CITY OF PHOENIX

JUN 24 2019

Planning & Development Department

Planned Unit Development 19th Avenue & Rose Garden Lane PUD

Land Use & Design Standards Narrative



Northwest corner of 19th Avenue and Rose Garden Lane

Zoning Case Z-3-19-1

City Council Adoption: June 5, 2019

Principals and Development Team

Property Owner:

Rose Garden Phoenix LLC

1545 Faraday Avenue

Carlsbad, CA 92008

Contact: Mark Hayden

Phone: 760-804-6900

Fax: 760-804-6901

Email: hayden@capstoneadvisors.com

Attorney/Applicant: Withey Morris P.L.C.

2525 E. Arizona Biltmore Circle, A-212

Phoenix, Arizona 85016

Attorney: William F. Allison

Planner: Jessi Thornton

Phone: 602-230-0600

Fax: 602-212-1787

E-mail: bill@witheymorris.com

E-mail: jessi@witheymorris.com



June 20, 2019

William F. Allison Withey Morris, PLC 2525 East Arizona Biltmore Circle, Suite A-212 Phoenix, Arizona 85016

Dear Applicant:

RE: Z-3-19-1 – Northwest corner of 19th Avenue and Rose Garden Lane

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 601 of the Zoning Ordinance, as amended, has on June 5, 2019, approved Zoning Ordinance # G-6591.

Development and use of the site is subject to compliance with all applicable codes and ordinances.

Sincerely,

Joshver Bednarde

Joshua Bednarek Planning and Development Deputy Director

Attachment: Signed Ordinance

c: Rose Garden Phoenix, LLC, 1545 Faraday Ave, Carlsbad, CA 92008 File
Tricia Gomes, PDD–Planning-Special Projects Administrator (Electronically)
Racelle Escolar, PDD–Planning–Planner III (Electronically)
David Simmons, PDD–Planning–Village Planner (Electronically)
Ben Kim, PDD–GIS (Electronically)
Craig Mavis, PDD–Development (Electronically)
Penny Parrella, City Council (Electronically)

Official Records of Maricopa County Recorder ADRIAN FONTES 20190449596 06/17/2019 09:34 ELECTRONIC RECORDING G6591-5-1-1--

ORDINANCE G-6591

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-3-19-1) FROM IND. PK. DVAO (INDUSTRIAL PARK, DEER VALLEY AIRPORT OVERLAY DISTRICT) TO PUD DVAO (PLANNED UNIT DEVELOPMENT, DEER VALLEY AIRPORT OVERLAY DISTRICT).

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

follows:

SECTION 1. The zoning of a 5.50 acre property located at the northwest corner of 19th Avenue and Rose Garden Lane in a portion of Section 24, Township 4 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "Ind. Pk. DVAO" (Industrial Park, Deer Valley Airport Overlay District) to "PUD DVAO" (Planned Unit Development, Deer Valley Airport Overlay 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 19th Avenue and Rose Garden 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 March 29, 2019, as modified by the following stipulations:
 - a. Front Cover: Remove "Submittal" dates and revise to add the following: City Council adopted: [Add adoption date]. Correct location to read "Northwest corner of 19th Avenue and Rose Garden Lane."
 - b. Page 4: Correct language to read: "Provisions not specifically regulated by this PUD are governed by the Phoenix Zoning Ordinance, including the Deer Valley Airport Overlay (DVAO) District. If there are conflicts between specific provisions of this PUD, and the Phoenix Zoning Ordinance or design guidelines, with the exception of the provisions of the DVAO, the terms of this PUD shall apply."
 - c. Page 5: Correct C.1 language to read: This PUD allows all uses permitted in the CP/GCP and A-1 zoning districts of the Phoenix Zoning Ordinance, except the following uses in C.2, which shall be prohibited. Add new section heading and introduction sentence for C.2 Prohibited Uses.
 - d. Page 7: Change section subheading from C.2 to C.3. Change section subheading from C.3 to C.4.
- 2. 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.
- 3. The subject site is within DVAO "Area 1", development must provide Avigation Notice consistent with DVAO part 658.D.
- 4. 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.
- 5. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's office. The Waiver shall be recorded with the Maricopa County Recorder's

Ordinance G-6591

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 5th day of June, 2019.

