



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Z-28-19-6 (Banyan Washington Apartments PUD) October 25, 2018

Camelback East [Village Planning Committee](#) Meeting Date November 5, 2019
 Planning Commission Hearing Date November 7, 2019

Request From: [A-1](#) (3.59 acres)
[A-2](#) (1.20 acres)

Request To: [PUD](#) (4.79 acres)

Proposed Use Planned Unit Development to allow a mixed-use development.

Location Approximately 193 feet west of the southwest corner of 54th Place and Washington Street

Owner Papago Tierra, LLC

Applicant/Representative Stephen C. Earl / Earl, Curley & Lagarde

Staff Recommendation Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Map Designation		Current: Industrial, Proposed (GPA-CE-1-19-6): Mixed Use	
Street Map Classification	Washington Street	Major Arterial/ Light Rail	50-foot south half street
<p>CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.</p> <p>The proposed intensity is appropriate adjacent to the light rail corridor and is similar in scale the multifamily uses to the north.</p>			
<p>BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.</p> <p>The proposal includes development standards that require a detached sidewalk along Washington Street and also requires that a minimum of 75 percent of public sidewalks be shaded.</p>			

CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; HEALTHY NEIGHBORHOODS; DESIGN PRINCIPLE: Establish design standards and guidelines for parking lots and structures, setback and build-to lines, blank wall space, shade, and other elements affecting pedestrians, to encourage pedestrian activity and identify options for providing pedestrian-oriented design in different types of development.

The PUD requires standards that limit surface parking visibility along the right-of-way, prescriptive frontage standards to create a pedestrian-oriented design along Washington Street, shaded public sidewalks, pedestrian walkways, design standards for decorative wall treatments and enhanced architectural detail.

CONNECT PEOPLE AND PLACES CORE VALUE; CORES CENTERS AND CORRIDORS; LAND USE PRINCIPLE: Locate land uses with the greatest height and most intense uses within village cores, centers and corridors based on village character, land use needs, and transportation system capacity.

The subject site is located along a transit corridor with nearby access to freeways and employment hubs.

CONNECT PEOPLE AND PLACES CORE VALUE; BICYCLES; DESIGN PRINCIPLE: Development should include convenient bicycle parking.

The proposed PUD narrative requires that secured bicycle parking spaces be provided for residents and parking for guests. The project will support tenants, employees and visitors who use all modes of transportation.

Area Plans, Overlay Districts, and Initiatives

[Tree and Shade Master Plan](#) – See Background Item No. 7.

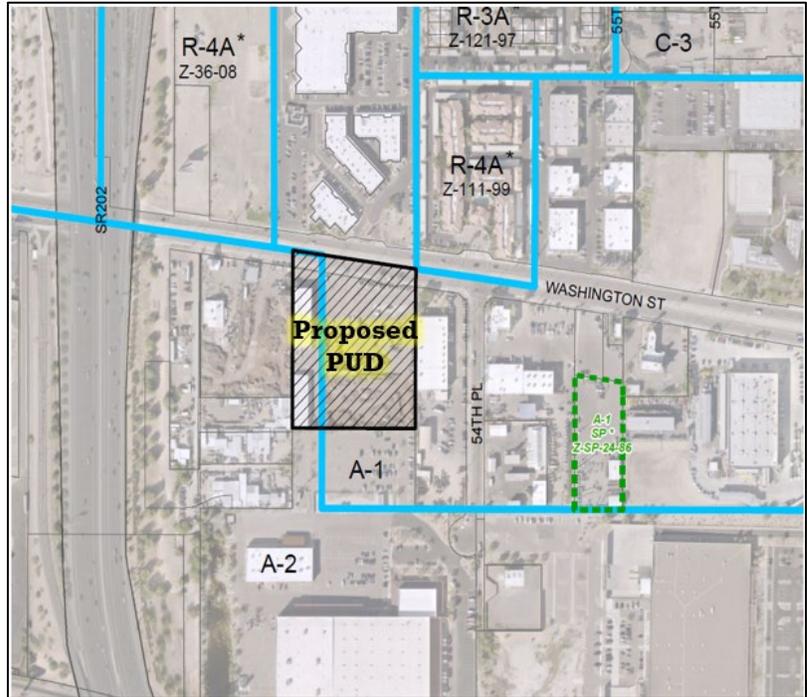
[Complete Streets Guiding Principles](#) – See Background Item No. 8.

[Reimagine Phoenix](#) – See Background Item No. 9.

