

**PLEASE RESPOND ELECTRONICALLY TO TERESA GARCIA 2ND FLOOR, 602-262-7399**



## **City of Phoenix**

PLANNING & DEVELOPMENT DEPARTMENT

**To:** Departments Concerned

**Date:** April 16, 2024

**From:** Joshua Bednarek

Planning & Development Department Director

**Subject: P.H.O. APPLICATION NO. PHO-1-24--Z-22-23-4** – Notice of Pending Actions by the **Planning Hearing Officer**

1. Your attention is called to the fact that the **Planning Hearing Officer** will consider the following case at a public hearing on **May 15, 2024**.
2. Information about this case is available for review at the Zoning Counter in the Planning and Development Department on the 2nd Floor of Phoenix City Hall, telephone 602-262-7131, Option 6.
3. Staff, please indicate your comments and respond electronically to [pdd.pho@phoenix.gov](mailto:pdd.pho@phoenix.gov) or you may provide hard copies at the Zoning Counter in the Planning and Development Department on the second floor of Phoenix City Hall by **April 23, 2024**.

### **DISTRIBUTION**

Mayor's Office (Tony Montola), 11th Floor  
City Council (Stephanie Bracken), 11th Floor  
Aviation (Jordan D. Feld )  
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Street Transportation Department (Maja Brkovic, Josh Rogers, Alan Hilty, Chris Kowalsky), 5th Floor  
Street Transportation - Ped. Safety Coordinator (Kurt Miyamoto), 5th Floor  
Street Transportation - Floodplain Management (Tina Jensen, Priscilla Motola, Rudy Rangel), 5th Floor  
Water Services (Don Reynolds, Victor Romo), 8th Floor  
Planning and Development (Joshua Bednarek, Tricia Gomes), 3rd Floor  
Planning and Development/Information Services (Ben Ernyei, Andrew Wickhorst), 4th Floor  
Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor  
Planning Hearing Officer (Byron Easton, Teresa Garcia), 2nd Floor  
Village Planner (John Roanhorse, Camelback East Village)  
Village Planning Committee Chair (Jay Swart, Camelback East Village)



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-1-24--Z-22-23-4

Council District: 4

**Request For:** Stipulation Modification

**Reason for Request:** Request to modify Stipulation 16 regarding landscape area.; Request to delete Stipulation 18 regarding right-of-way dedication for 8th Street.

### Contact Information

Name	Relationship Type	Address	Phone	Fax	Email
TJ Owens	Applicant	145 North 2nd Ave Suite 5, Oakdale CA, 95361			tjo@odcengr.com
Mike Rose	Other		602-524-3172		mike@rexdevpro.net
Ryan Mckenzie	Owner		808-439-1520		mckenzie.midtown@gmail.com
TJ Owens	Representative	145 N. 2nd Ave Suite 5, Oakdale CA, 95361			tjo@odcengr.com

**Property Location:** Southwest corner of 8th Street and Minnezona Avenue

**Acreage:** 0.68

### Geographic Information

Zoning Map	APN	Quarter Section
H8	155-20-044A	Q18-29
Village: Camelback East		

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email [zoning@phoenix.gov](mailto:zoning@phoenix.gov) or visit our website at <https://www.phoenix.gov/pdd/licensing-time-frames>

A Filing Fee had been paid to the City Treasurer to cover the cost of processing this application. The fee will be retained to cover the cost whether or not the request is granted

I declare that all information submitted is true and correct to the best of my knowledge and belief. I acknowledge that any error in my application may be cause for changing its normal scheduling.

Signature: \_\_\_\_\_ DATE: \_\_\_\_\_

### Fee Information

Fee	Fee Waived	Fee Date	Purpose
\$1,080.00	\$0.00	04/09/24	PHO (1-2 stipulations)

April 10, 2024

ATTN: Planning Hearing Officer

Subject: PHO Written Request

APN: 155-20-044A

Zoning: C-2 and P-1

Proposed Use: C-2: Outdoor recreation patio to service Restaurant/Bar, P-1: Parking

Location: E. Minnezona Ave. & N. 8<sup>th</sup> Street, Phoenix, AZ

### **Project Description**

The PHO narrative is for a proposed outdoor recreation patio to service Restaurant/Bar and parking lot located at the corner of E. Minnezona Ave. & N. 8<sup>th</sup> Street, Phoenix, AZ. The subject parcel is currently vacant that once hosted multi-family living units. The lot area is 0.36 +/- Ac with Maricopa County APN 155-20-40A, and an address of 711 E Minnezona Ave.

The proposed development was assigned to KIVA: 19-4244 and includes construction of new 4,200 sqft outdoor recreation with pickleball court and lounge area, a new 320 sq ft bar, a new 320 sq ft kitchen, an 80 sqft ADA restroom facility, (2) 15 sq ft restroom units, and a 6,400 sqft parking lot.

### **Background**

Planning efforts for this proposed project began in 2019. The project has conducted 3 pre-application meetings with the Planning and Development Department to date. The following actions have taken place to support the success of the proposed project.

The 16' alley that separates the adjacent lots received conditional approval for abandonment on 9 March 2023. Actions are being made to finalize the abandonment approval with City Council.

The City Council approved the lot for rezone (from R-3 to C-2 & P-1) on October 4, 2023.

### **Site Access**

Primary access ways to the site includes a one-way existing driveway on the adjacent property and a proposed two-way driveway off of Minnezona Ave. A proposed site plan has been provided with the application for reference.

## **Surrounding Development**

The site is located within the Infill Development District, and within the Canalscape Overlay District. The development proposed will provide outdoor space for patrons of Mckenzie's Midtown Tavern, add public parking to the area, and enhance amenities along the Canal Path.

- McKenzie's Midtown Tavern zoned C-2 to the West
- Children's Place Learning Center zoned C-2 and the residential subdivision Minnezona Amended zoned R-3 to the North and East
- Grand Canal and Risas Dental and Braces zoned C-2 to the South

## **PHO Hearing Request**

The site is currently zoned C-2 and P-1 subject to stipulations of approval of case number Z-22-23-4 and Zoning Ordinance # G-7168. The following request is to modify stipulation 16 and delete stipulation 18 that were signed into Ordinance number G-7168 for the approved rezoning case number Z-22-23-4 due to physical site constraints and feasibility (See Enclosure 1 for stipulations).

