

ORDINANCE G-6686

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-51-19-4) FROM R-5 M-R (MULTIFAMILY RESIDENCE DISTRICT, MID-RISE DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT).

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

follows:

SECTION 1. The zoning of a 2.94-acre site located at the northeast corner of 7th Street and Thomas Road in a portion of Section 28, Township 2 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "R-5 M-R" (Multifamily Residence District, Mid-Rise District) to "PUD" (Planned Unit Development District).

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

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

of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. An updated Development Narrative for the Phoenix Country Club Residences PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped January 28, 2020, 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 8, Development Standards Table, Minimum Building Setbacks: Modify verbiage for setback encroachments to read “Where ground level retail uses are present, setbacks may be decreased up to 12 feet for outdoor seating, patio dining and outdoor commercial sales when utilizing patio, storefront, gallery, arcade or forecourt frontage types by securing a use permit.”
 - c. Page 8, Development Standards Table, Minimum Landscape Setbacks: Add “Where ground level commercial uses are present, setbacks may be decreased up to 12 feet for outdoor seating, patio dining and outdoor retail sales when utilizing patio, storefront, gallery, arcade or forecourt frontage types by securing a use permit.”
 - d. Page 9, Development Standards Table, Shade: Update provision to include minimum of 75 percent shade on both public sidewalks and pedestrian walkways.
 - e. Page 9, Development Standards Table, Building Entrances: Add “A minimum of two building entrances shall be provided, one on 7th Street and one on Thomas Road” at the beginning of this subsection.
 - f. Page 9, Development Standards Table, Building Entrances: Update code section reference for pedestrian residences to Section 1305.B.3.a. of the Phoenix Zoning Ordinance.
 - g. Page 9, Development Standards Table, Building Entrances: Update commercial frontage guidelines to read “In the event ground floor retail or commercial uses are proposed on either Thomas Road or 7th Street frontages, the length of the commercial frontage shall comply with the Patio, Storefront, Gallery, Arcade of Forecourt frontage type standards in Table 1305.1 of the Phoenix Zoning Ordinance except for encroachment dimensions and wall standards which shall be governed by the setback

and wall/fence provisions contained within the PUD.”

- h. Page 9, Development Standards Table: Add a subsection for Streetscape Amenities as follows:

Streetscape Amenities	The streetscape landscape setback areas adjacent to 7th Street and Thomas Road shall provide at least one public art element and one seating area per street.
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- i. Page 9, Development Standards Table: Add a subsection for Surface Parking Lot Standards as follows:

Surface Parking Lot	Any surface parking lot area shall be located beyond the landscape setback area. Surface parking areas, not behind a building, shall not exceed 25 percent of any street frontage.
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- j. Page 9, Landscape: Remove reference to conformance with Section 701.D.4.

- k. Page 10, Landscape Standards Table, Surface Parking Lot: Update second paragraph to read “Shade coverage shall be a minimum of 25 percent coverage overall.”

- l. Page 10, Landscape Standards Table, Adjacent to Buildings: Update subsection to read “Landscape areas within 5 feet of the building along 7th Street and Thomas Road frontages shall be provided with foundation plantings containing 75 percent living vegetation ground cover.”

- m. Page 10, Fences/Walls, Parking Screening Wall: Update subsection to read “Vehicles shall be screened by a minimum 3-foot-tall visual screen for all parking areas visible from a public street. Any fencing in excess of 3 feet shall be open fencing up to a maximum of 6 feet in height.”

- n. Page 10, Fences/Walls, Perimeter Wall: Update subsection to read “Except for parking screen walls and/or commercial frontage standard requirements, no fences or walls shall be placed between the streets (7th Street, Thomas Road) and any building.”

- o. Page 11, Design Guidelines, 2nd paragraph: Update last sentence to read “The following list details the Project’s design features which will ensure the Project adds value to the surrounding residences, businesses, and individuals passing through the well-traveled

intersection.”

- p. Pages 11 and 12, Design Guidelines: Reorder the general design guidelines section into the following categories and associated provisions:

Streetscape and Site Access

- Rebuild and widen existing 7th Street and Thomas Road sidewalks to 6-foot width, detached from the curb, where not in conflict with underground or above ground utilities, along the limits of proposed development.
- Maintain all existing interior drives off Thomas Road and 7th Street that connect to PCC and private neighborhood streets.

