ORDINANCE NO. 2023-925

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING THE TOWN ZONING MAP (ZMC23-002) BY CHANGING THE ZONING CLASSIFICATION OF A ONE (1) ACRE PARCEL (APN 103-026-067) OTHERWISE KNOWN AS "HOMEWOOD SUITES BY HILTON" FROM RS PAD (RESIDENTIAL AND SERVICES-PLANNED AREA DEVELOPMENT) ZONING TO C-2 PAD (COMMERCIAL; GENERAL SALES AND SERVICES-PLANNED AREA DEVELOPMENT) ZONING; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW

WHEREAS, the subject real property located in Section 14, T14N, R1W, G&SRM, was part of the original incorporated boundary of the Town of Prescott Valley in 1978; and

WHEREAS, at the time of incorporation the property received a zoning classification of R1L-18 (which classification was comparable to its former County zoning classification); and

WHEREAS, on May 25, 2006, the Town Council approved Ordinance No. 656 changing the zoning for Lynx Lake Estates No. 2, Lot 69 (including the subject property) from R1L-18 to RS (Residential and Services); and

WHEREAS, in February of 2023, Preston Johnson (Agent) requested a Zoning Map Change (ZMC23-002) from RS PAD (Residential and Services-Planned Area Development) zoning to C-2 PAD (Commercial; General Sales and Services-Planned Area Development) zoning for APN 103-026-067 (approximately 1.0 acre located on the northwest corner of Frontage Road and Glassford Hill Road) for the "Homewood Suites by Hilton"; and

WHEREAS, the Prescott Valley Planning and Zoning Commission held a public hearing on ZMC23-002 at its regular meeting on May 8, 2023, and voted to table the matter and continue the public hearing to its meeting on June 12, 2022; and

WHEREAS, at the continued public hearing on June 12, 2023, the P&Z Commission voted to recommend approval of ZMC23-002 (subject to conditions) in that the request was consistent with the *General Plan 2035*; and

WHEREAS, in the process, the Commission also approved the related Preliminary Development Plan (PDP23-002) for the Homewood Suites by Hilton; and

WHEREAS, the Town Council has now held its own public hearing and has considered the recommendation by the P&Z Commission at its regular meetings held June 22, 2023, and June 29, 2023, and has determined that ZMC23-002 (as conditioned) will be beneficial to the community and is in conformity with the *Prescott Valley General Plan 2035*; and

WHEREAS, the Town Council finds that the procedures required by ARS 9-462.03 and 9-462.04 (and by Article 13-30 of the Prescott Valley Town Code) have been complied with in connection with this zoning action;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, as follows:

<u>SECTION 1</u>. That the Zoning Map of the Town of Prescott Valley be hereby amended from RS-PAD to C2-PAD zoning for approximately 1.0 acre as described in Exhibit "A" (attached hereto and expressly made a part hereof). [Note that the PDP23-002 Landscape Plan is also attached hereto as Exhibit "B" and expressly made a part hereof as a condition of this rezoning.]

<u>SECTION 2</u>. That this amendment is hereby expressly conditioned as follows:

1. Development shall occur generally consistent with the circulation patterns and building areas as illustrated on the Preliminary Development Plan, and uses of the property shall be limited to uses permitted in the C-2 PAD zoning district.

2. The property owner/developer shall ensure that remittance is made to the Town, on a monthly basis, of all monies collected as a result of the proposed hotel complex (and/or its successors and assigns) applying a "surcharge" against all rents collected from occupation and use of units within any phase of the development (said surcharge being two percent (2%)). Such remittance shall be made no later than the fifteenth (15^{th}) day of the following month to the Town Finance Department and shall begin no later than sixty (60) days after issuance by the Town of any certificate permitting occupancy of any phase of the apartment complex.

3. The uses on the described property shall be limited to that of a hotel. The hotel may not subsequently be converted to an extended-stay housing facility, apartment building, or related use otherwise permitted in Town Code Article 13-14 "C2 (COMMERCIAL; GENERAL SALES AND SERVICES)".

