WELCOME!

Thank you for participating in the process of representative local government. We welcome your interest and hope you and your neighbors will often attend Phoenix City Council meetings. Democracy cannot endure without an informed and involved electorate.

Phoenix operates under a Council-Manager form of local government. Policy is set by the Mayor and Council, and the City Manager, who is appointed by the Council, directs staff to carry out the policies. This separation of policy-making and policy administration is considered the most economical and efficient form of city government.

FORMAL CITY COUNCIL MEETINGS

The Council generally holds formal meetings at 2:30 p.m. on Wednesdays to take official action on Ordinances, Resolutions, and other items on the agenda. Although the formal agenda is subject to change, all changes to the printed agenda will be available at least 24 hours prior to the meeting. Visit https://www.phoenix.gov/cityclerk/publicmeetings to view the agenda and meeting schedule.

The formal meeting may appear to proceed very quickly, with important decisions reached with little discussion. However, councilmembers receive the agenda the week prior to the meeting, giving them the opportunity to study every item and to ask questions of City staff members. If no additional information is presented at the meeting, action may be taken without discussion.

HOW CITIZENS CAN PARTICIPATE

The public may request to address the Council regarding an agenda item by submitting a yellow Request to Speak card at the meeting, or may submit a white card to state their support or opposition to an item for the record without speaking. Individuals should arrive and submit a card by the beginning of the meeting, before action is taken on the item. After action has been taken on an item, cards will not be accepted.

In addition, Citizen comments will be heard for up to 30 minutes (unless extended by the Chair) before adjournment or recess of the formal meeting provided a quorum of the Council is present. Additional time for Citizen Comments may be allowed at the discretion of the presiding officer. Any member of the public may address the Council to comment on issues of interest or concern to them. Citizen comments will be televised as part of the formal meeting. Members of the public will be given a maximum of three minutes each to address the Council. In compliance with the Arizona Open Meeting Law, the City Council cannot discuss or take formal action on any matter raised during citizen comments.

If you have an individual concern involving the City, you are encouraged to contact your District councilmember at 602-262-7029 or the City Manager’s Office at 602-262-4449. To reach the Mayor’s Office, call 602-262-7111. We will do everything possible to be responsive to your individual requests.

REGISTERED LOBBYISTS

Individuals paid to lobby on behalf of persons or organizations other than themselves must register with the City Clerk prior to lobbying or within five business days thereafter and must re-register annually. If you have any questions about registration or whether or not you must register, visit https://www.phoenix.gov/cityclerk/publicmeetings or contact the City Clerk’s Office at 602-256-3186.

ACCESSIBILITY

An assistive listening system is available in the Council Chambers for individuals with hearing loss. Obtain a headset unit at the entrance table in the Chambers. In addition, the City Clerk’s Office will provide sign language interpreting services. Please call 602-256-3186 or Relay 7-1-1 as early as possible to coordinate needed arrangements.

Si necesita asistencia o traducción en español, favor de llamar lo mas pronto posible a la oficina de la Secretaría Municipal de Phoenix al 602-256-3186.

November 2019
**City Council Formal Meeting**

**Agenda**

Meeting Location:
City Council Chambers
200 W. Jefferson St.
Phoenix, Arizona 85003

Wednesday, March 18, 2020  2:30 PM  phoenix.gov

***REVISED MARCH 17, 2020***

Items Requested to be Withdrawn: 2, 5-6, 10, 12, 15, and 85-86; Item Revised: 35;
Items Requested to be Continued: 43, 71 and 87; Item Added: 88

**CALL TO ORDER AND ROLL CALL**

**BOARDS AND COMMISSIONS**

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**LIQUOR LICENSES, BINGO, AND OFF-TRACK BETTING LICENSE APPLICATIONS**

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the Northeast Corner of 32nd Street and Campbell Avenue (Ordinance G-6658)

84 Gated Alley Program Pilot - Expansion and Funding (Ordinance S-46462)

*85 (CONTINUED FROM MARCH 4, 2020) - Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application PHO-2-19_Z-SP-5-14-4 - Approximately 420 Feet North of the Northeast Corner of 7th Street and Indian School Road (Ordinance G-6683) ***REQUEST TO WITHDRAW***

*86 (CONTINUED FROM MARCH 4, 2020) - Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application PHO-2-19_Z-118-14-4 - Approximately 420 Feet North of the Northeast Corner of 7th Street and Indian School Road (Ordinance G-6684) ***REQUEST TO WITHDRAW***

*87 Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application Z-51-19-4 - Northeast Corner of 7th Street and Thomas Road (Ordinance G-6686) ***REQUEST TO CONTINUE***

ADD-ON ITEMS

*88 Request City Council Confirmation of Mayoral Declaration of a Local Emergency ***REQUEST TO ADD-ON***

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

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

Subject: BOARDS AND COMMISSIONS -- APPOINTEES

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

**Alhambra Village Planning Committee**

Vice Mayor Betty Guardado recommends the following individual for appointment:

**Dina Smith**
Ms. Smith is an accountant and a resident of District 5. She fills a vacancy on the committee for a partial term to expire November 19, 2020.

**Fast Track Cities Ad Hoc Committee**

I recommend the following individual for appointment:

**Lisette Geraldo**
Ms. Geraldo is a Program Supervisor at Terros Health and replaces Jose Vega on the committee.

I recommend the following individual for reappointment:

**Kirk Baxter**
Mr. Baxter is the Board President of HEAL International.

**Fire Safety Advisory Board**

I recommend the following individual for appointment:

**Mike Wilson**
Mr. Wilson is a Board Member and Past President of the Arizona Propane Gas Association and a resident of District 4. He replaces Eric Bates in the category representing the Liquified Petroleum Gas Industry for a term to expire January 10, 2022.

**Phoenix Business and Workforce Development Board**

I recommend the following individuals for appointment:

**Yolanda Bejarano**
Ms. Bejarano is the Campaign Lead at Communications Workers of America. She fills a Labor vacancy for a term to expire June 30, 2022.

**James Frolov**
Mr. Frolov is a BIM Designer at Kinetics and a member of U.A. Local 469 Plumbers & Pipefitters. He fills a Labor vacancy for a term to expire June 30, 2022.
***REQUEST TO WITHDRAW (SEE ATTACHED MEMO)*** Liquor License - Special Event - Our Lady of Czestochowa Roman Catholic Parish Phoenix

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

**Summary**

**Applicant**
Andrew Furga

**Location**
2828 W. Country Gables Drive
Council District: 1

**Function**
Cultural Celebration

**Date(s) - Time(s) / Expected Attendance**
April 25, 2020 - 10 a.m. to 9:30 p.m. / 3,000 attendees
April 26, 2020 - 10 a.m. to 5 p.m. / 2,000 attendees

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

**Responsible Department**
This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.
To: Toni Maccarone  
   Acting Deputy City Manager  

Date: March 17, 2020  

From: Denise Archibald  
   City Clerk  

Subject: REQUEST TO WITHDRAW ITEMS 2, 5, 6, 10, 12 AND 15 ON THE MARCH 18, 2020, COUNCIL AGENDA

Request to withdraw Items 2, 5, 6, 10, 12 and 15 on the March 18, 2020, Formal agenda. These items are for Series 15 – Special Event Liquor Licenses that are scheduled to occur prior to May 15, 2020.

Approved:  

Toni Maccarone, Acting Deputy City Manager
Liquor License - ATL Wings

Request for a liquor license. Arizona State License Application 94937.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
3549 W. Thunderbird Road
Zoning Classification: PSC
Council District: 1

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 March 21, 2020.

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.
Public Opinion
No protest or support letters were received within the 20-day public comment period.

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

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

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “ATL ('All The Luv') Wings is a family-friendly neighborhood restaurant famous for its dry-rub wings and wide variety of creative sauces. ATL would like to offer guests 21 and over the opportunity to enjoy alcoholic beverages as an incident to the delicious meals guests enjoy.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - ATL Wings
Liquor License Map - ATL Wings

Responsible Department
This item is submitted by Acting Deputy City Manager Toni Maccarone 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>Bar</td>
<td>6</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Beer and Wine Bar</td>
<td>7</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Liquor Store</td>
<td>9</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Beer and Wine Store</td>
<td>10</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Restaurant</td>
<td>12</td>
<td>5</td>
<td>3</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>33.87</td>
<td>67.01</td>
<td>69.74</td>
</tr>
<tr>
<td>Violent Crimes</td>
<td>5.89</td>
<td>8.33</td>
<td>9.23</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>67</td>
<td>186</td>
</tr>
<tr>
<td>Total Violations</td>
<td>118</td>
<td>296</td>
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<tr>
<td>BlockGroup</td>
<td>2010 Population</td>
<td>Owner Occupied</td>
</tr>
<tr>
<td>------------</td>
<td>-----------------</td>
<td>----------------</td>
</tr>
<tr>
<td>1040003</td>
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<tr>
<td>1040004</td>
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</tr>
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<td>1041004</td>
<td>1847</td>
<td>89 %</td>
</tr>
<tr>
<td>1042021</td>
<td>1471</td>
<td>85 %</td>
</tr>
<tr>
<td>1042022</td>
<td>2649</td>
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<td>1042023</td>
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<td>88 %</td>
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<td>80 %</td>
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<tr>
<td>Average</td>
<td></td>
<td>61 %</td>
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</table>
Liquor License Map: ATL WINGS

3549 W THUNDERBIRD RD

Date: 1/23/2020
Liquor License - Krachai Thai Kitchen

Request for a liquor license. Arizona State License Application 74613.

Summary

Applicant
Douangchanh Braxton, Agent

License Type
Series 12 - Restaurant

Location
3361 W. Greenway Road
Zoning Classification: C-2
Council District: 1

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

The 60-day limit for processing this application is March 22, 2020.

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 serving alcohol beverages for over 10 years in restaurants in Arizona and have had only the best experiences. I always keep my customers health and best interest in mind. I am certified as an Alcohol server and I have completed the Title 4 Basic and Management Level Liquor Law training and have received Arizona State approved certifications in both.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “The majority of our customers live in the community surrounding the restaurant and many have requested that we serve beer and wine. We have a strong desire and goal to being sensitive to our surrounding community and we are very committed to being very responsible when serving any alcohol to our patrons. Our desire is for our restaurant to be a positive and healthy contribution to our neighbors.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Krachai Thai Kitchen
Liquor License Map - Krachai Thai Kitchen

Responsible Department
This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.
## Liquor License Data: KRACHAI THAI KITCHEN

### 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>Liquor Store</td>
<td>9</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Beer and Wine Store</td>
<td>10</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Hotel</td>
<td>11</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Restaurant</td>
<td>12</td>
<td>7</td>
<td>3</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>33.87</td>
<td>45.30</td>
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<tr>
<td>Violent Crimes</td>
<td>5.89</td>
<td>6.44</td>
<td>11.25</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>67</td>
<td>167</td>
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<tr>
<td>Total Violations</td>
<td>118</td>
<td>234</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>
</tr>
</thead>
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<td>1041001</td>
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<td>40 %</td>
<td>21 %</td>
<td>11 %</td>
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<tr>
<td>1041003</td>
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<td>1847</td>
<td>89 %</td>
<td>14 %</td>
<td>9 %</td>
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<td>1042021</td>
<td>1471</td>
<td>85 %</td>
<td>2 %</td>
<td>7 %</td>
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<td>15 %</td>
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<tr>
<td>1042263</td>
<td>658</td>
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<td>17 %</td>
<td>37 %</td>
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<td>1042264</td>
<td>1538</td>
<td>92 %</td>
<td>7 %</td>
<td>15 %</td>
</tr>
<tr>
<td>Average</td>
<td></td>
<td>61 %</td>
<td>13 %</td>
<td>19 %</td>
</tr>
</tbody>
</table>
City Council Formal Meeting

City Council Report

Agenda Date: 3/18/2020, Item No. *5

***REQUEST TO WITHDRAW (SEE ATTACHED MEMO)*** Liquor License - Special Event - St. Bernadette Roman Catholic Parish Scottsdale

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

Summary

Applicant
Kristen Butler

Location
16245 N. 60th St.
Council District: 2

Function
Dinner

Date(s) - Time(s) / Expected Attendance
April 25, 2020 - 6 p.m. to 9 p.m. / 250 attendees

Staff Recommendation
Staff recommends approval of this application.

Responsible Department
This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.
To: Toni Maccarone  
Acting Deputy City Manager

From: Denise Archibald  
City Clerk

Subject: REQUEST TO WITHDRAW ITEMS 2, 5, 6, 10, 12 AND 15 ON THE MARCH 18, 2020, COUNCIL AGENDA

Request to withdraw Items 2, 5, 6, 10, 12 and 15 on the March 18, 2020, Formal agenda. These items are for Series 15 – Special Event Liquor Licenses that are scheduled to occur prior to May 15, 2020.

Approved:

Toni Maccarone, Acting Deputy City Manager
***REQUEST TO WITHDRAW (SEE ATTACHED MEMO)*** Liquor License - Special Event - Congregation Kol Ami

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

Summary

**Applicant**
Michael Rosenthal

**Location**
15030 N. 64th St.
Council District: 2

**Function**
Community Event

**Date(s) - Time(s) / Expected Attendance**
April 4, 2020 - 6:30 p.m. to 10:30 p.m. / 300 attendees

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

**Responsible Department**
This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.
To:        Toni Maccarone  
Acting Deputy City Manager  

From:     Denise Archibald  
City Clerk  

Subject:  REQUEST TO WITHDRAW ITEMS 2, 5, 6, 10, 12 AND 15 ON THE MARCH 18,  
2020, COUNCIL AGENDA  

Request to withdraw Items 2, 5, 6, 10, 12 and 15 on the March 18, 2020, Formal  
agenda. These items are for Series 15 – Special Event Liquor Licenses that are  
scheduled to occur prior to May 15, 2020.  

Approved:  

Toni Maccarone, Acting Deputy City Manager
Liquor License - Sushi on Tatum

Request for a liquor license. Arizona State License Application 012070009307.

**Summary**

**Applicant**  
Mei Yan Zhang, Agent

**License Type**  
Series 12 - Restaurant

**Location**  
20910 N. Tatum Blvd., Ste. 150  
Zoning Classification: C-2 DRSP  
Council District: 2

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

The 60-day limit for processing this application is March 29, 2020.

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

**Other Active Liquor License Interest in Arizona**  
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

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

**Applicant’s Statement**  
The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.
I have the capability, reliability and qualifications to hold a liquor license because:
“Over 10 years of experience & taken the management class & obtain certification.”

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

**Responsible Department**
This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.
Liquor License - The Boozy Breakfast

Request for a liquor license. Arizona State License Application 94919.

Summary

Applicant
Keri Frazier, Agent

License Type
Series 12 - Restaurant

Location
5450 E. High St., Ste. 117
Zoning Classification: C-2 DRSP
Council District: 2

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently under construction with plans to open in April 2020.

The 60-day limit for processing this application is March 21, 2020.

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: “My partner and I have been in restaurant & hospitality for over 20 years. Our goal is to provide a safe and fun atmosphere for families to enjoy.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “We are providing a safe and family friendly atmosphere while providing employment opportunities to members of the community.”

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 - The Boozy Breakfast
Liquor License Map - The Boozy Breakfast

Responsible Department
This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.
### Liquor License Data: THE BOOZY BREAKFAST

#### 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>10</td>
<td>3</td>
</tr>
<tr>
<td>Beer and Wine Bar</td>
<td>7</td>
<td>4</td>
<td>3</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>4</td>
<td>1</td>
</tr>
<tr>
<td>Restaurant</td>
<td>12</td>
<td>29</td>
<td>5</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>33.87</td>
<td>22.13</td>
<td>16.77</td>
</tr>
<tr>
<td>Violent Crimes</td>
<td>5.89</td>
<td>1.48</td>
<td>1.06</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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<tbody>
<tr>
<td>Parcels w/Violations</td>
<td>67</td>
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</tr>
<tr>
<td>Total Violations</td>
<td>118</td>
<td>0</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>6152001</td>
<td>1993</td>
<td>8 %</td>
<td>29 %</td>
<td>12 %</td>
</tr>
<tr>
<td>6152002</td>
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<td>10 %</td>
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</tr>
<tr>
<td>Average</td>
<td></td>
<td>61 %</td>
<td>13 %</td>
<td>19 %</td>
</tr>
</tbody>
</table>
Liquor License Map: THE BOOZY BREAKFAST

5450 E HIGH ST

Date: 1/23/2020

City Clerk Department
City Council Formal Meeting

City Council Report

Agenda Date: 3/18/2020, Item No. 9

Liquor License - Virginia Market

Request for a liquor license. Arizona State License Application 95903.

Summary

Applicant
Hussam Alyousef, Agent

License Type
Series 10 - Beer and Wine Store

Location
702 E. Virginia Ave.
Zoning Classification: C-2
Council District: 4

This request is for a new liquor license for a beer and wine store. This location was previously licensed for liquor sales and may currently operate with an interim permit. This location requires a Use Permit to allow package liquor sales.

The 60-day limit for processing this application is March 31, 2020.

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.

Mesa Liquor (Series 9)
1930 E. Broadway Road #2, Mesa
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
“l did a comprehensive training course about how to sell liquor and managing liquor store. I have a permit to sell spirituous liquor since Feb. 2017. I'm selling liquor (at my store) without any problem.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“Providing essential service of convenience to the neighborhood who are looking for variety of liquors with the least navigating possible.”

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 - Virginia Market
Liquor License Map - Virginia Market

Responsible Department
This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.
## Liquor License Data: VIRGINIA MARKET

### 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>9</td>
<td>2</td>
</tr>
<tr>
<td>Beer and Wine Bar</td>
<td>7</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Liquor Store</td>
<td>9</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>Beer and Wine Store</td>
<td>10</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Hotel</td>
<td>11</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Restaurant</td>
<td>12</td>
<td>30</td>
<td>10</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>33.87</td>
<td>79.85</td>
<td>53.82</td>
</tr>
<tr>
<td>Violent Crimes</td>
<td>5.89</td>
<td>14.62</td>
<td>8.91</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>66</td>
<td>75</td>
</tr>
<tr>
<td>Total Violations</td>
<td>116</td>
<td>118</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>1105022</td>
<td>1216</td>
<td>28 %</td>
<td>19 %</td>
<td>23 %</td>
</tr>
<tr>
<td>1106004</td>
<td>1456</td>
<td>47 %</td>
<td>27 %</td>
<td>3 %</td>
</tr>
<tr>
<td>1117001</td>
<td>1792</td>
<td>45 %</td>
<td>32 %</td>
<td>41 %</td>
</tr>
<tr>
<td>1117003</td>
<td>1057</td>
<td>64 %</td>
<td>2 %</td>
<td>10 %</td>
</tr>
<tr>
<td>1117004</td>
<td>1227</td>
<td>75 %</td>
<td>20 %</td>
<td>21 %</td>
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<td>1118001</td>
<td>742</td>
<td>44 %</td>
<td>28 %</td>
<td>5 %</td>
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<td>1118004</td>
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<td>62 %</td>
<td>6 %</td>
<td>6 %</td>
</tr>
<tr>
<td>Average</td>
<td></td>
<td>61 %</td>
<td>13 %</td>
<td>19 %</td>
</tr>
</tbody>
</table>
Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

Summary

Applicant
Eric Morales

Location
4344 W. Indian School Road, Ste. 100
Council District: 5

Function
Dance

Date(s) - Time(s) / Expected Attendance
April 11, 2020 - 7 p.m. to 2 a.m. / 650 attendees

Staff Recommendation
Staff recommends approval of this application.

Responsible Department
This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.
To:        Toni Maccarone  
            Acting Deputy City Manager  

From:     Denise Archibald  
            City Clerk  

Subject:  REQUEST TO WITHDRAW ITEMS 2, 5, 6, 10, 12 AND 15 ON THE MARCH 18, 2020, COUNCIL AGENDA  

Request to withdraw Items 2, 5, 6, 10, 12 and 15 on the March 18, 2020, Formal agenda. These items are for Series 15 – Special Event Liquor Licenses that are scheduled to occur prior to May 15, 2020.  

Approved:  

Toni Maccarone, Acting Deputy City Manager
Liquor License - Great Wall Cuisine

Request for a liquor license. Arizona State License Application 95258.

Summary

Applicant
Donald Mui, Agent

License Type
Series 12 - Restaurant

Location
5057 N. 35th Ave.
Zoning Classification: C-2
Council District: 5

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

The 60-day limit for processing this application is March 24, 2020.

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.

Mary Garden Restaurant (Series 7)
5814 W. Indian School Road
Calls for police service: 9
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because: “I have worked at Great Wall restaurant as owner/manager for over 18 years and have never had an incident with the law nor Liquor Department.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “We believe we have the best Chinese food and what better than to have it accompanied with an alcoholic beverage.”

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 - Great Wall Cuisine
Liquor License Map - Great Wall Cuisine

Responsible Department
This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.
### Liquor License Data: GREAT WALL CUISINE

#### 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>1</td>
<td>0</td>
</tr>
<tr>
<td>Beer and Wine Bar</td>
<td>7</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Beer and Wine Store</td>
<td>10</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>Restaurant</td>
<td>12</td>
<td>6</td>
<td>4</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>33.87</td>
<td>117.40</td>
<td>87.04</td>
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<tr>
<td>Violent Crimes</td>
<td>5.89</td>
<td>23.51</td>
<td>24.20</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>66</td>
<td>210</td>
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<tr>
<td>Total Violations</td>
<td>117</td>
<td>379</td>
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## 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>
<tr>
<td>1071012</td>
<td>2416</td>
<td>62 %</td>
<td>10 %</td>
<td>43 %</td>
</tr>
<tr>
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<td>1071023</td>
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<td>14 %</td>
<td>38 %</td>
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<td>1072011</td>
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<td>1092002</td>
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<td>36 %</td>
<td>30 %</td>
<td>46 %</td>
</tr>
<tr>
<td>Average</td>
<td></td>
<td>61 %</td>
<td>13 %</td>
<td>19 %</td>
</tr>
</tbody>
</table>
***REQUEST TO WITHDRAW (SEE ATTACHED MEMO)*** Liquor License - Special Event - St. Theresa Roman Catholic Parish Phoenix

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

**Summary**

**Applicant**
Omar Alvarez

**Location**
5001 E. Thomas Road
Council District: 6

**Function**
Sporting Event

**Date(s) - Time(s) / Expected Attendance**
April 24, 2020 - 5 p.m. to 9 p.m. / 50 attendees

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

**Responsible Department**
This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.
To: Toni Maccarone  
Acting Deputy City Manager

From: Denise Archibald  
City Clerk

Subject: REQUEST TO WITHDRAW ITEMS 2, 5, 6, 10, 12 AND 15 ON THE MARCH 18, 2020, COUNCIL AGENDA

Request to withdraw Items 2, 5, 6, 10, 12 and 15 on the March 18, 2020, Formal agenda. These items are for Series 15 – Special Event Liquor Licenses that are scheduled to occur prior to May 15, 2020.

Approved:

Toni Maccarone, Acting Deputy City Manager
Liquor License - Life Cafe & Lounge

Request for a liquor license. Arizona State License Application 95026.

Summary

Applicant
Jean Steger, Agent

License Type
Series 12 - Restaurant

Location
2502 E. Camelback Road, 1st Floor
Zoning Classification: Approved C-2 H-R CEPCSP
Council District: 6

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

The 60-day limit for processing this application is March 22, 2020.

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.

Life Cafe & Bistro (Series 12)
6850 E. Chauncey Lane, Phoenix
Calls for police service: 47
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: “Life Time currently holds liquor licenses in 60 of its 140 nationwide clubs. All restaurant team members complete local alcohol server training in addition to Life Time’s own internal alcohol training. Team Members are trained to monitor sales and alcohol behaviors at all times as well as 24/7 surveillance cameras. A full menu of food entrees will be available during all hours alcoholic beverages are offered.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “Life Time aims to offer a unique experience for its members through the service of alcohol in its newly built bar area, where members can meet after a class to share a beverage or coffee. Members may also enjoy the poolside resort atmosphere by ordering a beverage from the outdoor poolside Bistro. Being an athletic club and not a sports bar, the tone and noise levels in the environment are kept moderate at all times.”

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 - Life Cafe & Lounge
Liquor License Map - Life Cafe & Lounge
Responsible Department
This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.
### Liquor License Data: LIFE CAFE & 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>Bar</td>
<td>6</td>
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</tr>
<tr>
<td>Beer and Wine Bar</td>
<td>7</td>
<td>3</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>
</tr>
<tr>
<td>Hotel</td>
<td>11</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Restaurant</td>
<td>12</td>
<td>38</td>
<td>17</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>33.87</td>
<td>65.23</td>
<td>63.05</td>
</tr>
<tr>
<td>Violent Crimes</td>
<td>5.89</td>
<td>4.43</td>
<td>4.14</td>
</tr>
</tbody>
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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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<tbody>
<tr>
<td>Parcels w/Violations</td>
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<td>24</td>
</tr>
<tr>
<td>Total Violations</td>
<td>118</td>
<td>37</td>
</tr>
</tbody>
</table>
### Census 2010 Data 1/2 Mile Radius

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<th>BlockGroup</th>
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</thead>
<tbody>
<tr>
<td>1077001</td>
<td>1222</td>
<td>100 %</td>
<td>2 %</td>
<td>3 %</td>
</tr>
<tr>
<td>1077002</td>
<td>738</td>
<td>57 %</td>
<td>10 %</td>
<td>8 %</td>
</tr>
<tr>
<td>1078002</td>
<td>1477</td>
<td>63 %</td>
<td>28 %</td>
<td>5 %</td>
</tr>
<tr>
<td>1084004</td>
<td>1641</td>
<td>65 %</td>
<td>7 %</td>
<td>19 %</td>
</tr>
<tr>
<td>1085022</td>
<td>732</td>
<td>23 %</td>
<td>28 %</td>
<td>12 %</td>
</tr>
<tr>
<td>1085024</td>
<td>549</td>
<td>43 %</td>
<td>31 %</td>
<td>15 %</td>
</tr>
<tr>
<td>Average</td>
<td></td>
<td>61 %</td>
<td>13 %</td>
<td>19 %</td>
</tr>
</tbody>
</table>
Liquor License - Rooftop Bistro

Request for a liquor license. Arizona State License Application 95016.

Summary

Applicant
Jean Steger, Agent

License Type
Series 12 - Restaurant

Location
2502 E. Camelback Road, Rooftop
Zoning Classification: Approved C-2 H-R CEPCSP
Council District: 6

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

The 60-day limit for processing this application is March 22, 2020.

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.

Life Cafe and Bistro (Series 12)
6850 E. Chauncey Lane, Phoenix
Calls for police service: 47
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:
“Life Time currently holds liquor licenses in 60 of its 140 nationwide clubs. All restaurant team members complete local alcohol server training in addition to Life Time’s own internal alcohol training. Team members are trained to monitor sales and alcohol behaviors at all times as well as 24/7 surveillance cameras. A full menu of food entrees will be available during all hours alcoholic beverages are offered.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“Life Time aims to offer a unique experience for its members through the service of alcohol in its newly built bar area, where members can meet after a class to share a beverage or coffee. Members may also enjoy the poolside resort atmosphere by ordering a beverage from the outdoor poolside Bistro. Being an athletic club and not a sports bar, the tone and noise levels in the environment are kept moderate at all times.”

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 - Rooftop Bistro
Liquor License Map - Rooftop Bistro
Responsible Department
This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.
### Liquor License Data: ROOFTOP BISTRO

#### Liquor License

<table>
<thead>
<tr>
<th>Description</th>
<th>Series</th>
<th>1 Mile</th>
<th>1/2 Mile</th>
</tr>
</thead>
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</tr>
<tr>
<td>Restaurant</td>
<td>12</td>
<td>38</td>
<td>17</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>
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<tbody>
<tr>
<td>Property Crimes</td>
<td>33.87</td>
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<td>63.05</td>
</tr>
<tr>
<td>Violent Crimes</td>
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<td>4.43</td>
<td>4.14</td>
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</tbody>
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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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<td></td>
<td>61 %</td>
<td>13 %</td>
<td>19 %</td>
</tr>
</tbody>
</table>
***REQUEST TO WITHDRAW (SEE ATTACHED MEMO)***

Liquor License - Special Event - Phoenix Community Alliance, Inc.

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

**Summary**

**Applicant**  
Jonathan Brodsky

**Location**  
67 W. Culver St.  
Council District: 7

**Function**  
Community Event

**Date(s) - Time(s) / Expected Attendance**  
April 18, 2020 - Noon to 8 p.m. / 3,000 attendees

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

**Responsible Department**  
This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.
To: Toni Maccarone  
Acting Deputy City Manager  

Date: March 17, 2020  

From: Denise Archibald  
City Clerk  

Subject: REQUEST TO WITHDRAW ITEMS 2, 5, 6, 10, 12 AND 15 ON THE MARCH 18, 2020, COUNCIL AGENDA

Request to withdraw Items 2, 5, 6, 10, 12 and 15 on the March 18, 2020, Formal agenda. These items are for Series 15 – Special Event Liquor Licenses that are scheduled to occur prior to May 15, 2020.

Approved:

Toni Maccarone, Acting Deputy City Manager
Liquor License - The Waypoint

Request for a liquor license. Arizona State License Application 07073628.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 7 - Beer and Wine Bar

Location
1028 Grand Ave.
Zoning Classification: C-3 ACOD
Council District: 7

This request is for an ownership and location transfer of a liquor license for a bar. 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. This business is currently being remodeled with plans to open in April 2020.

The 60-day limit for processing this application is March 21, 2020.

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 are very strict with our liquor service policies. Our employees will go through extensive training and we plan to conduct 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: “We would be able to serve our patrons beer and wine while upholding all the laws and regulations.”

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 - The Waypoint
Liquor License Map - The Waypoint

Responsible Department
This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.
## Liquor License Data: THE WAYPOINT

### Liquor License

<table>
<thead>
<tr>
<th>Description</th>
<th>Series</th>
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<th>1/2 Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Microbrewery</td>
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<tr>
<td>Government</td>
<td>5</td>
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<tr>
<td>Bar</td>
<td>6</td>
<td>30</td>
<td>4</td>
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<tr>
<td>Beer and Wine Bar</td>
<td>7</td>
<td>9</td>
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<tr>
<td>Liquor Store</td>
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<td>1</td>
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<tr>
<td>Beer and Wine Store</td>
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<td>Club</td>
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<td>1</td>
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### Crime Data

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<th>1/2 Mile Average***</th>
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<td>Violent Crimes</td>
<td>5.89</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>Total Violations</td>
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## Census 2010 Data 1/2 Mile Radius

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<th>Owner Occupied</th>
<th>Residential Vacancy</th>
<th>Persons in Poverty</th>
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<td>15 %</td>
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<tr>
<td>Average</td>
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<td>61 %</td>
<td>13 %</td>
<td>19 %</td>
</tr>
</tbody>
</table>
Liquor License Map: THE WAYPOINT

1028 GRAND AVE

Date: 1/23/2020
Liquor License - Willie's Taco Joint

Request for a liquor license. Arizona State License Application 1207A719.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location
333 E. Jefferson St., Ste. 102
Zoning Classification: DTC-BC
Council District: 8

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

The 60-day limit for processing this application is March 27, 2020.

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

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

Crown Public House (Series 12)
333 E. Jefferson St., Ste. 110, Phoenix
Calls for police service: 410
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:
“Currently own and operate Willie's Taco Joint. We have filed an Acquisition of Control adding on a new officer. We will continue to abide by Arizona liquor laws.”

Staff Recommendation
Staff recommends approval of this application.

Responsible Department
This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.
Liquor License - Drury Inn & Suites Pantry

Request for a liquor license. Arizona State License Application 93793.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 10 - Beer and Wine Store

Location
3333 E. University Drive
Zoning Classification: A1, A-2
Council District: 8

This request is for a new liquor license for a beer and wine store. This location is currently licensed for liquor sales, with a Series 11 Hotel/Motel, liquor license.

The 60-day limit for processing this application is March 24, 2020.

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.

Drury Inn & Suites-Pinnacle Peak (Series 11)
2335 W. Pinnacle Peak Road, Phoenix
Calls for police service: 37
Liquor license violations: None

Drury Inn & Suites-Phoenix Airport (Series 11)
3333 E. University Drive, Phoenix
Calls for police service: 34
Liquor license violations: None

Drury Inn & Suites (Series 11)
300 S. Milton Road, Flagstaff
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

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

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

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

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“Drury Inn & Suites - Phoenix Airport has been a popular business & personal travel destination for many years. In addition to the hotel's standard amenities, Applicant would like to offer guests 21 and over the opportunity to purchase beer and wine from the hotel's market.”

Staff Recommendation
Staff recommends approval of this application.
Attachments
Liquor License Data - Drury Inn & Suites Pantry
Liquor License Map - Drury Inn & Suites Pantry

Responsible Department
This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.
### Liquor License Data: DRURY INN & SUITES PANTRY

#### Liquor License

<table>
<thead>
<tr>
<th>Description</th>
<th>Series</th>
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<tr>
<td>Wholesaler</td>
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<tr>
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<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>2</td>
<td>1</td>
</tr>
<tr>
<td>Beer and Wine Store</td>
<td>10</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Hotel</td>
<td>11</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

#### Crime Data

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<tbody>
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<td>Property Crimes</td>
<td>33.87</td>
<td>28.55</td>
<td>25.79</td>
</tr>
<tr>
<td>Violent Crimes</td>
<td>5.89</td>
<td>4.16</td>
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<td>14</td>
</tr>
<tr>
<td>Total Violations</td>
<td>117</td>
<td>21</td>
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#### Census 2010 Data 1/2 Mile Radius

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<tr>
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<th>Residential Vacancy</th>
<th>Persons in Poverty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1152002</td>
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<tr>
<td>Average</td>
<td></td>
<td>61 %</td>
<td>13 %</td>
<td>19 %</td>
</tr>
</tbody>
</table>
PAYMENT ORDINANCE (Ordinance S-46425) (Items 19-29)

Ordinance S-46425 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.

19 **Olympian Worldwide Moving & Storage, Inc.**

For $60,000.00 in payment authority for a new contract, to be entered into on or about May 1, 2020, for a five-year aggregate contract term for fine arts handling and transportation services on an as-needed basis for the Aviation Department. Artwork includes, but is not limited to: paintings, prints, photographs, and sculptural artwork made of ceramic, glass, metal, wood and/or fiber.

20 **Arizona Public Service Company**

For $614,146.45 in payment authority to purchase the design and installation of automatic transfer switches to support the Terminal 4 S1 Concourse Project AV21000097 for the Aviation Department. This work connects primary feeders, providing redundant electrical power on automatic transfer switches, from the Arizona Public Service Jackson Street and 40th Street substations to Sky Harbor International Airport Terminal 4 South Concourses and American Airlines and Southwest Airlines aircraft maintenance hangars.

21 **Pratt & Whitney Component Solutions, Inc.**

For $23,000.00 in payment authority for the purchase of a Data Collection Unit (DCU) for the Police Department, Air Support Unit. The DCU is a
replacement part for the Augusta 109 Aircraft that tracks the cycles of the rotating components in the engine and cannot be operated without it per Federal Aviation Administration Regulations.

22 Settlement of Claim(s) Martinez v. City of Phoenix
To make payment of up to $30,000.00 in settlement of claim(s) in Martinez v. City of Phoenix, Maricopa County Superior Court, case number CV2019-006002, 18-0417-001 AU BI, for the Finance Department pursuant to Phoenix City Code chapter 42.

23 Settlement of Claim(s) Paul v. City of Phoenix
To make payment of up to $40,000.00 in settlement of claim(s) in Paul v. City of Phoenix, Maricopa County Superior Court, case number CV2019-001619, 18-0453-001 GL BI, for the Finance Department pursuant to Phoenix City Code chapter 42.

24 Settlement of Claim(s) Ruelas v. City of Phoenix
To make payment of up to $65,000.00 in settlement of claim(s) in Ruelas v. City of Phoenix, Maricopa County Superior Court, case number CV2019-003405, 18-0072-001 AU BI, for the Finance Department pursuant to Phoenix City Code chapter 42.

25 Xcessories Squared Southwest, Inc.
For $80,000.00 in additional payment authority for the purchase of metal materials which includes yellow sign assembly base pedestals, telespar yellow tubing, and U-channel sign posts needed for the Street Transportation Department to supply the proper signage required for school speed limitations and safety support. Additional funds are due to tariffs imposed on metal materials. The additional payment authority will allow for the completion of a new procurement process.

26 Salt River Project
For $30,300.00 in payment authority to repair and repaint a rusting shade structure built as part of the Waterworks at Arizona Falls Public Art Project. Salt River Project operates the site, which occupies the Arizona Canal, at the northwest corner of 56th Street and Indian School Road. The
work includes repairing and repainting an outdoor shade structure and its supporting columns, and replacing up to three safety drains on the public plaza below the site's waterfall. The repairs are necessary due to corrosion. The work would prevent further deterioration of the shade structure and help to ensure a safe walking surface for the public.

27 **EnergyCAP, Inc.**

For $30,000.00 in additional payment authority for Contract 137798 to provide secure multi-department access to verify, monitor and analyze departmental energy usage and rates. The contract also provides a reporting system for the City to accurately monitor, analyze and report its progress toward its commitment to reduce energy consumption by 20 percent, reduce Greenhouse Gas emissions, and develop effective energy conservation initiatives. The Public Works Department requests a contract extension on behalf of the City Manager's Office of Sustainability for an additional year and pay authority to allow sufficient time to solicit a new contract for these services without service interruption.

28 **UTC Fire & Security Americas Corporation**

For $11,694.00 in payment authority for MAStermind monitoring services using proprietary software Jan. 1, 2020 - Dec. 31, 2020 for the Public Works Department. MAStermind is used by the Police Central Monitoring Station (CMS) to manage alarm services with support 24/7 throughout the Downtown Corridor. The software is required by CMS for monitoring alarms and emergency services in City-owned buildings.

29 **Managed Medical Review Organization, Inc.**

For $90,000.00 in additional payment authority for Contract 144922 for independent medical evaluations for the Retirement Office. The number and complexity of applications submitted has increased from previous years, requiring additional funds. Independent medical evaluations are used when either the City of Phoenix Employees' Retirement System Board, Disability Assessment Committee, or the Local Police and Fire Retirement Boards require information to determine the eligibility of individuals for a disability retirement. Further, State statute requires all public safety members who have filed an application for disability retirement be referred for an independent medical evaluation by a board-certified, Arizona licensed physician to determine if they meet the criteria listed in Arizona Revised Statutes, section 38-859.
City Council Formal Meeting

City Council Report

Voluntary Acquisition of Real Property Located at 835 and 837 S. 9th Place (Ordinance S-46433)

Request to authorize the City Manager, or his designee, to voluntarily acquire real property located at 835 and 837 S. 9th Place for the amount of the City's appraised value, plus usual and customary closing costs. Further request authorization for the City Controller to disburse, and for the City Treasurer to accept, all funds related to this item.

Summary
The properties to be acquired are located within Aviation’s Land Reuse Strategy Area under the Airport Land Use Plan. This area consists of 166 acres of Aviation-controlled land, ready for redevelopment pursuant to feedback from the Federal Aviation Administration and the adopted implementation plan. The property owner participated in the Land Reuse Strategy planning process and identified these properties as available for City acquisition.

The parcels to be purchased and included in this request are identified by Maricopa County Assessor's parcel number (APN) and address:

116-37-134 located at 835 S. 9th Place
116-37-133 located at 837 S. 9th Place

Financial Impact
Funding is available in the Aviation Department's Capital Improvement Program.

Concurrence/Previous Council Action
The Land Reuse Strategy and Airport Land Use Plan were approved at the City Council Policy Session on Oct. 23, 2018 by a vote of 8-0.

Location
835 and 837 S. 9th Place
Council District: 8
Responsible Department
This item is submitted by Assistant City Manager Deanna Jonovich and the Aviation and Finance departments.
Acquisition of Temporary Construction Easements For Sewer Rehabilitation Project at 39th and Dunlap Avenues and 39th Avenue and Bethany Home Road (Ordinance S-46435)

Request to authorize the City Manager, or his designee, to acquire temporary construction easements required for a sanitary sewer rehabilitation project by donation, purchase within the City's appraised value, or by the power of eminent domain. Further request to authorize the City Controller to disburse all funds related to this item.

Summary
The City is undertaking a project to rehabilitate a 60-inch sanitary sewer line at 39th and Dunlap avenues and a 54-inch sewer line at 39th Avenue and Bethany Home Road. This work includes construction of four new manholes and repair of PVC lining.

The parcels impacted by this project and included in this request are identified by Maricopa County Assessor's parcel number (APN) 145-09-172 located at 5845 N. 39th Ave., and APN 150-14-002E located at 8550 N. 39th Ave.

Financial Impact
Funding is available in the Water Services Department Capital Improvement Program budget.

Location
39th and Dunlap avenues and 39th Avenue and Bethany Home Road
Council Districts: 1 and 5

Responsible Department
This item is submitted by Deputy City Manager Karen Peters and the Water Services and Finance departments.
Amend Agreements with JPMorgan Chase Bank, N.A. and Chase Paymentech, LLC (Ordinance S-46448)

Request authorization for the City Manager, or his designee, to extend terms of the current agreements with JPMorgan Chase Bank, N.A. and Chase Paymentech (collectively “Chase”) for five years with an option to extend for an additional three years. The Chase agreements include the Municipal Banking Services Agreement (MBSA) #135573, Merchant Card Services Agreement #135574, Custody Agreement, #135575, and the Single Use Account Services Agreement #137422 (collectively, the “Chase Agreements”). And request authorization to approve an exception of the liability provision in City Code 42-18 (A) and (B). Further request authorization for the City Controller to disburse all funds related to this item. The aggregate value of the five year period will not exceed $9,000,000.

Summary/Information
As allowed by City Code, the City uses a single servicing bank for its banking services. The single service bank enables leveraging the large volume and variety of banking needs to obtain service integration and preferred pricing on critical banking products such as depository services, payment accounts, custodian services, merchant processing, and revenue producing products such as the commercial card program. The City manages resources for the activities of 250 bank accounts, 150 merchant accounts, 40 daily file transmissions, and 220 users (City employees) as part of the Chase Agreements. Examples of services include: 150 bank accounts and services for Police Neighborhood Block Watch accounts; 38 branches throughout Phoenix where customers can pay for City services; strong fraud prevention programs and lockbox services located in the City of Phoenix.

In July 2019, the Finance department conducted a survey and collected results from 28 local governments regarding their banking services procurement and contract process. Over 66 percent of the governments surveyed used a single service bank. The survey results also indicated that less than 20 percent of respondents changed banking services providers recently and comments specified that the transition process took multiple years. The City estimates changing banking services could cost at least $500,000 and take nine months to a year to fully transition services. The survey results further revealed that over 55 percent of local governments had maintained their current
banking services provider for fifteen or more years. This is partly due to the complexities and integration of banking services with City technology and multiple processes.

The banking industry continues to change with new banking regulations, compliance requirements, as well as new laws for state and local governments. This limits the number of banks that can provide service at the scale and size required by the City. The City manages daily cash amounting on average from $50 to $80 million in the combined bank accounts. Per State law, the City's servicing bank is required to hold collateral in U.S. Treasuries at 102 percent of the City's bank balance. Chase has consistently met the City's collateralization requirement without an exception. Further, Chase has demonstrated its ability to perform essential banking and investment services in the event of a City emergency. These banking services requirements are essential in protecting public funds and ensuring the City is meeting its daily financial requirements.

**Conclusion and Next Steps**
The Chief Financial Officer recommends a five-year extension of the Chase Agreements plus an option to extend for three years. It is also recommended that the City Council approve an exception of the liability provision in City Code 42-18 (A) and (B) to reflect that the liability will be no more than three times the contract value for the MBSA agreement #135573. This authorization allows the City to continue to utilize the City's single source banking agreements for multiple services, continue with citywide efficiencies, and continue to meet regulatory requirements in protecting public funds.

**Contract Term**
The Chase banking service contracts were effective March 1, 2013. Upon Council's approval the term of these contracts will be extended from July 1, 2020 to June 30, 2025 with an option to extend for three additional years.

**Financial Impact**
The estimated costs for the Chase Agreements will not exceed $9 million for five years. This estimate does not include any potential cost offsets for the earnings credit allowance and any revenues earned from the Single Use Account program. The funds are available in the City's operating budgets including the General Fund and Enterprise funds.

**Responsible Department**
This item is submitted by City Manager Ed Zuercher and Chief Financial Officer Denise Olson.
Cybersecurity Monitoring Services (Ordinance S-46459)

Request to authorize the City Manager, or his designee, to extend Contract 139656 with Center for Internet Security, Inc., for the renewal of cybersecurity monitoring services, in an amount not to exceed $112,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
Cybersecurity threats continue to put organizations worldwide at risk for data breaches, theft, and operational failure. The City of Phoenix utilizes Center for Internet Security (CIS), Inc., for cybersecurity monitoring and analysis services to help detect threats to the City's network and systems. CIS provides device monitoring 24 hours a day, seven days a week, vulnerability assessments, and consulting services. These services provide the City early warning cybersecurity event detection and enhance the security readiness and response of the City. CIS through is Multi-State Information Sharing and Analysis Center, has been recognized by the United States Department of Homeland Security as the governmental Information Sharing and Analysis Center and as a key cybersecurity resource for all 50 states, local governments, tribal nations, and United States territories.

Failure to renew would result in not having an external monitoring service to detect and respond to potential threats and places the City in a vulnerable position.

Contract Term
The contract was originally awarded for a one-year term with annual renewals, as long as it is in the City's best interest. This request is to renew services through June 30, 2023.

Financial Impact
The original contract was authorized Oct. 28, 2015, with an aggregate value of $33,360. On June 7, 2017, Council extended the agreement and increased the value by $89,440. With the $112,000 in additional funds, the contract's revised aggregate value is approximately $234,800. Funds are available in the Information Technology Services Department's operating budget.
Responsible Department
This item is submitted by Acting Deputy City Manager Toni Maccarone and the Information Technology Services Department.
Purchase Theatrical Spotlights (Ordinance S-46447)

Request to authorize the City Manager, or his designee, to enter into a contract with Barbizon Light of the Rockies Inc. to provide Theatrical Spotlights for the historic Orpheum Theatre and Symphony Hall. This is a one-time purchase and the aggregate value of the contract will not exceed $102,902. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
This purchase replaces spotlights used in the Orpheum Theatre and Symphony Hall for stage performances. These are manually operated lights used to "spotlight" performers as they move about the stage either as choreographed or in reaction to spontaneous movements. The present equipment was purchased in 1997 for the Orpheum Theatre and 1985 for Symphony Hall. These units have become outdated and require excessive maintenance when parts can be found. This equipment has experienced excessive downtime over the past five years, impacting our production capabilities. Manually operated spotlights are a standard fixture in theatrical venues.

Procurement Information
IFB 19-012 was conducted in accordance with Administrative Regulation 3.10. There were two offers received by the Phoenix Convention Center Department (PCCD) Financial and Procurement Services section on Jan. 17, 2020. The offers were evaluated based on price, responsiveness to specifications, and responsibility to provide required materials. The offer from Barbizon Light of the Rockies was deemed to be fair and reasonable.

The Offers are as follows (excluding taxes)

<table>
<thead>
<tr>
<th>Company</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbizon Light of the Rockies</td>
<td>$94,752.60</td>
</tr>
<tr>
<td>Clearwing Systems Integration, LLC.</td>
<td>$106,189.00</td>
</tr>
</tbody>
</table>

Contract Term
The one-time purchase will begin on or about May 31, 2020.
Financial Impact
The aggregate value will not exceed $102,902 including tax. Funds are available in the Phoenix Convention Center Department's budget.