ATTEST: Citv Clerk

APPROVED AS TO FORM:



REVIEWED BY: PL:tml:LF19-0449:06/05/19:2112302v1

City Manager

-3-

Acting City Attorney

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

Ordinance G-6591

EXHIBIT A

LEGAL DESCRIPTION FOR Z-3-19-1

Lot 1, Rose Garden Center, and dedicated right-of-way, as shown on the Final Plat, recorded in Book 228, page 20, Maricopa County Records (M.C.R.), and lying within Section 24, Township 4 North, Range 2 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

BEGINNING at the east quarter corner of said section, a brass cap in handhole, from which the center of said section, a brass cap flush, bears North 89°46'20" West (basis of bearing), a distance of 2662.67 feet;

THENCE along the east-west mid-section line of said section, North 89°46'20" West, a distance of 725.01 feet, to the southerly prolongation of the west line of said Lot 1; **THENCE** leaving said east-west mid-section line, along said southerly prolongation, and along the west line of said Lot 1, North 00°00'27" East, a distance of 330.00 feet, to the northwest corner of said Lot 1;

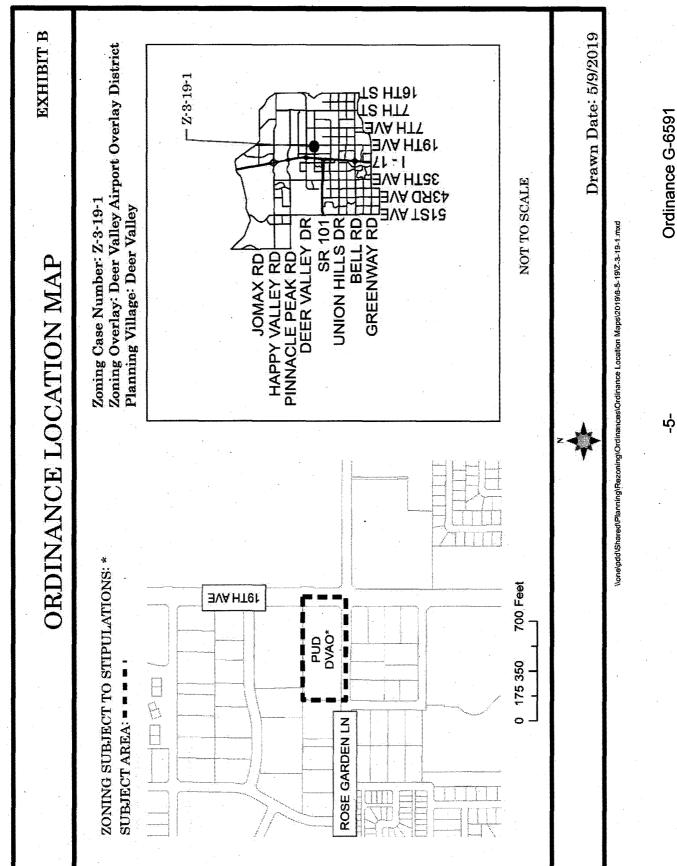
THENCE leaving said west line, along the north line of said Lot 1, and along the easterly prolongation of said north line, South 89°46'20" East, a distance of 725.01 feet, to the east line of said section;

THENCE leaving said easterly prolongation, along said east line, South 00 00'27" West, a distance of 330.00 feet, to the **POINT OF BEGINNING**.

Containing 239,252 square feet or 5.4925 acres, more or less.

Subject to existing rights-of-way and easements.

This parcel description is based on the Final Plat of Rose Garden Center, recorded in Book 228, page 20, M.C.R. and other client provided information. Any monumentation noted in this parcel description is based on said Final Plat.



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A. PURPOSE & INTENT

The purpose of the 19th Avenue and Rose Garden Lane ("PUD") is to create a regulatory framework of specific standards that will guide the existing interim use and the future redevelopment of the existing industrial buildings located at the northwest corner of 19th Avenue and Rose Garden Lane (the "Property"). Provisions not specifically regulated by this PUD are governed by the Phoenix Zoning Ordinance, including the Deer Valley Airport Overlay (DVAO). If there are conflicts between specific provisions of this PUD and the Phoenix Zoning Ordinance or design guidelines, with the exception of the provisions of the DVAO, the terms of this PUD shall apply.

