#### **Chapter 19. Appendix**

- 19.1. PPGN Legal Description
- 19.2. Sample Neighborhood Notification Letter
- 19.3. Sample Avigation Easement
- 19.4. Sample Development Parcel Allocation Tracking Sheet
- 19.5. Master Transportation Impact Analysis
- 19.6. Master Drainage Study
- 19.7. Master Water Report
- 19.8. Master Wastewater Report
- 19.9. Ordinance No. 5115\*

## 19.1 PPGN LEGAL DESCRIPTION

-- Begins on the Following Page--

#### **LEGAL DESCRIPTION**

BEING A PORTION OF
SECTION'S 26, 27, 34 & 35,
TOWNSHIP 1 SOUTH, RANGE 7 EAST OF THE
GILA AND SALT RIVER BASE AND MERIDIAN
MARICOPA COUNTY, ARIZONA

#### **LEGAL DESCRIPTION**

TO WIT-

THOSE PORTIONS OF SECTIONS 26, 27, 34 AND 35, TOWNSHIP 1 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 27:

THENCE S89°38'15"E ALONG THE NORTH LINE OF SAID SECTION 27 BEING THE BASIS OF BEARINGS OF THIS DESCRIPTION, A DISTANCE OF 876.65 FEET, MEASURED PER THE RECORD;

THENCE S52°18'19"E, A DISTANCE OF 1624.90 FEET, MEASURED PER THE RECORD;

THENCE S89°29'10"E, A MEASURED DISTANCE OF 3149.43 FEET TO THE EAST LINE OF SAID SECTION 27, THE RECORD DISTANCE BEING 3148.67 FEET, WHICH POINT LIES S00°22'50"E, A MEASURED 991.93 FEET MEASURED FROM THE NORTHEAST CORNER THEREOF, THE RECORD DISTANCE BEING 992.09 FEET;

THENCE CONTINUING S89°29'10"E 315.76 FEET, MEASURED PER THE RECORD;

THENCE S00°23'52"W 1531.69 FEET, MEASURED PER THE RECORD;

THENCE S89°13'23"E 1323.72 FEET, MEASURED PER THE RECORD;

THENCE S00°28'40"W, A MEASURED DISTANCE OF 2731.36 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 35, THE RECORD DISTANCE BEING 2730.34 FEET;

THENCE N89°38'00"W 385.09 FEET ALONG THE NORTH LINE OF SAID SECTION 35;

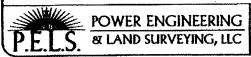
THENCE DEPARTING SAID NORTH LINE S00°25'44"W 1050.45 FEET;

THENCE N89°37'12"W 499.11 FEET:

THENCE N00°22'48"E 350.00 FEET;

THENCE N89°37'12"W 500.00 FEET;

THENCE S00°23'52"W 398.06 FEET;



252 N. STAPLEY DR. MESA, AZ 85203 (480) 427-2400 TEL (480) 969-3682 FAX

LEGAL DESCRIPTION EXHIBIT

PROJECT NO	201117	_
	SHEET	
10/18/11	1 OF 4	ŀ

THENCE N89°36'08"W 65.00 FEET TO A POINT ON THE PROPOSED NORTHERLY RIGHT-OF-WAY BOUNDARY OF STATE ROUTE 24;

THENCE S00°23'52"W 75.40 FEET ALONG SAID PROPOSED NORTHERLY RIGHT-OF WAY BOUNDARY:

THENCE N53°38'18"W 558.45 FEET ALONG SAID PROPOSED NORTHERLY RIGHT-OF WAY BOUNDARY:

THENCE N51°05'35"W 587.26 FEET ALONG SAID PROPOSED NORTHERLY RIGHT-OF WAY BOUNDARY:

THENCE N44°05'13"W 249.25 FEET ALONG SAID PROPOSED NORTHERLY RIGHT-OF WAY BOUNDARY:

THENCE N42°10'00"W 231.24 FEET ALONG SAID PROPOSED NORTHERLY RIGHT-OF-WAY BOUNDARY;

THENCE N41°45'20"W 2702.98 FEET ALONG SAID PROPOSED NORTHERLY RIGHT-OF WAY BOUNDARY;

THENCE N36°12'25"W 2915.15 FEET ALONG SAID PROPOSED NORTHERLY RIGHT-OF WAY BOUNDARY;