Location
Orpheum Theatre, 203 W. Adams St. and Symphony Hall, 75 N. 2nd St.
Council District: 7

Responsible Department
This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Phoenix Convention Center Department.
Authorization to Annually Submit Head Start Birth to Five and Child Care Partnership Refunding Applications (Ordinance S-46464)

Request to authorize the City Manager, or his designee, to (a) submit annually the Head Start Birth to Five and Early Head Start Child Care Partnership Refunding Applications for approximately $37,343,112 annually or an aggregate not to exceed $167,573,837 for the remaining four years of the grant (2021-24) as approved by the Head Start Birth to Five Governing Board, and (b) enter into or execute all contracts, documents, and agreements and take all other action necessary or appropriate to implement the Head Start Birth to Five and Early Head Start Child Care Partnership grants subject to any necessary approval by the Head Start Birth to Five Governing Board. Further request authorization for the City Treasurer to accept and the City Controller disburse all funds related to this item. There is no impact to the General Fund.

Summary
The City of Phoenix Head Start Birth to Five program provides comprehensive education and social services through two programs: Early Head Start (0-3 years) and Head Start (3-5 years). There are 488 families with infants and toddlers in Early Head Start and 2,963 preschool children in Head Start. The terms of the Head Start Birth to Five and Early Head Start Child Care Partnership grants are from July 1, 2019 through June 30, 2024. The grants require grantees to submit a refunding application each year.

Contract Term
The City of Phoenix, as the Grantee, is entering into the second year of a five-year grant for the Head Start Birth to Five program and the Early Head Start Child Care Partnership programs. The remaining four years of the five-year contract term are July 1, 2020 to June 30, 2024.

Financial Impact
The grant funding for the second year of $37,343,112 is inclusive of $3,555,653 for Early Head Start Child Care Partners and $33,787,459 for Head Start Birth to Five and Early Head Start home-based funding. The aggregate contract total of $167,573,837
for the remaining four years of the grant (2021-24) is inclusive of $14,948,108 for Head
Start Child Care Partners and $152,625,729 for Early Head Start and Head Start Birth
to Five funding. Totals include a forecasted 2 percent Cost of Living Adjustment
annually for each of the remaining four years of the grant. There is no impact to the
General Fund.

Concurrence/Previous Council Action
City Council approved the five-year Head Start Birth to Five and Early Head Start Child
Care Partnership grants on March 6, 2019 (S-45416).

This item was discussed by the Head Start Policy Council on March 9, 2020. This item
was discussed by the Land Use and Livability Subcommittee, which serves as the

Responsible Department
This item is submitted by Assistant City Manager Deanna Jonovich and the Human
Services Department.
To: Deanna Jonovich  
Assistant City Manager

From: Marchelle F. Franklin  
Human Services Director

Subject: CORRECTION REQUEST - ITEM 35 ON THE MARCH 18, 2020 - FORMAL AGENDA - Authorization to Annually Submit Head Start Birth to Five and Child Care Partnership Refunding Applications (Ordinance S-46464)

This memo requests the following correction be made to Item 35, Authorization to Annually Submit Head Start Birth to Five and Child Care Partnership Refunding Applications (Ordinance S-46464), on the March 18, 2020 Formal Agenda. Staff is requesting the language below be struck from the item.

“This item was discussed by the Land Use and Livability Subcommittee, which serves as the Head Start Governing Board, on March 18, 2020.”

The Land Use and Livability Subcommittee meeting originally scheduled to be held on March 18, 2020 was cancelled.

Approved: Deanna Jonovich, Assistant City Manager  
Date 3/14/20
Approval to Apply to National League of Cities - Cities Supporting the Early Childhood Workforce Application

This report requests City Council approval to apply to the National League of Cities for the Cities Supporting the Early Childhood Workforce technical assistance initiative to assist Read On Phoenix (ROP) in aligning policies and programs to help city/community leaders in strengthening local efforts with early childhood workforce.

Summary
The National League of Cities’ (NLC) Institute for Youth, Education, and Families (YEF Institute) is seeking to support city efforts in improving early care and education, strengthening city-school partnerships, and promoting joint planning initiatives between city governments, school districts, and private industry. NLC is creating opportunities to share lessons learned with city leaders nationwide and to stimulate new city-level efforts to make evidence-based, best practices work at the local level. NLC is targeting three cities: Charlotte, Philadelphia and Phoenix.

NLC is seeking cities to support their early childhood education workforce efforts by assisting city leadership in creating more comprehensive professional development opportunities and pathways. The goal of the project is to help develop local programs and policies that will ensure all early childhood educators have the tools and supports needed to provide high-quality early learning experiences for children and equitable access to building their own skills and knowledge. Children who participate in high quality early learning experiences are more likely to do well in school, graduate, be healthy and achieve financial security than are children who do not have such experiences. Each city will identify a focal point for their local early childhood workforce efforts.

Read On Phoenix received an invitation to apply for the “Cities Supporting the Early Childhood Workforce” technical assistance initiative to help the city deepen their efforts to address equity and explore financial levers that support the early childhood workforce. NLC will support Phoenix to further refine the local early childhood strategic plan.
NLC received funding from the Vanguard Foundation to provide technical assistance through Dec. 31, 2021. NLC will cover all expenses incurred during the technical assistance initiative that will include site visits to Phoenix, bi-monthly check-in calls, quarterly group huddle calls, and two national convenings. No funding will be provided directly to the city.

Concurrence/Previous Council Action
This item was recommended for approval at the Land Use and Livability Subcommittee meeting on Feb. 19, 2020.

Responsible Department
This item is submitted by Assistant City Manager Deanna Jonovich and the Youth and Education Office.
Aquatic Lifeguard and Swim Instructor Certification Program - EXC 20-038 (Ordinance S-46454)

Request to authorize the City Manager, or his designee, to enter into a contract with Starfish Aquatics Institute, to provide certification programs for the Parks and Recreation Department's aquatic section. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $250,000.

Summary
Under this contract, Starfish Aquatics Institute will provide curriculum and training related to the swimming lesson program, lifeguard certification services and pool operator training services. These services will be provided to over 500 aquatic staff members at 29 City swimming pool facilities. This contract will ensure that the department can enhance and support quality aquatic programs and services for City residents.

Procurement Information
In addition to public posting, 71 registered vendors received notification of Request for Information (RFI) 20-044. Starfish Aquatics Institute was the only vendor to respond. In accordance with Administrative Regulation 3.10, normal competition was waived by an approved determination memo based on limited vendor interest.

Contract Term
The term of the contract is five years, which will begin on or about April 1, 2020.

Financial Impact
The aggregate contract value will not exceed $250,000 over the life of the contract, with an annual estimated expenditure of $50,000. Funds are available in the Parks and Recreation Department's budget.

Responsible Department
This item is submitted by Acting Deputy City Manager Toni Maccarone and the Parks and Recreation and Finance departments.
Margaret T. Hance Park Improvements - Construction Manager at Risk
Construction Services - PA75200553 (Ordinance S-46451)

Request to authorize the City Manager, or his designee, to enter into an agreement with Haydon Building Corp. to provide Construction Manager at Risk (CMAR) Construction Services for the Margaret T. Hance Park Improvements 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 $8.6 million.

Summary
The purpose of this project is to transform the identity of Margaret T. Hance Park and activate the Central Plaza with day and night programming featuring visual landmarks, shade elements, gardens, a playground, an interactive water feature, a cafe, and public restrooms. Improvements have been identified at a conceptual level and include the park land roughly one block east and west of Central Avenue. Improvements include, but are not limited to: Phase 1A - constructing a new playground and water feature; Phase 1 - parking, recladding of Central Avenue Bridge, modifications to Central Avenue bridge abutments, recladding of Arizona Department of Transportation vents, terraces and tree plantings with improved stair and ramp connections from Central Avenue, park offices and storage, restrooms, shade canal gardens, and shade structures and lighting.

Haydon Building Corp.’s initial services will include preparation of a Guaranteed Maximum Price proposal for the Construction Services provided under the agreement and participating with the City in a process to establish a Small Business Enterprise (SBE) goal for the project. Haydon Building Corp. will be responsible for construction means and methods related to the project and fulfilling the SBE program requirements. Haydon Building Corp. will be required to solicit bids from prequalified subcontractors and to perform the work using the City’s subcontractor selection process. Haydon Building Corp. may also compete to self-perform limited amounts of work.

Haydon Building Corp.’s Phase 1A services include, but are not limited to: constructing a new playground, water play area, shade canopy, LED lighting, sidewalks, seat walls,
site furnishings, landscape, and all labor, materials and equipment for the construction of the Margaret T. Hance Park Improvements.

**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 CMAR Preconstruction Services selection process.

**Contract Term**
The term of the agreement is 365 calendar days from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

**Financial Impact**
The agreement value for Haydon Building Corp. will not exceed $8.6 million, including all subcontractor and reimbursable costs.

Funding is available in the Parks and Recreation Department’s Capital Improvement Program budget. Two million of the $8.6 million in funding is being provided by a contribution from Fiesta Events, Inc. 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 Parks, Arts, Education and Equality Subcommittee:
- Recommended approval of this item by a vote of 3-0 on May 24, 2017.

Parks and Recreation Board approved:
- Sponsorship Agreement for Phase 1A with Fiesta Events, Inc. on Aug. 15, 2019.

City Council approved:
- Design Services Agreement 145602 (Ordinance S-43648) on July 6, 2017.
- CMAR Preconstruction Services Agreement 149558 (Ordinance S-45494) on April 3, 2019.
Location
67 W. Culver St.
Council District: 7

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua, Acting Deputy City Manager Toni Maccarone, the Parks and Recreation and Street Transportation departments, and the City Engineer.
Intergovernmental Agreement with Maricopa County for Regional 9-1-1 Services (Ordinance S-46452)

Request authorization for the City Manager, or his designee, to enter into an intergovernmental agreement with Maricopa County. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse all funds related to this item.

Summary
Regional 9-1-1 Services, located on the Phoenix Fire Department campus, provides 24-hour 9-1-1 system maintenance and oversees the installation of 9-1-1 equipment for 25 9-1-1 Centers throughout the Maricopa County Region. This service is paid for through monies distributed by the State of Arizona to the City. Maricopa County Sheriff's Office (MCSO) is one of the 9-1-1 Centers for which Regional 9-1-1 Services provides state-funded 9-1-1 maintenance. MCSO has nine 9-1-1 special use designated call-taking equipment answering stations that require day-to-day maintenance and technical support, but do not meet the emergency 9-1-1 criteria to qualify for State-funded maintenance. Therefore, MCSO requires dedicated time and resources from the City of Phoenix Fire Department's Regional 9-1-1 Services Program to maintain this equipment, for which the City receives reimbursement.

Contract Term
The five-year contract term will begin July 1, 2020.

Financial Impact
The Fire Department will receive an aggregate amount of $270,000 through June 30, 2025.

Location
The location is city and countywide (Maricopa County).

Responsible Department
This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Fire Department.
Enter Into Cooperative Fire Rate Agreement with Arizona Department of Forestry and Fire Management (Ordinance S-46458)

Request to authorize the City Manager, or his designee, to execute an agreement with the Arizona Department of Forestry and Fire Management (Arizona DFFM) to establish reimbursement rates for Fire Department resources. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary
The Arizona DFFM executes bi-annual agreements with fire departments across Arizona to set reimbursement rates for fire department apparatus and firefighters. These rates are utilized in the event that Arizona DFFM engages local fire department resources for a response to an incident. The agreements have been utilized as needed to reimburse the City for incident responses, usually for wildland fires. The agreement will reimburse the City of Phoenix for payroll, overtime backfill, vehicle fuel and/or maintenance costs associated with Fire Department deployment to emergency incidents. If not approved, the City of Phoenix would not be reimbursed by the Arizona DFFM for the aforementioned costs associated with Fire Department deployment to emergency incidents.

Contract Term
The term of the agreement is April 1, 2020 through April 1, 2022.

Financial Impact
Because natural and human-caused disasters are unpredictable, the financial impact of deploying resources per the request of the Arizona DFFM cannot be determined in advance. If deployed, the City of Phoenix will be reimbursed by the Arizona DFFM per the Fire Rate Agreement.

Responsible Department
This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Fire Department.
Police Department Air Support Unit Equipment, Parts and Services - Requirements Contract - RFA 19-011 (Ordinance S-46426)

Request to authorize the City Manager, or his designee, to proceed with a contract for FLIR Surveillance, Inc. to provide equipment, parts and services for the Police Department's Air Support Unit aircraft. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate value of this contract over the initial five-year term will not exceed $400,000.

Summary
FLIR Surveillance, Inc. will supply the Police Department's Air Support Unit with the: Star SAFIRE 380-HD U-8000 System, Single LRU EO/IR Imaging System, U-800 parts, accessories, modifications, calibrations and overhauls, warranties, labor and repairs. The Air Support Unit's Astar Helicopters and the PC12 Pilatus airplane covered under this contract, are vital to public safety. This equipment assist pilots in detecting warm objects against cooler backgrounds when searching for suspects involved in criminal activity when it is dark. FLIR Surveillance, Inc. provides product replacements, warranties on service, refurbished equipment and transfer of warranties. This contract will provide preventative routine maintenance to remain in compliance with Federal Aviation Administration regulations for the safety, performance and operations of the aircraft.

Procurement Information
In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Special Circumstance Without Competition Determination Memo citing FLIR Surveillance, Inc. as the manufacturer of the aircraft equipment. A Special Circumstance Without Competition Determination Memo was completed and approved by the Deputy Finance Director recommending the procurement with FLIR Surveillance, Inc. be accepted.

Contract Term
The five-year contract term will begin on or about March 18, 2020 and end on, or about Feb. 28, 2025.
Financial Impact
The expenditures against this contract shall not exceed the aggregate amount of $400,000. Funds are available in the Police Department's budget.

Responsible Department
This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Police Department.
Authorization to Enter Into Purchase Order Agreement with Med-Eng, LLC (Ordinance S-46446)

Request to authorize the City Manager, or his designee, to proceed with a one-time purchase of one Explosive Ordinance Disposal (EOD) 9 bomb suit for the Phoenix Police Department, Homeland Defense Bureau and to waive, or make an exception to Phoenix City Code, section 42-18 (indemnification prohibition) in order to enter into purchase order agreement. The aggregate value of this purchase will not exceed $18,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
The Police Department requires the purchase of an EOD 9 bomb suit for the Phoenix Police Department Homeland Defense Bureau. The purchase of the suit will provide the critical equipment required to safely enter an area with an explosive device. The equipment is designed to provide superior protection while also being ergonomically designed to allow the bomb technicians to move, climb and bend to safely and swiftly approach explosive devices.

Med-Eng, LLC submitted exceptions to the purchase order terms and conditions: Item 5, Indemnification and Item 11, Breach, Termination and Remedies. The exceptions do not foreclose all liability on the part of the vendor. The exception limits certain claims that may be brought against the vendor that may result from the use of the equipment. It does not release the vendor from its obligations under warranty for uniforms or equipment that are or may be defective.

Procurement Information
In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Special Circumstance Without Competition Determination Memo citing Med-Eng, LLC as the supplier of the EOD 9 bomb suit that best meets the specification and performance standards of the Police Department. This memo was approved by the Deputy Finance Director recommending the procurement with Med-Eng, LLC be accepted.
Financial Impact
The total cost of this equipment will not exceed $18,000. Funds are available in the Police Department's budget.

Responsible Department
This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Police Department.
***REQUEST TO CONTINUE (SEE ATTACHED MEMO)***

**One-Time Purchase of Mobile Imaging System (Ordinance S-46441)**

Request to authorize the City Manager, or his designee, to allow the one-time purchase from Freedom Surveillance, LLC dba Strongwatch for a mobile imaging system for the Police Department, Homeland Defense Bureau in the amount not to exceed $375,000. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Police Department, Homeland Defense Bureau, seeks to purchase the Strongwatch mobile imaging system which will be used for major events and high-profile event management. The system is used to stream live video back to a command post allowing command level decision-makers to observe events as they unfold and allows trained staff to make critical decisions with realtime information. In addition, the camera system can capture recorded visual information that can later be used to investigate incidents that occurred during major events.

The Homeland Defense Bureau currently operates a deployable camera system for major events. The Strongwatch system is compatible with the current system and will require no additional networking to tie into the current system. Additionally, the new Strongwatch platform will be interchangeable with the current Strongwatch platform.

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 for Special Circumstance Without Competition citing Freedom Surveillance, LLC dba Strongwatch as the provider of the mobile imaging system that is compatible with the current system. The determination memo was completed and approved by the Deputy Finance Director recommending the one-time purchase with Freedom Surveillance, LLC dba Strongwatch be accepted.
**Contract Term**
This contract will begin on or about March 18, 2020 and will end on or about Sept. 17, 2020.

**Financial Impact**
Expenditures will not exceed $375,000. Funds are available in the Police Department's budget.

**Responsible Department**
This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Police Department.
To: Milton Dohoney, Jr.
Assistant City Manager

From: Jeri Williams
Police Chief

Subject: CONTINUANCE OF ITEM 43 ON THE MARCH 18, 2020 FORMAL AGENDA – ONE-TIME PURCHASE OF MOBILE IMAGING SYSTEM (ORDINANCE S-46441)

This memo requests the continuance of Item 43 – One-Time Purchase of Mobile Imaging System (Ordinance S-46441), to the April 15, 2020 Formal agenda. This request is to allow staff time to provide additional information on this item.

Milton Dohoney Jr., Assistant City Manager
Aviation Civil Construction - Job Order Contracting Services - 4108JOC187 (Ordinance S-46436)

Request to authorize the City Manager, or his designee, to enter into a master agreement with ViaSun Corporation to provide Aviation Civil Construction Job Order Contracting (JOC) services for the Aviation Department. Further request to authorize execution of amendments to the agreement as necessary within 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 $40 million.

Additionally, request to authorize the City Manager, or his designee, to take all action deemed necessary to execute all utilities-related design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the projects and to include disbursement of funds. Utility services include but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads, and other modes of transportation. This authorization excludes any transaction involving an interest in real property.

Summary
ViaSun Corporation services will be used on an as-needed basis to provide Aviation Civil Construction JOC services for earthwork and dust stabilization, concrete paving and flatwork, asphalt overlay and pavement rehabilitation, underground and above ground utilities (water, sewer, electrical, etc.), Americans with Disabilities Act (ADA) modifications, roadway striping and markings, bridge repairs (structural and maintenance), fence and gate installation and repairs, landscaping, grading and drainage, safety and security systems (loop detectors, barriers, attenuators, etc.), demolition, signage, airfield and landside maintenance, and minor design and engineering. Additionally, ViaSun Corporation will be responsible for fulfilling Small Business Enterprise program requirements.

Procurement Information
The selection was made using a qualifications-based selection process set forth in Arizona Revised Statutes (A.R.S.) section 34-603. In accordance with A.R.S. section 34-603(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Nine firms submitted proposals and are listed below.
Selected Firm
Rank 1: ViaSun Corporation

Additional Proposers
Rank 2: J. Banicki Construction, Inc.
Rank 3: Nesbitt Contracting Co., Inc.
Rank 4: Combs Construction Company, Inc.
Rank 5: KEAR Civil Corporation
Rank 6: Sunland Asphalt and Construction, Inc.
Rank 7: Markham Contracting Co., Inc.
Rank 8: The Weitz Company
Rank 9: Blucor Contracting, Inc.

Contract Term
The term of the master agreement is for up to five years, or up to $40 million, whichever occurs first. Work scope identified and incorporated into the master agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the master agreement. No additional changes may be executed after the end of the term.

Financial Impact
The master agreement value for ViaSun Corporation will not exceed $40 million including all subcontractor and reimbursable costs. The value for each job order agreement performed under this master agreement will be up to $4 million each. In no event will any job order agreement exceed this limit without Council approval to increase the limit.

Funding is available in the Aviation Capital Improvement Program and Operating budgets. The Budget and Research Department will review and approve funding availability prior to issuance of any job order agreement. Payments may be made up to agreed limits for all rendered agreement services, which may extend past the agreement termination.

Location
Phoenix Sky Harbor International Airport, 3400 E. Sky Harbor Blvd.
Phoenix Deer Valley Airport, 702 W. Deer Valley Road
Phoenix Goodyear Airport, 1658 S. Litchfield Road, Goodyear, Ariz.
Council Districts: 1, 8, and Out of City

Responsible Department
This item is submitted by Assistant City Manager Deanna Jonovich, Deputy City Manager Mario Paniagua, the Aviation Department, and the City Engineer.
Aviation Architectural Construction - Job Order Contracting Services - 4108JOC188 (Ordinance S-46437)

Request to authorize the City Manager, or his designee, to enter into a master agreement with FCI Constructors, Inc. to provide Aviation Architectural Construction Job Order Contracting (JOC) services for the Aviation Department. Further request to authorize execution of amendments to the agreement as necessary within 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 $30 million.

Additionally, request to authorize the City Manager, or his designee, to take all action deemed necessary to execute all utilities-related design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the projects and to include disbursement of funds. Utility services include but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads, and other modes of transportation. This authorization excludes any transaction involving an interest in real property.

Summary

FCI Constructors, Inc.'s services will be used on an as-needed basis to provide Aviation Architectural Construction JOC services for mechanical, electrical, plumbing, underground- and above-ground utilities (water, sewer, electrical, etc.), Americans with Disabilities Act (ADA) modifications, bridge repairs, landscaping, environmental services (asbestos, mold, lead-paint abatement, monitoring wells, etc.), roofing, carpentry, painting, flooring, building and office remodels, demolition and new builds, energy systems, fire alarms, ACAMS, lighting and controls, CCTV and other related technology, signage and infrastructure, fence and gate installation and repairs, and minor design and engineering. Additionally, FCI Constructors, Inc. will be responsible for fulfilling Small Business Enterprise program requirements.

Procurement Information

The selection was made using a qualifications-based selection process set forth in Arizona Revised Statutes (A.R.S.) section 34-603. In accordance with A.R.S. section 34-603(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Five firms submitted proposals and are listed below.
Selected Firm
Rank 1: FCI Constructors, Inc.

Additional Proposers
Rank 2: SDB, Inc.
Rank 3: Builders Guild, Inc.
Rank 4: Gilbane Building Company
Rank 5: Chanen Construction Company

Contract Term
The term of the master agreement is for up to five years, or up to $30 million, whichever occurs first. Work scope identified and incorporated into the master agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the master agreement. No additional changes may be executed after the end of the term.

Financial Impact
The master agreement value for FCI Constructors, Inc. will not exceed $30 million, including all subcontractor and reimbursable costs. The value for each job order agreement performed under this master agreement will be up to $4 million each. In no event will any job order agreement exceed this limit without Council approval to increase the limit.

Funding is available in the Aviation Department's Capital Improvement Program and Operating budgets. The Budget and Research Department will review and approve funding availability prior to issuance of any job order agreement. Payments may be made up to agreed limits for all rendered agreement services, which may extend past the agreement termination.

Location
Phoenix Sky Harbor International Airport, 3400 E. Sky Harbor Blvd.
Phoenix Deer Valley Airport, 702 W. Deer Valley Road
Phoenix Goodyear Airport, 1658 S. Litchfield Road, Goodyear, Ariz.
Council Districts: 1, 8, and Out of City

Responsible Department
This item is submitted by Assistant City Manager Deanna Jonovich, Deputy City Manager Mario Paniagua, the Aviation Department, and the City Engineer.
Deer Valley Airport Police Hangar and Apron Replacement - Architectural Services - AV31000090 (Ordinance S-46438)

Request to authorize the City Manager, or his designee, to enter into an agreement with DWL Architects+Planners, Inc., to provide Architectural Services that include programming, design, and possible construction administration and inspection (CA&I) services for the Deer Valley Airport Police Hangar and Apron Replacement 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 $2.2 million.

Additionally, request to authorize the City Manager, or his designee, to take all action deemed necessary to execute all utilities-related design and construction agreements, licenses, permits, and requests for utility services related to the development, design and construction of the project and to include disbursement of funds. Utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunication, cable television, railroads and other modes of transportation. This authorization excludes any transaction involving an interest in real property.

Summary
The purpose of this project is to design a new police hangar and associated apron at Deer Valley Airport. The City of Phoenix Police Air Support Unit currently occupies a hangar/office building and a separate aircraft storage facility located at Deer Valley Airport. Built in the 1970’s, the facility would require extensive improvements to the buildings and airfield expansion requirements for the current hangar site. The City has opted to replace the existing police hangar facilities on airport property immediately south of the current site. The new police hangar would be a like-for-like replacement of the existing facility.

DWL Architects+Planners, Inc.’s services include, but are not limited to: develop project program to meet operation and maintenance requirements of the Police Air Support Unit; space planning for the new police hangar office space; design that achieves Leadership in Energy and Environmental Design Silver Certification; inventory of existing equipment and furniture; layout new ramp and taxi lane for police
aircraft fleet; design aircraft hangar and administrative section of the building; design site infrastructure including, but not limited to water, sewer, storm water and coordinate with APS on new power feed; schematic design through bid ready documents and specifications; cost estimating; construction safety and phasing plans, bid phase assistance; materials testing coordination; possible construction administration and inspection services; and other services as required for a complete project.

**Procurement Information**
The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-603(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Four firms submitted proposals and are listed below.

**Selected Firm**
Rank 1: DWL Architects+Planners, Inc.

**Additional Proposers**
Rank 2: LEA-Architects, LLC  
Rank 3: Corgan Associates, Inc.  
Rank 4: ADM Group, Inc.

**Contract Term**
The term of the agreement is five years from the 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 DWL Architects+Planners, Inc. will not exceed $2.2 million, including all subconsultant and reimbursable costs.

Funding is available in the Aviation 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.

**Location**
702 W. Deer Valley Road  
Council District: 1
Responsible Department
This item is submitted by Assistant City Manager Deanna Jonovich, Deputy City Manager Mario Paniagua, the Aviation Department, and the City Engineer.
Authorization to Apply for, Accept, and Disburse State Grant Funds for Aviation-Related Projects (Ordinance S-46442)

Request to authorize the City Manager, or his designee, to submit applications for grants to the Arizona Department of Transportation (ADOT) on behalf of the City of Phoenix Airport System for aviation-related projects. Further request authorization for the City Manager, or his designee, to enter into grant agreements with ADOT, amend existing grant agreements with ADOT, and take any administrative action related to the grant agreements that the City Manager or his designee deems necessary or appropriate. The grant agreements and amendments may contain other terms and conditions deemed necessary or appropriate by the City Manager or his designee. Further request authorization for the City Treasurer to accept any money related to the grant agreements and amendments. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
Each year, the Aviation Department submits grant applications to ADOT for eligible projects, including those related to maintenance, safety, capacity enhancement, environmental studies or planning, and land acquisition. The Aviation Department takes a proactive position in obtaining City Council authorization to accept any grants awarded by ADOT for eligible aviation-related projects.

Under the grant agreements, the State of Arizona (State) requires the City to indemnify and hold harmless the State and any of its departments, agencies, officers, and employees from any and all liability, loss, or damage the State may suffer as a result of claims, demands, costs, or judgments of any character arising out of the City's or its independent contractor's performance or non-performance in carrying out any provision of the grant agreements. If any legal action is brought, the indemnification also includes court costs, expenses of litigation, and reasonable attorney's fees. Further, the State will not assume any liability to third persons and will not reimburse the City for the City's liability to third persons resulting from the performance of the grant agreements or any subcontract thereunder.

Contract Term
These authorizations are effective until June 30, 2021.
Responsible Department
This item is submitted by Assistant City Manager Deanna Jonovich and the Aviation Department.
Authorization to Apply for, Accept, and Disburse Federal Non-Grant Funds for Aviation-Related Projects (Ordinance S-46444)

Request to authorize the City Manager, or his designee, to submit applications for non-grant funds to the United States and any of its agencies for aviation-related projects. Further request authorization for the City Manager, or his designee, to sign all certifications required for the non-grant agreements, enter into agreements with the United States and any of its agencies for the purpose of accepting federal non-grant funds, and to amend existing agreements. The agreements and amendments may contain other terms and conditions deemed necessary or appropriate by the City Manager or his designee. Further request authorization for the City Treasurer to accept any money related to the agreements and amendments. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
These authorizations will allow the Aviation Department to respond promptly to federal agencies if and when non-grant funds become available on short notice. The transaction agreements or amendments may become available from the Department of Homeland Security or any other federal program. The Aviation Department takes a proactive position in obtaining City Council authorization to accept any non-grant funds awarded by the United States for eligible aviation-related projects.

Contract Term
These authorizations are effective until June 30, 2021.

Responsible Department
This item is submitted by Assistant City Manager Deanna Jonovich and the Aviation Department.
Authorization to Apply for, Accept, and Disburse Federal Grant Funds for Aviation-Related Projects (Ordinance S-46443)

Request to authorize the City Manager, or his designee, to submit applications for grants to the United States and any of its agencies for aviation-related projects. Further request authorization for the City Manager, or his designee, to sign all certifications required for the grants, to enter into agreements with the United States and any of its agencies for the purpose of accepting federal money, and to amend existing grant agreements. The grant agreements may contain other terms and conditions deemed necessary or appropriate by the City Manager or his designee. Further request authorization for the City Treasurer to accept any money related to the grant agreements and amendments. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
Each year, the Aviation Department submits grant applications to the United States and its agencies for eligible aviation-related projects. The Aviation Department takes a proactive position in obtaining City Council authorization to accept any grants awarded by the United States and its agencies for eligible aviation-related projects.

These authorizations will allow the Aviation Department to respond promptly to federal agencies if and when grant offers become available on short notice. The grant agreements or grant amendments or both may become available from the Department of Transportation, including the Federal Aviation Agency Airport Improvement Program, Department of Homeland Security, or any other federal program. Action associated with these authorizations will be for projects in the Aviation Department’s approved Capital Improvement Plan.

Contract Term
These authorizations are effective until June 30, 2021.

Responsible Department
This item is submitted by Assistant City Manager Deanna Jonovich and the Aviation Department.
Regional Fare Collection System - Request for Award (Ordinance S-46453)

Request City Council approval to authorize the City Manager, or his designee, to enter into an agreement with Vix Technology, Inc. to provide a new fare collection system for the region’s bus and light rail transit system, and to execute amendments to the agreement as necessary within the Council-approved expenditure authority provided below. This agreement addresses a planned capital improvement to replace the existing system which is proprietary in nature and has reached the end of its useful life. Further request to authorize the City Controller to disburse all funds related to this item. The total contract value with options and estimated sales tax is estimated at $61,228,625, and includes up to 16 years of system maintenance support from the vendor.

Summary
The City of Phoenix Public Transit Department, Valley Metro/Regional Public Transit Authority and its transit partners operate under the Valley Metro name which is comprised of 16 regional cities and towns within Maricopa County. Likewise, the existing fare collection system is regional and used by agencies operating or funding transit service throughout the Phoenix metro area. Design and implementation of the current fare collection system began prior to 2005, and with considerable advances in technology, demand for new ways to purchase fares strengthens the need for a new fare collection system.

Following approval by the Phoenix City Council in June 2018, the Public Transit Department in a joint effort with Valley Metro issued a Request for Proposals (RFP) in January 2019 to solicit a new regional fare collection system. The project is focused heavily on the customer experience and the implementation of a non-proprietary system. The new system must provide a technology-friendly experience for the customer in addition to creating a more efficient and expandable system in the future. As outlined in the staff report at that time, the project objectives were determined primarily from the needs and shortcomings of the current system, regional workshop input, and public input over the years. Those objectives were as follows:

- Improve fare payment options for customers.
- Provide ability to offer stored value and mobile passes to provide flexibility for
riders.
- Enable innovative fares, including fare capping and time- and location-based products.
- Explore new fare technologies, such as mobile ticketing and open architectures.
- Improve data collection and ridership/revenue reconciliation, and eliminate current manual processes.
- Provide the capability to more accurately correlate sales and usage data.
- Provide more accurate ridership data.
- Increase control over fare media distribution and reduced fare programs.
- Ensure eligibility for reduced fare purchases at point-of-sale.
- Reduce fare evasion or misuse.
- Reduce fare media costs where possible.
- Explore long-term alternatives with a phased project implementation schedule.
- Begin with core improvements and expand the system as needed.
- Require an open architecture to facilitate adding features, components and integration with third parties.

With the award of this contract and the implementation of the proposed improvements, transit riders will have a modern and easy-to-use fare system when utilizing transit throughout the region. At a minimum, the fare collection system will include the following new features:

- An account-based, reloadable smart card system.
- Open architecture mobile app that includes fare purchase and trip planning.
- On-board validators for the regional bus fleet and station validators for light rail.
- Touchscreen ticket vending machines (TVMs) throughout the region.

The initial improvements under this agreement will be implemented in advance of additional steps to modernize other aspects of the regional fare collection system. Future fare collection-related RFPs from the City of Phoenix or Valley Metro will include a retail fare media network and potentially new on-board (bus) fare boxes.

**Procurement Information**
The City of Phoenix, Valley Metro and regional transit partners worked together on the issuance of the RFP. The Public Transit Department has led the procurement of a new fare collection system, with the scope of work and specifications developed through regional collaboration. The RFP was issued with a plan to implement the project in two initial phases in order to introduce improvements in a cost-effective, efficient and customer-friendly manner. A second RFP may be issued at a later date for Phase 3 if found to be necessary.
Phase 1
Mobile Ticketing with Validators: A mobile app will be developed and be available to transit customers, with validation at rail stations and on buses using validators capable of reading barcodes from the mobile ticketing app.

Phase 2
Smartcard Ticket Vending Machine (TVM) and Retail Network: Smartcards will be made available to the general public, including reduced fare customers, for the purchase of fare products. Account reload will be available through new TVMs, a retail network, and a website.

Phase 3 (If necessary)
Farebox Upgrade: Depending on the regional consensus and existing farebox life span, a second RFP may be issued later for the purchase and installation of new fareboxes. New fareboxes may ultimately be utilized for cash purchases of single rides only, as mobile ticketing and smartcards will become the dominant methods to purchase fares.

The Public Transit Department issued RFP PTD19-002 in accordance with City and Federal Transit Administration (FTA) procurement regulations. Six proposals were received from the following firms:

- INIT Innovations in Transportation, Inc.
- Kapsch Public TransportCom, North America, Inc.
- Parkeon, Inc. dba Flowbird
- Scheidt & Bachmann USA, Inc.
- SPX Corporation dba Genfare
- Vix Technology

An evaluation committee made up of qualified regional transit staff was appointed to conduct detailed evaluations of the proposals, establish a competitive range, and recommend a proposer for award of the contract. The evaluators were supported by an advisory team of technical experts who provided insight into aspects of the RFP’s scope of work and technical specifications. Both the evaluation and technical committees included staff with transit backgrounds from the City of Phoenix, Valley Metro and the City of Tempe.
The proposals were evaluated on the following criteria (1,000 points possible):

- Qualifications of the firm and staff (350 points)
- Technical solution and project approach (450 points)
- Cost (200 points)

After a thorough review of the proposals and multiple discussions, the evaluation committee determined the two highest-scored proposers (INIT and Vix) were within the competitive range. Those determined not to be in the competitive range were not considered further in the evaluation process and were notified of that determination.

Invitations to participate in Best and Final Offers (BAFOs) were sent to INIT and Vix. The invitations included questions and requests for clarification specific to each firm’s proposal. The invitation also requested their best pricing and an invitation to demonstrate their proposed products.

The committee evaluated the BAFOs based on the same requirements and criteria applicable to the initial review of proposals. Each company’s product demonstrations also took place, after which the BAFOs were scored and evaluations were finalized. As a result, the evaluation committee recommends award of the contract to Vix Technology, whose proposal received the highest technical score and highest overall score. The combination of the weighted technical and cost scores are as follows:

- **Vix Technology (USA), Inc.:** 914 points; $54,906,116 Base System Cost (No Options, excluding sales tax)
- **INIT Innovations in Transportation, Inc.:** 870 points; $53,173,011 Base System Cost (No Options, excluding sales tax)

In addition, the award recommendation includes options related to fare inspection devices, Ticket Vending Machine upgrades to take place during the equipment’s lifecycle, and future payment functions such as open payments (credit cards as fare media), or the ability to add cash to mobile tickets, to be incorporated into the project at the appropriate phase. These options may or may not be exercised during the contract term.

**Contract Term**
The agreement will begin on or about July 1, 2020, with an initial design-and-installation period of up to three years, a one-year initial warranty period, nine years of operations and maintenance support, and two optional extensions of up to three years each, for a maximum 19-year performance period.
Financial Impact
The total contract value with options and estimated sales tax is estimated at $61,228,625, and includes up to 16 years of system maintenance support from the vendor.

The initial capital aspects of the contract will be funded by Federal Transit Administration (FTA) and regional transportation tax (Proposition 400) funds. Annual maintenance costs, which will begin after system acceptance and a one-year warranty period, will be funded by regional (Proposition 400) and local funds from all agencies receiving and funding fixed route bus and light rail service in the region. The contract extends over 19 years as follows:

3 years: Base contract for designing, developing, hosting and installing the new fare collection components, including options.
- Maximum cost: $33,224,975

1 year: Warranty and hosting agreement (cost included in base).

15 years: Operations and maintenance support.
- Nine year base term
- Two optional three-year extensions
- Maximum cost: $28,003,650

The project will be funded as follows:

Base System Capital Cost, with options:
- 80 Percent - FTA
- 20 Percent - Regional funds (Proposition 400)

Concurrence/Previous Council Action
- This item was recommended for approval at the Citizens Transportation Commission (CTC) meeting on Feb. 27, 2020, by a vote of 12-0.
- This item was recommended for approval at the Transportation, Infrastructure and Innovation Subcommittee meeting on March 4, 2020, by a vote of 4-0.

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.
Bus Operations Control Center and Data Collection Services - Request for Award (Ordinance S-46455)

Request to authorize the City Manager, or his designee, to enter into an agreement with Transdev Services, Inc. to provide management and oversight of the City’s Operations Control Center (OCC) and Data Collection Services, and to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority provided below. Further request to authorize the City Controller to disburse all funds related to this item. The total contract value with options is estimated at $14,361,642, which will be funded as a component of the T2050 plan.

Summary
The primary function of the OCC is to manage the City’s fixed route (bus) transit fleet using the regional Computer Aided Dispatch / Automatic Vehicle Locator (CAD/AVL) system. Transit vehicles are managed by the OCC in revenue service, deadheading (i.e., out of service) to and from service end points, performing special event services, and holding area buses to be inserted into routes as they operate from the City’s North, South and West facilities. The OCC provides oversight independent of the transit operations contractors, which directly manage transit services operating from the City’s transit facilities.

The OCC’s management of the City’s bus operations includes oversight of 48 routes and 22 million revenue service miles-per-year. The OCC responds to over 65,000 monthly radio calls and text messages received directly from bus operators, and over 3,000 phone calls monthly from Phoenix Police and Fire departments and Valley Metro customer service personnel. Ridership data gathered from the OCC’s data collection function is provided to the Federal Transit Administration’s (FTA) NTD program, which leads to the apportionment of federal transit formula funds.

The current agreement with Transdev for these services is set to expire on June 30, 2020. In April 2019, the Public Transit Department received City Council approval to solicit a new agreement, and in August 2019 issued a Request for Proposals (RFP).

Procurement Information
The fixed-price contract will consist of a five-year base term beginning July 1, 2020,
with an additional two-year option to extend at the City’s discretion. The extension option will be exercised only if it is in the City’s best interest to do so and the contractor has performed satisfactorily during the base period.

The Public Transit Department issued RFP PTD19-008 in accordance with City procurement regulations. Three proposals were received from:

- First Transit, Inc.
- RATP Dev USA
- Transdev Services, Inc.

An evaluation committee of qualified regional transit staff conducted the proposal evaluations, requested clarifications from proposers, and recommended a proposer for award of the agreement. The evaluators were supported by an advisory team of subject-matter experts who provided insight into aspects of the RFPs scope of work and technical specifications. Both the evaluation and technical committees included staff with transit backgrounds from the City of Phoenix and regional transit partners.

The proposals were evaluated on the following criteria (1,000 points possible):
- Fee schedule (500 points)
- Offeror’s qualifications, experience and performance (200 points)
- Offeror’s proposed organizational structure (150 points)
- Offeror’s understanding of the scope of work and transition plan (150 points)

The evaluation committee met with technical advisors in December 2019 to discuss and evaluate the proposals. Following those meetings, the Committee arrived at a consensus score for each evaluation criterion, except price. A price analysis was performed by the procurement officer, with the point score for price added to the technical proposal scores. The final scores are shown below (1,000 points max):

- Transdev: 940 points (selected vendor)
- RATP Dev USA: 911 points
- First Transit, Inc.: 748 points

Consistent with the solicitation terms and conditions, the committee reached consensus that the combination of Transdev’s technical score and overall price warrants a contract award.

**Contract Term**
The agreement will begin on or about July 1, 2020, for a five-year term, with an additional two-year option to extend at the City’s discretion.
Financial Impact
The agreement value for Transdev Services, Inc., including the option period, will not exceed $14,361,642. Funding for the first agreement year amount of $1,831,253 is available in the Public Transit Department’s Fiscal Year 2020-21 proposed operating budget. This will be funded as a component of the T2050 plan.

Concurrence/Previous Council Action
- This item was recommended for approval at the Citizen's Transportation Commission meeting on Feb. 27, 2020, by a vote of 11-0.
- This item was recommended for approval at the Transportation, Infrastructure and Innovation Subcommittee meeting on March 4, 2020, by a vote of 4-0.

Location
302 N. First Ave.
Council District: 7

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.
Request Authorization to Apply for and Accept FTA Section 5339 Buses and Bus Facilities Infrastructure Investment Grant Funds (Ordinance S-46457)

Request to authorize the City Manager, or his designee, to apply for the Federal Transit Administration (FTA) Section 5339 Bus and Bus Facilities Discretionary Grant for an amount not to exceed $6,948,750, and to enter into an agreement with the FTA for the purpose of accepting awarded grants. Further request to authorize the City Treasurer to receive and the City Controller to disburse all funds related to this item.

Summary
The Section 5339 Bus and Bus Facilities Competitive Grant Program provides funds to state and local governmental authorities for capital projects to: replace, rehabilitate, purchase, or lease buses and related equipment; and rehabilitate, purchase, construct, or lease bus-related facilities. The purpose of this program is to improve the condition of the nation's public transportation bus fleet; expand transportation access to employment, educational, and healthcare facilities; and improve mobility options in rural and urban areas throughout the country. The Public Transit Department will seek to utilize a combination of the Section 5339 Grant and local matching funds to purchase up to 15 buses to replace aging buses that have been utilized beyond the end of their useful life. The new buses will replace aging buses used to operate daily transit service and provide transportation for a large number of passengers to reach employment and employment-related services.

Financial Impact
Applications for the FTA Section 5339 Grant require a minimum 15 percent nonfederal cost share. The total cost of this purchase is estimated to be $8,175,000, with the City's portion not to exceed $1,226,250. The local match will come from Regional Public Transportation Funds (Prop. 400) for the nonfederal share.

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.
Refuse Body Repair- Contract Recommendation (Ordinance S-46427)

Request to authorize the City Manager, or his designee, to enter into contracts with American Equipment Services, Inc., Amrep Manufacturing Company, LLC, Balar Holding Corp., dba Balar Equipment, BTE Body Company, Inc., Short Equipment, Inc., Spartan Truck Company, Inc., and Terrific Trucks & Equipment Sales, LLC., to provide refuse body repair services. These contracts will have a combined aggregate value of $7,000,000 over the life of the contracts. Further request the City Controller to disburse all funds related to this item.

Summary
The Public Works Department manages a fleet of approximately 300 solid waste refuse trucks, predominantly automated side loaders. Last fiscal year, approximately 400 different body repairs were made to the refuse truck fleet. Quick repair of these trucks minimizes downtime, allowing for timely provision of solid waste collection service to Phoenix residents. Contractors will perform all work in accordance with the current standards set forth by the original manufacturer (OEM) for electrical, welding and repair of refuse trucks.

Procurement Information
Invitation for Bid (IFB) 20-FSD-038 was conducted in accordance with Administrative Regulation 3.10. Eight groups were identified with the following different body types: Amrep, Bridgeport, Galbrath, Heil, McNeilus, NewWay, Scorpion, and Wayne. The Public Works Department, Procurement Section, received eight bids for all eight groups of refuse body types with an evaluation occurring on labor rate and pick-up/delivery fees. Of the eight bids, seven were deemed responsive and responsible, with the below vendors being recommended for award:

- Short Equipment- All groups: $279.75
- Balar Equipment- All groups (excluding Amrep, and Bridgeport): $285.00
- American Equipment Services- All groups: $292.50
- Terrific Trucks & Equipment- All groups: $327.00
- BTE Body Company- All groups: $360.00
- Spartan Truck Company- All groups: $370.00
- Amrep Manufacturing Company- All groups: $375.00
Contract Term
The initial one-year term of these contracts shall begin on or about May 1, 2020, with four option years that can be exercised in increments of up to one year, with a total contract term of five years.

Financial Impact
These contracts will have a combined aggregate value of $7,000,000 over the life of the contracts.

Location
Locations that could request on-site or mobile repairs are:
Glenrosa Service Center: 4021 W. Glenrosa Ave., District 5
Okemah Service Center: 3828 E. Anne St., District 8
Salt River Service Center: 3045 S. 22nd Ave., District 7
Union Hills Service Center: 138 E. Union Hills Drive, District 2

Responsible Department
This item is submitted by Deputy City Manager Karen Peters and the Public Works Department.
Purchase of Trailer-Mounted Air Compressors - Contract Recommendation (Ordinance S-46431)

Request to authorize the City Manager, or his designee, to enter into a contract with Arizona Generator Technology, Inc., dba Gen-Tech, for purchase of trailer-mounted air compressors. This contract will have an estimated expenditure of $715,000. Further request to authorize the City Controller to disburse all funds related to this item.

Summary
The Public Works Department will use this contract on an as-needed basis to purchase new trailer-mounted air compressors on behalf of other City departments including the Water Services and Street Transportation departments. Trailer-mounted air compressors are used to supply the air needed to operate jack hammers and other air-actuated tools and attachments. Various City departments use these compressors for activities including maintenance and upkeep of city streets, sidewalks, parks, and water mains.

Procurement Information
Invitation for Bid (IFB) 20-FSD-028 was conducted in accordance with Administrative Regulation 3.10. The Public Works Department received offers from two vendors. Gen-Tech was the bid deemed responsive and responsible.

Gen-Tech: $23,971 per unit

Contract Term
The initial one-year contract term shall begin on or about April 1, 2020, with four option years to be exercised in increments of up to one year, with a total contract term of five years.

Financial Impact
This contract has an estimated aggregate amount of $715,000 over the life of the contract. Funds are available in the Water Services and Street Transportation departments' budgets.
Responsible Department
This item is submitted by Deputy City Managers Karen Peters and Mario Paniagua and the Water Services, Street Transportation, and Public Works departments.
SR85 Water Systems Operation and Maintenance Service - RFP 21-SW-001 - Requirements Contract (Ordinance S-46434)

Request to authorize the City Manager, or his designee, to enter into a contract with GHD Services, Inc. to provide water system operation and maintenance services for the Arizona State Route 85 (SR85) Landfill in an amount not to exceed $275,000 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
Arizona Department of Environmental Quality (ADEQ) requires compliance with the State of Arizona Administrative Code (AAC) Title 18 Chapter 5. Therefore, the City requires the services of a certified water treatment system operator to operate and maintain the SR85 Landfill public water systems for the landfill administration offices and industrial building. Services include operating the water treatment plants and providing maintenance, repair and update work to the water treatment plants and related equipment. Although located in Buckeye, Ariz., municipal water services are not available in the area.