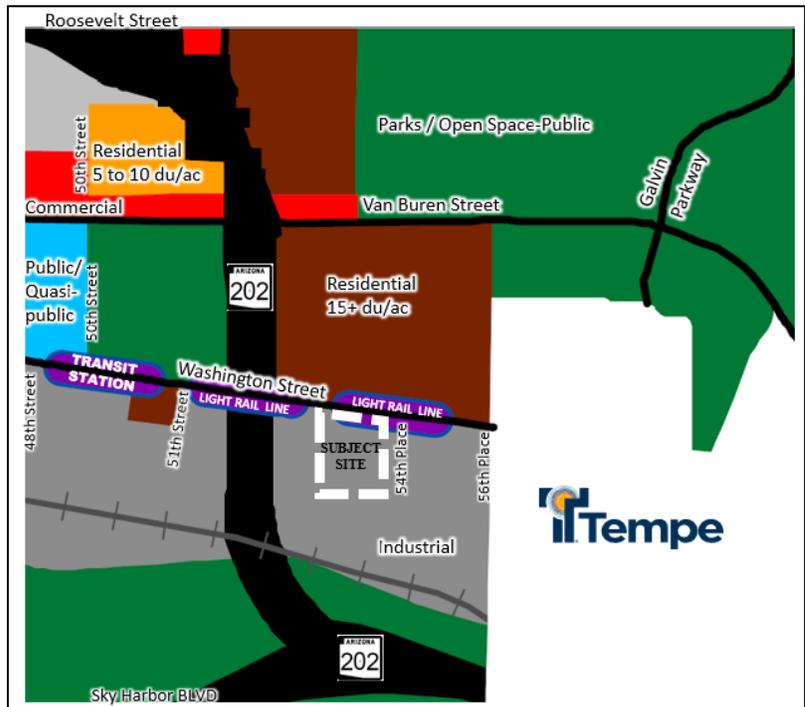
Background/Issues/Analysis

SUBJECT SITE

1. This request is to rezone 4.79-acre site located approximately 193 feet west of the southwest corner of 54th Place and Washington Street from A-1 (Light Industrial District) and A-2 (Industrial District) to PUD (Planned Unit Development) to allow a mixed-use development.



2. The General Plan Land Use Map designation for the subject site is Industrial. The proposal is not consistent with the Industrial General Plan Land Use Map designation. Although the subject site is less than 10 acres in size, the General Plan update procedures require that residential requests in designated Industrial or Commerce Park areas require a General Plan Amendment regardless of parcel size. A General Plan Amendment has been filed in conjunction



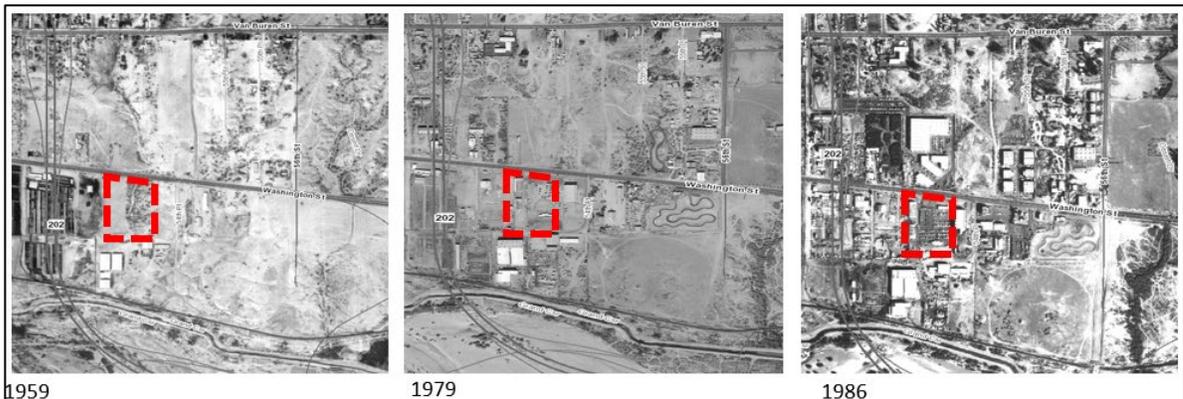
Source: City of Phoenix Planning and Development Department

to the rezoning request. Case No. GPA-EN-1-19-6 proposes to change the designation from Industrial to Mixed-Use. This rezoning request will be consistent with the Mixed-Use General Plan Land Use Map designation. The surrounding General Plan Land Use Map designations are as following:

North: Residential 15+ dwelling units per acre.

South, East and West: Industrial.

