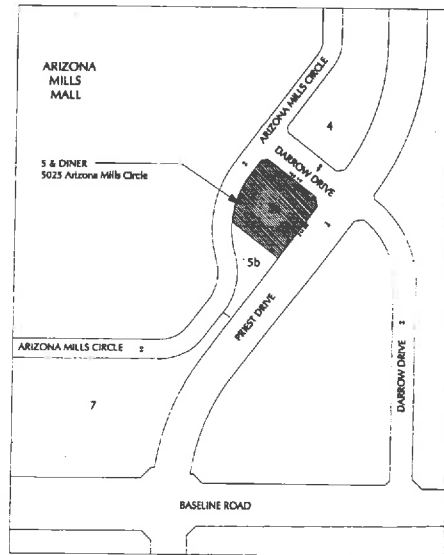


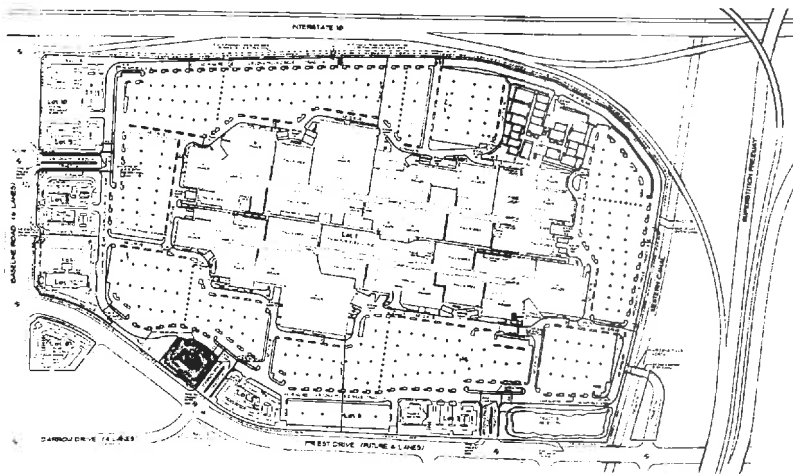
FINAL PAD FOR 5 & DINER, LOT 5A OF ARIZONA MILLS

A PART OF THE SOUTHEAST QUARTER & THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 4 EAST, GILA & SALT RIVER BASE & MERIDIAN, MARICOPA COUNTY, ARIZONA.



VICINITY MAP

Scale: 1" = 200'



PROJECT TEAM

Landscape Architect: McConaghe Associates
136 W. Main, Suite 201
Mesa, Arizona 85201
Contact: Daryl McConaghe
TEL: 602.969.1410

Civil Engineer: Wiley & Associates
2343 N. Hayden Road
Scottsdale, Arizona 85257
Contact: Steven Rinkevich
TEL: 602.947.7507

LEGAL DESCRIPTION (LOT 5a)

That part of Lot 5, "Arizona Mills", recorded in Book 340 of Maps, Page 10, Maricopa County Records, a subdivision located in the East Half of Section 32, Township 1 North, Range 4 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the most Southerly Corner of Said Lot 5, said point being on the Westerly right-of-way line of "Priest Drive," shown on said "Arizona Mills";

Thence North 37°02'16" East, along the Easterly boundary of said Lot 5 and said Westerly right-of-way line, a distance of 227.64 feet to the True Point of Beginning;

Thence North 57°57'30" West, departing said Easterly boundary of Lot 5 and said Westerly right-of-way line, a distance of 154.91 feet to the Westerly boundary of said Lot 5, said point being on a 252.00 foot radius non-tangent curve, whose center bears South 85°59'37" East;

Thence along the boundary of said Lot 5 the following courses:

Thence Northeasterly, along said curve, through a central angle of 32°54'43", a distance of 150.50 feet;

Thence North 36°55'06" East, a distance of 57.36 feet;
Thence North 81°58'48" East, a distance of 21.19 feet;
Thence South 52°57'30" East, a distance of 156.40 feet;

Thence South 07°57'37" East, a distance of 28.29 feet to the Westerly right-of-way line of said "Priest Drive";

Thence continuing along the boundary of Said Lot 5 and along said Westerly right-of-way line the following courses:

Thence South 37°02'16" West, a distance of 77.95 feet;
Thence North 82°02'16" East, a distance of 8.49 feet;

Thence South 37°02'16" West, a distance of 122.70 feet to the True Point of Beginning;

Containing 0.907 Acres, more or less.

