

Official Records of Maricopa County Recorder

STEPHEN RICHER

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ELECTRONIC RECORDING

7085G-11-1-1-

ORDINANCE G-7085

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-35-21-7) FROM C-2 H-R SP (APPROVED C-2 OR CP/GCP) (INTERMEDIATE COMMERCIAL, HIGH-RISE AND HIGH-DENSITY DISTRICT, SPECIAL PERMIT, APPROVED INTERMEDIATE COMMERCIAL OR COMMERCE PARK DISTRICT, GENERAL COMMERCE PARK OPTION), C-2 OR CP/GCP SP (APPROVED C-2 OR CP/GCP) (INTERMEDIATE COMMERCIAL OR COMMERCE PARK DISTRICT, GENERAL COMMERCE PARK OPTION, SPECIAL PERMIT, APPROVED INTERMEDIATE COMMERCIAL OR COMMERCE PARK DISTRICT, GENERAL COMMERCE PARK OPTION), C-2 H-R (APPROVED C-2 OR CP/GCP) (INTERMEDIATE COMMERCIAL, HIGH-RISE AND HIGH-DENSITY DISTRICT, APPROVED INTERMEDIATE COMMERCIAL OR COMMERCE PARK DISTRICT, GENERAL COMMERCE PARK OPTION) AND S-1 (APPROVED C-2 OR CP/GCP) (RANCH OR FARM RESIDENCE, APPROVED INTERMEDIATE COMMERCIAL OR COMMERCE PARK DISTRICT, GENERAL COMMERCE PARK OPTION) TO PUD (PLANNED UNIT DEVELOPMENT).

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

follows:

SECTION 1. The zoning of a 66.10-acre site located at the northeast corner of 63rd Avenue and Dobbins Road in a portion of Section 6, Township 1 South, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "C-2 H-R SP (Approved C-2 or CP/GCP)" (Intermediate Commercial, High-Rise and High-Density District, Special Permit, Approved Intermediate Commercial or Commerce Park District, General Commerce Park Option), "C-2 or CP/GCP SP (Approved C-2 or CP/GCP)" (Intermediate Commercial or Commerce Park District, General Commerce Park Option, Special Permit, Approved Intermediate Commercial or Commerce Park District, General Commerce Park Option), "C-2 H-R (Approved C-2 or CP/GCP)" (Intermediate Commercial, High-Rise and High-Density District, Approved Intermediate Commercial or Commerce Park District, General Commerce Park Option), and "S-1 (Approved C-2 or CP/GCP)" (Ranch or Farm Residence, Approved Intermediate Commercial or Commerce Park District, General Commerce Park Option), 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 Crossing at Dobbins 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 Development Narrative dated December 7, 2022 as modified by the following stipulations.
 - a. Front Cover, add “City Council adopted: [Insert Adoption date]”
 - b. Remove any reference to Urban Air Mobility or Vertiport.
 - c. Page 34, Land Use Section: The following uses shall be added to the prohibited land use section for Development Unit 2.
 - Adult Uses
 - Automobile Parts and Supplies, New Retail and Wholesale
 - Auto Seat Covers and Trim Shop
 - Boats, Retail Sales
 - Motorcycles, Repairing and Sales
 - Tire Repairing Equipment and Supplies
 - Tractors, Retail Sales, Display
 - Truck Stop/Travel Center
 - Self-Storage Service Warehouse
 - Automobile Service Station/Gas Station
 - Car Wash
 - Garage Repair
 - Warehousing
 - Wholesaling, as a primary use
 - Distribution Facility, as a primary use
 - Outdoor Uses (Section 626.F.2z)
 - d. All applicable sections that reference drive-thru restaurants, which include but not limited to, land use and design guidelines, shall be updated to reflect the maximum of two drive-thru restaurants.
 - e. Page 17: A graphic shall be inserted within the Land Use Section identifying the boundaries for Village Core North and Village Core South in addition to language that states that Village Core North shall be approximately 15 acres and Village Core South will be approximately 10 acres in size.

