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# FOR CITY COUNCIL PACKET

# APRIL 30, 2013

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# **GENERAL INFORMATION**

• Liquor License Applications Received for the Period of April 15, 2013 through April 19, 2013

• Follow-up: April 23, 2013 Policy Session

Packet Date: April 25, 2013

# FORMAL AGENDA

TO: Council Members

AGENDA DATE: May 1, 2013

FROM: Greg Stanton

Mayor

PAGE: 1

SUBJECT: BOARDS AND COMMISSIONS

### **City's Deferred Compensation Plan Board**

Mayor Greg Stanton recommends the following new appointment:

#### Lionel Lyons

Mr. Lyons is the Interim City of Phoenix Human Resources Director and is recommended by City Manager David Cavazos. He replaces Janet Smith, former City of Phoenix Human Resources Director, who retired and will serve a term that will expire September 30, 2014.

# **Environmental Quality Commission**

Mayor Greg Stanton recommends the following new appointment:

#### Jessica Catlin

Ms. Catlin is the Director of Development of the Greater Phoenix Economic Council, resides in District 6 and is recommended by Mayor Greg Stanton. Ms. Catlin will replace Jeremy Stapleton as vice chair who was recently appointed chair. Ms. Catlin's position as vice chair will expire May 1, 2014.

#### **Historic Preservation Commission**

Mayor Greg Stanton recommends the following new appointments:

#### Christine Noble

Ms. Noble is an architect and owns Contour Architecture, resides in District 6 and is recommended by Mayor Greg Stanton. She replaces Taz Loomans who was serving a partial term for Patrice Caldwell who resigned. Ms. Noble will serve a partial term that will expire June 30, 2013.

# Sherry Rampy

Ms. Rampy is a realtor for HomeSmart, resides in District 4 and is recommended by Mayor Greg Stanton. She replaces Mario Romero whose term expired and will serve a first term that will expire May 1, 2016.

# The Mayor's Commission on Disability Issues

Mayor Greg Stanton recommends the following new appointments:

### Ashley Bridwell

Ms. Bridwell is a social worker for St. Joseph's Hospital and Medical Center in Phoenix and is recommended by Mayor Greg Stanton. Ms. Bridwell will replace Jennifer Longdon as chair as her term has expired. Ms. Bridwell's position as chair will expire May 1, 2014.

### Larry Clausen

Mr. Clausen is the Executive Director for Arizona Developmental Disabilities Planning Council in Phoenix and is recommended by Mayor Greg Stanton. Mr. Clausen will replace Kaj Willo Kaemmerer as vice chair as her term has expired. Mr. Clausen's position as vice chair will expire May 1, 2014.

#### Norbert Senftleben

Mr. Senftleben was with the City of Phoenix Aviation Department, resides in District 3 and is recommended by Mayor Greg Stanton. He replaces Kaj Willo Kaemmerer whose term expired. Mr. Senftleben will serve a first term that will expire June 30, 2016.

# Parks and Recreation Board

Mayor Greg Stanton recommends the following reappointment:

#### Roger Peck

Mr. Peck is the president of Peck & Associates, LLC, resides in District 5 and is recommended by Mayor Greg Stanton. He will serve a second term that will expire April 4, 2018.

# **Phoenix Women's Commission**

Mayor Greg Stanton recommends the following new appointments:

#### Ceara Chirovsky

Ms. Chirovsky is the Associate Director of Development for Arizona's Children Association, resides in District 3 and is recommended by Mayor Greg Stanton. She replaces Kysten Sinema who resigned and will serve a partial term that will expire June 30, 2014.

#### Maria Bailey Benson

Ms. Benson is an Engineer Consultant for Inductive Strategies, resides in District 6 and is recommended by Mayor Greg Stanton. She replaces Gail Knight who resigned and will serve a partial term that will expire June 30, 2015.

# **Sister Cities Commission**

Mayor Greg Stanton recommends the following new appointments:

### Sandra Mendez Benson

Ms. Benson is the owner of Assisted Transition, resides in District 3 and is recommended by Mayor Greg Stanton. She will serve a new term that will expire May 1, 2016.

### Amy Bratt

Ms. Bratt is the Manager of Public Affairs and Economic Development with the Greater Phoenix Chamber of Commerce. She replaces Lee Ann Hull who resigned and will serve a partial term that will expire June 30, 2015.

#### Jack Besch

Mr. Besch is the Assistant General Manager of Operations and Finance for Veolia Transportation located in Phoenix. He replaces Barrick Neill who resigned and will serve a partial term that will expire June 30, 2014.

# FORMAL AGENDA

TO:	Mayor and Council Members	AGENDA DATE:	May 1, 2013
FROM:	Penny Parrella, Executive Assistant to the City Council	PAGE: 1	

SUBJECT: BOARDS AND COMMISSIONS – CITY COUNCIL APPOINTEES

# Ahwatukee Foothills Village Planning Committee

Councilman Sal DiCiccio recommends the following new appointment:

### Alan Southergill

Mr. Southergill is the co-founder and president of Loblolly Lane, LLC, resides in District 6 and is recommended by Councilman DicCiccio. He replaces Jesse Hernandez whose term expired and will serve a new term that will expire November 19, 2014.

Councilman Sal DiCiccio recommends the following reappointments:

### Douglas Cole

Mr. Čole is the Vice President for Highground Inc., resides in District 6 and is recommended by Councilman Sal DiCiccio. He will serve a term that will expire November 19, 2014.

#### Chad Blostone

Mr. Blostone is a Pilot for US Airways resides in District 6 and is recommended by Councilman Sal DiCiccio. He will serve a term that will expire November 19, 2014.

#### Christopher Gentis

Mr. Gentis is a retired Lieutenant from the City of Phoenix Police Department, resides in District 6 and is recommended by Councilman Sal DiCiccio. He will serve a term that will expire November 19, 2014.

#### Michael Hinz

Mr. Hinz is real estate sales professional, resides in District 6 and is recommended by Councilman Sal DiCiccio. He will serve a term that will expire November 19, 2014.

#### Max Masel

Mr. Masel is a Land Sales Associate for the Arizona State Land Department, resides in District 6 and is recommended by Councilman Sal DiCiccio. He will serve a term that will expire November 19, 2014.

# Anthony Miller

Mr. Miller is the CEO of the American Foundation for Cardiomyopathy, resides in District 6 and is recommended by Councilman Sal DiCiccio. He will serve a term that will expire November 19, 2014.

# Gordon Miner

Mr. Miner resides in District 6 and is recommended by Councilman Sal DiCiccio. He will serve a term that will expire November 19, 2014.

### Blanche Prokes

Ms. Prokes is the Community Manager of Rosemar and Graham Management, resides in District 6 and is recommended by Councilman Sal DiCiccio. He will serve a term that will expire November 19, 2014.

### Spinks Mark

Mr. Mark is the Director of Operations of the Legendary Investment Group, resides in District 6 and is recommended by Councilman Sal DiCiccio. He will serve a term that will expire November 19, 2014.

### Michael Wells

Mr. Wells is the Membership Chairman of the Ahwatukee Foothills Chamber of Commerce, resides in District 6 and is recommended by Councilman Sal DiCiccio. He will serve a term that will expire November 19, 2014.

#### Jerry Youhanai

Mr. Youhanai is the President of Med Trans Inc., resides in District 6 and is recommended by Councilman Sal DiCiccio. He will serve a term that will expire November 19, 2014.

# Alhambra Village Planning Committee

Councilman Sal DiCiccio recommends the following reappointment:

# Sheryl Wirken

Ms. Wirken is a Project Manager of The Ellman Companies, resides in District 6 and is recommended by Councilman Sal DiCiccio. She will serve a term that will expire November 19, 2015.

# Camelback East Village Planning Committee

Councilman Sal DiCiccio recommends the following reappointments:

#### Michael Maledon

Mr. Maledon is the General Counsel of Van Tuyl Group Inc, resides in District 6 and is recommended by Councilman Sal DiCiccio. He will serve a term that will expire November 19, 2014.

# Ronda Beckerleg Thraen

Ms. Bickerleg is an Attorney of Osborn Maledon, PA, resides in District 6 and is recommended by Councilman Sal DiCiccio. He will serve a term that will expire November 19, 2014.

### Tom O'Malley

Mr. O'Malley is the Chief Operating Officer of JDM Partners, LLC, resides in District 6 and is recommended by Councilman Sal DiCiccio. He will serve a term that will expire November 19, 2014.

#### Barry Paceley

Mr. Paceley is the President of Paceley Constructors, Inc., resides in District 6 and is recommended by Councilman Sal DiCiccio. He will serve a term that will expire November 19, 2014.

### Marc Scher

Mr. Scher is the Vice President of Government Affairs & Information Technology of the Phoenix Association of Realtors, resides in District 6 and is recommended by Councilman Sal DiCiccio. He will serve a term that will expire November 19, 2013.

#### Dominic Spagnuolo

Mr. Spagnuolo is the CEO of SDB, Inc., resides in District 6 and is recommended by Councilman Sal DiCiccio. He will serve a term that will expire November 19, 2014.

### Craig Tribken

Mr. Tribken is the Director of External Relations of Central Arizona Shelter Services (CASS), resides in District 6 and is recommended by Councilman Sal DiCiccio. He will serve a term that will expire November 19, 2014.

# **Central City Village Planning Committee**

Councilman Michael Johnson recommends the following new appointment:

#### Albert Harris, Jr.

Mr. Harris is a Coordinator for the Tanner Community Development Corporation, resides in District 6 and is recommended by Councilman Johnson. He replaces Arnold Jackson who resigned and will serve a partial term that will expire November 19, 2014.

# FORMAL AGENDA

TO: Lisa Takata Deputy City Manager AGENDA DATE: May 1, 2013

FROM: Cris Meyer City Clerk ITEM: 16 PAGE: 28-30

# SUBJECT: POLICE DEPARTMENT RECOMMENDATION FOR ONE LIQUOR LICENSE ITEM ON THE MAY 1, 2013 FORMAL AGENDA

The attached memorandum supplements the Request for Council Action report for one liquor license item on the May 1st Formal Council Agenda. This memorandum provides the Council with additional information regarding a Police Department disapproval recommendation for the following item:

# New Business Item

• District 3, Pinot's Palette

For further information regarding this item, please contact the City Clerk Department, License Services Section at 602-262-7003.

# POLICE DEPARTMENT RECOMMENDATION FOR ONE LIQUOR LICENSE ITEM ON THE MAY 1, 2013 FORMAL AGENDA

Application Information			
Business Name	PINOT'S PALETTE	District	3
Business Location	10625 North Tatum Boulevard #D142		
Applicant Name	Samantha Bordelon-Karim & Soral Karim	Series Type	7

# The Police Department recommends disapproval of this liquor license application for the following reasons:

Mr. & Mrs. Karim have applied for a series #7 liquor license for the "Pinot's Palette" business located at 10625 North Tatum Boulevard #D142. Both applicants are listed as a "controlling member" and each has 50% ownership of the business. The funding that was used to purchase the liquor license and items for the business came from the applicants joint banking accounts.

# • The applicant has the following criminal background:

In the State Application Questionnaire, Mr. Karim disclosed a misdemeanor charge he was arrested for on 04/20/12. The charge was for attempting to illegally obtain a prescription-only drug by fraudulent means.

Following the arrest, the charge was dismissed. However, the case was forwarded to the Arizona Attorney General's Office where it currently remains under investigation.

Due to the serious nature of the offense involving fraud, there is concern if the applicants can responsibly control a liquor license.

The fact that the applicants are husband & wife and each are listed as a controlling member with 50% ownership of the business means that both applicants share equal control of the business and equal responsibility for any liquor license granted to the business.

For these reasons the applicants failed to demonstrate the reliability, capability and qualifications necessary to responsibly control a liquor license.

This recommendation for disapproval is submitted by: Detective E. Breindl #6135			
SIGNATURES			
Administrative Licensing Investigator			

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Liquor Enforcement Detail Supervisor
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#### FORMAL AGENDA

TO:	Ed Zuercher Assistant City Manager	AGENDA DATE:	May 1, 2013
FROM:	Jeff DeWitt Chief Financial Officer	ITEM:26	PAGE: 43
SUBJECT:	E-PROCUREMENT, TRANSPAREN PROJECT	NCY AND BUDGE	T INTEGRATION

This report provides the City Council with backup information regarding e-Procurement, transparency of financial data and integration of budget data through a proposed technology project. This project will reduce cost, increase efficiencies and enhance transparency related to financial information, business processes, and procurements.

# THE ISSUE

The Systems, Applications and Products (SAP) system is the city's enterprise wide financial system and is used by over 2,000 employees throughout the City for critical financial reporting, accounting, accounts receivable, grant management purchasing, debt management, inventory, cost accounting, accounts payable and other financial processes. The system was implemented in 1998 with minor improvements and upgrades over the last ten years. In an effort to find future efficiencies and innovation, a comprehensive review was completed to assess the current utilization of the existing system and to identify areas of potential system improvements that could result in a high rate of return or short payback period. Through this review, three areas of improvements were identified for the SAP system including e-Procurement, financial transparency, and budget integration.

#### **OTHER INFORMATION**

The Finance Department is proposing to amend the annual licensing and maintenance agreements for SAP to provide additional licenses and products for the city of Phoenix. Funding would be used to acquire licenses and software solutions associated with e-Procurement, financial transparency and integration, and formulation of budget information. The software solutions would allow the city to:

- Streamline procurement processes
- Increase competition for goods and services resulting in savings
- Implement enforceable and transparent procurement guidelines
- Improve communication with vendors
- Simplify initial purchase request to vendor payment processes
- Increase automation

- Increase transparency with the online "Checkbook" linking vendor payments to contracts
- Increase transparency through use of dashboards displaying data
- Provide more timely information for budget formulation
- Streamline budget processes
- Perform complex analysis with actual expenditures and budget data to enhance Zero-Based Budgetary reports
- Perform "What if" analysis to support financial decisions
- Tie budget decisions to strategic outcomes based on actual results

The e-Procurement, financial transparency and integrated budget information is expected to reduce overall procurement costs, integrate budget and expenditure information for better financial decisions and provide improved transparency of all financial information. This capital investment to increase citywide efficiencies will allow the City to leverage our original enterprise wide capital investment in SAP by integrating these solutions utilizing the existing landscape.

SAP has offered the City a bundled package including substantial savings, minimized risks and options to finance over 52 months at a zero percent interest rate through its banking partner Banc of America. License fees have been negotiated at \$3.7 million. Funds are available through remaining capital funds that will be recovered with savings in future years. Costs for annual maintenance of \$703,000 will be shared between the general fund and enterprise funds. After the licenses are obtained, the Finance Department would proceed to procure implementation services to assist City staff that would be included in the 2013-14 and beyond capital budgets and are estimated to be approximately \$5.0 million total during the full implementation period. The general fund and enterprise funds will share the cost of the project based on their annual purchases of approximately 45% and 55%, respectively. The efficiency savings will primarily occur in reduced purchasing costs.

All cost related to the project would be covered with future efficiency savings. Projects of this type in other governmental and private sector entities have payback periods of less than three years after implementation.

# RECOMMENDATION

The Finance, Efficiency, and Economy Subcommittee recommended the eprocurement, transparency, and budget integration project at the April 17, 2013 meeting. This includes amending the license and maintenance agreements with SAP to purchase and implement the software and to proceed to procure the necessary implementation services to complete the project.

City capital funds are available to begin the project. These capital funds will be repaid from efficiency savings generated from the implementation of the e-Procurement project. Annual updates of the status of the project and related savings will be provided to the Finance, Efficiency and Economy Subcommittee.

### FORMAL AGENDA

TO:	Rick Naimark Deputy City Manager	AGENDA DATE:	May 1, 2013
FROM:	Derek D. Horn Acting Planning and Development Director	ITEM: 64	PAGES: 79-80
SUBJECT:	VILLAGE PLANNING COMMITTEE	APPOINTMENTS	6

This report provides back-up information on Item 64 on the May 1, 2013 Formal Agenda.

### THE ISSUE

Village Planning Committee (VPC) members are appointed by City Council offices in proportion to the land area of each Council district located within the Village. In January 2013, City Council district boundaries were revised because of the decennial Census. As a result, the number of VPC members appointed from Council districts to each Village has been revised to match the new City Council district boundaries. The revised appointments need to be reflected in the existing Village Planning Handbook.

#### **OTHER INFORMATION**

Planning & Development (P&D) staff analyzed the revised Council district boundaries to determine the proportion of the Council districts located within each Village. P&D staff met with Council offices to discuss the methodology behind the calculations and the resulting changes in appointments. The calculations and changes were provided to all Council offices and are on file with P&D.

P&D staff also met to discuss these changes with staff from the City Clerk's Department and the Mayor's Office. Both the City Clerk's Department and the Mayor's Office were provided with copies of the calculations used to revise the Village Planning Committee appointments.

#### **RECOMMENDATION**

This report is for information only.

### FORMAL AGENDA

TO: David Cavazos City Manager AGENDA DATE: May 1, 2013

FROM: Jeff DeWitt Chief Financial Officer ITEM: 69 PAGE: 83

Mario Paniagua Budget and Research Director

SUBJECT: COUNCIL DIRECTION ON EMERGENCY SALES TAX ON FOOD

This report provides backup to Item 69 on the May 1, 2013 Formal agenda. Staff requests Council direction and authorization to explore additional options that would enable potential reduction of the emergency sales tax on food to a 1 percent rate effective January 1, 2014.

### THE ISSUE

Over the last year, the Mayor and some City Council members have proposed options for early termination of the emergency sales tax on food. Several options involving full and partial elimination have been evaluated, and the analyses resulted in equivalent cuts to services including public safety. This option involves a phased reduction of a smaller amount beginning in 2014, which provides additional time to develop alternative solutions.

Specifically, Council approval is requested to authorize staff to conduct further analysis and identify actions that would allow potential reduction of the emergency sales tax on food by one half, or from 2 percent to 1 percent, effective January 1, 2014 without impacting police, fire or other services to the community and without negatively impacting the City's bond rating.

A reduction from 2 percent to 1 percent of the food sales tax effective January 1, 2014, would mean a reduction of an estimated \$12.1 million in revenue in Fiscal Year 2013-14. This represents a 22 percent decrease in the currently estimated \$54.45 million in revenue from the emergency sales tax on food. The current rate for the food sales tax would still apply through December 2013, the month with the largest monthly revenue collections due to holiday food sales.

Any plan developed for subsequent Council action as part of this analysis would maintain the same level of currently projected revenue to the Public Safety Funds, allowing the balancing plan to remain on schedule and not causing further delays in the hiring of police and fire personnel.

# **Bond Rating**

Staff believes that a potential phased reduction implemented with a fully-vetted fiscal plan that maintains services would be perceived positively by the rating agencies. This is because a phased approach in the elimination of the temporary sales tax on food could be achieved by implementing progressive steps in terms of other revenue sources and efficiencies, such as the examples listed below.

In addition, the remaining food sales tax revenue would be adequate to maintain the critical public safety specialty funds during the reduction. A phased approach allows for a more orderly transition of the reduction in revenues so a balanced budget could be achieved in a fiscally responsible way.

# Areas of Evaluation

Potential areas that staff will evaluate include:

<u>Alternative Revenue Sources</u>- Explore alternative sources of General Fund revenue, such as the inclusion of some tort liability claims in the 2013-14 primary property tax levy. The City has included tort liability amounts in the primary levy in previous fiscal years, including the 2010-11 and 2009-10 annual budgets. On the converse, the City will have a better analysis on the impact of proposed state Transaction Privilege Tax (TPT) legislation following the conclusion of the legislative session.

<u>Economic Development</u>- Continue to pursue economic development that attracts more jobs and higher personal income levels to the City of Phoenix.

<u>Innovation and Efficiency</u>- Further intensify efforts to find and implement additional innovation and efficiency measures that reduce costs by even more than what is already planned. This will include a review of options for the use of savings from the authorized refinancing of debt in the Transit 2000 Fund, which will lower interest rates using the City's strong bond rating.

<u>Organizational Review</u>- Conduct a fourth annual organizational review that allows the City to further reduce unnecessary supervisory and management layers, streamline business processes, and increase rightsourcing to reduce costs without reducing service to the public.

<u>Sale of Surplus Properties</u>- Review the potential sale of excess properties that would add revenue from the sale proceeds and reduce ongoing property maintenance costs.

<u>Technology</u>- Use technology to enable savings, such as the proposed E-procurement system which is expected to result in immediate purchasing savings once implemented.

# RECOMMENDATION

With approval by the City Council, staff would work over the next several months to identify financial and budgetary actions that would enable the potential reduction of the food sales tax to 1 percent on January 1, 2014. Staff would also develop a plan to take the necessary steps to ensure compliance with the Model City Tax Code, to conduct outreach and notification to impacted businesses, and to ensure the City's AAA Bond rating is protected.

Staff recommends that this action not affect the limited restored and added services to be included in the 2013-14 City Manager's Proposed Budget. With approval of this action, staff would conduct additional analysis on potential reduction of the emergency sales tax on food prior to the March 31, 2015 expiration, and return by September 18, 2013, for potential Council action to reduce the tax and approve the required ordinances.

