

## 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-25-07-7 PREVIOUSLY APPROVED BY  
ORDINANCE G-4975.

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

SECTION 1. The zoning stipulations applicable to the property located at  
the northeast corner of 43rd Avenue and Baseline Road in a portion of Section 34,  
Township 1 North, Range 2 East, as described more specifically in Exhibit "A", are hereby  
modified to read as set forth below.

#### STIPULATIONS:

##### GENERAL

1. ~~That~~ THE development shall be in general conformance with the site plan DATE  
STAMPED APRIL 2, 2019, AND landscape plan, and elevations date stamped  
JULY 8, 2019 ~~March 12, 2007~~, as modified by the following stipulations, and  
approved by the PLANNING AND Development ~~Services~~ Department, with  
specific regard to the following design elements (as proposed):
  - a. Meandering alignment for the multi-use trail.
  - b. BUILDING MATERIALS SHALL INCLUDE BRICK AND STONE VENEER.  
~~L-shaped building arrangement with tower element finished in roof and brick.~~
  - c. PITCHED, HIP, OR GABLED ROOFS, ELEMENTS OR FACADES  
SHOULD BE INCORPORATED IN ALL BUILDINGS. ROOF MATERIALS  
SHALL INCLUDE TILE AND STANDING SEAM METAL ACCENT ROOFS.  
~~Tile roofs.~~

- d. Covered walkways.
  - e. 50-foot building setback for the Baseline Road Scenic Corridor.
  - f. Shaded pedestrian amenity visible from Baseline Road.
  - g. 2-foot CMU/4-foot railing perimeter wall.
  - h. 57 parking spaces (maximum).
  - i. ~~28 mesquites (minimum), 6 Palo Brea (minimum), 11 Acacias (minimum), and 11 multi-trunk Willows (minimum).~~
2. That the sections of drive aisle which cross the multi-use trail alignment shall be finished (a minimum width of 2 feet on either side of the trail alignment) with an alternative finishing material such as bricks or scored pavers, which provides a contrast in texture and color with the adjacent drive aisle finish, as approved by the PLANNING AND Development ~~Services~~ Department.
  3. The light fixtures (wall mounted, pole mounted, or other) shall not exceed a height of 15 feet, as approved by the PLANNING AND Development ~~Services~~ Department.
  4. MONUMENT SIGNS SHALL BE LIMITED TO A MAXIMUM HEIGHT OF 10 FEET. MONUMENT SIGN DESIGNS SHALL BE COMPATIBLE WITH THE BUILDING ELEVATIONS DATE STAMPED JULY 8, 2019 AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

#### PARKS AND RECREATION

5. That the developer shall dedicate a 30-foot multi-use trail easement and construct
4. a 10-foot multi-use trail along Baseline Road, as approved by the PLANNING AND Development ~~Services~~ Department.

#### ARCHAEOLOGY

6. That in the event archaeological material is encountered during construction, the
5. 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.

#### AVIATION

7. That the property owner shall record documents that disclose the existence, and
6. operational characteristics of Phoenix Sky Harbor International 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.

#### TRANSIT

8. That right-of-way shall be dedicated, and a bus bay (detail P1256-1) and transit pad (detail P1261) shall be constructed on 43rd Avenue at Baseline Road, as approved or modified by the PLANNING AND Development ~~Services~~ Department.

#### STREET TRANSPORTATION

9. That right-of-way totaling 60 feet shall be dedicated for the north half of Baseline Road, as approved by the PLANNING AND Development ~~Services~~ Department.
10. That right-of-way totaling 55 feet shall be dedicated for the east half of 43rd Avenue, as approved by the PLANNING AND Development ~~Services~~ Department.
11. That a 21-foot by 21-foot right-of-way triangle shall be dedicated at the northeast corner of 43rd Avenue and Baseline Road, as approved by the PLANNING AND Development ~~Services~~ Department.
12. 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-4975, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-4975 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 28th day of August, 2019.

