

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-45-22-8) FROM S-1 (APPROVED C-2 HGT/WVR PCD) (RANCH OR FARM RESIDENCE DISTRICT, APPROVED INTERMEDIATE COMMERCIAL, HEIGHT WAIVER, PLANNED COMMUNITY DISTRICT) TO C-2 HGT/WVR DNS/WVR (INTERMEDIATE COMMERCIAL, HEIGHT WAIVER, DENSITY WAIVER).

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

SECTION 1. The zoning of a 39.74-acre property located at the southeast corner of 59th Avenue and Dobbins Road in a portion of Section 8, Township 1 South, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "S-1 (Approved C-2 HGT/WVR PCD)" (Ranch or Farm Residence District, Approved Intermediate Commercial, Height Waiver, Planned Community District) to "C-2 HGT/WVR DNS/WVR" (Intermediate Commercial, Height Waiver, Density Waiver).

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. The development shall be in general conformance with the site plan date stamped August 8, 2022 and elevations date stamped July 8, 2022, as modified by the following stipulations and approved by the Planning and Development Department.
2. Improvements for the Town Square, as identified on the site plan date stamped August 8, 2022, shall be completed prior to the issuance of any certificate of occupancy for the last phase of residential development (Lot 2 or Lot 3). Improvements shall include all streets and parking around the Town Square, all common landscape, walkway landscape furniture and common area features, and a minimum of three amenities (which may include, but is not limited to open seating, interactive water feature, and kids playground with shade structure), but excluding the two commercial buildings and their supporting features such as leased outdoor dining areas and their hardscape and landscape features, as approved by the Planning and Development Department.
3. The primary entryway to Dobbins Road shall include a minimum of 250 square feet of enhanced landscaping, planted and maintained with a variety of at least three plant materials including a series of annuals that will each maintain a constant bloom throughout the year.
4. A minimum of one milkweed shrub, or other native nectar species, shall be planted for every required tree in addition to the required shrubs, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
5. The developer shall dedicate a 30-foot-wide multi-use trail easement (MUTE) along the east side of 59th Avenue and construct a minimum 10-foot-wide multi-use trail (MUT) within the easement in accordance with the MAG supplemental detail and as approved by the Planning and Development Department. Where conflicts or restrictions exist, the developer shall work with

the Site Planning section on an alternate design through the technical appeal process.

6. The developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 11-foot-wide landscape area located between the back of curb and sidewalk along the south side of Dobbins Road, as approved by the Planning and Development Department.
 - a. Minimum 3-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.
 - c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
7. The developer shall construct a minimum 5-foot-wide detached sidewalk along the west side of 57th Avenue with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department:
 - a. Minimum 2-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 50% live coverage at maturity.
 - c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
8. The developer shall construct a minimum 5-foot-wide detached sidewalk along the east side of 59th Avenue with a minimum 11-foot-wide landscaped strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department:
 - a. Minimum 3-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.

- c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
9. The developer shall dedicate a minimum of 55-feet of right-of-way and construct the south side of Dobbins Road, as approved by the Planning and Development Department.
10. The developer shall dedicate a minimum of 30-feet of right-of-way and construct the west side of 57th Avenue connecting at the 56th Glen alignment, as approved by the Street Transportation Department.
11. The developer shall dedicate a minimum of 55-feet of right-of-way and construct the east side of 59th Avenue, as approved by the Planning and Development Department.
12. 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 approved. Signal warrant analysis shall be included for 59th Avenue and Dobbins as part of the Study. The developer shall be required to provide a minimum 25% contribution towards future traffic signal if not warranted for construction by the TIA.
13. Existing irrigation along Dobbins Road are to be undergrounded and relocated outside City of Phoenix 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.
14. 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.
15. The right-of-way shall be dedicated, and a bus stop pad (City of Phoenix Standard Details P1258 and P1260) constructed along eastbound Dobbins Road, as approved by the Planning and Development Department.
16. The right-of-way shall be dedicated, and a bus stop pad (City of Phoenix Standard Details P1258 and P1260) constructed along northbound 59th Avenue, as approved by the Planning and Development Department.
17. 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.

