

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-11-16-4 PREVIOUSLY APPROVED BY
ORDINANCE G-6203.

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 18th Place and Thomas Road in a portion of Section 27, Township 2 North,
Range 3 East, as described more specifically in Attachment "A", are hereby modified to
read as set forth below.

STIPULATIONS:

1. Development of the site shall be in general conformance to the site plan date stamped ~~March 16, 2016~~ JUNE 4, 2018, as approved by the Planning and Development Department.
2. There shall be entrances to the businesses from the ~~Thomas Road frontage~~ WESTERN FACADE which are to remain open during business hours and there shall be a sidewalk providing a direct route from the right-of-way FROM THOMAS ROAD FRONTAGE to these entrances, as approved by the Planning and Development Department.
3. A five-foot sidewalk on 18th Place, from Thomas Road to the northern property line shall be provided, as approved by the Planning and Development Department.
4. A minimum of three inverted-U bicycle racks shall be provided on site, located near an entrance to the businesses and installed per the requirements of Section 1307.H.4. of the Zoning Ordinance, as approved by the Planning and Development Department.

5. Required trees in the Thomas Road and 18th Place landscape setbacks shall be placed adjacent to the sidewalks in order to provide shade for pedestrians, as approved by the Planning and Development Department.
6. The height of any ground sign on the street frontage shall be no greater than five (5) feet in height, as approved by the Planning and Development Department.
7. The placement of any wall and/or window signs shall be coordinated with the placement of shade trees on the site to minimize conflicts between mature shade canopy and sign visibility, as approved by the Planning and Development Department.
8. The property owner shall record a Notice of Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property.
9. The development shall comply with all ADA accessibility standards, as per plans approved by the Planning and Development Department.
10. 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.
11. 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.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6203, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6203 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 29th day of August, 2018.

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-1-18-- Z-11-16-4

That portion of Section 27, Township 2 North, Range 3 East of the Gila and Salt River Basin and Meridian, Maricopa County, described as follows:

BEGINNING at a point 1,067.85 feet West and 33.0 feet North – degrees 16 minutes 30 seconds East from the South quarter corner of said Section 27;

Thence North 0 degrees 16 minutes 30 seconds East, 150.0 feet;

Thence West, 73.03 feet;

Thence South 0 degrees 30 minutes West, 150.0 feet;

Thence East, 73.66 feet to PLACE OF BEGINNING;

EXCEPT the South 7 feet thereof, Quit Claimed to the City of Phoenix, a municipal corporation, for roadway purposes, by instrument recorded November 5, 1953 in Docket 1229, page 387.

LEGAL PROPERTY DESCRIPTION FOR PROPERTY 119-03-015 and 119-03-029

That part of the Southwest quarter of Section 27, Township 2 North, Range 3 East of the Gila and Salt River Basin and Meridian, Maricopa County, described as follows:

COMMENCING at the South quarter corner of said Section 27;

Thence West, 994.10 feet

Thence North 00 degrees 02 minutes 33 seconds East, 33.00 feet to POINT OF BEGINNING

Thence North 00 degrees 02 minutes 30 seconds East, 239.50 feet;

Thence West, 145.47 feet;

Thence South 00 degrees 30 minutes 00 seconds East, 89.50 feet;

Thence East, 73.08 feet;

Thence South 00 degrees 16 minutes 30 seconds West, 150.00 feet;

Thence East, 73.66 feet to the POINT OF BEGINNING;

EXCEPT the South 7.00 feet thereof; and

EXCEPT that property which was conveyed to the City of Phoenix, an Arizona municipal corporation, in instrument recorded August 27, 1985 in Recording No. 85-404506, records of Maricopa County, Arizona, described as follows:

That part of the Southwest quarter of Section 27, Township 2 North, Range 3 East of the Gila River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the South quarter corner of said Section 27;

Thence West, 994.10 feet;

Thence North 00 degrees 02 minutes 33 seconds East, 33.00 feet;

Thence North 00 degrees 02 minutes 30 seconds East, to a point on the North line of the South 40.00 feet of said Southwest quarter and the POINT OF BEGINNING;

Thence Westerly, along said North line, 66.00 feet;

Thence Northeasterly to a point that is 10.00 West of, and 1.63 North of the Point of Beginning;

Thence Northeasterly, 12.94 feet to a point that bears North 00 degrees 02 minutes 30 seconds East, 10.00 feet from the Point of Beginning;

Thence to the Point of Beginning.

