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ORDINANCE G-5802

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-36-12-2) FROM S-1 (RANCH OR FARM RESIDENCE) TO PUD (PLANNED UNIT DEVELOPMENT).

WHEREAS, on September 20, 2012, the City of Phoenix Planning and Development Department received, in compliance with the requirements of the City of Phoenix Zoning Ordinance, Section 506, a written request for rezoning from Greg Davis of Iplan Consulting, having authorization to represent the owner, Meritage Homes of Arizona Inc. of an approximately 40.24 acre property located at the southwest corner of 56th Street and Dixileta Drive in a portion of Section 29, Township 5 North, Range 4 East, as described more specifically in Attachment "A", attached hereto and incorporated herein by this reference; and,

WHEREAS, pursuant to A.R.S. § 9-462.04, the Planning Commission, held a public hearing on April 9, 2013, and at this hearing recommended that the City Council approve this rezoning request with the recommended staff conditions, as modified; and,

WHEREAS, the City Council, at their regularly scheduled meeting held on May 1, 2013, has determined that, in accordance with A.R.S. § 9-462.01.F, this rezoning request, with the appropriate site specific requirements provided in Section 2, is consistent with and conforms to the General Plan, will conserve and promote the public health, safety and general welfare, and should be approved, subject to the conditions herein.

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

SECTION 1: The zoning of an approximately 40.24 acre property located at the southwest corner of 56th Street and Dixileta Drive in a portion of Section 29, Township 5 North, Range 4 East, as described more specifically in Attachment "A", is hereby changed from "S-1" (Ranch or Farm Residence) to "PUD" (Planned Unit Development) and that 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 Attachment "B."

SECTION 2: The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-36-12-2, on file with the Planning and Development Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to compliance with the PUD narrative and 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 Bellisima 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 March 5, 2013, as modified by the following stipulations:

- a. Page 29, Section G.3.D.2 and G.3.D.2. – The ratios for retention and berm slopes are inconsistent with the Table on Page 27. The retention slope should be 4:1 and the berm slope should be 3:1.

STREET IMPROVEMENTS

2. Right-of-way totaling 55 feet shall be dedicated for the south half of Dixileta Drive as approved by the Planning and Development Department.
3. A 14-foot wide median shall be constructed on Dixileta Drive as approved by the Planning and Development Department.
4. A minimum 8-foot wide public utility easement shall be dedicated along 56th Street and Dixileta Drive as approved by the Planning and Development Department.
5. A 10-foot wide sidewalk shall be dedicated and constructed within a 20-foot wide sidewalk easement along the south side of Dixileta Drive per City of Phoenix MAG Supplemental Detail Section 429, as approved by the Planning and Development Department.
6. The developer shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
7. Provide conduit and junction boxes at 56th Street and Dixileta Drive for future traffic signal equipment on the southwest corner of the intersection. The plan is to be submitted to the Street Transportation Department (Zeke Rios, 602-256-3409 or zeke.rios@phoenix.gov) for review and approval. Submittal will be made as a separate document that shows the entire intersection with existing conduit runs and junction boxes. The Developer shall submit the approved plan to the Civil Plans Coordinator as part of the civil engineering plan set. All work related to the construction or reconstruction of the conduit runs and junction box installation is the responsibility of the Developer.
8. Right-of-way totaling 55 feet shall be dedicated for the west half of 56th Street as approved by the Planning and Development Department.

9. A 25-foot by 25-foot triangle shall be dedicated on the southwest corner of 56th Street and Dixileta Drive as approved by the Planning and Development Department.
10. Dedicate an easement and construct a bus bay, including a transit accessory pad on 56th Street in accordance with Standard Detail P1256 as approved by the Planning and Development Department.
11. Provide underground street light circuits, poles and fixtures on all public streets in locations approved by the Street Transportation Department. Submit three copies of this site plan on the 2nd floor of City Hall to be routed to the Street Lighting Section reviewer, Diane Gomez 602-262-7223.
12. Provide a striping and signing diagram per City of Phoenix Street Transportation Department Standards for Dixileta Drive and a copy of paving plans for the Street Transportation review. Striping and signing plan must be drawn on separate sheet from paving plans and included as part of the complete set submitted to the Planning and Development Department at Central Log-in on the 2nd Floor of City Hall. Approval of striping and signing plans must be obtained from the Street Transportation Department (Zeke Rios 602-256-3409 and Kerry Wilcoxon 602-262-4613).
13. The installation of a controlled access (manual or automatic) gate across a fire apparatus access road shall be approved by the Fire Code Official and meet the requirements of Section 511. Call 602-618-0856 for all access gate questions.
14. All gates are to comply with the City Gate Restricted Access requirements. Gates are permitted through the Fire Department. Fire Department reviewers are located on the 2nd Floor of City Hall.
15. Provide elevation details of all vehicular and pedestrian gates within the construction plans. Vehicular gates are to contain a minimum of 8 square feet of reflective material on both sides, which may include the required Fire Department signage. Signage compliance must be shown on the appropriate plan detail.

