

## 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.

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

SECTION 1. The zoning stipulations applicable located at the northeast  
and southeast corners 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 APRIL 13, 2022, 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.~~
- b. ~~The primary finishing materials for buildings shall consist of natural desert materials or materials which are appropriate for the natural desert context.~~

- ~~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 A comprehensive sign plan for the entire property shall be approved by the Zoning Administrator in accordance with Section 705 of the Zoning Ordinance prior to PLANNING AND Development Services Department final site plan approval for the first phase of development.~~
  - ~~3. That 25 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 FORM. 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 25th day of May,  
2022.

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MAYOR

ATTEST:

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Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Cris Meyer, City Attorney

By:

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REVIEWED BY:

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Jeffrey Barton, City Manager

Exhibits:  
A - Legal Description (4 Pages)  
B - Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-2-22--Z-48-07-1

The Land referred to herein below is situated in the County of Maricopa, State of Arizona, and is described as follows:

THAT PORTION OF THE FOLLOWING PROPERTY:

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

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 10, BEING A GLO BRASS CAP FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 10, BEING A GLO BRASS CAP, BEARS SOUTH 00 DEGREES 03 MINUTES 56 SECONDS EAST, A DISTANCE OF 2,634.93 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 05 SECONDS EAST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, A DISTANCE OF 2,645.69 FEET TO THE NORTH QUARTER CORNER OF SECTION 10;

THENCE NORTH 89 DEGREES 44 MINUTES 33 SECONDS EAST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 10, A DISTANCE OF 131.55 FEET;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, LEAVING SAID NORTH LINE, A DISTANCE OF 660.34 FEET;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 120.20 FEET TO A POINT ON THE WEST LINE OF A 40.00 FOOT WIDE ELECTRIC EASEMENT PER DOCUMENT 1714, PAGE 432, MARICOPA COUNTY RECORDS, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE SOUTH 00 DEGREES 05 MINUTES 17 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 1,973.87 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 10;

THENCE SOUTH 89 DEGREES 59 MINUTES 13 SECONDS WEST, DEPARTING THE WEST LINE OF SAID ELECTRIC EASEMENT AND PROCEEDING ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER, A DISTANCE OF 932.74 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE NORTH BOUND I-17 FRONTAGE ROAD;

THENCE NORTH 05 DEGREES 28 MINUTES 24 SECONDS WEST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 774.64 FEET TO THE BEGINNING OF A NONTANGENT CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 22,714.32

FEET THE CENTER OF WHICH BEARS NORTH 84 DEGREES 31 MINUTES 09 SECONDS EAST;

THENCE NORTHERLY, ALONG SAID EASTERLY RIGHT OF WAY LINE AND ALONG SAID CURVE TO THE RIGHT, AN ARC LENGTH OF 1,205.99 FEET, THROUGH A CENTRAL ANGLE OF 03 DEGREES 02 MINUTES 31 SECONDS TO A POINT OF NONTANGENCY;

THENCE NORTH 89 DEGREES 58 MINUTES 49 SECONDS EAST, LEAVING SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1,086.90 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

EXCEPT A PORTION OF THE LEGAL DESCRIPTION WHICH IS CONVEYED IN SPECIAL WARRANTY DEED RECORDED AS 2010-670622 OF OFFICIAL RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF THE NORTH HALF OF SECTION 10, TOWNSHIP 6 NORTH, RANGE 2 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 10, MONUMENTED WITH A G.L.O. BRASS CAP, FROM WHICH THE EAST QUARTER CORNER OF SAID SECTION 10, MONUMENTED WITH A G.L.O. BRASS CAP, BEARS NORTH 89 DEGREES 59 MINUTES 13 SECONDS EAST, A DISTANCE OF 5281.22 FEET;

THENCE NORTH 89 DEGREES 59 MINUTES 13 SECONDS EAST, ALONG THE SOUTH LINE OF SAID NORTH HALF, A DISTANCE OF 2507.07 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 150.00 FEET WESTERLY, AS MEASURED AT RIGHT ANGLES, FROM THE WEST LINE OF A 40.00 FOOT WIDE ELECTRIC EASEMENT PER DOCKET 1714, PAGE 432, MARICOPA COUNTY RECORDS, SAID POINT BEING THE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 05 MINUTES 17 SECONDS WEST, ALONG SAID PARALLEL LINE, 150.00 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 150.00 FEET NORTHERLY, AS MEASURED AT RIGHT ANGLES, FROM THE SOUTH LINE OF SAID NORTH HALF;

