

## ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,  
ADOPTED ORDINANCE**

### ORDINANCE G-

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-64-21-8) FROM A-2 (INDUSTRIAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of a 17.82-acre site located at the southwest corner of 48th Street and Washington Street in a portion of Section 7, Township 1 North, Range 4 East, as described more specifically in Exhibit "A," is hereby changed from "A-2" (Industrial District) 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 Banyan Residential 48th Street & Washington 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 May 23, 2022, as modified by the following stipulations:
  - a. Front cover: Revise the date information on the cover page to the following:  
  
City Council Adopted: [Add Adoption Date]
  - b. Page 9, Table D, Development Standards Table: Delete "D. Character Areas, Transit Gateway Character Area (Section 1312 (A))"
2. 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.
3. This parcel is in a Special Flood Hazard Area (SFHA) called Zone A, on panel 2230 M of the Flood Insurance Rate Maps (FIRM) dated September 18, 2020. The following requirements shall apply, as approved by the Planning and Development Department:
  - a. The Architect/Engineer is required to show the floodplain boundary limits on the Grading and Drainage plan and ensure that impacts to the proposed facilities have been considered, following the National Flood Insurance Program (NFIP) Regulations (44 CFR Paragraph 60.3). This includes, but not limited to provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code.
  - b. A copy of the Grading and Drainage Plan shall be submitted to the Floodplain Management section of Public Works Department for review and approval of Floodplain requirements.
  - c. The developer shall provide a FEMA approved CLOMR-F or CLOMR prior to issuance of a Grading and Drainage permit.
4. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport 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.

5. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
6. The developer shall grant and record an aviation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
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.
8. 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 7th day of September, 2022.

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MAYOR

ATTEST:

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Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Cris Meyer, City Attorney

By:

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REVIEWED BY:

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Jeffrey Barton, City Manager

Exhibits:

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

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-64-21-8

A PORTION OF THE EAST HALF OF SECTION 7, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 7, BEING THE FOUND BRASS CAP IN HANDHOLE FOUND AT THE CENTERLINE INTERSECTION OF WASHINGTON STREET AND 48TH STREET, FROM WHICH THE FOUND 3" MARICOPA COUNTY BRASS CAP AT THE NORTHEAST CORNER OF SAID SECTION 7 BEARS NORTH 00 DEGREES 02 MINUTES 39 SECONDS WEST, A DISTANCE OF 1355.96 FEET;

THENCE ALONG SAID EAST LINE BEING THE CENTERLINE OF 48<sup>TH</sup> STREET, SOUTH 00 DEGREES 02 MINUTES 39 SECONDS EAST, 558.39 FEET;

THENCE DEPARTING SAID CENTERLINE, NORTH 89 DEGREES 18 MINUTES 34 SECONDS WEST, 33.00 FEET TO THE WEST RIGHT-OF-WAY OF SAID 48TH STREET AND THE POINT OF BEGINNING FROM WHICH A FOUND REBAR WITH CAP LIES 0.04 FEET WEST AND 0.56 FEET SOUTH;

THENCE ALONG SAID WEST RIGHT-OF-WAY, SOUTH 00 DEGREES 02 MINUTES 39 SECONDS EAST, 724.21 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 7 FROM WHICH THE FOUND 3" BRASS CAP IN HAND HOLE AT THE EAST QUARTER CORNER OF SAID SECTION 7 BEARS SOUTH 89 DEGREES 18 MINUTES 34 SECONDS EAST, A DISTANCE OF 33.00 FEET;

THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY, SOUTH 00 DEGREES 23 MINUTES 42 SECONDS EAST 34.15 FEET TO THE NORTH RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 5762.65 FEET, FROM WHICH BEGINNING THE RADIUS BEARS SOUTH 10 DEGREES 00 MINUTES 18 SECONDS WEST;

THENCE NORTHWESTERLY ALONG SAID CURVE AND RIGHT-OF-WAY, THROUGH A CENTRAL ANGLE OF 04 DEGREES 31 MINUTES 24 SECONDS, AN ARC LENGTH OF 454.95 FEET TO A POINT ON A NON-TANGENT LINE FROM WHICH A RADIAL LINE BEARS NORTH 05 DEGREES 28 MINUTES 54 SECONDS EAST;

THENCE NORTH 09 DEGREES 21 MINUTES 00 SECONDS WEST, 1127.51 FEET;

THENCE NORTH 00 DEGREES 03 MINUTES 12 SECONDS WEST, 173.94 FEET TO THE SOUTH RIGHT-OF-WAY OF SAID WASHINGTON STREET;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY THE FOLLOWING FOUR (4) COURSES:

(1) SOUTH 82 DEGREES 23 MINUTES 41 SECONDS EAST, 41.06 FEET;

