



Agenda

City Council Formal Meeting

Wednesday, November 16, 2022

2:30 PM

phoenix.gov

*****REVISED Nov. 15, 2022*****

Items Revised: 1, 27-29; Item Added: 109

OPTIONS TO ACCESS THIS MEETING

Virtual Request to speak at a meeting:

- **Register online** by visiting the *City Council Meetings* page on phoenix.gov at least 2 hours prior to the start of this meeting. Then, click on this link at the time of the meeting and join the Webex to speak: <https://phoenixcitycouncil.webex.com/phoenixcitycouncil/onstage/g.php?MTID=ecf87e63e1d655091c795fc900ccec883>

- **Register via telephone** at 602-262-6001 at least 2 hours prior to the start of this meeting, noting the item number. Then, use the Call-in phone number and Meeting ID listed below at the time of the meeting to call-in and speak.

In-Person Requests to speak at a meeting:

- Register in person at a kiosk located at the City Council Chambers, 200 W. Jefferson St., Phoenix, Arizona, 85003. Arrive 1 hour prior to the start of this meeting. Depending on seating availability, residents will attend and speak from the Upper Chambers, Lower Chambers or City Hall location.

- Individuals should arrive early, 1 hour prior to the start of the meeting to submit an in-person request to speak before the item is called. After the item is called, requests to speak for that item will not be accepted.

At the time of the meeting:

- **Watch** the meeting live streamed on phoenix.gov or Phoenix Channel 11 on Cox Cable, or using the Webex link provided above.

- **Call-in** to listen to the meeting. Dial 602-666-0783 and Enter Meeting ID 2556 638 3688# (for English) or 2554 471 8482# (for Spanish). Press # again when prompted for attendee ID.

- **Watch** the meeting in-person from the Upper Chambers, Lower Chambers or City Hall depending on seating availability.

Para nuestros residentes de habla hispana:

- **Para registrarse para hablar en español**, llame al 602-262-6001 **al menos 2 horas antes del inicio de esta reunión** e indique el número del tema. El día de la reunión, llame al 602-666-0783 e ingrese el número de identificación de la reunión 2554 471 8482#. El intérprete le indicará cuando sea su turno de hablar.

- **Para solamente escuchar la reunión en español**, llame a este mismo número el día de la reunión (602-666-0783; ingrese el número de identificación de la reunión 2554 471 8482#). Se proporciona interpretación simultánea para nuestros residentes durante todas las reuniones.

- **Para asistir a la reunión en persona**, vaya a las Cámaras del Concejo Municipal de Phoenix ubicadas en 200 W. Jefferson Street, Phoenix, AZ 85003. Llegue 1 hora antes del comienzo de la reunión. Si desea hablar, regístrese electrónicamente en uno de los quioscos, antes de que comience el tema. Una vez que se comience a discutir el tema, no se aceptarán nuevas solicitudes para hablar. Dependiendo de cuantos asientos haya disponibles, usted podría ser sentado en la parte superior de las cámaras, en el piso de abajo de las cámaras, o en el edificio municipal.

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REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS**000 CITIZEN COMMENTS****ADJOURN**

City Council Formal Meeting



City of Phoenix

Report

Agenda Date: 11/16/2022, Item No. *1

*****ITEM REVISED (SEE ATTACHED MEMO)*** Mayor and Council Appointments to Boards and Commissions**

Summary

This item transmits recommendations from the Mayor and Council for appointment or reappointment to City Boards and Commissions.

Responsible Department

This item is submitted by the Mayor's Office.

ATTACHMENT A



City of Phoenix

To: City Council
From: Mayor Kate Gallego

Date: November 16, 2022

Subject: REVISED* FOR CORRECTION BOARDS AND COMMISSIONS – APPOINTEES

The purpose of this memo is to provide recommendations for appointments to the following Boards and Commissions:

Environmental Quality and Sustainability Commission

I recommend the following for appointment:

Anna Bettis

Ms. Bettis is the Healthy Cities Program Manager at The Nature Conservancy and a resident of District 8. She replaces Nicole LaSlavic and will fulfill her term to expire August 31, 2023.

Development Advisory Board

I recommend the following for appointment:

Nathan Sonoskey

Mr. Sonoskey is the Development Manager at Blue Lantern Development and a resident of District 6. He fills a Design Professional vacancy for a term to expire November 16, 2025.

***Industrial Development Authority**

I recommend the following for appointment:

Jack Dover

Mr. Dover is a former Congressional Chief of Staff. He replaces Breann Adleman and will fulfill her term to expire May 1, 2027.

I recommend the following for reappointment:

Darcy Renfro

Ms. Renfro is serving her first full term to expire May 1, 2027.

Judicial Selection Advisory Board

I recommend the following for reappointment:

David Weinzweig

Judge Weinzweig will serve his second term to expire November 19, 2025.

Maryvale Village Planning Committee

Councilwoman Betty Guardado recommends the following for appointment:

Jennifer Fostino

Ms. Fostino is a Planner at the City of Buckeye and a resident of District 5. She fills a vacancy for a term to expire November 19, 2023.

Phoenix Residential Investment Development Effort

I recommend the following for appointment:

Michael Axelrod

Mr. Axelrod is the Chief Executive Officer at GPG Strategies and a resident of District 2. He fills a vacancy for a term to expire November 1, 2025.

Phoenix Women's Commission

I recommend the following for appointment:

Lisa Doromal

Ms. Doromal is the founder of Dress for Success Phoenix. She fills a vacancy for a term to expire November 16, 2025.



Liquor License - Twin Peaks

Request for a liquor license. Arizona State License Application 207079.

Summary

Applicant

Andrea Lewkowitz, Agent

License Type

Series 12 - Restaurant

Location

3063 W. Agua Fria Fwy.

Zoning Classification: C-2

Council District: 1

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit.

The 60-day limit for processing this application is Nov. 18, 2022.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations

on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Twin Peaks (Series 12)
2135 E. Camelback Road, Phoenix
Calls for police service: 4
Liquor license violations: None

Twin Peaks (Series 12)
6922 N. 95th Ave., Glendale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Twin Peaks (Series 12)
8787 E. Frank Lloyd Wright Blvd., Scottsdale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Twin Peaks (Series 12)
2050 E. Rio Salado Pkwy., Tempe
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
"Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"Twin Peaks has several locations in 26 states, and is opening its 5th location in Arizona. The restaurant features house-made comfort food in casual lodge setting."

Applicant would like to offer guests 21 and over alcoholic beverages in addition to the food they enjoy the food.”

Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Attachments

Liquor License Data - Twin Peaks

Liquor License Map - Twin Peaks

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: TWIN PEAKS

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	3	1
Liquor Store	9	1	0
Beer and Wine Store	10	3	3
Restaurant	12	7	6

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	55.88	86.86	127.70
Violent Crimes	10.65	11.67	18.04

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

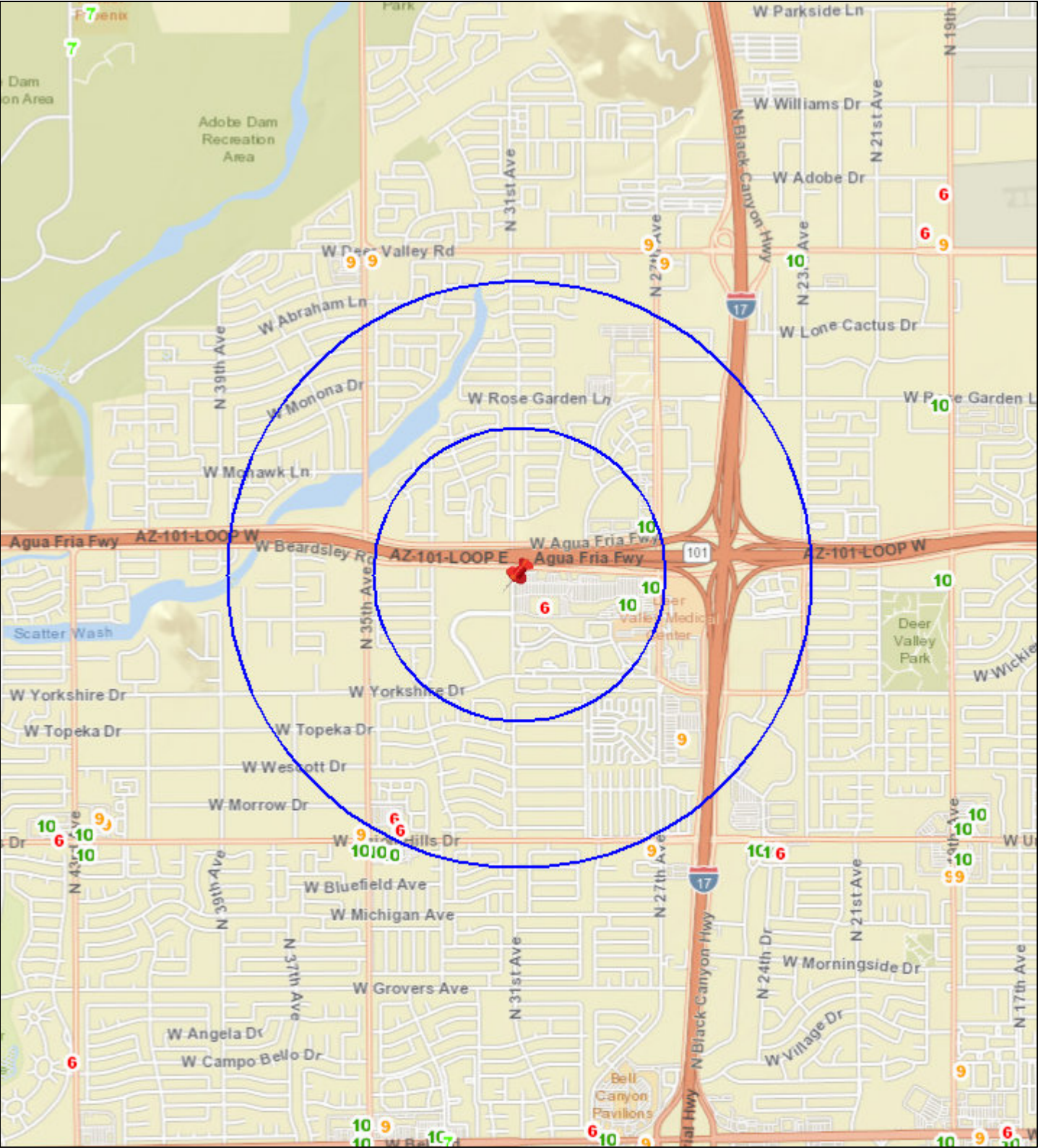
Description	Average	1/2 Mile Average
Parcels w/Violations	50	45
Total Violations	89	82

Census 2010 Data 1/2 Mile Radius

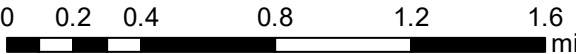
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
6146001	940	88 %	0 %	9 %
6146003	1301	56 %	0 %	0 %
6146004	840	3 %	7 %	16 %
6146005	1209	50 %	9 %	3 %
6146006	953	0 %	29 %	0 %
6164001	1022	80 %	28 %	4 %
6164003	2380	0 %	5 %	9 %
6164004	1106	100 %	0 %	0 %
6164005	576	73 %	38 %	9 %
Average		61 %	13 %	19 %

Liquor License Map: TWIN PEAKS

3063 W AGUA FRIA FWY



Date: 10/26/2022





Liquor License - Angel Thai Bistro

Request for a liquor license. Arizona State License Application 209344.

Summary

Applicant

Jerry Hester II, Agent

License Type

Series 12 - Restaurant

Location

4010 E. Greenway Road, Ste. 2

Zoning Classification: C-2

Council District: 2

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow outdoor dining and outdoor alcohol consumption.

The 60-day limit for processing this application is Nov. 26, 2022.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
"I own the restaurant with my wife who has prior restaurant experience in a restaurant with a liquor license. I am a retired Phoenix Police sergeant. I have experience in handling alcohol related incidents and knowledge of A.R.S. title 4. I recently completed a basic and management title 4 class. I now hold certifications in both."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"My wife and I considered not getting a license. However, customers request beer and wine from time to time. We only want to make our customer happy. We will only offer a small selection of beer and wine. We will operate a safe location which will generate tax revenue which the city can use to improve or create community services. We are a new business, but look forward to donating some profits in the future to a vetted charity."

Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Attachments

Liquor License Data - Angel Thai Bistro

Liquor License Map - Angel Thai Bistro

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: ANGEL THAI BISTRO

Liquor License

Description	Series	1 Mile	1/2 Mile
Liquor Store	9	5	0
Beer and Wine Store	10	6	2
Restaurant	12	6	1

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	55.33	16	2.22
Violent Crimes	10.50	2.52	0.63

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within ½ mile radius

Property Violation Data

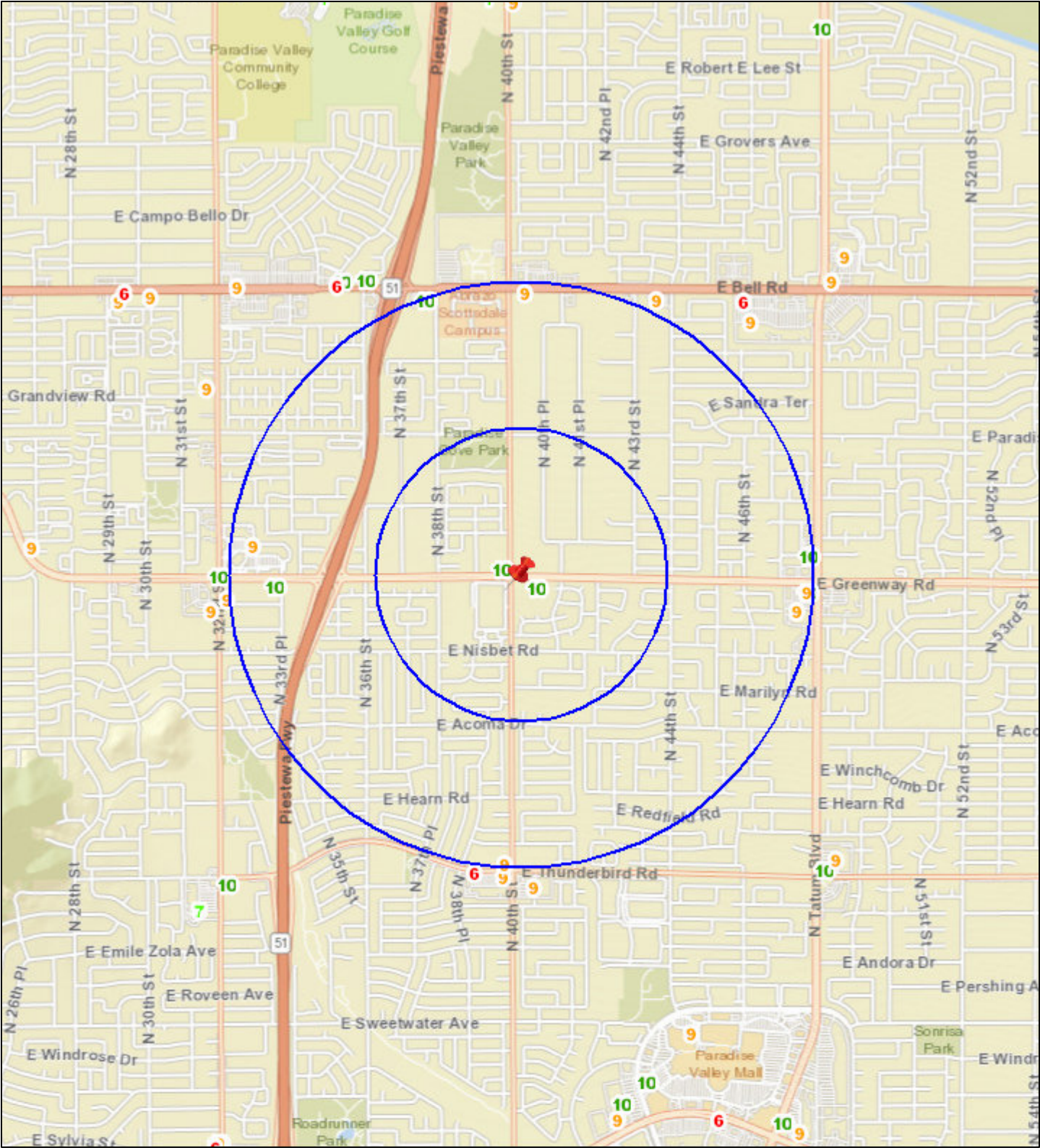
Description	Average	1/2 Mile Average
Parcels w/Violations	50	43
Total Violations	88	61

Census 2010 Data 1/2 Mile Radius

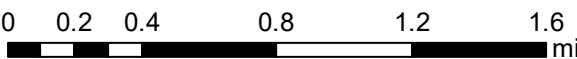
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1032111	1273	95 %	6 %	9 %
1032151	1421	86 %	0 %	2 %
1032152	1418	91 %	18 %	4 %
1033021	1993	86 %	0 %	41 %
1033022	2862	83 %	0 %	4 %
1033024	699	23 %	27 %	24 %
1033031	1578	87 %	10 %	14 %
Average		61 %	13 %	19 %

Liquor License Map: ANGEL THAI BISTRO

4010 E GREENWAY ROAD



Date: 9/29/2022





Liquor License - DashMart

Request for a liquor license. Arizona State License Application 210649.

Summary

Applicant

Andrea Lewkowitz, Agent

License Type

Series 10 - Beer and Wine Store

Location

20330 N. Cave Creek Road, Ste. A100

Zoning Classification: C-2

Council District: 2

This request is for a new liquor license for a convenience store that does not sell gas. This location was not previously licensed for liquor sales and does not have an interim permit. This business has plans to open in December 2022.

The 60-day limit for processing this application is Nov. 29, 2022.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the

State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

DashMart (Series 10)

14131 N. Rio Vista Blvd., Ste. 3, Peoria

Calls for police service: N/A - not in Phoenix

Liquor license violations: None

DashMart (Series 10)

2330 W. Bethany Home Road, Ste. 110, Phoenix

Calls for police service: 62

Liquor license violations: None

DashMart (Series 9)

2414 W. 14th St., Ste. 2414A, Tempe

Calls for police service: N/A - not in Phoenix

Liquor license violations: None

DashMart (Series 10)

3512 E. Southern Ave., Mesa

Calls for police service: N/A - not in Phoenix

Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:

“Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

“Applicant offers direct delivery of snacks, drinks, personal essentials and a variety of

convenience items, and would like to offer customers 21 and over the opportunity to purchase beer and wine.”

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - DashMart

Liquor License Map - DashMart

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: DASHMART

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	1	1
Liquor Store	9	2	1
Beer and Wine Store	10	7	6
Restaurant	12	5	3
Club	14	1	1

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	55.33	9.20	5.83
Violent Crimes	10.50	0.79	0.84

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

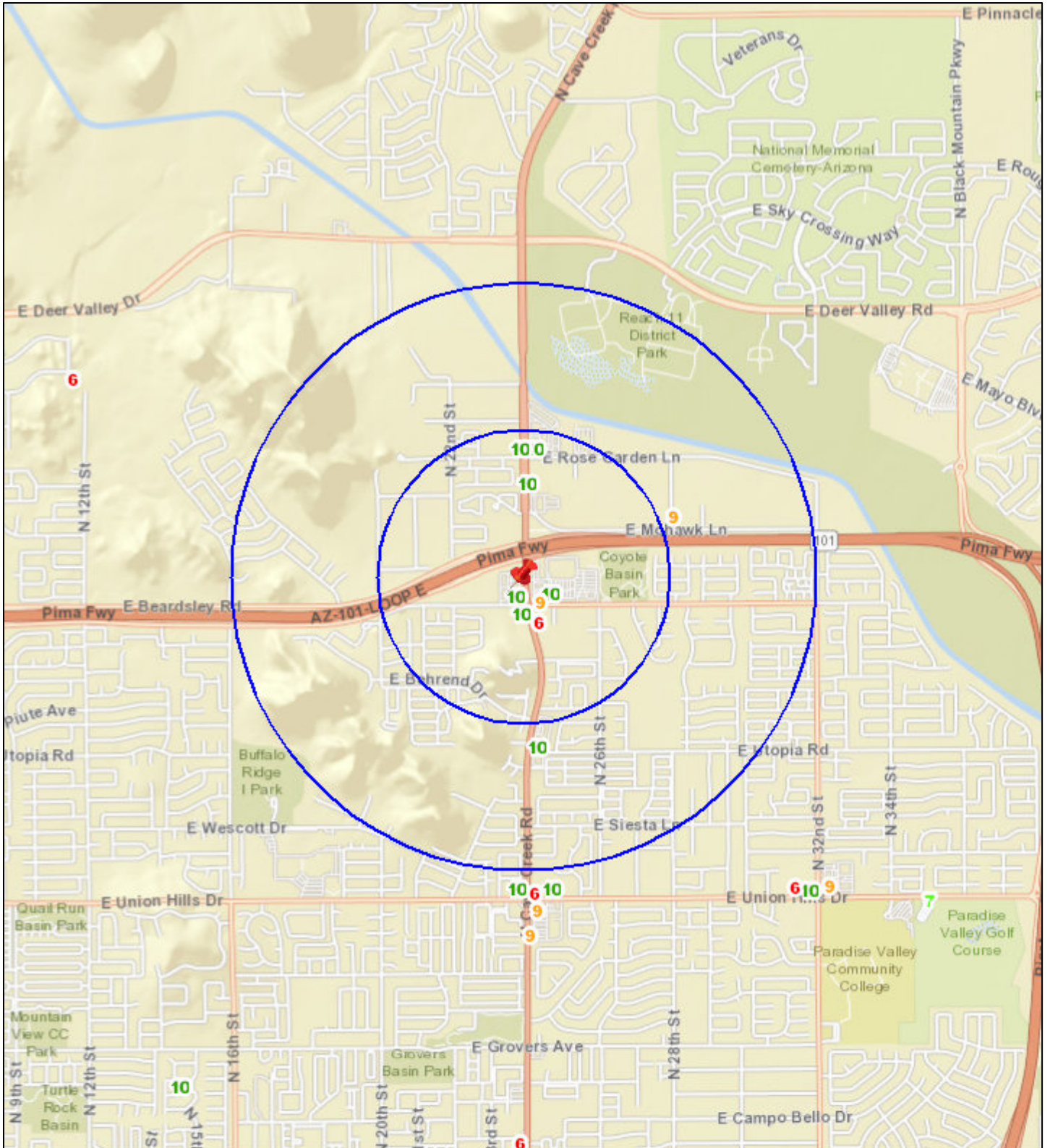
Description	Average	1/2 Mile Average
Parcels w/Violations	50	59
Total Violations	88	104

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
6149002	1372	88 %	0 %	1 %
6169001	1123	80 %	10 %	5 %
6169003	1399	22 %	11 %	4 %
6170003	1050	72 %	0 %	35 %
6170004	1193	51 %	22 %	15 %
Average		61 %	13 %	19 %

Liquor License Map: DASHMART

20330 N CAVE CREEK RD



Date: 10/5/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department



Liquor License - Hookah Cash N Carry

Request for a liquor license. Arizona State License Application 210377.

Summary

Applicant

Lubna Dawood, Agent

License Type

Series 10 - Beer and Wine Store

Location

1926 W. Cactus Road

Zoning Classification: C-2

Council District: 3

This request is for a new liquor license for a convenience store that does not sell gas. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow package liquor sales.

The 60-day limit for processing this application is Dec. 5, 2022.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of

Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
"I have over 5 years of experience in the retail and customer service business and for the past year I've worked 2 jobs to support my family and grow my new business. I'm very hard working and strive for success in all my endeavors. While working 2 jobs I'm also a full time mom of 4 children. I'm very reliable as I stay on top of all my bills to pay ahead of the date as well as continually managing our store inventory and paying all required sales taxes prior to the due date. At Walmart I'm the stock room supervisor and lead teams to be success"

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Issuing the liquor license will allow our business to offer a small to moderate selection of beers and wines. This offering will be a convenience to our current and future customers. This will reduce the number of trips made to multiple stores to complete their shopping. As we operate our business day to day. We are committed to engage with our customers and also be ethically and environmentally good custodians. We will ensure age verification of all customers purchasing beer or wine from our business."

Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Attachments

Liquor License Data - Hookah Cash N Carry
Liquor License Map - Hookah Cash N Carry

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: HOOKAH CASH N CARRY

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	1	1
Liquor Store	9	6	3
Beer and Wine Store	10	3	1
Restaurant	12	1	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	55.88	88.03	109.66
Violent Crimes	10.65	19.50	26.96

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

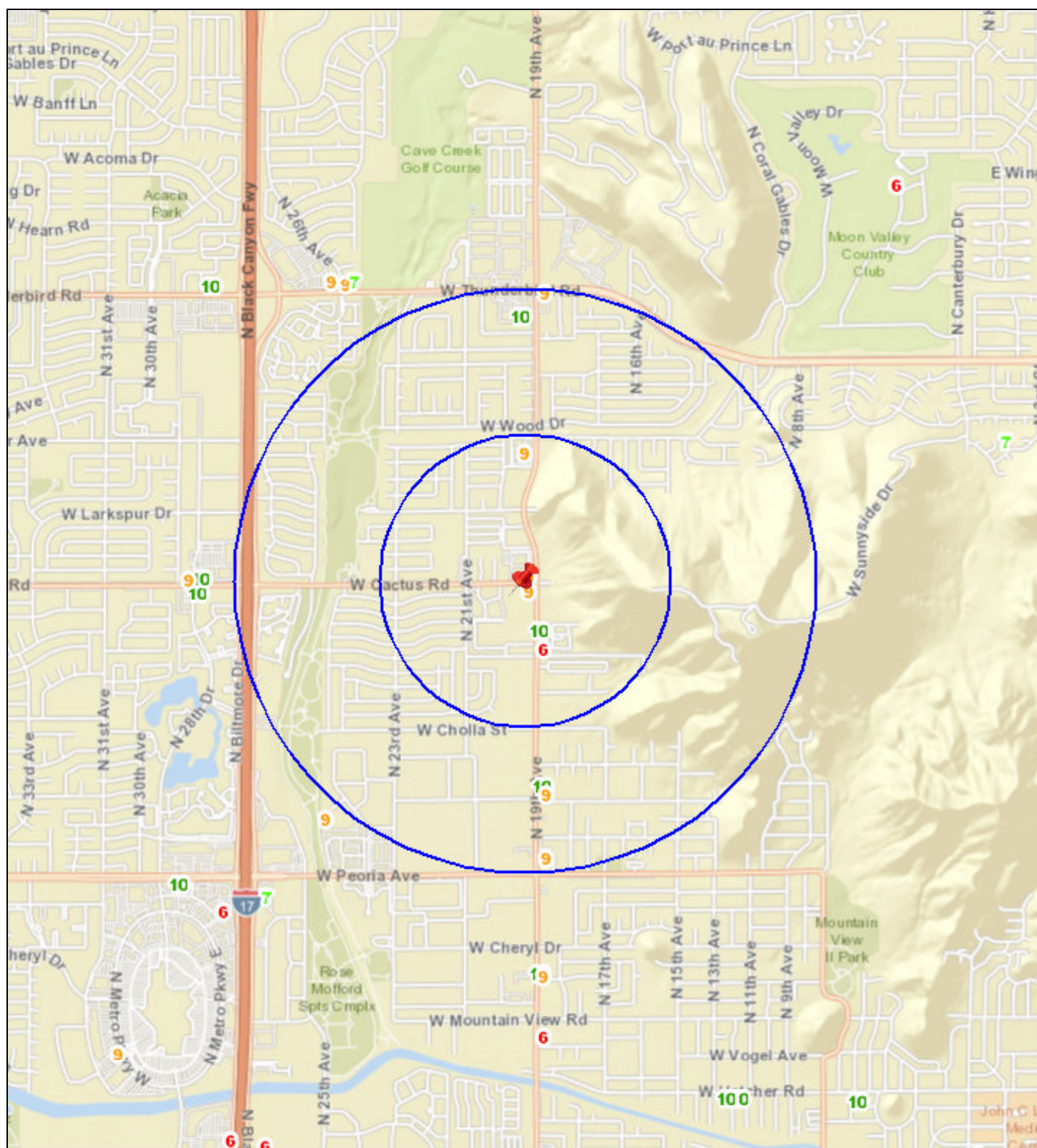
Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	50	103
Total Violations	88	198

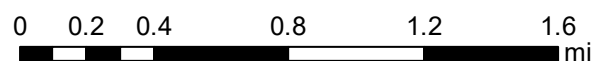
Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1036141	2505	91 %	10 %	4 %
1036151	906	52 %	16 %	12 %
1036152	1546	25 %	22 %	32 %
1039001	1271	83 %	16 %	20 %
1039002	1483	36 %	13 %	10 %
1039003	1903	43 %	0 %	22 %
1044011	2363	68 %	12 %	12 %
1044013	684	2 %	17 %	22 %
Average		61 %	13 %	19 %

1926 W CACTUS RD



Date: 10/11/2022



City Clerk Department



Liquor License - Imperial Market and Liquor

Request for a liquor license. Arizona State License Application 09070641.

Summary

Applicant

Akram Jabaieh, Agent

License Type

Series 9 - Liquor Store

Location

9429 N. Cave Creek Road

Zoning Classification: C-3

Council District: 3

This request is for an ownership transfer of a liquor license for a liquor store. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Dec. 3, 2022.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the

State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Amigo's Market (Series 10)
7536 W. Glendale Ave., Glendale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
"I hold a certificate for "The Basic and Management Liquor Law Training". This training provided me the opportunity of learning the importance and significance of obtaining a liquor license. I am assured to uphold the laws and regulations about liquor license. I have never been involved in any criminal activity, no record of getting in trouble with law and authorities."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This store will provide a safe and secure place for the neighborhood to buy liquor. The location will be convenient for the people in neighborhood who may not have access to transportation. Adding the long time experience of the owner with running a store while upholding all the laws and regulations, the store will be a safe, secure and convenience place for the customers to purchase quality liquor."

Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Attachments

Liquor License Data - Imperial Market and Liquor
Liquor License Map - Imperial Market and Liquor

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: IMPERIAL MARKET & LIQUOR

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	1	1
Bar	6	5	2
Beer and Wine Bar	7	2	1
Liquor Store	9	6	3
Beer and Wine Store	10	8	5
Restaurant	12	10	3
Club	14	1	1

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	55.88	116.48	212.10
Violent Crimes	10.65	26.72	55.52

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within ½ mile radius

Property Violation Data

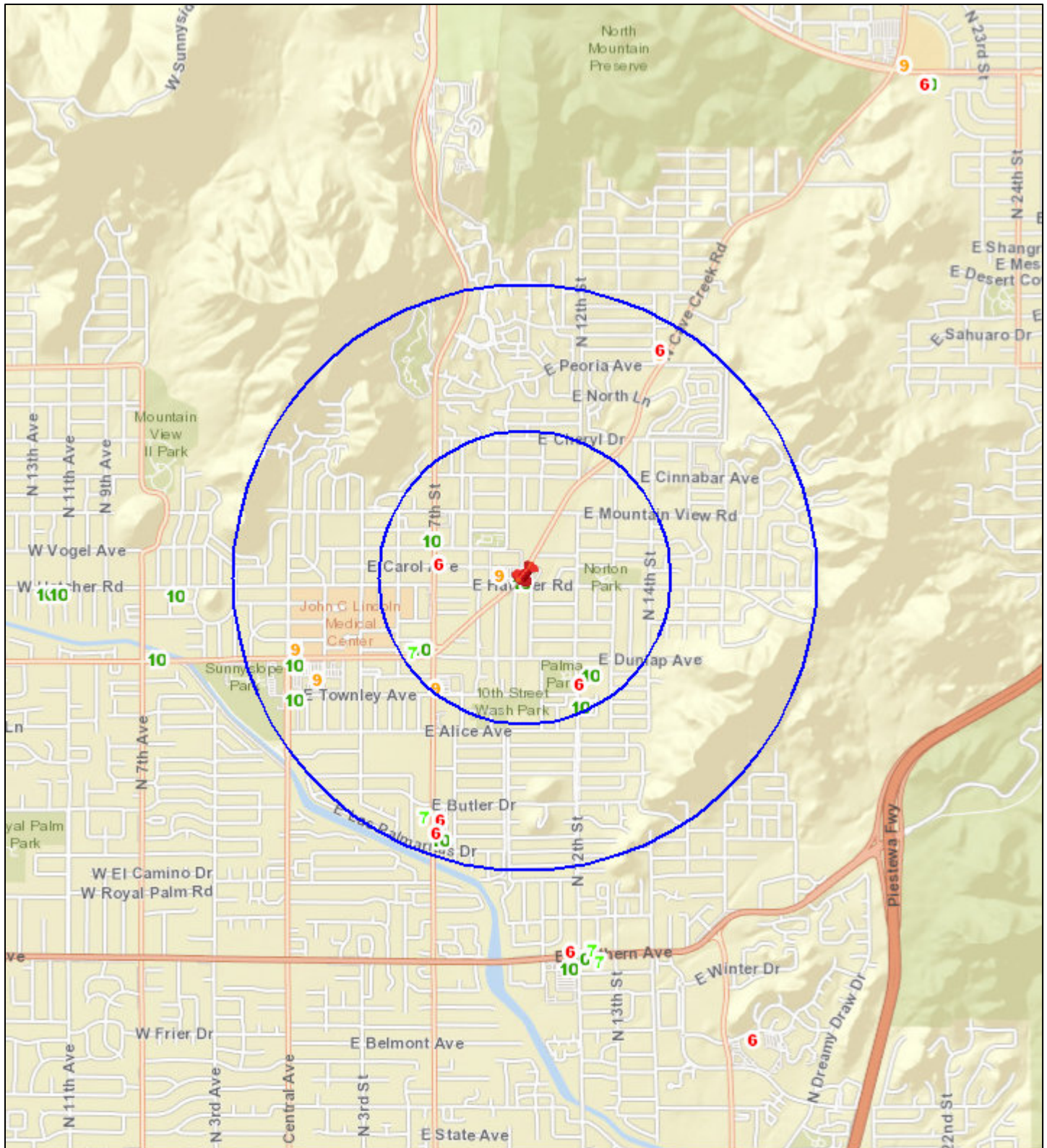
Description	Average	1/2 Mile Average
Parcels w/Violations	50	189
Total Violations	88	401

Census 2010 Data 1/2 Mile Radius

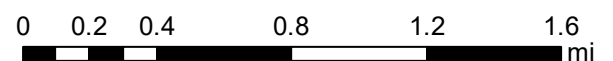
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1046001	1767	43 %	21 %	27 %
1046002	1676	20 %	20 %	39 %
1047011	1012	13 %	34 %	21 %
1047012	937	54 %	0 %	14 %
1047013	775	48 %	37 %	5 %
1047021	1289	13 %	20 %	32 %
1047022	1519	49 %	28 %	42 %
1047023	1024	60 %	3 %	1 %
1052003	1140	66 %	15 %	17 %
1052004	2577	44 %	5 %	15 %
1053002	1704	34 %	25 %	42 %
Average		61 %	13 %	19 %

Liquor License Map: IMPERIAL MARKET & LIQUOR

9429 N CAVE CREEK RD



Date: 10/7/2022



City Clerk Department



Agenda Date: 11/16/2022, **Item No.** 7

Liquor License - Nicks

Request for a liquor license. Arizona State License Application 12075930.

Summary

Applicant

Jason Brody, Agent

License Type

Series 12 - Restaurant

Location

10810 N. Tatum Blvd., Ste. 107

Zoning Classification: C-1

Council District: 3

This request is for an acquisition of control of an existing liquor license for a restaurant. This location is currently licensed for liquor sales. This location requires a Use Permit to allow outdoor alcohol consumption as an accessory to a restaurant.

The 60-day limit for processing this application is Nov. 29, 2022.

Pursuant to A.R.S. 4-203, consideration may be given only to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling,

grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
“The new applicant has worked for Nick for 18 years before purchasing the business. We will continue to abide by Title 4 laws. We have a great community support, customer service and provide quality food with great portions. We will continue to be an asset to the area.”

Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



Liquor License - Special Event - Assyrian Church of the East - St. Peter AZ

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

Summary

Applicant

Sargon Yaro

Location

1915 W. Thunderbird Road

Council District: 3

Function

Dinner/Dance

Date(s) - Time(s) / Expected Attendance

Dec. 31, 2022 - 8 p.m. to 2 a.m. / 400 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



Liquor License - Special Event - Assyrian Church of the East - St. Peter AZ

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

Summary

Applicant

Sargon Yaro

Location

1915 W. Thunderbird Road

Council District: 3

Function

Dinner/Dance

Date(s) - Time(s) / Expected Attendance

Dec. 25, 2022 - 8 p.m. to 2 a.m. / 300 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



Liquor License - Carniceria Rancho Alegre

Request for a liquor license. Arizona State License Application 212288.

Summary

Applicant

Adalberto Cornejo, Agent

License Type

Series 10 - Beer and Wine Store

Location

4340 W. McDowell Road, Ste. 1-3

Zoning Classification: C-1

Council District: 4

This request is for a new liquor license for a convenience market. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Dec. 5, 2022.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations

on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

El Rancho Alegre Meat Market (Series 10)
502 E. Cottonwood Lane, #1, Casa Grande
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
"I have a valid training and Certificate of Completion on Basic and Management Title 4 courses. I have another establishment in Casa Grande, AZ for many years and which is hold a Series 10 license store and have a history of compliance with A.R.S. 4-112 (G)(2)."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"There is a demand for the purchase of liquor products at this location. It is a retail meat market store conveniently located for customers on a major intersection. A meat market and grocery store selling alcohol that has been established for many years at this place, serving residents that many times walk to the store to get the items they need or simply wants to save time and do their purchases faster, in a small store."

Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Attachments

Liquor License Data - Carniceria Rancho Alegre
Liquor License Map - Carniceria Rancho Alegre

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: CARNICERIA RANCHO ALEGRE

Liquor License

Description	Series	1 Mile	1/2 Mile
Wholesaler	4	13	0
Bar	6	2	0
Beer and Wine Bar	7	3	1
Liquor Store	9	8	3
Beer and Wine Store	10	11	4
Hotel	11	1	0
Restaurant	12	5	2
Club	14	1	1

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	55.88	179.08	271.76
Violent Crimes	10.65	47.63	57.85

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

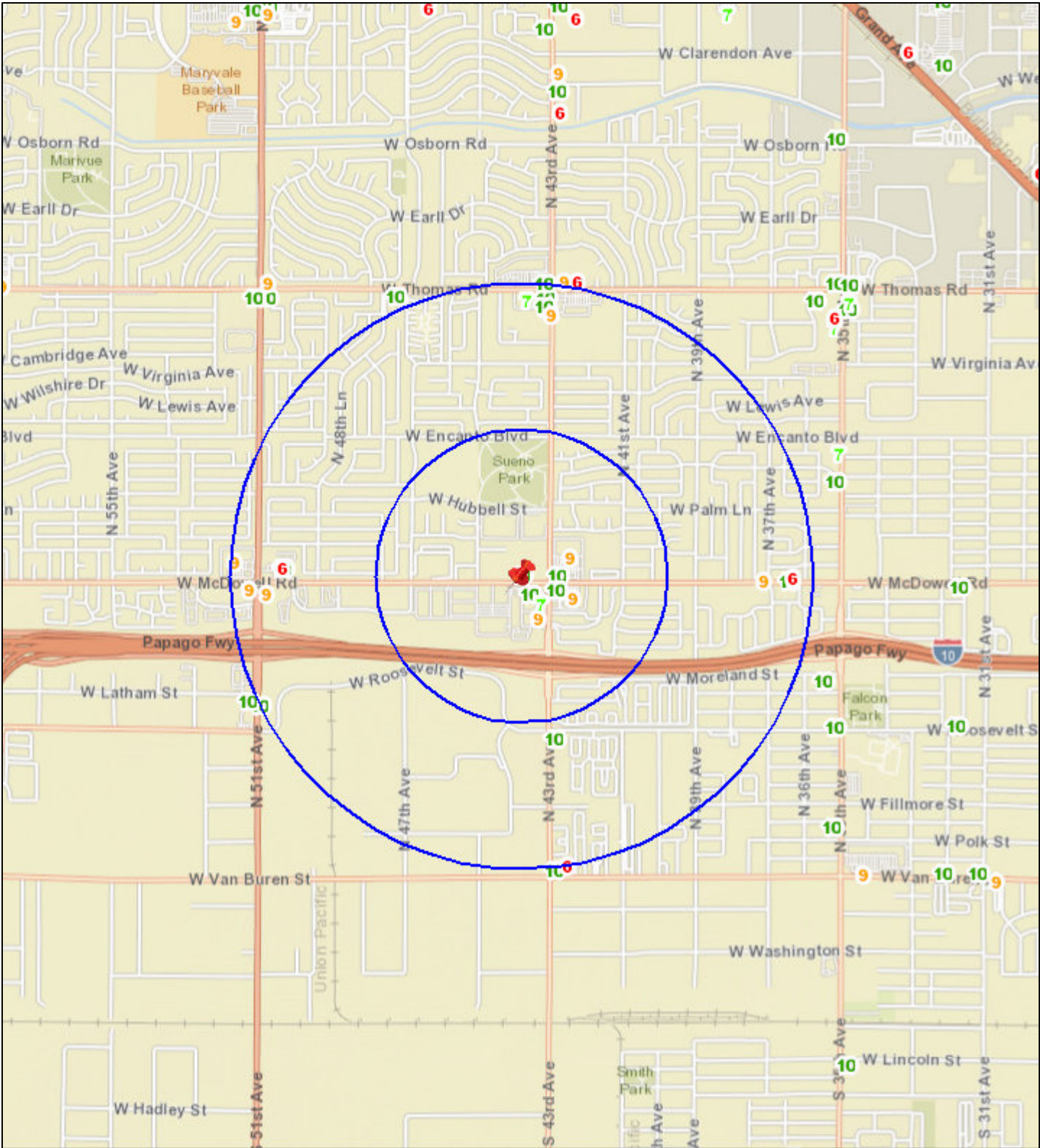
Description	Average	1/2 Mile Average
Parcels w/Violations	50	75
Total Violations	87	128

Census 2010 Data 1/2 Mile Radius

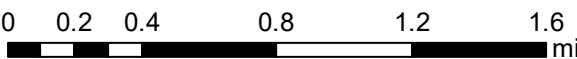
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1122021	1490	26 %	16 %	53 %
1122022	1392	55 %	15 %	14 %
1122023	1804	32 %	11 %	32 %
1123011	2466	11 %	19 %	42 %
1123012	2098	68 %	7 %	47 %
1123013	1748	71 %	0 %	13 %
1123025	1699	66 %	7 %	12 %
1125071	760	40 %	40 %	36 %
1125121	1518	14 %	36 %	22 %
1126011	1000	2 %	22 %	56 %
1126012	1987	42 %	16 %	47 %
1126023	1658	88 %	0 %	64 %
Average		61 %	13 %	19 %

Liquor License Map: CARNICERIA RANCHO ALEGRE

4340 W MCDOWELL ROAD



Date: 10/10/2022





Liquor License - Los Amigos Market

Request for a liquor license. Arizona State License Application 09070597.

Summary

Applicant

Jared Repinski, Agent

License Type

Series 9 - Liquor Store

Location

4141 N. 35th Ave., Ste. 14

Zoning Classification: C-2

Council District: 4

This request is for an acquisition of control of an existing liquor license for a liquor store. This location is currently licensed for liquor sales.

The 60-day limit for processing this application is Nov. 21, 2022.

Pursuant to A.R.S. 4-203, consideration should be given only to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
"I have been representing liquor licensed establishments in Arizona for over 15 years."

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



Agenda Date: 11/16/2022, Item No. 12

Liquor License - Lucky's Liquor

Request for a liquor license. Arizona State License Application 09070100 and 09070100S.

Summary

Applicant

Jared Repinski, Agent

License Type

Series 9 and 9S - Liquor Store with Sampling Privileges

Location

2328 N. 16th St.

Zoning Classification: C-2 CNSPD

Council District: 4

This request is for an ownership transfer of a liquor license for a liquor store. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Dec. 6, 2022.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Smokey Booze (Series 9)

5270 N. 59th Ave., #7 and #8, Glendale

Calls for police service: N/A - not in Phoenix

Liquor license violations: None

Mikes Market (Series 9)

8520 W. Peoria Ave., Peoria

Calls for police service: N/A - not in Phoenix

Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:

"I have been representing liquor licensed establishments in Arizona for over 15 years."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"Tourism plays an important role in our local economy and liquor licensed establishments (the sale of alcohol) is a very important aspect of tourism. Therefore, if the City of Phoenix continues to lead the State of Arizona by approving quality and diverse businesses (restaurants, bars, microbreweries, distilleries, hotels, resorts, golf courses, special events, convenience/liquor/grocery stores and gas stations) similar to this proposed liquor licensed business, all businesses will prosper."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Lucky's Liquor

Liquor License Map - Lucky's Liquor

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: LUCKY'S LIQUOR

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	10	1
Beer and Wine Bar	7	1	1
Liquor Store	9	6	3
Beer and Wine Store	10	12	6
Restaurant	12	17	4
Craft Distiller	18	1	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	55.88	119.66	128.87
Violent Crimes	10.65	27.91	32.48

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within ½ mile radius

Property Violation Data

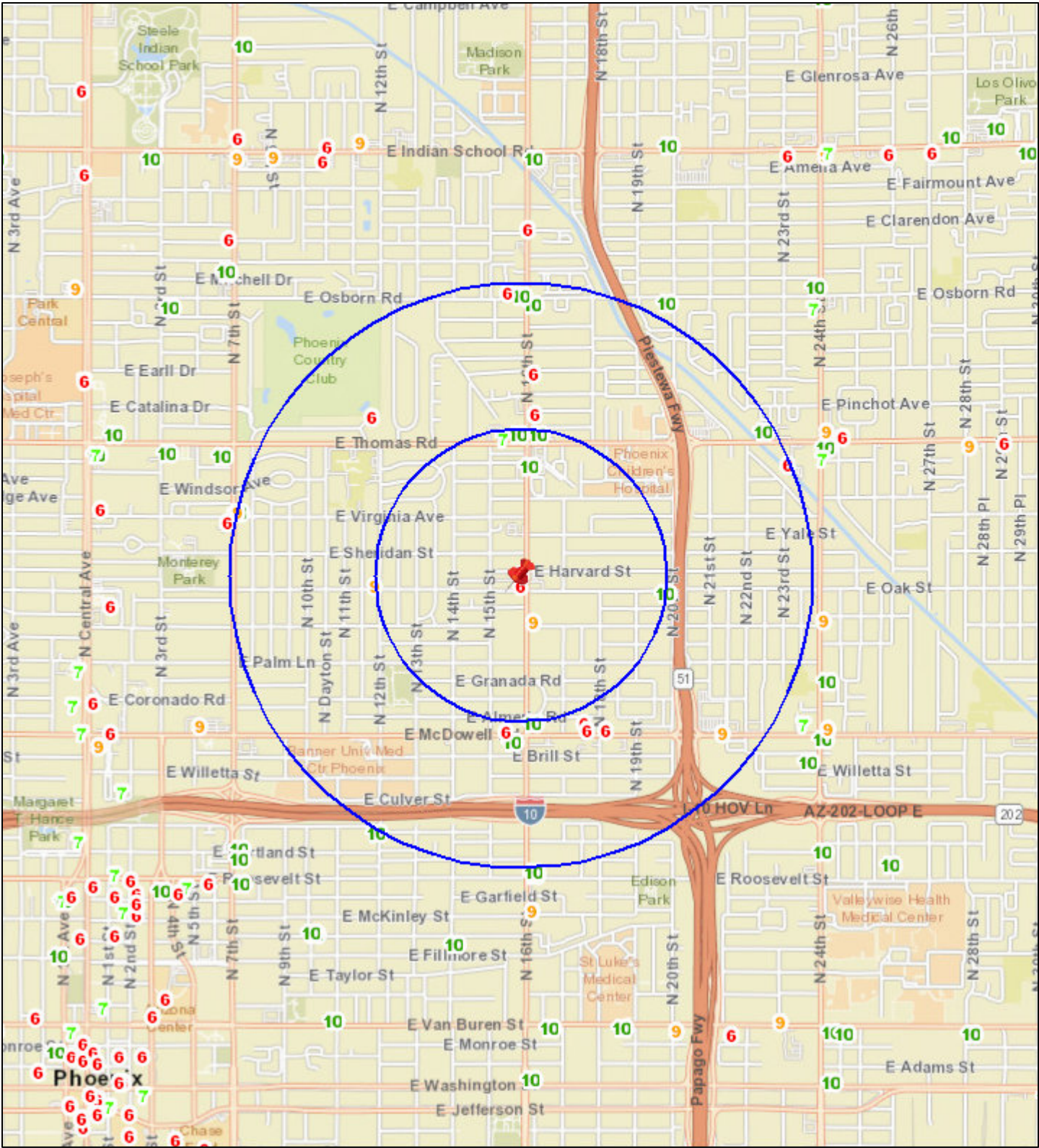
Description	Average	1/2 Mile Average
Parcels w/Violations	50	115
Total Violations	88	192

Census 2010 Data 1/2 Mile Radius

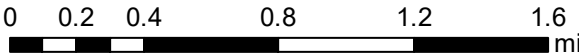
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1106004	1456	47 %	27 %	3 %
1107012	1519	40 %	19 %	29 %
1116021	814	0 %	42 %	73 %
1116022	2607	54 %	9 %	61 %
1116023	1963	21 %	19 %	82 %
1117001	1792	45 %	32 %	41 %
1117002	1243	39 %	12 %	28 %
1117003	1057	64 %	2 %	10 %
1117004	1227	75 %	20 %	21 %
Average		61 %	13 %	19 %

Liquor License Map: LUCKY'S LIQUOR

2328 N 16TH ST



Date: 10/12/2022





Liquor License - Ghatt Yo Wings

Request for a liquor license. Arizona State License Application 213037.

Summary

Applicant

Jared Repinski, Agent

License Type

Series 12 - Restaurant

Location

1703 W. Bethany Home Road, Ste. E03

Zoning Classification: PSC TOD-1

Council District: 5

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Dec. 6, 2022.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations

on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Ghett Yo Taco (Series 12)
241 S. Oregon St., Chandler
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
"I have been representing liquor licensed establishments in Arizona for over 15 years."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"Tourism plays an important role in our local economy and liquor licensed establishments (the sale of alcohol) is a very important aspect of tourism. Therefore, if the City of Phoenix continues to lead the State of Arizona by approving quality and diverse businesses (restaurants, bars, microbreweries, distilleries, hotels, resorts golf courses, special events, convenience/ grocery stores and gas stations) similar to this proposed liquor licensed business, all businesses will prosper."

Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Attachments

Liquor License Data - Ghett Yo Wings
Liquor License Map - Ghett Yo Wings

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: GHETT YO WINGS

Liquor License

Description	Series	1 Mile	1/2 Mile
Government	5	1	1
Bar	6	3	2
Liquor Store	9	5	2
Beer and Wine Store	10	10	3
Restaurant	12	12	6

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	55.88	279.48	670.91
Violent Crimes	10.65	44.93	77.28

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

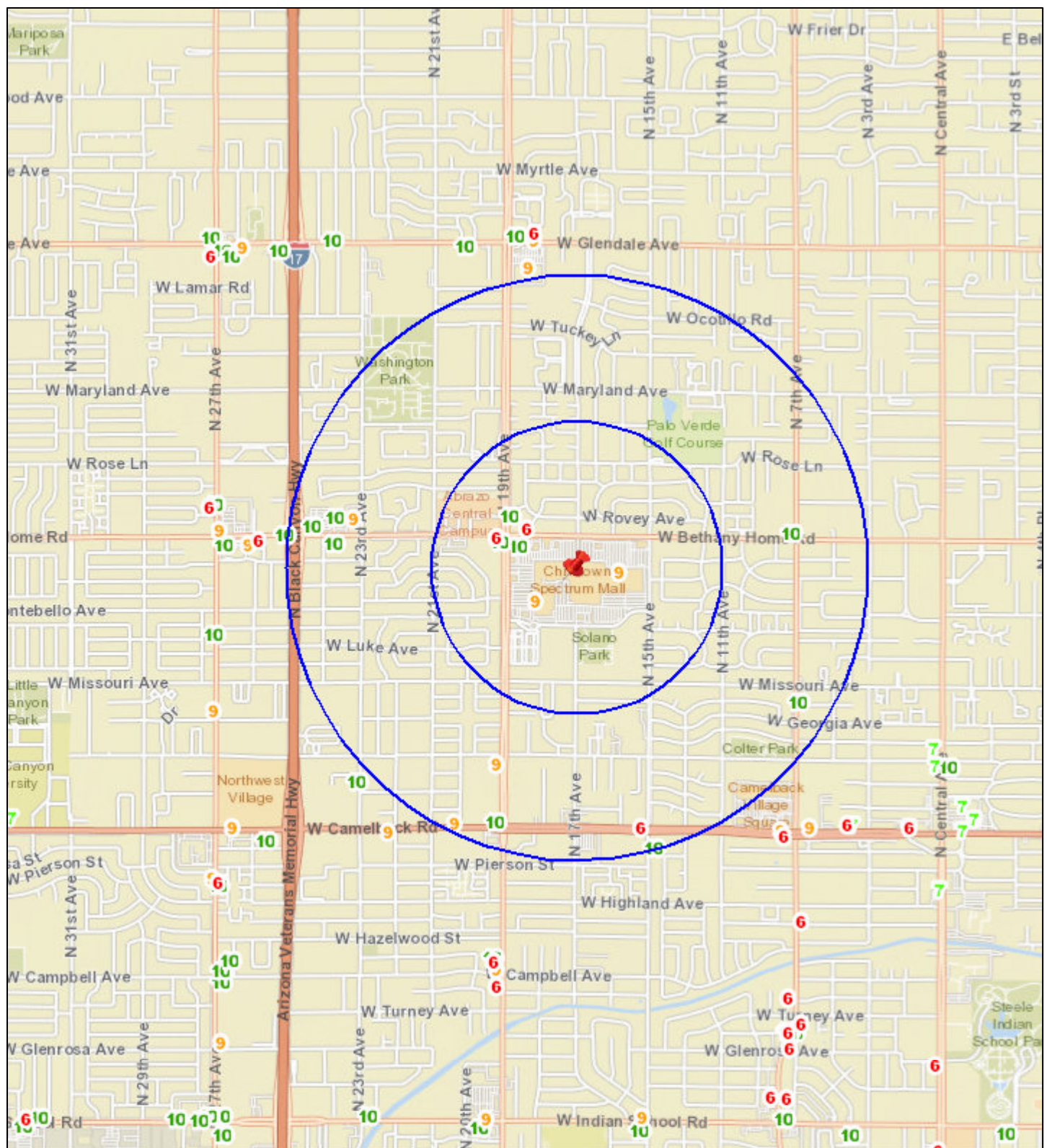
Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	50	86
Total Violations	88	139

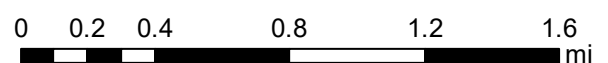
Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1067031	1122	79 %	3 %	16 %
1067032	1120	92 %	0 %	4 %
1068023	1633	17 %	17 %	34 %
1073001	2203	79 %	3 %	6 %
1073002	1165	57 %	16 %	22 %
1074001	1280	80 %	4 %	15 %
1074002	1009	62 %	7 %	16 %
1074003	839	0 %	6 %	56 %
1074006	2186	16 %	13 %	53 %
Average		61 %	13 %	19 %

1703 W BETHANY HOME RD



Date: 10/12/2022





Liquor License - Castro's Cigar Lounge

Request for a liquor license. Arizona State License Application 06070427.

Summary

Applicant

Jeffrey Miller, Agent

License Type

Series 6 - Bar

Location

4855 E. Warner Road, Ste. A29-30

Zoning Classification: C-2

Council District: 6

This request is for an ownership and location transfer of a liquor license for a bar. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow outdoor dining and outdoor alcohol consumption.

The 60-day limit for processing this application is Nov. 20, 2022.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
"We own and operate other bare and restaurants in the valley. We will continue to abide by Title 4 liquor laws."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We would like to offer our community/neighbors a place to enjoy a full craft bar and lounge ambience."

Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Attachments

Liquor License Data - Castro's Cigar Lounge
Liquor License Map - Castro's Cigar Lounge

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: CASTRO'S CIGAR LOUNGE

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	1	0
Bar	6	5	2
Beer and Wine Bar	7	6	3
Liquor Store	9	10	2
Beer and Wine Store	10	4	1
Hotel	11	2	0
Restaurant	12	25	6

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	55.33	10.96	22.82
Violent Crimes	10.50	0.98	2.44

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

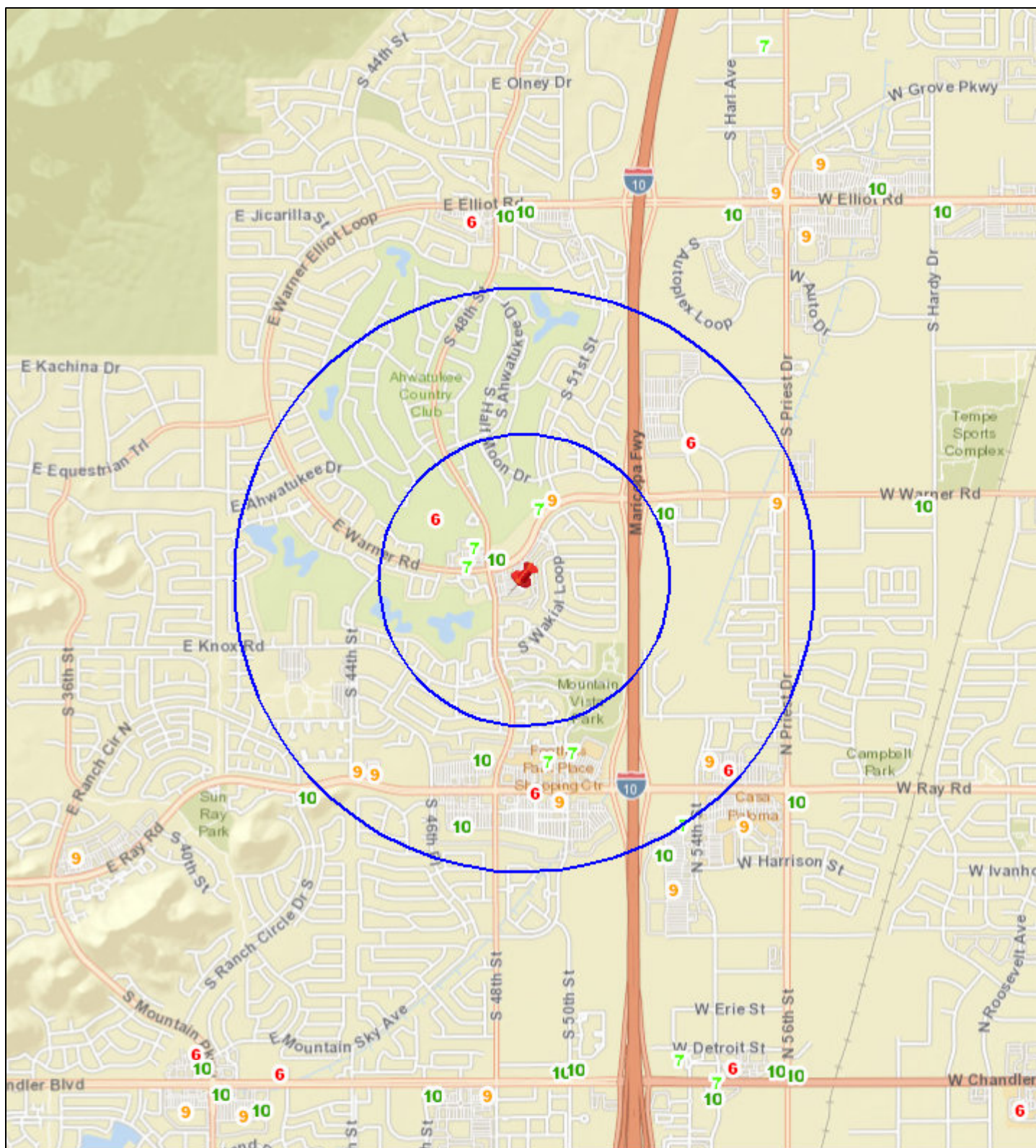
Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	50	9
Total Violations	88	13

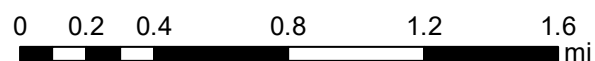
Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1167081	1516	88 %	0 %	2 %
1167082	1243	52 %	3 %	17 %
1167083	1314	34 %	0 %	7 %
1167111	758	80 %	4 %	15 %
1167171	1769	0 %	25 %	11 %
1167172	1663	40 %	18 %	17 %
1167181	2685	40 %	10 %	9 %
3199101	2488	92 %	3 %	12 %
8100001	1870	83 %	10 %	0 %
8104002	314	3 %	25 %	12 %
Average		61 %	13 %	19 %

4855 E WARNER RD



Date: 9/26/2022



City Clerk Department



Liquor License - Clarendale Arcadia

Request for a liquor license. Arizona State License Application 209558.

Summary

Applicant

Andrea Lewkowitz, Agent

License Type

Series 12 - Restaurant

Location

3233 E. Camelback Road

Zoning Classification: PUD Z-32-19

Council District: 6

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit.

The 60-day limit for processing this application is Nov. 26, 2022.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
"Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Clarendale Arcadia is an active senior living community with resort-style amenities, including casual and fine dining experiences. Applicant would like to offer alcoholic beverages to residents and guests 21 and over."

Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Attachments

Liquor License Data - Clarendale Arcadia
Liquor License Map - Clarendale Arcadia

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: CLARENDALE ARCADIA

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	5	1
Beer and Wine Bar	7	2	0
Liquor Store	9	2	1
Beer and Wine Store	10	5	1
Hotel	11	2	0
Restaurant	12	38	9

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	55.88	72.02	79.93
Violent Crimes	10.65	7.27	6.36

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

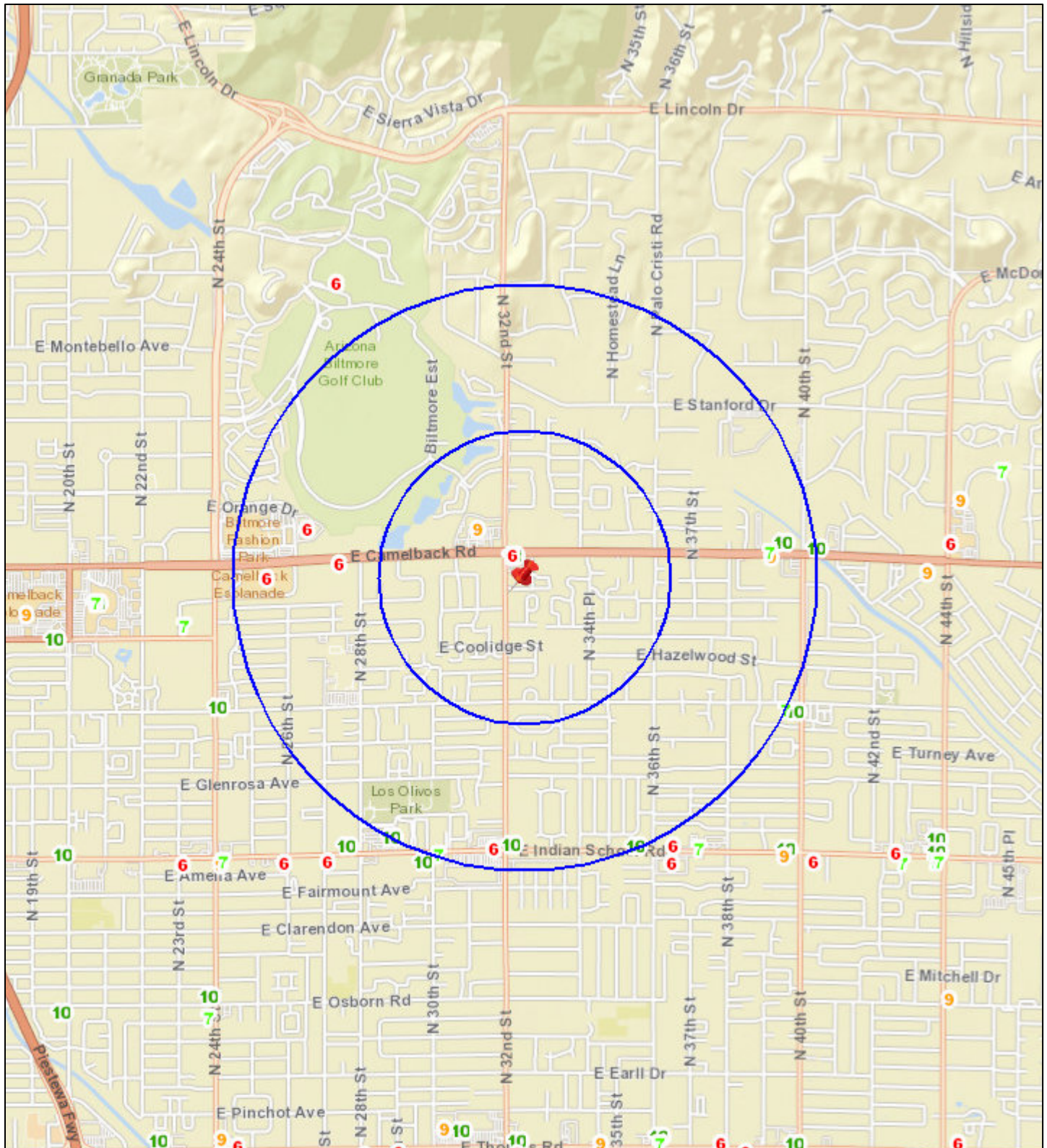
Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	50	11
Total Violations	89	16

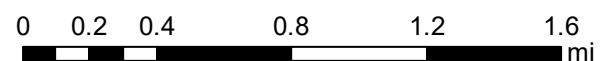
Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1078002	1477	63 %	28 %	5 %
1083011	1100	89 %	14 %	0 %
1083012	1221	72 %	5 %	1 %
1083013	982	75 %	18 %	1 %
1083021	1229	70 %	16 %	3 %
1084002	673	72 %	16 %	3 %
1084004	1641	65 %	7 %	19 %
Average		61 %	13 %	19 %

3233 E CAMELBACK ROAD



Date: 10/26/2022



City Clerk Department



Liquor License - Texaz Grill

Request for a liquor license. Arizona State License Application 210678.

Summary

Applicant

Jared Repinski, Agent

License Type

Series 12 - Restaurant

Location

6003 N. 16th St.

Zoning Classification: C-2

Council District: 6

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Nov. 26, 2022.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
"I have been representing liquor licensed establishments in Arizona for over 15 years."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"Tourism plays an important role in our local economy and liquor licensed establishments (the sale of alcohol) is a very important aspect of tourism. Therefore, if the City of Phoenix continues to lead the State of Arizona by approving quality and diverse businesses (restaurants, bars, microbreweries, distilleries, hotels, resorts, golf course, special events, convenience/grocery stores and gas stations) similar to this proposed liquor licensed business, all businesses will prosper."

Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Attachments

Liquor License Data - Texaz Grill

Liquor License Map - Texaz Grill

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: TEXAZ GRILL

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	3	2
Beer and Wine Bar	7	3	3
Liquor Store	9	2	0
Beer and Wine Store	10	6	2
Restaurant	12	20	12

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	55.33	71.23	33.86
Violent Crimes	10.50	10.56	3.82

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

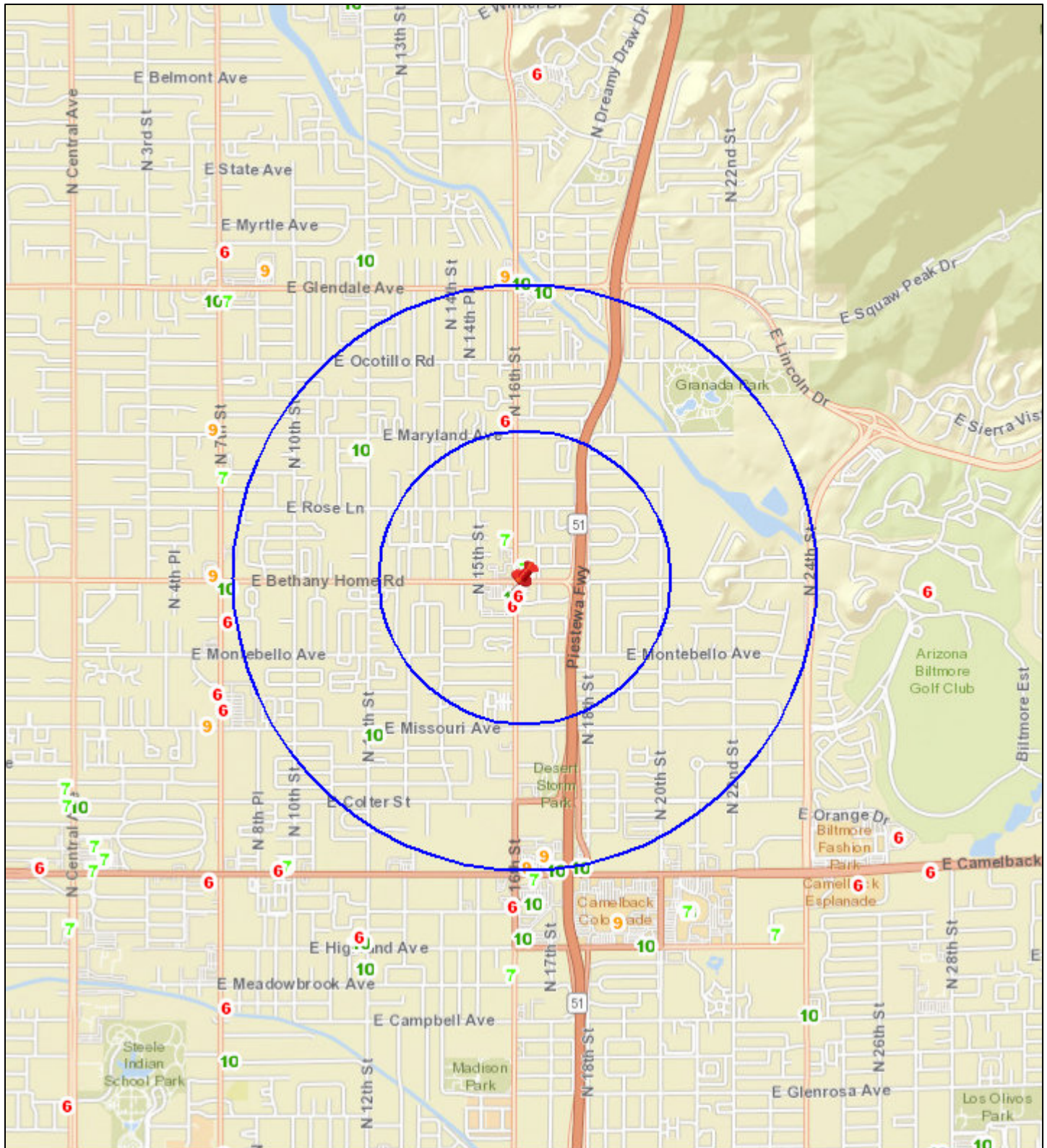
Description	Average	1/2 Mile Average
Parcels w/Violations	50	56
Total Violations	88	85

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1064001	715	84 %	23 %	9 %
1064002	2049	31 %	16 %	9 %
1065021	1383	30 %	18 %	43 %
1065022	1027	85 %	14 %	4 %
1065023	919	56 %	15 %	10 %
1076021	1311	82 %	0 %	6 %
1077001	1222	100 %	2 %	3 %
1077004	526	77 %	27 %	21 %
Average		61 %	13 %	19 %

Liquor License Map: TEXAZ GRILL

6003 N 16TH ST



Date: 9/30/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department



Liquor License - 3 Sheilas Wine & Spirits

Request for a liquor license. Arizona State License Application 209700.

Summary

Applicant

Nancy Mangone, Agent

License Type

Series 4 - Wholesaler

Location

625 S. 27th Ave., Ste. 130B-3S

Zoning Classification: A-2

Council District: 7

This request is for a new liquor license for a wholesaler. This location was not previously licensed for liquor sales and does not have an interim permit.

The 60-day limit for processing this application is Nov. 21, 2022.

Pursuant to A.R.S. 4-203, consideration should be given only to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

3 Sheilas Wine & Spirits (Series 4)

2440 W. Lincoln St. #165-3S

Calls for police service: 4

Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because: "I already hold a Series 4 alcoholic beverage wholesaler's license for my current warehouse space, located at 2440 W. Lincoln Street, #165-3S, Phoenix, AZ 85009. I am in compliance with all legal requirements for that license. I am also a practicing attorney, who takes seriously and complies with all the ethical obligation of my profession. I understand and am able to meet all regulatory requirements for obtaining this new license and complying with Arizona's liquor laws."

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



Liquor License - Central Records

Request for a liquor license. Arizona State License Application 210347.

Summary

Applicant

Jake Goldsmith, Agent

License Type

Series 12 - Restaurant

Location

824 N. Central Ave.

Zoning Classification: DTC-Downtown Gateway

Council District: 7

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit.

The 60-day limit for processing this application is Nov. 27, 2022.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
“I am experienced, trained, certified and committed to executing my duties and responsibilities as an operator and manager with several years of a proven track record in hospitality.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“The Roosevelt Row Arts district needs more vibrant, dynamic and unique concepts such as ours within its geography. There is no concept like ours in the area and bringing it to the arts district will add significant cultural value.”

Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Attachments

Liquor License Data - Central Records

Liquor License Map - Central Records

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: CENTRAL RECORDS

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	5	3
Government	5	7	6
Bar	6	46	19
Beer and Wine Bar	7	17	9
Liquor Store	9	5	0
Beer and Wine Store	10	15	6
Hotel	11	6	3
Restaurant	12	110	52
Club	14	2	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	55.33	840.26	1040.44
Violent Crimes	10.50	177.52	267.51

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

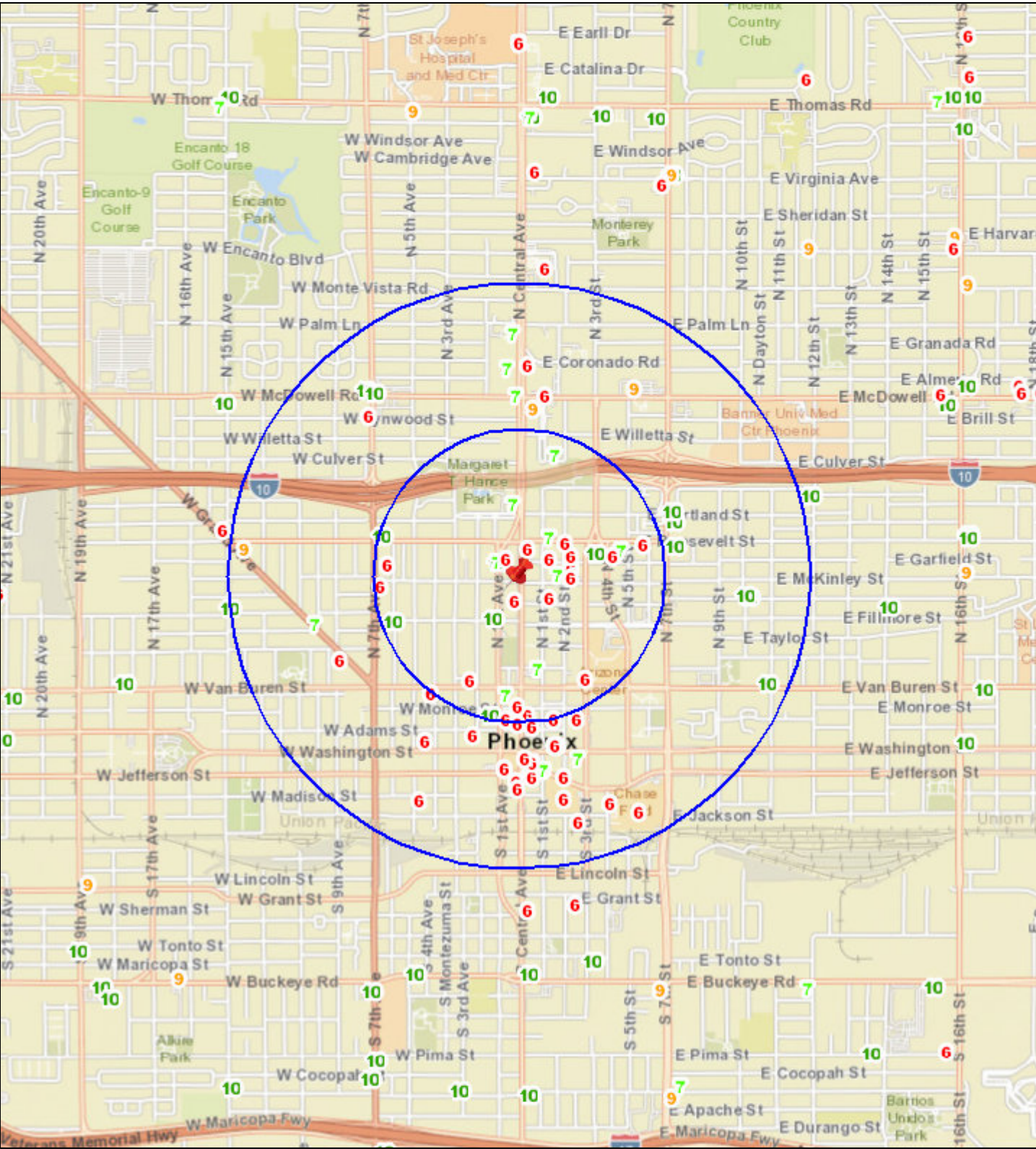
Description	Average	1/2 Mile Average
Parcels w/Violations	50	104
Total Violations	88	217

Census 2010 Data 1/2 Mile Radius

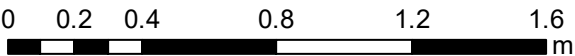
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1129002	815	37 %	22 %	24 %
1130001	1218	23 %	16 %	11 %
1130002	873	29 %	21 %	38 %
1131001	1015	7 %	8 %	28 %
1131002	1242	3 %	7 %	33 %
1141001	2299	16 %	37 %	44 %
Average		61 %	13 %	19 %

Liquor License Map: CENTRAL RECORDS

824 N CENTRAL AVE



Date: 9/30/2022





Liquor License - Good Omens

Request for a liquor license. Arizona State License Application 210752.

Summary

Applicant

Elijah Tubbs, Agent

License Type

Series 4 - Wholesaler

Location

625 S. 27th Ave., Ste. 130B-GO

Zoning Classification: A-2

Council District: 7

This request is for a new liquor license for a wholesaler. This location was not previously licensed for liquor sales and does not have an interim permit.

The 60-day limit for processing this application is Dec. 4, 2022.

Pursuant to A.R.S. 4-203, consideration should be given only to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Good Omens (Series 4)

2440 W. Lincoln St., Ste. 165GO, Phoenix

Calls for police service: 4

Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
"Good Omens is a competent distributor already in business"

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



Liquor License - Latitude Wines

Request for a liquor license. Arizona State License Application 210134.

Summary

Applicant

Camila Alarcon, Agent

License Type

Series 4 - Wholesaler

Location

625 S. 27th Ave., Ste. 130B

Zoning Classification: A-2

Council District: 7

This request is for a new liquor license for a wholesaler. This location was not previously licensed for liquor sales and does not have an interim permit.

The 60-day limit for processing this application is Nov. 29, 2022.

Pursuant to A.R.S. 4-203, consideration should be given only to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Latitude Wines (Series 4)

2440 W. Lincoln St., #165LW, Phoenix

Calls for police service: 4

Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because: "Applicant's members have interest in importer and wholesaler licenses in 12 other states. They have held a wholesaler license in Phoenix without incident since 2016, as well as an Out-of-State Producer's license in Arizona since 2005. The applicant will continue to be committed to adhering to all applicable liquor laws."

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



Liquor License - Manuel Brothers Distributing

Request for a liquor license. Arizona State License Application 209663.

Summary

Applicant

Lucas Manuel, Agent

License Type

Series 4 - Wholesaler

Location

625 S. 27th Ave., Ste. 130B MB

Zoning Classification: A-2

Council District: 7

This request is for a new liquor license for a wholesaler. This location was not previously licensed for liquor sales and does not have an interim permit.

The 60-day limit for processing this application is Nov. 21, 2022.

Pursuant to A.R.S. 4-203, consideration may be given to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Manuel Brothers Distributing (Series 4)

2440 W. Lincoln St., Ste. 170, Phoenix

Calls for police service: 4

Liquor license violations: In May 2018, a fine of \$500 was paid for purchasing liquor

from other than a primary source.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
"I have completed the title 4 liquor training and have successfully operated a liquor wholesale business in Phoenix since 2016."

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



Liquor License - Plush 21

Request for a liquor license. Arizona State License Application 209976.

Summary

Applicant

Andrea Lewkowitz, Agent

License Type

Series 12 - Restaurant

Location

21 W. Van Buren St.

Zoning Classification: DTC-Business Core

Council District: 7

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and does not have an interim permit.

The 60-day limit for processing this application is Nov. 28, 2022.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations

on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Tru Ultra Lounge (Series 6)
915 N. Central Ave., Phoenix
Calls for police service: 12

Liquor license violations: In October 2022, a fine of \$500 was paid for allowing an employee to consume on duty.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
"Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Plush 21 will offer a variety of quality breakfast/brunch menu items. Applicant would like to offer guests 21 and over the opportunity to enjoy alcoholic beverages as an incident to the meals items served."

Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Attachments

Liquor License Data - Plush 21
Liquor License Map - Plush 21

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: PLUSH 21

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	4	1
Wholesaler	4	1	0
Government	5	7	3
Bar	6	45	32
Beer and Wine Bar	7	14	9
Liquor Store	9	3	2
Beer and Wine Store	10	15	4
Hotel	11	6	5
Restaurant	12	98	51
Club	14	2	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	55.33	749.76	1563.16
Violent Crimes	10.50	161.91	354.77

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

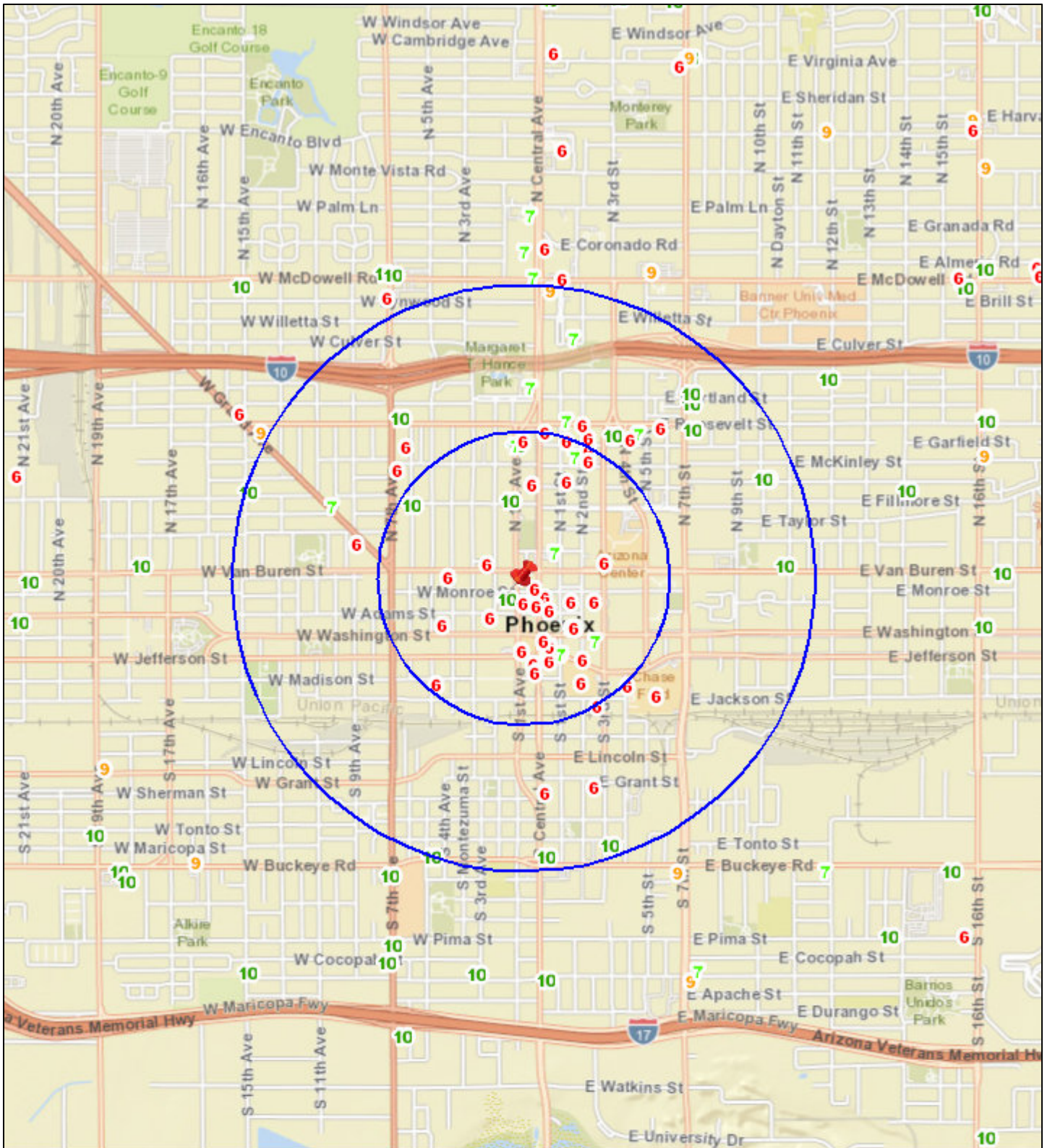
Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	50	65
Total Violations	87	150

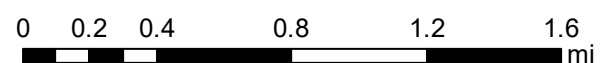
Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1129002	815	37 %	22 %	24 %
1129003	1372	4 %	18 %	40 %
1131001	1015	7 %	8 %	28 %
1131002	1242	3 %	7 %	33 %
1141001	2299	16 %	37 %	44 %
1142001	1321	36 %	22 %	50 %
1143011	1389	22 %	15 %	57 %
Average		61 %	13 %	19 %

21 W VAN BUREN ST



Date: 10/3/2022





Liquor License - Tappa Wines

Request for a liquor license. Arizona State License Application 210152.

Summary

Applicant

Derek Kaminsky, Agent

License Type

Series 4 - Wholesaler

Location

625 S. 27th Ave., Ste. 130 B-T

Zoning Classification: A-2

Council District: 7

This request is for a new liquor license for a wholesaler. This location was not previously licensed for liquor sales and does not have an interim permit.

The 60-day limit for processing this application is Nov. 29, 2022.

Pursuant to A.R.S. 4-203, consideration may be given only to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Tappa Wines (Series 4)

2440 W. Lincoln St., Ste. 170 BC, Phoenix

Calls for police service: 4

Liquor license violations: In June 2019, a fine of \$750 was paid for purchasing liquor

from other than a primary source.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
“Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal responsible alcohol sales and service.”

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



Liquor License - The Natural Wine Co, LLC

Request for a liquor license. Arizona State License Application 209778.

Summary

Applicant

Lucas Anable, Agent

License Type

Series 4 - Wholesaler

Location

625 S. 27th Ave., Ste. 130B NWC

Zoning Classification: A-2

Council District: 7

This request is for a new liquor license for a wholesaler. This location was not previously licensed for liquor sales and does not have an interim permit.

The 60-day limit for processing this application is Nov. 20, 2022.

Pursuant to A.R.S. 4-203, consideration may be given only to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Material Wine Co (Series 4)

2440 W. Lincoln St., #170-N1, Phoenix

Calls for police service: 4

Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
"I am the current owner of a licensed Arizona wholesaler. I am also the agent on this license. We are applying for a new license in order to move to a larger warehouse. We have shown ourselves to be a responsible and compliant small business. I have been engaged with Arizona Food and Beverage for over a decade. I bring experience, passion and a national and international network to my work as a wholesaler in Arizona."

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



Report

Agenda Date: 11/16/2022, Item No. 25

Liquor License - Quench Wine & Spirits

Request for a liquor license. Arizona State License Application 196743.

Summary

Applicant

Robert Delgado, Agent

License Type

Series 4 - Wholesaler

Location

4250 E. Superior Ave., Bldg. B Ste. 200

Zoning Classification: A-1

Council District: 8

This request is for a new liquor license for a wholesaler. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Dec. 2, 2022.

Pursuant to A.R.S. 4-203, consideration should be given only to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the

applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
“Applicant is committed to upholding the highest standards for business and maintaining compliance applicable laws.”

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



Liquor License - Sip Coffee & Beer

Request for a liquor license. Arizona State License Application 210470.

Summary

Applicant

Kevin Kramber, Agent

License Type

Series 12 - Restaurant

Location

3800 E. Sky Harbor Blvd., T4 S1 F3

Zoning Classification: C-3

Council District: 8

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently being remodeled with plans to open in December 2022.

The 60-day limit for processing this application is Dec. 4, 2022.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the

State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Sir Veza's Taco Garage (Series 12)
3800 E. Sky Harbor Blvd., T4 S4 F51
Calls for police service: 1,865
Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
"I currently represent over 200 + licenses statewide. Controlling person has clean background. Controlling person has ownership in other State issued liquor licenses. Filed manager has State approved Title IV liquor training"

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Our location is within Sky Harbor Airport and we would like to offer travelers additional drink options with thier meal and enhance thier traveling experience. Filed manager has State approve Title IV liquor training."

Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Attachments

Liquor License Data - Sip Coffee & Beer
Liquor License Map - Sip Coffee & Beer

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: SIP COFFEE & BEER

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	1	0
Bar	6	3	2
Beer and Wine Bar	7	3	0
Conveyance	8	9	1
Beer and Wine Store	10	2	1
Restaurant	12	19	12
Club	14	3	1

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	55.88	52.62	89.17
Violent Crimes	10.65	3.10	4.14

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

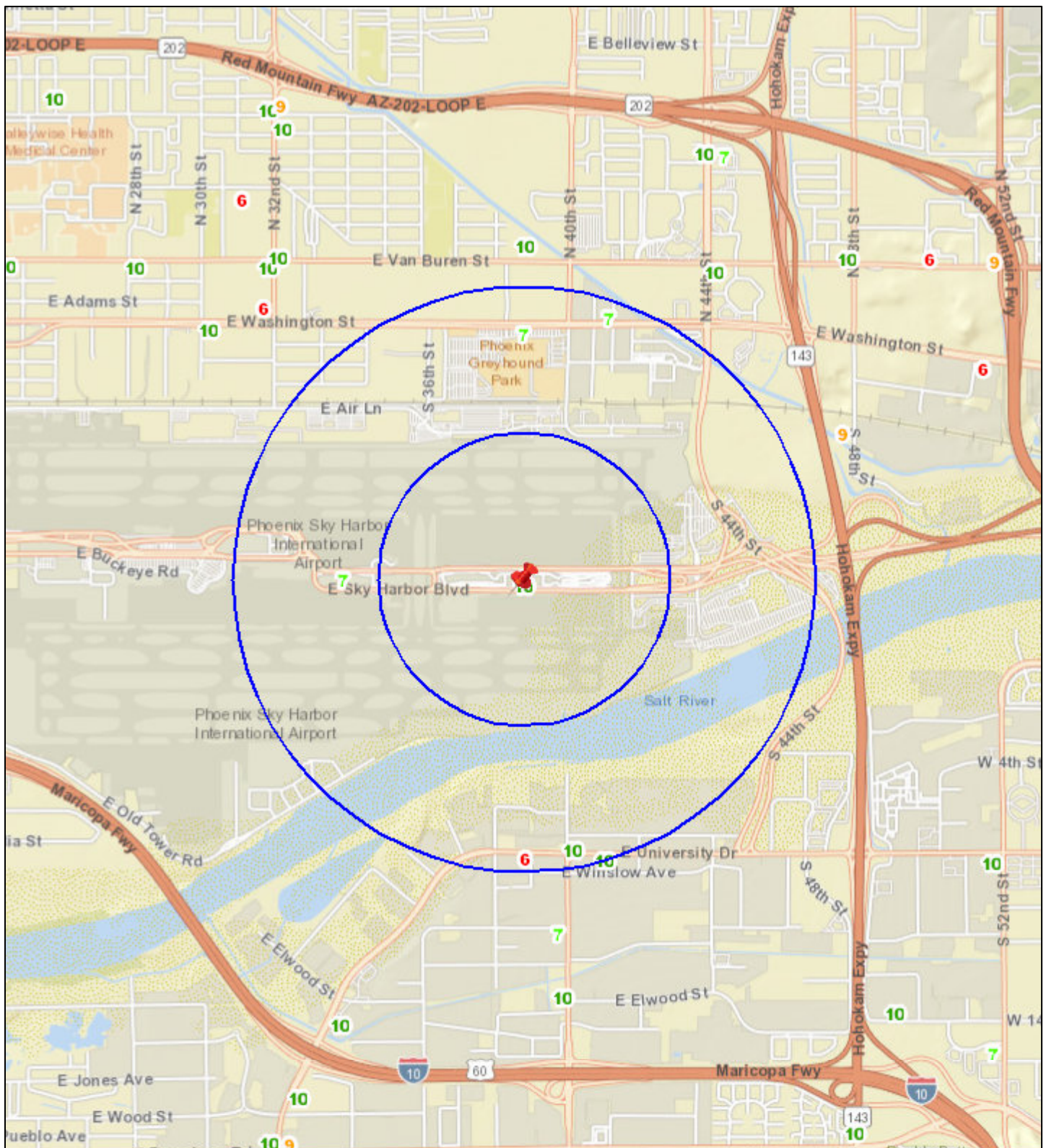
Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	50	0
Total Violations	88	

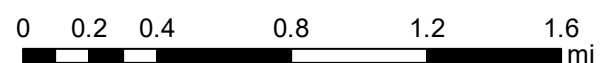
Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1138021	0	0 %	0 %	0 %
Average		61 %	13 %	19 %

3800 E SKY HARBOR BLVD



Date: 10/7/2022





Agenda Date: 11/16/2022, Item No. *27

*****ITEM REVISED (SEE ATTACHED MEMO)*** Liquor License - El Dorado Sports Bar**

Request for a liquor license. Arizona State License Application 07070862.

Summary

Applicant

Theresa Morse, Agent

License Type

Series 7 - Beer and Wine Bar

Location

4134 N. 67th Ave.

Zoning Classification: C-2

Council District: 5

This request is for an acquisition of control of an existing liquor license for a beer and wine bar. This location is currently licensed for liquor sales. This location requires a Use Permit to allow patron dancing.

The 60-day limit for processing this application is Nov. 26, 2022.

Pursuant to A.R.S. 4-203, consideration should be given only to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because: "I have attended both Basic and Management Liquor Law training and have worked on many occasions at the bar with my father, Samuel Rodriguez Contreras. I am familiar with the legal forms of identification to sell alcohol and I know how to determine if a customer is intoxicated. I will make sure if the customer is intoxicated that they will not be allowed to enter the bar. If a customer is intoxicated I will request them to take a taxi or call a friend to pick them up. I want to make sure our customers are safe and do not hurt others by driving while intoxicated."

Staff Recommendation

Staff recommends disapproval of this application based on Police Department recommendation for disapproval. The Police Department disapproval is based the applicant's lack of experience in owning or managing a bar. The applicant has not demonstrated the capability, qualifications and reliability to hold and control a liquor license. Staff also notes that the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Attachments

Liquor License Police Department Recommendation - El Dorado Sports Bar

Responsible Department


This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



City of Phoenix

To: Ginger Spencer
Deputy City Manager


Date: November 14, 2022

From: Denise Archibald 
City Clerk

Subject: REVISED STAFF RECOMMENDATION FOR ITEM 27 ON THE NOVEMBER 16, 2022, FORMAL AGENDA – EL DORADO SPORTS BAR

This item was originally submitted as a disapproval due to a Police Department recommendation for disapproval. However, since that time, the Police Department has withdrawn its disapproval. For this reason, staff now recommends approval of this liquor license application.

APPROVED:


Ginger Spencer (Nov 14, 2022 18:00 MST)

Ginger Spencer

The Phoenix Police Department recommends disapproval of this acquisition of control liquor license application for the following reasons:

The applicant is not capable, qualified, or reliable due to lack of experience in ownership of a bar, lack of management and supporting staff members, and Ms. Villarreal's own words saying that she wants to sell the bar:

The El Dorado Sports Bar is a large bar with a center fed bar top, a dance floor, live band stage, and seating on one side; and three pool tables on the other side with large TV's around. It has been operational since 2007.

The liquor license shows Samuel Rodriguez Contreras holding 80% of ownership and Maur Ashley Villarreal holding the remaining 20%. Mr. Contreras is also the father to Ms. Villarreal who became part owner on September 2, 2022. On September 17, 2022 Ms. Villarreal received her basic liquor law Title 4 training. Prior to that, Ms. Villarreal's career has been in caregiving, she has no business or bar management experience. Unfortunately, during the process of this liquor application, Mr. Contreras passed away on September 18, 2022 leaving 100% ownership of El Dorado Sports Bar to Ms. Villarreal which would be difficult for someone to manage with no experience.

During the inspection of the El Dorado Sports Bar and interview with Ms. Villarreal there were several concerns. On the day of my inspection Ms. Villarreal's bartender "Carla", failed to show up for work. Ms. Villarreal did not know Carla's last name. Ms. Villarreal's lack of management and knowledge of the bar employees was apparent. Ms. Villarreal asked her sister, Claudia Villarreal, who has no liquor law training, to fill-in as the bartender so that she could open her other inherited bar, the Saddlehorn Saloon, 2334 W. Buckeye Road.

Ms. Villarreal now is faced with twice the responsibility with owning two bars. According to Ms. Villarreal, she was just thrown into this and doesn't know how to run a business or even manage a bar. She also made statements that she has no intention of running a bar and is looking into selling both El Dorado Sports Bar and the Saddlehorn Saloon.

Lastly, Ms. Villarreal does not have supporting staff. Prior to her father's passing, Mr. Contreras told Ms. Villarreal that employees have been stealing from the bar and once she took over the ownership of the bar, management and employees left/quit.

Based on the findings of this investigation, Ms. Villarreal has not proved that she is qualified, capable or reliable as a business owner.

This recommendation for disapproval is submitted by: Det. Steven Wing #9757

SIGNATURES	
Administrative Licensing Investigator	I. Alonge A4289
Liquor Enforcement Detail Supervisor	Sgt. M. Walter 8360



*****ITEM REVISED (SEE ATTACHED MEMO)*** Liquor License - Saddlehorn Saloon**

Request for a liquor license. Arizona State License Application 06070238.

Summary

Applicant

Theresa Morse, Agent

License Type

Series 6 - Bar

Location

2334 W. Buckeye Road

Zoning Classification: C-3

Council District: 7

This request is for an acquisition of control of an existing liquor license for a bar. This location is currently licensed for liquor sales.

The 60-day limit for processing this application is Nov. 26, 2022.

Pursuant to A.R.S. 4-203, consideration may be given only to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling,

grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because: "I have attended both Basic and Management Liquor Law Training and have worked on many occasions at the bar with my father, Samuel Rodriguez Contreras. I am familiar with the legal forms of identification to sell alcohol and I know how to determine if a customer is intoxicated that they will not be allowed to enter the bar. If a customer is intoxicated. I will make sure if the customer is intoxicated I will request them to take a taxi or call a friend to pick them up. I want to make sure our customers are safe and do not hurt others by driving while intoxicated."

Staff Recommendation

Staff recommends disapproval of this application based on Police Department recommendation for disapproval. The Police Department disapproval is based on the applicant's lack of experience in owning or managing a bar. The applicant has not demonstrated the capability, qualifications and reliability to hold and control a liquor license.

Attachment

Liquor License Police Department Recommendation - Saddlehorn Saloon

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



City of Phoenix

To: Ginger Spencer
Deputy City Manager

Date: November 14, 2022

From: Denise Archibald
City Clerk

Subject: REVISED STAFF RECOMMENDATION FOR ITEM 28 ON THE NOVEMBER 16, 2022, FORMAL AGENDA – SADDLEHORN SALOON

This item was originally submitted as a disapproval due to a Police Department recommendation for disapproval. However, since that time, the Police Department has withdrawn its disapproval. For this reason, staff now recommends approval of this liquor license application.

APPROVED:

Ginger Spencer (Nov 14, 2022 18:00 MST)

Ginger Spencer

Police Department Liquor License Disapproval Recommendation

Application Information

Business Name	Saddlehorn Saloon	District	7
Business Location	2334 West Buckeye Road		
Applicant Name	Maur Ashley Villarreal	Series Type	6

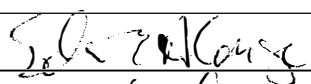
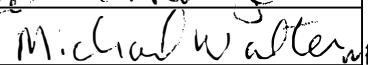
The Police Department recommends disapproval of this liquor license application as the applicant, Maur Villarreal, did not demonstrate experience in managing a bar and was unaware of key information about the business.

A review was conducted of application documents submitted, in addition to conducting an on-site visit/interview and the following are concerns:

- The applicant was asked about property security and did not know the name of the security company or if the guards were licensed. Maur Villareal stated the company worked primarily on the weekends. Officer asked applicant to follow up with more information, but as of 11/2/22 this information has not been provided.
- Maur Villarreal stated she had no experience running a bar and her only knowledge was that her father owned two of them.

This applicant is not capable, qualified, or reliable due to the incomplete application and lack of basic knowledge about managing a liquor establishment.

This recommendation for disapproval is submitted by: Officer M. Jones 9771

SIGNATURES	
Administrative Licensing Investigator	I. Alonge A4289 
Liquor Enforcement Detail Supervisor	Sgt. M. Walter 8360 



Agenda Date: 11/16/2022, Item No. *29

*****ITEM REVISED (SEE ATTACHED MEMO)*** Liquor License - Blue Cloud Distribution of Arizona, Inc.**

Request for a liquor license. Arizona State License Application 210498.

Summary

Applicant

Camila Alarcon, Agent

License Type

Series 4 - Wholesaler

Location

4242 E. Raymond St.

Zoning Classification: A-1

Council District: 8

This request is for a new liquor license for a wholesaler. This location was not previously licensed for liquor sales and does not have an interim permit.

The 60-day limit for processing this application is Dec. 3, 2022.

Pursuant to A.R.S. 4-203, consideration may be given only to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling,

grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because: “Applicant or its commonly-controlled entities have operated with wholesaler licenses since 2021 in various states. Applicant will be committed to adhering to all applicable liquor laws.”

Staff Recommendation

Staff recommends disapproval of this application based on a Finance Department recommendation.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



City of Phoenix

To: Ginger Spencer
Deputy City Manager

Date: November 14, 2022

From: Denise Archibald
City Clerk

Subject: REVISED STAFF RECOMMENDATION FOR ITEM 29 ON THE NOVEMBER 16, 2022, FORMAL AGENDA – BLUE CLOUD DISTRIBUTION OF ARIZONA INC.

This item was originally submitted as a disapproval due to a Finance Department recommendation for disapproval. However, since that time, the Finance Department has withdrawn its disapproval. For this reason, staff now recommends approval of this liquor license application.

APPROVED:

Ginger Spencer (Nov 14, 2022 18:00 MST)

Ginger Spencer



PAYMENT ORDINANCE (Ordinance S-49144) (Items 30-43)

Ordinance S-49144 is a request to authorize the City Controller to disburse funds, up to amounts indicated below, for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requests continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code Section 42-13.

30 CI Technologies, Inc.

For \$55,128.00 in payment authority to purchase software maintenance and support for the Phoenix Police Department. The Professional Standards and Compliance and Oversight Bureaus currently use the IAPro solution application suite from CI Technologies. The application manages internal affairs matters such as citizen complaints, department-initiated investigations, audits, early intervention alerts, and other incidents that involve department employees. CI Technologies will provide the software subscription as well as remote maintenance and support on an as-needed basis.

31 Salt River Project Agricultural Improvement and Power District doing business as SRP

For \$9,615.29 in payment authority for Salt River Project (SRP) for the design and construction of electrical facilities to install a High Intensity Activated Crosswalk (HAWK), for the Street Transportation Department. SRP needs to make changes to their power design for the Indian School Road and Amelia Avenue Signalized Crosswalk Project ST33881333.

32 US Bank NA doing business as Voyager Fleet Systems Inc.

For \$230,000.00 in payment authority to process monthly US Bank

National, Voyager Fleet Fuel invoices for the Police Department. The department requires fuel credit cards when traveling outside the city limits or to purchase premium fuel that is not available at city fueling stations. Funding is available in the Police Department's budget.

33 Settlement of Claim(s) Arizona School Risk Retention Fund v. City of Phoenix

To make payment of up to \$33,000.00 in settlement of claim(s) in *Arizona School Risk Retention Fund v. City of Phoenix*, 21-0337-001, GL, PD, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement of a property damage claim involving a broken water main pipe on July 30, 2021.

34 Settlement of Claim(s) Babin v. City of Phoenix

To make payment of up to \$250,685.26 in settlement of claim(s) in *Babin v. City of Phoenix*, 21-0090-002, GL, PD, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement for a property damage claim involving a broken water main pipe on July 25, 2021.

35 Settlement of Claim(s) Beavins v. City of Phoenix

To make payment of up to \$170,803.55 in settlement of claim(s) in *Beavins v. City of Phoenix*, 21-0090-008, GL, PD, for the Finance Department pursuant to Phoenix City Code chapter 42. This is a settlement for a property damage claim involving a broken water main pipe on July 25, 2021.

36 Settlement of Claim(s) Boor v. City of Phoenix

To make payment of up to \$64,000.00 in settlement of claim(s) in *Boor v. City of Phoenix*, 21-0568-001, GL, PD, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement for a property damage claim involving a broken water main pipe on Dec. 16, 2021.

37 Settlement of Claim(s) Dent v. City of Phoenix

To make payment of up to \$35,000.00 in settlement of claim(s) in *Dent v. City of Phoenix*, CV2021-092170, 20-0297-001, AU, BI, PD, for the

Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement of a bodily injury claim arising from a motor vehicle accident on May 6, 2020, involving the Police Department.

38 Settlement of Claim(s) Guerrero-Ochoa v. City of Phoenix

To make payment of up to \$75,000.00 in settlement of claim(s) in *Guerrero-Ochoa v. City of Phoenix*, 19-0621-001, GL, BI, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is settlement for a bodily injury claim arising from an incident that occurred on July 4, 2019, involving the Street Transportation Department.

39 Settlement of Claim(s) Rockledge Fairway Apartments v. City of Phoenix

To make payment of up to \$27,500.00 in settlement of claim(s) in *Rockledge Fairway Apartments v. City of Phoenix*, 21-0545-001, GL, PD, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement for a property damage claim involving a broken water main pipe on Dec. 6, 2021.

40 Settlement of Claim(s) Smith v. City of Phoenix

To make payment of up to \$189,000.00 in settlement of claim(s) in *Smith v. City of Phoenix*, 20-1019-001, GL, PD, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is the settlement for a property damage claim arising from a water main break on April 24, 2021.

41 Settlement of Claim(s) Wagner v. City of Phoenix

To make payment of up to \$55,300.00 in settlement of claim(s) in *Wagner v. City of Phoenix*, 21-0569-001, GL, PD, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is settlement for a property damage claim arising from a water main break that occurred on Dec.15, 2021.

42 Settlement of Claim(s) Wong v. City of Phoenix

To make payment of up to \$35,000.00 in settlement of claim(s) in *Wong v. City of Phoenix*, 20-1015-002, GL, PD, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement for a

property damage claim involving a broken water main pipe on May 11, 2022.

43 **Settlement of Claim(s) Yudell and Hum v. City of Phoenix**

To make payment of up to \$566,000.00 in partial settlement of claim(s) in *Yudell and Hum v. City of Phoenix*, 21-1079-001, GL, PD, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a partial settlement for a property damage claim involving a broken water main pipe on June 1, 2022.



Resolution Rescinding All Declarations Related to the COVID-19 Emergency (Resolution 22081)

Request for City Council consideration of a resolution rescinding all declarations related to the COVID-19 emergency.

Summary

On March 11, 2020, the Governor of the State of Arizona declared a State of Emergency and on March 19, 2020, issued an Executive Order implementing emergency measures across the state. On March 20, 2020, the City Council declared a local emergency and pursuant to the Governor's orders and the City Council's declaration, the City Council made various declarations from April 2, 2020 through Dec. 2, 2020 regarding public health and safety, and the use and operation of City facilities during the emergency.

As of Oct. 26, 2022, the Centers for Disease Control and Prevention has listed the COVID-19 transmissions level for Maricopa County, Arizona, as "Low."

The proposed resolution declares that there no longer exists a local emergency related to COVID-19 and rescinds all declarations related to the COVID-19 emergency.

Responsible Department

This item is submitted by City Manager Jeffrey Barton.

**DECLARATION BY THE CITY COUNCIL OF THE CITY OF PHOENIX
RESCINDING ALL DECLARATIONS RELATED TO THE COVID-19 EMERGENCY**

WHEREAS, on March 11, 2020, the Governor of the State of Arizona, Douglas A. Ducey, determined that the COVID-19 outbreak presented conditions in Arizona that justified his declaration of a State of Emergency; and

WHEREAS, on the March 19, 2020, the Governor issued an Executive Order implementing emergency measures across the state to address the emergency; and

WHEREAS, on March 20, 2020, the City Council declared a local emergency ("Emergency"); and

WHEREAS, pursuant to the Governor's orders and the City Council's declaration, the City Council made various declarations from April 2, 2020 through December 2, 2020 regarding public health and safety, and the use and operation of city facilities during the Emergency (together with the March 20, 2020 Declaration, collectively "Declarations"); and

WHEREAS, the Centers for Disease Control and Prevention, as of October 26, 2022, has listed the COVID-19 transmissions level for Maricopa County, Arizona, as "Low";

NOW, THEREFORE, BE IT DECLARED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

1. That there no longer exists in the City of Phoenix a local emergency.
2. That all Declarations related to the COVID-19 Emergency are rescinded.
3. That the City Manager shall direct the departments, officers, and employees of the City of Phoenix to administer and operate the affairs of the City as usual in accordance with the Phoenix City Charter and Phoenix City Code.

PASSED by the Council of the City of Phoenix this 16th day of November 2022.

Mayor of the City of Phoenix

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

_____ City Manager

2345672

DRAFT



Proposed I-17 and Jenny Lin Road Annexation - Public Hearing

A public hearing, as required by Arizona Revised Statutes section 9-471, on the proposed I-17 and Jenny Lin Road Annexation. This public hearing allows the City Council to gather community input regarding this annexation proposal. The City Council will not act on the proposed annexation at this public hearing Formal adoption of this proposed annexation will be considered at a later date.

Summary

The annexation was requested by Adam Baugh with Withey Morris, PLC for the purpose of receiving City of Phoenix services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes section 9-471 regarding annexation. Additionally, the annexation is recommended for adoption per the attached Task Force Analysis Report (**Attachment A**).

Public Outreach

Notification of the public hearing was published in the *Arizona Business Gazette* newspaper, and was posted in at least three conspicuous places in the area proposed to be annexed. Also, notice via first-class mail was sent to each property owner within the proposed annexation area.

Location

The proposed annexation area includes parcel 202-22-001B, located at I-17 and Jenny Lin Road (**Attachment B**). The annexation area is approximately 7.91 acres (0.0124 sq. mi) and the population estimate is zero individuals.

Council District: 1

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

ATTACHMENT A

CITY COUNCIL REPORT

TO: Alan Stephenson
Deputy City Manager

FROM: Joshua Bednarek
Planning and Development Deputy Director

SUBJECT: Request for Task Force Analysis: I-17 and Jenny Lin Road

This report recommends the **approval** of the proposed annexation of **7.91** acres located at 45402 N Black Canyon Highway (APN: 202-22-001B).

THE REQUEST:

The applicant is requesting to annex approximately 7.91 acres at the southeast corner of the I-17 Freeway and Jenny Lin Road from Maricopa County. The applicant is requesting the annexation with the intention to rezone and develop the larger 115-acre property, the majority of which is already located within city limits, with multifamily residential. This request is concurrent with an additional annexation request at the I-17 and Deer Hollow Lane, both pending rezoning upon annexation.

OTHER INFORMATION:

Planning Village:	Rio Vista
General Plan Designation:	Commercial
Current County Zoning District:	RU-43
Equivalent Zoning District:	S-1
Proposed Zoning District:	R-2 PRD, R-3 PRD, R-3A (Z-8-22)
Current Land Use Conditions	
On Site:	Vacant
To the North:	Maricopa County jurisdiction, zoned RU-43, single-family residence.
To the South:	City of Phoenix jurisdiction, zoned C-2, vacant.
To the West:	Maricopa County jurisdiction, zoned RU-43, Interstate 17.
To the East:	Maricopa County jurisdiction, zoned RU-43, vacant State Trust Land.
Maricopa County History of Non-Conformities Present?	NONE PRESENT

MARICOPA COUNTY ZONING CASE HISTORY

202-22-001B	N/A
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ALTERNATIVES:

Option A - Annex the land as requested:

The City of Phoenix will control rezoning requests in this area to ensure conformance with the General Plan Land Use Map. The city of Phoenix will capture property tax, utility tax, state shared revenue, and impact fees when applicable.

Option B - Deny the request for annexation:

If annexed later, this site would have been developed under County zoning and development standards that may not be consistent with the General Plan, Land Use Map, zoning, and development standards.

RECOMMENDATION:

Located adjacent to City of Phoenix lands, this annexation is supported by the 2015 General Plan, particularly the Land Use goal for land uses and development standards for unincorporated land, under Policies 1 and 2. This annexation is recommended for approval.

Approval of annexation does not constitute recommendation for future rezoning actions.

SUPPORTING INFORMATION:

I. Water and Sewer Service

This parcel does not front existing water or sewer infrastructure. Significant infrastructure improvements will be required in order to serve the proposed parcels within the City of Phoenix service area. Design and construction of any infrastructure will be the responsibility of the developer. Specifics regarding potential main extension requirements would be discussed and determined at a pre-application meeting after annexation.

It is the City's intent to provide water and sewer service. However, the requirements and assurances for water and sewer service are determined during the site plan application review, the PCD master plan, or the building permit approval. Water and/or sewer system requirements and stipulations are determined at the time of site plan approval. Capacity on any existing infrastructure is determined at the time of preliminary site plan approval. Please be advised that capacity is a dynamic condition that can change over time due to a variety of factors.

II. Fire Protection

Servicing Station: Daisy Mountain FS 146
3116 W New River Rd

Current Response Time:	3	Min.	15	Sec.
City Average Response Time:	5	Min.	0	Sec.

	Difference from Typical Response Time:	-2	Min.	15	Sec.
	Number of Service Calls Expected:	46			
	Average Cost per Service Call:	<u>\$727</u>			
	Estimated Total Annual Fire Service Costs:	\$33,519			
III.	Police Protection				
	Servicing Station:	Black Mountain Precinct 33355 North Cave Creek Rd			
	Number Of New Officers Required:	0.31			
	Number Of New Patrol Cars Required:	<u>0.18</u>			
	Estimated Total Annual Police Service Costs:	\$59,932			
IV.	Refuse Collection				
	Number of New Containers Required:	0			
	Cost for Refuse Containers, Each:	\$59.90			
	Cost for Recycling Containers, Each:	<u>\$59.90</u>			
	Total Start-Up Costs for Refuse Collection:	\$0			
V.	Street Maintenance				
	Average Cost per Acre for Street Maintenance:	<u>\$131</u>			
	Estimated Total Annual Street Maintenance Costs:	\$1,034			
VI.	Public Transit				
	Servicing Routes:	There are no servicing bus routes in the annexation area.			
VII.	Parks and Recreation				
	Neighborhood Park Demand in Acres:	1.17			
	Community Park Demand in Acres:	0.63			

	District Park Demand in Acres:	0.63
	Total Park Demand in Acres:	2.43
	Cost Per Acre, Annual Maintenance:	<u>\$17,000</u>
	Total Annual Parks and Recreation Costs:	\$41,253
VIII.	Schools	
	Elementary School District:	Deer Valley Unified
	High School District:	Deer Valley Unified
	Total Expected Elementary School Students:	80
	Total Expected High School Students:	46
	Total Expected New Students:	126
IX.	Revenues	
	Expected Total Impact Fees at Buildout:	\$1,021,182
Beginning Next Fiscal Year	Property Tax Income*:	\$252
	Utility Fee Income:	\$14,375
	State Shared Revenue:	\$119,577
	Solid Waste:	\$47,577
	Sales Tax Generated:	<u>\$0</u>
	Total Tax Related Income, Annually**:	\$181,781
Beginning 2023-2024 Fiscal Year	Property Tax Income*:	\$252
	Utility Fee Income:	\$14,375
	State Shared Revenue:	\$119,577
	Solid Waste:	\$47,577
	Sales Tax Generated:	<u>\$0</u>
	Total Tax Related Income, Annually**:	\$181,781
X.	Total Costs	
	Revenue, First Year Only:	\$1,202,963
	Revenue, Year Two:	\$181,781
	Revenue, 2020 and Beyond:	\$181,781

Expenses, First Year Only:	\$135,738
Expenses, Year Two and Beyond:	\$135,738

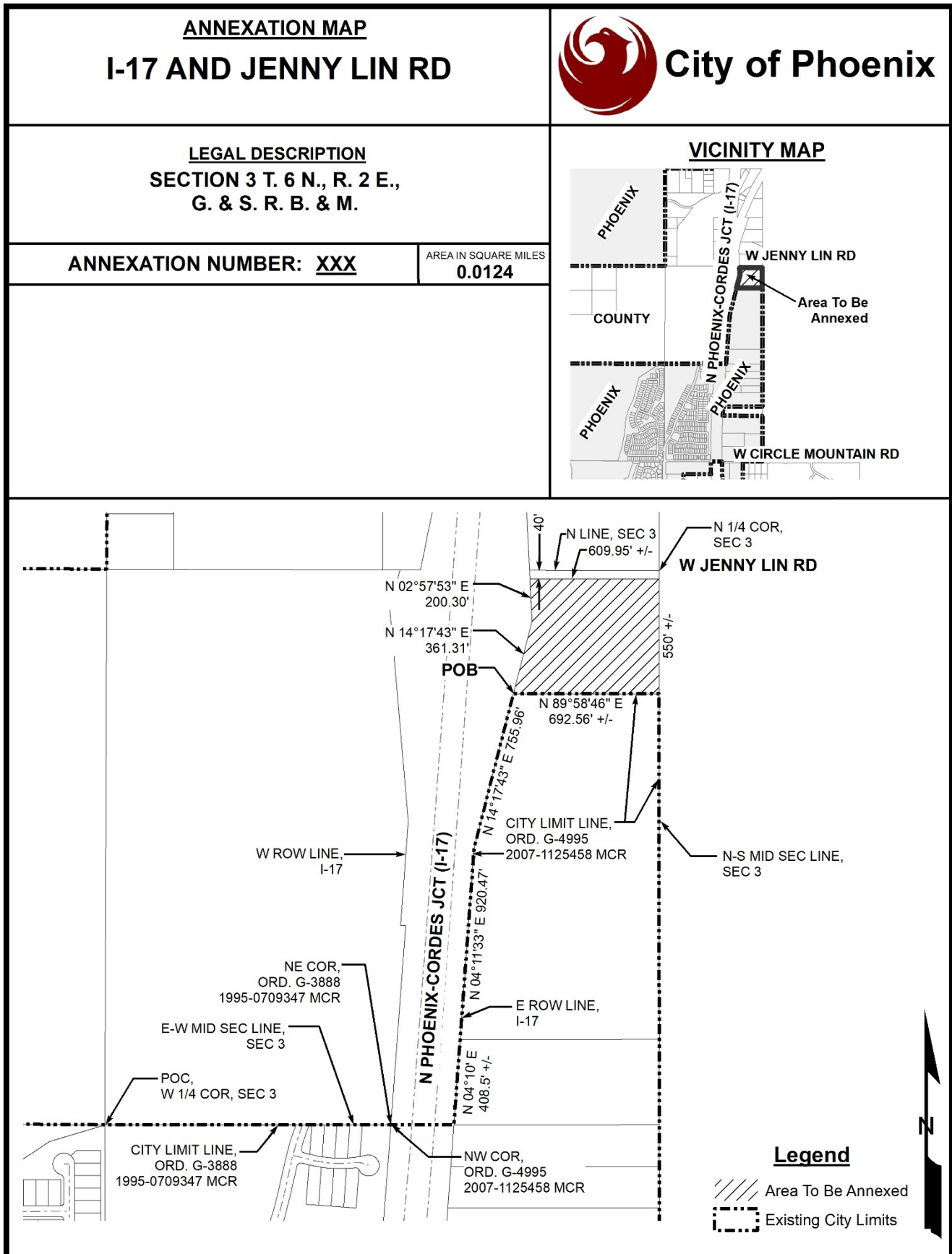
Total Annual Revenue, First Year**:	\$1,067,225
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Total Annual Revenue, 2023 and Beyond**:	\$46,043
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The above referenced **Property Tax Income numbers are based on vacant parcels only, it does not refer to future development which will vary depending on number of lots and individual square footage.*

*****Total Tax Related Income** and **Total Annual Revenues** will vary depending on project scope and size, the timing of permit issuance and build-out.*

ATTACHMENT B





Proposed 35th Avenue and Carter Road Annexation - Authorization to File

Request to authorize the City Manager, or his designee, to file with the Maricopa County Recorder's Office a blank petition for a proposed annexation. This annexation was requested by Reese Anderson and Jon Gillespie with Pew & Lake, PLC for the purpose of receiving City of Phoenix services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes section 9-471 regarding annexation.

Summary

Signatures on the proposed annexation petition shall not be obtained for a waiting period of 30 days after filing the blank petition with the Maricopa County Recorder. Additionally, a Public Hearing will be scheduled within this 30-day waiting period, permitting the City Council to gather community input regarding the annexation proposal. Formal adoption of this proposed annexation will be considered at a later date.

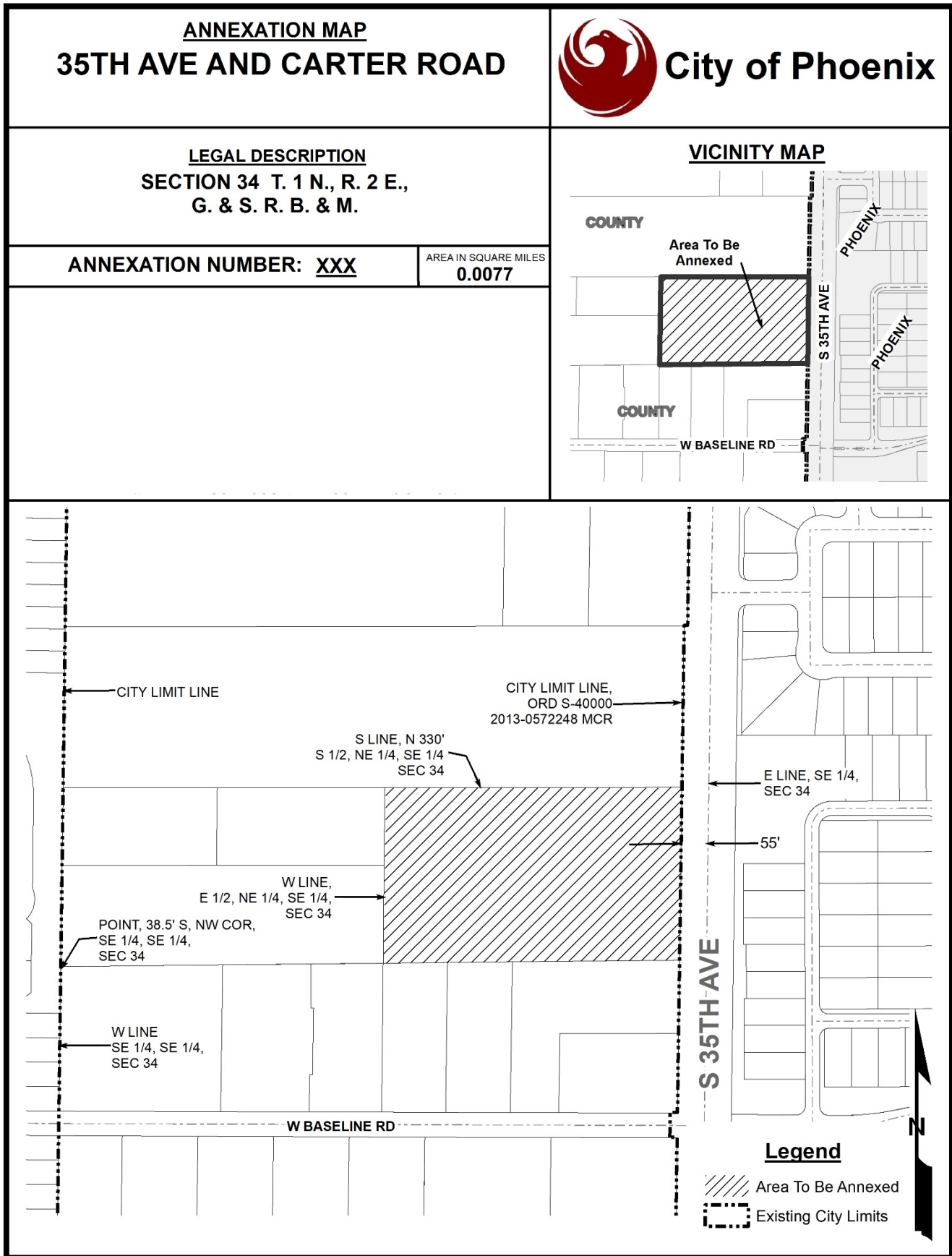
Location

The proposed annexation area includes parcel 105-89-013L, located at 35th Avenue and Carter Road (**Attachment A**). The annexation area is approximately 4.93 acres (0.0077 sq. mi.) and the population estimate is zero individuals.

Council District: 7

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.





Pesticides and Herbicides - IFB 20-008 - Amendment (Ordinance S-49163)

Request to authorize the City Manager, or his designee to allow additional expenditures under contracts 151429 with ADAPCO LLC, 151427 with Helena Agri-Enterprises LLC, 151430 with Nutrien AG Solutions Inc, 151431 with Siteone Landscape Supply, LLC, and 151428 with Rentokil North America, Inc. DBA Target Specialty Products for the purchase of pesticides and herbicides for Citywide departments. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$702,100.

Summary

This contract will provide various pesticides and herbicides, intended for preventing, destroying, repelling, or mitigating pests and also for use as plant regulators, defoliants or desiccants. Products include insecticides, larvacides, herbicides, algaecides, fungicides and associated additives, indicators, colorants and organic alternatives. The primary using departments are Parks and Recreation, Aviation, and Water Services. Contract usage has been greater than anticipated and funds are needed for the remaining term of the contracts.

Contract Term

The contract term remains unchanged, ending on Dec. 31, 2024

Financial Impact

Upon approval of \$702,100 in additional funds, the revised aggregate value of the contract will not exceed \$1,920,000. Funds are available in the various departments' budgets.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

- Pesticides and Herbicides contracts 151429, 151427, 151430, 151431, 151428, (Ordinance S-46171) on Nov. 20, 2019.

Responsible Department

This item is submitted by City Manager Jeffrey Barton and the Finance Department.



V-Desk II System Operator - RFA 19-021 - Amendment (Ordinance S-49165)

Request to authorize the City Manager, or his designee to allow additional expenditures under Contract 148626 with Skyline Productions, Inc. for the purchase of V-Desk II System Operator services for the Communications Office. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$30,000.

Summary

This contract will provide highly technical, trained and skilled multi-robotics camera operator services for the robotic camera system located in the PHXTV studios, which provides live-broadcast capability for meetings in the City Council Chambers and City Hall Assembly Rooms, both on-air and online. The use of robotic cameras in the City Council Chambers and Assembly Rooms provides the City cost savings and staffing efficiencies, as fewer people are required to produce meeting coverage for broadcast.

Contract Term

The contract term remains unchanged, ending on Sept. 30, 2023.

Financial Impact

Upon approval of \$30,000 in additional funds, the revised aggregate value of the contract will not exceed \$130,000. Funds are available in the Communications Office's budget.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

- V-Desk II System Operator Contract 148626 (Ordinance S-45033) on Oct. 3, 2018.

Responsible Department

This item is submitted by City Manager Jeffrey Barton and the Communications Office.



Employee Small Loan Program - RFP 030718 - Amendment (Ordinance S-49172)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 149092 with Employee Loan Solutions LLC., dba. TrueConnect/Sunrise Banks N.A., to extend the contract term for six months. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed as the request is to continue using Ordinance S-45017.

Summary

This contract will provide an employee loan program which can provide City employees with a resource to secure safe, affordable, small-dollar loans (up to \$5,000) to avert financial emergencies and ease financial stress. Loan payments are deducted from each paycheck over 12 months. Loans are made by an FDIC-insured lender with a reasonable interest rate of 19.9 percent and offer an alternative to title loans and payday loans, which typically carry extremely high interest rates. There are no origination fees or other fees assessed on the loan. Loan eligibility is not dependent upon personal credit score and a borrower's personal credit score is improved upon complete loan repayment. The contractor's plan is supported by a comprehensive employee financial wellness program which can help employees get out of the cycle of debt. This program is provided at no cost or liability to the City.

Contract Term

Upon approval the contract will be extended through June 30, 2023.

Financial Impact

This program is provided at no cost or liability to the City, and there is no impact to the General Fund. The costs for these services are paid by monthly payroll deductions from participants in the loan program.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

- Employee Small Loan Program Contract 149092 (Ordinance S-45017) on Sept. 19, 2018.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Human Resources Department.



Hearing Officer Services Contract RFP 22-150 - Request for Award (Ordinance S-49153)

Request to authorize the City Manager, or his designee, to enter into contract with Carol Scott Berry; Craig Steblay; Craig Tribken; Elizabeth Ann Drake dba Drake & Associates; Frank J. Dolasinski; Jon M. Froke dba Jon M. Froke Urban Planning, LLC; and Michael N. Widener dba Lexpertise, LLC, to provide Hearing Officer Services for the Planning and Development Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed \$920,000.

Summary

This contract will provide hearing officer services on an as-needed assignment basis for zoning, zoning takings, zoning adjustment, historic preservation, and other hearings as deemed necessary by the City. Per City Council's direction, independent hearing officers will be used in the decision-making process for zoning adjustment hearings for increased transparency. These services support the City's Strategic Plan to promote economic development fostering an environment for entrepreneurial growth and the revitalization of Phoenix's urban areas.

Procurement Information

A Request for Proposal procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10.

Seven vendors submitted proposals deemed responsive and responsible. An evaluation committee of City staff evaluated those offers based on the following criteria with a maximum possible point total of 1,000:

Qualifications and Experience (0-500 points)

Method of Approach (0-400 points)

Work Product Evaluation (0-100 points)

After reaching consensus, the evaluation committee recommends award to the following vendor(s):

Carol Scott Berry - 648 points
Craig D. Steblay - 648 points
Craig Lewis Tribken - 666 points
Elizabeth Ann Drake dba Drake & Associates - 813 points
Frank J. Dolasinski - 750 points
Jon M. Froke dba Jon M. Froke Urban Planning, LLC - 691 points
Michael N. Widener dba Lexpertise, LLC - 853

Contract Term

The contracts will begin on or about Jan. 1, 2023, for a three-year term with two one-year options to extend.

Financial Impact

The aggregate contracts value will not exceed \$920,000.

Funding is available in the Planning and Development Department's Operating budget.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



Library eResources and Associated Services - RFQu 17-202 - Amendment (Ordinance S-49174)

Request to authorize the City Manager, or his designee, to execute amendments to Contract 146865 with EBSCO Industries and Contract 146487 with Kanopy Inc. to extend contract term. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed, request to continue using Ordinance S-44098.

Summary

These contracts will provide electronic resources and associated services for the Library Department. Additional time is needed to allow completion of the new procurement. This extension will ensure the public has continued access to these crucial electronic resources.

Contract Term

Upon approval the contract will be extended through June 30, 2023.

Financial Impact

The aggregate value of the contract will not exceed \$1,327,000 and no additional funds are needed.

Concurrence/Previous Council Action

The City Council previously reviewed this request:
Library eResources and Associated Services - Contracts 146865 and 146487 (Ordinance S-44098) on Nov. 29, 2017.

Responsible Department

This item is submitted by Deputy City Manager Inger Erickson and the Library Department.



Acceptance and Dedication of Easements for Public Utility and Sidewalk Purposes (Ordinance S-49167)

Request for the City Council to accept and dedicate easements for public utility and sidewalk purposes; further ordering the ordinance recorded.

Summary

Accepting the property interests below meets the Planning and Development Department's Single Instrument Dedication Process requirement prior to releasing any permits to applicants.

Easement (a)

Applicant: 1450 East Rose Lane #1, LLC, its successor and assigns

Purpose: Public Utility

Location: 1450 E. Rose Lane

File: FN 220074

Council District: 6

Easement (b)

Applicant: Randy T. Bos PLC, its successor and assigns

Purpose: Public Utility

Location: 819 E. Apollo Road

File: FN 220072

Council District: 8

Easement (c)

Applicant: RBR Holdings III LLC, its successor and assigns

Purpose: Public Utility

Location: 2522 N. 28th Place

File: FN 220083

Council District: 8

Easement (d)

Applicant: South Mountain Acquisition LP, its successor and assigns

Purpose: Sidewalk

Location: 3218 E. Southern Ave.

File: FN 220071

Council District: 8

Responsible Department

This item is submitted by City Manager Jeffrey Barton, Deputy City Manager Alan Stephenson, and the Planning and Development and Finance departments.



Authorization to Execute Agreements with Arizona Public Service and Grant Related Easements for Electric Vehicle Charging Stations at 150 S. 12th St. (Ordinance S-49145)

Request to authorize the City Manager, or his designee, to execute agreements with Arizona Public Service and grant related easements for electric vehicle (EV) charging stations at the Fire Administration building located at 150 S.12th St.

Summary

Arizona Public Service (APS) is conducting an Electric Vehicle (EV) Charging Pilot Program (Program) for installation of EV charging stations to assess EV consumer purchasing and the use of EV charging stations. The program will be in place for five years and may be terminated at any time by APS. Upon termination, the City may elect to take ownership of, or have APS remove, the EV charging stations.

At no cost to the City, APS will design, construct, and install all necessary infrastructure and charging stations. APS will install six EV chargers at the Fire Administration building located at 150 S.12th St., and will provide semi-annual inspections, testing and firmware upgrades on the equipment. The City is responsible for weekly safety inspections to keep the charging stations clear and free of debris.

The City may be required to grant easements or licenses for infrastructure related to the installation and operation of the EV charging stations. If the City elects to take ownership of the EV charging stations, APS will transfer title to the City.

Contract Term

The agreement term will be for five years.

Financial Impact

There is no financial impact to the City.

Location

150 S. 12th St.

Council District: 8

Responsible Department

This item is submitted by Assistant City Manager Lori Bays, Deputy City Manager Karen Peters, the Office of Sustainability, and the Fire and Finance departments.



Acquisition of Real Property for Improvements at the Intersection of 5th Avenue and Chambers Street (Ordinance S-49159)

Request to authorize the City Manager, or his designee, to acquire all real property and related property interests required by donation, purchase within the City's appraised value, or by the power of eminent domain for intersection improvements at the southwest corner of 5th Avenue and Chambers Street. Further request to authorize dedication of land with roadway and public improvements to public use for right of way purposes via a separate recording instrument. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

Acquisition of real property is required for widening and installing roadway improvements at the intersection of 5th Avenue and Chambers Street. Improvements include new pavement, curb, gutter and Americans with Disabilities Act compliant sidewalks and ramps.

The parcel affected by this project and included in this request is identified by Maricopa County Assessor's parcel number 113-38-031 located at 504 W. Sunland Ave.

Financial Impact

Funding is available in the Street Transportation Department's Capital Improvement Program budget.

Location

Intersection of 5th Avenue and Chambers Street.
Council District: 7

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation and Finance departments.



Professional IT Services for Oracle Environment (Ordinance S-49190)

Request to authorize the City Manager, or his designee, to extend the term of Contract 144149 with ERP Analysts, Inc. and Contract 144147 with LCS Technologies, Inc. to continue to purchase professional IT services for the City's Oracle environment for departments citywide. No additional funds are being requested. Remaining funds previously authorized by City Council action will be applied to the extended contract term. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

The City uses Oracle applications and technologies in multiple departments and for several critical citywide systems. These agreements are essential to the City, as they will allow departments to continue implementing, updating, or obtaining specialized support and technical services for Oracle related applications and technologies on an as-needed basis. Uses include PeopleSoft development and system administration for the City's Human Capital Management system supported by Information Technology Services, database administration for the Customer Care and Billing System (CC&B) and other systems for the Water Services Department, and business intelligence development citywide. Funding professional services to optimize the use of the City's Oracle systems creates efficiencies, improves customer service, and supports delivery of services to the public. Additionally, these contracts allow departments to quickly utilize highly experienced Oracle technology professionals to address unforeseen technology issues or support surges.

Contract Term

The term of these agreement will be extended through Nov. 30, 2023.

Financial Impact

There is no financial impact to the City as a result of this request. The contracts' aggregate value remains at \$7,950,000 over the seven-year term ending in Nov. 30, 2023. Funds are available in various departments' budgets.

Responsible Department

This item is submitted by Deputy City Manager Inger Erickson and the Information

Technology Services Department.



2022-23 Federal HOME Investment Partnerships Program Call for Interest

Request City Council approval of the Housing Department's 2022-23 HOME Investment Partnerships Program (HOME) Call for Interest (CFI), Community Priorities for the HOME CFI, and the associated revisions to the Affordable Housing Loan Program (AHLP) and Underwriting Guidelines. The HOME Program is a federally funded program provided by the U.S. Department of Housing and Urban Development.

Summary

The AHLP's Community Priorities (Priorities) and Underwriting Guidelines allow the City to be proactive in communicating housing needs to developers of affordable and/or special needs housing. On Nov. 17, 2021, the City Council approved the Priorities as follows, and the Housing Department recommends continuing with these Priorities for the 2022-23 CFI:

1. Acquisition, rehabilitation, and/or new construction of properties that focus on homeless or special needs populations and that provide appropriate services to assist and sustain these populations; and
2. Acquisition, rehabilitation, and/or new construction of properties where the developer qualifies as a Community Housing Development Organization (CHDO) as defined by the HOME Program.

The total allocation available for the 2022-23 CFI is approximately \$7 million in HOME funding, of which \$972,277 must be awarded to CHDOs. The funds will allow for an estimated three to four affordable housing project awards with a maximum award of \$2 million per project. The Housing Department may utilize HOME-ARP funds with this solicitation if proposals meet the HOME-ARP special population criteria and HUD approves the HOME-ARP Allocation Plan before the CFI deadline.

Procurement Information

The CFI will be available through the City's website on or about Nov. 21, 2022, with proposals due on or about Feb. 6, 2023. A selection committee will convene to evaluate proposed projects for the CFI identified Priorities, based on the criteria listed below. The committee will be made up of representatives from City departments and community partners with housing development expertise who are not competing for

the funding. Formal recommendation for the CFI award(s) will be presented to the City Council for approval.

Applicants must meet the following Threshold Criteria prior to moving forward for evaluation and scoring by the selection committee:

1. Application submitted before the deadline;
2. Development team is not on the HUD Debarment List;
3. Compliance with existing city loans;
4. Property management experience, minimum three years; and
5. Complete application as specified in the CFI.

The applications that do not meet the threshold criteria will be rejected and will not move forward for evaluation.

Evaluation criteria for selection will include the following below.

Developer Experience (260 points) - Capacity and prior experience of the organization; its staff member and consultant experience in planning and completing projects similar to the proposed project; property management experience of those who will manage the proposed property; including compliance with federally subsidized units.

Project Merits (430 points) - Project need; proximity to services; sustainability as demonstrated in energy efficient design; location near transportation; amenities included in the project design; site plans and elevations; accessibility; experience of the General Contractor; project readiness and timeline.

Financial Feasibility (260 points) - Includes development financing plan; funding commitments; mitigation of identified risks; leverage of City funds.

Project Impact (50 points) - How likely the project is to succeed, accomplish its goals and serve the intended population; and demonstration of financial feasibility and project readiness.

Underwriting Guidelines Revisions

The City first adopted the AHLPP Underwriting Guidelines (Guidelines) in October 2005. Since then, the Guidelines have been periodically updated to reflect current City priorities, federal funding regulations and changes in lending practices. The Guidelines were last updated in November 2021. The goals of the Guidelines are to:

1. Provide long-term housing affordability;

2. Outline clear guidelines for quality, well-constructed or rehabilitated housing;
3. Create predictable, clear underwriting and approval process; and
4. Manage risk and encourage high performing projects.

Proposed revisions to the AHLP Guidelines include the following clarifications: revise the current definition of surplus cash flow to allow for the deferred developer fee to be included as a required payment before surplus cash is calculated. Previously the deferred developer fee was an exclusion in the definition. This change aligns with the Arizona Department of Housing Low Income Housing Tax Credit Program.

There were no revisions to scoring, evaluation criteria and threshold for this CFI.

Financial Impact

There is no impact to the General Fund. HOME is a federally funded program.

Responsible Department

This item is submitted by Deputy City Manager Gina Montes and the Housing Department.



HOME-ARP Allocation Plan and 2020-24 Consolidated Plan's 2021-22 Annual Action Plan Substantial Amendment

Request City Council approval of a Substantial Amendment to the 2020-24 Consolidated Plan's 2021-22 Annual Action Plan to add the U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnerships Program (HOME) American Rescue Plan Act of 2021 (ARP) allocation of \$21,354,777; submit the HOME-ARP Allocation Plan to HUD for approval; and take all necessary actions and execute all documents and agreements required by HUD authorized under Section 3205 of the American Rescue Plan Act of 2021, Public Law 117-2, enacted on March 11, 2021, for the purposes of providing homelessness assistance and supportive services due to the continued impact of the COVID-19 pandemic on the economy, public health, state and local governments, individuals, and businesses. Further request to authorize the City Treasurer to accept and the City Controller to disburse all funds related to this item.

Summary

The 2020-24 Consolidated Plan's 2021 Annual Action Plan defines how the City's Community Development Block Grant, Emergency Solutions Grant, HOME, and Housing Opportunities for Persons with AIDS programs be used to address the priorities and goals outlined in the five-year plan.

- The Housing Department is proposing the following Substantial Amendment to add HOME-ARP funding allocations for the purposes of:
- Providing homelessness assistance and supportive services due to the continued impact of the COVID-19 pandemic on the economy, public health, state and local governments, individuals, and businesses;
- Waiving the matching contribution requirements;
- Waiving the set-aside requirements for Community Housing Development Organizations;
- Waiving the requirements for the 24-month deadline for the commitment of funds;
- Waiving the requirements for home buyer or existing homeowner activities in the

National Affordable Housing Act; and

- Implementing all HOME-ARP waivers.

The following outlines how the City of Phoenix intends to utilize these funds and waivers to provide homelessness assistance and supportive services in response to the continued impact of the COVID-19 pandemic:

1. Add the HOME-ARP allocation of \$21,354,777 to support the following activities:
 - Production or Preservation of Affordable Housing - \$8,209,650;
 - Supportive Services including services designated at 24 CFR 578.53(e) - \$2,500,000;
 - Purchase and development of Non-Congregate Shelter - \$8,209,649;
 - Operating Costs for Community Housing Development Organizations, other non-profit organizations, and homeless providers - \$300,000 (maximum allocation allowed for this activity is 5 percent or \$1,067,289); and
 - Administration costs - \$2,135,478 (Maximum allocation allowed for this activity is 15 percent or \$3,203,216).
2. Utilization and implementation of all HOME-ARP waivers as authorized by HUD's Community Planning and Development memo dated Sept. 8, 2021.

Prior to implementation of these funds, HUD requires that the City complete an in-depth assessment to determine the needs for the qualifying populations as well as submit a HOME-ARP Allocation Plan. The City contracted with a consultant to complete the required analysis and plan. Upon approval by the City Council, the HOME-ARP Allocation Plan will be submitted to HUD for final approval and authorization to utilize these funds. The HOME-ARP Allocation Plan also includes a preference for non-congregate shelter and rental housing projects that serve people experiencing homelessness. Further City Council action will be required to enter into any new agreements, or to modify any existing contracts, with service providers for services funded under these eligible activities.

Procurement Information

Services may be procured, as needed, by utilizing procurement in accordance with Administrative Regulation 3.10 to implement and administer HUD funded programs intended to prevent, prepare for, and respond to the COVID-19 national pandemic.

Financial Impact

These programs are federally funded by HUD. There is no impact to the General Fund.

Public Outreach

As part of the HOME-ARP Allocation Plan process, HUD requires that proposed substantial amendments be made public and provide for a 15-day public comment period. Additionally, as part of the American Rescue Plan Act of 2021, Public Law 117-2, enacted on March 11, 2021, HUD approved an abbreviated process to allow flexibility to institute more streamlined requirements to address immediate needs relative to the Coronavirus. The HUD abbreviated process includes the following:

- The reduction of the 30-day public comment period and the implementation of a public comment period of no less than 15 days in an effort to expedite the Consolidated Plan Substantial Amendment process and allow the City to respond as quickly as possible to the immediate needs in the community; and
- The elimination of the in-person public hearings and the implementation of virtual public hearings when national and or local health authorities recommend social distancing and limiting public gatherings for public health reasons; and virtual hearings provide reasonable notification and access for citizens in accordance with Phoenix's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.

The City of Phoenix published a 15-day comment period and public hearing notice in the Arizona Republic on Aug. 29, 2022. A virtual public hearing was held to provide an opportunity for public comment on Sept. 12, 2022. The public comment period was open from Sept. 13 to Sept. 27, 2022.

In addition to the public outreach required by HUD, Housing staff conducted six virtual listening sessions for community stakeholders and interviewed numerous service agencies and housing providers directly. More than 66 agencies participated in interviews and listening sessions.

Concurrence/Previous Council Action

This item was recommended for approval at the Community and Cultural Investment Subcommittee meeting on Nov. 2, 2022.

Responsible Department

This item is submitted by Deputy City Managers Gina Montes and Alan Stephenson, and the Housing and Neighborhood Services departments.



CARES Act Community Development Block Grant (CDBG-CV) Reallocation

Request authorization for the City Manager, or designee, to reallocate \$2 million of available Community Development Block Grant Coronavirus Aid, Relief, and Economic Security Act (CDBG-CV) funding, and approval to take all necessary actions and execute all documents and agreements required by the U.S. Department of Housing and Urban Development (HUD) as authorized by CARES Act, Public Law 116-136, enacted March 27, 2020, for the specific purpose of preventing, preparing for, and responding to the COVID-19 public health crisis.

Summary

The City of Phoenix received two rounds of CDBG-CV funding to help Phoenix residents, businesses, and neighborhoods prevent, prepare for, and respond to the COVID-19 pandemic. Since May 2020, the City Council has authorized the Neighborhood Services Department (NSD) to implement multiple programs by allocating the CDBG-CV funds towards support services and shelters for people experiencing homelessness.

In December 2021, City Council approved the utilization of \$2 million in CDBG-CV funds for an open application Request for Proposal (RFP) for shelter acquisition projects. In March 2022, NSD posted a \$2 million RFP to fund real property acquisitions of emergency or transitional shelter facilities to provide expanded shelter beds for individuals and families experiencing homelessness in the City of Phoenix to prevent, prepare for, and respond to the COVID-19 pandemic. As of October 2022, NSD had not received any proposals for this open application RFP.

Staff proposes to reallocate the available \$2 million in CDBG-CV funds to other homelessness support activities.

Financial Impact

Funding is made available by the U.S. Department of Housing and Urban Development through the Coronavirus Aid, Relief, and Economic Security Act. There is no impact to the General Fund.

Concurrence/Previous Council Action

On May 6, 2020, the City Council authorized a Substantial Amendment to the 2015-20 Consolidated Plan's 2019-20 Annual Action Plan to include the first release of allocations and waivers authorized by the CARES Act.

On Jan. 21, 2021, the Land Use and Livability Subcommittee recommended City Council approval of broad allocations of Emergency Solutions Grant allocations to prevent, prepare for, and respond to the COVID-19 pandemic, focusing on individuals and families who are experiencing homelessness or receiving homeless assistance, and to support homelessness prevention activities to mitigate the impacts of COVID-19.

On Feb. 17, 2021, the City Council authorized a Substantial Amendment to the 2015-20 Consolidated Plan's 2019-20 Annual Action Plan to include the second release of allocations and waivers authorized by the CARES Act.

On Nov. 3, 2021, the Community and Cultural Investment Subcommittee recommended approval of the reallocation of CDBG-CV funds to support the issuance of the Shelter Acquisition RFP by a 4 to 0 vote.

On Dec. 1, 2021, the City Council authorized the reallocation of CDBG-CV funds to support the issuance of the Shelter Acquisition RFP.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Neighborhood Services Department.



Fence Supply and Services (Federal Funded) - Request for Award (Ordinance S-49152)

Request to authorize the City Manager, or his designee, to enter into agreements with LP Steel Industries, LLC., Phoenix Fence Company, and Western Fence Co. Inc., to provide the Housing Department various types of fence, fencing supplies and services. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed \$300,000.

Summary

This contract will provide various types of fencing, supplies, and services. A majority of the fencing is for the Section 32 Homeownership Program.

Procurement Information

An Invitation for Bid procurement was processed in accordance with the City of Phoenix Administrative Regulation 3.10.

Three vendors submitted bids deemed to be responsive to the specifications and responsible to provide the required goods and services. The Housing Department recommends the following:

1. Western Fence Co.: Group 1 - Block Wall Fence and Group 3 - Chain-Link Fence (alternate vendor for Group 4);
2. Phoenix Fence Company: Group 2 - Ornamental Fence (alternate vendor for Group 3- Chain-link Fence); and
3. LP Steel Industries, LLC.: Group 4 - Wood Fence (alternate vendor for Group 2 - Ornamental Fence), and all fence rentals.

Contract Term

The contracts will begin on or about May 1, 2023, for a five-year term with no options to extend.

Financial Impact

The aggregate contract value shall not exceed \$300,000. This contract is funded with U.S. Department of Housing and Urban Development (HUD) funds. There is no impact

to the General Fund.

Responsible Department

This item is submitted by Deputy City Manager Gina Montes and the Housing Department.



Housing Department Custodial Services- RF FY23-086-01 - Request for Award (Ordinance S-49164)

Request to authorize the City Manager, or his designee, to enter into an agreement with Triangle Services, Inc., to provide custodial services for the Housing Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$955,000.

Summary

This contract will provide custodial services, on a regular basis, for the Housing Department's Senior sites and Housing locations throughout the city. The services include, but are not limited to, general cleaning of the interior and exterior of the facilities, such as floors, restrooms, community rooms, laundry rooms, and offices. Additional services include more advanced cleaning of floors, upholstery, exterior surfaces, and windows.

Procurement Information

A Request for Proposal procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10.

Four vendors submitted proposals deemed responsive and responsible. An evaluation committee of City staff evaluated those offers based on the criteria with a maximum possible point total of 1,000:

Method of Approach (0-450 points);
Experience/Qualifications/References (0-200 points);
Quality Assurance Program (0-200 points); and
Price (0-150 points).

After reaching consensus, the evaluation committee recommends award to the following vendor:

Triangle Services, Inc.: 720 points.

Contract Term

The contract will begin on or about Feb. 1, 2023, for a five-year term with no options to extend.

Financial Impact

The aggregate contract value will not exceed \$955,000. This contract is funded with U.S. Department of Housing and Urban Development grant funds and Special Revenues.

Responsible Department

This item is submitted by Deputy City Manager Gina Montes and the Housing Department.



Request to Amend the Affordable Housing Loan Agreement between the City of Phoenix and Sunnyslope Housing Limited Partnership (Ordinance S-49166)

Request to authorize the City Manager, or his designee, to amend the Affordable Housing Loan Agreement, Contract 107641, between the City of Phoenix and Sunnyslope Housing Limited Partnership, an Arizona limited partnership, (the "Owner") to change the affordability restriction of the City's set aside units from serving households at 50 percent of the Phoenix Median Family Income to 60 percent of the Phoenix Median Family Income. Authorization is also requested for the City Manager, or his designee, to execute all necessary documents.

Summary

Contract 107641 was executed on Oct. 1, 2003, with the Owner to assist with the development of the 150-unit Hacienda at Sunnyslope Apartments, located at 730 W. Vogel Ave. This contract represents an investment by the City of \$3 million of General Obligation Bond funds into the project in the form of a loan which secured 33 City set aside units for households at or below 50 percent of the Phoenix Median Family Income. In 2010, the property experienced financial distress in the wake of the recession. As a result, it filed for Chapter 11 Bankruptcy in January 2011. In December 2012, the Bankruptcy Court approved an amended plan of reorganization which included the City's contract. This plan effectively froze all debts on the property and restructured the ownership.

The owner is currently in the process of repositioning the property in the hopes of creating long term financial stability and ensuring the affordability and public benefit can be provided throughout the entire term of the City's contract. To facilitate this, the owner has requested the City to change the affordability restriction of the City's set aside units from serving households at 50 percent of the Phoenix Median Family Income to 60 percent of the Phoenix Median Family Income. This change still provides affordability for the 33 City set aside units for 25 years, the remaining term of the contract.

Financial Impact

There is no financial impact to the General Fund.

Location

730 W. Vogel Ave.

Council District: 3

Responsible Department

This item is submitted by Deputy City Manager Gina Montes and the Housing Department.



Authorization to Enter Into an Intergovernmental Agreement with Arizona Department of Housing (Ordinance S-49191)

Request to authorize the City Manager, or his designee, to enter into an intergovernmental agreement (IGA) with the Arizona Department of Housing (ADOH) to accept funding to support construction costs, emergency shelter services and workforce opportunities at the City's forthcoming emergency shelter, located at 2225 S. Lower Buckeye Road (Shelter). The total value of the IGA will not exceed \$7 million. Further request to authorize the City Treasurer to accept, and the City Controller to disburse all funds related to this item.

Summary

Funding awarded to the City from ADOH will be utilized to support construction costs, emergency shelter services and workforce opportunities for guests staying at the shelter.

As an immediate solution to address the growing number of unsheltered individuals in the downtown area, specifically the area surrounding the Human Services Campus, the City of Phoenix developed a program to provide congregate shelter for up to 200 individuals nightly, non-congregate shelter for up to 50 individuals nightly, and an optional workforce component for guests staying at the shelter. The workforce component was developed in partnership with St. Vincent de Paul who will operate the program. However, participation in the workforce program is not a requirement to stay at the shelter. The Shelter will operate as a closed campus, meaning walk-up services will not be available. All guests will be referred by an outreach provider, City of Phoenix emergency services staff or a provider from the Human Services Campus. The shelter will have 24/7 security and service animals will be allowed.

Contract Term

The term of the IGA will begin on or about Nov. 1, 2022, and run through June 30, 2023, with five one-year options to extend, which may be exercised by mutual agreement of the City and ADOH.

Financial Impact

The total value of the IGA will not exceed \$7 million. Funding is available from ADOH.

There is no impact to the General Fund.

Responsible Department

This item is submitted by Deputy City Manager Gina Montes and the Human Services Department.



Request to Amend Contract with Central Arizona Shelter Services, Inc. for Emergency Shelter and Case Management Services (Ordinance S-49160)

Request to authorize the City Manager, or his designee, to amend Contract 152511 with Central Arizona Shelter Services, Inc. (CASS) to add \$285,000 from a combination of Emergency Solutions Grant - COVID (ESG-CV) and Community Development Block Grant-COVID (CDBG-CV) funds for the contract period beginning July 1, 2022, through June 30, 2023. The new contract total will not exceed \$2,919,114. Further request to authorize the City Controller to disburse all funds related to this item for the life of the contract.

Summary

CASS is a provider of shelter services for single adult men and women in Phoenix and Maricopa County and currently serves up to 600 individuals each evening. Currently, it is the only facility that has the capacity to serve this large number of homeless individuals. CASS is located on the Human Services Campus where the Brian Garcia Welcome Center is also located, which is a designated Coordinated Entry Point for individuals seeking shelter services. Shelter operations include bed and bedding, meals, showers and toiletries, limited secured storage for personal belongings, and case management. The funding distribution is as follows:

- CDBG-CV: \$129,062
- ESG-CV: \$155,938

Contract Term

The term of the contract remains unchanged. The contract is for one year with two 1-year options to renew beginning on or about July 1, 2020, subject to annual budget approval, which may be exercised by the City Manager or his designee.

Financial Impact

The new total contract value will not exceed \$2,919,114. Funding is available from a combination of ESG-CV and CDBG-CV funding. There is no impact to the General Fund.

Concurrence/Previous Council Action

On May 6, 2020, City Council approved Contract 152511 with Ordinance S-46577.

Responsible Department

This item is submitted by Deputy City Managers Gina Montes and Alan Stephenson and the Human Services and Neighborhood Services departments.



Request to Amend the Facility Use Agreement Between the City of Phoenix Head Start Birth to Five Program and the Washington Elementary School District (Ordinance S-49170)

Request to authorize the City Manager, or his designee, to amend the Facility Use Agreement (FUA) 148169 with the Washington Elementary School District to extend the term through June 30, 2024, and to authorize payment of up to \$100,000 for upgrades and renovations to district-owned buildings used by the Head Start Birth to Five Program. Further, request to authorize the City Controller to disburse all funds related to this item. There is no impact on the General Fund. Funding is provided by the U.S. Department of Health and Human Services Office of Head Start.

Summary

In July 2018, the City of Phoenix Head Start Birth to Five Program entered into a FUA with the Washington Elementary School District to use space in the District's Annex building, located at 1502 W. Mountain View Road, for an Early Head Start Home-Based socialization site. The space is used bi-weekly for Early Head Start families living in the Washington Elementary School District to interact and socialize.

The amendment to the FUA will provide a mechanism for the City of Phoenix Head Start Birth to Five Program to pay a percentage of upgrades and renovations to district owned buildings. The upgrades and renovations include expanding the Early Head Start socialization site in the Washington Elementary School District's Annex building, allowing more space for families during bi-weekly socializations, and office space for staff. The space will be available to Early Head Start Home-Based staff Tuesdays through Thursdays weekly.

The other upgrades and renovations are for office space for two Head Start Caseworkers at the Washington Elementary School District's Registration Center, located at 3200 W. Cholla St., providing families easier access to Head Start Birth to Five staff and resources.

Contract Term

The current term of the FUA is July 1, 2022, through June 30, 2023. The term of the extension will be July 1, 2023, through June 30, 2024.

Financial Impact

The contract total will not exceed \$100,000. Funding is provided by the Office of Head Start. There is no impact on the General Fund.

Concurrence/Previous Council Action

The City Council approved Ordinance S-46464 on March 18, 2020, approving the use of Head Start grant funds and authorizing the City Manager to enter associated agreements for term of the grant (July 1, 2020 to June 30, 2024).

The Head Start Birth to Five Policy Council approved this action on Sept. 28, 2022.

Location

Washington Elementary School District Registration Center
3200 W. Cholla St.
Council District: 1

Washington Elementary School District Annex Building
1502 W. Mountain View Road
Council District: 3

Responsible Department

This item is submitted by Deputy City Manager Gina Montes and the Human Services Department.



Request to Amend Contract with Maricopa Corporate College for Basic Computer Skills Training (Ordinance S-49175)

Request to authorize the City Manager, or his designee, to amend Contract 146877 with Maricopa Corporate College (MCOR), or its city-approved designee, for basic computer skills training to extend the term of the contract through June 30, 2023. The total contract value will remain unchanged and will not exceed \$150,000. Further request to authorize the City Controller to disburse all funds related to this item. Funds are available from the City's allocation of Workforce Innovation and Opportunity Act (WIOA) grant funds. There is no impact to the General Fund.

Summary

MCOR provides training services to develop and deliver up-to-date basic computer skills training services to ARIZONA@WORK City of Phoenix customers to help build and refine their computer skills, increase their workplace readiness, and increase opportunities for attaining employment.

RFP-22-BWDD-58 was issued and posted to the City's Solicitation website on Aug. 10, 2022. On Sept. 9, 2022, one proposal was received and was deemed non-responsive to the solicitation requirements. As a result, the RFP was cancelled. An extension to this contract will allow for the continuation of services while the Human Services Department re-issues an RFP for these services within the next six months.

Contract Term

The term of the extension period will be Feb. 1, 2023, through June 30, 2023.

Financial Impact

Funds are available from the City's allocation of Workforce Innovation and Opportunity Act (WIOA) grant funds. There is no impact to the General Fund.

Concurrence/Previous Council Action

The City Council approved Contract 146877 (Ordinance S-44237) on Jan. 24, 2018.

Responsible Department

This item is submitted by Deputy City Manager Gina Montes and the Human Services Department.



**Request to Amend Contract with Plaza Del Rio Management Corporation
(Ordinance S-49183)**

Request to authorize the City Manager, or his designee, to amend Contract 152663 with Plaza Del Rio Management Corporation dba Plaza Companies (Plaza) for property management services at the City's Family Advocacy Center (FAC) to add \$1.1 million to support the completion of proposed renovation projects at the FAC. The new contract total will not exceed \$2,204,180. Further request to authorize the City Controller to disburse all funds related to this item for the life of the contract. Funding is available from non-City tenant rent. There is no impact to the General Fund.

Summary

Plaza provides property management services in connection with the continued operations of the FAC. The FAC is a City-owned Human Services Department facility. Plaza is responsible for property management of the entire FAC campus and for the collection of operation and maintenance expenses and non-City tenant rent. The additional funding supports the completion of proposed renovation projects.

Contract Term

The initial term of this contract was from Sept. 30, 2020, through June 30, 2021, with four, one-year options to extend through June 30, 2025, which may be exercised by the City Manager or his designee.

Financial Impact

The new contract total will not exceed \$2,204,180. The additional \$1.1 million requested is available from non-City tenant rent. There is no impact to the General Fund.

The funding breakdown is as follows:

Property Management: \$555,750
Common Area Expenses: \$518,430
Proposed Renovation Projects: \$1,130,000
Total: \$2,204,180

Concurrence/Previous Council Action

- On June 17, 2020, the City Council authorized staff to enter into an agreement with Plaza to provide property management services and authorizing the City Controller to disburse funds with Ordinance S-46724.
- On Jan. 6, 2021, the City Council authorized additional funding to support common area maintenance expenses with Ordinance S-47208.
- On April 4, 2022, the City Council authorized additional funding to support renovation project expenses with Ordinance S-48521.

Location

Family Advocacy Center, 2120 N. Central Ave.
Council District: 4

Responsible Department

This item is submitted by Deputy City Manager Gina Montes and the Human Services Department.



Request to Enter into an Agreement with The Industrial Development Authority of the City of Phoenix for Case Management and Housing Navigation Services (Ordinance S-49188)

Request to authorize the City Manager, or his designee, to enter into an agreement with the Industrial Development Authority of the City of Phoenix (Phoenix IDA), to provide case management and housing navigation services in an amount not to exceed \$300,000. Funding is available through the City's allocation of American Rescue Plan Act (ARPA) and is in the Utility and Rental Assistance program of the strategic plan. Further request to authorize the City Controller to disburse all funds related to this item for the life of the contract.

Summary

For case management and housing navigation services, the Human Services Department will enter into an agreement for up to \$300,000 with the Phoenix IDA to provide services to include case management supporting housing needs as a priority. The services will also include holistic priority needs such as access to physical health care, behavioral health care, nutrition assistance, cash assistance, workforce development, emergency rental assistance and vouchers, etc. This program will use funding in the ARPA Utility and Rental Assistance program.

Contract Term

The term of the contract will be retroactive to Oct. 3, 2022, and run through June 30, 2023, with one option to renew for one year.

Financial Impact

The aggregate contract value will not exceed \$300,000 over the life of the contract. Funding is available through the City's allocation of ARPA funding. There is no impact to the General Fund.

Responsible Department

This item is submitted by Deputy City Manager Gina Montes and the Human Services Department.



Request to Enter into an Agreement with the Salvation Army to Expand Family Emergency Shelter Services (Ordinance S-49186)

Request to authorize the City Manager, or his designee, to enter into an agreement with the Salvation Army to expand family emergency shelter services. The total value of the contract will not exceed \$6 million. Further request to authorize the City Controller to disburse all funds related to this item. Funding is available from Community Development Block Grant (CDBG) entitlement and Community Development Block Grant Coronavirus Aid, Relief, and Economic Security Act (CDBG-CV) funding from the U.S. Department of Housing and Urban Development (HUD). There is no impact to the General Fund.

Summary

The Salvation Army currently operates an emergency family shelter which houses families experiencing homelessness for up to 120 days. The shelter provides housing, meals, case management, vocational counseling, crisis counseling, life skills classes, and other activities for 24 families. This project would add an additional residential building to the Salvation Army campus, located at 2707 E. Van Buren St., expanding the capacity of the shelter by 12 rooms, with beds for as many as 60 individuals, increasing the total number of families served at any one time to 36. Based on services provided by existing units, it is expected that the additional rooms, over the course of a year, would serve approximately 173 families, including an estimated 267 children. Funding would cover the construction expenses associated with this project.

Contract Term

The term of the contract will begin on or about Nov. 16, 2022, and end on Dec. 31, 2024.

