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ORDINANCE G-5903

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-46-12-7) FROM S-1 (RANCH OR FARM RESIDENCE) TO PUD (PLANNED UNIT DEVELOPMENT).

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WHEREAS, on October 24, 2012, the City of Phoenix Planning and Development Department received, in compliance with the requirements of the City of Phoenix Zoning Ordinance, Section 506, a written request for rezoning from William Lally, having authorization to represent the owner, DNZ Holdings LLC of an approximately 41.48 acre property located at the southeast corner of 75th Avenue and Broadway Road in a portion of Section 25, Township 1 North, Range 1 East, as described more specifically in Attachment "A", attached hereto and incorporated herein by this reference; and,

WHEREAS, pursuant to A.R.S. § 9-462.04, the Planning Commission, held a public hearing on February 11, 2014, and at this hearing recommended that the City Council approve this rezoning request with the recommended staff conditions, as modified; and,

WHEREAS, the City Council, at their regularly scheduled meeting held on March 19, 2014, has determined that, in accordance with A.R.S. § 9-462.01.F, this rezoning request, with the appropriate site specific requirements provided in Section 2, is consistent with and conforms to the General Plan, will conserve and promote the public health, safety and general welfare, and should be approved, subject to the conditions herein.

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

SECTION 1: The zoning of an approximately 41.48 acre property located southeast corner of 75th Avenue and Broadway Road in a portion of Section 25, Township 1 North, Range 1 East, as described more specifically in Attachment "A", is hereby changed from "S-1" (Ranch or Farm Residence) to "PUD" (Planned Unit Development) and that 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 Attachment "B".

SECTION 2: The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-46-12-7, on file with the Planning and Development Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to compliance with the PUD narrative and 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 Z-46-12-7 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 December 27, 2013.

2. A minimum of 12% open space for the residential subdivision shall be provided, as approved by the Planning and Development Department.
3. The maximum number of residential lots shall not exceed 119, as approved by the Planning and Development Department.

#### New Development Standards

4. All sidewalks, trails, or pedestrian pathways when crossing street intersection for the residential subdivision shall be constructed of decorative pavers, stamped or colored concrete, or another material different than the primary paving material, as approved by the Planning and Development Department.
5. All sidewalks for the residential subdivision shall be detached with a minimum five-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department. The landscape strip shall be installed by the developer and maintained by the HOA.
6. The perimeter walls adjacent to Broadway Road and 75th Avenue for the residential subdivision shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile, glass insets, or stamped designs, as approved by the Planning and Development Department.
7. Ground signs for the residential subdivision shall be monument style and not exceed six feet in height, as approved by the Planning and Development Department.

#### Street Transportation Stipulations (for the residential subdivision)

8. A 55-foot right-of-way shall be dedicated with appropriate transit easement. Construct a bus bay (P1256-1) on Broadway Road as approved by the Planning and Development Department.
9. 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 City. All improvements shall comply with

all ADA accessibility standards. Provide phoenix standard pavement transition tapers to all existing improvements.

10. Dedications and improvements on 75th Avenue to be per the Maricopa County Department of Transportation 75th Avenue and Broadway Road to Southern Avenue Technical Memorandum No.9; as approved by the Planning and Development Department.
11. 75th Avenue mainline and intersection improvements as well as access spacing to be coordinated and approved with Maricopa County Department of Transportation Project TT383, as approved by the Planning and Development Department.
12. Right-of-way totaling 25 feet shall be dedicated for the west half of 73rd Avenue. Provide curb, gutter, sidewalk, paving and incidentals for the length of the property, as approved by the Planning and Development Department.
13. Provide conduit and junction boxes at 75th Avenue and Broadway Road for future traffic signal equipment on the southeast corner of the intersection. The plan is to be submitted to Maricopa County Department of Transportation and City of Phoenix, Street Transportation Department for review and approval.
14. Complete a Red Border Letter to notify ADOT of development adjacent to its freeway corridor and submit it to Derek Fancon in the Planning and Development Department, with a copy to the Traffic Engineer and Civil Plans Reviewer.

