

ATTACHMENT A

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ADOPTED ORDINANCE**

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-69-23-6) FROM C-O CEPCSP (COMMERCIAL OFFICE – RESTRICTED COMMERCIAL, CAMELBACK EAST PRIMARY CORE SPECIFIC PLAN) TO PUD CEPCSP (PLANNED UNIT DEVELOPMENT, CAMELBACK EAST PRIMARY CORE SPECIFIC PLAN).

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

SECTION 1. The zoning of a 1.57-acre site located approximately 125 feet north and 450 feet east of the northeast corner of 26th Street and Camelback Road in a portion of Section 14, Township 2 North, Range 3 East, as described more specifically in Exhibit “A,” is hereby changed from “C-O CEPCSP” (Commercial Office – Restricted Commercial, Camelback East Primary Core Specific Plan) to “PUD CEPCSP” (Planned Unit Development, Camelback East Primary Core Specific Plan).

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

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. An updated Development Narrative for the Camelback Lakes Residential reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped March 20, 2024, as modified by the following stipulations:

- a. Front cover: Revise the date information on the cover page to the following: City Council Adopted: [Add Adoption Date]
- b. Page 4, Table of Contents:
 - Add a new Section K titled "Items Agreed Upon By The Developer And Neighbors, But Not Enforceable By The City" and rename "Exhibits" as Section L.
 - Add the proposed construction plan to the list of exhibits.

- c. Page 10, Development Standards Table, Maximum Density: Update the density to 38.22 dwelling per acre, 60 units.
- d. Page 10, C. List of Uses, 1. Permitted Land Uses: Amend Statement A as follows:

Uses are limited to those allowed in the Phoenix Zoning Ordinance Section 608 (Residence Districts) and the multifamily and office uses from the R-5 zoning district (Section 618).

There shall be no outdoor live music on the site.

- e. Page 11, D. Development Standards, 2. Landscape Standards Table, Parking Lot Area Landscape Standards: Add the following two sentences as separate rows:

Parking lot landscape planters adjacent to the west side of the building shall be a minimum of 5 feet wide and planted with 24-inch boxed Desert Museum Palo Verde trees, or a mutually acceptable species.

A landscaping barrier shall be provided between parking stalls for the exclusive use of the restaurant and any adjacent sidewalks in order to prevent unauthorized parking.

- f. Page 12, D. Development Standards, 3. Parking, A. Vehicle Parking: Add the following sentence to the first paragraph:

A minimum of 27 parking stalls shall be provided adjacent to the restaurant parcel for exclusive use of restaurant customers and employees.

- g. Page 14, E. Design Guidelines, Exterior Materials: Add the following standard after the last sentence:

Reflective building materials are prohibited.

- h. Page 14, E. Design Guidelines, Color Palette: Add the following after the first sentence:

No paint colors shall be used which have a Light Reflective Value (LVR) greater than 75%.

- i. Page 15, E. Design Guidelines, Glazing: Add the following after the last sentence:

Reflectivity of windows shall be limited to 20%. There shall be no more than 50% glazing or glass material along the western facing façade.

- j. Page 16, E. Design Guidelines: Add a new row at the end of the table titled Exterior Lighting and add the following:

Exterior lighting, specifically on the portion of the new residential building facing the restaurant shall be minimized to avoid adversely affecting guest experience.

Lighting shall be a maximum of 3,000 Kelvin with no spot lighting directed at the restaurant.

New landscape island lighting shall match the existing restaurant lighting.

The adjacent restaurant shall retain the right to review and provide input on plans for exterior lighting in efforts to minimize impact on guest experience.

- k. Page 16, F. Signs: Revise the second paragraph to read as follows:

Wall signs for the multifamily residential uses may include projecting/blade signs perpendicular to the building facade and placed no higher than the

top of the second story as required by the CEPCSP.

- I. Page 16, F. Signs: Add the following as a third paragraph:

There shall be no signage on the portion of the new residential building immediately facing the restaurant.

- m. Page 21, K. Update title to "Items Agreed Upon By The Developer And Neighbors, But Not Enforceable By The City" and add the following items in a list.

- (1) The developer shall work with the adjacent restaurant owner to determine mutually agreeable colors, materials, and building design on the building facing the restaurant parcel (western façade).
- (2) Construction on the property shall be limited as follows:
 - (a) Outdoor construction activity and exterior construction shall be limited to the hours of 8:00 a.m. to 5:00 p.m. on weekdays unless notice is provided to RN Properties at Attn: Jerel Campbell, 4455 E. Camelback Rd, Ste. C-140, Phoenix, AZ 85018 one week before any deviation from this schedule.
 - (b) No outdoor construction activity or exterior construction shall occur on weekends.
 - (c) Interior construction shall be allowed only after the building's exterior is completed and only between 8:00 a.m. and 5:00 p.m.
 - (d) The developer shall, prior to demolition and construction provide construction schedules to the owner of the property designated APN 164-14-027A.