Financial Impact

The total value of the contract will not exceed \$6 million. Funding is available from HUD through CDBG and CDBG-CV funding. There is no impact to the General Fund.

Concurrence/Previous Council Action

- On May 6, 2020, the City Council authorized a Substantial Amendment to the 2015-20 Consolidated Plan's 2019-20 Annual Action Plan to include the first release of

allocations and waivers authorized by the CARES Act.

- On Jan. 21, 2021, the Land Use and Livability Subcommittee recommended City Council approval of broad allocations of ESG-CV2 allocations to prevent, prepare for, and respond to the COVID-19 pandemic, focusing on individuals and families who are experiencing homelessness or receiving homeless assistance, and to support homelessness prevention activities to mitigate the impacts of COVID-19.
- On Feb. 17, 2021, the City Council authorized a Substantial Amendment to the 2015-20 Consolidated Plan's 2019-20 Annual Action Plan to include the second release of allocations and waivers authorized by the CARES Act.

Responsible Department

This item is submitted by Deputy City Managers Gina Montes and Alan Stephenson and the Office of Homeless Solutions and the Neighborhood Services Department.



Request to Enter into an Agreement with UMOM New Day Centers to Expand Family Emergency Shelter Services (Ordinance S-49187)

Request to authorize the City Manager, or his designee, to enter into an agreement with UMOM New Day Centers, Inc. (UMOM) to expand family emergency shelter services. The total value of the contract will not exceed \$2 million. Further request to authorize the City Controller to disburse all funds related to this item. Funding is available from Community Development Block Grant (CDBG) entitlement and Community Development Block Grant Coronavirus Aid, Relief, and Economic Security Act (CDBG-CV) funding from the U.S. Department of Housing and Urban Development (HUD). There is no impact to the General Fund.

Summary

UMOM is currently providing emergency shelter and is seeking to expand its Family Emergency Shelter program. Through the redesign, remodeling, and repurposing of a building currently on the UMOM campus an additional 20 family shelter units can be created. Given the length of stay for families being around 90 days in the shelter program, it is anticipated the 20 units would be able to serve an additional 80 families per year. Funding from the City would cover the rehabilitation expenses associated with this project.

Contract Term

The term of the contract will begin on or about Nov. 16, 2022, and end on Dec. 31, 2024.

Financial Impact

The total value of the contract will not exceed \$2 million. Funding is available from HUD through CDBG and CDBG-CV. There is no impact to the General Fund.

Concurrence/Previous Council Action

- On May 6, 2020, the City Council authorized a Substantial Amendment to the 2015-20 Consolidated Plan's 2019-20 Annual Action Plan to include the first release of allocations and waivers authorized by the CARES Act.
- On Jan. 21, 2021, the Land Use and Livability Subcommittee recommended City

Council approval of broad allocations of ESG-CV2 allocations to prevent, prepare for, and respond to the COVID-19 pandemic, focusing on individuals and families who are experiencing homelessness or receiving homeless assistance, and to support homelessness prevention activities to mitigate the impacts of COVID-19.

- On Feb. 17, 2021, the City Council authorized a Substantial Amendment to the 2015-20 Consolidated Plan's 2019-20 Annual Action Plan to include the second release of allocations and waivers authorized by the CARES Act.

Responsible Department

This item is submitted by Deputy City Managers Gina Montes and Alan Stephenson and the Office of Homeless Solutions and the Neighborhood Services Department.



Authorization to Enter into an Agreement between the City of Phoenix and U.S. Army Corps of Engineers for the Rio Salado Oeste Project General Reevaluation Report (Ordinance S-49184)

Request approval for the City Manager, or his designee, to enter into an agreement with the U.S. Army Corps of Engineers to prepare the Rio Salado Oeste General Reevaluation Report. Further request to authorize the City Controller to disburse all funds related to this item. The City costs under this agreement will not exceed \$1.5 million spread over three years.

Summary

The City is the local sponsor for the Rio Salado Oeste Ecosystem Restoration project, a U.S. Army Corps of Engineers (USACE) Civil Works project along approximately eight miles of the Salt River from 19th Avenue to 83rd Avenue. This vital ecosystem restoration river project will connect to two existing and successful projects (Rio Salado Phoenix upstream and Tres Rios downstream). Both Rio Salado Phoenix and Tres Rios provide value to the City and its residents in terms of passive recreation, educational opportunities, access to natural spaces, adjacent economic growth, and tourism. Rio Salado Oeste is a crucial connection that will provide a continuous 19 miles of restored river corridor through Phoenix, magnifying the beneficial impact beyond what any one of these projects achieves individually.

This project originated in 2006. At that time, environmental documentation and partial early design plans were completed but were put on hold in 2009. A General Reevaluation Report (GRR) is required by the USACE to reactivate this project. This three-year effort will evaluate the feasibility of the Rio Salado Oeste project and position the project to obtain federal funds for design and construction. The GRR is led by the USACE and the City as partners, with each contributing 50 percent of costs for this phase of work. The USACE is providing \$1.5 million over three years, and the City is responsible for a local match.

Contract Term

The agreement will be for a three-year term, with potential extensions not to exceed a total of five years, beginning on or around Oct. 1, 2022.

Financial Impact

The aggregate value shall not exceed \$1.5 million without further City Council approval. Funding is available in the Parks and Recreation Department's Capital Improvement Program budget.

The City's local matching funds will be expended for USACE to conduct the GRR; however, if any City funds remain after the GRR is complete, the City may choose to roll the funds forward as part of the local match for the design and construction phase of the project.

Location

Salt River from 19th Avenue to 83rd Avenue
Council District: 7

Responsible Department

This item is submitted by Deputy City Managers Inger Erickson and Karen Peters and the Parks and Recreation Department and Office of Environmental Programs.



Request to Pay Annual Membership Fee for The Connective, a Smart Cities Initiative of the Partnership for Economic Innovation

Request to authorize the City Manager, or his designee, to pay the annual membership fee for the City's participation in The Connective, a Smart Cities initiative of the Partnership for Economic Innovation (PEI). Further request the City Controller to disburse all funds related to this item. The total cost of this item will not exceed \$50,000.

Summary

The City of Phoenix is a lead participant in The Connective, a Smart Cities initiative of the Partnership for Economic Innovation (PEI), with a mission to transform Arizona into a top global market for innovation and establish the first Smart Region. Phoenix has had many recent successes in working with The Connective. The Office of Innovation and Public Works Department are partnering with The Connective on a pilot project to evaluate and test an after-market device that connects to a vehicle's fuel system that could save on fuel and maintenance costs as well as reduce carbon emissions by up to 70 percent, to support the City's Climate Action Plan goals during the transition to zero-emission vehicles. The Connective will also support the City in scientific evaluations of initiatives, pilot projects and existing processes, designed to reduce costs, improve performance and advance innovation across City departments.

Phoenix is part of the leadership council for The Connective and, as the only identified "large city" in the Valley, will have the opportunity to direct its focus toward shared goals and objectives for the City and region. The Connective identifies and evaluates Smart Cities opportunities for cities and the region; leads education and certificate opportunities; tests and implements pilot projects and brings them to scale; fosters data-sharing agreements; and grows innovation hubs and districts in the region. Five overarching impact areas include: Circular Economy; Digital Equity; Public Safety; Transportation and Mobility; and Innovation in Government.

PEI was founded in 2016 by Greater Phoenix Economic Council (GPEC), Arizona Public Service, Sunbelt Holdings, Arizona State University's Center for Smart Cities and Regions, and Salt River Project. PEI launched The Connective in 2019, in collaboration with GPEC, ASU, Maricopa Association of Governments, Institute for

Digital Progress, Arizona Commerce Authority and Maricopa Community College District. More than 25 cities and towns now participate in The Connective, including Phoenix, Scottsdale, Chandler, Tempe and Glendale.

Financial Impact

The annual cost for the City of Phoenix to participate in The Connective is \$50,000. Funding is available in the Office of Innovation and Information Technology Services operating budgets.

Concurrence/Previous Council Action

The Economic Development and Equity Subcommittee recommended approval of this request on Oct. 26, 2022 by a vote of 4-0.

Responsible Department

This item is submitted by Deputy City Managers Karen Peters and Inger Erickson and the Office of Innovation and Information Technology Services.



Development Agreement with Phoenix IG, LLC for Redevelopment of the Former Metrocenter Mall (Ordinance S-49180)

Authorize the City Manager, or his designee, to enter into a development agreement, lease agreement, easements and other agreements as necessary (Agreements), with Phoenix IG, LLC, or its City-approved designee (Developer), for the development of an 80-acre mixed-use project located at the site of the former Metrocenter Mall located at 9617 N Metro Parkway West. Further request authorization for the City Treasurer to accept funds from the Developer. There is no impact to the General Fund.

Summary

Developer is under contract to acquire five different properties constituting the former Metrocenter Mall. The proposed multi-phase project will contain nearly 5 million square feet of space, 3,191 multi-family rental residential units, 100,000 SF of retail, two hotels, 6,300 parking spaces as well as a public plaza and park. On May 25, 2022, Council authorized a development agreement with Developer (the “TPT DA”) to acquire public assets constructed at the Site to be paid for with future Transaction Privilege Tax (TPT) revenue generated at the Project Site and the incremental increase generated in the surrounding Benefited Area. The revenues generated under the TPT DA only apply to the general fund share of the City’s TPT.

On Aug. 3, 2022, the Developer submitted a proposal for development assistance requesting the City's consideration of a Government Property Lease Excise Tax (GPLET) transaction for the development of the 3,191 multi-family rental residential units located at the Site. Other retail, hotel and commercial space built as part of the redevelopment Project at the Site is not being considered for GPLET treatment. The Site is located within the North Mountain Redevelopment Area (NM RDA), approved by Council in 2014. The Plan calls for City support of revitalizing the mall area. Since the NM RDA is not located in a Central Business District, Developer is ineligible for abatement under GPLET and will be responsible for excise tax payments, as prescribed by State Statute, immediately upon executing a lease.

If approved, the Project will bring a capital investment of approximately \$1.14 Billion to the Metro District Area at full build out. The Project will be delivered in multiple phases. Upon issuance of a Certificate of Occupancy (C of O) for a completed phase of the

Project, and other terms and conditions specified in the Agreements, the Developer will convey title of the property to the City, and the City will lease the property back to the Developer for a term not to exceed twenty-five (25) years. The Developer has also agreed that the Project will generate to the City and other taxing jurisdictions new revenue in the form of certain minimum tax payments (in the construction and leasing of the Project and excise tax revenue generation). These minimum tax payments would be estimated by a third party economic impact study and will only consist of the non-general fund share of applicable TPT revenues. Details regarding those minimum tax payments will be specified in the Agreements, as well as other terms and conditions deemed necessary by City staff.

The Developer also recognizes the issues relating to affordable housing not only within the Metro District, but citywide. To help solve this critical issue, the Developer would contribute \$1,500,000 to the City's Affordable Housing Trust Fund, or other Council approved purpose or fund, which will be used in the future by the City to address affordable housing or other approved policy directives. The Developer will make proportional Trust Fund payments commensurate with the size of each completed phase of the Project and the payment will be due upon execution of each lease.

In addition to the Trust Payment, Developer will pay a lease rent of \$2,500/annual per phase completed with annual rent increases.

Additional Business Terms Include:

- The parties will enter into a Development Agreement for the application of GPLET treatment within 6 months of Council authorization.
- Subject to state law, the Developer must enter into any lease within ten (10) years of Council authorization.
- Developer may purchase the property prior to the twenty-five (25) year maximum term, but must pay the City 50 percent of any remaining rent. In addition, Developer must also satisfy any pro-rated minimum tax payments if exercising its purchase option.

Contract Term

The lease terms for each phase will be for a maximum of twenty-five (25) years upon issuance of the C of O for a particular phase completed. There are no extensions to the proposed lease, and upon conclusion of the term, ownership of the property will be transferred back to the Developer. The Developer will have the ability to terminate the lease at any time subject to the terms of the Agreements only if in compliance with satisfying minimum tax payments due.

Financial Impact

The project site currently generates \$91,000 per year in property taxes to the City of Phoenix which will end upon the lease term beginning; however, the project is estimated to generate approximately \$391,000 per year of excise taxes to the city. The estimated one-time non-general fund construction sales tax revenue to the City is \$8,960,000, plus an estimated annual commercial rental tax revenue generation of approximately \$33,160,000 over the life of all leases. The Developer will pay a rental payment of \$2,500/annually for each phase completed, subject to an annual rent increases. The rent payments over the life of all leases shall be deposited into the Downtown Community Reinvestment Fund or an alternative fund to be created in the future. Further, the Developer will provide up to \$1,500,000, which will be deposited to the City's Affordable Housing Trust Fund unless otherwise directed by Council.

Concurrence / Previous Council Action

Council adopted the terms of the TPT DA at the May 25, 2022 Formal Council Meeting.

Public Outreach

Staff has met with the Metro District Community Collaboration group as well as the Washington Elementary School District and the Glendale Union High School District to discuss this Project. Additional public outreach concerning this Project was conducted in April 2022. Pursuant to state law, GPLET notice letters to the impacted taxing jurisdictions were sent on Sept. 9, 2022.

Location

9617 N Metro Parkway West.
Council District: 1

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Community and Economic Development Department.



Enter into a Contract with John E. Garretson Living Trust for Installation of Two Driveways at 41 E Madison Street (Ordinance S-49154)

Authorize the City Manager, or his designee, to enter into a contract with John E. Garretson Living Trust (Property Owner), for the installation of driveway improvements at 41 E Madison St. Request authorization for the City Treasurer to accept funds from Property Owner to offset costs for additional requested work, and for the City Controller to disburse related funds. There is no impact to the General Fund.

Summary

In 2018, Jefferson Place Partners (JPP) acquired the Barrister Building, located at 101 S. Central Avenue, and surrounding property from the City for development pursuant to a Request for Proposal that was issued in 2015. Following the acquisition, JPP applied to abandon the alleyway that transected the property which was approved with conditions (Conditional Approval 170033C) including one requiring JPP build a new driveway on the subject site to maintain access. JPP chose to facilitate the installation of one driveway as stipulated by the Hearing Officer by entering into a Driveway Prepayment Agreement with the City (Contract 144414-DPA). In 2022, Property Owner requested a second driveway be installed at the same time as the one stipulated and has agreed to pay for any additional costs of the second driveway.

Community and Economic Development Department (CEDD) has worked with Streets Transportation Department to determine a detailed cost estimate. Property Owner will deposit \$23,000, the estimated overage, with CEDD and any excess funds will be returned to Property Owner upon completion of the project.

Financial Impact

Property Owner will deposit \$23,000, the estimated overage, with CEDD and any excess funds will be returned to Property Owner upon completion of the project. There is no impact to the General Fund.

Location

41 E Madison St.
Council District: 7

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Community and Economic Development Department.



Online Survey Service Subscription Contract - Request Award to SurveyMonkey (Ordinance S-49171)

Request to authorize the City Manager, or his designee, to contract with SurveyMonkey, or its designee, for online survey services for a maximum of five years. Further request to authorize the City Controller to disburse all funds related to this item. The aggregate value will not exceed \$35,000.

Summary

The Community and Economic Development (CED) Department uses an online survey service to design and send online professional surveys to entrepreneurs, employers, and other business contacts. This service was previously procured as a Small Dollar Purchase, as defined by Administrative Regulation (A.R.) 3.10. With the transition of many previously in-person events and functions to virtual options, the number of staff needing access to this service has increased to meet the expanded needs of customers.

Procurement Information

In compliance with A.R. 3.10, an informal procurement was conducted. SurveyMonkey is the selected vendor based on price and service features.

Contract Term

The contract will begin on or about Dec. 1, 2022, for a one-year term with four one-year renewal options.

Financial Impact

The aggregate cost for five years will not exceed \$35,000. Costs will be allocated based on use between general CED activities and workforce activities. Funding is available in the department's operating budget and from the Workforce Innovation and Opportunity Act budget.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Community and Economic Development Department.



Technical Corrections to Amend Ordinance S-48550 for Lease of Property at 8114 N. Black Canyon Highway (Ordinance S-49177)

Request to authorize the City Manager, or his designee, to amend Ordinance S-48550, authorizing the lease of certain real property and improvements located at 8114 N. Black Canyon Highway, to correct clerical errors, specify the number of options to extend the lease term, permit exceptions to the indemnification and limitation of liability provisions codified in the Phoenix City Code and authorize the right of the City to purchase the property at any time during the lease term subject to certain agreed upon terms between the parties.

Summary

On April 20, 2022, the City Council authorized the acquisition of the property located at 2526 W. Northern, Ordinance S-48504, and the leasing of certain real property and improvements located at 8114 N. Black Canyon Highway, Ordinance S-48550 (the Lease). Staff has since entered into negotiations with the lessor and have identified items in the Lease that require clerical correction and clarification. The ordinance will be revised to reflect the following changes:

- The number of options to extend the lease term lease shall be seven (7), 10-year renewal options.
- A clerical correction for the annual lease rate increase to 2.5 percent. This was the rate agreed upon during initial discussions. The 2.4 percent figure is a clerical error.
- Addition of exceptions to the indemnification and limitation of liability provisions codified in the Phoenix City Code.
- Authorize the right of the City to purchase the subject property at any time during the lease term. If purchased at any time within the first 10 years of the lease term, the seller shall reduce the purchase price paid by the City for the subject property by a prorated amount to be agreed upon and negotiated between the parties.

All other terms under Ordinance S-48550 remain the same.

Contract Term

The initial contract term will remain at 25 years. The number of lease extension options will be seven, 10-year renewal options.

Financial Impact

There is no financial impact as a result of this action.

Concurrence/Previous Council Action

City Council approved entering into a lease for the property located at 8114 N. Black Canyon Highway on April 20, 2022.

Location

8114 N. Black Canyon Highway.
Council District: 5

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Community and Economic Development Department.



Execute Short-term Licenses on Vacant City-owned Property including Parking Lots for Downtown Special Events (Ordinance S-49181)

Authorize the City Manager or his designee to execute short-term licenses on vacant City-owned property, including parking lots, to support downtown special events hosted at other City-owned properties between Dec. 1, 2022, and Dec. 1, 2024. Further request authorization for the City Treasurer to accept all necessary funds related to this item.

Summary

The Community and Economic Development Department regularly receives requests from private entities to license City-owned property to support special events hosted at other City-owned properties. The Community Development Division, in consultation and coordination with the event organizer or the event host committee, will enter into licenses for use of vacant City-owned property in support of those special events.

The term of each license shall not exceed 30-days. The license fee will be based on market rent and/or other valuable consideration, as determined by the Real Estate Division. Each license may contain other terms and conditions acceptable to the City based on the use. Each licensee shall provide insurance and indemnification acceptable to the City's Risk Management Division and Law Department.

Financial Impact

The license fee will be based on market rent and/or other valuable consideration, and any fees received will go into the City's Downtown Community Reinvestment Fund.

Location

Various locations within Downtown Phoenix.
Council District: 7 and 8

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Community and Economic Development Department.



Fiscal Year 2022-23 Bioscience Healthcare Strategic Initiative (Ordinance S-49155)

Request to authorize the City Manager, or his designee, to implement the Bioscience Healthcare Strategic Initiative, including authorization of an Arizona Bioindustry Association (AZBio) membership and participation at the BIO International Convention in 2023. Also, request authorization for the City Treasurer to accept funds from the City's BIO Convention partners to offset costs associated with the 2023 Convention expenses, and for the City Controller to disburse funds associated with this request. There is no impact to the General Fund. Funding is available in the Genomics Facilities and Operations Fund, with the request not to exceed \$105,000.

Summary

Phoenix has grown to be a hub of bioscience activity in the Southwestern U.S. CBRE, a national commercial real estate firm, ranked Phoenix fifth in the nation as an Emerging Life Science Market in their 2020 annual U.S. Life Science Report and first for Life Science Job Growth in Emerging Life Science Markets in their 2021 report. Much of this success is due to Phoenix's world-class medical centers, innovative research institutions, pro-business environment, a growing educated population, dedicated universities and community colleges, and the spirit of entrepreneurship. In order to build upon these strengths, staff is continuing to implement a strategic plan introduced in 2018 designed to grow, strengthen and sustain a healthy bioscience industry. Since the launch of this effort, there has been an acceleration of investment and growth in the bioscience industry in Phoenix with more than \$3.75 billion invested in new and expanded bioscience and healthcare facilities by the end of 2022. The results are more than 5.7 million square feet of primary facility space for discovery, development and care delivery creating more than 9,000 jobs for Phoenix residents.

Staff has focused its economic development efforts in the areas of research, development, precision medicine, healthcare delivery, health-tech and education. Focusing on these areas strengthens and solidifies Phoenix as a leader in the nation's bioscience healthcare industry. The Community and Economic Development Department (CEDD) will continue to ensure there is a world-class real estate inventory that meets the unique needs of bioscience companies. This commitment includes support of the downtown Phoenix Bioscience Core (PBC) and Discovery Oasis (the

former Arizona Biomedical Corridor), in North Phoenix, in addition to other submarkets within the City. Specifically, CEDD has been working closely with Arizona State University (ASU) and its development partner, Wexford Science & Technology, to bring prospective tenants to the first phase development on the PBC north of Fillmore Street, the 850 PBC building. In the 850 PBC building, ASU is a major tenant in the building along with the expansion of the Center for Entrepreneurial Innovation with its new LabForce program to train individuals with the skills needed to work in a lab setting. Other tenants within the new building include bioscience companies and a co-working accelerator lab that will generate new companies and jobs in Phoenix.

In order to maintain the City's position in the bioindustry, CEDD is requesting to continue the City's annual membership with the AZBio, the only statewide organization exclusively focused on building Arizona's bioindustry. AZBio is committed to building a top-tier life science industry in Arizona and is a critical partner for Phoenix. As specialists, AZBio provides industry insight, programs specifically designed for life science organizations, visibility into investment opportunities, and a voice for the industry in the media, across the community, and with elected leaders and government agencies at the local, state, and federal levels. The AZBio annual membership cost is \$15,000 for Fiscal Year 2022-23.

Another key effort is the promotion of Phoenix's bioscience efforts nationally and internationally by attending the 2023 BIO International Convention to be held in Boston. The 2022 BIO Convention was held in person for the first time since the beginning of COVID, with more than 14,000 attendees and 64 countries represented. As a sponsor of Start-Up Stadium, the City of Phoenix was able to kick off the event this year and nominate three Phoenix-based companies that were selected as finalists. These three early-stage companies were able to engage with key members of the investment community, venture philanthropy groups, and BIO attendees. This year's Phoenix delegation included 52 attendees, representing 31 Phoenix companies and organizations. The delegation held more than 300 productive meetings along with continuous engagement with BIO conference attendees in the Phoenix Pavilion. More than 200 people attended Mayor Gallego's Rapid Fire, Fireside Chat featuring 12 Phoenix life science leaders sharing their innovations with the audience. Attendance at the event provided valuable networking and partnership opportunities and synergy with the City's attending partners looking to promote their research and products to a global audience. The knowledge and contacts generated by attending this convention will be used in communicating the City's competitive advantage, existing ecosystem and resources in Phoenix to attract and grow companies in this industry to thrive and generate quality jobs for the community.

Planning is currently underway, subject to City Council authorization of funding, for the

2023 BIO Convention. Preliminary estimates for participation such as sponsorships, advertising, equipment, and shipping costs total approximately \$90,000. Staff will also work with industry partners, such as the University of Arizona (UA), ASU, and the Translational Genomics Research Institute (TGen) to co-locate at the convention. This shared effort may allow the City to reduce its costs and boost visibility while assisting its partners in promoting Phoenix.

These continued efforts enable CEDD staff to showcase Phoenix's citywide assets and ensure success of future projects. CEDD and its partners continue to generate qualified prospects to create a pipeline of businesses considering expansions and/or relocations to Phoenix through a multi-faceted marketing approach targeted at this industry. Phoenix's involvement and partnership with AZBio and the BIO International Convention elevates the City's visibility as a hub for bioscience, building a critical mass of bioscience and healthcare-related companies and attracting and developing top talent vital to sustain the long-term growth of this thriving industry.

Financial Impact

There is no impact to the General Fund. Funding for the AZBio membership and to participate in BIO International 2023 will not exceed \$105,000 total for both efforts. Funding is available in the Genomic Facilities and Operations Fund. Funding received from the City's BIO International Convention partners shall reimburse the Genomic Facilities and Operations Fund.

Concurrence/Previous Council Action

This item was recommended for approval by the Economic Development and Equity Subcommittee at the Nov. 1, 2022 meeting by a vote of 4-0.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Community and Economic Development Department.



Pay Invoices for 2023 Downtown Enhanced Municipal Services District (Ordinance S-49179)

Request to authorize the City Manager, or his designee, to pay all invoices received from Downtown Phoenix, Inc. (DPI) through the Phoenix Downtown Enhanced Municipal Services District (EMSD) Agreement, in an amount not to exceed \$4,556,256 for work related to the calendar year 2023 Downtown EMSD budget and work plan through Dec. 31, 2023. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

The City Council authorized formation of the Downtown EMSD in 1990 to provide enhanced public services, above and beyond the level of services provided in the remainder of the City. The City contracts directly with DPI to implement the work program of the Downtown EMSD, including the Ambassadors program, streetscape improvements and maintenance, the Clean Team program, marketing, event promotion, business assistance and transportation services. Pursuant to State law, each year a budget must be approved for the Downtown EMSD. This action is the final step in the annual budget process to authorize the Community and Economic Development Department to pay DPI for services rendered in calendar year 2023 under the Downtown EMSD contract.

Financial Impact

The City's total estimated annual expenditure for this program is \$1,497,884, which includes:

- \$439,108 from the General Fund (approximate \$10,556 decrease from 2022);
- \$626,558 from the Phoenix Convention Center;
- \$150,118 from the Sports Facilities Fund;
- \$10,486 from the Phoenix Bioscience Core; and
- \$271,614 from collections from tenants on City-owned properties

An additional \$984,352 is collected from other government-owned properties including Maricopa County, Maricopa County Stadium District and the State of Arizona. The remaining \$2,074,020 of funds are collected from private property owners through an

assessment on their property tax bill.

Estimated 2023 District Budget: \$4,706,256

Estimated 2023 Assessment Revenue: \$4,556,256

Estimated 2023 Non-assessment Revenue: \$150,000

Concurrence/Previous Council Action

This item was recommended for approval at the Economic Development and Equity Subcommittee meeting on Sept. 26, 2022, by a vote of 4-0.

On Oct. 26, 2022 The City Council approved:

- The 2023 Downtown EMSD Budget, Assessments and Set Public Hearing Date of Nov. 16, 2022 for the hearing on the estimated assessments; and
- The 2023 Downtown EMSD Assessment Diagram.

Public Outreach

On Oct. 26, 2022, the City Council set the date of Nov. 16, 2022 as the date for the public hearing on the Downtown EMSD assessments. On Oct. 27, 2022, a total of 20 days prior to the hearing as legally required, all property owners were notified by mail of their annual assessment cost by the Street Transportation and Community and Economic Development departments. In addition, DPI has sent letters to all property owners, and the Downtown EMSD Board approved the 2023 budget at its July 2022 board meeting.

To answer any questions that property owners in the Downtown EMSD might have, Community and Economic Development Department staff made themselves available virtually for an hour prior to the Nov. 16, 2022 public hearing. Notice of the public hearing was also published in the Record Reporter as specified below. No further notification is required after the public hearing.

To be published:

The Record Reporter

- Nov. 2, 2022
- Nov. 4, 2022

Location

The Downtown EMSD is generally bounded by Fillmore Street on the north, 7th Street on the east, 3rd Avenue on the west, and on the south by the railroad tracks south of Jackson Street.

Council District(s): 7 and 8

Responsible Department

This item is submitted by Deputy City Managers Ginger Spencer and Mario Paniagua, and the Community and Economic Development and Street Transportation departments.



Authorization to Enter Into Agreement for FY 2022-23 for Tourism and Hospitality Advisory Board Funds (Ordinance S-49156)

Request to authorize the City Manager, or his designee, to enter into a contract with the Greater Phoenix Convention and Visitors Bureau (GPCVB) for FY 2022-23 Tourism and Hospitality Advisory Board (THAB) funds. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Tourism and Hospitality Advisory Board (THAB) is the City of Phoenix Board that, annually, reviews and recommends projects and/or programs that enhance the City's tourism and hospitality industry. The 14-member board is comprised of eight hoteliers (one from each Council district), two at-large members from hospitality related industries, two citywide representatives, one non-voting representative from City staff, and one non-voting member from the GPCVB. For FY 2022-23, \$500,000 is appropriated for tourism and hospitality initiatives.

Procurement Information

The 2022-23 funding recommendation is in accordance with City of Phoenix Administrative Regulation 3.10, following the approved City of Phoenix Request for Agreement procurement process.

On Sept. 21, 2022 at the THAB meeting, the GPCVB presented the proposed FY 2022-23 funding request and scope of work for consideration. In partnership with GPCVB, the current funding proposal will help aid in stimulating the local tourism and hospitality industry and assist in increasing activity to hotels and businesses in the local area. Under the proposal, the GPCVB will utilize THAB funding in the following areas to support the City's tourism and hospitality industry now and over the next several years:

Convention Client Hosting Obligations \$150,000 - Represents seven meetings and conventions to be held at the Phoenix Convention Center between November 2022 and August 2023. It is anticipated that these seven groups will generate approximately 48,500 event attendees and delegates, more than 63,000 hotel room nights and more than \$668 in direct spending for every dollar invested.

Phoenix Convention Center Promotional Support \$25,000 - Funds will be used to attract and support new convention business contracted during FY 2022-23 or later. The funds will assist newly contracted groups with support in areas of rental abatements, IT costs, AV costs, registration, transportation assistance, or other event hosting services. GPCVB is targeting groups planning to host meeting or events during identified Phoenix Convention Center and Phoenix-area hotel need periods or short-term bookings exploring meeting options in the destination for 2023.

Mega Event Support for the 2023 NFL Super Bowl \$200,000 - Funds will be utilized to offset expenses, such as facility costs, personnel, public safety, traffic barricades and street closures, fan and media events and other such hosting costs. This will be the fifth year of a five-year request to support the Super Bowl in 2023.

Mega Event Support for the 2024 NCAA Men's Final Four \$125,000 - Funds will be utilized to offset expenses, such as facility costs, personnel, public safety, traffic barricades and street closures, fan and media events and other related hosting costs. This will be the fourth year of a five-year request to support the NCAA Men's Final Four Tournament in 2024.

Contract Term

The contract term is for five-years with no extension options.

Financial Impact

The budget will not exceed \$500,000 over the life of the contract. THAB is funded through the Sports Facilities Fund, which is the hospitality industry's share of special excise taxes on hotel/motel lodging and rental cars.

Concurrence/Previous Council Action

The Economic Development and Equity Subcommittee recommended approval of this item at its Oct. 26, 2022 meeting. This item was unanimously approved by the Tourism and Hospitality Advisory Board at its Sept. 21, 2022 meeting.

Responsible Department

This item is submitted by Deputy City Manager Inger Erickson, and the Phoenix Convention Center Department.



Public Hearing and Resolution to Approve the 2023 Downtown Enhanced Municipal Services District Assessments (Resolution 22084)

Request to hold a public hearing for the approval of the 2023 Downtown Enhanced Municipal Services District (Downtown EMSD) assessments and adopt a resolution approving such assessments for the 2023 calendar year. The General Fund estimated annual expenditure for this program is \$439,108.

Summary

Pursuant to State law, a public hearing must be held prior to the annual adoption of the assessments for the Downtown EMSD. The City Council authorized the formation of the Downtown EMSD in 1990 to provide enhanced public services, above and beyond the level of services provided in the remainder of the City. The costs for the Downtown EMSD services are paid through assessments on property owners within the Downtown EMSD boundaries, which are generally bounded by Fillmore Street on the north, 7th Street on the east, 3rd Avenue on the west, and on the south by the railroad tracks south of Jackson Street.

The City contracts directly with Downtown Phoenix, Inc. (DPI) to implement the work program, as described in **Attachment A**. The work plan and budget for calendar year (CY) 2023 provides a variety of enhanced services in the downtown core, including business improvement services and overall business development.

The annual assessments for the Downtown EMSD will be levied for CY 2023 after the required legal process for the Downtown EMSD has been completed. Assessments are determined in proportion to the benefits received by each parcel. There are approximately 785 parcels in the Downtown EMSD that the budget will be assessed on. This is based on the approved Downtown EMSD assessment diagram that indicates the properties to be assessed for enhanced municipal services. This diagram is on file in the office of the Director of the City of Phoenix Street Transportation Department, and was posted online at the City's Community and Economic Development Department website.

The figures below represent the assessments for private and public property owners based on the approved 2023 Downtown EMSD budget of **\$4,706,256**. See

Attachment B for a breakdown of the expense categories.

This includes \$167,222 for streetscape maintenance expenses, which are paid only by property owners and tenants adjacent to the Streetscape Improvement District (SID). The SID includes certain portions of Monroe Street from 3rd Avenue to 7th Street; Adams Street from 2nd Avenue to 2nd Street; 2nd Street from Jefferson to Van Buren Streets; and 3rd Street from Monroe to Van Buren Streets.

Estimated 2023 District Budget: \$4,706,256
Estimated 2023 Assessment Revenue: \$4,556,256
Estimated 2023 Non-assessment Revenue: \$150,000

Downtown EMSD Calendar Year 2023 Assessments

Private Property Owners Assessments: \$2,074,020
Public Property Assessments: \$2,482,236
Total Assessments: \$4,556,256

Streetscape Maintenance Expenses (expenses included in the figures above)

Private Property Owners Assessments: \$92,253
Public Property Assessments: \$74,969
Total Streetscape Expenses: \$167,222

Financial Impact

The City's total estimated annual expenditure for this program is \$1,497,884, which includes:

- \$439,108 from the General Fund (approximate \$10,556 decrease from 2022);
- \$626,558 from the Phoenix Convention Center;
- \$150,118 from the Sports Facilities Fund;
- \$10,486 from the Phoenix Bioscience Core; and
- \$271,614 from collections from tenants on City-owned properties

Concurrence/Previous Council Action

This item was recommended for approval at the Economic Development and Equity Subcommittee meeting on Sept. 28, 2022, by a vote of 4-0.

On Oct. 26, 2022, the City Council approved:

- The 2023 Downtown EMSD Budget, Assessments and Set Public Hearing Date of Nov. 16, 2022 for the hearing on the estimated assessments; and
- The 2023 Downtown EMSD Assessment Diagram.

Public Outreach

On Oct. 26, 2022, the City Council set the date of Nov. 16, 2022 as the date for the public hearing on the Downtown EMSD assessments. On Oct. 26, 2022, a total of 20 days prior to the hearing as legally required, all property owners were notified by mail of their annual assessment cost by the Street Transportation and Community and Economic Development departments. In addition, DPI has sent letters to all property owners, and the Downtown EMSD Board approved the 2023 budget at its July 2022 board meeting.

To answer any questions that property owners in the Downtown EMSD might have, Community and Economic Development Department staff made themselves available virtually for an hour prior to the Nov. 16, 2022 public hearing. Notice of the public hearing was also published in the Record Reporter as specified below. No further notification is required after the public hearing.

To be published:

The Record Reporter

- Nov. 2, 2022
- Nov. 4, 2022

Location

The Downtown EMSD is generally bounded by Fillmore Street on the north, 7th Street on the east, 3rd Avenue on the west, and on the south by the railroad tracks south of Jackson Street.

Council District(s): 7 and 8

Responsible Department

This item is submitted by Deputy City Managers Ginger Spencer and Mario Paniagua, and the Community and Economic Development and Street Transportation departments.

Attachment A

2023 Downtown Phoenix Partnership (DPP) Proposed Work Plan

Created in 2013 as a community development group, Downtown Phoenix Inc. (DPI) promotes the continued revitalization of Downtown. Through collaboration with local businesses, City of Phoenix leadership, and community groups, DPI coordinates activities between the Downtown Phoenix Partnership (DPP), Downtown Phoenix Community Development Corp. (CDC), and Phoenix Community Alliance (PCA).

Effective July 1, 2022, the services provided to the Enhanced Municipal Services District (EMSD) will be assigned to DPI. Through a merger of DPP and DPI, the work will be conducted by a division of DPI and no longer by a separate entity and affiliate. The DPP Board of Directors will be renamed the DP BID Advisory Board and will continue to provide oversight and approval of the annual EMSD work plan and budget.

Developed by staff for Advisory Board and City Council approval, the following goals and objectives are guided by the priorities of Enhanced Municipal Service District (EMSD) stakeholders.

Administration, Finance, and Information Technology

Goal: To manage shared resources and maximize efficiencies while supporting initiatives and projects organization-wide

Proposed Objectives to Achieve Goal

1. Implement customer relationship management (CRM) platform for stakeholder contacts and engagement as well as PCA membership
2. Continue to identify process improvements, training, budget saving opportunities, and ways to help staff across all DPI departments and affiliates work more efficiently and effectively
3. Support the work of all DPI departments and affiliates through finance, administrative, and IT services
4. Utilize and maximize resources within Emfluent program, a local Predictive Insights firm that specializes in talent optimization, office culture development, career pathing and hiring best practices
5. Prioritize employee development and retention throughout the year
6. Update office experience for both employees and visitors, making it an increasingly magnetic nexus of city building activity
7. Manage inventory and spending of Downtown Phoenix Inc. branded merchandise

Marketing & Events

Goal: Advancing the narrative of our evolving neighborhood through inclusive events, dynamic digital content, visitor resources and strategic media campaigns.

Proposed Objectives to Achieve Goal

1. Complete buildout of Downtown's first bike commuter facility
2. Continue to create content that enhances dtphx.org as an invaluable resource for Downtown news, event information, residential and education opportunities and development
3. Continue to enlist artists, community contributors, and social media influencers to help us tell authentically diverse Downtown stories
4. Safely and strategically grow our events portfolio, prioritizing public space activations, cultural events, intellectual events and family friendly events
 - a. Use mega events, especially Super Bowl, as opportunities to amplify Downtown's story
5. Evolve the events calendar platform, expand the Live Here section, and create a new Learn Here section of dtphx.org, all in an effort to deliver the content our analytics show site users are seeking
6. Add content manager position to oversee the ever growing and evolving website, social media strategy and collateral development
7. Continue to invest in Downtown Phoenix Inc. branded merchandise
8. Continue to promote and raise awareness of family-friendly infrastructure and programming in Downtown
9. Provide support to City of Phoenix as interactive kiosks are installed and activated
10. Continue to infuse Downtown with public art through our sustaining partnership with Artlink Phoenix and by advocating for the value of art across all constituencies
 - a. Increase investment in public art and complete cataloging of art in EMSD + Downtown Redevelopment Area (RDA) boundaries
11. Continue to work with Visit Phoenix, Phoenix Convention Center, and hospitality partners to attract convention business to Downtown
 - a. Use conventions to tout the transformative growth that continues to push Downtown forward

Community Engagement

Goal: To ensure stakeholders are engaged, informed, and excited about being a part of an inclusive, dynamic, and hyper-local Downtown experience.

Proposed Objectives to Achieve Goal

1. Fully migrate to and utilize new Client Relationship Management Platform (CRM) to improve data organization and consolidation so that stakeholder records can be accessed cross-departmentally
 - a. Streamline delivery lists for convention welcome posters and our popular What's Happening guides
2. Continue to work with Valley Metro and Kiewit to strategize around Light Rail construction mitigation
3. Ensure proper communication channels are in place with property management and security teams leading into Super Bowl 2023
4. Further multi-modal transportation initiatives and act on recommendations from both the Parking and Curb studies
 - a. Determine feasibility of a shuttle service to better connect residents, visitors, students, and employees in Central City South, Warehouse District, and Roosevelt Row to amenities in the EMSD

- b. Work with City of Phoenix Street Transportation Department to implement additional co-branded 15-minute metered parking spaces near new high rise residential and street level restaurants
- 5. Continue placemaking efforts by commissioning art, which could include 3-D pieces, concrete engraving, sidewalk chalk, pop-up parks, and create cross-collaborative pop-up activations with stakeholders in public spaces, including but not limited to Civic Space Park
- 6. Fully launch and manage, in partnership with Marketing + Events department, new
 - a. “DTPHX Flock” volunteer program by investing in Virtuous Volunteer Management Software, VOMO
- 7. Expand Banner Program through investment in street pole hardware and installation of new DTPHX evergreen banners

DTPHX Ambassadors and Clean & Green Team

Goal: To curate a distinguishing sidewalk experience that is clean, safe, welcoming, and inclusive

Proposed Objectives to Achieve Goal

Ambassador Program

- 1. Continue to serve as eyes and ears for Downtown by maintaining up to 24 full-time Ambassadors
- 2. Continue to develop Ambassadors through monthly trainings programs beyond 30/60/90-day onboarding
 - a. Provide familiarization tours to Ambassadors to keep up with the rapid growth and development of Downtown
 - b. Ongoing trainings such as nonviolent crisis intervention, CPR and self-defense
- 3. Continue to participate in the City’s coordinated efforts to reducing homelessness by connecting individuals in need to services
 - a. Expand professional outreach services in EMSD to (2) full-time Community Bridges Outreach Navigators
- 4. Modify “hydration stations” to be supplemental collateral kiosks and also battery powered for easier deployment
- 5. Increase inventory of DTPHX-branded merchandise for visitors and incentives for interactions with info tables and other Ambassador activations
- 6. Invest in a portable kiosk for special outdoor events and high-pedestrian traffic areas on busy nights in the EMSD

Clean & Green Team

- 1. Continue to clean and disinfect high-touch, high-traffic public spaces and infrastructure with upgraded pressure washing equipment
 - a. Invest in industrial grade equipment to better clean and disinfect public realm
- 2. Improve walkability of Downtown’s corridors and enhance the street level experience through landscaping
 - a. Increase shade through tree plantings and, in partnership with the City of Phoenix and Valley Metro, install shade structures for high traffic sidewalks where trees cannot be planted

- b. Continue adding planters with flowering plants to beautify building exteriors near main intersections throughout the EMSD
 - c. Focus on west/northwest portions of EMSD where thousands of apartment units have recently opened or will open in 2023
 - d. Support the creation of pop-up parks and provide maintenance, as needed
 - e. Design, install and maintain dog stations throughout the EMSD
- 3. Continue to assess and improve public amenities throughout the Streetscape Improvement District, such as:
 - a. Site furnishings like benches and chess/checkers tables
 - b. Outdoor string lights across pedestrian corridors and other decorative lighting
- 4. Continue to assess existing vehicular and pedestrian wayfinding signage throughout the EMSD and provide recommendations for updating or sunsetting existing signage
- 5. Continue to support Downtown's bike culture and pedestrian experience with an emphasis on improving the safety of sidewalks, crosswalks and bike lanes
 - a. Support stakeholders working with the City of Phoenix to create pedestrian malls/corridors
- 6. Update branding on Clean & Green trucks and equipment to align with corporate marks

Business Development

Goal: To foster Downtown as the thriving and sustainable business, education, and urban living epicenter of our city and region

Proposed Objectives to Achieve Goal

- 1. Promote and provide personalized tours—in partnership with city's Community & Economic Development Department (CEDD)—to developers, investors, companies, and brokers showcasing Downtown's growth and amenity package
 - a. Evolve & improve golf cart tours through new equipment and customized collateral
- 2. Attend all pre-development meetings at the City of Phoenix and offer support to developers and business owners looking for data or assistance to move their project forward
- 3. Continue to support the transition of the Phoenix Bioscience Core (PBC) into a major employment center in health, bio and life sciences
- 4. Focus on supporting current Downtown businesses, including restaurants and retailers, in partnership with CEDD
- 5. Act as the "one-stop" information resource for developers, brokers, investors, and companies interested in locating Downtown
- 6. Support co-working growth and the growing entrepreneurial/start-up ecosystem in Downtown
 - a. Rent desk space on a rotating basis at Downtown locations in order to establish relationships with businesses
 - b. When appropriate, help find maturing companies office space Downtown
- 7. To complement CEDD's business attraction efforts, focus on adding locally-owned retail offerings, including quick-service restaurant (QSR) concepts near the universities
- 8. Focus on adding family-friendly infrastructure and programming to emphasize Downtown as a competitive place where families can live, work, play, and learn

9. Proactively seek opportunities to use GIS mapping, digital twin and other interactive visual storytelling platforms to promote downtown and engage out-of-town audiences in its growth and development
10. Raise awareness of Downtown development outside of our local sphere by pursuing opportunities to participate on panels and engage in relevant industry conferences
11. Assess and implement sustainability programs that positively impact Downtown businesses, streetscape and environment
 - a. For example: Work with street-level restaurants to install motion detecting sensors on their patio misting systems
12. In partnership with CEDD, commission an updated Downtown economic impact study
 - a. Report the total tax revenue DTPHX generates for the City of Phoenix
 - b. Utilize data to help tell Downtown's story and make the case for additional investment

Attachment B CY 2023 EMSD Budget - Estimated

	Account	2023 Budget
Expenses	General Office	613,794
	Admin Salaries	262,818
	Events	266,079
	Marketing	530,844
	Business Development	224,055
	BID Services	2,341,444
	Super Bowl	150,000
	Total Base Budget	4,389,034
	SID	167,222
Revenue	Total District Budget	4,556,256
	Assessment Revenue	4,706,256
	Non-assessment Revenue	150,000



Authorization to Issue a month-to-month extension to Agreement No. 146400 for Medical Laboratory Testing Services (Ordinance S-49192)

Request to authorize the City Manager, or his designee, to exercise a month-to-month option to extend for up to 12 months the Medical Laboratory Testing Services Agreement No. 146400 with Sonora Quest Laboratories, LLC. The extension will not to exceed \$200,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The City Council authorized Agreement No. 146400 with Sonora Quest Laboratories, LLC in November 2017 to provide testing of blood and urine samples. The Fire Department provides approximately 3,000 annual firefighter physical examinations for multiple fire departments throughout the Valley. Blood and urine samples are routinely taken during these examinations. The Fire Department will be reimbursed for all associated costs by participating jurisdictions for services provided to that jurisdiction.

The current contract term is set to expire on Nov. 30, 2022. Staff is seeking authorization to continue utilizing the services of Sonora Quest Laboratories, LLC on a month-to-month basis while a new solicitation is in process. Continued service will provide continuity until a vendor is selected and awarded a new contract per the City's solicitation process.

Contract Term

Contract term will be month-to-month for up to 12 months with no additional extensions. All other terms and conditions of the Agreement will remain in effect.

Financial Impact

The total fee of the extension will not exceed \$200,000. Funding is available in the Fire Department's budget.

Concurrence/Previous Council Action

City Council approved the current five-year agreement (No.146400) with Sonora Quest Laboratories, LLC in November 2017.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Fire Department.



Fleet Towing Services - Amendment (Ordinance S-49169)

Request to authorize the City Manager, or his designee, to allow additional expenditures to contracts 156287 with Quik Pik, LLC, 156288 with First Class Auto Transport, LLC, 156289 with TnT Towing & Transport, LLC, and 156372 with Professional Towing & Recovery, LLC.

Summary

The Public Works Department currently has contracts with four vendors to provide towing services. These vendors include Quik Pik, LLC, First Class Auto Transport, LLC, TnT Towing & Transport, LLC, and Professional Towing & Recovery, LLC. These contracts provide the service of towing city-owned fleet vehicles. The Phoenix Police Department requests to be added as a user of the existing contracts, to have vehicles towed when needed.

The Police Department will continue to partner with the Public Works Department on future procurements for towing services.

Contract Term

The contract term remains unchanged, ending on May 31, 2023, with four option years to extend in one year increments.

Financial Impact

Upon approval of an additional \$48,000 in funding, the revised aggregate value of the contracts will not exceed \$2,689,230. Funds are available in the Police Department's budget.

Concurrence/Previous Council Action

The City Council previously approved the contracts, Quik Pik, LLC (156287), First Class Auto Transport, LLC (156288), TnT Towing & Transport, LLC (156289), and Professional Towing & Recovery, LLC (156372) on May 11, 2022 (S-48566).

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Phoenix Police Department.



Hans Hughes Memorial Bikeway Ceremonial Signage

Request City Council approval to install ceremonial signage recognizing Hans Hughes along Fillmore Street at three intersections.

Summary

The Street Transportation Department received a request to install ceremonial signs to honor Hans Hughes, an ambassador for Downtown Phoenix Inc. (DPI), who passed away in September 2021, while riding his bike home from work.

Hughes served the downtown Phoenix community for 12 years welcoming visitors and helping them find their way around the city. He made downtown Phoenix feel friendly and memorable with his radiant personality and baritone voice, and he even made it his personal duty to wave to light rail passengers as they traveled by. His passion for the community he served was evident, and he celebrated each day as “another beautiful day in downtown Phoenix!” Hughes’ legacy is love. DPI describes him as the “downtown superhero.”

The ceremonial signs will be installed on Fillmore Street at Central Avenue, and 1st and 7th streets. See **Attachment A** for an illustration of the proposed sign.

Financial Impact

The fabrication and installation costs of the ceremonial signs will be funded by Council Districts 7 and 8.

Location

Fillmore Street at Central Avenue, and 1st and 7th streets.
Council Districts: 7 and 8

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.

ATTACHMENT A





Airline Common Use Paper for Boarding Passes and Baggage Tags - Request for Award (Ordinance S-49146)

Request to authorize the City Manager, or his designee, to authorize the Aviation Department to enter into contracts with Magnetic Ticket & Label Corp. and Olantai Paper Product LLC to provide paper stock for airline common use paper for boarding passes paper and standard baggage tags, for check-in counters, kiosks, and gates for the airlines at Phoenix Sky Harbor International Airport on an as-needed basis. Further request to authorize the City Controller to disburse all funds related to this item. The total aggregate value of contract will not exceed \$3,750,000.

Summary

Boarding pass paper and baggage tags are critical elements of airport security and operations. These contracts will provide paper stock for airlines to print baggage tags and boarding passes on common use terminal equipment, including printers and kiosks. The handling of self-service baggage tags and boarding passes will help reduce the overall processing time for passengers and speed up the travel process.

Procurement Information

A Request for Qualifications (RFQu) 22-037 - Airline Common Use Paper procurement was processed in accordance with Administrative Regulation 3.10 to establish a Qualified Vendor List (QVL).

Two offerors submitted qualifications and were deemed responsive and responsible. The Procurement Officer evaluated all offers as pass or fail based on the following minimum qualifications:

- Offeror must have been in operation for a minimum of five (5) consecutive years in the past ten (10) years in the business of supplying various types of airline common use paper and tags.
- Offeror must provide a designated Service Representative with a minimum of two (2) years' experience in providing common use paper to airport customers.

- Offeror must provide products that comply with International Air Travel Associations (IATA) standards.

The following vendors met the minimum qualification criteria and are being recommended award for placement on the QVL:

Magnetic Ticket and Label Corp.
Olantai Paper Product LLC

Contract Term

The contracts will begin on or about Dec. 1, 2022 for a five-year aggregate term with no options to extend.

Financial Impact

The contract value will not exceed \$3,750,000 for the five-year aggregate contract term. Funding is available in the Aviation Department budget.

Location

Phoenix Sky Harbor International Airport - 2485 E. Buckeye Road
Council District: 8

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Aviation Department.



Phoenix Rising FC, LLC Ground Lease at Phoenix Sky Harbor International Airport (Ordinance S-49193)

Request to authorize the City Manager, or his designee, to enter into a ground lease with Phoenix Rising FC, LLC for 435,600 square feet (approximately 10 acres) of Phoenix Sky Harbor International Airport (Airport) land. Further requesting authorization to issue rent credits to Phoenix Rising FC, LLC to reimburse it for improvements that are needed by the Airport and will benefit the Airport beyond the term of the lease.

Summary

Phoenix Rising FC, LLC is requesting to enter into a ground lease of Airport land to construct a temporary soccer stadium and associated facilities that may include concession stands, a portable sports book, and a practice facility.

Contract Term

The term of the ground lease will be five years. Provisions of the contract will include five one-year options to extend the term, to be exercised at the sole discretion of the Director of Aviation Services.

Financial Impact

Rent for the first year of the term will be approximately \$300,564. Rent will be adjusted annually based on the Phoenix-Mesa-Scottsdale Consumer Price Index. Total anticipated revenue from the lease over the five-year term will be approximately \$1,502,820. Rent credits will be issued to reimburse costs for improvements that are needed by the Airport and will benefit the Airport beyond the term of the lease.

Location

Phoenix Sky Harbor International Airport, 3801 East Washington St., Phoenix, Ariz.
Council District: 8

Responsible Department

This item is submitted by Deputy City Managers Mario Paniagua and Ginger Spencer and the Aviation and Community and Economic Development departments.



**Maintenance and Repair of Vehicle Barriers, Security Gates and Cable Barriers
Contract - IFB 23-004 Request for Award (Ordinance S-49148)**

Request to authorize the City Manager, or his designee, to enter into a contract with Phoenix Fence Company to provide maintenance and repair services for vehicle barriers, security gates and cable barriers on an as-needed basis for Phoenix Sky Harbor International, Deer Valley and Goodyear Airports (Airports). Further request to authorize the City Controller to disburse all funds related to this item. The total aggregate value of the contract will not exceed \$850,000.

Summary

This contract will provide installation, inspection, maintenance and repair and/or replacement services for vehicle barriers, turnstiles, security gates, gate operating systems, control bollards, cable barriers and their supporting infrastructure on an as-needed basis at the Airports and airport-owned properties.

Procurement Information

An Invitation for Bid procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10.

One vendor submitted a bid and was deemed to be responsive to posted specifications and responsible to provide the required goods and services. Following an evaluation based on price, the procurement officer recommends award to the following vendor:

Selected Bidder:

Phoenix Fence Company

Contract Term

The contract will begin on or about Jan. 1, 2023, for a five-year aggregate term with no options to extend.

Financial Impact

The contract value will not exceed \$850,000 for the five-year aggregate contract term. Funding is available in the Aviation Department budget.

Locations:

Phoenix Sky Harbor International Airport: 2485 E. Buckeye Rd.

Deer Valley Airport: 702 W. Deer Valley Rd.

Good Year Airport: 1658 S. Litchfield Rd., Goodyear, AZ

Council Districts: 1, 8 and Out of City

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Aviation Department.



Transit Regional Radio System Maintenance/Support Agreement Extension and Amendment (Ordinance S-49185)

Request to authorize the City Manager, or his designee, to amend Agreement 149069: (1) to consent to the assignment of this Agreement, due to a company merger, from DFW Communications Inc. dba Mobile Communications America (formerly dba Crosspoint Communications) to Mobile Communications America, Inc.; (2) to provide equipment and component upgrades for maintenance and support of the regional public transit system's radio system used by the City and its regional transit partners; and (3) to extend expiration of the Agreement's term by three years until Dec. 31, 2026. Further request authorization for the City Controller to increase disbursement of funding by \$1,056,232 for the Agreement, as amended, for a total amount not to exceed \$1,950,220. The City recovers a portion of the associated costs through existing agreements with regional transit partners who utilize these transit support systems.

Summary

The Public Transit Department (PTD) uses an 800 MHz radio frequency network, which is integrated with the Computer Aided Dispatch/Automatic Vehicle Locator (CAD/AVL) system, to provide data and voice communications for its transit fleet, including live communications, vehicle maintenance support, and emergency communications between bus operators and the two bus Operations Control Centers in the region.

PTD entered Agreement 149069 with DFW Communications Inc. dba Mobile Communications America (formerly dba Crosspoint Communications), commencing Jan. 1, 2019 and ending Dec. 31, 2023, for continuous maintenance and support of this critical system. On Jan. 31, 2022, Mobile Communications America, Inc. and DFW Communications, Inc. d/b/a Mobile Communications America filed a statement of merger with the Arizona Corporation Commission. The merger was adopted and made effective on Jan. 31, 2022. As a result of this merger, the City has been asked to consent to assignment of all contractual rights, interests, and obligations in Agreement 149069 to Mobile Communications America, Inc. Accordingly, PTD is requesting to issue that consent by this amendment.

PTD is also requesting an extension to the term of Agreement 149069 for three years, through Dec. 31, 2026, and to upgrade the end-of-life mountain top radio repeater equipment/components. The limited availability of the parts has made ongoing maintenance of the equipment an issue.

During the CAD/AVL system's initial implementation, DFW Communications Inc. dba Mobile Communications America coordinated with PTD's vendor for radio integration efforts, which included building and maintaining software adapters that are required for efficient communications with buses. Accordingly, that company (now merged into Mobile Communications America, Inc.) has proprietary knowledge of the Capacity Max radio system set up for PTD, along with the knowledge of the CAD system integration with the radio system. Under these special circumstances, PTD is requesting this upgrade and extension amendment to the Agreement on a sole-source basis for Mobile Communications America, Inc. to continue necessary maintenance and support of the radio system.

Procurement Information

Agreement 149069 expires Dec. 31, 2023. To keep the system under continuous maintenance and support, PTD is requesting to upgrade current equipment and to extend the Agreement for three additional years by amendment. The extension also provides for the support of additional communications consoles purchased by PTD using a state cooperative agreement.

In addition to extending the term for Agreement 149069, the amendment's changes include upgrading communications equipment located on local mountaintops, adding six consoles to the support agreement, and adding back-end radio servers for regional support and maintenance. All other contractual maintenance and support items remain unchanged.

This item has been reviewed and approved by the Information Technology Services Department.

Contract Term

Agreement 149069's current five-year term expires on Dec. 31, 2023. This amendment extends the Agreement's term by three years until Dec. 31, 2026.

Financial Impact

This amendment adds \$1,056,232 to Agreement 149069. The Agreement's aggregate value shall not exceed \$1,950,220 over the eight-year contract term.

Funds are available in PTD's operating and capital budgets in the Transportation

T2050 Fund. PTD will recover part of the total contract cost from its regional transit partners.

Location

Citywide

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.



Security and Access Control Project Contract - Amendment (Ordinance S-49151)

Request to authorize the City Manager, or his designee, to allow additional expenditures to the Security and Access Control contract with Climatec, LLC (Contract 153752) and an additional one-year extension of the contract term. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$6,982,381.

Summary

The Public Works Department manages Security and Access Control (SAC) systems to maintain Citywide facilities and critical infrastructure. These systems provide access control and intrusion detection hardware, software, and badge administration throughout the City. Currently, there are multiple systems in use and they are obsolete with limited system functionality and parts availability. The contract with Climatec, LLC provides for replacement of the existing SAC systems, which is vital to safeguard City assets and comply with current industry security requirements. The current SAC system managed by Public Works supports approximately 2,224 card readers, 4,122 alarm panels, 15,000 badges, 400 access groups, and 100 time schedules. These systems also link to the parking garage database that is used to support access for employees, fleet vehicles and a small group of non-City employees including contractors and Board and Commission members.

The Public Works Department requests additional expenditures to the contract with Climatec, LLC for the technical design, implementation, and integration of the SAC systems for the following sites: 100 W. Washington St. building, Personal Protective Equipment Warehouse, Office of Accountability and Transparency, turnstile installations at Calvin C. Goode and Phoenix City Hall; and the Water Services Department. The additional expenditures and contract extension year will allow for essential conduit work at sites to address capacity. The additional expenditures and contract extension are needed to account for delays and increased costs resulting from the global pandemic's disruptive impact on industry supply chains. Including the new sites, the SAC Project covers approximately 260 City facilities.

Procurement Information

Request for Proposals (RFP) 18-ADM-059 was conducted in accordance with Administration Regulation 3.10. Four offers were received by the Public Works Department on July 31, 2019. An evaluation committee of City staff evaluated the offers based on the following criteria: project team, preferred experience, pricing, proposed technical design, draft project management plan, general requirements, and preliminary schedule. The evaluation committee determined that two firms were within competitive range and were invited to participate in demonstrations and interviews. This resulted in the evaluation committee reaching a consensus to enter into the Best and Final Offer (BAFO) process. During the final consensus meeting, the evaluation committee recommended the contract award to Climatec, LLC as the highest scored, responsive, and responsible offer that is most advantageous to the City.

Contract Term

The initial three-year contract term started on or about Nov. 1, 2020, with two option years to be exercised in increments of up to one year, with a contract end date of Oct. 31, 2025. Public Works is seeking an additional contract extension year, with a revised contract end date of Oct. 31, 2026.

Financial Impact

The initial authorization for this agreement was for an expenditure not-to-exceed \$25.5 million. This request will increase the authorization of the agreement by an additional \$6,982,381, for a new total not-to-exceed agreement value of \$32,482,381. Funds are available in the Office of Accountability and Finance Department's operating budgets, and in the Capital Improvement Program budgets for the Phoenix Convention Center, Water Services, and Public Works departments.

Concurrence/Previous Council Action

The City Council approved Contract 153752 with Climatec, LLC (Ordinance S-46991) on Oct. 21, 2020.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Public Works Department.



Security and Access Control Project Professional Services Contract - Amendment (Ordinance S-49157)

Request to authorize the City Manager, or his designee, to allow additional expenditures for the Security and Access Control Project professional services contract with LSW Engineers, Inc., Contract 153638, and for an additional one-year extension of the contract term. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$1,055,166.

Summary

The Public Works Department manages the Security and Access Control Systems (SAC) to maintain Citywide facilities and critical infrastructure sites. LSW Engineers, Inc. provides professional consulting services required by the City to support implementation of the Citywide SAC project. Public Works requests additional expenditures to the contract with LSW Engineers, Inc. for continued technical assistance, site inspections, quality assurance, and vendor performance of the project specifications for the SAC replacement project. The technical assistance provided by LSW Engineers, Inc. includes oversight of implementation contractor performance, performing site inspections, reviewing close-out documentation and verifying the operability of the new SAC system before the project's completion. The request for additional expenditures and a one-year contract extension are needed to manage additional locations included in the project scope along with the delays and increased costs resulting from the global pandemic's disruptive impact on industry supply chains. The additional expenditures and contract extension are essential to maintain successful implementation of citywide facilities identified in the SAC project. The project sites include 100 W. Washington St. building, Personal Protective Equipment Warehouse, Office of Accountability and Transparency, turnstile installations at Calvin C. Goode and Phoenix City Hall; and the Water Services Department. Including the new sites, the SAC Project covers approximately 260 City facilities.

Procurement Information

The Qualified Vendor List (QVL) for Security Contract Information was approved by City Council in July 1, 2018. LSW Engineers, Inc. was one of the awarded vendors and was selected from the QVL.

Contract Term

The initial three-year contract term started on or about Nov. 1, 2020, with two option years to be exercised in increments of up to one year, with a contract end date of Oct. 31, 2025. Public Works is seeking an additional contract extension year, with a revised contract end date of Oct. 31, 2026.

Financial Impact

The initial authorization for this agreement was for an expenditure not-to-exceed \$509,207. This request will increase the authorization of the agreement by an additional \$1,055,166, for a new total not-to-exceed agreement value of \$1,564,373. Funds are available in the Office of Accountability and Transparency and Finance Department's operating budgets, and in the Capital Improvement Program budgets for the Phoenix Convention Center, Water Services and Public Works departments.

Concurrence/Previous Council Action

The City Council approved Contract 153638 with LSW Engineers, Inc. (Ordinance S-47027) on Oct. 21, 2020.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Public Works Department.



State Route 85 Landfill Computer Aided Earthmoving System Upgrade, Maintenance, and Support - Requirements Contract (Ordinance S-49162)

Request to authorize the City Manager, or his designee, to enter into an agreement with Empire Southwest, LLC to provide an upgraded Computer Aided Earthmoving System (CAES), that operates with a Global Positioning System (GPS). The agreement will include maintenance and support. Further request to authorize the City Controller to disburse all funds related to this item. The aggregate value of the contract will not exceed \$364,132.

Summary

The Public Works Department uses a satellite based CAES system that integrates with the landfill equipment to measure compaction rates, project the life of the State Route 85 Landfill, and optimize daily operations and staff productivity. Additionally, the system provides real time tracking and data to support efficient and effective air space management for cost analysis and reporting. The current system requires an upgrade because it is at the end of its lifecycle and is no longer supported. This upgrade is essential for the system to operate with Microsoft Windows 10 software, which the City requires to prevent security risks.

This item has been reviewed and approved by the Information Technology Services Department.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a determination memo citing sole source. Empire Southwest, LLC is the only authorized vendor of the system that can provide equipment, parts, service, warranty and training for CAT equipment.

Contract Term

This agreement will begin on or about April 1, 2023 for a five-year term with no options to extend.

Financial Impact

The aggregate value of the agreement will not exceed \$364,132. Funding is available

in the Public Works Department's budget.

Location

State Route 85 Landfill, 28633 W. Patterson Road, Buckeye, AZ

Council District: Out of City

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Public Works Department.



**Vehicle Locksmith Services - Requirements Contract - RFQ 23-FSD-025
(Ordinance S-49168)**

Request to authorize the City Manager, or his designee, to enter into a contract with Aardvark Affordable Locksmithing to provide vehicle locksmith services. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed \$80,000.

Summary

Public Works Department is responsible for maintaining approximately 7,800 vehicles within the City's fleet. This contract will provide vehicle locksmith services that include duplicating keys, programming keys, repairing door locks, replacing ignition switches, and assisting with vehicle lockouts. This mobile service will provide faster turnaround times to get units back in service in a matter of hours rather than days. With this contract an Original Manufacturer dealer will not need to be used for vehicle locksmith service, thereby reducing service costs.

Procurement Information

Request for Quote (RFQ) 23-FSD-025 was conducted in accordance with Administrative Regulation 3.10. The Public Works Department Procurement Section received one quote. The following quote was received for hourly labor rate for vehicle locksmith services:

Aardvark Affordable Locksmithing: \$280.00/hr labor rate.

Contract Term

This contract will begin on or about Dec. 1, 2022 with an initial one-year term, with four one-year options to extend, with a total contract term of five years.

Financial Impact

This contract will have an estimated annual expenditure of \$16,000, with a total aggregate value not to exceed \$80,000.

Funding is available in the Public Works Department's budget.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Public Works Department.



Construction Materials Testing Laboratory Software - Requirements Contract - RFP 63-0031 - Amendment (Ordinance S-49147)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 146601 with SpectraQUEST, to extend the contract term for QESTLab Software for the Street Transportation Department. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$95,000.

Summary

This contract provides QESTLab software needed for the management of data collected from samples tested at the Materials Lab for the Street Transportation Department (Streets). The Streets Materials Lab provides a wide range of material testing services and consultation for geotechnical exploration, foundation design, flexible and rigid pavement designs as well as maintenance and remediation of pavements to all City of Phoenix departments. The lab is a fully accredited facility with the American Materials Reference Laboratory, Cement Concrete Reference Laboratory and AZ Department of Transportation certifications. QESTLab was implemented in 2018 for data acquisition for soil, aggregate, concrete and asphalt testing to provide calculations and reporting. In addition, QESTLab is utilized to track laboratory equipment calibration schedules and it also tracks and provides certification information for the lab technicians. SpectraQUEST is the only vendor who provides the QESTLab software program.

This item has been reviewed and approved by the Information Technology Services Department.

Contract Term

Upon approval, the contract will be extended through Nov. 30, 2027.

Financial Impact

Upon approval of \$95,000 in additional funds, the revised total value of the contract will not exceed \$267,000. Funds are available in the Street Transportation Department's budget.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

- Construction Materials Testing Laboratory Software, Contract 146601, (Ordinance S-43981) on Oct. 18, 2017.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.



Fractured Aggregate Surface Treatment Program - 2-Step Job Order Contracting Services - 4108JOC208 (Ordinance S-49150)

Request to authorize the City Manager, or his designee, to enter into separate master agreements with two contractors to provide Fractured Aggregate Surface Treatment Job Order Contracting services for the Street Transportation Department. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for all services will not exceed \$20 million.

Additionally, request to authorize the City Manager, or his designee, to take all action deemed as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the project. Such utility services include, but are not limited to: electrical; water; sewer; natural gas; telecommunications; cable television; railroads; and other modes of transportation. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The Contractors' services will be used on an as-needed basis to provide Fractured Aggregate Surface Treatment Job Order Contracting (JOC) services within the right-of-way that may include scrub sealing, crack sealing, fog sealing, and other services as may be required. Additionally, the JOC contractors will be responsible for fulfilling Small Business Enterprise program requirements.

Procurement Information

The selections were made using a two-step qualifications and price based selection process set forth in section 34-604 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-604(H), the City may not publicly release information on proposals received or the scoring results until an agreement is

awarded. Two firms submitted proposals and are listed below.

Selected Firms

Rank 1: VSS International, Inc.

Rank 2: Cactus Transport, Inc. dba Cactus Asphalt, A Division of Cactus Transport, Inc.

Contract Term

The term of each master agreement is for up to five years, or up to \$10 million, whichever occurs first. Work scope identified and incorporated into the master agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the master agreement. No additional changes may be executed after the end of the term.

Financial Impact

The master agreement value for each of the JOC contractors will not exceed \$10 million, including all subcontractor and reimbursable costs. The total fee for all services will not exceed \$20 million. The value for each job order agreement performed under this master agreement will be up to \$2 million each. In no event will any job order agreement exceed this limit without Council approval to increase the limit.

Funding is available in the Street Transportation Department's Capital Improvement Program budget. The Budget and Research Department will review and approve funding availability prior to issuance of any job order agreement. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Public Outreach

The public will be notified on each project if notification is required.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua, the Street Transportation Department, and the City Engineer.



Neighborhood Services Department Momo Park Renovation Community Development Block Grant - Design-Bid-Build Services - ND30010036 (Ordinance S-49149)

Request to authorize the City Manager, or his designee, to accept AJP Electric, Inc. as the lowest-priced, responsive and responsible bidder and to enter into an agreement with AJP Electric, Inc. for Design-Bid-Build Services for the Momo Park Renovation Community Development Block Grant project. Further request to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed \$667,230.

Summary

The purpose of this project is to provide all equipment, materials, transportation, management, administrative and direct labor to renovate Momo Park.

AJP Electric, Inc.'s services include, but are not limited to: removing the concrete sidewalks and slabs, benches, basketball hoop and footing, picnic tables, irrigation and chain link fence; and installing new concrete sidewalks, drinking fountain, trash receptacles, bench, seatwall, picnic tables, park grill, ramadas, basketball hoop, new play structure, site wall, landscaping, irrigation and lighting.

Procurement Information

The selection was made using an Invitation for Bids procurement process set forth in section 34-201 of the Arizona Revised Statutes. One bid was received on Sept. 13, 2022, and was sent to the Neighborhood Services Department for review to determine contractor compliance and responsiveness to Community Development Block Grant program and Neighborhood Services Department's Section 3 project requirements.

The Opinion of Probable Cost and the one lowest responsive, responsible bidder is listed below:

Opinion of Probable Cost: \$504,701

AJP Electric, Inc: \$667,230

Although the bid exceeds the Opinion of Probable Cost by more than 10 percent, it has

been determined the bid represents a fair and reasonable price for the required work scope. Additionally, the bid award amount is within the total budget for this project.

Contract Term

The term of the agreement is 170 calendar days from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement value for AJP Electric, Inc. will not exceed \$667,230, including all subcontractor and reimbursable costs.

Funding is available in the Neighborhood Services Department's Capital Improvement Program budget using U.S. Housing and Urban Development Community Development Block Grant funds. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Location

5447 S. 5th St.
Council District: 7

Responsible Department

This item is submitted by Deputy City Managers Inger Erickson, Alan Stephenson, and Mario Paniagua and the Parks and Recreation and Neighborhood Services departments and the City Engineer.



Parking Pay-By-Phone - RFP 63-0028 - Amendment (Ordinance S-49189)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 146492 with Parkmobile, LLC, to extend the contract term. Further request to authorize the City Controller to accept all funds related to this item. There is no financial cost impact to the City.

Summary

The Street Transportation Department offers customers parking pay-by-phone services for citizens who wish to pay for meter fees via smart phone. While developing the Scope of Work for the procurement, operational efficiencies were discovered that would allow the integration of increased functionalities. This extension will afford the department time for staff to test and evaluate the modules and revise the scope of work to include updated requirements for a new competitive process and award of contract.

This item has been reviewed and approved by the Information Technology Department.

Contract Term

Upon approval the contract will be extended through Dec. 31, 2023.

Financial Impact

This is a revenue generating contract. The estimated annual income is approximately \$400,000. There is no financial cost to the City.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

- Parking Pay-by-Phone Services, Contract 146492 (Ordinance S-43909) on Sept. 20, 2017.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.



**Salt River Project Construction License for 43rd Avenue Traffic Signal Upgrades
- ST89340579 (Ordinance S-49176)**

Request to authorize the City Manager, or his designee, to enter into a Construction License with Salt River Project for work associated with a City of Phoenix Traffic Signal project. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18.

Summary

The City is upgrading all traffic signals, equipment and sidewalk ramps on 43rd Avenue from Northern Avenue to Bethany Home Road. The purpose of this license is to allow the City to install signal conduits that will cross under Salt River Project irrigation facilities and to install eight poles with pull boxes that will parallel the Salt River Project irrigation facilities. This work is in conjunction with City Project ST89340579.

Contract Term

The term of the Construction License is one year, effective when the City begins construction, expected to be December 2022.

Financial Impact

There is no financial impact to the City of Phoenix for this license.

Location

43rd Avenue; Northern Avenue to Bethany Home Road.
Council Districts: 1 and 5

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua, the Street Transportation Department and the City Engineer.



Traffic Signal Quick Change Kits Contract - EXC 63-2308 Request for Award (Ordinance S-49182)

Request to authorize the City Manager, or his designee, to enter into a contract with The Get Go Inc. to provide Traffic Signal Quick Change Kits for the Street Transportation Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$250,000.

Summary

This contract will provide Traffic Signal Quick Change Kits (QCKs) used to change out LED traffic signal indications (TSI) for the Traffic Signal Shop technicians. These unique clips do not require technicians to use any tools or remove their safety gloves to replace a TSI. Additionally, the kits make the replacement process faster since they eliminate the problem with other clips being dropped from the technicians' hands onto the ground 15 feet below, requiring the technician to lower the boom lift on the bucket truck to retrieve the dropped items.

Procurement Information

In accordance with AR 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstance Without Competition.

QCKs are manufactured, sold and distributed exclusively by The Get Go Inc., and they maintain the copyright and patent privileges associated with these kits. There are no agents or dealers authorized to sell the QCKs, and these kits must be purchased directly from The Get Go Inc.

Contract Term

The contract will begin on or about Nov. 21, 2022, for a five-year term with no options to extend.

Financial Impact

The total contract value will not exceed \$250,000 for the five-year aggregate term. Funding is available in the Street Transportation Department's operating budget.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.



Water Meters Contract - IFB 2223-WMD-371 Request for Award (Ordinance S-49158)

Request to authorize the City Manager, or his designee, to enter into a contract with Badger Meter, Itron, Inc., Master Meter, Mountain State Pipe & Supply and Zenner USA to provide the supply of positive displacement and non-mechanical cold-water meters and associated components for the Water Services Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of these contracts will not exceed \$28,000,000.

Summary

The purpose of these contracts are to supply the Water Services Department (WSD) with positive displacement cold-water meters, non-mechanical cold-water meters, and components to support fire hydrants and fire service type non-mechanical meters. All meters for the WSD must meet a specific quality and ensure compatibility with Itron meter reading hardware and software. These meter contracts are needed to procure the specific meter type that is required for maintaining accuracy and functionality of the various meters throughout the City, while also efficiently supporting the existing equipment already in operation by WSD.

Procurement Information

An Invitation for Bid (IFB) procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10.

Five vendors submitted bids deemed to be responsive to posted specifications and responsible to provide the required goods and services. Following an evaluation, based on price, the procurement officer recommends award to the following vendors:

Selected Bidders:

Badger Meter
Itron, Inc.
Master Meter
Mountain State Pipe & Supply
Zenner USA

Contract Term

The contracts will begin on or about Dec. 20, 2022 for a five-year term with no options to extend.

Financial Impact

The aggregate contract value will not exceed \$28,000,000.

Funding is available in the Water Service Department's operating budget.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



Ductile Iron Pipe and Fittings Contract - Request for Award (Ordinance S-49161)

Request to authorize the City Manager, or his designee, to ratify the existing purchase order for a one-time purchase with Dana Kepner Company, LLC to provide ductile iron pipe for the Water Services Department. Further request to authorize the City Controller to disburse all funds related to this item. The expenditures will not exceed \$44,453.16.

Summary

The purpose of this request is to ratify the purchase of 1206 feet of 4-inch ductile iron pipe. Ductile iron pipe and fittings are critical to City's water infrastructure which is installed when a fire hydrant or valve is replaced or repaired. The contracted vendor, Core and Main, LP has filed a Force Majeure as the vendor is experiencing long delays on ductile iron pipe, stating that the City's outstanding orders could not be filled prior to Dec. 2022. The ongoing repairs and maintenance was rapidly depleting the Water Services Department's (WSD) inventory of ductile pipe and therefore creating an urgent need to locate another vendor to supply the critical pipe. In an effort to ensure that repairs to the City's water infrastructure were timely, it was necessary to perform a one-time purchase from Dana Kepner Company, LLC.

Procurement Information

WSD contacted multiple vendors including Ferguson Enterprises, LLC, Fullerform Systems, Inc. and Dana Kepner Company, LLC to source the needed material in a shorter lead-time. Of the three vendors that were contacted, Dana Kepner was the only vendor that had the pipe in stock. A review of pricing was conducted and it was determined that the price quote received from Dana Kepner was competitive as well as fair and reasonable.

In accordance with AR 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Without Competition-One Time Contract-Due to Time Restrictions.

Contract Term

This is a one-time purchase to ensure water infrastructure repairs and ongoing projects continue without interruption.

Financial Impact

The total value of the one-time purchase will not exceed \$44,453.16.

Funding is available in the Water Services Department Operating Budget.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



**Onsite Testing and Repair of Large Water Meters, Metering Services, Inc.
(Ordinance S-49173)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 147870, with Metering Services, Inc. to provide additional funding to the agreement. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures included in this amendment will not exceed \$350,000.

Summary

The purpose of this amendment is to request additional payment authority of \$350,000 for onsite testing and repair of large water meters required by the Water Services Department (WSD). WSD uses Metering Services, Inc. to perform on-site inspection, repair, preventative maintenance, calibration, retrofitting, replacement (if deemed necessary), testing services, and removal of debris in all confined spaces where large meter assemblies are installed. The testing and calibration are performed in accordance with the American Water Works Association established standard.

Several large meters currently in service are aging and in need of replacement. Funds were unexpectedly needed to replace more meters than anticipated and to address emergency leak repairs. Additional funding will allow for testing to remain on schedule, replacement of non-functioning meters, and to cover emergencies that cannot be anticipated. These factors have contributed to a need for additional funding to support the required service.

Contract Term

The agreement term will remain unchanged, ending on June 30, 2023.

Financial Impact

- The initial authorization for Onsite Testing and Repair of Large Water Meters was for an expenditure not-to-exceed \$1,945,020.
- This amendment will increase the authorization for agreement by an additional \$350,000, for a new total not-to-exceed agreement value of \$2,295,020.

Funding is available in the Water Services Department's Operating budget.

Concurrence/Previous Council Action

The City Council approved Onsite Testing and Repair of Large Water Meters Agreement 147870 (Ordinance S-44658) on June 6, 2018.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



Authorization to Enter into an Extension of the Intergovernmental Agreement with the City of Mesa for Administration of "Water - Use it Wisely"™ Advertising Materials and Campaign. (Ordinance S-49178)

Request to authorize the City Manager, or his designee, to enter into an extension of Intergovernmental Agreement 146272 with the City of Mesa for administration of the "Water - Use it Wisely"™ campaign. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The "Water - Use it Wisely"™ campaign was developed in 1999 as part of a regional partnership with the cities of Mesa, Scottsdale, Phoenix, and the Arizona Department of Water Resources, to teach customers about water conservation and efficiency. Over the years, the success of the campaign has greatly expanded, and participants now include Avondale, Arizona Municipal Water Users Association, Buckeye, Central Arizona Project, Chandler, EPCOR Water, Flagstaff, Fountain Hills, Glendale, Global Water, Peoria, Queen Creek, Salt River Project, Surprise, and Tempe, all in addition to the original founders. The City of Mesa maintains the rights to authorize use of the campaign within Arizona.

The "Water - Use it Wisely"™ campaign benefits the City of Phoenix by providing consistent messaging about efficient outdoor water use and preparation for future drought/storage for Phoenix customers. The campaign uses television, radio spots, web site, and social media to provide residents with information on how to be more efficient with water use.

Contract Term

The original intergovernmental agreement (IGA), which was entered into in 2017, allowed for a five-year extension to begin in 2022, if agreed on by the parties. Upon approval of the extension, the IGA will run through June 30, 2027.

Financial Impact

The aggregate value of the IGA extension is not to exceed \$712,500. Funding for this contract is available in the Water Services Department's budget.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



Abandonment of Alley Right of Way - ABND 220015 - South of Southwest Corner of Lafayette Boulevard and 54th Court (Resolution 22085)

Abandonment: ABND 220015

Project: 94-0006661

Applicant: Tristahn Schaub

Request: The alley running east to west, immediately north of 3824 and 3830 N. 54th Court and south of 3846 and 3840 N. 54th Court.

Date of Decision/Hearing: May 12, 2022

Location

Southwest Corner of Lafayette Boulevard

Council District: 6

Financial Impact

A consideration fee was collected as part of this abandonment in the amount of \$812.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



Report

Agenda Date: 11/16/2022, Item No. 103

**Abandonment of Alley Right-of-Way - ABND 220019 - 3510 E. McDowell Road
(Resolution 22083)**

Abandonment: ABND 220019

Project: 97-0000358

Applicant: Jared Vidales

Request: The remnant alley right-of-way located between the parcel identified by APN 120-18-011B to the north and the parcel identified by APN 120-18-011C to the south.

Date of Decision/Hearing: April 27, 2022

Location

3510 E. McDowell Road.

Council District: 8

Financial Impact

A consideration fee was also collected as part of this abandonment in the amount of \$17,000.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



Agenda Date: 11/16/2022, Item No. 104

Abandonment of Right-of-Way and Easement - ABND 220004 - Northeast Corner of 79th Avenue and Encanto Boulevard (Resolution 22082)

Abandonment: ABND 220004

Project: 20-2134

Applicant: James A. Brucci, RLS

Request: To abandon a portion of the Encanto Boulevard right-of-way adjacent to the parcel identified as APN 102-38-011L, and the detention force main easement located on the same parcel.

Date of Decision/Hearing: March 24, 2022

Location

Northeast Corner of 79th Avenue and Encanto Boulevard

Council District: 7

Financial Impact

A consideration fee was collected as part of this abandonment in the amount of \$1,700.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



Agenda Date: 11/16/2022, Item No. 105

Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-22--Z-27-20-1 - Southwest Corner of 28th Drive and Sahuaro Drive (Ordinance G-7055)

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Oct. 19, 2022.

