

Peak 16

A PLANNED UNIT DEVELOPMENT

Case Z-38-15-6

Land Use and Development Standards



Submitted to the City of Phoenix

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ATTORNEYS AT LAW

A Planned Unit Development (PUD) is intended to be a stand-alone document of zoning regulations for a particular project. Provisions not specifically regulated by the PUD are governed by the zoning ordinance. A PUD may include substantial background information to help illustrate the intent of the development. The purpose and intent statements are not requirements that will be enforced by the City. The PUD only modifies zoning ordinance regulations and does not modify other City Codes or requirements. Additional public hearings may be necessary such as, but not limited to, right-of-way abandonments.

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A. EXECUTIVE SUMMARY

The purpose of a Planned Unit Development (“PUD”) is to allow for development that does not fit within the conventional boundaries of underlying zoning districts. The subject property encompasses all of the above characteristics.

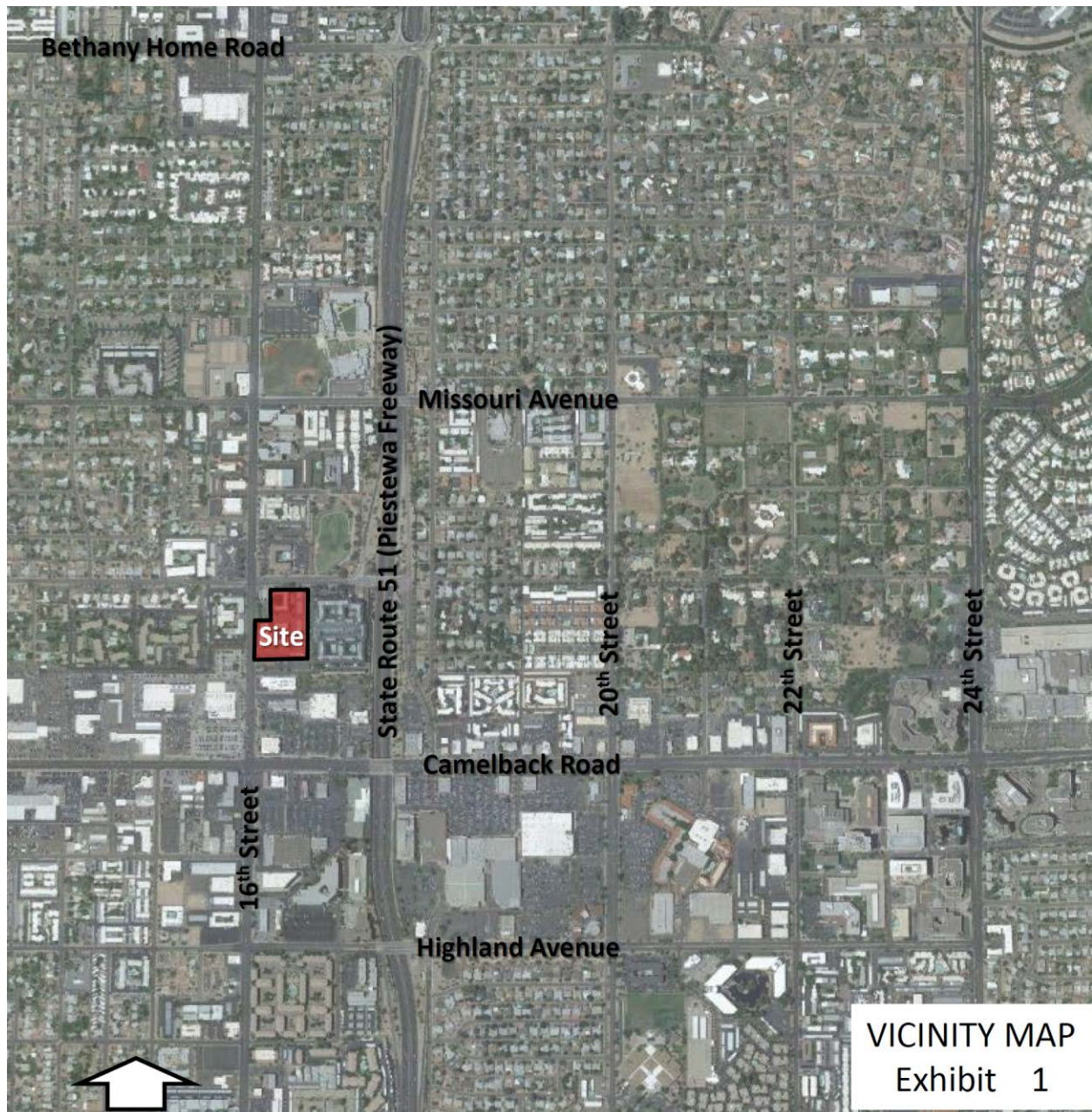
The purpose of the proposed PUD is to create specific standards to guide the development of the approximate 3.829 acre parcel located south of the southeast corner of 16th Street and Colter Street. The property is generally bounded by Colter Street on the north, 16th Street on the west, an existing multi-family residential project on the east and an Ajo Al’s Mexican Food Restaurant on the south. The proposed PUD does not include the existing dental office located at the southeast corner of 16th Street and Colter Street. The uniquely situated property enjoys direct access to arterial and collector streets and nearby access to the State Route 51 (“SR 51”) Piestewa Freeway. The rezoning request will rezone the property from the current C-O and C-2 zoning districts to PUD to allow for the development of a unique highly designed urban residential development which implements the greater vision of the City of Phoenix for new residential development along the SR 51 Piestewa Freeway and Camelback corridors. The resulting project will be called **Peak 16** PUD.

The subject 3.829 acres of land were once developed as an office development with three freestanding two-story office buildings. Currently the site consists of a vacant two-story office building and parking on the north half of the site. The southern two two-story office buildings were demolished. The property has been in deteriorating condition for many years and was fully vacated approximately one year ago. To the north, beyond Colter Street, is a three-story Extended Stay America hotel. To the west beyond 16th Street are existing commercial office buildings. To the south is a long-time existing restaurant and a recently refurbished shopping center. To the east is an existing 4-story multi-family residential condominium development. The pattern of development in the area consists of a mix of uses including commercial, restaurants, offices, hospitality and multi-family residential.

The proposed building architecture and open space areas will provide a distinct, up-scale living environment for the residents of this community. The use of various materials and both horizontal and vertical plane movement will emphasize the building’s unique urban design both for the residents of the new community and also for the area residents when walking or driving past the development. All of the architectural elements will tie together to provide a strong identity for the site that compliments the surrounding properties as well as creating an inviting atmosphere for both residents and guests. The project provides a design that uses view corridors and architectural focal points to emphasize the interior residential amenities. This well-conceived infill concept offers to add to the diverse housing types in this growing area of the community.

It is the 16th Street corridor and the SR 51 Piestewa Freeway corridor and Camelback Road corridor immediately east and south of the subject site that creates an exciting opportunity for a new residential development of an urban infill site of exceptional

quality, character and iconic identification that will support nearby retail and restaurant venues as well as add to the social and employment fabric of central Phoenix.



B. PURPOSE AND INTENT

1. Regulatory Provisions

The **Peak 16** PUD has been prepared pursuant to Section 671 of the Zoning Ordinance of the City of Phoenix in order to establish the regulatory framework for this multi-family residential development. This PUD is intended to be a stand-alone document comprised of zoning regulations, including permitted uses, development standards and design guidelines for the entire 3.829 acre project located south of the southeast corner of 16th Street and Colter Street. The PUD includes substantial background information to help illustrate the intent of the development. All images including the site plan are conceptual representations of the character and quality of the development. Plans and documents with specific designs will be processed through the City of Phoenix site plan review process in accordance with Section 507 of the Phoenix Zoning Ordinance. Provisions not specifically regulated by the **Peak 16** PUD are governed by the City's zoning ordinance. This PUD only modifies zoning ordinance regulations and does not modify other City Codes or requirements.

2. Zoning Ordinance Applicability

Unless a use or standard for development is specifically re-stated herein, the Zoning Ordinance of the City of Phoenix, Arizona as adopted and periodically amended, is applicable to the **Peak 16** PUD. It is the intent of this PUD to establish the limited permitted uses, development standards and amended provisions that will govern this development. In the event of a conflict between a use, a development standard, or described development procedure between the City of Phoenix Zoning Ordinance and the PUD, the PUD shall govern. Similarly, where the PUD narrative is silent on a requirement, the applicable Phoenix Zoning Ordinance provision shall control.

C. DEVELOPMENT PLAN

Over the past two years, two apartment projects have been completed in the immediate area (@51 and Escape) and market demand remains strong. All of the redeveloped retail shops and new restaurant venues within a mile and employment within a 5-10 minute commute further amplify the need for this type of quality, urban residential use. High-Density urban living uses are an important element in attaining the proper balance of land uses within the City in general. **Peak 16** PUD is a land use that will support residential and is intended to capitalize on the nearby SR 51 transportation corridor, the Camelback core and the variety of existing and planned retail centers in the area.

This PUD creates a unified pedestrian-oriented project adjacent to one of the City's most prestigious shopping and employment corridors by blending the proposed high-end 4-story multi-family development within the context of an existing 3-story hotel and a 4-story multi-family building near this unique location. The proposal replaces an underutilized, outdated and derelict complex of office buildings and surface parking with a new thoughtfully designed 234-unit high end rental community. This project will enhance the character of the area by removing the old vacant office buildings and replacing them with exciting new housing on 16th Street.

The site is located adjacent to one of the City's most densely populated employment and commercial corridors and enjoys excellent regional access due to its strategic location just off the SR 51 Freeway and just north of Camelback Road. As previously noted, the subject property also has immediate access to the major arterials of Camelback Road, Bethany Home Road and 16th Street. The site's critical setting near the Camelback corridor and the adjacent freeway corridor and arterial roadways gives the proposed multi-family residential development the unique opportunity to attract a wide spectrum of residents who seek excellent freeway access and nearby employment, commercial services and good public transportation.

The urban style residential component is an important element to attaining and maintaining the proper balance between employment and commercial uses for this area of the City. The proposed building architecture and project amenities (both indoor fitness/clubhouse and outdoor resort style pool) will provide a distinct living environment for renters willing to pay higher rents to live in a high end, amenitized and secure setting. Eye catching architectural design will draw attention to this unique residential project. All of the architectural elements will tie together to provide a strong identity for the site that enhances the surrounding properties and creates an inviting atmosphere for both residents and guests.