- f. Appendices: Legal descriptions for Development Units 1 and 2 and Village Core North and Village Core South shall be added to the PUD as additional appendices. An updated conceptual development plan exhibit shall be provided in the Development Narrative. Acreages for Development Units 1 and 2 will be consistent with the Conceptual Development Plan exhibit and acreages for Village Core North and Village Core South will be approximately 15 acres and 10 acres respectively.
- g. Pages 45-46: Language referring to a Comprehensive Sign Plan found on page 46 shall be moved under the text of 5K on page 45 and be reworded as follows:
- On-premise signs will comply with Chapter 7 of the Phoenix Zoning Ordinance and a comprehensive sign plan may be required as determined by the Planning and Development Department.
- h. Page 45, Signs Section, Second Bullet Point: Modify the last sentence in the paragraph to read as follows:
- Final design of off-premise signs to be reviewed and approved by the Laveen Village Planning Committee.
- i. Modify the Development Narrative, where applicable, to reflect the following:
- All distribution, manufacturing, warehouse uses as a primary use, where permitted, shall comply with the following standards and restrictions.
- i. There shall be a maximum of 1 dock door per 20,000 square feet of industrial use to ensure distribution and wholesaling are not a primary use.
 - ii. Distribution uses are only allowed as an accessory use.
 - iii. Wholesaling and distribution as primary uses shall be prohibited.
- j. The maximum permitted building height for office uses in Development Unit 2 shall be 120 feet, following the same step back standards as listed in the existing Development Standards table and height exhibit. All other uses shall be restricted to a maximum building height of 56 feet. All height exhibits and development standards shall be updated to reflect this modification.
- k. The acreage of Development Unit 1 (Village Core) shall be increased to a minimum of 25 acres, with 10 acres in Core South and 15 acres in Core North. The Development Narrative, including exhibits and legal descriptions,

shall be updated accordingly.

2. Prior to Preliminary Site Plan approval, a Pedestrian Circulation Plan for Development Unit 1 (Village Core) shall be provided. This plan shall demonstrate how pedestrians will connect to 63rd Avenue, Dobbins Road, required open space areas and Development Unit 2 through a network of dedicated pedestrian paths and a minimum of one Pedestrian Paseo. The Pedestrian Paseo shall provide continuous north to south connectivity from Dobbins Road to Development Unit 2. The Pedestrian Circulation Plan will be updated with each site plan amendment to demonstrate how pedestrian connectivity will be accomplished as the Village Core parcel develops, as approved by the Planning and Development Department and in compliance with the following standards:
 - a. The Pedestrian Paseo shall be a minimum of 20 feet in width. Of the width, 10 feet shall remain completely free of any pedestrian impediments, including benches. The remaining 10 feet may be used for pedestrian friendly amenities or features, such as benches, tables and courtyards, etc.
 - b. A minimum of 10 feet of the Pedestrian Paseo shall be comprised of enhanced surfacing materials, such as stamped or colored concrete or other pavement treatments, that visually contrast with the adjacent parking and drive aisle surfaces shall be provided to delineate all areas where paseos cross drive aisles.
 - c. The Pedestrian Paseos shall be shaded at a minimum of 50% at maturity.
3. Prior to preliminary site plan approval of any and all development within Development Unit 1 South, the developer shall demonstrate how the following elements will be addressed as part of the subject submittal or as part of a future submittal or phase of the project, as approved by the Planning and Development Department.
 - a. A standalone EV Charging Demonstration Project with a minimum of eight Level 2 electric vehicle charging stations and two fast charging stations.
 - b. Construction of a minimum 10,000 square feet common open space location with a splash pad.
4. No permits for off-premise signs (billboards) will be issued until a certificate of occupancy for a sit down restaurant with a minimum 2,500 square feet of interior dining area and 1,000 square feet of outdoor dining area, and without a drive-through, is issued, as approved by the Planning and Development Department.

5. Prior to obtaining a permit for an off-premise sign (billboard), the developer and the City must agree to enter into an agreement wherein the developer will make five annual \$100,000 donations to the City of Phoenix Parks and Recreation Department to construct, operate, or maintain Olney Park near the intersection of 59th and Olney avenues, as modified and approved by the Parks and Recreation Department.
6. The developer shall dedicate 55 feet of right-of-way and construct the north side of Dobbins Road, per Cross Section Z-C Standards.
7. The developer shall dedicate and construct 63rd Avenue consistent with the approved Traffic impact Analysis.
8. Right-of-way improvements must be complete along the entire rezoning frontage during the first phase of development.
9. The applicant shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact the Street Transportation Department to set up a meeting to discuss the requirements of the study. The TIS shall include signal warrant analysis of abutting and nearby intersections effected as part of this development. The developer shall be responsible for any additional dedications and cost of improvements as required by the approved Traffic Impact Study.
10. The developer shall be responsible for the installation of traffic signals and or escrow funds as identified in the approved Traffic Impact Analysis.
11. Existing irrigation facilities along any existing and or proposed right-of-way are to be undergrounded and relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish the appropriate process to relocate the facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
12. 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.