Procurement Information
Request for Proposal (RFP) 21-SW-001 was conducted in accordance with Administrative Regulation 3.10. Two offers were received by the Public Works Department on Nov. 13, 2019. The evaluation committee consisted of City staff from the Public Works and Water Services Departments. The offers were evaluated based on the following criteria: Proposer Qualifications and Experience (400 points), Staff Experience and Qualifications (225 points), Method of Approach (175 points), Certificates & Licenses (100 points), Rate Schedule (100 points).

GHD Services, Inc: 924 points

Matrix New World Engineering, Land Surveying and Landscape Architecture: 895 points

Public Works recommends that the offer from GHD Services, Inc. be accepted as the highest scored, responsive and responsible offeror.
Contract Term
The initial contract term is for one year beginning on or about July 1, 2020. Provisions of the contract may include an option to extend the term up to four years, to be taken in one-year increments, which may be exercised by the City Manager or designee.

Financial Impact
The total amount will not exceed $275,000 for the term of the contract including option years with an estimated annual expenditure of $55,000. Funds are available in the Public Works Department's budget.

Location
SR85 Landfill, 28633 W. Patterson Road, Buckeye, Ariz.
Council District: Out of City

Responsible Department
This item is submitted by Deputy City Manager Karen Peters and the Public Works Department.
Case Motor Graders - Contract Recommendation (Ordinance S-46439)

Request to authorize the City Manager, or his designee, to enter into a contract with Titan Machinery, Inc. for purchase of Case motor graders. This contract will have an aggregate amount not to exceed $1,100,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
The Public Works Department has identified five older motor graders in the fleet that are experiencing excessive downtime with higher than average maintenance costs. These units will be replaced over the next five years. Case is the only manufacturer to produce a grader small enough to use in all alleyways. The Street Transportation Department uses these graders for general alley maintenance and draining ditch maintenance.

Procurement Information
In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a determination memo citing sole source. Titan Machinery, Inc. is the only authorized dealer of Case construction equipment in the State of Arizona.

Titan Machinery, Inc: $186,745.52 per unit

Contract Term
This contract will begin on or about April 1, 2020, for an initial one-year term, with four option years to be exercised in increments of up to one year, for a total contract term of five years.

Financial Impact
This contract will have an aggregate expenditure not to exceed $1,100,000 over the life of the contract, including taxes and contract price increases due to inflation in the option years. Funds are available in the Street Transportation Department's budget.

Responsible Department
This item is submitted by Deputy City Managers Mario Paniagua and Karen Peters and the Street Transportation and Public Works departments.
Additional Expenditures for Preformed Thermoplastic Pavement Marking Materials - IFB 18-249A (Ordinance S-46432)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 147994 with Geveko Markings, Inc., for green preformed thermoplastic material. The additional amount of $151,500 is needed to complete current pavement maintenance projects. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
This contract provides thermoplastic pavement marking materials in a variety of colors and sizes and was intended primarily to supply commonly used yellow and white thermoplastic. With the approval of the Accelerated Pavement Maintenance program and corresponding additional bicycle lanes as called for under the T2050 plan, the need for green, reflective, 24-inch x 3-foot flat pre-cut line segments during this contract period is significantly greater than originally anticipated. This product is used to mark the pavement to indicate designated bicycle lanes. The Street Transportation Department anticipates continued need for this material.

The additional funds are needed to continue with projects already underway using green thermoplastic material. Thereafter, a new solicitation will be completed, for this color only, to ensure best pricing in accordance with the increase in projected purchase quantity. The new solicitation is expected to be complete by June 2020.

Contract Term
The current contract term, for remaining materials, is July 1, 2018 to June 30, 2023.

Financial Impact
Upon approval of the additional $151,500, the revised aggregate value will not exceed $492,905. Funds are available in the Street Transportation Department's budget.

Concurrence/Previous Council Action
The contract was originally approved by City Council on June 20, 2018.
Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation and Finance departments.
Water Production Wells and Aquifer Storage and Recovery Wells Phase 2 - Construction Manager at Risk Construction Services Amendment 1 - WS85010054, WS85010052 and WS85010045 (Ordinance S-46428)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 151455 with Felix Construction Company (Felix) to provide additional Construction Manager at Risk (CMAR) Services for the Water Production Wells and ASR Wells Phase 2 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 additional fee for services included in this amendment will not exceed $3,150,000.

Summary
The purpose of this project is to augment Phoenix's potable water resources during times of long-term water shortages, emergency outages, and meeting potable system demand balancing.

This amendment is necessary to add funds for GMP preparation and construction services. This amendment will also provide additional time to the agreement.

Felix Construction Company’s additional services include, but are not limited to: drilling two new wells and equipping three wells. The production capacity anticipated for the wells will be between 1,000 and 3,000 gallons-per-minute. Felix will be responsible for construction means and methods related to the project and fulfilling the Small Business Enterprise program requirements. Felix will be required to solicit bids from prequalified subcontractors and to perform the work using the City’s subcontractor selection process. Felix may also compete to self-perform limited amounts of work.

Contract Term
The term of the agreement amendment is three years and six months 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
This amendment will add funds to the construction services agreement, for a total not-to-exceed agreement value of $3,150,000, including all subcontractor and reimbursable costs.

Funding for this amendment 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 the 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 approved:
- Preconstruction Services Agreement 151454, and Construction Services Agreement 151455 (Ordinance S-46273) on Jan. 8, 2020

Responsible Department
This item is submitted by Deputy City Managers Karen Peters and Mario Paniagua, the Water Services Department, and the City Engineer.
Lift Station 43 Operational Improvements - Design-Bid-Build - Change Order 2 - WS90400070 (Ordinance S-46429)

Request to authorize the City Manager, or his designee, to execute a change order to Agreement 147764 with Quest Civil Contractors, LLC, to provide additional construction services for the Lift Station 43 Operational Improvements project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority 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 $385,376.

Summary
The purpose of this project is to demolish existing pump equipment, install three new 85-hp submersible raw sewage pumps in the spare north wet well and associated discharge piping. Improvements to the facility will include: new discharge piping including valves and magnetic flow meters; construction of wet well interior, perimeter wall, and earthwork; and replacement of the service entrance section which includes replacing two variable frequency drives with three reduced voltage soft starters, along with installation of cathodic protection and replacement of scrubber with biofilter retrofitted to the existing system.

Change Order 1, executed June 3, 2019, added an additional 170 days due to a change in the technical specifications for the pipe lining for a new final completion date of Dec. 24, 2019.

Change Order 2 is necessary because several unforeseen conditions such as pipe lining material changes, material tariffs, a reconfiguration of the pig-launching system, and additional bypass pumping considerations have resulted in an overall cost increase as the project is nearing substantial completion. Additional funding is needed to address costs associated with the requested changes.

Contract Term
The contract term remains the same. Work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past termination of the contract. No additional changes may be executed after the end of the term.
Financial Impact

- The initial agreement for Design-Bid-Build Services was executed for a fee not-to-exceed $3,696,696, including all subcontractor and reimbursable costs;
- Change Order 2 will increase the agreement by an additional $385,376, for a new total not-to-exceed agreement value of $4,082,072, including all subcontractors and reimbursable costs.

Funding for this change order 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 the 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 approved:

- Design Services Agreement 142740 (Ordinance S-42611) on June 1, 2016;
- Construction Administration and Inspection Services Agreement 145425 (Ordinance S-43666) on June 21, 2017;
- Design-Bid-Build Agreement 147764 (Ordinance S-44668) on June 6, 2018.

Location
Near Southern and 75th Avenues
Council District: 7

Responsible Department
This item is submitted by Deputy City Managers Karen Peters and Mario Paniagua, the Water Services Department, and the City Engineer.
Agenda Date: 3/18/2020, Item No. 60

Licensing for Bridge Management Software - American Association of State Highway and Transportation Officials (Ordinance S-46445)

Request City Council approval for the City Manager, or his designee, to authorize payment to the American Association of State Highway and Transportation Officials (AASHTO) for bridge management software licensing for the Street Transportation Department in an amount not to exceed $300,000 for five years. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
The AASHTOWare Bridge Rating analytical software allows the City to perform bridge load ratings for determining maintenance needs, assuring public safety, scheduling retrofit or replacement elements, and assessing overload for Federal reporting purposes. The City has utilized this software and has renewed the software license annually for the last 10 years. The payment authority will cover the next five years of software products and license usage for fiscal years (FY) 2020-24.

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

Financial Impact
The total estimated cost, which includes five years of license usage fees, is an amount not to exceed $300,000. Funds are available in the Street Transportation Department’s budget.

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.
Water Quality and Hydraulics Study - Engineering Services - WS85700099 (Ordinance S-46463)

Request to authorize the City Manager, or his designee, to enter into an agreement with Carollo Engineers, Inc. (Carollo), to provide Engineering Services that include study services for the Water Quality and Hydraulics Study 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 $849,000.

Additionally, request to authorize the City Manager, or his designee, to take all action deemed necessary to execute all utilities-related design and construction agreements, licenses, permits, and requests for utility services related to the development, design, and construction of the project and to include disbursement of funds. Utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunication, cable television, railroads, and other modes of transportation. This authorization excludes any transaction involving an interest in real property.

Summary
The purpose of this study is to assess potential system-wide operating scenarios, anticipate any water quality or hydraulic issues, and advise and develop recommendations for operations and improvements in the event that restrictions are placed on Colorado River water delivered through the Central Arizona Project (CAP).

Carollo's services include, but are not limited to: evaluate and provide input on future operating scenarios including use of wells and new infrastructure to deliver Salt River Project (SRP) water to north pressure zones; develop blend scenarios and perform hydraulic modeling analysis to simulate distribution system conditions, including when wells are at high production rates and when SRP water is being delivered to north pressure zones; perform field investigations, sampling, and testing as needed to assist in meeting project goals; confirm water quality model results with bench testing; provide recommendations to provide stable water quality meeting regulatory requirements and treatment chemicals/processes that will be integrated with existing City facilities, if needed; assist the City with developing an implementation plan to bring on-line the future new Zone 3D and 4A resiliency infrastructure and an operations plan.
for various future scenarios; and provide a distribution modeling system plan for long-term monitoring of distribution system piping changes.

**Procurement Information**
The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-603(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Nine firms submitted proposals and are listed below:

**Selected Firm**
Rank 1: Carollo Engineers, Inc.

**Additional Proposers**
Rank 2: Brown and Caldwell, Inc.
Rank 3: Stantec Consulting Services Inc.
Rank 4: HDR Engineering, Inc.
Rank 5: Black & Veatch Corporation
Rank 6: Garver LLC
Rank 7: CDM Smith Inc.
Rank 8: Greeley and Hansen LLC
Rank 9: Primatech, L.L.C.

**Contract Term**
The term of the agreement is four 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 Carollo Engineers, Inc. will not exceed $849,000, 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.

**Responsible Department**
This item is submitted by Deputy City Managers Karen Peters and Mario Paniagua, the Water Services Department, and the City Engineer.
Intergovernmental Agreements with Flood Control District of Maricopa County for Paradise Ridge Flood Control Project Under Capital Improvement Projects Prioritization Process (Ordinance S-46461)

Request City Council approval to authorize the City Manager, or his designee, to apply for, accept funds, and enter into Intergovernmental Agreements (IGAs) with the Flood Control District of Maricopa County (FCDMC) for the Paradise Ridge Flood Control project under the Capital Improvement Projects Prioritization Process (CIPPP). Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. The preliminary estimate for the overall project is estimated at $32 million, which will be split 50/50 between the City ($16 million) and FCDMC ($16 million) for project design development, right-of-way acquisition, utility coordination/relocation, and construction implementation.

Summary
The FCDMC's CIPPP identifies potential capital projects for FCDMC participation. Flood control projects recommended through this procedure may become eligible to receive future FCDMC funding, subject to budgetary constraints and contingent upon approval by the FCDMC's Board of Directors.

Currently under separate project development and implementation is the upstream Rawhide Wash Flood Hazard Mitigation project in the City of Scottsdale. The project improvements include construction of new floodwalls and levees, augmentation of existing floodwalls and levees, and containment facilities and would reduce the existing floodplain. After completion of the proposed project, approximately 960 acres of developable land within City of Phoenix jurisdiction (Paradise Ridge Area) would no longer be designated in a Federal Emergency Management Agency (FEMA) special flood hazard delineated floodplain and approximately 1,710 acres of floodplain would remain.

Floodplain Management staff, in collaboration with the Planning and Development Department, recommends submission of the Paradise Ridge Flood Control project for consideration for future funding under the FCDMC's CIPPP. This project would be the continuation of the upstream Rawhide Wash Flood Hazard Mitigation project in the City of Scottsdale that would extend into the City of Phoenix. The northern limit of the
The project is at the Scottsdale Road bridge outlet and the project extends approximately 3.5 miles downstream with a southern limit at the impoundment of the U.S. Bureau of Reclamation Dike No. 2 just north of the Central Arizona Project canal. The project would consist of an engineered natural desert trapezoidal channel with pertinent facilities and engineered structural elements to provide the conveyance and contain the existing floodplain within a new proposed channel. This project would ultimately remove the remaining 1,710 acres in Phoenix’s Paradise Ridge Area from the floodplain. FCDMC will be the lead agency for the development of the project.

**Financial Impact**
Paradise Ridge Flood Control Project: The total estimated project cost is approximately $32 million dollars with a proposed FCDMC / City of Phoenix 50/50 cost share. It is anticipated that funding for the City portion will come entirely from the new Paradise Ridge Drainage Impact Fee recently adopted by Council.

**Concurrence/Previous Council Action**
This item was recommended for approval at the Transportation, Infrastructure and Innovation Subcommittee meeting on March 4, 2020 by a vote of 4-0.

**Location**
The northern limit of the project is at the Scottsdale Road bridge outlet and the project extends approximately 3.5 miles downstream with a southern limit at the impoundment of the U.S. Bureau of Reclamation Dike No. 2 just north of the Central Arizona Project canal.

Council District: 2

**Responsible Department**
This item is submitted by Deputy City Managers Mario Paniagua and Karen Peters, and the Public Works, Street Transportation and Planning and Development departments.
Supply of Dry Ice Contract (Ordinance S-46430)

Request to authorize the City Manager, or his designee, to enter into an agreement with The Tool Den, to provide dry ice for the purpose of mosquito mitigation at the 91st Avenue Wastewater Treatment Plant and Tres Rios Wetlands. Further request to authorize execution of amendments to the agreement as necessary within Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total agreement value will not exceed $21,200.

Summary
The purpose of this contract is to obtain dry ice for the purpose of attracting mosquitoes into traps at the 91st Avenue Wastewater Treatment Plant and Tres Rios Wetlands. The dry ice is placed into the traps, and lasts approximately 12 hours. Traps are set and retrieved once per week at fixed trapping locations throughout the wastewater treatment plant and wetlands. Due to the limited shelf life of dry ice, a weekly supply is required during periods of high mosquito activity.

The Tool Den's services include, but are not limited to, provision and storage of dry ice.

Procurement Information
The selection was made using a Request for Quotation (RFQ) procurement process as set forth in the City of Phoenix Administration Regulation 3.10.

The RFQ was sent to 64 vendors.

Selected Vendor
The Tool Den

Contract Term
The term of the agreement is five years and will begin April 1, 2020.

Financial Impact
The agreement value for the Contractor will not exceed $21,200.
Location
91st Avenue Wastewater Treatment Plant and Tres Rios Wetlands
Council District: 7

Responsible Department
This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.
Sandblasting and Coating Services (Ordinance S-46440)

Request to authorize the City Manager, or his designee, to enter into an agreement with Riddle Painting and Coatings Company to provide sandblast and coating services for the Water Services Department for a five-year term. 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 total agreement value will not exceed $247,500.

Summary
Sandblasting and coating services are needed to remove rust and debris in order to extend the life of various equipment such as storage tanks, pipes, pump heads, impellers and bowls, that are used at Water and Wastewater Treatment Plants.

Procurement Information
The selection was made using an Invitation for Bids procurement process in accordance with Administrative Regulation 3.10.

Five bidders submitted bids and all were deemed responsive.

Riddle Painting and Coatings Company
Professional Piping Systems
Riley Industrial Services
Terrific Trucks and Equipment Sales
AIMS Companies

Selected Bidder:
Riddle Painting and Coatings Company

Contract Term
The term of the agreement is five years and will begin on or about June 1, 2020.

Financial Impact
The agreement value for Riddle Painting and Coatings Company will not exceed a total value of $247,500. Funding is available in the Water Services Department's operating budget.
Responsible Department
This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.
Development Agreement Between City of Phoenix and J&D Concepts, LLC. for Upsizing of a Water Main in Foothill Drive from 27th Avenue to 29th Avenue (Ordinance S-46449)

Request to authorize the City Manager, or his designee, to enter into a Development Agreement between the City of Phoenix and J&D Concepts, LLC (Developer) to allow the Developer to pay the City an amount of $13,890 in lieu of the requirement to upsize approximately 1,310 feet of a substandard water main in Foothill Drive. Further request to authorize the Controller to disburse and City Treasurer to accept all funds related to this item.

Summary
The Developer owns approximately 4.2 acres of property consisting of two lots at the northwest corner of 27th Avenue and Foothill Drive. To facilitate this development, local improvements to public infrastructure are necessary. The improvements include upsizing a substandard 4-inch water main in Foothill Drive to an 8-inch main from 27th to 29th Avenue. The Developer has agreed to pay funds to the City to upsize the water line and complete associated street pavement repairs. This payment will satisfy the Developer’s stipulation to upsize the substandard water main in order to meet the site fire flow requirements. The Developer will promptly pay $13,890 to the City of Phoenix to satisfy the Developer's obligations for water main upsizing and street repair.

Financial Impact
The Developer will pay the City of Phoenix a one-time payment of $13,890.

Location
Northwest corner of 27th Avenue & Foothill Drive
Council District: 1

Responsible Department
This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.
Development Agreement Between City of Phoenix and 43 LB Owner, LP for Installation of Water Main in Magnolia Street Frontage (Ordinance S-46450)

Request to authorize the City Manager, or his designee, to enter into a Development Agreement between the City of Phoenix and 43 LB Owner, LP (“Developer”) to allow the Developer to pay the City an amount of $57,940 in lieu of the requirements to extend an 8-inch main and perform associated street pavement repairs through the remaining 100-foot segment of Magnolia Street fronting this development. Further request to authorize the City Treasurer to accept all funds, and the City Controller to disburse all funds, related to this item. Also request to repeal Ordinance S-45807.

Summary
The Developer owns approximately 4.86 acres of property on the west side of 43rd Avenue between Lower Buckeye Road and Magnolia Street. This development was stipulated to extend an 8-inch water main within Magnolia Street for approximately 100 feet, which will connect to a water main in 43rd Avenue. Due to the difficult installation of the water main extension across an existing high-pressure gas line and the associated permitting of the construction, the Developer will promptly pay $57,940 to the City to satisfy the Developer’s obligations for water main installation and street pavement repair. The City will complete the construction of the water main extension.

The Development Agreement will commence when both parties have signed the Development Agreement and will require the Developer to deposit the $57,940 into an interest-bearing escrow account, which will be maintained as a money market account or its equivalent. The City will withdraw funds from the account as it incurs costs for the water line installation and will not require any additional funds from the Developer beyond what is deposited in the escrow account. The City will take all necessary measures to close the account and return any remaining funds to the Developer after completion of the water main installation or the tenth anniversary of the Development Agreement, whichever comes first.

This authority to enter into the Development Agreement with Developer replaces the City's prior authorization to enter such an agreement with an affiliated entity (43rd - Buckeye LP) that has since made some changes in ownership, so repeal of Ordinance S-45807 is requested.
Financial Impact
The Developer will pay the City a one-time payment of $57,940.

Location
On the west side of 43rd Avenue between Lower Buckeye Road and Magnolia Street.
Council District: 7

Responsible Department
This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.
Valve Contracts (Ordinance S-46465)

Request to authorize the City Manager, or his designee, to amend agreements: 140434 with ALB Piping Products & Services LLC; 140435 with Core & Main LP; 140436 with Dana Kepner; 140438 with Dezurik; 140440 with Instrumentation and Control LLC; and 140441 with Miscowater to provide valves, new parts, accessories and services by extending each agreement term through June 30, 2021 and adding additional spending capacity to the agreements. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority 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 $990,866.

Summary
These contracts provide valves, new parts, accessories and services necessary to replace and/or maintain equipment for the Water Services Department (WSD). The Procurement Officer identified State of Arizona contracts that could potentially cover the needs of WSD. Upon further review, the vendors from the State’s contracts do not meet the needs of core line items used by WSD and therefore cannot be added. This extension is necessary to provide enough time for WSD to conduct a competitive procurement process for new agreements.

Contract Term
Each of the remaining agreement terms expire March 31, 2020. This amendment will extend each agreement through June 30, 2021.

Financial Impact
- The initial agreements were for executed for a fee not-to-exceed $8,800,534.
- This amendment will increase the agreement by an additional $990,866, for a new total not-to-exceed agreement value of $9,791,400.

Funds are available in the Water Services Department’s Operating and Capital Improvement Program budgets.
Concurrence/Previous Council Action
The City Council approved Agreements 140434-140441 (Ordinance S-41577) on April 15, 2015.

Responsible Department
This item is submitted by the Deputy City Manager Karen Peters and the Water Services Department.
Request for Ratification of Jan. 15, 2020 Planning Hearing Officer Action - Z-115-50-7- Northeast Corner of 1st Avenue and Adams Street

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation to deny without further hearing by the City Council on matters heard by the Planning Hearing Officer on Jan. 15, 2020. This ratification requires formal action only.

Summary
Application: PHO-1-19--Z-115-50-7
Existing Zoning: DTC-Business Core
Acreage: 1.75

Applicant: Chad Keller, Christy Signs
Owner: 101 North First Ave LLC
Representative: Chad Keller, Christy Signs

Proposal:
1. Comprehensive Sign Plan Review for more than two signs on a building over 56 feet in height.

Concurrence
Village Planning Committee (VPC) Recommendation: The Central City Village Planning Committee heard this case on Jan. 13, 2020 and recommended denial by a 13-0 vote.
Planning Hearing Officer Recommendation: The Planning Hearing Officer took this case under advisement on Jan. 15, 2020. On Jan. 24, 2020, the Planning Hearing Officer took this case out from under advisement and recommended denial.

Location
Northeast corner of 1st Avenue and Adams Street
Council District: 7
Parcel Address: N/A
Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.
Modification of Stipulation Request for Ratification of Feb. 19, 2020 Planning Hearing Officer Action - Z-27-B-01-7 - Approximately 1,750 Feet West of the Southwest Corner of 75th Avenue and Lower Buckeye Road

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Feb. 19, 2020. This ratification requires formal action only.

Summary
Application: PHO-1-20_Z-27-B-01-7
Existing Zoning: C-2 PCD (Approved R-3A PCD)
Acreage: 9.64

Applicant: Aaron Sher, Nextgen Apartments
Owner: Retreat at Tuscano LLC
Representative: Aaron Sher, Nextgen Apartments

Proposal:
1. Modification of Stipulation 1 regarding general conformance to the site plan date stamped Aug. 4, 2006.
5. Deletion of Stipulation 3.B regarding a non-access controlled multi-use trail on the south property line.

Concurrence
Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee heard this case on Feb. 18, 2020, and recommended approval with a modification by a 6-0 vote.
Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this
case on Feb. 19, 2020, and recommended denial as filed and approval with modifications and an additional stipulation. Please see Attachment A for a complete list of the Planning Hearing Officer's recommended stipulations.

**Location**
Approximately 1,750 feet west of the southwest corner of 75th Avenue and Lower Buckeye Road
Council District: 7
Parcel Address: N/A

**Responsible Department**
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.
**Attachment A- Stipulations- PHO-1-20_Z-27-B-01-7**

**Location:** Approximately 1,750 feet west of the southwest corner of 75th Avenue and Lower Buckeye Road

**Stipulations:**

<table>
<thead>
<tr>
<th>SITE PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. That THE development shall be in general conformance with the site plan date stamped JANUARY 3, 2020 August 4, 2006 as approved or modified by FOLLOWING STIPULATIONS AND APPROVED BY the PLANNING AND Development Services Department.</td>
</tr>
<tr>
<td>A. THE DEVELOPER SHALL PROVIDE A MINIMUM OF TWO PEDESTRIAN PATHWAYS ALONG THE NORTH PROPERTY LINE PROVIDING DIRECT ACCESS TO THE MULTI-USE TRAIL ALONG THE SOUTH SIDE OF LOWER BUCKEYE ROAD.</td>
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<table>
<thead>
<tr>
<th>ELEVATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. That THE development shall be in general conformance with the elevations date stamped JANUARY 3, 2020 August 4, 2006 with SPECIFIC REGARD TO THE FOLLOWING ELEMENTS as approved or modified by the PLANNING AND Development Services Department:</td>
</tr>
<tr>
<td>A. That THE elevations shall include the use of stone and exposed beams projecting from the facades at sill, header and eave locations. That the exterior color theme shall be Tuscano color tones.</td>
</tr>
<tr>
<td>B. That the apartment ALL buildings adjacent to Lower Buckeye Road and ALONG the east side of the property LINE shall utilize construction materials such as but not limited to, triple pane windows, and additional insulation, OR OTHER NOISE MITIGATION CONSTRUCTION TECHNIQUES to achieve an interior noise level not to exceed 45 decibels.</td>
</tr>
<tr>
<td>C. All garage doors shall include architectural details, such as decorative windows, included as follows: there shall be a minimum of three different garage door styles throughout the development. Each “carriage unit” has a set of three single-car garage doors facing the drive aisle (a grouping), in which all garage doors shall all be identical. Where carriage units occur adjacent to each other, the style of each grouping shall be different than the style of any adjacent groupings.</td>
</tr>
</tbody>
</table>

**TRAILS AND PEDESTRIAN ACCESS**

| 3. That aAn internal pedestrian circulation plan shall be provided between open |

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**Page 149**
spaces, amenities, parking areas, and the dwelling structures, which shall consist of a minimum 5-foot wide walkway adjacent to all amenities (clubhouse, pool and porte cochere) and across all drive aisles and a minimum 3½ foot wide walkway in all other areas to be constructed of pavers, stamped concrete, or other non-asphalt material, that shows pedestrian connection from the residential units to the recreation/clubhouse area and the Tuscano Towne Center as approved or modified by the PLANNING AND Development Services Department.

A. That two pedestrian access points shall be provided on the east side of the development to provide pedestrian access to the Tuscano Towne Center located at the north and south end of the property.

B. That THE DEVELOPER SHALL PROVIDE a non-access controlled multi-use trail OR ALTERNATIVE PEDESTRIAN PATHWAY be provided to connect the trail system of the neighborhood directly south of the site to the Tuscano Towne Center, to be located as shown on the approval final site plan of the Tuscano Towne Center or as APPROVED OR modified by the Parks and Recreation PLANNING AND DEVELOPMENT Department.

4. That a 10-foot wide multi-use trail in a 30-foot pedestrian easement shall be provided on the south side of Lower Buckeye Road as approved or modified by the Parks and Recreation Department.

STREET IMPROVEMENTS

5. The right-of-way for Lower Buckeye Road shall be dedicated as per the approved Tuscano Master Street Plan.

6. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the PLANNING AND Development Services Department. All improvements shall comply with all ADA accessibility standards.

OTHER

7. That prior to final site plan approval, the developer shall create and record documents that ensure disclosure to the occupants within the development, the existence and characteristics of the dairies and Tolleson and Phoenix Wastewater Treatment Plants. The form and content of such documents shall be reviewed and approved by the City Attorney.

Other stipulations brought forward from the Tuscano Planned Community District PCD/Z-27-01-7

8. That the Development shall be in general conformance to the statistical table below Dated May 23, 2006 and Statistical Data listed below.
### Land Use Map, Figure 2.2

4/23/01. Rev. 9/10/04, 12/304, 5/11/06

<table>
<thead>
<tr>
<th>UNIT NO</th>
<th>USE</th>
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<th>GROSS ACRES</th>
<th>DENSITY</th>
<th>DWELLING UNITS</th>
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<td>1</td>
<td>Single-Family</td>
<td>R1-8</td>
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<td>School</td>
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<td>Single-Family</td>
<td>R1-8</td>
<td>73.8</td>
<td>3.2 - 4.4</td>
<td>221</td>
</tr>
<tr>
<td>11</td>
<td>Open Space</td>
<td>R1-6</td>
<td>20.4</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>12</td>
<td>Single-Family</td>
<td>R1-6</td>
<td>67.2</td>
<td>4.1 - 5.0</td>
<td>357</td>
</tr>
<tr>
<td>13</td>
<td>Multifamily</td>
<td>R-2</td>
<td>33.5</td>
<td>6 - 7.5</td>
<td>400 (Unit 13 &amp; 14)</td>
</tr>
<tr>
<td>14</td>
<td>Church</td>
<td>R-2</td>
<td>6.3</td>
<td>6 - 7.5</td>
<td>see above</td>
</tr>
<tr>
<td>15</td>
<td>Commercial</td>
<td>C-2</td>
<td>34.76***</td>
<td>n/a</td>
<td>*376,450 sq. ft.</td>
</tr>
<tr>
<td>16</td>
<td>Multifamily</td>
<td>R-3A</td>
<td>9.68 ***</td>
<td>20 - 24</td>
<td>220</td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td></td>
<td>507.04</td>
<td>2130</td>
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</tbody>
</table>

+ Corrects Mistype from 12/3/04 Minor Amendment
* Gross Lease Area in Square Feet
** Dwelling Count Change based upon 12/3/04 Minor Amendment
*** Acreage Change reflects 7/8/02 Minor Amendment Correction

9. That all single-family development shall be subject to Section 507 Tab A, 2.12 Planned Residential Development Option.

10. That the commercial parcel shall be limited to eight commercial pads only.

### PARKS, OPEN SPACE, LANDSCAPING

11. That the property owner agrees to dedicate both school and park sites and the dedication and temporary landscape improvements of the County drainage way west of 79th Avenue. Dedication of the park shall be done in two phases as approved by the Parks and Recreation and Library Department. Improvements of the park shall be provided by the applicant pursuant to the City of Phoenix park standards on a phased basis. Timing of school site dedication shall be according to an agreement between the applicant and the school district.

12. Should an Intergovernmental Agreement be formed in the future to facilitate the construction of the Buckeye Flood Control Channel project, the developer agrees to cooperate in the design of the drainage way through the project. The developer will submit to the PLANNING AND Development Services Department a design that shows the clean take line and the adjacent subdivision plats for the east half of Tuscano. Once an intergovernmental agreement is completed, the developer agrees to cooperate with the City and the County for temporary improvements of the eastern half from 75th Avenue to 79th Avenue. On the west half, the property owner agrees to dedicate the property and provide temporary landscaping improvements to the county drainage way. The City shall not own or maintain...
common private retention areas. Final ownership and maintenance responsibilities for the drainage way will be worked out between the City and the Maricopa County Flood Control District.

| 13. | That a Along arterial, collector, and appropriate transitions onto adjoining local streets within the residential development, the sidewalk shall be detached, and a minimum 5-foot wide landscape strip shall be located between the sidewalk and back of curb except for intersections (where ADA requirements apply). The planting area shall be planted with minimum 15-gallon trees placed 20 feet on center with ground cover. |
| 14. | That a A minimum 40 by 40-foot triangular landscape entry area SHALL be provided at the main residential entries from both Lower Buckeye Road and 83rd Avenue into the PCD. |
| 15. | That a At the main entry on Lower Buckeye Road, a large stone entry monument shall be constructed as a main focal point for the project as approved by the PLANNING AND Development Services Department. |
| 16. | That r Recreational amenities such as trails, ramadas, and playground equipment, shall be provided in the development’s linear open space parcels. Details of the above amenities and a site plan depicting the location of such on the site shall be submitted by the developer and approved by the PLANNING AND Development Services Department prior to preliminary site plan approval. |
| 17. | That a All retention areas shall be sloped no greater than 4:1 throughout the site except adjacent to streets or entrances. A 6:1 slope shall be used within the park and school sites. If a 6:1 slope requires additional land for retention volume, applicant has flexibility to widen basin to south. |
| 18. | That f For the C-2 portion of the development, an average 75-foot by 75-foot triangular landscaped entryway feature shall be provided at the street intersection of 75th Avenue and Lower Buckeye Road. |
| 19. | That s Stone, pots, urns, ironwork, and/or wood timbers or such other similar materials/elements as approved by THE PLANNING AND Development Services Department, shall be integrated in the streetscape and building design of commercial and subdivision entry features within the Tuscano development. The exterior color theme will be deep rich tones. |

**DESIGN**

| 20. | The future homebuilders will be required to apply the Tuscano design theme in their subdivisions. The use of stone, will be required to be used on at least one of the models constructed. The look will include stone accents using the mortar-wash technique. Additionally, exposed beams projecting from the facades at sill, header and eave locations will also be encouraged. |
| 21. | That v View fencing shall be required for all lots that back onto the central open space as approved by the PLANNING AND Development Services Department, except where it is adjacent to roadways. |
22. The commercial parcel shall be developed with common architectural themes, materials, and landscaping as the Tuscano residential portion of the Planned Community District as approved by THE PLANNING AND Development Services Department.

23. For the C-2 portion of the development the following features shall be included in the design:

a. The use of "corporate" colors, specifically but not limited to those typically associated with chain/franchise establishments shall only be used as an accent.

Building design, common areas, and parking lots of the commercial center shall integrate the Tuscano architectural theme: i.e. stone surfaces, wood trusses, pots, urns or exposed wood beams.

b. A gas station pump island canopy shall be constructed to match the proposed Tuscano retail buildings in terms of color and materials. The maximum height of the canopy shall be 19 feet to the canopy ceiling.

c. The pump island canopy columns shall be constructed to match the retail buildings in terms of color and materials. The construction shall extend completely to the canopy ceiling and leave no gaps. The minimum width and depth of each column shall be 2 feet.

d. Any light fixtures mounted in or on the ceiling of the pump island canopy shall be fully recessed and directed downward. Dropped lenses extending below the ceiling of the canopy shall not be permitted.

24. With the development of the commercial parcel, an 8-foot high wall shall be constructed where the parcel abuts any residential parcel.

MASTER PLAN DEVELOPMENTS

25. In addition to the Ordinance required plan elements, the developer shall submit the following Master Development Plans for review and approval by appropriate City Departments prior to development of the first parcel. The Plans are to address, at a minimum, the following:

A. Master Pedestrian/Bike/Trails Circulation

The Master Pedestrian/Bike/Trails Circulation Plan shall be submitted to the City for review and approval by the Parks AND Recreation and Library Department, Planning AND Development, Services and Street Transportation Departments prior to vesting of zoning for the first development unit and shall identify:

1) All proposed pedestrian walkways, multi-use trails, and bikeways within and abutting the site. The network shall include the width and locations throughout each of the future residential developments.
2) Coordination of the location of walkways and bikeways with drainage ways to provide a trail network throughout the PCD.

3) That 10-foot wide multi use trails SHALL be provided within the power line corridor or in combination with the regional drainage way location and along the north side of Broadway Road. An 8-foot wide trail should be provided on the south SIDE of Lower Buckeye Road. Also, an 8-foot wide trail shall be located along 79th Avenue from Lower Buckeye Road until it reaches the utility corridor where the 10-foot wide trail is located. The 8-foot wide trail will continue in a north south direction through the park and continue along approximately the 81st Avenue alignment until it reached Broadway Road as approved by THE PLANNING AND Development Services Department and Parks AND RECREATION DepartmentS. The community trails are recommended based on the Estrella Village Multi-Purpose Trail Plan. Trails shall be improved using the Parks and Recreation Department’s recreation trails standards.

4) That a sidewalk (the width meeting Street Transportation Department standards) SHALL be provided which links the middle of the east half of the utility corridor through subdivisions proposed in phase III and VI to reach the commercial center through an opening in the back wall. The sidewalk should meander between the commercial anchor buildings to the front parking area. A north/south sidewalk should also be provided which links subdivisions in Phase I, II, and IV with the park and school sites.

B. Master Landscape Plan

The Master Landscape Plan shall be submitted to the City for review and approval by the Parks AND Recreation and Library Department, AND Planning AND Development Services, and Planning Departments. The Master Landscape Plan shall be submitted prior to vesting of zoning for the first development unit and is to include but not be limited to the following:

1) Plant lists addressing areas of landscaping to be planted with arid types of vegetation.

2) List of plants not allowed in the development (i.e. pine trees, eucalyptus, etc.) due to their incompatibility. Palm trees are allowed as accent planting within the interior of the development and maintained by the homeowners association.

3) Coordination of the landscape conservation plan with master drainage plans and trails plan.

4) That the developer of this property will participate in the Estrella Village Arterial Street LANDSCAPING Landscape
C. Master Water and Wastewater System

1) The developer shall submit for approval by the Water Services Director, potable water and wastewater system master plans for the PCD. Such plans must be completed by a registered engineer in conformance with Water Services Department master infrastructure plans for the area.

2) The water supplies for the greenbelt areas of the development shall be limited to the Salt River Water Users Association Rights associated with the greenbelt acreage only. Water rights associated with non-greenbelt acreage must be transferred to the City of Phoenix Domestic Water Account with the Salt River Project as a condition of domestic water service. This split of the water rights entitlement and transfer into the City of Phoenix water account can be affected by requesting from the Salt River Water Users Association, a split for Association Convenience and transfer to the City Account. A letter from the Salt River Water Users Association stating that the water rights transfer has occurred shall be provided to the Water Services Director prior to final plat approval of each phase. This phased transfer of water rights is to allow for the retention of those water rights necessary for the interim agricultural use on the property until each phase is developed.

RIGHT OF WAY DEDICATIONS, STREETS

26. The following rights of way and transit pads SHALL be provided based on the request of the Public Transit Department or as approved by THE PLANNING AND Development Services Department. In addition, bus bays will be required for locations a and b listed below or as approved by THE PLANNING AND Development Services Department:

a. Southbound 75th Avenue south of Lower Buckeye Road (P1257) (P1261)

b. Northbound 83rd Avenue north of Broadway Road (P1257), (P1261)

c. Southbound 75th Avenue south of Superior Avenue (P1262)

d. Southbound 75th Avenue south of Elwood Street (P1262)

e. Southbound 75th Avenue south of Jones Avenue (P1262)

f. Westbound Broadway Road west of 79th Avenue (P1262)

g. Westbound Broadway Road west of 81st Avenue (P1262)
h. Westbound 83rd Avenue north of Jones Avenue (P1262)

i. Northbound 83rd Avenue north of Elwood Street (P1262)

j. Northbound 83rd Avenue north of Superior Avenue (P1262)

k. Eastbound Lower Buckeye Road east of 81st Avenue (P1262)

l. Eastbound Lower Buckeye Road east of 79th Avenue (P1262)

27. The following right-of-way SHALL be dedicated:

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<tbody>
<tr>
<td>a.</td>
<td>Right-of-way be dedicated for the arterial and collector streets as per the approved Master Street Plan.</td>
</tr>
</tbody>
</table>

b. The PLANNING AND Development Services Department at the time of Preliminary Subdivision Plat Review will determine right of way dedications and street alignments for local streets within the subdivisions.
Modification of Stipulation Request for Ratification of Feb. 19, 2020 Planning Hearing Officer Action - Z-122-03-7 - Approximately 315 Feet North of the Northwest Corner of 51st Avenue and Southern Avenue

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Feb. 19, 2020. This ratification requires formal action only.

Summary
Application: PHO-2-20--Z-122-03-7
Existing Zoning: S-1 (Approved C-2)
Acreage: 4.50

Applicant: Rosa Pritchett, Andrews Design Group
Owner: Laveen 51 2019 LLC
Representative: Rosa Pritchett, Andrews Design Group

Proposal:
1. Modification of Stipulation 1 regarding general conformance with the site plan dated March 10, 2006.
2. Deletion of Stipulation 6 regarding landscaped fingers.
3. Modification of Stipulation 10 regarding equestrian amenities.
4. Modification of Stipulation 13 regarding general conformance to the elevations dated March 10, 2006 and specific design requirements.
5. Deletion of Stipulation 20 requiring the developer to present final landscape plans to the Laveen VPC for review.
7. Technical corrections to Stipulation 3, 4, 5, 11, 12, and 16.

Concurrence
Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this case on Feb. 10, 2020 and recommended approval with modifications and an additional stipulation by an 11-0 vote.
Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on Feb. 19, 2020, and recommended denial as filed and approval with modifications and additional stipulations. Please see Attachment A for a complete list of the Planning Hearing Officer's recommended stipulations.

**Location**
Approximately 315 feet north of the northwest corner of 51st Avenue and Southern Avenue
Council District: 7
Parcel Address: N/A

**Responsible Department**
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.
### Attachment A- Stipulations- PHO-2-20_Z-122-03-7

**Location:** Approximately 315 feet north of the northwest corner of 51st Avenue and Southern Avenue

**Stipulations:**

| 1. | SITE PLAN That the development shall be in general conformance with the site plan DATE STAMPED FEBRUARY 13, 2020 dated March 10, 2006, as approved or modified by THE FOLLOWING STIPULATIONS AND APPROVED BY the PLANNING AND Development Services Department, with specific regard to size, location, and number of pad buildings. |
| 2. | All accessory equipment, such as air, water, vacuums, and venting pipes shall be located no closer than fifty (50) feet to public street frontages and residential neighborhoods to minimize potential impacts. |
| 3. | The developer shall screen any drive-through queuing lanes from view of 51st and Southern Avenues and/or residential uses through the incorporation of a landscaped berm, screen wall, or combination of a berm and wall at least four (4) feet in height, as approved or modified by the PLANNING AND Development Services Department. |
| 4. | The developer shall provide a landscape feature incorporating turf and monumentation on the immediate northwest corner of the intersection of 51st and Southern Avenues as approved or modified by the PLANNING AND Development Services Department. |
| 5. | The developer shall provide primary pedestrian walkways from Southern Avenue and the multi-use trail along 51st Avenue to the commercial buildings as approved or modified by the PLANNING AND Development Services Department. |
| 6. | The developer shall provide a total of four (4) landscaped fingers, one on each side of the two (2) driveway entrances from the shopping center to the Pad 1/Pad 2 gasoline canopy area, that are seven (7) feet wide, as approved by the Development Services Department. Each of these landscape areas shall contain one (1) tree in addition to other landscape materials. |
| 7. | The developer shall treat all primary pedestrian crossings of vehicular circulation drives with a change of pavement materials (color and texture) to demarcate the pedestrian circulation plan. |
| 8. | The developer shall provide a multi-use trail along the west side of 51st Avenue in a manner that complements that multi-use trail north of the subject property and in accordance with adopted City of Phoenix trail standards, as approved by the Parks and Recreation Department. |
9. All items for sale, excluding fuel dispensing machines and automatic teller machines, shall be located within buildings or screened from view of public streets.

10. The developer shall provide the following equestrian amenities on site, as approved by the PLANNING AND Development Services Department: ONE (2) hitching rails, and ONE (2) horse troughs.

11. The landscaped setbacks adjacent to residential development shall include staggered trees planted twenty (20) feet on center with fifty percent (50%) of such trees being a minimum four (4) inch caliper, as approved or modified by the PLANNING AND Development Services Department.

12. Approved plans for the site shall emphasize the agricultural heritage and culture of Laveen and shall include the following, as approved or modified by the PLANNING AND Development Services Department. Trees: pecan, Arizona ash, evergreen elm, heritage live oak, sycamore, willow acacia or similar trees. Shrubs: myrtle (true, dwarf or twisted), pomegranate, or similar shrubs. Accents: deer grass, wild sunflowers, or similar accents. Vines: white Lady Banks rose or similar vines.

13. BUILDING DESIGN 13. That the major buildings on site THE DEVELOPMENT shall be in general conformance WITH the conceptual BUILDING elevations DATE STAMPED FEBRUARY 13, 2020 (Exhibits 4-6) dated March 10, 2006, including WITH SPECIFIC REGARD TO INCLUSION OF the following elements, all as approved or modified by the Development Services Department.

   A. Four-sided architecture, per the conceptual elevations. A variety of building materials, including a minimum of two (2) of the following materials: native stone, burnt adobe, textured brick, site made textured concrete, split-face block, wood (when shaded), slump block, simulated wood siding, exposed aggregate, corrugated metal, or rusted metal roofing, OR STONE VENEER.

   B. Natural and subdued color tones

      Exposed scuppers

   C. Pitched roof elements

   D. A minimum SIX ten-foot covered walkway SHALL BE PROVIDED ON THE EAST AND WEST FAÇADE OF THE MAIN RETAIL BUILDING. which can create a staggered front façade. Patios, trellises, and recesses may also be used to provide shading and break up building mass.

   E. THE PRIMARY ENTRANCES OF PAD A AND B SHALL BE SHADED UTILIZING A CANOPY, AWWNING, OR SIMILAR FEATURE WITH A MINIMUM DEPTH OF 3 FEET.

14. The developer shall paint all transformer and service entry equipment boxes to match buildings or shall screen the boxes, subject to utility company approval.
15. That the gasoline station canopy shall incorporate materials and colors that complement the buildings on the site and the developer is strongly encouraged to use a pitched roof with a gable or hipped end on the canopy.

### STREET IMPROVEMENTS

16. That the developer shall construct all half-streets adjacent to the site with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals per plans approved by the PLANNING AND Development Services Department. All improvements shall comply with all ADA accessibility standards.

17. That the developer shall provide right-of-way for, and shall construct, a transit pad (P1262) and a bus shelter (P1261) along Southern Avenue west of 51st Avenue.

18. That the developer shall apply for the abandonment of Huntington Drive on the west side of the site.

19. That the developer shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation Improvement Program to the Street Transportation Department. The U.S. Environmental Protection Agency requires this form to meet clean air quality requirements.

### ARCHAEOLOGY

20. 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.


22. 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.