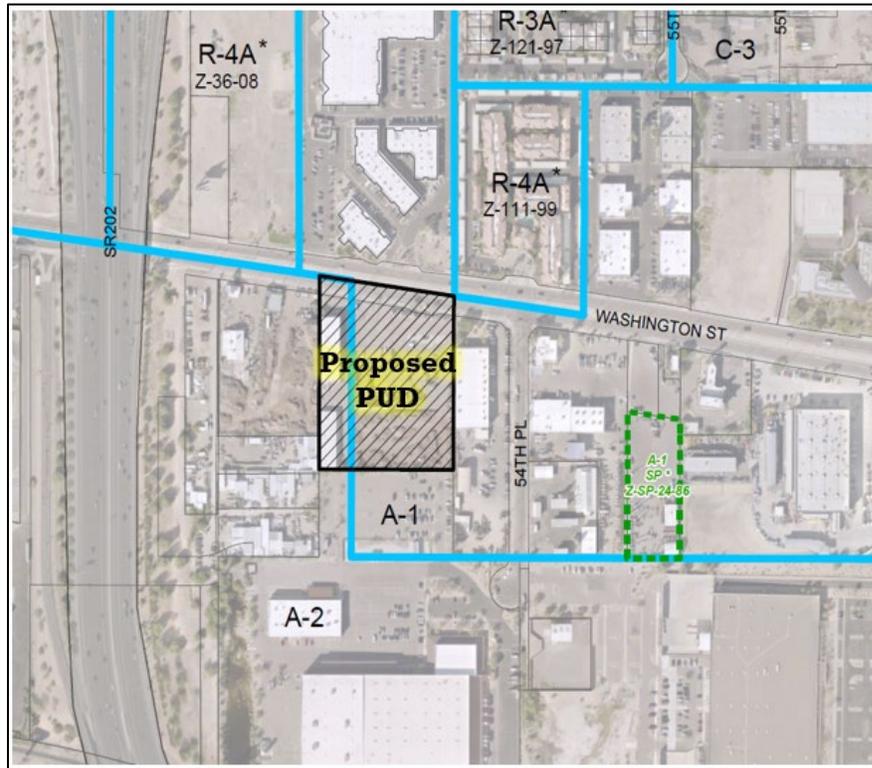
3. The subject site consists of one parcel that is under the ownership of Papago Tierra, LLC and is improved with two office buildings on the western portion of the site and outdoor storage on the eastern portion of the site. The subject site was annexed into the City of Phoenix on March 23, 1959. At that time the subject site and surrounding area was mostly vacant land. The western portion of the subject site was developed by 1979 while the eastern portion was mainly used for outdoor storage as demonstrated by Maricopa County historical aerials.



Source: Maricopa County Historical Aerials

EXISTING CONDITIONS & SURROUNDING ZONING

4. The subject site is currently occupied by two buildings on the western portion of the site zoned A-2 (Industrial District) and outdoor storage on the eastern portion of the site zoned A-1 (Light Industrial District).



Source: City of Phoenix Planning and Development Department

NORTH

North of the subject site, across Washington Street, are office buildings zoned A-1 (Light Industrial District) and multifamily zoned R-4A (Multifamily Residence District).

SOUTH

South of the subject site is a surface parking lot zoned A-1 (Light Industrial District) and A-2 (Industrial District).

EAST

East of the subject site is an equipment rental facility zoned A-1 (Light Industrial District).

WEST

West of the subject site is an outdoor wood storage yard and industrial buildings zoned A-2 (Industrial District).

PROPOSAL

5. The proposal was developed utilizing the PUD (Planned Unit Development) zoning designation. The PUD is intended to create a built environment that is superior to that produced by conventional zoning districts and design guidelines. Using a collaborative and comprehensive approach, an applicant authors and proposes standards and guidelines that are tailored to the context of a site on a case by case

basis. Where the PUD Development Narrative is silent on a requirement, the applicable Zoning Ordinance provisions will be applied.

6. Below is a summary of the proposed standards for the PUD as described in the attached PUD Development Narrative date stamped October 17, 2019. The PUD would allow the development of a mixed-use project. The comparative zoning district utilized in this staff report is R-5 (Multifamily Residence District) with the Planned Residential Development Option. The development proposes a maximum of 46 dwelling units per acre and is most comparable to the R-5 district which permits a maximum of 45.68 dwelling units per acre or 52.20 dwelling units per acre with bonus points.



Conceptual Site Plan
Source: CCBG

a. Land Use Plan

The proposed PUD does not propose separation of land uses on the subject site.

b. Permitted Land Uses

The PUD permits the following land uses:

- Multifamily residential
- Live-work units along Washington Street
- Artist Studios/Gallery
- Office

- Personal Services

Accessory uses are permitted in conformance with existing Zoning Ordinance regulations as defined in Section 202 and as outlined in Section 608 of the Phoenix Zoning Ordinance.

Temporary uses are permitted in conformance with existing Zoning Ordinance regulations as specified in Section 708 of the Phoenix Zoning Ordinance.

c. Development Standards

Density

The PUD proposes a maximum density of 46 dwelling units per gross acre. This standard is comparable to the R-5 district which permits 45.68 dwelling units per gross acre or 52.20 dwelling units per gross acre with bonus points.

Building Height

The PUD proposes a maximum building height of 61 feet. This standard is less restrictive, as the R-5 district permits a maximum height of 48 feet.

Lot Coverage

The PUD proposes a maximum lot coverage of 50 percent. This standard is identical to the R-5 district.

Open Space

The PUD proposes a minimum 9 percent open space standard. This standard is more restrictive, as the R-5 district requires a maximum of 5 percent open space.

Building Setbacks

The proposed north building setback is 12 feet maximum. This standard is less restrictive than the R-5 district which requires a minimum 20-foot building setback along public streets; but, will better serve the creation of a active and walkable streetscape along Washington Street.