The proposed infill multifamily residential development is compatible with the adjacent zoning pattern for higher density residential units and the proposed building heights are compatible and consistent with the area. The residential development proposal has been carefully designed to create an environmentally responsive and pedestrian-oriented urban residential project adjacent to a major transit line and in close proximity to the existing commercial retail, shops and restaurants, and a variety of nearby

residential and commercial uses. Incorporating a luxury, multi-family residential community with resort-style amenities and convenient pedestrian access to the nearby retail venues and public transportation systems is in keeping with the area's unique character and land use pattern. Adding this level of rental housing to support the new retail and restaurant venues along with employment centers is vital to the long-term balance of the community. We believe that a variety of living styles are a critical element in achieving the proper mix of land uses within each village and the City in general.

This infill site's setting at the strategic location of 16th Street and Colter Street provides a truly unique opportunity to attract a wide spectrum of residents who want to live in an urban setting within walking, biking or public transit distances from all their service and employment needs. In fact, this residential project offers future residents and guests of **Peak 16** convenient access to public transportation systems on 16th Street and is in close proximity to public transportation systems on Camelback Road. This public transit line on Camelback has direct access to the valley wide Metro Light Rail system. Furthermore, the close proximity to shops, offices and entertainment encourages people to walk, ride a bicycle, or use the transit system as alternatives to the automobile. Adding this rental community will support a strong and vibrant Camelback employment and commercial corridor. Lastly, residents and their guests will generate significant economic activity to benefit existing and future retail and service businesses in this area of Phoenix.

The proposed 4-story residential buildings use the urban "building forward" design to set an approximate setback of ten feet (seven feet in the area of a building popout) to bring the building out to 16th Street (west) and Colter Street (north). Due to the geometry of the lot, it is necessary to provide perimeter circulation along the east and south side of the building both to accommodate emergency vehicle circulation and to satisfy code requirements. Subsurface parking (under the building) is provided for most residential units, with additional perimeter surface parking provided for some units but mostly for visitors. These two rows of surface parking and the internal drive aisle also accommodate emergency vehicles.

A 10-foot building separation is proposed along the existing dental office building located at the northwest corner of the site. This ten foot separation matches and compliments the existing 10-foot setback of the dental office building to the west. Generous building setbacks of 70-75 feet are provided along the east and south property line to accommodate the surface parking and the internal drive aisle. This setback also compliments the existing setback of the Biltmore Square condominiums.

The simple fact is that the typical ordinance paradigm for large suburban setbacks along arterial streets is not consistent with the City's vision for urban style development in the City's core. New apartment projects in the downtown are now mandated to bring forward to "activate the streets." The reduction in street building setbacks creates a strong connection at the pedestrian level for the adjacent street(s) and with the adjacent restaurants and nearby retail stores. It also helps to encourage pedestrian interaction

and provide shade along street frontages. As shown in the conceptual building elevations, the building design includes manipulation of massing through forms, building articulation, textures, materials and colors. The use of off-sets, reveals and varied forms and material will create an attractive landscaped streetscape for residents and well as those driving by the site. Furthermore, building placement encourages pedestrian comfort and “eyes on the street.” Residential privacy is important and therefore the residential windows have been thoughtfully located on the building’s facade to preserve residents’ privacy.

This document will guide the development of this property and the infrastructure that will create the backbone framework for this multi-family residential development.

1. Description of Land Use Category

The rezoning request involves approximately 3.829 acres and will rezone the property from the current C-O and C-2 zoning districts to Planned Unit Development (PUD) to allow for the development of a unique and thoughtfully designed urban residential development. **Peak 16** is at its core a high-density residential community and provides the kind of high end amenities that are desired by apartment renters at this level. The residential project is designed around an urban theme. The project provides a 4-story residential community surrounding a centrally located pool amenity and court amenity area. The project provides two residential gated parking entrances for its residents, one via Colter Street and the other via 16th Street. The majority of the parking for the residential units will be provided in a partially below grade parking structure. Additional surface parking will be provided along the east and south property lines. Leasing office parking spaces are provided at the project’s main entrance via an exclusive access driveway from 16th Street. Guest parking is provided in the surface parking area along the south and east side of the project.

2. Discussion of Conceptual Site Plan

The overall project concept is to create an urban-style mixed use development revolving around a high quality multi-family residential community. The plan proposes a residential living community that will complement the mixed use character of the surrounding area. The site plan is essentially broken into two components.

The main element of this residential project is the 4-story urban residential community which forms the boundaries of the project along the north and west sides of the property. This urban residential component is an important element to attaining the proper balance between employment and commercial uses for this area. 234 residential units are planned. The development includes a variety of studio, (1) bedroom, and two (2) bedroom units.

Building architecture and open space areas will provide a distinct living environment and will vary the massing of the building and pedestrian-scale elements. Many of

the units face inward to the internalized pool and recreational amenities. All of the units themselves are strategically located on top of the below grade parking structure which is located internal to the project which is an innovative, urban style design feature, where the dominant feature of the project is not rows of suburban style parking lots but the buildings themselves. In the central core, the City has long desired to have infill redevelopment where the buildings and pedestrian ways combine to activate the street. Public areas that are pedestrian-oriented and intended to foster an interactive urban atmosphere through the use of architecture, landscaping, reduced street setbacks, lighting, shape, color and materials. These urban living units are for people who want to live in a sophisticated environment with nearby employment opportunities, retail services, open space elements, restaurant venues and with excellent arterial and freeway access.

The pool area provides a resort type ambiance for the residential community. Tenants of the property will have use of a state-of-the-art fitness center, spa, outdoor barbecues, outdoor pool area, Wi-Fi Lounge, gaming center, business center, dog wash, bike repair station, and club house reserved for apartment residents. All of these amenities will be for the exclusive use of those renting at the property. The amenity area will be centrally located between the two buildings and acts as the backbone of the project. The pool area is centrally located between the buildings, thus providing a private, unique, discreet space for apartment dwellers.

As noted above, the second component of this development is the centrally located partially below-grade parking structure and gated surface parking which provides secure parking for residents and guests. By placing the majority of the parking for the units partially below-grade, the design eliminates the typical “sea of asphalt.” While the construction of a podium style parking structure is more expensive, we believe the proposed below-grade parking provides better overall aesthetics for the project and area and creates a better overall environment. As mentioned previously, convenient quiet and resident parking is also placed along the east and south property lines.

Each land use in an urban setting should be compatible with and supportive of other uses in the area; thereby enhancing the quality of life throughout this region. This project will serve as a natural land use transition between the existing C-2 and C-O zoned developments to the north, west, and south and the retail commercial center to the south. The proposed infill multifamily residential development is consistent with the adjacent zoning pattern for higher density residential units along the east side. The proposed building heights are compatible and consistent with those in the area. As mentioned, the proposed building height fits seamlessly within the context of the adjacent 4-story Biltmore Square condominiums (east) and the 3-story extended stay hotel (north). This proposal will fit well in the existing fabric of uses on the surrounding properties, which again are comprised of retail, office, hospitality and high density residential homes including hotel complex adjacent to the site.

The intent of the proposal is to provide a balance of land uses and residential development that compliments the area while upholding the planning principles and supporting the economic needs of the Camelback East Village and nearby Camelback East Primary Core. The infill site will be transformed into an attractive, high-quality residential development that will enhance the streetscape appearance with attractive new architectural building design, open space areas, and lush landscaping features along 16th Street and Colter Street.

The project will attract residents looking for an affordable alternative to single family housing and who prefer to live/work/recreate close to home. This property benefits from having excellent local and regional access that will be convenient for young professionals, business representatives/employees, and other individuals who prefer community shared amenities without the maintenance burdens of typical single-family residential uses. The new multi-family residential residents and their guests offer existing local businesses long-term sustainability and patronage.

D. SITE LOCATION and CONDITIONS

1. Site, Location, Acreage and Surrounding Context

The 3.829 acre subject site is bounded by Colter Street on the north, the Biltmore Square multi-family residential condominiums on the east, Ajo Al's Mexican Food Restaurant on the south, and 16th Street on the west. The property is irregularly shaped and does not include an existing dentist's office which is located at the southeast corner of 16th Street and Colter Street. The subject property once developed as an office development with three freestanding two-story office buildings. These buildings were built between 1977 and 1986. Currently the site consists of a vacant two-story office building and parking on the north half of the site. The southern two derelict two-story office buildings have since been demolished. The property has been vacant for approximately one year.



To the north, beyond Colter Street, is a three-story Extended Stay America hotel on property that is zoned C-2. To the west beyond 16th Street are existing commercial office buildings that were built around 1975. To the south is a long time existing restaurant and shopping center on property that is zoned C-2. To the east is an

existing 4-story multi-family residential condominium development. This adjacent residential development is zoned C-2 and received Height and Density waivers from the Council to allow a building height of 48-feet and 367 units. This development began as an apartment, but has since been converted to condominiums. There are no single family residential developments adjacent to this site. The pattern of development in the area consists of a mix of commercial, restaurants, offices, hospitality and multi-family residential uses.

The site enjoys exceptional regional access due to its strategic location just off the SR 51 Freeway. The SR 51 Freeway access is provided via interchanges at Colter Street or Bethany Home Road which means that **Peak 16** has convenient access to downtown, the nearby Phoenix Sky Harbor International Airport, and other parts of the valley which allows it to attract residents who wish to live near a major employment and commercial corridor with excellent freeway access. The site is located within the Camelback East Village. The property is at the hub of a regional transportation network with major arterial streets and freeways.

2. Topography and Natural Features

The existing property topography is relatively flat with a slight slope from the northeast to southwest and with no natural features.

E. GENERAL PLAN CONFORMANCE

The current General Plan Land Use designation for the subject property is commercial which allows retail, office and multi-family housing.

