

ORDINANCE G-6735

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-37-19-2) 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 156.96 acre site located at the northeast corner of Central Avenue and Happy Valley Road in a portion of Section 5, 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 Central 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 April 24, 2020 as modified by the following stipulations:

a. Page 18, attach ADEQ final report stating that those portions of the site outside of the defined complex areas have not been environmentally impacted by UPCO's prior operations. Include report in appendix and reference appendix on page 18.

b. Page 9 through 13, remove all text in Section 3 and add the following:

The site is subject to all hillside requirements in the City Code and Zoning Ordinance and Sonoran Preserve Edge Treatment Guidelines in the Zoning Ordinance.

c. Page 51, update the minimum lot width as follows:

Min. Lot Width 45'

Min. lot width within 175 feet of the north perimeter and 600 feet of the east perimeter 60'

d. Page 51, update the maximum number of lots to 237.

e. Page 51, update the maximum building height as follows:

2-stories/30'

Except that the first row of homes abutting Yearling Road to the north of the site shall be limited to one story and not exceed 22 feet from finished floor.

f. Page 51, update the minimum common landscape setback as follows:

Central Avenue 15' avg./10' min.

Yearling Road

100' avg./60' min.

One parallel internal street, not to exceed a total length of 350 feet, shall be allowed within the minimum common landscape setback, as depicted on the conceptual development plan.

g. Page 54, add the following to Section 8.C.1.:

- A solid perimeter wall shall be constructed along the lot lines of the northern most lots along Yearling Road. The wall shall be integral in color or painted to blend with the natural desert environment.

h. Page 60, add the following after Section 9.B.3.:

4. Washes

- Box gabions and concrete channels shall not be allowed unless needed for public safety. where used, they shall be designed to blend with the desert setting through color, texture, landscaping or other means.
- Riprap shall not be used unless needed for public safety. Where used, it shall be used with restraint and be designed to blend with the desert setting through color, texture, landscaping and other means.

i. Page 67, add legal descriptions to describe each parcel area (Parcels 1 through 3).

j. Pages 72, 74, 78, 85, 86, 88, 90, and 95, update exhibits to reflect all changes made above and to generally conform to the conceptual development plan dated September 1, 2020.

k. Page 82, update the Comparative Standards to reflect all changes made above.

2. Conceptual site plans and elevations for Parcels 2 and 3 shall be reviewed and approved by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and requirements may be determined by the Planning Hearing Officer and the Planning and Development Department.

3. 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.
4. Right-of-way totaling 70 feet on the north side of Happy Valley Road shall be dedicated for the full limits of the property, or as approved by the Street Transportation Department.
5. Right-of-way totaling 40 feet on the east side of Central Avenue shall be dedicated for a minimum of 300 feet north of Happy Valley Road to accommodate turn lanes, as approved by the Street Transportation Department. Beyond 300 feet, the right-of-way may taper to 30 feet with a 10-foot sidewalk easement, as approved by the Street Transportation Department.
6. Right-of-way triangles shall be dedicated at all intersections at 25 feet by 25 feet, or as approved by the Planning and Development Department.
7. The north half street of Happy Valley Road shall be constructed for the full limits of the property, consistent with cross-section 'A', as approved by the Planning and Development Department.
8. Central Avenue shall be constructed consistent with the E-Section collector street identified on the City of Phoenix Street Classification map, as approved by the Street Transportation Department.
9. The development is required to be in conformance to the City of Phoenix, Storm Water Design Manual for all wash crossings of public and private streets. All associated drainage easements shall be dedicated for operation and maintenance purposes.
10. A Traffic Impact Study (TIS) shall be submitted to the City for this development. No preliminary approval of plans shall be granted until the study has been reviewed and approved by the City upon satisfactory resolutions of review comments by the City staff. The developer must contact Transportation Planning and Programming Division of Street Transportation Department (Attention: Mr. Matthew Wilson, Traffic Engineer III, Phone Number: (602) 262-7580, matthew.wilson@phoenix.gov) to set up a scoping meeting to discuss the requirements for the study, prior to the preparation and submittal of the draft study. No TIS reports will be accepted, unless the developer and/or its traffic engineer consultant has discussed the TIS requirements with the Street Transportation Department staff prior to its preparation.

11. Provide conduit and junction boxes at Central Avenue and Happy Valley Road for future traffic signal equipment on the northeast 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) or 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 will 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 shall be the responsibility of the Developer.
12. Driveway access locations to Happy Valley Road shall be in conformance with the Street Transportation Department Planning and Design policies for median access, or as approved by the Street Transportation Department.
13. Development responsibility for off-site traffic improvements will be determined through the Traffic Impact Study, as approved by the Street Transportation. Any applicable escrow funding requirements must be provided prior to final site plan approval, or as approved by the Planning and Development Department.
14. The applicant shall provide a minimum of one access point to the Phoenix Sonoran Preserve regional trail system located in the northeast section of Parcel 1, as approved by the Planning and Development Department.
15. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Deer Valley Airport (DVT) to future owners or tenants of the property as approved by the Aviation Department.
16. The developer must file FAA Form 7460 and provide City FAA's no hazard determination prior to construction permit approval.
17. The developer shall provide funding for 100 percent of the cost of a traffic signal installation at the intersection of Central Avenue and Happy Valley Road to the Street Transportation Department at the time of final site plan approval for Phase 1 of the development, with installation as approved by the Street Transportation Department.
18. The developer shall relocate the existing mailboxes located at the southeast corner of Central Avenue and Yearling Road to the southwest corner of the intersection, prior to final site plan approval and subject to approvals by the City of Phoenix, the US Postal Service and any required landowner of the relocation site.
19. 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.