#### FORMAL AGENDA

TO:	Rick Naimark Deputy City Manager	AGENDA DATE:	May 1, 2	013
FROM:	Derek D. Horn Acting Planning & Development Director	ITEM:78	PAGE:	90
SUBJECT:	BACKUP INFORMATION TO ITEM AGENDA – Z-49-12-1 LOCATED AT			

This report provides back-up information on Item 78 on the May 1, 2013 Formal Agenda.

31ST AVENUE AND PEORIA AVENUE

### THE ISSUE

A rezoning application has been submitted for approval to the City Council for a 6.57-acre parcel located at the southwest corner of 31st Avenue and Peoria Avenue. Application is being made by Peoria 3101 LLC, represented by Tom Auther.

#### **OTHER INFORMATION**

Rezoning case Z-49-12-1 is a request to rezone from C-O to C-2 to allow retail pads and shops.

The application was reviewed by the North Mountain Village Planning Committee on February 20, 2013, and recommended for approval subject to stipulations on a 13-1 vote.

The application was heard by the Planning Commission on March 12, 2013, and recommended for approval subject to stipulations in Addendum A of the staff report on an 8-0 vote.

The application was scheduled for Ordinance adoption at the April 3, 2013, City Council Formal meeting, since the application was not appealed. At the meeting, the application was pulled from the agenda to allow the application to be scheduled for a public hearing in order to place additional stipulations on the application (See Addendum B).

#### Attachments

Staff Reports Z-49-12-1



# ADDENDUM B Staff Report: Z-49-12-1 April 15, 2013

North Mountain Village Planning Committee Hearing Date	February 20, 2013
Planning Commission Hearing Date	March 12, 2013
Request From:	C-O (6.57 acres)
Request To:	C-2 (6.57 acres)
Proposed Use	Retail and Restaurants
Location	Southwest corner of 31st Avenue and Peoria Avenue
Owner	Peoria 3101 LLC
Applicant/Representative	Tom Auther (Jacor Partners)
Staff Recommendation	Approval, subject to additional stipulations

The applicant has requested an additional stipulation of approval to be added to this request. Revised Stipulation 3 includes limitations on signage, lighting and building height for the 18,000 square foot building at the site. The revised stipulation addresses some of the concerns of the adjacent neighborhood that have been expressed through the public hearing process.

# **Revised Stipulations:**

- 1. The development shall be in general conformance with the site plan date stamped March 3, 2013, as approved by the Planning and Development Department.
- 2. The applicant shall provide a recorded cross-access easement for the subject property and the parcel to the southwest of the site. The agreement shall be reviewed and approved by the Planning and Development Department prior to recordation with Maricopa County.
- 3. THE FOLLOWING STIPULATIONS SHALL APPLY TO THE PROPOSED 18,000 SQUARE FOOT BUILDING AS SHOWN ON THE SITE PLAN DATED STAMPED MARCH 3, 2013.
  - a. A MAXIMUM OF TWO PERMANENT GROUND OR COMBINATION SIGNS SHALL BE PERMITTED.

- b. NO SEARCHLIGHTS SHALL BE PERMITTED.
- c. BUILDING HEIGHT, INCLUDING ALL FACADES, FIXTURES AND MECHANICAL EQUIPMENT, SHALL BE LIMITED TO A MAXIMUM HEIGHT OF 30 FEET AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- d. OUTDOOR TEMPORARY ADVERTISING INCLUDING BANNERS, BALLOONS, AND INFLATABLE DEVISES SHALL NOT BE PERMITTED ON THE ROOFTOP.



# ADDENDUM A Staff Report: Z-49-12-1

March 5, 2013

North Mountain Village Planning Committee Hearing Date	February 20, 2013
Planning Commission Hearing Date	March 12, 2013
Request From:	C-O (6.57 acres)
Request To:	C-2 (6.57 acres)
Proposed Use	Retail and Restaurants
Location	Southwest corner of 31 <sup>st</sup> Avenue and Peoria Avenue
Owner	Peoria 3101 LLC
Applicant/Representative	Tom Auther (Jacor Partners)
Staff Recommendation	Approval, subject to stipulations

The applicant has amended the site plan associated with this rezoning request. The parking layout near the proposed building labeled "Starbucks" has been slightly modified and has resulted in additional parking spaces. The revised site plan has eliminated the drive aisle immediately to the south of the 18,000 square foot retail building. Replacing the drive aisle will be additional landscaping to help buffer the adjacent uses to the south. In addition, the trash dumpsters were relocated to a location on the site that places them further from the surgicenter and adjacent multifamily residential development.

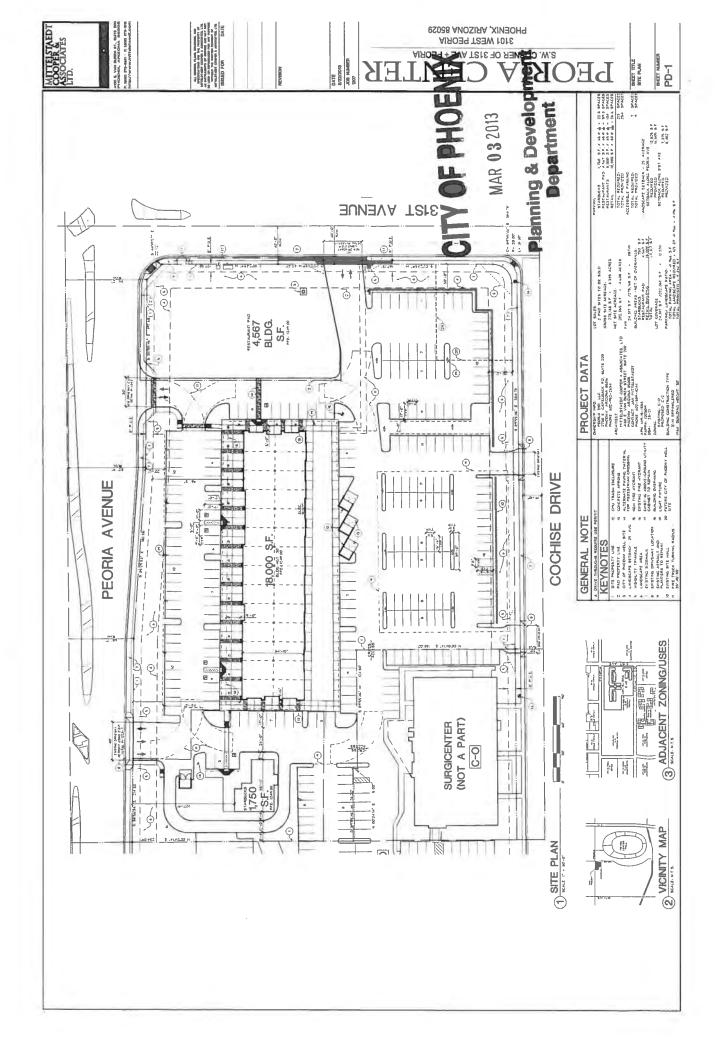
Stipulation 1 has been amended to reflect the date on the new site plan.

# **Revised Stipulations**

- 1. The development shall be in general conformance with the site plan date stamped November 21, 2012 March 3, 2013, as approved by the Planning and Development Department.
- 2. The applicant shall provide a recorded cross-access easement for the subject property and the parcel to the southwest of the site. The agreement shall be reviewed and approved by the Planning and Development Department prior to recordation with Maricopa County.

# **Attachments**

Site Plan (date stamped March 3, 2013)





# Staff Report: Z-49-12-1

January 29, 2013

North Mountain Village Planning Committee Meeting Date	February 20, 2013
Planning Commission Hearing Date	March 12, 2013
Request From:	C-O (6.57 Acres)
Request To:	C-2 (6.57 Acres)
Proposed Use	Retail
Location	Southwest corner of 31st Avenue and Peoria Avenue
Owner	Peoria 3101 LLC
Representative	Ben Patton
Staff Recommendation	Approval, subject to stipulations

General Plan Conformity				
General Plan Land Use De	signation	Commercial		
	31st Avenue	Collector	40' half street width	
Street Map Classification	Peoria Avenue	Arterial	Half street width varies from 68' to 86'	
LAND USE ELEMENT, GOAL 2: EMPLOYMENT AND POPULATION BALANCE: DEVELOPMENT OF EACH VILLAGE'S POTENTIAL SHOULD BE ENCOURAGED BY DISTRIBUTING A DIVERSITY OF EMPLOYMENT AND HOUSING IN A WAY THAT ACHIEVES A BALANCED CITYWIDE PLAN AND THAT IS CONSISTENT WITH COMMUTE TRAVEL PATTERNS AND THE CURRENT CHARACTER OF EACH DEVELOPED VILLAGE. Approval of this request will redevelop 4.89 acres of land from offices into a commercial development. The proposal will provide increased retail opportunities for those who work or reside in the immediate area. The proposed development will complement the North Mountain Village Core, the MetroCenter Mall region.				
<b>NEIGHBORHOOD ELEMENT: GOAL 1:</b> NEW NEIGHBORHOOD DESIGN, POLICY 20: DESIGN NEIGHBORHOOD RETAIL TO BE COMPATIBLE IN SCALE AND CHARACTER AND ORIENTED TOWARDS THE RESIDENTIAL AREAS THAT IT SERVES, IN TERMS OF BOTH DESIGN AND PEDESTRIAN LINKAGES. TRAFFIC, NOISE OR OTHER FACTORS SHOULD NOT NEGATIVELY IMPACT ADJACENT RESIDENTIAL AREAS.				
The proposed retail project will be created in scope and design to support the needs of the immediate areas that it serves and also to interact with the residential areas nearby. The proposed structures and parking areas are designed as low scale amenities for a largely residential region of the city, but also acknowledge that this location is at the intersection of a collector and arterial roadway and that this is an underserved retail area of Phoenix.				

Area Plan	
N/A	

Surrounding Land Uses/Zoning			
	Land Use	Zoning	
On Site	Offices	C-0	
North	Single-family Residential	R1-6	
South	Commercial / Multi-family	C-1 / PAD-14	
East	Commercial	C-2	
West	Offices	C-0	

C-2 District –Neighborhood Commercial			
<u>Standards</u>	Requirements	Provisions on the Proposed Site Plan	
Gross Acreage		4.89 gross acres	
Off-Street Parking	213	2952 (met)	
Building Setbacks Adjacent to street Not Adjacent to street	Average 25'; Min. 20' 0'	Peoria Ave – 87' 5" (met) 31st Ave – 40' 11" (met) Cochise Dr – 200' (met) West side – 24 5"' (met)	
Landscape Setback Adjacent to street	Average 25'; Min. 20'	Peoria Ave – varies 50' to 22' (met) 31st Ave – varies 30' to 20' Cochise Dr – 25' (met)	
Not Adjacent to street	10'	West side – 10' (met)	
Lot Coverage	50%	12% (met)	
Building Height	2-stories / 30' allowed	2-stories / 30' (met)	

# Background/Issues/Analysis

- This is a request to rezone a developed commercial office site from C-O (Commercial Office) to C-2 (Intermediate Commercial) to allow for a new commercial retail development. The General Plan Land Use map designation for this property is Commercial.
- 2. The subject 6.57-acre property is located at the southwest corner of Peoria Avenue and 31st Avenue and is in close proximity to the North Mountain Village core, the MetroCenter Mall region. The applicant is proposing to redevelop the existing commercial office site into several new commercial retail uses. The new retail and restaurant uses will serve those who live or work in the vicinity.

Staff Report: Z-49-12-1 January 29, 2013 Page 3 of 4

- 3. The site plan depicts three new structures, two of which have drive through lanes. The buildings vary in size from 1,750 to 18,000 square feet. The buildings are located approximately 200 feet from Cochise Drive.
- 4. Landscaping along each of the street frontages and throughout the site meets the requirements of the Zoning Ordinance. The maximum height of the new structures will be no greater than 30 feet, which is the maximum permitted height in the C-2 zoning district.
- 5. According to the site plan, there will be two points of access on Peoria Avenue, one on 31st Avenue, and two on Cochise. Currently there is only one point of access on Peoria Avenue. The applicant is proposing a new access point approximately 330 feet east of the existing access point on Peoria Avenue. In addition, there will be a new access point on 31st Avenue.
- 6. In the southwest corner of the site, there is a parcel that is not part of the application that is currently utilized as a surgicenter. The site plan shows a cross-access point between the two parcels. A stipulation has been proposed by staff requiring a cross-access easement agreement be recorded to ensure that this cross-access shall remain. Keeping this point of access open ensures that the separate developments shall operate as one for traffic purposes.
- 7. The Water Services Department has stated that there are no water and/or sewer issues due to the existing infrastructure at the site.
- It has been determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in Unshaded Zone X, on panel 1635 H of the Flood Insurance Rate Maps (FIRM) dated September 30, 2005.
- 9. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

# <u>Findings</u>

- 1. The property is in proximity to the Primary Core of the North Mountain Village.
- 2. The proposed commercial development will provide additional retail and restaurant uses for those who wish to live and work in the area.
- 3. The proposal is consistent with the commercial designation by the General Plan Land Use map.

# **Stipulations**

1. The development shall be in general conformance with the site plan date stamped November 21, 2012, as approved by the Planning and Development Department.

Staff Report: Z-49-12-1 January 29, 2013 Page 4 of 4

2. The applicant shall provide a recorded cross-access easement for the subject property and the parcel to the southwest of the site. The agreement shall be reviewed and approved by the Planning and Development Department prior to recordation with Maricopa County.

# <u>Writer</u>

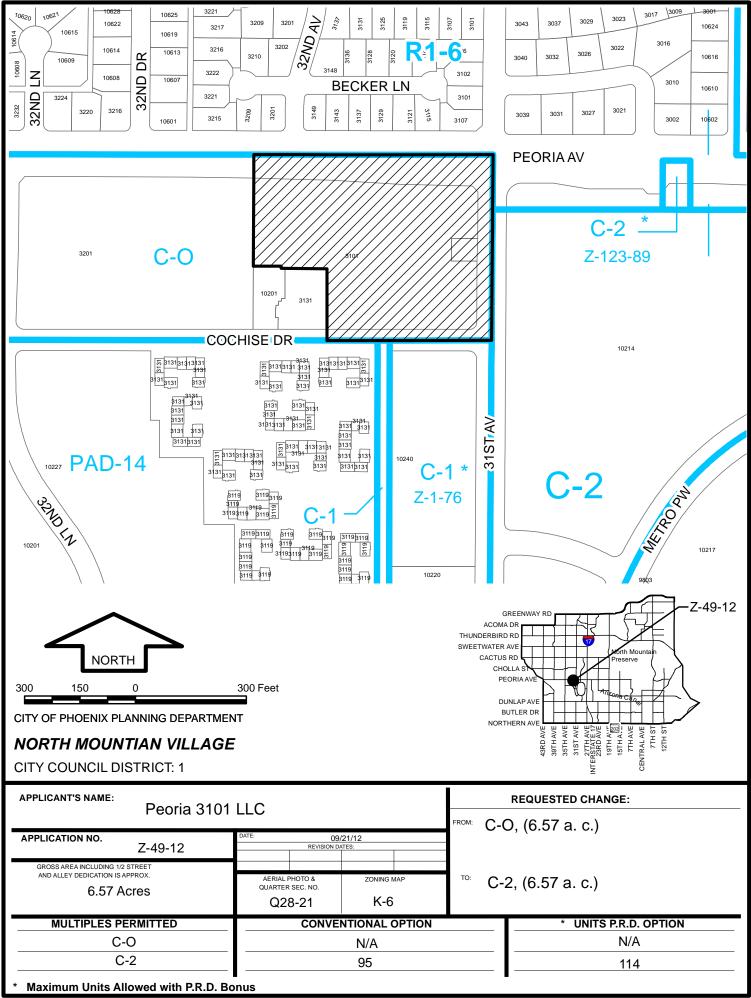
Craig Mavis 1/29/13

# Team Leader

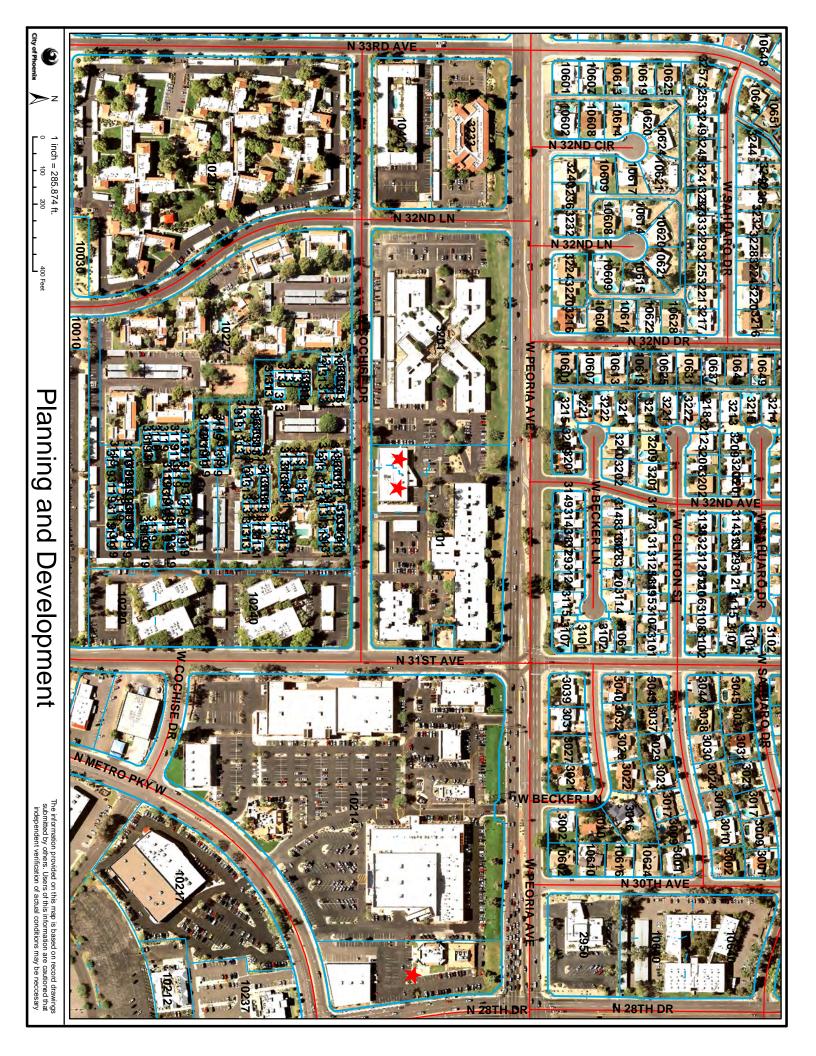
Joshua Bednarek

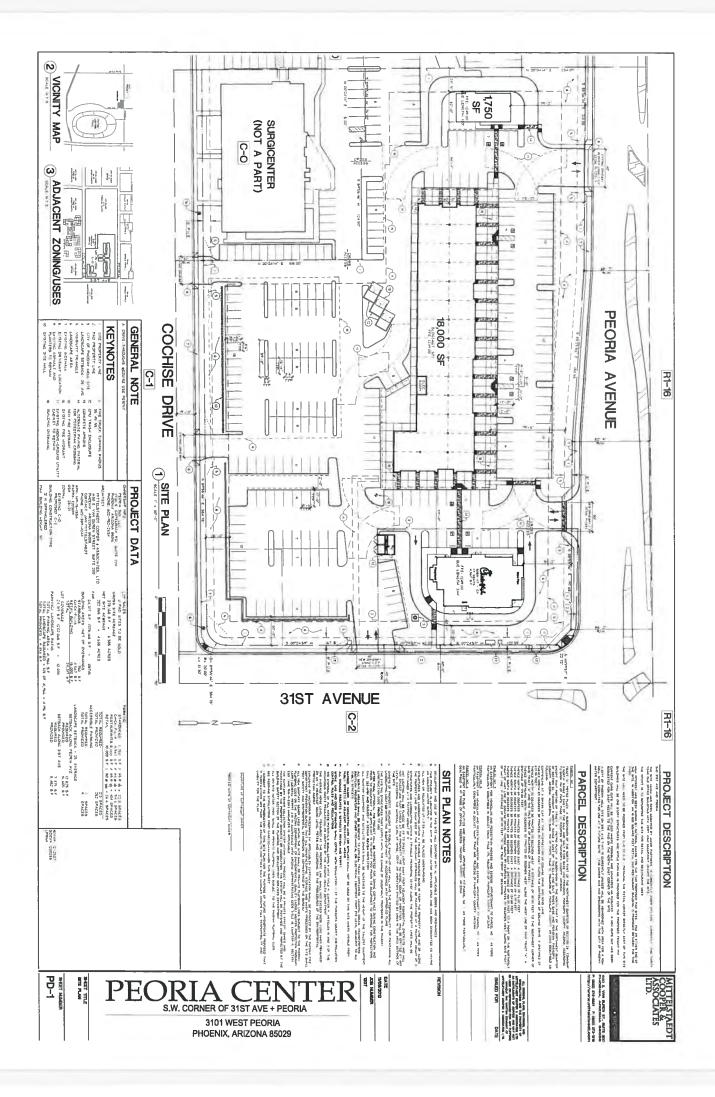
# Attachments Sketch Map

Sketch Map Aerial Site Plan (date stamped November 21, 2012) Elevations (date stamped November 21, 2012) (4 pages)



Map Document: (N:\IS\_Team\Core\_Functions\Zoning\sketch\_maps\sketch\_map11.mxd) - 12/17/12







MITTELSTAEDT COOPER & ASSOCIATES LTD / Architecture - Interiors / Phoenix, AZ

11/1/12

PROJECT DEVELOPMENT / Anchor Store - View to South East PEORIA RETAIL CENTER / Peoria & 31st Avenues / Phoenix, AZ







11/1/12

MITTELSTAEDT COOPER & ASSOCIATES LTD / Architecture - Interiors / Phoenix, AZ

PROJECT DEVELOPMENT / View from North West to South East PEORIA RETAIL CENTER / Peoria & 31st Avenues / Phoenix, AZ





AZ 11/1/12

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PROJECT DEVELOPMENT / View from North East to South West PEORIA RETAIL CENTER / Peoria & 31st Avenues / Phoenix, AZ





# Village Planning Committee Meeting Summary Z-49-12-1

Date of VPC Meeting	February 20, 2013
Request From	C-O (6.57 acres)
Request To	C-2 (0.77 acres)
Proposed Use	Retail and Restaurant
Location	Southwest corner of Peoria Avenue and 31 <sup>st</sup> Avenue
VPC Recommendation	Approval with stipulations
VPC Vote	13-1

# **VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

**Craig Mavis** gave a presentation to the committee that outlined the request, staff findings and recommendation. He explained that the site was part of the North Mountain Redevelopment Study Area and that it was in close proximity to the North Mountain Village Core.