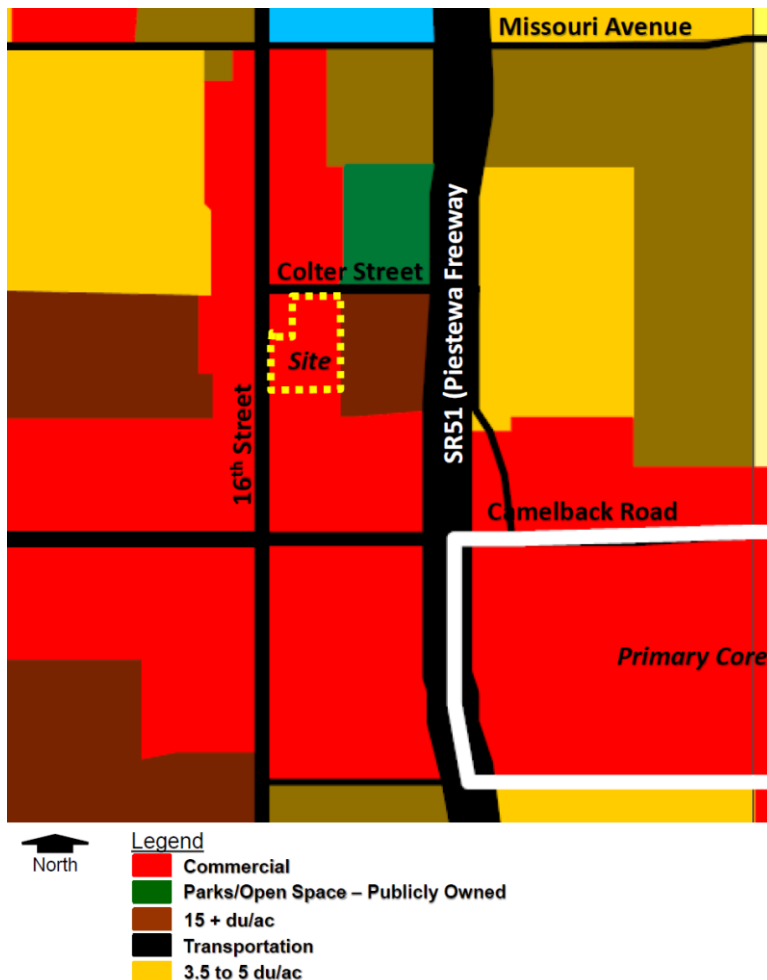


Exhibit 3 – EXISTING GENERAL PLAN LAND USE MAP

The proposed PUD meets several General Plan objectives:

GROWTH AREA ELEMENT

Targeted Growth Areas:

- *Location of residential growth: Encourage new housing growth to support job growth within existing employment centers.*

A key concept of the General Plan encourages new employment growth in the targeted growth areas and to provide new residential opportunities in the central city near emerging job centers. The subject site is located within the Camelback East Village near the SR 51 Freeway and less than one mile from the Camelback East Village Core,

which is recognized as one of the city's premier retail, entertainment and employment centers.

The site's close proximity to the Camelback Corridor makes it an ideal location for professionals seeking to avoid long commutes to jobs, dining, shopping and entertainment venues. This new higher density housing at this location will help support all the other close by uses. A luxury rental living style provides an important component to this mix of existing uses. These future residents will create a new pool of customers for the nearby retail establishments and restaurants. This upscale housing growth, in a vibrant urban setting, also helps support the employment balance in the area.

LAND USE ELEMENT

Goal 1. Neighborhood Policy 1: Include a mix of housing types and densities that support a broad range of lifestyles.

This unique multifamily residential development provides this infill area of the City with a residential project that provides another alternative for the broad range of lifestyles and one that is complimentary with the existing multifamily and single family residential housing stock in the area. This residential development provides an alternative high end rental housing type for those seeking to live near a dynamic urban environment. This project will bring new population of residents, who need and want convenient access all the areas' retail, dining, entertainment and employments venues.

Goal 1. Neighborhood Policy 2: Protect and enhance the character of each neighborhood and its various housing lifestyle through new development that is compatible in scale, design, and appearance.

The proposed infill multifamily residential is consistent with the adjacent zoning pattern for higher density residential units. The proposed building heights are compatible and consistent with the three-story Extended Stay America hotel the existing 4-story multifamily residential condominium development in the area. Building design and layout techniques have been incorporated into the design of the plan to ensure compatibility with the adjacent properties.

Policy 14 – Locate multi-family development near specialized public facilities, major transportation services, and employment centers.

As noted earlier, the project provides needed high end rental housing on the major transportation corridors of both arterial roads and freeways consistent with General Plan objectives and policies. New residential growth next to such major transportation elements provides a convenient commute shed to shorten commute times and vehicle miles traveled. The City has long desired to bring people, activity and vibrancy back to the central city. This project fits that City objective. The site is located adjacent to a freeway and major arterial roadways which can quickly bring residents of this project to

downtown Phoenix and other parts of the valley. New residential housing within an urban mixed use area provides unique opportunities to live, work and shop without leaving the surrounding area or if necessary may choose to use the convenient nearby freeway access to other city employment centers. This has always been a goal of the General Plan. Further, the site's critical setting adjacent to existing bus routes with connections to the Camelback/Central light rail station provide an increase utilization of these existing transit assets. An infill project at this level of quality, character and rent structure will support the social and economic fabric of the central city.

Goal 3. Infill: Vacant and underdeveloped land in the older parts of the City should be developed or redeveloped in a manner that is compatible with viable existing development and the long term character and goals for the area.

The proposed infill multifamily residential development is consistent with the adjacent zoning pattern for higher density residential units and will redevelop this 3.829 acre property with a unique residential community. The redevelopment of this property removes an outdated, underutilized and dilapidated group of office buildings, which no longer meet the needs of today's office market. The redevelopment of this infill site with the proposed highly amenitized rental community will promote the long term success of the local community and viability of the area.

Revitalization of this property within this area will have a positive effect on all aspects of the local economy, including increasing the attractiveness of the area for more redevelopment of businesses and employers. With the new population from this development a better balance between population and employment will be sustained over the long-term. A high quality residential community is in keeping with the evolving character of the area and implements the City's goals for providing viable pedestrian-friendly housing options.

Goal 5 - Integration of land use and transportation systems: Minimize the adverse impact of the transportation system through integrated urban design.

The proposed development is located adjacent to the SR 51 Freeway and Camelback Employment Core as well as within easy commute distance to Phoenix Sky Harbor International Airport. This development will significantly benefit this employment component and the proposed development plan has integrated its land use pattern with the adjacent transportation system.

The proposed redevelopment achieves a compact pattern of development that is more conducive to walking and transit ridership. The site is adjacent to a major transit line and is conveniently near the Camelback transit line which has direct access to the Camelback/Central Metro Light Rail station. Both of these transportation systems provide an excellent alternative transportation to the automobile. As designed, the site provides easy pedestrian access to the perimeter of the site to afford residents and guests transit ridership on existing bus service. These transit options allow residents

the ability to avail themselves of transit connections to visit nearby educational, cultural, recreational, entertainment and employment opportunities in this and adjacent villages.

Policy 1: Provide residents an opportunity to live and work in the village of their choice by offering a variety of housing, such as apartments, townhouses...to respond to changing family size, health or income.

The Camelback Corridor is one of the City's primary employment corridors. This project is close to Camelback Corridor employment center and as with many employment corridors it is necessary to provide a range of housing choices, densities and housing prices to create and maintain a diverse work force. This project provides a new residential community near the corridor which minimizes long commute time for those professionals who wish to live close to their workplace. This unique residential development provides residents with an opportunity to live and work within close proximity of the Camelback Corridor employment and shopping corridor and creates another choice in housing for professional that desire a higher quality residential community with amenities close to their workplace. A multi-family residential project close to such a large employment and shopping core is a logical and desirable land use solution for this area.

CIRCULATION ELEMENT

Goal 3 - Urban Public Transit: Encourage greater use of transit to reduce traffic congestion, conserve energy, and improve air quality.

Policy 1 – Expand all forms of mass transit service to significantly increase the proportion of all trips using transit and reduce the proportion of trips in automobiles.

Goal 4A - Pedestrian Circulation: To encourage pedestrian activity, the General Plan recommends providing amenities in areas of high-density pedestrian activities.

The proposed residential development is near major employment and entertainment. Access to the SR 51 Freeway is adjacent to the site and provides access to all parts of the Phoenix metro area.

This infill site's setting at 16th Street and Colter Street, adjacent to a major transit line and adjacent to the Camelback corridor, provides a unique opportunity to attract a wide spectrum of urban residents who seek nearby transportation alternatives as well as walkable or bicycle access to nearby employment and commercial services. 16th Street does provide mass-transit and this proposed project has been designed and influenced by urban development standards. The proposed multi-story structures within the project achieve a compact pattern of development with a highly amenitized street level which results in a comfortable pedestrian environment that is more conducive to walking and transit ridership. The short distance to shops, entertainment, dining and transit systems

will encourage residents to walk, bike, or use the transit system rather than always turning to the automobile.

Designated pedestrian pathways around **Peak 16** will provide future residents and guests of **Peak 16** direct convenient pedestrian access to public transportation systems on 16th Street, as well as the restaurant and retail shops just to the south. Human scale walkways will link the buildings and uses together to create pleasant and comfortable connections from one environment to another.

HOUSING ELEMENT

Goal 1 Housing Development: All housing should be developed and constructed in a quality manner.

Policy 3: Encourage innovative housing design.

The proposed construction consists of high quality materials to create a unique residential community. Project efficiencies will be derived from (but are not limited to) the following sustainable practices: Computerized landscape irrigation system, light colored roof surfaces, high efficiency heat pumps, double pane low e-glass, water conserving fixtures, and an enhanced insulation package.

Goal 2 - Housing Choice: A Diverse choice of housing should be provided in all villages of the city to meet the needs of all households.

Policy 1 - Develop a range of housing types in each urban village.

This application will allow the development of this infill site for a high end rental community within the Camelback East Village and one that is only a few miles away from the Camelback Core. This residential community will redevelop two parcels with buildings that have become obsolete. This proposal provides a new housing choice near the Camelback corridor and creates another choice in housing for professionals who may prefer the mobility of being able to rent a high quality unit near one of the most well-known and dynamic hubs of retail, entertainment, dining and office venues in the entire valley. This multi-family residential project is consistent with the goals and policies of the General Plan for housing choices.

NEIGHBORHOOD ELEMENT

Goal 2 Compatible Neighborhood Development: New development and expansion or redevelopment of existing development in or near residential areas should be compatible with existing uses and consistent with adopted plans.

Policy 3: Create new development or redevelopment that is sensitive to the scale and character of the surrounding neighborhoods and incorporates adequate development standards to prevent negative impacts on the residential properties.

This application for multifamily residential is consistent with the existing General Plan Land Use map and designation. The proposed rezoning is also compatible with the adjacent zoning pattern and the surrounding uses. The surrounding area includes a three story hotel use and a four story apartment development as well and one and two story office and retail uses. As proposed, the redevelopment of the site compliments the scale and character of this urban area. Adjacent to the west of the subject site is a high dense, 4-story residential complex. To the north is a 3-story hotel development. These are just a few of the numerous multi-level offices, medical, educational and multi-family projects along the 16th Street corridor. The proposed height is consistent with the area.

