

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-33-07-5 PREVIOUSLY APPROVED BY
ORDINANCE G-4952.

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

SECTION 1. The zoning stipulations applicable to the property located
approximately 293 feet south of the southeast corner of 99th Avenue and Camelback
Road in a portion of Section 21, Township 2 North, Range 1 East, as described more
specifically in Exhibit "A", are hereby modified to read as set forth below.

STIPULATIONS:

1. ~~That the d~~Development AREA A of the C-2 HGT/WVR parcel, shall be in
general conformance with the site plan and elevations date stamped MAY 31,
2019 ~~March 21, 2007~~, as modified by the following stipulations and approved
by the PLANNING AND Development ~~Services~~ Department.
2. ~~That t~~The maximum building height for development of the C-2 HR parcel
shall be 90 feet.
3. ~~That the s~~Site plans and elevations for DEVELOPMENT AREA B (A
PORTION OF THE C-2 HGT/WVR PARCEL) AND DEVELOPMENT AREA C
(A PORTION OF THE C-2 HR PARCEL), AS DEPICTED ON THE SITE
PLAN DATE STAMPED MAY 31, 2019, ~~the C2/HR parcel and retail pads~~
shall be administratively approved by the Planning Hearing Officer (~~PHO~~) prior
to preliminary site plan approval. THE REVIEW SHALL EVALUATE
COMPATIBILITY WITH THE RESIDENTIAL DEVELOPMENT SITE PLAN
AND ELEVATIONS. THIS REVIEW IS FOR CONCEPTUAL PURPOSES

ONLY. SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS WILL BE DETERMINED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

4. That ~~a~~A pedestrian circulation plan SHALL BE PROVIDED SHOWING PEDESTRIAN CONNECTIONS FROM THE PROPOSED SECURED MULTIFAMILY DEVELOPMENT TO THE ABUTTING STREETS AND FUTURE USES ONSITE ~~consisting of shaded walkways delineated with decorative paving material between retail, hotel, and office uses shall be provided~~, as approved by the PLANNING AND Development Services Department.
5. That ~~architectural design themes, colors and materials depicted on the "A to E" office building and parking structure elevations date stamped March 21, 2007 and May 8, 2007 shall be used for the entire development of the site to include all four sides of the retail and hotel buildings, as approved or modified by the Development Services Department.~~
5. That ~~a~~A comprehensive sign plan shall be approved for the entire
6. development in accordance with Section 705 of the Zoning Ordinance.
6. That ~~if~~ any archaeological materials are discovered during any ground
7. disturbing activities at this location, all work within thirty-three feet of that discovery shall cease and the City of Phoenix Archaeologist shall be contacted and allowed time to properly assess the site.
7. That ~~t~~The developer shall construct all streets within and adjacent to the
8. development (including the parcel designated "~~not a part~~" at the corner) with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the PLANNING AND Development Services Department. All improvements shall comply with all ADA accessibility standards.
8. That ~~a~~Additional review and approval for all roads within Arizona Department
9. of Transportation (ADOT), Maricopa County (MCDOT), and City of Glendale jurisdiction shall be required, as approved by the PLANNING AND Development Services Department.
9. That ~~t~~The applicant shall submit, and have approved, a Traffic Impact Study to
10. the Street Transportation Department and the PLANNING AND Development Services Department prior to preliminary site plan review. The applicant shall be responsible for any dedications and required improvements as recommended by the approved study as approved by the PLANNING AND Development Services Department and the Street Transportation DepartmentS.
10. That the applicant shall complete and submit the Developer Project
14. Information Form for the MAG Transportation Improvement Program to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.

11. That the applicant contact the Arizona Department of Transportation (ADOT)
- ~~12.~~ and file a "Red Border Letter" prior to preliminary site plan approval. For additional information, contact Louis Malloque at 602-712-8755 at ADOT.
12. That the developer shall provide a recorded cross access, cross parking, and
- ~~13.~~ common driveway agreement with Maricopa County Department of Transportation (MCDOT) for the future development of the MCDOT parcel (not right-of-way) along 99th Avenue. The agreement shall be reviewed and approved by the PLANNING AND Development ~~Services~~ Department prior to recordation with Maricopa County.
13. That the property owner shall record documents that disclose the existence
- ~~14.~~ and operational characteristics of City of Glendale Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided, which have been reviewed and approved by the City Attorney.
14. 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-4952, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-4952 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 28th day of August, 2019.

