

REVISED

ORDINANCE G-6193

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-70-15-6) FROM C-O (COMMERCIAL OFFICE DISTRICT) AND P-1 (PASSENGER AUTOMOBILE PARKING, LIMITED) TO PUD (PLANNED UNIT DEVELOPMENT) WITH ALL UNDERLYING USES.

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

follows:

SECTION 1. The zoning of an approximately 4.87 acre property located at the southeast corner of 28th Street and Camelback Road in a portion of Section 23, Township 2 North, Range 3 East, as described more specifically in Attachment "A," is hereby changed from "C-O" (Commercial Office District) and "P-1" (Passenger Automobile Parking, Limited) 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 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 28th Street & Camelback Mixed Use PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped April 8, 2016 as modified by the following stipulations.
 - a. Page 33, Development Standards, 1.e.iii. Maximum Projections: Applicant shall replace “fifth percent” with “fifty percent” when discussing close projections.
 - b. Page 34, Development Standards, 1.h.iv. Off-Street Loading Spaces: Applicant shall revise the subsection to read, “Off-street loading spaces: Minimum of one (1) loading space per building and minimum three (3) loading spaces total. A minimum of one (1) loading space per building shall meet the size requirements as stated in Section 702. Additional loading spaces must be a minimum size of 9.5 feet by 18 feet.”
 - c. Page 44, Design Guidelines, 3.n. Opening Limitations: Applicant shall revise this subsection to read, “Limit openings (e.g. windows/balconies) facing the residential homes to the south. No balconies facing residential homes shall be provided. Any south facing hotel building walls within 150 feet of the southern property line shall not contain guestroom windows. (See Exhibit M-5; Conceptual Elevations).”
 - d. Page 48, Building(s) Signage, a. Hotel Building Wall Identification: Applicant shall add the following provisions to this section:
 - iv. **NO HOTEL BUILDING WALL SIGNAGE SHALL BE PERMITTED ABOVE 56 FEET IN HEIGHT** ~~The area of a wall sign erected over 56 feet in height shall not exceed one percent (1%) of the area of the overall elevation to which it is attached. This area shall not be counted against the wall signage which may be placed on the building below 56 feet.~~
 - v. ~~Any wall sign erected over 56 feet shall be located no closer to the roofline than one half the vertical dimension~~

~~of the sign to prevent the appearance of overcrowding at the top edge of the building.~~

~~vi. Any wall sign erected over 56 feet shall be located no closer to the side of the edge of the building than one half the width of the largest letter or element of the sign to prevent the appearance of overcrowding at the edge of the building.~~

- e. Page 28, List of Uses, 2.d.iii, Loading Dock areas: Applicant shall revise hours to 7:30 a.m. to 8:00 p.m., Monday through Friday. Applicant shall add verbiage that use of loading dock areas shall be prohibited on Saturdays, Sundays and National / Federal holidays.
- f. Page 44, Design Guidelines: Applicant shall add a subsection t. to read, "East facing hotel room windows shall provide louvers or other window screening devices to provide enhanced privacy for nearby residences." THE EXTERIOR LOUVERS OR OTHER WINDOW SCREENING DEVICES SHALL EXTEND A MINIMUM OF 24-INCHES FROM THE FACE OF THE BUILDING WALL AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT."
- g. Page 27, List of Uses: Applicant shall remove the second paragraph on the page that discusses interpretation of analogous uses.
- h. Page 27, List of Uses, 1. Permitted uses, Permitted Principal Uses: Applicant shall revise Subsection A to read, "Uses specifically permitted as set forth in Table 2."
- i. Pages 28 - 29, Table 2, 1. General, Professional and Medical Offices: Applicant shall remove "Located on the 1st floor of office building" from condition / limitations for accessory retail shop(s). Applicant shall add an additional condition/limitation stating, "All accessory uses shall only be permitted on the first floor of any building."
- j. Page 31, Table 2, 2. Hotel: Applicant shall add an additional condition/limitation stating, "All accessory uses shall only be permitted on the first floor of any building."
- k. Page 31, Table 2, 3. Financial institutions: Applicant shall revise the standards for accessory automated teller machines to read, "Accessory freestanding or attached to the building automated

teller machine shall be allowed on the property. Any external automated teller machine shall be setback a minimum of 100-feet from the south property line and shall be reviewed at the time of site plan development review approval for proper location and circulation.”

- i. Page 31, Table 2, 3. Financial institutions: Applicant shall add two additional conditions/limitations that read, “Any drive-through facilities shall be setback a minimum of 100-feet from the south property line” and “A maximum of one external automated teller machine or drive-through facility shall be permitted within 330-feet of the west property line.”
- m. Page 38, Development Standards, 2.b.iii A), 29th Street: Applicant shall revise subsection A) to read, “Large canopy EVERGREEN shade trees planted 25-feet on center or equivalent groupings.” **APPLICANT SHALL REVISE SUBSECTION A) 1) TO READ “MINIMUM 3-INCH CALIPER (100% OF REQUIRED TREES)” AND REMOVE SUBSECTION A) 2) AND 3).**
- n. Page 38, Development Standards, 2.b.iv B), Perimeter Property Line Requirements (not adjacent to a street): Applicant shall revise subsection B) to read, “Large canopy EVERGREEN shade trees planted 25-feet on center or equivalent groupings.” **APPLICANT SHALL REVISE SUBSECTION B) 1) TO READ “MINIMUM 3-INCH CALIPER (100% OF REQUIRED TREES)” AND REMOVE SUBSECTION B) 2).**
- o. Page 44, Design Guidelines: Applicant shall add a subsection u. to read, “Non-reflective glass shall be provided for all south, WEST and east facing windows.”
- p. Page 44, Design Guidelines: Applicant shall add a subsection v. to read, “An 8-foot high solid masonry wall shall be provided along the southern property line.”
- q. Page 44, Design Guidelines: Applicant shall add a subsection w. to read, “A 6-foot high solid masonry wall shall be provided along the eastern property line for the southern 110 feet of the property. The wall shall be located outside of the required landscape setback and serve to screen parking, loading, refuse and public areas from the adjacent right-of-way.”
- r. Page 47, 1. Allowable Signs: Applicant shall modify the second paragraph on the page to read, “The following signs, as well as

signs otherwise permitted by the city of Phoenix pursuant to Section 705, shall be permitted with the exception of animated or electronic message display signs. Any automated teller machine signage shall be limited to west property line and western 300 feet of the north property line frontages.”

- s. Page 48, Building Signage: Applicant shall add the following verbiage to the first paragraph of the section, “Any illuminated building identification signs above the second floor of each building shall be limited to the north side of the building. One identification sign shall be permitted on the west side of each building within 100-feet of the north property line. THE IDENTIFICATION SIGN ON THE WEST SIDE OF THE EASTERN BUILDING MAY BE ILLUMINATED, BUT SHALL BE SHIELDED TO PREVENT VISIBILITY FROM THE SOUTH. No building mounted signs shall be permitted on the south side of any building.”
- t. Page 50, Building Signage, d. Window Signage/Graphics: Applicant shall add, “No window signs shall be permitted for south and east facing windows” to the section.
- u. Page 51, Temporary Signage, e. Inflatables: Applicant shall remove subsection e. Inflatables and renumber the remainder of the section accordingly.
- V. PAGE 29, TABLE 2, GENERAL, PROFESSIONAL AND MEDICAL OFFICES, ACCESSORY DAY CARE CENTER: APPLICANT SHALL REMOVE REFERENCES TO OUTSIDE USERS AND OUTDOOR USES AND REWORD ACCESSORY USE TO READ, “ACCESSORY DAY CARE CENTER NOT TO EXCEED 2,000 SQUARE FEET OF GROSS LEASABLE AREA FOR CONVENIENCE OF THE EMPLOYEES OF THE PREMISES.”
- W. PAGE 40, LIGHTING STANDARDS: APPLICANT SHALL ADD A SUBSECTION V. TO READ, “ALL POLE-MOUNTED LIGHTING WITHIN THE PARKING AREA SHALL BE PROVIDED WITH DIMMERS AND MOTION SENSORS THAT ARE ACTIVATED FROM 9PM TO SUNRISE” AND SUBSECTION VI. TO READ, “LED LIGHTING SHALL BE USED FOR PARKING LOT AND SECURITY LIGHTING.”
- X. PAGE 44, DESIGN GUIDELINES: APPLICANT SHALL ADD A SUBSECTION X. TO READ, “ANY PARAPETS SHALL BE LIMITED TO A MAXIMUM HEIGHT OF 8 FEET FOR THE

WESTERN BUILDING AND 6 FEED FOR THE EASTERN BUILDING.

2. The property owner shall dedicate a 10 foot sidewalk easement along the south side of Camelback Road for the length of the project, as approved by the Planning and Development Department.
3. The property owner shall construct a 5 foot wide sidewalk along Camelback Road 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. The detached sidewalk shall begin on the east side of the existing bus bay and continue for the length of the project.
4. The property owner shall update all existing off-site street improvements, including sidewalks, curb ramps and driveways, adjacent to the project to current ADA guidelines, as approved by the Planning and Development Department.
5. The property owner shall provide a deposit in the amount of \$45,000 into a Street Transportation Department escrow account to be utilized for traffic calming measures. These funds may be contributed toward the purchase and installation of such devices as speed humps, raised crosswalks (speed tables), limited turning, traffic diverters, SIGNAGE, SPECIALTY PAVING or other such traffic calming or management tools for the area between 28th Street and Camelback Road along the CAMELBACK ROAD, 29th Street, Mariposa Street, 29th Place and Pierson Street loop. Distribution of funds shall be at the mutual agreement of the residents on affected streets and the city of Phoenix Streets Department Safety and Neighborhood Traffic Section, following the standard Street Transportation Department petitioning guidelines. Owner may apply for reimbursement of escrow funds from the Street Transportation Department if no formal petition has been submitted within ~~18 months~~ 5 YEARS from the issuance of a certificate of occupancy for the 2 primary buildings.
6. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's Office. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the city to be included in the rezoning application file for record.
7. **THE DEVELOPER SHALL NOTIFY THE FOLLOWING INDIVIDUALS BY MAIL 15 DAYS PRIOR TO ANY SUBSEQUENT**

PUBLIC HEARING, INCLUDING BUT NOT LIMITED TO PRELIMINARY SITE PLAN APPROVAL. THE NOTICE SHALL INCLUDE THE DATE, TIME AND LOCATION OF THE MEETING/HEARING.

A. ALLISON DISARUFINO
2909 E. MARIPOSA STREET
PHOENIX, ARIZONA 85016

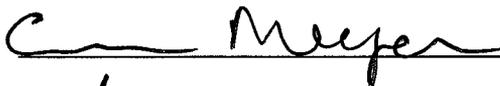
SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 1st day of July, 2016.



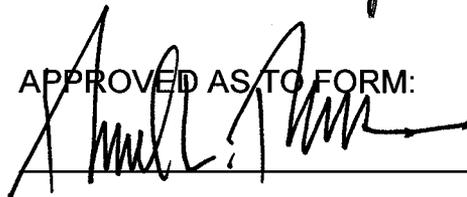
MAYOR

ATTEST:

 City Clerk



APPROVED AS TO FORM:

 Acting City Attorney pm

REVIEWED BY:

 **ACTING**
City Manager

PL:tml:1245263v1: (CM#59) (Item #111) – 7/1/16

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-70-15-6

TRACT 'A' AND LOTS 7 THROUGH 9 OF GIBRALTER ESTATES PLAT 4, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA AND A PORTION OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND BRASS CAP IN A HANDHOLE AT THE NORTH QUARTER CORNER OF SAID SECTION 23;

THENCE NORTH 87 DEGREES 30 MINUTES 00 SECONDS EAST, ALONG THE NORTH LINE OF SAID SECTION 23, A DISTANCE OF 675.51 FEET TO A FOUND BRASS CAP FLUSH AT THE INTERSECTION OF 29TH STREET;

THENCE SOUTH 00 DEGREES 00 MINUTES 32 SECONDS EAST, ALONG THE MONUMENT LINE OF SAID 29TH STREET, A DISTANCE OF 308.04 FEET;

THENCE SOUTH 87 DEGREES 30 MINUTES 00 SECONDS WEST, LEAVING SAID MONUMENT LINE, A DISTANCE OF 675.54 FEET TO A POINT ON THE MONUMENT LINE OF 28TH STREET;

THENCE NORTH 00 DEGREES 00 MINUTES 16 SECONDS WEST, ALONG SAID MONUMENT LINE, A DISTANCE OF 308.04 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

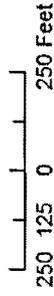
SAID PARCEL CONTAINS 207,889 SQUARE FEET OR 4.772 ACRES, MORE OR LESS.

ATTACHMENT B

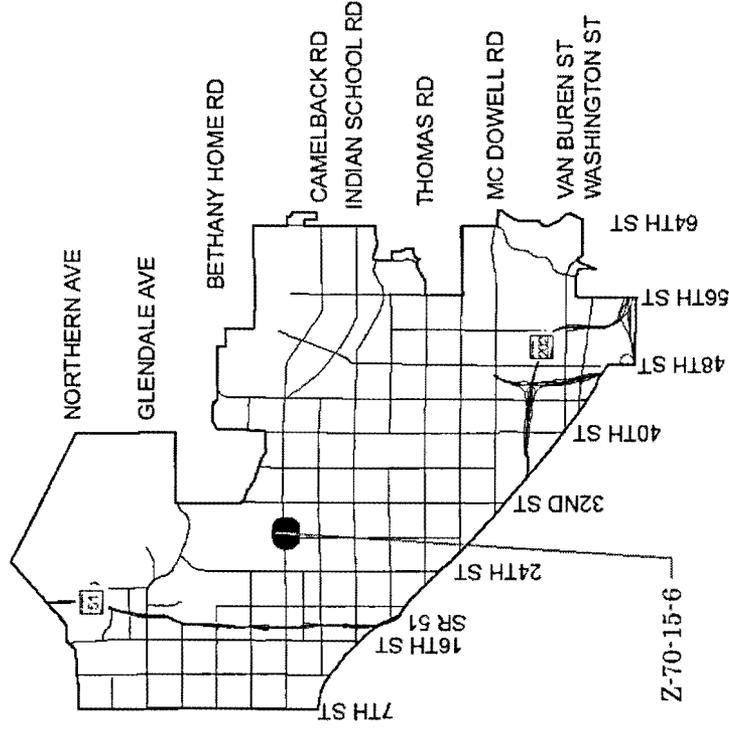
ORDINANCE LOCATION MAP

Zoning Case Number: Z-70-15-6
Zoning Overlay: N/A
Planning Village: Camelback East

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



NOT TO SCALE



Drawn Date: 6/2/2016

R:\GIS_Team\Core_Functions\Zoning\SuppMaps_Ord\Maps2016 Ord\7_1_16\Z-70-15-6.mxd



City of Phoenix

OFFICE OF THE CITY ATTORNEY

To: Milton Dohoney
Assistant City Manager

Date: July 19, 2016

From: Paul Li
Assistant City Attorney *PmL*

Subject: CORRECTION MEMO – ORDINANCE G-6193

This correction memo requests that changes be made to Ordinance G-6193 to accurately reflect the action taken at the July 1, 2016, City Council Meeting.

At the meeting, the City Council approved Item 111 for Southeast Corner of 28th Street and Camelback Road. The language in the attached ordinance correctly reflects the action taken on Item 111.

Milton Dohoney

Approved