

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-101-07-5 PREVIOUSLY APPROVED BY
ORDINANCE G-5057.

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

SECTION 1. The zoning stipulations applicable located at the northeast corner of 75th Avenue and Weldon Avenue in a portion of Section 25, Township 2 North, Range 1 East, as described more specifically in Attachment "A", are hereby modified to read as set forth below.

STIPULATIONS:

1. ~~That d~~Development shall be in general conformance to the site plan date stamped August 17, 2007 AND SEPTEMBER 6, 2017 with regard to building locations, security cameras, and cross access as approved and/or modified by the PLANNING AND Development ~~Services~~ Department.
2. That development shall be in general conformance to the elevation plan date stamped July 23, 2007 AND JUNE 30, 2017, as approved and/or modified by the PLANNING AND Development ~~Services~~ Department.
3. ~~That development shall be in general conformance to the landscape plan date stamped July 23, 2007 with specific regard to the perimeter landscape setbacks except for the south perimeter along Weldon Avenue, as approved and/or modified by the Development Services Department.~~
43. That the entire site shall be developed with a similar theme. The theme shall assure that the buildings/canopy colors elevation, exterior materials, landscaping,

lighting, and signage convey a sense of continuity throughout the development as approved by the PLANNING AND Development ~~Services~~ Department.

SIGNAGE

54. That any ground sign shall be monument style and not exceed twelve feet in height as approved and/or modified by the PLANNING AND Development ~~Services~~ Department.

ARCHAEOLOGY

65. That if any archaeological materials are encountered during construction all ground disturbing activities must cease within 33 feet of the discovery and the city of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials.

PHASING

- ~~7. That all required landscaping shall be provided with the first phase of construction only along 75th and Weldon avenues and surrounding the convenience store/refueling center parcel as approved and/or modified by the Development Services Department.~~
86. That all required street improvements including curb, gutter, sidewalk and ramp shall be completed in the first phase of development.

RIGHT-OF-WAY IMPROVEMENTS

- ~~97. That right-of-way totaling 50 feet shall be dedicated for the east half of 75th Avenue unless otherwise approved (sidewalk easement) by the PLANNING AND Development ~~Services~~ Department.~~
408. That the developer shall construct an off-set sidewalk on 75th Avenue and a new curb ramp at the intersection of Weldon Avenue and 75th Avenue as per plans approved by the city. All improvements shall comply with all ADA accessibility standards.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-5057, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-5057 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 18th day of October ,
2017.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

Attachments:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-17--Z-101-07-5

The North half of Tract 2 and the North 229.25 feet of the South half of Tract 2. The Maricopa Land Settlement Tract, according to Book 21 of Maps, page 32 records of Maricopa County, Arizona.

Except the East 625 feet thereof and

Except the South 30 feet thereof and

Except any portion lying within an area 40 feet from the West line of Section 25 Township 2, North, Range 1 East of the Gila and Salt River Base and Meridian Maricopa County, Arizona and

Except that portion of said South half described as follows:

Beginning at the intersection of the West line of said Tract 2 with the North line of the South 30 feet of said North 229 25 feet

Thence Northerly along said West line, 25 feet

Thence Southeasterly to a point in said North line that is 25 feet Easterly of the Point of Beginning, as measured along said North line

Thence along said North line to the Point of Beginning and

Except that portion of the Northwest quarter of Section 25, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being a portion of that certain parcel described in Warranty Deed recorded in Recording No 2002-0791892, records of Maricopa County, Arizona, more particularly described as follows

Commencing at the Northwest corner of the above described parcel

thence North 88 degrees 47 minutes 06 seconds East along the North line of said parcel a distance of 433 95 feet to the point of beginning

thence continuing North 88 degrees 47 minutes 06 seconds East along said north line a distance of 218 78 feet to the Northeast corner of said parcel

thence South 00 degrees 37 minutes 58 seconds East along the East line of said parcel, a distance of 199 09 feet to the Southeast corner of said parcel

thence South 88 degrees 46 minutes 23 seconds West along the South line of said parcel, a distance of 218 78 feet