The applicant's representative, **William Lally**, gave a presentation that described the proposed redevelopment of the site. He explained that the existing office building would be removed. He described the two restaurants with drive through lanes and one retail building on the proposed site plan. He presented conceptual elevations and described the extensive neighborhood outreach that was performed for this request.

Eleven speaker cards in **support** were presented to the Chair, four of which spoke. The supporters mentioned the following:

- Additional desirable retail and restaurant uses will positively benefit the community
- The new active news would discourage crime and transients
- The new development could potentially be a catalyst for redevelopment in the area
- The applicant did a great job of reaching out to the community and getting their input

Twenty three speaker cards in **opposition** were presented the Chair, ten of which spoke. In addition, numerous opposition letters and petitions were submitted and placed into the case file. The speakers made the following statements as a basis of their opposition:

- Undesirable increase in vehicular traffic and accidents
- Late night uses attract unwanted intoxicated motorists

- New uses would negatively impact quiet, peaceful neighborhood
- Already enough empty retail buildings in the area
- Proposed redevelopment would not add to area residents happiness or liberties
- Applicant was unwilling to place deed restrictions on property regarding the undesirable uses permitted in the C-2 zoning district, such as medical marijuana, check cashing, we buy gold, and adult uses
- Light pollution into neighborhood to the north
- Unwanted new signage associated with the site
- Additional traffic will generate more pollution and be harmful to area residents
- The applicant drove tenants from their existing leases

**Mr. Lally** explained that extensive outreach had been conducted. He reiterated that many of the undesirable uses that the opposition mentioned would not meet the required setbacks as set forth by the zoning ordinance. He stated that the applicant was willing to have deed restrictions placed on the site for the undesirable uses. He noted that the condominium development located approximately thirty feet was in support of the request and that the majority of the opposition was coming from the neighborhood to the north that was located over 150 feet away. He finished by mentioned that the zoning ordinance places limits on signage and lighting that would protect the adjacent residential neighborhood.

The applicant, **Tom Auther**, stated that he was open to deed restrictions and that he did listen to the concerns of the neighborhood. He explained how he interacted with the concerned parties and tried to make appropriate concessions to appease them. He finished by saying that no tenants were chased out of the existing building.

**Bob Beletz** noted that he lived in the nearby area and was in support of the request. He was in favor of the applicant recording deed restrictions.

**Randall McLaughlin** stated that the Metrocenter mall was once great but had fallen on hard times recently. He believed that revitalization was important and commended the applicant for their efforts.

Marcia Veidmark asked if a stipulation requiring a deed restriction could be made.

**Doug Mings** expressed his concern with the additional traffic on Peoria Avenue as a result of the proposed rezoning.

**Robin Schneider** stated her concern with the residential property to the south would be looking at the back of a building, there would be no buffer from the commercial use and that deliveries would be made on the back side of the building.

**Joel McCabe** encouraged the property owner to record deed restrictions to address some of the concerns of the opposition.

**MOTION:** Bob Beletz recommended approval subject to the stipulations in the staff report. The motion was seconded by **Randall McLaughlin**.

VOTE: 13-1, approval (Mings opposed)

# **STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

None

Item #:	12
Application #:	Z-49-12-1
From:	CO
То:	C-2
Acreage:	6.57
Location:	Southwest corner of 31st Avenue and Peoria Avenue
Proposal:	Retail pads and shops
Applicant:	Peoria 3101, LLC
Owner:	Peoria 3101, LLC
Representative:	Tom Auther

Mr. Alan Stephenson presented Z-49-12-1; a request from CO to C-2 for a 6.57 acre parcel located at the southwest corner of 31<sup>st</sup> and Peoria Avenue. This is a request for retail pads and shops. Staff supports the request per the Addendum A stipulations that provide for a new site plan that addresses parking lot layout, drive aisle and trash dumpster locations. The North Mountain Village Planning Committee approved this request 13-1.

Ms. Jane Upham stated they have been working with the applicant trying to set up deed restrictions. A meeting was conducted with Councilwomen Williams and all parties felt they have reached an agreement. Today she is aware nothing has yet been written. She is not opposed but would like the deed restrictions provided.

Five other cards were submitted in favor but did not wish to speak

Dean B Carnes	Ted Spear	Brenda Morgan
Gail Morgan	Ken Cada	_

Commissioner Amery reiterated how the Planning Commission cannot be involved with deed restrictions. There is still time before it moves to the City Council to work this out with the applicant.

Commissioner Amery made a MOTION to approve Z-49-12-1 per the North Mountain Village Planning Committee recommendation and staff stipulations contained in Addendum A.

Commissioner Beletz SECONDED.

There being no further discussion, Chairman Awai called for a vote and the MOTION PASSED 8-0

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### FORMAL AGENDA

TO:	Rick Naimark Deputy City Manager	AGENDA DATE:	May 1, 2	2013
FROM:	Derek D. Horn Acting Planning & Development Director	ITEM:79	PAGE:	91
SUBJECT:	BACKUP INFORMATION TO ITEM AGENDA – GPA-EST-2-12-7 LOCA OF 75TH AVENUE AND BROADWA	TED AT THE SOU		

This report provides back-up information on Item 79 on the May 1, 2013 Formal Agenda.

### THE ISSUE

A General Plan Amendment has been submitted for approval to the City Council for an 39.89-acre parcel located at the southeast corner of 75th Avenue and Broadway Road. Application is being made by Ben Patton of Tiffany & Bosco P.A.

#### **OTHER INFORMATION**

General Plan Amendment case GPA-EST-2-12-7 is a request to change the General Plan land use designation from Residential 1 to 2 to Mixed-Use (Residential 2 to 3.5/MUA) to allow the development of either a single-family subdivision or a production and distribution facility for dairy goods produced on-site.

The application was reviewed by the Estrella Village Planning Committee on March 19, 2013, and was recommended for approval on a 5-0 vote.

The application was heard by the Planning Commission on April 9, 2013, and was recommended for approval on an 8-0 vote.

Attachments

A – Staff Report GPA-EST-2-12-7



# GENERAL PLAN AMENDMENT STAFF ANALYSIS \*AMENDMENT

Application:	GPA-EST-2-12-7
Applicant:	Ben Patton of Tiffany & Bosco P.A.
Location:	Southeast corner of 75th Avenue and Broadway Road
Acreage:	41.48 +/-
Current Plan Designation:	Residential 1-2 du/ac
*Requested Plan Designation:	*Mixed Use (Residential 2-3.5 du/ac – MUA)
Reason for Requested Change:	To allow the development of a single-family subdivision
Companion Rezoning Case:	Z-46-12-7
Village Planning Committee Action:	Estrella Village – March 19, 2013
Staff Recommendation:	Approval

#### **FINDINGS**

- 1) The proposed General Plan Land Use Map designation of Mixed Use is compatible with the uses developed and planned in the vicinity of the property.
- 2) The request will not dramatically alter the desired land use pattern in the area.

# BACKGROUND AND DISCUSSION

The purpose of this request is to designate 41.48 acres located on the southeast corner of 75th Avenue and Broadway Road from Residential 1-2 du/ac on the General Plan Land Use Map to Mixed Use (Residential 2-3.5 du/ac – MUA).

The parcel is currently a dairy farm and was recently annexed into the City of Phoenix. Companion rezoning case Z-46-12-7 is running concurrently and is a request to allow a single-family development in the future, along with continuation of the existing dairy operation in a boutique fashion with retail dairy sales. The amended application to allow Staff Analysis GPA-EST-2-12-7 Page 2

the Mixed Use land designation will now provide flexibility for the applicant to continue and expand the current dairy use on site. The applicant intends to pursue production, distribution and retail sales of dairy products in the short-term and in the future pursue the residential development.

An existing single-family residential development zoned R1-10 is located to the north and northwest of the subject parcel. The parcels located to the south and west are vacant and located in the county. An existing single-family neighborhood, also located in the county, is to the east. The parcel is also located in proximity to the proposed South Mountain Loop 202 Freeway.

#### **RELATIONSHIP TO GENERAL PLAN GOALS AND POLICIES**

#### NEIGHBORHOOD ELEMENT

• GOAL 2: NEW DEVELOPMENT AND EXPANSION OR REDEVELOPMENT OF EXISTING DEVELOPMENT IN OR NEAR RESIDENTIAL AREAS SHOULD BE COMPATIBLE WITH EXISTING USES AND CONSISTENT WITH ADOPTED PLANS.

Policy 3: Create new development or redevelopment that is sensitive to the scale and character of the surrounding neighborhoods and incorporates adequate development standards to prevent negative impact(s) on the residential properties.

The proposed development, via accompanying rezoning case Z-46-12-7, will be sensitive in scale and character to the surrounding neighborhood.

#### HOUSING ELEMENT

• GOAL 2 – HOUSING CHOICE: A DIVERSE CHOICE OF HOUSING SHOULD BE PROVIDED IN ALL VILLAGES OF THE CITY TO MEET THE NEEDS OF ALL HOUSEHOLDS.

The proposed land use designations will continue to provide agricultural uses and provide additional housing opportunities within the Estrella Village.

#### COST OF DEVELOPMENT

• GOAL 1 - NEW DEVELOPMENT'S FINANCIAL RESPONSIBILITY: NEW DEVELOPMENT IN THE CITY OF PHOENIX SHOULD NOT PLACE A FINANCIAL BURDEN ON EXISTING DEVELOPMENT EXCEPT WHERE THE BONDING CAPACITY OF EXISTING DEVELOPMENT IS USED FOR CONSTRUCTION OF FACILITIES UNTIL REVENUES FROM NEW DEVELOPMENT ARE AVAILABLE.

The proposed development is located in the Estrella South impact fee area.

Development Impact Fees are charged to land owners to contribute to costs associated with infrastructure and public services that need to be expanded as a direct result of new development in the "growth" areas of the city of Phoenix.

The new proposed amendment has no significant effect on the following General Plan elements:

GROWTH AREA ELEMENT LAND USE ELEMENT NATURAL RESOURCES CONSERVATION ELEMENT OPEN SPACE ELEMENT RECREATION ELEMENT CIRCULATION ELEMENT PUBLIC SERVICES AND FACILITIES ELEMENT BICYCLING ELEMENT CONSERVATION, REHABILITATION AND REDEVELOPMENT ELEMENT WATER RESOURCES ELEMENT PUBLIC SERVICES AND FACILITIES ELELMENT SAFETY ELEMENT

#### RECOMMENDATION

Staff recommends that the request be approved.

Based on the following factors the requested change in land use designation is appropriate:

- 1. The subject parcel is located in proximity to existing residential and agricultural uses and is in the Estrella South impact fee area.
- 2. Given the proximity to similar developments, the change in land use designations will not significantly impact the surrounding uses.

#### <u>Writer</u>

Marc Thornton March, 5, 2013

#### Team Leader

Joshua Bednarek

#### Attachments

General Plan Amendment Land Use Map

# **GENERAL PLAN AMENDMENT**

CITY OF PHOENIX ♦ PLANNING DEPARTMENT ♦ 200 W WASHINGTON ST ♦ PHOENIX, AZ ♦ 85003 ♦ (602) 262-6882

APPLICATION NO: GPA-EST-2-12-7	ACRES: 41.48 +/-
VILLAGE: Estrella	COUNCIL DISTRICT: 7
APPLICANT: Ben Patton, AICP	

#### **EXISTING:**

Residential 1 to 2 du / acre (41.48 +/- Acres)

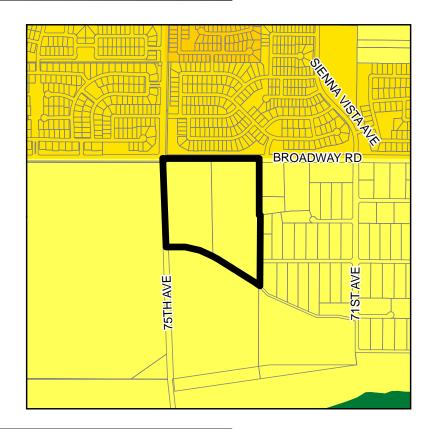
Proposed Change Area

Residential 1 to 2 du / acre

Residential 2 to 3.5 du / acre

Residential 3.5 to 5 du / acre

Parks / Open Space - Public

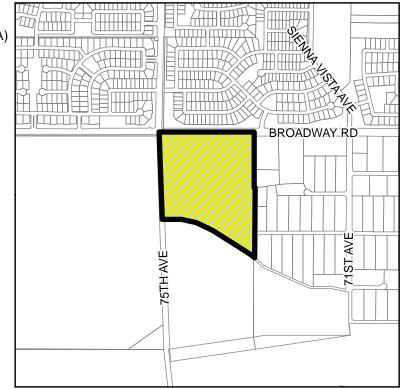


# **PROPOSED CHANGE:**

Mixed Use (Residential 2 to 3.5 du/acre - MUA) (41.48 +/- Acres)

Proposed Change Area

Mixed Use Residential 2 to 3.5 du/acre - MUA)





# GENERAL PLAN AMENDMENT STAFF ANALYSIS

Application:	GPA-EST-2-12-7
Applicant:	Ben Patton of Ridenour Hienton & Lewis
Location:	Southeast corner of 75th Avenue and Broadway Road
Acreage:	39.89 +/-
Current Plan Designation:	Residential 1-2 du/ac
Requested Plan Designation:	Residential 2-3.5 du/ac
Reason for Requested Change:	To allow the development of a single-family subdivision
Companion Rezoning Case:	Z-46-12-7
Village Planning Committee Action:	Estrella Village – January 15, 2013
Staff Recommendation:	Approval

#### **FINDINGS**

- 1) The proposed General Plan Land Use Map designation of Residential is compatible with the uses developed and planned in the vicinity of the property.
- 2) The request will not dramatically alter the desired land use pattern in the area.

#### BACKGROUND AND DISCUSSION

The purpose of this request is to designate 39.89 acres located on the southeast corner of 75th Avenue and Broadway Road from Residential 1-2 du/ac on the General Plan Land Use Map to Residential 2-3.5 du/ac.

The parcel is currently located within Maricopa County boundaries and will be annexed into the City of Phoenix. Companion rezoning case Z-46-12-7 is running concurrently and is a request to allow a single-family development to be constructed.

Staff Analysis GPA-EST-2-12-7 Page 2

The subject parcel is currently a dairy farm. An existing single-family residential development zoned R1-10 is located to the north and northwest of the subject parcel. The parcels located to the south and west are vacant and located in the county. An existing single-family neighborhood, also located in the county, is to the east. The parcel is also located in proximity to the proposed South Mountain Loop 202 Freeway.

#### **RELATIONSHIP TO GENERAL PLAN GOALS AND POLICIES**

#### NEIGHBORHOOD ELEMENT

• GOAL 2: NEW DEVELOPMENT AND EXPANSION OR REDEVELOPMENT OF EXISTING DEVELOPMENT IN OR NEAR RESIDENTIAL AREAS SHOULD BE COMPATIBLE WITH EXISTING USES AND CONSISTENT WITH ADOPTED PLANS.

Policy 3: Create new development or redevelopment that is sensitive to the scale and character of the surrounding neighborhoods and incorporates adequate development standards to prevent negative impact(s) on the residential properties.

The proposed development, via accompanying rezoning case Z-46-12-7, will be sensitive in scale and character to the surrounding neighborhood.

#### HOUSING ELEMENT

• GOAL 2 – HOUSING CHOICE: A DIVERSE CHOICE OF HOUSING SHOULD BE PROVIDED IN ALL VILLAGES OF THE CITY TO MEET THE NEEDS OF ALL HOUSEHOLDS.

The proposed land use designation will provide additional housing opportunities within the Estrella Village.

#### COST OF DEVELOPMENT

 GOAL 1 - NEW DEVELOPMENT'S FINANCIAL RESPONSIBILITY: NEW DEVELOPMENT IN THE CITY OF PHOENIX SHOULD NOT PLACE A FINANCIAL BURDEN ON EXISTING DEVELOPMENT EXCEPT WHERE THE BONDING CAPACITY OF EXISTING DEVELOPMENT IS USED FOR CONSTRUCTION OF FACILITIES UNTIL REVENUES FROM NEW DEVELOPMENT ARE AVAILABLE.

The proposed development is located in the Estrella South impact fee area. Development Impact Fees are charged to land owners to contribute to costs associated with infrastructure and public services that need to be expanded as a direct result of new development in the "growth" areas of the city of Phoenix. Staff Analysis GPA-EST-2-12-7 Page 3

The proposed amendment has no significant effect on the following General Plan elements:

GROWTH AREA ELEMENT LAND USE ELEMENT NATURAL RESOURCES CONSERVATION ELEMENT OPEN SPACE ELEMENT RECREATION ELEMENT CIRCULATION ELEMENT PUBLIC SERVICES AND FACILITIES ELEMENT BICYCLING ELEMENT CONSERVATION, REHABILITATION AND REDEVELOPMENT ELEMENT WATER RESOURCES ELEMENT PUBLIC SERVICES AND FACILITIES ELELMENT SAFETY ELEMENT

#### RECOMMENDATION

Staff recommends that the request be approved.

Based on the following factors the requested change in land use designation is appropriate:

- 1. The subject parcel is located south of existing residential developments and in the Estrella South impact fee area.
- 2. Given the proximity to similar development, the change in land use designation will not significantly impact the surrounding uses.

<u>Writer</u> Marc Thornton 12/21/12

#### **Attachments**

General Plan Amendment Land Use Map

# **GENERAL PLAN AMENDMENT**

CITY OF PHOENIX ♦ PLANNING DEPARTMENT ♦ 200 W WASHINGTON ST ♦ PHOENIX, AZ ♦ 85003 ♦ (602) 262-6882

APPLICATION NO: GPA-EST-2-12-7	ACRES: 39.89 +/-
VILLAGE: Estrella	COUNCIL DISTRICT: 7
APPLICANT: Ben Patton, AICP	

#### **EXISTING:**

Residential 1 to 2 du/acre (39.89 +/- Acres)

Proposed Change Area

Residential 1 to 2 du / acre

Residential 2 to 3.5 du / acre

Residential 3.5 to 5 du / acre



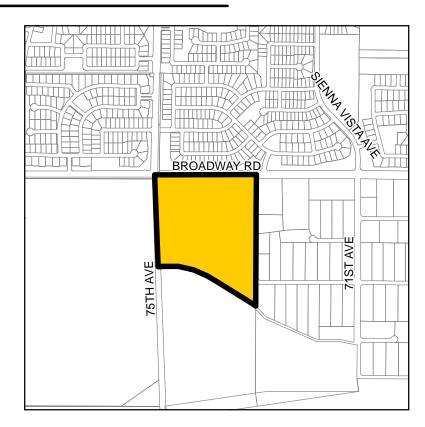
# **PROPOSED CHANGE:**

Residential 3.5 to 5 du / acre (39.89 +/- Acres)



Proposed Change Area

Residential 3.5 to 5 du / acre



# **GENERAL PLAN AMENDMENT**

CITY OF PHOENIX ♦ PLANNING DEPARTMENT ♦ 200 W WASHINGTON ST ♦ PHOENIX, AZ ♦ 85003 ♦ (602) 262-6882

APPLICATION NO: GPA-EST-2-12-7	ACRES: 39.89 +/-
VILLAGE: Estrella	COUNCIL DISTRICT: 7
APPLICANT: Ben Patton, AICP	·

### **EXISTING:**

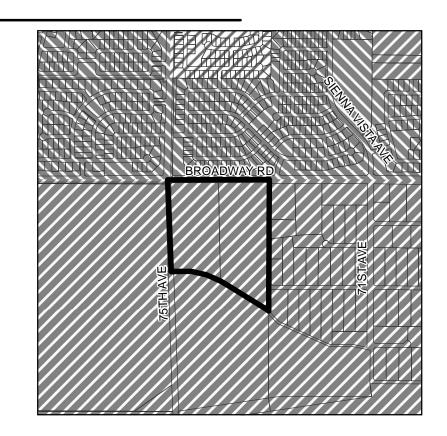
Residential 1 to 2 du/acre (39.89 +/- Acres)

Proposed Change Area

Residential 1 to 2 du / acre

Residential 2 to 3.5 du / acre

Residential 3.5 to 5 du / acre



# PROPOSED CHANGE:

Residential 3.5 to 5 du / acre (39.89 +/- Acres)



Proposed Change Area

Residential 3.5 to 5 du / acre





# Z-GPA-EST-2-12-7

Date of VPC Meeting	March 19 <sup>th</sup> , 2013
Request From	Residential (1-2, 2-3.5 and 3.5-5 du /acre)
Request To	Mixed Use (Residential 2 - 3.5 du/acre and MUA)
Proposed Use	Mixed Use, Residential and agricultural
Location	41.48 acres of land located at the southeast corner of 75th Avenue and Broadway Road
VPC Recommendation	Approval
VPC Vote	5-0 Unanimous Approval

#### **VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

**Mr. Ben Patton** provided a very brief overview of the request. He noted the item has been presented at previous VPC meetings and would be happy to answer any questions.

