

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-22-23-4 PREVIOUSLY APPROVED BY
ORDINANCE G-7168.

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

SECTION 1. The zoning stipulations applicable to an 0.68 acre property
located at the southwest corner of 8th and Minnezona Avenue in a portion of Section
21, Township 2 North, Range 3 East, as described more specifically in Attachment
“A”, are hereby modified to read as set forth below.

STIPULATIONS:

Overall Site

1. A minimum of 10% of the required parking spaces shall be EV ready.
2. 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.
3. Pedestrian walkways shall be shaded by a structure, landscaping at maturity, or a combination of the two to achieve a minimum of 75% shade, measured at summer solstice at noon as shown on a shading study, as approved by the Planning and Development Department.
4. A minimum 5-foot-wide detached sidewalk separated by a minimum 6-foot-wide landscape strip located between the back of curb and sidewalk shall be constructed along the south side of Minnezona Avenue, planted to the following standards as approved by the Planning and Development Department.

- a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.
5. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlight, 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.
6. Landscape areas adjacent to the Grand Canal pathway shall be planted to the following standards and maintained with a watering system, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20-feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

7. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and /or grading approval.
8. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
9. In the event archaeological 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 Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
10. This parcel is in a Special Flood Hazard Area (SFHA) called Zone A, on panel 1740L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013. The following requirements shall apply, as approved by the Planning and Development Department.
 - a. The Architect/Engineer is required to show the floodplain boundary limits on the Grading and Drainage plan and ensure that impacts to the proposed facilities have been considered, following the National Flood Insurance

Program (NFIP) Regulations (44 CFR Paragraph 60.3). This includes, but not limited to provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code.

- b. A copy of the Grading and Drainage Plan shall be submitted to the Floodplain Management section of Public Works Department for review and approval of Floodplain requirements.
 - c. The developer shall provide a FEMA approved CLOMR-F or CLOMR prior to issuance of a Grading and Drainage permit or provide floodplain mitigation measures such as, but not limited to, floodproofing all structures (permanent or non-permanent) to an elevation of one foot above the base flood elevation and use flood resistant materials, as approved by the Floodplain Management section of the Office of the City Engineer.
11. Prior to preliminary site plan approval, the landowner shall execute a 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.

C-2 Zoned Area (General Commercial District)

12. An 8-foot-wide shaded pedestrian pathway shall be constructed of decorative material such as brick, pavers or alternative material with access to the Grand Canal Trail shall be provided, as approved by the Planning and Development Department.
13. Bicycle infrastructure shall be installed as described below and as approved by the Planning and Development Department.
- a. Secured bicycle parking shall be provided at a rate of four spaces and shall be installed as per the requirements of Section 1307.H of the Phoenix Zoning Ordinance as approved by the Planning and Development Department.
 - b. A bicycle repair station ("fix it station") shall be provided and maintained on site within an amenity area or near a primary site entrance. The bicycle repair station ("fix it station") shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include, but not be limited to:
 - i. Standard repair tools affixed to the station.
 - ii. A tire gauge and pump affixed to the base of the station or the ground.
 - iii. A bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
 - c. A minimum of 10% of the required bicycle parking spaces shall include 120-volt receptacles for electric bicycle charging capabilities.

P-1 Zone Area (Passenger Automobile Parking, Limited)

14. A minimum 5-foot-wide detached sidewalk, separated by a minimum 6-foot-wide landscape strip located between the back of curb and sidewalk, shall be provided along 8th Street connecting the existing sidewalk from Minnezona Avenue to the Grand Canal trail, planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20-feet on center or in equivalent groupings.
15. A minimum 10-foot-wide landscape setback shall be provided along the north and east property lines, planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20-feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.
- ~~16. A minimum 5, average 10 foot wide landscape setback shall be provided from the south property line.~~
16. A minimum 10% of surface parking lot area, exclusive of perimeter landscape setbacks, shall be landscaped and planted with minimum 2-inch caliper, large canopy, drought-tolerant shade trees, dispersed throughout the parking area to achieve a minimum of 25% shade at maturity, measured at summer solstice at noon as shown on a shading study, as approved by the Planning and Development Department.
- ~~17. Right of way shall be dedicated for the west half of 8th Street for a half radius 45-foot radius cul-de-sac dedication at its southern termination.~~

