

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 STIPULATIONS APPLICABLE TO
REZONING APPLICATION Z-9-17-3 PREVIOUSLY APPROVED BY
ORDINANCE G-6327.

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

SECTION 1. The zoning stipulations applicable located approximately
435 feet east of the southeast corner of 12th Street and Bell Road in a portion of
Section 4, Township 3 North, Range 3 East, as described more specifically in
Attachment "A", are hereby modified to read as set forth below.

STIPULATIONS:

1. THE BUILDING ELEVATIONS SHALL BE IN GENERAL CONFORMANCE TO THE BUILDING ELEVATIONS DATE STAMPED JULY 23, 2018 AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. ~~Conceptual building elevations shall be reviewed and approved by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval. The building elevations shall complement the architecture of the existing developments to the east and west. This is a legislative review for conceptual purposes only. Specific development standards and requirements will be determined by the Planning Hearing Officer and the Planning and Development Department.~~
2. The plant palette in the landscape setbacks adjacent to Bell Road shall be similar to that of the adjacent C-1 site, located at the southeast corner of 12th Street and Bell Road, as approved by the Planning and Development Department. The plant palette shall include palo brea or palo verde trees placed to shade the sidewalk and lantana for color accent.

3. The drive through shall be screened from the street by a minimum 3-foot high solid wall or a combination of open fencing and landscaping. If a fence is utilized, vines shall be provided and maintained on the exterior, covering a minimum of 50 percent of the fence within 2 years of planting, as approved by the Planning and Development Department.
4. The developer shall provide convenient pedestrian access between the main entrance/s to the proposed building and the planned residential development to the south, as approved by the Planning and Development Department.
5. 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.
6. 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.
7. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Deer Valley Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
8. PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6327, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6327 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

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 17th day of October, 2018.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

Exhibits:

A - Legal Description (2 Pages)

B - Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR PH01-18--Z-9-17-3

THAT PORTION OF "BERKANA ON 12TH STREET", ACCORDING TO BOOK 968 OF MAPS, PAGE 9, RECORDS OF MARICOPA COUNTY, ARIZONA, SITUATED IN THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 3 NORTH, RANGE 3 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

COMMENCING AT A BRASS CAP IN HANDHOLE MARKING THE NORTH QUARTER CORNER OF SAID SECTION 4,

THENCE ALONG THE NORTH LINE OF SAID SECTION 4, LINE ALSO BEING THE MONUMENT LINE OF BELL ROAD, NORTH 89 DEGREES 35 MINUTES 58 SECONDS EAST A DISTANCE OF 660.14 FEET;

THENCE LEAVING SAID NORTH LINE, SOUTH 00 DEGREES 23 MINUTES 24 SECONDS EAST A DISTANCE OF 54.99 FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID BELL ROAD, SAID POINT ALSO BEING THE TRUE POINT OF BEGINING;

THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE, SOUTH 00 DEGREES 22 MINUTES 00 SECONDS EAST A DISTANCE OF 145.63 FEET;

THENCE SOUTH 89 DEGREES 38 MINUTES 00 SECONDS WEST A DISTANCE OF 22.06 FEET TO A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET;

THENCE ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 65 DEGREES 13 MINUTES 32 SECONDS AN ARC DISTANCE OF 39.84 FEET;

THENCE LEAVING SAID CURVE TO THE RIGHT, SOUTH 89 DEGREES 36 MINUTES 39 SECONDS WEST, 176.03 FEET;

THENCE NORTH 00 DEGREES 23 MINUTES 21 SECONDS WEST A DISTANCE OF 11.16 FEET;

THENCE SOUTH 89 DEGREES 36 MINUTES 39 SECONDS WEST A DISTANCE OF 71.99 FEET;

THENCE NORTH 00 DEGREES 23 MINUTES 18 SECONDS WEST A DISTANCE OF 23.00 FEET;

THENCE NORHT 89 DEGREES 36 MINUTES 42 SECONDS EAST A DISTANCE OF 72.80 FEET;

THENCE NORTH 00 DEGREES 21 MINUTES 12 SECONDS WEST A DISTANCE OF 80.82 FEET;

THENCE NORTH 43 DEGREES 09 MINUTES 25 SECONDS EAST A DISTANCE OF 14.14 FEET TO THE SAID SOUTH RIGHT OF WAY LINE OF BELL ROAD;

THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, SOUTH 89 DEGREES 35 MINUTES 40 SECONDS WEST A DISTANCE OF 220.12 FEET TO THE TRUE POINT OF BEGINING.

DESCRIBED AREA CONTAINS 31,312.2 SF OR 0.7189 AC MORE OR LESS.

