

ORDINANCE G-5418

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-71-08-6) FROM R-5 (MULTIPLE-FAMILY RESIDENCE) TO PUD (PLANNED UNIT DEVELOPMENT) AND PUD HP-L (PLANNED UNIT DEVELOPMENT HISTORIC PRESERVATION-LANDMARK OVERLAY).

WHEREAS, on July 7, 2008, the City of Phoenix Planning Department received, in compliance with the requirements of the City of Phoenix Zoning Ordinance, Section 506, a written request for rezoning from Alan Beaudoin of LVA Urban Design Studio, LLC, represented by Nick Wood of Snell & Wilmer, having authorization to represent the owner, KSL Biltmore Resort Inc. of an approximately 36.46 acre property located approximately 1300 feet east of the southeast corner of 24th Street and Arizona Biltmore Circle in a portion of Sections 11 and 14, Township 2 North, Range 3 East, as described more specifically in Attachment "A", attached hereto and incorporated herein by this reference; and,

WHEREAS, pursuant to A.R.S. § 9-462.04, the Planning Commission held a public hearing on June 10, 2009, and at this hearing recommended that the City

Council approve this rezoning request with the recommended staff conditions, as modified; and,

WHEREAS, the City Council, at their regularly scheduled meeting held on July 1, 2009, has determined that, in accordance with A.R.S. § 9-462.01.F, this rezoning request, with the appropriate site specific requirements provided in Section 2, is consistent with and conforms to the General Plan, will conserve and promote the public health, safety and general welfare, and should be approved, subject to the conditions herein.

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

SECTION 1: The zoning of an approximately 36.46 acre property located approximately 1300 feet east of the southeast corner of 24th Street and Arizona Biltmore Circle in a portion of Sections 11 and 14, Township 2 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from "R-5" (Multiple Family Residence) to PUD (Planned Unit Development) and PUD HP-L (Planned Unit Development Historic Preservation-Landmark Overlay) and that the Planning Director is instructed to modify The Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Attachment "B".

SECTION 2: The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-71-08-6, on file with the Planning Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to compliance with the PUD

narrative and the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. That the Grand Paseo Trail shall be constructed to the shared-use path standards found in Section 429 of the City of Phoenix MAG Supplemental Details, as approved or modified by the Parks and Recreation Department.
2. That the developer shall notify the following individuals by mail 15 days prior to any Zoning Adjustment, Architectural Appeals Board hearing, Design Review Board hearing or preliminary site plan meetings with the Development Services Department. The notice shall include the date, time and location of the meeting/hearing.
 - a. Chairperson of ABEVA Board of Directors
 - b. Chairperson of the Arizona Biltmore Hotel Villas Condominium Association Board of Directors
 - c. City of Phoenix Historic Preservation Officer
3. That the Arizona Biltmore Resort shall undertake the following actions to manage traffic during all Convention Meetings, Large Scaled Events (as defined in Volume II Appendix B).
 - a. Traffic control certified security personnel shall facilitate traffic exiting the events by manually controlling the intersection of Thunderbird Trail and 25th Place for a period starting one half hour before and one half hour after the discharge of participants of the events. The intersection shall be monitored to promote movements in all directions at the intersection while avoiding blocking the intersection. Traffic control certified means an individual that has successfully completed an American Traffic Safety Services Association (15 Riverside Parkway, Suite 100, Fredericksburg, Virginia 22406-1022) approved course in "Temporary Traffic Control", or an equivalent training program and audit the Right-of-Way Training Class offered by the Street Transportation Department, as approved by the Street Transportation Department.
 - b. A sign shall be posted at the intersection of Thunderbird Trail and 25th Place to communicate a message which encourages conference participants to not block the intersection. The sign must be a minimum of 15 square feet

in area, oriented in the outbound direction and directly or indirectly lit when posted during nighttime hours.

4. That the developer shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the Development Services Department. All improvements shall comply with all ADA accessibility standards.
5. That new building designs shall emulate the current McArthur/Biltmore style.