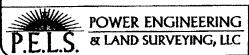
THENCE N75°45'39"W 706.91 FEET ALONG SAID PROPOSED NORTHERLY RIGHT-OF WAY BOUNDARY TO A POINT ON THE WEST LINE OF SAID SECTION 27 ALSO BEING THE MONUMENT LINE OF ELLSWORTH ROAD AND THE WEST BOUNDARY OF THIS DESCRIPTION:

THENCE N01°06'21"W 882.70 FEET ALONG SAID WEST LINE AND SAID MONUMENT LINE TO THE NORTHWEST CORNER OF SAID SECTION 27 ALSO BEING THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 484.370 ACRES MORE OR LESS.

BEARINGS AND DISTANCES SHOWN ARE BASED UPON NAD 83, ARIZONA CENTRAL ZONE.



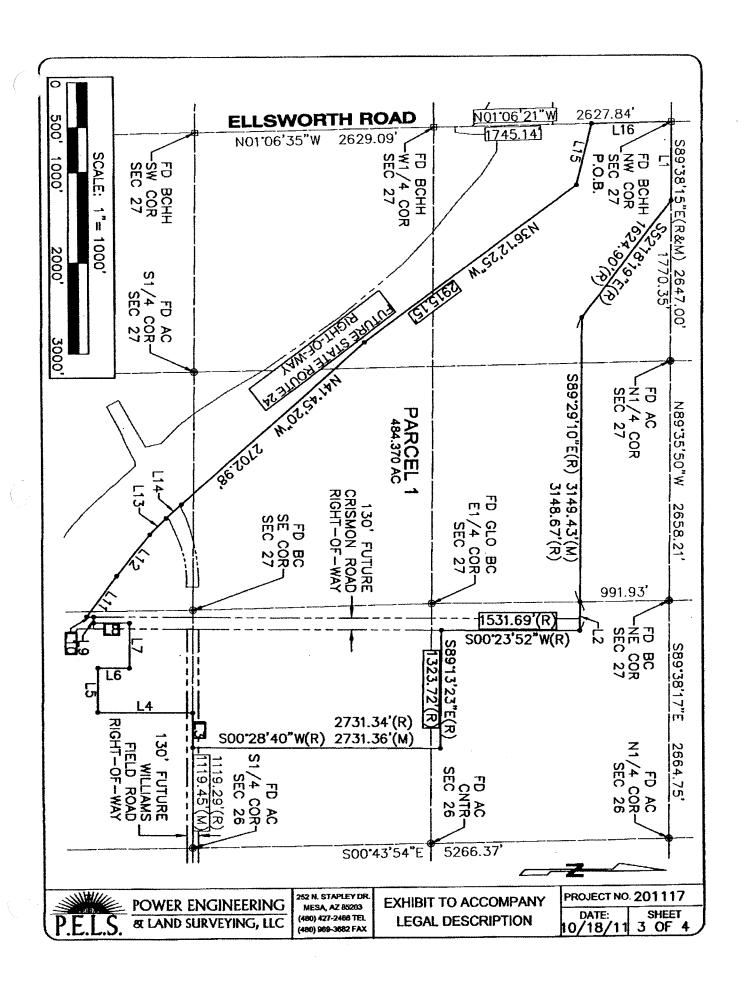


252 N. STAPLEY DR. MESA, AZ 85203 (480) 427-2466 TEL (480) 969-3682 FAX

LEGAL DESCRIPTION EXHIBIT

PROJECT NO. 201117

DATE: SHEET
10/18/11 2 OF 4



## **LEGEND**

PROPERTY LINE
RIGHT-OF-WAY
SECTION LINE
FOUND BRASS CAP (BC)
FOUND ALUMINUM CAP (AC)
FOUND BRASS CAP IN HAND HOLE (BCHH)
SET 5/8" REBAR WITH CAP
STAMPED RLS# 24532

