

## ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,  
ADOPTED ORDINANCE**

### ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-14-18-2) FROM C-2 PCD (INTERMEDIATE COMMERCIAL DISTRICT, PLANNED COMMUNITY DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT).

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

SECTION 1. The zoning of an approximately 1.93-acre property located approximately 415 feet north of the northwest corner of Scottsdale Road and Kierland Boulevard in a portion of Section 3, Township 3 North, Range 4 East, as described more specifically in Exhibit "A", is hereby changed from "C-2 PCD" (Intermediate Commercial District, Planned Community District) to "PUD" (Planned Unit Development District) for the DMB Circle Road Partners Mixed Use Development PUD to allow a mix of uses including multifamily, hotel, and commercial.

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 DMB Circle Road Partners Mixed Use Development PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped June 18, 2018, as modified by the following stipulations:
  - a. Front Cover: Remove "Submittal" after Planned Unit Development and revise submittal date information on bottom to add the following:  
City Council adopted **October 3, 2018**:
  - b. Page 14, Development Standards: Add the following requirement as noted below:

Shade	Minimum 75% of shade cover at maturity over pedestrian pathways (public and private)
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  - c. Page 14, Development Standards: Add the following requirement as noted below:

Bicycle Parking	Minimum of 50 spaces (will follow standards listed in 1307.H of the Phoenix Zoning Ordinance)
	Minimum of one secured bicycle space per 25 vehicle parking spaces; secured parking may be located indoors or outdoors (i.e. bicycle lockers)
	Minimum of two bicycle spaces to be located outdoors and within 50 feet of the main entrances of the building. Spaces shall be installed per Zoning Ordinance Section 1307.H.4
  - d. Page 15, Option B; 196 feet development standards: Delete.
  - e. Page 16, Parking; Modify language in regard electrical vehicle parking spaces "there will be a minimum of two parking spaces with electrical charging stations". Add the same verbiage to the Sustainability Section below City Enforced Standards.
  - f. Page 18, Site Description/Layout Standards: Modify ground floor commercial requirement to read as follows:  
"The first floor will be comprised of commercial uses"

- g. Page 19, Passenger Drop off/pickup: Modify veranda entry requirement to read as follows:  
"Shall include a veranda entry with vegetation to provide shade"
- h. Page 19, Southwest Property Line: Delete
- i. Page 20, Building Design Standards: Modify requirements limiting building materials as indicated below:  
"The following materials shall be limited to not exceed 50% of the exterior building: metal, paneling, natural or synthetic stone, precast concrete and "EIFS"
- j. Page 20, Exterior Materials; Add the following requirement:  
Glazing on all windows shall have a maximum reflectivity of 20%
- k. Page 20, Design Standards; Add the following requirements below Exterior Façade:  
4-sided architecture
- l. Page 20, Color Palette; Delete text related to prohibited materials.
- m. Pages 23 through 27: Delete Option B Design Standards.
- n. Signs: Modify to read as follows:  
Signage will be in conformance with Section 705 Signs of the City of Phoenix Zoning Ordinance. A separate application will be submitted for approvals of a comprehensive sign plan package. An amendment to the approved comprehensive site plan (CSP) for Kierland will be required for any signage under this PUD that is not otherwise permitted under the current CSP. All signage is subject to said CSP and any amendments thereto.  
  
All permanent signs shall be compatible with the design of buildings and sites, reflecting the architectural style, building materials, textures, colors, and landscape elements of the project.
- o. Sustainability: Add the following requirement below city enforced standards:  
"Recycling receptacles and trash chutes serving the residential and hotel units will be provided in the refuse room."
- p. Sustainability: Add the following requirement below developer enforced standards:  
"Recycling services will be provided for tenants."

- q. Exhibit 1, Comparative Zoning Standards: Update C-2 landscape standards adjacent to property to 0-feet.
  - r. Exhibit 7, General Plan: Update exhibit to outline property.
  - s. Remove all development option exhibits for option B.
  - t. Development standards, maximum number of dwelling units: update to 169 residential units maximum.
  - u. Parking standards, hotel parking: update to 1 parking space per room.
2. The developer shall submit a Traffic Impact Statement to the Street Transportation Department for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation Department.
  3. The property owner shall record documents that disclose the existence, and operational characteristics of Scottsdale Municipal Airport (SDL) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
  4. The developer shall provide documentation to the City of Phoenix prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
  5. 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.