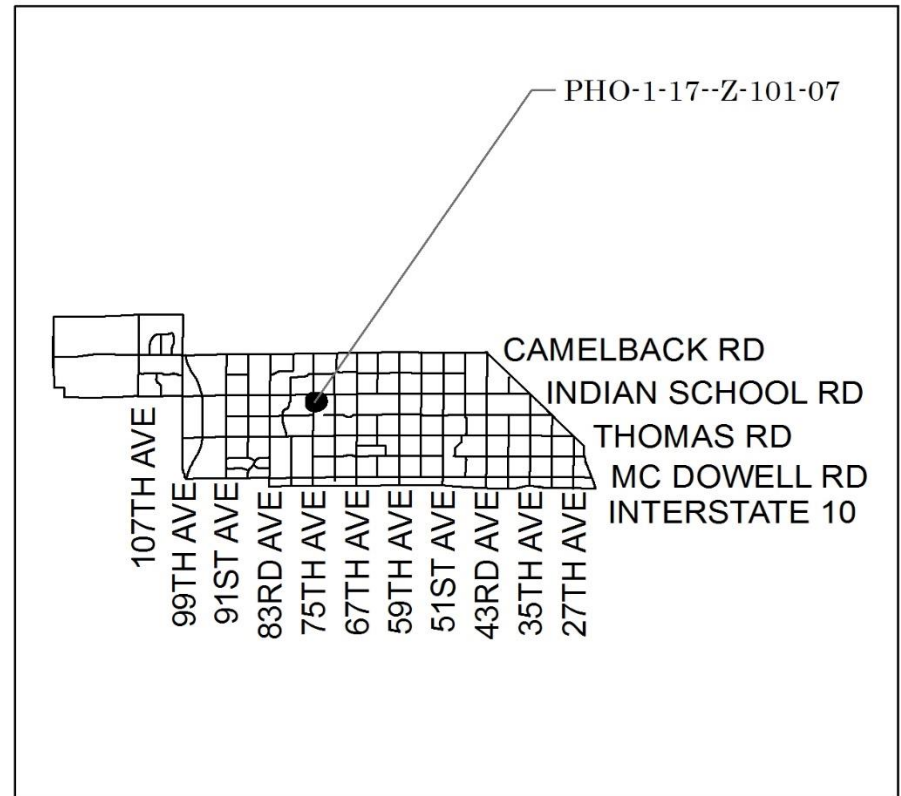
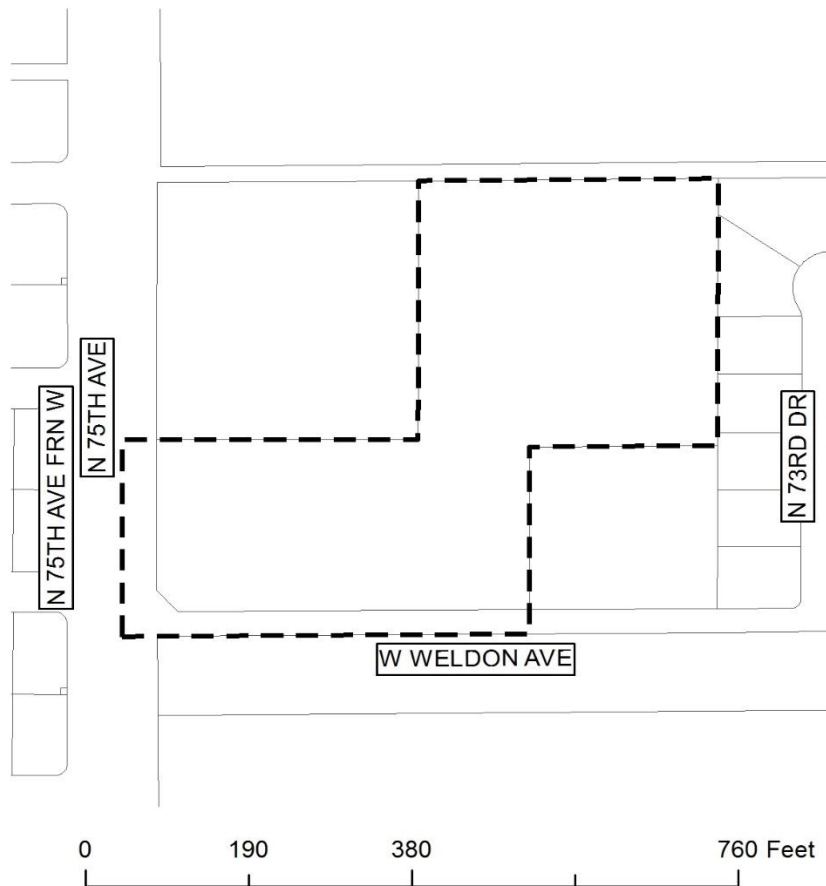
thence North 00 degrees 37 minutes 58 seconds West, a distance of 199.14 feet to the Point of Beginning

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: PHO-1-17--Z-101-07
Zoning Overlay: N/A
Planning Village: Maryvale



NOT TO SCALE



Drawn Date: 9/18/2017