

ORDINANCE G-6368

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-83-16-6) FROM P-1 ACSPD, R-2 PCD ACSPD, R-2 PCD SP ACSPD, RE-35 ACSPD, RE-35 PCD ACSPD, RE-35 PCD SP ACSPD, RE-43 PCD SP ACSPD, RH ACSPD, RH PCD ACSPD, R-2 PCD SP, AND RE-35 PCD SP TO PUD ACSPD AND PUD.

---

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

follows:

SECTION 1. The zoning of an approximately 318.37 acre property located approximately 1,340 feet north of the northeast and northwest corners of Invergordon Road and Camelback Road in a portion of Sections 16, 21, and 22, Township 2 North, Range 4 East, as described more specifically in Exhibit "A," is hereby changed from 4.58 acres of "P-1 ACSPD" (Parking District, Arcadia Camelback Special Planning District), 48.83 acres of "R-2 PCD ACSPD" (Multifamily Residence District, Planned Community District, Arcadia Camelback Special Planning District), 44.53 acres of "R-2 PCD SP ACSPD" (Multifamily Residence District, Planned Community District, Special Permit, Arcadia Camelback Special Planning District), 5.30 acres of "RE-35 ACSPD"

(Single-Family Residence District, Arcadia Camelback Special Planning District), 10.04 acres of "RE-35 PCD ACSPD" (Single-Family Residence District, Planned Community District, Arcadia Camelback Special Planning District), 22.39 acres of "RE-35 PCD SP ACSPD" (Single-Family Residence District, Planned Community District, Special Permit, Arcadia Camelback Special Planning District), 9.02 acres of "RE-43 PCD SP ACSPD" (Residential Estate District, Planned Community District, Special Permit, Arcadia Camelback Special Planning District), 108.84 acres of "RH ACSPD" (Resort District, Arcadia Camelback Special Planning District), 40.12 acres of "RH PCD ACSPD" (Resort District, Planned Community District, Arcadia Camelback Special Planning District), 11.67 acres of "R-2 PCD SP" (Multifamily Residence District, Planned Community District, Special Permit), and 13.05 acres of "RE-35 PCD SP" (Single-Family Residence District, Planned Community District, Special Permit) to 293.65 acres of "PUD ACSPD" (Planned Unit Development, Arcadia Camelback Special Planning District) and 24.72 acres of "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:

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.

1. An updated Development Narrative for the Phoenician 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 July 17, 2017, as modified by the following stipulations:
  - a. Page 11, Amendments Section, 3rd Paragraph, first sentence: Delete “except for density transfers permitted and processed in accordance with Section G.”
  - b. Page 28, exhibit 10: PUD land use plan: revise the boundaries of Development Areas A and B to transfer land, approximately 100 feet wide and located along the northern boundary of the PUD, from Development Area A and the Resort Periphery land use to Development Area B and the Natural Area Open Space land use. Update the acreages within the table to correspond to the transfer of land from Development Area A into Development Area B.
  - c. Page 30, Natural Area Open Space: Update the last sentence to read as follows: “These areas should be left in their natural state or in the case of areas already disturbed, shall be landscaped in conformance with the development area perimeter and interior / common landscape standards on page 45 of the PUD except for the requirement for live ground cover.”
  - d. Page 34, Permitted Use List: Update the table to add the following language to the facilities and storage incidental to a commercial construction project – “(Shall only be permitted east of 64th Street/Invergordon Road for construction projects located east of 64th Street/Invergordon Road).”
  - e. Page 34, Permitted Use List: Update the table to add the following language to the hiking and nature trails with other passive recreation row: “and restroom facilities.”
  - f. Page 34-35, Permitted Use List: Update the table to add the following language to the golf driving range, miniature golf, outdoor recreation uses, and swimming pools rows – “(Shall not be permitted east of 64th street/Invergordon Road).”

