

ORDINANCE G-6961

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-46-19-2) FROM S-1 (RANCH OR FARM RESIDENCE DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of a 213.18 acre site located approximately 900 feet north of the northeast corner of Cave Creek Dam Road and Desert Peak Parkway in a portion of Sections 3 and 10, Township 4 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "S-1" (Ranch or Farm Residence District) 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 Sendero Foothills 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 29, 2021, as modified by the following stipulations:
 - a. Front Cover: Revise submittal date information on the cover page as follows:
 - 1st Submittal: August 8, 2019
 - 2nd Submittal: February 19, 2021
 - 3rd Submittal: August 16, 2021
 - 4th Submittal: November 2, 2021
 - Hearing Draft: November 29, 2021
 - City Council Adopted: TBD
 - b. Update the narrative to reflect a site acreage of 213.18 acres.
 - c. Page 10, Section D.1, Development Standards: Add the following under the second paragraph:
 - Maximum dwelling units for the overall PUD area: 250
 - Development will be restricted to slopes of 20% or less
 - d. Page 15, Section D.2.iv: Increase live coverage to 75% to be consistent with the live coverage standards for single-family and multifamily development.
 - e. Page 17, Section E.2, Site Design: Add the following language, “j. Walkways and trails shall be wide enough, five-foot minimum, to accommodate both pedestrians and bicycle users.”
2. Prior to the issuance of Final Site Plan approval, the landowner shall convey 120 acres (or an area mutually agreed by the city and the owner) of hillside land selected by the City of Phoenix and located in the area as depicted as Tract A of the final plat, to the City of Phoenix for use as a City of Phoenix desert park and/or mountain preserve.
3. The landowner shall work with the City of Phoenix Parks and Recreation Department to determine a maximum of three access sites to the desert park or mountain preserve area prior to issuance of Final Site Plan approval. Access sites shall be located in mutually agreed upon locations by the City of Phoenix and the landowner and must be identified and delineated on the Final Site Plan.

4. The developer is required to complete a Traffic Impact Study. Preliminary site plan approval shall not be granted until the study has been approved by the Street Transportation Department.
5. The development shall adhere to the dedications and infrastructure improvements as stipulated in the approved Traffic Impact Study.
6. The developer shall provide the Planning and Development Department with proof of legal access between the development and a public right-of-way prior to final plat approval. This private access shall be sufficient to service a subdivision in accordance to the Subdivision Code in Chapter 32 of the City Code, as approved by the Planning and Development Department.
7. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
8. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
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 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.

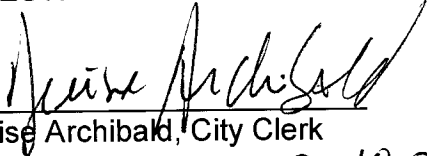
SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 2nd day of February,
2022.




MAYOR

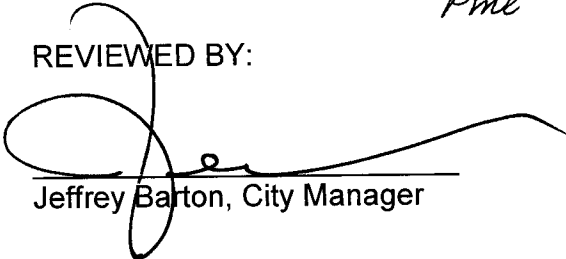
ATTEST:


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

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

PL.tml:LF21-3367:2-2-2022:2298946v1

EXHIBIT A

LEGAL DESCRIPTION FOR Z-46-19-2:

A portion of land being situated within Sections 3 and 10, Township 4 North, Range 3 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a found brass cap flush accepted as the Southeast corner of said Section 3, from which a found PK nail tagged 24513 accepted as the East Quarter corner of said Section 10 bears South 00°08'34" West, 2633.00 feet;
Thence along the east line of said Section 10, South 00°08'34" West, 200.00 feet;
Thence leaving said east line, North 89°55'04" West, 2600.00 feet along a line which is 200.00 feet south of and parallel with the south line of the southeast quarter of said Section 3;

Thence leaving said parallel line, North 00°08'34" East, 200.00 feet to the south line of said Section 3;

Thence along said south line, North 89°55'04" West, 33.14 feet;

Thence leaving said south line, North 00°04'07" East, 2658.61 feet along the west line of the southeast quarter of said Section 3;

Thence leaving said west line, South 89°48'25" West, 175.00 feet along the north line of the southwest quarter of said Section 3;

Thence leaving said north line, North 00°03'56" East, 665.96 feet along a line which is 175.00 feet west of and parallel with the west line of the East half of said Section 3;

Thence North 89°44'41" East, 175.00 feet along the south line of the north 661.12 feet of the Southeast quarter of the Northwest quarter of said Section 3;

Thence leaving said south line, South 00°03'56" West, 2.51 feet, along the west line of the East half of said Section 3,;

Thence North 89°46'41" East, 140.32 feet along the north line of the Southwest quarter of the Southwest quarter of the Northeast quarter of said Section 3;

Thence leaving said north line, South 50°08'45" East, 151.75 feet; Thence South 17°34'03" East, 159.41 feet;
Thence South 07°36'20" East, 186.68 feet;

Thence South 00°05'25" West, 228.80 feet;

Thence North 89°48'20" East, 330.04 feet along the north line of southeast quarter of said Section 3;

Thence leaving said north line, North 00°06'54" East, 331.98 feet along the east line of the southwest quarter of the southwest quarter of the northeast quarter of said Section 3;

Thence leaving said east line, North 89°47'30" East, 330.18 feet along the north line of the Southwest quarter of the Southeast quarter of the Southwest quarter of the Northeast quarter of said Section 3;

Thence leaving said north line, North 00°08'22" East, 332.06 feet along the east line of the Northwest quarter of the Southeast quarter of the Southwest quarter of the Northeast quarter of said Section 3;

Thence leaving said east line, North 89°46'41" East, 330.33 feet along the north line of the Southeast quarter of the Southwest quarter of the Northeast quarter of said Section 3;

Thence leaving said north line, North 00°09'51" East, 332.14 feet along the east line of the Southwest quarter of the Northeast quarter of said Section 3;

Thence leaving said east line, North 89°45'51" East, 1321.88 feet;

Thence along the east line of said Section 3, South 00°15'45" West, 332.46 feet;

Thence leaving said east line, South 89°46'41" West, 660.66 feet along the north line of the Southeast quarter of the Southeast quarter of the Northeast quarter of said Section 3;

Thence leaving said north line, South 00°12'48" West, 332.30 feet along the west line of the Southeast quarter of the Southeast quarter of the Northeast quarter of said Section 3;

Thence leaving said west line, North 89°47'30" East, 660.37 feet along the north line of the south half of the Southeast quarter of the Southeast quarter of the Northeast quarter of said Section 3;

Thence leaving said north line, South 00°15'45" West, 332.46 feet along said east line of the Northeast quarter of said Section 3 to the east quarter corner thereof;

Thence South 00°13'20" West, 2671.37 feet along the east line of the Southeast quarter of said Section 3 to the POINT OF BEGINNING.

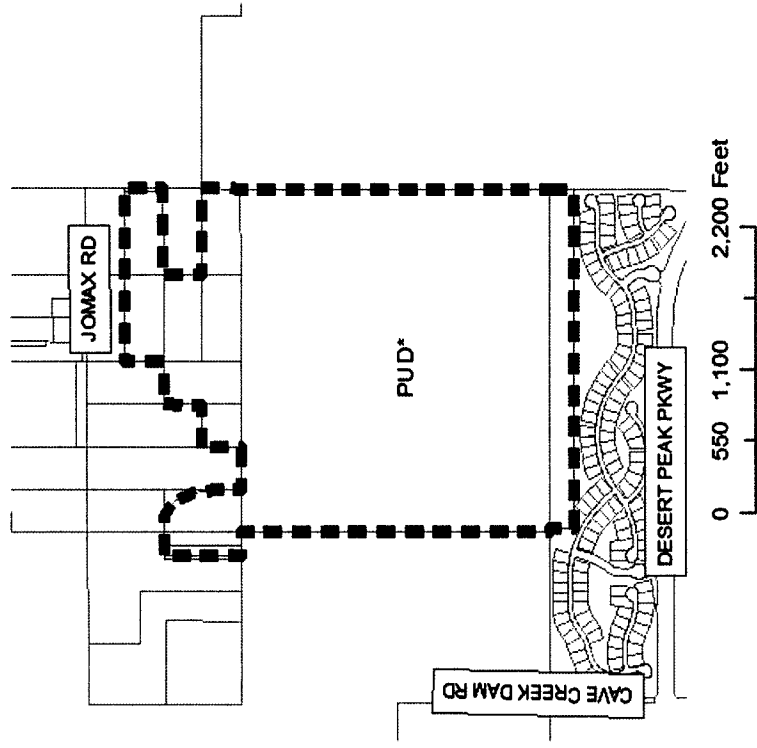
The above described parcel contains a computed area of 9,286,135 sq. ft. (213.1803 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions

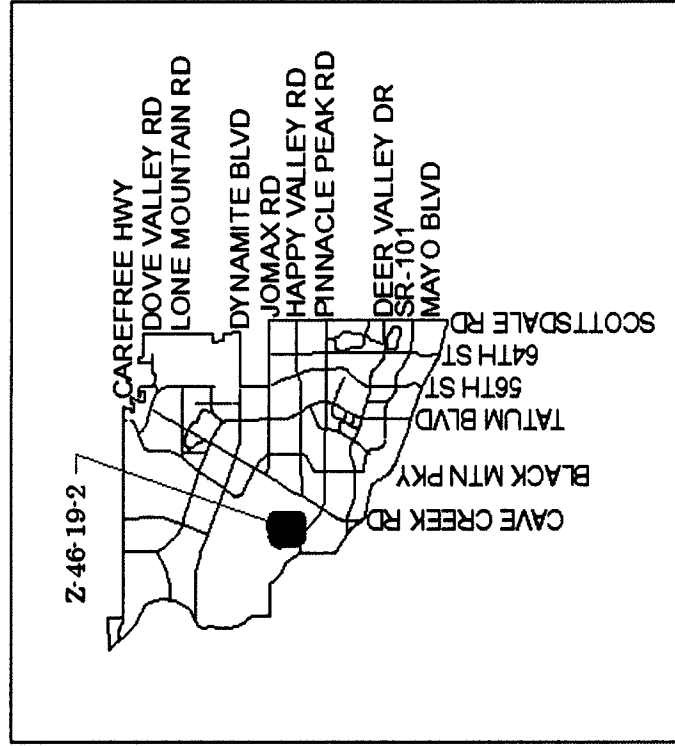
EXHIBIT B

ORDINANCE LOCATION MAP

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



Zoning Case Number: Z-46-19-2
Zoning Overlay: N/A
Planning Village: Desert View



NOT TO SCALE



Drawn Date: 12/28/2021

S:\Department Share\Information Systems\PL GIS\GIS_Team\Cone_Functions\Zoning\Suppl\aps_OrdM\aps\2022 Ord\2-22\Z-46-19-2.mxd