Landscape

- Create generous landscaping along Thomas Road and 7th Street with continuous double row of Live Oak, or similar species theme tree to shade both sides of the sidewalk.
- Alternate massings of low-water use, flowering shrubs and succulents along streets that create strong identify and visual interest.
- Integrate planters into the building’s parking structure for cascading plants down the face of the garage.
- Enhance hardscape, outdoor seating and any water feature and specimen planting along drop off and front door to the building.
- Maintain and enhance the existing palm-tree-lined drive between the PCC and the new residences.
- Maintain all landscaping by private association.

Surface Parking Lot Design

- Implement new design for the PCC surface parking lot that includes better circulation, egress, and abundant evergreen shade trees.
- Install bio swales which help drain surface water into parking lot planter islands, as approved by the Planning and Development Department.
- Screen guest parking spaces for residences with dense vegetation and wall screening consistent with Fence/Wall Development Standards.

Building Amenities

- Provide rooftop amenity deck on parking garage for building residents, with pool area, gardens and activity areas that look out over city and mountain views.

- Provide private dog park for resident use, taking responsibility off surrounding streets and existing residential. Any fencing or screen walls for the dog park shall follow the Fence/Wall development standards and accent adjacent building materials to appear as an integrated part of the larger building design.
- q. Page 12, Design Guidelines, Building Façade: Add the following guidelines to this section:
- Provide street-level parking garage building façade, landscape, and hardscape to create a safer, more pleasant and livelier streetscape for passing pedestrian traffic.
 - The corner of the building at 7th Street and Thomas Road shall be designed with distinctive massing, angled or rounded building corners or additional building articulation that emphasizes the corner and promotes activity. This area can include project identity signage and/or public art.
- r. Page 11, Design Guidelines: Add the following as a subsection to the design guidelines:

Building Architecture

- The residential tower and podium design shall utilize a single, cohesive architectural style that is contextually appropriate for the area in form and materiality.
 - Appropriate architectural styles include neoclassical, mid-century modern, modern, art deco, and spanish revival. Representative imagery of acceptable architecture is depicted in Exhibit 7.
 - Inappropriate architectural styles include contemporary, high-tech, and postmodern as depicted in Exhibit 8.
- s. Pages 12 and 13, Design Guidelines: Remove images on these pages.
- t. Add the “Acceptable Architectural Styles Representative Imagery” and the “Unacceptable Architectural Styles Representative Imagery” date stamped March 5, 2020 as Exhibits 7 and 8.
- u. Page 12, Design Guidelines, Glazing: Revise the last bullet point to read “Shade elements and glazing screening beyond fritting shall be done utilizing metal louvers or shade elements. Shade for glazing screening beyond fritting shall be done utilizing metal louvers or passive solar shading elements.”
- v. Page 13, Design Guidelines, Building Envelope Cladding Materials: Revise bullet point three to read “Colors on metal panels shall be integral to the panel or a finish that will resist weathering and/or fading. Painted

finish natural metals may also be used similar to copper, zinc, stainless steel or natural aluminum. The use of highly reflective metal panels is not allowed.”

- w. Page 13, Design Guidelines, Building Envelope Cladding Materials: Add an additional bullet point that reads “Brick/CMU – Brick/Concrete Masonry Units are allowed.”
- 2. The existing driveway to Thomas Road shall be reconstructed to a P-1243 standards driveway to restrict access to right-in/right-out movements only, as approved by the Planning and Development Department. An alternative driveway design or access movements may be permitted subject to an engineering analysis submitted to and approved by the Street Transportation Department.
- 3. The developer shall remove the gate at the existing driveway to Thomas Road or provide a turnaround consistent with the City of Phoenix’s Gate Access Control Policy, as approved by the Planning and Development Department.
- 4. The developer shall remove any unused driveways, as approved by the Planning and Development Department.
- 5. 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.
- 6. The developer shall dedicate right-of-way and construct a bus bay (City of Phoenix Standard Detail P1256) and bus pad with a minimum depth of 14 feet (City of Phoenix Standard Detail P1261) along northbound 7th Street, north of Thomas Road. The bus stop pad and bay shall be placed from the intersection of 7th Street and Thomas Road according to City of Phoenix Standard Detail P1258, as approved by the Public Transit Department.
- 7. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been viewed and approved by the City Attorney.
- 8. The developer shall provide documentation to the City prior to construction permit approval that Form 7460-1 has been filed for the development and that the development received a “No Hazard Determination” from the FAA. If temporary equipment used during construction exceeds the height of the

permanent structure a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.