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-7168 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-7168 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 26th day of August, 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 (2 Pages)

B - Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-22-23-4 – C-2 ZONING AREA

BEING ALL THAT CERTAIN REAL PROPERTY TO BE ZONED C2 SITUATE IN THE CITY OF PHOENIX, COUNTY OF MARICOPA, STATE OF ARIZONA DESCRIBED AS FOLLOWS:

PARCEL 1

THE WESTERLY 59.00 FEET OF LOTS 1, 3 AND 5, BLOCK 5 OF THE MINNEZONA AMENDED, A SUBDIVISION OF THAT PART OF THE S1/2 OF SW1/4 OF NW1/4 OF SECTION 21, T. 2 N., R. 3 E., GILA AND SALT RIVER BASE AND MERIDIAN, LYING NORTH OF THE GRAND CANAL, MARICOPA COUNTY, ARIZONA AS FILED FOR RECORD IN BOOK 17 OF MAPS AT PAGE 18.

EXCEPTING THEREFROM THAT PORTION OF LOT ONE GRANTED TO THE SALT RIVER VALLEY WATER USERS ASSOCIATION, AN ARIZONA CORPORATION, BY DEED RECORDED MARCH 12, 1928.

PARCEL 2

THAT PORTION OF THE ABANDONED ALLEY OF BLOCK 5 BEING THE WESTERLY 8 FEET ADJACENT TO THE WEST LINES OF LOTS 1, 3 AND 5, BLOCK 5 OF SAID MINNEZONA AMENDED MAP MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 5, BLOCK 5 OF SAID MINNEZONA AMENDED:

THENCE, SOUTH 0° 01' 12" WEST, TO THE NORTH LINE OF THAT LAND GRANTED TO THE SALT RIVER VALLEY WATER USERS ASSOCIATION A DISTANCE OF 100.31 FEET;

THENCE, NORTH 84° 21' 30" WEST, NORTHWESTERLY ALONG THE NORTH LINE OF SAID LAND GRANTED TO THE SALT RIVER VALLEY WATER USERS ASSOCIATION A DISTANCE OF 8.03 FEET;

THENCE, PARALLEL WITH THE WESTERLY LINE OF SAID LOTS 1, 2 AND 5, BLOCK 5, NORTH 0° 01' 12" EAST, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF MINNEZONA AVENUE A DISTANCE OF 99.56 FEET;

THENCE, ALONG THE SOUTH RIGHT OF WAY LINE OF MINNEZONA AVENUE NORTH 89° 54' 10" EAST A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT A

LEGAL DESCRIPTION FOR Z-22-23-4 – P-1 ZONING AREA

BEING ALL THAT CERTAIN REAL PROPERTY TO BE ZONED P1 SITUATE IN THE CITY OF PHOENIX, COUNTY OF MARICOPA, STATE OF ARIZONA DESCRIBED AS FOLLOWS:

PARCEL 1

A PORTION OF LOTS 1, 3 AND 5, BLOCK 5 OF THE MINNEZONA AMENDED, A SUBDIVISION OF THAT PART OF THE S1/2 OF SW1/4 OF NW1/4 OF SECTION 21, T. 2 N., R. 3 E., GILA AND SALT RIVER BASE AND MERIDIAN, LYING NORTH OF THE GRAND CANAL, MARICOPA COUNTY, ARIZONA AS FILED FOR RECORD IN BOOK 17 OF MAPS AT PAGE 18.

