

ORDINANCE G-6991

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-62-18-2) FROM S-1 DCOD (RANCH OR FARM RESIDENCE DISTRICT, DESERT CHARACTER OVERLAY DISTRICT), S-1 (RANCH OR FARM RESIDENCE DISTRICT), AND RE-35 DCOD (SINGLE-FAMILY RESIDENCE DISTRICT, DESERT CHARACTER OVERLAY DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT).

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

follows:

SECTION 1. The zoning of a 488.63 acre site located at the southwest corner of the 24th Street alignment and Sonoran Desert Drive in a portion of Sections 22 and 27, Township 5 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from 144.82 acres of "S-1 DCOD" (Ranch or Farm Residence District, Desert Character Overlay District), 333.57 acres of "S-1" (Ranch or Farm Residence District), and 10.24 acres of "RE-35 DCOD" (Single-Family Residence District, Desert Character Overlay 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 Verdin 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 3, 2022, as modified by the following stipulations:**
  - a. Pages 6, 8, 26, and 28: Revise all references to the maximum density to 2.6 dwelling units per acre.**
  - b. Pages 6, 8, 26, and 28: Revise all references to the maximum number of units to 1,250 dwelling units.**
  - c. Pages 23, 26, 28, 29, 35, 36, 59, 63, 75, 134, 135, and 136: Remove all references to the "Single-Family Residential – Small Lot (SFR-3)" land use district. Unit counts and percentages related to this removal shall be updated accordingly.**
  - d. Pages 20, 52, 61, 102, and 113: Revise all references to the width of the multi-use trail easement along the Mesquite Wash corridor to 30-foot-wide.**
  - e. Pages 51, 71, 75, 76, 83, 86, 87, 104, 105, 106, 107, 108, 109, 110, 119, and 121: Revise all references to the "Approved Plant Palette" to "Plant Palette."**
  - f. Pages 8-22, Section 2. Land Use Plan, and pages 97-123, Section 9. Certified Open Space Design Guidelines: Add language regarding conveyance of approximately 16 acres addressed in Stipulation No. 8. There shall be a provision for both on site open space and the dedicated 16 acres to count towards total open space.**
  - g. Page 16, Off-Site Connectivity: Add language regarding public trail access easements provided for the Mesquite Wash corridor trail and community paseo paths, per Stipulation No. 6. The section shall specifically note that the access easements will ensure permanent public access and restrict unauthorized motor vehicle access through the residential community to the Sonoran Preserve.**

- h. Page 23, Section 1.d. Accessory uses.(1): Revise to read, "permanent and/or temporary alcoholic beverage and/or food sales and/or consumption;"
- i. Page 35, Single-Family Land Use District Development Standards Table: Add a row after Max. Dwelling Unit Density that reads "Maximum Units: 1,250 dwelling units for the entire PUD area."
- j. Pages 36-37, Single-Family Land Use District Development Standards Table: Add a footnote that refers to the development parcel allocation table in Section 4.c. (Regulatory Standards & Land Use Districts – Development Standards) for the maximum unit counts for each development parcel.
- k. Pages 37, Single-Family Land Use District Development Standards Table: Modify footnote 6 to also limit the building height for homes built on the first row of residential lots along the eastern and northern site boundaries to one-story with a maximum height of 24-feet measured from the top of parapet or the top of the ridge on sloping roofs.
- l. Page 41, Section 6.1: Revise to read, "When not prohibited by City Code, Section 31-13, primary ornamental entries no higher than 16-feet are allowed..."
- m. Page 41, Section 6.3.a: Add the following sentence under the existing sentence: "Any walls or fencing along a preserve edge/MCFCD property boundary, other than walls or fencing for individual residential lots, shall be comprised of the barrier fencing type, which are designed with sufficient openings to allow the regular passage of wildlife."
- n. Page 42, Section 6.3.B: Revise the reference to 'a maximum 6-foot, 4-inch high full view fencing' to 'a maximum 5-foot high full view fencing.'
- o. Page 46, Section 6.6: Change '14 feet' to '12 feet.'
- p. Pages 52-53, Section 2.C: Add language regarding public trail access easements provided for the Mesquite Wash corridor trail and community paseo paths, per Stipulation No. 6. The section should specifically note that the access easements will ensure permanent public access and restrict unauthorized motor vehicle access through the residential community to the Sonoran Preserve.
- q. Page 70, Section 4.D: After the first paragraph add language regarding common area landscaping standards to include the following:

- Prohibit non-functional turf and include an explanation of what non-functional turf is.
  - Prohibiting turf within 50 feet of the Mesquite Wash Corridor and Cave Creek Wash edges.
  - Turf, where allowed, will not be planned on slopes in excess of 5%.
  - Regular water leak detection audits will take place for common areas managed and maintained by the HOA.
- r. Page 75-76: Add a subsection regarding rear yard turf and include language restricting turf in the rear yard to a maximum 20%.
- s. Page 79-80, Section 5.A, Last bullet point: Add the following after the first sentence: "The use of retaining walls in excess of 4 feet is discouraged and should be limited to locations where necessary to accommodate specific site topography."
- t. Pages 90-91, Section 6.H: Delete "Chilopsis Linearis – Desert Willow" tree from the Green List and add it to the Yellow List trees on page 91.
- u. Pages 90 and 92, Section 6.H: Delete "Celtis Reticulata – Netleaf Hackberry" shrub from the Yellow List and add it to the Green List shrubs on page 90.
- v. Page 98, National Wildlife Federation Collaboration Goals: Add a goal regarding substantial water conservation and management commitments.
- w. Page 101, Certified Area Open Space Types Exhibit: Update the exhibit to include the minimum 25-foot, average 50-foot open space tract that will be provided along the Eastern boundary of the site as a certified area Type "B" – natural revegetated area and may include limited trailhead and trail or pathway improvements, barrier fencing and retention areas for the project.
- x. Page 105-108, Section 1.D.2: Add language stating that a minimum 25-foot, average 50-foot open space tract will be provided along the eastern boundary of the site to provide a transition to the Cave Creek Wash corridor and that the open space tract will be counted towards the total open space required for the project. Explain that the area's plant material will be from the Plant Palette Green List.
- y. Pages 119 and 121, 1.E. Plant and Wildlife Relationship Matrix, Plant Palette: Green List: Remove the image and information regarding "Chilopsis Linearis – Desert Willow" and add to the Plant Palette: Yellow List on page 121.

- z. Pages 119 and 122, 1.E. Plant and Wildlife Relationship Matrix, Plant Palette: Yellow List: Remove the image information regarding “Celtis Reticulata – Netleaf Hackberry” and add to the Plant Palette: Green List on page 119.
  - aa. Page 123, Section 10.1.B: Revise to read, “The maximum height for primary ornamental entry sign lettering and copy is 16 feet...”
  - bb. Pages 125-126, Section 11. Sustainability: Add language regarding regular water leak detection audits for common areas managed and maintained by the HOA.
  - cc. Pages 125-126, Section 11. Sustainability: Add language to require effluent delivery back to the city.
  - dd. Pages 126-127, Section 12. Water: Add language regarding participation in the City’s Homeowners Association Water Efficiency Program.
  - ee. Pages 126-127, Section 12. Water: Add language regarding the EPA WaterSense certification program and mandatory requirements. This should include but is not limited to the following: Leak detection audits; WaterSense labeled toilets, bathroom faucets, and showerheads; WaterSense labeled irrigation system components; landscape design completed by a WaterSense design professional; and formal certification as a WaterSense home by an authorized home certifying organization.
2. The applicant shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. The TIS shall provide signal warrant analysis for development access points along Sonoran Desert Drive as well as 7th Street and Dove Valley Road. The developer will be responsible for all additional dedications and/or roadway and signal improvements as identified by the approved study.
  3. The developer shall submit Master Street Design and Phasing Plans for each Development Unit, as required by Section 636, Planned Community District (PCD), of the Phoenix Zoning Ordinance.
  4. All designated public roadways shall meet the City of Phoenix Storm Water Design Manual Standards for wash crossings.
  5. 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.

6. The developer shall provide public trail access easements for the Mesquite Wash corridor trail and community paseo paths that provide connection to the Sonoran Preserve as depicted on Exhibit 6, Pedestrian Circulation Plan, in the development narrative, as modified and approved by the Parks and Recreation Department and Planning and Development Department. The public access shall be designed to restrict unauthorized motor vehicle access, as approved by the Parks and Recreation Department and Planning and Development Department. The location and design of trail connections shall be coordinated with the Parks and Recreation Department and Planning and Development Department.
7. A minimum 12-foot-wide multi-use trail (MUT) shall be constructed within a 30-foot-wide multi-use trail easement (MUTE) along the Mesquite Wash in accordance with Section 429 of the City of Phoenix MAG supplemental detail, as modified to address wash corridor constraints and approved by the Planning and Development Department.
8. The developer shall convey approximately 16 acres located at the southeast corner of the site within the erosion hazard setback area along the Cave Creek Wash corridor, as generally shown on Exhibit 11 of the development narrative, to the City of Phoenix for inclusion in the Sonoran Preserve, as modified and approved by the Parks and Recreation Department and Planning and Development Department. The final acreage and configuration of the property to be conveyed, along with timing of the conveyance, shall be mutually agreed upon by the developer, the Parks and Recreation Department, and Planning and Development Department.
9. 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.
10. 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.
11. 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.

12. 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.
13. The developer shall notify the following individuals by email a minimum of 15 days prior to any preliminary site plan review meetings with the Planning and Development Department, Planning Hearing Officer requests to modify stipulations, or any zoning adjustment requests. The notice shall include the date, time and location of the meeting/hearing.
  - a. Dr. Gary Kirkilas: garykirkilas@gmail.com
  - b. Members of the Phoenix Sonoran Preserve and Mountain Parks/Preserves Committee
  - c. Vashti "Tice" Supplee: vsupplee25@gmail.com
14. Approval of the Planned Unit Development shall be conditioned upon the final execution of a development agreement between the City and the developer within 24 months of City Council approval of this change of zone. Additionally, the development agreement shall be executed prior to final site plan approval and issuance of any grading and drainage permits. The development agreement shall at a minimum outline the requirements for initial improvements to Sonoran Desert Drive, as well as financial contributions for the ultimate buildout of Sonoran Desert Drive, as modified and approved by the Street Transportation and Planning and Development Departments.