4. A traffic analysis shall be conducted to consider the potential for a single driveway onto the frontage road that aligns with the driveway across the street into the parking area that includes the Yellow Leaf Coffee Shop.

In the event of non-compliance with any of the above conditions, the zoning designation for the described property shall revert from C-2 PAD back to the original designation of RS PAD in accordance with the procedures set forth in ARS 9-462.01(E).

<u>SECTION 3</u>. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 29th day of June, 2023.

Kell Palguta, Mayor

ATTEST:

Fatima Fernandez, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney

EXHIBIT "A"

Legal Description

LEGAL DESCRIPTION (PER TITLE REPORT)

PARCEL NO. 1:

LOT 131A, LYNX LAKE ESTATES, ACCORDING TO THE PLAT RECORDED IN BOOK 29 OF MAPS, PAGE 40 RECORDS OF YAVAPAI COUNTY, ARIZONA, BEING A REVERSIONARY PLAT OF LOTS 130, 131, AND 170 LYNX LAKE ESTATES AS RECORDED IN BOOK 9 OF MAPS, PAGES 17 AND IN BOOK 9 OF MAPS, PAGES 18, RECORDS OF YAVAPAI COUNTY ARIZONA.

EXCEPT ALL OIL, GAS, COAL AND OTHER MINERALS WHATSOEVER AS RESERVED IN DEED RECORDED IN BOOK 195 OF DEEDS, PAGE 54, RECORDS OF YAVAPAI COUNTY, ARIZONA.

PARCEL NO. 2:

LOT 169, LYNX LAKE ESTATES, ACCORDING TO THE PLAT OF RECORD IN BOOK 9 OF MAPS. PAGES 17 AND IN BOOK 9 OF MAPS. PAGES 18. RECORDS OF YAVAPAI COUNTY ARIZONA.

EXCEPT ALL OIL, GAS, COAL AND OTHER MINERALS WHATSOEVER AS RESERVED IN DEED RECORDED IN BOOK 195 OF DEEDS, PAGE 54, RECORDS OF YAVAPAI COUNTY. ARIZONA.

OWNER: PARCEL 1 DAVID STOBAUGH

PARCEL NO. 2: WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK. INC.

SURVEYOR: KIMLEY-HORN AND ASSOCIATES, INC. 7740 N. 16TH STREET, SUITE 300 PHOENIX, ARIZONA 85020

GROSS LAND AREA:

78,835 SQ.FT. OR 1.810 ACRES, MORE OR LESS

PROPERTY ADDRESS:

2821 NORTH PLEASANT VIEW DRIVE, PRESCOTT VALLEY, AZ 86314

BASIS OF BEARING:

THE BASIS OF BEARING FOR THIS SURVEY IS THE NORTH LINE OF LOT 131A OF REVERSIONARY PLAT OF LOTS 130, 131 AND 170, "LYNX LAKE ESTATES" RECORDED IN BOOK 29 OF MAPS, PAGE 40, RECORDS OF YAVAPAI COUNTY, ARIZONA. SAID LINE BEARS S89°22'03"E.

REFERENCE DOCUMENTS:

- 1. REVERSIONARY PLAT OF LOTS 130, 131 AND 170 "LYNX LAKE ESTATES" RECORDED IN BOOK 29 OF MAPS, PAGE 40, RECORDS OF YAVAPAI COUNTY, ARIZONA.
- 2. FINAL PLAT FOR "LYNX LAKE ESTATES" RECORDED IN BOOK 9 OF MAPS, PAGE 17 AND 18, RECORDS OF YAVAPAI COUNTY, ARIZONA.

BENCHMARK:

THE 1-FOOT CONTOURS SHOWN HEREON ARE BASED ON A TOWN OF PRESCOTT VALLEY ALUMINUM CAP, TOWN OF PV BM NO. 15-RS HAVING AN ELEVATION OF 5166.39' NAVD88 DATUM.

