




## City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

**To:** Mario Paniagua  
Deputy City Manager

**Date:** January 7, 2019

**From:** Alan Stephenson   
Planning and Development Director

**Subject:** ITEM 116 ON THE JANUARY 9, 2019 FORMAL AGENDA – PUBLIC HEARING/ORDINANCE ADOPTION OF Z-51-17-6 (G-6549) – APPROXIMATELY 125 FEET NORTH OF THE NORTHWEST CORNER OF 52ND STREET AND VIRGINIA AVENUE

Item 116, rezoning application Z-51-17-6 and Ordinance G-6549, is a request to rezone 1.98 acres located approximately 125 feet north of the northwest corner of 52nd Street and Virginia Avenue from R1-6 (Single-Family Residence District) to PUD (Planned Unit Development) to allow multifamily residential in a Planned Unit Development. This memo is to address the need for modifications to the Planning Commission's added stipulations to ensure they can be administered.

The Planning Commission heard the request on December 6, 2018 and voted 7-0 to recommend approval per the staff memo dated December 5, 2018, with additions to the stipulations. The first addition removed a proposed dwelling unit near the northeast corner of the site and subsequently reduced the dwelling unit count from 31 to 30 units. Staff has added language (see bold text) to Stipulation #1.C. to ensure that all relevant aspects of the PUD are updated to reflect this new requirement. There are several provisions in the PUD, from dwelling unit density to building setbacks, that will need to be updated because of the elimination of the dwelling unit. The added language in the stipulation makes it clear to staff and the applicant that all these provisions will need to be updated accordingly.

The Commission also added Stipulation #1.D. restricting the development to individual refuse and recycling containers as a means of addressing residents' concerns with the location of any proposed front loaded communal containers within close proximity to the single-family homes to the west.

Staff expressed a need to see if the Public Works Department could accommodate the Planning Commission's request regarding the stipulation for the provision of individual refuse and recycling containers for each unit. The Commission noted staff concerns and directed staff to explore the feasibility of restricting the development to individual refuse and recycling containers for each dwelling unit. In accordance with the Planning Commission's directive staff evaluated the concept further with the Public Works

Department. As a result of this evaluation and consultation, staff came to the following conclusions:

- The proposed PUD's development standards and design guidelines will not accommodate a single location for 60 containers (1 refuse and 1 recycle for each of the 30 units) to be collocated for pickup.
- The ground floor garages along the perimeter of the site preclude individual pickup at the entrances of all units.
- Staff anticipates negative impacts on adjacent residential properties from the idling truck noise due to the extended time needed for the collection of 60 individual containers on approximately 1.98 gross acres. In addition, there would also be significant noise from the raising and dumping of the 60 individual containers in the development.

Staff suggests that communal refuse and recycling containers are preferable and recommends revising the PUD's Development Narrative to adjust refuse enclosure setbacks to further mitigate potential negative impacts on properties in the surrounding area. Staff recommends a 150-foot minimum setback from the west property line, where the subject property is adjacent to single-family residential uses, and a 50-foot minimum setback from the east property line, where adjacent to public right-of-way. Additionally, the Public Works Department has stated one set of refuse and recycling containers would be sufficient to service 30 units. Thirty condominium units will require a minimum of 15 cubic yards of container space, consisting of 7.5 cubic yards each for refuse and recycling. Standard size dumpsters, as shown on the conceptual site plan, are 8 cubic yards total.

Staff also recommends a minor technical correction to Stipulation No. 1.B. to allow additional revisions to accurately reflect the proposed building setbacks.

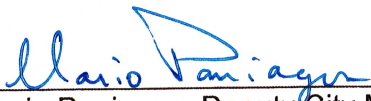
Staff recommends approval with the following stipulations. Staff's modifications to the Planning Commission's stipulations are captured in the revised stipulations below.

### **Revised Stipulations**

1. An updated Development Narrative for the 52nd Street Condominiums 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 22, 2018, as modified by the following stipulations.
  - A. UPDATE ALL REFERENCES TO THE PROPERTY OWNER TO REFLECT CURRENT OWNERSHIP.

- B. ~~PAGE 10, SECTION B.1, BULLET POINT #5: UPDATE ALL REFERENCES TO WEST BUILDING SETBACK TO MINIMUM 25 FEET.~~
  - C. REVISE THE PUD NARRATIVE TO REMOVE THE UNIT AT THE NORTHEAST CORNER OF THE SITE **AND ADJUST PROPOSED MAXIMUM DENSITY, NORTHERN BUILDING SETBACK AND OTHER RELEVANT PUD PROVISIONS ACCORDINGLY.**
  - D. ~~REVISE THE PUD NARRATIVE TO HAVE INDIVIDUAL GARBAGE BINS.~~ **REVISE THE PUD NARRATIVE TO RESTRICT REFUSE CONTAINER LOCATIONS TO A 150 FOOT MINIMUM SETBACK FROM THE WEST PROPERTY LINE AND 50 FEET MINIMUM SETBACK FROM THE EAST PROPERTY LINE.**
2. Right-of-way totaling 40 feet shall be dedicated for the west half of 52nd Street, as approved by the Planning and Development Department.
  3. 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.
  4. The property owner shall record documents that disclose the existence, and operational characteristics of Sky Harbor International 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. **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 OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.**

Approved:

  
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Mario Paniagua, Deputy City Manager