### GENERAL
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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>23.</td>
<td>That the developer present a final landscape plan to the Laveen Village for review.</td>
</tr>
<tr>
<td></td>
<td>THE DEVELOPER SHALL PRESENT ANY PROPOSED MODIFICATIONS TO THE STIPULATED SITE PLAN, LANDSCAPE PLAN, SIGN PLAN, AND/OR LIGHTING PLAN TO THE LAVEEN VILLAGE PLANNING COMMITTEE FOR REVIEW AND COMMENT PRIOR TO FINAL PLAN APPROVAL.</td>
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<tr>
<td>24.</td>
<td>That light poles shall not exceed eighteen (18) feet in height.</td>
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<td>25.</td>
<td>The light from gasoline station canopies shall not exceed thirty (30) foot candles measured at the ground plane.</td>
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<tr>
<td>26.</td>
<td>That signage on the property shall be in general conformance WITH THE DRAFT COMPREHENSIVE SIGN PROGRAM DATE STAMPED FEBRUARY 13, 2020 to the conceptual designs (three sheets) dated April 28, 2004, including WITH SPECIFIC REGARD TO the following elements, as approved or modified by the PLANNING AND Development Services Department.</td>
</tr>
<tr>
<td></td>
<td>A. Ground/monument signs shall incorporate the materials and colors used for the major buildings on site.</td>
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<td></td>
<td>B. Size and height of ground/monument signs shall not exceed those indicated in the above-referenced conceptual designs.</td>
</tr>
<tr>
<td></td>
<td>C. In conformance to the Phoenix Sign Code, one additional ground sign is allowed on each street frontage to identify the user(s) of the pad building at the immediate corner of the intersection of 51st and Southern Avenues.</td>
</tr>
<tr>
<td></td>
<td>D. Wall signs shall use individual, halo-illuminated letters and numbers.</td>
</tr>
<tr>
<td>27.</td>
<td>That the developer shall notify prospective owner/occupants that the subject development is in proximity to Phoenix Sky Harbor International Airport. The developer shall disclose the following:</td>
</tr>
<tr>
<td></td>
<td>A. The Airport is considered a busy hub airport.</td>
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<td>B. Forecasts predict that Airport operations will increase.</td>
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<td></td>
<td>C. Extended flight tracks and traffic patterns may extend several miles beyond the Airport boundary.</td>
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<tr>
<td></td>
<td>The notice shall be reviewed and approved by the City Attorney.</td>
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</tbody>
</table>
***REQUEST TO CONTINUE (SEE ATTACHED MEMO)*** Modification of Stipulation Request for Ratification of Feb. 19, 2020 Planning Hearing Officer Action - Z-180-04-7 - Southwest Corner of the 65th Avenue and South Mountain Avenue Alignments

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Feb. 19, 2020. This ratification requires formal action only.

**Summary**
Application: PHO-2-19--Z-180-04-7
Existing Zoning: S-1 (Approved R1-8), S-1 (Approved R-2)
Acreage: 175.93

Applicant: Sara Andrews, Meritage Homes
Owner: Williams Family Living 1996 Trust
Representative: Jorge Villasenor, EPS Group Inc.

Proposal:
1. Modification of Stipulation 1 regarding development of the project site.
8. Modification of Stipulation 2.B regarding cul-de-sacs along Dobbins Road.
10. Modification of Stipulation 3 regarding the school site.
11. Review and approval of residential and commercial elevations by the Planning Hearing Officer per Stipulation 4.
12. Modification of Stipulation 5 regarding master plans.
13. Deletion of Stipulation 5.H. regarding the master lighting plan.
14. Modification of Stipulation 7 regarding a comprehensive sign plan.
15. Modification of Stipulation 19 regarding rear yard setback variation.

Concurrence
Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this case on Feb. 10, 2020 and recommended approval with modifications and additional stipulations by an 8-2 vote.
Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on Feb. 19, 2020, and recommended denial as filed and approval with modifications and additional stipulations. Please see Attachment A for a complete list of the Planning Hearing Officer's recommended stipulations.

Location
Southwest corner of the 65th Avenue and South Mountain Avenue Alignments
Council District: 7
Parcel Address: N/A

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.
To: Mario Paniagua  
Deputy City Manager

From: Alan Stephenson  
Planning and Development Director

Subject: CONTINUANCE OF ITEM 71 ON THE MARCH 18, 2020 FORMAL AGENDA -  
PHO-2-19_Z-180-04-7 – SOUTHWEST CORNER OF 65TH AVENUE AND  
SOUTH MOUNTAIN AVENUE ALIGNMENTS

This memo requests the continuance of the following item on the March 18, 2020  
Formal Agenda – Southwest corner of 65th Avenue and South Mountain Avenue  
Alignments. The item is for a proposed single-family residential.

This request is to continue the item to June 3, 2020, in order to allow applicant to  
facilitate the completion of ongoing negotiations with the property owner.

Approved: Mario Paniagua, Deputy City Manager
Attachment A- Stipulations- PHO-2-19_Z-180-04-7

**Location:** Southwest corner of the 65th Avenue and South Mountain Avenue

**Alignments**

**Stipulations:**

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<tbody>
<tr>
<td><strong>1.</strong></td>
<td>That the Development of FUNCTIONAL UNIT 1A, AS DEPICTED ON THE FUNCTIONAL UNIT EXHIBIT DATE STAMPED FEBRUARY 14, 2020, the project site shall be in general conformance with the following PLANS, and as modified by THE FOLLOWING stipulations nos. 2, 3 and 22 AND as approved by the PLANNING AND Development Services Department:</td>
</tr>
<tr>
<td>A.</td>
<td>FUNCTIONAL UNIT 1A Site Plan date stamped FEBRUARY 14, 2020, December 22, 2004</td>
</tr>
<tr>
<td>B.</td>
<td>Land Use Table dated December 1, 2004</td>
</tr>
<tr>
<td>C.</td>
<td>FUNCTIONAL UNIT 1A Landscape Master Plan DATE STAMPED FEBRUARY 14, 2020, dated December 1, 2004</td>
</tr>
<tr>
<td>C.</td>
<td>FUNCTIONAL UNIT 1A Open Space Amenities Plan DATE STAMPED FEBRUARY 14, 2020, dated December 1, 2004 WITH SPECIFIC REGARD TO THE PROVISION OF A MINIMUM ONE MAJOR OPEN SPACE AMENITY PROVIDED BOTH NORTH AND SOUTH OF DOBBINS ROAD.</td>
</tr>
<tr>
<td>D.</td>
<td>Main entry concept dated December 1, 2004</td>
</tr>
<tr>
<td>E.</td>
<td>Wall &amp; column concepts dated December 1, 2004</td>
</tr>
<tr>
<td>F.</td>
<td>FUNCTIONAL UNIT EXHIBIT DATE STAMPED FEBRUARY 14, 2020</td>
</tr>
<tr>
<td><strong>2.</strong></td>
<td>That all Residential development AS DEPICTED on the FUNCTIONAL UNIT 1A Site Plan date stamped FEBRUARY 14, 2020, December 22, 2004 shall be modified by the following AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT:</td>
</tr>
<tr>
<td>A.</td>
<td>THE MINIMUM RESIDENTIAL LOT WIDTH SHALL BE 50 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</td>
</tr>
<tr>
<td>B.</td>
<td>All residential units shall be set back a minimum of 75 feet (75”) from the centerline of the 500kv power line easement on the west boundary of the development, as shown on Exhibit A date stamped April 18, 2005 and as approved by the Development Services Department.</td>
</tr>
<tr>
<td>C.</td>
<td>All parcels abutting Dobbins Road in FUNCTIONAL UNIT 1A development units, 5, 6, 9, and b shall be developed through a cul-de-sac roadway configuration, OR PROVIDE A MINIMUM THREE-FOOT PERIMETER WALL OFFSET AT A MINIMUM OF EVERY THIRD LOT. as shown on Exhibit B</td>
</tr>
</tbody>
</table>
date stamped April 18, 2005 and as approved by the Development Services Department.

D. Where perimeter walls are provided abutting an arterial or collector street that do not include a cul-de-sac back up treatment, THE DEVELOPER shall provide a minimum THREE-FOOT five foot (5') wall offset AT a minimum of every third lot. as shown on Exhibit C date stamped April 18, 2005 and as approved by the Development Services Department. Where offsets occur an inset “v” shaped wall treatment shall be provided that shall be a minimum ten feet (10') wide by five feet (5') deep.

E. PARCELS WITHIN THE DEVELOPMENT THAT ABUT AN ARTERIAL OR COLLECTOR STREET THAT DO NOT INCLUDE A CUL-DE-SAC BACK UP TREATMENT SHALL INCLUDE REAR YARD SETBACK VARIATION SUCH THAT NO MORE THAN THREE CONTIGUOUS LOTS CONTAIN IDENTICAL REAR LOT LINES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. AT A MINIMUM, EVERY EIGHTH LOT SHALL BE INTERRUPTED BY AN OPEN SPACE CORRIDOR, STREET CONNECTION, OR SHALL PROVIDE A MINIMUM COMBINED 15-FOOT SIDE YARD SETBACK, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

F. Parcels 4B, A and 1b shall each include a minimum of one acre (1 ac) centralized open space area, as approved by the PLANNING AND Development Services Department.

G. Where appropriate, lots adjacent to the public school site should be oriented facing the school site to maximize view of the school site, as approved by the PLANNING AND Development Services Department.

3. OPEN SPACE SHALL BE PROVIDED AS FOLLOWS:

A. A MINIMUM OF 14 PERCENT OF THE GROSS PROJECT, LESS THE ACREAGE OF THE PROPOSED SCHOOL SITE IF DEVELOPED, SHALL BE RETAINED AS OPEN SPACE, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

B. THE DEVELOPER SHALL PROVIDE MINIMUM TWO AMENITY AREAS IN FUNCTIONAL UNIT 1A SOUTH OF DOBBINS ROAD, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

4. THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED FEBRUARY 14, 2020, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

A. THE ELEVATIONS SHALL INCORPORATE FOUR-SIDED ARCHITECTURE, EXTERIOR ACCENT MATERIALS, DETAILING, AND A MINIMUM THREE COLOR PALETTES, IN ORDER TO CONVEY A SENSE OF CONTINUITY THROUGHOUT THE DEVELOPMENT.
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<td><strong>B.</strong></td>
<td>WHERE TWO TWO-STORY HOMES ARE BUILT ADJACENT TO EACH OTHER, THE SAME ELEVATION SHALL NOT BE UTILIZED IF BOTH HOMES SHARE THE SAME COLOR SCHEME AND FLOORPLAN.</td>
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<td><strong>C.</strong></td>
<td>THE SPANISH ELEVATION SHALL NOT BE UTILIZED ON ANY TWO ADJACENT HOMES IF BOTH HOMES SHARE THE SAME FLOORPLAN.</td>
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<td><strong>D.</strong></td>
<td>FOR EACH ELEVATION THAT FEATURES EAVES, SUCH EAVES SHALL HAVE A MINIMUM OVERHANG OF 12 INCHES.</td>
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<td><strong>5.</strong></td>
<td>That the school site shall HAVE FRONTAGE WITH VEHICULAR INGRESS AND EGRESS TO A COLLECTOR STREET, be relocated to the South Mountain Avenue frontage as approved or modified by the PLANNING AND Development Services Department.</td>
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<td><strong>6.</strong></td>
<td>That the residential and commercial elevations shall be subject to approval through the Planning Hearing Officer (PHO) process prior to preliminary site plan approval as approved or modified by the Development Services Department.</td>
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<td><strong>7.</strong></td>
<td>That Development of the project site shall be subject to the approval of the following equivalent Planned Community District (PCD) master plans for Functional Unit 1A, AS DEPICTED ON THE FUNCTIONAL UNIT EXHIBIT DATE STAMPED FEBRUARY 14, 2020, #1 located north of Dobbins Road, for Functional Unit #2 located between Dobbins Road and Olney Road, and for Functional Unit #3 located south of Olney Road, each pursuant to the Development Services Department PCD Master Plan Manual, AND AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT:</td>
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<td><strong>A.</strong></td>
<td>Master Development Plan</td>
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<td><strong>B.</strong></td>
<td>Master Street Plan and Phasing Plans</td>
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<td><strong>C.</strong></td>
<td>Master Wastewater Plan</td>
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<td><strong>D.</strong></td>
<td>Master Water Plan</td>
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<td><strong>E.</strong></td>
<td>Master Drainage Plan</td>
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<td><strong>F.</strong></td>
<td>Master Landscape Plan</td>
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<td><strong>G.</strong></td>
<td>Master Pedestrian, Bicycle, and Trails Plan including:</td>
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<td>1) An 8’ wide trail system linking open space areas throughout the project site, and providing a minimum of two connections to the Maricopa County trail in the adjacent power line corridor</td>
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<td>2) A pedestrian connection providing access to the Laveen Conveyance Channel</td>
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<td><strong>H.</strong></td>
<td>Master Lighting Plan</td>
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8. Development of the project site shall be subject to the approval of a Master Architectural Design, Materials, and Colors Plan reflecting the rural character of the Laveen Village, as approved by the PLANNING AND Development Services Department. Architecture of a rural character utilizes materials that include stone, brick, wood, and smooth stucco, and colors that include those found in the natural environment.

9. A comprehensive sign plan shall be REQUIRED FOR EACH FUNCTIONAL UNIT approved for the entire development in accordance with Section 705.F.2 of the Zoning Ordinance AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

10. All USA fee title properties shall be relocated out of any existing or proposed right-of-way, as approved by the PLANNING AND Development Services Department.

STREET TRANSPORTATION

11. THE DEVELOPER SHALL DEDICATE 30 FEET OF RIGHT-OF-WAY FOR THE EAST HALF OF 67TH AVENUE AND CONSTRUCT TO COLLECTOR STREET STANDARDS FROM DOBBINS ROAD TO THE NORTHERN LIMITS OF THE MCCLELLAN RANCH MASTER STREET PLAN. ANY PROPOSED EXTENSION OF 67TH AVENUE BEYOND THESE LIMITS WOULD REQUIRE THE FULL DEDICATION AND CONSTRUCTION OF 67TH AVENUE TO A COLLECTOR STREET STANDARD.

12. ACCESS POINTS ALONG 67TH AVENUE SHALL BE ALIGNED TO MATCH THE APPROVED MCCLELLAN RANCH MASTER STREET PLAN TO THE WEST OR BE OFFSET AS ALLOWED BY CITY CODE.

13. PEDESTRIAN TRAIL ACCESS SHALL BE PROVIDED AND SHALL ALIGN WITH THE MCCLELLAN RANCH MASTER TRAILS PLAN ALONG THE WESTERN EDGES OF THE SITE.

14. STREET ALIGNMENTS SHALL PROVIDE FOR CONNECTIONS TO FUTURE UNPLATTED LANDS AND CONNECT TO ESTABLISHED STUB STREETS IN NEIGHBORING SUBDIVISIONS.

15. BLOCK LENGTHS REQUIRED AS PER CITY CODE 32-28 SHALL NOT BE EXCEEDED IN ANY INDIVIDUAL DEVELOPMENT PHASE.

16. THE APPLICANT SHALL SUBMIT A TRAFFIC IMPACT STUDY (TIS) FOR THIS DEVELOPMENT. NO PRELIMINARY APPROVAL OF PLANS SHALL BE GRANTED UNTIL THE STUDY IS REVIEWED AND APPROVED BY THE STREET TRANSPORTATION DEPARTMENT. UPON COMPLETION OF THE TIS THE DEVELOPER SHALL SUBMIT THE COMPLETED TIS TO THE PLANNING AND DEVELOPMENT DEPARTMENT COUNTER WITH INSTRUCTIONS TO FORWARD THE STUDY TO THE STREET TRANSPORTATION DEPARTMENT, DESIGN SECTION.
17. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE INSTALLATION OF TRAFFIC SIGNALS AND OR ESCROW FUNDS AS IDENTIFIED WITHIN THE TRAFFIC STUDY AND APPROVED STREETS MASTER STREET PLAN.

18. EXISTING IRRIGATION FACILITIES ALONG ANY EXISTING AND/OR PROPOSED RIGHTS-OF-WAY ARE TO BE UNDERGROUNDED AND RELOCATED OUTSIDE OF CITY RIGHT-OF-WAY. CONTACT SRP TO IDENTIFY EXISTING LAND RIGHTS AND ESTABLISH APPROPRIATE PROCESSES TO RELOCATE IMPACTED FACILITIES. RELOCATIONS THAT REQUIRE ADDITIONAL DEDICATIONS OR LAND TRANSFER REQUIRE COMPLETION PRIOR TO OBTAINING PLAT AND/OR CIVIL PLAN REVIEW APPROVAL.

19. CONNECTION OF TRAILS SHALL BE MADE TO COLLECTOR STREETS THROUGH CLEARLY DEFINED BICYCLE AND PEDESTRIAN ROUTES. LOCAL STREET CONNECTIONS ALONE ARE INSUFFICIENT TO PROVIDE THIS CONNECTIVITY. THIS CONNECTIVITY SHALL BE ADDRESSED THROUGH THE TRAILS MASTER PLAN, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

20. That right-of-way totaling 30 feet shall be dedicated for the south half of South Mountain Avenue, or as may otherwise be modified by the PLANNING AND Development Services Department at time of subdivision review.

21. That right-of-way totaling 55 feet shall be dedicated for the west half of 63rd Avenue.

22. That right-of-way totaling 110 feet shall be dedicated for Dobbins Road.

23. That right-of-way totaling 60 feet shall be dedicated for Olney Avenue.

24. That additional rights-of-way for bus-bays, corner triangles and intersection flares will be determined at time of subdivision review.

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 Services Department. All improvements shall comply with all ADA accessibility standards.

26. The applicant shall submit paving plans for all arterial streets within and adjacent to the development to the PLANNING AND Development Services Department for review.

27. The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.
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<th>PARKS AND RECREATION</th>
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<th>ARCHAEOLOGY</th>
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<td>29. 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.</td>
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<td>30. 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.</td>
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<td>31. 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.</td>
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<td>32. ALL RESIDENTIAL DRIVEWAYS SHALL PROVIDE A MINIMUM DEPTH OF 21- FEET FROM BACK OF SIDEWALK, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</td>
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<td>33. All single-family residential buildings adjacent to Dobbins Road shall be single story, not to exceed 20 feet (20’).</td>
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<td>34. No less than 50% of the single-family homes abutting South Mountain Drive, Olney Avenue, and 63rd Avenue shall be single-story, not to exceed 20 feet (20’). No more than two contiguous lots shall contain two-story homes.</td>
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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.
REPORT OF PLANNING HEARING OFFICER ACTION
Adam Stranieri, Planner III, Hearing Officer
Julianna Pierre, Planner I, Assisting

February 19, 2020

ITEM 6

SUBJECT:

APPLICATION Z-180-04-7 (PHO-2-19)

ZONING: S-1 (Approved R1-8), S-1 (Approved R-2)

LOCATION: Southwest corner of the 65th Avenue and South Mountain Avenue Alignments

ACREAGE: 175.93

REQUEST:
1) Modification of Stipulation 1 regarding development of the project site.
5) Modification of Stipulation 1.D regarding the open space amenities plan dated December 1, 2004.
6) Modification of Stipulation 2 regarding general conformance to the site plan date stamped December 22, 2004.
7) Modification of Stipulation 2.A regarding setbacks on the west boundary.
8) Modification of Stipulation 2.B regarding cul-de-sacs along Dobbins Road.
9) Modification of Stipulation 2.C regarding perimeter wall offsets.
10) Modification of Stipulation 3 regarding the school site.
11) Review and approval of residential and commercial elevations by the Planning Hearing Officer per Stipulation 4.
12) Modification of Stipulation 5 regarding master plans.
13) Deletion of Stipulation 5.H regarding the master lighting plan.
14) Modification of Stipulation 7 regarding a comprehensive sign plan.
15) Modification of Stipulation 19 regarding rear yard setback variation.

APPLICANT: Sara Andrews, Meritage Homes
OWNER: Williams Family Living 1996 Trust
REPRESENTATIVE: Jorge Villasenor, EPS Group Inc.
ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial as filed and approval with modifications and additional stipulations.

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this case on February 10, 2020 and recommended approval with modifications and additional stipulations by an 8-2 vote.

DISCUSSION

Carolyn Oberholtzer, applicant and representative with Bergin, Frakes, Smalley and Oberholtzer, gave a history of the original master plan for the area. She stated that the applicant met with City staff to discuss how to restructure the functional units and modify the stipulations from the original case, which led to the current request. She described details of the site plan, specifically lot orientation, street locations, and the school site. Adam Stranieri asked for clarification regarding the continuation of 67th Avenue to the South Mountain alignment. Ms. Oberholtzer stated that 67th Avenue would not be continued to the South Mountain alignment and instead would be built as far north as necessary to connect to a collector street for the school site if developed.

Ms. Oberholtzer stated that the number of 45-foot wide lots and 55 foot by 90 foot lots were decreased per the request of the Laveen Village Planning Committee (VPC). She stated that the change decreased the density. She added that the plan intentionally had three different lot sizes on the north and south parcels to create a diversity of housing types. Mr. Stranieri stated that the site plan has a mixture of lot sizes that are centrally located and amenitized. He noted that the Laveen VPC proposed that general conformance to the site plan have modifications including the minimum lot width be 50 feet and a minimum 30% of the lots have a minimum width of 55 feet. He added that the second request may be redundant considering the applicant was requesting general conformance to a site plan and land use table that both depict 55-foot wide lots at 40% of proposed lots. The Planning Hearing Officer and applicant discussed how changes in lot sizes would affect the site plan, general conformance, density, and cost of homes. Mr. Stranieri stated that he was inclined to adopt the Village recommendation restricting the minimum lot width to 50 feet. He stated that 50-foot wide lots are consistent with other subdivisions in the area, prior rezoning case approvals, and as expressed by the community.

Mr. Stranieri stated that the proposed landscape plan is consistent with the level of detail provided in the originally stipulated plan.

Ms. Oberholtzer stated that the proposed Open Space Amenities Plan depicted a major open space amenity north of Dobbins Road and one south of Dobbins Road. She stated that per the additional stipulation recommended by the Laveen VPC they intended to build an additional amenity south of Dobbins Road; but this amenity would be minor rather than major. Mr. Stranieri stated that the Open Space Amenities Plan is
consistent with the level of detail provided in the originally stipulated plan. He added that the change in trail head locations and pedestrian pathways is more appropriate given the altered layout. He noted that the area south of Dobbins Road was larger in area, contained more proposed homes, and was appropriate for an additional amenity.

Ms. Oberholtzer stated that they created new functional units for the original master planned area, but the modifications to stipulations would only apply to Functional Unit 1A. Mr. Straniere clarified that Functional Units 1B, 2, and 3 were not part of the subject site for the PHO and would still be subject to the stipulations from the original rezoning case.

Ms. Oberholtzer stated that the modifications to Stipulation 2, regarding general conformance to the site plan, and its sub-stipulations, regarding setbacks on the west boundary, cul-de-sacs along Dobbins Road, and perimeter wall offsets, would discourage monotony in the housing product. Mr. Straniere stated that he was inclined to approve the applicant’s requests with slight modifications for clarity.

Because it is still unknown if the school site will be developed, the applicant and the Planning Hearing Officer agreed to add language to Stipulation 3 to reflect the indefinite future of the site.

Ms. Oberholtzer stated that they had no issue with the VPC’s recommendations regarding elevations. Mr. Straniere stated that the stipulation would state general conformance to the elevations as modified by the recommendations of the Laveen VPC. Mr. Straniere asked for clarification regarding the elevations submitted at the VPC meeting. Ms. Oberholtzer stated that the elevations shown at the VPC were the same as their updated plans submitted to the Planning Hearing Officer on February 14, 2020. She stated that the updated submittal depicted the height lines and four-sided architecture of the buildings.

Mr. Straniere stated that the modifications to Stipulation 5, regarding master plans, and the deletion of Stipulation 5.H, regarding the master lighting plan, were minor updates regarding the subject property of the site and updated PCD master plan approval processes. He stated that he was inclined to approve these requests.

Mr. Straniere stated that he was inclined to approve modifications to Stipulation 7, regarding a comprehensive sign plan, because there would not be a comprehensive sign plan for the original case area, given that is not being developed in conjunction with the site of the PHO.

Mr. Straniere stated that his concern with Stipulation 19, regarding rear yard setback variation, is its similarity to Stipulation 2.C. He stated that it would be appropriate to delete the stipulation in its entirety and add it as a sub-stipulation of Stipulation 2 along with other similar development restrictions.

Mr. Straniere stated that the split rail fence concept achieves the same rural and agricultural design intent as the detail on the originally stipulated plan. He asked if the
only modification was to update the plan to the proposed Open Space Amenities Plan. Ms. Oberholtzer stated that was correct.

The applicant and the Planning Hearing Officer discussed the appropriate order and organization of the proposed, modified, and additional stipulations.

Mr. Stranieri stated that there is no stipulation regarding open space. He asked the applicant if they were providing a minimum of 14% open space. Ms. Oberholtzer stated that was correct and it was depicted in the Land Use Table. She asked if there was any way to decrease the stipulated open space percentage to allow for possible changes in the site plan, such as the potential development of the school site. She asked if it would be feasible to stipulate to 14% open space of the gross project area, less the area of the school site if developed. The Planning Hearing Officer agreed that would be appropriate.

Mr. Stranieri stated that the Laveen VPC also recommended that any modifications to the stipulated plans would return to the VPC for review and comment. Ms. Oberholtzer stated that they had no issues with that recommendation.

Mr. Stranieri stated that the original case did not contain any archaeology stipulations. However, since the City of Phoenix Office of Archaeology found that the site was in an archaeologically sensitive area, he was inclined to add standard language stipulations regarding archaeology.

Mr. Stranieri stated that he was not inclined to stipulate general conformance to a plant list. He stated that general conformance would be limited to the landscape plan. Ms. Oberholtzer stated that she was fine with this decision considering the plant list had already evolved. Ms. Oberholtzer asked for clarification regarding sheet two of the stipulated landscape master plan depicting the plant palette concept. Mr. Stranieri stated that the existing general conformance stipulation did not reference this exhibit, but only the Landscape Master Plan.

Mr. Stranieri stated that the Parks and Recreation Department recommended that the developer dedicate a 30-foot-wide multi-use trail easement along the west side of the property connecting the LACC to Dobbins Road, north of Dobbins Road, along Carver Road and west of 63rd Avenue and to construct a 10-foot-wide multiuse trail within each easement. The applicant and PHO discussed where the trail easement and trail would be located. They agreed that the recommended stipulation language appeared to reference multiple off-site locations. Mr. Stranieri stated that he was inclined to adopt the recommendation as written, however could be modified to include flexible language allowing the stipulation to be modified by the Parks and Recreation Department as necessary. Ms. Oberholtzer agreed this was an acceptable compromise.

Mr. Stranieri stated that the Street Transportation Department recommended nine new stipulations and a modification to Stipulation 3. Ms. Oberholtzer stated that she had already spoken to the Street Transportation Department and had no issues with the recommendations.
FINDINGS

1) FUNCTIONAL UNITS: The subject property of this request consists of approximately 175.93 gross acres of the 365.24 gross acres included in the original rezoning case. The original rezoning case included a Land Use Table (dated December 1, 2004) that divided the subject property into 19 planning parcels allocated between areas north and south of Dobbins Road and included residential, commercial, a potential park site, and a school. The current request includes a Functional Unit Exhibit (date stamped February 14, 2020) that also includes 19 planning parcels, however these are allocated within four newly defined Functional Units. Only Functional Unit 1A, and the eight planning parcels within its boundary, is included in the subject property of this case. The result of this request will only impact the property within Functional Unit 1A and the remaining property in the original rezoning action will be subject to the existing stipulations of approval.

2) STIPULATED PLAN MODIFICATIONS: The applicant requested five modifications to Stipulation 1 and its sub-stipulations to update general conformance requirements to the stipulated site plan, land use table, landscape master plan, and open space amenities plan. The existing zoning in Functional Unit 1A consists primarily of S-1 (Approved R1-8) zoning. There is a small portion of S-1 (Approved R-2) zoning on the east portion of the property near the Dobbins Road alignment, however no multifamily residential uses are proposed. The proposed site plan depicts a single-family residential development consisting of 604 lots, approximately 14 acres reserved for a potential future school site, and 14% open space. There are four proposed lot sizes: 45’x120’ (42% of lots), 50’x120’ (18% of lots) 55’x120’ (27% of lots), and 55’x90’ (13% of lots).

Updates to the proposed plans are recommended for approval with modifications as requested by the applicant, with exception of the Land Use Table.

- The Site Plan depicts a mixture of lot sizes, centrally located and amenitized open spaces at a greater percentage than required by Ordinance standards, and other features that were present on original stipulated plans. See Findings #3 & 5 for discussion regarding recommended modifications to the site plan.

- The applicant’s request for modification of the Land Use Table is recommended for denial and the stipulation is recommended for deletion. The proposed Land Use Table contains no unique information that is not already separately provided on the proposed site plan. Further, the only unique information on the original stipulated Land Use Table is the open space calculation. This recommendation includes a new, separate, additional stipulation that details the required open space and open space features. See Finding #4 for a more detailed discussion of open space requirements.

- The Landscape Master Plan correlates with the revised layout depicted on the site plan. General conformance to this plan is intended to apply solely
to the landscape plan submitted. General conformance is not intended to apply to the plant list which was submitted separately.

- The Open Space Amenities Plan updates locations of open spaces relevant to the revised layout and provides updated information regarding the location of trailheads, power line easements, and trailhead fence and column designs. See Finding #4 for information regarding additional stipulations impacting the design of open spaces.
- The Functional Unit Exhibit defines the updated area and development parcels relevant to the subject property of this case. See Finding #1 for more information regarding Functional Units.

3) LOT WIDTHS: In the original stipulated site plan and related land use table, there were four proposed lot sizes, with lot widths ranging from 50 feet to 65 feet. 59.63% of the proposed lots had a minimum width of 55 feet or greater.

The applicant's proposed site plan and related land use table depicts four lot sizes, with lot widths ranging from 45 feet to 55 feet. 18% of proposed lots have a minimum width of 50 feet and 40% of lots have a minimum width of 55 feet. The proposed plans represent a divergence from the residential character depicted in the original stipulated plans.

The Laveen Village Planning Committee recommended two additional stipulations regarding lot size. The first stipulation limits the minimum lot width to 50-feet. The 50-foot lot width is consistent with the standard established in the original rezoning case, similar developments in the surrounding area, and other rezoning approvals in this Village. The stipulation is recommended for inclusion. Implementing this stipulation will require a modification to the proposed site plan and land use table; therefore, the stipulation should be included as a sub-stipulation of Stipulation 2 which outlines required modifications.

The second recommendation is to require that a minimum of 30% of residential lots provide a minimum lot width of 55-feet. This stipulation is not recommended for inclusion. The proposed site plan, which is recommended for general conformance, already depicts 40% of proposed lots with a minimum width of 55-feet. Additionally, based on the other recommended stipulation modifications in this request, it is unclear what the final breakdown of lots by dimension will be. There may be additional lot sizes proposed which meet the intent of the stipulation to maintain a minimum lot width of 50-feet but alter the distribution of lots by size.

4) OPEN SPACE: The proposed plans depict 14% of the gross project area as open space. This exceeds the Ordinance standard of minimum 5% and an additional stipulation is recommended to require this.

The Laveen Village Planning Committee also recommended two additional stipulations regarding open space. The first recommendation is to require the developer to provide a minimum of two amenity areas south of Dobbins Road.
This stipulation is appropriate given that the portion of the subject property south of Dobbins Road (approximately 101 gross acres) is larger than the area north of Dobbins Road (approximately 78 gross acres). Additionally, in the area north of Dobbins Road, 14 acres is identified for retention as a potential future school site. Finally, the proposed Land Use Table indicates that 370 homes are proposed south of Dobbins Road and 234 are proposed north of Dobbins Road. This stipulation is recommended for inclusion.

However, the second recommended stipulation is that required open space be evenly allocated between the areas north and south of Dobbins Road. Given the uneven distribution of homes, the lack of certainty regarding the final location of the school site, and the requirement to update plans subject to all other stipulations in this request, it is unclear whether an even distribution of open space would have the desired effect of providing equal access to open space to all residents. Additionally, the applicant’s request includes general conformance to an Open Space Amenities Plan that depicts a major amenity area both north and south Dobbins Road. A modification to the stipulation regarding general conformance to this plan is recommended to include specific regard to the open spaces both north and south of Dobbins Road which achieves the intent of the Village recommendation.

5) RESIDENTIAL DEVELOPMENT UPDATES: The applicant requested four modifications to Stipulation 2 and its sub-stipulations regarding required updates to residential development on the stipulated site plan. The modification to Stipulation 2.A is to remove a reference to an outdated Exhibit that no longer reflects the proposed site design. The location of the units in relation to the power line easements are depicted on the new proposed plans addressed elsewhere in the request. Proposed modifications to Stipulations 2.B and 2.C include a new wall-offset option that may be implemented as an additional design consideration to discourage monotonous streetscapes. This proposal responds to the updated site plan that no longer contains multiple cul-de-sacs.

6) PROPOSED SCHOOL LOCATION: The applicant’s request includes the reservation of approximately 14 acres for a potential future school site and a modification of Stipulation 3 indicating that the proposed site will be relocated to an area along the South Mountain Avenue alignment near the northwest corner of the site. When the original stipulation language was developed, South Mountain Avenue was intended to be built as a collector street, potentially intersecting with 67th Avenue, also a collector street. However, South Mountain Avenue has since been abandoned and it is unknown whether 67th Avenue will be built as a collector street from the South Mountain Avenue alignment to the south. Therefore, it is unclear whether the proposed school site is appropriate or if it would have connectivity to and from collector streets. The conceptual site plan depicts the site adjacent to what are likely solely local streets.

The Street Transportation Department requested alternative stipulation language be added to require that the final school site have frontage with vehicular ingress and egress to a collector street. The intent of this modification is to ensure that
the site does not add traffic congestion or pressure on local streets, increase trips adjacent to single family homes, or decrease safety for children walking to school. This language will ensure that the final location of the school site, if developed, has appropriate vehicular access but does not tie its final location to South Mountain Avenue, which is no longer planned as a collector street.

7) **ELEVATIONS:** The applicant requested that the proposed elevations be stipulated for general conformance with four additional sub-stipulations regarding design. These conditions include a requirement for four-sided architecture, diversity in adjacent elevations, limitations on the use of the Spanish elevation, and a minimum eave overhang dimension. These conditions are consistent with the recommendation of the Laveen Village Planning Committee and are recommended for inclusion.

8) **PCD MASTER PLANS:** The applicant requested two modifications to Stipulation 5 and sub-stipulation 5.h. These modifications are intended to update the references to the Functional Exhibits per the modifications discussed in Findings #1 and 2 and remove an outdated reference to a requirement for lighting plans in the PCD master plan review process. These modifications are recommended for approval.

9) **SIGN PLANS:** The applicant requested a modification to Stipulation 7 to specify that the requirement for comprehensive sign plans shall be required of each individual Functional Unit. This modification reflects that the ownership, configuration, and planning of the area in the original rezoning case is no longer unified.

10) **SETBACK VARIATION:** The applicant’s request for modification of Stipulation 19 regarding setback variation and interruption of continuous runs of lots is recommended for denial as filed and approval with modifications. This design consideration reflects the revised site plan, new street layout, and other changes. However, the condition is similar to other requirements in Stipulation 2 and should be included as a new sub-stipulation of Stipulation 2 for consistency.

11) **ARCHAEOLOGY:** The site is located in an archaeologically sensitive area and no archaeology stipulations are present in the existing approval. Three additional standard language stipulations are recommended to address City standards for archaeological assessment in sensitive areas.

12) **STREETS:** The Street Transportation Department recommends nine additional stipulations addressing various City code conformance, design, and other considerations regarding street layout and configuration. These stipulations include dedication of right-of-way, alignment with planned streets on adjacent properties, trail access, block length, traffic signals, alterations to existing irrigation facilities, and other concerns. The nine stipulations are recommended to be adopted as additional stipulations.
13) **PARKS & RECREATION:** The Parks and Recreation Department recommended an additional stipulation requiring that the developer construct multi-use trails along the west side of the property connecting the Laveen Area Conveyance Channel (LACC) to Dobbins Road, north of Dobbins Road, along Carver Road and west of 63rd Avenue. This recommendation is unclear regarding the final location of trails in multiple locations. Specifically, the west side of the property is adjacent to a 500kv power line easement and provides no opportunity for connection between the LACC and Dobbins Road. Additionally, Carver Road is approximately a half-mile south of the subject property and not adjacent to any portion of the original rezoning case. Finally, the subject property is not adjacent to the 63rd Avenue alignment. Additional stipulation language is recommended to allow flexibility to approve final trail locations and development standards with the Parks and Recreation and Planning and Development Departments.

**DECISION:** The Planning Hearing Officer recommended denial as filed and approval with modifications and additional stipulations.

**STIPULATIONS**

1. That development of FUNCTIONAL UNIT 1A, AS DEPICTED ON THE FUNCTIONAL UNIT EXHIBIT DATE STAMPED FEBRUARY 14, 2020, the project site shall be in general conformance with the following PLANS, and as modified by THE FOLLOWING stipulationS nos. 2, 3 and 22 AND as approved by the PLANNING AND Development Services Department:

   A. FUNCTIONAL UNIT 1A Site Plan date stamped FEBRUARY 14, 2020 December 22, 2004
   
   B. Land Use Table dated December 1, 2004
   
   B. FUNCTIONAL UNIT 1A Landscape Master Plan DATE STAMPED FEBRUARY 14, 2020 dated December 1, 2004
   
   C. FUNCTIONAL UNIT 1A Open Space Amenities Plan DATE STAMPED FEBRUARY 14, 2020, dated December 1, 2004 WITH SPECIFIC REGARD TO THE PROVISION OF A MINIMUM ONE MAJOR OPEN SPACE AMENITY PROVIDED BOTH NORTH AND SOUTH OF DOBBINS ROAD.
   
   D. Main entry concept dated December 1, 2004
   
   E. WALL & COLUMN CONCEPTS DATED DECEMBER 1, 2004
   
   F. FUNCTIONAL UNIT EXHIBIT DATE STAMPED FEBRUARY 14, 2020

2. That all Residential development AS DEPICTED on the FUNCTIONAL UNIT 1A
Site Plan date stamped FEBRUARY 14, 2020 December 22, 2004 shall be modified by the following AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT:

A. THE MINIMUM RESIDENTIAL LOT WIDTH SHALL BE 50 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

B. All residential units shall be set back a minimum of 75 feet (75') from the centerline of the 500kv power line easement on the west boundary of the development, as shown on Exhibit A date stamped April 18, 2005 and as approved by the Development Services Department.

C. All parcels abutting Dobbins Road in FUNCTIONAL UNIT 1A development units, 5, 6, 9, and b shall be developed through a cul-de-sac roadway configuration, OR PROVIDE A MINIMUM THREE-FOOT PERIMETER WALL OFFSET AT A MINIMUM OF EVERY THIRD LOT. as shown on Exhibit B date stamped April 18, 2005 and as approved by the Development Services Department.

D. Where perimeter walls are provided abutting an arterial or collector street that do not include a cul-de-sac back up treatment, THE DEVELOPER shall provide a minimum THREE-FOOT five foot (5') wall offset AT a minimum of every third lot. as shown on Exhibit C date stamped April 18, 2005 and as approved by the Development Services Department. Where offsets occur an inset "v" shaped wall treatment shall be provided that shall be a minimum ten feet (10') wide by five feet (5') deep.

E. PARCELS WITHIN THE DEVELOPMENT THAT ABUT AN ARTERIAL OR COLLECTOR STREET THAT DO NOT INCLUDE A CUL-DE-SAC BACK UP TREATMENT SHALL INCLUDE REAR YARD SETBACK VARIATION SUCH THAT NO MORE THAN THREE CONTIGUOUS LOTS CONTAIN IDENTICAL REAR LOT LINES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. AT A MINIMUM, EVERY EIGHTH LOT SHALL BE INTERRUPTED BY AN OPEN SPACE CORRIDOR, STREET CONNECTION, OR SHALL PROVIDE A MINIMUM COMBINED 15-FOOT SIDE YARD SETBACK, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

F. Parcels 4B, A and 1b shall each include a minimum of one acre (1 ac) centralized open space area, as approved by the PLANNING AND Development Services Department.

G. Where appropriate, lots adjacent to the public school site should be oriented facing the school site to maximize view of the school site, as approved by the PLANNING AND Development Services Department.

3. OPEN SPACE SHALL BE PROVIDED AS FOLLOWS:
A. A MINIMUM OF 14 PERCENT OF THE GROSS PROJECT, LESS THE ACREAGE OF THE PROPOSED SCHOOL SITE IF DEVELOPED, SHALL BE RETAINED AS OPEN SPACE, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

B. THE DEVELOPER SHALL PROVIDE MINIMUM TWO AMENITY AREAS IN FUNCTIONAL UNIT 1A SOUTH OF DOBBINS ROAD, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

4. THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED FEBRUARY 14, 2020, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

A. THE ELEVATIONS SHALL INCORPORATE FOUR-SIDED ARCHITECTURE, EXTERIOR ACCENT MATERIALS, DETAILING, AND A MINIMUM THREE COLOR PALETTES, IN ORDER TO CONVEY A SENSE OF CONTINUITY THROUGHOUT THE DEVELOPMENT.

B. WHERE TWO TWO-STORY HOMES ARE BUILT ADJACENT TO EACH OTHER, THE SAME ELEVATION SHALL NOT BE UTILIZED IF BOTH HOMES SHARE THE SAME COLOR SCHEME AND FLOORPLAN.

C. THE SPANISH ELEVATION SHALL NOT BE UTILIZED ON ANY TWO ADJACENT HOMES IF BOTH HOMES SHARE THE SAME FLOORPLAN.

D. FOR EACH ELEVATION THAT FEATURES EAVES, SUCH EAVES SHALL HAVE A MINIMUM OVERHANG OF 12 INCHES.

5. That the school site shall HAVE FRONTAGE WITH VEHICULAR INGRESS AND EGRESS TO A COLLECTOR STREET, be relocated to the South Mountain Avenue frontage as approved or modified by the PLANNING AND Development Services Department.

6. That the residential and commercial elevations shall be subject to approval through the Planning Hearing Officer (PHO) process prior to preliminary site plan approval as approved or modified by the Development Services Department.

7. That the Development of the project site shall be subject to the approval of the following equivalent Planned Community District (PCD) master plans for Functional Unit 1A, AS DEPICTED ON THE FUNCTIONAL UNIT EXHIBIT DATE STAMPED FEBRUARY 14, 2020, #1 located north of Dobbins Road, for Functional Unit #2 located between Dobbins Road and Olney Road, and for Functional Unit #3 located south of Olney Road, each pursuant to the Development Services Department PCD Master Plan Manual, AND AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT
<table>
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<tr>
<th>DEPARTMENT:</th>
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<tr>
<td>A.</td>
<td>Master Development Plan</td>
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<td>B.</td>
<td>Master Street Plan and Phasing Plans</td>
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<td>C.</td>
<td>Master Wastewater Plan</td>
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<td>D.</td>
<td>Master Water Plan</td>
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<td>E.</td>
<td>Master Drainage Plan</td>
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<td>F.</td>
<td>Master Landscape Plan</td>
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<td>G.</td>
<td>Master Pedestrian, Bicycle, and Trails Plan including</td>
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<td></td>
<td>1) An 8' wide trail system linking open space areas throughout the project site, and providing a minimum of two connections to the Maricopa County trail in the adjacent power line corridor</td>
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<td></td>
<td>2) A pedestrian connection providing access to the Laveen Conveyance Channel</td>
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<td>H.</td>
<td>Master Lighting Plan</td>
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8. Development of the project site shall be subject to the approval of a Master Architectural Design, Materials, and Colors Plan reflecting the rural character of the Laveen Village, as approved by the PLANNING AND Development Services Department. Architecture of a rural character utilizes materials that include stone, brick, wood, and smooth stucco, and colors that include those found in the natural environment.

9. A comprehensive sign plan shall be REQUIRED FOR EACH FUNCTIONAL UNIT approved for the entire development in accordance with Section 705.F.2 of the Zoning Ordinance AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

10. All USA fee title properties shall be relocated out of any existing or proposed right-of-way, as approved by the PLANNING AND Development Services Department.

STREET TRANSPORTATION

11. THE DEVELOPER SHALL DEDICATE 30 FEET OF RIGHT-OF-WAY FOR THE EAST HALF OF 67TH AVENUE AND CONSTRUCT TO COLLECTOR STREET STANDARDS FROM DOBBINS ROAD TO THE NORTHERN LIMITS OF THE
MCCLELLAN RANCH MASTER STREET PLAN. ANY PROPOSED EXTENSION OF 67TH AVENUE BEYOND THESE LIMITS WOULD REQUIRE THE FULL DEDICATION AND CONSTRUCTION OF 67TH AVENUE TO A COLLECTOR STREET STANDARD.

12. ACCESS POINTS ALONG 67TH AVENUE SHALL BE ALIGNED TO MATCH THE APPROVED MCCLELLAN RANCH MASTER STREET PLAN TO THE WEST OR BE OFFSET AS ALLOWED BY CITY CODE.

13. PEDESTRIAN TRAIL ACCESS SHALL BE PROVIDED AND SHALL ALIGN WITH THE MCCLELLAN RANCH MASTER TRAILS PLAN ALONG THE WESTERN EDGES OF THE SITE.

14. STREET ALIGNMENTS SHALL PROVIDE FOR CONNECTIONS TO FUTURE UNPLATTED LANDS AND CONNECT TO ESTABLISHED STUB STREETS IN NEIGHBORING SUBDIVISIONS.

15. BLOCK LENGTHS REQUIRED AS PER CITY CODE 32-28 SHALL NOT BE EXCEEDED IN ANY INDIVIDUAL DEVELOPMENT PHASE.

16. THE APPLICANT SHALL SUBMIT A TRAFFIC IMPACT STUDY (TIS) FOR THIS DEVELOPMENT. NO PRELIMINARY APPROVAL OF PLANS SHALL BE GRANTED UNTIL THE STUDY IS REVIEWED AND APPROVED BY THE STREET TRANSPORTATION DEPARTMENT. UPON COMPLETION OF THE TIS THE DEVELOPER SHALL SUBMIT THE COMPLETED TIS TO THE PLANNING AND DEVELOPMENT DEPARTMENT COUNTER WITH INSTRUCTIONS TO FORWARD THE STUDY TO THE STREET TRANSPORTATION DEPARTMENT, DESIGN SECTION.

17. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE INSTALLATION OF TRAFFIC SIGNALS AND OR ESCROW FUNDS AS IDENTIFIED WITHIN THE TRAFFIC STUDY AND APPROVED STREETS MASTER STREET PLAN.

18. EXISTING IRRIGATION FACILITIES ALONG ANY EXISTING AND/OR PROPOSED RIGHTS-OF-WAY ARE TO BE UNDERGROUNDED AND RELOCATED OUTSIDE OF CITY RIGHT-OF-WAY. CONTACT SRP TO IDENTIFY EXISTING LAND RIGHTS AND ESTABLISH APPROPRIATE PROCESSES TO RELOCATE IMPACTED FACILITIES. RELOCATIONS THAT REQUIRE ADDITIONAL DEDICATIONS OR LAND TRANSFER REQUIRE COMPLETION PRIOR TO OBTAINING PLAT AND/OR CIVIL PLAN REVIEW APPROVAL.