A.1 PUD DISCLAIMER

A PUD is intended to be a stand alone set of zoning regulations for a particular project or property. Uses and standards that the PUD does not specifically regulate are governed by the Phoenix Zoning Ordinance and City Code. This PUD includes information to illustrate its purpose and intent; the purpose and intent statements are not necessarily requirement that Phoenix will enforce. The PUD modifies only zoning regulations that address the unique character of the subject project/property, site characteristics and location. The PUD does not modify other City Code requirements or other Phoenix regulations.

A.2 PROJECT OVERVIEW AND GOALS

This PUD represents an opportunity to maintain the existing buildings and provide opportunities for other potential industrial uses without outside storage. The Property Owner has initiated cosmetic improvements to the Property, including updated façade painting, renewed and improved maintenance of existing landscaping (including tree treeing), repairs to business identification signage, and repairs and improvements to existing parking and maneuvering areas. This PUD is intended to broaden the potential uses for an older industrial park development at the northwest corner of 19th Avenue and Rose Garden Lane, Phoenix. Since its initial construction in 1981, the standards for space in commerce park projects have changed, with greater emphasis on interior clear heights of the buildings, and different interior space planning/allocation. This 37-year-old property is in good condition and has more useful life. However, the limited list of uses allowed in the Commerce Park/Business Park option, to which the property's Industrial Park zoning defaults, has adversely impacted, and will continue to impact, leasing options for the site. This PUD will increase the potential uses based on the A-1 zoning district use list with prohibitions of the more intense, outdoor industrial uses and other potentially impactful uses.

A.3 OVERALL CONCEPT

The purpose of this request is to enable a new chapter in the Property's lifecycle by permitting and attracting industrial and other complementary uses. The request will update the zoning while providing the Property with the privileges afforded to surrounding Commerce Park/General Commerce Park and A-1/Light Industrial zoned properties. The development standards proposed are based on the Commerce Park/General Commerce Park standards and the existing development to ensure continued adherence to the higher design standards ofthat district. The Property will continue to operate as-is until redevelopment as defined in Phoenix Zoning Ordinance Section 507 occurs.

B. LAND USE PLAN

The PUD proposes additional commercial and industrial uses but expressly prohibits most outside storage uses. Though no redevelopment is planned at this time, future redevelopment of the Property may include a variety of industrial uses with the need for greater interior clear heights, which will drive the future design concept.

The applicant is retaining the existing buildings, which have been enhanced recently with façade painting, signage and parking/maneuvering area improvements and improved landscape maintenance; no building expansions are proposed until redevelopment, should it occur. See Site Plan Exhibit. The existing buildings are intended for industrial and other complementary uses permitted under the CP/GCP and A-1 zoning districts.

The existing landscape has been improved with increased maintenance that enhances the streetscape. Until redevelopment occurs, there are no further improvements proposed on the Property or perimeter streets.



Existing landscape in front setback on 19th Avenue



Existing landscape in front setback on 19th Avenue

C. LIST OF USES

C.1 PERMITTED USES

This PUD allows all uses permitted in the CP/GCP and A-1 zoning districts of the Phoenix Zoning Ordinance, except the uses in Section C.2 of this PUD, which shall be prohibited.

C.2 PROHIBITED USES

This PUD prohibits the following uses:

- 1. Adult bookstore, adult novelty store, adult theatre, adult live entertainment establishment, erotic dance or performance studio
- 2. Amusement Park or Other Outdoor Recreation Facility
- 3. Automobile Salvage
- 4. Brick Storage, Outdoors
- 5. Building Contractors, Equipment and Material Storage, Outdoors
- 6. Building Materials Storage, Outdoors
- 7. Bulk Material Storage, Outdoors
- 8. Bus Line Depot
- 9. Bus Terminal
- 10. Cement Storage, Outdoors
- 11. Cesspool Builders and Service: Equipment Yard
- 12. Concrete Products, Storage, Outdoors
- 13. Contracting Yards
- 14. Cranes, Storage Yard
- 15. Crop Dusting Equipment Yard
- 16. Dance Halls
- 17. Day Labor Hiring and Transportation Centers
- 18. Drilling Company, Equipment Yards
- 19. Equipment Storage and Yards, Outdoor
- 20. Flour and Grain Storage Elevators
- 21. Freight Yards
- 22. Fuel Distributing Station, Gasoline (bulk plant)
- 23. Gasoline, Bulk Storage Tanks
- 24. Grain Elevator
- 25. Hay and Straw, Sales, Storage, Outdoors
- 26. House Movers, Equipment Storage Yards
- 27. House Wreckers' Yards
- 28. Insulation, Contractors' Equipment Yards
- 29. Jobbers, Bulk Materials (sand, gravel, cotton seed, etc.), Outdoors
- 30. Landscape Contractors, Outdoors
- 31. Machinery Used, Storage, Outdoors
- 32. Meat Slaughtering, including rabbits and poultry
- 33. Medical Marijuana Cultivation
- 34. Medical Marijuana Dispensary Facilities
- 35. Medical Marijuana Infusion Production Facility
- 36. Mining Machinery, Wholesale Storage
- 37. Nonprofit Medical Marijuana Dispensary Facility
- 38. Oil, Fuel, Bulk Storage
- 39. All Outdoor Storage or Uses except in conformance to Section C.4 of this PUD
- 40. Public Utility Plant
- 41. Religious Missions, including charity dining halls and similar activities either enclosed or open
- 42. Residential Uses

- 43. Scales, Commercial Weighing
- 44. Storage Yards, Bulk Material
- 45. Storage Yards, Equipment
- 46. Trailer and Travel Trailer, Rentals and Sales
- 47. Well Drilling, Equipment Yard
- 48. Wrecking Contractors' Yards

C.3 TEMPORARY USES

Temporary uses shall be subject to Sections 627.H/Temporary Outdoor Storage Containers and 708/Temporary Uses of the Phoenix Zoning Ordinance.

C.4 ACCESSORY USES

Accessory uses shall be subject to Section 626.F/Commerce Park General Commerce Park of the Phoenix Zoning Ordinance, except as follows:

- 1. Outdoor display of vehicles for sale shall not exceed twenty (20) vehicles and shall not occur between the buildings on the site and the street.
- 2. Only short-term staging, weekend or overnight business vehicle storage shall be permitted. Such storage shall occur only behind the buildings on the site and shall not be visible from the street.
- 3. Outdoor display of merchandise shall be limited to 300 square feet, shall not exceed 10 feet in depth, shall not block pedestrian passage, shall not be located in required setbacks or in the parking lot, shall not include second hand/used merchandise and shall have all payment for merchandise conducted indoors.

D. DEVELOPMENT STANDARDS

D.1 DEVELOPMENT STANDARDS TABLE

The development standards of the Commerce Park/General Commerce Park District (Phoenix Zoning Ordinance Section 626.H) shall apply except as modified in the following table:

Standard

Minimum Building setbacks	29' from Rose Garden Lane; 30' from 19 th Avenue; 20' from perimeter lot line not on a street; and 0' from interior lot line not on a street

Max. Building Height	28' within 26' from the north perimeter lot line; 29' for a building
	35' from the west perimeter lot line; and 29' within 29' of the
	south perimeter lot line; 18' within 30' of the east perimeter lot

line; 1' increase per 3' additional setback, maximum 56' to 80' with use permit and site plan

D.2 LANDSCAPE

Landscape shall be provided in accordance with Phoenix Zoning Ordinance Section 626 and Section 507 Tab A §II.A.3.

D.3 PARKING

Parking shall be provided in accordance with Phoenix Zoning Ordinance Section 702. In addition, bicycle parking shall be provided at a ratio of one (1) space for each 15,000 square feet of gross floor area on the Property, with a minimum of two (2) bicycle parking spaces.

D.4 FENCES/WALLS

At the time of future redevelopment of the Property, all fences and walls shall comply with Phoenix Zoning Ordinance Sections 703 and 626.