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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 PHO-1-19--Z-25-07-7

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 34;

THENCE ALONG THE WEST LINE THEREOF, NORTH 00 DEGREES 30 MINUTES 58 SECONDS EAST, A DISTANCE OF 861.00 FEET;

THENCE SOUTH 89 DEGREES 26 MINUTES 33 SECONDS EAST, A DISTANCE OF 1306.00 FEET;

THENCE PARALLEL WITH THE WEST LINE OF SAID SECTION 34, SOUTH 00 DEGREES 30 MINUTES 58 SECONDS WEST, A DISTANCE OF 844.00 FEET TO THE SOUTH OF SAID SECTION 34-

THENCE ALONG SAID SOUTH LINE, SOUTH 89 DEGREES 48 MINUTES 42 SECONDS WEST, A DISTANCE OF 1306.10 FEET TO THE POINT OF BEGINNING.

EXCEPT THE SOUTH 33 FEET; AND

EXCEPT THE WEST 40 FEET; AND

EXCEPT THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 34;  
THENCE ALONG THE WEST LINE THEREOF, NORTH 00 DEGREES 30 MINUTES 58 SECONDS EAST, A DISTANCE OF 861.00 FEET;

THENCE SOUTH 89 DEGREES 26 MINUTES 33 SECONDS EAST, A DISTANCE OF 1306.00 FEET;

THENCE PARALLEL WITH THE WEST LINE OF SAID SECTION 34, SOUTH 00 DEGREES 30 MINUTES 58 SECONDS WEST, A DISTANCE OF 844.00 FEET TO THE SOUTH LINE OF SAID SECTION 34;

THENCE ALONG SAID SOUTH LINE, SOUTH 89 DEGREES 48 MINUTES 42 SECONDS WEST, A DISTANCE OF 1306.10 FEET TO THE POINT OF BEGINNING.

EXCEPT THE WEST AND SOUTH 55 FEET THEREOF; AND

EXCEPT THE EAST 250 FEET OF THE WEST 305 FEET OF THE NORTH 250 FEET

OF THE SOUTH 305 FEET OF THE SOUTHWEST QUARTER OF SAID SECTION 34;  
AND

EXCEPT THAT PORTION OF THE WEST HALF OF THE SOUTHWEST QUARTER  
OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 2 EAST OF THE GILA AND SALT  
RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS  
FOLLOWS;

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF THE WEST 40 FEET  
AND THE NORTH LINE OF THE SOUTH 33.00 FEET OF SECTION 34;

THENCE NORTH 00 DEGREES 38 MINUTES 20 SECONDS EAST, 716.51 FEET  
ALONG SAID EAST LINE OF THE WEST 40.00 FEET;

THENCE DEPARTING SAID EAST LINE OF THE WEST 40.00 FEET SOUTH 89  
DEGREES 21 MINUTES 40 SECONDS EAST, 15.00 FEET TO THE EAST LINE OF  
THE WEST 55.00 FEET OF SAID SECTION 34;

THENCE SOUTH 00 DEGREES 38 MINUTES 20 SECONDS WEST, 639.32 FEET  
ALONG SAID EAST LINE OF THE WEST 55.00 FEET;

THENCE SOUTH 44 DEGREES 42 MINUTES 47 SECONDS EAST, 77.30 FEET TO  
THE NORTH LINE OF THE SOUTH 55.00 FEET OF SAID SECTION 34;

THENCE NORTH 89 DEGREES 56 MINUTES 06 SECONDS EAST, 1208.37 FEET  
ALONG SAID NORTH LINE OF THE SOUTH 55.00 FEET TO THE EAST LINE OF  
THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 34;

THENCE DEPARTING SAID NORTH LINE OF THE SOUTH 55.00 FEET, SOUTH 00  
DEGREES 38 MINUTES 51 SECONDS WEST 22.00 FEET ALONG SAID EAST LINE  
OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID NORTH LINE OF  
THE SOUTH 33.00 FEET OF SECTION 34;