The project will provide a sophisticated, multi-family rental housing option near to compatible services in the Camelback Corridor. Considering the diverse nature of this area, this development will provide another housing option for those who want upscale living close to amenities and work, but who do not want to be tied down to a home mortgage.

F. ZONING and LAND USE COMPATIBILITY

1. Surrounding Land Uses and Zoning

Surrounding Land Uses and Zoning		
	Land Use	Zoning
On site	Vacant office building	C-O and C-2
North	Commercial- Extended Stay Hotel	C-2
South	Commercial, Restaurant - Ajo Al's Mexican Food Restaurant	C-2
East	Biltmore Square Multi-Family Residential condominiums	C-2 with Height and Density Waiver
West	Dentist office; offices and Multi-Family Residential	C-O and PAD-15

2. Compatibility

The property is located on a major transit corridor and near the Camelback employment corridor and commercial core. The irregular shaped property is adjacent to a 4-story multi-family residential project and across the street from a 3-story extended stay hotel and 2-story office buildings. The property is adjacent to Colter Street which provides direct access to the SR 51 Freeway.

The property is situated in an area of the City which includes single story restaurant buildings, one and two story office buildings, commercial uses, two and four story multi-family buildings and a three story hotel.

While the property is geographically separated from any single family residential by the SR 51 Freeway and the adjacent arterial roads, the external relationship of the entire development to its surroundings, and the internal relationships of the units has been designed with the adjacent approved land uses and zoning in mind. High Density Multi-family residential projects typically do best with nearby freeway access and arterial road frontage and separated from single-family residential.

The large buffer to single family residential neighborhoods provided by the freeway and adjacent arterial roads is ideal, plus these upscale renters will clearly benefit from adjacent commercial, office and hospitality uses to the east, north, west and south. Various performance and design standards have been incorporated in the

regulatory section of the PUD to ensure compatibility within the site and with the surrounding properties.



Exhibit 4 – ZONING MAP

G. LIST OF USES

The following list of uses is intended to define authorized Permitted Principal Uses and Permitted Accessory Uses within the **Peak 16** PUD. The Master Developer or any property owner within the **Peak 16** PUD may request an interpretation of analogous use to the defined list below from the City of Phoenix Zoning Administrator. The Zoning Administrator may administratively approve a use analogous to those listed below.

Below is a description of the types of permitted uses.

1. Permitted Principal Use:

Uses specifically permitted below or uses analogous to those specifically permitted as may be determined by the City of Phoenix Zoning Administrator.

2. Permitted Accessory Use:

Uses permitted as accessory to a Permitted Principal Use as specified in Section 608.G of the Phoenix Zoning Ordinance.

The following uses are allowed within the **Peak 16 PUD**:

Land Use	Permitted Principal Use	Permitted Accessory Use
<i>Facilities & Storage incidental to a construction project when located on the project site.</i>	• (*)	
<i>Home Office</i>		• (**)
<i>Parking Lots or Garage/Structure</i>		•
<i>Residential - Multi-family</i>	•	
<i>Residential - Carriage Units</i>	•	

(*) Construction facilities and storage, incidental to a construction project and located on the project site, are permitted. When such facilities or storage are used for construction on a lot or lots other than the lot or lots used for such facilities or storage, such use shall maintain the setbacks provided by the requirements of this chapter and shall be subject to securing a use permit. When such facilities and storage serve a residential subdivision, are approved in conjunction with model homes by the Planning and Development Department, and meet all of the standards listed below, no use permit is required:

- a. The facilities shall not be placed on a lot which abuts, joins at the corners, or is across a street or alley from a dwelling unit which is under construction or occupied

at the time of said placement, unless written agreement to the placement is given by the owner or occupant of the affected property.

- b. All outside storage shall be screened by a six-foot-high solid fence or masonry wall. No construction vehicles or machinery shall be placed within ten feet of the screen fence or wall.
- c. All signs on the facility shall fully comply with Section 705, the Sign Code.
- d. All facilities and storage shall be removed within three months of the closure of the model homes.

Temporary Uses shall be permitted in accordance with Section 708 of the Phoenix Zoning Ordinance.

(**) Permitted as specified in Section 608.E of the Phoenix Zoning Ordinance.

H. DEVELOPMENT STANDARDS

The purpose and intent of the provisions defined within the **Peak 16** PUD is to promote the development of unique, urban-style residential development that will provide opportunities for a high quality residential project with ancillary uses referenced herein through common and compatible design features. The **Peak 16** PUD will fully comply with the URBAN DESIGN PRINCIPLES set forth in Section 507 Tab A of the Phoenix Zoning Ordinance or as amended herein. This PUD also provides additional supplement design principles which are included in the development and landscape standards.

Zoning Ordinance Applicability

Unless a use or standard for development is specifically re-stated herein, the Zoning Ordinance of the City of Phoenix, Arizona as adopted and periodically amended, is applicable to the **Peak 16** PUD. It is the intent of this PUD to establish the permitted uses, development standards and amend various provisions that will govern this development. In the event of a conflict between a use, a development standard, or described development procedure between the City of Phoenix Zoning Ordinance and the PUD, the PUD shall govern. Similarly, where the PUD narrative is silent on a requirement, the applicable Zoning Ordinance provision shall control.

Development Standards		
Minimum Lot Width/Depth:	None	
Number of Dwelling Units and Density:	55 du/ac.	
Building Setbacks (measured from property line):	16 th Street (Arterial):	7-feet
	Colter Street:	7-feet
	Interior (West Property Line):	5-feet
	Interior (North Property Line):	30-feet
	East Property Line:	70-feet; 5-feet for parking area canopies.
	South Property Line:	77-feet
Landscape Setbacks:	16 th Street (Arterial):	7-feet
	Colter Street:	7-feet
	Interior (West Property Line):	5-feet
	Interior (North Property Line):	0-feet
	East Property Line:	5-feet
	South Property Line:	5-feet
Maximum Building Height:	64-feet.	
Lot Coverage	42%	

Landscape Standards:

Landscaping within the **Peak 16** PUD will enable the architecture to fit appropriately to the land. The intent is to promote a landscape plan that is ecologically sensitive to the Southwest environment through the use of regionally appropriate materials, low water plants and thoughtful water harvesting strategies all while still being attractive. The purpose of the Landscape Standards section is to provide a baseline requirement for landscape improvements and establish a common landscape theme for the development as a whole. Landscaping treatment shall be provided for the entire site as addressed herein.

The arterial landscape will set the tone for the development’s appearance from the perimeter and/or public’s visual point as well as from adjacent properties, and provide an attractive edge treatment in order to define the high quality nature of the **Peak 16** development. An appropriate mix of canopy trees, groundcovers and shrubs provided between street and sidewalk, and between the sidewalk and parking or building areas, can create the desired attractive, comfortable pedestrian environment, while maintaining the lush drought tolerant desert feel desired within the project. Undulating landforms used in conjunction with vegetation are encouraged to provide both visual interest and screening of parking, maneuvering and utility areas.

The pedestrian experience is fundamental to **Peak 16** PUD success. Landscaping will soften edges between adjacent public streets and urban architecture, and will provide an abundance of pedestrian shading. The landscaping will strive to provide a pleasant pedestrian experience by utilizing a combination of drought tolerant shade trees that work in an urban setting. The proposed plant palette is comprised of appropriate species that flourish and endure in our unique climate, allowing the project to not just survive, but thrive. Trees combined with architectural shading features in some locations will attempt to manage the intense heat of a Phoenix summer.

The following standards shall apply:

Landscape Standards	
Perimeter (16 th Street and Colter Street)	7-feet
Perimeter (not adjacent to a street)	5-feet minimum
Perimeter (16 th Street and Colter Street)	
Trees	Minimum 2 inch caliper trees (50% of required trees). Minimum 3 inch caliper trees (25% of required trees). Minimum 4 inch caliper trees (25% of required trees).

Shrubs	Minimum five 5-gallon shrubs per tree.
Spacing	Trees shall be placed 20 feet on center or in equivalent groupings.
Perimeter (not adjacent to a street)	
Trees	Minimum 2 inch caliper trees (100% of required trees)
Shrubs	Minimum five 5-gallon shrubs per tree.
Spacing	Trees shall be placed 20 feet on center or in equivalent groupings.
<p>Turf may be utilized in any landscaped area not in the right-of-way.</p> <p>Project entry points should include increased and cohesive plant massing and themed plant species.</p> <p>No trees are allowed to be planted in the P.U.E. 1 and 5 gallon shrubs can be planted with this easement. Architecturally or artistically integrated public amenities may be provided within the P.U.E. Amenities may include, but not be limited to the following:</p> <ul style="list-style-type: none"> - Seating (benches/chairs) - Structural shade elements (may be cantilevered) - Public art elements - Designer light fixtures 	

Shade Standards

- Designated pedestrian pathways around the entire project will provide a maximum comfort level of shading of pedestrian as determined at high noon on the summer solstice by providing a minimum 50% overall shade coverage and a minimum of 75% shade coverage for the proposed residential perimeter along 16th Street and Colter Street.
- Shade calculations shall be based on the summer solstice at 12:00 PM.
- Shade cast from a building shall count toward shade calculations.
- The interior pedestrian spaces have additional shade structures, trees in raised planters and artificial turf to reduce heat gain and solar reflectivity. The Pool Area has a ramada, shade cabanas, date palms, water features integrated into the pool and large pots. These elements provide additional thermal comfort for the residents. Along 16th Street and Colter Street trees will be planted approximately 20 feet apart and adjacent to the pedestrian sidewalks. These will be mature trees with 50% having calipers of 3” and larger. The mature size will provide over 75% shade at time of installation.

Hardscape Standards

- Specialty paving shall be provided where driveways cross sidewalks.
- Garage openings shall be enhanced with specialty lighting or other types of materials to identify to the pedestrian the possible presence of automobiles.

Parking Standards:

Parking Space Dimensions and Calculations. All design elements for the entire project regarding parking space, design and materials shall meet or exceed ADA requirements, when required.

<i>Residential Parking:</i>	<p>RESIDENTIAL PARKING SHALL BE PROVIDED AS FOLLOWS:</p> <p>Reserved: 1 spaces per unit.</p> <p>Unreserved: .3 spaces per studio unit. .5 spaces per 1 or 2 bedroom unit.</p> <p>Parking spaces to be a minimum dimension of eight and one-half (8-1/2) feet by eighteen (18) feet, unless otherwise approved by the Planning & Development Services Department.</p>
<i>Loading:</i>	<p>Loading shall be provided per Section 702 of the Phoenix Zoning Ordinance.</p>
<i>Bicycle Parking:</i>	<p>A minimum of 20 bicycle parking spaces shall be provided, unless otherwise approved by the Planning & Development Services Department.</p>

I. DESIGN GUIDELINES

Peak 16 shall be designed with 4-sided architecture so that it will offer pleasing views and vistas not only for tenants and owners within the project but for potential owners and customers on the adjacent streets. Street level of all buildings will be developed to consider the pedestrian experience and vitality of the project. The grading and landscaping will aid in transitioning uses from the buildings into the pedestrian experience. The Design functions have been created to develop this relationship between the project’s urban environment and the internal pedestrian environment.

