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=eff1fb766a01c367d3157cbef1f6aec5c

- **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 2554 536 8459# (for English) or 2558 868 5324# (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 2558 868 5324#. 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 2558 868 5324#). 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.
# CALL TO ORDER AND ROLL CALL

## BOARDS AND COMMISSIONS

1. Mayor and Council Appointments to Boards and Commissions  
   
## LIQUOR LICENSES, BINGO, AND OFF-TRACK BETTING LICENSE APPLICATIONS

2. Liquor License - Special Event - WR Marksman Club, Inc.  
   District 1 - Page 12

3. Liquor License - Duelies Bar & Grill  
   District 2 - Page 13

4. Liquor License - Xtaz Imports  
   District 3 - Page 17

5. Liquor License - Pizza Hut #40981  
   District 3 - Page 19

6. Liquor License - Urban Chilli  
   District 3 - Page 24

7. Liquor License - Bassh Inc.  
   District 4 - Page 29

8. Liquor License - Oak on Camelback  
   District 4 - Page 34

9. Liquor License - Special Event - Knights of Columbus Cathedral Council 12708  
   District 5 - Page 39

10. Liquor License - Special Event - Kiwanis Club of Ahwatukee Foundation, Inc.  
    District 6 - Page 40

11. Liquor License - Horse & Hyde  
    District 6 - Page 41

12. Liquor License - Tocaya Modern Mexican  
    District 6 - Page 46

13. Liquor License - Special Event - ALEES  
    District 7 - Page 51

14. Liquor License - SGL Wine & Spirits  
    District 7 - Page 52
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<th>Agenda Item</th>
<th>Description</th>
<th>Location</th>
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<td>Liquor License - Special Event - Alwun House Foundation</td>
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<td>16</td>
<td>Liquor License - Special Event - Alwun House Foundation</td>
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<td>17</td>
<td>Liquor License - Special Event - Alwun House Foundation</td>
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<td>18</td>
<td>Liquor License - Special Event - Liberty Wildlife, Inc.</td>
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<td>Liquor License - ATL Wings</td>
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<td>Liquor License - Topaz Bar &amp; Lounge</td>
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<td>Payment Ordinance (Ordinance S-49382) (Items 21-26)</td>
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<td>22</td>
<td>Mark Andy, Inc. doing business as Mark Andy Print Products</td>
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<td>23</td>
<td>SESAC, Inc. doing business as SESAC, LLC</td>
<td></td>
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<tr>
<td>24</td>
<td>Landis Cyclery, Inc.</td>
<td></td>
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<td>25</td>
<td>VSS International Inc.</td>
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<td>26</td>
<td>Hunter Contracting Co.</td>
<td></td>
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<td>Settlement of Claim(s) Kahn-Rose v. City of Phoenix</td>
<td></td>
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<td>Proposed Redistricting Schedule</td>
<td>Citywide - Page 69</td>
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<td>29</td>
<td>Appoint Election Officials and Boards for March 14, 2023 Runoff Election - Emergency Clause (Ordinance S-49388)</td>
<td>District 6 - Page 71</td>
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<td></td>
<td>Dedication of Right-of-Way for Roadway Purposes on City-Owned Property at 1824 E. McKinley St. (Ordinance S-49391)</td>
<td>District 8</td>
</tr>
<tr>
<td>Item</td>
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<td>------</td>
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<tr>
<td>30</td>
<td>Decontamination Services - IFB 18-058 - Amendment (Ordinance S-49392)</td>
<td>Citywide</td>
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<td>31</td>
<td>PeopleSoft Application Development Services (Ordinance S-49390)</td>
<td>Citywide</td>
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<td><strong>COMMUNITY SERVICES</strong></td>
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<td><strong>ECONOMIC DEVELOPMENT</strong></td>
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<td>34</td>
<td>Issuance of Multifamily Housing Governmental Revenue Notes - Pueblo Apartments Project, Series 2023 (Resolution 22097) <em><strong>REVISED</strong></em></td>
<td>District 7</td>
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<td>Authorization to Enter into Agreement with the United States of America to Conduct Military Training on City-Owned Property (Ordinance S-49385)</td>
<td>District 7</td>
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<td>36</td>
<td>Enter Into an Education Affiliation Agreement with Dignity Health for Paramedic Education (Ordinance S-49399)</td>
<td>Citywide</td>
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<td>Donation from 100 Club of Arizona for the Phoenix Fire Department (Ordinance S-49400)</td>
<td>Citywide</td>
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<td></td>
<td><strong>TRANSPORTATION AND INFRASTRUCTURE</strong></td>
<td></td>
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<td>Ground Transportation Dispatch and Curb Monitoring Services Requirements Contract - RFP 23-007 - Request for Award (Ordinance S-49384)</td>
<td>District 8</td>
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<td>39</td>
<td>Fire Alarm System, Network and Fire Sprinkler, and Suppression System Services Contract - RFP 23-002 - Request for Award (Ordinance S-49386)</td>
<td>District 8</td>
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<td>Out of City</td>
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<td></td>
<td>Agenda</td>
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<td>April 2023 Proposed Bus Service Improvements (Ordinance S-49396)</td>
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<td>41</td>
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<td>District 2 - Page 123</td>
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<td>44</td>
<td>Transportation 2050 Pavement Maintenance Program Update and Five-Year Pavement Maintenance Plan through Fiscal Year 2027 (Ordinance S-49395)</td>
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<td>District 7 - Page 203</td>
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<td>District 8</td>
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<tr>
<td>46</td>
<td>Laboratory Equipment and Supplies - RFP160002341 - Amendment (Ordinance S-49383)</td>
<td>Citywide - Page 205</td>
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**PLANNING AND ZONING MATTERS**

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<td>Final Plat - Royal Palms 2 - PLAT 220086 - North of Orangewood Avenue and West of 15th Avenue</td>
<td>District 5 - Page 207</td>
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<td>48</td>
<td>Amend City Code - Ordinance Adoption - Rezoning Application Z-71-22-4 - Southeast Corner of 35th Avenue and Grand Avenue (Ordinance G-7073)</td>
<td>District 4 - Page 208</td>
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<tr>
<td>49</td>
<td>Amend City Code - Ordinance Adoption - Rezoning Application Z-SP-10-22-5 - Approximately 470 Feet West of the Northwest Corner of 27th Avenue and Northern</td>
<td>District 5 - Page 215</td>
</tr>
<tr>
<td>Agenda Item</td>
<td>Description</td>
<td>District/Page</td>
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<tr>
<td>50</td>
<td>Amend City Code - Ordinance Adoption - Rezoning Application Z-SP-9-22-7 - Southwest Corner of 35th Avenue and Broadway Road (Ordinance G-7072)</td>
<td>District 7 - Page 223</td>
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<td>51</td>
<td>Amend City Code - Ordinance Adoption - Rezoning Application Z-60-22-8 - Northwest Corner of 25th Street and Baseline Road (Ordinance G-7071)</td>
<td>District 8 - Page 230</td>
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<td>52</td>
<td>Amend City Code - Ordinance Adoption - Rezoning Application Z-66-22-8 - Northwest Corner of 37th Street and McDowell Road (Ordinance G-7075)</td>
<td>District 8 - Page 237</td>
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<td>Public Hearing and Resolution Adoption - General Plan Amendment GPA-LV-2-22-8 - Northwest Corner of 35th Avenue and Carver Road (Resolution 22096)</td>
<td>District 8 - Page 244</td>
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<td>54</td>
<td>Public Hearing and Ordinance Adoption - Rezoning Application Z-55-22-8 - Northwest Corner of 35th Avenue and Carver Road (Ordinance G-7077)</td>
<td>District 8 - Page 281</td>
</tr>
<tr>
<td>55</td>
<td>Public Hearing and Ordinance Adoption - Rezoning Application Z-50-22-4 - Approximately 180 Feet North of the Northeast Corner of 7th Avenue and Camelback Road (Ordinance G-7078)</td>
<td>District 4 - Page 348</td>
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<tr>
<td>56</td>
<td>Public Hearing and Ordinance Adoption - Rezoning Application Z-40-22-2 (Scottsdale Town Square Thunderbird Phase PUD) - Approximately 800 Feet North of the Northwest Corner of Scottsdale Road and Thunderbird Road (Ordinance G-7076)</td>
<td>District 2 - Page 397</td>
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**REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS**

**000 CITIZEN COMMENTS**

**ADJOURN**
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.
To: City Council
From: Mayor Kate Gallego
Date: February 1, 2023

Subject: BOARDS AND COMMISSIONS – APPOINTEES

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

**Camelback East Village Planning Committee**

Councilmember Carlos Garcia recommends the following for appointment:

**John Baumer**  
Mr. Baumer is the Director of Government Relations at the Arizona Society of Certified Public Accountants and a resident of District 8. He fills a vacancy for a partial term to expire November 19, 2023.

**Sharon Schmieder**  
Ms. Schmieder is the Founder of KMF Real Estate and a resident of District 8. She fills a vacancy for a partial term to expire November 19, 2023.

**Mayor’s Human Trafficking Task Force**

I recommend the following for appointment:

**Rachelle Lumpp**  
Ms. Lumpp is the Anti-Human Trafficking Program Manager in the Office of the Attorney General. She replaces Zora Manjencich.

**Claire Merkel**  
Ms. Merkel is the Senior Director of Arizona Programs at the McCain Institute.
Phoenix Business and Workforce Development Board

I recommend the following for appointment:

**Kevin Parker**
Mr. Parker is the Vice President of Precision Oncology Business Operations at Exact Sciences. He fills a Business vacancy for a term to expire June 30, 2025.

Phoenix Deferred Compensation Board/Post Employment Healthcare Plan Board

I recommend the following for appointment:

**Jon Super**
Mr. Super is an Investment Manager in the City of Phoenix Finance Department. He replaces Andrew Durket for a term to expire September 20, 2024.
Liquor License - Special Event - WR Marksman Club, Inc.

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

Summary

Applicant
Arthur Garcia

Location
4044 W. Black Canyon Blvd.
Council District: 1

Function
Awards Presentation

Date(s) - Time(s) / Expected Attendance
March 1, 2023 - 5 p.m. to 11 p.m. / 400
March 2, 2023 - 5 p.m. to 11 p.m. / 100
March 3, 2023 - 5 p.m. to 11 p.m. / 250
March 4, 2023 - 5 p.m. to 11 p.m. / 400

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 - Duelies Bar & Grill

Request for a liquor license. Arizona State License Application 222878.

Summary

Applicant
Amy Nations, Agent

License Type
Series 12 - Restaurant

Location
7000 E. Mayo Blvd., Building 18, Ste. 1072
Zoning Classification: PUD PCD
Council District: 2

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 Feb. 14, 2023.

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: “This business owner has operated many successful business before. This will be his first in Arizona. He has already taken his certified Arizona basic and management liquor training classes and will require his employees to take the training as well.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “The dueling piano concept is a business currently in the area and will be a perfect fit. With great food and entertainment, it will soon be a favorite in the area.”

**Staff Recommendation**
Staff recommends approval of this application.

**Attachments**
- Liquor License Data - Duelies Bar & Grill
- Liquor License Map - Duelies Bar & Grill

**Responsible Department**
This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.
## Liquor License Data: DUELIES BAR & GRILL

### Liquor License

<table>
<thead>
<tr>
<th>Description</th>
<th>Series</th>
<th>1 Mile</th>
<th>1/2 Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bar</td>
<td>6</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>Liquor Store</td>
<td>9</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Hotel</td>
<td>11</td>
<td>1</td>
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</tr>
<tr>
<td>Restaurant</td>
<td>12</td>
<td>24</td>
<td>21</td>
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### Crime Data

<table>
<thead>
<tr>
<th>Description</th>
<th>Average *</th>
<th>1 Mile Average **</th>
<th>1/2 Mile Average***</th>
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<tbody>
<tr>
<td>Property Crimes</td>
<td>57.62</td>
<td>19.10</td>
<td>28.34</td>
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<td>Violent Crimes</td>
<td>11.03</td>
<td>1.88</td>
<td>1.69</td>
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*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within ½ mile radius

### Property Violation Data

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<tr>
<th>Description</th>
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<td>Parcels w/Violations</td>
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<tr>
<td>Total Violations</td>
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### Census 2010 Data 1/2 Mile Radius

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<th>BlockGroup</th>
<th>2010 Population</th>
<th>Owner Occupied</th>
<th>Residential Vacancy</th>
<th>Persons in Poverty</th>
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<tr>
<td>2168442</td>
<td>1681</td>
<td>50 %</td>
<td>43 %</td>
<td>4 %</td>
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<tr>
<td>2168452</td>
<td>694</td>
<td>23 %</td>
<td>38 %</td>
<td>8 %</td>
</tr>
<tr>
<td>6152001</td>
<td>1993</td>
<td>8 %</td>
<td>29 %</td>
<td>12 %</td>
</tr>
<tr>
<td>Average</td>
<td></td>
<td>61 %</td>
<td>13 %</td>
<td>19 %</td>
</tr>
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</table>
Liquor License Map: DUELIES BAR & GRILL

7000 E MAYO BLVD

Date: 1/25/2023
Liquor License - Xtaz Imports

Request for a liquor license. Arizona State License Application 222087.

Summary

Applicant
George Stantchev, Agent

License Type
Series 4 - Wholesaler

Location
12620 N. Cave Creek Road, Ste. 6
Zoning Classification: C-2
Council District: 3

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 Feb. 11, 2023.

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: “We are an importer of high quality branded liquors, we apply for wholesale license only.”

**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 - Pizza Hut #40981

Request for a liquor license. Arizona State License Application 222103.

Summary

Applicant
Theresa Morse, Agent

License Type
Series 10 - Beer and Wine Store

Location
17 E. Dunlap Ave., Ste. 101
Zoning Classification: C-2
Council District: 3

This request is for a new liquor license for a beer and wine store. 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 Feb. 11, 2023.

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: “The owners have extensive experience owning and managing liquor licensed establishments in AZ and other states. All employees and owners are familiar with current liquor laws and are required to take liquor law classes. The owners primary purpose is to provide a safe environment for families whether dining in or simply take out pizza. The owners have area coaches to provide oversight to all establishments and will comply will all city, county and state laws.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “The owners have selected currently existing take out stores to allow customers to purchase beer or wine with their pizza. These stores have been existing in the community for many year sand will continue to provide the best interest to the community by allowing customers to take home their pizza and alcoholic beverages. The issuance of this license is in the best interest.”

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 - Pizza Hut #40981
Liquor License Map - Pizza Hut #40981

Responsible Department
This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.
# Liquor License Data: PIZZA HUT #40981

## Liquor License

<table>
<thead>
<tr>
<th>Description</th>
<th>Series</th>
<th>1 Mile</th>
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<tr>
<td>Microbrewery</td>
<td>3</td>
<td>1</td>
<td>1</td>
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<tr>
<td>Bar</td>
<td>6</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Beer and Wine Bar</td>
<td>7</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Liquor Store</td>
<td>9</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Beer and Wine Store</td>
<td>10</td>
<td>11</td>
<td>5</td>
</tr>
<tr>
<td>Restaurant</td>
<td>12</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>Club</td>
<td>14</td>
<td>2</td>
<td>0</td>
</tr>
</tbody>
</table>

## Crime Data

<table>
<thead>
<tr>
<th>Description</th>
<th>Average *</th>
<th>1 Mile Average **</th>
<th>1/2 Mile Average ***</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Crimes</td>
<td>57.02</td>
<td>119.18</td>
<td>150.31</td>
</tr>
<tr>
<td>Violent Crimes</td>
<td>10.91</td>
<td>28.95</td>
<td>37.57</td>
</tr>
</tbody>
</table>

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

## Property Violation Data

<table>
<thead>
<tr>
<th>Description</th>
<th>Average</th>
<th>1/2 Mile Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcels w/Violations</td>
<td>51</td>
<td>109</td>
</tr>
<tr>
<td>Total Violations</td>
<td>89</td>
<td>219</td>
</tr>
</tbody>
</table>
## Census 2010 Data 1/2 Mile Radius

<table>
<thead>
<tr>
<th>BlockGroup</th>
<th>2010 Population</th>
<th>Owner Occupied</th>
<th>Residential Vacancy</th>
<th>Persons in Poverty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1046001</td>
<td>1767</td>
<td>43 %</td>
<td>21 %</td>
<td>27 %</td>
</tr>
<tr>
<td>1046002</td>
<td>1676</td>
<td>20 %</td>
<td>20 %</td>
<td>39 %</td>
</tr>
<tr>
<td>1046003</td>
<td>1165</td>
<td>68 %</td>
<td>20 %</td>
<td>35 %</td>
</tr>
<tr>
<td>1047011</td>
<td>1012</td>
<td>13 %</td>
<td>34 %</td>
<td>21 %</td>
</tr>
<tr>
<td>1047022</td>
<td>1519</td>
<td>49 %</td>
<td>28 %</td>
<td>42 %</td>
</tr>
<tr>
<td>1052003</td>
<td>1140</td>
<td>66 %</td>
<td>15 %</td>
<td>17 %</td>
</tr>
<tr>
<td>1053001</td>
<td>1959</td>
<td>84 %</td>
<td>11 %</td>
<td>9 %</td>
</tr>
<tr>
<td>1053002</td>
<td>1704</td>
<td>34 %</td>
<td>25 %</td>
<td>42 %</td>
</tr>
<tr>
<td>1053003</td>
<td>1205</td>
<td>96 %</td>
<td>9 %</td>
<td>0 %</td>
</tr>
<tr>
<td>Average</td>
<td></td>
<td>61 %</td>
<td>13 %</td>
<td>19 %</td>
</tr>
</tbody>
</table>
Liquor License Map: PIZZA HUT #40981

17 E DUNLAP AVE

Date: 12/15/2022

City Clerk Department
Liquor License - Urban Chilli

Request for a liquor license. Arizona State License Application 220013.

Summary

Applicant
Vishnu Kotta, Agent

License Type
Series 10 - Beer and Wine Store

Location
18425 N. 19th Ave., Ste. 110
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.

The 60-day limit for processing this application is Feb. 4, 2023.

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 assured to uphold the laws and regulations about beer and wine 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 alcohol. The location will be convenient for the people in neighborhood who may not have access to transportation. Adding the long time experience of the working in liquor store while upholding all the laws and regulations, the store will be a safe, secure and convenience place for the customers to purchase quality beer and wine.”

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 - Urban Chilli
Liquor License Map - Urban Chilli

Responsible Department
This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.
Liquor License Data: URBAN CHILLI

**Liquor License**

<table>
<thead>
<tr>
<th>Description</th>
<th>Series</th>
<th>1 Mile</th>
<th>1/2 Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bar</td>
<td>6</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Liquor Store</td>
<td>9</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>Beer and Wine Store</td>
<td>10</td>
<td>10</td>
<td>3</td>
</tr>
<tr>
<td>Restaurant</td>
<td>12</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Club</td>
<td>14</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

**Crime Data**

<table>
<thead>
<tr>
<th>Description</th>
<th>Average *</th>
<th>1 Mile Average **</th>
<th>1/2 Mile Average***</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Crimes</td>
<td>57.02</td>
<td>172.69</td>
<td>102.97</td>
</tr>
<tr>
<td>Violent Crimes</td>
<td>10.91</td>
<td>20.51</td>
<td>17.30</td>
</tr>
</tbody>
</table>

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

**Property Violation Data**

<table>
<thead>
<tr>
<th>Description</th>
<th>Average</th>
<th>1/2 Mile Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcels w/Violations</td>
<td>51</td>
<td>95</td>
</tr>
<tr>
<td>Total Violations</td>
<td>89</td>
<td>201</td>
</tr>
</tbody>
</table>
## Census 2010 Data 1/2 Mile Radius

<table>
<thead>
<tr>
<th>BlockGroup</th>
<th>2010 Population</th>
<th>Owner Occupied</th>
<th>Residential Vacancy</th>
<th>Persons in Poverty</th>
</tr>
</thead>
<tbody>
<tr>
<td>6165003</td>
<td>1763</td>
<td>75 %</td>
<td>16 %</td>
<td>5 %</td>
</tr>
<tr>
<td>6166002</td>
<td>1144</td>
<td>73 %</td>
<td>3 %</td>
<td>4 %</td>
</tr>
<tr>
<td>6166004</td>
<td>1427</td>
<td>89 %</td>
<td>3 %</td>
<td>4 %</td>
</tr>
<tr>
<td>6186001</td>
<td>1474</td>
<td>89 %</td>
<td>8 %</td>
<td>17 %</td>
</tr>
<tr>
<td>6186002</td>
<td>1570</td>
<td>20 %</td>
<td>22 %</td>
<td>43 %</td>
</tr>
<tr>
<td>6186003</td>
<td>1177</td>
<td>89 %</td>
<td>11 %</td>
<td>24 %</td>
</tr>
<tr>
<td>6187001</td>
<td>1478</td>
<td>79 %</td>
<td>7 %</td>
<td>13 %</td>
</tr>
<tr>
<td>6187002</td>
<td>1468</td>
<td>61 %</td>
<td>7 %</td>
<td>20 %</td>
</tr>
<tr>
<td>6188001</td>
<td>893</td>
<td>63 %</td>
<td>6 %</td>
<td>18 %</td>
</tr>
<tr>
<td><strong>Average</strong></td>
<td></td>
<td><strong>61 %</strong></td>
<td><strong>13 %</strong></td>
<td><strong>19 %</strong></td>
</tr>
</tbody>
</table>
Liquor License Map: URBAN CHILLI

18425 N 19TH AVE

Date: 12/9/2022
Liquor License - Bassh Inc.

Request for a liquor license. Arizona State License Application 06070170.

**Summary**

**Applicant**
Jeffrey Miller, Agent

**License Type**
Series 6 - Bar

**Location**
5030 W. McDowell Road, Ste. 29-30
Zoning Classification: C-2
Council District: 4

This request is for an ownership transfer of a liquor license for a bar. 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 Feb. 5, 2023.

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: “We train all of our employees in responsible liquor service. We also conduct regular audits to ensure they comply.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “This location was previously licensed, this is simply a change in ownership. We like to continue serving the surrounding community, of legal age, with a place to gather.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Bassh Inc.
Liquor License Map - Bassh Inc.

Responsible Department
This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.
### Liquor License Data: BASSH INC.

#### Liquor License

<table>
<thead>
<tr>
<th>Description</th>
<th>Series</th>
<th>1 Mile</th>
<th>1/2 Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wholesaler</td>
<td>4</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>Bar</td>
<td>6</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Beer and Wine Bar</td>
<td>7</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Liquor Store</td>
<td>9</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>Beer and Wine Store</td>
<td>10</td>
<td>9</td>
<td>3</td>
</tr>
<tr>
<td>Hotel</td>
<td>11</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Restaurant</td>
<td>12</td>
<td>5</td>
<td>2</td>
</tr>
</tbody>
</table>

#### Crime Data

<table>
<thead>
<tr>
<th>Description</th>
<th>Average *</th>
<th>1 Mile Average **</th>
<th>1/2 Mile Average***</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Crimes</td>
<td>57.02</td>
<td>181.55</td>
<td>224.41</td>
</tr>
<tr>
<td>Violent Crimes</td>
<td>10.91</td>
<td>46.73</td>
<td>77.07</td>
</tr>
</tbody>
</table>

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

#### Property Violation Data

<table>
<thead>
<tr>
<th>Description</th>
<th>Average</th>
<th>1/2 Mile Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcels w/Violations</td>
<td>51</td>
<td>115</td>
</tr>
<tr>
<td>Total Violations</td>
<td>89</td>
<td>185</td>
</tr>
</tbody>
</table>
### Census 2010 Data 1/2 Mile Radius

<table>
<thead>
<tr>
<th>BlockGroup</th>
<th>2010 Population</th>
<th>Owner Occupied</th>
<th>Residential Vacancy</th>
<th>Persons in Poverty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1123011</td>
<td>2466</td>
<td>11 %</td>
<td>19 %</td>
<td>42 %</td>
</tr>
<tr>
<td>1123012</td>
<td>2098</td>
<td>68 %</td>
<td>7 %</td>
<td>47 %</td>
</tr>
<tr>
<td>1123013</td>
<td>1748</td>
<td>71 %</td>
<td>0 %</td>
<td>13 %</td>
</tr>
<tr>
<td>1123021</td>
<td>1045</td>
<td>48 %</td>
<td>24 %</td>
<td>28 %</td>
</tr>
<tr>
<td>1123022</td>
<td>1551</td>
<td>48 %</td>
<td>25 %</td>
<td>28 %</td>
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<tr>
<td>1124013</td>
<td>1653</td>
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<td>17 %</td>
<td>20 %</td>
</tr>
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<td>1124022</td>
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<td>27 %</td>
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<tr>
<td>1124023</td>
<td>1203</td>
<td>68 %</td>
<td>17 %</td>
<td>35 %</td>
</tr>
<tr>
<td>1125071</td>
<td>760</td>
<td>40 %</td>
<td>40 %</td>
<td>36 %</td>
</tr>
<tr>
<td>1125121</td>
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<tr>
<td><strong>Average</strong></td>
<td></td>
<td><strong>61 %</strong></td>
<td><strong>13 %</strong></td>
<td><strong>19 %</strong></td>
</tr>
</tbody>
</table>
Liquor License - Oak on Camelback

Request for a liquor license. Arizona State License Application 222419.

Summary

Applicant
Jared Repinski, Agent

License Type
Series 12 - Restaurant

Location
111 E. Camelback Road
Zoning Classification: C-2 TOD-1
Council District: 4

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 Feb. 10, 2023.

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, gold 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 - Oak on Camelback
Liquor License Map - Oak on Camelback

Responsible Department
This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.
## Liquor License Data: OAK ON CAMELBACK

### Liquor License

<table>
<thead>
<tr>
<th>Description</th>
<th>Series</th>
<th>1 Mile</th>
<th>1/2 Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Microbrewery</td>
<td>3</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Bar</td>
<td>6</td>
<td>16</td>
<td>3</td>
</tr>
<tr>
<td>Beer and Wine Bar</td>
<td>7</td>
<td>11</td>
<td>10</td>
</tr>
<tr>
<td>Liquor Store</td>
<td>9</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Beer and Wine Store</td>
<td>10</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>Restaurant</td>
<td>12</td>
<td>54</td>
<td>26</td>
</tr>
</tbody>
</table>

### Crime Data

<table>
<thead>
<tr>
<th>Description</th>
<th>Average *</th>
<th>1 Mile Average **</th>
<th>1/2 Mile Average***</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Crimes</td>
<td>57.02</td>
<td>144.63</td>
<td>139.91</td>
</tr>
<tr>
<td>Violent Crimes</td>
<td>10.91</td>
<td>24.49</td>
<td>21.12</td>
</tr>
</tbody>
</table>

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

### Property Violation Data

<table>
<thead>
<tr>
<th>Description</th>
<th>Average</th>
<th>1/2 Mile Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcels w/Violations</td>
<td>51</td>
<td>43</td>
</tr>
<tr>
<td>Total Violations</td>
<td>90</td>
<td>73</td>
</tr>
</tbody>
</table>
## Census 2010 Data 1/2 Mile Radius

<table>
<thead>
<tr>
<th>BlockGroup</th>
<th>2010 Population</th>
<th>Owner Occupied</th>
<th>Residential Vacancy</th>
<th>Persons in Poverty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1075001</td>
<td>758</td>
<td>80 %</td>
<td>2 %</td>
<td>3 %</td>
</tr>
<tr>
<td>1075003</td>
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<td>15 %</td>
<td>14 %</td>
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<tr>
<td>1076013</td>
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<td>17 %</td>
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<td>1086023</td>
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<td>34 %</td>
<td>15 %</td>
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</tr>
<tr>
<td>1088022</td>
<td>435</td>
<td>43 %</td>
<td>41 %</td>
<td>19 %</td>
</tr>
<tr>
<td>1171001</td>
<td>2126</td>
<td>10 %</td>
<td>15 %</td>
<td>10 %</td>
</tr>
<tr>
<td>Average</td>
<td></td>
<td>61 %</td>
<td>13 %</td>
<td>19 %</td>
</tr>
</tbody>
</table>
Liquor License Map: OAK ON CAMELBACK

111 E CAMELBACK RD

Date: 12/20/2022
Liquor License - Special Event - Knights of Columbus Cathedral Council 12708

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

Summary

Applicant
Richard Garrison

Location
6351 N. 27th Ave.
Council District: 5

Function
Dinner

Date(s) - Time(s) / Expected Attendance
Feb. 17, 2023 - 6 p.m. to 10 p.m. / 450 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 - Kiwanis Club of Ahwatukee Foundation, Inc.

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

Summary

Applicant
Andrea Pettyjohn

Location
4700 E. Warner Road
Council District: 6

Function
Chili Cook Off

Date(s) - Time(s) / Expected Attendance
March 11, 2023 - 11 a.m. to 5 p.m. / 100 attendees
March 12, 2023 - 10:30 a.m. to 4 p.m. / 100 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 - Horse & Hyde

Request for a liquor license. Arizona State License Application 218966.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location
3730 E. Indian School Road
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 does not have an interim permit. This location requires a Use Permit to allow outdoor dining and outdoor alcohol consumption as an accessory use to a restaurant.

The 60-day limit for processing this application is Feb. 11, 2023.

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.

Dapper & Stout Coffee Company (Series 12)
100 E. Camelback Road, #150, Phoenix
Calls for police service: 35
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 own and operate other businesses in Phoenix. I will continue to abide by Arizona liquor laws. I will ensure my employees attend a Title 4 liquor law training course.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“This location has been operational for several years. We would like to continue to offer the neighborhood a place to come and gather.”

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 - Horse & Hyde
Liquor License Map - Horse & Hyde

Responsible Department
This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.
## Liquor License Data: HORSE & HYDE

### Liquor License

<table>
<thead>
<tr>
<th>Description</th>
<th>Series</th>
<th>1 Mile</th>
<th>1/2 Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wholesaler</td>
<td>4</td>
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<td>0</td>
</tr>
<tr>
<td>Bar</td>
<td>6</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Beer and Wine Bar</td>
<td>7</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Liquor Store</td>
<td>9</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Beer and Wine Store</td>
<td>10</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Restaurant</td>
<td>12</td>
<td>39</td>
<td>13</td>
</tr>
</tbody>
</table>

### Crime Data

<table>
<thead>
<tr>
<th>Description</th>
<th>Average *</th>
<th>1 Mile Average **</th>
<th>1/2 Mile Average***</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Crimes</td>
<td>57.02</td>
<td>90.49</td>
<td>107</td>
</tr>
<tr>
<td>Violent Crimes</td>
<td>10.91</td>
<td>11.11</td>
<td>10.08</td>
</tr>
</tbody>
</table>

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

### Property Violation Data

<table>
<thead>
<tr>
<th>Description</th>
<th>Average</th>
<th>1/2 Mile Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcels w/Violations</td>
<td>51</td>
<td>66</td>
</tr>
<tr>
<td>Total Violations</td>
<td>90</td>
<td>100</td>
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</tbody>
</table>
### Census 2010 Data 1/2 Mile Radius

<table>
<thead>
<tr>
<th>BlockGroup</th>
<th>2010 Population</th>
<th>Owner Occupied</th>
<th>Residential Vacancy</th>
<th>Persons in Poverty</th>
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</thead>
<tbody>
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<td>1082003</td>
<td>1225</td>
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<td>13 %</td>
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<tr>
<td>1083013</td>
<td>982</td>
<td>75 %</td>
<td>18 %</td>
<td>1 %</td>
</tr>
<tr>
<td>1083021</td>
<td>1229</td>
<td>70 %</td>
<td>16 %</td>
<td>3 %</td>
</tr>
<tr>
<td>1083022</td>
<td>1824</td>
<td>50 %</td>
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<tr>
<td>1109011</td>
<td>665</td>
<td>96 %</td>
<td>10 %</td>
<td>13 %</td>
</tr>
<tr>
<td>1109021</td>
<td>2609</td>
<td>33 %</td>
<td>21 %</td>
<td>40 %</td>
</tr>
<tr>
<td>1109022</td>
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<td>1110001</td>
<td>781</td>
<td>25 %</td>
<td>11 %</td>
<td>3 %</td>
</tr>
<tr>
<td>1110002</td>
<td>1105</td>
<td>63 %</td>
<td>8 %</td>
<td>19 %</td>
</tr>
<tr>
<td><strong>Average</strong></td>
<td><strong>61 %</strong></td>
<td><strong>13 %</strong></td>
<td><strong>19 %</strong></td>
<td></td>
</tr>
</tbody>
</table>
Liquor License - Tocaya Modern Mexican

Request for a liquor license. Arizona State License Application 220581.

Summary

Applicant
Amy Nations, Agent

License Type
Series 12 - Restaurant

Location
2525 E. Camelback Road, Ste. 115
Zoning Classification: C-2 H-R SP
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 Feb. 7, 2023.

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: “Tocaya Organica has been a responsible liquor license holder at this location since 2017. Tocaya Organica is part of larger restaurant organization with multiple locations in AZ and CA. As a license holder, the sale and consumption of alcohol is taken very seriously. The staff undergo an extensive in house training along with the state required alcohol awareness training. At all times the restaurant is open there will be a full menu of healthy organic meal options and management staff to monitor the sale of alcohol.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “This is a fast casual service restaurant serving the surrounding community and visiting public. The restaurant is open 7 days a week and will prove to be extremely desirable to the public, by offering fresh organic Mexican food at reasonable prices. The hours of operation are modesty and will not disturb the quite peacefully enjoyment of the community. The sale of alcohol is offered as an accommodation to the patrons who request it and has not been problematic in the history of the restaurant.”

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 - Tocaya Modern Mexican
Liquor License Map - Tocaya Modern Mexican

Responsible Department
This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.
# Liquor License Data: TOCAYA MODERN MEXICAN

## Liquor License

<table>
<thead>
<tr>
<th>Description</th>
<th>Series</th>
<th>1 Mile</th>
<th>1/2 Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bar</td>
<td>6</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>Beer and Wine Bar</td>
<td>7</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Liquor Store</td>
<td>9</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Beer and Wine Store</td>
<td>10</td>
<td>6</td>
<td>0</td>
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<tr>
<td>Hotel</td>
<td>11</td>
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</tr>
<tr>
<td>Restaurant</td>
<td>12</td>
<td>47</td>
<td>18</td>
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</table>

## Crime Data

<table>
<thead>
<tr>
<th>Description</th>
<th>Average *</th>
<th>1 Mile Average **</th>
<th>1/2 Mile Average***</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Crimes</td>
<td>57.02</td>
<td>119.77</td>
<td>127.81</td>
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<tr>
<td>Violent Crimes</td>
<td>10.91</td>
<td>9.95</td>
<td>10.50</td>
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</tbody>
</table>

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

## Property Violation Data

<table>
<thead>
<tr>
<th>Description</th>
<th>Average</th>
<th>1/2 Mile Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcels w/Violations</td>
<td>51</td>
<td>24</td>
</tr>
<tr>
<td>Total Violations</td>
<td>89</td>
<td>35</td>
</tr>
</tbody>
</table>
### Census 2010 Data 1/2 Mile Radius

<table>
<thead>
<tr>
<th>BlockGroup</th>
<th>2010 Population</th>
<th>Owner Occupied</th>
<th>Residential Vacancy</th>
<th>Persons in Poverty</th>
</tr>
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<tbody>
<tr>
<td>1077002</td>
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<td>57 %</td>
<td>10 %</td>
<td>8 %</td>
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<tr>
<td>1078002</td>
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<td>5 %</td>
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<tr>
<td>1084003</td>
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<td>1084004</td>
<td>1641</td>
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<td>1084005</td>
<td>422</td>
<td>16 %</td>
<td>37 %</td>
<td>13 %</td>
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<tr>
<td>1085022</td>
<td>732</td>
<td>23 %</td>
<td>28 %</td>
<td>12 %</td>
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<tr>
<td>1085024</td>
<td>549</td>
<td>43 %</td>
<td>31 %</td>
<td>15 %</td>
</tr>
<tr>
<td><strong>Average</strong></td>
<td><strong>61 %</strong></td>
<td><strong>13 %</strong></td>
<td><strong>19 %</strong></td>
<td></td>
</tr>
</tbody>
</table>
Liquor License - Special Event - ALEES

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

Summary

Applicant
Erin Ring

Location
18 W. Monroe St.
Council District: 7

Function
Cultural Celebration

Date(s) - Time(s) / Expected Attendance
March 17, 2023 - 9 a.m. to 2:30 a.m. / 1,200 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 - SGL Wine & Spirits

Request for a liquor license. Arizona State License Application 220158.

Summary

Applicant
John Curtis II, Agent

License Type
Series 4 - Wholesaler

Location
625 S. 27th Ave., Ste. 130B-SGL
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 Feb. 17, 2023.

Pursuant to A.R.S. 4-203, consideration may be given only to the applicant's personal qualifications and not to the location.

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: “SGL Wine & Spirits is a liquor importer and wholesaler. SGL Wine & Spirits is solely owned and operated by Bethany Gattis. Ms. Gattis has more than seven years of experience in the liquor distribution industry. Her new venture will import wine and spirits from outside the United States, primarily from Italy and France, to Arizona for distribution to local retailers. Ms. Gattis has not had any liquor law violations during her many years in the industry and is familiar with the federal and Arizona state laws respecting the distribution of liquor. Her knowledge and experience make her capable, qualified and reliable to hold a Series 4 liquor license.”

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 - Alwun House Foundation

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

Summary

Applicant
Dana Johnson

Location
1204 E. Roosevelt St.
Council District: 8

Function
Art Exhibit

Date(s) - Time(s) / Expected Attendance
Feb. 10, 2023 - 6 p.m. to 1 a.m. / 350 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 - Alwun House Foundation

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

Summary

Applicant
Dana Johnson

Location
1204 E. Roosevelt St.
Council District: 8

Function
Art Exhibit Viewing

Date(s) - Time(s) / Expected Attendance
Feb. 17, 2023 - 7 p.m. to 1 a.m. / 200 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 - Alwun House Foundation

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

Summary

Applicant
Dana Johnson

Location
1204 E. Roosevelt St.
Council District: 8

Function
Art Exhibit Closing

Date(s) - Time(s) / Expected Attendance
March 10, 2023 - 7 p.m. to midnight / 250 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 - Liberty Wildlife, Inc.

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

Summary

Applicant
Margaret Mosby

Location
2600 E. Elwood St.
Council District: 8

Function
Education Event

Date(s) - Time(s) / Expected Attendance
Feb. 19, 2023 - 1 p.m. to 4 p.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 - ATL Wings

Request for a liquor license. Arizona State License Application 214985.

Summary

Applicant
Devern Woodard, Agent

License Type
Series 12 - Restaurant

Location
3320 W. Southern Ave., Ste. 120
Zoning Classification: C-1
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 location requires a Use Permit to allow alcohol sales as an accessory use to a restaurant.

The 60-day limit for processing this application is Feb. 5, 2023.

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 started and successfully ran several businesses in the past 20 years. I have also educated myself and taken the training necessary to be considered a qualified, capable and reliable manager and owner-operator of an establishment with a liquor license.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “The community will have one more great place to be able to gather and eat and enjoy spirits responsibly in a safe environment.”

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 - ATL Wings
Liquor License Map - ATL Wings

Responsible Department
This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.
### Liquor License Data: ATL WINGS

#### Liquor License

<table>
<thead>
<tr>
<th>Description</th>
<th>Series</th>
<th>1 Mile</th>
<th>1/2 Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beer and Wine Bar</td>
<td>7</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Liquor Store</td>
<td>9</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Beer and Wine Store</td>
<td>10</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Restaurant</td>
<td>12</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

#### Crime Data

<table>
<thead>
<tr>
<th>Description</th>
<th>Average *</th>
<th>1 Mile Average **</th>
<th>1/2 Mile Average***</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Crimes</td>
<td>57.02</td>
<td>125.42</td>
<td>357</td>
</tr>
<tr>
<td>Violent Crimes</td>
<td>10.91</td>
<td>15.15</td>
<td>27.60</td>
</tr>
</tbody>
</table>

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

#### Property Violation Data

<table>
<thead>
<tr>
<th>Description</th>
<th>Average</th>
<th>1/2 Mile Average</th>
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</thead>
<tbody>
<tr>
<td>Parcels w/Violations</td>
<td>51</td>
<td>16</td>
</tr>
<tr>
<td>Total Violations</td>
<td>89</td>
<td>30</td>
</tr>
</tbody>
</table>

#### Census 2010 Data 1/2 Mile Radius

<table>
<thead>
<tr>
<th>BlockGroup</th>
<th>2010 Population</th>
<th>Owner Occupied</th>
<th>Residential Vacancy</th>
<th>Persons in Poverty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1155002</td>
<td>2124</td>
<td>66 %</td>
<td>4 %</td>
<td>27 %</td>
</tr>
<tr>
<td>1166063</td>
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<td>1166071</td>
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<td>0 %</td>
<td>17 %</td>
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<td>Average</td>
<td></td>
<td>61 %</td>
<td>13 %</td>
<td>19 %</td>
</tr>
</tbody>
</table>
Liquor License - Topaz Bar & Lounge

Request for a liquor license. Arizona State License Application 222104.

Summary

Applicant
Ashok Parmar, Agent

License Type
Series 12 - Restaurant

Location
801 N. 3rd St.
Zoning Classification: DTC-Evans Churchill West
Council District: 8

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 Feb. 6, 2023.

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 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.

Classik Sports Bar & Lounge (Series 6)
4228 W. Van Buren St., Phoenix
Calls for police service: 11
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:
“We will train all of our employees in responsible liquor service. Employees will attend the Title 4 liquor law class held by ALIC.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“This location was previously licensed. We want to continue to serve the neighborhood a place to come and eat and have a drink.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Topaz Bar & Lounge
Liquor License Map - Topaz Bar & Lounge

Responsible Department
This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.
Liquor License Data: TOPAZ BAR & LOUNGE

### Liquor License

<table>
<thead>
<tr>
<th>Description</th>
<th>Series</th>
<th>1 Mile</th>
<th>1/2 Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Microbrewery</td>
<td>3</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Wholesaler</td>
<td>4</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Government</td>
<td>5</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>Bar</td>
<td>6</td>
<td>46</td>
<td>15</td>
</tr>
<tr>
<td>Beer and Wine Bar</td>
<td>7</td>
<td>17</td>
<td>9</td>
</tr>
<tr>
<td>Liquor Store</td>
<td>9</td>
<td>4</td>
<td>0</td>
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<tr>
<td>Beer and Wine Store</td>
<td>10</td>
<td>14</td>
<td>6</td>
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<td>Hotel</td>
<td>11</td>
<td>6</td>
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<tr>
<td>Restaurant</td>
<td>12</td>
<td>113</td>
<td>42</td>
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<tr>
<td>Club</td>
<td>14</td>
<td>2</td>
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</tbody>
</table>

### Crime Data

<table>
<thead>
<tr>
<th>Description</th>
<th>Average *</th>
<th>1 Mile Average **</th>
<th>1/2 Mile Average***</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Crimes</td>
<td>57.02</td>
<td>222.13</td>
<td>297.45</td>
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<tr>
<td>Violent Crimes</td>
<td>10.91</td>
<td>51.30</td>
<td>68.89</td>
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</table>

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

### Property Violation Data

<table>
<thead>
<tr>
<th>Description</th>
<th>Average</th>
<th>1/2 Mile Average</th>
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</thead>
<tbody>
<tr>
<td>Parcels w/Violations</td>
<td>51</td>
<td>104</td>
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<tr>
<td>Total Violations</td>
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<td>187</td>
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### Census 2010 Data 1/2 Mile Radius

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<tr>
<th>BlockGroup</th>
<th>2010 Population</th>
<th>Owner Occupied</th>
<th>Residential Vacancy</th>
<th>Persons in Poverty</th>
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<tr>
<td>1130001</td>
<td>1218</td>
<td>23 %</td>
<td>16 %</td>
<td>11 %</td>
</tr>
<tr>
<td>1130002</td>
<td>873</td>
<td>29 %</td>
<td>21 %</td>
<td>38 %</td>
</tr>
<tr>
<td>1131001</td>
<td>1015</td>
<td>7 %</td>
<td>8 %</td>
<td>28 %</td>
</tr>
<tr>
<td>1131002</td>
<td>1242</td>
<td>3 %</td>
<td>7 %</td>
<td>33 %</td>
</tr>
<tr>
<td>1132021</td>
<td>731</td>
<td>33 %</td>
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<td>1132022</td>
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<td>47 %</td>
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<tr>
<td>1132032</td>
<td>638</td>
<td>28 %</td>
<td>7 %</td>
<td>70 %</td>
</tr>
<tr>
<td>1140001</td>
<td>1831</td>
<td>25 %</td>
<td>20 %</td>
<td>47 %</td>
</tr>
<tr>
<td>1141001</td>
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<td>16 %</td>
<td>37 %</td>
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</tr>
<tr>
<td>Average</td>
<td></td>
<td>61 %</td>
<td>13 %</td>
<td>19 %</td>
</tr>
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</table>
PAYMENT ORDINANCE (Ordinance S-49382) (Items 21-26)

Ordinance S-49382 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.

21 Mark Andy, Inc. doing business as Mark Andy Print Products

For $72,003 in payment authority for a new contract, entered on or about Feb. 1, 2023, for a five-year term for a new Computer-to-Plate system for the City Clerk Department. The Computer-to-Plate system will replace the existing unit, which is now inoperable. It is used to make printing plates required for printing Citywide forms, envelopes, brochures and other printed materials used by City departments, Mayor and City Council.

This item has been reviewed and approved by the Information Technology Services Department.

22 SESAC, Inc. doing business as SESAC, LLC

For $60,000 in payment authority for the purchase of a five-year annual music license subscription for the Parks and Recreation Department. The license allows copyrighted music to be played at various City park locations in compliance with the non-dramatic public performances of copyrighted works. The license, to be paid annually, is for calendar years 2023 through 2027 and encompasses all who want to perform copyrighted music publicly.
23 **Landis Cyclery, Inc.**

For $18,664.58 in payment authority to purchase 10 Trek X-Caliber 9 ML 29 Alpine Blue bicycles and accessories for the Police Department. The additional bicycles and accessories will address the need for increased park patrols in the Black Mountain Precinct. Landis Cyclery is able to provide bicycles and accessories with the specifications required by the Phoenix Police Department. Funding for this purchase will be provided by the City Council District 1 Office.

24 **VSS International Inc.**

For $961,725 in additional payment authority for Contract 153426 for Change Order One, Project ST87400272, 2020 Congestion Mitigation and Air Quality Alley Dustproofing for Design-Bid-Build Services for the Street Transportation Department. The project will use federal funds and the Street Transportation Department's Capital Improvement Program budget. The change order is necessary due to unforeseen existing conditions that require the removal of existing material before new dust control applications can be installed.

25 **Hunter Contracting Co.**

For $910,891.46 in additional payment authority for Contract 154119, Change Order Two (Project ST87100162) for 3rd Street Promenade: Garfield Street to Indian School Road Modernization for the Street Transportation Department. Existing pavement conditions at various segments within the project limits required additional pavement treatment to bring them into satisfactory condition. Hunter Contracting Co. was directed to install a pavement overlay treatment to those segments. The additional overlay required the Contractor to increase the quantity of existing bid items and costs. Additional work included sidewalk and driveway installations.

26 **Settlement of Claim(s) Kahn-Rose v. City of Phoenix**

To make payment of up to $75,000 in settlement of claim(s) in *Kahn-Rose v. City of Phoenix*, CV2019-009712, 18-1276-001, GL, BI, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement of a bodily injury claim arising from a sidewalk accident that occurred on Dec. 8, 2018.
Proposed Redistricting Schedule

This report provides the Mayor and City Council a proposed schedule for completing required redistricting for the City of Phoenix and requests approval of the proposed redistricting schedule.

Summary
Consistent with federal law regarding apportionment, the City Code requires the City Council to revise council district boundaries to reflect population changes at least once every 10 years based on the decennial census. The current council district boundaries became effective in January 2013, following the 2010 decennial census. Since the district system was implemented in 1983, the City Council has secured the services of a redistricting consultant to provide the technical and legal expertise required for this process.

Proposed Redistricting Schedule:
- April 2023: City Council approves redistricting consultant
- April - May 2023: Consultant data gathering and analysis; Public Meeting schedule development
- May - August 2023: Stakeholder meetings (two rounds) and district boundary map proposals
- August 2023: City Council adopts redistricting plan
- January 2024: New Council District boundaries effective
- November 2024: Regular City Council election using new districts

Public Outreach
The proposed schedule maintains all elements of the previous process, including securing a consultant and conducting two rounds of public hearings to gather community comment.

The first round of public hearings is used to educate the community about the process, gather input to identify communities of interest that desire to be maintained within a single district, and receive input regarding changes to the boundaries. The consultant will use this information when drawing proposed changes to the council districts. The
second round of hearings seeks comment on the proposed district boundary alternatives developed by the consultant prior to final adoption of the new district boundaries by the City Council.

**Responsible Department**
This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.
Appoint Election Officials and Boards for March 14, 2023 Runoff Election - Emergency Clause (Ordinance S-49388)

Request to appoint the required election officials and boards for early ballot processing and at the designated voting centers for the City of Phoenix Runoff Election on Tuesday, March 14, 2023; fixing the honorariums of the election officials and boards; authorizing payment thereof; and declaring an emergency.

Summary
On Tuesday, March 14, 2023 the City of Phoenix will conduct a Runoff Election in which all Phoenix voters residing in Council Districts 6 and 8 will elect a council member to represent their respective districts.

A Runoff Election is required by the City Charter on March 14 because no candidate for the offices in Districts 6 and 8 received a majority of the votes cast in the Nov. 8, 2022 Council Election.

This request asks the City Council to appoint the board workers needed for processing early ballots received in the mail and preparing those ballots for tabulation, and the board workers needed to conduct voting at the voting centers. The City Code and this ordinance authorize the City Clerk to appoint additional boards necessary to process and prepare ballots for tabulation. Board workers are paid an honorarium for their service as provided by the City Code and related ordinance.

Emergency Clause
The emergency clause is necessary to meet legal requirements related to ballot tabulation equipment testing and early ballot processing, which requires the use of board workers.

Responsible Department
This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.
Dedication of Right-of-Way for Roadway Purposes on City-Owned Property at 1824 E. McKinley St. (Ordinance S-49391)

Request for the City Council to dedicate right-of-way to public use for roadway purposes on City-owned property; further ordering the ordinance recorded.

Summary
The City-owned property will be renovated to serve as a community center for the Edison-Eastlake neighborhood. Dedication of right-of-way triangles on all corners of the site, each consisting of 200 square feet, is a requirement by the Planning and Development Department.

The right-of-way is further described in the legal descriptions in Attachment A to be recorded with the ordinance.

Location
1824 E. McKinley St., identified by Maricopa County Assessor parcel number 116-11-002.
Council District: 8

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation and Finance departments.
APN: 116-11-001C
1824 E MCKINLEY STREET

MCKINLEY STREET N89°28'58"W 655.92'

19TH STREET

N00°5'46"E 330.53'

S00°5'46"E 270.56'

N05°23'24"E

N89°28'58"W 595.92'

POB

20.00'

WCI

SCALE: 1"=20'
SHT. NO: 3-OF-5
REV: -
EXHIBIT "A"

APN: 116-11-002
1824 E MCKINLEY STREET

CITY OF PHOENIX SURVEY MONUMENT 23-61

MCKINLEY STREET
EXHIBIT "A"

PARENT PARCEL LEGAL DESCRIPTION:
COMMENCING AT THE WEST QUARTER CORNER OF SECTION 3, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, A CITY OF PHOENIX BRASS CAP IN HANDHOLE;
THENCE SOUTH 89°28'36"EAST, A DISTANCE OF 1972.68 FEET TO A BRASS CAP IN THE INTERSECTION OF ROOSEVELT STREET AND 19TH STREET;
THENCE SOUTH 00°15'59"WEST, A DISTANCE OF 331.14 FEET TO A BRASS CAP IN THE INTERSECTION OF 19TH STREET AND GARFIELD, THE POINT OF BEGINNING;
THENCE SOUTH 00°15'46"WEST, A DISTANCE OF 330.53 FEET TO A BRASS CAP IN THE INTERSECTION OF 19TH STREET AND MCKINLEY STREET;
THENCE NORTH 89°28'58"WEST, A DISTANCE OF 655.92 FEET TO A BRASS CAP IN THE INTERSECTION OF 18TH STREET AND MCKINLEY STREET, SAID BRASS CAP ALSO BEING THE CITY OF PHOENIX SURVEY MONUMENT 23–61;
THENCE NORTH 00°16'37"EAST, A DISTANCE OF 330.79 FEET TO A BRASS CAP IN THE INTERSECTION OF 18TH STREET AND GARFIELD STREET, SAID BRASS CAP ALSO BEING THE CITY OF PHOENIX SURVEY MONUMENT 24–61;
THENCE SOUTH 89°27'37"EAST, A DISTANCE OF 655.84 TO THE POINT OF BEGINNING.
CONTAINING 216,874 SQ. FT. OR 4.98 ACRES, MORE OR LESS.

NORTHWEST ROW CORNER LEGAL DESCRIPTION:
COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL, SOUTH 89°27'37"EAST, A DISTANCE OF 30.00 FEET;
THENCE SOUTH 00°16'27"WEST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;
THENCE SOUTH 89°27'37"EAST FROM THE POINT OF BEGINNING, A DISTANCE OF 20.00 FEET;
THENCE SOUTH 45°24'30"WEST, A DISTANCE OF 28.22 FEET;
THENCE NORTH 00°16'37"EAST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 200.00 SQUARE FEET, MORE OR LESS.

NORTHEAST ROW CORNER LEGAL DESCRIPTION:
COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL, SOUTH 00°15'46"WEST, A DISTANCE OF 30.00 FEET;
THENCE NORTH 89°27'37"WEST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;
THENCE SOUTH 00°15'46"WEST FROM THE POINT OF BEGINNING, A DISTANCE OF 20.00 FEET;
THENCE NORTH 44°35'55"WEST, A DISTANCE OF 28.35 FEET;
THENCE SOUTH 89°27'37"EAST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 200.00 SQUARE FEET, MORE OR LESS.

SOUTHEAST ROW CORNER LEGAL DESCRIPTION:
COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL, NORTH 89°28'58"WEST, A DISTANCE OF 30.00 FEET;
THENCE NORTH 00°15'46"EAST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 89°28'58"WEST FROM THE POINT OF BEGINNING, A DISTANCE OF 20.00 FEET;
THENCE NORTH 45°23'24"EAST, A DISTANCE OF 28.22 FEET;
THENCE SOUTH 00°15'36"WEST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 200.00 SQUARE FEET, MORE OR LESS.

SOUTHWEST ROW CORNER LEGAL DESCRIPTION:
COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL, NORTH 00°16'37"EAST, A DISTANCE OF 30.00 FEET;
THENCE SOUTH 89°28'56"EAST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;
THENCE SOUTH 00°16'37"EAST FROM THE POINT OF BEGINNING, A DISTANCE OF 20.00 FEET;
THENCE SOUTH 44°36'11"EAST, A DISTANCE OF 28.34 FEET;
THENCE NORTH 89°28'58"WEST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 200.00 SQUARE FEET, MORE OR LESS.
Decontamination Services - IFB 18-058 - Amendment (Ordinance S-49392)

Request to authorize the City Manager, or his designee, to execute amendment to Contract 147546 with Clean Scene AZ, LLC; Contract 147552 with Kary Environmental Services, Inc.; and Contract 147553 with Emergency Restoration Experts, LLC 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-44372.

Summary
This contract will provide decontamination services for City vehicles, City facilities and private property, on an on-call basis. The one-year extension will allow time for Central Procurement to complete the new procurement without a lapse in this critical Citywide service.

Contract Term
Upon approval the contract will be extended through March 31, 2024.

Financial Impact
The aggregate value of the contract will not exceed $7,680,415 and no additional funds are needed.

Concurrence/Previous Council Action
The City Council previously reviewed this request:
• Decontamination Services - Contracts 147546, 147552, and 147553 (Ordinance S-44372) on March 21, 2018; and
• Decontamination Services - Contracts 147546, 147552, and 147553 (Ordinance S-47542) on May 19, 2021.