STIPULATIONS TO REVISE PUD NARRATIVE

6. That an updated Development Narrative for the Biltmore Resort and Spa reflecting the changes approved through this request shall be submitted to the Planning Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative date stamped April 17, 2009, as modified by the following stipulations.
7. That the PUD Volume I narrative shall be modified as follows:
 - a. Page 44, Section 3.H, revise Fire Station 12 location to read "located at the southeast corner of 32nd Street and Glenrosa Avenue."
 - b. Page 50, Figure 17b, update map to include additional street and alley layers for northwest portion of property.
 - c. Page 52, Table A-4, remove double asterisk in the Residential Keys Row of table and replace with single asterisk.
 - d. Page 132, Section B, second paragraph, revise first sentence to state "Based on the proposed 2010 Land Use Plan."
8. That the PUD Volume II narrative shall be modified as follows:
 - a. Page B-5, Appeals, last sentence shall state "Those Requirements followed by an asterisk (R*) are appealed to the Design Review Appeals Board."
 - b. Page A-6, first asterisk * relating to table A.1 shall be deleted.

- c. Page B-12, 1st dot point, second sentence relating to appeals of technical requirements shall state "A notice of this appeal shall be provided to the Chairperson of the ABEVA Board of Directors by the applicant."
 - d. Page B-12, 2nd dot point, first sentence relating to appeals of technical requirements shall state "an appeal will be heard within 30 calendar days from the date of submission of an appeal."
 - e. Page B-12, 3rd dot point, first sentence relating to appeals of technical requirements, delete reference to five calendar days.
 - f. Page A-25, revise figure A-1 to update the Historic District Core per attachment A date stamped June 5, 2009.
 - g. Page A-30, revise figure A-2 to update the Building Setbacks per attachment B date stamped June 5, 2009.
 - h. Page A-31, revise figure A-3 to update the Building Heights per attachment C date stamped June 18, 2009.
 - i. Page A-25, revise figure A-1 Historic District Core to have building #4 labeled "circa 1930-1940."
 - j. Page A-35, revise the Landscape Zones Plant Palette to include swan hill and fruitless olive.
 - k. Page A-35, revise the Landscape Zones Plant Palette to include date palms.
 - l. Page A-41, 3rd paragraph, revise 6th sentence to state "Date Palms shall be twenty (20) feet measured to the top of the pineapple."
 - m. Page A-41, 3rd paragraph, revise 6th sentence to state "and the palms at 20' in height to the top of the pineapple."
 - n. Appendix C, Revise Appendix C regarding Building Height Standards per attachment C.
9. That the below language shall be added as a preamble statement on a blank page prior to the Table of Contents within the Development Narrative. This additional language and any

modifications to the narrative made through the public hearing process shall be completed and a final written PUD Development Narrative and electronic PUD Development Narrative shall be submitted within 30 days of final City Council approval. The electronic version may be utilized for future amendments. The applicant shall consent to allow future electronic copies so long as the current development team is not held responsible for future amendment language.

- a. A Planned Unit Development (PUD) is intended to be a stand-alone document of zoning regulations for a particular project. Provisions not specifically regulated by the PUD are governed by the zoning ordinance. A PUD may include substantial background information to help illustrate the intent of the development. The purpose and intent statements are not requirements that will be enforced by the City. The PUD only modifies zoning ordinance regulations and does not modify other City Codes or requirements. Additional public hearings may be necessary such as but not limited to right-of-way abandonments.