Street Transportation Stipulations (for dairy farm)

15. A 55-foot right-of-way shall be dedicated for the entirety of the parcel for the south half of Broadway Road. A 50-foot right-of-way shall be dedicated for the east half of 75th Avenue as per the Maricopa County Department of Transportation 75th Avenue and Broadway Road to Southern Avenue Technical Memorandum No.9 (not just for the corner with the bottling facility), as approved by the Planning and Development Department.
16. Provide a paved/asphalt connection to serve as a driveway from Broadway Road into the proposed facility, as approved by the Planning and Development Department.
17. Dust proof all street shoulders with material that's compliant with the zoning ordinance, as approved by the Planning and Development Department.

- 18. Provide a means of vehicle separation between roadway and site improvements along Broadway Road, such as site wall or barrier, as approved by the Planning and Development Department.
- 19. No site access shall be allowed on to 75th Avenue, as approved by the Planning and Development Department.

SECTION 3: 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 19th day of March, 2014.

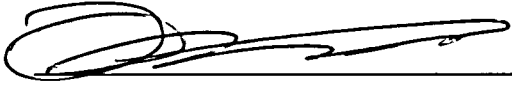


  
 ACTING MAYOR

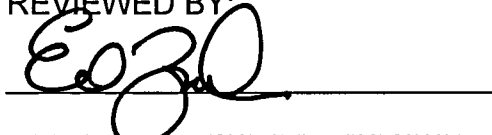
ATTEST:

  
 City Clerk

APPROVED AS TO FORM:

  
 Acting City Attorney  
 DKH

REVIEWED BY:

  
 City Manager

MLW.tml 11/21/13v1:(CM#70) (Item#36) 3/19/14

Attachments:

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

## ATTACHMENT A

LEGAL DESCRIPTION FOR Z-46-12-7

A PORTION OF NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

A.P.N.104-68-003C

The West half of the Northwest quarter of the Northwest quarter of Section 25, Township 1 North Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Except any portion thereof, lying South of The North right-of-way line of the New State Canal; and

Except that portion lying West of the East line of Section 26, Township 1 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, according to the plat recorded in Book 268 of Maps, page 15, Maricopa County Records, as conveyed to the Flood Control District of Maricopa County, an Arizona municipal corporation and a political subdivision of the State of Arizona in Quit-Claim Deed recorded February 10, 2005 in Recording No. 2005170743, Maricopa County Records; and

Except commencing at the Northwest corner of said Section 25 said corner also being common to the Northeast corner of said Section 26, from which the North quarter corner of said Section 25 bears North 89 degrees 58 minutes 59 seconds East, 2,645.52 feet, according to the plat recorded in Book 268 of Maps, page 15, Maricopa County Records;

Thence South 02 degrees 07 minutes 13 seconds East, along the East line of said Section 26, 40.03 feet to the point of beginning;

Thence continuing South 02 degrees 07 minutes 13 seconds East, along the East line of said Section 26, 1,158.00 feet to a point on the North line of the "New State Canal";

Thence North 87 degrees 38 minutes 12 seconds East, along the North right-of-way line of said canal, 14.17 feet;

Thence North 01 degree 27 minutes 32 seconds West leaving the North right-of-way line of said canal, 957.42 feet;

Thence North 09 degrees 47 minutes 28 seconds East, 71.59 feet; Thence North 02 degrees 07 minutes 13 seconds West, 117.04 feet; Thence South 89 degrees 58 minutes 59 seconds East, 12.00 feet;

Thence North 02 degrees 07 minutes 12 seconds West, 12.00 feet to a point on the South line of the North 40 feet of said Section 25;

Thence North 89 degrees 58 minutes 59 seconds West, along the South line of said North 40 feet, 52.03 feet to a point on the East line of the Northeast quarter of said Section 26, according to the plat recorded in Book 268 of Maps, page 15, Maricopa County Records and the point of beginning, as conveyed to the Flood Control District of Maricopa County, an Arizona municipal corporation and a political subdivision of the State of Arizona in Warranty Deed recorded February 28, 2005 in Recording No. 2005-246047, Maricopa County Records.

