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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-62-17-8) FROM C-O (COMMERCIAL OFFICE), PSC (PLANNED SHOPPING CENTER), R-2 (MULTIFAMILY RESIDENCE DISTRICT), R-3A (MULTIFAMILY RESIDENCE DISTRICT), R-4 (MULTIFAMILY RESIDENCE DISTRICT), R-4A (MULTIFAMILY RESIDENCE – GENERAL), AND R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of an approximate 97.85-acre site located at the southwest corner of 40th Street and McDowell Road in a portion of Section 1, Township 1 North, Range 3 East and Section 6, Township 1 North, Range 4 East as described more specifically in Exhibit "A", is hereby changed from 12.82 acres of "C-O" (Commercial Office), 21.79 acres of "PSC" (Planned Shopping Center), 11.43 acres of "R-2" (Multifamily Residence District), 14.00 acres of "R-3A" (Multifamily Residence District), 1.20 acres of "R-4" (Multifamily Residence District), 11.56 acres of "R-4A" (Multifamily Residence – General), and 25.05 acres of "R1-6" (Single-Family Residence

District) to "PUD" (Planned Unit Development) to allow a mix of uses including a data center campus; general commerce park and/or retail uses; and open space .

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 McDowell Road Data Center 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 November 6, 2017, as modified by the following stipulations:

    a. Revise references to McDowell Road street classification to "Arterial".

    b. Cover Page: Relabel "3rd Submittal" as "Hearing Draft".

    c. Page 7, Section B.2, 1st Paragraph, 1st Sentence: Remove reference to building stories.

    d. Page 7, Section B.2, 4th Paragraph: Replace with the following: "In addition, there is a large existing ADOT retention basin that will likely be reconfigured as part of the development of the project. This will provide an opportunity for an open space amenity in this area. Discussions are on-going with the City of Phoenix and ADOT to determine potential development and operations options for this area. These discussions shall include the exploration of a public/private partnership model for the open space area."

    e. Page 8: Add new Section C.4 as follows: "Archaeology: The site is identified as being in an archaeologically sensitive area. Data testing of the area may be necessary if no previous archaeological projects have been conducted in this area."

    f. Page 9, Section D, 2nd Paragraph: Update to reflect the revised General Plan amendment request.

g. Page 10, Land Use Principle "Safe Neighborhoods – Police", 2nd Sentence: Revise to reflect that security fencing will provide visibility.

h. Page 11, Figure 2: Relabel as "General Plan Map – Existing".

i. Page 14, Section F, 1st Paragraph: Replace last sentence with the following: "The Zoning Administrator may approve a use analogous to those listed below through the informal interpretation process."

j. Page 15: Delete Section F.4.

k. Page 16, Section G.1: Add Utility Buildings and Facilities to exceptions.

l. Page 16, Section G.2: Add Utility Buildings and Facilities to applicable uses.

m. Page 16, Section G.1 and G.2: Add specific section references for all references to land uses.

n. Page 16, Footnote 1: Revise to indicate that mixed-use buildings in which a data center is housed are subject to the Development Standards of Section G.2.

o. Pages 17-18: Reverse order of Sections G.2.b and G.2.c.

p. Page 17, Section G.2.b, FAR Standard: Delete.

q. Page 19, Section G.3: Revise to provide two discrete sections: one that addresses Data Center Campus uses and Utility Buildings and Facilities and one that addresses all other permitted land uses.

r. Page 19, Section G.3, Last Paragraph: Update to reflect modification of Zoning Ordinance Section 702.B.2.

s. Page 19, Section G.4.a: Replace with the following: "Provide at least one secured bicycle space per 25 vehicle parking spaces; secured parking may be located indoors or outdoors (i.e. bicycle lockers)."

t. Page 19, Section G.4.b: Replace with the following: "Minimum of two bicycle spaces to be located outdoors per building. Spaces shall be installed per Zoning Ordinance Section 1307.H.4."

