

ATTACHMENT A

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ADOPTED ORDINANCE**

ORDINANCE G-

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-83-16-6) FROM P-1 ACSPD, R-2 PCD ACSPD, R-2 PCD SP ACSPD, RE-35 ACSPD, RE-35 PCD ACSPD, RE-35 PCD SP ACSPD, RE-43 PCD SP ACSPD, RH ACSPD, RH PCD ACSPD, R-2 PCD SP, AND RE-35 PCD SP TO PUD ACSPD AND PUD.

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

SECTION 1: The zoning of an approximately 318.37-acre property located approximately 1,340 feet north of the northeast and northwest corners of Invergordon Road and Camelback Road in a portion of Sections 16, 21, and 22, Township 2 North, Range 4 East, as described more specifically in Exhibit "A", is hereby changed from 4.58 acres of "P-1 ACSPD" (Parking District, Arcadia Camelback Special Planning District), 48.83 acres of "R-2 PCD ACSPD" (Multifamily Residence District, Planned Community District, Arcadia Camelback Special Planning District), 44.53 acres of "R-2 PCD SP ACSPD" (Multifamily Residence District, Planned Community District, Special

Permit, Arcadia Camelback Special Planning District), 5.30 acres of “RE-35 ACSPD” (Single-Family Residence District, Arcadia Camelback Special Planning District), 10.04 acres of “RE-35 PCD ACSPD” (Single-Family Residence District, Planned Community District, Arcadia Camelback Special Planning District), 22.39 acres of “RE-35 PCD SP ACSPD” (Single-Family Residence District, Planned Community District, Special Permit, Arcadia Camelback Special Planning District), 9.02 acres of “RE-43 PCD SP ACSPD” (Residential Estate District, Planned Community District, Special Permit, Arcadia Camelback Special Planning District), 108.84 acres of “RH ACSPD” (Resort District, Arcadia Camelback Special Planning District), 40.12 acres of “RH PCD ACSPD” (Resort District, Planned Community District, Arcadia Camelback Special Planning District), 11.67 acres of “R-2 PCD SP (Multifamily Residence District, Planned Community District, Special Permit), and 13.05 acres of “RE-35 PCD SP (Single-Family Residence District, Planned Community District, Special Permit” to 293.65 acres of PUD ACSPD (Planned Unit Development, Arcadia Camelback Special Planning District) and 24.72 acres of 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:

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.

1. An updated Development Narrative for the Phoenician 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 July 17, 2017 as modified by the following stipulations:
 - a. Page 11, Amendments Section, 3rd Paragraph, first sentence: Delete “except for density transfers permitted and processed in accordance with Section G”.
 - b. Page 34-35, Permitted Use List: Update the table to add the following language to the golf driving range, miniature golf, outdoor recreation uses, and swimming pools rows – “(Shall not be permitted east of 64th street/Invergordon Road)”
 - c. Page 35, Permitted Use List: Update the table to restrict parking lots and garages to only the resort core.
 - d. Page 35, Permitted Use List: Add a new row to the table for temporary parking within only the resort core and resort periphery that reads as follows – “Parking, temporary, for passenger vehicle parking of not more than 48 consecutive hours. Includes event parking on the golf course or driving range. (Shall not be permitted east of 64th Street/Invergordon Road)”
 - e. Page 35, Permitted Use List: Update the special events and outdoor tents for a temporary use row with the following language – “(Shall not be allowed east of 64th Street/Invergordon Road unless for golf related events)”
 - f. Page 36, Permitted Use List: Update the wireless communication facilities and helistop for temporary helicopter landings rows with the following language – “(Shall not be permitted east of 64th Street/Invergordon Road)”
 - g. Page 36, Note at the End of Permitted Use List Table: Update the note at

the end of the permitted use list table to read as follows – “Until a primary residential use has been established (through approval of a site plan or final subdivision plat), property designated with a land use of custom single family, single family, condominium, and/or townhome can be utilized for any primary or accessory use permitted in the resort periphery land use category, such as continuation of the golf course. Development area H shall also be permitted to continue use as a parking lot until a primary residential use has been established.”