19. CONNECTION OF TRAILS SHALL BE MADE TO COLLECTOR STREETS THROUGH CLEARLY DEFINED BICYCLE AND PEDESTRIAN ROUTES. LOCAL STREET CONNECTIONS ALONE ARE INSUFFICIENT TO PROVIDE THIS CONNECTIVITY. THIS CONNECTIVITY SHALL BE ADDRESSED THROUGH THE TRAILS MASTER PLAN, AS APPROVED BY THE PLANNING
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<td><strong>AND DEVELOPMENT DEPARTMENT.</strong></td>
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<td><strong>20.</strong></td>
<td>That a Right-of-way totaling 30 feet shall be dedicated for the south half of South Mountain Avenue, or as may otherwise be modified by the PLANNING AND Development Services Department at time of subdivision review.</td>
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<td><strong>21.</strong></td>
<td>That a Right-of-way totaling 55 feet shall be dedicated for the west half of 63rd Avenue.</td>
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<td><strong>22.</strong></td>
<td>That a Right-of-way totaling 110 feet shall be dedicated for Dobbins Road.</td>
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<td><strong>23.</strong></td>
<td>That a Right-of-way totaling 60 feet shall be dedicated for Olney Avenue.</td>
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<td><strong>24.</strong></td>
<td>That a Additional rights-of-way for bus-bays, corner triangles and intersection flares will be determined at time of subdivision review.</td>
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<td><strong>25.</strong></td>
<td>That a 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 Services Department. All improvements shall comply with all ADA accessibility standards.</td>
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<td><strong>26.</strong></td>
<td>That a The applicant shall submit paving plans for all arterial streets within and adjacent to the development to the PLANNING AND Development Services Department for review.</td>
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<td><strong>27.</strong></td>
<td>That a The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.</td>
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**PARKS AND RECREATION**

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ARCHAEOLOGY

29. **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.**

30. **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.**


ADDITIONAL

32. **ALL RESIDENTIAL DRIVEWAYS SHALL PROVIDE A MINIMUM DEPTH OF 21-FEET FROM BACK OF SIDEWALK, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**

33. **That all single-family residential buildings adjacent to Dobbins Road shall be single story, not to exceed 20 feet (20’).**

34. **That no less than 50% of the single-family homes abutting South Mountain Drive, Olney Avenue, and 63rd Avenue shall be single-story, not to exceed 20 feet (20’). No more than two contiguous lots shall contain two-story homes.**

19. **That parcels within the development that abut an arterial or collector street that do not include a cul-de-sac back up treatment shall include side and rear yard setback variation such that no three contiguous lots contain identical setback dimensions, as approved by the Development Services Department. At a minimum, every eighth lot shall be interrupted by an open space corridor or street connection, or shall provide a minimum 15 foot (15’) side yard setback.**

35. **That any green court two-story structures abutting 63rd Avenue or Dobbins Road (Parcels 4b, a, and 1b) shall be setback a minimum of 50 feet (50’) from the street right-of-way.**
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<td>36.</td>
<td>That no residential or commercial building shall exceed two (2) stories of thirty feet (30').</td>
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<td>37.</td>
<td>The development theming elements illustrated through Coe and Van Loo (CVL) Exhibits 1 through 7 date stamped December 1, 2004, be modified by the following:</td>
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<td>A. Variable tree sizes for residential development only, including 25% at 1.5” caliper, 50% at 2” caliper, and 25% at 3”, shall be provided for all roadway edge treatment along Dobbins Road, 63rd Avenue, Olney Avenue, and South Mountain Drive.</td>
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<td>B. A windmill feature with blades, consistent with the image illustrated through CVL Exhibit 6, shall be placed on a tower entry feature located at either the northwest or southwest corner of Dobbins Road and 63rd Avenue, as approved by the PLANNING AND Development Services Department.</td>
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<td>C. The split rail fence concept illustrated through Exhibits 5, 6 and 7 DATED DECEMBER 1, 2004 AND THE OPEN SPACE AMENITIES PLAN DATED FEBRUARY 14, 2020 shall be constructed of metal, as approved by the PLANNING AND Development Services Department.</td>
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<td>38.</td>
<td>Prior to preliminary site plan approval for all applicable commercial structures, elevations for these structures, as well as the landscaping, lighting and sign packages for the commercial areas shall be presented by the applicant to the Laveen Village Planning Committee for review and comment.</td>
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<td>39.</td>
<td>ANY PROPOSED MODIFICATIONS OF THE STIPULATED PLANS SHALL BE PRESENTED TO THE LAVEEN VILLAGE PLANNING COMMITTEE FOR REVIEW AND COMMENT PRIOR TO ANY FINAL PLAN APPROVAL.</td>
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<td>40.</td>
<td>The school site shall be set aside for purchase by the school district for 12 months, commencing with the issuance of the first residential certificate of occupancy.</td>
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<td>41.</td>
<td>Crosswalks on Dobbins Road shall incorporate alternate paving materials, as approved by the PLANNING AND Development Services Department.</td>
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<td>42.</td>
<td>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.</td>
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</table>
Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact the Planning and Development Department, Tamra Ingersoll at voice number 602-534-6648 or TTY use 7-1-1.
Final Plat - Avilla Gateway - 190035 - North of Indian School Road and West of 99th Avenue

Plat: 190035  
Project: 18-1836  
Name of Plat: Avilla Gateway  
Owner(s): Nexmetro Gateway, LLC  
Engineer(s): Coe & Van Loo Consultants, Inc.  
Request: A 1 Lot Commercial Plat  
Reviewed by Staff: Jan. 22, 2020  
Final Plat requires Formal Action Only

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 Indian School Road and west of 99th Avenue.  
Council District: 5

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.
Final Plat - 7035 West Buckeye Road - 180008 - Southeast Corner of 71st Avenue and Buckeye Road

Plat: 180008  
Project: 17-1253  
Name of Plat: 7035 West Buckeye Road  
Owner(s): Amazon.com.AZDC, LLC  
Engineer(s): Hunter Engineering, LLC  
Request: A 1 Lot Commercial Plat  
Reviewed by Staff: Feb. 21, 2020  
Final Plat requires Formal Action Only

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 at the southeast corner of 71st Avenue and Buckeye Road.  
Council District: 7

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.
Final Plat - Lot 11 Estrella Town Center - 190116 - North of Lower Buckeye Road and West of 75th Avenue

Plat: 190116  
Project: 04-1947  
Name of Plat: Lot 11 Estrella Town Center  
Owner(s): HH-Estrella, LLC  
Engineer(s): Larson Engineering  
Request: A 7 Lot Commercial Plat  
Reviewed by Staff: Feb. 25, 2020  
Final Plat requires Formal Action Only

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 Lower Buckeye Road and west of 75th Avenue.  
Council District: 7

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.
Final Plat - 12th Street & Baseline - 190056 - 12th Street and Baseline Road

Plat: 190056  
Project: 18-224  
Name of Plat: 12th Street & Baseline  
Owner(s): Tru Vista 5, LLC  
Engineer(s): 3 Engineering  
Request: A 38 Lot Residential Plat  
Reviewed by Staff: Jan. 27, 2020  
Final Plat requires Formal Action Only

Summary
Staff requests that the above plat be approved by the City Council and certified by the City Clerk. This plat must record after the sewer easement: Ordinance S-46411. Recording of the plat dedicates the streets and easements as shown to the public.

Location
Generally located north of Baseline Road, east of 12th Street.  
Council District: 8

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.
Final Plat - Arizona Pacific Pulp & Paper - 190079 - East of 36th Street and North of Superior Avenue

Plat: 190079  
Project: 01-19773  
Name of Plat: Arizona Pacific Pulp & Paper  
Owner(s): BNF, LLC  
Engineer(s): Alliance Land Surveying, LLC  
Request: A 1 Lot Commercial Plat  
Reviewed by Staff: Feb. 12, 2020  
Final Plat requires Formal Action Only

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 east of 36th Street and north of Superior Avenue.  
Council District: 8

Responsible Department  
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.
Final Plat - Central Logistics Center - 190076 - East of Central Avenue and South of Buckeye Road

Plat: 190076  
Project: 05-512  
Name of Plat: Central Logistics Center  
Owner(s): PR VWP Central Property, LLC  
Engineer(s): Survey Innovation Group, Inc.  
Request: A 6 Lot Commercial Plat  
Reviewed by Staff: Feb. 12, 2020  
Final Plat requires Formal Action Only

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. This plat needs to record concurrently with Abandonment V190046A. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

Location
Generally located east of Central Avenue and south of Buckeye Road.
Council District: 8

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.
Abandonment of Right-of-Way - V190036A - Minnezona Circle located East of Northeast Corner of 32nd Street and Campbell Avenue (Resolution 21813)

Abandonment: V190036A
Project: 18-4111
Applicant(s): Ed Bull; Ed Bull, Burch, Cracchiolo, P.A.
Request: To abandon a 50-foot right-of-way of Minnezona Circle; per subdivision plat "Nuevo Ventura", Book 109, Page 20.
Date of Hearing: July 11, 2019
This file is a companion case to Z-29-19-6 and both files need to be heard concurrently, with the zoning case first, followed by the Abandonment of Right of Way.

Location
Minnezona Circle located east of the northeast corner of 32nd Street and Campbell Avenue
Council District: 6

Financial Impact
A fee was also collected as part of this abandonment in the amount of $2,965.10.

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.
Abandonment of Easement - V190046A - East of Central Avenue and South of Buckeye Road (Resolution 21812)

Abandonment: V190046A  
Project: 05-512  
 Applicant: Eric Whitehurst; Kimley-Horn  
Request: To abandon certain easements in their entirety, including a PUE per Doc 94-173254, a PUE per Doc 85-470294, and a Water/Sewer Easement per DKT 1507, PG 237.  
Date of Decision: Dec. 9, 2019

Summary  
The resolution of the abandonment and the commercial plat Final Plat for "Central Logistics Center," Plat 190076, are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

Location  
East of Central Avenue and South of Buckeye Road  
Council District: 8

Financial Impact  
Pursuant to Phoenix City Code art. 5, sec. 31-64 (e) as the City acknowledges the public benefit received by the generation of additional revenue from the private tax rolls and by the elimination of third-party general liability claims against the city, maintenance expenses, and undesirable traffic patterns, also replatting of the area with alternate roadways and new development as sufficient and appropriate consideration in this matter.

Responsible Department  
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.
Planning and Development Department Residential and Commercial Building Field Inspection On-Call Services (Ordinance S-46456)

Request to authorize the City Manager, or his designee, to enter into separate agreements with the four consultants listed below, to provide Residential and Commercial Building Field Inspection On-Call services for the Planning and Development Department. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for services will not exceed $3 million aggregate.

Additionally, request to authorize the City Manager, or his designee, to take all action deemed necessary to execute all utilities-related design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the project and to include disbursement of funds. Utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads, and other modes of transportation. This authorization excludes any transaction involving an interest in real property.

Summary
The On-Call consultants will be responsible for providing On-Call Residential and Commercial Building Field Inspection services that include, but are not limited to: field inspections of new construction, alterations, and repairs submitted by commercial and residential property owners for compliance with the Phoenix Building Construction Code and Fire Codes.

Procurement Information
The selections were made using a qualifications-based selection process set forth in section 34-604 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-604(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Four firms submitted proposals and are listed below.

Selected Firms
Rank 1: Onsite Engineering, P.L.C.
Rank 2: Willdan Engineering Inc.
Rank 3: Bureau Veritas Certification North America, Inc.
Rank 4: Shums Coda Associates, Inc.

**Contract Term**
The term of each agreement is up to two years, or up to $3 million, whichever occurs first. 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 each of the On-Call consultants will not exceed $3 million, including all subconsultant and reimbursable costs. The total fee for all services will not exceed $3 million aggregate.

Funding is available in the Planning and Development Department’s Operating budget. The Budget and Research Department will review and approve funding availability prior to issuance of any on-call task order of $100,000 or more. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

**Responsible Department**
This item is submitted by Assistant City Manager Mario Paniagua, the Planning and Development Department, and the City Engineer.
Intergovernmental Agreement between State of Arizona and City of Phoenix for Paradise Ridge Flood Control Improvement Funding and Reimbursement (Ordinance S-46460)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Arizona State Land Department (ASLD) to provide construction of a storm drainage facility project in the vicinity of Paradise Ridge, which is an approximately 5,000-acre parcel located on the northwest corner of 56th Street and the Loop 101 Freeway. Approval of this item will allow for development of a strategically valuable parcel from an economic development perspective. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item. This file is a companion case and will be heard consecutively with: Intergovernmental Agreements with Flood Control District of Maricopa County for Paradise Ridge Flood Control Project under Capital Improvement Projects Prioritization Process.

Summary
The City is currently participating in the Rawhide Wash Flood Hazard Mitigation Project (RWFHMP), a joint effort with the Flood Control District of Maricopa County (FCDMC) and the City of Scottsdale (COS) to design and construct flood control improvements that will contain a Federal Emergency Management Agency (FEMA) special flood hazard delineated floodplain that currently impacts land in Scottsdale and Phoenix.

The proposed Paradise Ridge Flood Control Project (PRFCP) represents a specific segment of the RWFHMP that is wholly within Phoenix city limits, and would involve a joint effort of the City, the FCDMC, and ASLD. Under the proposed arrangement, FCDMC would manage the project and contribute half of the required funds necessary for design and construction. ASLD would advance funds up to $19 million to cover the remaining costs for design and construction, and ensure the required land is made available for the flood control facilities. The City would collect the Paradise Ridge Storm Drainage Impact Fee that was recently approved by City Council to reimburse ASLD as the benefitting lands develop, which are all ASLD owned lands. Upon completion of the project, the City would maintain the flood control facilities.
Proposed Paradise Ridge Flood Control Project IGA with ASLD Deal Points

- ASLD will advance funds up to a maximum of $19 million towards the design and construction of the project, which will be used by the City to match the funding contribution of the FCDMC. The most recent estimate provided by the FCDMC’s design concept report indicates that the City’s share of the project would be $16 million but this is a preliminary estimate and actual costs could be higher or lower.
- ASLD will ensure that land is made available for construction of the project by attaching that right-of-way (ROW) to the future sale of the parcel and requiring the successful purchaser to then transfer that land to the FCDMC. That land would eventually be transferred to the City, to allow it to meet its obligation to maintain the project once constructed.
- After the project is completed, the City will collect impact fees through the recently-adopted Paradise Ridge Storm Drainage Impact Fee and then transfer to ASLD on an annual basis the proceeds of the fees collected. Only drainage impact fees will be used to repay ASLD, and the rate of repayment will depend entirely on ASLD’s sale of land in the benefitting area and subsequent pulling of permits and paying of drainage impact fees.
- Once the full actual cost of design and construction is known, the City will review, and if necessary revise, the Paradise Ridge Storm Drainage Impact Fee to ensure that adequate amounts are collected to reimburse ASLD.
- To compensate ASLD for the opportunity cost of contributing its funds, the drainage impact fee will include a 1.9 percent charge on outstanding principal balances that will be calculated once a year. The City will periodically estimate the total cost of repaying ASLD, with the additional charge, and if necessary revise the drainage impact fee to ensure adequate funds are collected.
- If the City’s anticipated share of design and construction costs exceeds the $19 million that ASLD will provide, the City has the option of adding $2 million in additional funds that would be repaid from future Paradise Ridge Storm Drainage Impact Fees. If the City provides additional funding, the City would be repaid from available drainage fees before ASLD is repaid from the same source.

Financial Impact
The City’s financial impact is expressly limited to storm drainage impact fees collected in the Paradise Ridge Impact Fee Area. The City’s obligation to make reimbursement payments to the ASLD is dependent upon the availability of impact fee revenue. There is no maturity date or scheduled amortization on the reimbursement, and no recourse to require reimbursement from other City revenue sources. Approval of this item will not cost the General Fund money and if awarded the matching funds from the Maricopa County Flood Control District alleviate a significant barrier to developing this strategically located parcel for future economic development.
Concurrence/Previous Council Action
This item was recommended for approval at the Transportation, Infrastructure and Innovation Subcommittee meeting on March 4, 2020 by a vote of 4-0.

Location
Desert View Village - generally east of 64th Street between the Central Arizona Project Canal and Pinnacle Peak Road.
Council District: 2 and Out of City

Responsible Department
This item is submitted by Deputy City Managers Karen Peters and Mario Paniagua, and the Planning and Development, Street Transportation and Public Works departments.
Amend City Code - Ordinance Adoption - Rezoning Application Z-32-19-6 (Clarendale Arcadia PUD) - Approximately 360 Feet South of the Southeast Corner of 32nd Street and Camelback Road (Ordinance G-6685)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-32-19-6 and rezone the site from C-O/M-O SP to PUD for assisted living, memory care, and accessory uses.

Summary
Current Zoning: C-O/M-O SP
Proposed Zoning: PUD
Acreage: 5.86 acres
Proposal: Planned Unit Development to allow assisted living, memory care, and accessory uses.

Owner: Lako Limited Partnership
Applicant: Ryan Companies Senior Living
Representative: Stephen C. Earl - Earl, Curley & Lagarde, PC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Camelback East Village Planning Committee meeting heard this case on Jan. 7, 2020, and recommended approval, per the staff recommendation with a modified stipulation by an 18-1 vote.
PC Action: The Planning Commission heard this case on Feb. 6, 2020, and recommended approval, per the staff memo dated Feb. 6, 2020 with additional stipulations by a 9-0 vote.

Location
Approximately 360 feet south of the southeast corner of 32nd Street and Camelback Road
Council District: 6
Parcel Addresses: 3233 E. Camelback Road

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua 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 ORDINANCE BY CHANGING THE ZONING DISTRICT
CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN
(CASE Z-32-19-6) FROM C-O/M-O SP (COMMERCIAL OFFICE
DISTRICT/MAJOR OFFICE OPTION, SPECIAL PERMIT) TO PUD
(PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of a 5.86-acre site located approximately 360 feet
south of the southeast corner of 32nd Street and Camelback Road in a portion of
Section 24, Township 2 North, Range 3 East, as described more specifically in Exhibit
“A”, is hereby changed from “C-O/M-O SP” (Commercial Office District/Major Office
Option, Special Permit) 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 Clarendale Arcadia 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 December 26, 2019, as modified by the following stipulations:

   a. Front Cover: Revise the submittal date information on the bottom to add the following: City Council adopted: [Add adoption date].

   b. Page 11, Landscape Standards Table: Add verbiage indicating that all landscape areas be provided with a minimum of 50 percent live cover.

   c. Page 12, Additional Development Standards Table, Shade: Update verbiage to indicate that 75 percent of public sidewalks and pedestrian ways be shaded.

   d. Page 5, Project Overview and Goals, 3rd paragraph: Update number of rooms to indicate 121 beds for assisted living and memory care.

   e. Page 7, Land Use Plan, Conceptual Site Plan, 2nd paragraph: Remove last sentence indicating that parapets will be set back from edge of the building.

   f. Page 9, List of Uses: Add outdoor dining as a permitted accessory use.

   g. Page 9, List of Uses, Permitted Accessory Uses: Update list of uses that are not available to the general public to include outdoor dining.

   h. Page 10, Development Standards Table, Density: Update bed count to indicate 121 beds for assisted living and memory care.

   i. Page 10, Development Standards Table, Building Height and Setbacks: Revise one-story building height section as follows:
- One-story bldg. height (20-ft.) shall be setback a min. of 65-ft from the east property line and a min. of 20-ft. from the north and west property lines.

- One-story bldg. height (18-ft. including any parapet) shall be setback a minimum of 65-ft from the south property line.

j. Page 10, Development Standards Table, Building Height and Setbacks: Revise Two to Five-Stories Building Height Section to add the following for the south setback: “(except that a minimum 112-foot setback shall be allowed from the south property line within 120 feet east of 32nd Street).”

k. Page 14, Design Guidelines, Subsection C: Add an additional provision addressing the following: the building(s) shall have no south facing balconies on those portions of the building within 235 feet due north of single-family residential zoning districts. The architectural appearance of a balcony is permissible in this area.

2. The developer shall remove the right turn deceleration lane on Camelback Road at 32nd Place, as approved by the Planning and Development Department.

3. The right-of-way shall be dedicated and a bus stop pad (City of Phoenix Standard Detail P1260) shall be constructed with a minimum depth of 10 feet along Camelback Road, east of 32nd Street, 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. 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.

6. Prior to final site plan approval or a site plan amendment 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 18th day of March, 2020.

__________________________
MAYOR

ATTEST:

______________________________ City Clerk

APPROVED AS TO FORM:

______________________________ City Attorney

REVIEWED BY:

______________________________ City Manager

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

LEGAL DESCRIPTION FOR Z-32-19-6

A PARCEL OF LAND LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA & SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AND ALL OF THE SPECIAL WARRANTY DEED RECORDED IN DOCUMENT 2002-11484492, OFFICIAL RECORD OF MARICOPA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 24 FROM WHICH THE NORTH QUARTER CORNER THEREOF BEARS SOUTH 89 DEGREES 39 MINUTES 32 SECONDS EAST, A DISTANCE OF 2697.29 FEET;

THENCE SOUTH 89 DEGREES 39 MINUTES 32 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 350.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89 DEGREES 39 MINUTES 32 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 267.80 FEET;

THENCE DEPARTING SAID NORTH LINE, SOUTH 0 DEGREES 3 MINUTES 54 SECONDS WEST, A DISTANCE OF 352.00 FEET;

THENCE NORTH 89 DEGREES 39 MINUTES 32 SECONDS WEST, A DISTANCE OF 8.00 FEET;

THENCE SOUTH 0 DEGREES 3 MINUTES 54 SECONDS WEST, A DISTANCE OF 8.00 FEET;

THENCE SOUTH 46 DEGREES 43 MINUTES 47 SECONDS WEST, A DISTANCE OF 98.25 FEET;

THENCE SOUTH 0 DEGREES 01 MINUTE 0 SECONDS WEST, A DISTANCE OF 257.24 FEET;

THENCE NORTH 89 DEGREES 41 MINUTES 4 SECONDS WEST, A DISTANCE OF 537.85 FEET TO A POINT ON THE WEST LINE OF SAID NORTHWEST QUARTER;

THENCE NORTH 0 DEGREES 0 MINUTES 24 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 335.25 FEET;

THENCE DEPARTING SAID WEST LINE, SOUTH 89 DEGREES 39 MINUTES 32 SECONDS EAST, A DISTANCE OF 350.06 FEET;

THENCE NORTH 0 DEGREES 0 MINUTES 0 SECONDS WEST, A DISTANCE OF 350.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 277,034 SQUARE FEET OR 6.360 ACRES, MORE OR LESS.
(CONTINUED FROM JAN. 8 AND MARCH 4, 2020) - Amend City Code - Ordinance Adoption - Rezoning Application Z-29-19-6- Approximately 235 Feet East of the Northeast Corner of 32nd Street and Campbell Avenue (Ordinance G-6658)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-29-19-6 and rezone the site from R1-6 to P-1 to allow parking to serve adjacent businesses.

**Summary**
Current Zoning: R1-6
Proposed Zoning: P-1
Acreage: 0.78
Proposed Use: Parking to serve adjacent businesses

Owner: James Aaron Klusman
Applicant: Ed Bull, Burch & Cracchiolo, PA
Representative: Ed Bull, Burch & Cracchiolo, PA

Staff Recommendation: Approval subject to stipulations.
VPC Action: The Camelback East Village Planning Committee heard this case on Aug. 6, 2019, and recommended approval per the staff recommendation by a 15-0 vote.
PC Action: The Planning Commission heard this case on Dec. 5, 2019, and recommended approval per the Camelback East Village Planning Committee recommendation by a 9-0 vote.

**Location**
Approximately 235 feet east of the northeast corner of 32nd Street and Campbell Avenue
Council District: 6
Parcel Addresses: 3216 and 3220 E. Minnezona Circle

**Responsible Department**
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.
To: Mario Paniagua  
Deputy City Manager  

From: Alan Stephenson  
Planning and Development Director  

Date: February 18, 2020  

Subject: CONTINUANCE REQUEST-ITEM 87 - AMEND CITY CODE AND ORDINANCE ADOPTION - REZONING APPLICATION Z-29-19-6 - APPROXIMATELY 235 FEET EAST OF THE NORTHEAST CORNER OF 32ND STREET AND CAMPBELL AVENUE (G-6658) ON THE MARCH 4, 2020 FORMAL AGENDA  

This memo requests the continuance of the following item on the March 4, 2020 Formal Agenda - Amend City Code and Ordinance Adoption - Rezoning Application Z-29-19-6 - Approximately 235 feet east of the northeast corner of 32nd Street and Campbell Avenue (G-6658) on the March 4, 2020 Formal Agenda.

Staff is requesting continuing this item to the March 18, 2020 Formal Agenda due to the applicant’s request to process the rezoning case with a pending abandonment based on an agreement with neighboring property owners.

Approved: Mario Paniagua, Deputy City Manager  

Date: 2/19/20
February 13, 2020

Via email only: samantha.keating@phoenix.gov

Ms. Samantha Keating, Planner III
City of Phoenix Planning & Development Department
200 Washington Street
Phoenix, AZ 85003

Re: Rezoning Case No. Z-29-19
NWC Campbell Avenue and Minnezona Circle
Council Hearing Continuance

Dear Samantha:

On behalf of property owner, Aaron Klusman, we request the City Council’s hearing of Z-29-19 be continued from March 4, 2020 to March 18, 2020. We request the continuance so the Abandonment Resolution and P-1 Rezoning matters can be heard by Council at the same time.

Pursuant to an agreement between Aaron Klusman and other property owners on Minnezona Circle north of Campbell (within Nuevo Ventura subdivision), the P-1 Rezoning case and the proposed Abandonment of Minnezona Circle will proceed to the City Council on the same agenda, if possible. We are currently working on satisfying the Abandonment conditions and we know the conditions will not be complete by the March 4, 2020 Council hearing.

You can contact Ricki Horowitz at Burch & Cracchiolo (602-234-8728/ rhorowitz@bcattorneys.com) or me (602-234-9913/ebull@bcattorneys.com) if you have any questions.

Thank you.

Very truly yours,

Burch & Cracchiolo, P.A.

Edwin C. Bull
To: Mario Paniagua  
Deputy City Manager  

From: Alan Stephenson  
Planning and Development Director  


This memo requests the continuance of the following item on the January 8, 2020 Formal Agenda – Amend City Code – Ordinance Adoption – Rezoning Application Z-29-19-6 – Approximately 235 feet east of the northeast corner of 32nd Street and Campbell Avenue.  

The applicant is requesting the continuance to March 4, 2020, in order for the Abandonment Resolution and this rezoning case can be heard by Council at the same time.  

Approved: Mario Paniagua, Deputy City Manager  
1/6/20  

Date
January 3, 2020

Via email only: racelle.escolar@phoenix.gov

Racelle Escolar, Planner III
City of Phoenix Planning & Development Department
200 Washington Street
Phoenix, AZ 85003

Re:  Rezoning Case No. Z-29-19
NWC Campbell Avenue and Minnezona Circle
Council Hearing Continuance

Dear Racelle:

On behalf of property owner, Aaron Klusman, we request the City Council’s hearing of
Z-29-19 be continued from January 8, 2020 to March 4, 2020. We request the continuance so
the Abandonment Resolution and P-1 Rezoning matters can be heard by Council at the same
time.

Pursuant to an agreement between Aaron Klusman and other property owners on
Minnezona Circle north of Campbell (within Nuevo Ventura subdivision), the P-1 Rezoning case
and the proposed Abandonment of Minnezona Circle will proceed to the City Council on the
same agenda, if possible. We are currently working on satisfying the Abandonment conditions
and we know the conditions will not be complete by the January 8, 2020 Council hearing.

You can contact Ricki Horowitz at Burch & Cracchiolo (602-234-8728/
rurowitz@bcattorneys.com) or me (602-234-9913/cbull@bcattorneys.com) if you have any
questions.

Thank you.

Very truly yours,
Burch & Cracchiolo, P.A.

[Signature]
Edwin C. Bull

Burch & Cracchiolo, P.A.
702 E. Osborn Rd., Suite 200 • Phoenix, AZ 85014
Main: 602.274.7611 • Fax: 602.234.0341

BCATTORNEYS.COM
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 ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-29-19-6) FROM R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT) TO P-1 (PARKING DISTRICT, PASSENGER AUTOMOBILE PARKING, LIMITED).

________________________

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

SECTION 1. The zoning of a 0.78-acre site located approximately 235 feet east of the northeast corner of 32nd Street and Campbell Avenue in a portion of Section 24, Township 2 North, Range 3 East, as described more specifically in Exhibit “A”, is hereby changed from “R1-6” (Single-Family Residence District) to “P-1” (Parking District, Passenger Automobile Parking, Limited).

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

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

1. The landscape setback along the eastern property line shall be in general
conformance with the site plan date stamped July 25, 2019 including a minimum
setback of 10 feet which may include a maximum 6-foot high fence closure panel
that shall be view fencing. The landscaping shall be in installed and maintained in
accordance with the C-2 standards for planting type, size, quantity and trees shall
be planted near the sidewalk to provide shade, as approved by the Planning and
Development Department.

2. The landscape setback along the northern property line shall be in general
conformance to the site plan date stamped July 25, 2019 including a minimum
setback of 3 feet. The landscaping shall include a minimum of 3-inch caliper shade
trees to provide screening to the adjacent single-family residence, as approved by
the Planning and Development Department.

3. There shall be a minimum 10-foot landscape setback along the southern property
line with a maximum 3-foot high decorative wall as depicted on the site plan date
stamped June 25, 2019. The landscaping shall be installed and maintained in
accordance with the C-2 standards for planting type, size, quantity and trees shall
be planted near the sidewalk to provide shade, as approved by the Planning and
Development Department.

4. Minimum 25% of the parking lot shall be shaded with landscaping as measured on
the summer solstice at noon, as approved by the Planning and Development
Department.

5. A minimum 6-foot high decorative wall and minimum 2-inch caliper Sour Orange
trees planted four feet on center, shall be provided along the eastern side of the site,
as approved by the Planning and Development Department.

6. Any trash enclosures/dumpsters shall not be oriented toward a single-family
residential zoning district and shall be located a minimum of 80 feet from the eastern
property line, as approved by the Planning and Development Department.

7. A minimum 5-foot wide sidewalk along Campbell Avenue shall be detached with a
minimum 5-foot wide landscape strip located between the sidewalk and back of curb
and shall include minimum 2-inch caliper shade trees planted 20 feet on center or in
equivalent groupings, as approved by the Planning and Development Department.

8. The developer shall dedicate a one-foot Vehicular Non-Access Easement (VNAE)
along the eastern and southern property lines, as approved by the Planning and
Development Department.
9. A minimum of five inverted-U bicycle racks (10 spaces) for guests or employees shall be provided on site and installed per the requirement of Section 1307.H. of the Zoning Ordinance, as approved by the Planning and Development Department.

10. 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.

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 8th day of January 2020.

__________________________________  MAYOR

ATTEST:

__________________________________ City Clerk

APPROVED AS TO FORM:

__________________________________ City Attorney

REVIEWED BY:

__________________________________ City Manager

Exhibits:
EXHIBIT A

LEGAL DESCRIPTION FOR Z-29-19-6

Lot 1 and Lot 2 of NUEVO VENTURA, according to Book 109 of Maps, Page, 20 records of Maricopa County, Arizona, being located in a portion of the Northwest quarter of Section 24, Township 2 North, Range 3 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows;
BEGINNING at the Southwest corner of said Lot 1;
Thence along the West line of said Lots 1 and 2, North 00 degrees 16 minutes 32 seconds West 283.41 feet to the Northwest corner of said Lot 2;
Thence along the North line of said Lot 2, South 46 degrees 20 minutes 40 seconds East 164.85 feet to Northeast corner of said Lot 2, said point being the beginning on a non-tangent curve to the left, the center of which bears South 46 degrees 20 minutes 02 seconds East 125.00 feet;
Thence along the East line of said Lots 1 and 2, along said non-tangent curve to the left through a central angle of 43 degrees 39 minutes 58 seconds, an arc length of 95.26 feet;
Thence along the East line of said Lot 1, South 00 degrees 00 minutes 00 seconds East 71.30 feet to the beginning of a tangent curve to the right with a radius of 12.00 feet;
Thence continuing along the East line of said Lot 1, along said tangent curve to the right through a central angle of 90 degrees 00 minutes 00 seconds, an arc length of 18.85 feet, to a point on the South line of said Lot 1;
Thence along the South line of said Lot 1, North 90 degrees 00 minutes 00 seconds West 71.33 feet to the POINT OF BEGINNING.

Comprising 0.502 acres or 21,859 square feet, subject to all easements of record.
Gated Alley Program Pilot - Expansion and Funding (Ordinance S-46462)

This report requests City Council approval to expand the Gated Alley Program Pilot citywide, enter into any necessary agreements to implement the expanded pilot, and use $400,000 in Neighborhood Block Watch Grant Program funds for the costs associated with installation of gates. Further request authorization for the City Controller to disburse all funds related to this item. There is no impact to the General Fund.

Summary

On June 27, 2017, the City Council approved the original Gated Alley Program (GAP) Pilot for specific targeted areas in the Royal Palm and Sunnyslope neighborhoods. This program was designed by an interdepartmental committee in collaboration with residents to provide a new approach to deterring illegal dumping, graffiti and criminal activity in residential alleys. The GAP Pilot provided homeowners whose properties abut an alleyway the opportunity to submit an application to the City requesting both the relocation of solid waste services from the alley to curbside, and permission to install locked gates at the ends of the alley adjacent to their properties at the owners' cost. The City covered the cost of relocating solid waste services and the required revocable fence permit fees. Many residents outside of the pilot areas are experiencing continued issues with illegal dumping, graffiti and criminal activity occurring in their alleys and have expressed interest in gating their alleys, as it is a tool that could reduce the number of alley clean-ups required and increase safety. Therefore, City staff recommend expanding the GAP Pilot up to an additional 10 alley segments in each Council District.

City staff identified funding as a barrier for many neighborhoods in the GAP Pilot. Therefore, City staff seek authorization to create a grant program using $400,000 in Neighborhood Block Watch Grant Program (NBWGP) funds to assist neighborhoods within low-income community census tracts with the cost. Gating alleys has a correlation with reducing crime and is an eligible use of the funding source. NBWGP funds will be used to create a capital pool that can be used exclusively to fund contracts between awarded groups/organizations and City contractors or contractors on the Approved Contractor List (ACL) to design, obtain necessary permitting and complete all other work associated with building and installing the gates at the end of
alleys. A recognized Block Watch Group or Neighborhood Organization registered with the Neighborhood Services Department (NSD) and within a low-moderate income census tract will be permitted to apply for NBWGP. The request must include signatures from at least 51 percent of the property owners that would be impacted by each alley closure. NSD will administer the program funding to eligible applicants, the Public Works Department (PWD) will continue to relocate trash pickup from alley to curbside and the Planning and Development Department (PDD) will coordinate the petition verification and permitting process.

Additionally, NSD will either use a City vendor or maintain an ACL, which will be an internal process, to ensure qualified contractors perform the work. Neighborhood organizations using grant funding must utilize contractors on the ACL or City vendors to install the gates. To be added to the ACL and be eligible to participate as a contractor, receive bid opportunities, and perform services on GAP projects, contractors will be screened and qualified on an individual basis and must meet and maintain all eligibility requirements established by NSD and PDD. These requirements include holding a license with the Arizona Registrar of Contractors, maintaining adequate insurance and the like. Once on an approved ACL, contractors will be eligible to submit bids on alley gates within the alley segments designated as part of the program.

Staff seeks authorization to proceed with all actions necessary or appropriate to implement and administer the expanded GAP Pilot on a citywide basis including the following:

- Establish a separate GAP grant award process using $400,000 in NBWGP funds that may be used by recognized Block Watch Groups or registered Neighborhood Organizations within low-income community census tracts to pay for the costs associated with the design, construction and installation of gates at the ends of alleys.
- Enter into or amend any necessary contracts or agreements with eligible Block Watch Groups or Neighborhood Organizations.
- Enter into and/or amend contracts with private contractors or other service providers to perform work or otherwise implement the GAP Pilot.
- Maintain an ACL of qualified contractors to enter into agreements with Block Watch Groups or Neighborhood Organizations that will be funded by the GAP grant.
- Provide funding to Block Watch Groups, Neighborhood Organizations, contractors on the ACL or City vendors to perform work or otherwise implement the GAP Pilot.
- Establish requirements for the design, construction and installation of gates in alleys that must be adhered to regardless of whether grant funding is utilized, and which may vary depending on the conditions at the alley sites.
**Concurrence/Previous Council Action**

- The Land Use and Livability Subcommittee approved a recommendation to expand the Gated Alley Program Pilot to all the Council Districts to include up to 10 alley segments per council district, by a vote of 4-0 on Jan. 15, 2020.

- The Neighborhood Block Watch Grant Program Fund Oversight Committee approved a recommendation to reallocate $400,000 in NBWGP funds to cover the expense for installing gates at the ends of alley segments located within neighborhoods defined as part of the expansion of the Gated Alley Program Pilot at the NBWGP Oversight Committee by a vote of 8-1-1 on Feb. 5, 2020.

- The Public Safety and Justice Subcommittee approved a recommendation to reallocate $400,000 in Neighborhood Block Watch Grant Program funds to cover the cost of gates within eligible neighborhoods that are part of the expanded citywide Gated Alley Program Pilot by a vote of 4-0 on Feb. 12, 2020. The motion included that the grant criteria should be based upon need as demonstrated by crime, graffiti and dumping data as well as economic need.

**Responsible Department**

This item is submitted by Deputy City Managers Karen Peters and Mario Paniagua and the Public Works, Neighborhood Services and Planning and Development departments.
***REQUEST TO WITHDRAW (SEE ATTACHED MEMO)*** (CONTINUED FROM MARCH 4, 2020) - Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application PHO-2-19_Z-SP-5-14-4 - Approximately 420 Feet North of the Northeast Corner of 7th Street and Indian School Road (Ordinance G-6683)

Request to hold a public hearing on the Planning Hearing Officer rezoning application for the following item and consider adoption of the Planning Hearing Officer’s recommendation on Dec. 18, 2019.

Summary
Application: PHO-2-19_Z-SP-5-14-4
Existing Zoning: C-2 HGT/WVR SP
Acreage: 3.13
Applicant: Susan E. Demmitt, Gammage & Burnham, PLC
Owner: Quick N Clean 44 LLC, 4201 N 7th SP LLC
Representative: Susan E. Demmitt, Gammage & Burnham, PLC

Proposal:

Location
Approximately 420 feet north of the northeast corner of 7th Street and Indian School Road
Council District: 4
Parcel Address: N/A

Concurrence
Village Planning Committee (VPC) Recommendation: The Encanto Village Planning Committee heard this case on Dec. 2, 2019 and recommended approval with additional stipulations by a 7-5 vote.
PHO Action: The Planning Hearing Officer heard this case on Dec. 18, 2019 and recommended approval with modifications and additional stipulations. See Attachment A for the full list of Planning Hearing Officer recommended stipulations.
Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.
To: Mario Paniagua
Deputy City Manager

From: Alan Stephenson
Planning and Development Director

Subject: WITHDRAWAL OF ITEMS 85 & 86 ON THE MARCH 18, 2020 FORMAL AGENDA - PHO-2-19_Z-SP-5-14-4 (G-6683) & PHO-2-19_Z-118-14-4 (G-6684) – APPROXIMATELY 420 FEET NORTH OF THE NORTHEAST CORNER OF 7TH STREET & INDIAN SCHOOL ROAD

Items 85 & 86, Planning Hearing Officer Applications PHO-2-19_Z-SP-5-14-4 & PHO-2-19_Z-118-14-4 and Ordinances G-6683 & G-6684. The items are for a proposed Dutch Bros coffee shop.

The applicant is requesting that these items be withdrawn.

Approved: Mario Paniagua, Deputy City Manager

Date: March 17, 2020

*Attachment – email from applicant dated March 16, 2020
March 16, 2020

Susan E. Demmitt
sdemmitt@gblaw.com

(602) 256-4456

Via E-mail: alan.stephenson@phoenix.gov

Mr. Alan Stephenson
Planning Director
City of Phoenix
200 West Washington Street
Phoenix, Arizona 85003

Re: Notice of Withdrawal - PHO-2-19-Z-118-14-4 and PHO-2-19-Z-SP-5-14-4
Southeast corner of 7th Street and Devonshire Avenue

Dear Mr. Stephenson:

As the authorized representative for Quick N Clean 44 LLC, 4201 N 7th SP LLC, and 4141 N 7th LLC, please accept this letter as formal notice that we are withdrawing applications PHO-2-19-Z-118-14-4 and PHO-2-19-Z-SP-5-14-4, currently scheduled for consideration by the City Council this coming Wednesday, March 18th.

Should you have any questions, please do not hesitate to contact me at (602) 256-4456 or sdemmitt@gblaw.com. Thank you.

Sincerely,

GAMMAGE & BURNHAM, P.L.C.

[Signature]

By
Susan E. Demmitt

cc: Councilmember Laura Pastor
    Paul Li
    John McGarey
    Sheila Krueger
ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO REZONING APPLICATION Z-SP-5-14-4 PREVIOUSLY APPROVED BY ORDINANCE G-6450.

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

SECTION 1. The zoning stipulations applicable located approximately 420 feet north of the northeast corner of 7th Street and Indian School Road in a portion of Section 21, Township 2 North, Range 3 East, as described more specifically in Attachment “A”, are hereby modified to read as set forth below.

STIPULATIONS:

1. The SELF-SERVICE STORAGE WAREHOUSE development shall be in general conformance to the site plan date stamped October 27, 2014 and January 10, 2018 and elevations date stamped October 27, 2014, AND January 13, 2015, and February 2, 2018 with specific regard to:

   A. EXCEPT FOR INGRESS/EGRESS POINTS, NO PARKING/MANEUVERING SHALL BE ALLOWED BETWEEN THE BUILDINGS AND THE 7TH STREET FRONTAGE.

   B. The sidewalk along 7th Street shall be detached from the curb;

   a. 

   C. Maximum east elevation building height of 39 feet.

   b. 

2. THE RESTAURANT DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE TO THE SITE PLAN AND ELEVATIONS DATE STAMPED
NOVEMBER 1, 2019, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, WITH SPECIFIC REGARD TO:

A. THE SIDEWALK ALONG 7TH STREET SHALL BE DETACHED FROM THE CURB.

B. REQUIRED LANDSCAPE SETBACKS SHALL INCLUDE MULTI-TRUNK OR LARGE CANOPY SHADE TREES PLANTED 20 FEET ON CENTER OR IN EQUIVALENT GROUPINGS AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. TWENTY-FIVE PERCENT OF TREES SHALL BE MINIMUM 2-INCH CALIPER, FIFTY PERCENT OF TREES SHALL BE MINIMUM 3-INCH CALIPER, AND TWENTY-FIVE PERCENT OF THE TREES SHALL BE MINIMUM 4-INCH CALIPER. FIVE 5-GALLON SHRUBS PER TREE, AND ADDITIONAL SHRUBS OR LIVE GROUNDCOVER, SHALL PROVIDE MINIMUM 75% LIVE COVER AT MATURE SIZE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

C. A MINIMUM OF 15% OF THE PARKING LOT INTERIOR SURFACE AREA SHALL BE LANDSCAPED, EXCLUSIVE OF PERIMETER LANDSCAPING AND ALL SETBACKS. REQUIRED TREES SHALL CONSIST OF MINIMUM 2-INCH CALIPER, MULTI-TRUNK OR LARGE CANOPY SHADE TREES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

D. LANDSCAPED PLANTERS IN THE PARKING LOT AREA NORTH OF THE RESTAURANT BUILDING SHALL BE PROVIDED AT THE ENDS OF EACH ROW OF PARKING AND SPACED APPROXIMATELY 76 FEET OR LESS.

E. THE DEVELOPMENT TO DEDICATE AND CONSTRUCT A RIGHT-TURN DECELERATION LANE FOR THE DRIVEWAY ALONG 7TH STREET OR AS MODIFIED BY THE STREET TRANSPORTATION DEPARTMENT. THE LENGTH OF THE DECELERATION LANE SHALL BE DETERMINED AND APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.

F. THE DEVELOPER SHALL CONSTRUCT OR RECONSTRUCT ANY NEW OR EXISTING DRIVEWAY ACCESS FROM 7TH STREET IN A MANNER TO PROHIBIT LEFT TURN INGRESS AND EGRESS MOVEMENTS TO THE SITE WITHIN 300 FEET OF THE CENTERLINE OF DEVONSHIRE AVE. SUCH DRIVEWAYS SHALL CONFORM TO CITY OF PHOENIX STANDARD DETAILS P1243-2 OR P1243-3, OR AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.

2. Required trees in the 7th Street and Devonshire Avenue landscape setbacks shall be placed adjacent to the sidewalk in order to provide shade for pedestrians, as approved by the Planning and Development Department.
3. That THE development shall provide bicycle parking with an inverted-U design, as approved by the Planning and Development Department, as follows:
   a. A minimum of two spaces to serve the self-storage facility;
   b. A minimum of one space per 500 square feet for general retail;
   c. A minimum of one space per 300 square feet for a restaurant/bar.

4. A 10-foot sidewalk easement shall be dedicated on the 7th Street frontage, as approved by the Planning and Development Department.

5. That THE development shall comply with all ADA accessibility standards, as per plans approved by the Planning and Development Department.

6. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International-Airport (PHX) to future owners or tenants of the property.

7. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's Office. The waiver shall be recorded with the Maricopa County Recorder's office and delivered to the City to be included in the rezoning application file for record.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6450, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6450 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 4th day of March, 2020.
MAYOR

ATTEST:

______________________________ City Clerk

APPROVED AS TO FORM:

______________________________ City Attorney

REVIEWED BY:

______________________________ City Manager

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

LEGAL DESCRIPTION FOR PHO-1-18-- Z-SP-5-14-4

THE LAND REFERRED TO HERIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, IS A PORTION OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1 (APN 155-17-001)

The West 50 fet of the East 105 feet of Lot 1, Block 1, CHESTERFIELD PLACE, according to Book 6 of Maps, Page 7. Records of Maricopa County, Arizona.

PARCEL NO. 2: (APN 155-17-005 & APN 155-17-006)

Lots 2 and 3, Block 1, CHESTERFIELD PLACE, according to Book 6 of Maps, Page 7, records of Maricopa County, Arizona;

EXCEPT The West 7 feet of Lots 2 and 3.

PARCEL NO. 3: (APN 155-17-007)

Lot 4, Block 1, CHESTERFIELD PLACE, according to Book 6 of Maps, Page 7, records of Maricopa County, Arizona.

PARCEL NO. 4: (APN 155-17-008)

Lot 5, Block 1, CHESTERFIELD PLACE, according to Book 6 of Maps, Page 7, records of Maricopa County, Arizona.

EXCEPT The East 5 feet for ditch as set forth on Deed recorded in Book 187 of Deeds, Page 447.
ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: 

Zoning Case Number: PHO-2-19-Z-SP-5-14-4
Zoning Overlay: N/A
Planning Village: Encanto

PHO-2-19-Z-SP-5-14-4
Grand Canal
INDIAN SCHOOL RD
THOMAS RD
MC DOWELL RD

NOT TO SCALE

Drawn Date: 12/23/2019
### Village Planning Committee Meeting Summary

**PHO-2-19---Z-SP-5-14-4**

<table>
<thead>
<tr>
<th>Date of VPC Meeting</th>
<th>December 2, 2019</th>
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<tbody>
<tr>
<td>Planning Hearing Officer</td>
<td>December 18, 2019</td>
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<tr>
<td>Hearing Date</td>
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**Request**

1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped January 10, 2018 and elevations date stamped February 2, 2018

**Location**

Approximately 420 feet north of the northeast corner of 7th Street and Indian School Road

**VPC Recommendation**

Approved with additional stipulations to include the use of permeable pavers and to enhance the shade in the landscaped setback.

**VPC Vote**

7-5

**VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

*Cases Z-118-14-4 (PHO-2-19) Z-SP-5-14-4 (PHO-2-19) were discussed together.*

*Mr. Rick Mahrle recused himself for these items bringing quorum down to 12.*

2 speaker cards were submitted in favor, wishing to speak.

1 speaker card was submitted in opposition, wishing to speak.