## **Stipulations proposed to be MODIFIED include 16 &18 from Z-22-23-4:**

### **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, 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.
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 Minnesota 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~~ **area** shall be provided from the south property line.

#### **Rationale (MODIFICATION)**

The area now zoned as P-1 is comprised of 0.41 ac (17,860 sf) to include street Right of Ways (ROWs) which has the potential of hosting 19 parking spaces. The proposed paved area for the lot is approximately 6,416 sf (Site plan provided for reference). The site is also required to provide;

Stipulation 17: 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.

The required landscape that must be provided exclusive of perimeter landscape setbacks is 642 sf. The landscape area proposed on site, exclusive of perimeter landscape setbacks is approximately 305 sf. There is 650 sf of perimeter landscape proposed that is not eligible to be counted towards parking lot landscape for shading purposes. Furthermore, only 50% of the landscape setback is eligible for on-site storm water retention creating additional limitations for how site landscaping may be used. To meet the current setback requirements the proposed development must convert a minimum of 3 parking spaces to meet the "landscape setback" restraint and requirements for parking landscape and storm water requirements.

The landscape setback requirement stipulated in the rezoning case for this location is considered excessive for the following reasons:

1. A portion of land south of the property is deeded to Salt River Valley Water Users Association that is setback more than 10' from the owner's property line that must be landscaped in coordination with Salt River Project (SRP). Landscaped area is 912 sf.
2. There exists a 22' landscape buffer from the paved canal path that is required to be landscaped to city of Phoenix Canalscape standards. This is an additional 748 sf of canalscape in the canal ROW that will be landscaped.
3. Parking requirements in Section 702 of the Zoning Ordinance would not require a setback for a P-1 zoned area along the south property line.

It is requested that stipulation 16 be modified to a landscape requirement that is not classified as a "setback" due to the extreme limitations placed upon landscape setbacks for development. It must be noted that the applicant is not opposed to providing landscape, but is promoting that the landscape count towards meeting stipulation 17 and other site development requirements required.



17. 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.

~~18. 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.~~

### **Rationale (DELETION)**

There is concern that Stipulation 18 does not appear feasible and conflicts with stipulations 14, 15, and 16.

#### **Feasibility & Conflict:**

The dedication will not only negatively impact the design of a sensible parking lot in P-1, but the actual completion of a 90' diameter cul-de-sac presents a major impact to the residents on the east side of 8<sup>th</sup> Street if it were to be built (See Enclosure 2). The city currently does not have a dedication of the other 45' half-radius required from the three lots to the east of 8<sup>th</sup> Street.

It must be noted that the Streets Manual states that “a dead-end street serving more than four lots shall provide by easement a temporary turning circle with a 50-foot radius or other acceptable design to accomplish adequate access with an improved surface.”

There are currently 6 lots sharing 8<sup>th</sup> street where it dead-ends, but we are submitting a lot line adjustment and replat that will merge the lots to conform to the approved zoning ordinance. By merging the lots this will bring the dead-end street to only 4 lots sharing 8<sup>th</sup> street. This would alleviate the need to require a cul-de-sac dedication from the Transportation Department.

The intent of the rezone case was to pursue the development of an outdoor bar, kitchen and recreation space and a parking lot. The owner has agreed to and committed to providing street improvements as stated in stipulation 14, 15, and 16 as presented on the site plan exhibit shared in Z-22-23-4.

Furthermore, the cul-de-sac dedication at the termination of 8<sup>th</sup> street presents a conflict with property rights of the Salt River Project (SRP) who own the southern sliver of land. Enclosure 3, Sheet 2 shows that a portion of the requested

dedication will encroach on SRP property to include city improvements around the cul-de-sac.

It is proposed that this stipulation be deleted contingent upon the lot-line adjustment and replat to bring 8<sup>th</sup> Street in conformance with a maximum of 4 total lots on a dead-end street.

Please feel free to contact me should you have further questions.

Kind Regards  
Thomas J. Owens, PE, PLS





**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

November 2, 2023

Thomas Owens  
Owens Design Consultants  
145 North 2nd Avenue, Suite 5  
Oakdale, California 95361

Dear Applicant:

RE: Z-22-23-4 – Southwest corner of 8th Street and Minnezona Avenue

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 601 of the Zoning Ordinance, as amended, has on October 4, 2023, approved Zoning Ordinance # G-7168.

Development and use of the site is subject to compliance with all applicable codes and ordinances.

Sincerely,

Joshua Bednarek  
Planning and Development Director

Attachment: Signed Ordinance

c: Rosemary McKenzie, DHM Trading, LLC, 5702 N. 12th St., Phoenix, AZ 85014  
Tricia Gomes, PDD–Planning–Deputy Director (Electronically)  
Racelle Escolar, PDD–Planning–Principal Planner (Electronically)  
John Roanhorse III, PDD–Planning–Village Planner (Electronically)  
Ben Kim, PDD–GIS (Electronically)

ORDINANCE G-7168

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-22-23-4) FROM R-3 (MULTIFAMILY RESIDENCE DISTRICT) TO C-2 (INTERMEDIATE COMMERCIAL) AND P-1 (PASSENGER AUTOMOBILE PARKING, LIMITED).

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

SECTION 1. The zoning of an 0.68 acre property located at the southwest corner of 8th Street and Minnezona Avenue in a portion of Section 21, Township 2 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "R-3" (Multifamily Residence District) to 0.27-acres of "C-2" (Intermediate Commercial) and 0.41-acres of "P-1" (Passenger Automobile Parking, Limited).

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:

<b>Overall Site</b>	
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, 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.
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.

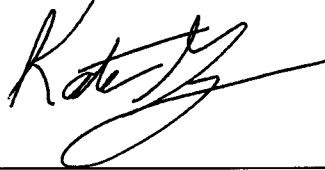
	c.	The developer shall provide a FEMA approved CLOMR-F or CLOMR prior to issuance of a Grading and Drainage permit or provide floodplain mitigation measures such as, but not limited to, floodproofing all structures (permanent or non-permanent) to an elevation of one foot above the base flood elevation 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.
<b>C-2 Zoned Area (General Commercial District)</b>		
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.
<b>P-1 Zone Area (Passenger Automobile Parking, Limited)</b>		
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.
Mod	16.	A minimum 5, average 10-foot-wide landscape setback shall be provided from the south property line.
	17.	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.
Del	18.	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 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 4th day of October,  
2023.

