

# GATEWAY PLAZA



**REZONE REQUEST FROM C-2 TO PLANNED UNIT DEVELOPMENT  
Case Number: Z-15-13-7**

**Final Narrative: January 23, 2018**

**Ordinance G-5858**

**[City Council Adopted Date: November 6, 2013]**

**SUBMITTED BY:**  
Beus Gilbert PLLC  
c/o Paul E. Gilbert  
701 North 44<sup>th</sup> Street  
Phoenix, Arizona 85008

**CITY OF PHOENIX**

**JAN 24 2018**

**Planning & Development  
Department**

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Phoenix, Arizona 85008

# **PRINCIPALS AND DEVELOPMENT TEAM**

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310-860-5409

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Timothy J. McQueen, RLA, ASLA

## **PLANNED UNIT DEVELOPMENT DISCLAIMER**

*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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**Appendix:** Adopted Ordinance G-5858 (Stipulations).

## **A. PURPOSE AND INTENT**

### ***Project Overview and Goals***

The site enjoys a strategic location with frontages on the I-10 Freeway, McDowell Road, and 67<sup>th</sup> Avenue. With the decision to extend the light rail west within the I-10 right of way corridor to 79<sup>th</sup> Avenue, and a transit station planned at 67<sup>th</sup> Avenue, planning for the future development of the property must consider serving the needs of train passengers. Although site development may be auto related, particularly in the near term, the site should be planned so as to also accommodate transit oriented development. Moreover, the site offers a connection across the barrier of the I-10 to neighborhoods north and south of the freeway, a reason to exit from or cross the freeway at 67<sup>th</sup> Avenue.

Current uses for the property will be suburban and auto-oriented, and the site needs to accommodate those uses but also be planned so it can transition from its present opportunities to transit-oriented development when the planned light rail is in the ground at 67<sup>th</sup> Avenue. The PUD is the tool that provides sufficient flexibility to allow this transition to occur while ensuring that surrounding properties and the public interest are also enhanced.

## **B. LAND USE PLAN**

The land use plan for the property was prepared with the following objectives in mind:

- To promote an aesthetically pleasing campus with appropriate consideration given to building materials, design and site layout.
- To establish a commercial or mixed-use center with a presence along the I-10 freeway that brings freeway traffic off the freeway and into the neighborhood.
- To provide convenience retail services along McDowell Road to serve the surrounding neighborhoods and traffic on I-10.
- To provide for the flexibility to accommodate large and small users and change the mix of services provided.
- To provide for the flexibility to accommodate transit passengers when light rail becomes a reality.
- To create a sense of place that will emulate, if in smaller scale, the Maryvale Village Core so Gateway Plaza will become both a link and a destination.
- To create pedestrian connections that will enable the site to operate as a possible mixed use while inviting adjacent properties to access services by walking or cycling.

### **Vehicle Access**

67<sup>th</sup> Avenue and McDowell Road both provide access. 67<sup>th</sup> Avenue has two access points, one limited to right-in and right-out and the other with both left and right in and

right out. 67<sup>th</sup> Avenue is constructed with a raised median, bus bay, curb, gutter, and sidewalk. McDowell Road has full access at two points with one right-in, right-out driveway. McDowell Road is also fully built with curb, gutter, and sidewalk and does not have a median at this location.

## **Landscape Design Concepts**

Transit oriented development suggests pedestrian friendly landscaping and reduced building setbacks on the perimeter, with more emphasis on internal pedestrian connectivity and gathering places. Design concepts include the following:

- Create pedestrian oriented streetscapes while maintaining any established landscape themes and plant material palettes along McDowell Road and 67<sup>th</sup> Avenue.
- Establish a landscape theme and plant palette that will augment a distinct identity for Gateway Plaza and help create a sense of place.
- Take cognizance of any landscape themes that would identify a connection to the Maryvale Village Core.

## **Use Categories**

The PUD will have two options for uses, one auto-oriented, and the other transit-oriented. Both will base permitted land uses on those uses permitted by the C-2 (Intermediate Commercial) Zoning District. A broad range of retail and service uses are permitted, along with residential dwellings and guest occupancy units. Adult uses will be prohibited. A complete list of uses can be found on Exhibit F and in the appendix.

Retail, mixed-use, office, hospitality, and multi-family residential may all occur within this PUD over time. However, given the nature of the real estate market over the past several years it is difficult to say which of these uses will occur first, or when the impact of light rail will translate into transit oriented development.

## **C. SITE CONDITIONS AND LOCATION**

The site is currently vacant. The land is virtually flat, with no significant topographic features or watercourses. Gateway Plaza is located in the Maryvale Village, and is surrounded by a variety of primarily commercial uses. On the north side of McDowell Road are the Sainz restaurant, a Circle K, a Church's restaurant, U.S. Surplus store, and a QuikTrip. Imagine School is located north of the retail uses that front McDowell Road. San Giovanni apartments are to the west, and the I-10 Freeway is to the south.



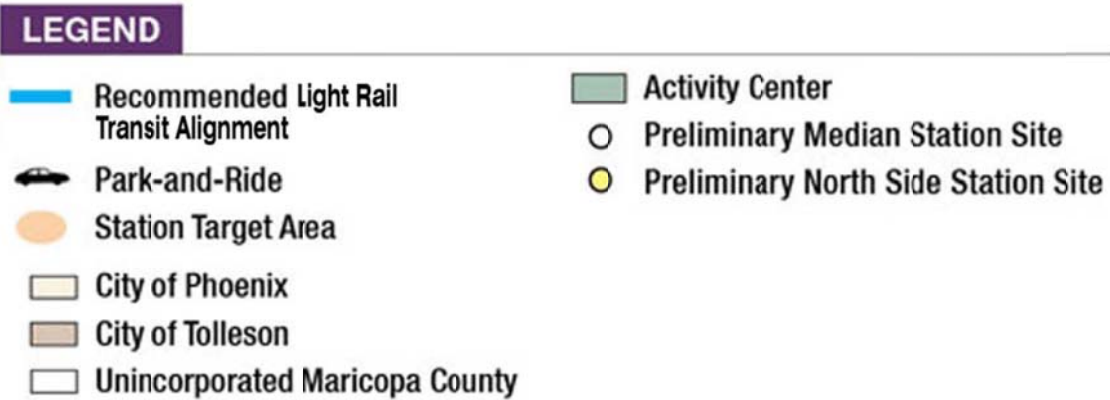
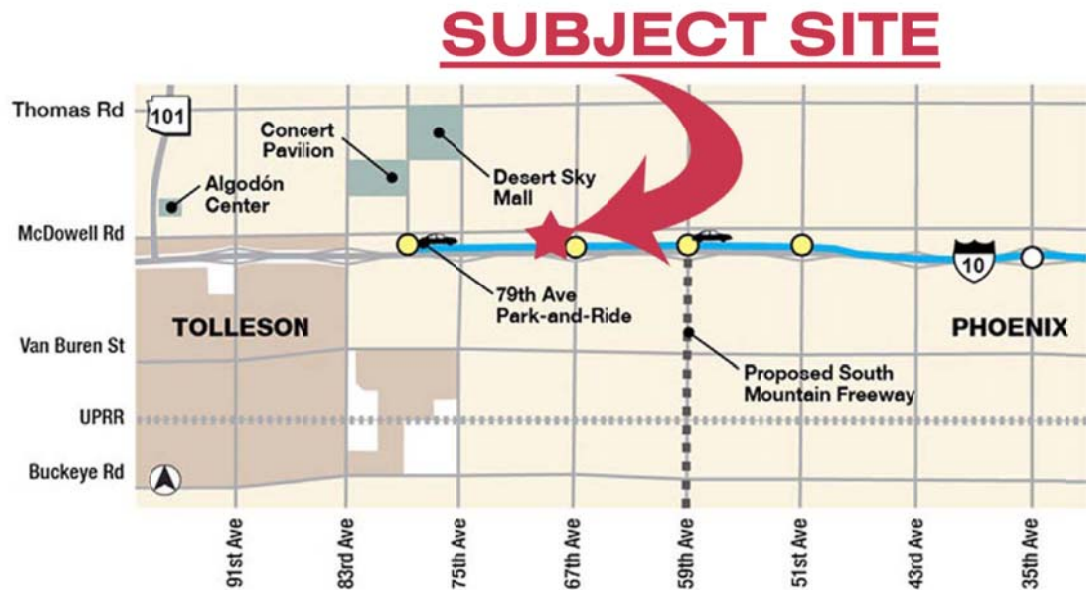
The aerial plan following illustrates the existing site conditions and proposed access points.



A discussion of anticipated future conditions, particularly light rail planned extensions, is necessary to portray the potential of the site. The exhibit below illustrates the future plan for light rail. The light rail line is planned for the north side of the I-10 corridor with a station at 67<sup>th</sup> Avenue. Although the exact location of the station has not been decided, the applicant intends to plan for the possibility by accommodating TOD-type development in the southeast corner of the site and along the Freeway right-of-way. Retail along the south property line of the subject property, or multi-family residential within walking distance of the future station, are both possibilities. Since the light rail construction is some years off, in 2013 it is premature to commit to a specific development plan. Rather, the intent is to recognize the connection to light rail now to be able to accommodate transit oriented development when the need arises. The greatest community benefits from light rail will be seen where development is designed to work with the transportation system. Transit-oriented development standards should be identified for the property today to encourage transit in the future. As stated above, it is important to create this opportunity. However, with the Maryvale Core located nearby on 79<sup>th</sup> Avenue and the light rail planned to continue north on 79<sup>th</sup> Avenue it is unlikely that every use on this site will be transit oriented, at least in the short term.

When light rail is imminent the property owner intends to engage in dialogue with Valley Metro and the Planning and Development Department to determine how best the site can interface with the impending station and transit riders. There is a grade difference

between the ADOT right of way, where the station is expected to be built, and this site, and pedestrian access from the station to the site will require coordinated planning.



<p><b>AMERICAL</b> MANAGEMENT CO., INC. 9595 WILSHIRE BLVD., SUITE 600 BEVERLY HILLS, CA 90212-2596</p>	<p><b>METRO LIGHT RAIL EXHIBIT</b> S.W.C. OF McDOWELL ROAD &amp; 67TH AVENUE PHOENIX, ARIZONA</p>	<p><b>K&amp;I</b> ARCHITECTS &amp; INTERIORS LLC. 1810 N. CENTRAL AVE., #200 PHOENIX, AZ, 85004 PH: 602.262.3838 FAX: 602.262.3938</p>
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The illustration on the following page suggests a retail alternative that creates a destination for transit riders, similar to the neighborhood scale commercial hubs frequently seen adjacent to transit stations in communities where public transportation has long been established.



**Conceptual View from Southeast corner of the property along 67th Avenue ( Scheme 1 )**

Another possibility for transit-oriented development is multi-family residential within easy walking distance of the light rail station planned for the intersection of 67<sup>th</sup> Avenue and I-10. Depending on where the station eventually is located this residential could also occur in the westerly portion of the subject property with retail closer to the intersection.



This drawing illustrates a possible landscape feature at the intersection of 67<sup>th</sup> Avenue and McDowell. While this illustration is conceptual, a corner landscape feature could allow the pedestrian environment along 67<sup>th</sup> Avenue to extend north from the transit station and turn the corner onto McDowell Road.





**Conceptual View from Northeast corner of the property, Intersection of McDowell Road & 67th Avenue**

The opportunity also exists for the site, or a portion of it, to pull auto-oriented shoppers off the freeway with destination retail uses and basic shopping. The conceptual site plan below combines destination retail with a transit-oriented hub. The following concept plan allows for transit-oriented development in the southern and eastern portions of the site without precluding more of an auto orientation in the north and west.



**D. GENERAL PLAN CONFORMANCE**

The City of Phoenix General Plan Land Use Designation for the Property is Commercial. A General Plan Amendment will not be required in connection with the proposed Planned Unit Development rezone request. Planned Unit Development zoning is consistent and compatible with many of the goals and objectives outlined in the General and Land Use Plans, as well as the current zoning designation for of the property.

The surrounding properties to the north, south, and east are designated on the Land Use Plan as commercial as shown in Table D-1. The property immediately west is designated multi-family residential.

**TABLE D-1**

<i>Surrounding Land Use Designation</i>	
<i>Direction</i>	<i>Land Use</i>
<i>North</i>	<i>Commercial</i>
<i>South</i>	<i>Commercial</i>
<i>East</i>	<i>Commercial</i>
<i>West</i>	<i>Residential-10-15 duac</i>

The General Plan recognizes the need to promote strong, healthy neighborhoods and to preserve their unique character, while encouraging development that is sensitive to the scale and character of the surrounding neighborhoods. Typically, this is accomplished by incorporating proper development standards, such as landscaping, screening and setbacks, to mitigate any negative impacts where disparate land uses are adjoining. The following outlines the relationship between the requested rezone change and the City of Phoenix General Plan. The General Plan Elements seek to promote comprehensive direction for the growth, conservation and development of all physical aspects of the City. The proposed rezone meets or exceeds the following goals outlined in the General Plan:

**Growth Area Element**

**Goal 1** – Growth: Maintain a **high quality of life** and economically healthy community.

The rezoning request supports a high quality of life by supporting a stronger linkage between transportation opportunity and the community. Further, the proposed rezoning request recognizes the desired scale and land use classification of the adjacent transportation corridors with pedestrian orientation where appropriate, and an intensity of use that can capture the potential of the confluence of the freeway, arterial streets, and a light rail station. This site can be a bridge from the freeway to the Maryvale Village Core

by becoming a destination in its own right, albeit on a smaller scale than the Village Core itself.

### **Land Use Element**

The following outlines the relationship between the requested rezoning, the surrounding land uses and the City of Phoenix General Land Use Plan Element. “The Land Use Element” recommends how “Phoenix should grow within its boundaries to have a rational urban form (the urban village model), promote infill and be compatible with its neighbors.” In addition, urban form and the Village Model are integral to the General Plan and zoning relationship:

**Goal 1 – Urban Form:** Growth should be structured into a series of urban villages characterized by the five components of the urban village model: core, neighborhoods, community service areas, regional service areas and open space.

#### **The Principles:**

- **Promoting the uniqueness of each village:** celebrating the lifestyle and character, the unique identity of each village with its history, patterns of development, types of open space, public facilities, and types of development from large lot and rural to mixed-use and urban.
- **Preserving and enhancing the quality of life in each village:** protecting the historic character, unique amenities, open spaces, public facilities, and neighborhoods, and ensuring compatible new development.
- **Providing for a majority of resident needs within the village:** allowing residents the opportunity to live, work, play, shop, to receive health care and social services within their villages conveniently, and to access these activities by a multi-modal transportation system.

### **Urban Village Model: Neighborhoods**

**Neighborhoods:** “The neighborhood component of the urban village model recognizes the importance of residential area as the major land use in each village. Its goal is to preserve and enhance existing neighborhoods and create strong and viable new neighborhoods. The component includes all types of housing and low intensity nonresidential uses that serve the recreational, educational, and retail needs of the neighborhoods as well as neighborhood open space.”

- **Policy No. 2:** Protect and enhance the character of each neighborhood and its various housing lifestyles through new development that is compatible in scale, design and appearance.

**Policy No. 6:** Ensure that neighborhoods have reasonable access to basic neighborhood support services.

**E. ZONING AND LAND USE COMPATIBILITY**

The property is currently zoned City of Phoenix C-2. Surrounding zoning is primarily C-2 with commercial uses and zoning on adjacent property on the east side of 67<sup>th</sup> Avenue and north side of McDowell Road, including a QuikTrip, a CircleK, a Church’s restaurant, a Sainz restaurant, and a military surplus store. San Giovanni Apartments, a multi-family project zoned R-3A, is located to the immediate west (see Table E.1, below). There is also a school, Imagine School at Desert West. The subject property is located in Maryvale Village, and is not within the Village Core or an overlay zoning district. The subject property is vacant although there is adjacent development

The PUD has three street frontages: the I-10 Papago Freeway on the south, 67<sup>th</sup> Avenue on the east, and McDowell Road on the north. Only the west side has an immediate neighbor, an apartment complex. With freeway on one side and arterial streets on two other sides, and a planned transit station for the future, the property is suitable for increased intensity of development.

**Surrounding Land Uses**

**TABLE E-1**

<i>Surrounding Land Uses</i>	
<i>North</i>	<i>Commercial</i>
<i>South</i>	<i>Freeway/Industrial</i>
<i>East</i>	<i>Commercial and Vacant</i>
<i>West</i>	<i>Multi-family Residential</i>

**Surrounding Zoning Districts**

**TABLE E-2**

<i>North</i>	<i>C-2</i>
<i>South (across freeway)</i>	<i>A-1</i>
<i>East</i>	<i>C-2</i>
<i>West</i>	<i>R-3A</i>



Exhibit E-1 reflects both existing zoning of the subject property as well as the zoning of surrounding properties.