*Ms. Keating, staff, introduced herself. She reviewed the request and the history of the project. She stated that the applicant wishes to update the stipulation for general conformance to the site plan.*

*Mr. Michael Maerowitz, with Gammage & Burnham, showed pictures of the current site. He explained that the underlying C-2 uses allow for a coffee stand, and that the proposed restaurant was never built on site. He explained that the proposed Dutch Bros. would contain dual drive through lanes and access to the site would be along 7th Street and Devonshire Avenue. He showed examples of other newly constructed Dutch Bros. He added that they have no other changes to the stipulations, other than updating the site plan.*
Mr. Kleinman inquired as to how many cars can fit in the dual drive through lane.

Mr. Maerowitz responded that 37 cars can fit inside the lanes.

Mr. Nick Sobraske, with Gammage & Burnham, added that the site contains an escape lane where people can order on an iPad and receive their beverages in the other lane.

Mr. Kleinman inquired as to how people will access the site.

Mr. Maerowitz confirmed access will be along 7th Street and Devonshire Avenue.

Ms. George felt uncomfortable with an approval to stipulation modification. She shared a concern that traffic will back up onto 7th Street which is designed to move traffic.

Mr. Maerowitz responded that the drive through lanes are large and can accommodate 37 cars.

Mr. Sobraske added that they are working on addressing any queuing and traffic issues.

Mr. Matthews shared that the site looks like a coffee stand location on 7th Street and Highland Avenue that never has a queuing problem. He added that he is concerned with the site proximity to a school and that customers will be driving through the neighborhood and disturbing the school.

Mr. Maerowitz responded that the intent is for primary access along 7th Street and that there is not direct access from Devonshire Avenue to 16th Street. He believes customers will use 7th Street.

Ms. Rodriguez asked if the applicants have spoken to the surround neighborhood.

Mr. Maerowitz responded that they sent out notices and no input was received.

Ms. Rodriguez advised the applicant that they should still reach out to the neighboring community.

Mr. Maerowitz responded that they will also have to obtain a use permit which will allow for public input to be received.

Mr. Bryck asked if they sidewalks are detached in front of the site.

Mr. Sobraske answered that they are not altering the sidewalks.

Ms. Keating confirmed that the sidewalks are detached in front of the vacant lot.

Mr. Bryck inquired if the reverse lane is in effect in front of this site.
Mr. Kleinman answered that customers could make a left in the middle of the street, just not at intersections.

Mr. Bryck asked if there will be a porkchop (traffic mitigation measure) on the site. Mr. Sobraske responded that they are working with staff to install a porkchop.

Ms. Cothron stated that this site is across from the Veterans Affairs hospital and predicts there will be pedestrians with disabilities walking near the site. She is concerned about the safety of those pedestrians who might jay-walk. She inquired about the height of the building in relation to the neighboring storage facility, the hours of operation and the lighting on site.

Mr. Sobraske answered that the height is 15-25 feet, which is shorter than the storage facility. He continued that the hours will be from 5:00 AM to 11:00 PM and that lighting will illuminate the patio and the site.

Ms. Cothron asked if the existing liquor store will be demolished.

Mr. Sobraske responded affirmatively.

Ms. Rodriguez asked what this project does for the community. She added that this is a heavy traffic area for those with disabilities and urged the applicant to consider the way the traffic on site goes in and out.

Mr. Sobraske shared that he believes this project is appropriate, and that there will be a 25-foot landscaped setback that is shaded.

Ms. Rodriguez asked how customers of the storage facility will access the site.

Mr. Sobraske responded that one of the curb cuts will remain.

Mr. Kleinman wanted to see more neighborhood engagement and is concerned with people crossing through the neighborhood to get back onto 7th Street.

Mr. Sobraske replied that more community engagement will occur when they obtain a use permit.

Mr. Procaccini asked if they could add a stipulation.

Ms. Keating responded that yes, if the stipulation is in accordance with the development site.

Mr. Procaccini shared that he is concerned about the heat island effect and asked if Dutch Bros. could install permeable pavers.

Mr. Sobraske responded that they can incorporate elements for shade.

Ms. Rodriguez commented that other coffee stands do not provide shade.

Mr. Sobraske responded that they can work through the type of trees that get planted on site.
Ms. Karen Perez stated that she lives by the credit union where children get off their school bus. She is concerned with traffic and what this development will due to her property.

**MOTION:**

Ms. George made a motion to deny the request to modify stipulation number 1 regarding general conformance to the site plan and elevations for cases Z-118-14-4 (PHO-2-19) and Z-SP-5-14-4 (PHO-2-19) until they receive more information.

Ms. Keating asked for clarification regarding the motion: if it was a request for a continuance or for a denial.

Ms. George responded that her motion was for a denial.

Ms. Rodriguez seconded the motion.

**VOTE:**
6-6, the motion does not pass, with members Bryck, Coates, George, Matthews, Rodriguez and Searles in favor and members Adams, Cothron, Jewett, Kleinman, Procaccini and Ressler in opposition.

**MOTION:**

Mr. Kleinman made a motion to approve the request to modify stipulation number 1 regarding general conformance to the site plan and elevations for cases Z-118-14-4 (PHO-2-19) and Z-SP-5-14-4 (PHO-2-19) with additional stipulations to include the use of permeable pavers and to enhance the shade in the landscaped setback.

Ms. Keating added that the zoning ordinance only allows for certain types of pavement on site.

Ms. Ressler seconded the motion.

**VOTE:**
7-5, motion passes with members Adams, Cothron, Coates, Jewett, Kleinman, Procaccini and Ressler in favor and members Bryck, George, Matthews, Rodriguez and Searles in opposition.

**STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

The additional stipulation to include the use of permeable pavers might conflict with the allowable paving types in the Zoning Ordinance.
ITEM 4

SUBJECT:

Application #: Z-SP-5-14-4 (PHO-2-19)
Zoning: C-2 HGT/WVR SP
Location: Approximately 420 feet north of the northeast corner of 7th Street and Indian School Road
Acreage: 3.13
Request: 1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped February 2, 2018 and elevations date stamped February 2, 2018.

Applicant: Susan Demmitt, Gammage & Burnham, PLC
Owner: Quick N Clean 44 LLC/4201 N 7th SP LLC
Representative: Susan Demmitt, Gammage & Burnham PLC

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with modifications and additional stipulations.

Village Planning Committee (VPC) Recommendation: The Encanto Village Planning Committee heard this case on December 2, 2019 and recommended approval with additional stipulations by a 7-5 vote.

DISCUSSION

This case was heard concurrently with Item #3, Z-118-14-4 (PHO-2-19).

Susan Demmitt, applicant and representative with Gammage & Burnham, stated that the site is for the relocation of the Central and Camelback Dutch Bros. restaurant. She stated that the site plan includes an 886 square foot restaurant building and 720 square foot outdoor shaded patio oriented towards 7th Street. She added that the plan reflects the new store prototype for Dutch Bros. with dual drive-through lanes that can accommodate 37 cars. She noted that there are no outdoor speaker-boards, but rather employees using iPads to take customer orders. She added that there are 37 parking spaces provided, with 11 on the south side of the site designated as employee only and the rest on the north side of the site for customers. She stated that the site will maintain 25-foot landscape buffers on 7th Street and Devonshire Avenue. She stated that there will be an access point from 7th Street and another from Devonshire Avenue.
Ms. Demmitt stated that the Encanto Village Planning Committee recommended approval with two additional stipulations by a vote of 7-5. The additional stipulations included the use of permeable pavers and enhanced shade in the landscaped setback. She stated that she would additionally propose new stipulations to increase required tree caliper size within the 7th Street and Devonshire Avenue landscape setbacks and enhance landscaping in the parking lot. Adam Stranieri stated that he had concerns regarding the permeable pavers because alternative dustproofing is approved through an administrative process with the Zoning Division, which is separate from the rezoning process. He stated that he cannot stipulate the applicant to obtain approval from a separate administrative review process. He added that the alternative dustproofing application states that commercial sites should not have alternative dustproofing in primary drive aisles or vehicle maneuvering areas. Alternative materials are typically limited to outdoor storage areas for commercial uses. He stated that the applicant’s proposed stipulations regarding increased tree calipers and enhanced landscaping in the parking lot were appropriate alternatives to the dustproofing request and would help to achieve some of the same sustainability goals of the Village’s recommendation.

Mr. Stranieri asked for clarification regarding the enhanced landscape setbacks. He asked if the applicant intended to increase half of the two-inch caliper trees to three-inch caliper trees. Ms. Demmitt stated that was correct. Mr. Stranieri stated that he recommended enhancing the landscaping in the parking lot from 60% one-inch caliper and 40% two-inch caliper trees to 100% two-inch caliper trees, which was greater than the applicant’s proposal. Ms. Demmitt stated that they had no objection to the modification.

Ms. Demmitt added that she reached out to the Devonshire Neighborhood Association and spoke with the President, John McGarey. She indicated that the applicant would attend the February 2020 Neighborhood Association meeting to update the neighborhood on the project status.

Ms. Demmitt stated that the applicant has also worked with the Street Transportation Department regarding additional stipulations about a right in-right out driveway and right turn deceleration lane along 7th Street. She requested that the stipulations include “…as modified by the Street Transportation Department” to preserve the ability to continue working with staff on a final configuration for vehicular access in this location. She stated that Dutch Bros. are working through a Traffic Analysis to analyze the potential need for a right turn deceleration lane. She added that if the deceleration lane is needed, the site plan will have to be revised to incorporate this feature.

Ms. Demmitt provided an email from the Street Transportation Department with modified stipulation language. Mr. Stranieri stated that he had received an updated recommendation from the Street Transportation Department reviewer that contained language consistent with the email provided by Ms. Demmitt.

Mr. Stranieri stated that the ordinance for PHO-1-18 included the legal description for the base zoning case, causing the stipulation modifications for the car wash to be applied to the storage facility. He indicated that bringing in the entire site in the current request will allow for restoration of stipulations for the storage facility that were removed.
and provide a clear distinction between stipulations that apply to each individual land use within the subject property. He stated that the method to best organize the stipulations is to create individual general conformance stipulations for each land use with additional requirements included as sub-stipulations. He added that keeping the new Street Transportation Department stipulations coupled with the general conformance requirement to the Dutch Bros. site plan would clearly indicate that the requirement is related to the proposed land use and allow for modifications to implement the Street Transportation Department’s recommendations if necessary.

**FINDINGS**

1) The subject property of the original rezoning case consisted of 3.13 gross acres which included approximately 2.33 gross acres proposed for a self-service storage warehouse and approximately 0.80 gross acres proposed to develop for a retail pad site or restaurant. The self-service storage warehouse was developed and the retail/restaurant site remains vacant. The case was approved concurrently with rezoning case no Z-118-14-4.

In 2018, Planning Hearing Officer actions were approved which modified the stipulations of both cases to permit a carwash on the retail/restaurant site. The subject property in these cases was the approximately 0.78 gross acre retail/restaurant site adjacent to 7th Street; however, the Ordinance Location Map in the adopted ordinances included the entire subject property of the original rezoning action. This resulted in a number of errors which included the inadvertent deletion of the applicability of Stipulation 1.a from the self-service storage warehouse site, where the intent was solely to remove this restriction for the proposed carwash. It is recommended to reintroduce this stipulation for the storage site. To correct these issues, the current applicant has included the entire subject property of the original rezoning action in their request. Therefore, this recommendation includes modifications to clearly distinguish which stipulations apply to the different uses individually and to the site as a whole. In the current request, no modifications were requested regarding the self-service storage warehouse site. The request is limited to issues regarding the proposed restaurant.

The difference between the subject property of the proposed restaurant in the current request and the previously approved carwash site is the inclusion of approximately 0.79 gross acres of additional property along Devonshire Avenue. Approximately 0.66 gross acres of this property, located at the immediate southeast corner of the intersection is not in the boundary of either rezoning case and is zoned C-2.

2) The Street Transportation Department recommended two additional stipulations requiring the developer to dedicate and construct a right-turn deceleration lane along 7th Street and prohibit left turn ingress and egress movements along 7th Street within 300 feet of Devonshire Avenue. These stipulations are included as sub-stipulations 2.E and 2.F of the general conformance stipulation. Placing these stipulations in this location clearly identifies these as applying to the
subject property of the proposed restaurant, applying to the proposed use as depicted on the site plan, and ensures that they do not apply to the self-service storage warehouse site. Additionally, New Stipulation 2 includes the caveat that site plan general conformance is predicated on modifications that may be required to implement these additional requirements.

3) The Encanto Village Planning Committee recommended an additional stipulation requiring enhanced shade in the landscape setback. This recommendation is appropriate for a site located along 7th Street, a major arterial street with heavy pedestrian and multi-modal use, and in close proximity to major community destinations and amenities including but not limited to the Montecito Community School, the VA Hospital, Indian Steele Park, and the Grand Canal. The enhanced shade will contribute to achieving goals in the City of Phoenix Tree & Shade Master Plan Tree which seeks to treat the urban forest as infrastructure, reduce the urban heat island effect, and provide thermal comfort for pedestrians. An additional stipulation is recommended to increase the minimum caliper size of trees in required landscape setbacks and groundcover percentage. This stipulation is consistent with an additional stipulation proposed by the applicant as an alternative to the Encanto Village Planning Committee’s recommendation for use of permeable pavers in the parking lot.

4) The Encanto Village Planning Committee also recommended an additional stipulation requiring the use of permeable pavers throughout the site. For commercial properties, alternative dustproofing is typically limited to areas used for open storage only. Employee and customer parking, main circulation drives and vehicle maneuvering areas must be paved. Equipment maneuvering areas or drive aisles may qualify for the use of alternative paving; however, this requires the review and approval of an alternative dustproofing request through the Zoning division. Rezoning stipulations should not mandate provision of a design standard that requires approval through a separate administrative process.

5) The applicant proposed additional stipulations to increase the minimum percentage of landscaping in parking lot areas from 10% to 15%, increase the size of required trees in the parking lot, and decrease the distance between parking lot landscape islands from 110 feet to 76 feet. These proposals are intended to provide mitigation of the heat island effect on the site and improve sustainability. Additionally, these were proposed as alternatives to the permeable pavers proposed by the Encanto Village Planning Committee described in more detail above. These stipulations are recommended for inclusion.

**DECISION:** The Planning Hearing Officer recommended approval with modifications and additional stipulations.
## STIPULATIONS

1. **The SELF-SERVICE STORAGE WAREHOUSE development shall be in general conformance to the site plan date stamped October 27, 2014 and February 2, 2018 and elevations date stamped October 27, 2014, AND January 13, 2015, and February 2, 2018, with specific regard to:**

| A. | EXCEPT FOR INGRESS/EGRESS POINTS, NO PARKING/MANEUVERING SHALL BE ALLOWED BETWEEN THE BUILDINGS AND THE 7TH STREET FRONTAGE. |
| B. | The sidewalk along 7th Street shall be detached from the curb; |
| C. | Maximum east elevation building height of 39 feet. |

2. **THE RESTAURANT DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE TO THE SITE PLAN AND ELEVATIONS DATE STAMPED NOVEMBER 1, 2019, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, WITH SPECIFIC REGARD TO:**

| A. | THE SIDEWALK ALONG 7TH STREET SHALL BE DETACHED FROM THE CURB. |
| B. | REQUIRED LANDSCAPE SETBACKS SHALL INCLUDE MULTI-TRUNK OR LARGE CANOPY SHADE TREES PLANTED 20 FEET ON CENTER OR IN EQUIVALENT GROUPINGS AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. TWENTY-FIVE PERCENT OF TREES SHALL BE MINIMUM 2-INCH CALIPER, FIFTY PERCENT OF TREES SHALL BE MINIMUM 3-INCH CALIPER, AND TWENTY-FIVE PERCENT OF THE TREES SHALL BE MINIMUM 4-INCH CALIPER. FIVE 5-GALLON SHRUBS PER TREE, AND ADDITIONAL SHRUBS OR LIVE GROUNDCOVER, SHALL PROVIDE MINIMUM 75% LIVE COVER AT MATURE SIZE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. |
| C. | A MINIMUM OF 15% OF THE PARKING LOT INTERIOR SURFACE AREA SHALL BE LANDSCAPED, EXCLUSIVE OF PERIMETER LANDSCAPING AND ALL SETBACKS. REQUIRED TREES SHALL CONSIST OF MINIMUM 2-INCH CALIPER, MULTI-TRUNK OR LARGE CANOPY SHADE TREES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. |
| D. | LANDSCAPED PLANTERS IN THE PARKING LOT AREA NORTH OF THE RESTAURANT BUILDING SHALL BE PROVIDED AT THE ENDS OF |
**E.** EACH ROW OF PARKING AND SPACED APPROXIMATELY 76 FEET OR LESS.

**F.** THE DEVELOPMENT TO DEDICATE AND CONSTRUCT A RIGHT-TURN DECELERATION LANE FOR THE DRIVEWAY ALONG 7TH STREET OR AS MODIFIED BY THE STREET TRANSPORTATION DEPARTMENT. THE LENGTH OF THE DECELERATION LANE SHALL BE DETERMINED AND APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.

2. Required trees in the 7th Street and Devonshire Avenue landscape setbacks shall be placed adjacent to the sidewalk in order to provide shade for pedestrians, as approved by the Planning and Development Department.

3. **That** THE development shall provide bicycle parking with an inverted-U design, as approved by the Planning and Development Department, as follows:
   - a. A minimum of two spaces to serve the self-storage facility;
   - b. A minimum of one space per 500 square feet for general retail;
   - c. A minimum of one space per 300 square feet for a restaurant/bar.

4. A 10-foot sidewalk easement shall be dedicated on the 7th Street frontage, as approved by the Planning and Development Department.

5. **That** The development shall comply with all ADA accessibility standards, as per plans approved by the Planning and Development Department.

6. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International-Airport (PHX) to future owners or tenants of the property.

7. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney’s Office. 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.
Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact the Planning and Development Department, Tamra Ingersoll at voice number 602-534-6648 or TTY use 7-1-1.
To: Mario Paniagua  
Deputy City Manager

From: Alan Stephenson  
Planning and Development Director

Subject: CONTINUANCE OF ITEMS 90 & 91 ON THE MARCH 4, 2020 FORMAL AGENDA - PHO-2-19_Z-SP-5-14-4 & PHO-2-19_Z-118-14-4 - APPROXIMATELY 420 FEET NORTH OF THE NORTHEAST CORNER OF 7TH STREET & INDIAN SCHOOL ROAD

This memo requests the continuance of the following items on the March 4, 2020 Formal Agenda – Approximately 420 feet north of the northeast corner of 7th Street and Indian School Road. The items are for a proposed Dutch Bros coffee shop.

This request is to continue the items to March 18, 2020, in order to allow applicant additional time to meet with the community.

Approved: Mario Paniagua, Deputy City Manager
***REQUEST TO WITHDRAW (SEE ATTACHED MEMO)*** (CONTINUED FROM MARCH 4, 2020) - Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application PHO-2-19_Z-118-14-4 - Approximately 420 Feet North of the Northeast Corner of 7th Street and Indian School Road (Ordinance G-6684)

Request to hold a public hearing on the Planning Hearing Officer rezoning application for the following item and consider adoption of the Planning Hearing Officer’s recommendation on Dec. 18, 2019.

Summary
Application: PHO-2-19_Z-118-14-4
Existing Zoning: C-2 HGT/WVR SP
Acreage: 3.13
Applicant: Susan E. Demmitt, Gammage & Burnham, PLC
Owner: Quick N Clean 44 LLC, 4201 N 7th SP LLC
Representative: Susan E. Demmitt, Gammage & Burnham, PLC

Proposal:
1. Modification of Stipulation 1 regarding general conformance to the site plan date stamped Jan. 10, 2018 and elevations date stamped Feb. 2, 2018.

Concurrence
Village Planning Committee (VPC) Recommendation: The Encanto Village Planning Committee heard this case on Dec. 2, 2019 and recommended approval with additional stipulations by a 7-5 vote.
PHO Action: The Planning Hearing Officer heard this case on Dec. 18, 2019 and recommended approval with modifications and additional stipulations. See Attachment A for the full list of Planning Hearing Officer recommended stipulations.

Location
Approximately 420 feet north of the northeast corner of 7th Street and Indian School Road
Council District: 4
Parcel Address: N/A
Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.
To: Mario Paniagua  
Deputy City Manager  

From: Alan Stephenson  
Planning and Development Director  

Subject: WITHDRAWAL OF ITEMS 85 & 86 ON THE MARCH 18, 2020 FORMAL AGENDA - PHO-2-19_Z-SP-5-14-4 (G-6683) & PHO-2-19_Z-118-14-4 (G-6684) – APPROXIMATELY 420 FEET NORTH OF THE NORTHEAST CORNER OF 7TH STREET & INDIAN SCHOOL ROAD

Items 85 & 86, Planning Hearing Officer Applications PHO-2-19_Z-SP-5-14-4 & PHO-2-19_Z-118-14-4 and Ordinances G-6683 & G-6684. The items are for a proposed Dutch Bros coffee shop.

The applicant is requesting that these items be withdrawn.

Approved: Mario Paniagua, Deputy City Manager  

Date  

*Attachment – email from applicant dated March 16, 2020*
March 16, 2020

Susan E. Demmitt
sdemmitt@gb1aw.com

(602) 256-4456

Via E-mail: alan.stephenson@phoenix.gov

Mr. Alan Stephenson
Planning Director
City of Phoenix
200 West Washington Street
Phoenix, Arizona 85003

Re: Notice of Withdrawal - PHO-2-19-Z-118-14-4 and PHO-2-19-Z-SP-5-14-4
Southeast corner of 7th Street and Devonshire Avenue

Dear Mr. Stephenson:

As the authorized representative for Quick N Clean 44 LLC, 4201 N 7th SP LLC, and 4141 N 7th LLC, please accept this letter as formal notice that we are withdrawing applications PHO-2-19-Z-118-14-4 and PHO-2-19-Z-SP-5-14-4, currently scheduled for consideration by the City Council this coming Wednesday, March 18th.

Should you have any questions, please do not hesitate to contact me at (602) 256-4456 or sdemmitt@gb1aw.com. Thank you.

Sincerely,

GAMMAGE & BURNHAM, P.L.C.

By
Susan E. Demmitt

SED/nas

cc: Councilmember Laura Pastor
Paul Li
John McGarey
Sheila Krueger
ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO REZONING APPLICATION Z-118-14-4 PREVIOUSLY APPROVED BY ORDINANCE G-6449.

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

SECTION 1. The zoning stipulations applicable located approximately 420 feet north of the northeast corner of 7th Street and Indian School Road in a portion of Section 21, Township 2 North, Range 3 East, as described more specifically in Attachment “A”, are hereby modified to read as set forth below.

STIPULATIONS:

1. The SELF-SERVICE STORAGE WAREHOUSE development shall be in general conformance to the site plan date stamped October 27, 2014 and January 10, 2018 and elevations date stamped October 27, 2014, AND January 13, 2015, and February 2, 2018 with specific regard to:

   A. EXCEPT FOR INGRESS/EGRESS POINTS, NO PARKING/MANEUVERING SHALL BE ALLOWED BETWEEN THE BUILDINGS AND THE 7TH STREET FRONTAGE.

   B. The sidewalk along 7th Street shall be detached from the curb;

      a. 

   C. Maximum east elevation building height of 39 feet.

      b. 

2. THE RESTAURANT DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE TO THE SITE PLAN AND ELEVATIONS DATE STAMPED
NOVEMBER 1, 2019, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, WITH SPECIFIC REGARD TO:

A. THE SIDEWALK ALONG 7TH STREET SHALL BE DETACHED FROM THE CURB.

B. REQUIRED LANDSCAPE SETBACKS SHALL INCLUDE MULTI-TRUNK OR LARGE CANOPY SHADE TREES PLANTED 20 FEET ON CENTER OR IN EQUIVALENT GROUPINGS AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. TWENTY-FIVE PERCENT OF TREES SHALL BE MINIMUM 2-INCH CALIPER, FIFTY PERCENT OF TREES SHALL BE MINIMUM 3-INCH CALIPER, AND TWENTY-FIVE PERCENT OF THE TREES SHALL BE MINIMUM 4-INCH CALIPER. FIVE 5-GALLON SHRUBS PER TREE, AND ADDITIONAL SHRUBS OR LIVE GROUNDCOVER, SHALL PROVIDE MINIMUM 75% LIVE COVER AT MATURE SIZE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

C. A MINIMUM OF 15% OF THE PARKING LOT INTERIOR SURFACE AREA SHALL BE LANDSCAPED, EXCLUSIVE OF PERIMETER LANDSCAPING AND ALL SETBACKS. REQUIRED TREES SHALL CONSIST OF MINIMUM 2-INCH CALIPER, MULTI-TRUNK OR LARGE CANOPY SHADE TREES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

D. LANDSCAPED PLANTERS IN THE PARKING LOT AREA NORTH OF THE RESTAURANT BUILDING SHALL BE PROVIDED AT THE ENDS OF EACH ROW OF PARKING AND SPACED APPROXIMATELY 76 FEET OR LESS.

E. THE DEVELOPMENT TO DEDICATE AND CONSTRUCT A RIGHT-TURN DECELERATION LANE FOR THE DRIVEWAY ALONG 7TH STREET OR AS MODIFIED BY THE STREET TRANSPORTATION DEPARTMENT. THE LENGTH OF THE DECELERATION LANE SHALL BE DETERMINED AND APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.

F. THE DEVELOPER SHALL CONSTRUCT OR RECONSTRUCT ANY NEW OR EXISTING DRIVEWAY ACCESS FROM 7TH STREET IN A MANNER TO PROHIBIT LEFT TURN INGRESS AND EGRESS MOVEMENTS TO THE SITE WITHIN 300 FEET OF THE CENTERLINE OF DEVONSHIRE AVE. SUCH DRIVEWAYS SHALL CONFORM TO CITY OF PHOENIX STANDARD DETAILS P1243-2 OR P1243-3, OR AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.

2. Required trees in the 7th Street and Devonshire Avenue landscape setbacks shall be placed adjacent to the sidewalk in order to provide shade for pedestrians, as approved by the Planning and Development Department.
3. That the development shall provide bicycle parking with an inverted-U design, as approved by the Planning and Development Department, as follows:

   a. A minimum of two spaces to serve the self-storage facility;

   b. A minimum of one space per 500 square feet for general retail;

   c. A minimum of one space per 300 square feet for a restaurant/bar.

4. A 10-foot sidewalk easement shall be dedicated on the 7th Street frontage, as approved by the Planning and Development Department.

5. That the development shall comply with all ADA accessibility standards, as per plans approved by the Planning and Development Department.

6. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International-Airport (PHX) to future owners or tenants of the property.

7. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's Office. The waiver shall be recorded with the Maricopa County Recorder's office and delivered to the City to be included in the rezoning application file for record.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6449, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6449 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 4th day of March, 2020.
MAYOR

ATTEST:

____________________________ City Clerk

APPROVED AS TO FORM:

____________________________ City Attorney

REVIEWED BY:

____________________________ City Manager

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

LEGAL DESCRIPTION FOR PHO-1-18- Z-118-14-4

THE LAND REFERRED TO HERIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, IS A PORTION OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1 (APN 155-17-001)

The West 50 feet of the East 105 feet of Lot 1, Block 1, CHESTERFIELD PLACE, according to Book 6 of Maps, Page 7. Records of Maricopa County, Arizona.

PARCEL NO. 2: (APN 155-17-005 & APN 155-17-006)

Lots 2 and 3, Block 1, CHESTERFIELD PLACE, according to Book 6 of Maps, Page 7, records of Maricopa County, Arizona;

EXCEPT The West 7 feet of Lots 2 and 3.

PARCEL NO. 3: (APN 155-17-007)

Lot 4, Block 1, CHESTERFIELD PLACE, according to Book 6 of Maps, Page 7, records of Maricopa County, Arizona.

PARCEL NO. 4: (APN 155-17-008)

Lot 5, Block 1, CHESTERFIELD PLACE, according to Book 6 of Maps, Page 7, records of Maricopa County, Arizona.

EXCEPT The East 5 feet for ditch as set forth on Deed recorded in Book 187 of Deeds, Page 447.
## Village Planning Committee Meeting Summary

**PHO-2-19---Z-118-14-4**

<table>
<thead>
<tr>
<th>Date of VPC Meeting</th>
<th>December 2, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Hearing Officer</td>
<td></td>
</tr>
<tr>
<td>Hearing Date</td>
<td>December 18, 2019</td>
</tr>
<tr>
<td>Request</td>
<td>1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped January 10, 2018 and elevations date stamped February 2, 2018</td>
</tr>
<tr>
<td>Location</td>
<td>Approximately 420 feet north of the northeast corner of 7th Street and Indian School Road</td>
</tr>
<tr>
<td>VPC Recommendation</td>
<td>Approved with additional stipulations to include the use of permeable pavers and to enhance the shade in the landscaped setback.</td>
</tr>
<tr>
<td>VPC Vote</td>
<td>7-5</td>
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</tbody>
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### VPC DISCUSSION & RECOMMENDED STIPULATIONS:

*Cases Z-118-14-4 (PHO-2-19) Z-SP-5-14-4 (PHO-2-19) were discussed together.*

*Mr. Rick Mahrle recused himself for these items bringing quorum down to 12.*

*2 speaker cards were submitted in favor, wishing to speak.*

*1 speaker card was submitted in opposition, wishing to speak.*

*Ms. Keating, staff, introduced herself. She reviewed the request and the history of the project. She stated that the applicant wishes to update the stipulation for general conformance to the site plan.*

*Mr. Michael Maerowitz, with Gammage & Burnham, showed pictures of the current site. He explained that the underlying C-2 uses allow for a coffee stand, and that the proposed restaurant was never built on site. He explained that the proposed Dutch Bros. would contain dual drive through lanes and access to the site would be along 7th Street and Devonshire Avenue. He showed examples of other newly constructed Dutch Bros. He added that they have no other changes to the stipulations, other than updating the site plan.*
Mr. Kleinman inquired as to how many cars can fit in the dual drive through lane.

Mr. Maerowitz responded that 37 cars can fit inside the lanes.

Mr. Nick Sobraske, with Gammage & Burnham, added that the site contains an escape lane where people can order on an iPad and receive their beverages in the other lane.

Mr. Kleinman inquired as to how people will access the site.

Mr. Maerowitz confirmed access will be along 7th Street and Devonshire Avenue.

Ms. George felt uncomfortable with an approval to stipulation modification. She shared a concern that traffic will back up onto 7th Street which is designed to move traffic.

Mr. Maerowitz responded that the drive through lanes are large and can accommodate 37 cars.

Mr. Sobraske added that they are working on addressing any queuing and traffic issues.

Mr. Matthews shared that the site looks like a coffee stand location on 7th Street and Highland Avenue that never has a queuing problem. He added that he is concerned with the site proximity to a school and that customers will be driving through the neighborhood and disturbing the school.

Mr. Maerowitz responded that the intent is for primary access along 7th Street and that there is not direct access from Devonshire Avenue to 16th Street. He believes customers will use 7th Street.

Ms. Rodriguez asked if the applicants have spoken to the surround neighborhood.

Mr. Maerowitz responded that they sent out notices and no input was received.

Ms. Rodriguez advised the applicant that they should still reach out to the neighboring community.

Mr. Maerowitz responded that they will also have to obtain a use permit which will allow for public input to be received.

Mr. Bryck asked if they sidewalks are detached in front of the site.

Mr. Sobraske answered that they are not altering the sidewalks.

Ms. Keating confirmed that the sidewalks are detached in front of the vacant lot.

Mr. Bryck inquired if the reverse lane is in effect in front of this site.
Mr. Kleinman answered that customers could make a left in the middle of the street, just not at intersections.

Mr. Bryck asked if there will be a porkchop (traffic mitigation measure) on the site. Mr. Sobraske responded that they are working with staff to install a porkchop.

Ms. Cothron stated that this site is across from the Veterans Affairs hospital and predicts there will be pedestrians with disabilities walking near the site. She is concerned about the safety of those pedestrians who might jay-walk. She inquired about the height of the building in relation to the neighboring storage facility, the hours of operation and the lighting on site.

Mr. Sobraske answered that the height is 15-25 feet, which is shorter than the storage facility. He continued that the hours will be from 5:00 AM to 11:00 PM and that lighting will illuminate the patio and the site.

Ms. Cothron asked if the existing liquor store will be demolished.

Mr. Sobraske responded affirmatively.

Ms. Rodriguez asked what this project does for the community. She added that this is a heavy traffic area for those with disabilities and urged the applicant to consider the way the traffic on site goes in and out.

Mr. Sobraske shared that he believes this project is appropriate, and that there will be a 25-foot landscaped setback that is shaded.

Ms. Rodriguez asked how customers of the storage facility will access the site.

Mr. Sobraske responded that one of the curb cuts will remain.

Mr. Kleinman wanted to see more neighborhood engagement and is concerned with people crossing through the neighborhood to get back onto 7th Street.

Mr. Sobraske replied that more community engagement will occur when they obtain a use permit.

Mr. Procaccini asked if they could add a stipulation.

Ms. Keating responded that yes, if the stipulation is in accordance with the development site.

Mr. Procaccini shared that he is concerned about the heat island effect and asked if Dutch Bros. could install permeable pavers.

Mr. Sobraske responded that they can incorporate elements for shade.

Ms. Rodriguez commented that other coffee stands do not provide shade.

Mr. Sobraske responded that they can work through the type of trees that get planted on site.
Ms. Karen Perez stated that she lives by the credit union where children get off their school bus. She is concerned with traffic and what this development will due to her property.

**MOTION:**

Ms. George made a motion to deny the request to modify stipulation number 1 regarding general conformance to the site plan and elevations for cases Z-118-14-4 (PHO-2-19) and Z-SP-5-14-4 (PHO-2-19) until they receive more information.

Ms. Keating asked for clarification regarding the motion: if it was a request for a continuance or for a denial.

Ms. George responded that her motion was for a denial.

Ms. Rodriguez seconded the motion.

**VOTE:**

6-6, the motion does not pass, with members Bryck, Coates, George, Matthews, Rodriguez and Searles in favor and members Adams, Cothron, Jewett, Kleinman, Procaccini and Ressler in opposition.

**MOTION:**

Mr. Kleinman made a motion to approve the request to modify stipulation number 1 regarding general conformance to the site plan and elevations for cases Z-118-14-4 (PHO-2-19) and Z-SP-5-14-4 (PHO-2-19) with additional stipulations to include the use of permeable pavers and to enhance the shade in the landscaped setback.

Ms. Keating added that the zoning ordinance only allows for certain types of pavement on site.

Ms. Ressler seconded the motion.

**VOTE:**

7-5, motion passes with members Adams, Cothron, Coates, Jewett, Kleinman, Procaccini and Ressler in favor and members Bryck, George, Matthews, Rodriguez and Searles in opposition.

**STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

The additional stipulation to include the use of permeable pavers might conflict with the allowable paving types in the Zoning Ordinance.
ITEM 3

SUBJECT: Application #: Z-118-14-4 (PHO-2-19)
Zoning: C-2 HGT/WVR SP
Location: Approximately 420 feet north of the northeast corner of 7th Street and Indian School Road
Acreage: 3.13
Request: 1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped January 10, 2018 and elevations date stamped February 2, 2018.
Applicant: Susan E. Demmitt, Gammage & Burnham, PLC
Owner: Quick N Clean 44 LLC/4201 N 7th SP LLC
Representative: Susan E. Demmitt, Gammage & Burnham, PLC

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with modifications and additional stipulations.

Village Planning Committee (VPC) Recommendation: The Encanto Village Planning Committee heard this case on December 2, 2019 and recommended approval with additional stipulations by a 7-5 vote.

DISCUSSION

This case was heard concurrently with Item #4, Z-SP-5-14-4 (PHO-2-19).

Susan Demmitt, applicant and representative with Gammage & Burnham, stated that the site is for the relocation of the Central and Camelback Dutch Bros. restaurant. She stated that the site plan includes an 886 square foot restaurant building and 720 square foot outdoor shaded patio oriented towards 7th Street. She added that the plan reflects the new store prototype for Dutch Bros. with dual drive-through lanes that can accommodate 37 cars. She noted that there are no outdoor speaker-boards, but rather employees using iPads to take customer orders. She added that there are 37 parking spaces provided, with 11 on the south side of the site designated as employee only and the rest on the north side of the site for customers. She stated that the site will maintain 25-foot landscape buffers on 7th Street and Devonshire Avenue. She stated that there will be an access point from 7th Street and another from Devonshire Avenue.
Ms. Demmitt stated that the Encanto Village Planning Committee recommended approval with two additional stipulations by a vote of 7-5. The additional stipulations included the use of permeable pavers and enhanced shade in the landscaped setback. She stated that she would additionally propose new stipulations to increase required tree caliper size within the 7th Street and Devonshire Avenue landscape setbacks and enhance landscaping in the parking lot. Adam Stranieri stated that he had concerns regarding the permeable pavers because alternative dustproofing is approved through an administrative process with the Zoning Division, which is separate from the rezoning process. He stated that he cannot stipulate the applicant to obtain approval from a separate administrative review process. He added that the alternative dustproofing application states that commercial sites should not have alternative dustproofing in primary drive aisles or vehicle maneuvering areas. Alternative materials are typically limited to outdoor storage areas for commercial uses. He stated that the applicant’s proposed stipulations regarding increased tree calipers and enhanced landscaping in the parking lot were appropriate alternatives to the dustproofing request and would help to achieve some of the same sustainability goals of the Village’s recommendation.

Mr. Stranieri asked for clarification regarding the enhanced landscape setbacks. He asked if the applicant intended to increase half of the two-inch caliper trees to three-inch caliper trees. Ms. Demmitt stated that was correct. Mr. Stranieri stated that he recommended enhancing the landscaping in the parking lot from 60% one-inch caliper and 40% two-inch caliper trees to 100% two-inch caliper trees, which was greater than the applicant’s proposal. Ms. Demmitt stated that they had no objection to the modification.

Ms. Demmitt added that she reached out to the Devonshire Neighborhood Association and spoke with the President, John McGarey. She indicated that the applicant would attend the February 2020 Neighborhood Association meeting to update the neighborhood on the project status.

Ms. Demmitt stated that the applicant has also worked with the Street Transportation Department regarding additional stipulations about a right in-right out driveway and right turn deceleration lane along 7th Street. She requested that the stipulations include “…as modified by the Street Transportation Department” to preserve the ability to continue working with staff on a final configuration for vehicular access in this location. She stated that Dutch Bros. are working through a Traffic Analysis to analyze the potential need for a right turn deceleration lane. She added that if the deceleration lane is needed, the site plan will have to be revised to incorporate this feature.

Ms. Demmitt provided an email from the Street Transportation Department with modified stipulation language. Mr. Stranieri stated that he had received an updated recommendation from the Street Transportation Department reviewer that contained language consistent with the email provided by Ms. Demmitt.

Mr. Stranieri stated that the ordinance for PHO-1-18 included the legal description for the base zoning case, causing the stipulation modifications for the car wash to be applied to the storage facility. He indicated that bringing in the entire site in the current request will allow for restoration of stipulations for the storage facility that were removed
and provide a clear distinction between stipulations that apply to each individual land use within the subject property. He stated that the method to best organize the stipulations is to create individual general conformance stipulations for each land use with additional requirements included as sub-stipulations. He added that keeping the new Street Transportation Department stipulations coupled with the general conformance requirement to the Dutch Bros. site plan would clearly indicate that the requirement is related to the proposed land use and allow for modifications to implement the Street Transportation Department’s recommendations if necessary.

FINDINGS

1) The subject property of the original rezoning case consisted of 3.13 gross acres which included approximately 2.33 gross acres proposed for a self-service storage warehouse and approximately 0.80 gross acres proposed to develop for a retail pad site or restaurant. The self-service storage warehouse was developed, and the retail/restaurant site remains vacant. The case was approved concurrently with Special Permit rezoning case no. Z-SP-5-14. In 2018, Planning Hearing Officer actions were approved which modified the stipulations of both cases to permit a carwash on the retail/restaurant site. The subject property in these cases was the approximately 0.78 gross acre retail/restaurant site adjacent to 7th Street; however, the Ordinance Location Map in the adopted ordinances included the entire subject property of the original rezoning action. This resulted in several errors which included the inadvertent deletion of the applicability of Stipulation 1.a from the self-service storage warehouse site, where the intent was solely to remove this restriction for the proposed carwash. It is recommended to reintroduce this stipulation for the storage site. To correct these issues, the current applicant has included the entire subject property of the original rezoning action in their request. Therefore, this recommendation includes modifications to clearly distinguish which stipulations apply to the different uses individually and to the site as a whole. In the current request, no modifications were requested regarding the self-service storage warehouse site. The request is limited to issues regarding the proposed restaurant.

The difference between the subject property of the proposed restaurant in the current request and the previously approved carwash site is the inclusion of approximately 0.79 gross acres of additional property along Devonshire Avenue. Approximately 0.66 gross acres of this property, located at the immediate southeast corner of the intersection is not in the boundary of either rezoning case and is zoned C-2.

2) The Street Transportation Department recommended two additional stipulations requiring the developer to dedicate and construct a right-turn deceleration lane along 7th Street and prohibit left turn ingress and egress movements along 7th Street within 300 feet of Devonshire Avenue. These stipulations are included as sub-stipulations 2.E and 2.F of the general conformance stipulation. Placing these stipulations in this location clearly identifies these as applying to the
subject property of the proposed restaurant, applying to the proposed use as 
depicted on the site plan, and ensures that they do not apply to the self-service 
storage warehouse site. Additionally, New Stipulation 2 includes the caveat that 
site plan general conformance is predicated on modifications that may be 
required to implement these additional requirements.

3) The Encanto Village Planning Committee recommended an additional stipulation 
requiring enhanced shade in the landscape setback. This recommendation is 
appropriate for a site located along 7th Street, a major arterial street with heavy 
pedestrian and multi-modal use, and in close proximity to major community 
destinations and amenities including but not limited to the Montecito Community 
School, the VA Hospital, Indian Steele Park, and the Grand Canal. The 
enhanced shade will contribute to achieving goals in the City of Phoenix Tree & 
Shade Master Plan Tree which seeks to treat the urban forest as infrastructure, 
reduce the urban heat island effect, and provide thermal comfort for pedestrians. 
An additional stipulation is recommended to increase the minimum caliper size of 
trees in required landscape setbacks and groundcover percentage. This 
stipulation is consistent with an additional stipulation proposed by the applicant 
as an alternative to the Encanto Village Planning Committee’s recommendation 
for use of permeable pavers in the parking lot.

4) The Encanto Village Planning Committee also recommended an additional 
stipulation requiring the use of permeable pavers throughout the site. For 
commercial properties, alternative dustproofing is typically limited to areas used 
for open storage only. Employee and customer parking, main circulation drives 
and vehicle maneuvering areas must be paved. Equipment maneuvering areas 
or drive aisles may qualify for the use of alternative paving; however, this 
requires the review and approval of an alternative dustproofing request through 
the Zoning division. Rezoning stipulations should not mandate provision of a 
design standard that requires approval through a separate administrative 
process.

5) The applicant proposed additional stipulations to increase the minimum 
percentage of landscaping in parking lot areas from 10% to 15%, increase the 
size of required trees in the parking lot, and decrease the distance between 
parking lot landscape islands from 110 feet to 76 feet. These proposals are 
tended to provide mitigation of the heat island effect on the site and improve 
sustainability. Additionally, these were proposed as alternatives to the 
permeable pavers proposed by the Encanto Village Planning Committee 
described in more detail above. These stipulations are recommended for 
 inclusion.

DECISION: The Planning Hearing Officer recommended approval with modifications 
and additional stipulations.
**STIPULATIONS**

1. The SELF-SERVICE STORAGE WAREHOUSE development shall be in general conformance to the site plan date stamped October 27, 2014 and January 10, 2018 and elevations date stamped October 27, 2014, AND January 13, 2015, and February 2, 2018 with specific regard to:

   A. EXCEPT FOR INGRESS/EGRESS POINTS, NO PARKING/MANEUVERING SHALL BE ALLOWED BETWEEN THE BUILDINGS AND THE 7TH STREET FRONTAGE.

   B. a. The sidewalk along 7th Street shall be detached from the curb;

   b. Maximum east elevation building height of 39 feet.

2. THE RESTAURANT DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE TO THE SITE PLAN AND ELEVATIONS DATE STAMPED NOVEMBER 1, 2019, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, WITH SPECIFIC REGARD TO:

   A. THE SIDEWALK ALONG 7TH STREET SHALL BE DETACHED FROM THE CURB.

   B. REQUIRED LANDSCAPE SETBACKS SHALL INCLUDE MULTI-TRUNK OR LARGE CANOPY SHADE TREES PLANTED 20 FEET ON CENTER OR IN EQUIVALENT GROUPINGS AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. TWENTY-FIVE PERCENT OF TREES SHALL BE MINIMUM 2-INCH CALIPER, FIFTY PERCENT OF TREES SHALL BE MINIMUM 3-INCH CALIPER, AND TWENTY-FIVE PERCENT OF THE TREES SHALL BE MINIMUM 4-INCH CALIPER. FIVE 5-GALLON SHRUBS PER TREE, AND ADDITIONAL SHRUBS OR LIVE GROUNDCOVER, SHALL PROVIDE MINIMUM 75% LIVE COVER AT MATURE SIZE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

   C. A MINIMUM OF 15% OF THE PARKING LOT INTERIOR SURFACE AREA SHALL BE LANDSCAPED, EXCLUSIVE OF PERIMETER LANDSCAPING AND ALL SETBACKS. REQUIRED TREES SHALL CONSIST OF MINIMUM 2-INCH CALIPER, MULTI-TRUNK OR LARGE CANOPY SHADE TREES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

   D. LANDSCAPED PLANTERS IN THE PARKING LOT AREA NORTH OF THE RESTAURANT BUILDING SHALL BE PROVIDED AT THE ENDS OF
EACH ROW OF PARKING AND SPACED APPROXIMATELY 76 FEET OR LESS.

E. THE DEVELOPMENT TO DEDICATE AND CONSTRUCT A RIGHT-TURN DECELERATION LANE FOR THE DRIVEWAY ALONG 7TH STREET OR AS MODIFIED BY THE STREET TRANSPORTATION DEPARTMENT. THE LENGTH OF THE DECELERATION LANE SHALL BE DETERMINED AND APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.

F. THE DEVELOPER SHALL CONSTRUCT OR RECONSTRUCT ANY NEW OR EXISTING DRIVEWAY ACCESS FROM 7TH STREET IN A MANNER TO PROHIBIT LEFT TURN INGRESS AND EGRESS MOVEMENTS TO THE SITE WITHIN 300 FEET OF THE CENTERLINE OF DEVONSHIRE AVE. SUCH DRIVEWAYS SHALL CONFORM TO CITY OF PHOENIX STANDARD DETAILS P1243-2 OR P1243-3, OR AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.

2. Required trees in the 7th Street and Devonshire Avenue landscape setbacks shall be placed adjacent to the sidewalk in order to provide shade for pedestrians, as approved by the Planning and Development Department.

3. The development shall provide bicycle parking with an inverted-U design, as approved by the Planning and Development Department, as follows:

   a. A minimum of two spaces to serve the self-storage facility;

   b. A minimum of one space per 500 square feet for general retail;

   c. A minimum of one space per 300 square feet for a restaurant/bar.

4. A 10-foot sidewalk easement shall be dedicated on the 7th Street frontage, as approved by the Planning and Development Department.

5. The development shall comply with all ADA accessibility standards, as per plans approved by the Planning and Development Department.

6. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International-Airport (PHX) to future owners or tenants of the property.

7. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney’s Office. 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.
Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact the Planning and Development Department, Tamra Ingersoll at voice number 602-534-6648 or TTY use 7-1-1.
To: Mario Paniagua  
Deputy City Manager  

From: Alan Stephenson  
Planning and Development Director  

Subject: CONTINUANCE OF ITEMS 90 & 91 ON THE MARCH 4, 2020 FORMAL AGENDA - PHO-2-19_Z-SP-5-14-4 & PHO-2-19_Z-118-14-4 - APPROXIMATELY 420 FEET NORTH OF THE NORTHEAST CORNER OF 7TH STREET & INDIAN SCHOOL ROAD  

This memo requests the continuance of the following items on the March 4, 2020 Formal Agenda – Approximately 420 feet north of the northeast corner of 7th Street and Indian School Road. The items are for a proposed Dutch Bros coffee shop.  

This request is to continue the items to March 18, 2020, in order to allow applicant additional time to meet with the community.  

Approved:  
Mario Paniagua, Deputy City Manager
***REQUEST TO CONTINUE (SEE ATTACHED MEMO)*** Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application Z-51-19-4 - Northeast Corner of 7th Street and Thomas Road (Ordinance G-6686)

Request to hold a public hearing on the rezoning application for the following item and consider adoption of the Planning Commission's recommendation and the related Ordinance if approved. The request is to rezone the site from R-5 M-R to PUD (Planned Unit Development) to allow a mixed-use development.

Summary
Current Zoning: R-5 M-R
Proposed Zoning: PUD
Acreage: 2.94
Proposed Use: Planned Unit Development (PUD) to allow mixed-use development

Owner: Phoenix Country Club
Applicant: AGS, LLC
Representative: Jason B. Morris, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Encanto Village Planning Committee heard this case on Feb. 3, 2020, and recommended denial by a 6-5 vote.
PC Action: The Planning Commission heard this case on March 5, 2020 and recommended approval, per staff memo dated March 5, 2020 by a 6-2 vote.

Location
Northeast corner of 7th Street and Thomas Road
Council District: 4
Parcel Address: 2901 N. 7th St.

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.
To: Mario Paniagua  
Deputy City Manager 

Date: March 17, 2020

From: Alan Stephenson  
for Planning and Development Director 

Subject: CONTINUANCE OF ITEM 87 ON THE MARCH 18, 2020 FORMAL AGENDA – Z-51-19-4 – NORTHEAST CORNER OF 7TH STREET AND THOMAS ROAD 

This memo requests the continuance of the following item on the March 18, 2020 Formal Agenda – Northeast corner of 7th Street and Thomas Road. The item is for the Phoenix Country Club Residences PUD to allow mixed use.

This request is to continue the item to April 1, 2020, due to CDC recommendations on the Corona Virus to limit public gatherings to less than 50 persons, staff recommends this case be continued to the April 1st meeting.

Approved: Mario Paniagua, Deputy City Manager
ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-51-19-4) FROM R-5 M-R (MULTIFAMILY RESIDENCE DISTRICT, MID-RISE DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of a 2.94-acre site located at the northeast corner of 7th Street and Thomas Road in a portion of Section 28, Township 2 North, Range 3 East, as described more specifically in Exhibit “A”, is hereby changed from “R-5 M-R” (Multifamily Residence District, Mid-Rise District) to “PUD” (Planned Unit Development 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. An updated Development Narrative for the Phoenix Country Club Residences 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 January 28, 2020, as modified by the following stipulations:

   a. Front Cover: Revise the submittal date information on the bottom to add the following: City Council adopted: [Add adoption date].

   b. Page 8, Development Standards Table, Minimum Building Setbacks: Modify verbiage for setback encroachments to read “Where ground level retail uses are present, setbacks may be decreased up to 12 feet for outdoor seating, patio dining and outdoor commercial sales when utilizing patio, storefront, gallery, arcade or forecourt frontage types by securing a use permit.”

   c. Page 8, Development Standards Table, Minimum Landscape Setbacks: Add “Where ground level commercial uses are present, setbacks may be decreased up to 12 feet for outdoor seating, patio dining and outdoor retail sales when utilizing patio, storefront, gallery, arcade or forecourt frontage types by securing a use permit.”

   d. Page 9, Development Standards Table, Shade: Update provision to include minimum of 75 percent shade on both public sidewalks and pedestrian walkways.

   e. Page 9, Development Standards Table, Building Entrances: Add “A minimum of two building entrances shall be provided, one on 7th Street and one on Thomas Road” at the beginning of this subsection.

   f. Page 9, Development Standards Table, Building Entrances: Update code section reference for pedestrian residences to Section 1305.B.3.a. of the Phoenix Zoning Ordinance.

   g. Page 9, Development Standards Table, Building Entrances: Update commercial frontage guidelines to read “In the event ground floor retail or commercial uses are proposed on either Thomas Road or 7th Street..."
frontages, the length of the commercial frontage shall comply with the Patio, Storefront, Gallery, Arcade of Forecourt frontage type standards in Table 1305.1 of the Phoenix Zoning Ordinance except for encroachment dimensions and wall standards which shall be governed by the setback and wall/fence provisions contained within the PUD.

h. Page 9, Development Standards Table: Add a subsection for Streetscape Amenities as follows:

| Streetscape Amenities | The streetscape landscape setback areas adjacent to 7th Street and Thomas Road shall provide at least one public art element and one seating area per street. |

i. Page 9, Development Standards Table: Add a subsection for Surface Parking Lot Standards as follows:

| Surface Parking Lot | Any surface parking lot area shall be located beyond the landscape setback area. Surface parking areas, not behind a building, shall not exceed 25 percent of any street frontage. |


k. Page 10, Landscape Standards Table, Surface Parking Lot: Update second paragraph to read "Shade coverage shall be a minimum of 25 percent coverage overall."

l. Page 10, Landscape Standards Table, Adjacent to Buildings: Update subsection to read “Landscape areas within 5 feet of the building along 7th Street and Thomas Road frontages shall be provided with foundation plantings containing 75 percent living vegetation ground cover.”

m. Page 10, Fences/Walls, Parking Screening Wall: Update subsection to read “Vehicles shall be screened by a minimum 3-foot-tall visual screen for all parking areas visible from a public street. Any fencing in excess of 3 feet shall be open fencing up to a maximum of 6 feet in height.”

n. Page 10, Fences/Walls, Perimeter Wall: Update subsection to read “Except for parking screen walls and/or commercial frontage standard requirements, no fences or walls shall be placed between the streets (7th Street, Thomas Road) and any building.”
o. Page 11, Design Guidelines, 2nd paragraph: Update last sentence to read “The following list details the Project’s design features which will ensure the Project adds value to the surrounding residences, businesses, and individuals passing through the well-traveled intersection.”

p. Pages 11 and 12, Design Guidelines: Reorder the general design guidelines section into the following categories and associated provisions:

**Streetscape and Site Access**
- Rebuild and widen existing 7th Street and Thomas Road sidewalks to 6-foot width, detached from the curb, where not in conflict with underground or above ground utilities, along the limits of proposed development.
- Maintain all existing interior drives off Thomas Road and 7th Street that connect to PCC and private neighborhood streets.

**Landscape**
- Create generous landscaping along Thomas Road and 7th Street with continuous double row of Live Oak, or similar species theme tree to shade both sides of the sidewalk.
- Alternate massings of low-water use, flowering shrubs and succulents along streets that create strong identify and visual interest.
- Integrate planters into the building’s parking structure for cascading plants down the face of the garage.
- Enhance hardscape, outdoor seating and any water feature and specimen planting along drop off and front door to the building.
- Maintain and enhance the existing palm-tree-lined drive between the PCC and the new residences.
- Maintain all landscaping by private association.

**Surface Parking Lot Design**
- Implement new design for the PCC surface parking lot that includes better circulation, egress, and abundant evergreen shade trees.
- Install bio swales which help drain surface water into parking lot planter islands, as approved by the Planning and Development Department.
- Screen guest parking spaces for residences with dense vegetation and wall screening consistent with Fence/Wall Development Standards.
Building Amenities
- Provide rooftop amenity deck on parking garage for building residents, with pool area, gardens and activity areas that look out over city and mountain views.
- Provide private dog park for resident use, taking responsibility off surrounding streets and existing residential. Any fencing or screen walls for the dog park shall follow the Fence/Wall development standards and accent adjacent building materials to appear as an integrated part of the larger building design.

q. Page 12, Design Guidelines, Building Façade: Add the following guidelines to this section:
- Provide street-level parking garage building façade, landscape, and hardscape to create a safer, more pleasant and livelier streetscape for passing pedestrian traffic.
- The corner of the building at 7th Street and Thomas Road shall be designed with distinctive massing, angled or rounded building corners or additional building articulation that emphasizes the corner and promotes activity. This area can include project identity signage and/or public art.

r. Page 11, Design Guidelines: Add the following as a subsection to the design guidelines:

Building Architecture
- The residential tower and podium design shall utilize a single, cohesive architectural style that is contextually appropriate for the area in form and materiality.
- Appropriate architectural styles include neoclassical, mid-century modern, modern, art deco, and spanish revival. Representative imagery of acceptable architecture is depicted in Exhibit 7.
- Inappropriate architectural styles include contemporary, high-tech, and postmodern as depicted in Exhibit 8.

s. Pages 12 and 13, Design Guidelines: Remove images on these pages.

t. Add the “Acceptable Architectural Styles Representative Imagery” and the “Unacceptable Architectural Styles Representative Imagery” date stamped March 5, 2020 as Exhibits 7 and 8.

u. Page 12, Design Guidelines, Glazing: Revise the last bullet point to read “Shade elements and glazing screening beyond fritting shall be done utilizing metal louvers or shade elements. Shade for glazing screening beyond fritting shall be done utilizing metal louvers or passive solar shading elements.”
v. Page 13, Design Guidelines, Building Envelope Cladding Materials: Revise bullet point three to read “Colors on metal panels shall be integral to the panel or a finish that will resist weathering and/or fading. Painted finish natural metals may also be used similar to copper, zinc, stainless steel or natural aluminum. The use of highly reflective metal panels is not allowed.”

w. Page 13, Design Guidelines, Building Envelope Cladding Materials: Add an additional bullet point that reads “Brick/CMU – Brick/Concrete Masonry Units are allowed.”

2. The existing driveway to Thomas Road shall be reconstructed to a P-1243 standards driveway to restrict access to right-in/right-out movements only, as approved by the Planning and Development Department. An alternative driveway design or access movements may be permitted subject to an engineering analysis submitted to and approved by the Street Transportation Department.

3. The developer shall remove the gate at the existing driveway to Thomas Road or provide a turnaround consistent with the City of Phoenix’s Gate Access Control Policy, as approved by the Planning and Development Department.

4. The developer shall remove any unused driveways, as approved by the Planning and Development Department.

5. 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.

6. The developer shall dedicate right-of-way and construct a bus bay (City of Phoenix Standard Detail P1256) and bus pad with a minimum depth of 14 feet (City of Phoenix Standard Detail P1261) along northbound 7th Street, north of Thomas Road. The bus stop pad and bay shall be placed from the intersection of 7th Street and Thomas Road according to City of Phoenix Standard Detail P1258, as approved by the Public Transit Department.

7. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to 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 viewed and approved by the City Attorney.
8. The developer shall provide documentation to the City prior to construction permit 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.

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 18th day of March, 2020.

__________________________________________
MAYOR

ATTEST:

_____________________________ City Clerk

APPROVED AS TO FORM:

_____________________________ City Attorney
REVIEWED BY:

__________________________________ City Manager

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

LEGAL DESCRIPTION FOR Z-51-19-4

A portion of Lot 52, Country Club Place, recorded in Book 9, page 24, Maricopa County Records (M.C.R.), and a portion of Section 28, all lying within Section 28, Township 2 North, Range 3 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the southwest corner of said Section 28, a 3-inch City of Phoenix brass cap in handhole, from which the south quarter corner of said section, a 3-inch City of Phoenix brass cap in handhole, bears South 89°57'07'' East (basis of bearing), a distance of 2658.38 feet;

THENCE along the south line of said section, South 89°57'07'' East, a distance of 75.12 feet;

THENCE leaving said south line, North 00°02'53'' East, a distance of 42.00 feet, to the north right-of-way line of East Thomas Road, and the POINT OF BEGINNING;

THENCE along said north right-of-way line, North 44°52'08'' West, a distance of 35.30 feet, to the east right-of-way line of North 7th Street;

THENCE leaving said north right-of-way line, along said east right-of-way line, North 00°12'50'' East, a distance of 44.70 feet;

THENCE continuing along said east right-of-way line, South 89°57'07'' East, a distance of 3.00 feet;

THENCE North 00°12'50'' East, a distance of 22.50 feet;

THENCE North 17°48'22'' West, a distance of 42.02 feet;

THENCE North 00°12'50'' East, a distance of 55.54 feet;

THENCE North 38°53'00'' East, a distance of 31.23 feet;

THENCE North 77°33'40'' East, a distance of 5.62 feet;

THENCE South 77°33'50'' West, a distance of 25.24 feet;

THENCE North 00°12'50'' East, a distance of 55.99 feet;

THENCE leaving said east right-of-way line, South 90°00'00'' East, a distance of 269.90 feet;

THENCE South 18°26'19'' East, a distance of 43.89 feet;

THENCE South 06°09'55'' East, a distance of 69.74 feet, to a point of intersection with a non-tangent curve;

THENCE southerly along said non-tangent curve to the right, having a radius of 139.80 feet, concave westerly, whose radius bears South 65°43'15'' West, through a central angle of 45°20'35'', a distance of 110.64 feet, to a point of intersection with a non-tangent line;

THENCE South 24°30'18'' West, a distance of 36.69 feet;

THENCE South 17°47'05'' West, a distance of 73.61 feet, to said north right-of-way line;

THENCE along said north right-of-way line, North 89°57'07'' West, a distance of 19.98 feet;

THENCE South 11°21'33'' West, a distance of 8.24 feet;
THENCE South 39°22'13'' West, a distance of 19.29 feet; 
THENCE continuing along said north right-of-way line, North 89°57'07'' West, a distance of 
189.05 feet, to the POINT OF BEGINNING.

Containing 94,395 square feet or 2.167 acres, more or less.

Subject to existing right-of-way and easements.

This parcel description is based on client provided information and is located within an 
area surveyed by Wood, Patel & Associates, Inc. during the month of April, 2018. Any 
monumentation noted in this parcel description is within acceptable tolerance (as 
defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said 
positions based on said survey.
ORDINANCE LOCATION MAP

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ●

Zoning Case Number: Z-51-19-4
Zoning Overlay: N/A
Planning Village: Encanto

NOT TO SCALE

Drawn Date: 2/14/2020
**Encanto Village Planning Committee Hearing Date**
February 3, 2020

**Planning Commission Hearing Date**
March 5, 2020

- **Request From:** R-5 M-R (2.94 acres)
- **Request To:** PUD (2.94 acres)
- **Proposed Use:** Mixed-use
- **Location:** Northeast corner of 7th Street and Thomas Road
- **Owner:** Phoenix Country Club
- **Applicant:** AGS, LLC
- **Representative:** Jason B. Morris, Withey Morris, PLC
- **Staff Recommendation:** Approval, subject to stipulations

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<th><strong>General Plan Conformity</strong></th>
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<td><strong>General Plan Land Use Map Designation</strong></td>
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<td>7th Street</td>
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**CONNECT PEOPLE & 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 proposal offers an additional housing choice for area residents in close proximity to the North Central Major Employment Center, the Central Avenue and 7th Street commercial corridors in addition to a planned Bus Rapid Transit line along Thomas Road.
### CONNECT PEOPLE & PLACES CORE VALUE; TRANSIT ORIENTED DEVELOPMENT; LAND USE PRINCIPLE: Support compact, small block, mixed use development in appropriate locations.

The proposed compact, residential project includes standards that allow for office and retail uses on the ground floor. The mixed use proposal is appropriate given the site’s location adjacent to a major arterial and arterial street and buffered from single-family residential properties by intervening commercial parcels.

### CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CONNECTED NEIGHBORHOODS; LAND USE PRINCIPLE: Locate neighborhood retail to be easily accessible to neighborhoods.

The project includes provisions for the reconstruction of the sidewalks along both 7th Street and Thomas Road. The reconstructed sidewalks will be a minimum of six feet wide, detached from the curb and provided with a minimum of 75 percent shade. These enhanced pedestrian connections will provide greater connectivity to the proposed commercial uses from nearby residential neighborhoods.

### 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 current streetscape is sparsely landscaped. The PUD Development Narrative includes standards for wider landscaped setback areas. These standards are more consistent with the edges of other residential developments in the vicinity.

### BUILDING A SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPLE: New development should minimize surface parking areas and provide an abundance of shade through either trees or structures on any planned parking areas.

The proposed development will redevelop a portion of the existing surface parking lot and provide structured parking for future residents. The remaining surface parking area within the rezoning request area will be improved with additional landscaping to provide a minimum of 25 percent shade.


Applicable Plans, Overlays, and Initiatives

**Complete Streets Guiding Principles** – The City’s complete streets policy further advances its goal to create a more sustainable transportation system that is safe and accessible for everyone. Complete streets provide infrastructure that encourages active transportation such as walking, bicycling, transportation choices and increased connectivity. Through this policy, the primary focus of street design will no longer be solely on the speed and efficiency of automobile travel, but on the safety and comfort of all users. See Background Item No. 13.

**Tree and Shade Master Plan** – The Tree and Shade Master Plan is a roadmap for creating a healthier, more livable and prosperous 21st Century desert city. The goal is to treat the urban forest as infrastructure to ensure that trees are an integral part of the city’s planning and development process. See Background Item No. 14.

**Reimagine Phoenix** – Reimagine Phoenix is the city’s initiative to increase the city’s waste diversion rate to 40 percent by 2020 and to better manage its solid waste resources. See Background Item No. 15.

Background/Issues/Analysis

**SUBJECT SITE**

1. This request is to rezone a 2.94-acre site located at the northeast corner of 7th Street and Thomas Road from R-5 M-R (Multifamily Residence District, Mid-Rise District) to PUD (Planned Unit Development) to allow mixed-use.

Zoning Sketch Map, Source: City of Phoenix Planning and Development Department
GENERAL PLAN
2. The site has a General Plan Land Use Map designation of Residential 1 to 2 dwelling units per acre. The proposal is not consistent with the General Plan Land Use Map designation; however, an amendment is not required as the subject site is less than 10 acres.

SURROUNDING LAND USE AND ZONING
3. The subject site is currently utilized for surface parking and located at the intersection of two heavily traveled arterial streets. The Transportation 2050 (T2050) Plan designates Thomas Road, from 44th Street to 91st Avenue, as a future Bus Rapid Transit (BRT) route and will run adjacent to the subject site. Nearby single-family residences are buffered from the site by intervening uses on all sides of the property. The zoning surrounding the subject site is as follows:

**North:** Located to the north is a surface parking lot for the Phoenix Country Club, zoned P-1 (Passenger Automobile Parking, Limited) and single-family residential properties zoned R1-10 (Single-Family Residence District).
South: To the south, across Thomas Road, is an office that is zoned C-O (Commercial Office), and a vacant gas station that is zoned C-1 (Neighborhood Retail).

East: A surface parking lot, zoned P-1 (Passenger Automobile Parking, Limited), the Phoenix Country Club, zoned R-5 (Multifamily Residences District), and single-family residences, zoned R1-10 (Single-Family Residence District), are located to the east of the site.

West: To the west, across 7th Street, is a vacant commercial use that is zoned C-1 and an existing office that is zoned R-5 (Multifamily Residences District).

ZONING HISTORY
4. In 1964, the subject site was rezoned via Rezoning Case No. Z-48-64 from R-5 (Multifamily Residence District) to P-1 (Passenger Automobile Parking, Limited) to allow for surface parking. Since this time, the site has been used as part of a larger parking area serving the Phoenix Country Club.

5. In 2018, a rezoning application, Rezoning Case No. Z-41-18, was filed for the subject site. The application requested rezoning of the property from P-1 (Passenger Automobile Parking, Limited) to R-5 H-R (Multifamily Residence District, High Rise and High Density District) for a 164-foot, 15-story multifamily residential tower. On March 20, 2018, the Phoenix City Council denied the request as filed and approved R-5 M-R (Multifamily Residence District, Mid-Rise District) zoning for the site.

6. The approval of the R-5 M-R through Rezoning Case No. Z-41-18 was conditioned upon 22 stipulations, many of which were designed to enhance the building form and activate the adjacent streetscape along both 7th Street and Thomas Road. Stipulations of approval included a maximum building height of 110 feet, limiting access to the existing Phoenix Country Club driveways, detached sidewalks, heightened streetscape landscaping and building features designed to engage the street.
7. The Phoenix City Council, as part of their approval of Rezoning Case No. Z-41-18, directed the applicant to file for Planned Unit Development (PUD) zoning within six months of City Council approval. The PUD application needed to encompass the stipulated requirements of the zoning case and permit ground floor active uses along both 7th Street and Thomas Road. In addition, an architectural review committee, consisting of a minimum of three neighborhood representatives was to be formed to assist in developing the site plan, building elevations, landscape plan and other architectural details of the project.

8. The current rezoning request fulfills the abovementioned City Council direction of filing for a PUD and the associated requirements. This includes formation of an architectural review committee to assist in developing the project’s site plan, building elevations, landscape plan, and project architectural details. Further information regarding the architectural review committee is detailed in Item No. 16.

9. As detailed below, this PUD request incorporates the previous stipulations, permits active commercial uses and integrates the comments of the architectural review committee.

PROPOSAL
10. The proposal was developed utilizing the PUD zoning designation. The PUD is intended to create a built environment that is superior to that produced by conventional zoning districts and design guidelines. Where the PUD Development Narrative is silent on a requirement, the applicable Zoning Ordinance provisions will be applied.

11. Below is a summary of the proposed standards for the subject site as described in the attached PUD Development Narrative dated January 28, 2020. The PUD would allow the development of a 110-foot mixed use, multifamily and commercial development.

   a. Land Use Plan
   The proposed PUD does not propose a separation of land uses on the subject parcel.

   b. Permitted Land Uses
   The PUD proposes to permit all uses in the R-5 zoning district as well as select active commercial uses including artist studios, bakeries, retail and restaurant uses. Use Permit requirements are specified for retail in excess of 5,000 square feet in addition to outdoor dining, outdoor recreation or outdoor alcoholic beverage consumption accessory to a restaurant use.

   The PUD Development Narrative also includes several prohibited uses including hotels, environmental remediation facilities, veterinary offices and banks.
In addition to the permitted and prohibited uses, the narrative proposes both temporary and accessory uses typically associated with a multifamily development.

c. **Development Standards**
   
   **Density**
   The PUD proposes a maximum density of 125 dwelling units or 42.6 dwelling units per acre.

   **Building Height**
   The proposed building height is a maximum of 110 feet. This is consistent with the height stipulated in Rezoning Case No. Z-41-18.

   **Building Setbacks**
   A 10-foot building setback is required along the north perimeter of the subject site. Setbacks of 25 feet are required for the south, east and west perimeters. An encroachment of up to 12 feet is permitted within the western setback area when located adjacent to the bus bay. In addition, where ground level commercial uses are present, setbacks may also be decreased up to 12 feet to accommodate outdoor seating, patio dining or outdoor retail sales, subject to a use permit.

   ![Conceptual Site Plan, Source: Davis](image)
Landscape Setbacks
The proposed landscape setbacks are identical to the building setbacks and allow the same encroachments for adjacency to the bus bay and to accommodate proposed outdoor commercial activity.

Planting Standards
Planting standards include a double row of street trees along both 7th Street and Thomas Road. The trees proposed include a mix of 50 percent, 2-inch caliper trees and 25 percent each of 3- and 4-inch caliper trees. This requirement exceeds the stipulated mix of 50 percent, 2-inch caliper and 50 percent, 3-inch caliper trees from Rezoning Case No. Z-41-18.

The PUD Development Narrative also proposes 5-gallon shrubs at a rate of five per tree in addition to 50 percent living vegetation groundcover in landscape areas, except for any foundation plantings which are required to provide 75 percent vegetative ground cover. Tree planting standards are also provided for surface parking lot areas at a rate of one, 2-inch caliper tree per every 10 vehicle parking spaces.

Lot Coverage
The PUD proposes a maximum lot coverage of 60 percent.

Open Space
The Development Narrative includes a provision for a minimum of 25 percent open space/common area that will include all open space areas on the ground floor and top of any building floor with outdoor space. This area will be provided outside of any required landscape setback areas, vehicular drives and parking areas. The conceptual plans included within the Development Narrative show the majority of the open space area placed on an amenity deck above the planned parking podium.

Vehicular Access
Access is proposed to be limited from the existing Phoenix Country Club driveways along 7th Street and Thomas Road. This standard is consistent with a stipulation regarding access approved via Rezoning Case No. Z-41-18.

Detached Sidewalks and Pedestrian Ways
Consistent with the stipulations associated with the R-5 M-R zoning, sidewalks within the project area will be detached, 6 feet in width and separated from the curb with a minimum landscape area of 5 feet. Consistent with the existing zoning stipulations, the narrative also contains standards for two pedestrian connections comprised of decorative paving and connecting the building to the transit stop on 7th Street as well as Thomas Road.
**Building Entrances**
The PUD contains a requirement that there be a minimum of two building entrances adjacent to street. Pedestrian entrances will be designed with distinctive materials and architectural elements, consistent with the stipulations of Rezoning Case No. Z-41-18.

The PUD also introduces standards for any commercial uses located on the ground floor of the building by utilizing several of the frontage standards outlined in Section 1305 of the city’s Walkable Urban Code. The introduction of this provision exceeds the stipulated requirement to address potential commercial uses through addition of use standards only.

**Loading and Service Areas**
Standards associated with interior placement and screening of loading, service and refuse areas are included within the Development Narrative and are consistent with previously approved stipulations.

**Shading**
The PUD includes a requirement that a minimum of 75 percent of public sidewalks and pedestrian walkways be shaded. Similarly, a requirement for shading of 25 percent of the surface parking areas is also included.

**Fences/Walls**
The PUD Development Narrative includes wall/fence standards for vehicular screening. The narrative also includes a restriction on walls between the adjacent streets and the building, unless utilized in conjunction with building frontage standards. This restriction on fencing between the street and the building in consistent with the current stipulations.

**Lighting**
The PUD proposes conformance with Sections 507 Tab A and 704 of the Phoenix Zoning Ordinance in addition to Section 23-100 of the Phoenix City Code.

**Parking**
The Development Narrative proposes standards for both off-street vehicular parking and bicycle parking. Off-street vehicular parking will be provided in accordance with Section 702 of the Phoenix Zoning Ordinance except for residential uses which will be provided at a rate of 5 percent above minimum code standards.

Bicycle parking will be provided for both residents and guests. Resident parking will be secured and provided at a rate of 0.25 per unit. Guest parking will be supplied near building entrances.
Both vehicular and bicycle parking standards are consistent with those stipulated via Rezoning Case No. Z-41-18.

Surface Parking
A provision regarding the percentage of surface parking area not located behind a building has been stipulated to ensure that the building design features intended to promote pedestrian interaction are included.

d. **Design Guidelines**
Stipulations approved through Rezoning Case No. Z-41-18 detailed provisions addressing blank walls, differentiated base materials, prohibition on mirrored or reflective glass and parking garage design. Guidelines encompassing these standards are included in the Development Narrative.

The PUD Development Narrative also includes several heightened design features addressing streetscape treatment and landscaping, building amenities, façade articulation and building materials.

![Conceptual rendering, Source: Davis](image)

**Streetscape Treatment and Landscaping**
Standards are included for installation of Live Oak trees, or similar species, along both street frontages to maintain consistency with the character of the existing landscape palette in the vicinity. Planter areas will also be provided in conjunction with any parking garage to provide visual interest.
Amenities
Design guidelines are included for a podium amenity deck for residents improved with a pool, gardens and other activity areas. In addition, a dog park for the use of the building’s residents will also be provided.

Façade Articulation and Building Materials
The PUD Development Narrative contains specific requirements for glazing material and components as well as varied, high-quality building materials. In addition, standards addressing the treatment of the building corner at the intersection are included as a stipulation to promote pedestrian activity.

e. **Signage**
The PUD proposes conformance with the multifamily and commercial land use requirements in Section 705 of the Phoenix Zoning Ordinance.

f. **Sustainability**
The Development Narrative proposes a variety of sustainability features to be enforced by the City including provisions for LED building and landscape accent lighting, low-water use plants and pedestrian seating. A variety of non-City enforced standards are also proposed for the development such as use of low-VOC materials, insulated glazing, interior LED lighting, low flow plumbing fixtures and high efficiency HVAC equipment.

**STIPULATED REVISIONS FOR THE PUD HEARING DRAFT**
12. Stipulations not otherwise addressed in the staff report were formulated to address formatting and technical corrections to text within the Phoenix Country
Club Residences PUD hearing draft dated January 28, 2020. Changes to the text include updating or rewording to provide clarification regarding the development proposal.

PLANS AND INITIATIVES
13. **Complete Streets Guiding Principles**
   In 2014, the 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 proposal includes enhanced landscape planting standards along both street frontages and minimum 75 percent shade along public sidewalks and pedestrian walkways. In addition, bicycle parking will be provided on site for the use of residents and guests. These improvements will encourage the use alternative modes of transportation.

14. **Tree and Shade Master Plan**
   The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the city’s planning and development process. The provision of shade trees in the landscape area is an essential component for contributing toward the goals of the Tree and Shade Master Plan. The inclusion of trees increases thermal comfort for pedestrians and reduces the urban heat island effect. The proposed development includes landscape enhancements and a detached sidewalk along both Thomas Road and 7th Street.

15. **Reimagine Phoenix**
   As part of the Reimagine Phoenix Initiative, the City of Phoenix is committed to increasing the waste diversion rate to 40 percent by 2020 and to better manage its solid waste resources. Section 716 of the Phoenix Zoning Ordinance establishes standards to encourage the provision of recycling containers for multifamily, commercial and mixed-use developments meeting certain criteria. The PUD did not address recycling as part of the proposal.

COMMUNITY INPUT SUMMARY
16. **Architectural Review Committee**
   As part of the City Council directive regarding the filing of this PUD, the applicants were required to form an architectural review committee composed of at least three neighborhood representatives. The applicant chose to engage six representatives from the surrounding neighborhoods and Phoenix Country Club residential community to satisfy this requirement.

   The committee met over series of four meetings between October and December 2019 and offered input regarding design, color, material, landscape and site circulation to help develop the updated plans and associated PUD standards and guidelines.
17. At the time this staff report was written, there have been three letters submitted in opposition to this rezoning request and thirteen letters in favor of the request. Community concerns include inclusion of the parking podium, lack of specificity with the proposal and concern with setting future precedent.

INTERDEPARTMENTAL COMMENTS
18. The City of Phoenix Street Transportation Department has provided comment requiring the following:
   - Reconstruction of the existing driveway to Thomas Road to restrict access to right-in/right-out movements.
   - Removal of the existing access gate turnaround consistent with the city’s Gate Access Control Policy is provided.
   - Removal of all unused driveways.
   - Sidewalks and driveways are to be repaired or replaced for compliance with current ADA standards.
   These are addressed in Stipulation Nos. 2 through 5.

19. The City of Phoenix Public Transit Department commented that retention of right-of-way, a bus stop pad and bus bay will be required on northbound 7th Street. This is addressed in Stipulation No. 6.

20. The City of Phoenix Aviation Department has noted that the property is in the Phoenix Sky Harbor International Airport traffic pattern airspace. A Notice to Prospective Purchasers, which follows policy regarding properties in the City of Phoenix underlying the flight patterns of Phoenix Sky Harbor International Airport, is required in addition to an FAA no hazard determination. These are addressed in Stipulation Nos. 7 and 8.

21. The Water Services Department has noted that based on existing and known conditions, there are no water or sewer infrastructure concerns with the proposed zoning, but main extensions will be required to serve the development.

22. The City of Phoenix Floodplain Management division of the Public Works Department has determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 2205 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013.

23. The Fire Prevention Division of the Fire Department commented that they do not anticipate any issues with this request, however the site or/and building(s) shall comply with the Phoenix Fire Code. Further, the water supply (gpm and psi) to this site is unknown. Additional water supply may be required to meet the required fire flow per the Phoenix Fire Code.

OTHER
24. The site has not been identified as being archaeologically sensitive. In the event archaeological materials are encountered during construction, all ground
disturbing activities must cease within 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 No. 9.

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 abandonment may be required.

Findings

1. The PUD zoning is requested pursuant to the City Council direction provided in the approval of Rezoning Case No. Z-41-18.

2. The PUD Development Narrative incorporates the previously stipulated design requirements from Rezoning Case No. Z-41-18 and permits active commercial uses. Together these guidelines help to promote an active streetscape along two heavily traveled arterial streets.

3. The proposed development will redevelop a surface parking lot into a move active use with enhanced pedestrian amenities.

Stipulations

1. An updated Development Narrative for the Phoenix Country Club Residences 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 January 28, 2020, as modified by the following stipulations:

   a. Front Cover: Revise the submittal date information on the bottom to add the following: City Council adopted: [Add adoption date].

   b. Page 8, Development Standards Table, Minimum Building Setbacks: Modify verbiage for setback encroachments to read “Where ground level retail uses are present, setbacks may be decreased up to 12 feet for outdoor seating, patio dining and outdoor commercial sales when utilizing patio, storefront, gallery, arcade or forecourt frontage types by securing a use permit.”

   c. Page 8, Development Standards Table, Minimum Landscape Setbacks: Add “Where ground level commercial uses are present, setbacks may be decreased up to 12 feet for outdoor seating, patio dining and outdoor retail sales when utilizing patio, storefront, gallery, arcade or forecourt frontage types by securing a use permit.”
d. Page 9, Development Standards Table, Shade: Update provision to include minimum of 75 percent shade on both public sidewalks and pedestrian walkways.

e. Page 9, Development Standards Table, Building Entrances: Add “A minimum of two building entrances shall be provided, one on 7th Street and one on Thomas Road” at the beginning of this subsection.

f. Page 9, Development Standards Table, Building Entrances: Update code section reference for pedestrian residences to Section 1305.B.3.a. of the Phoenix Zoning Ordinance.

g. Page 9, Development Standards Table, Building Entrances: Update commercial frontage guidelines to read “In the event ground floor retail or commercial uses are proposed on either Thomas Road or 7th Street frontages, the length of the commercial frontage shall comply with the Patio, Storefront, Gallery, Arcade of Forecourt frontage type standards in Table 1305.1 of the Phoenix Zoning Ordinance except for encroachment dimensions and wall standards which shall be governed by the setback and wall/fence provisions contained within the PUD.”

h. Page 9, Development Standards Table: Add a subsection for Streetscape Amenities as follows:

| Streetscape Amenities | The streetscape landscape setback areas adjacent to 7th Street and Thomas Road shall provide at least one public art element and one seating area per street. |

i. Page 9, Development Standards Table: Add a subsection for Surface Parking Lot Standards as follows:

| Surface Parking Lot | Any surface parking lot area shall be located beyond the landscape setback area. Surface parking areas, not behind a building, shall not exceed 25 percent of any street frontage. |

k. Page 10, Landscape Standards Table, Surface Parking Lot: Update second paragraph to read “Shade coverage shall be a minimum of 25 percent coverage overall.”

l. Page 10, Landscape Standards Table, Adjacent to Buildings: Update subsection to read “Landscape areas within 5 feet of the building along 7th Street and Thomas Road frontages shall be provided with foundation plantings containing 75 percent living vegetation ground cover.”

m. Page 10, Fences/Walls, Parking Screening Wall: Update subsection to read “Vehicles shall be screened by a minimum 3-foot-tall visual screen for all parking areas visible from a public street. Any fencing in excess of 3 feet shall be open fencing up to a maximum of 6 feet in height.”

n. Page 10, Fences/Walls, Perimeter Wall: Update subsection to read “Except for parking screen walls and/or commercial frontage standard requirements, no fences or walls shall be placed between the streets (7th Street, Thomas Road) and any building.”

o. Page 11, Design Guidelines, 2nd paragraph: Update last sentence to read “The following list details the Project’s design features which will ensure the Project adds value to the surrounding residences, businesses, and individuals passing through the well-traveled intersection.”

p. Pages 11 and 12, Design Guidelines: Reorder the general design guidelines section into the following categories and associated provisions:

**Streetscape and Site Access**

- Rebuild and widen existing 7th Street and Thomas Road sidewalks to 6-foot width, detached from the curb, where not in conflict with underground or above ground utilities, along the limits of proposed development.
- Maintain all existing interior drives off Thomas Road and 7th Street that connect to PCC and private neighborhood streets.

**Landscape**

- Create generous landscaping along Thomas Road and 7th Street with continuous double row of Live Oak, or similar species theme tree to shade both sides of the sidewalk.
- Alternate massings of low-water use, flowering shrubs and succulents along streets that create strong identify and visual interest.
- Integrate planters into the building’s parking structure for cascading plants down the face of the garage.
- Enhance hardscape, outdoor seating and any water feature and specimen planting along drop off and front door to the building.
- Maintain and enhance the existing palm-tree-lined drive between the PCC and the new residences.
- Maintain all landscaping by private association.

Surface Parking Lot Design
- Implement new design for the PCC surface parking lot that includes better circulation, egress, and abundant evergreen shade trees.
- Install bio swales which help drain surface water into parking lot planter islands, as approved by the Planning and Development Department.
- Screen guest parking spaces for residences with dense vegetation and wall screening consistent with Fence/Wall Development Standards.

Building Amenities
- Provide rooftop amenity deck on parking garage for building residents, with pool area, gardens and activity areas that look out over city and mountain views.
- Provide private dog park for resident use, taking responsibility off surrounding streets and existing residential. Any fencing or screen walls for the dog park shall follow the Fence/Wall development standards and accent adjacent building materials to appear as an integrated part of the larger building design.

q. Page 12, Design Guidelines, Building Façade: Add the following guidelines to this section:
- Provide street-level parking garage building façade, landscape, and hardscape to create a safer, more pleasant and livelier streetscape for passing pedestrian traffic.
- The corner of the building at 7th Street and Thomas Road shall be designed with distinctive massing, angled or rounded building corners or additional building articulation that emphasizes the corner and promotes activity. This area can include project identity signage and/or public art.

2. The existing driveway to Thomas Road shall be reconstructed to a P-1243 standards driveway to restrict access to right-in/right-out movements only, as approved by the Planning and Development Department.
3. The developer shall remove the gate at the existing driveway to Thomas Road or provide a turnaround consistent with the City of Phoenix’s Gate Access Control Policy, as approved by the Planning and Development Department.

4. The developer shall remove any unused driveways, as approved by the Planning and Development Department.

5. 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.

6. The developer shall dedicate right-of-way and construct a bus bay (City of Phoenix Standard Detail P1256) and bus pad with a minimum depth of 14 feet (City of Phoenix Standard Detail P1261) along northbound 7th Street, north of Thomas Road. The bus stop pad and bay shall be placed from the intersection of 7th Street and Thomas Road according to City of Phoenix Standard Detail P1258, as approved by the Public Transit Department.

7. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to 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 viewed and approved by the City Attorney.

8. The developer shall provide documentation to the City prior to construction permit 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.

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.
**Writer / Team Leader**
Samantha Keating
January 31, 2020

**Exhibits**
Sketch Map
Aerial
*Phoenix Country Club Residences PUD* date stamped January 28, 2020
Community Correspondence (20 pages)
APPLICANT'S NAME: AGS, LLC

APPLICATION NO: Z-51-19

DATE: 10/21/2019

REQUESTED CHANGE:

FROM: R-5 M-R (2.94 a.c.)

TO: PUD (2.94 a.c.)

MULTIPLES PERMITTED

<table>
<thead>
<tr>
<th></th>
<th>CONVENTIONAL OPTION</th>
<th>* UNITS P.R.D. OPTION</th>
</tr>
</thead>
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<td>128</td>
<td>153</td>
</tr>
<tr>
<td></td>
<td>125</td>
<td>N/A</td>
</tr>
</tbody>
</table>

* Maximum Units Allowed with P.R.D. Bonus
**ENCANTO VILLAGE**
CITY COUNCIL DISTRICT: 4

---

**APPLICANT'S NAME:** AGS, LLC

**APPLICATION NO.:** Z-51-19

**DATE:** 10/21/2019

**REQUESTED CHANGE:**
FROM: R-5 M-R (2.94 a.c.)
TO: PUD (2.94 a.c.)

**GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.:** 2.94 Acres

**MULTIPLES PERMITTED:**
- R-5 M-R
- PUD

**CONVENTIONAL OPTION:**
- 128
- 125

**UNITS P.R.D. OPTION:**
- 153
- N/A

* Maximum Units Allowed with P.R.D. Bonus
Ms. Keating,

I support the rezoning and PUD of Case Z-51-19-4.

Thank you.

Andy McCain

“This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.”
Hello,

Please see email below.

Thank you,

Stephanie Vasquez
Administrative Assistant I
City of Phoenix
Planning & Development Department
200 West Washington Street, 3rd Floor
Phoenix, Arizona  85003-1611
P: (602) 262-6656 | F: (602) 732-2587
stephanie.vasquez@phoenix.gov

From: Anne Hauert <aghauert@gmail.com>
Sent: Monday, January 27, 2020 10:14 AM
To: Michael Petersen-Incorvaia <michael.petersen-incorvaia@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>; samanth.keating@phoenix.gov; Jake Adams <jadams@swhd.org>
Subject: Case Z-51-19-4

I support the rezoning and PUD of Case Z-51-19-4.

Thank you,

Anne Hauert
Hello,

Please see email below.

Thank you,

Stephanie Vasquez
Administrative Assistant I
City of Phoenix
Planning & Development Department
200 West Washington Street, 3rd Floor
Phoenix, Arizona 85003-1611
P: (602) 262-6656 | F: (602) 732-2587
stephanie.vasquez@phoenix.gov

From: Beau Lane <beau.lane@laneterralever.com>
Sent: Monday, January 27, 2020 2:45 PM
To: Alan Stephenson <alan.stephenson@phoenix.gov>
Subject: FW: RE; Zoning case 7-51-19-4

Alan –

I want to express my strong support for Phoenix Country Club rezoning and PUD case.

I am long time resident and business owner in the district.

Thanks,

Beau Lane

LANE | TERRALEVER Beau Lane | Partner | Executive Chairman
602.258.5263 | 645 E Missouri Ave, Ste 400, Phoenix, AZ 85012
Hello,

Please see email below.

Thank you,

Stephanie Vasquez
Administrative Assistant I
City of Phoenix
Planning & Development Department
200 West Washington Street, 3rd Floor
Phoenix, Arizona 85003-1611
P: (602) 262-6656 | F: (602) 732-2587
stephanie.vasquez@phoenix.gov

From: ephjr1@cox.net <ephjr1@cox.net>
Sent: Monday, January 27, 2020 2:24 PM
To: Alan Stephenson <alan.stephenson@phoenix.gov>
Subject: RE: Case Z-51-19-4

I support the rezoning and PUD of Case Z-51-19-4.

Thank you.

E. P. Hennesy Jr.
2405 East Mountain View
Phoenix, AZ 85028
Ephjr1@cox.net
Hello Samantha,

Please see email below.

Thank you,

Stephanie Vasquez
Administrative Assistant I
City of Phoenix
Planning & Development Department
200 West Washington Street, 3rd Floor
Phoenix, Arizona  85003-1611
P: (602) 262-6656 | F: (602) 732-2587
stephanie.vasquez@phoenix.gov

---

Hi All,

Please let the record reflect that myself and my family support the rezoning and PUD of Case Z-51-19-4.

Thank you,

Grant Crone
Hello,

Please see email below.

Thank you,

Stephanie Vasquez
Administrative Assistant I
City of Phoenix
Planning & Development Department
200 West Washington Street, 3rd Floor
Phoenix, Arizona 85003-1611
P: (602) 262-6656 | F: (602) 732-2587
stephanie.vasquez@phoenix.gov

I support the rezoning and PUD of Case Z-51-19-4.

Thank you!

Jared
RE: Case Z-51-19-4
I support the rezoning and PUD of Case Z-51-19-4.
Thank you.
Jim Hatton
306 W Claremont Ave
Phoenix AZ 85013

PLEASE READ THIS WARNING: The information contained in this email message is intended only for the personal and confidential use of the recipient(s) named above. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by email, and delete the original message.

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Hello,

Please see email below.

Thank you,
Stephanie Vasquez
Administrative Assistant I
City of Phoenix
Planning & Development Department
200 West Washington Street, 3rd Floor
Phoenix, Arizona 85003-1611
P: (602) 262-6656 | F: (602) 732-2587
stephanie.vasquez@phoenix.gov

-----Original Message-----
From: Jones Osborn <jonesosborn2@gmail.com>
Sent: Monday, January 27, 2020 2:38 PM
To: Michael Petersen-Incorvaia <michael.petersen-incorvaia@phoenix.gov>
Cc: Alan Stephenson <alan.stephenson@phoenix.gov>
Subject: PUD for NE corner of 7th St. and Thomas—#Z-51-19-4

I support this PUD. I think it is an attractive project that will enhance this intersection and midtown generally. We also need to residentially densify our central city to make it a more vibrant place, and this project will help do that.

Sent from my iPad
Hello,

I support the rezoning and PUD of Case Z-51-19-4.

Thank you,

Sondra Schultz
Dear Mr. Stephenson,

Re: Case 2-51-19-4

As a citizen of downtown Phoenix since 1970, I support the rezoning and PUD of Case 2-51-19-4. Thank you for your service!

W. Bohmert, M.D.

W. BOHMERT M.D. JAN 8 2020
Dear Dr. Keating

Re: Case Z-51-19-4

As a citizen of downtown Phoenix since 1970, I support the reopening and PUB of Case Z-51-19-4. Thank you for your service. Respectfully!

Wm. W. Bohnert, M.D.

W BOHNERT MD JAN 2 8 2020
We support the rezoning and PUD of Case Z-51-19-4.

Thank you.

Ray and Patty Deeny
2 East San Miguel
Phoenix, AZ  85012
January 28, 2020

Via Email
Encanto Village Planning Committee

**Re: Opposition to Z-51-19 PUD, Northeast Corner of 7th Street and Thomas Road**

Dear Encanto Village Planning Committee member,

We ask you to reject the Application in zoning case number Z-51-19 for the Northeast Corner of 7th Street and Thomas Road.

I write to you on behalf of my family and as president of the La Hacienda Historic District. Our homes are on the first two blocks north of Thomas between 3rd Street and 7th Street. Many of our homes are among the closest to the subject property’s location, just beyond commercial lots on the west side of 7th Street. My home is at 506 East Catalina.

Last year this committee rejected a High Rise High Density (H-R) zoning district for this property. The City Council ultimately approved a Mid Rise (M-R) zoning district, in an ordinance with a number of stipulations for any future rezoning, famously including a height stipulation for a maximum of 110 feet. The Phoenix Country Club and its Developer have proposed Planned Urban Development (PUD) zoning for the property to move forward with the project. The PUD should be rejected for a number reasons, however, one simple change would address many of the concerns: **the parking podium should be removed.**

The reason to reject the PUD include violations of the stipulations, failure to provide enough open space, and, of course, it provides for a tower that is too tall for the area.

