

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-12-16-6 PREVIOUSLY APPROVED BY
ORDINANCE G-6205.

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

SECTION 1. The zoning stipulations applicable to the property located
approximately 452 feet east of the southeast corner of 42nd Place and Baseline Road in
a portion of Section 6, Township 1 South, Range 4 East, as described more specifically in
Exhibit "A", are hereby modified to read as set forth below.

STIPULATIONS:

1. The development shall be in general conformance with the elevations date
stamped APRIL 24, 2019 ~~March 18, 2016~~, as modified by the following
stipulations and approved by the Planning and Development Department.
2. ALL DRIVE-THROUGHS SHALL BE SCREENED FROM VIEW OF PERIMETER
STREETS WITH EITHER A WALL, LANDSCAPING, LANDSCAPED BERM, OR
COMBINATION THEREOF AT LEAST FOUR FEET IN HEIGHT, AS APPROVED
BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3. The developer shall provide a pedestrian connection to the canal which utilizes an
alternative surface as pavers, as approved by the Planning and Development
Department.
4. The developer shall provide a pedestrian connection to Baseline Road which
utilizes an alternative surface such as pavers, as approved by the Planning and
Development Department.

5. The developer shall provide a horse staging area along the canal on the western edge of the property and connectivity between the horse staging area and the canal and the main building, as approved by the Planning and Development Department.
6. The developer shall provide a bicycle parking area containing a minimum of eight (8) spaces. The bicycle parking area shall utilize inverted-U bicycle racks or a similar design that accommodates lock placement on both wheels and the frame, as approved by the Planning and Development Department.
7. No illuminated signs shall be installed on the south and west elevations of the building.
8. The developer shall update all existing off-site street improvements (sidewalks, curb ramps, and driveways) to current ADA guidelines.
9. The property owner shall record a Notice of Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of City of Phoenix Sky Harbor International Airport (PHX) 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.
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.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6205, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6205 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 (1 Page)

B - Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-19--Z-12-16-6

THAT PORTION OF LOT 3, SECTION 6, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINING AT TA POINT ON THE NORTH LINE OF LOT 3, TOWNSHIP 1, SOUTH, RANGE 4 EAST, FROM WHICH THE NORTHEAST CORNER OF LOT 3, (NORTH QUARTER CORNER OF SECTION 6) BEARS NORTH 89 DEGREES 42 MINUTES EAST 236.39 FEET;

THENCE SOUTH 89 DEGREES 42 MINUTES WEST ALONG THE NORTH LINE OF LOT 3, A DISTANCE OF 350.00 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF HIGHLINE CANAL;

THENCE SOUTH 47 DEGREES 00 MINUTES EAST ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID CANAL, A DISTANCE OF 241.86 FEET;

THENCE CONTINUING ALONG SAID RIGHT OF WAY AND ALONG CURVED LINE TO THE RIGHT SAID CURVE HAVING A RADIUS OF 513.34 FEET AND AN ARC DISTANCE OF 73.57 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 220.00 FEET OF LOT 3, SECTION 6;

THENCE NORTH 89 DEGREES 42 MINUTES EAST ALONG SAID LINE A DISTANCE OF 124.20 FEET;

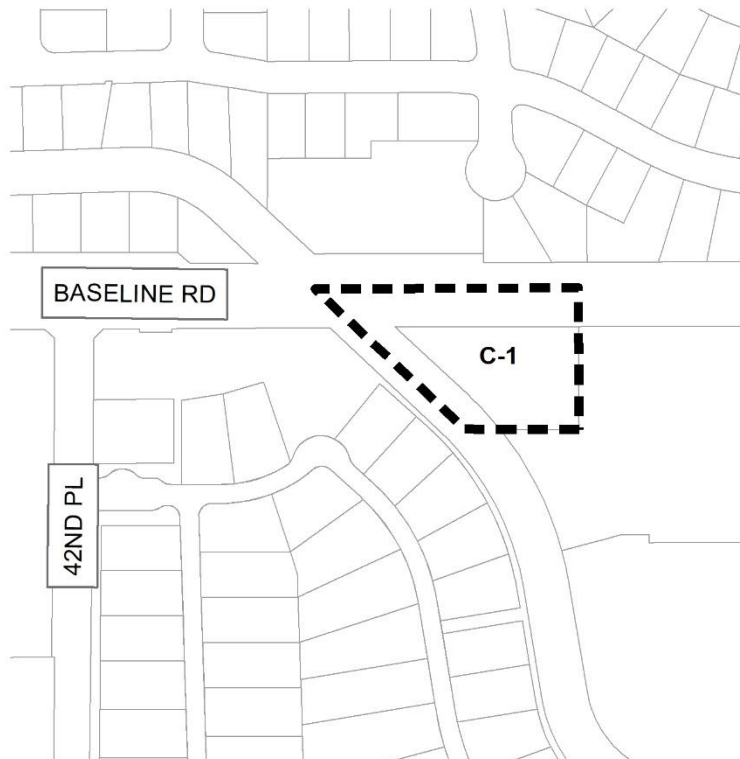
THENCE NORTH 0 DEGREES 18 MINUTES WEST, 220.00 FEET TO THE POINT OF BEGINNING.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

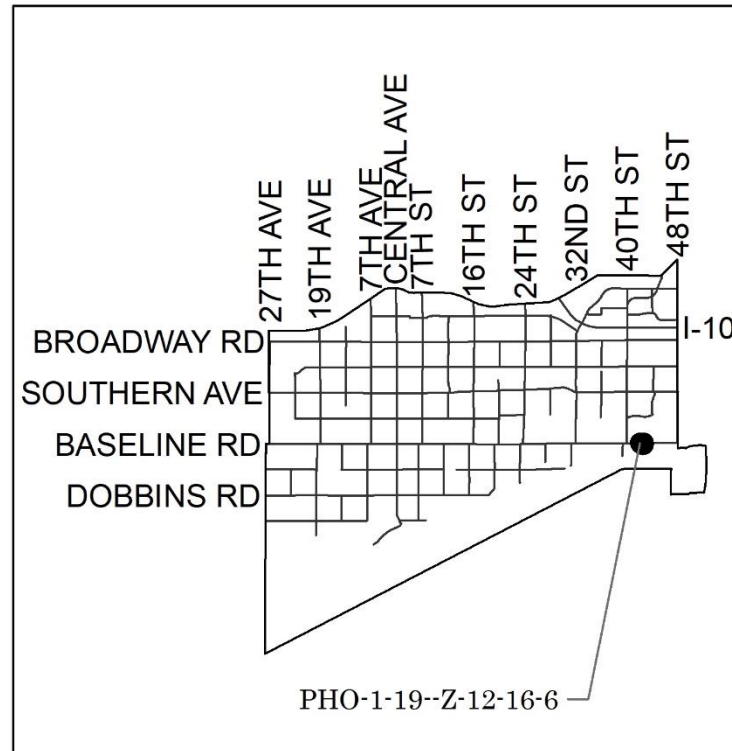


0 75 150 300 Feet

Zoning Case Number: PHO-1-19--Z-12-16-6

Zoning Overlay: N/A

Planning Village: South Mountain



NOT TO SCALE



Drawn Date: 7/26/2019