THENCE NORTH 89 DEGREES 59 MINUTES 13 SECONDS EAST, A DISTANCE OF 150.00 FEET TO A POINT ON THE WEST LINE OF SAID ELECTRIC EASEMENT;

THENCE SOUTH 00 DEGREES 05 MINUTES 17 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 150.00 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTH HALF;

THENCE SOUTH 89 DEGREES 59 MINUTES 13 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT A PORTION OF THE LEGAL DESCRIPTION WHICH IS CONVEYED IN SPECIAL WARRANTY DEED RECORDED AS 2021-0642570 OF OFFICIAL RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF LAND BEING SITUATED WITHIN THE NORTH HALF OF SECTION 10, TOWNSHIP 6 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT A AS SHOWN ON THE RE-PLAT OF "ARROYO NORTE-UNITS 5, 6 & 7", AS RECORDED IN BOOK 1129, PAGE 23, RECORDS OF MARICOPA COUNTY, ARIZONA, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 10 BEARS NORTH 61 DEGREES 24 MINUTES 54 SECONDS EAST, 2990.59 FEET, AND ALSO THE EAST QUARTER CORNER OF SAID SECTION 10 BEARS SOUTH 65 DEGREES 11 MINUTES 18 SECONDS EAST, 2893.02 FEET;

THENCE NORTH 89 DEGREES 48 MINUTES 12 SECONDS WEST, 607.85 FEET ALONG THE NORTH RIGHT OF WAY LINE OF ARROYO NORTE DRIVE AS SHOWN ON THE MAP OF DEDICATION FOR "ARROYO NORTE" AS RECORDED IN BOOK 896, PAGE 50, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE LEAVING SAID NORTH RIGHT OF WAY LINE, NORTH 02 DEGREES 46 MINUTES 20 SECONDS EAST, 757.97 FEET TO THE SOUTH RIGHT OF WAY LINE OF THERESA LANE;

THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, NORTH 89 DEGREES 59 MINUTES 51 SECONDS EAST, 569.99 FEET TO THE WEST LINE OF SAID TRACT A;

THENCE ALONG SAID WEST LINE, SOUTH 00 DEGREES 05 MINUTES 23 SECONDS EAST, 759.20 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT A PORTION OF THE LEGAL DESCRIPTION WHICH IS CONVEYED IN SPECIAL WARRANTY DEED RECORDED AS 2021-0743159 OF OFFICIAL RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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 FOLLOWS:

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, 1004.63 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 41 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", SOUTH 89 DEGREES 59 MINUTES 41 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, 50.18 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 47 MINUTES 21 SECONDS, 12.44 FEET;

THENCE SOUTH 00 DEGREES 12 MINUTES 39 SECONDS WEST, 25.00 FEET;

THENCE SOUTH 89 DEGREES 47 MINUTES 21 SECONDS EAST, 55.00 FEET;

THENCE NORTH 00 DEGREES 12 MINUTES 39 SECONDS EAST, 25.00 FEET;

THENCE SOUTH 89 DEGREES 47 MINUTES 21 SECONDS EAST, 606.23 FEET TO THE POINT OF BEGINNING.

EXCEPT ALL COAL AND OTHER MINERALS IN SAID LAND AS RESERVED TO THE UNITED STATES IN THE PATENT TO THE LAND.