10. That the PUD Volume II narrative shall add a new design guidelines that addresses transitions and buffers along Arizona Biltmore Circle and the Biltmore Squares neighborhood. The following design elements shall be implemented for the third and fourth stories of the Spa Wing North building if its façade lies within 75 feet of the north property line (adjacent to Arizona Biltmore Circle) and the Biltmore Squares subdivision. The design guideline shall be as follows:

- a. New Design Guideline – Landscape Guideline 1.2.10

A landscaped buffer will be provided between the Biltmore Squares Subdivision and the north/northwest façade of the building. The buffer will be developed in accordance with Landscape Package D provided on page A-46 of this PUD, as may be modified for canopy tree placement and final design modifications by the Resort, with review by the ABEVA Board of Directors. The ABEVA Board of Directors will determine one of three possible locations for the landscape buffer canopy trees with consideration of south curb placement, street median placement, or north curb placement. In the event that the ABEVA Board of Directors does not provide a specific design choice within thirty (30) days of a request by the Resort to select a final design, only those portions of Landscape Package D that are located upon Resort property shall be required.

Rationale: The privacy of the Biltmore Squares residents must be protected through the use of the landscape buffer described above to restrict direct visual line of sight from Resort guests within a new adjacent hotel room building above the second floor level and the adjacent properties within the Biltmore Squares neighborhood. This design guideline is specifically intended to apply to the planned Spa North building.

11. That Exhibit A-1 of the PUD shall be modified as shown in revised attached Exhibit A-1 (updated 5-12-09) which establishes a "No-Build Zone" in front of the Arizona Biltmore and that a legal description of this new No-Build Zone be provided as Appendix F to Volume II of the PUD.
12. That as a result of the new No-Build Zone as shown on modified Exhibit A-1, the location of the proposed new front "Restaurant" is shifted 50 feet further east and the proposed new front "Conference" building is shifted 40 feet further west (other exhibits in Volume II of the PUD, including Exhibit A-2, A-3 and A-4 will also need to be modified to show the shifted locations of these buildings).
13. That the PUD Volume II narrative shall be modified to provide additional historic preservation protections for the original 1929 Biltmore block "Spa South Cottage." The additional stipulations shall be as follows:
 - a. Page A-24, add in a new Section 4.e. entitled "Spa South Cottage – Conditions of Demolition" which will state that "It is the intent of this PUD to set conditions affiliated with any demolition of the Spa South Cottage as defined on Exhibit A-1 and as necessary to implement the development of the Spa South Wing as defined by the Arizona Biltmore Resort Master Plan." This new section will stipulate that:
 - (1) The property owner of the Arizona Biltmore Resort will not request a demolition permit from the City of Phoenix and the City of Phoenix will not approve such a permit until the Development Services Department has authorized Final Site Plan Approval inclusive of the Spa South Wing and has obtained a building permit for the construction for the Spa Wing South building.
 - (2) At least 180 days before demolition of the Spa South Cottage, the property owner of the Arizona Biltmore

Resort will explore and provide the Historic Preservation Office with plans for all reasonable preservation options for relocation of the existing Spa South Cottage, including on-site, off-site and options for salvage of the materials in the Spa South Cottage. The Historic Preservation Office shall determine which option is technically and financially feasible and likely to preserve the Spa South Cottage or the materials. The property owner shall relocate the Spa South Cottage or salvage the materials pursuant to the option chosen by the Historic Preservation Office.

- (3) Prior to any demolition or relocation of the Spa South Cottage, the property owner of the Arizona Biltmore Resort will prepare documentation of the Cottage to meet Historic Preservation Office documentation standards.

14. That on Page A-24, a new Section 4.f. in the PUD Volume II narrative shall be added entitled "No-Build Zone." This section shall state that "A no-build zone is hereby established as depicted on Exhibit A-1 and as legally defined within Appendix F. The intent of the No-Build Zone is to prohibit the erection of any Structure that would restrict visual access to the south elevation of the Historic Hotel. This provision shall not restrict vehicular circulation improvements, pedestrian circulation improvements, landscape improvements or water features within the no-build zone."
15. That the PUD Volume II narrative shall add two new design guidelines to ensure that any future landscape or hardscape changes in the new "No-Build Zone" are compatible with the historic character of the Arizona Biltmore. These include:

- a. New Design Guideline - Building Design / Construction Guideline 1.2.9

All proposed improvements, including but not limited to, changes to driveways, parking, circulation, water features and landscape in the no-build zone as shown on Figure A-1, will maintain visual access to the south elevation of the Historic Hotel by restricting the development of Structures within the no-build zone. The Historic Preservation Office will determine the application of and compliance with this Design Review Guideline. (R*)

Rationale: To ensure that all changes to visual access to the south elevation of the Historic Hotel is protected for the guest arrival

experience as defined from a vantage point located at the intersection of the Arizona Canal and the proposed new bridge crossing.

b. New Design Guideline – Site Development Guideline 4.5.2

All proposed improvements, including but not limited to, changes to driveways, parking, circulation, water features and landscape in the no-build zone as shown on Figure A-1, should maintain proportional compatibility with the south elevation of the Historic Hotel and the overall historic character of Arizona Biltmore by demonstrating contextual design relationships with the historic design elements, while promoting safe and efficient access and circulation. The Historic Preservation Office will determine the application of and compliance with this Design Review Guideline. (R*)

Rationale: To ensure that all changes to driveways, parking, circulation and landscape in the no-build zone are compatible with the historic character of the Arizona Biltmore.


16. That 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 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 1st day of July, 2009.


MAYOR

ATTEST:


ACTING
City Clerk



APPROVED AS TO FORM:

ACTING

William Boes City Attorney

REVIEWED BY:

Frank Paulsen City Manager

PB:tml:809948v1: (CM#129) (Item #7) 07/01/09

Attachments:

A - Legal Description (4 Pages)

B - Ordinance Location Map (1 Page)

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-71-08-6

PORTIONS OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL 15, ARIZONA BILTMORE ESTATES UNIT II AS RECORDED IN BOOK 208, PAGE 14, M.C.R., AS AMENDED IN ARIZONA BILTMORE HOTEL BOOK 376, PAGE 48, M.C.R.;

THENCE NORTH $18^{\circ}23'12''$ EAST, 20.68 FEET TO THE CENTERLINE OF ARIZONA BILTMORE CIRCLE, PER DOCKET NO. 13166, PAGE 959, M.C.R. AND TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST, FROM WHICH THE RADIUS POINT BEARS NORTH $12^{\circ}46'06''$ EAST, 504.42 FEET;
THENCE ALONG SAID ARIZONA BILTMORE CIRCLE CENTERLINE FOR THE FOLLOWING THREE COURSES;
SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $05^{\circ}21'08''$, AN ARC LENGTH OF 47.12 FEET;
THENCE SOUTH $82^{\circ}35'00''$ EAST, 492.92 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 504.42 FEET;
THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $52^{\circ}50'08''$, AN ARC LENGTH OF 465.15 FEET;
THENCE DEPARTING SAID CENTER LINE SOUTH $53^{\circ}40'26''$ EAST, 20.79 FEET TO THE NORTHWEST CORNER OF BILTMORE GATES, BOOK 202, PAGE 47, M.C.R.;

THENCE ALONG THE WESTERLY LINE OF SAID BILTMORE GATES THE FOLLOWING FIVE COURSES;
SOUTH $53^{\circ}40'26''$ EAST, 161.00 FEET;
SOUTH $61^{\circ}52'30''$ EAST, 500.18 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 150.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $53^{\circ}19'00''$, AN ARC LENGTH OF 139.58 FEET;

THENCE SOUTH $08^{\circ}33'30''$ EAST, 315.12 FEET;

THENCE SOUTH $78^{\circ}32'37''$ EAST, 270.06 FEET TO THE MOST NORTHERLY CORNER OF PARCEL 15A, ARIZONA BILTMORE HOTEL BOOK 376, PAGE 48, M.C.R.;

THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 15A THE NEXT TWENTY-FIVE COURSES;
SOUTH $11^{\circ}15'11''$ WEST, 146.64 FEET;
NORTH $78^{\circ}23'10''$ WEST, 103.21 FEET;