D.5 LIGHTING

At the time of future redevelopment of the Property, lighting shall comply with lighting standards as provided in Phoenix Zoning Ordinance Sections 704 and 507 Tab A and Phoenix City Code Section 23-100.

E. DESIGN GUIDELINES

Improvements to and/or redevelopment of the Property will comply with Phoenix Zoning Ordinance Section 507 and, as applicable, Section 507 Tab A, Guidelines for Design Review.

F. SIGNS

Signs shall be provided in accordance with Phoenix Zoning Ordinance Section 705 for Commercial/Industrial Land Use.

G. SUSTAINABILITY

Future vertical redevelopment shall incorporate the following sustainability elements:

- 1. Building designs should respond to the southwest climate by incorporating materials and design methods suitable for the region. The project shall utilize low water use/ drought tolerant landscaping.
- 2. Low VOC paints, carpet and flooring
- 3. LED/CFL lighting
- 4. Low flow plumbing fixtures shall be utilized
- 5. Landscaping shall include drought tolerant plantings with a drip irrigation system.

H. INFRASTRUCTURE

H.1 CIRCULATION

Access to the Property is provided from 19th Avenue and Rose Garden Lane through existing driveways.

H.2 GRADING & DRAINAGE

New vertical development shall conform to the City of Phoenix regulations and design guidelines.

H.3 WATER SERVICES

Water and wastewater infrastructure requirements are met under current improvements on site and in the right-of-way. The existing industrial and business park uses on the project site are served by the existing city of Phoenix water and wastewater systems. Future redevelopment of the site may require infrastructure improvements based on proposed uses and capacity demand at that time. The improvements will be designed and constructed in accordance with city Code requirements and Water Service Department Design Standards and Policies.

I. LEGAL DESCRIPTION

Wood, Patel & Associates, Inc. (602) 335-8500 www.woodpatel.com

December 28, 2018 WP# 184948 Page 1 of 2 See Exhibit "A"

PARCEL DESCRIPTION Rose Garden Center

Lot 1, Rose Garden Center, and dedicated right-of-way, as shown on the Final Plat, recorded in Book 228, page 20, Maricopa County Records (M.C.R.), and lying within Section 24, Township 4 North, Range 2 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

BEGINNING at the east quarter corner of said section, a brass cap in handhole, from which the center of said section, a brass cap flush, bears North 89°46'20" West (basis of bearing), a distance of 2662.67 feet; **THENCE** along the east-west mid-section line of said section, North 89°46'20" West, a distance of 725.01 feet, to the southerly prolongation of the west line of said Lot 1;

THENCE leaving said east-west mid-section line, along said southerly prolongation, and along the west line of said Lot 1, North 00°00'27" East, a distance of 330.00 feet, to the northwest corner of said Lot 1; THENCE leaving said west line, along the north line of said Lot 1, and along the easterly prolongation of said north line, South 89°46'20" East, a distance of 725.01 feet, to the east line of said section; THENCE leaving said easterly prolongation, along said east line, South 00°00'27" West, a distance of 330.00 feet, to the **POINT OF BEGINNING**.

Containing 239,252 square feet or 5.4925 acres, more or less.

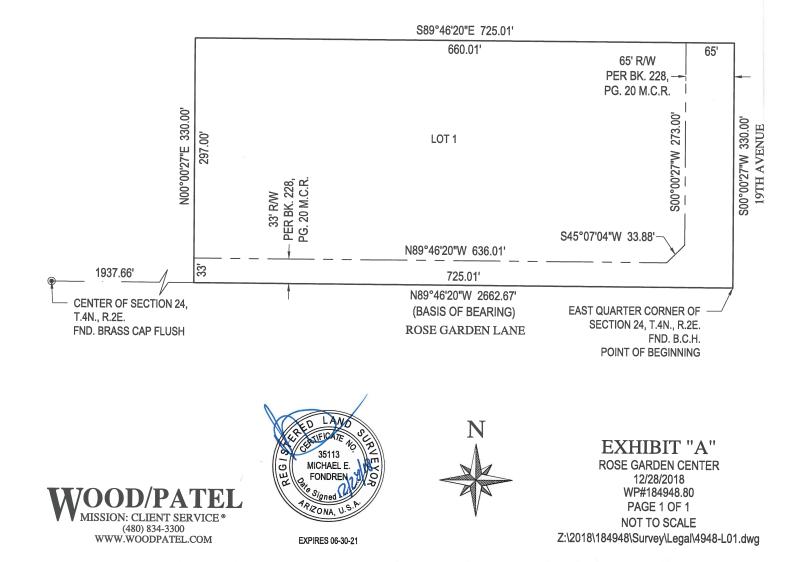
Subject to existing rights-of-way and easements.