ALTA/NSPS LAND TITLE SURVEY A PORTION OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 14 NORTH, RANGE 1 WEST, GILA AND SALT RIVER MERIDIAN, YAVAPAI COUNTY, ARIZONA

(1) =PLOTTED SCHEDULE B ITEMS: (CON'T)

- 1. TAXES FOR THE FULL YEAR OF 2022. (THE FIRST HALF IS DUE OCTOBER 1, 2022 AND IS DELINQUENT NOVEMBER 1, 2022. THE SECOND HALF IS DUE MARCH 1, 2023 AND IS DELINQUENT MAY 1, 2023.) (NOT A SURVEY MATTER)
- 2. ANY CHARGE UPON SAID LAND BY REASON OF ITS INCLUSION IN PRESCOTT VALLEY SEWER/ROAD IMPROVEMENT DISTRICT. (ALL ASSESSMENTS DUE AND PAYABLE ARE PAID.) (NOT A SURVEY MATTER)
- 3. RESERVATIONS OR EXCEPTIONS IN PATENTS, OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF. (NOT A SURVEY MATTER)
- 4. THE RIGHT TO ENTER UPON SAID LAND, PROSPECT FOR, MINE AND REMOVE ALL OIL, GAS, COAL AND OTHER MINERALS AS RESERVED BY INSTRUMENT RECORDED AS BOOK 195 OF DEEDS, PAGE 54. (AFFECTS ALL PARCELS)(NOT A SURVEY MATTER)
- (5.) RESTRICTIONS, DEDICATIONS, CONDITIONS, RESERVATIONS, EASEMENTS AND OTHER MATTERS SHOWN ON THE PLAT OF LYNX LAKE ESTATES. AS RECORDED IN PLAT BOOK 9 OF MAPS, PAGE(S) 17 AND RECORDED AS BOOK 9 OF MAPS, PAGE 18, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C). (AFFECTS ALL PARCELS)
- (6.) RESTRICTIONS, DEDICATIONS, CONDITIONS, RESERVATIONS, EASEMENTS AND OTHER MATTERS SHOWN ON THE PLAT OF LYNX LAKE ESTATES, REVERSIONARY PLAT OF LOTS 130, 131 & 170, AS RECORDED IN PLAT BOOK 29 OF MAPS, PAGE(S) 40, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C). (AFFECTS PARCEL NO. 1)
- 7. AN EASEMENT FOR UNDERGROUND ELECTRIC LINES AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS BOOK 2616 OF OFFICIAL RECORDS. PAGE 212. (DOES NOT AFFECT SUBJECT PARCELS)
- (8.) AN EASEMENT FOR UNDERGROUND UTILITY AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS BOOK 4316 OF OFFICIAL RECORDS, PAGE 337. (AFFECTS PARCEL NO. 1)
- 9. COVENANTS, CONDITIONS AND RESTRICTIONS AS SET FORTH IN DOCUMENT RECORDED IN BOOK 324 OF OFFICIAL RECORDS, PAGE 25 AND BOOK 500 OF OFFICIAL RECORDS, PAGE 307 BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C). (AFFECTS ALL PARCELS) (NOT A SURVEY MATTER)
- 10. ALL MATTERS AS SET FORTH IN RECORD OF SURVEY, RECORDED AS BOOK 160 OF LAND SURVEYS, PAGE 40. (AFFECTS ALL PARCELS)
- 11. THE RIGHTS OF PARTIES IN POSSESSION BY REASON OF ANY UNRECORDED LEASE OR LEASES OR MONTH TO MONTH TENANCIES AFFECTING ANY PORTION OF THE WITHIN DESCRIBED PROPERTY, NOTE: THIS MATTER WILL BE MORE FULLY SET FORTH OR DELETED UPON COMPLIANCE WITH THE APPLICABLE REQUIREMENT(S) SET FORTH HEREIN. (NOT A SURVEY MATTER)
- 12. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS. (NOT A SURVEY MATTER)

