

REVISED

ORDINANCE G-6194

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-81-15-8) FROM MUA BAOD (MIXED USE AGRICULTURAL, BASELINE AREA OVERLAY DISTRICT) TO PUD BAOD (PLANNED UNIT DEVELOPMENT, BASELINE AREA OVERLAY DISTRICT) WITH ALL UNDERLYING USES.

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

follows:

SECTION 1. The zoning of an approximately 47.28 acre property located at the northeast corner of 24th Street and Vineyard Road in a portion of Section 34 and 35, Township 1 North, Range 3 East, as described more specifically in Attachment "A," is hereby changed from "MUA BAOD" (Mixed Use Agricultural, Baseline Area Overlay District) to "PUD BAOD" (Planned Unit Development, Baseline Area Overlay District).

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. That in addition to the standards in the Development Narrative, as revised by the following stipulations, the development shall be in general conformance with the Planned Unit Development Site Plan date stamped June 29, 2016 with specific regard to the following:
 - a. Lots 92 – 122 a minimum of 75 feet in width and 135 feet in depth.
 - b. Lots 66-91 and 123-149 a minimum of 60 feet in width and 125 feet in depth.
 - c. Ribbon curb along west side of 26th Street.
 - d. Traffic diverter at project's primary entry on Vineyard Road.
 - e. Provision and arrangement of trees on Vineyard Road.
 - f. Provision and arrangement of trees along the entire length of the central driveway off of Vineyard Road and continuing along pedestrian path into the central open space.
2. An updated Development Narrative for the Arbors 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 7, 2016, as modified by the following stipulations:
 - a. Revise all references to the gross acreage of the subject property in the Development Narrative to reflect a gross acreage of 47.28 acres, the gross acreage as reflected in the official sketch maps.
 - b. Page ii, Table Of Contents, G. Development Standards: Add new subsection named "Parking" as Section G.3. Renumber all proceeding sections' page numbers if required.
 - c. Page 2, Zoning Ordinance Applicability, Chapter 6: Replace "replaced and superseded by this PUD" with "applicable except as modified by PUD Subsections F, G, and H."

- d. Page 17-20, Section G, Development Standards: Revise as follows:
 - Remove 'Table 2 – PUD Development Standards & Comparison Reference' in its entirety and add this to the Appendices section of the Development Narrative as a new Appendix.

 - Insert a revised 'Table 2 – PUD Development Standards & Comparison Reference' in its place which is titled "Development Standards" and does not contain the table columns labeled "MUA" and "BAOD."
- e. Page 17, Section G.1, Development Standards (Yard, Height, and Area Requirements): Replace "preside" with "supersede."
- f. Page 18, Table 2, Maximum Building Height or Structure Height: Amend second paragraph to read: "A maximum of 50% of Lots 124-138 depicted on the Conceptual Development Plan (Figure 2) WHICH ARE NOT ALREADY DESIGNATED AS ONE-STORY ONLY are permitted to be two-stories or Thirty (30) feet in height."
- g. Page 18, Table 2, Building Setbacks, Local Streets/Private Accessways:
 Amend to read:
 Thirty (30) feet (20 feet – Back of Sidewalk) ~~to living space for homes with no front porch.~~ OPEN PROJECTIONS MAY PROJECT NO CLOSER THAN 10 FEET FROM BACK OF SIDEWALK.
~~Twenty (20) feet (10 feet – Back of sidewalk) – allowed for front porch encroachment or side-loaded garage.~~
- h. Page 18, Minimum Garage Setback (Residential): Delete category and development standard.
- i. Page 19, Required Open Space: Amend to read: "REQUIRED OPEN SPACE (Refer to Section G.8 H.2 AND H.3.G for Additional Design Guidelines)."
- j. Page 19, Landscape Setbacks – Streetscape, Plant Type: Amend to read: "Trees (average spacing of ~~30~~ 20 feet on center)."
- k. Page 19, Landscape Setback – Perimeter Property Lines (Not Adjacent to a Street): Amend to read: "None. ~~(Except North property line: 10 foot minimum. The landscape area may be provided within an easement established along the north property line outside of the PUD boundary or internal to the project area.)~~"
- l. Page 20, Landscape Setback – Interior Local Street/Private Accessway, Trees and Shrubs, Minimum Planting Size, BAOD: Add text: "ROW OF TREES ON EACH SIDE OF SIDEWALK. MINIMUM

