
6. The property owner shall record documents that disclose the existence, and operational characteristics of the 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.
7. The developer shall provide documentation to the City of Phoenix prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. 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.
8. 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.
9. 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.

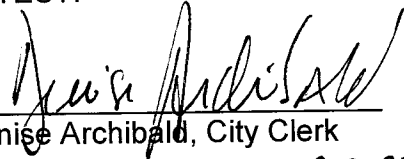
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2022.



MAYOR

ATTEST:

  
Denise Archibald, City Clerk  
02.18.2022



APPROVED AS TO FORM:  
Cris Meyer, City Attorney

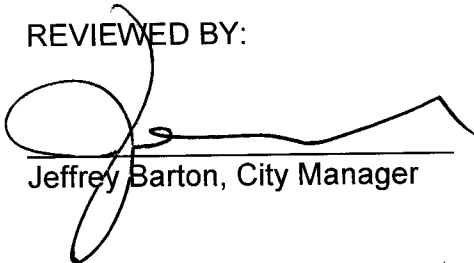
By:



Acting Chief Counsel

*Pml*

REVIEWED BY:



Jeffrey Barton, City Manager

Exhibits:

- A – Legal Description (2 Pages)
- B – Ordinance Location Map (1 Page)

PL:tml:LF21-3353:2-2-2022:2299132v1



EXHIBIT A

LEGAL DESCRIPTION FOR Z-48-21-1

Parcel No. 1 Per Deed 20060434557 (APN 210-10-030B):  
Lots 39, Section 6, Township 4 North, Range 3 East of The Gila and Salt River Base  
and Meridian, Maricopa County, Arizona

Except all coal, oil, gas and other mineral deposits as reserved in patent from the United  
States of America.

Parcel No. 2 Per Deed 20060434557 (APN 210-10-023A):  
Lots 43, Section 6, Township 4 North, Range 3 East of The Gila And Salt River Base  
and Meridian, Maricopa County, Arizona

Except all coal, oil, gas and other mineral deposits as reserved in patent from the United  
States of America.

Parcel No. 3 Per Deed 20180399909 (APN 210-10-008F):  
Lot 40, Section 6, Township 4 North, Range 3 East of the Gila and Salt River Base and  
Meridian, Maricopa County, Arizona;

Except the North 330 feet of the East 165 feet thereof, which said Lot 40 is also known  
as the West Half of the Northeast Quarter of the Southwest Quarter of the Southwest  
Quarter of Section 6, Township 4 North, Range 3 East of the Gila and Salt River Base  
and Meridian, Maricopa County, Arizona;

Except the South half;

Except all coal, oil, gas and other mineral deposits as reserved in patent from the United  
States of America.

Parcel No. 4 Per Deed 200907986 (APN 210-10-008G):  
The East 165 Feet of The North 339 Feet of G.L.O. Lot 40 (sometimes referred to as  
the west half of the Northeast Quarter of the Southwest Quarter of the Southwest  
Quarter) of Section 6, Township 4 North, Range 3 East of the Gila and Salt River Base  
and Meridian, Maricopa County, Arizona;

An undivided interest in that part of G.L.O. Lot 34 of Section 6, Township 4 North,  
Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona,  
described as follows:

Beginning 50 Feet North of the Southwest Corner of said G.L.O. Lot 34;

Thence North 20 Feet;

Thence East 20 Feet;

Thence South 20 Feet;

Thence West 20 Feet to the Point Of Beginning;

Except all coal, oil, gas and other minerals as reserved in the patent to the United States of America, Recorded in Docket 4299, Page 244.

Parcel No. 5 Per Deed Number 20120544055 (APN 210-10-008B):  
The Southwest Quarter of Lot 40, Section 6, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT all coal, oil, gas and other mineral deposits as reserved in the Patent.

