

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-48-07-1 PREVIOUSLY APPROVED BY
ORDINANCE G-4948.

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

SECTION 1. The zoning stipulations applicable located approximately
400 feet east of the southeast corner of I-17 and Arroyo Norte Drive in a portion of
Section 10, Township 6 North, Range 2 East, as described more specifically in
Attachment "A", are hereby modified to read as set forth below.

STIPULATIONS:

1. ~~That conceptual site plan(s) and elevations shall be approved by the Planning Hearing Officer through the public hearing process prior to Development Services Department preliminary site plan approval. The site plan(s) and elevations shall include the following:~~

THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE
SITE PLAN AND ELEVATIONS DATE STAMPED JANUARY 28, 2021, WITH
SPECIFIC REGARD TO THE FOLLOWING, AS MODIFIED BY THE
FOLLOWING STIPULATIONS, AND APPROVED BY THE PLANNING AND
DEVELOPMENT DEPARTMENT.

- a. ~~Elevations which provide architectural consistency in building mass and style, wall treatments, lighting, and signage.~~

BUILDING AND WALL COLORS SHOULD BE MUTED AND BLEND
WITH RATHER THAN CONTRAST WITH THE SURROUNDING

DESERT ENVIRONMENT. REFLECTIVE MATERIALS SHOULD NOT BE USED. ACCENT COLORS SHOULD BE USED JUDICIOUSLY AND WITH RESTRAINT.

- b. ~~The primary finishing materials for buildings shall consist of natural desert materials or materials which are appropriate for the natural desert context.~~

A MINIMUM OF TWO SEPARATE PUBLIC PEDESTRIAN PATHWAYS, SHADED TO A MINIMUM OF 75 PERCENT, SHALL BE PROVIDED FROM THE CLOSEST PARKS IN THE DEVELOPMENT AND CONNECTING TO NORTH WHISPER LANE ON THE SOUTH AND ARROYO NORTE DRIVE ON THE NORTH.

- e. ~~Drive-thru facilities shall be oriented so that drive-thru windows are not directly visible from adjacent public streets.~~
- d. ~~Landscaping, arcades, or overhangs which provide shaded walkways shall be utilized.~~
- e. ~~That parking areas shall be designed with landscaped areas to break up the large expanses of parking.~~
- f. ~~Special consideration shall be given to site design for residential uses to adequately mitigate the impacts of the proximity to Interstate 17, such as innovative site design, increased setbacks, sound barriers, and increased landscaping.~~
- g. ~~An architectural plan shall be approved with the elevations. The architectural plan shall convey a sense of continuity throughout the development and at a minimum include the following:~~
 - i. ~~Natural accent materials such as brick, stone, or tile for buildings and signage.~~
 - ii. ~~Architectural detailing such as recesses, pop-outs, shade walls, parapets, artistic insets, or pilasters.~~
 - iii. ~~Street appurtenances such as benches, seat-walls, ramadas, shade structures, trash enclosures, lighting and wayfinding signage.~~
 - iv. ~~Detail sections for screening and perimeter walls as well as walls interior to the site; said walls shall be designed and finished with materials similar to those of the buildings' architectural detailing.~~

- 2. That FOR COMMERCIAL LAND USES, a comprehensive sign plan for the entire property shall be approved by the Zoning Administrator FOR THE ENTIRE DEVELOPMENT in accordance with Section 705 of the Zoning

~~Ordinance prior to Development Services Department final site plan approval for the first phase of development.~~

3. ~~That~~ Twenty-five feet of right-of-way shall be dedicated for the south half of Teresa Lane or as otherwise approved by the PLANNING AND Development Services Department.
4. ~~That~~ Additional right-of-way shall be dedicated for the future expansion of the freeway/frontage road as approved by the Street Transportation Department.
5. ~~That~~ 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 or modified by the Street Transportation Department.
6. ~~That~~ The applicant shall 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. Further archaeological monitoring and/or testing (trenching) may be necessary based on the results of the survey.
7. ~~That~~ The following persons, organizations and associations shall be notified by the applicant at least 15 days before the meeting or hearing of any PLANNING AND Development Services Department preliminary site plan meetings; Zoning Adjustment hearings; or Planning Hearing Officer hearings:
 - a. New River Desert Hills Community Association, Inc.
515 E. Carefree Highway, #300
Phoenix, AZ 85085-8839
 - b. Shareen Goodroad
scgoodroad@msn.com
623-742-0150
 - c. Terry Marron
t.marron@yahoo.com
623-587-7039
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 THE 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-4948, this portion of the rezoning is now

subject to the stipulations approved pursuant to Ordinance G-4948 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 1st day of July, 2021.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