A.P.N. 104-68-003A

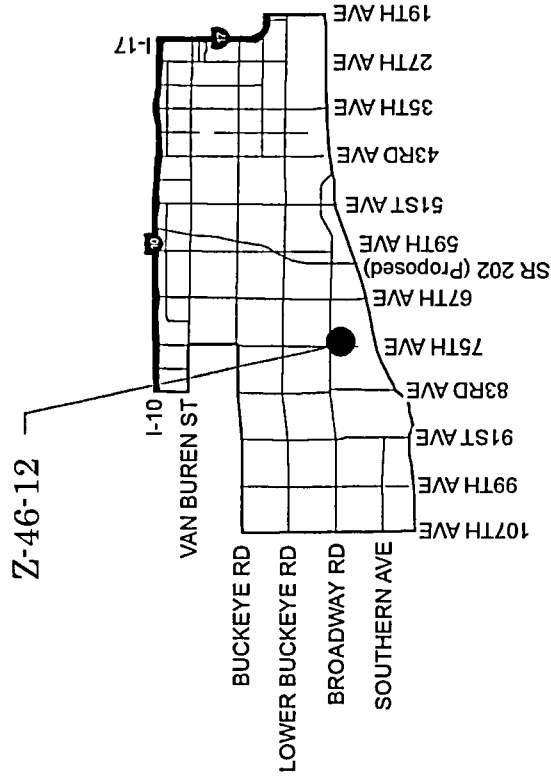
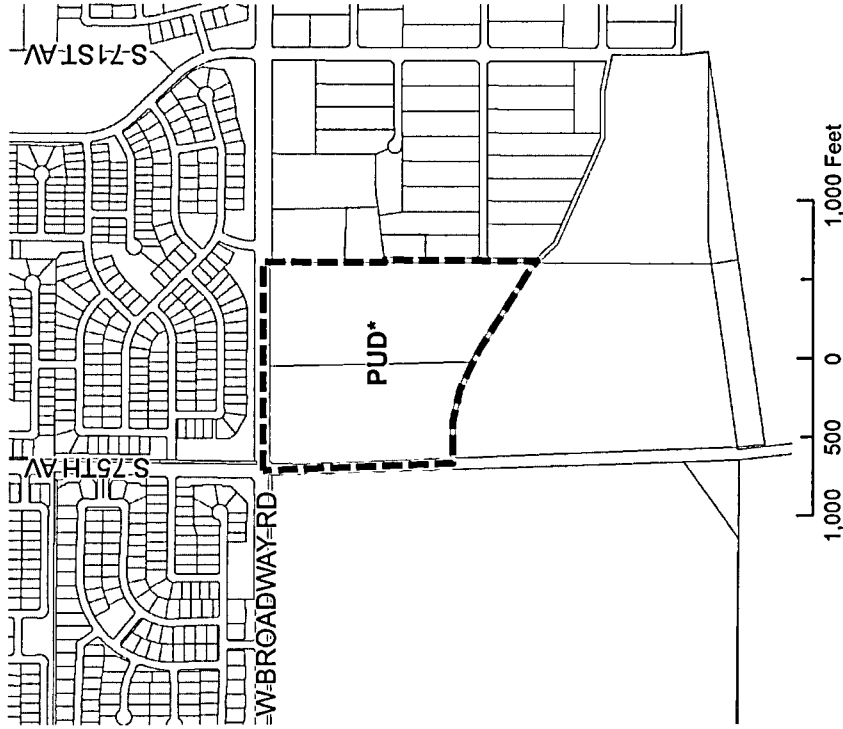
The East half of the Northwest quarter of the Northwest quarter; and all of the East half of the Southwest quarter of the Northwest quarter; of Section 25, Township 1 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying North of the North right-of-way line of the New State Canal.

ATTACHMENT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-46-12-7  
Zoning Overlay: N/A  
Planning Village: Estrella

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



NOT TO SCALE

Drawn Date: 1/28/14

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