13. 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.
14. If determined necessary by the Phoenix Archeology 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 Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
15. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.
16. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims forms. 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.
17. All site plans, elevations and pedestrian circulation plans within Development Unit 1 (Village Core North and South) shall be presented for review and comment to the Laveen Village Planning Committee prior to Preliminary Site Plan review.
18. Level 1 electric vehicle (EV) charging stations shall be provided for all multifamily residential developments at a rate of 1 EV charging station per 500 square feet of indoor amenity space or equal to 2% of the residential unit count, whichever is greater, as approved by the Planning and Development Department.

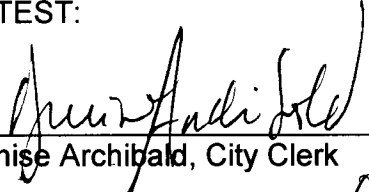
SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 1st day of March,
2023.



MAYOR

ATTEST:

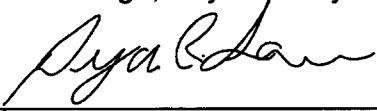


Denise Archibald, City Clerk

03/17/2023



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

By: 

Deryck R. Lavelle, Chief Counsel

pml

REVIEWED BY:



Jeffrey Barton, City Manager

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Exhibits:

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

EXHIBIT A

That portion of the Northeast quarter of Section 6, Township 1 South, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the intersection of the of the East -West mid-section line of Section 6 and the West line of the Arizona Department Of Transportation (hereinafter referred to as ADOT) "SOUTH MOUNTAIN FREEWAY" right of way, as shown on the plans entitled "RIGHT OF WAY PLANS OF THE SOUTH MOUNTAIN FREEWAY 51ST AVE – SALT RIVER SEGMENT 202L MA 000 H5439 / SOSL MA 056 H8827 202-D(200)S" by Stanley Consultants Inc. dated November 4, 2020, from which bears a found 1-1/2" brass cap on 1/2" iron bar stamped "6562" 1.0' down, marking the locally accepted center of said Section 6, South 89°53'12" West (Record, Basis of Bearings) North 89°52'58" East (Measured), 1452.09 feet, and from which bears a found 2-1/2" brass cap in pavement down 0.3' marking the East quarter corner of said Section 6, North 89°52'58" East, 1184.51 feet;

Thence North 89°53'12" West along said East-West mid-section line, a distance of 25.81 feet;

Thence South 14°15'27" West along a line 25.00 feet East and parallel with said West right of way line of "SOUTH MOUNTAIN FREEWAY", a distance of 36.78 feet;

Thence continuing along said parallel line, South 06°51'06" West, a distance of 361.62 feet;

Thence continuing along said parallel line, South 09°45'16" West, a distance of 294.62 feet;

Thence continuing along said parallel line, South 89°08'18" West, a distance of 44.10 feet;

Thence continuing along said parallel line, South 21°40'01" West, a distance of 1,265.58 feet;

Thence continuing along said parallel line, South 09°48'19" West, a distance of 412.79 feet;

Thence continuing along said parallel line, South 35°06'00" West, a distance of 457.63 feet to a point on the South line of said Southeast quarter of Section 6 and the monument line of Dobbins Road;

Thence South $89^{\circ}51'37''$ West, along said South line of the Southeast quarter of Section 6 and the monument line of Dobbins Road, a distance of 549.58 feet to a found MCDOT brass cap in hand hole marking the South quarter corner of said Section 6;

Thence North $00^{\circ}24'12''$ East, along the North-South mid-section line, a distance of 2,641.45 feet to said found 1-1/2" brass cap on 1/2" iron bar stamped "6562" 1.0' down, marking the locally accepted center of said Section 6;