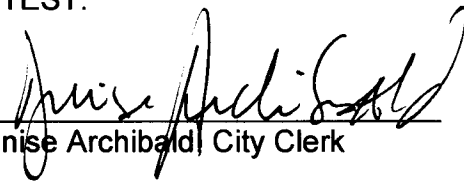


\_\_\_\_\_  
MAYOR

10/6/2023

Date

ATTEST:

  
\_\_\_\_\_  
Denise Archibald, City Clerk



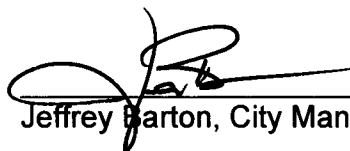
APPROVED AS TO FORM:  
Julie M. Kriegh, City Attorney

By: DBenton

David Benton, Chief Counsel

*P ml*

REVIEWED BY:

  
\_\_\_\_\_  
Jeffrey Barton, City Manager

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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.

G 7168

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

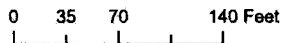
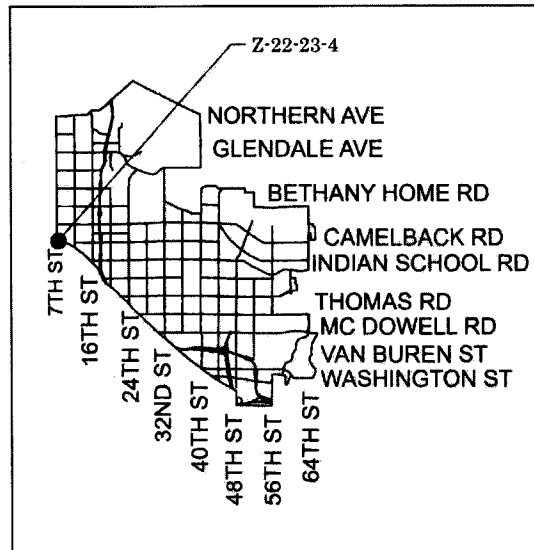
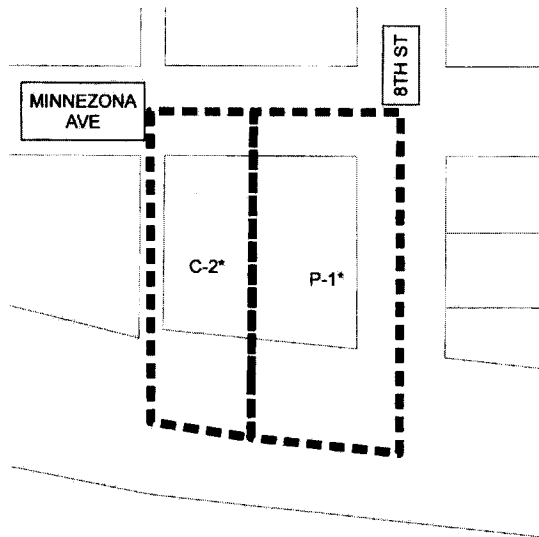
G 7168