NORTH 35°31'27" WEST, 15.04 FEET;
NORTH 73°25'15" WEST, 20.66 FEET;
NORTH 79°14'09" WEST, 243.74 FEET;
NORTH 42°12'32" WEST, 39.58 FEET;
SOUTH 77°32'41" WEST, 39.07 FEET;
NORTH 12°27'19" WEST, 24.74 FEET;
SOUTH 76°49'29" WEST, 42.61 FEET;
NORTH 13°10'31" WEST, 8.79 FEET;
SOUTH 76°48'11" WEST, 89.49 FEET;
SOUTH 12°49'26" EAST, 10.75 FEET;
SOUTH 77°54'07" WEST, 16.50 FEET;
SOUTH 13°25'50" EAST, 3.20 FEET;
SOUTH 76°34'10" WEST, 25.58 FEET;
SOUTH 13°10'31" EAST, 21.49 FEET;
SOUTH 76°46'03" WEST, 69.75 FEET;
NORTH 13°10'31" WEST, 8.19 FEET;
SOUTH 76°53'12" WEST, 28.70 FEET;
NORTH 13°10'31" WEST, 13.92 FEET;
SOUTH 76°49'29" WEST, 107.59 FEET;
SOUTH 13°10'31" EAST, 3.00 FEET;
SOUTH 76°49'29" WEST, 51.92 FEET;
SOUTH 16°02'57" WEST, 122.69 FEET TO THE BEGINNING OF A NON-TANGENT
CURVE CONCAVE TO THE SOUTHWEST, FROM WHICH THE RADIUS POINT
BEARS SOUTH 43°59'21" WEST, 145.50 FEET;
THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE
OF 06°57'03", AN ARC LENGTH OF 17.65 FEET TO A POINT ON THE NORTH LINE
OF ARIZONA CANAL DIVERSION CHANNEL PER DOCKET NO. 90-212487 M.C.R.
AND THE SOUTH LINE OF SAID PARCEL 15A;

THENCE ALONG SAID NORTH LINE AND THE SOUTH LINE OF SAID PARCEL 15A
SOUTH 88°31'26" EAST, 178.00 FEET TO THE BEGINNING OF A CURVE CONCAVE
TO THE NORTH, HAVING A RADIUS OF 166.50 FEET;
THENCE EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF
06°42'10", AN ARC LENGTH OF 19.48 FEET;
THENCE NORTH 84°46'24" EAST, 167.30 FEET, TO THE BEGINNING OF A CURVE
CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 781.50 FEET;
THENCE EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF
01°43'20", AN ARC LENGTH OF 23.49 FEET;
THENCE NORTH 83°03'03" EAST, 137.06 FEET, TO THE BEGINNING OF A CURVE
CONCAVE TO THE SOUTH, HAVING A RADIUS OF 468.50 FEET;
THENCE EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF
12°21'51", AN ARC LENGTH OF 101.10 FEET;
THENCE SOUTH 84°35'06" EAST, 57.38 FEET;
THENCE SOUTH 87°11'12" EAST, 70.27 FEET;

THENCE SOUTH 68°07'16" EAST, 238.32 FEET, TO THE BEGINNING OF A NONTANGENT CURVE CONCAVE TO THE SOUTHWEST, FROM WHICH THE RADIUS POINT BEARS SOUTH 21°05'38" WEST, 1012.39 FEET;
THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°34'14", AN ARC LENGTH OF 27.75 FEET;
THENCE SOUTH 68°07'16" EAST, 126.16 FEET;
THENCE SOUTH 46°19'38" EAST, 0.45 FEET TO THE MOST SOUTHERLY POINT OF SAID PARCEL 15A;

THENCE ALONG A SOUTHERLY PROLONGATION OF THE EAST LINE OF SAID PARCEL 15A AND THE WEST LINE OF PARCEL 9d, ARIZONA BILTMORE ESTATES UNIT II, BOOK 208, PAGE 14, M.C.R., SOUTH 15°58'01" WEST, 146.32 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST AND THE CENTERLINE OF ARIZONA CANAL, AS MEASURED BY THE AVERAGE HIGH WATER MARK FOR THE FOLLOWING FIFTEEN COURSES, FROM WHICH THE RADIUS POINT BEARS SOUTH 37°04'17" WEST, 724.48 FEET;