Responsible Department
This item is submitted by City Manager Jeffrey Barton and the Finance Department.
PeopleSoft Application Development Services (Ordinance S-49390)

Request to authorize the City Manager, or his designee, to enter into a contract with Envision, LLC to provide PeopleSoft application development services for the Information Technology Services and Human Resources departments. Further request authorization for the City Controller to disburse funds related to this item. The aggregate value will not exceed $1,700,000.

Summary
PeopleSoft is the City's recruiting and applicant tracking solution and delivers a full suite of tools for applicants, recruiters, and hiring managers. The requested contract will allow the consultant to streamline the City's recruiting, application, and hiring processes. It will also assist the Human Resources Department with further enhancing the Talent Acquisition Manager and Candidate Gateway modules within PeopleSoft by leveraging existing functionality within the application. Additional needs include fully utilizing PeopleSoft functionality to produce under/non-utilized data for analysis, measurement, decision making and branding for recruiting; adding new Human Resources and benefits functionality; upgrading the open enrollment experience; and replacing annual paper-based policy acknowledgements.

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 an approved Determination Memo citing Envision, LLC as a Special Circumstances - Without Competition. Envision, LLC has significant experience in the PeopleSoft Human Capital Module, which includes the areas of Workforce Administration, Talent Acquisition Management/Candidate Gateway (recruiting), Benefits Administration and eBenefits, as well as with the City of Phoenix system specifically. If a new contract is not in place, upgrades to the PeopleSoft application may be delayed.

Contract Term
The contract will begin on Feb. 5, 2023 and will end Feb. 4, 2028.
Financial Impact
The aggregate value of the contract will not exceed $1,700,000 and funds are available in the Human Resources Department's budget.

Responsible Department
This item is submitted by Assistant City Manager Lori Bays and the Information Technology Services and Human Resources departments.
Artists Purchase Agreements for Phoenix Sky Harbor Percent-for-Art Collections Project (Ordinance S-49397)

Request to authorize the City Manager, or his designee, to enter into several contracts with artists (see Attachment A), or their City-approved designees, for an aggregate amount not to exceed $289,400 to purchase and deliver artwork for the Phoenix Airport Museum at Phoenix Sky Harbor International Airport. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
The Fiscal Year (FY) 2022-27 Public Art Plan includes a project to purchase artworks to expand the Phoenix Airport Museum collection. The museum's collection is used to promote Arizona's unique artistic and cultural heritage, honor aviation history, and create a memorable environment by presenting themed exhibitions in over 40 display areas throughout the airport.

On Oct. 7, 2022, a selection committee identified 44 finalists from a pool of 165 artists who had responded to a City-issued Request for Qualifications. The artists were selected based on the artistic quality of the submitted artwork, the appropriateness of the artwork for a public setting, and the ability of the artwork to compliment or enhance the existing collection. Utilizing a purchase agreement, the city will acquire a selection of work from this pre-qualified list of artists for the Phoenix Airport Museum's collection.

Financial Impact
The Phoenix Sky Harbor International Airport (PSHIA) Percent-for-Art Collections Project is one of 39 projects in the FY 2022-27 Public Art Plan that City Council approved on June 15, 2022. The proposed $289,400 will cover all costs related to the purchase and delivery of individual artworks for the PSHIA Percent-for-Art Collections Project. The percent-for-art funds for this project come from the Aviation Department Capital Improvement Program.

Concurrence/Previous Council Action
The Phoenix Arts and Culture Commission reviewed and recommended this item for approval on Dec. 13, 2022, by a vote of 9-0. The Community and Cultural Investment Subcommittee reviewed and approved this item by a 4-0 vote at the Jan. 4, 2023
meeting.

**Location**
Phoenix Sky Harbor International Airport
Council District: 8

**Responsible Department**
This item is submitted by Deputy City Manager Inger Erickson and the Office of Arts and Culture.
<table>
<thead>
<tr>
<th>Name</th>
<th>City</th>
<th>State</th>
<th>Artwork Purchase</th>
<th>Price</th>
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<tbody>
<tr>
<td>David Adams</td>
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<td>AZ</td>
<td>Desert Combine No. 2</td>
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<td>Diyar Al Asadi</td>
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<td>AZ</td>
<td>Phoenix Bird</td>
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<td>Rachel Bess</td>
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<td>AZ</td>
<td>Black Sun</td>
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<td>Tania Bolin</td>
<td>Yuma</td>
<td>AZ</td>
<td>Pollenizer</td>
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<td>Brent Bond</td>
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<td>Desert Spiral</td>
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<td>Brian Boner</td>
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<td>The Cradle and the Frey</td>
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<td>Alexandra Bowers</td>
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<td>Manny Burruel</td>
<td>Glendale</td>
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<td>Tallest Building in Phoenix</td>
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<td>Jennifer Caldwell</td>
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<td>The Need For Rest</td>
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<td>Christine Cassano</td>
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<td>NM</td>
<td>Axioms &amp; Accumulations</td>
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<td>Become Connected</td>
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<td>Bill Dambrova</td>
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<td>You Have a Great Body May I Use It?</td>
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<td>Carol Eckert</td>
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<td>Consider the Ravens</td>
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<td>Edgar Fernandez</td>
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<td>7 Generation of Empowerment</td>
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<td>Fausto Fernandez</td>
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<td>The Remnant Left of a Neutron Star</td>
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<td>Kathleen Frank</td>
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<td>Erika Lynne Hanson</td>
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<td>Something about lichen . . .</td>
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<td>Carla Keaton</td>
<td>Tempe</td>
<td>AZ</td>
<td>Ignorance is Bliss</td>
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<td>Mayme Kratz</td>
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<td>AZ</td>
<td>Long After the Echo 11</td>
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<td>Carolyn Lavender</td>
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<td>AZ</td>
<td>Portrait</td>
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<td>Aryana Londir</td>
<td>Phoenix</td>
<td>AZ</td>
<td>Yes, Why Not?</td>
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<td>Carrie Marill</td>
<td>Cardiff by the Sea</td>
<td>CA</td>
<td>The Infrastructure of Beauty II</td>
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<td>Monica Martinez</td>
<td>Phoenix</td>
<td>AZ</td>
<td>Coyt( Urban Coyote)</td>
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<tr>
<td>Kathryn Maxwell</td>
<td>Tempe</td>
<td>AZ</td>
<td>Lunar Eclipse</td>
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<td>Mark McDowell</td>
<td>Scottsdale</td>
<td>AZ</td>
<td>Dymaxion</td>
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<td>Mary Meyer</td>
<td>Gold Canyon</td>
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<td>Anthony Pessler</td>
<td>Phoenix</td>
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<td>The Djinn #4</td>
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<td>Christy Puetz</td>
<td>Graceville</td>
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<td>Blanchette</td>
<td>$7,500</td>
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<td>Travis Rice</td>
<td>Phoenix</td>
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<td>Space Junk</td>
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<td>Aaron Rothman</td>
<td>Phoenix</td>
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<td>Wildflowers (PVP2)</td>
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<td>Melissa Scalfani</td>
<td>Tempe</td>
<td>AZ</td>
<td>I've Rendered You Defenseless</td>
<td>$6,000</td>
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<tr>
<td>Mary Shindell</td>
<td>Phoenix</td>
<td>AZ</td>
<td>Inflection Point II: Variant II: Pluto, Grand Canyon</td>
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<td>Misty Air Dragon</td>
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**TOTAL** $289,400
City Council Formal Meeting

Agenda Date: 2/1/2023, Item No. 33

Artist Design and Construction Contract for Solano Park Public Art Project (Ordinance S-49398)

Request to authorize the City Manager, or his designee, to enter into a contract with artist Haddad Drugan LLC, or their City-approved designee, for an amount not to exceed $365,000 to design, fabricate, and install public art for the Solano Park Public Art located at 5625 N. 17th Ave. in Phoenix. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
The Fiscal Year (FY) 2022-27 Public Art Project Plan includes a project to commission an artist to work with the Parks and Recreation Department and the local community to enhance the design of the Skate Plaza Improvements Project at Solano Park.

On Nov. 28, 2022, a five-person artist selection panel recommended Haddad Drugan LLC after reviewing a pool of 43 applicants. The pool of applicants consisted of artists who had responded to a City-issued Request for Qualifications earlier in 2022. Haddad Drugan LLC was recommended based on their experience creating site-specific public art projects, their demonstrated ability to involve the community in meaningful ways, and their potential to create skateable artwork for this park. The panelists also noted the artist's wide variety of project types, familiarity with the Arizona environment, and their knowledge of permanent and low maintenance materials.

The selection panel included: Jan Sheerwood, Deputy Director, Parks and Recreation Department; Rebecca Rothman, Public Art Program Manager, Tempe Arts and Culture; Trent Martin, Founder and Owner, Cowtown Skateboards; Robert Wollenzien, Executive Director, Legacy Foundation Chris-Town YMCA; and Meghan Wells, Cultural Arts Division Manager, City of Austin.

Financial Impact
Solano Park is one of 39 projects in the FY 2022-27 Public Art Plan that City Council approved on June 15, 2022. The Art Plan includes $400,000 for this project. The proposed $365,000 design, fabrication, and installation budget will cover all costs related to the artist's work with City staff, including the Office of Arts and Culture, project consultants, and the local community to produce a complete and buildable
design, and complete installation of the project. The percent-for-art funds for this project come from the Water Services Department Capital Improvement Program.

**Concurrence/Previous Council Action**
The Phoenix Arts and Culture Commission reviewed and recommended this item for approval on Dec. 13, 2022, by a vote of 9-0. The Community and Cultural Investment Subcommittee reviewed and approved this item by a 4-0 vote at its Jan. 4, 2023 meeting.

**Location**
5625 N. 17th Ave.
Council District: 5

**Responsible Department**
This item is submitted by Deputy City Manager Inger Erickson and the Office of Arts and Culture.
**ITEM REVISED (SEE ATTACHED MEMO)**

**Issuance of Multifamily Housing Governmental Revenue Notes - Pueblo Apartments Project, Series 2023 (Resolution 22097)**

Requests City Council approval for the issuance of Multifamily Housing Governmental Revenue Notes for the Pueblo Apartments Project, Series 2023, to be issued in one or more tax-exempt and/or taxable series, in an aggregate principal amount not to exceed $30,000,000.

**Summary**
Request City Council adoption of a resolution granting approval of the proceedings under which the Industrial Development Authority of the City of Phoenix (Phoenix IDA) has previously resolved to issue up to $30,000,000 of Multifamily Housing Governmental Revenue Notes (Revenue Notes) for use by CPL Broadway and Central LIHTC, LLC an Arizona limited liability company, to:

- Finance, and/or refinance, as applicable, the acquisition, construction, development, rehabilitation, improvement, equipping and/or operation of a multifamily residential rental housing project to be comprised of 161 units in Phoenix, Arizona, and
- Pay certain costs related to the issuance of the Revenue Notes.

**Concurrence/Previous Council Action**
The Phoenix IDA Board has previously resolved to issue the Revenue Notes at its meeting held on Jan. 19, 2023.

**Location**
The Project is located at or near 316 W. Broadway Road.
Council District: 7

With the exception of certain housing bonds/notes, the Phoenix IDA can finance projects located anywhere in Arizona. In addition, the Phoenix IDA may issue bonds/notes to finance projects outside of Arizona, if the out-of-state project provides a benefit within the State.

**Responsible Department**
This item is submitted by Deputy City Manager Ginger Spencer.
To: Ginger Spencer  
Deputy City Manager  

From: Deryck Lavelle  
Assistant Chief Counsel  

Subject: CORRECTION TO ITEM 34 ON THE FEB. 1, 2023, FORMAL AGENDA - ISSUANCE OF MULTIFAMILY HOUSING GOVERNMENTAL REVENUE NOTES - PUEBLO APARTMENTS PROJECT, SERIES 2023  

The purpose of this memo is to modify the action requested. The modifications include:

1. Update the File Type “Formal Action” to File Type “Resolution” on Report 23-0124.

APPROVED:

Ginger Spencer  
Deputy City Manager
Authorization to Enter into Agreement with the United States of America to Conduct Military Training on City-Owned Property (Ordinance S-49385)

Request to authorize the City Manager, or his designee, to execute an agreement with the United States of America to conduct military training exercises and activities at Phoenix Fire Special Operations, and the Phoenix Fire Academy. Further request to authorize the City Manager, or his designee, to grant an exception pursuant to Phoenix City Code 42-20 to include indemnification and assumption of liability provisions, if required, that would otherwise be prohibited by Phoenix City Code 42-18.

Summary
The United States of America (United States) periodically conducts training on City-owned property to assist in responding to incidents that involve national security defense. The purpose of this agreement is to allow the United States access to Phoenix Fire Special Operations, and the Phoenix Fire Academy for the 160th Special Operations Aviation Regiment (SOAR) to conduct training operations at these locations. The training will include Urban MH-60 helicopter infill and exfill training, to include fast rope approach and airland.

Contract Term
The term of the agreement will be for five years.

Financial Impact
There are no costs associated with the Agreement.

Location
Phoenix Fire Special Operations, located at 2430 S. 22nd Avenue, Phoenix, AZ 85009
Phoenix Fire Academy, located at 2425 W. Lower Buckeye Road, Phoenix, AZ 85009
Council District: 7

Responsible Department
This item is submitted by Assistant City Manager Lori Bays and the Fire Department.
Enter Into an Education Affiliation Agreement with Dignity Health for Paramedic Education (Ordinance S-49399)

Request authorization for the City Manager, or his designee, to enter into an education affiliation agreement with Dignity Health (Dignity) for Phoenix Fire Department Paramedic Education.

**Summary**
This agreement will allow Phoenix Fire Department paramedic students to take part in clinical rotations at Dignity facilities, and participate in patient care under the direct supervision of a designated Dignity instructor. Paramedic students are required to complete clinical rotations to be compliant with the Commission on Accreditation of Allied Health Education Programs, as recommended by the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions, a national organization that accredits paramedic program curricula training and methodology. This accreditation is a requirement of the Arizona Department of Health Services (AZDHS), which is the entity that ultimately authorizes the Phoenix Fire Department's paramedic program. The skills and experience gained from the paramedic education rotations will allow the Fire Department to continue to provide quality patient care.

**Contract Term**
The agreement will be for five years from the date executed.

**Financial Impact**
There is no cost associated with this agreement.

**Responsible Department**
This item is submitted by Assistant City Manager Lori Bays and the Fire Department.
Donation from 100 Club of Arizona for the Phoenix Fire Department (Ordinance S-49400)

Request authorization for the City Manager, or his designee, to accept a donation of StormStick Decontamination (Decon) Systems, valued at approximately $30,720, from the 100 Club of Arizona for the Phoenix Fire Department. Further request authorization for the City Treasurer to accept and the City Controller to disburse this donation. If not approved, the donation would be declined.

Summary
The 100 Club of Arizona wishes to express their appreciation for the Phoenix Fire Department's service by donating the StormStick Decon Systems to the department. The StormStick Decon System is a preliminary exposure reduction system that follows best practices and national standards to achieve effective toxic removal of contaminants from the exterior of a firefighter's protective equipment immediately following a fire event. The StormStick Decon System has been tested extensively on frontline fire apparatus and fire training facilities and will help to support the health and safety of firefighters.

The 100 Club of Arizona is a charitable nonprofit 501(c)(3) Arizona corporation. The organization supports all police, correctional, probation and parole officers, firefighters, and federal agents who are serving and protecting the citizens of Arizona.

This request adheres to the Fire Department's charitable donations process.

Contract Term
There is no contract term associated with this donation.

Responsible Department
This item is submitted by Assistant City Manager Lori Bays and the Fire Department.
Ground Transportation Dispatch and Curb Monitoring Services Requirements Contract - RFP 23-007 - Request for Award (Ordinance S-49384)

Request to authorize the City Manager, or his designee, to enter into a contract with Ace Parking III, LLC to provide ground transportation dispatch and curb monitoring services for the Aviation 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 $13,700,000.

Summary
This contract will provide ground transportation dispatch and curb monitoring services for the Aviation Department's Operations Division. These services are needed 24 hours per day, seven days per week, and all year long to dispatch taxicabs from the staging lot to approved terminal pick-up locations. Taxicabs are dispatched using an automated vehicle identification system leading to reduced vehicle congestion and unnecessary taxicab trips. Approximately 400,000 taxicabs are dispatched annually at the Airport. Ace Parking III, LLC (Ace Parking), will manage the terminal rideshare curbs by monitoring the flow of rideshare vehicles and assisting rideshare customers as needed. Additionally, Ace Parking will accommodate those in the traveling public with special transportation needs, including those covered by the Americans with Disabilities Act, the elderly, and the very young.

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

Two vendors submitted proposals. One vendor was deemed responsive and responsible. An evaluation committee of City staff evaluated the offer based on the following criteria with a maximum possible point total of 1,000:

- Method of Approach (0-350 points)
- Qualifications and Experience of Management Team (0-275 points)
- Qualifications and Experience of Firm (0-225 points)
- Fee Schedule (0-150 points)
After reaching consensus, the evaluation committee recommends award to the following vendor:

Ace Parking III, LLC - 930 points

**Contract Term**
The contract will begin on or about March 1, 2023 for an initial three-year term with two one-year options to extend for a five-year term. The options to extend may be exercised at the sole discretion of the Aviation Director.

**Financial Impact**
The contract value will not exceed $13,700,000 for the five-year contract term.

Funding is available in the Aviation Department's budget.

**Concurrence/Previous Council Action**
The Phoenix Aviation Advisory Board recommended approval of this item on Dec. 15, 2022 by a vote of 7-0.

**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.
Fire Alarm System, Network and Fire Sprinkler, and Suppression System Services Contract - RFP 23-002 - Request for Award (Ordinance S-49386)

Request to authorize the City Manager, or his designee, to enter into a contract with Climatec, LLC to provide fire alarm system network and fire sprinkler suppression system services for the Aviation 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 $8,050,000.

Summary
This contract will provide testing, inspection, and repair services for the fire alarm system and the fire sprinkler/suppression systems at Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport, and Phoenix Goodyear Airport (Airports) and their owned and supported properties.

These services are essential for the efficient and successful operation of the fire life safety systems, and to ensure code compliance and safety of the Airports' employees, tenants, and the traveling public. In addition, the services provided will include reporting to The Compliance Engine as required by the Phoenix Fire Department and to ensure continued compliance with Administrative Regulation 5.43 related to Facility Asset Management.

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

Four vendors submitted proposals and all were 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:

Method of Approach to Scope of Services (0-350 points)
Company Qualifications and Experience (0-300 points)
Key Personnel Qualifications (0-200 points)
Pricing (0-150 points)
After reaching consensus, the evaluation committee recommends awarding to the following vendor:
Climatec, LLC: 834 points

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

**Financial Impact**
The contract value will not exceed $8,050,000 for the five-year contract term.

Funding is available in the Aviation Department's budget.

**Location**
Phoenix Sky Harbor International Airport - 2485 E. Buckeye Road
Council District: 8
Phoenix Deer Valley Airport - 702 W. Deer Valley Road
Council District: 1
Phoenix Goodyear Airport - 1658 S. Litchfield Road, Goodyear
Council District: Out of City

**Responsible Department**
This item is submitted by Deputy City Manager Mario Paniagua and the Aviation Department.
April 2023 Proposed Bus Service Improvements (Ordinance S-49396)

Request to authorize the City Manager, or his designee, to implement the April 2023 bus service changes. If approved, the service changes will take effect April 24, 2023.

Summary
Responding to transit riders and the public’s call to expand Phoenix’s transit network, the Public Transit Department (PTD) recently sought public input regarding proposed extensions of existing bus routes in north and southwest Phoenix for April 2023. PTD provided the Citizens Transportation Commission a summary of the staff proposed service changes in October and conducted outreach during November and December. Identified routes and the proposed changes, as presented during the public outreach period, are listed below:

Current Service

Route 28 (Lower Buckeye Road) - The City of Phoenix operates the seven-mile local route on Lower Buckeye Road between 22nd and 75th avenues in southwest Phoenix. The route operates at a 30-minute frequency daily and connects with five other local bus routes.

Route 35 (35th Avenue) - The City of Phoenix operates the 28-mile local route on 35th Avenue between 27th Avenue/Baseline Park-and-Ride (to the south) and Happy Valley Road and 21st Avenue (to the north). The route makes a deviation to Metrocenter Transit Center between Dunlap and Peoria avenues. The route operates at a 30-minute frequency daily, with increased frequency every 15 minutes during weekday peak hours (6 - 9 a.m. and 3 - 6 p.m.) between the Baseline Park-and-Ride and the Metrocenter Transit Center. The route currently connects with 21 other local bus routes in the region.

Route 61 (Southern Avenue) - Valley Metro operates the 28-mile local route on Southern Avenue between Superstition Springs Transit Center in Mesa and 43rd Avenue in Phoenix. The route operates in Phoenix, Tempe, and Mesa at a 30-minute frequency daily, with increased frequency every 15 minutes during weekday peak hours (6 - 9 a.m. and 3 - 6 p.m.). The route currently connects with 25 other local bus routes.
routes, three circulator routes, and four express routes.

Proposed Changes

Route 28 (Lower Buckeye Road) - Expanding the regional bus network in southwest Phoenix has long been a goal for the department and is identified in the T2050 plan. Initially, PTD had planned to propose a route extension on Lower Buckeye Road in early 2020, but the plan was interrupted by the global pandemic. As the workforce of our bus operating contractors begins to stabilize, the department is proposing this three-mile extension west towards 99th Avenue. The proposed extension will provide transit service into an area that has seen recent growth along Lower Buckeye Road between 75th and 99th avenues. The service area of the route extension is estimated to cover 15,000 residents and 3,700 households in southwest Phoenix.

Route 35 (35th Avenue) and Route 36 (35th Avenue North) - Over the years, PTD has received input from north Phoenix residents, businesses, and a medical site about the potential to expand the transit network north of Happy Valley Road. PTD engaged in a conversation with Honor Health Sonoran Crossing Medical, located at 32nd Avenue and Dove Valley Road, to explore options to provide new transit opportunities for patients and workers. The proposed seven-mile extension would utilize Norterra Parkway, Jomax Road, North Valley Parkway, Dove Valley Road, and 32nd Avenue to maximize the route’s reach to connect residences, workplaces, medical centers, grocery stores, and shops into the region’s vast transit network.

To make the proposed extension north of Happy Valley Road feasible, PTD proposed shortening Route 35 at the Metrocenter Transit Center, where the new Route 36 would then provide bus service between Metrocenter north towards Dove Valley Road. The shortened Route 35 would continue to operate at its current frequency and service span, which includes peak hour weekday service. The proposed new Route 36 would operate daily at a 30-minute frequency and adhere to the current service span of 4 a.m. to 11 p.m. on Monday through Friday, and 5 a.m. to 11 p.m. on Saturday and Sunday.

The split route operation provides the following benefit and mitigation to transit operations:

- Longer trips could become increasingly difficult to operate and maintain a reliable schedule. Currently, Route 35 is one of the longest routes in the region.

- Route 36 would connect with nine other local bus routes, which would expand
opportunities to reach the new segment with only one transfer. If Route 36 only operated north of Happy Valley Road, the route would only make bus connections to Routes 19 and 35.

- Routes terminating at Metrocenter Transit Center provide an ideal situation to provide operators a break location and a timed transfer between routes.

The service area of the route extension is estimated to cover 8,000 residents and 2,700 households in north Phoenix.

Route 61 (Southern Avenue) - Recent roadway improvements made by Maricopa County near 43rd and Southern avenues have resulted in a detour to 51st Avenue for a bus turnaround at the end of line. To make the temporary detour permanent and provide connection between bus routes, Phoenix and Valley Metro propose extending Route 61 one mile west to 51st Avenue. The extension would add connections to two major local routes (Route 51 and Route 61).

The service area of the route extension is estimated to cover 7,600 residents and 2,200 households in southwest Phoenix.

Maps of the proposed service changes are included in Attachment A.

Service Equity Analysis
Per Federal Transit Administration regulations, a Title VI Service Equity Analysis on each proposed service change was conducted to analyze if the proposed change causes a disparate impact on minority populations or yields a disproportionate burden toward low-income populations. In summary, among the four proposed service change concepts, Route 35’s proposed segment reduction qualifies as potentially causing disproportional burden to low-income communities. However, the impact is mitigated by having the new Route 36 cover the eliminated segment and synchronize schedules between the two routes to minimize transfer time for passengers. Details of the service equity analysis for the proposed April 2023 service change is included in Attachment B.

Public Input Process
The PTD used the locally adopted public outreach process to solicit public feedback on proposed service changes. Phoenix and Valley Metro staff conducted in-person and virtual outreach utilizing posters and A-Frame signs placed at key areas along each route to notify the public of the proposed changes, and direct passengers to visit Valley Metro’s website to submit comments through Dec. 2. The proposed changes were also advertised via social media, interactive webinars, and a public hearing was held on
Nov. 16.

Overall, 1,257 total comments and suggestions were received about Phoenix’s proposed service changes, with 517 of those registering either a positive or negative opinion specifically on each proposed service change. The results of the public input by route are as follows:

**Route 28 Extension to 99th Avenue:**
- 62 Support (75%)
- 21 Against (25%)

**Route 35 Modification to create new Route 36 extending into North Phoenix:**
- 113 Support (28%)
- 287 Against (72%)

**Route 61 Extension to 51st Avenue:**
- 63 Support (66%)
- 32 Against (34%)

Route 35 and 36’s service change proposal received significant public opposition through public comments. Most comments received opposed bus service north of Happy Valley Road due to concern over the road’s capacity to handle bus service and the concern over not having enough commercial and mixed development along the extension corridor to support a transit route. While some opposition to proposed service changes may be expected, the overwhelming opposition to Route 35/36’s proposal indicates that the PTD should reevaluate the proposed routing and an implementation timeline to gather public support for the route extension, including alternative timelines for implementation as well as routing scenarios in the area.

**Staff Recommendation**
Based on the feedback received, staff is recommending implementing proposed service changes to routes 28 (Lower Buckeye Road) and Route 61 (Southern Avenue); changes to Route 35/36 (35th Avenue) are not recommended for implementation at this time.

**Financial Impact**
The proposed changes to Routes 28 and 61 will increase PTD’s operating expenses by approximately $966,000 annually, of which $648,000 is attributed to Route 28, and $318,000 to Route 61. Fiscal Year 2022-23 financial impact is estimated to be $180,000 for a partial year implementation (April 24 - June 30, 2023). Funding is
available in the Public Transit Department’s operating budget. Contract amendments for Phoenix’s bus service providers will be developed to reflect the increase in contract capacity necessary to maintain these service increases in future years.

**Concurrence/Previous Council Action**
This item was recommended for approval at:
- The Citizens Transportation Commission meeting on Dec. 15, 2022, by a vote of 8-0.
- The Transportation, Infrastructure and Planning Subcommittee meeting on Jan. 18, 2023, by a vote of 4-0.

**Location**
Council Districts: 1, 2 and 7

**Responsible Department**
This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.
ATTACHMENT A- April 2023 Proposed Service Change Maps

Route 28- (Lower Buckeye Road)

![Map of Route 28- (Lower Buckeye Road)](image)
Title VI Service Equity Analysis

City of Phoenix
Proposed April 2023 Service Change

City of Phoenix Public Transit Department
INTRODUCTION

Title VI of the Civil Rights Acts of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. Federal law requires the City of Phoenix to evaluate service changes and proposed improvements at the planning and programming stages to determine whether those changes have a discriminatory impact. This process will be used to evaluate bus services in an objective manner to identify the potential for adverse, disproportionately high, or disparate impacts to minority and/or low-income populations.

The Phoenix Public Transit Department (PTD) manages modification to the region’s transit network through service changes. Bus service changes are coordinated regionally and occur in April and October each year. Service modifications that are considered major service changes require service equity analysis to be conducted and considered by the Phoenix City Council before approval.

SERVICE EQUITY ANALYSIS POLICIES

This section describes Phoenix’s Title VI Service Equity analysis policy, definition, and data analysis procedures. The City of Phoenix Public Transit Title VI Program is posted at https://www.phoenix.gov/publictransit/title-vi-notice

Major Service Change

The Major Service Change and Service Equity Policy developed jointly by both the City of Phoenix and Valley Metro defines a major service change as follows:

- Adding or Eliminating an entire route
- Expanding or reducing existing revenue miles on a route by more than 25% on Weekday, Saturday, or Sunday
- Expanding or reducing number of route directional miles more than 25%
- A change resulting in a 25% or greater variance from the existing route alignment

---

1 A change of 25 percent in weekly route revenue miles and/or route directional miles is the City of Phoenix threshold for determining whether a potential transit service change qualifies as a major service change (or "substantial" service change), according to the City of Phoenix resolution (1990). This percentage is generally an industry-wide percentage threshold used by peer transit systems throughout the United States. The City of Phoenix resolution also specifies that a public comment period will be initiated when a change in transit service of 25 percent or more is determined. Valley Metro has adopted the same thresholds.

2 A change of 25 percent in Express/RAPID service route revenue miles and/or route directional miles does not apply to the portion of the routes that are on the freeway/highway because there are no stops or service. Only the portion of the routes that occurs on surface streets applies to the 25 percent threshold for a major service change.
All service change proposals that are determined to be a major service change will undergo Service Equity Analysis.

**Adverse Effect**

An adverse effect is defined as a reduction or addition in service that includes but is not limited to: changes in span of service, changes to frequency of service, the addition of new routes, the elimination of routes or route segments, or the modification of routes or route segments.

**Disparate Impact**

When the difference in adverse impacts between minority ridership\(^3\) and/or population\(^4\) and non-minority ridership and/or population on the affected service is equal to or greater than five percent compared to the transit system’s minority and non-minority ridership\(^5\) and/or population, there would be a disparate impact.

**Disproportionate Burden**

When the difference in adverse impacts between low-income ridership\(^3\) and/or population\(^4\) and non-low-income ridership and/or population on an affected service is equal to or greater than five percent compared to the transit system’s low-income and non-low-income ridership\(^5\) and/or population, there would be a disproportionate burden impact.

Should Valley Metro or the City of Phoenix find any disparate impact or disproportionate burden is found during the service equity analysis, steps will be taken to avoid, minimize, or mitigate the impacts.

**Equity Analysis Data Sources**

The following table identifies the data source for the service equity analysis depending on the type of service change being proposed.

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\(^3\) The determination of the transit system and an affected route’s minority and/or low-income ridership will be derived from the most recently completed, statistically valid regional on-board origin/destination survey.

\(^4\) The determination of the potential ridership for service expansion or the addition of a new service will be derived from the most recent American Community Survey data for the census tract or census block group surrounding the expanded route or new route.

\(^5\) The transit system’s ridership is separated into Local Bus Service (local fixed bus routes, key local service, light rail, streetcar and circulator bus service) and Express/RAPID Service (commuter bus service). The affected service would be compared to the overall transit system’s ridership by Local Bus Service or Express/RAPID Bus Service.
### Title VI Analysis
City of Phoenix Public Transit Department
April 2023 Proposed Service Changes

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#### Transit System Minority/ Low-Income Population Benchmarks

Service Equity Analysis benchmarks based on October 2022 Service Area Census Data (2020 Census):

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<th>Minority</th>
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<td>Express/RAPID Bus</td>
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Service Equity Analysis benchmarks based on 2019 O/D Data:

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Minority</th>
<th>Low-Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Bus</td>
<td>62.2%</td>
<td>45.0%</td>
</tr>
<tr>
<td>Circulator</td>
<td>60.1%</td>
<td>45.8%</td>
</tr>
<tr>
<td>Express/RAPID Bus</td>
<td>43.5%</td>
<td>4.9%</td>
</tr>
</tbody>
</table>

<sup>6</sup> Service Level- Refers to the span of service, days of operations, trips and headways (service frequencies) for a transit route or the regional transit system.

<sup>7</sup> Origin/Destination Survey Data
SERVICE EQUITY ANALYSIS OF APRIL 2023 SERVICE CHANGES

Description of Proposed Changes

The Public Transit Department (PTD) is proposing to extend the reach of local bus service in the north and southwest sections. The route improvements are part of PTD’s T2050 Transportation Plan (T2050) to expand the reach of Phoenix’s transit network.

The proposed service changes are:

- Route 28 (Lower Buckeye Rd) – extend the route west to 99th Avenue.
- Route 35 (35th Ave) - Split the route at Metrocenter Transit Center. Existing bus service south of Metrocenter Transit Center remained as Route 35. Bus service north of Metrocenter Transit Center will be incorporated into new Route 36.
- Route 36 (35th Ave North) – new route operating from Metrocenter Transit Center to Dove Valley Road via 35th Avenue, Norterra Pkwy and North Valley Pkwy. The route will terminate at Honor Health Sonoran Crossing Medical Center.
- Route 61 (Southern Ave) - extend the route west to 51st Avenue.

CURRENT ROUTING

Route 28 (Lower Buckeye Rd) – The city of Phoenix operates the 7-mile local route on Lower Buckeye Road between 22nd and 75th avenues in southwest Phoenix. The route operates at a 30-minute frequency daily and connects with five other local bus routes.

Route 35 (35th Ave) – The city of Phoenix operates the 28-mile local route on 35th Avenue between 27th Avenue/Baseline Park and Ride (to the south) and Happy Valley Road and 21st Avenue (to the north). The route makes a deviation to Metrocenter Transit Center between Dunlap and Peoria avenues. The route operates at a 30-minute frequency daily, increasing to every 15 minutes during weekday peak hours (6 – 9 a.m. and 3 – 6 p.m.) between the Baseline Park and Ride and the Metrocenter Transit Center. The route currently connects with 21 other local bus routes in the region.

Route 61 (Southern Ave) – Valley Metro operates this 28-mile local route on Southern Avenue between Superstition Springs Transit Center in Mesa and 43rd Avenue in Phoenix. The route operates in Phoenix, Tempe, and Mesa. The route operates at a 30-minute frequency daily, increasing to every 15 minutes during weekday peak hours (6 – 9 a.m. and 3 – 6 p.m.). The route currently connects with 25 other local bus routes, three circulator routes, and four express routes.

PROPOSED CHANGES
Route 28 (Lower Buckeye Rd) – – Expanding the regional bus network in southwest Phoenix has long been a goal for the department and is identified in the T2050 plan. Initially, PTD had planned to propose a route extension on Lower Buckeye Road in early 2020, but the plan was interrupted by the global pandemic. As the workforce of our bus operating contractors stabilizes, the department now proposes this 3-mile extension west to 99th Avenue.

The proposed extension west will provide transit service into an area that has seen recent growth along Lower Buckeye Road between 75th and 99th avenues. The service area of the route extension is estimated to cover 15,000 more residents and 3,700 households in southwest Phoenix.
Route 35 (35th Avenue) and Route 36 (35th Ave North) – There has been an ongoing conversation between PTD and north Phoenix residents, businesses and medical providers to expand Route 35 north of Happy Valley Road. In 2019, PTD engaged in an extensive conversation with Honor Health Sonoran Crossing Medical, located at 32nd Avenue and Dove Valley Road, to explore options to provide new transit opportunities for patients and workers.

The proposed 7-mile extension would utilize Norterra Parkway, Jomax Road, North Valley Parkway, Dove Valley Road and 32nd Avenue to maximize the route’s reach to connect residences, workplaces, medical centers, grocery stores, and shops into the region’s vast transit network.

To make the proposed extension north of Happy Valley Road feasible, PTD proposes to end Route 35 at the Metrocenter Transit Center, where the new Route 36 would now provide bus service between Metrocenter and 32nd Avenue and Dove Valley Road. The shortened Route 35 would continue to operate at its current frequency schedule, including the peak hour weekday service; and the new Route 36 would operate daily at a 30-minute frequency.

The split route operation provides the following benefit and mitigation to transit operations:

- Longer trips could become increasingly difficult to operate and maintain a reliable schedule. Currently, Route 35 is one of the longest routes in the region.
- Route 36 would connect with nine other local bus routes, which would expand opportunities to reach the new segment with only one transfer. If Route 36 only operated north of Happy Valley Road, the route would only make bus connections to Routes 19 and 35.
- Routes terminating at Metrocenter Transit Center provides an ideal situation to provide operators a break and a timed transfer between routes.

The service area of the route extension is estimated to cover 8,000 more residents and 2,700 households in north Phoenix.
Route 61 (Southern Ave) – Recent roadways improvements made by Maricopa County near 43rd and Southern avenues have resulted in a detour to 51st Avenue for a bus turnaround. To make the temporary detour permanent and provide connection between bus routes, Phoenix and Valley Metro propose to extend Route 61 one mile west to 51st Avenue. The extension would add connections to two major local routes Route 51 and Route 61.

The service area of the route extension is estimated to cover 7,600 more residents and 2,200 households in southwest Phoenix.
Public Input Process
The Public Transit Department will use the locally adopted public outreach process to solicit public feedback on proposed service changes. Phoenix and Valley Metro staff will conduct in-person and virtual outreach utilizing posters and A-Frame signs placed at key areas along each route to notify the public of the proposed changes, and direct passengers to visit Valley Metro’s website to submit comments through December. The proposed changes will also be advertised via social media, interactive webinars, and a public hearing.

Magnitude of Service Change
The first step of the Title VI assessment is to measure and document the magnitude of service change being proposed to determine if a project qualifies as a “major service change”. For routes that cross jurisdictional boundaries, revenue and directional miles are summarized for both total route and Phoenix portion only.

Table 1: Magnitude of Impact - Major Change Indicators by Individual Projects

<table>
<thead>
<tr>
<th>Route</th>
<th>Add or Eliminate Route</th>
<th>Expanding or reducing existing route by more than 25% of Weekday route revenue miles</th>
<th>Expanding or reducing existing route by more than 25% of Saturday routes revenue miles</th>
<th>Expanding or reducing existing route by more than 25% of Sunday route revenue miles</th>
<th>Expanding or reducing number of route directional miles more than 25%</th>
<th>A change resulting in a 25% or greater variance from the existing route alignment</th>
<th>Continue to Assess Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Route 28</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>Route 35</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>Route 36</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Route 61</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
</tbody>
</table>

Table 2: Revenue Miles Change

<table>
<thead>
<tr>
<th>Routes</th>
<th>Current Revenue Miles</th>
<th>Proposed Revenue Miles</th>
<th>% Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Weekday</td>
<td>Saturday</td>
<td>Sunday</td>
</tr>
<tr>
<td>Route 28</td>
<td>522</td>
<td>496</td>
<td>496</td>
</tr>
<tr>
<td>Route 35</td>
<td>2,619</td>
<td>2,088</td>
<td>2,088</td>
</tr>
<tr>
<td>Route 36</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Route 61</td>
<td>1,042</td>
<td>759</td>
<td>738</td>
</tr>
</tbody>
</table>

Table 3: Directional Miles Change
### Table 4: Route Service Area Title VI Populations by Census Block Group*

<table>
<thead>
<tr>
<th>Route</th>
<th>Current Directional Miles</th>
<th>Proposed Directional Miles</th>
<th>% Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Route 28</td>
<td>13.4</td>
<td>19.4</td>
<td>45%</td>
</tr>
<tr>
<td>Route 35</td>
<td>55.0</td>
<td>31.7</td>
<td>-42%</td>
</tr>
<tr>
<td>Route 36</td>
<td>-</td>
<td>38.0</td>
<td>100%</td>
</tr>
<tr>
<td>Route 61</td>
<td>20.69</td>
<td>24.9</td>
<td>20%</td>
</tr>
</tbody>
</table>

*Population figures are proportionate to the portion of the Census Block Group within 3/4 mile buffer of route.

Above system average by five percent

### Table 5. Route Rider Population from 2019 Valley Metro Origin and Destination Data

<table>
<thead>
<tr>
<th>Route</th>
<th>Percent Minority Population</th>
<th>Percent Low Income Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rt 28 Existing</td>
<td>85%</td>
<td>15%</td>
</tr>
<tr>
<td>Rt 61 Existing</td>
<td>67%</td>
<td>39%</td>
</tr>
<tr>
<td>Rt 35 Existing</td>
<td>62%</td>
<td>57%</td>
</tr>
<tr>
<td>Rt 35 Eliminated Segment</td>
<td>55%</td>
<td>55%</td>
</tr>
<tr>
<td>Rt 36 New Route</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>
Findings

Three of the four April 2023 proposed service changes do qualify as a major service change: Route 28, Route 35, and Route 36. Route 61 extension does not meet any of the criteria for requiring further analysis.

Route 28 Proposed Change Disparate Impact and Disproportional Burden Threshold

The Route 28 new area to be served by the extension is 87% minority and 21% low income, placing it 36% above the local average for minority population and 3% below the average for low income. Based on the established threshold for qualification of potential disparate impact to minority population or disproportional burden to low-income population (5% above system average), Route 28 qualifies as potentially having disparate impact to minority population should the proposed service change is a reduction in service. However, since the proposed service change is a service expansion and improvement, no further analysis or modification is required on the proposed service change.

Route 35 Proposed Change Disparate Impact and Disproportional Burden Threshold

Route 35 restructuring produces a significant decrease in service miles for that route. The existing route ridership is at or above the local average for both minority and low-income populations, at 62% and 57% respectively. Route 35’s low-income rider threshold is 12% above the local route average, placing the route service change qualified as potentially causing disproportional burden to low-income riders.

Route 35 Proposed Change Mitigation Strategy

While Route 35’s proposed service does not remove transit service in its service because the eliminated segment is proposed to be replaced by a new Route 36, PTD will further mitigate the impact of the service change proposal by ensuring the scheduled between the two routes would be synchronized to meet at Metrocenter Transit Center with minimize wait time for short transfer time between the two routes.

Route 36 Proposed Change Disparate Impact and Disproportional Burden Threshold

The proposed Route 36 service area is below the local route average for both minority and low-income population at 32% and 7% respectively. As it is a service improvement, no mitigation is required.

Route 61 Proposed Change Disparate Impact and Disproportional Burden Threshold
Route 61 ridership is above local average for percent minority population at 67% and below local average low-income population at 39%. The new area served by the route extension is above average for both minority and low income, at 64% and 28% respectively.

Based on the established threshold for qualification of potential disparate impact to minority population or disproportional burden to low-income population (5% above system average), Route 61 qualifies as potentially having disparate impact to minority population should the proposed service change is a reduction in service. However, since the proposed service change is a service expansion and improvement, no further analysis or modification is required on the proposed service change.

**Phoenix Only Route 61**

This section will assess the Route 61 service change impacts to the City of Phoenix riders and service area alone. The full route is assessed in the previous section.

<table>
<thead>
<tr>
<th>Route</th>
<th>Current Revenue Miles</th>
<th>Proposed Revenue Miles</th>
<th>% Difference</th>
<th>Current Directional Miles</th>
<th>Proposed Directional Miles</th>
<th>% Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Weekday</td>
<td>Saturday</td>
<td>Sunday</td>
<td>Weekday</td>
<td>Saturday</td>
<td>Sunday</td>
</tr>
<tr>
<td>Route 61 Phoenix Only</td>
<td>1,042</td>
<td>759</td>
<td>738</td>
<td>1,252</td>
<td>912</td>
<td>887</td>
</tr>
</tbody>
</table>

**Route**

- Rt 61 Existing Riders Phoenix Only*
- Rt 61 Future Service Area**

* 2019 Valley Metro Origin and Destination Study
** Population figures are proportionate to the portion of the Census Block Group within 3/5 mile buffer of route.

<table>
<thead>
<tr>
<th>Route</th>
<th>Percent Minority Population</th>
<th>Percent Low Income Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rt 61 Existing Riders Phoenix Only*</td>
<td>79%</td>
<td>35%</td>
</tr>
<tr>
<td>Rt 61 Future Service Area**</td>
<td>75%</td>
<td>22%</td>
</tr>
</tbody>
</table>

**Findings**

The service change in revenue miles and directional miles does not exceed 25% so does not qualify as a major service change. No further analysis is required.

**Conclusion**

Route 28- The proposed service change is a service expansion and improvement, no disparate impact to minority population or disproportional burden is found.
Route 35- The proposed service change on Route 35 would cause low-income population to experience disproportional burden. The impact is mitigated by having new Route 36 taking over the eliminated segment as well as synchronize transfer between routes to minimize wait time for passengers.

Route 36- The proposed service change is a service expansion and improvement, no disparate impact to minority population or disproportional burden is found.

Route 61- The proposed service change is a service expansion and improvement, no disparate impact to minority population or disproportional burden is found.

**Demographic Maps**

Map 1 and Map 2 illustrate the distribution of Title VI populations and the proposed April 2023 service changes to Route 28. Map 3 and Map 4 illustrate the distribution of Title VI populations and Route 35. Map 5 and Map 6 illustrate the distribution of Title VI populations and Route 36. Map 7 and Map 8 illustrate the distribution of Title VI populations and Route 61. Map and Map 10 illustrate the distribution of Title VI populations and Route 61 in Phoenix Only.

**Map 1: April 2023 Service Change and Minority Population Route 28**

[Map 1: April 2023 Service Change and Minority Population Route 28]

**Map 2: April 2023 Service Change and Low-Income Population Route 28**

[Map 2: April 2023 Service Change and Low-Income Population Route 28]
Map 3: April 2023 Service Change and Minority Population Route 35
Map 4: April 2023 Service Change and Low-Income Population Route 35
Map 5: April 2023 Service Change and Minority Population Route 36
Map 6: April 2023 Service Change and Low-Income Population Route 36

- New Route 36
- Low Income Pop > Local Route Average (65.9%)
Map 7: April 2023 Service Change and Minority Population Route 61

Map 8: April 2023 Service Change and Low-Income Population Route 61
Map 9: April 2023 Service Change and Minority Population Route 61 – Phoenix

Map 10: April 2023 Service Change and Low-Income Population Route 61 – Phoenix
Apply for U.S. Environmental Protection Agency Grant Opportunities for Federal Fiscal Year 2022-23 - Federal Bipartisan Infrastructure Law Funding (Ordinance S-49387)

Request to authorize the City Manager, or his designee, to apply for, accept, and enter into agreements for the disbursement of grants from the United States Environmental Protection Agency through the Federal Fiscal Year 2022-23 Solid Waste Infrastructure for Recycling Grant and Consumer Recycling Education and Outreach Grant opportunities. If awarded, the funding will be used to upgrade the North Gateway Materials Recovery Facility, retrofit the 27th Avenue Materials Recovery Facility education room, and install utility infrastructure at the Resource Innovation Campus. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. Funding for these grant opportunities is available through the Federal Bipartisan Infrastructure Law. The total grant funds applied for will not exceed $10 million.

Summary
In the 1980s, the Mayor and City Council led Phoenix to establish a comprehensive solid waste management approach with a focus on reducing, reusing, and recycling. In response to this strategy, the Public Works Department commenced a commingled curbside recycling program. On June 28, 1995, Council approved development of a Materials Recovery Facility (MRF) at the 27th Avenue Solid Waste Management Facility as part of the Phoenix Recycles Program. The facility has been operational since Sept. 1, 1998. The City's second MRF opened at North Gateway Transfer Station in 2006. The objective of Phoenix's recycling program is to conserve landfill space, which is becoming a challenge across the United States, and to create economic value by selling select recyclable materials (commodities) to various markets. By seeing this material as a resource, Phoenix has made the paradigm shift from a linear to a circular model of waste management whereas materials are diverted from the landfill and redistributed to create economic activity.

In January 2021, the Public Works Department suspended operations at the 27th Avenue MRF due to the equipment reaching the end of its useful life and no longer being effective at capturing commodities that are prevalent in the current recycle stream. Since the operational suspension, recyclables from the 27th Avenue facility...
are hauled to the North Gateway MRF for processing. Phoenix is currently investing $25 million to construct a new state-of-the-art MRF at the 27th Avenue facility that is expected to reopen in early 2024. With the increased processing demands, the North Gateway MRF equipment will require investment. The Public Works Department is requesting $4 million in grant funding for these upgrades.

In preparation for the reopening of the 27th Avenue MRF, the Public Works Department is requesting $2 million in grant funding to retrofit an education tour room at the 27th Avenue MRF to enhance public outreach and student education with the recycling sorting process. The future tour room will provide an educational opportunity for neighboring Phoenix schools significantly increasing accessibility to the schools.

The Resource Innovation Campus (RIC) is the City’s regional circular economy hub with approximately 40 acres of lease-ready land for innovators with market-ready technologies and manufacturing processes that reuse or repurpose waste materials. To support economic development projects at the RIC, water, sewer and electrical connections are needed for the lease-ready land. The Public Works Department is requesting $4 million in grant funding to construct utility infrastructure at the RIC.

The Public Works Department is working to advance the City’s circular economy initiatives and waste diversion goals with the implementation of these projects with grant funding assistance. The Public Works Department is requesting authorization to submit applications for the Environmental Protection Agency’s Solid Waste Infrastructure for Recycling and Consumer Recycling Education and Outreach grant opportunities. If awarded, funding will support the equipment upgrades at the North Gateway MRF, retrofit of the 27th Avenue MRF education room, and development of the RIC.

The Solid Waste Infrastructure for Recycling and Consumer Recycling Education and Outreach grants submittal deadline is Feb. 15, 2023.

**Financial Impact**
The estimated total cost for the projects is approximately $10 million. The maximum federal participation rate is 100 percent with a minimum local match of 0 percent of the total eligible project cost. If awarded, the federal match would not exceed $10 million (100 percent).

The Public Works Department is requesting grant funds up to $10 million. If the grant funds are awarded in full, the City’s cost share is estimated at $1.75 million.

Funding for the local match is available in the Public Works Department’s Capital
Improvement Program budget. Potential grant funding received is available through the Federal Bipartisan Infrastructure Law, from the Environmental Protection Agency through the Federal Fiscal Year 2022-23 Solid Waste Infrastructure for Recycling Grant and Consumer Recycling Education and Outreach Grant opportunities.

**Location**

Resource Innovation Campus - 3060 S. 27th Ave.
27th Avenue Materials Recovery Facility - 3060 S. 27th Ave.
North Gateway Materials Recovery Facility- 30205 N. Black Canyon Highway
Council Districts: 2 and 7

**Responsible Department**

This item is submitted by Deputy City Managers Mario Paniagua and Karen Peters, and the Public Works Department.
City Council Formal Meeting

Citywide General Construction Job Order Contract Services - Amendment - 4108JOC178 (Ordinance S-49389)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 149740 with DL Norton General Contracting, Inc. to provide $1 million in additional General Construction Job Order Contracting Services, and to authorize execution of a Job Order Agreement in an amount up to $9.9 million for the Replace Phoenix City Hall Sanitary Sewer Lines and Repair Roof Drain System project. Further request to authorize execution of amendments to Master Agreement 149740 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 additional fee for services included in this amendment will not exceed $1 million.

Summary
The purpose of this project is to replace the sanitary waste and vent piping and provide re-sloping of storm drain piping at Phoenix City Hall (City Hall).

In 2018, a consultant was hired to perform an assessment at City Hall which resulted in recommendation of a full system replacement to avoid a potential widespread system failure. In 2019, the same consultant was hired to complete design through its Engineering On-Call contract. In August 2020, staff pursued the specialized design and construction expertise of DL Norton General Contracting, Inc. under an existing Job Order Contract (JOC), to provide pre-construction services which included working with the design consultant to prepare final construction drawings, prepare a construction schedule which projected a timeline of 12 months for completion, and a cost estimate for construction.

Due to the complexity of the project, impact and coordination required to work with multiple departments residing in City Hall, as well as the security and logistical requirements of working within City Hall, it is imperative that the City use a contractor that can meet these requirements. DL Norton General Contracting, Inc. has assembled a specialized team of subcontractors, all of which have a vast knowledge and familiarity with the existing conditions.

Use of a JOC construction services contract allows the City to address the timeline
requirements and specialized aspects of the project. To ensure DL Norton General Contracting, Inc.'s contract has sufficient capacity for replacement of the sanitary sewer line and roof drain repair project, staff recommends increasing the JOC contract capacity and spending authority of DL Norton General Contracting, Inc.'s current JOC by an additional $1 million to complete this project. This amendment will allow for issuance of a job order agreement to DL Norton General Contracting, Inc. for an amount not to exceed $9.9 million for the City Hall replacement of sanitary sewer lines and repair of the roof drain system.

This amendment is necessary because funding for this project was phased between Fiscal Years 2021, 2022, and 2023. Due to the phased funding approach, work remains to be completed and the cost of construction industry-wide has increased at an unprecedented rate. Cost increases in commercial construction have averaged between 20 percent to 35 percent for materials and five percent to 15 percent for labor. Currently $8.9 million in contracts have been executed to lock in pricing and control further escalation. Remaining competitive bids have been received that will be used to execute the remaining $1 million of the project and avoid further cost increases.

Contract Term
The term of the agreement will not change. 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 initial master agreement for Job Order Contracting Services was approved for an amount not to exceed $10 million, including all subcontractor and reimbursable costs.
- Amendments increased the master agreement by an additional $6.9 million, for a new total amount not to exceed $16.9 million, including all subcontractor and reimbursable costs.
- This amendment will increase the master agreement by an additional $1 million, for a new total amount not to exceed $17.9 million, including all subcontractor and reimbursable costs.

Funding for this amendment is available in the Public Works Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to execution of any job order agreements. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.
Concurrence/Previous Council Action
The City Council approved:
- Master Agreement 149740 (Ordinance S-45604) on May 1, 2019;
- Master Agreement 149740 Amendment (Ordinance S-47546) on May 19, 2021; and
- Master Agreement 149740 Amendment (Ordinance S-48616) on May 25, 2022.

Responsible Department
This item is submitted by Deputy City Managers Karen Peters and Mario Paniagua, the Public Works Department, and the City Engineer.
Telecommunications Services and Interstate Telecommunications Services License with Zayo Group LLC (Ordinance S-49393)

Request to authorize the City Manager, or his designee, to execute a non-exclusive, revocable license with Zayo Group LLC to construct, install, operate, maintain and use the Public Highways in the City of Phoenix in order to provide telecommunications services and interstate telecommunications services in, under, over, and across public rights-of-way in the City, subject to the terms and conditions contained in the license and Phoenix City Code. Further request that the licensee sign the license within 60 days of Council action, or this authorization will expire. Additionally, request to authorize the City Treasurer to accept all funds related to this item.

Summary
The license will be for a period of five years, contain appropriate insurance and indemnification provisions, require a performance bond and a security fund, provide for terms of transfer and revocation, and provide for compensation for the commercial use of public rights-of-way while permitting the City to manage the rights-of-way. This license will replace previous license 143614-0.

Contract Term
The license term is for a five-year Telecommunications Services and Interstate Telecommunications Services License.

Financial Impact
There is no financial impact to the City. Licensee will pay an annual fee based on a formula using linear footage and the Consumer Price Index.

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua, the Street Transportation Department and the City Engineer.
Transportation 2050 Pavement Maintenance Program Update and Five-Year Pavement Maintenance Plan through Fiscal Year 2027 (Ordinance S-49395)

Request to authorize City Council approval of the proposed five-year pavement maintenance program through Fiscal Year (FY) 2027.

Summary
The arterial and major collector streets pavement maintenance program is primarily funded by Transportation 2050 (T2050), while the minor collector and local streets pavement maintenance program is funded primarily by Arizona Highway User Revenue Fund (HURF) revenues.

Background
Phoenix has a comprehensive roadway network of nearly 5,000 miles of public streets. Phoenix’s roadway network is made up of arterial, collector, and local streets. Arterials are major streets, which are typically the major north/south and east/west transportation corridors spaced at each mile. Collectors are important mid-level transportation corridors, which are generally on the 1/2-mile north/south and east/west streets between the arterial streets. Local streets are typically in residential areas and provide connectivity to the collectors and arterials for local traffic.

The City’s public transit system primarily utilizes the arterial and major collector streets for its bus and rail lines, and T2050 funds allocated to Streets are an essential part of proper pavement maintenance along these high-capacity transit corridors.

Attachment A, Table 1 shows the citywide distribution of the various street classifications and which street classifications are targeted for resurfacing projects using T2050 and HURF funding. Also, Attachment A, Table 2 illustrates the distribution of street classification types across the City’s eight council districts.

Pavement Management System and Pavement Condition Index
The foundation of the Pavement Management System (PMS) is field data obtained using a high-tech pavement management vehicle, which measures and records the condition of roads, evaluating them on surface roughness, environmental stresses, and structural condition. Based on the resulting pavement condition index (PCI) rating,
which is tracked and mapped in the department’s PCI database, staff uses these objective measurements of roadway conditions to develop an initial list of roads to receive asphalt overlay. Once the pavement maintenance list is developed, the initial list of roads is put through a rigorous coordination review, which includes evaluating the following:

- Americans with Disabilities Act compliance.
- Conflicts with other city projects.
- Right of way concerns.
- Environmental issues.
- Utility issues and conflicts.
- Field visual inspections.
- Pavement age.
- Roadway traffic volumes.
- Alternate pavement treatments.