The VPC had no questions for Mr. Patton.

**<u>MOTION</u>**: **Mr. Wiesinger** moved, with a second from **Mr. Kahland**, to approve GPA-EST-2-12-7 as presented.

VOTE: 5-0 Unanimous approval

#### **STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

Staff has no comments regarding the VPC recommendation.

#### **GENERAL PLAN AMENDMENTS AND COMPANION REZONING CASES**

Item #:	4
Application #:	GPA-EST-2-12-7 (Companion case Z-46-12-7)
Request:	Map Amendment
From:	Residential 1 to 2
То:	Mixed Use (Residential 2 to 3.5/Mixed Use Agricultural)
Acreage:	39.89
Location:	Southeast corner of 75th Avenue and Broadway Road
Proposal:	Amend the General Plan Land Use Map to allow the
	development of either a single-family subdivision or a
	production and distribution facility for dairy goods
	produced on-site
Applicant:	Ben Patton, AICP
Representative:	Ridenour Hienton & Lewis

Mr. Alan Stephenson presented items 4 and 5 which are related items. They can be heard together with separate motions. Item #4 is GPA-EST-2-12-7; a minor General Plan amendment for 39.89 acres located at the Southeast corner of 75th Avenue and Broadway Road from Residential 1 to 2 to Mixed Use (Residential 2 to 3.5 and Mixed Use Agricultural). The Estrella Village Planning Committee recommended approval per the staff report 5-0. Staff recommends approval per the recommendation of the Estrella Village Planning Committee.

Commissioner Katsenes made a MOTION to approve GPA-EST-2-12-7 as recommended by the Estrella Village Planning Committee and staff.

Commissioner Madeksza SECONDED.

Commissioner Heck asked about the acreage difference between the two related cases.

Mr. Stephenson stated the General Plan Amendment designation area is 39.89 and the zoning case area is 41.48; the zoning goes out to the half streets. Because of the half street between Broadway Road and 75<sup>th</sup> Avenue there is a slight difference in acreage.

There being no further discussion, Chairman Awai called for a vote and the MOTION PASSED 8-0 (Davis absent)

\* \* \*

### CITY COUNCIL REPORT

#### FORMAL AGENDA

TO:	Rick Naimark Deputy City Manager	AGENDA DATE:	May 1, 2013
FROM:	Derek D. Horn Acting Planning & Development Director	ITEMS: 80 &87	I PAGE: 92
SUBJECT:	BACKUP INFORMATION TO ITEM FORMAL AGENDA – GPA-EST-4-1 THE NORTHWEST CORNER OF 5 STREET	2-7 AND Z-43-1	2-7 LOCATED AT

This report provides back-up information on Items 80 and 81 on the May 1, 2013 Formal Agenda.

#### THE ISSUE

A General Plan Amendment and companion rezoning application have been submitted for approval to the City Council for an 83.15-acre parcel located at the northwest corner of 59th Avenue and Van Buren Street. Application is being made by James F. Kenny of El Dorado Van Buren 80 LLC, represented by Paul Gilbert of Beus Gilbert PLLC.

#### **OTHER INFORMATION**

General Plan Amendment case GPA-EST-4-12-7 is a request to change the General Plan land use designation from Industrial, Residential 3.5 to 5, and Residential 15+ to Industrial to allow an industrial development.

Rezoning case Z-43-12-7 is a request to rezone from R-5, R-5 (approved C-2) and C-3 to PUD to allow for industrial development at a maximum height of 80 feet.

The applications were reviewed by the Estrella Village Planning Committee on March 19, 2013. The General Plan Amendment was recommended for approval on a 6-0 vote and the zoning case was recommended for approval per staff addendum A with modification of Stipulation 3 and deletion of Stipulation 21 on a 6-0 vote.

The applications were heard by the Planning Commission on April 9, 2013. GPA-EST-3-12-7 was recommended for approval on an 8-0 vote and Z-43-12-7 was recommended for approval per the Estrella Village Planning Committee recommendation with modification of Stipulation 3, deletion of staff Stipulation 21, and one additional stipulation on an 8-0 vote.

### RECOMMENDATION

This report is for information only.

Attachments

A – Staff Report GPA-EST-4-12-7 B – Staff Report Z-43-12-7 Link to Z-43-12-7 PUD Narrative online:



#### GENERAL PLAN AMENDMENT STAFF ANALYSIS

Application:	GPA-EST-4-12-7
Applicant:	Dennis Newcombe, Beus Gilbert PLLC
Location:	Northwest corner of 59th Avenue and Van Buren Street
Acreage:	83.15 +/-
Current Plan Designation:	Industrial Residential 3.5 to 5 Residential 15+
Requested Plan Designation:	Industrial
Reason for Requested Change:	To allow for industrial development.
Companion Rezoning Case:	Z-43-12-7
Village Planning Committee Date:	Estrella Village – March 19, 2013
Staff Recommendation:	Approval

Findings:

- 1) The proposed General Plan Land Use Map designation of Industrial is compatible with the uses developed and planned in the vicinity of the property.
- 2) The request will not dramatically alter the desired land use pattern in the area.
- 3) Industrial is an appropriate land use accessible by an arterial roadway and future freeway.

#### BACKGROUND

The subject site is located along an arterial street and directly adjacent to a future freeway corridor. This request would amend the existing General Plan Land Use Map designation from Industrial, Residential 3.5 to 5 du/ac/ and Residential 15+ du/ac to Industrial.

Rezoning case Z-43-12-7, a companion case to this one, is running concurrently and is a request to rezone the parcel to PUD to allow for an industrial type development to be constructed.

#### RELATIONSHIP TO GENERAL PLAN GOALS AND POLICIES

#### NEIGHBORHOOD ELEMENT

• Goal 2: NEW DEVELOPMENT AND EXPANSION OR REDEVELOPMENT OF EXISTING DEVELOPMENT IN OR NEAR RESIDENTIAL AREAS SHOULD BE COMPATIBLE WITH EXISTING USES AND CONSISTENT WITH ADOPTED PLANS

> Policy 3: Create new development or redevelopment that is sensitive to the scale and character of the surrounding neighborhoods and incorporates adequate development standards to prevent negative impact(s) on the residential properties.

The proposed development, via staff stipulations and accompanying rezoning case Z-43-12-7, will be sensitive in scale and character to the surrounding neighborhoods and uses.

#### NEIGHBORHOOD ELEMENT

• GOAL 1, POLICY 22: PROTECT AND ENHANCE THE CHARACTER OF EACH NEIGHBORHOOD AND ITS VARIOUS HOUSING LIFESTYLES THROUGH NEW DEVELOPMENT THAT IS COMPATIBLE IN SCALE, DESIGN AND APPEARANCE

The proposed industrial development is consistent with the zoning pattern along 59<sup>th</sup> Avenue and Van Buren Street. Via rezoning case Z-43-12-7 and staff stipulations, building design and layout techniques will be incorporated into the future development to ensure compatibility with the adjacent single family neighborhood and City of Phoenix park to the north.

#### LAND USE ELEMENT

• GOAL 2 – EMPLOYMENT AND POPULATION BALANCE: DEVELOPMENT OF EACH VILLAGE'S POTENTIAL SHOULD BE ENCOURAGED BY DISTRIBUTING A DIVERSITY OF EMPLOYMENT AND HOUSING IN A WAY THAT ACHIEVES A BALANCED CITYWIDE PLAN AND THAT IS CONSISTENT WITH COMMUTE TRAVEL PATTERNS AND THAT CURRENT CHARACTER OF EACH DEVELOPED VILLAGE.

> The proposed Industrial designation encourages the development of industrial uses that will create jobs to balance population and employment near predominately single-family residential areas.

The proposed amendment has no significant effect on the following General Plan Elements:

#### COST OF DEVELOPMENT

CIRCULATION BICYCLING RECREATION OPEN SPACE ELEMENT PUBLIC SERVICES AND FACILITIES ELEMENT CONSERVATION, REHABILITATION AND REDEVELOPMENT ELEMENT ENVIRONMENTAL PLANNING ELEMENT NATURAL RESOURCES CONSERVATION ELEMENT WATER RESOURCES ELEMENT PUBLIC BUILDING ELEMENT SAFETY ELEMENT

#### CONCLUSION AND RECOMMENDATION

Staff recommends that the request be approved.

Approval of this General Plan Amendment will further the goals of the General Plan. Approval is consistent with the recent development patterns at the intersection of 59<sup>th</sup> Avenue and Van Buren Street.

Approval of this amendment will allow industrial uses adjacent to a freeway corridor that will support the dynamic growth in the West Valley and help Estrella Village achieve employment and population balance. The staff proposed stipulations will improve the project to ensure that future development is compatible with the neighborhood to the north.

February 26, 2013

Attachments: Sketch Map Aerial

# **GENERAL PLAN AMENDMENT**

CITY OF PHOENIX ♦ PLANNING DEPARTMENT ♦ 200 W WASHINGTON ST ♦ PHOENIX, AZ ♦ 85003 ♦ (602) 262-6882

APPLICATION NO: GPA-EST-4-12-7	ACRES: 83.15 +/-
VILLAGE: Estella	COUNCIL DISTRICT: 7
APPLICANT: Dennis Newcombe	

#### EXISTING:

Residential 3.5 to 5 du / acres (29.17 +/- Acres) Residential 15+ du / acres (15.58 +/- Acres) Industrial (38.40+/- Acres)

Proposed Change Area

Residential 3.5 to 5 du / acre

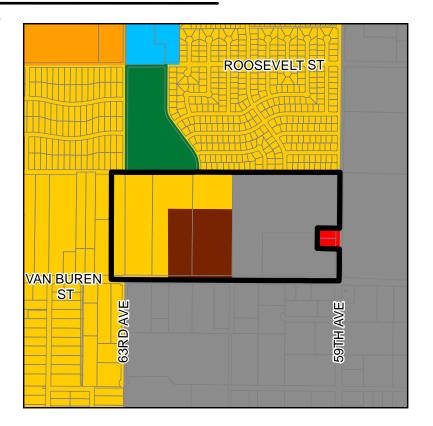
Residential 15+ du / acre

Industrial

Commercial

Public / Quasi-Public

Parks / Open Space- Publicly Owned

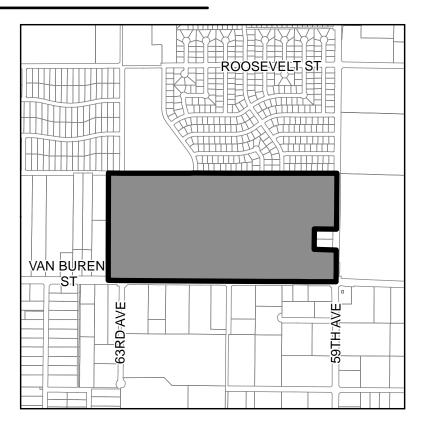


#### **PROPOSED CHANGE:**

Industrial (83.15 +/- Acres)

Proposed Change Area

Industrial







# Z-GPA-EST-4-12-7

Date of VPC Meeting	March 19 <sup>th</sup> , 2013
Request From	Industrial and Residential (3.5 – 5 du/acre & 15+ du/acre)
Request To	Industrial
Proposed Use	Industrial uses
Location	83.15 acres of land located at the northwest corner of 59th Avenue and Van Buren Street
VPC Recommendation	Approval
VPC Vote	6-0 Unanimous Approval

#### **VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

**Mr. Marc Thornton** provided an overview of both the General Plan Amendment request and the rezoning case. He noted the current and proposed general plan designations in addition to the proposed uses and staff stipulations.

The applicant provided an overview of the request noting that vehicular access to the site is limited to Van Buren Street and 59<sup>th</sup> Avenue, discussed the possibility of the applicant paying for and installing traffic calming devices along Fillmore Street, the applicant was in full agreement with the staff analysis and proposed stipulations except #21, the applicant stated he had discussed with the neighborhood and they stated they did not want 63<sup>rd</sup> Avenue constructed from Van Buren north through their neighborhood, they have grave concerns with cut through traffic especially truck traffic.

Residents discussed concerns with existing vehicular traffic in the area, the need for traffic mitigation devices in the neighborhood, the possibility of incorporating horse trails into the development.

**MOTION**: Mr. Kahland moved, with a second from Mr. Weisinger, to approve GPA-EST-4-12-7 as presented.

VOTE: 6-0 Unanimous approval

#### **STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

Staff has no comments regarding the VPC recommendation.

Item #:	6 CDA ECT 4 40 7 (Companies and 7 40 40 7)
Application #:	GPA-EST-4-12-7 (Companion case Z-43-12-7)
Request:	Map Amendment
From:	Industrial
	Residential 15+
	Residential 3.5 to 5
То:	Industrial
Acreage:	83.15
Location:	Northwest corner of 59th Avenue and Van Buren Street
Proposal:	To allow for industrial development.
Applicant:	Dennis Newcombe
Representative:	Beus Gilbert, PLLC

Mr. Alan Stephenson presented items 6 and 7; they can be heard together but separate motions are required. GPA-EST-4-12-7 is a minor General Plan amendment for 83.15 acres located at the northwest corner of 59<sup>th</sup> Avenue and Van Buren Street. The request is to change from Industrial, Residential 15+ and Residential 3.5 to 5 to Industrial for the entire 83.15 acres. The companion zoning case is Z-43-12-7; this is a request to change from R-5, C-3 and Approved C-2 to Planned Unit Development (PUD) for the 83.15 acres. The PUD request is to allow an industrial development at a maximum height of 80 feet with associated outdoor storage. The Estrella Village Planning Committee recommended approval with the modified stipulation 3 to read as follows:

 Outdoor uses and/or storage located between 100-300-feet of a residential district THE NORTH PROPERTY LINE AND THAT PORTION OF THE WEST PROPERTY LINE APPROXIMATELY 552 FEET IN LENGTH SOUTH OF FILLMORE STREET shall be required to obtain a use permit as outlined in Section 307 of the Zoning Ordinance, as approved by the Planning and Development Department.

The Village also voted to delete staff stipulation #21. Staff is supportive of the modification to stipulation #3 and is not supportive of the deletion of stipulation number #21. Streets Transportation staff is here to discuss the need of the required conditional ROW (right-of-way) dedication of 63<sup>rd</sup> Avenue.

Mr. Paul Gilbert stated the site consists of 80 acres at the corner of 59<sup>th</sup> Avenue and Van Buren, his client owns all of the property except for the small area along 59<sup>th</sup> Avenue which is two dilapidated residential homes; they are currently in the process of trying to purchase. Land Use Element Goal 3 Infill Policy 2 states: "identify transition neighborhoods in which the surrounding land use pattern zoning districts and resident desires indicate conversion through commercial and industrial use." This case fits into that policy.

They are asking for a PUD and a General Plan designation for Industrial. The area is surrounded by Industrial land and the existing zoning is R-5 which allows 43 apartment units per acre, it is the highest apartment designation allowed in the City of Phoenix. They have spent a great deal of time in the neighborhood and everyone has stated they

do not want the apartment complex built. It is inconsistent with the City's plans for this area.

The property is located in the southwest Phoenix employment center which has been designated by the City of Phoenix. It is a combination of proactive planning efforts by the city and has identified 11 employment centers which have focused much of its efforts within these employment areas. They are also within what is known as the Phoenix enterprise zone; that is a 100 square mile area in the central and western part of the city. Businesses within this zone qualify for certain tax benefits encouraged by the City of Phoenix to permit industrial development. They have spent a great deal of time working with the village and with the chair of the village. They also met with the superintendent of the school district and submitted the uses as part of the PUD. There were several uses originally proposed but was not favored by the chair so they were removed or compromised. At the first neighborhood meeting they found that the city was going to require the dedication and construction of 63<sup>rd</sup> Avenue. They are opposed to putting this in.

The 63<sup>rd</sup> Avenue extension across his client's property was not shown on the city's street classification map as indicated by the Power Point shown; 63<sup>rd</sup> Avenue should not be constructed in order to avoid increasing traffic levels into the residential neighborhood north of their client's property.

It will be heard this evening that access will be difficult if 63<sup>rd</sup> Avenue is not put in, given the fact that the Loop 202, north/south freeway extension will eventually give access for the residents in the neighborhood. The proposed frontage road for the future Loop 202 will allow for two way traffic, north and southbound beginning just north of Fillmore Street starting at McKinley Street pursuit to some lengthy and detailed meetings they have had with ADOT. They will eliminate cut through traffic which will be safer for the neighborhood and the school district. 63<sup>rd</sup> Avenue south of Van Buren Street is a culde-sac; and north of the I-10 freeway the road ends just north of McDowell. Clearly putting in 63<sup>rd</sup> Avenue will significantly increase the traffic in the immediate neighborhood and also the Encanto and McDowell Road area.

The stipulation is stating that they are required to dedicate on the chance that in the future the City of Phoenix may extend and complete 63<sup>rd</sup> Avenue. That is a burden that will be imposed on the property owner; particularly since they are united with the neighbors as to not putting 63<sup>rd</sup> Avenue in. It will eliminate a portion of the roadway and it will be undevelopable on the west side of 63<sup>rd</sup> Avenue. They are in full agreement with the staff report and stipulations; many modified. The only stipulation they are in disagreement with is number 21. They are asking to have that eliminated and add one stipulation that is not part of the staff report. This stipulation has been requested by the village and they are willing to incorporate it as a stipulation to this case which would read: "THE DEVELOPER SHALL WORK WITH THE NEIGHBORHOOD TO PAY FOR TRAFFIC MITIGATION MEASURES ALONG FILLMORE STREET ADJACENT TO THE SUBJECT SITE AS APPROVED OR MODIFIED BY THE STREET TRANSPORTATION DEPARTMENT." Fillmore Street is the property's owner northern border. It is across from residential and a city park.

Commissioner Montalvo stated there is currently much traffic now, he can only imagine how much more if 63<sup>rd</sup> Avenue is completed. It would be a burden for whoever would be responsible for the upkeep.

Commissioner Beletz asked if Fillmore Street is considered a collector's street. If not which street is.

Mr. Stephenson stated it is a local street. The different types of streets are set by the Street Transportation Department. They are local, minor collector, collector, arterial, and major arterial streets. Each has different right-of-ways requirements. In this case the only collector is Roosevelt Street, the arterial is along Van Buren Street, 59<sup>th</sup> Avenue and 67<sup>th</sup> Avenue.

Chairman Awai asked if Fillmore Street is built out or is it also a half street.

Mr. Stephenson stated that Fillmore Street is a half street.

Mr. Gilbert added that they have agreed to a one foot non-vehicular access easement. There will be no access to Fillmore Street; even though they will be improving the south half of the street.

Mr. Stephenson clarified that they will build the south end of that street adjacent to their property, the portion he was speaking about is further to the west going through the existing neighborhood; there is no opportunity unless the properties on the south side of Fillmore Street redevelop to have the half street completed there.

Ms. Peggy Eastburn stated she has lived in this neighborhood for 35 years has been on the Fowler District School Board for 9 years. She has been on the Estrella Village Planning Committee for 15 years and has chaired it for ten. On 67<sup>th</sup> Avenue they have businesses as the Flying J Truck Stop and Danny's Big Rig Truck Wash and Repairs. One 59<sup>th</sup> Avenue there is Liberty Truck Stop. They have more truck traffic in this village than any other. Trucks try to get to places as quick as they can in the shortest amount of time.

At the end of the park there is Sun Ridge School which has been there for 25 years, the park for about 20 years. This was an original site plan for the Loop 202 to come through 63<sup>rd</sup> Avenue. She fought this stating it would split their community; her concerns are for the business on Van Buren Street; they will use this piece of road for a way in and look for a way out. The other piece of property that is on Roosevelt to the north of them is also developing and also going industrial. It is only going to cause these trucks to look a way to get through their neighborhood. The homes to the west are mini-ranches with equestrian. The south end of the park is also an equestrian area with a trail. There are many horses and many more children who cross over to get to the park. The children who live on McDowell Road are bussed to school. The city is telling her that they are only asking for a dedication of the property, she understands that, but once it is dedicated there is no way to go back and express that they do not want it. She has petitions of opposition with 157 names. 124 that are against 63<sup>rd</sup> Avenue going through and 33 are for it. Most of the ones in support think that they will

be able to come off of McDowell and across the bridge that exists on I-10. She is asking for this stipulation not to be added for her community.