- g. Page 35, Permitted Use List: Update the table to restrict parking lots and garages to only the resort core.
- h. Page 35, Permitted Use List: Add a new row to the table for temporary parking within only the resort core and resort periphery that reads as follows – “Parking, temporary, for passenger vehicle parking of not more than 48 consecutive hours. Includes event parking on the golf course or driving range. (Shall not be permitted east of 64th Street/Invergordon Road).”
- i. Page 35, Permitted Use List: Update the repair, maintenance, grounds keeping, and storage buildings row with the following language – “(Such use, new or expansion of existing, located east of 64th Street/Invergordon Road and within 100 feet of the PUD property line adjacent to a residential use shall require a use permit).”
- j. Page 35, Permitted Use List: Update the special events and outdoor tents for a temporary use row with the following language – “(Shall not be allowed east of 64th Street/Invergordon Road unless for golf related events).”
- k. Page 36, Permitted Use List: Update the wireless communication facilities and helistop for temporary helicopter landings rows with the following language – “(Shall not be permitted east of 64th Street/Invergordon Road).”
- l. Page 36, Note at the End of Permitted Use List Table: Update the note at the end of the permitted use list table to read as follows – “Until a primary residential use has been established (through approval of a site plan or final subdivision plat), property designated with a land use of custom single family, single family, condominium, and/or townhome can be utilized for any primary or accessory use permitted in the resort periphery land use category, such as continuation of the golf course. Development Area H shall also be permitted to continue use as a parking lot until a primary residential use has been established.”
- m. Page 37, Table 5: Zoning Comparison Table: Update the acreages to correspond to the transfer of land from Development Area A into Development Area B.
- n. Page 39, Maximum Units Table: Delete all references to the transfer of dwelling units. Delete the third and fourth columns of the table and references to alternative dwelling unit counts via the transfer provision in Development Areas C/D and I.

- o. Page 40, Development Area Unit Transfer or Conversion Section: Delete title of section and first bullet point and the three sub-bullet points regarding dwelling unit transfer.
- p. Page 40: Update second bullet point to read as follows – “NOT TO EXCEED THE MAXIMUM NUMBER OF COMBINED HOTEL UNITS AND DWELLING UNITS OF 1,003 FOR THE ENTIRE PUD, UNCONSTRUCTED DWELLING UNITS SHALL BE PERMITTED TO BE UTILIZED ~~converted and transferred to~~ AS a new hotel room or casita with the following restrictions”. Update the subsequent bullet point to read as follows – “UNCONSTRUCTED ~~dwelling units from any Development Area~~ OUTSIDE OF THE RESORT CORE may be converted to a hotel room / casita and ~~transferred~~ ASSIGNED to another Area Development Areas A, I and J within the Resort Core. ~~Converted and transferred hotel room / casitas may only be received by Development Area A (Resort Core only), I or J.~~”
- q. Page 45, Development Area Perimeter and Interior / Common Space Landscape. Update the first sentence to read as follows: “The following minimum LANDSCAPING standards for any new Interior / Common Space landscaping AND DEVELOPMENT AREA PERIMETER NOT ON AN ARTERIAL STREET shall apply.”
- r. Page 50, Exhibit 12: Conceptual site plan: revise the boundaries of Development Areas A and B to reflect the transfer of land, approximately 100 feet wide and located along the northern boundary of the PUD, from Development Area A to Development Area B. Update the acreages within the table to correspond to the transfer of land from Development Area A into Development Area B.
- s. Page 51, Development Area A & L: revise the boundary of the graphical depiction of the Development Area, and update the acreage to correspond to the transfer of land into Development Area B.
- t. Page 52, Development Area B: Revise the boundary of the graphical depiction of the Development Area, and update the acreage to correspond to the transfer of land from Development Area A.
- u. Page 53, Development Area C/D: Delete “237 Residential Units if maximum transfer occurs pursuant to Section G of this PUD.”
- v. Page 55, Development Area F: Update the development standards table to require a minimum 15’ side yard setback for the primary structure and all accessory structures along the southern boundary of the development area and add a row to the table that requires a minimum 45’ building

setback for all primary and accessory structures from the southern property lines of the development area.