Construction shall not begin on the property before June 2025.
 - (e) During construction, traffic, property access, loading, unloading, worker parking, storage of construction equipment, and staging shall conform to the proposed construction plan date stamped April 2, 2024 (consisting of one page) and shall not occur outside the hours defined above.

The storage area noted on the northwest side of the property/existing parking structure shall be screened with a temporary wall.

The property owner shall review construction traffic access on a traffic study and all possible times, use its best efforts to utilize alternative access away from 26th Street.

- (3) After issuance of a Certificate of Occupancy for the structure, the noise level shall not exceed 55 dB (Ldn) at the property line.
- (4) Prior to final site plan approval, Items (2) and (3) above shall be recorded against the property in favor of Maricopa County APN 164-14-027A.
- (5) The developer will plant a dense row of shrubs on the Arizona Biltmore golf course side of the 8-foot wall for the entire length of the wall. Plant material shall be Privet, Ficus, Fotinia, or equal.

The Arizona Biltmore golf course will provide irrigation and maintenance for the shrubs.

- (6) The residential building operator or manager shall, at the time of conveyance to tenants or unit purchasers, mandate disclosures that inform the following:
 - (i) Designate assigned parking spaces for residents and identify adjacent areas which are not to be used for resident and guest parking.
 - (ii) Detail the rules and regulations addressing prohibited uses of balcony and patio areas of the residential building.
 - (iii) The Arizona Biltmore golf course is a private course for the exclusive use of the members and daily fee players and is not for recreational use of the community at any time.

- n. Pages 21 and 81, Exhibit J: Add the proposed construction plan date stamped April 2, 2024.
- o. Pages 40 to 43, Exhibit E: Replace the elevations with the elevations dated March 29, 2024 (and date stamped April 2, 2024).

2. The developer shall submit a Traffic Impact Study for this development, no preliminary approval of plans shall be granted until the study has been reviewed and approved by the City. The developer shall be responsible for any dedications, funding and construction of all recommendations in the study.
3. Replace unused driveways with sidewalk, curb and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
4. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
5. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized, as approved or modified by the Planning and Development Department.
6. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
7. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
8. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.
9. Development shall generally conform to the conceptual site plan dated March 19, 2024, Level 1 Plan dated March 19, 2024, Lower-Level Plan dated August 31, 2023, and elevations dated March 29, 2024 (included in the PUD narrative) with specific regard to:
 - a. Parking structure entrances and the number and placement of structured and surface parking spaces;
 - b. Dumpster location;
 - c. Location of only a maximum of two dwelling units, neither with a balcony,

- on the northernmost (northeast facing) portion of the 5th floor; and
- d. Location of the 5th floor amenity deck on the south side of the building;
 - e. Main building entrance location on southern side of building and not immediately facing the adjacent restaurant, no secondary or other entrances facing restaurant.
10. Before commencement of demolition or construction on the property, the developer shall install an 8-foot high, block wall along the north/northeast perimeter adjacent to the golf course, as shown on the proposed construction plan date stamped April 2, 2024. The wall will be constructed with stucco on the north side.
 11. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property or tenants within the development(s) that:
 - a. Designate assigned parking spaces for residents and identify adjacent areas which are not to be used for resident and guest parking; and
 - b. Detail the rules and regulations addressing prohibited uses of balcony and patio areas of the residential building.
 - c. The Arizona Biltmore golf course is a private course for the exclusive use of the members and daily fee players and is not for recreational use of the community at any time.
 12. The developer shall erect an 8-foot wall as a replacement for the existing pipe and chain link structure, along the northeast side of the property, which resides entirely on the developer and/or seller's property. The 8-foot wall shall be topped with a "top golf" type netting as a complete replacement for the existing pipe and chain link safety screen.
 13. Prior to final site plan approval, the developer shall provide a fully executed and recorded copy of the amended and restated parking easement agreement and use restrictions, amended and restated from the previously recorded parking easement and agreement, recorded in the office of the Maricopa County Recorder on May 18, 1998 as document number 98-0412811.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the

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

PASSED by the Council of the City of Phoenix this 12th day of June, 2024.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