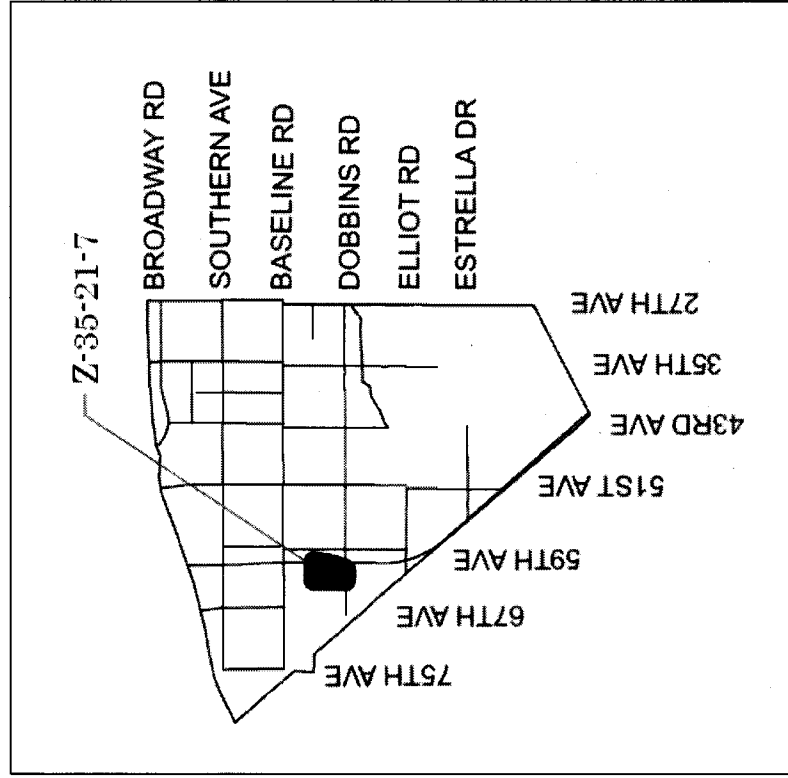
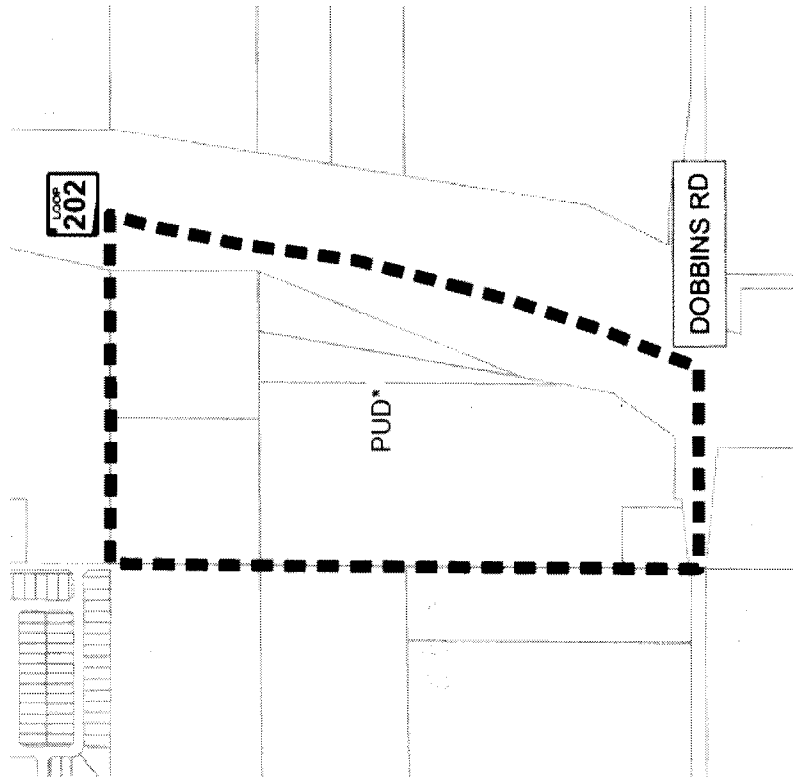
Thence North $89^{\circ}53'02''$ East along said East -West mid-section line, a distance of 1,477.90 feet to the POINT OF BEGINNING.

Containing 2,879,311 square feet, or 66.100 acres of land, more or less.

ORDINANCE LOCATION MAP

Zoning Case Number: Z-35-21-7
Zoning Overlay: N/A
Planning Village: Laveen

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



NOT TO SCALE