Using the most recently recorded PCI data, about 32 percent of City streets are classified in good or excellent condition, while 63 percent are in fair condition and five percent are in poor or very poor condition. The PCI distribution is tabulated in Attachment B, Figure 1. The most recent PCI data collected are displayed by Council Districts in Attachment F.

**Bicycle Facility Implementation**

The City’s Bicycle Program is a multi-faceted yet coordinated effort to ensure the City establishes a well-connected citywide bicycle network and implements the goals of the T2050 program. Implementation of the bicycle program will come from distinct, yet collaborative work efforts of different divisions and sections within Streets, including the pavement maintenance program. Attachment E, Table 5 shows a summary of the new bicycle facilities currently planned to be implemented through the five-year pavement maintenance program. Attachment I lists the projects preliminarily identified for new bicycle facilities through the five-year pavement maintenance program in FY 2023 - FY 2027, as well as bicycle facilities which will be upgraded as well. Implementation will be dependent on more-detailed engineering evaluation and public outreach processes.

**Financial Impact**

**Pavement Maintenance Goals and Budgets**

With the pavement maintenance funding (HURF and T2050) for the City’s street network allocated based on the street classification type, the miles of roadway treated on an annual basis should be reported and evaluated in the same manner. Attachment C, Table 3 shows the number of roadway miles scheduled to be treated through FY 2027 as part of the five-year pavement maintenance program. As noted
earlier, HURF funding is primarily allocated to minor collector and local streets and T2050 funding is primarily allocated to arterial and major collector streets, which total 4,033 miles and 825 miles across the City, respectively.

**Attachment G** provides maps showing the locations of all proposed pavement maintenance projects for the FY 2023 - FY 2027 five-year pavement maintenance program funded with T2050 and HURF revenues by Council District. **Attachment H** details the lists of new projects proposed in the pavement maintenance program in FY 2025, FY 2026 and FY 2027. **Attachment D, Table 4** shows the budget and number of roadway miles for projects funded with planned T2050 and HURF funds for the five-year pavement maintenance program.

**Concurrence/Previous Council Action**
- Council previously approved this item at the Jan. 18, 2023 Transportation, Infrastructure and Planning Subcommittee meeting by a vote of 4-0.
- The Citizens Transportation Commission recommended approval of the Five-Year Pavement Maintenance Plan through FY 2027 on Dec. 15, 2022.

**Responsible Department**
This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.
### Table 1: Street Classification Distribution

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Total Miles</th>
<th>Primary Funding Source</th>
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</thead>
<tbody>
<tr>
<td>Arterial</td>
<td>690</td>
<td>T2050</td>
</tr>
<tr>
<td>Major Collector</td>
<td>135</td>
<td>T2050</td>
</tr>
<tr>
<td>Minor Collector</td>
<td>473</td>
<td>HURF</td>
</tr>
<tr>
<td>Local</td>
<td>3,560</td>
<td>HURF</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>4,858</strong></td>
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### Table 2: Street Classification Centerline Miles by Council District

<table>
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<th></th>
<th>Council District</th>
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<tbody>
<tr>
<td></td>
<td>1</td>
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<tr>
<td>Arterial</td>
<td>81</td>
</tr>
<tr>
<td>Collector</td>
<td>17</td>
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<td>Minor</td>
<td>75</td>
</tr>
<tr>
<td>Local</td>
<td>517</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>690</strong></td>
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</table>
Figure 1: Pavement Condition Index Distribution

<table>
<thead>
<tr>
<th>Phoenix Streets PCI</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>90-100</td>
<td>EXCELLENT</td>
<td>6%</td>
</tr>
<tr>
<td>70-89</td>
<td>GOOD</td>
<td>26%</td>
</tr>
<tr>
<td>45-69</td>
<td>FAIR</td>
<td>63%</td>
</tr>
<tr>
<td>20-44</td>
<td>POOR</td>
<td>5%</td>
</tr>
<tr>
<td>0-19</td>
<td>VERY POOR</td>
<td>0%</td>
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</table>
### Table 3: Five-Year Pavement Maintenance Program Scheduled Roadway Miles

<table>
<thead>
<tr>
<th>Street Network and Treatment Types</th>
<th>Fiscal Year</th>
<th>2023</th>
<th>2024</th>
<th>2025</th>
<th>2026</th>
<th>2027</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LOCAL AND MINOR COLLECTOR</strong></td>
<td>Planned Treatment Miles</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Overlay</td>
<td></td>
<td>40</td>
<td>64</td>
<td>71</td>
<td>68</td>
<td>60</td>
</tr>
<tr>
<td>Slurry Seal</td>
<td></td>
<td>76</td>
<td>68</td>
<td>61</td>
<td>108</td>
<td>96</td>
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<tr>
<td>FAST</td>
<td></td>
<td>23</td>
<td>14</td>
<td>12</td>
<td>17</td>
<td>23</td>
</tr>
<tr>
<td>Cool Pavement</td>
<td></td>
<td>31</td>
<td>76</td>
<td>30</td>
<td>30</td>
<td>30</td>
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<tr>
<td>Fog Seal</td>
<td></td>
<td>109</td>
<td>40</td>
<td>21</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sub-Total</td>
<td></td>
<td>279</td>
<td>263</td>
<td>195</td>
<td>223</td>
<td>209</td>
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</table>

**Total Minor Collector and Local Street Mileage = 4,033 miles**

**Average for 10-year Treatment Cycle = 403.3 miles**

<table>
<thead>
<tr>
<th>Street Network and Treatment Types</th>
<th>Fiscal Year</th>
<th>2023</th>
<th>2024</th>
<th>2025</th>
<th>2026</th>
<th>2027</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ARTERIAL AND MAJOR COLLECTOR</strong></td>
<td>Planned Treatment Miles</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Overlay</td>
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<td>15</td>
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<td>Microsurfacing</td>
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<td>0</td>
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<tr>
<td>Fog Seal</td>
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<td>38</td>
<td>11</td>
<td>31</td>
<td>19</td>
<td>18</td>
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<tr>
<td>Sub-Total</td>
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<td>57</td>
<td>35</td>
<td>64</td>
<td>62</td>
<td>60</td>
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</table>

**Total Arterial and Major Collector Street Mileage = 825 miles**

**Average for 10-year Treatment Cycle = 82.5 miles**
## Table 4: T2050 & HURF Budgets and Miles for FY 2023 – FY 2027

<table>
<thead>
<tr>
<th>Budget &amp; Planned Miles for T2050 and HURF Projects</th>
<th>Fiscal Year</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>2023</td>
</tr>
<tr>
<td><strong>Budget (Millions of Dollars)</strong></td>
<td></td>
</tr>
<tr>
<td>T2050</td>
<td>$18.1</td>
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<tr>
<td>HURF</td>
<td>$34.1</td>
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<tr>
<td><strong>Planned Miles</strong></td>
<td></td>
</tr>
<tr>
<td>T2050</td>
<td>57</td>
</tr>
<tr>
<td>HURF</td>
<td>279</td>
</tr>
</tbody>
</table>
Table 5: Bicycle Facilities Implemented through Pavement Maintenance Program for FY 2023 through FY 2027

<table>
<thead>
<tr>
<th>New Facility Miles (Bi-directional)</th>
<th>Fiscal Year</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>2023</td>
</tr>
<tr>
<td>New Facility Miles (Bi-directional)</td>
<td>8.8</td>
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</table>
Attachment F

Pavement Condition Index Map by Council District
PCI Rating Values
City Council District 1
North Section

Average PCI: 72
Average PCI: 72
PCI Rating Values
City Council District 2

Average PCI: 73
Average PCI: 72

PCI Rating Values
City Council District 4

PCI Reading may have been taken 1 - 2 years, prior to resurfacing.
PCI Rating Values
City Council District 5

Average PCI: 74
PCI Rating Values
City Council District 6
North Section

Average PCI: 74
PCI Rating Values
City Council District 6
South Section

Average PCI: 74
Average PCI: 73
PCI Rating Values
City Council District 8

PCI Rating Values

<table>
<thead>
<tr>
<th>Rating</th>
<th>Description</th>
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<tr>
<td>0 - 10</td>
<td>Poor</td>
</tr>
<tr>
<td>11 - 25</td>
<td>Fair</td>
</tr>
<tr>
<td>26 - 40</td>
<td>Good</td>
</tr>
<tr>
<td>41 - 55</td>
<td>Very Good</td>
</tr>
<tr>
<td>56 - 70</td>
<td>Excellent</td>
</tr>
<tr>
<td>71 - 85</td>
<td>Superior</td>
</tr>
<tr>
<td>86 - 100</td>
<td>Perfect</td>
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</tbody>
</table>

*PCI reading may have been taken 1 - 2 years prior to resurfacing.

Average PCI: 71
Attachment G

Five-Year Pavement Maintenance Program FY 2023 – FY 2027 Project Locations
Map by Council District
Pavement Maintenance
City Council District 2
2023 - 2027

PROGRAMS
- HURF 2023
- T2050 2023
- HURF 2024
- T2050 2024
- HURF 2025
- T2050 2025
- HURF 2026
- T2050 2026
- HURF 2027
- T2050 2027
Pavement Maintenance
City Council District 6 - South Section
2023 - 2027

PROGRAMS
- HURF 2023
- T2050 2023
- HURF 2024
- T2050 2024
- HURF 2025
- T2050 2025
- HURF 2026
- T2050 2026
- HURF 2027
- T2050 2027
Attachment H

Proposed Locations of T2050 and HURF Projects
FY 2025, FY 2026 & FY 2027 Pavement Maintenance Program
<table>
<thead>
<tr>
<th>Street or Quarter Section</th>
<th>From</th>
<th>To</th>
<th>Council District</th>
<th>Miles</th>
<th>Program</th>
<th>Funding Source</th>
</tr>
</thead>
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<tr>
<td>1 AVE</td>
<td>N/O JEFFERSON ST</td>
<td>S/O PORTLAND ST</td>
<td>7</td>
<td>0.9</td>
<td>2025 ARTERIAL &amp; MAJOR</td>
<td>T2050</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>MICROSURFACING</td>
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<tr>
<td>16 ST</td>
<td>ROOSEVELT ST</td>
<td>I-10</td>
<td>8</td>
<td>0.2</td>
<td>2025 ARTERIAL &amp; MAJOR</td>
<td>T2050</td>
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<td></td>
<td></td>
<td></td>
<td>MICROSURFACING</td>
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<tr>
<td>19 AVE</td>
<td>HAPPY VALLEY RD</td>
<td>JOMAX RD (2/BND)</td>
<td>1</td>
<td>0.9</td>
<td>2025 ARTERIAL &amp; MAJOR</td>
<td>T2050</td>
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<td></td>
<td></td>
<td>FOG SEAL</td>
<td></td>
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<tr>
<td>23 AVE</td>
<td>MOUNTAIN VIEW RD</td>
<td>PEORIA AVE</td>
<td>3</td>
<td>0.49</td>
<td>2025 ARTERIAL &amp; MAJOR</td>
<td>T2050</td>
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<td></td>
<td></td>
<td>MILL &amp; OVERLAY</td>
<td></td>
</tr>
<tr>
<td>24 ST</td>
<td>I-10 (MARICOPA FRWY)</td>
<td>BUCKEYE RD</td>
<td>8</td>
<td>0.73</td>
<td>2025 ARTERIAL &amp; MAJOR</td>
<td>T2050</td>
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<td></td>
<td>MILL &amp; OVERLAY</td>
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</tr>
<tr>
<td>27 AVE</td>
<td>ROSE GARDEN LN</td>
<td>DEER VALLEY RD</td>
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<td>0.5</td>
<td>2025 ARTERIAL &amp; MAJOR</td>
<td>T2050</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>FOG SEAL</td>
<td></td>
</tr>
<tr>
<td>31 AVE</td>
<td>INDIAN SCHOOL RD</td>
<td>CAMPBELL AVE</td>
<td>4</td>
<td>0.5</td>
<td>2025 ARTERIAL &amp; MAJOR</td>
<td>T2050</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>FOG SEAL</td>
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</tr>
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<td>32 ST</td>
<td>SHEA BLVD</td>
<td>CACTUS RD</td>
<td>3</td>
<td>1</td>
<td>2025 ARTERIAL &amp; MAJOR</td>
<td>T2050</td>
</tr>
<tr>
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<td></td>
<td></td>
<td>MILL &amp; OVERLAY</td>
<td></td>
</tr>
<tr>
<td>32 ST</td>
<td>THUNDERBIRD RD</td>
<td>GREENWAY RD</td>
<td>3</td>
<td>1.04</td>
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<td>T2050</td>
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<td></td>
<td></td>
<td>MICROSURFACING</td>
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<td>0.99</td>
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<td>MICROSURFACING</td>
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<td>CAMELBACK RD</td>
<td>5</td>
<td>1</td>
<td>2025 ARTERIAL &amp; MAJOR</td>
<td>T2050</td>
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<td></td>
<td>FOG SEAL</td>
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<tr>
<td>43 AVE</td>
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<td>BASELINE RD</td>
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<td>0.26</td>
<td>2025 ARTERIAL &amp; MAJOR</td>
<td>T2050</td>
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<td></td>
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<td>FOG SEAL</td>
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<td>43 AVE</td>
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<td>2025 ARTERIAL &amp; MAJOR</td>
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<td>FOG SEAL</td>
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<td>43 AVE</td>
<td>THOMAS RD</td>
<td>INDIAN SCHOOL RD</td>
<td>4</td>
<td>1</td>
<td>2025 ARTERIAL &amp; MAJOR</td>
<td>T2050</td>
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<td></td>
<td></td>
<td>MILL &amp; OVERLAY</td>
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<tr>
<td>44 ST / VINEYARD RD</td>
<td>N/O BASELINE RD</td>
<td>W/O 48 ST</td>
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<td>0.87</td>
<td>2025 MAJOR COLLECTOR SLURRY SEAL</td>
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<tr>
<td>48 ST</td>
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<td>S/O WASHINGTON ST</td>
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<td>0.22</td>
<td>2025 MAJOR COLLECTOR MILL &amp; OVERLAY</td>
<td>T2050</td>
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<td>48 ST</td>
<td>END OF ROAD</td>
<td>S/O WASHINGTON ST</td>
<td>8</td>
<td>0.22</td>
<td>2025 MAJOR COLLECTOR MILL &amp; OVERLAY</td>
<td>T2050</td>
</tr>
<tr>
<td>Street or Quarter Section</td>
<td>From</td>
<td>To</td>
<td>Council District</td>
<td>Miles</td>
<td>Program</td>
<td>Funding Source</td>
</tr>
<tr>
<td>---------------------------</td>
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<td>-------------------</td>
<td>------------------</td>
<td>-------</td>
<td>----------------------------------------</td>
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</tr>
<tr>
<td>5 ST</td>
<td>WASHINGTON ST</td>
<td>S/O VAN BUREN ST</td>
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<td>0.21</td>
<td>2025 MAJOR COLLECTOR MILL &amp; OVERLAY</td>
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<td>56 ST</td>
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<td>UNION HILLS DR</td>
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<td>2025 ARTERIAL &amp; MAJOR MICROSURFACING</td>
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<td>7 AVE</td>
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<td>BETHANY HOME RD</td>
<td>GLENDALE AVE</td>
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<td>2025 ARTERIAL &amp; MAJOR MICROSURFACING</td>
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<tr>
<td>7 ST</td>
<td>ELWOOD ST</td>
<td>I-17 MARICOPA FWY</td>
<td>7</td>
<td>0.19</td>
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<td>T2050</td>
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<tr>
<td>7 ST</td>
<td>ELWOOD ST</td>
<td>I-17 MARICOPA FWY</td>
<td>8</td>
<td>0.55</td>
<td>2025 ARTERIAL &amp; MAJOR MILL &amp; OVERLAY</td>
<td>T2050</td>
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<tr>
<td>7 ST</td>
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<td>PIMA FRWY</td>
<td>2</td>
<td>0.93</td>
<td>2025 ARTERIAL &amp; MAJOR FOG SEAL</td>
<td>T2050</td>
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<td>7 ST</td>
<td>VAN BUREN ST</td>
<td>I-10 PAPAGO FWY</td>
<td>8</td>
<td>0.66</td>
<td>2025 ARTERIAL &amp; MAJOR MILL &amp; OVERLAY</td>
<td>T2050</td>
</tr>
<tr>
<td>83 AVE</td>
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<td>I-10 (PAPAGO FRWY)</td>
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<td>2025 ARTERIAL &amp; MAJOR MILL &amp; OVERLAY</td>
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<td>2025 ARTERIAL &amp; MAJOR FOG SEAL</td>
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<td>E/O 35 AVE</td>
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<td>NORTHERN AVE</td>
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<td>16 ST</td>
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<td>2025 ARTERIAL &amp; MAJOR MICROSURFACING</td>
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<td>35 AVE</td>
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<td>35 AVE</td>
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<td>JEFFERSON ST</td>
<td>27 AVE</td>
<td>I-17 (BLACK CANYON FRWY)</td>
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<td>JEFFERSON ST</td>
<td>7 ST</td>
<td>16 ST</td>
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<td>2025 ARTERIAL &amp; MAJOR MILL &amp; OVERLAY</td>
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<td>W/O 3 AVE</td>
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<td>W/O CENTRAL AVE</td>
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<td>NEW RIVER RD</td>
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<td>2025 ARTERIAL &amp; MAJOR MILL &amp; OVERLAY</td>
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<td>NORTHERN AVE</td>
<td>W/O 16 ST</td>
<td>SR-51</td>
<td>6</td>
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<td>2025 ARTERIAL &amp; MAJOR FOG SEAL</td>
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<td>PINNACLE PEAK RD</td>
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<td>W/O SCOTTSDALE RD</td>
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<td>2025 ARTERIAL &amp; MAJOR FOG SEAL</td>
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<td>W/O CAVE CREEK RD</td>
<td>E/O 40 ST</td>
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<td>2025 ARTERIAL &amp; MAJOR MILL &amp; OVERLAY</td>
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<td>SHEA BLVD</td>
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<td>32 ST</td>
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<td>2025 ARTERIAL &amp; MAJOR FOG SEAL</td>
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<td>E/O 56 ST</td>
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<td>TATUM BLVD</td>
<td>COP BOUNDARY (CAIDA DEL SOL DR)</td>
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<td>DYNAMITE BLVD</td>
<td>DIXILETA DR</td>
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<td>S/O JOMAX RD</td>
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<td>TATUM BLVD</td>
<td>UNION HILLS DR</td>
<td>LOOP 101</td>
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<td>T2050</td>
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<td>E/O 16 ST</td>
<td>E/O CAVE CREEK RD</td>
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<td>2025 ARTERIAL &amp; MAJOR MILL &amp; OVERLAY</td>
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<td>E/O CAVE CREEK RD</td>
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<td>2025 ARTERIAL &amp; MAJOR MILL &amp; OVERLAY</td>
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<td>2025 MAJOR COLLECTOR MILL &amp; OVERLAY</td>
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<td>010-32 S / 010-33 S</td>
<td>CHANDLER BLVD / THUNDERHILL PL</td>
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<td>2025 LOCAL &amp; MINOR MILL &amp; OVERLAY</td>
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<td>010-34</td>
<td>CHANDLER BLVD/RAY RD</td>
<td>29 ST/31 WAY</td>
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<td>2025 LOCAL &amp; MINOR FAST</td>
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<td>02-27</td>
<td>DOBBINS RD / SOUTH MOUNTAIN AVE</td>
<td>7 AVE / CENTRAL AVE</td>
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<td>2025 LOCAL &amp; MINOR SLURRY SEAL</td>
<td>HURF</td>
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<td>03-24</td>
<td>OLNEY AVE / MCNEIL ST</td>
<td>22 AVE / 20 AVE</td>
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<td>06-37</td>
<td>AHWATUKEE DR / EQUESTRIAN TRL</td>
<td>APPALOOSA DR / WARNER ELLIOT LOOP</td>
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<td>2025 LOCAL &amp; MINOR MILL &amp; OVERLAY</td>
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<td>07-36</td>
<td>KNOX RD / AHWATUKEE DR</td>
<td>36 ST / 40 ST</td>
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<td>2025 LOCAL &amp; MINOR MILL &amp; OVERLAY</td>
<td>HURF</td>
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<tr>
<td>10-28</td>
<td>UNION PACIFIC RR / VAN BUREN ST</td>
<td>CENTRAL AVE / 7 ST</td>
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<td>2025 LOCAL &amp; MINOR SLURRY SEAL</td>
<td>HURF</td>
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<td>UNION PACIFIC RR / VAN BUREN ST</td>
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<td>2025 LOCAL &amp; MINOR SLURRY SEAL</td>
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<td>BROADWAY RD / COUNTRY PLACE BLVD</td>
<td>103 AVE / 99 AVE</td>
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<td>12 ST</td>
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<td>S/O UNION HILLS DR</td>
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<td>2025 LOCAL &amp; MINOR MILL &amp; OVERLAY</td>
<td>HURF</td>
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<td>12 ST</td>
<td>N/O BELL RD</td>
<td>S/O UNION HILLS DR</td>
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<td>0.5</td>
<td>2025 LOCAL &amp; MINOR MILL &amp; OVERLAY</td>
<td>HURF</td>
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<td>ROOSEVELT ST / MCDOWELL RD</td>
<td>24 ST / 28 ST</td>
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<td>HURF</td>
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<td>ENCANTO BLVD / THOMAS RD</td>
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<td>2025 LOCAL &amp; MINOR MILL &amp; OVERLAY</td>
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<td>Street or Quarter Section</td>
<td>From</td>
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<td>Funding Source</td>
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<td>GLENDALE AVE</td>
<td>NORTHERN AVE</td>
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<td>2025 LOCAL &amp; MINOR MILL &amp; OVERLAY</td>
<td>HURF</td>
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<td>15 AVE</td>
<td>GLENDALE AVE</td>
<td>NORTHERN AVE</td>
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<td>2025 LOCAL &amp; MINOR MILL &amp; OVERLAY</td>
<td>HURF</td>
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<tr>
<td>15-12</td>
<td>THOMAS RD / OSBORN RD</td>
<td>71 AVE / 67 AVE</td>
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<td>2025 LOCAL &amp; MINOR MILL &amp; OVERLAY</td>
<td>HURF</td>
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<td>16-8</td>
<td>OSBORN RD / INDIAN SCHOOL RD</td>
<td>87 AVE / 83 AVE</td>
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<td>2025 LOCAL &amp; MINOR MILL &amp; OVERLAY</td>
<td>HURF</td>
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<td>16-8</td>
<td>OSBORN RD / INDIAN SCHOOL RD</td>
<td>87 AVE / 83 AVE</td>
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<td>2025 LOCAL &amp; MINOR MILL &amp; OVERLAY</td>
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<td>17-4</td>
<td>INDIAN SCHOOL RD / CAMPBELL AVE</td>
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<td>ROSE LN / MARYLAND AVE</td>
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<td>ORANGEWOOD AVE / NORTHERN AVE</td>
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<td>31 AVE</td>
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<td>UNION HILLS</td>
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<td>31-36</td>
<td>CACTUS RD/SWEETWATER AVE</td>
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<td>32-44</td>
<td>SWEETWATER AVE / THUNDERBIRD RD</td>
<td>68 ST / SCOTTSDALE RD</td>
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<td>GLENEAGLES DR / CORAL GABLES DR</td>
<td>14 DR / 7 DR</td>
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<td>ACOMA DR / GREENWAY RD</td>
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<td>From</td>
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<td>36-38</td>
<td>PARADISE LN / BELL RD</td>
<td>44 ST / TATUM BLVD</td>
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<td>37-39</td>
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<td>TATUM BLVD / 52 ST</td>
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<td>GROVERS AVE/UNION HILLS DR</td>
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<td>NORTHERN AVE</td>
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<td>PEORIA AVE</td>
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<td>20 ST / CAVE CREEK RD</td>
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<td>UTOPIA RD/BEARDSLEY RD</td>
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<td>43-24</td>
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<td>44-31</td>
<td>CASHMAN DR / 20 ST CDS</td>
<td>16 ST / 20 ST</td>
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<td>2025 LOCAL &amp; MINOR SEAL COAT</td>
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<td>46-18</td>
<td>ALAMEDA RD/HAPPY VALLEY RD</td>
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<td>SAGUARO PARK LN</td>
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<td>2025 LOCAL &amp; MINOR SEAL COAT</td>
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<td>Street or Quarter Section</td>
<td>From</td>
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<td>Miles</td>
<td>Program</td>
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<td>49-20</td>
<td>RIORDAN RANCH RD / PINNACLE VISTA DR</td>
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<td>NORTERRA PKWY / DALE LN</td>
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<td>RANCHO PALOMA DR</td>
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<td>2025 LOCAL &amp; MINOR SEAL COAT</td>
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<td>DURANGO ST / BUCKEYE RD</td>
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<td>Program</td>
<td>Funding Source</td>
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<td>THUNDERBIRD RD / MOON VALLEY DR</td>
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<td>Miles</td>
<td>Program</td>
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**FY2025 HURF Subtotal** 194.7
**FY2025 T2050 Subtotal** 64.2
**FY2025 Total** 258.9

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<td>2026 LOCAL &amp; MINOR MILL &amp; OVERLAY</td>
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<td>39-33 UNION HILL DR / UTOPIA RD</td>
<td>CAVE CREEK RD / 28 ST</td>
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<td>2026 LOCAL &amp; MINOR SLURRY SEAL</td>
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<td>40 ST END OF ROAD</td>
<td>JOMAX RD</td>
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<td>2026 ARTERIAL &amp; MAJOR MICROSURFACING</td>
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<td>CAMELBACK RD</td>
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<td>2026 ARTERIAL &amp; MAJOR MICROSURFACING</td>
<td>T2050</td>
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<td>40 ST TATUM BLVD</td>
<td>FOREST PLEASANT PL</td>
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<td>2026 ARTERIAL &amp; MAJOR MILL &amp; OVERLAY</td>
<td>T2050</td>
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<tr>
<td>40-35 UTOPIA RD/BEARDSLEY RD</td>
<td>32 ST/36 ST</td>
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<td>2026 LOCAL &amp; MINOR MILL &amp; OVERLAY</td>
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<tr>
<td>41-25 SR-101 / ROSE GARDEN LN</td>
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<td>43 AVE DUNLAP AVE</td>
<td>PEORIA AVE</td>
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<td>T2050</td>
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<td>CAMELBACK RD</td>
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<td>1</td>
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<td>T2050</td>
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<tr>
<td>43 AVE N/O MCDOWELL RD</td>
<td>N/O THOMAS RD</td>
<td>4</td>
<td>1.02</td>
<td>2026 ARTERIAL &amp; MAJOR FOG SEAL</td>
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<td>43 AVE N/O NORTHERN AVE</td>
<td>S/O DUNLAP AVE</td>
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<td>43 AVE S/O CAMELBACK RD</td>
<td>S/O BETHANY HOME RD</td>
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<td>43 AVE THOMAS RD</td>
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<td>From</td>
<td>To</td>
<td>Council District</td>
<td>Miles</td>
<td>Program</td>
<td>Funding Source</td>
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<tr>
<td>47-17</td>
<td>HAPPY VALLEY RD / PARSONS RD</td>
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<td>2026 LOCAL &amp; MINOR MILL &amp; OVERLAY</td>
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<td>NO ELLIOT RD</td>
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<td>48-19</td>
<td>STETSON HILLS LOOP / ROWEL RD</td>
<td>DEEM HILLS PRK WY / SING BUSH LOOP</td>
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<td>2026 LOCAL &amp; MINOR SLURRY SEAL</td>
<td>HURF</td>
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<td>5 AVE</td>
<td>ROOSEVELT ST</td>
<td>MCDOWELL RD</td>
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<td>0.42</td>
<td>2026 ARTERIAL &amp; MAJOR FOG SEAL</td>
<td>T2050</td>
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<td>50 ST</td>
<td>FRYE RD</td>
<td>CHANDLER BLVD</td>
<td>6</td>
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<td>2026 LOCAL &amp; MINOR SLURRY SEAL</td>
<td>HURF</td>
</tr>
<tr>
<td>50-23+</td>
<td>TOMBSTONE TRL / NORTERRA PKWY</td>
<td>26 AVE / 23 AVE</td>
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<td>6.43</td>
<td>2026 LOCAL &amp; MINOR SLURRY SEAL</td>
<td>HURF</td>
</tr>
<tr>
<td>51 AVE</td>
<td>S/O CACTUS RD</td>
<td>S/O THUNDERBIRD RD</td>
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<td>0.99</td>
<td>2026 ARTERIAL &amp; MAJOR MILL &amp; OVERLAY</td>
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<td>51 AVE</td>
<td>SOUTHERN AVE</td>
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<tr>
<td>5-11/5-12</td>
<td>BROADWAY RD / ELWOOD ST</td>
<td>75 AVE / 67 AVE</td>
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<td>5.8</td>
<td>2026 LOCAL &amp; MINOR SLURRY SEAL</td>
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</tr>
<tr>
<td>52 ST</td>
<td>THOMAS RD</td>
<td>OSBORN RD</td>
<td>6</td>
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<td>2026 LOCAL &amp; MINOR SLURRY SEAL</td>
<td>HURF</td>
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<td>5-28</td>
<td>BROADWAY RD / ELWOOD ST</td>
<td>CENTRAL AVE / 7 ST</td>
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<td>2026 LOCAL &amp; MINOR FAST</td>
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<td>PEORIA AVE</td>
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<td>N/O BROADWAY RD</td>
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<td>0.51</td>
<td>2026 ARTERIAL &amp; MAJOR MILL &amp; OVERLAY</td>
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<tr>
<td>Street or Quarter Section</td>
<td>From</td>
<td>To</td>
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<td>Miles</td>
<td>Program</td>
<td>Funding Source</td>
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<tr>
<td>7 AVE</td>
<td>VAN BUREN ST</td>
<td>PAPAGO FRWY (I-10)</td>
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<td>CAMELBACK RD</td>
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<td>LOWER BUCKEYE RD\DURANGO ST</td>
<td>75 AVE/71 AVE</td>
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<td>2026 LOCAL &amp; MINOR MILL &amp; OVERLAY</td>
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<td>8-8</td>
<td>DURANGO ST/BUCKEYE RD</td>
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<td>2026 LOCAL &amp; MINOR MILL &amp; OVERLAY</td>
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<td>THOMAS RD</td>
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<td>T2050</td>
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<td>2026 MAJOR COLLECTOR MILL &amp; OVERLAY</td>
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<td>43 AVE</td>
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<td>2026 ARTERIAL &amp; MAJOR MILL &amp; OVERLAY</td>
<td>T2050</td>
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<td>2026 ARTERIAL &amp; MAJOR MILL &amp; OVERLAY</td>
<td>T2050</td>
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<td>E/O 35 AVE</td>
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<td>BROADWAY RD</td>
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<td>T2050</td>
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<td>TATUM BLVD</td>
<td>52 ST</td>
<td>3</td>
<td>0.66</td>
<td>2026 ARTERIAL &amp; MAJOR MICROSURFACING</td>
<td>T2050</td>
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<tr>
<td>CAMELBACK RD</td>
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<td>W/O 32 ST</td>
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<td>2026 ARTERIAL &amp; MAJOR FOG SEAL</td>
<td>T2050</td>
</tr>
<tr>
<td>Street or Quarter Section</td>
<td>From</td>
<td>To</td>
<td>Council District</td>
<td>Miles</td>
<td>Program</td>
<td>Funding Source</td>
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<td>THOMAS RD</td>
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<td>S/O GLENDALE AVE</td>
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<td>S/O DOBBINS RD</td>
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<td>DYNAMITE BLVD</td>
<td>TATUM BLVD</td>
<td>52 ST</td>
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<td>T2050</td>
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<td>31 AVE</td>
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<td>HURF</td>
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<td>GREENWAY PKWY</td>
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<td>E/O 44 ST</td>
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<td>W/O 56 ST</td>
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<td>From</td>
<td>To</td>
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<td>Program</td>
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<td>E/O 7 ST</td>
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<td>SR-51</td>
<td>24 ST</td>
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<td>W/O 7 AVE</td>
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<td>2026 ARTERIAL &amp; MAJOR MILL &amp; OVERLAY</td>
<td>T2050</td>
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<td>W/O 7 AVE</td>
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<td>MILE MARKER 9</td>
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<td>7 AVE</td>
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<td>2026 ARTERIAL &amp; MAJOR MILL &amp; OVERLAY</td>
<td>T2050</td>
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<td>NORTHERN AVE</td>
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<td>7 ST</td>
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<td>W/O 32 ST</td>
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| FY2025 HURF Subtotal       | 223.1                   |
| FY2025 T2050 Subtotal      | 62.3                    |
| FY2025 Total              | 285.4                   |

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<td>40-32</td>
<td>BEHREND DR / BEARDSLEY RD</td>
<td>20 ST / CAVE CREEK RD</td>
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<td>42-26</td>
<td>ROSE GARDEN DR / DEER VALLEY RD</td>
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<td>2027 LOCAL &amp; MINOR FAST</td>
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<td>From</td>
<td>To</td>
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<td>Miles</td>
<td>Program</td>
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<td>2027 ARTERIAL &amp; MAJOR MILL &amp; OVERLAY</td>
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<td>S/O ACOMA DR</td>
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<td>2027 LOCAL &amp; MINOR MILL &amp; OVERLAY</td>
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<td>44 ST</td>
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<td>S/O CAMELBACK RD</td>
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<td>47 AVE</td>
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<td>ELWOOD ST</td>
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<td>JOMAX RD / TOMBSTONE TRL</td>
<td>NOR TERRA PKWY / 21 AVE</td>
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<td>N/O VAN BUREN ST</td>
<td>S/O ROOSEVELT ST</td>
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<td>35 AVE / I-17 BLACK CANYON FWY</td>
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<td>DYNAMITE RD / MAZATZAL DR</td>
<td>44 ST / TATUM BLVD</td>
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<td>MAZATZAL DR/DIXILETA DR</td>
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<td>2027 ARTERIAL &amp; MAJOR MILL &amp; OVERLAY</td>
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<td>6-8</td>
<td>ELWOOD ST / LOWER BUCKEYE RD</td>
<td>87 AVE / 83 AVE</td>
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<td>N/O NORTHERN AVE</td>
<td>6</td>
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<td>2027 ARTERIAL &amp; MAJOR</td>
<td>T2050</td>
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<td>Program</td>
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<td>7 ST / HAPPY VALLEY RD</td>
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<td>E/O CAP CANAL / 7 AVE</td>
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<td>E/O 40 ST</td>
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<td>2027 ARTERIAL &amp; MAJOR FOG SEAL</td>
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<td>BETHANY HOME RD</td>
<td>E/O 19 AVE</td>
<td>W/O 7 AVE</td>
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<td>2027 ARTERIAL &amp; MAJOR MILL &amp; OVERLAY</td>
<td>T2050</td>
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<tr>
<td>BETHANY HOME RD</td>
<td>E/O 43 AVE</td>
<td>W/O 35 AVE</td>
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<td>2027 ARTERIAL &amp; MAJOR MILL &amp; OVERLAY</td>
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<td>BLACK MOUNTAIN BLVD</td>
<td>DESERT FOREST TRL</td>
<td>RANCHO PALOMA DR</td>
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<td>RANCHO PALOMA DR</td>
<td>CAREFREE HWY</td>
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<td>BUTLER DR</td>
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<td>CACTUS RD</td>
<td>E/O 35 AVE</td>
<td>W/O 31 AVE</td>
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<td>2027 ARTERIAL &amp; MAJOR FOG SEAL</td>
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<td>Miles</td>
<td>Program</td>
<td>Funding Source</td>
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<td>CAMELBACK RD E/O 113 DR  (450' E/O BRIDGE)</td>
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<td>CHOLLA ST</td>
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<td>DESERT WILLOW PKWY (E) N/O DIXILETA DR</td>
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<tr>
<td>DUNLAP AVE E/O 43 AVE</td>
<td>W/O 35 AVE</td>
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<td>2027 ARTERIAL &amp; MAJOR MILL &amp; OVERLAY</td>
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<td>DYNAMITE BLVD 35 AVE</td>
<td>I-17 (BLACK CANYON FRWY)</td>
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<td>S/O CAMELBACK RD</td>
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<td>E/O 7 AVE</td>
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<td>2027 ARTERIAL &amp; MAJOR FOG SEAL</td>
<td>T2050</td>
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<td>From</td>
<td>To</td>
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<td>Miles</td>
<td>Program</td>
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<td>W/O 67 AVE</td>
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<td>W/O 51 AVE</td>
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<td>JOMAX RD</td>
<td>E/O CAVE CREEK RD</td>
<td>E/O 40 ST</td>
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<td>W/O 35 AVE</td>
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<td>E/O 51 AVE</td>
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<td>ORANGEWOOD AVE</td>
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<td>15 AVE</td>
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<td>E/O 40 ST</td>
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<td>ROESER RD</td>
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<td>2027 LOCAL &amp; MINOR SLURRY SEAL</td>
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<td>Street or Quarter Section</td>
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<td>To</td>
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<td>HURF</td>
</tr>
<tr>
<td>THOMAS RD</td>
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<td>E/O 35 AVE</td>
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<td>2027 LOCAL &amp; MINOR COOLSEAL PAVEMENT</td>
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## Attachment I

### Planned Bicycle Facilities Implemented on Pavement Maintenance Projects FY 2023 – FY 2027

#### FY23 New Bike Lanes Planned

<table>
<thead>
<tr>
<th>Street</th>
<th>From</th>
<th>To</th>
<th>Council District</th>
<th>One Way Miles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maryland Ave</td>
<td>35TH AVE</td>
<td>I-17 / Black Canyon Freeway</td>
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<tr>
<td>THOMAS RD</td>
<td>W/O 48 ST</td>
<td>E/O 56 ST</td>
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<tr>
<td>MORNINGSIDE DR</td>
<td>BLACK CANYON PKWY (I-17)</td>
<td>19 AVE</td>
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**Partially or fully buffered bike lanes**

<table>
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<th>From</th>
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<th>Council District</th>
<th>One Way Miles</th>
</tr>
</thead>
<tbody>
<tr>
<td>SHEA BLVD</td>
<td>W/O 40 ST</td>
<td>E/O TATUM BLVD</td>
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<tr>
<td>47th St</td>
<td>HILTON AVE</td>
<td>University</td>
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**Total**                                                                 8.8

#### FY23 Existing Bike Lanes with New Buffers Planned

<table>
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<th>Street</th>
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<tr>
<td>ENCANTO BLVD</td>
<td>41ST AVE</td>
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<tr>
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<td>S/O UNION HILLS DR</td>
<td>PIMA FRWY</td>
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<td>20th St</td>
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<td>THOMAS RD</td>
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<tr>
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<td>Street</td>
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<td>To</td>
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<tr>
<td>------------------------------</td>
<td>---------------</td>
<td>---------------</td>
<td>-------------------------------</td>
<td></td>
</tr>
<tr>
<td>CAMPBELL AVE</td>
<td>113 DR</td>
<td>107 AVE</td>
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<tr>
<td>CORONA</td>
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<td>36 ST</td>
<td>8</td>
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</tr>
<tr>
<td>CHANDLER BLVD</td>
<td>N/O PECOS RD</td>
<td>S/O SHAUGHNESSEY RD / CHANDLER BLVD</td>
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</tr>
<tr>
<td>GREENWAY PKWY</td>
<td>I-17</td>
<td>19 AVE</td>
<td>3</td>
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<tr>
<td>MOUNTAIN VIEW RD</td>
<td>CACTUS RD</td>
<td>WEST FOOTHILL DR</td>
<td>3</td>
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</tr>
<tr>
<td>SOUTH MOUNTAIN AVE</td>
<td>E/O 7 AVE</td>
<td>7 ST</td>
<td>8</td>
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</tr>
<tr>
<td>CAMPBELL AVE</td>
<td>113 DR</td>
<td>107 AVE</td>
<td>5</td>
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<tr>
<td>CORONA</td>
<td>32 ST</td>
<td>36 ST</td>
<td>8</td>
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<tr>
<td>CHANDLER BLVD</td>
<td>N/O PECOS RD</td>
<td>S/O SHAUGHNESSEY RD / CHANDLER BLVD</td>
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<td>GREENWAY PKWY</td>
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<td>CACTUS RD</td>
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<tr>
<td>SOUTH MOUNTAIN AVE</td>
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<td>7 ST</td>
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### FY24 Existing Bike Lanes with New Buffers Planned

<table>
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<td>DEER VALLEY RD</td>
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<td>66 ST / ACOMA DR</td>
<td>KIERLAND BLVD</td>
<td>CLUBGATE DR</td>
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<tr>
<td>VIA PUZZOLA</td>
<td>CAREFREE HWY</td>
<td>CLOUD RD</td>
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<td>HAPPY VALLEY RD</td>
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<tr>
<td>PINNACLE VISTA DR</td>
<td>E/O CENTRAL AVE</td>
<td>W/O 12 ST</td>
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<tr>
<td>48 ST</td>
<td>N/O RAY RD</td>
<td>N/O WARNER RD</td>
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<td>1.6</td>
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<tr>
<td>CAMELBACK RD</td>
<td>E/O 113 DR (450' E/O BRIDGE)</td>
<td>W/O 107 AVE</td>
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<tr>
<td>JEFFERSON ST</td>
<td>I-17</td>
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## FY25 New Bike Lanes Planned

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<td>12 ST</td>
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<td>SHARON DR</td>
<td>WINCHCOMB DR</td>
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<td>43 AVE</td>
<td>35 AVE</td>
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<td>ROESER RD</td>
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<td>19 AVE</td>
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<td>44 ST</td>
<td>TATUM BLVD</td>
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<tr>
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<td>THUNDERBIRD RD</td>
<td>MOON VALLEY DR</td>
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<td>CAMELBACK RD</td>
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Total: 15.2 miles
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- Partially or fully buffered bike lanes

- UNION HILLS DR
- E/O 16 ST
- E/O CAVE CREEK RD
- 2.3

- GLENDALE AVE
- 79 AVE
- 2.0

- BETHANY HOME RD
- 81 AVE / PAPAGO ST
- 79 AVE
- 1.0

- DUARAGO ST
- 2.3
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<th>Council District</th>
<th>One Way Miles</th>
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<td>CAVE CREEK RD</td>
<td>PEORIA RD</td>
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<td>E/O 44 ST</td>
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<td>FRYE RD</td>
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<td>/ ROOSEVELT ST</td>
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## FY26 Existing Bike Lanes with New Buffers Planned

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<td>52 ST</td>
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<td>OSBORN RD</td>
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<td>91 AVE</td>
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<td>THOMAS RD</td>
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<td>43 AVE</td>
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<tr>
<td>Street</td>
<td>From</td>
<td>To</td>
<td>Council District</td>
<td>One Way Miles</td>
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<tr>
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</tbody>
</table>

**FY27 New Bike Lanes Planned**

<table>
<thead>
<tr>
<th>Street</th>
<th>From</th>
<th>To</th>
<th>Council District</th>
<th>One Way Miles</th>
</tr>
</thead>
<tbody>
<tr>
<td>46TH ST</td>
<td>SHEA BLVD</td>
<td>CHOLLA ST</td>
<td>3</td>
<td>1.0</td>
</tr>
<tr>
<td>7TH ST</td>
<td>JESSE OWENS PKWY</td>
<td>N/O JESSE OWENS PKWY</td>
<td>8</td>
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</tr>
<tr>
<td>34TH ST</td>
<td>GREENWAY RD</td>
<td>PARADISE LN</td>
<td>2</td>
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</tr>
<tr>
<td>15 AVE</td>
<td>S/O OLNEY AVE</td>
<td>S/O DOBBINS RD</td>
<td>8</td>
<td>1.0</td>
</tr>
<tr>
<td>28TH ST</td>
<td>OSBORN RD</td>
<td>INDIAN SCHOOL RD</td>
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</tr>
<tr>
<td>SIENNA VISTA/71ST AVE</td>
<td>ELWOOD ST</td>
<td>LOWER BUCKEYE RD</td>
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<tr>
<td>PARADISE LN</td>
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<td>36 ST</td>
<td>2</td>
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<tr>
<td>LILY LN</td>
<td>83RD AVE</td>
<td>LOWER BUCKEYE RD</td>
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<tr>
<td>56 ST</td>
<td>WINDSOR AVE</td>
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<td>Street</td>
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<td>To</td>
<td>Council District</td>
<td>One Way Miles</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-----------------------</td>
<td>-----------------------</td>
<td>------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>OSBORN RD</td>
<td>73 AVE</td>
<td>71 AVE</td>
<td>5</td>
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<tr>
<td>ORANGEWOOD AVE</td>
<td>19 AVE</td>
<td>15 AVE</td>
<td>5</td>
<td>1.0</td>
</tr>
<tr>
<td>BUTLER DR</td>
<td>23 AVE</td>
<td>19 AVE</td>
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<td>48TH AVE</td>
<td>JEFFERSON ST</td>
<td>VAN BUREN ST</td>
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<td>9TH ST</td>
<td>CANAL</td>
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<td>OSBORN RD</td>
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<td>MARYLAND AVE</td>
<td>E/O 43 AVE</td>
<td>W/O 35 AVE</td>
<td>5</td>
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**Partially or fully buffered bike lanes**

<table>
<thead>
<tr>
<th>Street</th>
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<th>To</th>
<th>Council District</th>
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</thead>
<tbody>
<tr>
<td>GRANDVIEW RD</td>
<td>BLACK CANYON HWY</td>
<td>19TH AVE</td>
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<tr>
<td>21ST AVE</td>
<td>GRANDVIEW RD</td>
<td>BELL RD</td>
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<td>ENCANTO BLVD</td>
<td>GRAND AVE</td>
<td>W/O 19 AVE</td>
<td>7</td>
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<tr>
<td><strong>Total</strong></td>
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**FY27 Existing Bike Lanes with New Buffers Planned**

<table>
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<tr>
<th>Street</th>
<th>From</th>
<th>To</th>
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<tr>
<td>28 ST</td>
<td>THUNDERBIRD RD</td>
<td>GREENWAY RD</td>
<td>3</td>
<td>2.2</td>
</tr>
<tr>
<td>RANCHO PALOMA DR</td>
<td>BLACK MOUNTAIN BLVD</td>
<td>CAVE CREEK RD</td>
<td>2</td>
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<tr>
<td>BLACK MOUNTAIN BLVD</td>
<td>DESERT FOREST TRL</td>
<td>RANCHO PALOMA DR</td>
<td>2</td>
<td>1.2</td>
</tr>
<tr>
<td>BLACK MOUNTAIN BLVD</td>
<td>RANCHO PALOMA DR</td>
<td>CAREFREE HWY</td>
<td>2</td>
<td>2.0</td>
</tr>
<tr>
<td></td>
<td>48 ST</td>
<td>ELWOOD ST</td>
<td>UNIVERSITY DR</td>
<td>8</td>
</tr>
<tr>
<td>---</td>
<td>---------</td>
<td>-----------</td>
<td>----------------</td>
<td>-----</td>
</tr>
<tr>
<td>51 AVE</td>
<td>BASELINE RD</td>
<td>SOUTHERN AVE</td>
<td>7,8</td>
<td>1.0</td>
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<tr>
<td>40 ST</td>
<td>MAYO BLVD</td>
<td>DEER VALLEY DR</td>
<td>2</td>
<td>1.2</td>
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<tr>
<td>Total</td>
<td></td>
<td></td>
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</table>
City Council Formal Meeting

Report

Agenda Date: 2/1/2023, Item No. 45

Water Main Replacement Quarter Sections 10-33, 10-24, 2-29 - Engineering Services - WS85509026, WS85509029, WS85509061 (Ordinance S-49394)

Request to authorize the City Manager, or his designee, to enter into an agreement with GHD, Inc. to provide Engineering Services that include Construction Administration and Inspection for the Water Main Replacement Quarter Sections 10-33, 10-24, 2-29 project. Further request to authorize execution of amendments to the agreement 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 fee for services will not exceed $500,000.

Additionally, request to authorize the City Manager, or his designee, to take all action 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 City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary
The purpose of this project is to replace water lines in an area bounded by Van Buren Street to Washington Street and 21st Place to 36th Place. Replacing the water lines will improve water flow and reduce operations and maintenance issues in the neighborhood. Without replacing the water lines, the aging infrastructure could increase the amount of breaks and leaks and would impact the ability to reliably provide the neighborhood with water.

Procurement Information
The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes. Scoring and selection were made in conjunction with the Design Services selection process.
Contract Term
The term of the agreement is for two years 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 GHD, Inc. will not exceed $500,000, including all subconsultant and reimbursable costs.

Funding is available in the Water Services Department's Capital Improvement Program budget. 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.

Concurrence/Previous Council Action
The City Council previously approved:
• Engineering Services Agreement 151697 (Ordinance S-46394) on March 4, 2020.

Location
10-33: Washington Street to Van Buren Street from 20th Street to 36th Street
10-24: Buckeye Road to Van Buren Street from 23rd Avenue to 19th Avenue
2-29: Southern Avenue to Vineyard Road from 7th Street to 12th Street
Council Districts: 7 and 8

Responsible Department
This item is submitted by Deputy City Managers Karen Peters and Mario Paniagua, the Water Services Department and the City Engineer.
Laboratory Equipment and Supplies - RFP160002341 - Amendment (Ordinance S-49383)

Request to authorize the City Manager, or his designee, to execute amendments to Contract 145861 with Fisher Scientific Company, LLC, and Contract 145692 with VWR International, LLC to extend the contract terms. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $2,100,000.

Summary
These contracts will provide vital laboratory equipment and supplies for the Police and Water Services departments' daily laboratory operations. The National Association of State Procurement Officials ValuePoint Cooperative was adopted to obtain best value and in some cases achieve more favorable pricing than what is obtainable by an individual state or local government entity.

The contract extension and additional funding are necessary to maintain the operational needs of the Police and Water Services departments until a new procurement process can be completed.

Contract Term
Upon approval, the contract will be extended through March 31, 2024.

Financial Impact
Upon approval of $2,100,000 in additional funds, the revised value of the contract will not exceed $7,775,000. Funds are available in the Police and Water Services departments' budgets.

Concurrence/Previous Council Action
The City Council previously reviewed this request:
• Laboratory Equipment and Supplies, Contract 145861, 145692 (Ordinance S-43659) on June 21, 2017
• Laboratory Equipment and Supplies, Contract 145861, 145692 (Ordinance S-47395) on March 17, 2021
• Laboratory Equipment and Supplies, Contract 145861, 145692 (Ordinance S-47913)
on Sept. 8, 2021

**Responsible Department**
This item is submitted by Assistant City Manager Lori Bays, Deputy City Manager Karen Peters and the Police and Water Services departments.
Final Plat - Royal Palms 2 - PLAT 220086 - North of Orangewood Avenue and West of 15th Avenue

Plat: 220086
Project: 19-3562
Name of Plat: Royal Palms 2
Owner: Berry 14, LLC
Engineer: Joshua S. Moses, RLS
Request: A 14-Lot Residential Plat
Reviewed by Staff: Jan. 5, 2023

Summary
Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public.

Location
Generally located north of Orangewood Avenue and west of 15th Avenue
Council District: 5

Responsible Department
This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.
Amend City Code - Ordinance Adoption - Rezoning Application Z-71-22-4 - Southeast Corner of 35th Avenue and Grand Avenue (Ordinance G-7073)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-71-22-4 and rezone the site from A-2 (Industrial District) to A-2 HGT/WVR (Industrial District, Height Waiver) to allow a height waiver up to 110 feet for a silo.

Summary
Current Zoning: A-2
Proposed Zoning: A-2 HGT/WVR
Acreage: 6.26
Proposed Use: Height waiver up to 110 feet for a silo

Owner: Drake Switching Company, LLC
Applicant: Drake Switching Company, LLC
Representative: Ashley March, Gammage & Burnham, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Maryvale Village Planning Committee heard this case on Dec. 14, 2022, and recommended approval, per the staff recommendation, by a vote of 8-1.
PC Action: The Planning Commission heard this case on Jan. 5, 2023, and recommended approval, per the Maryvale Village Planning Committee recommendation, by a vote of 8-0.

Location
Southeast corner of 35th Avenue and Grand Avenue
Council District: 4
Parcel Address: 3333, 3337, and 3441 Grand 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-71-22-4) FROM A-2 (INDUSTRIAL DISTRICT) TO A-2 HGT/WVR (INDUSTRIAL DISTRICT, HEIGHT WAIVER).

__________________

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

SECTION 1. The zoning of a 6.26-acre property located at the southeast corner of 35th Avenue and Grand Avenue in a portion of Section 26, Township 2 North, Range 2 East, as described more specifically in Exhibit “A,” is hereby changed from “A-2” (Industrial District), to “A-2 HGT/WVR” (Industrial District, Height 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 maximum building height shall be 110 feet.

2. Where pedestrian pathways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.

3. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA’s Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.

4. 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.

5. 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.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 1st day of February, 2023.

________________

MAYOR
ATTEST:

____________________________________
Denise Archibald, City Clerk

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

By:
____________________________________

____________________________

REVIEWED BY:

____________________________________
Jeffrey Barton, City Manager

Exhibits:
A – Legal Description (2 Pages)
B – Ordinance Location Map (1 Page)
EXHIBIT A

PARCEL NO. 1:
A parcel of land in the County of Maricopa, State of Arizona, lying in the Northwest quarter of Section 26, Township 2 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being a portion of that certain parcel of land described in Deed dated May 1, 1894, from JOSIAH and MARTHA J. HARBERT, recorded June 28, 1894 in Book 36 of Deeds, Page 328, of the records of said County, also being a portion of that certain 2 1/2 acre parcel of land described in Deed dated March 10, 1926, from SUSAN G. AND R. E. MILLER, recorded March 10, 1926 in Book 200 of Deeds, Page 366, of the records of said County, and also being a portion of that certain 2.33 acre parcel of land described in Deed dated March 11, 1926, from SMITH AND MATTIE BECK, recorded in Book 200 of Deeds, Page 454, of the records of said County, described as follows:

COMMENCING at the Northwest corner of said Section 26;

THENCE South 0 degrees 00 minutes 00 seconds East (bearing assumed for the purposes of this description) along the Westerly line of said Section 26, a distance of 78.22 feet to the common line between Grand Avenue and the property of THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, said common line being the Northeasterly line of that certain 4.06 acre parcel of land described in Deed dated January 23, 1935, from STATE OF ARIZONA, recorded March 15, 1935 in Book 289 of Deeds, Page 297, of the records of said County and the TRUE POINT OF BEGINNING;

THENCE South 45 degrees 01 minutes 30 seconds East (bearing assumed for the purpose of this description) along said Northeasterly boundary, 1481.74 feet;

THENCE South 44 degrees 58 minutes 30 seconds West, a distance of 88.93 feet to a line parallel with and distant Northeasterly 10.00 feet from the center line of that certain railroad track designated in the records of THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY as Alhambra Station Tract Number 2;

THENCE North 45 degrees 14 minutes 08 seconds West along said parallel line, 1387.80 feet to said Westerly line of Section 26;

THENCE North 0 degrees 00 minutes 00 seconds East along said Westerly line, 132.92 feet to the POINT OF BEGINNING.

EXCEPTING therefrom all minerals contained in the above described land, as reserved by THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, a Delaware corporation, in instrument recorded December 7, 1993 in Recording No. 93-0855245. of Official Records.
PARCEL NO. 2:

A parcel of land situated in the Northwest Quarter of Section 26, Township 2 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the Northwest corner of said Section 26;

THENCE South 00°00'00" East (assumed bearing) along the West line of said Section 26 a distance of 78.22 feet to the common line between Grand Avenue and property of The Burlington Northern and Santa Fe Railway Company (formerly The Atchison, Topeka and Santa Fe Railway Company), said common line being the Northeasterly boundary of that certain 4.06 acre parcel of land described in Deed dated January 23, 1935 from State of Arizona, recorded March 15, 1935 in Book 289 of Deeds, Page 297 of the records of said County;

THENCE South 45°01'30" East along said Northeasterly boundary a distance of 1,481.74 feet to the TRUE POINT OF BEGINNING;

THENCE South 44°58'30" West a distance of 88.93 feet to a line parallel with and distant Northeasterly 10.00 feet from the centerline of said Railway Company's Track No. 2;

THENCE South 45°14'08" East along said parallel line a distance of 120.00 feet;

THENCE South 53°01'13" East, 494.16 feet;

THENCE North 44°58'30" East, 19.75 feet to the Southwesterly right-of-way of Grand Avenue;

THENCE North 45°01'30" West along said Southwesterly right-of-way, a distance of 609.35 feet to the TRUE POINT OF BEGINNING.