TWO-INCH CALIPER AND TWENTY-FOUR-INCH BOX SIZE AT TIME OF PLANTING. AVERAGE OF ONE TREE PER TWENTY-FIVE FEET OF STREET FRONTAGE. TREES TO BE MAINTAINED BY PROPERTY OWNER AND/OR HOA.”

- m. Page 20: Add new subsection named “Parking” as Section G.3. which shall read as follows: “3. Parking – Parking standards for the entirety of the site will be in compliance with all regulations and provisions of Section 702 of the Zoning Ordinance.”
- n. Page 21, Fences and Walls, Perimeter Fences and Walls: Amend paragraph 2 to read: “six (6) feet, seven (7), or eight (8) FEET above ~~feet natural (pre-development)~~ FINISHED grade.”
- o. Page 22, Fence Height Graphic: Revise the graphic as follows: Replace seven (7) foot walls on the rear property lines of Lots 7-15 and Lots 45-61 with six (6) foot walls.
- p. Page 24, Streetscape – 24th Street: Amend bullet (1) to read: “(1) Shade trees (Existing or New) will be spaced at an interval (or average thereof) that is ~~thirty (30)~~ TWENTY (20) feet on center.”
- q. Page 27, Streetscape – Vineyard Road: Amend bullet (1) to read: “(1) Trees will be spaced at ~~thirty (30)~~ TWENTY (20) feet on center.”
- r. Page 27, Streetscape – 26th Street: Amend to bullet (1) to read: “(1) Trees will be spaced at ~~thirty (30)~~ TWENTY (20) feet on center.”
- s. Page 28, Streetscape – Internal Local Street/Private Accessway Streetscape: Amend bullet (1) to read: “(1) Trees will be spaced at intervals of ~~twenty (20) feet~~ OF THIRTY (30) FEET based on a linear dimension ~~exclusive of driveway widths.~~”
- t. Page 33, Common and Retention Areas, first bullet point: Amend first bullet point to read: “~~community garden~~ PLAYGROUND.”
- u. Page 33, Common and Retention Areas, Paragraph 2: Amend first line of paragraph 2 to read: “A COMMUNITY GARDEN AMENITY SHALL BE PROVIDED IN an open space situated along 24th Street ~~shall be the designated location for the Arbors Community Garden amenity.~~”
- v. Page 36, Lighting Standards, Wall/Sconce Light Specification: Amend to read: “An alternate fixture type of similar design character WHICH CONTRIBUTES TO A RURAL OR AGRARIAN ATMOSPHERE may be used upon approval by the City of Phoenix Planning Hearing Officer.”

- w. Page 38, Sustainability Guidelines: Amend bullet a) to read: "a) Implement a community garden within the PUD which provides fruits and/or vegetables for community members. To be enforced through review and approval of future site plan and landscape construction documents and field inspection. (R)."
- x. Page 38: Baseline Area Overlay District Standards: Amend to read: "In addition to the standards and design guidelines contained within this PUD, ALL OF the following general standards and guidelines per CONTAINED IN the Baseline Area Overlay District shall be applicable INCLUDING THE FOLLOWING:"

- y. Page 19, Development standards: revise the maximum density to 3.15 du/acre.
- z. Page, 39, Architectural Design Guidelines: that Architectural Guidelines date stamped June 29, 2016 shall be added as a new section after the residential driveway standards and that the PUD will be renumbered accordingly.

