

ORDINANCE G-6905

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-1-21-7) FROM S-1 (APPROVED R1-8 PCD) (RANCH OR FARM RESIDENCE DISTRICT, APPROVED SINGLE-FAMILY RESIDENCE DISTRICT, PLANNED COMMUNITY DISTRICT), S-1 (APPROVED R-2 PCD) (RANCH OR FARM RESIDENCE DISTRICT, APPROVED MULTIFAMILY RESIDENCE DISTRICT, PLANNED COMMUNITY DISTRICT), AND S-1 (APPROVED C-1 PCD) (RANCH OR FARM RESIDENCE DISTRICT, APPROVED NEIGHBORHOOD RETAIL DISTRICT, PLANNED COMMUNITY DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT).

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

follows:

SECTION 1. The zoning of a 250.18 acre site located on the southwest corner of 63rd Avenue and the South Mountain Avenue alignment in a portion of Section 12 of Township 1 South, Range 1 East; and Sections 6 and 7 of Township 1 South, Range 2 East as described more specifically in Exhibit "A," is hereby changed from 229.68 acres of "S-1 (Approved R1-8 PCD)" (Ranch or Farm Residence District, Approved Single-Family Residence District, Planned Community District), 15.51 acres of "S-1 (Approved R-2 PCD)" (Ranch or Farm Residence District, Approved Multifamily Residence District, Planned Community District), and 4.99 acres of "S-1 (Approved C-1

PCD)” (Ranch or Farm Residence District, Approved Neighborhood Retail 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 Dobbins Industrial and Tech Park 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 July 13, 2021, as modified by the following stipulations:
  - a. Front cover: Revise the submittal date information on the bottom to add the following: Hearing draft submittal: July 13, 2021; City Council adopted: [Add adoption date].
  - b. Page 4, List of Uses, Not Permitted: Replace existing verbiage with the following:

For the purposes of this PUD a distribution facility is defined as a business that receives packages, sorts, and delivers them without product storage. Distribution as an accessory use is permitted when it occurs from a manufacturing facility or a warehouse where a product is made, assembled or packaged.

Distribution facilities as a primary use shall not be permitted within 500 feet of the property line along Dobbins Road.

There shall be no distribution facilities as defined by this PUD within 500 feet of 67th Avenue, between Dobbins Road and McClellan Ranch Road.

For the remainder of the Phase 1 area, as depicted in Exhibit 7 – Phasing Plan, distribution facilities as a primary use are permitted as follows:

- No distribution facilities as a primary use are permitted for a time period of 3 years from the certificate of completion of the first building completed within the Phase 1 area.
- After 3 years from the first building's certificate of completion, a maximum of 50% of the total building area for the Phase I area may be utilized for distribution facility as a primary use.

For the remainder of the Phase 2 area, as depicted in Exhibit 7 – Phasing Plan, distribution facilities are permitted as follows:

- No distribution facilities as a primary use are permitted for a time period of 3 years from the certificate of completion of the first building completed within the Phase 2 area.
- After 3 years from the first building's certificate of completion, a maximum of 50% of the total building area for the Phase 2 area may be utilized for distribution facility as a primary use.
- After 6 years from the first building's certificate of completion, the balance of the Phase 2 building area may be utilized for distribution facility as a primary use.

- c. Page 5, Building Setback, Overall Perimeter & Interior, Adjacent to residential: Add a note under the first bullet that reads as follows:

“In the event that a perimeter property line is not adjacent to a street, the perimeter building setbacks shall be measured starting at 30 feet from the property line.”

- d. Page 7, Minimum Landscape Setbacks, b) Overall Perimeter & Interior, Adjacent to residential: Add a note under the first bullet that reads as follows:

“In the event that a perimeter property line is not adjacent to a street, the perimeter landscape setbacks shall be measured starting at 30 feet from the property line.”