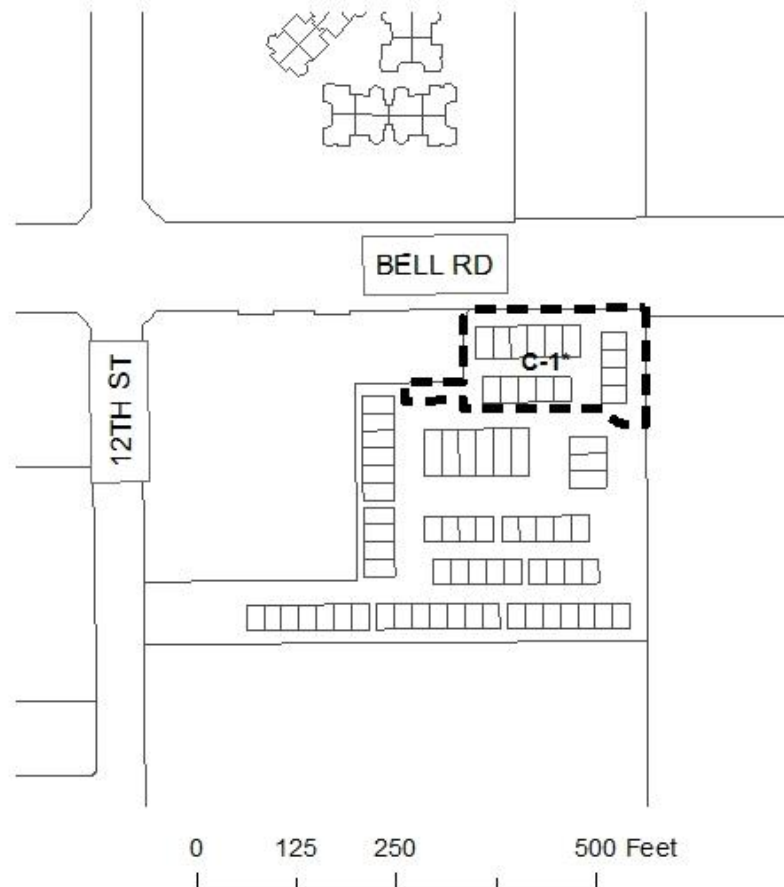
DRAFT

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

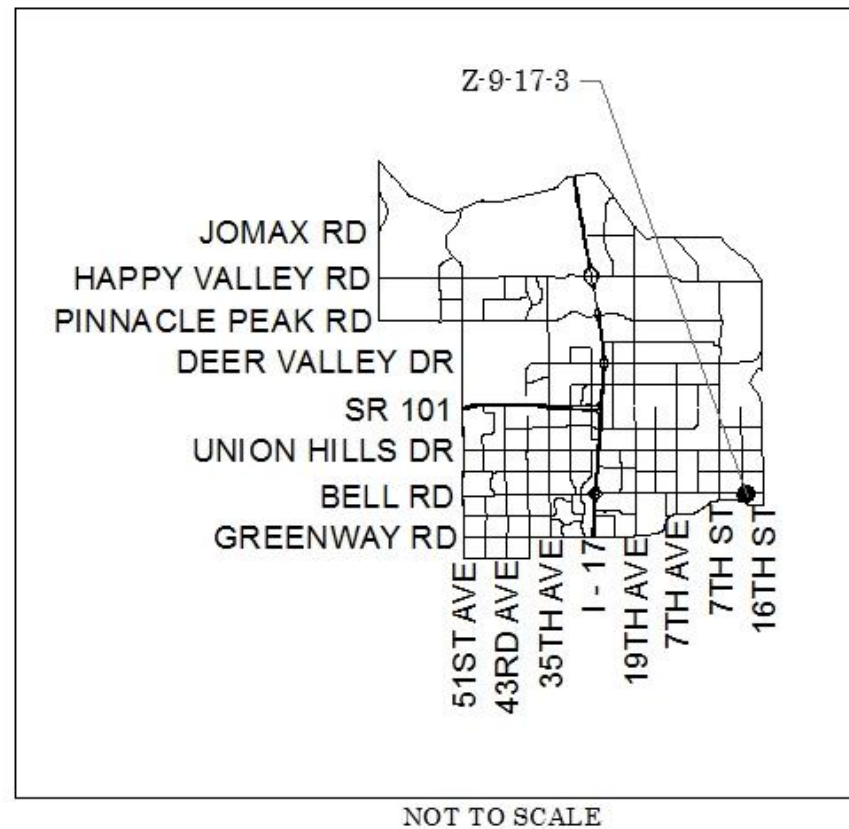
SUBJECT AREA: ■ ■ ■ ■ ■



Zoning Case Number: Z-9-17-3

Zoning Overlay: N/A

Planning Village: Deer Valley



Drawn Date: 9/21/2018