### EXHIBIT E-1

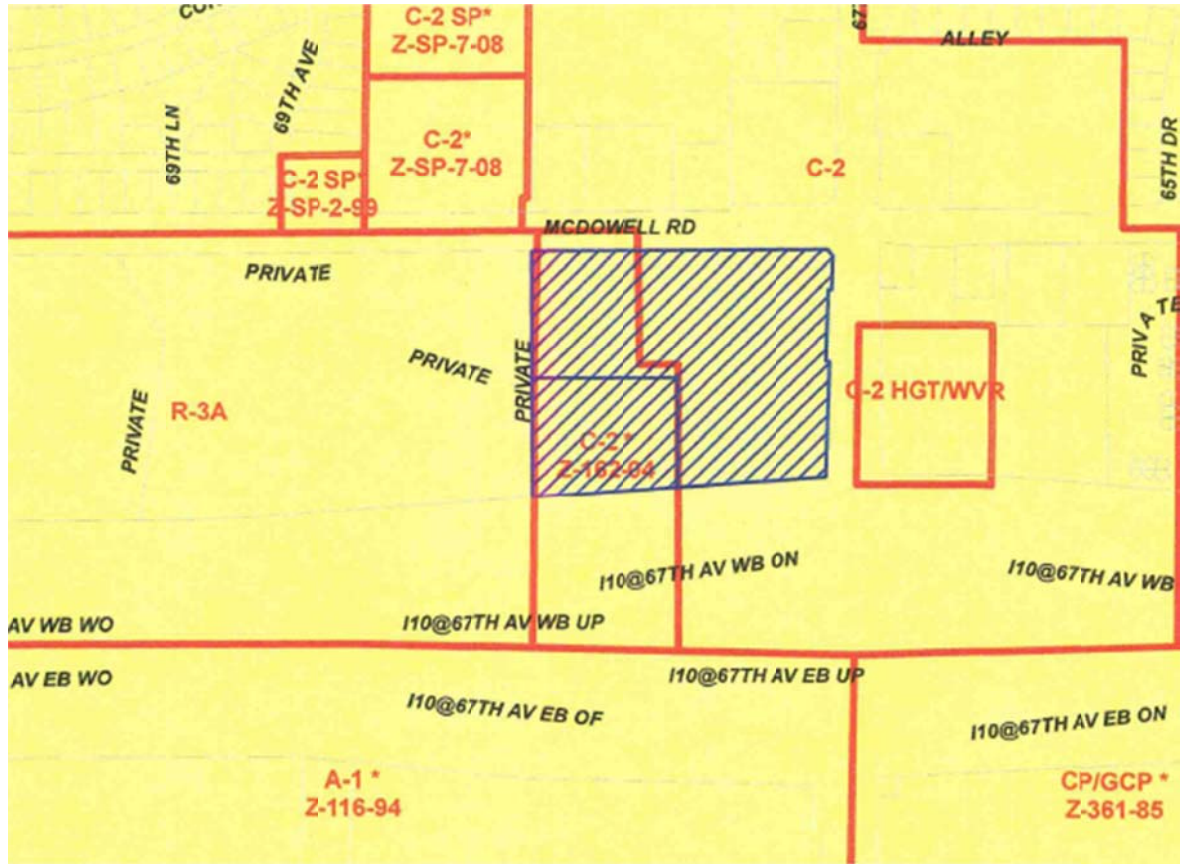
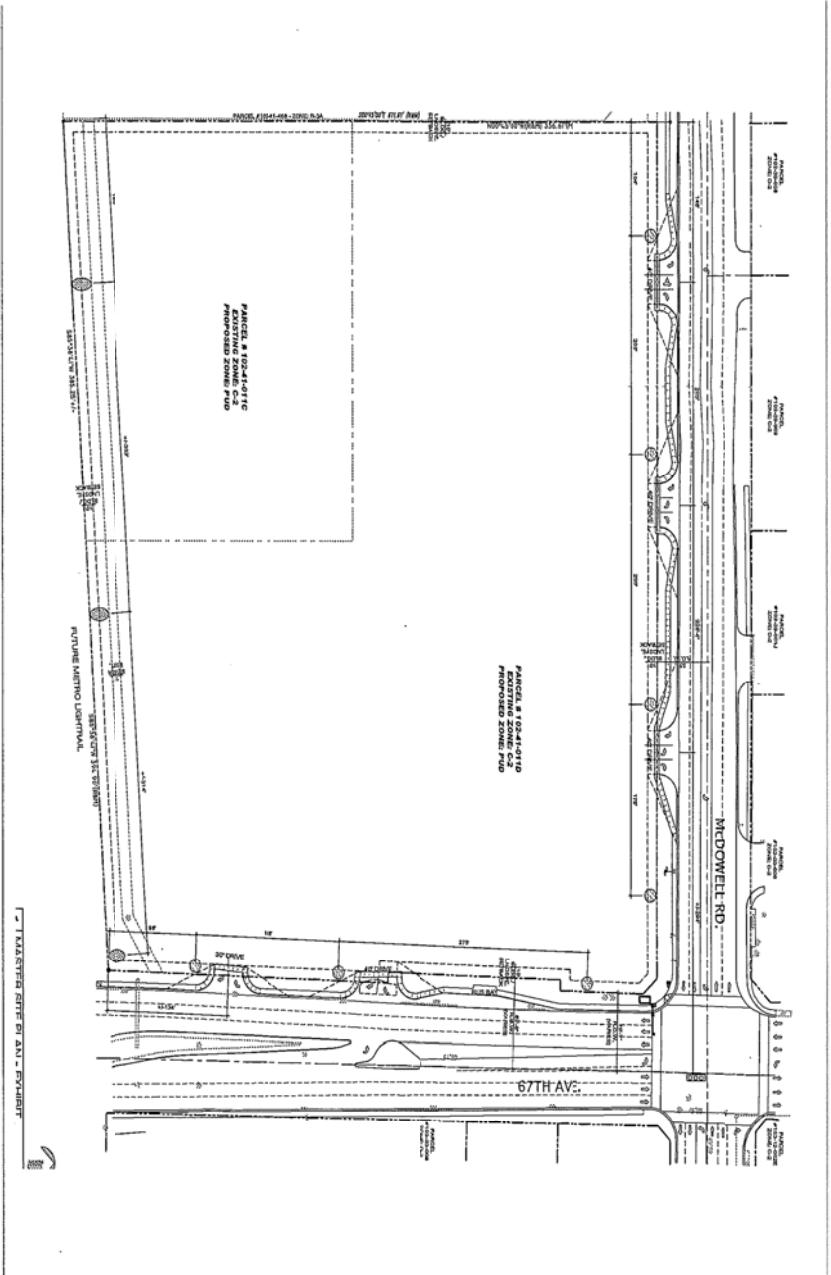


Exhibit E-2 reflects the proposed rezoning, from C-2 to PUD.



**F. LIST OF USES \***

In the near future this PUD is intended to provide for auto-oriented uses with appropriate development standards (hereafter “Option A”) whose uses are indicated in Table A below.

If and when TOD uses and standards become applicable as described below a second option, (hereafter “Option B”) standards will come into effect. Option B uses are as listed in Table B.

The Capitol/I-10 West Light Rail extension (hereby known as “project”) was approved by Phoenix City Council in May 2012 with 67<sup>th</sup> Avenue and Interstate 10 as one of the proposed stations. The proposed mechanism for the transition will be determined by the Planning and Development Director or his/her designee upon the applicant’s request once the “project” is approved to enter the “project development milestone under MAP-21 regulation or any other milestone as defined under subsequent federal transportation legislation. The “project development” information shall be obtained from Valley Metro.

<b>Table A Land Use</b>	<b>Permitted Principal Use</b>	<b>Permitted Accessory Use</b>	<b>Permitted Subject to Performance Standards</b>	<b>Use Permit Required</b>
Ambulance Service Office	•			
Antiques, Sales	•			
Architects’ Supplies Sales and Offices	•			
Artificial Limbs, Braces, Sales and Service	•			
Artist’s Materials and Supplies, Sales	•			
Assayers (See “Laboratory”)	•			
Assembly Halls and Auditoriums	•			
Auctioneers’ Auditorium, for Antiques, Fine Arts and Furniture	•			
Automobile Club	•			
Automobile Parts and Supplies New	•			

<b>Table A Land Use</b>	<b>Permitted Principal Use</b>	<b>Permitted Accessory Use</b>	<b>Permitted Subject to Performance Standards</b>	<b>Use Permit Required</b>
Automobile Seat Covers and Trim Shop	•			
Automobile Service Station and Repair	•			
Bakery	•			
Bank Vault Storage	•			
Bars and Cocktail Lounges,	•		•	
Barber and Beauty Shop. Massage Therapy, performed by a licensed massage therapist, is permitted as an accessory use.	•			
Barbers' Supplies Sales	•			
Bathroom Accessories, Display and Sales	•			
Beauty Shop Equipment Sales	•			
Beauty Supply Sales	•			
Bingo	•			
Biomedical and Medical Research Office and/or Laboratory	•			
Blueprinting	•			
Boats, Sales and Repairs	•			
Bookbinders	•			
Bowling Alleys	•			
Brushes, Sales	•			
Building Materials, Sales	•			
Burglar Alarm Equipment Sales and Service	•			
Burglar Alarm Watching Service	•			

<b>Table A Land Use</b>	<b>Permitted Principal Use</b>	<b>Permitted Accessory Use</b>	<b>Permitted Subject to Performance Standards</b>	<b>Use Permit Required</b>
Business Machines, Distribution and Sales, Repair and Service, and Storage	•			
Butchers' Supplies, Sales	•			
Candy, Sales	•			
Carpet, Rug and Furniture Cleaners:			•	
Car Wash. May be in an open building subject to a use permit.	•			•
Check cashing and auto title loan facilities			•	
Christmas Tree and Decorations Sales	•			
Churches and similar places of worship.	•			
Cigarette, Sales	•			
Cigars, Sales	•			
Coin Machines, Rental and Service	•			
Compressed Natural Gas (CNG) Retail Sales, as an accessory use to automobile service stations and repair facility		•	•	
Contractors' Office with Inside Storage of Materials Only	•			
Conveyors, Sales	•			
Curios, Sales	•			
Day Care and Pre-School	•			
Dental Laboratories	•			
Dental Supplies, Sales	•			
Diaper Supply Service	•			
Dolls, Sales and Repair	•			
Drawing Materials, Sales	•			
Electric Equipment, Sales and Repair	•			
Engravers	•			
Exhibition Hall	•			
Exercise Facility, including fitness	•			

<b>Table A Land Use</b>	<b>Permitted Principal Use</b>	<b>Permitted Accessory Use</b>	<b>Permitted Subject to Performance Standards</b>	<b>Use Permit Required</b>
activities, dancing, martial arts, reducing salon				
Facilities and storage incidental to construction and located on the project site		•		
Family Game Center	•			
Feed, Sales	•			
Financial institutions: Banks (including drive-through), building and loan associations, brokerage houses, saving and loan associations, finance companies, title insurance and trust companies, and stand-alone ATMs.	•			
Fire Protection Equipment and Supplies, Sales and Service	•			
Fitness Center, including Yoga	•			
Floor Coverings, Sales	•			
Florist, Sales	•			
Funeral Parlor	•			
Furniture Rental	•			
Furs, Custom Cleaning, Sales, and Storage	•			
Garage Equipment, Sales	•			
Garages, Public	•			
Gas Regulating Equipment, Sales and Service	•			
Glass Shops, Custom	•			
Grocery Stores and Supermarkets	•			
Guns, Retail Sales and/or Repairs, excluding commercial loading of ammunition	•			
Gymnasiums, Private or Commercial, including personal training as a primary use	•			
Hobby Store	•			
Hotel or Motel	•			
Jewelers, Sales and Repair, including purchase of precious metals	•			
Laboratories, Testing and Research	•			

<b>Table A Land Use</b>	<b>Permitted Principal Use</b>	<b>Permitted Accessory Use</b>	<b>Permitted Subject to Performance Standards</b>	<b>Use Permit Required</b>
Large Scale Retail	•			
Laundries	•			
Lawn furniture, Sales	•			
Lawn Mower Sales and Repair	•			
Leather Goods: Repairing, Sales, Custom or Handicraft Manufacturing	•			
Linen Supply Laundry Service	•			
Lithographers	•			
Locksmiths' Repair Shops	•			
Machinery Dealers, Sales and Showrooms	•			
Machinery Rental	•			
Mail Boxes and Mail Services	•			
Medical and Dental laboratories.	•			
Medical Supplies, Sales and Rentals	•			
Millinery and Artificial Flower Making	•			
Milling Equipment, Showrooms and Sales	•			
Mimeographing and Multigraphing, Commercial	•			
Miniature Golf	•			
Mirrors, Resilvering; Custom Work	•			
Monuments, Sales and Display	•			
Motion Picture Equipment, Sales and Display	•			
Motion picture production and television broadcast studios.	•			
Motion Picture Theatres	•			
Musical Instruments, Sales and Repair	•			
Music Studios	•			
News Dealers	•			
News Service	•			
Newspaper Printing	•			
Novelties, Sales	•			
Nursing Home	•			
Offices for administrative, clerical or sale services	•			
Offices for professional use.	•			

<b>Table A Land Use</b>	<b>Permitted Principal Use</b>	<b>Permitted Accessory Use</b>	<b>Permitted Subject to Performance Standards</b>	<b>Use Permit Required</b>
Office Service: Stenographic Services, Letter Preparation, Addressing and Mailing, Duplicating, Multigraphing, Machine Tabulation, Research and Statistical	•			
Oil Burners, Sales and Repair	•			
Optical Goods, Manufacturing and Sales	•			
Orthopedic Appliance, Manufacturing and Sales	•			
Outside Retail Food Sales as an accessory use to a restaurant or general retailer		•		
Painters' Equipment and Supplies Shops, Sales	•			
Parking Structure		•		
Pawn Shop.			•	•
Performing Arts Studios	•			
Personal Care Home	•			
Pet care facility			•	
Pharmacy including drive-through	•			
Photographic Developing and Printing	•			
Photo-Engraving Company	•			
Physical Therapy Equipment, Retail and Wholesale	•			
Plastic and Plastic Products, Sales	•			
Playground Equipment Sales	•			
Plumbing Fixtures and Supplies, Display and Sales	•			
Pool and Billiard Hall	•			
Poster Illustration, Studio	•			
Pottery and Ceramics, Sales	•			
Precision Instruments, Custom Repair	•			
Printers	•			
Propane Retail Sales permitted as an accessory use to service stations		•		



<b>Table A Land Use</b>	<b>Permitted Principal Use</b>	<b>Permitted Accessory Use</b>	<b>Permitted Subject to Performance Standards</b>	<b>Use Permit Required</b>
Publicly operated buildings or properties.	•			
Public utility buildings and facilities when necessary for serving the surrounding territory	•			
Pumps, Sales and Display	•			
Radio Repair Shop	•			
Radio and Television Broadcasting Stations	•			
Radio and Television Studios	•			
Reducing Salons	•			
Refrigeration Equipment, Repairs and Sales	•			
Research laboratories for scientific research, investigation, testing or experimentation which may include prototype product development.	•			
Residential uses permitted in Chapter 6 Section 618	•			
Restaurant with outdoor food preparation and cooking			•	•
Restaurant with drive-through facilities			•	•
Restaurant with music or entertainment			•	•
Restaurant with outdoor recreation uses, outdoor dining, and outdoor alcoholic beverage consumption			•	•
Restaurant	•			
Restaurant Equipment, Supplies and Retail Sales	•			
Riding Equipment Sales	•			
Rug Cleaning	•			
Saddlery Shops, Custom, Handmade	•			
Safes, Repair and Sales	•			
Saw Sharpening Shop	•			
Schools: Barber, Beauty, Business, Commercial, Correspondence, Data Processing, Dancing, Gymnastics, Health, Insurance, Martial Arts, Modeling, Private, Real Estate, and	•			

<b>Table A Land Use</b>	<b>Permitted Principal Use</b>	<b>Permitted Accessory Use</b>	<b>Permitted Subject to Performance Standards</b>	<b>Use Permit Required</b>
Stenographic, Computers, Travel Agents				
Sewing Machines, Commercial and Industrial Type, Retail Sales and Repairing	•			
Skating Rinks, Indoor	•			
Slip Covers, Custom Manufacturing	•			
Soda Fountain Supplies, Retail	•			
Sound System and Equipment Sales	•			
Sound Systems, Rentals and Repairs	•			
Spa and Salon. Massage therapy performed by a licensed massage therapist is permitted as an accessory use.	•			
Spices, Sales and Storage	•			
Sporting Goods, Sales	•			
Steam Baths	•			
Surgical Supplies, Retail and Wholesale	•			
Surplus Stores	•			
Swimming Pool, Commercial, Outdoor	•			
Tanning Salon. Massage therapy, performed by a licensed massage therapist, is permitted as an accessory use.	•			
Tattoo Studio	•			
Taxidermists	•			
Telegraph Companies, Facilities and Offices	•			
Telephone Companies, Sales, Facilities including cell towers, and Offices	•			
Theaters	•			
Tire Repairing Equipment and Supplies	•			
Tire Sales and Installation	•			
Tombstones, Sales and Display	•			
Towels, Supply Service	•			
Travel Agency	•			
Upholsterers, Custom, Sales and	•			

Table A Land Use	Permitted Principal Use	Permitted Accessory Use	Permitted Subject to Performance Standards	Use Permit Required
Supplies				
Urgent Care Clinic	•			
Utility Companies, Facilities and Offices	•			
Veterinaries' Supplies, Sales	•			
Veterinary offices	•		•	

## PERFORMANCE STANDARDS

- Bar or Cocktail Lounge

Any bar or cocktail lounge which exceeds 5,000 square feet in gross floor area and is located on a lot or parcel within 100 feet of a residential zoning district shall be permitted only upon securing a use permit. This distance shall be measured from the exterior wall of the building or portion thereof in which the business is conducted or proposed use is to be conducted closest to the residential district zoning line. Music or entertainment shall be permitted subject to the following regulations:

- The stage or performance area shall be a maximum of 80 square feet unless a use permit is obtained.
- The noise level, measured at any point on the received property, shall not exceed 55 dBa unless a use permit is obtained. An occurrence where the sound level increases up to 60 dBa for five continuous seconds or less shall not be deemed a violation of this section as long as there are not more than five occurrences within an hour long interval.
- Nothing in this section shall be construed to include an adult use.
- Patron dancing shall be permitted only upon securing a use permit.
- Outdoor recreation uses, outdoor dining, and outdoor alcoholic beverage consumption shall be permitted as accessory uses only upon securing a use permit, if within 200 feet of a residential zoning district zoning line. This distance shall be measured from the exterior wall of the building or portion thereof in which the business or use is proposed to be conducted that is closest to the residential district zoning line.

- Carpet, Rug, and Furniture Cleaners

- All activity except loading and unloading is restricted to a closed building.
- All solvents, shampoos, detergents and other agents shall be non-combustible and non-explosive, and shall require approval of the City Fire Marshall, and same shall not emit odors beyond the zoned lot boundaries.
- Only hand portable machinery shall be permitted.

- Check Cashing and Auto Title Loan Facilities

(a) Shall not be located within 1,320 feet of the same type of use. This distance shall be measured from the exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted.

(b) Establishments combined with nonchartered financial institutions must meet the spacing requirement above.

- Compressed Natural Gas Sales.

(a) A use permit shall be obtained in accordance with the standards and procedures of Section 307 when the equipment is located on a lot or parcel which is contiguous to a lot or parcel which is zoned for residential development.

(b) Natural gas fueling equipment may be sheltered by an enclosure constructed of non-combustible or limited combustible materials that has at least one side predominantly open and a roof designed for ventilation and dispersal of escaped gas. This equipment is not sheltered by such a structure, the equipment shall be screened with a masonry block wall which is architecturally compatible with the building on the site; the wall shall be predominantly open on one side.

(c) The equipment shall not be located closer than one hundred (100) feet to a residential property line or four hundred (400) feet to a school property line.

(d) The use shall comply with all pertinent requirements of the Phoenix Fire, Building, and Electrical Codes.

(e) Signage on shelter wall shall be limited to that required by the Fire Code.

(f) No container shall exceed a size of three hundred (300) gallons water capacity; no more than six (6) containers shall be included at a CNG facility. The containers shall be mounted horizontally.

- Gasoline Sales

May include as accessory uses: sales and installation of tires, batteries, hoses and belts; oil changes; lubes and minor tune-ups. Service bays shall not open toward an adjacent public street or a residence district.

- Pawn Shop

(a) A use permit shall be obtained in accordance with the provisions of Section 307.

(b) The exterior walls of the building in which the use is located shall be at least one hundred (100) feet from a residential zoning district.

- Pet Care Facility

(a) Animal housing units shall be constructed so as not to allow for direct, unaccompanied access by animals to the outside areas of the buildings.

