

ORDINANCE G-7097

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-73-22-7) FROM S-1 (APPROVED C-1 PCD) (RANCH OR FARM RESIDENCE, APPROVED NEIGHBORHOOD RETAIL, PLANNED COMMUNITY DISTRICT), S-1 (APPROVED R-2 PCD) (RANCH OR FARM RESIDENCE, APPROVED MULTIFAMILY RESIDENCE DISTRICT, PLANNED COMMUNITY DISTRICT), AND S-1 (APPROVED R1-8 PCD) (RANCH OR FARM RESIDENCE, APPROVED SINGLE-FAMILY RESIDENCE DISTRICT, PLANNED COMMUNITY DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of an 80.49 acre property located approximately 550 feet west of the southwest corner of State Route 202 and Dobbins Road in a portion of Section 7, Township 1 South, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from 4.79 acres of "S-1 (Approved C-1 PCD)" (Ranch or Farm Residence, Approved Neighborhood Retail, Planned Community District), 16.00 acres of "S-1 (Approved R-2 PCD)" (Ranch or Farm Residence, Approved Multifamily Residence District, Planned Community District), and 59.70 acres of "S-1 (Approved R1-8 PCD)" (Ranch or Farm Residence, Approved Single-Family Residence District, Planned Community 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 Envision Dobbins 202 West PUD reflecting the changes approved through this request shall be submitted to the Planning Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative date stamped January 24, 2023, as modified by the following stipulations.
 - a. Front Cover, add "City Council adopted: [Insert Adoption date]"
 - b. Update the acreage throughout the Development Narrative to match with that of the sketch map for rezoning case Z-73-22-7.
 - c. Page 5, Section C. (List of Uses), Permitted Uses. Modify this section as follows:
 - Revise second bullet point to: "Food and spice manufacturing....".
 - d. Page 5, Section C. (List of Uses), Prohibited Uses. Remove "Publicly operated buildings or properties" and "Public utility buildings and facilities when necessary for serving the surrounding territory" from this list.
 - e. Pages 5 and 6, Performance Criteria for Distribution Uses. Modify this section as follows:

Performance Criteria for Distribution and Large-Scale Wholesale*
uses:

For the Phase 1 area, as depicted and legally described in Exhibit 7 - Phasing Plan, distribution and large-scale wholesale uses are subject to the following criteria:

- Distribution and large-scale wholesale facilities as a primary use shall not be permitted within 500 feet of the property line along Dobbins Road including within Building A.
- No distribution or large-scale wholesale facilities are permitted as a primary use within Building B for a time period of 4 years from the date of rezoning approval.

For the Phase 2 area, as depicted and legally described in Exhibit 7 - Phasing Plan, distribution or large-scale wholesale uses are subject to the following criteria:

- No distribution or large-scale wholesale facilities are permitted as a primary use for a time period of 4 years from the date of rezoning approval.
- After 4 years from the date of rezoning approval, distribution and large-scale wholesale uses may be permitted as a primary use up to a maximum of 50% of the total building area for the Phase 2 area.
- After 7 years from the date of rezoning approval, distribution and large-scale wholesale may be permitted as a primary use.

*For the purposes of this PUD, "large-scale wholesale" is defined as wholesale as a primary use for an individual user occupying more than 50% of any individual building.

- f. Page 7, Development Standards table, Maximum Building Height. Modify this section as follows: Maximum 56 feet, except that one building within the Phase I area may have a maximum height of 85 feet provided that it meets the following standards:

- Does not exceed 15% of the total building area;
- Minimum building setback of 700 feet from the centerline of 63rd Avenue; and
- Minimum building setback of 100 feet from all other property lines.

Roof mounted equipment shall be fully screened from the adjacent public street line of sight.

- g. Page 8, Development Standards table, Electric Vehicle Parking. Modify this section as follows: Minimum Percentage of Total Parking Spaces with Level 2 EV Charging Station Installed: 5% of Required Parking. Minimum Percentage of Total Parking Spaces to be EV-Capable for Level 2 EV Charging Station: Minimum 15% of Required Parking.
- h. Page 9, Development Standards table, Open Storage Standards. Modify this section as follows: Any open use or storage area, where permitted, shall be located no less than 100 feet from a perimeter (street) property line. Any open use, including loading spaces or docking areas, shall be fully screened with a minimum 8-foot-tall solid wall where visible from a public street or residential district.

