

ORDINANCE G-7076

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-40-22-2) FROM C-2 (INTERMEDIATE COMMERCIAL), C-2 SP (INTERMEDIATE COMMERCIAL, SPECIAL PERMIT), AND PSC (PLANNED SHOPPING CENTER) 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 8.54-acre property located approximately 800 feet north of the northwest corner of Scottsdale Road and Thunderbird Road in a portion of Section 10, Township 3 North, Range 4 East, as described more specifically in Exhibit "A," is hereby changed from 1.06 acres of "C-2" (Intermediate Commercial), 0.06-acres of "C-2 SP" (Intermediate Commercial, Special Permit), and 7.42 acres of "PSC" (Planned Shopping Center) to "PUD" (Planned Unit Development).

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 Scottsdale Towne Square 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 18, 2022, as modified by the following stipulations:
  - a. Front cover: Revise the submittal date information on the bottom to add the following: Hearing draft submittal: November 18, 2022; City Council adopted: [Add adoption date].
  - b. Pages 14-15, Sidewalk Standards, Internal Walkways: Remove the single asterisk next to the 5' minimum width internal walkway standard. Add a triple asterisk next to the sidewalk standard for internal walkways. Add a new footnote for a triple asterisk that 5' minimum width internal walkways shall be clear of all obstacles.
  - c. Page 15, General Landscape Requirements: Remove bullet point (b.) for landscape irrigation, which is repeated in bullet point (d.), and re-letter accordingly.
  - d. Pages 16-17, Landscape Standards Table:
    - (1) Streetscape: Revise titles of streetscape standards to "Streetscape – Landscape Areas Within Public Right-of-Way Adjacent to Scottsdale Road, Including Detached Sidewalk Landscape Strip", "Landscape Setback Adjacent to 71st Street Where Pocket Park Option Is Not Utilized", and "Landscape Setback Adjacent to 71st Street - Pocket Park Option."

- (2) Add language "at maturity" after each live vegetative ground coverage standard.
- (3) Add a new row for a landscape standard for the bus stop pad on southbound Scottsdale Road, below the "Adjacent to Buildings" row, as follows: "Bus Stop Pad Landscaping – a) Minimum 3-inch caliper shade trees to provide minimum shade per Section D.6. at maturity; b) Minimum 75% live vegetative ground coverage at maturity."
- (4) Update the Landscape Standards along 71st Street for both the pocket park and non-pocket park options as follows:
  - a. 50% minimum 3-inch caliper trees and 50% minimum 4-inch caliper trees planted 20' on center spacing average. This average spacing may include existing trees to remain in place.
  - b. Minimum 75% living vegetation ground coverage.
- e. Page 20, Shade: Add a shade standard for the bus stop pad: "A minimum of 50% of the bus stop pad on southbound Scottsdale Road shall be shaded at tree maturity."
- f. Page 24, iv. Design for Cost-Effectiveness: Modify the language to a development/developer requirement that is not confused as a directive to the Street Transportation Department.
- g. Page 14, Development Standards, Development Standards Table, Noise Reduction: Add language that states, "The average noise level, measured at the west property line, shall not exceed 55 DB (one LDN) when measured on a "weighted" sound level meter and according to the procedures of the Environmental Protection Agency."
- h. Page 15, Development Standards, Landscape Standards Table, General Landscaping Requirements: Add a provision to require low-water-use tree species with a dense foliage along the west perimeter of the site to provide an adequate visual buffer for adjacent residences.
- i. Page 16, Development Standards, Landscape Standards Table: Modify the language for landscaping along Scottsdale Road, 71st Street, and the north property line to require minimum 3-inch caliper trees planted 20 feet on center or in equivalent groupings.