Summary

Application: PHO-1-22--Z-27-20-1

Existing Zoning: R-3A

Acreage: 3.82

Owner: Matthew Luxenberg Family Trust

Applicant/Representative: Sebastian Losch, Trillium SFR

Proposal:

1. Deletion of Stipulation 1 regarding a maximum building height of 30 feet.

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The North Mountain Village Planning Committee heard this case on Sept. 21, 2022, and recommended approval, by a vote of 13-0.

Planning Hearing Officer (PHO) Action: The Planning Hearing Officer recommended approval.

Location

Southwest corner of 28th Drive and Sahuaro Drive

Council District: 1

Parcel Address: 10640 N. 28th Drive.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

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-27-20-1 PREVIOUSLY APPROVED BY
ORDINANCE G-6790.

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

SECTION 1. The zoning stipulations applicable located on the
southwest corner of 28th Drive and Sahuaro Drive, in a portion of Section 23,
Township 3 North, Range 2 East, as described more specifically in Attachment “A”,
are hereby modified to read as set forth below.

STIPULATIONS:

- ~~1. The maximum building height shall be 30 feet.~~
1. All elevations of the buildings shall contain architectural embellishments
- ~~2.~~ and detailing, such as: textural changes, pilasters, offsets, recesses,
variation in window size and location, and/or overhang canopies.
2. The public sidewalk along 28th Drive shall be detached with a minimum
- ~~3.~~ 5-foot-wide landscape area located between the sidewalk and back of
curb and planted to the following standards. Where utility conflicts exist,
the developer shall work with the Planning and Development Department
on alternative design solutions consistent with the creation of a
comfortable pedestrian environment.
- a. Large canopy, single-trunk, shade trees shall be placed 25 feet on
center or in equivalent groupings. Fifty percent of the required trees
shall be a minimum 3-inch caliper and 50 percent shall be a minimum

2-inch caliper.

- b. At tree maturity, the trees shall shade the sidewalks to a minimum 75 percent.
 - c. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75 percent live coverage at maturity.
- 3. All ground level units with adjacency to a public street shall incorporate a
 - 4. direct pedestrian pathway from a unit entry to the public sidewalk, as approved by the Planning and Development Department.
- 4. No solid perimeter wall greater than 40 inches in height shall be situated
 - 5. in any required building setback adjacent to a public street, as approved by the Planning and Development Department.
- 5. The developer shall incorporate bicycle infrastructure as described below
 - 6. and as approved by the Planning and Development Department.
- a. "Secured/Covered Facilities" and/or "Outdoor/Covered Facilities" shall be provided for residents at a rate of 0.25 spaces per dwelling unit, up to a maximum of 50 spaces.
 - b. Inverted-U style bicycle racks with a capacity for a minimum six bicycles for guests shall be located near the primary pedestrian entrance to the building.
 - c. A bicycle repair station ("fix it station") shall be provided in an area of high visibility, separated from vehicle maneuvering areas, and located within close proximity to 28th Drive. The repair station shall include: standard repair tools affixed to the station; a tire gauge and pump affixed to the base of the station or the ground; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
- 6. The developer shall dedicate a 10-foot wide sidewalk easement on the
 - 7. west side of 28th Drive, as approved by the Planning and Development Department.
- 7. The developer shall construct all streets within and adjacent to the
 - 8. development 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.
- 8. In the event archaeological materials are encountered during
 - 9. 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.

9. Prior to preliminary site plan approval, the landowner shall execute a
- ~~40.~~ 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 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6790 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6790 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 16th day of November, 2022.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:

Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-22--Z-27-20-1

LOT 16, LAKE BILTMORE VILLAGE, ACCORDING TO BOOK 166 OF MAPS, PAGE 4, RECORDS OF MARICOPA COUNTY, ARIZONA. SECTION 23, TOWNSHIP 3N, RANGE 2E.

DRAFT

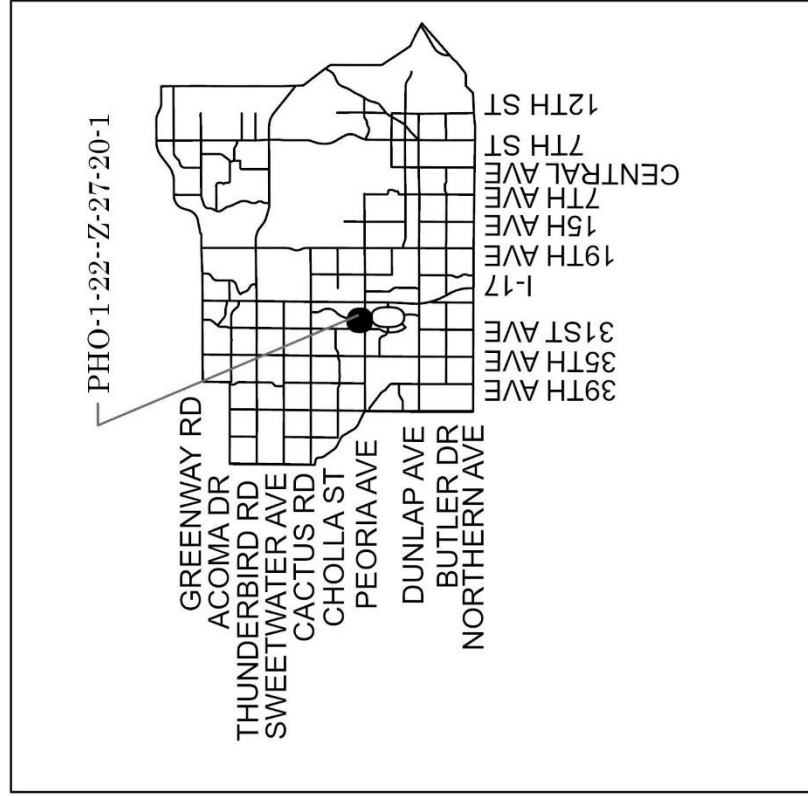
ORDINANCE LOCATION MAP

EXHIBIT B

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



Zoning Case Number: PHO-1-22--Z-27-20-1
Zoning Overlay: N/A
Planning Village: North Mountain



NOT TO SCALE

Drawn Date: 10/19/2022



Modification of Stipulation Request for Ratification of Oct. 19, 2022 Planning Hearing Officer Action - PHO-5-22--Z-6-04-7 - Approximately 300 Feet East of the Southeast Corner of 107th Avenue and Lower Buckeye Road

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Oct. 19, 2022. This ratification requires formal action only.

Summary

Application: PHO-5-22--Z-6-04-7

Existing Zoning: C-2

Acreage: 1.26

Owner: QuikTrip Corporation

Applicant: SimonCRE C90 III LLC

Representative: RKAA Architects Inc.

Proposal:

1. Review of commercial elevations per Stipulation 7.
2. Technical corrections to Stipulations 1, 3, 4, 8 and 9.

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee heard this case on Oct. 18, 2022, and recommended approval by a vote of 9-0.

Planning Hearing Officer (PHO) Recommendation: The Planning Hearing Officer recommended approval with a modification and additional stipulations.

Location

Approximately 300 feet east of the southeast corner of 107th Avenue and Lower Buckeye Road

Council District: 7

Parcel Address: n/a

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

Attachment A – Stipulations- PHO-5-22—Z-6-04-7

Location: Approximately 300 feet east of the southeast corner of 107th Avenue and Lower Buckeye Road

Stipulations:

Trails and Landscaping	
1.	That The development shall conform to the Estrella Village Arterial Street Landscaping program that specifically provides landscaping requirements for Lower Buckeye Road, defined in the plan as a village parkway.
2.	That The developer shall provide a 30-foot wide public trail easement along the east side of 107th Avenue and along the south side of Lower Buckeye Road, exclusively for public utility easement, trail, and landscaping, unless modified by the Parks and Recreation Department.
Residential	
3.	That The single-family development shall be in general conformance to the site plan date stamped January 15, 2004, as approved or modified by THE PLANNING AND Development Services Department.
4.	That A minimum 40 x 40 foot triangular landscape entry area SHALL be provided on each corner at the main entrance to the residential subdivision to be located on 107th Avenue, as approved or modified by THE PLANNING AND Development Services Department.
5.	That Open space amenities shall be located outside of retention areas.
6.	That The property owner shall record documents that disclose to purchasers of the property within the development the existence and potential characteristics of the Tolleson Wastewater Treatment Plant and the Phoenix Goodyear Airport. The form and content of such documents shall be reviewed and approved by the city attorney.
Commercial	
7.	That the commercial elevations shall be reviewed and approved through the Planning Hearing Officer process prior to preliminary site plan approval with the Development Services Department. THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED AUGUST 31, 2022, AS MODIFIED

	BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
8.	That The commercial site shall be developed with a similar architectural theme. The theme shall assure that the building and canopy colors, elevations, exterior materials, landscaping, lighting, and signage convey a sense of continuity throughout the development. A master architectural theme shall be provided before preliminary site plan approval of the first building, as approved or modified by THE PLANNING AND Development Services Department.
9.	That The development shall conform to the Estrella Village Arterial Street Landscaping program that specifically requires an entry feature on the southeast corner of 107th Avenue and Lower Buckeye Road, designated as a gateway intersection in the plan.
Street Improvements	
10.	That a Right-of-way totaling 55 feet shall be dedicated for the south half of Lower Buckeye Road.
11.	That a Right-of-way totaling 55 feet shall be dedicated for the east half of 107th Avenue.
12.	That The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the city. All improvements shall comply with all ADA accessibility standards.
13.	That The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.
14.	THE DEVELOPER SHALL CONSTRUCT AND LANDSCAPE A 14-FOOT-WIDE MEDIAN ISLAND ALONG LOWER BUCKEYE ROAD, FROM 107TH AVENUE TO THE EXISTING MEDIAN TO THE EAST, AS APPROVED BY THE PLANNING AND DEVELOPMENT AND STREET TRANSPORTATION DEPARTMENTS.
15.	THE DEVELOPER SHALL CONSTRUCT A MINIMUM 5-FOOT-WIDE DETACHED SIDEWALK ALONG THE SOUTH SIDE OF LOWER BUCKEYE ROAD WITH A MINIMUM 10-FOOT-WIDE LANDSCAPE STRIP LOCATED BETWEEN THE BACK OF CURB AND SIDEWALK.

	TREES PLANTED IN THE LANDSCAPE STRIP SHALL BE PLACED NEAR THE SIDEWALK TO PROVIDE THERMAL COMFORT FOR PEDESTRIANS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
16.	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.



Public Hearing and Ordinance Adoption - Rezoning Application Z-45-22-8 - Southeast Corner of 59th Avenue and Dobbins Road (Ordinance G-7056)

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-45-22-8 and rezone the site from S-1 (Approved C-2 HGT/WVR PCD) (Ranch or Farm Residence District, Approved Intermediate Commercial, Height Waiver, Planned Community District) to C-2 HGT/WVR DNS/WVR (Intermediate Commercial, Height Waiver, Density Waiver) to allow mixed-use development.

Summary

Current Zoning: S-1 (Approved C-2 HGT/WVR PCD)

Proposed Zoning: C-2 HGT/WVR DNS/WVR

Acreage: 39.74 acres

Proposal: Mixed-use development

Owner: Tyson Family, LTD, et al.

Applicant: Matrix at Dobbins

Representative: Jason Morris, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The Laveen Village Planning Committee heard this case on July 11, 2022, and continued the case, by a vote of 8-0. The Laveen Village Planning Committee heard this case on Aug. 8, 2022, and recommended approval, per the Addendum A Staff Report, with modifications and an additional stipulation, by a vote of 6-3.

PC Action: The Planning Commission heard this case on Aug. 4, 2022, and continued the case, by a vote of 9-0. The Planning Commission heard this case on Sept. 1, 2022, and recommended approval, per the Laveen Village Planning Committee recommendation, with a modification and an additional stipulation, by a vote of 7-0.

Location

Southeast corner of 59th Avenue and Dobbins Road.

Council District: 8

Parcel Address: 5703, 5775, and 5875 W. Dobbins Road; and 9250 and 9365 S. 59th Ave.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

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-45-22-8) FROM S-1 (APPROVED C-2 HGT/WVR PCD) (RANCH OR FARM RESIDENCE DISTRICT, APPROVED INTERMEDIATE COMMERCIAL, HEIGHT WAIVER, PLANNED COMMUNITY DISTRICT) TO C-2 HGT/WVR DNS/WVR (INTERMEDIATE COMMERCIAL, HEIGHT WAIVER, DENSITY WAIVER).

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

SECTION 1. The zoning of a 39.74-acre property located at the southeast corner of 59th Avenue and Dobbins Road in a portion of Section 8, Township 1 South, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "S-1 (Approved C-2 HGT/WVR PCD)" (Ranch or Farm Residence District, Approved Intermediate Commercial, Height Waiver, Planned Community District) to "C-2 HGT/WVR DNS/WVR" (Intermediate Commercial, Height Waiver, Density Waiver).

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 development shall be in general conformance with the site plan date stamped August 8, 2022 and elevations date stamped July 8, 2022, as modified by the following stipulations and approved by the Planning and Development Department.
2. Improvements for the Town Square, as identified on the site plan date stamped August 8, 2022, shall be completed prior to the issuance of any certificate of occupancy for the last phase of residential development (Lot 2 or Lot 3). Improvements shall include all streets and parking around the Town Square, all common landscape, walkway landscape furniture and common area features, and a minimum of three amenities (which may include, but is not limited to open seating, interactive water feature, and kids playground with shade structure), but excluding the two commercial buildings and their supporting features such as leased outdoor dining areas and their hardscape and landscape features, as approved by the Planning and Development Department.
3. The primary entryway to Dobbins Road shall include a minimum of 250 square feet of enhanced landscaping, planted and maintained with a variety of at least three plant materials including a series of annuals that will each maintain a constant bloom throughout the year.
4. A minimum of one milkweed shrub, or other native nectar species, shall be planted for every required tree in addition to the required shrubs, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
5. The developer shall dedicate a 30-foot-wide multi-use trail easement (MUTE) along the east side of 59th Avenue and construct a minimum 10-foot-wide multi-use trail (MUT) within the easement in accordance with the MAG supplemental detail and as approved by the Planning and Development Department. Where conflicts or restrictions exist, the developer shall work with

the Site Planning section on an alternate design through the technical appeal process.

6. The developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 11-foot-wide landscape area located between the back of curb and sidewalk along the south side of Dobbins Road, as approved by the Planning and Development Department.
 - a. Minimum 3-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.
 - c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
7. The developer shall construct a minimum 5-foot-wide detached sidewalk along the west side of 57th Avenue with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department:
 - a. Minimum 2-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 50% live coverage at maturity.
 - c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
8. The developer shall construct a minimum 5-foot-wide detached sidewalk along the east side of 59th Avenue with a minimum 11-foot-wide landscaped strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department:
 - a. Minimum 3-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.

- c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
- 9. The developer shall dedicate a minimum of 55-feet of right-of-way and construct the south side of Dobbins Road, as approved by the Planning and Development Department.
- 10. The developer shall dedicate a minimum of 30-feet of right-of-way and construct the west side of 57th Avenue connecting at the 56th Glen alignment, as approved by the Street Transportation Department.
- 11. The developer shall dedicate a minimum of 55-feet of right-of-way and construct the east side of 59th Avenue, as approved by the Planning and Development Department.
- 12. The developer shall submit a Traffic Impact Study to the City for this development. No preliminary approval of plans shall be granted until the study is approved. Signal warrant analysis shall be included for 59th Avenue and Dobbins as part of the Study. The developer shall be required to provide a minimum 25% contribution towards future traffic signal if not warranted for construction by the TIA.
- 13. Existing irrigation along Dobbins Road are to be undergrounded and relocated outside City of Phoenix right-of-way. Contact SRP to identify existing land rights and establish appropriate process to relocate facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
- 14. The developer shall construct all streets within and adjacent to the development 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.
- 15. The right-of-way shall be dedicated, and a bus stop pad (City of Phoenix Standard Details P1258 and P1260) constructed along eastbound Dobbins Road, as approved by the Planning and Development Department.
- 16. The right-of-way shall be dedicated, and a bus stop pad (City of Phoenix Standard Details P1258 and P1260) constructed along northbound 59th Avenue, as approved by the Planning and Development Department.
- 17. 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.

18. 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.

LOT 1 (TOWN CENTER AND RETAIL PLAZA)

19. The maximum building height shall be 30 feet.
20. A minimum of 28% of the gross area of Lot 1 shall be retained as open space, as approved by the Planning and Development Department.
21. All uncovered surface parking lot areas for employees and customers shall be landscaped with minimum 2-inch caliper size large canopy drought tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve minimum 25% shade at maturity, as approved by the Planning and Development Department.
22. A minimum of 14 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
23. Any future Planning Hearing Officer applications for Lot 1, as depicted on the site plan date stamped August 8, 2022, shall go to the Village Planning Committee for recommendation, and include enhanced notification to require notification of all property owners within 600 feet of the subject site and all neighborhood organizations registered with the City within one mile of the subject site.

LOT 2 (MULTIFAMILY APARTMENTS)

24. The development shall adhere to the R-3A zoning district standards, as modified by the following stipulations, and approved by the Planning and Development Department.
25. Lot 2 shall be limited to a maximum of 214 units.
26. A minimum of 10% of the gross area of Lot 2 shall be retained as open space, as approved by the Planning and Development Department.

27. A minimum of 10 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances, amenities, and/or open space and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

LOT 3 (HORIZONTAL MULTIFAMILY)

28. The development shall adhere to the R-3 zoning district standards, as modified by the following stipulations, and approved by the Planning and Development Department.
29. Lot 3 shall be limited to a maximum of 181 units.
30. A minimum of 11% of the gross area of Lot 3 shall be retained as open space, as approved by the Planning and Development Department.
31. A minimum of 10 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances, amenities, and/or open space and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

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 16th day of November, 2022.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:
A – Legal Description (2 Pages)
B – Ordinance Location Map (1 Page)

EXHIBIT A

LOT 1:

A PORTION OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 8, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 8, FROM WHICH THE NORTH QUARTER OF SAID SECTION 8 BEARS NORTH 89 DEGREES 59 MINUTES 34 SECONDS EAST, A DISTANCE OF 2,633.43 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 34 SECONDS EAST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 8, A DISTANCE OF 731.98 FEET; THENCE DEPARTING SAID NORTH LINE, SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 710.48 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 58 SECONDS WEST, A DISTANCE OF 736.75 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 8; THENCE ALONG SAID WEST LINE, NORTH 00 DEGREES 23 MINUTES 06 SECONDS EAST, A DISTANCE OF 710.39 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 521,714 SQUARE FEET OR 11.977 ACRES, MORE OR LESS.

LOT 2:

A PORTION OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 8, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 8, FROM WHICH THE NORTH QUARTER OF SAID SECTION 8 BEARS NORTH 89 DEGREES 59 MINUTES 34 SECONDS EAST, A DISTANCE OF 2,633.43 FEET; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 8, NORTH 89 DEGREES 59 MINUTES 34 SECONDS EAST, A DISTANCE OF 731.98 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 89 DEGREES 59 MINUTES 34 SECONDS EAST, A DISTANCE OF 584.74 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 27 MINUTES 30 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 710.58 FEET; THENCE DEPARTING SAID EAST LINE, NORTH 89 DEGREES 59 MINUTES 58 SECONDS WEST, A DISTANCE OF 579.05 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 710.48 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 413,445 SQUARE FEET OR 9.491 ACRES, MORE OR LESS.

LOT 3:

A PORTION OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 8, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 8, FROM WHICH THE NORTH QUARTER OF SAID SECTION 8 BEARS NORTH 89 DEGREES 59 MINUTES 34 SECONDS EAST, A DISTANCE OF 2,633.43 FEET; THENCE ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 8, SOUTH 00 DEGREES 23 MINUTES 06 SECONDS WEST, A DISTANCE OF 710.39 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 59 MINUTES 58 SECONDS EAST, A DISTANCE OF 1,315.80 FEET; THENCE SOUTH 00 DEGREES 27 MINUTES 30 SECONDS WEST, A DISTANCE OF 609.05 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 21 SECONDS WEST, A DISTANCE OF 1,315.03 FEET; THENCE ALONG SAID WEST LINE, NORTH 00 DEGREES 23 MINUTES 06 SECONDS EAST, A DISTANCE OF 609.69 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 801,549 SQUARE FEET OR 18.401 ACRES, MORE OR LESS.

EXHIBIT B

Zoning Case Number: Z-45-22-8
Zoning Overlay: N/A
Planning Village: Laveen



ATTACHMENT B

Staff Report: Z-45-22-8

July 1, 2022

[Laveen Village Planning Committee](#) July 11, 2022

Meeting Date

[Planning Commission](#) Hearing Date August 4, 2022

Request From: [S-1](#) (Approved [C-2 HGT/WVR PCD](#)) (Ranch or Farm Residence District, Approved Intermediate Commercial, Height Waiver, Planned Community District) (41.60 acres)

Request To: [C-2 HGT/WVR DNS/WVR](#) (Intermediate Commercial, Height Waiver, Density Waiver) (41.60 acres)

Proposed Use Mixed-use development

Location Southeast corner of 59th Avenue and Dobbins Road

Owner Tyson Family, LTD, et al.

Applicant Matrix at Dobbins

Representative Jason Morris, Withey Morris, PLC

Staff Recommendation Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Map Designation		Mixed-Use and Preserves/Commercial	
Street Map Classification	Dobbins Road	Arterial (Scenic Drive)	33-foot south half street
	59th Avenue	Arterial	33-foot east half street
	57th Avenue	Local	0-foot west half street

CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS; OPPORTUNITY SITES; DESIGN PRINCIPLE: Protect and enhance the character of each neighborhood and its various housing lifestyles through new development that is compatible in scale, design, and appearance.

The proposal provides both commercial and multifamily developments in an area that will buffer proposed lower density uses to the east from the transportation corridor along the Loop 202 Freeway and the interchange at Dobbins Road. Additionally, the site is consistent with the scale, character, and design that has been approved in the surrounding area.

CONNECT PEOPLE AND PLACES CORE VALUE; CORES, CENTERS & CORRIDORS; LAND USE PRINCIPLE: Locate land uses with the greatest height and most intense uses within village cores, centers and corridors based on village character, land use needs, and transportation system capacity.

The subject site is in close proximity to the Loop 202 Freeway and Village Core and the proposed commercial corner is in close proximity to the interchange at Dobbins Road. The proximity to the freeway and interchange ensures that increased traffic and activity is concentrated along the transportation corridor.

BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

The proposal, as stipulated, will provide detached sidewalks and shade trees along Dobbins Road, 59th Avenue, and 57th Avenue. The shade trees will help to encourage walking by providing a thermally comfortable environment for pedestrians and alternative transportation users along the sidewalks.

Applicable Plans, Overlays, and Initiatives

[Laveen Southwest Growth Study](#) – See Background Item No. 4.

[Housing Phoenix Plan](#) – See Background Item No. 7.

[Tree and Shade Master Plan](#) – See Background Item No. 8.

[Complete Streets Guiding Principles](#) – See Background Item No. 9.

[Zero Waste PHX](#) – See Background Item No. 10.

Surrounding Land Uses/Zoning		
	<u>Land Use</u>	<u>Zoning</u>
On Site	Agricultural land	S-1 (Approved C-2 HGT/WVR PCD)
North (across Dobbins Road)	Single-family residential, vacant land	R1-8, C-1
South	Agricultural land	S-1 (Approved R1-6 PCD, R-3A PCD, C-2 HGT/WVR PCD)
East	Vacant land, agricultural uses (proposed single-family residential)	R1-10
West (across 59th Avenue)	Vacant land, single-family residence	S-1 (Approved C-2/CP/GCP)

C-2 HGT/WVR DNS/WVR (Lot 1 – Intermediate Commercial, Height Waiver, Density Waiver)		
<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the Proposed site Plan</u>
Gross Acreage	-	10.32
Maximum Lot Coverage	50%	7% (Met)
Maximum Building Height	4 stories and 56 feet	30 feet (Met)
MINIMUM BUILDING SETBACKS		
Perimeter Adjacent to a Street: (North and West)	Average 25 feet, Minimum 20 feet	North and West: 25 feet (Met)
MINIMUM LANDSCAPE SETBACKS AND OPEN SPACE STANDARDS		
Adjacent to Street: (North and West)	Average 25 feet for structures not exceeding 2 stories or 30 feet, minimum 20 feet for 50% of the frontage	Not specified
MINIMUM PARKING REQUIREMENTS		
Parking	351	351 (Met)

C-2 HGT/WVR DNS/WVR (Lot 2 – R-3A Development Standards – Planned Residential Development)		
<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the Proposed site Plan</u>
Gross Acreage	-	10.84 acres
Maximum Total Number of Units	250; 286 with bonus	207 (Met)
Maximum Density (dwelling unit/acre)	23.1; 26.4 with bonus	19.10 (Met)
Maximum Lot Coverage	45%	24%
Maximum Building Height	3 stories or 40 feet for first 150 feet; building height may be increased by 1 foot for every 5 feet of increased setback to a maximum of 4 stories or 48 feet	33 feet (Met)
MINIMUM BUILDING SETBACKS		
Perimeter Adjacent to a Street: (North and East)	20 feet	North and East: 25 feet (Met)
Adjacent to a Property Line (South and West)	15 feet	South: 15-17 feet (Met) West: 24-54 feet (Met)
MINIMUM LANDSCAPE SETBACKS AND OPEN SPACE STANDARDS		
Adjacent to Street: (North and East)	20 feet	Not specified
Adjacent to Property Line: (South and West)	5 feet	Not specified
Minimum Open Space	5% of gross site area	9% (Met)
Minimum Amenities Provided	2	1 (Not Met)
MINIMUM PARKING REQUIREMENTS		
Parking	414	414 (Met)

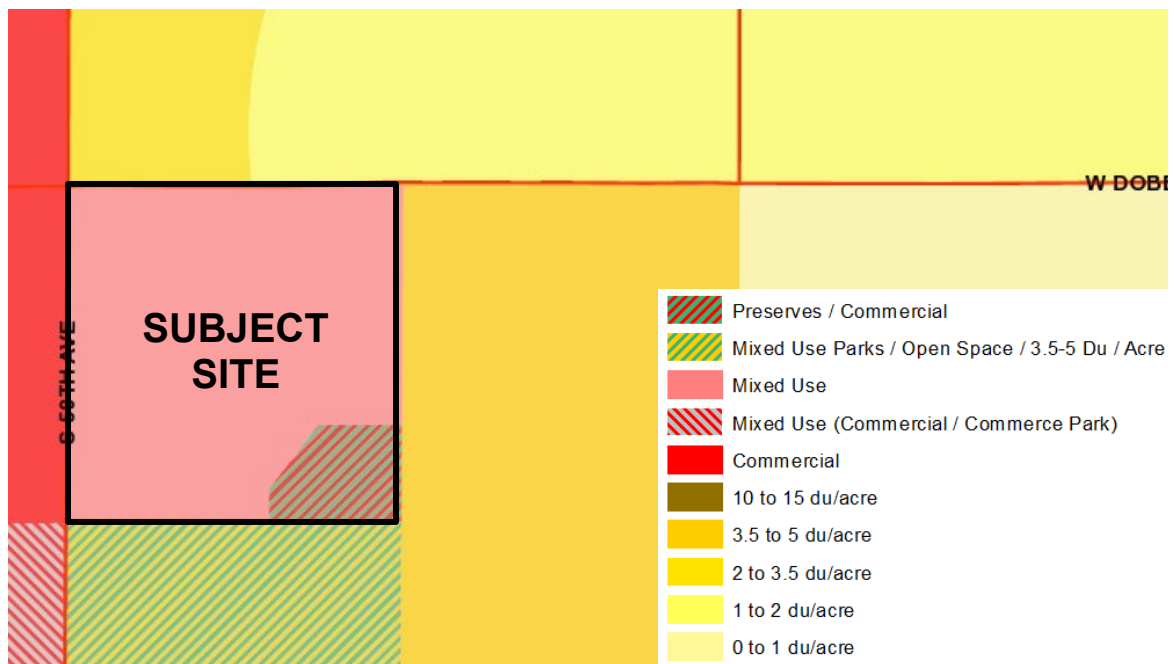
C-2 HGT/WVR DNS/WVR (Lot 3 – R-3 Development Standards – Planned Residential Development)		
<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the Proposed site Plan</u>
Gross Acreage	-	20.44 acres
Maximum Total Number of Units	311; 355 with bonus	197 (Met)
Maximum Density (dwelling unit/acre)	15.23; 17.40 with bonus	9.64 (Met)
Maximum Lot Coverage	45%	25%
Maximum Building Height	2 stories or 30 feet for first 150 feet; building height may be increased by 1 foot for every 5 feet of increased setback to a maximum of 4 stories or 48 feet	20 feet (Met)
MINIMUM BUILDING SETBACKS		
Perimeter Adjacent to a Street: (East and West)	20 feet	East and West: 25 feet (Met)
Perimeter Adjacent to a Property Line: (North and South)	15 feet	North: 15-63 feet (Met) South: 15 feet (Met)
MINIMUM LANDSCAPE SETBACKS AND OPEN SPACE STANDARDS		
Adjacent to Street: (East and West)	20 feet	Not specified
Adjacent to Property Line: (North and South)	5 feet	Not specified
Minimum Open Space	5% of gross site area	14% (Met)
Minimum Amenities Provided	2	1 (Not Met)
MINIMUM PARKING REQUIREMENTS		
Parking	394	420 (Met)

*Variance or Site Plan modification needed.

Background/Issues/Analysis

SUBJECT SITE

1. This request is to rezone 41.60 acres at the southwest corner of 59th Avenue and Dobbins Road from S-1 (Approved C-2 HGT/WVR PCD) (Ranch or Farm Residence District, Approved Intermediate Commercial, Height Waiver, Planned Community District) to C-2 HGT/WVR DNS/WVR (Intermediate Commercial, Height Waiver, Density Waiver) to allow a mixed-use development that includes both residential and commercial uses.
2. Per the General Plan Land Use Map, the majority of the subject site is designated as Mixed-Use with a smaller area designated as Preserves/Commercial at the southeast corner. The proposal is consistent with the designation as the Mixed-Use portion accommodates both commercial and residential uses. Additionally, the Preserves/Commercial portion is consistent as the development proposes residential uses consistent with commercial zoning.



General Plan Land Use Map; Source: City of Phoenix Planning and Development Department

The proposal is compatible with the General Plan Land Use Map designations to the east and west of the site. The surrounding designations are as follows:

North

Residential 2 to 3.5 dwelling units per acre, Residential 1 to 2 dwelling units per acre

West of the subject site, across 59th Avenue, is vacant land with a single family home zoned S-1, approved C-2/CP/GCP (Ranch or Farm Residence District, Approved Intermediate Commercial or Commerce Park/General Commerce Park).

ADOPTED AREA PLANS

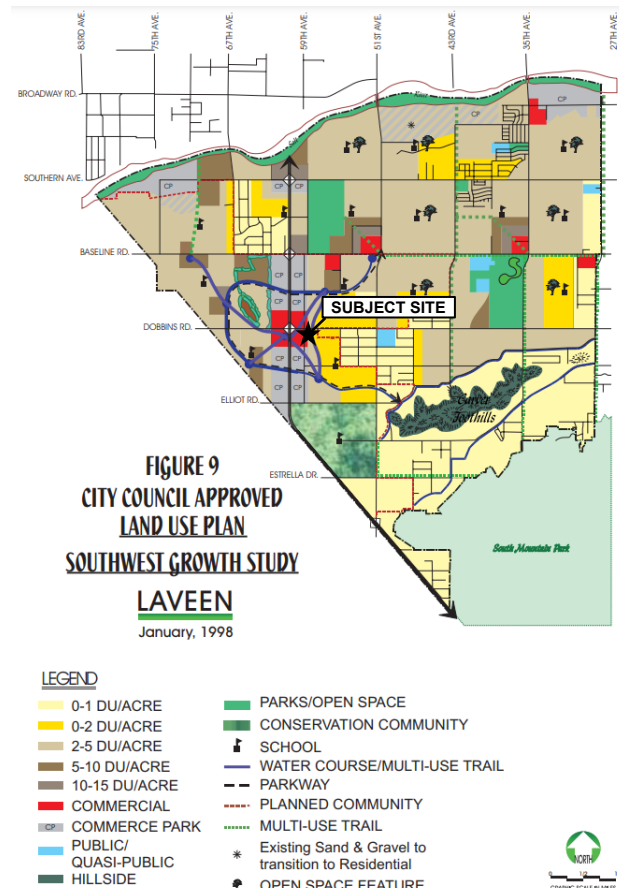
4. Laveen Southwest Growth Study

The site is located within the boundaries of the Laveen Southwest Growth Study, which was developed in 1997 to analyze the existing conditions of the Laveen Village and provide a land use and design planning framework to help shape the growth that Laveen was starting to experience, while accounting for newly annexed farmland as well as the future development of the South Mountain Freeway Loop, which has since been completed.

This plan designates the project site as Commercial and Residential 2 to 5 dwelling units per acre. Although not consistent with this designation, the development will incorporate several of the Study's recommendations, as stipulated by staff.

The Laveen Southwest Growth Study provides a framework for an overall multi-use trail system which connects major community assets such as the Laveen Conveyance Channel, public parks and open space areas, and the South Mountain Preserve. This proposed development will provide a multi-use trail along 59th Avenue, which will connect to the existing trail to the south of the site and promote overall trail connectivity in Laveen. This is addressed in Stipulation No. 4.

The Laveen Southwest Growth Study also outlines specific design policies and standards for various types of developments that will enhance Laveen's built environment while remaining respectful of its agricultural heritage. The study encourages all new developments to use durable, high-quality building materials



Laveen Southwest Growth Study Land Use Map; Source: City of Phoenix Planning and Development Department

and to provide enhanced building design that will contribute to the character of the area. The proposed elevations submitted exhibit high quality architectural design and are consistent with the architectural style found in the Laveen area. General conformance to these elevations is addressed in Stipulation No. 1.

PROPOSAL

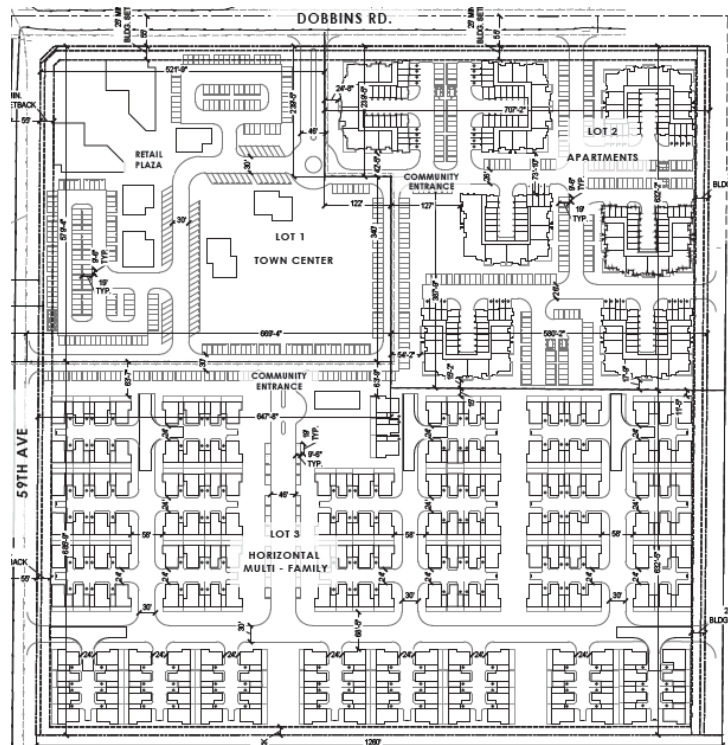
5. The conceptual site plan proposes both commercial and residential uses. Staff is recommending general conformance to the site plan, per Stipulation No. 1, to ensure the site is developed as depicted on the site plan.

The site will have ingress and egress to both 59th and 57th Avenues, and Dobbins Road. Per Stipulation No. 2, primary entryway to Dobbins Road will have enhanced landscaping.

Lot 1 includes the commercial town center and retail plaza encircled by a circulation system to provide both vehicular and pedestrian access. The proposed cluster of buildings will be tied together with a pedestrian plaza and ample open space. Stipulation Nos. 18 through 21 are directly related to Lot 1 and stipulate a maximum building height of 30 feet, minimum 25% open space, increased parking lot shading, and a provision for bicycle parking spaces.

Lot 2 includes a 207-unit two- and three-story apartment community across seven buildings. The apartment's focal point will be a community center located on the western side of the lot to provide pedestrian integration between the apartments and the adjacent town center and retail plaza. Stipulation Nos. 22 through 25 are directly related to Lot 2 and stipulate R-3A standards, a maximum of 207 units, a minimum 9% open space, and a provision for bicycle parking spaces.

Lot 3 includes a 197-unit, one-story multifamily community with individual courtyard clusters connected to vehicular and pedestrian circulation systems.



Proposed Site Plan; Source: Rick Engineering Company, Burton Landscape Architecture Studio, SVA Architects

Each cluster contains two four-unit buildings with each unit having a one-car garage and one car tandem driveway parking. Each cluster also has open space providing pedestrian access to a network of pedestrian paseos. The area will have a community center located on the north side of the lot, allowing for pedestrian integration between the development and the town center and retail plaza. Stipulation Nos. 26 through 29 are directly related to Lot 3 and stipulate R-3 standards, a maximum of 197 units, a minimum 12% open space, and a provision for bicycle parking spaces.

6. The proposed architectural style is regionally appropriate with a contemporary influence that will complement the rural agrarian character of the Laveen Village. The proposed elevations for both the commercial and residential portions of the site provide a unified character and theme throughout, utilizing varied materials (such as painted metal panels, siding, metal roofing, and metal louvers) and colors, articulated rooflines, recesses, pop outs, and varied window sizes. Staff has stipulated general conformance to the submitted building elevations to ensure quality design is carried through the development. This is addressed in Stipulation No. 1.



Commercial Elevations; Source: Rick Engineering Company, Burton Landscape Architecture Studio, SVA Architects



Residential Elevations; source: Rick Engineering Company, Burton Landscape Architecture Studio, SVA Architects

PLANS, OVERLAYS, AND INITIATIVES

7. [Housing Phoenix Plan](#)

In June 2020, the Phoenix City Council approved the Housing Phoenix Plan. This Plan contains policy initiatives for the development and preservation of housing with a vision of creating a stronger and more vibrant Phoenix through increased housing options for residents at all income levels and family sizes. Phoenix's rapid population growth and housing underproduction has led to a need for over 163,000 new housing units. Current shortages of housing supply relative to demand are a primary reason why housing costs are increasing. The proposed development supports the Plan's goal of preserving or creating 50,000 housing units by 2030 by providing an opportunity for residential units to be developed at the intersection of two arterial streets.

8. [Tree and Shade Master Plan](#)

The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the city's planning and development process. By investing in trees and the urban forest, the city can reduce its carbon footprint, decrease energy costs, reduce storm water runoff, increase biodiversity, address the urban heat island effect, clean the air, and increase property values. In addition, trees can help to create walkable streets and vibrant pedestrian places. Staff is recommending robust tree planting standards, with large caliper trees in the landscape strip between the sidewalk and back of curb along 57th Avenue, 59th Avenue, and Dobbins Road. This is addressed in Stipulation Nos. 5, 6, and 7.

9. [Complete Streets Guiding Principles](#)

In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. In addition to detached sidewalks and a multi-use trail, the project will also incorporate bicycle parking spaces throughout the development, which will be installed per the requirements of the Walkable Urban (WU) Code. These elements are addressed in Stipulation Nos. 4, 5, 6, 7, 21, 25, and 29.

10. [Zero Waste PHX](#)

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero-waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and Section 716 of the Phoenix Zoning Ordinance expand its recycling and other waste diversion programs. The provision of recycling containers was not addressed in the applicant's submittals.

COMMUNITY INPUT SUMMARY

11. At the time this staff report was written, staff had not received any community correspondence regarding the proposal.

INTERDEPARTMENTAL COMMENTS

12. **Public Transit Department**

The Public Transit Department required that two bus stop pads be constructed one along eastbound Dobbins Road and another along northbound 59th Avenue. Both should be built according to City of Phoenix Standard Details P1258 and P1260. These requirements are addressed in Stipulation Nos. 14 and 15.

13. **Street Transportation Department**

The Street Transportation Department has provided the following comments:

- The classification for Dobbins Road is a C-Section. The streetscape area must follow the arterial Streetscape standards as required by the Street Classification Map. This requires a minimum five-foot-wide sidewalk and minimum 11-foot-wide landscape area located behind the back of curb and sidewalk. This is addressed in Stipulation Nos. 5 and 8.
- The development is responsible for constructing the west side of 57th Avenue connecting appropriately with the 56th Glen alignment. This is addressed in Stipulation No. 9.
 - Street Transportation Department staff indicated that 57th Avenue will be a local street and therefore does not have Street Classification Map support. Long Range staff determined that the site should provide a minimum five-foot-wide detached sidewalk and minimum five-foot-wide landscape area located behind the back of curb and sidewalk to provide continued connectivity and meet Complete Streets Guiding Principles.
- The classification for 59th Avenue is a C-M Section. The streetscape area must follow the arterial Streetscape standards as required by the Street Classification Map. This requires a minimum five-foot-wide sidewalk and minimum 11-foot-wide landscape area located behind the back of curb and sidewalk. This is addressed in Stipulation Nos. 7 and 10.
- The developer is required to submit a Traffic Impact Study to the City. This is addressed in Stipulation No. 11.
- The developer shall provide appropriate dedication and construction of adjacent right-of-way. This is addressed in Stipulation Nos. 8 through 10, 12, and 13.

14. **Water Services Department**

The Water Services Department has determined that water and sewer mains that can potentially serve the development.

OTHER

15. In April 2021, Mayor Kate Gallego signed the [National Wildlife Federation's Mayor's Monarch Pledge](#). This pledge commits the city to take action to support the monarch butterfly population. In the United States, loss of milkweed habitat is a major factor in the decline of the monarchs. Arizona has at least 29 species of milkweed native to the state. Adult monarchs feed on the nectar of many flowers, but they breed only where milkweeds are found. To support the monarch butterfly population, Stipulation No. 3 addresses the planting of milkweed shrubs, or other native nectar plant species, on the subject site.
16. The site has not been identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, all ground disturbing activities must cease within 33-feet of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation No 16.
17. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to preliminary site plan approval. This is addressed in Stipulation No. 17.
18. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements such as obtaining a use permit to conduct the proposed outdoor use in this zoning district. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

Findings

1. The development is consistent with the Phoenix General Plan Land Use Map designations of Mixed-Use and Preserves/Commercial.
2. The proposed development is appropriate at this location given its proximity to the Loop 202 Freeway and will create a buffer between lower density residential uses to the east and the transportation corridor along the Loop 202 Freeway.

3. A portion of the proposal will provide high quality multifamily residential developments which will help alleviate the housing shortage in Phoenix and provide residents with an alternative housing option.

Stipulations

1. The development shall be in general conformance with the site plan date stamped June 30, 2022 and elevations date stamped May 27, 2022, as modified by the following stipulations and approved by the Planning and Development Department.
2. The primary entryway to Dobbins Road shall include a minimum of 250 square feet of enhanced landscaping, planted and maintained with a variety of at least three plant materials including a series of annuals that will each maintain a constant bloom throughout the year.
3. A minimum of one milkweed shrub, or other native nectar species, shall be planted for every required tree in addition to the required shrubs, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
4. The developer shall dedicate a 30-foot-wide multi-use trail easement (MUTE) along the east side of 59th Avenue and construct a minimum 10-foot-wide multi-use trail (MUT) within the easement in accordance with the MAG supplemental detail and as approved by the Planning and Development Department. Where conflicts or restrictions exist, the developer shall work with the Site Planning section on an alternate design through the technical appeal process.
5. The developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 11-foot-wide landscape area located between the back of curb and sidewalk along the south side of Dobbins Road, as approved by the Planning and Development Department.
 - a. Minimum 3-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.
 - c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
6. The developer shall construct a minimum 5-foot-wide detached sidewalk along the west side of 57th Avenue with a minimum 5-foot-wide landscaped strip located

between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department:

- a. Minimum 2-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 50% live coverage at maturity.
 - c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
7. The developer shall construct a minimum 5-foot-wide detached sidewalk along the east side of 59th Avenue with a minimum 11-foot-wide landscaped strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department:
 - a. Minimum 3-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.
 - c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
8. The developer shall dedicate a minimum of 55-feet of right-of-way and construct the south side of Dobbins Road, as approved by the Planning and Development Department.
9. The developer shall dedicate a minimum of 30-feet of right-of-way and construct the west side of 57th Avenue connecting at the 56th Glen alignment, as approved by the Street Transportation Department.
10. The developer shall dedicate a minimum of 55-feet of right-of-way and construct the east side of 59th Avenue, as approved by the Planning and Development Department.
11. The developer shall submit a Traffic Impact Study to the City for this development. No preliminary approval of plans shall be granted until the study is approved.

Signal warrant analysis shall be included for 59th Avenue and Dobbins as part of the Study. The developer shall be required to provide a minimum 25% contribution towards future traffic signal if not warranted for construction by the TIA.

12. Existing irrigation along Dobbins Road are to be undergrounded and relocated outside City of Phoenix right-of-way. Contact SRP to identify existing land rights and establish appropriate process to relocate facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
13. The developer shall construct all streets within and adjacent to the development 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.
14. The right-of-way shall be dedicated, and a bus stop pad (City of Phoenix Standard Details P1258 and P1260) constructed along eastbound Dobbins Road, as approved by the Planning and Development Department.
15. The right-of-way shall be dedicated, and a bus stop pad (City of Phoenix Standard Details P1258 and P1260) constructed along northbound 59th Avenue, as approved by the Planning and Development Department.
16. 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.
17. 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.

LOT 1 (TOWN CENTER AND RETAIL PLAZA)

18. The maximum building height shall be 30 feet.
19. A minimum of 25% of the gross area of Lot 1 shall be retained as open space, as approved by the Planning and Development Department.
20. All uncovered surface parking lot areas for employees and customers shall be landscaped with minimum 2-inch caliper size large canopy drought tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve

minimum 25% shade at maturity, as approved by the Planning and Development Department.

21. A minimum of 14 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

LOT 2 (MULTIFAMILY APARTMENTS)

22. The development shall adhere to the R-3A zoning district standards, as modified by the following stipulations and approved by the Planning and Development Department.
23. Lot 2 shall be limited to a maximum of 207 units.
24. A minimum of 9% of the gross area of Lot 2 shall be retained as open space, as approved by the Planning and Development Department.
25. A minimum of 10 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances, amenities, and/or open space and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

LOT 3 (HORIZONTAL MULTIFAMILY)

26. The development shall adhere to the R-3 zoning district standards, as modified by the following stipulations and approved by the Planning and Development Department.
27. Lot 3 shall be limited to a maximum of 197 units.
28. A minimum of 12% of the gross area of Lot 3 shall be retained as open space, as approved by the Planning and Development Department.
29. A minimum of 10 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances, amenities, and/or open space and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic

racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

Writer

Julianna Pierre
June 28, 2022

Team Leader

Racelle Escolar

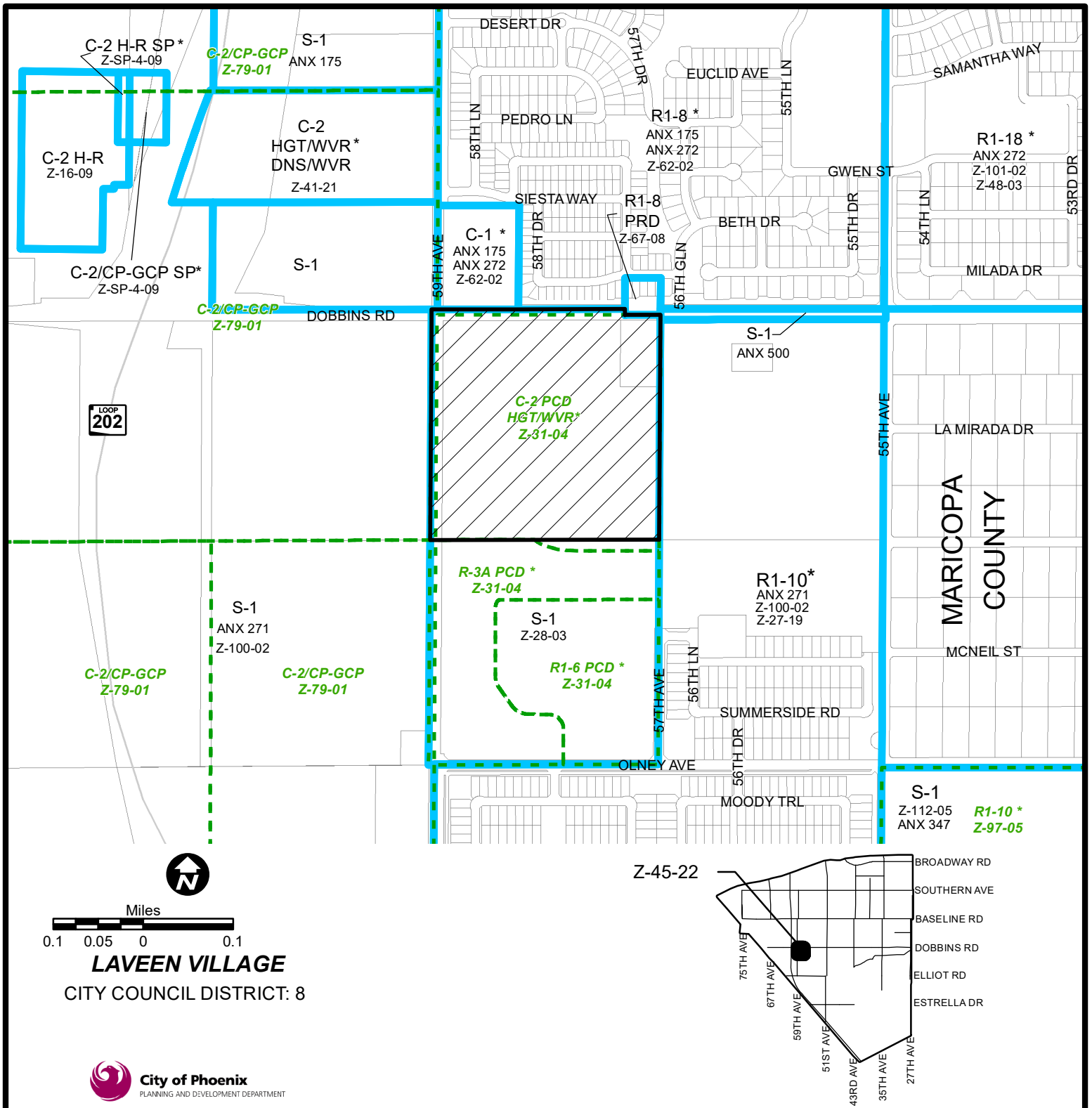
Exhibits

Sketch map

Aerial map

Site plan date stamped June 30, 2022 (5 pages)

Elevations date stamped May 27, 2022 (11 pages)



Miles
0.1 0.05 0 0.1

LAVEEN VILLAGE CITY COUNCIL DISTRICT: 8



APPLICANT'S NAME: **Matrix at Dobbins**

APPLICATION NO. **Z-45-22**

GROSS AREA INCLUDING 1/2 STREET
AND ALLEY DEDICATION IS APPROX.

41.60 Acres

DATE: **6/10/2022**
REVISION DATES:

AERIAL PHOTO &
QUARTER SEC. NO.

QS 03-15

ZONING MAP

C-5

REQUESTED CHANGE:

FROM:

S-1 (Approved C-2 HGT/WVR PCD) (41.60 a.c.)

TO: **C-2 HGT/WVR DNS/WVR (41.60 a.c.)**

MULTIPLES PERMITTED

S-1 (Approved C-2 HGT/WVR PCD)

C-2 HGT/WVR DNS/WVR

CONVENTIONAL OPTION

41, 603

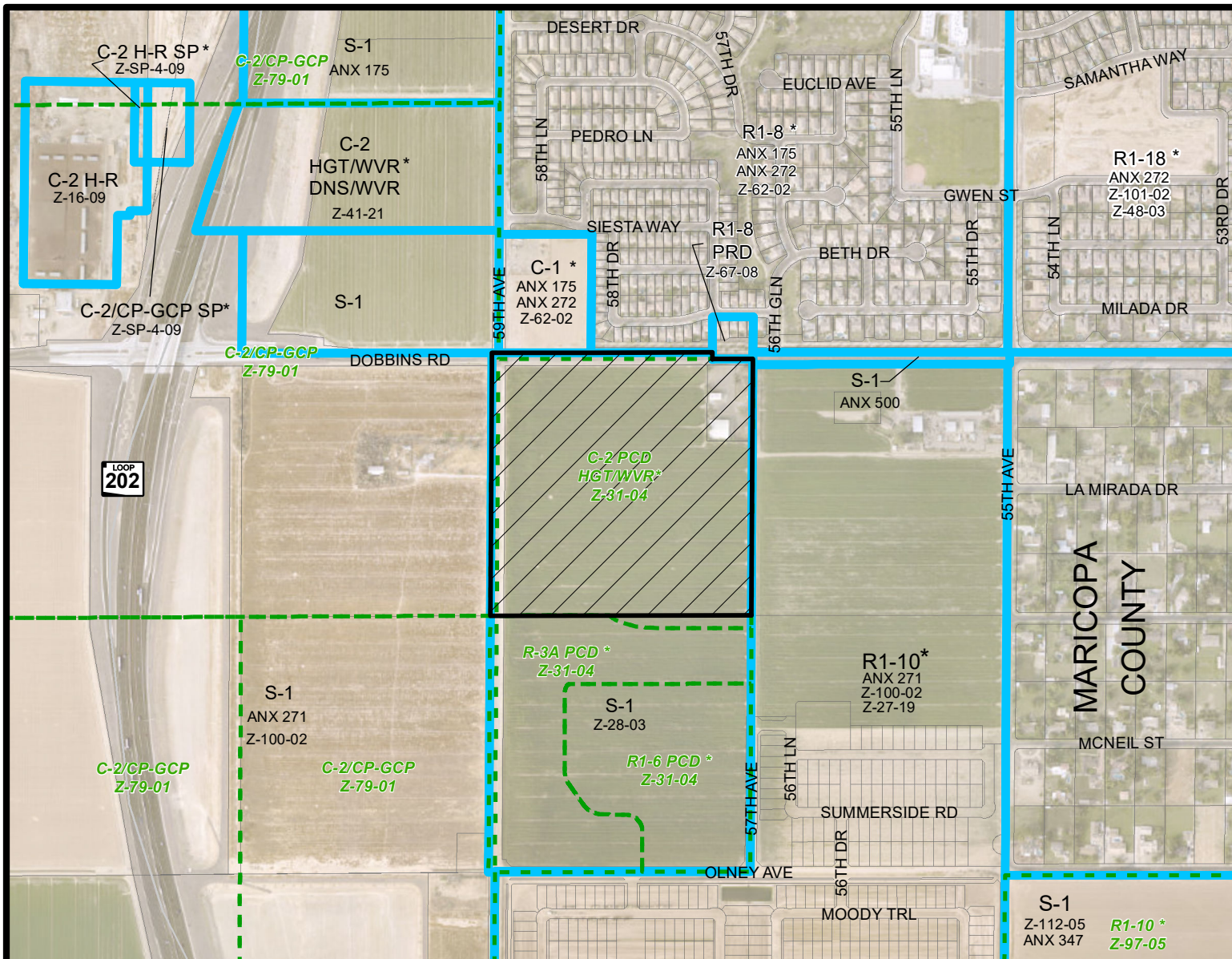
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*** UNITS P.R.D. OPTION**

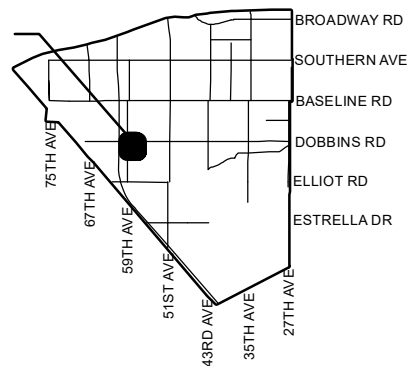
N/A, 724

2171

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



Z-45-22



LAVEEN VILLAGE
CITY COUNCIL DISTRICT: 8



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MULTIPLES PERMITTED

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C-2 HGT/WVR DNS/WVR

CONVENTIONAL OPTION

41, 603

1809

*** UNITS P.R.D. OPTION**

N/A, 724

2171

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

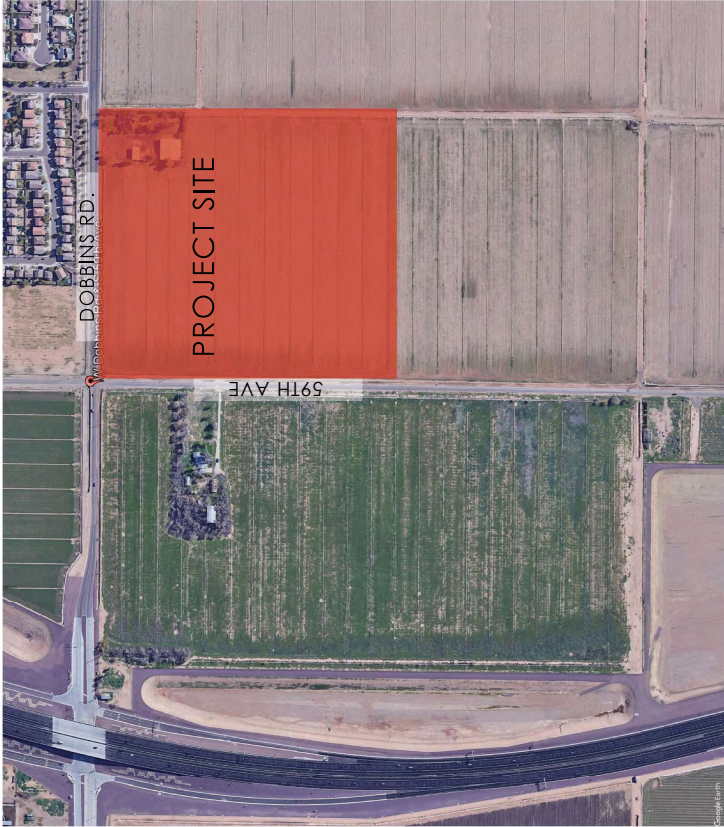
SHEET INDEX

OVERALL SITE DEVELOPMENT

A - 002	OVERALL SITE PLAN
A - 003	LOT 1 - SITE PLAN
A - 004	LOT 2 - SITE PLAN
A - 005	LOT 3 - SITE PLAN
A - 006	COMMON OPEN SPACE
A - 200	TOWNSQUARE PERSPECTIVES
A - 201	TOWNSQUARE ELEVATIONS
A - 202	TOWNSQUARE ELEVATIONS
A - 203	TOWNSQUARE ELEVATIONS
A - 204	TOWNSQUARE ELEVATIONS
A - 205	TOWNSQUARE ELEVATIONS
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L - 001	OVERALL ILLUSTRATIVE LANDSCAPE PLAN
L - 002	PLANTING LEGEND
L - 003	APARTMENTS - ILLUSTRATIVE LANDSCAPE PLAN
L - 004	HORIZONTAL MULTI FAMILY - ILLUSTRATIVE LANDSCAPE PLAN
L - 005	COMMERCIAL - ILLUSTRATIVE LANDSCAPE PLAN
L - 006	RETAIL DISTRICT LANDSCAPE PLAN
L - 007	RETAIL DISTRICT VIEW
L - 008	RETAIL DISTRICT IMAGE BOARD
L - 009	PARK IMAGE BOARD
L - 010	RESIDENTIAL COMMUNITY IMAGE BOARD

59TH & DOBBINS

PHOENIX, AZ | JUNE 29, 2022



PROJECT LOCATION

CITY OF PHOENIX
JUN 30 2022
Planning & Development
Department

PASEO POINTE
NOT A PART
R1-8

[illegible]

APN: 300-02-037A
COLD SPRINGS LLC
NOT A PART
ZONE S-1

APN: 300-02-060A
CITY OF PHOENIX
NOT A PART
ZONE S-1

PN: 300-02-058B
 OKFIELD HOLDINGS
 ESTRELLA 2 LLC
 NOT A PART
 ZONE R1-8



Know what's below.
Call before you dig.



rick
ENGINEERING COMPANY

burton
Landscape Architecture Studio



DRAWING TITLE

OVERALL SITE PLAN

DRAWING NO.
A-002

59TH & DOBBINS

OWNER/DEVELOPER

MATRIX EQUITIES, INC IS CURRENTLY UNDER CONTRACT TO PURCHASE 41.60 ACRES OF VACANT PROPERTY LOCATED AT THE CORNER OF 59TH AVENUE AND DOBBINS ROAD IN THE LA VEEEN VILLAGE

SITE ADDRESS

S.E. CORNER OF 59TH AVE & DOBBINS ST
PHOENIX, AZ

APN #

300-02-059E

SITE ACREAGE
1,552,66.81 S.F.
41.60 ACRES

ZONING SUMMARY

THE CURRENT ZONING OF THE PROJECT IS DESIGNATED AS S-1 PER THE MARICOPA COUNTY ASSESSOR'S OFFICE. PER A TECHNICAL MEMO DATED FEBRUARY 27TH, 2004, THE DEVELOPMENT IS TO BE IN GENERAL CONFORMANCE TO THE LAVEN TOWN CENTER DISTRICT MAP AND THE LAVEN TOWN CENTER GENERAL DEVELOPMENT PLAN LAND USE TABLE DATED MARCH 8TH, 2004.

THE DEVELOPMENT CONFIGURATION CONTAINED HEREIN IS IN CONFORMANCE WITH THE GOALS SET FORTH IN THE PCD DISTRICT MAP, WITH THE LAND USE DENSITIES ADHERING TO THE OVERALL LAND USE GUIDELINES.

LEGAL DESCRIPTION

THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 1 SOUTH RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE FOLLOWING:

BEGINNING AT THE NORTHEAST CORNER THEREOF:

THENCE WEST ALONG THE NORTHLINE OF SAID SECTION, A DISTANCE OF 239 FEET;

THENCE SOUTH AND PARALLEL TO THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER A
DISTANCE OF 419 FEET:

THENCE EAST AND PARALLEL TO THE NORTH LINE OF SAID SECTION, TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER

THENCE NORTH ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER TO THE POINT OF BEGINNING; AND

EXCEPT THE NORTH ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER TO THE POINT BEGINNING; AND

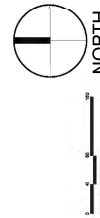
EXCEPT THE NORTH 30 FEET AS DDED IN BOOK 105 OF DEEDS, PAGE 412

(APPROXIMATE IN NATURE, EXACT LEGAL DESCRIPTION AND AREA TO BE FURNISHED UPON COMPLETION OF AN ALTA SURVEY)

CITY OF PHOENIX

JUN 30 2022

Planning & Development
Department



Page 293

NO.	REV	DATE	REVISION
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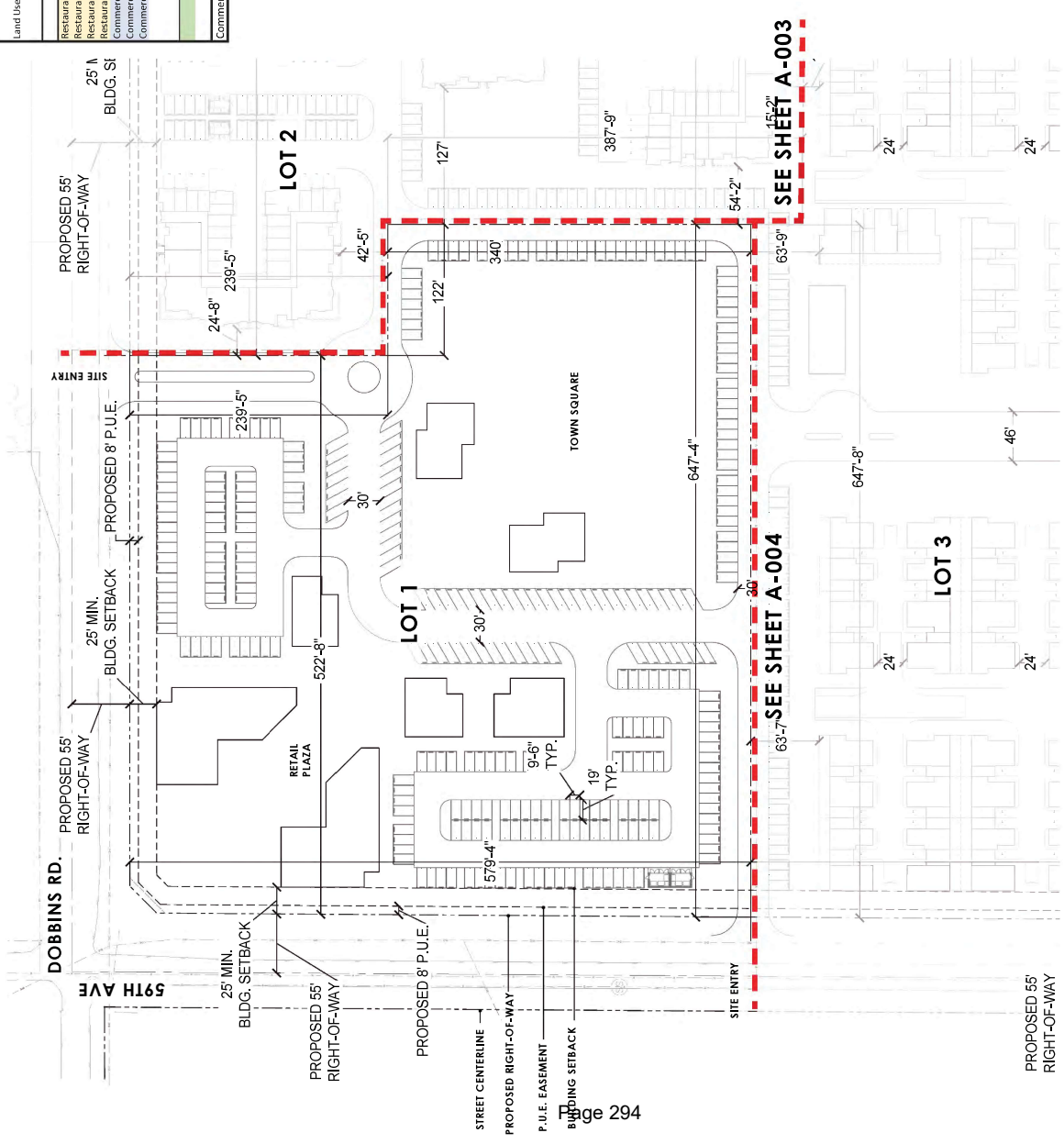
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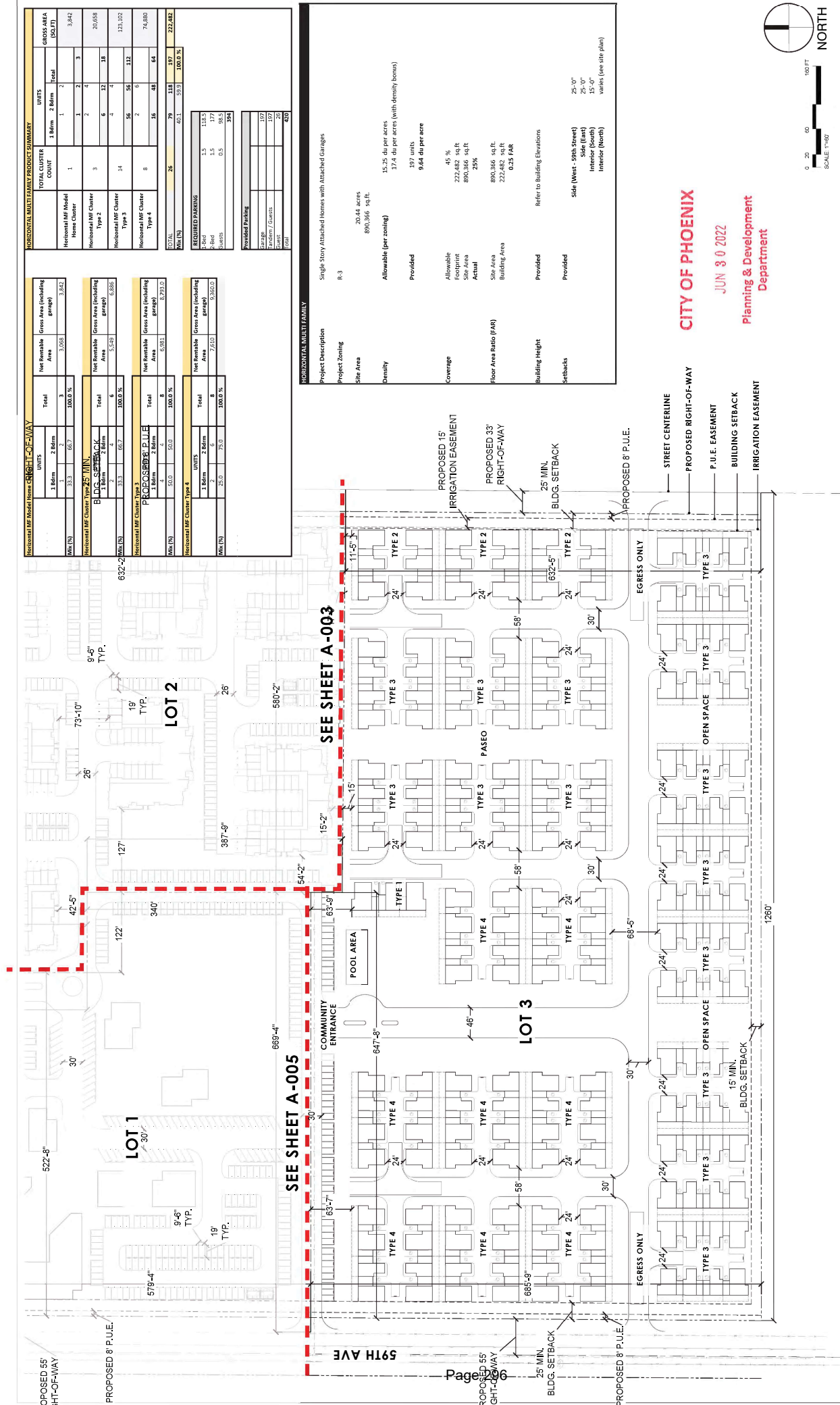
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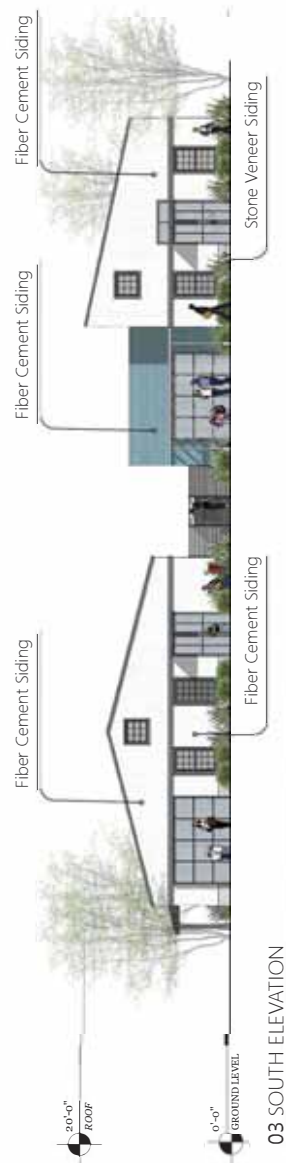
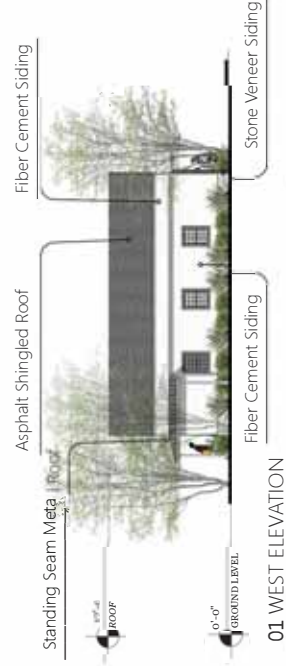
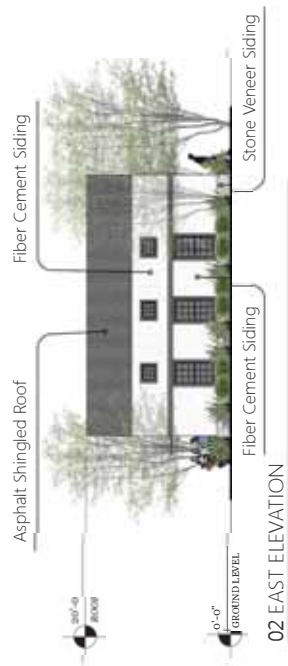


Land Use	Building#	Commercial Bldg SF	Restaurant - Indoor	Restaurant SF Outdoor	Retail Parking Requirement	Restaurant Bldg SF - Dining	Restaurant Requirement - Dining	Restaurant BOH	Parking Requirement - Restaurant BOH	Restaurant Outdoors	Total Parking Required
Restaurant	1		7900	3,660.0	1 per 300 sf	60% of Bldg	1 per 50 sf	40% of Bldg	1 per 300 sf	1 per 200 sf	121
Restaurant	2		7900	3,660.0	0	4740	95	3160	11	16	121
Restaurant	3		8000	3,660.0	0	4740	95	3160	11	16	121
Restaurant	4		2,850	2,850	0	710	34	1140	4	1	39
Commercial	5	3,000	0	2,280.0	0	110	34	1140	0	1	39
Commercial	6	3,000	0	0	10	0	0	0	0	0	10
Commercial	7	3,000	0	0	10	0	0	0	0	0	10
SF Subtotals		9,000	21,500	6,776							351
Gross Building Area				30,500						Parking Provided	351
Outdoor Leaseable SF					6,776						
Commercial Area				344,391 sq.ft.							

COMMERCIAL	
Project Description	Single Story Retail and Restaurants
Project Zoning	C-2
Site Area	10.32 acres 449,539 sq.ft.
Coverage	50 % 30,500 sq.ft 449,539 sq.ft 7%
Floor Area Ratio (FAR)	Site Area Building Area 449,539 sq.ft. 30,500 sq.ft 0.07 FAR
Building Height	Provided Refer to Building Elevations
Setbacks	Provided Varies. Refer to Site Plan

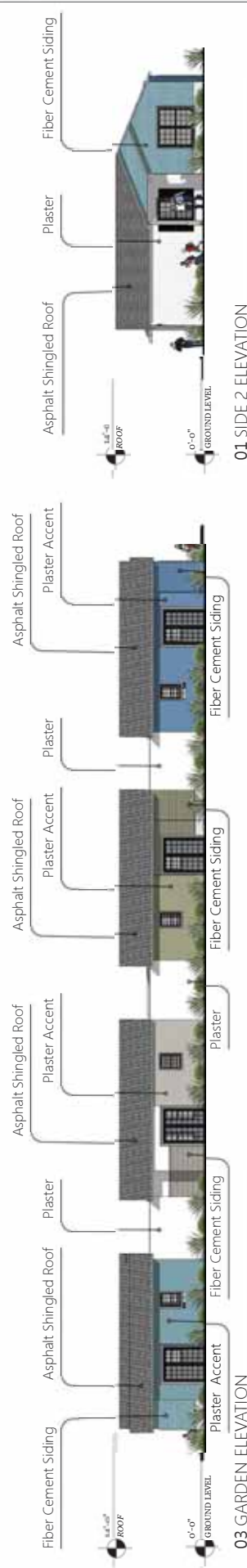
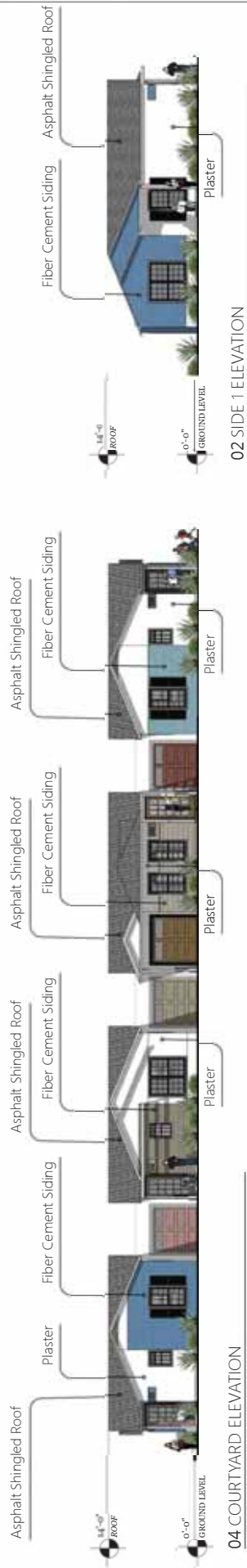
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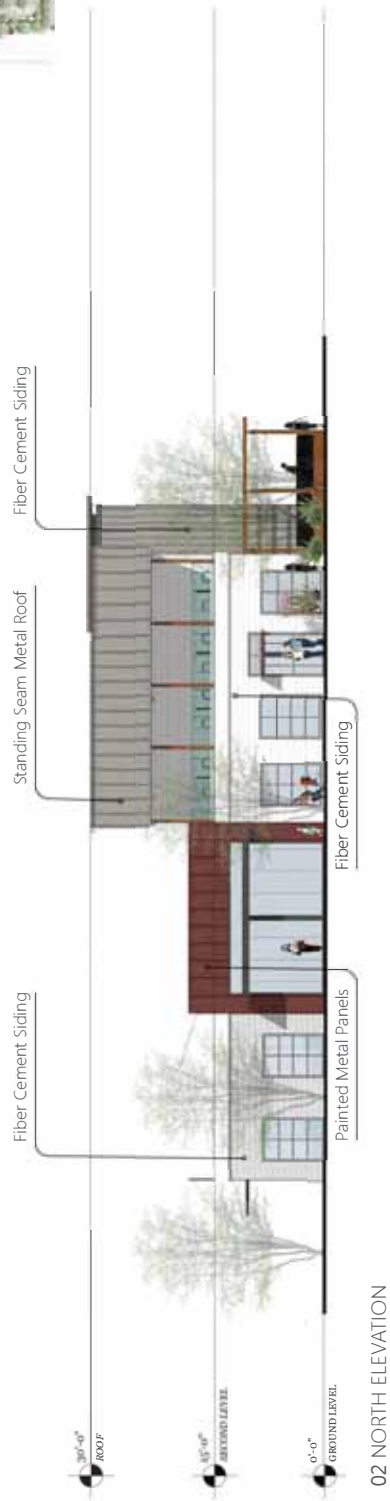
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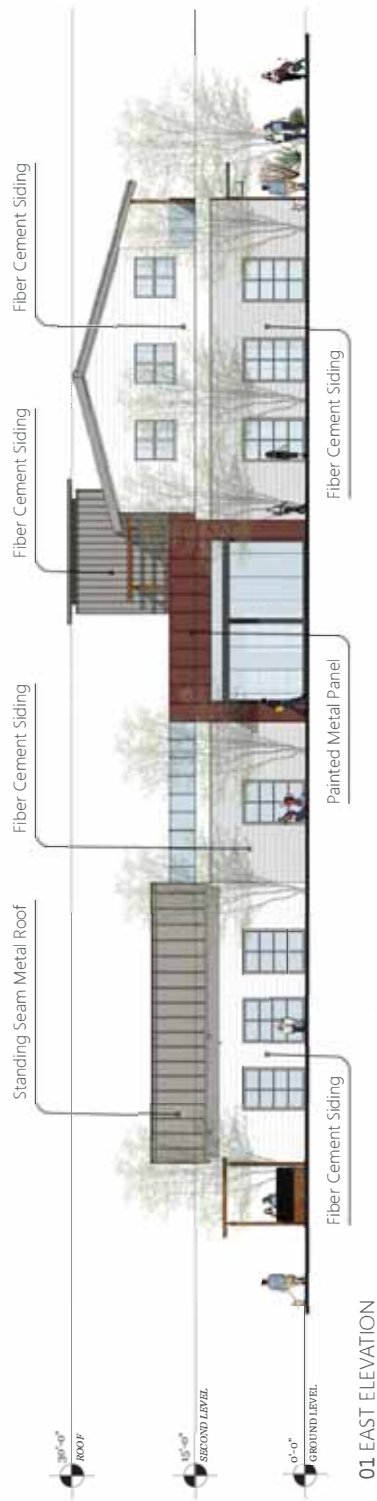


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MAY 17 2022
Planning & Development
Department

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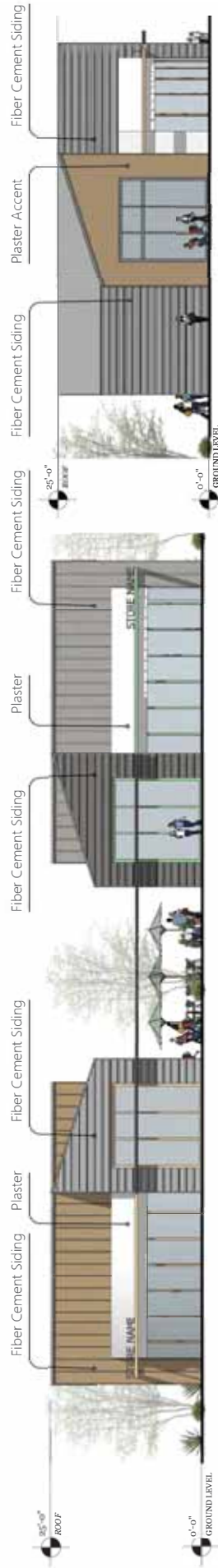
CITY OF PHOENIX
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				59TH & DOBBINS				Townsquare Elevations			
								DRAWING NO. A - 201			
								SHEET NO. 2 OF 3			



CITY OF PHOENIX
MAY 27 2022
Planning & Development
Department

DRAWING TITLE		59TH & DOBBINS		Townsquare Elevations	
DRAWING NO.		A - 202		SHEET NO. 2 OF 3	
PROJECT NO. 19461		DRAWN/DESIGNED BY: XXXX		CHECKED BY: XXXX	
DATE: 04-12-2022		RICK ENGINEERING COMPANY		burton Landscape Architecture Studio	
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04 NORTH ELEVATION

02 EAST ELEVATION

03 SOUTH ELEVATION

01 WEST ELEVATION

CITY OF PHOENIX
MAY 27 2022
Planning & Development
Department

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Fiber Cement Siding

Standing Seam Metal Roof



04 NORTH ELEVATION

Fiber Cement Siding

Standing Seam Metal Roof



02 EAST ELEVATION

Fiber Cement Siding

Standing Seam Metal Roof



03 SOUTH ELEVATION

Fiber Cement Siding

Standing Seam Metal Roof



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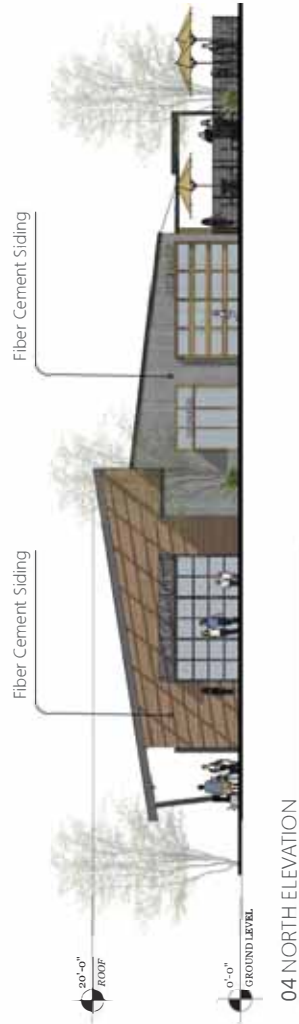
Fiber Cement Siding

CITY OF PHOENIX
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Planning & Development
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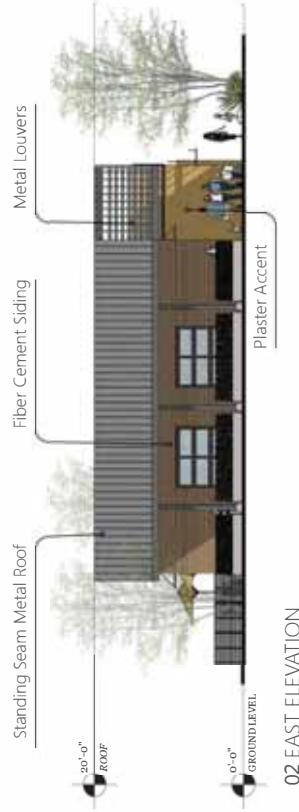
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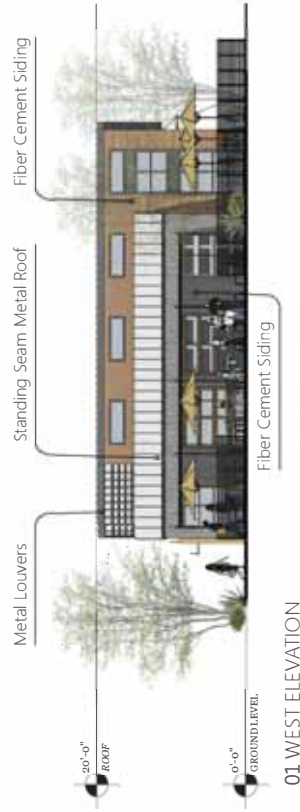
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CITY OF PHOENIX
MAY 27 2022
Planning & Development
Department

				59TH & DOBBINS				Townsquare Elevations			
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02 PERSPECTIVE 1 (OPTION 2)



01 PERSPECTIVE 2 (OPTION 2)

CITY OF PHOENIX
MAY 27 2022
Planning & Development
Department

						 Know what's below. Call before you dig.		 burton landscape Architecture Studio				59TH & DOBBINS		DRAWING TITLE Apartment Perspectives	
														DRAWING NO. A - 210	
														SHEET NO. 2 OF 3	



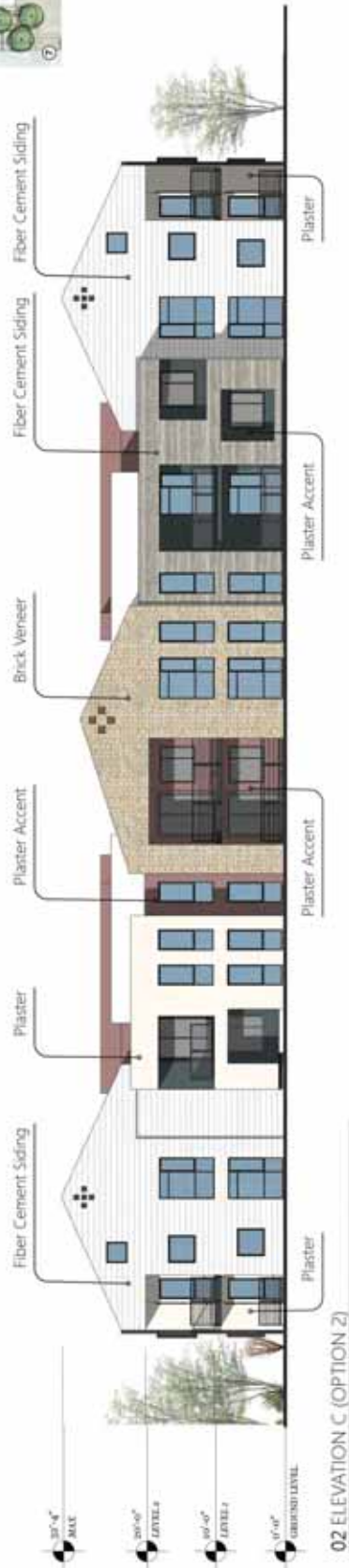
02 ELEVATION A (OPTION 2)



01 ELEVATION B (OPTION 2)

CITY OF PHOENIX
MAY 27 2022
Planning & Development
Department

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								DRAWING NO. A - 211			
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CITY OF PHOENIX
MAY 11 2022
Planning & Development
Department

59TH & DOBBINS



811
Know what's below.
Call before you dig.

Apartment Elevations

Sheet No. A - 212
Sheet No. 1 of 3

ATTACHMENT C

ADDENDUM A **Staff Report: Z-45-22-8** July 8, 2022

Laveen Village Planning Committee July 11, 2022
Meeting Date:

Planning Commission **Hearing Date:** August 4, 2022

Request From: S-1 (Approved C-2 HGT/WVR PCD)
(Ranch or Farm Residence District,
Approved Intermediate Commercial, Height
Waiver, Planned Community District)
(39.74 acres)

Request To: C-2 HGT/WVR DNS/WVR (Intermediate
Commercial, Height Waiver, Density
Waiver) (39.74 acres)

Proposed Use: Mixed-use development

Location: Southeast corner of 59th Avenue and
Dobbins Road

Owner: Tyson Family, LTD, et al.