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

EXHIBIT A

LEGAL DESCRIPTION FOR Z-69-23-6

THAT PORTION OF LOT 2, CAMELBACK LAKES CORPORATE CENTER-PARCEL 38, RECORDED IN BOOK 449 OF MAPS, PAGE 14, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING WITHIN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 3-INCH CITY OF PHOENIX BRASS CAP IN HANDHOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 14, FROM WHICH A 3-INCH CITY OF PHOENIX BRASS CAP IN HANDHOLE MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 14 BEARS NORTH 87 DEGREES 29 MINUTES 45 SECONDS EAST 2,626.08 FEET, SAID LINE BEING THE BASIS OF BEARINGS FOR THIS DESCRIPTION;

THENCE NORTH 87 DEGREES 29 MINUTES 45 SECONDS EAST 1927.73 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

THENCE NORTH 02 DEGREES 30 MINUTES 15 SECONDS WEST 189.06 FEET TO THE SOUTHWEST LINE OF SAID LOT 2 AND THE POINT OF BEGINNING;

THENCE ALONG SAID SOUTHWEST LINE THE FOLLOWING FIVE COURSES AND DISTANCES:

THENCE NORTH 45 DEGREES 37 MINUTES 39 SECONDS WEST 106.99 FEET;

THENCE NORTH 48 DEGREES 32 MINUTES 32 SECONDS EAST 4.01 FEET;

THENCE NORTH 45 DEGREES 37 MINUTES 39 SECONDS WEST 57.35 FEET;

THENCE SOUTH 44 DEGREES 22 MINUTES 21 SECONDS WEST 8.00 FEET;

THENCE NORTH 45 DEGREES 37 MINUTES 39 SECONDS WEST 57.38 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 2;

THENCE NORTH 48 DEGREES 34 MINUTES 55 SECONDS EAST 339.40 FEET TO THE NORTH LINE OF SAID LOT 2;

THENCE ALONG SAID NORTH LINE THE FOLLOWING TWO COURSES AND DISTANCES;

THENCE SOUTH 32 DEGREES 30 MINUTES 15 SECONDS EAST 120.00 FEET;

THENCE NORTH 87 DEGREES 29 MINUTES 45 SECONDS EAST 115.86 FEET;

THENCE SOUTH 44 DEGREES 18 MINUTES 19 SECONDS WEST 391.80 FEET TO
THE POINT OF BEGINNING.

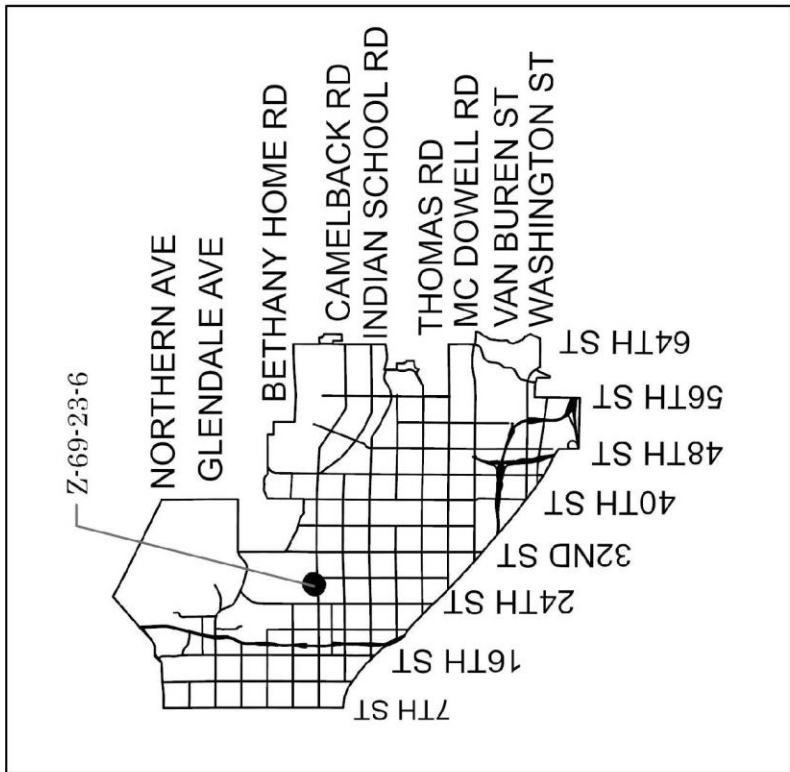
COMPRISING 69,386 SQUARE FEET, MORE OR LESS.

DRAFT

ORDINANCE LOCATION MAP

Zoning Case Number: Z-69-23-6
Zoning Overlay: Camelback East Primary Core Specific Plan
Planning Village: Camelback East

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



NOT TO SCALE