ORDINANCE LOCATION MAP

EXHIBIT B

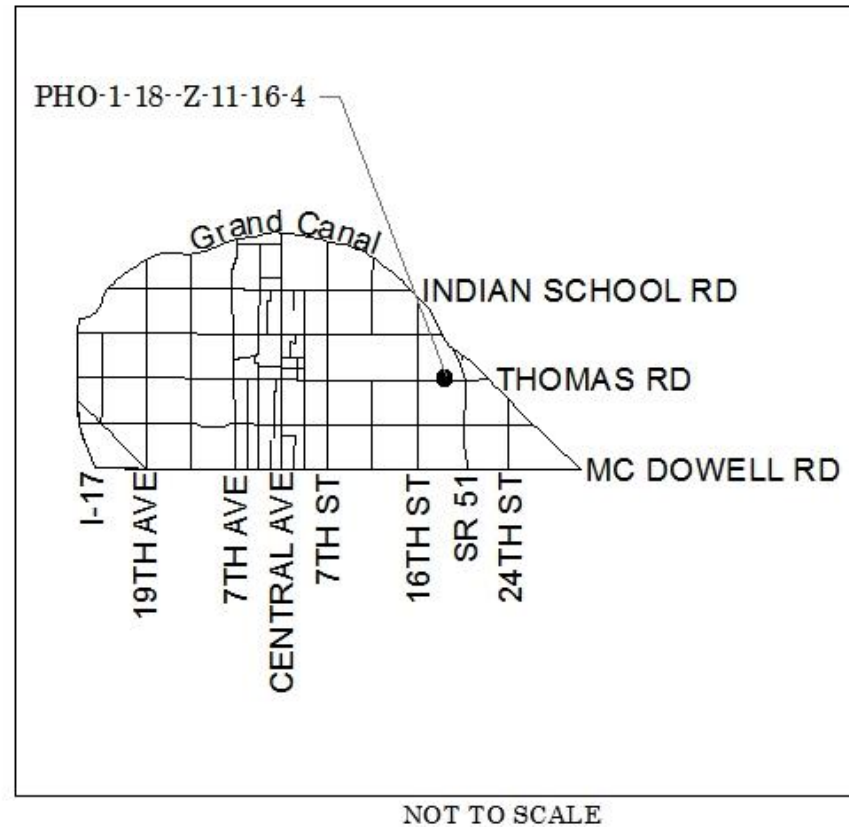
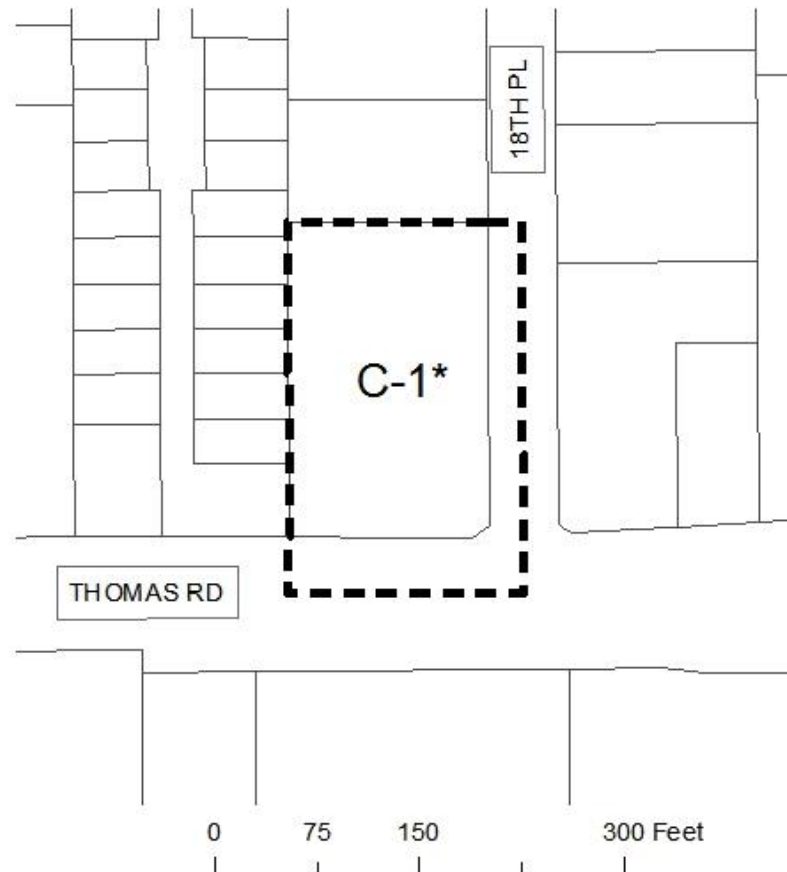
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: PHO-1-18-Z-11-16-4

Zoning Overlay: N/A

Planning Village: Encanto



Drawn Date: 7/30/2018