This PUD shall conform to Section 507 Tab A of the Phoenix Zoning Ordinance with additional standards as indicated below.

Building Articulation	<p>The visual impact of a building depends not only on its size, but also on the relationship between its height, length, and width including such features as prominent entries, windows, color and materials.</p> <p>Building wall articulation shall be required on buildings with appropriate details and elements to recognize the pedestrian scale environment and a sense of place. A minimum of 4 of the below acceptable modes of articulation shall be include per building facade:</p> <ul style="list-style-type: none"> • Changes in the horizontal wall plane. • Changes in the vertical wall plane. • Variation in the roof lines and form. • Use of balconies. • Use of ground level arcades and covered areas. • Use of protected and recessed entries. • Use of vertical elements on or in front of expansive blank walls. • Use of pronounced wall plane offsets or projections. • Use of vertical accents and focal points. • Change in use of materials or color to provide a clear distinction between roof, body and base of a building. • Changes in predominant material use. • Other form of building façade articulation as approved by Planning & Development Services Department.
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Roofs	Any pitched roof structure shall use concrete tiles or “pre-finished” metal roofing or other acceptable material as approved by Planning & Development Services Department. Flat roofs shall be non-reflective material.
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Materials	<p>Approved exterior wall materials include the following list, unless otherwise approved by the Planning & Development Services Department:</p> <ul style="list-style-type: none"> • Common clay brick • Granite, Marble, or other natural stone • Tile cladding • Concrete masonry unit (provided that surfaces are integrally colored, painted, stained or have attractive exposed aggregate which must be approved as to color and texture) • Architectural metal panels • Stucco or plaster (synthetic systems simulating stucco or plaster are permitted) • Concrete, pre-cast or poured in place • Glass • Metal panels and/or trim • Metal and composite panels • Metals (polished and rusted) • Perforated metals and meshes • Poured in place, tilt-up or pre-cast concrete, provided that surfaces must be painted or have exposed aggregate finish (color and texture of exposed aggregate must be approved through the Design Review process). • Masonry • Green-Screen or Green walls including trellises to reduce excessive radiant heat in pedestrian areas and to screen the project from the adjacent dental office.
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Awnings/Canopies	Awnings and canopies that suspend over sidewalks may be anchored to an architectural element (i.e. a building) and may be incorporated into the architectural design. Horizontal projected shade awnings/canopies will be mounted a minimum of 8-feet above grade. Awnings (exterior windows shade/design features) can be utilized at every level.
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Paving Materials/Design	<p>Pedestrian crossing area shall have a different color, texture or material to define these areas with one of the following methods:</p> <ul style="list-style-type: none"> • Stamped concrete
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- Interlocking concrete pavers
- Stained concrete
- Integral colored concrete.
- Or other acceptable method as approved by the Planning & Development Services Department.
- All nonstandard materials used within public right-of-way will be maintained by the developer via an approved Developer Maintenance Agreement with the City. All materials within the Pedestrian crossing shall meet ADA requirements and may not create a significant noise issue with vehicle traffic.

J. SIGNS

All signage shall comply with the multifamily residential guidelines of Section 705 of the Phoenix Zoning Ordinance.

K. SUSTAINABILITY

The development is planned as a sustainable development within the community. Energy efficiency and environmentally responsive environments create a better home atmosphere for residents. The partial below-grade parking garage, while promoting an attractive streetscape and a more livable community, also requires considerably less surface parking. This reduction of on-grade asphalt helps minimize radiant energy (i.e., heat island effect).

This PUD will utilize the following standards that are enforceable by the city:

- Water efficient landscaping (drought tolerant plants).
- Utilize a drip irrigation system to minimize water waste.
- Reduce heat island with light colored roof and subterranean parking.

This PUD will utilize the following standards that are not enforceable by the city:

- Utilize low water plumbing fixtures.
- Utilize low “e” double pane windows.
- Encourage recycling program.
- Encourage design of buildings HVAC systems to eliminate the usage of CFC’s and CFC based refrigerants.
- Encourage the use of water based adhesives on all VCT and vinyl flooring to minimize VOC off gassing.

L. INFRASTRUCTURE

Transportation:

A traffic statement will be submitted for review as part of the Planning and Development Department Site Plan submittal.

Grading and Drainage:

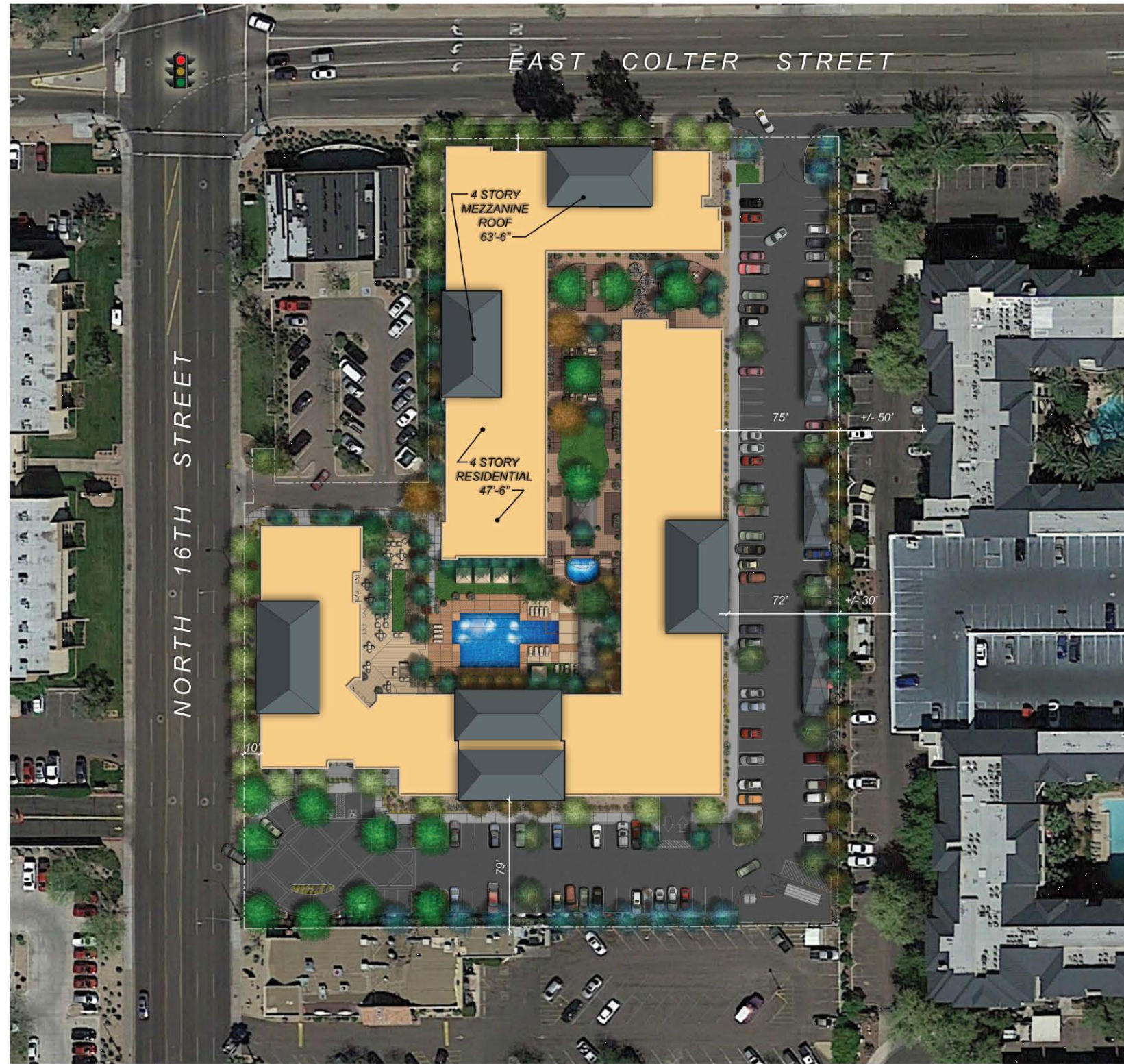
Will be submitted as part of the Planning and Development Department Site Plan submittal.

Water and Waste Water:

Water and wastewater infrastructure requirements will be determined, designed and constructed in accordance with City Code requirements and Water Service Department Design Standards, and Policies.

M. PHASING PLAN

The project will not be phased.