20. Prior to preliminary approval the developer shall submit a drainage report to the Planning and Development Department accounting for offsite flows. The drainage report must demonstrate that such stormwater flows meet all adopted codes and ordinances. A conceptual Grading and Drainage (G&D) plan must be included with the drainage report that identifies how the 100-year 2-hour retention and offsite flows will be managed. The Civil Engineer must confirm that the development will be designed so water flows will not adversely affect adjoining properties and roadways (both public and private) and the engineered design shown on the conceptual G&D will work with the proposed lot layout and required dedications.


Planning and Development Department's Engineering Supervisor or the Civil Engineer III must confirm that the drainage report is in conformance with the City of Phoenix Storm Water Policies and Standards Manual and the conceptual G&D plan meets applicable codes and ordinances prior to allowing the project to submit for preliminary review. Formal review and approval of the G&D plan will be completed during construction plan review after preliminary approval is granted.

21. A fire hydrant shall be provided at the southeast corner of Central Avenue and Yearling Road, as modified and 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.

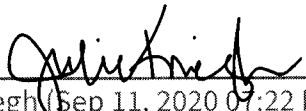
PASSED by the Council of the City of Phoenix this 2nd day of September, 2020.

ATTEST:


Denise Archibald, City Clerk 09.28.2020



APPROVED AS TO FORM:
Cris Meyer, City Attorney


By: Julie Kriegh (Sep 11, 2020 07:22 PDT)
Julie Kriegh, Chief Assistant City Attorney *pml*
pml

REVIEWED BY:


Ed Zuercher, City Manager

Exhibits:

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

PL:tml:LF20-1695:9-2-2020:2203938v1

EXHIBIT A

LEGAL DESCRIPTION FOR Z-37-19-2

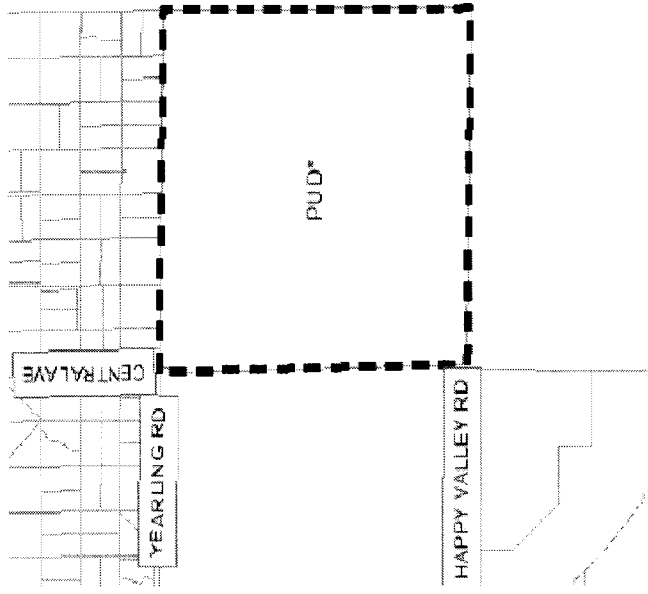
The Southeast quarter of Section 5, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Except all oil, gases and other hydrocarbon substances, helium or other substances of a gaseous nature, geothermal resources, coal, stone, metals, minerals, fossils and fertilizers of every name and description, together with all uranium, thorium, or any other material which is or may be determined to be peculiarly essential to the production of fissionable material, whether or not of commercial value as reserved Patent from the State of Arizona recorded in Document No. 2016-004999.

ORDINANCE LOCATION MAP

ZONING SUBJECT TO STIPULATIONS. *

SUBJECT AREA: - - - - -



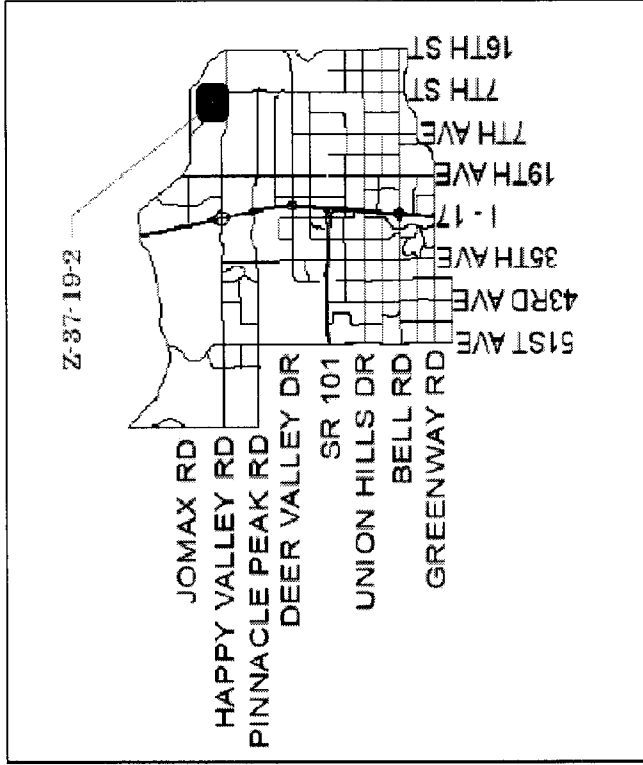
0 337.5675 1,350 Feet



Drawn Date: 5/22/2020

\\n:\projects\Share\Department\Share\Information Systems\PLGIS\GIS_Team\Core_Functional\Zoning\SuppMaps_OrdnMts\pl2020_Ord6735-19-2.mxd

Zoning Case Number: Z-37-19-2
Zoning Overlay: N/A
Planning Village: Deer Valley



NOT TO SCALE