Mr. Shane Silsby, Deputy Street Transportation Director stated his section is responsible for transportation planning. Collector Streets moves most people to more specific designations that are linked to arterial local streets. Local Street is generally where most people live. Roosevelt Street is a collector's street; 63<sup>rd</sup> Avenue is also a collector's street. 67<sup>th</sup> Avenue, Van Buren Street and 59<sup>th</sup> Avenue are arterial streets.

Mr. Silsby went through the PowerPoint map to identify the various meanings to the different symbols. The red circles indicate where there are traffic signals, the blue boxes identify the intersection numbers, the F and L stand for Full or Limited access. At Roosevelt Street there is some access that goes through to 51<sup>st</sup> Avenue, it is somewhat limited because of no freeway access. Fillmore has more limited access because the frontage road only goes one way which is south.

They worked closely with the area on a plan to mitigate truck traffic on Roosevelt although currently there is limited access. The PUD site in question today is a collector, Roosevelt is a collector. Access would potentially be here for folks to get to the school, the park, or to the neighborhood

The stipulation reads as a conditional right-of-way dedication, it is not a full public rightof-way dedication with the difference it can be used as a right-of-way for whatever it is needed for like parking or retention; only a building cannot be put there. The plan that was proposed was worked into the site plan that was presented. Impacts to the plan are minimal other than in the future there is potential there. The Street Transportation Department has no funds to accomplish this; the cost is estimated to be from one and a half to two million dollars.

Van Buren Street is the east/west corner for bikes/pedestrians and people going onto local busses. Pedestrians will use the Loop 202 for access to downtown. Currently for this neighborhood to get to a bus stop that goes downtown, it is a half mile in either direction.

Phoenix is set up on a mile grid system such as 51st, 59<sup>th</sup> and 67<sup>th</sup> Avenues. Traffic signals are put up at each mile, the potential for signals every half mile, which is the collector location, is what the developer is proposing. There is a mile gap between 59<sup>th</sup> and 67<sup>th</sup> Avenue where this neighborhood cannot access Van Buren Street because of no access to the south.

The original requirement was to do a improvement for 63<sup>rd</sup> Avenue but after hearing from the village chair, the neighborhood and working with the developer they do not recommend a full public right-of-way but a conditional one to preserve the alignment.

Commission Beletz asked if this will restrict the property owner to build though that zone or do they have to leave it vacant. What is going to happen in the future, will they always be restricted from crossing that line?

Mr. Silsby stated the owner is restricted from putting buildings, as seen on the site plan there is parking and retention uses in that area that can remain. In parts of the city where they are still building; particularly in the southwest and the northeast, the classification map does not accommodate for all potential roadways; it is only a strong guiding document which sometimes must be obtained in the development phases throughout the city.

If this was on the original classification map it probably would have just been a straight line, but with the development plan and trying to mitigate trucks in the future that may go north, they wanted to change the alignment just a bit and work on the geometry at the time it came to be.

Commissioner Montalvo asked who would maintain that area in the meantime before and if the street is put in.

Mr. Silsby stated the land will look no different from the site; there will be parking, retention maintained by the property owner. The city does not have the budget to maintain this.

Commissioner Katsenes asked if the time should come then you do need to capture that for the street, does the city reimburse the property owner for that property that is needed for the street?

Mr. Silsby stated the conditional right-of-way is a point of negotiation but technically there would not be a reimbursement for the land itself; whoever builds the roadway would be responsible for procuring whatever issue there may be, for example, if parking needs to be moved there is a cost for that, it is the mitigating factors not the land value.

Mr. Stephenson stated it is not uncommon on a zoning application for the city to require right-of-way dedications and stipulations. To dedicate that right-of-way free of charge as a condition of the rezoning application. Most commonly development is also included; that is why the applicant will have to dedicate the south half street of Fillmore and build that out even though they will not have access to it. That is what typically would have happened in this case for 63<sup>rd</sup> Avenue; it would have been something that the Streets Department determine at the time of development, that access point is needed because of the traffic conditions in that area. In this case a dedication is wanted for the future should it be there, the construction of it will not be required now. Because of the neighborhood concerns and issues about traffic the city would be able to get that right-of-way without having to purchase it but at the city's expense pay for all of the future improvements to do that.

Commissioner Katsenes asked Mr. Silsby to repeat what he stated about how 63<sup>rd</sup> Avenue not currently going through presents an issue for the neighborhood in having limited access to Van Buren Street.

Mr. Silsby stated 63<sup>rd</sup> Avenue is the collector street but the surrounding area has a one mile gap in access to Van Buren Street; there are no through streets that connect to

Fillmore from a public street. It is unusual for a city block to have no access for a mile into a neighborhood.

Commissioner Montalvo asked if the south side of Fillmore is being developed and have there been any complaints from the neighbors regarding the bus access to Van Buren Street.

Ms. Eastburn stated no, there are bus stops along McDowell Road. On the original plans when this area was going to be residential they spoke about the section that runs from Roosevelt to Latham and undedicating the area so the school would take over the property. All the paperwork was submitted but the development did not go through. When this came about again they went back to the original draft of not dedicating that portion of 63<sup>rd</sup> Avenue so that they could protect the school from all of the truck traffic. Once this is opened up, truck drivers will not be aware of the mitigating problems that they cannot get through but try to get though anyway. There are signs posted on either side that state "no through truck traffic" but many still do.

Is this really going to be needed in the future? The city put Fillmore Street through and it is now a 13 foot street that runs from 67<sup>th</sup> to 59<sup>th</sup> Avenue with no stops, Danny's Big Rig paid for three speed humps that she was able to get from the city. Ms. Eastburn understands what the Street Department is saying and she agrees that the grid system has work well for the city but she believes in this instance it will not work; it will destroy the community.

Commissioner Katsenes asked Mr. Silsby to respond regarding the trucks going through Fillmore Street.

Mr. Silsby stated although signs are posted they cannot enforce the trucks from not going through. It is generally from the trucks traveling to the east as they do not want to wait to get on the I-10 so they travel through the neighborhoods. That is what they are trying to mitigate through this area. At the same time the school has busses that need to go through and trucks with supplies so they need to be very careful on how they accomplish this.

Chairman Awai asked what other mechanisms could be designed to make it impossible for the trucks to drive through 63<sup>rd</sup> Avenue. Do round-about streets work well for trucks?

Mr. Silsby stated what they have spoken about is that in the future this site would have access on 63<sup>rd</sup> Avenue; they would significantly decrease the width and move the median out to the middle so trucks would not be physically able to turn. Going north will be more difficult. For the round-abouts what happens in the middle is critical because trucks may hop over if they are determined. They are designed for smaller vehicles, not large trucks.

Commissioner Heck stated she does like the grid system and it's accessibility for the safety of the communities as well as being able to get access to the freeways in hopes that the Loop 202 does go in. What kind of safety issues or accessibility will this

community have by cutting that off? The biggest problem now sound like it's the semi's and access for the community, there are plenty of places around the city that have those mechanism in place where fire trucks can get through and where trucks can see from the very beginning that they will not be able to make a turn. It does not make sense for a PUD to be put in place and giving them an opportunity to build on that and then losing that opportunity to be able to have access to that community for safety issues.

Mr. Silsby identify the roadway cross section with two lanes; one going in each direction. There would be a third lane developed at the intersection southbound for a left turn. The safest way to do this is to have the most efficient routes in the city with fewer miles in the most direct route possible.

The compromise would be at the time of construction this area would be the main point of mitigation, the site still has to access 63<sup>rd</sup> Avenue. The idea is to have enough of a radius developed so the trucks can make the turn in and out of the site but could not make the turn north without doing significant damage to their vehicle; a passenger vehicle would have no problem with that. Again this is meant to be a conditional right-of-way it does not have the level of detail because they are not building.

Commissioner Heck asked by keeping that right-of-way available and the if funds do comes in to build; is there any checks and balances or any opportunity for the Street Department to work with the community.

Mr. Silsby stated they have a public involvement strategy process for all of their projects. As revenues were declining and projects became more important they have worked more closely with developers to provide mitigation efforts for the neighborhoods.

Mr. Gilbert stated the map does not show 63<sup>rd</sup> Avenue going through, there is a gap there. The chances of this being build is slim because there are not funds projected in the future for it and this neighborhood will probably still oppose it. The point keeps being made about access to the freeway, putting in 63<sup>rd</sup> Avenue does not connect to having the freeway access. This is cut through traffic for this neighborhood even though it is on a collector street.

They have been told that this is just a conditional dedication that can be used for parking, landscaping or drainage for the interim; but what happens when the plan is developed. They will have to always deal with the fact that the city may come in and put the road in. This puts them in a difficult position of having to design a project for a roadway where they must provide sufficient parking which will be gone if the roadway does come in. The same goes for the landscaping and drainage issues if the road where to come in. On the chance that the city may find the funds, amend its street classification map or convince the neighborhood to build this conditional roadway; the developer should not be burdened with this roadway that is unlikely to be built.

Commissioner Heck asked Mr. Gilbert if his client was not aware when the property was purchased that this was aligned for a road.

Mr. Gilbert stated they had no idea that this would be a requirement of the city and only learned about it from a neighborhood meeting. It was not on the city's classification map. It was not mentioned at the pre-application meeting or the follow-up meeting. Not until a third meeting was it suggested that they speak with the Streets Department traffic engineer.

Mr. Stephenson stated the street classification map does not show local streets, only minor collector, collector and arterial; the larger streets. The local streets are not shown for the applicant to know and understand about this part of the project; there is always the potential for local streets to be required as part of development when it comes in.

Mr. Gilbert stated this is a collector street and the map shows 63<sup>rd</sup> Avenue as a partial of that property; it did not show that on their map for the property.

Chairman Awai stated if someone is buying a piece of land the question would be asked and not wait for the city to inform them. It is part of due diligence.

Commissioner Beletz stated he believes the city should have informed the potential land owner.

Commissioner Katsenes asked if this is the most recent street classification map; the one that they were given not showing the street going through the property.

Mr. Stephenson stated it is the most recent, the one given is not part of the street classification map; this was downloaded or a copy can be requested.

Mr. Silsby stated this information is available whether one meets with the city or not. It is over three years old. If the developer requests a fact finder of any information the city will combine these elements to provide to them. Many people meet with Street Transportation to talk about their sites; especially the Planning and Development staff who will send a correspondence to different departments. In this case they responded and stated the full street needs to be constructed with the issues. This is done well in advance of any development meeting or a Planning Commission hearing. There are no buildings on the sites today and none proposed for the site.

Commissioner Katsenes made a MOTION to approve GPA-EST-4-12-7 per the recommendation of the Estrella Village Planning committee.

Commissioner Heck SECONDED.

There being no further discussion, Chairman Awai called for a vote and the MOTION PASSED 8-0 (Davis absent)

\* \* \*



# ADDENDUM A Staff Report Z-43-12-7 March 15, 2013

Estrella Village Planning Committee Meeting Date	March 19, 2013		
Planning Commission Hearing Date	April 9, 2013		
Request From:	R-5 (70.46 Acres)		
	R-5 (Approved C-2) (11.40 Acres)		
	C-3 (1.29 Acres)		
Request To:	PUD (83.15 Acres)		
Proposed Use	Planned Unit Development to allow for industrial development		
Location	Northwest corner of 59th Avenue and Van Buren Street		
Owner	James F Kenny/El Dorado Van Buren 80 LLC		
Applicant/Representative	Paul Gilbert/Beus Gilbert PLLC		
Staff Recommendation	Approval, subject to stipulations		

This addendum is to revise the Street Transportation Department stipulations. The applicant has been working with staff and both parties have agreed to address the traffic comments that were provided by the City of Phoenix during the preliminary site plan approval process. Proposed stipulations to be revised are in bold and strikeouts below start at stipulation #17.

#### **Revised Stipulations**

1. An updated Development Narrative for the Z-43-12-7 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 February 13, 2013.

#### New Development Standards

- 2. The following minimum setbacks shall be provided along the north property line, as approved by the Planning and Development Department:
  - a. Minimum 60-foot building setback

Staff Report: Z-43-12-7 Addendum A March 15, 2013 Page 2 of 5

- b. Minimum 100-foot outdoor storage and outdoor uses setback, except for trailer and freight container staging that is transient in nature. These uses shall be limited to 15 feet in height but may increase 1-foot in height for every 3-feet of setback provided (3:1).
- 3. Outdoor uses and/or storage located between 100-300-feet of a residential district shall be required to obtain a use permit as outlined in section 307 of the zoning ordinance, as approved by the Planning and Development Department.
- An 8-foot CMU wall shall be provided adjacent to all residential zoning districts, except for the portion of the western property line zoned R-5 south (approx. 552feet) of Fillmore Street, as approved by the Planning and Development Department.
- 5. A maximum of 50 percent lot coverage may be obtained by the applicant, as approved by the Planning and Development Department.
- 6. Freeway pylon signs shall be not be located within 300-feet of the north property line, as approved by the Planning and Development Department.
- 7. The landscape setback along the western property line may be reduced to 10-feet beginning at approx. 552-feet south of Fillmore Street., as approved by the Planning and Development Department.
- 8. That 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.

#### **Development Narrative Updates and Modifications**

- 9. The applicant shall modify page 24, section G.11.a.2 and shall have the photometric analysis at time of site plan review process, as approved by the Planning and Development Department.
- 10. The applicant shall modify page 24, section G.11.a.3 to "partially shield exterior lighting," as approved by the Planning and Development Department.
- 11. The applicant shall modify page 27, section G.12.d and delete the reference to allow "existing 6-foot walls may remain," as approved by the Planning and Development Department.
- 12. The applicant shall update page 4, section 2, uses of the PUD to correct the wording to "conditions/limitations," as approved by the Planning and Development Department.

- 13. The applicant shall update page 4, section 3, standards of the PUD to correct the wording to "59<sup>th</sup> Avenue," as approved by the Planning and Development Department.
- 14. The applicant shall update page 7, section 1, statement of conformity and insert a period after "City of Phoenix General Plan," as approved by the Planning and Development Department.
- 15. The applicant shall update page 11, section F.4.c and correct the spelling to "fifty," as approved by the Planning and Development Department.
- 16. The applicant shall modify page 28 and remove the "note" from the top of the page, as approved by the Planning and Development Department.

#### Street Transportation Stipulations

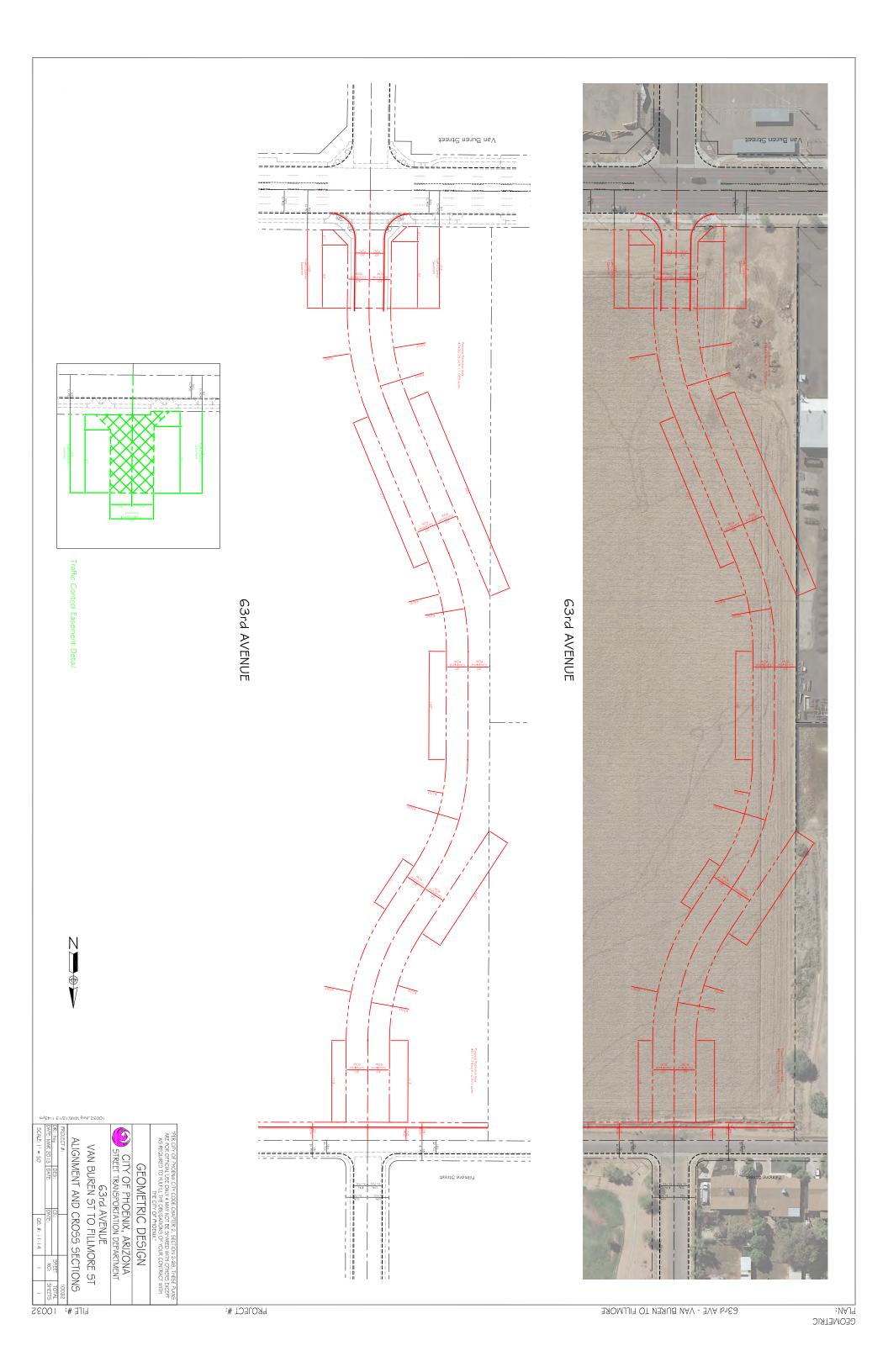
- 17. Submit a updated revised Traffic Impact Analysis to accommodate updated development plans for Development per the PUD requirements. The development shall be responsible for any necessary dedications and improvements to the street network as approved by the Street Transportation Department.
- 18. The developer shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
- A Red Border Letter shall be filed with the Arizona Department of Transportation (ADOT) notifying them of this project. The response from ADOT shall be included in the Appendix of this the traffic study. Potential right-of-way requirements need to be addressed in ADOT's response.
- 20. The applicant shall revise the Traffic Impact Study in accordance with comments provided by the Street Transportation Department and with final approval by the Street Transportation Department prior to preliminary site plan approval.
- 21. The developer shall dedicate conditional right-of-way sufficient to accommodate the extension of 63rd Avenue from Fillmore Street to Van Buren Street. The geometric alignment for 63rd Avenue shall be as per plans approved by the Street Transportation Department (see attachment). This future connection may be necessary based upon limited access to the neighborhood upon completion of the South Mountain Freeway and other area developments.

Staff Report: Z-43-12-7 Addendum A March 15, 2013 Page 4 of 5

- 20. The applicant shall revise page 8, paragraph one shall be deleted from the Traffic Impact Study, as approved by the Street Transportation Department.
- 21. Page 9, Paragraph 2: The developer shall construct 63rd Avenue a total of 700 feet north of Van Buren Street terminating with an off-set cul-de-sac. A conditional right-of-way dedication for 63rd Avenue from the cul-de-sac to Fillmore Street will be required. The alignment for 63rd Avenue shall be as per plans approved by the Street Transportation Department. This future connection may be necessary based upon access needs of the neighborhood upon completion of SR 202.
- 22. The applicant shall revise page 9, paragraph four to indicate the approved traffic signal along Van Buren Street in this area is at 63rd Avenue, as approved by the Street Transportation Department.
- 23. The applicant shall revise page 39, figure 14 and 15, to indicate the figure with the proposed signal at 63rd Avenue, as approved by the Street Transportation Department.
- 24. The applicant shall revise page 41, paragraph two to indicate main access to project to 63rd Avenue, as approved by the Street Transportation Department.
- 25. The applicant shall revise page 46 to align proposed driveways with existing driveways on the south side of Van Buren Street, as approved by the Street Transportation Department.
- 26. The applicant shall revise page 49, second and third bullet points, to correctly reflect/match the number of access points shown (Figure 4), as approved by the Street Transportation Department.
- 27. Page 6, Figure 2: Narrative for study states 2 access driveways on 59th Avenue and 4 along Van Buren Street are anticipated and Figure 2 shows 3 on 59th Avenue and 5 on Van Buren Street. Revise either the narrative or the Figure(s). New driveways should align with existing driveways whenever possible. Additionally, the existing driveway for the parcel at the southwest corner of 59th Avenue and Van Buren Street is missing.
- 28. Page 8, 5th Paragraph: The City Of Phoenix standard for access is full access at 1/8 mile (660') intervals. There is an existing driveway at about 690 feet west of 59th Avenue. A median island opening for this driveway is expected. Full access to the north would be approved at this location. Standard signalized access locations within the City are at ½ mile intervals, therefore the standard location will be at 63rd Avenue. No signal will be installed until warrants are met as determined by the City Of Phoenix.