Applicant: Matrix at Dobbins

Representative: Jason Morris, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations

The purpose of this addendum is to revise the gross acreage calculations included in the staff report and update the site plan and elevations.

The original gross acreage for the site was incorrectly determined to be 41.60 acres. The applicant provided updated legal descriptions for the overall site and proposed lots. The overall gross acreage for the site was recalculated as 39.74 acres and the gross acreages for the proposed lots are as follows: Lot 1 – 9.37 acres, Lot 2 – 10.43 acres, Lot 3 – 19.94 acres. The changes to the gross acreage also impacted the open space percentages in Stipulation Nos. 19 and 28.

The applicant submitted an updated site plan on July 7, 2022, to reflect the gross acreage and open space revisions. The applicant also submitted updated elevations on July 8, 2022, to include the three-story multifamily elevations. Staff recommends modification to Stipulation No. 1, regarding general conformance, to include the updated plans.

Staff recommends approval per the modified stipulations provided below:

Stipulations

1. The development shall be in general conformance with the site plan date stamped ~~June 30, 2022~~ **JULY 7, 2022** and elevations date stamped May 27, 2022 **AND JULY 8, 2022**, as modified by the following stipulations and approved by the Planning and Development Department.
2. The primary entryway to Dobbins Road shall include a minimum of 250 square feet of enhanced landscaping, planted and maintained with a variety of at least three plant materials including a series of annuals that will each maintain a constant bloom throughout the year.
3. A minimum of one milkweed shrub, or other native nectar species, shall be planted for every required tree in addition to the required shrubs, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
4. The developer shall dedicate a 30-foot-wide multi-use trail easement (MUTE) along the east side of 59th Avenue and construct a minimum 10-foot-wide multi-use trail (MUT) within the easement in accordance with the MAG supplemental detail and as approved by the Planning and Development Department. Where conflicts or restrictions exist, the developer shall work with the Site Planning section on an alternate design through the technical appeal process.
5. The developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 11-foot-wide landscape area located between the back of curb and sidewalk along the south side of Dobbins Road, as approved by the Planning and Development Department.
 - a. Minimum 3-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.
 - c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
6. The developer shall construct a minimum 5-foot-wide detached sidewalk along the west side of 57th Avenue with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department:

- a. Minimum 2-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 50% live coverage at maturity.
 - c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
7. The developer shall construct a minimum 5-foot-wide detached sidewalk along the east side of 59th Avenue with a minimum 11-foot-wide landscaped strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department:
 - a. Minimum 3-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.
 - c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
8. The developer shall dedicate a minimum of 55-feet of right-of-way and construct the south side of Dobbins Road, as approved by the Planning and Development Department.
9. The developer shall dedicate a minimum of 30-feet of right-of-way and construct the west side of 57th Avenue connecting at the 56th Glen alignment, as approved by the Street Transportation Department.
10. The developer shall dedicate a minimum of 55-feet of right-of-way and construct the east side of 59th Avenue, as approved by the Planning and Development Department.
11. The developer shall submit a Traffic Impact Study to the City for this development. No preliminary approval of plans shall be granted until the study is approved. Signal warrant analysis shall be included for 59th Avenue and Dobbins as part of the Study. The developer shall be required to provide a minimum 25% contribution towards future traffic signal if not warranted for construction by the TIA.
12. Existing irrigation along Dobbins Road are to be undergrounded and relocated outside City of Phoenix right-of-way. Contact SRP to identify existing land rights

and establish appropriate process to relocate facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.

13. The developer shall construct all streets within and adjacent to the development 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.
14. The right-of-way shall be dedicated, and a bus stop pad (City of Phoenix Standard Details P1258 and P1260) constructed along eastbound Dobbins Road, as approved by the Planning and Development Department.
15. The right-of-way shall be dedicated, and a bus stop pad (City of Phoenix Standard Details P1258 and P1260) constructed along northbound 59th Avenue, as approved by the Planning and Development Department.
16. 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.
17. 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.

LOT 1 (TOWN CENTER AND RETAIL PLAZA)

18. The maximum building height shall be 30 feet.
19. A minimum of ~~25%~~ **28%** of the gross area of Lot 1 shall be retained as open space, as approved by the Planning and Development Department.
20. All uncovered surface parking lot areas for employees and customers shall be landscaped with minimum 2-inch caliper size large canopy drought tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve minimum 25% shade at maturity, as approved by the Planning and Development Department.
21. A minimum of 14 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

LOT 2 (MULTIFAMILY APARTMENTS)

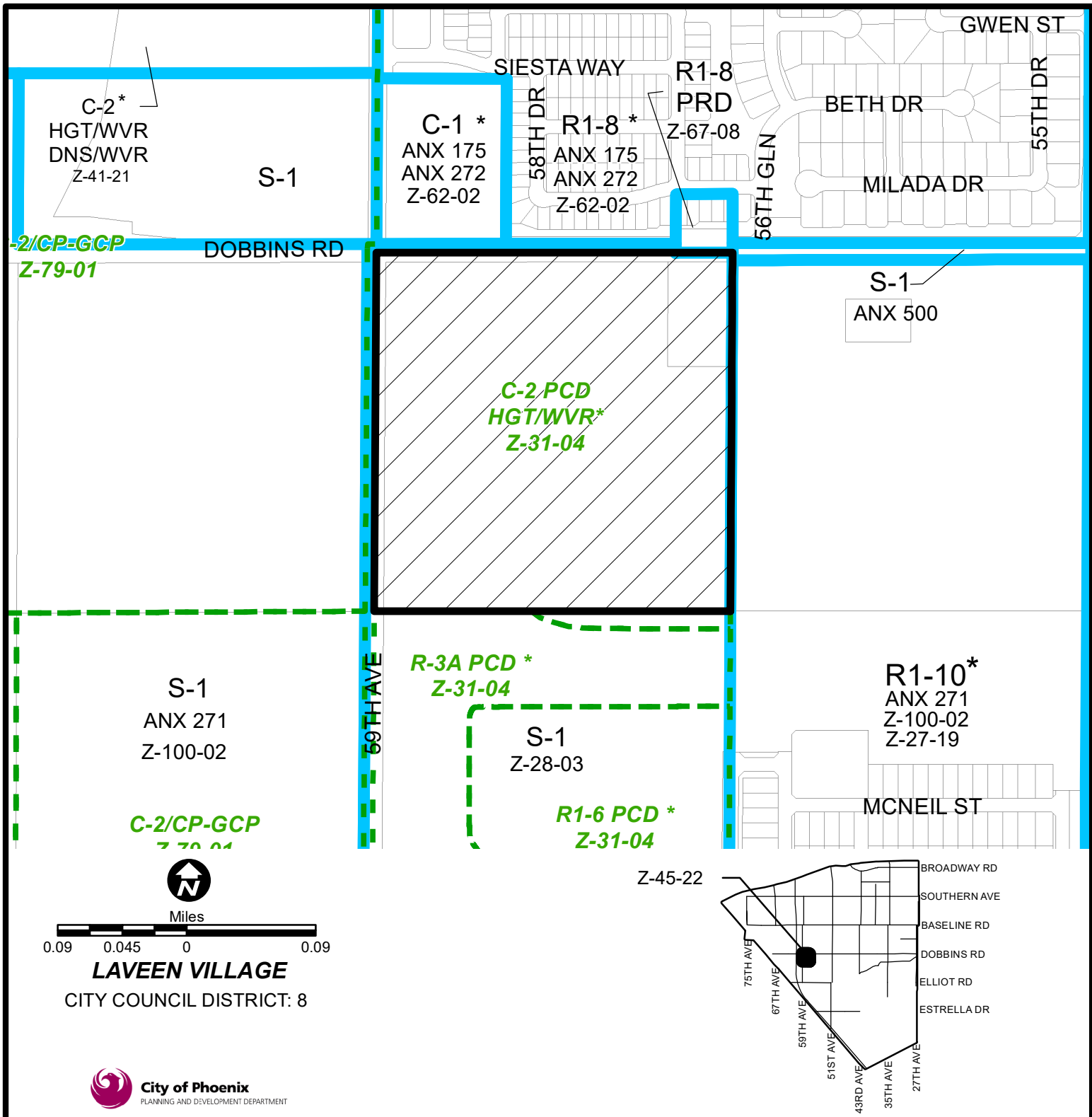
22. The development shall adhere to the R-3A zoning district standards, as modified by the following stipulations and approved by the Planning and Development Department.
23. Lot 2 shall be limited to a maximum of 207 units.
24. A minimum of 9% of the gross area of Lot 2 shall be retained as open space, as approved by the Planning and Development Department.
25. A minimum of 10 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances, amenities, and/or open space and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

LOT 3 (HORIZONTAL MULTIFAMILY)

26. The development shall adhere to the R-3 zoning district standards, as modified by the following stipulations and approved by the Planning and Development Department.
27. Lot 3 shall be limited to a maximum of 197 units.
28. A minimum of ~~42%~~ **13%** of the gross area of Lot 3 shall be retained as open space, as approved by the Planning and Development Department.
29. A minimum of 10 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances, amenities, and/or open space and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

Exhibits

Updated sketch maps (2 pages)
Conceptual Site Plan date stamped July 7, 2022 (5 pages)
Conceptual Elevations date stamped July 8, 2022 (6 pages)
Correspondence



APPLICANT'S NAME: Matrix at Dobbins

APPLICATION NO. Z-45-22

GROSS AREA INCLUDING 1/2 STREET
AND ALLEY DEDICATION IS APPROX.

39.74 Acres

DATE: 6/10/2022
REVISION DATES:

7/6/2022

AERIAL PHOTO &
QUARTER SEC. NO.

QS 03-15

ZONING MAP

C-5

REQUESTED CHANGE:

FROM:

S-1 (Approved C-2 HGT/WVR PCD) (39.74 a.c.)

TO:

C-2 HGT/WVR DNS/WVR (39.74 a.c.)

MULTIPLES PERMITTED

S-1 (Approved C-2 HGT/WVR PCD)

C-2 HGT/WVR DNS/WVR

CONVENTIONAL OPTION

39, 576

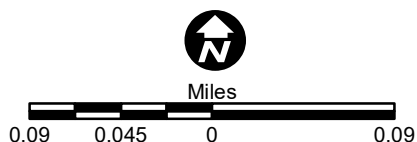
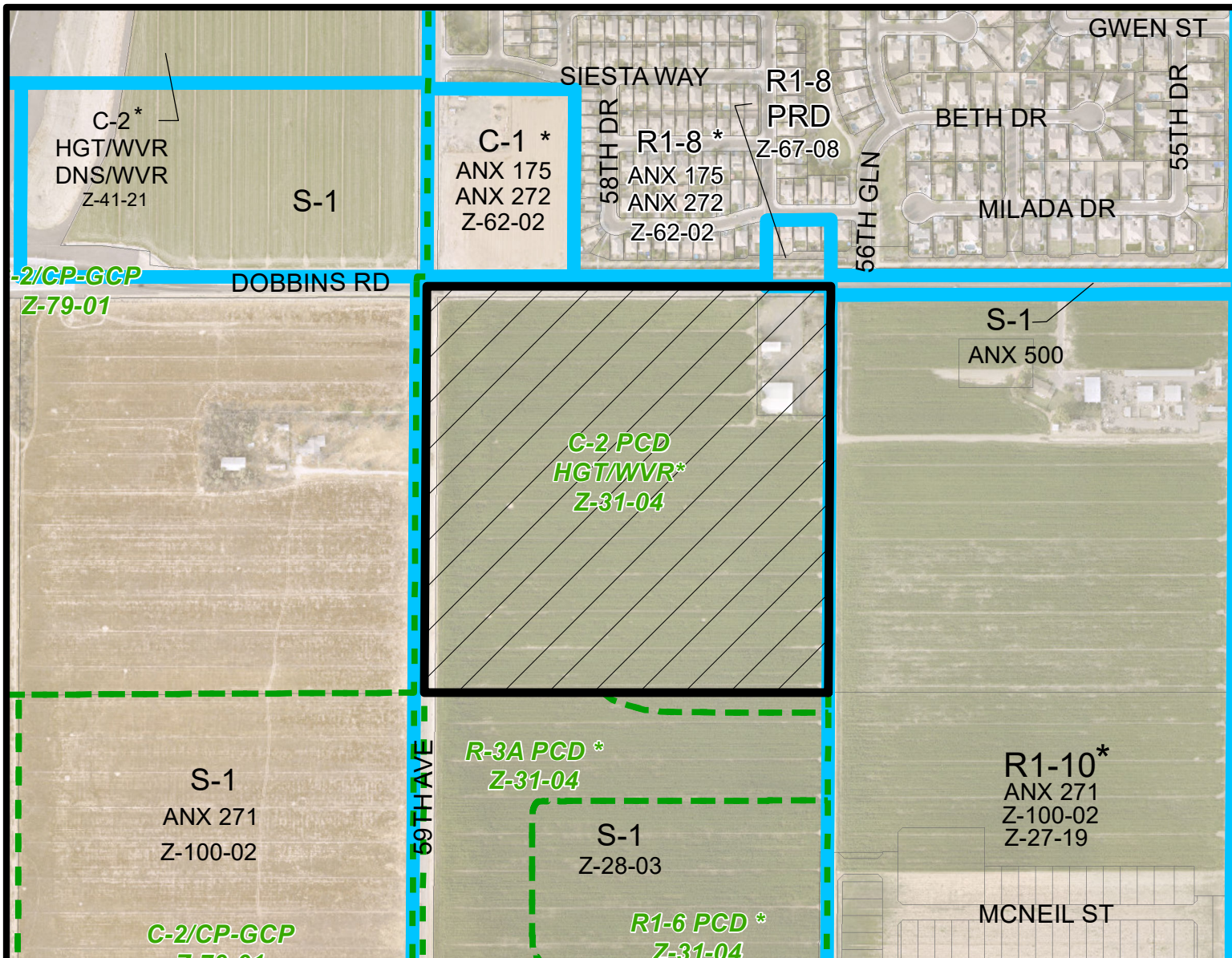
1,728

*** UNITS P.R.D. OPTION**

N/A, 691

2,074

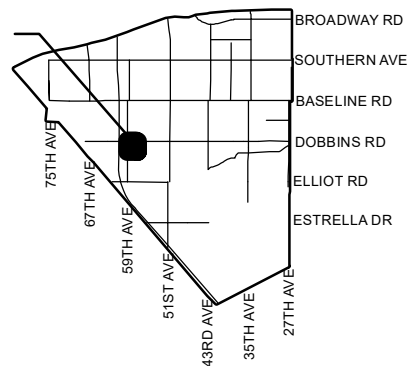
* Maximum Units Allowed with P.R.D. Bonus



LAVEEN VILLAGE
CITY COUNCIL DISTRICT: 8



Z-45-22



APPLICANT'S NAME: **Matrix at Dobbins**

APPLICATION NO. **Z-45-22**

GROSS AREA INCLUDING 1/2 STREET
AND ALLEY DEDICATION IS APPROX.

39.74 Acres

DATE: **6/10/2022**
REVISION DATES:

7/6/2022

AERIAL PHOTO &
QUARTER SEC. NO.

QS 03-15

ZONING MAP

C-5

REQUESTED CHANGE:

FROM:

S-1 (Approved C-2 HGT/WVR PCD) (39.74 a.c.)

TO: **C-2 HGT/WVR DNS/WVR (39.74 a.c.)**

MULTIPLES PERMITTED

S-1 (Approved C-2 HGT/WVR PCD)

C-2 HGT/WVR DNS/WVR

CONVENTIONAL OPTION

39, 576

1,728

*** UNITS P.R.D. OPTION**

N/A, 691

2,074

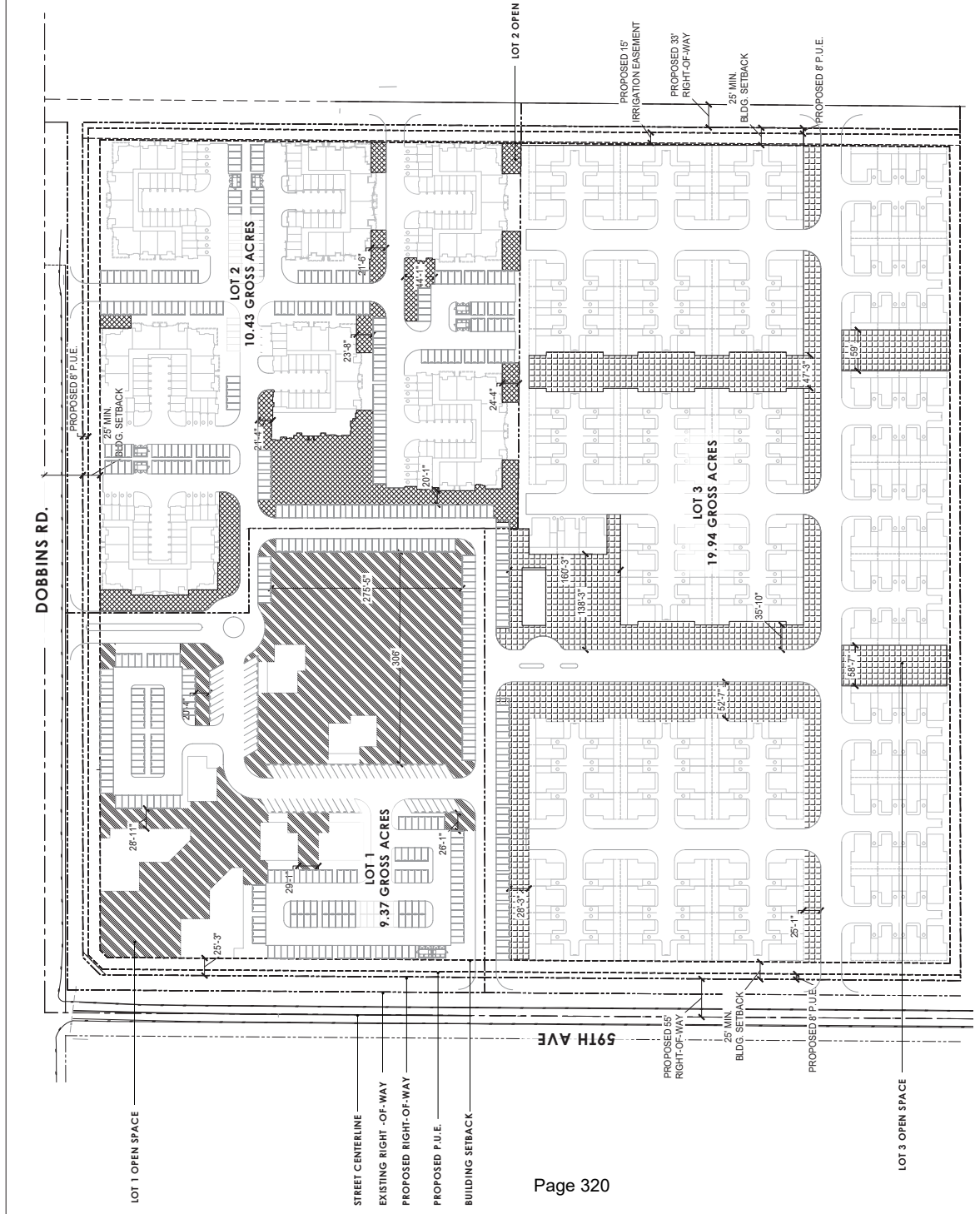
* **Maximum Units Allowed with P.R.D. Bonus**

OPEN COMMON SPACE			
	Sq Ft		Acres
COMMERCIAL (Lot 1)	Open Space	126,603	2.91
	Site Area	408,157	9.37
	Open Space (%)	31.02%	
MULTIFAMILY APARTMENTS (Lot 2)	Open Space	45,507	1.04
	Site Area	454,331	10.43
	Open Space (%)	10.02%	
HORIZONTAL MULTI-FAMILY (Lot 3)	Open Space	129,454	2.97
	Site Area	868,586	19.94
	Open Space (%)	14.90%	
Total Site Area		39.74	
Total Open Space		6.92	
Total Open Space (%)		17.42%	

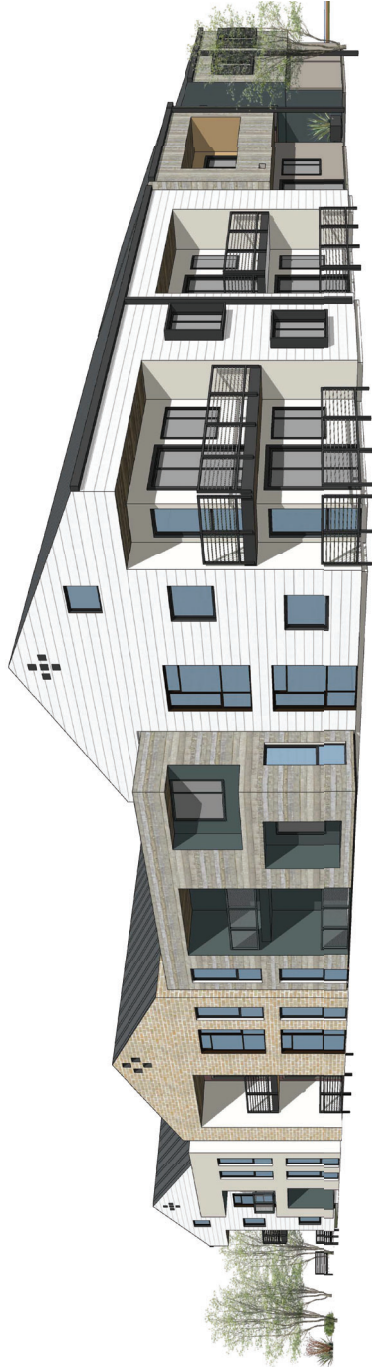
TOTAL SITE AREA IS BEING CALCULATED USING THE ZONING AMENDMENT MAP (APP:2-45-22 Lots) AND THE GROSS AREAS AS ILLUSTRATED ON THAT EXHIBIT.

ALL OPEN SPACE NOT TO ENCROACH INTO THE BUILDING AND LANDSCAPE SETBACK AS ILLUSTRATED AND LABELED ON THIS PLAN. DIMENSIONS FROM DOBBINS AND 59TH ARE FROM THE CENTERLINE OF THE STREET.

CITY OF PHOENIX
JUL 07 2022
Planning & Development
Department



								59TH & DOBBINS				DRAWING TITLE			
												ZONING MAP			
												DRAWING NO.			
												A-006			



02 PERSPECTIVE 1 (OPTION 2)






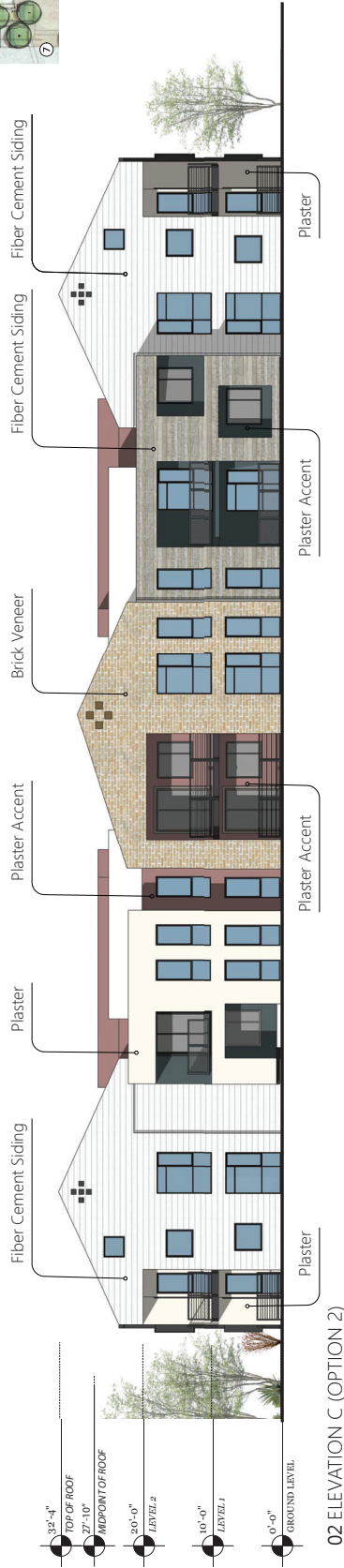
01 PERSPECTIVE 2 (OPTION 2)

CITY OF PHOENIX

JUL 08 2022

Planning & Development
Department

						 Keep what's below. Call before you dig.						 PROJECT NO: 19461 DATE: 06-29-2022			 DRAWN/DESIGNED BY: XXXX CHECKED BY: XXXX						59TH & DOBBINS			DRAWING TITLE Apartment perspectives		
																					DRAWING NO. A - 210					
																					SHEET NO. 2 OF 3					




02 ELEVATION C (OPTION 2)

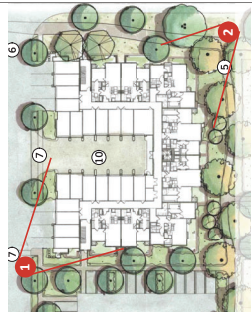


01 ELEVATION D (OPTION 2)

CITY OF PHOENIX
JUL 08 2022
Planning & Development
Department

				 Know what's below. Call before you dig.				  				59TH & DOBBINS				DRAWING TITLE Apartment Elevations			
								PROJECT NO: 19461 DATE: 06-29-2022 DRAWN/DESIGNED BY: XXXX CHECKED BY: XXXX				DRAWING NO. A - 212				SHEET NO. 2 OF 3			
NO.	BY	DATE	REVISION	SIGNATURE				DATE											

A:\2021\3021-40153.000 - 59th Street and Dobbins Street\03_Design\01_Land-Revit\04\19461-01.dwg

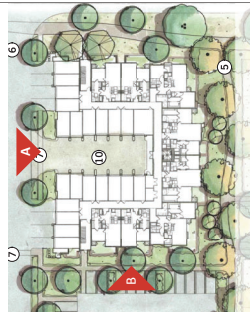


CITY OF PHOENIX

JUL 08 2022

Planning & Development
Department

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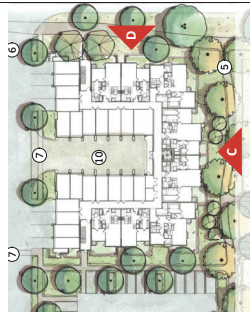
02 ELEVATION A (OPTION 2)



01 ELEVATION B (OPTION 2)

CITY OF PHOENIX
JUL 08 2022
Planning & Development
Department

				59TH & DOBBINS				DRAWING TITLE Apartment Elevations			
								DRAWING NO. A - 217			
								SHEET NO. 2 OF 3			



CITY OF PHOENIX
JUL 08 2022
Planning & Development
Department

59TH & DOBBINS		DRAWING TITLE Apartment Elevations	
811 Know what's below. Call before you dig.		DRAWING NO. A - 218 SHEET NO. 2 OF 3	
RICK ENGINEERING COMPANY		SWA ARCHITECTS	
burton Landscape Architecture Studio		DRAWN/DESIGNED BY: XXXX CHECKED BY: XXXX	
PROJECT NO: 19461 DATE: 06-29-2022		SIGNATURE _____ DATE _____	
NO. DATE REVISION		A:\2021\3021-40153.000 - 59th Street and Dobbins Street\03_Design\01_Land-Revit\DWG\19461-PP0-806.dwg	

From: [Dan Penton](#)
To: [Maria D Lopez](#); [Yassamin Ansari](#)
Cc: [Stephanie Hurd](#); [Julianna Pierre](#)
Subject: MEETING RE: LAVEEN TOWN CENTER [URGENT]
Date: Wednesday, July 6, 2022 9:22:20 AM

Good morning Maria

If you recall Stephanie heard and I met with you and yes I'm in a few months back regarding 59th Avenue and Dobbins in Laveen for the Laveen Town Center, that case has moved forward without public input in manner that meets city requirements.

Stephanie Heard and I are requesting to meet with Councilwoman Ansari urgently, as this case (Z-45-22) is set to come to the Village next week, and applicant has not held an appropriate community meeting, knowing there is significant opposition to this project.

Applicant & Representatives have been stonewalling and ignoring repeated attempts to speak with them about the project for 6 months. Finally, last week they have agreed to hold another community meeting but have yet to do so, and like I said they're coming to the Village next Monday so the chances of them actually doing that are not likely at this point, so we need your help.

Stephanie Heard and I would like to speak with you as soon as possible prior to the Village planning committee meeting which is next Monday if you can please get back to me my number is 602-384-8201 or the email above thank you so much

Gratefully
Dan Penton

Village Planning Committee Meeting Summary Z-45-22-8

Date of VPC Meeting	July 11, 2022
Request From	S-1
Request To	C-2 HGT/WVR DNS/WVR
Proposed Use	Mixed-use development
Location	Southeast corner of 59th Avenue and Dobbins Road
VPC Recommendation	Continuance to August 8th VPC meeting
VPC Vote	8-0

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

STAFF BACKGROUND PRESENTATION

Julianna Pierre provided information regarding the request, location of the site, adjacent zoning and uses, and general plan designation. She reviewed the proposal which consists of Lot 1, the commercial town center and retail plaza; Lot 2, the two- and three-story multifamily apartments; and Lot 3, the one-story multifamily development with courtyard clusters. She reviewed the conceptual site plan and elevations. She discussed the community input, staff findings, recommendation, and stipulations.

APPLICANT PRESENTATION

Ben Tate, representative with Withey Morris, PLC, provided information regarding the site location, general plan designation, and adjacent zoning. He discussed the site history and noted that the defunct Laveen Town Center Planned Community District (PCD) is no longer supported. He added that the applicant is requesting to zone out of the PCD due to the stipulations requiring master planning, which are difficult to satisfy for one parcel. He added that the density and height for the new proposal matches that of the PCD and the proposal is an adaptation of what was proposed in 2004. He reviewed the proposal, specifically describing the key information for Lots 1, 2, and 3. He displayed the conceptual site plan, elevations, various renderings, and color options.

QUESTIONS FROM COMMITTEE

Committee member Carlos Ortega expressed concern with the lack of commercial. He recommended that the entire frontage of 59th Avenue be commercial uses. He added that the applicant had modified their original plan, but the retail space of Lot 1 was not increased, only the parking area. He added that the commercial will not be accessible to other Laveen residents and will only function as an amenity for those who

live in Lots 2 and 3. He also expressed concern with the lack of open space in the residential lots.

Committee member Rebecca Perrera added that there is a need for more commercial and what is proposed will not be accessible to other residents within the Laveen Village.

Committee member Stephanie Hurd stated that the proposal looks great, but needs additional commercial space. She stated that commercial zoning in the Village is always used for multifamily development or a self-service storage facility and there is a need for more usable commercial. She stated that the Committee should continue to item to allow the applicant more time to modify the proposal to Laveen's advantage.

Committee member Jennifer Rouse stated that she was disappointed with the proposal and there should be additional commercial integrated into the development.

Committee member Carlos Ortega stated that the three residential buildings in Lot 2 along Dobbins Road should be commercial. He reiterated that the residential lots need more open space and Laveen wants more open space that is required by the Ordinance. He recommended that the applicant continue to work with the Committee and community to modify the proposal.

Vice Chair Linda Abegg stated that the 40 acres to the south is intended to be a public park with 20 acres leased to the school district for a school. She stated that the applicant should work with the City regarding the park space because there is a need for additional open space considering the number of units proposed.

Committee member Rebecca Perrera also expressed concerns with the lack of open space incorporated into the proposal.

Committee member JoAnne Jensen stated that she understood it would take more people than proposed in the development to support additional commercial. She recommended that the development provide additional spaces that could be converted into retail in the future.

Committee member Stephanie Hurd stated that most commercial in the Village has become multifamily, but commercial users do want to return to Laveen. **Ben Tate** stated that the proposed amount of commercial is what can be supported in the future.

PUBLIC COMMENTS

Dan Penton stated that the proposal shows a lack of vision and unwillingness to listen to the Committee and community. He also expressed concern with the neighborhood meeting. He added that he held a poll on Facebook where 98% of respondents indicated they wanted more commercial and open space to be included in the development. He added the developer increased the town square, but did not increase the retail space, but only the parking area. He recommended that the developer keep the number of units the same, but increase the proposed height to allow for more open space and commercial. He expressed concerns that the commercial uses will only function as an amenity for Lots 2 and 3. He recommended that the applicant ask for a continuance to receive additional input from the community and modify the proposal.

Justin Ferrandi stated that commercial development needs to be supported by rooftops. He stated that the Committee should allow additional rooftops to be built and commercial development will follow.

APPLICANT RESPONSE

Ben Tate stated that Lot 1 will have indoor and outdoor leasable area for retail. He added that the developer may be able to add additional commercial, but it has to be sustainable for the market. He stated that the number of residents living on site will not be enough to service the proposed commercial, and the intent is for the commercial area to be used by residents on and off site. He added that additional commercial may remain unleased, detracting from the mixed-use environment.

COMMITTEE DISCUSSION

Vice Chair Linda Abegg stated that there had been discussions with the applicant and the town square portion of the development would have to be built before the second phase of residential is built.

Committee member Stephanie Hurd stated that the Committee should consider a continuance to give the applicant time to modify the proposal to incorporate more commercial. She said the commercial users, such as Target, were considering coming to the Village when there was primarily one acre lots.

Committee member Carlos Ortega stated that a continuance should be considered because the Committee wants to see something different and there needs to be more community input.

Committee member Rebecca Perrera stated that the Committee should consider a continuance over a vote.

MOTION

Committee member Carlos Ortega made a motion to continue Z-45-22-8 to the August 8th VPC meeting to give the applicant time to consider modifications to the proposal that incorporate more commercial and open space. The motion was seconded by **Committee member Jennifer Rouse**.

VOTE

8-0, motion passed; Committee members Abegg, Barraza, Buggs, Hurd, Jensen, Ortega, Perrera, and Rouse in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary Z-45-22-8

Date of VPC Meeting	August 8, 2022
Request From	S-1 (Approved C-2 HGT/WVR PCD)
Request To	C-2 HGT/WVR DNS/WVR
Proposed Use	Mixed-use development
Location	Southeast corner of 59th Avenue and Dobbins Road
VPC Recommendation	Approval, per Addendum A dated July 8, 2022, with modifications and an additional stipulation
VPC Vote	6-3

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

1. *Two members of the public requested to speak on this item.*

Chair Tonya Glass requested that the applicant ask for a continuance to work through community concerns about the project. Chair Glass stated that since the last meeting the applicant has worked with committee members regarding the project, but the outreach to the community was not done. Chair Glass added that there are still concerns with the 3-story apartment buildings along Dobbins Road and the applicant should reach out to residents of the single-family development to the north since they would be directly impacted by increased height.

Ben Tate, representative with Withey Morris, PLC, stated that a significant amount of work was done over the past month to revise the proposal to address concerns and comments. Mr. Tate stated that per the Committee's direction, since the last meeting they have engaged more with the community and anyone who had concerns. Mr. Tate added that the case was noticed appropriately, and the applicant had conversations with adjacent residents.

Chair Tonya Glass stated that some community members may not have fallen within the required notification radius, but they should still be contacted. Chair Glass stated that she wants to ensure the community has the information they need and that she had reservations about how the commercial component will be secured. Chair Glass stated that she understood if the applicant wanted to move forward without the continuance.

Ben Tate stated that he would like to move forward without the continuance and present the proposal with the updated plans.

STAFF PRESENTATION

Julianna Pierre reviewed the request, location of the site, adjacent zoning and uses, and general plan designation. Ms. Pierre stated that at last month's VPC meeting, the item was continued to allow time for the applicant to work with the Committee and community regarding the proposal. Ms. Pierre added that the applicant also asked for a continuance at the August 4th Planning Commission hearing. Ms. Pierre stated that taking into consideration the revised plan, staff is recommending approval, per Addendum A dated July 8, 2022, with modifications. Ms. Pierre reviewed the modifications, which included updates to the date stamp date for the site plan, open space percentages, and maximum unit numbers.

APPLICANT PRESENTATION

Ben Tate, representative with Withey Morris, PLC, provided information regarding the site location and noted that the defunct Laveen Town Center Planned Community District (PCD) is no longer supported. Mr. Tate added that the density and height for the new proposal matches that of the PCD and the proposal is an adaptation of what was proposed in 2004. Mr. Tate stated that this site is the last privately owned parcel in the PCD, and the City owns the 40 acres to the south, which is planned for a park and elementary school. Mr. Tate added that the developer has agreed to contribute \$300 per unit to the Laveen Elementary School District. Mr. Tate then reviewed the proposal, specifically describing key information regarding Lots 1, 2, and 3. Mr. Tate displayed the conceptual site plan, elevations, and various renderings and described the modifications made to the site plan including: increased commercial square footage of Lot 1, increased number of commercial pads, increased size of the Town Center, increased height of residential buildings along Dobbins Road, increased setbacks in Lot 2, and reduction of units in Lot 3.

Mr. Tate proposed an additional stipulation to address the Town Center improvements:

Improvements for the Town Center, as identified on the site plan date stamped August 8, 2022, shall be completed prior to the issuance of any Certificate of Occupancy for the last phase of residential development (Lot 2 or Lot 3). Improvements shall include all streets and parking around the Town Center, all common landscape, walkway landscape furniture and common area features, and a minimum of three amenities (which may include, but is not limited to open seating, interactive water feature, and kids playground with shade structure), but excluding the two commercial buildings and their supporting features such as leased outdoor dining areas and their hardscape and landscape features, as approved by the Planning and Development Department.

Mr. Tate stated that this stipulation ensures that the Town Center's open space would be developed prior to the last phase of residential development.

QUESTIONS FROM COMMITTEE

Committee member Stephanie Hurd stated that the applicant has made improvements to the proposal including more open space and additional commercial pads. Ms. Hurd stated that some may not like the three-story residential buildings along Dobbins Road, but as a tradeoff the setback was increased. Ms. Hurd expressed concerns about the commercial not being built but hoped that a stipulation or agreement could be reached to ensure the commercial development.

Vice Chair Linda Abegg stated that she was excited to have a mixed-use development in this area because often the Committee has been told that mixed use is not a

possibility. Vice Chair Abegg expressed concern that the Town Center open space would not be developed. Vice Chair Abegg stated that stipulation language could be workshopped to ensure that is completed. She added that the intent should be specific because the intent may not be honored in future process unless clearly stated.

Chair Tonya Glass stated that at least one commercial building should be built as part of the second phase to facilitate support for the rest of the community.

Ben Tate stated that the commercial buildings were intended to be built as the market dictates. Mr. Tate added that the priority was to ensure that the open space portion of the Town Center be built along with the residential phases to provide space for the community.

Chair Tonya Glass stated that it would not be unreasonable for the stipulation to ensure at least one of the commercial spaces be built, which would support the open space and residents.

Committee member JoAnne Jensen stated that this is the third plan she's seen for the site and this iteration is the best. Ms. Jensen expressed concern about stipulating that a commercial building be completed when the tenant is unknown, and development may not meet a vendor's requirements. Ms. Jensen added that it may be beneficial to understand what a tenant wants before building. Ms. Jensen stated that there should be language that ensures the Town Center open space would be developed.

Chair Tonya Glass explained that residents to the north may have concerns with the three stories along Dobbins Road as it obstructs their view. Chair Glass added that the proposed height is not conducive adjacent to the scenic corridor. Chair Glass recommended that the two-story building be adjacent to Dobbins Road and three-story buildings interior to the site.

Vice Chair Linda Abegg asked if all the garden style apartments will be three stories.

Ben Tate stated that the apartments adjacent to Dobbins Road are three stories and all the other buildings are two stories. Mr. Tate stated that the height of the buildings along Dobbins Road was increased because the northwestern most residential building was deleted for an additional commercial pad.

PUBLIC COMMENTS

Dan Penton stated that there have been improvements to the development, but he still had concerns about the size of the Town Center open space. Mr. Penton also expressed concerns with the increased number of parking spaces and location of the additional commercial pad. Mr. Penton stated that the VPC has been adamant about nothing in excess of two stories along Dobbins Road because it is a scenic corridor, so there are concerns about allowing three stories. Mr. Penton added that residents across Dobbins Road may have their view obstructed by buildings at that height. Mr. Penton also asked if there was any way to work with the City to have the proposed park directly south of this development. Mr. Penton stated that no matter what stipulations are applied to the property, if a new developer comes along and wants to redevelop, they can apply for the Planning Hearing Officer (PHO) process to modify stipulations to accommodate a new proposal. Mr. Penton expressed concerns that nothing can ensure the developer will build out the proposal as currently depicted.

Phil Hertel stated that fifteen to twenty years ago the site of the Town Center was envisioned to be a community center and gathering place for residents. Mr. Hertel stated that the proposal needs more creativity to truly be a gathering place. Mr. Hertel stated that the site should be reorganized to have the single-family portion adjacent to Dobbins Road and the three-story residential on the southern portion of the site. Mr. Hertel stated that it seems as though the developer is going to flip the site rather than build what is proposed. Mr. Hertel suggested an additional stipulation ensuring that no stipulations for the rezoning case could be modified in the future to ensure the development is built as currently proposed.

Committee member Stephanie Hurd expressed concern with the possibility of the site being sold and redeveloped with a different proposal.

APPLICANT RESPONSE

Ben Tate discussed the modifications to the plan. Mr. Tate stated that there was a decrease in leasable outdoor square footage in order to allow an increase in the Town Center open space. Mr. Tate added that because there was an addition of another commercial pad, the parking had to increase in order to meet the City's minimum parking requirements. Mr. Tate stated that the location and density of the three-story residential use is warranted given the proximity to an arterial-to-arterial corner near the Loop 202 Freeway and Village Core. Mr. Tate added that the site was already approved with a height waiver permitting 3-stories and they are not asking for any additional height. Mr. Tate added that discussion regarding the location of the park and school south of the site is between the City of Phoenix and Laveen Elementary School District. Mr. Tate agreed that it would be preferable to have the park directly to the south rather than the school. Mr. Tate stated that the stipulations for the case would also be applicable to a subsequent purchaser.

COMMITTEE DISCUSSION

Chair Tonya Glass expressed concerns with last minute changes being made to the plan, which made it difficult to review appropriately. Chair Glass added that the applicant has not provided any guarantees about future commercial.

Vice Chair Linda Abegg expressed concerns with the site being sold and redeveloped as another use. Vice Chair Abegg added that the Committee has specific concerns with that issue because it has happened at other locations in the Village. Vice Chair Abegg stated that a stipulation modification through the PHO process would be easier than if the site were rezoned as a PUD and a subsequent amendment need to be made.

Committee member JoAnne Jensen expressed concern that if this proposal is not approved, nothing will develop on the site. Ms. Jensen stated that the developer has worked to incorporate comments and concerns by revising the proposal.

Chair Tonya Glass stated that she would feel comfortable approving the proposal if there was language in a phasing stipulation to ensure the Town Center open space and at least one commercial building were to be developed.

Committee member Rebecca Perrera stated that if the idea of needing residential prior to commercial is not based on one parcel. Ms. Perrera stated that increased residential throughout the community can support the proposed commercial. Ms.

Perrera stated that she would like to see language ensuring the commercial will be developed.

Committee member Francisco Barraza stated that he was okay with the three-story residential since there is an increased setback from Dobbins Road.

Committee member Carlos Ortega stated that he was okay with three stories along Dobbins Road. Mr. Ortega added that he would like to come to an agreement on stipulation language so the Committee could move forward and vote.

MOTION

Vice Chair Linda Abegg made a motion to approve Z-45-22-8, per Addendum A dated July 8, 2022, with modifications and an additional stipulation stating:

Improvements for the Town Center, as identified on the site plan date stamped August 8, 2022, shall be completed prior to the issuance of any (including temporary) Certificate of Occupancy for any development in the second residential lot developed (either Lot 2 or Lot 3), whichever is developed later. Improvements shall include all streets and parking around the Town Center; all common landscaping, walkway landscape furniture, and common area features; and a minimum of three amenities, which may include, but are not limited to open seating, an interactive water feature, and kids' playground with shade structure; but excluding the two commercial buildings and their supporting features such as leased outdoor dining areas and their hardscape and landscape features, as approved by the Planning and Development Department.

Vice Chair Abegg clarified that the intent was to ensure that the Town Center open space improvements (excluding commercial buildings) were made prior to the last phase of residential development. The motion was seconded by **Committee member Carlos Ortega**.

Chair Tonya Glass made a substitute motion to approve Z-45-22-8, per Addendum A dated July 8, 2022, with modifications and an additional stipulation stating:

Improvements for the Town Center, as identified on the site plan date stamped August 8, 2022, shall be completed prior to the issuance of any (including temporary) Certificate of Occupancy for any development in the second residential lot developed (either Lot 2 or Lot 3), whichever is developed later. Improvements shall include all streets and parking around the Town Center; all common landscaping, walkway landscape furniture, and common area features; a minimum of three amenities, which may include, but are not limited to open seating, an interactive water feature, and kids' playground with shade structure; and at least one of the commercial buildings, as approved by the Planning and Development Department.

Chair Glass stated that the intent was to ensure that both the Town Center open space and commercial space improvements were made prior to the last phase of residential development. The motion was seconded by **Committee member Rebecca Perrera**.

VOTE

6-3, motion to approve Z-45-22-8, per Addendum A dated July 8, 2022, with modifications and an additional stipulation passed; with Committee members Glass,

Barraza, Knight, Ortega, Perrera, and Rouse in favor and Committee members Abegg, Hurd, and Jensen in opposition.

RECOMMENDED STIPULATIONS

1. The development shall be in general conformance with the site plan date stamped ~~June 30, 2022~~ ~~JULY 7, 2022~~ **AUGUST 8, 2022** and elevations date stamped ~~May 27, 2022~~ ~~AND JULY 8, 2022~~, as modified by the following stipulations and approved by the Planning and Development Department.
2. **IMPROVEMENTS FOR THE TOWN CENTER, AS IDENTIFIED ON THE SITE PLAN DATE STAMPED AUGUST 8, 2022, SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF ANY (INCLUDING TEMPORARY) CERTIFICATE OF OCCUPANCY FOR ANY DEVELOPMENT IN THE SECOND RESIDENTIAL LOT DEVELOPED (EITHER LOT 2 OR LOT 3), WHICHEVER IS DEVELOPED LATER. IMPROVEMENTS SHALL INCLUDE ALL STREETS AND PARKING AROUND THE TOWN CENTER; ALL COMMON LANDSCAPING, WALKWAY LANDSCAPE FURNITURE, AND COMMON AREA FEATURES; A MINIMUM OF THREE AMENITIES, WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO OPEN SEATING, AN INTERACTIVE WATER FEATURE, AND KIDS' PLAYGROUND WITH SHADE STRUCTURE; AND AT LEAST ONE OF THE COMMERCIAL BUILDINGS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
2. The primary entryway to Dobbins Road shall include a minimum of 250 square feet
3. of enhanced landscaping, planted and maintained with a variety of at least three plant materials including a series of annuals that will each maintain a constant bloom throughout the year.
3. A minimum of one milkweed shrub, or other native nectar species, shall be planted
4. for every required tree in addition to the required shrubs, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
4. The developer shall dedicate a 30-foot-wide multi-use trail easement (MUTE)
5. along the east side of 59th Avenue and construct a minimum 10-foot-wide multi-use trail (MUT) within the easement in accordance with the MAG supplemental detail and as approved by the Planning and Development Department. Where conflicts or restrictions exist, the developer shall work with the Site Planning section on an alternate design through the technical appeal process.
5. The developer shall construct a minimum 5-foot-wide detached sidewalk and
6. minimum 11-foot-wide landscape area located between the back of curb and sidewalk along the south side of Dobbins Road, as approved by the Planning and Development Department.
 - a. Minimum 3-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs and vegetative groundcovers with a maximum

mature height of 24 inches to provide a minimum of 75% live coverage at maturity.

- c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
- ~~6.~~ The developer shall construct a minimum 5-foot-wide detached sidewalk along the west side of 57th Avenue with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department:
- 7.**
- a. Minimum 2-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 50% live coverage at maturity.
 - c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
- ~~7.~~ The developer shall construct a minimum 5-foot-wide detached sidewalk along the east side of 59th Avenue with a minimum 11-foot-wide landscaped strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department:
- 8.**
- a. Minimum 3-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.
 - c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
- ~~8.~~ The developer shall dedicate a minimum of 55-feet of right-of-way and construct the south side of Dobbins Road, as approved by the Planning and Development Department.
- 9.**
- ~~9.~~ The developer shall dedicate a minimum of 30-feet of right-of-way and construct the west side of 57th Avenue connecting at the 56th Glen alignment, as approved by the Street Transportation Department.
- 10.**
- ~~10.~~ The developer shall dedicate a minimum of 55-feet of right-of-way and construct the east side of 59th Avenue, as approved by the Planning and Development Department.
- 11.**

- ~~11.~~ The developer shall submit a Traffic Impact Study to the City for this development.
- ~~12.~~ No preliminary approval of plans shall be granted until the study is approved. Signal warrant analysis shall be included for 59th Avenue and Dobbins as part of the Study. The developer shall be required to provide a minimum 25% contribution towards future traffic signal if not warranted for construction by the TIA.
- ~~12.~~ Existing irrigation along Dobbins Road are to be undergrounded and relocated outside City of Phoenix right-of-way. Contact SRP to identify existing land rights and establish appropriate process to relocate facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
- ~~13.~~ The developer shall construct all streets within and adjacent to the development 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.
- ~~14.~~ The right-of-way shall be dedicated, and a bus stop pad (City of Phoenix Standard Details P1258 and P1260) constructed along eastbound Dobbins Road, as approved by the Planning and Development Department.
- ~~15.~~ The right-of-way shall be dedicated, and a bus stop pad (City of Phoenix Standard Details P1258 and P1260) constructed along northbound 59th Avenue, as approved by the Planning and Development Department.
- ~~16.~~ 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.
- ~~17.~~ 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.

LOT 1 (TOWN CENTER AND RETAIL PLAZA)

- ~~18.~~ The maximum building height shall be 30 feet.
- ~~19.~~
- ~~19.~~ A minimum of ~~25%~~ 28% of the gross area of Lot 1 shall be retained as open space, as approved by the Planning and Development Department.
- ~~20.~~ All uncovered surface parking lot areas for employees and customers shall be landscaped with minimum 2-inch caliper size large canopy drought tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve minimum 25% shade at maturity, as approved by the Planning and Development Department.
- ~~21.~~
- ~~24.~~ A minimum of 14 bicycle parking spaces shall be provided through Inverted U

- 22.** and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

LOT 2 (MULTIFAMILY APARTMENTS)

- ~~22.~~ The development shall adhere to the R-3A zoning district standards, as modified
23. by the following stipulations and approved by the Planning and Development Department.
- ~~23.~~ Lot 2 shall be limited to a maximum of ~~207~~ **214** units.
24.
- ~~24.~~ A minimum of ~~9%~~ **10%** of the gross area of Lot 2 shall be retained as open space,
25. as approved by the Planning and Development Department.
- ~~25.~~ A minimum of 10 bicycle parking spaces shall be provided through Inverted U
26. and/or artistic racks located near building entrances, amenities, and/or open space and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

LOT 3 (HORIZONTAL MULTIFAMILY)

- ~~26.~~ The development shall adhere to the R-3 zoning district standards, as modified by
27. the following stipulations and approved by the Planning and Development Department.
- ~~27.~~ Lot 3 shall be limited to a maximum of ~~497~~ **181** units.
28.
- ~~28.~~ A minimum of ~~12%~~ ~~43%~~ **11%** of the gross area of Lot 3 shall be retained as open
29. space, as approved by the Planning and Development Department.
- ~~29.~~ A minimum of 10 bicycle parking spaces shall be provided through Inverted U
30. and/or artistic racks located near building entrances, amenities, and/or open space and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS

The intent of Stipulation No. 2 is to ensure that the Town Center is developed after the first residential lot (Lot 2 or Lot 3) and before the last residential lot (Lot 2 or Lot 3). Within the stipulation, the Village Planning Committee provided a list of all the expected improvements to the Town Center.

ATTACHMENT F

REPORT OF PLANNING COMMISSION ACTION September 1, 2022

ITEM NO: 12	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	Z-45-22-8 (Continued from August 4, 2022)
Location:	Southeast corner of 59th Avenue and Dobbins Road
From:	S-1 (Approved C-2 HGT/WVR PCD)
To:	C-2 HGT/WVR DNS/WVR
Acreage:	39.74
Proposal:	Mixed-use development
Applicant:	Matrix at Dobbins
Owner:	Tyson Family, LTD, et al.
Representative:	Jason Morris, Withey Morris, PLC

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Laveen 7/11/2022 Continued. Vote: 8-0.

Laveen 8/8/2022 Approval, per Addendum A, with modifications and an additional stipulation.
Vote: 6-3.

Planning Commission Recommendation: Approval, per the Laveen Village Planning Committee recommendation with a modification and an additional stipulation.

Motion Discussion:

Commissioner Gorraiz made a MOTION to approve Z-45-22-8, per the Laveen Village Planning Committee recommendation, without the last stipulation, going back to the August 8, 2022 stipulation, and require that if anything is changed on that corner, moving it from commercial to residential, then it has to go back to the Village Planning Committee, with an enhanced process, rather than just to a Planning Hearing Officer review.

Commissioner Boyd asked for confirmation that they were going to use the language that the developer had on an exhibit that said that the amenities were being constructed.

Ms. Racelle Escolar (staff) asked for clarification on the motion. She asked if Commissioner Gorraiz meant Stipulation No. 2 when he referenced the last stipulation.

Commissioner Gorraiz responded yes and to go with the previous stipulation for the August 8 site plan.

Ms. Escolar stated that the August 8 stipulation is a separate stipulation (Stipulation No. 1). She asked if he wanted to delete Stipulation No. 2 and add a stipulation to require that any future Planning Hearing Officer applications for Lot 1, as depicted on the site plan date stamped August 8, 2022, shall go to the Village Planning Committee for recommendation, and include enhanced notification to require that all property owners within 600 feet of the subject site be

notified and also all neighborhood organizations registered with the City, that are within one mile radius of the subject site, will also be notified.

Commissioner Gaynor SECONDED.

Commissioner Boyd wanted clarification and asked if they were considering the stipulation that the applicant had proposed.

Mr. Tate stated that the applicant was asking for deletion of the part of the stipulation that referenced the building of the commercial shell. The remainder of the stipulation language would still apply. That is what they are requesting, as it was written on the exhibit.

Ms. Escobar explained that if Commissioner Gorraiz agrees, then the motion should be amended to not delete Stipulation No. 2, but rather to modify Stipulation No. 2, per the applicant's request. They can then use the language that the applicant had on his exhibit.

Commissioner Gorraiz agreed to amend his MOTION to approve Z-45-22-8, per the Laveen Village Planning Committee recommendation, modify Stipulation No. 2 per the applicant's request, and add a stipulation as read into the record by staff for the Village Planning Committee review and enhanced notification.

Commissioner Gaynor agreed with the amendment and SECONDED the motion.

Motion details: Commissioner Gorraiz made a MOTION to approve Z-45-22-8, per the Laveen Village Planning Committee recommendation, modify Stipulation No. 2 per the applicant's request, and add a stipulation as read into the record by staff for the Village Planning Committee review and enhanced notification.

Maker: Gorraiz
Second: Gaynor
Vote: 7-0
Absent: Busching and Simon
Opposition Present: No

Findings:

1. The development is consistent with the Phoenix General Plan Land Use Map designations of Mixed-Use and Preserves/Commercial.
2. The proposed development is appropriate at this location given its proximity to the Loop 202 Freeway and will create a buffer between lower density residential uses to the east and the transportation corridor along the Loop 202 Freeway.
3. A portion of the proposal will provide high quality multifamily residential developments which will help alleviate the housing shortage in Phoenix and provide residents with an alternative housing option.

Stipulations:

1. The development shall be in general conformance with the site plan date stamped ~~June 30, 2022~~ JULY 7, 2022 AUGUST 8, 2022 and elevations date stamped ~~May 27, 2022~~

AND JULY 8, 2022, as modified by the following stipulations and approved by the Planning and Development Department.

2. ~~IMPROVEMENTS FOR THE TOWN CENTER, AS IDENTIFIED ON THE SITE PLAN DATE STAMPED AUGUST 8, 2022, SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF ANY (INCLUDING TEMPORARY) CERTIFICATE OF OCCUPANCY FOR ANY DEVELOPMENT IN THE SECOND RESIDENTIAL LOT DEVELOPED (EITHER LOT 2 OR LOT 3), WHICHEVER IS DEVELOPED LATER. IMPROVEMENTS SHALL INCLUDE ALL STREETS AND PARKING AROUND THE TOWN CENTER; ALL COMMON LANDSCAPING, WALKWAY LANDSCAPE FURNITURE, AND COMMON AREA FEATURES; A MINIMUM OF THREE AMENITIES, WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO OPEN SEATING, AN INTERACTIVE WATER FEATURE, AND KIDS' PLAYGROUND WITH SHADE STRUCTURE; AND AT LEAST ONE OF THE COMMERCIAL BUILDINGS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.~~
IMPROVEMENTS FOR THE TOWN SQUARE, AS IDENTIFIED ON THE SITE PLAN DATE STAMPED AUGUST 8, 2022, SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY FOR THE LAST PHASE OF RESIDENTIAL DEVELOPMENT (LOT 2 OR LOT 3). IMPROVEMENTS SHALL INCLUDE ALL STREETS AND PARKING AROUND THE TOWN SQUARE, ALL COMMON LANDSCAPE, WALKWAY LANDSCAPE FURNITURE AND COMMON AREA FEATURES, AND A MINIMUM OF THREE AMENITIES (WHICH MAY INCLUDE, BUT IS NOT LIMITED TO OPEN SEATING, INTERACTIVE WATER FEATURE, AND KIDS PLAYGROUND WITH SHADE STRUCTURE), BUT EXCLUDING THE TWO COMMERCIAL BUILDINGS AND THEIR SUPPORTING FEATURES SUCH AS LEASED OUTDOOR DINING AREAS AND THEIR HARDSCAPE AND LANDSCAPE FEATURES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
2. The primary entryway to Dobbins Road shall include a minimum of 250 square feet of
3. enhanced landscaping, planted and maintained with a variety of at least three plant materials including a series of annuals that will each maintain a constant bloom throughout the year.
3. A minimum of one milkweed shrub, or other native nectar species, shall be planted for
4. every required tree in addition to the required shrubs, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
4. The developer shall dedicate a 30-foot-wide multi-use trail easement (MUTE) along the
5. east side of 59th Avenue and construct a minimum 10-foot-wide multi-use trail (MUT) within the easement in accordance with the MAG supplemental detail and as approved by the Planning and Development Department. Where conflicts or restrictions exist, the developer shall work with the Site Planning section on an alternate design through the technical appeal process.
5. The developer shall construct a minimum 5-foot-wide detached sidewalk and minimum
6. 11-foot-wide landscape area located between the back of curb and sidewalk along the south side of Dobbins Road, as approved by the Planning and Development Department.
- a. Minimum 3-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.

- b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.
 - c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
- 6. The developer shall construct a minimum 5-foot-wide detached sidewalk along the west side of 57th Avenue with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department:
 - a. Minimum 2-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 50% live coverage at maturity.
 - c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
- 7. The developer shall construct a minimum 5-foot-wide detached sidewalk along the east side of 59th Avenue with a minimum 11-foot-wide landscaped strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department:
 - a. Minimum 3-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.
 - c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
- 8. The developer shall dedicate a minimum of 55-feet of right-of-way and construct the south side of Dobbins Road, as approved by the Planning and Development Department.
- 9. The developer shall dedicate a minimum of 30-feet of right-of-way and construct the west side of 57th Avenue connecting at the 56th Glen alignment, as approved by the Street Transportation Department.
- 10. The developer shall dedicate a minimum of 55-feet of right-of-way and construct the east side of 59th Avenue, as approved by the Planning and Development Department.
- 11. The developer shall submit a Traffic Impact Study to the City for this development. No preliminary approval of plans shall be granted until the study is approved. Signal warrant analysis shall be included for 59th Avenue and Dobbins as part of the Study. The

developer shall be required to provide a minimum 25% contribution towards future traffic signal if not warranted for construction by the TIA.

- 42. Existing irrigation along Dobbins Road are to be undergrounded and relocated outside
- 13. City of Phoenix right-of-way. Contact SRP to identify existing land rights and establish appropriate process to relocate facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
- 43. The developer shall construct all streets within and adjacent to the development with
- 14. 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.
- 44. The right-of-way shall be dedicated, and a bus stop pad (City of Phoenix Standard Details
- 15. P1258 and P1260) constructed along eastbound Dobbins Road, as approved by the Planning and Development Department.
- 45. The right-of-way shall be dedicated, and a bus stop pad (City of Phoenix Standard Details
- 16. P1258 and P1260) constructed along northbound 59th Avenue, as approved by the Planning and Development Department.
- 46. In the event archaeological materials are encountered during construction, the developer
- 17. 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.
- 47. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207
- 18. 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.

LOT 1 (TOWN CENTER AND RETAIL PLAZA)

- 48. The maximum building height shall be 30 feet.
- 19.
- 49. A minimum of ~~25%~~ 28% of the gross area of Lot 1 shall be retained as open space, as
- 20. approved by the Planning and Development Department.
- 20. All uncovered surface parking lot areas for employees and customers shall be
- 21. landscaped with minimum 2-inch caliper size large canopy drought tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve minimum 25% shade at maturity, as approved by the Planning and Development Department.
- 24. A minimum of 14 bicycle parking spaces shall be provided through Inverted U and/or
- 22. artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
- 23. **ANY FUTURE PLANNING HEARING OFFICER APPLICATIONS FOR LOT 1, AS DEPICTED ON THE SITE PLAN DATE STAMPED AUGUST 8, 2022, SHALL GO TO**

THE VILLAGE PLANNING COMMITTEE FOR RECOMMENDATION, AND INCLUDE ENHANCED NOTIFICATION TO REQUIRE NOTIFICATION OF ALL PROPERTY OWNERS WITHIN 600 FEET OF THE SUBJECT SITE AND ALL NEIGHBORHOOD ORGANIZATIONS REGISTERED WITH THE CITY WITHIN ONE MILE OF THE SUBJECT SITE.

LOT 2 (MULTIFAMILY APARTMENTS)

- ~~22.~~ The development shall adhere to the R-3A zoning district standards, as modified by the
~~23.~~ following stipulations, and approved by the Planning and Development Department.
24.
- ~~23.~~ Lot 2 shall be limited to a maximum of ~~207~~ 214 units.
~~24.~~
25.
- ~~24.~~ A minimum of ~~9%~~ 10% of the gross area of Lot 2 shall be retained as open space, as
~~25.~~ approved by the Planning and Development Department.
26.
- ~~25.~~ A minimum of 10 bicycle parking spaces shall be provided through Inverted U and/or
~~26.~~ artistic racks located near building entrances, amenities, and/or open space and installed
27. per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved
by the Planning and Development Department. Artistic racks shall adhere to the City of
Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

LOT 3 (HORIZONTAL MULTIFAMILY)

- ~~26.~~ The development shall adhere to the R-3 zoning district standards, as modified by the
~~27.~~ following stipulations, and approved by the Planning and Development Department.
28.
- ~~27.~~ Lot 3 shall be limited to a maximum of ~~497~~ 181 units.
~~28.~~
29.
- ~~28.~~ A minimum of ~~12%~~ ~~13%~~ 11% of the gross area of Lot 3 shall be retained as open space,
~~29.~~ as approved by the Planning and Development Department.
30.
- ~~29.~~ A minimum of 10 bicycle parking spaces shall be provided through Inverted U and/or
~~30.~~ artistic racks located near building entrances, amenities, and/or open space and installed
31. per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved
by the Planning and Development Department. Artistic racks shall adhere to the City of
Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

This publication can be made available in alternate format upon request. Please contact
Les Scott at 602-261-8980, leslie.scott@phoenix.gov or TTY: Use 7-1-1.

ATTACHMENT G

From: [Dan Penton](#)
To: [Maria D Lopez](#); [Yassamin Ansari](#)
Cc: [Stephanie Hurd](#); [Julianna Pierre](#)
Subject: MEETING RE: LAVEEN TOWN CENTER [URGENT]
Date: Wednesday, July 6, 2022 9:22:20 AM

Good morning Maria

If you recall Stephanie heard and I met with you and yes I'm in a few months back regarding 59th Avenue and Dobbins in Laveen for the Laveen Town Center, that case has moved forward without public input in manner that meets city requirements.

Stephanie Heard and I are requesting to meet with Councilwoman Ansari urgently, as this case (Z-45-22) is set to come to the Village next week, and applicant has not held an appropriate community meeting, knowing there is significant opposition to this project.

Applicant & Representatives have been stonewalling and ignoring repeated attempts to speak with them about the project for 6 months. Finally, last week they have agreed to hold another community meeting but have yet to do so, and like I said they're coming to the Village next Monday so the chances of them actually doing that are not likely at this point, so we need your help.

Stephanie Heard and I would like to speak with you as soon as possible prior to the Village planning committee meeting which is next Monday if you can please get back to me my number is 602-384-8201 or the email above thank you so much

Gratefully
Dan Penton



Report

Agenda Date: 11/16/2022, Item No. 108

(CONTINUED FROM NOV. 2, 2022) - Public Hearing and Ordinance Adoption - Rezoning Application Z-27-22-6 (Zola North Central PUD) - Northeast Corner of 7th Street and Colter Street (Ordinance G-7052)

Request to hold a public hearing on the request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-27-22-6 and rezone the site from C-2 (Intermediate Commercial) to PUD (Planned Unit Development) to allow multifamily residential.

Summary

Current Zoning: C-2

Proposed Zoning: PUD

Acreage: 2.55 acres

Proposal: Multifamily residential

Owner: 7th Street and Colter, LLC

Applicant: ZOM Living

Representative: Nick Wood, Esq., Snell & Wilmer, LLP

Staff Recommendation: Approval, subject to stipulations.

VPC Info Only: The Camelback East Village Planning Committee heard this case on June 7, 2022, for information only.

VPC Action: The Camelback East Village Planning Committee heard this case on Sept. 6, 2022, and recommended approval, per the staff recommendation, by a vote of 14-2-1.

PC Action: The Planning Commission heard this case on Oct. 6, 2022, and recommended approval, per the Camelback East Village Planning Committee recommendation with an additional stipulation, by a vote of 7-2.

The Planning Commission recommendation was appealed by a community member and a petition for a 3/4 vote was submitted on Oct. 13, 2022. A 3/4 vote is not required.

Attachment G - Letters of Support

https://www.phoenix.gov/pddsite/Documents/PZ/Z-27-22-6_Letters%20of%20Support.pdf

Attachment H - Letters of Opposition

https://www.phoenix.gov/pddsite/Documents/PZ/Z-27-22-6_Letters%20of%20Opposition.pdf

Location

Northeast corner of 7th Street and Colter Street

Council District: 6

Parcel Address: 5201 N. 7th St.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

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-27-22-6) FROM C-2 (INTERMEDIATE COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of a 2.55-acre site located at the northeast corner of 7th Street and Colter Street in a portion of Section 16, Township 2 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "C-2" (Intermediate Commercial) to "PUD" (Planned Unit Development).

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. An updated Development Narrative for the Zola North Central PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped August 26, 2022, as modified by the following stipulations:
 - a. Front cover: Revise the date information on the cover page to the following:

City Council Adopted: [Add Adoption Date]
 - b. Page 11, D3: Parking, Section A. Vehicular standards: Update Item 1. Resident and Visitor Parking (Minimum) to Efficiency Units: 1.3 spaces per dwelling unit, 1-Bedroom Units: 1.5 spaces per dwelling unit, 2-Bedroom Units: 1.5 spaces per dwelling unit.
 - c. Page 11, D3: Parking, Section A. Vehicular standards: Add a sentence that reads "A minimum of 10% of the required parking spaces shall be utilized for visitor parking purposes."
2. The developer shall provide traffic calming to slow vehicle traffic exiting the property with specific regard to pedestrian safety on the public sidewalk, as approved by the Planning and Development Department.
3. The developer shall dedicate a minimum 10-foot-wide sidewalk easement and construct the east side of 7th Street, as approved by the Planning and Development Department.
4. The developer shall fully fund a traffic control device at the intersection of 7th Street and Colter Street, as determined and approved by the Street Transportation Department.
5. The applicant shall submit a Traffic Impact Study to the City for this development. The developer shall be responsible for cost and construction of all mitigation identified through the analysis. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation Department.
6. The developer shall construct all streets within and adjacent to the development 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.

7. The developer shall construct a bus stop pad along northbound 7th Street. The Bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet and shall be located from the intersection of Colter Street according to City of Phoenix Standard Detail P1258.
8. 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.
9. 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.
10. Pedestrian access gates shall be provided in patio walls at the ground floor units fronting a public sidewalk and pedestrian pathways shall be provided to connect to the ground floor units to the sidewalk, as approved by the Planning and Development Department.

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 2nd day of November, 2022.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (2 Pages)
B – Ordinance Location Map (1 Page)

EXHIBIT A

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

THE WEST 337 FEET OF THE SOUTH ONE-HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE SOUTH 105 FEET OF THE WEST 221 FEET; AND

EXCEPT THE SOUTH 30 FEET THEREOF; AND

EXCEPT THE WEST 40 FEET THEREOF; AND

EXCEPT ALL COAL, ASPHALTUM, OIL, GASES, FERTILIZERS, FOSSILS AND OTHER LIKE SUBSTANCES IN OR UNDER SAID LAND AS RESERVED UNTO THE STATE OF ARIZONA IN THE PATENT TO SAID LAND.

PARCEL NO: 2:

THE SOUTH 105 FEET OF THE WEST 221 FEET OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE SOUTH 30 FEET THEREOF; AND

EXCEPT THE WEST 40 FEET THEREOF; AND

EXCEPT ANY PORTION LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY:

THAT PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, DISTANT 33 FEET EAST OF THE SOUTHWEST CORNER THEREOF;

THENCE NORTH, PARALLEL TO AND 33 FEET EAST OF THE WEST LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TO A POINT ON THE NORTH LINE THEREOF;

THENCE EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, A DISTANCE OF 7 FEET;

THENCE SOUTH, PARALLEL TO AND 40 FEET EAST OF THE WEST LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TO A POINT WHICH IS 45 FEET NORTH OF THE SOUTH LINE THEREOF;

THENCE SOUTHEASTERLY TO A POINT WHICH IS 30 FEET NORTH AND 55 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16;

THENCE EAST, PARALLEL TO AND 30 FEET NORTH OF THE SOUTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TO A POINT WHICH IS 30 FEET NORTH AND 25 FEET WEST OF THE SOUTHEAST QUARTER THEREOF;

THENCE NORTH, PARALLEL TO AND 25 FEET WEST OF THE EAST LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16 TO A POINT ON THE NORTH LINE THEREOF;

THENCE EAST, ALONG THE EAST LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16 TO THE SOUTHEAST CORNER THEREOF;

THENCE WEST, ALONG THE SOUTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TO THE POINT OF BEGINNING;

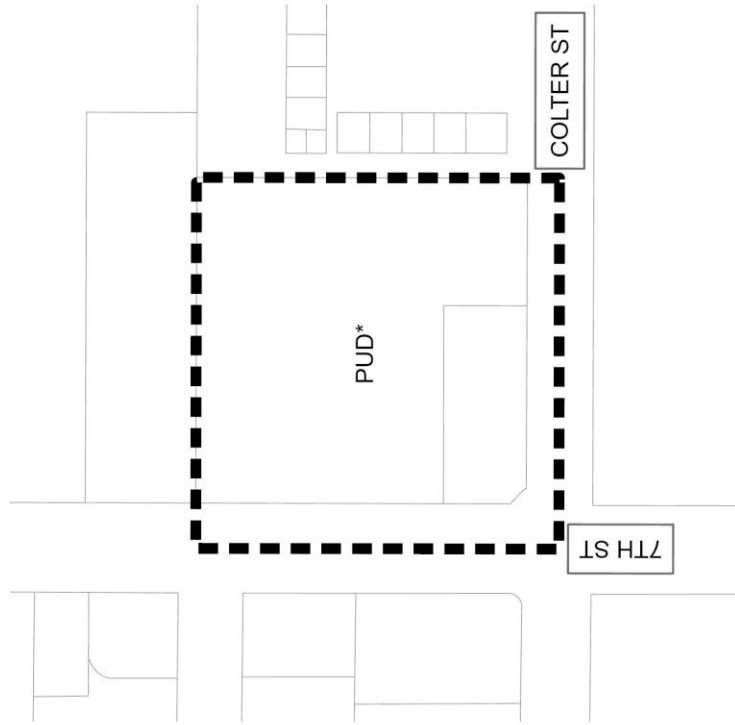
EXCEPT ALL COAL, ASPHALTUM, OIL, GASES, FERTILIZERS, FOSSILS AND OTHER LIKE SUBSTANCES IN OR UNDER SAID LAND AS RESERVED UNTO THE STATE OF ARIZONA IN THE PATENT TO SAID LAND.

ORDINANCE LOCATION MAP

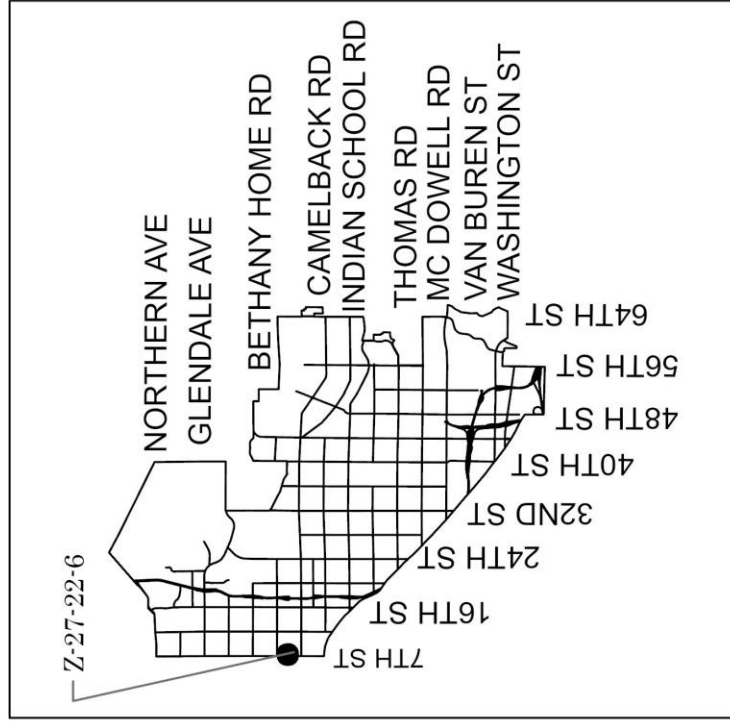
EXHIBIT B

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

Zoning Case Number: Z-27-22-6
Zoning Overlay: N/A
Planning Village: Camelback East



NOT TO SCALE



Drawn Date: 10/4/2022

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Village Planning Committee Meeting Summary

Z-27-22-6

INFORMATION ONLY

Date of VPC Meeting	June 7, 2022
Request From	C-2
Request To	PUD
Proposed Use	Multifamily residential
Location	Northeast corner of 7th Street and Colter Street

VPC DISCUSSION:

Committee Members Jerryd Bayless, Greg Abbott, and Craig Tribken joined the meeting during this item, bringing the quorum to 15 members.

Chair Jay Swart shared that he met with a neighborhood group regarding this request for over two hours, it was a productive meeting, and that he formally requested a copy of the traffic study from Mr. Wood. Chair Swart added that the item would return for recommendation no earlier than September and requested from staff that this item be the only item on the agenda to allow sufficient time for public speakers. Chair Swart also asked Mr. Wood to meet with concerned neighborhood groups often and if possible, in person. Chair Swart also asked staff to get more information on when Village Planning Committee meeting will be held in person. Chair Swart reiterated that this item is being heard for information only, the committee will not be voting on the item at this time and introduced the case.

APPLICANT PRESENTATION:

Nick Wood, representing the applicant with Snell & Wilmer, introduced himself on behalf of the developer, ZOM. Mr. Wood confirmed that this item was set to be presented for action no earlier than the September meeting and that there would be several neighborhood meetings before then, per a conversation with Chair Swart. Mr. Wood displayed an aerial image of the site and discussed its surrounding context and uses, including a unique traffic barrier on Colter Street and photos of the site. Mr. Wood then shared the project's conceptual site plan, development standards table, and conceptual landscape plan, which included a discussion of proposed parking as it relates to the unit mix. Mr. Wood next displayed renderings to discuss landscaping, architectural features, and amenities.

QUESTIONS FROM THE COMMITTEE:

Craig Tribken shared that he was familiar with the site and its current use and that the unique traffic blocking measures on Colter Street minimizes cut-through traffic in Windsor Square.