(b) Animals must be accompanied by a facility employee at all times when outside building. All walks and exercise periods must take place on facility grounds.

(c) When located adjacent to a residential district, every building and every outdoor dog exercise run shall be set back at least fifty feet from any lot line abutting such residential district.

(d) A solid masonry wall or fence seven feet in height shall be constructed along the property line in both the rear and side yards.

(e) Solid waste shall be removed from outdoor exercise areas every five hours at a minimum during time periods when these areas are in use.

(f) The average noise level, measured at the property line, shall not exceed fifty-five dB (1dn) when measured on an “A weighted” sound level meter and according to the procedures of the environmental protection agency.

- Restaurant with Outdoor Food Preparation and Cooking

(a) The regularly used cooking area inside the establishment shall be of equal or greater size than the outdoor cooking area.

(b) The outdoor cooking area shall be located within 50 feet of a building entrance from where the restaurant is operated. This distance shall be measured from the applicant in the outdoor cooking area closest to the building entrance from where the restaurant is operated.

(c) The outdoor cooking area shall be set back a minimum of 100 feet from a residential district. This distance shall be measured from the appliance in the outdoor cooking area closest to the residential zoning district line.

- Restaurant with Music or Entertainment

Music or entertainment shall be permitted upon securing a use permit, if within 100 feet of a residential zoning district line. This distance shall be measured from the exterior wall of the building or portion thereof in which the business or use is proposed to be conducted that is closest to the residential zoning district line.

(a) The stage or performance area shall be a maximum of 80 square feet unless a use permit is obtained.

(b) The noise level, measured at any point on the received property, shall not exceed 55 dBA unless a use permit is obtained. An occurrence where the sound level increases up to 60 dBA for five continuous seconds or less shall not be deemed a violation of this section as long as there are not more than five occurrences within an hour long interval.

(c) Nothing in this section shall be construed to include an adult use.

(d) Patron dancing shall be permitted.

- Restaurant with Outdoor Recreation Uses, Outdoor Dining, or Outdoor Alcoholic Beverage Consumption

Outdoor recreation uses, outdoor dining, and outdoor alcoholic beverage consumption shall be permitted as accessory uses only upon securing a use permit, if within 200 feet of a residential zoning district zoning line. This distance shall be measured from the exterior wall of the building or portion thereof in which the business or use is proposed to be conducted that is closest to the residential district zoning line.

Option B land uses are as indicated in Table B below.

<b>Table B Land Use</b>	<b>Permitted Principal Use</b>	<b>Permitted Accessory Use</b>	<b>Permitted Subject to Performance Standards</b>	<b>Use Permit Required</b>
Ambulance Service Office	•			
Antiques, Sales	•			
Architects' Supplies Sales and Offices	•			
Artificial Limbs, Braces, Sales and Service	•			
Artist's Materials and Supplies, Sales	•			
Assayers (See "Laboratory")	•			
Assembly Halls and Auditoriums	•			
Auctioneers' Auditorium, for Antiques, Fine Arts and Furniture	•			
Automobile Club	•			
Automobile leasing or rental			•	•
Automobile Parts and Supplies New	•			
Bakery	•			
Bank Vault Storage	•			
Bars and Cocktail Lounges,	•		•	
Barber and Beauty Shop. Massage Therapy, performed by a licensed massage therapist, is permitted as an accessory use.	•			
Barbers' Supplies Sales	•			
Bathroom Accessories, Display and Sales	•			
Beauty Shop Equipment Sales	•			
Beauty Supply Sales	•			

<b>Table B Land Use</b>	<b>Permitted Principal Use</b>	<b>Permitted Accessory Use</b>	<b>Permitted Subject to Performance Standards</b>	<b>Use Permit Required</b>
Bingo	•			
Biomedical and Medical Research Office and/or Laboratory	•			
Blueprinting	•			
Bookbinders	•			
Bowling Alleys	•			
Brushes, Sales	•			
Building Materials, Sales	•			
Burglar Alarm Equipment Sales and Service	•			
Burglar Alarm Watching Service	•			
Business Machines, Distribution and Sales, Repair and Service, and Storage	•			
Butchers' Supplies, Sales	•			
Candy, Sales	•			
Carpet, Rug and Furniture Cleaners:			•	
Check cashing and auto title loan facilities			•	
Christmas Tree and Decorations Sales	•			
Churches and similar places of worship.	•			
Cigarette, Sales	•			
Cigars, Sales	•			
Coin Machines, Rental and Service	•			
Compressed Natural Gas (CNG) Retail Sales, as an accessory use to automobile service stations and repair facility		•	•	

<b>Table B Land Use</b>	<b>Permitted Principal Use</b>	<b>Permitted Accessory Use</b>	<b>Permitted Subject to Performance Standards</b>	<b>Use Permit Required</b>
Contractors' Office with Inside Storage of Materials Only	•			
Conveyors, Sales	•			
Curios, Sales	•			
Day Care and Pre-School	•			
Dental Laboratories	•			
Dental Supplies, Sales	•			
Diaper Supply Service	•			
Dolls, Sales and Repair	•			
Drawing Materials, Sales	•			
Electric Equipment, Sales and Repair	•			
Engravers	•			
Exhibition Hall	•			
Exercise Facility, including fitness activities, dancing, martial arts, reducing salon	•			
Facilities and storage incidental to construction and located on the project site		•		
Family Game Center	•			
Feed, Sales	•			
Financial institutions: Banks (including drive-through), building and loan associations, brokerage houses, saving and loan associations, finance companies, title insurance and trust companies, and stand-alone ATMs.	•			
Fire Protection Equipment and Supplies, Sales and Service	•			
Fitness Center, including Yoga	•			
Floor Coverings, Sales	•			
Florist, Sales	•			
Funeral Parlor	•			
Furniture Rental	•			
Furs, Custom Cleaning, Sales, and Storage	•			
Garage Equipment, Sales	•			
Garages, Public	•			



<b>Table B Land Use</b>	<b>Permitted Principal Use</b>	<b>Permitted Accessory Use</b>	<b>Permitted Subject to Performance Standards</b>	<b>Use Permit Required</b>
Gas Regulating Equipment, Sales and Service	•			
Glass Shops, Custom	•			
Grocery Stores and Supermarkets	•			
Guns, Retail Sales and/or Repairs, excluding commercial loading of ammunition	•			
Gymnasiums, Private or Commercial, including personal training as a primary use	•			
Hobby Store	•			
Hotel or Motel	•			
Jewelers, Sales and Repair, including purchase of precious metals	•			
Laboratories, Testing and Research	•			
Large Scale Retail	•			
Laundries	•			
Lawn furniture, Sales	•			
Lawn Mower Sales and Repair	•			
Leather Goods: Repairing, Sales, Custom or Handicraft Manufacturing	•			
Linen Supply Laundry Service	•			
Liquor, retail sales and package sales	•			
Lithographers	•			
Locksmiths' Repair Shops	•			
Machinery Dealers, Sales and Showrooms	•			
Machinery Rental	•			
Mail Boxes and Mail Services	•			
Medical and Dental laboratories.	•			
Medical Supplies, Sales and Rentals	•			
Millinery and Artificial Flower Making	•			
Milling Equipment, Showrooms and Sales	•			
Mimeographing and Multigraphing, Commercial	•			
Miniature Golf	•			

<b>Table B Land Use</b>	<b>Permitted Principal Use</b>	<b>Permitted Accessory Use</b>	<b>Permitted Subject to Performance Standards</b>	<b>Use Permit Required</b>
Mirrors, Resilvering; Custom Work	•			
Monuments, Sales and Display	•			
Motion Picture Equipment, Sales and Display	•			
Motion picture production and television broadcast studios.	•			
Motion Picture Theatres	•			
Musical Instruments, Sales and Repair	•			
Music Studios	•			
News Dealers	•			
News Service	•			
Newspaper Printing	•			
Novelties, Sales	•			
Nursing Home	•			
Offices for administrative, clerical or sale services	•			
Offices for professional use.	•			
Office Service: Stenographic Services, Letter Preparation, Addressing and Mailing, Duplicating, Multigraphing, Machine Tabulation, Research and Statistical	•			
Oil Burners, Sales and Repair	•			
Optical Goods, Manufacturing and Sales	•			
Orthopedic Appliance, Manufacturing and Sales	•			
Outside Retail Food Sales as an accessory use to a restaurant or general retailer		•		
Painters' Equipment and Supplies Shops, Sales	•			
Parking facility, commercial, as a primary use				•
Parking Structure		•		
Pawn Shop.			•	•
Performing Arts Studios	•			
Personal Care Home	•			

<b>Table B Land Use</b>	<b>Permitted Principal Use</b>	<b>Permitted Accessory Use</b>	<b>Permitted Subject to Performance Standards</b>	<b>Use Permit Required</b>
Pet care facility			•	
Pharmacy including drive-through	•			
Photographic Developing and Printing	•			
Photo-Engraving Company	•			
Physical Therapy Equipment, Retail and Wholesale	•			
Plastic and Plastic Products, Sales	•			
Playground Equipment Sales	•			
Plumbing Fixtures and Supplies, Display and Sales	•			
Pool and Billiard Hall	•			
Poster Illustration, Studio	•			
Post office, private	•			•
Pottery and Ceramics, Sales	•			
Precision Instruments, Custom Repair	•			
Printers	•			
Publicly operated buildings or properties.	•			
Public utility buildings and facilities when necessary for serving the surrounding territory	•			
Pumps, Sales and Display	•			
Radio Repair Shop	•			
Radio and Television Broadcasting Stations	•			
Radio and Television Studios	•			
Reducing Salons	•			
Refrigeration Equipment, Repairs and Sales	•			
Research laboratories for scientific research, investigation, testing or experimentation which may include prototype product development.	•			
Residential uses permitted in Chapter 6 Section 618	•			
Restaurant with outdoor food preparation and cooking			•	•
Restaurant with drive-through facilities				

<b>Table B Land Use</b>	<b>Permitted Principal Use</b>	<b>Permitted Accessory Use</b>	<b>Permitted Subject to Performance Standards</b>	<b>Use Permit Required</b>
Restaurant with music or entertainment			•	•
Restaurant with outdoor recreation uses, outdoor dining, and outdoor alcoholic beverage consumption			•	•
Restaurant	•			
Restaurant Equipment, Supplies and Retail Sales	•			
Riding Equipment Sales	•			
Rug Cleaning	•			
Saddlery Shops, Custom, Handmade	•			
Safes, Repair and Sales	•			
Saw Sharpening Shop	•			
Schools: Barber, Beauty, Business, Commercial, Correspondence, Data Processing, Dancing, Gymnastics, Health, Insurance, Martial Arts, Modeling, Private, Real Estate, and Stenographic, Computers, Travel Agents	•			
Sewing Machines, Commercial and Industrial Type, Retail Sales and Repairing	•			
Skating Rinks, Indoor	•			
Slip Covers, Custom Manufacturing	•			
Soda Fountain Supplies, Retail	•			
Sound System and Equipment Sales	•			
Sound Systems, Rentals and Repairs	•			
Spa and Salon. Massage therapy performed by a licensed massage therapist is permitted as an accessory use.	•			
Spices, Sales and Storage	•			
Sporting Goods, Sales	•			
Steam Baths	•			
Surgical Supplies, Retail and Wholesale	•			
Surplus Stores	•			
Swimming Pool, Commercial, Outdoor	•			
Tanning Salon. Massage therapy,	•			

<b>Table B Land Use</b>	<b>Permitted Principal Use</b>	<b>Permitted Accessory Use</b>	<b>Permitted Subject to Performance Standards</b>	<b>Use Permit Required</b>
performed by a licensed massage therapist, is permitted as an accessory use.				
Tattoo Studio	•			
Taxidermists	•			
Telegraph Companies, Facilities and Offices	•			
Telephone Companies, Sales, Facilities including cell towers, and Offices	•			
Theaters	•			
Tombstones, Sales and Display	•			
Towels, Supply Service	•			
Travel Agency	•			
Upholsterers, Custom, Sales and Supplies	•			
Urgent Care Clinic	•			
Utility Companies, Facilities and Offices	•			
Veterinaries' Supplies, Sales	•			
Veterinary offices	•		•	

**PERFORMANCE STANDARDS**

- Automobile Rental or Leasing
  - a. Parking and return of vehicles shall occur on private property.
  - b. Maximum of 10 automobiles may be stored on site.
- Bar or Cocktail Lounge

Any bar or cocktail lounge which exceeds 5,000 square feet in gross floor area and is located on a lot or parcel within 100 feet of a residential zoning district shall be permitted only upon securing a use permit. This distance shall be measured from the exterior wall of the building or portion thereof in which the business is conducted or proposed use is to be conducted closest to the residential district zoning line. Music or entertainment shall be permitted subject to the following regulations:

- (a) The stage or performance area shall be a maximum of 80 square feet unless a use permit is obtained.

(b) The noise level, measured at any point on the received property, shall not exceed 55 dBa unless a use permit is obtained. An occurrence where the sound level increases up to 60 dBa for five continuous seconds or less shall not be deemed a violation of this section as long as there are not more than five occurrences within an hour long interval.

(c) Nothing in this section shall be construed to include an adult use.

(d) Patron dancing shall be permitted only upon securing a use permit.

(e) Outdoor recreation uses, outdoor dining, and outdoor alcoholic beverage consumption shall be permitted as accessory uses only upon securing a use permit, if within 200 feet of a residential zoning district zoning line. This distance shall be measured from the exterior wall of the building or portion thereof in which the business or use is proposed to be conducted that is closest to the residential district zoning line.

- Carpet, Rug, and Furniture Cleaners

(a) All activity except loading and unloading is restricted to a closed building.

(b) All solvents, shampoos, detergents and other agents shall be non-combustible and non-explosive, and shall require approval of the City Fire Marshall, and same shall not emit odors beyond the zoned lot boundaries.

(c) Only hand portable machinery shall be permitted.

- Check Cashing and Auto Title Loan Facilities

(a) Shall not be located within 1,320 feet of the same type of use. This distance shall be measured from the exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted.

(b) Establishments combined with nonchartered financial institutions must meet the spacing requirement above.

- Compressed Natural Gas Sales.

(a) A use permit shall be obtained in accordance with the standards and procedures of Section 307 when the equipment is located on a lot or parcel which is contiguous to a lot or parcel which is zoned for residential development.

(b) Natural gas fueling equipment may be sheltered by an enclosure constructed of non-combustible or limited combustible materials that has at least one side predominantly open and a roof designed for ventilation and dispersal of escaped gas. This equipment is not sheltered by such a structure, the equipment shall be screened with a masonry block wall which is architecturally compatible with the building on the site; the wall shall be predominantly open on one side.

(c) The equipment shall not be located closer than one hundred (100) feet to a residential property line or four hundred (400) feet to a school property line.

(d) The use shall comply with all pertinent requirements of the Phoenix Fire, Building, and Electrical Codes.

(e) Signage on shelter wall shall be limited to that required by the Fire Code.

(f) No container shall exceed a size of three hundred (300) gallons water capacity; no more than six (6) containers shall be included at a CNG facility. The containers shall be mounted horizontally.

- Pawn Shop

(a) A use permit shall be obtained in accordance with the provisions of Section 307.

(b) The exterior walls of the building in which the use is located shall be at least one hundred (100) feet from a residential zoning district.

- Pet Care Facility

(a) Animal housing units shall be constructed so as not to allow for direct, unaccompanied access by animals to the outside areas of the buildings.

(b) Animals must be accompanied by a facility employee at all times when outside building. All walks and exercise periods must take place on facility grounds.

(c) When located adjacent to a residential district, every building and every outdoor dog exercise run shall be set back at least fifty feet from any lot line abutting such residential district.

(d) A solid masonry wall or fence seven feet in height shall be constructed along the property line in both the rear and side yards.

(e) Solid waste shall be removed from outdoor exercise areas every five hours at a minimum during time periods when these areas are in use.

(f) The average noise level, measured at the property line, shall not exceed fifty-five dB (ldn) when measured on an “A weighted” sound level meter and according to the procedures of the environmental protection agency.

- Restaurant with Outdoor Food Preparation and Cooking

(a) The regularly used cooking area inside the establishment shall be of equal or greater size than the outdoor cooking area.

(b) The outdoor cooking area shall be located within 50 feet of a building entrance from where the restaurant is operated. This distance shall be measured from the applicant in the outdoor cooking area closest to the building entrance from where the restaurant is operated.

(c) The outdoor cooking area shall be set back a minimum of 100 feet from a residential district. This distance shall be measured from the appliance in the outdoor cooking area closest to the residential zoning district line.

- Restaurant with Music or Entertainment

Music or entertainment shall be permitted upon securing a use permit, if within 100 feet of a residential zoning district line. This distance shall be measured from the exterior wall of the building or portion thereof in which the business or use is proposed to be conducted that is closest to the residential zoning district line.

(a) The stage or performance area shall be a maximum of 80 square feet unless a use permit is obtained.

(b) The noise level, measured at any point on the received property, shall not exceed 55 dBA unless a use permit is obtained. An occurrence where the sound level

increases up to 60 dBA for five continuous seconds or less shall not be deemed a violation of this section as long as there are not more than five occurrences within an hour long interval.

(c) Nothing in this section shall be construed to include an adult use.

(d) Patron dancing shall be permitted.

- Restaurant with Outdoor Recreation Uses, Outdoor Dining, or Outdoor Alcoholic Beverage Consumption

Outdoor recreation uses, outdoor dining, and outdoor alcoholic beverage consumption shall be permitted as accessory uses only upon securing a use permit, if within 200 feet of a residential zoning district zoning line. This distance shall be measured from the exterior wall of the building or portion thereof in which the business or use is proposed to be conducted that is closest to the residential district zoning line.

Uses prohibited under Option B that existed legally prior to the effective date of the Option B and became non-conforming due to the Option B may expand on the same or adjacent parcel provided the expansion complies with the standards of Section G of this PUD.

**G. DEVELOPMENT STANDARDS**

The development standards contained within this PUD are intended to provide a consistent and predictable framework for future development. Conformance with the City of Phoenix Zoning Ordinance Section 507 will be required to ensure comprehensive use of city-wide standards. In the event of a conflict between the requirements of Section 507 and this PUD, the PUD standards shall control.

As with permitted uses, development standards are divided into Options A and B, with Option A standards intended to accommodate auto-oriented development, and Option B designed to serve transit-oriented development.

