

ORDINANCE G-6201

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-13-16-2) FROM S-1 (RANCH OR FARM RESIDENCE) TO R-2 PCD, R1-10 PCD, R1-6 PCD, R1-8 PCD, AND S-1 PCD (PLANNED COMMUNITY DEVELOPMENT) WITH ALL UNDERLYING USES.

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

follows:

SECTION 1. The zoning of an approximately 412.05 acre property located at the northwest corner of Deer Valley Road and Black Mountain Boulevard in a portion of the west half of Section 13 and the east half of Section 14, Township 4 North, Range 3 East, as described more specifically in Attachment "A," is hereby changed from "S-1" (Ranch or Farm Residence) to "R-2 PCD", "R1-10 PCD", "R1-6 PCD", "R1-8 PCD", and "S-1 PCD" (Planned Community 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 Attachment "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 Planned Community Program Narrative for the Sky Crossing PCD reflecting the changes approved through this request shall be submitted to the Planning Department within 90 days of City Council approval of this request.
2. The development shall be in general conformance with the PCD Conceptual Development plan date stamped May 27, 2016, as modified by the following stipulations and approved by the Planning and Development Department with specific regard to the following:
 - A. The development shall not exceed 1,621 units.
3. A minimum of 30-percent of the cumulative frontage of the Wash Corridors shown on the Conceptual Development Plan date stamped May 27, 2016 must be designed with an edge treatment that remains open and unfenced. Edge treatment may consist of any combination of: open space; connecting open space areas such as wash or trail corridors, recreation/amenity areas; perimeter, common, landscape, drainage or other tracts; single-loaded or unloaded streets; or cul-de-sacs, as approved by the Planning and Development Department.
4. An average landscape setback of 40 feet, minimum 15 feet shall be required along Black Mountain Boulevard and an average landscape setback of 50 feet, minimum 25 feet shall be required along Deer Valley Road, as approved by the Planning and Development Department.
5. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development(s) north of Sky Crossing Way as shown on the PCD Conceptual Development plan date stamped May 27, 2016, the existence and operational characteristics of nearby National Memorial Cemetery of Arizona and City of Phoenix Cave Creek Wastewater Reclamation Facility that may cause adverse noise, odors, dust, and other externalities. 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.

TRANSIT

6. The right-of-way shall be dedicated and a bus bay detail #P1256 and transit

pad detail # P1261 constructed at westbound Deer Valley Road west of Black Mountain Boulevard as shown in the PCD Conceptual Development Plan date stamped May 27, 2016, as approved by the Planning and Development Department.

7. The right-of-way shall be dedicated and transit pad detail # P1262 constructed at the following locations, as approved by the Planning and Development Department:
 - Southbound Black Canyon Boulevard south of Sky Crossing Way
 - Southbound Black Canyon Boulevard south of Bryce Lane
 - Westbound Deer Valley Road 1,300 feet west of Black Mountain Boulevard
 - Westbound Deer Valley Road west of 32nd Street
 - Westbound Deer Valley Road 1,300 feet west of 32nd Street
 - Westbound Deer Valley Road west of Sky Crossing Way

PARKS

8. A 10-foot concrete Shared Use Path/Sidewalk shall be constructed along the west side of Black Mountain Boulevard, as approved by the Planning and Development Department and the Parks and Recreation Department. Any portion of the Shared Use Path/Sidewalk that extends beyond the Black Mountain Boulevard right-of-way line shall be located within a public easement.

AVIATION

9. The property owner shall record documents that disclose the existence, and operational characteristics of City of Phoenix Deer Valley Airport (DVT) 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.
10. The property owner shall record documents that disclose the existence, and operational characteristics of Reach 11 Sports Complex 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.
11. 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.

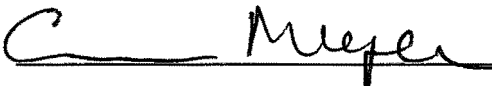
SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 7th day of September, 2016.



MAYOR


ATTEST:



City Clerk

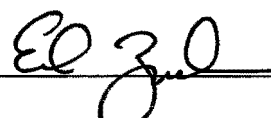


APPROVED AS TO FORM:



Acting City Attorney *pm*

REVIEWED BY:



City Manager

PL:tml:125752541 (CM#09) (Item #59) - 9/7/16

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-13-16-2

A portion of the West half of Section 13 and the East half of Section 14, Township 4 North, Range 3 East, of the Gila and Salt River Base & Meridian, and more particularly described as follows:

BEGINNING at the South Quarter Corner of said Section 13;

Thence S89°43'38"W, along the South line of said Section 13 a distance of 2628.48 feet to the Southwest corner of the Section 13, also being the Southeast corner of Section 14;

Thence S89°57'37"W, along the South line of Section 14, a distance of 1633.46 feet;

Thence N55°27'05"W a distance of 1231.85 feet, to a point on the North-South mid-Section line of Section 14;

Thence N00°26'34"W, along the North-South mid-Section line of said Section 14, a distance of 1949.46 feet; to the center of Section 14;