18. 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.

LOT 1 (TOWN CENTER AND RETAIL PLAZA)

19. The maximum building height shall be 30 feet.
20. A minimum of 28% of the gross area of Lot 1 shall be retained as open space, as approved by the Planning and Development Department.
21. All uncovered surface parking lot areas for employees and customers shall be landscaped with minimum 2-inch caliper size large canopy drought tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve minimum 25% shade at maturity, as approved by the Planning and Development Department.
22. A minimum of 14 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
23. Any future Planning Hearing Officer applications for Lot 1, as depicted on the site plan date stamped August 8, 2022, shall go to the Village Planning Committee for recommendation, and include enhanced notification to require notification of all property owners within 600 feet of the subject site and all neighborhood organizations registered with the City within one mile of the subject site.

LOT 2 (MULTIFAMILY APARTMENTS)

24. The development shall adhere to the R-3A zoning district standards, as modified by the following stipulations, and approved by the Planning and Development Department.
25. Lot 2 shall be limited to a maximum of 214 units.
26. A minimum of 10% of the gross area of Lot 2 shall be retained as open space, as approved by the Planning and Development Department.

27. A minimum of 10 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances, amenities, and/or open space and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

LOT 3 (HORIZONTAL MULTIFAMILY)

28. The development shall adhere to the R-3 zoning district standards, as modified by the following stipulations, and approved by the Planning and Development Department.
29. Lot 3 shall be limited to a maximum of 181 units.
30. A minimum of 11% of the gross area of Lot 3 shall be retained as open space, as approved by the Planning and Development Department.
31. A minimum of 10 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances, amenities, and/or open space and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

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 16th day of November, 2022.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (2 Pages)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LOT 1:

A PORTION OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 8, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 8, FROM WHICH THE NORTH QUARTER OF SAID SECTION 8 BEARS NORTH 89 DEGREES 59 MINUTES 34 SECONDS EAST, A DISTANCE OF 2,633.43 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 34 SECONDS EAST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 8, A DISTANCE OF 731.98 FEET; THENCE DEPARTING SAID NORTH LINE, SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 710.48 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 58 SECONDS WEST, A DISTANCE OF 736.75 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 8; THENCE ALONG SAID WEST LINE, NORTH 00 DEGREES 23 MINUTES 06 SECONDS EAST, A DISTANCE OF 710.39 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 521,714 SQUARE FEET OR 11.977 ACRES, MORE OR LESS.

LOT 2:

A PORTION OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 8, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 8, FROM WHICH THE NORTH QUARTER OF SAID SECTION 8 BEARS NORTH 89 DEGREES 59 MINUTES 34 SECONDS EAST, A DISTANCE OF 2,633.43 FEET; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 8, NORTH 89 DEGREES 59 MINUTES 34 SECONDS EAST, A DISTANCE OF 731.98 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 89 DEGREES 59 MINUTES 34 SECONDS EAST, A DISTANCE OF 584.74 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 27 MINUTES 30 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 710.58 FEET; THENCE DEPARTING SAID EAST LINE, NORTH 89 DEGREES 59 MINUTES 58 SECONDS WEST, A DISTANCE OF 579.05 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 710.48 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 413,445 SQUARE FEET OR 9.491 ACRES, MORE OR LESS.

LOT 3:

A PORTION OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 8, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 8, FROM WHICH THE NORTH QUARTER OF SAID SECTION 8 BEARS NORTH 89 DEGREES 59 MINUTES 34 SECONDS EAST, A DISTANCE OF 2,633.43 FEET; THENCE ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 8, SOUTH 00 DEGREES 23 MINUTES 06 SECONDS WEST, A DISTANCE OF 710.39 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 59 MINUTES 58 SECONDS EAST, A DISTANCE OF 1,315.80 FEET; THENCE SOUTH 00 DEGREES 27 MINUTES 30 SECONDS WEST, A DISTANCE OF 609.05 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 21 SECONDS WEST, A DISTANCE OF 1,315.03 FEET; THENCE ALONG SAID WEST LINE, NORTH 00 DEGREES 23 MINUTES 06 SECONDS EAST, A DISTANCE OF 609.69 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 801,549 SQUARE FEET OR 18.401 ACRES, MORE OR LESS.