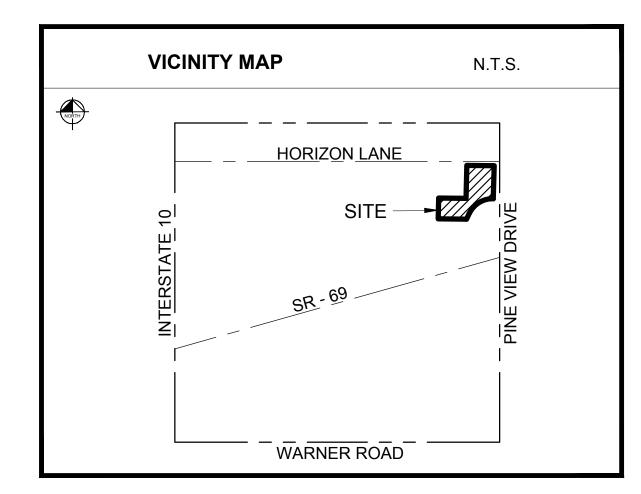
FLOOD ZONE CLASSIFICATION:

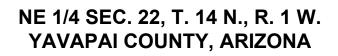
THE PARCELS WITHIN THIS SURVEY ARE IN FLOOD ZONE "D", AN AREA OF UNDETERMINED BUT POSSIBLE FLOOD HAZARDS AS SHOWN ON FIRM PANELS 04025C2078H AND 04025C2079H BOTH WITH AN EFFECTIVE DATE OF AUGUST 24, 2021.

NOTES:

CERTIFICATION:

CHAD W. HUBER **REGISTERED LAND SURVEYOR NO. 35316** KIMLEY-HORN AND ASSOCIATES, INC. 7740 N. 16TH STREET, SUITE 300 PHOENIX, ARIZONA 85020





1. ALL TITLE INFORMATION AND EASEMENTS OF RECORD SHOWN HEREON ARE BASED ON A COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY FILE NO. NCS-1129951-LA2 WITH A COMMITMENT DATE OF MAY 03, 2022 AT 8:00 A.M.

2. THE WORDS CERTIFY, CERTIFICATE AND CERTIFICATION, SHOWN AND USED HEREON, ARE DEFINED/OUTLINED BY ARS 32-151; IN THAT A PERSON OR FIRM REGISTERED BY THE BOARD IS EXPRESSING A PROFESSIONAL OPINION REGARDING THE FACTS OR FINDINGS THAT ARE THE SUBJECT OF THE CERTIFICATION AND DOES NOT CONSTITUTE OR EXPRESS IMPLIED WARRANTY OR GUARANTEE.

3. ALL UTILITIES SHOWN ON THIS SURVEY ARE FROM OBSERVED VISIBLE ABOVE GROUND EVIDENCE, PLANS OR REPORTS WERE NOT PROVIDED BY THE CLIENT PRIOR TO THIS SURVEY. LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY. COMPLETELY. AND RELIABLY DEPICTED. THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY.

4. ALL DIMENSIONS ARE MEASURED UNLESS STATED OR NOTED OTHERWISE.

5. THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION. OR BUILDING ADDITIONS OBSERVED DURING THE FIELD WORK.

6. THERE WERE NO PROPOSED CHANGES IN STREET RIGHT OF WAY PROVIDED TO THE SURVEYOR DURING THIS PROJECT.

TO: MATTICUS HOSPITALITY GROUP PVAZ INC.

FIRST AMERICAN TITLE INSURANCE COMPANY, A NEBRASKA CORPORATION:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1 - 5, 8, 11A, 13, 16, AND 17 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED DURING THE MONTH OF JULY 2022.