EXCEPTING AND RESERVING, unto Grantor, its successors and assigns, all of the coal, oil, gas, casing-head gas and all ores and minerals of every kind and nature, including sand and gravel underlying the surface of the Property herein conveyed, together with the full right, privilege and license at any and all times to explore, or drill for and to protect, conserve, mine, take, remove and market any and all such products in any manner which will not damage structures on the surface of the Property herein conveyed, however, that Grantor expressly waives any right to use the surface of the Property to explore for the minerals herein reserved.
ORDINANCE LOCATION MAP

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

GRAND AVE.
A-2
HGT/WVR

Zoning Case Number: Z-71-22-4
Zoning Overlay: N/A
Planning Village: Maryvale

NOT TO SCALE

Drawn Date: 1/6/2023
Amend City Code - Ordinance Adoption - Rezoning Application Z-SP-10-22-5 - Approximately 470 Feet West of the Northwest Corner of 27th Avenue and Northern Avenue (Ordinance G-7074)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-SP-10-22-5 and rezone the site from C-2 (Intermediate Commercial) and C-2 (Approved C-2 SP) (Intermediate Commercial, Approved Intermediate Commercial, Special Permit) to C-2 SP (Intermediate Commercial, Special Permit) to allow a self-service storage facility and underlying C-2 commercial uses.

Summary
Current Zoning: C-2 (0.99-acres) and C-2 (Approved C-2 SP) (1.06 acres)
Proposed Zoning: C-2 SP
Acreage: 2.05 acres
Proposed Use: Self-service storage facility and underlying C-2 commercial uses

Owner: Evergreen Phoenix Investors II, LLC
Applicant: Evergreen Phoenix Investors II, LLC
Representative: William Allison, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The North Mountain Village Planning Committee heard this case on Dec. 21, 2022, and recommended approval, per the staff recommendation, by a vote of 10-0-1.
PC Action: The Planning Commission heard this case on Jan. 5, 2023, and recommended approval, per the North Mountain Village Planning Committee recommendation, by a vote of 8-0.

Location
Approximately 470 feet west of the northwest corner of 27th Avenue and Northern Avenue
Council District: 5
Parcel Address: 8030, 8036, 8040, 8048, and 8058 N. 27th Ave.; 2744 and 2750 W. Northern Ave.
Responsible Department
This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.
ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP
ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF
PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING
DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED
HEREIN (CASE Z-SP-10-22-5) FROM C-2 (INTERMEDIATE
COMMERCIAL) AND C-2 (APPROVED C-2 SP) (INTERMEDIATE
COMMERCIAL, APPROVED INTERMEDIATE COMMERCIAL,
SPECIAL PERMIT) TO C-2 SP (INTERMEDIATE COMMERCIAL,
SPECIAL PERMIT).

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

SECTION 1. The zoning of a 2.05-acre site located approximately 470 feet
west of the northwest corner of 27th Avenue and Northern Avenue in a portion of
Section 35, Township 3 North, Range 2 East, as described more specifically in Exhibit
“A,” is hereby changed from 0.99-acres of “C-2” (Intermediate Commercial) and 1.06
acres of “C-2 (Approved C-2 SP) (Intermediate Commercial, Approved Intermediate
Commercial, Special Permit) to “C-2 SP” (Intermediate Commercial, Special Permit) to
allow self-service storage and all underlying C-2 uses.
SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit “B.”

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

1. Building elevations oriented to Northern Avenue shall contain architectural embellishments such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or overhang canopies, as approved by the Planning and Development Department.

2. The required landscape setback along the south side of the site shall include, in addition to trees, native cacti or similar plants, as approved by the Planning and Development Department.

3. Site lighting shall be provided at building entrances/exits, in the alley, and parking and refuse areas, as approved by the Planning and Development Department.

4. The full length of the western property line shall be comprised of a minimum eight-foot-high block wall and/or exterior building wall, as approved by the Planning and Development Department.

5. A minimum of four bicycle parking spaces shall be provided, near the entrance to the rental office as depicted on the conceptual site plan date stamped September 1, 2022, shaded to 50 percent, and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.

6. The developer shall construct a minimum 6-foot-wide detached sidewalk and minimum 10-foot-wide landscape strip located between the back of curb and sidewalk along the north side of Northern Avenue, planted as specified below and as approved by the Planning and Development Department. 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. Minimum 3-inch caliper, large canopy, single-trunk, shade trees shall be placed 25 feet on center or in equivalent groupings.

b. At tree maturity, the trees shall shade the sidewalks to a minimum 75 percent.

c. Drought tolerant shrubs and vegetative groundcovers shall be maintained at maximum height of 24 inches to provide a minimum of 75 percent live coverage at maturity.

7. 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.

8. Prior to final site plan approval, the developer shall coordinate with the Neighborhood Services Department and the Gated Alley Program Manager regarding full funding for the installation of alley gates, as approved by the Neighborhood Services Department and Planning and Development Department.

9. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

10. 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.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 1st day of February, 2023.
ATTEST:

Denise Archibald, City Clerk

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

By:

__________________________

__________________________

REVIEWED BY:

__________________________

Jeffrey Barton, City Manager

Exhibits:
A – Legal Description (1 Page)
B – Ordinance Location Map (1 Page)
EXHIBIT A

A portion of Alta Vista Plaza, according to Book 628 of Maps, Page 2, records of Maricopa County, Arizona, more particularly described as follows:

Commencing at the southeast corner of said Section 35, Township 3 North, Range 2 East of the Gila and Salt River Base and Meridian, from which the East line of said Section 35 bears North;

Thence along the South line of said Section 35, South 89°46′49″ West, a distance of 501.80 feet to the Point of Beginning;

Thence continuing along the South line of said Section 35, South 89°46′49″ West, a distance of 132.72 feet;

Thence North 00°13′11″ West, a distance of 40.00 feet to a point on the north right-of-way line of Northern Avenue;

Thence North 00°00′00″ East, a distance of 534.85 feet;

Thence North 90°00′00″ East, a distance of 51.18 feet;

Thence South 36°06′26″ East, a distance of 61.57 feet;

Thence South 60°12′11″ East, a distance of 3.97 feet;

Thence South 89°37′19″ East, a distance of 8.45 feet;

Thence South 00°01′07″ East, a distance of 4.78 feet;

Thence South 60°12′11″ East, a distance of 27.24 feet;

Thence South 00°00′00″ West, a distance of 208.57 feet;

Thence South 45°13′11″ East, a distance of 4.77 feet;

Thence North 89°46′49″ East, a distance of 142.21 feet;

Thence South 00°13′11″ East, a distance of 102.34 feet;

Thence South 89°46′49″ West, a distance of 136.85 feet;

Thence South 00°13′11″ East, a distance of 150.00 feet to a point on the north right-of-way line of Northern Avenue;

Thence South 00°13′11″ East, a distance of 40.00 feet to a point on the South line of said Section 35, said point being the Point of Beginning.

Said parcel contains 84,394.34 square feet of 1.9374 acres, more or less.
Amend City Code - Ordinance Adoption - Rezoning Application Z-SP-9-22-7 - Southwest Corner of 35th Avenue and Broadway Road (Ordinance G-7072)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-SP-9-22-7 and rezone the site from C-2 (Intermediate Commercial) to C-2 SP (Intermediate Commercial, Special Permit) to allow a self-service storage warehouse and underlying C-2 uses.

Summary
Current Zoning: C-2
Proposed Zoning: C-2 SP
Acreage: 5.43 acres
Proposed Use: Self-service storage warehouse and underlying C-2 uses

Owner: Yee Holdings
Applicant: Stack Storage, LLC
Representative: Nathan Frame, Stack Storage, LLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Laveen Village Planning Committee heard this case on Dec. 12, 2022, and recommended approval, per the staff recommendation with additional stipulations, by a vote of 9-0.
PC Action: The Planning Commission heard this case on Jan. 5, 2023, and recommended approval, per the Laveen Village Planning Committee recommendation, by a vote of 8-0.

Location
Southwest corner of 35th Avenue and Broadway Road
Council District: 7
Parcel Address: 4402 S. 35th Ave. and 3525 W. Broadway Road

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-SP-9-22-7) FROM C-2 (INTERMEDIATE COMMERCIAL) TO C-2 SP (INTERMEDIATE COMMERCIAL, SPECIAL PERMIT).

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

SECTION 1. The zoning of a 5.43-acre property located at the southwest corner of 35th Avenue and Broadway Road in a portion of Section 27, Township 1 North, Range 2 East, as described more specifically in Exhibit “A,” is hereby changed from “C-2” (Intermediate Commercial), to “C-2 SP” (Intermediate Commercial, Special Permit) to allow self-service storage and all underlying C-2 uses.

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

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

1. The development shall be in general conformance with the site plan date stamped November 29, 2022, as modified by the following stipulations and approved by the Planning and Development Department.

2. The development shall be in general conformance with the elevations date stamped October 26, 2022, as modified by the following stipulations and approved by the Planning and Development Department.

3. A minimum 25-foot-wide landscape setback shall be provided along the western portion of the site and planted with minimum 2-inch caliper, evergreen trees, planted 20-feet on-center or in equivalent groupings, providing a solid minimum 30-foot vertical screen at maturity, as approved by the Planning and Development Department.

4. A minimum 6-foot-tall wrought-iron fence, solid wall or combination thereof, shall be provided along the western property line between the existing alley and Building B, as depicted in the site plan date stamped November 29, 2022, as approved by the Planning and Development Department.

5. All uncovered surface parking lot areas for employees and customers shall be landscaped with minimum 2-inch caliper large canopy, drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25% shade at maturity, as approved by Planning and Development Department.

6. Where pedestrian pathways cross drive aisles, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.

7. A minimum of two 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.

8. The landscape strips located between the detached sidewalk and back of curb along 35th Avenue and Broadway Road shall be planted to the following standards, as approved by the Planning and Development Department.

   a. Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant shade trees planted minimum 20 feet on center or in equivalent groupings, providing a minimum of 75% shade at maturity.
b. Minimum 5-gallon shrubs providing 75% live cover at maturity.

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

9. The developer shall replace the existing rolled curb with vertical curb along Tamarisk Avenue, as approved by the Planning and Development Department.

10. The developer shall dedicate 10 feet for the east side of the alley, as approved by the Planning and Development Department.

11. 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.

12. If determined necessary by the Phoenix Archeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.

13. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.

14. In the event archeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archeologist, and allow time for the Archeology Office to properly assess the materials.

15. 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.

16. No monument or ground signs shall be permitted on the site.

17. No illuminated signs are allowed on Building B, as depicted on the site plan date stamped November 29, 2022.
SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 1st day of February, 2023.

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MAYOR

ATTEST:

________________
Denise Archibald, City Clerk

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

By:

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REVIEWED BY:

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Jeffrey Barton, City Manager

Exhibits:
A – Legal Description (1 Page)
B – Ordinance Location Map (1 Page)
EXHIBIT A

THE EAST HALF OF THE EAST HALF OF LOT 11, MARICOPA GARDEN FARMS, ACCORDING TO BOOK 11 OF MAPS, PAGE 38, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, LESS AND EXCEPT THE SOUTH 25 FEET THEREOF.
Amend City Code - Ordinance Adoption - Rezoning Application Z-60-22-8 - Northwest Corner of 25th Street and Baseline Road (Ordinance G-7071)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-60-22-8 and rezone the site from C-1 BAOD (Neighborhood Retail, Baseline Area Overlay District) to C-2 BAOD (Intermediate Commercial, Baseline Area Overlay District) to allow an automotive service facility.

Summary
Current Zoning: C-1 BAOD
Proposed Zoning: C-2 BAOD
Acreage: 0.96 acres
Proposal: Automotive service facility

Owner: Baseline, LLC
Applicant: Cassandra Ayres, Berry Riddell, LLC
Representative: Cassandra Ayres, Berry Riddell, LLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The South Mountain Village Planning Committee heard this case on Dec. 13, 2022, and recommended denial by a vote of 9-5.
PC Action: The Planning Commission heard this case on Jan. 5, 2023, and recommended approval, per staff recommendation, by a vote of 8-0.

Location
Northwest corner of 25th Street and Baseline Road
Council District: 8
Parcel Address: 2456 S. 25th St. and 2530 E. Baseline Road

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-60-22-8) FROM C-1 BAOD (NEIGHBORHOOD RETAIL, BASELINE AREA OVERLAY DISTRICT) TO C-2 BAOD (INTERMEDIATE COMMERCIAL, BASELINE AREA OVERLAY DISTRICT)

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

SECTION 1. The zoning of a 0.96 acre site located at the northwest corner of 25th Street and Baseline Road in a portion of Section 35, Township 1 North, Range 3 East, as described more specifically in Exhibit “A,” is hereby changed from “C-1 BAOD” (Neighborhood Retail, Baseline Area Overlay District) to “C-2 BAOD” (Intermediate Commercial, Baseline Area Overlay District).

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 and elevations date stamped November 28, 2022, as modified by the following stipulations and approved by the Planning and Development Department.

2. A minimum of one shaded bench shall be provided along the southern building elevation.

3. Twenty percent of the surface parking lot, exclusive of the required perimeter landscaping, shall be landscaped and maintained. Landscaping shall be dispersed throughout the parking area with the interior width of all planting islands to be no less than eight feet in width and a minimum of 120 square feet in area.

4. Service bays shall be screened from view of the public right-of-way and residential uses with a landscaped berm or a combination of a wall and landscaped berm at least four feet in height, as approved by the Planning and Development Department.

5. Minimum 50-percent 3-inch caliper large canopy shade trees selected from the Baseline Area Master Plan Plant List shall be provided for trees within the required landscape setback.

6. The detached sidewalk along Baseline Road shall be shaded to a minimum 75 percent by vegetative shade at maturity, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

7. A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along the north side of Baseline Road and a minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement in accordance with the MAG supplemental detail and as approved by the Planning and Development Department.

8. The developer shall provide a bicycle parking area containing a minimum of four spaces. The bicycle parking area shall utilize a rural equestrian themed design that accommodates lock placement on both wheels and located beneath shading near entrances of buildings and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.
9. Right-of-way totaling 60 feet and a 10-foot sidewalk easement shall be dedicated for the north half of Baseline Road, as approved by the Planning and Development Department.

10. The developer shall replenish the existing landscape strip between the back of curb and sidewalk along the north side of Baseline Road, as approved by the Planning and Development Department.

11. 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.

12. Where pedestrian pathways cross a vehicular path, the pathways shall be of contrasting materials such as brick or concrete pavers, as approved by the Planning and Development Department.

13. The property owner shall record documents that disclose the existence, and operational characteristics of Sky Harbor International Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

14. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.

15. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.

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.
SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 1st day of February, 2023.

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MAYOR

ATTEST:

__________________________
Denise Archibald, City Clerk

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

By: ________________________

__________________________
REVIEWED BY:

__________________________
Jeffrey Barton, City Manager

Exhibits:
A – Legal Description (1 Page)
B – Ordinance Location Map (1 Page)
EXHIBIT A

LOT 2 SOUTH MOUNTAIN PROMENADE:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35, BEING A CITY OF PHOENIX BRASS CAP IN HANDHOLE, FROM WHICH THE SOUTH QUARTER CORNER OF SAID SECTION 35, BEING A CITY OF PHOENIX BRASS CAP FLUSH, BEARS NORTH 88°30'30" EAST, A DISTANCE OF 2657.40 FEET;

THENCE NORTH 88°30'30" EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 35, A DISTANCE OF 736.74 FEET;

THENCE NORTH 00°04'00" WEST, DEPARTING SAID SOUTH LINE, A DISTANCE OF 70.02 FEET TO THE NORTH LINE OF THE SOUTH 70.00 FEET OF SAID SOUTHWEST QUARTER, ALSO BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE CONTINUING NORTH 00°04'00" WEST, A DISTANCE OF 337.40 FEET;

THENCE NORTH 90°00'00" EAST, A DISTANCE OF 269.25 FEET;

THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 20.00 FEET;

THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 168.03 FEET;

THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 241.48 FEET;

THENCE SOUTH 90°00·00" WEST, A DISTANCE OF 17.25 FEET;

THENCE SOUTH 00°00·00" " EAST, A DISTANCE OF 73.75 FEET TO THE NORTH LINE OF THE SOUTH 70.00 FEET OF THE SOUTHWEST QUARTER OF SECTION 35;

THENCE SOUTH 88°30'30" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 83.60 FEET TO THE POINT OF BEGINNING.

CONTAINING 36,045 SQUARE FEET OR 0.8275 ACRES, MORE OR LESS.
ORDINANCE LOCATION MAP

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: • • • • •

Zoning Case Number: Z-60-22-8
Zoning Overlay: Baseline Area Plan and Overlay District
Planning Village: South Mountain

BROADWAY RD
SOUTHERN AVE
BASELINE RD
DOBINS RD

27TH AVE
19TH AVE
7TH AVE
CENTRAL AVE
7TH ST
16TH ST
24TH ST
32ND ST
40TH ST
48TH ST

I-10

Z-60-22-8

NOT TO SCALE

Drawn Date: 1/6/2023
Amend City Code - Ordinance Adoption - Rezoning Application Z-66-22-8 - Northwest Corner of 37th Street and McDowell Road (Ordinance G-7075)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-66-22-8 and rezone the site from C-1 (Neighborhood Retail District) to C-1 DNS/WVR (Neighborhood Retail District, Density Waiver) to allow multifamily residential with a density waiver.

Summary
Current Zoning: C-1
Proposed Zoning: C-1 DNS/WVR
Acreage: 1.43 acres
Proposal: Multifamily residential with a density waiver

Owner: 3644 Atrium Lofts, LLC
Applicant: 3644 Atrium Lofts, LLC
Representative: Ashley Z. Marsh, Gammage & Burnham, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Camelback East Village Planning Committee heard this case on Dec. 6, 2022, and recommended approval, per the staff recommendation, by a vote of 16-0.
PC Action: The Planning Commission heard this case on Jan. 5, 2023, and recommended approval, per the Camelback East Village Planning Committee recommendation, by a vote of 8-0.

Location
Northwest corner of 37th Street and McDowell Road
Council District: 8
Parcel Address: 3644 E. McDowell Road

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-66-22-8) FROM C-1 (NEIGHBORHOOD RETAIL DISTRICT) TO C-1 DNS/WVR (NEIGHBORHOOD RETAIL DISTRICT, DENSITY WAIVER).

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

SECTION 1. The zoning of a 1.43-acre property located at the northwest corner of 37th Street and McDowell Road in a portion of Section 36, Township 2 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from “C-1” (Neighborhood Retail District) to “C-1 DNS/WVR” (Neighborhood Retail District, 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,
The development shall be in general conformance with the elevations date stamped September 15, 2022, as approved by the Planning and Development Department.

2. A minimum building setback of 50 feet from the north property line shall be provided, as approved by the Planning and Development Department.

3. Upon complete redevelopment or development that increases the cumulative floor area by more than 15% from that depicted on the site plan date stamped September 15, 2022, the developer shall dedicate a 10-foot-wide sidewalk easement for the north side of McDowell Road, as approved by the Planning and Development Department.

4. Upon complete redevelopment or development that increases the cumulative floor area by more than 15% from that depicted on the site plan date stamped September 15, 2022, the developer shall construct a minimum 6-foot-wide detached sidewalk and minimum 10-foot-wide landscape strip located between the back of curb and sidewalk along the north side of McDowell Road, as approved by the Planning and Development Department.

5. Upon complete redevelopment or development that increases the cumulative floor area by more than 15% from that depicted on the site plan date stamped September 15, 2022, the developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 5-foot-wide landscape strip located between the back of curb and sidewalk along the west side of 37th Street, as approved by the Planning and Development Department.

6. The developer shall provide resident secured bicycle parking as required by Chapter 13, Section 1307.H of the Zoning Ordinance, as approved by the Planning and Development Department.

7. Upon complete redevelopment or development that increases the cumulative floor area by more than 15% from that depicted on the site plan date stamped September 15, 2022, 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.

8. The property owner shall record documents that disclose the existence, and operational characteristics of the Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be
according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

9. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

10. 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.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 1st day of February, 2023.

______________________________
MAYOR

ATTEST:

______________________________
Denise Archibald, City Clerk

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

By:
______________________________
REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:
A – Legal Description (1 Page)
B – Ordinance Location Map (1 Page)
EXHIBIT A

Tract A, BONNIE JEAN PLACE, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 64 of Maps, Page 47;

EXCEPT any and all minerals, ores and metals of every kind and character, and all coal, asphaltum, oil, gases, fertilizers, fossils and other like substances in or under said land as reserved in the Patent from the State of Arizona in Book 124 of Deeds, page 157, records of Maricopa County, Arizona.
ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: • • • •

NORTHERN AVE
GLENDALE AVE

BETHANY HOME RD
CAMELBACK RD
INDIAN SCHOOL RD
THOMAS RD
MC DOWELL RD
VAN BUREN ST
WASHINGTON ST

C-1 DNS/WVR

Zoning Case Number: Z-66-22-8
Zoning Overlay: N/A
Planning Village: Camelback East

NOT TO SCALE

Drawn Date: 1/6/2023
Public Hearing and Resolution Adoption - General Plan Amendment GPA-LV-2-22-8 - Northwest Corner of 35th Avenue and Carver Road (Resolution 22096)

Request to hold a public hearing on a General Plan Amendment for the following item to consider adopting the Planning Commission's recommendation and the related resolution if approved. Request to amend the General Plan Land Use Map designation on 58.99 acres from Future Parks/Open Space or 1 dwelling unit per acre, Residential 0 to 1 dwelling units per acre, and Residential 3.5 to 5 dwelling units per acre to Residential 1 to 2 dwelling units per acre. This item is a companion case to Z-55-22-8 and must be heard first, followed by Z-55-22-8.

Summary
Application: GPA-LV-2-22-8
Current Plan Designation: Future Parks/Open Space or 1 dwelling unit per acre (34.03 acres), Residential 0 to 1 dwelling units per acre (5.61 acres), and Residential 3.5 to 5 dwelling units per acre (19.35 acres)
Proposed Plan Designation: Residential 1 to 2 dwelling units per acre
Acreage: 58.99 acres
Proposed Use: Single-family residential

Owner: Adrian Betts, Virtual 35th, LLC
Applicant/Representative: Paul Gilbert; Beus Gilbert McGroder, PLLC

Staff Recommendation: Denial as filed, approval of Residential 1 to 2 dwelling units per acre (19.35 acres) and Mixed Use (Residential 1 to 2 dwelling units per acre / Parks/Open Space - Future 1 dwelling unit per acre) (39.64 acres).
VPC Action: The Laveen Village Planning Committee heard the case on Dec. 12, 2022, and recommended approval, per the staff recommendation, by a vote of 9-0.
PC Action: The Planning Commission heard the case on Jan. 5, 2023, and recommended approval, per the Laveen Village Planning Committee recommendation, by a vote of 8-0.

Location
Northwest corner of 35th Avenue and Carver Road
Council District: 8
Parcel Address: N/A

**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 RESOLUTION

RESOLUTION

A RESOLUTION ADOPTING AN AMENDMENT TO THE 2015 GENERAL PLAN FOR PHOENIX, APPLICATION GPA-LV-2-22-8, CHANGING THE LAND USE CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN.

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

SECTION 1. The 2015 Phoenix General Plan, which was adopted by Resolution 21307, is hereby amended by adopting GPA-LV-2-22-8. The 58.99 acres of property located at the northwest corner of 35th Avenue and Carver Road is designated as 19.35 acres of Residential 1 to 2 dwelling units per acre and 39.64 acres of Mixed Use (Residential 1 to 2 dwelling units per acre / Parks/Open Space – Future 1 dwelling units per acre).

SECTION 2. The Planning and Development Director is instructed to modify the 2015 Phoenix General Plan to reflect this land use classification change as shown below:
PASSED by the Council of the City of Phoenix this 1st day of February 2023.

MAYOR

ATTEST:

Denise Archibald, City Clerk

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

By: ________________________________
______________________________

-2- Resolution
Application: GPA-LV-22-8
Owner: Adrian Betts, Virtua 35th, LLC
Applicant/Representative: Paul Gilbert, Beus Gilbert McGroder, PLLC
Location: Northwest corner of 35th Avenue and Carver Road
Acreage: 58.99 acres
Current Plan Designation: Parks/Open Space – Future 1 dwelling unit per acre (34.03 acres), Residential 0 to 1 dwelling units per acre (5.61 acres), and Residential 3.5 to 5 dwelling units per acre (19.35 acres)
Requested Plan Designation: Residential 1 to 2 dwelling units per acre
Reason for Requested Change: Amend the General Plan Land Use Map to allow single-family residential
Laveen Village Planning Committee Meeting Date: December 12, 2022
Staff Recommendation: Denial as filed, approval of Residential 1 to 2 dwelling units per acre (19.35 acres) and Mixed Use (Residential 1 to 2 dwelling units per acre and Parks/Open Space - Future 1 dwelling units per acre) (39.64 acres)

FINDINGS:

1) The Residential 1 to 2 dwelling units per acre and Mixed Use (Residential 1 to 2 dwelling units per acre / Parks/Open Space - Future 1 dwelling unit per acre) land use designation, recommended by staff is consistent with the proposed R1-18 Hillside DNS/WVR (Density Waiver) zoning and allows for a portion of the site to be designated as a mountain preserve OPEN SPACE, WHICH INCLUDES PRESERVE LANDS, AND/OR LOW DENSITY RESIDENTIAL.
2) The companion rezoning case, Z-55-22-8, as stipulated, proposes development that is consistent in scale and character with land uses in the general area.

3) The proposed General Plan Land Use Map designation of Residential 1 to 2 dwelling units per acre and Mixed Use (Residential 1 to 2 dwelling units per acre and Parks/Open Space – Future 1 dwelling unit per acre) is compatible with surrounding land uses and serves as an appropriate transition between higher density residential designations to the north and to lower density land use designations to the south.

**BACKGROUND**

The subject site is 58.99 gross acres of vacant land located at the northwest corner of 35th Avenue and Carver Road. The site is currently vacant and zoned R1-18 (Single-Family Residence) and R1-8 (Single-Family Residence). The companion rezoning case, Z-55-22-8, proposes a rezone to R1-18 (Single-Family Residence) Hillside DNS/WVR (Density Waiver) to allow single-family residential uses. GPA-LV-2-22-8 proposes a minor amendment to the General Plan Land Use Map to allow single-family residential. The existing General Plan Land Use Map designation on the site is Residential 0 to 1 dwelling units per acre, Residential 3.5 to 5 dwelling units per acre, and Parks/Open Space – Future 1 dwelling units per acre.

As filed, GPA-LV-2-22-8 proposes to change the Land Use Map designation to Residential 1 to 2 dwelling units. Staff recommends changing the Land Use Map designation to Residential 1 to 2 dwelling units per acre and Mixed Use (Residential 1 to 2 dwelling units per acre and Parks/Open Space – Future 1 dwelling unit per acre) to allow the proposed single-family residential use and to allow for the western portion of the site to remain designated as open space in the General Plan.

Additionally, the subject site has frontage along 35th Avenue, which is designated an arterial scenic drive.

**SURROUNDING LAND USES**

The current General Plan Land Use Map designation for the site is Parks/Open Space – Future 1 dwelling unit per acre, Residential 0 to 1 dwelling units per acre, and Residential 3.5 to 5 dwelling units per acre.
EXISTING

APPLICANT PROPOSED

STAFF RECOMMENDED

- Proposed Change Area
- Residential 0 to 1 du/ac
- Residential 3.5 to 5 du/ac
- Parks/Open Space - Future 1 du/ac

- Proposed Change Area
- Residential 1 to 2 du/ac
- Mixed Use (Residential 1 to 2 du/ac / Parks/Open Space - Future 1 du/ac)
NORTH
North of the subject site is vacant land and a single-family residential subdivision. This area is designated Parks/Open Space – Future 1 dwelling units per acre and Residential 0 to 1 dwelling units per acre.

EAST
East of the subject site, across 35th Avenue, is an agricultural field and single-family residential. This area is designated Residential 0 to 1 dwelling units per acre.

SOUTH
South of the subject site, including across Carver Road, is vacant land and single-family residential. This area is designated Residential 0 to 1 dwelling units per acre.

WEST
West of the subject site is single-family residential, which is designated Residential 0 to 1 dwelling units per acre and Parks/Open Space – Future 1 dwelling units per acre and Residential 0 to 1 dwelling units per acre.

RELATIONSHIP TO GENERAL PLAN CORE VALUES AND PRINCIPLES

CONNECT PEOPLE AND PLACES
• OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.

The proposal, as recommended by staff, would allow for R1-18 Hillside DNS/WVR zoning which is consistent with other developments in the area. As stipulated in the companion rezoning case, Z-55-22-8, enhanced perimeter landscaping and large landscape setbacks from adjacent streets will help provide an enhanced transition to other large lot residential uses in the area.

CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS
• CLEAN NEIGHBORHOODS; LAND USE PRINCIPLE: Facilitate the acquisition of vacant, underutilized and blighted parcels for appropriate redevelopment, compatible with the adjacent neighborhood character and adopted area plans.

As recommended by staff, the proposal will facilitate development of this vacant lot, that has been partially graded and disturbed, in a manner that will be compatible with surrounding developments. The surrounding neighborhood includes a mix of residential densities, and the proposal will allow for a residential use of the property at an appropriate scale. Furthermore, it would expand the Parks/Open Space – Future 1 dwelling unit per acre land use map designation on the western portion of the site.
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 development, as stipulated in the companion rezoning case, Z-55-22-8, will shade adjacent public sidewalks and sidewalks within the internal streets. The shade trees will help to encourage walking by providing a thermally comfortable environment for pedestrians and alternative transportation users. Furthermore, the majority of the site will be left undisturbed and remain in a natural state along portions of the hillside and wash areas, which could be donated to the City for future designation as a mountain preserve.

CONCLUSION AND RECOMMENDATION

The staff recommendation for GPA-LV-2-22-8 is to deny the request as filed and approve the General Plan Land Use as Residential 1 to 2 dwelling units per acre and Mixed Use (Residential 1 to 2 dwelling units per acre / Parks/Open Space – Future 1 dwelling units per acre). The request aligns with the goals and policies of the General Plan and will result in a land use designation that will promote development on the site, while preserving a portion of the site as open space or future mountain preserve. Along with the companion rezoning case, Z-55-22-8, the General Plan Amendment will allow for compatible residential uses.

Writer
Enrique Bojórquez Gaxiola
December 9, 2022

Team Leader
Racelle Escolar

Exhibits
Sketch Maps (4 pages)
**APPLICATION NO:** GPA-LV-2-22-8  
**ACRES:** 58.99 +/-  
**REVISION DATE:**

<table>
<thead>
<tr>
<th>VILLAGE</th>
<th>Laveen</th>
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<tbody>
<tr>
<td>COUNCIL DISTRICT</td>
<td>8</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Paul Gilbert</td>
</tr>
</tbody>
</table>

**EXISTING:**

- Residential 0 to 1 du/acre (5.61 +/- Acres)
- Residential 3.5 to 5 du/acre (19.35 +/- Acres)
- Parks / Open Space - Future 1 du/acre (34.03 +/- Acres)

![Map Diagram](image)

**PROPOSED CHANGE:**

- Residential 1 to 2 du/acre (58.99 +/- Acres)

![Map Diagram](image)
EXISTING:
Residential 0 to 1 du/acre (5.61 +/- Acres)
Residential 3.5 to 5 du/acre (19.35 +/- Acres)
Parks / Open Space - Future 1 du/acre (34.03 +/- Acres)

PROPOSED CHANGE:
Residential 1 to 2 du/acre (58.99 +/- Acres)
GENERAL PLAN AMENDMENT

APPLICATION NO: GPA-LV-2-22-8
ACRES: 58.99 +/-
REVISION DATE:

VILLAGE: Laveen
COUNCIL DISTRICT: 8
APPLICANT: Paul Gilbert

EXISTING:

Residential 0 to 1 du/acre (5.61 +/- Acres)
Residential 3.5 to 5 du/acre (19.35 +/- Acres)
Parks/Open Space - Future 1 du/acre (34.03 +/- Acres)

AS RECOMMENDED BY STAFF:

Mixed Use (Residential 1 to 2 du/ac / Parks/Open Space - Future 1 du/ac) (39.64 +/- Acres)
Residential 1 to 2 du/acre (19.35 +/- Acres)
GENERAL PLAN AMENDMENT

APPLICATION NO: GPA-LV-2-22-8_BW
ACRES: 58.99 +/-

VILLAGE: Laveen
COUNCIL DISTRICT: 8
11/21/2022

APPLICANT: Paul Gilbert

EXISTING:

Residential 0 to 1 du/acre (5.61 +/- Acres)
Residential 3.5 to 5 du/acre (19.35 +/- Acres)
Parks/Open Space - Future 1 du/acre (34.03 +/- Acres)

AS RECOMMENDED BY STAFF:

Mixed Use (Residential 1 to 2 du/ac / Parks/Open Space - Future 1 du/ac) (39.64 +/- Acres)
Residential 1 to 2 du/acre (19.35 +/- Acres)
Village Planning Committee Meeting Summary
GPA-LV-2-22-8

Date of VPC Meeting: December 12, 2022
Request From: Future Parks/Open Space or 1 dwelling unit per acre, Residential 0 to 1 dwelling units per acre and Residential 3.5 to 5 dwelling units per acre
Request To: Residential 1 to 2 dwelling units per acre
Proposed Use: Single-family residential
Location: Northwest corner of 35th Avenue and Carver Road
VPC Recommendation: Approval, per the staff recommendation
VPC Vote: 9-0

VPC DISCUSSION:

Item No. 7 (GPA-LV-2-22-8) and Item No. 8 (Z-55-22-8) are companion cases and were heard together.

3 members of the public registered to speak on this item.

STAFF PRESENTATION:

Enrique Bojórquez, staff, provided an overview of the rezoning proposal, including the companion minor General Plan Amendment case GPA-LV-2-22-8, describing the location of the requests, the existing and proposed zoning districts and land use designations and the proposed use. Mr. Bojórquez explained that staff offers a recommendation in the staff report which differs from the applicant’s request on GPA-LV-2-22-8 and explained the reasons for this. Mr. Bojórquez discussed the zoning history on the property, including an active PHO case and a rezoning case which was withdrawn. Mr. Bojórquez reviewed the surrounding zoning districts and land uses and described the proposed site plan plus building elevations. Mr. Bojórquez listed several policy plans and described how these are furthered by this proposal. Mr. Bojórquez stated that staff has received 17 letters in support and none in opposition regarding these requests. Mr. Bojórquez provided staff findings, followed by the staff recommendation of approval on each case, and discussed the stipulations as presented in the staff report for case Z-55-22-8.
APPLICANT PRESENTATION:

Paul Gilbert, representing the applicant with Beus Gilbert McGroder PLLC, introduced himself and the single-family residential project. Mr. Gilbert stated that this project has gathered significant support from neighbors after years of deliberation. Mr. Gilbert discussed the location of the site, surrounding zoning districts, and land use map designations. Mr. Gilbert is not necessarily opposed to the staff recommendation outlined in the staff report for case GPA-LV-2-22-8. Mr. Gilbert has agreed to provide a deed restriction on the hillside portion of the site which is controlled by the neighbors. Mr. Gilbert discussed the proposed site plan, open space, and requested hillside density waiver, noting that 5 lots would be partially within the hillside portion of the site. Mr. Gilbert requested a recommendation of approval on both cases.

QUESTIONS FROM COMMITTEE:

Chair Glass applauds the efforts from the neighbors over many years and appreciates the compromise reached with the applicant.

PUBLIC COMMENTS:

Cyd Manning introduced herself and stated that she would be impacted by this development. Ms. Manning supports approving both cases as proposed by the applicant. Ms. Manning stated that density was an issue since the case was approved in 2007 and remained an issue in 2011 when the City did not execute a zoning reversion. Ms. Manning supports the proposed project now and would prefer a true 1 dwelling unit per acre project, but this is a compromise plan between the applicant and the neighbors. Ms. Manning supports the proposed density reduction, open space, and deed restriction. Ms. Manning thanked the community, Council District 8, Laveen Village Planning Committee, and the applicant. Ms. Manning requested approval of both cases per the staff recommendation.

Sandy Hamilton with Laveen Citizens for Responsible Development (LCRD) introduced himself and stated that both cases were heard recently by the LCRD in December of 2022. The LCRD recommends approval of both cases.

Jon Kimono stated that this project was well worth the effort and thanked everyone involved. Mr. Kimono supports the reduction from 121 to 65 lots, including wide perimeter lots. Mr. Kimono added that this is the best plan everyone could achieve and supports this project.

Phil Hertel stated that the original approval dates back 15 years and was initially approved by a former applicant and Councilman for the area. Ms. Manning has been very involved every step of the way, including many others. Mr. Hertel thanked Mr. Gilbert for his commitment, congratulated the applicant and thanked everyone involved.

Dan Penton stated that the community has legal binding interest on the property now and this is now a monument case. Mr. Penton suggested that the City should use this as a model to preserve open space and develop a similar site. Mr. Penton added that the quality of life will be greatly improved now as the community did not give up at the City’s negation to revert the approved zoning on the site. Mr. Penton gives kudos to Ms. Manning and Mr. Gilbert.
APPLICANT RESPONSE:

None.

FLOOR/PUBLIC DISCUSSION CLOSED: COMMITTEE DISCUSSION:

Mr. Ortega congratulated everyone involved and added that the Village needs support from Ms. Manning to avoid single-family developments with 45-foot-wide lots.

Vice Chair Abegg recommended a modification to Stipulation No. 12 to ensure that building elevations include additional building materials. Mr. Gilbert agreed with the stipulation modification but asked for clarification. Vice Chair Abegg responded that the intent is for 25% of the front home elevations to have alternative building materials.

Mr. Gilbert expressed concern with Stipulation No. 24 and wants to ensure that his client does not have to contribute 100 percent of the cost to build a roundabout along 35th Avenue and Carver Road. Mr. Gilbert did not have concerns with the staff recommendation on GPA-LV-2-22-8.

MOTION (GPA-LV-2-22-8):

Chair Glass motioned to approve GPA-LV-2-22-8 per the staff recommendation. Jennifer Rouse seconded the motion.

VOTE (GPA-LV-2-22-8):

9-0; motion to recommend approval of GPA-LV-2-22-8 per the staff recommendation passes with Committee Members Barraza, Chiarelli, Hurd, Jensen, Ortega, Perrera, Rouse, Abegg and Glass in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION

None.
ITEM NO: 5

DISTRICT NO.: 8

SUBJECT:

Application #: GPA-LV-2-22-8 (Companion Case Z-55-22-8)
Request: Map Amendment
Location: Northwest corner of 35th Avenue and Carver Road
From: Future Parks/Open Space or 1 dwelling unit per acre, Residential 0 to 1 dwelling unit per acre, and Residential 3.5 to 5 dwelling units per acre
To: Residential 1 to 2 dwelling units per acre
Acreage: 58.99
Proposal: Single-family residential
Applicant: Paul Gilbert, Beus Gilbert McGroder, PLLC
Owner: Adrian Betts, Virtua 35th, LLC
Representative: Paul Gilbert, Beus Gilbert McGroder, PLLC

ACTIONS:

Staff Recommendation: Denial as filed, approval of Residential 1 to 2 dwelling units per acre (19.35 acres) and Mixed Use (Residential 1 to 2 dwelling units per acre and Parks/Open Space - Future 1 dwelling units per acre) (39.64 acres).

Village Planning Committee (VPC) Recommendation: Laveen 12/12/2022 Approval, per the staff recommendation. Vote: 9-0.

Planning Commission Recommendation: Approval, per the Laveen Village Planning Committee recommendation.

Motion Discussion: N/A

Motion details: Commissioner Perez made a MOTION to approve GPA-LV-2-22-8, per the Laveen Village Planning Committee recommendation.

   Maker: Perez
   Second: Gaynor
   Vote: 8-0
   Absent: Mangum
   Opposition Present: No

Findings:

1. The Residential 1 to 2 dwelling units per acre and Mixed Use (Residential 1 to 2 dwelling units per acre / Parks/Open Space - Future 1 dwelling unit per acre) land use designation, recommended by staff is consistent with the proposed R1-18 Hillside DNS/WVR (Density Waiver) zoning and allows for a portion of the site to be designated as open space, which includes preserve lands, and/or low density residential.

2. The companion rezoning case, Z-55-22-8, as stipulated, proposes development that is consistent in scale and character with land uses in the general area.
3. The proposed General Plan Land Use Map designation of Residential 1 to 2 dwelling units per acre and Mixed Use (Residential 1 to 2 dwelling units per acre and Parks/Open Space – Future 1 dwelling unit per acre) is compatible with surrounding land uses and serves as an appropriate transition between higher density residential designations to the north and to lower density land use designations to the south.

This publication can be made available in alternate format upon request. Please contact Angie Holdsworth at (602) 329-5065, TTY use 7-1-1.
LVPC Members and Planning Staff,

I’m writing regarding the Carver Canyon case that you will be before you on Monday, Dec. 12. I have been consistently opposed to every iteration of this case for the past 4 years due to incompatible high density GPA and zoning.

Unfortunately, I will not be able to attend this meeting Monday night so I am writing a letter to support this plan presented in cases GPA-LV-2-22-8 and Z-55-22.

While the plan presented is not ideal, still lacking the 1-acre lots that are a staple of this area, overall density and the GPA designation have always been the top issues with this property.

The General Plan reduction from 3.5 to 5 du/a to 1-2 du/a is finally compatible with the area. The zoning case for all 60-acres at R1-18 with 65 lots for an overall density of 1.11 du/a is finally compatible with this area. Again, the General Plan designation and Zoning densities have always been the issue.

The applicant’s plan includes other elements, in addition to the GPA and zoning, that are beneficial to the area:
- They are combining the 20 and 40-acre portions into a single parcel and site plan with one zoning level of R1-18
- They designated a large area that is most visible to our neighborhood, as open space.
- They are creating a deed restriction on the entire 60-acres that runs with the land in perpetuity to cap total lots at 65 and preserve the large designated open space.

With the unique circumstances of this case, specifically the city of Phoenix neglecting their duty to revert the zoning to S1 as stipulated in the originally approved plan, I think this is the best possible outcome for this case and appreciate the applicant listening to and cooperating with the community to come up with this compromise.

I believe it is appropriate that the LVPC support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Thank you,

Bret Burchard
11244 S 35th Ave
Dear Mr. Bojorquez,

I have attended many meetings and expressed myself numerous times regarding the quarry case at 35th Ave and Carver. While my ultimate wish would have been to keep development to one home per acre, I believe that proposals being considered are the best resolution the development and the community will achieve. I appreciate the compromises made by the developer. I am in favor of agenda items 7 and 8 that will be considered at the 12/12/22 Laveen Village Planning Committee meeting. I will attend the meeting and registered my position in favor of the items, and am donating my speaking time to Cyd Manning. Feel free to reach out to me for any questions you may have.

Sincerely,

Elizabeth Banta
3938 W Kayenta Trail
Laveen, AZ 85339
Hello and good afternoon. We are residents of this area and wanted to ensure you note our support for this final validation.

Total 60 acres would be a GPA of 1-2 du/a and R1-18 zoning. The site plan of 65 homes is OK, but the GPA and zoning.

We hope to be in Virtual Attendance, but if not, please include myself and Dr. Dean Gordon Fairchild, who lives at this address as well.

Greatly appreciated.
LVPC Members and Planning Staff,

I have been involved in opposing every iteration of this case for some time. Incompatible high density GPA and zoning cases were unfortunately approved despite the large outpouring of community opposition. Density has always been the #1 issue for me and my neighbors. **Finally**, the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

The General Plan reduction from 3.5 to 5 du/a to 1-2 du/a is finally compatible with the area. The zoning case for all 60-acres at R1-18 with 65 lots for an overall density of 1.11 du/a is finally compatible with this area. Again, the General Plan designation and Zoning densities have always been the issue.

The applicant’s plan includes other elements, in addition to the GPA and zoning, that are beneficial to the area:

- They are combining the 20 and 40-acre portions into a single parcel and site plan with one zoning level of R1-18
- They designated a large area that is most visible to our neighborhood, as open space.
- They are creating a deed restriction on the entire 60-acres that runs with the land in perpetuity to cap total lots at 65 and preserve the large designated open space.

Therefore, I support these cases. I respectfully request that the LVPC support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Thank you,

Lisa K. Pike
Laura A Murphy
4824 West Estrella Drive
Laveen, Arizona 85339

Thank you,

Laura A Murphy
Controller
LVPC Members and Planning Staff,

I have been an active member of the core team over the past two years and have worked with the community, applicant, attended LVPC meeting to speak along with speaking at the Planning Commission. Density has always been the #1 issue. Finally, the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

The General Plan reduction from 3.5 to 5 du/a to 1-2 du/a is finally compatible with the area. The zoning case for all 60-acres at R1-18 with 65 lots for an overall density of 1.11 du/a is finally compatible with this area. Again, the General Plan designation and Zoning densities have always been the issue.

The applicant’s plan includes other elements, in addition to the GPA and zoning, that are beneficial to the area:

- They are combining the 20 and 40-acre portions into a single parcel and site plan with one zoning level of R1-18
- They designated a large area that is most visible to our neighborhood, as open space.
- They are creating a deed restriction on the entire 60-acres that runs with the land in perpetuity to cap total lots at 65 and preserve the large designated open space.

Therefore, I support these cases. I respectfully request that the LVPC support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Best regards,

Lisa Vializ
8921 S. 53rd Dr
Laveen, AZ 85339

And Property located at 32nd Ave and Ceton
Good morning,

I am in support of these two cases. This has been a long process to get the zoning and applicants plan to what it is today. I appreciate the applicant working with the community and making compromises to make the future development fit in with the current development as much as possible. I also appreciate the applicant adding a deed restriction for the max amount of houses allowed on the property.

Nicole Glasgow
3717 W Carver Rd
Laveen, AZ 85339
Dear LVPC Members and Planning Staff,

I am writing regarding the "quarry case" at 35th Ave and Carver Road. I am in favor of GPA-LV-2-22-8 and Z-55-22 being presented at the LVPC meeting on 12/12/22.

Sincerely,
Paul Banta
3938 W Kayenta Trail
Laveen, AZ 85339
LVPC Members and Planning Staff,

I have been opposing every iteration of this case since 2007 when incompatible high density GPA and zoning cases were unfortunately approved despite the large outpouring of community opposition. Density has always been the #1 issue. Finally, the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

The General Plan reduction from 3.5 to 5 du/a to 1-2 du/a is finally compatible with the area. The zoning case for all 60-acres at R1-18 with 65 lots for an overall density of 1.11 du/a is now compatible with this area. Again, the General Plan designation and Zoning densities have always been the issue.

The applicant’s plan includes other elements, in addition to the GPA and zoning, that are beneficial to the area:

- They are combining the 20 and 40-acre portions into a single parcel and site plan with one zoning level of R1-18
- They designated a large area that is most visible to our neighborhood, as open space.
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Therefore, I support these cases. I respectfully request that the LVPC support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Yours truly,

Roger D. McCully
9015 S. 53rd Drive
Laveen, AZ 85339

Sent from Mail [go.microsoft.com] for Windows
Dear Mr. Borjorquez,

I wish to register that I am in support of Cases-Z-55-22 & GPA-LV-2-22-8 because:

1. Zoning reduction from R1-8 to R1-18 for the entire 60 acres for an overall density of 1.11 du/a. The total lot count on the entire 60 acres is down from 121 to now 65 with the latest site plan.
2. General Plan (GPA) reduction from 3.5-5 du/a down to 1-2 du/a to match the down-zoning. This is very important because if the General Plan is not changed to match the zoning, it allows a developer to easily come with a zoning change to increase their number of lots to match the General Plan.
3. A large portion of property that is most visible to our neighborhood, as open space.
4. There will be a deed restriction on the entire 60-acres that runs with the land in perpetuity to cap total lots at 65.

Thank you to the land developer and all involved to get to this appropriate result for a unique area of land.

Kind regards,
Ruth Franklin
3143 W Avion Way
Laveen, AZ 85339
(602)237-4044
Planning Commission Members and Planning Staff,

I have been significantly involved in opposing every iteration of this case since 2007 when incompatible high density GPA and zoning cases were unfortunately approved despite the large outpouring of community opposition. Density has always been the #1 issue. Finally, the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

The General Plan reduction from 3.5 to 5 du/a to 1-2 du/a is finally compatible with the area. The zoning case for all 60-acres at R1-18 with 65 lots for an overall density of 1.11 du/a is finally compatible with this area. Again, the General Plan designation and Zoning densities have always been the issue.

The applicant’s plan includes other elements, in addition to the GPA and zoning, that are beneficial to the area:

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- They are creating a deed restriction on the entire 60-acres that runs with the land in perpetuity to cap total lots at 65 and preserve the large designated open space.

Therefore, I support these cases. I respectfully request that the Planning Commission support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Best regards,

Brian Hicks

4715 W Carver Rd

Laveen AZ 85339
Subject: Planning Commission Meeting 1/5/23 and Cases GPA-LV-2-22-8 and Z-55-22

Planning Commission Members and Planning Staff,

We have been significantly involved in opposing every iteration of this case since 2007 when incompatible high density GPA and zoning cases were unfortunately approved despite the large outpouring of community opposition. Density has always been the #1 issue. Finally, the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

The General Plan reduction from 3.5 to 5 du/a to 1-2 du/a is finally compatible with the area. The zoning case for all 60-acres at R1-18 with 65 lots for an overall density of 1.11 du/a is finally compatible with this area. Again, the General Plan designation and Zoning densities have always been the issue.

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Therefore, I support these cases. I respectfully request that the Planning Commission support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Best regards,

Donis and Frank Canisales
11020 s 35th Ave
Laveen, Az 85339

Frank and Esperanza Canisales
11631 s 51st Ave
Laveen, Az 85349

Francisco and becca Canisales
9411 s 33rd Ave
Laveen, Az 85339

Sent from my iPhone
Dear Planning Commission Members and Planning Staff:

I have attended many meetings and expressed myself numerous times regarding the quarry case at 35th Ave and Carver. While my ultimate wish would have been to keep development to one home per acre, I believe that the cases being considered provide the best resolution the development and the community will achieve. I appreciate the compromises made by the developer. I am in favor of agenda items 5 and 6 that will be considered at the January 5th Maricopa County Planning Commission Meeting. I will attend the meeting and registered my position in favor of the items, and am donating my speaking time to Cyd Manning. Feel free to reach out to me for any questions you may have.

Sincerely,

Elizabeth Banta
3938 W Kayenta Trail
Laveen, AZ 85339
Planning Commission Members and Planning Staff,

I have been significantly involved in opposing every iteration of this case since 2007 when incompatible high density GPA and zoning cases were unfortunately approved despite the large outpouring of community opposition. Density has always been the #1 issue. Finally, the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

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Therefore, I support these cases. I respectfully request that the Planning Commission support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Best regards,

Ivan Vializ

8921 S 53rd Dr.

Laveen, AZ 85339
From: Juanita Welsh <juanita.welsh5@gmail.com>
Sent: Tuesday, January 3, 2023 10:52 AM
To: PDD Planning Commission <pdd.planningcomm@phoenix.gov>
Subject: Planning Commission Meeting 1/5/23 and Cases GPA-LV-2-22-8 and Z-55-22

Planning Commission Members and Planning Staff,

I have been significantly involved in opposing every iteration of this case since 2007 when incompatible high density GPA and zoning cases were unfortunately approved despite the large outpouring of community opposition. Density has always been the #1 issue. Finally, the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

The General Plan reduction from 3.5 to 5 du/a to 1-2 du/a is finally compatible with the area. The zoning case for all 60-acres at R1-18 with 65 lots for an overall density of 1.11 du/a is finally compatible with this area. Again, the General Plan designation and Zoning densities have always been the issue.

The applicant’s plan includes other elements, in addition to the GPA and zoning, that are beneficial to the area:

- They are combining the 20 and 40-acre portions into a single parcel and site plan with one zoning level of R1-18
- They designated a large area that is most visible to our neighborhood, as open space.
- They are creating a deed restriction on the entire 60-acres that runs with the land in perpetuity to cap total lots at 65 and preserve the large designated open space.

Therefore, I support these cases. I respectfully request that the Planning Commission support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Best regards,

Juanita Welsh

5427 W. La Mirada Drive

Laveen, AZ 85339

Sincerely,

Juanita Welsh
REALTOR®, GRI
AZ Advance Realty
602-909-3915 Cell
Planning Commission Members and Planning Staff:

I mirror Cyd Manning’s comments:

I have been significantly involved in opposing every iteration of this case since 2007 when incompatible high density GPA and zoning cases were unfortunately approved despite the large outpouring of community opposition. Density has always been the #1 issue. Finally, the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

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Kind regards,

Judy Brown
Planning Commission Members and Planning Staff,

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Therefore, I support these cases. I respectfully request that the Planning Commission support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Best regards,

Karie Hicks

4715 W Carver Rd

Laveen AZ 85339
Racelle Escolar

From: Vializ, Lisa <Lisa.Vializ@Honeywell.com>
Sent: Tuesday, January 3, 2023 12:11 PM
To: PDD Planning Commission
Subject: Planning Commission Meeting 1/5/23 and Cases GPA-LV-2-22-8 and Z-55-22

Planning Commission Members and Planning Staff,

I have been significantly involved in opposing every iteration of this case since 2007 when incompatible high density GPA and zoning cases were unfortunately approved despite the large outpouring of community opposition. Density has always been the #1 issue. Finally, the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

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Therefore, I support these cases. I respectfully request that the Planning Commission support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Best regards,

Lisa Vializ
8921 S 53rd Dr.
Laveen, AZ 85339

AND
32nd Ave & Ceton
Laveen, AZ 85339
Public Hearing and Ordinance Adoption - Rezoning Application Z-55-22-8 - Northwest Corner of 35th Avenue and Carver Road (Ordinance G-7077)

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-55-22-8 and rezone the site from R1-18 (Single-Family Residence District) and R1-8 (Single-Family Residence District) to R1-18 Hillside DNS/WVR (Single-Family Residence District, Hillside Density Waiver) to allow single-family residential. This is a companion case to GPA-LV-2-22-8 and must be heard following GPA-LV-2-22-8.

Summary
Current Zoning: R1-18 and R1-8
Proposed Zoning: R1-18 Hillside DNS/WVR
Acreage: 58.99
Proposed Use: Single-family residential with a hillside density waiver

Owner: Virtual 35th, LLC, Felipe Zubia
Applicant: Paul Gilbert, Beus Gilbert McGroder, PLLC
Representative: Paul Gilbert, Beus Gilbert McGroder, PLLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Laveen Village Planning Committee heard the case on Dec. 12, 2022, and recommended approval, per the staff recommendation, with a modification, by a vote of 9-0.
PC Action: The Planning Commission heard the case on Jan. 5, 2023, and recommended approval, per the Laveen Village Planning Committee recommendation, by a vote of 8-0.

Location
Northwest corner of 35th Avenue and Carver Road
Council District: 8
Parcel Address: N/A
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-55-22-8) FROM R1-18 (SINGLE-FAMILY RESIDENCE DISTRICT) AND R1-8 (SINGLE-FAMILY RESIDENCE DISTRICT) TO R1-18 HILLSIDE DNS/WVR (SINGLE-FAMILY RESIDENCE DISTRICT, HILLSIDE DENSITY WAIVER).