# ORDINANCE LOCATION MAP

EXHIBIT B

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

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



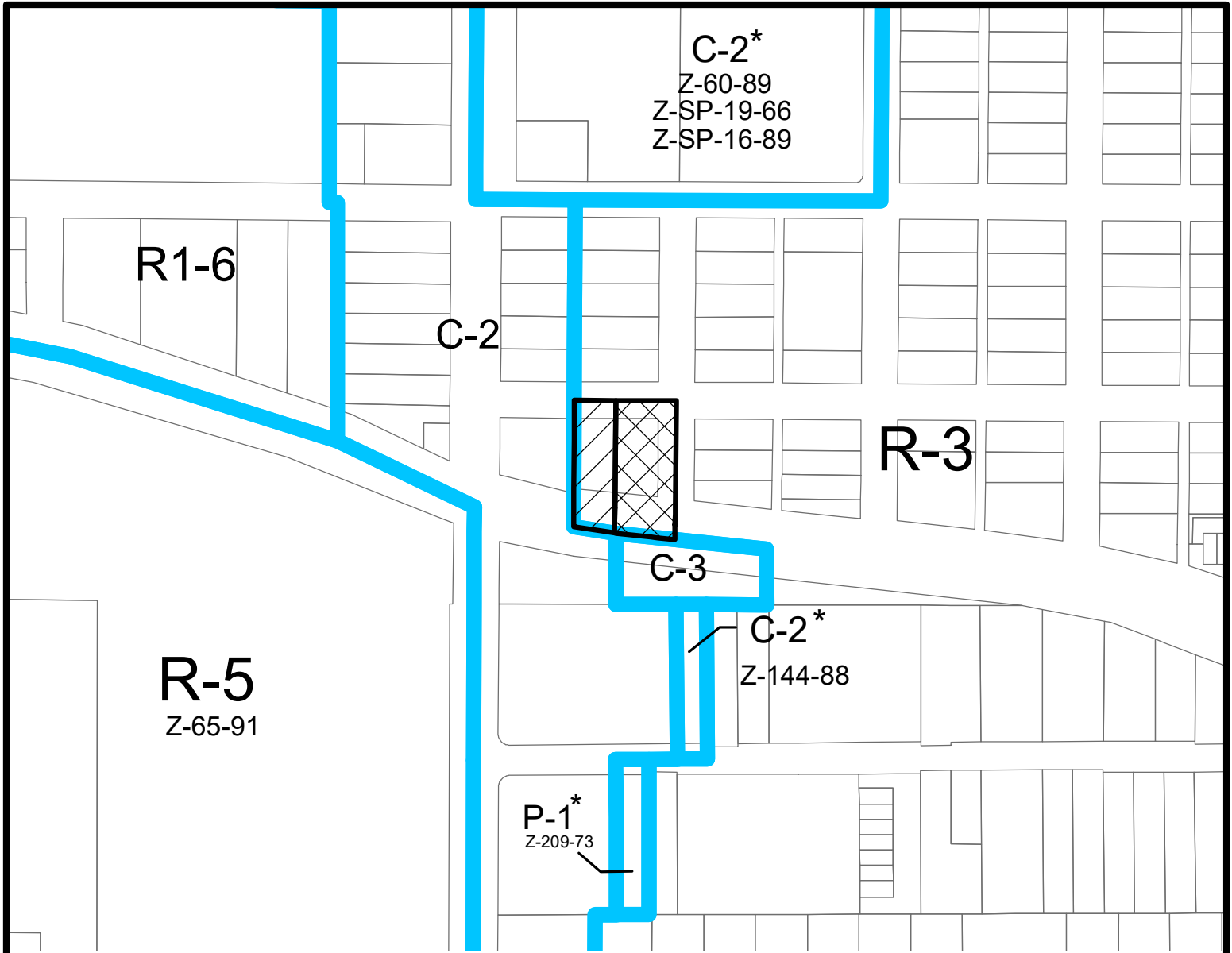
NOT TO SCALE



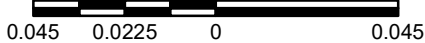
Drawn Date: 9/5/2023

\\nrs\pdx\Share\Departments\Share\Information Systems\PL\BIS\IS\Team\Core\_Func\Boral\Zoning\Supp\Maps\_Ord\Map\2023 Ord\154-2010-4-23.aprx

G7168



Miles



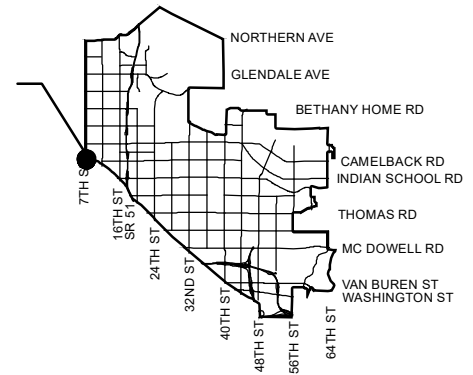
**CAMELBACK EAST VILLAGE**



CITY COUNCIL DISTRICT: 4



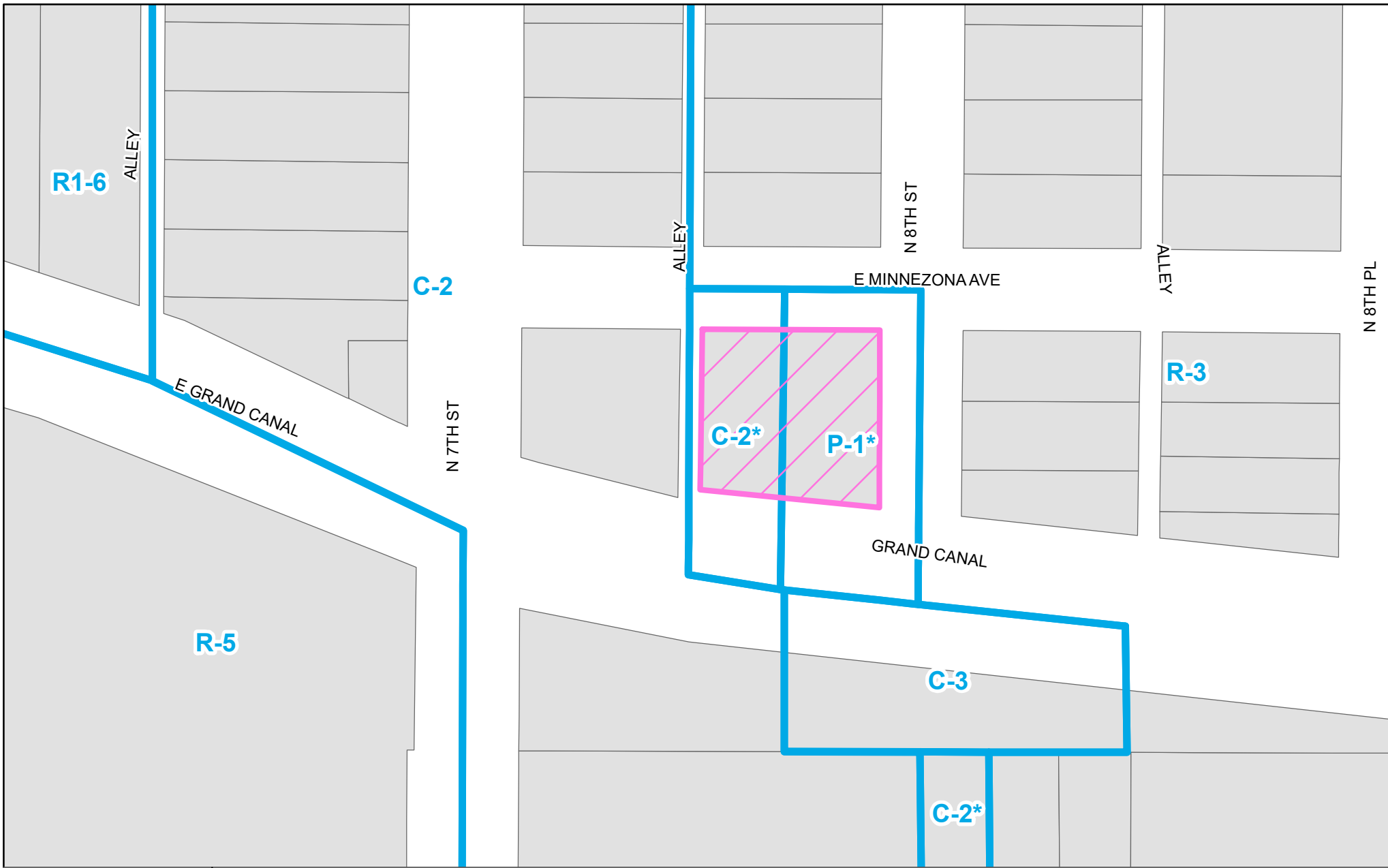
**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

Z-22-23



<b>APPLICANT'S NAME:</b> Owens Design Consultants		<b>REQUESTED CHANGE:</b>	
<b>APPLICATION NO.</b> Z-22-23		<b>FROM:</b> R-3 ( 0.68 a.c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> <b>0.68 Acres</b>		<b>TO:</b> C-2 ( 0.27 a.c.)  P-1 ( 0.41 a.c.) 	
<b>DATE:</b> 4/28/2023 <small>REVISION DATES:</small> 6/29/2023			
<small>AERIAL PHOTO &amp; QUARTER SEC. NO.</small> QS 18-29		<small>ZONING MAP</small> H-8	
<b>MULTIPLES PERMITTED</b> R-3 C-2, P-1		<b>CONVENTIONAL OPTION</b> 10 4, N/A	
		<b>* UNITS P.R.D. OPTION</b> 12 4, N/A	