(2) SOUTH 83 DEGREES 27 MINUTES 51 SECONDS EAST, 266.84 FEET;

(3) NORTH 00 DEGREES 02 MINUTES 39 SECONDS WEST, 2.04 FEET;

(4) SOUTH 82 DEGREES 23 MINUTES 41 SECONDS EAST, 329.94 FEET TO THE WEST RIGHT-OF WAY OF SAID 48th STREET;

THENCE ALONG THE WEST RIGHT-OF-WAY OF 48TH STREET, SOUTH 00 DEGREES 02 MINUTES 39 SECONDS EAST 511.96 FEET TO THE POINT OF BEGINNING

# ORDINANCE LOCATION MAP

EXHIBIT B

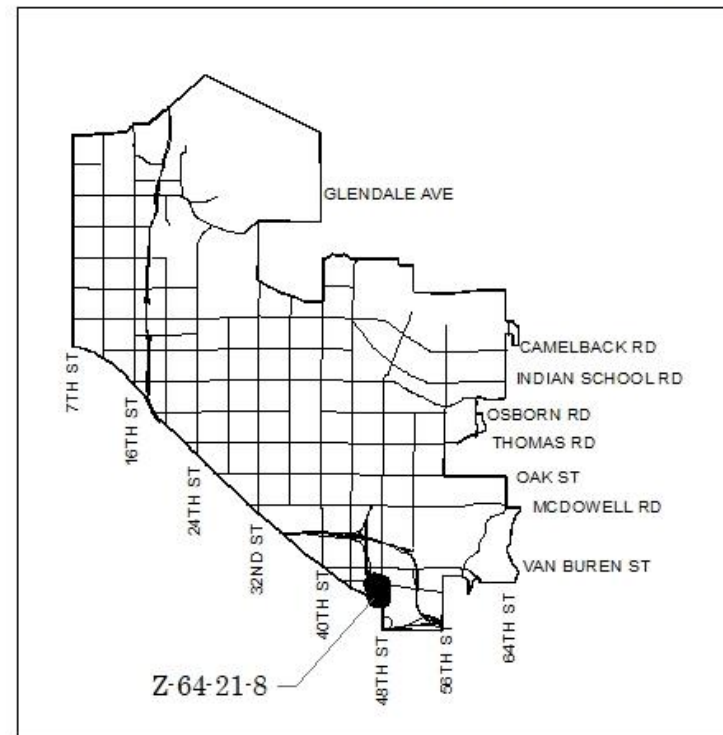
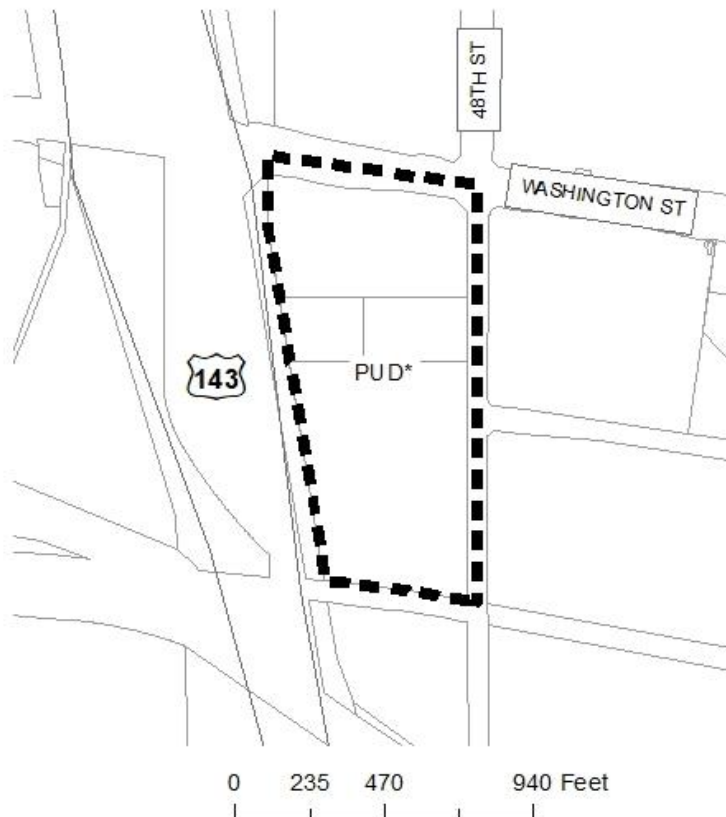
ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: - - - - -

Zoning Case Number: Z-64-21-8

Zoning Overlay: N/A

Planning Village: Camelback East



NOT TO SCALE



Drawn Date: 8/11/2022