Phoe

<u>Scale</u>

N/A

CWH

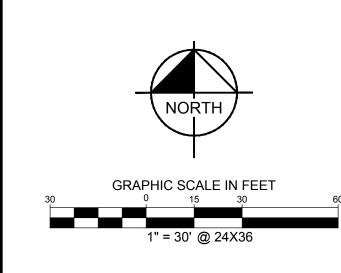
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l6th Street, Suite Arizona 85020	e 300		Tel. No. (602) 8	37-5511
<u>Drawn by</u>	Checked by	Date	Project No.	<u>Sheet</u>

07/25/2022

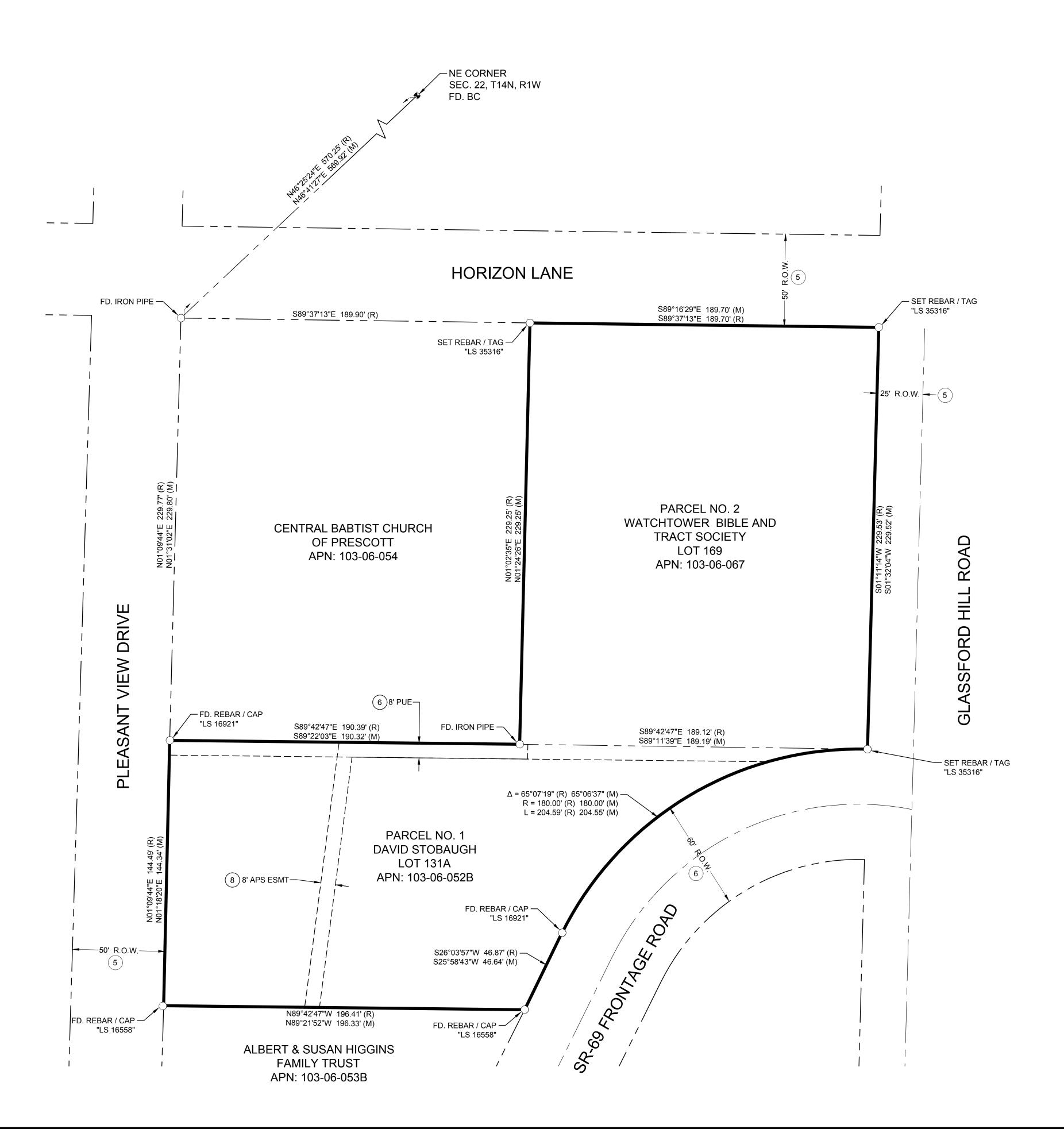
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ALTA/NSPS LAND TITLE SURVEY A PORTION OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 14 NORTH, RANGE 1 WEST, GILA AND SALT RIVER MERIDIAN, YAVAPAI COUNTY, ARIZONA