- Page 46, Design Issues sixth Paragraph: Revise main access to site to 63rd 29. Avenue.
- Page 49, Recommendations: The proposed signal will be paid for by the developer, 30. only when warrants are met as determined by the City Of Phoenix.

<u>Attachments</u> 63<sup>rd</sup> Avenue Geometric Design





# Staff Report Z-43-12-7

March 12, 2013

Estrella Village Planning Committee Meeting Date	March 19, 2013
Planning Commission Hearing Date	April 9, 2013
Request From:	R-5 (70.46 Acres) R-5 (Approved C-2) (11.40 Acres) C-3 (1.29 Acres)
Request To:	PUD (83.15 Acres)
Proposed Use	Planned Unit Development to allow for industrial development
Location Owner Applicant/Representative Staff Recommendation	Northwest corner of 59th Avenue and Van Buren Street James F Kenny/El Dorado Van Buren 80 LLC Paul Gilbert/Beus Gilbert PLLC Approval, subject to stipulations

General Plan Conformity					
General Plan Land Use Designation		Residential 3.5 to 5 du/a Residential 15+ du/ac			
Street Map Classification	Van Buren Street	Arterial	50-foot half street		
	59 <sup>th</sup> Avenue	Arterial	40-50 foot half street		
	Fillmore Street	Local	25-foot half Street		

**NEIGHBORHOOD ELEMENT. GOAL 2. POLICY 3:** CREATE NEW DEVELOPMENT THAT IS SENSITIVE TO THE SCALE AND CHARACTER OF THE SURROUNDING NEIGHBORHOODS AND INCORPORATES ADEQUATE DEVELOPMENT STANDARDS TO PREVENT NEGATIVE IMPACT(S) ON THE RESIDENTIAL PROPERTIES.

By complying with staff stipulations the proposed industrial development will be compatible with the existing and adjacent single family neighborhood to the north.

**NEIGHBORHOOD ELEMENT: GOAL 1, POLICY 22:** PROTECT AND ENHANCE THE CHARACTER OF EACH NEIGHBORHOOD AND ITS VARIOUS HOUSING LIFESTYLES THROUGH NEW DEVELOPMENT THAT IS COMPATIBLE IN SCALE, DESIGN AND APPEARANCE.

The proposed industrial development is consistent with the zoning pattern along 59<sup>th</sup> Avenue and Van Buren Street. Via staff stipulations, building design and layout techniques will be incorporated into the future development to ensure compatibility with the adjacent single family neighborhood and City of Phoenix park to the north.

Staff Report: Z-43-12-7 March 12, 2013 Page 2 of 8

**LAND USE ELEMENT: GOAL 2** – EMPLOYMENT AND POPULATION BALANCE: DEVELOPMENT OF EACH VILLAGE'S POTENTIAL SHOULD BE ENCOURAGED BY DISTRIBUTING A DIVERSITY OF EMPLOYMENT AND HOUSING IN A WAY THAT ACHIEVES A BALANCED CITYWIDE PLAN AND THAT IS CONSISTENT WITH COMMUTE TRAVEL PATTERNS AND THAT CURRENT CHARACTER OF EACH DEVELOPED VILLAGE.

The proposed Industrial designation encourages the development of industrial uses that will create jobs to balance population and employment near predominately single-family residential areas.

#### Background/Issues/Analysis

#### SUBJECT SITE

- This request is to rezone a 83.15 acre site located at the northwest corner of 59<sup>th</sup> Avenue and Van Buren Street from R-5 (70.46 Acres), R-5 (Approved C-2, 11.40 Acres) and C-3 (1.29 Acres) to PUD (83.15 Acres) to allow for industrial uses.
- The General Plan Land Use Map designation for the subject parcel is Residential 15+ du/acre, Residential 3.5 to 5 du/acre and Industrial. The applicant is required to pursue a Minor General Plan Amendment to modify the land use designation to Industrial. GPA-EST-4-12-7 is running concurrently with this rezoning request.

#### SURROUNDING USES & ZONING

#### 3. <u>North</u>

The parcels to the north consist of a single family residential neighborhood that is zoned R1-6 and City of Phoenix Sunridge Park.

#### <u>West</u>

Two parcels abut the subject parcel along the western property line. A two-story senior living facility zoned R-5 is located adjacent to Fillmore Street and a parcel with commercial uses is located adjacent to Van Buren Street.

#### <u>South</u>

To the south and across Van Buren Street, the parcels consist of a mix of industrial uses that are zoned A-1.

#### <u>East</u>

Two parcels with single family homes that are zoned R-5 directly abut the subject parcel. Across 59<sup>th</sup> Avenue and along the east property line is a vacant parcel zoned A-1.

#### PROPOSAL

4. The proposal was developed utilizing the PUD zoning designation, which allows an applicant to propose uses, development standards, and design guidelines for a site. A primary goal of this process is to allow the applicant to develop standards that respond to the surrounding environment more so than conventional zoning districts allow. The end result is property rezoned with standards crafted specifically for the site that allows for increased development flexibility, while simultaneously providing enhanced development standards that could otherwise be developed through conventional zoning tools.

Where the PUD narrative is silent on a requirement, the applicable Zoning Ordinance provisions will be applied.

5. Below is a summary of the proposed standards for the subject site as described in the attached PUD narrative date stamped February 1, 2013, Attachment B. Many of the proposed standards were derived from the standards of the A-1 Light Industrial zoning district.

#### <u>Land Use</u>

The narrative permits a wide range of industrial, warehouse, storage, sales and manufacturing as the permitted uses.

Staff has concerns with the proposed building, outdoor uses and outdoor storage setbacks located directly adjacent to residential zoning districts. To mitigate, buffer and protect the adjacent neighborhood, senior housing facility and City of Phoenix park from the proposed outdoor storage and industrial uses staff is recommending a minimum 60-foot building setback in addition to a 100-foot outdoor uses and outdoor storage setback from the north property line.

In addition staff has concerns with the use permit provision outlined in the PUD. Some outdoor uses and storage require a use permit while other analogous outdoor uses and storage do not. Staff is recommending a stipulation that all outdoor uses within 100 to 300-feet of a residential district be required to obtain a use permit via the Zoning Administrator public hearing process outlined in section 307 of the Zoning Ordinance.

#### **Development Standards**

The maximum permitted building height for structures on site is 48-feet. Additional height may be granted via the use permit public hearing process that would allow structures to increase to 80-feet in height if setback 200-feet from the north property line.

The perimeter setbacks consist of a 30-foot landscape and building setback along all property lines. In addition a 100-foot dock area setback is proposed along the north property line. Staff is proposing to reduce the western landscape setback if 63<sup>rd</sup> Avenue is constructed and future right-of-way is dedicated.

#### Landscaping Standards

A mix of landscaping will be provided within the proposed 30-foot setback along the perimeter of the property. Along Fillmore Street, a mix of 2-inch caliper trees (50%) and 3-inch caliper trees (50%) will be provided 20-foot on center with 5 shrubs per tree. Along Van Buren Street, 2-inch caliper trees (50%), 3-inch caliper trees (25%) and 4-inch caliper trees (25%) will also be provided with 5 shrubs per tree.

Staff has concerns with the caliper of trees proposed for Fillmore Street located

Staff Report: Z-43-12-7 March 12, 2013 Page 4 of 8

adjacent to the single family neighborhood. Staff is proposing that at a minimum the Van Buren landscape standards shall also apply to Fillmore Street and utilize a mix of 2, 3 and 4-inch caliper trees with 5 shrubs per tree to provide adequate landscape buffering.

### <u>Parking</u>

The minimum number of required parking spaces shall be as set forth in Section 702 of the Zoning Ordinance.

In addition the applicant is proposing a 1-foot non-vehicular easement along Fillmore Street to protect the residents from truck and vehicular traffic.

### <u>Shading</u>

The narrative proposes that a minimum of 15 percent surface employee/visitor parking shall be shaded through a combination of shade trees and/or canopies.

#### Design Guidelines

The Development Narrative does not propose any new design guidelines; therefore, all applicable design guidelines outlined in the Guidelines for Design Review section of the Zoning Ordinance will apply.

#### <u>Phasing</u>

A phasing plan is not addressed within the PUD.

### <u>Signage</u>

Sign Matrix on page 27 of the Development Narrative describes in detail the sign package for this request. In the event of a conflict between a provision of the PUD and a provision of Section 705 of the city of Phoenix Zoning Ordinance, the PUD prevails. In the event that the PUD is silent regarding a specific sign standard, the city of Phoenix Zoning Ordinance prevails.

Staff has concerns with the placement of future freeway pylon signs in proximity to the neighborhood. Staff is recommending a stipulation that no freeway pylon signs shall be located within 300-feet of the north property line. This will ensure that future signage is located an appropriate distance from the single family residential neighborhood.

### **Sustainability**

The narrative proposes many options to incorporate sustainability principles, which may include building orientation, solar collection technologies, and design for effective water use.

### STREETS AND TRAFFIC

- 6. The Street Transportation Department has indicated that there are right-of-way improvements needed for this site. Several stipulations have been added to address these improvements.
- 7. An additional traffic impact study will need to be submitted to the Street Transportation Department for further review. A stipulation has been added to

Staff Report: Z-43-12-7 March 12, 2013 Page 5 of 8

address any recommendations from that study.

8. A stipulation has been added for the applicant to submit a Red Border Letter to ADOT notifying them of the proposed development adjacent to a freeway corridor.

### MISCELLANEOUS

9. Water for the proposed development will be provided to the site through an existing 20-inch transmission main in Van Buren Street, a 12-inch line in Van Buren Street and a 12-inch line in 59th Avenue.

Sewer service for the proposed development will be provided to the site through an existing 21-inch main in 59th Avenue, and an existing 8-inch main in Fillmore Street.

10. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements and other formal actions may be required.

### **Findings**

- 1. The proposal is not consistent with the General Plan Land Use Map and therefore a Minor General Plan Amendment is required.
- 2. The proposed uses will bring employment opportunities to the surrounding area and the Estrella Village.
- 3. The proposed staff stipulations will ensure the PUD rezoning request is compatible with surrounding zoning patterns and land use in the area.

### **Stipulations**

1. An updated Development Narrative for the Z-43-12-7 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 February 13, 2013.

### New Development Standards

- 2. The following minimum setbacks shall be provided along the north property line, as approved by the Planning and Development Department:
  - A. minimum 60-foot building setback
  - B. minimum 100-foot outdoor storage and outdoor uses setback, except for trailer and freight container staging that is transient in nature. These uses shall be limited to 15 feet in height but may increase 1-foot in height for every 3-feet of setback provided (3:1).

Staff Report: Z-43-12-7 March 12, 2013 Page 6 of 8

- 3. Outdoor uses and/or storage located between 100-300-feet of a residential district shall be required to obtain a use permit as outlined in section 307 of the zoning ordinance, as approved by the Planning and Development Department.
- 4. An 8-foot CMU wall shall be provided adjacent to all residential zoning districts, except for the portion of the western property line zoned R-5 south (approx. 552-feet) of Fillmore Street, as approved by the Planning and Development Department.
- 5. A maximum of 50 percent lot coverage may be obtained by the applicant, as approved by the Planning and Development Department.
- 6. Freeway pylon signs shall be not be located within 300-feet of the north property line, as approved by the Planning and Development Department.
- 7. The landscape setback along the western property line may be reduced to 10feet beginning at approx. 552-feet south of Fillmore Street., as approved by the Planning and Development Department.
- 8. That 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.

### **Development Narrative Updates and Modifications**

- 9. The applicant shall modify page 24, section G.11.a.2 and shall have the photometric analysis at time of site plan review process, as approved by the Planning and Development Department.
- 10. The applicant shall modify page 24, section G.11.a.3 to "partially shield exterior lighting," as approved by the Planning and Development Department.
- 11. The applicant shall modify page 27, section G.12.d and delete the reference to allow "existing 6-foot walls may remain," as approved by the Planning and Development Department.
- 12. The applicant shall update page 4, section 2, uses of the PUD to correct the wording to "conditions/limitations," as approved by the Planning and Development Department.
- 13. The applicant shall update page 4, section 3, standards of the PUD to correct the wording to "59<sup>th</sup> Avenue," as approved by the Planning and Development Department.
- 14. The applicant shall update page 7, section 1, statement of conformity and insert a period after "City of Phoenix General Plan," as approved by the Planning and Development Department.

Staff Report: Z-43-12-7 March 12, 2013 Page 7 of 8

- 15. The applicant shall update page 11, section F.4.c and correct the spelling to "fifty," as approved by the Planning and Development Department.
- 16. The applicant shall modify page 28 and remove the "note" from the top of the page, as approved by the Planning and Development Department.

### **Street Transportation Stipulations**

- 17. Submit an updated Traffic Impact Analysis for Development per the PUD requirements. The development shall be responsible for any necessary dedications and improvements to the street network as approved by the Street Transportation Department.
- 18. The developer shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
- 19. A Red Border Letter shall be filed with ADOT notifying them of this project. The response from ADOT shall be included in the Appendix of this study. Potential right-of-way requirements need to be addressed in ADOT's response.
- 20. The applicant shall revise page 8, paragraph one shall be deleted from the Traffic Impact Study, as approved by the Street Transportation Department.
- 21. Page 9, Paragraph 2: The developer shall construct 63rd Avenue a total of 700 feet north of Van Buren Street terminating with an off-set cul-de-sac. A conditional right-of-way dedication for 63rd Avenue from the cul-de-sac to Fillmore Street will be required. The alignment for 63rd Avenue shall be as per plans approved by the Street Transportation Department. This future connection may be necessary based upon access needs of the neighborhood upon completion of SR 202.
- 22. The applicant shall revise page 9, paragraph four to indicate the approved traffic signal along Van Buren Street in this area is at 63rd Avenue, as approved by the Street Transportation Department.
- 23. The applicant shall revise page 39, figure 14 and 15, to indicate the figure with the proposed signal at 63rd Avenue, as approved by the Street Transportation Department.
- 24. The applicant shall revise page 41, paragraph two to indicate main access to project to 63rd Avenue, as approved by the Street Transportation Department.
- 25. The applicant shall revise page 46 to align proposed driveways with existing driveways on the south side of Van Buren Street, as approved by the Street Transportation Department.

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- 26. The applicant shall revise page 49, second and third bullet points, to correctly reflect/match the number of access points shown (Figure 4), as approved by the Street Transportation Department.
- 27. Page 6, Figure 2: Narrative for study states 2 access driveways on 59th Avenue and 4 along Van Buren Street are anticipated and Figure 2 shows 3 on 59th Avenue and 5 on Van Buren Street. Revise either the narrative or the Figure(s). New driveways should align with existing driveways whenever possible. Additionally, the existing driveway for the parcel at the southwest corner of 59th Avenue and Van Buren Street is missing.
- 28. Page 8, 5th Paragraph: The City Of Phoenix standard for access is full access at 1/8 mile (660') intervals. There is an existing driveway at about 690 feet west of 59th Avenue. A median island opening for this driveway is expected. Full access to the north would be approved at this location. Standard signalized access locations within the City are at ½ mile intervals, therefore the standard location will be at 63rd Avenue. No signal will be installed until warrants are met as determined by the City Of Phoenix.
- 29. Page 46, Design Issues sixth Paragraph: Revise main access to site to 63rd Avenue.
- 30. Page 49, Recommendations: The proposed signal will be paid for by the developer, only when warrants are met as determined by the City Of Phoenix.

### <u>Writer</u>

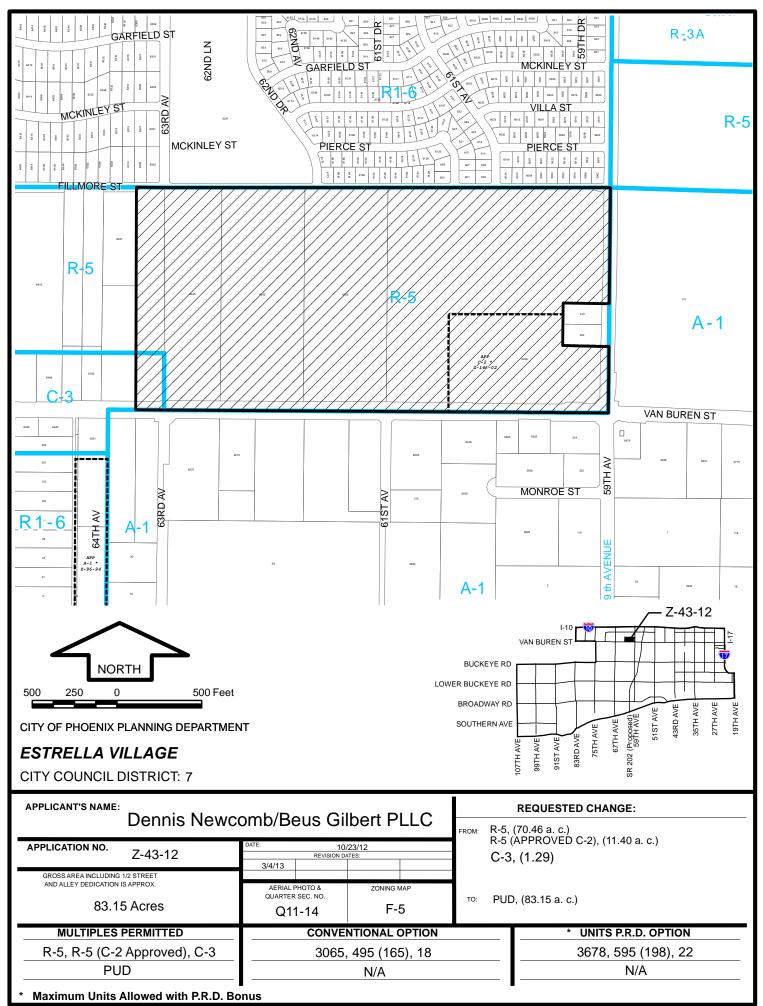
Marc Thornton March 1, 2013

### Team Leader

Josh Bednarek

## **Attachments**

Attachment A: Sketch Map Attachment B: Z-43-12-7 PUD Narrative date stamped February 1, 2013



Map Document: (N:\IS\_Team\Core\_Functions\Zoning\sketch\_maps\sketch\_map12.mxd) - 10/23/12



Z-43-12-7

Date of VPC Meeting	March 19 <sup>th</sup> , 2013
Request From	From R-5 (70.46 acres), R-5 (approved C-2, 11.40 acres) and C-3 (1.29 acres)
Request To	PUD
Proposed Use	Industrial uses
Location	83.15 acres of land located at the northwest corner of 59th Avenue and Van Buren Street
VPC Recommendation	Approval per staff addendum A and modification of Stipulation #3 and deletion of stipulation #21.
VPC Vote	6-0 Unanimous Approval

### **VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

**Mr. Marc Thornton** provided an overview of both the General Plan Amendment request and the rezoning case. He noted the current and proposed general plan designations in addition to the proposed uses and staff stipulations.

The applicant provided an overview of the request noting that vehicular access to the site is limited to Van Buren Street and 59<sup>th</sup> Avenue, discussed the possibility of the applicant paying for and installing traffic calming devices along Fillmore Street, the applicant was in full agreement with the staff analysis and proposed stipulations and requested to modify stipulation #3 and delete stipulation #21, the applicant stated he had discussed with the neighborhood and they stated they did not want 63<sup>rd</sup> Avenue constructed from Van Buren north through their neighborhood, they have grave concerns with cut through traffic especially truck traffic.

Residents discussed concerns with existing vehicular traffic in the area, the need for traffic mitigation devices in the neighborhood, the possibility of incorporating horse trails into the development.

**MOTION: Mr. Flores** moved, with a second from **Ms. Lobato**, to approve Z- 43-12 per staff addendum A with the deletion of stipulation #21 regarding 63<sup>rd</sup> Avenue.

 Outdoor uses and/or storage located between 100-300-feet of a residential district THE NORTH PROPERTY LINE AND THAT PORTION OF THE WEST PROPERTY LINE APPROXIMATELY 552 FEET IN LENGTH SOUTH OF FILLMORE STREET shall be required to obtain a use permit as outlined in section 307 of the zoning ordinance, as approved by the Planning and Development Department. 21. The developer shall dedicate conditional right -of-way sufficient to accommodate the extension of 63rd Avenue from Fillmore Street to Van Buren Street. The geometric alignment for 63rd Avenue shall be as per plans approved by the Street Transportation Department (see attachment). This future connection may be necessary based upon limited access to the neighborhood upon completion of the South Mountain Freeway and other area developments.

VOTE: 6-0 Unanimous approval

# **STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

Staff has concerns regarding the 63<sup>rd</sup> Avenue right-of-way stipulation being deleted as it may limit vehicular egress from the neighborhood to arterial streets.