The proposed south building setback is a minimum of 70 feet. This standard is more restrictive than the R-5 district which requires a minimum 10-foot building setback.

The proposed east building setback is a minimum of 10 feet for a 65-foot continuous distance from the northern property line and 70-foot minimum for the remainder of the eastern side. This standard is similar and more restrictive than the R-5 district which requires a minimum 10-foot building setback.

The proposed west building setback is a minimum of 10 feet. This standard is identical to the R-5 district.

Landscape Setbacks

The proposed north landscape setback is a minimum of 5 feet. This landscape setback standard is less restrictive than the R-5 district which requires that the front building setback, 20-feet, be landscaped. This reduced landscape standard will allow buildings frontages and entrances to be pushed forward to activate the sidewalk and provide “eyes on the street”.

The proposed south landscape setback is a minimum 5 feet with an allowance of encroachment for refuse. This landscape setback standard is comparable to the R-5 district which requires a minimum 5-foot landscape setback but would not permit an encroachment of the refuse area.

The proposed east landscape setback is a minimum of 10 feet for a maximum of 65 feet from the north property line and then a minimum of 5 feet for the remainder of the eastern property line. This landscape setback standard is comparable to the R-5 district which requires a minimum 5-foot landscape setback. Staff has requested that the 10-foot setback be permitted for a minimum of 65 instead of a maximum 65 feet. This is addressed in Stipulation No. 1.j.

The proposed west landscape setback is a minimum of 5 feet for a maximum of 166 feet of the northern portion and 72 feet for the southern portion. A minimum 13 feet is required for the remainder of the site. This landscape setback standard is comparable and more restrictive than the R-5 district which requires a minimum 5-foot landscape setback.

Detached Sidewalks

The PUD includes requirements for a straight or meandering detached sidewalk along Washington Street with a minimum sidewalk width of 6 feet. In addition, an average 3-foot 6 inch, and minimum 6-foot wide landscape strip located between the sidewalk and back of curb, is required with minimum 3-inch caliper trees planted 20 feet on center or in equivalent grouping, in addition to the landscape planting standards.

Amenities

The PUD requires a minimum of 5 amenities which include but are not limited to the following: swimming pool, spa, barbeque, ramada, cabanas, sky deck, bike storage and repair station, general tenant storage and a pet park.

Fences/Walls

The PUD proposes a maximum 40-inch-tall walls within 10 feet of the northern property line. Beyond 10 feet from the northern property line a minimum 6 foot, maximum 10-foot, wall is permitted. This standard is less restrictive than the ordinance which permits a maximum 54-inch-tall walls within the front setback (20 feet in an R-5 district) when adjacent to an arterial street, subject to a use permit. In addition, the PUD proposes a 7-foot minimum, 8-foot maximum wall along the south, east and west perimeters. This standard is comparable to the Zoning

Ordinance which requires minimum 8-foot solid walls for residential districts that were subdivided after May 2, 2008 and share a common property line with an undeveloped property zoned for non-residential uses.

Shading

The PUD includes a requirement that a minimum of 50 percent of private and public sidewalks, pedestrian pathways and common amenity areas and shall be shaded. Staff has requested that 75 percent of the public sidewalk be shaded. This is addressed in Stipulation No. 1.K.

Lighting

The PUD is silent on the lighting standards. Staff has also requested that the lighting meet Sections 507.TabA.II.A.8 and 704 of the Phoenix Zoning Ordinance. This is addressed in Stipulation No. 1.p.

Parking

The PUD will conform with existing Zoning Ordinance parking standards of Section 702, except for the 1- or 2-bedroom units which require 1.4 spaces per unit. This standard is less restrictive than the 1.5 space per 1- or 2-bedroom units required by the Zoning Ordinance. The PUD also requires a minimum of 0.25 bicycle parking spaces per unit for a maximum of 50 parking spaces and minimum of 15 guest parking spaces be installed per Section 1307.H. of the Zoning Ordinance.

d. Design Guidelines

Architecture

The PUD contains a variety of design guidelines addressing building facades, which are intended to enhance the visual interest of the structures, mitigate the impact of building massing and height, and provide a high-quality design. Guidelines include a requirement for four-sided architecture and diversity in the use of building materials and color palette. Fifty percent of the frontage is required to consist of live-work units while the other 50 percent will be residences. The PUD requires the frontage to meet identified frontage standards that would typically be located adjacent to a light rail line. Lastly, the PUD requires that the development meet specific design guidelines for pedestrian walkways and pathways.



