

ORDINANCE G-6841

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-35-20-8) FROM S-1 BAOD (RANCH OR FARM RESIDENCE DISTRICT, BASELINE AREA OVERLAY DISTRICT) AND C-2 BAOD (INTERMEDIATE COMMERCIAL DISTRICT, BASELINE AREA OVERLAY DISTRICT) TO PUD BAOD (PLANNED UNIT DEVELOPMENT, BASELINE AREA OVERLAY DISTRICT).

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

SECTION 1. The zoning of a 17.27-acre site located approximately 340 feet west of the southwest corner of 40th Street and Southern Avenue in a portion of Section 36, Township 1 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from 10.02 acres of "S-1 BAOD" (Ranch or Farm Residence District, Baseline Area Overlay District) and 7.25 acres of "C-2 BAOD" (Intermediate Commercial District, Baseline Area Overlay District) to 17.27 acres of "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 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 Sanctuary at South Mountain 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 January 22, 2021, as modified by the following stipulations:
  - A. Front Cover: Revise the submittal date information to add the City Council adoption date.
  - B. Page 9, 1. Development standards table and page 27, comparative zoning table, maximum density: replace "11.2 dwelling units per gross acre" with 9.62 dwelling units per gross acre or 166 units.
  - C. Page 9, 1. Development Standards Table, Minimum Building Setbacks, add letter "s" at the end of "Interior Property Line..." in reference to interior property lines adjacent to the existing Walgreens.
  - D. Page 9, 1: development standards table and page 27, comparative zoning table, maximum building height, add: administrative offices shall not exceed a height of one story or 20 feet in height.
  - E. Page 10, under Open Space, add "...of gross site acreage." at the end of the first sentence.
  - F. Page 10, 2. Landscape standards table, general requirements-multifamily residential-minimum landscape setbacks: change 40th street "35 feet average" to "40 feet average"; change southern avenue from "35 feet" to "40 feet average"; change south perimeter property line from "25 feet" to "40 feet minimum". Change west perimeter property line (adjacent to 39th street) from "20 feet" to "30 feet average"
  - G. Page 10, 2 landscape standards table, general requirements-multifamily residential- planting standards. Change all references of "trees" to "shade trees."

- H. Page 12, Plant Lists, change the bold subheading “Plant Lists” from the right-hand side of the table to the center-top above the reference to plant materials. Also add the word “Zoning” after “Mixed Use Agricultural...”.
- I. Page 14, 5. Amenities, shift “b. Outdoor Amenities:” to the following page.
- J. Page 15, 6. Open Space, align the formatting of the text in the second paragraph.
- K. Page 15, 5. Amenities, add: “d. Any dog parks, dog rinse/baths area, or community gardens shall be located a minimum of 200 feet from the south and west property lines. Trash/recycling dumpster facilities shall be located a minimum of 150 feet from the south and west property lines.
- L. Page 16, 7. Shade, edit the last sentence to the following: “c. Shade requirements shall be calculated on a Summer Solstice at 12:00 noon.”
- M. Page 17, second paragraph, revise the second sentence to state “c. Connections shall be provided from and between the following elements via the most direct route using pathways a minimum of 4 feet in width:” and revise the alignment at the bottom of the page starting with “d. Traffic calming...”.
- N. Page 18, 11.a. Lighting, add: parking lot shall have low-level shielded lights. That parking light poles shall be limited to 25 feet in height and that poles within 150 feet of any residential zoning district shall be no taller than 15 feet. That no more than one-foot candle of light be detectable at the property line. That poles along abutting residential districts shall have house side shields.”
- O. Page 19, E. Design Guidelines, change subheading from “1. Multifamily Residential” to “1. General Standards”.
- P. Page 19, E. Design Guidelines, under 1. Multifamily Residential, change to: “e. All of the residential units adjacent to 39th Street shall contain covered back patios at a minimum of 200 square feet in area at a depth of at least six feet, if the front of residential units is not oriented towards 39th Street.”
- Q. Page 19, E. Design Guidelines, under 1. Multifamily Residential, remove sentence starting with “f. A minimum of two pedestrian gates...”