(R) RECORD
(M) MEASURED
P.O.B. POINT OF BEGINNING

LINE DATA TABLE				
LINE	BEARING	DISTANCE		
L1	(R&M)S89'38'15"E	(R) 876.65'		
L2	(R)S89°29'10"E	(R) 315.76'		
L3	N89°38'00"W	385.09		
L4	S00°25'44"W	1050.45		
L5	N89'37'12"W	499.11		
L6	N00°22'48"E	350.00		
L7	N89'37'12"W	500.00		
L8	S00°23'52"W	398.06		
L9	N89°36'08"W	65.00'		
L10	S00°23'52"W	75.40'		
L11	N53'38'18"W	558.45		
L12	N51°05'35"W	587.26		
L13	N44°05'13"W	249.25		
L14	N4210'00"W	231.24		
L15	N75*45'39"W	706.91		
L16	N01°06'21"W	882.70		

## 19.2 SAMPLE NEIGHBORHOOD NOTIFICATION LETTER

Dear Neighbor,	
We have applied for	(Rezoning from to) (Modification to a Council approved Site Plan) (Council Use Permit for)
for the property located at	<del>.</del>
This request is for development	t of
	to all property owners within 300 feet of the property at the request of the closed for your review is a copy of the site plan and elevations of the
This application will be	scheduled for consideration by the Mesa Planning and Zoning Board at
their meeting held on	, 20 in the City Council Chambers located at 57 East First
Street. The meeting will begin	at 4:00 p.m. You are invited to attend this meeting and provide any input
you may have regarding this pr	oposal.
If you have any question	as regarding this proposal, please call me at The City of
Mesa has assigned this case to	of their Planning Division staff. He/she can
be reached at 480- 644	should you have any questions regarding the public hearing process. If
you have sold this property in t	he interim, please forward this correspondence to the new owner.
Sincerely,	

## 19.3 SAMPLE AVIGATION EASEMENT

--Begins on the Following Page--



## DECLARATION OF AVIGATION EASEMENT AND WAIVER

THIS DECLARATION OF AVIGATION EASEMENT AND WAIVER, made the day of, 20, (hereinafter referred to as the "Declaration"), by
(hereinafter referred to as "Declarant").
WITNESSETHS:
WHEREAS, Declarant represents that it is the sole record owner in fee simple of certain real prope (hereinafter referred to as the "Property") located in Maricopa County, Arizona which is more particular described in Exhibit "A" attached hereto, subject only to the mortgage(s) held by the lender subscribing hereto; and
WHEREAS, Declarant plans to develop the Property in compliance with the
(hereinafter referred to as the Development Plan"), and

WHEREAS, the Property is located in the proximity of Phoenix-Mesa Gateway Airport (which, as it now exists or may hereafter be enlarged and/or developed, is hereinafter referred to as "the Airport"); and

WHEREAS, the Property is now and in the future will be subject to noise emanating from aircraft operating at or departing from or arriving at the Airport.

NOW THEREFORE, for good and sufficient considerations, the receipt and adequacy of which Declarant hereby acknowledges, Declarant hereby covenants and declares that all of the Property shall be held, sold, used and conveyed subject to the following avigation easement, covenants and waiver, which shall run with the property and be binding on all occupants thereof and on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns, grantees, invitees and tenants.

DECLARANT HEREBY DECLARES, ESTABLISHES, GRANTS AND CONVEYS to Phoenix-Mesa Gateway Airport and all persons lawfully using the Airport, the right to operate aircraft in, and the right to cause in the airspace above or near the Property such noise as may be inherent in the operation of aircraft, now known or hereafter used, while landing on, taking off from, or operating at the Airport, as long as such operations are in compliance with applicable federal, state and local regulations concerning operation of aircraft and use of the Airport.

Declarant covenants and agrees that it, its successors, assignees, invitees, and tenants, shall not assert, initiate, join in or prosecute any claim, administrative proceeding, lawsuit, demand, grievance or other cause of action, and hereby expressly waives for itself, its successors, assigns, invitees, and tenants, any claim, administrative proceeding, lawsuit, demand, grievance or other cause of action it or they may now have, or that may arise in the future against Phoenix-Mesa Gateway Airport, the commercial air carriers now or hereafter operating at Phoenix-Mesa Gateway Airport, the (hereinafter are collectively referred to as the "Benefited Parties"), for any inverse

