

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-88-08-2 PREVIOUSLY APPROVED BY ORDINANCE G-5325.

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

SECTION 1. The zoning stipulations applicable located at the northwest corner of 9th Street alignment and Union Hills Drive in a portion of Section 28, Township 4 North, Range 3 East, as described more specifically in Attachment "A," are hereby modified to read as set forth below.

STIPULATIONS:

1. That ~~the~~ The development shall be in general conformance with the site plan date stamped AUGUST 17, 2020 ~~October 3, 2008~~, in WITH specific regard to a minimum 20-foot landscape setback on the east side of the property, as approved or modified by the PLANNING AND Development Services Department.

2. ~~That~~ The development shall be in general conformance with the elevations date stamped JULY 30, 2020, ~~October 3, 2008~~, in specific regard to the ~~split face concrete masonry unit (CMU) block, building foundation plantings, and arcaded walkway~~ as approved or modified by the PLANNING AND Development Services Department.
3. ~~That the owner/developer shall provide CMU block on the base of remaining columns to the existing development as approved by the Development Services Department.~~
3. ~~That~~ The owner/developer shall update the curb ramps in all of the existing driveways to meet current ADA design guidelines as approved by the PLANNING AND Development Services Department.
4. ~~That the developer shall provide a minimum of 2-inch-caliper evergreen trees placed 20 feet on center, or in equivalent groupings, within the required landscape setback on the east side and north side of the vacant parcel to the east of the existing development as approved by the Development Services Department.~~
4. 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.
5. 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-5325, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-5325 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 21st day of October, 2020.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By: _____
Julie Kriegh, Chief Assistant City Attorney *Pml*

REVIEWED BY:

Ed Zuercher, City Manager

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

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EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-20-- Z-88-08-2

A portion of that particular Map of Dedication for the Northeast corner of 7th Street and Union Hills Drive, as recorded in Book 321 of Maps page 28, records of Maricopa County, Arizona and situated in a portion of the Southwest quarter of Section 28, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at a brass cap in hand hole marking the Southwest corner of said Section 28, from whence a brass cap in hand hole marking the South quarter corner of said Section 28 bears South 89 degrees 56 seconds 20 minutes East a distance of 2643.20 feet;

Thence South 89 degrees 56 minutes 20 seconds East along the South line of said Section 28 a distance of 1321.59 feet to a brass cap flush marking the Southeast corner of the Southwest quarter of said Southwest quarter of Section 28;

Thence North 00 degrees 23 minutes 42 seconds West a distance of 55.00 feet along the East line of said Southwest quarter of the Southwest quarter of Section 28 to a point on the Northerly right of way line of E. Union Hills Drive and the Point of Beginning;

Thence along said Northerly right of way line the following 5 courses:

Thence North 89 degrees 56 minutes 20 seconds West a distance of 60.00 feet;
Thence North 85 degrees 10 minutes 42 seconds West a distance of 60.25 feet;
Thence North 89 degrees 56 minutes 20 seconds West a distance of 60.60 feet;
Thence North 44 degrees 56 minutes 20 seconds West a distance of 16.97 feet;
Thence North 89 degrees 56 minutes 20 seconds West a distance of 8.06 feet to a point on the Easterly line of the West 460.00 feet of the Southeast quarter of said Southwest quarter of the Southwest quarter of Section 28;

Thence along said Easterly line, North 00 degrees 13 minutes 06 seconds West a distance of 588.40 feet to a point on the Northerly line of the South half of said Southwest quarter of the Southwest quarter of Section 28;

Thence along said Northerly line, North 89 degrees 58 minutes 13 seconds East a distance of 198.75 feet to the Northeast corner of said South half of the Southwest quarter of the Southwest quarter of Section 28;

