

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 ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-SP-7-23-6) FROM C-2 (INTERMEDIATE COMMERCIAL) AND P-1 (PENDING C-2) (PASSENGER AUTOMOBILE PARKING, LIMITED, PENDING INTERMEDIATE COMMERCIAL) TO C-2 SP (INTERMEDIATE COMMERCIAL, SPECIAL PERMIT).

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

SECTION 1. The zoning of a 0.75-acre site located at approximately 210 feet west of the southwest corner of 10th Street and Pasadena Avenue in a portion of Section 16, Township 2 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from 0.43-acres of "C-2" (Intermediate Commercial) and 0.32-acres of "P-1 (Pending C-2)" (Passenger Automobile Parking, Limited, Pending Intermediate Commercial) to "C-2 SP" (Intermediate Commercial, Special Permit) to allow automobile sales/display and underlying C-2 commercial uses.

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit “B.”

SECTION 3. Due to the site’s specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. The required landscape setback adjacent to the east property line shall be planted with minimum 2-inch caliper trees planted 20 feet on center, or in equivalent groupings, as approved by the Planning and Development Department.
2. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
3. All streets within and adjacent to the development shall be constructed with paving, curb, gutter and sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
4. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
5. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized, as approved or modified by the Planning and Development Department.
6. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
7. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green

Infrastructure and Low-Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.

8. In the event archeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archeologist, and allow time for the Archeology Office to properly assess the materials.
9. Prior to final site plan approval, the landowner shall execute Proposition 207 waiver of claims form. 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 4. 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, 2024.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-SP-7-23-6

WITHIN A PORTION OF SECTION 16, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

LOT FOUR (4), BLOCK SIX (6), SMITH PLACE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 20 OF MAPS, PAGE 2.

PARCEL NO. 2:

LOT FIVE (5) AND PART OF LOT SIX (6), SMITH PLACE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 20 OF MAPS, PAGE 2 DESCRIBED AS FOLLOWS:

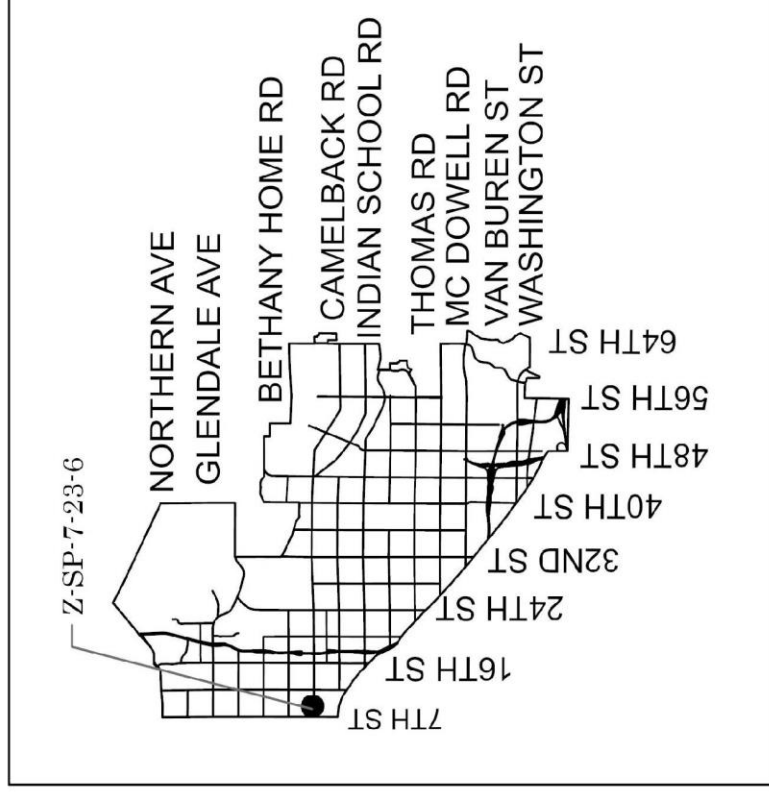
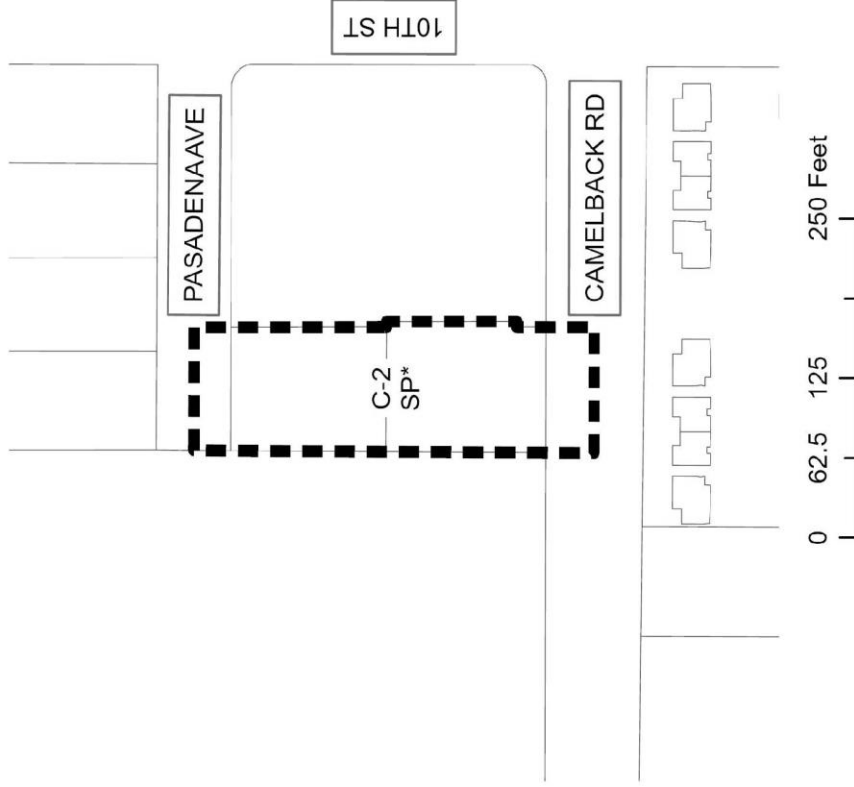
BEGINNING AT THE NORTHWEST CORNER OF LOT 6;
THENCE SOUTH 110.23 FEET;
THENCE EAST PARALLEL TO THE SOUTH LINE OF LOT 6, .35 FEET, MORE OR LESS, TO THE WEST WALL OF EXISTING BUILDING LOCATED ON SAID LOT 6;
THENCE NORTH ALONG THE WEST WALL OF SAID BUILDING AND THE NORTHERLY PROLONGATION THEREOF, 110.23 FEET TO THE NORTH LINE OF LOT 6;
THENCE WEST .35 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;
EXCEPT THE SOUTH 7 FEET OF LOT 5.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: - - - - -

Zoning Case Number: Z-SP-7-23-6
Zoning Overlay: N/A
Planning Village: Camelback East



NOT TO SCALE



Drawn Date: 6/4/2024