MAYOR

ATTEST:

_____ City Clerk

APPROVED AS TO FORM:

_____ City Attorney

REVIEWED BY:

_____ City Manager

Exhibits:

A - Legal Description (3 Pages)

B - Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-2-19--Z-33-07-5

That portion of the West half of the Northwest quarter of Section 21, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the Northwest corner of said Section 21, being an M.C.H.D. brass capped monument in handhole;

Thence South 00 degrees 21 minutes 10 seconds East, along the West line of said Section, 2646.08 feet to the West quarter corner of said Section, being a brass capped surface monument;

Thence North 88 degrees 05 minutes 06 seconds East, along the East-West centerline of said Section, 125.0 feet to the East right-of-way of 99th Avenue;

Thence North 00 degrees 21 minutes 10 seconds West, along said right-of-way, 683.99 feet to the TRUE POINT OF BEGINNING;

Thence continue North 00 degrees 21 minutes 10 seconds West, along said right-of-way, 679.24 feet;

Thence North 88 degrees 00 minutes 24 seconds East, 100.04 feet;

Thence North 00 degrees 21 minutes 10 seconds West, parallel with and 100.00 feet East of said East right-of-way of 99th Avenue, 100.04 feet;

Thence South 88 degrees 00 minutes 24 seconds West, 100.04 feet to said East right-of-way;

Thence North 00 degrees 21 minutes 10 seconds West, along said right-of-way, 889.82 feet to the Southwest corner of that parcel conveyed to Circle K Stores, Inc. by Deed recorded in Document No. 20000618406, records of Maricopa County, Arizona;

Thence North 87 degrees 55 minutes 42 seconds East, along the South line of said Circle K parcel, 220.10 feet;

Thence North 00 degrees 21 minutes 10 seconds West along the East line of said Circle K parcel, 228.30 feet;

Thence South 87 degrees 55 minutes 42 seconds West, along the North line of said Circle K parcel, 220.10 feet to said East right of way of 99th Avenue;

Thence North 00 degrees 21 minutes 10 seconds West, along said right of way, 32.01 feet;

Thence North 87 degrees 55 minutes 42 seconds East, parallel with and 33.00 feet South of the North line of said Section 21, a distance of 309.64 feet;

Thence South 00 degrees 04 minutes 18 seconds East, 12.00 feet;

Thence South 69 degrees 05 minutes 44 seconds East, 389.25 feet to the Westerly right-of-way of Agua Fria Freeway, Loop 101 (State Route 417);

Thence South 01 degrees 53 minutes 10 seconds West along said Westerly right-of-way, 657.08 feet;

Thence South 10 degrees 10 minutes 43 seconds East, along said right-of-way, 317.68 feet;

Thence South 25 degrees 28 minutes 51 seconds East along said right-of-way, 558.23 feet;

Thence leaving said right-of-way, South 59 degrees 51 minutes 46 seconds West, 473.63 feet to the beginning of a curve to the right having a radius of 565.00 feet;

Thence Southwesterly, along the arc of said curve, through a central angle of 29 degrees 37 minutes 42 seconds, an arc distance of 292.17 feet;

Thence South 89 degrees 29 minutes 28 seconds West, 247.94 feet to the TRUE POINT OF BEGINNING;

EXCEPT that portion of said land conveyed to the City of Phoenix in Document No. 2007-0559320, more particularly described as follows:

That part of the Northwest quarter of Section 21, Township 2 North, Range 1 East, Gila and Salt River Base and Meridian, described as follows:

Commencing at the intersection of the East line of the West 125 feet of said Northwest quarter and the South line of the North 45 feet thereof;

Thence Easterly along said South line a distance of 14.3 feet to the Point of Beginning;

Thence continuing Easterly along said South line a distance of 114 feet;

Thence Southwesterly a distance of 9.4 feet to a point in the South line of the North 47.73 feet of said Northwest quarter;

Thence Southerly, at right angles to last said South line, to the South line of the North 53.73 feet of said Northwest quarter;

Thence Southwesterly a distance of 10.3 feet to a point in the South line of the North 56 feet of said Northwest quarter;

Thence Westerly along last said South line a distance of 30 feet to an orthogonal line;

Thence Northerly along said orthogonal line a distance of 6 feet to the South line of the North 50 feet of said Northwest quarter;

Thence Westerly along last said South line a distance of 35 feet;

Thence Northwesterly a distance of 30.1 feet to the Point of Beginning; and

ALSO EXCEPT that portion of Section 21, Township 2 North, Range 1 East, Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at a point on the East line of the West 125.00 feet of said Section 21, said point being the Western extension of the North line of the parcel of land conveyed to Circle K Stores, Inc., in Document No 00-0618406, records of Maricopa County;

