

ORDINANCE G-6649

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-28-19-6) FROM A-1 (LIGHT INDUSTRIAL DISTRICT) AND A-2 (INDUSTRIAL 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 a 4.79 acre site located approximately 193 feet west of the southwest corner of 54th Place and Washington Street in a portion of Section 8, Township 1 North, Range 4 East, as described more specifically in Exhibit "A," is hereby changed from 3.59 acres of "A-1" (Light Industrial District) and 1.20 acres of "A-2" (Industrial District) to 4.79 acres of "PUD" (Planned Unit Development District).

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 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.
 - w. Page 16, Bicycle Parking, Multifamily Residential: Modify as follows: Minimum 0.25 spaces per unit. Required bicycle parking spaces shall be provided as secured parking.
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 avigation 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.
11. 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.

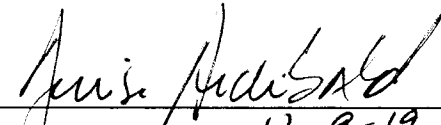
SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 4th day of December,

2019.

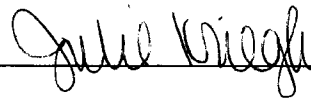

MAYOR

ATTEST:

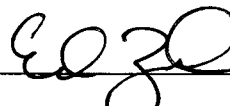

City Clerk
12-9-19



APPROVED AS TO FORM:


Acting City Attorney

REVIEWED BY:


City Manager

PL:tml:LF19-3014:12/04/19:2154963v1

Exhibits:

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

EXHIBIT A

LEGAL DESCRIPTION Z-28-19-6

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF PHOENIX, SECTION 8, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE MERIDIAN, MARICOPA COUNTY, ARIZONA, AND IS DESCRIBED AS FOLLOWS:

Lot 2, Pearce Beverage Company Distribution Center, a subdivision recorded in Book 659 of Maps, page 5, records of Maricopa County, Arizona;

Except that part as conveyed to the City of Phoenix in Recording No. 2005-190161 and Recording No. 2005190164 described as follows:

A part of Lot 2 of Pearce Beverage Company Distribution Center as recorded in Book 659 of Maps, Page 5 and located in the Northeast Quarter (NE 1/4i) of Section 8, Township 1 North, Range 4 East of the Gila and Salt River Base Meridian, Maricopa County, Arizona. More particularly described as follows:

Commencing at the intersection of 54th Place and Washington Street;

Thence, North 81° 52' 38" West, along the centerline of said Washington Street, a distance of 197.80 feet; Thence, South 08° 07' 22" West, a distance of 50.00 feet to the Point of Beginning;

Thence, South 00° 14' 04" West, a distance of 4.14 feet;

Thence, North 81° 52' 36" West, a distance of 41.17 feet;

Thence, South 88° 22' 22" West, a distance of 5.08 feet;

Thence, South 78° 37' 19" West, a distance of 18.64 feet; Thence, North 81° 52' 35" West, a distance of 60.00 feet;

Thence, North 62° 22' 30" West, a distance of 18.64 feet;

Thence, North 72° 07' 33" West, a distance of 5.08 feet;

Thence, North 81° 52' 36" West, a distance of 18.39 feet;

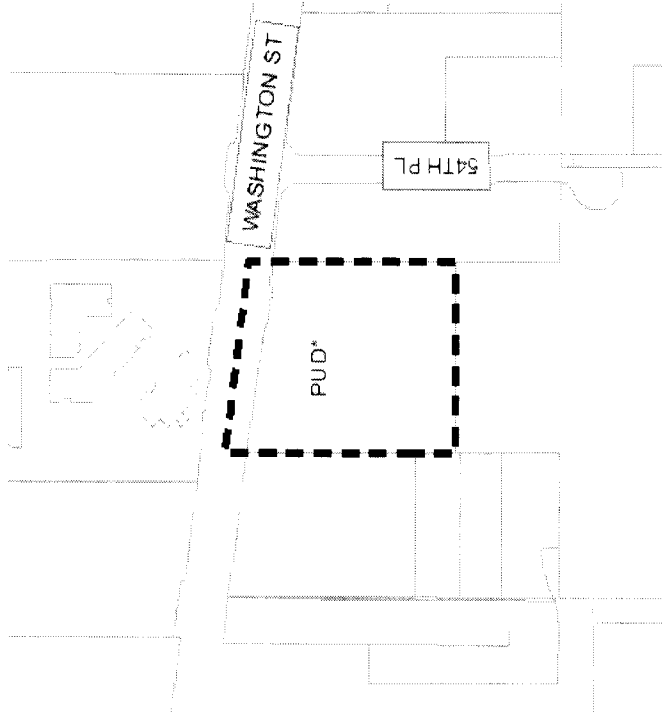
Thence, North 80° 36' 13" West, a distance of 184.31 feet; Thence, South 81° 52' 38" East, a distance of 348.41 feet to the Point of Beginning; and

Except therefrom a one-half interest in and to all mineral, oil and gas rights as reserved in Deed recorded in Docket 2859, page 21.

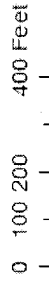
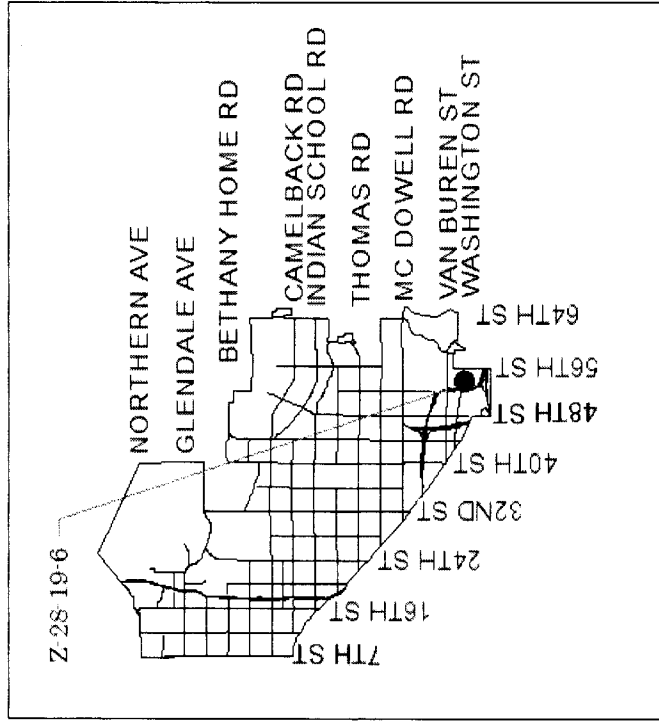
ORDINANCE LOCATION MAP

EXHIBIT B

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



Zoning Case Number: Z-28-19-6
Zoning Overlay: N/A
Planning Village: Camelback East



NOT TO SCALE



Drawn Date: 11/1/2019

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