produced by aircraft operating on, within or over the Airport, or within airspace above or near the Property including without limitation noise produced by aircraft approaching the Airport for landing or departing from the Airport. This waiver shall not be construed, however, to bar Declarant or any successor, assign, grantee, invitee or tenant of Declarant from any claims against any person or entity for personal injury or property damage caused by or resulting from the negligent operation of an aircraft or resulting from use of the airspace above the Property in a manner violative of applicable federal, state or local laws or regulations. Nothing contained herein shall be construed to restrict Declarant from building any structure on the which complies with all applicable laws of the governmental Property having jurisdiction regarding said construction, so long as any such structure does not, because of its height or function, restrict or impede usage of the Airport by aircraft lending or taking off in the same manner as if the structure were not in existence. This Declaration of Easement and Waiver shall bind Declarant, its successors, assigns, invitees and tenants, and their respective successors and assigns, and all persons from time to time occupying or using the Property or any portion thereof. The acceptance by any person or entity of any right of use, deed, lease, mortgage or conveyance of any interest in or privilege pertaining to the Property whatsoever shall constitute acknowledgment of the terms of this Declaration and agreement to be bound by all terms hereof. This Declaration of Easement and Waiver shall be a covenant running with the land described in Exhibit A, and shall run to the benefit of the above described Benefited Parties, their successors and assigns. ATTEST DECLARANT Secretary By: \_\_\_\_\_ State of Arizona **County of Maricopa** PERSONALLY appeared before me, the undersigned authority \_\_\_\_\_ well known to me to be the \_\_\_\_\_\_ of \_\_\_\_\_ , and they acknowledged before me that that they executed the foregoing instrument on behalf of \_\_\_\_ as its true act and deed, and that they were duly authorized so to do. WITNESS my hand and official seal, this \_\_\_\_\_\_ day of\_\_\_\_\_\_\_\_, 20\_\_\_\_\_\_, 20\_\_\_\_\_ (NOTARIAL SEAL) **Notary Public** 

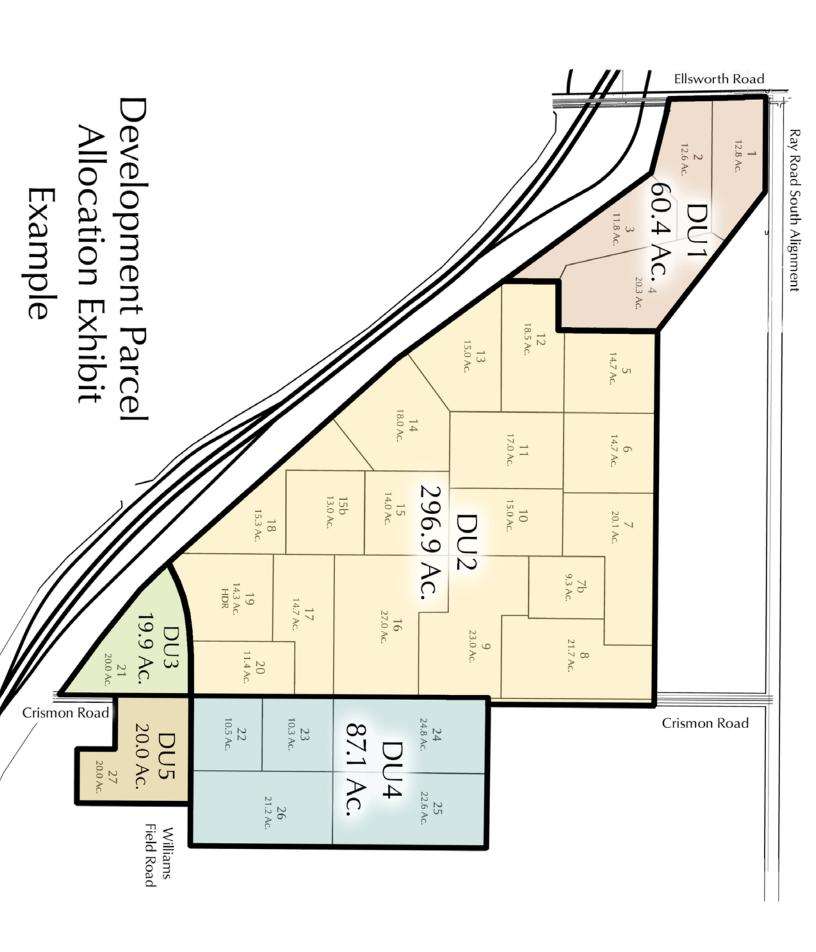
condemnation, nuisance or other action of any nature whatsoever arising out of, or related to noise

Revised: 02/19/09scd

**My Commission Expires** 

# 19.4 SAMPLE DEVELOPMENT PARCEL ALLOCATION TRACKING SHEET

--Begins on the Following Page--



## **PPGN Development Parcel Allocation Summary – EXAMPLE**

\*The following example Development Parcel Allocation Summary is intended to establish the general form for future reporting and tracking of development parcel allocations. Additional tracking information may be required in the future as site plans and subdivision plats are approved. DU1 has been completed as a sample.