Thence continuing N00°26'34"W, along the North-South mid-Section line of said Section 14, a distance of 297.03 feet;

Thence N89°14'32"E, a distance of 970.01 feet;

Thence N00°26'34"W, measured (N00°36'35"W, record), a distance of 593.27 feet to a point on a line that is 1746.75 feet South and parallel to the North line of the Northeast Quarter of Section 14;

Thence N89°14'32"E, along a line that is 1746.75 feet South and parallel to the North line of the Northeast Quarter of Section 14, a distance of 1671.27 feet, to a point on the East line of Section 14 also being the West line of Section 13;

Thence N89°59'36"E a distance of 2638.77 feet along said line to a point on the North-South mid-Section line of Section 13;

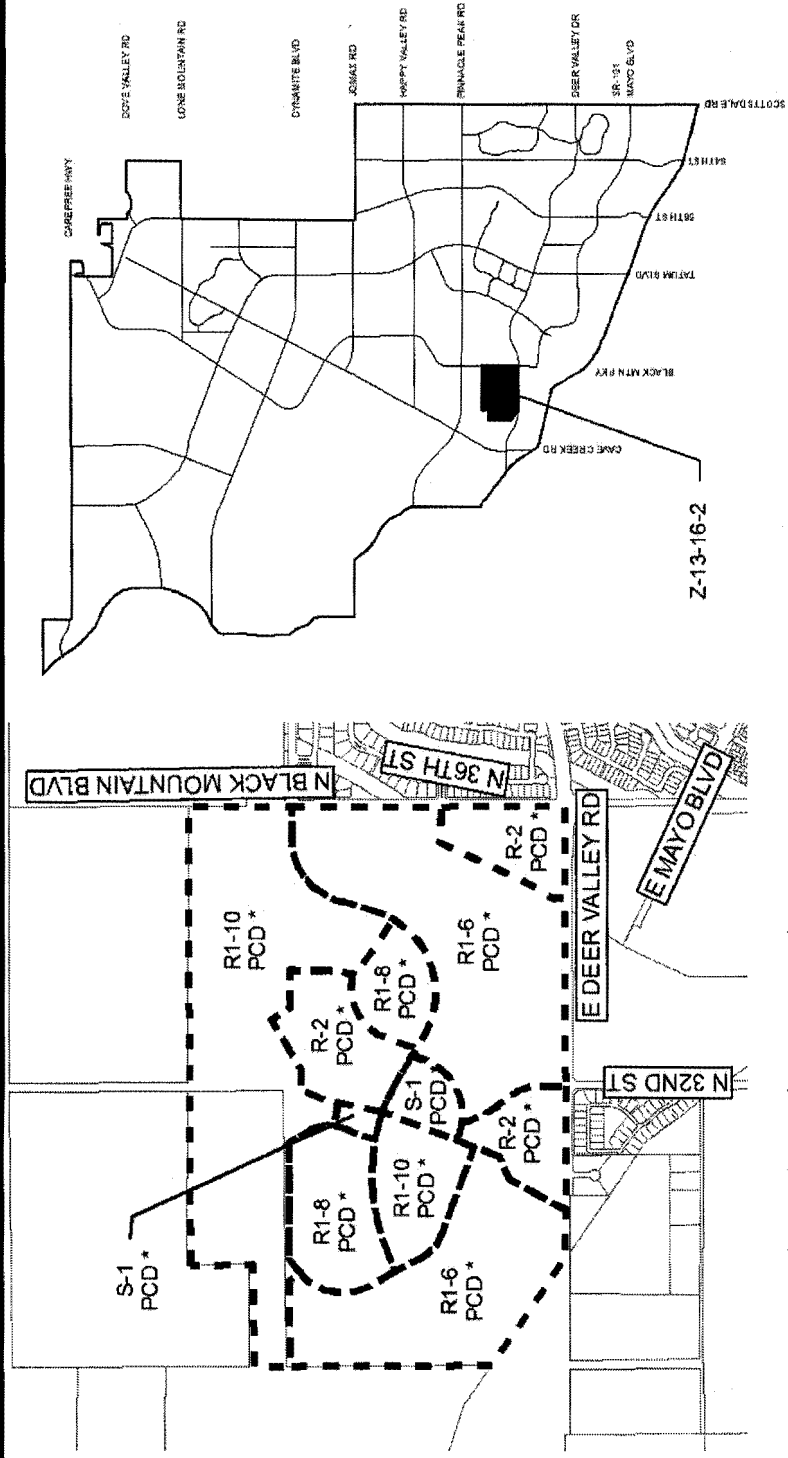
Thence S00°18'00"E, along the North-South Mid-Section Line of Section 13, a distance of 3559.91 feet to the South Quarter Corner of Section 13, and the POINT OF BEGINNING.

ATTACHMENT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-13-16-2
 Zoning Overlay: N/A
 Planning Village: Desert View

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



NOT TO SCALE

Drawn Date: 8/17/2016

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