THENCE ALONG SAID CENTERLINE OF ARIZONA CANAL FOR THE FOLLOWING FIFTEEN COURSES;
THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 18°09'28", AN ARC LENGTH OF 229.60 FEET TO THE BEGINNING OF A NONTANGENT CURVE CONCAVE TO THE SOUTHWEST, FROM WHICH THE RADIUS POINT BEARS SOUTH 22°55'27" WEST, 904.56 FEET;
THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23°55'55", AN ARC LENGTH OF 377.83 FEET;
THENCE SOUTH 86°56'47" WEST, 72.38 FEET;
THENCE SOUTH 83°28'20" WEST, 221.33 FEET;
THENCE SOUTH 85°11'01" WEST, 255.82 FEET;
THENCE SOUTH 85°48'33" WEST, 143.34 FEET TO THE BEGINNING OF A NONTANGENT CURVE CONCAVE TO THE NORTH, FROM WHICH THE RADIUS POINT BEARS NORTH 08°27'45" WEST, 305.65 FEET;
THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°32'24", AN ARC LENGTH OF 77.57 FEET TO THE BEGINNING OF A NONTANGENT CURVE CONCAVE NORTHEAST, FROM WHICH THE RADIUS POINT BEARS NORTH 06°04'39" EAST, 526.05 FEET;
THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°17'30" AN ARC LENGTH OF 314.84 FEET;
THENCE NORTH 45°06'24" WEST, 112.78 FEET;
THENCE NORTH 38°35'20" WEST, 123.41 FEET TO THE BEGINNING OF A NONTANGENT CURVE CONCAVE TO THE SOUTHWEST, FROM WHICH THE RADIUS POINT BEARS SOUTH 50°19'55" WEST, 857.73 FEET;
THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 12°10'17", AN ARC LENGTH OF 182.21 FEET;
THENCE SOUTH 38°09'38" WEST, 3.24 FEET TO THE BEGINNING OF A NONTANGENT CURVE CONCAVE TO THE SOUTHWEST, FROM WHICH THE RADIUS POINT BEARS SOUTH 39°30'31" WEST, 690.96 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°51'35", AN ARC LENGTH OF 82.72 FEET;
THENCE NORTH 59°07'14" WEST, 49.21 FEET;
THENCE NORTH 58°50'49" WEST, 316.56 FEET TO THE INTERSECTION OF THE SOUTHERLY PROLONGATION OF THE WEST LINE OF SAID PARCEL 15, ALSO THE EAST LINE OF PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED, BOOK 208, PAGE 14, M.C.R. AND SAID ARIZONA CANAL CENTERLINE;

THENCE ALONG SAID EAST LINE FOR THE FOLLOWING TWO COURSES;
NORTH 30°54'00" EAST, 136.99 FEET
NORTH 18°23'12" EAST, 364.38 FEET TO THE POINT OF BEGINNING.

PLANNED UNIT DEVELOPMENT (PUD) CONTAINS 1,577,950 SQUARE FEET, OR 36.2247 ACRES, MORE OR LESS.

