

ATTACHMENT A

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ADOPTED ORDINANCE**

ORDINANCE G-

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-6-22-2) FROM S-1 (RANCH OR FARM RESIDENCE DISTRICT) TO R1-10 (SINGLE-FAMILY RESIDENCE DISTRICT), R-2 (MULTIFAMILY RESIDENCE DISTRICT), AND R-3A (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of 417.33-acre site located approximately 2,400 feet southwest of the southwest corner of Cave Creek Road and Jomax Road in a portion of Sections 1, 2, and 11, Township 4 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from 417.33 acres of "S-1" (Ranch or Farm Residence District), to 388.10 acres of "R1-10" (Single-Family Residence District), 14.19 acres of "R-2" (Multifamily Residence District), and 15.04 acres of "R-3A" (Multifamily Residence 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:

OVERALL SITE

1. Prior to the issuance of Final Site Plan approval, the landowner shall convey approximately 74 acres (or an area mutually agreed upon by the city and the owner) of hillside land selected by the City of Phoenix and located in the area depicted as "Hillside Area" on the site plan date stamped February 4, 2022, to the City of Phoenix for the use as a City of Phoenix desert park and/or mountain preserve, as modified and approved by the Planning and Development Department and the Parks and Recreation Department.
2. The developer shall work with the City of Phoenix Parks and Recreation Department to determine a maximum of two access points to the desert park or mountain preserve area prior to issuance of preliminary site plan approval. The access points shall be made accessible to the public through a trail network, within and/or bounding the site, as approved or modified by the Planning and Development Department. In conjunction with the electric utility provider, the developer shall also explore the possibility of providing a public access parking lot in the utility easement area with access to the preserve trail network.
3. A minimum landscaped setback of 140 feet shall be provided along the Cave Creek Road frontage.
4. The required landscape setbacks along Cave Creek Road, Desert Peak Parkway, and the perimeter setbacks for the R-2 and R-3A zoned portions of the site where adjacent to single-family residential zoning shall be planted with a minimum of 70 percent 2-inch caliper and 30 percent 3-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, with five 5-gallon shrubs per tree, as approved or modified by the Planning and Development Department.
5. Within the development and along Cave Creek Road and Desert Peak Parkway, all pedestrian paths, multi-use trails, and sidewalks, excluding sidewalks along internal streets, shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide a minimum of 75 percent shade, as approved or modified by the Planning and Development Department.
6. The developer shall dedicate 30-foot-wide multi-use trail easements (MUTE) along the east side of Desert Peak Parkway and the west side of Cave Creek Road and construct a minimum 10-foot-wide multi-use trail (MUT) within the easements in accordance with the MAG supplemental detail and as approved

by the Planning and Development Department. Where conflicts or restrictions exist, the developer shall work with the Site Planning Section on an alternative design through the technical appeal process.

7. The developer shall construct minimum 10-foot-wide community trails and multi-use trails, as generally depicted on the Overall Trails Exhibit, date stamped April 15, 2022, as approved or modified by the Planning and Development Department. Where conflicts or restrictions exist, the developer shall work with the Site Planning Section on an alternative design through the technical appeal process.
8. The developer shall dedicate right-of-way and construct one bus stop pad along southbound Cave Creek Road. The bus stop pad shall be constructed according to the City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet and be located from the intersection of the main access point on Cave Creek Road according to City of Phoenix Standard Detail P1258, as approved or modified by the Planning and Development Department or the Public Transit Department.
9. The developer shall construct a minimum 5-foot-wide detached sidewalk and a minimum 11-foot-wide landscape area between the back of curb and sidewalk along Cave Creek Road, planted to the following standards and as approved or modified by the Planning and Development Department or Street Transportation Department.
 - a. Minimum 2-inch caliper shade trees planted 20 feet on center or in equivalent groupings.
 - b. Drought tolerant vegetation to achieve 75 percent live coverage at maturity.

Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

10. The developer shall construct minimum 5-foot-wide detached sidewalks with minimum 5-foot-wide landscape areas between the back of curb and sidewalks along the primary roadway through the subdivision, as generally depicted on the Overall Trails Exhibit, date stamped April 15, 2022, planted with minimum 2-inch caliper shade trees, 25 feet on center or in equivalent groupings, as approved or modified by the Planning and Development Department. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
11. The developer shall dedicate 65 feet of right-of-way along Cave Creek Road, as approved by the Planning and Development Department.