Where metal gates are provided for vehicular access, minor perforation may occur to accommodate wind loads. The perforation shall not exceed 50% of the gate surface area.

- i. Page 9, Landscape Standards, General section. Modify as follows: Where utility conflicts arise, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
 - j. Page 11, Landscape Standards, Shade section. Modify last bullet point as follows: Where utility conflicts arise, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
 - k. Page 13, Site Design/Development section, Third bullet point: Change last sentence to "Where metal gates are provided for vehicular access, minor perforation may occur to accommodate wind loads. The perforation shall not exceed 50% of the gate surface area."
 - l. Page 21, Comparative Development Standards Table. Update this table as necessary to incorporate any changes to the development standards in the Development Narrative.
2. A bus stop pad shall be constructed on eastbound Dobbins Road. Bus stop pad shall be designed according to City of Phoenix Standard Detail P1260 with a depth of 10 feet and located from 65th Avenue according to City of Phoenix Standard Detail P1258.

3. The developer shall submit a Master Street Plan (MSP), as required by the Planned Community District (PCD), Section 636 of the Phoenix Zoning Ordinance, as approved by the Planning and Development and Street Transportation Department, prior to preliminary site plan approval. The Master Street Plan shall match dedication requirements and improvements as required by the surrounding approved Master Streets Plans (Dobbins Industrial Park (MSP), Laveen Ranch (MSP) and Laveen Center MSP, and as approved by the Street Transportation Department.
4. The developer shall submit a Traffic Impact Study to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation Department. The TIS shall include signal warrant analysis for 65th Avenue and Dobbins, 63rd Avenue and Dobbins Road and 63rd Avenue and Olney. If the approved TIS determines that a signal is warranted at any of these intersections, the developer shall be required to fund 100% of the cost and construct the signal, if the TIS does not warrant the signal, the developer shall be required contribute 25% of traffic signal cost in an escrow account to the Street Transportation Department.
5. Existing irrigation facilities along public street are to be undergrounded and relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish appropriate process to relocate facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
6. 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.
7. 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.
8. 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.

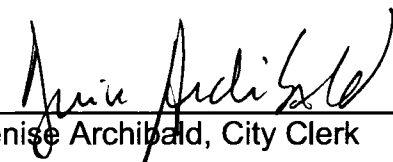
9. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
10. 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 5th day of April, 2023.

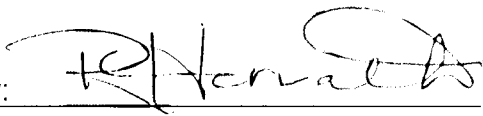

MAYOR

ATTEST:


Denise Archibald, City Clerk
04.11.2023



APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By: 
_____ P ml

REVIEWED BY:


_____ Jeffrey Barton, City Manager

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Exhibits:

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

EXHIBIT A

A portion of land being situated within the Northwest quarter of Section 7, Township 1 South, Range 2 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a found 3 inch brass cap in hand hole, down 0.5 feet, Stamped 1/4 S6 S7 2020 RLS 54404, accepted as the North quarter corner of said Section 7, from which a found brass cap, stamped RLS 15919, accepted as the Northwest corner thereof bears South $89^{\circ}47'10''$ West, 2488.78 feet;

Thence South $00^{\circ}22'32''$ West, 2643.39 feet along the north-south mid-section line of said Section 7 to a found rebar with cap RLS 36070, accepted as the Center quarter corner of said Section 7;

Thence South $89^{\circ}59'52''$ West, 1323.68 feet along the east-west mid-section line of said Section 7 to the intersection with the east line of the property described in Special Warranty Deed recorded in Document No, 2021-1343433, Records of Maricopa County, Arizona;

Thence along said east line, North $00^{\circ}26'37''$ East, 2638.53 feet to the north line of said Northwest quarter;

Thence North $89^{\circ}47'10''$ East, 1320.59 feet along said north line to the POINT OF BEGINNING.