Conceptual Rendering
Source: CCBG

e. Signage

The PUD proposes conformance with Section 705 of the Phoenix Zoning Ordinance, except as modified:

Wall Signs (Includes Vertical Blade signage)

	Maximum Height of Sign from Grade	Maximum Area
North Elevation (Washington Street Frontage)	56'	130 sq. ft. total
West Elevation	56'	100 sq. ft. total
East Elevation	56'	100 sq. ft. total

These standards are less restrictive than the ordinance which permits signs at a maximum height of 15 feet and a minimum area of 1 square foot per 4 linear feet.

f. Sustainability

The Development Narrative proposes a variety of sustainability features to be enforced by the City and developer such as high efficiency roof coating, connectivity, energy star rated windows and efficient plumbing among other features. Staff has also requested the development provide recycling services, this is addressed in Stipulation 1.s.

AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

7. Tree and Shade Master Plan

The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the city's planning and development process. The proposal includes a detached sidewalk along Washington Street with trees along both sides of the sidewalk. Trees help to

reduce the urban heat island effect and will provide thermal comfort for residents and guests.

8. **Complete Streets Guiding Principles**

In 2014, the Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. The proposal, as stipulated, includes minimum 75 percent shade along the public sidewalk and pedestrian access to units or businesses along the right-of-way.

9. **Reimagine Phoenix**

As part of the Reimagine Phoenix Initiative, the City of Phoenix is committed to increasing the waste diversion rate to 40 percent by 2020 and to better manage its solid waste resources. Section 716 of the Phoenix Zoning Ordinance establishes standards to encourage the provision of recycling containers for multifamily, commercial and mixed-use developments meeting certain criteria. The PUD noted that recycling would be provided for each tenant as a developer enforced standard. Staff is recommending that recycling services be provided on the site as a City enforced standard. This is addressed in Stipulation No. 1.s.

STIPULATED REVISIONS FOR THE PUD HEARING DRAFT

10. Stipulations not otherwise addressed in the staff report were formulated to address formatting and technical corrections to text and exhibits within the Banyan Washington Apartments PUD hearing draft dated October 17, 2019. Changes to the text include updating or rewording text to provide clarification regarding the development proposal. All stipulations must be applied within 30 days of City Council final approval of the request.

COMMUNITY INPUT SUMMARY

11. At the time this staff report was written, staff had not received any public correspondence regarding the request.

INTERDEPARTMENTAL COMMENTS

12. The Phoenix Fire Department has noted that the current location of the refuse/recycle equipment would pose an obstruction to fire access. The developer will need to refine where the refuse location will be located through development review.
13. The City of Phoenix Floodplain Management division of the Public Works Department has determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 2230 L of the Flood Insurance Rate Maps (FIRM) dated December 5, 2014.

14. The City of Phoenix Water Services Department has noted the property has existing water and sewer mains that can potentially serve the proposed development. However, there is a potential need to up size existing water and sewer infrastructure mains so that any remodels or new buildings will be able to meet domestic and fire code requirements.
15. The Street Transportation Department has indicated that a Traffic Impact Study be submitted and approved prior to preliminary site plan approval and that all streets be updated to meet current ADA guideline. These are addressed in Stipulation Nos. 2,3 and 4.
16. The Public Transit Department has indicated that the right-of-way bus stop and pad shall be retained along Washington Street. This is addressed in Stipulation No. 5.
17. The Aviation Department has indicated that the developer shall grant and record an aviation easement, record a notice to prospective purchasers of proximity to airport and provide Form 7460-1 and receive a no hazard determination form the FAA prior to construction start date. This is addressed in Stipulation Nos. 6, 7 and 8

MISCELLANEOUS

18. The site is located in a larger area identified as being archaeologically sensitive. If further review by the City of Phoenix Archaeology Office determines the site and immediate area to be archaeologically sensitive, and if no previous archaeological projects have been conducted within this project area, it is recommended that archaeological Phase I data testing of this area be conducted. Phase II archaeological data recovery excavations may be necessary based upon the results of the testing. A qualified archaeologist must make this determination in consultation with the City of Phoenix Archaeologist. In the event archaeological materials are encountered during construction, all ground disturbing activities must cease within a 33-foot radius of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulations Nos. 9, 10 and 11.
19. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

Findings

1. The proposal is compatible with desired development along a light rail corridor.
2. The proposal is will provide future residents access to various transportation options and job opportunities.
3. The proposed development offers several desired transit-oriented design features.

Stipulations

1. An updated Development Narrative for the Banyan Washington Apartments 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 October 17, 2019, as modified by the following stipulations:
 - a. Front Cover: Revise the submittal date information on the bottom to add the following: City Council adopted: [Add adoption date]
 - b. In all instances where “multi-family” is noted change to “multifamily”
 - c. In all instances where “” or “” is noted change to “feet” or “inches”
 - d. In all instances superscript is used for numbers and letters shall be replaced to normal text.
 - e. Page 4, Exhibit: Add a “Tab” column.
 - f. Page 6, 1st Paragraph, 4th Sentence: Replace “state” with “stated”
 - g. Page 9, 2nd Paragraph, 2nd Sentence: Add “the” after “None of”.
 - h. Page 11, Accessory Uses: Revise 2.a. to read: “a. All permitted Accessory Uses as outlined in accordance with Section 608 and as defined by Section 202 of the Phoenix Zoning Ordinance.”
 - i. Page 12, Development Standards, Building Setback Graphics:
 - Add a north arrow adjacent to each graphic.
 - Modify the Main Building Setback exhibit to illustrate where the minimum 10-foot and minimum 70-foot standards are permitted as identified in “c” (East Side Lot Line).
 - Modify “g” (East Side Lot Line), State: “No surface parking or parking canopies shall be permitted within the first 65-feet of the north property along the east side lot line. A 5-foot minimum setback shall be provided for the remainder of the east side lot line.”
 - j. Page 13, Landscape Setback Requirements:

- Revise the west: Landscape Setback Requirement to read: “5-foot minimum for a minimum of 238-feet and 13-feet for a minimum of 259 feet.”
 - Revise the east: Landscape Setback Requirement to read: “10-foot minimum within the first 65-feet of the north property along the east side lot line and then 5-foot minimum for the remainder of the east side lot line.
- k. Page 15, Shade Standards: Modify public sidewalk requirement to “75% minimum”.
- l. Page 16, Bicycle Parking: Change “ad” to “as”
- m. Pages 16 through 19, Design Guidelines (Site, Building Design, Pedestrian Accessway Guidelines, Pedestrian Walkways, Access, Fences and Walls): In all instances where “should” is used change to “shall”.
- n. Page 17, Building Design: Move number 8 below number 2.
- o. Page 17, Pedestrian Accessway Guidelines: Add the following language:
- Indicate that the sidewalk along Washington Street as identified on pages 14 and 15 or exhibited under Tab X shall not be considered a pedestrian accessway.
- p. Page 18, Pedestrian Walkways, 8.a: Indicate the following:
- A minimum 4-foot wide sidewalk shall be buffered on each side by a landscape strip.
 - One of the landscape strips shall be a minimum of 6-feet in width while the other landscape strip is a minimum of 3-feet in width.
- q. Page 19: Add Lighting standards and state the following: All lighting will be consistent with the standards of Sections 507.TabA.II.A.8 and 704 of the Phoenix Zoning Ordinance”.
- r. Page 19, F. Fence/Wall Standards, Primary frontage (north): Add “setback” after noting the distance in feet.
- s. Page 20, Frontage Types, Frontage: Porch, Requirements: Remove “e”.
- t. Page 23, Sustainability, City Enforceable Standards: Add the following requirement: “Recycling collection areas shall be identified on the site plan at the time of the site plan review process.”

- u. Exhibits: Add tabs for each exhibit.
 - v. Appendix, comparative zoning table: remove from book and submit separately. Modify the comparative zoning table to include R-5 instead of C-2.
2. The developer shall submit a Traffic Impact Study/Statement (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study has been reviewed and approved by the City upon satisfactory resolutions of review comments by the City staff. The developer must contact Transportation Planning and Programming Division of Street Transportation Department (Attention: Mr. Matthew Wilson, Traffic Engineer III, Phone Number: (602) 262-7580, matthew.wilson@phoenix.gov) to set up a scoping meeting to discuss the requirements for the study, prior to the preparation and submittal of the draft study. No TIS reports will be accepted, unless the developer and/or its traffic engineer consultant has discussed the TIS requirements with the Street Transportation Department staff prior to its preparation.
 3. 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.
 4. The right-of-way and bus stop pad on eastbound Washington Street west of 54th Place shall be retained. The bus stop pad shall be compliant with City of Phoenix Standard Detail P1262. Should the bus stop pad be moved, placement must be approved by the Public Transit Department.
 5. The developer shall grant and record an aviation easement to the City of Phoenix Aviation Department for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
 6. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
 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. If determined necessary by the Phoenix Archaeology Office, 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.
9. If Phase I data testing is required, and 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, the applicant shall conduct Phase II archaeological data recovery excavations.
10. 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.