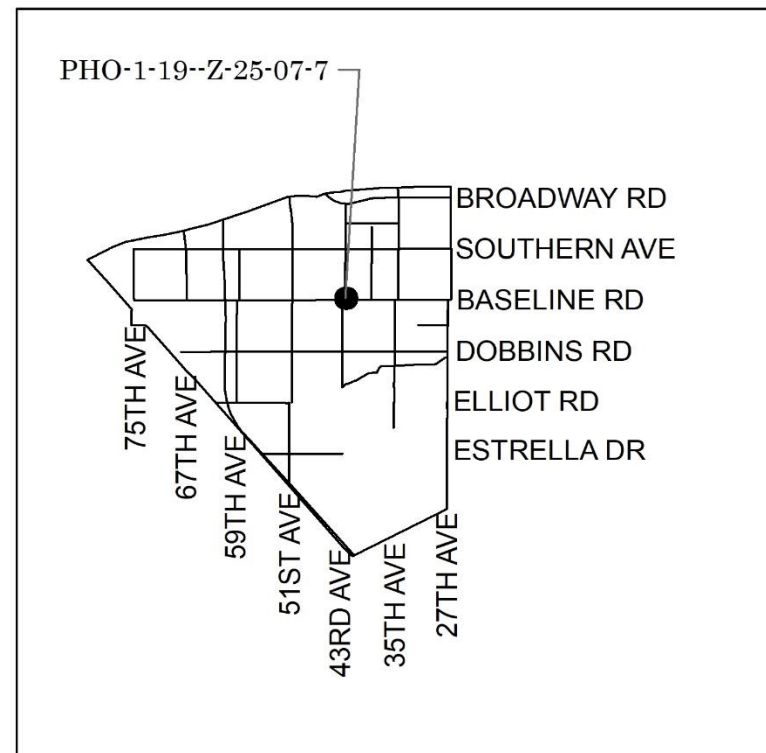
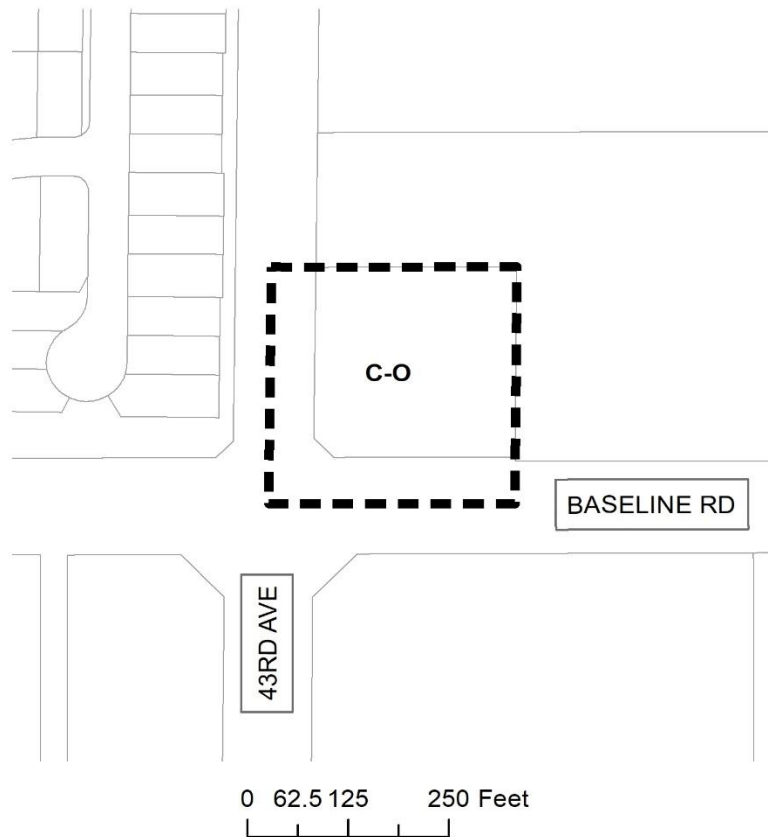
THENCE DEPARTING SAID EAST LINE OF THE WEST HALF OF THE SOUTHWEST  
QUARTER, SOUTH 89 DEGREES 56 MINUTES 06 SECONDS WEST 1278.37 FEET  
ALONG THE SAID NORTH LINE OF THE SOUTH 33.00 FEET TO THE POINT OF  
BEGINNING.

# ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: PHO-1-19--Z-25-07-7  
Zoning Overlay: N/A  
Planning Village: Laveen Village



NOT TO SCALE



Drawn Date: 7/26/2019