\* Maximum Units Allowed with P.R.D. Bonus

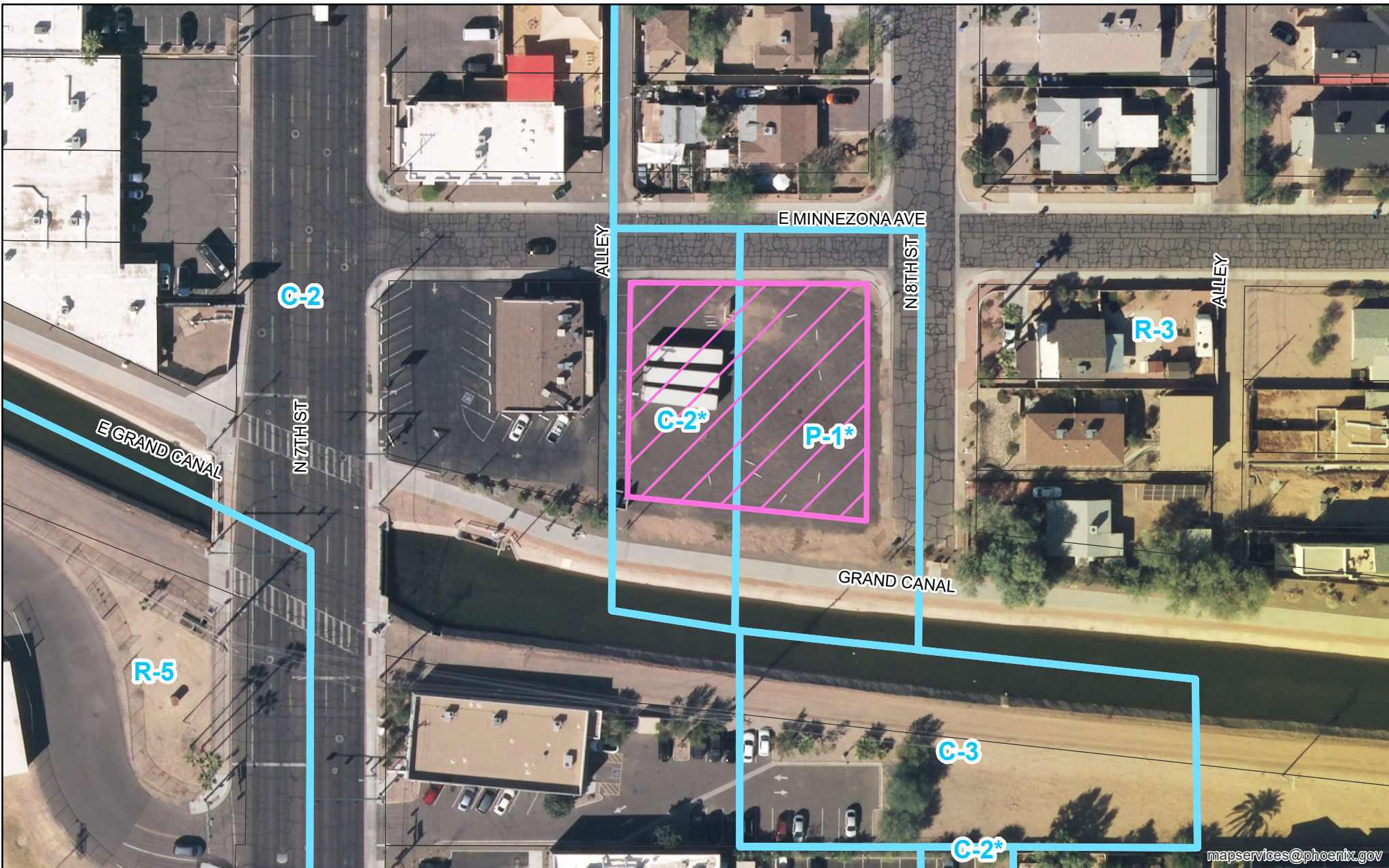


PHO-1-24--Z-22-23-4

Property Location: Southwest corner of 8th Street and Minnezona Avenue





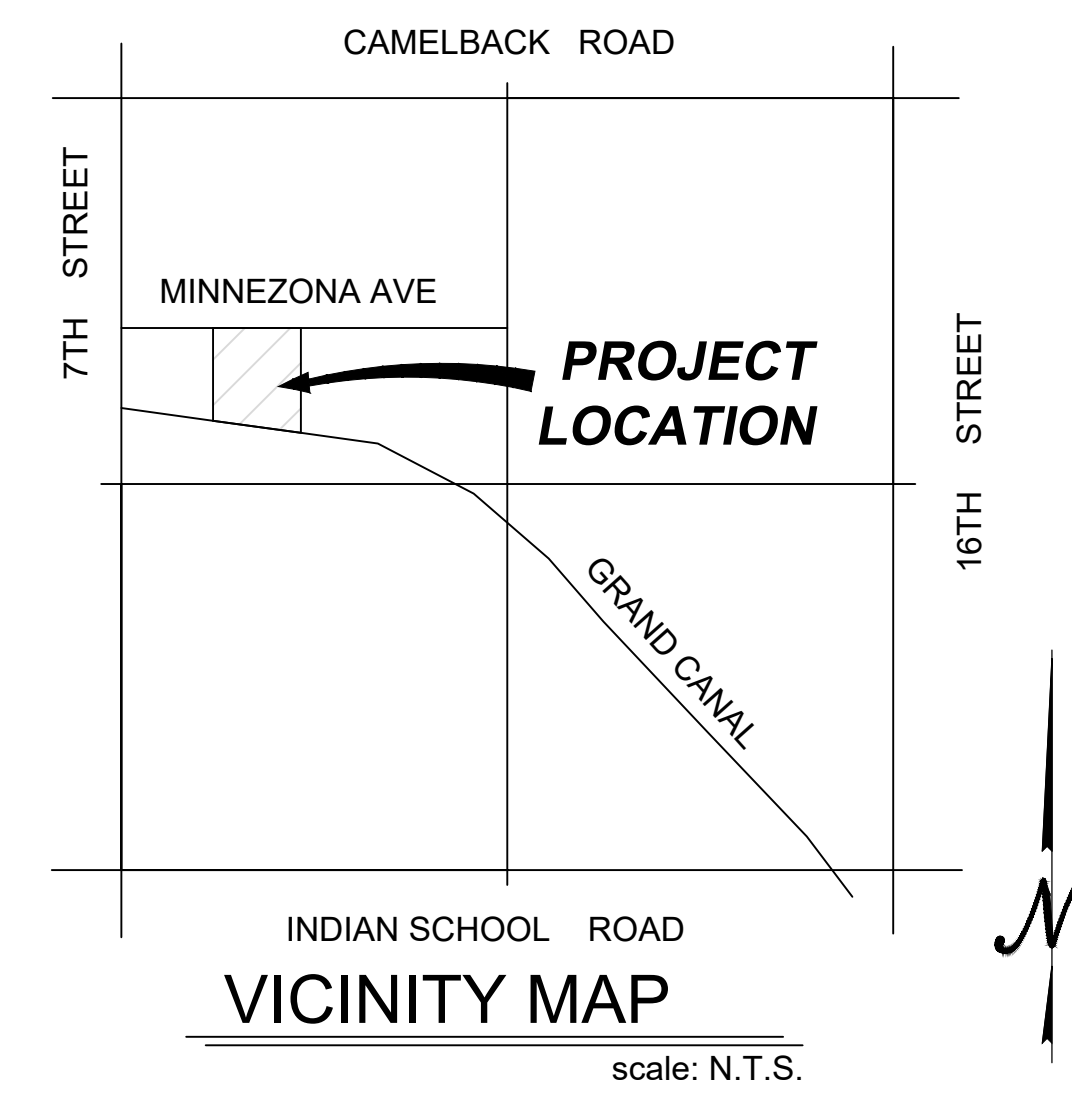
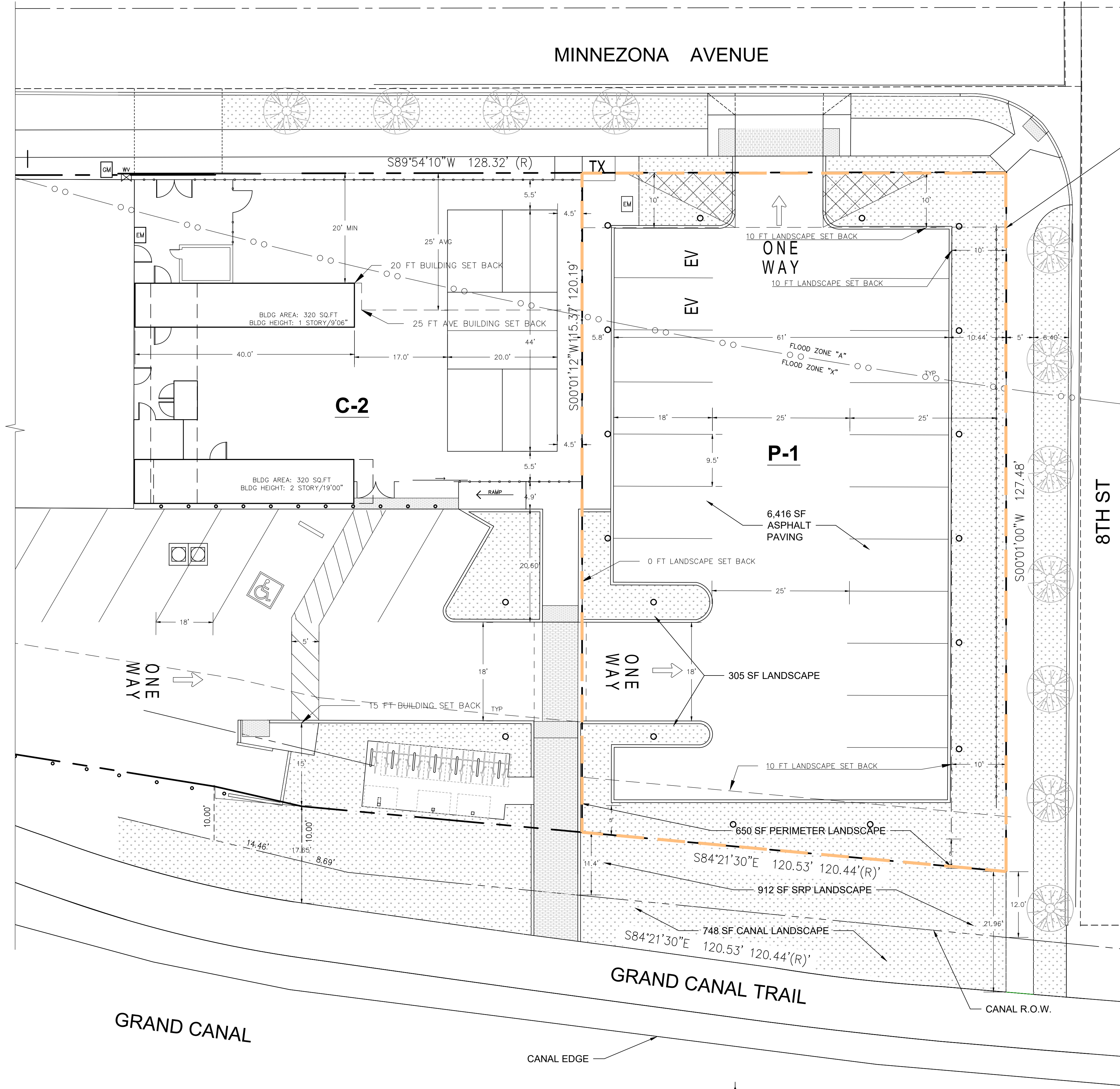


PHO-1-24--Z-22-23-4

Property Location: Southwest corner of 8th Street and Minnesota Avenue







**OWNER INFORMATION**

OWNER NAME: DHM TRADING LLC / MCKENZIE HOLDINGS LLC  
 CONTACT: RYAN MCKENZIE  
 OWNER ADDRESS: 5702 N 12TH STREET  
 PHOENIX, AZ. 85014  
 EMAIL: MCKENZIE.MIDTOWN@GMAIL.COM  
 PHONE: 808-439-1520