Add a note on this page that states that the developer may pursue a technical appeal to the Subdivision Ordinance to eliminate the requirement for sidewalks on both sides of the street with specific emphasis on eliminating sidewalks adjacent to the single-family homes to the south, east and west of the development.

- w. Page 90, Exhibit 10: PUD Land Use Plan: Revise the boundaries of Development Areas A and B to transfer that certain land, approximately 100 feet wide and located along the northern boundary of the PUD, from Development Area A and the Resort Periphery Land Use to Development Area B and the Natural Area Open Space Land Use. Update the acreages within the table to correspond to the transfer of land from Development Area A into Development Area B.
  - x. Page 92, Exhibit 12: Conceptual Site Plan: Revise the boundaries of Development Areas A and B to transfer that certain land, approximately 100 feet wide and located along the northern boundary of the PUD, from Development Area A to Development Area B. Update the acreages within the table to correspond to the transfer of land from Development Area A into Development Area B.
  - y. Page 95: Add legal descriptions for each of the Development Areas.
  - z. Update the PUD to remove all references to the Planned Community District and Special Permit zoning designations as overlays.
2. Prior to the submittal of any minor amendment to the PUD the applicant shall provide notice to all neighborhood associations registered with the City of Phoenix located within a half mile of the boundaries of the PUD. In all cases, the notification shall be provided to the Arcadia Camelback Mountain Neighborhood Association. Notices shall be provided by certified letter with return receipt sent not less than 14 calendar days prior to the minor amendment submittal and affidavit of notice shall be included with the submittal to the City of Phoenix.
  3. The applicant shall submit a Traffic Impact Study to the Street Transportation Department and the Planning and Development Department prior to preliminary site plan review. The applicant shall be responsible for any dedications and required improvements as recommended by the approved traffic study, as approved by Planning and Development Department and the Street Transportation Department.
  4. 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.

5. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
6. A minimum 15-foot-wide easement shall be dedicated for the existing public natural (foot only) trail in Development Areas B and K1 to provide connectivity to the Cholla Trailhead as approved by the Parks and Recreation and Planning and Development Departments.
7. 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.
8. That once 75% (186) of the units within Areas C / D & E have been developed, the developer shall submit a signal warrant analysis to the City of Phoenix Street Transportation Department for the intersection of Phoenician Boulevard and Invergordon Road. Upon meeting the required warrants as determined by the Street Transportation Department the developer will be required to install a traffic signal and all associated improvements at this intersection. All costs associated with the traffic warrants study, traffic signal, and associated improvements at the intersection as reasonably determined by the City shall be the responsibility of the developer.
9. 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.
10. A minimum 15-foot-wide easement shall be dedicated for a public natural hiking (foot only) trail at a mutually agreed upon location between the property owner and the Parks and Recreation Department within the 100-ft. open space area along the northern boundary of the PUD within the expanded portion of Development Area B per stipulation 1.b.

The easement shall begin near the private drive known as Staghorn Lane and extend in a northwesterly direction towards Camelback Mountain ultimately connecting with the existing Cholla Trail as approved by the Parks and Recreation and Planning and Development Departments.