Writer

Maja Brkovic

October 25, 2019

Team Leader

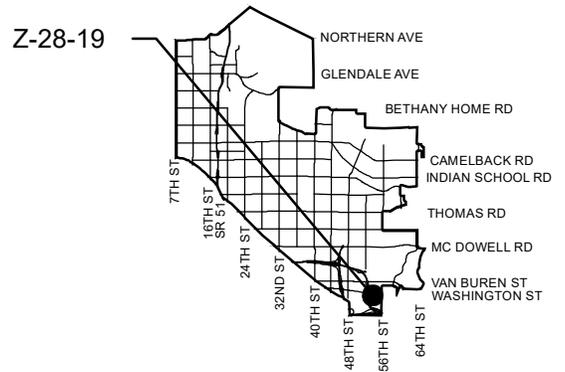
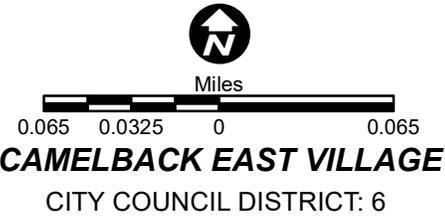
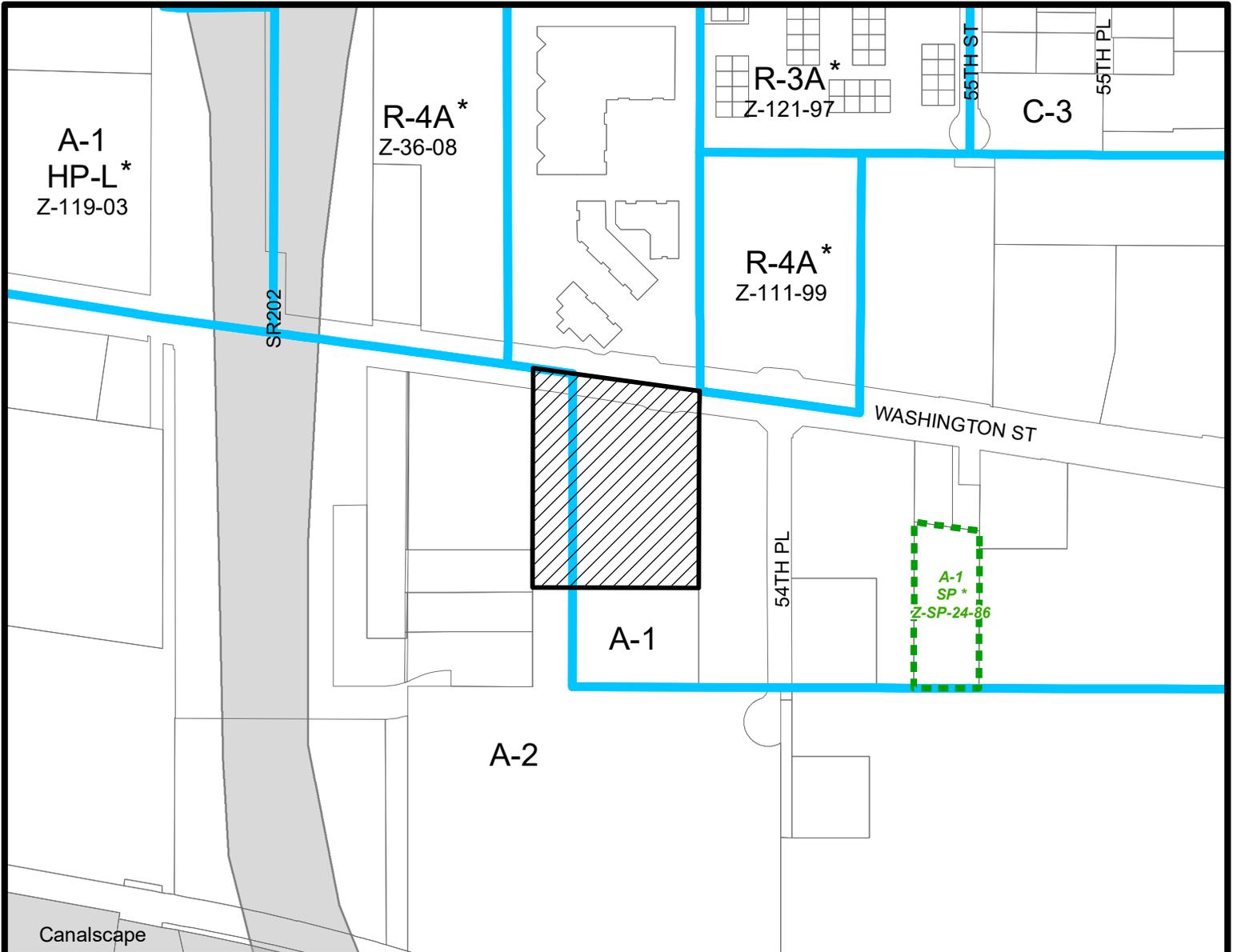
Samantha Keating