**SITE ANALYSIS**

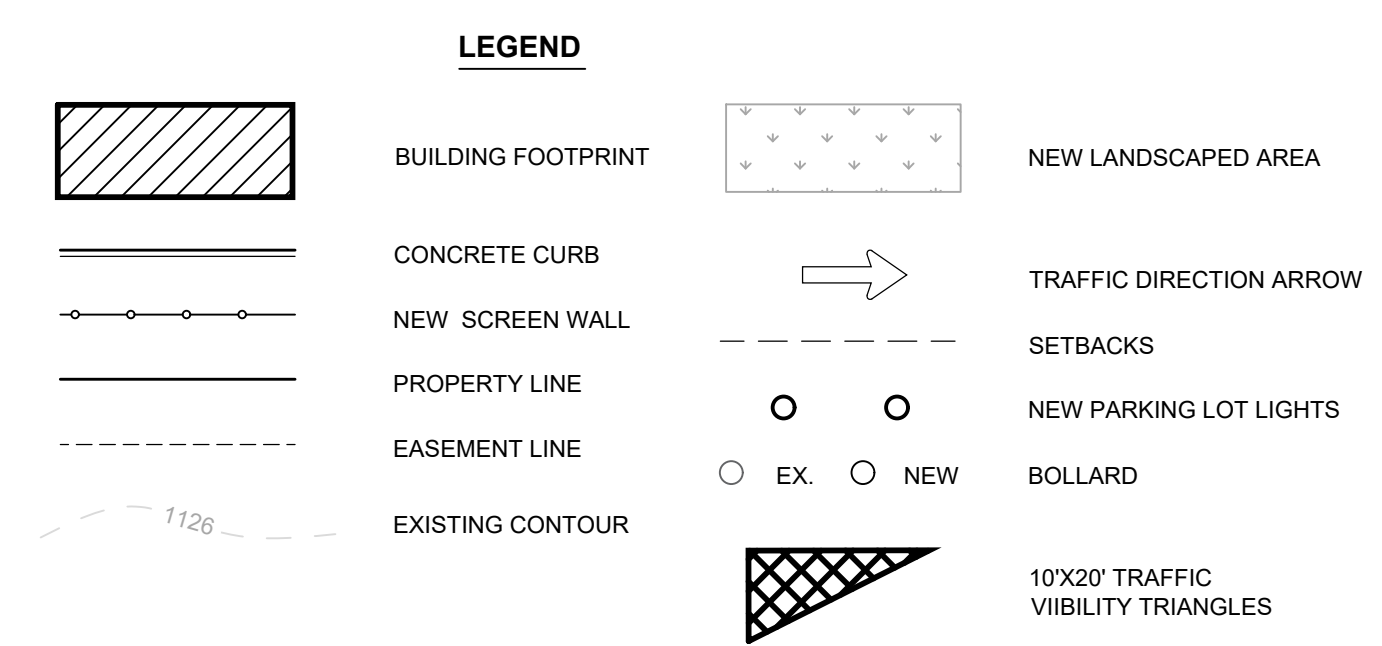
PROPERTY ADDRESS: 711 E. MINNEZONA AVE. & 4531 N 7TH AVE.  
 PHOENIX, AZ.  
 APN: 155-20-044A, 155-20-042  
 ZONING: 155-20-042: C-2, 155-20-044A: P-1, C-2  
 CURRENT LOT AREA: 155-20-042: 155-20-044A: 0.36 AC.  
 BLDG AREA RATIO: 2.6%

SETBACKS (C-2)  
 STREET SIDE: 25' AVG, 20' MIN  
 CANAL ROW: 20' AVG, 15' MIN  
 LANDSCAPE: 20' AVG, 15' MIN

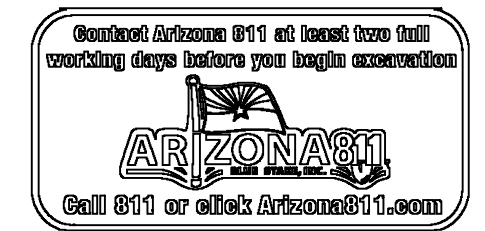
SETBACKS (P-1)  
 FRONT / REAR: 30' / 0' (REAR 10' AVG)  
 SIDE STREET / YARD: 10' / 0'

HEIGHT REQUIREMENTS: 30' MAX

REZONING CASE NUMBER: STAFF REPORT Z-22-23-4 (APPROVED)  
 ORDINANCE #: G-7168



(A) ENLARGED SITE PLAN  
 SCALE: 1"=10'



**ENLARGED SITE PLAN**

**OWENS DESIGN CONSULTANTS**  
 145 N. 2ND AVENUE, SUITE 5  
 OAKDALE, CA 95361  
 (209) 522-8031 - fax: (209) 522-4738 - www.odcengr.com



EXP. 03/31/2024

NEW  
 RECREATION AND  
 PARKING AREA  
 FOR:  
 RYAN  
 MCKENZIE  
 711 E MINNEZONA  
 AVE  
 PHOENIX, AZ

MCKENZIE.MIDTOWN@GMAIL.COM  
 (808) 439-1520

Revisions:	Date
1	
2	
3	
4	
5	
6	
7	
8	
9	

Title:  
**ENLARGED SITE PLAN**

Drawn By: TJOI  
 Checked By: TJO  
 Scale: AS NOTED  
 Job No. 2022031  
 Date: March 15, 2024  
 CAD File Name:  
 2022031 MACKENZIES  
 PRELIMINARY SITEPLAN.dwg  
 Sheet No.

**A**



## **REZONING**

11. **Application #:** **Z-22-23-4**  
**From:** R-3  
**To:** C-2 and P-1  
**Acreage:** 0.68  
**Location:** Southwest corner of 8th Street and Minnezona Avenue  
**Proposal:** Parking lot and outdoor recreation patio to service restaurant/bar.  
**Applicant:** Owens Design Consultants  
**Owner:** Rosemary McKenzie, DHM Trading, LLC  
**Representative:** Thomas Owens

Ms. Racelle Escolar stated that Item No. 11 is Z-22-23-4 a request to rezone 0.68-acres at the southwest corner of 8th Street and Minnezona Avenue from R-3 (Multifamily Residence District) to C-2 (Intermediate Commercial District) and P-1 (Parking District) to allow a parking lot and outdoor recreation patio to service restaurant/bar.

The Camelback East Village Planning Committee recommended approval, per the staff recommendation by a 12 to 0 vote.

Staff recommends approval, per the Camelback East Village Planning Committee recommendation.