u. Page 19, Section G.4.d: Delete.

v. Page 20, Section G.7, 1st Paragraph: Replace with the following: "The area identified on Figure 5 will be developed as an open space area (the "Open

Space Area"). ADOT approval is required and the exact use and final design of this area is not yet determined."

w.   Page 20, Section G.7, 2nd Paragraph: Replace with the following: "The Open Space Area is limited to use only as open space, parking for open space uses, accessory uses commonly associated with open space uses as determined by the Zoning Administrator, as well as for primary and third party (such as ADOT) storm water retention purposes and utility facilities (including those facilities required by SRP)."

x.   Page 21, Section G.7.b, Introduction: Replace with the following: "The Open Space Area will be open to public access and an ADA compliant route will be provided to each amenity. At least three of any combination of the following amenities are to be provided within the Open Space Area:"

y.   Page 21, Section G.7.b, Last Paragraph: Replace with the following: "A minimum of 40% of the total Open Space Area shall be turf. The perimeter landscaping area shall be enhanced along the western and southern boundaries to provide at least the minimum ground cover, bush and tree requirements of Section G.8.a."

z.   Page 22, Section G.7.d: Replace with the following: "At a minimum, if the Open Space Area is accessible to the general public, said access shall be from 8AM until 9PM on a daily basis, or as approved by the Parks and Recreation Department."

aa.   Page 22, Section G.7.e, Last Sentence: Update reference to pedestrian path to indicate a Multi-Use Trail (MUT) in this location.

bb.   Page 22, Section G.7.g: Replace with the following: "Lighting shall comply with all standards of the Zoning Ordinance and City Code."

cc.   Page 22, Section G.7.h: Update to reflect that provisions may be modified by the Parks and Recreation Department and approved by the Planning and Development Department.

dd.   Page 22: Insert new section G.8 and renumber proceeding sections as necessary:
G.8 Pedestrian Pathway/Multi-Use Trail (MUT): The following standards shall apply to the pedestrian pathway/multi-use trail located along the south boundary of the MRDC PUD:
   - A minimum 25-foot multi-use trail easement for the MUT shall be dedicated along the south boundary of the MRDC PUC from 36th Street to 40th Street.
   - The developer shall construct, landscape (Per Section G.9.d) and maintain the MUT area, including ADA compliant access from 36th

Street to 40th Street, as approved by the Planning and Development Department.

- Trees planted along the MUT shall be maintained with mature canopies to provide shade to trail users. Placement of signage along the southern buildings of the MRDC PUC shall be per Section I.1.H. and trees shall not be trimmed to less than a mature canopy.

ee. Page 22, Section G.8.a, Heading: Add 36th Street and 38th Street to applicable property lines.

ff. Page 23, Section G.8.a, Tree Caliper: Delete references to multi-trunk trees.

gg. Page 23, Section G.8.a, Shrubs: Rename standard "Shrubs (Landscape Setback)". Add new row titled "Shrubs (Detached Landscape Strip)" with standard "Minimum 5-gallon shrubs at a minimum spacing of 5 feet".

hh. Page 23, Section G.8.b: Delete and renumber accordingly.

ii. Page 23, Section G.8.c, Trees: Update to reflect that an automatic irrigation system is required.

jj. Page 23, Section G.8.c: Shrubs: Replace with the following: "Minimum three 5-gallon shrubs per tree."

kk. Page 23, Section G.8.c: Additional: Delete reference to "rapidly growing canopy type".

ll. Page 23-24, Section G.8.c and G.8.d, Groundcover, Replace with the following: "A minimum 50% of the landscaped area at maturity (excluding hardscape areas) should be treated with living vegetation including groundcover, shrubs and trees, as well as inorganic material and an automatic irrigation system."

mm. Page 24, Section G.8.d, Heading: Correct reference to Loop 202 Freeway.

nn. Page 24, Section G.8.d, Width: Delete text regarding pedestrian path and create new table section as follows: "Pedestrian Path/Multi-Use Trail: Minimum 10-foot Multi-Use Trail (MUT) to be provided inside 25-foot multi-use trail easement."