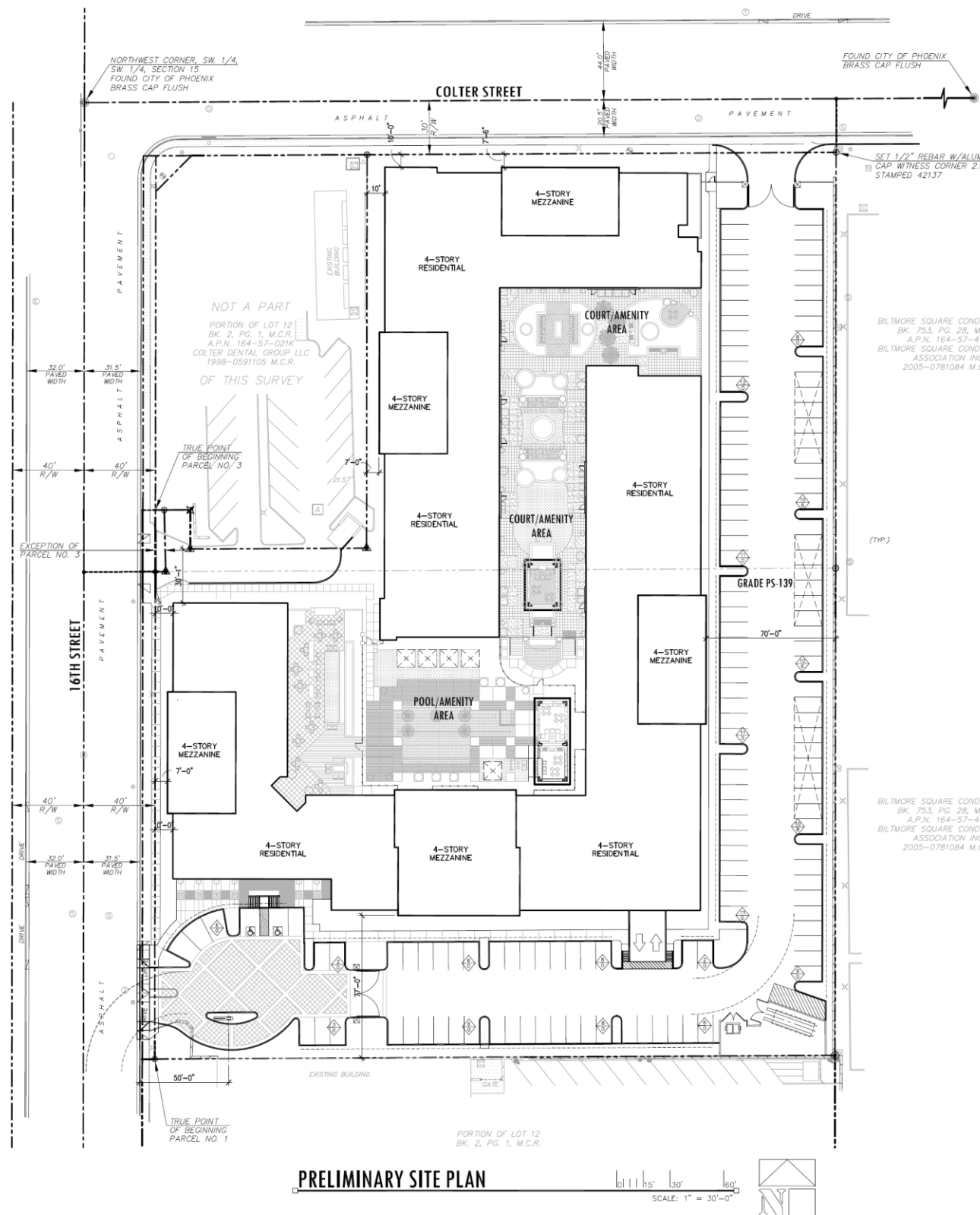
PRELIMINARY LANDSCAPE SITE PLAN

SCALE: 1" = 30'-00"



LA.01
OF 01

Exhibit 5 - CONCEPTUAL LANDSCAPE / SITE PLAN



PRELIMINARY SITE PLAN

SCALE: 1" = 30'-0"

DEVELOPMENT DATA

LOT AREA:

TOTAL SITE:
NET AREA 3.829 ACRES 166,792 SF
GROSS AREA 4.26 ACRES 185,603 SF

DEVELOPMENT OPTION: PUD

BLDG HEIGHT:
PROPOSED HEIGHT RESIDENTIAL 63'-0" FT. - 4 STORIES

UNIT COUNT:
TOTAL - 234 UNITS

PARKING:

1.3 PER STUDIO	1.3 x 30 = 39
1.5 PER 1 BEDROOM	1.5 x 134 = 201
1.5 PER 2 BEDROOM	1.5 x 73 = 110
TOTAL	350 P.S.

PROVIDED:
UNDERGROUND GARAGE PARKING 217
OPEN PARKING (8.5'x18') 119
CARPORT PARKING 20
TOTAL 356 P.S.

INCLUDED IN COUNT ABOVE:
ACCESSIBLE PARKING REQUIRED (2%) 8
ACCESSIBLE PARKING PROVIDED 8

RATIO:
1.52 SPACES PER UNIT

UNRESERVED PARKING:

REQUIRED:	
.3 PER STUDIO	.3 x 30 = 9
.5 PER 1 BEDROOM	.5 x 134 = 67
.5 PER 2 BEDROOM	.5 x 73 = 37
TOTAL	113 P.S.

PROVIDED:
RESERVED PARKING (1 PER UNIT) 234 P.S.
UNRESERVED PARKING 122 P.S.

UNIT DENSITY:
PROPOSED: 234/4.26 = 54.9 PER ACRE

LOT COVERAGE:
68,948/166,792 = 42%



REVISIONS

▲	
▲	
▲	
▲	
▲	

DATE: OCTOBER 22, 2015 ORB # 14-218

A1.10

SITE PLAN
PRELIMINARY

Peak 16 LUXURY
APARTMENT HOMES

16 ST & COLTER
PHOENIX, ARIZONA

Office of Rich Barber
ORB
Architecture, LLC

WorldHQ@ORBArch.com

10015
Rich Barber
PRELIMINARY
NOT FOR
CONSTRUCTION

VanTrust
REAL ESTATE LLC

Exhibit 6 - DEVELOPMENT / CONCEPTUAL SITE PLAN



Exhibit 7 - ARCHITECTURAL CHARACTER

Exhibit 8 - LEGAL DESCRIPTION

Legal Description

A portion of the Southwest Quarter of Section 15, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

PARCEL NO. 1:

That part of the West 392.00 feet of Lot 12, ADAMS AND GRAHAM SUBDIVISION, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 2 of Maps, page 1, described as follows:

From the Southwest corner of said Lot 12;

Thence North 00 degrees 04 minutes 20 seconds East along the West line of said Lot 12, a distance of 125.00 feet;

Thence North 89 degrees 41 minutes 20 seconds East, a distance of 7.00 feet to the TRUE POINT OF BEGINNING;

Thence North 0 degrees 04 minutes 20 seconds East, parallel to the West line of the said Lot 12, a distance of 272.78 feet;

Thence North 89 degrees 41 minutes 58 seconds East, a distance of 381.00 feet;

Thence South 0 degrees 04 minutes 20 seconds West, parallel to the West line of said Lot 12, a distance of 272.71 feet to a point 125.00 feet North of the South line of the said Lot 12;

Thence South 89 degrees 41 minutes 20 seconds West, parallel to the South line of the said Lot 12, a distance of 381.00 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 2:

An easement for driveway purposes over the following described property: That portion of the West 392.00 feet of Lot 12, of ADAMS AND GRAHAM SUBDIVISION, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 2 of Maps, page 1, more particularly described as follows:

Commencing at the Southwest corner of said Lot 12;

Thence North 00 degrees 04 minutes 20 seconds East along the West line of said Lot 12, a distance of 391.61 feet;

Thence North 89 degrees 57 minutes 18 seconds East, a distance of 7.00 feet to the TRUE POINT OF BEGINNING;

Thence North 00 degrees 04 minutes 20 seconds East parallel to and 7.00 feet Easterly, measured at right angle, from the West line of said Lot 12, a distance of 25.00 feet; Thence North 89 degrees 57 minutes 18 seconds East, a distance of 381.00 feet;

Thence South 00 degrees 04 minutes 20 seconds West parallel to the West line of said Lot 12, a distance of 25.00 feet;

Thence South 89 degrees 57 minutes 18 seconds West, a distance of 381.00 feet to the TRUE POINT OF BEGINNING.

EXCEPT any portion thereof which lies within Parcel No. 1 described above; and

EXCEPT any portion thereof which lies with the parcel described in instrument recorded February 16, 1996 in 96-0104913, of Official Records.

PARCEL NO. 3:

That portion of the West 392.00 feet of Lot 12, of ADAMS AND GRAHAM SUBDIVISION, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 2 of Maps, page 1, more particularly described as follows:

Commencing at the Southwest corner of said Lot 12;

Thence North 00 degrees 04 minutes 20 seconds East along the West line of said Lot 12, a distance of 432.28 feet; Thence North 89 degrees 41 minutes 58 seconds East, a distance of 7.00 feet to the TRUE POINT OF BEGINNING;

Thence continuing North 89 degrees 41 minutes 58 seconds East 19.50 feet; Thence South 00 degrees 04 minutes 20 seconds West 21.90 feet;

Thence North 89 degrees 41 minutes 58 seconds East 98.80 feet;

Thence North 00 degrees 04 minutes 20 seconds East 220.18 feet;

Thence North 89 degrees 42 minutes 17 seconds East 262.70 feet;

Thence South 00 degrees 05 minutes 41 seconds West 232.72 feet;

Thence South 89 degrees 41 minutes 58 seconds West 380.91 feet;

Thence North 00 degrees 04 minutes 20 seconds East 34.50 feet to the POINT OF BEGINNING;

EXCEPTING therefrom any portion lying with the following described parcel:

BEING A PORTION of the Southwest quarter of Section 15, Township 2 North, Range 3 East, and being more particularly described as follows:

BEGINNING at a point 30.00 feet South of and 40.00 feet East of the intersection of 16th Street and Colter Street;