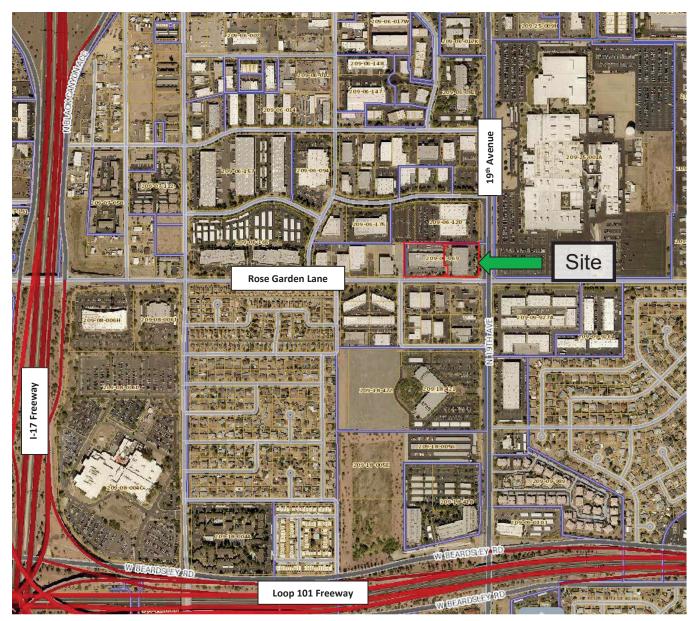
This parcel description is based on the Final Plat of Rose Garden Center, recorded in Book 228, page 20, M.C.R. and other client provided information. Any monumentation noted in this parcel description is based on said Final Plat.

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EXPIRES 06-30-21





VICINITY MAP

Image Source: Maricopa County Assessor

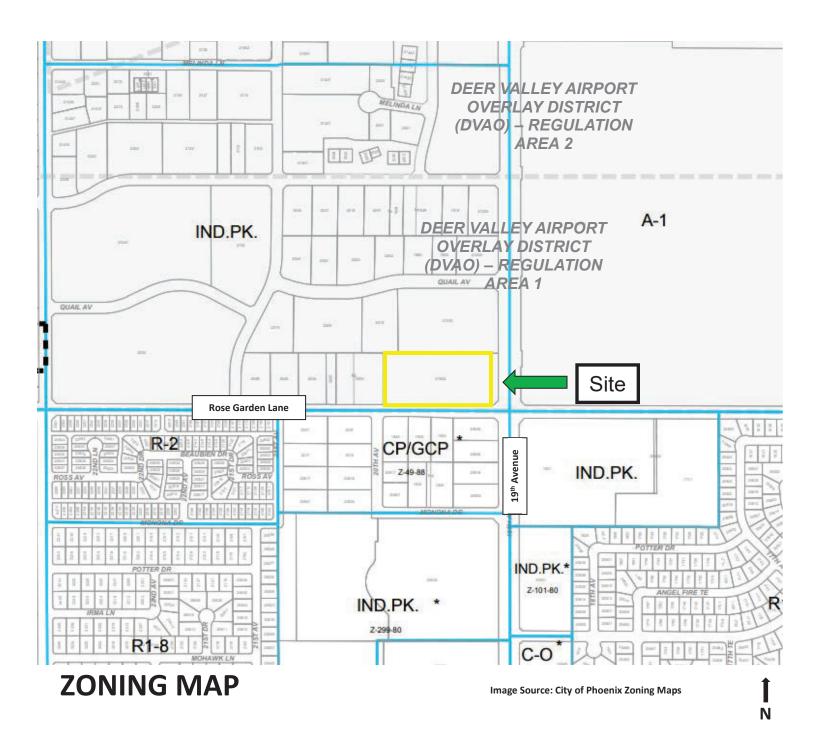
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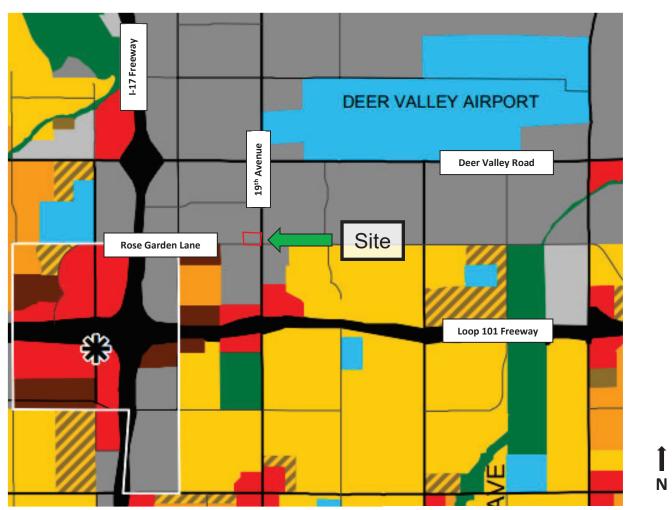