- h. Page 39, Maximum Units Table: Delete all references to the transfer of dwelling units. Delete the third and fourth columns of the table and references to alternative dwelling unit counts via the transfer provision in Development Areas C/D and I.
- i. Page 40, Development Area Unit Transfer or Conversion Section: Delete title of section and first bullet point and the three sub-bullet points regarding dwelling unit transfer.
- j. Page 40: Update second bullet point to read as follows – “NOT TO EXCEED THE MAXIMUM NUMBER OF COMBINED HOTEL UNITS AND DWELLING UNITS OF 1,003 FOR THE ENTIRE PUD, UNCONSTRUCTED DWELLING UNITS SHALL BE PERMITTED TO BE UTILIZED ~~converted and transferred to~~ AS a new hotel room or casita with the following restrictions”. Update the subsequent bullet point to read as follows – “UNCONSTRUCTED ~~dwelling units from any Development Area OUTSIDE OF THE RESORT CORE~~ may be converted to a hotel room / casita and ~~transferred~~ ASSIGNED to another Area Development Areas A, I and J within the Resort Core. ~~Converted and transferred hotel room / casitas may only be received by Development Area A (Resort Core only), I or J.~~”
- k. Page 45, Development Area Perimeter and Interior / Common Space Landscape. Update the first sentence to read as follows: “The following minimum LANDSCAPING standards for any new Interior / Common Space ~~landscaping~~ AND DEVELOPMENT AREA PERIMETER NOT ON AN ARTERIAL STREET shall apply”.
- l. Page 53, Development Area C/D: Delete “237 Residential Units if maximum transfer occurs pursuant to Section G of this PUD”
- m. Page 55, Development Area F: Update the development standards table to require a minimum 15’ side yard setback for the primary structure and all accessory structures along the southern boundary of the development area.
- n. Page 95: Add legal descriptions for each of the Development Areas.

2. Prior to the submittal of any minor amendment to the PUD the applicant shall provide notice to all neighborhood associations registered with the City of Phoenix located within a half mile of the boundaries of the PUD. In all cases, the notification shall be provided to the Arcadia Camelback Mountain Neighborhood Association. Notices shall be provided by certified letter with return receipt sent not less than 14 calendar days prior to the minor amendment submittal and affidavit of notice shall be included with the submittal to the City of Phoenix.
3. The applicant shall submit a Traffic Impact Study to the Street Transportation Department and the Planning and Development Department prior to preliminary site plan review. The applicant shall be responsible for any dedications and required improvements as recommended by the approved traffic study, as approved by Planning and Development Department and the Street Transportation Department.
4. 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.
5. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
6. A minimum 15-foot-wide easement shall be dedicated for the existing public natural (foot only) trail in Development Areas B and K1 to provide connectivity to the Cholla Trailhead as approved by the Parks and Recreation and Planning and Development Departments.
7. 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.
8. The developer shall provide a bond or guarantee, with a term of five years, for the installation of a traffic signal at the intersection of Phoenician Boulevard and Invergordon Road, only when traffic warrants are met as approved by the Street Transportation and Planning and Development Departments. All costs for the traffic signal shall be the responsibility of the developer and the amount of the bond or guarantee shall be determined by the Street Transportation Department.
9. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's Office. 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.

10. The developer shall dedicate a hiking trail easement and contribute \$100,000 to help build a 10-foot wide publicly available hiking trail within the 100-foot north property line setback area. This trail shall start at Invergordon Road at the existing inlet called Staghorn and proceed westerly to join the existing trail at an appropriate location. The stipulation can apply to the following:

- An eight-foot high berm along the north side of the trail,
- Appropriate landscape and decomposed granite coverage for the length of the trail, and/or
- A landscape screen wall, or oleanders or natural desert vegetation along the north side of the berm shall be constructed to screen views of the trail.

PASSED by the Council of the City of Phoenix this 4th day of October, 2017.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

Exhibits:

A - Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-83-16-6

Those portions of the southeast quarter of Section 16, the North half of Section 21 and the northwest quarter of Section 22 all in Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona more particularly described as follows:

Parcel No 1

All of Parcels No. 2,3,7,8,9,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26 and 27 according to the Special Warranty Deed recorded in the office of the County Recorder of Maricopa County, Arizona as instrument number 1999-0115795;

Except from said Parcel No. 8 the following:

Those portions of Tract "A" of Camelback Club Estates, a subdivision according to the plat recorded in the office of the County Recorder of Maricopa County, Arizona as Book 65 of maps, page 38 described as follows:

All of said Tract "A" lying East of a line struck between the southwest corner of Lot 17 and the northwest corner of Lot 18 of said Camelback Club Estates;

Together with all of said Tract "A" lying South of a line struck between the northwest corner of Lot 27 and the northeast corner of Lot 28 of said Camelback Club Estates;

Together with all of said Tract "A" lying South of the westerly prolongation of the North line of Lots 28, 29 and 30 of said Camelback Club Estates;

Together with all of Tract "B" of said Camelback Club Estates.