PUBLIC COMMENTS:

Mike Freret introduced himself as the Vice President of the Windsor Square Historic District. Mr. Freret shared the boundaries of the district, which is directly to west of the subject site, across 7th Street. Mr. Freret gave a brief history of the historic district. Mr. Freret stated that the project is inappropriately dense given its proximity to the historic district, citing concerns for traffic on 7th Street. Mr. Freret stated that Windsor Square is not anti-development, adding that they have worked with developers in the past to design projects that exist in balance with the surrounding neighborhood.

Susan Rhoads introduced herself as a resident of Windsor Square since 2014 whose home backs up to 7th Street south of Colter Street. Ms. Rhoads shared concerns about the proposed development blocking views of Piestewa Peak, increased traffic and cut-through traffic in the neighborhood, privacy concerns with patios facing 7th Street and concluded that she believes the site's current zoning designation of C-2 to be appropriate.

Larry Whitesell introduced himself as a nearby resident, residing on 20th Street. Mr. Whitesell shared that he does not agree with the project's development standards as it relates to the Walkable Urban Code, as Walkable Urban Code applicability is only along existing and proposed light rail lines. Mr. Whitesell also shared concerns about adequate guest parking and parking along Colter Street.

Mary Crozier introduced herself as the President of the North Central Phoenix Homeowners' Association. Ms. Crozier asserted that communication from the developer has not been timely, citing a recent project on 7th Street and Marlette where neighbors were excluded from the conversation, and on the other end of the spectrum, the project at 5727 N. 7th Street where the applicant began their community engagement two years before filing their rezoning application. Ms. Crozier added that the project as proposed does not create a superior product, and that they look forward to continuing to work with the applicant collaboratively on this proposal.

Sandy Grunow shared that Mary Crozier's statement covered her comments.

APPLICANT RESPONSE:

Mr. Wood prefaced his rebuttal with a discussion of the current housing shortage due to an influx of population to the Phoenix metro area. Mr. Wood stated that it is important to provide new residents with housing closer to the amenities of the city center rather than responding to this crisis by furthering urban sprawl. Mr. Wood claimed that this project's location is appropriate being adjacent to a major arterial. Mr. Wood addressed the prior comments stating that a PUD was necessary given the desired height and density, the project will generate significantly less traffic than nearby projects due to its relatively lower density, and the agreement to push the action item to September will give

community members and the applicant additional time to collaborate. Mr. Wood concluded his response by comparing the proposal with the densities and intensities of several recent developments in the project's vicinity.

FLOOR/PUBLIC DISCUSSION CLOSED: COMMITTEE DISCUSSION:

None.

Staff Report: Z-27-22-6

September 2, 2022

[Camelback East Village Planning Committee](#) Meeting Date

September 6, 2022

[Planning Commission](#) Hearing Date

October 6, 2022

Request From:

[C-2](#) (Intermediate Commercial) (2.55 acres)

Request To:

[PUD](#) (Planned Unit Development) (2.55 acres)

Proposed Use

Multifamily residential

Location

Northeast corner of 7th Street and Colter Street

Owner

7th & Colter, LLC

Applicant

ZOM Living

Representative

Nick Wood, Esq., Snell & Wilmer, LLP

Staff Recommendation

Approval, subject to stipulations

General Plan Conformity			
<u>General Plan Land Use Map Designation</u>		Commercial	
<u>Street Map Classification</u>	7th Street	Major Arterial Street	40-foot east half street
	Colter Street	Local Street	30-foot north half street
<p>CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Promote and encourage compatible development and redevelopment with a mix of housing types in neighborhoods close to employment centers, commercial areas, and where transit or transportation alternatives exist.</p> <p>The proposed development will provide multifamily residential uses along a major arterial street along a bus route and within proximity to employment and commercial areas.</p>			
<p>CONNECT PEOPLE AND PLACES CORE VALUE; COMPLETE STREETS; DESIGN PRINCIPLE: Plan and design communities and neighborhoods to be pedestrian friendly and walkable.</p>			

The proposed PUD narrative incorporates numerous streetscape and design standards to promote a pedestrian-friendly environment along adjacent street frontages.

CONNECT PEOPLE AND PLACES CORE VALUE; BICYCLES; DESIGN PRINCIPLE: Development should include convenient bicycle parking.

The proposed PUD narrative requires that secured bicycle parking spaces be provided for residents, in addition to a bicycle amenity such as a bicycle “fix-it” station. The project will support tenants and visitors who use all modes of transportation and is located along a current bicycle and pedestrian improvement project corridor on Colter Street.

BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

The proposed development will provide trees and shade within the site and along adjacent street frontages which will reduce the urban heat island effect while also improving thermal comfort to site users and the surrounding neighborhood.

Applicable Plan, Overlays, and Initiatives

[Housing Phoenix Plan](#) – See Background Item No. 9.

[Tree and Shade Master Plan](#) – See Background Item No. 10.

[Complete Streets Guiding Principles](#) – See Background Item No. 11.

[Comprehensive Bicycle Master Plan](#) – See Background Item No. 12.

[Zero Waste PHX](#) – See Background Item No. 13.

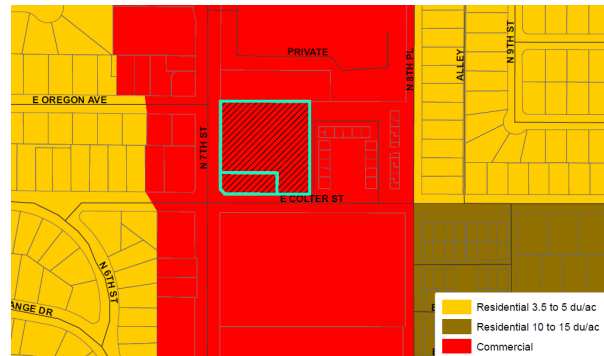
Surrounding Land Uses/Zoning

	<u>Land Use</u>	<u>Zoning</u>
On Site	School	C-2
North	Office	C-2
South (across Colter Road)	Multifamily residential	C-2
East	Condominiums	R-4
West (Across 7th Street)	Commercial uses	C-2

Background/Issues/Analysis

SUBJECT SITE

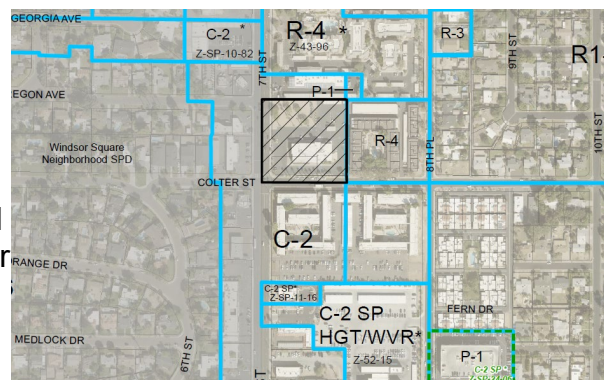
1. This request is to rezone a 2.55-acre site located on the northeast corner of 7th Street and Colter Street from C-2 (Intermediate Commercial) to PUD (Planned Unit Development) to allow multifamily residential. The site contains a two-story building currently used as a charter school. The site fronts 7th Street, a major arterial, and is located along a current bicycle and pedestrian improvement project corridor on Colter Street.
2. The General Plan Land Use Map designation for the subject site is Commercial. The Commercial land use category accommodates office, retail, service and multifamily development at varying scales and intensity of uses. This request is consistent with that designation. The Land Use Map designations to the north, east, south, and west of the subject site are Commercial.



General Plan Land Use Map
Source: City of Phoenix Planning and Development Department

EXISTING CONDITIONS & SURROUNDING ZONING

3. The site is zoned C-2 (Intermediate Commercial) and is currently being used for a charter school. The subject site fronts an existing bus stop on 7th Street and a planned bicycle corridor on Colter Street. The Colter Street Pedestrian and Bicycle Improvement project has a stated goal to improve the safety and mobility for people walking and riding bicycles on Colter Street between 15th Avenue and 20th Street. The subject site is located within Phase II of that project plan, which proposes a bicycle/pedestrian HAWK signal at the intersection of 7th Street and Colter Street.



Zoning Map, Source: City of Phoenix Planning and Development Department

To the north is an office building zoned C-2. To the south, across Colter Street, is a multifamily residential community zoned C-2. Across 7th Street are various

commercial uses such as office, retail and a hair salon, also zoned C-2. To the west are condominiums, zoned R-4 (Multifamily Residential District).

The nearest single-family residential subdivision located to the east, across 8th Place, is approximately 360 feet from the subject site. The nearest single-family residential subdivision located to the west, across 7th Street, is approximately 225 feet from the subject site and is behind C-2-zoned commercial uses.

The proposal is consistent with the uses in the surrounding area and with the scale, character, and intensity of previously approved PUDs near the subject site.

Name of PUD	Location	Distance from subject site	Height	Density
Zola North Central	Northeast corner of 7th St and Colter Street	n/a	60 feet	78.50 du/ac, 200 unit max
Broadstone on 7th	Approximately 180 feet south of the southeast corner of 7th Street and Palo Verde Lane	0.5 miles	56 feet	80.5 du/ac
Alta Marlette	Approximately 165 feet east of the northeast corner of 7th Street and Marlette Avenue	1 mile	35-feet maximum height for 3 stories 45-feet maximum for 4 stories 48-feet maximum height of internalized parking structure	58.24 du/ac, 229 unit max
Willowick	Southwest corner of 16th Street and Colter Street	1 mile	65 feet	68.7 du/ac
Alta CB (Camelback)	Approximately 190 feet of the southeast corner of 7th Street and Camelback Road	0.3 miles	4 stories, 60 feet	75 du/ac
Alta Bluewater	Approximately 440 feet west of the northwest corner of 18th Street and Camelback Road	1.15 miles	56 feet	64.28 du/ac, 216 unit max

PROPOSAL

- The proposal was developed utilizing the PUD zoning district. The Planned Unit Development (PUD) is intended to create a built environment that is superior to that produced by conventional zoning districts and design guidelines. Using a collaborative and comprehensive approach, an applicant authors and proposes standards and guidelines that are tailored to the context of a site on a case by case basis. Where the PUD Development Narrative is silent on a requirement, the applicable Zoning Ordinance provisions will be applied.

5. **Land Use**

The PUD proposes a multifamily residential development. The PUD allows for multifamily residential and C-2 commercial uses. The narrative does prohibit certain C-2 uses such as gas stations, tobacco-oriented retailers, and car washes.

6. **Development Standards**

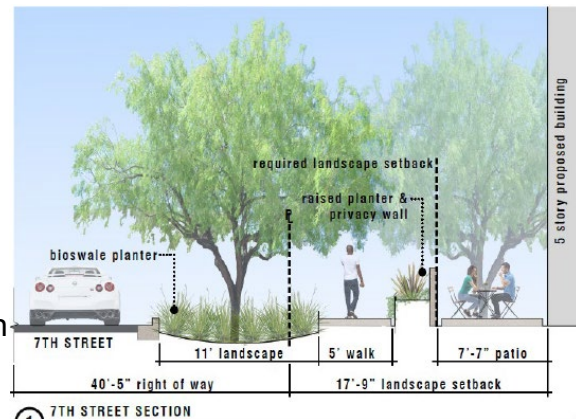
The PUD proposes a multifamily residential building with a maximum building height of 60 feet and a maximum of 200 dwelling units. A minimum of 7% of the gross site area will be open space, which is more than the minimum open space requirements for multifamily residential uses in the Phoenix Zoning Ordinance. Parking for residents and guests will be provided on site in a parking structure, which will be primarily screened by the residential building. The PUD also includes screening standards for the garage when visible from the street.



Conceptual Site Plan, Source: LRK Inc.

Enhanced bicycle amenities will be provided on site, such as secure bicycle parking and a publicly-accessible bicycle feature, such as a “fix it” station.

The project site has two street frontages along its western and southern perimeters. The PUD proposes pedestrian-friendly design standards such as ground-floor residential units fronting the adjacent streets, shaded detached sidewalks along both street frontages and landscaped setbacks with enhanced shading standards. The proposed streetscape is in line with required cross section, and provides a safe, shaded and well-designed space for pedestrians and bus riders.



Proposed Cross Section, Source: PUD Narrative

Stipulation No. 2 requires that traffic calming be provided to slow vehicle traffic exiting the property with specific regard to pedestrian safety on the public sidewalk. Further, Stipulation No. 4 requires that the developer fully fund a traffic control device at the intersection of 7th Street and Colter Street, which will allow for safe pedestrian and bicycle crossings.

The applicant originally proposed a reduction in the parking requirement for the multifamily residential development, to allow 239 parking spaces. In response to community concerns, the applicant has updated the parking requirement to the Phoenix Zoning Ordinance standards, to provide 287 parking spaces. Ten percent of the parking will be reserved for visitors. These changes are reflected in Stipulation Nos. 1b and 1c.

Below is a summary of the key development standards set forth in the narrative.

Development Standards	
Standard	Proposed
<i>Density</i>	78.50 dwelling units per acre, 200 units max
<i>Building Height</i>	60 feet maximum
<i>Open Space</i>	7% minimum
<i>Lot Coverage</i>	80% maximum
<i>Building and Landscape Setbacks</i>	
North (Interior Lot Line)	Minimum 5 feet
East (Interior Lot Line)	Minimum 10 feet
South (Colter Street)	Minimum 10 feet
West (7th Street)	Minimum 15 feet
<i>Streetscape Standards</i>	
7th Street	Sidewalk width: 5 feet Landscape Area: 11 feet between back of curb and sidewalk
Colter Street	Sidewalk width: 5 feet Landscape Area: 4'-6" feet between back of curb and sidewalk

7. **Landscape Standards**

The PUD sets forth standards to activate two street frontages (7th Street and Colter Street) with pedestrian-oriented design and street-facing residential units. It also sets forth requirements to maximize the landscaping along these street frontages.

The landscape area between the back of curb and sidewalk and the building setbacks will be planted with minimum 2-inch and 3-inch caliper trees, planted 25 feet on center or in equivalent groupings. Additionally, five shrubs per tree will be provided, and live groundcover to provide 50% groundcover at maturity.

Furthermore, perimeter property lines not adjacent to public right-of-way shall be landscaped with minimum 60% 2-inch and 40% 3-inch caliper trees planted 30 feet on center or in equivalent groupings, in addition to five shrubs per tree and achieve 50% groundcover at maturity.

8. **Design Guidelines**

The PUD proposes enhanced design guidelines to prioritize the pedestrian and to ensure the building is compatible with the surrounding area. The PUD sets forth requirements for ground floor units with private patio spaces to activate the street frontage and requires an art element visible from the public right-of-way. The northwest and southwest corners will incorporate different colors and building materials to enhance visual interest. Further, to break up the massing of the west elevation, a projecting shade element will be provided up to the third floor.



Site Rendering, Source: PUD Narrative

AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

9. **Housing Phoenix Plan**

In June 2020, the Phoenix City Council approved the Housing Phoenix Plan. This Plan contains policy initiatives for the development and preservation of housing with a vision of creating a stronger and more vibrant Phoenix through increased housing options for residents at all income levels and family sizes. Phoenix's rapid population growth and housing underproduction has led to a need for over 163,000 new housing units. Current shortages of housing supply relative to demand are a primary reason why housing costs are increasing. The proposed development supports the Plan's goal of preserving or creating 50,000 housing units by 2030.

10. **Tree and Shade Master Plan**

The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the city's planning and development process. By investing in trees and the urban forest, the city can reduce its carbon footprint, decrease energy costs, reduce storm water runoff, increase biodiversity, address the urban heat island effect, clean the air, and increase property values. In addition, trees can help to create walkable streets and

vibrant pedestrian places. The PUD includes enhanced shading standards to reduce the urban heat island effect.

11. **Complete Streets Guiding Principles**

In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. The development will activate the street frontages, provide detached sidewalks and provide enhanced landscaping and shade along the sidewalks.

12. **Comprehensive Bicycle Master Plan**

The City of Phoenix adopted the Comprehensive Bicycle Master Plan in 2014 to guide the development of its bikeway system and supportive infrastructure. The Comprehensive Bicycle Master Plan supports options for both short- and long-term bicycle parking as a means of promoting bicyclist traffic to a variety of destinations. The proposal incorporates requirements for bicycle parking and amenities to encourage multi-modal transportation.

13. **Zero Waste PHX**

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and expand its recycling and other waste diversion programs. Section 716 of the Phoenix Zoning Ordinance establishes standards to encourage the provision of recycling containers for multifamily, commercial and mixed-use developments meeting certain criteria. The PUD narrative states that recycling containers will be provided on site.

COMMUNITY INPUT SUMMARY

14. At the time this staff report was written, 1 letter in support and 72 letters of opposition have been received, including a petition of opposition with 181 signatures. Concerns shared were regarding density, height, traffic, safety and neighborhood compatibility.

INTERDEPARTMENTAL COMMENTS

15. The Public Transit Department has requested that the developer construct a bus stop pad on 7th Street. This is addressed in Stipulation No. 7.
16. The Street Transportation Department has required that the developer dedicate a sidewalk easement on 7th Street, submit a traffic impact study, fully fund a traffic device at the intersection of 7th Street and Colter Street, and that all streets be constructed with required improvements and comply with current ADA standards. These are addressed in Stipulation Nos. 3 through 6.

OTHER

17. The site has not been identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, all ground disturbing activities must cease within 33-feet of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation 8.
18. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to preliminary site plan approval. This is addressed in Stipulation No. 9.
19. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

Findings

1. The project site is appropriately located along an arterial street, a planned bicycle corridor, a bus route and adjacent to a bus stop.
2. The proposal will develop an underutilized site and provide additional housing options within proximity to commercial and employment uses.
3. The proposal is consistent with the General Plan Land Use Map designation and is compatible in intensity and scale with recently approved projects near the subject site.
4. The proposed PUD sets forth design and development standards that will facilitate pedestrian-oriented design and promote a safer walking and bicycling environment.

Stipulations

1. An updated Development Narrative for the Zola North Central PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped August 26, 2022, as modified by the following stipulations:
 - a. Front cover: Revise the date information on the cover page to the following:

City Council Adopted: [Add Adoption Date]

- b. Page 11, D3: Parking, Section A. Vehicular standards: Update Item 1. Resident and Visitor Parking (Minimum) to Efficiency Units: 1.3 spaces per dwelling unit, 1-Bedroom Units: 1.5 spaces per dwelling unit, 2-Bedroom Units: 1.5 spaces per dwelling unit.
 - c. Page 11, D3: Parking, Section A. Vehicular standards: Add a sentence that reads "A minimum of 10% of the required parking spaces shall be utilized for visitor parking purposes."
2. The developer shall provide traffic calming to slow vehicle traffic exiting the property with specific regard to pedestrian safety on the public sidewalk, as approved by the Planning and Development Department.
 3. The developer shall dedicate a minimum 10-foot-wide sidewalk easement and construct the east side of 7th Street, as approved by the Planning and Development Department.
 4. The developer shall fully fund a traffic control device at the intersection of 7th Street and Colter Street, as determined and approved by the Street Transportation Department.
 5. The applicant shall submit a Traffic Impact Study to the City for this development. The developer shall be responsible for cost and construction of all mitigation identified through the analysis. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation Department.
 6. The developer shall construct all streets within and adjacent to the development 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.
 7. The developer shall construct a bus stop pad along northbound 7th Street. The Bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet and shall be located from the intersection of Colter Street according to City of Phoenix Standard Detail P1258.
 8. 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.

9. 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.

Writer

Sarah Stockham
September 2, 2022

Team Leader

Racelle Escolar

Exhibits

Sketch Map

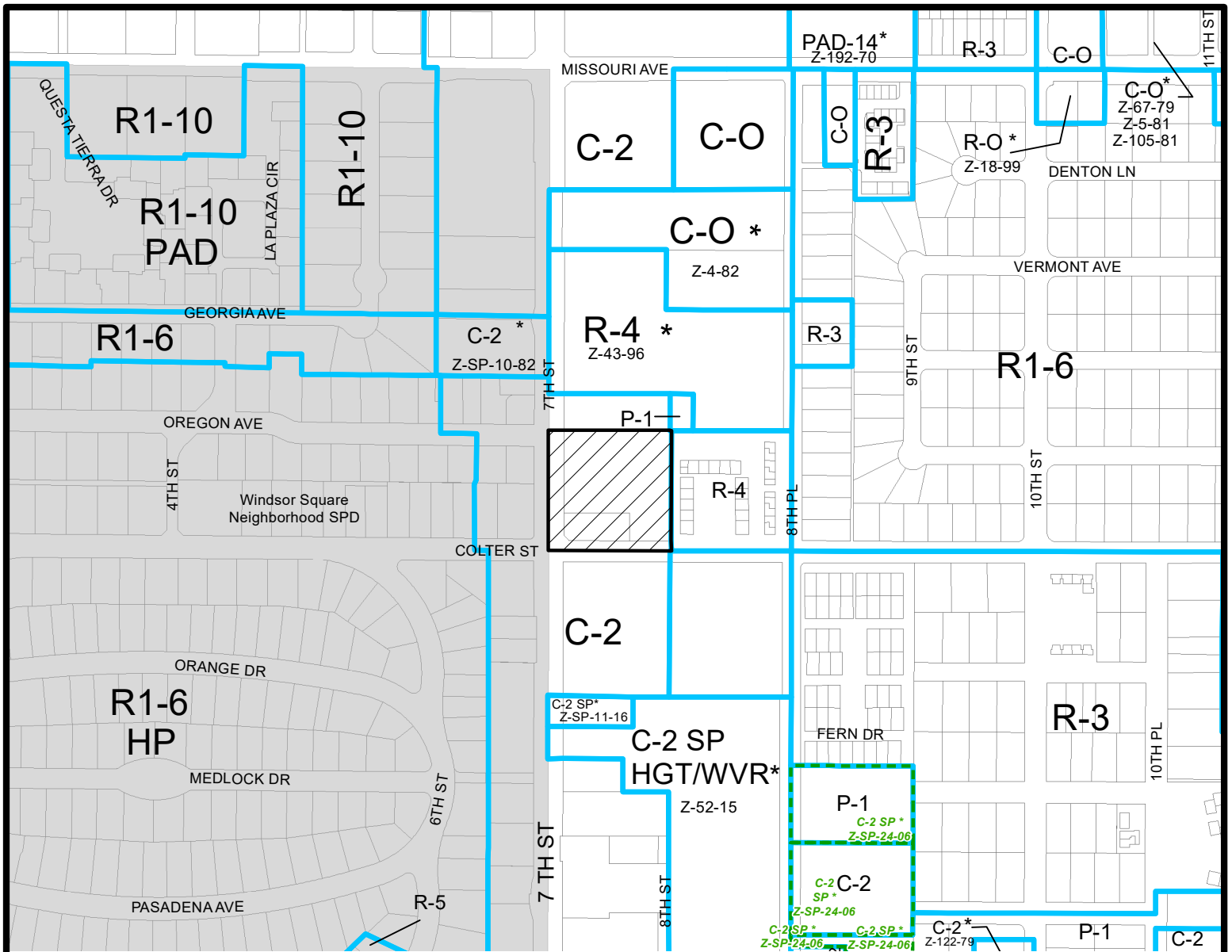
Aerial Map

Conceptual Site Plan date stamped July 26, 2022

Conceptual Elevations date stamped July 26, 2022 (2 pages)

[Zola North Central PUD](#) development narrative date stamped August 26, 2022

Correspondence (101 pages)



Miles

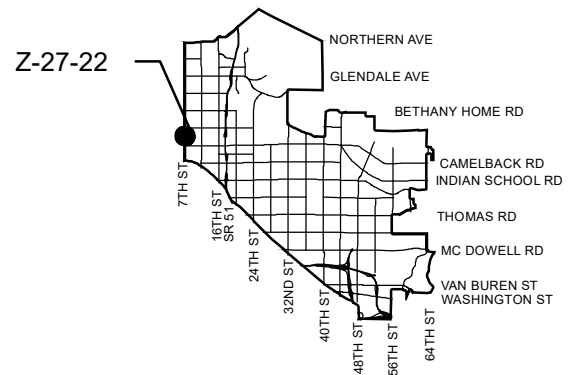
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CAMELBACK EAST VILLAGE

CITY COUNCIL DISTRICT: 6

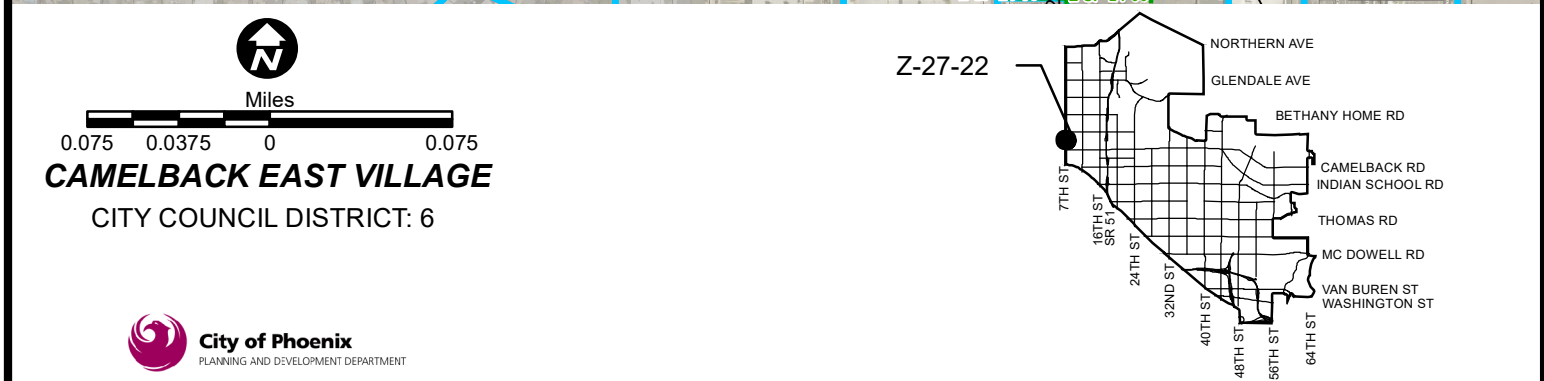


City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT



APPLICANT'S NAME: ZOM Living		REQUESTED CHANGE:	
APPLICATION NO. Z-27-22	DATE: 5/12/2022 REVISION DATES:	FROM: C-2 (2.55 a.c.)	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 2.55 Acres	AERIAL PHOTO & QUARTER SEC. NO. QS 19-29	ZONING MAP H-8	TO: PUD (2.55 a.c.)
MULTIPLES PERMITTED C-2 PUD	CONVENTIONAL OPTION 37 200		* UNITS P.R.D. OPTION 44 N/A

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



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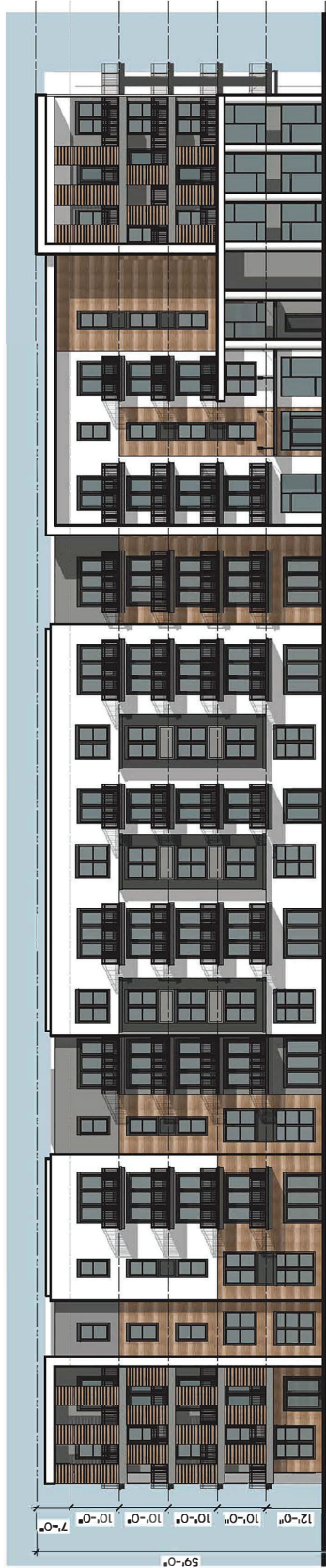


ZOM 7th St and E Colter
Phoenix, AZ | 02.P6150.22 | 03.10.22
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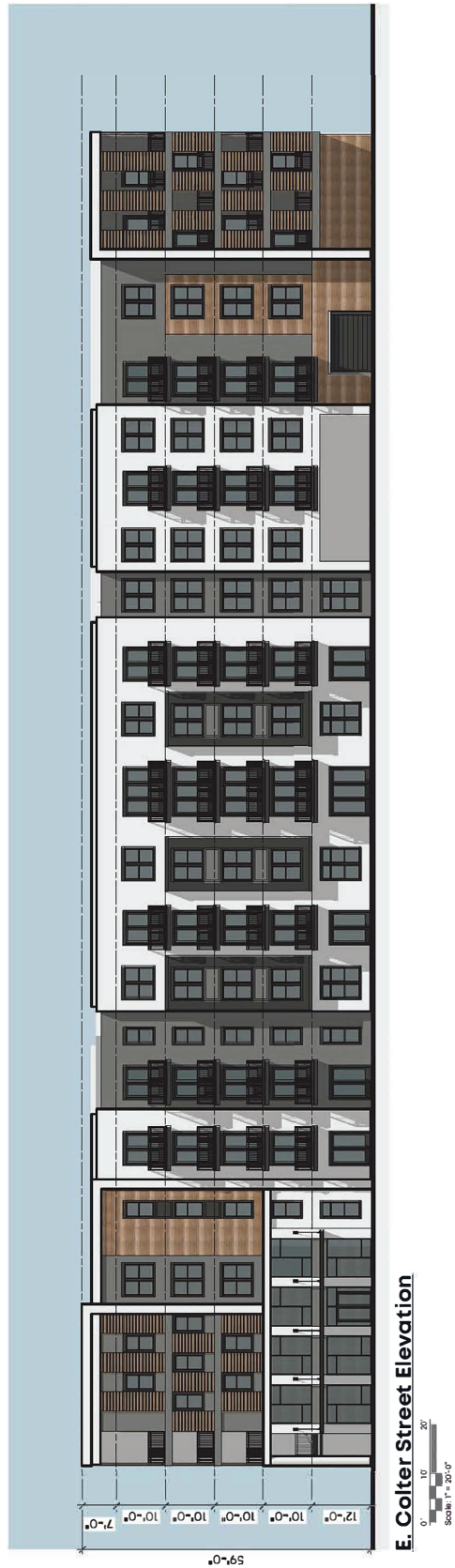


Site Plan





N. 7th Street Elevation



E. Colter Street Elevation

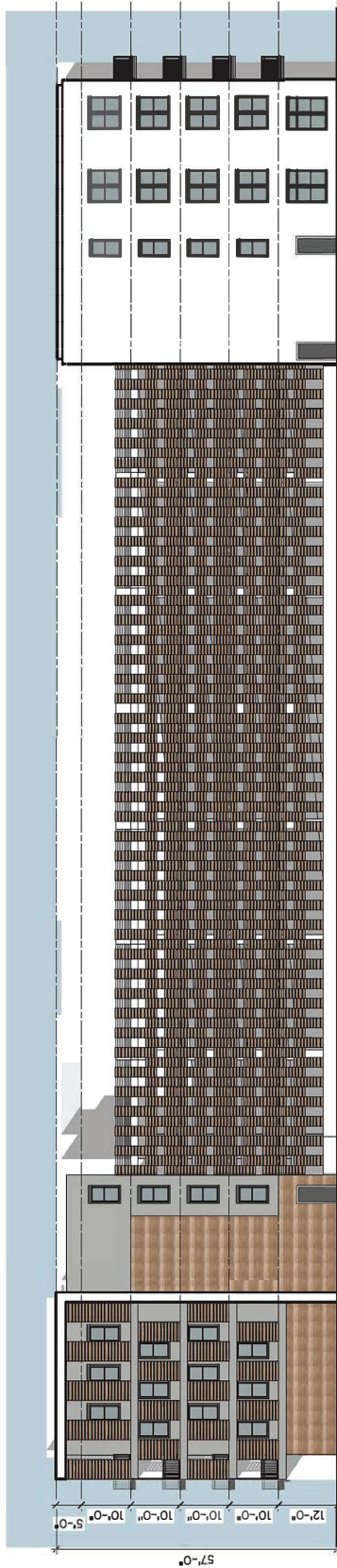


ZOM 7th St and E Colter
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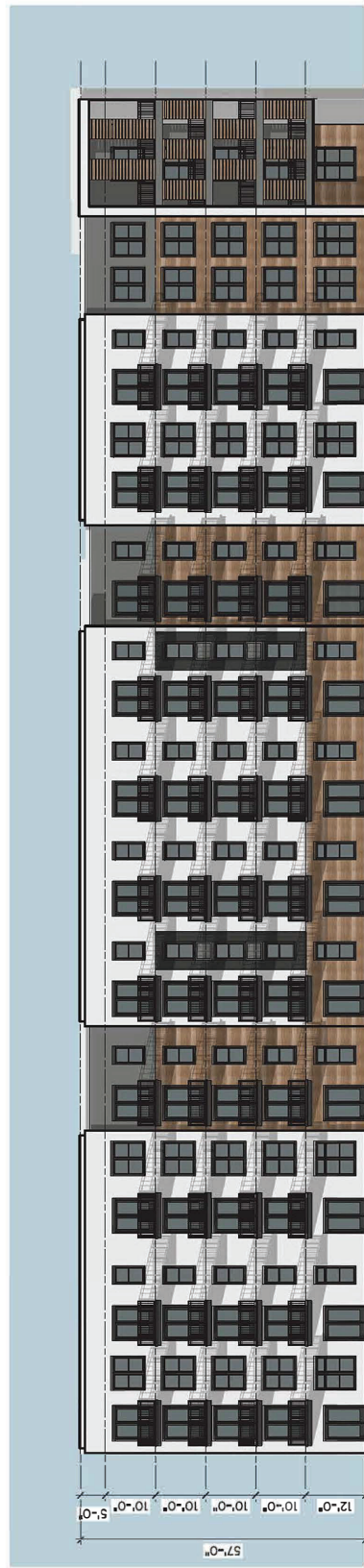
Elevations



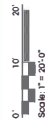


East Elevation

Page 374



North Elevation



LRK
ZOM 7th St and E Colter
Phoenix, AZ | 02.P6150.22 | 03.10.22
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Elevations



From: [Bill Saul](#)
To: [Sarah Stockham](#)
Subject: Zola North Central MF
Date: Wednesday, May 11, 2022 6:18:52 PM

Sarah

I am in support of this project for the following reasons:

1. Based on my research on the Developer, they have a proven track record of efficient and effective urban design, quality construction, and environmentally sensitive method for energy saving engineering.
2. I live and work in the neighbor. My home is in The Windsor Square Historic neighborhood.
3. There is a ever present need for a increasing more housing throughout the US, more importantly right here in Phoenix, AZ.
4. Since, we should encourage development on major arterial roads close to additional highway feeders(ie) The 51 Highway.
5. Phoenix and AZ has the opportunity to learn from many mistakes of other states and cities in major growth area in the Western part of the country.
6. I'm concerned for AZ based on some new legislation happening in other parts of the country which propose having more opportunities to build MF in neighbor's and not major traffic roads for business and business. Please take the time to read and review the introduced House Bill 2674. This is not good for us the neighbors. I encourage a positive Compromise.

Best regards.

Bill Saul

From: [Jerrye \(Jeraldine\) Cole, A sBR, GRI](#)
To: [Sarah Stockham](#)
Subject: Property NE corner of 7th Street and Colter St., Phoenix
Date: Saturday, May 28, 2022 10:58:54 AM

I am concerned about the proposed 200-apartment building on the NE corner of Colter St and 7th St. This appears to be very tight space for 200 units with little space for outdoor activity. More importantly this area is already congested with on-street parking on Colter Street and on 8th Place. If I counted correctly the plan propose 54 parking spaces on 4 levels for a total of 216 That is hardly more than 1 space per unit, or 1 space per unit and 16 spaces for guests. This area already has heavy (and fast) traffic. While I approve of a transition to more pedestrian-movement, I don't believe we are ready for such tight habitats with little space and still limited retail and service businesses close-by. I live just north of this proposed apartment building and walk the area each morning. I fear this will infringe upon my movement and safety in the area; I am a 79-year-old citizen of Phoenix and moved from Moon Valley to be able to remain independent should I become unable to drive. I support less dependence on personal vehicles but don't believe we can safely accommodate this many units on such a small parcel..

Jeraldine Cole
5303 N 7th St. #124
Phoenix, AZ 85014
jerryeco@aol.com
(602)743-7276 Cell

From: [Sue Rhoads](#)
To: [Sarah Stockham](#)
Subject: Additional Comments re: Zola Z-27-22-6
Date: Friday, June 3, 2022 8:37:45 AM

Zola Z-27-22-6-Rezoning from C-2 to PUD: I wish to join the Windsor Square **opposition to this 5 story, balconies along 7th Street, enhancement to the traffic issues of 7th Street and of uncontrolled drive through traffic on Colter from 7th Street to Central.**

1. Rezoning from C-2 to PUD WILL NOT benefit the neighboring residential properties in any way and in fact will be detrimental to the value of the residential property at the East and West of this proposed project.

2, The increase from 2 to 5 stories will increase the view and presence of this property as an **eye sore** including cluttered patios, for lease banners, and street parking.

3. Per this developer's admission during the 5/11/2022 Neighborhood Meeting, they can not control **additional traffic issues** impacting Windsor Square and the neighborhood to the East as a result of this high density development. Their comment was that they "can not control bad behavior" of apartment residence cutting through Windsor Square (a do not enter Colter St issue).

4. 7th Street traffic prior to and will again be soon after COVID is already a **traffic nightmare** coming from the north valley. Vehicles pulling out of this projected high density project going south will **increase accidents** as a result of the suicide lane during rush hours.

5. The parking garage allows for 1.31 per unit parking. That means the overage will end up on the streets where 3 other apartment complexes in the area share---and the overage from the east side of Colter could in fact end up in the Windsor Square area. **This high density project will create a parking nightmare.**

6. Balconies overlooking 7th Street is an absolute safety issue. The average net square footage of 794 means the patios can be used as storage space, not to mention the noise that will project to Windsor Square. I would think the city would be concerned with the potential of debris being hurled on to 7th Street traffic by children or even adults displaying "bad behavior". The property south of Camelback does not have balconies along 7th Street for a good reason.

Rezoning this property from C-2 to PUD is a big mistake!! Wrong density project for this corner-KEEP THE CURRENT ZONING!!

Sue Rhoads

5129 N. 6th Street (view of this project)

(602) 531-1066

From: [dwlaw](#)
To: [Council District 4; Sarah Stockham](#)
Cc: [nwood@swlaw.com; Tom Hilditch](#)
Subject: Rezoning Case #Z-27-22-6
Date: Friday, June 3, 2022 9:52:13 AM

Dear Councilwoman Pastor and Ms. Stockham (on behalf of the Camelback East Village Planning Committee):

I respond to the mailed notice of the North Central Zola Zoning Application (NE corner of E. Colter St. and N. 7th St.) and would like to register my opposition to the request for rezoning as a PUD. I reside approximately 2 blocks away as the bird flies, in the Windsor Square Historic District. This site's existing zoning has been effective, the site has been well-used and fits well within the N. 7th Street Corridor adjacent to the Windsor Square Historic District. Prior to this application, the City has consistently kept buildings exceeding the existing C-2 zoning height to areas **south** of Camelback Road, and focused along the North Central and the Light Rail, TOD corridor. This applicant has stated no reasons to justify its need for a zoning change to PUD.

The City's PUD process states the PUD "zoning designation [is] intended to create a built environment superior to that which is accomplished through conventional zoning." The proposed application does not create superior zoning and therefore should be denied.

The applicant states that "new retail and restaurant uses in the area" make its 5-story proposal attractive for the neighborhood. Contrary to the applicant's statement, "the availability of housing has remained relatively limited" is untruthful. The local businesses are thriving in the current state, albeit dealing with serious traffic and parking problems. The existing area is surrounded by multi-family. I invite you to drive up and down West Camelback, just south of East Camelback on N. 7th Street, on North Central, along the Light Rail corridor, the developments south of Camelback near N. 12th Street and near N. 24th Street. Many, many new multi-family sites with high density have recently been located or are being built in those more feasible areas.

Contrary to the applicant's assertion, the site is not "near" (or at least not "near" enough) the TOD zoned area to justify a drastic reduction in its parking spaces, setbacks, and its easement areas. Neighbors do not walk 9-10 long blocks to get to Light Rail Transit. The site design is not attractive, shows no height variations, shows no family or playground common areas for children.

Based on my many years serving on the Alhambra Village Planning committee, I understood that our N. 7th Street to N. 7th Avenue corridor already was experiencing serious adverse impacts on the infrastructure - neighborhood parks, roads, traffic, sewer lines, etc. There are plenty of empty lots in the "real TOD" zoned area where this applicant would fit. It simply did not want to pay the price for those already-zoned appropriate sites. This application on this site is not a good fit, let alone a superior fit as PUD intends.

Also, please consider, in addition to the far inadequate parking for the site:

- The heat island effect. See recent ABC15 news story about mitigating heat island effects: <https://www.abc15.com/weather/impact-earth/how-tempe-helps-cool-our-heat-island> [abc15.com] Has this applicant added to the severe heat of our area or done anything significant to mitigate the heat?
- Does the applicant provide noise mitigation from windows and balconies that face N. 7th Street? Our Windsor Square area has dealt with severe noise of outdoor dining and music that cause disturbances in our Historic District due to the air flow patterns. These impacts should be considered, especially if a 2, 3, or even 5 story height would make the sound travel farther. How will the noise impact the neighboring 1 and 2-story condos and apartments?
- Phoenix City Council is focused on reducing traffic accidents and deaths but this application would adversely impact traffic, traffic flow (entrance and exit) near one of the metro area's worst traffic intersections at N. 7th St. and E. Camelback Rd. See <https://www.12news.com/article/traffic/city-of-phoenix-takes-measures-to-make-valley-intersections-safer-after-startling-report/75-f9a4075e-760b-44ca-944b-13143d4eccf1> [12news.com]
- Maricopa Association of Governments listed the intersection at N. 7th St. and E. Camelback Rd. as the **21st worst intersection** in the area. https://www.azmag.gov/Portals/0/Documents/TSC_2017-04-18_List-of-Top-100-Intersections-Ranked-by-Crash-Risk.pdf?ver=2021-01-27-083723-227 [azmag.gov] Has the City performed a traffic and road study to assess the impacts of this number of additional residents and vehicles?
- Has this application made any efforts to provide increased access for electric vehicles, as expected in the near future? That is not shown in its application.
- With the severe lack of nearby neighborhood playgrounds and parks, has this applicant provided sufficient playground and family outdoor resources other than a small pool and commons area?
- Have the infrastructure needs been evaluated? Sewer, water, etc.

I hope you will act to deny this application as it is currently presented. Thank you for your consideration. Please contact me, if you have any question.

Suzanne Dohrer
346 E. Medlock Dr.
Phoenix, AZ 85012

From: [Larry Whitesell](#)
To: [Sarah Stockham](#)
Cc: [Mike Freret](#); [Sandy Gurnow](#); [Mary Crozier](#); [Jackie Rich](#); [Shelly Dunlop](#)
Subject: Submission for Camelback East VPC Meeting 7 June 2022
Date: Monday, June 6, 2022 11:58:36 AM
Attachments: [9 May Meeting Summary email to Snell & Wilmer.pdf](#)

Dear Chairman Swart and Camelback East VPC Committee -

Please consider the following items as you learn about the Zola North Central PUD, Item #3, Case ZA-27-22-6.

I was among a group of neighborhood leaders who met with the developer's legal team, I attended the virtual neighborhood meeting, and I reviewed all of the narratives submitted to the Zoning Department as well as feedback from the Zoning Department to the developer.

A multi-family development at the subject site is possible "by right" with the current C-2 zoning. However, the details are problematic of the proposed project using a PUD zoning designation.

First and foremost, the project as proposed is not supported by Zoning Department staff. The written documentation of the the pre-application meeting that took place on 1 February, 2022, states the following concerns:

- Not consistent with the General Plan Land Use Map designation
- Additional discussion needed regarding proposed height and density given the land use pattern and recent approvals in the surrounding area
- Additional discussion required regarding driveway configuration and circulation pattern
- Concerns regarding interface with 7th Street, proposed streetscape landscaping, and efforts to ensure viable landscaping standards along street facing perimeters

I am in agreement with each of these items. The developer has not made any revisions to the project subsequent to these concerns.

Attached is a summary of the meeting that several neighborhood leaders had with the legal team. These items remain to be addressed.

Hopefully you share our goal to ensure that any development on the subject site is compatible with the surrounding neighborhoods as well as providing the developer with a reasonable return on investment. We are committed to continuing good faith discussions with the developer and their legal team as this application continues through the hearing process.

Thank you for your careful consideration of the residents' input on this application.

Larry Whitesell, Co-chair
the PEAK NA
602-370-8453



Larry Whitesell <thepeakhomeassoc@gmail.com>

Re: Draft of email to Snell & Wilmer

Larry Whitesell <thepeakhomeassoc@gmail.com>
Draft

Fri, Jun 3, 2022 at 8:24 AM

Nick, Noel, and Tracey,

Thank you for meeting with us on Monday to discuss the proposed PUD at 7th Street and Colter (and the other zoning issues). Naturally, we would have liked to discuss this several months ago with you, but appreciated the opportunity to meet at Elly's. We have found great success and collaboration with developers when we are involved early on in the project's design.

In summary, we support appropriate development of this parcel. However, our concerns are the following:

1. Density, Height. This proposed apartment complex is very similar to one you would see downtown. North Central is a completely different neighborhood, as evidenced by the buildings along 7th Street. Lower profile heights, larger setbacks, dense foliage are the characteristics of our area. Having such a looming, boxy structure so close to 7th Ave. is clearly out of character. We understand the architect is from Louisiana and therefore, is probably unfamiliar with the open view corridors, agrarian nature of uptown Phoenix. The five stories is excessive when all the other apartments in the area are two stories. Currently under C-2 zoning, we believe the maximum height is 48'?
2. Setbacks and Landscaping. As we all agree, 7th Street is an unsafe, non-walkable area, which is unfortunate due to all the restaurants and amenities nearby. We would like to see dense planting and a wider detached sidewalk/landscaped area to put more distance between pedestrians and the speeding cars on 7th St. We are not supportive of 0 setbacks either.
3. Egress. There is concern with the only access point being on Colter. If you recall, we had the same arguments with the 7th St. and Marlette project, as the neighborhood predicted parking congestion on Marlette. The developer assured us that they had plenty of parking in the parking garage, however, today, the neighbors are faced with parking congestion on Marlette, creating dangerous driving issues. Hopefully, we can learn from these lessons as once the project is finished, the neighborhood is stuck with problems while everyone else is happily skipping to the bank. What are the options for egress on 7th St?
4. Heat Factor. Creating such a large project with little to no landscaping will definitely affect the heat in our neighborhood. We have one of the largest tree canopies in the City and have cooler temperatures as a result. What can be done to assure this project will be more environmentally compatible?
5. The location of the pool as proposed will be in shade all the time. Is it possible to put some of the amenities elsewhere to create more planted outdoor space?
6. We do not want WU Codes applied to this project, as this is not in a WU Code location.

As we mentioned at the meeting, we worked closely with Alliance at 5727 N. 7th Street. They increased the setbacks from 7th St, designed a 30 foot height along 7th St, and tapered down the east side of the structure to blend in with the adjacent neighbors. In addition, they put townhouses along the side road to minimize their impact. We would love to see some of those design elements incorporated into this proposed PUD.

PUDs should be superior projects and we hope that we can work with you and the developer to ensure this No. Central apartment complex is in keeping with the character and integrity of our neighborhood.

From: [Susan Groff](#)
To: [Sarah Stockham](#); [Council District 4](#)
Subject: Oppose #ZA-27-22-6
Date: Monday, June 6, 2022 10:37:54 AM

Dear Vice Mayor Laura Pastor and Ms. Sarah Stockham (on behalf of the Camelback East Village Planning Committee),

The City of Phoenix has established zoning standards compatible with the surrounding neighborhoods. Zola developers need to comply with the existing standards (C-2, R-3). Higher density runs counter to the goals of the Windsor Square Special Planning District (SPD) which is in closer proximity to this project than Transit Overlay Districts (TOD) 4 or 1. TOD 4 is one mile to the east at 16th St and the nearest light rail station at Camelback/ Central Ave is a 19-minute one-mile walk or .9 mi if residents cut through our neighborhood.

Traffic and Circulation

From 2016-2020, there were 171 crashes at 7th St and Camelback.

Students from the Humanities and Sciences High School at Colter and 7th St unsuccessfully petitioned the city for a pedestrian crossing signal. They stated that they felt unsafe crossing 7th St at Colter.

The developer requests parking reductions because transportation alternatives exist. It is unlikely that residents will walk 19 minutes to the light rail especially during our warmer months. There's no guarantee that they would use Uber and Lift. Crossing 7th St to get to the bus stop is difficult and dangerous.

Special Planning District Conservation Plan

Approving a 5-story building would create a precedent for taller buildings north of Camelback looming over single family homes and lower-height, lighter-density apartments.

It should come as no surprise that Windsor Square residents will consistently oppose zoning upgrades on its periphery. This is clearly stated in the Windsor Square Neighborhood Conservation Plan.

Sincerely,

Susan Groff

5105 N 6th St
Phoenix, AZ 85012

From: peggy.entofyuma.com
To: [Sarah Stockham](#)
Subject: Z-27-22 questions/comments
Date: Tuesday, June 7, 2022 4:57:03 PM

Hello Sarah,
We spoke yesterday about Camelback East Apartment.

Here is my take on the project give that I own two properties vey close to Colter/8th Place.
5321 N 8th Place
830 E Fern St S,

1. The density of the complex may put a severe strain on the schools in the district that are already over- crowded.

2.Taffic flow although estimated at 60% of vehicles leaving will go west on Colter is incorrect.
Who would pull through multiple lanes of traffic to turn left into it? Consider accident potential.

Did the engineer take into consideration the various traffic patterns which occur during rush hour on 7th St?

3. If traffic departing the complex turns east, to exit. then they must go down 8th Place south where there already is congestion due mostly to activity from auto dealerships. If traffic turns north on 8th Place heading toward Missouri, long line traffic jams are forseen, in my opinion. Traffic on 8th Place intersection at Missouri already uses the city streets for parking. The same holds true for the comple south of the proposed complex on Colter. The overflow parking frequently blocks the street now on Colter.

4,The small houses on Colter East of 8th Place are at risk for a much greater traffic experience. Most have small children that cannot help playing near the road. This is another reason for my request for less density and for some consideration for the safety and continuing good mental health, physical well being of neighbors.

Thank you for listening to these concerns of a property owner
Peggy Driscoll

JUN 13 2022

To: Phoenix City Councilwoman Laura Pastor
Sarah Stockham (Camelback East Village Planning Committee)

Planning & Development
Department

In regards to the rezoning proposal for the northeast corner of E. Colter Street and N. 7th Street (Zola North Central case No. z-27-22-6)

This is in response to the North Central Zola Zoning Application (NE corner of E. Colter St. and N. 7th St.). I would like to register my opposition to the request for rezoning from C2 to PUD. We attended in person the Windsor Square neighborhood board meeting of June 2, and remotely the Camelback East village meeting of June 7. Both meetings had extensive discussions regarding the proposed development and zoning change.

In 1988, my wife Sally and I purchased our home at 315 E. Medlock Drive, Phoenix, AZ, where we have lived since. This was shortly after Governor Symington had declared the Paradise Parkway “dead” and instructed ADOT to divest themselves of properties bought in anticipation of the Parkway’s construction. This was also before designation of the Windsor Square Historic District. When we bought the property, we anticipated that the neighborhood and surrounding amenities would improve, and that our investment would be safe from outside encroachment. In other words, we trusted the city to be conservative in its zoning, to reject inappropriate zoning change requests, and to sensibly direct development adjacent to existing residential neighborhoods. So far, the city has protected Windsor Square neighborhood from encroachment of inappropriate uses.

This site's existing zoning of C2 has been effective, the site has been well-used and fits well within the N. 7th Street Corridor adjacent to the Windsor Square Historic District. This applicant has stated no reasons to justify its need for a zoning change from C2 to PUD.

1. Height: The requested change in zoning from C2 to PUD, as described in application, will double C2 height requirements from a maximum of “2 stories and 30’” to 60’ (page 21). Prior to this application, the City has consistently kept buildings exceeding the existing C-2 zoning height to areas south of Camelback Road, thus preserving the existing character of the neighborhoods north of Camelback. Buildings near the site are all equal to or less than 30’ in height.

As proposed, the change in zoning would result in a building conspicuous in height, out of place, and incongruent with existing structures along this reach of N. 7th Street. At the Camelback East village meeting, the developer stated, “He cannot make any money with less height.” This appears to be the sole justification for a requesting a building height twice as high as existing.

2. Density: The request changing zoning would increase the residential density standards in C2 from “Minimum 14.5 du/acre” to 120 du/acre. (305 dwelling units [page 20] divided by 2.55 acres [page 5]). For comparison, Seventh apartments (built in 1970) southeast of E. Colter and N. 7th St. have approximately 57 du/acre, Vela on Camelback (built ca. 2019), south of Camelback on 7th Street, has approximately 76 du/acre.

As proposed, the requested change in zoning would permit a significant departure from densities of existing multi-family dwellings along N. 7th Street.

3. **Traffic:** North 7th Street is a six-lane arterial road with posted speeds of 35 mph between McDowell Road and Missouri Avenue, 40 mph between Missouri Avenue and Butler Drive, and 35 mph between Butler Drive and Dunlap Avenue. The roadway consists of two southbound lanes, three northbound lanes, and a reversible lane. The reversible lane operates from McDowell Road to Dunlap Avenue. When the reversible lane is not in operation, the lane is used as a two-way left turn lane. Average daily traffic on N. 7th Street is between 46,000 and 65,000 vehicles per day. There are no pull-out bus bays on N. 7th Street between E. Camelback Road and E. Missouri Avenue, thus traffic is blocked on one lane when buses are stopped.

The proposal estimates there would be 38 trips out during the morning peak hour and 49 trips during the afternoon peak hour (page 18). This seems unrealistically low given that the proposed building would have 200-300 dwelling units. The report identifies neither the time of the morning nor the evening peak hour. The proposal does not address how ingress and egress to/from the development would affect traffic volume or safety on N. 7th Street or E. Colter Street.

Currently, E. Colter Street from N. 7th Street to N. 8th place is lined with parked vehicles on the north side of the street (the south side has parking restrictions). The proposal would eliminate much, if not all, of that street parking. It does not address where vehicles without access to the parking garage would park.

The city is studying ways to make Colter Street more bicycle- and pedestrian-friendly and safer. The proposal does not address this study.

The requested change in zoning would significantly increase traffic volume on N. 7th Street just north of its very dangerous intersection with E. Camelback, and likely contribute to decreased safety for vehicles, buses, and pedestrians on N. 7th Street and adjacent streets.

4. **Infrastructure:** The requested change in zoning does not address infrastructure (water and sewer) in the vicinity. The proposal makes casual reference to public water and sewer infrastructure by stating that "...is understood to be of sufficient depth and capacity to service the proposed development."

There are no reports cited to justify what "understood" or "sufficient" mean. What does "depth" have to do with anything? Is there an analysis by the fire department that assures that gallons/minute or pressure/square inch are sufficient?

The requested change in zoning is neither justified nor supported by data.

5. **Inconsistencies within the proposal.**

Throughout the proposal, references to "luxury" are prevalent, but the proposal does not define what elements would contribute to "luxury" conditions. Amenities are not defined or are only presented as suggestions. Parking for vehicles is inadequate. Parking for bicycles is inadequate. Recycling is only addressed in passing. Number of dwelling units is contradictory and varies between 194 dwelling units (page 8) and 305 dwelling units (page 20).

The proposal contradicts itself by first stating that current development of the site and nearby is antiquated and does not meet the needs of the surrounding

community. Yet it also acknowledges that the area is economically vibrant with many repurposed buildings.

The table addressing Required Vehicle Spaces (page 20) shows that 233 one-bedroom units will need 128.1 spaces at 1.05 spaces per unit (page 20). Simple math shows that 233 units times 1.05 vehicle spaces per unit would require 244.7 vehicle spaces.

6. The proposal does not address how it will contribute to Phoenix's efforts to reduce the "heat island" effect. How will changing zoning mitigate the heat island effect?
7. The proposal does not address whether charging stations for electric vehicles will be provided.
8. There are innumerable other issues in the proposal that should be addressed before a zoning change can be considered.

The proposal is filled with inconsistencies, contradictions, unsupported statements, and deceptions. I urge you to reject this ill-considered proposal for a zoning change until it can be fully analyzed, and a responsible proposal offered. I also urge you to encourage the proponent to involve adjacent neighborhoods.

Thank you for your consideration. Please contact me, if you have any questions.

Jerome Stefferud

From: [dawn.vaccaro](#)
To: [Sarah Stockham](#)
Cc: council.district6@phoenix.gov
Subject: Z-27-22-6 Zola North Central
Date: Thursday, July 28, 2022 11:08:25 AM

I am opposed to adding more apartments or condos. The building is perfectly fine and can be used for something else. We don't need anymore overpriced apartments or condos. The person who came to my door was rude. There needs to be a ceiling on apartments. The rent keeps going up and up with no improvements to the apartments. We have too many homeless people as it is and you are adding even more to the streets.

From: [Nellessen-Jones, Victoria \(Enabling Solutions\)](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC: "victoriaj0405@outlook.com"](#)
Subject: Z-27-22-6 Zola North Central
Date: Friday, July 29, 2022 12:33:34 PM

Dear Chairman and Camelback East VPC Members:

While I have already voiced my concerns to the developers about the Zola North Central apartment project going in at 7th Street and Colter, I am *strongly* opposed to *any* rezoning of our area. This is a relatively quiet neighborhood with single and small multi-family living. A large apartment complex in the area will do nothing but increase traffic and noise on an over-burdened Colter which is already over used as a cut-through street for Camelback. Speeding and on-street parking is a major issue on Colter, along with the BMW and Lexus dealerships allowing their customers and service techs to use our streets to test drive cars.

Any new multi-family living should be limited to two levels with entry access to the property on 7th Street only. No above ground parking garage should be allowed which would impact private homes' safety and privacy, and trash collection should only be made accessible near the 7th Street side, not near the already established homes near the same property line.

There is no need for a new multi-level apartment complex to be placed into this neighborhood. Something like the Zola North Central project would be better placed further south in the downtown corridor.

Thank you for your consideration.

VICTORIA JONES
Senior Legal Assistant to Kristin L. Groman & Douglas H. Fitch
Law Offices of Linsey M. Amores

victoria.nellessen-jones@thehartford.com

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From: [Linda Choplin](#)
To: [Sarah Stockham](#); [Council District 6 PCC](#)
Subject: Z-27-22-6 Zola North Central PUD
Date: Saturday, July 30, 2022 12:49:49 PM

Dear Chairman and Camelback East VPC Members,

My name is Linda Choplin, I am a homeowner in the area and I highly oppose Zola North proposal.

For the following reason:

1. It would cause the area to deteriorate.
2. It will create hazardous driving conditions down Colter from 7th Street to 10th Street. Such as parking/driving nightmare going down Colter St.
3. It will make it more difficult to turn off of Colter St. on to North/South on 7th Street.
4. It will also cause cars to take sides streets and will disturb the area neighborhoods and create a more dangerous streets for the kids that play in the area.
5. There is already issues with car dealerships taking the side streets mainly going East/West down Colter St from 7th Street to 10th Street..
6. There is also issues with semi trucks with the 53" trailer/car Trailer attached that have been continuously going East/West down Colter St from 7th Street to 10th Street which is a residential street.

Regards,
Linda Choplin

From: [Vacation Sensei](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#); [Sandy Grunow HOA](#); [Lyndon Mako Hara CSP](#)
Subject: RE: Z-27-22-6 Zola North Central
Date: Saturday, July 30, 2022 5:33:08 PM

Dear Chairman Swart and Camelback East VPC Members

Please accept this notice of my/our opposition to the planned development of Zola North Central PUD.

Please message me for any questions regarding the reasons for my opposition.

Sincerely,

Lyndon M. Hara
Chandra L. Hara
736 E Rose Lane
Phoenix AZ 85014
6025181852

From: [Amy Conner](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Z-27-22-6 Zola North Central
Date: Tuesday, August 2, 2022 7:06:59 PM

Dear Chairman Swart and Camelback East VPC Members

By way of this email, I'm opposing the rezoning of the property at 7th St and Colter from C-2 (Intermediate Commercial) to PUD (Planned Unit Development).

I'm a resident of Windsor Square just West of 7th street and Colter. My home sits on Colter and I'm very much against this development for many reasons. Colter already has cut throughs from 7th street to Central and Central to 7th street even though one-way signs and do not enter instructs drivers to not enter onto Colter and Central but they do anyway and do not adhere to the posted speed limit signs. By putting a high-rise multi-resident building on that corner will only increase the traffic coming down Colter street. I also don't agree with the facade of the building as it does not fit for the surrounding historical neighborhoods. I believe very much this will have a very negative impact on my neighborhood and therefore am against this proposed development.

Thank you for your consideration.
Amy Conner
217 E. Colter Street

From: johndehn10@gmail.com
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: RE: Z-27-22-6 Zola North Central
Date: Tuesday, August 2, 2022 5:54:25 PM

Dear Chairman Swart and Camelback East VPC Members,

I am writing this email in opposition of the proposed Zola development on 7th St and Colter. I live just a few houses away from this site and I do not believe the proposed zoning and structure is appropriate for the surrounding neighborhood. Windsor Square already experiences high levels of speeding and cut-through traffic from non-local drivers which I believe will only increase, especially on my street, with a higher density development along 7th street and Colter. I'm not opposed to a new development going into this site, but I am strongly opposed to changing the zoning classification to allow the height, density and setbacks proposed by the developer.

John & Alyse Dehn
420 E Oregon Ave
Phoenix, AZ 85012

From: [Jen Delgado](#)
To: [Sarah Stockham](#); [Council District 6 PCC](#)
Subject: Z-27-22-6 Zola North Central
Date: Wednesday, August 3, 2022 2:56:51 PM

Dear Chairman Swart and Camelback East VPC Members,

I am writing to express my strong opposition to the rezoning of the property at 7th St and Colter from C-2 to PUD. My family and I live in the Windsor Square Historic District on the west side of 7th St, and have lived in this neighborhood for 18 years. The change in zoning, and this proposed development, would have a material negative impact on our neighborhood and surrounding area. We already have an issue with cars zooming down Oregon Ave and endangering the large number of kids on our street. This development would only exacerbate the problem. Additionally, the proposed setbacks, as well as the height and density, of the proposed development are out of character with our surrounding area and the City's General Plan adopted in 2015.

I have seen the proposed architectural design of the development, and quite frankly, it looks like every other big box apartment development going up at the moment. I think you will agree that the Central/Camelback corridors and surrounding neighborhoods are unique, and the area deserves thoughtful and aesthetically pleasing development so that it continues to be a place of pride for our city. This proposed development will not accomplish that. I urge you to reject this developer's application for rezoning and require it to build within the current zoning allowance.

Thank you,

Jennifer Delgado

From: [Terry Severn](#)
To: [Sarah Stockham](#)
Subject: coucil.district.6#phoenix.gov
Date: Thursday, August 4, 2022 12:39:53 PM

Dear Chairman Swart and Camekback East VPC Members

I am opposed to the proposed PUD at 7th St and Colter.

I live east of this site on Colter Street. My most pressing concern is the overwhelming traffic increase along Colter Street that this project will cause.

200 units that empty onto Colter Street - 239 (proposal estimate) cars, plus perhaps an additional 25 to 50 cars that will be forced onto parking along the streets east of the PUD. If 40% of those cars (proposal estimate) travel east on Colter, that is nearly 100 cars traveling through my neighborhood each morning and evening that are not now traveling that route. What plan is there to prevent this overwhelming traffic change? Will the unit rental agreements enforce the vehicle 'allowances' in your plan to prevent excessive street parking? Will the PUD leave units empty so as not to exceed the 239 vehicles anticipated? Will the City block the traffic from these units from traveling east onto Colter into the neighborhood from the property?

Just as guests to my property cannot expect to park in the parking garage for this PUD, any PUD residents and guests should not be expected to park along Colter. I think the actual car parking requirements of residents and their guests should be required to be maintained at or below the 239 figure you are using; If they are approved for 1.8 cars per unit, are they prepared to ensure that number is not exceeded even if it means units must remain unleased to meet that estimate? The surrounding neighborhood should not have to bear the parking burden for some of the PUD dwellers; the PUD should be required to contain all of it's dwellers actual parking needs on it's own property.

A rep from the builder came to my house and he indicated there would be NO ingress/egress onto Colter, all traffic would enter and exit directly onto 7th Street. That would have greatly reduced the possibility of overwhelming traffic expansion through my neighborhood I suspect there are some persons that signed the petition of approval with that caveat in mind. Perhaps 7th Street ingress/egress was the plan at that time? Perhaps that was incorrect information given to signers? If either of these are true, the petition signatures would be invalid now.

I am not opposed to PUDs in general, provided that the surrounding neighborhoods are given a fair shake. This plan is not a fair shake.

I thank you for your time and hope you will address this real issue with the respect for our neighborhood that it is due.

Sincerely,

Terry Severn

home owner

From: [Donna Swan](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: 2-27-22-6 Zola North Central
Date: Friday, August 5, 2022 10:13:15 AM

Dear Chairman Swart and Camelback East VPC Members

I'm writing to state my opposition to the rezoning of the property at 7th St and Colter from C-2 to PUD. My concerns regarding the proposed change are listed below.

- 1) It looks to me that this area is constantly chipping away at the City's General Plan to the detriment of our community.
- 2) Recently an exception was granted at 8th Place and Camerback that resulted in actually eliminating a neighborhood road.
- 3) Forcing more parking and traffic onto Colter with an oversized and over populated complex without adequate guest parking will add to the overcrowding of Colter and the neighborhood.
- 4) This type of development is better suited for development south of Camelback.

Donna Swan
822 E Fern Dr North

From: [Hugh Knoell](#)
To: [Sarah Stockham](#); [Council District 6 PCC](#)
Cc: [mikefreret@gmail.com](#); [info@ncpha.org](#); [thepeakna@gmail.com](#); [phxmidcenturymodernna@gmail.com](#)
Subject: RE: Z-27-22-6 Zola North Central Zoning
Date: Friday, August 5, 2022 10:55:23 AM

Ms. Stockman and all,

As a neighbor, I have looked at this proposal over recent weeks, visited the property several times and join the Windsor Special Planning District, the North Central HOA and the Murphy Trail Estates Neighborhood Association, **in opposition**.

My observation is that the drawings and site development data belie the buzz words in the marketing verbiage. Although a more elegant design than the monster just south of Camelback on the same side of 7th Street (e.g., a better streetscape by the landscape architect), it will have similar negative impacts: too heavy in scale, too dense, too much traffic, inappropriate for the site. Contrary to the razzle-dazzle about “enhancing the neighborhood”, “community”, “housing diversity” and “sustainability”, it looks in every aspect to be a profit-driven enterprise to maximize the number of units. It is not compatible with the context. It will undermine the long term efforts of historic preservation in the area, not enhance them. It will create more vehicular congestion to endanger citizens on an already overloaded, high speed 7th St. It will increase the cut-through traffic through Windsor Square and east along the Colter area.

Will adjacent residents appreciate the promise to “further the success of the local retail and restaurant businesses”? Do the businesses across 7th Street, non-conforming but grandfathered, need to be further pumped up to produce more noise and nighttime activity that keep the Windsor Square homes worried at night? What is the “pedestrian experience” noted? Is there not an option to maintain, include and repurpose the existing building?

If the City cares about neighborhoods, community and sustainability, it should keep the parameters of existing zoning and respect the goals of village planning—not submit to lawyer games reinterpreting them.

Hugh Knoell, Architect LEED-AP
303 East Georgia Ave
Phoenix, AZ 85012

From: [Marcia Dziobak](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Z-27-22-6 Zola North Central
Date: Friday, August 5, 2022 11:58:53 AM

Dear Committe Members,

I would like to voice my OPPOSITION to the rezoning of the property at 7th St and Colter from C-2 to PUD.

Originally, I did sign the petition but would like to rescind my signature. After becoming more informed about the project, I feel it will negatively impact my neighborhood. I have been in my residence for 28 years and would do not want to see more multistory / multifamily developments taking over our residential area.

Please don't allow this zoning request to proceed.

Thank-you for your consideration.

Marcia Dziobak
1002 E. Georgia Ave
Phoenix, AZ 85014

From: [Belinda Penrose](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Z-27-22-6 Zola North Central
Date: Saturday, August 6, 2022 9:29:35 AM

Dear Chairman Swart and Camelback East VPC Members,

Our family has lived in Windsor Square, now the Windsor Square Historic District for over 45 years. We have seen a lot happen in this city in those years, and the changes have not all been for the better. Traffic, congestion and economic inflation and insecurity have all increased significantly. Phoenixians as a whole face these issues and more, especially in these days post-Covid. One thing that has improved over that time is the quality of life here in Windsor Square, the neighborhood we call home.

As a neighborhood, we have successfully maintained our character as a close-knit and vibrant community. We are involved, politically and socially active, and as a group we are interested in maintaining this highly desirable neighborhood as a refuge from crime, blight and the declining number of single family home neighborhoods.

We are also aware of the need for affordable housing in Phoenix and are not unsympathetic to that need, especially as housing costs and property values continue to soar. However, even consider this housing deficit, as long-term residents who will be directly impacted, we adamantly oppose the proposed rezoning of the property at 7th St and Colter from C-2 (Intermediate Commercial) to PUD (Planned Unit Development).

This development *as proposed* will negatively impact Windsor Square by:

- Exacerbating the current over-burdened traffic on 7th St., with a concomitant and significant potential for additional traffic collisions during the rush hour use of the reverse-lane traffic pattern
- Encourage cut-through traffic on Colter St. inside Windsor Square, which is an ongoing problem with significant impact on the safety of our residents
- The setbacks as proposed are out of character for the neighborhoods north of Camelback and are outside the City's General Plan adopted in 2015
- The proposed height being 59' and the extremely high density of 80% lot coverage are also out of alignment with the City's General Plan
- 194 proposed units would bring a density and congestion out of character with the area which is predominantly single-family residential and/or low-density rental units
- There is inadequate planned parking (just 1.05 spaces per bedroom) which will likely lead to overflow parking on Colter St. adjacent to the development negatively impacting the current residents on Colter St.

These concerns among others, lead us to ask you to join us in opposing the proposed zoning change and ensure that any development at this lot be required to adhere to the existing zoning regulations.

Very Sincerely,

Belinda and Tim Penrose

540 E. Colter St.
Phoenix, AZ 85012

From: [Kurt Goering](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Z-27-22-6 Zola North Central
Date: Saturday, August 6, 2022 7:35:11 PM

Dear Chairman Swart and Camelback East VPC Members:

I live in and work in the area near this proposed development. I oppose the rezoning of the property at 7th Street and Colter from C-2 to PUD.

Building a 5-story housing complex in this area is inconsistent with the heights of other buildings in the surrounding area. Traffic in the areas abutting this complex already is very congested, particularly during rush hour given 7th Street's use as a major arterial, without adding more density. Surrounding properties with lower heights will be negatively impacted; when you travel down 7th Street you typically have a nice view corridor which some two story buildings have distracted from but a 5 story complex within 15 feet of 7th Street will clearly distract from the neighborhood and negatively affect it. This project appears to fit more appropriately to the south of Camelback Road, where taller structures already are in place rather than allow such tall buildings to negatively impact neighborhoods which have shorter buildings in keeping with the City Code. I fear that residents in North Central will start fleeing to other parts of the Valley if this kind of development continues to occur, and a very special residential area will be ruined.

My understanding is that the developer and its legal team have ignored our neighborhood association's feedback, and have refused to revise the design to be more in keeping with our beautiful North Central neighborhood.

Thank you for your consideration of my strenuous objection.

Kurt A. Goering

Work Address: 1118 East Missouri Avenue, Suite B1, Phoenix, AZ 85014

Home Address: 529 West Lawrence Road, Phoenix, Arizona 85013

--

Kurt A. Goering

Kurt A. Goering, P.C.

1118 East Missouri Avenue, #B1

Phoenix, Arizona 85014

602-340-1010

FAX 602-230-2956

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From: [MURRAY HOLLENBERG](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Z-27-22 6 Zola North Central
Date: Saturday, August 6, 2022 5:57:28 PM

Dear Chairman Swart and Camelback East VPC Members,

I am opposed to the rezoning of the property at 7th Street and Colter.

The current zoning allows up to 17 units per acre.

The proposed PVD is requesting 78.50 units per acre.

This is not in keeping with our beautiful North Central neighborhood.

Please adhere to the current zoning.

Thank you.

Nancy Hollenberg
6032 North 2nd Avenue
Phoenix, AZ 85013

From: [R.C](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Z-27-22-6 Zola North Central
Date: Saturday, August 6, 2022 3:18:13 PM

Dear Chairman Swart and Camelback East VPC Members -
RE: Z-27-22-6 Zola North Central

We oppose the rezoning of the property at 7th St and Colter from C-2 (Intermediate Commercial) to PUD (Planned Unit Development).

After learning more about the proposed apartments, we realize the petition circulators misrepresented the negative impact on my neighborhood.

Rebecca Ciscel
104 W Missouri

From: [Ryan Ewing](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Z-27-22-6 Zola North Central
Date: Saturday, August 6, 2022 4:05:30 PM

Dear Chairman Swart and Camelback East Village Planning Committee,

I am among the third generation of my family to live in Phoenix. As a native Phoenician, and knowing my family's deep local history since 1926, I am writing to oppose the Zola North Central project. My home is located only 375 feet from this proposed development.

This project is not compatible with the surrounding historic neighborhoods or character of North Central Phoenix; specifically, the height, density, and setbacks are uncharacteristic of the area.

I am not opposed to development in the area. I am sensitive to the unmet housing needs across the Valley. However, as a former neighborhood leader, I believe that partnership with surrounding communities is essential for any project. In this case, the developer has had limited engagement with neighborhoods and appears to be moving forward without responding to community input.

The developer is not working in good faith to develop a project that is compatible, cohesive, and respectful of the area. The current C2 zoning does not prohibit the developer from moving forward with a housing development. The proposed PUD, as currently outlined by the developer, should be rejected.

Thanks,
Ryan Ewing
515 E Georgia Ave
Phoenix, AZ 85012

From: [tgoering](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Z-27-22-6 Zola North Central
Date: Saturday, August 6, 2022 5:57:25 PM

Dear Chairman Swart an Camelback East VPC Members:

I live in and work in the area near this proposed development. I oppose the rezoning of the property at 7th Street and Coltgr from C-2 to PUD.

This area is already saturated and a 5 story housing complex is inconsistent with the heights of other buildings in the surrounding area. Traffic in the areas abutting this complex is already congested at some times of the day without adding this density. Surrounding properties with lower heights will be negatively impacted; when you travel down 7th Street you typically have a nice view corridor which some two story buildings have distracted from but a 5 story complex within 15 feet of 7th Street will clearly distract from the neighborhood and negatively affect it. This project would fit in more appropriately south of Camelback rather than allow tall buildings to creep into existing neighborhoods. I fear that residents in North Central will start fleeing if this kind of development continues to occur.

Your consideration to my objection is greatly appreciated.

Teresa Goering

Work Address: 1118 East Missouri Avenue, Suite B1, Phoenix, AZ 85014

Home Address: 529 West Lawrence Road, Phoenix, Arizona 85013

From: darren@boycecomponents.com
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: STOP Z-27-22-6 Zola North Central
Date: Sunday, August 7, 2022 9:37:24 AM

Chairman Swart and Camelback East VPC members,

I am a lifelong resident of north central and a 3rd generation Phoenician. My father grew up here and graduated from North High in 57'

The PUD here is wildly inappropriate for this area. This proposal would violate the neighborhood character that has been here since the 40's when the character was developed. The proposed PUD runs counter to the long standing character of the neighborhood that has been in place since its development out of citrus orchards.

Please vote no and recommend the developer attempt to blend with the neighbors INSTEAD OF TAKE FINANCIAL ADVANTAGE of them.

Darren Boyce
5645 N 6th Street
Phoenix AZ
85012

From: [Kathryn Walters](#)
To: [Sarah Stockham](#)
Subject: Proposed PUD at 7th Street and Coulter
Date: Sunday, August 7, 2022 7:54:39 AM

After learning more about the proposed apartments I realize the petition circulators misrepresented the negative impact on my neighborhood.”

This will not improve our neighborhood.

Kathryn Walters
7 East San Miguel
Phx, Az 85012

Sent from my iPad

From: [Nancy Greenlee](#)
To: [Sarah Stockham](#)
Cc: council.district6@phoenix.gov
Subject: Z-27-22-6 Zola North Central
Date: Sunday, August 7, 2022 3:33:50 PM

Dear Chairman Swart and Camelback East VPC Members:

I am **opposed** to the rezoning of the property at 7th St and Colter from C-2 to PUD. The plans for Zola North show a complex too tall and too large for my neighborhood. Access only on Colter is going to cause considerable congestion in this area and way too much traffic for a neighborhood with pets, older residents, and children. It will make walking in the neighborhood harder and less enjoyable. I live at 8th PI and Colter and there are already drivers driving much too fast going to and from the car dealerships on the corner of 8th PI and Camelback. This complex is not in keeping with the neighborhood!!!!

Please do not allow Zola North to be imposed upon my neighborhood!!!!

Nancy Greenlee
821 E Fern Dr N
Phoenix, AZ 85014

From: [Robert Falk](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Z-27-22-6 Zola North Central
Date: Monday, August 8, 2022 5:57:23 AM

Dear Chairman Swart and Camelback East VPC Members,

As like many community members, I am opposed to the rezoning of the property at 7th St and Colter from C-2 (Intermediate Commercial) to PUD (Planned Unit Development). As I know you are well aware, there are many arguments to why the zoning should not be changed. Here are a few that directly affect our community.

- Traffic will increase on Colter going east and going west through the existing Windsor Square neighborhood. Traffic already is an issue, this proposed change would drastically make the problem worse.
- The Height (60') and density (189 units on 2.55 acres with 80% lot coverage) is not aligned with the City's General Plan (adopted in 2015) and is out of character with the surrounding neighborhood.
- The Inadequate guest parking on-site will force parking on the neighborhood streets and cause more congestion.

While there are many more reasons to oppose this zoning change, the ones I have listed will directly affect my community.

Thank you,
Robert Falk
220 E. Oregon Ave
Phoenix, AZ 85012

From: [Stuart Shoen](#)
To: [Sarah Stockham](#); [Council District 6 PCC](#)
Subject: RE: Z-27-22-6 Zola North Central
Date: Monday, August 8, 2022 1:46:10 PM

Dear Chairman Swart and Camelback East VPC Members

I have lived in Phoenix my entire life (42 years old), and have lived, worked, and/or gone to school in Central Phoenix since 1st grade. The proposed development is a terrible idea in the location in which it's proposed. Not only does it not merit being developed, it certainly does not merit a zoning change to even give it or similar developments a chance.

It simply does not fit with the rest of the neighborhood, and does not improve it. Instead, it would be a regression in the quality of life in that area. There are no shortage of sites south of Camelback Road and/or East of 16th Street where such a development would be better suited. The developer can fetch a fine price for this property; because of all the decisions that have preserved the neighborhood to keep it the way it is, property values there are strong. I encourage you to direct the developer to look at other sites.

I have no issue with new construction in general and am far from a dinosaur or an old codger yelling at every new face to "get off my lawn". In truth, this area is a fantastic place to buy a single family home and attempt to raise a family. I encourage anyone interested to do so, but the type of resident in such a development are short-term residents, not long term folks who add stability and improve the neighborhood over time. These residents both engage in activities that reflect this shallow commitment to the neighborhood and similarly decline to participate in activities that improve and stabilize the area (as compared to someone who considers moving here for a decade or more).

There is no way anyone who is familiar with the neighborhood in which this site is located can say with a straight face that this is the highest and best use of the site. I also understand that the developer has rebuffed attempts to meet with the community and may not be proposing it with a willingness to work in good faith with its neighbors. That they do not even attempt to feign neighborly kindness is troubling and insulting; no one would be optimistic about the prospect of being neighbors with someone like this.

I strongly urge you to prevent this development from happening in any way that remotely resembles what has been proposed here. Many thanks for considering my feedback.

Stuart Shoen
615 W. Lawrence Rd
Phoenix, AZ 85013
602-363-0532

From: [Zach Williams](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Re: Proposed Zola Project
Date: Monday, August 8, 2022 5:52:40 PM

Thank you for asking to be certain, I apologize if that wasn't clear. I oppose the zoning proposal and the project as it currently stands.

-Zach

On Mon, Aug 8, 2022, 5:46 PM Sarah Stockham <sarah.stockham@phoenix.gov> wrote:

Hi Zach,

Thank you for reaching out. Just to be clear, do you support or oppose the proposal?

Thank you,

Sarah Stockham
Planner III
City of Phoenix Planning and Development Department
200 West Washington Street, 3rd Floor
Phoenix, Arizona 85003
Phone: 602-261-8701
sarah.stockham@phoenix.gov

From: Zach Williams <zwilliams1776@gmail.com>
Sent: Sunday, August 7, 2022 6:53 AM
To: Sarah Stockham <sarah.stockham@phoenix.gov>
Cc: Council District 6 PCC <District6@phoenix.gov>
Subject: Proposed Zola Project

Hello,

I am contacting you in regard to the proposed zoning change in support of the Zola project at 7th and Colter. I live at 317 E. Pasadena.

While I am not immediately impacted by some of the many concerns my neighbors have brought to your attention. My family will be immediately impacted by increased traffic flow that will result from our neighborhood being used as a cut through to avoid Camelback traffic.

Our neighborhood has already struggled with increased traffic. There is no doubt that adding this oversized, out of place housing complex immediately outside of our neighborhood will compound the issue. Any resident living there will try to avoid traffic like any reasonable person and our neighborhood is the easiest way for them to cut through to their homes and avoid traffic lights and frequent traffic on Camelback. This creates a safety issue for my two young children and the many children on our block because people routinely speed we'll above the approved limit.

I'd ask that you also consider this point along with the many other valid, concerning issues our neighborhood association have notified you about.

-Zach Williams

From: [Janis & Ben Harris](#)
To: [Sarah Stockham](#)
Cc: council.district6@phoenix.gov
Subject: Z-27-22-6 Zola North Central
Date: Monday, August 8, 2022 10:43:41 PM

Dear Ms. Stockham,

We oppose the rezoning of the property at 7th Street and Colter from C-2 to PUD.

The height and density proposed is not aligned with the City's General Plan and is out of character with the surrounding neighborhood.

Please vote against the rezoning proposal.