- R. Page 20, 4.a. Fences and walls. Modify last sentence to read as follows: fencing shall be considered open if there is no more than one-foot height of solid masonry and view portion provides a minimum 90 percent visibility.
  - S. Page 20, 4.d. Fences and walls. Change from "...three feet of solid masonry..." to "...one-foot of solid masonry...".
  - T. Page 21, new 4.h. Add: open fencing or walls shall be installed along the southern and western perimeters to serve as a barrier for access to and from the adjacent Bartlett Heard Ranch properties.
  - U. Page 21, 5. Building Orientation and Massing, revise the second sentence to "b. Residential units adjacent to 39th Street which are not fronting onto 39th Street, shall incorporate back patios oriented towards 39th Street to reinforce community orientation and place eyes on this street."
  - V. Page 22, 10. Other Design Elements, please align the subheading.
  - W. Page 25, H. Complete Streets, change the word "ROW" to "right-of-way".
  - X. Page 26, I. Infrastructure, 1. Circulation, lower case the word "Pedestrian".
  - Y. Page 27, J. Comparative Zoning Table, update the Proposed PUD standards to match with the rest of the PUD document.
  - Z. Exhibit 2, conceptual site plan: update conceptual site plan exhibit to reflect development standard changes from Stipulation No. 1.
2. The applicant shall submit a Traffic Impact Study/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. Contact the Street Transportation Department, to set up a meeting to discuss the requirements of the statement/study. Upon completion of the TIS the developer shall submit the completed TIS to the Planning and Development Department counter with instruction to forward the study to the Street Transportation Department, Design Section.

3. The developer shall dedicate a one-foot Vehicular Non-Access Easement (VNAE) along Southern Avenue, as approved by the Planning and Development 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. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property and tenants within the development the existence and operational characteristics of the radio transmission tower southwest of the site as well as equestrian and agricultural uses in the area. The form and content of such documents shall be reviewed and approved by the City Attorney.
6. 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.
7. The developer shall grant and record an aviation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
8. 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.
9. 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.

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 5th day of May, 2021.

*Rodriguez*

MAYOR



ATTEST:

*Denise Archibald*

Denise Archibald, City Clerk *05-25-2021*

APPROVED AS TO FORM:  
Cris Meyer, City Attorney

By: *DBenton*

David Benton, Chief Counsel

*Pml*

REVIEWED BY:

*Ed Zuercher*

Ed Zuercher, City Manager

PML:cz: (LF21-0958): 5-5-21:2256519\_1.docx

Exhibits:

- A – Legal Description (3 Pages)
- B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-35-20-8

PARCEL NO. 1:

LOT 56, BARLETT-HEARD LANDS, ACCORDING TO THE BOOK 13 OF MAPS,  
PAGE 35, RECORDS OF MARICOPA COUNTY, ARIZONA;

EXCEPT THAT PART THEREOF, IN SECTION 36, TOWNSHIP 1 NORTH, RANGE 3  
EAST, GILA & SALT RIVER BASE AND MERIDIAN, MARICOPA, COUNTY, ARIZONA,  
DESCRIBED AS FOLLOWS:

THENCE SOUTH ALONG THE EAST LINE THEREOF, A DISTANCE OF 309.54 FEET  
TO AN ORTHOGONAL LINE, HEREIN DESIGNATED AS LINE "A";

THENCE SOUTH A DISTANCE OF 390.26 FEET;

THENCE WEST A DISTANCE OF 40 FEET;

THENCE NORTH A DISTANCE OF 290.26 FEET;

THENCE NORTHERLY TO THE INTERSECTION OF SAID LINE "A" WITH THE WEST  
LINE OF THE EAST 42 FEET OF SAID SECTION;