1. **No PUD architecture Committee**

The PUD was supposed to have an architecture committee consisting of neighbors. The PUD has no such provisions. The stipulation required it.
The Developer has an architecture committee consisting with people that through H-R zoning was appropriate, with the lone exception of the late inclusion of Artie Vigil. The committee has no power or authority under the PUD, and we understand that there has been poor attendance at the meetings. The Developer’s architecture committee is nothing more than window dressing and does not meet the stipulation.

2. Parking Podium Prevents Ground Floor Uses Forever at the Corner

The PUD does not seem to have provision for any active ground floor uses on the corner, which is one of the stipulations. The PUD offers a large concrete parking podium that would prevent such uses. The stipulation required the PUD to permit activation of the ground floor along 7th Street and Thomas Roads.

The Developer claims that active uses are possible under the language in the PUD, but the existence of the parking podium prevents any such use, violating the purpose stipulation.

3. Violates the Fencing Stipulation

The stipulation provides that there will be no fencing between the street and the building. The PUD uses the parking podium to create a 25-foot concrete wall that acts as a fence between the tower and the street.

This proposal violates the spirit of the stipulation and purpose of the stipulation to have project that embraces the corner.

4. Does not Create a Superior Built Environment

A PUD is supposed to “create a built environment that is superior to that produced by conventional zoning districts and design guidelines.” § 671. This PUD should not be allowed 110 feet, which is the height allowed under the current zoning. The Developer is using the PUD to strip other protections the current zoning offers, and to do that, the PUD should provide the neighborhood a built environment that is superior, not inferior.

Although it did not make into the language of the stipulation, the council approved the M-R zoning and is looking for this PUD to have a project with a height of less than 110 feet, the Developer and the closest neighbors were supposed to get together on a PUD. That did not happen, as the PUD embracing 110 feet and the architecture committee (such that it is) went forward without our input. The General Plan and MidTown Policy Plan direct that a tower at this location be of less than 60 feet, not 110 feet. To move forward with a tower of more than 60 feet the Developer needs to offer something special to provide a superior built environment. Not having a large parking podium would be a good start.

5. The PUD is too Vague

I have never seen such a vague proposal. The entire PUD proposal is 25 pages including all exhibits. The Developer’s H-R proposal last year was 100 pages. You are also offered dramatically fewer elevations, of course, the even the elevations offered are
not what the project is expected to look like. The PUD offering is too vague to approve at this point.

**Conclusion**

The PUD Tower zoning proposed should be rejected. It violates the spirit and letter of the ordinance with stipulations approved by Council last year. General Plan and the MidTown TOD Policy Plan do not support granting the Application, the height should not be promoted outside of Central Corridor with the light rail, the City Core, or the Village Cores. *Most of the problems with the PUD could be remedied if the parking podium was deleted, and the project embraced the corner and offered open space consistent with the M-R zoning, of at least 25%, at ground level.*

Whatever PUD is approved will be the template used by the Phoenix Country Club for other projects it carves out of its golf course. As has happened near other tower zoning throughout our city, speculators will purchase homes and other properties in the area hoping that they too will get tower zoning, and in the meantime those properties will deteriorate because they were purchased for the location, and any existing structures will fall into disrepair, being viewed as only temporary and to be replaced, perhaps, in the next building cycle.

Don’t do this to your neighborhoods. Please vote to reject Z-51-19.

Sincerely

*Robert C. Warnicke*

Robert C. Warnicke
Ms. Keating,

Good afternoon. I am involved in the opposition to this matter and would like to see the staff report. If the staff report is not complete yet, I would like to point out a few problems the PUD has in following the ordinance that was passed last year.

First however, the rumor is that the PUD has been changed or redrafted, however, I have not been provided a copy. It seems to me if a vocal opponent like myself is not provided the accurate information about the project before the Village votes on it, the whole purpose of the public process has been subverted. Nothing new was provided to us at the last neighborhood meeting. Nothing new was provided to the Village meeting that was supposedly for informational purposes, where I attended and spoke about some deficiencies. I am shocked that this matter is on the Village agenda for a vote next week.

As to problems with the PUD and violations, I would like to point out:

1. No PUD architecture Committee

The PUD was supposed to have an architecture committee consisting of neighbors. The PUD has no such provisions. The stipulation required it. We don’t think it matters that the Developer has a architecture committee, that committee is not referenced and has no function in the actual PUD.

2. Parking Podium Prevents Ground Floor Uses Forever at the Corner

The PUD does not seem to have provision for any active ground floor uses on the corner, which is one of the stipulations. The PUD offers a large concrete parking podium that would prevent such uses. The stipulation required the PUD to permit activation of the ground floor along 7th Avenue and Thomas Roads. The Developer claims that active uses are possible under the language in the PUD, but the existence of the parking podium prevents any such use, violating the purpose of the stipulation.

3. Violates the Fencing Stipulation

The stipulation provides that there will be no fencing between the street and the building. The PUD uses the parking podium to create a 25-foot concrete wall that acts as a fence between the tower and the street. This proposal violates the spirit of the stipulation and purpose of the stipulation to have project that embraces the corner.

4. The PUD is too Vague

I have never seen such a vague proposal. The entire PUD proposal is 25 pages including all exhibits. The Developer’s H-R proposal last year was 100 pages. Dramatically fewer elevations, of course, the even the elevations offered are not what the project is expected to look like. The PUD offering is too vague to approve at this point.
Robert

Warnicke Law PLC
2929 North Second Street
Phoenix, Arizona 85012
602-738-7382
Via Email
Encanto Village Planning Committee
samantha.keating@phoenix.gov
mailto:geno.koman@phoenix.gov

Re: Z-51-19 Phoenix Country Club PUD

Dear Committee Member,

Over a year ago, this committee, comprised of our neighbors, voted to advise rejection of the Phoenix Country Club’s request for a High Rise High Density (H-R) zoning district for a portion of its parking lot on the north east corner of 7th Street and Thomas Road, a ¼ mile outside of the Encanto Village core, more than a ½ mile from the light rail line on Central, and near historic neighborhoods of single family homes. The Country Club ended up with Mid Rise (M-R) zoning with a stipulation for 110 feet of maximum height as well as a number of other stipulations.

Now the Country Club comes before you in a new case, a Planned Unit Development (“PUD”) matter, and the Country Club makes new demands for zoning entitlements and seeks approval of rezoning designed to avoid not only the inconvenient portions of the M-R zoning it obtained, but also to avoid stipulations that the Country Club finds to be a nuisance.

What is at stake in this matter is not just the one corner, that threatens to blight our neighborhoods and the other corners with speculation that perhaps all this other land could best be used for towers in the future, leading to everyone treating the existing structures as transient and temporary, but with a template for what the Country Club will use as precedent for all future development of its 105 acres.

Allowing this PUD as a template for going forward is a horrible precedent that the Country Club will expect to continue using, and this may be the only real opportunity for our community of neighbors to stop the destruction of our “quality of life”. The City of Phoenix General Plan promises:

There is a level of certainty one expects to have and quality of life one expects to maintain while living in a great city. The goals and policies that are outlined in the
General Plan were created so residents have a reasonable expectation and level of certainty while living in our great city; certainty in regards to quality of life and compatibility.

at page 107.

There are three items that we would like to highlight to you at this time that demonstrate not only is the PUD fundamentally flawed in its application to this project, but that

1) Avoiding Specificity. What are you being asked to approve and why?

The entire PUD proposal is 25 pages including all exhibits. Last year’s H-R proposal was 100 pages, yet the PUD purports to include everything needed in an ordinance to build on the property, whereas the H-R proposal only had to point to the existing H-R ordinance. You are also offered dramatically fewer elevations, of course, the even the elevations offered are not what the project is expected to look like.

This PUD should be rejected because the Country Club has failed to make the case on why what it is offering through the PUD provides value to the city not obtainable in other zoning districts. A § 671 provides:

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.

1. Uses. Appropriate limitations will be placed on the character and intensity of permitted uses to promote neighborhood compatibility.

(emphasis added). The Country Club just rezoned P-1 to M-R with stipulations, if the property cannot be developed within the rezoning the Country Club just obtained, its PUD application should clearly explain the factors and issues. It does not.

Although not mentioned in its papers, the Country Club is, of all things, opposed to M-R’s 30% open space requirements. Now that is irony. The Country Club wants to preserve all of its open space for members as they use the golf course. What else are crafty developer-members at the Country Club and their cadres of land use attorneys hiding by a lack of specifics in the 25-page PUD? You should ask them.

2) Avoiding Stipulations. The PUD avoids at least two stipulations that the Country Club has decided are inconvenient.

The PUD does not contain any requirement for an architectural committee. This was part of the stipulations on the M-R rezoning case, specifically number 21(b). The Country Club claims to have a committee, but under the PUD the committee has no authority or sanctioned existence. Even if there was a requirement for an architectural committee, the PUD process itself provides for the Planning Department to administratively approve of many changes, including architectural review.
The PUD appears to seek only 110 feet as set forth in stipulation number 1, yet the PUD process allows the Country Club to ask the Planning Department to allow up to 5% more without any public process. If there is a public process for additional height, it would be by a hearing officer, not a rezoning change. We believe a properly crafted PUD would have prevented the Country Club from potentially exercising any of these land use tricks to avoid the stipulations. *Surely if the Country Club did not have these tricks in mind, its PUD would have foreclosed the possibility.* The PUD is further evidence of the bad faith, as we were told the project could not be built for less than 175 feet, then 164 feet, then 140 feet, and now it *supposedly* can be built at 110 feet.

3). Arrogance. The Club believes it is entitled to additional land use entitlements.

The Country Club believes it has no risk of not having a PUD approved because the Council directed it to file a PUD rezoning case when Council granted the M-R zoning entitlements. Furthermore, the Country Club’s attorneys believe that longstanding land use law prevents the “sunset”, envisioned by City Council in stipulation number 22, of the M-R entitlements if the PUD is not approved timely. It is also clear that no new rezoning case by City Council to strip the M-R entitlements would occur because of the laws passed in connection with proposition 207.

When you later cast your vote on this PUD, we will ask you to consider the precedent that it will set for the golf course and what that precedent will do to our historic neighborhoods. As entitlements spread up Central, many neighborhoods were surrounded by H-R and other incompatible zoning, and those areas became transitional, were blighted for decades. We have lost neighborhoods that were blighted for decades because of the uncertainty caused by the adjacent rezoning. We are losing housing diversity in Midtown, and by putting a tower of condominiums in the midst of our neighborhoods, instead of along the light rail or in the Village core where it belongs under our urban planning principles, we will lose more.

Whatever entitlements the Country Club obtains for the corner, it will later demand as a template for the future development. It won’t necessarily happen all at once. Initially the golf course could become an executive course, then only a 9-hole course (shorter courses might be more suitable for aging members). Golf clubs are failing, and the Country Club has *still* offered no enforceable commitment with respect to the balance of its property. Instead, towers with a reduced open space is what the Country Club will expect for the future of its 105 acres. The PUD should be denied.

*Phoenix Historic Neighborhoods Coalition*

/s/ Opal Waner  
By Opal Wagner, Vice President
Village Planning Committee Meeting Summary
Z-51-19-4
INFORMATION ONLY

Date of VPC Meeting: December 2, 2019
Request From: R-5 M-R (2.94 acres)
Request To: PUD (2.94 acres)
Proposed Use: Mixed-use
Location: Northeast corner of 7th Street and Thomas Road

VPC DISCUSSION:

2 cards were submitted in favor, wishing to speak.
7 cards were submitted in opposition, not wishing to speak.
15 cards were submitted in opposition, wishing to speak. (5 people chose to donate their time to Robert Warnicke. 4 people chose to donate their time to Tom Chauncey.)

Mr. Jason Morris, of Withey Morris, PLC, reviewed the history of the project and explained that as a condition of approval for the rezoning case, they are required to file a PUD (Planned Unit Development). He shared the design principles for the project and that they have an architectural review committee of neighbors.

Ms. Ann Cothron requested the design elements to be read aloud and for the PowerPoint to be shared to the whole Committee.

Mr. Drew Bryck asked if the approved zoning (R-5 M-R) will be removed if the PUD is not approved.

Ms. Samantha Keating, staff, explained that the zoning does not revert if the PUD is not approved. A council action would be needed to revert to the original zoning.

Mr. Brent Kleinman added that a PUD is more restrictive, and if another developer were to take on the project they would be restricted by the terms of the PUD.

Mr. Morris agreed with the comment made by Mr. Kleinman.

Ms. Layla Ressler asked when the applicant will be back to present the case for action.

Mr. Morris responded that they still have two architectural review meetings in the future.
Mr. Rick Mahrle stated that parking is a problem and asked if the Phoenix Country Club will close for special events.

Mr. Morris responded that their project will create extra parking for the country club. He added that during construction, the country club will have to address their parking shortage.

Mr. Bryck asked what elements of the WU Code/Transit-Oriented Development they are incorporating into the project.

Mr. Morris responded that he would have to review the transects but that the project is pedestrian-oriented.

Ms. George asked who is on the architectural review committee.

Mr. Morris responded that he will provide the committee member names.

Mr. Tom Chauncey commented that the project is an abomination. He believes it does not belong outside of the Village core and Downtown core. He believes that the golfers should pay for their own golf instead of the Country Club selling parts of their property to meet their deficit. He commented that the pictures of the project changed from the first meeting.

Mr. Robert Warnicke, president of the La Hacienda Historic District, shared that the PUD is not for the benefit of the neighbors. He believes the applicant is asking for a reduction in open space from 30 percent required with the R-5 M-R zoning to 25 percent. He believes this will be a template for the next parcel sold off by the Country Club. He added that the proposal lacks specificity and the General Plan calls for specificity for neighbors. He shared that the PUD is supposed to be superior to conventional zoning but a reduction in open space is not a superior product.

Ms. Susan Edwards asked how many parking spaces will be displaced and how many parking spaces per unit are being provided.

Mr. John Graham responded that they have one parking spot per bedroom, guest parking and extra parking for the Country Club. He offered to provide more information on the parking amount at the next public meeting.

Mr. David Zacharias shared that he believes the project will add a lot of value to the community. He has a concern with the amount of parking available for members of the Country Club, and asked how many spaces will be left over from the required number of parking spaces for residents.

Mr. Keith Ritchie shared that the building will be for the benefit of the residents without regard for people on the outside. He added that many businesses do not stay in the area.

Mr. Neal Haddad of the Neighborhood Coalition of Greater Phoenix encouraged meeting attendees to review the minutes from the March 20, 2019 City Council meeting. He shared that Mr. Graham said they would work with neighbors to form an
architectural review committee. He continued that he thought Mr. Artie Vigil would be involved with the development group from the start.

**Ms. Donna Reiner** believes that the project does not look like mid-century architecture. She believes that the conceptual design should look better. She shared that the architectural review committee does not have a pedestrian in the group and urged the applicant to add a pedestrian to the committee to make the project more pedestrian-oriented.

**Ms. Patience Huntwork** shared that she is passionate about the project. She added that her historic neighborhood accepts change and commercial uses. She continued that as a result her street is one of the most beautiful streets in Phoenix. She shared that the future of the entire area is in the Committee's hands and if they turn down the PUD, other developers will shy away from investing in the area.

**Mr. Bryck** asked Mr. Warnicke what he wanted as an outcome for the project.

**Mr. Warnicke** responded that he prefers that the PUD does not get approved. He believes that if the Committee rejects the PUD the developer will be restricted to their original zoning and a 30 percent open space requirement.

**Mr. Morris** responded that he will provide the names of the members of the architectural review committee. He confirmed that they are providing 30 percent open space and that they are not asking for additional height. He suggested that the Committee stipulate that the building will not go above 110 feet in height. He continued that they are filing a PUD because they are required to do so. He shared that the PUD can provide detail and restriction to a project. He concluded that it is not an attempt to revisit the rezoning case, and that what was originally filed was a very different building.

**Mr. Adams** asked if the six people on the architectural review committee were volunteers.

**Mr. Morris** replied affirmatively.

**Ms. Ressler** asked if the Country Club will meet their parking requirements once the project is done.

**Mr. Morris** responded that they are required to provide 188 spaces. They are providing 267 spaces. He continued that 37 spaces are for the country club. He added that yes, the Country Club will meet their parking requirements.

**Mr. Bryck** asked if there was an update on the Streets study on reversal lanes for 7th Street.

**Ms. Keating** responded that she will get an update on that item.

**Mr. Proccacini** asked the applicant to provide more information on the open space being provided and if any discussions have been had about annexing the remainder of the Country Club property into the city.
Mr. Morris replied that the open space is the terrace. He agreed to address what they are including and excluding in their open space calculations in their updated proposal.

Mr. Procaccini asked if the golf course could have a historic designation, but recognized that a city designation would not be possible unless it pursued annexation.

Mr. Morris responded that it is county-owned land.
Village Planning Committee Meeting Summary
Z-51-19-4

Date of VPC Meeting  February 3, 2020
Request From       R-5 M-R (2.94 acres)
Request To         PUD (2.94 acres)
Proposed Use       Mixed-use
Location           Northeast corner of 7th Street and Thomas Road
VPC Recommendation Denial
VPC Vote 6-5

VPC DISCUSSION RECOMMENDED STIPULATIONS:

One speaker card was submitted in favor, not wishing to speak.
Four speaker cards were submitted in favor, wishing to speak.
Four speaker cards were submitted in opposition, not wishing to speak.
Twenty-six speaker cards were submitted in opposition, wishing to speak.

- Ten speakers donated their time to Robert Warricke
- Eight speakers donated their time to Tom Chauncey
- Two speakers donated their time to Jeanne Yawger
- Two speakers donated their time to Martha Carey Lee
- Two speakers donated their time to Paul Barnes

Joshua Bednarek, staff, provided a brief overview of the request and displayed an aerial map. Mr. Bednarek reviewed the community input received for the request and staff’s findings, recommendation and stipulations.

Brent Kleinman asked staff to confirm that if the PUD does not get approved, the mid-rise zoning (R-5 M-R) will remain. Joshua Bednarek confirmed that the R-5 mid-rise zoning district will remain if the PUD does not get approved.

G.G. George asked why there was a delay in sending out the PUD material. Joshua Bednarek answered that staff turned around the staff report as quickly as they could. G.G. George added that it is hard to make an informed decision without a study from the Street Transportation Department regarding reversible lanes on 7th Avenue and 7th Street.
Drew Bryck asked how the Committee should judge the success of the Architectural Review Committee. Joshua Bednarek responded that judging the success of the Architectural Review Committee will be up to the Committee to decide.

Jason Morris, the applicant, with Withey Morris PLC, reviewed the history of the project, the design components of the PUD, and showed a site plan and elevations. He compared the project to Walkable Urban Code standards and reviewed the sustainability components of the project, noting that it will be built to LEED Silver standards.

Rick Mahrle asked for clarification on the parking podium, and whether a coffee shop could be added to the building. Jason Morris responded that the parking podium is the base of the building and that the podium could be converted to include a coffee shop.

Vice Chair Ann Cothron stated that she was happy to see that the project would be built to LEED Silver standards and asked if the project will incorporate solar panels and a recycling program. Jason Morris responded that the rooftop has an opportunity to house solar panels, there will be separate recycling chutes and that the owner will manage a separate recycling program for the building.

G.G. George asked about the bus bay along 7th Street and the encroachment it will have into the street. Jason Morris clarified that the bus bay will encroach on the landscaped setback area and that the bus bay will be built to current City standards.

Paul Benjamin asked if the project accounted for the proposed Bus Rapid Transit line. Jason Morris responded that the PUD narrative addresses that.

Drew Bryck commented that the landscaping is for the benefit of the public, and the dog park is exclusively for residents. Michael Krentz, with DAVIS Architecture, responded that the dog park activates the frontage of the podium. Mr. Bryck asked for clarification on the type of fence used along the dog park. Mr. Krentz responded that the fence will be wrought iron.

Nicole Rodriguez asked if the landscaping will be maintained by a private association, if there will be a double row of trees along the sidewalk, if there are utility line conflicts for trees and if the existing oak trees will remain. Jason Morris responded that the Country Club and residents will form an association and handle the street tree maintenance, there will be a double row of trees, the expanded sidewalk will place trees away from any utility poles and the oaks will be used in the right-of-way.

G.G. George asked for clarification regarding the material selection, specifically “flat plate metal panels that limit oil canning”. Michael Krentz clarified that oil canning is when metal dimples.

Rick Mahrle asked staff to clarify what the Committee’s options were and that the base zoning will still permit a 110-foot tower. Joshua Bednarek answered that the R-5 M-R zoning is in place and that the Committee coulds recommend approval, denial or approval with modified stipulations.
Vice Chair Cothron added that when the project came before the Committee a year ago, City Council approved the request. She continued that the Council will have to deal with what was already approved.

Nicole Rodriguez asked if the palm trees depicted lining the driveway are part of the shade calculation. Jason Morris responded that the palm trees are to continue the decorative element seen in the Country Club.

Drew Bryck asked if anyone from the Architectural Review Committee was in the audience. Bill Sheely responded that he was on the Committee.

Public Comment

Robert Warnicke displayed a Stop the Tower sign. He shared the following comments:

- The motion says that the R-5 M-R zoning would come off if the PUD does not get approved
- The PUD could be approved with a different height limit such as 60 feet or 75 feet
- The PUD does not state that it will conform to the Architectural Review Committee’s suggestions
- The stipulation for the rezoning case states that there should be active uses along 7th Street and Thomas Road
- The parking podium is the problem
- Open space is being reduced and elevated on the podium
- Removing the podium parking would make the building shorter

He urged the Committee to require underground parking if the building is above 60 feet in height and to mandate that open space be on the ground level.

Tom Chauncey shared the following comments:

- The request is an example of bad urban planning
- The community does not oppose any building on the site, just this project
- The Phoenix Country Club is untrustworthy as they once bought a house and turned it into a parking lot and killed trees
- If the Committee wants to see something happen, put the requirement in a stipulation
- The PUD is supposed to blend in with the existing neighborhood
- Laura Pastor said the building could be shorter
- The building should be stepped back in height
- It is bad urban planning, bad design, and it doesn’t belong in the area

He asked the Committee to vote no like they did a year ago.

Jeanne Yawger displayed a Lego model of the proposed project to show the project’s height in relation to the surrounding neighborhood. She asked for clarification on how much parking the Country Club is required to have and how much parking will be impacted by the building footprint. She asked if there will be a gate to the Country Club residences and stated that the residents are being appeased.
**Gary Johnson** stated that he will do his best to unseat Councilwoman Pastor who thought she was representing his neighborhood. He added that the irrigation line needs to be moved and asked how much of the street will be impacted during construction.

**Paul Barnes** stated that he supports the comments made by Robert Warnicke and believes the maximum height should be less, the open space on the podium is not for the public to use and that he is opposed to the PUD as written.

**Martha Carey Lee** stated that the Country Club residents are not being appeased and that the project is a great way to improve and revitalize her area.

**Patience Huntwork** stated that this project will help turn 7th Street into a Village.

**Jim Huntwork** stated that this project will help transform 7th Street into what Melrose and Roosevelt is. He continued that we must live in the real world and that this project could be transformative.

**Bill Sheely** stated that the Architectural Review Committee meetings were full of good information and very transparent. He was surprised that a member of that group was unhappy.

**Margaret Dietrich** asked the applicant to clarify if the open space will be open to the public.

**Jason Morris** responded that Mr. Warnicke and Mr. Chauncey see the PUD request as a second bite from the same apple, but staff has been clear that the underlying zoning will remain. He added that City Councilmembers wanted cooperation and outreach with the community and they went above and beyond that requirement. He continued that the applicant took their homework seriously and submitted a thorough PUD. He added that taking away the podium is not what this case is about.

**Brent Kleinman** asked what was discussed in the Architectural Review Committee meetings. **Jim Mahoney** responded that there were five meetings. They covered specific topics such as streetscape, building materials and color. He added that the scalloped roofline matches an architectural detail seen in the Country Club. He continued that at the end of every meeting they would ask the group if there were any items that should be brought up to their architect. He concluded that Artie Vigil was one of the biggest contributors to the group and was very collaborative with the architects.

**Robert Warnicke** commented that Artie Vigil felt that the project as proposed was not something he agreed to and urged the Committee to consider the email Mr. Vigil sent to staff.

**Motion**

**Brent Kleinman** motioned to recommend approval and **Layla Ressler** seconded.

**Vote**

5-6, the motion fails with members Adams, Benjamin, Cothron, Kleinman, and Ressler in favor and members Bryck, George, Mahrle, Procaccini, Rodriguez, and Searles in opposition.
Discussion:
G.G. George stated that this request is not consistent with the General Plan and does not provide a superior built environment.

Rick Mahrle commented that the project lacks street level activation and the open space is being reduced.

Vice Chair Ann Cothron stated that the decision was difficult, the neighborhood concerns are being heard, traffic is an issue and that she liked the number of trees being added with the request.

Brent Kleinman commented that the Committee has approved gated apartment communities which closes off open space to the public. He added that the project is an opportunity and a benefit to the Village.

Layla Ressler stated that she originally voted no on the project last year, but she believes the project looks better now and it will be transformative.

Steve Procaccini commented that there is a lot he likes about the project but cannot, in good conscience, support the propose height. He added that heights should be focused between the 3’s (3rd Avenue and 3rd Street).

Drew Bryck stated that while he was disappointed to see the Councilwoman support the project, the zoning has changed. He continued that something tall might be built there. He added that three days to review the PUD was not enough time and that he is open to the applicant coming back with a new PUD or site design.

Nicole Rodriguez added that the trees on the street frontage are great, but the area needs eyes on the street to watch the neighborhood. She added that the project could be successful if it had more activation along the street frontage.

Chair Jake Adams commented that he is concerned about the height and how the project will fit in within the entire City. He said that he spoke with many people in the Coronado neighborhood who supported the project. He continued that he is supportive of the project as it will be built to LEED Silver standards.

Motion
G.G. George motioned to recommend denial and Nicole Rodriguez seconded.

Vote
6-5, the motion passes with members Bryck, George, Mahrle, Procaccini, Rodriguez and Searles in favor with members Adams, Benjamin, Cothron, Kleinman, and Ressler in opposition.

STIPULATIONS:

1. An updated Development Narrative for the Phoenix Country Club Residences 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 January 28, 2020, as modified by the following stipulations:

a. Front Cover: Revise the submittal date information on the bottom to add the following: City Council adopted: [Add adoption date].

b. Page 8, Development Standards Table, Minimum Building Setbacks: Modify verbiage for setback encroachments to read “Where ground level retail uses are present, setbacks may be decreased up to 12 feet for outdoor seating, patio dining and outdoor commercial sales when utilizing patio, storefront, gallery, arcade or forecourt frontage types by securing a use permit.”

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- Maintain all existing interior drives off Thomas Road and 7th Street that connect to PCC and private neighborhood streets.
Landscape
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**STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**
None.
This memo is to address a request by the applicant to add additional design guidelines to the Phoenix Country Club Residences PUD (Z-51-19-4). The memo also addresses a revised stipulation by the Street Transportation Department regarding driveway access to Thomas Road and an additional stipulation for an executed Proposition 207 waiver.

Stipulation No. 2 currently requires access off Thomas Road to be restricted to right in/right out movements. The Street Transportation Department has provided revised stipulation language to potentially allow alternative access movements pursuant to further engineering analysis, as approved by the Street Transportation Department.

Stipulation No. 10 adds a requirement for an executed Proposition 207 waiver of claims form since the applicant has not yet submitted one.

Staff recommends approval, subject to the revised stipulations below:

1. An updated Development Narrative for the Phoenix Country Club Residences 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 January 28, 2020, as modified by the following stipulations:

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Exhibit A:
Acceptable and Unacceptable Architectural Styles Representative Imagery (Date Stamped March 5, 2020)
Acceptable Architectural Styles
Representative Imagery
ITEM NO: 2

DISTRICT NO.: 4

SUBJECT:

Application #: Z-51-19-4 (Phoenix Country Club Residences PUD)
Location: Northeast corner of 7th Street and Thomas Road
From: R-5 M-R
To: PUD
Acreage: 2.94
Proposal: Phoenix Country Club Residences PUD to allow mixed-use
Applicant: AGS, LLC
Owner: Phoenix Country Club
Representative: Jason B. Morris, Withey Morris, PLC

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:
Encanto 12/2/2019 Information only.

Planning Commission Recommendation: Approval, per the staff memo dated March 5, 2020.

Motion Discussion: N/A

Motion details: Commissioner Mangum made a MOTION to approve Z-51-19-4, per the staff memo dated March 5, 2020.

Maker: Mangum
Second: Montalvo
Vote: 6-2 (Busching, Gaynor)
Absent: Johnson
Opposition Present: Yes

Findings:

1. The PUD zoning is requested pursuant to the City Council direction provided in the approval of Rezoning Case No. Z-41-18.

2. The PUD Development Narrative incorporates the previously stipulated design requirements from Rezoning Case No. Z-41-18 and permits active commercial uses. Together these guidelines help to promote an active streetscape along two heavily traveled arterial streets.
3. The proposed development will redevelop a surface parking lot into a move active use with enhanced pedestrian amenities.

Stipulations:

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This publication can be made available in alternate format upon request. Please contact Tamra Ingersoll at (602) 534-6648, TTY use 7-1-1.
FORM TO REQUEST PC to CC
I HEREBY REQUEST THAT THE PC / CC HOLD A PUBLIC HEARING ON:

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<tr>
<th>APPEALED FROM:</th>
<th>PC Hearing 3/5/20</th>
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<th>TO PC/CC HEARING</th>
<th>PC DATE</th>
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<td>CC Hearing 3/18/20</td>
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<th>REASON FOR REQUEST:</th>
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<td>Height, open space, parking garage and failure to follow ordinance from last year and PUD requirements.</td>
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<tr>
<th>RECEIVED BY:</th>
<th>RECEIVED ON:</th>
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<tbody>
<tr>
<td>Eric Morales</td>
<td>March 6, 2020</td>
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</tbody>
</table>

Robert Wanicke  
2929 North 2nd Street  
Phoenix, AZ 85012  
602-738-7382  
robert@warnickelaw.net

Alan Stephenson  
Joshua Bednarek  
Tricia Gomes  
Racelle Esclar  
Stephanie Vasquez  
Leah Swanton  
Vikki Cipolla-Murillo  
Danielle Jordan  
Applicant
The PLANNING COMMISSION agenda for March 5, 2020 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. March 12, 2020.

   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., March 12, 2020.

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. March 12, 2020.

   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. March 19, 2020.

FORM TO REQUEST CITY COUNCIL HEARING

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

APPLICATION NO. 251-18-4
LOCATION OF APPLICATION SITE
4/15/2020
Eric Morales

DATE APPEALED FROM OPPosition APPLICANT
APPELLANT
PLANNER (PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

SIGNATURE

PRINTED NAME OF PERSON APPEALING
Robert Wernick

STREET ADDRESS
2925 North Second Street

CITY, STATE & ZIP CODE
Phoenix, AZ 85012

EMAIL ADDRESS
Robert Wernicklaw.net

REASON FOR REQUEST

Height, Open Space, Parking, Lot and Audience to follow

PEPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER

ORDINANCE FROM LAST YEAR AND RD. REQUIREMENTS.
Dear Ladies & Gentlemen,

My husband and I support the rezoning and PUD of Case Z-51-19-4.

We own a home inside the country club, at 130 East Country Club Drive. We have lived here for 15 years, and my husband's family were Club members since the 1960's. We have been active on other neighborhood projects both here and on North 20th Street, where we had our previous home for 19 years. We understand the need to find a win-win for all on these infill projects, if possible. Sometimes it just isn't possible, as some people do not want ANY change in Phoenix. The current plan reflects a big concession to those wishes by the builder and the Club. The height has been dropped a great deal. The beautiful building planned for this corner will improve the neighborhood, not ruin it. And lastly, many much larger apartment/condo projects have been built on 3rd st, just 3 blocks away. As a result, several restaurants and other needed services have been attracted to the area.

We believe the time has come to approve the current revised plan for the PCC condo project.

Sincerely,
Dr. & Mrs. Michael T. Lee (Martha)
130 East Country Club Drive
Phoenix, AZ 85014

Martha Carey Lee
C 602-920-3317
RE: Case Z-51-19-4
I support the rezoning and PUD of Case Z-51-19-4.
Thank you.
RE: Case Z-51-19-4
I support the rezoning and PUD of Case Z-51-19-4.
Thank you.

Julian Grove

Sent from Outlook [aka.ms]
Northeast Corner of 7th St. and Thomas Rd.

This serves as my letter of support for the approval of the new project proposed for the northeast corner of 7th St. and Thomas. I currently live at 351 E. Thomas, D102 and own a business located at 3110 N. Central Ave. at Kobalt Bar at Park Central. While I understand the concerns of some in the neighborhood, I believe the benefits rejuvenating at a long neglected intersection far outweigh them. This intersection is being severely underutilized and the value that will be added to the adjacent neighborhoods and businesses shouldn’t be discounted. Adding an attractive element to this area will, in my opinion, have nothing but a positive impact to this intersection.

Sincerely,

Jeffery Perales
ph. 602.790.4000
I highly support the rezoning and PUD of Case Z-51-19-4

7th St and Thomas is “CITY” there should be no restriction on height. Its only beneficial to healthy growth for 85014. To restrict it would be flat out stupid.
I am writing as a resident/taxpayer/voter to express my Strong Opposition to the above rezoning case James Shea.
Subject: Opposition to Case Z-51-19-4

I am writing to express my strong opposition to the above rezoning case.

Please ensure that every member of the Encanto Village Planning Commission receives this email prior to the meeting on Monday, February 3, 2020.

Thank you,

Larry Whitesell, Co-chair
The Peak NA
602-370-8453
Dear Committee Members,

If this rezoning goes through, it will set a precedent for future development on Phoenix Country Club property and future development around Phoenix outside the 3rd Street to 3rd Avenue corridor that permits mid-rise to high-rise buildings. The consequences will be the destruction of the voter mandated General Plan. My neighbors and I can not sit by and watch developers run rough shod over the future of our beloved neighborhoods! Please give a copy of my opposition to all the members of the Encanto Village Planning Committee.

Sincerely,

Mary Horton
822 E. Edgemont Ave.
Phoenix, AZ
To all:
I continue to be STRONGLY OPPOSED to the above building project. That corner is not the appropriate location for a tower. Build multiple lower buildings around golf course, but don’t destroy the city skyline.

Thank you.
Mary Rubert

Sent from my iPhone
I am writing to express my **Strong Opposition** to the above rezoning case.

Thank you,
Warren and Roberta Hightower
I’m writing today to express my opposition to the proposed development (Z-51-19-4) at Phoenix Country Club. I have lived in the Country Club Park/Coronado neighborhood since 1998 when my kids were almost 1 and 3. I love this neighborhood- it’s a neighborhood of caring, middle-class residents, who want to live in midtown and take advantage of being in an eclectic and affordable part of the city. We care about Phoenix and support growth and opportunity.

However, the proposed tower does not fit in with either the City of Phoenix General Plan guidelines (and the Planning and Development staff report) nor the culture of midtown, outside of the central corridor.

It’s true that the corners of 7th street and Thomas Road need help. Two of these corners have sat empty for so long and need the expertise of City planners to turn these areas into properties that developers would fight over. And the parking lot of the Phoenix Country Club is an eyesore that already creates gridlock every weekday morning as their members struggle to turn on Thomas from the Club. This area needs redevelopment and I support that. But this corner needs the right kind of development that fits within the General Plan and enhances the culture of 7th street with our independent restaurants and shops.

Please vote no on this project! I appreciate your time in reading this email and listening to the concerns of the neighbors. I know you care about Central Phoenix and if you’re like us, you’re loving the new cultural flavors and bursting activity on 7th street and midtown. Our neighborhood will fight for the right kind of development on this corner.

Thank-you!
Eileen

--
Eileen Eisen-Cohen, PhD
801 E. Cambridge Ave
Phoenix, 85006
(602) 716-1115
Ms. Keating,
Forwarding an email from Gayle Eidson, a resident of Country Club Park...who is expressing her Strong Opposition to the above case.
It was not clear whether Gayle had sent it to you.
Please ensure that it is delivered to each and every member of the Encanto Village PC today, and prior to their meeting.
Thank you,
Jeanne Yawger

Begin forwarded message:

From: Gayle Eidson <gayleeidson@gmail.com>
Subject: Re: Please Voice Your Opposition to Phx CC Tower
Date: February 2, 2020 at 12:07:24 AM MST
To: Jeanne Yawger <jeanneyawger@yahoo.com>

On the subject of Case Z-51-19-4 I would like to express my Strong Opposition to this rezoning case  Sincerely, Gayle Eidson 715 East Windsor
Hello,

I am writing to express my **Strong Opposition** to the above rezoning case. I live in what would be the shadow of this unneeded high rise, my address is 2710 N 8th St, very close to the corner of 7th St and Thomas. This rezoning is entirely unnecessary and runs contrary to the city plan’s vision. The neighborhood is absolutely opposed to this.

Please ensure that each and every member of the Encanto Village PC receives this email prior to their meeting **on Monday, 2/3/2020**.

Thank you,

Illya Riske
Mike,

This is too vague. Any good attorney such as Withey Morris could argue for any design as being supported with that paragraph.

I cannot support this project for the following reasons.

1) The drawings are too vague.

2) The material's section of the PUD allows for metal and glass ratios which will create a starkly contemporary project that will be in contrast to the neighborhood.

3) Although the podium is better designed. It is a bad development and planning policy.

4) There was not enough time for the public to review the revised PUD. I didn't see it until last week. I don't think any of the opposing neighbors have seen it yet.

5) The tower's massing appears to be the same as it did nine months ago (minus the height reduction).

6) Color and material elevations should be provided similar to what is expected in Scottsdale, Gilbert or any other city that has a design review board.

7) PUD exhibits are needed for many of the descriptive paragraphs to guide planning on what is expected. The descriptions are vague and allow a broad interpretation. The intent of the PUD process was to prove that this is a better quality project that deserves the exceptions to the height.

Thank you,

--

Artie  A. Vigil III
architect . leed ap . cnu-a

AV3 design studio
architecture . urban design
p . 602.326.3387
e . av3design@gmail.com
Artie,

Good morning!

Thank you for the feedback below. As we continue through the PUD process with you, we have made some modifications to the Design Guidelines section based upon your comments which I have enclosed for your review. The current staff report parrots this design verbiage along with including imagery from the presentation we made in our Architectural Review Committee meeting on December 19th. The current staff report is located at https://www.phoenix.gov/pdd/planning-zoning/pzservices/pud-cases for your review.

We look forward to seeing you tonight and for your support to approve the PUD.

Let me know if you have any questions or need any other information.

Best,

Mike
Hi Mike,

Please find attached some notes and I've made boxes around the ones that are "okay". I'd prefer Robert AM Stern style for the historic neighborhood.

A few notes....sorry for brevity as I'm on the run to a few meetings.

- Traditional architecture is preferred.

- No metal siding please. That is not compatible with the neighborhoods and is too reflective.

- The glass to solid ratio is too high in these. They look like office buildings.

- No Jenga chaotic massing facades.

Portland On The Park Phase 1 is a great example of architecture that is complimentary with the adjacent historic neighborhoods. Something like that would be appreciated. Possibly different materials to be more compatible with the country club neighborhood filled with white Spanish / Mediterranean style homes.

Thank you,

--

Artie A. Vigil III
architect . leed ap . cnu-a
Artie,

Good afternoon!

Thank you for the call last night and we appreciate your feedback on the Draft PUD document.

Per our conversation I have enclosed a series of images that I would like your feedback on. Your input can be as simple as circling or annotating the concept imagery that, in your estimation, aligns with the ARC’s consensus for simple, timeless design and marking an “X” through imagery that does not meet that standard. You are also welcome to send us examples of imagery to review as well.

Again, the images you see in the current document are only intended to represent the finish and quality level of the materials, not define architectural form or massing. Any of the images that you select will be used in a similar fashion as they are added to the PUD document. We will also be adding language to the design guidelines that the tower design shall be compatible/harmonious in architectural style and materiality with the conceptual podium design to ensure consistency in the design.

Please feel free to give me a call with any questions.

Best,

Mike
I am writing to express my **Strong Opposition** to the above rezoning case.

Please insure that each and every member of the Encanto Village PC receives this email prior to their meeting on Monday, 2/3/2020.

Thank you,

Glenda Groyer
Hello,

I, and many other members of Phoenix Country Club, do not support the rezoning and PUD of Case Z-51-19-4. This process has lacked transparency and details since its conception. We do not believe this rezoning is in the best long-term interest of Phoenix Country Club, nor the surrounding neighborhood.

Sincerely,

Jason J. Hawley

Jason J. Hawley, CVA
Vice President
Dinan & Company, LLC
307 N. Gateway Boulevard | Phoenix, AZ 85008
P – (602) 248-8700 | C – (602) 821-4386
E – jhawley@dinancompany.com | W – www.dinancompany.com [dinancompany.com]

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Dear Councilwoman,

It's hard to imagine that we're facing another challenge to the City Plan that was to give its historic neighbourhoods security from such challenges of the developers that are interested in randomly placing tall buildings in small neighborhoods that have infinite value to its citizens and the history of our city. Please do not approve is this PUD.

I am not able to make the meeting tonight due to some health issues. Otherwise, I would be there in person.

Best Regards,

Jean Switzer
La Hacienda Historic District
369 E. Catalina Dr.
Phoenix, AZ 85012
602 558-3331

Sent from my T-Mobile 4G LTE Device
Dear Ms. Keating,

I am writing to express my Strong and Continued Opposition to the proposed Tower at the Phoenix Country Club, Case Z-51-19-4.

It's been obvious since day one that there has been very little consideration for the voter mandated General Plan, and an overwhelming disregard for the myriad of Phoenicians who have opposed this project from the start.

The Staff Report was a rush job, and only completed on Friday, allowing for very little review of the PUD filing or the Report by the EVPC members, or even the general public.

It seems that it would be important for the EVPC members to have sufficient time to review all of it before voting tonight.

Thank you in advance for seeing that each and every member of the EVPC receives this email.

Respectfully,

Jeanne Yawger
One of the original Neighborhood Opposition Leaders
I am writing to express my Strong Opposition to the above rezoning case.

As a voter, I am very disappointed that any developer has the temerity to present a plan for development that flies so flagrantly in the face of a development plan approved by an overwhelming majority of my fellow citizens, both in detail and in spirit. Our plan calls for public-facing entrances and amenities at ground level; the current development calls for a solid concrete bunker 20 feet tall. Our plan calls for parking to be moved to the rear away from public view; the current development places parking at ground level directly on the corner of 7th and Thomas. Our plan calls for a gradual diminution of building height, with the tallest buildings along Central, reducing to a few stories by the west side of 7th Street; the current development proposes an isolated tower of incongruous height.

What is the point of elections and votes if developers are allowed to flout the will of the citizens so egregiously? Why should we be forced to revisit this plan repeatedly? Why are we forced to waste our time going to meetings when this should be a slam dunk?

I urge the Planning Commission and Mayor and Council to do whatever is lawful to discourage this and other attempts to subvert and corrupt our zoning process.

Mary Zulli
From: Susan Montgomery <smontgomery@milawaz.com>
Sent: Monday, February 3, 2020 9:15 AM
To: Samantha Keating
Cc: Jake Adams; Alan Stephenson; Council District 4
Subject: Opposition to Case Z-51-19-4

Dear Ms. Keating:

I am writing you to express my continued and strong opposition to the above referenced rezoning case. As a resident of Country Club Park Historic District for over 18 years, we value the character of our neighborhood. This project is grossly inconsistent with our neighborhood and it should not be approved.

Susan Montgomery
2602 N. 10th Street
Phoenix, AZ 85006
Mission  Providing optional locations for young adults and entrepreneurs as they heal, gain family reunification, emulate leadership, and balance their lifestyle combating challenging issues.

Opposing (ZA-51-19) FOR (Z-41-18) HEARING February 3, 2020– 6:30 PM

Jadestorm Shamsid-Deen,
Founder, CEO, President,
Mir’Ra IMAGE™, INC.
9307 South 51st Avenue #1160
Laveen, Arizona 85339

With respect to the assigned Zoning Hearing Officers, thank you for your public service, and the City of Phoenix Neighborhood Association Division for registering Mir’Ra IMAGE™ as one of its leading Neighborhood Association Representatives, focusing on “Students’ Opportunity for Success™” (S.O.S.) in the State of Arizona for Districts 8, 7, 6, 5, 4, and 2.

Our goal is to actively respond to all applications in a timely manner that have fulfilled its State requirement to notify registered City of Phoenix Neighborhood Association Representatives of its developing opportunities as State licensed facility or business owner on City Property.

(We) at the Mir’Ra IMAGE™, Foundation oppose the development of any multifamily homes built in our City Districts with parks and playground that contain material can contain heavy metals like lead and manganese, volatile organic compounds like toluene, and polycyclic aromatic hydrocarbons. The chemicals are associated with cancer and other illnesses. These applicants have not responded to address our concerns to have the support of the youth in the surrounding district nor in regards to the multifamily homes will bring to the community.

The Mir’Ra IMAGE™ Foundation, S.O.S. mission and its initiatives to help strategically rectify the downfall of our young adults education and push forward sustainability and free of toxic dangerous material exposure. Along with the helping to reduce many of the children becoming victims of under-age use.

We ask that you do not approve the rezoning application until these concerns are addressed.

We understand our opposing or non-opposing request is never required in your decisions, but our comments and concerns are.

Thank you again for your time. - If you have any questions please feel free to email them to me at mirra.imagetm@aol.com , I will be honored to answer them.

Very truly yours,
Jadestorm Shamsid-Deen - Founder - President
Samantha Keating

From: ROSEMARY HOLUSHA <rholusha@cox.net>
Sent: Tuesday, February 18, 2020 3:19 PM
To: Mayor Gallego; Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Samantha Keating
Subject: EVERLASTING FIGHT RE THE TOWER

PLEASE DO NOT APPROVE THE DEVELOPER’S NEW PUD APPLICATION, (CASE Z-51-19-4)

Phoenix has residents who are not developers and we request that you all quit giving them precedence over our quality of life. Enough is enough. Somebodys are making piles of money to the detriment of our health with more pollution, dangerous traffic conditions that the city pretends isn't happening, water problems, and just making the city uglier.

RHolusha
As a long time resident (20 years!) of the Coronado Historic neighborhood and a Phoenix native, I am very opposed to this new version of a steel and concrete monstrosity that the Phoenix County Club wants to build to pay off their debts. Why should a charming and eclectic neighborhood, outside of the high-rise corridor, have to endure such an eyesore to provide luxury housing to financially well-off people to have closer access to their country club? There is no shortage of high-end housing close by. This development provides NO benefit to this mid-town area.

Please DO NOT allow this application to proceed!

Eileen Eisen-Cohen, PhD
County Club Park, Coronado Neighborhood Resident
806 E. Cambridge Avenue, 85006

Thank-you!
***REQUEST TO ADD-ON*** Request City Council Confirmation of Mayoral Declaration of a Local Emergency

Request for the City Council to confirm a declaration by Mayor Kate Gallego by proclamation of the existence of a local emergency in the City of Phoenix, as required by the Phoenix City Code, Chapter 11, section 3.

The Phoenix City Code, section 11-3(B), and Arizona Revised Statutes, section 26-311, empowers the Mayor to proclaim the existence of a local emergency, subject to confirmation by the City Council, in the case of a great emergency which endangers life or property within the City. The Mayor declared the existence of a great emergency related to the threat from the COVID-19 virus by Proclamation on March 17, 2020.

This item is required by City Code section 11-3(B) as a result of the Proclamation by the Mayor declaring a local emergency.