Thence along said extension and the North line thereof, said North line being the South line of the North 33.00 feet of said Section 21, North 87 degrees 56 minutes 06 seconds East 220.10 feet to the Northeast corner thereof;

Thence along the East line and Northern extension thereof, South 00 degrees 21 minutes 10 seconds East 32.01 feet;

Thence South 87 degrees 56 minutes 06 seconds West 220.10 feet to a point on said East line of the West 125.00 feet of Section 21;

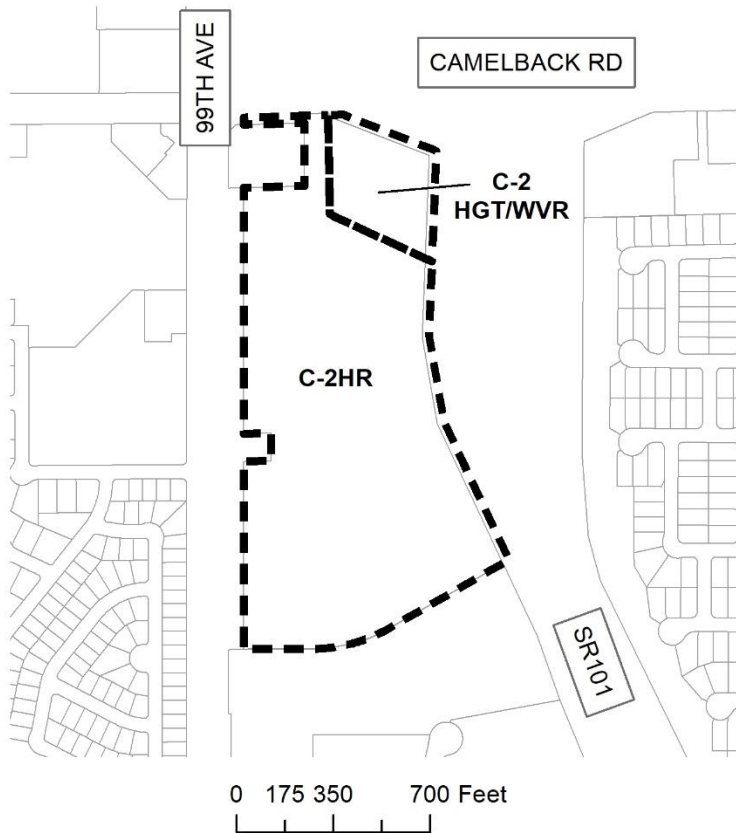
Thence along said East line North 00 degrees 21 minutes 10 seconds West 32.01 feet to the Point of Beginning.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

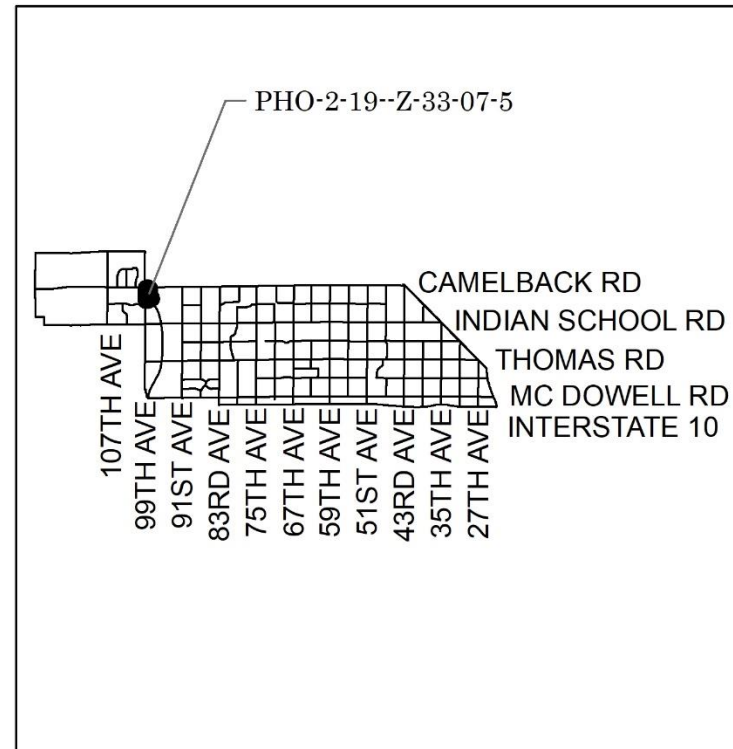
SUBJECT AREA: ■ ■ ■ ■ ■



Zoning Case Number: PHO-2-19--Z-33-07-5

Zoning Overlay: N/A

Planning Village: Maryvale



NOT TO SCALE



Drawn Date: 7/26/2019