**Table G, Option A**

<i>Standards</i>	<i>Proposed PUD Standards Option A</i>
Minimum lot width	None
Minimum lot depth	None
Dwelling unit density	Maximum 43.5 DUAC
Minimum perimeter building setbacks	Front (north): 15' Rear (south): 20' Side (west): 20' Side (east): 10' Interior perimeter: 0'
South property line	0
Common landscaped setback adjacent to perimeter streets	McDowell Road-10' 67 <sup>th</sup> Avenue-10';



**Table G Option A Continued**

Minimum interior building setbacks	None
Minimum building separation	Per building code
Minimum garage	None
Maximum garage width	None
Maximum height	60' and 5 stories
Building Stepback	None
Lot coverage	All structures 60%
Common areas	None

**Table G Option B**

<i>Standards</i>	<i>Proposed PUD Standards Option B</i>
Minimum lot width	None
Minimum lot depth	None
Dwelling unit density	Maximum 43.5 DUAC
Minimum perimeter building setbacks	Front (north): 10' Rear (south): 0' Side (west): 20' Side (east): 0' Interior perimeter: 0'
Common landscaped setback adjacent to perimeter streets	McDowell Road-10' 67 <sup>th</sup> Avenue-0'
Minimum interior building setbacks	None
South property line	0
Minimum building separation	Per building code
Minimum garage	None
Maximum garage width	None
Maximum height	mixed-use 75' and 6 stories, other uses 60' and 5 stories
Building Stepback	None
Lot coverage	All structures 60%
Common areas	None
Publicly accessible open space	Minimum of 5% of net lot

**Setbacks and build-to lines.** The following shall apply to new development within the PUD Option B.

- Where front-facing ground level retail uses are present, outdoor seating, patio dining, or retail sales may occur within the setback except adjacent to non-street setbacks adjacent to residential uses.

- Features such as, arcades, awnings, trellises, covered walkways, covered (non-enclosed) bicycle parking, and similar architectural features placed on the front (street-facing) side of the building are allowed within the setback.
- Where there are existing or proposed easements that restrict construction that are greater than the build-to-lines, the measurements may be from the easement line.
- Non-street side setbacks, adjacent to parcels within the PUD shall comply with the setback standards in Table G Option B.
- Non-street side setbacks adjacent to parcels not within the PUD shall comply with Table G Option B.

**Building entry.** If a building lot or parcel abuts a transit platform, transit station, transit street, or a major pedestrian accessway, at least one main building entry shall be oriented to the adjacent transit platform, transit station, transit street, and/or primary pedestrian accessway. A pedestrian way shall be provided from the building entry to the transit platform, transit station, transit street, or major pedestrian accessway.

- Any projections into public right-of-way shall be permitted only upon issuance of a revocable permit or similar approval as administered by the City of Phoenix.
- The frontage shall include a minimum of one or a combination of the following methods. A minimum of 50 percent of the sidewalk or pedestrian way shall be shaded.
- Arcades, awnings, trellises, or covered walkways attached to the primary building shall be a minimum of 6 feet in depth, measured from any point of ground floor façade to the exterior column or vertical plane of the overhand. Landscaping shall include a row of trees (a minimum of 50 percent 2-inch caliper placed 20 feet on center and run parallel with the arcade or awning).

**Building frontage, façade, and entry regulations.**

- *Building frontage and facades.* In order to support the pedestrian-oriented environment within the station area, building frontages onto streets and open spaces shall be maximized. Building frontage within the PUD shall meet the requirements as outlined in Table G Option B.

## **Building and Landscape Setbacks**

Common building and landscape setbacks adjacent to McDowell Road shall vary depending on whether the development is proceeding under Option A or Option B.

### **South**

The rear yard to the south abuts the freeway right of way and is intended to be oriented to pedestrians, primarily light rail passengers. Building setbacks along this perimeter shall be used to form inviting access to retail services. Transit oriented retail development would employ wide walkways in the setback area with space for shoppers to stroll and window shop, and restaurants with outdoor dining. Canopies will overhang store fronts and shade trees will be used to enhance the walkways. A sewer easement near the south property line precludes buildings in the south 33' of the site. Residential development would employ a more traditional landscape with drought tolerant plants and a pedestrian connection to a future light rail station if it locates adjacent to this property. In the alternative, conventional suburban development may occur here, particularly if no light rail station materializes on the adjacent right of way.

### **West**

The side yard (west) is a shared property line with an apartment complex, San Giovanni, zoned R-3A. While the applicant will explore the potential for pedestrian connection from San Giovanni Apartments to (and through) the site, the level of interest by the owner of the apartments in this connection is unknown at this time.

## **Height**

This PUD shall limit height on the campus to a maximum of six stories and 75 feet for TOD mixed-use projects and 60 feet and 5 stories for all other uses.

## **Lot Coverage**

Development of the campus will increase density, with potential for more multistory buildings spaced closer together. However, this PUD shall limit lot coverage of buildings and parking structures to no more than 60 percent.

## **Density**

The campus may contain multi-family housing in the form of condominiums or apartments. Over time, and particularly with the amenities of light rail and the nearby Maryvale Village Core, this location will become more enticing for residential development. This PUD shall limit residential density to not more than 43.5 dwelling units per acre.

## **Allowed Uses**

See Section F, List of Uses.

**Required Review**

This PUD shall conform to the standards of the City of Phoenix Zoning Ordinance Section 507 with additional standards where indicated in this PUD.

**Landscape Standards**

**Streetscape**

Streetscape landscape standards shall apply to the landscape setbacks adjacent to public right-of-ways, including required yards along McDowell Road and 67<sup>th</sup> Avenue.

Table G-1

<i>Streetscape Landscape Standards</i>		
<i>Trees</i>	<i>1 tree per 20' of frontage</i>	<i>Minimum 50% 2" caliper; minimum 50% 1" caliper</i>
<i>Shrubs</i>	<i>Minimum 5 shrubs per tree</i>	<i>Minimum 5-gallon size</i>
<i>Ground Cover</i>	<i>Minimum 50% living plants' 2" decomposed granite depth</i>	<i>Minimum 1-gallon size</i>

**Perimeter Property Line Landscape Standards**

Perimeter property line landscape standards shall apply to the landscape setbacks adjacent to residential districts and not adjacent to public right-of-way, such as the property line between Gateway Plaza and the R-3A district to the west. These trees shall be 1-inch caliper or greater, with a minimum of 5 5-gallon shrubs per tree.

Table G-2

<i>Perimeter Property Line Standards (adjacent to residential use)</i>		
<i>Trees</i>	<i>1 tree per 20'</i>	<i>1" caliper minimum</i>
<i>Shrubs</i>	<i>5 shrubs per tree</i>	<i>5-gallon minimum</i>
<i>Ground Cover</i>	<i>Minimum 50% living plants Decomposed granite 2" depth</i>	<i>1-gallon minimum</i>

**Parking Areas**

Landscape planters shall be located either at the ends of each row of parking and at least one island per ten parking spaces. The total planter area shall be not less than 120 SF per ten spaces. Trees shall be planted at a minimum of one tree per ten parking spaces. Trees shall be 2-inch caliper or greater, and a minimum of 3 5-gallon shrubs shall be planted per tree.

Table G-3

<i>Parking Lot Landscape Standards</i>		
<i>Trees</i>	<i>1 at the end of each row</i>	<i>2” caliper minimum</i>
<i>Shrubs</i>	<i>3 shrubs per tree</i>	<i>5-gallon minimum size</i>
<i>Ground Cover</i>	<i>Decomposed Granite with minimum 50% living plants</i>	<i>2” minimum depth</i>
<i>Landscape islands</i>	<i>1 per 10 spaces</i>	<i>120 sq. ft. minimum</i>

**Retention Areas**

Retention Areas are to be landscaped along their perimeter with trees planted an average of one tree for every 30 feet of retention area perimeter. A minimum of 60% of these trees shall be 2-inch caliper or greater, and the remainder of the required trees shall be 1-inch caliper or greater. A minimum of 2 5-gallon shrubs shall be planted per tree. Retention areas are to be limited to a maximum slope of 4:1.

Table G-4

<i>Retention Basin Landscape Standards</i>		
<i>Trees</i>	<i>1 per 700 sq. ft.</i>	<i>1” caliper minimum</i>
<i>Shrubs</i>	<i>5 per tree</i>	<i>5-gallon minimum size</i>
<i>Ground Cover</i> <i>Decomposed Granite</i>	<i>Minimum 50% living plants</i> <i>2” Minimum depth</i>	<i>1-gallon minimum</i>

**Landscape Materials**

All plant material will be selected from the “Phoenix Active Management Area” low water use drought tolerant plant list. All plant material will meet or exceed Arizona Nursery Association standards.

**Required Parking**

Required parking standards will address both auto-oriented development and transit-oriented development. Option A on-site parking will be based on the needs of auto-oriented retail, office and residential development. Option B standards will apply to transit-oriented development. The standards of Section 702 shall apply except as modified below. In the event of a conflict between Section 702 and the PUD provisions below, the PUD shall control.

**OPTION A**

Queuing lanes. Queuing lanes for drive-through facilities shall be provided on site and shall not be located within the required front or street side yards. Queuing lanes shall be in addition to required off street parking and shall be designed so as not to interfere with the operation of driveways and maneuvering areas for off street parking areas. Queuing lanes shall be provided as follows:

a. Banks, saving and loan establishments, and other similar financial institutions: Minimum of one hundred twenty (120) linear feet or queuing space for the first bay plus one hundred (120) linear feet of queuing space per additional bay. Queuing lengths shall be a linear measurement from the point of service. +18

b. Drive-through facilities for restaurants: One hundred twenty (120) linear feet of queuing space per pick-up window. Queuing lengths shall be a linear measurement for the point of service.

c. All other drive-through facilities not addressed shall have a minimum of one hundred (120) linear feet of queuing space per bay or pick-up window. Queuing lengths shall be a linear measurement from the point of service.

d. Facilities providing multiple bays or points of service shall provide a minimum of two (2) approach lanes.

Type of Land Use	Parking Requirements
Dwelling Unit, Multi-family	Total required parking 1.3 spaces per efficiency unit and 1.5 spaces per 1 or 2 bedroom unit and 2 spaces per 3 or more bedroom unit, 1.0 space per unit of less than 600 square feet regardless of number of bedrooms Exception for unreserved parking: where minimum 18-foot driveways are provided for individual units, .25 space per each unit.
*18 Fitness Center/Family Activity Center	1 space per 180 s.f. floor area
Furniture Store	1 space per 400 s.f. retail showroom floor area
Restaurant, Bars, Taverns, Night Clubs, or Similar Drinking Establishment	1 space per 50 s.f. (excluding outside dining/sales) exclusive of kitchen, rest rooms, storage, etc.

**OPTION B**

a. Parking and Loading Regulations.

- Automobile parking requirements per floor area or unit size and land use type. For new development within the PUD, the number of required

parking spaces shall be based upon the City of Phoenix Standards, Section 702.A.3. of the Zoning Ordinance or as required by this PUD if those standards are less. The maximum number of spaces allowed shall not exceed 125 percent of the City requirement.

- A reduction on parking is allowed as provided below:

*Reduction To Residential/Multifamily Parking Requirements:*

- 25 percent reduction of required parking if the development is within 1,320 feet from a light rail station.
- 10 percent reduction of required parking if the development is greater than 1,320 feet from a light rail station.

*Reduction To Commercial Parking Requirements:*

- 15 percent reduction of required parking if the development is within 1,320 feet from a light rail station.
- 5 percent reduction of required parking if the development is greater than 1,320 feet from a light rail station.

- b. Off-street parking location

*Non-residential and multifamily uses.*

- *Surface parking lots.* Off-street parking location for new development within the PUD should be located to the rear and or interior of a lot and should be placed between the structure and a side or rear lot line. Where a lot fronts onto two or more streets, parking should be located accordingly:
- Along the street with the least amount of commercial activity.
- Along the street with the least amount of pedestrian activity if the lot is located along two or more commercial streets with equal amounts of commercial activity.
- Common bicycle parking shall be provided at 0.25 space for each residential unit, with a maximum of 50 spaces.

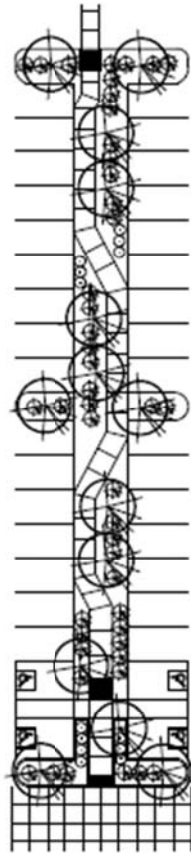
c. *Parking structures.* For a parking structure which abuts a transit station, a transit street or a major pedestrian accessway, at least 50 percent of the structure face, excluding entrances and exits, shall have a non-parking use at ground level and shall comply with building frontage and facades and building entry requirements in this Section of the Zoning Ordinance. Wherever possible, the narrow side of the parking structure shall abut the transit station, transit street, or major pedestrian accessway.

- Parking structures within 150 feet of a residential district shall be fully enclosed.
  - Parking structures located greater than 150 feet away from a residential district shall be screened a minimum of 42 inches in height on each level with a solid material.
- d. Loading and service area location.
- Loading, service, and refuse areas shall not be located at the front of the lot. They shall be screened from view with walls, trellises, planting, mounds, or by integration into the design of the building. Walls shall not exceed 8 feet in height. Solid walls shall be landscaped to soften their appearance and shall be made of finished materials to match the primary building. Decorative elements, variation in materials, and articulation shall be used.
  - Loading areas shall be physically separated from public parking via curbs, bollards, low or height walls, raised planters, landscaping, distance, and/or elevation changes.
  - When using walls to separate loading areas from pedestrian areas, landscape elements (e.g. planting, trellises, arbors, etc.) shall be used on the outside of walls to soften their appearance.

### **Shade**

Given our desert environment, special consideration must be given to shade in order to create pleasant outdoor experiences that will encourage pedestrian activity. Landscape architecture, building design, and building placement are the three key factors that impact the quality of shade on campus. Accessible walkways within the campus and along 67<sup>th</sup> Avenue and McDowell Road will be 50% shaded by trees, as illustrated below. In addition, canopies, awnings, and roof overhang will be encouraged where people are likely to congregate or linger. The southerly perimeter, if it develops under TOD standards, will also provide 50% minimum shading.





LANDSCAPE LEGEND

-  APPROVED DROUGHT TOLLERANT TREE  
50% 2" CALIPER / 50% 1" CALIPER
-  APPROVED DROUGHT TOLLERANT SHRUB  
5 GALLON [MINIMUM]
-  APPROVED DROUGHT TOLLERANT GROUND COVER  
1 GALLON [MINIMUM]
-  APPROVED INERT GROUND COVER  
DECOMPOSED GRANITE  
2" DEPTH IN ALL LANDSCAPE AREAS

## SHADED WALKWAY STANDARDS

### Lighting Standards

As structures are added to the campus, photometric plans for impacted areas shall be submitted to the Planning and Development Department concurrent with building plans. Lighting plans shall conform to the Phoenix Zoning Ordinance and City Code, specifically section 23-100 of the City Code (also known as the “Dark Sky Ordinance”), and will incorporate systems designed to reduce lighting during low-usage periods wherever possible without negatively impacting public safety. Illumination from freestanding lighting shall not exceed 1 foot candle at all property lines adjacent to residential zoning or uses.

## **H. DESIGN GUIDELINES**

The project is intended to feature a “Modern Contemporary” Design while leaving some flexibility for individual users. The colors and materials will generally favor warm hues and bold colors reflective of the Arizona Desert. The Architectural composition of the elements and forms will bring the center to life. Tower Elements will punctuate prominent entryways and add rhythm and interest to the façade line. Other Design elements such as sloped standing seam metal roofs, staggered parapets and metal trellis, along with a mixture of veneers, stucco, decorative iron work, cornices and copings, will provide vertical and horizontal relief and break up the building mass.

Multi story buildings will tier back from the street frontage which will provide a transition to the human scale, particularly at the ground level. Elements such as covered walkways, building arcades, balconies and trellises will enhance the function and appearance of the buildings.

Design of canopies for gas station or similar uses will be architecturally integrated with the building they serve such as material, colors, textures, roof style and proportional relationship.

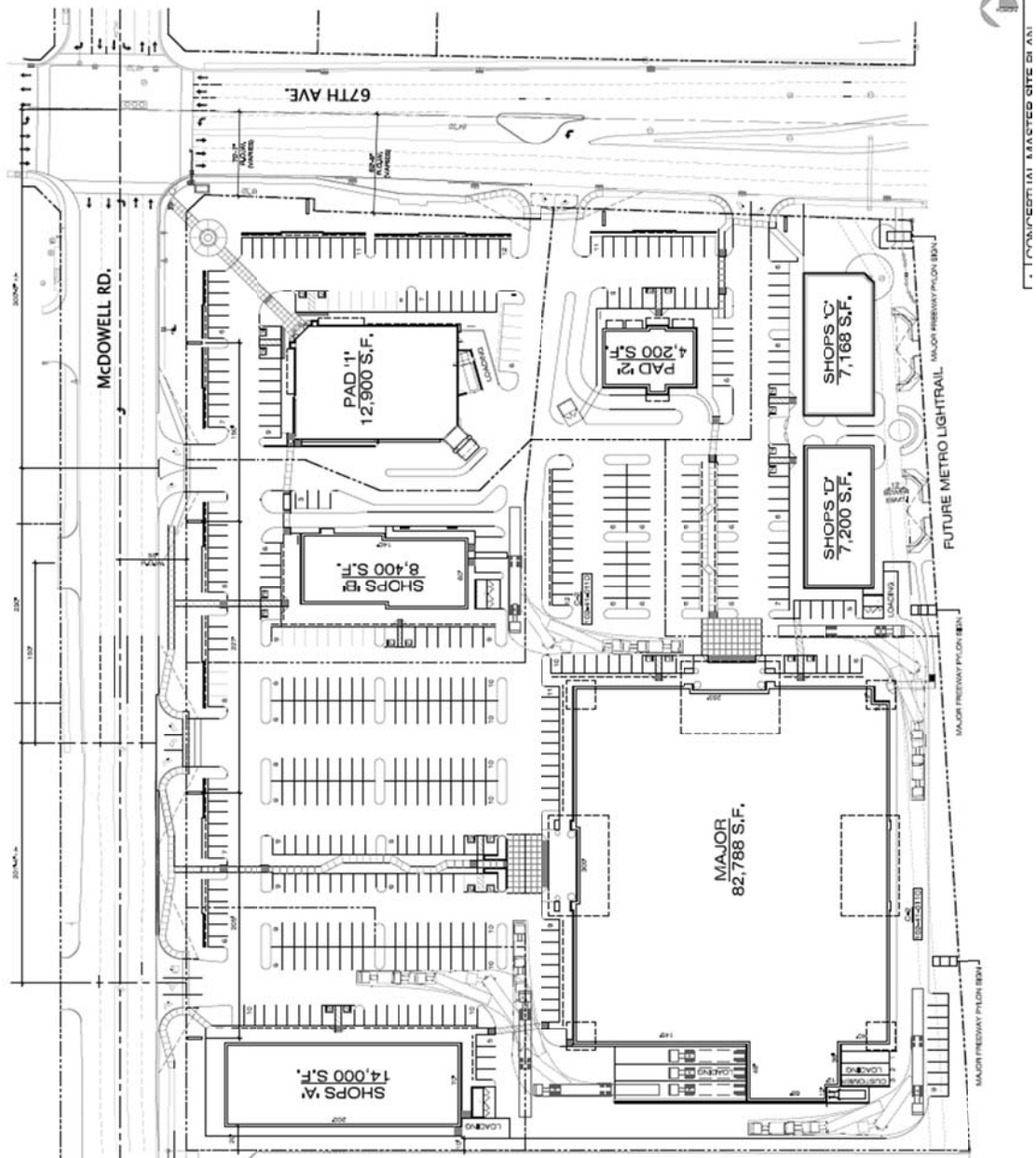
A ‘Master’ color and material palette will be established so that all buildings will relate to the palette and result in a cohesively planned and developed project. The buildings will incorporate four-side architecture consisting of finishes, colors and materials from the master palette for the center.