AERIAL MAP

Image Source: Maricopa County Assessor

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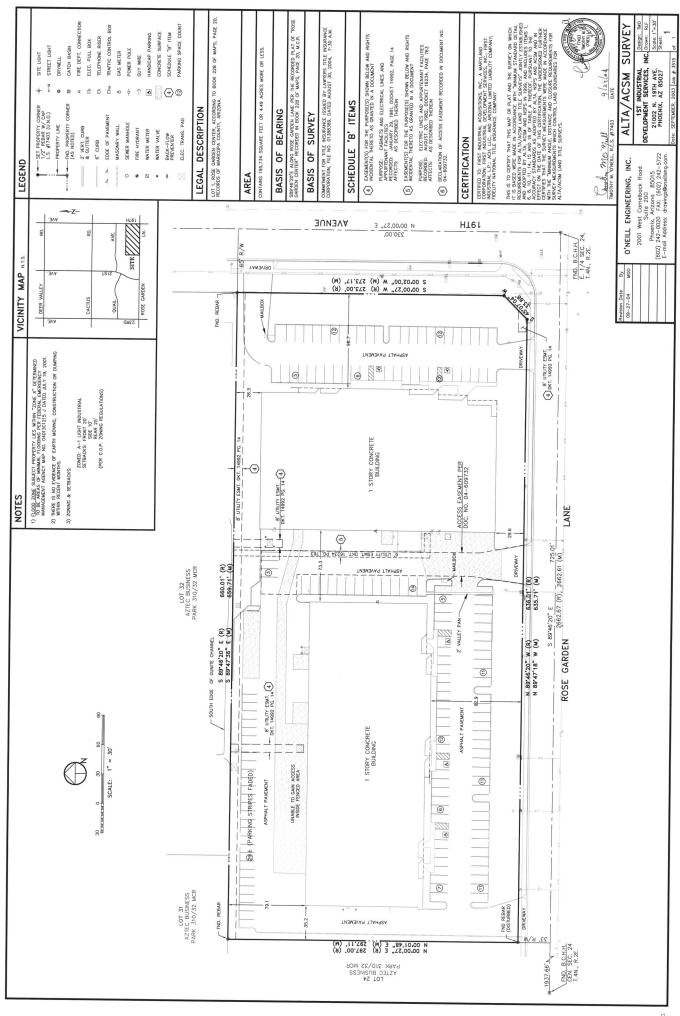