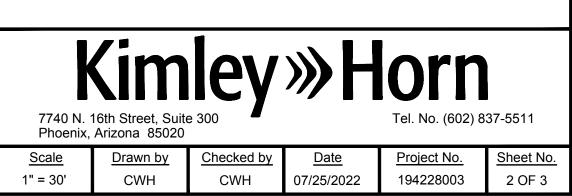
LEGEND

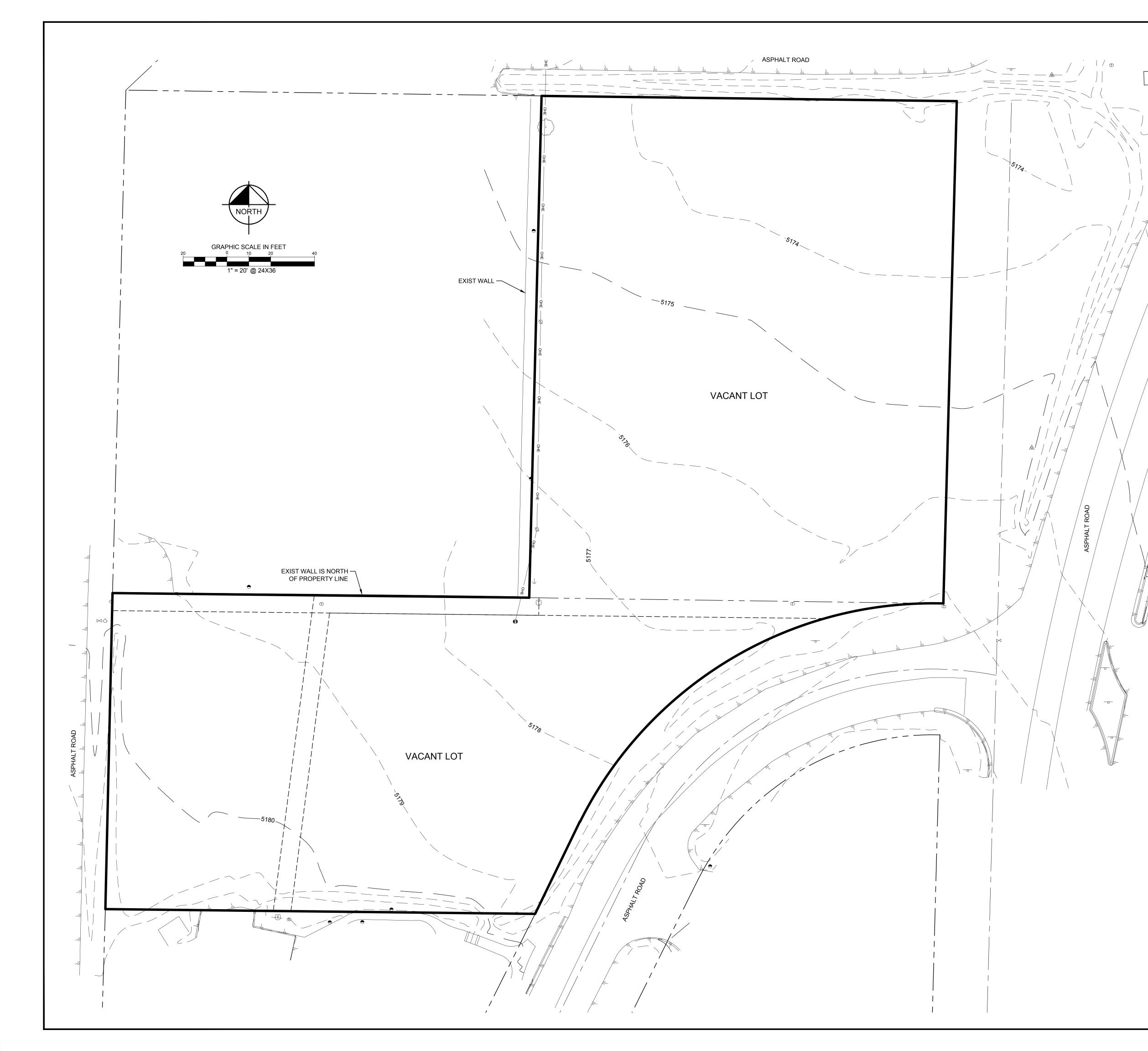
	ROOF DRAIN		MAIL BOX
TV	CABLE TV BOX		SANITARY SEWER CLEAN OUT
	CABLE TV HANDHOLE	(<u>S</u>)	SANITARY SEWER MANHOLE
$\overline{\mathbb{V}}$	CABLE TV MANHOLE	Ŝ	SANITARY SEWER MARKER FLAG
	CABLE TV MARKER FLAG	<u>s</u>	SANITARY SEWER MARKER SIGN
\mathbb{A}	CABLE TV MARKER SIGN	ST	SANITARY SEWER SEPTIC TANK
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С	COMMUNICATIONS BOX	D	STORM SEWER BOX
\odot	COMMUNICATIONS HANDHOLE		STORM SEWER DRAIN
(C)	COMMUNICATIONS MANHOLE	(D)	STORM SEWER MANHOLE
$\widetilde{\mathbb{C}}$	COMMUNICATIONS MARKER FLAG		STORM SEWER VAULT
$\overline{\mathbb{A}}$	COMMUNICATIONS MARKER SIGN		TRAFFIC BARRIER
	COMMUNICATIONS VAULT	•	TRAFFIC BOLLARD
\bullet	ELEVATION BENCHMARK	TR	TRAFFIC BOX
F	FIBER OPTIC BOX	\square	CROSS WALK SIGNAL
Ē	FIBER OPTIC HANDHOLE	(R)	
(F)	FIBER OPTIC MANHOLE	(TR)	TRAFFIC MANHOLE
		$\vdash \checkmark$	
	FIBER OPTIC MARKER FLAG		TRAFFIC MARKER SIGN