______________________________

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

SECTION 1. The zoning of an approximately 58.99 acres property located at the northwest corner of 35th Avenue and Carver Road in a portion of Section 10, Township 1 South, Range 2 East, as described more specifically in Exhibit “A,” is hereby changed from 36.64 acres of “R1-18” (Single-Family Residence District) and 19.35 acres of “R1-8” (Single-Family Residence District), to “R1-18 Hillside DNS/WVR” (Single-Family Residence District, Hillside 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,
vio...
b. The pedestrian pathways shall be detached from the vehicular driveway and lined with landscape areas on both sides of not less than 5 feet in width. The landscape area shall be planted with drought-tolerant plant materials providing seasonal interest and 75 percent live coverage at maturity.

c. A mix of ornamental trees, shrubs (no less than five five-gallon shrubs per tree) and/or flower beds that will provide a variety of texture and color throughout the year and 75 percent live cover, shall be provided along both sides of the entryway and within a landscaped median of no less than 5 feet in width.

d. The entry driveway surface shall be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces, as approved by the Planning and Development Department.

12. The conceptual elevations shall be administratively approved by the Planning Hearing Officer prior to Planning and Development Department final site plan approval with specific regard to the below elements. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Planning and Development Department.

a. The primary building material shall not exceed 75 percent of all front elevations.

b. Each home will include two alternative building materials (in addition to the primary building material for architectural elevations) to make up 25% of the front architectural elevations, plus garage enhancements such as window panels, color, added materials surrounding doors and trellises.

13. All homes within the development shall be subject to Single-Family Design Review, as approved by the Planning and Development Department.

14. A minimum of three usable open space areas of 6,000 square feet each shall be provided and dispersed throughout the development, as approved by the Planning and Development Department.

15. A minimum of 37 acres shall remain undeveloped open space.

16. A minimum of four amenities shall be provided such as a tot lot, ramada, or similar elements, as approved by the Planning and Development Department.

17. A minimum of one pedestrian pathway shall be provided from the development to Carver Road, as approved by the Planning and Development Department.
18. Pedestrian and vehicular access shall be provided from this development to the future development on the adjacent property to the south, as approved or modified by the Planning and Development Department.

19. All sidewalks within the development shall be detached with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum 2-inch caliper single-trunk shade trees planted at a rate of one tree per lot or a minimum of 20 feet on center, or in equivalent groupings where adjacent to open space areas, as modified and approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

20. The developer shall construct a detached sidewalk along 35th Avenue as approved and required by Maricopa County Department of Transportation.

21. The developer shall dedicate a 30-foot-wide multi-use trail easement (MUTE) along the west side of 35th Avenue and along the north side of Carver Road 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.

22. The developer shall dedicate right-of-way and construct improvements along the west side of 35th Avenue as required and approved by Maricopa County Department of Transportation (MCDOT). The developer shall provide verification of MCDOT review and approval to the City of Phoenix Street Transportation Department prior to preliminary site plan submittal.

23. The developer shall dedicate right-of-way and construct improvements along the north side of Carver Road as required and approved by MCDOT. The developer shall provide verification of MCDOT review and approval to the City of Phoenix Street Transportation Department prior to preliminary site plan submittal.

24. The developer shall dedicate additional right-of-way and provide improvements to the 35th Avenue and Carver Road intersection as per the geometric design approved by the Maricopa County Department of Transportation (MCDOT). The developer shall provide verification of MCDOT review and approval to the City of Phoenix Street Transportation Department prior to preliminary site plan submittal. The design will need to provide access to 35th Avenue south of Carver Road, and Carver Road east of 35th Avenue.

25. 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.
26. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development the existence and operational characteristics of agricultural uses. These documents must advise purchasers that, under Section 3-112(E), Arizona Revised Statutes, the City of Phoenix may not declare an agricultural operation conducted on farmland to be a nuisance if the agricultural use is lawful, customary, reasonable, safe and necessary to the agriculture industry. The form and content of such documents shall be reviewed and approved by the City prior to recordation.

27. Prior to final site plan approval, the property owner shall record documents that disclose to tenants of the site or purchasers of property within the site, the existence, proximity, and operational characteristics of active aviation uses in the Hangar Haciendas Units One, Two, and Three subdivisions located approximately 2,300 feet to the east of the subject property in Maricopa County. The form and content of such documents shall be reviewed and approved by the City prior to recordation.

28. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

29. If determined necessary by the Phoenix Archeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.

30. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.

31. In the event archeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archeologist, and allow time for the Archeology Office to properly assess the materials.

32. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims forms. The waiver shall be recorded with the Maricopa County Recorder’s Office and delivered to the City to be included in the rezoning application file for record.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the
decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 1st day of February, 2023.

_________________________  _______________________
MAYOR

ATTEST:

Denise Archibald, City Clerk

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

By:

_________________________
_________________________

REVIEWED BY:

_________________________
Jeffrey Barton, City Manager

Exhibits:
A – Legal Description (1 Page)
B – Ordinance Location Map (1 Page)
EXHIBIT A

Parcel No. 1

Lot 1, of Section 10, Township 1 South, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT that part thereof, if any, lying within the West 40 acres of Lots 1 and 2;

EXCEPT the North half of said Lot 1;

EXCEPT one-half of all minerals as reserved in Deed recorded as Docket 1562 Page 355;

EXCEPT that portion conveyed to the City of Phoenix, a municipal corporation by Quit-Claim Deed recorded May 17, 2007, as Document No. 2007-0575240.

Parcel No. 2

The West 40 acres of Government Lots 1 and 2 (sometimes known as the South half of the Southeast quarter) of Section 10, Township 1 South, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT one-half of all minerals as reserved in Deed recorded as Docket 1562 Page 355.
Laveen Village Planning Committee
Meeting Date: December 12, 2022

Planning Commission Hearing Date: January 5, 2023

Request From: R1-18 (Single-Family Residence) (36.64 acres) and R1-8 (Single-Family Residence) (19.35 acres)

Request To: R1-18 Hillside DNS/WVR (Single-Family Residence, Hillside Density Waiver) (58.99 acres)

Proposed Use: Single-family residential with a hillside density waiver

Location: Northwest corner of 35th Avenue and Carver Road

Owner/Applicant: Virtua 35th, LLC, Felipe Zubia

Representative: Kurt Waldier, Beus Gilbert McGroder, PLLC

Staff Recommendation: Approval, subject to stipulations

<table>
<thead>
<tr>
<th>General Plan Conformity</th>
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</thead>
<tbody>
<tr>
<td><strong>General Plan Land Use Map Designation</strong></td>
</tr>
<tr>
<td>Current: Residential 0 to 1 dwelling units per acre, Residential 3.5 to 5 dwelling units per acre and Parks/Open Space – Future 1 dwelling unit per acre</td>
</tr>
<tr>
<td>Proposed (GPA-LV-2-22-8): Residential 1 to 2 dwelling units per acre</td>
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<tr>
<td>Staff Recommended (GPA-LV-2-22-8): Residential 1 to 2 dwelling units per acre and Mixed Use (Parks/Open Space – Future 1 dwelling unit per acre/Residential 1 to 2 dwelling units per acre)</td>
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</table>
CELEBRATE OUR DIVERSE COMMUNITIES & NEIGHBORHOODS CORE VALUE; CERTAINTY & CHARACTER; DESIGN PRINCIPLE: Promote neighborhood identity through planning that reinforces the existing landscaping and character of the area. Each new development should contribute to the character identified for the village.

As stipulated, the development will promote neighborhood identity by incorporating density and building height limitations, landscape enhancements, and large perimeter lots, among other enhancements. These will also promote the agrarian character of the area and vision of the Laveen Southwest Growth Study.

CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.

The proposal for a single-family detached residential community would allow development of a housing product that is consistent with other single-family uses in the area. As stipulated, the development will incorporate wide perimeter lots, enhanced landscaping and height restrictions, which will also help to provide a transition from the proposed development to adjacent residential properties and to respect local conditions.

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 will be required to provide shade along the adjacent public sidewalks and pedestrian pathways located within or adjacent to development. This will help to encourage walking and to mitigate the urban heat island effect by covering hard surfaces, thus cooling the micro-climate around the project vicinity. Furthermore, a large portion of the site will remain undeveloped open space.
Applicable Plans, Overlays, and Initiatives

**Laveen Southwest Growth Study**: See Background Item No. 4.

**Tree and Shade Master Plan**: See Background Item No. 10.

**Complete Streets Guidelines**: See Background Item No. 11.

**Monarch Butterfly**: See Background Item No. 12.

**Zero Waste PHX**: See Background Item No. 13.

**Housing Phoenix**: See Background Item No. 14.

Surrounding Land Uses and Zoning

<table>
<thead>
<tr>
<th>Location</th>
<th>Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>On Site</td>
<td>Vacant</td>
<td>R1-8 and R1-18</td>
</tr>
<tr>
<td>North</td>
<td>Single-family residential and vacant</td>
<td>R1-18 and S-1</td>
</tr>
<tr>
<td>South</td>
<td>Vacant</td>
<td>R1-18</td>
</tr>
<tr>
<td>East (across 35th Avenue and Carver Road)</td>
<td>Agricultural and large-lot single-family residential</td>
<td>RE-35 and R1-18 RUPD (Unincorporated Maricopa County)</td>
</tr>
<tr>
<td>West</td>
<td>Single-family residential and vacant</td>
<td>RU-43 (Unincorporated Maricopa County)</td>
</tr>
</tbody>
</table>

R1-18 Hillside DNS/WVR – Single-Family Residential, Hillside Density Waiver (Planned Residential Development Option)

<table>
<thead>
<tr>
<th>Standards</th>
<th>Requirements</th>
<th>Provisions on the proposed site plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Acreage</td>
<td>-</td>
<td>58.99 acres</td>
</tr>
<tr>
<td>Total Maximum Number of Units</td>
<td>121 units, up to 138 with bonus</td>
<td>65 units (Met)</td>
</tr>
<tr>
<td>Maximum Density</td>
<td>2.05 dwelling units per acre, up to 2.34 with bonus</td>
<td>1.10 dwelling units per acre</td>
</tr>
</tbody>
</table>
Standards | Requirements | Provisions on the proposed site plan
---|---|---
Minimum Lot Width | None | 50 feet (Met)
Minimum Lot Depth | None | 110 feet (Met)
Maximum Building Height | 2 stories and 30 feet | Not specified**
Maximum Lot Coverage | 25 percent, up to 30 percent including attached shade structures | Not specified*

**MINIMUM BUILDING SETBACKS**

Perimeter Streets: (35th Avenue and Carver Road) | 20 feet | 35th Avenue: 80 feet (Met)
Carver Road: 50 feet (Met)
Interior Perimeter Property Lines: (Side and Rear) | 15 feet | Not specified*

**MINIMUM LANDSCAPE SETBACKS AND STANDARDS**

Adjacent to street (35th Avenue and Carver Road) | 20 feet | 35th Avenue: 80 feet (Met)
Carver Road: 50 feet (Met)
Minimum Common Area | 5% of gross site area | 63.4% (Met)

*Variance or site plan revision required.
**Staff recommends Stipulation No. 5 to limit the maximum building height in the development to one story and 20 feet within 100 feet of a perimeter street or two stories and 30 feet, depending on the location of the lot.

**Background/Issues/Analysis**

**SUBJECT SITE**

1. This request is to rezone 58.99 acres located at the northwest corner of 35th Avenue and Carver Road from R1-18 (Single-Family Residence) and R1-8 (Single-Family Residence) to R1-18 Hillside DNS/WVR (Single-Family Residence, Hillside Density Waiver) for single-family residential.
SURROUNDING LAND USES AND ZONING

2. The surrounding area contains a variety of agricultural and residential zoning districts including S-1 (Ranch or Farm Residence), RE-35 (Single-Family Residence), and R1-18 (Single-Family Residence). Properties north of the site are zoned S-1 and R1-18. A similar residential subdivision is located along the northern most property line.

The property south of the site is zoned R1-18, approved for a similar residential subdivision.

Southeast of the site, across Carver Road, is vacant land zoned RE-35. West, across 35th Avenue is vacant land located in Unincorporated Maricopa County and zoned R1-18 RUPD.

West of the site is land zoned RU-43 located in Unincorporated Maricopa County.

GENERAL PLAN LAND USE MAP DESIGNATIONS

3. The General Plan Land Use Map designation for the subject site is Residential 0 to 1 dwelling units per acre, Residential 3.5 to 5 dwelling units per acre, and Parks/Open Space – Future 1 dwelling unit per acre which is not consistent with the proposed R1-18 Hillside DNS/WVR zoning district. Thus, a concurrent Minor General Plan Amendment case GPA-LV-2-22-8 proposes to change the land use map designation to Residential 1 to 2 dwelling units per acre.
units per acre. However, staff recommends a land use map designation of Residential 1 to 2 dwelling units per acre / Mixed Use (Residential 0 to 1 TO 2 dwelling units per acre and Parks/Open Space – Future 1 dwelling unit per acre). North, south, and west of the site is designated as Residential 1 to 2 dwelling units per acre and Parks/Open Space – Future 1 dwelling units per acre. East of the site is designated Residential 0 to 1 dwelling units per acre.

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. It provides a land use and design planning framework to help shape the growth in Laveen, 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 as Residential 0 to 1 dwelling units per acre, thus not consistent with the Laveen Southwest Growth Study Land Use Plan.

   However, the proposal is consistent with development patterns in the area and as stipulated, incorporates several elements from the study to promote the character of the area.

**PROPOSAL**

5. The proposal is to develop a 65-lot, single-family detached residential subdivision with a street access point along 35th Avenue. A density of 1.10 dwelling units per acre is depicted in the proposed site plan, which also depicts a variety of lot widths ranging from 50 feet to 80 feet in width.
Conformance to the conceptual site plan provided by the applicant is not recommended by staff given that a technical hillside review is required for the hillside portion of the site at the time of site plan review in accordance with Section 710 of the Zoning Ordinance. However, staff recommends several stipulations to ensure that:

- The number of lots is limited to a maximum of 65 lots (Stipulation No. 1);
- A minimum lot size of 6,000 square feet in size (Stipulation No. 2);
- A minimum side building setback of 3 feet and 13 feet total for both sides (Stipulation No. 3);
- No access shall be provided along 39th Avenue (Stipulation No. 4);
- Building heights do not exceed 2 stories and 30 feet, except structures within 100 feet from perimeter streets shall not exceed 1 story and 20 feet (Stipulation No. 5);
- Eighty-foot-wide perimeter lots are provided along the south and east (Stipulation No. 6);
- Eighty-foot-wide landscape setback is provided along 35th Avenue (Stipulation No. 7);
- Fifty-foot-wide landscape setback is provided along Carver Road (Stipulation No. 8); and
A minimum of three usable or improved open space areas are provided within the development for future resident use (Stipulation No. 13).

6. No conceptual building elevations were submitted by the applicant, but renderings of housing design elements envisioned on this site were submitted. These renderings depict a variety of architectural styles, with various colors and textures proposed. These renderings also show one and two-story housing products.

Staff does not recommend conformance to these building renderings, as details of building materials and other design elements were not included. However, staff recommends that all lots, including 80-foot-wide lots, be subject to the Single-Family Design Review standards outlined in Section 507 Tab.A. II. of the Zoning Ordinance to ensure that various elements are included in the building elevations. Furthermore, staff recommends that the Planning Hearing Officer review and administratively approve the building elevations prior to final site plan approval, to ensure that various materials, colors, and textures are incorporated into the building elevations. These are addressed in Stipulation Nos. 12 and 13.

HILLSIDE REQUIREMENTS
7. Properties (or portions thereof) that have a slope of 10 percent or greater are subject to the Hillside Development standards outlined in Section 710 of the Phoenix Zoning Ordinance. These regulations are intended to preserve the visual integrity and character of hillside areas, while allowing reasonable development which is both safe and functional.

A significant portion of the property (approximately 38 acres) is designated as a hillside area, which has more restrictive density limitations than non-hillside portions of the site. Although, the R1-18 zoning district allows a density of 2.05 dwelling units per acre, up to 2.34 units per acre with bonus points, the hillside requirements would limit the density to a range of 0.20 to 1.80 dwelling units per acre depending on the slope of the terrain.
The proposal involves a request to waive the density requirements on the hillside portion of the site to allow an additional 8 lots for a total of 65 lots or 1.10 dwelling units per acre. Without a Hillside Density Waiver, approximately 57 lots would be permitted on the entire site.

Approved 2019 Slope Analysis, Source: Clouse Engineering Inc.

Waivers to the density provisions may be requested and considered by the Planning Commission and City Council where such waivers would be in furtherance of the purposes of the Hillside Ordinance and where there exist unusual conditions relating to the property such as drainage or flood hazards, peculiarity of the size or shape of the site, or geology, and where approval of the waivers would promote the general welfare of the neighborhood.

Upon review of the application materials, staff finds that a hillside density waiver is appropriate on this site given that a significant portion of the site is undisturbed hillside area, which the applicant proposes to protect. Furthermore, the applicant proposes to shift the additional lots requested via the Hillside Density Waiver from the higher slopes to the lower slopes of the property to protect the integrity of the area, including views to the mountain from adjacent properties.

Additionally, staff recommends Stipulation No. 15 to require that a minimum of 37 acres be maintained as undeveloped open space to provide an additional protection and ensure that a large portion of the hillside will remain undisturbed. A technical review of the site plan will be required to address Hillside requirements including those in Zoning Ordinance Section 507.Tab. A., Section 710 and Section 32-32 of
the City Code during the Site Plan review process.

8. Staff recommends various perimeter enhancements such as larger trees, entryway landscaping and paving to provide screening of this development and keep the natural feel of the area. Entryway enhancements help accentuate the entry to the development along 35th Avenue, a Scenic Arterial Street. These are addressed in Stipulation Nos. 9 and 11.

9. The conceptual site plan also depicts various open space areas distributed throughout the development for future residents to enjoy. Staff is recommending Stipulation Nos. 14 and 16 to ensure that a minimum of three usable open space areas are provided in the development, in addition to a minimum of four amenities, which will promote the health of future residents by providing recreational opportunities, allowing the enjoyment of sunlight, and having a communal space that enables social interactions.

STUDIES AND POLICIES

10. **Tree and Shade Master Plan**

The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City’s planning and development process. Sidewalks on the street frontages should be detached from the curbs to allow trees to be planted on both sides of the sidewalk to provide thermal comfort for pedestrians and to reduce the urban heat island effect. Staff is recommending several stipulations designed to provide trees and enhance shade within the development.

Staff is recommending stipulations for enhanced landscaping and shaded sidewalks along the perimeter property lines as follows:

- Sixty-percent two-inch caliper and 40-percent three-inch caliper trees within the required landscape setbacks (Stipulation No. 9);
- Shaded detached sidewalks along internal streets via minimum 2-inch caliper trees planted between the back of curb and sidewalk (Stipulation No. 19);

The sidewalk along 35th Avenue is required to be detached as permitted by the Maricopa County Department of Transportation (MCDOT) per Stipulation No. 20, and is encouraged to be shaded per MCDOT requirements.

11. **Complete Streets Guidelines**

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. This development will help to pedestrianize 35th Avenue and internal streets by providing shaded detached sidewalks and providing a pedestrian connection to 35th Avenue via the primary entrance and another to Carver Road. Furthermore, the development immediately south of the subject site is required to provide a connection to this proposed development. Staff recommends that the developers of both projects coordinate the street connection to allow vehicles and pedestrians to connect between both projects.

This development will also be constructing a multi-use trail plus dedicating a multi-use trail easement along 35th Avenue and Carver Road to promote recreation in the area. This development will construct a segment of an existing trail alignment that will help to link other parts of the Laveen Village in the future.

All of the above elements are addressed in Stipulation Nos. 17 through 21.

12. **Monarch Butterfly**
   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. 10 addresses the planting of milkweed shrubs, or other native nectar plant species, on the subject site.

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 City of Phoenix offers recycling containers on residential properties.

14. **Housing Phoenix**
   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 contributing to a variety housing types that will address the supply shortage at a more rapid pace while using vacant land in a more sustainable fashion.

Stipulation No. 1 would allow the developer to construct up to 65 single-family detached homes. If this development is approved, it would allow further diversity in housing products within the area and new housing choice for existing and new residents.

COMMUNITY INPUT SUMMARY
15. To date, staff has received 8 letters of support on this project from community members. The letters of support reference the proposed density and open space, plus voluntary deed restrictions as a positive aspect of this development.

INTERDEPARTMENTAL COMMENTS
16. The Street Transportation Department provided comments pertaining to detached sidewalks along 35th Avenue, as allowed per MCDOT. Other comments provided pertained to adjacent right-of-way dedication and street improvements along 35th Avenue and Carver Road as required per MCDOT, given that these roadways are under MCDOT control. These are addressed in Stipulation Nos. 19, and 22 through 25, which also include general street requirements.

17. The Fire Department indicated there are no problems anticipated with the case and that the site and/or buildings shall comply with the 2018 International Fire Code with Phoenix Amendments. Further, the Department commented that they do not know the water supply at this site and noted that additional water supply may be required to meet the required fire flow per the Fire Code.

18. The Water Services Departments commented that water and sewer main extensions will be required for this developed. Furthermore, capacity is a dynamic condition that can change over time due to a variety of factors. The City intends to provide water and sewer service, requirements and assurances for which are determined during the site plan review process. For any given property, water and sewer requirements may vary over time to be less or more restrictive depending on the status of the City’s water and sewer infrastructure.

19. The Floodplain Management division of the Public Works Department and the Public Transit Department did not have any comments on this case.
OTHER

20. The subject site is within close proximity to properties used for agricultural uses and active aviation uses within the Hanger Haciendas subdivisions located approximately 2,300 feet east of the site in Maricopa County, thus potentially leading to dust, odors, noise or other impacts to future residential uses on the site. Stipulation Nos. 24 and 25 would require disclosure of the existence and operational characteristics of both agricultural and active aviation uses to purchasers of property and tenants within the development.

21. The Aviation Department requires that the property owner record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of City of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. This is addressed in Stipulation Nos. 28.

22. The site is located in a larger area identified as being archaeologically sensitive. If further review by the City of Phoenix Archaeology Office determines the site and immediate area to be archaeologically sensitive, and if no previous archaeological projects have been conducted within this project area, it is recommended that archaeological Phase I data testing of this area be conducted. Phase II archaeological data recovery excavations may be necessary based upon the results of the testing. A qualified archaeologist must make this determination in consultation with the City of Phoenix Archaeologist. In the event archaeological materials are encountered during construction, all ground disturbing activities must cease within a 33-foot radius 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 Nos. 29 through 31.

23. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 121131 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. 32.

24. The developer shall provide a hydraulic/hydrologic analysis of offsite storm water flows, when present, at the time of preliminary site plan submittal for verification of required infrastructure regarding lot space and density.

25. 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. This proposed development is consistent with the staff recommended General Plan Land Use map designation requested with concurrent case GPA-LV-2-22-8.

2. As stipulated, the proposed development will promote the preservation of a large portion of the site as undisturbed hillside area, while allowing new housing options primarily in the disturbed portions of the site along lower slopes.

3. As stipulated, the proposed development will promote the identity of the area by providing large perimeter lots, wide street landscape setbacks, and limiting building height along perimeter streets.

Stipulations

1. The development shall not exceed 65 lots.

2. Each individual lot shall be a minimum of 6,000 square feet in size.

3. A minimum side yard building setback, except along streets, of 3 feet and 13 feet combined for both sides shall be provided.

4. There shall be no vehicular access to the development along the 39th Avenue alignment.

5. The maximum building height shall not exceed 2 stories and 30 feet, except that buildings located on lots within 100 feet of 35th Avenue and Carver Road shall not exceed a height of 1 story and 20 feet.

6. Lots within 100 feet of 35th Avenue and Carver Road shall maintain a minimum lot width of 80 feet.

7. A minimum 80-foot-wide landscape setback shall be provided along 35th Avenue.

8. A minimum 50-foot-wide landscape setback shall be provided along Carver Road.

9. The required landscape setbacks shall be planted with minimum 60-percent 2-inch caliper and 40-percent 3-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree, as approved by the Planning and Development Department. Where utility conflicts exist, the
developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

10. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.

11. The primary vehicular entrance to the development shall include the following elements, as approved by the Planning and Development Department:

   a. Pedestrian pathways connecting the interior of the development to the public sidewalks along both sides of the vehicular driveway.

   b. The pedestrian pathways shall be detached from the vehicular driveway and lined with landscape areas on both sides of not less than 5 feet in width. The landscape area shall be planted with drought-tolerant plant materials providing seasonal interest and 75 percent live coverage at maturity.

   c. A mix of ornamental trees, shrubs (no less than five five-gallon shrubs per tree) and/or flower beds that will provide a variety of texture and color throughout the year and 75 percent live cover, shall be provided along both sides of the entryway and within a landscaped median of no less than 5 feet in width.

   d. The entry driveway surface shall be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces, as approved by the Planning and Development Department.

12. The conceptual elevations shall be administratively approved by the Planning Hearing Officer prior to Planning and Development Department final site plan approval with specific regard to the below elements. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Planning and Development Department.

   a. The primary building material shall not exceed 75 percent of all front elevations.

   b. Each home will include two alternative building materials in addition to the primary building material for architectural elevations, plus garage enhancements such as window panels, color, added materials surrounding door, and trellises.
13. All homes within the development shall be subject to Single-Family Design Review, as approved by the Planning and Development Department.

14. A minimum of three usable open space areas of 6,000 square feet each shall be provided and dispersed throughout the development, as approved by the Planning and Development Department.

15. A minimum of 37 acres shall remain undeveloped open space.

16. A minimum of four amenities shall be provided such as a tot lot, ramada, or similar elements, as approved by the Planning and Development Department.

17. A minimum of one pedestrian pathway shall be provided from the development to Carver Road, as approved by the Planning and Development Department.

18. Pedestrian and vehicular access shall be provided from this development to the future development on the adjacent property to the south, as approved or modified by the Planning and Development Department.

19. All sidewalks within the development shall be detached with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum 2-inch caliper single-trunk shade trees planted at a rate of one tree per lot or a minimum of 20 feet on center, or in equivalent groupings where adjacent to open space areas, as modified and approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

20. The developer shall construct a detached sidewalk along 35th Avenue as approved and required by Maricopa County Department of Transportation.

21. The developer shall dedicate a 30-foot-wide multi-use trail easement (MUTE) along the west side of 35th Avenue and along the north side of Carver Road 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.

22. The developer shall dedicate right-of-way and construct improvements along the west side of 35th Avenue as required and approved by Maricopa County Department of Transportation (MCDOT). The developer shall provide verification of MCDOT review and approval to the City of Phoenix Street Transportation Department prior to preliminary site plan submittal.
23. The developer shall dedicate right-of-way and construct improvements along the north side of Carver Road as required and approved by MCDOT. The developer shall provide verification of MCDOT review and approval to the City of Phoenix Street Transportation Department prior to preliminary site plan submittal.

24. The developer shall dedicate additional right-of-way and provide improvements to the 35th Avenue and Carver Road intersection as per the geometric design approved by the Maricopa County Department of Transportation (MCDOT). The developer shall provide verification of MCDOT review and approval to the City of Phoenix Street Transportation Department prior to preliminary site plan submittal. The design will need to provide access to 35th Avenue south of Carver Road, and Carver Road east of 35th Avenue.

25. 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.

26. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development the existence and operational characteristics of agricultural uses. These documents must advise purchasers that, under Section 3-112(E), Arizona Revised Statutes, the City of Phoenix may not declare an agricultural operation conducted on farmland to be a nuisance if the agricultural use is lawful, customary, reasonable, safe and necessary to the agriculture industry. The form and content of such documents shall be reviewed and approved by the City prior to recordation.

27. Prior to final site plan approval, the property owner shall record documents that disclose to tenants of the site or purchasers of property within the site, the existence, proximity, and operational characteristics of active aviation uses in the Hangar Haciendas Units One, Two, and Three subdivisions located approximately 2,300 feet to the east of the subject property in Maricopa County. The form and content of such documents shall be reviewed and approved by the City prior to recordation.

28. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
29. If determined necessary by the Phoenix Archeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.

30. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.

31. In the event archeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archeologist, and allow time for the Archeology Office to properly assess the materials.

32. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims forms. 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**
Enrique Bojórquez Gaxiola
December 9, 2022

**Team Leader**
Racelle Escolar

**Exhibits**
Zoning sketch map
Aerial sketch map
Conceptual Site Plan date stamped November 10, 2022
Conceptual Building Renderings date stamped November 10, 2022
Community Correspondence (8 pages)
APPLICATION NO. Z-55-22

APPLICANT'S NAME: Virtua 35th LLC/Felipe Zubia

DATE: 8/4/2022

REQUESTED CHANGE:
FROM: R1-18 (39.64 a.c.) R1-8 (19.35 a.c.)
TO: R1-18 Hillside DNS/WVR (58.99 a.c.)

MULTIPLES PERMITTED
R1-18, R1-8
R1-18 Hillside DNS/WVR

GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.
58.99 Acres

CONVENTIONAL OPTION
77, 83
115

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

* UNITS P.R.D. OPTION
93, 106
138

ZONING MAP QS 04-20 C-6

AERIAL PHOTO & QUARTER SEC. NO.

11/21/2022

DOCUMENT PATH: S:\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\sketch\maps\\2022\Z-55-22.mxd

Page 309
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CONVENTIONAL OPTION

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* UNITS P.R.D. OPTION

93, 106

138

* Maximum Units Allowed with P.R.D. Bonus
Carver Canyon
Examples of Southwest Contemporary Architecture

Inspired by traditional southwest designs of ranch, prairie, pueblo and Spanish styles in a present day interpretation.

Strong massing and geometry free of arches

Muted colors and textures echo the natural environment

Understated elegance without the superfluous ornamentation.

Varied roof systems and massing to avoid a monolithic appearance.

Images are representations of design elements of the Southwest Contemporary vernacular, not actual homes to be built at Carver Canyon.
LVPC Members and Planning Staff,

I have been significantly involved in opposing every iteration of this case since 2007 when incompatible high density GPA and zoning cases were unfortunately approved despite the large outpouring of community opposition. Density has always been the #1 issue. Finally, the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

The General Plan reduction from 3.5 to 5 du/a to 1-2 du/a is finally compatible with the area. The zoning case for all 60-acres at R1-18 with 65 lots for an overall density of 1.11 du/a is finally compatible with this area. Again, the General Plan designation and Zoning densities have always been the issue.

The applicant’s plan includes other elements, in addition to the GPA and zoning, that are beneficial to the area:

- They are combining the 20 and 40-acre portions into a single parcel and site plan with one zoning level of R1-18
- They designated a large area that is most visible to our neighborhood, as open space.
- They are creating a deed restriction on the entire 60-acres that runs with the land in perpetuity to cap total lots at 65 and preserve the large designated open space.

Therefore, I support these cases. I respectfully request that the LVPC support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Best regards,

Donis and Frank Canisales, Jr
Frank and Esperanza Canisales, Sr
Francisco, III and becca canisales
Sent from my iPhone
LVPC Members and Planning Staff,

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Best regards,

Cyd Manning
3220 W. Ceton Drive
480-747-0769
sweetbeat@q.com
cyd.manning@honeywell.com
LVPC Members and Planning Staff,

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Best regards,
David Baker
11908 S 41st Ave
Laveen Az 85339

David Baker
Keller Williams Realty Phoenix
Cell: 602.373.6345
E-mail: david@beinPhoenix.com
Visit my websites at
http://www.LaveenRealEstate.co [laveenrealestate.co]
http://www.CasasLaveen.com [casaslaveen.com]
http://www.Laveenhomesforsale.net [laveenhomesforsale.net]
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Donna Snow
6806 W Desert Lane
Laveen, AZ 8539
LVPC Members and Planning Staff,

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John Knight
VP Integrated Solutions
P: (602) 237-4915
C: (602) 549-1885
E: john.knight@aircomm.com
W: www.aircomm.com [aircomm.com]
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Sincerely,
Steven Dougherty
11222 S 39th LN Laveen AZ 85339
Steven@StevenDougherty.com
480-430-6130 Cell

CONFIDENTIALITY NOTICE - This e-mail transmission and any documents, files or previous e-mail messages attached to it may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read or play this transmission and that any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify the sender by telephone or return e-mail and delete the original transmission and its attachments without reading, forwarding, saving or re-
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Best regards,

Suzanne Kingston
11820 S. 38th Ave.
Laveen, AZ  85339
LVPC Members and Planning Staff,

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Best regards,
Tom Kingston
11820 S. 38th Ave. Laveen
Village Planning Committee Meeting Summary
Z-55-22-8

Date of VPC Meeting: December 12, 2022
Request From: R1-18 and R1-8
Request To: R1-18 Hillside DNS/WVR
Proposed Use: Single-family residential with a hillside density waiver
Location: Northwest corner of 35th Avenue and Carver Road
VPC Recommendation: Approval, per the staff recommendation with a modification
VPC Vote: 9-0

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Item No. 7 (GPA-LV-2-22-8) and Item No. 8 (Z-55-22-8) are companion cases and were heard together.

3 members of the public registered to speak on this item.

STAFF PRESENTATION:

Enrique Bojórquez, staff, provided an overview of the rezoning proposal, including the companion minor General Plan Amendment case GPA-LV-2-22-8, describing the location of the requests, the existing and proposed zoning districts and land use designations and the proposed use. Mr. Bojórquez explained that staff offers a recommendation in the staff report which differs from the applicant’s request on GPA-LV-2-22-8 and explained the reasons for this. Mr. Bojórquez discussed the zoning history on the property, including an active PHO case and a rezoning case which was withdrawn. Mr. Bojórquez reviewed the surrounding zoning districts and land uses and described the proposed site plan plus building elevations. Mr. Bojórquez listed several policy plans and described how these are furthered by this proposal. Mr. Bojórquez stated that staff has received 17 letters in support and none in opposition regarding these requests. Mr. Bojórquez provided staff findings, followed by the staff recommendation of approval on each case, and discussed the stipulations as presented in the staff report for case Z-55-22-8.
APPLICANT PRESENTATION:

**Paul Gilbert**, representing the applicant with Beus Gilbert McGroder PLLC, introduced himself and the single-family residential project. Mr. Gilbert stated that this project has gathered significant support from neighbors after years of deliberation. Mr. Gilbert discussed the location of the site, surrounding zoning districts, and land use map designations. Mr. Gilbert is not necessarily opposed to the staff recommendation outlined in the staff report for case GPA-LV-2-22-8. Mr. Gilbert has agreed to provide a deed restriction on the hillside portion of the site which is controlled by the neighbors. Mr. Gilbert discussed the proposed site plan, open space, and requested hillside density waiver, noting that 5 lots would be partially within the hillside portion of the site. Mr. Gilbert requested a recommendation of approval on both cases.

QUESTIONS FROM COMMITTEE:

**Chair Glass** applauds the efforts from the neighbors over many years and appreciates the compromise reached with the applicant.

PUBLIC COMMENTS:

**Cyd Manning** introduced herself and stated that she would be impacted by this development. Ms. Manning supports approving both cases as proposed by the applicant. Ms. Manning stated that density was an issue since the case was approved in 2007 and remained an issue in 2011 when the City did not execute a zoning reversion. Ms. Manning supports the proposed project now and would prefer a true 1 dwelling unit per acre project, but this is a compromise plan between the applicant and the neighbors. Ms. Manning supports the proposed density reduction, open space, and deed restriction. Ms. Manning thanked the community, Council District 8, Laveen Village Planning Committee, and the applicant. Ms. Manning requested approval of both cases per the staff recommendation.

**Sandy Hamilton** with Laveen Citizens for Responsible Development (LCRD) introduced himself and stated that both cases were heard recently by the LCRD in December of 2022. The LCRD recommends approval of both cases.

**Jon Kimono** stated that this project was well worth the effort and thanked everyone involved. Mr. Kimono supports the reduction from 121 to 65 lots, including wide perimeter lots. Mr. Kimono added that this is the best plan everyone could achieve and supports this project.

**Phil Hertel** stated that the original approval dates back 15 years and was initially approved by a former applicant and Councilman for the area. Ms. Manning has been very involved every step of the way, including many others. Mr. Hertel thanked Mr. Gilbert for his commitment, congratulated the applicant and thanked everyone involved.

**Dan Penton** stated that the community has legal binding interest on the property now and this is now a monument case. Mr. Penton suggested that the City should use this as a model to preserve open space and develop a similar site. Mr. Penton added that the quality of life will be greatly improved now as the community did not give up at the City’s negation to revert the approved zoning on the site. Mr. Penton gives kudos to Ms. Manning and Mr. Gilbert.
APPLICANT RESPONSE:

None.

FLOOR/PUBLIC DISCUSSION CLOSED: COMMITTEE DISCUSSION:

Mr. Ortega congratulated everyone involved and added that the Village needs support from Ms. Manning to avoid single-family developments with 45-foot-wide lots.

Vice Chair Abegg recommended a modification to Stipulation No. 12 to ensure that building elevations include additional building materials. Mr. Gilbert agreed with the stipulation modification but asked for clarification. Vice Chair Abegg responded that the intent is for 25% of the front home elevations to have alternative building materials.

Mr. Gilbert expressed concern with Stipulation No. 24 and wants to ensure that his client does not have to contribute 100 percent of the cost to build a roundabout along 35th Avenue and Carver Road. Mr. Gilbert did not have concerns with the staff recommendation on GPA-LV-2-22-8.

MOTION (Z-55-22-8):

Chair Glass motioned to approve Z-55-22-8 per the staff recommendation with a modification to Stipulation No. 12. Jennifer Rouse seconded the motion.

Approved modification of Stipulation No. 12:

12. The conceptual elevations shall be administratively approved by the Planning Hearing Officer prior to Planning and Development Department final site plan approval with specific regard to the below elements. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Planning and Development Department.

a. The primary building material shall not exceed 75 percent of all front elevations.

b. Each home will include two alternative building materials (in addition to the primary building material for architectural elevations) TO MAKE UP 25% OF THE FRONT ARCHITECTURAL ELEVATIONS, plus garage enhancements such as window panels, color, added materials surrounding doors, and trellises.

VOTE (Z-55-22-8):

9-0; motion to recommend approval of Z-55-22-8 per the staff recommendation with a stipulation modification passes with Committee Members Barraza, Chiarelli, Hurd, Jensen, Ortega, Perrera, Rouse, Abegg and Glass in favor.
STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS

None.
ITEM NO: 6

DISTRICT NO.: 8

SUBJECT:

Application #: Z-55-22-8 (Companion Case GPA-LV-2-22-8)
Location: Northwest corner of 35th Avenue and Carver Road
From: R1-8 and R1-18
To: R1-18 Hillside Density Waive
Acreage: 58.99
Applicant: Felipe Zubia, Virtua 35th, LLC
Owner: Felipe Zubia, Virtua 35th, LLC
Representative: Kurt Waldier, Beus Gilbert McGrider, PLLC

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:
Laveen 12/12/2022 Approval, per the staff recommendation with a modification. Vote: 9-0.

Planning Commission Recommendation: Approval, per the Laveen Village Planning Committee recommendation.

Motion Discussion: N/A

Motion details: Commissioner Perez made a MOTION to approve Z-55-22-8, per the Laveen Village Planning Committee recommendation.

Maker: Perez
Second: Gaynor
Vote: 8-0
Absent: Mangum
Opposition Present: No

Findings:

1. This proposed development is consistent with the staff recommended General Plan Land Use map designation requested with concurrent case GPA-LV-2-22-8.

2. As stipulated, the proposed development will promote the preservation of a large portion of the site as undisturbed hillside area, while allowing new housing options primarily in the disturbed portions of the site along lower slopes.

3. As stipulated, the proposed development will promote the identity of the area by providing large perimeter lots, wide street landscape setbacks, and limiting building height along perimeter streets.
Stipulations:

1. The development shall not exceed 65 lots.

2. Each individual lot shall be a minimum of 6,000 square feet in size.

3. A minimum side yard building setback, except along streets, of 3 feet and 13 feet combined for both sides shall be provided.

4. There shall be no vehicular access to the development along the 39th Avenue alignment.

5. The maximum building height shall not exceed 2 stories and 30 feet, except that buildings located on lots within 100 feet of 35th Avenue and Carver Road shall not exceed a height of 1 story and 20 feet.

6. Lots within 100 feet of 35th Avenue and Carver Road shall maintain a minimum lot width of 80 feet.

7. A minimum 80-foot-wide landscape setback shall be provided along 35th Avenue.

8. A minimum 50-foot-wide landscape setback shall be provided along Carver Road.

9. The required landscape setbacks shall be planted with minimum 60-percent 2-inch caliper and 40-percent 3-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

10. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.

11. The primary vehicular entrance to the development shall include the following elements, as approved by the Planning and Development Department:

   a. Pedestrian pathways connecting the interior of the development to the public sidewalks along both sides of the vehicular driveway.

   b. The pedestrian pathways shall be detached from the vehicular driveway and lined with landscape areas on both sides of not less than 5 feet in width. The landscape area shall be planted with drought-tolerant plant materials providing seasonal interest and 75 percent live coverage at maturity.

   c. A mix of ornamental trees, shrubs (no less than five five-gallon shrubs per tree) and/or flower beds that will provide a variety of texture and color throughout the year and 75 percent live cover, shall be provided along both sides of the entryway and within a landscaped median of no less than 5 feet in width.

   d. The entry driveway surface shall be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces, as approved by the Planning and Development Department.
12. The conceptual elevations shall be administratively approved by the Planning Hearing Officer prior to Planning and Development Department final site plan approval with specific regard to the below elements. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Planning and Development Department.

   a. The primary building material shall not exceed 75 percent of all front elevations.

   b. Each home will include two alternative building materials (in addition to the primary building material for architectural elevations) TO MAKE UP 25% OF THE FRONT ARCHITECTURAL ELEVATIONS, plus garage enhancements such as window panels, color, added materials surrounding doors, and trellises.

13. All homes within the development shall be subject to Single-Family Design Review, as approved by the Planning and Development Department.

14. A minimum of three usable open space areas of 6,000 square feet each shall be provided and dispersed throughout the development, as approved by the Planning and Development Department.

15. A minimum of 37 acres shall remain undeveloped open space.

16. A minimum of four amenities shall be provided such as a tot lot, ramada, or similar elements, as approved by the Planning and Development Department.

17. A minimum of one pedestrian pathway shall be provided from the development to Carver Road, as approved by the Planning and Development Department.

18. Pedestrian and vehicular access shall be provided from this development to the future development on the adjacent property to the south, as approved or modified by the Planning and Development Department.

19. All sidewalks within the development shall be detached with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum 2-inch caliper single-trunk shade trees planted at a rate of one tree per lot or a minimum of 20 feet on center, or in equivalent groupings where adjacent to open space areas, as modified and approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

20. The developer shall construct a detached sidewalk along 35th Avenue as approved and required by Maricopa County Department of Transportation.

21. The developer shall dedicate a 30-foot-wide multi-use trail easement (MUTE) along the west side of 35th Avenue and along the north side of Carver Road 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.

22. The developer shall dedicate right-of-way and construct improvements along the west side of 35th Avenue as required and approved by Maricopa County Department of Transportation (MCDOT). The developer shall provide verification of MCDOT review
and approval to the City of Phoenix Street Transportation Department prior to preliminary site plan submittal.

23. The developer shall dedicate right-of-way and construct improvements along the north side of Carver Road as required and approved by MCDOT. The developer shall provide verification of MCDOT review and approval to the City of Phoenix Street Transportation Department prior to preliminary site plan submittal.

24. The developer shall dedicate additional right-of-way and provide improvements to the 35th Avenue and Carver Road intersection as per the geometric design approved by the Maricopa County Department of Transportation (MCDOT). The developer shall provide verification of MCDOT review and approval to the City of Phoenix Street Transportation Department prior to preliminary site plan submittal. The design will need to provide access to 35th Avenue south of Carver Road, and Carver Road east of 35th Avenue.

25. 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.

26. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development the existence and operational characteristics of agricultural uses. These documents must advise purchasers that, under Section 3-112(E), Arizona Revised Statutes, the City of Phoenix may not declare an agricultural operation conducted on farmland to be a nuisance if the agricultural use is lawful, customary, reasonable, safe and necessary to the agriculture industry. The form and content of such documents shall be reviewed and approved by the City prior to recordation.

27. Prior to final site plan approval, the property owner shall record documents that disclose to tenants of the site or purchasers of property within the site, the existence, proximity, and operational characteristics of active aviation uses in the Hangar Haciendas Units One, Two, and Three subdivisions located approximately 2,300 feet to the east of the subject property in Maricopa County. The form and content of such documents shall be reviewed and approved by the City prior to recordation.

28. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

29. If determined necessary by the Phoenix Archeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.

30. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.
31. In the event archeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archeologist, and allow time for the Archeology Office to properly assess the materials.

32. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims forms. 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.

This publication can be made available in alternate format upon request. Please contact Angie Holdsworth at (602) 329-5065, TTY use 7-1-1.
LVPC Members and Planning Staff,

I’m writing regarding the Carver Canyon case that you will be before you on Monday, Dec. 12. I have been consistently opposed to every iteration of this case for the past 4 years due to incompatible high density GPA and zoning.

Unfortunately, I will not be able to attend this meeting Monday night so I am writing a letter to support this plan presented in cases GPA-LV-2-22-8 and Z-55-22.

While the plan presented is not ideal, still lacking the 1-acre lots that are a staple of this area, overall density and the GPA designation have always been the top issues with this property.

The General Plan reduction from 3.5 to 5 du/a to 1-2 du/a is finally compatible with the area. The zoning case for all 60-acres at R1-18 with 65 lots for an overall density of 1.11 du/a is finally compatible with this area. Again, the General Plan designation and Zoning densities have always been the issue.

The applicant’s plan includes other elements, in addition to the GPA and zoning, that are beneficial to the area:

- They are combining the 20 and 40-acre portions into a single parcel and site plan with one zoning level of R1-18
- They designated a large area that is most visible to our neighborhood, as open space.
- They are creating a deed restriction on the entire 60-acres that runs with the land in perpetuity to cap total lots at 65 and preserve the large designated open space.

With the unique circumstances of this case, specifically the city of Phoenix neglecting their duty to revert the zoning to S1 as stipulated in the originally approved plan, I think this is the best possible outcome for this case and appreciate the applicant listening to and cooperating with the community to come up with this compromise.

I believe it is appropriate that the LVPC support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Thank you,

Bret Burchard
11244 S 35th Ave
Dear Mr. Bojorquez,

I have attended many meetings and expressed myself numerous times regarding the quarry case at 35th Ave and Carver. While my ultimate wish would have been to keep development to one home per acre, I believe that proposals being considered are the best resolution the development and the community will achieve. I appreciate the compromises made by the developer. I am in favor of agenda items 7 and 8 that will be considered at the 12/12/22 Laveen Village Planning Committee meeting. I will attend the meeting and registered my position in favor of the items, and am donating my speaking time to Cyd Manning. Feel free to reach out to me for any questions you may have.

Sincerely,

Elizabeth Banta
3938 W Kayenta Trail
Laveen, AZ 85339
Hello and good afternoon. We are residents of this area and wanted to ensure you note our support for this final validation.

Total 60 acres would be a GPA of 1-2 du/a and R1-18 zoning. The site plan of 65 homes is OK, but the GPA and zoning.

We hope to be in Virtual Attendance, but if not, please include myself and Dr. Dean Gordon Fairchild, who lives at this address as well.

Greatly appreciated.

John Knight  
VP Integrated Solutions  
P: (602) 237-4915  
C: (602) 549-1885  
E: john.knight@aircomm.com  
W: www.aircomm.com [aircomm.com]
LVPC Members and Planning Staff,

I have been involved in opposing every iteration of this case for some time. Incompatible high density GPA and zoning cases were unfortunately approved despite the large outpouring of community opposition. Density has always been the #1 issue for me and my neighbors. Finally, the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

The General Plan reduction from 3.5 to 5 du/a to 1-2 du/a is finally compatible with the area. The zoning case for all 60-acres at R1-18 with 65 lots for an overall density of 1.11 du/a is finally compatible with this area. Again, the General Plan designation and Zoning densities have always been the issue.

The applicant’s plan includes other elements, in addition to the GPA and zoning, that are beneficial to the area:

- They are combining the 20 and 40-acre portions into a single parcel and site plan with one zoning level of R1-18
- They designated a large area that is most visible to our neighborhood, as open space.
- They are creating a deed restriction on the entire 60-acres that runs with the land in perpetuity to cap total lots at 65 and preserve the large designated open space.

Therefore, I support these cases. I respectfully request that the LVPC support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Thank you,

Lisa K. Pike
Laura A Murphy
4824 West Estrella Drive
Laveen, Arizona 85339

Thank you,

Laura A Murphy
Controller
LVPC Members and Planning Staff,

I have been an active member of the core team over the past two years and have worked with the community, applicant, attended LVPC meeting to speak along with speaking at the Planning Commission. Density has always been the #1 issue. **Finally,** the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

The General Plan reduction from 3.5 to 5 du/a to 1-2 du/a is finally compatible with the area. The zoning case for all 60-acres at R1-18 with 65 lots for an overall density of 1.11 du/a is finally compatible with this area. Again, the General Plan designation and Zoning densities have always been the issue.

The applicant’s plan includes other elements, in addition to the GPA and zoning, that are beneficial to the area:

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- They designated a large area that is most visible to our neighborhood, as open space.
- They are creating a deed restriction on the entire 60-acres that runs with the land in perpetuity to cap total lots at 65 and preserve the large designated open space.

Therefore, I support these cases. I respectfully request that the LVPC support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Best regards,

Lisa Vializ
8921 S. 53rd Dr
Laveen, AZ 85339

And Property located at 32nd Ave and Ceton
Good morning,

I am in support of these two cases. This has been a long process to get the zoning and applicants plan to what it is today. I appreciate the applicant working with the community and making compromises to make the future development fit in with the current development as much as possible. I also appreciate the applicant adding a deed restriction for the max amount of houses allowed on the property.

Nicole Glasgow
3717 W Carver Rd
Laveen, AZ 85339
Dear LVPC Members and Planning Staff,

I am writing regarding the "quarry case" at 35th Ave and Carver Road. I am in favor of GPA-LV-2-22-8 and Z-55-22 being presented at the LVPC meeting on 12/12/22.

Sincerely,
Paul Banta
3938 W Kayenta Trail
Laveen, AZ 85339
LVPC Members and Planning Staff,

I have been opposing every iteration of this case since 2007 when incompatible high density GPA and zoning cases were unfortunately approved despite the large outpouring of community opposition. Density has always been the #1 issue. Finally, the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

The General Plan reduction from 3.5 to 5 du/a to 1-2 du/a is finally compatible with the area. The zoning case for all 60-acres at R1-18 with 65 lots for an overall density of 1.11 du/a is now compatible with this area. Again, the General Plan designation and Zoning densities have always been the issue.

The applicant’s plan includes other elements, in addition to the GPA and zoning, that are beneficial to the area:

- They are combining the 20 and 40-acre portions into a single parcel and site plan with one zoning level of R1-18
- They designated a large area that is most visible to our neighborhood, as open space.
- They are creating a deed restriction on the entire 60-acres that runs with the land in perpetuity to cap total lots at 65 and preserve the large designated open space.

Therefore, I support these cases. I respectfully request that the LVPC support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Yours truly,

Roger D. McCully
9015 S. 53rd Drive
Laveen, AZ 85339
Dear Mr. Borjorquez,

I wish to register that I am in support of Cases-Z-55-22 & GPA-LV-2-22-8 because:

1. Zoning reduction from R1-8 to R1-18 for the entire 60 acres for an overall density of 1.11 du/a. The total lot count on the entire 60 acres is down from 121 to now 65 with the latest site plan.
2. General Plan (GPA) reduction from 3.5-5 du/a down to 1-2 du/a to match the down-zoning. This is very important because if the General Plan is not changed to match the zoning, it allows a developer to easily come with a zoning change to increase their number of lots to match the General Plan.
3. A large portion of property that is most visible to our neighborhood, as open space.
4. There will be a deed restriction on the entire 60-acres that runs with the land in perpetuity to cap total lots at 65.

Thank you to the land developer and all involved to get to this appropriate result for a unique area of land.

Kind regards,
Ruth Franklin
3143 W Avion Way
Laveen, AZ 85339
(602)237-4044
Planning Commission Members and Planning Staff,

I have been significantly involved in opposing every iteration of this case since 2007 when incompatible high density GPA and zoning cases were unfortunately approved despite the large outpouring of community opposition. Density has always been the #1 issue. Finally, the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

The General Plan reduction from 3.5 to 5 du/a to 1-2 du/a is finally compatible with the area. The zoning case for all 60-acres at R1-18 with 65 lots for an overall density of 1.11 du/a is finally compatible with this area. Again, the General Plan designation and Zoning densities have always been the issue.

The applicant’s plan includes other elements, in addition to the GPA and zoning, that are beneficial to the area:

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Therefore, I support these cases. I respectfully request that the Planning Commission support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Best regards,

Brian Hicks

4715 W Carver Rd

Laveen AZ 85339
Subject: Planning Commission Meeting 1/5/23 and Cases GPA-LV-2-22-8 and Z-55-22

Planning Commission Members and Planning Staff,

We have been significantly involved in opposing every iteration of this case since 2007 when incompatible high density GPA and zoning cases were unfortunately approved despite the large outpouring of community opposition. Density has always been the #1 issue. Finally, the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

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Therefore, I support these cases. I respectfully request that the Planning Commission support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Best regards,

Donis and Frank Canisales
11020 s 35th Ave
Laveen, Az 85339

Frank and Esperanza Canisales
11631 s 51st Ave
Laveen, Az 85349

Francisco and becca Canisales
9411 s 33rd Ave
Laveen, Az 85339

Sent from my iPhone
Dear Planning Commission Members and Planning Staff:

I have attended many meetings and expressed myself numerous times regarding the quarry case at 35th Ave and Carver. While my ultimate wish would have been to keep development to one home per acre, I believe that the cases being considered provide the best resolution the development and the community will achieve. I appreciate the compromises made by the developer. I am in favor of agenda items 5 and 6 that will be considered at the January 5th Maricopa County Planning Commission Meeting. I will attend the meeting and registered my position in favor of the items, and am donating my speaking time to Cyd Manning. Feel free to reach out to me for any questions you may have.

Sincerely,

Elizabeth Banta
3938 W Kayenta Trail
Laveen, AZ 85339
Racelle Escolar

From: livializ@cox.net
Sent: Tuesday, January 3, 2023 12:17 PM
To: PDD Planning Commission
Subject: Planning Commission Meeting 1/5/23 and Cases GPA-LV-2-22-8 and Z-55-22

Planning Commission Members and Planning Staff,

I have been significantly involved in opposing every iteration of this case since 2007 when incompatible high density GPA and zoning cases were unfortunately approved despite the large outpouring of community opposition. Density has always been the #1 issue. Finally, the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

The General Plan reduction from 3.5 to 5 du/a to 1-2 du/a is finally compatible with the area. The zoning case for all 60-acres at R1-18 with 65 lots for an overall density of 1.11 du/a is finally compatible with this area. Again, the General Plan designation and Zoning densities have always been the issue.

The applicant’s plan includes other elements, in addition to the GPA and zoning, that are beneficial to the area:

- They are combining the 20 and 40-acre portions into a single parcel and site plan with one zoning level of R1-18
- They designated a large area that is most visible to our neighborhood, as open space.
- They are creating a deed restriction on the entire 60-acres that runs with the land in perpetuity to cap total lots at 65 and preserve the large designated open space.

Therefore, I support these cases. I respectfully request that the Planning Commission support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Best regards,

Ivan Vializ

8921 S 53rd Dr.

Laveen, AZ 85339
Planning Commission Members and Planning Staff,

I have been significantly involved in opposing every iteration of this case since 2007 when incompatible high density GPA and zoning cases were unfortunately approved despite the large outpouring of community opposition. Density has always been the #1 issue. Finally, the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

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- They are creating a deed restriction on the entire 60-acres that runs with the land in perpetuity to cap total lots at 65 and preserve the large designated open space.

Therefore, I support these cases. I respectfully request that the Planning Commission support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Best regards,

Juanita Welsh

5427 W. La Mirada Drive

Laveen, AZ 85339

Sincerely,

Juanita Welsh

REALTOR®, GRI

AZ Advance Realty

602-909-3915 Cell
Racelle Escolar

From: Judy Brown <dt_jbrown@q.com>
Sent: Tuesday, January 3, 2023 1:31 PM
To: PDD Planning Commission
Subject: Planning Commission Meeting 1/5/23 and Cases GPA-LV-2-22-8 and Z-55-22

Planning Commission Members and Planning Staff:

I mirror Cyd Manning’s comments:

I have been significantly involved in opposing every iteration of this case since 2007 when incompatible high density GPA and zoning cases were unfortunately approved despite the large outpouring of community opposition. Density has always been the #1 issue. Finally, the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

The General Plan reduction from 3.5 to 5 du/a to 1-2 du/a is finally compatible with the area. The zoning case for all 60-acres at R1-18 with 65 lots for an overall density of 1.11 du/a is finally compatible with this area. Again, the General Plan designation and Zoning densities have always been the issue.