- j. Page 18, Development Standards, Fences / Walls: Add Language to require a 6-foot-high full view fence be constructed along 71st Avenue at or behind the building setback line.
  - k. Page 20, Development Standards, Amenities: Add the following language after the Commercial Amenities section:
    - 4) Art: A minimum of two art installations shall be installed either along Scottsdale Road or in the open space area between the two restaurant buildings. The art shall be a minimum of five feet in length in any one direction (height, width or depth).
  - l. Page 25, Development Standards, Signs: Add language to require signs along the west side of the property be non-lighted signs.
  - m. Tab H, Scottsdale Towne Square Architectural Design Guidelines, Section 1.0, Page 2, Form and Scale, Building Massing (PDF Page 57): Add language to restrict upper-level balconies where there is no visual buffer blocking a line of sight from a balcony looking west into adjacent single-family yards. Balconies may either be recessed or Juliette balconies where there is no line of sight into the yards. Protruding balconies may be allowed either where there is a visual buffer blocking the line of sight from the balcony looking west into single-family yards or wherever there are no lines of sight looking west into adjacent single-family yards.
  - n. Tab H, Scottsdale Towne Square Architectural Design Guidelines, Section 1.4, Page 8, Glass (PDF Page 63): Add language to require glass on all windows be a minimum of 85% non-reflective glass.
2. The applicant shall submit a Traffic Impact Study/Statement to the City for this development. The developer shall be responsible for cost and construction of all mitigation identified through the analysis. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation Department.
  3. The developer shall submit a circulation plan addressing pedestrian and bicyclist connectivity and safety within the development, to nearby pedestrian and bicyclist infrastructure, and include proximity to activity centers, as approved by the Planning and Development Department.

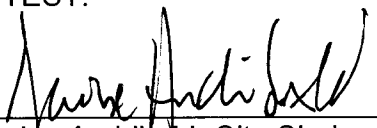
4. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
5. The developer shall build a bus stop pad on southbound Scottsdale Road. The pad shall be designed according to City of Phoenix Standard Detail P1260 with a depth of 10 feet.
6. 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.
7. The developer shall provide documentation to the City 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.
8. 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.
9. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.
10. Prior to preliminary site plan approval, the developer shall apply for the on-street parking zones program in order to install no parking signs along 71st Street adjacent to the site.

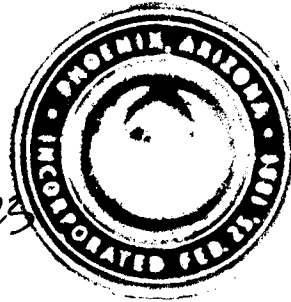
SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 1st day of February,  
2023.

  
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MAYOR

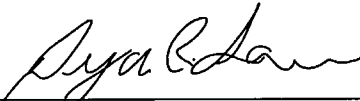
ATTEST:

  
\_\_\_\_\_  
Denise Archibald, City Clerk



02-27-2023

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

By:   
\_\_\_\_\_  
Deryck R. Lavelle, Chief Counsel *pml*

REVIEWED BY:

  
\_\_\_\_\_  
Jeffrey Barton, City Manager

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Exhibits:

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

EXHIBIT A

A portion of Tract "A", of Raskin Estates No. 1, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 86 of Maps, Page 36 and a portion of the south half of Hearn Road, as abandoned by Resolution No. 19618 in Document No. 2001-373063, records of Maricopa County, Arizona, lying within the southeast quarter of Section 10, Township 3 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the southeast corner of Section 10, a City of Scottsdale Brass Cap in Handhole, from which the east quarter corner of said Section 10, a City of Scottsdale Brass Cap in handhole, bears North 00°57'30" West, a distance of 2,642.53 feet;

Thence along the east line of the southeast quarter of said Section 10, North 00°57'30" West, a distance of 818.52 feet;

Thence leaving said east line, South 89°02'30" West, a distance of 65.00 feet, to the Point of Beginning;

Thence South 89°02'30" West, a distance of 204.94 feet;

Thence South 00°56'35" East, a distance of 156.67 feet;

Thence South 89°16'50" West, a distance of 364.81 feet, to the easterly right-of-way line of 71st Street;

Thence along said easterly right-of-way line, North 00°50'20" West, a distance of 330.78 feet;

Thence North 89°18'30" East, a distance of 8.00 feet;

Thence North 00°50'20" West, a distance of 277.00 feet;

Thence North 00°17'40" West, a distance of 53.00 feet, to the centerline of abandoned portion of Hearn Road;

Thence along said centerline, North 89°18'15" East, a distance of 559.92 feet, to the westerly right-of-way line of Scottsdale Road;

Thence leaving said centerline, along said westerly right-of-way line, South 00°57'30" East, a distance of 503.02 feet; to the Point of Beginning.

Containing 341,138 Square Feet or 7.83 Acres more or less.

**G7076**

