

ORDINANCE G-6642

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-36-19-6) FROM C-O (COMMERCIAL OFFICE DISTRICT-RESTRICTED COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT).

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

follows:

SECTION 1. The zoning of a 17.72 acre site located at the northwest corner of 44th Street and Camelback Road in a portion of Section 18, Township 2 North, Range 4 East, as described more specifically in Exhibit "A," is hereby changed from "C-O" (Commercial Office District-Restricted Commercial) to "PUD" (Planned Unit Development) for the 44 Camelback PUD.

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit "B."

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations,

violation of which shall be treated in the same manner as a violation of the City of

Phoenix Zoning Ordinance:

1. An updated Development Narrative for the 44 Camelback 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 September 9, 2019, as modified by the following stipulations:
 - a. Front Cover: Revise the submittal date information on the bottom to add the following: City Council adopted: [Add adoption date]
 - b. Page 9, 4th Paragraph, Sub-Zone 3: Modify maximum height to 56 feet.
 - c. Page 10, 3rd Paragraph, Page 19 (below "Development Standards and Guidelines) and on all exhibits within "Exhibit 6": Add language reflecting the following:
 - Identify that modification to Sub-Zones would require a major amendment.
 - Clarify that although LUA's can be modified by a maximum of 10%, they cannot extend into an adjacent Sub-Zone.
 - Restrict modifications to LUA B.
 - d. Page 16, Add header to top of Land Use Table.
 - e. Page 19, Development Standards, Maximum Building Height, LUA E: Modify building height to 56 feet maximum.
 - f. Page 20, North Building Setback for Sub-Zone 2 shall be modified as follows:

North: Minimum 60 feet for Maximum 1-story, 20 feet in height (except for 15-foot tall maximum parking canopies). Maximum 36 feet in height beyond 70-foot setback.
 - g. Page 26, 6.a shall be modified as follows: "All lighting will be consistent with the standards of Section 704 of the Phoenix Zoning Ordinance."
 - h. Page 32, Sustainability: Add the following requirement: "4. Recycling collection areas shall be identified on the site plan at the time of the site plan review process. Recycling containers to service the development shall be provided, as approved by the Planning and Development Department."

- i. Exhibit 3, G-104: Update identified setbacks “build to lines” numbers to provide greater clarity.
- j. Exhibit 6, G-108, update exhibit to identify the exception to not allow a change to Land Use Area B.
- k. Page 20, Building Setbacks, south and east: modify as follows:

Building Setbacks
 *See Building Setback Exhibits at
 Exhibit 9

South:

Land Use Area G
 20 feet minimum

Land Use Area H
 30 feet minimum for a minimum of
 264 linear feet and 45 feet
 minimum for a minimum of 115
 linear feet along LUA H

East:

20 feet minimum, except 25 feet
 minimum within 45 feet of the
 southern property line

- l. Page 20 and 21, Landscape Planting Standards: modify the right-hand column of the landscape requirements table for the northern and southern boundaries as follows:

North (As identified on Exhibit 10)

The trees and other landscape on the western and northern boundaries shall be native species of varieties that typically reach maximum heights of 30 feet.

West (As identified on Exhibit 10)

The trees and other landscape on the western and northern boundaries shall be native species of varieties that typically reach maximum heights of 30 feet.

- m. Exhibit 9: Add setback exhibit identifying the dimension for the southern and eastern building setbacks for Land Use Area H.

n. Page 16, add footnote 7(c) to read that: Music and/or entertainment on the roof of the hotel shall be subject to the conditions and limitations provided in Section 623.d.157.a.(1-3) of the Phoenix Zoning Ordinance.

o. Page 19, Development Standards, Maximum Building Height, LUA "H": modify as follows:

| | |
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| Land use area "H" | 58 feet maximum. Items allowed above the maximum building height shall be limited to: accessory improvements for a rooftop garden including seating areas, restrooms, a maximum 1,000 square foot elevator vestibule, elevators, and stairwells, other reasonably necessary equipment and improvements, parapets, mechanical equipment and mechanical screening, and other items excluded from building height measurement pursuant to Phoenix Zoning Ordinance Section 701(b). |
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p. Page 27, Design Guidelines, General Application: add the following and renumber:

1. Land Use Area "H": A minimum 10-foot-deep architectural recess shall be provided along the entire length of any building's 3rd story southern building façade with exceptions for columns and other structural and engineering elements.

q. Page 19, Development Standards, Maximum Building Height, LUA "G": modify as follows:

| | |
|-------------------|--|
| Land Use Area "G" | 42 feet maximum for a maximum 100 feet from the eastern facade of any building, and the remainder of the building shall be 36 feet maximum; items allowed above the maximum building height shall be limited to those items excluded from building height measurement pursuant to Phoenix Zoning Ordinance Section 701(b). |
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- r. Page 19, Development Standards, Maximum Building Height, LUA "F":
modify as follows:

Land Use Area "F"

59 feet maximum. Improvements for a rooftop lounge and dining, including restrooms, kitchen, and shade canopies, however, shall be allowed above the maximum building height, up to an additional 11 feet, as measured by the Phoenix Zoning Ordinance. In addition, the following items shall be allowed above the maximum building height: elevators, stairwells and items excluded from building height pursuant to Phoenix Zoning Ordinance Section 701(b).

- s. Page 16, add footnote, 7.d. to state the following:

Land Use Area "F": On the roof of any building sound masking systems such as white noise machines shall be installed at appropriate locations to mitigate noise. This shall be done in accordance with an acoustical study and plan submitted prior to final site plan approval.

2. There shall be no access to 42nd Place and 43rd Place and the developer shall record a 1-foot non-vehicular access easement along all parcel lines adjacent to single-family zoning district or local street, except for an approximately 30-foot wide gated vehicular access and an approximately 6-foot wide gated pedestrian access located approximately 40 feet north of Camelback Road that shall be allowed between the subject property and the Medlock Drive alignment within Arcadia Villa 2, as approved by the Planning and Development Department.
3. Developer shall be responsible for the improvements and maintenance of the median islands on Camelback Road between 42nd Street and 44th Street.
4. A sidewalk easement shall be dedicated including the full width of all sidewalks along Camelback Road and 44th Street, as approved by the Planning and Development Department.
5. Right-of-way totaling 55 feet shall be dedicated for the north half of Camelback Road, as approved by the Planning and Development Department.
6. The developer shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study has been reviewed and approved by the City. Additional off-site improvements

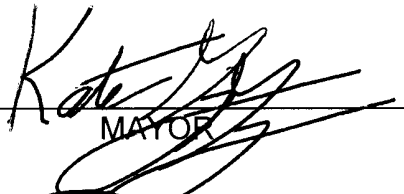
and right-of-way dedications may be required as identified in the approved traffic study. Developer shall be responsible for the costs associated with these improvements and dedications.

7. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
8. In the event, archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
9. The developer shall dedicate right-of-way and construct a bus bay and bus stop pad along westbound Camelback Road west of 44th Street. The bus bay shall be constructed according to City of Phoenix Standard Detail P1256 and the bus stop pad shall be constructed according to City of Phoenix Standard Detail P1261 with a minimum depth of 10 feet. The bus bay and pad shall be spaced from the intersection of 44th Street and Camelback Road according to City of Phoenix Standard Detail P1258, as modified and approved by the Public Transit, Street Transportation and Planning and Development departments.
10. Prior to preliminary site plan approval, the developer shall submit a signal warrant analysis to the City of Phoenix Street Transportation Department for a location on 44th Street approximately 600 feet north of Camelback Road, as part of the Traffic Impact Study. As determined by the Street Transportation Department, if the proposed traffic signal is permitted, all associated costs for design and construction will be the responsibility of the developer.
11. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims form. The Waiver shall be recorded with the Maricopa County Recorder's office and delivered to the city to be included in the rezoning application file for record.

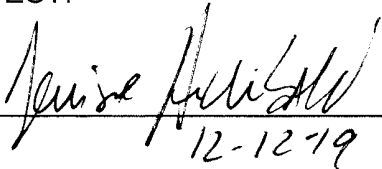
SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 20th day of November,

2019.


MAYOR

ATTEST:

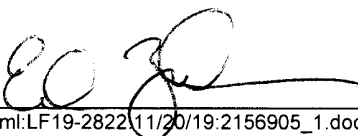

City Clerk
12-12-19



APPROVED AS TO FORM:


Acting City Attorney pml

REVIEWED BY:


City Manager
PL:tml:LF19-2822\11/20/19:2156905_1.doc

Exhibits:

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

EXHIBIT A

LEGAL DESCRIPTION FOR Z-36-19-6

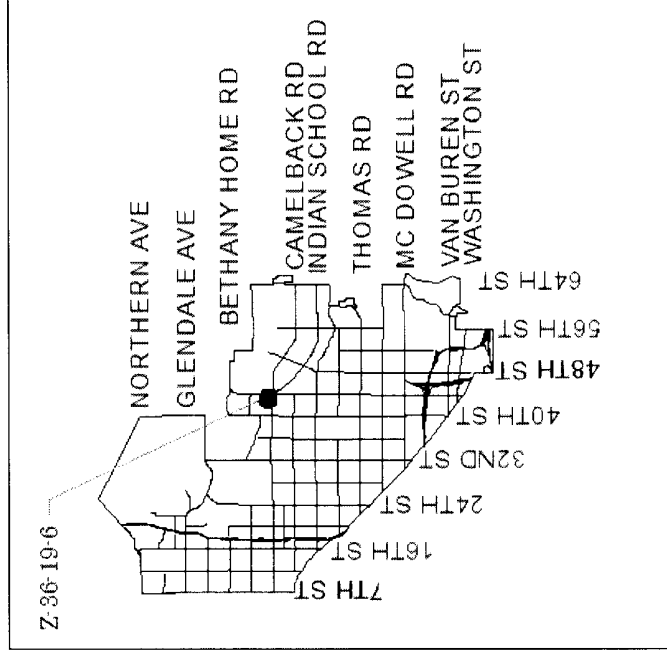
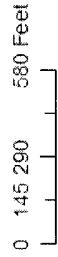
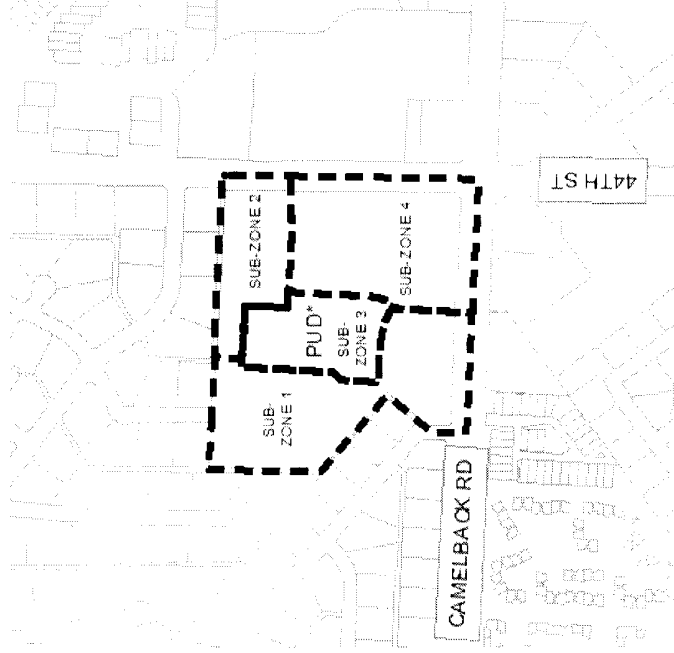
Lot 1, Final Plat for Camel Square Amended, according to Book 959 of Maps, Page 8, Records of Maricopa County, Arizona, and situated in the southeast quarter of the southwest quarter of Section 18, Township 2 North, Range 4 East of the Gila and Salt River Base & Meridian, Maricopa County, Arizona.

ORDINANCE LOCATION MAP

EXHIBIT B

Zoning Case Number: Z-36-19-6
 Zoning Overlay: N/A
 Planning Village: Camelback East

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



NOT TO SCALE

Drawn Date: 11/13/2019

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