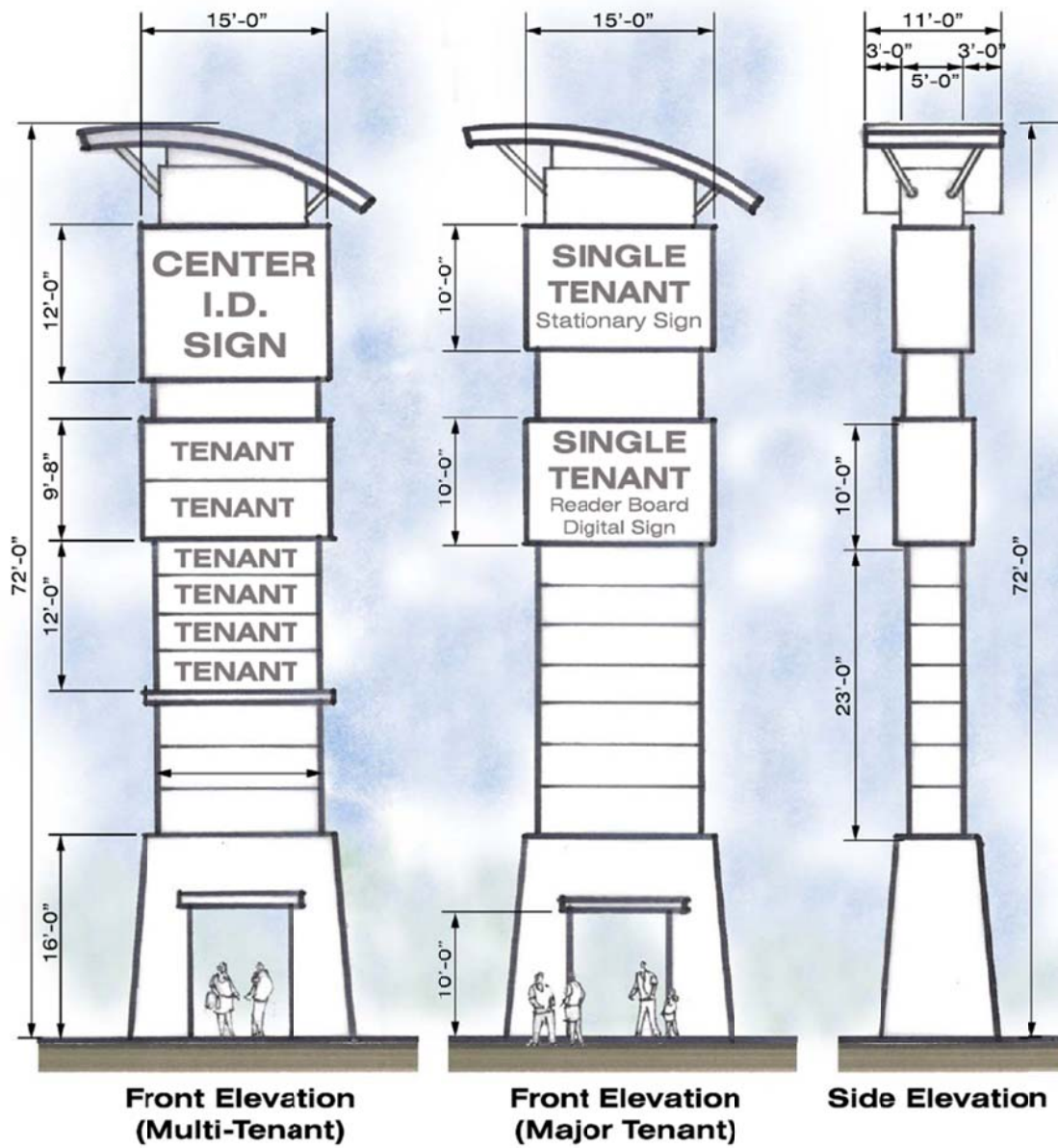
The success of the project design will also include the merger of landscape, hardscape, open usable space, shaded pedestrian walkways, and lighting, which will ensure that the center is “Pedestrian Friendly”. The areas in front of each building will consist of colorful landscape and hardscape, consisting of a variety of colors, finishes, and textures. The canopy depths will allow for outdoor seating as well as clear accessible paths that will tie the buildings together and will be safely illuminated. TOD development along the southerly perimeter will orient south in order to welcome transit riders if the light rail station is built as anticipated.

The project will comply with the requirements of Section 507 of the Zoning Ordinance, except as modified in this PUD.

# I. SIGNAGE

Signage for Gateway Plaza will include 3 freeway pylon signs along the I-10 Freeway right of way that may be used to identify any business within the PUD but not off-premise advertising. The approximate locations of these signs are shown on the Conceptual Master Site Plan Exhibit.

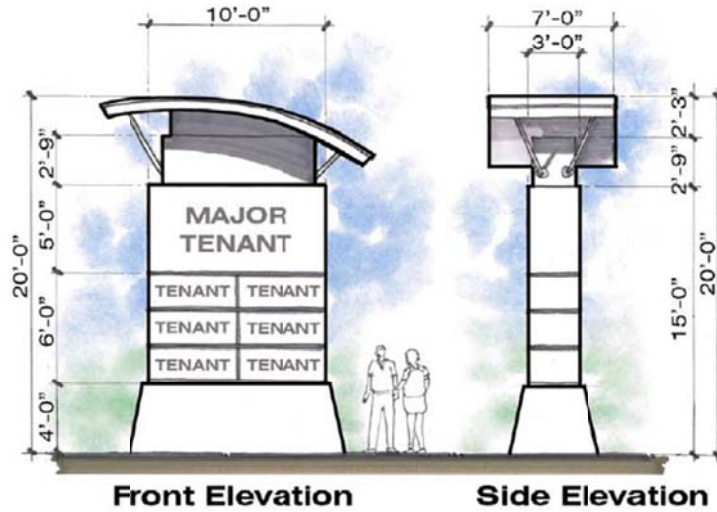




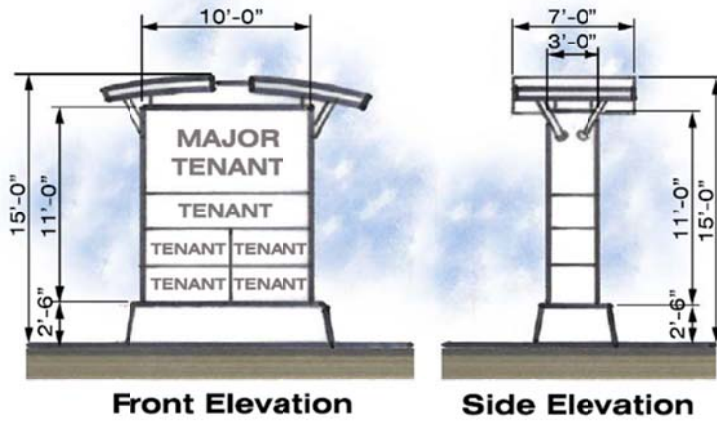
**Major Freeway Pylon Sign Exhibit**

05-31-13  **K & I**  
 ARCHITECTS & INTERIORS LLC.  
 1850 N. CENTRAL AVE., #200  
 PHOENIX, AZ. 85004  
 PH: 602.262.3838  
 FAX: 602.262.3938

Major monument signs shall be limited to five primary monument signs and two secondary signs as depicted on the following graphic and subject to the the standards in the "Table of Identification Signs". These signs will be located generally in the proximity of the access points into the campus, or as needed for business identification. Approximate locations are indicated on the Master Site Plan Exhibit. All other signs are permitted as provided in Section 705 of the Zoning Ordinance of the City of Phoenix.



**Primary Monument Sign Exhibit**



**Secondary Monument Sign Exhibit**



**K & I**  
 ARCHITECTS & INTERIORS LLC.  
 1850 N. CENTRAL AVE., #200  
 PHOENIX, AZ. 85004  
 PH: 602.262.3838  
 FAX: 602.262.3938

05-31-13

# Table of Identification Signs

## Freeway Pylon Sign

	Height	Area
Phoenix Zoning Ordinance :	48'	250 S.F.
Proposed PUD (Major Tenant) :	72'	300 S.F.
Proposed PUD (Multi-Tenant) :	72'	300 S.F.

## Primary Monument Sign (Multi-Tenant)

	Height	Area
Phoenix Zoning Ordinance :	20'	150 S.F.
Proposed PUD :	20'	150 S.F.

## Secondary Monument Sign (Multi-Tenant)

	Height	Area
Phoenix Zoning Ordinance :	15'	110 S.F.
Proposed PUD :	15'	110 S.F.

## Note :

The Center Identification portion of the sign will not count towards the sign area.



## **J. SUSTAINABILITY**

The development of urban infill locations offers a number of benefits from a sustainability perspective, minimizing travel distances and reducing the air quality issues associated with automobile travel. In addition, the proposal requests transit oriented development standards to be able to take advantage of light rail when it becomes available. Shaded walkway standards are included in this PUD. In addition, construction in each phase will include not fewer than three options from the list below:

- Green Construction Code
- Water efficient landscaping
- Low e double pane windows
- SRI roofing (minimum 78)
- Solid Waste Recycling Program
- Low water Use Plumbing in Retail Establishments
- HVAC with no CFC or CFC-based Refrigerants
- Indigenous Construction Materials
- Roof Overhangs/Canopies

## **K. INFRASTRUCTURE**

### **Streets**

Ingress and egress to the Property will be provided via five drives, three from McDowell Road and two from 67<sup>th</sup> Avenue.

The Street Classification Map designates McDowell Road west of 67<sup>th</sup> Avenue as a class “D” arterial, with a 50-foot half street right-of-way. 67<sup>th</sup> Avenue between McDowell Road and the I-10 freeway is designated a class “A” arterial.

Major internal vehicular circulation routes and parking areas are indicated conceptually on the site plan and will be precisely delineated as the property develops.

### **Pedestrian Circulation**

Pedestrian circulation on campus is handled via a network of sidewalks. At a minimum, the site will comply with the access standards of the Americans with Disabilities Act and provide an accessible pedestrian route from each building to the adjacent sidewalks linking the entire site to the public transportation system. Particular attention will be given to transit oriented development at the appropriate time, when the actual location of the light rail station is known.

## **Grading and Drainage**

The DSD Fact Finding Summary shows that the project will be designed to accommodate on-site storage for run-off from a 100-year, 2-hour storm event. The common retention areas will be limited to a maximum of three feet of water depth and graded with maximum side slopes of 4:1. Retention areas provided on individual parcels may be either by retention basins or underground storage. All retention facilities will be drained within 36-hours of a major storm event as required by the City of Phoenix Drainage Design Manual.

## **Water & Wastewater Services**

### **Water Design**

The site is currently served by waterlines within McDowell Road and 67th Avenue. There will be an internal network of private water lines to distribute water throughout the campus. Proposed buildings will be serviced from the internal distribution system, and be subject to the Phoenix Plumbing Code. The water distribution system within this project, including fire protection, will be a private system, owned and maintained by the property owner. Improvements to the system will be reviewed and inspected by the Building Safety Section of the Development Services Department.

### **Wastewater Design**

Wastewater services for this project will be provided by an existing sewer line in the 67th Avenue right of way. Within the site, the campus is served by an internal network of sewer lines. New buildings will connect to this internal network. All new sanitary sewer lines within the site shall be private plumbing lines subject to the Phoenix Plumbing Code or the Arizona Department of Environmental Quality (ADEQ) Aquifer Protection Program General Permit 4.01 in accordance with Arizona Administrative Code Title 18, Chapter 9, Section E301, whichever is applicable. Internal sewer main sizes and manhole spacing will be as required by the City of Phoenix Water Services Design Manual. The sanitary sewer collection system within this project will be privately owned and maintained by the City of Phoenix pursuant to an existing easement agreement. The system will be reviewed and inspected by the Building Safety Section of the Development Services Department.

## **L. PHASING PLAN**

Phasing is indeterminate at this time. Although the property owner has been contacted by retail users there are no commitments to build or purchase in the immediate future. In the event that there are committed users during the pendency of this PUD application, a geographic phasing plan will be prepared.



**M. EXHIBITS**

**Comparative Zoning Standards Table**

<b>PUD Development Standards</b>		
<i>Standards</i>	<i>Allowed in Existing C 2</i>	<i>Proposed PUD Standards</i>
Minimum lot width	55'	None
Minimum lot depth	None; except 110' adjacent to freeway or arterial	None
Dwelling unit density	Section 6.15 (14.5)	Section 6.18 (43.5)
Minimum perimeter building setbacks	Front: 25' Rear: 15' (1-story), 20' (2-story) Side: 10' 1-story), 15' (2-story)	Front (north): 10' Rear (south): 0' Side (west):20' Side (east): 10' ; 0" TOD Interior perimeter: 0'
Common landscaped setback adjacent to perimeter streets	None	10'
Minimum interior building setbacks	Front: 10'; Rear: 10'; Combined front and rear: 35'; Street side: 10'; Sides: 13' total (3' min, unless 0')	None
Minimum building separation	10'	Per building code
Minimum garage setback	18' from back of sidewalk for front loaded garages: 10' from property line for side loaded garages.	20'
Maximum garage width	For lots <60': 2 car widths; For lots >=60'-70': 3 car widths For lots >70': no maximum	None
Maximum height	30' and 2-stories	Maximum 75', 6 stories
Building Stepback	None	None
Lot coverage	Primary structure, not including attached shade structures: 40%; Total: 50%	All structures 60%
Common areas	None	None
Allowed uses	Uses allowed in section 6.23	All C2 uses excluding adult uses; all uses allowed by Section 6.18
Required review	Development review per Section 507, and subdivision to create four or more lots	Development review per Section 507
Street standards	Public street, or private street built to City standards with a homeowners' association established for maintenance	Built to City standards and maintained by property owner
On-lot and common retention	Common retention required for lots less than 8,000 SF per grading and drainage ordinance requirements	Common retention

## LEGAL DESCRIPTION

Parcel 1

Lots 1 and 2, (Sometimes known as the North half of the Northeast quarter of Section 1, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona.

Except that portion described as follows::

That portion of said Lot 1 which lies Westerly of the existing Westerly right of way line of 67<sup>th</sup> Avenue and Easterly and Southerly of the following described line:

Commencing at the Northeast corner of said Section 1;

Thence South 00 degrees 21 minutes 41 seconds West, 56.37 feet to the TRUE POINT OF BEGINNING;

Thence North 89 degrees 38 minutes 19 seconds West, 70.00 feet to the juncture of the existing Southerly right of way line of 67<sup>th</sup> Avenue;

Thence South 01 degrees 18 minutes 14 seconds West, 607.94 feet;

Thence South 85 degrees 38 minutes 41 seconds West, 1698.74 feet;

Thence South 89 degrees 24 minutes 02 seconds West, 870.41 feet to the POINT OF ENDING on the North-South midsection line of said Section 1, which point bears South 01 degrees 07 minutes 42 seconds West, 767.50 feet from the North quarter corner of said section; and

ALSO Except that portion described as follows:

That portion of Lot 2 of said Section 1, described as follows:

Commencing at the Northeast corner of said Section 1;

Thence South 89 degrees 15 minutes 00 seconds West, along the North line of said Section 1, a distance of 2264.78 feet to a point on the North line of said Lot 2, said point being the TRUE POINT OF BEGINNING;

Thence South 00 degrees 45 minutes 00 seconds East, a distance of 768.12 feet to a point on the North line of the property described as Area #1 in the Amended Final Order of Condemnation recorded in Docket 16317, Page 441, records of Maricopa County, Arizona;

Thence South 89 degrees 24 minutes 02 seconds West, along the North line of said Area #1, a distance of 393.87 feet to a point, said point being the intersection of the North line of said Area and the West line of said Lot 2;

Thence North 01 degrees 07 minutes 42 seconds East, along the West line of said Lot 2, a distance of 767.50 feet more or less to a point on the North line of said Lot 2;

Thence North 89 degrees 15 minutes 00 seconds East, along said North line of Lot 2, a distance of 368.71 feet to the POINT OF BEGINNING; and

ALSO Except that portion described as follows:

That portion of Lot 1 of said Section 1, described as follows:

Commencing the Northeast corner of said Section 1;

Thence South 00 degrees 21 minutes 41 seconds West along the East line of said Section 1, a distance of 164.23 feet;

Thence North 89 degrees 38 minutes 19 seconds West, 71.77 feet to the TRUE POINT OF BEGINNING on the existing Westerly right of way line of 67<sup>th</sup> Avenue;

Thence South 01 degrees 18 minutes 14 seconds West along said existing Westerly right of way line of 67<sup>th</sup> Avenue, a distance of 190.03 feet;

Thence North 88 degrees 41 minutes 46 seconds West, 10.00 feet;

Thence North 01 degrees 18 minutes 14 seconds East, 190.03 feet;

Thence South 88 degrees 41 minutes 46 seconds East, 10.00 feet to the POINT OF BEGINNING; and

ALSO Except that portion described as follows:

That portion of Lot 1 of said Section 1, described as follows:

Commencing at the Northeast corner of said Section 1;

Thence South 00 degrees 21 minutes 41 seconds West along the East line of said Section 1, a distance of 56.37 feet;

Thence North 89 degrees 38 minutes 19 seconds West, a distance of 70.00 feet to the juncture of the existing Southerly right of way line of McDowell Road with the existing Westerly right of way line of 67<sup>th</sup> Avenue and the TRUE POINT OF BEGINNING;

Thence South 01 degrees 18 minutes 14 seconds West along said Westerly right of way line, a distance of 15.00 feet;

Thence Northwesterly to a point in said Southerly right of way that lies 15.00 feet Westerly of the true point of beginning;

Thence to the POINT OF BEGINNING; and

ALSO Except that portion described as follows:

That portion of Lot 1 of said Section 1, described as follows:

Commencing at the Northeast corner of said Section 1;

Thence South 00 degrees 21 minutes 41 seconds West, a distance of 56.37 feet;