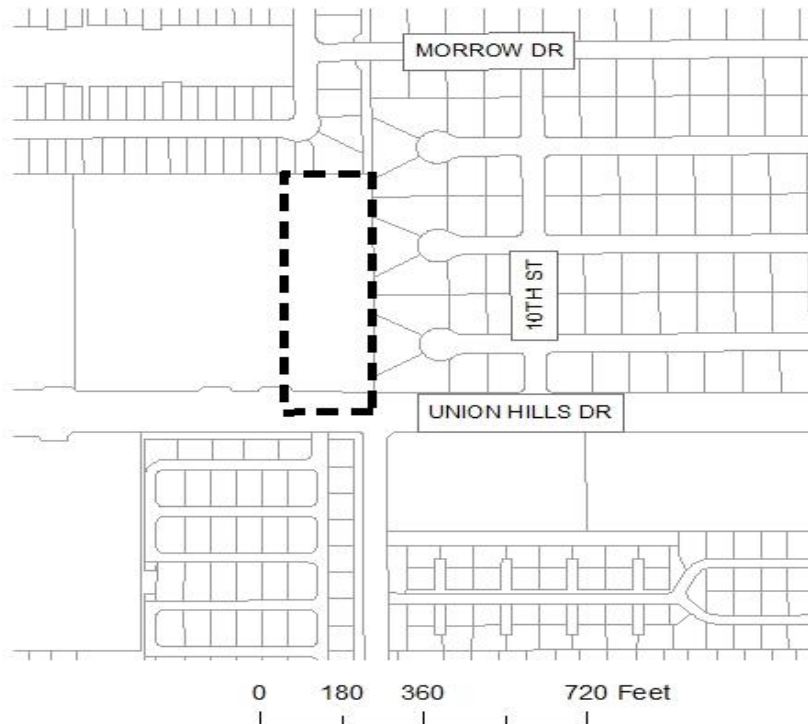
Thence along said East line of the Southwest quarter of the Southwest quarter of Section 28, South 00 degrees 23 minutes 42 seconds East a distance of 605.73 feet to the Point of Beginning.

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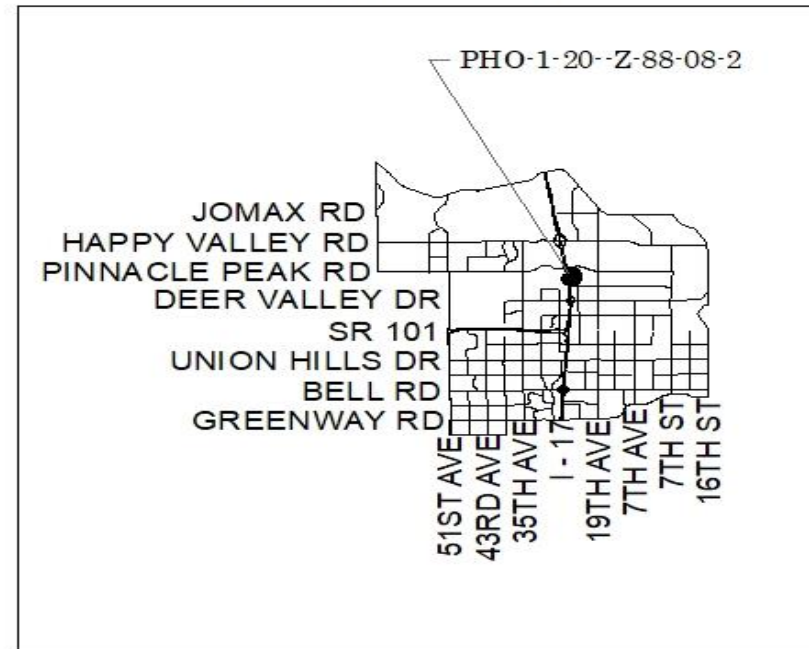
ORDINANCE LOCATION MAP

EXHIBIT B

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



Zoning Case Number: PHO-1-20-Z-88-08-2
Zoning Overlay: N/A
Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 9/24/2020

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