Development Parcel	Parcel Acreage	Land Use Group	Minimum Dwelling Units	Maximum Dwelling Units	Minimum Non-Residential G.F.A.	Maximum Non-Residential G.F.A.
Development Unit 1	7 tel cugo	J. Gup	Direming Cimes	g cinto	<u> </u>	<u> </u>
DU1	60.4	n/a	300	700	125,000	400,000
1	12.8	CMU	0	<i>75</i>	50,000	125,000
2	12.6	СМИ	50	100	75,000	225,000
3	11.8	CMR-U	175	325	0	50,000
4	20.3	CRSL	<i>7</i> 5	200	0	0
Total Allocation	60.4	n/a	300	700	125,000	400,000
<b>Development Unit 2</b>					·	<u> </u>
DU2	269.9		750	2,200	50,000	125,000
5	14.7					
6	13.3					
7	15.6					
7.b	9.3					
8	22.8					
9	24.0					
10	17.2					
11	14.9					
12	23.2					
13	10.2					
14	23.3					
15	14.0					
15.b	13.0					
16	30.3					
17	16.2					
18	24.0					
19	11.4					
20	20.0					
Development Unit 3						
DU3	20.0		0	0	75,000	350,000
21	10.5					
Development Unit 4						
DU4	87.1		200	600	50,000	125,000
22	10.3					
23	24.8					
24	22.6					
25	21.2					
26	20.0					
Development Unit 5						
DU5	20.0		0	0	100,000	350,000
27	20.0					

## 19.5 MASTER TRANSPORTATION STUDY

-- Under Separate Cover--

## **19.6 MASTER DRAINAGE STUDY**

-- Under Separate Cover---

## 19.7 MASTER WATER REPORT

--Under Separate Cover--

## 19.8 MASTER WASTEWATER REPORT

-- Under Separate Cover--

## 19.9 ORDINANCE NO. 5115\*

-- Begins on the Following Page--

#### ORDINANCE NO. <u>5115</u>

AN ORDINANCE AMENDING SECTION 11-3-2, OFFICIAL ZONING DISTRICT MAP AND DISTRICT BOUNDARIES, OF THE MESA CITY CODE, CHANGING THE ZONING OF CERTAIN PROPERTY DESCRIBED IN ZONING CASE Z12-28 LOCATED AT THE 5200 TO 5300 BLOCKS OF SOUTH ELLSWORTH ROAD (EAST SIDE). LOCATED ON THE NORTH SIDE OF THE FUTURE STATE ROUTE 24 FREEWAY ALIGNMENT BETWEEN ELLSWORTH ROAD TO APPROXIMATELY ONE-QUARTER MILE EAST OF THE CRISMON ROAD ALIGNMENT; SOUTHERN PORTION OF THE FORMER GENERAL MOTORS PROVING GROUNDS (485± acres) ADOPTING AN OFFICIAL SUPPLEMENTARY ZONING MAP ESTABLISHING THE PACIFIC PROVING GROUNDS NORTH COMMUNITY PLAN AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

<u>Section 1</u>: That Section 11-3-2 Official Zoning District Map and District Boundaries, of the Mesa Zoning Ordinance is hereby amended by adopting the Official Supplementary Zoning Map for Zoning Case (Z12-28), signed by the Mayor and City Clerk, which accompanies and is annexed to this ordinance and declared a part hereof.