Thence North 89 degrees 38 minutes 19 seconds West, a distance of 70.00 feet to a point on the right-of-way intersection of 67<sup>th</sup> Avenue and McDowell Road;

Thence South 01 degrees 18 minutes 14 seconds West, a distance of 607.94 feet;

Thence South 85 degrees 38 minutes 41 seconds West, a distance of 394.90 feet to the TRUE POINT OF BEGINNING;

Thence South 85 degrees 38 minutes 41 seconds West, a distance of 385.25 feet;

Thence North 00 degrees 45 minutes 00 seconds West, a distance of 320.00 feet;

Thence North 89 degrees 15 minutes 00 seconds East, a distance of 384.49 feet;

Thence South 00 degrees 45 minutes 00 seconds East, a distance of 295.77 feet to the POINT OF BEGINNING; and

ALSO Except that portion of said Section 1, described as follows:

That portion of the Northeast quarter of said Section 1, described as follows:

Commencing at the North quarter corner of said Section 1, from which the Northeast corner of said Section 1 bears North 89 degrees 15 minutes 00 seconds East, a distance of 2633.68 feet;

Thence North 89 degrees 15 minutes 00 seconds East, along the North line of the Northeast quarter of said Section 1, a distance of 663.96 feet;

Thence South 00 degrees 45 minutes 00 seconds East, a distance of 40.00 feet to the TRUE POINT OF BEGINNING;

Thence North 89 degrees 15 minutes 00 seconds East along a line parallel with and 40.00 feet Southerly of the Northerly line of the Northeast quarter of said Section 1, a distance of 1098.25 feet;

Thence South 00 degrees 45 minutes 00 seconds East along the Westerly line of the property described in instrument recorded in Document No. 87-277648, Maricopa County Recorders Office and its Northerly extension, a distance of 671.61 feet;

Thence South 85 degrees 38 minutes 41 seconds West along the Northerly line of the property described in Docket 16317, Page 441, Maricopa County Recorders Office, a distance of 918.56 feet;

Thence South 89 degrees 24 minutes 02 seconds West continuing along the Northerly line of the property described in Docket 16317, Page 441, Maricopa County Recorders Office, a distance of 131.50 feet;

Thence North 07 degrees 21 minutes 34 seconds East along the Easterly line of the property described in Document No. 99-1086922, Maricopa County Recorders Office, a distance of 500.00 feet;

Thence North 29 degrees 34 minutes 26 seconds West continuing along the Easterly line of the property described in Document No. 99-1086922, Maricopa County Recorders Office, a distance of 250.00 feet;

Thence North 00 degrees 45 minutes 00 seconds West, a distance of 15.00 feet to the POINT OF BEGINNING; and

ALSO Except that portion, described as follows:

That portion of Lot 2 of said Section 1, described as follows:

Commencing at the Northeast corner of said Section 1;

Thence South 89 degrees 15 minutes 00 seconds West along the North line of said Section 1, a distance of 2264.72 feet;

Thence South 00 degrees 45 minutes 00 seconds East, a distance of 55.00 feet to the South right of way line of McDowell Road, also being the Northeast corner of Sunpointe 1, according to the

plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 284 of Maps, Page 40, and the POINT OF BEGINNING;

Thence North 89 degrees 15 minutes 00 seconds East along said right of way line, a distance of 295.00 feet;

Thence South 28 degrees 34 minutes 26 seconds East, a distance of 250.00 feet;

Thence South 07 degrees 21 minutes 34 seconds West, a distance of 500.00 feet to a point on the North line of the property described as Area #1 in the amended Final Order of Condemnation recorded in Docket 16317, Page 441, records of Maricopa County, Arizona;

Thence South 89 degrees 24 minutes 02 seconds West along the said North line of said Area #1 property, a distance of 345.00 feet to the Southeast corner of said Sunpointe 1;

Thence North 00 degrees 45 minutes 00 seconds West along the East line of said Sunpointe 1, a distance of 713.12 feet to the POINT OF BEGINNING.

#### Parcel 2

That portion of the Northeast quarter of Section 1, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona.

Commencing at the Northeast corner of said Section 1;

Thence South 00 degrees 21 minutes 41 seconds West, a distance of 56.37 feet;

Thence North 89 degrees 38 minutes 19 seconds West, a distance of 70.00 feet to a point on the right-of-way intersection of 67<sup>th</sup> Avenue and McDowell Road;

Thence South 01 degrees 18 minutes 14 seconds West, a distance of 607.94 feet;

Thence South 85 degrees 38 minutes 41 seconds West, a distance of 394.90 feet to the TRUE POINT OF BEGINNING;

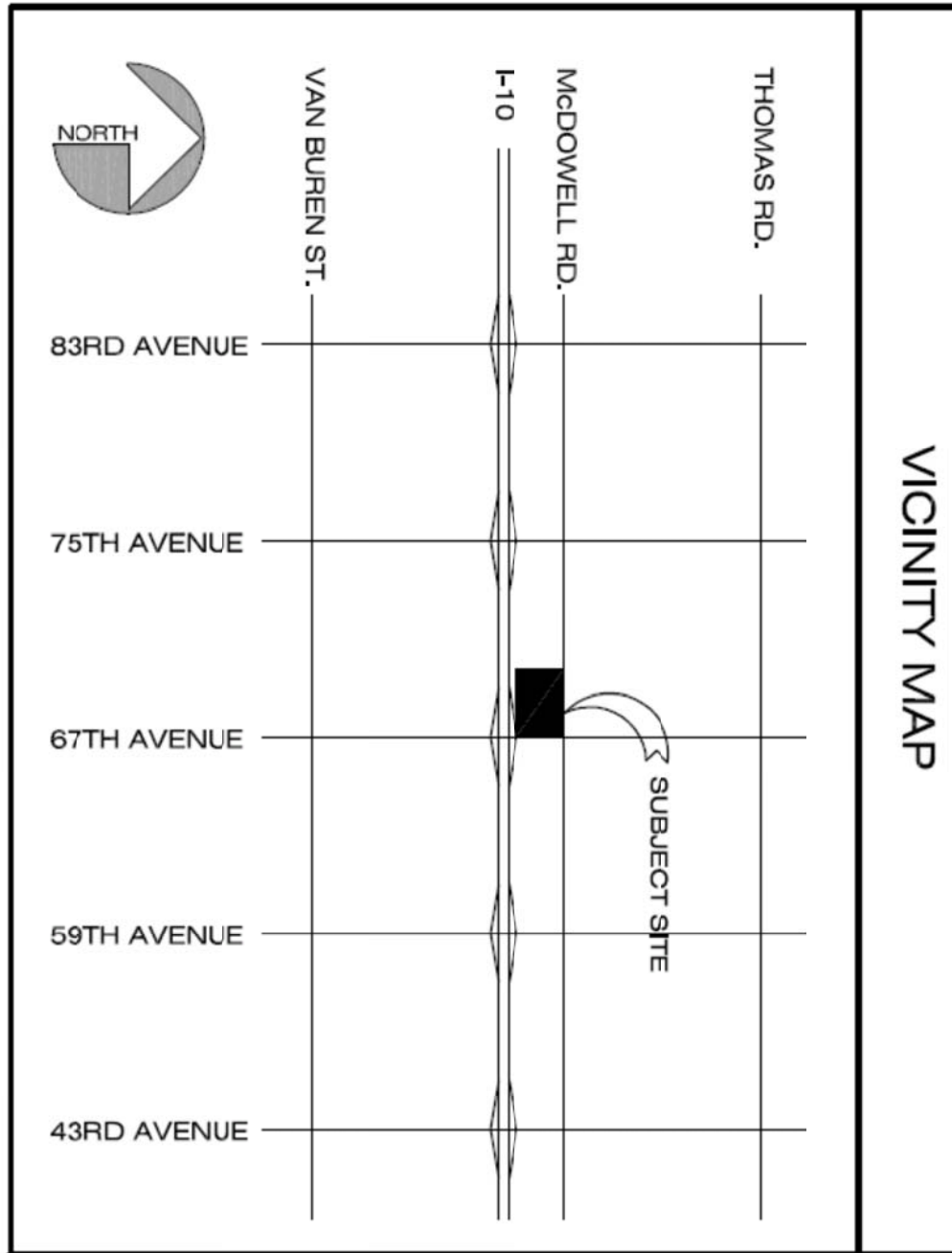
Thence South 85 degrees 38 minutes 41 seconds West, a distance of 385.25 feet;

Thence North 00 degrees 45 minutes 00 seconds West, a distance of 320.00 feet;

Thence North 89 degrees 15 minutes 00 seconds East, a distance of 384.49 feet;

Thence South 00 degrees 45 minutes 00 seconds East, a distance of 295.77 feet to the POINT OF BEGINNING.

# VICINITY MAP







# KEY MAP AND CONTEXT PHOTOS



1 CONTEXT SITE PLAN  
SCALE: 1" = 100'



**K & I**  
K & I ENGINEERING, P.C.  
1000 N. CENTRAL AVENUE, SUITE 100  
PHOENIX, ARIZONA 85004  
TEL: 602.955.1100  
WWW.KANDIENGINEERING.COM

**AMERICAL**  
MANAGEMENT CO., P.C.  
1000 N. CENTRAL AVENUE, SUITE 100  
PHOENIX, ARIZONA 85004  
TEL: 602.955.1100  
WWW.AMERICALMANAGEMENT.COM

**CONCEPTUAL DEVELOPMENT PLAN**  
S.W.C. OF McDowell Road & 67th Ave.  
PHOENIX, ARIZONA

REVISIONS

**OWNER'S COMMENTS**  
 APPROVED FOR SUBMITTAL TO THE CITY OF PHOENIX FOR REVIEW OF THE CONCEPTUAL DEVELOPMENT PLAN. THE CITY OF PHOENIX HAS REVIEWED THE CONCEPTUAL DEVELOPMENT PLAN AND HAS APPROVED THE CONCEPTUAL DEVELOPMENT PLAN FOR SUBMITTAL TO THE CITY OF PHOENIX FOR REVIEW OF THE CONCEPTUAL DEVELOPMENT PLAN. THE CITY OF PHOENIX HAS REVIEWED THE CONCEPTUAL DEVELOPMENT PLAN AND HAS APPROVED THE CONCEPTUAL DEVELOPMENT PLAN FOR SUBMITTAL TO THE CITY OF PHOENIX FOR REVIEW OF THE CONCEPTUAL DEVELOPMENT PLAN.

DATE: 10/15/2014  
 DRAWN BY: AMERICAL  
 CHECKED BY: AMERICAL  
 PROJECT NO.: 1400000001

DATE: 10/15/2014





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**AMERICAL**  
MANAGEMENT CO., INC.  
9593 WILSHIRE BLVD.  
SUITE 600  
BEVERLY HILLS, CA. 90212-2506

**CONTEXT PHOTOS**  
S.W.C. OF McDOWELL ROAD & 67TH AVENUE  
PHOENIX, ARIZONA



**K&I**  
ARCHITECTS & INTERIORS LLC.  
1860 N. CENTRAL AVE., #200  
PHOENIX, AZ, 85004  
PH: 602.262.3138  
FAX: 602.262.3938



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6

**AMERICAL**  
MANAGEMENT CO., INC.  
9595 WILSHIRE BLVE.,  
SUITE 600  
BEVERLY HILLS, CA. 90212-2506

**CONTEXT PHOTOS**  
S.W.C. OF McDOWELL ROAD & 67TH AVENUE  
PHOENIX, ARIZONA



**K&I**  
ARCHITECTS & INTERIORS LLC.  
1850 N. CENTRAL AVE., #200  
PHOENIX, AZ 85004  
PH: 602.262.3938  
FAX: 602.262.3938





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**AMERICAL**  
MANAGEMENT CO., INC.  
9295 WILSHIRE BLVD.,  
SUITE 600  
BEVERLY HILLS, CA. 90212-2506

**CONTEXT PHOTOS**  
S.W.C. OF McDOWELL ROAD & 67TH AVENUE  
PHOENIX, ARIZONA



**K&I**  
ARCHITECTS & INTERIORS LLC.  
1860 N. CENTRAL AVE., #200  
PHOENIX, AZ. 85004  
PH: 602.262.3838  
FAX: 602.262.3938



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<p><b>AMERICAL</b> MANAGEMENT CO., INC. 9595 WILSHIRE BLVD., SUITE 600 BEVERLY HILLS, CA. 90212-2506</p>	<p><b>CONTEXT PHOTOS</b> S.W.C. OF McDOWELL ROAD &amp; 67TH AVENUE PHOENIX, ARIZONA</p>	 <p><b>K&amp;I</b> ARCHITECTS &amp; INTERIORS LLC. 1800 N. CENTRAL AVE., #200 PHOENIX, AZ, 85004 PH: 602.262.3838 FAX: 602.262.3938</p>
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**AMERICAL**  
MANAGEMENT CO., INC.  
9595 WILSHIRE BLVD.  
SUITE 600  
BEVERLY HILLS, CA 90212-2599

**CONTEXT PHOTOS**  
S.W.C. OF McDOWELL ROAD & 67TH AVENUE  
PHOENIX, ARIZONA

**K&I**  
ARCHITECTS & INTERIORS LLC.  
1850 N. CENTRAL AVE., #200  
PHOENIX, AZ 85004  
PH: 602.242.3838  
FAX: 602.162.3938



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**AMERICAL**  
MANAGEMENT CO., INC.  
9595 WILSHIRE BLVD.,  
SUITE 600  
BEVERLY HILLS, CA, 90212-2506

**CONTEXT PHOTOS**  
S.W.C. OF McDOWELL ROAD & 67TH AVENUE  
PHOENIX, ARIZONA

**K&I**  
ARCHITECTS & INTERIORS LLC.  
1850 N. CENTRAL AVE., #200  
PHOENIX, AZ, 85004  
PH: 602.262.3838  
FAX: 602.262.3938





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<p><b>AMERICAL</b> MANAGEMENT CO., INC. 9995 WILSHIRE BLVD. SUITE 600 BEVERLY HILLS, CA. 90212-2506</p>	<p><b>CONTEXT PHOTOS</b> S.W.C. OF McDOWELL ROAD &amp; 67TH AVENUE PHOENIX, ARIZONA</p>	 <p><b>K&amp;I</b> ARCHITECTS &amp; INTERIORS LLC. 1860 N. CENTRAL AVE., #200 PHOENIX, AZ 85004 PH: 602.352.3939 FAX: 602.352.3938</p>
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**AMERICAL**  
MANAGEMENT CO., INC.  
9995 WILSHIRE BLVD.,  
SUITE 600  
BEVERLY HILLS, CA. 90212-2506

**CONTEXT PHOTOS**  
S.W.C. OF McDOWELL ROAD & 67TH AVENUE  
PHOENIX, ARIZONA



**K&I**  
ARCHITECTS & INTERIORS LLC.  
1850 N. CENTRAL AVE., #200  
PHOENIX, AZ. 85004  
PH: 602.262.3938  
FAX: 602.262.3938





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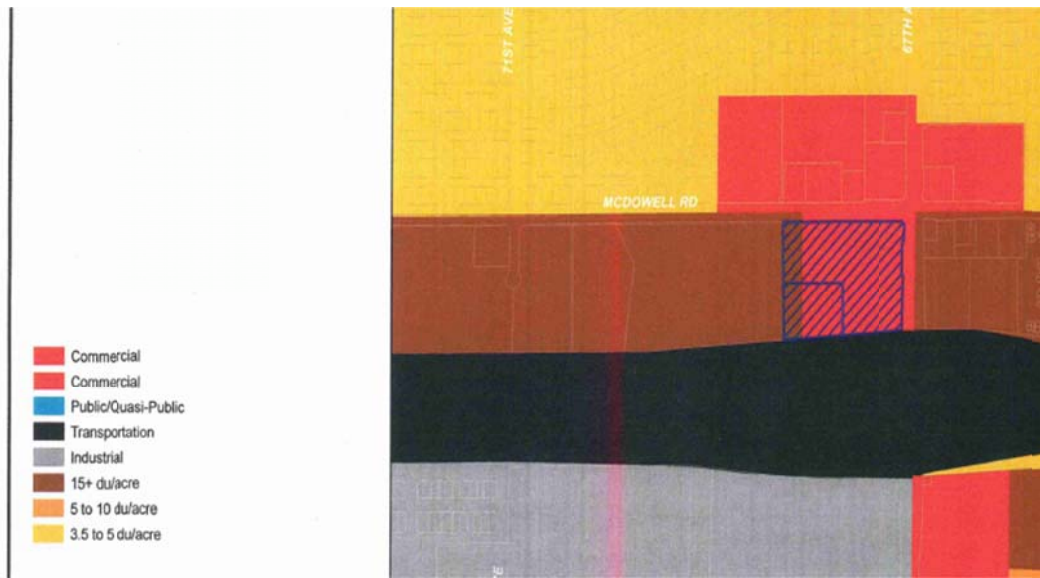
**AMERICAL**  
MANAGEMENT CO., INC.  
9595 WILSHIRE BLVD.,  
SUITE 600  
BEVERLY HILLS, CA. 90212-2506

**CONTEXT PHOTOS**  
S.W.C. OF McDOWELL ROAD & 67TH AVENUE  
PHOENIX, ARIZONA



**K&I**  
ARCHITECTS & INTERIORS LLC.  
1850 N. CENTRAL AVE., #200  
PHOENIX, AZ. 85004  
PH: 602.262.3838  
FAX: 602.262.3938

# GENERAL PLAN 2002



# ELEVATIONS



**Conceptual View from Northeast corner of the property, Intersection of McDowell Road & 67th Avenue**

**SWC McDowell Road & 67th Avenue  
Phoenix, Arizona**

08-15-13  **K & I**  
ARCHITECTS & INTERIORS LLC.  
1850 N. CENTRAL AVE. #200  
PHOENIX, AZ. 85004  
PH: 602.262.3838  
FAX: 602.262.3938



**Conceptual view from north side of the property entrance along McDowell road**

**SWC McDowell Road & 67th Avenue  
Phoenix, Arizona**

06-17-13



**K & I**  
ARCHITECTS & INTERIORS LLC.  
1850 N. CENTRAL AVE., #200  
PHOENIX, AZ, 85004  
PH: 602.262.3836  
FAX: 602.262.3838