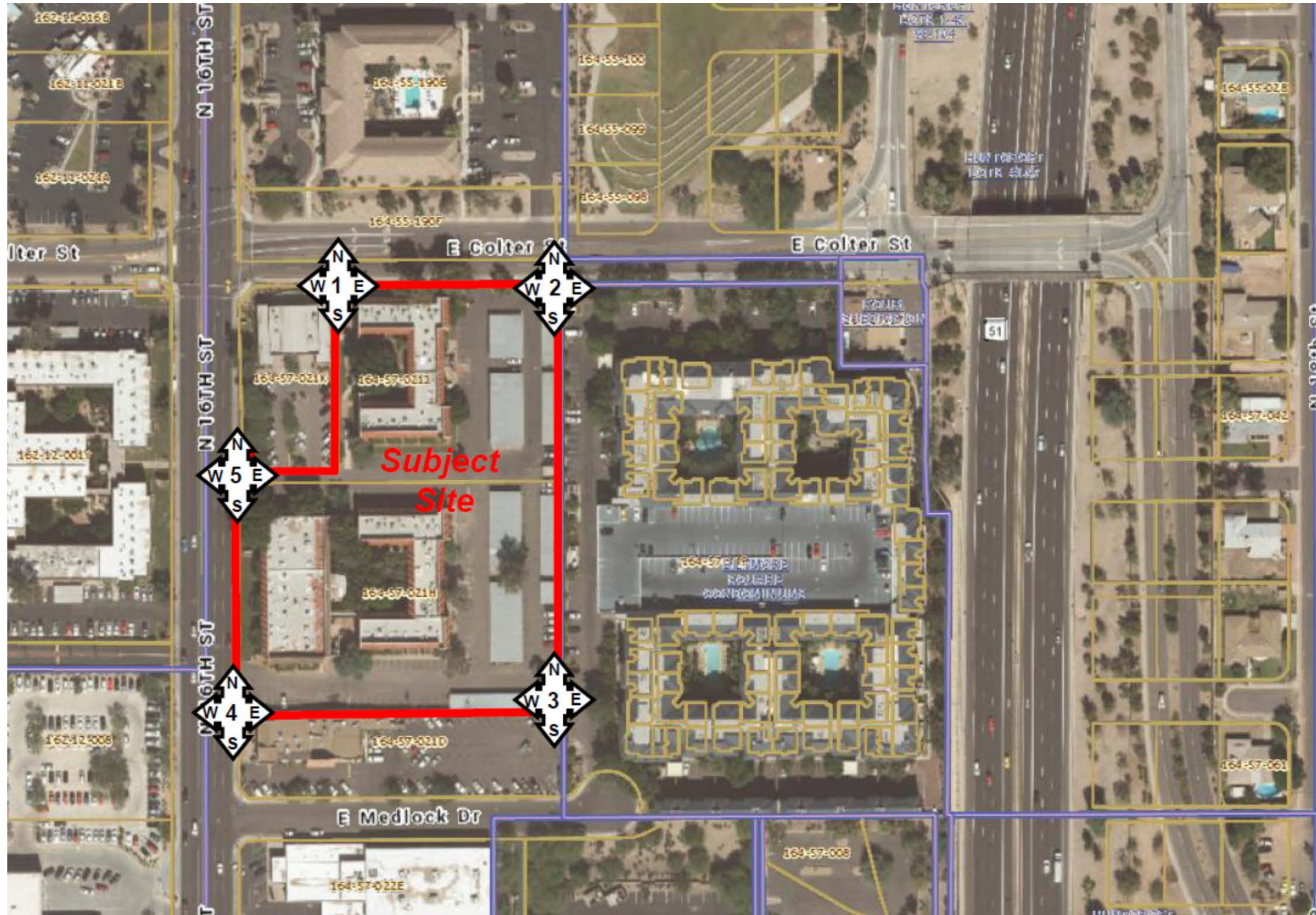
Thence South 01 degrees 21 minutes 32 seconds East, 232.83 feet; Thence South 89 degrees 41 minutes 58 seconds West, 5.82 feet to a point on a line 40.00 feet East of and parallel with the monument line of 16th Street; Thence North 00 degrees 04 minutes 20 seconds East along said parallel line, 232.79 feet to the POINT OF BEGINNING.

The property hereon described is the same as the pertinent property as described in Stewart Title Guaranty Company, Guaranty No. 1463-16293, effective date March 8, 2012.

EXHIBIT 9 – COMPARATIVE ZONING TABLE

Standard	R-5 Development Standards (PRD Option)	Proposed PUD Standards	
Minimum lot dimensions (width and depth)	None	None	
Dwelling unit density (units/gross acre)	45.68; 52.20 with bonus	55 du/ac	
Perimeter standards	20' adjacent to a public street; 10' adjacent to property line	16 th Street:	7-feet
		Colter Street:	7-feet
Building setbacks	10-feet front	16 th Street:	7-feet
		Colter Street:	7-feet
		Interior (West Property Line)	5-feet
		East Property Line:	70-feet
		South Property Line:	77-feet
Maximum height	4 stories or 48'	64-feet	
Lot coverage	50%	42%	

EXHIBIT 10 – CONTEXT PLAN AND PHOTOS



South of the southeast corner of 16th Street and Colter Street

APNs: 164-57-021H & 164-57-021J



South of the southeast corner of 16th Street and Colter Street
APNs: 164-57-021H & 164-57-021J



South of the southeast corner of 16th Street and Colter Street
APNs: 164-57-021H & 164-57-021J



South of the southeast corner of 16th Street and Colter Street
APNs: 164-57-021H & 164-57-021J



South of the southeast corner of 16th Street and Colter Street
APNs: 164-57-021H & 164-57-021J



South of the southeast corner of 16th Street and Colter Street
APNs: 164-57-021H & 164-57-021J

ORDINANCE G-6109



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

February 3, 2016

Stephen C. Earl
Earl, Curley & Lagarde, P.C.
3101 North Central Avenue, #1000
Phoenix, AZ 85012

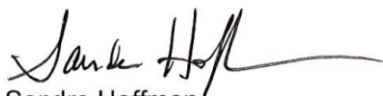
Dear Applicant:

RE: Z-38-15-6 – Approximately 99 feet east of the southeast corner of 16th Street and Colter Street

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 601 of the Zoning Ordinance, as amended, has on January 20, 2016, approved Zoning Ordinance # G-6109.

Development and use of the site is subject to compliance with all applicable codes and ordinances.

Sincerely,



Sandra Hoffman
Deputy Director

Attachment: Signed Ordinance

c: Arbor Court Investment Inc., 2525 E. Camelback Rd. #880, Phoenix, AZ 85016
File
Teresa Hillner, PDD–Planning–Planner III (Electronically)
Lilia Olivarez, PDD–Planning–PC Secretary (Electronically)
Samantha Keating, PDD–Planning–Village Planner (Electronically)
David Miller, PDD–GIS (Electronically)
Randy Weaver, PDD–Development (Electronically)
Penny Parrella, City Council (Electronically)

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20160058897 01/28/2016 02:50 #6109
ELECTRONIC RECORDING (9 pages)

ORDINANCE G-6109

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-38-15-6) FROM C-O (COMMERCIAL OFFICE DISTRICT) AND C-2 (INTERMEDIATE COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1: The zoning of an approximately 4.30 acre property located approximately 99 feet east of the southeast corner of 16th Street and Colter Street in a portion of Section 15, Township 2 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from "C-O" (Commercial Office District) and "C-2" (Intermediate Commercial) 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 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 Development Narrative for the Peak 16 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 October 30, 2015 as modified by the following stipulations.
 - a. Page 6, Regulatory Provisions: Applicant shall add “of the Phoenix Zoning Ordinance” to the end of the fifth sentence.
 - b. Page 6, Zoning Ordinance Applicability: Applicant shall replace the last sentence to read “Similarly, where the PUD narrative is silent on a requirement, the applicable Phoenix Zoning Ordinance provision shall control.”
 - c. Page 8, Development Plan: Applicant shall replace “approximately” with “approximate” in the first sentence of the seventh paragraph in this section.
 - d. Page 15, General Plan Conformance, Growth Area Element: Applicant shall replace “just one mile” with “less than one mile” when addressing distance from village core. Applicant shall also revise “Camelback core” to “Camelback East Village Core.”
 - e. Page 22, List of Uses, Permitted Accessory Use: Applicant shall add “as specified in Section 608.G of the Phoenix Zoning Ordinance” to this section.
 - f. Page 22, List of Uses: Applicant shall add a double asterisk to the “Home Office” use category and add the following language: “Permitted as specified in Section 608.E of the Phoenix Zoning Ordinance.”
 - g. Page 22, List of Uses: Applicant shall remove “Residential – Time Share Units” as permitted uses.
 - h. Page 23, List of Uses: Applicant shall revise the Temporary Uses sentence to read “Temporary uses

shall be permitted in accordance with Section 708 of the Phoenix Zoning Ordinance.”

- i. Page 24, Development Standards Table: Applicant shall revise Number of Dwelling Units and Density section to read “55 du/ac” instead of “234 dwelling units.”
- j. Page 24, Development Standards Table, Building Setbacks: Applicant shall add “Interior (North Property Line)” to the table with a 30-foot setback requirement.
- k. Page 24, Development Standards Table, Building Setbacks: Applicant shall add “5-feet for parking area canopies” in the East property line building setback standards to account for potential carport structures.
- l. Page 24, Development Standards Table, Landscape Setbacks: Applicant shall add “Interior (North Property Line)” to the table with a 0-foot setback requirement.
- m. Page 25, Landscape Standards: Applicant shall revise the last sentence of the first paragraph to read “Landscaping treatment shall be provided for the entire site as addressed herein.”
- n. Page 25, Landscape Standards, Landscape Standards Table: Applicant shall add a title to the table which reads “Landscape Standards.”
- o. Page 25, Landscape Standards, Landscape Standards Table: Applicant shall delete “Perimeter (South Property Line)” row.
- p. Page 25, Landscape Standards, Landscape Standards Table: Applicant shall revise the “Perimeter (16th Street and Colter Street)” requirements as follows:

Perimeter (16th Street and Colter Street)	
Trees	Minimum 2 inch caliper trees (50% of required trees)
	Minimum 3 inch caliper trees (25% of required trees)
	Minimum 4 inch caliper trees (25% of

	required trees)
Shrubs	Minimum five 5-gallon shrubs per tree
Spacing	Trees shall be placed 20 feet on center or in equivalent groupings

- q. Page 26, Landscape Standards, Landscape Standards Table: Applicant shall revise the “Perimeter (not adjacent to a street)” section as follows:

Perimeter (not adjacent to a street)	
Trees	Minimum 2 inch caliper trees (100% of required trees)
Shrubs	Minimum five 5-gallon shrubs per tree
Spacing	Trees shall be placed 20 feet on center or in equivalent groupings

- r. Page 26, Landscape Standards, Landscape Standards Table: Applicant shall delete the “Internal pedestrian routes” row.
- s. Page 26, Landscape Standards, Landscape Standards Table: Applicant shall remove the first sentence in the last row of the table that reads “1 tree and 5 shrubs per tree every 20-feet shall be incorporated along all property lines.”
- t. Page 27, Shade Standards: Applicant shall replace “20’ ” with “20 feet” in the fourth bullet point.
- u. Page 27, Hardscape Standards: Applicant shall remove “or bollards” from the first bullet point.
- v. Page 27, Parking Standards: Applicant shall add a requirement for loading spaces as follows, “Loading shall be provided per Section 702 of the Phoenix Zoning Ordinance.”
- w. Page 31, Signs: Applicant shall revise this section to read “All signage shall comply with the multifamily residential guidelines of Section 705 of the Phoenix Zoning Ordinance.”
- x. Page 31, Sustainability: Applicant shall revise the section to differentiate between enforceable and non-enforceable features. The list of features shall be revised as follows:

This PUD will utilize the following standards that are enforceable by the city:

- Water efficient landscaping (drought tolerant plants).
- Utilize a drip irrigation system to minimize water waste.
- Reduce heat island with light colored roof and subterranean parking.

This PUD will utilize the following standards that are not enforceable by the city:

- Utilize low water plumbing fixtures.
- Utilize low “e” double pane windows.
- Encourage a recycling program.
- Encourage design of building HVAC systems to eliminate the usage of CFC’s and CFC based refrigerants.
- Encourage the use of water based adhesives on all VCT and vinyl flooring to minimize VOC off gassing.

y. Page 32, Infrastructure: Applicant shall replace “Development Service Department” with “Planning and Development Department.”