ORDINANCE LOCATION MAP

EXHIBIT B

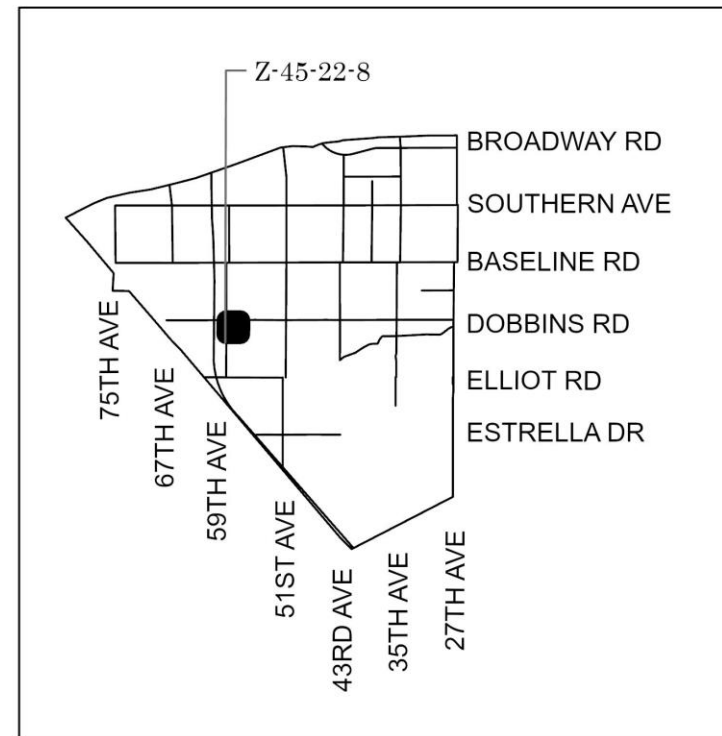
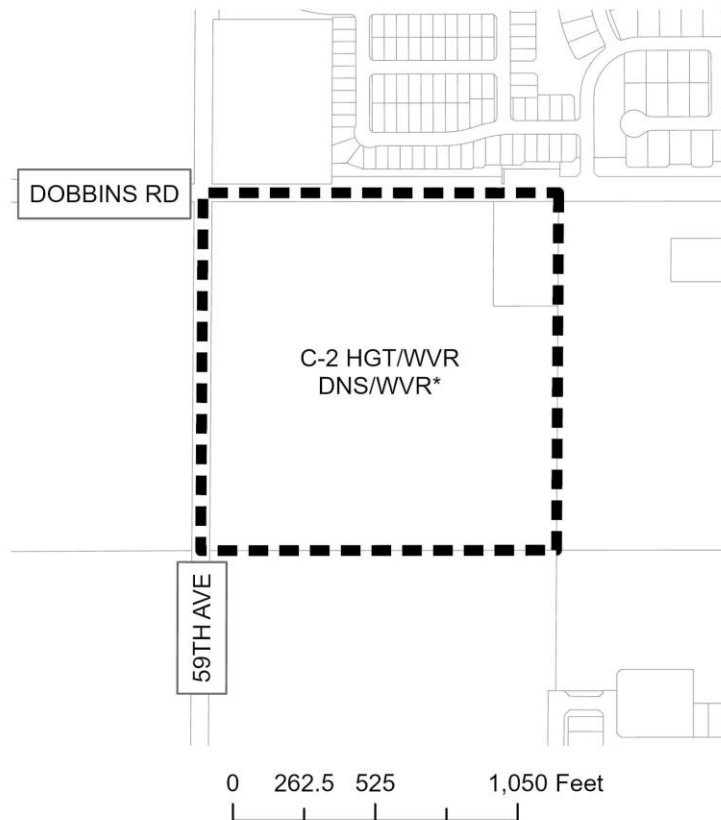
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-45-22-8

Zoning Overlay: N/A

Planning Village: Laveen



NOT TO SCALE



Drawn Date: 9/13/2022