**Conceptual View from Southeast corner of the property along 67th Avenue ( Scheme 1 )**

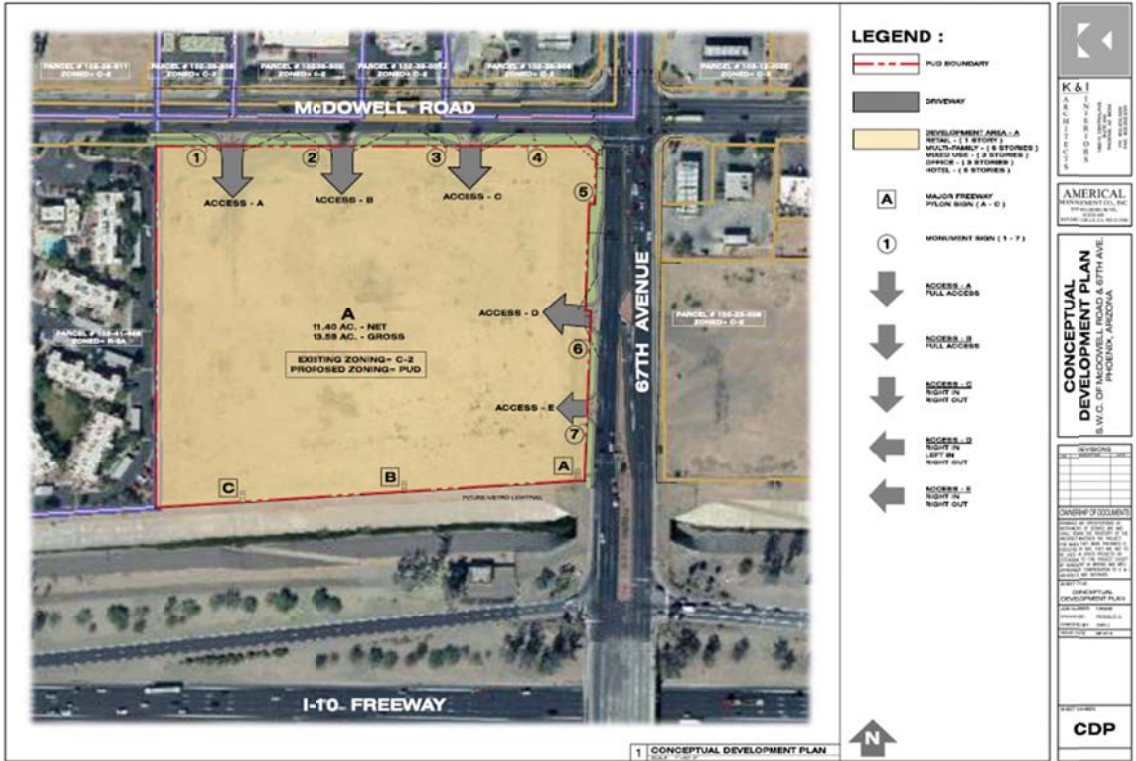


**Conceptual View from Southeast corner of the property along 67th Avenue ( Scheme 2 )**

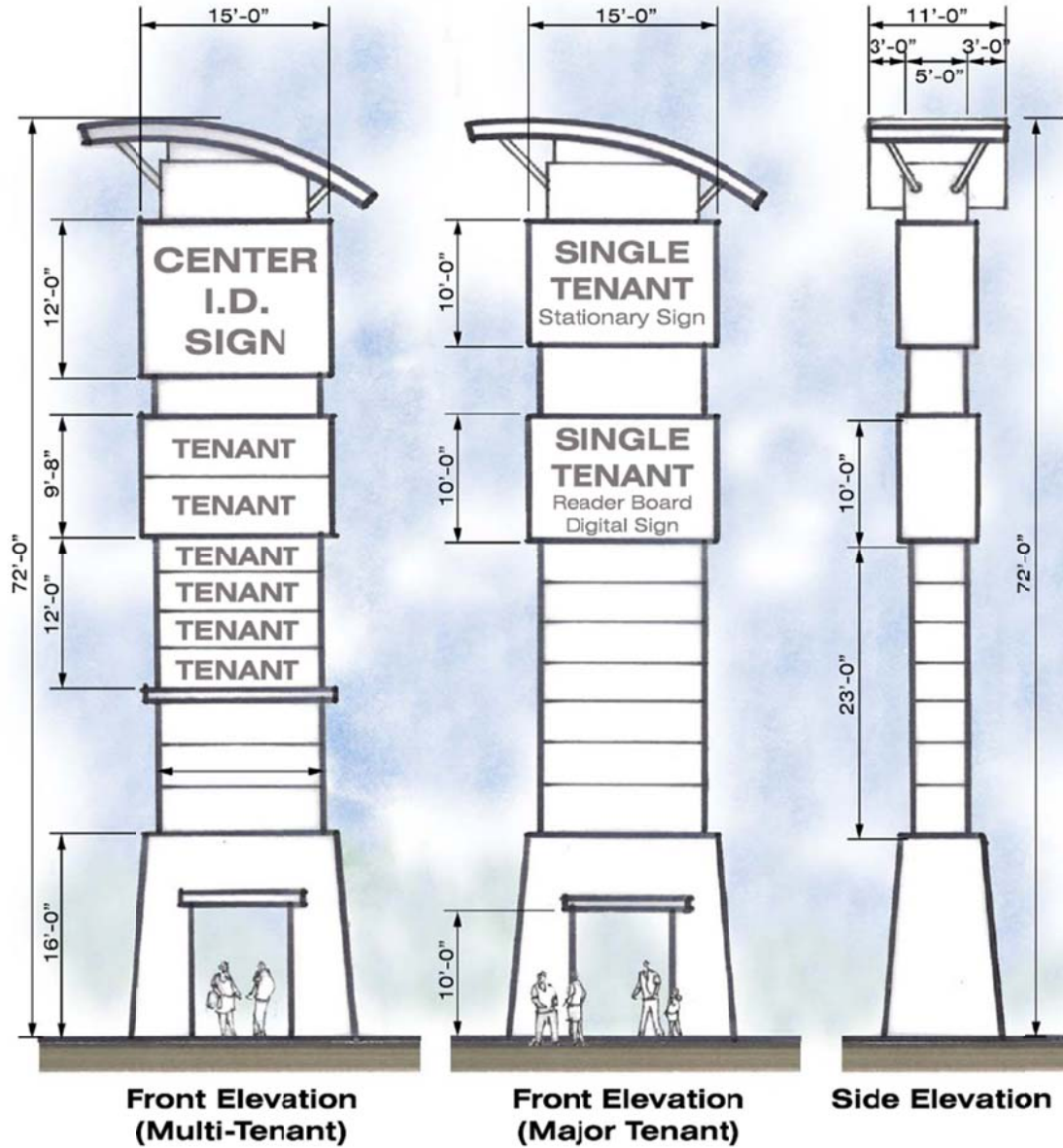
**SWC McDowell Road & 67th Avenue  
Phoenix, Arizona**

08-15-13  **K & I**  
ARCHITECTS & INTERIORS LLC.  
1650 N. CENTRAL AVE. #200  
PHOENIX, AZ 85004  
PH: 602.262.3938  
FAX: 602.262.3938

# VEHICULAR CIRCULATION PLAN



# SIGNAGE PLAN



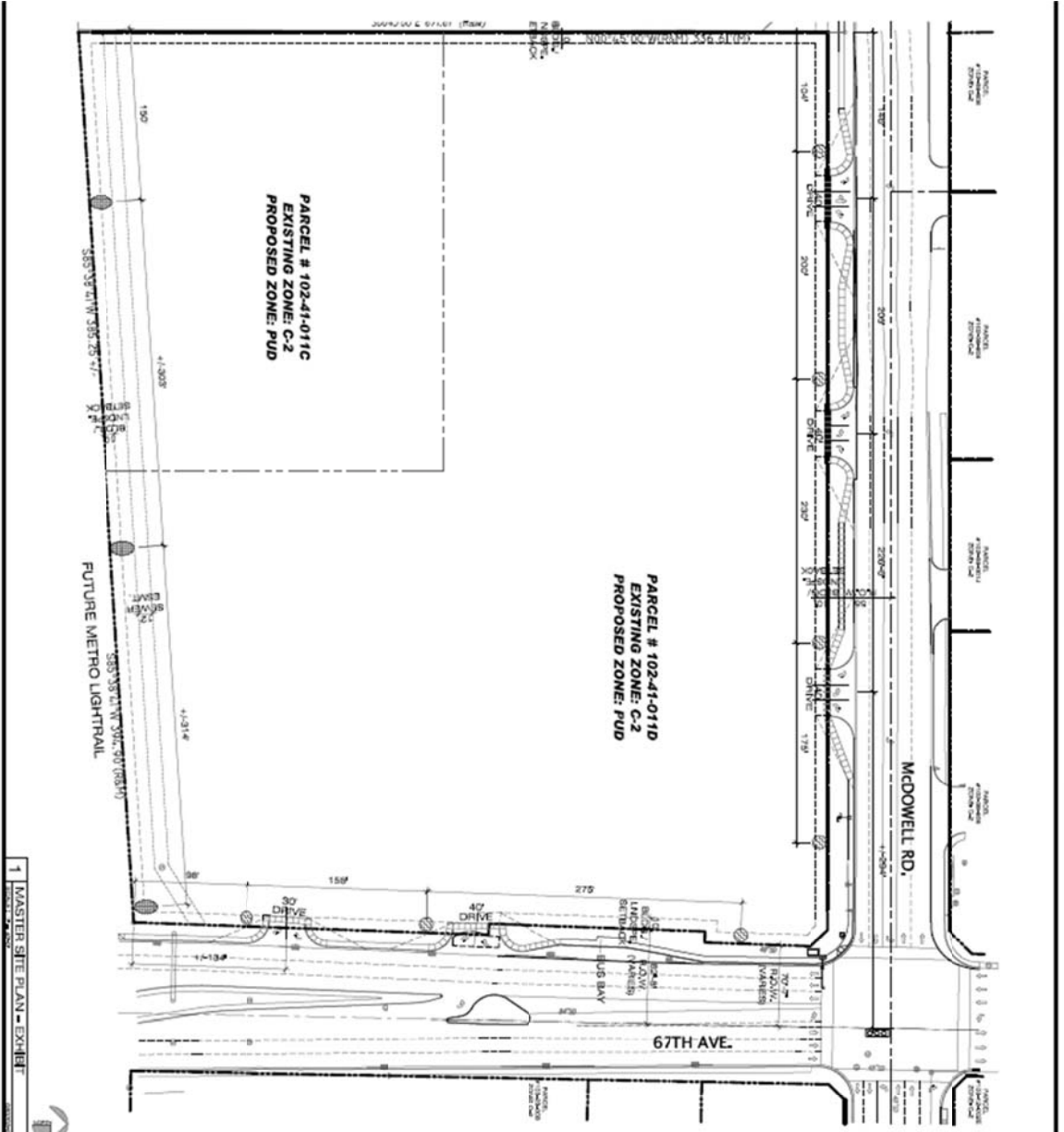
## Major Freeway Pylon Sign Exhibit


**K & I**  
 ARCHITECTS & INTERIORS LLC.  
 1850 N. CENTRAL AVE., #200  
 PHOENIX, AZ. 85004  
 PH: 602.262.3838  
 FAX: 602.262.3938

05-31-13



# MASTER SITE PLAN EXHIBIT



<p><b>PROJECT DATA</b></p> <p>MASTER DEVELOPER/OWNER: S.W.C. OF MCDOWELL ROAD &amp; 67TH AVE. PHOENIX, ARIZONA</p> <p>PARCEL # 102-41-011D PROPOSED ZONING: PUD EXISTING ZONING: C-2</p> <p>PREPARED BY: K&amp;I ENGINEERS, INC. DATE: 08/20/2008</p>	<p><b>DIRECTORY</b></p> <p><b>OWNER:</b> S.W.C. OF MCDOWELL ROAD &amp; 67TH AVE. PHOENIX, ARIZONA  <b>GENERAL MANAGER:</b> [Name]  <b>PROJECT MANAGER:</b> [Name]  <b>ARCHITECT:</b> [Name]  <b>ENGINEER:</b> [Name]</p>	<p><b>VICINITY MAP</b></p> <p>53RD AVENUE 67TH AVENUE 43RD AVENUE</p>
---	--	---

<p><b>MASTER SITE PLAN</b> SITE EXHIBIT S.W.C. OF MCDOWELL ROAD &amp; 67TH AVE. PHOENIX, ARIZONA</p>	<p><b>K &amp; I ENGINEERS, INC.</b> 1000 N. CENTRAL AVENUE, SUITE 100 PHOENIX, ARIZONA 85004 TEL: 602.254.1111 WWW.KANDIENGINEERS.COM</p>	<p><b>AMERICAL</b> ARCHITECTS 1000 N. CENTRAL AVENUE, SUITE 100 PHOENIX, ARIZONA 85004 TEL: 602.254.1111 WWW.AMERICALARCHITECTS.COM</p>
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## **Thematic Street Cross Sections**

No new streets are anticipated.



## TRAFFIC STATEMENT

# TRAFFIC STATEMENT

### **Purpose**

The purpose of this traffic statement is to provide a framework with which to consider traffic impact associated with a rezoning from C-2 (Intermediate Commercial) to PUD (Planned Unit development) for a parcel of approximately 11 net acres located at the SWC of 67<sup>th</sup> Avenue and McDowell. The PUD is intended to provide flexibility that will allow the property owner to more seamlessly take advantage of planned future transit facilities, particularly a planned light rail station at 67<sup>th</sup> Avenue and the I-10 freeway, without foreclosing the ability of the owner to develop in a more traditional auto-oriented suburban concept in the short term. For this reason, the uses allowed in the PUD are based on the uses currently allowed by the existing C-2, although with potential for additional intensity.

Given the existing C-2 zoning the site now has the potential to generate a substantial volume of traffic, and the site has frontage on two arterial streets to accept the traffic, PUD zoning will not result in a significant increase in traffic volume in the immediate future. Further, the property owner does not have any immediate users of the property such that a traffic impact study could be prepared based on uses with known trip generation rates and other characteristics. This statement will discuss known traffic-related infrastructure and possible future conditions, and provide a framework for more detailed traffic engineering analysis when conditions warrant.

### **Existing conditions & Infrastructure**

The site is a vacant parcel with frontage on three streets, the I-10 Freeway, and two arterial streets, 67<sup>th</sup> Avenue, and McDowell Road. There is no direct vehicle access from the I-10, but access is possible from both 67<sup>th</sup> Avenue and from McDowell Road. 67<sup>th</sup> Avenue has a raised median which will allow left turns into the site, but not left turns out. Both right turns in and right turns out are unobstructed. The street improvements include curb, gutter, and attached and detached sidewalk.

67<sup>th</sup> Avenue has six through lanes with left turns as described above and a left turn at the intersection of 67<sup>th</sup> Avenue and McDowell Road. The conceptual development plan on the page following portrays existing conditions on 67<sup>th</sup> Avenue. Worth noting but not visible on the conceptual development plan is a bus stop on the west side of 67<sup>th</sup> Avenue that will facilitate bus service to the site when the subject property develops.

McDowell Road is also six lanes, but there is no raised median existing or planned. There are several businesses on the north side of McDowell Road with three driveways opposite the frontage of the subject property. There is a QuikTrip at the immediate NWC of McDowell Road and 67<sup>th</sup> Avenue, and going west a fast food restaurant with drive-through, an army surplus store, and a sit-down restaurant. The westerly drive is shared by the sit-down restaurant and the army surplus store, while the fast food and QuikTrip have individual driveways. None of these driveways restrict movements in or out. McDowell Road is also fully improved with curb, gutter, and attached and detached sidewalk.

Daily traffic volumes for these streets, according to the City of Phoenix website, are approximately 23,000 on McDowell Road and 33,500 on 67<sup>th</sup> Avenue.



## **Development Assumptions & Trip Generation**

As noted previously, the site is presently zoned C-2. Although PUD zoning is proposed there will be minimal change to the uses that will be permitted, rather an increase in density for multi-family (from R-3 standards to R-5 standards) and in intensity of some permitted uses. There will also be provision for a mixed-use building that could be a component of a TOD (transit oriented development). However, commercial uses would generate more traffic than residential uses, and transit-oriented development will only occur if there is a transit station and light rail to serve the property, and multiple modes of transportation will most likely reduce auto trips. The most conservative approach (as requested by the Street Transportation staff) is to assume auto-oriented commercial development of the entire site, and that approach will be assumed for this Traffic Statement.

The existing C-2 and proposed PUD could possibly result in development of approximately 130,000 square feet of retail uses based on required parking being provided at grade and compliance with proposed setback and open space requirements. A 130,000 square foot shopping center would generate daily trips in a range of 5,582 to 8,054, with a p.m. peak range of 538-738, according to the ITE Trip Generation Manual, 8<sup>th</sup> Edition.

A conceptual site plan has been developed based on preliminary expressions of interest from possible future users of the property. This plan would generate an estimated 7,171 to 8,174 daily trips and 820 to 1,040 p.m. peak trips. Consistent with the conservative approach Street Transportation requested for this Traffic Statement, no reduction for bypass trips was calculated. Although the conceptual site plan is a hypothetical, the number and location of access points shown is based on preliminary discussions with Street Transportation staff and the indicated driveways are intended to be included in the project:

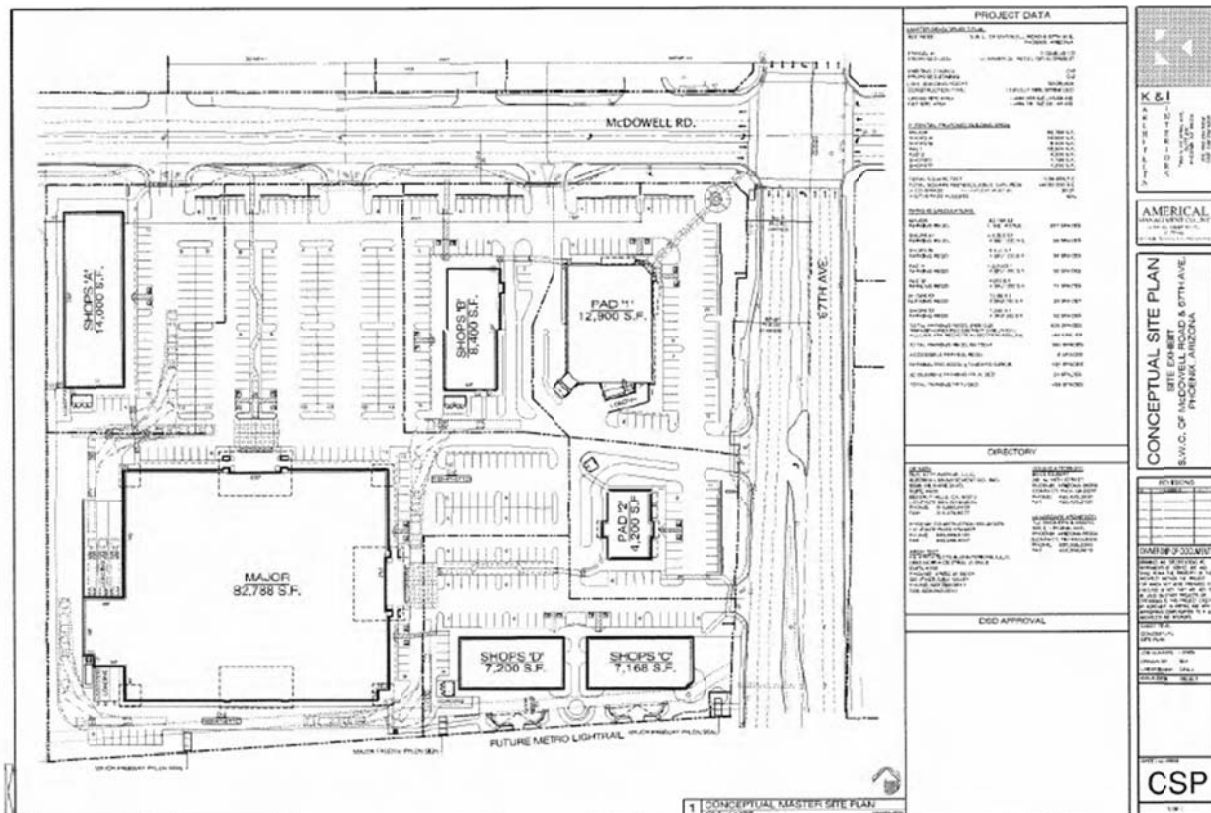


## 67<sup>th</sup> AVENUE

Two access points on 67<sup>th</sup> Avenue, one approximately mid-block that allows right turns in, right turns out, and left turns in. No change is proposed to this access or to the existing median. The second point on 67<sup>th</sup> Avenue is farther south and is restricted to right turns in and right turns out by an existing median. No change to this access or the median is proposed.

