



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)

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

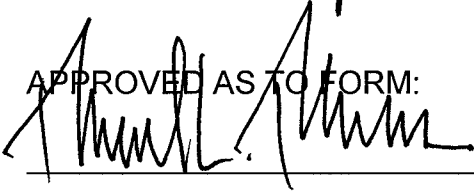
ATTEST:



City Clerk

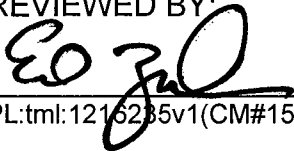


APPROVED AS TO FORM:



Acting City Attorney pm1

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.

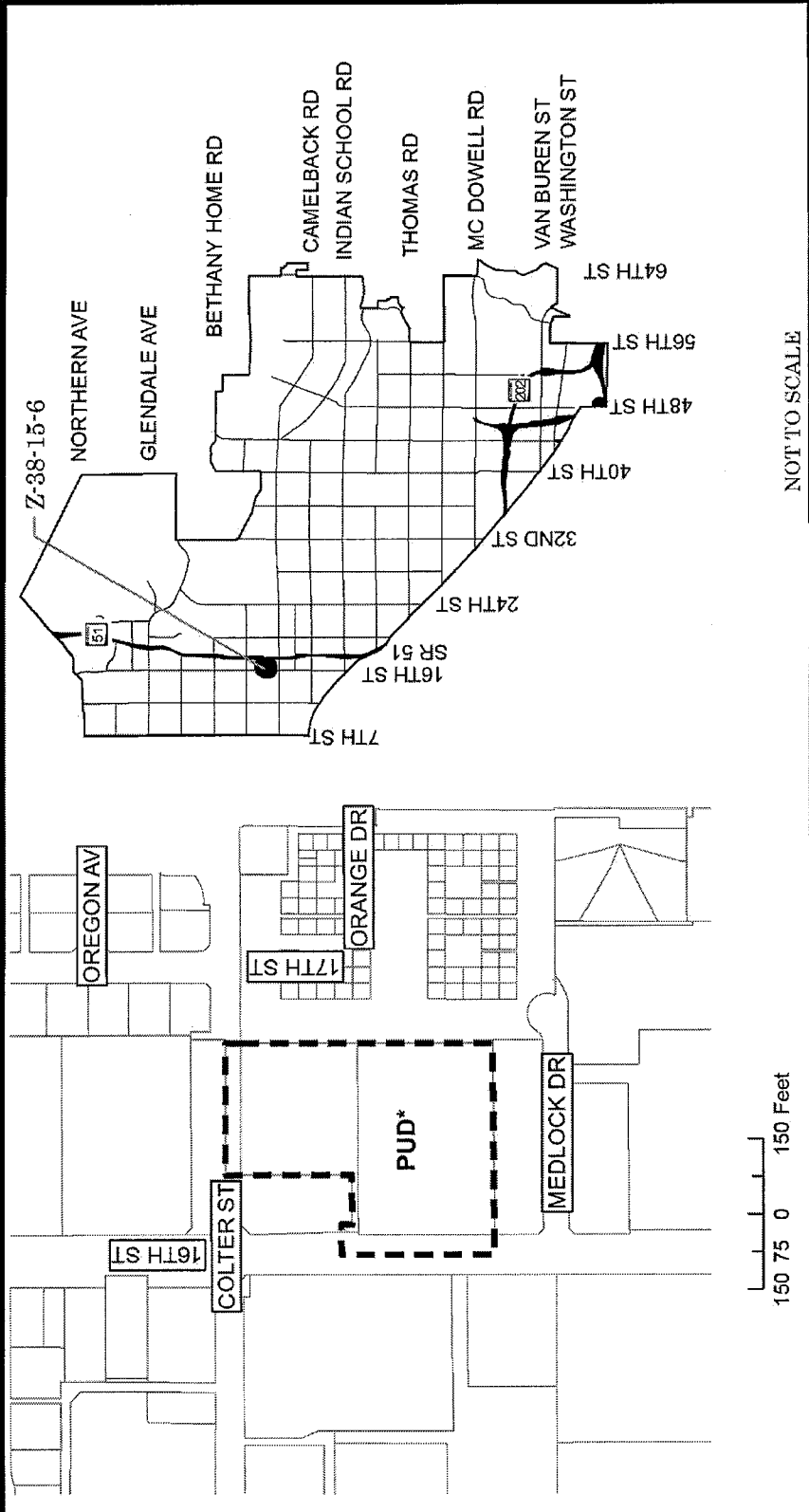
The property hereon described is the same as the pertinent property as described in Stewart Title Guaranty Company, Guaranty No. 1463-16293, effective date March 8, 2012.

ATTACHMENT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-38-15-6
Zoning Overlay: N/A
Planning Village: Camelback East

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



Drawn Date: 12/18/2015

S:\Department Share\US Share\PL GIS\IS_Team\Core_Functions\Zoning\SuppMaps\OrdMaps\2015 Ord\Formal_Jan_20_2016\Z-38-15-6.mxd