FLOODPLAIN

16. The lowest floor of all residential structures in the SFHA must be elevated one (1) foot above the highest adjacent grade in accordance with the Code of Federal Regulations (CFR) Section 60.3c(7). Non-residential structures may be flood-proofed in lieu of elevation. Adequate drainage paths must be provided in

accordance with Section 60.3c(11) of the CFR. Basements are NOT allowed in residential structures. Septic tanks are not allowed in the floodplain. Below ground tanks must be anchored against floatation. Mechanical and electrical equipment must be installed one (1) foot above the highest adjacent grade. Above ground tanks are considered structures for floodplain management purposes. Indicate the limits of the SFHA on the final plat. Flood Insurance will be required to insure any federally insured mortgages. Contact any insurance agent to obtain current flood insurance costs.

17. The City of Phoenix floodplain Manager has also established the following criteria for the AO Zone within the City of Phoenix:
 - a. When natural washes are to be retained as open drainage ways, the channel, at a minimum, shall be sufficient to contain the off-site runoff expected from a flood having a 1% chance of being equaled or exceeded in any given year (i.e. 100-year storm). Flood proofed freeboard shall be required in these drainage ways. Cutoff walls will be required to prevent seepage out of the wash corridor. Drainage that leaves the development will be re-distributed in a manner similar to existing conditions.
 - b. Require within this AO zone that all new construction of residential structures have the lowest floor one (1) foot above the 100-year storm water surface elevation adjacent to the property. A registered professional engineer shall certify the finish floor to be a minimum of 12 inches above the adjacent 100-year storm water surface elevation. In addition, the engineer shall certify that the structure foundation will not be damaged as a result of the adjacent 100-year storm flows.
 - c. All finish floors shall be a minimum of 24-inches above the low gutter elevation of the residential lot.
 - d. The following note shall be added to the Final Site Plan/Final Plat and Setback Exhibit: A Federal Emergency Management Agency (FEMA) Elevation Certificate based on finished construction must be reviewed and approved by Floodplain Management for each new and substantial improvement structure constructed in a Special Flood Hazard Area (SFHA) prior to issuing a Certificate of Occupancy. A copy of the elevation certificate must be submitted to the General and Structural Inspector.

18. The development shall allow a wildlife corridor through the site, as approved by the Planning and Development Department.

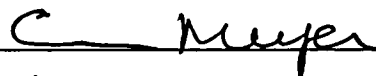
SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 1st day of May, 2013.



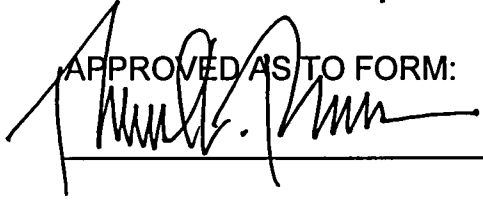
MAYOR

ATTEST:



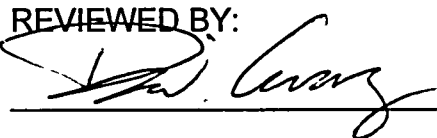
City Clerk



APPROVED AS TO FORM:


Acting City Attorney



REVIEWED BY:


City Manager

MLW:tml:1047315v1: (CM#56) (Item #18) 5/1/13

Attachments:

- A - Legal Description (1 Page)
- B - Ordinance Location Map (1 Page)

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-36-12-2

A portion of the Northeast Quarter of the Northeast Quarter of Section 29, Township 5 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa, County, Arizona, as shown on a Record of Survey recorded in Book 1115 of Maps, Page 40, records of Maricopa County Recorder and more particularly described as follows.

Beginning at a City of Phoenix brass cap flush, accepted as the Northeast Corner of said Section 29, from which a City of Phoenix brass cap in a pothole accepted as the East Quarter Corner of said Section 29 bears South 00 degrees 01 minutes 07 seconds West, a distance of 2642.31 feet, said bearing being the basis of bearing as shown on the Amended Record of Survey, recorded in Book 640 of Maps, Page 06, M.C.R.;

Thence South 00 degrees 01 minutes 07 seconds West, along the east line of the Northeast Quarter of said Section 29, a distance of 40.00 feet;

Thence South 89 degrees 56 minutes 01 seconds West, parallel with and 40.00 feet southerly of the north line of Northeast Quarter of said Section 29, a distance of 55.00 feet to a found one half inch rebar tagged Nelson RLS 21782;