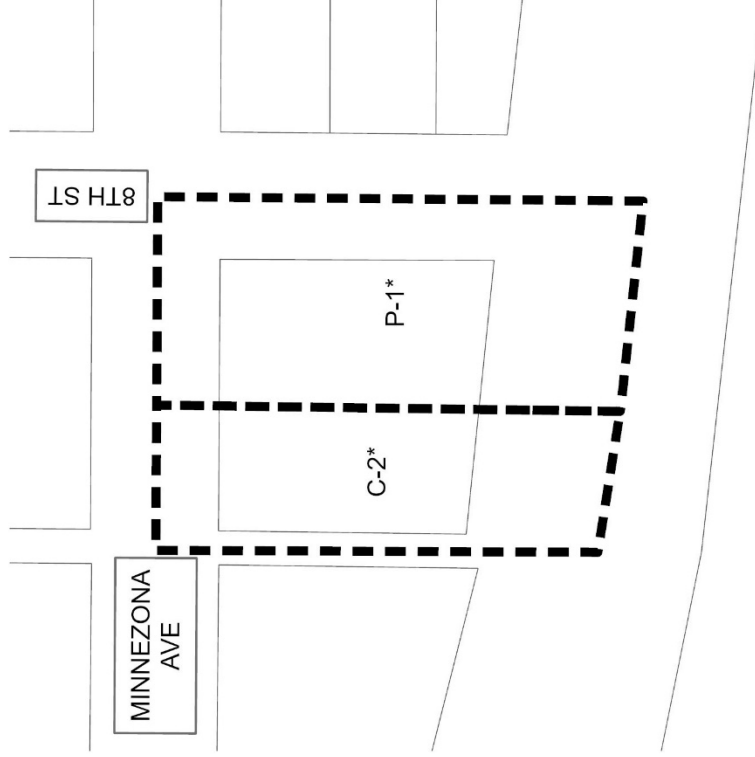
EXCEPTING THEREFROM THE WESTERLY 59 FEET OF LOTS 1, 3 AND 5.

ALSO EXCEPTING THEREFROM THAT PORTION OF LOT ONE GRANTED TO THE SALT RIVER VALLEY WATER USERS ASSOCIATION, AN ARIZONA CORPORATION, BY DEED RECORDED MARCH 12, 1928.

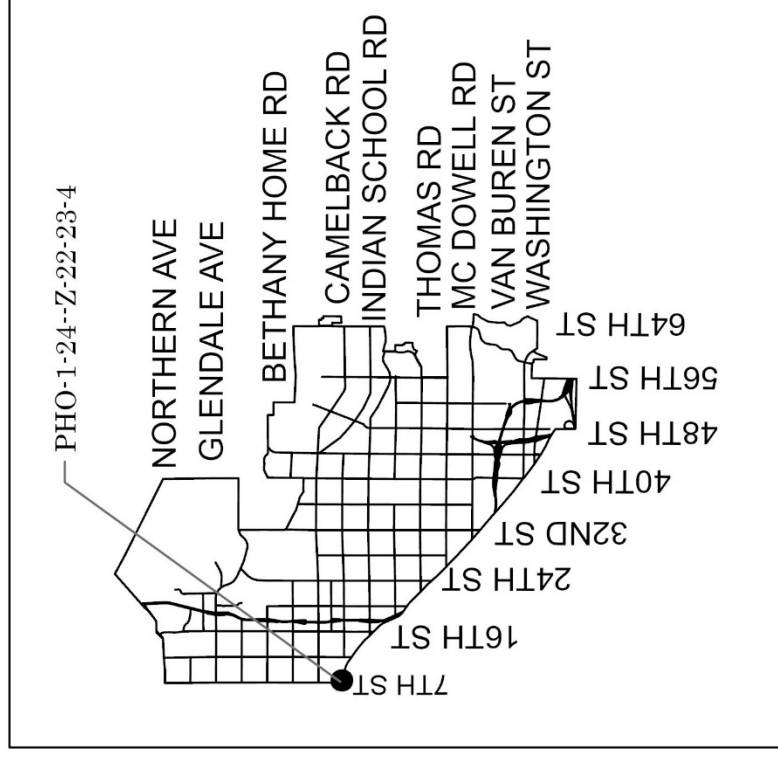
ORDINANCE LOCATION MAP

Zoning Case Number: PHO-1-24-Z-22-23-4
Zoning Overlay: N/A
Planning Village: Camelback East

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



NOT TO SCALE



Drawn Date: 7/26/2024