- e. Page 11, Site Design/Development: Please include the following as an additional bullet point: "Where pedestrian pathways cross drive aisles, they shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department."
2. The developer shall dedicate and construct the following along Dobbins Road:
    - a. Fifty-five feet of right-of-way for the south side, west of 67th Avenue, per Cross Section C Standards.
    - b. Fifty-five feet of right-of-way for the north and south half between 67th Avenue and the south eastern development boundary (65th Avenue alignment), per Cross Section C Standards. Development shall be responsible for any dedication and improvements for intersection designs.
    - c. Right-of-way dedication and construction to be consistent with the approved Traffic Impact Study and Master Street Plan for the north side of Dobbins Road between 65th Avenue alignment and 63rd Avenue.
  3. The developer shall dedicate right-of-way and construct the east half of 67th Avenue between the South Mountain Avenue Alignment to the North and Dobbins Road to the South in accordance with the approved Traffic Impact Study and associated Master Street Plan.
  4. The developer shall dedicate right-of-way and construct 63rd Avenue in accordance with the approved Traffic Impact Study and associated Master Street Plan. The developer will be responsible for associated General Plan Amendment to the Street Classification map, as determined by the approved Traffic Impact Study.
  5. The developer shall dedicate right-of-way and construct Olney Avenue in accordance with the approved Traffic Impact Study and associated Master Street Plan.
  6. The developer shall submit Master Street Plan, Phasing Plan and Trails Plan as required by the Planned Community District (PCD), Section 636 of the Phoenix Zoning Ordinance, as approved by the Street Transportation Department and Planning and Development Department.

7. 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 intersection effected as part of this development. The developer shall be responsible for any additional dedications and cost of improvements as required by the approved TIS.
8. The developer shall be responsible for the installation of traffic signals and or escrow funds as identified within the Traffic Impact Study and approved Master Street Plan.
9. 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 facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
10. Connection of trails shall be made to collector streets through clearly defined bicycle and pedestrian routes. Local street connections alone are insufficient to provide this connectivity. This connectivity shall be addressed through the Trails Master Plan.
11. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with the current ADA Guidelines.
12. 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.
13. 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.
14. 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.

15. Prior to the submittal of preliminary site plan applications to the Planning and Development Department, the developer shall provide Pulte Homes with a copy of its site plan for any building within 500 feet of the 67th Avenue alignment, for the length of the property.
16. 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.
17. The developer shall dedicate and construct the 65th Avenue alignment between Dobbins Road to the north and the Olney Avenue alignment to the south, in accordance with the approved traffic impacts study and associated master street plan as approved by the Planning and Development Department.

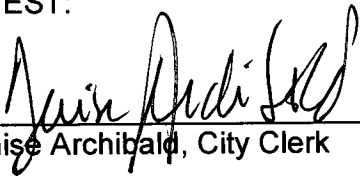
SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

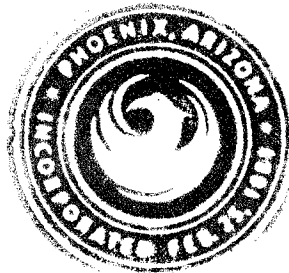
PASSED by the Council of the City of Phoenix this 6th day of October, 2021.



MAYOR

ATTEST:

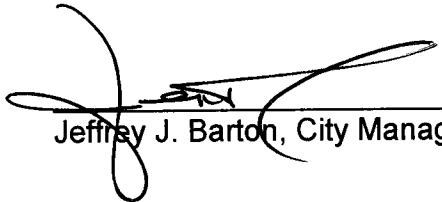
  
Denise Archibald, City Clerk  
10-21-2021



APPROVED AS TO FORM:  
Cris Meyer, City Attorney

By:   
Acting Chief Counsel

REVIEWED BY: *Pml*

  
Jeffrey J. Barton, City Manager

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

PL:tml:LF21-2422:Item 124:10-6-2021:2284284v1

EXHIBIT A  
LEGAL DESCRIPTION FOR Z-1-21-7

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

LOT ONE (1), SECTION TWELVE (12), TOWNSHIP ONE (1) SOUTH, RANGE ONE (1) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 2:

FARM UNIT "D", BEING ALSO KNOWN AS LOT SIX (6), OR THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NWL/4 SWL/4) AND LOT SEVEN (7), OR THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SWL/4 SWL/4) OF SECTION SIX (6), TOWNSHIP ONE (1) SOUTH, RANGE TWO (2) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA; EXCEPT THE SOUTH THIRTY-THREE (33) FEET, AS CONVEYED TO MARICOPA COUNTY BY DEED RECORDED AS DOCKET 169, PAGE 18; AND EXCEPT THAT PART CONVEYED IN WARRANTY DEED RECORDED AS 2003-0638294 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SOUTHWEST QUARTER (SWL/4) OF SECTION SIX (6), TOWNSHIP ONE (1) SOUTH, RANGE TWO (2) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION;  
THENCE NORTH 89°51'35" EAST, A DISTANCE OF 146.24 FEET;  
THENCE SOUTH 46°43'27" WEST, A DISTANCE OF 66.73 FEET;  
THENCE SOUTH 89°28'20" WEST, A DISTANCE OF 98.02 FEET;  
THENCE NORTH 00°27'02" EAST, A DISTANCE OF 46.29 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 3:

FARM UNIT "D", ACCORDING TO THE FARM UNIT PLAT, OR LOTS ONE (1) AND TWO (2), SECTION SEVEN (7), TOWNSHIP ONE (1) SOUTH, RANGE TWO (2) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 4:

THE EAST HALF OF THE SOUTHWEST QUARTER (EL/2 SWL/4) OF SECTION SIX (6), TOWNSHIP ONE (1) SOUTH, RANGE TWO (2) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE SOUTH THIRTY-THREE (33) FEET FOR ROAD PURPOSES.

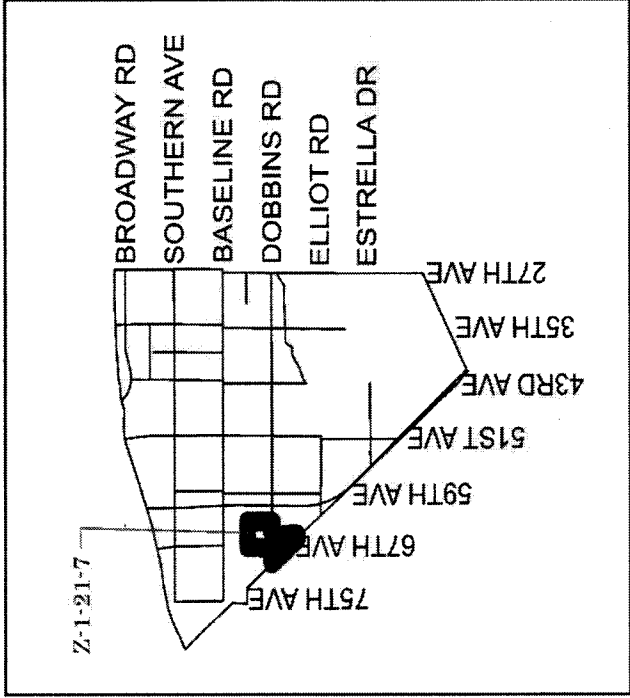
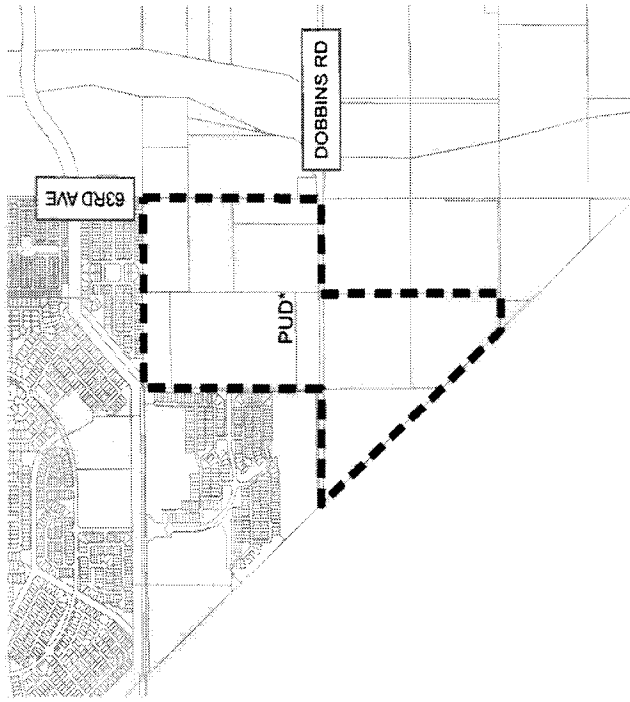


EXHIBIT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-1-21-7  
Zoning Overlay: N/A  
Planning Village: Laveen

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



NOT TO SCALE



Drawn Date: 9/3/2021

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