Thence South 00 degrees 01 minutes 07 seconds West, parallel with and 55.00 feet westerly of the east line of Northeast Quarter of said Section 29, a distance of 1281.15 feet, to a found one half inch rebar tagged Nelson RLS 21782 on the south line of the Northeast Quarter of the Northeast Quarter of said Section 29;

Thence South 89 degrees 56 minutes 12 seconds West, along the south line of the Northeast Quarter of the Northeast Quarter of said Section 29, a distance of 1271.51 feet to a found concrete nail tagged Gookin 15865, in the fence footing at the Southwest Corner of the Northeast Quarter of the Northeast Quarter of said Section 29;

Thence North 00 degrees 00 minutes 25 seconds East, along the west line of the Northeast Quarter of the Northeast Quarter of said Section 29, a distance of 1321.08 feet, to a found P.K. nail tagged RLS 21782 at the Northwest Corner of the Northeast Quarter of the Northeast Quarter of said Section 29;

Thence North 89 degrees 56 minutes 01 seconds East, along the north line of the Northeast Quarter of the Northeast Quarter of said Section 29, a distance of 1326.78 feet to the Point of Beginning.

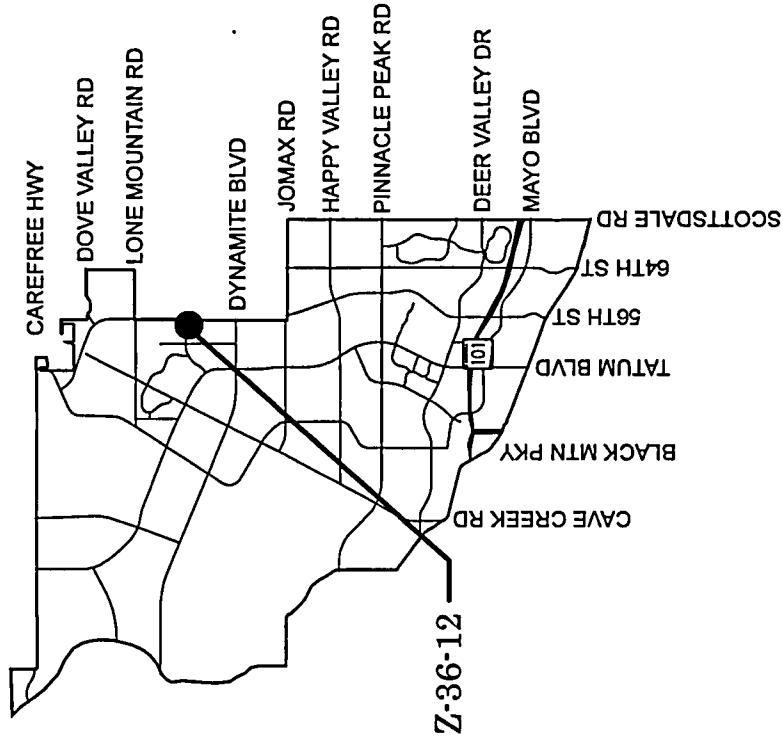
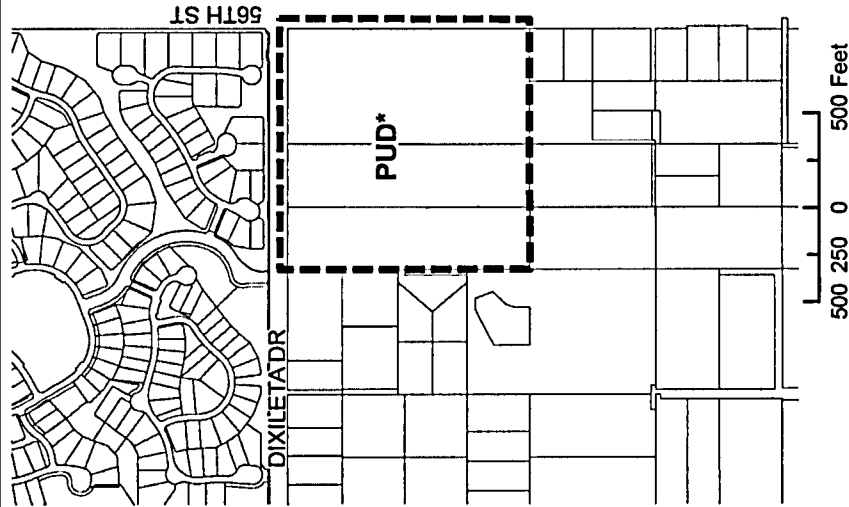
Having an area of 1,682,193 square feet, or 38.62 acres more or less.
Subject to easements, restrictions and rights of way of record.

ATTACHMENT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-36-12-2
Zoning Overlay: N/A
Planning Village: Desert View

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



NOT TO SCALE



Drawn Date: 4/9/13

Map Document\N\PDF_Maps\Ordinance_Map\2013