Item #:	7
Application #:	Z-43-12-7 (Companion case GPA-EST-4-12-7)
From:	R-5
	R-5 (Approved C-2)
	C-3
То:	PUD
Acreage:	83.15
Location:	Northwest corner of 59th Avenue and Van Buren Street
Proposal:	Planned Unit Development to allow for industrial
	development at a maximum height of 80 feet.
Applicant:	Dennis Newcomb/Beus Gilbert PLLC
Owner:	James F Kenny/El Dorado Van Buren 80 LLC
Representative:	Paul Gilbert/Beus Gilbert PLLC

Mr. Alan Stephenson presented items 6 and 7; they can be heard together but separate motions are required. GPA-EST-4-12-7 is a minor General Plan amendment for 83.15 acres located at the northwest corner of 59<sup>th</sup> Avenue and Van Buren Street. The request is to change from Industrial, Residential 15+ and Residential 3.5 to 5 to Industrial for the entire 83.15 acres. The companion zoning case is Z-43-12-7; this is a request to change from R-5, C-3 and Approved C-2 to Planned Unit Development (PUD) for the 83.15 acres. The PUD request is to allow an industrial development at a maximum height of 80 feet with associated outdoor storage. The Estrella Village Planning Committee recommended approval with the modified stipulation 3 to read as follows:

 Outdoor uses and/or storage located between 100-300-feet of a residential district THE NORTH PROPERTY LINE AND THAT PORTION OF THE WEST PROPERTY LINE APPROXIMATELY 552 FEET IN LENGTH SOUTH OF FILLMORE STREET shall be required to obtain a use permit as outlined in Section 307 of the Zoning Ordinance, as approved by the Planning and Development Department.

The Village also voted to delete staff stipulation #21. Staff is supportive of the modification to stipulation #3 and is not supportive of the deletion of stipulation number #21. Streets Transportation staff is here to discuss the need of the required conditional ROW (right-of-way) dedication of 63<sup>rd</sup> Avenue.

Mr. Paul Gilbert stated the site consists of 80 acres at the corner of 59<sup>th</sup> Avenue and Van Buren, his client owns all of the property except for the small area along 59<sup>th</sup> Avenue which is two dilapidated residential homes; they are currently in the process of trying to purchase. Land Use Element Goal 3 Infill Policy 2 states: "identify transition neighborhoods in which the surrounding land use pattern zoning districts and resident desires indicate conversion through commercial and industrial use." This case fits into that policy.

They are asking for a PUD and a General Plan designation for Industrial. The area is surrounded by Industrial land and the existing zoning is R-5 which allows 43 apartment units per acre, it is the highest apartment designation allowed in the City of Phoenix.

They have spent a great deal of time in the neighborhood and everyone has stated they do not want the apartment complex built. It is inconsistent with the City's plans for this area.

The property is located in the southwest Phoenix employment center which has been designated by the City of Phoenix. It is a combination of proactive planning efforts by the city and has identified 11 employment centers which have focused much of its efforts within these employment areas. They are also within what is known as the Phoenix enterprise zone; that is a 100 square mile area in the central and western part of the city. Businesses within this zone qualify for certain tax benefits encouraged by the City of Phoenix to permit industrial development. They have spent a great deal of time working with the village and with the chair of the village. They also met with the superintendent of the school district and submitted the uses as part of the PUD. There were several uses originally proposed but was not favored by the chair so they were removed or compromised. At the first neighborhood meeting they found that the city was going to require the dedication and construction of 63<sup>rd</sup> Avenue. They are opposed to putting this in.

The 63<sup>rd</sup> Avenue extension across his client's property was not shown on the city's street classification map as indicated by the Power Point shown; 63<sup>rd</sup> Avenue should not be constructed in order to avoid increasing traffic levels into the residential neighborhood north of their client's property.

It will be heard this evening that access will be difficult if 63<sup>rd</sup> Avenue is not put in, given the fact that the Loop 202, north/south freeway extension will eventually give access for the residents in the neighborhood. The proposed frontage road for the future Loop 202 will allow for two way traffic, north and southbound beginning just north of Fillmore Street starting at McKinley Street pursuit to some lengthy and detailed meetings they have had with ADOT. They will eliminate cut through traffic which will be safer for the neighborhood and the school district. 63<sup>rd</sup> Avenue south of Van Buren Street is a culde-sac; and north of the I-10 freeway the road ends just north of McDowell. Clearly putting in 63<sup>rd</sup> Avenue will significantly increase the traffic in the immediate neighborhood and also the Encanto and McDowell Road area.

The stipulation is stating that they are required to dedicate on the chance that in the future the City of Phoenix may extend and complete 63<sup>rd</sup> Avenue. That is a burden that will be imposed on the property owner; particularly since they are united with the neighbors as to not putting 63<sup>rd</sup> Avenue in. It will eliminate a portion of the roadway and it will be undevelopable on the west side of 63<sup>rd</sup> Avenue. They are in full agreement with the staff report and stipulations; many modified. The only stipulation they are in disagreement with is number 21. They are asking to have that eliminated and add one stipulation that is not part of the staff report. This stipulation has been requested by the village and they are willing to incorporate it as a stipulation to this case which would read: "THE DEVELOPER SHALL WORK WITH THE NEIGHBORHOOD TO PAY FOR TRAFFIC MITIGATION MEASURES ALONG FILLMORE STREET ADJACENT TO THE SUBJECT SITE AS APPROVED OR MODIFIED BY THE STREET TRANSPORTATION DEPARTMENT." Fillmore Street is the property's owner northern border. It is across from residential and a city park.

Commissioner Montalvo stated there is currently much traffic now, he can only imagine how much more if 63<sup>rd</sup> Avenue is completed. It would be a burden for whoever would be responsible for the upkeep.

Commissioner Beletz asked if Fillmore Street is considered a collector's street. If not which street is.

Mr. Stephenson stated it is a local street. The different types of streets are set by the Street Transportation Department. They are local, minor collector, collector, arterial, and major arterial streets. Each has different right-of-ways requirements. In this case the only collector is Roosevelt Street, the arterial is along Van Buren Street, 59<sup>th</sup> Avenue and 67<sup>th</sup> Avenue.

Chairman Awai asked if Fillmore Street is built out or is it also a half street.

Mr. Stephenson stated that Fillmore Street is a half street.

Mr. Gilbert added that they have agreed to a one foot non-vehicular access easement. There will be no access to Fillmore Street; even though they will be improving the south half of the street.

Mr. Stephenson clarified that they will build the south end of that street adjacent to their property, the portion he was speaking about is further to the west going through the existing neighborhood; there is no opportunity unless the properties on the south side of Fillmore Street redevelop to have the half street completed there.

Ms. Peggy Eastburn stated she has lived in this neighborhood for 35 years has been on the Fowler District School Board for 9 years. She has been on the Estrella Village Planning Committee for 15 years and has chaired it for ten. On 67<sup>th</sup> Avenue they have businesses as the Flying J Truck Stop and Danny's Big Rig Truck Wash and Repairs. One 59<sup>th</sup> Avenue there is Liberty Truck Stop. They have more truck traffic in this village than any other. Trucks try to get to places as quick as they can in the shortest amount of time.

At the end of the park there is Sun Ridge School which has been there for 25 years, the park for about 20 years. This was an original site plan for the Loop 202 to come through 63<sup>rd</sup> Avenue. She fought this stating it would split their community; her concerns are for the business on Van Buren Street; they will use this piece of road for a way in and look for a way out. The other piece of property that is on Roosevelt to the north of them is also developing and also going industrial. It is only going to cause these trucks to look a way to get through their neighborhood. The homes to the west are mini-ranches with equestrian. The south end of the park is also an equestrian area with a trail. There are many horses and many more children who cross over to get to the park. The children who live on McDowell Road are bussed to school. The city is telling her that they are only asking for a dedication of the property, she understands that, but once it is dedicated there is no way to go back and express that they do not want it. She has petitions of opposition with 157 names. 124 that are against 63<sup>rd</sup>

Avenue going through and 33 are for it. Most of the ones in support think that they will be able to come off of McDowell and across the bridge that exists on I-10. She is asking for this stipulation not to be added for her community.

Mr. Shane Silsby, Deputy Street Transportation Director stated his section is responsible for transportation planning. Collector Streets moves most people to more specific designations that are linked to arterial local streets. Local Street is generally where most people live. Roosevelt Street is a collector's street; 63<sup>rd</sup> Avenue is also a collector's street. 67<sup>th</sup> Avenue, Van Buren Street and 59<sup>th</sup> Avenue are arterial streets.

Mr. Silsby went through the PowerPoint map to identify the various meanings to the different symbols. The red circles indicate where there are traffic signals, the blue boxes identify the intersection numbers, the F and L stand for Full or Limited access. At Roosevelt Street there is some access that goes through to 51<sup>st</sup> Avenue, it is somewhat limited because of no freeway access. Fillmore has more limited access because the frontage road only goes one way which is south.

They worked closely with the area on a plan to mitigate truck traffic on Roosevelt although currently there is limited access. The PUD site in question today is a collector, Roosevelt is a collector. Access would potentially be here for folks to get to the school, the park, or to the neighborhood

The stipulation reads as a conditional right-of-way dedication, it is not a full public rightof-way dedication with the difference it can be used as a right-of-way for whatever it is needed for like parking or retention; only a building cannot be put there. The plan that was proposed was worked into the site plan that was presented. Impacts to the plan are minimal other than in the future there is potential there. The Street Transportation Department has no funds to accomplish this; the cost is estimated to be from one and a half to two million dollars.

Van Buren Street is the east/west corner for bikes/pedestrians and people going onto local busses. Pedestrians will use the Loop 202 for access to downtown. Currently for this neighborhood to get to a bus stop that goes downtown, it is a half mile in either direction.

Phoenix is set up on a mile grid system such as 51st, 59<sup>th</sup> and 67<sup>th</sup> Avenues. Traffic signals are put up at each mile, the potential for signals every half mile, which is the collector location, is what the developer is proposing. There is a mile gap between 59<sup>th</sup> and 67<sup>th</sup> Avenue where this neighborhood cannot access Van Buren Street because of no access to the south.

The original requirement was to do a improvement for 63<sup>rd</sup> Avenue but after hearing from the village chair, the neighborhood and working with the developer they do not recommend a full public right-of-way but a conditional one to preserve the alignment.

Commission Beletz asked if this will restrict the property owner to build though that zone or do they have to leave it vacant. What is going to happen in the future, will they always be restricted from crossing that line?

Mr. Silsby stated the owner is restricted from putting buildings, as seen on the site plan there is parking and retention uses in that area that can remain. In parts of the city where they are still building; particularly in the southwest and the northeast, the classification map does not accommodate for all potential roadways; it is only a strong guiding document which sometimes must be obtained in the development phases throughout the city.

If this was on the original classification map it probably would have just been a straight line, but with the development plan and trying to mitigate trucks in the future that may go north, they wanted to change the alignment just a bit and work on the geometry at the time it came to be.

Commissioner Montalvo asked who would maintain that area in the meantime before and if the street is put in.

Mr. Silsby stated the land will look no different from the site; there will be parking, retention maintained by the property owner. The city does not have the budget to maintain this.

Commissioner Katsenes asked if the time should come then you do need to capture that for the street, does the city reimburse the property owner for that property that is needed for the street?

Mr. Silsby stated the conditional right-of-way is a point of negotiation but technically there would not be a reimbursement for the land itself; whoever builds the roadway would be responsible for procuring whatever issue there may be, for example, if parking needs to be moved there is a cost for that, it is the mitigating factors not the land value.

Mr. Stephenson stated it is not uncommon on a zoning application for the city to require right-of-way dedications and stipulations. To dedicate that right-of-way free of charge as a condition of the rezoning application. Most commonly development is also included; that is why the applicant will have to dedicate the south half street of Fillmore and build that out even though they will not have access to it. That is what typically would have happened in this case for 63<sup>rd</sup> Avenue; it would have been something that the Streets Department determine at the time of development, that access point is needed because of the traffic conditions in that area. In this case a dedication is wanted for the future should it be there, the construction of it will not be required now. Because of the neighborhood concerns and issues about traffic the city would be able to get that right-of-way without having to purchase it but at the city's expense pay for all of the future improvements to do that.

Commissioner Katsenes asked Mr. Silsby to repeat what he stated about how 63<sup>rd</sup> Avenue not currently going through presents an issue for the neighborhood in having limited access to Van Buren Street.

Mr. Silsby stated 63<sup>rd</sup> Avenue is the collector street but the surrounding area has a one mile gap in access to Van Buren Street; there are no through streets that connect to

Fillmore from a public street. It is unusual for a city block to have no access for a mile into a neighborhood.

Commissioner Montalvo asked if the south side of Fillmore is being developed and have there been any complaints from the neighbors regarding the bus access to Van Buren Street.

Ms. Eastburn stated no, there are bus stops along McDowell Road. On the original plans when this area was going to be residential they spoke about the section that runs from Roosevelt to Latham and undedicating the area so the school would take over the property. All the paperwork was submitted but the development did not go through. When this came about again they went back to the original draft of not dedicating that portion of 63<sup>rd</sup> Avenue so that they could protect the school from all of the truck traffic. Once this is opened up, truck drivers will not be aware of the mitigating problems that they cannot get through but try to get though anyway. There are signs posted on either side that state "no through truck traffic" but many still do.

Is this really going to be needed in the future? The city put Fillmore Street through and it is now a 13 foot street that runs from 67<sup>th</sup> to 59<sup>th</sup> Avenue with no stops, Danny's Big Rig paid for three speed humps that she was able to get from the city. Ms. Eastburn understands what the Street Department is saying and she agrees that the grid system has work well for the city but she believes in this instance it will not work; it will destroy the community.

Commissioner Katsenes asked Mr. Silsby to respond regarding the trucks going through Fillmore Street.

Mr. Silsby stated although signs are posted they cannot enforce the trucks from not going through. It is generally from the trucks traveling to the east as they do not want to wait to get on the I-10 so they travel through the neighborhoods. That is what they are trying to mitigate through this area. At the same time the school has busses that need to go through and trucks with supplies so they need to be very careful on how they accomplish this.

Chairman Awai asked what other mechanisms could be designed to make it impossible for the trucks to drive through 63<sup>rd</sup> Avenue. Do round-about streets work well for trucks?

Mr. Silsby stated what they have spoken about is that in the future this site would have access on 63<sup>rd</sup> Avenue; they would significantly decrease the width and move the median out to the middle so trucks would not be physically able to turn. Going north will be more difficult. For the round-abouts what happens in the middle is critical because trucks may hop over if they are determined. They are designed for smaller vehicles, not large trucks.

Commissioner Heck stated she does like the grid system and it's accessibility for the safety of the communities as well as being able to get access to the freeways in hopes that the Loop 202 does go in. What kind of safety issues or accessibility will this

community have by cutting that off? The biggest problem now sound like it's the semi's and access for the community, there are plenty of places around the city that have those mechanism in place where fire trucks can get through and where trucks can see from the very beginning that they will not be able to make a turn. It does not make sense for a PUD to be put in place and giving them an opportunity to build on that and then losing that opportunity to be able to have access to that community for safety issues.

Mr. Silsby identify the roadway cross section with two lanes; one going in each direction. There would be a third lane developed at the intersection southbound for a left turn. The safest way to do this is to have the most efficient routes in the city with fewer miles in the most direct route possible.

The compromise would be at the time of construction this area would be the main point of mitigation, the site still has to access 63<sup>rd</sup> Avenue. The idea is to have enough of a radius developed so the trucks can make the turn in and out of the site but could not make the turn north without doing significant damage to their vehicle; a passenger vehicle would have no problem with that. Again this is meant to be a conditional right-of-way it does not have the level of detail because they are not building.

Commissioner Heck asked by keeping that right-of-way available and the if funds do comes in to build; is there any checks and balances or any opportunity for the Street Department to work with the community.

Mr. Silsby stated they have a public involvement strategy process for all of their projects. As revenues were declining and projects became more important they have worked more closely with developers to provide mitigation efforts for the neighborhoods.

Mr. Gilbert stated the map does not show 63<sup>rd</sup> Avenue going through, there is a gap there. The chances of this being build is slim because there are not funds projected in the future for it and this neighborhood will probably still oppose it. The point keeps being made about access to the freeway, putting in 63<sup>rd</sup> Avenue does not connect to having the freeway access. This is cut through traffic for this neighborhood even though it is on a collector street.

They have been told that this is just a conditional dedication that can be used for parking, landscaping or drainage for the interim; but what happens when the plan is developed. They will have to always deal with the fact that the city may come in and put the road in. This puts them in a difficult position of having to design a project for a roadway where they must provide sufficient parking which will be gone if the roadway does come in. The same goes for the landscaping and drainage issues if the road where to come in. On the chance that the city may find the funds, amend its street classification map or convince the neighborhood to build this conditional roadway; the developer should not be burdened with this roadway that is unlikely to be built.

Commissioner Heck asked Mr. Gilbert if his client was not aware when the property was purchased that this was aligned for a road.

Mr. Gilbert stated they had no idea that this would be a requirement of the city and only learned about it from a neighborhood meeting. It was not on the city's classification map. It was not mentioned at the pre-application meeting or the follow-up meeting. Not until a third meeting was it suggested that they speak with the Streets Department traffic engineer.

Mr. Stephenson stated the street classification map does not show local streets, only minor collector, collector and arterial; the larger streets. The local streets are not shown for the applicant to know and understand about this part of the project; there is always the potential for local streets to be required as part of development when it comes in.

Mr. Gilbert stated this is a collector street and the map shows 63<sup>rd</sup> Avenue as a partial of that property; it did not show that on their map for the property.

Chairman Awai stated if someone is buying a piece of land the question would be asked and not wait for the city to inform them. It is part of due diligence.

Commissioner Beletz stated he believes the city should have informed the potential land owner.

Commissioner Katsenes asked if this is the most recent street classification map; the one that they were given not showing the street going through the property.

Mr. Stephenson stated it is the most recent, the one given is not part of the street classification map; this was downloaded or a copy can be requested.

Mr. Silsby stated this information is available whether one meets with the city or not. It is over three years old. If the developer requests a fact finder of any information the city will combine these elements to provide to them. Many people meet with Street Transportation to talk about their sites; especially the Planning and Development staff who will send a correspondence to different departments. In this case they responded and stated the full street needs to be constructed with the issues. This is done well in advance of any development meeting or a Planning Commission hearing. There are no buildings on the sites today and none proposed for the site.

Commissioner Katsenes made a MOTION to approve Z-43-12-7 per the recommendation of the Estrella Village Planning Committee with modifications to stipulations 3 as read into the record by staff, the deletion of stipulation 21 and to include a stipulation that reads: "THE DEVELOPER SHALL WORK WITH THE NEIGHBORHOOD TO PAY FOR TRAFFIC MITIGATION MEASURES ALONG FILLMORE STREET ADJACENT TO THE SUBJECT SITE AS APPROVED OR MODIFIED BY THE STREET TRANSPORTATION DEPARTMENT."

Commissioner Heck SECONDED.

Commissioner Katsenes stated she understands that the goal of the Street Transportation Department is to move traffic; she also understands that sometimes this collides with neighborhood life. Chairman Awai expressed as a Commission they are being charged to look at the city from a broader perspective; as they learned last month with another village the concerns of the village outweighed on how they look at the city as a whole.

There being no further discussion, Chairman Awai called for a vote and the MOTION PASSED 8-0 (Davis absent)

\* \* \*

## Stipulations:

1. An updated Development Narrative for the Z-43-12-7 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 February 13, 2013.

### New Development Standards

- 2. The following minimum setbacks shall be provided along the north property line, as approved by the Planning and Development Department:
  - a. minimum 60-foot building setback
  - b. minimum 100-foot outdoor storage and outdoor uses setback, except for trailer and freight container staging that is transient in nature. These uses shall be limited to 15 feet in height but may increase 1-foot in height for every 3-feet of setback provided (3:1).
- Outdoor uses and/or storage located between 100-300-feet of a residential district THE NORTH PROPERTY LINE AND THAT PORTION OF THE WEST PROPERTY LINE APPROXIMATELY 552 FEET IN LENGTH SOUTH OF FILLMORE STREET shall be required to obtain a use permit as outlined in section 307 of the zoning ordinance, as approved by the Planning and Development Department.
- An 8-foot CMU wall shall be provided adjacent to all residential zoning districts, except for the portion of the western property line zoned R-5 south (approx. 552-feet) of Fillmore Street, as approved by the Planning and Development Department.
- 5. A maximum of 50 percent lot coverage may be obtained by the applicant, as approved by the Planning and Development Department.
- 6. Freeway pylon signs shall be not be located within 300-feet of the north property line, as approved by the Planning and Development Department.

- 7. The landscape setback along the western property line may be reduced to 10feet beginning at approx. 552-feet south of Fillmore Street., as approved by the Planning and Development Department.
- 8. That 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.