- aa. Page 5, figure 2, Conceptual Development Plan: replace Conceptual Development Plan with Planned Unit Development Site Plan date stamped June 29, 2016.
- bb. That all references to a sidewalk along 26th Street within the Development Narrative shall be replaced with a shared use path.
- cc. That all references to points of ingress and egress in the Development Narrative be updated to reflect the 24th Street Exit Detail, 26th Street Ingress and Traffic Calming Detail and Planned Unit Development Site Plan date stamped June 29, 2016.

- 3. The developer shall dedicate right-of-way and a build a replacement bus stop pad according to City of Phoenix Standard Detail P1260 on northbound 24th Street, north of Vineyard Road. The pad should be located between 60 and 110 feet north of Vineyard Road (City of Phoenix Standard Detail P1258).
- 4. The developer shall construct a 10 foot wide shared use path within a 30-foot shared use path and sidewalk easement that shall be dedicated along

the east side of 24th Street for the length of the project, as approved by the Planning and Development Department.

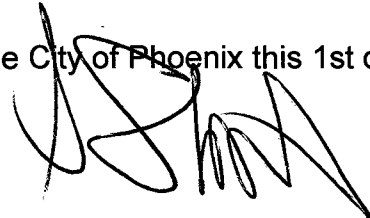
5. The developer shall align Vineyard Road east of 24th Street with the existing Vineyard Road west of 24th Street.
6. The developer shall dedicate right-of-way on Vineyard Road as approved by the City of Phoenix Street Transportation and Planning and Development Departments.
7. The applicant shall submit a Traffic Impact Statement to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City.
8. The developer shall update all existing off-site street improvements (sidewalks, curb ramps and driveways) to current ADA guidelines.
9. 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.
10. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of City of Phoenix Sky Harbor International Airport (PHX) 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. All architectural elevations shall be presented to the South Mountain Village Planning Committee for review and comment prior to preliminary site plan approval.
12. That vehicular access shall be in general conformance with the 24th Street Exit Detail, 26th Street Ingress and Traffic Calming Detail and Planned Unit Development Site Plan date stamped June 29, 2016 with specific regard to the following as approved by the Planning and Development Department.
 - a. The primary ingress and egress for the property shall be from Vineyard Road.
 - b. The additional driveway next to lot 61 near the northwest corner of the property shall be egress only.
 - c. The driveway on 26th Street shall be ingress only.

13. The property owner shall provide a deposit in the amount of \$10,000 into a Street Transportation Department escrow account to be utilized for traffic calming measures. These funds may be contributed toward the purchase and installation of such devices as speed humps, or other traffic calming devices or management tools where appropriate, for the portion of 26th Street adjacent to the subject property. Distribution of funds shall be at the mutual agreement of the residents on effected streets and the City of Phoenix Street Transportation Department Safety and Neighborhood Traffic Section, following the standard Street Transportation Department petitioning guidelines.

14. A public shared use path which utilizes an alternative surface material shall be constructed along 26th Street as approved by the Parks and Recreation Department, the Planning and Development Department and the Street Transportation 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 1st day of July, 2016.




MAYOR

ATTEST:

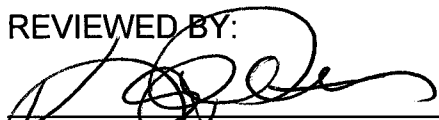
 City Clerk



APPROVED AS TO FORM:

 Acting City Attorney *pml*

REVIEWED BY:

 **ACTING**
City Manager

PL:tml:1248813v1: (CM#69) (Item #112) – 7/1/16

Attachments:

A - Legal Description (2 Pages)

B – Ordinance Location Map (1 Page)

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-81-15-8

THAT PORTION OF "BARTLETT-HEARD LANDS" AS RECORDED IN BOOK 13, PAGE 35, RECORDS OF MARICOPA COUNTY, ARIZONA LOCATED IN A PORTION OF SECTION 34 AND 35, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 10 OF SAID LANDS BEING A "PK" NAIL WITH A BRASS TAG MARKED "LS18436" FROM WHICH THE SOUTHEAST CORNER OF LOT 11 OF SAID LANDS BEARS NORTH 89°13'26" EAST A DISTANCE OF 658.54 FEET AND BEING A 1 INCH IRON PIPE, THENCE SOUTH 89°13'26" WEST ALONG THE SOUTH LINE OF LOT 10, 694.93 FEET TO A POINT ON THE MONUMENT LINE OF 24TH STREET, SAID POINT BEING A CITY OF PHOENIX BRASS CAP IN A HAND HOLE;