Exhibits:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-21-- Z-48-07-1

A PORTION OF SECTION 10, TOWNSHIP 6 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOW:

BEGINNING AT THE NORTHEAST CORNER OF THE PARCEL DESCRIBED IN DEED RECORDED IN DOCUMENT 050507564, RECORDS OF MARICOPA COUNTY, ARIZONA, SAID CORNER BEING ALSO THE NORTHWEST CORNER OF TRACT "C", ACCORDING TO THE FINAL PLAT FOR "ARROYO NORTE – UNIT 4", RECORDED IN BOOK 1004, PAGE 1, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE CONTINUING ALONG THE WEST LINE OF SAID TRACT "C", SOUTH 00 DEGREES 05 MINUTES 17 SECONDS EAST, 1004.75 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 12 SECONDS WEST, 150.00 FEET;

THENCE SOUTH 00 DEGREES 05 MINUTES 17 SECONDS EAST, 150.00 FEET TO A POINT ON THE NORTH LINE OF TRACT "D", ACCORDING TO THE FINAL PLAT FOR "ANTHEM UNIT 57";

THENCE ALONG SAID NORTH LINE OF TRACT "D", NORTH 89 DEGREES 59 MINUTES 12 SECONDS WEST, 535.68 FEET;

THENCE NORTH 27 DEGREES 01 MINUTES 32 SECONDS EAST, 247.46 FEET;

THENCE NORTH 05 DEGREES 17 MINUTES 51 SECONDS WEST, 894.37 FEET;

THENCE NORTH 23 DEGREES 01 MINUTES 36 SECONDS WEST, 50.24 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF ARROYO NORTE DRIVE;

THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, SOUTH 89 DEGREES 48 MINUTES 12 SECONDS, 12.54 FEET;

THENCE SOUTH 00 DEGREES 11 MINUTES 48 SECONDS WEST, 25.00 FEET;

THENCE SOUTH 89 DEGREES 48 MINUTES 12 SECONDS EAST, 55.00 FEET;

THENCE NORTH 00 DEGREES 11 MINUTES 48 SECONDS EAST, 25.00 FEET;

THENCE SOUTH 89 DEGREES 48 MINUTES 12 SECONDS EAST, 606.15 FEET TO THE POINT OF BEGINNING.

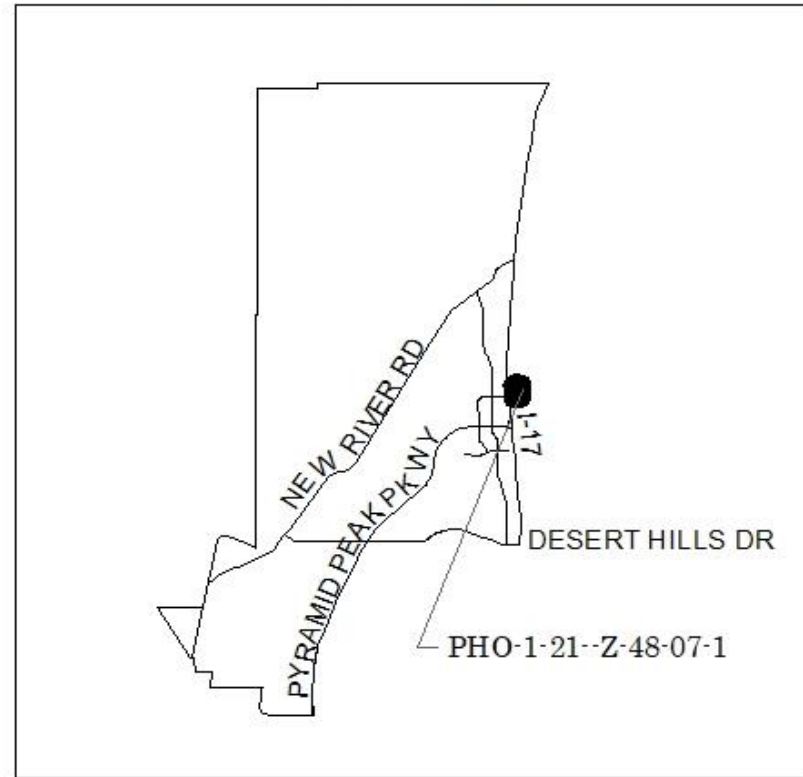
CONTAINING 691,062 SQ. FT. OR 15.8646 ACRES, MORE OR LESS.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: PHO-1-21-Z-48-07-1
Zoning Overlay: N/A
Planning Village: Rio Vista



NOT TO SCALE



Drawn Date: 5/28/2021