	FIBER OPTIC MARKER SIGN		- TRAFFIC SIGNAL
	FIBER OPTIC VAULT		
$\underline{\nabla}$	MONITORING WELL		
<u></u>	GAS HANDHOLE		UNIDENTIFIED HANDHOLE
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(<u>G</u>)	GAS MANHOLE	(U)	UNIDENTIFIED MANHOLE
Ĝ	GAS MARKER FLAG		UNIDENTIFIED MARKER FLAG
A	GAS SIGN		UNIDENTIFIED MARKER SIGN
G	GAS TANK	Q	UNIDENTIFIED POLE
G	GAS VAULT	U	UNIDENTIFIED TANK
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(T)	TELEPHONE MANHOLE	W	WATER BOX
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<u>「「」</u>	FLOOD LIGHT		WATER MARKER FLAG
\rightarrow	GUY ANCHOR		WATER MARKER SIGN
$\overline{\bigcirc}$	GUY ANCHOR POLE		WATER WARKER SIGN
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		\square	WATER WELL
<u>(E)</u>	ELECTRIC MANHOLE		
Ê	ELECTRIC MARKER FLAG		
<u>æ</u>	ELECTRIC MARKER SIGN		
$\underline{\aleph}$	UTILITY POLE		
(T)	ELECTRIC TRANSFORMER		
E	ELECTRIC VAULT		
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LEGEND