Exhibits

Sketch Map

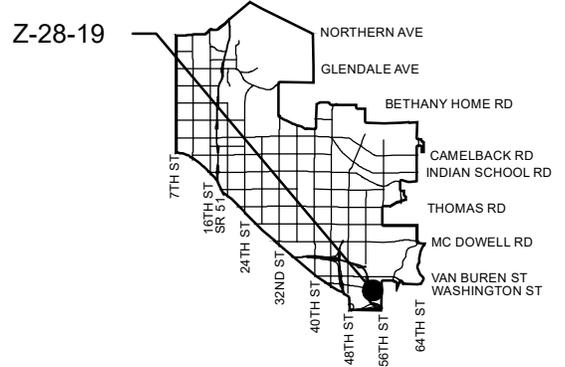
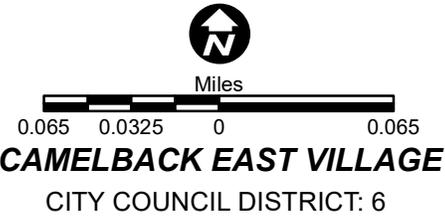
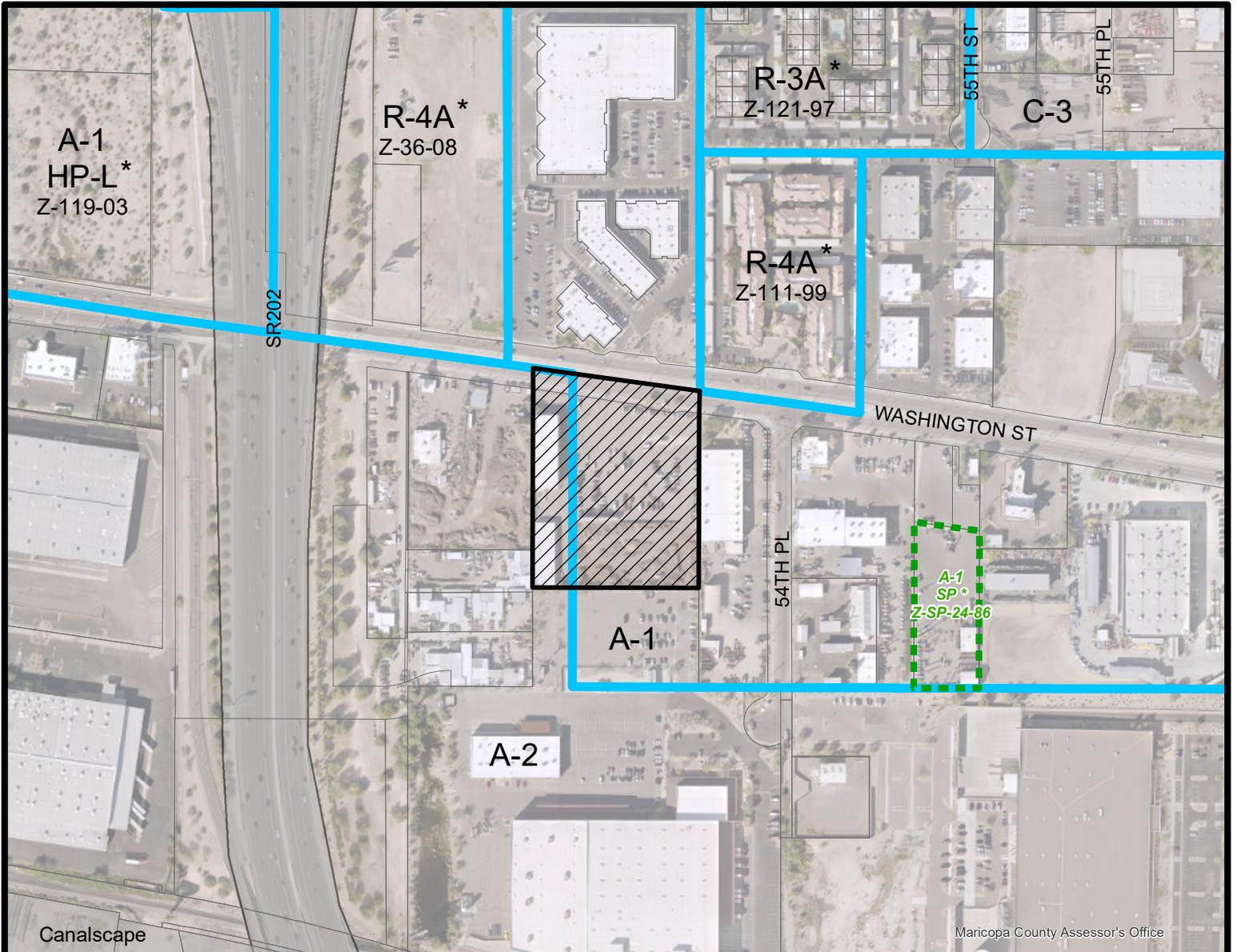
Aerial

[Banyan PUD](#) date stamped October 17, 2019



APPLICANT'S NAME: Stephen C. Earl / Earl, Curley & Lagarde		REQUESTED CHANGE:	
APPLICATION NO. Z-28-19	DATE: 6/17/2019 <small>REVISION DATES:</small>	FROM: A-1 (3.59 a.c.) A-2 (1.20 a.c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> 4.79 Acres	<small>AERIAL PHOTO & QUARTER SEC. NO.</small> QS 10-40	<small>ZONING MAP</small> F-11	TO: PUD (4.79 a.c.)
MULTIPLES PERMITTED A-1, A-2 PUD	CONVENTIONAL OPTION N/A 220		* UNITS P.R.D. OPTION N/A N/A

* Maximum Units Allowed with P.R.D. Bonus



APPLICANT'S NAME: Stephen C. Earl / Earl, Curley & Lagarde		REQUESTED CHANGE:	
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* Maximum Units Allowed with P.R.D. Bonus