The applicant’s plan includes other elements, in addition to the GPA and zoning, that are beneficial to the area:

- They are combining the 20 and 40-acre portions into a single parcel and site plan with one zoning level of R1-18
- They designated a large area that is most visible to our neighborhood, as open space.
- They are creating a deed restriction on the entire 60-acres that runs with the land in perpetuity to cap total lots at 65 and preserve the large designated open space.

Therefore, I support these cases. I respectfully request that the Planning Commission support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Kind regards,

Judy Brown
Racelle Escolar

From: Brian & Karie <carvercottage2018@gmail.com>
Sent: Tuesday, January 3, 2023 11:02 AM
To: PDD Planning Commission
Subject: Planning Commission Meeting 1/5/23 and Cases GPA-LV-2-22-8 and Z-55-22

Planning Commission Members and Planning Staff,

I have been significantly involved in opposing every iteration of this case since 2007 when incompatible high density GPA and zoning cases were unfortunately approved despite the large outpouring of community opposition. Density has always been the #1 issue. Finally, the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

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Therefore, I support these cases. I respectfully request that the Planning Commission support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Best regards,

Karie Hicks

4715 W Carver Rd

Laveen AZ 85339
Racelle Escolar

From: Vializ, Lisa <Lisa.Vializ@Honeywell.com>
Sent: Tuesday, January 3, 2023 12:11 PM
To: PDD Planning Commission
Subject: Planning Commission Meeting 1/5/23 and Cases GPA-LV-2-22-8 and Z-55-22

Planning Commission Members and Planning Staff,

I have been significantly involved in opposing every iteration of this case since 2007 when incompatible high density GPA and zoning cases were unfortunately approved despite the large outpouring of community opposition. Density has always been the #1 issue. Finally, the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

The General Plan reduction from 3.5 to 5 du/a to 1-2 du/a is finally compatible with the area. The zoning case for all 60-acres at R1-18 with 65 lots for an overall density of 1.11 du/a is finally compatible with this area. Again, the General Plan designation and Zoning densities have always been the issue.

The applicant’s plan includes other elements, in addition to the GPA and zoning, that are beneficial to the area:

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- They designated a large area that is most visible to our neighborhood, as open space.
- They are creating a deed restriction on the entire 60-acres that runs with the land in perpetuity to cap total lots at 65 and preserve the large designated open space.

Therefore, I support these cases. I respectfully request that the Planning Commission support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Best regards,

Lisa Vializ
8921 S 53rd Dr.
Laveen, AZ 85339

AND
32nd Ave & Ceton
Laveen, AZ 85339
Public Hearing and Ordinance Adoption - Rezoning Application Z-50-22-4 - Approximately 180 Feet North of the Northeast Corner of 7th Avenue and Camelback Road (Ordinance G-7078)

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, and consider adopting Rezoning Application Z-50-22-4 to rezone the site from C-2 TOD-1 (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One) to WU Code T5:5 UT (Walkable Urban Code, Transect 5:5, Transit Uptown Character Area) to allow multifamily residential.

Summary
Current Zoning: C-2 TOD-1
Proposed Zoning: WU Code T5:5 UT
Acreage: 4.79
Proposed Use: Multifamily residential

Owner: Larkspur Lane Investment Properties, LLC
Applicant: Brian Greathouse, Burch & Cracchiolo, PA
Representative: Brian Greathouse, Burch & Cracchiolo, PA

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Alhambra Village Planning Committee heard this case on Dec. 20, 2022, and recommended approval, per the staff recommendation, with an additional stipulation, by a vote of 12-4.
PC Action: The Planning Commission heard this case on Jan. 5, 2023, and recommended approval, per the Alhambra Village Planning Committee recommendation, by a vote of 8-0.
The Planning Commission recommendation was appealed for a public hearing by a community member on Jan. 9, 2023, and by the adjacent property owner on Jan. 12, 2023.

Location
Approximately 180 feet north of the northeast corner of 7th Avenue and Camelback Road
Council District: 4
Parcel Address: 5015, 5025, 5027, 5031, 5033, 5035, 5037, 5041, 5043, 5049, and 5075 N. 7th Ave.

**Responsible Department**
This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.
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-50-22-4) FROM C-2 TOD-1 (INTERMEDIATE COMMERCIAL, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) TO WU CODE T5:5 UT (WALKABLE URBAN CODE, TRANSECT 5:5, TRANSIT UPTOWN CHARACTER AREA).

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

SECTION 1. The zoning of a 4.79-acre site located approximately 180 feet north of the northeast corner of 7th Avenue and Camelback Road in a portion of Section 17, Township 2 North, Range 3 East, as described more specifically in Exhibit “A,” is hereby changed from “C-2 TOD-1” (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One) to “WU Code T5:5 UT” (Walkable Urban Code, Transect 5:5, Transit Uptown Character Area).

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 developer shall provide a minimum 10,000 square feet of publicly
accessible open space in a forecourt configuration, as described below and as
approved or modified by the Planning and Development Department. The
publicly accessible open space shall be:
   a. Adjacent and accessible to the public sidewalk on 7th Avenue
   b. Provided in areas of not less than 500 square feet and 20 feet in width;
   c. Shaded to a minimum of 50 percent by vegetative shade;
   d. Maintained in perpetuity without fences or barriers;
   e. Eligible to qualify as a forecourt frontage type;
   f. Improved to contain, at minimum, a drinking fountain for people and
      pets, art, and seating.

2. All ground floor dwelling units adjacent to 7th Avenue shall utilize the stoop and
doorwell, forecourt, or porch frontage types, as approved or modified by the
Planning and Development Department.

3. Between the public sidewalk and the building fronts, there shall be a 6-foot-
wide landscape area planted with minimum 3-inch caliper shade trees placed
20 feet on center or in equivalent groupings, as approved or modified by the
Planning and Development Department to comply with frontage requirements.

4. The development shall incorporate masonry elements into the primary exterior
building materials and shall be reflective of the architectural style in the area, as
approved by the Planning and Development Department.

5. The developer shall install traffic calming devices along the driveways of the
property so that vehicle drivers exercise caution prior to crossing the sidewalk
when exiting the property, as approved or modified by the Planning and
Development Department.

6. The developer shall incorporate bicycle infrastructure, as described below and
as approved by the Planning and Development Department.
a. All required bicycle parking for multifamily use, per Section 1307.H of the Phoenix Zoning Ordinance, shall be secured parking.

b. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 required spaces near entrances of buildings and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.

c. One bicycle repair station shall be provided and maintained by the developer in an area of high visibility near the secure bicycle parking areas.

7. A minimum 35 percent of the uncovered parking lot area shall be shaded by minimum 3-inch caliper shade trees, as approved by the Planning and Development Department.

8. The applicant shall submit a Traffic Impact Study (TIS) to the City for this development. The TIS shall include evaluation of 7th Avenue peak hour restrictions and resulting site traffic routing on the surrounding street network and proposed mitigation to Colter Street. The developer shall be responsible for all costs for mitigation measure determined by the Study and contribute funds for the Colter Street Project. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City.

9. The southern driveway onto 7th Avenue, as depicted on the site plan date stamped October 31, 2022, shall be restricted to right-in/right-out only and access shall be coordinated with the Public Transit Department, as approved by Planning and Development.

10. The developer shall construct a minimum 6-foot-wide sidewalk separated from the curb by a minimum 10-foot-wide landscape area along the east side of 7th Avenue and planted with minimum three-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved by the Planned and Development Department.

11. The developer shall dedicate a sidewalk easement to accommodate a minimum 6-foot-wide sidewalk and minimum 10-foot-wide landscape area located between the back of curb and sidewalk, as approved by the Planning and Development Department.

12. 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.
13. 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.

14. 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.

15. The developer shall work with the Street Transportation and Planning and Development departments regarding the proposed parking along the north side of the site so that it does not interfere with traffic flow along the shared driveway and to potentially stripe the driveway to include a left-turn lane.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 1st day of February, 2023.

__________________
MAYOR

ATTEST:

____________________________________
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Krieger, City Attorney
By: 

_________________________

_________________________

REVIEWED BY:

_________________________

Jeffrey Barton, City Manager

Exhibits:
A – Legal Description (1 Page)
B – Ordinance Location Map (1 Page)
EXHIBIT A

A PARCEL OF LAND BEING SITUATED WITHIN THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CALCULATED POINT ACCEPTED AS THE SOUTHWEST CORNER OF SAID SECTION 17, FROM WHICH A CALCULATED POINT BEARS NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 1324.02 FEET;

THENCE ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF SAID SECTION 17, NORTH 00 DEGREES 11 MINUTES 13 SECONDS WEST, A DISTANCE OF 170.41 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00 DEGREES 11 MINUTES 13 SECONDS WEST, A DISTANCE OF 476.66 FEET;

NORTH 89 DEGREES 48 MINUTES 47 SECONDS EAST, A DISTANCE OF 40.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF 7TH AVENUE;

THENCE NORTH 89 DEGREES 59 MINUTES 54 SECONDS EAST, A DISTANCE OF 396.15 FEET;

THENCE SOUTH 00 DEGREES 11 MINUTES 13 SECONDS EAST, A DISTANCE OF 472.00 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 54 SECONDS WEST, A DISTANCE OF 189.15 FEET;

THENCE SOUTH 00 DEGREES 11 MINUTES 13 SECONDS EAST, A DISTANCE OF 12.16 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 54 SECONDS WEST, A DISTANCE OF 114.00 FEET;

THENCE NORTH 00 DEGREES 11 MINUTES 13 SECONDS WEST, A DISTANCE OF 7.50 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 54 SECONDS WEST, A DISTANCE OF 93.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF 7TH AVENUE;

THENCE SOUTH 89 DEGREES 48 MINUTES 47 SECONDS WEST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 207,870 SQ FT OR 4.772 ACRES.
Alhambra Village Planning Committee Meeting Date: December 20, 2022
Planning Commission Hearing Date: January 5, 2023
Request From: C-2 TOD-1 (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One) (4.79 acres)
Request To: WU Code T5:5 UT (Walkable Urban Code, Transect 5:5, Transit Uptown Character Area) (4.79 acres)
Proposed Use: Multifamily Residential
Location: Approximately 180 feet north of the northeast corner of 7th Avenue and Camelback Road
Owner: Larkspur Lane Investment Properties, LLC
Applicant: Brian Greathouse, Burch & Cracchiolo, PA
Representative: Brian Greathouse, Burch & Cracchiolo, PA
Staff Recommendation: Approval, subject to stipulations

<table>
<thead>
<tr>
<th>General Plan Land Use Map Designation</th>
<th>Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Map Classification</td>
<td>7th Avenue</td>
</tr>
<tr>
<td></td>
<td>Arterial</td>
</tr>
<tr>
<td></td>
<td>40-foot east half street</td>
</tr>
</tbody>
</table>

**General Plan Conformity**

CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; HEALTHY NEIGHBORHOODS; DESIGN PRINCIPLE: Establish design standards and guidelines for parking lots and structures, setback and build-to lines, blank wall space, shade, and other elements affecting pedestrians, to encourage pedestrian activity and identify options for providing pedestrian-oriented design in different types of development.

The proposal includes design and development standards to encourage walking, bicycling, and transit use. These standards include a shaded streetscape, units fronting onto the public sidewalk, parking situated away from the public street, and on-site amenities.

CONNECT PEOPLE AND PLACES CORE VALUE; BICYCLES; DESIGN PRINCIPLE: Development should include convenient bicycle parking.
The proposal includes bicycle facilities to encourage bicycling and transit use to become a way of life by leveraging its proximity to the light rail station at 7th Avenue and Camelback, the Colter Street Pedestrian and Bicycle Improvements, and the Phoenix Sonoran Bikeway on 3rd Avenue. Features include secure bicycle parking for residents, convenient racks for guests, and a bicycle repair station for residents.

**BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; DESIGN PRINCIPLE:**
Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

The proposal includes robust tree plantings between the back of curb and the building fronts and a detached sidewalk that will be shaded to 75 percent as stipulated. These improvements will serve create a comfortable pedestrian environment along 7th Avenue to make the walk from the adjacent neighborhood to the light rail and other nearby amenities more comfortable.

**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.

The subject site is approximately 200 feet from the 7th Avenue and Camelback Road light rail station, and the proposal to provide multifamily residential meets the goals of the Uptown Transit Oriented Development Policy Plan and the Housing Phoenix Plan.

### Applicable Plans, Overlays, and Initiatives

- **TOD Strategic Policy Framework:** Background Item No. 4.
- **Uptown Transit Oriented Development Policy Plan:** Background Item No. 5.
- **Alhambra Village Character Plan:** Background Item No. 6.
- **Tree and Shade Master Plan:** Background Item No. 9.
- **Complete Streets Guidelines:** Background Item No. 10.
- **Housing Phoenix:** Background Item No. 11.
- **Zero Waste PHX:** Background Item No. 12.
### Surrounding Land Uses and Zoning

<table>
<thead>
<tr>
<th></th>
<th>Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>On Site</td>
<td>Vacant, former retail suites, and other commercial uses</td>
<td>C-2 TOD-1</td>
</tr>
<tr>
<td>North</td>
<td>Driveway for multifamily residential to the east, church and school</td>
<td>WU Code T5:5 UT, R-4</td>
</tr>
<tr>
<td>South</td>
<td>Liquor and smoke shop, mattress store, and multifamily residential</td>
<td>C-2 TOD-1, WU Code T5:5 UT</td>
</tr>
<tr>
<td>East</td>
<td>Multifamily residential</td>
<td>WU Code T5:5 UT</td>
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<tr>
<td>West (across 7th Avenue)</td>
<td>Commercial shopping center</td>
<td>C-2 TOD-1</td>
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</table>

### Walkable Urban Code Transect 5:5 UT

<table>
<thead>
<tr>
<th>Standards</th>
<th>Requirements</th>
<th>Site Plan Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Acres</td>
<td>4.79</td>
<td></td>
</tr>
<tr>
<td>Total Dwelling Units</td>
<td>No maximum</td>
<td>249</td>
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<tr>
<td>Density</td>
<td>52 dwelling units per acre</td>
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<tr>
<td>Building Height</td>
<td>56 foot maximum</td>
<td>54 feet 9 inches (Met)</td>
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<tr>
<td><strong>Building Setbacks</strong></td>
<td></td>
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</tr>
<tr>
<td>Primary Frontage (7th Avenue)</td>
<td>12 foot maximum</td>
<td>6 feet (Met, per Stipulation No. 3)</td>
</tr>
<tr>
<td>Parking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary Frontage Setback</td>
<td>30 foot minimum or behind building</td>
<td>30 feet (Met)</td>
</tr>
<tr>
<td>Parking Spaces</td>
<td>244 spaces required</td>
<td>272 spaces (Met)</td>
</tr>
</tbody>
</table>

- 97 spaces for studios, 172.5 spaces for 1-bedroom units, 55.5 spaces for 2-bedrooms
- 25 percent reduction permitted, 0.25 miles of light rail station.
### Walkable Urban Code Transect 5:5 UT

<table>
<thead>
<tr>
<th>Standards</th>
<th>Requirements</th>
<th>Site Plan Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Streetscape Standards</strong></td>
<td></td>
<td></td>
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<tr>
<td>Primary Frontage</td>
<td>Minimum sidewalk width of 6 feet and a minimum landscape width of 5 feet</td>
<td>6-foot-wide sidewalk, 10-foot-wide landscape area (Met, per Stipulation No 10)</td>
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<tr>
<td><strong>Lot Requirements</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>80 percent maximum</td>
<td>26.4 percent (Met)</td>
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<tr>
<td>Primary Frontage</td>
<td>70 percent minimum</td>
<td>78 percent (Met)</td>
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<tr>
<td>Frontage Types</td>
<td>All frontages</td>
<td>Porch and Storefront (Met, per Stipulation No. 2)</td>
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<tr>
<td>Open Space</td>
<td>Minimum 5 percent of gross site area</td>
<td>Not listed, 5 percent required as publicly accessible per Stipulation No. 1</td>
</tr>
<tr>
<td><strong>Glazing Requirements</strong></td>
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</tr>
<tr>
<td>Primary Frontage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ground Floor</td>
<td>25 percent</td>
<td>Not listed</td>
</tr>
<tr>
<td>Second Floor</td>
<td>25 percent, 10 percent East and West</td>
<td>Not listed</td>
</tr>
</tbody>
</table>

*Site plan revision, variance, or administrative relief required.

### Background/Issues/Analysis

**SUBJECT SITE**

1. This request is to rezone 4.97 acres located approximately 180 feet north of the northeast corner of 7th Avenue and Camelback Road from C-2 TOD-1 (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One) to WU Code T5:5 UT (Walkable Urban Code, Transect 5:5, Transit Uptown Character Area) for multifamily residential.

**SURROUNDING LAND USES AND ZONING**

2. The subject site contains vacant commercial structures. To the east of the subject site is a five-story multifamily residential development under construction that was rezoned to WU Code T5:5 UT through Rezoning Case No. Z-39-19-4. To the north of the subject site is a driveway to the multifamily residential development to the east, and a high school and church zoned R-4 (Multifamily Residence District). To the south of the subject site are multiple commercial properties zoned C-2 TOD-1 and a portion of a multifamily development zoned WU Code T5:5 UT. To the west of the subject site across 7th Avenue is a commercial shopping center zoned C-2
3. The General Plan Land Use Map designates the site as Commercial. The proposal for multifamily residential is consistent with the designation. To the south, west, and east is designated as Commercial. To the north of the driveway is designated as Public/Quasi-Public.

4. **Transit Oriented Development Strategic Policy Framework:**
The Transit Oriented Development Strategic Policy Framework is part of the City’s General Plan. The framework identifies planning typologies to describe urban environments. The subject site is located within 200 feet from the light rail station located at 7th Avenue and Camelback Road which is identified as a Medium Urban Center Place Type. The Medium Urban Center Place Type is characterized by high intensity with building heights typically from three to six stories with incentive heights of up to 10 stories when bonus criteria are met. The proposal for four stories is consistent with the intensity envisioned by the Medium Urban Center Place Type.

5. **Uptown TOD Policy Plan:** The site is located within the Uptown TOD Planning Area which is bound by Missouri Avenue on the north, 7th Street on the east, Indian School Road on the south, and the western edge is generally 7th Avenue south of the Grand Canal and 15th Avenue north of the Grand Canal. The policy plan for the Uptown TOD District provides a blueprint for fully achieving the
transformative potential of light rail in a sustainable manner. Changes advocated in the plan can lower transportation costs for residents, create new business opportunities, encourage active, healthy lifestyles, ensure Phoenix increases its competitive advantage in the global marketplace, and improve prosperity by growing the economy in locations with existing infrastructure and public services.

With specific regard to the proposed use and the site, the Uptown TOD District Plan provides the following guidance.

- The site is depicted on the Conceptual Zoning Plan with a recommended Transect of 5:5, which the applicant has proposed.
- The plan projects a shortfall of 10,888 housing units by 2035 and articulates a goal for more housing and employment in proximity to high-capacity transit. The proposal would add 249 dwelling units near light rail.
- The plan identifies that only 22 percent of households are within a 0.25 mile walk of healthy food and the proposal would bring 249 households within that distance of the Fry’s Food Store located at the northwest corner of 7th Avenue and Camelback Road.

6. **Alhambra Village Character Plan:**

The Alhambra Village Character Plan was approved and adopted into the Phoenix General Plan through General Plan Amendment GPA-1-19. The project advances the following items identified in the Alhambra Village Character Plan:

- Land Use Principle: Locate major traffic-generating land uses on major streets in areas planned for such uses, or near parkway and freeway access and transit centers or light rail transit stations, and avoid use of local streets.
- Land Use Principle: Promote and encourage compatible infill development with a mix of housing types in neighborhoods close to employment centers, commercial areas and where transit or transportation alternatives exist.
- Design Principle: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.
Design Principle: Locate parking to the rear of a site to create a more pedestrian environment, when adequate shielding from noise and light can be provided to adjacent established neighborhoods. On-street parking in some areas may also promote a pedestrian environment.

The proposal would add new multifamily residential within close proximity to high-capacity transit, on an arterial street, and in a walkable urban configuration that will produce a strong and well shaded pedestrian environment with parking situated to the rear of the site, with the exception of the parking spaces along the driveways at the far north and south of the site.

PROPOSAL
7. Site Plan
The applicant is proposing 249 dwelling units in a four-story configuration. The proposal provides ground-level surface parking shaded to 35 percent (per Stipulation No. 7) located behind or set back from the building. The vehicular ingress/egress is from a driveway at the south edge of the site and through an access easement north of the site shared with the adjacent multifamily east of the subject site. The driveway on 7th Avenue will be restricted to right-in/right-out (Stipulation No. 9). Further, traffic calming devices will be installed at driveways to slow vehicles down when crossing the sidewalk, per Stipulation No. 5.

The streetscape along 7th Avenue includes a six-foot-wide sidewalk detached from the curb with a ten-foot-wide landscape strip (Stipulation No. 10) with a six-foot-wide landscape setback between the sidewalk and building to accommodate a double row of trees along the streetscape (Stipulation No. 3). To further activate the streetscape, the applicant is providing ground-floor units with the porch frontage type. This frontage type is codified in Stipulation No. 2.
The applicant is providing 10,000 square feet of publicly accessibly open space, adjacent to 7th Avenue and shaded to a minimum of 50 percent, at the north and south corners and at the midpoint of the site. Staff recommends Stipulation No. 1 to ensure that the provided open space areas are developed as proposed.

8. **Conceptual Building Elevations**

To promote enhanced design and compatibility with the surrounding area, staff is recommending Stipulation No. 4 which requires that masonry elements be incorporated into the primary exterior building materials.

![Conceptual 7th Avenue Elevation; Source: Wilder Architects](image)

**STUDIES AND POLICIES**

9. **Tree and Shade Master Plan:**

The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City’s planning and development process. Sidewalks on the street frontages should be detached from the curbs to allow trees to be planted on both sides of the sidewalk to provide thermal comfort for pedestrians and to reduce the urban heat island effect.

The proposal aligns with the Tree and Shade Master Plan in the following ways. First, the Walkable Urban Code requires that all public sidewalks be shaded to a minimum of 75 percent at maturity. Second, as required by Stipulation No. 3 the applicant will provide a six-foot-wide landscape area along 7th Avenue planted with minimum three-inch caliper shade trees. Stipulation No. 7 requires that the surface parking area be shaded to 35 percent by minimum three-inch caliper trees and that the landscape area between the back of curb and sidewalk be planted with three-inch caliper trees (Stipulation No. 10).

10. **Complete Streets Guidelines:**

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 Walkable Urban Code is designed to facilitate pedestrian, bicycle, and transit-oriented development and includes provisions to advance the goals of the policy guide. As required by Stipulation No. 5, traffic calming devices will be installed along the driveways to slow vehicles down when exiting the site. Stipulation No. 6 requires bicycle parking and a fix-it station, and Stipulation No. 10 requires a six-foot-wide sidewalk detached from the curb with a ten-foot-wide landscape strip.

11. **Housing Phoenix:**
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 the 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 contributing to a variety housing types that will address the supply shortage at a more rapid pace while using vacant or underutilized land in a more sustainable fashion.

12. **Zero Waste Phoenix 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 applicant stated in their application materials that they anticipate the developer will incorporate recycling options for residents.

**COMMUNITY CORRESPONDENCE**
13. As of the writing of this report, staff has not received letters or support or opposition from members of the public.

**INTERDEPARTMENTAL COMMENTS**
14. The Fire Department commented that the site plan must comply with the Phoenix Fire Code, indicated there are no problems anticipated with the case, but noted that the applicant should be aware of requirements for fire apparatus access road turning radius, width, and clear height.
15. The Street Transportation Department provided a series of stipulations related to the perimeter conditions of the proposed development including the following: Stipulation No. 8 to require a Traffic Impact Study to evaluate 7th Avenue peak hour restrictions, site traffic routing on the surrounding street network and a contribution of funds for the Colter Street Project; Stipulation No. 9 requiring that the southern driveway on 7th Avenue be right-in/right-out, Stipulation Nos. 10 and 11 to require a shaded and detached sidewalk along 7th Avenue with a corresponding sidewalk easement; and Stipulation No. 12 to require all improvements in the right-of-way be constructed with all required elements and to ADA standards.

16. The Public Transit Department asked that the existing bus stop be retained towards the southern boundary of the site. That is shown on the site plan attached as an exhibit.

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 No. 13.

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. 14.

19. Development and use of the site are 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 proposed development is consistent with the General Plan Land Use Map designation and the transect map within the Uptown Transit Oriented Development Policy Plan.

2. The proposal as stipulated, will create a strong pedestrian environment along 7th Avenue with shaded and detached sidewalks to convey residents safely
and comfortably to the 7th Avenue/Camelback Road light rail station.

3. The proposal will create additional housing options in line with the Housing Phoenix Plan’s goal of preserving or creating 50,000 housing units by 2030.

**Stipulations**

1. The developer shall provide a minimum 10,000 square feet of publicly accessible open space in a forecourt configuration, as described below and as approved or modified by the Planning and Development Department. The publicly accessible open space shall be:
   a. Adjacent and accessible to the public sidewalk on 7th Avenue
   b. Provided in areas of not less than 500 square feet and 20 feet in width;
   c. Shaded to a minimum of 50 percent by vegetative shade;
   d. Maintained in perpetuity without fences or barriers;
   e. Eligible to qualify as a forecourt frontage type;
   f. Improved to contain, at minimum, a drinking fountain for people and pets, art, and seating.

2. All ground floor dwelling units adjacent to 7th Avenue shall utilize the stoop and doorwell, forecourt, or porch frontage types, as approved or modified by the Planning and Development Department.

3. Between the public sidewalk and the building fronts, there shall be a 6-foot-wide landscape area planted with minimum 3-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved or modified by the Planning and Development Department to comply with frontage requirements.

4. The development shall incorporate masonry elements into the primary exterior building materials and shall be reflective of the architectural style in the area, as approved by the Planning and Development Department.

5. The developer shall install traffic calming devices along the driveways of the property so that vehicle drivers exercise caution prior to crossing the sidewalk when exiting the property, as approved or modified by the Planning and Development Department.
6. The developer shall incorporate bicycle infrastructure, as described below and as approved by the Planning and Development Department.
   
a. All required bicycle parking for multifamily use, per Section 1307.H of the Phoenix Zoning Ordinance, shall be secured parking.

b. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 required spaces near entrances of buildings and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.

c. One bicycle repair station shall be provided and maintained by the developer in an area of high visibility near the secure bicycle parking areas.

7. A minimum 35 percent of the uncovered parking lot area shall be shaded by minimum 3-inch caliper shade trees, as approved by the Planning and Development Department.

8. The applicant shall submit a Traffic Impact Study (TIS) to the City for this development. The TIS shall include evaluation of 7th Avenue peak hour restrictions and resulting site traffic routing on the surrounding street network and proposed mitigation to Colter Street. The developer shall be responsible for all costs for mitigation measure determined by the Study and contribute funds for the Colter Street Project. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City.

9. The southern driveway onto 7th Avenue, as depicted on the site plan date stamped October 31, 2022, shall be restricted to right-in/right-out only and access shall be coordinated with the Public Transit Department, as approved by Planning and Development.

10. The developer shall construct a minimum 6-foot-wide sidewalk separated from the curb by a minimum 10-foot-wide landscape area along the east side of 7th Avenue and planted with minimum three-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved by the Planned and Development Department.

11. The developer shall dedicate a sidewalk easement to accommodate a minimum 6-foot-wide sidewalk and minimum 10-foot-wide landscape area located between the back of curb and sidewalk, as approved by the Planning
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.

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.

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
December 16, 2022

**Team Leader**
Racelle Escolar

**Exhibits**
Zoning sketch map
Aerial sketch map
Conceptual Site Plan date stamped October 31, 2022
Conceptual Landscape Plan date stamped October 31, 2022
Conceptual Building Elevations date stamped October 31, 2022 (4 pages)
ALHAMBRA VILLAGE
CITY COUNCIL DISTRICT: 4

APPLICANT'S NAME: Brian Greathouse, Burch & Cracchiolo, PA

APPLICATION NO. Z-50-22

REQUESTED CHANGE:
FROM: C-2 TOD-1 (4.79 a.c.)
TO: WU Code T5:5 UT (4.79 a.c.)

GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 4.79 Acres

MULTIPLES PERMITTED
C-2 TOD-1
WU Code T5:5 UT

CONVENTIONAL OPTION
69
No Maximum

* UNITS P.R.D. OPTION
83
N/A

* Maximum Units Allowed with P.R.D. Bonus
**APPLICANT'S NAME:**  
Brian Greathouse, Burch & Cracchiolo, PA

**APPLICATION NO.:**  
Z-50-22

**DATE:**  
6/30/2022

**REVISED DATE:**

**GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.:**  
4.79 Acres

**AERIAL PHOTO & QUARTER SEC. NO.:**  
QS 19-27

**ZONING MAP:**  
H-8

**REQUESTED CHANGE:**

FROM:  
C-2 TOD-1 (4.79 a.c.)

TO:  
WU Code T5:5 UT (4.79 a.c.)

**MULTIPLES PERMITTED**

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<th>CONVENTIONAL OPTION</th>
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DESIGN STATEMENT:
WHILE THE ARCHITECTURAL AESTHETIC IS CLEAN and MODERN, THE DESIGN INCORPORATES CLASSIC AND TIMELESS STRATEGIES:
1. CORNER TOWERS - ANCHORING THE BUILDING AT THE CORNERS
2. SYMMETRY - FRONT ELEVATION IS SYMMETRICAL, CREATING A BALANCED, HARMONIOUS LOOK
3. ARTICULATED MASONRY AT BASE OF THE BUILDING - VISUALLY SECURING THE BUILDING AT THE GROUND PLANE
4. TRIPARTITE DESIGN AT CENTRAL TOWER - EXPRESSED AS: BASE, MIDDLE and TOP
5. 48'-9" TO THIS PARAPET
6. 50'-9" TO THIS PARAPET
DESIGN STATEMENT:

WHILE THE ARCHITECTURAL AESTHETIC IS CLEAN and MODERN, THE DESIGN INCORPORATES CLASSIC AND TIMELESS STRATEGIES:

1. CORNER TOWERS - ANCHORING THE BUILDING AT THE CORNERS
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4. TRIPARTITE DESIGN AT CENTRAL TOWER - EXPRESSED AS: BASE, MIDDLE and TOP
5. 48'-0" TO THIS PARAPET
6. 30'-0" TO THIS PARAPET
DESIGN STATEMENT:
WHILE THE ARCHITECTURAL AESTHETIC IS CLEAN AND MODERN, THE DESIGN INCORPORATES CLASSIC AND TIMELESS STRATEGIES:
① CORNER TOWERS - ANCHORING THE BUILDING AT THE CORNERS
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④ TRIPARTITE DESIGN AT CENTRAL TOWER - EXPRESSED AS: BASE, MIDDLE and TOP
⑤ 48'-9" TO THIS PARAPET
⑥ 50'-9" TO THIS PARAPET

NORTH ELEVATION
DESIGN STATEMENT:

WHILE THE ARCHITECTURAL AESTHETIC IS CLEAN AND MODERN, THE DESIGN INCORPORATES CLASSIC AND TIMELESS STRATEGIES:

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Village Planning Committee Meeting Summary
Z-50-22-4

Date of VPC Meeting December 20, 2022
Request From C-2 TOD-1
Request To WU Code T5:5 UT
Proposed Use Multifamily residential
Location Approximately 180 feet north of the northeast corner of 7th Avenue and Camelback Road
VPC Recommendation Approval, per the staff recommendation, with an additional stipulation
VPC Vote 12-4

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Committee Members Jak Keyser and Jamaar Williams joined during this item, bringing quorum to 16 members.

Three members of the public registered to speak on this item.

STAFF PRESENTATION

Sarah Stockham, staff, reviewed the surrounding land uses, zoning designations, and the Uptown TOD Policy Plan transect map. Ms. Stockham displayed the proposed site plan, elevations and concluded with staff findings and recommended stipulations.

APPLICANT PRESENTATION

Brian Greathouse, representing the applicant with Burch & Cracchiolo, PA, displayed an aerial image of the site, reviewed the surrounding land uses, and displayed the proposed elevations and site plan highlighting the location of the open space along 7th Avenue. Mr. Greathouse showed a trip generation comparison of the current zoning and proposed zoning revealing a reduction in AM and PM trips, a route comparison showing that it is a shorter route to turn left onto 7th Avenue rather than a right to travel along Colter Street to go south on 7th Avenue, or west or east on Camelback Road, and concluded by showing a gap analysis detailing the number of left turns onto 7th Avenue possible during AM and PM peak hours.
QUESTIONS FROM THE COMMITTEE

Committee Member Jim DeGraffenreid asked what is the targeted renter demographic, what the price ranges will be for the units, if residents using light rail was incorporated into the traffic trip generation calculation, and if any water conservation or heat mitigation measures are going to be incorporated into the site design. Mr. Greathouse replied that they are targeting young professionals and empty nesters, the price range will be $1,400 for a studio, $1,700 for a one-bedroom unit, and $2,400 for a two-bedroom unit, the traffic study did not reduce the number of trips due to residents using light rail, but that now that working from home is more popular they expect the actual trips generated to be 20% less than the projected trips, and they will use a white TPO roof for energy efficiency and low-flow plumbing fixtures.

Committee Member Tracey Adams asked what is a forecourt, what was the response of the nearby historic district to the traffic study, and how far is the building from the back of curb. Mr. Greathouse replied that the building will be recessed in the center to allow for a seating area which is the forecourt, Medlock Place Historic District provided a letter of support for the project, and they also want the Colter Street improvements in the Colter Street Improvement Project completed, and the building is 22 feet from the back of curb. Committee Member Adams commented that while it is great to have City stipulations and policy for shade trees, in actuality there is not enough space to grow them, an Italian Cypress tree can grow to be 20 feet wide, and maintenance is an issue as well as some property owners cannot keep up with pruning. Committee Member Adams concluded that she wants to see this project succeed, but when you have a beautiful building and landscaping that is not up to par, it can have an impact on the entire site.

Committee Member Keith Ender asked how the parking spaces along the northern border of the site will impact the traffic flow along the shared driveway to the north, and if the applicant has spoken to the neighboring property owner to the east who shares the driveway. Mr. Greathouse replied that they have not spoken with the neighboring developer, and their calculations show that the driveway is wide enough to accommodate the parked cars.

Committee Member Maurita Harris asked if the historic neighborhood commented on turning left during certain times of day, adding that during the mornings and evenings the reverse lane on 7th Avenue is not a turn lane. Mr. Greathouse replied that they were surprised with the number of gaps available to turn left in the traffic study, and they have drone footage showing the gaps available to make left turns throughout the day. Committee Member Harris asked if the land has already been acquired and if these units will be for low-income renters. Mr. Greathouse replied that the site is under contract but has not closed, and that the units will be market rate.

Committee Member Charlie Jones shared a concern with the parking spaces along the north side of the development, and that they will stop the traffic flow in the shared driveway when they are backing out. Mr. Greathouse replied that if there was a car
driving in the shared driveway it would yield to the car backing out, and they don’t
anticipate cars driving quickly down the driveway. Committee Member Jones replied
that there will be a lot of traffic using that driveway as it is shared with the development
to the east and asked if the users of this site can access the site to the east which has
access onto Camelback Road. Mr. Greathouse replied that the neighboring site will be
gated so residents of the subject site will not be able to drive through to reach
Camelback Road, and they only used their proposed project in their trip generation
calculations, but they would be happy to look into it more.

Vice Chair Drew Bryck asked if they could stripe a dedicated left turn lane within the
shared driveway, because one car waiting to turn left onto 7th Avenue will back up the
rest of the cars in the driveway who want to turn right and asked who is responsible for
the driveway. Mr. Greathouse replied that the driveway is 30-feet-wide, which is wider
than a typical driveway, but they are expecting it to be one lane in, one lane out without
striping, and that both property owners have rights to the shared driveway. Vice Chair
Bryck asked for clarification on the funds provided in an escrow account and asked if
they anticipate traffic will spill onto Oregon Avenue or Georgia Avenue due to the
improvements proposed on Colter Street. Mr. Greathouse replied that they have agreed
to deposit funds into an escrow account for the Colter Street Improvement Project,
which is still in the design phase, and that is hard to gauge human behavior, but they do
not anticipate many people turning right onto those streets.

Committee Member Alexander Malkoon asked if the purchase of the site is contingent
on the zoning approval, if the units will be built with the potential for condo conversions,
why the property to the east appears to have no building setback on Camelback Road,
when is it required for developers to underground utility lines and what was the amount
provided for traffic improvements by the property to the east to the Medlock Place
association. Mr. Greathouse replied that the sale of the site is contingent on the zoning
approval and they are not planning on building the units to condo standards to allow for
a conversion in the future. Ms. Stockham, staff, replied that the Walkable Urban Code
requires a maximum setback, not a minimum, so a 0-foot setback on Camelback Road
would be within Zoning Ordinance standards, it is a common requirement through the
development review process to underground utility lines, and that she is unfamiliar with
the details of the private agreement between the developer of the property to the east
and the nearby historic neighborhood.

Committee Member Charlie Jones asked how many parking spaces will be provided
and what was the unit mix. Mr. Greathouse replied they are providing 272 parking
spaces, which is in the middle of what the Phoenix Zoning Ordinance requires, and the
amount allowed with a 25% reduction due to the proximity of the light rail station, and
they are providing 97 studios, 115 one-bedrooms and 37 two-bedrooms.

Committee Member Christian Solorio shared that unlike the City of Tempe, the City
of Phoenix does not have the infrastructure in place for a fund for voluntary donations
by market-rate developers towards building affordable housing, but the AZ Housing
Fund is an option and encourages all market-rate developers to consider a donation.
PUBLIC COMMENT

**Ken Waters** shared that his TOD journey began in October when there was a PHO proposal for a PUD-zoned site near Central and Camelback, where the developer wanted to reduce the amount of retail on the ground floor from 14,000 square feet to 2,000 square feet. Mr. Waters added that the City is missing mixed-use opportunities in projects along the light rail line, that the ground floor should be sacred ground for retail for properties along the light rail line and asked each committee member do their own walk through or inventory of sites near the light rail to see how many incorporate ground-floor retail and how many are 100% residential.

**Ellen Bilbrey**, with the Medlock Place Historic District Association, shared her support for the project, that they worked with both the hotel and multifamily residential development to the east who did contribute funds for traffic mitigation into an escrow account, and that she liked that the project was only four stories and the way it integrates tree and shade, that the shopping center across the street has enough retail and ultimately thanked the applicant for their early collaboration on the project.

**Rick Mountjoy**, with the Medlock Place Historic District Association, thanked the developer for reaching out early in the process, and shared that traffic is a concern now that this site and the site to the east will add a combined 535 dwelling units to the neighborhood, but they are working with the City on traffic mitigation measures.

APPLICANT RESPONSE

**Mr. Greathouse** thanked the speakers for the support and shared that there is retail on the corner of 7th Avenue and Camelback Road.

FLOOR/PUBLIC DISCUSSION CLOSED:

**MOTION**

Committee Member Alexander Malkoon motioned to recommend approval of Z-50-22-4 per the staff recommendation.

Committee Member Charlie Jones asked to make a friendly amendment that a stipulation be added to relocate parking on the north so that it will not interfere with traffic flow on the shared driveway.

Vice Chair Drew Bryck asked to make a friendly amendment that the driveway include a dedicated left-turn lane.

Committee Member Alexander Malkoon accepted and amended his motion to include an additional stipulation: The developer shall work with the Street Transportation and Planning and Development Departments regarding the proposed parking along the north side of the site so that it does not interfere with traffic flow along the shared driveway and to potentially stripe the driveway to include a left-turn lane.
Committee Member Alexander Malkoon motioned to recommend approval of Z-50-22-4 per the staff recommendation with an additional stipulation. Committee Member Charlie Jones seconded the motion.

**DISCUSSION**
Committee Member Tracey Adams shared a concern with the landscaping along the streetscape, sharing that often time there is not adequate space for trees to grow or they grow too close to the building, and apartment management companies excessively prune or remove the trees.

Committee Member Jak Keyser shared that while he understands the request to have retail at this location, this could also be a location to have professional offices on the ground floor, as this site does not immediately face the light rail line.

Committee Member Crystal Carrillo shared that she does not approve of the request, stating a need for affordable, not market rate, housing in the Village.

**VOTE**
12-4; motion to recommend approval of Z-50-22-4 per the staff recommendation with an additional stipulation passes with Committee Members Adams, Ender, Fitzgerald, Harris, Jones, Keyser, Krietor, LeBlanc, Malkoon, Solorio, Bryck and Shore in favor with Committee Members Carrillo, DeGraffenreid, Sanchez and Williams opposed.

**STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**
None.

VPC Recommended Stipulations:

1. The developer shall provide a minimum 10,000 square feet of publicly accessible open space in a forecourt configuration, as described below and as approved or modified by the Planning and Development Department. The publicly accessible open space shall be:
   a. Adjacent and accessible to the public sidewalk on 7th Avenue
   b. Provided in areas of not less than 500 square feet and 20 feet in width;
   c. Shaded to a minimum of 50 percent by vegetative shade;
   d. Maintained in perpetuity without fences or barriers;
   e. Eligible to qualify as a forecourt frontage type;
f. Improved to contain, at minimum, a drinking fountain for people and pets, art, and seating.

2. All ground floor dwelling units adjacent to 7th Avenue shall utilize the stoop and doorwell, forecourt, or porch frontage types, as approved or modified by the Planning and Development Department.

3. Between the public sidewalk and the building fronts, there shall be a 6-foot-wide landscape area planted with minimum 3-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved or modified by the Planning and Development Department to comply with frontage requirements.

4. The development shall incorporate masonry elements into the primary exterior building materials and shall be reflective of the architectural style in the area, as approved by the Planning and Development Department.

5. The developer shall install traffic calming devices along the driveways of the property so that vehicle drivers exercise caution prior to crossing the sidewalk when exiting the property, as approved or modified by the Planning and Development Department.

6. The developer shall incorporate bicycle infrastructure, as described below and as approved by the Planning and Development Department.
   a. All required bicycle parking for multifamily use, per Section 1307.H of the Phoenix Zoning Ordinance, shall be secured parking.
   b. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 required spaces near entrances of buildings and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.
   c. One bicycle repair station shall be provided and maintained by the developer in an area of high visibility near the secure bicycle parking areas.

7. A minimum 35 percent of the uncovered parking lot area shall be shaded by minimum 3-inch caliper shade trees, as approved by the Planning and Development Department.

8. The applicant shall submit a Traffic Impact Study (TIS) to the City for this development. The TIS shall include evaluation of 7th Avenue peak hour restrictions and resulting site traffic routing on the surrounding street network and proposed mitigation to Colter Street. The developer shall be responsible for all costs for mitigation measures determined by the Study and contribute funds for the Colter Street Project. No preliminary approval of plans shall be
9. The southern driveway onto 7th Avenue, as depicted on the site plan date stamped October 31, 2022, shall be restricted to right-in/right-out only and access shall be coordinated with the Public Transit Department, as approved by Planning and Development.

10. The developer shall construct a minimum 6-foot-wide sidewalk separated from the curb by a minimum 10-foot-wide landscape area along the east side of 7th Avenue and planted with minimum three-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved by the Planned and Development Department.

11. The developer shall dedicate a sidewalk easement to accommodate a minimum 6-foot-wide sidewalk and minimum 10-foot-wide landscape area located between the back of curb and sidewalk, as approved by the Planning and Development Department.

12. 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.

13. 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.

14. 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.

15. **THE DEVELOPER SHALL WORK WITH THE STREET TRANSPORTATION AND PLANNING AND DEVELOPMENT DEPARTMENTS REGARDING THE PROPOSED PARKING ALONG THE NORTH SIDE OF THE SITE SO THAT IT DOES NOT INTERFERE WITH TRAFFIC FLOW ALONG THE SHARED DRIVEWAY AND TO POTENTIALLY STRIPE THE DRIVEWAY TO INCLUDE A LEFT-TURN LANE.**
ITEM NO: 11

SUBJECT: Application #: Z-50-22-4

Location: Approximately 180 feet north of the northeast corner of 7th Avenue and Camelback Road

From: C-2 TOD-1

To: WU Code T5:5 UT

Acreage: 4.79

Proposal: Multifamily residential

Applicant: Brian Greathouse, Burch & Cracchiolo, PA

Owner: Larkspur Lane Investment Properties, LLC

Representative: Brian Greathouse, Burch & Cracchiolo, PA

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:
Alhambra 12/20/2022 Approval, per the staff recommendation with an additional stipulation.
Vote: 12-4.

Planning Commission Recommendation: Approval, per the Alhambra Village Planning Committee recommendation.

Motion Discussion: N/A

Motion details: Commissioner Boyd made a MOTION to approve Z-50-22-4, per the Alhambra Village Planning Committee recommendation.

Maker: Boyd
Second: Gaynor
Vote: 8-0
Absent: Mangum
Opposition Present: Yes

Findings:

1. The proposed development is consistent with the General Plan Land Use Map designation and the transect map within the Uptown Transit Oriented Development Policy Plan.

2. The proposal as stipulated, will create a strong pedestrian environment along 7th Avenue with shaded and detached sidewalks to convey residents safely and comfortably to the 7th Avenue/Camelback Road light rail station.

3. The proposal will create additional housing options in line with the Housing Phoenix Plan’s goal of preserving or creating 50,000 housing units by 2030.
Stipulations:

1. The developer shall provide a minimum 10,000 square feet of publicly accessible open space in a forecourt configuration, as described below and as approved or modified by the Planning and Development Department. The publicly accessible open space shall be:
   a. Adjacent and accessible to the public sidewalk on 7th Avenue
   b. Provided in areas of not less than 500 square feet and 20 feet in width;
   c. Shaded to a minimum of 50 percent by vegetative shade;
   d. Maintained in perpetuity without fences or barriers;
   e. Eligible to qualify as a forecourt frontage type;
   f. Improved to contain, at minimum, a drinking fountain for people and pets, art, and seating.

2. All ground floor dwelling units adjacent to 7th Avenue shall utilize the stoop and door well, forecourt, or porch frontage types, as approved or modified by the Planning and Development Department.

3. Between the public sidewalk and the building fronts, there shall be a 6-foot-wide landscape area planted with minimum 3-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved or modified by the Planning and Development Department to comply with frontage requirements.

4. The development shall incorporate masonry elements into the primary exterior building materials and shall be reflective of the architectural style in the area, as approved by the Planning and Development Department.

5. The developer shall install traffic calming devices along the driveways of the property so that vehicle drivers exercise caution prior to crossing the sidewalk when exiting the property, as approved or modified by the Planning and Development Department.

6. The developer shall incorporate bicycle infrastructure, as described below and as approved by the Planning and Development Department.
   a. All required bicycle parking for multifamily use, per Section 1307.H of the Phoenix Zoning Ordinance, shall be secured parking.
   b. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 required spaces near entrances of buildings and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.
   c. One bicycle repair station shall be provided and maintained by the developer in an area of high visibility near the secure bicycle parking areas.

7. A minimum 35 percent of the uncovered parking lot area shall be shaded by minimum 3-inch caliper shade trees, as approved by the Planning and Development Department.
8. The applicant shall submit a Traffic Impact Study (TIS) to the City for this development. The TIS shall include evaluation of 7th Avenue peak hour restrictions and resulting site traffic routing on the surrounding street network and proposed mitigation to Colter Street. The developer shall be responsible for all costs for mitigation measure determined by the Study and contribute funds for the Colter Street Project. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City.

9. The southern driveway onto 7th Avenue, as depicted on the site plan date stamped October 31, 2022, shall be restricted to right-in/right-out only and access shall be coordinated with the Public Transit Department, as approved by Planning and Development.

10. The developer shall construct a minimum 6-foot-wide sidewalk separated from the curb by a minimum 10-foot-wide landscape area along the east side of 7th Avenue and planted with minimum three-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved by the Planned and Development Department.

11. The developer shall dedicate a sidewalk easement to accommodate a minimum 6-foot-wide sidewalk and minimum 10-foot-wide landscape area located between the back of curb and sidewalk, as approved by the Planning and Development Department.

12. 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.

13. 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.

14. 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.

15. THE DEVELOPER SHALL WORK WITH THE STREET TRANSPORTATION AND PLANNING AND DEVELOPMENT DEPARTMENTS REGARDING THE PROPOSED PARKING ALONG THE NORTH SIDE OF THE SITE SO THAT IT DOES NOT INTERFERE WITH TRAFFIC FLOW ALONG THE SHARED DRIVEWAY AND TO POTENTIALLY STRIPE THE DRIVEWAY TO INCLUDE A LEFT-TURN LANE.

This publication can be made available in alternate format upon request. Please contact Angie Holdsworth at (602) 329-5065, TTY use 7-1-1.
**FORM TO REQUEST PC to CC**

I HEREBY REQUEST THAT THE CC HOLD A PUBLIC HEARING ON:

<table>
<thead>
<tr>
<th>APPLICATION NO/LOCATION</th>
<th>(SIGNATURE ON ORIGINAL IN FILE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Z-50-22-4</td>
<td>x applicant</td>
</tr>
</tbody>
</table>

- Approximately 180 feet north of the northeast corner of 7th Avenue and Camelback Road

**APPEALED FROM:**

- PC 1/5/2023
- 126 West Pierson Street
- Phoenix, AZ 85013

**TO PC/CC HEARING:**

- CC 2/1/2023
- Ken Waters
- 602-373-1902
- Kennywaters602@gmail.com

**REASON FOR REQUEST:**

NOT Walkable Urban Mixed-Use as should be! Etc.

**RECEIVED BY:** Chase Hales

**RECEIVED ON:** 1/9/2023

- 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)
The **PLANNING COMMISSION** agenda for **January 5, 2023** 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. **January 12, 2023**.

   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. **January 12, 2023**.

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. **January 12, 2023**.

   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. **January 19, 2023**.

---

**FORM TO REQUEST CITY COUNCIL HEARING**

I **HEARBY REQUEST** that the **CITY COUNCIL** HOLD A PUBLIC HEARING:

<table>
<thead>
<tr>
<th>APPLICATION NO.</th>
<th>LOCATION OF APPLICATION SITE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-50-22-4 - Magnolia</td>
<td>NEC Camelback 27th Ave</td>
</tr>
<tr>
<td>Jan 5th 2023</td>
<td>Chase Hales Chief Pl</td>
</tr>
</tbody>
</table>

**DATE APPEALED FROM**

**OPPOSITION**

**APPLICANT**

---

**BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:**

Ken Waters

 Printed Name of Person Appealing

126 W. Pierson St

Street Address

Phoenix, AZ 85013

City, State & Zip Code

KennyWaters602@gmail.com

Email Address

REASON FOR REQUEST

NOT Walkable Urban Mixed-Use as Shown be Etc.

---

**APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER**
I HEREBY REQUEST THAT THE CC HOLD A PUBLIC HEARING ON:

<table>
<thead>
<tr>
<th>APPLICATION NO/LOCATION</th>
<th>(SIGNATURE ON ORIGINAL IN FILE)</th>
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<tbody>
<tr>
<td>Z-50-22-4</td>
<td>opposition x applicant</td>
</tr>
<tr>
<td>Approximately 180 feet north of the northeast corner of 7th Avenue and Camelback Road</td>
<td></td>
</tr>
</tbody>
</table>

APPEALED FROM: PC 1-5-2023

7135 E. Camelback Road, Suite 360 Phoenix, AZ 85251

TO PC/CC HEARING CC 2-1-2023

Jon Garshick
602-778-2800
jgarshick@allresco.com

REASON FOR REQUEST:
Safety concerns related to current site plan which required vehicular maneuvering within an active driveway easement.

RECEIVED BY: Brad Wylam
RECEIVED ON: 1/12/2023
The PLANNING COMMISSION agenda for January 5, 2023 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. January 12, 2023.

   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. January 12, 2023.

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. January 12, 2023.

   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. January 19, 2023.

---

FORM TO REQUEST CITY COUNCIL HEARING

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

Z-50-22-4

APPLICATION NO.

January 5, 2023

DATE APPEALED FROM

X OPPOSITION

APPLICANT

NEC of Camelback and 7th Avenue

LOCATION OF APPLICATION SITE

Brad Whalen

(PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

Jon Garshick

PRINTED NAME OF PERSON APPEALING

7135 E. Camelback Road, Suite 360

STREET ADDRESS

Phoenix, AZ 85251

CITY, STATE & ZIP CODE

jgarshick@allresco.com

EMAIL ADDRESS

REASON FOR REQUEST

Safety concerns related to current site plan which required vehicular maneuvering within an active driveway easement

APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER

Jon Garshick

SIGNATURE

1/12/2023

DATE OF SIGNATURE

602.778.2800

TELEPHONE NO.
Ellen,

Thank you. We appreciate Medlock’s support email below!

Sarah,

Please see below email from Ellen Bilbre and Rick Mountjoy on behalf of the Medlock Place Historic District Association.

---

**Brian Greathouse**  
(602) 234-9903

---

**From:** Ellen Bilbre <blockwatch.medlock@gmail.com>  
**Sent:** Saturday, December 17, 2022 3:39 PM  
**To:** Brian Greathouse <bgreathouse@bcattorneys.com>  
**Subject:** Magnolia Camelback Apartment Project & Medlock Place

---

Hi Brian

I will also send this to Drew Bryk to support Magnolia.

Ellen

Ellen Bilbrey
Begin forwarded message:

From: Rick Mountjoy <rick.mountjoy@gmail.com>
Date: December 12, 2022 at 1:53:39 PM MST
To: Council District 4 <council.district.4@phoenix.gov>
Cc: blockwatch <blockwatch.medlock@gmail.com>, Michael Petersen-Incorvaia <michael.petersen-incorvaia@phoenix.gov>, Maria G Lopez-Corona <maria.corona@phoenix.gov>, Kini Knudson <kini.knudson@phoenix.gov>, Christopher Kowalsky <chris.kowalsky@phoenix.gov>
Subject: Magnolia Camelback Apartment Project & Medlock Place

Dear Vice Mayor Pastor,

Thanks again for meeting with us on November 1st regarding traffic control and safety in Medlock Place, and for your directive to implement a trial traffic control feature on Colter Street (the “simulation”).

As you are aware, the Magnolia Property Company is proposing a 250-unit, four-story apartment project very near our neighborhood (7th Avenue & Camelback). This is in addition to Alliance Residential’s adjacent 285-unit project called “Broadstone Uptown” now under construction. These two projects combined add 535 dwelling units to our neighborhood, far exceeding all the dwellings in the Medlock Place Historic District. The additional traffic load from these projects will cause traffic on Colter Street to exceed 1000 vehicles per day; over the limit for a local street.

We had several meetings with Magnolia regarding traffic impact and mitigation, and Magnolia had agreed to implement a traffic suppression feature at Third Avenue and Colter Street. Subsequently, the Streets Department (Chris Kowalski) informed Magnolia that traffic suppression would be designed and installed solely by the Streets Department as part of the “Colter Street Project” and/or the “Third Avenue Project”.

We are thus forced to rely entirely on the City to finance and implement cut-thru traffic suppression from the Magnolia and Alliance projects. The preliminary designs shown on-line for the Colter Street Project are not sufficient to mitigate the cut-thru traffic. We must have a stronger solution; we expect the “trial” feature on Colter to help determine what this solution will be.

Magnolia has asked us to support their zoning change petition at the Village Planning Committee hearing on the 20th. Since the City has assumed leadership and responsibility for effective cut-thru traffic control, on this basis we will support Magnolia’s proposed zoning change subject to the City’s draft stipulations (Z-50-22-4) provided to us on November 17th by Magnolia’s attorney (Brian Greathouse).