9. 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.
10. 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.
11. The developer shall notify the following individuals prior to the preliminary site plan review meeting and prior to any public hearing before the Zoning Administrator or Planning Hearing Officer as approved by the Planning and Development Department:

Robert Warnicke
506 E. Catalina Drive
Phoenix, AZ 85012

Jeanne Yawger
818 E Edgemont Avenue
Phoenix, AZ 85006

Tom Chauncey, II
66 N Country Club Drive
Phoenix, AZ 85014

12. The applicant shall consult with the Architectural Review Committee to obtain additional input and feedback on the proposed site plan, landscape plan, and elevations/designed street activation prior to submitting for preliminary site plan review as approved by the Planning and Development Department.
13. The applicant shall submit a large-scale event parking plan concurrent with, or prior to, the preliminary site plan submittal as approved by the Planning and Development Department. The final site plan approval cannot be granted until the parking plan is 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

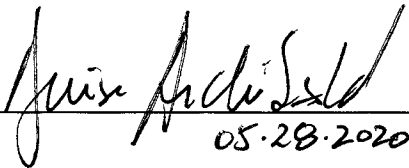
any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 6th day of May, 2020.



MAYOR

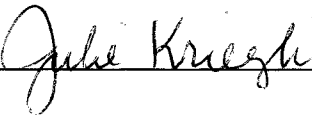
ATTEST:



City Clerk
05-28-2020

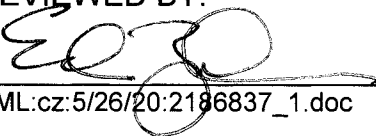


APPROVED AS TO FORM:



Acting City Attorney
by [Handwritten initials] PML

REVIEWED BY:



City Manager
PML:cz:5/26/20:2186837_1.doc

Exhibits:

- A – Legal Description (2 Pages)
- B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-51-19-4

A portion of Lot 52, Country Club Place, recorded in Book 9, page 24, Maricopa County Records (M.C.R.), and a portion of Section 28, all lying within Section 28, Township 2 North, Range 3 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the southwest corner of said Section 28, a 3-inch City of Phoenix brass cap in handhole, from which the south quarter corner of said section, a 3-inch City of Phoenix brass cap in handhole, bears South 89°57'07" East (basis of bearing), a distance of 2658.38 feet;

THENCE along the south line of said section, South 89°57'07" East, a distance of 75.12 feet;

THENCE leaving said south line, North 00°02'53" East, a distance of 42.00 feet, to the north right-of-way line of East Thomas Road, and the **POINT OF BEGINNING**;

THENCE along said north right-of-way line, North 44°52'08" West, a distance of 35.30 feet, to the east right-of-way line of North 7th Street;

THENCE leaving said north right-of-way line, along said east right-of-way line, North 00°12'50" East, a distance of 44.70 feet;

THENCE continuing along said east right-of-way line, South 89°57'07" East, a distance of 3.00 feet;

THENCE North 00°12'50" East, a distance of 22.50 feet;

THENCE North 17°48'22" West, a distance of 42.02 feet;

THENCE North 00°12'50" East, a distance of 55.54 feet;

THENCE North 38°53'00" East, a distance of 31.23 feet;

THENCE North 77°33'40" East, a distance of 5.62 feet;

THENCE North 00°12'50" East, a distance of 51.78 feet;

THENCE South 77°33'50" West, a distance of 4.73 feet;

THENCE North 53°39'38" West, a distance of 25.24 feet;

THENCE North 00°12'50" East, a distance of 65.99 feet;

THENCE leaving said east right-of-way line, South 90°00'00" East, a distance of 269.90 feet;

THENCE South 18°26'19" East, a distance of 43.89 feet;

THENCE South 06°09'55" East, a distance of 69.74 feet, to a point of intersection with a non-tangent curve;

THENCE southerly along said non-tangent curve to the right, having a radius of 139.80 feet, concave westerly, whose radius bears South 65°43'15" West, through a central angle of 45°20'35", a distance of 110.64 feet, to a point of intersection with a non-tangent line;

THENCE South 24°30'18" West, a distance of 36.69 feet;

THENCE South 17°47'05" West, a distance of 73.61 feet, to said north right-of-way line;

THENCE along said north right-of-way line, North 89°57'07" West, a distance of 19.98 feet;

THENCE South 11°21'33" West, a distance of 8.24 feet;

THENCE South 39°22'13" West, a distance of 19.29 feet;

THENCE continuing along said north right-of-way line, North 89°57'07" West, a distance of 189.05 feet, to the **POINT OF BEGINNING**.