Chairman Howard stated that no one wished to speak on this item. He entertained a motion.

**Vice-Chairman Gaynor made a motion to approve Z-22-23-4, per the Camelback East Village Planning Committee recommendation.**

**Commissioner Busching SECONDED.**

There being no further discussion, Chairman Howard called for a vote and the MOTION Passed 6-0 (Absent: Mangum, Perez, Simon).

### 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, 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.
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.
17. 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.
18. 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.

**CAMELBACK EAST VILLAGE PLANNING COMMITTEE  
MEETING MINUTES**

Tuesday, August 1, 2023  
Devonshire Community Center  
2802 East Devonshire Avenue

**MEMBERS PRESENT**

Jay Swart, Chair  
William Fischbach, Vice Chair  
Greg Abbott  
Dawn Augusta  
John Baumer  
Jerryd Bayless  
Christina Eichelkraut  
George Garcia  
Vic Grace  
Adiba Jurayeva  
Lee Miller  
Dan Rush

**MEMBERS ABSENT**

Rhonda Beckerleg Thraen  
John Czerwinski  
Kitty Langmade  
Tom O'Malley  
Barry Paceley  
Sharon Schmieder  
Danny Scharaby  
Jack Wilenchik

**STAFF PRESENT**

John Roanhorse

1. Call to order, introductions and announcements by Chair.

**Chair Jay Swart** called the meeting to order at 6:05 p.m. with a quorum of 12 members present (11 required for a quorum).

**Chair Swart** stated that Committee Member Ashley Nye has resigned from the Camelback East Village Planning Committee and acknowledged and thanked her for her dedicated service to the community.

2. Review and approval of the July 11, 2023 meeting minutes.

**MOTION:**

**Committee member Greg Abbott** motioned to approve the July 11, 2023 meeting minutes. **Committee member George Garcia** seconded the motion.

**VOTE:**

**12-0;** motion to approve the July 11, 2023 meeting minutes passed with Committee members Abbott, Augusta, Baumer, Bayless, Eichelkraut, Garcia, Grace, Jurayeva, Miller, Rush, Fischbach and Swart in favor.

3. **Z-22-23-4:** Presentation, discussion, and possible recommendation regarding a request to rezone 0.68 acres located at the southwest corner of 8th Street and

Minnezona Avenue from R-3 (Multifamily Residence District) to C-2 (Intermediate Commercial) (0.27 acres) and P-1 (Passenger Automobile Parking, Limited) (0.41 acres) to allow an outdoor recreation patio and parking lot.

*1 member of the public registered to speak on this item in support.  
6 members of the public registered in support, not wishing to speak.  
1 member of the public registered in opposition, not wishing to speak.*

#### STAFF PRESENTATION:

**John Roanhorse**, staff, provided an overview of the rezoning request, describing the location, general plan designation, existing and proposed zoning district, and the surrounding uses. Mr. Roanhorse discussed project staff report analysis, findings and stipulations.

#### APPLICANT PRESENTATION:

**Patrick Paul** representing the applicant with Snell & Wilmer, LLP introduced himself and acknowledged his experience in working on various development projects. Mr. Paul discussed the existing pub and restaurant and noted the McKenzie family's ownership and efforts to expand the business. Mr. Paul noted that there have been no violations or adverse activities since the McKenzie family bought the property in 2018. Mr. Paul explained the intent of the expansion is to accommodate an outdoor recreation area and parking lot by combining the site into one property. Mr. Paul discussed the existing site, the adjacent areas and described design measures that will reduce sound, lighting and connectivity the to the Grand Canal. Mr. Paul stated the expansion will include an 8-foot screen wall, shade coverage, sidewalks, bicycle parking and the recreational area. Mr. Paul discussed security lighting, onsite traffic flow and security staff for the proposed development. Mr. Paul stated the applicant conducted two public meetings and received support from the neighborhood. Mr. Paul state the McKenzie family have been good neighbors and they expect that to continue the proposed expansion. Mr. Paul displayed a video presentation to demonstrate how the proposal will appear with it is completed.

**Chair Swart** noted that the hours of operation in the presentation were different than what was stated in the presentation. **Mr. Paul** responded that the hours of operation are Monday through Thursday 3:00 pm to 12:00 am, Friday and Saturday 11:00 am to 1:00 am and Sunday 10:00 am to 12:00 am.

#### QUESTIONS FROM THE COMMITTEE:

**Committee Member Abbott** asked about automobile access in the parking lot and if it is in one direction. **Mr. Paul** responded that automobile movement will enter from

7th Street and proceed east to the parking lot located on the east side of the property. Mr. Abbott noted that it appears on the site plan there will be lanes for automobiles to move in two directions.

**Committee Member Augusta** asked about patrons and will the proposed development allow all ages or only patrons over 21 years old. **Mr. Paul** responded that the intent is to accommodate patrons 21 years old and over and possibly allow younger patrons on Sunday afternoons.

**Chair Swart** commented on the security measures that will be provided and asked the applicant to assure that security staff will be properly trained with the Title IV requirements in the operation of the business. **Mr. Paul** responded that the applicant will ensure that security staff will be Title IV trained and will be compliant with proper protocols.

PUBLIC COMMENTS:

**Robert Scimera** stated he owns three properties in neighborhood next to McKenzie's and supports the expansion and the vacant site is an eyesore and the business will bring in many of the neighbors and create a good atmosphere. Mr. Scimera stated he knows the owners and is supportive of the proposal.

APPLICANT RESPONSE:

None.

FLOOR/PUBLIC DISCUSSION CLOSED: COMMITTEE DISCUSSION AND VOTE:

MOTION:

**Committee Member Greg Abbott** motioned to recommend approval of Z-22-23-4 per the staff recommendation.

**Committee Member Adiba Jurayeva** seconded the motion.

VOTE:

**12-0**; motion to recommend approval of Z-22-23-4 per the staff recommendation passes with Committee members Abbott, Augusta, Baumer, Bayless, Eichelkraut, Garcia, Grace, Jurayeva, Miller, Rush, Vice Chair Fischbach and Chair Swart in favor.

4. Public comments concerning items not on the agenda.

None.

5. Staff update on cases recently reviewed by the Committee.

None.

6. Committee member announcements, requests for information, follow up, or future agenda items.

None.

7. Adjournment. Meeting adjourned at 6:32 PM