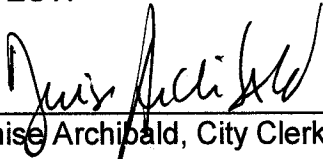
SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 1st day of July, 2022.



MAYOR

ATTEST:



Denise Archibald, City Clerk

10-20-2022



APPROVED AS TO FORM:  
Cris Meyer, City Attorney

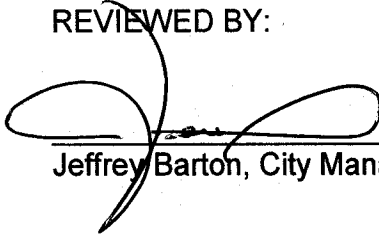
By:



David Benton, Acting Chief Assistant City Attorney

*Pml*

REVIEWED BY:



Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (2 Pages)

B – Ordinance Location Map (1 Page)

PL:tml:LF22-0910:7-1-2022:2328468v1



EXHIBIT A

LEGAL DESCRIPTION FOR Z-62-18-2

PARCEL NO. 1:

THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THAT PORTION OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 3 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 22;

THENCE NORTH 00° 20' 16" EAST, ALONG THE EAST LINE OF SAID SECTION 22, A DISTANCE OF 2,501.66 TO THE POINT OF BEGINNING;

THENCE NORTH 90° 00' 00" WEST, A DISTANCE OF 2,642.12 FEET TO THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 22;

THENCE NORTH 00° 28' 49" EAST, ALONG SAID MID-SECTION LINE, A DISTANCE OF 141.23 FEET TO THE EAST-WEST MID-SECTION LINE OF SAID SECTION 22;

THENCE NORTH 89° 48' 35" EAST, ALONG SAID MID-SECTION, LINE A DISTANCE OF 2,641.83 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 22;

THENCE SOUTH 00° 20' 16" WEST, ALONG THE EAST LINE OF SAID SECTION 22, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 2:

THE NORTH HALF OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL THE COAL AND OTHER MINERALS, AS RESERVED IN THE PATENT. (AFFECTS THE NORTH HALF OF THE NORTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27).

EXCEPT ALL MINERALS IN SAID LAND AS RESERVED TO THE UNITED STATES IN PATENT; AND

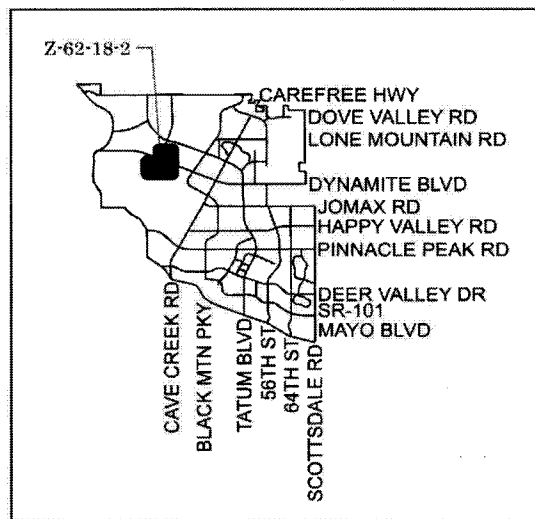
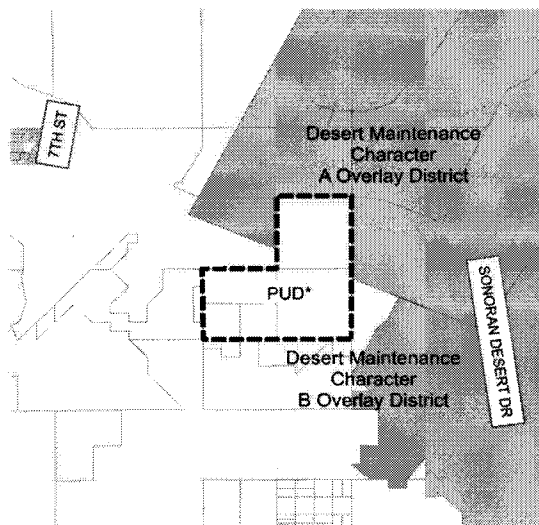
EXCEPTING ALL URANIUM, THORIUM, OR OTHER MATERIAL WHICH IS OR MAY BE DETERMINED TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE PURSUANT TO THE PROVISIONS OF THE ACT OF AUGUST 1, 1946 (60 STAT. 755), AS SET FORTH IN THE PATENT ON SAID LAND. (AFFECTS THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 2).

# ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-62-18-2  
Zoning Overlay: N/A  
Planning Village: Desert View



0 1,875 3,750 7,500 Feet

NOT TO SCALE



Drawn Date: 5/13/2022

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