<u>Section 2</u>: The Official Supplementary Zoning Map attached hereto is adopted subject to compliance with the following conditions:

- 1. Compliance with the basic development as described in the project narrative and the redlined Community Plan ("CP") as prepared and submitted by staff.
- 2. The Planning Director is authorized and directed to correct the Community Plan for grammatical, formatting, and other errors that do not affect or change the meaning of the CP's substantive requirements or standards.
- 3. With respect to handling of technical engineering issues and standards all of the Master Reports are to be considered in draft format with revisions needed to accommodate the changes prepared by staff on the land use budget. All of the Master Reports must be finally approved by the City Engineer and/or the City Traffic Engineer before approval of the first Development Unit Plan.
- 4. Staff has the option of submitting the Development Unit Design Guidelines for review by the Design Review Board.
- 5. Site Plan Review through the public hearing process by the Planning & Zoning Board of future Development Unit plans for DU1, DU3, and DU5.
- 6. All preliminary subdivision plats require approval by the Plaming and Zoning Board.
- 7. Compliance with all requirements of the Design Review process for development proposals including the following:
  - a) Buildings 4 or more stories in height.
  - b) Multiple-residence and attached single residence projects that exceed the standard density of the RM-2 density range.
  - c) Mixed-use, commercial and/or industrial projects that have frontage on an arterial or collector street or that are a part of an existing or planned development that has frontage on an arterial or collector street.
  - d) Mixed Use, commercial and/or industrial projects that have, or will have, greater than 20,000 square feet of gross floor area.

- 8. Compliance with all City development codes and regulations except those modified with the approval of the Community Plan or those identified as requiring future review and approval by the City Engineer if approval is granted by the City Engineer.
- 9. Future development shall fully comply with all requirements of the Community Plan.
- 10. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
- 11. All street improvements and street frontage landscaping to be installed in the first phase of construction for each development site when adjacent to residential districts.
- 12. Certificates of Occupancy and/or Completion for individual non-residential buildings shall not be granted until required parking and landscaping are constructed for each development site.
- 13. All undeveloped parcels within a group commercial, industrial, or office project shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights of Way and public areas.
- 14. Compliance with all requirements of the Subdivision Technical Review Committee.
- 15. All non-residential buildings shall be architecturally designed to comply with the approved design guidelines for each Development Unit.
- 16. Should an automobile service station be proposed, it requires approval of a Special Use Permit by the Board of Adjustment. Should an automobile service station be proposed along Ellsworth Road, the design will be carefully reviewed and approved only if it is found that the design is consistent with the goals and objectives of the Mesa Gateway Strategic Development Plan, the goals of the Mesa Gateway Airport, and is designed for an urban setting.
- 17. Applicant shall provide guidelines and illustrations for an urban designed automobile service station to be added to Chapter 9.5 of the Community Plan prior to approval of DU1.
- 18. Review and approval of a Special Use Permit by the Board of Adjustment for a Comprehensive Sign Plan for the entire community and/or individual development parcels as required by the Community Plan.
- 19. Review and approval of a Council Use Permit for uses identified within the land use tables as required by the Community Plan.
- 20. Prior to any ground-disturbing activities, the acreage should be inspected by a qualified cultural resources specialist. The extent of the historic properties present should be delineated, and their integrity assessed as required by the letter dated April 23, 2008 by David Jacobs of the State Historic Preservation Office.
- 21. Owner granting an Avigation Easement and Release to the City, pertaining to Phoenix-Mesa Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit, or prior to the approval of the 1<sup>st</sup> DUP).
- 22. Written notice of this Avigation Easement be provided to future residents, and acknowledgement received that the project is within 1 mile(s) of Phoenix-Mesa Gateway Airport.
- 23. Noise attenuation measures to be incorporated into the design and construction of the homes to achieve a noise level reduction as identified within the Community Plan.
- 24. Amend the Community Plan in the CR and CRSL LUG's to provide at least one useable open space area a minimum of 100 s.f. on each lot.
- 25. Amend the Community Plan to include a minimum building height of 20 feet for buildings within the CMU LUG.
- 26. The residential development design standards as required by Chapter 7.4C of the Community Plan shall be distributed to the Planning and Zoning Board for review and comment as part of the administrative staff review and approval process. A study session shall be held withthe Planning and Zoning Board to discuss the proposed design guidelines upon request by the Planning and Zoning Board members.