## MCDOWELL ROAD

Three access points are proposed on McDowell Road. The easterly access will be restricted to right turns in and right turns out by a proposed “pork chop” to be located in the driveway. The next access point to the west is intended to be the main access for the center and will be full access. Locating this access point far enough from the McDowell and 67<sup>th</sup> Avenue intersection means it cannot align with existing drives on the north side of McDowell, so this access is offset by 150 feet. A third full access farther west on McDowell is meant for delivery vehicles and as a tertiary access. This driveway aligns with an existing drive on the north side of McDowell.



## Conclusions & Recommendations

The proposed rezoning will not result in a significant increase in vehicle trip generation in the immediate future, and the expected traffic volume is at a level that can be accommodated by the adjacent arterial streets based on their current reported trip count. However, in the event that development were proposed that would exceed 150,000 of retail space (or equivalent trip generation), the applicant or owner may be required to provide a Traffic Impact Analysis as determined by the Street Transportation staff.



# **Appendix**

**Adopted Ordinance G-5858 (Stipulations)**



5858G-10-1-1--  
mcdevittr

ORDINANCE G-5858

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-15-13-7) FROM C-2 (INTERMEDIATE COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT).

---

WHEREAS, on April 4, 2013, the City of Phoenix Planning and Development Department received, in compliance with the requirements of the City of Phoenix Zoning Ordinance, Section 506, a written request for rezoning from Paul Gilbert of Beus Gilbert PLLC, having authorization to represent the owner, SWC 67th Avenue LLC of an approximately 22.10 acre property located at the southwest corner of 67th Avenue and McDowell Road in a portion of Section 1, Township 1 North, Range 1 East, as described more specifically in Attachment "A," attached hereto and incorporated herein by this reference; and,

WHEREAS, pursuant to A.R.S. § 9-462.04, the Planning Commission, held a public hearing on October 8, 2013, and at this hearing recommended that the City Council approve this rezoning request with the recommended staff conditions, as modified; and,

WHEREAS, the City Council, at their regularly scheduled meeting held on November 6, 2013, has determined that, in accordance with A.R.S. § 9-462.01.F, this rezoning request, with the appropriate site specific requirements provided in Section 2, is consistent with and conforms to the General Plan, will conserve and promote the public health, safety and general welfare, and should be approved, subject to the conditions herein.

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

SECTION 1: The zoning of an approximately 22.10 acre property located at the southwest corner of 67th Avenue and McDowell Road in a portion of Section 1, Township 1 North, Range 1 East, as described more specifically in Attachment "A," is hereby changed from "C-2" (Intermediate Commercial) to "PUD" (Planned Unit Development) and that 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 2: The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-15-13-7, on file with the Planning and Development Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to compliance with the PUD narrative and 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 Gateway Plaza 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 Development Narrative date stamped August 30, 2013, as modified by the following stipulations:

- a. Page 40, Table G, Option A and B: Applicant shall delete "Allowed uses", "Required review", "Street standards" and "On-lot common retention" rows from Option A and B under Section G – Development Standards.
  - b. Page 43 and 44, Parking Area: The landscape planters within the parking areas shall contain a minimum of 2-inch caliper tree or greater per ten parking spaces and a minimum of three 5-gallon shrubs shall be planted per tree, as approved by the Planning and Development Department.
2. Right-of-way totaling 55 feet shall be dedicated for the south half of McDowell Road, as approved by the Planning and Development Department.
  3. The existing 22-foot right-of-way easement along 67th Avenue shall be dedicated as right-of-way, as approved by the Planning and Development Department.
  4. The applicant shall submit a Traffic Impact Study to the Street Transportation Department and the Planning and Development Department prior to preliminary site plan review. The applicant shall be responsible for any dedications and required improvements as recommended by the approved traffic study, as approved by the Planning and Development Department and the Street Transportation Department.
  5. Access along McDowell Road shall be located and designed in accordance to the Street Transportation Policy and Design Guidelines.
  6. The applicant shall update all existing off-site street improvements (sidewalks, curb ramps and driveways) to current ADA guidelines.
  7. The developer shall present site plans and elevations to the Maryvale Village Planning Committee prior to preliminary site plan approval, as approved by the Planning and Development Department.

**SECTION 3:** 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 November, 2013.



[Handwritten Signature]  
MAYOR

ATTEST:

[Handwritten Signature] City Clerk

APPROVED AS TO FORM:

[Handwritten Signature] Acting City Attorney

REVIEWED BY:

[Handwritten Signature] Acting City Manager

MLW:tml:1051249v1: (CM#44) (Item#31) 11/6/13

Attachments:

- A - Legal Description (5 Pages)
- B - Ordinance Location Map (1 Page)

## ATTACHMENT A

LEGAL DESCRIPTION FOR Z-15-13-7Parcel 1

Lots 1 and 2, (Sometimes known as the North half of the Northeast quarter of Section 1, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona.

Except that portion described as follows:

That portion of said Lot 1 which lies Westerly of the existing Westerly right of way line of 67th Avenue and Easterly and Southerly of the following described line:

Commencing at the Northeast corner of said Section 1;

Thence South 00 degrees 21 minutes 41 seconds West, 56.37 feet to the TRUE POINT OF BEGINNING;

Thence North 89 degrees 38 minutes 19 seconds West, 70.00 feet to the juncture of the existing Southerly right of way line of 67th Avenue;

Thence South 01 degrees 18 minutes 14 seconds West, 607.94 feet;

Thence South 85 degrees 38 minutes 41 seconds West, 1698.74 feet;

Thence South 89 degrees 24 minutes 02 seconds West, 870.41 feet to the POINT OF ENDING on the North-South midsection line of said Section 1, which point bears South 01 degrees 07 minutes 42 seconds West, 767.50 feet from the North quarter corner of said section; and

ALSO Except that portion described as follows:

That portion of Lot 2 of said Section 1, described as follows:

Commencing at the Northeast corner of said Section 1;

Thence South 89 degrees 15 minutes 00 seconds West, along the North line of said Section 1, a distance of 2264.78 feet to a point on the North line of said Lot 2, said point being the TRUE POINT OF BEGINNING;

Thence South 00 degrees 45 minutes 00 seconds East, a distance of 768.12 feet to a point on the North line of the property described as Area #1 in the Amended Final Order of Condemnation recorded in Docket 16317, Page 441, records of Maricopa County, Arizona;

Thence South 89 degrees 24 minutes 02 seconds West, along the North line of said Area #1, a distance of 393.87 feet to a point, said point being the intersection of the North line of said Area and the West line of said Lot 2;

Thence North 01 degrees 07 minutes 42 seconds East, along the West line of said Lot 2, a distance of 767.50 feet more or less to a point on the North line of said Lot 2;

Thence North 89 degrees 15 minutes 00 seconds East, along said North line of Lot 2, a distance of 368.71 feet to the POINT OF BEGINNING; and

ALSO Except that portion described as follows:

That portion of Lot 1 of said Section 1, described as follows:

Commencing the Northeast corner of said Section 1;

Thence South 00 degrees 21 minutes 41 seconds West along the East line of said Section 1, a distance of 164.23 feet;

Thence North 89 degrees 38 minutes 19 seconds West, 71.77 feet to the TRUE POINT OF BEGINNING on the existing Westerly right of way line of 67th Avenue;

Thence South 01 degrees 18 minutes 14 seconds West along said existing Westerly right of way line of 67th Avenue, a distance of 190.03 feet;

Thence North 88 degrees 41 minutes 46 seconds West, 10.00 feet;

Thence North 01 degrees 18 minutes 14 seconds East, 190.03 feet;

Thence South 88 degrees 41 minutes 46 seconds East, 10.00 feet to the POINT OF BEGINNING; and

ALSO Except that portion described as follows:

That portion of Lot 1 of said Section 1, described as follows:

Commencing at the Northeast corner of said Section 1;

Thence South 00 degrees 21 minutes 41 seconds West along the East line of said Section 1, a distance of 56.37 feet;

Thence North 89 degrees 38 minutes 19 seconds West, a distance of 70.00 feet to the juncture of the existing Southerly right of way line of McDowell Road with the existing Westerly right of way line of 67th Avenue and the TRUE POINT OF BEGINNING;



Thence South 01 degrees 18 minutes 14 seconds West along said Westerly right of way line, a distance of 15.00 feet;

Thence Northwesterly to a point in said Southerly right of way that lies 15.00 feet Westerly of the true point of beginning;

Thence to the POINT OF BEGINNING; and

ALSO Except that portion described as follows:

That portion of Lot 1 of said Section 1, described as follows:

Commencing at the Northeast corner of said Section 1;

Thence South 00 degrees 21 minutes 41 seconds West, a distance of 56.37 feet;

Thence North 89 degrees 38 minutes 19 seconds West, a distance of 70.00 feet to a point on the right-of-way intersection of 67th Avenue and McDowell Road;

Thence South 01 degrees 18 minutes 14 seconds West, a distance of 607.94 feet;

Thence South 85 degrees 38 minutes 41 seconds West, a distance of 394.90 feet to the TRUE POINT OF BEGINNING;

Thence South 85 degrees 38 minutes 41 seconds West, a distance of 385.25 feet;

Thence North 00 degrees 45 minutes 00 seconds West, a distance of 320.00 feet;

Thence North 89 degrees 15 minutes 00 seconds East, a distance of 384.49 feet;

Thence South 00 degrees 45 minutes 00 seconds East, a distance of 295.77 feet to the POINT OF BEGINNING; and

ALSO Except that portion of said Section 1, described as follows:

That portion of the Northeast quarter of said Section 1, described as follows:

Commencing at the North quarter corner of said Section 1, from which the Northeast corner of said Section 1 bears North 89 degrees 15 minutes 00 seconds East, a distance of 2633.68 feet;

Thence North 89 degrees 15 minutes 00 seconds East, along the North line of the Northeast quarter of said Section 1, a distance of 663.96 feet;

Thence South 00 degrees 45 minutes 00 seconds East, a distance of 40.00 feet to the TRUE POINT OF BEGINNING;

Thence North 89 degrees 15 minutes 00 seconds East along a line parallel with and 40.00 feet Southerly of the Northerly line of the Northeast quarter of said Section 1, a distance of 1098.25 feet;

Thence South 00 degrees 45 minutes 00 seconds East along the Westerly line of the property described in instrument recorded in Document No. 87-277648, Maricopa County Recorders Office and its Northerly extension, a distance of 671.61 feet;

Thence South 85 degrees 38 minutes 41 seconds West along the Northerly line of the property described in Docket 16317, Page 441, Maricopa County Recorders Office, a distance of 918.56 feet;

Thence South 89 degrees 24 minutes 02 seconds West continuing along the Northerly line of the property described in Docket 16317, Page 441, Maricopa County Recorders Office, a distance of 131.50 feet;

Thence North 07 degrees 21 minutes 34 seconds East along the Easterly line of the property described in Document No. 99-1086922, Maricopa County Recorders Office, a distance of 500.00 feet;

Thence North 29 degrees 34 minutes 26 seconds West continuing along the Easterly line of the property described in Document No. 99-1086922, Maricopa County Recorders Office, a distance of 250.00 feet;

Thence North 00 degrees 45 minutes 00 seconds West, a distance of 15.00 feet to the POINT OF BEGINNING; and

ALSO Except that portion, described as follows:

That portion of Lot 2 of said Section 1, described as follows:

Commencing at the Northeast corner of said Section 1;

Thence South 89 degrees 15 minutes 00 seconds West along the North line of said Section 1, a distance of 2264.72 feet;

Thence South 00 degrees 45 minutes 00 seconds East, a distance of 55.00 feet to the South right of way line of McDowell Road, also being the Northeast corner of Sunpointe 1, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 284 of Maps, Page 40, and the POINT OF BEGINNING;

Thence North 89 degrees 15 minutes 00 seconds East along said right of way line, a distance of 295.00 feet;

Thence South 28 degrees 34 minutes 26 seconds East, a distance of 250.00 feet;

Thence South 07 degrees 21 minutes 34 seconds West, a distance of 500.00 feet to a point on the North line of the property described as Area #1 in the amended Final Order of Condemnation recorded in Docket 16317, Page 441, records of Maricopa County, Arizona;

Thence South 89 degrees 24 minutes 02 seconds West along the said North line of said Area #1 property, a distance of 345.00 feet to the Southeast corner of said Sunpointe 1;

Thence North 00 degrees 45 minutes 00 seconds West along the East line of said Sunpointe 1, a distance of 713.12 feet to the POINT OF BEGINNING.

### Parcel 2

That portion of the Northeast quarter of Section 1, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona.

Commencing at the Northeast corner of said Section 1;

Thence South 00 degrees 21 minutes 41 seconds West, a distance of 56.37 feet;

Thence North 89 degrees 38 minutes 19 seconds West, a distance of 70.00 feet to a point on the right-of-way intersection of 67th Avenue and McDowell Road;

Thence South 01 degrees 18 minutes 14 seconds West, a distance of 607.94 feet;

Thence South 85 degrees 38 minutes 41 seconds West, a distance of 394.90 feet to the TRUE POINT OF BEGINNING;

Thence South 85 degrees 38 minutes 41 seconds West, a distance of 385.25 feet;

Thence North 00 degrees 45 minutes 00 seconds West, a distance of 320.00 feet;

Thence North 89 degrees 15 minutes 00 seconds East, a distance of 384.49 feet;

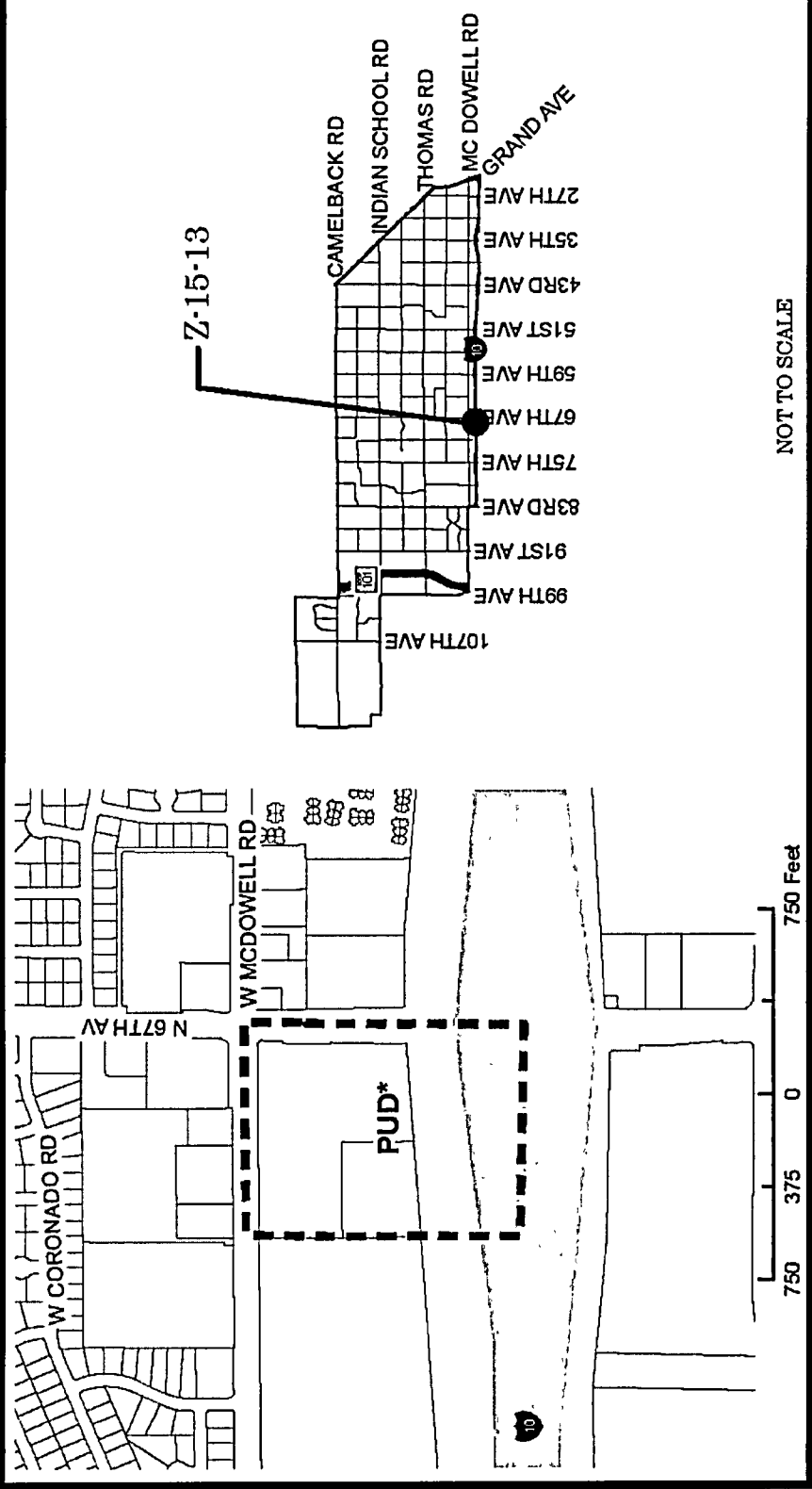
Thence South 00 degrees 45 minutes 00 seconds East, a distance of 295.77 feet to the POINT OF BEGINNING.

ATTACHMENT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-15-13-7  
Zoning Overlay: N/A  
Planning Village: Maryvale

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



Drawn Date: 10/8/13

Map Document N:\PDF\_Maps\Ordinance\_Map\2013