11. The developer shall contribute \$100,000 towards the design and construction of the trail referenced in stipulation #10.
12. The property owner shall complete HABS/HAER/HALS documentation of the Jokake Inn prior to the approval of any building permits for a new residential unit. Documentation shall be completed consistent with the Secretary of Interior's standards and guidelines for architectural and engineering documentation and submitted to the Historic Preservation Office for review and comment prior to submittal to the National Parks Service.
13. The property owner shall maintain the existing structural integrity of the Jokake Inn in good condition and repair for a period of no less than ten years from City Council approval of the PUD.
14. The developer shall preserve the bathroom until an economic feasibility analysis is done as part of the trail design study. The study should evaluate the costs of keeping the restroom in place with additional screening to mitigate impacts to existing residents or rebuild it in a new location within the 100-foot area as approved by the Planning and Development Department.
15. The developer shall provide a copy of the grading and drainage report 15 days prior to the submittal of the report to the Planning and Development Department. The copy shall be sent via certified mail to the Moman and Weiss residences at the following addresses:

Sharon Weiss  
6025 E. Cholla Lane  
Paradise Valley, Arizona 85253

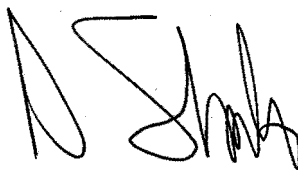
Timothy and Jodi Moman  
6211 E. Cholla Lane  
Paradise Valley, Arizona 85253

The above listed parties shall be allowed to review and comment on the drainage report so that staff can consider the information prior to approval of the drainage report.



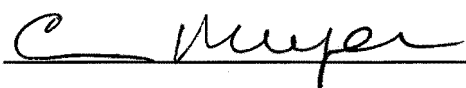
PASSED by the Council of the City of Phoenix this 4th day of October,

2017.



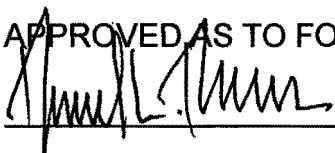
MAYOR

ATTEST:

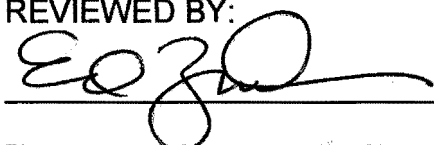
 City Clerk



APPROVED AS TO FORM:

 Acting City Attorney pm1

REVIEWED BY:

 City Manager

PL:tml:LF17-4425:Item#90:10/04/17:1333861v1

Exhibits:

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

**EXHIBIT A**

**LEGAL DESCRIPTION FOR Z-83-16-6**

Those portions of the southeast quarter of Section 16, the North half of Section 21 and the northwest quarter of Section 22 all in Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona more particularly described as follows:

**Parcel No 1**

All of Parcels No. 2,3,7,8,9,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26 and 27 according to the Special Warranty Deed recorded in the office of the County Recorder of Maricopa County, Arizona as instrument number 1999-0115795;

Except from said Parcel No. 8 the following:

Those portions of Tract "A" of Camelback Club Estates, a subdivision according to the plat recorded in the office of the County Recorder of Maricopa County, Arizona as Book 65 of maps, page 38 described as follows:

All of said Tract "A" lying East of a line struck between the southwest corner of Lot 17 and the northwest corner of Lot 18 of said Camelback Club Estates;

Together with all of said Tract "A" lying South of a line struck between the northwest corner of Lot 27 and the northeast corner of Lot 28 of said Camelback Club Estates;

Together with all of said Tract "A" lying South of the westerly prolongation of the North line of Lots 28, 29 and 30 of said Camelback Club Estates;

Together with all of Tract "B" of said Camelback Club Estates.

**Parcel No. 2**

All of Parcels No. 1,2,3,4,5,6,7 and 8 according to the Special Warranty Deed and Quit Claim Deed recorded in the office of the County Recorder of Maricopa County, Arizona as instrument number 2015-0415131.