12. The developer shall construct a 24-foot-wide landscaped median island along Desert Peak Parkway from Hillstone Way to 23rd Street, as approved or modified by the Planning and Development Department.
13. The developer shall align the primary roadway through the subdivision with the intersection of Desert Peak Parkway and Hillstone Way and shall be responsible for any modifications to the existing drainage facility and access ramp, as approved or modified by the Planning and Development Department.
14. The developer shall connect to the existing stub streets of Rustling Oaks Lane, 27th Place, and 29th Way, as depicted on the site plan date stamped February 4, 2022 , but shall be restricted to emergency access only and as approved or modified by the Planning and Development Department. Additionally, the developer shall provide pedestrian access at the above referenced street stubs to facilitate pedestrian circulation between the development and the existing Desert Peak neighborhood.
15. The developer shall submit a Traffic Impact Study, including a Cave Creek Road Traffic Corridor Analysis from Sonoran Desert Drive south to the 101 Freeway to evaluate the overall level of service and corridor conditions with impacts associated with the proposed 1,545 dwelling units. The developer shall be responsible for regional mitigation identified through the analysis. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation Department.
16. 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.
17. The developer shall grant and record an avigation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
18. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
19. The property owner shall record documents that disclose the existence, and operational characteristics of 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.
20. If determined necessary by the Phoenix Archeology 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 Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.

21. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.
22. In the event archeological 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.
23. 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.

R1-10 ZONED AREA

24. Building elevations shall depict architectural detailing applied to windows on all sides of the homes, as approved by the Planning and Development Department.
25. A minimum of 15 percent of the gross site area for the R1-10 zoned portion of the site, after dedication of the hillside area to the city, shall be retained as open space, including washes and internal hillside areas, as approved by the Planning and Development Department. This requirement shall not be applied to individual phases of the overall development.
26. A minimum of two distinct active open space areas and a minimum of three passive open space areas shall be provided within the overall R1-10 zoned area, as approved by the Planning and Development Department.

R-2 ZONED AREA

27. The development shall be in general conformance with the building elevations date stamped February 4, 2022, as approved by the Planning and Development Department.
28. A minimum of 10 percent of the gross site area shall be retained as open space, including washes, as approved by the Planning and Development Department.
29. There shall be a minimum of 5 amenities within the open space areas, such as but not limited to benches, picnic tables, ramadas, and/or playground equipment, as approved by the Planning and Development Department.

30. The developer shall provide secured bicycle parking per Section 1307 of the City of Phoenix Zoning Ordinance. In addition, inverted U--and/or artistic bicycle racks shall be provided for guests, with a minimum of 0.05 spaces per unit, located near the clubhouse or distributed throughout the site and installed per the requirements of Section 1307.H of the Zoning Ordinance, as approved by the Planning and Development Department.

R-3A ZONED AREA

31. The development shall be in general conformance with the building elevations date stamped February 4, 2022, as approved by the Planning and Development Department and as modified by the stipulations below.
32. A minimum of 10 percent of the gross site area shall be retained as open space, including washes, as approved by the Planning and Development Department.
33. There shall be a minimum of 5 amenities within the open space areas, such as but not limited to benches, picnic tables, ramadas, and/or playground equipment, as approved by the Planning and Development Department.
34. The developer shall provide secured bicycle parking per Section 1307 of the City of Phoenix Zoning Ordinance. In addition, inverted U--and/or artistic bicycle racks shall be provided for guests, with a minimum of 0.05 spaces per unit, located near the clubhouse or distributed throughout the site and installed per the requirements of Section 1307.H of the Zoning Ordinance, as approved by the Planning and Development Department.
35. The development shall be limited to a maximum building height of two stories, as approved by the Planning and Development Department.