Parcel No. 2

All of Parcels No. 1,2,3,4,5,6,7 and 8 according to the Special Warranty Deed and Quit Claim Deed recorded in the office of the County Recorder of Maricopa County, Arizona as instrument number 2015-0415131.

Parcel No. 3

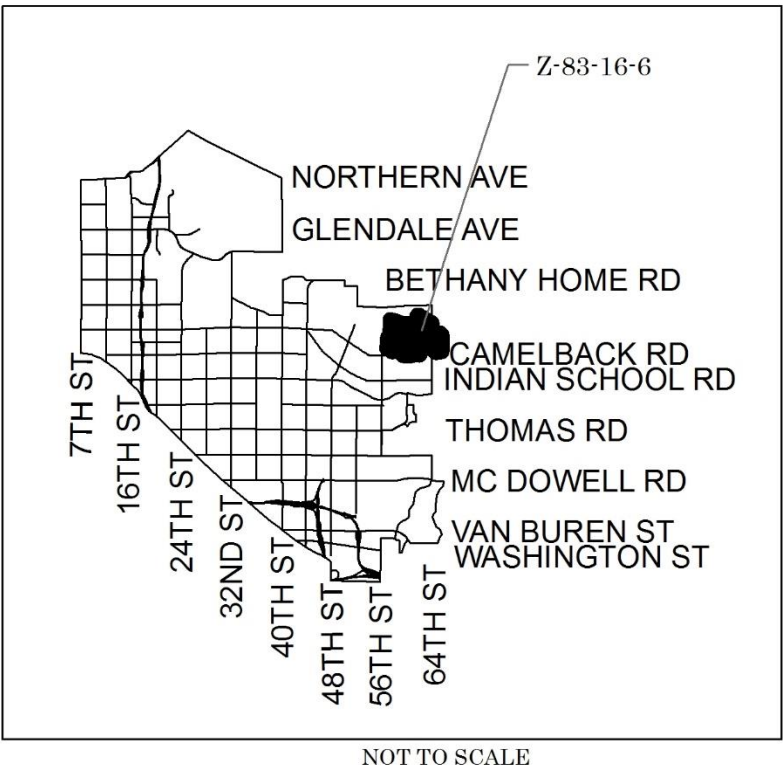
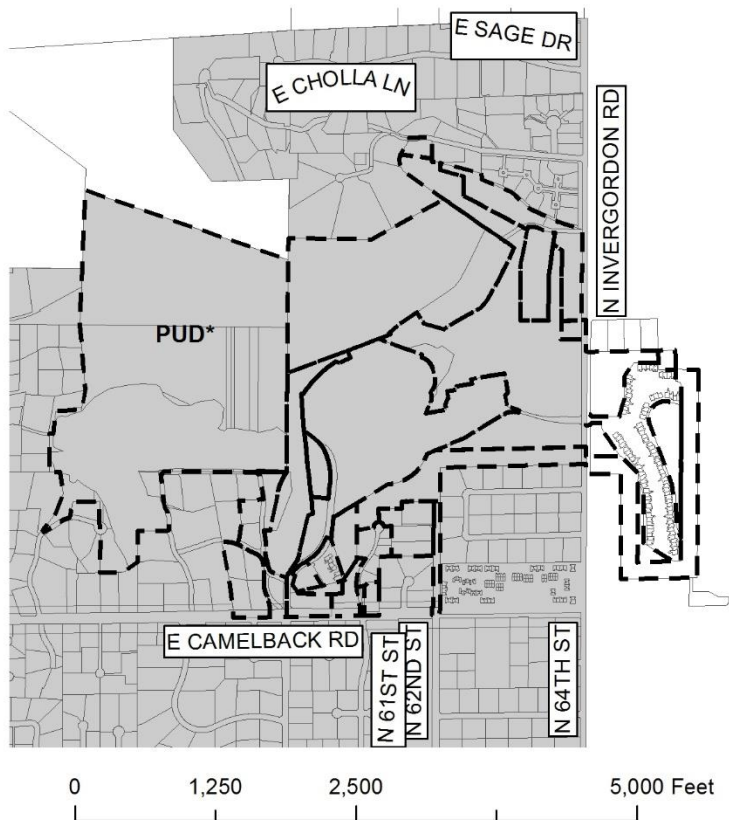
That certain parcel of land described in Special Warranty Deed and Quit Claim Deed recorded in the office of the County Recorder of Maricopa County, Arizona as instrument number 2015-0415132.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-83-16-6
Zoning Overlay: Arcadia Camelback SPD
Planning Village: Camelback East



Drawn Date: 9/8/2017

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