Thank you,
Janis and Ben Harris
516 East Stella Lane
Phoenix, AZ
85012

From: [Jill](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Z-27-22-6
Date: Tuesday, August 9, 2022 8:41:40 PM

Im writing in opposition to the rezoning of the property at 7th St and Colter from C-2 to PUD.
I dont believe the proposed apartment complex is in the best interest of our neighborhood.

Jill Estep
15 E Lawrence Rd
Phoenix, Az 85012

From: [Michael Belcher](#)
To: [Sarah Stockham](#)
Subject: Rezoning request (Case # Z-27-22-6)
Date: Tuesday, August 9, 2022 4:42:14 PM

Dear Ms. Stockham,

I've received two letters from Snell & Wilmer on behalf of ZOM Living concerning their request to rezone the property on the NE corner of 7th Street and Colter. I've lived in this area for thirteen years now and my fiancée has been here for 26. Over the years, we have seen many changes to this neighborhood and not all of them for the benefit of our community. Rezoning to allow this development would be a further detriment. We already experience too much non- local traffic speeding thru our streets; primarily due to the congested traffic on both Camelback and 7th Street - more cars will just add to the problem. The City already utilizes reverse center lanes on 7th Street with No Left Turns allowed during mornings and rush evening hours. The traffic backs up at the 7th St. and Camelback lights causing people seeking to avoid the light, to turn on Colter instead. Traffic congestion is a problem, magnified by the excessive speeding. The posted limit is 25 mph, very few cars obey the limit. I have personally witnessed vehicles while walking my dog, doing 40-45 mph. There are families with little kids living along Colter, several of which have posted personal signs and pleas for drivers to slow down. It hasn't done much good that I can tell. Cars continue to speed.

Since the developer's proposal does not comply with the existing zoned use for this property, their purposal is solely for the benefit of ZOM Living. It adds nothing to the livability of this neighborhood for the existing owners and tenant residents here. Their Project Overview section exaggerates when states the design concept will "reinforce a strong pedestrian environment along 7th street by providing for a large landscaped zone between the roadway and the sidewalk" of 11 feet. Since when has 11 feet ever been considered large? Their proposed set-back of 20' max on 7th and 15' max for Colter are unacceptable. Why should this development be allowed to build closer to the property lines than any other development in this neighborhood? At best, they should have to observe the same set-backs rules as the Apartment complex across the street on the SE side of the Colter intersecting with 7th Street. The proposed building of 200 units and the limited amount of parking provided is inadequate. The specifications state they only intend to provide 248 general spaces and 6 handicaped spaces for the entire 200 units. Many tenants will have more than one vehicle--where are all the extra vehicles going to park? There is no additional parking available on 7th St., and Colter only allows parking on the North side of the street until you are East of 8th Place, where both sides of the street are currently full of parked vehicles, from all the other residents in the area, nor on the North side of 8th Place where both sides of the street are always full of parked cars from Colter to Missouri. If this project is approved anyway, they should require at least 400 regular spaces for Tenant and Guest parking + 10 handicap spaces at a minimum.

This project is not fit for this neighborhood. Please do not grant them the rezoning they are requesting. Support the neighborhood, not the developer, who obviously does not care about those already residing here. If you would like a tour of our neighborhood, please call me at the phone number below, and I would be happy to show you around.

Regards,
Michael Belcher
834 E Orange Dr.
Phoenix, AZ 85014
(480) 339-9735

Sent from [Mail \[go.microsoft.com\]](mailto:go.microsoft.com) for Windows

From: [James Fritz](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Re: Z-27-22-6 Zola North Central
Date: Wednesday, August 10, 2022 12:02:30 PM

Dear Chairman Swatt and Camelback VPC Members:

The proposed residential development on Northwest corner of 7th Street and Colter is simply unacceptable in its current design. The expected residential density at 78 residents per acre is substantially over current allowance. A residential density in excess of 5 times current allowance is totally inappropriate. A 60 foot, five story apartment complex far exceeds is also inappropriate and far beyond the current 30 foot limit.

Please, this type of development at 7th Street and Colter should be rejected out-of-hand. Apply current limits to the development or reject the development completely.

Thank you for consideration.

Jim & Lynn Fritz
310 West Northview Av
Phoenix, AZ 85021

From: [Hope Lucatorta](#)
To: [Sarah Stockham](#)
Subject: RE: Z-27-22-6 Zola North Central
Date: Thursday, August 11, 2022 3:34:20 PM

I am using this method to strongly oppose the rezoning of the property at 7th ST. and Colter from C-2 to PUD.

Reason being that Colter st is the only thru street traveling east from 7th st to 12th st. That being the case we already have extreme traffic with cars traveling thru this neighborhood to avoid heavy traffic on 7th st especially during "rush hours. WE ALREADY HAVE 2 APT COMPLEXES ON THE CORNERS OF 7TH ST & COLTER adding one more apt complex would be disastrous. Most of our residents are middle age or older and exercise by walking their dogs thru the neighborhood.

Respectfully yours,

Esperanza Lucatorta
1011 E. Colter St
PHX 85014
602 650 1946

Sent from [Mail \[go.microsoft.com\]](mailto:go.microsoft.com) for Windows

From: [Judy Fineman](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: RE: Z-27-22-6 Zola North Central Camelback East Village Planning Committee:
Date: Thursday, August 11, 2022 4:15:31 AM

RE: Z-27-22-6 Zola North Central

Dear Chairman Swart and Camelback East VPC Members ,

I am in opposition to the rezoning of the property at 7th St and Colter from C-2 (Intermediate Commercial) to PUD (Planned Unit Development).

We have lived in our neighborhood for close to 40 years and welcome appropriate change, however, this is not. Please do not rezone!

Thanks,

Judy Fineman

6040 N 4th Pl, Phoenix, AZ 85012

602-402-1339

--

Judy Fineman
Cell: 602-402-1339

From: beneped@aol.com
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Z 27 22 6 Zola North Central
Date: Thursday, August 11, 2022 1:26:41 PM

Being a homeowner I heartily oppose the rezoning of the property on 7th Street and Colter from C-2 to PUD.

What is the developer thinking (besides making some bucks)?! The neighborhood already has over developed apartment complexes in the area, the streets are filled with speeding cars now and our previously charming lifestyle is suffering.

The real estate market is about to collapse again as well.

Would appreciate any efforts on your part to disallow this ridiculous idea.

Thank you.

Melanie Milliner and Family
5624 N 4th Street
Phoenix AZ 85012

From: eyeswest@aol.com
To: [Sarah Stockham](#); [Council District 6 PCC](#)
Subject: RE: Z-27-22-6 Zola North Central
Date: Thursday, August 11, 2022 4:27:07 AM

RE: Z-27-22-6 Zola North Central

Dear Chairman Swart and Camelback East VPC Members ,

I am in opposition to the rezoning of the property at 7th St and Colter from C-2 (Intermediate Commercial) to PUD (Planned Unit Development).

We have lived in our neighborhood for close to 40 years and welcome appropriate change, however, this is not. Congestion is getting worse with the new apartment developments.

Please do not rezone!

Thanks,

ScottFineman

6040 N 4th Pl, Phoenix, AZ 85012

602-402-1339

From: [Mark Tucker](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: RE: Z-27-22-6 Zola North Central
Date: Saturday, August 13, 2022 10:12:24 AM

Dear Chairman Swart and Camelback East VPC Members,

I just wanted to voice my opposition to the rezoning of the property at 7th St and Colter from C-2 (Intermediate Commercial) to PUD (Planned Unit Development). I believe that this change in zoning will negatively impact our neighborhood both from a visual standpoint as well as a traffic problem.

Our neighborhood prides ourselves by being heavily involved in the types of new buildings that our built in our community. This type of building with the many units and 5 stories is not what we believe fits into our neighborhood.

Thank you for continued support of our important neighborhood.

Mark Tucker
502 E Marlette Ave
Phoenix, AZ 85012

From: [arja shah](#)
To: [Sarah Stockham](#); ngriemsmann@swlaw.com
Cc: [ALEX MEYERS](#)
Subject: Fwd: application no. z-27-22
Date: Tuesday, August 16, 2022 4:06:21 PM

Hello-

I perhaps live closest to the proposed 200 unit site. It is absurd to add more cut through traffic where the Do Not Enter signage is uselessly posted. Daily we nearly avoid speeding traffic.

My household will pay for a traffic study to show the added impact of this development. Our offer to pay for even speed bumps, closing off Colter and attempts to work with traffic police seem to fall on deaf ears. It is disheartening to say the least. We are not anti-developemt, but feel as if our voices and ability to enjoy our properties are disregarded.

Please strongly look at the affect of Windsor Square.

Respectfully,

--

Arja Shah
Shah Law Firm
24 W. Camelback Suite 498
Phoenix, AZ 85013
P. 480-619-0696
arjashahlaw.com [arjashahlaw.com]

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Arja Shah
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From: [Bryce Pearsall](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: RE: Z-27-22-6 Zola North Phoenix
Date: Tuesday, August 16, 2022 4:37:20 PM

RE: Z-27-22-6 Zola North Central

Dear Chairman Stewart and Camelback East Village Planning Committee Members

I strongly oppose the rezoning of the property at 7th St and Colter from C-2 (Intermediate Commercial) to PUD (Planned Unit Development)

After investigating the proposed project plan for the property it is clear it is harmful to the neighborhood character, impacts traffic and is of overwhelming size for the area and the current neighborhood and business environment.

It is clearly an attempt by a developer to build an oversized project for the developers profit.

Across Phoenix huge apartment projects are being built right up to the street and of a scale and size that the neighborhoods character is being destroyed. This proposed project is yet another one of those.

As both a professional architect and more importantly a neighborhood resident I strongly ask that you deny this rezoning request.

Sincerely,

Bryce D. Pearsall FAIA
6845 North Central Avenue
Phoenix, AZ 85012

From: [Cindy Carrera](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: RE: Z-27-22-6 Zola North Central
Date: Thursday, August 18, 2022 10:59:18 AM

Dear Chairman Swart and Camelback East VPC Members:

We are residents in the area of the above-mentioned proposed development. After reading more about the project, we are writing to express our opposition to the rezoning of the property from C-2 to PUD for the above proposed development. Specifically, we are concerned with the height and the density of the initial plans, and the negative impact it will have on our neighborhood. After reading more about the project, it is our belief that the height and density are not aligned with the City's General Plan (adopted in 2015) and is out of character with the surrounding neighborhood.

Sincerely,

Cindy Carrera and Bob McCracken
118 East San Miguel Avenue
Phoenix, AZ 85012
602-882-4164

From: [Tom Blanchard](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Z-27-22-6 Zola North Central
Date: Thursday, August 18, 2022 12:39:25 PM

Dear friends on the Planning Committee,

My wife and I (both retired) live just down the street from this project, and we regularly (every morning, for many years) walk in this part of the neighborhood. While we understand the need and desire for more housing, **we would respectfully request the City and the developer to remain within existing zoning restrictions.** The proposed re-zoning just doesn't fit the neighborhood, and it will certainly make things more dangerous for us both on the sidewalks and on the side streets, with all the complications of parking as well. Thank you.

Respectfully,
Rev. Thomas & Louisa Blanchard
1101 E Bethany Home Rd Unit 21
Phoenix AZ 85014

From: [Sharon Barr](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Re: Zola North Central PUD, Case #ZA-27-22-6,
Date: Monday, August 22, 2022 10:08:52 PM

Dear Chairman Swart and Camelback East VPC Committee:

Re: Zola North Central PUD
Case #ZA-27-22-6
Zola North Central Agenda Item: Sept. 6, 2022 Meeting

I am writing to voice my opposition to the re-zoning at 7th Street and Colter from C-2 Intermediate Commercial to PUD (Planned Unit Development).

My neighbor, Sandy Grunow of the Phoenix Mid-Century Modern Neighborhood Association, brought this matter to my attention.

I understand that the minimum rent at this development will be around \$2,000.00 per month for a studio. I realize that there are residents of Central Phoenix who might possibly be able to come up with that amount, but not in that neighborhood!

Right across to the south of your planned development is a complex built around 1969 called "Seventh". Many of the people who live there can barely afford the rents they have now, which have increased dramatically over the past few years. There are other smaller, privately-owned apartments throughout the "Colter Commons" Neighborhood Association whose rents have also gone sky-high compared to what they were only in the last decade. If the owners and property management companies in this area raise their rents to keep up with your proposed luxury development rental rates, what is going to happen?

What Phoenix needs right now are affordable rents, not unaffordable! The media seems not to understand how the homeless situation in our city has become so serious and in such a short time. Are you aware of it? I can tell you exactly what's caused it. Property owners and property management companies who keep raising rents higher and higher, until residents can't afford to pay for their housing--much less utilities, personal bills, groceries and such!

Please reconsider the development of this luxury community in a part of

Phoenix where many couldn't even dream of living in such a place, and if you won't do that, please think about bringing down your proposed rents. Over two-thousand dollars per month for just a studio is absolutely unrealistic! I shudder to think what has been proposed for the larger units!

Most sincerely,

Sharon Barr

(602) 314-5812

Former active member of the Nile Neighborhood Association, Desert Park, and Colter Commons Neighborhood Associations, all in Phoenix over the past 25 years.

From: [Sue Rhoads](#)
To: [Sarah Stockham](#)
Subject: Opposed still to Zola PUD
Date: Monday, August 22, 2022 9:18:50 AM

I would like to again provide an opposition statement related to the Zola PUD. I have attended 3 meetings with Zola North Central present. The first was on 5/23/22 in which we were all muted and had to type in questions that they had the option of hand picking, and again on 8/17 when we were again muted and required to type in questions. We did meet with Nick Wood and the Zola Development Team on 6/23/2022 where I was hopeful that we would be heard and they would demonstrate by making meaningful modifications to their project to conform to the neighborhood. BUT, that DID NOT happen.

If this communication sounds like I'm emotional distraught over this project, I AM!! I have an emotional interest in preserving our historic neighborhood.

1. The property is too small for such a dense 200 unit project!!
2. It does not conform to the surrounding residential properties related to design and height.
3. The argument for providing more affordable housing is a hoax, the prices of these units only provide an excuse for surrounding apartments to inflate their rents. Which one property stated was the reason they are **not** opposed to Zola. GREAT NEWS!!!
4. I'm appalled if the City allows this high priced law firm and the revenue seeking development team to **pretend** they are trying to work with the surrounding neighborhood. CLEARLY after all the questions and concerns there are no recognizable changes in this monstrous structure that will be towering over Windsor Square Historic district and the surrounding neighborhood to the east. How is it possible to see this structure as "in harmony with the neighborhood"? **It is clearly invasive!!**
5. Has anyone made a visit to this site? The lack of adequate setbacks from 7th street demonstrates the noise level that those occupying the apartments along 7th Street, with balconies to increase noise levels in the apartments all day...all night. I back up to 7th Street and from my vantage point I also hear intense noise that a block wall and several layers of trees and shrubs have not muffled.

Please do not negatively impact our **historic neighborhoods** by permitting this development to talk you into approving this project by misguiding you into believing we need another 5 story apartment building as a source of city revenue--while only providing additional high rent housing to contribute to inflation. Times are changing and I have been around long enough to recognize this cycle of overbuilding apartments- then having huge signs to try to draw in renters. Vela Camelback is a great example of this desperate efforts to lease with huge unsightly banners.

Susan Rhoads, RN, MSN and over 70 year old resident of Phoenix since 1996

5129 N. 6th Street (back up to 7th Street)

From: [Thomas O. Hilditch](#)
To: [Sarah Stockham](#); [Council District 6 PCC](#)
Subject: Z-27-22-6 Zola North Central
Date: Monday, August 22, 2022 9:41:35 AM

Dear Chairman Swart and Camelback East Village Planning Committee,

I am writing on behalf of the Windsor Square Special Planning District to oppose the Zola North Central project.

This project is not compatible with the surrounding historic neighborhoods or the character of North Central Phoenix; specifically, the height, density, and setbacks are uncharacteristic of the area.

We are not opposed to development in the area and are sensitive to the unmet housing needs across the Valley. However, we believe that partnership with surrounding communities is essential for the success of any project. In this instance, the developer has had limited engagement with neighborhoods and appears to be moving forward without responding to community input.

We believe that the developer is not working in good faith to develop a project that is compatible, cohesive, and respectful of the area. The current C2 zoning allows the developer to move forward with a housing development. However, the proposed PUD, as currently outlined by the developer, should be rejected.

Thank you for your consideration.

Thomas O. Hilditch
President
Windsor Square Special Planning District

33 East Colter Street
Phoenix, AZ -85012-

617-905-8989

From: [Laurie Barcelona](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Z-27-22-6 Zola North Central
Date: Tuesday, August 23, 2022 3:45:40 PM

Dear Chairman Swart and Camelback East VPC Members:

My husband and I oppose the rezoning of the property at 7th Street and Colter from C-2 (Intermediate Commercial) to PUD (Planned Unit Development). There is already too much traffic on Colter as it is, and the planned development would only increase the vehicle traffic, making it much more dangerous.

Thank you.

Sam and Laurie Barcelona
1008 E. Colter St.
Phoenix, AZ 85014

Sent from my iPad

From: [Beth Postma](#)
To: [Sarah Stockham](#)
Cc: [Mike Freret](#)
Subject: Zoning Case Z27-22-6 Zola Apartments
Date: Wednesday, August 24, 2022 11:20:34 AM

This letter is in regards to the proposed rezoning of the property at 7th Street and Colter avenue from C-2 (Intermediate Commercial) to PUD (Planned Unit Development).

I have lived in the Windsor Square neighborhood on the west side of 7th Street for 29 years. I am opposed to the rezoning of this project and the current submitted plan. I fully support appropriate housing projects and myself am involved in construction and development so I am fully supportive of development in our area as long as it follows the guidelines set up by the City and as long as it is consistent with other developments adjacent. Please see below listed reasons why I oppose this rezoning and site plan as it is currently submitted.

- Density and building height – The adjacent developments are two story buildings and this site would be a perfect fit for condos, townhouses or multi-family with a two-story height. Per the City of Phoenix General Plan adopted in 2015, 60' height and the proposed density does not fit this site.
- Design – the contemporary style, small setbacks and lack of substantial landscaping does not fit in this neighborhood which has increased in value partly due to the sensitivity to historic character and traditional design when remodeling or rezoning property
- Parking and accessibility issues – Colter and 7th Street is already dangerous with the current traffic due to the directional center lane (suicide lane) at peak traffic hours and the disregard for the current traffic rules. Specifically, the no entrance on the West side of Colter is a favorite cut through during high traffic times and this will only continue to get worse the more cars we have in this area. Also, there is inadequate parking for the approximate 189 units proposed in the Zola plan. Most units will house 1-2 people and if each of them drive, that will be 200-400 cars looking for parking. Also, with the current design, residents of Zola will park on Colter with the doors leading out of the units onto Colter Avenue. Also, all of the existing neighbors that use Colter as their access to 7th Street with the additional 400 cars from Zola trying to exit or enter during peak traffic hours will overburden Colter Avenue. The obvious solution would be changing the entrance/exit to 7th Street instead of Colter
- This type of development is incompatible with projects north of Camelback (uptown). It is more appropriate for development south of Camelback (downtown). The open feeling of the area with views of Camelback Mountain will be destroyed and property values of the adjacent apartments, condos and houses will decrease

I would request that the City require the developer to go back to the drawing board and propose a project within the current zoning allowance for height and number of units. Thank you for considering my input.

Sincerely,

Beth Postma
248 East Orange Drive
Phoenix, AZ 85012

From: [Andre DeMarco](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Z-27-22-6 Zola North Central
Date: Thursday, August 25, 2022 11:31:00 AM

Dear Chairman Swart and Camelback East PVC Members,

I am writing to you in regards to the proposed development on the north side of Colter and 7th street in Phoenix by the Zola Corporation. I have been a home owner and resident of the community for over 25 years. While I am not opposed to the continued development of the 7th street business corridor and renovations to the adjacent neighborhoods, I do believe that this particular project as it is presented will have significant negative effects on the surrounding neighborhood and homeowners.

My biggest concern is the additional traffic that any project adding up to 200 new residences in the community will have on traffic flow. Colter is the main through-way between 7th and 12th street. Currently, rush hour traffic between 3:00 pm and 6:00 pm has increased considerably over the past 5 years. I know that 60% of traffic from the development is expected to exit the community onto 7th street, but, that leaves 40% to cycle through our neighborhood. This has the potential to transform Colter Street from a neighborhood throughway into another Missouri Avenue. Currently, without sidewalks on the majority of Colter, and having curbside parking, this increased traffic raises the likelihood of pedestrian and vehicle accidents considerably. This situation can be dramatically resolved (if not completely eliminated) by having the main entrance of the development on 7th street like the other large scale properties on 7th street such as "The Carlyle" and the "Velva".

I also believe that Zola needs to comply with the City's existing General Plan for development adopted in 2015 as it pertains to set-backs from both 7th street and Colter Street and their building height. I am concerned that being too close to 7th street will significantly decrease visibility of on-coming traffic on 7th street and create hazardous entry onto 7th street going southbound.

I do not believe that the available parking has been adequately assessed. To assign only 1 space per unit is unrealistic, considering they will be having 2 bedrooms units, as well as guest parking. These are apartments and will more than likely have 2 adults in a 2 bedroom apartment, each driving a car. The same is true for a family occupying a 2 bedroom unit. Each parent typically has their own vehicle. This lack of parking will cause on-street parking on Colter and 8th Place. I live on Colter at 10th Street and do not want to look at car parked in front of my house. I would never park down at 7th Street and Colter in front of their development, so, why is it appropriate for their residents to part in from of my home?

Finally, I did speak with one of Zola's representatives about signing a petition to endorse this development. I will share that he thoroughly misrepresented the nature of the development. For example, he stated only the total number of units, never that it was going to be a 5 story development. Also, that the landscaping was going to be so beautiful and extensive that he made it sound like a City of Phoenix Park was going to be built, rather than an apartment complex. He was extremely coercive in attempting to get me to sign and when I refused, he asked me why I didn't want additional residences to an already beautiful neighbor. I told him I'd rather have additional businesses or restaurants along 7th street to support to community, something I could benefit from. I also told him that the businesses would have less traffic in

our neighborhood to deal with. With that he left.

Please take making modification to this development seriously. We are talking about a negative impact on hundreds of families and individual lives on our neighborhood and community. Thank you for your time and attention.

Andre DeMarco
921 E. Colter Street

From: [Maggy- Margaret Haugen](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: RE: Z-27-22-6 Zola North Central
Date: Thursday, August 25, 2022 7:11:10 PM

Dear Chairman Stewart and Camelback East VPC Members

As President of the Imperial Plaza Condominium Association, we express our concerns about the proposed project, some of which were also stated as concerns by the Phoenix Planning and Development staff* and the Phoenix Streets Department*:

1. *Height (60') and density (189 units on 2.55 acres with 80% lot coverage) is not aligned with the City's General Plan (adopted in 2015) and is out of character with the surrounding neighborhood.
2. *Setback on 7th St. (20'), Colter (15') and North and East property (0) , are not aligned with the City's General Plan) and are out of character with the surrounding neighborhood.
3. *Ingress/egress is on Colter rather than 7th St.
4. *Landscape is not adequate to meet City standards.
5. Traffic will increase on Colter going east and west, negatively impacting Imperial Plaza Condominium Association/Kensington HOA.
6. Traffic will increase on 8th Pl, which in areas is only one lane, south of Colter.
7. There is a school bus stop, at the corner of 8th Pl and Colter. The increased traffic will present a danger to the children.
8. Units with patio/doors with direct access to Colter will encourage resident parking on Colter.
9. Inadequate guest parking on Colter will force parking on Colter.
10. The 5-story parking garage will negatively affect our 2 story multifamily condominiums.
11. The trash compound at the southeast end of the property will negatively impacting Imperial Plaza Condominium Association/Kensington HOA.
12. A 60-foot-tall building within 15 feet of 7th St. will block the open view corridor that is typical on 7th St.

Sincerely,
Margaret Haugen President
Imperial Plaza Condominium Association/Kensington HOA
emeraldmaggy@hotmail.com

From: [Craig King](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#); [Craig King](#)
Subject: Z-27-22-6 Zola North Central
Date: Friday, August 26, 2022 5:08:56 PM

Dear Chairman Swart and Camelback East VPC Members:

I am opposed to the rezoning request proposed for the property on the Northeast corner of 7th Street and Colter to increase the height from the current zoning of 30 feet to 60 feet, to change the set-backs, and to increase the density from 17 units per acre to 78.50 units per acre.

The developer's rezoning plans show no regard for the character of the neighborhood that the residents have worked hard to maintain since it was initially established in the late 1800s.

The developer wants to increase the density to increase their profit potential- their plans show they have no regard for the negative changes they will cause to the neighborhood. As soon as they can, they will sell the property and leave the members of the neighborhood to live and deal with a building that does not fit with the neighborhood. A property of this density will result in increased traffic that will change traffic patterns and disrupt nice quiet neighborhoods. Inadequate parking for the apartment residents and their guests will result in street parking by the residents and their guests that is likely to increase accidents in the neighborhood.

The current zoning was established to maintain this neighborhood in its current character.

I expect that the developer has paid "experts" to show that the rezoning of the property will not negatively impact the neighborhood. Please be aware that any "experts" who stated that the zoning change would have a negative impact were not hired to produce a report. As a result, any "expert" report provided by the developer should be viewed with skepticism.

My request to you is to allow the residents of the neighborhood to maintain the character that they have worked hard to preserve by denying the rezoning request.

Thank you

Craig King
301 E. Wagon Wheel Drive
Phoenix, AZ 85020

From: [Diane Peterson](#)
To: [Sarah Stockham](#); [Council District 6 PCC](#)
Subject: Z-27-22-6 Zola North Central
Date: Friday, August 26, 2022 4:13:14 PM

Dear Chairman Swart and Camelback East VPC Members

I live in the neighborhood that would be directly impacted by this project and I am **STRONGLY** opposed to it. I believe the variance from the current character of the neighborhood would negatively impact our property values. As a dog walker I am also very concerned about the increased flow of traffic. I would contend that a higher rise type of building is more suited for the midtown or downtown area. I would be happy to discuss this with anyone that may desire such a conversation. Thank you,

Diane Lees

1038 E Georgia Ave, Phoenix, AZ 85014
602-363-5605

From: [mel chase](#)
To: [Sarah Stockham](#)
Cc: council.district6@phoenix.gov
Subject: Re: Z-27-22-6 Zola North Central
Date: Friday, August 26, 2022 4:21:13 PM

Dear Chairman Swart and Camelback East VPC Committee:

After reviewing a copy of the documents submitted to the city for the subject project, I want to oppose approval of the rezoning on the basis of the negative impact the project would have on our neighborhood. The height of the proposed building, the density of lot coverage and setbacks, and the amount of traffic that will be dumped on neighborhood streets will not be compatible with our surrounding area.

As a 60-year resident of the immediate neighborhood, I feel a development more aligned with the current developments in the area would be more appropriate.

Sincerely, Melvin G. Chase
1037 E. Oregon Ave.
Phoenix, AZ. 85014

From: [Mary Crozier](#)
To: [Sarah Stockham](#)
Subject: ZA-27-22-6 Proposed PUD at 7th St and Colter
Date: Friday, August 26, 2022 10:36:52 AM

Dear Ms. Stockham and members of the Camelback East Village committee:

I am writing this letter to you on behalf of the Board of Directors of the North Central Phoenix Homeowners Association (NCPHA) and the 2500 properties within the NCPHA boundaries.

We are adamantly opposed to the proposed zoning changes to the 2 parcels at 7th Street and Colter from C-2 to PUD. These parcels, under the current zoning, already allow for multifamily housing that is the appropriate density and height to this area.

Not only is this proposed PUD not allowed within the City of Phoenix's General Plan, but there is no good reason to change the underlying zoning to allow for such egregious and inappropriate requests beyond the scope of the existing multifamily uses.

We are exceedingly disappointed that the developer's representative did not reach out to our organization as recommended by the Planning and Development department back in January 2022. It was nearly 6 months later that we met, expressed our concerns with the project, and made recommendations for a more collaborative design. Our concerns and recommendations echo that of the Planning and Development department in respect to height, density, setbacks and ingress/egress and the negative impacts such an inappropriate design will have on the adjacent neighborhood.

As you know, the NCPHA has a strong reputation in supporting new development and working collaboratively with developers to create the best projects for all parties concerned. Unfortunately in this case, neighborhood feedback has been ignored and no outreach has occurred with the developer or the developer's representative since June 23.

As a result, we are now being forced to strongly oppose the project as it is currently designed. New development should be required to be contextual to the adjacent area and this proposed PUD is clearly not. The proposed project of this size and scope would be ideal south of Camelback and along the TOD.

Please do not vote to support this proposed PUD as it will set a dangerous precedent for future inappropriate development in North Central.

Thank you very much.

Sincerely,

Mary L. Crozier
President
North Central Phoenix Homeowners Association

From: [MaryBeth Groseta](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Fwd: Z-27-22-6 Zola North Central
Date: Saturday, August 27, 2022 7:55:32 AM

See content

----- Forwarded message -----

From: **MaryBeth Groseta** <mbgroseta@gmail.com>
Date: Fri, Aug 26, 2022, 3:50 PM
Subject: Z-27-22-6 Zola North Central
To: Francie Lloyd <lloyd.francie@gmail.com>
Cc: MaryBeth Groseta <mbgroseta@gmail.com>

I am a resident of 18 years living on Colter Street between 12th Street and 7th Street. My sister and I live together, and are both natives of Phoenix, Arizona. We are in our early 70s and are very familiar with this area, the Phoenix area and how it is grown, and what we see is good or not good for our area and neighborhood.

1) COLTER STREET IS VERY CROWDED already. There are numerous apartment buildings going up everywhere you look, many many within a 3-mile radius of our neighborhood.

Colter Street, our street, is a very CROWDED street currently.

.. THERE ARE a MINIMUM of 6 SETS OF APARTMENTS /Small Condo Units BETWEEN 7TH STREET AND 10TH STREET ALREADY!

.. there are a massive number of apartments on Colter between 12th Street and 16th Street.

.. The residents of these apartments and the single dwelling homes obviously use Colter as their " through" street. Even with the speed bumps, there is much traffic on this road simply because the residents and regular traffickers know this is a straight way through from 7th Street to 16th Street.

.. The auto dealerships on Camelback, which you know are numerous, use Colter to test drive their vehicles. Even the transporters with numerous vehicles come down our street because it's fairly wide.

.. there are lots of kids on this street and lots of grandparents who take care of their grandkids on this street and it's already difficult keeping the children safe with so much traffic going on.

.. If you add more cars to this street, you endanger pedestrians who use this street daily for walking their baby strollers, their children, their dogs, and riding their bicycles. There are a large number of disabled and elderly people who walk on this street, with walkers, wheelchairs, motorized units and canes. These individuals are slow and cautious in moving around. Driving a car, we have to be much more careful when we see them out getting their exercise.

.. when there are parades, Colter is the street, on the east side of the parade route, that lines up

cars on both sides of the street for a mile.

We can barely navigate through the street to get in and out of our driveways.

2). The LOCATION and SIZE is a definite negative.

A 200 unit apartment complex is better suited in a larger upscale area not on a street already populated with apartment buildings and crowded conditions. Although the architectures and planners have done a semi nice job with the planning and pictures, this facility is a monstrosity for a neighborhood such as Colter and 7th Street. Five stories...hello, this huge complex does not work here in our lovely neighborhood. This is a lower to middle class neighborhood. We don't need luxury apartments in this neighborhood. Folks that can afford more than what we offer here in this Colter area, can easily go someplace else to pay higher rents. Tons of people that we know cannot afford even a modest apartment, much less a luxury apartment, where rent is going up regularly. Let's get real.

They simply need to find a more suited location for this type of planning structure.

3) There will not be enough PARKING for all the residents that will have vehicles. We know from friends and family who live in these types of apartment complexes, many of them end up having to park in the street. You have situations where there are roommates living together, family living together, older kids who drive. Those folks will only have the capability of parking on the street. PLEASE, LOOK AT THE CURRENT SITUATION ON OUR STREET.

THE LARGE APARTMENT COMPLEXES ON COLTER AND 7TH STREET, BOTH NORTH AND SOUTH, ALREADY USE THE STREET FOR EXCESS PARKING. IT IS JAM-PACKED ALL THE TIME!

4). In the documentation explaining the project, there are numerous references to how this proposed complex would be absolutely advantageous for PEDESTRIAN MOVEMENT. We have been watching pedestrian movement on every street in Phoenix for 60 years. In the summer, of course, there's hardly anyone walking except homeless people, kids getting home from school from the bus stop, a few others taking the bus, etc. Even in the winter, the foot traffic is very low except for the group's noted.

Even in the areas where there are complexes, such as the proposed one, there is very little foot traffic, unless their walking to a convenience store, etc. Bashas, is located on 7th Street and Missouri. There are a few establishments on 7th Street in this area, but not many. People take their cars. This one Zolo Complex is not going to change the preference, for six to seven months of the year it's too hot to walk unless you have to... And in the winter months they don't switch over to all of a sudden walking.

5) The more people you add to a neighborhood, the more CRIME you have. There are more places for suspect individuals to get into trouble. Certainly, with your planning, it is important to look at the number of people, the number of cars, the number of activities that go on in one area. Just adding something that might look beautiful someplace else and have lots of nice amenities, doesn't mean it's good for an area such as ours with all of the challenges currently faced in the Colter neighborhood..

6). We definitely DO NOT want the ZONING changed from C-2 to PLAN UNIT DEVELOPMENT!

THE ZONING NEEDS TO REMAIN C-2, INTERMEDIATE COMMERCIAL.

Well, that's all I can think of for right now. But I think these are the most important points.

IF MY SISTER AND I THINK OF ANY OTHERS, WE WILL SEND ANOTHER EMAIL..
I appreciate the time and effort that it's gone into putting this project together. My
recommendation is to pick up the whole kit and caboodle and find a different place for it. It
certainly does not belong on Colter and 7th Street or in this vicinity.

Thank you for hearing our thoughts and concerns on this matter.

MARY BETH GROSETA
1032 E Colter St, Phoenix, AZ 85014
mbgroseta@gmail.com
Resident, 18 years.

From: [Tracy Schultz](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Z-27-22-6 Zola North Central
Date: Saturday, August 27, 2022 11:06:39 AM

Dear Chairman Swart and Camelback East VPC Members,

First I want to thank you for taking the time to read and consider our concerns on this matter. My name is Tracy. I am a mother of two toddler boys. My husband and I have lived in the neighborhood for 6 years now and we love it!!! We love our neighbors!!! What I am not loving is the traffic. Colter, just over a few years, has really picked up in "through" traffic. Our current speed bumps are inadequate and most of Colter does not have sidewalks. Speed limit is 25 which is often ignored. My concerns are that if an apartment building of that size with inadequate parking is added to our lovely neighborhood as is, it is going to turn Colter into a nightmare for pedestrian traffic. The pedestrian traffic consists of elderly, families with very small children, disabled, runners, families walking their dogs, and bike riders of all sorts and ages. This gives me high anxiety thinking about the increased speeding traffic!! The current traffic situation is really, really bad! This neighborhood has enough apartment style living currently. Would very much like to keep it that way. I would much rather see businesses go in.

Some more concerns are crime related. I feel this is a safe neighborhood but adding more people increases the likelihood of more illegal activity of all sorts. We have worked really hard to make our home just how we dreamed!!!! My husband owns his business and has earned everything we have. I would not take too kindly to anyone trying to steal, damage, or hurt my property and family. I feel that adding Zola North Central will be stealing from my family's experience of walking and riding our bikes to get popsicles, coffee, and lunch or dinner as we will not have safe and easy access to roadway and sidewalks that barely exist as is. Colter is not wide enough for more vehicle traffic. Adding Zola will damage views for some. Some parts of the area you can get a great view of Camelback Mountain and Piestewa Peak. Adding Zola will hurt the existing homeowners equity. My family strongly feels that the current C-2 zoning should remain! Please do NOT change to PUD! Projects should follow the current zoning restrictions that are in place.

I really feel that a fair and honest assessment of the current and future state of Colter St. has NOT been made or considered. This project does not make sense. It should be re-evaluated and considered for another area of town. If this project does go through, it should stay within the current zoning restrictions. Please for the safety of current residents, young and old, do not build Zola. I want my children to grow up in a neighborhood that they can be safe in. Again, I thank you for taking the time to hear and consider our concerns.

Proud resident of Colter Commons,
Tracy Donow
1044 E. Colter St.

From: [Linda Gruber](#)
To: [PDD Long Range Planning](#)
Cc: [Frank Gruber](#); [Linda Gruber](#)
Subject: Item #3: Z-27-22-6
Date: Tuesday, August 30, 2022 1:28:04 PM

City of Phoenix Planning & Development:

As both a Traffic Safety Specialist and a user of 7th Street in the Colter area, I would like to register **my opposition** to the proposed zoning change being requested by the Zola North Central PUD.

The traffic increase will be significant if 200+ dwelling units are added by Zola to this neighborhood as the units will equate to an estimated 200 to 400 additional motor vehicles in this confined space.

Further, the building's parking lots and nearby streets will need to provide parking for these vehicles, thereby adding traffic congestion, and risk for the current neighbors and new residents as well as pedestrians, bicyclists, and other vehicle operators passing through this area, doing so on an already high trafficked street.

At a time when cities like Phoenix are making plans to reduce vehicle/pedestrian/bicycle conflicts as advocated by Janette Sadick-Khan and the National Association of City Transportation Officials, putting a high number of additional vehicles and their requisite parking places in a limited space is *not* good urban street design nor a safe living environment.

Respectfully,
Dr. Frank J. Gruber IV
7222 N. 22nd St.
Phoenix, AZ 85020
frankgruberiv@gmail.com
815/751-2012

From: [John Lierman](#)
To: [Sarah Stockham](#); [Council District 6 PCC](#)
Subject: RE: Z-27-22-6 Zola North Central
Date: Wednesday, August 31, 2022 10:11:18 AM

Dear Chairman Swart and Camelback East VPC Members:

I am a resident of the Windsor Square Historic District and I oppose the proposed development referenced above. Specifically, I oppose re-zoning the property at North 7th Street and Colter from C-2 to PUD, a silly, even disastrous, idea.

When I purchased my home in Windsor Square I did so partly because of attractions of the North Central Phoenix area that will be negatively impacted by the proposed development, which departs from the long-view, open sky architectural philosophy that predominantly guides other development in the area. It is, in that sense, an eyesore negatively affecting neighbors like me. The developer's PUD development narrative degenerates into something of a sick joke on page 5 when it claims, of the existing development on the parcel, that it "no longer complements the context of the area as it redevelops," immediately after having observed that development of the area is already well-established. Thus, the developer inadvertently betrays the fact that its planned development would substantially alter the existing, established, aesthetically attractive and sustainably livable neighborhood fabric, damaging it for generations to come.

This candid admission by the developer is amplified on the following page, page 6, by the statement that the Zola plan would "further diversify the availability of housing types and density ranges in the immediate surrounding area." This is pure spin, characterizing the disruption and destruction of an existing fabric of community and neighborhood as its "diversification." See also the telling remark on the top of page 7 about "reinventing" the area--an area that quite obviously does not require reinvention.

The proposed development is too far from the City's light rail system to make sense. The developer admits this (on page 6). I have attended past presentations by the City on its plan for development following the light rail, as well as for the Central Corridor (7th Street, Central, and 7th Avenue), and everything I heard pointed toward preservation of existing neighborhood values alongside commercial and high-density residential development in proximity to the light rail network. The planned development is a deviation from that longstanding plan and commitment. It belongs downtown, not uptown, and not on the proposed parcel.

Already we see significant cut-through traffic between 7th Street and Camelback, between Camelback and Central Avenue, and (possibly, I don't follow people) between 7th Street and Central. The proposed development will certainly increase that traffic.

Glance at the photographs concluding the developer's presentation and then kindly take time to drive through the area as it exists now. You will see how the structure the developer proposes would instantly become the dominant architectural feature

within a half-mile radius of the site, constituting a substantial and negative deviation from the character of the area affecting everyone in that radius. A development like this would make sense at the corner of Central and Indian School, or 7th Avenue and Camelback. It makes no sense whatsoever at the proposed site.

I urge you not to deviate from the City's longstanding commitments, via zoning. I urge you to reject the proposed zoning change.

Very truly yours,
John Lierman
22 East Medlock Drive

From: [Diane](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Z-27-22-6 Zola North Central
Date: Thursday, September 1, 2022 3:40:29 PM

Dear Chairman Swart and Camelback East VPC Members,

I oppose the proposed PUD at 7th St. & Colter. It will add to traffic congestion, is out of context with surrounding neighborhood and, is not aligned with the City's General Plan. It will take away any character we are trying to preserve in our community, which I am sure the developer doesn't care, as long as they can get their building up, and they can move on.

Please don't let out of state developers come in and ruin what we are trying to preserve for our community. The height, density and setbacks of their proposal are not aligned with the City's General Plan. We don't want the openness of 7th St. taken away with the 60' height proposal. Don't let them get away with doing what they want, without listening to the community or following the original zoning.

It's already getting crazy here with these developments. We don't want to turn into another Los Angeles. Please listen to the community!

Diane Alston

Sent from my iPad

From: [Greg Hon](#)
To: [Sarah Stockham](#)
Subject: RE: Z-27-22-6 Zola North Central
Date: Thursday, September 1, 2022 4:30:38 PM

Dear Chairman Swart and Camelback East VPC Members

1. This parcel is currently zoned for multi-family development and why does the developer need egregious exceptions in height, density and setbacks vs. what is currently allowed
2. Ingress/Egress solely off of Colter will create traffic congestion, safety hazards especially in light of the future changes on Colter to be multi-modal.
3. If approved this will completely change the character of Uptown No. Central with the excessive height and density
4. The requested zero setbacks will negatively impact the property values of the condos to the east, as well as a enormous parking garage
5. Collaborative efforts to work with the developer and the developer's representative have been ignored
6. We are not against new development but this proposed PUD is in violation of the General Plan and is out of context with the surrounding neighborhood.

Thank you for your continued support in protecting the integrity of North Central.

Regards,

Greg Hon

From: [Jennifer Thinnes](#)
To: [Sarah Stockham](#); [Council District 6 PCC](#)
Subject: Z-27-22-6 Zola North Central
Date: Thursday, September 1, 2022 3:52:52 PM

Dear Chairman Swart and Camelback East VPC Members,

I am writing to voice my opposition to the proposed PUD on 7th Street and Colter.

This parcel is currently zoned for multi-family development and why does the developer need egregious exceptions in height, density and setbacks vs. what is currently allowed

Ingress/Egress solely off of Colter will create traffic congestion, safety hazards especially in light of the future changes on Colter to be multi-modal.

If approved this will completely change the character of Uptown No. Central with the excessive height and density

The requested zero setbacks will negatively impact the property values of the condos to the east, as well as a enormous parking garage

Collaborative efforts to work with the developer and the developer's representative have been ignored

We are not against new development but this proposed PUD is in violation of the General Plan and is out of context with the surrounding neighborhood.

Thank you for your continued support in protecting the integrity of North Central.

Jennifer and Ben Thinnes
6040 N 2nd Ave Phoenix AZ 85013

From: [Kal Miller](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Z-27-22-6 Zola North Central
Date: Thursday, September 1, 2022 3:05:21 PM

Dear Chairman Swart and Camelback East VPC Members:

It is my understanding that a developer wishes to change the zoning for building to be constructed on the corner of Colter and Seventh Street. There are currently rules on the books to govern this proposed construction. FOLLOW THEM!!! Apparently negotiations with the developer have gone nowhere and they want exceptions to current height, density, and setback rules currently approved by the City of Phoenix. What the developer wants will create additional traffic congestion, change the character of uptown North Central, and impact the property values of the surrounding area. This proposed PUD is in violation of the General Plan on the books. Developers cannot just come in here and do whatever they please just because they want to. If there was some overriding justification for the changes, that is another issue. There are apparently none stated. Go by the rules or take the building elsewhere! It is the responsibility for the city to support the integrity of North Central and not the whims of some developer.

Kal Miller
North Central Resident

From: rhodges974@aol.com
To: [Sarah Stockham](#)
Cc: rhodges974@aol.com
Subject: PROPOSED ZONING CHANGED FOR PARCEL AT 7TH STREET AND COLTER
Date: Thursday, September 1, 2022 3:03:21 PM

I have lived in North Central Phoenix area since 1967 and have always loved its suburban ambience, particularly the many almost-traffic-free streets and the segregation of high-density construction and traffic in limited areas.

The proposed zoning change for the parcel at 7th St. and Colter, which would allow the builder to exceed the current and longtime legal restrictions, build buildings of ridiculous height, and create unwanted traffic congestion, adding many safety hazards is TOTALLY UNACCEPTABLE!

I urge you in the strongest terms to reject this proposal and vote NO!!!

Cordially,

Karen C. Hodges
515 West Belmont Avenue
Phoenix 85021

From: [Larry Whitesell](#)
To: [Sarah Stockham](#)
Subject: Oppose Z-27-22-6 Zola North Central OUD
Date: Thursday, September 1, 2022 9:05:53 AM

Dear Chairman Swart and Committee Members –

This email states the reasons that I am opposed to the application for the Zola North Central PUD (Z-27-22-6). In short, there is no valid reason, based on the betterment of the neighborhood and overall community, for the subject site to be zoned PUD. The parcels are not oddly shaped, of two or more zoning designations, a problematic location, or any other factor that might justify a PUD.

In addition, these parcels can be developed using the existing C-2 zoning designation and still provide goals stated in the applicant's narrative: More housing inventory, more patrons for local businesses including restaurants, and more pedestrian friendly.

Using the existing zoning will also comply with the General Plan provision of preserving neighborhood character and certainty (General Plan, pgs 104-108).

At the informational presentation in June, Mr. Wood stated in rebuttal:

1. There is a crisis in housing

However, on August 25, 2022, AzFamily News reported that Phoenix is nearly halfway to the goal of creating 50K housing units by 2030, but that most of the new housing has been market-price housing (16,776 units) not affordable (960 units). This proposed project does not contribute to the variety in housing types that the narrative states.

2. The subject site is appropriate for high density housing because 7th St is a major arterial

However, Colter is not. It is a minor collector street at best. It is not like 7th and Camelback (major arterial), or even 7th and Missouri (arterial). According to the Phoenix Traffic Engineering Department, Colter is being planned as a segment of the multimodal network. Yet, the development has not heeded the directive, "There shall be no permitted vehicular access to Colter Street." (1st and 2nd narrative review)

3. The size of the parcel, cost of land, labor and materials requires this density. However, Mr. Wood stated during the first neighborhood meeting that "The Applicant is paying a premium price for the property **with the understanding that the property will be fully entitled** for the development of the Project upon closing." (1st Neighborhood Meeting notes written and submitted by Mr. Wood) Apparently, the applicant made the assumption, or was given assurance, that this proposal would be "green-lighted" through the approval process. How could the applicant have enough "understanding" to assume the risk of paying a "premium price for the property?"

Throughout the application process, this proposed project has referenced the Walkable Urban Code. (2nd Narrative Submission, March 30, 2022, pg 6) It is clear

that Mr. Wood believes that this project is better suited for areas within the boundaries of Transportation Oriented Districts. On that we can agree.

Please carefully consider these comments among the many others that have been submitted by neighbors who oppose this out of character project.

Thank you,

Larry Whitesell, Co-chair
the PEAK NA
602-370-8453

From: [Monica Osselaer](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Z-27-22-6 Zola North Central
Date: Thursday, September 1, 2022 3:17:44 PM

Dear Chairman Swart and Camelback East VPC Members,

As a North Central home owner, we are concerned, this parcel is currently zoned for multi-family development and why does the developer need egregious exceptions in height, density and setbacks vs. what is currently allowed.

Ingress/Egress solely off of Colter will create traffic congestion, safety hazards especially in light of the future changes on Colter to be multi-modal.

If approved this will completely change the character of Uptown No. Central with the excessive height and density.

The requested zero setbacks will negatively impact the property values of the condos to the east, as well as a enormous parking garage.

Sincerely ,
Monica Osselaer
North Central Homeowner

From: [Sue Rhoads](#)
To: [Sarah Stockham](#)
Cc: [Mike Freret](#); [Andy Rogers](#); [Anna Lee Speer](#); [Larry Whitesell](#)
Subject: Opposition Petition r/t Zola Central-Petitions
Date: Thursday, September 1, 2022 8:27:03 AM
Attachments: [9-1-2022 Opposition Petitions to current date.pdf](#)

Please include the attached signed opposition petitions in the upcoming 9/6 Camelback East Village Planning Committee Meeting representing the voice of approximately 180 neighbors that would be **negatively** impacted by this project. We will continue our petition drive through and up to the November 2nd City Council Hearing in order to provide neighbors a voice in this important decision that will impact adjacent neighborhoods for **many years** to come, in addition to setting a **trend for future** building/development projects.

Thank you for your consideration.

Sincerely,

Sue Rhoads

5129 N. 6th Street













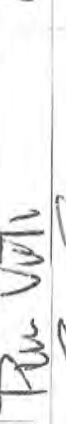



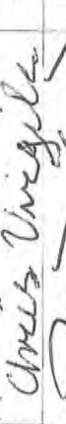

(602) 531-1066

Z-27-22-6

A Signature represents opposition to the application to amend zoning ordinance located northeast corner of

7th Street and Colter Street from C2 to PUD as currently proposed. Opposition is based on height, density,

setbacks encroaching on city streets (7th Street and Colter), and overall lack of harmony with the surrounding neighborhoods.

DATE	PRINT NAME	SIGNATURE	ADDRESS	INFORMATION
1 8/25/22	Timothy Turner		32 E Orange Dr Phx 85012	
2 8.25.22	KENT SEACAT		31 E. Orange Dr. Phx 85012	
3 8/25/22	Regina Seacat		31 E Orange Dr Phx 85012	
4 8/25/22	Enrique Fernandez		9 E Orange Dr. Phx 85012	
5 8/25/22	Jeff Wilmore		10 E Orange Dr Phx 85012	
6 8/25/22	Gail Wilmore		10 E Orange Dr Phx 85012	
7 8/25/22	Elizabeth Postma		248 E Orange Dr Phx 85012	
8 7/25/22	STEVE POSTMA		248 E. ORANGE DR. Phx 85012	
9 8/26/22	Dana Day		231 E Orange Dr-Phx 85012	
10 8/28/22	Dolly Emmett		5316 N. 9 St. Phx 85014	
11 8/28/22	Susan Williams		5316 N 9 St Phoenix 85014	
12 8/28/22	Pam Virsik		930 E Vermont Ave Phoenix 85014	
13 8/28/22	Ryan Civic		5312 N 9th St Phoenix AZ 85014	
14 8/28/22	Kristin Zenk		5320 N 9th St Phoenix, AZ 85014	
15 8/28/22	Helene Hart		926 E. Vermont Ave, Phoenix 85014	
16 8/28	Chris Virgils		930 E. Vermont Ave. Phoenix, 85014	
17 8/28	Stewart Reed		8202 Vermont Ave Phx 85014	
18 8/28	Joy Fishleder Varma		221 E. Orange Drive Phoenix, AZ 85012	
19 8/28	Lindrea Fishleder Varma		221 E. Orange Dr Phx, AZ 85012	
20 7/28	Andy Stov		252 E. Orange Dr Phx, AZ 85012	

PETITION IN OPPOSITION TO ZOLA NORTH CENTRAL

Z-27-22-6

A Signature represents opposition to the application to amend zoning ordinance located northeast corner of


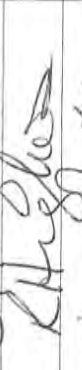










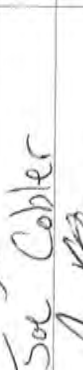






7th Street and Colter Street from C2 to PUD as currently proposed. Opposition is based on height, density,

setbacks encroaching on city streets (7th Street and Colter), and overall lack of harmony with the surrounding neighborhoods.

DATE	PRINT NAME	SIGNATURE	ADDRESS	INFORMATION
1 8/28	Andrea Spive	Andrea Spive	252 E. Orange Dr. Phx, AZ 85012	
2 8/28	Mary Joann Munday	MARY JOANN MUNDAY	241 E. Orange Dr. AK 428012	
3 8/28	Leslie Noland	Leslie Noland	301 E. Orange Dr. AZ 85012	
4 8/28	TASON NOLAND	TASON NOLAND	301 E. Orange Dr. AZ 85012	
5 8/28	James Rolstead	James Rolstead	317 E. Orange Dr. Phx, AZ 85012	
6 8/28	Dawn Rolstead	Dawn Rolstead	317 E. Orange Dr. Phx, AZ 85012	
7 8/28	Patricia Ward	Patricia Ward	339 E. Orange Dr. 85012	
8 8/28	Leo E. Maxwell	Leo E. Maxwell	347 E. Orange Dr. 85012	
9 8/28	Paige Ruetz	Paige Ruetz	347 E. Orange Dr. 85012	
10 8/28	Nancy Maxwell	Nancy Maxwell	347 E. Orange Dr. 85012	
11 8/29	Crave Machen	Crave Machen	354 E. Orange Dr. 85012	
12 8/29	Brooke Machen	Brooke Machen	354 E. Orange Dr. 85012	
13 8/29	Jodi Long	Jodi Long	350 E. Orange Dr. 85012	
14 8/29	Dan Long	Dan Long	350 E. Orange Dr. 85012	
15 8/29	Tamara Long	Tamara Long	350 E. Orange Dr. 85012	
16 8/29	Nancy Long	Nancy Long	350 E. Orange Dr. 85012	
17 8/29	Rae Ann Long	Rae Ann Long	350 E. Orange Dr. 85012	
18 8/29	Timothy Thomas	Timothy Thomas	334 E. Orange Dr. 85012	
19 8/29	Christa Severin	Christa Severin	314 E. Orange Dr. 85012	

PETITION IN OPPOSITION TO ZOLA NORTH CENTRAL

Z-27-22-6

A Signature represents opposition to the application to amend zoning ordinance located northeast corner of 7th Street and Colter Street from C2 to PUD as currently proposed. Opposition is based on height, density, setbacks encroaching on city streets (7th Street and Colter), and overall lack of harmony with the surrounding neighborhoods.				
DATE	PRINT NAME	SIGNATURE	ADDRESS	INFORMATION
8/13/22	Betsy Hughes		515 E. Medlock Dr.	
8/13/22	Rebecca Hughes		515 E. Medlock Dr.	
8-24-22	Jennifer Hughes-Jac		515 E. Medlock Dr.	
8/24/22	PATRICIA HUGHES		1188 E. COLTER	
8/24/22	SANDRA A. HUNTER		502 E. MEDLOCK DR.	
8/24/22	CRISTIN DUEINCKX		525 E MEDLOCK DR	c.inckx@gmail.com
9/1/22	MICHAEL DUEINCKX		525 E. MEDLOCK DR	wfo@inckx.com
8/24	Jimmy Mason		509 E. MEDLOCK DR	jacqui.m@gmail.com
8/25	Robert Benkema		345 E Medlock Dr	robertbenkema@gmail.com
8/25	Ken Maesran		345 E Medlock Dr.	kenmaesran@gmail.com
8/25/2022	Suzanne Daher		346 E Medlock Dr.	
8/25/22	Ston Watts		346 E Medlock Dr	
8/25/22	Carly Smith		334 E. Medlock Dr.	carlysmith@gmail.com
8/25/22	Jesse Keeler		330 E Medlock Dr	jke.cobler@gmail.com
8/25/22	Lindsay Keeler		321 E MEDLOCK DR	JESSE.KEELER@gmail.com
8/25/22	Roxanna Patterson		321 E Medlock Dr	
8/25/22	Alex Delgado		203 E. Medlock Dr.	roxannapatterson@gmail.com
8/25/22	Laurel Corbin		203 E. Medlock Dr.	
8/25/22	Laurel Corbin		211 E. Medlock Dr	corbindelgado@gmail.com

K

PETITION IN OPPOSITION TO ZOLA NORTH CENTRAL

Z-27-22-6

Census Tract:
1076.01/ QS Map 19-29/Zoning Map

20	8/25	Jennifer Jensen	<i>[Signature]</i>	241 E. Medlock Dr.	Phx AZ 85012
21	8/25	Michelle Khazai	<i>[Signature]</i>	340 E. Medlock Dr.	Phx AZ 85012
22	8/25	Amanda Bull	<i>[Signature]</i>	510 E. Medlock Dr.	Phx AZ 85012
23	8/25	Sebastian Cole	<i>[Signature]</i>	510 E. Medlock Dr.	Phx AZ, 85012
24	8/26	Michael Fischer	<i>[Signature]</i>	18 E. Colter St, Phx, AZ 85012	
25	8/26	Judy Jurate	<i>[Signature]</i>	427 E. Georgic Phx AZ 85012	
26	8/27	Jane Smith	<i>[Signature]</i>	226 E. Medlock Dr.	Phx 85012
27	8-27	Del Smith	<i>[Signature]</i>	226 E. Medlock Dr	Phx 85012
28	8/27	Randy Weiss	<i>[Signature]</i>	5334 N LA PLAZA Cir	Phx 85012
29	8-27	Christophe Lemay	<i>[Signature]</i>	233 E. Medlock Ave	Phx 85012
30	8-27	Maureen Luski	<i>[Signature]</i>	251 E. Medlock	Phx 85012
31	8/29	Mark Egan	<i>[Signature]</i>	322 E. Medlock Dr	Phx 85012
32	8/29	V. Maureen Mackey	<i>[Signature]</i>	316 E. Medlock Dr	Phx 85012
33	"	Mike Mackey	<i>[Signature]</i>	316 E. Medlock Drive	Phx 85012
34	8-29	Michelle Tremblay	<i>[Signature]</i>	234 E. Medlock Dr	Phx 85012
35	8/29	Benjamin Forgan	<i>[Signature]</i>	214 E. Medlock Dr	Phx 85012
36	8-29	<i>[Signature]</i>			
37	8-29	Elizabeth Eells	<i>[Signature]</i>	210 E. Medlock Dr	Phx 85012
38	" "	James Eells	<i>[Signature]</i>	210 E. Medlock Dr	Phoenix 85012
39	8-29	Jessica Clark	<i>[Signature]</i>	5534 N. 4th St	85012
40	8/29	Charles Clark	<i>[Signature]</i>	5534 N 4th St	85012

A Signature represents opposition to the application to amend zoning ordinance located northeast corner of

7th Street and Colter Street from C2 to PUD as currently proposed. Opposition is based on height, density,

setbacks encroaching on city streets (7th Street and Colter), and overall lack of harmony with the surrounding neighborhoods

D	DATE	PRINT NAME	SIGNATURE	ADDRESS	INFORMATION
1	2/24	Robert Falk		220 E. Oregon Phoenix AZ	
2	2/24	Kenneth JAWUSZEWski		57 E Oregon PHX AZ	
3	2/24	Emily Groh		5131 N. 60th St. PHX AZ	
4	2/24	Vicki Herish		39 E Oregon Ave PHX	
5	2/24	BEN WILLIS		35 E, OREGON AVE PHX AZ	
6	2/24	Cora Perez		30 E Colter St PHX 85012	
7	2/24	MARY PAROT		34 E COLTER ST PHX AZ 85012	
8	2/24	Barry Oleksak		35 E. Colter St PHX, AZ 85012	
9	2/24	JEFFREY JUAN		35 EAST COLTER STREET PHX AZ 85012	
10	2/25	Hideko Tsujimura		48 E Oregon Ave, Phoenix, AZ 85012	
11	2/25	Jeffrey Lang		48 E OREGON AVE PHX AZ	
12	2/25	Sean Cuntersa		208 E Colter St. PHX 85012	
13	2/25	Tim Cline		5132 E 2nd Street 85012	
14	2/25	Sarah Tobiason		214 E. Colter St 85012	
15	2/25	Sarah Schantz		230 E Colter 85012	
16	2/25	Charles Swan		232 E Colter 85012	
17	2/25	Alex Meyers		538 E. Colter St.	
18	2/25	Ryan Miller		693 E. Colter St	
19	2/25	KEN FORTADO		244 E PASADENA AVE	
20	2/25			250 E PASADENA AVE.	

PETITION IN OPPOSITION TO ZOLA NORTH CENTRAL

Z-27-22-6

A Signature represents opposition to the application to amend zoning ordinance located northeast corner of

7th Street and Colter Street from C2 to PUD as currently proposed. Opposition is based on height, density,

setbacks encroaching on city streets (7th Street and Colter), and overall lack of harmony with the surrounding neighborhoods.

DATE	PRINT NAME	SIGNATURE	ADDRESS	INFORMATION
18/24	Nancy Paisley	Nancy Paisley	50 E. Oregon Ave Phx AZ	Paisley@earthlink.net
20/24	William C Paisley	William C Paisley	50 E. Oregon Ave Phx AZ	
3/8/24	Wesley Castles	Dorothy Castillo	56 E Oregon Ave Phx	
4/8/24	Court Hood	[Signature]	15 E Colter St.	
5/8/24	JONATHAN SMITH	[Signature]	17 E COLTER ST	
6/8/24	JOHN B. HOWARD	[Signature]	17 E. COLTER ST.	
7/8/24	CALVIN VANCE	Calvin Vance	29 E. COLTER	
8/8/24	Susan H. Hilditch	[Signature]	33 E Colter St	
9/8/24	Grace Henshaw	[Signature]	46 E Colter St.	
10/8/24	Jennifer McGuire Hansen	[Signature]	46 E Colter St.	
11/8/25	CLARK T. PRICE	[Signature]	303 E. COLTER	
12/8/25	Clean Torres	[Signature]	501 E. Colter	
13/8/25	Kristin Husain	Kristin Husain	507 E Colter	
14/8/25	Ashley Huson	[Signature]	507 E. Colter St.	
15/8/25	Larry Evans	Larry Evans	601 E Colter St	
16/8/25	Dawn Dauphine	Dawn Dauphine	601 E. Colter St	
17/8/25	[Signature]	AIDA STAH	693 E Colter St.	
18/8/25	Amber Miller	[Signature]	409 E. Colter St	
19/8/26	Jessy Strawn	[Signature]	215 E PASADENA AVE	
20/8/26	Susanah Wearle	[Signature]	251 E. Pasadena Ave	

PETITION IN OPPOSITION TO ZOLA NORTH CENTRAL

Z-27-22-6

Census Tract:
1076.01/ QS Map 19-29/Zoning Map

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DATE	PRINT NAME	SIGNATURE	ADDRESS	INFORMATION
8/22/22	Mary Crozier	Mary Crozier	24 W. Camelback Rd.	info@ncpha.org
8/22/22	Anna Lee Speer	Anna Lee Speer	425 E Colter St	anna.lee.speer@gmail.com
8/22/22	Sandra Skunow	Sandra Skunow	808 E. Maryland Ave, Phx	phx.midsouth@gmail.com
8/22/22	Judy Torres	Judy Torres	650 E Colter St	andrew22@gmail.com
8/22/22	Kathy Ketchum	Kathy Ketchum	558 E Colter St.	kketchum1@gmail.com
8/22/22	Wendy Whitely	Wendy Whitely	7120 N 20th St Phx	search@cox.net
8/22/22	Susan Rhoads	Susan Rhoads	5129 N. 6th St Phx	Casualmom@cox.net
8/22/22	Dorothy Roberts	Dorothy Roberts	908 E. Oregon Phx	
8/22/22	Ray Green	Ray Green	508 E Green	
8/22/22	Rebecca Seesebe	Rebecca Seesebe	720 883 2755	
8/22/22	Beth Ann Mamed	Beth Ann Mamed	427 E Oregon Ave.	
8/22/22	Barbara Graham	Barbara Graham	502 E. Oregon Ave	
8/22/22	Kenneth L. Graham	Kenneth L. Graham	502 E. Oregon Ave. PHOENIX	
8/22/22	LINDA BILKIN	Linda Bilkina	419 E OREGON AVE AZ 85012	handlb7@gmail.com
8/22/22	Margie Olson	Margie Olson	409 E. Oregon Ave AZ 8502	
8/22/22	Tim Boserlin	Tim Boserlin	315 E OREGON AVE AZ 8502	
8/22/22	Kell Newsome	Kell Newsome	304 E. Oregon Ave AZ 85012	kelln8@gmail.com
8/22/22	Jennifer Delgado	Jennifer Delgado	232 E Oregon Ave Phoenix 85012	shoudej@hotmail.com
8/22/22	James A. Kelso	James A. Kelso	207 E Oregon Ave 85012	atei15@gmail.com
8/22/22	C.G. Bates	C.G. Bates	230 E. Oregon Ave. 85012	chrisbates@cox.net

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DATE	PRINT NAME	SIGNATURE	ADDRESS	INFORMATION
8/25	ROBERT B. POLLOCK	Robert B. Pollock	340 E PASADENA	
8/25	Arlene J. Conway	Arlene J. Conway	515 E Pasadena Ave	
8/25	Shanice Raynes	Shanice Raynes	501 E Pasadena Ave	
8/25	Yvonne I. Rose	Yvonne I. Rose	5033 E N 6 St.	
8/29	Samie Stegall	Samie Stegall	50336 N. 6th St.	
8/29	John Cronin	John Cronin	322 E. Garden Dr.	
8/29	Mangumath. Kothaly	Mangumath. Kothaly	5312 N. 6th St. A2	
8/29	Peter Carag	Peter Carag	5302 N. 6th St. A2	
8/29	Juan J. Juarez	Juan J. Juarez	427 E. Georgia Ave	
8/29	HUGH KNOBLE	HUGH KNOBLE	303 E. GEORGIA	
8/29	JOSEFINA KNOBLE	JOSEFINA KNOBLE	303 E. GEORGIA	
8/29	Geoffrey Knobel	Geoffrey Knobel	303 E. Georgia	
8/29	Clifford Knobel	Clifford Knobel	201 E. Georgia	
8/29	John Knobel	John Knobel	5311 N 2nd St	
8/29	Lisa Bolinger	Lisa Bolinger	5315 N. 2nd St	

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DATE	PRINT NAME	SIGNATURE	ADDRESS	INFORMATION
1 8/26/22	Nicholas Weare	<i>Nicholas Weare</i>	251 E. PASADENA AVE.	
2 08/26/22	Anne SAMYN	<i>Anne Samyn</i>	305 E. PASADENA AVE	
3 08/26/22	Dorrick GILLAS	<i>Dorrick Gillas</i>	305 E. PASADENA AVE	
4 8/26/22	Michele Goldstein	<i>Michele Goldstein</i>	351 E Pasadena Ave	
5 8/26/22	Rica F. Fitcham	<i>Rica F. Fitcham</i>	550 E. Colter St.	
6 8/28/22	Patra Boosalis	<i>Patra Boosalis</i>	425 E. Colter St.	
7 8/29/22	Clare Haines	<i>Clare Haines</i>	5305 N. G th ST.	
8 8/29/22	Kyle Haines	<i>Kyle Haines</i>	5305 N. 6 th ST.	
9 8/29/22	RYAN EWING	<i>Ryan Ewing</i>	515 E GEORGIA AVE 515 E GEORGIA AVE	
10 8/29/22	Sarah Ewing	<i>Sarah Ewing</i>	515 E. Georgia Ave	
11 8/29/22	CAROL WETTERS	<i>Carol Watters</i>	51 E GEORGIA AVE	
12 8/29/22	Terry Burke	<i>Terry Burke</i>	251 E Georgia Ave	
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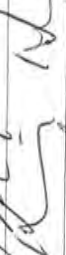


PETITION IN OPPOSITION TO ZOLA NORTH CENTRAL

Z-27-22-6

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setbacks encroaching on city streets (7th Street and Colter), and overall lack of harmony with the surrounding neighborhoods.

DATE	PRINT NAME	SIGNATURE	ADDRESS	INFORMATION
1 8/20/22	Raul Salido		239 E Medlock Dr	salidraul@gmail.com
2 8/20/22	Belen Greth		303 E Medlock dr	belengreth@gmail.com
3 8/20/22	Breck Thompson		327 E Medlock Dr	BreckThompson@cox.net
4 8/30/22	Amy Donohue		16 W Pasadena	fabulousamy@gmail.com
5 8/30/22	Greg Swartz		5145 N 2nd St	gschwartz25145@gmail.com
6 8/30/22	Gina SanBuen		911 E Orange Dr.	rvarbuen127@gmail.com
7 8/30/22	Mike Felien		9322 N. 2nd St.	mike.felien@gmail.com
8 8/30/22	Matthew Newman		77 East Pasadena # 71	MNEWMAN777@gmail.com
9 8/30/22	Joe Fermaine		332 East Pasadena	
10 8/30	Kathlene Hansen		520 E. Medlock Dr. 85012	
11 8/30	Ramon Blandino		520 E. Medlock Dr 85012	
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DATE	PRINT NAME	SIGNATURE	ADDRESS
1 6/10/2022	Kathryn Sacks	K Sacks	240 E ORANGE DR PHX, AZ 85012
2 8/20/22	Brian Sacks	Brian Sacks	240 E. ORANGE DR PHX 85012
3 8/22	Patrick Turbous	Patrick Turbous	236 E ORANGE DR, PHX, 85012 8
4 8/23	Nancy Alcamon	Nancy Alcamon	230 E ORANGE DR PHX 85012
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From: [Brad Hansen](#)
To: [Sarah Stockham](#)
Cc: [Alex Schlegel](#)
Subject: RE: Z-27-22-6 Zola North Central
Date: Friday, September 2, 2022 10:10:18 AM

Dear Chairman Swart and Camelback East VPC Members,

I am opposed to this request for rezoning as presented. My primary reason for opposition is that it violates the General Plan and is out of context with the surrounding neighborhood. If approved, this will completely change the character of Uptown North Central where my business is and where I live. Efforts to work with the developer have been ignored which sends a warning sign that they have no desire to do what's best for the community. Let's send a message to all developers that this neighborhood will not tolerate trying to change current zoning for their own benefit at a cost to the community. Thank you for continuing to protect the interest of North Central Phoenix.

Sincerely,

Bradley Hansen
Hansen Mortuary, Inc.
602.944.1561
Fax: 602.944.0302
Email: bradh@hansenm.com

From: [John Raffa](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Z-27-22-6 Zola North Central
Date: Friday, September 2, 2022 6:53:56 AM

Greeting, Dear Chairman Swart and Camelback East VPC Members.

reasons I do not want this development to move forward.

1. This parcel is currently zoned for multi-family development and why does the developer need egregious exceptions in height, density and setbacks vs. what is currently allowed
2. Ingress/Egress solely off of Colter will create traffic congestion, safety hazards especially in light of the future changes on Colter to be multi-modal.
3. If approved this will completely change the character of Uptown No. Central with the excessive height and density
4. The requested zero setbacks will negatively impact the property values of the condos to the east, as well as a enormous parking garage
5. Collaborative efforts to work with the developer and the developer's representative have been ignored
6. We are not against new development but this proposed PUD is in violation of the General Plan and is out of context with the surrounding neighborhood.

Thank you for your continued support in protecting the integrity of North Central.

John Raffa
137 E Tuckey Ln

From: [Kiffie Robbins](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: RE: Z-27-22-6 Zola North Central
Date: Friday, September 2, 2022 8:54:19 AM

Dear Chairman Swart and Camelback East VPC Members:

We have lived in Uptown North Central for the last 25 years, 21 of which have been in our current home. We know that development will continue, however we are absolutely opposed to Z-27-22-6 Zola North Central for a multitude of reasons. Our community continues to be an area in high demand, and new developments need to be in keeping with the current zoning restrictions.

This parcel is currently zoned for multi-family development. Why does the developer need egregious exceptions in height, density, and setbacks vs what is currently allowed?

Ingress/Egress solely off of Colter will create traffic congestion and multiple safety hazards especially in light of the future changes on Colter to be multi-modal.

If approved, this will completely change the character of Uptown North Central with the excessive height and density. The requested zero setbacks will negatively impact the property values of the condos to the east, as well as add an enormous parking garage.

Multiple neighborhood associations and community members have attempted to work with the developer over the last few months to address these issues and have the proposed complex redrawn to reflect the current zoning and have been ignored by the developer and the developer's representative. It is clear they do not wish to work with the community they wish to build in

We are not against new development but this proposed PUD is in violation of the General Plan and is out of context with the surrounding neighborhood.

We are vehemently against this PUD in its current state.

Thank you for your continued support in protecting the integrity of North Central.

Sincerely,

Kiffie Robbins

522 W Rose Lane - Phoenix, AZ 85013

602-527-0753

From: [Stan Evans](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: Opposition to Z-27-22-6 Zola North Central
Date: Friday, September 2, 2022 12:43:17 PM

We are very strongly opposed to the proposed hi-rise apartment project at 7th Street and Colter in Phoenix. We are told it is already zoned for multi-family projects, and no need to exceed the prior general plan, as it would negatively impact the historic nature of the North Central Phoenix neighborhood. With no set-back proposed, it will be totally out of context with the neighborhood. The increased height exemption totally violates the character of quiet enjoyment by existing property owners in the area. Ingress/egress proposal would create negative traffic impact. This requested exemption to existing Phoenix zoning standards should be denied.

Stanley Evans
35 East San Miguel
Phoenix, AZ 85012

From: [David Hohman](#)
To: [Sarah Stockham](#)
Cc: [Council District 6 PCC](#)
Subject: RE: Z-27-22-6 Zola North Central
Date: Friday, September 2, 2022 1:00:50 PM

Dear Chairman Swart and Camelback East VPC Members,

My wife, Jennifer, and I are area residents and homeowners who are strongly in opposition to the rezoning of the property at 7th St and Colter from C-2 (Intermediate Commercial) to PUD (Planned Unit Development). We have been Central Phoenix residents since moving here in 2012. We are in our third house in the area, now also with our 4 year old son and we do love being in this part of town. Our home is near 7th Ave and Northern and I commute to the Biltmore area daily for work -- this change in zoning will impact a route in an area I travel regularly and shop/dine in frequently (both summer and winter). I read the Zola proposal and, while I appreciate the efforts of the team at Zom Living to assuage the impacts of rezoning this parcel, **I am against changing the zoning at this time.**

This is an established area that, I feel as a resident, is quite well balanced in terms of commercial and residential utilization and I would like it preserved. As our roads are already constructed and no new natural stoplight locations exist near this proposed project, my concern is that the pointed impact of this development will have a negative effect on an already busy 7th/Camelback and 7th/Missouri intersections, as well as 7th Street traffic overall. As the natural SR-51 freeway entrances for these residents will be Highland and Colter, I also believe Colter is a one-way westbound on the west side of 7th Street -- so it doesn't really offer an outlet for residents leaving the apartments. I am concerned that their traffic impact information is limited only to the immediate street front in such a urban project design. Bus service will not alleviate the traffic nor will the nearest light rail service at Central/Camelback. In short, I feel the impact of the traffic related to this apartment project is not being presented -- as if this were an apartment out in the farm fields of Gilbert -- and that is alarming in this proposal. The development of the similar Vela high-density project SE of the Camelback and 7th St intersection less than ten years ago has already added vehicular congestion to this intersection, which is a cause of traffic along both streets (especially northbound 7th on weekday afternoons). We have numerous new apartment/condo projects under construction now on 19th Ave/Camelback; 7th Ave/Camelback; Central/Camelback; and Indian School/Central -- however, this proposal differs from these projects in that there is not light rail service near the project. The neighborhood is going to absorb these impacts 100%. As this parcel is currently serving as a school campus and other plots with similar zoning are hosting successful businesses on 7th, I see no value to rezoning at this time. Especially to a five-story structure when the area is two-story at most (including the apartment complex on the south side of Colter at 7th St). We

are going to have more people coming into the area as I am sure more of these developments are unavoidable. However, with all the existing higher density construction in progress, 7th Street and Colter is not the area we need to drop in a 5-story apartment right now. I think the best course of action is to let these other projects finish; realize the impact; then reconsider such a drastic rezoning at this 7th/Colter parcel in a few years. Perhaps comparison on the impact of the Alta North Phoenix (7th Street South of Maryland) that was recently constructed would be useful to review as a real-life impacts of these zoning changes along 7th.

Thank you, David Hohman 611 W Augusta Ave Phoenix, AZ 85021

Village Planning Committee Meeting Summary Z-27-22-6

Date of VPC Meeting	September 6, 2022
Request From	C-2
Request To	PUD
Proposed Use	Multifamily residential
Location	Northeast corner of 7th Street and Colter Street
VPC Recommendation	Approval, per staff recommendation
VPC Vote	14-2-1

VPC DISCUSSION:

16 members of the public registered to speak on this item.

Committee Member Hayleigh Crawford joined during this item, bringing the quorum to 17 members.

STAFF PRESENTATION:

Sarah Stockham, staff, provided an overview of the rezoning request, describing the location, the existing and proposed zoning districts and the surrounding uses as well as the site plan and elevations for the proposed multifamily building. Ms. Stockham shared that the proposal has received one letter of support, 78 letters of opposition, including a petition of opposition with 181 signatures, albeit staff had received a large file with about 200 letters of support from the applicant earlier that afternoon. Ms. Stockham concluded by stating staff recommends approval subject to stipulations.

Chair Jay Swart reminded participants from the public that they would remain muted until it was their turn to speak, during which each speaker would be allotted two minutes to speak. Mr. Swart urged the applicant to keep the presentation brief and to address communication with the neighborhood and any subsequent changes to the project plans.

APPLICANT PRESENTATION:

Nick Wood, representing the applicant with Snell & Wilmer, introduced himself and stated that he would limit his comments to the changes that have been made as a result

of outreach. Mr. Wood briefly introduced the site, its surrounding land uses and the surrounding neighbors that the applicant has worked with, including the Windsor Square neighborhood. Mr. Wood shared that a tour of the site with leadership from Windsor Square prompted the applicant to include the appearance of a stepback element, increase the amount of parking spaces, and construct a traffic signal at 7th Street and Colter. Mr. Wood displayed the development standards table for the project, detailing the process by which the number of units was reduced and by which the setbacks, open space, and parking were increased. Mr. Wood displayed renderings and brought attention to architectural features that will be used to create the illusion of a step back in height. Mr. Wood displayed outreach maps with addresses of both letters of support and opposition.

QUESTIONS FROM THE COMMITTEE:

Hayleigh Crawford asked for the requisite for rezoning to PUD rather than utilizing the site's by-right uses. **Mr. Wood** elaborated that PUD zoning is the only way to achieve the density and height that is needed given the size of the site, which exceeds the intensity and density that waivers could provide in the current C-2 zoning. **Ms. Crawford** asked Mr. Wood if he believes that the current zoning is undesirable. **Mr. Wood** responded that, yes, with the example of a convenience store or service station as an unfavorable alternative allowed by-right.

Dawn Augusta inquired about current on-street parking along Colter Street. **Sarah Stockham**, staff, stated aerial imagery shows vehicles parked along Colter Street. **Mr. Wood** responded that there is in fact street parking allowed on Colter Street, while also reminding the committee that the number of efficiency and one-bedroom units has allotted extra parking spaces within the project.

Hayleigh Crawford requested clarification on a discrepancy in the parking and unit counts. **Mr. Wood** replied that the unit count had been lowered, though the parking study was conducted based on a higher amount.

PUBLIC COMMENTS:

Mary Crozier introduced herself as the president of the North Central Phoenix Homeowners' Association in opposition. Ms. Crozier stated that her organization has worked closely with developers in the past and cited the Broadstone on 7th as a project in which the developer appropriately addressed concerns about height and building massing.

Andrew Rogers introduced himself as a neighbor of Windsor Square in opposition. Mr. Rogers expressed his beliefs that the applicant has been disingenuous and difficult to contact. Mr. Rogers shared that, while not opposed to growth, he would prefer anything other than the project as it is proposed. Mr. Rogers emphasized diversity and inclusion and stressed that the applicant has not made any proper changes.

Mike Freret introduced himself as a neighbor of Windsor Square in opposition. Mr. Freret stated that the proposal threatens to undermine the spirit and cohesion of the community, as the current zoning and the density it allows is appropriate. Mr. Freret does not find a traffic signal to be a solution to the increase in traffic and density.

Susan Rhoads introduced herself as a nearby neighbor in opposition. Ms. Rhoads stated that she was present during the walkaround with the applicant and that she does not believe any of the concerns brought up during that meeting were addressed. Ms. Rhoads also finds balconies above 7th Street hazardous.

Andre DeMarco introduced himself as a neighbor of Colter Street in opposition. Mr. DeMarco shared traffic as his largest concern, citing the recent increase of traffic in the area. Mr. DeMarco believes that the proposal will exacerbate traffic as many vehicles will utilize Colter to access the 51 freeway.

Sandy Grunow introduced herself as a neighbor in opposition. Mrs. Grunow brought attention to a school bus pick up and drop off at 8th Place and Colter Street; she believes the proposal will increase traffic and therefore threaten the safety of the children and others walking or cycling along Colter. Ms. Grunow believes that ingress and egress to the site should be via 7th Street and that the proposal will not help address the affordable housing crisis.

William Saul introduced himself as a neighbor in support. Mr. Saul shared that he finds that the developer has made small changes to address some of the issues. Mr. Saul emphasized the need for housing in Phoenix and expressed that he finds the proposal as a solution, though he encourages the developer to be a good neighbor.

Dani Huval introduced herself as a nearby homeowner in support. Ms. Huval shared that she works for a general contractor that builds with the developer and that the developer has been trustworthy and of high quality in her experience. Ms. Duval noted that the number of units has been reduced to address density concerns.

Nicole Vasquez introduced herself as a neighbor of 12 years in support. Ms. Vasquez emphasized the various amenities of the project that will facilitate walking and biking as well as her desire to see the 7th Street Corridor improved and updated.

Tom Hilditch introduced himself as the president of the Windsor Square board in opposition. Mr. Hilditch echoed the sentiments of Mr. Freret and relayed the community's desire to maintain the character of the neighborhood. Mr. Hilditch echoed the concerns about height and density and the improper precedent that will be set by the project.

Jackie Rich introduced herself as the president of the Murphy Trail Estates Neighborhood Association in opposition. Ms. Rich expressed concern about setting a precedent of intensity should the project be approved. Ms. Rich stated that the project belongs in downtown Phoenix and that the proposed height and setbacks are not contextually appropriate.

Peggy Oursland introduced herself as a neighbor in opposition. Ms. Oursland expressed opposition to the proposed traffic signal at Colter Street and her desire to maintain the existing zoning.

Suzanne Dohrer introduced herself as a neighbor in opposition. Ms. Dohrer relayed concern about noise coming from unit balconies and apprehension for moving forward without a completed traffic study. Ms. Dohrer urged the committee to be wary of the

recently gathered petitions of support as the petition was misleading and hastily prepared.

John Hathaway introduced himself as an officer in a local charity in opposition. Mr. Hathaway shared that the proposed rent for the project far exceeds the neighborhood average, and that he in fact has heard of two dozen families who have been displaced from the neighborhood. Mr. Hathaway implored staff and the committee to approve affordable housing units rather than luxury housing units.