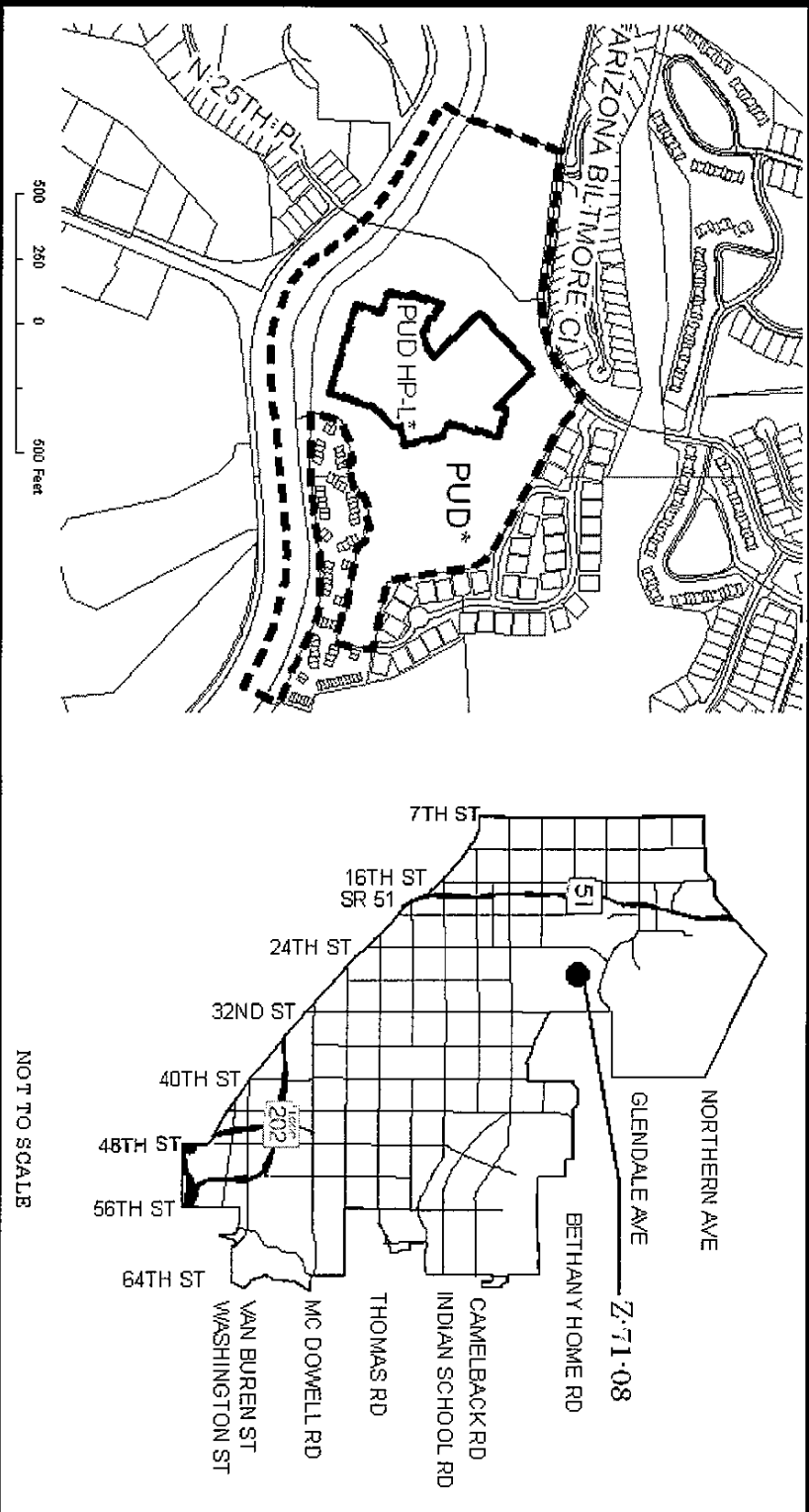
NET ACREAGE (EXCLUDING AREA WITHIN ARIZONA CANAL AND ARIZONA BILTMORE CIRCLE) CONTAINS 1,221,612 SQUARE FEET, OR 28.0444 ACRES, MORE OR LESS

ORDINANCE LOCATION MAP

ATTACHMENT B

ZONING SUBJECT TO STIPULATIONS: *
 SUBJECT AREA: ■■■■■■

Zoning Case Number: Z-71-08-6
 Zoning Overlay: N/A
 Planning Village: Camelback East



Drawn Date: 06/11/09

N:\P\DF_Maps\Ordinance_Map\2009 - 06\11_09