THENCE NORTH 00°57'45" EAST ALONG SAID MONUMENT LINE, 33.51 FEET TO AN ANGLE POINT ALONG SAID MONUMENT LINE, BEING A CITY OF PHOENIX BRASS CAP IN A HAND HOLE;

THENCE CONTINUING ALONG SAID MONUMENT LINE NORTH 00°50'39" EAST, 637.79 FEET TO A POINT ON THE WESTERLY PROLONGATION OF THE SOUTH LINE OF LOT 9 OF SAID LANDS;

THENCE CONTINUING ALONG SAID MONUMENT LINE NORTH 00°50'39" EAST, 723.41 FEET TO A POINT ON THE WESTERLY PROLONGATION OF THE SOUTH LINE OF LOT 8 OF SAID LANDS;

THENCE NORTH 89°47'36" EAST ALONG AFOREMENTIONED LINE, 226.84 FEET TO A POINT ON THE WEST LINE OF THE EAST 450.47 FEET OF SAID LOT 8 ACCORDING TO DOCUMENT 2005-0236091 RECORDS OF MARICOPA COUNTY, ARIZONA SAID POINT BEING A #4 REBAR WITH A BRASS TAG MARKED RLS 29272;

THENCE NORTH 00°09'10" EAST ALONG SAID WEST LINE, 284.15 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 317.00 FEET OF SAID LOT 8 ACCORDING TO SAID DOCUMENT 2005-0236091 AND SAID POINT BEING A #4 REBAR WITH A BRASS TAG MARKED RLS 18436;

THENCE NORTH 88°06'01" EAST, 131.92 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE NORTH 317.00 FEET OF SAID LOT 8;

THENCE NORTH 00°09'22" EAST ALONG SAID WEST LINE, 316.81 FEET TO THE NORTH LINE OF SAID LOT 8;

THENCE NORTH 88°09'03" EAST ALONG SAID NORTH LINE TO A 1 INCH IRON PIPE WITH A BRASS TAG MARKED RLS39954 AT THE NORTHWEST CORNER OF SAID LOT 13;

THENCE NORTH 88°05'01" EAST ALONG THE NORTH LINE OF SAID LOT 13, 665.18 FEET TO A "PK" NAIL WITH A BRASS TAG MARKED RLS 41773 AT THE NORTHEAST CORNER OF SAID LOT 13;

THENCE SOUTH 00°06'41" WEST ALONG THE EAST LINE OF SAID LOT 13, 631.79 FEET TO THE A #4 REBAR AT THE NORTHEAST CORNER OF LOT 12 OF SAID LANDS;

THENCE SOUTH 00°06'41" WEST ALONG THE EAST LINE OF SAID LOT 12, 702.821 FEET TO A 3/4 INCH IRON BAR AT THE NORTHEAST CORNER OF LOT 11 OF SAID LANDS;

THENCE SOUTH 88°50'32" WEST ALONG THE NORTH LINE OF SAID LOT 11, 658.32 FEET TO A #4 REBAR AND PLASTIC CAP MARKED RLS 27239 AT THE NORTHEAST CORNER OF SAID LOT 10;