**Parcel No. 3**

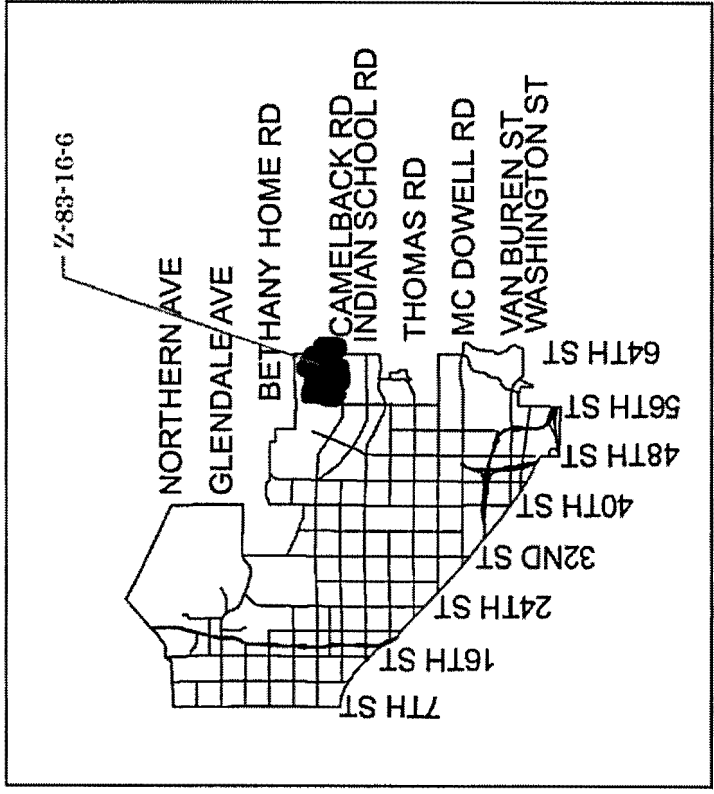
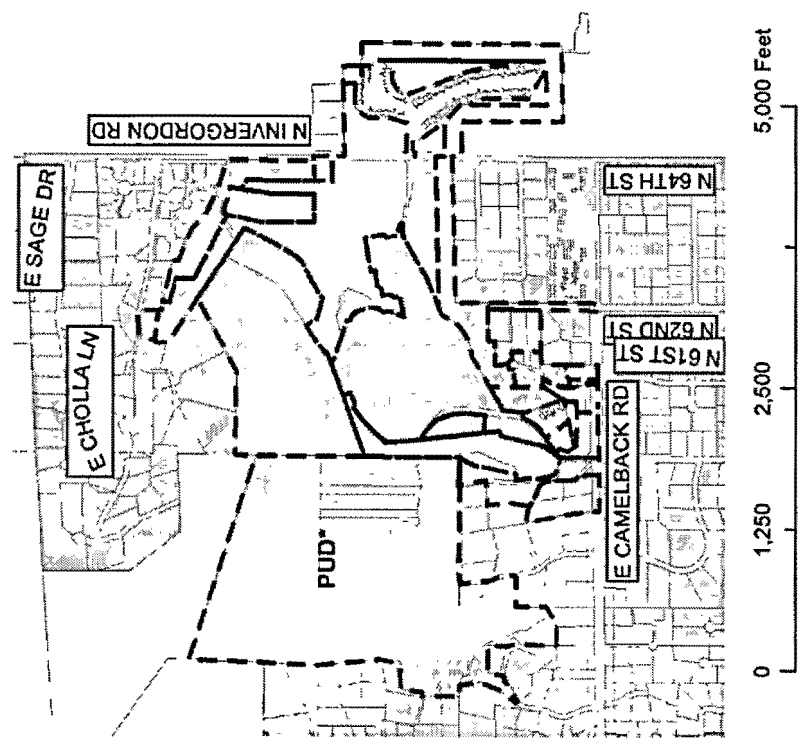
That certain parcel of land described in Special Warranty Deed and Quit Claim Deed recorded in the office of the County Recorder of Maricopa County, Arizona as instrument number 2015-0415132.

EXHIBIT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-83-16-6  
Zoning Overlay: Arcadia Camelback SPD  
Planning Village: Camelback East

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



Drawn Date: 9/8/2017

R:\IS\_Team\Core\_Functions\Zoning\SuppMaps\_CrdMaps2017\_Crd9-7-17Z-83-16-6.mxd