THENCE NORTH ALONG SAID WEST LINE TO THE NORTH LINE OF SAID  
SECTION;

THENCE EASTERLY TO THE POINT OF BEGINNING; AND

EXCEPT THAT PART THEREOF LYING WITHIN THE PARCEL OF LAND  
DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EAST 42 FEET OF SAID  
SECTION;

THENCE WEST ALONG THE NORTH LINE THEREOF A DISTANCE OF 309.54 FEET  
TO AN ORTHOGONAL LINE HEREIN DESIGNATED AS LINE "B";

THENCE WEST TO A DISTANCE OF 100 FEET TO AN ORTHOGONAL LINE HEREIN  
DESIGNATED AS LINE "C";

THENCE WEST TO THE NORTHERLY PROLONGATION OF THE WEST LINE OF  
SAID LOT 56;

THENCE SOUTHERLY ALONG SAID PROLONGATED LINE TO THE SOUTH LINE OF  
THE NORTH 40 FEET OF SAID SECTION 36;

THENCE EAST ALONG SAID SOUTH LINE TO SAID LINE "C";

THENCE EASTERLY TO THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 42 FEET OF SAID SECTION WITH SAID LINE "B";

THENCE EAST ALONG SAID SOUTH LINE TO THE WEST LINE OF THE EAST 62 FEET OF SAID SECTION;

THENCE SOUTHEASTERLY TO A POINT ON THE WEST LINE OF THE EAST 42 FEET OF SAID SECTION WHICH IS 62 FEET SOUTHERLY OF THE POINT OF BEGINNING;

THENCE TO THE POINT OF BEGINNING, AS SET FORTH IN WARRANTY DEED RECORDED IN DOCKET 111243, PAGE 406, RECORDS OF MARICOPA COUNTY, ARIZONA, AND

EXCEPT THAT PART THEREOF LYING WITHIN THE PARCEL OF LAND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 36, FROM WHICH THE EAST QUARTER OF SAID SECTION 36 BEARS SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 2650.00 FEET;

THENCE SOUTH 00 DEGRESS 00 MINUTES 00 SECONDS EAST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 36, A DISTANCE OF 62.38 FEET;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 42.00 FEET TO A POINT ON A LINE PARALLEL WITH AND 42.00 FEET WEST OF THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 36, SAID POINT BEING THE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG SAID LINE, A DISTANCE OF 247.16 FEET;

THENCE SOUTH 01 DEGREEES 08 MINUTES 45 SECONDS EAST, A DISTANCE OF 71.22 FEET;

THENCE NORTH 76 DEGREES 56 MINUTES 30 SECONDS WEST, A DISTANCE OF 55.30 FEET;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 280.06 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 225.82 FEET;

THENCE NORTH 08 DEGREES 41 MINUTES 36 SECONDS WEST, A DISTANCE OF 56.14 FEET;

THENCE NORTH 01 DEGREES 58 MINUTES 56 SECONDS WEST, A DISTANCE OF 26.37 FEET;



THENCE NORTH 47 DEGREES 41 MINUTES 03 SECONDS WEST, A DISTANCE OF 23.67 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF SOUTHERN AVENUE;

THENCE SOUTH 89 DEGREES 22 MINUTES 32 SECONDS EAST, ALONG SAID LINE, A DISTANCE OF 50.26 FEET;

THENCE NORTH 89 DEGREES 28 MINUTES 43 SECONDS EAST, ALONG SAID LINE, A DISTANCE OF 289.16 FEET;

THENCE SOUTH 45 DEGREES 15 MINUTES 52 SECONDS EAST, A DISTANCE OF 28.15 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 2:

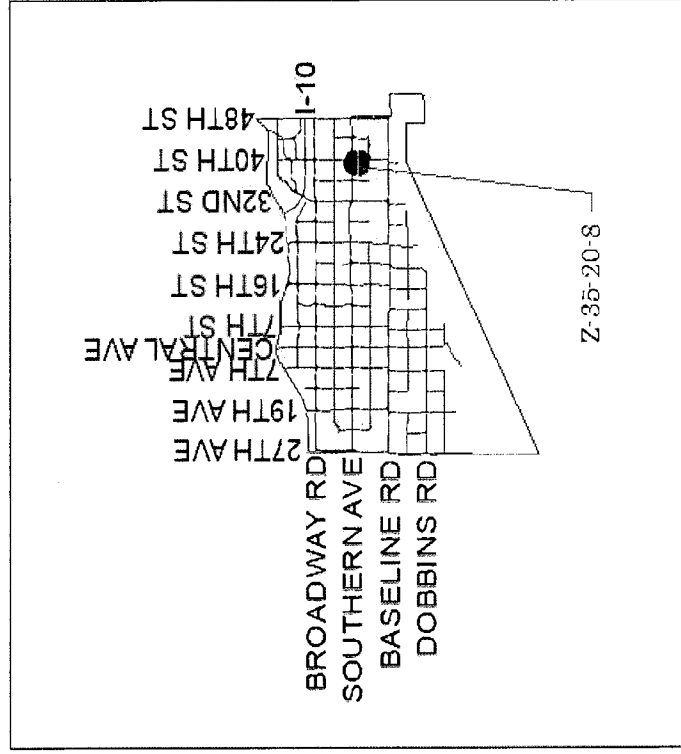
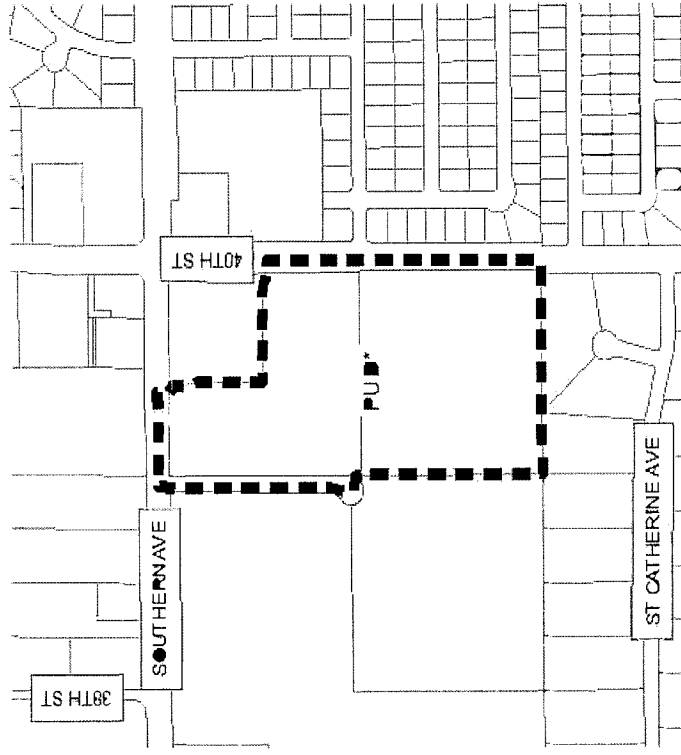
A NON-EXCULSIVE AND PERPETUAL EASEMENT FOR REASONABLE ACCESS, INGRESS, AND EGRESS AS CREATED IN DECLARATION OF EASEMENTS, CONVENANTS, CONDITIONS, AND RESTRICTIONS RECORDED IN RECORDING NO. 98-0129739 AND RE-RECORDED IN RECORDING NO. 98-0372478, RECORDS OF MARICOPA COUNTY, ARIZONA

**EXHIBIT B**

**ORDINANCE LOCATION MAP**

Zoning Case Number: Z-35-20-8  
 Zoning Overlay: Baseline Area Plan and Overlay District  
 Planning Village: South Mountain

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



NOT TO SCALE



Drawn Date: 3/24/2021

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