Parcel No. 6 Per Deed Number 20150160050 (APN 210-10-008D):  
The Southeast Quarter of the following described property:

Lot 40, Section 6, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

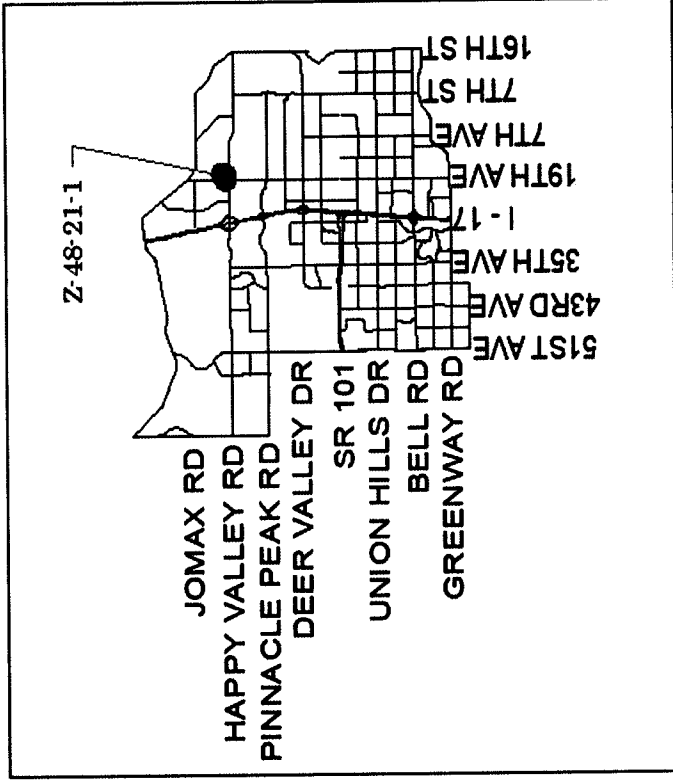
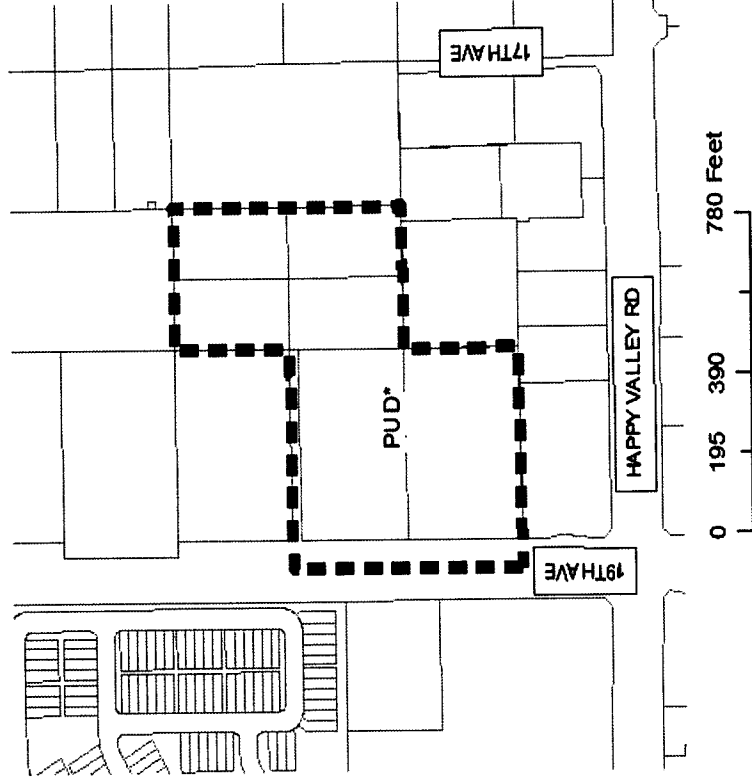
Except all the coal, oil, gas and other mineral deposits as reserved in the patent to said land.

# ORDINANCE LOCATION MAP

**EXHIBIT B**

**Zoning Case Number: Z-48-21-1**  
**Zoning Overlay: N/A**  
**Planning Village: Deer Valley**

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



NOT TO SCALE



**Drawn Date: 12/28/2021**

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