PROJECT DATA

Owner: Kevin Kudio
Arizona Mills L.L.C.
5000 Arizona Mills Circle
Tempe, Arizona 85282
TEL: 602.491.0965

Client: Robert Nebesny
FONZ, INC.
10438 East Laurel Drive
Scottsdale, Arizona 85259
TEL: 602.922.3949

Architect: Michael Wilson Kelly - Architect
398 South Mill Avenue, Suite 202
Tempe, Arizona 85281
Contact: Michael Kelly
TEL: 602.829.7887

Project Address: 5 & Diner
5025 Arizona Mills Circle

Existing Zoning: RCC
Proposed Zoning: RCC

Gross Lot Area: 72,843 s.f. = 1.67 acre

Net Lot Area: 39,518 s.f. = .90 acre

Building Square Footage: 3205 s.f. - Restaurant
630 s.f. - Patio

Lot Coverage: 8% (50% Allowable)

Setbacks:	Required:	Proposed:
Front (Darrow Dr.)	60'-0"	72'-9"
Side Street (AZ Mills Circle)	60'-0"	67'-0"
Side Street (Priest Drive)	60'-0"	74'-10"
Rear:	40'-0"	85'-6"

Building Height: 22'-7" (Proposed)
75'-0" (Allowable)

Construction Type: V-N

Parking Required: 3205 s.f. / 75 = 42.7 spaces
630 s.f. / 150 = 4.2 spaces
4.2 spaces

Parking Provided: 48 spaces

Landscaping: 17,033 s.f. = 23% (on site)
4,378 s.f. (in R.O.W.)
21,412 s.f. (Total)

Bike Parking Required: Indoor: 3205 s.f./1000 = 3.205 spaces
Outdoor: 630 s.f./2000 = 0.315 spaces
3.515 spaces

Bike Parking Provided: 4 Spaces

Closest Fire Hydrant: On site in landscape area east of building entrance near Priest Drive.

OWNERSHIP

This is to certify that we have reviewed this plan and hereby approve the development as shown.

By: ARIZONA MILLS, L.L.C.

By: *[Signature]*
Owner

Subscribed and sworn to before me this 15th day of MAY, 1998.

By: *[Signature]*
Notary Public

CAROLE A. POWELL
Notary Public, Maricopa County, AZ
My Commission Expires July 18, 1999

VARIANCE APPROVED 12/16/97

- To reduce street side yard building setback from 60' to 57' in the RCC zoning district.
- To reduce the landscape buffer from 25' to 12'.

CONDITIONS OF APPROVAL:

- Public Works Department approval of all roadway, alley and utility easement dedications, driveways, storm water retention and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
 - Off-site improvements to bring roadways to current standards include:
 - Water lines and fire hydrants.
 - Sewer lines.
 - Storm drains.
 - Roadway improvements including street lights, curb, gutter, bikepath, sidewalk, bus shelter and related amenities.
 - Fees to be paid with the development of this project include:
 - Water and sewer development fees.
 - Water and/or sewer participation charges.
 - Inspection and testing fees.
- All street dedications shall be made within six (6) months of Council approval.
 - Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
 - All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed under ground prior to issuance of occupancy permit for this redevelopment in accordance with Ordinance No. 88.85
- If new property lines are created on this site, approval of CC&R's in a form acceptable to the City Attorney and Development Services Director must take place prior to issuance of Certificate of Occupancy. These CC&R's should provide that a single entity will ultimately be responsible for maintaining all landscaping, both required by Ordinance and in the common area on site, according to the landscape plan approved by the City, and that such provision may not be amended without prior approval by the City Attorney and Development Services Director.
- No variances may be created by future property lines without prior approval of the City of Tempe.
- Valid building permit shall be obtained and substantial construction commenced within one year of date of Council approval or variances shall be deemed null and void.
- This plan shall be recorded prior to issuance of permits, and shall reflect cross access to be maintained throughout this site over the driving aisles. No changes or modifications to the driving aisles will be allowed without the prior approval of the Engineering Department.
- The applicant shall comply with all applicable state and federal laws regarding archeological artifacts on this site.
- A security agreement shall be executed and approved by the Police Department prior to issuance of building permits.

APPROVALS

Approved by the Council of the City of Tempe, Arizona, this 12th day of December, 1997, as a General Plan of Development.

By: *[Signature]* Mayor
Date: 6/1/98
Attest: *[Signature]* City Clerk
Date: 6/1/98