GENERAL PLAN MAP

Image Source: City of Phoenix General Plan Map

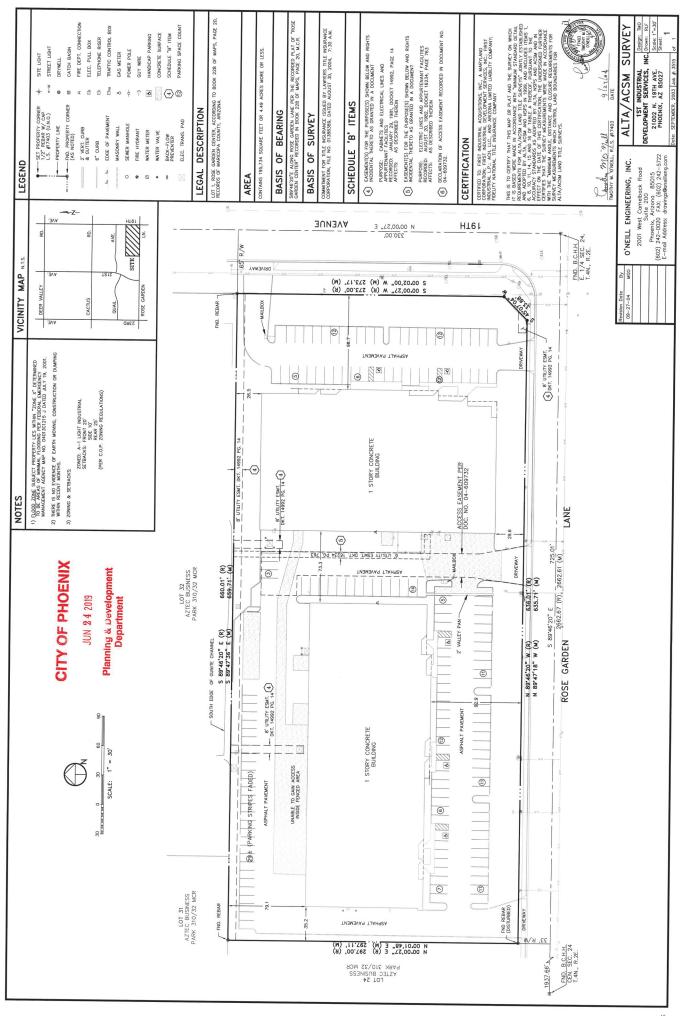
LAND USE





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Wood, Patel & Associates, Inc. (602) 335-8500 www.woodpatel.com

December 28, 2018 WP# 184948 Page 1 of 2 See Exhibit "A"

PARCEL DESCRIPTION Rose Garden Center

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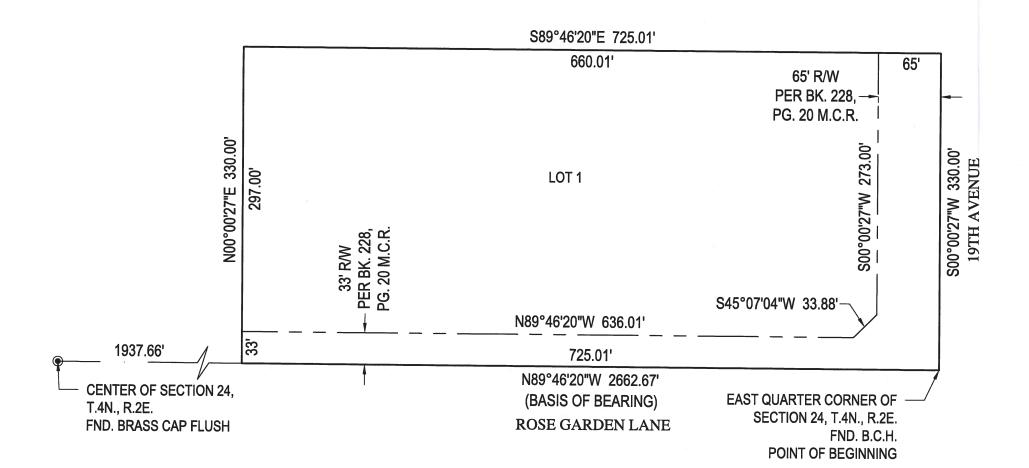
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EXPIRES 06-30-21







EXPIRES 06-30-21



EXHIBIT "A" ROSE GARDEN CENTER 12/28/2018 WP#184948.80 PAGE 1 OF 1 NOT TO SCALE Z:\2018\184948\Survey\Legal\4948-L01.dwg