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 1st day of July, 2022.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (3 Pages)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-6-22-2

R1-10 PORTION

A portion of land being situated within Sections 2 and 11, 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 with sectional markings accepted as the Southwest corner of said Section 2, from which a found pk nail with tag RLS 24513, accepted as the West Quarter corner of said Section 11 thereof bears South 00°08'39" West, 2633.00 feet;

Thence North 00°13'20" East, 2671.37 feet along the west line of the Southwest quarter of said Section 2 to the West quarter corner thereof;

Thence North 00°15'45" East, 332.46 feet, along the West line of the Northwest Quarter of said Section 2;

Thence leaving said West line, North 89°59'19" East, 1321.50 feet;

Thence South 00°20'29" West, 333.43 feet to the East-West Mid-Section line of said Section 2;

Thence along said East-West Mid-Section line, South 89°58'10" East, 1321.02 to the center of said Section 2;

Thence continuing along said East-West Mid-Section line, South 89°58'10" East, 2227.84 feet;

Thence leaving said East-West Mid-Section Line, South 27°34'34" West, 1215.06 feet;

Thence South 62°24'20" East, 892.49 feet to the centerline of Cave Creek Road;

Thence along said centerline, South 27°32'28" West, 1349.60 feet to the South line of the Southeast quarter of said Section 2, being the Northeast corner of Desert Peak Unit 4, as recorded in Book 856 of Plats, Page 34, Records of Maricopa County, Arizona;

Thence along said North line, North 89°45'55" West, 984.72 feet to the Northwest corner of said Desert Peak Unit 4;

Thence along the West line of said Desert Peak Unit 4, South 56°53'47" West, 2315.89 feet, to the Southwest corner of said Desert Peak Unit 4 and the Northwest

corner of Desert Peak Unit 3, as recorded in Book 849 of Plats, Page 12, Records of Maricopa County, Arizona;

Thence along the West line of said Desert Peak Unit 3 and the West line of Desert Peak Unit 2, as recorded in Book 836 of Plats, Page 39, Records of Maricopa County, Arizona, South $56^{\circ}53'50''$ West, 1416.19 feet to the North right of way line of Desert Peak Parkway;

Thence along said North right of way line, North $13^{\circ}38'22''$ West, 17.64 feet to the beginning of a tangent curve, concave Southwest, having a radius of 1483.00 feet;

Thence Northwesterly along said curve, through a central angle of $30^{\circ}16'46''$, an arc length of 783.73 feet to a non-tangent line, being the West line of the Northwest quarter of said Section 11;

Thence along said West line, North $00^{\circ}08'39''$ East, 1356.49 feet to the POINT OF BEGINNING.

R-2 PORTION

A portion of land being situated within Sections 1 and 2, Township 4 North, Range 3 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found Brass Cap flush with sectional markings accepted as the Southwest corner of said Section 2, from which a found pk nail with tag RLS 24513, accepted as the West Quarter corner of Section 11, Township 4 North, Range 3 East, bears South $00^{\circ}08'39''$ West, 2633.00 feet;

Thence North $00^{\circ}13'20''$ East, 2232.60 feet along the West line of the Southwest quarter of said Section 2;

Thence leaving said West line, South $89^{\circ}46'40''$ East, 4634.46 feet to the POINT OF BEGINNING;

Thence South $62^{\circ}24'00''$ East, 890.05 feet;

Thence South $27^{\circ}12'51''$ West, 351.89 feet;

Thence South $27^{\circ}32'28''$ West, 350.75 feet;

Thence North $62^{\circ}24'20''$ West, 892.49 feet;

Thence North $27^{\circ}34'34''$ East, 702.71 feet to the POINT OF BEGINNING.

R-3A PORTION

A portion of land being situated within Sections 1 and 2, Township 4 North, Range 3 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found Brass Cap flush with sectional markings accepted as the Southwest corner of said Section 2, from which a found pk nail with tag RLS 24513, accepted as the West Quarter corner of Section 11, Township 4 North, Range 3 East, bears South $00^{\circ}08'39''$ West, 2633.00 feet;

Thence North $00^{\circ}13'20''$ East, 2232.60 feet along the West line of the Southwest quarter of said Section 2;

Thence leaving said west line, South $89^{\circ}46'40''$ East, 4634.46 feet to the POINT OF BEGINNING;

Thence North $27^{\circ}34'34''$ East, 512.34 feet to the east-west mid-section of said Section 2;

Thence along said mid-section line, South $89^{\circ}58'10''$ East, 414.04 feet to the East quarter corner of said Section 2;

Thence South $89^{\circ}05'03''$ East, 578.35 feet along the East-West mid-section line of said Section 1;

Thence leaving said mid-section line, South $27^{\circ}12'51''$ West, 963.71 feet; Thence North $62^{\circ}24'00''$ West, 890.05 feet to the POINT OF BEGINNING.