Sincerely,

Ellen Bilbrey, President; Medlock Place Historic District Association
Rick Mountjoy, Chairman; Medlock Place Traffic Committee
https://northcentralnews.net/2022/features/fighting-for-the-future-of-central-avenue/[northcentralnews.net]

Sarah,

Please forward -asap- this above link to the December cover story of the North Central News, that is applicable to agenda item #3 tonight, on to the entire AVPC committee. It is not applicable for just “Central Ave” but a fight for the Camelback Rd Walkable Urban TOD future as well.

City of Phoenix Planning needs to stop letting developers kill the vibrant Walkable Urban MIXED-USE TOD Vision with their 100% NON Walkable Urban destination-less dead end 100% residential products that simply covets “It’s next to Light Rail!” We’re building a TOD out with no places to go, no vibrancy, no services, with fewer and fewer retail offerings - just Nothingville AZ, USA. This Magnolia project actually tears down and destroys existing TOD retail.

Members: Please consider mercifully rejecting this project, for a better Version 2.0 tomorrow. Please insist that the TOD ground floor floorplates are unique, sacred, and reserved for commercial/retail only on our Light Rail TOD system. The price of TOD entry for developers is vibrancy and delivered VISION. Not more and more of the same non contributing soulless product not fit for ANY Main Street USA.

Thanks,
Ken Waters
Hi

As a resident and business owner in North Central Phoenix I wanted to share my comments with the committee in regards to the following topic:

1. **Z-50-22-4**: Presentation, discussion, and possible recommendation regarding a request to rezone 4.79 acres located approximately 180 feet north of the northeast corner of 7th Avenue and Camelback Road from **C-2 TOD-1** (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One) to **WU T5:5 UT** (Walkable Urban Code, Transect 5:5, Transit Uptown Character Area) to allow multifamily residential.

I believe that all Multi-family Residential along the light rail in TOD should have retail that is accessible by foot traffic. As the city becomes denser there needs to be space set aside for restaurants, coffee shops and retail, that enhances these parts of the city and makes them more livable and walkable.

Thank for considering my comments.

Best,
Michael

---

**Michael Trend**  
Real Estate Advisor  
602.708.8013  
michael@michaeltrend.com

HomeSmart  
5225 North Central Avenue, Suite 104 Phoenix, AZ 85012

See my past sales, read reviews or add a new review on Zillow:  
https://www.zillow.com/profile/MichaelTrend/ [zillow.com]
I was upset by a remark by the representative of the aspiring developer of an additional apartment complex at 7th Avenue and Camelback. He stated that we who voted in opposition had not bothered to attend the Alhambra Village Meeting. I am you recall there was a glitch because you did not recognize the phone number for Janice Paul and she was not given an opportunity to speak. I can only say it was our intention to speak and share the concerns we expressed at the meeting this past week.

Also he spoke about attending the neighborhood meeting to present the plans for the development. It is my understanding there were six people in attendance representing over 200 residents. One might wonder why there appeared to be no interest or concern. In something of obvious impact isn’t it possible there was really no information that was shared so the majority of residents were not informed.

I am not sure this is necessarily within your area but it has caused a sense of being deliberately left out to avoid any resistance.

Thank you for responding to my and other’s attempts to communicate with you to express our genuine concerns.

Sent from my iPad
Public Hearing and Ordinance Adoption - Rezoning Application Z-40-22-2 (Scottsdale Town Square Thunderbird Phase PUD) - Approximately 800 Feet North of the Northwest Corner of Scottsdale Road and Thunderbird Road (Ordinance G-7076)

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-40-22-2 and rezone the site from C-2 (Intermediate Commercial), C-2 SP (Intermediate Commercial, Special Permit), and PSC (Planned Shopping Center) to PUD (Planned Unit Development) to allow multifamily residential and commercial uses.

Summary
Current Zoning: C-2 (1.06 acres), C-2 SP (0.06-acres), and PSC (7.42 acres)
Proposed Zoning: PUD
Acreage: 8.54 acres
Proposal: PUD to allow multifamily residential and commercial uses

Owner: Scottsdale Towne Square, LLC
Applicant: George Pasquel III, Withey Morris, PLC
Representative: George Pasquel III, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Info: The Paradise Valley Village Planning Committee heard this case on Aug. 1, 2022, for information only.
VPC Action: The Paradise Valley Village Planning Committee heard this case on Dec. 5, 2022, and recommended approval, per the staff recommendation, with a modification and additional stipulations, by a vote of 13-3.
PC Action: The Planning Commission heard this case on Jan. 5, 2023, and recommended approval, per the staff memo dated Jan. 5, 2023, with a modification, by a vote of 8-0.
The Planning Commission recommendation was appealed for a public hearing by a community member on Jan. 12, 2023.
**Location**
Approximately 800 feet north of the northwest corner of Scottsdale Road and Thunderbird Road
Council District: 2
Parcel Address: 13802, 14026, 14036, and 14046 N. Scottsdale Road

**Responsible Department**
This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.
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-40-22-2) FROM C-2 (INTERMEDIATE COMMERCIAL), C-2 SP (INTERMEDIATE COMMERCIAL, SPECIAL PERMIT), AND PSC (PLANNED SHOPPING CENTER) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of an 8.54-acre property located approximately 800 feet north of the northwest corner of Scottsdale Road and Thunderbird Road in a portion of Section 10, Township 3 North, Range 4 East, as described more specifically in Exhibit “A,” is hereby changed from 1.06 acres of “C-2” (Intermediate Commercial), 0.06-acres of “C-2 SP” (Intermediate Commercial, Special Permit), and 7.42 acres of “PSC” (Planned Shopping Center) 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 Scottsdale Towne Square 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 November 18, 2022, as modified by the following stipulations:

   a. Front cover: Revise the submittal date information on the bottom to add the following: Hearing draft submittal: November 18, 2022; City Council adopted: [Add adoption date].

   b. Pages 14-15, Sidewalk Standards, Internal Walkways: Remove the single asterisk next to the 5’ minimum width internal walkway standard. Add a triple asterisk next to the sidewalk standard for internal walkways. Add a new footnote for a triple asterisk that 5’ minimum width internal walkways shall be clear of all obstacles.

   c. Page 15, General Landscape Requirements: Remove bullet point (b.) for landscape irrigation, which is repeated in bullet point (d.), and re-letter accordingly.

   d. Pages 16-17, Landscape Standards Table:

      (1) Streetscape: Revise titles of streetscape standards to “Streetscape – Landscape Areas Within Public Right-of-Way Adjacent to Scottsdale Road, Including Detached Sidewalk Landscape Strip”, “Landscape Setback Adjacent to 71st Street Where Pocket Park Option Is Not Utilized”, and “Landscape Setback Adjacent to 71st Street - Pocket Park Option”.

      (2) Add language “at maturity” after each live vegetative ground coverage standard.
(3) Add a new row for a landscape standard for the bus stop pad on southbound Scottsdale Road, below the “Adjacent to Buildings” row, as follows: “Bus Stop Pad Landscaping – a) Minimum 3-inch caliper shade trees to provide minimum shade per Section D.6. at maturity; b) Minimum 75% live vegetative ground coverage at maturity”

e. Page 20, Shade: Add a shade standard for the bus stop pad: “A minimum of 50% of the bus stop pad on southbound Scottsdale Road shall be shaded at tree maturity”

f. Page 24, iv. Design for Cost-Effectiveness: Modify the language to a development/developer requirement that is not confused as a directive to the Street Transportation Department.

g. Page 14, Development Standards, Development Standards Table, Noise Reduction: Add language that states, “The average noise level, measured at the west property line, shall not exceed 55 DB (one LDN) when measured on a “weighted” sound level meter and according to the procedures of the Environmental Protection Agency.”

h. Page 15, Development Standards, Landscape Standards Table, General Landscaping Requirements: Add a provision to require low-water-use tree species with a dense foliage along the west perimeter of the site to provide an adequate visual buffer for adjacent residences.

i. Page 16, Development Standards, Landscape Standards Table: Modify the language for landscaping along Scottsdale Road, 71st Street, and the north property line to require minimum 3-inch caliper trees planted 20 feet on center on in equivalent groupings.

j. Page 18, Development Standards, Fences / Walls: Add Language to require a 6-foot-high full view fence be constructed along 71st Avenue at or behind the building setback line.

k. Page 20, Development Standards, Amenities: Add the following language after the Commercial Amenities section:

4) Art: A minimum of two art installations shall be installed either along Scottsdale Road or in the open space area between the two restaurant buildings. The art shall be a minimum of five feet in length in any one directions (height, width or depth).

l. Page 25, Development Standards, Signs: Add language to require signs along the west side of the property be non-lighted signs.
m. Tab H, Scottsdale Towne Square Architectural Design Guidelines, Section 1.0, Page 2, Form and Scale, Building Massing (PDF Page 57): Add language to restrict upper-level balconies where there is no visual buffer blocking a line of sight from a balcony looking west into adjacent single-family yards. Balconies may either be recessed or Juliette balconies where there is no line of sight into the yards. Protruding balconies may be allowed either where there is a visual buffer blocking the line of sight from the balcony looking west into single-family yards or wherever there are no lines of sight looking west into adjacent single-family yards.

n. Tab H, Scottsdale Towne Square Architectural Design Guidelines, Section 1.4, Page 8, Glass (PDF Page 63): Add language to require glass on all windows be a minimum of 85% non-reflective glass.

2. The applicant shall submit a Traffic Impact Study/Statement 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.

3. The developer shall submit a circulation plan addressing pedestrian and bicyclist connectivity and safety within the development, to nearby pedestrian and bicyclist infrastructure, and include proximity to activity centers, as approved by the Planning and Development Department.

4. 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.

5. The developer shall build a bus stop pad on southbound Scottsdale Road. The pad shall be designed according to City of Phoenix Standard Detail P1260 with a depth of 10 feet.

6. The property owner shall record documents that disclose the existence and operational characteristics of Scottsdale Municipal Airport (SDL) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
7. The developer shall provide documentation to the City prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a No Hazard Determination from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a “No Hazard Determination” obtained prior to the construction start date.

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 Archeologist, and allow time for the Archeology 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. Prior to preliminary site plan approval, the developer shall apply for the on-street parking zones program in order to install no parking signs along 71st Street adjacent to the site.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 1st day of February, 2023.

__________________________
MAYOR

ATTEST:

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

By:

_________________________

_________________________

REVIEWED BY:

_________________________

Jeffrey Barton, City Manager

Exhibits:
A – Legal Description (1 Page)
B – Ordinance Location Map (1 Page)
EXHIBIT A

A portion of Tract “A”, of Raskin Estates No. 1, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 86 of Maps, Page 36 and a portion of the south half of Hearn Road, as abandoned by Resolution No. 19618 in Document No. 2001-373063, records of Maricopa County, Arizona, lying within the southeast quarter of Section 10, Township 3 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the southeast corner of Section 10, a City of Scottsdale Brass Cap in Handhole, from which the east quarter corner of said Section 10, a City of Scottsdale Brass Cap in handhole, bears North 00°57’30” West, a distance of 2,642.53 feet;

Thence along the east line of the southeast quarter of said Section 10, North 00°57’30” West, a distance of 818.52 feet;

Thence leaving said east line, South 89°02’30” West, a distance of 65.00 feet, to the Point of Beginning;

Thence South 89°02’30” West, a distance of 204.94 feet;

Thence South 00°56’35” East, a distance of 156.67 feet;

Thence South 89°16’50” West, a distance of 364.81 feet, to the easterly right-of-way line of 71st Street;

Thence along said easterly right-of-way line, North 00°50’20” West, a distance of 330.78 feet;

Thence North 89°18’30” East, a distance of 8.00 feet;

Thence North 00°50’20” West, a distance of 277.00 feet;

Thence North 00°17’40” West, a distance of 53.00 feet, to the centerline of abandoned portion of Hearn Road;

Thence along said centerline, North 89°18’15” East, a distance of 559.92 feet, to the westerly right-of-way line of Scottsdale Road;

Thence leaving said centerline, along said westerly right-of-way line, South 00°57’30” East, a distance of 503.02 feet; to the Point of Beginning.

Containing 341,138 Square Feet or 7.83 Acres more or less.
ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: 

Zoning Case Number: Z-40-22-2
Zoning Overlay: N/A
Planning Village: Paradise Valley

DEER VALLEY DR
SR 101
UNION HILLS DR
BELL RD
GREENWAY RD
THUNDERBIRD RD
CACTUS RD
SHEA BLVD

0 212.5 425 850 Feet

NOT TO SCALE

Drawn Date: 1/6/2023
Staff Report Z-40-22-2
Scottsdale Towne Square Thunderbird Phase PUD
December 2, 2022

Paradise Valley Village Planning Committee Meeting Date: December 5, 2022
Planning Commission Hearing Date: January 5, 2023

Request From: PSC (Planned Shopping Center District) (7.42 acres), C-2 (Intermediate Commercial) (1.06 acres), C-2 SP (Intermediate Commercial, Special Permit) (0.06 acres)

Request To: PUD (Planned Unit Development) (8.54 acres)

Proposed Use: Planned Unit Development to allow multifamily residential and commercial uses.

Location: Approximately 800 feet north of the northwest corner of Scottsdale Road and Thunderbird Road

Owner: Scottsdale Towne Square, LLC

Applicant/Representative: George Pasquel III, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations

<table>
<thead>
<tr>
<th>General Plan Land Use Map Designation</th>
<th>Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Map Classification</td>
<td>Scottsdale Road</td>
</tr>
<tr>
<td></td>
<td>71st Street</td>
</tr>
</tbody>
</table>

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.
General Plan Conformity

The proposal will be a mixed-use development that will add to the mix of housing types in the area while providing additional commercial services and employment opportunities along Scottsdale Road, an established commercial corridor, and near Kierland, which is a node of commercial activity.

CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CERTAINTY AND CHARACTER; DESIGN PRINCIPLE: Enhance the compatibility of residential infill projects by carefully designing the edges of the development to be sensitive to adjacent existing housing. Create landscape buffers and other amenities to link new and existing development.

The PUD proposes a stepdown approach with varied heights, limiting height close to the nearby single-family residential neighborhood. The PUD also proposes a series of pocket parks along the west frontage to enhance the interface between the proposed development and the adjacent neighborhood.

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 PUD proposes standards that integrate trees and shade in the design, including enhanced landscaping around the perimeter of the site, shaded detached sidewalks, and the integration of a shaded public plaza on site.

Applicable Plans, Overlays, and Initiatives

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.
Housing Phoenix Plan – See Background Item No. 13.
Zero Waste PHX – See Background Item No. 14.
### Surrounding Land Uses/Zoning

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>On Site</strong></td>
<td>Commercial retail PSC, C-2, and C-2 SP</td>
</tr>
<tr>
<td><strong>North</strong></td>
<td>Commercial retail C-2 PCD</td>
</tr>
<tr>
<td><strong>South</strong></td>
<td>Commercial retail PSC</td>
</tr>
<tr>
<td><strong>East (across Scottsdale Road)</strong></td>
<td>Vacant and commercial office</td>
</tr>
<tr>
<td><strong>West (across 71st Street)</strong></td>
<td>Single-family residential R1-14</td>
</tr>
</tbody>
</table>

### Background/Issues/Analysis

**SUBJECT SITE**

1. This request is to rezone an 8.54-acre site located approximately 800 feet north of the northwest corner of Scottsdale Road and Thunderbird Road. The request is to rezone from PSC (Planned Shopping Center District), C-2 (Intermediate Commercial), and C-2 SP (Intermediate Commercial, Special Permit) to PUD (Planned Unit Development) to allow multifamily residential and commercial uses.

The subject site is the northern portion of the existing Scottsdale Towne Square shopping center. To facilitate the existing development, the site was rezoned to PSC in 1985, through Rezoning Case No. Z-212-85. In 2017, a portion of the site was rezoned to C-2 and C-2 SP, through Rezoning Case Nos. Z-14-17 and Z-SP-2-17, to facilitate a massage establishment within a portion of the existing shopping center.

The subject site is within a commercial corridor along Scottsdale Road with old auto-oriented shopping centers, extending south from the Kierland Commons area, which is a hub of mixed-use activity and employment. The area presents an opportunity for revitalizing the corridor with more mixed-use activity in close proximity to Kierland Commons. As stated in the Paradise Valley Village Character Plan, “due to the 2009 economic recession, this Village has been left slightly overbuilt with commercial space. There is an opportunity to re-evaluate the land use distribution and consider alternative uses to activate empty retail spaces.”
GENERAL PLAN LAND USE MAP DESIGNATION

2. The General Plan Land Use Map designation for the subject site is Commercial. The proposal is consistent with the General Plan Land Use Map designation.

The General Plan Land Use Map designations north and south of the site is Commercial. West of the site is an area designated as Residential 3.5 to 5 dwelling units per acre. East of the site is in the City of Scottsdale jurisdiction.

SURROUNDING ZONING AND LAND USES

3. The subject site and surrounding area along Scottsdale Road are generally commercial with existing shopping centers located on the subject site and directly to the north and south within C-2, C-2 SP, and PSC zoning districts. West of the subject site is a single-family neighborhood in an R1-14 zoning district. Across Scottsdale Road to the east is vacant land and commercial offices in the City of Scottsdale.

PROPOSAL

4. 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. The PUD proposes standards that support the vision of a mixed-use development, including a vertical mixed-use building with ground floor retail and residential above, two stand-alone commercial buildings, and a public plaza.

6. **Land Use**
The PUD proposes a mixed-use development to include a range of commercial retail and multifamily housing. The proposed development narrative lists all uses permitted by the C-2 zoning district and multifamily residential uses, as governed by the PUD standards. The development narrative also proposes restricting certain uses that are inconsistent with the PUD's vision of mixed-use pedestrian-oriented development such as auto title loan establishments, gas stations, and automobile service stations.
7. **Development Standards**

The PUD proposes development standards, consistent with the vision of a pedestrian-oriented mixed-use development. It proposes a maximum height of 68 feet to facilitate the multifamily component on the portion of the site closer to Scottsdale Road. Height steps down closer to the west property line with a maximum of 30 feet within 90 feet of the west property line. Landscape setbacks are proposed on all sides of the site, except for the south side, which abuts the remainder of the same shopping center that is not part of this PUD. The PUD proposes amenity standards including a minimum of six indoor residential amenities, a minimum of six outdoor amenities, and a minimum of three amenities for commercial uses.

Staff recommends updates to the PUD Narrative for clarity and to address technical corrections. Stipulation 1.b. is related to a footnote in the Development Standards Table, indicating that the five-foot wide sidewalk “shall be clear of obstacles except for tree grates and public amenities”. A five-foot wide sidewalk would not be wide enough to have tree grates or public amenities obstructing it. The stipulation requests the applicant to add a new footnote that the minimum five-foot wide sidewalk width shall be clear of all obstacles.

Below are additional development standards from the PUD Narrative:

<table>
<thead>
<tr>
<th><strong>Maximum Residential Density:</strong></th>
<th>36.5 dwelling units per gross acre</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Lot Width/Depth</strong></td>
<td>No Minimum</td>
</tr>
<tr>
<td><strong>Minimum Building Setbacks</strong></td>
<td></td>
</tr>
<tr>
<td>North (Interior property line)</td>
<td>10 feet</td>
</tr>
<tr>
<td>South (Interior property line)</td>
<td>0 feet</td>
</tr>
<tr>
<td>East (Scottsdale Road)</td>
<td>12 feet</td>
</tr>
<tr>
<td>West (71st Street)</td>
<td>25 feet</td>
</tr>
<tr>
<td><strong>Minimum Landscape Setbacks</strong></td>
<td></td>
</tr>
<tr>
<td>North (Interior property line)</td>
<td>10 feet</td>
</tr>
<tr>
<td>South (Interior property line)</td>
<td>0 feet</td>
</tr>
<tr>
<td>East (Scottsdale Road)</td>
<td>10 feet</td>
</tr>
<tr>
<td>West (71st Street)</td>
<td>25 feet</td>
</tr>
<tr>
<td><strong>Maximum Building Height</strong></td>
<td>68 feet maximum</td>
</tr>
<tr>
<td></td>
<td>30 feet maximum within 90 feet of west property line</td>
</tr>
<tr>
<td></td>
<td>56 feet maximum within 200 feet of west property line</td>
</tr>
<tr>
<td><strong>Maximum Lot Coverage</strong></td>
<td>65 percent</td>
</tr>
</tbody>
</table>
Open Space

| Minimum 20 percent of site area |
| Minimum 5,000 square feet as public plaza |
| Minimum 5 percent of site area dedicated to residential amenity space |

Retail Parking

| 4 spaces per 1,000 square feet |

Residential Parking

| 1.3 spaces per efficiency |
| 1.5 spaces per one- or two-bedroom unit |
| 2.0 spaces per three or more-bedroom unit |
| 1.0 spaces per <600-square-foot unit |

Bicycle Parking

| Per Section 1307.H (WU Code) |

8. **Landscape Standards**

The PUD proposes landscape standards for streetscape landscape areas, perimeter setbacks, adjacent to buildings, parking areas, common and retention areas, and is stipulated to add landscape standards for the bus stop pad. The PUD also proposes a minimum 75 percent shade requirement for public sidewalks and internal walkways, a minimum 50 percent shade requirement for internal open space areas and is stipulated to add a minimum 50 percent shade requirement for the bus stop pad. The proposed shade and landscape planting standards are an enhancement compared to the Zoning Ordinance standards.

Staff recommends the following updates to the PUD Narrative for clarity and to address technical corrections:

Stipulation 1.c. is related to a bullet point in the Landscape Standards Table which is repetitive. The stipulation requests that the applicant delete bullet point (b.) which has the same language that is repeated in bullet point (d.), and to re-letter accordingly.

Stipulation 1.d.(1) is related to streetscape standards in the Landscape Standards Table. The stipulation requests that the applicant change the titles of the rows for streetscape standards for clarity so that there is 1) a clear standard for the streetscape along Scottsdale Road, and not just the detached landscape strip alone, and 2) a clear standard for the streetscape along the entirety of 71st Street.

Stipulation 1.d.(2) is related to the live vegetative ground coverage standards within the Landscape Standards Table for clarity on how live vegetative ground coverage is measured. The stipulation requests the words “at maturity” be added after the word “coverage” in each location where there is a live vegetative ground coverage standard.

Stipulation 1.d.(3) requests a landscape standard be added in the Landscape Standards Table for the bus stop pad the applicant is stipulated to install along Scottsdale Road. The stipulation requests the applicant to add a row for bus stop
pad landscaping in order to achieve minimum bus stop pad shading using similar landscape standards as the streetscape.

9. **Design Guidelines and Standards**
The PUD proposes design standards that promote a pedestrian-oriented design with quality architecture. Pedestrian walkways will be provided to connect all points of interest on site and will have contrasting materials when crossing drive aisles to promote safety. The public plaza will contain landscaping and seating for the public. Architectural guidelines include varied façade elements between ground floor retail spaces and upper floor residential, provisions for quantities of façade materials to minimize monotonous buildings, ground floor transparency, and articulation to break up larger building masses. Additionally, pocket parks along the western property line will include landscaping, benches, and local art sculptures.

Staff recommends the following updates to the PUD Narrative for clarity and to address technical corrections:

Stipulation 1.e. is related to the shade standards in Section D.6. The stipulation requests the applicant to add a tree shade standard for the bus stop pad that the applicant is stipulated to install along Scottsdale Road.

Stipulation 1.f. is related to Design for Cost-Effectiveness in Section E.3. The Street Transportation Department requested that the language be changed so it is not confused as a directive for the Street Transportation Department.
AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

10. **Tree and Shade Master Plan**
The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City’s planning and development process. Sidewalks on the street frontages should be detached from the curbs to allow trees to be planted on both sides of the sidewalk to provide thermal comfort for pedestrians and to reduce the urban heat island effect. The PUD includes standards for detached sidewalks along Scottsdale Road, enhanced shade along sidewalks, a shaded public plaza on site, and parking lot landscaping.

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. To promote safety and connectivity for all users, the PUD proposes standards for bicycle parking, shaded pedestrian connections to the street, and detached shaded sidewalks along Scottsdale Road.

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 to encourage multi-modal transportation.

13. **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 repurposing an existing underutilized auto-oriented shopping center into new multifamily residential housing above retail spaces, contributing to the mix of housing types in the area and adding to the housing supply for Phoenix.

14. **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 development will provide recycling services for residents.

COMMUNITY INPUT SUMMARY
15. At the time the staff report was written, staff has received one letter of support, a petition of support with 10 signatures, and seven letters of opposition to this case. Concerns include height, privacy, oversaturation of multifamily residential in the area, security, parking, and increased traffic.

INTERDEPARTMENTAL COMMENTS
16. The Street Transportation Department commented that all streets within and adjacent to the development, shall be constructed with all required elements, including meeting ADA requirements. Furthermore, no preliminary approval of plans shall be granted until a Traffic Impact Study is reviewed and approved by the City, and the developer shall be responsible for all mitigation identified through the analysis. These are addressed in Stipulation Nos. 2 and 3.

17. The Public Transit Department commented that the developer shall build a bus stop pad on southbound Scottsdale Road, according to City of Phoenix standards. This is addressed in Stipulation No. 4.

18. The City of Scottsdale expressed concern with the location of this project as it relates to the airports flight paths and the 55 Day Night Average Sound Level (DNL) noise contours of Scottsdale Airport. The City of Scottsdale comments and proposed stipulations were provided to the City of Phoenix Aviation Department for review.

19. The City of Phoenix Aviation Department has noted that the site is within the Scottsdale Municipal Airport (SDL) traffic pattern airspace, therefore, the developer shall provide notice to prospective purchasers of the existence and operation characteristics of the Scottsdale Airport and shall provide documentation that Form 7460-1 from has been filed with the FAA. The requirements are addressed in Stipulation Nos. 5 and 6.

20. The Phoenix Fire Department has noted that they do not anticipate any problems with this case and that the site and/or buildings shall comply with the Phoenix Fire Code.

21. The Office of Heat Response and Mitigation commented that the development should provide detached sidewalks with 75 percent shade along Scottsdale Road. This requirement is incorporated into the PUD narrative.

22. The Water Services Department commented that the property has existing water and sewer mains that can potentially serve the development. In addition, the
Findings

1. The proposed development is consistent with the General Plan Land Use Map designation and compatible with the existing land use pattern in the surrounding area.

2. The proposed development will provide new mixed-use development with housing, retail, and employment opportunities along an established commercial corridor, near the Kierland commercial area.

3. The proposed PUD sets forth design and development standards that will enhance connectivity in the immediate vicinity by providing shaded detached sidewalks, pedestrian-oriented design, and an enhanced interface with the adjacent neighborhood.

Stipulations

1. An updated Development Narrative for the Scottsdale Towne Square 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 November 18, 2022, as modified by the following stipulations:

Water Services Department commented that capacity is a dynamic condition that can change over time due to a variety of factors.

OTHER

23. 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. 7.

24. 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. 8.

25. 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.
a. Front cover: Revise the submittal date information on the bottom to add the following: Hearing draft submittal: November 18, 2022; City Council adopted: [Add adoption date].

b. Pages 14-15, Sidewalk Standards, Internal Walkways: Remove the single asterisk next to the 5’ minimum width internal walkway standard. Add a triple asterisk next to the sidewalk standard for internal walkways. Add a new footnote for a triple asterisk that 5’ minimum width internal walkways shall be clear of all obstacles.

c. Page 15, General Landscape Requirements: Remove bullet point (b.) for landscape irrigation, which is repeated in bullet point (d.), and re-letter accordingly.

d. Pages 16-17, Landscape Standards Table:

(1) Streetscape: Revise titles of streetscape standards to “Streetscape – Landscape Areas Within Public Right-of-Way Adjacent to Scottsdale Road, Including Detached Sidewalk Landscape Strip” and “Streetscape – Landscape Areas Within Public Right-of-Way Adjacent to 71st Street Where Pocket Park Option Is Not Utilized”.

(2) Add language “at maturity” after each live vegetative ground coverage standard.

(3) Add a new row for a landscape standard for the bus stop pad on southbound Scottsdale Road, below the “Adjacent to Buildings” row, as follows: “Bus Stop Pad Landscaping – a) Minimum 3-inch caliper shade trees to provide minimum shade per Section D.6. at maturity; b) Minimum 75% live vegetative ground coverage at maturity”

e. Page 20, Shade: Add a shade standard for the bus stop pad: “A minimum of 50% of the bus stop pad on southbound Scottsdale Road shall be shaded at tree maturity”

f. Page 24, iv. Design for Cost-Effectiveness: Modify the language to a development/developer requirement that is not confused as a directive to the Street Transportation Department.
2. The applicant shall submit a Traffic Impact Study/Statement 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.

3. 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.

4. The developer shall build a bus stop pad on southbound Scottsdale Road. The pad shall be designed according to City of Phoenix Standard Detail P1260 with a depth of 10 feet.

5. The property owner shall record documents that disclose the existence and operational characteristics of Scottsdale Municipal Airport (SDL) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

6. The developer shall provide documentation to the City prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a No Hazard Determination from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a “No Hazard Determination” obtained prior to the construction start date.

7. 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.

8. 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.
George Pasquel III

APPLICATION NO. Z-40-22

APPLICATION'S NAME: George Pasquel III

DATE: 6/3/2022

GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 8.54 Acres

FROM: PSC (7.42 a.c.)
C-2 (1.06 a.c.)
C-2 SP (0.06 a.c.)

TO: PUD (8.54 a.c.)

MULTIPLES PERMITTED
PSC, C-2, C-2 SP

CONVENTIONAL OPTION
N/A, 15, 1

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

REQUESTED CHANGE:

PSC (7.42 a.c.)
C-2 (1.06 a.c.)
C-2 SP (0.06 a.c.)

* UNITS P.R.D. OPTION
N/A, 18, 1

N/A

Page 422

Document Path: S:\Department\Information Systems\PL GIS\Team\Core_Functions\Zoning\sketch_maps\2022\Z-40-22.mxd
**APPLICANT'S NAME:** George Pasquel III

**APPLICATION NO.:** Z-40-22

**DATE:** 6/3/2022

**GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.:** 8.54 Acres

**APPLICATIONS PERMITTED:** PSC, C-2, C-2 SP

**REQUESTED CHANGE:** FROM: PSC (7.42 a.c.) C-2 (1.06 a.c.) C-2 SP (0.06 a.c.) TO: PUD (8.54 a.c.)

**MULTIPLES PERMITTED:** N/A, 15, 1

**CONVENTIONAL OPTION:** N/A, 18, 1

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

**DOCUMENT PATH:** S:\Department Share\Information Systems\PLGIS16_Team\Core_Functions\Zoning\sketch_maps\2022\Z-40-22.mxd

**MAPSERVICES@PHOENIX.GOV**
SCOTTSDALE TOWNE SQUARE
14036 N SCOTTSDALE RD
PHOENIX, AZ

SCALE: 1"=50'

PROJECT TEAM
DEVELOPER:
WOODBURY CORPORATION
2733 E PARLEYS WAY, SUITE 300
SALT LAKE CITY, UT  84109
801.485.7770
Contact:  Joshua Woodbury
Email: josh_woodbury@woodburycorp.com

ARCHITECT:
NELSEN PARTNERS, INC.
15210 N SCOTTSDALE RD, SUITE 300
SCOTTSDALE, AZ 85254
480.949.6800
Contact:  Jeff Brand
Email: jbrand@nelsenpartners.com

PROJECT INFORMATION
PROPERTY ADDRESS:
14036 N SCOTTSDALE ROAD
PHOENIX, AZ 85254

PARCEL NUMBERS:
215-57-184N

CURRENT ZONING:
PSC

PROPOSED ZONING:
PUD

GROSS SITE AREA:
9.02 ACRES
(392,998 SF)

NET LOT AREA:
7.83 ACRES
(341,068 SF)

DENSITY
311 DU / 9.02 AC = 34.47 DU/AC

EXISTING BUILDING HEIGHT:
20 FT

PROPOSED BUILDING HEIGHT:
68 FT

RESIDENTIAL UNITS:
311 UNITS

RETAIL:
15,000 SF

RESTAURANT:
15,000 SF

EXISTING RETAIL:
12,750 SF

PARKING CALCULATIONS
PARKING REQUIRED:
RESIDENTIAL: 405 SPACES  (311 UNITS @ 1.3 / D.U.)
RESTAURANT:   75 SPACES  (5 :1000 SF)
RETAIL: 139 SPACES   (5:1000 SF)
TOTAL:   619 SPACES

PARKING PROVIDED:
SURFACE PARKING 217 SPACES
STRUCTURED
LEVEL 1 85 SPACES
LEVEL 2 95 SPACES
LEVEL 3 95 SPACES
LEVEL 4 95 SPACES
LEVEL 5 55 SPACES
TOTAL: 425 SPACES
TOTAL PARKING PROVIDED 642 SPACES

CITY OF PHOENIX
NOV 28, 2022
Planning & Development
Department

A110
SITE PLAN
Comment for the planning committee re Z-40-22-2

I live on Redfield Rd, adjacent to the proposed project.

I submit to the committee concern of the proposed apartments having a line of sight into the backyards, pools, or private areas of the homes located in Raskin Estates. If they will have such a line of sight, I would oppose such development.

Thank you
Eli Putney
Subject: RE: Rezoning case# Z-40-22-2

From: Sholom Zagelbaum <syzagelbaum@gmail.com>
Sent: Monday, August 1, 2022 2:51 PM
To: PDD Long Range Planning <pdd.longrange@phoenix.gov>
Subject: Rezoning case# Z-40-22-2

Comment for the planning committee re Z-40-22-2

We live on Redfield Rd, adjacent to the proposed project.

We submit to the committee concern of the proposed apartments having a line of sight into the backyards, pools, or private areas of the homes located in Raskin Estates. If they will have such a line of sight, we would oppose such development.

Thank you

Sholom and Penina Zagelbaum
Dear Sir:

We live in a single family home 1 block west of the proposed development on Hearn Road and have been here for 27 years. We love the area, the neighborhood, and the many amenities that go with living in a single family home neighborhood. Right now, the proposed area to be torn down to build multiple housing units, is busy and provides many amenities to the neighborhood.

I am greatly concerned about the proposed development in Scottsdale Town Square. I fear it will change our safe, quiet neighborhood into a jam packed, loud and busy, busy area. Not only will there be well over 300 people, but the cars which will be coming and going from this area is way too many for our streets to handle. We already have difficulty accessing Thunderbird Road at rush hour. What will happen with 300 plus people moving into this area? Will there be a traffic study done to see what the density of cars is at rush hour now? Imagine the impact of 300 more coming and going.

Further to the point of traffic, what about access to Scottsdale Road going North? There are only 2 streets to access Scottsdale Road going North from the development - Thunderbird or Acoma. From the proposed development, to go North you have to access Thunderbird to Scottsdale Road. Extremely difficult as that means left on Thunderbird across traffic and then left at the lights on Scottsdale Road. OR, cars will have to proceed through the entire neighboring shopping center to get to Acoma Road. What will be done to address this issue, as I know that Scottsdale Road is in Scottsdale district not Phoenix? I can see this being a huge problem!

We live on Hearn which is the street the neighborhood school is on. I am concerned about the increase of traffic coming and going as more people pick up and drop off children in the neighborhood school from the multi family housing units.

The population density in our area in the last 27 years has more than quadrupled. The number of multi family units which have been built and continue to be built is staggering in number! Have a look at The Quarter and Kierland with the gigantic high rises that have been and are continuing to be built. Just south of Thunderbird on Scottsdale Road there is a multi-family unit under construction now - I am guessing 300 plus units. Where will it end? How many is too much?

Please take into consideration the proliferation of population in this area and the impact it will have, as you consider the rezoning proposal.

Thank you for your attention to this matter!

Sincerely,

Wade and Joann Giles

6943 E Hearn Rd.
Hello,

I would like to provide written comments on this proposal. I am a resident at 70th place, five houses north and west of this development.

I am strongly opposed to the height of the apartments that are closet to 71st Street and also, to the 68 feet along Scottsdale which is still too tall for this area. It is not urban, it is suburban.

The houses need more of a buffer. The apartment owners will be able to look down into the yards of the homes along 70th street. Trees are not tall enough to prevent this direct view from this height.

The 20 foot current height and current setbacks were relied upon by the homeowners who are just next door, as were the character of use as commercial. The setbacks work well to maintain the expectation of privacy a homeowner has in their backyard based on the zoning when bought.

I am also concerned that this will set a precedent for the development just north on setbacks and heights.

At the local meeting, I asked for a drone photo or line of sight study from the proposed height of the apartments at each level. None has been provided to date.

This area is being characterized as old and downtrodden, with views from the backside of the commercial buildings. As a resident, we are frequently in this area, using the stores. A facelift is fine. A complete re-characterization, is not.

Christina Noyes
Brian Flaherty
14238 N. 70th Place
Scottsdale, AZ 85254
cnbemail@gmail.com
Below please find a copy of the Kierland Community Alliance's letter sent to Jason Morris on November 20, 2022, regarding PUD Case number Z-40-22-2, Scottsdale Towne Square. This letter outlines the KCA’s concerns regarding this development. Please let me know if you have any questions.

Amy Satterfield
Vice Chair
Kierland Community Alliance

Jason,

Our Board has reviewed the Scottsdale Towne Square application, revisiting our conversations with you, George and Jeff on Oct. 4., along with comments shared in the community Zoom call and input received from neighbors directly affected by this development.

While we believe we are getting closer to a project the Kierland Community Alliance can support, and although we appreciate your efforts on bringing this in line with other developments in the area, particularly those that are directly adjacent to single-family homes, our primary concern remains the maximum height of the development currently drafted at 68’. As Wayne stated in a letter/email dated July 23, 2021, we firmly believe the maximum height for a project adjacent to single family homes should not exceed 56’. This is in line with The Manor development precedent south of Thunderbird, as well as the tiered height restrictions adopted with the Kierland Sky development off Kierland Blvd.

Ancillary to this we would also like to see specific language added to the proposal to further clarify some of the features you have already agreed to verbally.

Below is a brief overview of what the KCA would need to see, in order to support your proposal with the city and the neighborhood.

- Reduction in height to a maximum roof line of 56’ (The height on your comparative zoning table say 78’ max height.)
- 3” caliber trees with 20’ center on all perimeter trees. The current plan indicates mesquite and palo verde trees along the 71st Street frontage. As these trees to do not have dense foliage, they will not provide adequate visual buffer for adjacent residences. We would request more dense trees like Chinese Elm, Southern Live Oak, Indian Laurel, Ficus, etc.
- No pedestrian access along 71st Street
- In exchange for balconies at the 2-story level, no balconies on the 4th story as at these heights, view lines in the residential yards are not able to be obstructed by the tree line.
- 85% non reflective glass on all windows
- Solid fence along 71st Street
- No lighted signage on the West side of the property.

As mentioned in a previous email, we would also like clarification/documentation on the
following items:

- Will there be a deceleration lane southbound on Scottsdale Road approaching the turn off to the West before Thunderbird?
- What are the parking ratios relative to city requirements?
- Where will the dog park be located?
- Have you completed a traffic study? If yes, please provide to us.
- Are the drone photographs completed? If yes, please provide to us.
- In the email dated, July 23, 2021, Wayne asked for further clarification regarding your intentions on the southern portion of the property. This is not made clear in the PUD application.
- We would appreciate some language in the proposal confirming that this will not be redeveloped and built any higher than the existing retail. Would the developer be open to creating a deed restriction on that portion of the property to assure nothing will be developed above the existing height on that section of the property?

We thank you for the willingness of your team and the Woodburys to conduct open and productive conversations with representatives from the Kierland Community Alliance Board.

We recognize and appreciate the accommodations you have already made in those conversations.

These include:

- wrapping the parking garage and moving it away from the single-family homes
- tiering the development height up toward Scottsdale Rd.
- upgrading the landscaping along 71st St.
- removing balconies on the 2nd and 3rd story west facing units
- not having rooftop amenities.

While this is not impactful on your development and will be handled by the neighborhood, as an adjacent property owner, we would appreciate written support for the following:

- No parking signs along the eastern side of 71st Street.
- Closure of street rather than gated access at Hearn Rd. and 71st Street.

Jason, in speaking with Jeff recently, he asked if we would clarify our support of the project as is currently submitted. With the concerns regarding the proposed height being paramount, we are not able to support the project in its current form. We do, however feel if this and the other issues can be resolved, we could provide support for this project moving forward.

Please feel free to reach out if you have and questions. We look forward to hearing from you.

On behalf of the Kierland Community Alliance Board, thank you.

Amy Satterfield
Vice Chair
Kierland Community Alliance
Hello,

I am a neighbor only a few houses away from this development. I am strongly concerned about the view lines from the apartments into the yards of the neighboring single family homes along 71st street, even with the proposed setback and changes.

I have suggested a drone view from the height and set-back for each apartment level, so that the homes could further evaluate the impact of the levels and proposed set backs. I have not received one and the proposal does not include one. The site views in the application do not fully show the apartments facing the homes.

The desert trees proposed are high enough or dense enough to block the view.

Christina Noyes
Brian Flaherty
 cnbemail@gmail.com
14238 N. 70th Place
Scottsdale, AZ 85254
Subject: FW: rezoning at townsquare, Scottsdale Rd and Hearn

From: Christine Blunt <cab2046@gmail.com>
Sent: Friday, December 2, 2022 9:55 AM
To: PDD Long Range Planning <pdd.longrange@phoenix.gov>
Subject: rezoning at townsquare, Scottsdale Rd and Hearn

Please do NOT rezone this. There are many many apartment complexes being built in the aea. We do NOT need another one. I am a resident of the area. I do NOT want this. This will overload an already maxed out sewer system, etc.

Christine Blunt
November 8, 2022

Dear Councilman Waring:

For many years I lived near the intersection of Scottsdale Road and Thunderbird in Phoenix and have watched with concern as retail has struggled in north Phoenix. The recent loss of much of Paradise Valley Mall is an example.

That's why I am supporting efforts to redevelop a portion of Scottsdale Towne Square. As the nine-year COO of the Barrett-Jackson Collector Car Auto Auction, I appreciate the need to bring in new residential to support retail. In the age of Amazon this is essential.

Updating the shopping center would also reduce the Sunday morning traffic challenges that come with the church that is located there.

I think the entire shopping center could benefit from an update that would come with redevelopment. In fact, the entire area needs a little TLC and surrounding businesses need a new supply of customers. I chose to live in the area because I appreciate the quality of life. This proposed redevelopment will reinvigorate existing retail, and create quality public spaces.

As one of your constituents, I hope you will approve the zoning that would make this project a reality and improve the quality of life for the entire area.

Sincerely,

Nick Cardinale
Immediate Past COO
Barrett-Jackson Collector Car Auction
Phoenix, AZ
We, the undersigned Phoenix residents and businesses, support the rezoning needed to enable Scottsdale Towne Square Thunderbird Phase to create new retail space and multi-family residential on a portion of its site. In a post-COVID economy and in the “Age of Amazon” shopping centers need to re-think and re-position. This redevelopment plan would help create an additional customer base for area merchants allowing them to stay in business and generate tax revenues. The area in and around Thunderbird and Scottsdale Roads needs and deserves quality residential and retail. This project includes a buffer from existing residential by creating a landscaped plaza complete with art installations. It is also designed to prohibit traffic from entering the existing residential neighborhood. This plan right-sizes retail space, creates a pedestrian experience and gathering areas that benefit the neighborhood and local businesses, and delivers an infusion of new customers through higher-end residential. It will help Scottsdale Towne Square from declining like other shopping centers in Phoenix. These are just some of the reasons we support this rezoning.

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<td>Ashley O'Rourke</td>
<td></td>
<td>a yahoo.com</td>
<td>602-618-3934</td>
<td></td>
<td>5102 W Pershing Ave</td>
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<td>Lynn Allison</td>
<td></td>
<td><a href="mailto:LynnAllison777@gmail.com">LynnAllison777@gmail.com</a></td>
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<td>10500 E Place</td>
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<td>Desmon Rush</td>
<td></td>
<td><a href="mailto:DesmonRush@gmail.com">DesmonRush@gmail.com</a></td>
<td>480-384-7346</td>
<td>Broady's Bag</td>
<td>19800 N 78th Ave # 258, 85250</td>
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<tr>
<td>Michelle Worley</td>
<td></td>
<td><a href="mailto:MichelleWorley@gmail.com">MichelleWorley@gmail.com</a></td>
<td>970-903-1213</td>
<td>School of Rock</td>
<td>13610 N. Scottsdale Rd, Scottsdale, 85254</td>
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<tr>
<td>Alycia Haganmaier</td>
<td></td>
<td><a href="mailto:AlyciaHaganmail@msn.com">AlyciaHaganmail@msn.com</a></td>
<td>480-994-0939</td>
<td>ArtMix</td>
<td>7131 E Thunderbird Rd, Scottsdale, Az, 85254</td>
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<tr>
<td>Donna Ooi</td>
<td></td>
<td><a href="mailto:DonnaOoi@email.com">DonnaOoi@email.com</a></td>
<td>602-470-5441</td>
<td></td>
<td>13800 s. Scottsdale</td>
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We Say YES to Redevelopment, Revitalization, More Economic Opportunity, and Quality Housing at Scottsdale Towne Square

We, the undersigned Phoenix residents and businesses, support the rezoning needed to enable Scottsdale Towne Square Thunderbird Phase to create new retail space and multi-family residential on a portion of its site. In a post-COVID economy and in the "Age of Amazon" shopping centers need to re-think and re-position. This redevelopment plan would help create an additional customer base for area merchants allowing them to stay in business and generate tax revenues. The area in and around Thunderbird and Scottsdale Roads needs and deserves quality residential and retail. This project includes a buffer from existing residential by creating a landscaped plaza complete with art installations. It is also designed to prohibit traffic from entering the existing residential neighborhood. This plan right-size retail space, creates a pedestrian experience and gathering areas that benefit the neighborhood and local businesses, and delivers an infusion of new customers through higher-end residential. It will help Scottsdale Towne Square from declining like Paradise Valley Mall and other shopping centers in Phoenix. These are just some of the reasons we support this rezoning.

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<td>Signature</td>
<td><a href="mailto:john.smith@email.com">john.smith@email.com</a></td>
<td>480-555-1234</td>
<td>John's Furniture</td>
<td>1920 W. Scottsdale Rd</td>
</tr>
<tr>
<td>Mrs. Jane Doe</td>
<td>Signature</td>
<td><a href="mailto:jane.doe@email.com">jane.doe@email.com</a></td>
<td>480-555-5555</td>
<td>Jane's Appliances</td>
<td>1920 W. Scottsdale Rd</td>
</tr>
<tr>
<td>Mr. Bob Johnson</td>
<td>Signature</td>
<td><a href="mailto:bob.johnson@email.com">bob.johnson@email.com</a></td>
<td>480-555-6666</td>
<td>Bob's Bikes</td>
<td>1920 W. Scottsdale Rd</td>
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Village Planning Committee Meeting Summary
Z-40-22-2
INFORMATION ONLY

Date of VPC Meeting: August 1, 2022
Request From: C-2, C-2 SP, and PSC
Request To: PUD
Location: Approximately 800 feet north of the northwest corner of Scottsdale Road and Thunderbird Road

VPC DISCUSSION:

Four members of the public registered to speak on this item.

Jason Morris, representing the applicant with Withey Morris PLC, introduced himself and provided an overview of Woodbury Corporation who has owned this property for five years and intends to hold it. Mr. Morris discussed the location of the property, surrounding developments, and existing tenants in the property. Mr. Morris stated that the site was developed originally for a grocery store, but the area has changed considerably since. Mr. Morris showed photos depicting site conditions and discussed the proposed site plan. Mr. Morris stated that this proposal would remove 25,000 square feet of retail space to right size it and redevelop a mix of uses. Mr. Morris met with neighbors in the area, including the Kierland Community Alliance, and will review the feedback provided recently on the project.

Jeff Brand, with Nelsen Partners, introduced himself and provided an overview of the changes proposed for a portion of the existing shopping center. The northern portion of the center is intended to be redeveloped with buildings located closer to Scottsdale Road. Mr. Brand stated that open space is proposed along 71st Street, in addition to a gated pedestrian connection. Mr. Brand discussed various conceptual renderings and compared the street cross-sections to that of the Manor Scottsdale project. Mr. Brand stated that this proposed development would not have windows facing the adjacent single-family neighborhood much like the Manor Scottsdale project. Mr. Brand discussed proposed open space improvements and renderings of these along 71st Street. Mr. Brand added that a local artist was engaged to create these art pieces.

Questions from the Committee:

Jennifer Hall asked if the maximum building height proposed was 78 feet and if the Scottsdale Municipal Airport was contacted. Ms. Brand responded that the PUD
Narrative as written now would allow for a maximum height of 78 feet and that the project had received approval from the FAA on the building location.

Alex Popovic asked if the current proposal is to have four stories of residential units over two stories of non-residential space. Mr. Brand responded that the proposal is for five stories of residential over one story of non-residential space. Mr. Popovic asked if 250 residential units are proposed and if these are rental or ownership type. Mr. Brand responded that the 250 units proposed would be for rent. Mr. Popovic asked for clarification on the proposed building height and if there could be increased building setbacks provided along the west. Mr. Morris responded that his team is evaluating the proposed height and have located buildings closer to Scottsdale Road.

Marc Soronson asked if the southern portion of the shopping center is also owned by the same company and what will happen to this property in the future. Mr. Morris responded that the property to the south is also under the same ownership and will be consistent with this proposed development when it redevelops in the future. Mr. Soronson asked for clarification on the pocket park and stated that there might be concerns with others accessing this space along the neighborhood. Mr. Morrison stated that this topic is a point of discussion with the neighborhood. Mr. Soronson asked for clarification about the maintenance of the pocket park and added that the emphasis of the site should be Scottsdale Road.

Robert Goodhue asked if the parking garage is proposed to be screened along the western property line. Mr. Brand responded that the parking will be screened but will be open at the top of the garage. Mr. Brand added that the distance of the building, proposed over height wall, and vegetation will help mitigate any noise. Mr. Goodhue stated that he wants to ensure that noise will be mitigated. Mr. Morris stated that he anticipates any noise to be lower than what exists on site today due to the back-of-house uses there.

Regina Schmidt asked for clarification on the size of the pocket park and if trees will be planted in the parking areas. Mr. Morris stated that the park is more of a linear park and trees will be provided on parking within the retail portion of the site, but not along the parking garage. Mr. Morris added that covered parking might be considered here.

Chair Robert Gubser asked for clarification on the central pedestrian connection proposed. Mr. Brand responded that this is an enhanced pedestrian pathway that will create a transition with the southern portion of the site. Mr. Morris added that this pathway is intended to also allow existing residents along 71st Avenue a more direct connection to the retail uses proposed on this site. Chair Gubser asked how residents would get access along this pathway if this will be gated. Mr. Morris stated that there is an existing agreement that allows those residents to have access through this gate.

Public Comment:

Amy Satterfield, Vice Chair of the Kierland Community Alliance (KCA), stated that KCA has met with the applicants. The building height is of primary concern at 78 feet, while other projects in the area do not exceed 70 feet. Ms. Satterfield stated that the privacy of residents along the west is also of concern in addition to open parking garages due to emanating noise from vehicle alarms and other noises. Ms. Satterfield stated that that
Scottsdale Manor project is 50 feet in height with no balconies facing single-family uses and a wrapped parking garage. Ms. Satterfield added that site access and increased traffic are of concern and ensuring that vehicular parking along 71st Street is not an issue like in the past. Ms. Satterfield stated that the gate code along the proposed pathway is changed quarterly and provided to all residents who live along the west. Ms. Satterfield concluded by stating that the discussions with the applicants are encouraging.

Lani Harrison, resident of the area, lives along 71st Street near Impact Church which has loud music and whose patrons often park along 71st Street on Sundays. Ms. Harrison stated that she wants to like this project but has various concerns. Ms. Harrison stated that the line of sight into the residents’ yards is important to protect, in addition to the access code for the pedestrian gate. Ms. Harrison has concerns with vehicular parking and unrestricted pedestrian access along 71st Street. Ms. Harrison stated that density is of concern and encourages a reduction in the number of dwelling units.

Alison Howard asked if the linear park along 71s Street was going to be a dog park and if there is a limit on the density for the project.

Mervin Giles, resident of the area, stated that the density of 350 dwelling units is an issue for him, causing increased traffic in the area, adding that 700 people would be living there. Mr. Giles stated that gate access is often used by others who are not authorized to use it.

Applicant Response to Public Comment:

Mr. Morris thanked everyone for the feedback provided and stated that a neighborhood meeting would be held in September. Mr. Morris stated that this case could return to the Village Planning Committee on October 3rd for recommendation.

Discussion:

None.
Village Planning Committee Meeting Summary

Z-40-22-2
Scottsdale Town Square PUD

Date of VPC Meeting: December 5, 2022
Request From: C-2 (1.06 acres), C-2 SP (0.06 acres), and PSC (7.42 acres)
Request To: PUD
Proposed Use: Planned Unit Development to allow multifamily residential and commercial uses
Location: Approximately 800 feet north of the northwest corner of Scottsdale Road and Thunderbird Road
VPC Recommendation: Approval, per staff the recommendation, with a modification and additional stipulations
VPC Vote: 13-3

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Committee member Alan Sparks joined the meeting during this item, bringing the quorum to 18 members. Committee members Toby Gerst and Louisa Ward left the meeting during this item, bringing the quorum to 16 members.

Staff Presentation:

Mr. Zambrano provided an overview of rezoning case Z-40-22-2, describing the location, request, surrounding land uses, existing and surrounding zoning, and General Plan Land Use Map designation. Mr. Zambrano provided background on adopted policy plans that the project would support. Mr. Zambrano then described the proposal, discussing the proposed site plan and elevations. Mr. Zambrano noted letters of opposition and support received and summarized the concerns in the letters of opposition. Mr. Zambrano concluded by sharing the staff findings, recommendation of approval and the recommended stipulations, noting requested revisions of the PUD narrative.

Applicant Presentation:

Jason Morris, representing the applicant with Withey Morris PLC, introduced himself, George Pasquel with Withey Morris PLC, Jeff Brand with Nelson Partners, and Joshua
Woodbury with Woodbury Corporation. Mr. Morris provided an overview of the proposal, noting the trend of many retail stores closing over the past decade. Mr. Morris stated that the property owner, the Woodbury family, is a long-term property owner and is intending to remain the property owner after improving the property. Mr. Morris noted that shopping center property owners have had to search for alternative uses to occupy their suites as retail needs declined, including charter schools and churches. Mr. Morris stated that the anchor tenant space located on the portion of the site where proposed redevelopment is located is occupied by Impact Church, noting that the church does not serve as an anchor to the shopping center when they are not busy. Mr. Morris added that the church can also be very busy during services, so much that almost the entire parking lot is taken up for church parking, which can be problematic for other retail tenants in the shopping center. Mr. Morris stated that the intent of the proposal is to provide a better mix of uses that compliment and support the other retailers in the shopping center. Mr. Morris noted that 71st Street separates the property from adjacent single-family residences to the west and compared that to previously approved rezoning cases where single-family residences were directly abutting the subject property. Mr. Morris added that views will not be impacted as the existing conditions shown on the street view image from 71st Street already block views of any surrounding mountains. Mr. Morris stated that the proposal was redesigned since the last VPC meeting to address neighbor concerns with the parking garage abutting the neighborhood, noting design elements that were kept, including the landscape buffer along 71st Street and two buildings for restaurant space with a common patio and open space area for existing restaurant tenants to relocate to. Mr. Morris stated the pool area was relocated to the west with enhanced landscaping surrounding it. Mr. Morris added that the building along the west is tiered to be at a lower height when closer to the west. Mr. Morris stated that the parking garage has been wrapped and enclosed by the building containing residential units, the amenity area is in a courtyard at ground-level surrounded by walls and landscaping, and height and density were reduced to an overall height of a 4-story parking garage and overall, five stories with a 4-story residential building above 1-story of retail. Mr. Morris stated that the all the small retail uses are being kept as part of this development so that it is a true mixed-use development rather than uses located adjacent to each other. Mr. Morris stated that the development would create a retail environment underneath the residential units that are the right space, right size and right location, but in order to do that they need a total height of at least 66 feet, which is less than what was originally proposed. Mr. Morris added that the maximum height is only required for the residential building furthest east against Scottsdale Road, and that all other buildings are at a lower height. Mr. Morris stated that the tallest residential building has been oriented to limit balconies facing west. Mr. Morris proceeded to discuss Manor Scottsdale PUD; a rezoning request previously approved by the Paradise Valley VPC. Mr. Morris noted that this was also a request for five stories with a maximum height of 56 feet and no ground-level retail. Mr. Morris argued that there being no retail and solely residential is the reason why this project was able to be brought down to this height. Mr. Morris provided a comparison between Manor Scottsdale PUD and the proposed Scottsdale Town Square PUD, noting that the taller portions of the building are located further away from the nearest single-family residence than Manor Scottsdale PUD is. Mr. Morris added that the proposed density is less than Manor Scottsdale PUD. Mr. Morris shared a diagram showing that the proposed trees along the west property line would block views from taller portions of
the building into single-family residence yards and noted that privacy is protected much more than Manor Scottsdale PUD. Mr. Morris concluded by discussing the renderings of the proposed landscaping along the west property line, noting that there is not much of an existing landscape buffer, and the proposal would be a big enhancement to provide a dense landscape buffer.