oo. Page 24, Section G.8d, Tree Caliper: Replace with the following: "Minimum 2-inch caliper (50% of required trees) / Minimum 3-inch caliper (50% of required trees)"

pp. Page 24, Section G.8.d, Width: Remove Pedestrian Path standard and add new table row as follows: Title – "Pedestrian Path Type", Standard –

"Minimum 10-foot wide Multi-Use Trail to be constructed per City of Phoenix MAG Supplemental Detail". Update Exhibit 7 accordingly.

qq. Page 25 and 26, Section H.1.a and H.3.b, Replace references to laid masonry block with "laid masonry block with a finished face".

rr. Page 26, Section H.3.a, 2nd Sentence: Split into two sentences.

ss. Page 27, Section H.3.c: Update all references to land use to reflect "Utility Buildings and Facilities"

tt. Page 27, Section H.3.c, 1st Paragraph: Add paragraph breaks for numbered list.

uu. Page 27, Section H.3.c, 1st Paragraph: Update bullet point "ii" to read: "from any adjacent public right-of-way".

vv. Page 27, Section H.3.c, Bullet 1: Append with the following: "When located adjacent to public right-of-way, such yards shall not be located in a landscape setback."

ww. Page 27, Section H.3.c, Bullet 2: Delete.

xx. Page 27, Section H.3.c, Bullet 3: Update to permit masonry with a finished face.

yy. Page 27, Section H.3.c, Bullet 6: Replace with the following: "Block walls shall have a finished face or be finished with stucco or other treatment to ensure a finished look."

zz. Page 28, Section H.4.a, Bullet 2: Replace with following: "Stone laid masonry with a finished face."

aaa. Page 29, Section H.5: Replace with the following: "The final location of the guard/entry offices shall be designed so that vehicles will not queue on or into the public right-of-way, as approved by the Planning and Development and Street Transportation Departments."

bbb. Page 31: Add new Section I.1.h as follows: "Signs shall be sited so that their visibility from the Loop 202 (ADOT) Freeway will not be obstructed by the expected tree canopy (at maturity) of required trees along the MUT."

ccc. Page 32, Section J.1: Add new Section J.1.d to read as follows: "The MRDC PUD shall be developed in compliance with the Phoenix Green Construction Code (PGCC)."

ddd. Page 43, Exhibit 2: Update Conceptual Site Plan to provide depictions of proposed sidewalks, multi-use trail, and delineation and dimensions of open space area. Revise references to "Open Space Area" and "Utility Building".

eee. Page 54, Exhibit 7: CP/GCP landscaping standards for perimeter property lines on 36th Street, 38th Street, 40th Street, and McDowell Road: Delete text "No standard". Add text "appropriate watering system".

fff. Page 54, Exhibit 7: Update Comparative Zoning Exhibit to match formatting of all Standards tables.

ggg. Page 21, Section G.7.a: Update width, area, and acreage of the open space area.

2. The developer shall construct a minimum 10-foot multi-use trail (MUT) within a 25-foot multi-use trail easement (MUTE) that shall be dedicated along the south property line, as approved by the Planning and Development Department.

3. Right-of-way shall be dedicated to accommodate Standard Detail P1256 around the existing bus stop/bus bay along eastbound McDowell Rd east of 38th Street as approved by the Public Transit Department.

4. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

5. The applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.

6. The applicant shall conduct Phase II archaeological data recovery excavations if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary.

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.

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 13th day of December, 2017.

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MAYOR

ATTEST:

_____City Clerk

APPROVED AS TO FORM:

_____City Attorney

REVIEWED BY:

_____City Manager

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

EXHIBIT A

LEGAL DESCRIPTION FOR Z-62-17-8

A portion of the Northeast quarter of Section 1, Township 1 North, Range 3 East and a portion of the Northwest quarter of Section 6, Township 1 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the North quarter corner of said Section 1, from whence the Northeast corner of Section 1 bears South 89° 47' 42" East (Basis of Bearings) a distance of 2639.27 feet;

Thence South 89° 47' 42" East along the North line of said Northeast quarter a distance of 1317.29 feet to a found brass cap flush (0.18' North of the Section line);

Thence South 00° 30' 53" East a distance of 40.00 feet to the South line of the North 40.00 feet of the Northeast quarter of said Section 1 and the North line of "State Plat No. 19" as recorded in Book 332 of Maps, page 26, Official Records and the POINT OF BEGINNING;

Thence South 89° 47' 42" East along said South line and the North line of said Tract 4 a distance of 1281.03 feet to the Northeast corner of said "State Plat No. 19", lying 40.00 feet West of the centerline of 40th Street as shown on said "State Plat No. 19";

Thence southerly along the Easterly line of "State Plat No. 19" for the next six (6) courses:

Thence South 00° 09' 35" West a distance of 10.31 feet to the beginning of a non-tangent curve, with a radius of 1331.00 feet whose chord bears South 08° 42' 01" East a distance of 407.28 feet;

Thence southerly along said curve through a central angle of 17° 36' 05" a distance of 408.89 feet to a non-tangent line;

Thence South 17° 23' 57" East a distance of 190.84 feet to the beginning of a non-tangent curve, with a radius of 1162.00 feet whose chord bears South 07° 46' 20" East a distance of 379.91 feet;

Thence southerly along said curve through a central angle of 18° 49' 01" a distance of 381.62 feet to a non-tangent line;

Thence South 01° 33' 56" West a distance of 300.29 feet;

Thence South 07° 30' 33" West a distance of 671.99 feet to an intersection with the East line of the Northeast quarter of Section 1 and the North right-of-way line of State Route

202, from whence the East quarter corner of Section 1 bears South 00° 58' 04" east a distance of 646.17 feet;

Thence along said North right-of-way line for the next three (3) courses:

Thence South 89° 55' 09" West a distance of 885.57 feet;

Thence South 76° 58' 09" West a distance of 972.77 feet;

Thence South 89° 17' 07" West a distance of 819.59 feet to an intersection with the North-South mid-section line of said Section 1;

Thence North 00° 30' 45" West along said line a distance of 786.81 feet to an intersection with the South line of "Enclave Villas-Amended" as recorded in Book 699 of Maps, page 28, Official Records, from whence the North quarter corner of Section 1 bears North 00° 30' 35" West a distance of 1431.23 feet;

Thence South 89° 47' 41" East along said South line a distance of 1317.34 feet to the Southeast corner of said "Enclave Villas-Amended";

Thence North 00° 30' 53" West along the East line of said "Enclave Villas-Amended" and along the East line of "Indigo Palms" as recorded in Book 607 of Maps, page 44, Official Records, a distance of 1391.23 feet to the POINT OF BEGINNING.