ORDINANCE LOCATION MAP

EXHIBIT B

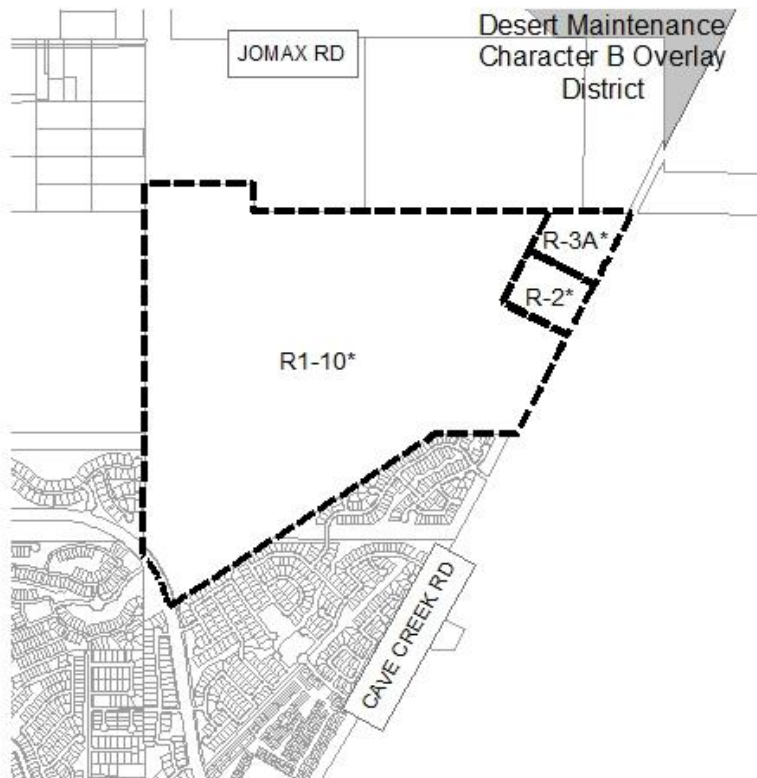
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: - - - - -

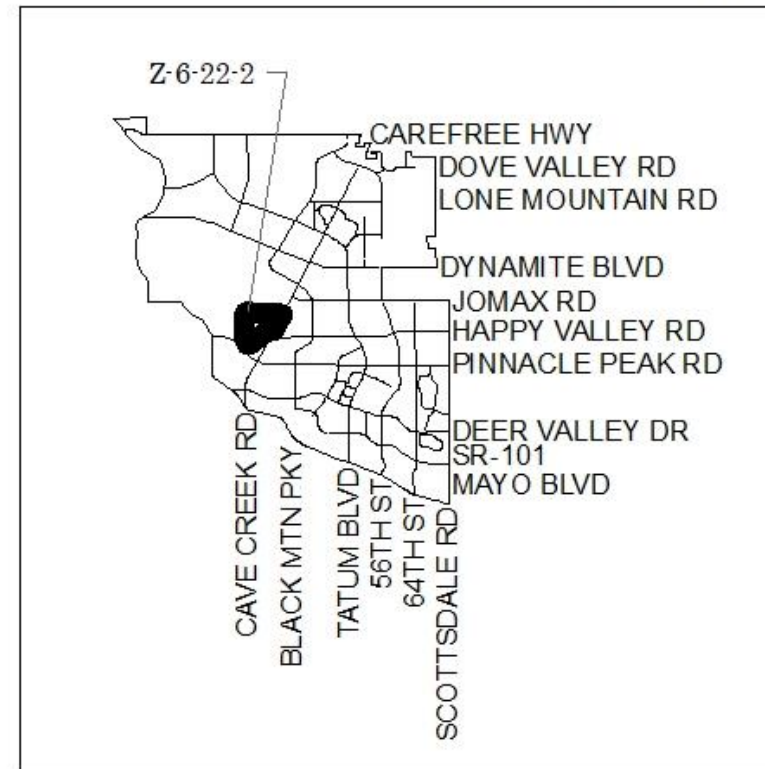
Zoning Case Number: Z-6-22-2

Zoning Overlay: N/A

Planning Village: Desert View



0 900 1,800 3,600 Feet



NOT TO SCALE



Drawn Date: 5/31/2022