By: *[Signature]* City of Engineer
Date: 6/1/98

By: *[Signature]* Development Services Director
Date: 6/1/98



BOOK 472 PAGE 04

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL

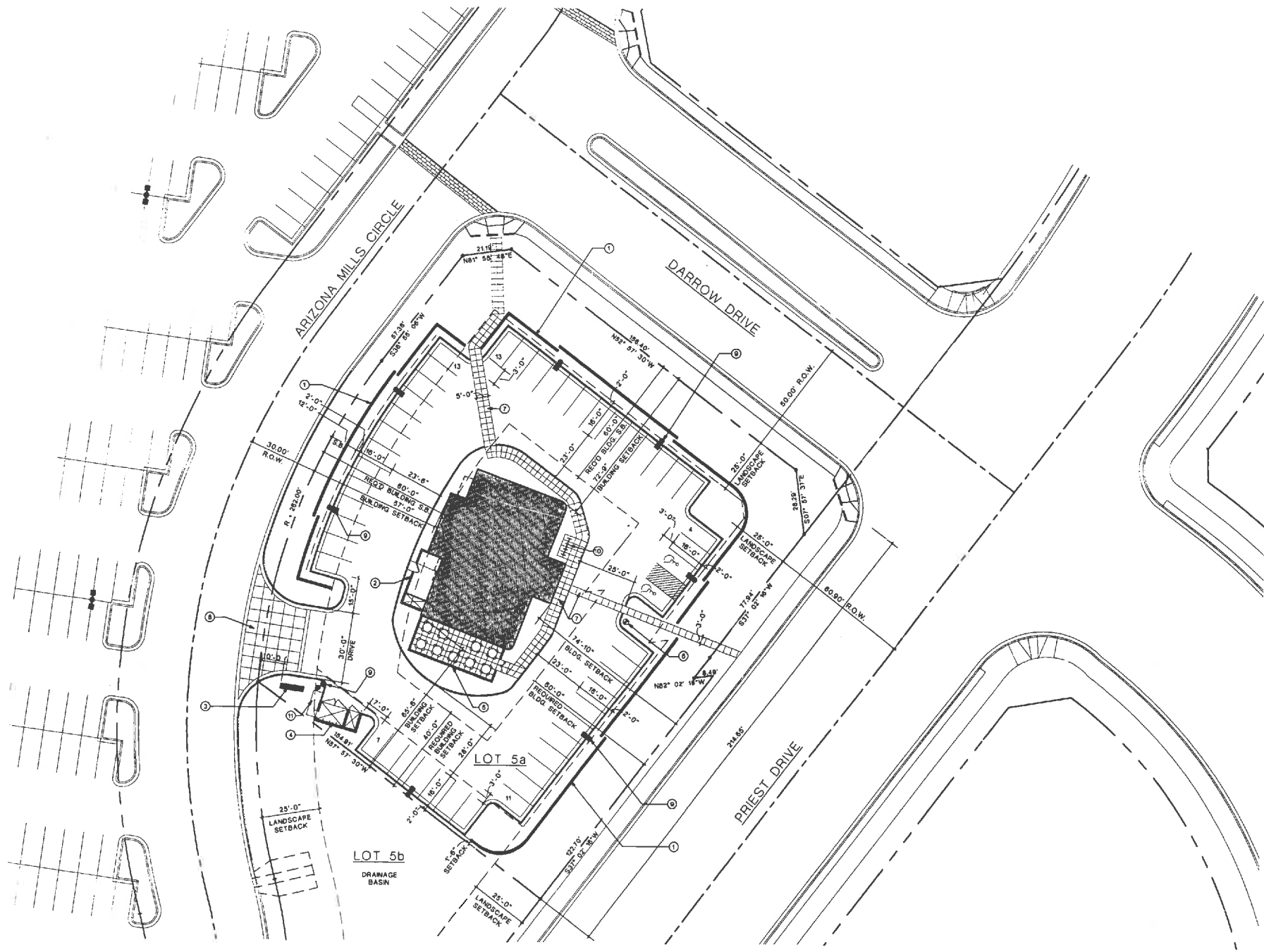
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06/09/98 09:13

Michael Wilson Kelly
ARCHITECT

Drawn by: TEJ
Checked by: MWK
Scale: 1" = 200'-0"
Date: 5/13/98

5 & Diner
R E S T A U R A N T
5025 Arizona Mills Circle, Tempe, Arizona



KEY NOTES ○

1. 3'-0" HIGH PARKING SCREEN WALL.
2. 7'-4" HIGH SCREEN WALL.
3. MONUMENT SIGN LOCATION.
4. REFUSE ENCLOSURE W/GREASE ENCLOSURE AND BOLLARDS TO COMPLY WITH CITY OF TEMPE STANDARDS AND ARIZONA MILLS PERIPHERAL PARCEL DEVELOPMENT STANDARDS.
5. 2'-8" HIGH 8" C.M.U. PATIO WALL. SMOOTH FINISH INTEGRAL COLOR STUCCO & 9'-0" HIGH PAINTED STEEL MISTER COLUMNS AT 9'-0" O.C. (WITH STAINLESS STEEL MISTER COMPONENTS)
6. EXISTING FIRE HYDRANT
7. SCORED CONC. PAVING, TYPICAL
8. DRIVEWAY ENTRANCE PER ARIZONA MILLS STANDARDS
9. 25 FT. HIGH "KIM" EKG 501 (401 W.) PARKING LOT LIGHTING STANDARDS OR EQUAL (TO MATCH MALL STANDARDS). FIXTURES SHALL BE FULL CUT-OFF TO MEET THE DARK SKY ORDINANCE, AND PROVIDE MIN. 2 FT-CANDLES IN ALL AREAS OF THE SITE.
10. BIKE PARKING - 4 SPACES
11. 36" CONCRETE WALKWAY TO MAN DOOR AT THE TRASH ENCLOSURE.

Revisions:
 △
 △
 △
 △

Michael Wilson Kelly
 ARCHITECTURE, PLANNING & ARTS CONSULTING
 Old Town Square - 160 South Ash Avenue, Suite 202, Tempe, Arizona 85281 (602) 839-7657

Drawn by:	Checked by:
TEJ	MWK
Scale:	Date:
1"=20'-0"	6/13/98



BOOK 472 PAGE 04
 OFFICIAL RECORDS OF
 MARICOPA COUNTY RECORDER
 HELEN PURCELL
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5 & Diner
 RESTAURANT
 5025 Arizona Mills Circle, Tempe, Arizona