#### Section 3: PENALTY.

#### CIVIL PENALTIES:

- A. Any owner, occupant or responsible party who is found responsible for a civil violation of this Ordinance, whether by admission, default, or after a hearing, shall pay a civil sanction of not less than \$150 or more than \$1,500, per citation. A second finding of responsibility within 24 months of the commission of a prior violation of this Ordinance shall result in a civil sanction of not less than \$250 or more than \$2,500. A third finding of responsibility within 36 months of the commission of a prior violation of this Ordinance shall result in a civil sanction of not less than \$500 or more than \$2,500. In addition to the civil sanction, the responsible party shall pay the applicable fees and charges set forth in the City's Development and Sustainability Department (Code Compliance) Schedule of fees and Charges, and may be ordered to pay any other applicable fees and charges.
- B. The 36 month provision described above of this Section shall be calculated by the dates the violations were committed. The owner, occupant, or responsible party shall receive the enhanced sanction upon a finding of responsibility for any violation of this Chapter that was committed within 36 months of the commission of another violation for which the owner or responsible party was convicted or was otherwise found responsible, irrespective of the order in which the violations occurred or whether the prior violation was civil or criminal.

#### EACH DAY SEPARATE VIOLATION:

C. Each day in which a violation of this Ordinance continues, or the failure to perform any act or duty required by this Ordinance or by the Civil Hearing Officer continues, shall constitute a separate civil offense.

#### HABITUAL OFFENDER:

- A. A person who commits a violation of this Ordinance after previously having been found responsible for committing three (3) or more civil violations of this Ordinance within a twenty-four (24) month period whether by admission, by payment of the fine, by default, or by judgment after hearing shall be guilty of a class 1 criminal misdemeanor. The Mesa City Prosecutor is authorized to file a class 1 criminal misdemeanor complaint in the Mesa City Court against habitual offenders. For purposes of calculating the twenty-four (24) month period under this Subsection, the dates of the commission of the offenses are the determining factor.
- B. Upon conviction of a violation of this Section, the Court may impose a sentence of incarceration not to exceed six (6) months in jail; or a fine not to exceed two thousand five hundred dollars (\$2,500.00), exclusive of penalty assessments prescribed by law; or both such fine and imprisonment. The Court shall order a person who has been convicted of a violation of this Section to pay a fine of not less than five hundred dollars (\$500.00) for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of a sentence required by this Subsection except on the condition that the person pay the mandatory minimum fines as provided in this paragraph.
- C. Every action or proceeding under this Section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to criminal misdemeanors and the Arizona Rules of Criminal Procedure.

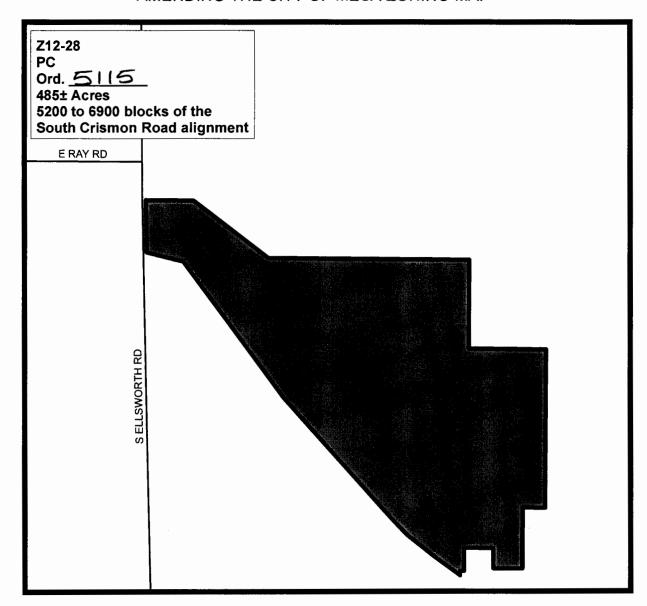
PASSED AND ADOPTED by the Council of the City of Mesa, Maricopa County, Arizona, this10th day of September, 2012.

APPROVED:

Mayor

ATTEST:

#### OFFICIAL SUPPLEMENTARY ZONING MAP AMENDING THE CITY OF MESA ZONING MAP



Please be advised that the attached zoning changes were approved by the Mesa City Council on September  $10^{th}$ , 2012 by Ordinance # 5115. If you have any questions concerning these changes, contact the City of Mesa Planning Division at 480-644-2385.

MAYOR

SEAL

N

SEAL

OA

COUNT

OA

COUNT