

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-SP-9-22-7
PREVIOUSLY APPROVED BY ORDINANCE G-7072.

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

SECTION 1. The zoning stipulations applicable to the site located at the Southwest corner of 35th Avenue and Broadway Road in a portion of Section 27, Township 1 North, Range 2 East, as described more specifically in Exhibit A and depicted in Exhibit B, are hereby modified to read as set forth below.

STIPULATIONS:

1. The development shall be in general conformance with the site plan date stamped SEPTEMBER 24, 2025 ~~November 29, 2022~~, as modified by the following stipulations and approved by the Planning and Development Department.
2. The development shall be in general conformance with the elevations date stamped DECEMBER 4, 2025 ~~October 26, 2022~~, WITH SPECIFIC REGARD TO THE ILLUMINAED SIGNS FACING AWAY FROM RESIDENTIAL DEVELOPMENT as modified by the following stipulations and approved by the Planning and Development Department.
3. A minimum 25-foot-wide landscape setback shall be provided along the western portion of the site and planted with minimum 2-inch caliper, evergreen trees, planted 20-feet on-center or in equivalent groupings, providing a solid minimum 30-foot vertical screen at maturity, as approved by the Planning and Development Department.

4. A minimum 6-foot-tall wrought-iron fence, solid wall or combination thereof, shall be provided along the western property line ~~between the existing alley and Building B~~, as depicted in the site plan date stamped SEPTEMBER 24, 2025 ~~November 29, 2022~~, as approved by the Planning and Development Department.
5. All uncovered surface parking lot areas for employees and customers shall be landscaped with minimum 2-inch caliper large canopy, drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25% shade at maturity, as approved by Planning and Development Department.
6. Where pedestrian pathways cross drive aisles, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.
7. A minimum of two bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
8. The landscape strips located between the detached sidewalk and back of curb along 35th Avenue and Broadway Road shall be planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant shade trees planted minimum 20 feet on center or in equivalent groupings, providing a minimum of 75% shade at maturity.
 - b. Minimum 5-gallon shrubs providing 75% live cover at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
9. The developer shall replace the existing rolled curb with vertical curb along Tamarisk Avenue, as approved by the Planning and Development Department.
10. The developer shall dedicate 10 feet for the east side of the alley, as approved by the Planning and Development Department.
11. 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 by

the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

12. If determined necessary by the Phoenix Archeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
13. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.
14. In the event archeological 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.
15. 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.
- ~~16. No monument or ground signs shall be permitted on the site.~~
- ~~17. No illuminated signs are allowed on Building B, as depicted on the site plan date stamped November 29, 2022.~~

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-7072, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-7072 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 7th day of January 2026.

MAYOR

Date

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By: _____

REVIEWED BY:

Ed Zuercher, City Manager

Exhibits:
A - Legal Description (3 Pages)
B - Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-25--Z-SP-9-22-7

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

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA AND IS DESCRIBED AS FOLLOWS:

THE EAST HALF OF THE EAST HALF OF LOT 11, MARICOPA GARDEN FARMS, ACCORDING TO BOOK 11 OF MAPS, PAGE 38, RECORDS OF MARICOPA COUNTY RECORDER;
EXCEPT THE SOUTH 25 FEET THEREOF, AND;

EXCEPT THAT PORTION CONVEYED TO CITY OF PHOENIX, A MUNICIPAL CORPORATION BY FINAL ORDER OF CONDEMNATION RECORDED NOVEMBER 7, 2006 AS 2006-1472979, OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 8 FEET OF THE EAST 40 FEET OF THE SOUTH 45 FEET OF THE NORTH 180 FEET OF LOT 11, MARICOPA GARDEN FARMS, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 11 OF MAPS, AT PAGE 38;
TOGETHER WITH THAT PART OF LOT 11, LYING WITHIN 55 FEET OF THE LINE, DESIGNATED HEREIN AS LINE "A", DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 1 NORTH, RANGE 2 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, BEING IDENTICAL WITH THE INTERSECTION OF THE MONUMENT LINES OF BROADWAY ROAD AND 35TH AVENUE;

THENCE SOUTH $01^{\circ} 45' 21''$ WEST (BASED ON AN ASSUMED BEARING OF SOUTH $00^{\circ} 10' 28''$ EAST FOR THE EAST LINE OF SAID SECTION 27) A DISTANCE OF 624.34 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 4850.00 FEET;

THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $06^{\circ} 27' 35''$ A DISTANCE OF 546.80 FEET TO THE TERMINUS OF THE LINE DESCRIBED HEREIN;

TOGETHER WITH THAT PART OF SAID LOT 11 DESCRIBED AS FOLLOWS:
BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF THE SOUTH 25 FEET OF SAID LOT 11 AND THE LINE, DESCRIBED HEREIN AS LINE "B", WHICH IS PARALLEL AND CONCENTRIC WITH AND 55 FEET WESTERLY OF SAID LINE "A";