Except 1/16th interest reserved to the state of Arizona in all oil, gas, hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and all materials which may be essential to production of fissionable materials as set forth in ARS 37.231.
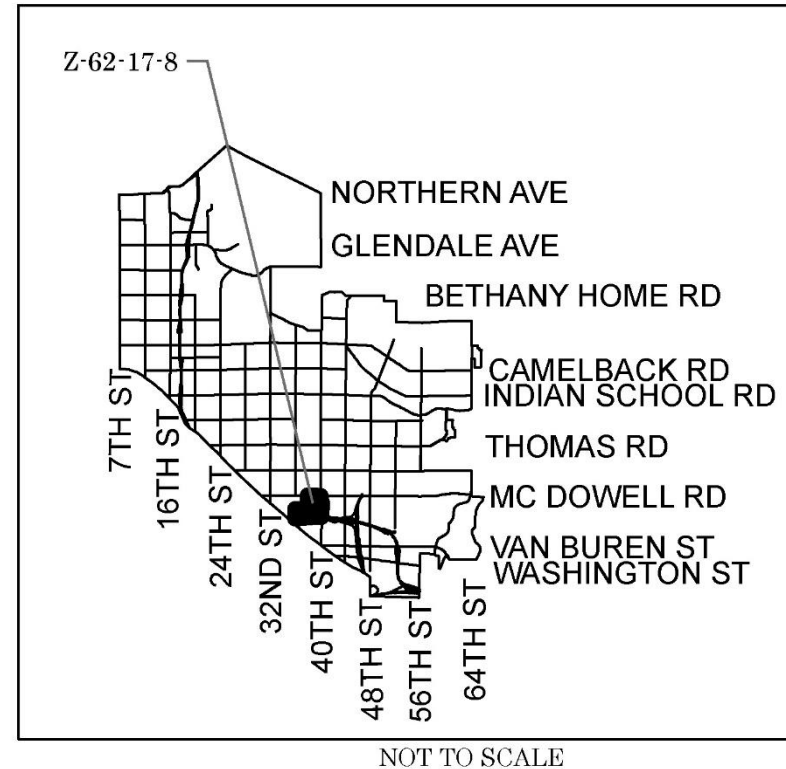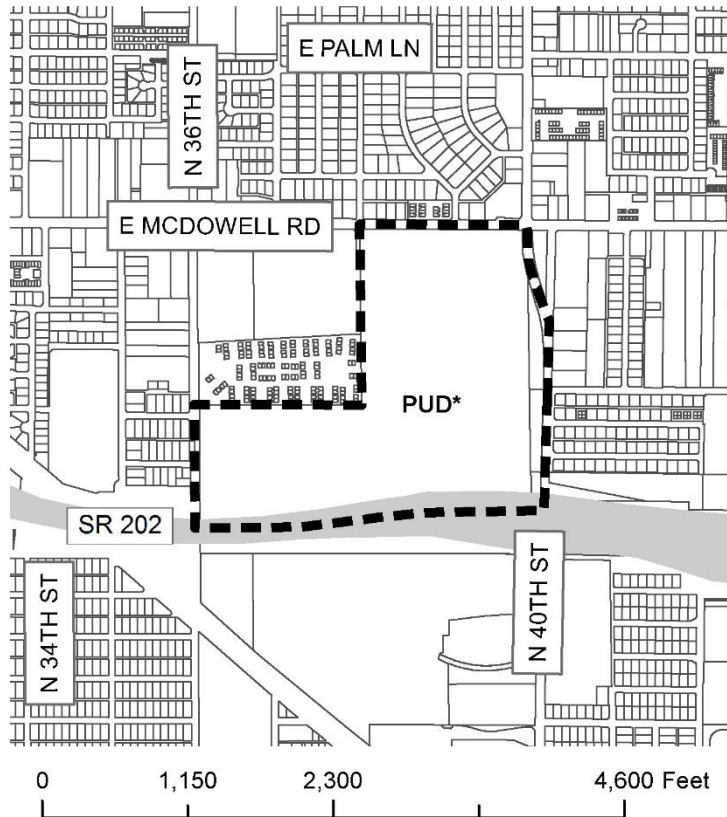
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ▪ ▪ ▪ ▪ ▪

Zoning Case Number: Z-62-17-8
Zoning Overlay: N/A
Planning Village: Camelback East

E PALM LN

N 36TH ST

E MCDOWELL RD

PUD*

SR 202

N 34TH ST

N 40TH ST

| 0 | 1,150 | 2,300 | 4,600 Feet |

Z-62-17-8

NORTHERN AVE
GLENDALE AVE
BETHANY HOME RD
CAMELBACK RD
INDIAN SCHOOL RD
THOMAS RD
MC DOWELL RD
VAN BUREN ST
WASHINGTON ST

7TH ST
16TH ST
24TH ST
32ND ST
40TH ST
48TH ST
56TH ST
64TH ST

NOT TO SCALE

N