Dr. Jelena Vladikovic echoed the sentiment of opposition. Dr. Vladikovic expressed grave concerns about water supply and shortages, as well as a concern for displacement as a result of luxury construction.

Larry Whitesell introduced himself as the co-chair of the Peak Neighborhood Association in opposition. Mr. Whitesell implored staff and the applicant to elaborate on elements of the case's staff report including general plan consistency, consistency with surrounding uses, comparison of standards for similar projects, and ingress/egress on Colter Street. Mr. Whitesell brought attention to a quote from the first round of review for the PUD, stating that the proposal does not propose any significant enhancements which are superior to conventional zoning to justify the requested PUD.

APPLICANT RESPONSE:

Mr. Wood stated that projects of this nature are always subject to change after the first submission. Mr. Wood displayed a map of outreach made to surrounding residents, from which arose a substantial number of individual letters of support. Mr. Wood contested claims that these letters were misleading or incomplete. Mr. Wood cited two meetings with neighborhood leaders including Ms. Crozier and Mr. Whitesell during May and June of 2022 and mentioned that the project was 220 feet away from the nearest home to refute claims that the project would hover over nearby homes or that noise could be heard from overhead balconies. Mr. Wood reaffirmed the need for a traffic signal at Colter Street in the name of safety for bicyclists, transit riders, and turning vehicles, as well the need for enhanced streetscape using detached sidewalks and bioswales for water retention. Mr. Wood clarified the range of projected rents, shared his belief that the traffic signal would reduce noise from high-speed traffic, and emphasized the improvements to an outdated site. Mr. Wood reiterated that the project has incorporated architectural elements to create the illusion of stepback in contrast to a taller building at 7th Street and Missouri.

FLOOR/PUBLIC DISCUSSION CLOSED: COMMITTEE DISCUSSION:

Craig Tribken shared that he lived in Windsor Square for over 20 years. Mr. Tribken iterated that while state legislature does not provide for rent control, the best way to mitigate affordability is through supply and demand. Mr. Tribken stated his belief that Windsor Square has sufficient protection from cut-through traffic, 7th Street needs to be changed in terms of reverse lanes and attached sidewalks, and the property currently provides by-right uses that would adversely affect the neighborhood.

Christina Eichelkraut concurred with Mr. Tribken about housing affordability, though she believes that there is other recourse, including the public hearing process. Ms. Eichelkraut stressed the issue of affordability and doubts that an approval of yet another

luxury multifamily project would alleviate the issue, if not exacerbate it. Ms. Eichelkraut raised concerns about the project's efficacy of public transit use given its parking count and concerns about developers being obliged to pay for infrastructure improvements. Ms. Eichelkraut does not believe concerns from Windsor Square are invalid on account of distance.

Tom O'Malley iterated that the committee spends a great deal of time vetting these projects and that he himself had done a thorough survey of the surrounding area. Mr. O'Malley expressed support for both ingress/egress from Colter and the installation of a traffic signal at Colter, as well as doubts that the project will impede views or increase cut-through traffic in Windsor Square.

Hayleigh Crawford asked for a clear comparison between the existing development standards and the proposed standards. Ms. Crawford does not find the proposal to be innovative or sufficient in supporting goals for walkability or tree and shade plans.

Dawn Augusta stated that the project exemplifies responsible development due to the installation of a traffic signal and its contribution to housing stock in the city of Phoenix.

Adiba Jurayeva stated that her biggest concern was parking, though it has been addressed via stipulations and for this reason she is in support.

Danny Sharaby expressed support for the project and the changes that have been made, though the Committee should be wary of public outreach by the applicant in terms of online interactions and dissemination of information.

Craig Tribken reiterated his support of the streetscape improvements, setbacks, and its provision of housing.

Vice Chair William Fischbach shared that he and Chair Swart had spent several hours meeting with the applicant which determined his narrow vote of support. Mr. Fischbach relayed that due to site constraints and parking requirements, the developer was not able to offer concessions in height or density, thereby requiring a PUD. Mr. Fischbach commended the project's provision of detached sidewalks and improvements to the neighborhood, the character of the Windsor Square and North Central neighborhoods, and the housing opportunity for young professionals in the project.

MOTION:

Tom O'Malley motioned to approve Z-27-22-6 per the staff recommendation. **Craig Tribken** seconded.

VOTE:

14-2-1; motion to recommend approval of Z-27-22-6 per the staff recommendation passes with Committee Members Abbott, Augusta, Bayless, Beckerleg Thraen, Garcia, Jurayeva, Nye, O'Malley, Pacey, Rush, Sharaby, Tribken, Fischbach and Swart in support, Crawford and Eichelkraut in opposition, and Czerwinski in abstention.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

Staff has no comments.

ATTACHMENT E

REPORT OF PLANNING COMMISSION ACTION October 6, 2022

ITEM NO: 15	
	DISTRICT NO.: 6
SUBJECT:	
Application #:	Z-27-22-6 (Zola North Central PUD)
Location:	Northeast corner of 7th Street and Colter Street
From:	C-2
To:	PUD
Acreage:	2.55
Proposal:	Planned Unit Development to allow multifamily residential
Applicant:	ZOM Living
Owner:	7th & Colter, LLC
Representative:	Nick Wood, Snell & Wilmer, LLP

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Camelback East 6/7/2022 Information only.

Camelback East 9/6/2022 Approval, per the staff recommendation. Vote: 14-2-1.

Planning Commission Recommendation: Approval, per the Camelback East Village Planning Committee recommendation with an additional stipulation.

Motion Discussion: N/A

Motion details: Vice-Chair Mangum made a MOTION to approve Z-27-22-6, per the Camelback East Village Planning Committee recommendation with an additional stipulation as requested by the representative regarding ground level walls.

Maker: Vice-Chair Mangum
Second: Gaynor
Vote: 7-2 (Busching and Perez)
Absent: None
Opposition Present: Yes

Findings:

1. The project site is appropriately located along an arterial street, a planned bicycle corridor, a bus route and adjacent to a bus stop.
2. The proposal will develop an underutilized site and provide additional housing options within proximity to commercial and employment uses.
3. The proposal is consistent with the General Plan Land Use Map designation and is compatible in intensity and scale with recently approved projects near the subject site.

4. The proposed PUD sets forth design and development standards that will facilitate pedestrian-oriented design and promote a safer walking and bicycling environment.

Stipulations:

1. An updated Development Narrative for the Zola North Central PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped August 26, 2022, as modified by the following stipulations:
 - a. Front cover: Revise the date information on the cover page to the following:

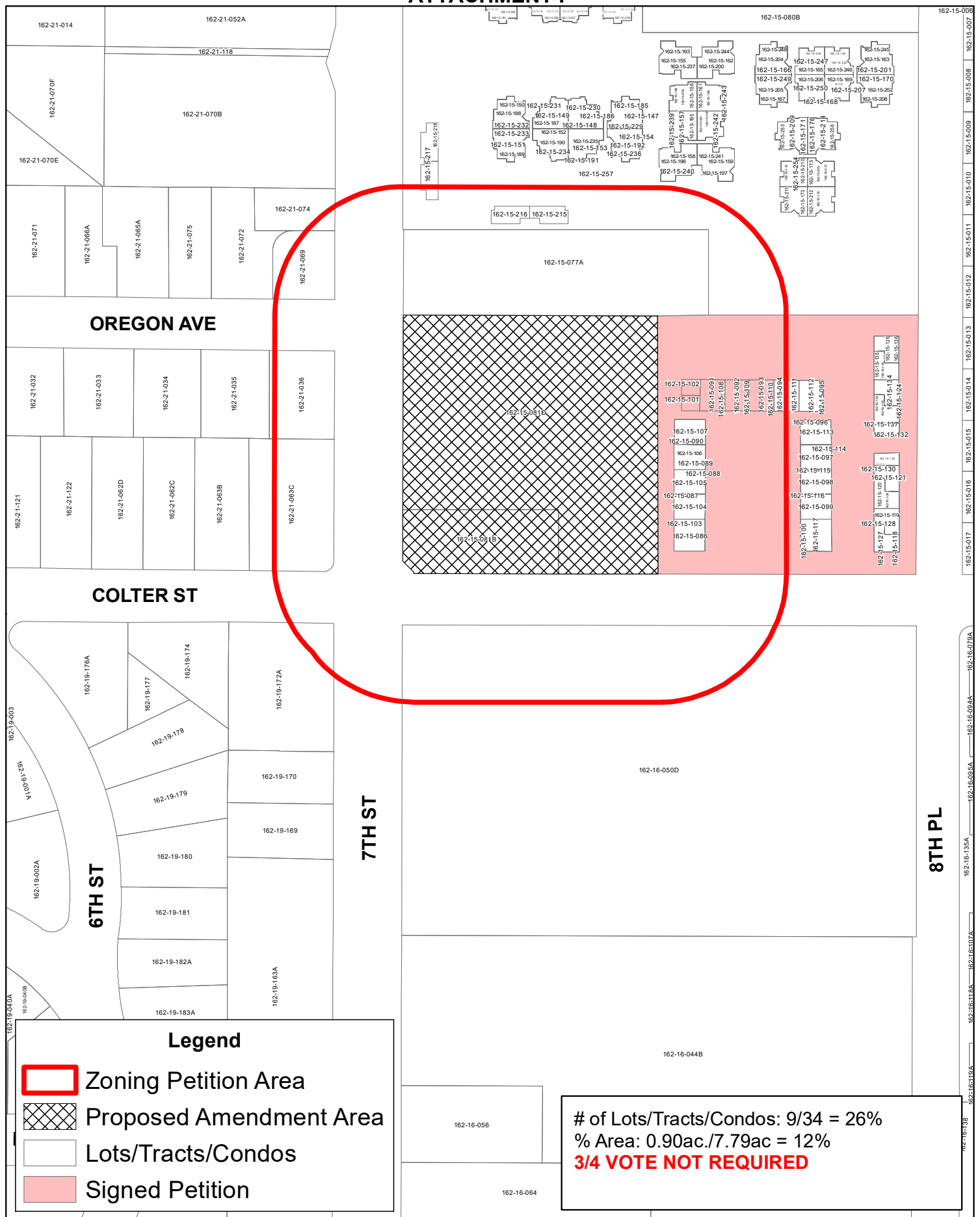
City Council Adopted: [Add Adoption Date]
 - b. Page 11, D3: Parking, Section A. Vehicular standards: Update Item 1. Resident and Visitor Parking (Minimum) to Efficiency Units: 1.3 spaces per dwelling unit, 1-Bedroom Units: 1.5 spaces per dwelling unit, 2-Bedroom Units: 1.5 spaces per dwelling unit.
 - c. Page 11, D3: Parking, Section A. Vehicular standards: Add a sentence that reads "A minimum of 10% of the required parking spaces shall be utilized for visitor parking purposes."
2. The developer shall provide traffic calming to slow vehicle traffic exiting the property with specific regard to pedestrian safety on the public sidewalk, as approved by the Planning and Development Department.
3. The developer shall dedicate a minimum 10-foot-wide sidewalk easement and construct the east side of 7th Street, as approved by the Planning and Development Department.
4. The developer shall fully fund a traffic control device at the intersection of 7th Street and Colter Street, as determined and approved by the Street Transportation Department.
5. The applicant shall submit a Traffic Impact Study to the City for this development. The developer shall be responsible for cost and construction of all mitigation identified through the analysis. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation Department.
6. The developer shall construct all streets within and adjacent to the development 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.
7. The developer shall construct a bus stop pad along northbound 7th Street. The Bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet and shall be located from the intersection of Colter Street according to City of Phoenix Standard Detail P1258.
8. 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.

9. 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.
10. **PEDESTRIAN ACCESS GATES SHALL BE PROVIDED IN PATIO WALLS AT THE GROUND FLOOR UNITS FRONTING A PUBLIC SIDEWALK AND PEDESTRIAN PATHWAYS SHALL BE PROVIDED TO CONNECT TO THE GROUND FLOOR UNITS TO THE SIDEWALK, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**

This publication can be made available in alternate format upon request. Please contact Les Scott at 602-261-8980, leslie.scott@phoenix.gov or TTY: Use 7-1-1.

ATTACHMENT F



Petition Verification Map for Z-27-22

CITY OF PHOENIX
PLANNING AND DEVELOPMENT DEPARTMENT

FORM TO REQUEST PC to CC I HEREBY REQUEST THAT THE CC HOLD A PUBLIC HEARING ON: 11/2/2022			
APPLICATION NO/ LOCATION	Z-27-22-6 Northeast corner of 7th Street and Colter Street	<i>(SIGNATURE ON ORIGINAL IN FILE)</i>	
		opposition	x
APPEALED FROM:	PC October 6, 2022	7120 North 20th Street Phoenix, AZ 85020	
	<i>PC DATE</i>	<i>STREET/ADDRESS/CITY/STATE/ZIP</i>	
TO PC/CC HEARING	CC November 2, 2022	Larry Whitesell 602-370-8453 thepeakna@gmail.com	
	<i>CC DATE</i>	<i>NAME / PHONE / EMAIL</i>	
REASON FOR REQUEST: Information presented at the Planning Commission was inaccurate.			
RECEIVED BY:		RECEIVED ON:	

Alan Stephenson
 Joshua Bednarek
 Tricia Gomes
 Racelle Escolar
 Stephanie Vasquez
 Diana Hernandez
 David Urbinato
 Vikki Cipolla-Murillo

Greg Harmon
 Paul M. Li
 Village Planner
 GIS
 Applicant
 Adam Stranieri (for PHO Appeals)



OCT 13 2022

Planning & Development
Department

The **PLANNING COMMISSION** agenda for **October 6, 2022** is attached.

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

1. A **REQUEST FOR A HEARING** by the **CITY COUNCIL** is filed within seven (7) days.

There is a \$630.00 appeal fee for hearings requested by the applicant, due by 5:00 p.m. **October 13, 2022**.

Any member of the public may, within seven (7) days after the Planning Commission's action, request a hearing by the City Council on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m. **October 13, 2022**.

2. A **WRITTEN PROTEST** is filed, no later than seven (7) days after the Planning Commission's action, which requires a three-fourths vote. A written protest will require a three-fourths vote of the City Council to approve a zoning change when the owners of at least 20 percent of the property by area and number of lots, tracts, and condominium units within the zoning petition area have signed the petition. The zoning petition area includes both the area of the proposed amendment, and the area within 150 feet of the proposed amendment, including all rights-of-way. For condominium, townhouse and other types of ownership with common lands, authorized property owner signatures are required. Please see Planning and Development Department Staff for additional information prior to gathering signatures.

To require a three-fourths vote of the City Council for approval, a written protest for applications on this agenda must be filed with the Planning and Development Department by 5:00 p.m. **October 13, 2022**

The Planning and Development Department will verify ownership by protestors to determine whether or not a three-fourths vote will be required.

3. A **CONTINUANCE** is granted at the **PLANNING COMMISSION**. In the event of a continuance, there is an \$830.00 fee due from the applicant within fourteen (14) days, by 5:00 p.m. **October 20, 2022**.

FORM TO REQUEST CITY COUNCIL HEARING

I HEREBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

7-27-22-6
APPLICATION NO.

10-6-2022
DATE APPEALED FROM

☒ OPPOSITION
☐ APPLICANT

7th & COLTER ST - NW CORNER
LOCATION OF APPLICATION SITE

Bradley Wylam
PLANNER
(PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

LARRY WHITESELL
PRINTED NAME OF PERSON APPEALING

7120 N 20TH ST
STREET ADDRESS

PHOENIX AZ 85020
CITY, STATE & ZIP CODE

thepeakna@gmail.com
EMAIL ADDRESS

Larry Whitesell
SIGNATURE

10-13-2022
DATE OF SIGNATURE

602 370-8453
TELEPHONE NO.

REASON FOR REQUEST

INFORMATION PRESENTED AT THE PLANNING COMMISSION WAS INADEQUATE

APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER

OCT 13 2022

Planning & Development
Department

Petition for THREE-FOURTHS (3/4) Vote by City Council
for REZONING APPLICATION # Z-27-22-6

Request: C-2 to PUD

Location: Northeast Corner of 7th St & Colter

We the undersigned are OWNERS of property within the area of the proposed amendment or the area within 150-feet of the proposed amendment, including all rights-of-way, requesting the rezoning action. We request that the City Council be required to pass the rezoning application by a three-fourths (3/4) vote.

Date	SIGNATURE	Print Name	ADDRESS	APN
10/12/2022	<i>Raymond Enix</i>	Raymond Enix	810 E Colter Unit 6 Phoenix AZ 85014	162-15-091
10/12/2022	<i>Raymond Enix</i>	Raymond Enix	810 E Colter Unit 7 Phoenix AZ 85014	162-15-092
10/12/2022	<i>Raymond Enix</i>	Raymond Enix	810 E Colter Unit 8 Phoenix AZ 85014	162-15-093
10/12/2022	<i>Raymond Enix</i>	Raymond Enix	819 E Colter Unit 16 Phoenix AZ 85014	162-15-101
10/12/2022	<i>Raymond Enix</i>	Raymond Enix	810 E Colter Unit 18 Phoenix AZ 85014	162-12-102
10/12/2022	<i>Raymond Enix</i>	Raymond Enix	810 E Colter Unit 25 Phoenix AZ 85014	162-15-108
10/12/2022	<i>Raymond Enix</i>	Raymond Enix	810 E Colter Unit 26 Phoenix AZ 85014	162-15-109
10/12/2022	<i>Raymond Enix</i>	Raymond Enix	810 E Colter Unit 27 Phoenix AZ 85014	162-15-110
10/12/2022		Margaret E. Haugen, President	Imperial Plaza Condominium Association LLC 810 E Colter Phoenix AZ 85014	MCR-240-45

OCT 13 2022


Planning & Development
Department

Petition for THREE-FOURTHS (3/4) Vote by City Council
for REZONING APPLICATION # Z-27-22-6

Request: C-2 to PUD

Location: Northeast Corner of 7th St & Colter

We the undersigned are OWNERS of property within the area of the proposed amendment or the area within 150-feet of the proposed amendment, including all rights-of-way, requesting the rezoning action. We request that the City Council be required to pass the rezoning application by a three-fourths (3/4) vote.

Date	SIGNATURE	Print Name	ADDRESS	APN
10/12/2022		Raymond Enix	810 E Colter Unit 6 Phoenix AZ 85014	162-15-091
10/12/2022		Raymond Enix	810 E Colter Unit 7 Phoenix AZ 85014	162-15-092
10/12/2022		Raymond Enix	810 E Colter Unit 8 Phoenix AZ 85014	162-15-093
10/12/2022		Raymond Enix	819 E Colter Unit 16 Phoenix AZ 85014	162-15-101
10/12/2022		Raymond Enix	810 E Colter Unit 18 Phoenix AZ 85014	162-12-102
10/12/2022		Raymond Enix	810 E Colter Unit 25 Phoenix AZ 85014	162-15-108
10/12/2022		Raymond Enix	810 E Colter Unit 26 Phoenix AZ 85014	162-15-109
10/12/2022		Raymond Enix	810 E Colter Unit 27 Phoenix AZ 85014	162-15-110
10/12/2022		Margaret E. Haugen, President	Imperial Plaza Condominium Association LLC 810 E Colter Phoenix AZ 85014	MCR-240-45

2022 ANNUAL REPORT

ENTITY INFORMATION

ENTITY NAME: IMPERIAL PLAZA CONDOMINIUM ASSOCIATION
ENTITY ID: 14340460
ENTITY TYPE: Domestic Nonprofit Corporation
CHARACTER OF BUSINESS: HOMEOWNERS ASSOCIATION
AUTHORIZED SHARES:
ISSUED SHARES:

STATUTORY AGENT INFORMATION

STATUTORY AGENT NAME: MICHAEL LATZ
PHYSICAL ADDRESS: Attn: % GOLDEN VALLEY PROPERTY MANAGEMENT, 608
E MISSOURI AVE STE 100, PHOENIX, AZ 85012
MAILING ADDRESS:

KNOWN PLACE OF BUSINESS

Att: MICHAEL LATZ % GOLDEN VALLEY PROPERTY MANAGEMENT, 608 E Missouri Ave, Ste
100, PHOENIX, AZ 85012

PRINCIPAL OFFICE ADDRESS

PRINCIPAL INFORMATION

Director: RAYMOND ENIX - % GOLDEN VALLEY PROPERTY MANAGEMENT, 608 E MISSOURI AVE #100,
PHOENIX, AZ, 85012, USA - - Date of Taking Office: 06/15/2017

President: E K HAUGEN JR TRUST - % GOLDEN VALLEY PROPERTY MANAGEMENT, 608 E MISSOURI AVE
#100, PHOENIX, AZ, 85012, USA - - Date of Taking Office: 05/14/2015

Vice-President: Gary Miller - % GOLDEN VALLEY PROPERTY MANAGEMENT, 608 E MISSOURI AVE #100,
PHOENIX, AZ, 85012, USA - - Date of Taking Office: 06/15/2017

SIGNATURE

President: E K HAUGEN JR TRUST - 02/21/2022

When Recorded Return To:

The Travis Law Firm, PLC
10621 S. 51st Street, Suite 103
Phoenix, Arizona 85044

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20: Document

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**AMENDED AND RESTATED DECLARATION OF COVENANT,
CONDITIONS, AND RESTRICTIONS FOR
IMPERIAL PLAZA CONDOMINIUM ASSOCIATION**

This Amended and Restated Declaration of Covenant, Conditions and Restrictions for Imperial Plaza is adopted by the Members of the Imperial Plaza Condominium Association ("Association").

RECITALS

WHEREAS, a certain Declaration of Horizontal Property Regime and of Covenant, Conditions And Restrictions was recorded on March 25, 1982, at Docket 15915, Page 929 ("Original Declaration");

WHEREAS, pursuant to Article 22 of the Original Declaration the Owners of at least sixty-seven percent (67%) are granted the right to amend the Original Declaration;

WHEREAS, the Owners of at least sixty-seven percent (67%) of the Units voted in favor of amending the Original Declaration; and

WHEREAS, the undersigned are desirous of amending said Original Declaration,

NOW THEREFORE, the undersigned Owners of at least sixty-seven percent (67%) of the Units of certain real property located in Maricopa County, State of Arizona, which is legally described according to the Plat of record in Book 240, Page 45, hereby declare that all the said real property shall be held, and conveyed subjection to the following easements, restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner thereof.

ARTICLE I

1. DEFINITIONS. As used herein, unless the context otherwise requires:

1.1 "Act" shall mean and refer to the provisions of A.R.S. §§33-1201 *et seq.*, as the same may be amended from time to time or any successor statutes thereto

1.2 "Association" shall mean Imperial Plaza Condominium Association, an Arizona nonprofit corporation, or any successor or assign, whether by way of consolidation, merger, transfer or otherwise.

1.3 "Architectural Rules" shall mean any rules, design guidelines, standards and procedures adopted by the Architectural Committee, or the Board as amended or supplemented from time to time.

1.4 "Articles" means the Articles of Incorporation of the Association, as they may be amended from time to time.

1.5 "Assessment" shall mean that portion of the cost of maintaining, improving, repairing, operating, and managing the Property which is to be paid by each Unit Owner as determined by the Association, and includes Special Assessments and Enforcement Assessments, whether or not capitalized, defined and described in the Community Documents.

1.6 "Board" means the Board of Directors of the Association.

1.7 "Building" means the buildings located on the Parcel and forming part of the Property as shown on the Plat.

1.8 "Bylaws" means the First Amended ^{Unofficial Document} Bylaws of the Association as may be amended from time to time.

1.9 "Collection Costs" means all costs, fees, charges and expenditures (including without limitation, all attorneys' fees, court costs, filing fees, lien fees, demand fees and Recording fees" incurred by the Association in collecting and/or enforcing payment of any Assessments or other amounts payable to the Association pursuant to this Amended and Restated Declaration, without regard to whether a lawsuit is filed or legal action otherwise undertaken by or on behalf of the Association.

1.10 "Common Elements" means all portions of the of the Property other than the Units including the landscaping installed upon any portion of public rights of way immediately abutting the boundary lines of the Property.

1.11 "Condominium" means a Unit and the undivided interest in the common elements which is appurtenant to such Unit, together with the exclusive parking rights and the non-exclusive easement to use the common elements as set forth in this Declaration, as provided by this Declaration and by the Act. Each Condominium shall constitute a separate freehold estate.

1.12 "Community Documents" means this Declaration, the Articles of Incorporation, the First Amended Bylaws of the Association, the Plat, Rules and Regulations and

Architectural or Design Guidelines and any other documents governing the Property, the Association, and its Members.

1.13 "Common Interest" means the proportionate undivided interest in the Common Elements which is allocated to each Condominium.

1.14 "Declaration" means this Amended and Restated Declaration of Covenant, Conditions, and Restrictions for Imperial Plaza, Condominium Association, as it may be amended from time to time.

1.15 "Holder" means any bank, savings and loan association, insurance company, mortgage company or other entity or person holding a recorded first mortgage on any Condominium.

1.16 "Insurer" or "Guarantor" means any person or entity which insures a recorded first mortgage on any Condominium or any governmental entity which guarantees a recorded first mortgage on any Condominium and provides the Association with its name and address and the address of such Condominium.

1.17 "Invitee" shall include any person whose temporary or periodic presence within the Property, including any Unit, has been solicited, approved by, or arranged for, by a particular Unit Owner, Lessee, or Resident including, without limitation, guests, employees, business invitees, contractors, and agents.

1.18 "Improvement" means any construction, alteration, replacement, or repair of or upon the Common Elements, or within a Unit if of a structural nature. All Improvements shall be maintained, constructed, and reconstructed in neutral colors harmonious with the existing Improvements located in the Property and may be further subject to additional Rules as the Association may from time to time determine.

1.19 "Lessee" means any person who is the tenant or lessee of a Unit regardless of length of stay.

1.20 "Limited Common Element" means those Common Elements that are reserved pursuant to this Declaration for the use of one Unit, (or more than one but fewer than all Units) to the exclusion of other Units or by operation of A.R.S. §33-1212 paragraph 2 and 4, and also those physical areas, if any, designated as Limited Common Elements.

1.21 "Majority" or "Majority of Owners" means the owners of more than 50% of the Units.

1.22 "Member" shall mean and refer to a Person entitled to membership in the Association.

1.23 "Mortgage" includes deeds of trust; "Mortgagee" includes a beneficiary under a deed of trust; and "Mortgagor" includes a Trustor under a deed of trust.

1.24 "Occupant" means a person or persons, including an Owner, legally in possession of a Condominium.

1.25 "Owner" or "Owners" means the person or persons whose estates or interests individually or collectively aggregate fee simple ownership of a Condominium and the person or persons who are purchasers under a valid and outstanding recorded Agreement of Sale with respect to a Condominium.

1.26 "Parcel" means the parcel or tract of real estate described above in this Declaration and subject to the Act.

1.27 "Person" means a natural individual, corporation, partnership, business trust, association, joint venture, governmental subdivision or agency, or trustee or other legal entity capable of holding title to real property.

1.28 "Plat" means the plat of Imperial Plaza as recorded in Book 240 of Maps at page 45 thereof, Maricopa County, Arizona.

1.29 "Property" shall mean the real property as shown on the Plat, the Common Elements, Condominium Units, Limited Common Elements, and Improvements, together with all furniture, furnishings, fixtures and equipment intended for the mutual use, benefit and enjoyment of the Owners.

1.30 "Record" or "Recording" refers to ^{Unofficial Document} record or recording in the office of the County Recorder of Maricopa County, Arizona.

1.31 "Rules" shall mean the rules adopted by the Board pursuant to Article 4, Section 4.5 of this Declaration.

1.32 "Unit" means a part of the Property, including one or more rooms situated in the building comprising as part of the Property, designed or intended for independent use as permitted hereunder and as set forth on the Plat. Each Unit shall consist of the space enclosed and bounded by the horizontal and vertical planes as shown on said Plat and as further described herein. However, no structural components of the building in which each Unit is located, and no pipes, wires, conduits, ducts, flues, shafts, or public utility, water or sewer lines situated within such Unit and forming part of any system serving one or more other Units or the Common Elements shall be a part of a Unit.

ARTICLE 2

2. Submission of Property. The Property is a Condominium as defined and governed by A.R.S. §§33-1201 *et seq.*, and all Units shall be owned, leased, sold, conveyed and encumbered subject to the terms, conditions and other provisions of this Declaration and the Act.

ARTICLE 3

3. Description of the Building, the Units, and the Common Elements. The entire Property shall be known as Imperial Plaza and shall be constituted of 52 Units as described in the Plat, together with the percentage interest in the Common Elements which is appurtenant to each Unit.

3.1 Building. A description of the cubic content space of the Building with reference to its location on the Parcel is set forth in the Plat. The upper boundary shall be the plane of the top elevation of the Building, as shown on the Plat, and the lower boundary shall be the plane of the base elevation of the Building as shown on the Plat. The vertical boundaries shall be the exterior of the outside walls, except where there are patios or balconies designated for the exclusive use of a Condominium and which extended beyond the exterior of or are part of the outside walls, in which case the vertical boundaries shall be the plane of the outer walls or outer edges of such patios or balconies.

3.2 Unit. The cubic content space of each Unit shall consist of, and be measured by, the entire space between the Unit's horizontal and vertical boundaries shown on the Plat. Balconies, patios, and storage area bearing similar numerical designation as a Unit on the Plat are part of such Unit, Unofficial Document and reserved for the exclusive use of such Unit's Owner. Each Unit's horizontal boundaries shall be underside of the finished but undecorated ceiling and the top of the finished but undecorated floor. Each Unit's vertical boundaries shall be the interior of the Unit's outside, finished, but undecorated walls and the inside plane of the undecorated walls or edges of such Unit's appurtenant patio or balcony. Unless otherwise shown on the Plat, each patio and balcony shall have the same horizontal boundaries as the Unit of which it is a part.

3.3 If any apparatus or other fixture lies partially within the boundaries of a Unit and partially with the Common Elements, any portion serving only that Unit is a Limited Common Element allocated solely to that Unit, and any portion serving more than one Unit is a Limited Common Element allocated solely to those Units. Unless designated otherwise in this Declaration, the costs to maintain, repair, or replace a Limited Common Elements shall be assessed to the Unit Owner(s) that benefit from such maintenance, repair, or replacement of the Limited Common Element. A Limited Common Element may be added or deleted by a vote of the majority of the Members.

3.4 A description of the Common Elements is the description referred to above in Section 3.1, plus the Parcel, less the description referred to above in Section 3.2. A description of the other Common Elements is as set forth in Section 1.10 of this Declaration.

3.5 The undivided interests in the Common Elements of the Association shall be allocated equally among the Units. Accordingly, each Unit's interest in the Common Elements shall be a percentage equal to one divided by the total number of Units existing in the Condominium from time to time. The percentage of interest of each Unit in the Common Elements shall be an undivided interest and the Common Elements shall be owned by the Unit Owners as tenants in common in accordance with their respective Common Element Interest. The undivided Common Element Interest allocated to any Unit shall always be deemed conveyed or encumbered with any conveyance or encumbrance of that Unit, even though the legal description of the instrument conveying or encumbering the Unit may refer only to the fee title to the Unit.

ARTICLE 4

4. Association. The Association has been formed so as to constitute the "unit owners' association" as that term is defined in the Act. The Association serves as the governing body for all of the Owners for the maintenance, repair, replacement, administration and operation of the Property, the assessment of expenses, payment of losses, disposition of hazard insurance proceeds, and other matters as provided in the Act and in the Condominium documents. The Association shall not be deemed to be conducting a business of any kind, and all funds received by the Association shall be held in a separate trust account and applied by it for the Owners in accordance with the provisions of the Declaration and the Bylaws.

Unofficial Document

4.1 Membership. Each Owner shall automatically become a Member of the Association upon the acceptance of the deed of a Unit within the Property. Each Owner shall remain a Member as long as he remains a Unit Owner, and such membership shall automatically terminate when he ceases to be a Unit Owner. Upon the transfer of the ownership interest, the new Unit Owner succeeding to such ownership interest shall likewise succeed to such membership in the Association.

4.2 Association Board of Directors. Each Director shall be an Owner or the spouse of an Owner. If an Owner is a corporation, partnership or trust, a Director may be an officer, partner, or beneficiary of such Owner. If a Director shall cease to meet such qualifications during this term, the Director will thereupon cease to be a Director and the position on the Board shall be deemed vacant. No Director or officer of the Association shall personally profit from any contract for goods or services entered into by the Association.

4.3 Establishment of Architectural Committee. The Board shall have the right to adopt, amend or repeal by majority vote or unanimous written consent, rules and regulations which shall interpret and implement the provisions contained in the Community Documents and set forth the standards and procedures for architectural control, review and the guidelines for architectural design, landscaping, color

schemes, exterior finishes, use of materials and similar features and items in accordance with the Community Documents. The Architectural Committee shall review Architectural Change Requests by Owner. The decision of the Architectural Committee on all matters submitted to it pursuant to the Community Documents, may be appealed to the Board subject to the right of appeal as determined by the Board in accordance with the Rules. A variance or exception granted by the Board for extenuating circumstances or good cause will not render any of the Rules invalid or unenforceable.

4.4 Establishment of other Committees. The Board may establish such other committees as the Board may determine, including the number of regular members and alternate members as shall serve on such committees to conduct the delegated duties of such Committees.

4.5 Rules and Regulations. By a majority vote of the Board, the Association may, from time to time, and subject to the provisions of the Community Documents adopt, amend and repeal Rules and Regulations. The Association Rules may restrict and govern the use of the Common Elements and any other area within the Association, except the interior of the Unit. The Association Rules may not discriminate among Owners and shall not be inconsistent with this Declaration, the Articles or Bylaws. A copy of the Association Rules as they may from time to time be adopted, amended, or repealed shall be mailed or otherwise delivered to each Owner. Upon such mailing or delivery, said Association Rules shall have the same force and effect as if they were set forth in and were a part of this Declaration.

4.6 Votes Per Unit. In all meetings of the membership each Member shall be entitled to cast one equal vote for each Condominium owned by such Member. Only a single vote may be cast for each Condominium, regardless of how title is held. If a Condominium is owned by more than one person or by a legal entity, such persons and such entity shall designate a single voting delegate in writing, addressed to the Board.

4.7 Indemnification. Every Director and every Officer of the Association shall be indemnified by the Association against all expenses and liabilities, including attorneys' fees, reasonably incurred by or imposed upon him in connection with any proceeding to which he may be a party, or in which he may become involved, by reason of his being or having been a Director or Officer of the Association, or any settlement thereof, whether or not he is a Director or Officer at the time such expenses are incurred, provided that the Board of the Association shall determine, in good faith, that such Officer or Director did not act, fail to act, or refuse to act willfully or with gross negligence, or fraudulently or with criminal intent in the performance of his duties. The foregoing rights of indemnification shall be in addition to and not exclusive of all other

rights to which such Directors or Officers may be entitled, but shall not apply to the extent such liability, damage or injury is covered by insurance of any type.

4.8 Association Grant of Easements. In addition to the blanket easements granted in Article 5 below, the Association is authorized and empowered to grant licenses and easements for sewer lines, water lines, underground conduits, storm drains and other public utility purposes as may be necessary and appropriate for the orderly maintenance, preservation, and enjoyment of the Common Elements or for the preservation of the health, safety, convenience and welfare of the Owners, provided that any damage to a Unit or Common Elements resulting from such grant shall be repaired by the Association as it expense.

ARTICLE 5

5. Blanket Easements and Use of Common Elements. There is hereby created a blanket easement upon, across, over and under the Property for ingress, egress, installation, replacing, repairing, and maintaining all utilities, including but not limited to water, sewers, gas, telephones, cable television and electricity. By virtue of the easement, it shall be expressly permissible for the providing utility company to erect and maintain the necessary facilities and equipment on the Property and to affix and maintain wires, circuits, conduits and related facilities and equipment on, above, across and under the roofs and exterior walls of the Building and ^{Unofficial Document} Units. Notwithstanding anything to the contrary contained in this Section, no easements shall be created nor shall any sewers, electrical lines, water lines, or other facilities for utilities be installed or relocated on the Property except as initially created, programmed, or approved by the Board. This provision shall in no way affect any other recorded easements on the Property.

Except as may be approved by the Board, no building or other structures shall be placed or erected on any easements nor interference made with the free use thereof for the purposes intended.

Each Owner shall have the right appurtenant to his Unit to use the Common Elements in common with all other Owners as may be required for the purposes of ingress and egress to and from, and use and occupancy and enjoyment of, the respective Unit owned by such Owner. Such right to use the Common Elements shall extend to each Owner, Occupants, agents, employees, Lessee, and Invitees of each Owner. Such right to use and possess the Common Elements shall be subject to and governed by the provisions of the Community Documents.

ARTICLE 6

6. Managing Agent. To the extent the powers, duties and rights of the Association or its Board, as provided by law and herein, shall be delegated to a managing agent under a management agreement, the term of any such management agreement may not exceed

one (1) year, subject to successive annual renewal by agreement of the parties, and any such agreement must provide for termination by either party without cause and without payment of a termination fee on ninety (90) days, or less, written notice. If at any time any of the Units are covered by mortgages or deeds of trust required in writing by the holder thereof to qualify for the further sale thereof to the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation (or any successors to such corporations which perform their present functions) the terms of any management agreement and any decision by the Association to self-manage the Property shall be in accordance with and subject to all requirements (including any required consents or waivers) of such corporations or their successors, which requirements shall control.

ARTICLE 7

7. Parking. Each studio, 1-bedroom and 2-bedroom Condominium shall have the right to the exclusive use of 1 parking space on the Property, and each 3-bedroom Condominium shall have the right to the exclusive use of 2 parking spaces on the Parcel, the location of which space(s) shall be determined and assigned by the Association. Such parking rights are appurtenant to each Owner's ownership of his Condominium and cannot be separated from such ownership. The Board shall have full authority to operate, manage and use for and on behalf of all Owners the unassigned parking spaces situated on the Parcel.

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7.1 Vehicle Maintenance. Emergency repairs such as flat tires, light bulb and fuse changes, coolant hoses, fan belts and battery jumps are permitted. Washing, engine tune-ups, oil changes, engine rebuilds, other repair work, including body work are prohibited.

7.2 Restricted Vehicles. No trailers, campers, mobile homes, commercial vehicles, trucks (other than pick-up trucks), boats or similar equipment shall be permitted to remain upon any area within the Property except for temporary purposes such as loading or unloading.

7.3 Inoperable Vehicles. No inoperable vehicles are permitted on the Property. A vehicle is considered inoperable if: (1) the vehicle is partially or wholly dismantled, discarded, wrecked, on blocks or similar devices, stripped, or scrapped; (2) a vehicle has a deflated tire(s) or is missing any wheel or tire; (3) any vehicle which is inoperable due to mechanical failure or mechanical disassembly; (4) any motor vehicle missing a windshield, hood, fenders, doors, bumpers, engine, transmission, interior seats or operating controls; (5) any car with a missing or torn roof; or (5) an unregistered vehicle, or a vehicle with expired tags.

7.4 Maintenance of Parking Area. Parking spaces assigned to Owners are not allocated to Units as Limited Common Elements but rather shall be part of the

Common Elements maintained by the Association. Each Unit Owner is responsible to maintain his parking spot free of all debris and trash. If an Owner, Occupant, Lessee, guest, or Invitee of the Owner causes damage to the parking area, the cost of the repair or replacement will be assessed to the Unit Owner.

ARTICLE 8

8. Common Expenses.

8.1 Each Owner shall pay in regular installments, as determined by the Board, his proportionate share of the expenses of the administration and operation of the Common Elements and of any other expenses incurred in conformance with the Declaration and the Condominium Documents (which expenses are herein sometimes referred to as "Common Expenses"), including specifically, but not by way of limitation, the maintenance and repair thereof and an adequate reserve fund for maintenance, repair and replacement of Common Elements that must be replaced on a periodic basis, as reasonably anticipated by prudent persons.

The Board shall prepare and adopt an annual budget from which Common Expenses shall be determined and assessed in accordance with generally recognized accounting principles. Such proportionate share of the Common Expenses for each Owner shall be in the same ratio as his percentage of interest in the Common Elements unless otherwise provided ^{Unofficial Document} herein. If the Units have separate meters for certain utilities, the cost of the same shall be the personal responsibility of such Unit Owner.

Payment of Common Expenses, including any prepayment thereof required by contract for sale of a Condominium, shall be in such amounts and at such times as determined by the Board. If any Owner shall fail or refuse to make any such payment of Common Expenses when due, each such payment shall be subject to a late payment charge of ten dollars (\$10.00), and the amount of such delinquent payments shall bear interest at the rate of ten percent (10%) per annum until paid. Such delinquent sums, late charges, accrued interest, costs, and reasonable attorneys' fees shall be the personal obligation of the Owner at the time the assessment was made. Such personal obligation shall not pass to such Owner's successor in title unless specifically assumed by such successor. Such delinquent sums, late charges, accrued interest, costs and reasonable attorneys' fees shall also constitute a lien on such Owner's Condominium; such lien shall not be affected by any sale or transfer of such condominium, provided, however, that such lien shall be subordinate to the lien of a prior recorded first mortgage on the applicable Condominium, except for the amount of the proportionate share of Common Expenses which becomes due and payable from and after the date on which the holder of the mortgage (or any other purchaser at sheriff's sale or trustee's sale), comes into possession of or acquires legal title to such Condominium, whichever occurs first.

Nothing contained herein shall prohibit such Condominium's proportionate share of Common Expenses which became due prior to the foreclosure of a prior recorded first mortgage and were extinguished as a result of such foreclosure from being reallocated among and assessed against all Owners as a Common Expense. The lien provided for in this Declaration may be foreclosed by the Association in the same manner as provided for the foreclosure of realty mortgages in the State of Arizona and as provided in Article 18.

The Board may execute and record a written Notice of such lien at any time after the due date of such Common Expenses, but such lien shall exist regardless of whether such notice is recorded. The Board shall within ten (10) days of any written request from any interested person or mortgage holder certify in writing to such requesting party whether any delinquent assessments are due from any designated Condominium Owner. The recipient of any such certification shall have a right to rely upon its contents in connection with any purchase of or loan secured by the Condominium for which such certification was given.

8.2 Special Assessments, or Assessments other than those described in Section 8.1, may be made by the Board to meet other special needs of the Association and the Property, including, without limitation, assessments described in Articles 11 and 12. All Special Assessments other than those permitted in Article 11 and 12 below must be approved by the Owners of not less than 51% of the undivided interest in the Common Elements. Special Assessments shall be levied against all Owners in the same proportion as their percentage interest in the Common Elements and shall be secured by the lien provided for in Section 8.1.

ARTICLE 9

9. Mortgages. Each Owner shall have the right, subject to the provisions hereof, to impose separate mortgages upon his Condominium. No Owner shall have the right or authority to make or create or cause to be made or created any mortgage, or other lien or security interest, on or affecting the Property or any part thereof, except only his Condominium.

ARTICLE 10

10. General Insurance Provision. The Board shall have the authority to and shall obtain a master policy of insurance insuring the entire Property, including each of the Units, against loss or damage by fire, hazards covered by a standard extended coverage endorsement, and such other hazards as are customarily insured against in similar projects in the Phoenix, Arizona area including all perils normally covered by the standard "all risk" endorsement, to the extent such coverage is available. Such insurance shall be in an amount sufficient to provide full replacement of any damage in an amount not less

than one hundred percent (100%) of the full insurable value of the Common Elements, all Association-controlled personal property and the Units, as determined at least once each year by the Board and covered by an "Agreed Amount" type or "Inflation Guard" Endorsement, if available. All insurance coverage shall be written in the name of, and the proceeds thereof shall be payable to the Association or to its authorized representative, including any designated Insurance Trustee, as Trustee for and for the use and benefit of the individual Owners in their respective percentages of ownership interest in the Common Elements and to the holders of mortgages covering each of the Units, as their interests may appear. Such policy of insurance shall contain a waiver of subrogation rights by the insurer against individual Owners, shall provide that the insurance is not prejudiced by any act or neglect of individual Owners which is not in the control of the Owners collectively and shall provide that the policy is primary in the event an individual Owner has other insurance covering the same loss.

10.1 Public Liability Insurance. The Board shall also obtain comprehensive public liability insurance covering all of the Property. Such insurance policies shall contain a "severability of interest" endorsement which shall preclude the insurer from denying the claim of an Owner because of negligent acts of the Association or of other Owners. The scope of coverage shall be in the kinds and amounts required by private institutional mortgage investors for similar projects in Phoenix, Arizona, but must include coverage for property damage, bodily injury, and death in connection with the operation, maintenance or use of the Property. Coverage shall be for not less than One Million Dollars (\$1,000,000.00) ^{Unofficial Document} per occurrence, for personal injury and/or property damage.

10.2 Fidelity Bond Insurance. The Board shall carry fidelity bond or insurance coverage against dishonest acts of its directors, managers, managers' employees, trustees, employees, or volunteers responsible for handling association funds, regardless of whether such individuals serve with or without compensation. The fidelity bond or insurance shall name the Association as the named insured and shall be written in an amount sufficient to provide protection as determined by the Board, but in no event less than one and one-half (1-1/2) times the insured's estimated annual operating expenses and reserves.

10.3 Steam Boilers. If there are any steam boilers in operation in connection with the Property, the Board shall maintain boiler explosion insurance evidenced by the standard form of boiler and machinery insurance policy providing for a minimum of One Hundred Thousand Dollars (\$100,000.00) per accident per location.

10.4 Workmen's Compensation. Workmen's Compensation coverage shall be carried by the Association for each of its employees.

10.5 Flood Insurance. If the Property is located within an area identified by any agency of the Federal Government as having special flood hazards, the Board shall maintain a blanket policy of flood insurance on the entire Property, including all Units,

in an amount aggregating the lesser of (i) the maximum limit of coverage available under the National Flood Insurance Program, or any successor thereto, or (ii) one hundred percent (100%) of the current replacement cost of all buildings and other property covered by such policy, provided however that, *in no event* shall the amount of such policy be less than the outstanding principal balances of all mortgage loans on the Units.

10.6 Agent of the Association. Notwithstanding any of the foregoing provisions, the policies of insurance required herein may name as an insured, on behalf of the Association, an Insurance Trustee under an Insurance Trust Agreement entered into by the Association. The Association or Insurance Trustee, as the case may be, shall have the authority to collect and properly dispose of any insurance proceeds, to negotiate losses, to execute releases of liability and to execute all documents and perform all other acts necessary to purchase and maintain the insurance coverage required hereby.

10.7 Insurance Premiums. Premiums for all of the above-referenced insurance shall be Common Expenses.

10.8 Owner Required Insurance. Each Owner shall be responsible for his own insurance on the personal property contents of his Unit, any additions, decorating, or other improvements placed therein following purchase, and all furnishings and personal property therein or stored elsewhere on the Property. Each Owner shall further be responsible to provide his own ^{Unofficial Document} person liability coverage to the extent not covered by the liability insurance to be provided by the Board as set forth above. No Association-acquired insurance coverage, as required under this Article 10, shall be brought into contribution with insurance purchased by individual Owners, or their Mortgagees.

10.9 Mortgages held by FNMA or FHLMC. Notwithstanding any provision of this Article 10, if at any time any of the Condominiums are covered by mortgages which are held by the Federal National Mortgage Association ("FNMA") or the Federal Home Loan Mortgage Corporation ("FHLMC") (or any successor to such entities which performs their present functions), the Board shall at all times carry all casualty, flood and liability insurance and a fidelity bond in such amounts and containing all provisions as are required from time to time by such entities or such successors, unless such coverage is unavailable or waived by them in writing. If such entities require less coverage or other protection than is specifically required by this Article 10, the Board shall be free to provide such lesser coverage and such substitute protection. All insurance policies provided pursuant to this Article 10 must contain a provision requiring not less than ten (10) days' prior written notice of cancellation or material modification, such notice to be sent to the Association, each Mortgage Holder and all insureds, including all loan servicers on behalf of FNMA and FHLMC. Further, all Insurers and Guarantors that have filed with the Association a written request for notice shall be entitled to receive written notice from the Association of any lapse,

cancellation or material modification of any insurance policy or bond provided pursuant to this Article 10.

10.10 Insurance Deductible. All deductibles under the Association's Insurance policy shall be a Common Expense and shall be paid by the Association; provided, however, the Association may assess to a Unit Owner any deductible amount expended as a result of the negligence, misuse, or neglect for which such Unit Owner is responsible under this Declaration and Arizona law.

ARTICLE 11

11. Damage and Destruction. In the event the Property is damaged or destroyed by fire or other hazards:

11.1 The Board shall contract with a licensed contractor or contractors to rebuild or repair such damaged or destroyed portions of the Property in conformance with the original plans and specifications, or, if the Board determines that adherence to such original plans and specifications is not in conformance with applicable laws, ordinances, building codes, or other governmental rules or regulations then in effect, then such repairs or rebuilding shall be of a kind and quality substantially equivalent to the original construction of such improvements. The contract with such licensed contractor or contractors shall provide for payment to the contractor or contractors of a specified sum for performance and execution of the work therein described and shall have provisions for periodic disbursement of funds which shall be consistent with procedures then followed by prudent lending institutions doing business in Maricopa County, Arizona. Disbursements to the contractor shall be made subject to the prior presentation of an architect's certificate containing such provisions as may be appropriate in the circumstances and deemed suitable by the Board. The Board may employ a licensed architect or other qualified professional to supervise the repair and rebuilding to ensure that all work, services, and supplies are in conformity with the requirements of the construction contract. The Board shall use insurance proceeds for the purposes set forth in this Article.

11.2 If the insurance proceeds are insufficient to pay all costs of repair and rebuilding, the Board shall levy a special assessment to make up any deficiency, which assessment shall be levied against all Owners in the same proportion as their percentage interest in the Common Elements.

11.3 If the Association's insurance proceeds exceed the costs of repair and reconstruction, then following completion of such repair and rebuilding, those excess proceeds shall be placed in the Association's reserve account for future maintenance, repair, and replacement of the Common Elements.

11.4 In the event of damage to or destruction of any Unit or any material portion of the Common Elements, the Holder, Insurer or Guarantor of the first mortgage(s) on any such Unit(s) (and the Holders, Insurers or Guarantors of the first mortgages on all Units in the case of common element damage) will be entitled to timely written notice from the Association of such damage or destruction, provided such Holder, Insurer or Guarantor has filed with the Association a written request for such notice.

ARTICLE 12

12. Condemnation.

12.1 If a portion of the Property should be taken by exercise of the power of eminent domain, or should be transferred and conveyed to a condemning authority in anticipation of such exercise, the entire award made as compensation for such taking, including, but without limitation, any amount awarded as severance damages, or the entire amount received and paid in anticipation of such taking, after deducting therefrom, in each case, reasonable and necessary costs and expenses, including, but without limitation, attorneys' fees, appraiser's fees and court costs (which net amount is hereinafter in this Article 12 referred to as the "Award") shall be paid to the Association, as trustee for all Owners and the owners and holders of first mortgages then encumbering the Units. If the portion of the Property taken or conveyed shall not be comprised of, or include, all or ^{Unofficial Document} any part of a Unit, or if an election to restore or replace a Unit is made in accordance with the provisions of Section 12.2 below, the Association shall, as soon as practicable, cause the Award to be utilized for the purpose of repairing, replacing and restoring the affected area, including, if the Association deems it necessary or desirable, the replacement of any Common Element improvements so taken or conveyed. Any such repair, replacement and restoration shall be performed, to the extent reasonably possible following such condemnation, substantially in accordance with the original plans and specifications.

12.2 Except as hereinafter provided in this Article 12, if the portion of the Property taken or conveyed is comprised of or includes all or any part of a Unit, the Association shall call a special meeting of the Members of the Association to convene within thirty (30) days after its receipt of the Award, to determine whether and, if so, in what manner, such Unit shall be restored, reconstituted, or replaced. If at least sixty-seven percent (67%) of the Owners of all Condominiums determines, at such special meeting, not to restore, reconstitute or replace such Unit and related improvements, and such decision is consented to by at least sixty-seven percent (67%) of the Mortgage Holders (based upon one vote for each first mortgage held), the Association shall distribute the portion of the Award relating to such Unit to first the holder of any mortgage or deed of trust upon such Unit and the remainder to the Owner thereof. At such time as such Award has been so distributed, any such Owner who has lost his Unit by such taking or conveyance shall no longer possess any interest in the project,

and the interest of the remaining Owners in the Common Elements shall automatically be adjusted accordingly. Notice of such adjustment may be executed and recorded by the Board. Any remaining Award shall then be subject to Section 12.1. Any remaining portion of the Award not used pursuant to Section 12.1 shall be divided into as many shares as there are remaining Units, such shares to be in the same proportion as the Owners' respective undivided percentage interest in the Common Elements after such taking or conveyance, and such shares shall be distributed to the Owners and the holders of any mortgage or deed of trust on the applicable Unit, as their interest appear.

12.3 If the cost of any repair and restoration shall exceed the amount of the Award, a special assessment shall be levied against the remaining Owners to the extent necessary to make up such deficiency. If relating to the Common Elements, such assessments shall be levied against the Owners in the same proportion as their percentage interests in the Common Elements after such taking or conveyance. If relating to a Unit, such assessment shall be levied against the Owner of such Unit. The special assessment provided for herein shall be secured by the lien provided for in Article 8 of this Declaration.

12.4 If any Unit or portion thereof or the Common Elements or any material portion thereof is made the subject matter of any condemnation or eminent domain proceedings or is otherwise sought to be acquired by a condemning authority, the Holder, Insurer or Guarantor of the first mortgage on the Unit which is the subject of the condemnation or eminent domain proceedings, if the subject of such proceedings is a Unit, or the Holders, Insurers or Guarantors of the first mortgages on all Units, if the subject of such proceedings is the Common Elements or any material portion thereof, will be entitled to timely written notice of such proceedings or proposed acquisition, provided such Holders, Insurers or Guarantors have filed with the Association a written request for such notice. No provision of any document establishing the project will entitle the Owner of a Unit or other party to priority over such mortgage with respect to the distribution of the proceeds of any award or settlement.

ARTICLE 13

13. Maintenance, Repairs and Replacements of Owners. Each Owner shall furnish and be responsible for, at his own expense, all of the maintenance, repairs and replacements within his own Unit; and of all windows (including the glass, frame, sills, and any screen); appliances; equipment and components located within or serving one Unit; personal property; interior and exterior doors (including the door frame, locks, peep holes, doorbells, and doorknobs); interior partitioning; interior lighting fixtures and associated components; sewage and drainage pipes located within and serving one Unit; power/electrical wiring; utility lines located within and serving one Unit; air conditioning and heating units serving only one own Unit wherever located; cold and hot water units serving only one Unit; the drywall, wallboard, plasterboard, plaster, tiles, wallpaper or

other materials consisting of a finished surface of the walls, ceiling, and flooring of a Unit; cable lines; and satellite dishes. Unit Owner will be responsible for the maintenance, repair, and cost of any approved Improvement.

13.1 Limited Common Elements. The Association will maintain, repair, and replace the Limited Common Elements including but not limited to exterior light fixtures, Unit numbers, awnings, patios, balconies, entryways, or other fixtures designated to serve a single Unit but located outside the Unit's boundaries. The costs for the maintenance, repair, and replacement of the Limited Common Element will be assessed to the Unit(s) benefitting from such maintenance, repair, and replacement.

13.1(a) Patio and Balconies. Patio and balconies are Limited Common Elements. The Unit Owner will maintain the finished portion of the ceilings, walls, and flooring of their respective patio or balcony, including but not limited to cleaning, sealing, and maintaining other finishes. The original paint color(s) must be used unless the Association's Board of Directors, or the Architectural Committee, if one exists, approves in writing an Architectural Change Request by a Unit Owner prior to the commencement of any change. The Association will maintain, repair, and replace all other components of the patio or balcony. As a Limited Common Element, the Association will assess the costs of such maintenance, repair or replacement to the benefitting Unit Owner(s).

13.2 Common Element Maintenance. Except as otherwise provided herein to the contrary, maintenance, repairs and ^{Unofficial Document} replacements of the Common Elements shall be furnished by the Association as part of the Common Expenses, subject to the Association's Community Documents. The Association's maintenance will include but is not limited to the exterior surface of buildings, structural building elements, roofs and foundations, columns, studding, joists, beams, structural components of ceilings, floors and walls, fences, landscaping, pest control (such as rodent or insect), sidewalks, parking and street surfaces, gates, pool, and pool related equipment, and dumpsters.

13.3 Improper Use. If, due to the willful act, negligence or omission of an Owner, Occupant, Invitee, Lessee, guest or other authorized visitor of such Owner, damage shall be caused to the Common Elements or to a Unit owned by others, or maintenance, repairs or replacement shall be required which would otherwise be at the Common Expense, then such Owner shall pay for such damage and for such maintenance, repairs and replacements as may be determined by the Board, to the extent not covered by the Association's insurance. An authorized representative of the Board, or of the manager or managing agent, and all contractors and repairmen employed or engaged by the Board or such manager or managing agent, shall be entitled to reasonable access to each of the Units as may be required in connection with maintenance, repairs or replacements of or to the Common Elements or any equipment, facilities or fixtures affecting or serving other Units and the Common

Elements or in case of emergency necessitating access to such Units in order to preserve or protect the Property.

The Owner shall reimburse the Association in the amount expended for such repairs. Each Owner further agrees that if the costs for the repairs or replacement are not paid within ten (10) days after completion of the work such costs shall be secured by a lien against the Owner's Unit and shall bear interest at the rate of ten percent (10%) per annum. The costs owed by said Owner shall be a debt and shall be collectible, together with attorneys' fees and court costs, by any lawful procedure allowed by the laws of the State of Arizona including foreclosing the lien.

ARTICLE 14

14. Alterations, Additions, or Improvements. No alterations of any Common Elements, patios or balconies or any additions or Improvements thereto shall be made by any Owner without the prior written approval of the Board or the Architectural Committee. Except as otherwise prohibited herein, any Owner may make non-structural alterations within his Unit, or any non-structural additions or improvements within such Unit, without the prior written approval of the Board or Architectural Committee, but such Owner shall be responsible for any damage to other Units and the Common Elements as the result of such alteration, addition, or improvement.

ARTICLE 15

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15. Decorating and Architectural Control.

15.1 Each Owner, at his own expense, shall furnish and be responsible for all the decorating within his own Unit from time to time including painting, wallpapering, washing, cleaning, paneling, floor covering, draperies, window shades, curtains, lamps and other furniture and interior decorating. Each Owner shall be entitled to the exclusive use of the interior surfaces of the perimeter walls, floors and ceilings within his Unit, and such Owner shall maintain such surfaces in good condition at his sole expense as may be required from time to time, which said maintenance and use shall be subject to the rules and regulations of the Association and each such Owner shall have the right to decorate such surfaces from time to time as he may see fit and at his sole expense. Decorating of the Common Elements (other than interior surfaces within the Unit as above provided), and any redecorating of Units to the extent made necessary by any damage to existing decorating of such Units caused by maintenance, repair, or replacement work on the Common Elements by the Association, shall be furnished by the Association as part of the Common Expenses. The surfaces of all windows and glass doors (if any) forming part of a perimeter wall of a Unit shall be cleaned and/or washed at the expense of such Owner.

15.2 The exterior side of all drapes, curtains, or other window coverings, shall be of off-white color.

15.3 Except for customary patio furniture on patios or balconies, and except for plants and sunscreens of a type and color approved by the Association, nothing shall be stored, placed, erected, hung or permitted on any patio, balcony, roof, the Common Elements, the exterior of the building, or upon or in the windows or outside doors of any Unit.

15.5 Cleaning of decorated finished interior walls, floors and ceilings of each patio and balcony and the landscaping of such areas shall be the responsibility of the Owner of the Unit of which said patio or balcony is a part. Painting, decorating and non-natural landscaping of such areas must have prior written approval of the Association as to the compatibility of color, design, and aesthetics with the entire Property.

15.6 Any construction, alteration, replacement, or repair of or upon the Common Elements, or within a Unit if of a structural nature, must be approved by the Association prior to commencement. The Association may require complete plans and specifications and may charge a reasonable fee for professional services connected with reviewing and approving such plans and specifications. The Owner will maintain, repair, replace any approved Improvement. If the Owner fails to maintain, repair, or replace the approved Improvement, the Owner shall restore the property to substantially the same condition existing prior to the installation of the Improvement.

ARTICLE 16

16. Encroachments. If any portions of the Common Elements shall actually encroach upon any Unit, or if any Unit shall actually encroach upon any portions of the Common Elements, or if any Unit shall actually encroach upon another Unit, as the Common Elements and the Units are shown by the surveys comprising the Plat, there shall be deemed to be mutual easements in favor of the Owners of the Common Elements and the respective Owners involved to the extent of such encroachment so long as the same shall exist and for any repair or replacement of such encroaching items. However, no such easement shall exist for an encroachment created by the willful misconduct of the person seeking the benefit of such encroachment easement.

ARTICLE 17

17. Use and Occupancy Restrictions. No part of the Property shall be used for other than residential or other related purposes. Each Unit shall be used as permitted by this Declaration and for no other purpose.

17.1 Subject to the provisions of these restrictions, use of the Common Elements shall be in accordance with and subject to limitations and rules as established and determined by the Association.

17.2 Nothing shall be done or kept in any Unit or in any of the Common Elements which will increase the rate of insurance thereon without the approval of the Association. No Owner shall permit anything to be done or kept in his Unit or in or upon any Common Elements which will result in the cancellation of insurance thereon or which would be in violation of any law.

17.3 No sign of any kind shall be displayed to the public view from any Unit or any Common Elements without the approval of the Association, except signs as allowed by A.R.S. §33-1261, including political signs, which an Owner may display on his Unit up to seventy-one (71) days before an election and may continue to display up to fifteen (15) days after the general election. If the sign is for a candidate in a primary election who does not advance to the general election, then the Owner must remove the sign fifteen (15) days after the primary election.

17.4 No animals of any kind shall be raised, bred, or kept in any Unit or in or upon any Common Elements, except that dogs, cats, or other household pets may be kept in Units, subject to uniform rules and regulations of the Association, provided that no animal shall be kept, bred, or maintained Unofficial Document for any commercial purpose.

17.5 The Owner shall not permit or suffer anything to be done or kept about or within his Unit which will obstruct or interfere with the rights of other occupants, or annoy them by unreasonable noises or otherwise, nor will he commit or permit any nuisance about or within his Unit or commit or suffer any immoral or illegal act to be committed therein. The Owner shall comply with all of the requirements of the health authorities and of all other governmental authorities with respect to the Property.

17.6 No Owner, guest, Invitee or Lessee shall consume or use marijuana in any Common Area or open space. Any Owner, guest, Invitee or Lessee who consumes marijuana within the privacy of a Unit must ensure that no odor or second-hand smoke interferes with the quiet enjoyment of neighboring Units. Such odor or second-hand smoke will be considered a nuisance and such Owner will bear the costs to prevent and preclude any odor or second-hand smoke from entering neighboring Units.

17.7 All trash and garbage must be deposited in receptacles provided for such purpose and shall not be permitted to accumulate on or about a Unit.

17.8 If by reason of the occupancy or use of the Property by an Owner the rate of insurance on the building shall be increased, the Owner shall be liable for such additional insurance premiums.

17.9 No organized religious, professional, commercial, or industrial operations of any kind shall be conducted in or upon any Unit or the Common Elements except such temporary uses as shall be permitted by the Board.

17.10 No motorized vehicles shall be parked or kept within a Unit.

17.11 Subject to the limitations set forth in Section 4.1, all Owners shall be Members of the Association and shall comply with and be subject to the terms and conditions a set forth in the Articles of Incorporation and Bylaws and any Rule or Regulation of the Association. No Owner may transfer any membership or interest in the Association, except in connection with the sale or lease of his entire Condominium to which such membership is appurtenant. If an Owner leases his entire Condominium to another person, such Owner shall continue to possess all voting rights which he might then have in the Association with regard to such Condominium. An Owner may assign to a tenant of his Condominium such Owner's right to use and enjoy the Common Elements which would otherwise be enjoyed by such Owner.

Unofficial Document

17.12 No Owner shall lease less than the entire Unit owned by such Owner. An Owner must provide to the Association the following prior to renting or lease a Unit: (1) the name and contact information for any adult occupying the Unit; (2) the time period for the rental or lease, including the beginning and ending dates of the tenancy; and (3) a description and the license plate numbers of the tenants' vehicles. If an Owner fails to enforce a default under such lease for violation of the provisions of the Community Documents or of this subsection, the Board, as agent for such Owner, shall have the right to enforce such default and any defaulting lessee and the Owner shall be subject to all remedies given to the Association under Article 18 below.

17.13 A Unit Owner remains responsible for the acts or omissions of his Occupants, guests, invitees, family members, and Lessees while on the Property.

17.14 No Unit or any portion of the Common Elements may hereafter be further subdivided or otherwise partitioned, and any action taken in violation of this provision shall be void.

ARTICLE 18

18. General Remedies. In the event of any default by any Owner under the provisions of the Act, this Declaration, the Bylaws, or the Rules and Regulations of the Association, the Association, the Board, or its agents, shall have all the rights and remedies provided for in the Act, the Community Documents, or available by law. The Association may prosecute any action or other proceedings against such defaulting Owner and other for enforcement or foreclosure of the Association's lien and the appointment of a receiver for the defaulting Condominium without regard to the value of such Condominium or the solvency of such Owner, or for damages, injunction, or specific performance, or for judgment for payment of money and collection thereof, or the right to take possession of the Condominium and to rent it and apply the rents received to payment of unpaid assessments and interest accrued thereon, and to sell the same as hereinafter in this Article provided, or for any combination of remedies or for any other relief.

18.1 Judicial Sale. The proceeds of any such judicial sale shall first be paid to discharge court costs, other litigation costs, including but without limitation reasonable attorneys' fees, and all other expenses of the proceeding and sale, and all such items shall be taxed against the defaulting owner in a final judgment. Any balance of proceeds after satisfaction of such charges and any unpaid assessments hereunder or any liens shall be paid to the Owner. Upon the confirmation of the sale, the purchasers thereupon shall be entitled to a deed to the Condominium and to immediate possession of the Condominium ^{Unofficial Document} and may apply to the court for a writ of restitution for the purpose of acquiring such possession, and it shall be a condition of any such sale, and the judgment shall so provide, that the purchaser shall take the interest in the property sold subject to this Declaration.

18.2 Enforcement Costs. All expenses and Collection Costs incurred by the Association in connection with any enforcement action or legal proceeding, including court costs and reasonable attorneys' fees and other fees and expenses, and all damages, liquidated or otherwise, together with interest thereon at the rate of ten percent (10%) per annum until paid, shall be charged to and assessed against such defaulting Owner and shall be added to and deemed part of his respective share of the Common Expenses, and the Association shall have a lien for all of the same, as well as for nonpayment of his respective share of the Common Expenses, upon the Condominium of such defaulting Owner and upon all of his additions and Improvements thereto.

18.3 Attorneys' Fees Regardless of Suit. Attorneys' fees and costs shall be charged to and assessed against a defaulting Owner whether or not a lawsuit is filed.

18.4 Right to Self Help. In the event of any such default by any Owner, the Association and the Board, and the manager or managing agent, if so authorized by the Board, shall have the authority to correct such default and to do whatever may be necessary for such purpose, and all expenses in connection therewith shall be

charged to and assessed against such defaulting Owner, and such assessment shall constitute a lien against the defaulting Owner's Condominium.

18.5 Any and all such rights and remedies may be exercised at any time and from time to time, cumulatively or otherwise, by the Association or the Board. The liens provided for in this Article 18 shall be junior to prior first mortgages to the same extent as provided in Article 8 of this Declaration and shall be foreclosed in the same manner as the lien provided for in Article 8.

18.6 Notice of Violation. If any Owner (either by his conduct or by the conduct of any other Occupant of his Condominium) shall violate any of the provisions of this Declaration, the Bylaws or the Rules and Regulations, as then in effect, and such violation shall continue for ten (10) days after notice in writing from the Board or shall occur repeatedly during any ten-day period after written notice or request to cure such violation, then the Board, or any aggrieved Owner, shall have the power to file an action against the defaulting Owner or Occupant requiring the defaulting Owner to comply with the provisions of this Declaration, the Bylaws or the Rules and Regulations, and granting other appropriate relief, including money damages and attorneys' fees and costs.

18.7 Owners' Right to Enforce. If the Association, its successors or assigns or the Board or its agents shall violate or fail to comply with any of the provisions of this Declaration, the Bylaws or the Rules and Regulations, as then in effect then any aggrieved Owner shall have the power to file an action against the Association or Board to comply with the Declaration, the Bylaws or the rules and regulations, and granting other appropriate relief, including money damages.

18.8 Binding Effect. Anything to the contrary herein notwithstanding, any breach of any of the covenants, restrictions, reservations, conditions and servitudes provided for in this Declaration, or any right of re-entry by reason thereof, shall not defeat or adversely affect the lien of any mortgage or deed of trust made in good faith and for value upon any Condominium but, except as herein specifically provided, each and all of said covenants, restrictions, reservations, conditions and servitudes shall be binding upon and effective against any Owner whose title thereto is acquired by foreclosure, Trustee's Sale, sale, deed in lieu of foreclosure or otherwise.

18.9 Right to Enforce. Failure by the Association or by any Unit Owner to enforce any covenant or restriction contained in the Community Documents shall in no event be deemed a waiver of the right to do so thereafter.

ARTICLE 19

19. Duration and Amendment. The provisions of this Declaration shall continue in perpetuity, but may be changed, modified, or rescinded by an instrument in writing setting forth such change, modification, or rescission, executed as follows:

19.1 Such instrument shall bear the signatures of not less than sixty-seven percent (67%) of the Owners of all Condominiums; provided, however, that before any such change, modification or rescission shall be effective at least sixty-seven percent (67%) of the Mortgage Holders (based upon one vote for each mortgage owned) shall have previously consented in writing to each such change, modification, or rescission.

19.2 Notwithstanding the provisions of the foregoing Section, if the Act, this Declaration, or the Bylaws require the consent or agreement of a greater percentage of Owners and Mortgagees, for any action specified in the Act or this Declaration, then any instrument changing, modifying, or rescinding any provision of this Declaration with respect to such action shall be signed by such greater percentage of Owners and Mortgagees, as required by the Act or this Declaration.

19.3 The change, modification or rescission whether accomplished under any of the provisions of Article 19 shall be effective upon recording such instrument, provided, however, that no provisions in this Declaration may be changed modified or rescinded so as to conflict with the provisions ^{of the Act} ~~Unofficial Document~~.

ARTICLE 20

20. Rights of Mortgage Holders. No breach of any of the covenants, conditions and restrictions herein contained, nor the enforcement of any lien provisions herein, shall render invalid the lien of any first mortgage (meaning a mortgage with first priority over any other mortgage) on any Condominium made in good faith and for value, but all of said covenants, conditions and restrictions shall be binding upon and effective against any owner whose title is derived through foreclosure or trustee's sale, or otherwise. Notwithstanding any provision in the Condominium Documents to the contrary, Mortgage Holders shall have the following rights:

A. All Holders of first mortgages that have filed with the Association a written request for notice of default shall be entitled to receive written notice from the Association of any default by the Mortgagor of any Mortgage on a Unit (the beneficial interest in which is held by said Holder) in the performance of such Mortgagor's obligations under the Condominium Documents, which is not cured within sixty (60) days. All Holders of first mortgages that have filed with the Association a written request therefor shall be entitled to receive written notice of any proposed action that would require the prior approval of a specified percentage of Mortgage Holders as set forth in subparagraph C of this Article 20. Insurers and

Guarantors shall also, upon written request therefor to the Association, be entitled to receive such written notices as provided for in this subparagraph A.

B. The Association shall discharge its obligation to notify Mortgage Holders, Insurers and Guarantors by sending written notices required herein to such parties requesting notice, at the address given on the current request for notice, in the manner prescribed by Article 22.

C. Unless at least sixty-seven percent (67%) of the Owners of all Condominiums, at least sixty-seven percent (67%) of the Mortgage Holders (based upon one vote for each first mortgage owned) have given their prior written approval, neither the Association nor the Owners shall be entitled to:

1. By act or omission, seek to abandon or terminate the Association.
2. By amendment to the Declaration or to the Bylaws or otherwise, change the pro rata interest or obligations of any individual Condominium for the purpose of (i) levying assessments or charges or allocating distributions of hazard insurance proceeds or condemnation awards, or (ii) determining the pro rata share of ownership of each Unit in the Common Elements;
3. Make any material amendment to the Declaration, to the Bylaws or to any of the other Condominium Documents concerning any of the following: voting rights; assessments, assessment liens or subordination of such liens; reserves for maintenance, repair and replacement of the common elements; insurance or fidelity bond requirements; use of hazard insurance proceeds; boundaries of any Unit or of the common elements; percentage interest in the common elements; rights to use of the common elements; responsibility for maintenance and repair of the Units or common elements; leasing of Units; or any provision which is for the express benefit of Mortgage Holders;
4. By act or omission, seek to abandon, partition, subdivide, encumber, sell, or transfer the Common Elements; provided, however, that the granting of easements for public utility or other public purposes in accordance with the provisions of this Declaration shall not be considered a transfer for purposes of this subparagraph;
5. Impose any right of first refusal or similar restriction on the right of an Owner to sell, transfer or otherwise convey its Condominium;
6. Expand or contract the Project or annex to or withdraw property from the Project; or

7. Effectuate any decision by the Association to terminate professional management and assume self-management.
- D. Any Mortgage Holder, Insurer or Guarantor and any Owner will, upon request, be entitled to (a) inspect the Declaration, Bylaws, rules and regulations, books, and records of the Association during normal business hours, and (b) receive an annual audited financial statement of the Association within ninety (90) days following the end of the fiscal year of the Association.
- E. Any provision of the Condominium Documents which give an Owner, or any other party, priority over any rights of first mortgagees of Condominiums pursuant to their mortgages in the case of a distribution to Owners of insurance proceeds or condemnation awards for losses to or taking of Units and/or Common Elements shall not be enforceable against such mortgagees.
- F. Any Mortgage Holder who obtains title to a Condominium pursuant to a foreclosure of the mortgage on the Condominium will not be liable for such unpaid dues and assessments against the Condominiums which accrued prior to acquisition of the Condominium by the Mortgage Holder.
- G. Partition or subdivision of any ^{Unofficial Document} Unit or Common Elements is prohibited as provided in Section 17.14. In no event may a Unit be partitioned or subdivided (if otherwise permitted hereunder or by the Act), without the prior written consent of the Mortgagee of such Unit.

ARTICLE 21

21. Compliance with FNMA And FHLMC Regulations. The Property shall comply with all requirements of the Federal National Mortgage Association ("FNMA") and of the Federal Home Loan Mortgage Corporation ("FHLMC") pertaining to the purchase by FNMA and FHLMC of mortgages on individual Condominium Units. Each Owner and each Mortgagee by acceptance of a deed or encumbrance consents to the incorporation in the Condominiums Documents of any such provisions and agrees to be bound by any such provisions as if they were originally contained in the Condominium Documents. The Board, each Owner and each Mortgagee shall take any action or shall adopt or consent to any resolutions required by FNMA or FHLMC to conform this Declaration, the other Community Documents to the requirements of FNMA or FHLMC.

ARTICLE 22

22. Notices to the Association. Notices provided for in this Declaration or the other Community Documents and addressed to the Association or the Board shall be in writing

and shall be addressed to the Association or the Board, at any address to be established by the Board from time to time. The Board may designate a different address for such notices by giving written notice of such change of address to all Owners.

22.1 Notices to Owners. All notices to Owners shall be to their respective Condominiums. Any Owner may also designate a different address for notices to him by giving written notice of his change of address to the Board. Notices addressed as above shall be deemed delivered seventy-two (72) hours after they have been mailed by United States mail postage prepaid, or when delivered in person.

Upon written request to the Board, the holder of any recorded mortgage encumbering any Condominium shall be given a copy of all notices permitted or required by this Declaration to be given to the Owner of Owners of the Condominium subject to such mortgage.

ARTICLE 23

23. General Provisions

23.1 Severability. If any provision of this Declaration or the Bylaws or the Rules, or any section, clause, sentence, phrase or word, or the application thereof in any circumstance, is held invalid, the validity of the remainder of this Declaration and Bylaws, or the Rules and Regulations, and of the application of any such provision, section, sentence, clause, phrase or word, in any other circumstances, shall not be affected thereby, and the remainder of this Declaration or Bylaws, or the Rules shall be construed as if such invalid part were never included therein.

23.2 Perpetuities and Restraints on Alienation. If any of the options, privileges, covenants or rights created by this Declaration shall be unlawful, void or voidable for violation of the rule against perpetuities, then such provision shall continue until twenty-one (21) years after the death of the survivor of the now living descendants of the President of the United States on the date hereof.

23.3 Rights and Obligations. Each Owner by the acceptance of a deed of conveyance, or each purchaser under any contract for such deed of conveyance, or each purchaser under any agreement of sale, accepts the same subject to all restrictions, conditions, covenants, reservations, liens and charges, and the jurisdiction, rights and powers created or reserved by this Declaration, and all rights, benefits and privileges of every character hereby granted, created, reserved or declared, and all impositions and obligations hereby imposed shall be deemed and taken to be covenants running with the land and equitable servitudes, and shall bind any person having at any time any interest or estate in said land, and shall inure to the benefit of such grantee or purchaser in like manner as though the provisions of this Declaration were recited and stipulated at length in each and every deed of conveyance or purchase contract.

23.4 Gender and Number. Whatever the context of this Declaration so requires, words used in the masculine gender shall include the feminine and neuter genders; words used in the neuter gender shall include the masculine and feminine genders; words used in the singular shall include the plural; and words of the plural shall include the singular.

23.5 Number of Days. In computing days for the purposes of any provision in the Community Documents all days shall be counted including Saturdays, Sundays, and holidays, except as other specified herein. If the final day falls on a Saturday, Sunday or a holiday, the next day shall be deemed the next day which is not a Saturday, Sunday or holiday.

IN WITNESS WHEREOF the undersigned, hereby certify that this Declaration was duly adopted by the Owners as of this 14 day of Feb. 2022.

By: Margaret E Haugen
President of Imperial Plaza Condominium Association

Unofficial Document

State of Arizona)

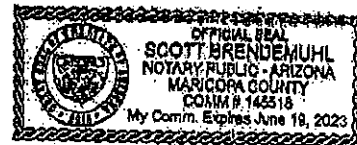
County of Maricopa)

On this 14th day of FEBRUARY, 2022, before me, the undersigned notary public, personally appeared MARGARET E HAUGEN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose therein contained.

Scott Brend

Notary Public
Notary Seal

My Commission expires 6, 19, 2023





City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager
Planning and Development Director

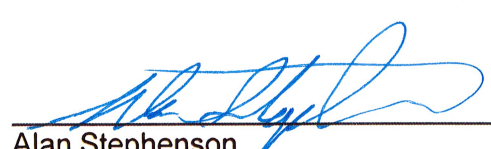
Date: Nov. 1, 2022

From: Joshua Bednarek 
Planning and Development Acting Assistant Director

Subject: CONTINUANCE OF ITEM 56 ON THE NOVEMBER 2, 2022, FORMAL AGENDA
– Z-27-22-6 (G-7052) – NORTHEAST CORNER OF 7TH STREET AND COLTER
STREET

Item 56, rezoning application Z-27-22-6 is a request to rezone 2.55 acres located on the northeast Corner of 7th Street and Colter Street from C-2 to PUD to allow multifamily residential.

The applicant has requested a continuance to the November 16, 2022, Council meeting to allow for more time to address questions related to traffic mitigation. Staff recommends this case to be continued to the November 16, 2022, City Council Formal meeting.

Approved: 
Alan Stephenson
Deputy City Manager/Planning and Development Director

Attachment:
Exhibit A – Applicant's request for continuance

Snell & Wilmer

ONE EAST WASHINGTON STREET
SUITE 2700
PHOENIX, AZ 85004-2556
602.382.6000 P
602.382.6070 F

Nicholas J. Wood
602-382-6269
nwood@swlaw.com

October 31, 2022

VIA E-MAIL

mayor.gallego@phoenix.gov

Mayor Kate Gallego
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Re: Continuance Request for Case No. Z-27-22-6

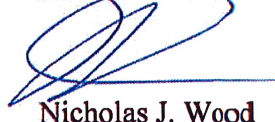
Dear Honorable Mayor Gallego:

The purpose of this letter is to request a two-week continuance for Item No. 56, Rezoning Application Z-27-22-6 (Zola North Central PUD) – Northeast Corner of 7th Street and Colter Street (Ordinance G-7052), which is scheduled for City Council's consideration on November 2, 2022, to be heard on November 16, 2022.

We are working with Councilmember DiCiccio to address his questions regarding traffic mitigation items.

Very truly yours,

~~Snell & Wilmer~~



Nicholas J. Wood

NJW:rr

Attachment

Cc: Denise Archibald
Alan Stephenson
Councilmember Sal DiCiccio

ALBUQUERQUE BOISE DALLAS DENVER LAS VEGAS LOS ANGELES LOS CABOS ORANGE COUNTY
PHOENIX PORTLAND RENO SALT LAKE CITY SAN DIEGO SEATTLE TUCSON WASHINGTON, D.C.



Agenda Date: 11/16/2022, Item No. *109

*****REQUEST TO ADD-ON (SEE ATTACHED MEMO)*** Abandonment of Alley -
ABND 220060 - 17217 N. 17th Ave. (Resolution 22086)**

Abandonment: ABND 220060

Project: 07-21134

Applicant: Matt Mason on behalf of Beason Turf LLC

Request: The 16-foot alley dissecting the parcel identified by APN 208-08-007W, located approximately 129-feet south of East Campo Bello Drive and immediately east of North 17th Avenue originally quit claimed for alley purposes per Docket 2276 Page 57 of the Maricopa County Recorder.

Date of Decision/Hearing: Nov. 10, 2022

Location

17217 N. 17th Ave.

Council District: 3

Financial Impact

A consideration fee was also collected as part of this abandonment in the amount of \$926.48.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager

Date: November 14, 2022

From: Joshua Bednarek *JB*
Acting Planning and Development Assistant Director, Planning Division

Subject: ITEM 109 - REQUEST FOR ADD-ON TO THE NOVEMBER 16, 2022 CITY COUNCIL FORMAL AGENDA TO ADD AN ABANDONMENT OF ALLEY - ABND 220060 - 17217 NORTH 17TH AVENUE

This memo requests an add-on to the November 16, 2022, Formal Agenda under Planning and Zoning Matters for City Council to approve an abandonment of alley (ABND 220060) located approximately 129-feet south of East Campo Bello Drive and immediately east of North 17th originally quit claimed for alley purposes per Docket 2276 Page 57 of the Maricopa County Recorder.

The request for the add-on from the applicant is a result of an unexpected contractual obligation for the purchase of the subject property.

Approved: *Alan Stephenson* *11/14/22*
Alan Stephenson, Deputy City Manager Date