THENCE WESTERLY ALONG SAID NORTH LINE A DISTANCE OF 15 FEET;

THENCE NORTHEASTERLY TO A POINT IN SAID LINE "B" WHICH IS 15 FEET NORTHERLY OF THE POINT OF BEGINNING, AS MEASURED ALONG SAID LINE "B";

THENCE SOUTHERLY ALONG SAID LINE "B" TO THE POINT OF BEGINNING;

EXCEPT THAT PART OF THE WHOLE HEREIN DESCRIBED LYING WITHIN THE EAST 32 FEET OF SAID LOT 11, AND;

EXCEPT THAT PART OF THE WHOLE HEREIN DESCRIBED LYING WITH THE SOUTH 25 FEET OF SAID LOT 11, AND;

EXCEPT THAT PORTION CONVEYED TO CITY OF PHOENIX, A MUNICIPAL CORPORATION OF THE STATE OF ARIZONA BY WARRANTY DEED RECORDED MAY 1, 2014 AS 20140285396 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF LOT 11, MARICOPA GARDEN FARMS, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 11 OF MAPS, AT PAGE 38, LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 1 NORTH, RANGE 2 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 27 FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 27 BEARS SOUTH 89° 51' 53" WEST, A DISTANCE OF 2,624.52 FEET;

THENCE SOUTH 00° 08' 07" EAST A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 00° 09' 33" EAST A DISTANCE OF 35.52 FEET;

THENCE NORTH 43° 32' 08" WEST A DISTANCE OF 35.75 FEET TO A POINT IN A NON-TANGENT CIRCULAR CURVE CONCAVE NORTHERLY THE RADIUS POINT OF WHICH BEARS NORTH 03° 12' 18" EAST A DISTANCE OF 11,529.16 FEET;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00° 39' 34", A DISTANCE OF 132.71 FEET;

THENCE NORTH 86° 08' 08" WEST A DISTANCE OF 15.05 FEET;

THENCE NORTH 89° 51' 53" EAST A DISTANCE OF 171.99 FEET TO THE POINT OF BEGINNING,

AND;

EXCEPT THAT PORTION CONVEYED TO CITY OF PHOENIX, A MUNICIPAL CORPORATION OF THE STATE OF ARIZONA BY QUIT CLAIM DEED RECORDED

MAY 1, 2014 AS 20140285397 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 7.00 FEET OF THE NORTH 40.00 FEET OF THE EAST HALF OF THE EAST HALF OF LOT 11, MARICOPA GARDEN FARMS, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA IN BOOK 11 OF MAPS, AT PAGE 38, LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 1 NORTH, RANGE 2 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

TOGETHER WITH A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 1 NORTH, RANGE 2 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, ALSO BEING A PORTION OF THE WEST HALF OF THE EAST HALF OF LOT 11, MARICOPA GARDEN FARMS AS RECORDED IN BOOK 11 OF MAPS, PAGE 38, RECORDS OF MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 27, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 27 BEARS SOUTH 89° 51' 53" WEST (BASIS OF BEARINGS), A DISTANCE OF 2624.47 FEET;

THENCE ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27, SOUTH 89° 51' 53" WEST, A DISTANCE OF 328.06 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF THE EAST HALF OF SAID LOT 11;

THENCE LEAVING SAID NORTH LINE, AND ALONG THE EAST LINE OF SAID WEST HALF OF THE EAST HALF OF LOT 11, SOUTH 00° 08' 28" EAST, A DISTANCE OF 40.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF BROADWAY ROAD AND THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID EAST LINE, SOUTH 00° 08' 28" EAST, A DISTANCE OF 595.34 FEET TO THE NORTH RIGHT-OF-WAY LINE OF TAMARISK AVENUE;

THENCE LEAVING SAID EAST LINE, AND ALONG SAID NORTH RIGHT-OF-WAY LINE, SOUTH 89° 51' 59" WEST, A DISTANCE OF 24.79 FEET TO THE SOUTHEAST CORNER OF INDEPENDENCE PARK UNIT FIVE AS RECORDED IN BOOK 89 OF MAPS, PAGE 6, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE, AND ALONG THE EAST LINE OF SAID INDEPENDENCE PARK UNIT FIVE, NORTH 00° 08' 12" WEST, A DISTANCE OF 595.34 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF BROADWAY ROAD;

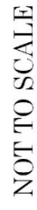
THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, NORTH 89° 51' 53" EAST, A DISTANCE OF 24.74 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

Zoning Case Number: PHO-1-25--Z-SP-9-22-7

Zoning Overlay: N/A

Planning Village: Laveen



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