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 3rd day of October, 2018.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

\_\_\_\_\_  
City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-14-18-2

PARCEL NO. 1:

A parcel of land lying with Section 3, Township 3 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County Arizona, being a portion of Parcel 4A of KIERLAND PARCELS 1, 3 and 4A, as recorded in Book 418 of Maps, Page 45, records of Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the South most Southeast corner of said Parcel 4A;

THENCE along the Southerly line of said Parcel 4A, North 44 degrees 48 minutes 52 seconds East, a distance of 29.74 feet, to the East line of said Parcel 4A;

THENCE leaving said Southerly line, along the East line of said Parcel 4A, North 00 degrees 06 minutes 24 seconds West, a distance of 340.71 feet, to the POINT OF BEGINNING;

THENCE leaving said East line, South 89 degrees 44 minutes 08 seconds West, a distance of 54.04 feet.;

THENCE North 00 degrees 15 minutes 52 seconds West a distance of 8.54 feet;

THENCE North 45 degrees 15 minutes 52 seconds West, a distance of 368.10 feet;

THENCE South 89 degrees 44 minutes 08 seconds West, a distance of 99.3 feet;

THENCE North 00 degrees 15 minutes 52 seconds West, a distance of 69.99 feet, to the North line of said Parcel 4A;

THENCE along said North line, North 89 degrees 44 minutes 08 seconds East, a distance of 414.57 feet, to the East line of said Parcel 4A;

THENCE leaving said North line, along said East line, South 00 degrees 06 minutes 24 seconds East, a distance of 338.82 feet, to the POINT OF BEGINNING.

PARCEL NO. 2:

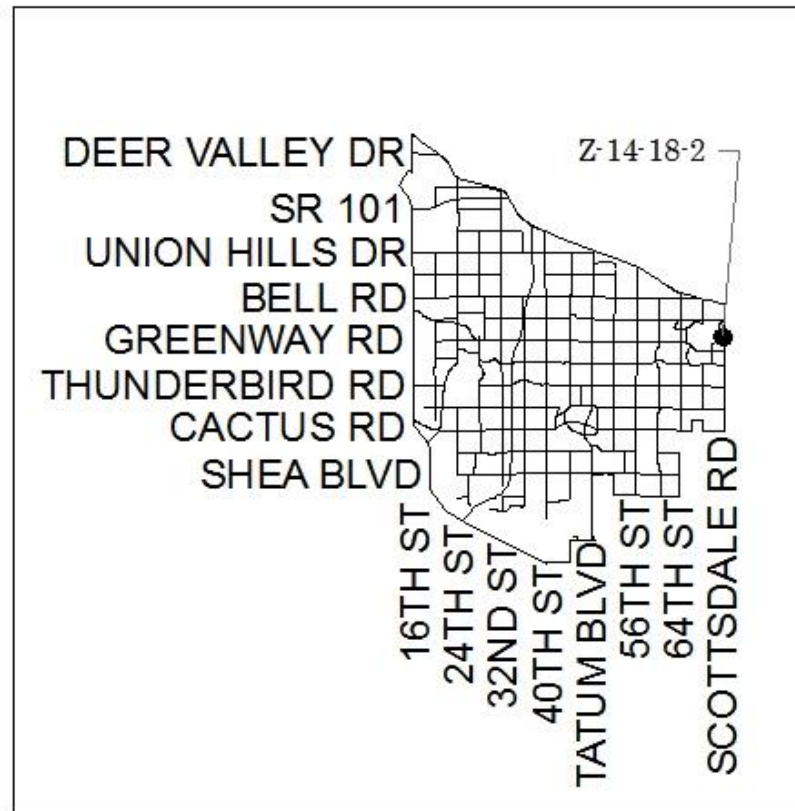
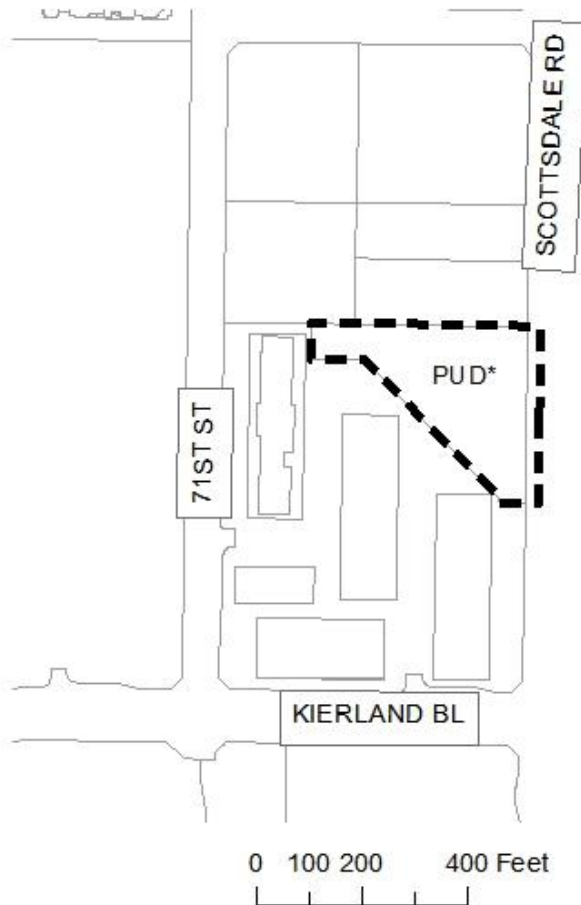
An easement for ingress, egress and public utilities, as granted in instrument No. 96-0570533; and thereafter amended in Instrument No. 99-0563053; and thereafter Second Amendment recorded in Instrument No. 99-0875237.

# ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-14-18-2  
Zoning Overlay: N/A  
Planning Village: Paradise Valley



NOT TO SCALE



Drawn Date: 9/6/2018