# **Development Narrative Updates and Modifications**

- 9. The applicant shall modify page 24, section G.11.a.2 and shall have the photometric analysis at time of site plan review process, as approved by the Planning and Development Department.
- 10. The applicant shall modify page 24, section G.11.a.3 to "partially shield exterior lighting," as approved by the Planning and Development Department.
- 11. The applicant shall modify page 27, section G.12.d and delete the reference to allow "existing 6-foot walls may remain," as approved by the Planning and Development Department.
- 12. The applicant shall update page 4, section 2, uses of the PUD to correct the wording to "conditions/limitations," as approved by the Planning and Development Department.
- 13. The applicant shall update page 4, section 3, standards of the PUD to correct the wording to "59<sup>th</sup> Avenue," as approved by the Planning and Development Department.
- 14. The applicant shall update page 7, section 1, statement of conformity and insert a period after "City of Phoenix General Plan," as approved by the Planning and Development Department.
- 15. The applicant shall update page 11, section F.4.c and correct the spelling to "fifty," as approved by the Planning and Development Department.
- 16. The applicant shall modify page 28 and remove the "note" from the top of the page, as approved by the Planning and Development Department.

# **Street Transportation Stipulations**

17. Submit an updated REVISED Traffic Impact Analysis TO ACCOMMODATE UPDATED DEVELOPMENT PLANS for development per the PUD requirements. The development shall be responsible for any necessary dedications and improvements to the street network as approved by the Street Transportation Department.

- 18. The developer shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
- 19. A Red Border Letter shall be filed with THE ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT) notifying them of this project. The response from ADOT shall be included in the Appendix of this THE TRAFFIC study. Potential right-of-way requirements need to be addressed in ADOT's response.
- 20. The applicant shall revise page 8, paragraph one shall be deleted from the Traffic Impact Study, as approved by the Street Transportation Department.
- 21. Page 9, Paragraph 2: The developer shall construct 63rd Avenue a total of 700 feet north of Van Buren Street terminating with an off-set cul-de-sac. A conditional right-of-way dedication for 63rd Avenue from the cul-de-sac to Fillmore Street will be required. The alignment for 63rd Avenue shall be as per plans approved by the Street Transportation Department. This future connection may be necessary based upon access needs of the neighborhood upon completion of SR 202.
- 22. The applicant shall revise page 9, paragraph four to indicate the approved traffic signal along Van Buren Street in this area is at 63rd Avenue, as approved by the Street Transportation Department.
- 23. The applicant shall revise page 39, figure 14 and 15, to indicate the figure with the proposed signal at 63rd Avenue, as approved by the Street Transportation Department.
- 24. The applicant shall revise page 41, paragraph two to indicate main access to project to 63rd Avenue, as approved by the Street Transportation Department.
- 25. The applicant shall revise page 46 to align proposed driveways with existing driveways on the south side of Van Buren Street, as approved by the Street Transportation Department.
- 26. The applicant shall revise page 49, second and third bullet points, to correctly reflect/match the number of access points shown (Figure 4), as approved by the Street Transportation Department.
- 27. Page 6, Figure 2: Narrative for study states 2 access driveways on 59th Avenue and 4 along Van Buren Street are anticipated and Figure 2 shows 3 on 59th Avenue and 5 on Van Buren Street. Revise either the narrative or the Figure(s). New driveways should align with existing driveways whenever possible. Additionally, the existing driveway for the parcel at the southwest corner of 59th Avenue and Van Buren Street is missing.

- 28. Page 8, 5th Paragraph: The City Of Phoenix standard for access is full access at 1/8 mile (660') intervals. There is an existing driveway at about 690 feet west of 59th Avenue. A median island opening for this driveway is expected. Full access to the north would be approved at this location. Standard signalized access locations within the City are at ½ mile intervals, therefore the standard location will be at 63rd Avenue. No signal will be installed until warrants are met as determined by the City Of Phoenix.
- 29. Page 46, Design Issues sixth Paragraph: Revise main access to site to 63rd Avenue.
- 30. Page 49, Recommendations: The proposed signal will be paid for by the developer, only when warrants are met as determined by the City Of Phoenix.
- 20. THE APPLICANT SHALL REVISE THE TRAFFIC IMPACT STUDY IN ACCORDANCE WITH COMMENTS PROVIDED BY THE STREET TRANSPORTATION DEPARTMENT AND WITH FINAL APPROVAL BY THE STREET TRANSPORTATION DEPARTMENT PRIOR TO PRELIMINARY SITE PLAN APPROVAL.
- 21. THE DEVELOPER SHALL DEDICATE CONDITIONAL RIGHT-OF-WAY SUFFICIENT TO ACCOMMODATE THE EXTENSION OF 63RD AVENUE FROM FILLMORE STREET TO VAN BUREN STREET. THE GEOMETRIC ALIGNMENT FOR 63RD AVENUE SHALL BE AS PER PLANS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT (SEE ATTACHMENT). THIS FUTURE CONNECTION MAY BE NECESSARY BASED UPON LIMITED ACCESS TO THE NEIGHBORHOOD UPON COMPLETION OF THE SOUTH MOUNTAIN FREEWAY AND OTHER AREA DEVELOPMENTS.
- 21. THE DEVELOPER SHALL WORK WITH THE NEIGHBORHOOD TO PAY FOR TRAFFIC MITIGATION MEASURES ALONG FILLMORE STREET ADJACENT TO THE SUBJECT SITE AS APPROVED OR MODIFIED BY THE STREET TRANSPORTATION DEPARTMENT.

# CITY COUNCIL REPORT

### **GENERAL INFORMATION**

TO: Mayor and Council

PACKET DATE: April 25, 2013

FROM: David Cavazos City Manager

SUBJECT: FOLLOW-UP: APRIL 23, 2013 POLICY SESSION

Attached are the April 23, 2013 Policy Session Minutes and Council Information and Follow-Up Requests.

### City Council Requests for Information and Announcements City Council Policy Session April 23, 2013

### Councilman Valenzuela

Councilman Valenzuela thanked participants of the Bike to Work event. He invited residents to an April 27 Local First Arizona event. He encouraged residents to register for the May 11 and May 18 Leadership Academy and to contact his office or visit the phoenix.gov website for more information.

#### **Councilman Simplot**

Councilman Simplot encouraged the public to participate in the Southwest Center for HIV/AIDS "Dining Out for Life 2013" event on April 25.

#### **Councilman Waring**

Councilman Waring thanked Mayor Stanton and Vice Mayor Gates for attending his most recent district meeting. He announced Budget and Research Director Mario Paniagua would be the guest speaker for his May 7 district meeting. He expressed appreciation for the opportunity to be a part of the Bike to Work event.

#### Vice Mayor Gates

Vice Mayor Gates thanked Councilman Waring for hosting him and District 3 residents at the District 2 town hall meeting. He thanked residents for attending the Community Budget meeting at Sunnyslope Community Center.

#### Mayor Stanton

Mayor Stanton also encouraged residents to participate in the "Dining Out for Life 2013" event. He discussed a UMOM facility naming ceremony he attended, where they honored philanthropist Bob Parsons. He acknowledged the work Bob and Marie Parsons have conducted for the community.



# FOLLOW-UP: APRIL 23, 2013 POLICY SESSION CITY COUNCIL POLICY SESSION TUESDAY, APRIL 23, 2013 - 2:30 P.M. CITY COUNCIL CHAMBERS 200 WEST JEFFERSON

Pursuant to A.R.S. § 38.431.02, notice is hereby given to the members of the City Council and to the general public that the City Council will hold a meeting open to the public on Tuesday, April 23, 2013, at 2:30 P.M. located in the City Council Chambers, 200 West Jefferson, Phoenix, Arizona.

### <u>1:00 P.M.</u> - AN EXECUTIVE SESSION WAS CALLED FOR THIS TIME AT THE POLICY SESSION OF APRIL 9, 2013.

### THE TIMES LISTED FOR AGENDA ITEMS ARE <u>ESTIMATED</u>. ITEMS MAY BE DISCUSSED EARLIER OR IN A DIFFERENT SEQUENCE.

Mayor Stanton called the meeting to order at 2:37 p.m. with Councilmembers Valenzuela, Waring, Simplot, DiCiccio, and Vice Mayor Gates present. Councilman Johnson, Councilman Nowakowski, and Councilwoman Williams were absent.

ESTIMATED	COUNCIL INFORMATION AND			
1. <u>2:30 P.M.</u> -	FOLLOW-UP REQUESTS.			

This item is scheduled to give City Council members an opportunity to publicly request information or follow-up on issues of interest to the community. If the information is available, staff will immediately provide it to the City Council member. No decisions will be made or action taken.

### Action Taken:

Councilmembers made general announcements.

### CONSENT AGENDA.

This item is scheduled to allow the City Council to act on the Mayor's recommendations on the Consent Agenda. The Consent Agenda has been publicly posted.

### Action Taken:

Vice Mayor Gates motioned to approve the consent agenda. Councilman Simplot seconded the motion. Motion approved 6:0.

A vote to call an Executive Session may be held.

CALL FOR AN EXECUTIVE SESSION.

### Action Taken:

Vice Mayor Gates moved that the City Council, pursuant to Arizona Revised Statutes, Section 38-431.02.A, meet in Executive Session on Tuesday, May 7, 2013 at 1:00 p.m. in the East Conference Room, 12th Floor of the Phoenix City Hall, 200 West Washington Street, Phoenix, Arizona. Councilman Simplot seconded the motion, which passed 6:0.

REPORTS AND BUDGET UPDATES BY THE CITY MANAGER.

This item is scheduled to allow the City Manager to report on changes in the City Council Agenda and provide brief informational reports on urgent issues. The City Council may discuss these reports but no action will be taken.

#### Action Taken:

City Manager David Cavazos recognized city employees for their participation in Bike to Work Day, and noted the City won a friendly competition with the County for having a greater number of participants. He announced the City received six awards from the Building Owners & Managers Association of Greater Phoenix through its annual Kilowatt Krackdown program. He listed the following city facilities recognized for their energy efficiency: Burton Barr Central Library, Broadway Heritage Neighborhood Resources Center, Encanto Park Clubhouse, Mesquite Library, Mountain View Community Center, and the Police Department's Central Precinct. He acknowledged two Public Works employees, Terry Gellenbeck and Gail LaTour, award recipients for their commitment to the environment and sustainability. Mr. Cavazos commended Mr. Gellenbeck for receiving the 2013 Civic Award from Keep Phoenix Beautiful, and Ms. LaTour for receiving a Green Guru Award from the Phoenix Green Team.

#### ESTIMATED

2.	<u>3:00 P.M.</u> -	EMPLOYEE SERVICE RECOGNITION ANNOUNCEMENTS		
		(NO REPORT)	(Presentation 5 min.)	

This item is for information only. No City Council action is required.

### Action Taken:

No action taken.

ESTIMATED 3. 3:05 P.M.-

FEAST ON THE STREET

Staff: Naimark, Greg Esser (Presentation 5 min.)

This report provides an update on the 2013 Feast on the Street community project event held in Downtown Phoenix on Saturday, April 13, 2013.

This item is for information only. No City Council action is required.

Backup included in Council packet/City Clerk's Office.

### Action Taken:

Deputy City Manager Rick Naimark introduced the item and Greg Esser, Arizona State University (ASU) Art Museum Desert Initiative Director, and Mandi Wimmer, with AJW Events and Feast Event Producer.

Mr. Esser explained the community event was a half mile long dining table along the center of First Street meant to transform the street into a pedestrian promenade. He stated the event was initiated by the ASU Art Museum, Roosevelt Row Community Development Corporation, and artists Clare Patey and Matthew Moore. He acknowledged the work of the volunteers and community organizations. He explained a few of their education features showcased at the event. He thanked ArtPlace, the National Endowment for the Arts, and the Steele Foundation, sponsors of the event.

Ms. Wimmer emphasized the purpose of the event to bring the community together. She provided statistics related to the number of visitors and volunteers. She noted many of the participating food trucks sold out of their food items.

Mr. Esser noted the event was a testament to the walk-ability of downtown. He mentioned a USA Today article featuring Roosevelt Row as one of the top unknown best neighborhoods in the nation. Mr. Esser introduced a video from the Feast on the Street event.

Mayor Stanton asked whether the event would be conducted annually. Mr. Esser replied they hoped to make it an annual event but needed to secure more funding.

Councilman Simplot and Councilman Valenzuela expressed support for the event and their appreciation for all the work performed.

Mayor Stanton presented an official Certificate of Appreciation to the event organizers.

#### ESTIMATED 4. 3:10 P.M.-

### STREAMLINING THE PLANNING & DEVELOPMENT EXPERIENCE

Staff: Naimark, Horn (Presentation 15 min.)

This report provides information to the City Council on Streamlining the Planning & Development Experience, a program of process improvements and business-friendly advances the department plans for Fiscal Year 2013 and beyond.

This item is for information, discussion, and possible action.

Backup included in Council packet/City Clerk's Office.

#### Action Taken:

Mr. Naimark introduced the item and Derek Horn, Acting Planning and Development Director, and Cindy Stotler, Assistant Planning and Development Director. He provided a brief history on the previous Ad Hoc Task Force Committee and their recommendations. He stated the item proposed staff recommended process improvements for the Mayor and City Council to approve for implementation.

Mr. Horn stated staff's goal was to continue making improvements and process efficiencies to get businesses to open faster. He noted the proposed program includes three areas of focus: 1) Infill Development, 2) Modernize Permitting System, and 3) Streamlining the Zoning Ordinance.

Ms. Stotler discussed the proposed recommendations to encourage infill development. She emphasized the importance of capitalizing on the existing investments encouraging infill development, such as light rail infrastructure and Reinvent Phoenix initiative. She explained the proposal to develop an advisory committee, identify a pilot area, and develop ideas to remove development barriers and incorporate greater flexibility.

Ms. Stotler presented the proposal to modernize the department's permitting system. She discussed the need to utilize new technology, such as mobile applications and devices. She explained the proposal to replace the department's outdated permitting system, incorporation of all divisions into the system, and providing "smart" technology for staff and customers.

Mr. Horn summarized the proposal to streamline the Zoning Ordinance. He described changes to the Zoning Ordinance, which included consolidating chapters, addressing inconsistencies, reorganizing the list of uses, and reformatting text to be more "user friendly".

Vice Mayor Gates acknowledged the challenges with infill development and expressed appreciation for staff attempting to address the issue. He expressed support to update the department's technology and suggested the proposal be discussed and reviewed by the recently formed Technology Task Force. He challenged all departments to make similar efforts to improve their programs and look for efficiencies. Councilman Simplot expressed enthusiasm to provide recommendations for the proposed advisory committee. He acknowledged the challenges developers have encountered when trying to do infill development.

Councilman DiCiccio acknowledged staff's work and their efforts towards job creation and moving the economy forward. He expressed support for the proposed plan to address the specified focus areas. He noted recent accomplishments have garnered statewide interest and have succeeded in attracting developers to Phoenix.

Mayor Stanton expressed support for the recommendations. He discussed the significance of technology advancements to produce efficiencies.

Vice Mayor Gates motioned for approval. Councilman Simplot seconded the motion, which passed 6:0.

ESTIMATED

5.	3:25 P.M	SOUTH CENTRAL LIGHT RAIL	Staff: Young, Santana
		ALIGNMENT PROJECT	(Presentation 15 min.)
		UPDATE	

This report requests the City Council approve light rail as the transit mode and a preliminary alignment recommendation for the South Central Corridor Alternatives Analysis study.

This item is for information, discussion, and possible action.

Backup included in Council packet/City Clerk's Office.

### Action Taken:

Mayor Stanton stated the item would be continued to a future agenda.

Dianne Barker submitted a card expressing concern related to transit funding.

#### ESTIMATED

6. <u>3:40 P.M.</u>- STATE LEGISLATIVE UPDATE Staff: Peters (Presentation 15 min.)

This report seeks approval, guidance, and direction from the Mayor and City Council on state legislation of interest to the City.

This item is for information, discussion, and possible action.

Backup included in Council packet/City Clerk's Office.

#### Action Taken:

Karen Peters, Senior Executive to the City Manager, introduced the item and John Wayne Gonzales, Management Assistant II. She provided an update on State legislative activities. She explained a legislative item related to graffiti did not move forward through the process but staff would be monitoring any future activities related to

the topic closely. She clarified there were approvals for graffiti crime sentencing changes and victim rights notifications. Ms. Peters stated there were no updates related to the State's budget or to the Transaction Privilege Tax item.

ESTIMATED 4:35 P.M. - ADJOURNMENT

Mayor Stanton adjourned the meeting at 3:17 p.m.

For further information, please call the Management Intern, City Manager's Office, at 602-262-4449.

For reasonable accommodations, call the Management Intern at Voice/602-262-4449 or TTY/602-534-5500 as early as possible to coordinate needed arrangements. Si necesita traducción en español, por favor llame a la oficina del gerente de la Ciudad de Phoenix, 602-262-4449 tres días antes de la fecha de la junta.

### PHOENIX CITY COUNCIL MEMBERS

Councilman DiCiccio Vice Mayor Gates Councilman Johnson Councilman Nowakowski Councilman Simplot Councilman Valenzuela Councilman Waring Councilwoman Williams Mayor Stanton

# CITY COUNCIL REPORT

### **GENERAL INFORMATION**

TO: Lisa Takata Deputy City Manager PACKET DATE: April 25, 2013

FROM: Cris Meyer City Clerk

### SUBJECT: LIQUOR LICENSE APPLICATIONS RECEIVED FOR THE PERIOD OF APRIL 15, 2013 THROUGH APRIL 19, 2013

This report provides advance notice of liquor license applications that were received by the City Clerk during the period of Monday, April 15, 2013 through Friday, April 19, 2013.

#### **INFORMATION**

The liquor license application process includes the posting of a public notice of the application at the proposed location for twenty days and the distribution of an application copy or a copy of this report to the following departments for their review: Finance, Planning and Development, Police, Fire, and Street Transportation. Additionally, License Services mails a notice to all registered neighborhood organizations within a one-mile radius of each proposed business location (excluding Special Events).

Additional information on the items listed below is generally not available until the twenty-day posting/review period has expired.

### LIQUOR LICENSE APPLICATIONS

	Application Type Legend						
	<u>O</u> -	<u>L</u> -	<u>N</u> -	<u>OL</u> -	<u>A</u>	<u>- 00</u>	<u>SE</u> -
Ov	vnership Loo	cation	New	Ownership	Acq	uisition	Special
				& Location	of C	Control	Event
		<u>Li</u>	<u>quor License S</u>	Series Definition	<u>s</u>		
1	In State Produc	er *7	On sale-beer	& wine	11	Hotel/N	lotel-all liquor
						on pren	nises
3	Microbrewery	8	Conveyance	license-sale of a	all 12	Restau	rant-all liquor
4	Wholesaler		liquor on boa	rd planes & trair	IS	on pren	nises
5	Government	9	Off sale-all liq	luor	14	Clubs-a	all liquor on
		9S	Sampling Priv	/ileges		premise	es
*6	On sale-all liquo	or 10	Off sale-beer	& wine	15	Special	Event
		10S	Sampling Priv	/ileges			

\*On-sale retailer means any person operating an establishment where spirituous liquors are sold in the original container for consumption on or off the premises and in individual portions for consumption on the premises.

Dist	Арр. Туре	Agent/Owner Name Business Name/Address Phone	Lic. Type	Approx. Protest End Date	Within 2,000 Feet of Light Rail	Proposed Agenda Date
1	0	George Whitman Paesanos Italian American Cuisine 4356 West Thunderbird Road 480-695-1107	7	5/10/13	No	6/5/13
3	N	Seon Hong, Agent Sushi Style 401 East Bell Road, #16 480-577-0064	12	5/10/13	No	6/5/13
4	0	Elsa Cuevas, Agent Club Zarape 1730 East McDowell Road 602-718-9334	6	5/10/13	No	6/5/13
4	N	Theresa Morse, Agent Mariscos El Cochorit 5037 West Thomas Road 480-353-8035	12	5/7/13	No	6/5/13
5	SE	Monalou Callery The National Advocacy and Training Network (5/16 to 5/18/13) 3660 West Grand Avenue 602-488-1205	15	N/A	N/A	*5/16/13
6	AOC	Adam Strecker, Agent La Grande Orange Pizzeria 4410 North 40th Street, #200 949-922-7897	12	5/7/13	No	6/5/13
6	0	Randy Nations, Agent Dizzy's 7051 North 7th Street 480-730-2675	6	5/14/13	No	6/5/13
7	SE	Cynthia August Signing for Worship Ministries (4/26 to 4/27/13) 2102 North 23 <sup>rd</sup> Avenue 623-418-6590	15	N/A	N/A	*4/26/13

Dist	Арр. Туре	Agent/Owner Name Business Name/Address Phone	Lic. Type	Approx. Protest End Date	Within 2,000 Feet of Light Rail	Proposed Agenda Date
7	SE	Daniel Ortega Cesar Chavez Foundation (5/4 to 5/5/13) 7611 West Thomas Road 602-697-7287	15	N/A	N/A	*5/4/13
8	SE	Thomas Walsh Rosson House-Heritage Square Foundation and Guild (10/26/13) 501 East Monroe Street 480-289-0046	15	N/A	N/A	6/5/13
8	SE	Christopher Carrell Pipeline Worldwide (5/2/13) 215 East Grant Street 602-999-8198	15	N/A	N/A	*5/2/13

\*Event Date – Application not received in time for Council review.

For further information regarding any of the above applications, please contact the City Clerk Department, License Services Section, at 602-262-6018.

### RECOMMENDATION

This report is provided for information only. No Council action is required.