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;
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.
## LEGEND

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## LINE DATA TABLE

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<td>882.70'</td>
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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 ____________________________________________________________________________.

This request is for development of ____________________________________________________________________.

This letter is being sent to all property owners within 300 feet of the property at the request of the
Mesa Planning Division. Enclosed for your review is a copy of the site plan and elevations of the
proposed development.

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 proposal.

If you have any questions 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 the 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 property (hereinafter referred to as the “Property”) located in Maricopa County, Arizona which is more particularly described in Exhibit “A” attached hereto, subject only to the mortgage(s) held by the lender(s) 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
condemnation, nuisance or other action of any nature whatsoever arising out of, or related to noise 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 Property which complies with all applicable laws of the governmental agencies 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 landing 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

__________________________________________
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 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______.

(NOTARIAL SEAL)

__________________________________________
Notary Public

My Commission Expires

Revised: 02/19/09scd
19.4  SAMPLE DEVELOPMENT PARCEL ALLOCATION TRACKING SHEET

--Begins on the Following Page--
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.

**PPGN Development Parcel Allocation Summary – EXAMPLE**

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<th>Parcel Acreage</th>
<th>Land Use Group</th>
<th>Minimum Dwelling Units</th>
<th>Maximum Dwelling Units</th>
<th>Minimum Non-Residential G.F.A.</th>
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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. 515

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:

Section 1: 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.

Section 2: 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 Planning 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.


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 1st 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 with the 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, this 10th day of September, 2012.

ATTEST:

[Signature]
City Clerk

APPROVED:

[Signature]
Mayor

CITY OF Mesa
CORPORATE
MARICOPA COUNTY, AZ.
SEAL
Please be advised that the attached zoning changes were approved by the Mesa City Council on September 10th, 2012 by Ordinance # 5115. If you have any questions concerning these changes, contact the City of Mesa Planning Division at 480-644-2385.