The above described parcel contains a computed area of 3,491,566 sq. ft. or (80.1553 gross acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

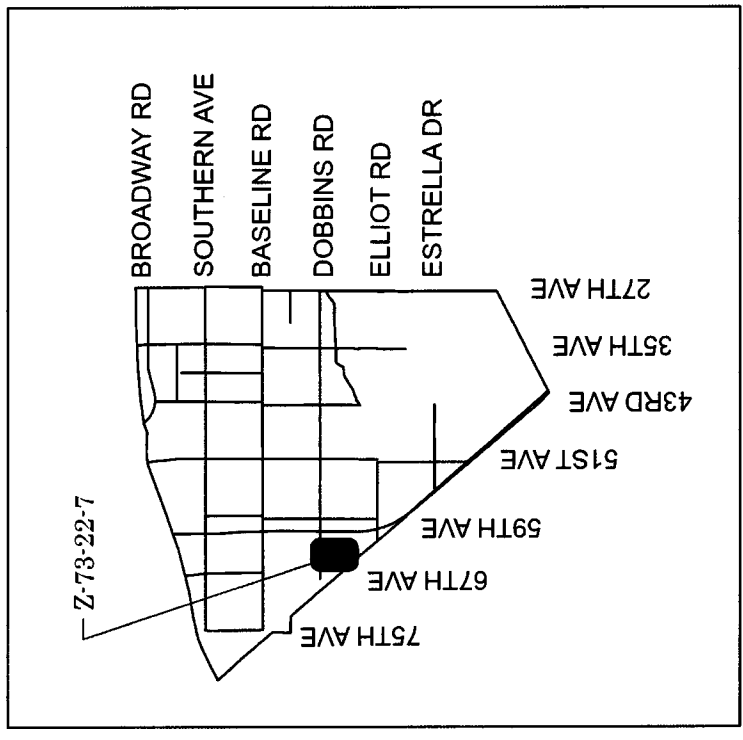
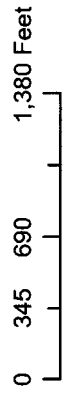
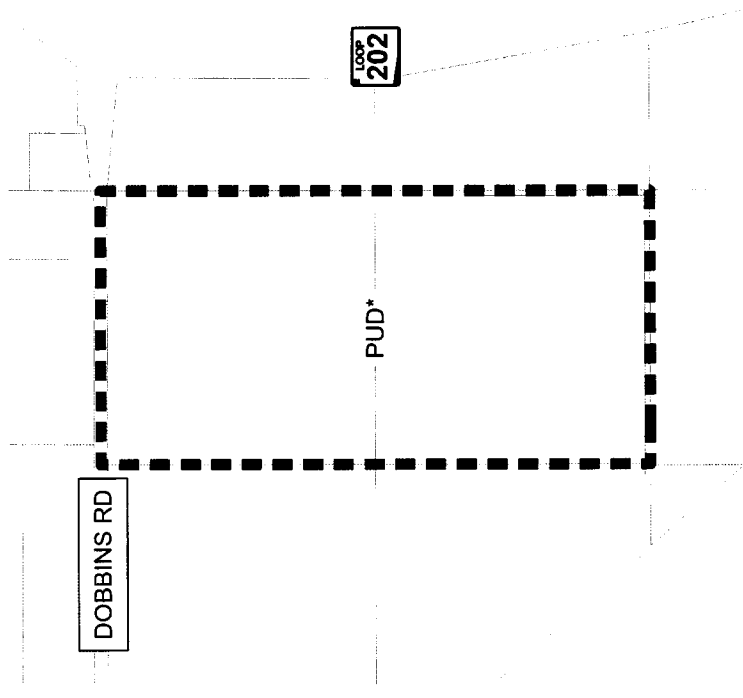
The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

G7097

ORDINANCE LOCATION MAP

Zoning Case Number: Z-73-22-7
Zoning Overlay: N/A
Planning Village: Laveen

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



NOT TO SCALE



Drawn Date: 3/7/2023