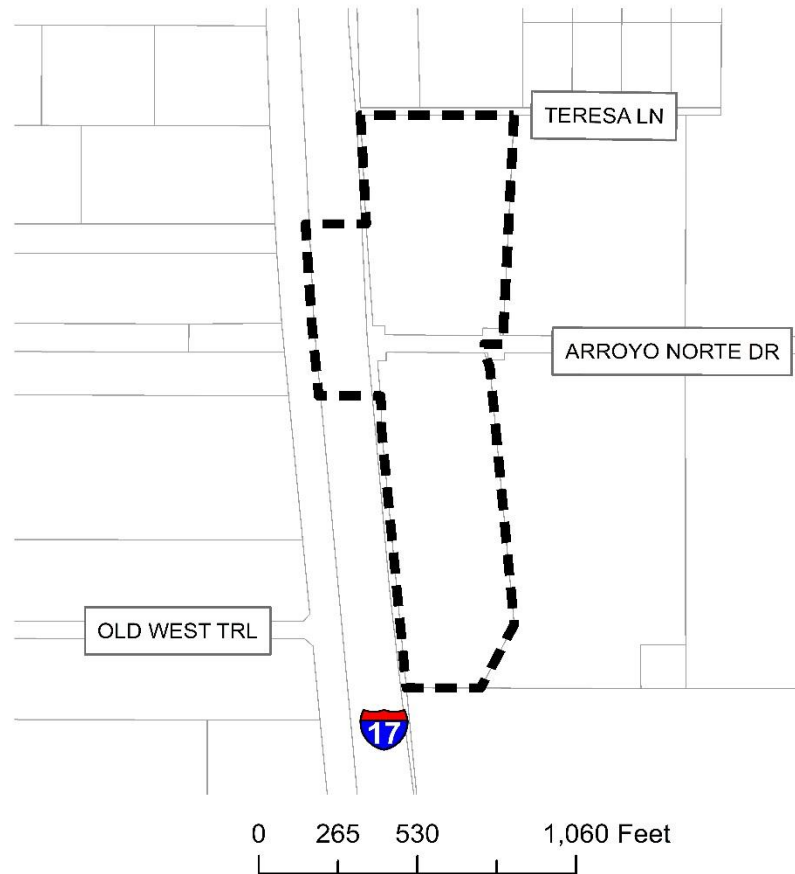


# ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: \*

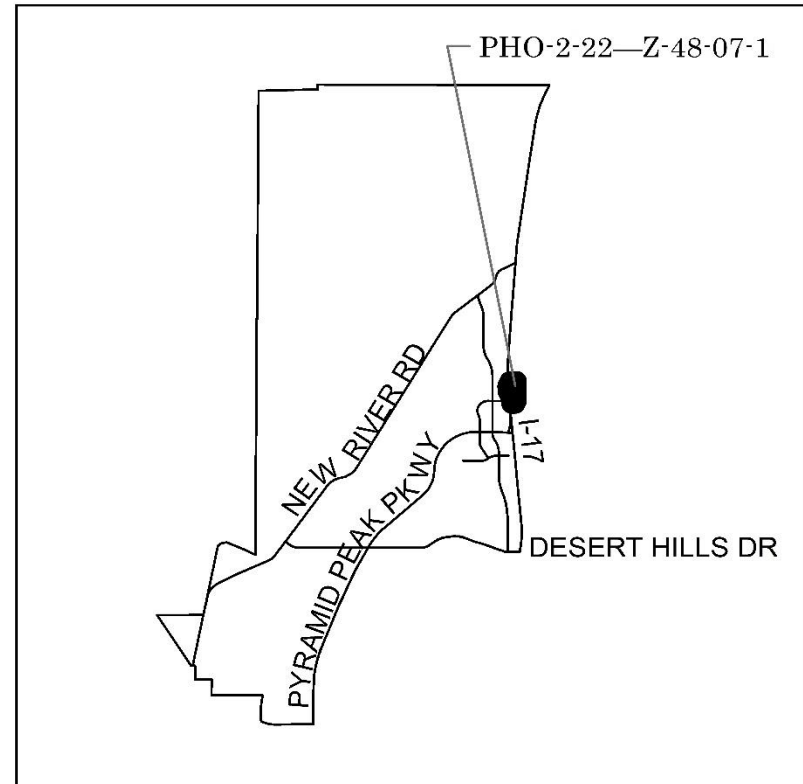
SUBJECT AREA: ■ ■ ■ ■ ■



Zoning Case Number: PHO-2-22—Z-48-07-1

Zoning Overlay: N/A

Planning Village: Rio Vista



NOT TO SCALE



Drawn Date: 4/25/2022