Containing 94,395 square feet or 2.167 acres, more or less.

Subject to existing right-of-way and easements.

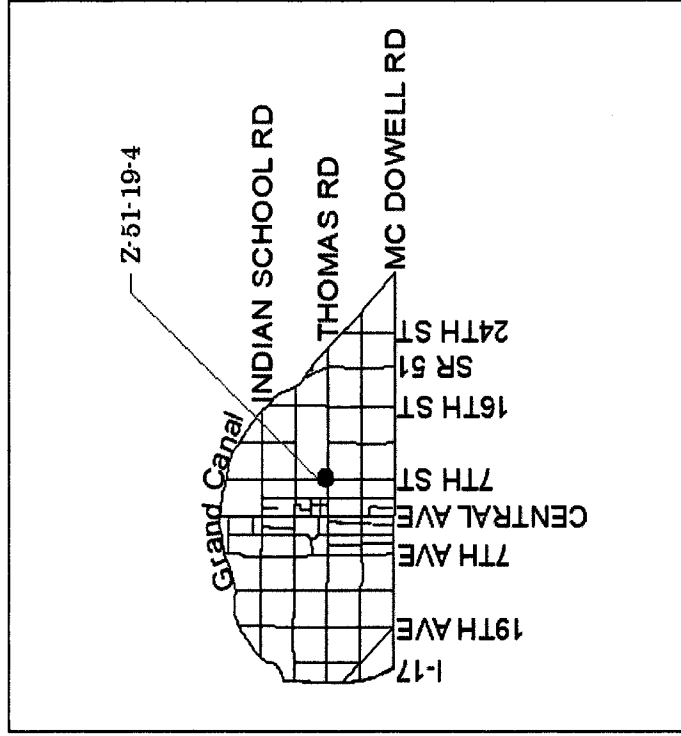
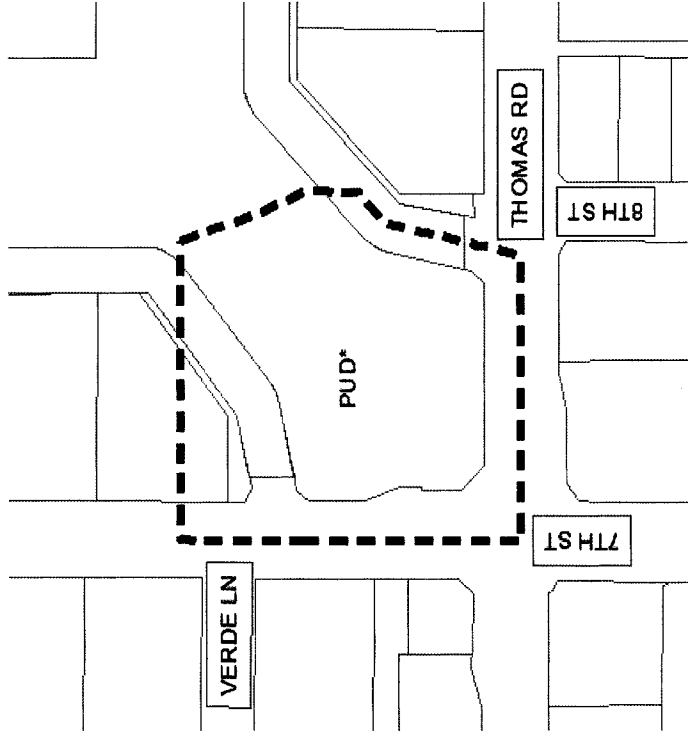
This parcel description is based on client provided information and is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of April, 2018. Any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey.

EXHIBIT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-51-19-4
Zoning Overlay: N/A
Planning Village: Encanto

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



NOT TO SCALE



Drawn Date: 2/14/2020