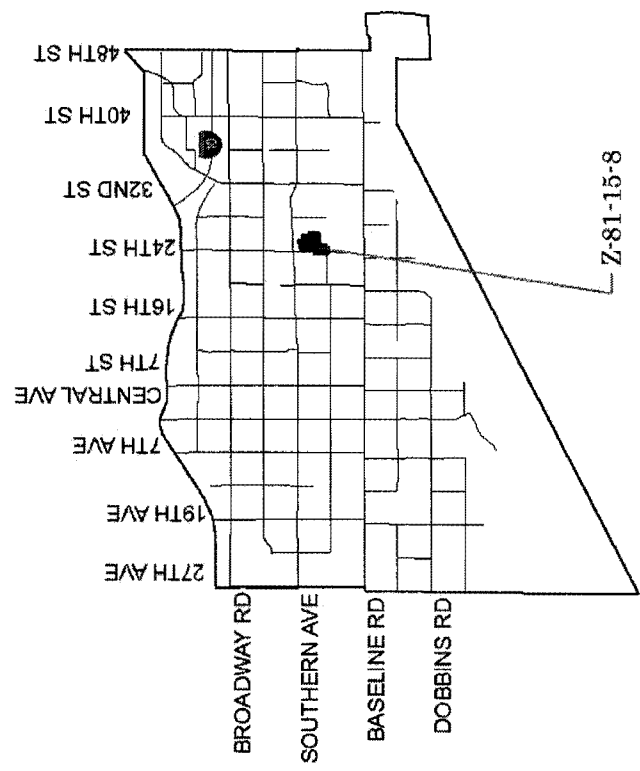
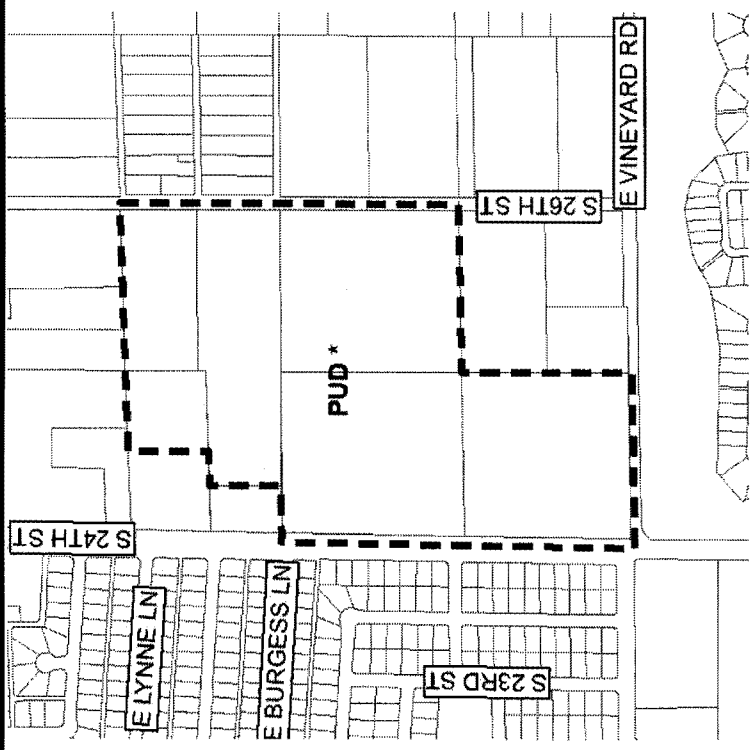
THENCE SOUTH 00°08'11" WEST ALONG THE EAST LINE OF SAID LOT 10, 675.70 FEET TO THE POINT OF BEGINNING.

ATTACHMENT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-81-15-8
Zoning Overlay: N/A
Planning Village: South Mountain

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: - - - - -



NOT TO SCALE

Drawn Date: 6/2/2016

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City of Phoenix

OFFICE OF THE CITY ATTORNEY

To: Milton Dohoney
Assistant City Manager

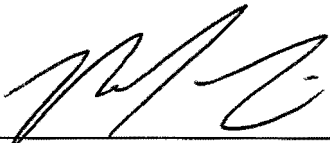
Date: July 21, 2016

From: Paul Li
Assistant City Attorney

Subject: CORRECTION MEMO – ORDINANCE G-6194

This correction memo requests that changes be made to Ordinance G-6194 to accurately reflect the action taken at the July 1, 2016, City Council Meeting.

At the meeting, the City Council approved Item 112 for Northeast corner of 24th Street and Vineyard Road. The language in the attached ordinance correctly reflects the action taken on Item 112.



Approved

#1248732v1