2. A traffic impact study for the development shall be reviewed and approved by the Street Transportation Department prior to preliminary site plan approval.
3. The property owner shall dedicate a 10 foot sidewalk easement along the east side of 16th Street and the south side of Colter Street, or as otherwise approved by the Planning and Development Department.
4. The property owner shall construct a 5 foot wide sidewalk along 16th Street and Colter Street which shall be detached with a minimum five foot wide landscaped strip located between the sidewalk and back of curb as approved by the Planning and Development Department.
5. The property owner 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 or modified by the Planning and Development Department. All improvements shall comply with ADA accessibility requirements.

6. A vehicular ingress/egress point shall be provided off 16th Street per Exhibit A, as approved by the Planning and Development 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 20th day of January, 2016.



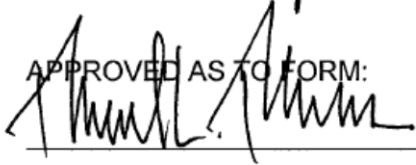
ACTING MAYOR

ATTEST:

 City Clerk



APPROVED AS TO FORM:

 Acting City Attorney pm

REVIEWED BY:

 City Manager

PL:tml:1216235v1(CM#15) (Item#59) – 1/20/16

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-38-15-6

A portion of the Southwest Quarter of Section 15, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

PARCEL NO. 1: That part of the West 392.00 feet of Lot 12, ADAMS AND GRAHAM SUBDIVISION, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 2 of Maps, page 1, described as follows:

From the Southwest corner of said Lot 12;
Thence North 00 degrees 04 minutes 20 seconds East along the West line of said Lot 12, a distance of 125.00 feet;
Thence North 89 degrees 41 minutes 20 seconds East, a distance of 7.00 feet to the TRUE POINT OF BEGINNING;
Thence North 0 degrees 04 minutes 20 seconds East, parallel to the West line of the said Lot 12, a distance of 272.78 feet;
Thence North 89 degrees 41 minutes 58 seconds East, a distance of 381.00 feet;
Thence South 0 degrees 04 minutes 20 seconds West, parallel to the West line of said Lot 12, a distance of 272.71 feet to a point 125.00 feet North of the South line of the said Lot 12;
Thence South 89 degrees 41 minutes 20 seconds West, parallel to the South line of the said Lot 12, a distance of 381.00 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 2:

An easement for driveway purposes over the following described property: That portion of the West 392.00 feet of Lot 12, of ADAMS AND GRAHAM SUBDIVISION, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 2 of Maps, page 1, more particularly described as follows:

Commencing at the Southwest corner of said Lot 12;
Thence North 00 degrees 04 minutes 20 seconds East along the West line of said Lot 12, a distance of 391.61 feet;
Thence North 89 degrees 57 minutes 18 seconds East, a distance of 7.00 feet to the TRUE POINT OF BEGINNING;
Thence North 00 degrees 04 minutes 20 seconds East parallel to and 7.00 feet Easterly, measured at right angle, from the West line of said Lot 12, a distance of 25.00 feet; Thence North 89 degrees 57 minutes 18 seconds East, a distance of 381.00 feet;
Thence South 00 degrees 04 minutes 20 seconds West parallel to the West line of said Lot 12, a distance of 25.00 feet;
Thence South 89 degrees 57 minutes 18 seconds West, a distance of 381.00 feet to the TRUE POINT OF BEGINNING.

EXCEPT any portion thereof which lies within Parcel No. 1 described above; and

EXCEPT any portion thereof which lies with the parcel described in instrument recorded February 16, 1996 in 96-0104913, of Official Records.

PARCEL NO. 3:

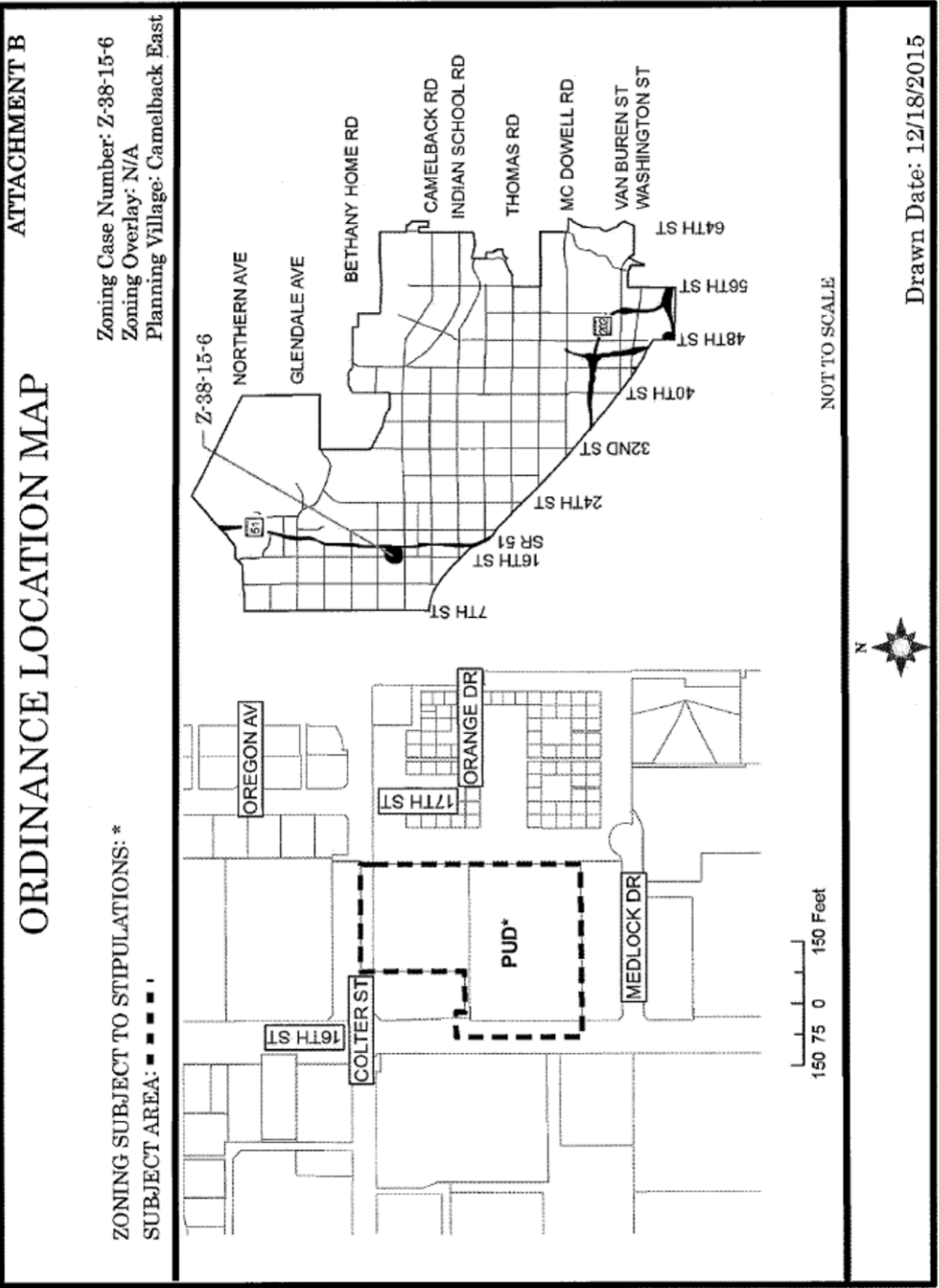
That portion of the West 392.00 feet of Lot 12, of ADAMS AND GRAHAM SUBDIVISION, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 2 of Maps, page 1, more particularly described as follows:

Commencing at the Southwest corner of said Lot 12;
Thence North 00 degrees 04 minutes 20 seconds East along the West line of said Lot 12, a distance of 432.28 feet; Thence North 89 degrees 41 minutes 58 seconds East, a distance of 7.00 feet to the TRUE POINT OF BEGINNING;
Thence continuing North 89 degrees 41 minutes 58 seconds East 19.50 feet; Thence South 00 degrees 04 minutes 20 seconds West 21.90 feet;
Thence North 89 degrees 41 minutes 58 seconds East 98.80 feet;
Thence North 00 degrees 04 minutes 20 seconds East 220.18 feet;
Thence North 89 degrees 42 minutes 17 seconds East 262.70 feet;
Thence South 00 degrees 05 minutes 41 seconds West 232.72 feet;
Thence South 89 degrees 41 minutes 58 seconds West 380.91 feet;
Thence North 00 degrees 04 minutes 20 seconds East 34.50 feet to the POINT OF BEGINNING;

EXCEPTING therefrom any portion lying with the following described parcel:
BEING A PORTION of the Southwest quarter of Section 15, Township 2 North, Range 3 East, and being more particularly described as follows:

BEGINNING at a point 30.00 feet South of and 40.00 feet East of the intersection of 16th Street and Colter Street;
Thence South 01 degrees 21 minutes 32 seconds East, 232.83 feet; Thence South 89 degrees 41 minutes 58 seconds West, 5.82 feet to a point on a line 40.00 feet East of and parallel with the monument line of 16th Street; Thence North 00 degrees 04 minutes 20 seconds East along said parallel line, 232.79 feet to the POINT OF BEGINNING.

The property hereon described is the same as the pertinent property as described in Stewart Title Guaranty Company, Guaranty No. 1463-16293, effective date March 8, 2012.



Ordinance G-6109

Letter from City Addressing Stipulation #2



City of Phoenix
STREET TRANSPORTATION DEPARTMENT

December 3, 2015

Dawn Cartier, P.E.
CivTech, Inc.
10605 North Hayden Road
Suite 140
Scottsdale, AZ 85260

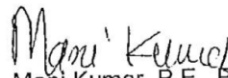
RE: 16th Street and Colter Street

Dear Ms. Cartier:

The City of Phoenix has reviewed the first submittal of the traffic impact study for the 16th Street and Colter Street development and has no comments. Please accept this letter as your final approval.

Please resubmit **one electronic copy (CD)** of the final traffic study to the Street Transportation Department. If you have any questions, please contact me at (602) 495-3697.

Sincerely,



Mani Kumar, P.E., PTOE, PMP
Traffic Engineer III
Street Transportation Department

c: Mark Melnychenko, Street Transportation Department
Derek Fancon, Planning & Development Department
Megan Sheets, Planning & Development Department
Alan Hilty, Street Transportation Department

Stipulation #6: A vehicular ingress/egress point shall be provided off 16th Street per Exhibit A, as approved by the Planning and Development Department.