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· · · · · · · · · · · · · · · · · · ·	CONCRETE PAVEMENT
	ASPHALT PAVEMENT







	ROOF DRAIN	\square	MAIL BOX
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\bigcirc	COMMUNICATIONS HANDHOLE		STORM SEWER DRAIN
<u>(C)</u>	COMMUNICATIONS MANHOLE	(D)	STORM SEWER MANHOLE
$\frac{\widehat{\mathbb{C}}}{}$	COMMUNICATIONS MARKER FLAG		STORM SEWER VAULT
	COMMUNICATIONS MARKER SIGN		
	COMMUNICATIONS VAULT		TRAFFIC BOLLARD
	ELEVATION BENCHMARK	TR	TRAFFIC BOX
F	FIBER OPTIC BOX	®	CROSS WALK SIGNAL
E	FIBER OPTIC HANDHOLE	(R)	TRAFFIC HANDHOLE
<u>(F)</u>	FIBER OPTIC MANHOLE		TRAFFIC MANHOLE
Ê	FIBER OPTIC MARKER FLAG	<u> </u>	TRAFFIC MARKER SIGN
<u>F</u>	FIBER OPTIC MARKER SIGN		- TRAFFIC SIGNAL
F	FIBER OPTIC VAULT		
$\underline{\heartsuit}$	MONITORING WELL		
<u>6</u>	GAS HANDHOLE		
<u>G</u>	GAS METER		
<u>G</u>	GAS MANHOLE		
$\frac{\widehat{\mathbf{G}}}{\wedge}$	GAS MARKER FLAG		UNIDENTIFIED MARKER FLAG
	GAS SIGN		UNIDENTIFIED MARKER SIGN
G	GAS TANK		UNIDENTIFIED POLE
G	GAS VAULT		
	GAS VALVE TELEPHONE BOX		UNIDENTIFIED VAULT
\square	TELEPHONE BOX	\bigcirc	
(T)	TELEPHONE MANHOLE	W	WATER BOX
	TELEPHONE MARKER FLAG	∇	FIRE DEPT. CONNECTION
$\overline{\mathbb{A}}$	TELEPHONE MARKER SIGN	\odot	WATER HAND HOLE
<u>/ </u>	TELEPHONE VAULT	-0-	FIRE HYDRANT
$\overline{\mathbb{A}}$	PIPELINE MARKER SIGN	Ŵ	WATER METER
<u>(E)</u>	ELECTRIC BOX	(W)	WATER MANHOLE
<u>下</u>	FLOOD LIGHT	$\overline{\mathbb{W}}$	WATER MARKER FLAG
\rightarrow	GUY ANCHOR		WATER MARKER SIGN
$\overline{\ominus}$	GUY ANCHOR POLE		WATER VAULT
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igodoldoldoldoldoldoldoldoldoldoldoldoldol	FLAG POLE		
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	BOUNDARY LINE
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·	BUILDING LINE
W	WATER LINE
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GAS	UNDERGROUND GAS LINE
OHE	OVERHEAD UTILITY LINE
UGE	UNDERGROUND ELECTRIC LINE
UGT	UNDERGROUND TELEPHONE LINE
- x - x - x - x -	FENCE
	CONCRETE PAVEMENT
	ASPHALT PAVEMENT

7740 N. 16th Street, Suite 300 Phoenix, Arizona 85020

<u>Scale</u> 1" = 20' <u>Drawn by</u> CWH

35316 CHAD HUBER 07/26/2022 **Kimley**»Horn

<u>Date</u> 07/25/2022

<u>Checked by</u> CWH Tel. No. (602) 837-5511

<u>Project No.</u> 194228003 Sheet No. 3 OF 3



EXHIBIT "B"

Landscape Plan