Questions from the Committee:

Larisa Balderrama asked how long the church’s lease was. Mr. Morris responded that the existing lease will not be broken and that the church will be given time to find another location. Mr. Morris stated that the construction will not be able to take place until building permits are issued, likely in at least 12 months. Mr. Morris stated he was unaware of the length of the lease but noted the church use was always intended to be an interim use until redevelopment of the site was able to occur. Ms. Balderrama stated she understood that the lease was for another five years per a source she believes to be truthful, but she has not verified that information. Ms. Balderrama stated that if that information is correct, she would like to know that before being able to vote on this item so she is assured the church will not be evicted. Mr. Morris responded that he was just told that there is a right to redevelop under the lease within 24 months. Ms. Balderrama asked if the church was aware they would need to move in 24 months. Mr. Morris responded affirmatively and clarified that it is 24 months from where they are at today but was unsure how long it has been. Mr. Morris added that the church has been an excellent tenant but that there have been some concerns from the neighborhood regarding overflow parking into the neighborhood. Ms. Balderrama asked if the applicant has met with the church and if they have received any input from the church on the plan for redevelopment. Mr. Morris responded affirmatively.

Alex Popovic asked if there was a rezoning related to the existing PSC zoning. Mr. Morris responded that PSC permits up to 56 feet of height as well but that it does not permit residential uses and does not enforce the type of quality product proposed. Mr. Morris added that the conventional zoning districts are typically only for commercial or residential uses, but to have vertical mixed-use requires a PUD in this area. Mr. Popovic asked if there will be any balconies for the units on the upper stories facing west that could potentially look into residential yards to the west. Mr. Morris responded that there will be windows and balconies on those units; however, the parking garage is directly adjacent to them, and those units will be looking down to the top of the parking garage rather than into residential yards further away. Mr. Morris added that balconies were restricted on units closer to the west property line, but that the units further east do not have a viewshed into the neighborhood and are rather looking down into the project site itself. Mr. Popovic asked how many units were removed since the informational only meeting. Mr. Morris responded that approximately 42 units and one story in height were removed. Mr. Popovic clarified that the building was moved further east. Mr. Morris responded affirmatively. Mr. Popovic asked if there were any further discussions with the community regarding pedestrian and vehicular access to 71st Street. Mr. Morris responded that art features and pocket parks were originally proposed along the 71st Street frontage. Mr. Morris stated that the neighborhood was concerned the pocket parks would become a nuisance with unwanted people using and taking advantage of the pocket parks. Mr. Morris stated that the residents requested
pedestrian access be removed to 71st Street, adding that the intent of the pedestrian access was to be an accessible gate for residents of the neighborhood to the west that would connect to the open space area between the restaurant buildings so that residents of the neighborhood can easily access the restaurant and retail spaces by walking. Mr. Morris stated the pedestrian access was removed per resident request. Mr. Morris added that the residents requested the art pieces along 71st Street be removed, and the money reallocated for additional landscaping along 71st Street. Mr. Morris stated they agreed to do that as well.

Mr. Goodhue asked if the top floor of the garage will be open. Mr. Morris stated that the top floor of the garage would have covered parking and may have some opportunities for solar panel canopies. Mr. Morris added that the top level will be walled to ensure noise remains interior. Mr. Goodhue stated that his biggest concern has been noise transmitted from the property, so if this goes for approval, he has additional stipulations to add.

Cynthia DiMassa asked which floors have balconies facing west. Mr. Morris responded that it would be the top two floors, so the fourth story on the side of the garage. Ms. DiMassa asked how far the fourth story is from the adjacent residential properties. Mr. Morris responded it is 160 feet at its closest, and then the next story has a step back which is 319 feet away. Ms. DiMassa clarified that the fifth story is 319 feet away. Mr. Morris confirmed, adding that they are both 4-story residential, but one is above ground-level retail. Ms. DiMassa stated that she lives on the fifth story of the building she lives in at Optima Kierland Apartments, and she can see straight down into the properties behind her, even though the building is set back a good distance from 71st Street. Mr. Morris responded that the fourth story and fifth story are likely a bit lower than the Optima building, and that the Optima building does not have higher stories stepped back, whereas this proposed building has the higher stories tiered to be stepped back from 71st Street. Mr. Morris added that because of the step back the viewshed would be looking more at this site itself rather than the neighbors. Ms. DiMassa clarified that the fourth story will be looking at the third story roof. Mr. Morris confirmed. Ms. DiMassa asked what was on top of the garage. Mr. Morris responded that it would be the top level of the parking garage. Ms. DiMassa asked if there would be cars parked there. Mr. Morris confirmed and added that they would be under canopies. Ms. DiMassa asked what can be done to limit noise from the pool area since it is right up against 71st Street. Mr. Morris responded that one of the requests from the neighborhood is that there are no rooftop amenities, so they have agreed to that. Mr. Morris stated that the pool area is enclosed on all four sides and there is a solid wall to the west.

Diane Petersen asked how many units were proposed. Mr. Morris responded 311 units. Ms. Petersen stated she was concerned with height and traffic. Ms. Petersen stated that she has a concern with the gate going into the community, citing concerns with apartment traffic going through the adjacent neighborhood due to difficulty being able to turn to go north on Scottsdale Road when wanting to head west. Ms. Petersen stated that she would like the gate to be closed and walled off. Mr. Morris responded that buildings in the Kierland area are 120 feet tall or more and the request is for 66 feet. Mr. Morris added that the most recent project that came to the VPC on Bell Road
and Scottsdale Road was at 141 feet. Mr. Morris added that Manor Scottsdale PUD was at 56 feet tall directly abutting adjacent neighbors’ yards. Mr. Morris added that only a portion of this project is 66 feet tall. Mr. Morris stated that change in use from retail to residential will be a decrease in traffic by 400 trips per day. Mr. Morris agreed that the access from Hearn Road is unnecessary, stating that this project already has northbound and southbound access to Scottsdale Road, as well as eastbound and westbound access to Thunderbird Road. Mr. Morris stated that there would be zero trips from this project along 71st Place or within any of the adjacent residential areas. Mr. Morris stated if the neighbors in the area wanted to remove the access gate from Hearn Road and close off that access entirely, that they would support the neighborhood on that request and that they sent a letter to the Kierland Community Alliance (KCA) stating so. Ms. Petersen stated there is a lot of history of people using Hearn Road. Ms. Petersen asked if the ground-level retail will be for the existing retail in the shopping center. Mr. Morris responded that the intent is to phase the project so that the existing tenants can remain and can be moved into the new retail spaces. Ms. Petersen asked if the ground-level retail spaces could be relocated nearby the restaurants so that the building height could be reduced. Mr. Morris responded that existing shopping center has retail spaces that are for larger stores and modern retail spaces are typically narrower and not as deep. Mr. Morris stated that more retail space is being created rather than just the number of existing retail tenants. Mr. Morris stated that moving the retail to another place would be difficult and it would take away from what they are trying to create, which is vertical mixed-use rather than uses adjacent or near residences. Mr. Morris stated he misspoke regarding the balconies on the fifth story facing west and that they would be facing internally, looking at the building on the other side.

Marc Soronson stated that he would like to amend the Traffic Impact Study stipulation to also include a mobility study to address pedestrian and bicyclist mobility to the activity centers to the north and east. Mr. Soronson asked what the property owner’s plan is for the south half of the existing shopping center. Mr. Morris responded that one of the selling points of living in this area is having pedestrian and bike access to the commercial to the north and south. Mr. Soronson stated he would like it to be part of the stipulation. Mr. Soronson stated that there are many underground parking spaces along Scottsdale Road but there are no ways to get between developments. Mr. Soronson stated that there are activity centers in this area that are extremely walkable and bikeable and that connectivity could be easily implemented between developments. Mr. Soronson believes that developers have a responsibility to recognize that and implement it into their plan. Mr. Morris agreed, stating that there will be detached sidewalks with landscaping to make it a more pleasant condition. Mr. Morris stated that the City of Phoenix and City of Scottsdale will focus more on people and bikes over cars when there are more people and bikes in the area. Mr. Morris stated that this project will bring more people to the area and that is being seen throughout this area. Mr. Morris stated the south half of the shopping center adjacent to Thunderbird Road will be refurbished to have a façade that matches the look and design of the north half. Mr. Morris added that there will be no additional height or change of use requested on the south side. Mr. Soronson stated that given the density in the area, he would like to see a minimum of 6-foot-wide sidewalks.
Ms. Schmidt asked if the top level of the parking garage would include spaces for residents. Mr. Morris responded that there will be shared parking at the ground level and reserved parking for residents above the ground level. Mr. Morris added that retail parking will be closer to the retail stores at the ground level. Ms. Schmidt proposed that noise from the top level of the parking garage could be reduced by only having the parking garage open during business hours. Mr. Morris stated that the retail parking spaces are kept at ground-level because they are much more likely to be coming into and out of the site frequently versus a resident that would make fewer trips.

Public Comment:

Amy Satterfield, Vice Chair of the Kierland Community Alliance (KCA), introduced herself and the KCA as a neighborhood organization opposed to the project. Ms. Satterfield stated that they have had discussions with the development team since August and have continued those discussions to mitigate the impact on the residential community. Ms. Satterfield stated that at meeting they requested mitigating the impact by doing the following: 1) wrapping the parking garage and moving it away from the adjacent single-family homes; 2) tiering the building up towards Scottsdale Road; 3) upgrading the landscaping along 71st Street and removing the pocket parks; 4) removing balconies on the second and third stories facing west; and 5) removing rooftop amenities. Ms. Satterfield stated those mitigations have all been agreed to. Ms. Satterfield stated that since then there have been subsequent discussions regarding some additional concerns. Ms. Satterfield stated that they received an email from the applicant agreeing to their proposed stipulations, and asked that the following stipulations be added to this case:

1) The west perimeter shall be planted with minimum 3-inch caliper trees planted 20 feet on center.
2) Trees species with denser foliage to create a visual buffer shall be used along the west perimeter.
3) The fence along 71st Street shall be a solid wall and there shall be no openings that allow pedestrian access to 71st Street.
4) Windows shall use 85% non-reflective glass.
5) There shall be no lighted signage along the west side of the property
6) No parking signs shall be installed along the east side of 71st Street.
7) Access from Hearn Road shall be permanently removed.
8) The maximum building height shall be 56 feet.
9) There shall be no balconies on the fourth story.

Ms. Satterfield stated that they also requested the developer take photos by a drone to illustrate if there would be a visual buffer from trees for the balconies at the second story versus the fourth story, but the developer stated that the permits need to be filed and received in order to do so. Ms. Satterfield stated the KCA would also like some assurance that the south side of the shopping center would not develop higher than the existing buildings. Ms. Satterfield stated that the KCA is in favor of development that has the least amount of impact to existing homeowners. Ms. Satterfield stated that the Village Planning Committee is closest to the neighbors, and as the case moves along in
the process it becomes more distant from those who are most impacted. Ms. Satterfield stated they rely on the Committee to be the voice of the neighborhood.

**Mervin Giles** introduced himself as a neighbor of 28 years opposed to the project. Mr. Giles stated that he would like to see a traffic study done that includes the residential units that have been added along Scottsdale Road between Bell Road and Cactus Road within the last two years. Mr. Giles stated that the traffic studies he has looked at presented by the developer do not compare at all to the traffic he sees on the street. Mr. Giles stated he does not understand how the traffic generated would be less if the existing retail tenants are remaining on the site in addition to the proposed residences. Mr. Giles stated he has a concern with the height because the mountains can be seen from about a block away. Mr. Giles requested a drone view at the proposed height.

**Anthony Scerbo** introduced himself and his friend Nick Cardinale, the Immediate Past Chief Operating Officer of the Barrett-Jackson Collector Car Auction, in support of the case. Mr. Scerbo read a letter of support from Mr. Cardinale on his behalf, since he was unable to attend the meeting, which was sent to staff to be attached to the staff report.

**Lani Harrison** introduced herself as a neighbor on 71st Street and Redfield Road in support of the project. Ms. Harrison stated that the situation with Impact Church is not a good situation for the residents of the neighborhood. Ms. Harrison stated that the church’s music goes on four days a week and that her windows shake. Ms. Harrison stated that the church had sent the neighbors a letter that they would begin to use 71st Street for additional parking and provided gift cards. Ms. Harrison added that she does not hear much noise from the Firestone Tire and Rubber Company building, stating that she would have thought a car repair facility would be noisier, but it is actually the church that has been much noisier and has been a nuisance. Ms. Harrison supported the updated look and added that the neighborhood currently looks into the back of an industrial-looking shopping center and that she would love a view of something more updated and prettier. Ms. Harrison stated she would support removing pedestrian access along 71st Street and removing the gate access from Hearn Road to permanently close it off, since neighbors have their children riding bikes along 71st Street.

**Applicant Response:**

**Mr. Morris** agreed with comments made by Ms. Satterfield. Mr. Morris stated she had worked diligently with the architectural team to come to a compromise with the final product, but what could not be compromised any further was the height. Mr. Morris stated that the majority of the site is at 56 feet in height until further east beyond 165 feet from the nearest residence. Mr. Morris added that they truly believe in the viability of the retail uses and a true mixed-use project and having that additional 10 feet over 300 feet away allows them to create an interesting streetscape rather than an apartment building alone. Mr. Morris stated that the current property owner was the previous retail property owner and will remain the property owner after this site is redeveloped. Mr. Morris stated that the goal of the project was to create a long-lasting project of high quality. Mr. Morris stated they are able to accommodate the majority of the concerns heard. Mr. Morris stated that the choice would be to either have 55-foot-tall multifamily
residential with no retail or restaurant uses, or to have this project that they believe is exceptional and has a height of 68 feet for less than 15% of the project.

Chair Gubser asked if the applicant agrees to the additional stipulations proposed by Ms. Satterfield. Mr. Morris stated that they had responded to her letter in agreeance and that he does not believe there is anything that she raised that they would not be comfortable with, other than the height.

MOTION:

Mr. Popovic motioned to recommend approval of Z-40-22-2 per the staff recommendation. Alan Sparks seconded the motion.

Discussion:

Jennifer Hall commended the development team for working with the KCA to work through their concerns. Ms. Hall stated she supports the ground-level retail and the other changes made to the project. Ms. Hall stated that before this is brought to a vote, she would recommend that the Committee members entertain a friendly amendment to ensure they include all the stipulations that Ms. Satterfield proposed.

Ms. DeMoss asked if the same developer would develop the south portion of the shopping center.

Mr. Popovic stated he believed one of the proposed stipulations from the KCA was to not allow this same type of development on the south side of the shopping center.

Ms. DeMoss asked if it was possible to move the ground-level retail underneath the building down to the south. Mr. Morris responded that there is no intention to redevelop the southern portion of the shopping center. Mr. Morris added that the only way the same type of development on the southern portion could occur is if it went through the same type of public hearing process, since it is not entitled for that type of development. Mr. Morris reiterated that it is not the intent of the developer at this point in time to redevelop the southern portion of the shopping center. Mr. Morris stated that the plan is to upgrade the façade of the shopping center to be compatible with the new development. Mr. Morris stated that moving the retail would take away the uniqueness of having retail at ground-level below residential units. Mr. Morris added that they have not taken anything away from the neighborhood and that the reduction in height from 78 feet to 68 feet has already taken away from the project.

Ms. DeMoss stated she was unclear how the applicant is stating that mountain views would not be affected when Ms. Satterfield stated that it would. Ms. Satterfield responded that regarding the southern portion of the shopping center, the KCA was asking for some assurance written into the PUD that the southern portion of the shopping center would not be developed higher than 56 feet. Ms. Satterfield added that Mr. Giles had stated that mountains can be seen further out. Ms. Satterfield clarified that she did not make that comment and clarified that her comment was related to views into
the neighborhood. Ms. Satterfield stated that views looking down would look at the top of the parking structure, but views looking out would look into the residences’ yards.

**Chair Gubser** asked if Ms. Satterfield was referring to the southern portion of the shopping center to not be developed. **Ms. Satterfield** confirmed.

**Ms. Petersen** asked Ms. Satterfield to restate what she had said regarding the KCA establishing a precedent of 56 feet in height. **Ms. Satterfield** responded that within the KCA boundary between Thunderbird Road to the south, Paradise Lane to the north, 64th Street to the west, and Scottsdale Road to the east, this is the first development that is this close in proximity to single-family homes. Ms. Satterfield stated that they had worked with the development team for the Kierland Sky PUD, who had agreed to reduce the height of the building that is closest to the neighborhood to a maximum of 56 feet within 560 feet of a single-family residence.

**Toby Gerst** appreciated the proposed revitalization of the area and the idea of mixed-use at ground level. Ms. Gerst added that she has some considerations regarding the kind of traffic that this development would bring to the neighborhood. Ms. Gerst agreed that the proposed stipulations should be added, in addition to limiting height to 56 feet within 560 feet of a single-family residence.

**Mr. Goodhue** stated that while everyone is focused on the 56-foot height limitation, it should also be considered that this project has tiered the buildings away from the property line so that the higher stories have more of a step back. Mr. Goodhue added that there is a big difference between a non-tiered building that is 56 feet tall adjacent to the property line versus the tiered proposal. Mr. Goodhue stated that a 56-foot-tall building that is 10 feet away from the property line would be much more visually impactful than a tiered structure.

**Mr. Soronson** agreed and stated he did not have any issues with the proposed height. Mr. Soronson wanted to ensure the amended motion includes a mobility plan to be included as part of the traffic impact study. **Chair Gubser** asked what Mr. Soronson envisions to be included in the mobility plan. **Mr. Soronson** responded that it should include consideration of pedestrian and bicycle circulation both inside and outside of the property and not just bicycle parking alone. Mr. Soronson added that there is a lot of employment at the airpark across the street and he would like to see less traffic from cars going into the airpark.

**Chair Gubser** stated that when talking about mobility in terms of pedestrian accessibility, the neighbors have indicated that they do not want pedestrian connectivity to 71st Street and that they also want Hearn Road closed off.

**Mr. Soronson** stated that there is a dilemma all over the City of Phoenix where pedestrians in developments have to walk a quarter mile around walls to get to a transit stop rather than 20 feet.
Ms. Petersen reiterated that Ms. Satterfield said this development is the closest to the single-family residences at this height compared to other developments at least 560 feet from the nearest single-family residence at 56 feet in height.

Abe Bowman asked for clarification on the KCA distance of 56 feet in height from the nearest single-family residence. Mr. Bowman stated that he thought the Manor Scottsdale PUD was closer than what was previously stated by Ms. Petersen. Ms. Petersen stated that Ms. Satterfield was referring to other projects that the KCA has dealt with. Ms. Petersen added that the Kierland Sky PUD was reduced to 56 feet in height with a minimum distance of 560 feet from the nearest single-family residence.

Mr. Sparks stated that he agreed with Mr. Goodhue’s comments and clarified that Mr. Goodhue was making a point that a building 56 feet tall that is located a short distance away is less favorable than a tiered structure as presented. Mr. Sparks stated he believes the applicant has done a great job at making significant changes to address concerns from the KCA and neighbors. Mr. Sparks stated he believes the developer has gone out of their way to accommodate as much as they possibly could.

Mr. Wise added that the building is located several hundred feet away and that there will be a large number of trees along the west side of the property. Mr. Wise stated that the trees will grow to block more of the view than the building can see at the distance it is proposed.

Ms. DiMassa asked if the balconies on the fourth story could be removed as the KCA requested.

Chair Gubser stated he would ask for Mr. Morris to come back on. Chair Gubser stated it was his understanding that the balconies were facing north and south and not west.

Mr. Morris stated that Chair Gubser was correct about the fourth and fifth floor balconies. Mr. Morris stated that they would be willing to abide by a stipulation that there be no balconies on the fourth floor if they have a sightline into the neighborhood. Mr. Morris stated that there are many different ways to design a balcony so that it does not protrude outside of the building, such as a recessed balcony or Juliette balcony. Mr. Morris stated they do not have a desire to create a viewshed into the neighborhood, which is why they went to great lengths to create a landscape plan that has mature trees at planting along 71st Street that will only get larger. Mr. Morris stated they will do whatever is necessary to protect the privacy of the adjacent single-family residences.

Ms. DiMassa stated that a stipulation limiting the balconies would definitely help, and that if it were a recessed balcony, that there would be no noise from parties on the balconies. Ms. DiMassa requested there be a stipulation added restricting balconies wherever there is a line of sight into the community.

Ms. Sepic stated that she believes public art is very important in redevelopment and that she is in support of the proposed height. Ms. Sepic wanted to ensure that if there is no public art on 71st Street, that there at least be public art installations either on Scottsdale Road or in the open space area between the two restaurant buildings. Ms.
Sepic recommended that balconies still be provided but that they should be recessed balconies so that community members can have an outdoor space to still enjoy Arizona’s moderate weather.

Chair Gubser asked Mr. Popovic if he would like to amend his motion to include the recommended stipulations.

Mr. Popovic stated he would agree to add the stipulations recommended by the KCA except for the height. Mr. Popovic added that he is okay with restricting balconies to recessed or Juliette balconies. Mr. Popovic added that he would be amenable to any other recommended stipulations he may be missing.

Chair Gubser added that there was a proposed stipulation for public art along Scottsdale Road, a mobility plan, and a recommendation from Mr. Goodhue regarding noise.

Mr. Goodhue stated he has a standard stipulation that the City uses for noise mitigation, that states “Noise generated on the site shall not exceed 50 decibels at the west property line and shall be verified by testing approved by the Planning and Development prior to issuance of the Certificate of Occupancy”. Mr. Goodhue stated that this stipulation was the same stipulation used for another project and that it worked perfectly.

Chair Gubser asked if testing noise before occupancy would provide accurate results. Mr. Goodhue responded that it would, adding that he is more worried about the parking garage. Mr. Goodhue stated that the noise testing includes simulated car alarms going off as well as other high noises generated from a parking garage. Mr. Goodhue stated that his biggest concern is noise from the upper level of the parking garage since it is not enclosed. Mr. Goodhue stated that testing noise is possible with noise engineers going out into the field with equipment and running tests.

Chair Gubser added that there was a recommendation for a reduction in the height.

Mr. Popovic stated that he is supportive of the proposed height and is not supportive of reducing the height. Mr. Popovic added that he is okay with the recommended stipulations, except that the height should remain as the applicant has proposed.

Ms. Hall asked if KCA’s stipulations should be read into the record. Chair Gubser concurred. Ms. Hall stated she can read them from Ms. Satterfield’s letter. Ms. Hall stated that the only one she would not read is the one about reducing the height since she agrees that the proposed height is fine. Ms. Hall stated that the letter included the following recommendations:

1. Enhanced landscaping on the west side of the property
2. Three-inch caliper trees planted 20 feet on center on all of the perimeter
3. Provide an adequate visual buffer for adjacent residences by providing denser trees like Chinese Elm, Southern Indian Laurel, etc.
4. No pedestrian access along 71st Street
No parking signs along 71st Street
In exchange for the balconies on the second story, no balconies with line of sight on the fourth story on the west
Eighty-five percent non-reflective glass on all windows
Solid fence along 71st Street
No lighted signage on the west side of the property

Ms. Hall stated she would like to add that the solid wall be a 6-foot-tall decorative subdivision wall.

Mr. Popovic concurred with the recommended stipulations.

Mr. Sparks echoed Ms. Sepic’s comments regarding public art. Mr. Sparks recommended the stipulation regarding balconies be simplified to state that there can be balconies where there are no sightlines into the neighborhood and allow the architects to design it. Mr. Sparks concurred with Mr. Popovic's modification to the motion.

Mr. Zambrano stated that some clarification would be needed on the language of the stipulations and if the Committee would like it to be incorporated into the PUD narrative or to be a separate stipulation.

Chair Gubser responded that he would defer to staff on where it would be better to be incorporated into the narrative or to be a separate stipulation. Mr. Zambrano responded that the noise stipulation could be a separate stipulation. Mr. Zambrano stated that the balcony stipulation could be an amendment to the PUD narrative.

Mr. Popovic stated that if the language of the balcony stipulation included no sightlines, it may cause confusion of what may be allowed and may be more restrictive than intended.

Ms. Gerst stated that restricting the height to 56 feet may address the sightline issue from balconies.

Mr. Popovic asked what the difference would be if balconies would be provided either way.

Ms. Gerst stated that she believed the KCA requested no balconies on the fourth story and above. Ms. Gerst asked if Mr. Popovic was referring to only one story. Mr. Popovic asked if the Committee would be okay with allowing balconies on the fourth story if the height was reduced to 56 feet. Ms. Gerst clarified that if the height was lowered, it would eliminate the sightline problem with balconies.

Chair Gubser asked if the stipulation for no sightlines to the west residences would be only for balconies or if it would also include west-facing windows. Ms. Petersen stated that windows are fine.
Anita Mortensen recommended adding a solid wall or some type of cover on the rooftop of the parking garage to block the view from the balconies rather than reducing the height to 56 feet.

Ms. Hall clarified that they are not talking about the fourth story balconies to the east of the parking garage but rather the fourth story located on the other side of the parking garage. Ms. Hall recommended the stipulation say that there be no walk-out balconies on the west side of the fourth story rather than line of sight.

Ms. Mortensen concurred.

Ms. DiMassa concurred.

Mr. Popovic concurred.

Ms. DeMoss asked what the Committee’s opinion was on Ms. Satterfield’s comment regarding precedent set by approving a height more than 56 feet.

Chair Gubser stated that the amended motion excludes height reduction and at this point the Committee is working through the stipulations that the majority of the Committee is comfortable with.

Ms. Gerst stated that there could be multiple motions made if a previous one fails and at that point a stipulation reducing the height could be considered. Ms. Gerst suggested taking a poll to see how many Committee members agree with reducing the height to 56 feet. Chair Gubser responded that the Committee needs to work through the other stipulations first. Chair Gubser asked Mr. Zambrano if the motion and additional stipulations are acceptable.

Mr. Zambrano responded that there is still some clarification needed on the language of the additional stipulations and if they were to be included as an amendment to the PUD narrative or as a separate stipulation. Mr. Zambrano asked for clarification on what is being measured with the noise stipulation. Mr. Goodhue responded that he is referring to noise being generated by the site that is transmitted across the property line. Mr. Goodhue stated he would prefer noise not exceeding 50 decibels at the property line over 45 decibels. Mr. Goodhue stated that the way he read the stipulation pertains more to the intent of the stipulation than the standard stipulation for indoor noise that Mr. Zambrano was using. Mr. Zambrano stated he was unsure if it would be an enforceable stipulation to constantly measure the noise level at the property line after occupancy. Mr. Goodhue responded that it is enforceable and has been done before with a previous case by testing simulated noises.

Ms. Gerst stated she was not able to get sound on her computer initially, so she used her husband’s computer which he now needs. Ms. Gerst requested Ms. DeMoss vote for her in proxy while she switched computers. Ms. Gerst stated she is in favor of all the stipulations that were discussed but is opposed to anything above 56 feet in height. Ms. Gerst stated she will vote in favor if the height is reduced to 56 feet and will vote in opposition if the height remains the same.
Chair Gubser agreed.

Staff verified after the meeting that a proxy vote is not recognized as an official vote. Mr. Zambrano went through the recommended stipulations from the KCA and stated some could be amendments to the PUD narrative. Chair Gubser stated that Mr. Zambrano could follow up with the Committee as he does not believe they have ever gone through recommending stipulations that amend pages of the PUD narrative before.

Mr. Zambrano read the recommended stipulations from the KCA to verify which ones were to be included.

Ms. Schmidt stated that the stipulation for planting trees with denser foliage should also be low-water-use species.

Ms. Hall asked for confirmation that trees are not being replaced but rather the landscaping is being enhanced. Chair Gubser responded affirmatively.

Mr. Zambrano asked if the Committee would like to add the stipulation for a solid fence along 71st Street.

Ms. Sepic concurred.

Chair Gubser stated that Ms. Hall had mentioned the wall should be a 6-foot-tall decorative subdivision wall. Chair Gubser asked if the stipulation for no pedestrian access along 71st Street is included. Mr. Zambrano responded that for the previous case that the Committee recommended no pedestrian access to a street, the stipulation was removed at Planning Commission due to conflicts with several City policies and design guidelines that promote and require pedestrian and accessibility enhancements to new development. Chair Gubser responded that it is best to keep the stipulation and if it needs to be struck out later on that it could be done so at that point.

Ms. Hall asked if the stipulation regarding a mobility plan was added. Mr. Zambrano confirmed and asked if it was a modification to Stipulation No. 2 regarding the Traffic Impact Study.

Mr. Soronson concurred.

Ms. Sepic listed the recommended stipulations to ensure she had them all correct, including:

1) Public art installations shall be installed either along Scottsdale Road or in the open space area between the two restaurant buildings.
2) Minimum 3-inch caliper trees planted 20 feet on center shall be planted along the perimeter of the site.
3) Low-water-use trees with dense foliage shall be used along the west perimeter.
4) A 6-foot-high solid decorative fence shall be constructed along 71st Street.
5) There shall be no pedestrian access along 71st Street.
6) Minimum 85% non-reflective glass shall be used on all windows.
7) No parking signs shall be installed along 71st Street adjacent to the site.
8) There shall be no lighted signage on the west side of the property.
9) Noise generated on the site shall not exceed 50 decibels at the west property line and shall be verified by testing, prior to issuance of the Certificate of Occupancy, as approved by the Planning and Development Department.

Ms. Sepic overlooked capturing the following items that were discussed and agreed upon as being stipulations:

- Modification of Stipulation No. 2 to include a mobility study for pedestrian and bicyclist connectivity.
- No balconies shall have a line of sight to the adjacent single-family yards. Recessed or Juliette balconies may be allowed if there is no line of sight into the yards. Protruding balconies may be allowed if there is a visual buffer blocking view into the yards, or if there is no line of sight into the yards.

Ms. Sepic asked if the closure of Hearn Road was also a stipulation.

Ms. Hall responded that the KCA will support it, but they cannot really do anything about it.

Ms. Petersen believed it was important to add it as a stipulation.

Chair Gubser asked Mr. Popovic if he would like to add that into his motion. Mr. Popovic responded that he is fine with that but would like to defer to the attorney and Mr. Morris once the stipulations are clarified. Mr. Popovic added that the Committee could add a lot of stipulations but ultimately some may be stricken.

Chair Gubser asked Mr. Morris to respond to the recommended stipulations.

Mr. Morris stated that the applicant is in support of the majority of the recommended stipulations. Mr. Morris added that he believes the language of the balcony stipulation captures what they intended, which was to have no balconies on the west side unless they can show that there are no views into the neighborhood.

Mr. Wise stated that the exhibit the applicant shared shows a sightline from a person standing on the edge of the residential area looking up at the building with the trees planted along 71st Street entirely blocking the view. Mr. Wise stated for that reason, it does not really make a difference whether there is a reduction in 10 feet in height since no one would see it.

MOTION:

Mr. Popovic amended the motion to recommend approval of Z-40-22-2, per the staff recommendation, with a modification to Stipulation No. 2 and additional stipulations as discussed. Mr. Sparks seconded the motion.
VOTE:

13-3; motion to recommend approval of Z-40-22-2, per the staff recommendation with a modification to Stipulation No. 2 and additional stipulations as discussed, passes with Committee members Bowman, DiMassa, Goodhue, Hall, Maggiore, Mortensen, Popovic, Schmidt, Sepic, Soronson, Sparks, Wise and Gubser in favor and Committee members Balderrama, DeMoss, and Petersen opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

VPC recommended stipulations:

1. An updated Development Narrative for the Scottsdale Towne Square 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 November 18, 2022, as modified by the following stipulations:

   a. Front cover: Revise the submittal date information on the bottom to add the following: Hearing draft submittal: November 18, 2022; City Council adopted: [Add adoption date].

   b. Pages 14-15, Sidewalk Standards, Internal Walkways: Remove the single asterisk next to the 5’ minimum width internal walkway standard. Add a triple asterisk next to the sidewalk standard for internal walkways. Add a new footnote for a triple asterisk that 5’ minimum width internal walkways shall be clear of all obstacles.

   c. Page 15, General Landscape Requirements: Remove bullet point (b.) for landscape irrigation, which is repeated in bullet point (d.), and re-letter accordingly.

   d. Pages 16-17, Landscape Standards Table:

      (1) Streetscape: Revise titles of streetscape standards to “Streetscape – Landscape Areas Within Public Right-of-Way Adjacent to Scottsdale Road, Including Detached Sidewalk Landscape Strip” and “Streetscape – Landscape Areas Within Public Right-of-Way Adjacent to 71st Street Where Pocket Park Option Is Not Utilized”.

      (2) Add language “at maturity” after each live vegetative ground coverage standard.
Add a new row for a landscape standard for the bus stop pad on southbound Scottsdale Road, below the “Adjacent to Buildings” row, as follows: “Bus Stop Pad Landscaping – a) Minimum 3-inch caliper shade trees to provide minimum shade per Section D.6. at maturity; b) Minimum 75% live vegetative ground coverage at maturity”

e. Page 20, Shade: Add a shade standard for the bus stop pad: “A minimum of 50% of the bus stop pad on southbound Scottsdale Road shall be shaded at tree maturity”

f. Page 24, iv. Design for Cost-Effectiveness: Modify the language to a development/developer requirement that is not confused as a directive to the Street Transportation Department.

G. PAGE 14, DEVELOPMENT STANDARDS, DEVELOPMENT STANDARDS TABLE, NOISE REDUCTION: ADD LANGUAGE THAT STATES, “NOISE GENERATED ON THE SITE SHALL NOT EXCEED 50 DECIBELS AT THE WEST PROPERTY LINE AND SHALL BE VERIFIED BY TESTING, PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.”

H. PAGE 15, DEVELOPMENT STANDARDS, LANDSCAPE STANDARDS TABLE, GENERAL LANDSCAPING REQUIREMENTS: ADD A PROVISION TO REQUIRE LOW-WATER-USE TREE SPECIES WITH A DENSE FOLIAGE ALONG THE WEST PERIMETER OF THE SITE TO PROVIDE AN ADEQUATE VISUAL BUFFER FOR ADJACENT RESIDENCES.

I. PAGE 16, DEVELOPMENT STANDARDS, LANDSCAPE STANDARDS TABLE: MODIFY THE LANGUAGE FOR LANDSCAPING ALONG SCOTTSDALE ROAD, 71ST STREET, AND THE NORTH PROPERTY LINE TO REQUIRE MINIMUM 3-INCH CALIPER TREES PLANTED 20 FEET ON CENTER.

J. PAGE 18, DEVELOPMENT STANDARDS, FENCES / WALLS: ADD LANGUAGE TO REQUIRE A 6-FOOT-HIGH SOLID DECORATIVE FENCE BE CONSTRUCTED ALONG 71ST STREET.

K. PAGE 20, DEVELOPMENT STANDARDS, AMENITIES: ADD THE FOLLOWING LANGUAGE AFTER THE COMMERCIAL AMENITIES SECTION:

4) PUBLIC ART: A PUBLIC ART INSTALLATION SHALL BE INSTALLED EITHER ALONG SCOTTSDALE ROAD OR IN THE OPEN SPACE AREA BETWEEN THE TWO RESTAURANT BUILDINGS.

L. PAGE 25, DEVELOPMENT STANDARDS, SIGNS: ADD LANGUAGE TO REQUIRE SIGNS ALONG THE WEST SIDE OF THE PROPERTY BE NON-LIGHTED SIGNS.
M. TAB H, SCOTTSDALE TOWNE SQUARE ARCHITECTURAL DESIGN GUIDELINES, SECTION 1.0, PAGE 2, FORM AND SCALE, BUILDING MASSING (PDF PAGE 57): ADD LANGUAGE TO RESTRICT UPPER-LEVEL BALCONIES WHERE THERE IS NO VISUAL BUFFER BLOCKING A LINE OF SIGHT FROM A BALCONY LOOKING WEST INTO ADJACENT SINGLE-FAMILY YARDS. BALCONIES MAY EITHER BE RECESSED OR JULIETTE BALCONIES WHERE THERE IS NO LINE OF SIGHT INTO THE YARDS. PROTRUDING BALCONIES MAY BE ALLOWED EITHER WHERE THERE IS A VISUAL BUFFER BLOCKING THE LINE OF SIGHT FROM THE BALCONY LOOKING WEST INTO SINGLE-FAMILY YARDS OR WHEREVER THERE ARE NO LINES OF SIGHT LOOKING WEST INTO ADJACENT SINGLE-FAMILY YARDS.

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2. The applicant shall submit a Traffic Impact Study/Statement AND A MOBILITY STUDY FOR PEDESTRIAN AND BICYCLIST CONNECTIVITY 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.

3. 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.

4. The developer shall build a bus stop pad on southbound Scottsdale Road. The pad shall be designed according to City of Phoenix Standard Detail P1260 with a depth of 10 feet.

5. The property owner shall record documents that disclose the existence and operational characteristics of Scottsdale Municipal Airport (SDL) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

6. The developer shall provide documentation to the City prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a No Hazard Determination from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a “No Hazard Determination” obtained prior to the construction start date.
7. 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.

8. 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.

9. **THERE SHALL BE NO PEDESTRIAN ACCESS ALONG 71ST STREET.**

10. **NO PARKING SIGNS SHALL BE INSTALLED ALONG 71ST STREET ADJACENT TO THE SITE.**

11. **THE EXISTING GATE FROM HEARN ROAD SHALL BE REMOVED AND ACCESS SHALL BE PERMANENTLY CLOSED OFF.**

Staff recommends that the language for Stipulation No. 1.G. be modified to standard language used for noise mitigation stipulations.

Staff recommends that Stipulation Nos. 1.I. and 1.J. be modified for clarity.

Staff recommends that Stipulation No. 1.K. be modified to reference artwork in general and not refer to “public art”. Public art is required to go through a separate process through the City’s Public Art Program. Staff also recommends including more specific requirements for the required artwork, such as minimum dimension requirements, a minimum number of artwork pieces to provide, and a list of types of artwork to select from that would meet the requirement.

Staff recommends the deletion of the additional language regarding a mobility study for Stipulation No. 2. A single development cannot provide such a study for an entire area. Additionally, a typical mobility study would have included a Long Range Planning combined effort between the Planning and Development Department and Street Transportation Department, which has not occurred in this area. Staff recommends an alternative stipulation separate from the Traffic Impact Study stipulation that addresses the intent of the recommended stipulation.

Staff recommends the deletion of Stipulation No. 9 regarding removal of pedestrian access to 71st Street. This stipulation conflicts with several City policies and design guidelines that promote and require pedestrian and accessibility enhancements to new development.

Staff recommends that Stipulation No. 10 be modified to require that the developer apply for an on-street parking zone to prohibit on-street parking along 71st Street adjacent to the subject site.
Staff recommends the deletion of Stipulation No. 11 regarding removal of the existing gate on Hearn Road and permanent closure of Hearn Road to 71st Street. This stipulation conflicts with stipulations attached to the abandonment of Hearn Road regarding general conformance to the abandonment exhibit, maintaining vehicular access, and access control gates exclusively accessible by single-family residents.
To: City of Phoenix Planning Commission
From: Racelle Escolar, AICP
Principal Planner
Subject: ITEM NO. 10 (Z-40-22-2) – APPROXIMATELY 800 FEET NORTH OF THE NORTHWEST CORNER OF SCOTTSDALE ROAD AND THUNDERBIRD ROAD

The purpose of this memo is to recommend modifications to the stipulations added by the Paradise Valley Village Planning Committee (VPC), modify a stipulation recommended by staff regarding landscape setback planting standards, and to relay additional correspondence received since the Staff Report.

Rezoning Case No. Z-40-22-2 is a request to rezone 8.54 acres from C-2 (Intermediate Commercial) (1.06 acres), C-2 SP (Intermediate Commercial, Special Permit) (0.06 acres), and PSC (Planned Shopping Center) (7.42 acres) to PUD (Planned Unit Development) to allow multifamily residential and commercial uses.

The Paradise Valley VPC heard this request on December 5, 2022, and recommended approval, per the staff recommendation with a modification and additional stipulations, by a 13-3 vote. The VPC recommended a modification of Stipulation No. 2 to include a mobility study and added 11 new stipulations, in addition to the staff recommended stipulations included in the Staff Report.

Staff recommends the following:

- Modification of Stipulation 1.d. to clarify the landscape setback along 71st Street.
- Modification of Stipulation No. 1.G. to match standard language used in the Zoning Ordinance for noise level standards.
- Modification of Stipulation No. 1.K. to reference artwork in general and not refer to “public art”. Public art is required to go through a separate process through the City’s Public Art Program. Staff also recommends including more specific requirements for the required artwork.
- Deletion of the additional language regarding a mobility study for Stipulation No. 2, per the Street Transportation Department, as a single development cannot provide such a study for an entire area.
- Addition of Stipulation No. 3 to address the intent of the VPC recommended stipulation regarding a mobility study and renumbering accordingly.
- Deletion of Stipulation No. 9 regarding removal of pedestrian access from 71st Street. This stipulation conflicts with several City policies and design guidelines that...
promote and require pedestrian and accessibility enhancements to new development.

- Modification of Stipulation No. 10 to require that the developer apply for an on-street parking zone to prohibit on-street parking along 71st Street adjacent to the subject site.
- Deletion of Stipulation No. 11 due to conflicts with stipulations associated with the abandonment of Hearn Road.

Staff recommends approval, subject to the stipulations below:

1. An updated Development Narrative for the Scottsdale Towne Square 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 November 18, 2022, as modified by the following stipulations:

   a. Front cover: Revise the submittal date information on the bottom to add the following: Hearing draft submittal: November 18, 2022; City Council adopted: [Add adoption date].

   b. Pages 14-15, Sidewalk Standards, Internal Walkways: Remove the single asterisk next to the 5’ minimum width internal walkway standard. Add a triple asterisk next to the sidewalk standard for internal walkways. Add a new footnote for a triple asterisk that 5’ minimum width internal walkways shall be clear of all obstacles.

   c. Page 15, General Landscape Requirements: Remove bullet point (b.) for landscape irrigation, which is repeated in bullet point (d.), and re-letter accordingly.

   d. Pages 16-17, Landscape Standards Table:


      (2) Add language “at maturity” after each live vegetative ground coverage standard.
(3) Add a new row for a landscape standard for the bus stop pad on southbound Scottsdale Road, below the “Adjacent to Buildings” row, as follows: “Bus Stop Pad Landscaping – a) Minimum 3-inch caliper shade trees to provide minimum shade per Section D.6. at maturity; b) Minimum 75% live vegetative ground coverage at maturity”

e. Page 20, Shade: Add a shade standard for the bus stop pad: “A minimum of 50% of the bus stop pad on southbound Scottsdale Road shall be shaded at tree maturity”

f. Page 24, iv. Design for Cost-Effectiveness: Modify the language to a development/developer requirement that is not confused as a directive to the Street Transportation Department.

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A MINIMUM OF TWO ART INSTALLATIONS SHALL BE INSTALLED EITHER ALONG SCOTTSDALE ROAD OR IN THE OPEN SPACE AREA BETWEEN THE TWO RESTAURANT BUILDINGS. THE ART SHALL BE A MINIMUM OF FIVE FEET IN LENGTH IN ANY ONE DIRECTION (HEIGHT, WIDTH, OR DEPTH).

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2. The applicant shall submit a Traffic Impact Study/Statement AND A MOBILITY STUDY FOR PEDESTRIAN AND BICYCLIST CONNECTIVITY 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.

3. THE DEVELOPER SHALL SUBMIT A CIRCULATION PLAN ADDRESSING PEDESTRIAN AND BICYCLIST CONNECTIVITY AND SAFETY WITHIN THE DEVELOPMENT, TO NEARBY PEDESTRIAN AND BICYCLIST INFRASTRUCTURE, AND INCLUDE PROXIMITY TO ACTIVITY CENTERS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3. 4. 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.

4. 5. The developer shall build a bus stop pad on southbound Scottsdale Road. The pad shall be designed according to City of Phoenix Standard Detail P1260 with a depth of 10 feet.

5. 6. The property owner shall record documents that disclose the existence and operational characteristics of Scottsdale Municipal Airport (SDL) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

6. 7. The developer shall provide documentation to the City prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a No Hazard Determination from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a “No Hazard Determination” obtained prior to the construction start date.

7. 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.

8. 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.

9. THERE SHALL BE NO PEDESTRIAN ACCESS TO 71ST STREET.

10. NO PARKING SIGNS SHALL BE INSTALLED PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE DEVELOPER SHALL APPLY FOR THE ON-STREET PARKING ZONES PROGRAM IN ORDER TO INSTALL NO PARKING SIGNS ALONG 71ST STREET ADJACENT TO THE SITE.

11. THE EXISTING GATE FROM HEARN ROAD SHALL BE REMOVED AND ACCESS SHALL BE CLOSED OFF.

Enclosure:
Correspondence (3 pages)
To the Phoenix Planning Commission:

On behalf of the Kierland Community Alliance (KCA), we are reaching out to express concern over the maximum height of the Scottsdale Towne Square Development Z-40-22 at Scottsdale and Thunderbird Roads being presented to the Planning Commission on January 5, 2023.

HISTORY:
In 2020/21, the KCA worked directly with the developers of Kierland Sky Z-14-20 (also within the KCA boundaries) to reach a precedent for maximum height and height step backs near single-family residential homes. Attached is the City of Phoenix Recorded Ordinance (Exhibit 1 and attached image) for this development clearly stating that the project is restricted to a height of no more than "56 ft, and no closer than a minimum of approximately 560 ft away from the closest existing single-family residence". This is an important precedent which should be observed to protect single family residences from encroachments by building overly high multifamily projects adjacent to them.

CURRENT SITUATION:
Scottsdale Towne Square is adjacent on its western border to single-family homes and the entire width (east to west borders) of the subject property is 559.9ft (see Exhibit 2 and attached image). As such, this entire parcel is within the 560 ft distance for the 56 ft maximum height restriction precedent established by Kierland Sky.

While the Scottsdale Towne Square development team have made adjustments to their original plan by including height step backs closest to the single-family residences, they have refrained from reducing the overall maximum height of the property in keeping with this precedent.

We do not support the developer using the PUD process to maximize their profit while ignoring the community interests and ultimately disrupting the privacy of single family home owners who purchased homes based on existing and published zoning rules years ago and who have faithful been paying their taxes since then. This type of development is not reasonable or foreseeable for those home owners and as such, this height is not acceptable.

CONSIDERATION:
We are therefore asking for your support in a reduction of maximum height for the Scottsdale Towne Square project from 68 ft to no more than 56 ft within 560 ft of single-family residences in keeping with the already established precedent.

This is a small, but important ask which we recommend the City support to protect this community, and the other communities who will find the proposed Towne Square height precedent used against them to their detriment by future developers.

Thank you,

Amy Satterfield
Chairperson
Kierland Community Alliance

Exhibit 1: Z-14-20 Kierland Sky Recorded Ordinance - See Section 1E image below [drive.google.com]
Exhibit 2: Z-40-22 - Towne Square - Applicant Narrative - See TabD for full width of project & distance from SFR [drive.google.com]

Exhibit 1 Image: Z-14-20 Kierland Sky Recorded Ordinance section 1E

Phoenix Zoning Ordinance:

1. An updated Development Narrative for the Kierland Sky 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 October 16, 2020, as modified by the following stipulations:

   a. Front Cover: Remove "HEARING DRAFT" and revise submittal date information on bottom of the cover page as follows:
      1st Submittal: May 17, 2020
      2nd Submittal: June 20, 2020
      Hearing Draft: September 11, 2020
      City Council adopted: TBD

   b. Add the landscape setbacks to the comparative development standards table.

   c. Provide a dimensioned landscape plan depicting distance between sidewalk and back of curb and landscape setbacks. Include caliper sizes of trees, number of shrubs under each tree, groundcover percentages in a table format on the plan.

   d. Provide landscape standards for the terraces to include minimum 5-gallon shrubs, with 50% live coverage at maturity.

   e. Add the following to the Development Standards Table: The southern building will be no higher than 56 feet, and no closer than a minimum of approximately 560 feet away from the closest existing single-family residence, and the building connected to it, no higher than 64 feet, and no closer than a minimum of approximately 700 feet away from the closest existing single-family residence.

   f. The following shall be included in the Use Standards Section: There shall be no outdoor live music or DJ music on site, only outdoor background dining music shall be allowed.

2. 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.

Exhibit 2 Image: Z-40-22 Scottsdale Towne Square Applicant Narrative Tab D
### ITEM NO: 10

#### SUBJECT:

**Application #:** Z-40-22-2 (Scottsdale Town Square Thunderbird Phase PUD)

**Location:** Approximately 800 feet north of the northwest corner of Scottsdale Road and Thunderbird Road

**From:** C-2, C-2 SP, and PSC

**To:** PUD

**Acreage:** 8.54

**Proposal:** Planned Unit Development to allow multifamily residential and commercial uses.

**Applicant:** George Pasquel III

**Owner:** Scottsdale Towne Square, LLC

**Representative:** George Pasquel III

#### ACTIONS:

**Staff Recommendation:** Approval, subject to stipulations.

**Village Planning Committee (VPC) Recommendation:**

**Paradise Valley** 8/1/2022 Information only.

**Paradise Valley** 12/5/2022 Approval, per the staff recommendation with a modification and additional stipulations. Vote: 13-3.

**Planning Commission Recommendation:** Approval, per the staff memo dated January 5, 2023, with a modification.

**Motion Discussion:** N/A

**Motion details:** Commissioner Busching made a MOTION to approve Z-40-22-2, per the staff memo dated January 5, 2023, with a modification to Stipulation No. 1 to replace “solid decorative fence” with “full view fence”.

- **Maker:** Busching
- **Second:** Perez
- **Vote:** 8-0
- **Absent:** Mangum
- **Opposition Present:** Yes

#### Findings:

1. The proposed development is consistent with the General Plan Land Use Map designation and compatible with the existing land use pattern in the surrounding area.

2. The proposed development will provide new mixed-use development with housing, retail, and employment opportunities along an established commercial corridor, near the Kierland commercial area.
3. The proposed PUD sets forth design and development standards that will enhance connectivity in the immediate vicinity by providing shaded detached sidewalks, pedestrian-oriented design, and an enhanced interface with the adjacent neighborhood.

Stipulations:

1. An updated Development Narrative for the Scottsdale Towne Square 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 dated November 18, 2022, as modified by the following stipulations:

   a. Front cover: Revise the submittal date information on the bottom to add the following: Hearing draft submittal: November 18, 2022; City Council adopted: [Add adoption date].

   b. Pages 14-15, Sidewalk Standards, Internal Walkways: Remove the single asterisk next to the 5’ minimum width internal walkway standard. Add a triple asterisk next to the sidewalk standard for internal walkways. Add a new footnote for a triple asterisk that 5’ minimum width internal walkways shall be clear of all obstacles.

   c. Page 15, General Landscape Requirements: Remove bullet point (b.) for landscape irrigation, which is repeated in bullet point (d.), and re-letter accordingly.

   d. Pages 16-17, Landscape Standards Table:


      (2) Add language “at maturity” after each live vegetative ground coverage standard.

      (3) Add a new row for a landscape standard for the bus stop pad on southbound Scottsdale Road, below the “Adjacent to Buildings” row, as follows: “Bus Stop Pad Landscaping – a) Minimum 3-inch caliper shade trees to provide minimum shade per Section D.6. at maturity; b) Minimum 75% live vegetative ground coverage at maturity”

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3. THE DEVELOPER SHALL SUBMIT A CIRCULATION PLAN ADDRESSING PEDESTRIAN AND BICYCLIST CONNECTIVITY AND SAFETY WITHIN THE DEVELOPMENT, TO NEARBY PEDESTRIAN AND BICYCLIST INFRASTRUCTURE, AND INCLUDE PROXIMITY TO ACTIVITY CENTERS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

4. 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.

5. The developer shall build a bus stop pad on southbound Scottsdale Road. The pad shall be designed according to City of Phoenix Standard Detail P1260 with a depth of 10 feet.

6. The property owner shall record documents that disclose the existence and operational characteristics of Scottsdale Municipal Airport (SDL) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

7. The developer shall provide documentation to the City prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a No Hazard Determination from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a “No Hazard Determination” obtained prior to the construction start date.

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 Archeologist, and allow time for the Archeology Office to properly assess the materials.
8. 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.

9. **THERE SHALL BE NO PEDESTRIAN ACCESS TO 71ST STREET.**

10. **NO PARKING SIGNS SHALL BE INSTALLED PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE DEVELOPER SHALL APPLY FOR THE ON-STREET PARKING ZONES PROGRAM IN ORDER TO INSTALL NO PARKING SIGNS ALONG 71ST STREET ADJACENT TO THE SITE.**

11. **THE EXISTING GATE FROM HEARN ROAD SHALL BE REMOVED AND ACCESS SHALL BE CLOSED OFF.**

This publication can be made available in alternate format upon request. Please contact Angie Holdsworth at (602) 329-5065, TTY use 7-1-1.
CITY OF PHOENIX
PLANNING AND DEVELOPMENT DEPARTMENT

FORM TO REQUEST PC to CC
I HEREBY REQUEST THAT THE CC HOLD A PUBLIC HEARING ON:

<table>
<thead>
<tr>
<th>APPLICATION NO/LOCATION</th>
<th>Z-40-22-2</th>
<th>(SIGNATURE ON ORIGINAL IN FILE)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Approximately 800 feet north of the northwest corner of Scottsdale Road and Thunderbird Road</td>
<td>opposition x applicant</td>
</tr>
</tbody>
</table>

| APPEALED FROM: | PC 1/5/2023 | 6932 E. Hearn Road Scottsdale, AZ 85254 |

| TO PC/CC HEARING | CC 2/1/2023 | Amy Satterfield, Chair KCA 602-478-1912 Satterfield4az@cox.net |

<table>
<thead>
<tr>
<th>CC DATE</th>
<th>NAME / PHONE / EMAIL</th>
</tr>
</thead>
</table>

REASON FOR REQUEST:
The Kierland Community Alliance is opposed to the height of 68 feet.

<table>
<thead>
<tr>
<th>RECEIVED BY:</th>
<th>Chase Hale</th>
</tr>
</thead>
<tbody>
<tr>
<td>RECEIVED ON:</td>
<td>1/12/2023</td>
</tr>
</tbody>
</table>

Alan Stephenson
Joshua Bednarek
Tricia Gomes
Racelle Escolar
Stephanie Vasquez
Diana Hernandez
David Urbinato
Vikki Cipolla-Murillo

Gregory Harmon
Paul M. Li
Village Planner
GIS
Applicant
Adam Stranieri (for PHO Appeals)
The PLANNING COMMISSION agenda for January 5, 2023 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. January 12, 2023.

   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. January 12, 2023.

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. January 12, 2023.

   The Planning and Development Department will verify ownership by protesters 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. January 19, 2023.

FORM TO REQUEST CITY COUNCIL HEARING

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

APPLICATION NO.

1/12/23

DATE APPEALED FROM

☑ OPPOSITION

☐ APPLICANT

LOCATION OF APPLICATION SITE

Scottsdale and Thunderbird Rd

Charles Hales

PLANNER (PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

Amy Satterfield, Chair KCA

PRINTED NAME OF PERSON APPEALING

6932 E. Hearn Rd

STREET ADDRESS

Scottsdale, AZ 85254

CITY, STATE & ZIP CODE

Satterfield4az@cox.net

EMAIL ADDRESS

REASON FOR REQUEST

The Kierland Community Alliance is opposed to the height of 68!

APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER